

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

DATE: September 19, 2016
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt September 6, 2016 Regular Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

Pg #

- 1 1. C.V. Conservation Strategy re: Tree Bylaw
- 13 2. Presentation on the Frequent Transit Corridor Study
- 27 3. Presentation on Sid Williams Theatre Progress Report

4.00 STAFF REPORTS/PRESENTATIONS

(a) Legislative Services

- 31 1. Braidwood Affordable/Supportive Housing Project Update and MOU

(b) Development Services

- 43 2. Tree Protection and Management Bylaw No. 2850
- 99 3. OCP and Zoning Amendment – 963 Webb Road

(c) Financial Services

- 131 4. Corporate Travel and Expense Policy
- 145 5. Grants in Aid/Matching Grant Program-Affordable Housing Initiatives

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

**7.00 REPORTS FROM COUNCIL MEMBERS REGARDING CITY RELATED
ACTIVITIES INCLUDING REPORTS FROM COUNCIL AND
EXTERNAL COMMITTEES**

8.00 RESOLUTIONS OF COUNCIL

In Camera Meeting:

That notice is hereby given that a Special In-Camera meeting closed to the public will be held September 19, 2016 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

9.00 UNFINISHED BUSINESS

From Delegation to the September 6, 2016 Regular Council Meeting

- 159 1. Request by the DCBIA Board of Director requesting a grant to fund a portion of the Downtown Courtenay Heritage Mural Project in the amount of \$5,000.

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

1. Councillor Hillian re: residential only parking restrictions

12.00 BYLAWS

For First and Second Reading

- 161 1. "Official Community Plan Amendment Bylaw No. 2856, 2016"
(change land use at 963 Webb Road from Suburban Residential to Commercial)
- 163 2. "Zoning Amendment Bylaw No. 2857, 2016"
(rezone 963 Webb Road from Residential One A to Multiple Use One Zone)

For First, Second and Third Reading

- 165 1. "Tree Protection and Management Bylaw No. 2850, 2016"

13.00 ADJOURNMENT

Protecting the City of Courtenay's Urban Forest

Council Information Package

This information has been provide to Courtenay Councillors as they assess the need and scope for an updated tree management bylaw for the City by the Comox Valley Conservation Strategy steering committee.

Benefits of the Urban Forest

The City and its residents receive significant benefits from trees. In the last 30 years, a great deal of research has been conducted on the benefits of urban trees.¹ This research concludes that a healthy and robust urban forest functions as green infrastructure reducing the need for, and expense of building infrastructure to manage air and water resources.² Other green infrastructure benefits include carbon absorption and reduced heating and summer cooling.³ Shade from trees has even shown to increase the lifespan of road pavement by 10 years.⁴



Local governments have started to calculate the value of benefits from urban trees.

Benefits of trees from a recent report on Campbell River's Urban Forest ⁵ :	
Feature	Measurable Benefit
Stormwater run off	Reduces runoff by 3,785 liters per tree per year 1.6 billion liters per year city wide
Air quality	60% reduction in fine particulate air pollution by street trees
Business benefits	9-12% increased spending in well-treed commercial areas
Real Estate benefits	1-5% increase in property value for trees in front yard landscaping 6-9% increase in property value for neighbourhood tree cover
Energy savings	10-15% residential heating savings from wind reduction 30% saved on air conditioning costs from shade trees.
Carbon sequestered annually	28,200 tons city wide
Annual street tree values	Benefits: \$67 per tree Average Cost: \$17 per tree Net annual benefit: \$50 per tree

Trees provide other economic benefits in addition to green infrastructure cost saving such as increased property values⁶ and higher numbers of shoppers in treed retail areas^{7 8}.

The environmental benefits include reduced erosion and sedimentation, improved water quality in urban streams and habitat for birds and other species.

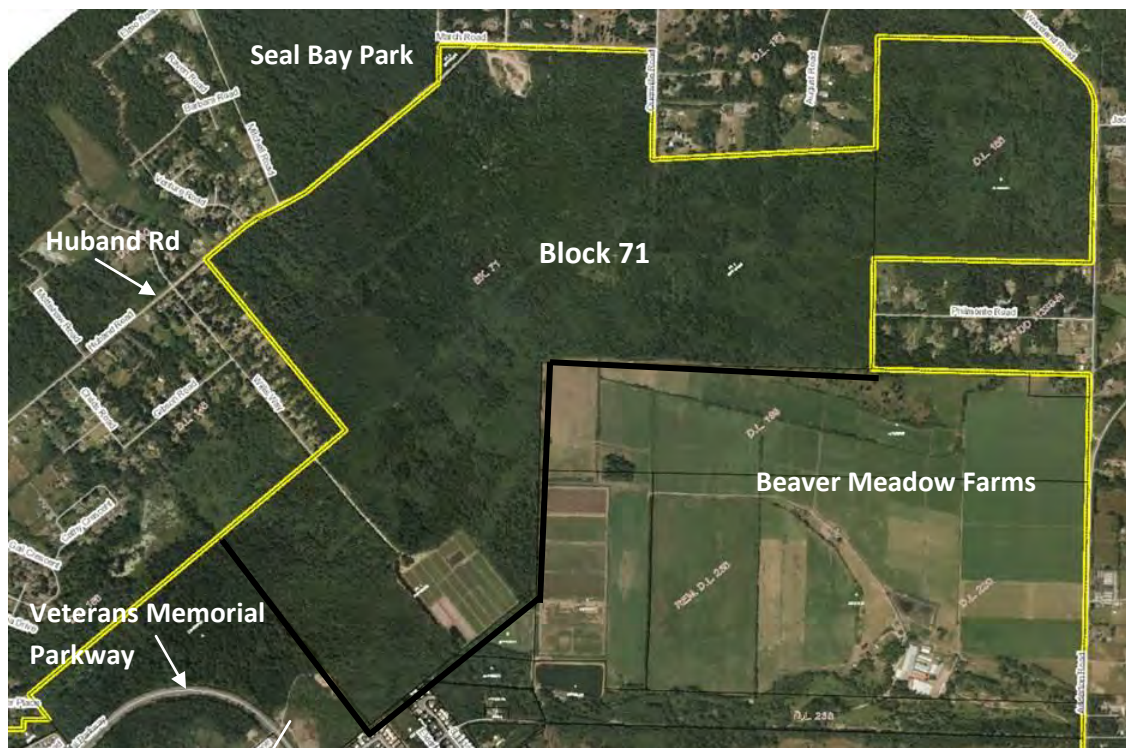
Research has shown many social and health benefits including: residents living in treed neighbourhoods are happier, more active and generally in better physical and mental health than those living in neighbourhoods with few trees. Incidents of asthma, domestic violence and crime are less. Hospitals where patients can at least see trees have quicker recovery times.⁹

Tree Canopy Target and Urban Forest Plans

Annual benefits provided by urban forests in Greater Vancouver		
Benefit	\$ value (millions)	\$/tree
Wet-weather flow	96.43	1.34
Air quality	115.86	1.61
Energy savings	4.64	.16
Carbon sequestration	7.21	.10
Total benefit	224.15	3.21
Cost benefit ratio	-	\$4.59
Source: i-Tree Canopy, City of Vancouver, City of North Vancouver, City of Surrey, Metro Vancouver, Manitoba Hydro, TD Economics		

In North America the trend is a steady decline in tree canopy cover as urban forests and trees are cleared to accommodate urban expansion. In order to help stop the loss and increase urban trees many cities like Toronto¹⁰ and Vancouver¹¹ have set tree canopy targets. Other centres, including Saanich, Nanaimo and Campbell River on Vancouver Island have initiated urban forest strategies and plans. An important component of successful urban forest strategies is a robust Tree Management Bylaw.

A tree canopy cover target of 40% is recommended for urban areas in the Pacific Northwest region.¹² Courtenay's urban forest canopy is estimated to cover about 37% of the area of the City. About one third of this canopy exists on undeveloped greenfield sites. Development of greenfield sites over the next 15 to 20 years could result in a rapid loss of the existing tree canopy. These areas contain some of the last stands of mature forest within the City, including areas identified in the Sensitive Ecosystem Inventory.¹³



The large undeveloped greenfield site, known as block 71, consists of older second growth forest and an intact wetland ecosystem. This site contains an estimated 30% of the City of Courtenay's urban forest.

Impacts of the Existing tree bylaw

The following examples show that there are serious gaps in the existing bylaw when it comes to protecting and replacing trees on large undeveloped greenfield sites.



The Ridge Site 2003: Mature second growth forest



The Ridge Site 2015: All trees cleared



The Ridge development 2015: network of roads and storm water infrastructure

With the removal of trees all the green infrastructure services provided by the forest were replaced by a network of underground storm water pipes and a detention pond. During high flow rainstorm events flooding occurs on the road downstream of the detention pond outlet. This hard infrastructure is now contributing to the annual storm water maintenance costs and the City's long term infrastructure liability.

If 40% of the existing forest canopy had been retained and planting of replacement trees within the development footprint occurred the City's storm water maintenance and liability costs would be reduced.



The Ridge replacement tree



The Ridge street view

Planting a few replacement trees is not sufficient to offset the benefits lost from clearing all the trees from the site. The resulting subdivision “moonscape” could have been prevented through a tree retention and replacement plan that achieved a 40% tree canopy target.

Is a 40% tree canopy target realistic?

Recent and proposed developments of large undeveloped greenfield sites in the Arden area of Courtenay show a range of tree canopy retention from 25%-65%. This indicates that a 40% minimum target is viable and practical. Flexibility, density bonus and other regulatory tools can be used at the City’s discretion as an incentive to assist landowners reach the 40% minimum target.



Morrison Creek Commons Development retained 37% of tree canopy

The Morrison Creek Subdivision retained a tree canopy cover of 37%. This was due to the application of riparian area regulations and retaining of trees in some of the yards of individual lots. The amount of storm infrastructure was reduced and an outlet for some of the site’s storm water was directed into the retained forest. A pathway through the treed area provides an amenity to the residents. Note the amount of build out that has occurred in this development compared to The Ridge site.

Tree Bylaw: Important tool for protecting the Urban Forest

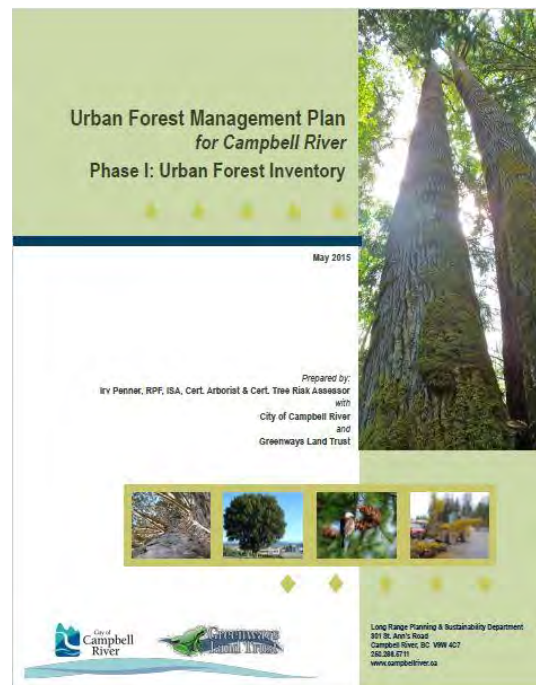
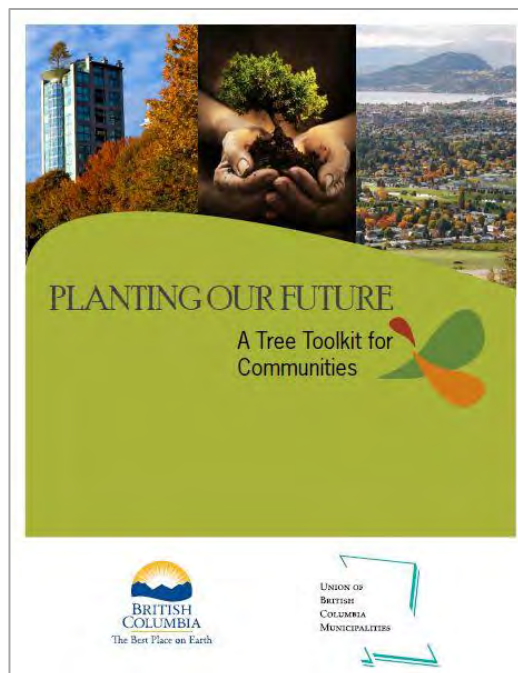
The tree bylaw is an important tool to minimize tree loss during new development and for regulating tree cutting on individual private lots. The bylaw can ensure that a significant portion of the remaining urban forest canopy is retained and trees are replaced when they are cut down so that the forest canopy is sustained over the long term.

Key CVCS recommendations for improving the tree management bylaw:

- Primary purpose of bylaw should be to retain trees and sustain the urban forest
- Cover all areas of the City and all trees 20cm DBH or greater
- Greenfield and undeveloped sites 1ha or larger need to be treated differently than lots in built out areas. The opportunity to retain and replace trees is greater on large greenfield and undeveloped sites.
- 40% minimum tree retention on all greenfield & undeveloped areas 1 ha or larger
- Site tree retention and replacement plan for all developments 1ha or larger

Urban Forest Plan

A robust tree management bylaw is a cornerstone regulation for protecting the urban forest. However, to maintain and sustain the urban forest and gain its maximum value for the City and its citizens an urban forest strategy or plan is needed. Trees grow on private and public lands including boulevards and parks. An urban forest plan is needed that can address the challenges and identify opportunities for retaining and replanting trees on public and private lands. It can provide the City with a way to gain the greatest benefits from its urban forest and to cost effectively manage trees.



For these and other resources go to the Resources For Further Information section in the appendix on page 10.

**Detailed Recommendations for Tree Management Bylaw
Submitted to City of Courtenay July 7, 2016**

1) Primary objective of bylaw: maximize the retention of community wide tree canopy

Rationale:

Bylaw focuses on administrative changes for managing tree cutting and does not focus on tree retention. Retaining trees and sustaining the benefits of the urban forest should be the primary objective of the bylaw.

Proposed bylaw does not conform to the OCP which directs the City to:

- adopt a Tree Management and Protection Bylaw to “preserve tree areas” (section 4.10.6 p53);
- increase the absorption opportunities for carbon throughout the municipality through the conservation and restoration of forested areas and stands of trees (section 10. 5.2, p145);
- to “review the Tree Bylaw to improve the retention of Courtenay’s urban forest ..” (section 10.5.3, p145).

Recommendation:

1 a) Change wording in section 2.2 ...the specific objectives of the bylaw are to:

“a. reduce the rate of loss in community wide tree canopy”

“a. maximize the retention of community wide tree canopy ”

1 b) A rationale should be provided at the beginning of the bylaw that clarifies the intent of the bylaw to “maximize the retention of community wide tree canopy.” The rationale should include a summary of the following benefits provided by retaining and replacing the urban forest:

- green infrastructure
 - storm water/ rainwater management
 - carbon absorption
 - air quality
 - heating/ cooling
- improved property values
- quality of life/ health benefits

2) Apply bylaw to all trees in all areas

Rationale:

The bylaw should apply to all trees over 20cm dbh in the city so it is:

- Effective at protecting and replacing trees,
- Fair to all residents and
- Easy to understand.

Recommendation:

The bylaw should be applied City wide and include all trees over 20 cm dbh.

3) Application of bylaw in built out areas where development has occurred

Rationale

The proposed tree density target of 50 stems/ ha is good for built out areas where the opportunity to retain forests or replace forests have been lost (as long as all trees 20 cm dbh are considered protected trees.)

Recommendation

In built out areas of the City the proposed 50 stems/ ha tree density target is acceptable as long as it is applied to all trees over 20cm dbh.

4) Greenfield Sites greater than 1ha

Rationale

Tree density target of 50 stems/ ha for greenfield/ undeveloped sites will not prevent large losses of existing tree canopy or encourage replacement (reforestation) of cleared forested areas.

Recommendations

4 a) The development parcel will retain a minimum 40% of existing forest cover. This retained forested area can include any land within the existing forested area including treed riparian buffers, park dedication and other treed areas that may otherwise be protected from development. The % of land of the development parcel to be designated as retained forest area will not include non-forested ecosystems such as a water body. (For example if the development parcel was 10 ha and 2 ha were covered by ponds/ wetland and 8 ha by trees the % of treed area would be calculated as 40% of 8 ha.)

4 b) For small private lots subdivided within the development parcel trees can be retained or replanted at 50 stems/ ha.

4 c) Public or shared open space, not included in the retained forested area, such as boulevards, public or shared walkways, greenways and playgrounds will have a requirement for 40 % tree canopy. Tree canopy could consist of retained or replanted trees. Tree canopy coverage would be calculated based on the average canopy size and tree density of a mature forest of that species.

4 d) New subdivisions should require street trees of native species that can grow large canopies.

5) Undeveloped cleared or partially cleared sites greater than 1ha

Rationale

Development parcels greater than 1ha that have been cleared or partially cleared provide an opportunity to re-establish forested areas before or when development occurs.

Recommendation

5 a) For cleared or partially cleared development parcels a minimum of 40% of land on the parcel should be left undeveloped and set aside as forest area. The forest area could consist of retained and/ or replanted native trees of the appropriate species at a density required to re-establish a naturally forested tree canopy.

5 b) For small private lots subdivided within the development parcel trees can be retained or replanted at 50 stems/ ha.

- 5 c) Public or shared open space such as boulevards, public or shared walkways, greenways and playgrounds will have 40% tree canopy. Tree canopy could consist of retained or replanted trees. Tree canopy coverage would be calculated based on the average size canopy of a mature tree of that species.
- 5 d) New subdivisions should require street trees of native species that can grow large canopies.

6) Bonus developments with tree densities higher than minimum 40% retained/ reforested trees

Rationale

To encourage development that retains or reforests higher than the 40% minimum.

Recommendation

The City will consider density bonus as an incentive for developments that retain greater than 40% forest canopy on the development parcel. This includes lands designated as retained forests, reforested areas and tree canopy coverage in the developable area. Non-forested natural areas that do not grow trees, such as ponds/ wetlands, would not be included in the calculation of forest canopy. (For example if the development parcel was 10 ha and 2 ha was covered by ponds/ wetland the canopy coverage % would be calculated on the 8 ha land capable of growing trees.)

7) Site tree retention and replacement plan

Rationale

In order to ensure that the tree retention/ re-establishment plan is based on a comprehensive understanding of the site's existing tree characteristics and environmental, economic and social values.

Recommendation

For sites greater than 1 ha, a tree retention and replacement plan should be submitted that shows where trees will be retained and replaced prior to any tree removal. The plan should include an assessment of forest characteristics and values of the existing forest in a report by an arborist containing:

- Inventory of forest composition and quality,
- Value of trees green infrastructure capacity including:
 - Storm water/ rainwater management
 - Absorption of CO₂ and air pollution
 - Wildlife and other environmental values
- Show how the tree retention and replacement plan will minimize the potential of damage from wind throw.

8) List of “protected species” should include mature Coastal Douglas-fir > 80 years.

Rationale

Less than 1% of old growth douglas-fir trees remain. The OCP acknowledges this fact by stating: “The City will review the Tree Bylaw to improve the retention of ...threatened Coastal Douglas-fir” (OCP section 10.5.3 p 145).

Recommendation

Mature Coastal Douglas-fir trees 80 years and older should be designated as “protected species.”

9) Tree Replacement Options

Rationale

The proposed tree replacement options when applied to undeveloped lots greater than 1 ha provide an easy and inexpensive way for landowners to avoid penalties for cutting down trees greater than 20 cm dbh. The proposed replacement options will encourage tree clearing. It will take 60 to 80 years for a replacement tree to provide the same economic, social and environmental benefits as a mature tree.

Recommendation:

Tree replacement options should only be considered as a last resort or when a minimum of 40% of retained forested area is achieved on a development parcel. The priority for tree protection should be to retain as many trees as possible. The order of priority should be:

1. retain trees
2. replace trees
3. contribute to tree replacement fund.

10) Enforcement and monitoring –The provisions are good **IF** the tree replacement provisions are changed so that landowners are not offered the option of paying into a tree replacement fund as a way to avoid penalties for cutting down mature trees. Landowners should not be given a choice of retaining trees or cutting them down and making a contribution to a tree replacement fund. The bylaw should support development plans that achieve the 40% tree canopy minimum and allow only the minimum number of trees to be cut for development.

Appendices

Resources for Further Information:

1. **40% tree Canopy Target for Pacific North West.** (Background information from American Forest)
<https://web.archive.org/web/20110423234255/http://www.americanforests.org/resources/urbanforests/treedeficit.php>
2. **The Value of Urban Forests in Cities Across Canada: TD Economics.** The TD Bank pulled together a nice summary of work done in Canada to calculate the value of the urban forests.
<https://www.td.com/document/PDF/economics/special/UrbanForestsInCanadianCities.pdf>
3. **Benefits of trees Video links:**
 - Why Trees? <https://www.youtube.com/watch?v=74063UKSmXw> (highlights research results that show a number of benefits of trees to human health and cities).
 - The Value of Trees. (Another good summary of the value of trees and highlights what the City of Santa Monica's is doing to protect its urban forest.)
<https://www.youtube.com/watch?v=UXLyZLaNiKE>
4. **Campbell River Urban Forest Management Plan** (Our northern neighbour's urban forest plan provides a good example of a plan and provides lots of useful data on the value of protecting trees and monetary and other measurable benefits data for local tree species.)
<http://www.campbellriver.ca/docs/default-source/parks-recreation-culture/parks/phase-l-urban-forest-inventory.pdf?sfvrsn=4>
5. **City of Vancouver Urban Forest Slideshow** (The slide show developed by the City of Vancouver provides a comprehensive overview of an urban forest strategy)
<http://vancouver.ca/files/cov/Urban-Forest-Strategy-Draft.pdf>
6. **Planting Our Future, A tree Toolkit for Communities**, 1st edition, Judith Cullington with Jeremy Gye and Sairah Tyler; Co published with Union of British Columbia Municipalities, British Columbia Ministry of Community Development, 2008. (This is a great tool kit of local governments for all aspects of identifying, maintaining and planning for the urban forest. Has a great section on Values and Benefits of trees as well as Issues and Challenges local governments face.)
<http://www.toolkit.bc.ca/sites/default/files/Plantingourfuture.pdf>

References

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- ¹ American forests, “Setting Urban Tree Canopy Goals,” 2010, archived on line:
<https://web.archive.org/web/20110423234255/http://www.americanforests.org/resources/urbanforests/treedeficit.php>
- ² American Forests, “Trees and Ecosystem Services,” April 23, 2011, archived on line:
<https://web.archive.org/web/20110423234416/http://americanforests.org/resources/urbanforests/naturevalue.php>
- ³ The Value of Urban Forests in Cities Across Canada, Special Report TD Economics, September 24, 2014.
<https://www.td.com/document/PDF/economics/special/UrbanForestsInCanadianCities.pdf>
- ⁴ Why Trees, video, William J Rowe II and Arnold M Brodbeck, Alabama Cooperative Extension system, Alabama A&M and Auburn Universities, June 4, 2012 <https://www.youtube.com/watch?v=74063UKSmXw>
- ⁵ Urban Forest Management Plan for Campbell River, Phase 1: Urban Forest Inventory, Irv Penner, City of Campbell River and Greenways Trust, May 2015, Executive Summary page ii.
- ⁶ The Value of Trees, video, (Santa Monica Urban Forest), California Sustainability Network, 2011.
<https://www.youtube.com/watch?v=UXLyZLaNiKE>
- ⁷ Why Trees, video, William J Rowe II and Arnold M Brodbeck, Alabama Cooperative Extension system, Alabama A&M and Auburn Universities, June 4, 2012 <https://www.youtube.com/watch?v=74063UKSmXw>
- ⁸ Urban Forest Management Plan for Campbell River, Phase 1: Urban Forest Inventory, Irv Penner, City of Campbell River and Greenways Trust, May 2015, Executive Summary page ii.
- ⁹ Why Trees, video, William J Rowe II and Arnold M Brodbeck, Alabama Cooperative Extension system, Alabama A&M and Auburn Universities, June 4, 2012 <https://www.youtube.com/watch?v=74063UKSmXw>
- ¹⁰ Sustaining and Expanding the Urban Forest: Toronto’s Strategic Forest Management Plan, 2013
- ¹¹ City of Vancouver, Urban Forest Strategy, April 15, 2014. <http://vancouver.ca/files/cov/Urban-Forest-Strategy-Draft.pdf>
- ¹² American forests, “Setting Urban Tree Canopy Goals,” 2010, archived on line:
<https://web.archive.org/web/20110423234255/http://www.americanforests.org/resources/urbanforests/treedeficit.php>
- ¹³ Comox Valley Sensitive Ecosystem Inventory Disturbance Assessment, Juniper Environmental Services, Oct, 2014

City of Courtenay

Frequent Transit Corridor Study Update



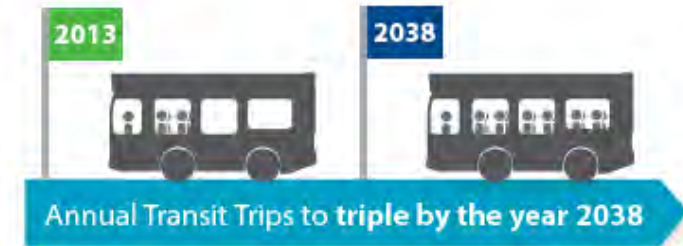
Purpose

- For information and feedback

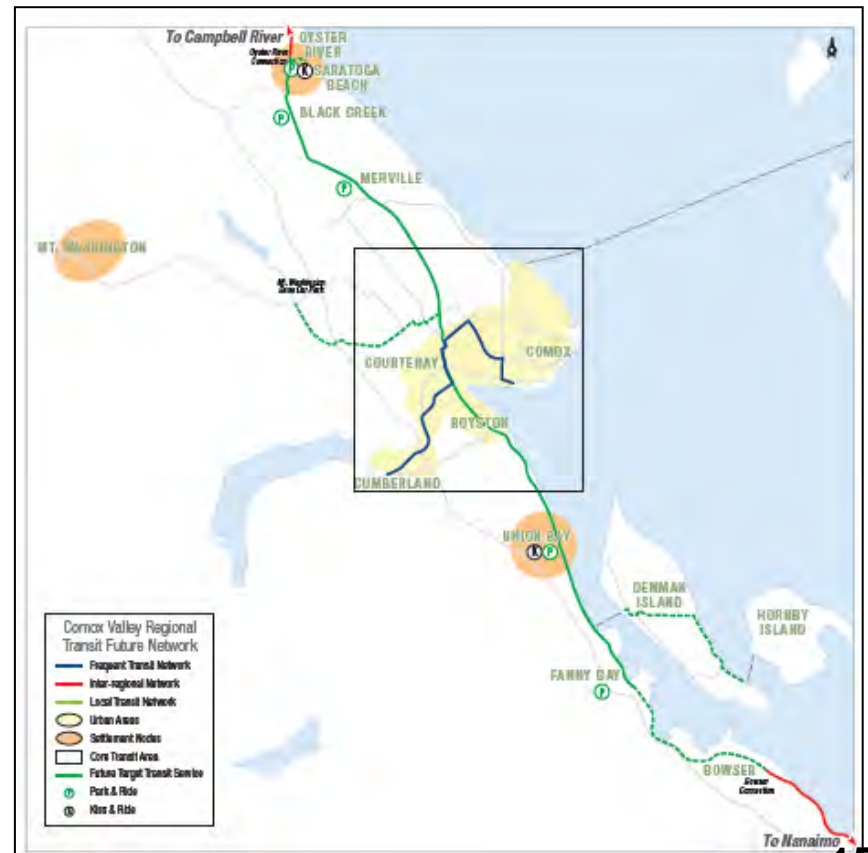
Outline

- Background – 2014 Comox Valley Transit Future Plan
- What is the Frequent Transit Corridor Study
- Corridor Options
- Preferred Transit exchange Locations
- Future Implementation

Background



Priorities in the TFP reflect the desires of the public and stakeholders



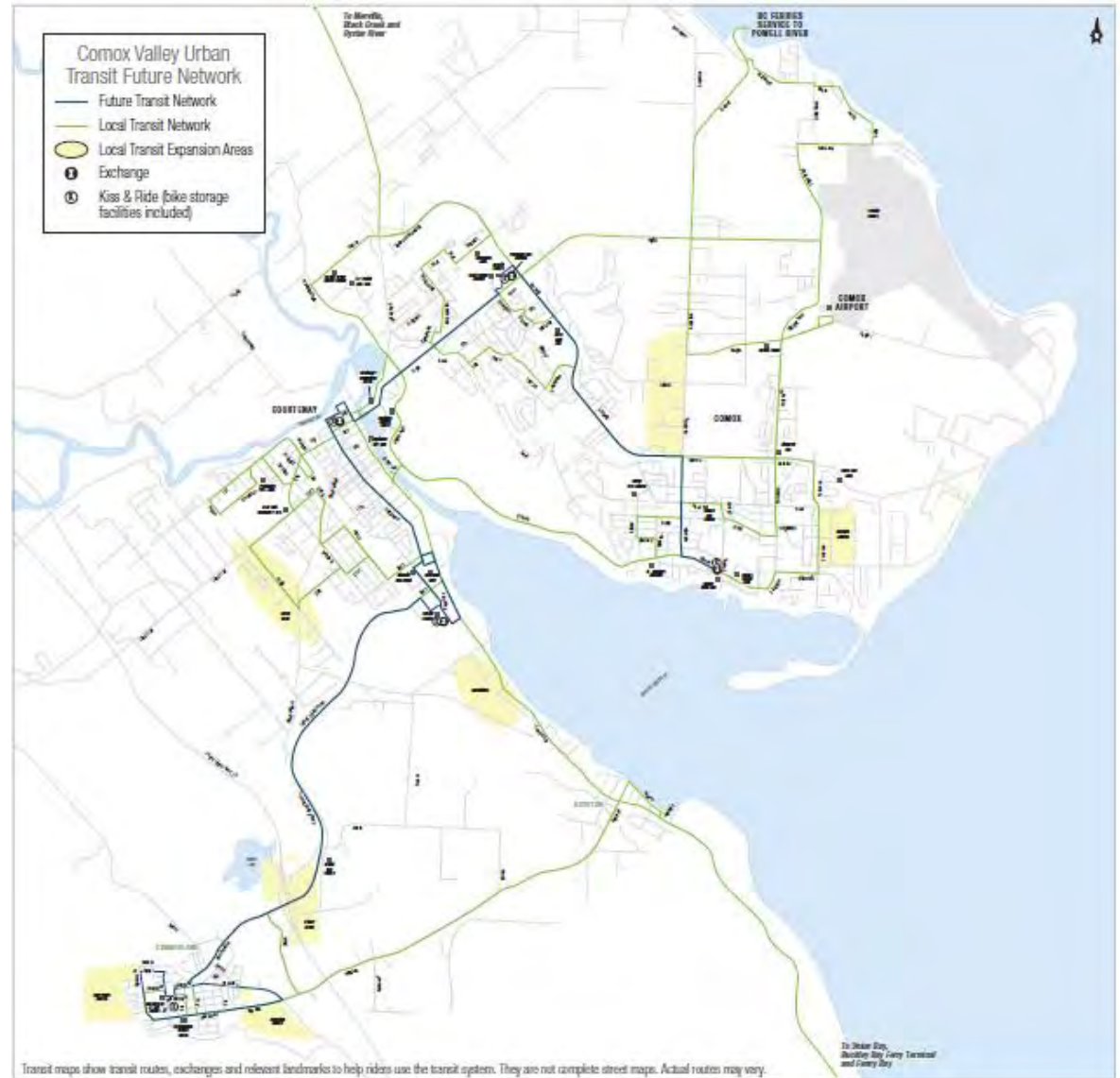
Transit Future Plan - Consultation

- Two phases public engagement
- Public and local partners were well involved in the Plan's development:
 - Over 2,000 attendees to the transit future bus events
 - Stakeholder Workshops
 - Technical network planning workshop
 - Driver workshops
 - Elected Official Forum
 - Individual presentations to Councils
- **Short Term Priorities in the report reflect the desires of the public and stakeholders**



Transit Future Network Plan

- Features **Frequent Transit Network** connecting the key centres of Cumberland, Driftwood Mall/Anfield Centre, downtown Courtenay, North Island College & Comox Valley Hospital and downtown Comox
- **Local Transit Network** continues to deliver service throughout the community. Future implementation strategies are aimed to deliver improved frequency, span and route design as warranted and as residential areas expand



Future Transit Network (FTN) Corridor Study

Transit Future Action Plan

Commenced February 2016, working closely with municipal staff

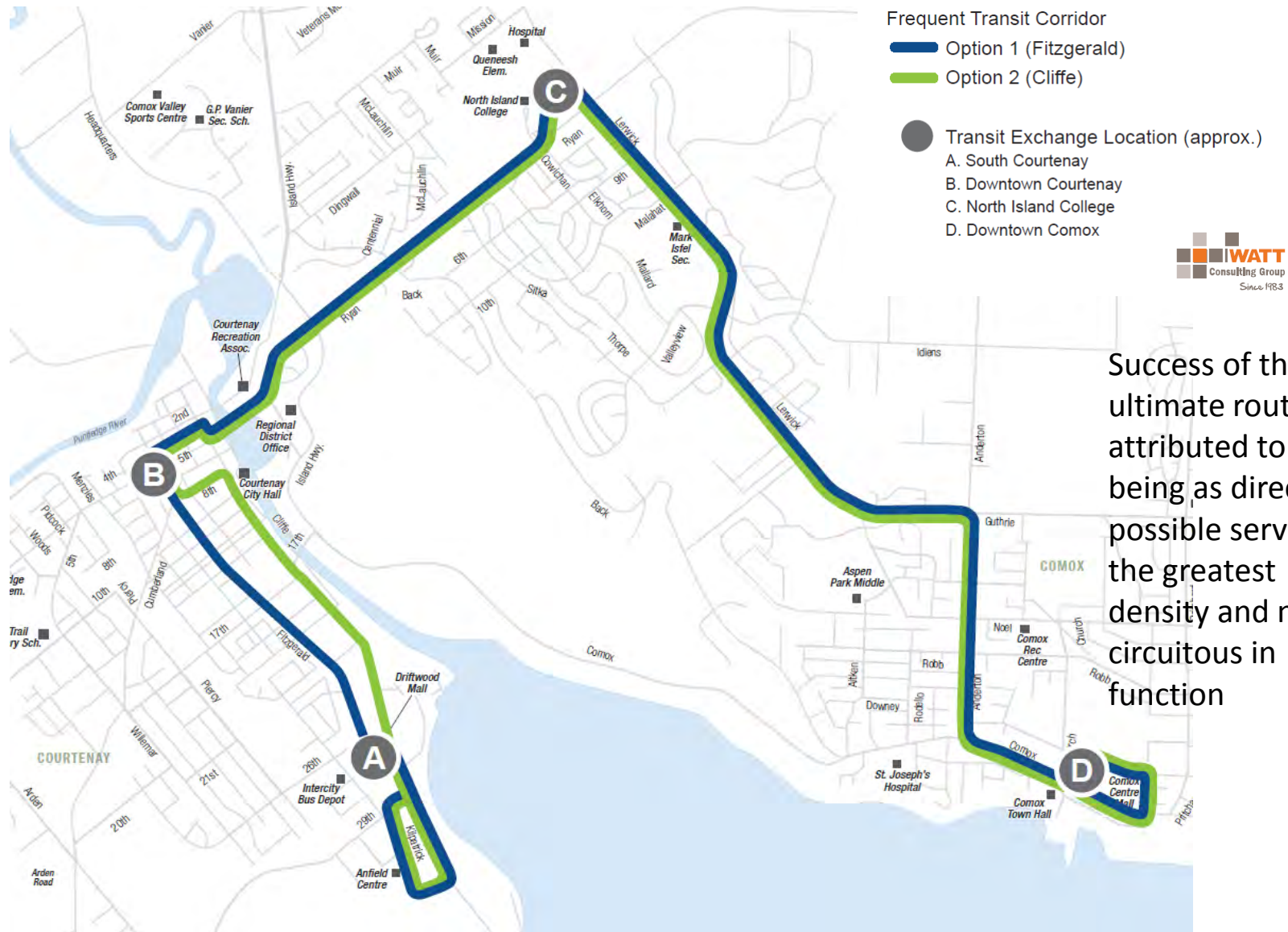
Key Deliverables of the study:

- **Technical Memorandum** (Sept 2016) summarizes the results of the preliminary corridor assessment understand existing conditions, opportunities and constraints
- **Final Study** (November 2016) Includes:
 - Multiple Account Evaluation Framework to determine preferred corridor alignment
 - Analysis of exchange locations- downtown Courtenay, Comox, NIC and Driftwood/Anfield Mall



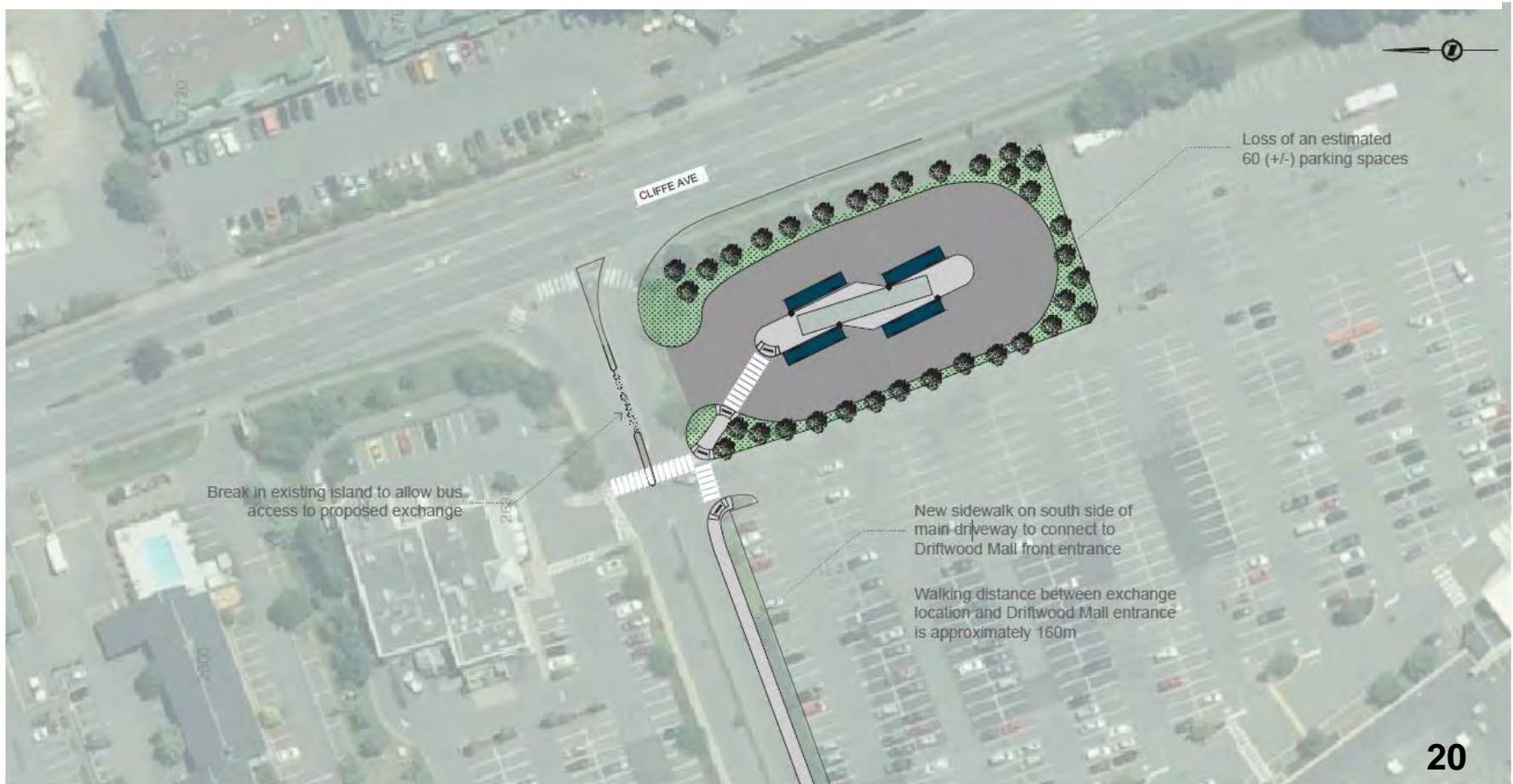
Final Report to CVRD
Board Winter 2016

Two Corridor Options



Preferred exchange location- South Courtenay

- Four “saw tooth” platforms accessed via the internal site driveway and Cliffe Avenue, allowing for efficient access (particularly under route options utilizing Cliffe Ave)
- Location is approximately 160m from the primary mall entrance (2-minute walk), with a new sidewalk recommended on the south side of the internal driveway;
- Results in a loss of approximately 75 parking spaces (~10% of total site supply)
- Frequent Corridor route may be extended to Anfield Centre site.



Alternate Preferred exchange location- South Courtenay

- On-street configuration can reasonably accommodate three platforms – one existing, two new (preferred capacity is four platforms)
- New sidewalk / walkway recommended to connect bus stop platforms with sidewalk on primary internal driveway leading to WalMart's front entrance, approximately 180m (2-minute walk)
- Results in two parking lot drive aisles closed and a loss of approximately 12 parking spaces.



Preferred exchange location- Downtown Courtenay

- On Street configuration on Fitzgerald Avenue between 5th Street and 6th Street
- Allows for shelters and wide sidewalks
- Access to rear laneways maintained
- New marked crosswalk and curb extensions recommended at the 6th Street / Fitzgerald Ave intersection in anticipation of increased pedestrian activity
- Easy access for either Corridor option
- Integrates with the downtown fabric
- Opportunity for design coordination with complete street initiative



Preferred exchange location- Downtown Courtenay- Proposed Routing

Comox Valley Frequent Transit Corridor Study
TRANSIT EXCHANGE OPTIONS

DOWNTOWN COURTENAY



Preferred exchange location- North Island College

- Location College Road on the east side of the campus immediately adjacent the Aquatic Centre.
- Four bus bays can be accommodated; two on the north side parallel to the curb, two on the south side in a “sawtooth” configuration;
- The exchange is 200m from the NIC main entrance, 75m from the Aquatic Centre entrance, and 250m from the future Comox Valley Hospital front entrance (less to the rear entrances)
- The crosswalk on College Road is proposed to be relocated to allow for ideal bus platform locations.



Future Implementation

- The final Study will be provided to the CVRD Board in Winter 2016. It will help to inform future transit service changes and transit infrastructure investments.
- Final decisions and actual implementation will occur as Provincial and Local Government Funding is available.
- The Three Year Provincial Transit Service Plan includes a place holder for transit expansion for the Comox Valley Regional District to help actualise the service on the Frequent Transit Corridor and the augmentation of local routes to support this.
- BC TRANSIT will continue to work with the CVRD and the municipalities to help realise future funding opportunities that are on the horizon, to build transit exchanges and other transit infrastructure improvements.

*Thank
You!*

September 19, 2016

Delegation: SWTS President Darryl Calnan, and members of the SWTS Board Executive: Vice President M. Douglas, Treasurer H. McFetridge, Secretary (and Past President) Wayne Anderson.

Our Society has not had an opportunity to make a presentation to Council since 2013 and we are glad to be able to do so now because a great deal of progress has been made in refining the operation of the Theatre, which we would like to point out to you.

Most of you will recall that, five years ago, we were forced to ask you for emergency assistance just to keep the theatre's doors open. We asked you to make an investment in the culture of Courtenay and you did as we asked. We hope you are as pleased with your decision as we think the citizens of this City are. Today we are operating within our budget and are meeting our challenges.

In addition, we have established a reserve of funds in accordance with the prudent expectations of our future needs. That fund is still small but we're on track to see it grow to the point it needs to get to in the coming years. That accomplishment has been achieved through a number of measures some of which we would like to underscore for you. They are:

Both Rental Bookings and Society Presented events (under the Blue Circle banner) have been expanded. We have increased the number of our commercially successful events to what is probably the maximum number of days we can function per year. This has lead to an increase in ticket revenue of which we are very proud.

The Management Team has worked hard to improve operational efficiency in all departments without sacrificing safety or service. Having stretched our event operations to a maximum, largely in response to regional competition and to community user demand on the facility, we continue to work on increasing our attendance numbers through various marketing campaigns.

Another positive initiative was the creation of a formal Occupational Health and Safety program, which was more than a year in development, is now implemented. We believe this program will reduce work related accidents and health issues which can only benefit our Society, the City as the Facility owner, and the ongoing operation of the theatre.

Some of the steps we have taken:

September 19, 2016

- We have created strong active Board Committees to steer key initiatives:
 - Fundraising,
 - Human Resources and Safety,
 - Policies,
 - Nominations and Bursary awards,
 - Marketing and Sponsorship,
- As a result, we have been able to review and update all of our society and operating policies;
- We have created a new Strategic Plan which is reviewed annually;
- We have a recent Human Resources Plan which is also reviewed regularly;
- The Board's marketing committee prepares a competitive marketing plan annually for promotion and sponsorship of our programming;
- And we are working to expanding our budget process to a 3-5 year time frame.

There is still much work to be done, as we strive to fulfill the mandate we were given and the needs of our growing and changing community.

A synopsis of current key initiatives for the near future is:

We are aggressively seeking new sources of revenue through sponsorships to support programming as well as improvements to the lobby of the theatre and upgrade historical and artistic exhibits on the theatre premises.

In our dealings with the City, we have been emotionally rocked by the passing of Randy Wiwchar, as you also have been. But we are extremely enthusiastic about our developing rapport with Chief Administrative Officer, David Allen, and senior staff especially David Snider and his team.

We look forward to playing a role in implementing the City's vision for Downtown Courtenay and working cooperatively with City personnel in their up-coming recreational and cultural services review.

A legacy donation program is being developed, to assist with future equipment acquisitions for the theatre, and to support major operational or programming needs.

Finally, we will be working with senior staff to develop a new Theatre Management Agreement with the City which, we are confident, will be a benefit to both the City and our Society.

September 19, 2016

Our Board Members present today, assisted by our General Manager, will answer questions.

Our Annual Report, current Program Guide, and comparative usage statistics will be available for handout.

Thank you for your ongoing support of our community theatre and for receiving our delegation and presentation.

Sid Williams Theatre Society Board of Directors



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 5040-20

From: Chief Administrative Officer

Date: Sept. 19, 2016

Subject: **Braidwood Affordable/Supportive Housing Project Update and MOU**

PURPOSE:

The purpose of this report is to:

1. Update Council on the status of the Braidwood Affordable/Supportive Housing Project located on a City-owned property at 810 Braidwood Road; and
2. To obtain Council approval to enter into a Memorandum of Understanding (MOU) between the City of Courtenay and Wachaiy Friendship Centre Society and M'akola Group of Societies.

POLICY ANALYSIS:

The selection of a qualified proponent to build and operate the Braidwood Affordable/Supportive Housing Project was identified as Council's number one priority in the City's 2015 Strategic Priorities Report. The City's 2016-2018 Strategic Priorities that relate to the Braidwood Housing Project fall under the theme: **"We support diversity in housing and reasoned land use planning"** and specifically the two categories identified in the graphic below.

 Support initiatives and incentives to encourage lower cost housing	 Area of Control The policy, works and programming matters that fall within Council's jurisdictional authority to act.
 Proactively pursue housing diversity and advocate for senior government support	 Area of Influence Matters that fall within shared or agreed jurisdiction between Council and another government or party.
	 Area of Concern Matters of interest outside Council's jurisdictional authority to act.

RECOMMENDATION:

THAT based on the September 6, 2016 staff report "Braidwood Affordable/Supportive Housing Project Update and MOU", Council proceed with OPTION 1 and approve the proposed "Memorandum of Understanding Braidwood Housing Project" between the City of Courtenay, Wachaiy Friendship Centre Society and M'akola Group of Societies.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

At a council meeting held on August 17th 2015, Council unanimously passed a series of resolutions to develop a City-owned property located at 810 Braidwood Road to design and construct a supportive/affordable housing project. This included appointing the M'akola Group of Societies and the Wachaiy Friendship Centre Society as the joint sponsors of the Braidwood housing project for a 5-year term.

On October 13th 2015 the City sent a letter to the M'akola Group of Societies and the Wachaiy Friendship Centre Society to officially notify the sponsors of Council's resolution and to request a meeting to discuss how to proceed with the project. A copy of this letter (including the complete Council resolution from August 17th 2015) is attached to this report.

On October 28th 2015 the Braidwood Project Development Team held a kick-off meeting to consider how to proceed with the due diligence tasks for the property, financing, development processes and schedule, initial development objectives, and the selection of an architect.

In the subsequent months since then a number of tasks have been completed, and a schedule of work to date (to the end of June 2016) provided by M'akola is outlined below.

✓ Request for Proposals Issued for Due Diligence Work	<i>December 4th, 2015</i>
✓ Contracts Awarded for Due Diligence Work	<i>January 18th, 2016</i>
✓ Due Diligence Reports Completed	<i>March 24th, 2016</i>
✓ Invitation to Interview Issued for Architectural Services	<i>May 3rd, 2016</i>
✓ Interviews for Architectural Services Conducted	<i>May 6th, 2016</i>
✓ Contract Awarded for Architectural Services	<i>May 15th, 2016</i>
✓ Preliminary Design Concept Developed by Joe Newell Architect Inc	<i>May 24th, 2016</i>
✓ Provincial Investment in Affordable Housing Expression of Interest Submitted	<i>June 15th, 2016</i>

Aboriginal Provincial Investment in Affordable Housing Expression of Interest due *September 19th, 2016*

DISCUSSION:

On June 29th 2016 the City received a final draft of a proposed MOU for the Braidwood Housing Project between the City of Courtenay and Wachaiy Friendship Centre Society and M'akola Group of Societies. The MOU sets out the terms and conditions of the partnership between the parties as intended to guide the development planning process up to the commencement of the construction on the project on the site at 810 Braidwood Road. While the MOU does not establish legal rights or obligations, it is intended to provide the parties with a clear understanding of their respective roles and responsibilities, commitments, and communications.

Following a review by staff and the City's legal counsel, and discussions with staff from M'akola, the MOU was revised to allow for the City to transfer ownership of the property at 810 Braidwood, and to base this on

entering into a housing agreement with M’akola and BC Housing. The MOU was also revised to clarify the City’s commitments respecting Development Cost Charges (DCC) and monthly progress reports. A copy of the MOU is attached to this report.

The following is an overview of the main components of the MOU.

1. Roles and Responsibilities

- **M’AKOLA** is the lead project manager and development consultant for the Braidwood project.
- **WACHIAY** is the primary partner on the Braidwood project and will work with M’akola to ensure the design and development of the project meets the specific needs of the local tenant population to be served by the project.
- **THE CITY** appoint the CAO as the City’s project manager for the Braidwood project to ensure that development planning for the project proceeds expeditiously, including discussions with BC Housing and others on funding and on-going liaison with the joint project sponsors to ensure that the City is providing adequate and appropriate assistance to the project sponsors in addressing municipal issues such as zoning, development permit variances and building permit applications, as well as good neighbour agreements and housing agreements both of which require municipal initiatives

2. Commitments

- **THE CITY** is offering the following assistance and support towards development of the project:
 1. Freehold ownership of the site to be granted to M’akola subject to BC Housing final project commitment and based on entering into a housing agreement under section 483 of the Local Government Act; and,
 2. City levied DCC’s will be minimized by ensuring that as many units as possible are no larger than 29 square meters and/or through an amendment to the City’s DCC Bylaw; and,
 3. Forgiveness of all municipal fees, charges, levies, and costs up to a maximum as approved by City Council.
- **M’AKOLA**, will enter into a promissory note with BC Housing Management Commission in order to access the \$40,000 Proposal Development Funding loan that BC Housing has approved.
- **M’AKOLA**, one of the two joint sponsors, has committed \$250,000 in sponsor equity towards the capital cost of the project.
- **WACHIAY**, one of the two joint sponsors, has committed \$30,000 to \$40,000 in non-operating funds to sponsor equity towards the capital cost of the project.

3. Communications

- **THE CITY**’s Braidwood Project Lead will report back to Council at least quarterly on the status of the project, including challenges and constraints, and recommend Council action which may be necessary and appropriate from time to time to ensure that project planning and development is proceeding as it should be. Monthly reports will be provided to BC Housing and the City’s Project Lead by M’akola Development Services.

The MOU is based on discussions and input from all the parties, and also on a recent legal review by the City’s counsel, Don Lidstone. Staff has confirmed that this review does not contain any confidential or prejudicial information, and in order to provide greater transparency a copy of the review is attached to this report.

FINANCIAL IMPLICATIONS:

Should Council approve turning over freehold ownership of the City property at 810 Braidwood Road, the current market value is appraised at \$289,000. There is also \$85,000 remaining in the Land Sale Reserve left

over from the funds given to the City by the CVRD for the specific purpose of assisting the City in funding a Supportive Housing project (i.e. Braidwood). The City also is holding \$100,000 in funds provided by the Vancouver Island Health Authority (VIHA) in support of the Braidwood Housing Project.

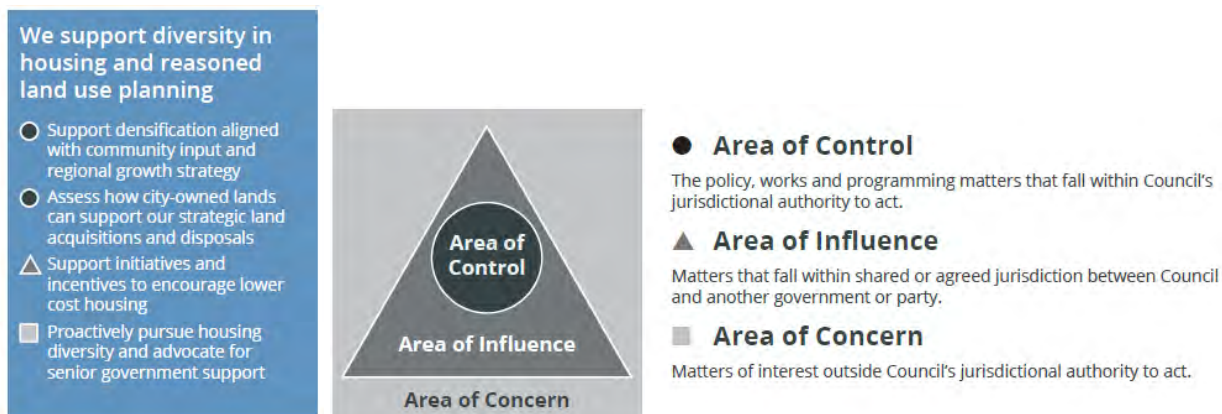
Collectively this represents a total of \$474,000, of which \$185,000 remains to offset all municipal fees, charges, levies, and other associated costs.

ADMINISTRATIVE IMPLICATIONS:

The CAO is the project lead, and works directly with the consultant. Additional support is received from Development Services staff and was included in the 2015 corporate work plan. Approximately 15 hours of staff time have been spent so far this year. Future staff time required for the remainder of 2016 is estimated to be approximately 10 hours.

STRATEGIC PLAN REFERENCE:

The Braidwood Housing Project is included in the City of Courtenay's 2016 – 2018 Strategic Priorities as outlined in the graphic below.



OFFICIAL COMMUNITY PLAN REFERENCE:

- ✓ The provision of non-profit housing as a means of increasing the supply of rental housing is strongly encouraged. Preference is for affordable and social housing to be dispersed throughout the City and not concentrated in one area.
- ✓ Ensure the provision and integration of special needs and affordable housing.
- ✓ Encourage housing opportunities and convenient community services for individuals having special housing requirements.

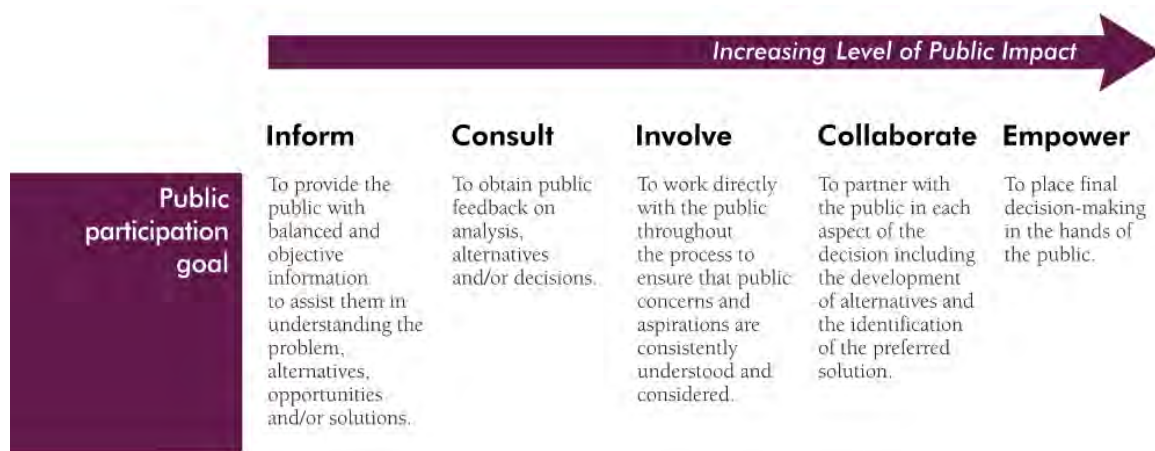
REGIONAL GROWTH STRATEGY REFERENCE:

- ✓ Ensure a diversity of housing options to meet evolving demographics and needs.
- ✓ Encourage residential multi-unit or multi-lot developments to contribute to affordable housing options including, but not limited to a range of unit sizes and types, lot sizes, multifamily or attached-unit buildings, rental units and secondary suites. These contributions could take the form of land, cash, buildings or other such items as supported by the local governments.

PUBLIC ENGAGEMENT:

The City's Social Planning consultant, John Jessup, **consulted** with the public during two Braidwood neighbourhood Open Houses on April 23 and 24, 2014.

Additional public engagement will be undertaken as required by M'akola Development Services, the lead project manager and development consultant.



OPTIONS:

OPTION 1 –

THAT based on the September 6, 2016 staff report “Braidwood Affordable/Supportive Housing Project Update and MOU”, Council proceed with OPTION 1 and approve the proposed “Memorandum of Understanding Braidwood Housing Project” between the City of Courtenay, Wachaiv Friendship Centre Society and M'akola Group of Societies

OPTION 2 –

That Council direct staff to amend the MOU based on other specific conditions and report back to Council.

Prepared by,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

Attachments:

1. *Letter – Appointment of Joint Sponsors to Develop 810 Braidwood Road Supportive/Affordable Housing Site, October 13th 2015*
2. *Braidwood MOU FINAL revised Sept 19th 2016*
3. *Email D. Lidstone re Braidwood Housing MOU September 1st 2016*

THE CORPORATION OF THE CITY OF COURTENAY

Office of the C.A.O.
830 Cliffe Avenue
Courtenay, B.C.
V9N 2J7



Phone 250-334-4441
Fax 250-334-4241
email: info@courtenay.ca

October 13, 2015

M'akola Group of Societies
2009 Fernwood Road
Victoria, BC

Attention: Kevin Albers, CEO

Wachiay Friendship Centre
1625-B McPhee Avenue
Courtenay, BC

Attention: Roger Kishi, Director Homeless & Housing Programs

Dear Mr. Albers & Mr. Kishi:

**Subject: Appointment of Joint Sponsors to Develop City-owned 810 Braidwood Road
Supportive/Affordable Housing Site**

At its regular meeting of August 17, 2015, Courtenay City Council unanimously passed the following resolutions:

- A. THAT Council appoint the M'akola Group of Societies and the Wachiay Friendship Centre as the joint sponsors of the Braidwood housing project for a 5-year term beginning on the date of approval of this recommendation and THAT no legal rights or obligations are hereby created and none shall arise hereafter except upon execution of all of the documents by all of the parties related to development of the City-owned 810 Braidwood Road site;
- B. THAT Council proceed forthwith to undertake the due diligence tasks identified in this report at the City's cost at the earliest possible date;
- C. THAT Council appoint the CAO as the City project manager for the Braidwood project to ensure that development planning for the project proceeds expeditiously, including discussions with BC Housing on funding and on-going liaison with the joint project sponsors to ensure that the City is providing adequate and appropriate assistance to the project sponsors in addressing municipal issues such as zoning, development permit variances and building permit applications, as well as good neighbour agreements and housing agreements both of which require municipal initiative.
- D. THAT THE City Braidwood Project Manager report back to Council quarterly on the status of the project, including challenges and constraints, and recommend Council action which may be necessary and appropriate from time to time to ensure that project planning and development is proceeding as it should be.

The purpose of this letter is to officially notify the joint sponsors of Council's resolution and to request a meeting at the City at the earliest possible date to discuss how we are going to proceed with next steps, including entering into a Memorandum of Understanding between the City, BC Housing and the joint sponsors.

The MOU will outline the terms and conditions of the partnership between the parties and guide the development planning process up to the commencement of construction of the project on the site.

For the City's part, the City is offering the following assistance and support towards development of the project:

1. A 60-year lease of the site at nominal rent;
2. Forgiveness of 100% of City levied DCC's; and,
3. Forgiveness of all municipal fees and charges.

Further, the City will at its own cost undertake the following surveys and assessments relating to the 810 Braidwood Road site:

1. A Phase 1 Environmental Site Assessment (ESA) of the site;
2. A Hazmat Survey of the existing building on the site;
3. A geotechnical survey of the soils conditions on the site; and,
4. A civil engineering analysis of the present capacity of existing water main, storm drain and sanitary sewer systems servicing the site.

In return, BC Housing has approved \$40,000 in additional Proposal Development Funding to assist the joint sponsors in proceeding with preliminary development planning. The joint sponsors will be required to enter into a promissory note in order to access this PDF loan.

Finally, M'akola and Wachaiy, the joint sponsors, have committed \$250,000 and \$30,000 to \$40,000 respectively in sponsor equity towards the capital cost of the project.

All of these factors including others which may be identified during early discussions of the MOU will have to be incorporated into this founding document.

As the City Project Manager, I welcome you as our development partners, and propose that we all meet, including BC Housing staff and our Social Planning Consultant, Mr. Jessup, at the City at your earliest convenience, to begin our discussions on the MOU and any other matters which may arise, in order to begin the development planning stage for the Braidwood project.

Please call me to propose a convenient time for this meeting.

Yours sincerely,



David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer
Project Manager, Braidwood Project

Copies to:

Ms. Candice Koo, Senior Project Officer, BC Housing
Mr. Scott Kingham, Senior Building Technologist, BC Housing
Mr. John Jessup, City Social Planning Consultant

**THE CORPORATION OF THE CITY OF
COURTENAY
AND
WACHIAY FRIENDSHIP CENTRE SOCIETY
AND
M'AKOLA GROUP OF SOCIETIES**

**MEMORANDUM OF UNDERSTANDING
BRAIDWOOD HOUSING PROJECT**

MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT dated for reference the 19th day of September, 2016

BETWEEN:

THE CORPORATION OF THE CITY OF COURTENAY

(“THE CITY”)

AND:

WACHIAY FRIENDSHIP CENTRE SOCIETY

(“WACHIAY”)

AND:

M’AKOLA HOUSING SOCIETY

(“M’AKOLA”),

WHEREAS the purpose of this Memorandum of Understanding is to outline the terms and conditions of the partnership between the parties and guide the development planning process up to the commencement of construction of the project on the site.

AND WHEREAS the CITY appoint M’AKOLA and WACHIAY as the joint sponsors of the Braidwood Housing Project for a 5-year term beginning on August 17, 2015.

AND WHEREAS no legal rights or obligations are hereby created and none shall arise hereafter except upon execution of all of the documents by all of the parties related to development of the 810 Braidwood Road site;

1. Roles and Responsibilities

- **M’AKOLA** is the lead project manager and development consultant for the Braidwood project.
- **WACHIAY** is the primary partner on the Braidwood project and will work with M’akola to ensure the design and development of the project meets the specific needs of the local tenant population to be served by the project.
- **THE CITY** appoint the CAO as the City’s project manager for the Braidwood project to ensure that development planning for the project proceeds expeditiously, including discussions with BC Housing and others on funding and on-going liaison with the joint project sponsors to ensure that the City is providing adequate and appropriate assistance to the project sponsors in addressing municipal issues such as zoning, development permit variances and building permit applications, as well as good neighbour agreements and housing agreements both of which require municipal initiative.

2. Commitments

- **THE CITY** is offering the following assistance and support towards development of the project:
 1. Freehold ownership of the site to be granted to M'akola subject to BC Housing final project commitment, and based on entering into a housing agreement under section 483 of the Local Government Act; and,
 2. City levied DCC's will be minimized by ensuring that as many units as possible are no larger than 29 square meters and/or through an amendment to the City's DCC Bylaw; and,
 3. Forgiveness of all municipal fees, charges, levies, and costs up to a maximum as approved by City Council.
- **M'AKOLA**, will enter into a promissory note with BC Housing Management Commission in order to access the \$40,000 Proposal Development Funding loan that BC Housing has approved.
- **M'AKOLA**, one of the two joint sponsors, has committed \$250,000 in sponsor equity towards the capital cost of the project.
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3. Communications

- **THE CITY's** Braidwood Project Lead will report back to Council at least quarterly on the status of the project, including challenges and constraints, and recommend Council action which may be necessary and appropriate from time to time to ensure that project planning and development is proceeding as it should be.
- A monthly report will be provided to BC Housing and the City's Project Lead by M'akola Development Services.

**Email sent September 1st 2016 at 6:01 PM from Don Lidstone re Braidwood Housing MOU
legal review – for consideration at the September 6th Closed Council Meeting**

Hi David and John

This confirms my telephone advice to you today that:

1. From a legal perspective, it is my view that the City may proceed with the Braidwood Housing Project Property disposition by way of a transfer of the fee simple title for nominal consideration, instead of by way of a long term ground lease, because:
 - (a) A long term ground lease containing the BC Housing provisions is tantamount to a transfer of title, so for practical purposes, the City is not giving up equity by transferring title in lieu of this long term ground lease;
 - (b) By transferring title for nominal consideration, the City is not unlawfully assisting a business (s. 25(1) CC), because the transferee is a non-profit entity that is not carrying on a business in the sense of the definition in the CC;
 - (c) The transfer of title, versus a lease, will increase the likelihood of, and facilitate, a BC Housing grant to the entity;
 - (d) The transfer of title, versus a lease, will reduce the City's involvement in administration (in regard to additional rent, insurance, defaults, notices, building destruction, etc.);
 - (e) The transfer of title, versus a lease, will eliminate any potential claims involving the property where the City would normally be named as a defendant if it holds title; and
 - (f) The City's interests can be protected in a housing agreement under section 483 LGA in the absence of a long term lease [to protect the City's interests in regard to the form of tenure (e.g., rentals versus strata ownership), the definition of "affordable", and the definition of who is eligible (noting that none of these things can be controlled by zoning or a covenant)].
2. If the City proceeds by way of a transfer of title in lieu of a long term lease, then:
 - (a) The City must give notice of assistance under section 24(1)(a) CC;
 - (b) A partnering agreement is not required, because the entity is not a business;
 - (c) The City must give notice of disposition under section 26(3), as it would in the case of a long term lease;
 - (d) The City should proceed with a housing agreement under section 483 LGA to control the form of tenure (e.g., rentals versus strata ownership), the definition of "affordable", and the definition of who is eligible (noting that none of these things can be controlled by zoning or a covenant).
3. In regard to the proposed DCC waiver:
 - (a) The project is DCC-exempt if the each unit in area is less than 29 square metres (under section 561(7) LGA and subject to the residential controls);
 - (b) If there are units having an area in excess of 29 square metres, then the City and regional district would be best advised to amend the DCC bylaws under section

**Email sent September 1st 2016 at 6:01 PM from Don Lidstone re Braidwood Housing MOU
legal review – for consideration at the September 6th Closed Council Meeting**

561(8) or 563(3) LGA to authorize the waiver of DCC's, since there is no regulation under section 561(11)(a). [There is also the argument that the diction of section 561 is such that there is an automatic statutory exemption for the units under 29 square metres and that DCC's are payable only for the larger units, although there is also an argument the larger units trigger DCC's for the building as a whole – we have not finalized an opinion on this issue as you have indicated that DCC bylaw amendments might be the optimal route].

4. Further to our discussion today, in order to address these issues, the parties would amend the MOU to provide for the transfer of title in lieu of a long term lease, the housing agreement, and the contractual monthly reporting to the CAO. Please advise if you want me to send you these revisions.

- Don

Don Lidstone, Q.C.
LIDSTONE & COMPANY
Barristers and Solicitors
Suite 1300 - Sun Tower
128 Pender Street West
Vancouver, BC V6B 1R8
604.899.2269 P
604.899.2281 F
604.999.1131 C
www.lidstone.info

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THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 4530-01

From: Chief Administrative Officer

Date: September 19, 2016

Subject: First, Second and Third readings of Tree Protection and Management Bylaw No. 2850

PURPOSE:

The purpose of this report is for Council to consider giving three readings to a new Tree Protection and Management Bylaw (No. 2850), here after referred to as the Tree Bylaw.

POLICY ANALYSIS:

Section 8(3)(c) of the *Community Charter* allows Council to regulate in relation to trees. This enabling legislation is broad in that it is not limited only to protecting existing trees, but also allows for the requirement of new trees to be planted, even on lands where trees did not previously exist.

The City's OCP contains a number of references to updating the Tree Bylaw to support community environmental, climate and neighbourhood goals. If approved this would be the second update to the bylaw since the OCP was adopted in 2005.

CAO RECOMMENDATIONS:

That based on the September 19th 2016 staff report "First, Second and Third readings of Tree Protection and Management Bylaw No. 2850", Council approve OPTION 1 and consider proceeding to First, Second and Third readings of Tree Protection and Management Bylaw No.2850, 2016 in the Bylaws section of the September 19th council agenda; and

That Council direct staff to report back on the estimated time and cost of drafting an Urban Forest Strategy.

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The City has had a Tree Bylaw since 1989. The latest revision was conducted in 2006. Since then, a number of Local Area Plans have been adopted which indicate support for stronger tree management and protection goals, in recent years additional Best Management Practices have emerged on the value of urban trees, and staff have identified a number of administrative improvements that could benefit the delivery of the Tree Bylaw for applicants and staff.

Staff have been considering a range of options for improving the Tree Bylaw over the past couple of years and have followed the work of other communities on the west coast as well as reviewing recent best management guidelines. A number of communities contacted and/or reviewed [15 in total] by staff were in the process of updating their own Tree Bylaws. Recently, staff conducted the public consultation phase for the proposed amendments, a summary of which is included in the Discussion of this report as well as attached in Schedule A.

In April, Council approved the creation of a Tree Planting and Replacement Reserve Fund (hereafter referred to as the Tree Fund) in anticipation of the proposed amendments to the Tree Bylaw. The fund was created to provide the opportunity for applicants in some circumstances to pay for tree replacement with cash in lieu instead of planting new trees on their property. The reserve fund can only be used to plant new trees. As the fund grows, staff will examine the opportunities for where to plant replacement trees, with priority likely to be given to public lands.

DISCUSSION:

The current Tree Bylaw

The existing Tree Bylaw applies to all Garry Oak and Pacific Dogwood trees, all properties over 1ha in size and a number of properties along the City's urban/rural boundary. The Bylaw requires that a permit be issued prior to tree removal occurring within these areas, however permits are not required for removing trees within a building envelope, driveway or a servicing corridor (e.g. road right-of-way). This exemption clause has resulted in a property owner legally removing trees within the exemption areas, but in the process inadvertently impacting remaining trees. In some instances this has led to further unnecessary tree removal as the remaining trees are exposed to winds or may have impacted root structures.

In an attempt to address this gap staff have required developers to identify tree retention opportunities at the subdivision phase. This has resulted in more trees being identified for retention and protection throughout the construction process, however the current Bylaw does not provide clarity on how many trees should be retained, or replanted. In general, staff approach tree management with the goal of retaining trees on properties while also providing for the enjoyment of a yard.

At the outset of the tree bylaw review process Staff set the following objectives:

1. Provide more clarity and standardization in application requirements and tree management (including protection) expectations.
2. Broaden the scope of the bylaw to include more lands and more rare species under special protection.

The proposed Tree Bylaw

Following the review and consultation process the proposed new Tree Bylaw will:

1. Set a target number of trees that must be retained or replanted on all properties, depending on property size. (Achieves more clarity of tree management expectations).
2. Require the same standard for existing and new developments. However, retention will be prioritized on new developments, and flexibility will be provided in meeting targets for existing properties by means of retaining trees, replanting trees or paying into the Tree Fund. (Allows more lands to be included in the Bylaw, but provides flexibility for infill developments).

3. Apply to all lands within the City, and include more species under special protection. (Achieves more uniform canopy cover expectations across the City, thereby distributing the benefits and costs more evenly).
4. Implement new permit fees and security requirements. (Reflects the administrative efforts required to administer a variety of tree management scenarios, from simple to complex).

The following definitions are used within the bylaw and this report and are provided here for easy reference.

“Greenfield property” means any property that is greater than 4000 square metres in size (approximately 1 acre), is relatively undeveloped and generally contains vegetation characteristics of land that has been left to evolve naturally.

“Infill property” means any property that is less than 4000 square metres in size (approximately 1 acre).

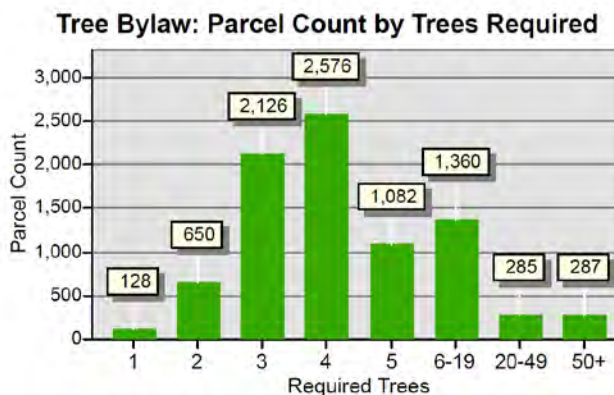
Each of these key changes are discussed in more detail below.

1. Setting a target number of trees for all properties, based on property size

The philosophical foundation for the proposed Tree Bylaw is that every property should be treated in the same so as to ensure trees are spread throughout the community, to not penalize a property that has many trees on it, and to ensure that all properties are contributing to the community’s ‘share’ of the services trees provide.

Staff recommends using a tree density target as the basis for deciding how many trees a property should retain or replant measured in trees per hectare. Working from the scale of an individual property owner and considering examples from other municipalities, fifty (50) trees per hectare is believed to be a reasonable number of trees that can be accommodated on a property while also affording the enjoyment and use of one’s property.¹

This target of 50 trees per hectare is translated to 0.005 multiplied by the site area of the property in metres squared. The majority of properties within the City would require either 3 or 4 trees as shown in the following graph.



¹ By comparison the Township of Langley requires a target of 72 trees per gross developable hectare and the City of Maple Ridge requires a target of 40 trees per net developable area. Chilliwack also has a 50 trees per hectare requirement, but is only associated with the initial development application (i.e. the target does not apply to existing properties, or to a new development after it has been constructed). The City of Coquitlam states the number of trees required on a property based on lot size that is within the range of what staff are proposing. Staff note that in the Coquitlam example, replacement trees of different sizes may be required depending on whether trees are retained.

By means of comparison, under the current Tree Bylaw, when trees are removed, outside of building envelopes and servicing corridors, the requirement is that an applicant replaces these trees at 2:1. Depending on the number of trees already on the property, expected to be retained, and the size of the property, these replacement requirements can vary widely across similar properties.

2. Same standards but different approaches for new and existing developments

The proposed Tree Bylaw requires that existing and new developments both achieve the target density of 50 trees per hectare, but by different approaches for each development context.

Recognizing that retaining trees can be difficult with infill development the proposed bylaw allows infill properties that are smaller than 4000 m² (approximate 1 acre) to achieve tree density requirements either through retention of existing healthy trees, replanting trees, or contributing to the Tree Fund in equal measure.

For new developments over 4000 m² the requirement is to achieve the tree density requirement through retention. Owners will be encouraged to achieve this by retaining trees in groves or corridors, recognizing that new developments have greater tree retention opportunities than infill projects.

3. Applying the bylaw to all lands within the City, and including more species under special protection.

In following the philosophical foundation that every property should be treated the equitably; the Tree Bylaw is proposed to be applied to both municipal and private land within the City. Municipally controlled land would not be required to obtain a permit for tree removal, but would be expected to achieve the intent of the Tree Bylaw and replace removed trees.

The current Tree Bylaw includes Garry Oak and Pacific Dogwood as protected species. The following species are also proposed as protected species given their natural and rare occurrence in the City, some of which are at their more northern extents, thus providing potentially valuable genetic adaptations (i.e. genetic biodiversity):

- *Arbutus (Arbutus menziesii)*
- Western white pine (*Pinus monticola*)
- Trembling aspen (*Populus tremuloides*)
- Pacific yew (*Taxus brevifolia*)

4. Different permit fees and security requirements.

A tree cutting permit currently costs \$250 plus an additional \$5 for each tree removed outside of a building envelope or servicing corridor. The current bylaw includes provisions for the City to require and hold securities when tree replacements are a condition of a Tree Cutting Permit. Tree replacement securities are currently \$250 per tree, 80% of which is returned to the applicant upon planting and 20% is held for 3 years to ensure successful establishment of the planted tree. This approach is the same as when landscaping securities are required by the City through development permit approvals.

Staff recommends that the permit fees change to recognise a sliding scale of administrative effort based on the type of application.

The sliding scale of tree cutting permit fees proposed is as follows:²

Single family lots up to 2000m ² (approximately ¼ acre) or only two trees removed on any sized lot:	\$50
Single family lots between 2000m ² and 4000m ² (between 1/2 and 1 acre):	\$100
Larger lots, and new multi-lot subdivisions:	\$250/4000m ²
Hazardous tree removal:	No fee

Staff also recommend that the replacement tree security be increased to \$300 from the current \$250 to more accurately reflect the cost for City staff to obtain, replant and establish a new tree. These securities would be released only once, in full, one year following the date of planting of the replacement tree, providing the tree is well established. Doing this will minimize administrative steps and time spent tracking securities.

Comparison to other communities

The following table provides an overview of some other B.C. tree bylaws and key comparative information.

Community & name of Bylaw	Population (2011 Census)	Lands affected	Specific protected species	Canopy or tree density targets used?	Cost of permit and securities	Urban Forest Strategy?	Comments
District of Sechelt	9,300	Any nesting tree and any tree over 60cm DBH on all parcels over 1ha	No	Not in bylaw, but additional 20% of trees exclusive of any area set aside for park is recommended to "facilitate the adoption of Conservation Design principles"	Permit: \$50 for first 3 trees and \$10 each tree after Securities: \$200/tree (Require large replacements) Fund: \$750/tree if not replacing	Yes, in 2010	UFS recommended that at next Bylaw review that species specific sizes be included, more properties, developers required to protect an additional 20% of trees exclusive of any area set aside for park
City of Nanaimo	83,800	All properties but use of species and size specific protection categories	Many species listed, size specific protection categories	Protection of at least 20% of the trees on the parcel, exclusive of park dedication, when parcel	Permit: \$50 + \$10 each tree removed unless the tree is significant then \$100 each. Securities: to	Urban Forestry Management Strategy, 2010	Urban Forestry on their website listed under Subdivision

² Note that the fee schedule is to reside within the City of Courtenay Fees and Charges Bylaw No. 1673, 1992, and therefore is not included with the Tree Bylaw itself.

Community & name of Bylaw	Population (2011 Census)	Lands affected	Specific protected species	Canopy or tree density targets used?	Cost of permit and securities	Urban Forest Strategy?	Comments
				greater than 1 acre	be determined by the arborist		
Town of Comox	13,600	All properties greater than 1 acre	Not listed	Establishes a Standard Cut Limit of 75% (i.e. 25% of trees over 20cm DBH shall be retained, or replaced in extreme circumstances	Permit: \$100 Securities: \$250/tree (require larger replacements)	Urban Forest Management Plan, 2012 (addresses publically owned forest resources)	Expected to update their bylaw next year
City of Powell River	13,200	All trees greater than 20cm DBH on properties greater than 1 ha and within DPAs	Significant tree list used	20% of treed portion of parcel shall be retained in excess of any area required for parks or environmental protection	Permit: \$150/acre Securities: \$200 for first 10 trees and \$25 for each tree thereafter	No	
City of Campbell River	31,186	No Bylaw	N/A	No	N/A	Urban Forest Management Plan Phase 1: Urban Forest Inventory encourages increasing urban canopy from 33% to 40%	Bylaw recommended to be explored
District of Saanich	109,800	Specific types of trees and properties within DP areas	A number of species listed including common species over 30cm DBH, and any tree over 60cm DBH, significant tree list used	No	Permit: depends on if development application is involved (\$40 vs. \$75/permit + \$25/tree) Securities: \$300	Urban Forest Strategy, 2010	1:1 for existing developed properties and 2:1 for new developments, including trees removed within servicing corridors
District of North Saanich	11,100	All trees greater than 10cm DBH on all properties	Significant tree list used	No	Permit: \$100 + \$10/tree removed Securities: N/A	No	

Community & name of Bylaw	Population (2011 Census)	Lands affected	Specific protected species	Canopy or tree density targets used?	Cost of permit and securities	Urban Forest Strategy?	Comments
City of Maple Ridge	76,100	All trees greater than 20cm DBH on all properties	Heritage tree list also used	40 trees/net ha on development sites	Permit: depends on if development application is involved (\$50 vs. \$200/permit + \$25/tree) Securities: \$425/tree	No	Had complicated 'tree retention credit system' of aiming to incentivize retention of larger trees which they cautioned against
Township of Langley	104,200	All trees on all properties that are subject to a development application (Rezoning, Development Permits, Subdivisions)	Many species listed	72 trees/gross ha	Permit: Is part of development /subdivision application Securities: \$350/tree	No	Uses protection securities. Used to have a standalone tree bylaw but repealed and replaced with this.
City of Chilliwack	78,000	All trees on all properties that are subject to a development application (Rezoning, Development Permits, Subdivisions, building permits)	No	50 trees/net ha	Permit: none because it is part of subdivision process Securities: \$300/tree	No	Provides flexibility (retention or replanting). Requires protection securities.
City of Coquitlam	127,000	All trees greater than 20cm DBH on all properties	No	States tree replacement requirements based on number of trees retained and lot size (which are within the range of 50 trees/ha)	Permit: Depends on if the application is simple or complex (\$53 vs. \$267) Securities: \$300/tree	Have tree inventory for publicly owned trees.	

Consultation findings

The consultation consisted of the following methods:

1. Two public meetings
 - a. Wednesday June 16, 5-7:30pm at the Florence Filberg Centre Evergreen Lounge with a presentation by staff at 6pm followed by Q&A opportunity. A copy of the presentation can be viewed at: www.courtenay.ca/trees

- b. Tuesday June 21, noon – 2pm at the Courtenay Library with staff in attendance to answer questions individually
2. A survey questionnaire, available in hard copy and on-line formats between the dates of Friday June 3 and Monday July 11 (38 days).
3. Advance review of the bylaw by two organizations that work in the field of land management: the Comox Valley Development and Construction Association and the Comox Valley Conservation Strategy Community Partnership.
4. Advance meeting with the local arboriculture consulting industry.

The advertisement for the public opportunity to participate in the consultation was provided through the following:

1. Two press releases released June 3 and June 27, 2016.
2. Paid advertisement in the Comox Valley Record paper on the day of the public meeting.
3. Two radio interviews with the Eagle radio station and one interview with the Goat radio station.
4. City's website page: on the home page and dedicated bylaw page (www.courtenay.ca/tree).
5. City's social media advertisement (Facebook and Twitter) as well as paid advertising on Facebook for the two public meetings.
6. Sharing through staff planning email contacts, including the Downtown Courtenay Revitalization email list.
7. Posting on Jostle.
8. Advertisement on the TV monitors at Lewis Centre, Florence Filberg Centre and City Hall.
9. Hardcopies of the survey made available at City Hall with a large poster alerting of the opportunity during the property tax payment period.

The opportunity to win a slow release watering bag by filling out the questionnaire was advertised as part of the consultation opportunities.

Participation statistics:

- 719 individuals conducted the survey, of which 74% own property and/or live within the City;
- Specific letter format comments received from 3 organized groups (Comox Valley Development and Construction Association, Comox Valley Conservation Strategy Community Partnership and the BC Great Blue Heron Society);
- 64 people attended the public meetings;
- 2207 unique page views received on the dedicated Tree Protection and Management Bylaw page. Unique page views are individual counts of on-line devices with each their own IP (Internet Protocol) address.

A summary of the consultation findings are presented here including a summary of responses from the survey as well as a detailed response to the comments from the Comox Valley Development and Construction Association and the Comox Valley Conservation Strategy Community Partnership. A more detailed summary of the questionnaire results is provided in Schedule A of this report and all individual responses to the survey are available on the City's webpage (www.courtenay.ca/trees). The comments from the two organizations are also included in Schedule B.

Questionnaire summary

A summary of the findings from the questionnaire results are listed below:

1. On questions gauging general public support for tree protection and management policies and regulation, the majority of participants either strongly agreed or agreed that developing and strengthening such local government tools and resources are important.
2. 88% of respondents support the Tree Bylaw applying to all lands within the City, although noted that a one size all approach may not suit the wide variety of tree and development contexts.
3. 91% of respondents support the four additional species being added to the protected species list, with a number of respondents noting that older Douglas Fir trees should be added, given the rarer local variant of costal douglas fir.
4. 80% of respondents support the use of a tree density target to determine how many trees should be retained or replanted on a property, many of whom requested that larger properties and new developments have higher targets than existing smaller lots.
5. When asked whether retention of existing trees should be prioritized over replanting options and paying into the Tree Fund to fulfill the tree density target, respondents want to see healthy mature trees retained where it is safe and reasonable to do so.
 - The most commonly chosen response to this question for existing (infill) development contexts is: *I value keeping existing trees, but I also want flexibility. Retaining trees should always be the first choice, but there may be circumstances when replacing the tree or paying into the Tree Planting and Replacement Fund are suitable options.*
 - For new (Greenfield) developments, the responses were somewhat similar, although there is larger support for requiring retention than providing the options of replanting or paying into the Tree Fund. Both the response option most commonly cited for infill developments and the following response were chosen in equal measure: *Applicants should always be required to retain the target number of trees where it is safe to do so.*
6. 74% of respondents support the proposed sliding scale for application fees.
7. 87% of respondents support the use of a protection security when working around trees, with the majority of respondents believing that it should always be required, regardless of whether the tree is a protected species or not. 61% of respondents think that an amount of \$1000 for a protection security (for each tree) is a good amount.
8. 89% of respondents support the inclusion of a heritage or significant tree list to the bylaw.
9. 87% of respondents support the creation of an Urban Forest Strategy.
10. The question that elicited the highest number of comments (300 comments) was what ideas they had on what the City could do to promote tree retention and planting on private property, indicating interest and support in further City initiative in this area.

Across all the questions that provided opportunity for comment, a couple of themes emerged:

- A number of respondents believe that the private property should not be so heavily regulated by government and consistently echoed this throughout the survey "Private is Private". Across the comments for all questions, this is estimated at 10% of responses.
- A number of respondents point out that a strategic action to limit the loss of the urban forest is to limit Greenfield development and therefore touched on growth management goals and strategies, which are beyond the particular scope of this bylaw.

Stakeholder comments

Comox Valley Conservation Strategy Community Partnership comments

	Comment	Response
1	Change one of the bylaw objectives to be rephrased to communicate that the goal is to "maximize the retention of community wide tree canopy" rather than "reduce the rate of loss in community wide canopy".	Staff recommends changing the objective previously phrased as "reduce the rate of loss in community wide canopy" to "ensuring the continuation of the urban forest on infill properties and providing clarity of minimum required tree density retention targets on greenfield properties." Staff recommends this phrasing in order to recognize that the current tree bylaw does not require that existing infill properties retain trees to achieve their tree density target and it does not require that new developments retain the amounts proposed by the CVCSCP. In staff's opinion, however, the bylaw provides more protection of trees than the previous bylaw and ensures that when trees are removed below a certain density threshold on any property that replacements will be secured.
2	A rationale should be provided at the beginning of the bylaw that clarifies the intent of the bylaw... and should include a summary of benefits of retaining and replacing the urban forest.	Staff agree and recommend that in the preamble to the bylaw that the following statement be included: WHEREAS trees provide a variety of individual and community wide benefits such as: stormwater and rainwater management, carbon absorption, air quality, heating and cooling benefits, aesthetic, quality of life and health benefits; NOW THEREFORE the City Council of the City of Courtenay enact as follows... (i.e. the bylaw).
3	The bylaw should be applied City wide and include all trees over 20cm DBH (Diameter at Breast Height).	Staff agree and recommend that the bylaw apply to all lands for administrative purposes to ensure ongoing application of the bylaw to any retained trees that are a condition of development. Staff recommends that a tree of any size greater than 2cm in diameter and 2m in height be permitted to be counted towards achieving the tree density target for any infill property.
4	That the 50 stems per hectare tree density target is acceptable (in built out areas where the opportunity to retain or replace forests has been lost) as long as it is applied to all trees over 20cm DBH.	To clarify, the bylaw is intended to be administered as follows (for smaller infill properties): <ul style="list-style-type: none"> - A property owner may remove trees on their property without a tree cutting permit so long as they retain the target number of trees on their property. - The formula for calculating how many trees an individual property owner shall be retaining is 0.005 multiplied by the site area of the property in metres squared. Staff will make this formula available on-line and are exploring opportunity to have an on-line calculator to assist property owners. Property owners may also ask staff to confirm the target for their property. - If the property owner wishes to remove more than their target number of trees, and none of the trees are protected species, they will be required to demonstrate how they are

	Comment	Response
		<p>going to meet their target through replacement or paying into the Tree Replacement Reserve fund. A \$50 tree cutting permit will be required.</p> <ul style="list-style-type: none"> - If the property owner wishes to remove any protected species, an arborist report is required to demonstrate that the tree is hazardous. - If the property owner has fewer than the target number of trees on their property and they wish to remove trees on their property, they will be required to replant or pay into the fund at a ratio of 2:1. <p>The Conservation Strategy Partnership has clearly stated that they support retention (of trees over 20cm DBH) over replanting or paying into the fund, on all properties. Staff acknowledge that retention will be supported, but not required, on existing infill properties under 4000 square metres (1 acre) in size, which differs from the Strategy's comment. Staff recommend that existing properties be provided the opportunity to meet their tree requirements through a variety of means to support an individual's enjoyment of their property, to reduce the reporting requirements for existing property owners and staff's administrative requirements to review such reports and applications, and in recognition that tree retention can be challenging on smaller properties where a City goal is also to support infill development in existing developed areas. Retention on existing properties will be supported by the City through the development of communications and education initiatives on the value of retained trees.</p>
5	<p>On greenfield sites greater than 1 hectare it is recommended (in summary) that:</p> <ul style="list-style-type: none"> a) The development parcel retain a minimum of 40% existing forest cover across either parks or private lands, including within Environmentally Sensitive Areas, and that this forest cover shall not be developed within. b) Within individual properties within the developed area of the property (the remaining maximum 60%), that the 50 stems per hectare target apply through retention or replanting. c) That all remaining shared (e.g. strata) or public properties outside of the 40% forest cover area achieve a canopy cover of 40% through retention or replanting. This 	<p>Staff note that a number of recent developments of greenfield sites with ESAs within the Arden Corridor has resulted in this recommended 40% target. The new bylaw would require that in addition to these parks and ESAs being dedicated that an additional 50 trees per hectare be achieved on the remaining developed portion of the property.</p> <p>Staff recognize that for greenfield properties that do not contain ESAs, that 40% is an ambitious goal that is better examined through other policy review mechanisms. Staff recommend that the concept of requiring a certain amount of forested area be retained in new developments be explored as a community amenity contribution through OCP policy review, similar to other community benefits that are achieved through re-zoning processes.</p> <p>Staff recommends that the option to allow native species with large canopies as street trees be further reviewed with the engineering department and parks division to explore how road design standards can support such trees, including operational implications. Any changes to street trees would not need to be included in the tree bylaw.</p>

	Comment	Response
	<p>would include lands such as greenways, playgrounds, boulevards.</p> <p>d) That new subdivisions be required to plant street trees of native species that grow large canopies.</p>	
6	<p>On undeveloped cleared or partially cleared sites greater than 1ha it is recommended (in summary) that:</p> <p>a) A minimum of 40% of land on the parcel should be left undeveloped and set aside as forest area. The forest area could consist of retained and/or replanted trees of the appropriate species at a density required to re-establish a naturally forested tree canopy.</p> <p>b) B-d as same as in item 5.</p>	Similar to the previous recommendation.
7	Use density bonusing to incentivize developments to achieve a greater standard than 40% canopy cover.	<p>Staff note that density bonusing is typically not useful in single family low density development markets or in smaller communities. Density bonusing is typically used in development contexts where land values are high. Staff therefore do not believe that density bonusing policies would assist in achieving tree retention goals.</p> <p>Density bonusing provisions must be included in the Zoning Bylaw and are therefore subject to additional consultation procedures including a public hearing. Staff recommends that upon the next comprehensive Zoning Bylaw review that density bonusing be examined for its applicability within Courtenay to achieve these and other community goals.</p>
8	<p>That for properties greater than 1 hectare that a tree retention and replacement plan should be submitted that includes:</p> <p>a) an inventory of forest composition and quality,</p> <p>b) value of trees as green infrastructure, including the quantification of these values (rainwater management, carbon and pollution absorption, wildlife and other values), and</p> <p>c) show how the tree retention and replacement plan will minimize the potential of damage for wind throw.</p>	<p>The existing bylaw requires, and the new bylaw will continue to require items a) and c).</p> <p>For item b) staff recognizes that new data and methods for measuring the quantifiable value of trees are continuously being refined and developed. Staff recommends that should Council support an Urban Forest Strategy that this topic be included in the Strategy.</p>

	Comment	Response
9	Mature Coastal Douglas-fir trees 80 years and older should be designated as 'protected species'.	<p>Staff recommends that this question of whether mature Coastal Douglas-fir should be treated as a protected species be explored through an Urban Forest Strategy which can help to understand extent, rarity and condition of the Coastal variant of Douglas-fir before setting goals pertaining to coastal Douglas fir protection. This recommendation to explore further through an Urban Forest Strategy was also made by the Coastal Douglas Fir Community Partnership Steering Committee.</p> <p>Staff also note that the Coastal Douglas Fir Biogeoclimatic Zone is recognized as unique, rare and local and encompasses all of the City of Courtenay. Given that biogeoclimatic zones address ecosystems, staff recommends that this biogeoclimatic zone be considered in all environmental impact assessments which are required for all greenfield properties over 1ha, and all other identified environmentally sensitive areas such as streams and foreshore areas.</p>
10	Tree replacement options should only be considered as a last resort or when a minimum of 40% of retained forested area is achieved on a development parcel. The order of priority should be to retain, replace and contribute to the fund.	Staff agree and recommend that on new multi-lot subdivisions that the requirement to achieve 50 trees per net developable hectare be achieved through retention. On existing developed properties, staff recommends that flexibility be provided to property owners in how they achieve their tree target, as discussed in comment 4.
11	Concern that bylaw provides option for a developer to remove trees, and pay for their replacement, to avoid the requirement to protect retained trees, and be subject to any enforcement actions should retained trees become damaged or removed.	Staff agree and recommend that on new multi-lot subdivisions that retention of trees will be required as part of the subdivision layout. Protection fencing and arborist monitoring will be required and enforcement actions will remain available should a contravention of the bylaw occur. Staff also recommends that a \$1,000 protection security be required for conducting work adjacent to a protected species.

Comox Valley Development and Construction Association comments

	Comment	Response
1	Requirement of 50 stems per net developable hectare is excessive. Suggest instead a requirement of 2 trees per lot.	Staff recommends that the 50 trees per net developable hectare remain and encourage the development sector to retain these trees in connected clusters which provides for better ecological values, more viable long term trees and requires less administration and reporting requirements. Staff note that consultation results indicate that there is strong support, if anything, for higher retention percentages on new multi-lot subdivisions.
2	Consider "averaging" the number of stems per hectare for multi-phase and larger developments.	This is acceptable under the new bylaw.
3	Include street trees in the stems per hectare calculation.	Staff recommend against this as the street trees provide canopy cover (stems per hectare) towards the remainder of the property that is not within the 'net developable area'.
4	Tree cutting permit proposed to expire after 6 months. Currently permits for one year. Recommend maintaining the	1 year expiry will remain in the new bylaw.

	Comment	Response
	1 year permit term.	
5	Bonding requirement is excessive requiring developer to tie up too much capital for too long. Developer does not have any control over the health of the trees once the lot is purchased. Further, the bonding will continue to be held for any lots that remain unsold, which is unreasonable.	<p>Bonding requirements refer to both securities retained by the City to ensure that new trees are planted and protection securities retained to provide financial incentive to be careful in working around the protected tree.</p> <p>Staff recommends that greenfield developments over 4000 square metres with existing trees should meet their 50 stems per net developable hectare requirements through retention and therefore will not result in replacement tree securities being required from multi-lot subdivisions.</p> <p>Staff recommends that protection securities only be required for protected species, of which there are not generally many in any one development, and therefore should not be an overly burdensome requirement.</p>
6	List of acceptable replacement trees needs to be expanded.	Staff recommends that the list of acceptable replacement trees not be included within the bylaw itself, so as to allow flexibility in amending the list as new information arises about the suitability, adaptability, availability, health and preference of tree species in the community.
7	New bylaw will be less “implementation friendly” and passes the administration and enforcement of the tree bylaw onto the developer.	<p>Staff understand that this comment arises primarily from the replacement securities being retained from the developer by the City, and the role of the developer in ensuring that individual lot owners/builders are replanting trees to ensure that the developer receive their securities. (Note that new trees are recommended to be planted following construction to ensure they are not impacted by construction). This is noted as being difficult and unfair for the developer to take responsibility once the property has been purchased by someone else. Under the proposed changes, tree targets would be achieved through retention and encouraged to occur in groves outside of new lots, and therefore replacement securities would not be required.</p> <p>City staff have requested that developers and their agents communicate to subsequent lot owners any tree protection and/or replanting requirements, where it has been required in the past, to assist the City in achieving bylaw compliance, but the City does not require the developer to enforce the bylaw provisions.</p> <p>Staff also note that a template demonstrating the required information in an Arborist report and how it is to be laid out for ease of review and reference, will be prepared as part of the educational materials on the bylaw, thereby also making the new bylaw more implementation friendly.</p>
8	Security values should not be discretionary based on the opinion of the Director of Development Services.	A \$1,000 protection security is included in the new bylaw for protected species only. If a heritage or significant tree list was included in the bylaw at a later date, the protection security could also apply to such trees, but that would be subject to additional Council approval.

A note on canopy cover

The concept of canopy cover as a measurement of tree retention requirements was repeatedly noted in the consultation findings. Canopy cover is how much ground area is covered by tree leaf canopies as seen from the air. It is staff's opinion that canopy cover is a valuable measurement when looking at larger tracts of land, including City-wide, but that it is a more challenging method to administering tree management expectations. A target of 45% has been previously been requested as a City-wide canopy cover target.³ Staff have estimated that the City-wide canopy cover is approximately 37% based on the work of a summer student using a sampling method to review 2012 "leaf-off" air photos.⁴ Setting canopy cover policy targets in this community-wide context appears to becoming common practice among other communities, including west coast communities of all sizes, however it is not widely used in the administrative context of a tree bylaw. Staff recommends the assessment and inclusion of a canopy cover target as a policy goal at a later date through the development of an Urban Forest Strategy.

A note on the role of Urban Forest Strategies

The consultation revealed support for further study and policy formation on tree management at a City-wide scale, through the creation of an Urban Forest Strategy. An Urban Forest Strategy is a tool that outlines the extent and general condition/composition of a community's tree resources on private and public lands; identifies target locations for replanting; provides information to the public and Council on the value of the urban forest, including economic and green infrastructure value; can identify areas of wildfire risk and fire smart guidelines; and explicitly endeavours to engage the public and partner organizations in each contributing to the success of the urban forest.

The consultation also revealed support for the creation of a Heritage Tree list, which would identify trees that would be treated like protected species in the Tree Bylaw, in which only rare circumstances would warrant their removal if otherwise healthy. The Urban Forest Strategy is a tool that could be used to identify the Heritage Tree list for inclusion in the Tree Bylaw at a later date.

FINANCIAL IMPLICATIONS:

Financial implications include administrative resources dedicated to administering the bylaw. These costs will be recovered through permit fees. The City will also incur on-going maintenance costs related to trees planted on public lands or on lands dedicated to the City for tree protection.

The proposed bylaw includes a graduated fee schedule to better reflect the variety of tree cutting scenarios and amount of administrative resources required to deliver the bylaw.

ADMINISTRATIVE IMPLICATIONS:

Approximately 4 months of staff time in total have been dedicated to the development of the Tree Bylaw. Other administrative implications include:

³ February 15th 2016 Council meeting delegation presented by Dave Mills, Courtenay based Dogwood Initiative re: climate change. David Mills made a presentation regarding Climate Change Mitigation and Adaptation. He requested that Council adopt an aggressive Tree Bylaw with a 45% canopy target.

⁴ It is preferable to conduct the canopy cover analysis using "leaf-on" photos to increase accuracy of the analysis. The City commissions aerial photos every 2 years, of which leaf-on are scheduled to be conducted every 6 years with the first one having been done in 2014. Staff note that a number of newer automated software programs have become available in recent years that could provide more accurate estimates of the City's urban forest.

- Amending City of Courtenay Fees and Charges Bylaw No. 1673, 1992.
- Providing educational resources about the new bylaw including an on-line calculator to assist property owners in understanding their property's tree density target and possibly an on-line application form to automate submission requirements and staff review for infill properties.
- As the Tree Fund grows, there will be an administrative implication in dispersing the funds to plant new trees.
- Additional staff time in administering a bylaw that will apply City-wide. Staff estimate that the expansion of the bylaw to all lands will add approximately 5 hours of work a week based on the fact that the greenfield sites, which require the most administrative oversight, are mostly already included in the current Bylaw, and therefore are factored into staff's day to day duties, and that the addition of new lands will largely be infill properties which will not be required to provide reports for staff to review in order to demonstrate compliance with the Bylaw.

ASSET MANAGEMENT IMPLICATIONS:

The proposed bylaw amendments will not affect public assets, other than offer additional protection to public trees, as the bylaw pertains to regulating trees on private properties. Trees on lands dedicated to the City and trees planted on public lands will become new City assets requiring on-going maintenance.

STRATEGIC PRIORITIES REFERENCE:

Effective tree management and protection is consistent with the Strategic Priority of "Continued support for social, economic and environmental sustainability solutions" (area of control).



OFFICIAL COMMUNITY PLAN REFERENCE:

The OCP contains numerous references to the objective of preserving trees and ensuring tree replanting as a mechanism of beautification, parks and boulevard development and environmental restoration. Within the Vision chapter, the following policy is included: "Review and update the tree management bylaw to protect wildlife habitat and undertake a tree planting program" (page 13). Within the Planning for Climate Change chapter, the following policy is included: "The City will increase the absorption opportunities for carbon throughout the municipality through the conservation and restoration of forested areas and stands of trees and other urban ecological systems throughout the municipality" (page 145).

REGIONAL GROWTH STRATEGY REFERENCE:

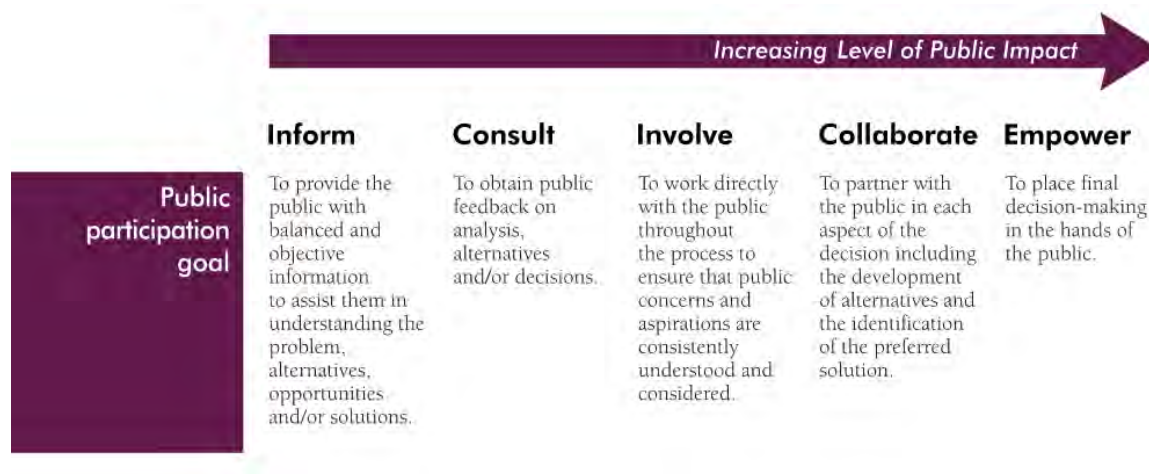
The RGS also contains numerous references to the objective of preserving trees and ensuring tree replanting. For example, Objective 2-B: Frame environmental protection and policies around the principles of precaution, connectivity and restoration where cost effective, consider the restoration or creation of

natural systems to provide sustainable environmental services (e.g. stormwater ponds for improving water quality; tree cover for capturing carbon and reducing GHG emission) (page 36).

CITIZEN/PUBLIC ENGAGEMENT:

Staff “involved” the public based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



Staff began consultation in 2014 with stakeholder meetings and provided direct consultation with the development sector, Comox Valley Conservation Strategy Partnership and local consulting arborists in 2015 and 2016. A survey completed by 719 people was also part of the engagement process. A summary of the survey findings is included in Schedule A.

OPTIONS:

1. (Recommended) That Bylaw No. 2850, 2016 proceed to First, Second and Third readings and that Council direct staff to report back on the estimated time and cost of conducting an Urban Forest Strategy;
2. That Council defers consideration of Bylaw No. 2850, 2016 pending further receipt of information;
3. That Council defeat Bylaw No. 2850, 2016.

Prepared by:

Nancy Gothard, MCIP, RPP
Environmental Planner

Reviewed by:

Ian Buck, MCIP, RPP
Director of Development Services

The following Schedule provides a summary of the consultation findings and includes a copy of the survey as well as the story boards that were available on-line and at the public meetings.

Consultation summary

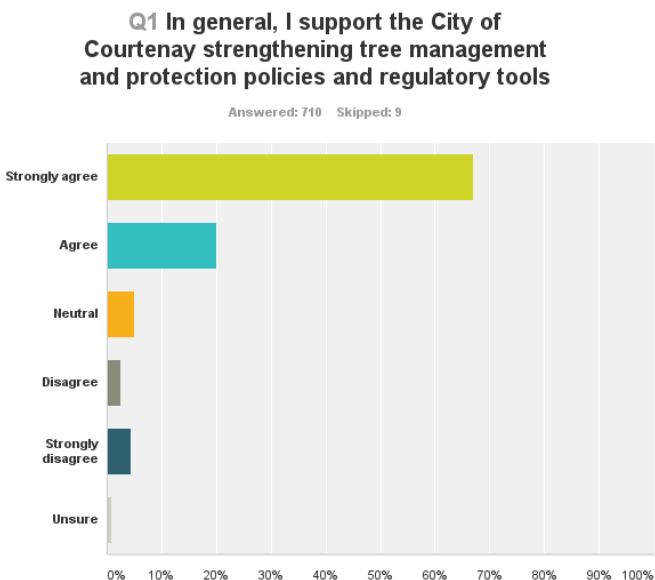
Summary of the consultation findings

Participation statistics:

- 719 individuals conducted the survey
- Specific letter format comments received from 3 organized groups (Comox Valley Development and Construction Association, Comox Valley Conservation Strategy Community Partnership and the BC Great Blue Heron Society)
- 64 attended the public meetings
- 2207 web hits received on the dedicated Tree Protection and Management Bylaw page

Many of the questions were prefaced by some explanatory information within the survey (a copy of the survey is available following the results). All questions were optional and could be skipped. Not all questions received a 719 sample size. Some questions are phrased so that participants could indicate their level of agreement with the statement (and are thus not posed as a question). It was estimated that the survey took approximately 10 minutes to complete.

Questions gauging general support for tree management and protection

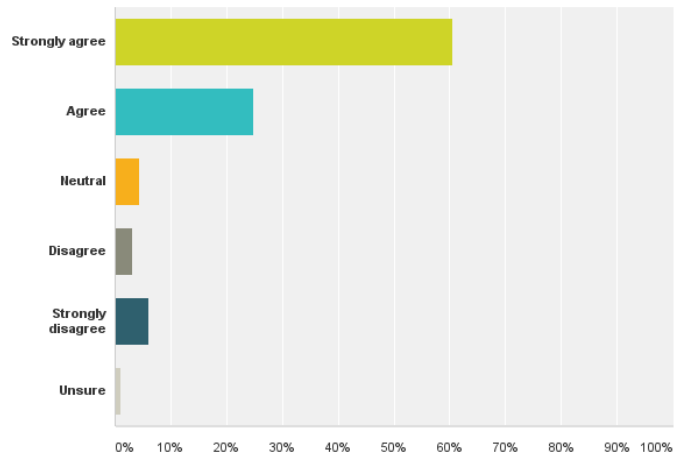


Questions 1 – 3 were posed to provide opportunity for participants to state in general terms whether tree protection and management policies and regulation are important and supported.

All three questions posed indicated strong support for stronger tree management policies and regulatory tools as well as increased City resources dedicated to this topic.

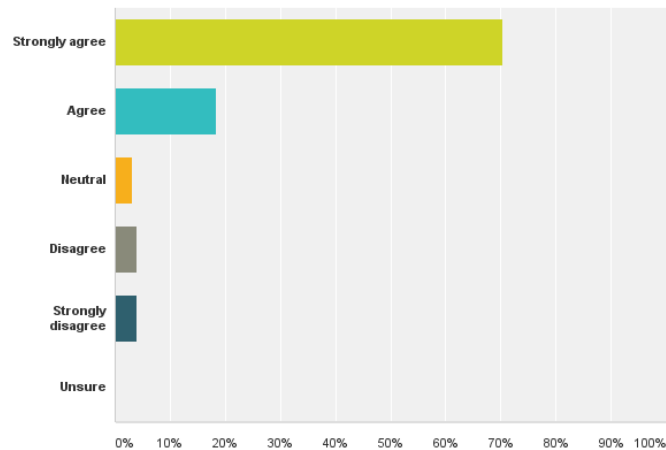
Q2 In general, I support the City of Courtenay investing more resources into tree management and protection. (This could include a modest increase to staff hours or the creation of a heritage tree list or more public education resources as examples)

Answered: 712 Skipped: 7



Q3 In general, I support a strong policy of keeping existing trees where safe to do so.

Answered: 711 Skipped: 8



Questions relating to knowledge of existing tree regulations and Courtenay residence

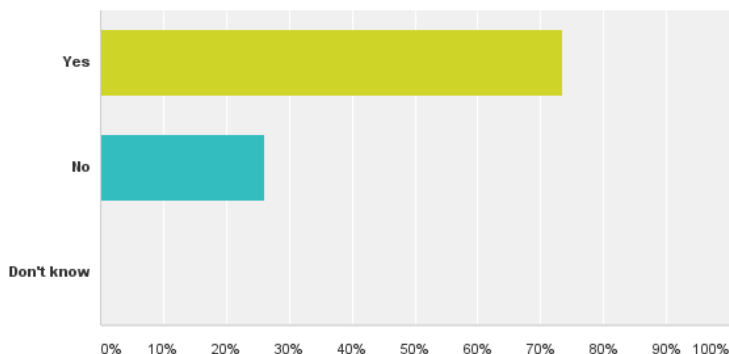
The survey was available to any member of the public, whether they live within the city or not. This is similar to City consultation opportunities on other projects, the philosophy being that people other than Courtenay residents have a stake in the decision given that they may shop, work, recreate, learn in Courtenay or may be contemplating moving to Courtenay.

However, it is valuable to gauge whether the majority of responses are originating from within the city, as it is these residents and landowners who will be directly impacted by the bylaw. The results confirm that the majority of the people who conducted the survey own property and/or live within the city (74%).

Most participants noted that they were not already familiar with the existing tree management and protection requirements.

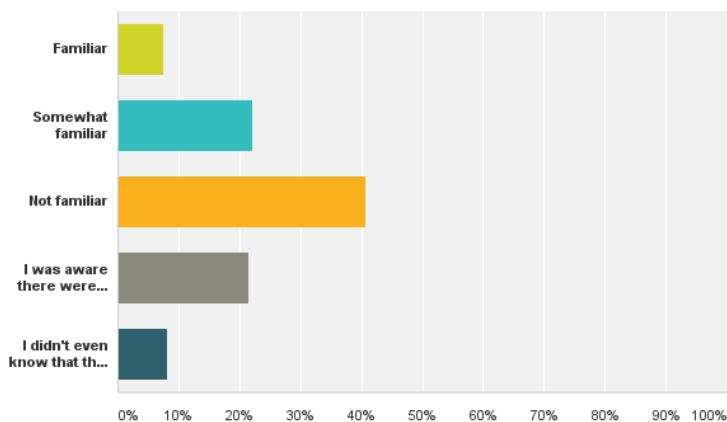
Q5 Do you own property and/or live in the City of Courtenay?

Answered: 685 Skipped: 34



Q6 Prior to this consultation opportunity, how familiar would you say you were with the City's existing Tree Management and Protection requirements?

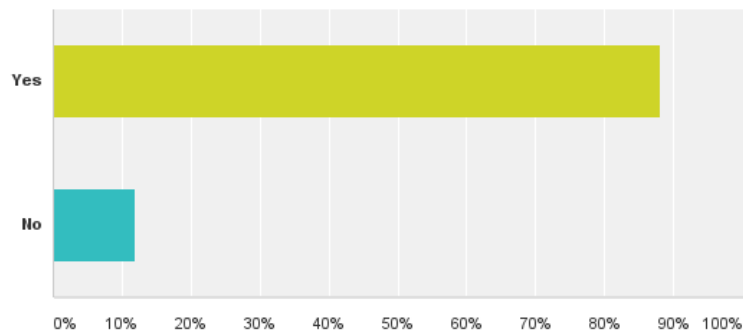
Answered: 685 Skipped: 34



Questions regarding application of bylaw to areas and species

Q7 Do you support the bylaw applying to all lands within the City?

Answered: 653 Skipped: 66

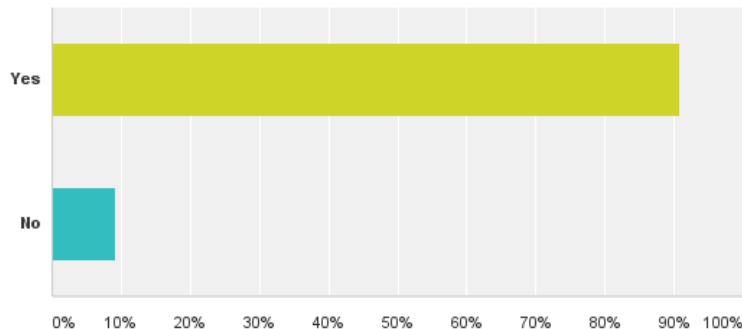


88% of respondents believe that the bylaw should apply to all lands within the City. This question provided opportunity for respondents to include comments, of which 62 comments were provided. Some common themes from the comments include:

- Existing developments and new developments should not be treated the same;
- A one size all approach is not suitable given how unique each tree and property is.

Q8 Do you support the bylaw including the following species being listed as protected? **Arbutus (Arbutus menziesii) (also referred to as Madrone); Western white pine (Pinus monticola); Trembling aspen Populus tremuloides); Pacific yew (Taxus brevifolia)**

Answered: 662 Skipped: 57



91% of respondents supported the four additional species being added to the bylaw's protected species list, although the comments revealed a concern over Trembling Aspen being retained on individual properties given its quick growing cycle (and therefore potentially high maintenance) and it's natural habitat conditions (wetter areas, and in stands, which generally are on larger greenfield properties).

Some common themes of the 225 comments include:

- Old (80year +) Douglas Fir should be added;
- That the layout of new developments should respect protected species and should not result in their removal;
- That clear education be provided so that residents know what the protected species are.

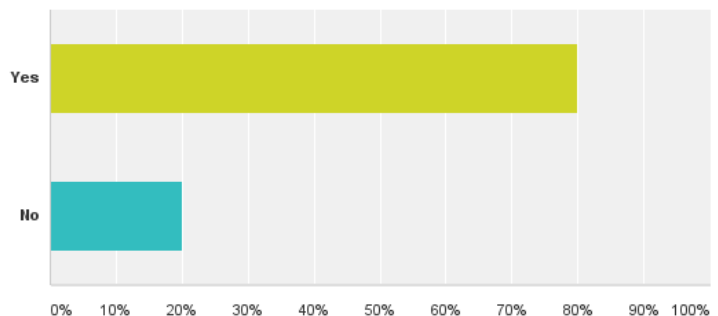
Questions regarding the tree density target approach being proposed and the relative value of retaining existing trees vs. re-planting

Most (80%) of respondents supported the use of the tree number target to determine how many trees should be retained or replanted on a property. The most common themes from the 131 comments were:

- That one size all approach may not suit all properties;
- The target number should be higher for new multi-lot subdivisions than for existing developments as new developments provide opportunity to retain trees within groves;
- That larger properties should be required to contain more properties as the relative building size will be less;
- That height of trees should be factored;
- That growth management is a critical tool in ensuring an urban forest.

Q10 Do you support the use of a tree number target to inform how many trees should be retained or replanted on a property?

Answered: 606 Skipped: 113



*Note that the response options are not fully viewable in the included graphs for the following Questions 11 and 12 and are included here for reference:

- Applicants should always be required to retain the target number of trees where it is safe to do so
- Applicants should be allowed to plant new trees on their property to achieve their target number of trees on their property, even if it means not retaining any existing trees on the property
- Applicants should be allowed to pay into the Tree Planting and Replacement Fund to achieve the target number of trees for their property, which will be used to plant trees elsewhere
- I value keeping existing trees, but I also want flexibility. Retaining trees should always be the first choice, but there may be circumstances when replacing the tree or paying into the Tree Planting and Replacement Fund are suitable options
- Flexibility in tree management is most important to me. Whether an applicant keeps a tree, replants a tree or pays into the Tree Planting and Replacement Fund should be equal options to the applicant in all instances.

The following two questions (11 and 12) were posed to determine the relative importance that respondents placed on retaining existing trees vs. simply accounting for them through replanting or paying into the City's tree replacement fund, and to gauge whether respondents place different relative importance on these options in existing developments vs. new developments.

For both existing developments and new multi-lot subdivisions, respondents value retaining existing trees where it is safe to do so. However, most respondents recognized that flexibility should be provided within the bylaw to allow removal of existing trees for certain circumstances such as to provide more light (for food production was most commonly cited), or if trees are interfering with infrastructure. Safety was also cited, but the City already allows the removal of hazardous trees without a permit.

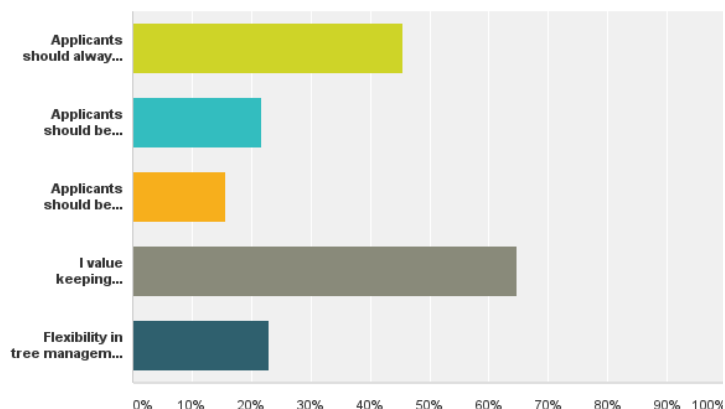
It may be interesting to note that while flexibility is still important in new developments, more respondents supported striving harder to retain existing trees on new developments than in existing developments.

Some common themes that emerged from the 224 comments (113 from Q11 and 111 from Q12) are:

- Small trees do not provide the same value as mature trees;
- Fruit trees should be included as a replacement option and should be counted towards the tree target;
- Smaller specimens should be supported for smaller lots;
- Connected forest stands and groves should be retained, particularly in new subdivisions;
- Concern that the bylaw may provide 'loopholes' for developers not to try to retain any trees and may simply 'cut a cheque' to achieve tree target goals.

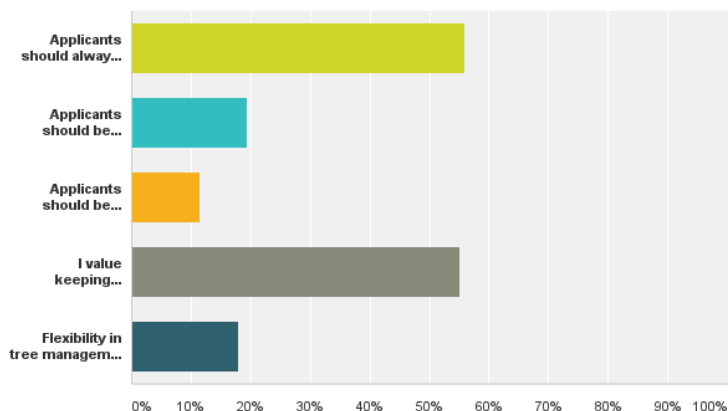
Q11 For properties within existing neighbourhoods (this would include properties that already have a home or business on them), please indicate which statements describe the best approach to tree management in your view (select all that apply, and/or provide a new statement that describes your view):

Answered: 601 Skipped: 118



Q12 For new multi-lot subdivisions (this would include properties that are not previously developed, or have very little development on them), please indicate which statements describe the best approach to tree management in your view (select all that apply, and/or provide a new statement that describes your view):

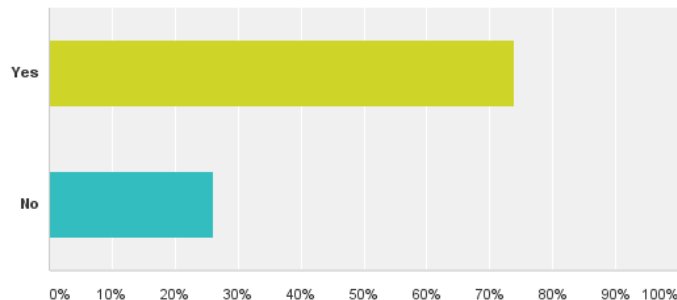
Answered: 590 Skipped: 129



Questions regarding proposed fees and securities

Q13 Do you support the proposed sliding scale of tree permit application fees?

Answered: 557 Skipped: 162

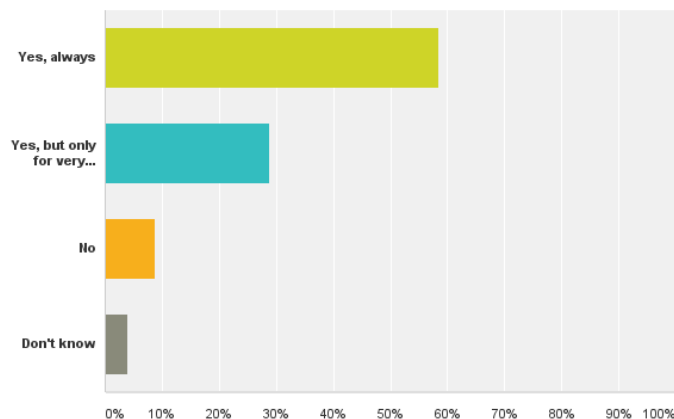


74% of respondents support the proposed fees, but a number of common themes emerged from the 154 comments:

- Many respondents want to see application fees provide a financial disincentive to tree removal and requested higher application fees. It must be noted, however, that legally application fees may not be used to dissuade the activity being regulated by the permit. The fee is to reflect the amount of resources are required to administer the regulation.
- Many respondents suggested that the fees be made lower for existing developments, and higher for new developments.
- Some respondents requested that the per tree fee be retained.

Q14 Do you support the City requiring protection securities to provide financial incentive to adequately protect trees during adjacent development activity?

Answered: 606 Skipped: 113



87% of respondents support the use of a protection security being required, with 29% supporting its use for all retained trees and 29% supporting its use for only special trees such as protected species.

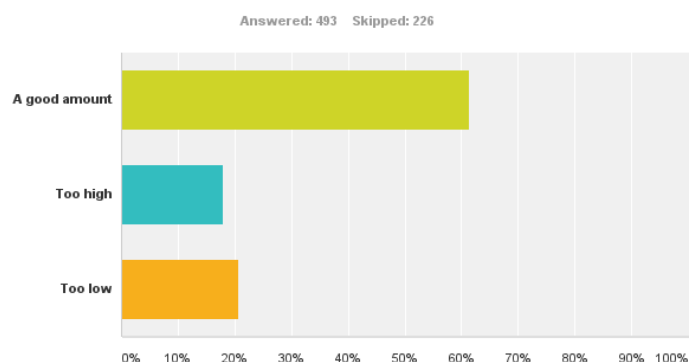
A few comments from the 55 submitted standout such as:

- What would happen to the securities if the applicant damages or removes the protected tree? (the answer is that the funds would be placed in the tree replacement fund)
- Could a 'letter of intent' be used for all contractors conducting work around protected trees in lieu of securities? (the answer is yes)
- Many noted that damages to trees often do not become apparent for years following the damages and therefore an arborist would be required to confirm that no damages occurred prior to release of the securities.

The answer options to Question 14 are:

- Yes, always
- Yes, but only for very special trees such as protected species
- No
- Don't know

Q15 If you answered 'Yes' to question 13, do you think the proposed protection security amount of \$1000 per protected tree is:



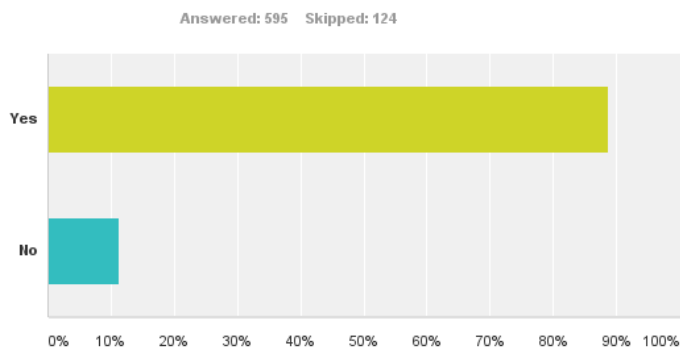
61% of respondents believe that \$1,000 is a reasonable amount to charge as a protection security. The comments revealed quite a bit of discussion on the thought that the amount may be too low for developers or wealthy individuals who may view it as 'the cost of doing business'. Staff are proposing that this protection security only be required when working around protected species and other trees defined as 'protected' within the Bylaw.

A number of comments also asked if the securities (and the fees) could be based on income, which they cannot, and/or if they could be different for different sized trees or species, which they can.

Questions gauging interest for future tree management work

Overall, residents support the inclusion of a heritage or significant tree list (89%) and 108 respondents provided comment on possible candidate trees. This list is not provided as staff would conduct this work at a later date, if supported by Council.

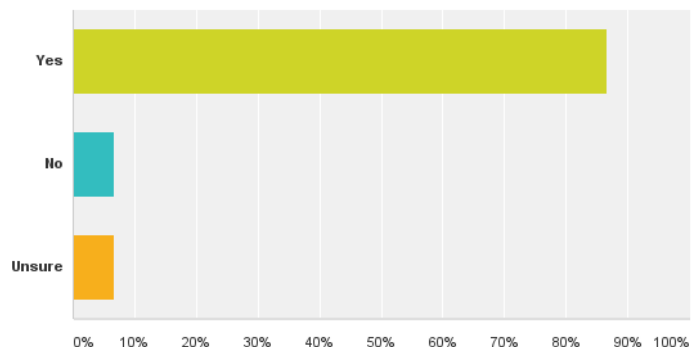
Q16 Do you support the inclusion of a heritage or significant tree list to the bylaw, possibly at a later date? The list would include individual trees of unique cultural value to the community. Trees on this list would be treated similar to protected species in that only in very rare circumstances could they be removed.



Similarly, overall respondents support an Urban Forest Strategy for the City (87%).

Q17 As the city grows trees will be cut when development occurs. Urban Forest Strategies implemented in other cities in B.C. help to monitor the existing urban forest and identify areas on public and private lands where trees can be planted. Do you support the undertaking of an Urban forest Strategy in order to maintain and protect the City's urban forest?

Answered: 602 Skipped: 117



Wrap up questions asking ideas to promote trees on private property and comments on the bylaw in general

300 respondents provided ideas on what the City could do to promote tree retention and planting on private property, such as:

- Invest in public education on the value of trees in general including a series of articles in the paper and short videos including on technical information such as properly pruning and maintaining trees
- Provide resources on making good decisions when planting new trees
- Provide hazard tree assessments at a free or subsidized rate
- Provide property tax incentives and regulatory incentives for new developments (e.g. DCC reductions, lower parking requirements)
- Provide updates to residents about regulations in the tax-notices
- Ensure adequate monitoring and enforcement of the urban forest and bylaw
- Creative Public engagement techniques such as: Photo contests, maps of special trees, walking tours, heritage involvement, arbor days,
- Give away free or subsidized trees
- Partner with organizations such as schools, realtors, naturalist organizations
- Publically 'commend' individuals who retain trees
- Ensure City development standards are supportive of trees
- Undergrounding powerlines
- Relax water restrictions for trees in stress and young trees
- Don't issue tree cutting permits until development plans have been approved

238 respondents provided general comments to the proposed changes, the most common of which are:

- Need to see consistency of these policies being applied on public land
- Concern over ability to monitor and enforce city-wide
- Request to limit tree removal during critical nesting periods
- Request to see more trees in parking lots
- Wildfire concern

Across all the questions that provided opportunity for comment, couple of themes emerged:

- A number of respondents believe that the private property should not be so heavily regulated by government and consistently echoed this throughout the survey “Private is Private”. Across the comments for all questions, this is estimated at 10% of responses.
- A number of respondents point out that a strategic action to limit the loss of the urban forest is to limit greenfield development and therefore touched on growth management goals and strategies, which are beyond the particular scope of this bylaw.

This is the public survey on the City of Courtenay Tree Protection and Management Bylaw proposed changes

The survey takes approximately 10 minutes to complete and is 10 pages. The deadline for this survey is June 30, 2016.

Please return the survey to City Hall or scan it to ngothard@courtenay.ca

You may also conduct the survey online at: www.courtenay.ca/trees

Any questions may be directed to Nancy Gothard, Environmental Planner, ngothard@courtenay.ca / 250 334 4441

Note - the answer boxes are quite small. Please use as much space on the page as you need.

The City of Courtenay is looking for your feedback on ways to increase and preserve the number of trees within Courtenay neighbourhoods. The City currently has a Tree Protection and Management Bylaw, and is looking to expand its application to more lands and species, and provide more clarity for property owners who want to remove trees in a way that doesn't impact neighbouring trees.

The two core proposed changes to the bylaw are:

- Setting a target number of trees that must be retained or replanted on all properties, depending on property size, and
- Applying the bylaw to all lands within the City, and including more species under special protection.

The proposed bylaw is called a 'Tree Protection and Management Bylaw' because it aims to *protect* a reasonable number of trees in the community, while also allowing residents to *manage* trees on their property, including tree removal that does not negatively impact neighbouring properties.

Urban trees are increasingly recognized for their many social, ecological, health and economic benefits to citizens, property owners and municipalities. Like many regions, the City of Courtenay is moving towards better protection and management of trees and greenspaces as valuable green assets, while striving to increase clarity and consistency for developers and other land users. Valuing green assets is supported in the City's Official Community Plan as well as the Comox Valley Regional Growth Strategy.

Please tell us what you think about urban tree protection in Courtenay by filling out this important public survey.

This survey will take between 5 and 10 minutes to complete. The survey starts with a couple of questions about how strongly you value tree protection in general in the City of Courtenay, then continues to ask more specific questions about the technical details of the proposed bylaw changes. You may skip any question at any time.

There is some background and explanation material on the proposed changes to the Bylaw right in the survey itself, although we do also encourage you to take some time to review the materials available for review on the City's dedicated [website](http://www.courtenay.ca/trees) (a summary table of the proposed changes, as well as the draft bylaw).

Before asking specific questions about the proposed bylaw changes, please answer the following questions about the importance of tree protection within the City of Courtenay from your perspective. Remember, you may skip questions at any time.

1. In general, I support the City of Courtenay strengthening tree management and protection policies and regulatory tools

- ☐ Strongly agree
- ☐ Agree
- ☐ Neutral
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure

2. In general, I support the City of Courtenay investing more resources into tree management and protection. (This could include a modest increase to staff hours or the creation of a heritage tree list or more public education resources as examples)

- ☐ Strongly agree
- ☐ Agree
- ☐ Neutral
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure

3. In general, I support a strong policy of keeping existing trees where safe to do so.

- ☐ Strongly agree
- ☐ Agree
- ☐ Neutral
- ☐ Disagree
- ☐ Strongly disagree
- ☐ Unsure

Next part of the survey and please stay in touch

The next section of the survey will ask more specific questions in each of the following topics:

1. Expanding tree management areas and the number of tree species protected
2. Establishing the required number of trees per lot to be protected or replaced
3. Changes to tree permit application fees

But before moving on, please provide your contact information if you would like to receive email notifications of any progress on the bylaw. All participants who enter their contact information will be placed into a prize draw for a slow-release tree watering bag that can be used on an existing tree to promote water conservation and good root development!

4. Provide only what information you feel comfortable with. Your information will not be shared.

Name	<input type="text"/>
Address	<input type="text"/>
City/Town	<input type="text"/>
Email Address	<input type="text"/>
Phone Number	<input type="text"/>

5. Do you own property and/or live in the City of Courtenay?

- ☐ Yes
- ☐ No
- ☐ Don't know

6. Prior to this consultation opportunity, how familiar would you say you were with the City's existing Tree Management and Protection requirements?

- ☐ Familiar
- ☐ Somewhat familiar
- ☐ Not familiar
- ☐ I was aware there were regulations, but I didn't know anything about them
- ☐ I didn't even know that the City had any requirements!

More areas and species subject to the Bylaw

The proposed Bylaw would apply to all lands within the City and would include more species on the protected species list.

7. Do you support the bylaw applying to all lands within the City?

☐ Yes

☐ No

If no, you are welcome to provide some comments on what areas you think the bylaw should apply to:

Species

In addition to the already protected Garry oak and Pacific dogwood, the following species are being considered to be designated protected species under the bylaw: Arbutus, Western white pine, Trembling aspen and Pacific yew. These species are native species that are currently rare in the City. If these species were listed as protected in the bylaw, then they could only be removed in rare circumstances such as hazardous condition or if they are preventing a landowner from developing to their allowed zoning.

8. Do you support the bylaw including the following species being listed as protected?

Arbutus (Arbutus menziesii) (also referred to as Madrone);

Western white pine (*Pinus monticola*);

Trembling aspen *Populus tremuloides*;

Pacific yew (*Taxus brevifolia*)

☐ Yes

☐ No

9. Do you have any comments about the proposed protected species list?

Use of tree number targets based on property size

The proposed Bylaw would contain a 50 trees per hectare requirement. This is proposed based on experience from other B.C. communities and what appears reasonable for an individual property. This target number would be used to inform how many trees a property owner has to retain and/or replace when developing or clearing land.

Some examples of some common zones and lot sizes are listed below to show how many trees would typically be required:

Zone	Minimum lot size	Number of trees required
R-1, Residential One (much of east Courtenay is R-1)	650m ² (approximately 0.16 of an acre, a small urban lot)	3
R-2, Residential Two (much of west Courtenay is R-2)	750m ² (approximately 0.2 of an acre)	4
RR-1, Rural Residential One	1250m ² (approximately 1/4 acre)	6
RR-5, Rural Residential Five	4000m ² (approximately 1 acre)	20

In this scenario, an applicant for a tree removal permit would have to show how they will achieve the target number of trees. The goal would be to retain existing trees, but where retention is too difficult, there would be other options for replacements. For example, the applicant could plant a new tree on their property or pay into the City's Tree Planting and Replacement Fund. If paying into the fund, the cost per tree would be \$300 to cover costs of obtaining the tree, planting, and maintaining it in its first year.

For new multi-lot subdivisions over 1 acre in size, the proposed bylaw would require that

the developer examine the opportunity for retaining the 50 trees per hectare prior to determining their subdivision layout. The retained trees could be located on private or public land.

10. Do you support the use of a tree number target to inform how many trees should be retained or replanted on a property?

☐ Yes

☐ No

If you answered no, do you have other ideas of how to determine how many trees should be retained or replaced on a property?

The following two questions are about how important keeping existing trees is to you.

For example, the City is trying to understand how important retaining existing trees is compared to being allowed to remove existing trees and replace them with new trees.

The City is also trying to understand whether properties in existing neighbourhoods and new multi-lot subdivisions should be treated the same.

11. **For properties within existing neighbourhoods** (this would include properties that already have a home or business on them), please indicate which statements describe the best approach to tree management in your view (select all that apply, and/or provide a new statement that describes your view):

- ☐ Applicants should always be required to retain the target number of trees where it is safe to do so
- ☐ Applicants should be allowed to plant new trees on their property to achieve their target number of trees for their property, even if it means not retaining any existing trees on the property
- ☐ Applicants should be allowed to pay into the Tree Planting and Replacement Fund to achieve the target number of trees for their property, which will be used to plant trees elsewhere
- ☐ I value keeping existing trees, but I also want flexibility. Retaining trees should always be the first choice, but there may be circumstances when replacing the tree or paying into the Tree Planting and Replacement Fund are suitable options
- ☐ Flexibility in tree management is most important to me. Whether an applicant keeps a tree, replants a tree or pays into the Tree Planting and Replacement Fund should be equal options to the applicant in all instances

If you would like to provide a different or another statement to describe how you feel about this question, please include it here:

12. **For new multi-lot subdivisions** (this would include properties that are not previously developed, or have very little development on them), please indicate which statements describe the best approach to tree management in your view (select all that apply, and/or provide a new statement that describes your view):

- ☐ Applicants should always be required to retain the target number of trees where it is safe to do so.
- ☐ Applicants should be allowed to plant new trees on their property to achieve the target number of trees for their property, even if it means not retaining any existing trees on the property.
- ☐ Applicants should be allowed to pay into the Tree Planting and Replacement Fund to achieve the target number of trees for their property, which will be used to plant trees elsewhere.
- ☐ I value keeping existing trees, but I also want flexibility. Retaining trees should always be the first choice, but there may be circumstances when replacing the tree or paying into the Tree Planting and Replacement Fund are suitable options.
- ☐ Flexibility in tree management is most important to me. Whether an applicant keeps a tree, replants a tree or pays into the Tree Planting and Replacement Fund should be equal options to the applicant in all instances.

If you would like to provide a different or another statement to describe how you feel about this question, please include it here.

Tree permit application fees

A person would be required to obtain a Tree Cutting Permit whenever removing more trees on their property than their required target number, and when doing development and land clearing activities in close proximity to retained trees.

Currently Tree Cutting Permit application fees are \$250 for the permit and an additional \$5 for every tree removed.

The proposed bylaw would have a sliding fee structure, reflecting that not all tree cutting and management situations are the same (note that GST does not apply to Permits). The \$5 fee for each tree removed would not apply.

Single family lots up to 1000m ² (approximately 1/4 acre) or only two trees removed on any sized lot	\$50
Single family lots between 1000m ² and 4000m ² (between 1/4 and 1 acre)	\$100
Larger lots, and new multi-lot subdivisions	\$250/acre
Hazardous tree removal	No fee

13. Do you support the proposed sliding scale of tree permit application fees?

☐ Yes

☐ No

If not, please describe what changes you would make

The City is considering requiring a security fee of \$1000 per protected tree, when conducting development close to a protected tree. The protection security would be returned upon proof that the tree was not damaged during the adjacent development activities. This is suggested as a best practice as tree protection fencing can fall apart over time, and can be moved. Some other communities in B.C. require a protection security.

14. Do you support the City requiring protection securities to provide financial incentive to adequately protect trees during adjacent development activity?

- ☐ Yes, always
- ☐ Yes, but only for very special trees such as protected species
- ☐ No
- ☐ Don't know

Comment

15. If you answered 'Yes' to question 13, do you think the proposed protection security amount of \$1000 per protected tree is:

- ☐ A good amount
- ☐ Too high
- ☐ Too low

If you answered too high or too low, how much do you think it should be?

Survey conclusion

16. Do you support the inclusion of a heritage or significant tree list to the bylaw, possibly at a later date? The list would include individual trees of unique cultural value to the community. Trees on this list would be treated similar to protected species in that only in very rare circumstances could they be removed.

☐ Yes

☐ No

If yes, do you know of any trees you would like to see added to that list? Please provide an address or description of location if possible.

17. As the city grows trees will be cut when development occurs. Urban Forest Strategies implemented in other cities in B.C. help to monitor the existing urban forest and identify areas on public and private lands where trees can be planted. Do you support the undertaking of an Urban forest Strategy in order to maintain and protect the City's urban forest?

☐ Yes

☐ No

☐ Unsure

18. Do you have any ideas of what the City could do to promote tree retention and planting on private property?

19. Do you have any other comments related to the proposed bylaw changes?

Welcome!

Thank you for attending the City of Courtenay Tree Protection and Management Bylaw public open house.

Trees provide many values in our community, and we want to hear from you on how best to manage them for now and future generations.

Please review the presentation material, fill in the survey & sign in so we know how many people attended.

A short presentation will be provided by City staff at 6pm, followed by a Question and Answer period.

The following presentation boards are available for your viewing:

- Why protect and manage trees?
- Bylaw overview
- Tree targets for every property
- Protected species
- Tree protection requirements during development
- Proposed application fees, security requirements and fines for illegal activities
- Tree planting and care tips
- FAQs

Did you know?

You can also fill in the public survey and Bylaw background material on-line at

www.courtenay.ca/trees

Please share this link with your friends!



A presentation board for the 'TREE MANAGEMENT & PROTECTION BYLAW'. The top half features a scenic photograph of a forested valley with mountains in the background. The bottom half has a dark blue background with white and orange text. The title 'TREE MANAGEMENT & PROTECTION BYLAW' is in large, bold, orange letters. Below the title, it says 'The existing bylaw is being reviewed and we are seeking public input.' in white. There are two event announcements: 'Wednesday June 15th, 5:00 pm to 7:30 pm' at the 'Evergreen Lounge, Florence Filberg Centre' and 'Tuesday June 21st, 12:00 pm to 2:00 pm' at the 'Courtenay Library'. Both events mention a presentation at 6:00 pm followed by a question and answer session. At the bottom, it says 'Fill in the survey online at www.courtenay.ca/trees or in person at the City of Courtenay and be entered into a prize draw for a slow-release tree watering bag.' and 'Please tell your friends!'.



**CITY OF
COURTENAY**
Development Services

Development Services | 250-334-4441 | planning@courtenay.ca
courtenay.ca/trees

follow us  

Why protect and manage trees?

Did you know?

Under the *Community Charter*, municipalities have the ability to regulate trees. This is a 'broad power' and allows the community to decide on if they would like to protect trees, require replacements for removed trees, require that trees be planted even if none were growing before, and place conditions when removing trees such as installing tree protection fencing and requiring an arborist to monitor the tree during construction activities.

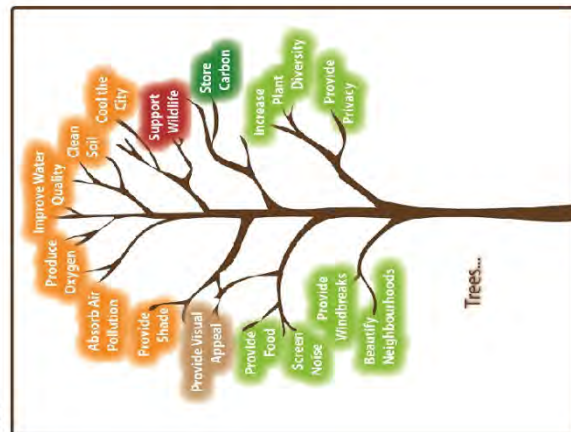
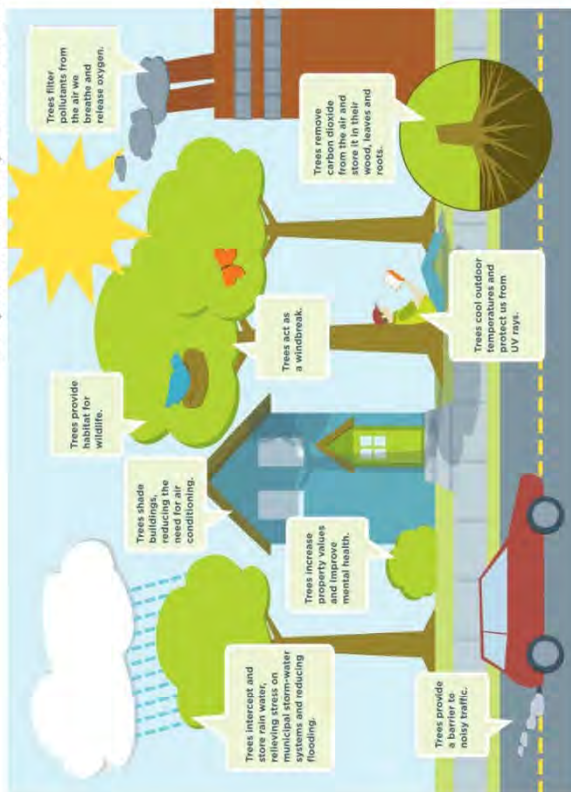
Official Community Plan (OCP) and Regional Growth Strategy supports tree protection and management.

The City of Courtenay OCP provides many references to the community's desire to protect and plant trees in the context of streets and boulevard beautification, key gateways into the City, wildlife habitat, carbon sequestration and maintaining protected species.

The Comox Valley RGS provides many references to the community's desire to protect trees in the context of stormwater management and general ecological health.

Trees also provide a variety of values to the community as shown in the illustrations below.

Can you think of any other values that trees provide?



The survey asks if you support stronger tree protection and management policies and regulations than what is currently in place.

Bylaw overview

The existing Bylaw:

The City of Courtenay already has a Tree Bylaw which applies to the properties shown on the map below. In order to remove trees in this area, an applicant must first obtain a Tree Cutting Permit from the City.

In these areas the City works with the applicant to try to retain as many trees as possible or plant new trees when trees are removed. The City also requires sediment and erosion control measures to be in place when doing large scale tree removal.

Proposed changes to the Bylaw:

The key changes proposed in the new Bylaw include:

- ✓ Setting a target number of trees that must be retained or replanted on all properties, depending on property size;
- ✓ Applying the bylaw to all lands within the City, and including more species under special protection;
- ✓ Different permit fees and security requirements.

Why these changes?

The proposed bylaw is based on a number of assumptions:

- **That trees are important but that not all can be retained.** Trees should be retained where safe and reasonable to do so, but this must be balanced with the right to the enjoyment of one's yard.
- **That development will continue to occur** in our community, including intensification of existing neighbourhoods and that some trees will be removed in the process.
- **That trees provide values and services to the entire community** and therefore when they are removed, they should be replaced for the benefit of future generations.
- **That every property should be treated the same** so as to ensure trees are spread throughout the community, to not penalize a property that has many trees on it and to ensure that all properties are contributing to the community's 'share' of the services trees provide.

The City is proposing an approach to tree management that aims to:

- *Retain and protect trees where it is safe and feasible to do so, and*
- *Require replacement trees when a tree is not safe or reasonable to retain including the option to pay into a Tree Replacement Fund for planting programs on other lands.*

By setting a target number of trees for each property, the applicant, City staff and the community can understand what is expected for each property before someone applies to have a tree removed.

The survey asks if you support the Bylaw applying to all lands within the City and whether you support the use of a target number of trees for each property.

Tree targets for every property

The proposed Bylaw would contain a 50 trees per hectare requirement. This is proposed based on experience from other B.C. communities, and what appears to be reasonable for an individual property. This target number would be used to inform how many trees a property owner has to retain and/or replace when developing or removing trees.

Some examples of common zones and lot sizes are listed below to show how many trees would typically be required:

Zone	Where are examples of this Zone in Courtenay?	Minimum lot size	Number of trees that would be required
R-1, Residential One	Much of east Courtenay	650m ² (approximately 0.16 of an acre, a small urban lot)	3
R-2, Residential Two (allows secondary residences in some instances)	Much of west Courtenay	750m ² (approximately 0.2 of an acre)	4
RR-2, Rural Residential Two	Adjacent the Courtenay cemetery	1250m ² (approximately ¼ acre)	6
RR-5, Rural Residential 5	Headquarters Rd. near Vanier School	4000m ² (approximately 1 acre)	20

For existing neighbourhoods, an applicant for a tree removal permit would have to show how they will achieve the target number of trees on their property. The goal would be to retain existing trees, but where retention is too difficult, there would be other options for replacement. For example, the applicant could plant a new tree on their property or pay into the City's Tree Planting and Replacement Fund. If paying into the fund, the cost per tree would be \$300 to cover costs of obtaining the tree, planting and maintaining it in its first year.

For new multi-lot subdivisions over 1 acre in size, the proposed bylaw would require that the developer examine the opportunity for retaining the 50 trees per hectare prior to determining their subdivision layout. The retained trees could be located on private or public land.

The Survey asks a number of questions on this topic:

- if you support the use of tree targets for every property and whether you believe they are a good number, too high, or too low.
- if multi-lot subdivisions should use a different tree retention or replacement requirement than existing neighbourhoods.
- how strongly you value keeping existing trees rather than allowing replacements for removed trees.



Protected Species

Garry oak and Pacific dogwood trees are designated protected species under the current Bylaw. This means that only under very rare circumstances can these trees be removed such as hazardous condition or if they are preventing a landowner from developing to their allowed zoning.

The species listed below are proposed to be added to the protected species list because they are native and currently rare in the community and may be at the northern extent of their range, thus providing important genetic diversity to changing climate conditions.

The survey asks if you support the species listed below being added to the protected species list.



Garry oak (*Quercus garryana*)



Pacific dogwood (*Cornus nuttallii*)

The City is proposing that the following species be added to the protected species list:



Arbutus
(*Arbutus menziesii*)



Western white pine
(*Pinus monticola*)



Trembling aspen
(*Populus tremuloides*)



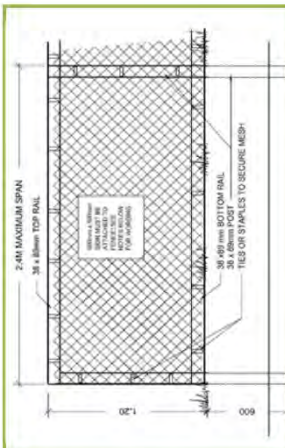
Pacific yew
(*Taxus brevifolia*)

Tree requirements during development

One false move and the viability of a tree that has lived hundreds of years can be compromised. Because trees are living things, their condition and requirements can change depending on how they are impacted. It is important that retained trees are properly protected throughout all the development and construction phases, and are cared for once the development is complete. In some instances monitoring is required to ensure this occurs.

Tree protection fencing would be a requirement

The proposed Bylaw would include the requirement that whenever doing development around a tree that is to be retained on a property, that protection measures (such as temporary fencing) be in place around the root protection zone to the tree during development. If work is proposed within the root protection zone, an arborist would be required to advise on how to do so carefully so as not to damage the retained tree. Failure to install and maintain the temporary fencing could result in fines.



Did you know?

The City requires Erosion and Sediment Control measures to be in place whenever doing large scale tree clearing that disturbs soil. This would continue to be the case under the new Bylaw.



Monitoring and follow up reporting may be required

In cases where tree removal and protection is occurring over a long period of time, is on a complex site or is in proximity to sensitive or rare species, an applicant may be required to have an arborist monitor the site to ensure that the retained trees are protected and in good health.

When many trees are removed in a forested stand, the applicant may also be required to wind firm the remaining trees and provide a report to the City demonstrating this has occurred.



Proposed application fees, security requirements and fines for illegal activities

	Tree Cutting Permit Fees	Protection Securities	Tree Replacement Securities	Penalties
Current Bylaw	\$250 for the permit and an additional \$5 for every tree removed.	None	When replacement trees are required, an applicant must submit a replacement security (\$250/new tree) to ensure that the applicant plants the required replacement tree. Upon planting, the City returns 80% of the security and the remaining 20% is held by the City for 3 years to ensure successful establishment of the tree.	\$1000 ticket per tree removed without a permit or up to \$10,000 per tree if successful prosecution in court.
Proposed Bylaw changes	Sliding scale fee structure, reflecting that not all tree cutting and management situations are the same: Single family lots up to 1000m ² (approximately ¼ acre) or only two trees removed on any sized lot: \$50 Single family lots between 1000m ² and 4000m ² (between ¼ and 1 acre): \$100 Larger lots, and new multi-lot subdivisions: \$250/acre Hazardous tree removal: No fee The \$5 fee for each tree removed would also not apply.	The City is considering requiring a protection security fee of \$1000 per tree, when conducting development close to a protected tree. The protection security would be returned upon proof that the tree was not damaged during adjacent development activities. This is suggested as best practice because tree protection fencing can fall apart over time, and can be removed. Some other communities in B.C. require a protection security.	Security fee increase from \$250 to \$300 to reflect the current costs of purchasing and installing a tree. Returning 100% of the security fee 1 year after planting rather than in two installments 3 years apart. The option to pay into the Tree Planting and Replacement Fund would also be available to applicants in some circumstances.	The proposed Bylaw would add more activities that are subject to ticketing: Cutting or damaging without a permit: \$1000/tree Failure to install and/or maintain protection fencing: \$250/tree Failure to replant a tree: \$350/tree Remove remains of tree prior to investigation: \$250/tree If pursued through the courts, the up to \$10,000 per tree penalty would remain a penalty option.

The Survey asks if you support the sliding scale fee structure and protection securities.

Tree planting and care tips

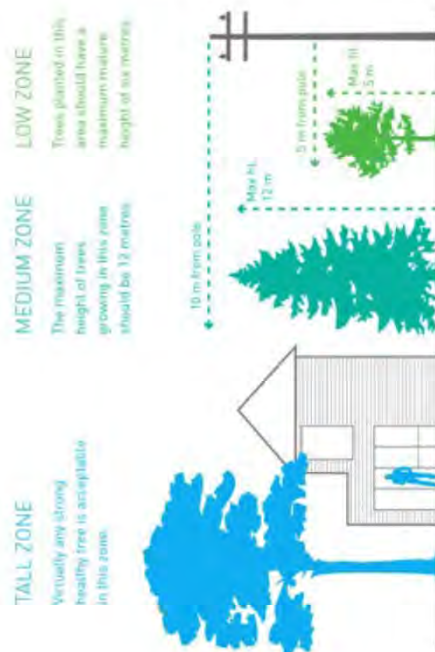
If you are planting trees, whether as a requirement of a Tree Cutting Permit or not, there are a few tips to consider to set your new young tree up for success!

Right tree in the right location

When planting a new tree think about the values you want it to provide:
Aesthetics? Shade? Privacy?

When selecting a location for the new tree consider these factors:

- Property lines, overhead infrastructure, pavements, buildings and other trees. Ensure that the tree at maturity won't interact with any of these things, including its roots, and that the tree is on your private property.
- Planting native local species to minimize care of the tree and provide local biodiversity benefits.
- Planting large deciduous trees to the south and west of homes provides summer shade and allows light in winter.
- Planting evergreen trees between prevailing winds can reduce heat loss.



The image above is from BC Hydro's website on *planting near powerlines*

Give it a good start

PLANT:

- with sufficient soil and compost, in a hole 2-3 times the size of the root-ball;
- do not bury the stem;
- top dress the hole with mulch;
- loosely stake if necessary.

WATER:

- the root zone of new trees weekly within their first two summers;
- drip irrigation around the root ring of the tree works, or gently running the hose for 1 minute;
- evenly watering the roots ensures even root development;
- daily lawn watering is not recommended for trees as it can cause root decay;
- older trees may need some bi-monthly watering in drought conditions.

PROTECT the tree from mowing damaged, trenching, soil contamination and compaction throughout its long life.



The image above shows a person using a slow release drip irrigation watering bag which is a great way to water young trees evenly while conserving water

More tree planting and care tips

Take care when pruning

Not all pruning is equal and some pruning methods can be damaging to the tree.

When pruning a protected species you must contact the City with a notification that an arboriculture care practitioner is conducting the pruning, including their contact information.

When doing pruning on your own, follow these guidelines:

- Do not "top" a tree, or remove the majority of a tree's crown, where that tree has not been topped previously.
- Do not "lift prune", or remove the lower live branches of the crown (green branches) to reduce the live crown to less than 50%.

To minimize damage and synchronize with the natural growth cycle, prune in winter. Avoid heavy pruning when leaves are expanding in early spring, when tree energy reserves are low. Timing for light pruning is less critical. For maximum display of spring flowering species, prune after bloom. Prune dead limbs and branches at any time.

Timing is important

	J	F	M	A	M	J	J	A	S	O	N	D
Best Time	•	•										•
Worst Time						•						
Light Pruning			•	•							•	•

When in doubt, ask an arborist

ISA Arborists (certified by the International Society of Arboriculture) can provide the following advice:

- Tree risk assessment
- Tree preservation plans
- Pruning and care recommendations
- Plant appraisal

Arborists can be found in the local directories (on-line and yellow pages).

Basic Pruning Guidelines

Use the Correct Tools



Hand saws are useful for small branches, up to about 1 1/2 inch diameter. Use loppers or a saw for larger branches, or for species with hardwood.



Long-handled loppers may be used to remove larger diameter branches, but precise cuts are more difficult to make.



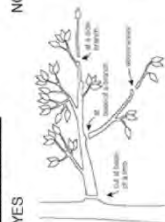
Curved blade pruning saws cut on the pull stroke. Newer blade designs are able to cut large and small diameter branches quickly and cleanly. Pruning saws are available with fixed or folding blades, or mounted on a pole. Larger pruning saws are sometimes used by professionals.



Chainsaws are not recommended for general pruning except by professionals as a time saver. (Consider using an accident for large or potentially dangerous work.)

Remove Whole Limbs or Branches

It is preferable to remove an entire limb or branch rather than cut it back. Branches may be cut back to a twig, or pruned to a bud, where necessary. This technique respects natural growth patterns.



YES



NO

Examples of poor pruning practice shown below



Reasons to remove a tree

When issuing a Tree Cutting Permit, it's valuable to know what reasons are considered reasonable reasons to remove a healthy tree, and what reasons may not be reasonable. Tell us what reasons are reasonable to you by placing a sticker next to all the reasons listed, or feel free to add some more. Remember – a confirmed hazardous tree may always be removed.

[illegible]

The following Schedule B includes a number of aerial images representing different canopy cover percentages.

Pages 48-52 of the report show a number of developments that have been recently developed, are in the process of being developed or will soon be developed, and their associated canopy covers following development to show what canopy cover has been achieved recently, on lands containing Environmentally Sensitive Areas (ESAs).

Pages 53-55 show a number of existing developments and their associated canopy covers to provide comparison of different parts of the City.

Area coverage calculations are based on the areas shown highlighted in red.

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Property shown: Morrison Creek Commons on Powerhouse Rd.

Canopy cover: Was heavily treed prior to development on a majority of the site. Approximately 37% canopy cover remaining. Total parcel area is 8.15ha and remaining treed area is 3.04ha of which 2.78 is park/ESA. Rear yards that have trees and will continue to have trees, are included. Most of the canopy area is within the dedicated riparian area.



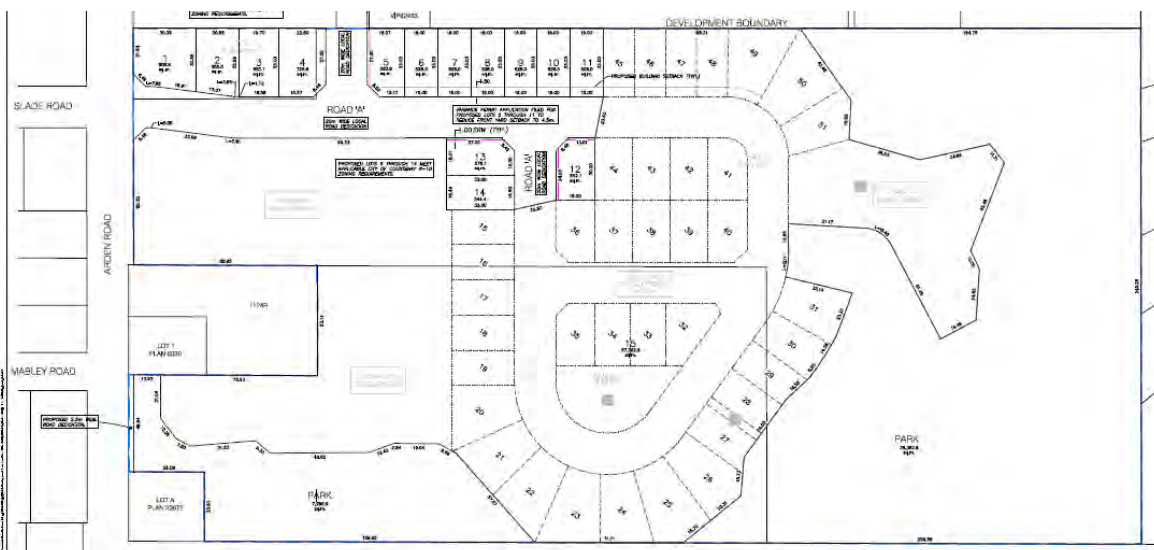
Property shown: Copperfield Ridge development on Cumberland and Arden roads

Canopy cover: Was heavily treed prior to development. Approximately 25% canopy cover remaining. Total parcel area is 10.38ha and remaining treed area is 2.6ha, of which 2.3ha is park/ESA, not all of which is treed - e.g the large stormpond area that is cleared. Most of the canopy area is within the dedicated riparian area.



Property shown: The Streams development on Arden and Ronson roads. As this property has not yet been subdivided, a copy of the site layout is included along with the aerial photo.

Canopy cover: Contained a low density of mature trees prior to development. Approximately 38% canopy cover remaining. Total parcel area is 11.5ha and remaining treed area is 4.32ha, of which 4.2ha is park/ESA. Most of the canopy area is within the dedicated riparian area.



Property shown: Arden Road development near the Comox Valley Parkway. As this property has not yet been subdivided, a copy of the site layout is included along with the aerial photo.

Canopy cover: Has not yet been cleared; project still subject to subdivision review and acceptance. Contains a mix of forest stand types from second growth mature stands to immature alder stands. Approximately 65% canopy cover is expected to remain following development. Total parcel area is 7ha and remaining treed area is anticipated to be 4.67ha, all of which is scheduled to be park/ESA. Most of the canopy area will within the dedicated riparian area.



PROPOSED SUBDIVISION PLAN OF LOT 1,
TRACT LOT 231, COMOX DISTRICT,
2152, EXCEPT PART IN PLANS
939 AND VIP81437

1:066

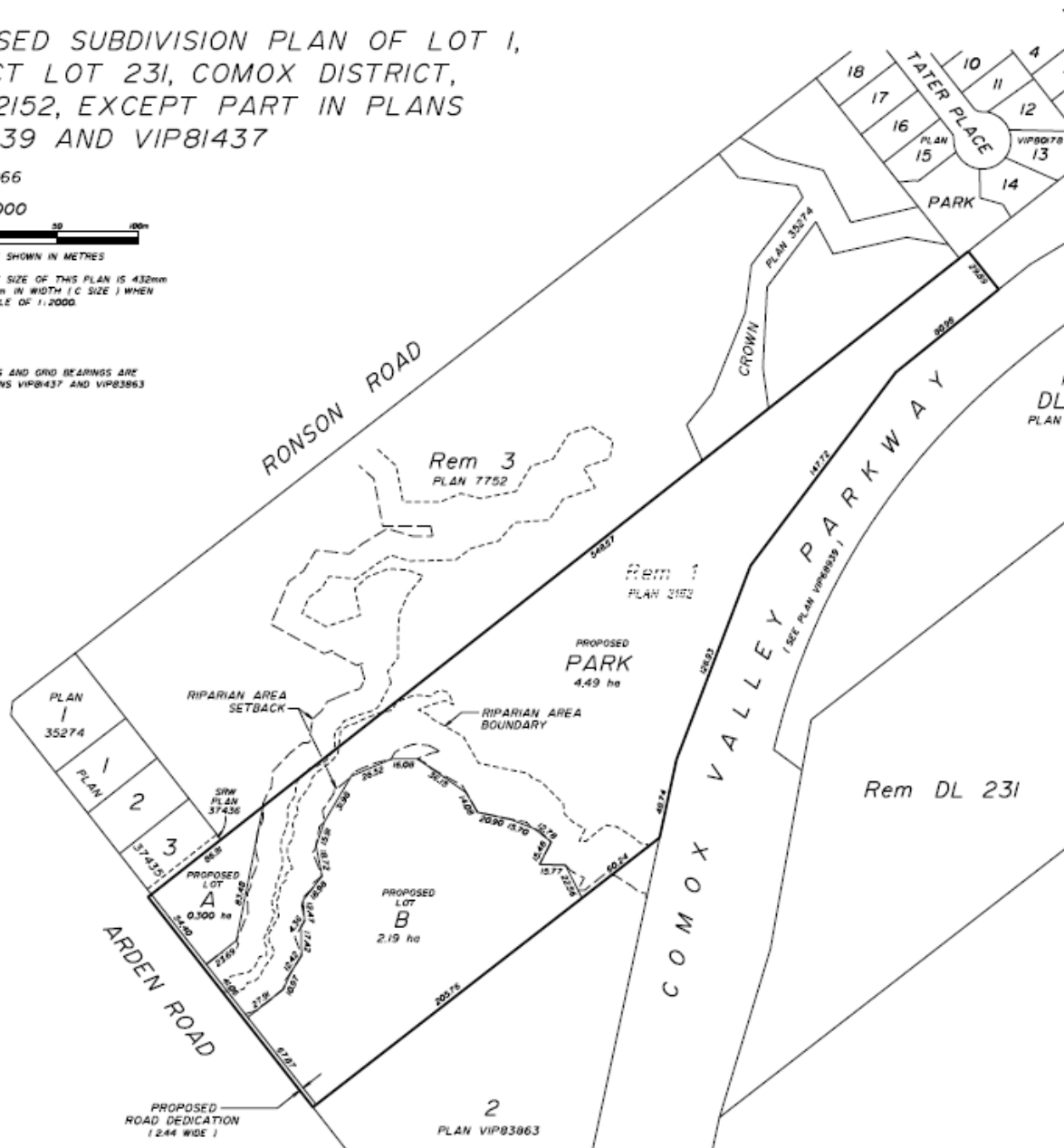
2000



ALL DIMENSIONS ARE SHOWN IN METRES

LOT SIZE OF THIS PLAN IS 432mm
10mm IN WIDTH (C SIZE) WHEN
SCALE OF 1:2000

ALL DIMENSIONS AND GRID BEARINGS ARE
PLANS VIP81437 AND VIP83863



Area shown: Mobile home park on Muir Road.

Canopy cover: Approximately 10%. Parcel area: 13.6ha. Canopy area: 1.3ha.



Area shown: Residential block within the Puntledge neighbourhood along 1st Street and Robert Lang Dr.

Canopy cover: Approximately 27%. Parcel area: 6.7ha. Canopy area: 1.78ha.



Area shown: Residential area within Crown Isle along Majestic Dr.

Canopy cover: Approximately 4%. Parcel area: 9.9ha. Canopy area: 0.4ha.





THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: OCP and Zoning Amendment of 963 Webb Road

File No.: 3360-20-1604
Date: September 19, 2016

PURPOSE:

The purpose of this report is for Council to consider an Official Community Plan and Zoning Amendment to permit a licensed child care facility at 963 Webb Road. The proposed Zoning Amendment involves rezoning the subject property from R-1A (Residential One Zone) to MU-1 (Multiple Use One Zone) and the OCP Amendment will redesignate the property from Suburban Residential to Commercial.

CAO RECOMMENDATIONS:

THAT Based on the September 19th 2016 Staff Report, "OCP and Zoning Amendment of 963 Webb Road", Council approve OPTION 1 and proceed to First and Second Readings of OCP Amendment Bylaw No. 2856, 2016; and

THAT Zoning Amendment Bylaw No. 2857, 2016 as outlined in OPTION 1 proceed to First and Second Reading; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to OCP Amendment Bylaw No. 2856, 2016 and Zoning Amendment Bylaw No. 2857, 2016 on October 3rd 2016 at 5:00 p.m. in City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

An application has been received to rezone the property located at 963 Webb Road from R-1A (Residential One Zone) to MU-1 (Multiple Use One Zone) in order to accommodate a licensed child care facility that will provide 13 to 15 children child care spaces.

The subject property is located in the Arden Road neighbourhood at the corner of 963 Webb and Lake Trail Roads. The Arden Road area is characterized by rural residential and single family residential housing, home-based businesses and an extensive network of parks and trails.

Arden Road Elementary School is located directly across the street from the subject property. Caprice Harshey, the applicant, managed a licensed child care facility in Cumberland for over 20 years and in more recent years was the Manager of the Wee Care Program located within Arden Road Elementary School. Recently Arden Elementary school has experienced increases in student registrations which has led to overcrowding in classrooms and an overall lack of classroom space. Due to the lack of classroom space the operator of the child care program was notified they were no longer able to occupy space within the school and the program is now seeking a new location.

The applicant has reported that nearly twenty families are now without child care in this neighborhood and some families are beginning to transfer their children to other schools where child care spaces are available. This places additional stress on other group child care facilities within the neighborhood and other parts of the City. Another trend being reported is that some parents are significantly reducing their working hours and/or quitting the labor force because quality childcare is no longer being provided for children in this neighborhood.

Figure 1: Location Map



Figure 2: Zoning Map



Current Proposal

In the spring of 2016 the applicant purchased the residential property located at 963 Webb Road with the intention of establishing a licenced child care facility. The applicant is proposing to establish a group child care facility providing care for 13 to 15 children in two different program streams: (1) before and after school care for school aged children ages 5 years to 9 years and (2) a pre-kindergarten program for children ages 4 years and 5 years.

The applicant is proposing that the group child care facility include space for both full time and part time participants. The applicant has consulted with the Provincial Community Care Facilities Licencing Officer and has indicated that based on the floor area, staff-to-child ratio and the ages of children attending the centre, the maximum number the facility can accommodate is 13 to 15 children.

The facility will operate Monday to Thursday from 7:00 am to 8:40 am for before school care and 2:30 pm to 6:00 pm for after school care. Due to the alternate instruction week School District No. 71 has recently introduced, school aged children will now be attending classes until noon on Fridays so the proposed daycare will have slightly different hours on Fridays to accommodate this (i.e. 7:00 am to 8:40 am for before school care and 11:45 am to 6:00 pm for after school care). Children attending the before and after school care program will be ages 5 years to 9 years. The applicant is also offering a pre-kindergarten program for children ages 4 years and 5 years and will be allocating 6 to 8 spaces to this program. The pre-

kindergarten program will begin when the other children in the before and after school care program are in school. The applicant's submissions are included in Attachment No. 1.

The applicant has reported that a wait list for child care space has been established and she gets regular inquiries requesting additional child care space. The applicant has noted the Arden Road neighborhood is an underserved area for child care spaces generally and particularly for school aged children. Recent data released by the Ministry of Children and Families suggests that there are 26 licenced daycares within the City however; there are only three group daycares that exist within 400 metres of Arden Road Elementary School that offer similar services that the applicant is proposing .

Surrounding Land Uses

The proposed Zoning Amendment involves rezoning the property from the R-1A (Residential One Zone) to the MU-1 (Multiple Use One Zone) to accommodate a group child care facility at 963 Webb Road. A majority of the lands surrounding the subject property are zoned for a single family residential use and have lot sizes ranging from 1200 m² to 2.5 acres. The larger lot sizes in this neighbourhood are attributed to the fact that up until 2003 these properties were rural residential parcels located in the Comox Valley Regional District (CVRD). Institutional uses including Arden Road Elementary School and the Courtenay Fellowship Baptist Church are located to the south and east of the subject property.

Servicing

The property is currently serviced by City water and sewage disposal is provided through a private septic system. As part of the development approval process the applicant will be required to connect to the City's sanitary system on Webb Road.

Siting and Access

Regarding access, the property is currently accessed with an existing driveway on Webb Road. The property is occupied by a 95 m² building with an attached carport. The front and side yards of the property are moderately vegetated with fir trees, cedar hedging, maple trees and other ornamental shrubs and the site is generally level with respect to its topography.

Attachment No. 2 includes the applicant's conceptual site plan. The proposed plan indicates that the front yard, western side yard and rear yard will be fenced with cedar fencing. In the western side yard the applicant is proposing landscaped areas and a large play area. The eastern side yard will contain landscaped areas, a wheel chair ramp and an informal loading area for delivering food and supplies into the garage and laundry room. The rear yard will accommodate a gravel play area, landscaped areas, a sand box and a playhouse. As a condition of rezoning the applicant will be required to submit a landscape plan and landscape security to ensure the proposed landscaping is completed as outlined.

The interior of the building is residential in character and has 86 m² of finished floor area. The interior of the building contains office space, a kitchen, washroom facilities, laundry room and combined shared child care space. The 23 m² attic will be utilized for storage.

Traffic and Parking

The subject property is located on the corner of Lake Trail Road and Webb Road. The City of Courtenay Road Network Map classifies Lake Trail Road as arterial road and Webb Road as local road. There is a pedestrian crosswalk and signal adjacent to the subject property along Lake Trail Road. Lake Trail Road is a major school route for children who attend Arden Road Elementary School. For road safety, the school employs a crossing guard to help guide children who walk and bike to school. The location of the proposed child care

facility is ideal because the applicant can utilize the pedestrian crosswalk and signal to safely walk children from the child care facility to and from Arden Road School.

The access to the child care facility and parking area is proposed to be off of Webb Road. There are four off street parking spaces and a majority of the pick-ups and drop-offs will take place in this parking area. The one to two employees of the childcare facility will also park in this parking area. The proposed parking spaces meet the zoning bylaw regulation.

The applicant proposes to address possible traffic congestion by staggering the two programs with different start and end times. The applicant has indicated that the 13 to 15 children to the child care will not all be arriving at the facility at the same time. For example, children attending the pre-kindergarten program will be arriving and leaving the facility at different times as the children registered in the before school and after school care program. The pick-ups and drop-offs will be further staggered due to parent's differing schedules.

BC Building Code Requirements

The applicant has obtained a preliminary building code analysis of the building code requirements for the change of use for the building. If the rezoning application is approved the applicant will need to apply for a building permit to ensure the building meets BC Building Code requirements for a daycare.

Business Licencing and Signage

If the proposed Zoning and Official Community Plan amendments are approved the applicant will need to apply for a business licence and a sign permit from the City of Courtenay.

Development Permit Requirement

If this rezoning application is approved and the land is designated as "commercial" within the OCP the applicant will need to apply to the City for a commercial development permit prior to any building additions or exterior renovations in excess of 25% of the existing floor area of façade. At this time none are proposed.

Development of this site has included some vegetation removal adjacent to a channelized portion of Arden Creek on Lake Trail Road (i.e. the ditch). As a result, City staff requested that the applicant provide a letter of opinion from a Registered Professional Biologist to comment on the following: (1) whether the channelized portion of portion of Arden Creek on Lake Trail Road is fish bearing (2) an appropriate riparian setback for the ditch to the applicants property and buildings and structures (3) recommendations on the types of vegetation to be included in a replanting plan and (4) recommendations on erosion and sediment control related to soil disturbance onsite.

A letter of opinion was completed by Warren Fleenor, R.P. Bio of Current Environmental on September 1, 2016 (Attachment No. 3). The Biologist indicated that there is a low probability of fish presence in the creek; recommended a 5 metre riparian setback from the high water mark of the ditch to buildings and structures and recommended a replanting plan consisting of three trees and three shrubs including Douglas Fir, Nootka Rose, Red Flowering Currant and Red Elderberry. The Biologist noted that the proposed development project has minimal erosion and sediment risk and recommended the following mitigation measures be implemented during construction:

- that soils be stockpiled a minimum of 10 metres away from the riparian area so that no erosion of the creek occurs;
- that exposed soils should be covered with mulch or poly sheeting; and

- that no machinery should enter the riparian setback area.

DISCUSSION:

Zoning

The subject property is zoned R-1A: Residential One A Zone. The intent of this zone is to “foster a rural residential lifestyle on properties over 2.5 acres”. The applicant has applied to rezone the property to MU-1: Multiple Use One Zone. The intent of the MU-1 zone is “to provide both non-residential and residential uses including a mix of commercial uses and residential uses on parcels 650 m² or larger”.

The current R-1A zone permits single family residential dwellings, home occupations and agricultural uses on parcels over 4,000 m². The proposed MU-1 zone permits non-residential uses including offices, schools, care facilities, facilities for adults with disabilities and daycares as a principal use. The applicant has applied for the rezoning because the current R-1A zone does not permit daycares as a principal use and operating a group child care facility with 13 to 15 children is not permitted as a home occupation within Zoning Bylaw No. 2500.

The MU-1 zone permits a number of non-residential principal uses (i.e. office, care facilities, schools and facilities for adults with disabilities). Staff have reviewed these uses and do not feel they are adverse to the property or surrounding neighbourhood and will not detract from the rural aesthetic of the area.

The subject property meets the MU-1 requirements for minimum lot frontage (20 m); lot area (650 m²); lot coverage (max 40%) and building height (max 8.0 m). It should be noted that the existing building conforms to all parcel line setbacks in the MU-1 zone. The proposal meets the parking requirements for daycares outlined in Division 7 of Zoning Bylaw No. 2500.

Official Community Plan (OCP)

The OCP designates the property for suburban residential use. This land use designation is characterized by low density single family residential parcels with parcels sizes greater than 2500 m² (0.61 ac.) and are intended to accommodate a semi-rural residential lifestyle. If this application is approved and the property is rezoned the primary use of the property will change from a suburban residential land designation to a commercial land designation. The commercial designation is intended to provide a broad range of uses including more intensive commercial uses such as shopping centres, service stations, car wash washing establishments, hotels and motels, medical clinics, veterinary clinics, restaurants, government offices, schools, cultural facilities, grocery stores as well as less intensive small scale and standalone commercial uses that service an immediate neighbourhood such as daycares, convenience stores, churches studios, laundromats, funeral parlours, liquor stores and other small scale retail establishments. The broad range of uses contemplated in the commercial designation will be restricted by the MU-1 zone. Any further changes to zoning would require Council approval and are unlikely to gain staff support at this location.

The OCP supports a diversified commercial base within municipal boundaries that provides employment and service opportunities and supports the development of neighbourhood level commercial services (OCP Policy 4.2.2(4) and (6)). The OCP envisions the establishment of small scale commercial uses within existing residential neighbourhoods so long as commercial uses are designed in keeping with the

residential character of the neighbourhood (OCP Policy 4.2.3(4)). Staff believes the proposal meets these policy objectives.

The Arden Road LAP was adopted to respond to anticipated growth in the Arden Road area. Generally, the LAP: supports low impact and infill development that maintains the rural character of the area; provides housing opportunities for young families, family members and seniors; promotes live-work and home occupation opportunities and encourages environmental protection of sensitive lands. An examination of the commercial land use policies in the LAP indicates the plan supports the establishment of commercial uses including: small scale commercial uses, standalone commercial uses, home occupations and home-based businesses within existing residential areas so long as it conforms to neighborhood character and conforms to good neighbor considerations. It is the opinion of staff that the proposal is consistent with the intent of the LAP.

FINANCIAL IMPLICATIONS:

Should Council approve Zoning Amendment Bylaw No. 2857 and Official Community Plan Amendment Bylaw No. 2856, the applicant would be required to apply for a building permit and subsequent inspections. Building permit fees are \$7.50 for every \$1000.00 of construction value. In addition to property taxes, the City would continue to collect water utility fees on the existing building located at 963 Webb Road as well as the City will collect \$3,000 for a new sanitary service connection.

Every parcel owner whose parcel is added to a municipality through a boundary extension subsequent to the enactment of Bylaw 3008 on May 26th, 2003 must pay to the CVRD (through collection by the City) a Capital Improvement Cost Charge per the schedule of the bylaw. For commercial uses, this rate is set as \$34.89 per square metre of gross building area.

Regarding Development Cost Charges, it is not anticipated that the value of the construction or alteration of the existing building will exceed \$50,000; therefore it is unlikely that DCC's will be charged for this development.

ADMINISTRATIVE IMPLICATIONS:

Processing zoning bylaw amendments is a statutory component of the work plan. Staff has spent a total of 25 hours processing and reviewing this application. Should the proposed zoning amendment receive First and Second Readings, staff estimate an additional 2 hours preparing for the public hearing and to process the Zoning Amendment. It is also estimated an additional 6 hours will be required for the building permit and subsequent inspections.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications with regard to this application.

STRATEGIC PLAN REFERENCE:

Development applications fall within Council's area of control and specifically align with the strategic priority to support meeting the fundamental corporate and statutory obligations of the City. This application also meets the goal to support densification aligned with community input and the regional growth strategy.

We focus on organizational and governance excellence

- We support and encourage initiatives to improve efficiencies
- We support meeting the fundamental corporate and statutory obligations
- We recognize staff capacity is a finite resource
- Communication with our community is a priority, and is considered in all decisions we make
- We responsibly provide services at a level which the people we serve are willing to pay



● Area of Control

The policy, works and programming matters that fall within Council's jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed project is consistent with the following OCP Policies: supporting a diversified commercial base within municipal boundaries that provides employment and service opportunities and supports the development of neighbourhood level commercial services (Policies 4.2.2(4) and 4.2.2(6) and supporting the establishment of small scale commercial uses within existing residential neighbourhoods so long as commercial uses are designed in keeping with the residential character of the neighbourhood (Policy 4.2.3(4). Additionally, the OCP recognizes the importance of having neighbourhood level commercial centres that provide services to the local neighbourhood and these uses are considered in the development of LAP's.

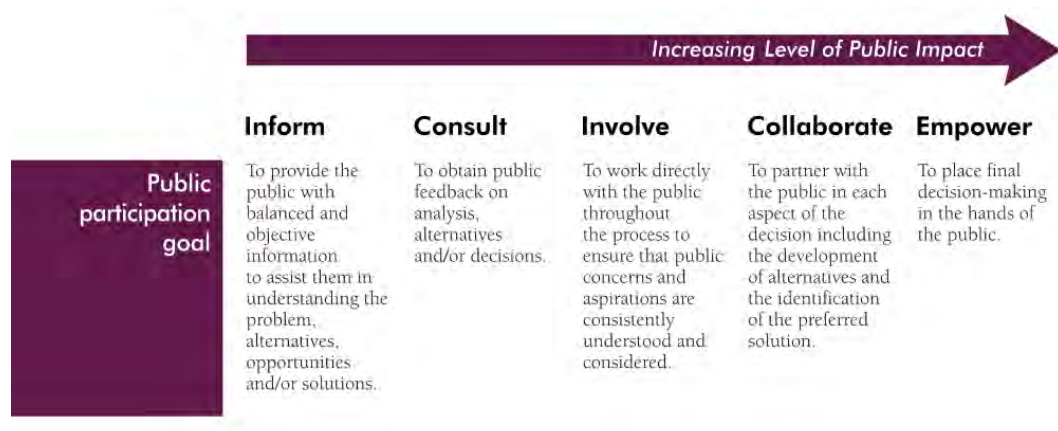
REGIONAL GROWTH STRATEGY REFERENCE:

The proposed development is consistent with the following Regional Growth Strategy policies: the provision of efficient infrastructure (i.e. connection to City sewage system); enhancing community well-being; supporting the local economy and entrepreneurial spirit; promoting the diversification of human services and supporting growth in rural areas including growth in Settlement Expansion Areas.

CITIZEN/PUBLIC ENGAGEMENT:

Staff consulted based on the public based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



Should Official Community Plan Amendment Bylaw No. 2856 and Zoning Amendment Bylaw No. 2857, 2016 receive First and Second Reading, a statutory public hearing will be held to obtain public feedback.

Prior to this application proceeding to Council, the applicant held a public information meeting on July 26, 2016. According to the record five people filled out comment sheets. A summary of the public information meeting has been included as Attachment No. 4.

The applicant held a public information meeting on July 26, 2016 at 7:00 pm at 963 Webb Road.

Overall attendees provided positive feedback on the development proposal and made the following comments: establishing a group child care facility day care is a wonderful idea; we are supportive of the applicant's plan to establish a child care facility; we welcome a daycare into the neighbourhood; it's great to have the building located at 963 Webb Road used as a daycare and this will have the additional benefit of bringing the property and yard up to being tidy and more aesthetically pleasing; I have no objection to the establishment of a day care on this property as long as the site does not turn into a convenience store in the future or any other type of high traffic enterprise.

One resident did express concern over the speed of traffic down Webb Road and Lake Trail Road and the lack of speed bumps and 30 km/hr signage along Lake Trail and Webb Roads.

OPTIONS:

OPTION 1 (Recommended): Give Bylaws 2856 and 2857 First and Second Readings and proceed to Public Hearing.

OPTION 2: Defer consideration of Bylaws 2856 and 2857 with a request for more information.

OPTION 3: Do not approve Bylaws 2856 and 2857.

Prepared by:



Dana Leitch, MCIP, RPP
Planner I

Reviewed by:



Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Attachment No. 1: Applicant's Rationale and Written Submissions*
2. *Attachment No. 2: Site/Survey Plan*
3. *Attachment No. 3: R.P. Biologist Letter of Opinion*
4. *Attachment No. 4: Public Information Meeting Summary and Comments*
5. *Attachment No. 5: MU-1 Zoning Excerpt, Zoning Bylaw No. 2500*

Attachment No. 1:

Applicants' Rationale and Submissions

Caprice Harshey
3645 Percuth Ave. (P.O. Box 784)
Cumberland, BC
V0E 1S0
250-336-2918

July 9/16.

I, Caprice Harshey, am writing a summary to amend the existing bylaw or apply for an addition of a variance to the property at 963 Webb Rd, Courtenay B.C.

Or to change the current zoning from an R1A to a mul.

To allow for the usage of the residential building to operate as a Licensed Child Care Facility.

Currently I manage the before and after school program as well as a kindergarten prep program at Alder Elementary on Lake Trail Rd, Courtenay, B.C.

Due to the overwhelming amount of new registrations there is no space within the school itself to provide this program for families for the upcoming school year.

This is a very underserved area and has left over twenty families without childcare and the area is at risk of these families transferring to another school where there is a valid Child Care Facility either within the school or very close by.

I may also mention that since there is no space within Alder El. as of June 2016 to operate the before and after school program a few of my existing clients have enrolled their children at different schools within the district to accomodate their Child Care needs.

A few parents have quit their jobs as there is no longer care available within Alder El.

When the property at 963 Webb Rd was listed for sale by a realtor, I immediately took action to purchase the property with the hopes of opening a licensed Group center there.

The above mentioned property is directly across the street from Bladen El.

There is a clearly marked crosswalk, flashing amber signal lights as well as a morning and afternoon crossing guard.

Children would never cross without a responsible worker/adult from the proposed Child Care Centre.

It is proposed that I use the property in conformation with the Child Care Facilities Guidelines.

Upon speaking prior to Jen Bowles, the Community Care Facility licensing officer and presenting my proposal, as well as floor plan, she then calculated a maximum capacity of 13-15

children given the sq^m per child allowances.

This would also require inspections, business license, proper insurance etc. for a Childrens Day Care Centre again, all conforming within the Child Care Regulation Guidelines.

In the past I have operated and managed my own licensed Family Daycare in Cumberland for over twenty years, so I am very familiar with the regulations and guidelines.

Having the property at 963 Webb Rd amended or a variance adopted on, or a zoning change would allow the property to remain a residential property but used for a business. And it would allow me to have 13-15 children in care.

According to licensing, a multi-age in home occupation center (which doesn't need an amendment or rezoning) would only allow for 7-8 children maximum. This would not be enough to accommodate the needs of the families within the area.

The property will be fenced completely, fence height at 6'. A small play area installed in compliance with Child Care regulations.

Four parking spaces already exist.

The lower floor has a 930 sq ft space.

The upper floor has 257 sq ft and this space would be used as a storage area and solely for that purpose.

Proposed hours of operation would be Mon-Fri, 7am - 6pm.

I, Caprice Hawkey, do authorize Ken Hansen to speak on my behalf, make changes or attend meetings if I am unable to.

Ken Hansen

250-338-3094

Any questions you may have can be directed to myself or to Ken.

Thank you in advance.

Caprice Hawkey.

has increased the list substantially!

Truly this is a very underserved area
and the need for childcare is huge!

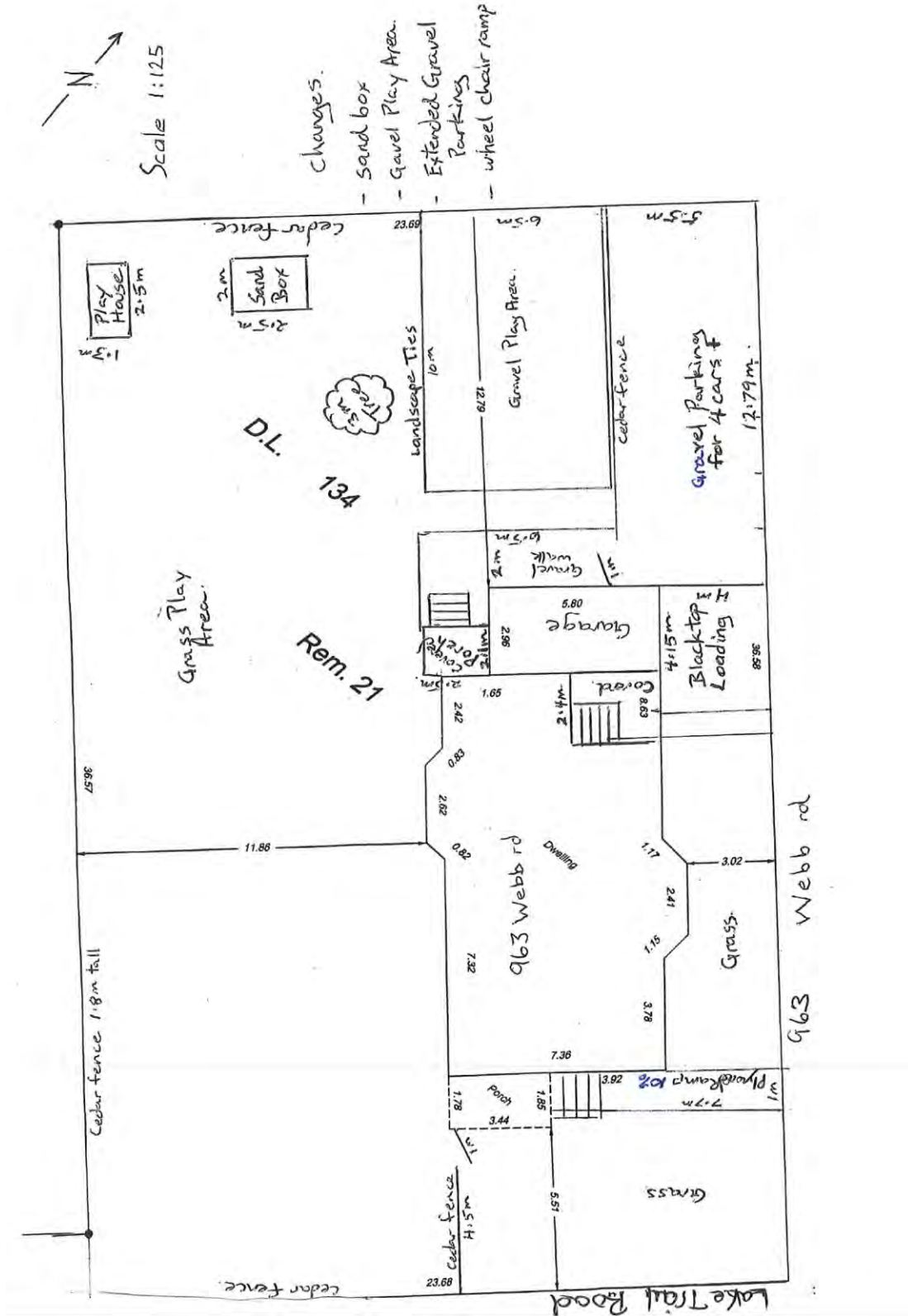
Quality childcare in a setting that feels
like home instead of a classroom is
my goal. As well as the children being safe,
happy and having fun.

* If enrollment is strong I would offer
full day childcare during Summer months, Spring +
Christmas break to
school age children.

Caprice Harshey

250-336-2918

Attachment No. 2:
Site/Survey Plan(1 of 2)

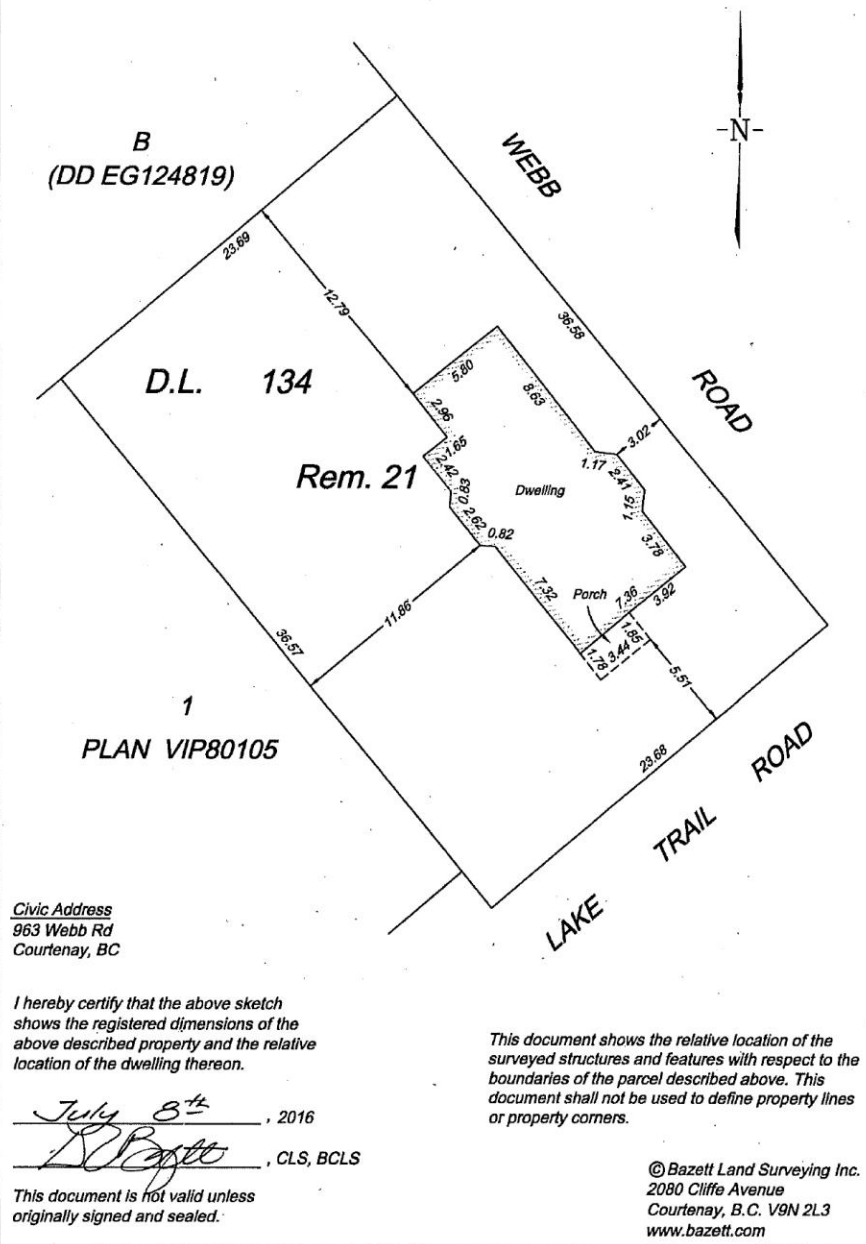


Attachment No. 4:
Site/Survey Plan(2 of 2)

**B.C. LAND SURVEYOR'S CERTIFICATE OF
LOCATION ON LOT 21, DISTRICT LOT 134,
COMOX DISTRICT, PLAN 1705, EXCEPT
PART IN PLAN 1966.**

SCALE 1:250

All distances are in metres.



C1379 Cert.dwg
July 7, 2016

FILE: C1379

Attachment No. 3: Letter of Opinion

To:	C. Harshey, Property Owner	Date:	1 September 2016
Cc:	Nancy Gothard MCIP, RPP City of Courtenay		
From:	D. Wong, Env. Tech. and W. Fleenor, R.P.Bio. Current Environmental Ltd.	Pages:	2
		Project:	963 Webb Road Daycare

Re: Letter of Opinion: Tree removal at 963 Webb Road

A Registered Professional Biologist (R.P.Bio.) visited the proposed daycare site to assess the possible constraints as required by the City of Courtenay Environmental Planning.

1 FISH PRESENCE

The section of Arden Creek flowing adjacent to the property is potentially a fish bearing creek. There is a low probability of fish presence in the creek due to the prevalence of instream vegetation, generally low quality of fish habitat, and seasonal hydroperiod. Fish presence cannot be confirmed until a later date; January to March is the best period to do this.

2 RIPARIAN SETBACK

The recommended riparian setback is 5 m from the high water mark, as per the BC Riparian Areas Regulation (RAR). All construction activity and permanent fence enclosures must be outside of this setback area. There is to be no removal of vegetation within this setback area without appropriate approvals and supervision by a Qualified Environmental Professional.

3 VEGETATION REPLANTING

Revegetation is to occur within the 5 m setback area. One danger tree, which falls within the 610-914 mm dbh category for BC tree replacement criteria¹, has been removed from the site. To replace this, eight replacement trees are recommended, however this number exceeds the number required to meet restoration objectives. As such, it is recommended that 3 trees and 3 shrubs (one Nootka rose, one red flowering currant, and one red elderberry) be planted. Replacement trees must be at least 2 m in height. Douglas fir trees would be appropriate species for tree replacement. Previous land owners have removed smaller trees.

The cost of the revegetation is estimated at \$160 (\$112 for plants based on 5 gallon pots and \$48 labour; the vegetation can be planted by the landowner.

¹ <http://www.env.gov.bc.ca/wld/documents/bmp/treereplcrit.pdf>



4 EROSION AND SEDIMENT CONTROL

This project has minimal erosion and sediment risk. Precautions to take are as follows:

1. Placement of soil stockpiles must be a minimum of 10 m away from the riparian area where erosion into the creek cannot occur;
2. Soil stockpiles with the potential to erode should be covered with polyethylene sheet or mulch;
3. No machinery should enter the setback area.

5 CLOSURE

We trust this letter of opinion has satisfied the requirements of the City of Courtenay. Please contact the undersigned with any questions.

Sincerely,

CURRENT ENVIRONMENTAL

Danika Wong, Env. Tech.

and

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

WARREN FLEENOR, R.P. BIO. PRINCIPAL

Attachment No. 4: Public Information Meeting Comments

Public information meeting held at
963 Webb Rd. Courtenay, B.C.
July 26/16 at 7:00 pm.

RECEIVED
JUL 28 2016
CITY OF COURTENAY

This evening we will provide each of you with a brief outline of our development proposal.

Each attendee at this meeting will be provided with an opportunity to view the site plan, floor plan and landscape plan as well as a first hand tour of the property.

We are hoping to embark on quite an adventure to provide a greatly needed service to this area.

Childcare is a much needed service due to overwhelming growth in population and enrollment in the school district.

As manager of the before and after school Childcare program at Arden Elementary, I was notified in May 2016 that there would not be any space within the school to operate the existing Childcare centre.

12 Families are suddenly left without Childcare and are left scrambling for an alternate solution. It was mentioned by a few parents about the possibility of changing schools within the district to one that offers Childcare or has a Centre close by.

The property at 963 Webb Rd became available for sale. We immediately jumped at the opportunity to purchase the property. Knowing full well the amount of work and costs involved to get a safe

clean Childcare centre up and running. I can't stress enough how much this is needed in the area.

This proposed Childcare Centre would be a before and after school age centre. Operating Mon. – Thurs. 7:00 am – 8:45 am & 2:30 pm – 6:00 pm. Due to the new shortened week, Fridays would operate 7:00 am – 8:45 am & 12:00 pm – 6:00 pm.

Eventually introducing a Pre-Kindergarten program for 4 year olds Mon. – Thurs. 9:00 am – 2:00 pm.

Maximum capacity after re-zoning is approved would be 13 – 15 school age children full and part time. Maximum of 8 Pre-Kindergarten.

If registrations are strong enough, in all likelihood this service will be provided during Summer holidays, Christmas holidays and Spring break.

These hours would be full days operating 7:00 am – 6:00 pm.

All in accordance with the Childcare Licensing officer, and abiding by the rules and regulations through the Community Care Living Act.

The existing property will be completely fenced with locking gates.

4 parking spaces exist with space to add 2 more if need be. The Baptist Church across the street has offered their parking lot in case of overflow.

Accessibility ie: ramps, hand rails, wheel chair accessible washrooms are in the plan as well as hard wired smoke detectors with battery back up, security lights and illuminated EXIT signs.

An outside play area will be included.

There is access to the playground at Arden Elementary school across the street and as a user group the Gym within the school is available to us on nasty weather days.

All children will be escorted to and from the school even though there is a push button illuminated cross walk and a crossing guard on duty in the morning and after school.

Any comments or concerns will be addressed accordingly.

Our meeting at 963 Webb Rd lasted 1 hour with only Ken and myself attending.

There were no questions raised at the meeting.

Meeting ended at 8:00 pm, July 26/16.

Ken Hansen and myself (Caprice Harshey) hand delivered 13 public information meeting sheets to addresses provided by the City of Courtenay. Within 100 meters in each direction.

We found this to be a great way to meet the neighbors and give each one a brief outline of our proposal.

Allowing time for comments, concerns, feedback and to answer any questions at that time.

Chatting at length with the majority and describing our proposal we felt we would be 100% supported in the community.

PUBLIC INFORMATION MEETING

(Date Tuesday July 26 2016 7:00 pm)

(Application for Rezoning 963 Webb Rd. Courtenay B.C.)

COMMENT SHEET

Name: _____ LARRY & SYLVIA FORSETH
 Address: _____ 889 WEBB RD
 COURTENAY, BC V9N 9V3

Email: _____
 Phone: _____

(Caprice Harshey) has applied to the City of Courtenay for an (MU-1 multi use/commercial zoning to accomidate day care. OCP/Zoning Amendment/Temporary Use Permit/Development Variance Permit). (Family Day Care Before and After School Care with the possibility of operating a Pre-Kindergarten program). This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

Welcome to the neighbourhood!

Great to have the house used for an
 important purpose!

and the building & yard up to City taxpayer
 proper tidiness

Forseth

Please return your comments by Thursday July 28 2016.

Comment sheets can be submitted by one of the following methods:

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at (963 Webb Rd.)
3. Email your comment sheet to (littlefootfcc@shaw.ca)

RECEIVED
 JUL 29 2016
 CITY OF COURTENAY

DATE OF MTG SIGN IN SHEET

APPLICATION NAME AND ADDRESS

[illegible]

Shaw Webmail: Rezoning Application

Page 1 of 1

Entertainment My Account Caprice Harshey Sign Out

Folders edit

Inbox

Sent

Drafts (3)

Junk

Trash

Tags edit

Rezoning Application

Back to Inbox Reply Reply All Forward Delete Spam Move to... Actions Print July 25, 2016 1:25 of 181

From: Courtenay Baptist <office@courtenaybaptist.com>

Sender: Courtenay Baptist <office.cfbc@gmail.com>

To: littlefootcc@shaw.ca

To Whom it May Concern;

Our only comment would be to address the parking situation in the neighbour hood. We as a church have a parking lot and we have good will arrangement between Arden Elementary School during the week (school drop-off and pick up) so that we may use it as overflow on Sundays. The system works quite well. We are open to the same kind of arrangement if it is required for the daycare providing a discussion takes place initially. If parking was accessed during the week and we were to have to hold a function such as a funeral we would require that parking on that day not be used. This is the only comment/concern we have at this time.

25% used

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<https://wm-n.glb.shawcable.net/zimbra/h/search?si=1&so=0&sc=209581&...> 25/07/2016

PUBLIC INFORMATION MEETING

(Date Tuesday July 26 2016 7:00 pm)

(Application for Rezoning 963 Webb Rd. Courtenay B.C.)

COMMENT SHEET

DAVID NETTERVILLE &
LOUISE DAWN
2899 LAKE TRAIL RD
COURTENAY, BC V9N 9K8

Email: david.netterville@telus.
Phone: 250 338 0002

(Caprice Harshey) has applied to the City of Courtenay for an (MU-1 multi use/commercial zoning to accomidate day care. OCP/Zoning Amendment/Temporary Use Permit/Development Variance Permit). (Family Day Care Before and After School Care with the possibility of operating a Pre-Kindergarten program). This project is under review by staff in the Planning Department of the City.
Given the information you have received regarding this project do you have any comments or questions?

No Problems. It is a great idea

Good luck!

D. Netterville

Please return your comments by Thursday July 28 2016.

Comment sheets can be submitted by one of the following methods:

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at (963 Webb Rd.)
3. Email your comment sheet to (littlefootfcc@shaw.ca)

PUBLIC INFORMATION MEETING

(Date Tuesday July 26 2016 7:00 pm)

(Application for Rezoning 963 Webb Rd. Courtenay B.C.)

COMMENT SHEET

Name: Shannon Tran
Address: 925 Webb Rd.

DUC TRAN & SHANNON VALDAL
925 WEBB RD
COURTENAY, BC V9N 9V3

remi@shaw.ca
Email: shannon.valdal@gmail.com
Phone: (250) 338-4535

(Caprice Harshey) has applied to the City of Courtenay for an (MU-1 multi use/commercial zoning to accomidate day care. OCP/Zoning Amendment/Temporary Use Permit/Development Variance Permit). (Family Day Care Before and After School Care with the possibility of operating a Pre-Kindergarten program). This project is under review by staff in the Planning Department of the City. Given the information you have received regarding this project do you have any comments or questions?

We support this plan.

Thank you,

Shannon + Remi Tran
(Next-door neighbours ☺)

Please return your comments by Thursday July 28 2016.

Comment sheets can be submitted by one of the following methods:

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at (963 Webb Rd.)
3. Email your comment sheet to (littlefootfcc@shaw.ca)

PUBLIC INFORMATION MEETING

(Date Tuesday July 26 2016 7:00 pm)

(Application for Rezoning 963 Webb Rd. Courtenay B.C.)

COMMENT SHEET

Name: _____
 Address: _____

RUSSELL NAYLOR
 3055 LAKE TRAIL RD
 COURTENAY, BC V9N 9M1

Email: Russlor@TELLUS.ca
 Phone: 250 334 0711

(Caprice Harshey) has applied to the City of Courtenay for an (MU-1 multi use/commercial zoning to accomidate day care. OCP/Zoning Amendment/Temporary Use Permit/Development Variance Permit). (Family Day Care Before and After School Care with the possibility of operating a Pre-Kindergarten program). This project is under review by staff in the Planning Department of the City.
 Given the information you have received regarding this project do you have any comments or questions?

I HAVE NO PROBLEMS WITH A FAMILY DAYCARE.

WELCOME TO THE NEIGHBOURHOOD

Russ Hays

Please return your comments by Thursday July 28 2016.

Comment sheets can be submitted by one of the following methods:

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at (963 Webb Rd.)
3. Email your comment sheet to (littlefootfcc@shaw.ca)

PUBLIC INFORMATION MEETING

(Date Tuesday July 26 2016 7:00 pm)

(Application for Rezoning 963 Webb Rd. Courtenay B.C.)

COMMENT SHEET

Name: _____ JOANNE ELLEFSON
 Address: _____ 819 WEBB RD
 _____ COURTENAY, BC V9N 9V3
 Email: _____
 Phone: _____

(Caprice Harshey) has applied to the City of Courtenay for an (MU-1 multi use/commercial zoning to accomodate day care. OCP/Zoning Amendment/Temporary Use Permit/Development Variance Permit). (Family Day Care Before and After School Care with the possibility of operating a Pre-Kindergarten program). This project is under review by staff in the Planning Department of the City.
 Given the information you have received regarding this project do you have any comments or questions?

• Will this re-zoning pave the way for other commercial type activities?
 • No objection to a day care as long as site doesn't metamorphize into corner store in the future (or other high traffic enterprise)
 • People drive very fast down Webb Rd. + do not slow for pedestrians
 A major consideration is traffic along Webb Rd + Lake Trail Rd. Considering the number of driveways, mail boxes + church activity + the school children walking to + from Arden speed limits should be amended to:

30 km per hr. beginning from beyond the mail boxes on Webb Rd. This should be for all hours. This is a high density kids, animals (domestic + wildlife), hidden driveways area. Currently many people are doing greater than 50 km + braking hard at the last minute. Any traffic calming solutions i.e. speed bumps would be a welcome safety addition. Also speed limit signage should be posted much -

Please return your comments by Thursday July 28 2016.

Comment sheets can be submitted by one of the following methods:

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at (963 Webb Rd.)
3. Email your comment sheet to (littlefootfcc@shaw.ca)

way down Webb where currently there is none.

Attachment No.5: MU-1 Zoning Excerpt

Part 13 - Multiple Use One Zone (MU-1)**8.13.1 Permitted Uses**

In the MU-1 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

(1) Residential

- (a) *Single residential dwelling*
- (b) *Duplex dwelling*
- (c) *Boarding*
- (d) *Home occupation*

(2) Non-Residential

- (a) *Accessory buildings*
- (b) *Care facility*
- (c) *Day care*
- (d) *Facility for adults with a disability*
- (e) *Medical clinic*
- (f) *Office*
- (g) *Parking lot*
- (h) *School*

(3) Combined Uses

Combined residential - non-residential uses are permitted within the same *building* in this zone.

'84

- (4) Notwithstanding items 1-3 a mixed use building containing multi-family residential dwelling units is permitted and medical clinic, parking lot and school are prohibited on the property legally described as Lot 19, Section 41, Comox District, Plan 9230 (1465 Grieve Avenue).

8.13.2 Minimum Lot Size

A *lot* shall have an area of not less than 650 m².

8.13.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 20.0 m.

8.13.4 Lot Coverage

A *lot* shall not be covered by buildings and *accessory* buildings to a greater extent than 40% of the total area of the *lot*

8.13.5 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m except where the area between a *building* and a front *lot line* is landscaped and not used for off-*street* parking, the *setback* may be reduced to 4.5 m
- (2) *Rear yard:* 7.5 m
- (3) *Side yard:* 1.5 m except where the *side yard* flanks a *street* in which case 4.5 m

8.13.6 Height of Buildings

The *height* of a *principal building* shall not exceed 8.0 m.

8.1.17 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *building area* not exceeding 50 m² or 10% of the *rear yard* whichever is greater
- (3) Shall be permitted in the side and *rear yard* provided they shall conform to all relevant siting regulations of this bylaw
- (4) Shall be permitted at the front of a principal *residence* provided they shall conform to all relevant siting regulations of this bylaw
- (5) Shall not be located within 1.5 m from the side and rear *lot line* except where the side or *rear yard* flanks a *street*, excluding a lane, in which case the minimum *yard* distance shall be 4.5 m

8.1.18 Off-Street Parking

Off-*street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Corporate Travel and Expense Policy

File No.: 390-00
Date: September 19, 2016

PURPOSE:

The purpose of this report is to provide Council with the Corporate Travel and Expense Policy as requested.

EXECUTIVE SUMMARY:

On April 25, 2016, Staff provided a report on the development of a Corporate Travel and Expense policy for City Council. Upon review, it was identified that the City's existing Travel, Allowance and Expense Reimbursement policy required updating. This report submits a policy that can be utilized by both Council and Staff while addressing the guidelines suggested and discussed at the April 25th Council meeting.

CAO RECOMMENDATIONS:

That based on the September 19, 2016 staff report "Corporate Travel and Expense Policy" report, Council approve and adopt Option 1, the Corporate Travel and Expense policy 1650.00.02 Revision # R-7, for the City of Courtenay as presented in the attached documentation; and that Bylaw No 2562, 2009 be hereby rescinded.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

At the April 25, 2016 Committee of the Whole Council meeting Council adopted the following motion with respect to the creation of a travel and expense policy.

.04

TRAVEL/

CONFERENCE POLICY

Moved by Frisch and seconded by Hillian that based on the April 25, 2016 staff report "Council Travel and Expenses" report, Council approve Option 1 for the development of a policy that assigns a fixed budget amount for travel and related expenses to conferences, training or other events for each Council member with a larger amount assigned to the Mayor.

DISCUSSION:

The intent of this policy is to provide clarity and consistency of application to Council members and Staff who travel to events, conferences and other functions. It addresses several key Committee of the Whole discussion points, identified as:

1. Division of the annual Council travel budget into a budget value for the Mayor and a budget value for Councillors. In recognition of the larger number of events the Mayor is required to attend, the Mayor is to be provided funding that is 63% higher than the amount provided for individual Councillors. For 2016, the cumulative budget of \$45,800 is distributed as follows:
 - a. Mayor – \$9,800
 - b. Councillors - \$6,000 per member
2. Reimbursement will not apply to spousal coverage at events,
3. Listing of pre-approved conferences, events and ambassadorial functions,
4. Requirement to notify Council prior to attending events or conferences not identified in item 3, and
5. Identification of travel and expense guidelines that apply equally to Council and Staff,

As this policy was being reviewed other issues were identified and suggestions have been made for Council's consideration. These issues include:

- Compensation for Council members in recognition of their lost income incurred when attending to or travelling on municipal business (see policy section B, 1 'b').
- Re-imbursement of insurance deductibles for Council or Staff when their personal vehicle is in an accident while completing work-related tasks or travel. Many Staff throughout the organization use their personal vehicles to conduct City business due in part to a shortage or availability of City vehicles. Carrying adequate business insurance is an extra cost to staff. In recognition of this extra cost to the employee and benefit to the organization, in the event of an accident while on City business, providing a refund of an insurance deductible up to a maximum of \$500 per incident is a reasonable alternative in comparison to providing City vehicles to employees (see policy section G).
- Implementation of a different daily and per-meal rate for people travelling in the BC Lower Mainland in recognition of the higher cost of meals in this area of the province (see policy section H, 3).

- Rescinding Bylaw 2562, 2009 which authorizes a fixed payment to Councillors when attending Vancouver Island Regional Library meetings outside of the Comox Valley. Application of the Travel and Accommodation policy will make this Bylaw redundant and a needless duplication.

FINANCIAL IMPLICATIONS:

This policy provides travel expense guidelines for Staff and Council to ensure actual costs are contained within budgetary limitations and that they are consistently applied.

ADMINISTRATIVE IMPLICATIONS:

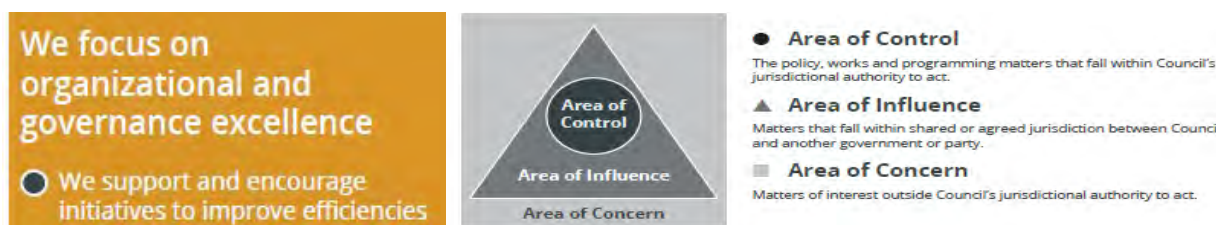
The development of this policy has taken approximately 20 hours of staff time. Should further revisions be required, an additional 2 to 3 hours of estimated time will be necessary.

ASSET MANAGEMENT IMPLICATIONS:

N/A

STRATEGIC PRIORITIES REFERENCE:

This policy will show organizational and governance excellence by standardizing policies for staff and Council, and be a reflection of the organization's core values that "people matter".



OFFICIAL COMMUNITY PLAN REFERENCE:

N/A

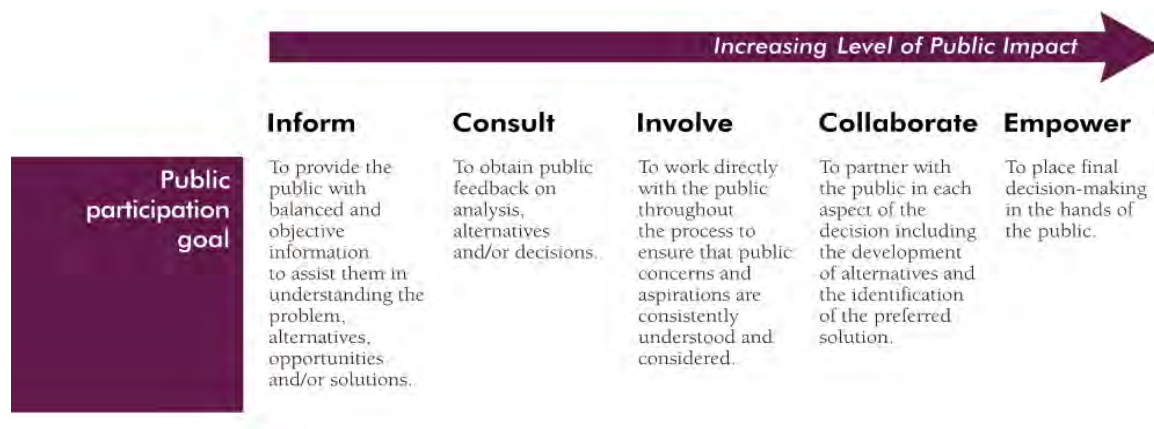
REGIONAL GROWTH STRATEGY REFERENCE:

N/A

CITIZEN/PUBLIC ENGAGEMENT:

The public will be informed of the new Policy for Council and Staff. This is based on level one of the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

OPTION 1: The Corporate Travel and Expense policy 1650.00.02, Revision # R-7, for the City of Courtenay be approved and adopted as presented in the attached documentation, and that Bylaw No 2562, 2009 be hereby rescinded. (Recommended)

OPTION 2: Staff amend the Corporate Travel and Expense policy based on requested Council modifications.

OPTION 3: The existing 2013 travel and expenditure policy continue to apply.

Prepared by:

Brian Parschauer, BA, CPA-CMA
Director of Finance

Attachments:

- *City of Courtenay Travel and Expense Policy*
- *Bylaw No 2562, 2009*

Section 5 - Finance	Policy # 1650.00.02
Subject: Allowance and Expense Reimbursement	Revision # R-7

Purpose: Travel outside of Courtenay is necessary for Council and staff in order to participate in necessary and approved political and corporate business functions, professional development, training, representation, and local government informational and networking activities.

It is the purpose of this policy to establish general parameters for Corporate Business Travel and representation rationale and a clear process for approval and reimbursement of eligible expenses to all members of Council and staff when requesting, undertaking, and claiming for Corporate Business Travel.

A. Definitions

In this policy:

“Claimant” means an individual claiming for expense reimbursement under this policy, being a member of Council, an officer, or employee of the City of Courtenay.

Partner means a spouse or family member of a Council member or staff.

Corporate Business means the exclusive activity or activities being travelled to and from, approved by:

- Council for Council members, or
- CAO for Department Heads, or
- Department Heads for staff, and

for which a Claimant shall seek expense coverage or re-imbursement to the extent this policy permits and is further defined by classes as:

Member Conference which means a convention or annual meeting of an organization or professional association to which the municipality or Claimant belongs or is affiliated with;

(Council: FCM, UBCM, AVICC, etc.)

(Staff: LGMA, GFOA, BCWWA, BCPRA, PIBC, CPA, etc.)

Professional Development which means course attendance for which the Claimant shall receive academic accreditation associated with his/her position;

(Staff: CPA, LGMA Certification, MATI, Public Admin Diploma, Payroll Certification, other technical certifications and qualifying courses etc.)

AUTHORIZATION:

DATE:

Section 5 - Finance	Policy # 1650.00.02
Subject: Allowance and Expense Reimbursement	Revision # R-7

Training which means vocational or technical course attendance required to maintain regulatory standards and/or improve Claimant and municipal business efficiencies;

(Council: "newly elected" or parliamentary procedure seminars, LGLA etc.)

(Staff: facility maintenance/operations, enforcement, first aid etc.)

General Development which means an event, course, or seminar which offers recurring membership education or personal development otherwise not considered as *Professional Development* or *Training* or if so, not directly related to the Claimants role in a municipal context;

(Council/Staff: time and people management, economic issues, symposiums, academic and training outside of Council role/job scope).

Required Representation which means a seminar, meeting, or event for which attendance is expected, requested, or required by a third party or previously assigned by Council to enable or facilitate municipal program participation, funding, or other political or corporate advantages necessary for the municipality;

(Council: annually approved external appointments, Government and business sponsored meetings of local (project) or regional significance)

(Staff: Government, partners, and business sponsored meetings of local or regional significance)

Ambassadorial Function which means a political or corporate social event, meeting, or function, attendance at which provides for the enhancement of the City's statutory and/or strategic corporate priorities.

(Council: opening galas, local community fundraisers such as Rotary Auction, regional initiative announcements, Community Foundation events, Chamber of Commerce events, Leadership forums, LGLA or UBCM sponsored programs, etc.)

Travel Destination means the location in which the Corporate Business shall be conducted.

Travel Period means the total time spent travelling to and from a Travel Destination beginning upon departure from Courtenay and ending upon return to Courtenay.

Departure Period means the time spent travelling to a Travel Destination from Courtenay.

Return Period means the time spent travelling from a Travel Destination to Courtenay.

AUTHORIZATION:	DATE:
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Section 5 - Finance	Policy # 1650.00.02
Subject: Allowance and Expense Reimbursement	Revision # R-7

Distance means the total kilometres of travel eligible for expense reimbursement incurred by a Claimant during a Travel Period.

B. Guidelines for Corporate Business Travel

1. Council:

a). Individual Travel

- Each year Council members will be allocated budget funds for travel.
- Where the funds are used for travel, Council members will follow the guidelines set out in this policy and will be reimbursed in accordance with this policy.
- Corporate Business travel will be adjudicated on the following prioritized basis:
 - Cost to the municipality/Council budget;
 - Educational value within the context of Council duties, performance; and,
 - Corporate strategic priorities
- Attendance by a Council member to any proposed Corporate Business activity requires the prior authorization of Council unless otherwise stated in this policy.
- Corporate Business is prioritized as follows:
 - i. *Required Representation*
Authorization: None if a pre-approved appointment by Council. Mayor may attend upon notification of Council
 - ii. *Member conference*
Authorization: Pre approved for UBCM, AVICC, and FCM.
 - iii. *Training, Ambassadorial Functions, General Development*
Authorization: None if event qualifies within guidelines set under Section A Definitions - Corporate Business.

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Section 5 - Finance	Policy # 1650.00.02
Subject: Allowance and Expense Reimbursement	Revision # R-7

b). Compensation Per Diem (optional-for discussion purposes)

A Compensation Per Diem allowance of \$200.00 per day or \$100 per half day portion thereof is provided for members of Council included within the Travel Period as compensation recognizing the ancillary costs incurred in absence from a workplace or business in order to undertake the affairs of the municipality.

Maximum allotment is \$1,000 per member annually, and is considered part of the overall budgetary allocation per member.

To receive re-imbursement, a Compensation Per Diem Report Sheet must be completed and submitted for approval.

2. Staff

The value and rationale for Corporate Business travel will be determined on the following prioritized basis:

- Cost
- Regulatory requirements
- Corporate strategic priorities
- Professional development
- Support for municipal goodwill and inter-community engagement

C. General Claimant Terms

1. Travel expenses and allowances shall be budgeted by each department and shall be contained in the current financial plan approved and adopted by Council, constituting authority in principle for these expenditures.
2. All members of Council and staff shall follow the directives within this policy when determining, undertaking, and claiming reimbursement for travel expenses incurred for Corporate Business purposes.
3. All members of Council and staff shall be entitled to the reimbursements of allowances and expenses authorized under this policy.
4. Claims for expenses not applicable under this policy as associated with Corporate Business shall not be reimbursable unless by special approval of Council (for Council members) or the CAO (for City staff).
5. Where any allowance or expense is provided without charge, is included as a part of the corporate business activity, or is paid for from public funds within a Travel Period, no claim for that allowance or expense can be made.

AUTHORIZATION:	DATE:
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Section 5 - Finance	Policy # 1650.00.02
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6. Remuneration for unionized employees shall apply as per section 26.05 of the CUPE 556 Collective Agreement and as per the City of Courtenay's Professional Development Directive 2800.00.04.
7. Where personal and Corporate Business is combined, reimbursement is to be based upon the lesser of actual expenses or the most economical expenses that would have been incurred had personal travel not taken place. Allowances and other expenses will not be reimbursed beyond the costs that would have been incurred had personal travel not taken place.
8. Partners and family may travel with and accompany members of Council and staff to and from a Travel Destination provided that:
 - a) doing so does not displace or prohibit another Council or staff member from traveling together when otherwise possible or planned; and,
 - b) Partners costs are fully borne by the member of Council or staff and not compensated by the City.

D. Travel Mode and Distance Considerations

1. In all cases, economy shall be considered by staff for all Corporate Business. Fleet vehicles, including carpooling, shall be used for all travel subject to timeliness, availability, practicality, or unsafe conditions.
2. Whenever possible fleet vehicles headquartered at City Hall, if available, may be reserved by staff for Corporate Business travel.
3. Air travel shall be considered as a component to a Travel Period only when:
 - a) It is more cost-effective than an alternative
 - b) Travel is required beyond Vancouver Island;
 - c) Use of a fleet vehicle would render it corporately unavailable to staff for more than two (2) consecutive working days, subject to availability of alternate vehicles to the City; and,
 - d) There is a substantive reduction in the term of the Travel Period that will clearly benefit both the Claimant and the City of Courtenay.

E. Travel Period

1. Travel Period terms shall be anticipated and calculated using DRIVEBC information (<http://www.drivebc.ca>).
2. Except in extraordinary circumstances, a Travel Period shall only occur between 6:00 am and 11:00 pm and a Departure or Return Period shall not exceed 10 consecutive hours within this timeframe.
3. If a Departure or Return Period requires unavoidable travel outside of (D.2), in order to attend a Corporate Business activity, the Travel Period shall include the day prior to the Corporate Business activity commencing and the day after its adjournment, including weekends.

AUTHORIZATION:	DATE:
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Section 5 - Finance	Policy # 1650.00.02
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4. A Travel Period term shall be subject to reasonable travel mode flexibility and extension in the event of severe driving conditions, highway delays or closures, or other unforeseen and clearly acceptable reasons.

F. Distance and Vehicle Charge Allowance

1. Distance allowance does not apply when using leased, rental, or fleet vehicles, nor within City of Courtenay boundaries.
2. Distance allowance in a private vehicle may be claimed by only one person.
3. Distance rates shall be commensurate with current Canada Revenue Agency rates.
4. Distance reimbursement shall be calculated using DRIVEBC information (<http://www.drivebc.ca>).
5. Distance allowance to singular destinations shall be reimbursed on a “there and back” basis.
6. Distance allowance to multiple destinations required to undertake corporate business shall be reimbursed on a “point to point” basis.
7. Fuel costs will be compensated on a “there and back” basis when using a private vehicle. Fuel costs may be analyzed using current Government of Canada Fuel Consumption Ratings.
8. Parking, BC Ferries, and transportation toll charges incurred during a Travel Period may be claimed at value.

G. Vehicle Damage Reimbursement (optional-for discussion purposes)

1. Where a Council member or employee's private vehicle is damaged while traveling on Corporate Business, the City of Courtenay shall reimburse the lesser of actual vehicle damage repair cost or the claimant's vehicle insurance deductible to a maximum of \$500 per occurrence.
2. The above will not apply where a court holds that the claimant or driver of the vehicle is guilty of wilful, wanton or gross negligence.

H. Meal Allowance

1. A maximum of three meals per day are reimbursable to a Claimant.
2. Meal expenses incurred within Courtenay in the course of job responsibilities may be claimed for meal expenses as per the breakdown noted below.
3. Daily Travel Allowance (for meals and incidentals):
 - i) \$75 per day if away from home overnight (24 hour period);
 - ii) \$90 per day if away from home overnight (24 hour period) - Lower Mainland area only (Surrey, Burnaby, Vancouver, West and North Vancouver, White Rock, Abbotsford,

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Section 5 - Finance	Policy # 1650.00.02
Subject: Allowance and Expense Reimbursement	Revision # R-7

Mission, Maple Ridge, Coquitlam, New Westminster, Richmond, Ladner, Delta, Langley) **(optional-for discussion purposes)**

iii) Meals/Gratuities (when not overnight):

- | | |
|---------------|------|
| (a) Breakfast | \$15 |
| (b) Lunch | \$25 |
| (c) Dinner | \$30 |

iv) Meals/Gratuities – Lower Mainland Rates (when not overnight): **(optional-for discussion purposes)**

- | | |
|---------------|------|
| (a) Breakfast | \$20 |
| (b) Lunch | \$25 |
| (c) Dinner | \$40 |

I. Accommodation Allowance

1. Where block rates are made available for group Corporate Business activities, bookings under such offers shall be made without exception. If not possible, bookings shall be made on the basis of adjacency and similar service scale.
2. Accommodation is claimed by actual expense through receipt.
3. Incidental expenses may be claimed up to a maximum of \$15 per each night of travel away from home, to cover incidental expenses such as personal phone calls. No receipts are required but this only applies for overnight stays.
4. In-room entertainment charges are not eligible for reimbursement.
5. Accommodation of a personal nature (with family, friends) may be claimed at a rate of \$35 per night.

J. Filing an Expense Claim

1. A form associated with this policy shall be provided for Claimants requiring reimbursement for travel or other eligible expenses in accordance with this policy, including advances.
2. All re-imbursements for expenses under this policy shall only be claimed for using the claim form associated with this policy.
3. Claim forms shall be only approved by a department head or the CAO and submitted to the Finance Department for processing.
4. Advance submissions received more than 10 days prior to the date of travel shall ensure payment prior to travel.

AUTHORIZATION:	DATE:
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Section 5 - Finance	Policy # 1650.00.02
Subject: Allowance and Expense Reimbursement	Revision # R-7

5. Expenses paid for during a Travel Period by Claimants with a City of Courtenay corporate credit card shall be approved and submitted to the Department Head or the CAO as required under Section A Corporate Business.

K. Receipts

1. Eligible expenses for re-imbursement requiring receipts shall include where applicable:
Airfare and associated fees, accommodation, car rentals, taxi/bus/shuttle/ferry fares, parking fees, fuel, transportation toll charges, and fees to sanctioned, corporately supported events or sessions.
2. Eligible expenses for re-imbursement **not** requiring receipts shall include: Meals, Distance, Council Special Per Diem, Personal Accommodation.

Mayor

CAO

AUTHORIZATION:	DATE:
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THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2562

A bylaw to amend Council Remuneration Bylaw No. 2548, 2009

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

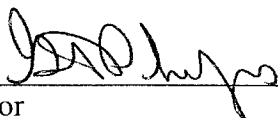
1. This bylaw may be cited for all purposes as **“Council Remuneration Amendment Bylaw No. 2562, 2009”**.
2. That Council Remuneration Bylaw No. 2548, 2008 be amended by adding the following section:
 7. *Each Councillor shall be provided with remuneration for attending meetings as outlined in Schedule ‘A’ attached hereto and forming part of this Bylaw.*

Read a first time this 5th day of January, 2009


Read a second time this 5th day of January, 2009

Read a third time this 5th day of January, 2009

Finally passed and adopted this 12th day of January, 2009



Mayor



Manager of Corporate Administration

SCHEDULE 'A'

COUNCIL MEMBER REMUNERATION FOR MEETING ATTENDANCE

Meeting Remuneration

1. The following rates will be paid for meeting attendance:
 - (a) \$125.00 to each Councillor for a duly constituted meeting of the Vancouver Island Regional Library Board, providing that the Board Meeting venue is other than the Comox Valley.



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 1850.00

From: Chief Administrative Officer

Date: September 19, 2016

Subject: Grants in Aid and Matching Grant Program – Affordable Housing Initiatives

PURPOSE:

The purpose of this report is to inform Council of existing policies relevant to recent requests from special interest organizations asking for financial assistance from the City.

POLICY ANALYSIS:

The City has a Grant-in-Aid policy and a Matching Grant Program-Affordable Housing Initiatives Policy. The Grants in Aid policy dates back to October, 2001. It requires Organizations to submit applications to the City by October 31st of each year to be considered during budgetary discussions for the upcoming year. Funding would be provided via General Revenue from taxation with no reference to utilizing funds from other sources. This policy has not been rescinded and requires a comprehensive review if it is to be applied under the auspices of current Council Strategic Priorities and operating budgetary constraints.

The Matching Grant In Aid Program – Affordable Housing Initiative policy was revised in June 2006 and provided an overall matching grant of \$5,000 for the full year of 2006. Similar to the Grants in Aid policy of 2001, Organizations are required to submit an application by October 31st so the request could be considered for the upcoming budget year.

These policies were last funded and utilized in 2011 at which time \$5,000 was granted to Habitat for Humanity. Should council wish to provide future funding for affordable/supportive housing through Gaming Funds and not through General Revenue from taxation, these policies should be rescinded.

EXECUTIVE SUMMARY:

The City receives requests from special interest groups seeking a variety of contributions and/or financial concessions. Any financial support provided to such groups must comply with existing policies, bylaws and legislative constraints. Deviations from policy guidelines and bylaws will require applicable amendments in advance of expenditures being made to avoid making improper expenditures of public funds.

CAO RECOMMENDATIONS:

That based on the September 19, 2016 staff report “Grants in Aid and Matching Grant Program – Affordable Housing Initiatives”, Council approve Option 1 to continue abiding by the existing Grants-in-Aid and Matching Grants for Affordable Housing policies.

Respectfully submitted,



David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

On June 15, 2015, City Council passed the following motion:

- | | |
|---|--|
| <p>.03
I BELONG CENTRE
REIMBURSE ZONING
FEES
3060-20-1403
3360-20-1501</p> | <p>Moved by Frisch and seconded by Wells that based on the June 15, 2015 staff report, “Requests to reimburse application fees for rezoning file 1501 and to become a financial contributor to the L’Arche Comox Valley I Belong Centre” Council approve Option 1 to:</p> <ul style="list-style-type: none">a) Not reimburse the application fees for zoning file 1501;b) That Council wishes to contribute financially to the L’Arche I Belong project; andc) Direct staff to develop a policy for providing financial assistance to not for profit projects for Council’s consideration. <p>Carried</p> |
|---|--|

On June 13, 2016 Council passed the following resolution:

- .01**
HABITAT FOR
HUMANITY – REQUEST FOR GRANT FUNDING; AND

COMOX VALLEY RECOVERY CENTRE – REQUEST TO WAIVE FEES

“Moved by Wells and seconded by Theos that the requests from Habitat for Humanity for grant funding and from Comox Valley Recovery Centre to waive fees be referred back to staff for more information on how to manage these and other similar funding requests received by Council.”

Carried

These types of requests for financial assistance are not unusual. Staff regularly receives correspondence or queries from special interest applicants about financial contributions and reduction/waiving of application fees, Development Cost Charge fees, offsite works and service connection charges, zoning fees, etcetera. Many of these cannot be waived, or in doing so require bylaw amendments.

DISCUSSION:

In 2015 and again this year, L'Arche Comox Valley requested financial support for their project to construct an outreach centre and residential suites. Habitat for Humanity and Comox Valley Recovery Centre also submitted requests for financial considerations for their affordable housing projects. These three entities requested a number of concessions ranging from \$1,500 to \$250,000. It is important for Council to note that fees or rates set by Bylaw or Policy cannot be waived, reduced or modified ad hoc. They must be equally applied to all entities seeking contributions or concessions.

The City currently has a policy for the provision of Grants-in Aid (see attachment # 1) as well as a Matching Grant Program – Affordable Housing Initiatives policy (see attachment # 2). These policies have not been rescinded and are the processes Staff must follow. If organizations wish to receive Grants-in-Aid or Affordable Housing matching grants, they must comply with the guidelines set in the policies, and the funds that are available in the current years approved budget. Should Council choose to use other funding sources differing from those identified in the current policies and any relevant rates and fees bylaws, the guiding policies and bylaws would need to be amended before the contributions may be made. This is of course possible, but would require additional staff time.

In more recent years Council has used Gaming Funds to support various categories of financial assistance (i.e. Support of Downtown Arts and Culture; Public Safety; Social/Societal Initiatives; Infrastructure; Green Capital Projects and Innovation; and Council Initiatives and Projects). The City began receiving revenue from the Gaming Fund Grants program in 2008 shortly after the local casino was constructed in 2007. Since 2011 the City has been using the above noted categories to guide the utilization of the gaming revenues. However, there are currently no criteria or process for staff and Council to approve requests for funding through the Gaming Funds, so amending the current Grant in Aid policies using Gaming funds may be a preferred option.

FINANCIAL IMPLICATIONS:

Raising financial resources for these types of requests can be completed in one of three ways. This includes:

- Dedicated portion of Property tax, Parcel taxes or utility fees;
- Continued building of the Affordable Housing Amenities Reserve; or
- Unrestricted grants such as Gaming Funds.

Any financial commitments to entities external to the operations of the municipality places a potentially higher tax burden on the ratepayers and reduces revenues available for Sustainable Service Delivery as directed by Council's Policy on Asset Management. Other than for the Braidwood Housing Project, the 2016 Budget-Financial Plan does not have any designated funding set aside for any Affordable Housing or Grants-in-Aid payments other than those historically committed to groups such as the Citizens on Patrol, SPCA and July 1st Committee.

As of December 31, 2015 the Affordable Housing Amenities Reserve has a balance of \$324,144 but \$100,000 of VIHA funds transferred to the City via the CVRD is allocated for the Braidwood project. The remaining balance in this Reserve could be utilized for other housing projects.

The City's existing Grants in Aid and Grants in Aid – Affordable Housing Initiatives policies do not provide any guidance with respect to using Gaming Funds allotted to the City. However, the City's Gaming Funds category – Social/Societal initiatives – is assigned \$50,000 annually. The 2015 and 2016 allotment of Gaming Funds under this category (\$100,000) have yet to be distributed.

Earlier this summer the City installed servicing to the L'Arche Property as it was completing road rehabilitation work along Grieve Road. This was done to avoid having to cut the new asphalt and open the road up to install the services at a later date. The cost of this project is approximately \$15,300 and has not been billed to L'Arche, pending Council's consideration of the L'Arche request for funding. Council may approve covering the cost of this servicing as a 2016 contribution to the organization.

ADMINISTRATIVE IMPLICATIONS:

Should Council decide to revise the attached policies or bylaws, it is expected that another 10 hours of staff time will be required to amend the policies and bring a subsequent report for consideration.

ASSET MANAGEMENT IMPLICATIONS:

N/A

STRATEGIC PRIORITIES REFERENCE:



OFFICIAL COMMUNITY PLAN REFERENCE:

The OCP supports special needs and affordable housing initiatives within neighbourhoods.

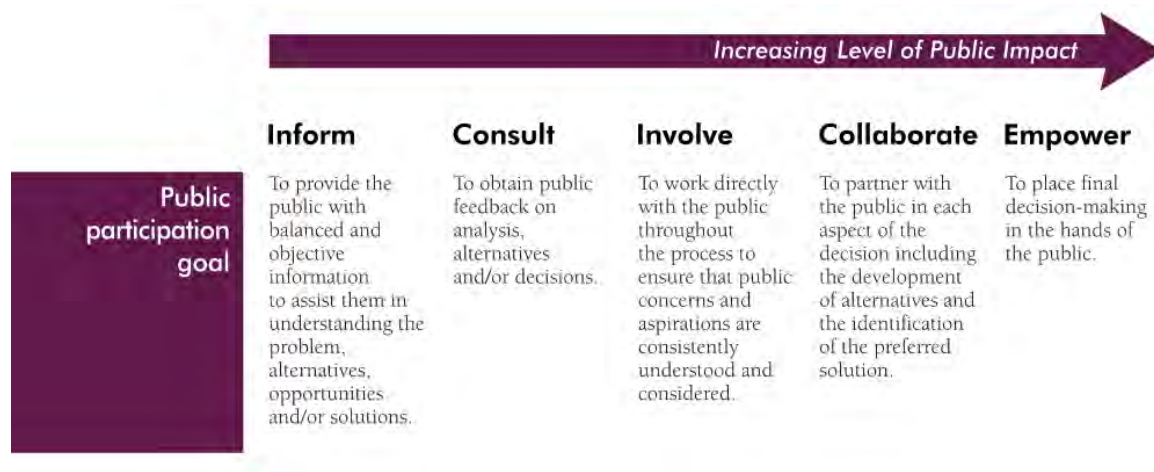
REGIONAL GROWTH STRATEGY REFERENCE:

While the regional growth strategy is to ensure a diversity of housing options and service provision to special interest groups, it does not stipulate or attempt to direct what financial tools may or should be utilized by the City when considering these requests.

CITIZEN/PUBLIC ENGAGEMENT:

Staff would inform the public based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

Option 1: That based on the September 19, 2016 staff report “Grants in Aid and Matching Grant Program – Affordable Housing Initiatives”, Council approve Option 1 to continue abiding by the existing Grants-in-Aid and Matching Grants for Affordable Housing policies, and consider the source of revenues as part of the annual financial planning process. (Recommended)

Option 2: That Council direct Staff to amend existing Grants-in-Aid and Matching Grants for Affordable Housing policies to reflect alternative criteria and report back to Council.

Option 3: That Council direct staff to rescind the Grants-in-Aid and Matching Grants for Affordable Housing policies.

Prepared by:

Brian Parschauer, BA, CPA-CMA
Director of Finance

Attachments:

1. Attachment No. 1 : Policy # 1850.00.02 Grants-in-Aid Policy
2. Attachment No. 2: Policy # 1850.00.03 Matching Grant Program-Affordable Housing Initiatives

City of Courtenay**Policy**

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Section 5 - Finance	Policy #	1850.00.02
Subject: Grants in Aid	Revision #	R4

SCOPE:

This policy deals with the provision of financial assistance (grants in aid) pursuant to Section 176 (c), and Section 181 of the Local Government Act.

POLICY:

Grants in aid may be provided to those organizations, which in the opinion of Council meet a demonstrated need for service within the community. When providing grants in aid, Council will consider, but not be limited to, the following criteria of the service or organization:

- A resident or organization within the City of Courtenay boundaries
- Sound financial and administrative management
- A demonstrated financial need
- Accessible to a large portion of the community at large
- A broad base of support within the community
- Access to an additional source of financial support
- Providing a service to City residents, which enhances primarily the local community at large, or quality of life within the local community.

The City may request financial statements and/or other relevant data from grant applicants. These requests may be at the time of review of the grant application or prior to the disbursement of funds.

Where significant grants (greater than \$5,000.00, but less than \$50,000.00) are approved for specific purposes or projects, 50% of the grant will be advanced at the commencement of the project or activity period. The balance shall be paid upon presentation of satisfactory evidence that advanced funds have been used for the intended purposes. It shall be the responsibility of the Director of Corporate Services or designate to ensure advance funds have been used for the intended purposes, and to authorize remaining payment.

Where major grants (\$50,000.00 or more) are approved, such grants will be paid on a monthly or quarterly basis, as determined by the Director of Corporate Services or designate.

Yearly requests for grants in aid are to be forwarded to the Director of Corporate Services or designate prior to October 31st each year in order to be considered in the following year's budget. A grant in aid application shall be presented as well as any other information that the applicant may consider valuable.

Section 5 - Finance	Policy #	1850.00.02
Subject: Grants in Aid	Revision #	R4

The Director of Corporate Services or designate shall summarize all grant requests for presentation to Council during annual budget discussions. The amount of funding made available for grants in aid shall be determined by Council during the preliminary financial plan process each year, and given further consideration at the time of adoption of the final financial plan.

Council may allocate a discretionary amount to be included in any annual budget for grant requests received after the initial budget review and approval.

Application Procedure:

1. Applicants must complete the application form provided by the City.
2. All applications should include a summary outlining the intended use(s) of the requested funding, and be accompanied wherever possible by:
 - a. a financial statement for the previous year, and
 - b. a budget for the current year, showing source and application of funds.

AUTHORIZATION: R15/2001- 3.00.06**DATE: October 10, 2001**

City of Courtenay**Policy**

Page 1 of 2

Section 5 - Finance	Policy # 1850.00.03
Subject: Matching Grant Program – Affordable Housing Initiatives	Revision #

SCOPE:

This matching grant program is a means for Council to support not-for-profit organizations which further Council's objectives of promoting affordable housing opportunities with the City. A grant is strictly at the discretion of the City of Courtenay Council. After careful consideration of all applications Council may approve a full, a partial, or no grant. The grant may vary for the different applicants. This policy guides identification of organizations meeting Council's objectives.

Authority for, and restrictions on the provision of, financial assistance is provided for in the *Community Charter*, Sections 8(1), 24, and 25.

POLICY**1. Overall Amount**

An overall grant in aid budget will be set by Council annually during the development of the Financial Plan. For the 2006 budget year, the overall total matching grant budget provision has been set as \$5,000.00.

2. Process

Council will consider applications for grant in aids for affordable housing initiatives on an annual basis. Application packages will be available at any time from the Municipal Office or on our website at www.courtenay.ca.

Applications must be submitted to the Director of Financial Services, using the prescribed application form, before October 31st each year. The Director will review the applications for completeness, and arrange contact with applicants for additional information as necessary.

Application submissions must include:

- Copies of audited financial statements for last three (3) years for applicants.
- Description of the affordable housing initiative delivered by the applicant and how it will benefit City of Courtenay residents.

The Director of Financial Services will present a summary report of the applications, relative to the eligibility criteria, to Council and arrange for delegations to Council by applicants as necessary.

3. Criteria

(a) Nature of Organization must be:

- ☐ Non-profit organization
- ☐ Charitable/philanthropic organization

Section 5 - Finance	Policy # 1850.00.03
Subject: Grant in Aid Program – Affordable Housing Initiative	Revision #

- (c) The applicant organization's use of the grant must benefit the community by providing affordable housing solutions for residents of the City of Courtenay. Applications must provide full details on the proposed affordable housing initiative, and will be evaluated based on the following criteria:

- ☐ Society's level of support from other governments
- ☐ Society's capacity in terms of experience, governance, community base, and community partnerships.
- ☐ The project development concept in terms of project location, building design and layout, unit layout, and amenity/service spaces
- ☐ The project business case in terms of confirmation of need and demand, project sustainability, community and tenant affordability, capital budget plan and operating budget plan.
- ☐ The development schedule in terms of the society's ability to follow schedule as outlined.

5. Extent, Conditions, and Penalties

- (a) Council may restrict the grant amount where the following circumstances exist:
- ☐ The applicant already receives a permissive tax exemption from the municipality and/or other sources
 - ☐ [other]
- (b) Council may impose **conditions** on the applicant organization, including but not limited to:
- ☐ registration of a covenant restricting use of the property
 - ☐ an agreement committing the organization to continue a specific service/program
 - ☐ [other]
- (c) Council may impose **penalties** on an exempted organization for knowing breach of conditions of exemption, including but not limited to:
- ☐ disqualifying any future application for a grant for specific time period
 - ☐ requiring repayment of monies equal to the grant amount
 - ☐ [other]

6. Reporting Requirement

On completion of the project, the applicant must submit a financial statement and a brief report detailing the use of the funds, and how the completed initiative contributed to an affordable housing solution for the community.

AUTHORIZATION: R15/2006 4.00.06	DATE: June 12, 2006
--	----------------------------



City of Courtenay

MATCHING GRANT PROGRAM – AFFORDABLE HOUSING INITIATIVE(S)

APPLICATION

ORGANIZATION INFORMATION:

I, _____ of _____,
Name Street Address

City/Town Telephone No. () or ()

In the Province of British Columbia, certify the following:

1. I am the _____ of the
Position Currently Held Within Organization

Name of Corporation, Association, Society or Organization

Have knowledge of the facts hereinafter deposed with respect to the affordable housing initiative for which a grant in aid is being applied for.

2. Full name or title of organization: _____

3. Mailing address of the organization (including Postal Code): _____

4. Name and phone number of two other officials in organization (i.e. President, Manager, etc.)

1. Name: _____

2. Name: _____

Title: _____

Title: _____

Day Phone No.: _____

Day Phone No.: _____

Night Phone No.: _____

Night Phone No.: _____

5. Date Organization (or Local Chapter) was established: _____

6. Societies Act Registration Number: _____

7. Are you Registered as a charity? _____ Charitable Registration No. _____

INFORMATION FOR REVIEW OF GRANT IN AID APPLICATION:

1. Please provide details of the activities of your organization:

2. Describe the affordable housing opportunities you will provide, and what target group this will benefit?

3. How many affordable units will your initiative create?

4. What is the location of your housing initiative?

Street Address: _____

Legal Description: _____

5. Other information which may be pertinent to your application:

CERTIFIED before me at the City of Courtenay)
In the Province of British Columbia this)
_____ day of _____ A.D. 20 ____)

)
)
)
)
)
)

Witness

Signature

NOTE:

- (1) The Corporate Services Department at the Municipal Hall (830 Cliffe Avenue, Courtenay, B.C.) has Commissioners for Taking Affidavits available for signing documents.
- (2) The personal information on this form is collected for the purpose of an operating program of the City of Courtenay as noted in Section 26(c) of the *Freedom of Information and Privacy Act*. If you have any questions about the collection and use of this information, please contact the Director of Financial Services at 250-334-4441.
- (3) **Applications for Matching Grant – Affordable Housing Initiatives must be received by 31st of October in the year prior to the taxation year for which grant is requested in order to be included in the City's Financial Plan.**
- (4) Grant Applications are to be submitted to:

The City of Courtenay
Attention: Director of Financial Services
City of Courtenay
830 Cliffe Avenue
Courtenay, B.C.
V9N 2J7

Unf.
Bus.

PRESIDENT

Jenny Deters
Rattan Plus & Patio
250-650-2338

VICE-PRESIDENT

Sandra Viney
Atlas Café
250-338-9838

TREASURER

Alana Pearson
MNP
778-225-7246

RECORDING SECRETARY

Lorna Hughes
Cardero Coffee & Tea
250-338-2519

DIRECTORS

Brett Walker
Walker 24 Menswear
250-871-2415

Colin Wilson
Dr. Colin Wilson, Chiropractor
250-898-8683

Craig Carson
Second Page Books
250-338-1144

Deana Simkin
Billy D's Pub & Bistro
250-334-8811

Grant Powers
Bank of Montreal
250-334-3181

Jorden Marshall
Hot Chocolates and
Cakebread Bakery
250-338-8211

Mackenzie Gartside
Select Mortgage
250-331-0800

Tamara Carter
Sun Life Financial
250-331-1363

EXECUTIVE DIRECTOR

Avry Janes
250-650-9550
info@downtowncourtenay.com

Thursday, September 1, 2016

Mayor Jangula & Councillors
City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7

Re: Downtown Courtenay Heritage Mural Project

Dear Mayor Jangula and Councillors,

The Downtown Courtenay Business Improvement Association (DCBIA) has recently initiated the addition of an eye-catching new mural project celebrating a proud piece of Courtenay's heritage.

The mural, painted by local artists J. Alex Witcombe and Nick Hutton-Jay, will be on the side of the Golden Carriage Building near the corner of Fifth and Fitzgerald.

The purpose of the project is to honour one of Courtenay's most entrepreneurial families and add more public art, culture and pride to the downtown core. This collage-style representation will celebrate the entrepreneurial spirit of the family that ran the much loved grocery and diner for decades in downtown Courtenay – Leung's.

Artists Witcombe and Hutton-Jay are owners of the locally based Flywheel Studios and create world-class murals throughout North America. They are excited to apply their passion and talents to a project in their hometown, made especially evident by the significant donation of time they are contributing to the installation of the mural.

The community has also demonstrated strong support for the initiative with many members of the public vocalizing their nostalgic memories of the much-loved grocery and diner and contributing funds towards the mural.

In order for Alex and Nick to proceed, a fundraising push is underway within the community asking members to 'pitch-in' to bring the mural to life. The goal of the fundraising project is to cover base costs for the artists such as: wall prep, paint, supplies and new signage and lighting during the month-long project on over 1000 sqft of wall space. So far \$10,00 of \$20,000 has been raised.

The DCBIA is requesting funding from the City of Courtenay in the sum of \$5,000 In turn, the DCBIA will showcase your commitment to community partnerships through various channels in which we can collaboratively discuss.

Thank you for your time and consideration.

Sincerely

DCBIA Board of Directors
info@downtowncourtenay.com
250-650-9550

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2856

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

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 “**Official Community Plan Amendment Bylaw No. 2856, 2016**”.
2. That Official Community Plan Bylaw No. 2387, 2005 be amended as follows:
 - a) By changing the land use designation of Lot 21, District Lot 134, Comox District, Plan 1705, Except Part in Plan 1966 (963 Webb Road) from Suburban Residential to Commercial as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw; and
 - b) That Map #2, Land Use Plan be amended accordingly;
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 19th day of September, 2016

Read a second time this 19th day of September, 2016

Considered at a Public Hearing this day of , 2016

Read a third time this day of , 2016

Finally passed and adopted this day of , 2016

Mayor

Director of Legislative Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2857

A bylaw to amend Zoning Bylaw No. 2500, 2007

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. 2857, 2016”**.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) by rezoning Lot 21, District Lot 134, Comox District, Plan 1705, Except Part in Plan 1966 (963 Webb Road), as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Residential One A Zone (R-1A) to Multiple Use One Zone (MU-1); and
 - (b) That Schedule No. 8, Zoning Map be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 19th day of September, 2016

Read a second time this 19th day of September, 2016

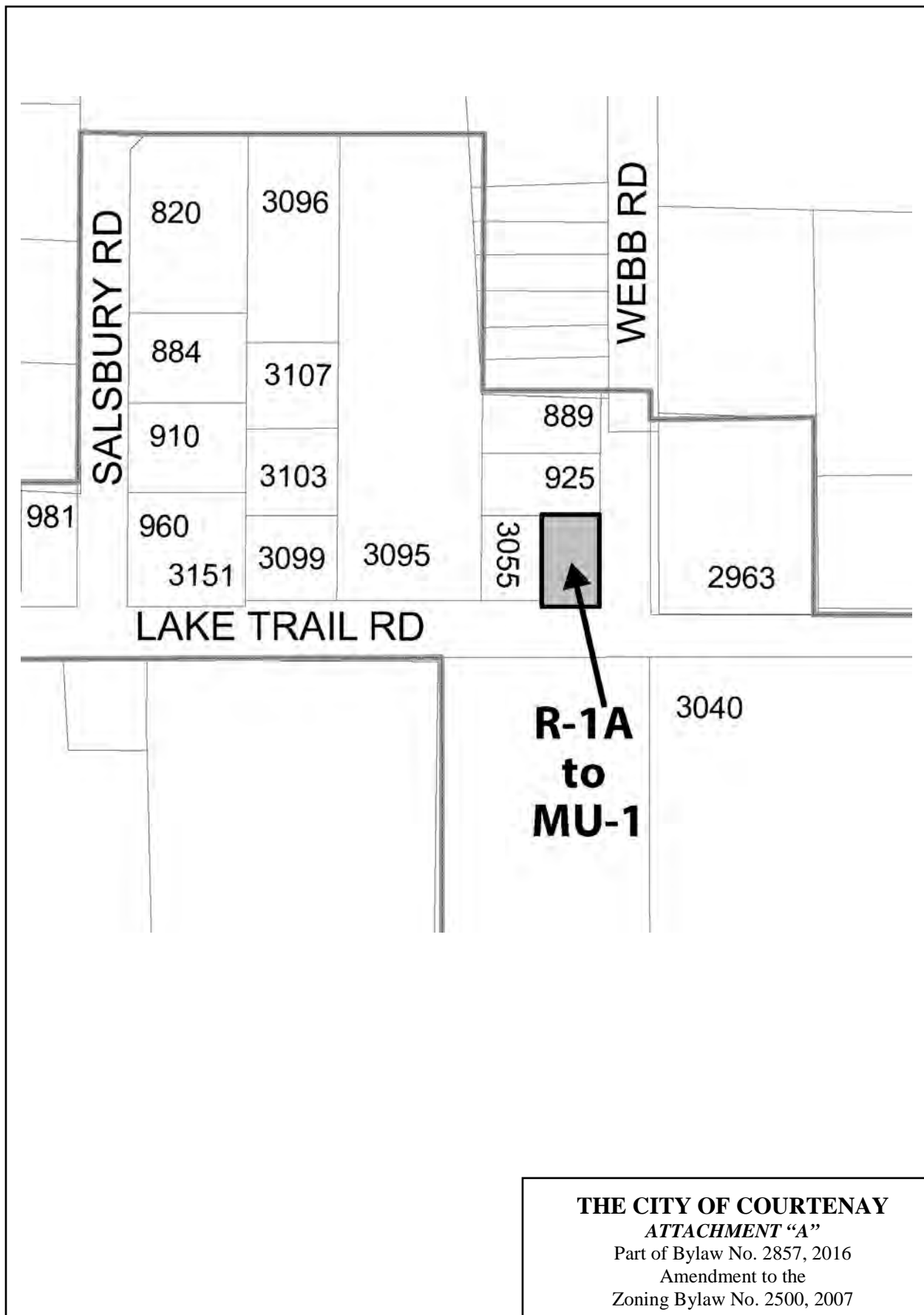
Considered at a Public Hearing this day of , 2016

Read a third time this day of , 2016

Finally passed and adopted this day of , 2016

Mayor

Director of Legislative Services



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2850

**A bylaw to regulate injury and removal of protected trees and
to require trees associated with private developments within
the City of Courtenay**

WHEREAS the City Council may, by Bylaw, exercise certain powers within the City, to regulate cutting and removal of trees and to require their replacement;

AND WHEREAS trees provide a variety of individual and community wide benefits such as: stormwater and rainwater management, carbon absorption, air quality, heating and cooling benefits, aesthetic, quality of life and health benefits;

AND WHEREAS the City considers it in the public interest to provide for the protection, preservation, regulation and replacement of a target density of trees on all properties;

AND WHEREAS the City considers it in the public interest to provide for the protection of protected species;

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

1. CITATION

This Bylaw may be cited for all purposes as “Tree Protection and Management Bylaw No. 2850, 2016”

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3. DEFINITIONS

“**Arborist**” means

- a) a person certified as an arborist by the International Society of Arboriculture (ISA); or
- b) a person certified as a Tree Care Specialist by the Tree Care Industry Association (TCIA);
- c) a person certified under subsections (a) and (b) and advising on a ***hazard tree*** that is a ***protected species*** or is growing within a ***Riparian Assessment Area*** or other ***Environmentally Sensitive Area***, who holds the “Certified Tree Risk Assessor Qualification” as defined by the ISA;

“**Barrier**” means a device including a fence, guard, frame or any other conspicuous marker which is placed on, around, or near a tree to indicate that the tree trunk, roots or branches are not to be cut, removed or damaged;

“**City**” means, as the context requires, the Corporation of the City of Courtenay or the area within the boundaries of the City of Courtenay;

“**Council**” means the Council of the Corporation of the City of Courtenay;

“**Crown**” means the foliage bearing section of a ***tree*** formed by its branches but does not include the stem or trunk of a ***tree***;

“**Damage**” means to take any action that may impact or result in damaging the health or structural integrity of a ***tree***;

“**Decline**” means a tree that exhibits signs of a lack of vitality such as reduced leaf size, colour or density;

“**Development**” includes the following:

- a) Removal, alteration, disruption, or destruction of vegetation;
- b) Removal, deposit or disturbance of soils;
- c) Construction, erection, or alteration of buildings and structures;
- d) Creation of non-structural impervious or semi-pervious surfaces;
- e) Preparation for or construction of roads, trails, docks and bridges;
- f) Provision and maintenance of sewer and water services;
- g) Development of drainage systems;
- h) Development of utility corridors;

- i) Flood protection; and
- j) Subdivision.

“Development application” means an application to the City for approval to conduct any *development* including but not limited to applications for rezoning, development permit, development variance permit, demolition and building permits;

"Diameter at Breast Height (D.B.H.)" means:

- a) for a single-stemmed tree:
 - i. the diameter of a *tree* measured at 1.4 meters above the highest point of the natural *grade* of the ground from the base of a *tree*;
- b) for a multi-stemmed tree:
 - i. the three largest stems measured at 1.4 meters above the highest point of the natural *grade* and the D.B.H of the tree shall equal the cumulative total of the D.B.H. of the three largest stems;

“Director” means the City’s Director of Development Services or Manager of Planning;

“Drip line” means the small roots of a *tree* located within a circle on the ground around a *tree* directly under the tips of the outermost branches of the canopy of the *tree*;

“Emergency tree removal” means a tree that is dead, diseased, damaged or otherwise constitutes an imminent physical hazard to persons or property;

“Environmentally Sensitive Area (ESA)” includes:

- a) Watercourses including the sea, ponds, lakes, rivers, streams, natural drainage courses and wetlands;
- b) Riparian and wildlife habitat;
- c) Significant geographical features outlined in the Environmental Development Permit Areas Map #6 and ESA descriptions contained within the City of Courtenay’s Official Community Plan;

“Fill” means earth, sand, gravel, rubble, rubbish, garbage or any other material whether similar to or different from any of these materials, originating on the site or elsewhere, used or capable of being used to raise, lower, or in any way affect the contours of the ground;

“Grade” means a defined elevation of land that has been established as a result of geologic, hydrologic, or other natural processes or by human alteration;

“Greenfield” means undeveloped real property that is greater than 4000 meters in size (approximately 1 acre) and contains vegetation that has been left to evolve naturally;

“Hazardous or hazard” means a *tree* with a structural defect or changed stand conditions, which may result in property damage, personal injury or death;

“Infill” means real property that is less than 4000 square meters in size (approximately 1 acre);

“Invasive species” means plants, animals and micro-organisms that colonize and take over the habitats of native species;

“Maintenance” means the care and maintenance of trees in accordance with *sound arboricultural practice* and includes planting, inspection, pruning, cabling and bracing, treatments for insect and disease problems, watering and fertilization including mulching;

“Native” means a *tree* species that occurs naturally in the *City*, and occurred prior to European contact;

“Net developable hectare” means the land area, measured in hectares, available for *development* but does not include public highways, utilities or structures and the allocation of lands for public parks, landscaping and *ESAs*, and other public works required to service lands;

“Photo documentation” means three photos of a *tree* including a picture of the whole *tree*, a picture of the defective part, and a picture of the area at a distance, including if possible, any nearby structures;

“Protected species” means:

- a) Garry Oak (*Quercus garryana*);
- b) Pacific Dogwood (*Cornus nuttallii*);
- c) Western White Pine (*Pinus monticola*);
- d) Pacific Yew (*Taxus brevifolia*);
- e) Trembling Aspen (*Populus tremuloides*);
- f) Arbutus (*Arbutus menziesii*).

“Protected tree” means

- a) a *public tree*;
- b) a *tree* of any size within a:
 - i. *Riparian Assessment Area*; or
 - ii. *Environmentally Sensitive Area (ESA)*.
- c) a *tree* of any size on sloping terrain having a *grade* equal to or greater than 30%;
- d) a tree planted or *retained* as a requirement of a subdivision application, development permit, development variance permit, building permit demolition permit, or *Tree Cutting Permit*;
- e) a *protected species* over 0.5 meters in height;
- f) *trees* protected by a restrictive covenant registered on title pursuant to section 219 of the *Land Title Act*;

“Prune” means the removal of not more than one-third of the live branches or limbs of a tree or not more than one-third of the live branches or limbs on a tree as part of a consistent annual pruning program and in accordance with *sound arboricultural practice*;

“Public tree” means a *tree* of any size on land owned by or in the possession of the *City*, including, without limitation, a *tree* in a park or on a highway, boulevard, road or lane allowance;

“Ravine” means a narrow, steep-sided valley that is commonly eroded by running water and has a slope *grade* greater than 3:1;

“Remove” means to entirely sever the main stem of a *tree* or to fell a *tree*;

“Replacement tree” means a *tree* planted on a parcel in accordance with section 8 of this bylaw to replace *trees* cut, *removed* or *damaged* on the same parcel;

“Retained tree” means a tree not to be cut, *removed* or *damaged*;

“Riparian Assessment Area” means:

- a) for a *stream*, the 30 meter strip on both sides of the stream, measured from the riparian area high water mark;
- b) for a *ravine* less than 60 meters wide, a strip on both sides of the stream measured from the riparian area high water mark to a point that is 30 meters beyond the top of the *ravine* bank; and
- c) for a *ravine* 60 meters wide or greater, a strip on both sides of the stream measured from the riparian area high water mark to a point that is 10 meters beyond the top of the *ravine* bank;

“Root protection area” means the area of land surrounding the trunk of a *tree* that contains the bulk of the critical root system of the *tree*, as defined on a plan prepared by an *Arborist* approved by the *Director*;

“Sound arboricultural practice” means in accordance with American National Standards Institute (ANSI) Publication, A300-Tree Care Operations and the companion Best Management Practices Series of the International Society of Arboriculture (ISA);

“Stream” means any of the following that provides fish habitat:

- a) a watercourse, whether it contains water or not;
- b) a pond, lake, river, creek or brook; or
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in subsection (a) or (b);

“Top” or **“Topping”** means the removal of large portions of the *crown* of a *tree*, including, but not limited to the making of horizontal cuts through the stems of a *tree*;

“Tree” means any species of woody perennial plant having one dominant trunk and a mature height greater than five (5) meters;

“Tree Cutting Permit” means the written authority granted by the *Director* pursuant to this Bylaw to cut or remove a *tree*;

“Tree damaging activities” means to take any action that may cause a *tree* to die or *decline*, including:

- a) cutting or damaging the roots of a *tree* growing inside the *root protection area*;
- b) placing *fill*, building materials, asphalt or a building or structure upon land inside the *root protection area* of a *tree*;
- c) operating or parking vehicles including trucks, backhoes, excavators or other heavy equipment over the roots of a *tree* growing inside the *root protection area*;
- d) denting, defacing, gouging or damaging the trunk of a *tree*;
- e) removing bark from a *tree*;
- f) depositing concrete washout or other toxins, liquid or chemical substances harmful to the health of a *tree* on land inside the *root protection area* of the *tree*;
- g) removing soil and/or native understory vegetation from land inside the *root protection area* of a *tree* or compacting soil within the *root protection area*;
- h) blasting inside the *root protection area* of a tree or outside the *root protection area* so as to *damage* roots or disturb soil inside the *root protection area*;

- i) undermining the roots of a **tree** growing inside the **root protection area**;
- j) altering the ground water or surface water level within the **root protection area** of a **tree**;
- k) **topping** a tree or **pruning** the **crown** in excess of one-third of the **tree**;
- l) affix or hang materials from a **tree** that may harm the **tree**; or
- m) girdling, ringing, poisoning, or burning a **tree**.

“**Tree density target**” means 50 **trees** per **net developable hectare**;

“**Tree Planting and Replacement Reserve Fund**” means the fund set aside for the purpose of planting **trees** in locations within the City of Courtenay other than where the lot where the tree has been injured or destroyed by **tree damaging activities**.

4. BYLAW PURPOSE

4.1 This Bylaw is enacted for the purposes of:

- a. regulating the cutting and **removal** of **trees**;
- b. regulating the protection of **retained trees** during **development**;
- c. setting forth expectations regarding the treatment of **trees** that are regulated under this Bylaw;
- d. requiring that **tree** retention and/or planting targets (measured as a **tree density target**) be achieved.

4.2 The Bylaw is not contemplated nor intended, nor does the purpose of this Bylaw extend:

- a. to the protection of any person from injury or damage to property or economic loss as a result of the cutting or **removal** of **trees**;
- b. to the assumption by the **City** or any employee of any responsibility or duty of care for ensuring that the cutting of one or more **trees** will not result in injury to any person or danger to any property from erosion, flooding, landslip or other damage;
- c. to assuming liability of a property owner for any damage arising from nuisance or negligence arising from **tree** cutting carried out on the owner’s property.

5. BYLAW APPLICATION

5.1 This Bylaw applies to all properties within the **City** and to all **protected trees**.

5.2 A **Tree Cutting Permit** is required to be obtained prior to any **trees** being **removed** in the following circumstances:

- a. On any **greenfield property**;
- b. On any **infill** property where the **removal** of **trees** will result in the **tree target density** not being achieved for that property;

5.3 A **Tree Cutting Permit** is required to be obtained prior to any limb or branch that is equal to or greater than 10 centimeter diameter being cut from any **protected species**;

5.4 For **emergency tree removal** a person must submit an application for a **Tree Cutting Permit** within 24 hours of the date of removal, or in the case of a **removal** which takes place on a

weekend or statutory holiday, on the next business day after **removal**, and provide **photo documentation** of the **tree** prior to its **removal** with the application.

- 5.5 When a **Tree Cutting Permit** application is submitted in relation to a **development application**, the **Tree Cutting Permit** shall not be issued until approval has been obtained from the City for the **development application**, unless the **Director** otherwise waives this requirement.

6. PROHIBITED ACTIVITIES

- 6.1 No person shall cut, **remove** or carry out any **tree damaging activities** on a **protected tree** or any **tree** required to be retained to achieve the **tree density target** prior to obtaining a **Tree Cutting Permit** or contrary to the terms and conditions of a **Tree Cutting Permit** issued under this Bylaw.
- 6.2 When the **City** is investigating a bylaw infraction under this Bylaw, no person shall remove the remains of a **tree** until after the investigation by the **City** is complete.

7. BYLAW EXEMPTIONS AND TREE CUTTING PERMIT EXEMPTIONS

- 7.1 This Bylaw does not apply to:

pruning of **trees** other than **protected species** in accordance with **good arboricultural practice**;

- a. where the **Director** or an **Arborist** certifies in writing to the **City** prior to removal that in his or her opinion a **tree** is impairing, interfering with, or presents a risk or hazard to the operation of sewers, drains, water lines, septic fields, electrical lines, poles or other similar equipment and appurtenances and that the impairment, interference or risk cannot be reduced or removed in any way other than the **removal** of the **tree**;
 - b. **trees** that are part of plantations for the purposes of an orchard, nursery, or tree farm;
 - c. the cutting and **removal** of **trees** by a British Columbia Land Surveyor when cutting survey lines of a width of less than 2 meters, unless the **tree** is a **protected tree**;
 - d. **tree** cutting or **removal** that is undertaken by a utility, on land owned or held by the utility, and done for the purpose of safety, maintenance or operation of the utility's infrastructure;
 - e. land and the **trees** on it if forestry practices on the land are governed by a tree farm licence, permit, or other authority or tenure under the *Forest Act*; or
 - f. land and **trees** on it if section 21 of the *Private Managed Forest Land Act* applies to the land.
- 7.2 A **Tree Cutting Permit** is not required on an **infill** property when **tree removal** will not result in the number of **trees** retained on the property falling below the required **tree density target** for that property, provided that the **trees** being **removed** are not:
- a. a **protected tree**; and
 - b. the landowner ensures that **retained trees** are protected from **tree damaging activities**.

8. TREE REMOVAL, PROTECTION AND MANAGEMENT CONDITIONS

- 8.1 A person performing *development* on lands containing one or more *retained trees*, where a *Tree Cutting Permit* is required, shall:
- a. ensure that no *development* occurs within the *root protection area*;
 - b. place and maintain a temporary tree protection *barrier* around any *retained tree* or group of *retained trees* in accordance with Schedule B;
 - c. provide the *City* with proof of the *barrier* prior to disturbance occurring around the *retained tree* in the form of a photo, *Arborist* statement, or as otherwise stated in a *Tree Cutting Permit*;
 - d. ensure that no *development* occurs within the *root protection area* except in accordance with the terms and conditions of a *Tree Cutting Permit*;
 - e. display the *Tree Cutting Permit* in an accessible, visible location on the parcel to which it pertains;
 - f. comply with all other local, provincial and federal laws.
- 8.2 In connection with the issuance of a *Tree Cutting Permit*, the *Director* may impose additional conditions to those listed in Section 8.1, including, without limitation, any or all of the following:
- a. identify with a flag, paint, survey tape or other adequate means each *tree* to be *removed or retained*;
 - b. retain an *Arborist* to supervise, monitor or report on any *development*, including site visit requirements:
 - i at critical phases of construction and/or at regular intervals in the construction schedule;
 - ii at the time of *tree replacement*;
 - iii to monitor tree adaptations to changes in their environment caused by the *development*;
 - iv to advise on the creation of *hazardous* conditions;
 - v to advise on *maintenance* requirements where such a condition is stipulated; and
 - vi to confirm the successful establishment of a replanted *tree* prior to release of securities held for that *tree*;
 - c. provide monitoring securities from an *Arborist*, Professional Engineer or Registered Professional Biologist as determined by the *Director*, in the amount of 125% of an estimate or quote of the cost of monitoring works required to ensure that the mitigation conditions of the *Tree Cutting Permit* are completed;
 - d. ensure that no sediments migrate off site or into watercourses or drainage ditches;
 - e. confirmation that the proposed *development* is consistent with *City* bylaws, and provincial and federal laws;
 - f. treat diseased *trees* and those in *decline*, in accordance with *good arboricultural practice*;

- g. salvage and use small *trees* as part of a replanting plan, or to achieve the *tree density target*;
 - h. remove and dispose of *invasive species* growing on the tree or within the *dripline* in a responsible manner;
 - i. plant *replacement trees* in accordance with Schedule A, maintain *replacement trees*, for a stipulated length of time, and implement *maintenance* measures such as watering, fertilization, or mulching in accordance with the specified frequency;
 - j. remit a protection security of \$1000 per *protected species* when constructing works that may cause *tree damaging activities* to a *protected species*;
 - k. remit a protection security of \$10,000 when constructing works within existing or future Park lands as shown in a Preliminary Lot Review letter, Subdivision Construction Drawing or Section 219 Covenant;
 - l. notify adjacent properties of a *tree* removal;
 - m. provide a written statement from an *Arborist* stating that the scheduled *tree* removal is unlikely to create *hazardous* conditions to adjacent *trees*, including on adjacent properties;
 - n. submit a post-construction *Arborist* report following construction activities;
 - o. submit a communication plan to ensure that all parties working on the site are aware of the *Tree Cutting Permit* requirements;
 - p. restrictions on timing of removal given sensitivities to bird nesting, fish or sediment and erosion control;
 - q. keep stumps and roots of cut *trees* in place to ensure slope stability or mitigation against erosion;
 - r. cut or modify a *tree* so as to retain wildlife habitat, subject to written confirmation from the *Arborist* that doing so will not create a *hazard*;
 - s. where recommended by the *Arborist*, require that *crown* clearing occur prior to construction to reduce risk of branch failures and risk to workers.
- 8.3 The authorization to cut or *remove trees* shall expire within one year after the date of issuance of a *Tree Cutting Permit*, after which time a new application must be submitted.

9. TREE DENSITY TARGET

9.1 The *tree density target* may be achieved:

- a. for an *infill* property,
 - i. by counting any *tree* that is larger than 2 centimeters *D.B.H* and 2 meters in height;
- b. for a *greenfield* property,
 - i. by retaining *native trees* that are each a minimum of 20 centimeters *D.B.H.*, and are growing in an average density on the overall property, where such *trees* exist;

- ii. through retaining smaller trees or replanting where such *trees* in subsection (b)(i) do not exist;
 - iii. retained trees shall be achieved in clusters and/or corridor configurations with consideration given to adjacency to publically owned lands;
- 9.2 A *tree* must be in good health and must not be dead, *hazardous* or in *decline* in order to be counted towards the *tree density target*. Red alder and Cottonwood trees shall generally not be counted towards the *tree density target*.

10. REPLACEMENT TREES, SECURITY BONDS AND TREE PLANTING AND REPLACEMENT RESERVE FUNDS

- 10.1 Where the *Director* has issued a *Tree Cutting Permit*, the following replacement formulas shall be followed, subject to subsections (b) through (d):
- a. the *net developable area* shall achieve the *tree density target*;
 - b. if the *tree removed* is *hazardous*, one *replacement tree* shall be required for every *tree removed*;
 - c. notwithstanding section 10.1.b, if the *tree removed* is *hazardous* and is growing within *Environmentally Sensitive Areas*, three replacements of *native* species shall be required for every *tree removed*;
 - d. for the removal of a *protected species* three replacements of the same species shall be required for every *tree removed*, including *hazardous trees*.
- 10.2 Subject to section 10.1, where the planting and *maintenance* of a *replacement tree* is required pursuant to this Bylaw, the owner shall provide to the *City* security in the amount of \$300 for each *tree* to be planted and maintained.
- 10.3 Where the *replacement trees* are part of the overall landscaping or street tree program required under a development permit, development variance permit, subdivision, or other development agreement, the security is to be in the amount specified in the approved landscape cost estimate associated with said permit, and only that amount.
- 10.4 The security in section 10.2 may be submitted in the form of cash, cheque or irrevocable letter of credit, bank draft or in a form satisfactory to the *Director*.
- 10.5 *Replacement trees* must be planted in accordance with the condition and planting criteria set out in Schedule A.
- 10.6 Where a person is required by this Bylaw to plant a *replacement tree* on a parcel and the parcel has been subdivided since the act giving rise to the requirement was committed or the *Tree Cutting Permit* was issued, as the case may be, the *replacement tree* may be planted on either parcel.
- 10.7 Where a *replacement tree* cannot be planted on the property or, on *infill properties* where an owner elects not to plant a *replacement tree* on the property, the owner shall contribute the *replacement tree* cost into the *Tree Planting and Replacement Reserve Fund*, subject to the approval of the *Director*.
- 10.8 Full security for each *replacement tree* held by the *City* will, upon application by the owner, be returned to the permit holder one year from the date of planting, upon approval by the *Director* that each *replacement tree* remains in a healthy condition and subject to a

written report by an *Arborist* statement to confirm the health of the *tree* as may be reasonably required from the *Director*.

- 10.9 If the owner fails to or refuses to plant the required number, size and type of *replacement trees* in the specified locations within one year after receiving written direction from the *Director* to do so or after a planting date as otherwise agreed upon, the *City* may deposit the securities in the *Tree Planting and Replacement Reserve Fund*.
- 10.10 *Tree replacement* fees paid into the *Tree Planting and Replacement Reserve Fund* are to be held and used by the *City* for replanting on other public lands to be determined in accordance with City policies.
- 10.11 Where a protection security is required, the protection security shall not be released until all works that may cause *tree damaging activities* have ceased and an *Arborist* confirms in writing that the *tree* has not experienced any *tree damaging activities*.

11. TREE PERMIT APPLICATION AND FEES

11.1 An application for a *Tree Cutting Permit* shall include the following information:

- a. completed application for *Tree Cutting Permit* on the form approved by the *Director*, signed by the registered owner(s) or by the owner's agent who is authorized in writing to act on behalf of the owner in relation to the application;
- b. written consent from the adjacent property owner where the stem of a *tree* at ground level is growing over the applicant's property line;
- c. title search dated no more than five business days prior to the date of the application;
- d. site plan showing all of the following, where applicable:
 - i. *Environmentally Sensitive Areas* (ESAs);
 - ii. property lines;
 - iii. location of the *tree(s)* on site to be *removed* and *retained*, including the *root protection areas* for *retained trees*;
 - iv. existing and proposed buildings, structures, septic fields, servicing including power poles;
 - v. topographic and hydrological features including drainage patterns;
 - vi. on-site access points for vehicles, including sufficient access for tree removal equipment;
 - vii. vehicle parking area and washout areas for concrete trucks;
 - viii. existing and proposed landscaped areas;
 - ix. existing and proposed utility corridors;
- e. description of the proposed *development* and rationale for *development*, including steps taken to preserve existing *trees* as part of the overall *development* plan of the site;
- f. an *Arborist* report including the following information:
 - i statement of number of *protected trees* on the property to be described by outlining the:

- i. inventoried number of stems, species and size where there are fewer than 100 **trees** on the property; or
 - ii. approximate number of stems per hectare and species composition based on ISA accepted standards.
- ii statement of number of **retained trees** on the property following the requested removal;
- iii narrative describing why the proposed **retained trees** are selected, and if management actions are required to promote their long term health;
- iv confirmation that the **retained trees** are not **hazardous**;
- v description of the cutting and/or removal methods to be used, how the site will be accessed and the tree protection measures that shall be used to protect any retained **trees**;
- vi statement that topographic, grading and/or hydrological changes will not negatively impact the retained **trees**.
- g. a detailed tree survey prepared by a registered BC Land Surveyor to indicate proposed **tree retention** and **replacement** areas that require restrictive covenants; and
- h. application fee as determined by the *City of Courtenay Fees and Charges Bylaw No. 1673, 1992*.

11.2 In addition to section 11.1, the following information may also be required by the **Director**:

- a. for **greenfield** sites, a statement of the number of **retained trees** for **trees** greater than 20 cm **DBH** following the proposed **development**;
- b. for **development applications** and **greenfield sites**:
 - i. grading changes including existing topographic elevations and proposed conceptual elevations for major **development** components;
 - ii. proposed final site grading within 10 meters of all proposed **retained trees**.
- c. a proposed replanting plan prepared by a landscape architect or **Arborist** indicating the location, species, size, and class of **trees(s)** or vegetation to be planted including any pertinent establishment requirements such as watering, fertilizing, and soil preparation;
- d. a copy of applicable federal or provincial approval, if required;
- e. a report by a geotechnical engineer, hydrologist or Registered Professional Biologist to certify that the proposed cutting or removal will not create an adverse impact on slope stability or the drainage network;
- f. when removing trees in **Environmentally Sensitive Areas**, a report from a Registered Professional Biologist may be required to confirm that **tree** removal activities will not negatively impact the **Environmentally Sensitive Area**, including wildlife.

11.3 The following conditions apply to the **Arborist** report provided pursuant to section 11.1(f):

- a. the report shall be valid for a maximum of one year from the date of authorship;
- b. a report older than one year will require a covering letter from the original author

stating that the conditions and recommendations contained in the original report remain valid;

- c. in the reasonable discretion of the **Director**, an existing Arborist report that is less than one year may be required to be reviewed and re-submitted in instances where changes to the **trees** are deemed significant, including any changes to adjacent land uses, adjacent **tree removal**, changes in grading or hydrological changes, or any other changes to or around the **tree**;
- d. Where the original **Arborist** report submitted to the **City** is incomplete or inaccurate, the **Director** may retain the services of an independent **Arborist**, or other professional to review an **Arborist** report, or other professional report, and the cost of the independent **Arborist** report shall be paid by the owner prior to the adoption of the related rezoning, subdivision approval, development permit, development variance permit, demolition or building permit approval or the issuance of the related **Tree Cutting Permit**, whichever comes first.

12. REFUSAL TO ISSUE A TREE CUTTING PERMIT

12.1 A **Tree Cutting Permit** shall not be issued by the **Director** where:

- a. an application required under this Bylaw has not been submitted in full or the required fee has not been paid;
- b. information as required by section 11 (Tree Permit Application and Fees) has not been submitted or in the opinion of the **Director** is not satisfactory;
- c. the proposed work would adversely affect the health or survival of the **tree**, materially alter the character of the **tree**, affect the slope or stability or ecology of the area, or if the proposed work is not required to maintain the health or stability of the **tree**;
- d. the **tree density target** is not achieved; or
- e. the proposed **tree** work would contravene other terms and conditions of a restrictive covenant.

13. INSPECTIONS, ASSESSMENTS AND ORDERS TO COMPLY

- 13.1 The **Director** or person authorized by the **Director** may assess, inspect or cause an inspection to be made of any **tree** to which this Bylaw applies.
- 13.2 For the purposes of any inspection or assessment herein the **Director** may enter onto any land at all reasonable times in accordance with the **Community Charter**.
- 13.3 Where the **Director** is satisfied that a person has contravened any provision of this Bylaw, the **Director** may serve an Order to Comply requiring the person to stop the **tree damaging activities** or removal of **trees** and shall set out the particulars of the contravention including requiring the person to remedy the non-compliance within 30 days or by such other date as deemed reasonable in the circumstances by the **Director**.

- 13.4 The **Director** may revoke a **Tree Cutting Permit** if the terms and conditions of the **Tree Cutting Permit** have been breached or the information supplied by the applicant in support of the **Tree Cutting Permit** is determined to have been inaccurate, incomplete, misleading or erroneous.

14. POST CONSTRUCTION ARBORIST REPORT

- 14.1 The **Director** may require a post-construction **Arborist** report following all construction activities in which the following information may be required:
- a. assessment of **damage** to **retained trees** caused by initial site grading and clearing;
 - b. identify and provide a dollar value of the **retained trees** that have been **damaged** or **removed** using an industry standard tree appraisal method;
 - c. propose a replacement plan indicating the proposed number and type of **replacement trees** of equal or greater dollar value and tree planting locations for the rehabilitation of the disturbed areas. Payment into the **Tree Planting and Replacement Reserve Fund** may be accepted by the **City**. No fewer than four replacement trees for every tree **removed** without a **Tree Cutting Permit** will be accepted; and
 - d. recommend management methods to care for an injured **tree**.
- 14.2 Securities to implement the replacement plan in section 14.1 (c) will be required at 125% of the cost of each **replacement tree**.

15. AUTHORITY

- 15.1 The **Director** may:
- f. issue, revoke, place conditions upon, and refuse to issue a **Tree Cutting Permit** in accordance with this Bylaw;
 - a. retain the services of an independent **Arborist**, or other professional, to review an **Arborist** report, or other professional report, submitted to the **City** under the provisions of this Bylaw, in support of an application for a **Tree Cutting Permit**, in instances where the completeness or accuracy of the report are brought into question through review of the report and field inspection by the **Director**.
 - b. require security under section 8 of this Bylaw prior to issuing a **Tree Cutting Permit**;
 - c. exempt an applicant for the **Tree Cutting Permit** from any the requirements of section 11 (Tree Permit Application and Fees) if the information to be submitted has been otherwise provided to the **City**;
 - d. require the provision of **replacement trees** as set forth in section 10 of this Bylaw, and the **maintenance** of said **trees**;
 - e. charge and collect those fees prescribed in the *City of Courtenay Fees and Charges Bylaw, 1673, 1992* or this Bylaw;
 - f. serve on any person who has not complied with a **Tree Cutting Permit** or a provision of this Bylaw an Order to Comply;

- g. enforce this Bylaw and issue penalties in accordance with sections 18 and 19 of this Bylaw; and
- h. authorize another member of staff to act on their behalf.

16. APPLICATION FOR RECONSIDERATION

- 16.1 Within 30 days of being notified in writing of the decision of the *Director* under this Bylaw, the applicant may, at no charge, request *Council* to reconsider the decision.
- 16.2 The applicant must give written notice to the Director of Legislative Services and include the following information:
 - a. the applicant's address for receiving correspondence related to the request for reconsideration;
 - b. a copy of the written decision or direction from the *Director*;
 - c. reasons to explain why the decision should be amended or set aside; and
 - d. a copy of any documents which support the applicant's request for reconsideration by *Council*.
- 16.3 The Director of Legislative Services will notify the *Director* of the request(s) for reconsideration and staff shall, prior to the date of the meeting at which the reconsideration will occur, provide a written report to *Council* setting out the rationale for the decision.
- 16.4 The Director of Legislative Services will place the request(s) for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible.
- 16.5 The Director of Legislative Services will notify the applicant of the date of the meeting at which reconsideration will occur.
- 16.6 *Council* will review the information provided by the applicant and staff, and either confirm the decision made by staff, vary, or substitute its own decision including terms and conditions as set forth by this Bylaw.
- 16.7 The decision of *Council* on reconsideration is final.

17. DESIGNATION OF BYLAW

- 17.1 This Bylaw is designated under Section 264 of the Community Charter as a bylaw that may be enforced by means of a Municipal Ticket Information in the form prescribed.

18. OFFENCE

- 18.1 Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done or omits to do anything required to be done in contravention or in violation of any of the provisions of this Bylaw, is guilty of an offence against this Bylaw and is liable to the penalties hereby imposed, and each day that a violation is permitted to exist or continues shall constitute a separate offence.

- 18.2 When more than one *tree* is cut, *removed* or *damaged* by *tree damaging activities*, or more than one *tree* is not replaced or maintained in accordance with a *Tree Cutting Permit* issued pursuant to this Bylaw, a separate offence is committed in respect of each such *tree*.

19. PENALTY

- 19.1 A person who commits an offence under this Bylaw is liable to pay a fine of:
- up to \$1,000 as established per the City's *Municipal Ticket Information Bylaw 2435, 2006*;
 - up to \$10,000 as determined by the court pursuant to an *Offence Act* proceeding.

20. GENERAL PROVISIONS

- 20.1 All Schedules referred to herein form part of this Bylaw:
- Replacement Tree Stock and Planting Requirements
 - Tree Protection Barrier and Signage Specifications
 - Erosion and Sediment Control Guidelines

21. SEVERANCE

- 21.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed portion.

22. EFFECTIVE DATE

- 22.1 This Bylaw will come into force on the date of its adoption.

23. REPEAL

- 23.1 "City of Courtenay Tree Management and Protection Bylaw No. 2461, 2006" and all amendments thereto are hereby repealed.

Read a first time this 19th day of September, 2016

Read a second time this 19th day of September, 2016

Read a third time this 19th day of September, 2016

Finally passed and adopted this day of , 2016

Mayor

Director of Legislative Services

SCHEDULE A

TREE PROTECTION AND MANAGEMENT BYLAW NO. 2850, 2016

REPLACEMENT TREE STOCK AND PLANTING REQUIREMENTS

The *City* maintains a list of acceptable **replacement tree** species. Where **replacement trees** are required to be provided pursuant to section 10 of this Bylaw, such **replacement trees** shall be provided and planted as follows:

- (a) **Replacement trees** may be the same or different species, with the exception of **protected tree species**.
- (b) At least half of the total number of **trees** on the property, including existing **retained** and **replacement trees**, must be **native** species, unless the **trees** being replaced are located within an **Environmentally Sensitive Area**, in which case all of the **replacement trees** shall be **native**.
- (c) **Replacement trees** must be of a five gallon pot size with the following exceptions:
 - a. Arbutus (*Arbutus menziesii*) may be one gallon pot size;
 - b. Garry Oak (*Quercus garryana*) may be three gallon pot size.
- (d) **Replacement trees** shall not be planted:
 - a. within three metres of a building foundation wall and within one metre of any property line of a lot;
 - b. within 5 metres of an overhead utility line for trees that are a maximum of 5 metres in height, and within 10 metres of an overhead utility line for trees that are a maximum of 12 metres in height;
 - c. within an easement or statutory right of way.
- (e) Every **replacement tree** shall be spaced from existing trees and other **replacement trees** in accordance with **good arboriculture practices** so as to best ensure survival of the replacement and existing trees.
- (f) **Replacement trees** must meet the plant condition and structure requirements set out in the latest edition of the BCSLA/BCLNA “B.C. Landscape Standard” and the CNTA “Canadian Standards for Nursery Stock” to be considered acceptable by the **Director**.
- (g) **Replacement trees** shall be planted and maintained in accordance with the requirements set out in the latest edition of the BCSLA/BCLNA “B.C. Landscape Standard”.
- (h) Tree caging will be required in areas prone to deer browsing until the **tree** is 6 feet in height.
- (i) **Replacement trees** shall be planted during the suitable local planting seasons generally defined as fall (September – November) and spring (February - April). Where planting must occur outside of these time periods, then a strategy for ensuring the **trees** are watered (in the summer) or protected from cold weather (in the winter) must be included as part of the **Tree Cutting Permit** application.

- (j) The following minimum specifications for topsoil or amended organic soil are required for replanting on a property unless otherwise advised against by the *Arborist*:
- i. organic matter content of 15% dry weight in planting beds and 8% in turf areas;
 - ii. depth of 300 mm for turf;
 - iii. depth of 450 mm for shrubs/trees;
 - iv. depth of 300 mm around and below the root ball of all trees;
 - v. pH from 6.0 to 8.0 or matching that of the original undisturbed soil;
 - vi. subsoils scarified to a depth of minimum 100 mm with some topsoil being incorporated into the subsoil; and
 - vii. planting beds mulched with a minimum of 50 mm of organic materials.

SCHEDULE B

TREE PROTECTION AND MANAGEMENT BYLAW NO. 2850, 2016

TREE PROTECTION BARRIER AND SIGNAGE SPECIFICATIONS

Barrier structure and material:

Tree protection *barriers* should generally be a minimum of 1.2 meters high, and consist of snow fencing or an equivalent, supported by poles at sufficiently close intervals to ensure the integrity of the fence, or supported by wooden frames.

In instances where *development* is not expected to occur near the *root protection area*, poles strung with multiple bands of flagging tape may be sufficient, subject to approval by an *Arborist* and/or the *Director*.

Barrier distance from tree(s):

Tree protection *barriers* must be of a sufficient size to protect the *root protection area* of the tree. The *root protection area* refers to the area of land surrounding the trunk of the tree that contains the bulk of the critical root system of the tree, as defined on a plan prepared by an *Arborist*, that the *Director* reasonably approves.

Barrier protection sign:

Where *retained trees* require protection barriers, a tree protection informational sign in the format provided in this Schedule, must be affixed to the *barrier* at intervals of every 30 metres unless waived as a requirement by the *Director*. The sign must be able to withstand weather conditions for prolonged periods of time.

Barrier duration:

The *barrier* must be in place throughout the entire duration of the *development* activities that are taking place around the *tree* and until written approval of its removal is obtained from the *City*.



Tree Protection Zone (TPZ)

No grade changes, trenching, storage of materials or equipment, liquid disposal, hard surfacing or vehicular traffic are permitted within this area.

The tree protection barrier and sign must not be removed, without authorization of City of Courtenay, Development Services Department. Failure to comply may result in fines.

If you see this sign or protection barriers being tampered with, please report to the number listed below.

For more information call the Development Services Department at 250 334 4441

SCHEDULE C

TREE PROTECTION AND MANAGEMENT BYLAW NO. 2850, 2016

EROSION AND SEDIMENT CONTROL GUIDELINES

Tree Cutting Permit holders are expected to adhere to best management practices (BMPs) including but not limited to the ones outlined below:

- (a) Retain existing vegetation and ground cover where possible;
- (b) Construct *development site* access pads 4.5 meters wide at all accesses to site;
- (c) Restrict vehicle access and utilize wheel wash pads at access points;
- (d) Install silt fencing around stockpiles and at the toe of disturbed slopes;
- (e) Completely cover temporary stockpiles or spoiled material with polyethylene or tarps and surround with silt fence;
- (f) Install and maintain filter fabric bags around any catch basins, lawn basins, exposed manholes or any other open storm sewer access points collecting runoff from the *development site*;
- (g) Divert runoff away from cleared areas by use of low berms;
- (h) Convey surface runoff through swales designed to minimize flow velocity and erosion while maximizing settling;
- (i) As a priority, collect runoff into suitable sediment settling facility or facilities prior to discharge off-site;
- (j) Unless deemed unnecessary by the *Director*, a sediment pond should be designed, installed and maintained according to the *Land Development Guidelines for the Protection of Aquatic Habitat*;
- (k) Keep all sand, gravel, spoiled material and concrete mix off of all hard and paved surfaces;
- (l) During excavation, holes requiring dewatering should be pumped to a vegetated area or suitable settling facility which will prevent sediment-laden water from accessing the drainage system;
- (m) Regularly sweep roads; and
- (n) Re-vegetate, cover or mulch disturbed areas as soon as practically possible.

