

**CORPORATION OF THE CITY OF COURTENAY  
COUNCIL MEETING AGENDA**

**DATE:** Monday, December 16, 2013  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

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**1.00 ADOPTION OF MINUTES**

1. Adopt December 2, 2013 Regular Council Meeting Minutes

**2.00 INTRODUCTION OF LATE ITEMS**

**3.00 DELEGATIONS**

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**4.00 COMMITTEE/STAFF REPORTS**

**(a) Legislative Services**

- 1 1. Notice on Title – 1475 15<sup>th</sup> Street

**(b) Development Services**

- 5 2. Rezoning – 2368, 2498 and 2650 Arden Road
- 7 3. Arden Corridor Local Area Plan

**5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION**

- 13 1. Staff Memo - Local Detachment cost and resource sharing
- 15 2. Staff Memo - Fitzgerald Bike Lanes Project
- 17 3. Communication from UBCM

**6.00 REPORTS FROM COUNCIL REPRESENTATIVES**

**7.00 RESOLUTIONS OF COUNCIL**

1. In Camera Meeting

That notice is hereby given that a Special In-Camera meeting closed to the public will be held December 16, 2013 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

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

**8.00 UNFINISHED BUSINESS**

**9.00 NOTICE OF MOTION**

**10.00 NEW BUSINESS**

- 19 1. Blue Ribbon Panel for Crime Reduction Roundtable Representation
- 35 2. Temporary relief homeless shelters

**11.00 BYLAWS**

**For Second Reading as Amended**

- 37 1. “Official Community Plan Amendment Bylaw No. 2756, 2013”  
(Arden Corridor Local Area)

**For Third Reading and Final Adoption**

- 37 1. “Official Community Plan Amendment Bylaw No. 2756, 2013”  
(Arden Corridor Local Area)

**For Third Reading**

- 83 1. “Zoning Amendment Bylaw No. 2770, 2013”  
(CD-25 Zone - 2368, 2498 and 2650 Arden Road)

**For Third Reading and Final Adoption**

- 87 1. “Zoning Amendment Bylaw No. 2771, 2013”  
(CD-21 Zone – Carriage Houses)

**For Final Adoption**

- 89 1. “Council Procedure Bylaw No. 2730, 2013”
- 110 2. “City of Courtenay Fees and Charges Amendment Bylaw No. 2774, 2013”  
(to set the garbage, recyclables and yard waste user fees for 2014)

**12.00 COUNCIL MEMBER ROUND TABLE**

**13.00 ADJOURNMENT**

**Please Note: There is a public hearing at 5:00 p.m. in relation to Zoning Amendment Bylaw No. 2726**



THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

**To:** Mayor and Council  
**From:** Chief Administrative Officer  
**Subject:** Notice on Title – 1475 15<sup>th</sup> Street

**File No.:** 3800-20  
**Date:** December 16, 2013

**PURPOSE:**

The purpose of this report is to consider directing the Corporate Officer to file a Notice in the Land Title office against the property located at 1475 15<sup>th</sup> Street.

**CAO RECOMMENDATIONS:**

That based on the December 16, 2013 staff report "Notice on Title – 1475 15<sup>th</sup> Street", Council approve OPTION 1 and pursuant to Section 57 (3) of the *Community Charter*, direct the Corporate Officer to file a notice in the Land Title Office against 1475 15<sup>th</sup> Street, Courtenay, B.C stating that:

- (a) a Council resolution relating to that land has been made under this section; and
- (b) further information about it may be inspected at the offices of the Municipality.

Respectfully submitted,

David Allen  
Chief Administrative Officer

**BACKGROUND:**

As outlined in the attached memo from the Chief Building Inspector, the subject property contains an illegal dwelling above a detached garage. The dwelling was constructed without permits or required inspections.

Pursuant to section 57 of the *Community Charter*, upon request by a Building Inspector to place a notice on title, the Corporate Officer is required to give notice to the property owner and place the matter before Council.

**DISCUSSION:**

As per the memo from the Chief Building Inspector, staff has attempted to resolve the outstanding issues for some time. Placing a notice on title provides future owners of the property with details of the illegal dwelling.

**FINANCIAL IMPLICATIONS:**

The financial implications include the actual cost of placing the notice on title, and the staff time related to attending the property and preparing the notifications and documentation.

**ADMINISTRATIVE IMPLICATIONS:**

Although not specifically included in the Development Services and Legislative Services work plans, these statutory enforcement issues are common and consume staff resources.

**STRATEGIC PLAN REFERENCE:**

Statutory in nature, and not specifically referenced in the Strategic Plan.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

Not referenced.

**REGIONAL GROWTH STRATEGY REFERENCE:**

Not referenced.

**CITIZEN/PUBLIC ENGAGEMENT:**

Notification was provided to the property owner pursuant to section 57(2) (a) of the *Community Charter* and is attached for Council's reference.

**OPTIONS:**

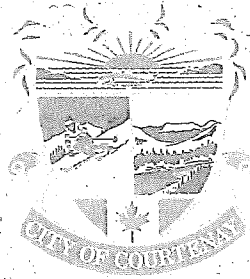
- OPTION 1: That Council direct the Corporate Officer to file a notice in the Land Title Office against 1475 15<sup>th</sup> Street (recommended).
- OPTION 2: That Council not direct the Corporate Officer to file a notice in the Land Title Office against 1475 15<sup>th</sup> Street.

Prepared by:

John Ward, CMC  
Director of Legislative Services

# THE CORPORATION OF THE CITY OF COURTENAY

*Legislative Services Department*  
830 Cliffe Avenue  
Courtenay, B.C.  
V9N 2J7



Phone (250) 334-4441  
Fax (250) 334-4241  
jward@courtenay.ca

City File No.: 3800-20

November 22, 2013

534658 BC Ltd.  
Inc. No. BC0534658  
#201- 907 Baker Street  
Cranbrook, B.C.  
V1C 1A4

VIA REGISTERED MAIL

**Re: Notice of Action**

Please be advised that pursuant to section 57 of the *Community Charter*, Council will be considering a recommendation relating to your property legally described as P.I.D. 005-872-731- Lot 14, District Lot 96, Comox District Plan 6619, located at 1475 15<sup>th</sup> Street, Courtenay, B.C.

The recommendation Council will be considering is as follows:

*That pursuant to Section 57 (3) of the Community Charter, the Corporate Officer file a notice in the Land Title Office against 1475 15<sup>th</sup> Street, Courtenay, B.C stating that:*

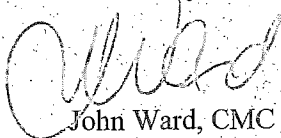
- (a) a Council resolution relating to that land has been made under this section; and*
- (b) further information about it may be inspected at the offices of the Municipality.*

This action is a result of an illegal dwelling located above the detached garage on the property.

Pursuant to section 57 (2) (a) of the *Community Charter* you are hereby notified of the recommendation, and advised that you have an opportunity to address Council on December 16<sup>th</sup>, 2013 at 4:00 p.m. prior to Council considering the recommendation. Alternatively you may make a submission in writing prior to Wednesday, December 11<sup>th</sup>, 2013 at 4:00 p.m. that will be presented to Council for consideration.

Please advise the undersigned at 250.334.4441 prior to Wednesday, December 11<sup>th</sup>, 2013 at 4:00 p.m. if you wish to make a submission to Council.

Yours truly,



John Ward, CMC  
Director of Legislative Services  
Corporate Officer

Pc: D. Mirabelli, Chief Building Inspector

THE CORPORATION OF THE CITY OF COURTENAY

MEMORANDUM

**TO:** John Ward, Director of Legislative Services  
**FROM:** Dennis Mirabelli, Chief Building Inspector

**FILE #:** 3800-20  
**DATE:** November 12, 2013

**SUBJECT:** Notice Against Title - S.57(1)(a)(i & ii) of the *Community Charter*  
1475 – 15<sup>th</sup> Street – Lot 14, DL 96, Plan 6619 – PID 005-872-731

This memorandum is to inform the Director of Legislative Services that the Building Division is requesting that the City proceed with putting a Notice against Title pursuant to S.57(1)(a)(i & ii) and (b)(i & ii) of the *Community Charter*, for the property legally described as Lot 14, District Lot 96, Comox District, Plan 6619 at 1475 15<sup>th</sup> Street.

On July 11, 2013 an inspection was carried out at the above-noted residence, confirming an additional dwelling is located above the detached garage. The dwelling was constructed without obtaining the proper permits or inspections. The City requested that the owners address this situation and legalize or decommission the dwelling. The owners have chosen not to act on the request to address the issue.

The Notice on Title would advise individuals with interest in the land and provide disclosure to future owners of the contravention of building regulations.

Respectfully submitted,



Dennis Mirabelli, RBO  
Chief Building Inspector

DM/jk



THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

2

**To:** Mayor and Council  
**From:** Chief Administrative Officer  
**Subject:** Rezoning of 2368, 2498 and 2650 Arden Road

**File No.:** 3360-20-1301  
**Date:** December 16, 2013

**PURPOSE:**

The purpose of this application is to consider a zoning amendment to facilitate the reconfiguration of a previously approved development at 2368, 2498 and 2650 Arden Road.

**CAO RECOMMENDATIONS:**

That based on the December 16<sup>th</sup> 2013 staff report, "Rezoning of 2368, 2498 and 2650 Arden Road", Zoning Amendment Bylaw 2770, 2013 to rezone 2368, 2498 and 2650 Arden Road to the PA-2, R-1D and CD-25 zones proceed to Third Reading;

And That Council direct staff to include the following items raised at the Public Hearing in a Section 219 *Land Title Act* covenant prior to final consideration of the bylaw:

- a) The applicant must install a 6 foot wood fence of consistent design along proposed lots 5 – 16 at the time of subdivision;
- b) The applicant is required to undertake a traffic study prior to subdivision approval to determine the impacts and contribution required of this development toward the cost of intersection upgrades at Cumberland and Arden Road;

Respectfully submitted,

David Allen  
Chief Administrative Officer

**BACKGROUND:**

A Public Hearing was held with respect to Bylaw 2770 on Monday December 9<sup>th</sup> 2013.

**DISCUSSION:**

Following the public hearing the proposed bylaw does not require any changes and staff recommend that it proceed to Third Reading. As outlined in the staff report for First and Second Reading, prior to final bylaw consideration the applicant is required to secure approval of Fisheries and Oceans Canada for removal and piping of the ditch/watercourse through the site in addition to amending the covenant on title related to the original zoning amendment.

**ADMINISTRATIVE IMPLICATIONS:**

The processing of development applications is included in the current work plan as a statutory component. If the bylaw passes Third Reading staff time will be required to review the detailed engineering design drawings and prepare the development covenant. The staff time required for this work will be dependent on the quality and completeness of the submissions.

**OPTIONS:**

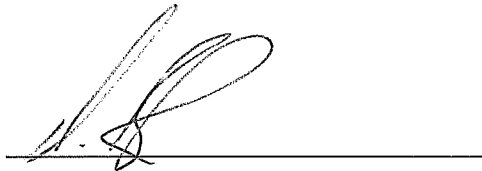
**OPTION 1:** Give Zoning Amendment Bylaw 2770, 2013 Third Reading and include the items in the C.A.O. recommendation section in the covenant; (Recommended)

**OPTION 2:** Give Zoning Amendment Bylaw 2770, 2013 Third Reading and do not require the fencing and/or traffic study to be included in the covenant;

**OPTION 3:** Defer consideration of Bylaw 2770, 2013 with a request for additional information and if necessary a new Public Hearing;

**OPTION 4:** Defeat Bylaw 2770, 2013.

Prepared by:



Ian Buck, MCIP, RPP  
Manager of Planning



Peter Crawford, MCIP, RPP  
Director of Development Services





THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

3

**To:** Mayor and Council

**File No.:** 6480-20-1205

**From:** Chief Administrative Officer

**Date:** December 16, 2013

**Subject:** Arden Corridor Local Area Plan – review of Public Hearing comments and 2<sup>nd</sup>, 3<sup>rd</sup> and final readings

**PURPOSE:**

To provide Council with staff's review of the Public Hearing comments for the Arden Corridor Local Area Plan, Bylaw No. 2756.

**CAO RECOMMENDATIONS:**

That based on the comments from the Public Hearing for the Arden Corridor Local Area Plan, Bylaw No. 2756, held December 2, 2013, that the Arden Corridor Local Area Plan amendment, Bylaw No. 2756, be amended at second reading to include the following additions:

The following guideline has been amended in the Environmental Development Permit Exemptions Section (9.6.6.3): *In instances where an ESA had been previously identified on maps, but is no longer present, the City will take into account whether the ESA is no longer present due to its destruction. Where destruction in the form of land clearing, drainage or any alteration that affected the ESA is known to have occurred, the City will require that an EDP be registered on title to include ecological restoration provisions.*

The following guideline has been added to the Environmental Development Permit Guidelines Section (9.6.6.4): *A phased clearing approach may be required on large developments that are expected to be developed over a number of years. The specifics of this condition will depend on the nature of the development, its servicing requirements, environmental and neighbourhood aesthetic considerations.*

The following guideline has been added to the Environmental Development Permit Guidelines Section (9.6.6.4), in describing what may be required as part of the Environmental Impact Assessment: *Habitat connectivity opportunities within the property and to adjacent properties, including connectivity of native vegetation and trees.*

The following guideline has been added to the Environmental Development Permit Guidelines Section (9.6.6.4), in describing what may be required as part of the Environmental Impact Assessment: *Location of site accesses shall be included in the Plan.*

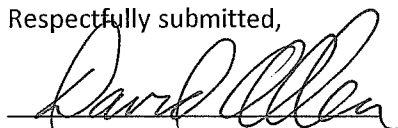
The following guideline has been amended in the Environmental Development Permit Guidelines Section (9.6.6.4), in describing what may be required as part of the Tree Inventory and Assessment (new wording in italics): *A plan for connectivity of leavestrips and natural areas may be required and may be required to be coordinated with the Registered Professional Biologist.*

The following definition has been added to the Environmental Development Permit Definitions Section (9.6.6.5): *Non-disturbance area: includes the areas where no development activities are to*

*take place unless as permitted by the Director of Development Services, and in consultation with environmental consultants.*

And that the Arden Corridor Local Area Plan amendment, Bylaw No. 2756, proceed to second, third and final reading.

Respectfully submitted,



David Allen  
Chief Administrative Officer

**BACKGROUND:**

A public hearing for the Arden Corridor Local Area Plan (LAP) was held on December 2, 2013. At that meeting a number of detailed comments were submitted. Council deferred Third reading of the Plan Bylaw until staff could review the comments and respond.

**DISCUSSION:**

This report addresses a number of the comments raised at the Public Hearing, and a discussion of how this has been incorporated into the bylaw, or a reason why it is not included in the bylaw, is outlined below.

	<b>Comment</b>	<b>Staff response</b>
1	Request for neighbourhood scale transportation studies	Staff are taking this under advisement. No work plan committed to this at this time.
2	Timing of tree clearing in relation to commencement of site servicing, building and full build out of development	Timing restrictions on when land clearing can occur has been addressed in the EDP section in which it states that the Environmental Impact Assessment shall include by the project biologist, <i>“recommendations on the optimal time for doing works based on least impact to the environment taking into account the timing windows of least impact for erosion and sediment control, bird nesting, fish and other identified species.”</i> The following guideline has been added to the EDP section: <i>“A phased clearing approach may be required on large developments that are expected to be developed over a number of years. The specifics of this condition will depend on the nature of the development, its servicing requirements, environmental and neighbourhood aesthetic considerations.”</i> This practice of requiring phased clearing is currently being practiced on a number of developments within the Arden Corridor.
3	No mention of CVRD and City collaboration and structures to work inter-jurisdictionally on servicing, and lack of emphasis on collaboration	The plan was developed with the input of CVRD staff. As the plan is for an urban development scheme which is only possible under a municipality’s jurisdiction, the plan is not meant to be implemented on Electoral Area lands and therefore the need for a strong working relationship with the CVRD is as warranted for this area as much as for any other area within the City’s jurisdiction. The City also has a clear policy of not supporting municipal water and/or sewer services to areas outside municipal boundaries, thereby limiting the need for such coordination.

	throughout the document	The reference plan outlines how regional and municipal land use policies relate, and notes how the plan may be used by different agencies including the CVRD. The bylaw does not contain this language as it is not necessary in the bylaw form. The appropriate location for discussing relationships to other governments is through the OCP and is discussed in the Growth Management section of the OCP. Policy: <i>“Work cooperatively with Comox Valley jurisdictions regarding the cohesive and complimentary development of land use regulation plans and strategies on the provision of services.”</i>
4	Bio-Inventory approach required on parcels less than 4000m <sup>2</sup>	Staff aims to balance environmental protection with reasonable costs for realizing development rights. While small parcels may have unknown Environmentally Sensitive Areas, the City will not require that a Bio-Inventory be conducted as there is a consultant cost incurred. Prospective applicants will be encouraged to conduct bio-inventories. Educational materials may be made available in partnership with the conservation sector to educate residents of their responsibilities of environmental protection.
5	Clarifying text for “non-disturbance areas” and “development footprint” would be helpful	Development footprint refers to the total area of disturbance directly or indirectly affected by the development activity. This definition is included in the Bylaw. The following definition has been added for clarity: <i>“Non-disturbance area: includes the areas where no development activities are to take place unless as permitted by the Director of Development Services, and in consultation with environmental consultants.”</i>
6	Environmental Impact Assessment (EIA) should include info regarding habitat connectivity on adjacent properties	This has been added to the Guidelines Section of the Environmental Development Permit area.
7	Require that Biologist also comment on habitat connectivity recommendations, in addition to Arborist	This has been added to the Guidelines Section of the Environmental Development Permit area.
8	Incentives needed for landowners to dedicate Environmentally Sensitive Features	Staff agrees, but this initiative is outside the scope of this particular study. There is no current work plan dedicated to address this meritorious endeavour.
9	Use of checklist to ensure development adheres to development conditions	This could be developed for each project in which the Development Permit, zoning and servicing conditions are summarized and presented in a clear and transparent format for the public record. Staff are considering this practice, which will require some additional staff time for each application.

10	Concern over exemption language re: Environmentally Sensitive Areas that no longer exist, as this could be an incentive to remove the ESA prior to application	In the absence of comprehensive ground-truthed mapping, this will remain a risk. The risk is particularly high in this area because many of the lands are within the Electoral Areas which do not have the same tree protection abilities as municipalities. At the same time, exemptions for a Development Permit must be stated so that an applicant is aware of their application requirements and the potential number of studies involved. Staff have added a clause that <i>"In instances where an ESA had been previously identified on maps, but is no longer present, the City will take into account whether the ESA is no longer present due to its alteration. Where alteration in the form of land clearing, drainage or any other alteration that affected the ESA is known to have occurred, the City will require that an EDP be registered on title to include ecological restoration provisions."</i>
11	City encouraged to develop a program of informing streamside residents of their environmental features and responsibilities	Staff agree, but this initiative is outside the scope of this particular study. There is no current work plan dedicated to address this meritorious endeavour, although there are a couple of current projects that could be used to fulfil this goal: a) The CAVI initiative is water-centric planning focused and is currently developing some educational materials on developing sensitively within watersheds, b) the City's annual State of the Environment Report this year will focus on ecological indicators, many of which are related to stream health. This document can be tailored to educate residents about living near environmental features. In addition, staff will continue to provide input into on-going conservation education initiatives that are being led by outside environmental organizations.
12	Water to stay in the same watershed	The plan contains strong language guiding how rainwater will be managed on a site. In particular, the policy on stormwater servicing states that <i>"Firstly, every attempt shall be made to introduce source controls, and must be demonstrated by an engineering study that such an attempt has been made."</i> Source controls refer to methods that keep the water on the site, and thus within the watershed.
13	Utility corridors should be coordinated to reduce intrusions into existing landscape	This will be considered in the Works and Services Bylaw which is currently under review.
14	Consider motion-sensing street lights	This is a new concept for the City, although has been used elsewhere. In general, staff advise that motion-sensor lights be used in the right context which may not always be suitable for street lighting. Many details to be determined before making a decision on this. Will be explored in the Works and Servicing Bylaw review for possible applications.
15	Traffic speed sign needed on Cumberland Rd, near Capes Park	Staff are liaising with MoTI, as this portion of the road is under the Ministry's jurisdiction.

16	20 <sup>th</sup> Street and Cousins Intersection	Staff are taking this under advisement. No work plan committed to this at this time.
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**FINANCIAL IMPLICATIONS:**

None at this time.

**ADMINISTRATIVE IMPLICATIONS: (work plan, etc.)**

No specific administrative implications regarding the proposed amendments. Overall, the Plan identifies a number of complimentary activities that must take place in order to fully implement the Plan. The following items may be considered in future work programs:

1. Update EDP fee bylaw to reflect the tiered EDP approach.
2. Update the Tree Protection Bylaw to include provisions pertaining to – minimizing wind throw, including on neighbouring properties; maintaining character; wildlife and watershed connectivity values; and role in storm water management. This review is currently underway.
3. Update the City's 20 year old Parks Plan so that long-term park needs in the Arden Corridor and other areas can be included in the DCC (Development Cost Charges) bylaw which is under review (2014).
4. Continue to work with the stream stewardship sector to ensure the City benefits from the best available environmental information, as it comes available.
5. Conduct at some point in the future a Watershed Blueprint for the Millard-Piercy and Arden-Morrison Creeks.

**STRATEGIC PLAN REFERENCE:**

Support community initiatives and distinct neighbourhoods.

**OFFICIAL COMMUNITY PLAN REFERENCE:(may include sustainability)**

**Applicable Policies Include:**

- Consider the long-term impacts of all land use decisions. Selecting the correct location for density is important as this will create the right balance to ensure new growth enhances the community and supports existing and new services.
- Enact performance-based bylaws to protect watersheds and riparian habitat areas, and to consider alternative stormwater management practices.
- Through regulations and incentives, encourage developers to produce a greater housing mix as well as commercial services.

**REGIONAL GROWTH STRATEGY REFERENCE:****Applicable Principles/Policies**

- Identify areas of existing development on the fringes of *Municipal Areas* that should eventually be incorporated through boundary extensions and provided with publicly owned water and sewer service in order to address existing public health and environmental issues.
- Identify areas for new development on the fringes of *Municipal Areas* that should eventually be incorporated through boundary extensions and provided with publicly owned water and sewer services in order to allow for new long-term growth opportunities in a phased and orderly manner.
- Any growth in *Settlement Expansion Areas* will occur in phased and orderly manner and will undergo a public planning process in order to determine the appropriate scale and form of development.
- Given the number and density of private systems located on the fringe of *Municipal Areas*, there is a need to develop a long-term strategy to prevent public health concerns before they arise. Private wells, watercourses and the marine foreshore within the Comox Valley could be seriously compromised should a number of septic systems fail in the coming years prior to detection. As a result, it is the long-term intention of the growth management strategy that existing neighbourhoods within designated *Settlement Expansions Areas* will eventually be provided with publicly owned water and sewer services. Such provision of services will be coincident with a boundary extension that incorporates the settlement expansion area into a municipal area, or a satisfactory servicing agreement, as detailed in the corresponding official community plan.

**CITIZEN/PUBLIC ENGAGEMENT:**

A summary of the public engagement strategy is provided on page 8 the Reference Plan. Highlights include:

1. Introductory workshop on site analysis, formulating plan opportunities and constraints
2. Series of 3 workshops to provide opportunity for community to participate in 'design charette' of the LAP
3. On-line and hard copy survey
4. Final public house to vet the findings from the survey and land use concept
5. Official Public Hearing of the proposed Bylaw

**OPTIONS:**

OPTION 1: Approve Third and Final reading of the Bylaw with proposed amendments

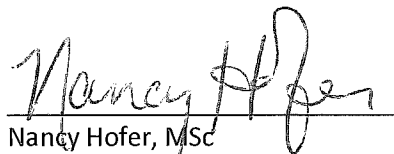
OPTION 2: Do not approve Third and Final reading of the Bylaw with proposed amendments

OPTION 3: Refer the Bylaw back to staff for further review, and/or revision

Prepared by:



Peter Crawford, RPP, MCIP  
Director of Development Services



Nancy Hofer, MSc  
Environmental Planner



THE CORPORATION OF THE CITY OF COURTENAY  
**MEMORANDUM**

FOR  
Info.

**To:** Mayor and Council

**File No.:** 1660-20

**From:** Chief Administrative Officer

**Date:** December 16, 2013

**Subject:** Meeting with RCMP regarding Local Detachment cost and resource sharing

**ISSUE:**

The purpose of this memorandum is to provide Council with information on the confirmed meeting date with the RCMP Corporate Management and Comptrollership Branch in regards to financial cost sharing and detachment resources for the local police detachment.

**BACKGROUND:**

On November 4, 2013, Council passed the following resolution:

*Moved by Anglin and seconded by Theos that*

*WHEREAS there are significant costs to the City associated with provision of policing services, and issues regarding the complexity of dealing with a hybrid detachment in terms of cost sharing and apportionment of resources;*

*AND WHEREAS the Corporate Management and Comptrollership Branch has offered to present the financial impacts of the new policing contract as they apply to the Comox Valley Detachment specifically;*

*THEREFORE BE IT RESOLVED that the City contact the Corporate Management & Comptrollership Branch (RCMP) to arrange a meeting with the Assistant Senior Manager, Contract Policing to provide a report on the specifics of financial cost sharing and detachment resources for policing in the Comox Valley and specifically the impacts on the City of Courtenay, at a time and place that is mutually agreeable to both parties.*

*Carried*

**KEY CONSIDERATIONS:**

This memorandum advises that Brad Lanthier, A.Senior Manager, Contract Policing, RCMP Corporate Management & Comptrollership Branch, has confirmed they will meet with Council as part of the January 27, 2014 Committee of the Whole meeting. They will present on specific local detachment costs and resources, on the impacts in the Courtenay contract, and will available for discussion with Council following the presentation.

Prepared by:

Tillie Manthey, BA, CPA, CGA

Director of Financial Services/Deputy CAO







THE CORPORATION OF THE CITY OF COURTENAY

## MEMORANDUM

FOR  
Info.

**To:** Mayor and Council  
**From:** Chief Administrative Officer  
**Subject:** Fitzgerald Bike Lanes Project - Update

**File No.:** 5460-20

**Date:** December 4, 2013

**On November 4, 2013, Council resolved:**

*"Moved by Ambler and seconded by Leonard that Council direct staff to proceed with the construction of the Fitzgerald Avenue bike lanes (8th to 21st Street) as presented at the October 30, 2013 Public Information Session and accept the funding to support this work as offered by the Provincial Cycling Infrastructure Partnership Program (CIPP)."*

Staff has accepted the funding from Provincial Cycling Infrastructure Partnership Program (CIPP) and prepared the project for construction. However, despite best efforts, the weather conditions and window of opportunity for the contractor did not align. This has resulted in the project being delayed from the initial target date of December 4, 2013, to the spring of 2014.

Staff has applied to CIPP for an extension of the grant funding to support the project construction. CIPP has indicated that a formal response to this request will be provided to the City later in December.

ICBC's Road Safety Department is currently reviewing projects for Safer Roads funding in early 2014. The City has submitted the Fitzgerald Bike Lane Project drawings for their consideration. Confirmation to this effect will be available in the New Year.

Despite the setback in the timing of the project, the City has benefited from the opportunity to obtain additional funding to further support the project construction and reduce the direct cost to the taxpayers.

The project has been identified to be carried forward into the proposed 2014 Capital Budget.

Respectfully submitted,

David Allen  
Chief Administrative Officer

Prepared by:

Lesley Hatch, P.Eng.  
Senior Manager of Engineering



For  
Info

## Elections Legislation, Core Review, ALC and Strong Fiscal Futures Report Feature at Minister's Meeting with Executive

Dec 11, 2013

The UBCM Executive met with the Minister Oakes on November 22nd to discuss elections legislation, Gas Tax/Building Canada funding programs, the provincial government's core services review, the ALC and next steps with UBCM's Strong Fiscal Futures report and MMBC.

### **Strong Fiscal Futures**

President Martin referenced the Premier's comments at UBCM Convention regarding the Province's interest in discussing elements of the Strong Fiscal Futures Report, specifically the concept of providing incentives to local governments that grow their local economies. She noted that UBCM would be following up on the letter to the Premier proposing to establish a joint UBCM/Provincial Management Committee to develop an approach that would support and share the benefits of economic growth. Minister Oakes advised that she would follow up on the request that had been put forward to the Premier on next steps.

### **Gas Tax / Building Canada Update**

The President and Minister discussed the status of discussions with the federal government on both the Gas Tax renewal and the Building Canada Fund. It was noted that the federal government was concentrating on the renewal of the Gas Tax fund, but more work needed to be done on the Building Canada fund.

### **Local Government Elections Reform**

Minister Oakes advised that work continues on preparing phase 1 of elections legislation; changes related to accountability, transparency, compliance and enforcement, and education and information; but noted that work had begun to engage stakeholders as part of phase 2, expense limits. Provincial staff advised that an Expense Limits discussion paper would be released for comment as part of the consultation. Further information on the phased elections reform process can be found [here](#).

The Minister sought feedback from Executive members on expense limits. Executive members identified the challenge of establishing a limit that will work for all elected officials; and not be so complicated and complex that it deters individuals from running for office.

Executive members also took the opportunity to reiterate UBCM's policy on two additional election-related requests:

- a move to 4 year terms; and
- the need to provide the City of Vancouver with tools to address its specific challenges around both campaign expenses and contributions.

### **Core Services Review**

The President requested an update from the Minister on the Core Service Review being led by Minister Bennett, the process for identifying what entities are up for consideration and specifically what is being contemplated with respect to the Agricultural Land Commission (ALC).

The Minister advised that the Core Review is an ongoing process whereby Ministers have the opportunity

to identify specific proposals or areas of their ministry that could be considered as part of the core review process. She indicated that if a specific proposal that is put forward, was accepted for review, it would only be at that point that affected and interested stakeholders would be consulted.

With respect to the ALC, Executive members expressed concerns that recent media reports did not rule out some form of review. Members noted that if in fact there was some form of ALC/ALR review forthcoming, UBCM and its members would want to be made aware and be part of the consultation process.

#### **Multi Materials BC (MMBC)**

Councillor Linda Hepner, co-chair of UBCM's Recycling Negotiating Committee updated the Minister on the Committee's work to date and on their most recent meeting with MMBC representatives. She advised that there were still concerns amongst many local governments about the contracts being offered to local governments and concerns that the Province was not doing enough to support local governments in their negotiations with MMBC. The Minister thanked the Executive for the update and advised that she would share the information with her provincial counterparts.

**From:** JAG PSD Crime Reduction Project JAG:EX [<mailto:crimereduction@gov.bc.ca>]  
**Sent:** December-05-13 4:40 PM  
**To:** JAG PSD Crime Reduction Project JAG:EX  
**Subject:** Blue Ribbon Panel for Crime Reduction invite feedback

*New  
Bus*

Dear Stakeholder,

I am writing to request your input and feedback into the work being done by the Blue Ribbon Panel on Crime Reduction (see invitation attached). A template is attached for your feedback.

Chaired by Darryl Plecas, Parliamentary Secretary for Crime Reduction to the Minister of Justice and Attorney General, the Blue Ribbon Panel is looking for opportunities to reduce crime in British Columbia. Further details regarding the mandate of the Blue Ribbon Panel may be found in the terms of reference attached.

The information you provide will help to inform the future of crime reduction in British Columbia.

If you are interested in attending a regional roundtable event, we ask that you RSVP to [CrimeReduction@gov.bc.ca](mailto:CrimeReduction@gov.bc.ca) by the December 23, 2013. A further email will be sent to you with details of venue.

Please email [CrimeReduction@gov.bc.ca](mailto:CrimeReduction@gov.bc.ca) if you have any questions.

Thank you,  
Justine Herman

**Justine Herman** | A/Program Assistant/Office Manager | Police Services Division  
Ministry of Justice  
Phone: (604) 660-2533  
Fax: (604) 660-2606  
E-mail: [Justine.Herman@gov.bc.ca](mailto:Justine.Herman@gov.bc.ca)



December 4, 2013

Dear Mayor and Council:

As you may be aware, on June 7, 2013, I was appointed as the Parliamentary Secretary for Crime Reduction to the Minister of Justice and Attorney General - with a responsibility to chair a blue-ribbon panel which has a mandate to look at what more can be done to reduce crime in British Columbia. The panel is of course also particularly concerned with the successes experienced and challenges faced by stakeholders across the province in their efforts to reduce crime. It is to this end that we request a written submission from yourself on the template attached.

In addition, the panel will be holding a number of stakeholder roundtables around the province in January 2014 and you are very welcome to join us as a participant at one. The roundtables will include representatives from local and provincial governments, police agencies, First Nations and other relevant groups and organizations. If you would like to participate in a roundtable discussion being held in your region, please indicate this in your response to receive information on date, time and location.

The work of the panel will ultimately result in a report to the Minister of Justice, and this report will include:

- Results from the stakeholder consultation;
- Opportunities for effective, evidence-led crime reduction initiatives;
- An overview of current crime reduction initiatives in B.C. and other jurisdictions; and,
- Recommendations for crime reduction opportunities.

Please respond with your written submission to: [CrimeReduction@gov.bc.ca](mailto:CrimeReduction@gov.bc.ca) before December 19, 2013. You will receive a return e-mail confirming receipt and event details as required.

If you have any questions or would like more information, please email [CrimeReduction@gov.bc.ca](mailto:CrimeReduction@gov.bc.ca).

Many thanks,

A handwritten signature in black ink, appearing to read "Darryl".

Darryl Plecas  
Parliamentary Secretary for Crime Reduction to the Minister of Justice  
MLA Abbotsford South

## Mayors and Council Distribution List

District of 100 Mile House	Mayor Mitch Campsall and Council
Village of Alert Bay	Mayor Michael Berry and Council
Village of Anmore	Mayor Heather Anderson and Council
City of Armstrong	Mayor Chris Pieper and Council
Village of Ashcroft	Mayor Andy Anderson and Council
District of Barriere	Mayor Bill Humphreys and Council
Village of Belcarra	Mayor Ralph E. Drew and Council
Bowen Island Municipality	Mayor Jack Adelaar and Council
City of Burnaby	Mayor Derek Corrigan and Council
Village of Burns Lake	Mayor Luke Strimbold and Council
Village of Cache Creek	Mayor John Ranta and Council
Village of Canal Flats	Mayor Ute Juras and Council
City of Castlegar	Mayor Lawrence D. Chernoff and Council
District of Central Saanich	Mayor Alastair Bryson and Council
Village of Chase	Mayor Ron Anderson and Council
District of Chetwynd	Mayor Merlin Nichols and Council
City of Chilliwack	Mayor Sharon Gaetz and Council
District of Clearwater	Mayor John E. Harwood and Council
Village of Clinton	Mayor Jim Rivett and Council
District of Coldstream	Mayor Jim Garlick and Council
City of Colwood	Mayor Carol Hamilton and Council
Town of Comox	Mayor Paul R. Ives and Council
City of Coquitlam	Mayor Richard Stewart and Council
City of Courtenay	Mayor Larry Jangula and Council
Town of Creston	Mayor Ron T. Toyota and Council
Village of Cumberland	Mayor Leslie Baird and Council
City of Dawson Creek	Mayor Mike A. Bernier and Council
District of Delta	Mayor Lois E. Jackson and Council
City of Duncan	Mayor Phil Kent and Council
District of Elkford	Mayor Dean McKerracher and Council
City of Enderby	Mayor Howie Cyr and Council
Township of Esquimalt	Mayor Barbara Desjardins and Council
City of Fernie	Mayor Mary Giuliano and Council
District of Fort St. James	Mayor Rob MacDougall and Council
Village of Fraser Lake	Mayor Dwayne L. Lindstrom and Council
Village of Fruitvale	Mayor Patricia-Lynn Cecchini and Council
Town of Gibsons	Mayor Wayne Rowe and Council
Village of Gold River	Mayor Craig Anderson and Council
Town of Golden	Mayor Christina Benty and Council
City of Grand Forks	Mayor Brian Taylor and Council

Village of Granisle	Mayor Linda McGuire and Council
City of Greenwood	Mayor Nipper Kettle and Council
Village of Harrison Hot Springs	Mayor Leo Facio and Council
Village of Hazelton	Mayor Alice Maitland and Council
District of Highlands	Mayor Jane E. Mendum and Council
District of Hope	Mayor Susan Ann Johnston and Council
District of Houston	Mayor Bill Holmberg and Council
District of Hudson's Hope	Mayor Karen M. Anderson and Council
District of Invermere	Mayor Gerry Taft and Council
Village of Kaslo	Mayor Greg Lay and Council
District of Kent	Mayor John Van Laerhoven and Council
Village of Keremeos	Mayor Manfred Bauer and Council
City of Kimberley	Mayor Ron McRae and Council
District of Kitimat	Mayor Joanne Monaghan and Council
Town of Ladysmith	Mayor Robert R. Hutchins and Council
District of Lake Country	Mayor James E. Baker and Council
Town of Lake Cowichan	Mayor Ross Forrest and Council
City of Langford	Mayor Stewart W. Young and Council
City of Langley	Mayor Peter Fassbender and Council
Township of Langley	Mayor Jack Froese and Council
District of Lantzville	Mayor Jack de Jong and Council
District of Lillooet	Mayor Ted Anchor and Council
Village of Lions Bay	Mayor Brenda R. Broughton and Council
District of Logan Lake	Mayor Marlon Dosch and Council
Village of Lumby	Mayor Kevin Acton and Council
Village of Lytton	Mayor Jessoa Lightfoot and Council
District of Mackenzie	Mayor Stephanie Killam and Council
District of Maple Ridge	Mayor Ernie Daykin and Council
Village of Masset	Mayor Andrew Merilees and Council
Village of McBride	Mayor Michael Frazier and Council
City of Merritt	Mayor Susan S. Roline and Council
District of Metchosin	Mayor John Ranns and Council
Village of Midway	Mayor Randy S. Kappes and Council
District of Mission	Mayor Ted Adlem and Council
Village of Montrose	Mayor Joe Danchuk and Council
Village of Nakusp	Mayor Karen E. Hamling and Council
City of Nelson	Mayor John A. Dooley and Council
Village of New Denver	Mayor Ann Bunka and Council
District of New Hazelton	Mayor Gail Lowry and Council
City of New Westminster	Mayor Wayne Wright and Council
District of North Cowichan	Mayor Jon Lefebure and Council



District of North Saanich	Mayor Alice Finall and Council
City of North Vancouver	Mayor Darrell R. Mussatto and Council
District of North Vancouver	Mayor Richard S. Walton and Council
Northern Rockies Regional Municipality	Mayor Bill Streeper and Council
District of Oak Bay	Mayor Nils Jensen and Council
Town of Oliver	Mayor Ronald Hovanes and Council
Town of Osoyoos	Mayor Stu Wells and Council
City of Parksville	Mayor Chris Burger and Council
District of Peachland	Mayor Keith Fielding and Council
Village of Pemberton	Mayor Jordan Sturdy and Council
City of Penticton	Mayor Dan C. Ashton and Council
City of Pitt Meadows	Mayor Deb Walters and Council
City of Port Alberni	Mayor John Douglas and Council
Village of Port Alice	Mayor Jan Allen and Council
Village of Port Clements	Mayor Wally Cheer and Council
City of Port Coquitlam	Mayor Greg Moore and Council
District of Port Edward	Mayor David I. MacDonald and Council
District of Port Hardy	Mayor Bev Parnham and Council
Town of Port McNeill	Mayor Gerry Furney and Council
City of Port Moody	Mayor Mike Clay and Council
Village of Pouce Coupe	Mayor Larry Fynn and Council
City of Powell River	Mayor David Formosa and Council
Town of Princeton	Mayor Fred Thomas and Council
Town of Qualicum Beach	Mayor Teunis Westbroek and Council
Village of Queen Charlotte	Mayor Carol J. Kulesha and Council
City of Quesnel	Mayor Mary Sjostrom and Council
Village of Radium Hot Springs	Mayor Dee J. Conklin and Council
City of Revelstoke	Mayor David Raven and Council
City of Richmond	Mayor Malcolm Brodie and Council
City of Rossland	Mayor Greg E. Granstrom and Council
District of Saanich	Mayor Frank Leonard and Council
Village of Salmo	Mayor Ann Henderson and Council
City of Salmon Arm	Mayor Nancy Cooper and Council
Village of Sayward	Mayor John MacDonald and Council
District of Sechelt	Mayor John Henderson and Council
Sechelt Indian Government District	Chief Garry Feschuk and Council
District of Sicamous	Mayor Darrell Trouton and Council
Town of Sidney	Mayor Larry Cross and Council
Village of Silverton	Mayor Kathy Provan and Council
Village of Slocan	Mayor Madeleine Perriere and Council
Town of Smithers	Mayor Taylor Bachrach and Council

District of Sooke	Mayor Wendal Milne and Council
Township of Spallumcheen	Mayor Janice Brown and Council
District of Sparwood	Mayor Lois Halko and Council
District of Squamish	Mayor Rob Kirkham and Council
District of Stewart	Mayor Galina Durant and Council
District of Summerland	Mayor Janice D. Perrino and Council
Sun Peaks Mountain Resort Municipality	Mayor Al Raine and Council
Village of Tahsis	Mayor Judith Schooner and Council
District of Taylor	Mayor Fred D. Jarvis and Council
Village of Telkwa	Mayor Carman Graf and Council
City of Terrace	Mayor David Pernarowski and Council
District of Tofino	Mayor Perry Schmunk and Council
City of Trail	Mayor Dieter Bogs and Council
District of Tumbler Ridge	Mayor Darwin Wren and Council
District of Ucluelet	Mayor Bill Irving and Council
Village of Valemount	Mayor Andru McCracken and Council
District of Vanderhoof	Mayor Gerry D. Thiessen and Council
City of Vernon	Mayor Robert Sawatzky and Council
Town of View Royal	Mayor Graham Hill and Council
Village of Warfield	Mayor Bert Crockett and Council
District of Wells	Mayor Robin Sharpe and Council
District of West Kelowna	Mayor Doug Findlater and Council
District of West Vancouver	Mayor Michael Smith and Council
Resort Municipality of Whistler	Mayor Nancy Wilhelm-Morden and Council
City of White Rock	Mayor Wayne Baldwin and Council
Village of Zeballos	Mayor Edward Lewis and Council

## APPENDIX 1

### Blue Ribbon Committee on Crime Reduction – Terms of Reference

#### Background

Implementation of justice reforms to ensure a cost-effective justice system that has the confidence of the public is a key priority of government. One aspect of that reform agenda is crime reduction.

Crime reduction programs generally have two goals: to reduce crime and disorder, and to increase public confidence in the ability of the justice system to keep communities safe.

In his report *A Criminal Justice System for the 21st Century*, Geoffrey Cowper QC recommended the development of a province-wide crime reduction plan. Crime reduction is identified as a priority item in *White Paper Part Two: A Timely and Balanced Justice System*, as well as in the proposed *British Columbia Policing and Community Safety Plan*.

Specifically, Action Item #8 of the *British Columbia Policing and Community Safety Plan* states: *In support of enhancing community safety, the Ministry of Justice will work with stakeholders to develop strategies to: a) support crime prevention efforts; b) support province-led crime reduction initiatives; and c) support further development of civil/administrative law strategies to enhance community safety*

At present, there are three strands of crime reduction activities in BC:

- Those led by municipalities. For example, the City of Surrey Crime Reduction Strategy, which is based on extensive consultation and collaboration with partners across the government and law enforcement agencies.
- Crime reduction initiatives led by police. Many of these initiatives target 'hot spots' or geographic areas with high crime and disorder activities, while others focus on apprehending prolific offenders.
- Crime reduction initiatives led by the provincial government, such as the Prolific Offender Management program and Vancouver's Downtown Community Court.

#### Name of Committee

Blue Ribbon Panel for Crime Reduction (referred to as 'The Panel')

#### Purpose and Scope

On June 7, 2013, Dr. Darryl Plecas was appointed as the Parliamentary Secretary to the Minister of Justice and Attorney General for Crime Reduction. His mandate is to chair a blue-ribbon panel to study crime reduction opportunities. The Blue Ribbon Panel for Crime Reduction will:

- Through consultation with stakeholders, review existing crime reduction initiatives and identify potential gaps, challenges and issues;
- Make recommendations for crime reduction opportunities and next steps including a plan for implementation.
- Deliver a report to the Minister of Justice by June 14<sup>th</sup> 2014.

### Membership

The Panel will be chaired by Parliamentary Secretary for Crime Reduction, Darryl Plecas.

The Panel consists of the following 5 members

Beverley Busson  
 Gary Bass  
 Jean Fournier  
 Yvon Dandurand  
 Geri Ellen Bemister

### Mandate / Responsibilities

---

The primary functions of panel members are to:

- Conduct a series of roundtables to elicit feedback from around the Province
- Provide advice and recommendations to Parliamentary Secretary for Crime Reduction about possible evidence led crime reduction opportunities.
- Identify individuals with subject matter or other expertise that could assist and provide advice to the panel members
- Liaise with Ministry staff as required
- Create and approve a *report and recommendations regarding crime reduction opportunities*.

The roundtables will bring together relevant stakeholder groups to discuss crime reduction opportunities, as well as current initiatives, approaches (such as environmental design that contributes to crime reduction), successes, gaps or challenges. Roundtable participants will be invited based on their specialized backgrounds and interests in this topic.

The Panel's work will inform the content of a report, from the Chair to the Minister of Justice that includes the following:

- Results from the stakeholder consultation;
- Identification of opportunities for effective evidence-led crime reduction initiatives;

- An overview of current crime reduction initiatives around the province and other jurisdictions and,
- Recommendations for crime reduction opportunities

### **Meetings**

Regular meetings of the Panel on Crime Reduction will be held at least once a month for the duration of the project until June 2014 at the call of the Chair.

Support such as arranging meeting date and times, agendas, minutes and distribution of documents to Panel members will be coordinated by Ministry staff.

### **Communication and confidentiality**

Unless otherwise authorized Panel members will not publically share sensitive information about the Panel's work. Requests to release information must be directed to Ministry staff.

### **SUPPORT**

The Ministry of Justice will provide appropriate support to the Blue Ribbon Panel for Crime Reduction. The Ministry of Justice will reimburse travel expenses to members of The Panel for their attendance at meetings and roundtables, in accordance with applicable Treasury Board directives.

# MAYOR AND COUNCIL FEEDBACK TO THE BLUE RIBBON PANEL ON CRIME REDUCTION

## THESE RESPONSES WERE PROVIDED BY THE MAYOR AND COUNCIL OF

1. Identify and rank in priority order the top 3 or 5 crime reduction and public safety goals you feel would help to drive crime down in British Columbia.

1)

2)

3)

4)

5)

## MAYOR AND COUNCIL FEEDBACK TO THE BLUE RIBBON PANEL ON CRIME REDUCTION

2. Identify the most pressing crime problems that your communities face and describe how the current level of crime is affecting the community.

### CRIME PROBLEMS

- 

### EFFECTS OF CRIME

-

## MAYOR AND COUNCIL FEEDBACK TO THE BLUE RIBBON PANEL ON CRIME REDUCTION

3. Describe the work being done in your jurisdiction to address the crime problems previously identified.

•



## MAYOR AND COUNCIL FEEDBACK TO THE BLUE RIBBON PANEL ON CRIME REDUCTION

4. What actions appear to be having success and what are the key factors that have led to success?

### SUCCESSSES

- 

### KEYS FACTORS

-

## MAYOR AND COUNCIL FEEDBACK TO THE BLUE RIBBON PANEL ON CRIME REDUCTION

5. What are the main challenges that have impeded success?

•

## MAYOR AND COUNCIL FEEDBACK TO THE BLUE RIBBON PANEL ON CRIME REDUCTION

6. Describe any efforts that you are planning to implement or you would like to implement in your jurisdiction to address crime problems.

•

## MAYOR AND COUNCIL FEEDBACK TO THE BLUE RIBBON PANEL ON CRIME REDUCTION

7. Provide any suggestions that you feel could be implemented across the province to reduce crime further and achieve the crime and public safety goals you identified in question 1.

•

New Bus.

### A new idea for helping the homeless in Campbell River

Sian Thomson / Campbell River Courier-Islander  
October 9, 2013 12:00 AM



The 'Cargotecture' idea to house the homeless on cold winter nights is shown at left. The portable unit has basic accommodations, heat and water and can be moved at a moment's notice. Photograph by: Submitted

The 'Cargotecture' idea to house the homeless on cold winter nights is shown at left. The portable unit has basic accommodations, heat and water and can be moved at a moment's notice. Photograph by: Submitted

Paul Mason wants to give Campbell River something to be proud of.

The Program Manager for Campbell River Housing Resource Centre said it is known as "Cargotecture", retrofitted shipping containers that provide safe and dignified lodgings to replace the cardboard boxes, wet tents, and dirty blankets homeless people use to sleep outdoors.

Those blankets and cardboard boxes do not protect these vulnerable people when the storms and cold weather hit Campbell River, said Mason. In 2011 two people who went to sleep outside, in the cold wind and snow, perished.

Mason says that these temporary homeless relief shelters, a 40-foot shipping container to provide up to 16 homeless people with a temporary roof over their heads on any given winter night, are heated, lit, have reading lamps, smoke detectors, a handicapped accessible washroom, hot water, with two beds in each, an office for two highly trained and caring staff, and would be open from 7 p.m. to 7 a.m. to keep people alive. They can bring their belongings, their shopping carts, even their dog. When they leave in the morning they can go over to Radiant Life Church where breakfast is on at 6:30 a.m.

"It has not been done anywhere on the Island," said Mason, who has a long local history of working with the most vulnerable members of the community. "This is a safe low barrier shelter, centrally located, mobile, and a temporary measure for the winter. We have already had a pretty bad storm and without an extreme weather shelter which would normally be opening around now, the need is immediate."

This year there is no extreme weather shelter at the Lighthouse as in past years. In the past it provided mats and shelter for about 14 people from October to March.

"The only shelter is Evergreen, it is out of the town centre, quite the jaunt for someone who is cold, hungry and tired, and not open to anyone with addictions," said Mason. "They have a zero tolerance policy. So when the police find someone sleeping or passed out in the cold, they bring them to the hospital where they are assessed. That has to cost about \$1,000, then they either go to Evergreen if they are not using, or to cells which costs more money and more police time off the road doing what they should be doing. Well, with this pilot project they can come straight to us instead of going to cells and tying up the RCMP time and funds.

"This can be a feather in the cap for Campbell River and as a pilot project, the money will come from BC Housing through the CR Housing Resource Centre. It won't cost Campbell River taxpayers anything while we showcase this safe shelter."

Shadow Lines Transportation Group of Langley is the company behind this idea, and has a unit ready to go.

This same unit was used to house people who lost homes to the flooding in Hay River, Alberta earlier this year. The concept is being tried in Chillwack by the Salvation Army. The doors don't lock, but the shelter is surrounded

by a six-foot high fence with a locking gate that is reportedly set up in 15 minutes. There are no in-and-out privileges. The shelter is designed to be delivered every evening, picked up at dawn, pressure washed, disinfected and recharged, and then returned to the compound again the next day.

Mason says what they need now is public support. "Write to the paper, call the mayor, tell council that we must get this now or people will die," he said. "Instead of hiding these people, come out and be generous as Campbell River is known for. We can't not have this, until we figure out a permanent solution."

sthomson@courierislander.com

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# THE CORPORATION OF THE CITY OF COURTENAY

## BYLAW NO. 2756

### A bylaw to amend Official Community Plan Bylaw No. 2387, 2005

WHEREAS the Council has adopted an Official Community Plan and a Zoning Bylaw;

AND WHEREAS, pursuant to Section 895 of the *Local Government Act*, the Council shall, by bylaw, establish procedures to amend a plan or bylaw or issue a permit;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

This bylaw may be cited for all purposes as “**Official Community Plan Amendment Bylaw No. 2756, 2013**”.

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#### 9.6 Arden Corridor Local Area

##### 9.6.1 Project Objective

The overarching goal of the Local Area Plan (LAP) was to engage the community in conducting comprehensive planning along the City’s western boundary in order to respond to development pressure and anticipated growth in the Settlement Expansion Area (SEA). See Map 1 for the boundaries of the LAP area. All reference material including consultation findings, additional maps and illustrations and all analysis can be found in the *Arden Corridor Local Area Plan – Reference Plan*.

The objective of the LAP is to project and respond to anticipated growth in the Arden Corridor through regulation of land use and servicing that is in keeping with the values of the community, the identity of the City and the City’s commitment to environmental protection.

A foundational principle of the Plan is that development must not be permitted to compromise environmental features of high ecological value. This principle is reflected through the policies that are contained within the Plan. Recognizing that development necessarily has some degree of environmental impact, the goal of the Plan is to limit the extent that site disturbances have on:

- Other properties
- Critical habitats of rare and endangered species
- Fish, the waters they inhabit and the riparian areas that support them
- Nesting birds and the nests (whether occupied or not) of all raptors
- Hydrological features and function
- Watershed health at the site level and cumulatively over the entire Plan area including adjacent neighbourhoods

The Plan contains a strong emphasis on protecting environmental values in part due to the work of the Millard Piercy Watershed Stewards and Morrison Creek Streamkeepers who for over 20 years have amassed biophysical data on the watershed. Their scientifically based work has concluded that there is increasing evidence that the declining health of elements of the Millard/Piercy Watershed can be linked to land use practices and related policy. The community consultation exercises also revealed strong support for environmental values, which are expanded upon further in the Plan.

### **9.6.2 Plan Process**

The Plan was created through the following five processes:

1. Site analysis and community vision
2. Concept options
3. Preferred land use plan development
4. Review of policy and implementation options
5. Council adoption

The public consultation strategy was designed to provide an opportunity for the entire community to participate directly in the formulation of the Arden Corridor Local Area Plan. The public consultation strategy contained the following elements:

1. Introductory workshop on site analysis, formulating plan opportunities and constraints.
2. Series of three workshops to provide opportunity for community to participate in ‘design charette’ of the LAP. A separate stakeholder workshop was held parallel to this process.
3. Survey
4. Final public open house to vet the findings from the survey and the final plan principles and land use concept plan to the community

Both the survey and workshops provided valuable information which has been the foundation of the Arden Corridor Local Area Plan.

### **9.6.3 Vision statement**

*To maintain the rural character of the community while allowing for environmentally responsible new developments that respond to the community’s growth, that support a network of trails and rural roads, parks, cost-effective infrastructure systems and a diversity of housing and small home-based businesses.*



#### 9.6.4 Plan Implementation

The following sections provide the policies of the Plan, which will be used to implement the vision of the Arden Corridor LAP. The following section contains a number of overarching strategies and design principles that inform the approach and layout to the Plan. In addition, a number of more specific policies, actions, and in some cases illustrative examples, are included for each of the topic areas:

- Environment
- Mobility
- Land use (Housing; Commercial, Industrial and Institutional; Parks and Greenways)
- Servicing

Maps are provided to illustrate the study area in context with the City and adjacent Settlement Expansion Area. Data used to create the maps have come from a variety of sources including the City, Project Watershed, the Comox Valley Regional District and the Ministry of Environment. The background information, analysis and consultation outcomes for each topic area are presented in a separate reference Plan entitled *Arden Corridor Local Area Plan – Reference Plan*.

##### 9.6.4.1 Plan strategies

The Plan is founded on a number of strategies that inform the range of policies contained within the Plan. The strategies are meant to ground decision making about development in the core values and vision the Plan is intended to uphold. These strategies are:

- a) Use the Precautionary Principle as a basis upon which to make decisions about changes to land use, within reason. This means seeking out the best available, evidence-based information to inform a decision, particularly pertaining to the environmental impact of development proposals, recognizing that the protection of the environment and regulating for environmentally sensitive development is a key objective of this Plan.
- b) Use Low Impact Development site layout, patterning and building form to guide and evaluate development in the study area. This principle recognizes that the building and development form supported by this Plan should aim to understand the interrelationships between drainage, landforms, soils, habitat and land use and that there is an explicit desire to depart from the ‘conventional’ approach of stormwater servicing, road widths and layouts including single family ‘tract’ housing developments.
- c) Involve the community in decisions pertaining to the implementation of the Plan. While the community cannot be expected to be consulted on every change to take place in the neighbourhood the key changes that shall seek public consultation are:
  - Boundary extensions including servicing and taxation implications

- Re-zoning and OCP amendments, as per standard land use amendment procedure (see boxes on Development Application Procedures Bylaw and Local Government Act public consultation requirements)
- Activities that may have significant environmental impact on public lands including culverts over fish bearing streams and in parks
- Any major amendments to this Plan

#### 9.6.4.2 Plan Design Principles

The Plan promotes a number of community design principles, which together enable a development pattern that supports the vision described in this Plan. These principles, and how they can be applied, are as follows. The drawing contained within Map 2 illustrates these principles.

	Design Principle	How addressed in the Plan
1	Where infill development is permitted, it is in keeping with existing neighbourhood character.	Design guidance is provided within this Plan to provide direction on desirable building character.
2	Public trail networks should be secured especially along Piercy and Morrison Creeks and connect to key destinations within and beyond the study area.	An identified trail network in the OCP can ensure that trail opportunities are identified early in a development application process. The City may also pursue land acquisitions and access agreements to secure public use. Environmental professionals must advise on the suitability of trail locations.
3	Multiple mobility modes are provided along major roads including Arden Road, Cumberland Road and Lake Trail Road.	Updated standards that provide provisions for walkers and cyclists are identified as priorities in this Plan, and are being further explored in a City-wide Transportation Master Plan.
4	Preserve contiguous parcels of green space to protect against forest and habitat fragmentation.	Development proposals will be required to provide environmental studies that include ground truthed mapping of environmentally sensitive features and recommendations on how to maintain connectivity of those features.
5	Provide trail access, but not vehicle access, from new development to existing local streets.	Vehicular road access will be reviewed upon each development application in which new roads are proposed to ensure that new roads adhere to the vision of this Plan and that traffic impacts to the existing neighbourhood is reduced.
6	Create clustered family oriented housing on sites close to Arden Elementary School.	The land use plan focuses growth around existing destinations and on lands that are likely to physically best support development, within the study area.
7	Require rehabilitation of creeks and wetlands as part of new developments.	Development proposals adjacent to environmentally sensitive areas will be required to identify restoration opportunities.
8	Preserve the hydrological function of the landscape by using Low Impact Design	Development proposals will be required to demonstrate how the hydrological functions and features of the site will be

	<b>Design Principle</b>	<b>How addressed in the Plan</b>
	principles.	protected.
9	In general, support clustered forms of development, not typical tract housing.	Design guidance is provided within this Plan to provide direction on desired site layout approaches.
10	Limit crossings to streams. Where crossings are required, clear span bridge crossings are encouraged.	This is a stated policy of the Plan.

### 9.6.4.3 Environmental Protection

#### *Environmental protection objectives:*

- Protect and restore watercourses
- Protect surface and groundwater quality and quantity
- Protect and restore fish and wildlife habitat
- Protect and restore trees and understory vegetation
- Maintain air quality
- Promote environmental education and land stewardship

#### *Environmental protection policies:*

1. All lands equal to or greater than 4000 Square metres (1 acre) in size will be subject to the Environmental Development Permit Guidelines unless otherwise deemed exempt. More information on the Arden Corridor Environmental Development Permit Area justification and guidelines see Section 10.
2. All necessary studies required for development applications, and particularly environmental studies, should be conducted prior to site layout being designed to ensure that the information about the biophysical realities of the site may inform the development concept.
3. Tree removal along Arden Road, Cumberland Road and Lake Trail Road will be minimized to maintain the rural character elements of these rural roads
4. Retain an open-channel stormwater drainage system as the primary means of conveying water (rather than stormwater infrastructure pipes). The open-channel stormwater drainage system envisioned for the area does and will consist of natural watercourses and wetlands, ditches, and other water retention and detention opportunities to enhance water quality and environmental features including source controls where appropriate.
5. Minimize surface run-off into watercourses and encourage rain-water infiltration by limiting the amount of impervious cover and maintaining trees and other vegetation. Where infiltration is deemed to be unsuitable by a hydrological study, maintaining existing tree and vegetation cover on the site should be considered at a minimum.
6. Support studies that explore groundwater quality and quantity including recharge rates to the aquifer.

7. The City encourages and in some instances requires the dedication of Environmentally Sensitive Areas as part of development proposals, but ESAs shall not be considered part of the 5% subdivision parkland requirement, where this requirement is triggered.
8. When existing buildings and structures that are located within the 30m of the buffer of a stream (on either side) are decommissioned, restoration of the site under the direction of a Qualified Environmental Professional is encouraged.
9. Where public trails are permitted near streams, watercourses and other Environmentally Sensitive Areas, trail location must follow the following guidelines:
10. Where residential uses are adjacent to environmentally sensitive areas, public trails should be created between residential lots and the public properties in order to discourage encroachment into environmentally sensitive areas by private lots.
11. Trails must not be located within Streamside Protection and Enhancement Areas (SPEAs) as defined under the Riparian Area Regulations or any other critical buffer distance deemed necessary by a Registered Professional Biologist to maintain the habitat of endangered species or otherwise protected species.
12. Trail alignment must aim to follow the least environmentally intrusive path. For example trails should avoid locating within areas of poorly draining soils which may indicate the presence of ephemeral wetlands, should be located away from identified valuable habitat features such as wildlife trees, and should route around tree roots wherever possible, as determined by an ISA arborist or other environmental professional. Boardwalks may be required in some instances.
13. Both ecological and recreational greenways will be supported throughout the study area recognizing that each greenway type may provide different functions. For example, when designing ecological greenways special attention will be given to connectivity opportunities for wildlife where sufficient vegetation cover, connectivity and extent of native vegetation shall be maintained.
14. Should certain wildlife species become a nuisance (e.g. overabundance of deer, or increased bear activity), the City will work with appropriate partners such as local conservation groups, Provincial agencies and providers of programs such as “Bear Smart” to address nuisance wildlife.

***Environmental Protection Actions:***

1. Work with the nature stewardship sector to provide and compile all publically available environmental studies that have been conducted for individual properties within the study area.
2. Improve the effectiveness of the Tree Protection Bylaw to limit unnecessary tree removals within the study area to maintain character, nesting sites for raptors and wildlife habitat in general, while recognizing the right for personal enjoyment of one’s yard including access to sunlight. The development of the bylaw shall:
  - a. Explore timing restrictions on land clearing at critical times of wildlife use (e.g. bird nesting);

- b. Ensure that it includes policies regarding the affect of tree removal on neighbouring properties, including City properties;
  - c. Establish a tree canopy target for the area.
- 3. Develop a Watershed Blueprint in partnership with community associations, residents, environmental groups, neighbouring local governments and other governments and agencies to preserve the natural environment within each the Piercy Creek and Morrison Creek watersheds. The City supports the work of any data collection and compilation work on the watershed even in the absence of a work plan dedicated to a watershed blueprint, provided that the data collection follow scientifically defensible methods.

#### **9.6.4.4 Housing**

##### ***Housing Objectives:***

- Strive for a housing form that maintains a ‘rural aesthetic’
- Maintain housing opportunities for a diversity of resident demographic profiles including young families, family members and seniors
- Continue to allow for live-work or home occupation opportunities

##### ***Housing policies:***

1. Adopt the accepted land use concept for the Arden Corridor as shown in Map 8 into the OCP (lands outside of the City’s jurisdiction to be adopted at time of Boundary Extension).
2. Use the illustrative examples provided in Appendix B of this Plan to inspire and provide guidance on acceptable development patterning, building massing, housing densities and character.
3. Concentrate higher density housing along Arden Road, near the intersection of Arden and Cumberland and near the Arden Elementary school. Aim for 10 units/acre as desired density in these locations to support transit services
4. Promote a “clustering” form of development, including of single family housing developments, adjacent to roads to facilitate conservation of sensitive ecosystems, provision of open space and economical infrastructure costs. Support for this clustering form includes support for panhandle lots upon review, notwithstanding the policy regarding panhandle lots within the OCP.
5. Allow infill development on all lots. Infill development includes:
  - a. detached, one-story units (e.g. ‘granny flats’) or ‘carriage house’ units above detached garages.
  - b. secondary suites within the principal building.
6. Support rental and other special needs housing.
7. Appropriate lot sizes will designated upon re-zoning application. The following general guidance is provided to inform the range of acceptable lot sizes within the Arden Corridor:
  - a. Within the areas designated as Single Family Residential: 300-850 square metres

- b. Within the areas designated as Infill Single Family Residential: 850-1250 square metres minimum lot size
- 8. Lot sizes are not designated for areas shown as multi-family, although a density of 10 units/acre is desired and shall be translated into the appropriate Floor Area Ratio for a given parcel.
- 9. Energy efficient housing construction including the use of passive design principles will be supported.
- 10. Sound attenuation treatments shall be accomplished within the architecture; the use of tall walls is not supported within the study area.

#### **9.6.4.5 Commercial, industrial and institutional land uses**

##### ***Commercial, industrial and institutional land use objectives:***

- Limit new commercial/heavy industrial development.
- Allow for some small scale home based businesses.
- Maintain local institutional uses as community assets to be retained (e.g. Arden Elementary School).
- Restrict new institutional uses that are not consistent with the rural character.

##### ***Commercial, industrial and institutional land use policies:***

1. Work with SD71 to promote Lake Trail community school as a centre for community interaction, recreation and learning.
2. The City will support the development of a community school at Arden Elementary should the SD71 choose to pursue this option.
3. Other private schools are permissible within the Arden Corridor, subject to community consultation and other site design and servicing considerations.
4. Support the establishment of home-based businesses in existing residential areas including light industry provided it conforms to neighbourhood character and good neighbour considerations (noise, odor, etc.), and all necessary zoning regulations.
5. Re-visit the need and appropriateness of commercial uses in keeping with the neighbourhood character, as the area develops, and further boundary extension is considered, in consultation with the community.

##### ***Commercial, industrial and institutional land use action:***

1. Review City's Zoning bylaw to consider allowing farm gate sales in all zones.

#### **9.6.4.6 Parks and Greenways**

##### ***Parks and Greenways Objectives:***

- Expand the network of greenways as part of the municipal and regional greenways system that is connected and accessible to multiple users.

- Ensure that all homes are within service distances as stated by the OCP (400m for neighbourhood parks and 1500m for community parks).
- Acquire natural parks to preserve and restore watercourses, wildlife habitat, rural landscapes, and viewscales.

***Parks and greenway policies:***

1. Develop the trail network in accordance with the general connections shown on Map 8.
2. The City will continue to provide future acquisition and development of park lands in a variety of ways including:
  - a. 5% dedication of land or cash-in-lieu at the time of subdivision. The City's OCP contains guidelines for when cash-in-lieu will be considered.
  - b. Dedication of environmentally sensitive areas to the City. ESAs are excluded from the 5% dedication.
  - c. Development cost charges.
  - d. Restrictive covenants.
  - e. Working with the SD71 on a conceptual parks plan for Arden Elementary.
  - f. Purchase where appropriate.
3. Large parcel nature parks and smaller neighbourhood parks (possibly with playgrounds) will be the park provisions in the Arden Corridors. The installation of community gardens will be considered if there is sufficient demand by residents. Sports fields are not supported.
4. Parks shall be designated within neighbourhoods in a manner that provides a highly visible presence from the public street system and connected to greenway and pedestrian routes. This includes ensuring that the majority of the park perimeter is open to the street.
5. The City will pursue securing public access to the Comox Logging Road right of way as a public trail, although first its relative priority in relation to community-wide greenway and parks needs, as identified in a Parks Master Plan, must be determined.
6. Maintain unused road right-of-ways as informal greenspaces with potential to be incorporated into a formal park or greenway.
7. All trails adjacent to ESAs must be on-leash.

***Parks and Greenways Actions:***

1. Develop a more refined understanding of park needs, approximate park locations and implications for Development Cost Charges through the creation of a Parks Master Plan for the City.
2. The Parks Master Plan should include a concerted effort to establish consistent Valley-wide greenway standards, and connected greenways between jurisdictions, as defined by the Regional Growth Strategy, in particular in relation to the form and function of ecological greenways as distinct from recreational greenways. Aim to develop consistent standards regarding greenways such as minimum buffer distances from environmentally sensitive areas, trail width and materials, and maintenance prescriptions. Ecological

greenways will likely be wider than recreational greenways and will require intact vegetation cover. Human activity will be limited in ecological greenways.

3. Where road rights-of-way are to be retained for park, prepare a road closure bylaw and rezone to an appropriate park zone. The City will consider and may pursue a land swap where it is deemed in the public interest to do so including the protection of environmental values.
4. Work with landowners to acquire trail rights-of-way or easements as necessary to complete the trails network.
5. Establish a committee comprised of local residents to create management plans for any special use parks in the area including Tarling Park and any newly established special use parks.
6. The City will encourage and provide in-kind and where appropriate limited financial support to volunteer groups that identify and work towards key parks and greenway priorities such as signage, furnishings, revegetation and habitat enhancement goals. Guidelines for providing in-kind and financial support will be further refined in the Parks Master Plan.
7. The City will conduct a cost benefit analysis of adopting smaller trail and park maintenance equipment and of establishing less mechanized forms of trail and park maintenance.

#### **9.6.4.7 Mobility**

##### ***Mobility objectives:***

- Contribute to a multi-modal regional transportation network with an explicit goal of increasing cycling, walking, transit and carpooling mobility modes and decreasing single occupancy vehicle modes.
- Maintain the character of rural roads.
- Maintain safe mobility networks for all road users.

##### ***Mobility policies:***

1. The rural road character will be maintained where feasible for collector and residential roads within the study area. Variances to the engineering specifications for roads within the study area will be supported where they are necessary to maintain the rural character.
2. When local roads, that are currently within the CVRD/MOTI jurisdiction, become under the City's jurisdiction upon approved Boundary Extension, the local roads will primarily remain 'as is' and will not be developed to an urban standard, recognizing that the character of roads have impact on the overall character of the community.
3. Protect and promote the rural character of local roads by encouraging informal native landscaping, roadside ditches, narrow road widths and pervious surface treatments on public lands and private lands.
4. Require that large trees be maintained, wherever it is safe to do so as indicated by an ISA certified arborist, along Arden Rd, Lake Trail Rd and Cumberland Rd in order to preserve



the rural character of these roads and provide a visual buffer between these roads and adjacent land uses.

5. Balance safety, 'dark skies', wildlife and aesthetic considerations when reviewing requests for the installation of street lights.
6. Ensure that safe provisions for walking and cycling are provided on Cumberland Rd, Arden Rd and Lake Trail Rd, recognizing that the primary strategy for accommodating walking and cycling in the Arden Corridor is through the development of a functional and safe greenway network that complies with Crime Prevention Through Environmental Design (CPTED) best practices.
7. Work with BC Transit to maximize access to transit by considering new routes, frequency and timing of service improvements, non-conventional transit service options, and/or park and ride facilities if there is sufficient demand from residents.
8. Should the opportunity arise to obtain right of ways along Cumberland Rd, Lake Trail Rd, Arden Rd and Comox Logging Rd to support a separated multi-path, this option shall be considered.
9. The City's preference for crossings over streams include clear spanned bridges. Such approaches to stream crossings shall be first explored before alternatives are considered.
10. A vehicular crossing over Morrison Creek along Arden Rd is not desired. A cycling/pedestrian bridge is supported.
11. Roundabouts will be considered for intersection treatments.

***Mobility Actions:***

1. Amend Subdivision Bylaw to include engineering specifications for rural collectors and rural residential roads that are in keeping with the character and use of these roads.
2. Review emergency routing, cycling and trucking routes upon review of the road network re-classification to follow adoption of the Transportation Master Plan.
3. Work with School District 71, the school principal and Parent Advisory Committees to designate safe walking/cycling routes to school plans to Arden Elementary and to address issues related to student drop-off/pick-up.

**9.6.4.8 Servicing**

***Servicing Objectives:***

- Retain effective open channel stormwater management in order to promote natural hydrological functioning of the area, specifically stream health.
- Ensure safe, environmentally responsible and cost effective methods of sewage waste management.
- Ensure safe drinking water to all residents within the City's jurisdiction in the form of private wells and/or municipal servicing.

### *Servicing policies:*

#### *For all municipal services (Stormwater, Sanitary Sewer and Water)*

1. Prior to Boundary Extension within the Arden Corridor, conduct studies to ensure that the condition of servicing assets and need for new servicing commensurate with growth are understood. (This is established City of Courtenay OCP policy).
2. Any private servicing infrastructures (including, but not limited to, strata developments) are required to create and submit to the City maintenance manuals for the maintenance of said servicing infrastructures.
3. Municipal service and private service intrusion into Environmentally Sensitive Areas shall be minimized. The location of the necessary roads and other facilities required to maintain such services shall take into consideration environmental impact.

#### *Sanitary Sewer*

On lands within the study area, support the efforts of the Vancouver Island Health Authority (and the Comox Valley Regional District where septic systems are within their geographical boundaries) to:

1. Enforce regulations respecting approval, the correct operation, maintenance, and inspection of on-site sewage disposal systems; and
2. Provide ongoing public education program about the correct operation, maintenance, and inspection of on-site sewage disposal systems.

#### *Potable Water*

Maintain potable groundwater by:

1. Supporting the CVRD and the Province to monitor groundwater quality and quantity;
2. Supporting education campaigns about protecting groundwater quality, water conservation for private well and municipal water users.

#### *Electricity*

Work with BC Hydro to establish a road standard that accommodates underground electrical services as well as the open channel stormwater system.

#### *Stormwater Management*

1. Retain an open-channel stormwater drainage system comprised of watercourses, ditches, flood plains, storm ponds of varying designs (dry, wet, wetland, on-stream, off-stream) and other water quality and environmental features, some of which are privately owned while others are publically owned.
2. The stormwater management approach shall follow the follow 'hierarchy' on all sites:
  - a. Firstly, every attempt shall be made to introduce source controls, and must be demonstrated by an engineering study that such an attempt has been made;
  - b. Introducing upstream detention facilities is a second preferred option;

- c. Enclosing stormwater in a piped, underground system should be considered only as a last resort.
3. Stormwater capacity studies must demonstrate that a site's stormwater approach will not result in added pressure on downstream stormwater infrastructure.
4. Where stormwater detention ponds are created the design of such ponds shall follow these guidelines:
  - a. Aim for a decentralized stormwater pond system of many ponds located suitably to service localized needs;
  - b. More and smaller ponds is preferred over few larger ponds, including on individual sites where such an approach is appropriate;
  - c. Ponds shall be designed to be 'natural' and aesthetic and should ensure that there is adequate topsoil and planting with a variety of native aquatic and riparian species under the guidance of a landscape architect and/or Registered Professional Biologist proficient in wetland landscaping practices;
  - d. Stormwater ponds and other stormwater facilities that service strata or commercial developments shall be privately owned.
5. Where the stormwater approach to a site contains non-standard practices such as bioswales, raingardens, added topsoil requirements, on private lots, a covenant may be required to be registered on title to ensure that property owners are aware of their stormwater features and how to properly maintain them. The City may consider an educational approach in some instances instead of a covenant.

***Servicing Actions:***

1. Complete area specific studies (in order of priority) on Stormwater, Sanitary Sewer and Water servicing.
2. Incorporate updated studies of Stormwater, Sanitary Sewer, Water as they are completed to ensure the Arden Corridor LAP remains current.

**9.6.5 Arden Area development checklist**

A list of questions is provided within the *Arden Corridor Local Area Plan – Reference Plan* to guide development applicants through the range of performance metrics that staff will be evaluating the development proposal on.

## 9.6.6 Arden Corridor Environmental Development Permit Area

### 1. Designation

Pursuant to Section 919.1 (1)(a) of the *Local Government Act* the Arden Corridor Environmental Development Permit Area (AC-EDP) applies to all properties within the Arden Corridor as shown on Map 1 unless otherwise exempted under Section 3 below.

For specific guidelines related to developing near freshwater *ecosystems*, *Raptor* and Great Blue Heron Nests and Hazardous Conditions, consult the Environmental Development Permit section of the OCP. All definitions pertaining to the AC-EDP are also contained in the EDP section of the OCP.

The following prohibitions apply to areas designated AC-EDP unless otherwise exempt under section 3 or the owner first obtains a development permit under this section:

- a. land within the area must not be subdivided;
- b. construction of addition to or alteration of a building or other structure must not be started;
- c. land within the area must not be altered.

### 2. Justification

The primary function of the Arden Corridor Environmental Development Permit (AC-EDP) area designations is to ensure that decision makers have the ability to secure the necessary information and are able to establish conditions on development that minimize as much as possible development impacts on *sensitive ecosystems*, rare or endangered plants and animals, and fisheries and wildlife resources.

Recognizing that not all the lands within the Arden Corridor have been inventoried for ESAs and recognizing that the area is known to contain high densities of drainage networks, natural streams, complex hydrological patterns, and mature stands of trees, a precautionary approach is taken to determining appropriate development within the Arden Corridor.

Recognizing that not all parcels will be equally environmentally sensitive, the Arden Corridor EDP is structured into two categories which reflect the relative environmental sensitivity of the site, size of the parcel and complexity of the proposed development application:

- **Minor AC-EDP** – will be required for sites less than 4000 square metres in size with known ESAs and for sites of any size in which the Environmental Impact Assessment indicates that the development application poses minimal risk to ESAs.
- **Regular AC-EDP** – will be required for sites equal to or greater than 4000 square metres in size in which the Environmental Impact Assessment identifies a number of potential risks the development application may pose to the ESAs.

Each category is governed by separate fee structures. Report requirements are described in Section 5.

### 3. Exemptions

1. Properties less than 4000 square metres in size that do not contain a previously identified ESA.
2. Properties greater than 4000 square metres in size, where the total development footprint does not exceed 100 square metres and does not impact any known or discovered ESA.

Note, a bio-inventory will be required on all properties greater than 4000 square metres, whether they contain a known ESA or not to prove the lack of presence of an ESA. See Section 4.4 for more detail on bio-inventory requirements.

3. If upon field review, staff conclude that no ESA is likely in the proposed development footprint.
4. Properties for which a report prepared by a *Registered Professional Biologist* (R.P. Bio), has been submitted and accepted by the City of Courtenay concluding that the land is not environmentally sensitive or the *ecosystem* or natural feature is no longer present. The report must also certify that the proposed project will have no impacts to existing groundwater or surface water conditions, and that there are no opportunities for *habitat* enhancement or restoration identified on site. The report must be based on the Ministry of Environment Bio-Inventory Terms of Reference contained within the *Develop with Care 2012* document, or updated version. The Preliminary Survey is sufficient for demonstrating that there are no ESAs on the property. In instances where an ESA had been previously identified on maps, but is no longer present, the City will take into account whether the ESA is no longer present due to its destruction. Where destruction in the form of land clearing, drainage or any alteration that affected the ESA is known to have occurred, the City will require that an EDP be registered on title to include ecological restoration provisions. See Section 4 for description of Application Requirements as presented in the AC-EDP Guidelines.
5. Pre-existing protection: Where a development permit of this type has already been issued or a conservation covenant under section 219 of the *Land Title Act* is registered against title, is granted to the City or a recognized conservancy and includes provisions which protect the environmentally sensitive area in a manner consistent with the current applicable EDP guidelines, to the satisfaction of the City of Courtenay.
6. Farm use: Any Farm use as defined under the *Farm Practices Protection (Right to Farm) Act* for lands zoned for agricultural uses and/or within the Agricultural Land Reserve (ALR). Note that individual agricultural buildings are subject to the Zoning Bylaw which regulate setbacks from *watercourses*. Note that non-farming activities and buildings on lands that may otherwise be used, designated, or zoned for agriculture are subject to *Riparian Area Regulations* (RAR).
7. Emergency procedures: to prevent, control, or reduce erosion, or other immediate threats to life and property, including:
  - a. Clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences.
  - b. The removal of trees deemed hazardous by an ISA (International Society of Arboriculture) Arborist that threaten the immediate safety of life and/or buildings. In such cases the ISA Arborist must submit documentation to the City following the tree removal; and
  - c. An activity that is conducted under direction of the Provincial Emergency Program including emergency flood or protection works.

Any emergency works are to be undertaken in accordance with the Provincial *Water Act*, *Water Protection Act* and *Wildlife Act* and the Federal *Fisheries Act*. Emergency actions by anyone other than City staff must be reported to the City of Courtenay Operational Services Department immediately.

8. Public infrastructure: including the repair, maintenance of and improvements to all existing public structures, facilities, open spaces, trails, roads, and utilities, meant to include: sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric and telephone as governed by:
  - a. For public infrastructure works that are within the jurisdiction of the City of Courtenay: adopted Standard Operating Procedures and Tender agreements, including the provision of monitoring;
  - b. For other utilities including but not limited to natural gas, cable, hydro-electric and telephone: the submission of established procedures and/or the submission a report from an environmental professional confirming that Best Management Practices regarding impact to the environment are being followed.
9. Gardening and yard maintenance activities within an existing *landscaped area*, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land or cause erosion into adjacent *watercourses*.
10. Paths for personal use by the parcel owners, provided that the following conditions are met:
  - a. Only one trail is built
  - b. The trail is used for personal, non-vehicular use only
  - c. The trail is less than one metre in width
  - d. No *native* trees will be removed
  - e. The trail's surface will be pervious with no concrete, asphalt or pavers and no creosoted or otherwise treated wood
  - f. The trail does not involve structural stairs
  - g. The overall slope of the trail is less than 10%; where portions are greater than 10%, the trail is designed to prevent erosion
11. The construction of a small accessory building such as pump house, gazebo, garden shed or play house if all of the following apply:
  - a. The building is not located in a *Streamside Protection and Enhancement Area* (SPEA), or other *ESA Target Buffer Distance*, where these boundaries have been delineated;
  - b. The building is located within an existing *landscaped area*;
  - c. No *native* trees are removed;
  - d. The total area of small accessory buildings is less than 10m<sup>2</sup>;
  - e. The construction of the building follows Best Management Practices regarding Erosion and Sediment control.
12. Renovations, repair and maintenance to existing buildings, structures and utilities provided the structure remains on its existing foundation and is in compliance with the *Local Government Act*.
13. Additions to existing buildings and structures that do not encroach into the present setback between the existing building and the defined ecologically sensitive feature.
14. Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation or additional impervious surfacing, including paving, asphaltting or similar surfacing.

15. The removal of *invasive* plants or *noxious* weeds on a small scale. For more information on *invasive* plants and *noxious* weeds consult with the Invasive Species Council of British Columbia.
16. The planting and maintenance of *native* species trees, shrubs or groundcovers for the purpose of enhancing the *habitat* values and/or soil stability provided the planting is carried out in accordance with the most recent B.C.S.L.A./ B.C.N.T.A landscape standards.
17. Works approved by the City of Courtenay, Department of Fisheries and Oceans, and/or the Ministry of Environment with respect to the installation of public utilities, sewer and water lines, trail construction, stream enhancement, and fish and wildlife *habitat* restoration or site inspection.
18. Ecological restoration and enhancement projects undertaken or approved by the City of Courtenay, Ministry of Environment or Department of Fisheries and Oceans.

#### 4. Guidelines

1. Prior to any *development* work on lands designated as AC-EDPA, including site preparation, an Environmental Impact Assessment (EIA) shall be prepared by a R.P. Bio and with input from other professionals of specific expertise where required. The EIA may be conducted by a Qualified Environmental Professional under the supervision, and signature, of an R.P.Bio. The applicant will undertake the review at his or her expense based on the required level of assessment described below.
2. The EIA shall be coordinated with the development proposal. A confirmation of what information shall be included in the EIA may be confirmed in a pre-submission meeting with planning staff based on the guidelines contained herein, and will be written into a Terms of Reference (TOR) between the applicant and the City.
3. Any and all of the following information may be required as part of the EIA:
  - a. Bio-inventory Assessment (details described in Section 4.4 below)
  - b. Tree Inventory and Assessment (details described in Section 4.5 below)
  - c. The hydrology of the site including the stormwater management approach in keeping with the guidelines established in the City's OCP and Arden Corridor Local Area Plan as described by a Professional Engineer with experience in the field of hydrology. Where stormwater is to be retained on site, the physical layout of the stormwater features shall be shown in the layout plan.
  - d. Habitat connectivity opportunities within the property and to adjacent properties, including connectivity of native vegetation and trees.
  - e. The EIA must contain geospatially referenced delineation and identification of any *sensitive ecosystems* for inclusion in the City's mapping system.
  - f. Recommendations on the optimal time for doing works based on least impact to the environment taking into account the timing windows of least impact for erosion and sediment control, bird nesting, fish and other identified species.
  - g. Recommendations on Tree and ESA protection during construction including communication protocols, by the appropriately qualified professional.
  - h. Recommendations on the control of *invasive* plant species and use of appropriate species in landscape/enhancement works.

- i. Identification of restoration opportunities to ensure that the 30 metres within a stream is restored to its original condition.
  - j. Monitoring recommendations and anticipated cost of monitoring.
  - k. An implementation focused Construction Environmental Management Plan (CEMP), delineating the *non-disturbance* areas, erosion and sediment control measures, tree protection measures within the proposed *development footprint*, and other pertinent recommendations from the EIA, to direct environmental management, including monitoring, during construction. Location of site accesses shall be included in the Plan. The submission of the CEMP may be deferred until a later date after details of zoning, development servicing, etc. have been determined, at the discretion of the Director of Development Services. The CEMP may also be submitted in a phased approach to reflect the phasing of works on the ground, at the discretion of the Director of Development Services. In all instances, however, the CEMP must be submitted and accepted by the City prior to site disturbance occurring, including any land clearing for any given phase.
  - l. All other standard application material as listed in the application form.
4. The level of bio-inventory assessment required in conjunction with any development application on land designated AC-EDPA will be governed by the following criteria (this information also presented in the Table 1 below):
- a. For sites less than 4000 square metres in size **with a previously identified ESA**, a Detailed Assessment as described in the Develop with Care 2012 Bio-Inventory Terms of Reference is required. Where the R.P.Bio establishes that there is no longer an ESA on the site, or that it has been mapped incorrectly, a completed Preliminary Site Survey is sufficient documentation;
  - b. For sites equal to or greater than 4000 square metres in size **with no previously identified ESAs**, a Preliminary Site Survey must be conducted as described in the Develop with Care 2012 Bio-Inventory Terms of Reference. If the Preliminary Site Survey reveals that there are ESAs on or near the site, a Detailed Assessment is required, as described in the Develop with Care 2012 Bio-Inventory Terms of Reference.
  - c. For sites equal to or greater than 4000 square metres in size with a previously identified ESA, a Detailed Assessment as described in the Develop with Care 2012 Bio-Inventory Terms of Reference is required. Where the R.P.Bio establishes that there is no longer an ESA on the site, or that it has been mapped incorrectly, a completed Preliminary Site Survey is sufficient documentation.



Table 1: Comparison of what types of properties trigger types of bio-inventory assessment and tiers of EDP.

Size of lot	Is there a previously known ESA on the property?	Is development footprint greater than 75m <sup>2</sup> ?	Is development proposed within the Target Buffer Distance of a known ESA?	Is an EIA/Bio-Inventory required?	Is an EDP required? And is it Minor or Regular?
Less than 4000 square metres	No	N/A	N/A	No	No
Less than 4000 square metres	Yes	N/A	N/A	Yes – Detailed Bio Inventory. Preliminary Bio Inventory sufficient to demonstrate ESA does not exist.	Yes – Minor, unless ESA is shown not to exist
Greater than or equal to 4000 square metres	No	No	N/A	No	No
Greater than or equal to 4000 square metres	No	Yes	Is determined in the Bio Inventory	Yes - Detailed Bio Inventory. Preliminary Bio Inventory sufficient to demonstrate ESA does not exist.	Yes –IF an ESA is shown to exist.  Minor or Regular EDP will be decided upon based on the complexity and extent of the development disturbance.
Greater than or equal to 4000 square metres	Yes	No	No	No	No
Greater than or equal to 4000 square metres	Yes	No	Yes	Yes – Detailed Bio Inventory required. Preliminary Bio Inventory sufficient to demonstrate ESA does not exist.	Yes - Minor
Greater than or equal to 4000 square metres	Yes	Yes	Is determined in the Bio Inventory	Yes – Detailed Bio Inventory. Preliminary Bio Inventory sufficient to demonstrate ESA does not exist.	Yes – Regular

5. For any application that must prepare an EIA, whether it be a Preliminary Site Survey or Detailed Assessment, a **Tree Inventory and Assessment** must be conducted for trees within the proposed *development footprint*. The tree inventory and assessment must conform to the following report requirements:
  - a. On sites less than 4000 square metres in size, a tree inventory must be conducted for all trees over 20cm DBH (Diameter at Breast Height) that are within the proposed *development footprint* as well as those trees under 20cm DBH.
  - b. On sites equal to or greater than 4000 square metres in size, the inventory may be conducted using an International Society of Arboriculture (ISA) industry accepted sampling methodology and therefore does not need to inventory every single tree on the property. Tree inventory need only be conducted for trees within the proposed *development footprint* as well as those trees over 20cm DBH that are within 10m of the *development footprint*.
  - c. For properties of any size, the inventory portion of the tree report may be conducted by a surveyor.
  - d. In addition to the inventory, an assessment of trees for retention potential must be conducted by an ISA Arborist. All trees that have retention potential within the proposed *development footprint* must be identified including smaller trees (less than 20cm DBH).
  - e. The Arborist shall comment on the impact that proposed removal of trees would have on the retention potential of remaining trees including trees on neighbouring properties.
  - f. The Arborist shall comment on any mitigation measures that may be conducted to reduce impacts on remaining trees.
  - g. A grading plan is required to address how grading may affect retention of trees. The Arborist must make comment on the plan and how it affects to-be-retained trees. Where grading changes are minimal a statement is sufficient, at the discretion of the Director of Development Services.
  - h. Special attention shall be paid to the presence and retention value of mature stands of trees when conducting the tree assessment where mature stands of trees means “a group of trees in which the contiguous canopy area is greater than 100 square metres and where at least 3 trees are at least 50 years old.”
  - i. A plan for connectivity of leavestrips and natural areas may be required and may be required to be coordinated with the Registered Professional Biologist. The Arborist is encouraged in any event to make comment on the opportunities for retaining connectivity through forested corridors.
6. For EIAs that identify *habitat* enhancement and/or compensation project opportunities, information on the specifics of those *habitat* enhancements (how many of the feature, how they will be installed, when etc.) must be submitted to the City. Examples may include:
  - a. A planting plan including tree planting where appropriate, listing each species to be planted and each plant’s size;
  - b. Details on other proposed mitigation measures such as nesting boxes, wildlife snags or *habitat* piles;

- c. A cost estimate of completing the *habitat* enhancement and/or compensation prescriptions. Securities for the *habitat* enhancement prescriptions will be taken before time of AC-EDP issuance, should *habitat* enhancement be a condition of the AC-EDP.
7. The applicant shall consider dedication of the environmentally sensitive feature, including a *watercourse* and surrounding areas to the City of Courtenay for the preservation of the area, prior to *development* or subdivision of land containing or within the *Target Buffer Distance* of an ESA on an adjacent property. These lands may not be donated in lieu of 5% parkland requirement for subdivision applications. The registration of conservation covenants over areas requiring protection shall be required where dedication of land is not possible or unsupportable. Dedicating the ESA eliminates the requirement for an EDP. Submission of an EIA however is still required.
8. The City may consider zoning bylaw variances such as setback reductions and parking requirement reductions to minimize overall *development* encroachment into the EDP area.
9. The following *Target Buffer Distances* will be accepted as a minimum, however, in extenuating circumstances consideration may be given to relaxing these setbacks subject to the recommendations of an R.P.Bio. and compensation/restoration works:
  - a. *Riparian areas* including *wetlands*: 30m setback regardless of the SPEA calculation and regardless of what setbacks may have been previously accepted by the City. Recognizing that the SPEA may be less than 30m, where trail development is part of the development proposal, the trail may not infringe within the SPEA unless otherwise justified by an R.P.Bio and subject to compensation/restoration works.
  - b. All other ESAs: 30m setbacks.
  - c. Ditches that are not channelized streams: 5m, whether they are *fish bearing* or not.
  - d. Species specific setback guidelines shall follow the *Target Buffer Distances* as identified in the Ministry of Environment's Develop With Care 2012 guidelines. A summary of the information provided in that document is provided here for reference only. Consult the Develop with Care 2012 for definitions and other details (note the Urban *Target Buffer Distance* for *Raptor* nests has been modified from the Develop with Care standards to read 60m instead of 1.5 tree lengths or 50m from cliff. Note that the undeveloped and rural designations have been removed):

Table 2: List of *Target Buffer Distances* for specific ESAs.

Environmentally Sensitive Resource	Measure buffer from:	<i>Target Buffer Distances</i>	
		Urban	<i>Additional Breeding season 'quiet' buffer</i>
Raptor nests	The base of the tree, cliff top or base	60m	100m
Great Blue Heron nests	A line drawn around the outer perimeter of all nest trees	60m	200m
Amphibians	The outer perimeter of <i>wetlands</i> under fully saturated conditions	30m	n/a
Reptiles	Snake hibernacula; <i>prime habitats</i>	30m	n/a
<i>Wetlands</i>	The outer perimeter under fully saturated conditions (or at high water)	30m	n/a
Other <i>Sensitive Ecosystem Inventory</i> sites	The outer perimeter	30m	n/a
Species at risk	Follow the Recovery Plans or, where not available, an appropriately Qualified Professional's recommendation for each species		

10. Windfirming treatments to a buffer edge will be required where the R.P.Bio indicates it is required.
11. Plan, design and construct all *development* to avoid encroachment on *sensitive ecosystems* identified in the EIA. This includes *habitat* values for individual species, entire *ecosystem* communities, mature stands of trees, as well as connectivity between *habitats* including wildlife travel corridors.
12. Existing, *native* vegetation is to be retained as much as possible on the parcel(s).
13. Development standards for stormwater source controls, erosion and sediment control, and stormwater ponds shall be included in the development proposal and shall be in accordance with the City of Courtenay Subdivision Bylaw and where appropriate as directed by a P.Eng Geotechnical Engineer and/or Hydrologist. Erosion and sediment impacts must be managed during and after construction according to measures prescribed in provincial Best Management Practices and standards or guidelines used by the City of Courtenay.
14. Grades immediately outside the protected area (including the *Target Buffer Distances*) should be treated in such a way as to meet existing natural grades. Slopes adjacent to protected areas shall not exceed 3:1 for a distance of 5 metres from the setback boundary.
15. A phased clearing approach may be required on large developments that are expected to be developed over a number of years. The specifics of this condition will depend on the nature of the development, its servicing requirements, environmental and neighbourhood aesthetic considerations.
16. If a Development Permit is to be issued the to-be-retained trees and ESA boundaries shall be geospatially located and this information must be made available to the City.

17. The EIA is subject to appropriate City of Courtenay, Provincial and Federal agency review.
18. The Director of Development Services may require that the EIAs be peer-reviewed by a third body qualified professional, at the expense to the applicant.
19. If the nature of a proposed project within an AC-EDP area changes, the R.P.Bio and/or Arborist (depending on what environmental features are impacted) may be required to re-assess changes to the proposal with respect to its impact on the ecologically sensitive area, at the expense of the permit holder.
20. The City will require monitoring reports prepared by the qualified environmental monitor, at the expense of the applicant, during and after construction, the purpose of which are to confirm the required conditions of the development permit have been met. The City will establish the length of the monitoring obligations for each proposed project based upon the nature of the site disturbance, proposed mitigation and/or maintenance.
21. The City may require security to ensure all required mitigation measures will be completed and furthermore continue to function properly as prescribed. The City requires securities for monitoring duties by a qualified environmental monitor. The City shall indicate what professional designation is required to oversee the monitoring work depending on the environmental values present on site and complexity of *development* works. Where financial security is required it shall be administered in accordance with Development Applications Procedures Bylaw No. 2699, 2012 as amended and replaced from time to time.
22. All replanting shall be maintained by the property owner for a minimum of 2 years from the date of completion of the planting. Maintenance may require the removal of *invasive* plant species and irrigation. The permit holder must contact the City when the replanting has taken place.
23. Areas designated as *non-disturbance* zones, including individual trees, in the EIA must be identified on the property with flagging and/or protected with temporary and possibly permanent fencing during construction as recommended by the R.P.Bio and/or Arborist, and confirmed by the City.
  - a. Where temporary fencing is required it should be a minimum height of 1.2m and supported by poles placed at 2.5m intervals. The fence will remain in place throughout clearing, site preparation, construction, or any other form of disturbance.
  - b. Where wildlife corridors are known to exist, the fencing will allow appropriate opportunities for wildlife movement along the corridor.
  - c. Temporary fencing should be routinely inspected for its integrity with respect to the *development* activities.
24. Should damage occur to the identified ecologically sensitive area during construction, the City may require a professional assessment of the damage and a report on recommendations for rehabilitation to the satisfaction of the City, at the expense of the permit holder. The City will require the permit holder to conduct the rehabilitation works under the supervision of a QEP and/or Arborist.

## 5.0 Definitions

For a complete set of definitions that apply to all EDPs, consult the Definitions section in Section 8 of the OCP. Additional definitions specific to this EDP include:

*Breeding season quiet buffer:* is an additional buffer distance that should be used where land contouring, construction, or any unusual or sudden loud activities (e.g., blasting, tree felling, chain saws, concrete cutters, large trucks, whistles, fireworks or banging devices) is to take place during the active breeding season.

*Development footprint:* includes the total area of disturbance directly or indirectly affected by the development activity.

*Non-disturbance area:* includes the areas where no development activities are to take place unless as permitted by the Director of Development Services, and in consultation with environmental consultants.

*Target buffer distance:* is the desired buffer distance for a specific Environmentally Sensitive Feature, as defined in Table 1 or otherwise by an R.P.Bio, regardless of what the current buffer may be.

This bylaw shall come into effect upon final adoption hereof.

Read a first time this 4<sup>th</sup> day of November, 2013

Read a second time this 4<sup>th</sup> day of November, 2013

Considered at a Public Hearing this 2<sup>nd</sup> day of December, 2013

Read a second time, as amended, this     day of     , 2013

Read a third time this     day of     , 2013

Finally passed and adopted this     day of     , 2013

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Legislative Services

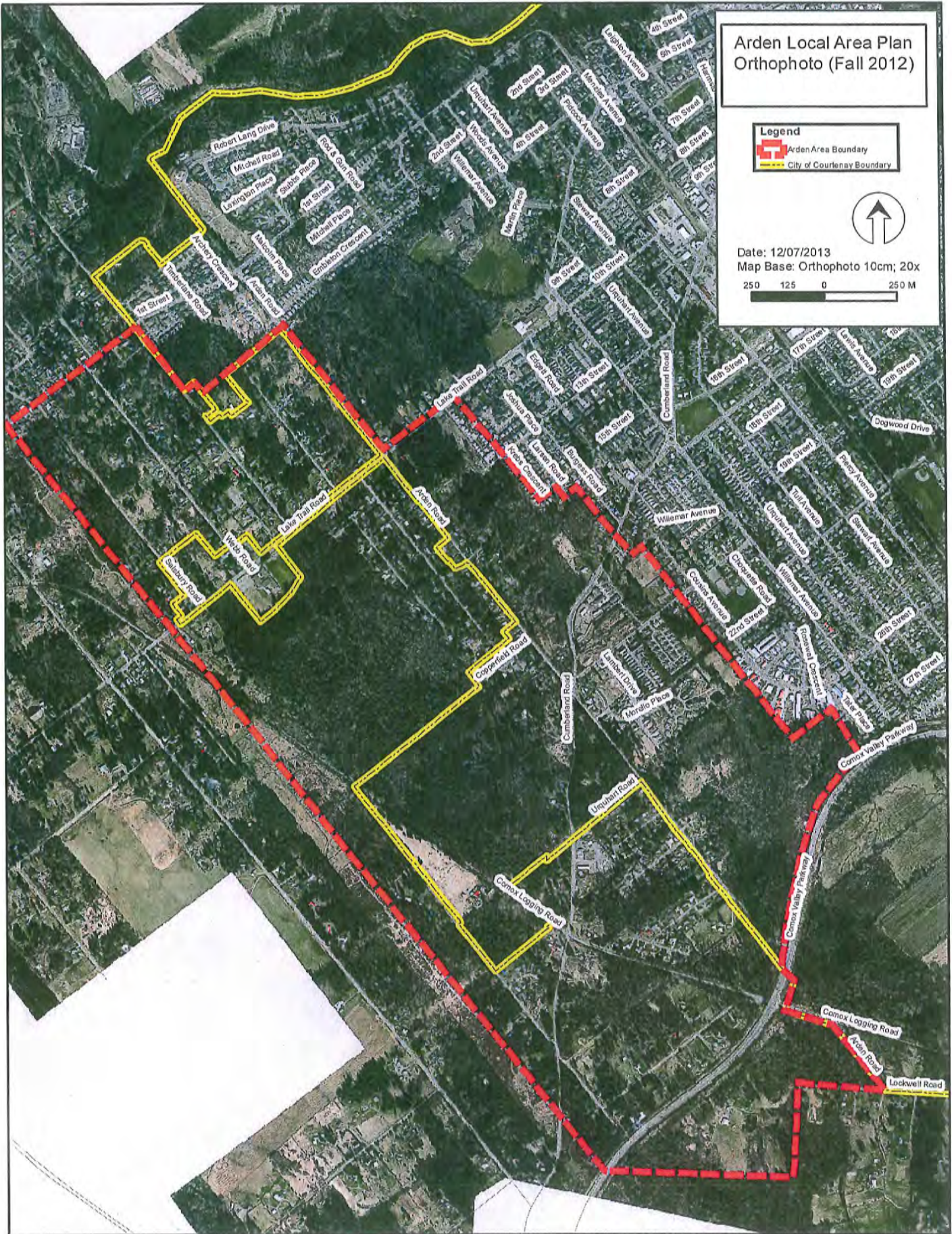
## **Appendix A – Arden Corridor LAP Maps**

A note on the accuracy of mapping and its intended use:



In some cases information displayed on the maps is based on aerial photography and remote sensing data. Where data has not been ground-truthed, these maps provide a conceptual understanding of the information presented and may require further ground-truthing to determine accurate boundaries of features shown in the maps. The maps should be used as information only and not as basis for legal land survey.




# Map 1



**Arden Local Area Plan  
Orthophoto (Fall 2012)**

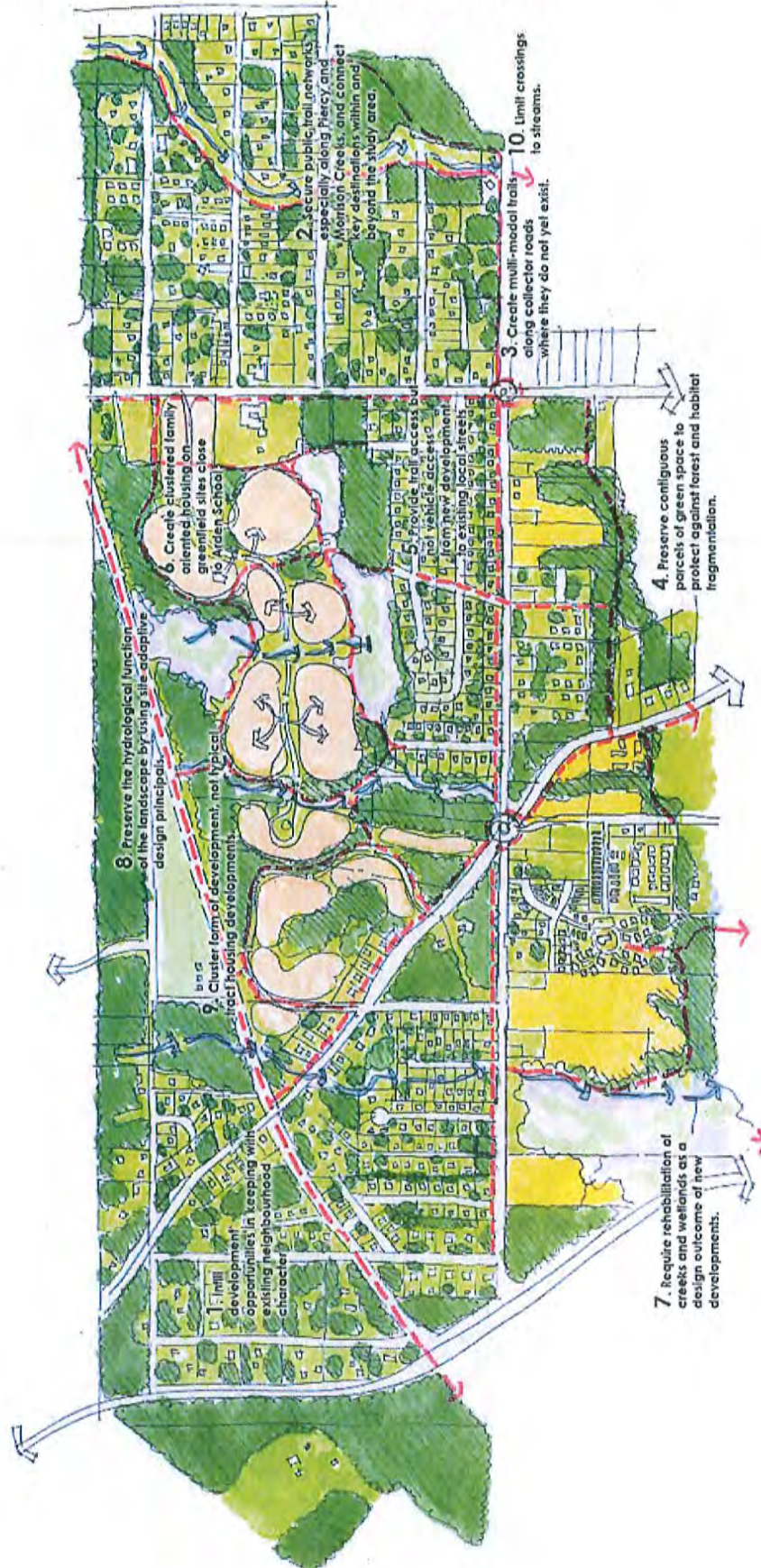
**Legend**  
 Arden Area Boundary  
 City of Courtenay Boundary



Date: 12/07/2013  
 Map Base: Orthophoto 10cm; 20x  


Document Path: W:\Projects\2013\13-41 Arden LAP\ArdenMap1-small- AirPhoto.mxd

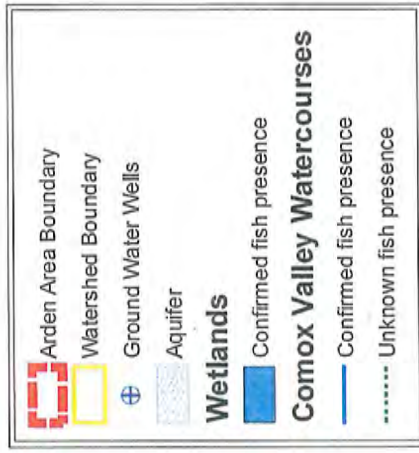
# Map 2 - Demonstration Plan and High Level Design Principles



Note: Areas coloured yellow represent properties already rezoned. Some of these areas are developed.

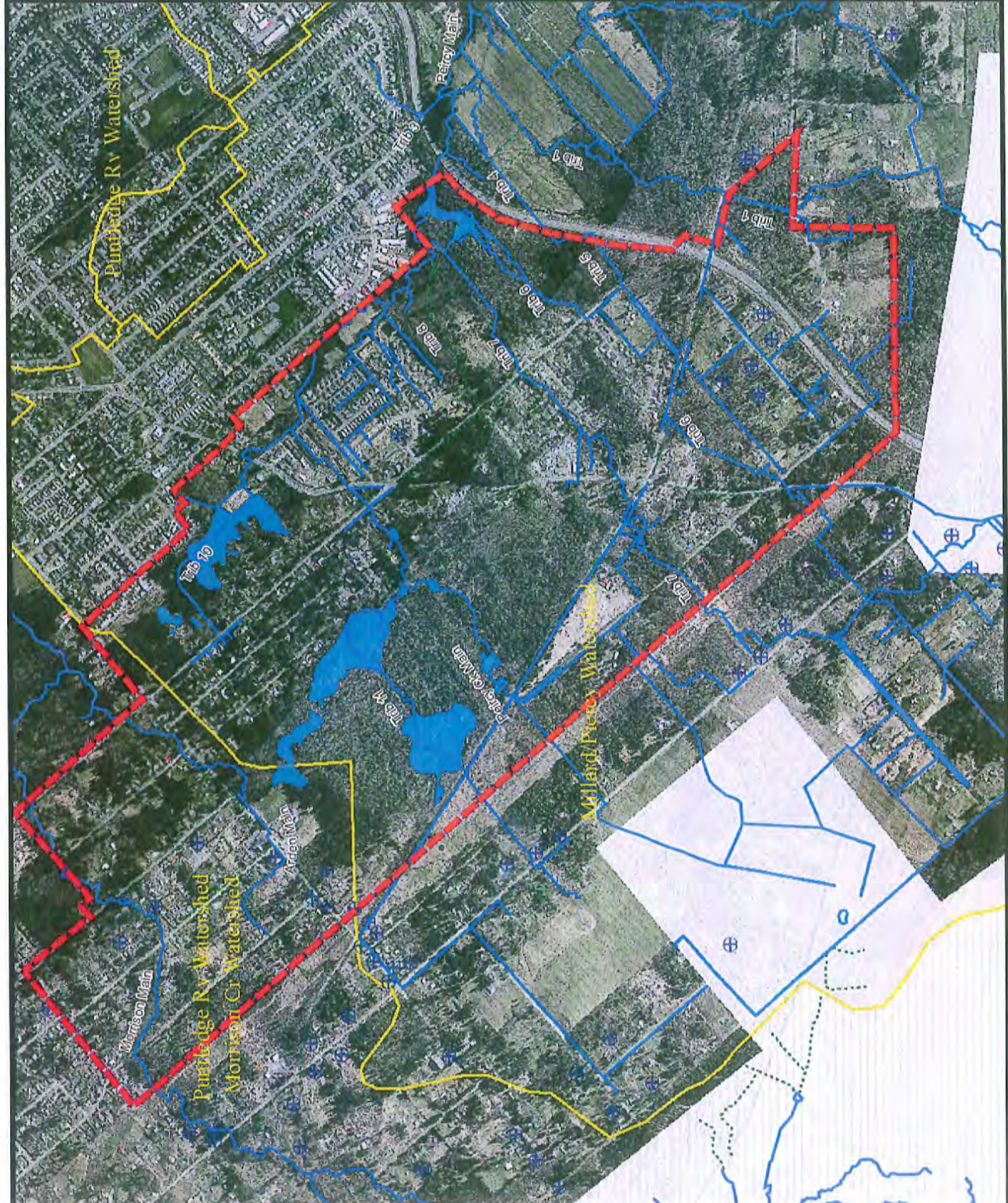
# Arden Local Area Plan Water Courses, Wells, and Aquifers

Map 3











A note on the accuracy of mapping and its intended use: In some cases information displayed on the maps is based on aerial photography and remote sensing data. Where data have not been ground truthed, these maps provide a conceptual understanding of the information presented and may require further ground truthing to determine accurate boundaries. The maps should be used as information only and not as basis for legal land survey.

Date: 12/07/2013  
 Map Base: Orthophoto 10cm, Project Watershed



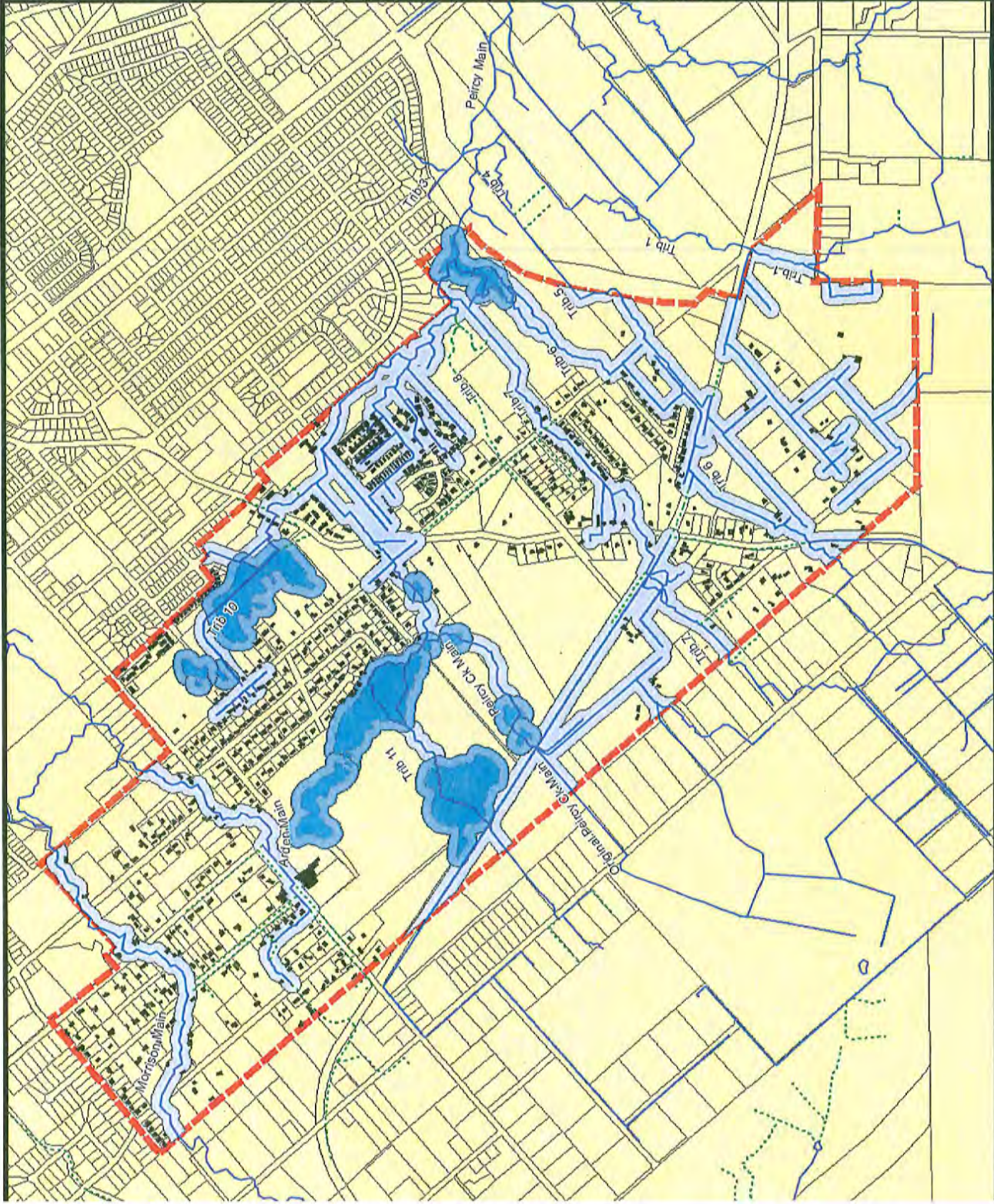
# Arden Local Area Plan Proposed 30m Riparian Buffer (30 m each side)

Map 4

	Wetlands
	Proposed Wetland Buffer (30m)
	Proposed Stream Buffer (30m)
<b>Comox Valley Watercourses</b>	
	Confirmed fish presence
	Unknown fish presence
	Parcels
	Primary Building Footprints
	Arden Area Boundary

A note on the accuracy of mapping and its intended use: In some cases information displayed on the maps is based on aerial photography and remote sensing data. Where data have not been ground truthed, these maps provide a conceptual understanding of the information presented and may require further ground truthing to determine accurate boundaries. The maps should be used as information only and not as basis for legal land survey.

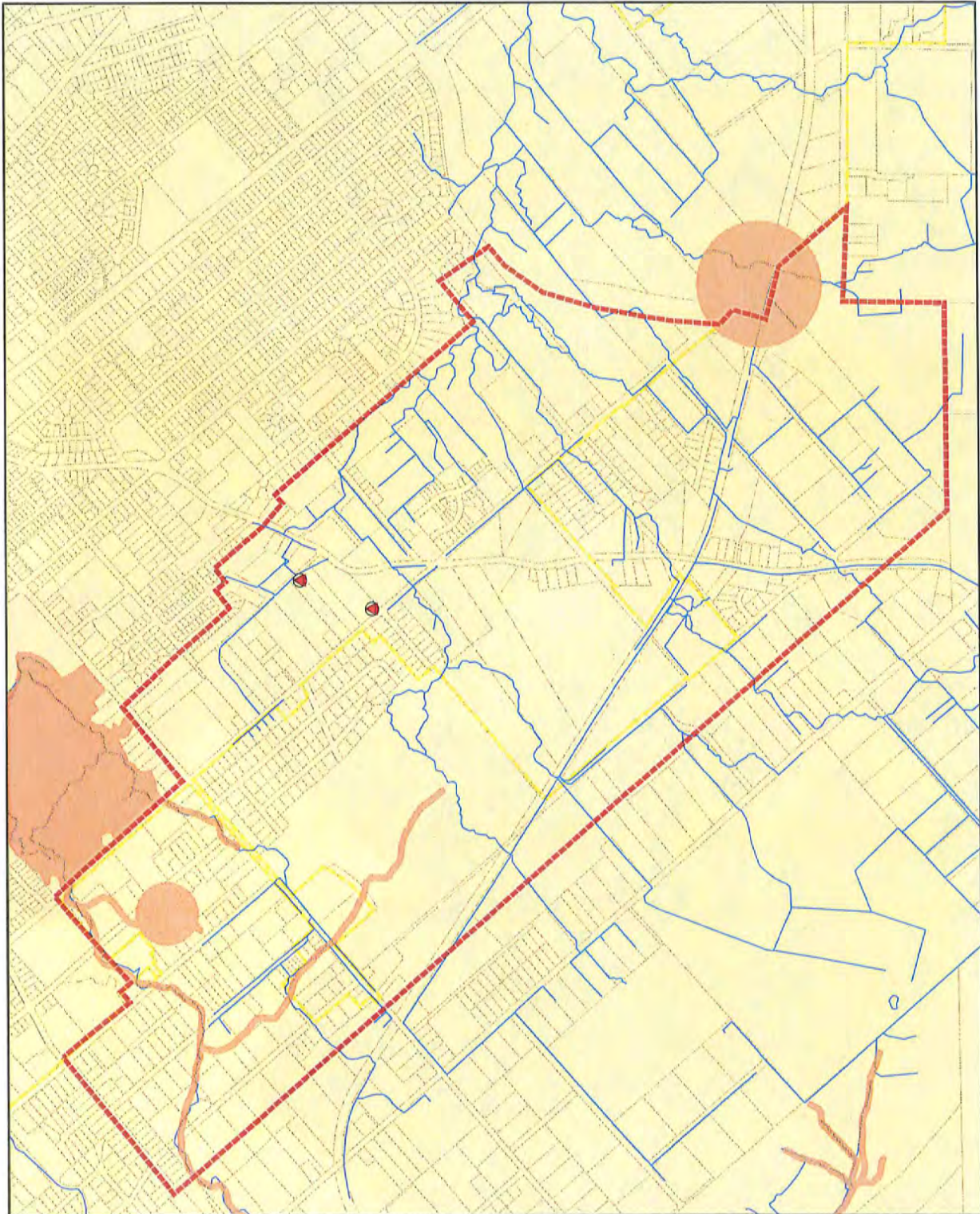
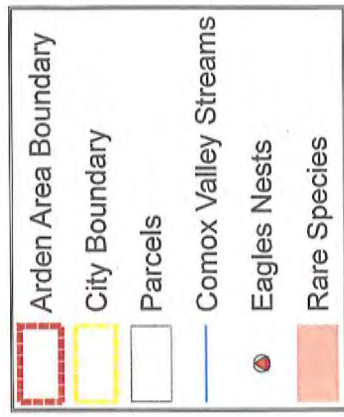
Date: 12/07/2013  
Map Base: CVRD and City of Courtenay Parcels, Project Watershed



Document Path: \\C:\Projects\2013-14\Arden Local Area Plan\Map 4 - Riparian Buffers

# Arden Local Area Plan Rare Species

Map 5

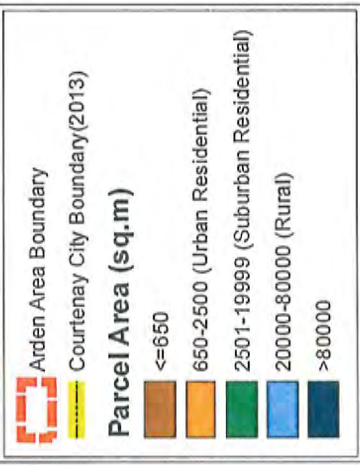


Date: 23/08/2013  
Map Base: CVRD and City of Courtenay Parcels



S:\PLAN\2013\Summer Studies\Arden\Map5 Project\Arden Area

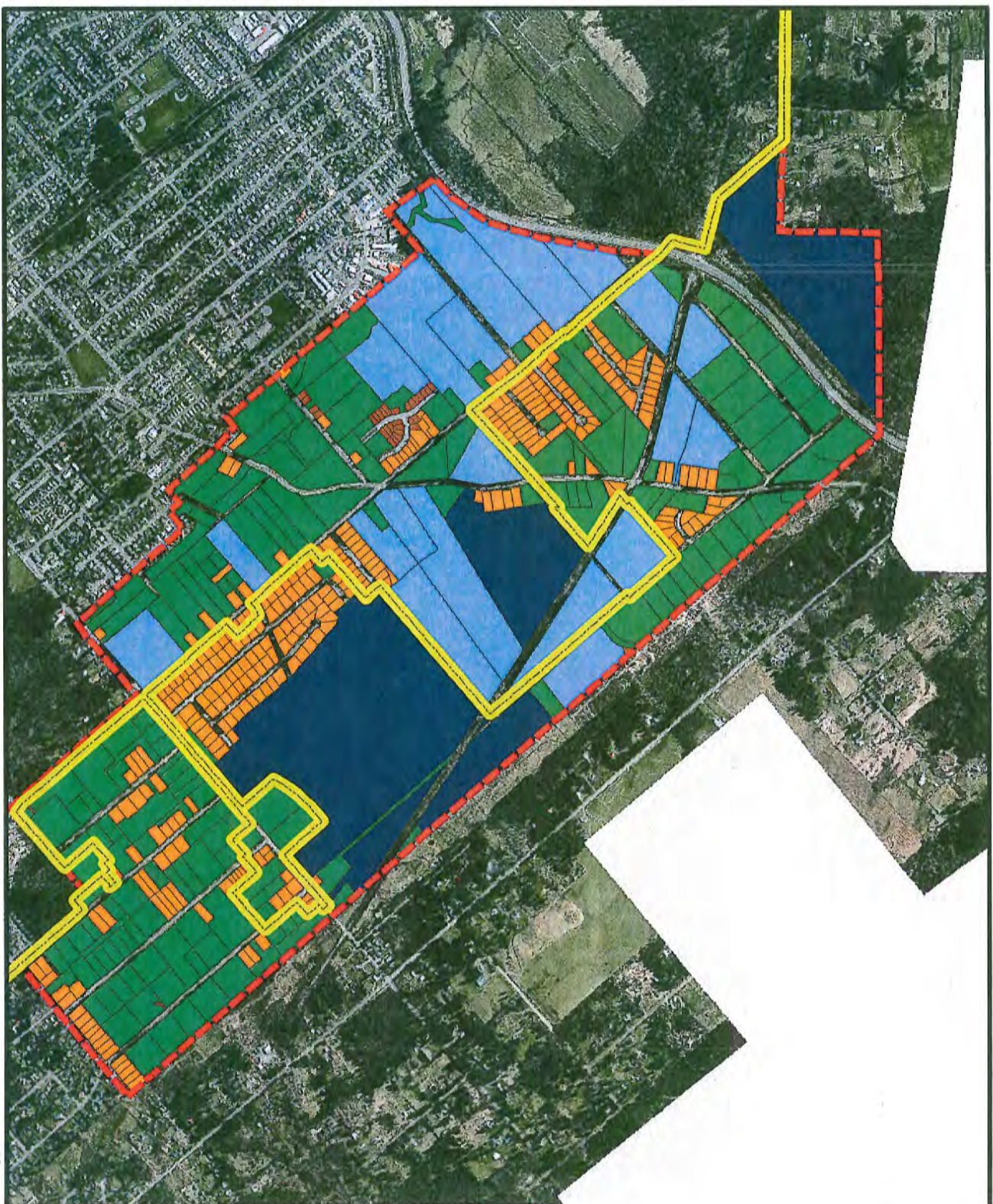
# ArdenLocal Area Plan Parcels by OCP Lot Size Definitions



Map 6

A note on the accuracy of mapping and its intended use: In some cases information displayed on the maps is based on aerial photography and remote sensing data. Where data have not been ground truthed, these maps provide a conceptual understanding of the information presented and may require further ground truthing to determine accurate boundaries. The maps should be used as information only and not as basis for legal land survey.

Date: 12/07/2013  
 Map Base: Orthophoto 10cm; City of Courtenay, CVRD



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# Arden Local Area Plan Community and Neighbourhood Parks Level of Service

Map 7

**Legend**



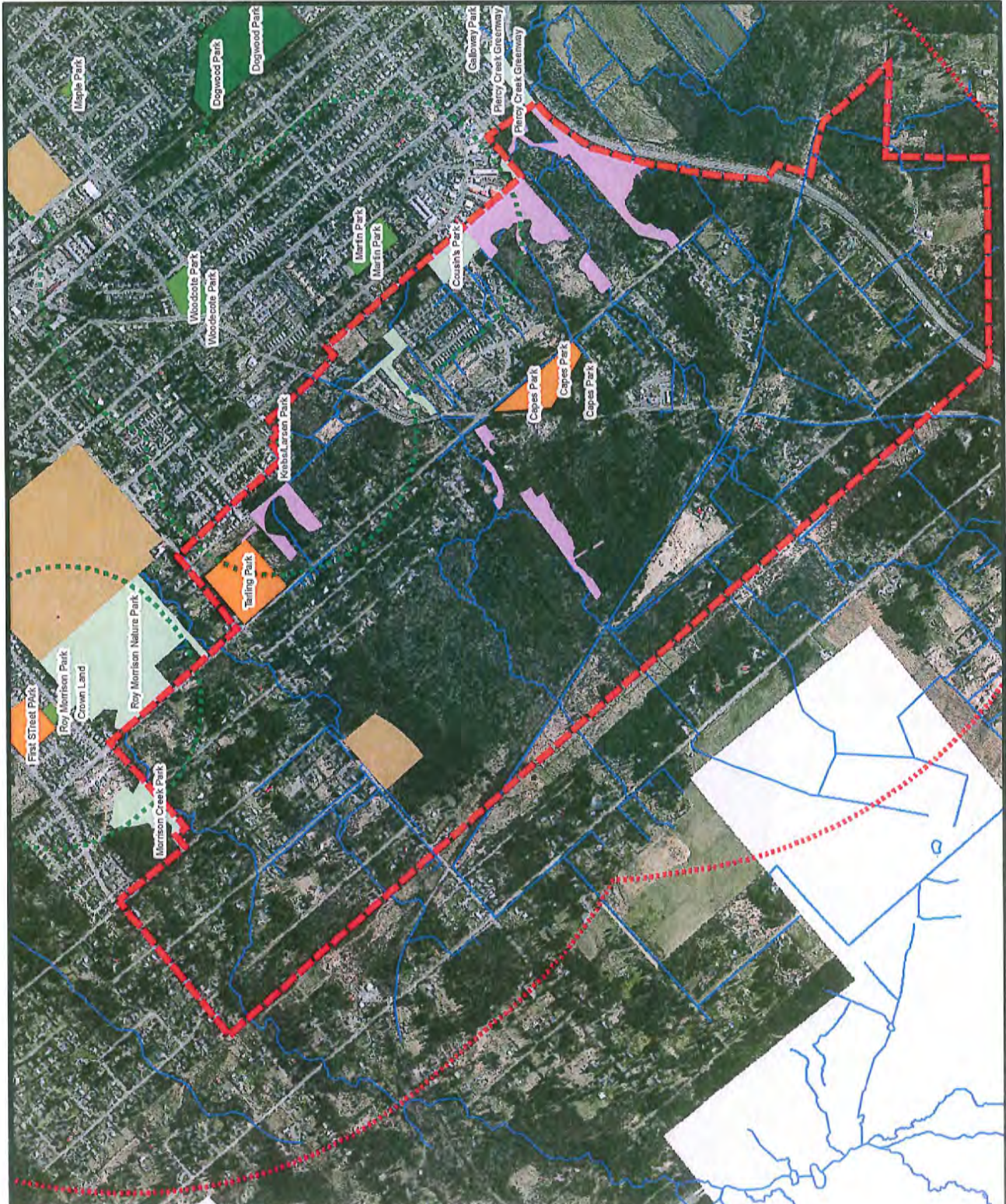
- Arden Area Boundary
- Neighbourhood Park Service Distance: 400m
- Community Park Service Distance: 1500m

**Parks Classification**

- Community Park
- Future Greenspace
- Neighbourhood Park
- Special Use Greenway
- Special Use Park
- School

A note on the accuracy of mapping and its intended use: In some cases information displayed on the maps is based on aerial photography and remote sensing data. Where data have not been ground truthed, these maps provide a conceptual understanding of the information presented and may require further ground truthing to determine accurate boundaries. The maps should be used as information only and not as basis for legal land survey.

Date: 12/07/2013  
Map Base: Orthophoto 10cm; City of Courtenay

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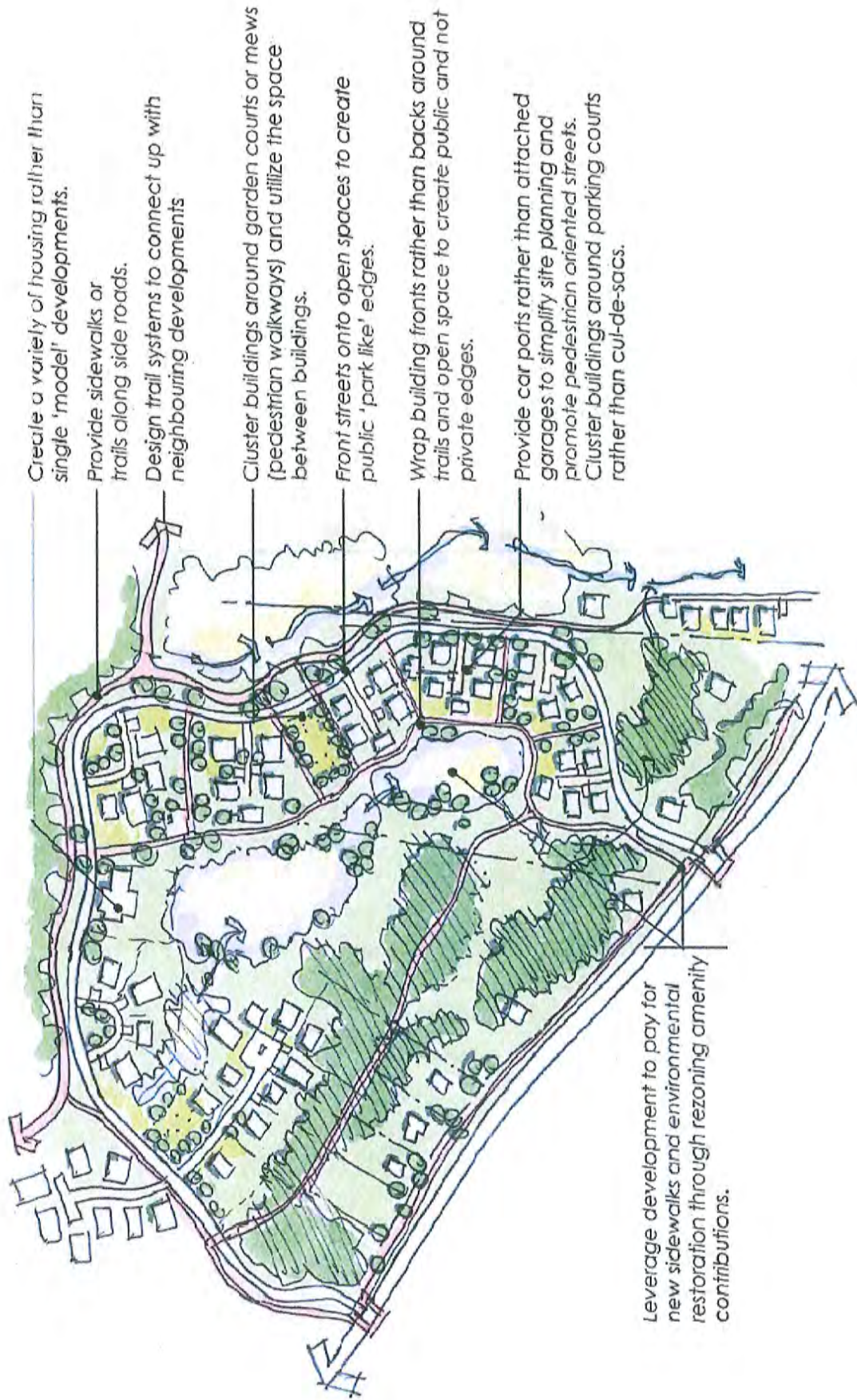
Map 8 - Conceptual Land Use Plan for the Arden Corridor





## **Appendix B – Arden Corridor LAP Illustrations**

The illustrations on the following pages provide examples of the types of layout and building designs that are desired in the Arden Corridor.



Create a variety of housing rather than single 'model' developments.

Provide sidewalks or trails along side roads.

Design trail systems to connect up with neighbouring developments

Cluster buildings around garden courts or mews (pedestrian walkways) and utilize the space between buildings.

Front streets onto open spaces to create public 'park like' edges.

Wrap building fronts rather than backs around trails and open space to create public and not private edges.

Provide car ports rather than attached garages to simplify site planning and promote pedestrian oriented streets. Cluster buildings around parking courts rather than cul-de-sacs.

Leverage development to pay for new sidewalks and environmental restoration through rezoning amenity contributions.



Provide sidewalks or trails along side roads.

Front streets onto open spaces to create public 'park like' edges.

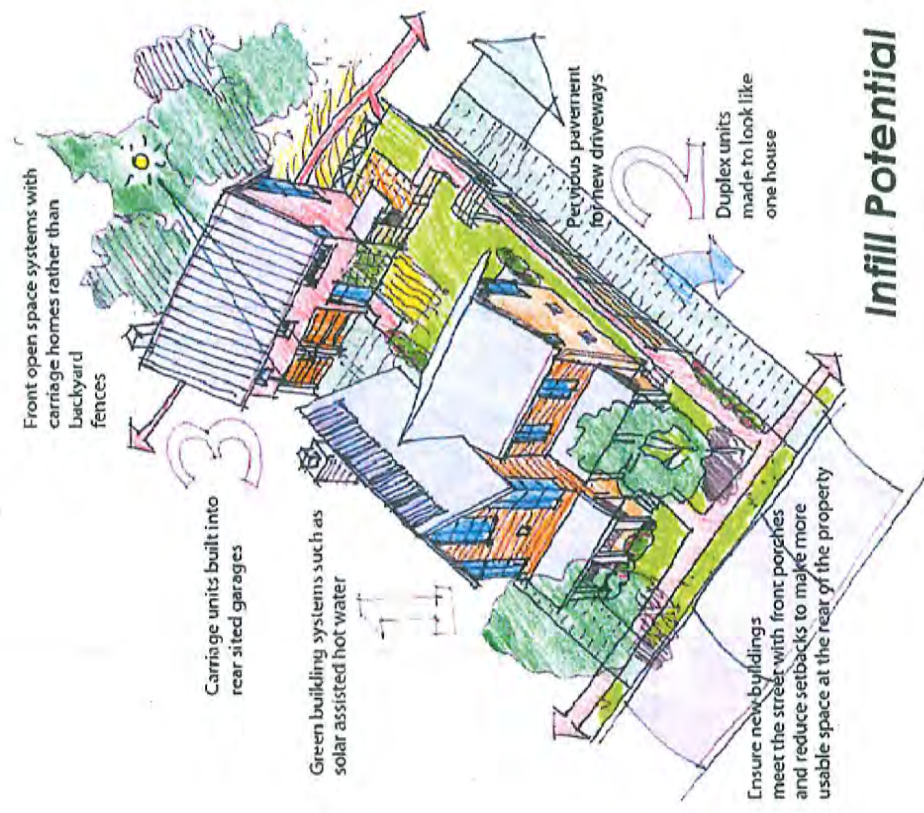
Cluster buildings around garden courts or mews (pedestrian walkways) and utilize the space between buildings.

Wrap building fronts rather than backs around trails and open space to create public and not private edges.

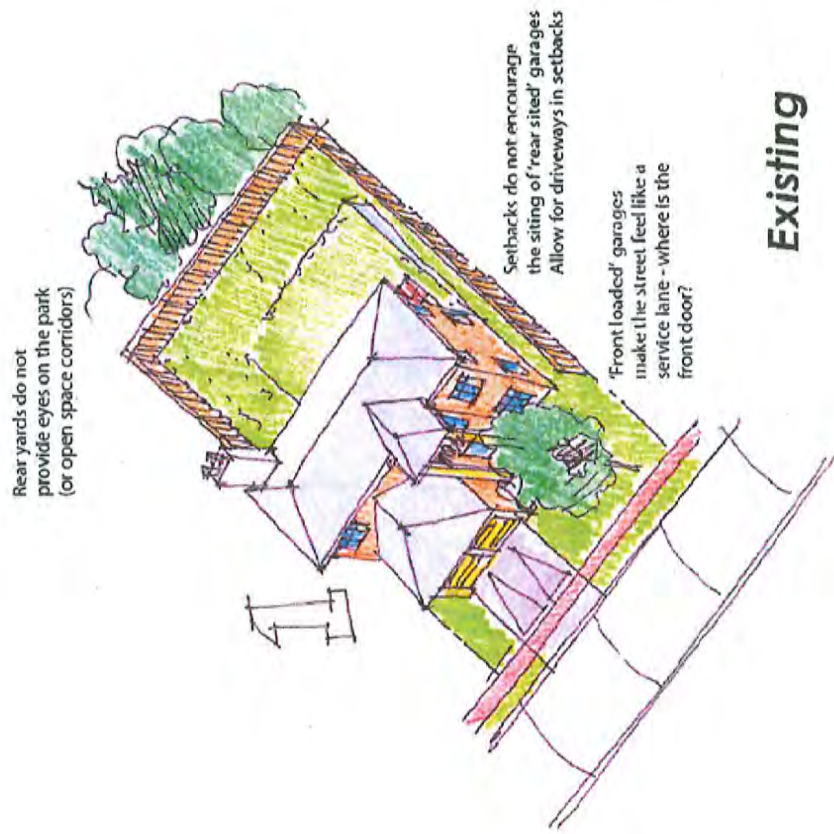
Provide car ports rather than attached garages to simplify site planning and promote pedestrian oriented streets. Cluster buildings around parking courts rather than 'cul-de-sacs'.

Design each home with usable and functional social space at the exterior of living areas. Orient for privacy utilizing grade change or privacy screens.

Infill development is permitted in a large part of the study area (subject to public process). Infill development generally occurs at an incremental pace, resulting in slow changes to the neighbourhood. Where infill is proposed, it must be consistent with the direction of this Plan. These illustrations show examples of the types of elements that can be modified on a property to help achieve the Vision of this Plan.



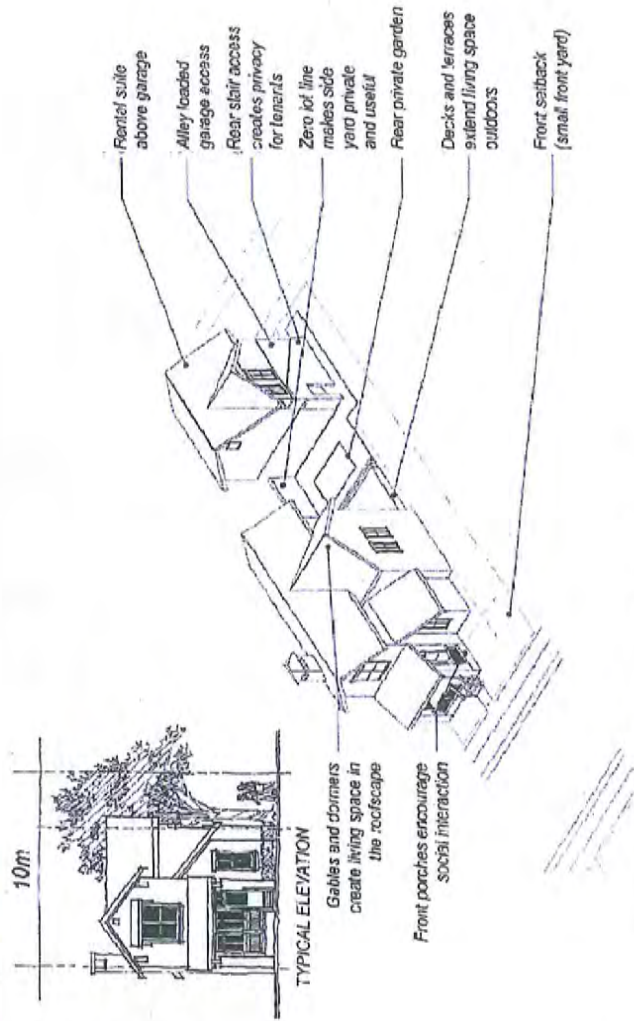
### Infill Potential



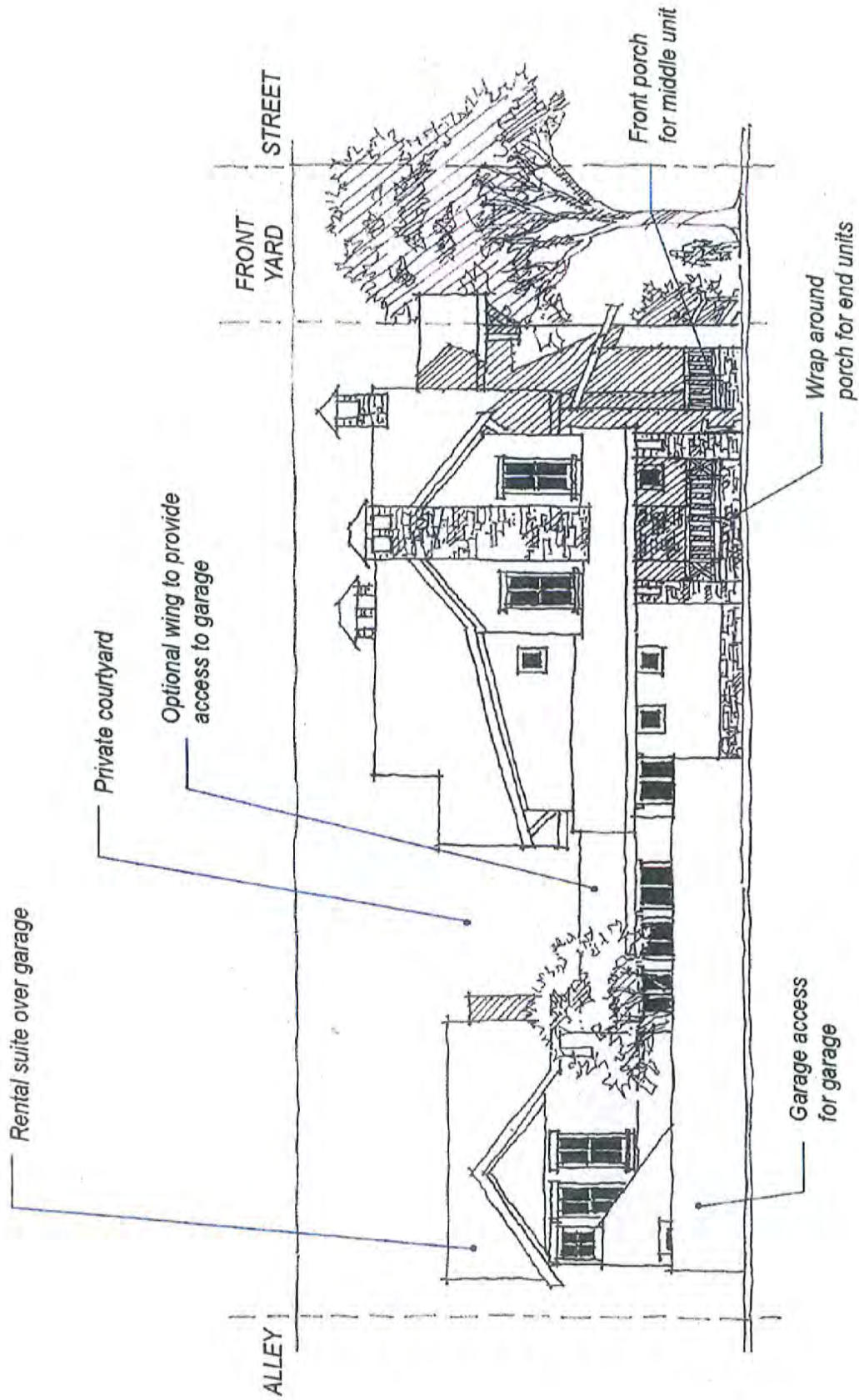
### Existing



These images provide examples of building design that can help to achieve a suitable character for the neighbourhood.

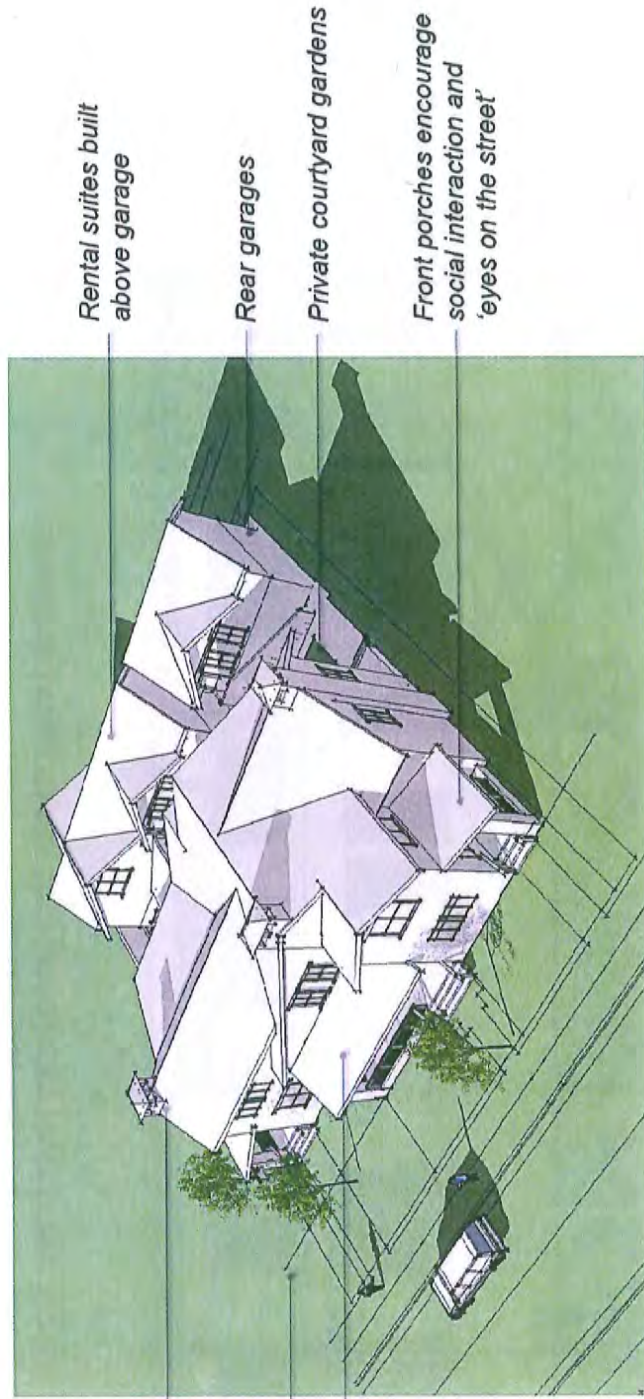


Typical Traditional Neighbourhood Small Lot Housing



**TYPICAL TARDINESS NEIGHBOURHOOD HOME - SIDE ELEVATION**

12 units per acre in triplex configuration  
 Requires 90' frontage x 120' depth lot dimensions  
 Blends into single family neighbourhoods



Rental suites built above garage

Rear garages

Private courtyard gardens

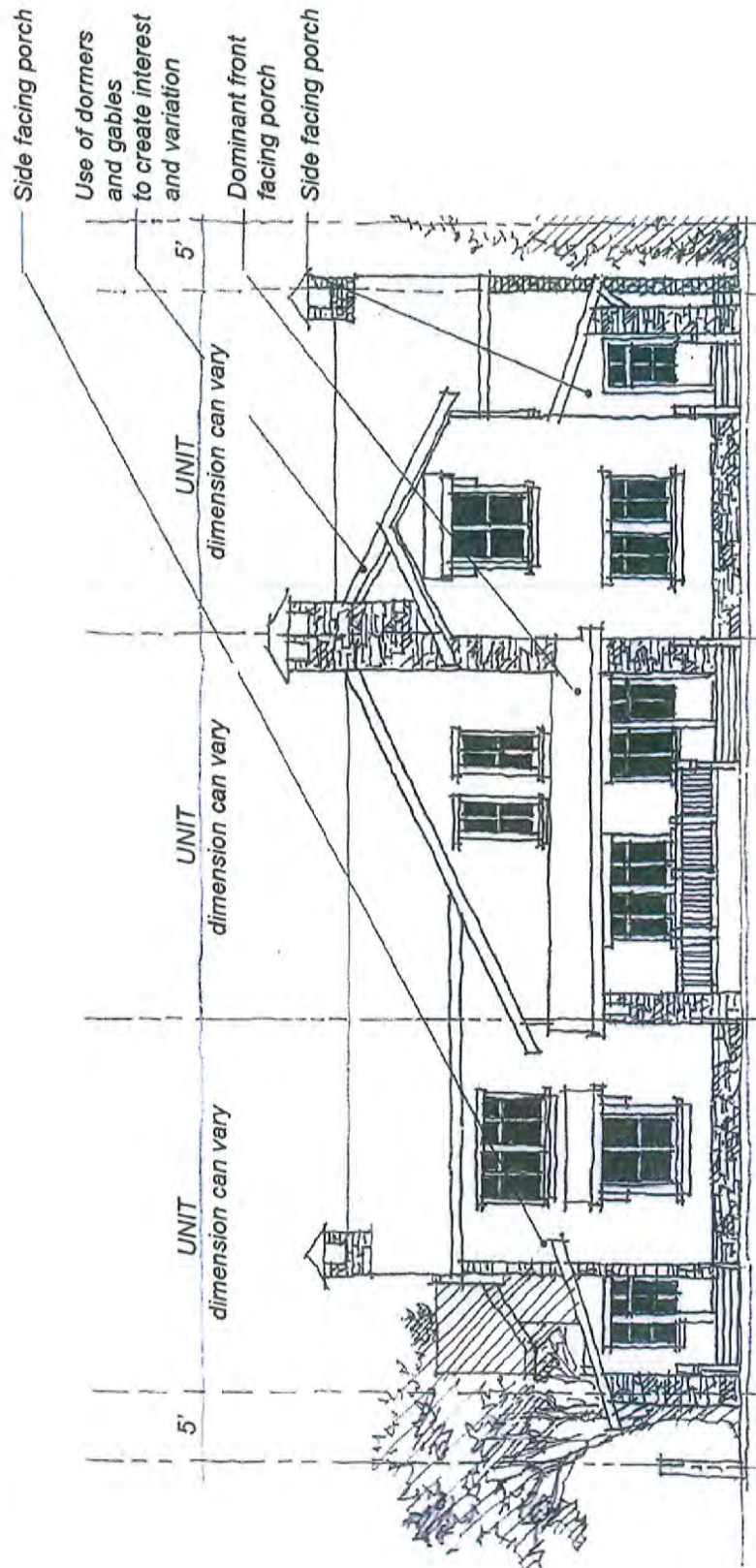
Front porches encourage social interaction and 'eyes on the street'

Chimneys encouraged as design elements to reinforce single family appearance

Front setback Center unit has dominant porch

**TYPICAL TRADITIONAL NEIGHBOURHOOD HOME - TYPICAL FORM BASED ZONING DIAGRAM**

12 units per acre in triplex configuration  
 Requires 70' frontage x 100' depth lot dimensions  
 Blends into single family neighbourhoods

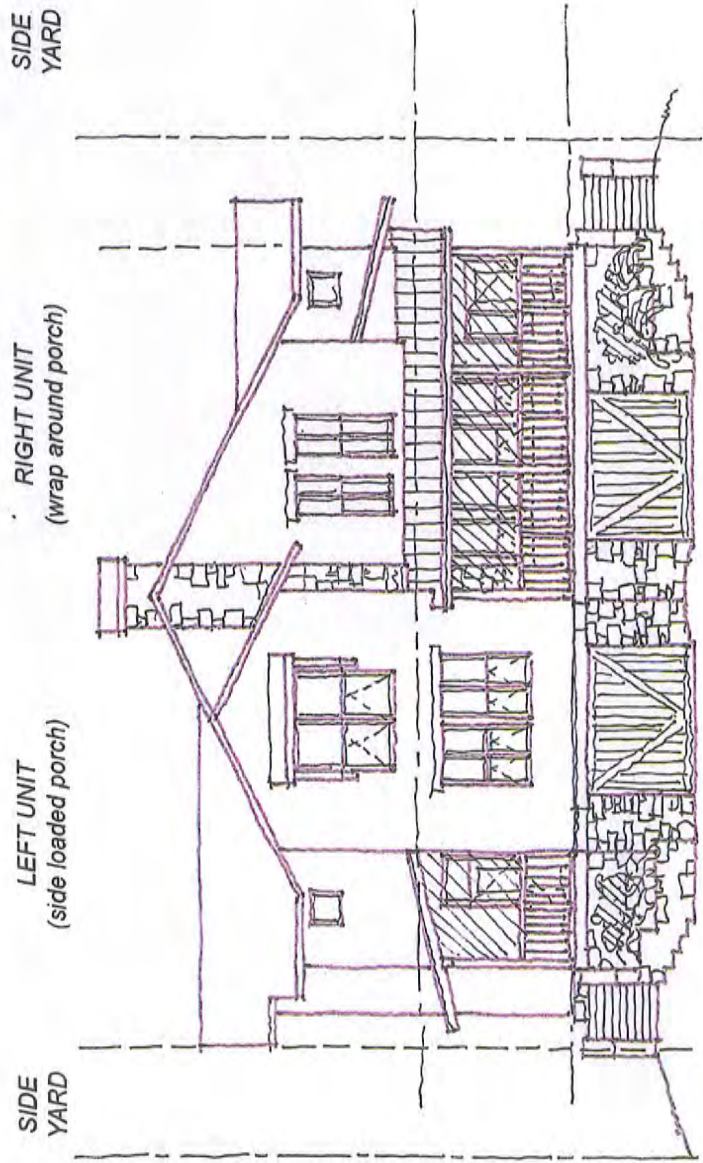


TYPICAL TRADITIONAL NEIGHBOURHOOD HOME - FRONT ELEVATION

12 units per acre in triplex configuration

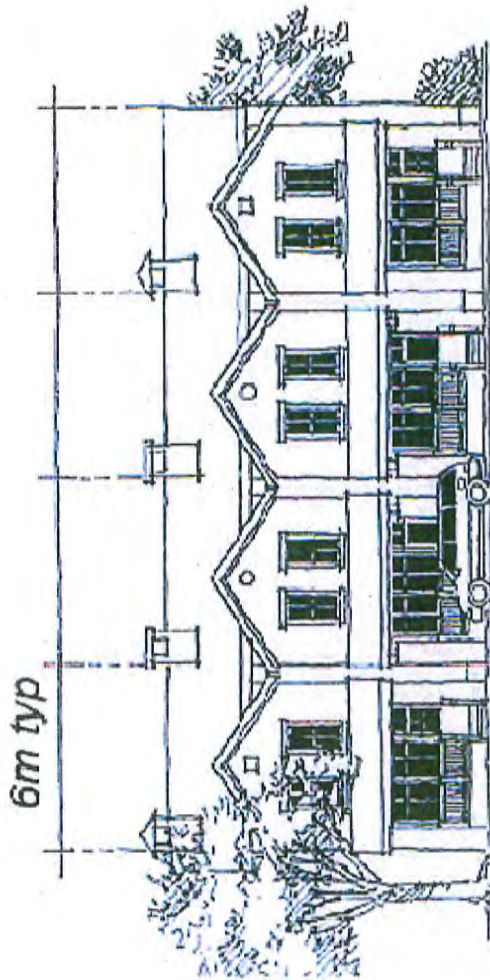
Blends into single family neighbourhoods





TYPICAL TRADITIONAL NEIGHBOURHOOD HOME - FRONT ELEVATION - INFILL DUPLEX

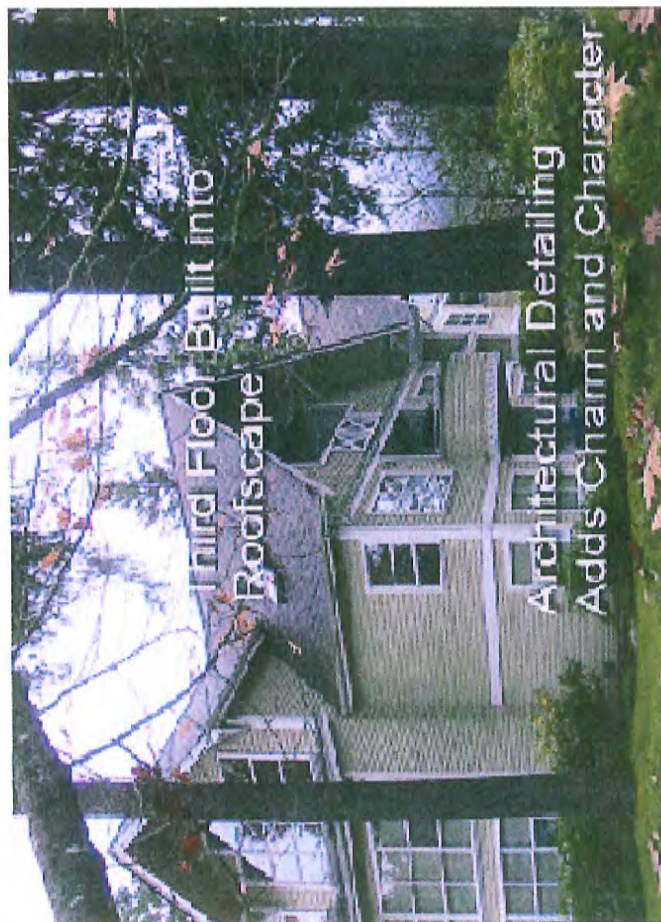
- 12 units per acre in duplex configuration
- Requires 70' frontage x 100' depth lot dimensions
- Blends into single family neighbourhoods
- Can be built without alley access



The images to the right show a more traditional form of density in the form of ground oriented row houses which are generally designed as a 'repeating pattern' of homes oriented in the same direction. The multiplexes on the previous pages may employ more creative designs to avoid the 'repetitious' look.

**6M WIDE ROWNHOMES**  
*Typical Elevation/ Volumetric*





Low Rise Multi Family Housing Options



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2770

A bylaw to amend Zoning Bylaw No. 2500, 2007

WHEREAS the Council has given due regard to the consideration given in Section 903 of the *Local Government Act*;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. 2770, 2013”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
  - a) That “Division 8, Classification of Zones” be amended by adding Part 52 as follows:

**Part 52 - Comprehensive Development Twenty Five Zone (CD-25)**

Lot A, District Lot 230, Comox District, Plan 48707; Parcel A (DD 10616N) of Lot 4, District Lot 230, Comox District, Plan 2152, Except that Part Shown Outlined in Red on Plan 688R and Except that Part in Plan 48707; That Part of Parcel A (DD 10616N) of Lot 4, District Lot 230, Comox District, Plan 2152 Shown Outlined in Red on Plan 688R, Except Parts in Plans 6030 and 23672 (2368, 2498 and 2650 Arden Road)

**8.52.1 Intent**

The CD-25 Zone is intended to accommodate two strata developments on the property identified on Attachment A and commonly described as 2368, 2498 and 2650 Arden Road, Courtenay, BC. No development or land alteration may take place within the CD-25 Zone without first obtaining a development permit the particulars of which must conform to the Environmental and Multi-Residential Development Permit Area Guidelines.

**8.52.2 Permitted Uses**

In the CD-25 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

1. Single residential dwelling
2. Duplex residential dwelling
3. Triplex residential dwelling

**8.52.3 Density**

The maximum number of individual dwelling units in this zone shall not exceed a total of 46. This density may be achieved through combinations of single, duplex and triplex residential units.

**8.52.4 Setbacks**

1. Except where otherwise specified in this bylaw the building setback from all property lines shall be 6m.
2. The minimum setback between residential buildings shall not be less than 5m.
3. The minimum setback for a residential building from a strata road shall not be less than 6m.

**8.52.5 Height of Buildings**

The maximum height for any building shall not exceed 8m.

- b) by rezoning Lot A, District Lot 230, Comox District, Plan 48707; Parcel A (DD 10616N) of Lot 4, District Lot 230, Comox District, Plan 2152, Except That Part Shown Outlined In Red On Plan 688R And That Part In Plan 48707; and That Part of Parcel A (DD10616N) of Lot 4, District Lot 230, Comox District, Plan 2152 Shown Outlined in Red on Plan 688R, Except Parts in Plans 6030 And 23672 from Comprehensive Development Twenty (CD-20) zone, Residential Three (R-3) zone, and Public Areas Two (PA-2) zone to Comprehensive Development Twenty Five (CD-25) zone, Residential One D (R-1D) zone and Public Areas Two (PA-2) zone, as outlined on Attachment A which is attached hereto and forms part of this bylaw;
- c) That Zoning Bylaw No. 2500, 2007, Schedule No. 8 be amended accordingly.

3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 18<sup>th</sup> day of November, 2013

Read a second time this 18<sup>th</sup> day of November, 2013

Considered at a Public Hearing this 9<sup>th</sup> day of December, 2013

Read a third time this 16<sup>th</sup> day of December, 2013

Finally passed and adopted this                      day of                      , 2013

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Legislative Services

Attachment A to Bylaw 2770, 2013







# THE CORPORATION OF THE CITY OF COURTENAY

## BYLAW NO. 2771

### A bylaw to amend Zoning Bylaw No. 2500, 2007

WHEREAS the Council has given due regard to the consideration given in Section 903 of the *Local Government Act*;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 2771, 2013**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
  - (a) By deleting Section 8.48.1, Intent, from Part 48 – Comprehensive Development Twenty One Zone (CD-21) and replacing with the following:

The CD-21 Zone is intended to provide for the siting and development of single residential and duplex buildings. Single family residential with secondary suites is permitted throughout the site. Duplex units or *carriage houses* are permitted on all lots that have double frontages and 900 m<sup>2</sup> or greater lot size for a duplex and 750 m<sup>2</sup> or greater lot size for a *carriage house*. *Carriage houses* are permitted on properties that have lane access and frontage onto Buckstone Road or a corner lot, with lot size of 750 m<sup>2</sup> or greater and may be connected to the principal residence by a ground level breezeway or hallway. The intent is to create greater housing diversity and housing market affordability, while retaining the aesthetic of a residential neighborhood.
  - (b) By deleting Section 8.48.2 (6) (ii) Carriage House, and replacing it with the following:
    - ii. which is located above a *garage*
  - (c) By deleting Section 8.48.3 (3) (a) Carriage House, and replacing it with the following:
    - (a) a *carriage house* may be located on a lot of not less than 750 m<sup>2</sup> and must have lane access and frontage onto Buckstone Road or a corner lot.
  - (d) By deleting Section 8.48.7 (b) Carriage (2) and (3) Setbacks and replacing these with the following:

(2) Rear <i>Yard</i>	2.0 metres
(3) Side <i>Yard</i>	The side <i>yard setbacks</i> shall total 3.0 m with a minimum side <i>yard setback</i> on one side of 1.5 m.
  - (d) By deleting Section 8.48.8 (2) Height of Buildings and replacing it with the following:
    - (2) The height of a Carriage House shall not exceed 7.5 metres.

(e) By deleting Section 8.48.9 (5) Accessory Buildings and replacing it with the following:

(5) Shall not be located within the minimum 1.5 m side *yard* or rear lot line setback except where the side or rear lot line flanks a *street*, excluding a lane in which case the minimum yard distance shall be 4.5 m.

3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 2<sup>nd</sup> day of December, 2013

Read a second time this 2<sup>nd</sup> day of December, 2013

Public Hearing waived this 2<sup>nd</sup> day of December, 2013

Read a third time this 16<sup>th</sup> day of December, 2013

Finally passed and adopted this 16<sup>th</sup> day of December, 2013

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Mayor

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Director of Legislative Services

# THE CORPORATION OF THE CITY OF COURTENAY

## BYLAW NO. 2730

### A bylaw establishing rules of procedures for the Council and Committees of the City of Courtenay

WHEREAS the *Community Charter* requires that a council must, by bylaw, establish the general procedures to be followed by council and committees in conducting their business.

NOW THEREFORE the Council of the City of Courtenay in open meeting assembled enacts as follows:

#### PART 1 – INTRODUCTION

##### Title

1. This bylaw shall be cited for all purposes as "**Council Procedure Bylaw No. 2730, 2013**".

##### Definitions

2. In this bylaw:

“Corporate Officer” means the Corporate Officer appointed pursuant to Section 148 of the *Community Charter* and includes his or her Deputy or Delegate;

“Commission” means a municipal commission established under Section 143 of the *Community Charter*;

“Committee” means a standing, select, or other Committee of Council, but does not include Committee of the Whole;

“Inaugural Meeting” means the first Council meeting following a General Local Election;

“Member” means any member of Council and includes the Mayor;

“Notice Board” means the notice board located at City Hall, 830 Cliffe Avenue, Courtenay, B.C.

##### Application of Rules of Procedure

3. (1) The provisions of this Bylaw govern the proceedings of Council, Committee of the Whole, Commissions, and all standing and select committees of Council, as applicable.
- (2) In cases not provided for under this Bylaw, the current edition of *Robert's Rules of Order* apply to the proceedings of Council, Committee of the Whole, and Council committees to the extent that those rules are

- (a) applicable in the circumstances; and
- (b) not inconsistent with provisions of this Bylaw or the *Community Charter*.

## **PART 2 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR**

- 4. (1) At the Inaugural Meeting, Council must from amongst its members designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor (Acting Mayor) when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (2) Each Acting Mayor designated under section 4 (1) must fulfil the responsibilities of the Mayor in his or her absence.

## **PART 3 - COUNCIL PROCEEDINGS**

### **Inaugural Meeting**

- 5. Following a general local election, the first council meeting must be held on the first Monday after December 1 in the year of the election.

### **Annual Meeting Schedule**

- 6. (1) Council must prepare annually on or before December 31, a schedule of the dates, times and places of regular Council meetings and must make the schedule available to the public by posting the schedule on the notice board.
- (2) Council must give notice annually on or before January 15 of the availability of the annual meeting schedule.
- (3) Where revisions are necessary to the annual meeting schedule, the Corporate Officer must, as soon as possible, post a notice on the notice board indicating any revisions to the date, time and place or cancellation of a regular Council meeting.

### **Regular Council Meetings**

- 7. (1) Regular meetings of Council must take place within City Hall, 830 Cliffe Avenue, Courtenay, B.C. or in a location established by Council resolution.
- (2) Regular meetings of Council must take place on the first, second and third Monday of each month commencing at 4:00 p.m. except when
  - (a) the said Monday is a holiday, in which case Council must meet at the regularly scheduled time on the next day following the holiday;
  - (b) Council resolves to meet on subsequent days; or
  - (c) a quorum is not present within 15 minutes after the time appointed for commencement of the meeting.

## Notice of Special Council Meetings

8. (1) Except where notice of a special meeting is waived by a unanimous vote of all council members at least 24 hours before a special meeting of Council, the Corporate Officer must
  - (a) give advance public notice of the time, place and date of the meeting by way of a notice posted on the notice board at City Hall;
  - (b) posting a copy of the notice in the Council Chambers;
  - (c) leaving one copy for each council member at the place to which the member has directed notices be sent.
- (2) The notice under section 8 (a) must include the date, time and place of the meeting, describe in general terms the purpose of meeting and be signed by the Mayor or the Corporate Officer.
- (3) Where a special meeting is called and where notice may be waived by a unanimous vote of all Council members, the Corporate Officer must use reasonable efforts to give advance public notice of the proposed special meeting by posting a notice of the proposed meeting on the notice board at City Hall.

## Electronic Meetings

9. (1) Provided the conditions set out in subsection 128 (2) of the *Community Charter* are met:
  - (a) A special meeting may be conducted by means of electronic or other communication facilities;
  - (b) A member of Council or a Committee member who is unable to attend at a Regular or Special Council or Committee of the Whole meeting due to unavoidable circumstances, may participate in the meeting by means of electronic or other communication facilities.
- (2) The member presiding at a Regular Council, Special Council, or Council Committee meeting must not participate electronically.

## Order of Business at Regular Meetings

10. (1) Except as Council otherwise resolves, and in any event only to the extent that business exists at a particular meeting under each of these subject headings, the usual order of business at a regular meeting is as follows:
  - (a) Call to order;
  - (b) Adoption of minutes as read or circulated, only if each member has received the minutes at least 24 hours before the meeting at which they are

- to be considered, and, if necessary, amendment of minutes;
- (c) Introduction of late items;
  - (d) Reception of delegations, including presentation of petitions;
  - (e) Staff reports in the following order where applicable:
    - (i) Community Services
    - (ii) CAO and Legislative Services
    - (iii) Development Services
    - (iv) Financial Services
    - (v) Engineering and Operations;
  - (f) External reports and correspondence presented for information;
  - (g) Internal reports and correspondence presented for information;
  - (h) Reports/updates from Council members including reports from committees;
  - (i) Resolutions of Council;
  - (j) Unfinished business;
  - (k) Notice of motion;
  - (l) New business;
  - (m) Bylaws;
  - (n) Adjournment.

### **Council Meeting Agendas**

- 11. (1) Prior to each Council meeting, the Corporate Officer must prepare an agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.
- (2) The agenda of Council meetings and Committee of the Whole meetings must be available to Council and the public as follows:
  - (a) Regular Council and Committee of the Whole Meetings – 3:00 p.m. on the Thursday of the week preceding each meeting;

- (b) Special Council Meetings – at the discretion of the Corporate Officer.
- (3) All reports, including those items or resolutions submitted by a member, for the agenda of
  - (a) a regular Council meeting;
  - (b) a Committee of the Whole meeting;
  - (c) a Public Hearing

must be submitted to the Corporate Officer by noon on the Tuesday preceding such meetings, except that when a holiday falls on the intervening Friday, such reports must be submitted by noon on the Monday preceding such meeting.

- (4) Notwithstanding the requirements of section 11 (2), the Corporate Officer has the discretion where practical to include on an agenda a report that is not provided by the date and time specified.

#### **Additional Agenda Items**

- 12. (1) An item of business not included on the agenda must not be considered at a Council meeting unless introduction of the late item is approved by a majority vote of Council at the time allocated on the agenda for such matters.

#### **Delegations to Council Meetings**

- 13. (1) A delegation may address Council at a regular Council meeting or Committee of the Whole meeting providing
  - (a) a request has been submitted to the Corporate Officer in writing at least (4) working days prior to the day of the meeting including the name and address of the spokesperson and the specific written details of each delegation;
  - (b) in the case of a petition, the petition must be an original copy and include the printed name and address of each petitioner; and the petition must deal with an issue or matter that falls within Council's jurisdiction; and
  - (c) all materials to be presented relevant to the petition or delegation are received by the Corporate Officer at least (4) working days prior to the day of the meeting.
- (2) The presiding member may waive compliance with section 13 (1) on the unanimously approved motion of the members in attendance.
- (3) Under extraordinary occasions so declared by the Mayor, the Mayor may waive compliance with section 13 (1).

- (4) The Corporate Officer may refuse to place a delegation or petition on the Council meeting agenda if the subject matter is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the decision of the Corporate Officer, the appeal must be presented to Council for consideration at the next available Council meeting.
- (5) A delegation is allowed a maximum of 10 minutes to make its' presentation to Council, unless Council unanimously consents to extend the time limit.
- (6) The number of delegations at any Council meeting will be limited to three (3) except under extraordinary circumstances approved by the Mayor prior to the Council meeting.
- (7) Council will not act on a request from a delegation at a Council meeting until the next regular Council meeting. Under extraordinary circumstances, Council may resolve, by a two-thirds affirmative vote of Council members present at the meeting, to consider the request immediately.
- (8) Council must not permit a delegation to address Council at a meeting regarding a bylaw in respect of which a public hearing has been held.

#### **Public Attendance at Meetings**

14. (1) Except where the provisions of section 90 of the *Community Charter* apply, all meetings of Council must be open to the public.
- (2) Where Council wishes to close a meeting or a portion of a meeting to the public, it may do so by adopting a resolution in a public meeting in accordance with Section 92 of the *Community Charter*.
- (3) This section applies to all meetings of the bodies referred to in Section 93 of the *Community Charter* including Council committees, commissions, a parcel tax review panel, a board of variance, or advisory bodies.

#### **Minutes of Meetings**

15. (1) Minutes of Council meetings must be
  - (a) legibly recorded;
  - (b) certified as correct by the Corporate Officer;
  - (c) signed by the Mayor or other presiding member at or after the meeting at which they are adopted; and
  - (d) open for public inspection at City Hall during regular office hours.



### **Adjournment**

16. (1) Council may by resolution adjourn any meeting to a specified time and place.
- (2) Every regular meeting of Council is adjourned at 12:00 midnight unless a two-thirds majority of Council members present resolves to continue the meeting.

### **Cancellation of Meetings**

17. Council may by resolution cancel any meeting and the Corporate Officer must provide members 24 hours notice of cancellation.

### **Calling Meeting to Order**

18. (1) In the event the Mayor does not attend within 15 minutes after the time appointed for a meeting, the Acting Mayor must take the chair.
- (2) In the absence of the Acting Mayor the Corporate Officer must call the members to order and if a quorum is present, the members must appoint a member to preside during the meeting or until the arrival of the Mayor or Acting Mayor.
- (3) In the event the Mayor is required to leave a meeting, the Acting Mayor must take the chair; or in the absence of the Acting Mayor the members must appoint a member to preside during the meeting until the return of the Mayor.
- (4) The member appointed under section 18 (2) and 18 (3) has the same powers and duties as the Mayor in relation to the particular matter.

### **Quorum**

19. Should there be no quorum present within 15 minutes after the time appointed for the meeting, the Corporate Officer must record the names of the members present at the expiration of the 15 minutes and the meeting of Council is deemed to have been cancelled.

### **Proposed Bylaws**

20. (1) Before Council considers any proposed bylaw, the Corporate Officer must provide each member with a copy of the proposed bylaw.
- (2) Council is deemed to have passed a proposed bylaw when all approvals and procedures required by statute prior to adoption have been followed and Council has given the following readings to the bylaw:
  - (a) first reading, which is by title only;

- (b) second reading, which is by title only unless Council resolved to read the proposed bylaw;
  - (c) third reading, which is by title only; and
  - (d) final adoption.
- (3) A bylaw may be read one, two, or three times at a meeting of Council unless otherwise required by an enactment.
  - (4) A zoning or official community plan bylaw or amendment bylaw may be adopted at the same meeting at which third reading was given.
  - (5) Council may reconsider any clause of a proposed bylaw before the bylaw is adopted, subject to section 894 of the *Local Government Act* regarding Public Hearings.
  - (6) After either second or third reading, Council may amend, strike out or add clauses.
  - (7) Every bylaw adopted by Council must be signed by the Mayor or other member of Council presiding at the meeting at which the bylaw has been adopted, and must be signed by the Corporate Officer.
  - (8) The Corporate Officer must affix to every bylaw adopted by Council the Corporate Seal of the Corporation of the City of Courtenay.

#### **PART 4 - RESOLUTIONS**

##### **Copies of Resolutions to Council Members**

- 21. A resolution not included on a Council meeting agenda may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least 24 hours before the Council meeting, or if all Council members unanimously agree to waive this requirement at a Council meeting.

##### **Form of Resolution**

- 22. (1) A resolution introduced at a Council meeting must be in printed form.
- (2) The presiding member may
  - (a) have the Corporate Officer read the resolution; and
  - (b) request a motion that the resolution be introduced.

## PART 5 - MEETING RULES OF CONDUCT AND DEBATE

### Recognition

23. (1) A member may speak in a meeting after
- (a) the member has raised his or her hand; and
  - (b) the member has been recognized by the presiding member.

### Presiding Member Powers

24. (1) The presiding member must preserve order and decide all points of order which may arise, subject to an appeal by other members of Council present.
- (2) If an appeal is taken by a member from the decision of the presiding member, the question "*Shall the Chair be sustained?*" must be immediately put and decided without debate and the presiding member will be governed by the majority of the votes of the members then present (exclusive of the presiding member), and in the event of the votes being equal the question will pass in the affirmative.
- (3) If the presiding member refuses to put the question "*Shall the Chair be sustained?*" Council must appoint the Acting Mayor, or if absent, one of the members to preside temporarily in lieu of the presiding member, and the Acting Mayor or member so temporarily appointed must proceed in accordance with the previous section.

### Title of Members

25. Members must address the Mayor as "Mr. Mayor" or "Madam Mayor", whichever is appropriate, or as "Your Worship", and must refer to another member as "Councillor".

### Conduct of Speaker

26. (1) A member may not speak
- (a) unless in relation to the matter in debate;
  - (b) to a matter already decided upon at the meeting;
  - (a) for more than five (5) minutes at a time.
- (2) A member may not speak more than once to the same matter, except with the permission of the majority of Council; or to
- (a) explain a material part of the member's speech which may have been misconceived, but then only to correct the matter; or
  - (b) ask a question for purposes of clarification.

## **General Conduct**

27. (1) A member must not interrupt a member who is speaking except to raise a point of order and must not make any disturbance during the meeting.
- (2) When two or more members desire to speak, the presiding member must name the member who is to have the floor.
- (3) A member may require the question or motion under discussion to be read at any time during debate, but not so as to interrupt a member when speaking.
- (4) After a question is finally put by the presiding member, no member may speak to the question, nor may any other motion be made until after the result of the vote has been declared; and the decision of the presiding member as to whether the question has been finally put will be conclusive and not open to challenge.
- (5) Council must vote separately on each distinct part of a question that is under consideration if requested by a member.

## **Improper Conduct**

28. (1) If the presiding member considers that another person at a meeting is acting improperly, the presiding member may order that the person be expelled from the meeting.
- (2) If the person who is expelled does not leave the meeting, a peace officer may enforce the order under as if it were a court order.

## **Matter Open to Debate**

29. Members may debate any motion except the following:
  - (a) to lay on the table;
  - (b) to give first reading to a bylaw;
  - (d) to postpone indefinitely;
  - (e) to postpone to a certain time;
  - (f) to move that the motion be put to a vote; and
  - (g) to adjourn.

## **Verbal Enquiries by the Public**

30. A verbal enquiry by a member of the public may only relate to an item on the agenda and may only be heard when Council so resolves.

## Privilege

31. (1) Every member may
- (a) at any time during the debate require that the matter under discussion be read for the member's information, but must not exercise this right in order to interrupt a member speaking without the acquiescence of that member;
  - (b) require the presiding member to state the rule applicable to a point of practice or order and the presiding member must then state the rule without argument or comment but subject to appeal to a vote of the members present; or
  - (c) by means of a question to the presiding member, seek information relating to any matter connected with the business of Council or the affairs of the municipality and the question must be in writing if so required by the presiding member.

## PART 6 - MOTIONS AND AMENDMENTS

### Motions Generally

32. (1) All resolutions and bylaw readings must be by motion duly moved and seconded by members.
- (2) A motion other than a motion to adopt minutes, to receive reports, to refer to a committee or staff, to introduce or pass a bylaw or to adjourn must, if required by the presiding member, be put in writing before being debated or put from the Chair.
- (3) When a main motion is under consideration no other motion may be received except to
- (a) refer to a Committee of Council;
  - (b) amend;
  - (c) lay on the table;
  - (d) postpone indefinitely;
  - (e) postpone to a certain time;
  - (f) move that the motion be put to a vote; and
  - (g) adjourn.

- (4) The seven motions referred to in Section 32 (3) have precedence in the order in which they are named, and the last five are not subject to amendment or debate.
- (5) A motion to refer the subject matter to a committee, until it is decided, precludes all amendments to the main question.
- (6) The Corporate Officer must record any motion other than a procedural motion in writing and, after a member has seconded a motion, the Corporate Officer may read it aloud prior to the members debating it or the presiding member putting it.
- (7) Once the Corporate Officer has read aloud a motion, no member may withdraw it without permission of the members and no member may withdraw a motion once passed.

### **Motion to Adjourn**

33. A member at any time may make a motion to adjourn and if seconded, the members must promptly decide the motion without debate and no member may make a second adjournment motion if the first is defeated unless other proceedings intervene.

### **Motion to Lay on the Table**

34. Except when a motion to adjourn has been made, a member may make a motion to lay a pending question(s) on the table, and this motion is not debatable or amendable.

### **Motion to Put Question**

35. (1) If a member moves to put the main question, or the main question as amended to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question.
- (2) If the motion for the main question, or for the main question as amended is decided in the negative, Council may again debate the question or proceed to other business.

### **Inadmissible Motion**

36. When the presiding member is of the opinion that a motion offered is contrary to this bylaw or relates to matters beyond the powers of the members, the presiding member may inform the members immediately, giving reasons for his or her opinion, and may refuse to put the question.

### **Amendment of a Motion**

37. (1) No member may move any motion to amend that negates the purpose of the main motion.
- (2) Members must withdraw or decide any amendment to a motion before the main question is put to a vote.

- (3) If an amendment to a motion is:
  - (a) carried, the previous motion is then voted on as amended; or
  - (b) defeated, the previous motion is again before the members.

### **Defeated Resolution**

38. Unless specifically provided by statute or bylaw, a defeated resolution or a substantially similar resolution must not be considered within 12 months of the date of the defeat of the resolution. This time limit may be waived by an affirmative vote of at least two thirds of the Council members eligible to vote on the resolution.

### **Reconsideration of Matter by Mayor**

- 39. (1) The Mayor may require Council to reconsider and vote again on a matter that was the subject of a vote at the same council meeting as the vote took place, or within the 30 days following that meeting.
- (2) A matter may not be reconsidered under section 39 (1) if
  - (a) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the council; or
  - (b) there has already been a reconsideration in relation to the matter.

### **Reconsideration of Matter by Council Member**

- 40. (1) Subject to subsection (5) a member may, at the next Council meeting
  - (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken; and
  - (b) move to reconsider an adopted bylaw (with the exception of a land use bylaw) after an interval of at least 24 hours following its adoption.
- (2) A member who voted in the affirmative for a resolution adopted by Council may at any time move to rescind that resolution. In order to be passed, a motion to rescind requires
  - (a) a two-thirds affirmative vote; or
  - (b) a majority affirmative vote when notice of motion has been given at the previous meeting or the call to order of the present meeting.
- (3) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter has been adopted.
- (4) A vote to reconsider must not be reconsidered.

- (5) Council may only reconsider a matter that has not
  - (a) received the approval or assent of the electors and been adopted;
  - (b) been reconsidered under subsection (1) or section 39;
  - (c) been acted on by an officer, employee or agent of the City.
- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 39 is as valid and has the same effect as it had before reconsideration.

## **PART 7 - VOTING**

### **Putting of the Question**

41. (1) When debate on a question is closed the presiding member must immediately put the question to a vote.
- (2) Members must signify their votes on every question openly and individually by the raising of hands and members must not vote by ballot or any method of secret voting.

### **Recording of Votes**

42. (1) Any member may call for his or her vote on any issue to be recorded and each time this request is made, the Corporate Officer must record in the minutes the name of the members and the way in which the member voted.
- (2) Immediately upon the announcement of the result of a vote by the presiding member, any member may call for a division whereupon each member present must orally announce his or her vote.
- (3) Should any member not indicate his or her vote when any question is put, the member will be regarded as having voted in the affirmative and his or her vote must be counted accordingly.
- (4) The Corporate Officer must record in the minutes of a meeting the name of any member who voted in the negative on any question.



## **PART 8 - COMMITTEES OF COUNCIL**

### **Committee of the Whole**

43. Meetings of the Committee of the Whole must be held in City Hall Council Chambers on the last Monday of each month, with the exception of December, at 4:00 p.m. unless the meeting day falls on a holiday, in which case the meeting would be held the following day.

### **Presiding Members at Committee of the Whole**

44. (1) The Mayor must preside at Committee of the Whole meetings if he or she is in attendance.
- (2) The presiding member of the Committee of the Whole must maintain order in the committee and subject to appeal from the members present, decide points of order that may arise and must attest to the correctness of the proceedings thereof.

### **Notice of Committee of the Whole Meetings**

45. (2) At least 72 hours before a meeting of the Committee of the Whole, the Corporate Officer must give public notice of the time, place and date of the meeting by
- (a) posting a copy of the agenda on the notice board;
  - (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public; and
  - (c) delivering a copy of the agenda to each member of Council at the place to which the Council member has directed notices to be sent.
- (4) At any time during a Council meeting, Council may by resolution go into Committee of the Whole.

### **Minutes of Meetings**

46. (1) Minutes of Committee of the Whole meetings must be
- (a) legibly recorded;
  - (b) signed by the chair or member presiding at the meeting or at the next meeting at which the minutes are adopted; and
  - (c) open for public inspection at City Hall during regular office hours.

## **Rules of Procedure**

47. (1) The Committee of the Whole members must observe the rules of procedure of Council in any meeting, except:
- (a) the number of times members are permitted to speak is at the discretion of the presiding Member;
  - (b) Members may hear a verbal enquiry from a member of the public on any matter taken up at the meeting whenever a majority of the members present so wish.

## **Select Committees**

48. (1) Council may from time to time appoint a Select Committee to enquire into any matter and to report its findings and opinions to Council.
- (2) A Select Committee may report to Council at any regular meeting or must report if directed by Council.
- (3) The Chairman and the Deputy Chairman of a Select Committee must be appointed from the members of the Select Committee by resolution of Council.
- (4) A meeting of a Select Committee must be called by a resolution of the Select Committee which specifies the day, hour and place of the meeting, except for the first meeting which must be called by resolution of Council which specifies the day, hour and place of the meeting.
- (5) A Select Committee must, on completion of its assignment or on submitting its report to Council, dissolve.

## **Procedure for Committees**

49. Members of Council may attend the meetings and participate in the discussion of committees of which they are not members but only those members of Council who are members of the committee may vote on deliberations of that committee.
50. (1) The committee members must observe the rules of procedure of Council in any meeting, except that in a Select Committee
- (a) the number of times members are permitted to speak is at the discretion of the presiding Member;
  - (b) members may hear a verbal enquiry from a member of the public on any matter taken up at the meeting whenever a majority of the members present so wish;

- (c) a request to present a petition or to appear before the committee as a delegation is handled in the same manner as delegations or petitions to Council;
- (d) a delegation is allowed one speaker and a maximum of ten minutes to make its presentation to the committee;
- (e) the Mayor is a member of all committees and is entitled to vote at all committee meetings;
- (f) each committee may meet at the discretion of its presiding member and must also meet when directed to do so by council, the Mayor, or a majority of the members of that committee;
- (g) the Corporate Officer must convene a meeting of a committee when requested in writing to do so by the Mayor, the presiding member of the committee or majority of the members of that committee;
- (h) when a committee desires to submit a written report to Council, the presiding member of the committee must deliver the report to the Corporate Officer not later than 4 working days prior to the date of the next regular meeting of Council and the Corporate Officer must have the report delivered to each member of Council not less than 72 hours prior to the convening of the regular meeting of Council which next follows the committee meeting from which the written report arose.

### **Standing Committees**

51. (1) In his/her address at the Inaugural Meeting, the Mayor must appoint the Chairman and members of Standing Committees of Council.
- (2) Standing Committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
- (a) matters that are related to the general subject indicated by the name of the committee;
  - (b) matters that are assigned by Council;
  - (c) matters that are assigned by the Mayor
- (3) Standing committees must report and make recommendations to Council at all of the following times:
- (a) in accordance with the schedule of the committee's meetings;
  - (b) on matters that are assigned by Council or the Mayor
    - (i) as required by Council or the Mayor, or

- (ii) at the next Council meeting if the Council or Mayor does not specify a time.

### **Minutes of Committee Meetings**

- 52. (1) Minutes of Committee meetings must be
  - (a) legibly recorded;
  - (b) signed by the chair or member presiding at the meeting; and
  - (c) open for public inspection at City Hall during regular office hours.

### **Quorum**

- 53. The quorum for a committee is a majority of all its members.

### **Schedule of Committee Meetings**

- 54. (1) At its first meeting after its establishment, a standing or select committee must establish a regular schedule of meetings.
- (2) The Chair of a committee may call a meeting of the committee in addition to the scheduled meetings or may cancel a meeting.

### **Notice of Committee Meetings**

- 55. (1) Subject to section 54 (2), after the committee has established the regular schedule of committee meetings, including the times, dates and places of the committee meetings, notice of the schedule must be given by
  - (a) posting a copy of the schedule on the notice board; and
  - (b) providing a copy of the schedule to each member of the committee.
- (2) Where revisions are necessary to the annual schedule of committee meetings, the Corporate Officer must as soon as possible post a notice on the notice board which indicates any revisions to the date, time, and place or cancellation of a committee meeting.
- (3) The Chair of a committee must cause a notice of the day, time and place of a meeting called under section 54 (2) to be given to all members of the committee at least 24 hours before the time of the meeting.

## **PART 9 - COMMISSIONS**

### **Schedule of Commission Meetings**

56. (1) At its first meeting after its establishment, a commission must establish a regular schedule of meetings.
- (2) The Chair of a commission may call a meeting of the commission in addition to the scheduled meetings or may cancel a meeting.

### **Notice of Commission Meetings**

57. (1) Subject to subsection (2), after the commission has established the regular schedule of commission meetings, including the times, dates and places of the commission meetings, notice of the schedule must be given by
- (a) posting a copy of the schedule on the notice board at City Hall; and
  - (b) providing a copy of the schedule to each member of the commission.
- (2) Where revisions are necessary to the annual schedule of the commission meetings, the Corporate Officer must, as soon as possible, post a notice on the notice board at City Hall which indicates any revisions to the date, time and place or cancellation of a commission meeting.
- (3) The Chair of a commission must cause a notice of the day, time and place of a meeting called under section 56 (2) to be given to all members of the commission at least 24 hours before the time of the meeting.

### **Minutes of Commission Meetings**

58. (1) Minutes of the proceedings of a commission must be
- (a) legibly recorded;
  - (b) certified by the Corporate Officer; and
  - (c) open for public inspection at City Hall during regular office hours.

### **Quorum**

59. The quorum for a commission is a majority of all its members.

## **PART 10 - GENERAL**

60. If any section or subsection of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
61. This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.

62. "Procedure Bylaw No. 2492, 2007" and amendments thereto is hereby repealed.

Read a first time this 2<sup>nd</sup> day of December, 2013

Read a second time this 2<sup>nd</sup> day of December, 2013

Read a third time this 2<sup>nd</sup> day of December, 2013

Notice published pursuant to section 94 of the *Community Charter* on the \_\_\_\_\_ of December, 2013

Finally passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Legislative Services

**CITY OF COURTENAY**  
**BYLAW REFERENCE FORM**

**BYLAW TITLE**

“City of Courtenay Fees and Charges Amendment Bylaw No. 2774, 2013”

**REASON FOR BYLAW**

To set the garbage, recyclables, and yard waste user fees for 2014

**STATUTORY AUTHORITY FOR BYLAW**

Section 194 of the *Community Charter* allows Council to charge a user fee to cover the cost of delivery of a service

**OTHER APPROVALS REQUIRED**

None

**STAFF COMMENTS AND/OR REPORTS**

The attached report, “2014 Garbage, Recyclables, and Yard Waste User Fees” was presented to Council on December 2, 2013.

Council approved OPTION 1 and endorsed the proposed increases, which includes a three year phased rate increase for compactor bins.

Staff prepared the appropriate bylaw incorporating the rates outlined in the Table on page 3 of the attached report and are presenting it to Council for three readings.

**OTHER PROCEDURES REQUIRED**

December 9, 2013

T. Manthey  
Staff Member

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2774

**A bylaw to amend City of Courtenay Fees and Charges Bylaw No. 1673, 1992**

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as **“City of Courtenay Fees and Charges Amendment Bylaw No. 2774, 2013.”**
2. That “City of Courtenay Fees and Charges Bylaw No. 1673, 1992” be amended as follows:
  - (a) That Schedule of Fees and Charges, Section III, Appendix IV “Garbage Collection Fees” be hereby repealed and substituted therefore by the following attached hereto and forming part of this bylaw:

“Schedule of Fees and Charges Section III, Appendix IV – Garbage Collection Fees”
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 9<sup>th</sup> day of December, 2013

Read a second time this 9<sup>th</sup> day of December, 2013

Read a third time this 9<sup>th</sup> day of December, 2013

Finally passed and adopted this day of December, 2013

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Mayor

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Director of Legislative Services



**SCHEDULE OF FEES AND CHARGES**  
**CITY OF COURTENAY FEES AND CHARGES AMENDMENT BYLAW NO. 2774**  
**SECTION III, APPENDIX IV**  
**GARBAGE COLLECTION FEES**

- A. Dwelling Basis Fee per unit per year  
 - includes recyclables & yard waste pickup \$163.00
- Extra Bag Ticket (50 litre) - each \$ 2.00
- B. Residential Multifamily, Apartment, Strata per unit per year  
 (Fee for yard waste, recyclables not included) \$129.00
- Additional service fee:
- (a) Recyclables pickup (all container types)  
 per unit per year \$ 17.35
- (b) Yard waste pickup, per unit per year \$ 17.35
- C. Trade Premises

Where mixed waste containers are determined to include recyclable materials, the fee imposed shall be two times the regular pickup fee.

	Per Pickup
<b>Cans – mixed waste (contains no recyclable material)</b>	
1 can or equivalent (1 can = 121 litres)	\$2.50
Every additional can or equivalent 121 litres shall be charged at the rate of	\$2.50
DCBIA – per unit/premise per year (includes two cans per week plus recyclables/cardboard pickup – this fee is charged to those units that are constrained by space and cannot implement a mixed waste bin or cardboard bin service)	\$280.50
DCBIA - Recycle Toter Bin, per bin	\$ 2.05

**Containers - Mixed, Non-compacted (contains no recyclable material)**

2 cubic yard	\$15.30
3 cubic yard	\$22.95
Sizes other than listed above charged at a rate per cubic yard per pickup of	\$7.65

<b>Compactors – Mixed Waste (contains no recyclable material)</b>	<b>Per Pickup</b>
27 cubic yard	\$407.00
40 cubic yard	\$552.00
Sizes other than listed above charged at a rate per cubic yard per pickup of	\$13.80

<b>Refuse to Recycling Centre (no tipping fees)</b>	<b>Per Pickup</b>
<b>Containers</b>	
2 cubic yard	\$8.40
3 cubic yard	\$12.60
Sizes other than listed above charged at a rate per cubic yard per pickup of	\$4.20
<b>Compactors</b>	<b>Per Pickup</b>
40 cubic yard	\$204.00
Sizes other than listed above charged at a rate per cubic yard per pickup of	\$ 5.10