



THE CORPORATION OF THE CITY OF COURTENAY
COUNCIL AGENDA

Meeting #: R21/2023
Date: November 22, 2023
Time: 4:00 p.m.
Location: CVRD Civic Room, 770 Harmston Ave, Courtenay

We respectfully acknowledge that the land we gather on is Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

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7. COUNCIL RESOLUTIONS

7.1 Activating Downtown - Duncan Avenue Pilot Project - Councillor Jolicoeur
WHEREAS Downtown Courtenay is a commercial, cultural, social, artistic, and culinary hub of the Comox Valley;

WHEREAS the City of Courtenay Downtown Playbook 2016 identifies the following goals to support the revitalization of downtown: more people downtown, a connected downtown, special events, learning, playing, living and shopping downtown;

WHEREAS the Playbook’s prioritizes “Create the Heart - Duncan Commons/Mews” where special events can occur and people can gather truly anchoring downtown for social & cultural events;

WHEREAS the Downtown Courtenay Business Improvement Association, Comox Valley Arts Council, Comox Valley Art Gallery, Comox Valley Farmer’s Market, Comox Valley Chamber of Commerce have been working towards supporting the temporary summer closure of Duncan Avenue from 5th to 6th street;

BE IT RESOLVED THAT staff bring forward a report on the Duncan Avenue Summer Pilot project outlining considerations and financial implications for implementation in 2024;

AND FURTHER BE IT RESOLVED THAT Council direct staff to collaborate with the Duncan Avenue working group to review options for the design, implementation and evaluation of the pilot and include in the report back to Council.

8. BYLAWS

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9. COUNCIL REPORTS

9.1 Councillor Cole-Hamilton

9.2 Councillor Frisch

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9.3 Councillor Hillian

9.4 Councillor Jolicoeur

9.5 Councillor McCollum

9.6 Councillor Morin

9.7 Mayor Wells

10. ADJOURNMENT



Meeting #: COW2/2023
Date: November 2, 2023
Time: 12:00 pm
Location: City Hall Council Meeting Room

Council Present: B. Wells
W. Cole-Hamilton
D. Frisch
D. Hillian
E. Jolicoeur (Acting Mayor)
M. McCollum
W. Morin

Staff Present: G. Garbutt, City Manager (CAO)
K. O'Connell, Director of Corporate Services
A. Proton, Manager of Legislative Services

1. CALL TO ORDER

Acting Mayor Jolicoeur called the meeting to order at 12:01 pm and respectfully acknowledged that the land on which the meeting was conducted is the Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

2. IN CAMERA RESOLUTION

Moved By Cole-Hamilton

Seconded By Hillian

THAT Council close the meeting to the public pursuant to the following subsection of the *Community Charter*:

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

CARRIED

3. ADJOURNMENT

Following the conclusion of the in camera portion of the meeting, Acting Mayor Jolicoeur terminated the meeting at 2:00 pm.

CERTIFIED CORRECT

Adopted by Council November 22, 2023

Acting Mayor Evan Jolicoeur

Adriana Proton, Corporate Officer



THE CORPORATION OF THE CITY OF COURTENAY
COUNCIL MINUTES

Meeting #: R20/2023
Date: November 8, 2023
Time: 4:00 pm
Location: CVRD Civic Room, 770 Harmston Ave, Courtenay

Council Present: B. Wells
W. Cole-Hamilton
D. Frisch
D. Hillian
E. Jolicoeur
M. McCollum
W. Morin

Staff Present: G. Garbutt, City Manager (CAO)
C. Davidson, Director of Engineering Services
A. Langenmaier, Director of Financial Services
K. O'Connell, Director of Corporate Services
S. Saunders, Director of Recreation, Culture & Community Services
M. Wade, Director of Development Services
K. Collins, Manager of Recreation Programming
P. Preston, Manager of Building Services
A. Proton, Manager of Legislative Services
J. Tazzioli, Manager of Engineering, Environmental Projects
R. Matthews, Deputy Corporate Officer

1. CALL TO ORDER

- Mayor Wells called the meeting to order at 4:03 pm and respectfully acknowledged that the land on which the meeting was conducted is the Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.
- Councillor Cole-Hamilton acknowledged that November 20 is the Transgender Day of Remembrance, a day to honour the memories of transgender people who have tragically lost their lives due to acts of violence and discrimination.

- Mayor Wells advised that November 12 to 18 is Métis Week which is a time to celebrate Métis culture and history in BC and Canada. Métis people continue to strive for rights and recognition to this day.
- Councillor McCollum announced that November 8 is Indigenous Veterans Day in recognition of Indigenous contributions to military service, including the First World War, Second World War and the Korean War.

2. INTRODUCTION OF LATE ITEMS

With no late items or objections, Council proceeded with the agenda as presented.

3. ADOPTION OF MINUTES

3.1 Regular Council Minutes - October 25, 2023

3.2 Special Council Minutes - October 30, 2023

Moved By Jolicoeur

Seconded By Morin

THAT Council adopt the October 25, 2023 Regular Council minutes and October 30, 2023 Special Council minutes.

CARRIED

4. DELEGATIONS

4.1 Comox Valley Arts - Duncan Commons

Jennifer Casey, Executive Director for Comox Valley Arts and Twila Skinner, General Manager for Comox Valley Farmers' Market, presented information regarding a pilot project to create a public gathering space on Duncan Avenue. To facilitate this pilot project, the delegation asked Council to close Duncan Avenue from 5th Street to 6th Street for a portion of Summer 2024 including:

- Purchase of shade structures and urban furniture;
- Provide simple temporary storage for performers;
- Upgrade the electrical box; and,
- Provide access to water on Duncan Avenue.

5. STAFF REPORTS

5.1 Financial Services

5.1.1 2024 MRDT Tactical Plan

Moved By Hillian

Seconded By Frisch

THAT Council approve the 2024 Municipal and Regional District Tax (MRDT) Tactical Plan as prepared by Experience Comox Valley (4VI) and staff.

CARRIED

5.2 Development Services

5.2.1 Zoning Amendment Bylaw No. 3094 – 1560 Grieve Ave

Councillor Jolicoeur declared a conflict of interest as his employer provides funding to the applicant (L'Arche Comox Valley), and left the meeting at 4:56 pm.

Moved By Hillian

Seconded By Cole-Hamilton

THAT Council not hold a public hearing per Section 464(2)(b) of the *Local Government Act* as “Zoning Amendment Bylaw No. 3094” (1560 Grieve Avenue) is consistent with the City’s Official Community Plan; and,

THAT Council direct staff to issue public notice per Section 467 of the *Local Government Act* that a public hearing will not be held for “Zoning Amendment Bylaw No. 3094” (1560 Grieve Avenue).

CARRIED

Councillor Jolicoeur returned at 5:05 pm.

5.3 Engineering Services

5.3.1 1st Street Lift Station Project Update

Moved By Frisch

Seconded By McCollum

THAT based on the November 8, 2023 report “1st Street Lift Station Project Update”, Council direct staff to proceed with retendering the 1st Street Lift Station tender in early 2024 with the intent to schedule construction for spring, summer, and fall of 2024; and,

THAT Council increase the "1st Street Lift Station Project" budget to \$3,698,000 funded from Sewer Operating and Capital Reserves.

CARRIED

5.3.2 Home Energy Navigator Program

Moved By Jolicoeur

Seconded By Cole-Hamilton

THAT Council support participation in the home energy navigator program, in collaboration with the Comox Valley Regional District.

CARRIED

5.4 Recreation, Culture and Community Services

5.4.1 Regional Recreation Pass and LEAP Pilot Report Back

Moved By McCollum

Seconded By Cole-Hamilton

THAT Council approve making the Leisure for Everyone Accessibility Program (LEAP) a permanent financial access program for all ages in Courtenay Recreation.

CARRIED

Moved By Frisch

Seconded By McCollum

THAT Council direct staff to not implement a regional recreation pass and focus regional efforts on further development of LEAP to increase financial access and reduce barriers to recreation.

CARRIED

6. EXTERNAL REPORTS AND CORRESPONDENCE

6.1 Vancouver Island Regional Library (VIRL) Board 2024 Appointments

Moved By Frisch

Seconded By Hillian

THAT Council appoint Councillor Cole-Hamilton to the Vancouver Island Regional Library (VIRL) Board for a one-year term, January 1 to December 31, 2024 with Councillor McCollum appointed as alternate.

CARRIED

Councillor McCollum left the meeting at 5:35 pm, was absent for the vote, and returned at 5:37 pm.

7. INTERNAL REPORTS AND CORRESPONDENCE

7.1 Park Playground Design Standards Project Update

Moved By Hillian

Seconded By Frisch

THAT Council receive the briefing note Park Playground Design Standards Project Update.

CARRIED

8. COUNCIL RESOLUTIONS

8.1 Safe & Inclusive City Facilities - Councillor Jolicoeur

Moved By Jolicoeur

Seconded By Cole-Hamilton

WHEREAS Council's strategic priorities, values, anti-discrimination policy statements, and guiding principles recognize the importance of upholding the community values of respect, equality, and diversity;

AND WHEREAS, the City recognizes and respects the rights of individuals and groups to freedom of expression, it is imperative to balance these rights with the responsibility to ensure the safety and the protection and well-being of all residents;

AND WHEREAS, this resolution serves as a proactive measure to maintain a safe and inclusive environment within City-owned facilities and reinforces our dedication to promoting diversity, fostering understanding, and rejecting acts of discrimination or hate;

THEREFORE BE IT RESOLVED THAT Council direct staff to prepare a report outlining options to keep City facilities free of hate and inclusive of all people.

CARRIED

9. NOTICE OF MOTION

9.1 Comox Valley Nature (CVN) Vanier Nature Park's Garry Oak Restoration - Councillor Frisch

Moved By Hillian

Seconded By Frisch

THAT Council suspend the rules to move Item 9.1 Notice of Motion - Comox Valley Nature (CVN) Vanier Nature Park's Garry Oak Restoration - Councillor Frisch under Council Resolutions.

CARRIED

10. COUNCIL RESOLUTIONS

10.1 Comox Valley Nature (CVN) Vanier Nature Park's Garry Oak Restoration - Councillor Frisch

Moved By Frisch

Seconded By Hillian

THAT based on the delegation by Comox Valley Nature in regards to Vanier Nature Park and the Garry Oak grove located in the park, Council direct staff to report back to Council on options for working with Comox Valley Nature and other partners to support the restoration of the Garry Oak grove in Vanier Nature Park.

CARRIED

11. NOTICE OF MOTION

11.1 Activating Downtown - Duncan Avenue Pilot Project - Councillor Jolicoeur

WHEREAS Downtown Courtenay is a commercial, cultural, social, artistic, and culinary hub of the Comox Valley;

WHEREAS the City of Courtenay Downtown Playbook 2016 identifies the following goals to support the revitalize downtown more people downtown, a connected downtown, special events, learning, playing, living and shopping downtown;

WHEREAS the Playbook prioritizes “Create the Heart - Duncan Commons/Mews” where special events can occur and people can gather truly anchoring downtown for social & cultural events;

WHEREAS the Downtown Courtenay Business Improvement Association, Comox Valley Arts Council, Comox Valley Art Gallery, Comox Valley Farmer’s Market, Comox Valley Chamber of Commerce have been working towards supporting the temporary summer closure of Duncan Avenue from 5th to 6th street;

BE IT RESOLVED THAT staff bring forward a report on the Duncan Avenue Summer Pilot project outlining considerations and financial implications for implementation in 2024;

AND FURTHER BE IT RESOLVED THAT Council direct staff to collaborate with the Duncan Avenue working group to review options for the design, implementation and evaluation of the pilot and include in the report back to Council.

12. BYLAWS

12.1 For First, Second and Third Readings

12.1.1 Building Bylaw No. 3114 and Municipal Ticket Information Amendment Bylaw No. 3115

Moved By Hillian

Seconded By Cole-Hamilton

THAT Council give first, second and third readings to “Building Bylaw No. 3114”.

CARRIED

Moved By Hillian
Seconded By Frisch

THAT Council give first, second and third readings to "Municipal Ticket Information Amendment Bylaw No. 3115".

CARRIED

12.2 For Adoption

12.2.1 Zoning Amendment Bylaw No. 3063 - 1814 Grieve Ave

Moved By McCollum
Seconded By Frisch

THAT Council adopt "Zoning Amendment Bylaw No. 3063" (1814 Grieve Ave).

CARRIED

Opposed: Councillor Jolicoeur

13. COUNCIL REPORTS

13.1 Councillor Cole-Hamilton

No report provided.

13.2 Councillor Frisch

No report provided.

13.3 Councillor Hillian

Councillor Hillian submitted a report of activities, see agenda.

13.4 Councillor Jolicoeur

Councillor Jolicoeur reviewed his attendance at the following event:

- Comox Valley Substance Use Collaborative meeting - Collaborative is planning public awareness education workshops beginning in 2024, starting with stigma reduction.

13.5 Councillor McCollum

No report provided.

13.6 Councillor Morin

Councillor Morin reviewed her attendance at the following events:

- Nov 3 - Strategic Cultural Plan Community Check-In event (American Sign Language (ASL) interpreter was present)
- Nov 7 - Comox Valley Social Planning Society meeting - Bunny Shannon Heart of the Community Award 2023 awarded to community member Ramona Johnson

Councillor Morin acknowledged the Comox Valley's increase in living wage to \$22.02 recently announced by the Canadian Centre for Policy Alternatives (BC Office) and Living Wage for Families BC 2023 Living Wage Report.

13.7 Mayor Wells

Mayor Wells reviewed his attendance at the following events:

- Nov 7 - Inaugural CVRD Board meeting - Congratulated Councillor Cole-Hamilton who is now the Chair of the CVRD Board and shared his appreciation for Councillor Cole-Hamilton's work
- Nov 7 - Comox Valley Rotary presentation
- Presentation to Immigrant Welcome Centre
- Nov 5 - 2023 Comox Valley Children's Development Association Telethon (over \$150,000 raised)

Mayor Wells advised that the Emergency Shelter Space Task Force is still seeking available shelter spaces for extreme weather response shelters and thanked the CVRD and other local municipalities for providing funding towards this initiative.

14. IN CAMERA RESOLUTION

Moved By Hillian

Seconded By Frisch

THAT Council close the meeting to the public pursuant to the following subsections of the *Community Charter*:

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

(c) labour relations or other employee relations;

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

CARRIED

15. ADJOURNMENT

Mayor Wells terminated the open portion of the meeting at 6:29 pm. Following the conclusion of the in camera portion of the meeting, Mayor Wells terminated the meeting at 9:02 pm.

CERTIFIED CORRECT

Adopted by Council November 22, 2023

Mayor Bob Wells

Adriana Proton, Corporate Officer



STAFF REPORT

To: Council
From: Director of Development Services
Subject: 276 Sandwich Road Heritage Protection Update

File No.: 6800-20-276 Sandwich
Date: November 22, 2023

PURPOSE:

Council received correspondence from Brendon Johnson at the regular Council meeting held August 30, 2023 regarding Sandwich Manor, a property located at 276 Sandwich Road and identified in Courtenay's heritage registry. Council passed the following motion:

"THAT Council direct staff to return with a report on Brendon Johnson's request to protect Sandwich Manor from demolition."

BACKGROUND:

This property is one of 20 sites listed on the City of Courtenay Heritage Registry, this list has been submitted to the Provincial Heritage Registry which does not protect the sites. The Local Government Act (LGA) Part 15-Heritage Conservation provides management tools that a municipality can utilize when a site is listed on the provincial registry and is being considered for development or demolition. The legislation does not give the City the authority to automatically prevent the owner of the property from developing, redeveloping, or demolishing the building.

There is no current development application for 276 Sandwich Road but there has been redevelopment interest expressed to staff. Staff are in conversations with the agent of the property owner.

DISCUSSION

Municipal Councils are empowered by the *Community Charter* to engage in heritage conservation services and to use the land use tools provided in *Part 15 -Heritage Conservation*, in the *Local Government Act*.

Section 598 of the *Local Government Act (LGA)* authorizes municipalities to establish a community heritage register which is an official listing of properties identified by a local government as having heritage value or character. The property located at 276 Sandwich Road is listed in the City's Community Heritage Register (*as seen in Attachment No. 2*).

Community Heritage Register (non-protected)

A property's inclusion in the Community Heritage Register confers no formal local, provincial or federal government protection. The property owner is to be notified when confirming this registry and encourage the property owner to work with staff to ensure its use, density and function can be the best it can be the zone in the Zoning Bylaw.

A Community Heritage Registry is:

- Is a planning tool, to identify properties considered of heritage value.

- Must be adopted by Council resolution.
- Has legal status in the LGA.
- Provides access to management tools in the LGA and Community Charter

A Community Heritage Registry does not:

- Place a limit on the changes a property owner may make to a historic place;
- Require agreement from the property owner to include a historic place on a heritage register;
- Constitute any other formal protection of a historic place; and
- Create financial liability for a local government

The City of Courtenay Heritage Register has 20 sites and has a Statement of Significance (SOS) for each place that has a description, heritage values and character. This is used to guide discussions with the property owner when considering a development application but staff has limited tools when places are not protected through a Bylaw or in a designated Heritage Conservation Area. Tools available to the City are:

- Staff has the option to discuss proposed alterations and available options.
- Building or development approvals may be temporarily delayed until the next Council meeting by Council order.
- Demolition permits may be temporarily delayed until next Council meeting or until a building permit and any other necessary approvals have been issued in regards to the alteration or redevelopment of the site.
- An impact assessment may be required if a proposed development might have a negative impact on a heritage resource.
- There is a 60-day limit which allows staff to collect information and conduct an inspection on heritage features.
- Staff prepares a report prior to 60-day temporary protection period ends.
- Can not use the management tools more than once in a two-year period for the same property.

Some municipalities have adopted policies that provide incentives to property owners who wish to retain and upgrade buildings as part of the development approval process. This would include but not limited to; equivalency provisions in the BC Building code; municipal grants; tax exception; density bonusing; and façade improvement programs. The City does not have these tools in place at this time.

Heritage Protection Tools (protected)

As noted, inclusion of Sandwick Manor in Courtenay's Community Heritage Registry does not provide formal protection, nor is the property protected by other means. Local governments have a number of legal tools at their disposal to protect the heritage properties and buildings. They include:

Heritage Designation Bylaw

The bylaw is adopted, with or without the owner's consent, in order to protect a building, structure or other heritage feature and can also be used to protect specific interior features or a landscaping feature. The bylaw can prohibit exterior alterations including structural changes, the moving of a structure, excavation or other actions that would damage the protected features. The City has adopted bylaws to protect the following City properties/buildings:

- Sandwich War Memorial Cairn (*Bylaw No. 1391, 1985*)
- Native Sons Hall (*Bylaw No. 1454, 1987*)
- Courtenay Railway Station (*Bylaw No. 2456, 2007*)

Heritage Conservation Covenant

Allows a local government or a heritage organization to negotiate terms of a contractual agreement with a property owner to protect a site, but cannot vary siting, use, or density.

Heritage Revitalization Agreement

A voluntary written agreement negotiated by a local government and an owner of heritage property. A Heritage Revitalization Agreement outlines the duties, obligations, and benefits negotiated by both parties to the agreement.

Heritage Alteration Permit (HAP)

An Official Community Plan (OCP) may designate an area as a heritage conservation area and the requirements for a HAP would apply to the conservation area. HAP's are used most frequently for properties: that are designated; on a heritage conservation area schedule, protected by a heritage revitalization agreement; protected by a heritage conservation covenant or other sites protected under the *Heritage Conservation Act*. If a conflict arises the HAP tasks precedent over a bylaw. The HAP can be used to supplement bylaws and land use regulations including: a land use permit or land use designation, a bylaw under Division 11 [Subdivision and Development: Requirement and Other Related Matters] and a bylaw under Division 19 [Development Costs Recovery].

Heritage Conservation Area.

Local governments can define special areas in the OCP to provide long-term protection to a distinctive heritage area. Heritage conservation areas may require a heritage alteration permit for: subdivision, additions, new construction, and the alteration of a building, structure, land, or feature.

Given there is no development application submitted and the property is not protected under the LGA, staff recommend that they work with the applicant on any proposal to redevelop the property utilizing the statement of significance to inform the development. At this point there is no development approval application submitted to the City so utilizing other management tools in the LGA is not relevant at this time.

In order to protect the property a Heritage Designation Bylaw would be required and the legislative process followed. The City would need to engage a Heritage Conservation consultant to assist in this process and determine if the property could be protected under the legislation. Budget would be required for this task.

POLICY ANALYSIS:

OCP Bylaw No. 3070 recognizes three heritage neighbourhoods including the Old Orchard, Terminal, and the 40 houses neighbourhoods whose heritage values are reinforced through form and character design guidelines. None of these neighbourhoods are formally protected, and only 40 Houses neighbourhood is listed on the Community Heritage Registry.

An objective in the OCP is to identify, preserve, protect and celebrate community cultural and heritage assets through the following policies:

- Promote awareness and conservation of the heritage of Courtenay through official designation and public educational programs (Policy ACH 14).
- Preserve, protect, and manage historic sites, structures, and landscapes in the city following the standards and guidelines for the conservation of historic places in Canada or relevant best management practices (Policy ACH 15).
- Through the Heritage Alteration Permit process, ensure that repairs or renovations be carried out without compromising Character Defining Elements, while improving energy efficiency and reducing greenhouse gas emissions (Policy ACH 16)

These policies have not yet been implemented and would require the development of a Heritage Management Plan which would seek to establish heritage conservation areas and the heritage alteration permit process.

FINANCIAL IMPLICATIONS:

A heritage management plan would be in the range of \$50,000 to \$70,000. This is not in the budget or current work plan. There are grant opportunities available through Heritage BC's Heritage Legacy Fund.

ADMINISTRATIVE IMPLICATIONS:

A heritage management plan would include support from Parks, Recreation and Culture along with Public Works. This is currently not in the work plan or budget.

STRATEGIC PRIORITIES REFERENCE:

A heritage management plan would complement a Strategic Cultural Plan. This initiative addresses the following strategic priorities:

- Arts, Culture, and Heritage - Complete Strategic Cultural Plan
- Arts, Culture, and Heritage - Implement Strategic Cultural Plan

PUBLIC ENGAGEMENT:

A communication and engagement plan would form part of the heritage management plan.

The Heritage Advisory Commission reviewed a pre-application development proposal at their May 2022 meeting, and passed recommendation:

“The HAC would expect that the redevelopment of the site will take historical value of the building into consideration, and it will ensure the new building will incorporate those elements in the plan.”

Moved by L. Burns, seconded by L. Grant Carried

At the November 27, 2022 HAC meeting the applicant presented a pre-application development proposal that incorporated the heritage design elements. The HAC recommended that the building be retained into the development plans.

OPTIONS:

1. THAT Council receive this report for information and direct staff to work with the property owner to address the statement of significance in any proposed development application.
2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. Letter to City Council from Brendan Johnson
2. Statement of Significance, 276 Sandwick Road, City Heritage Register.

Prepared by: Dana Beatson, Planner

Reviewed by: Nancy Gothard, Manager of Long Range Planning
Marianne Wade, Director of Development Services

Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)

[REDACTED]
Courtenay, B.C., V9N 7K7
22nd June, 2023

Dear Sir:

I learned recently that the house at 276 Sandwick Road, commonly called Sandwick Manor, may be in danger of demolition. I am writing to encourage you in your position as mayor to oppose such an assault on Courtenay's cultural heritage.

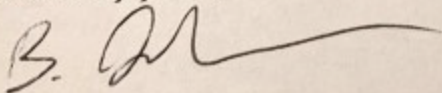
The house is an important example of Edwardian architecture—the only house of its age on the east side of the Courtenay River—but its history relates it to events fifty years prior to its construction. Its original owner, farmer and storekeeper Eric Duncan, was a member of one of the first pioneer families, his uncle William Duncan having come among the earliest British settlers in 1862. Eric and his brother (another William Duncan, four times mayor of Courtenay) were prominent members of the local community until their deaths in the 1940s. Eric became the valley's first major historian with the publication in 1934 of *Fifty-Seven Years in the Comox Valley*, a reprint of which is still sold in the Courtenay Museum. His house is the only building left to commemorate his family's legacy.

Further, as noted by Victoria writer Valerie Green in her 2004 book *If More Walls Could Talk: Vancouver Island's Houses from the Past*, Sandwick Manor is associated with the pioneering Pritchard family. Norman and Bessie Pritchard lived there for about eleven years in the 1920s and 1930s. The house thus is connected with yet another well-known local figure, the late Professor Allan Duncan Pritchard of the University of Toronto, whose first nine years were spent in that home.

In addition to its value as a reminder of local history, Sandwick Manor is a landmark for literature. Possibly excepting Merville's Jack Hodgins, Eric Duncan is the Comox Valley's most important literary figure, and he ranks among the top four or five most notable Vancouver Island authors. With a new edition of Duncan's autobiography and poetry currently in preparation, it strikes me as singularly inappropriate to hear of the possibility that his house could be lost.

City Hall's promotional material for the current public survey on arts and culture, published last week, quotes you as being 'really proud to support arts and culture'. I trust that you will demonstrate that commitment by working to protect this valuable piece of Courtenay's historic culture.

Sincerely yours,



Brendon Johnson

9

Sandwick Manor **276 Sandwick Road, Courtenay, B.C.**

Description

Sandwick Manor is a tall, two-storey, residential structure situated on its original lot. The house features notable landscaping which includes several mature trees and a decorative gazebo.

Value

Sandwick Manor is significant for its historic and aesthetic value, particularly for its association with the initial occupants of the house, its architecture, and its setting.

The primary value of Sandwick Manor lies in its association with Eric Duncan (1858-1944), who constructed the substantial residence for his wife Anna in 1910-1911, making the house the oldest residential structure east of the Courtenay River. A respected farmer, store owner, and post master, Eric Duncan was perhaps most renowned for his poetry and writings, and whose recollections and memoirs have helped tell the story of Courtenay's early history. Regarded as the "philosopher of Vancouver Island," Duncan was known for his columns about life on Vancouver Island which appeared in both the *Vancouver Province* and *Sun*, as well as local newspapers. It is significant that Duncan was the author of two influential recollections including *Fifty-Seven Years in the Comox Valley* and *Shetland to Vancouver Island*, a book which received praise from the *London Times* and was re-published several times.

Sandwick Manor is a good local example of Edwardian era architecture seen in its overall building form and in the extensive use of faux stone, laid by prominent contractor Samuel Cotton, as well as in decorative flourishes such as elaborate gingerbread scrollwork under the central projecting gable and horizontal banding. While Sandwick Manor features utilitarian influences including the concrete bricks from Vancouver and use of timber milled on site, no expense was spared in the construction of the house which is highlighted by the manor's slate roof derived from Duncan's native Scotland.

Situated in a predominantly commercial area, the manor is a prominent landmark which evokes a time when the house was the family home in a sparsely populated agricultural district.

Sandwick Manor is additionally valued for its notable landscaped elements, including manicured gardens, several species of mature fruit trees dating from the 1920's, shrubbery, substantial evergreen hedges bordering the property and a decorative gazebo that is sympathetically designed with the architectural character of the manor.

Character Defining Elements

Siting

- prominent situation in a historically agricultural area that is now predominantly commercial
- substantial setback from street
- location of the house on its original site

Architectural Features

- square form, residential scale and massing
- asymmetrical façade and verandah, edifice of concrete bricks
- detailed gingerbread scrollwork under central projecting gable, medium pitched gable roofs, second storey sleeping porch and double hung wooden sash one-over-one windows
- slate roof

Landscape Features

- decorative gazebo
- mature shrubbery, fruit trees and evergreen hedges





STAFF REPORT

To: Council
From: Director of Development Services
Subject: City Hall Clock Project Update

File No.: 6800-20-City Clock
Date: November 22nd, 2023

PURPOSE:

This report provides an update on the refurbishment and installation of the heritage clocks as requested by Council at the regular Council meeting held on October 11, 2023. Council adopted the following motion:

“WHEREAS the City of Courtenay Heritage Commission has requested clarity regarding the refurbishment of historic clocks;

THEREFORE, BE IT RESOLVED THAT a staff report be prepared to address this request.”

BACKGROUND:

Council was first introduced to the Heritage Clocks Refurbishment project in 2018. At the November 19th, 2018 Council meeting a staff report was presented on the opportunity to restore and refurbish two heritage clocks as identified by the Heritage Advisory Commission (HAC): The Old City Hall Clock and the Old Theatre Clock. It was the vision of the HAC at the time that both clocks be placed on the original buildings they represented.

In 2019 and 2020 (prior to the pandemic), the design of the clock was finalized in consultation with the HAC (Figure No. 1) and restoration expertise was secured in accordance with procurement practices.



Figure No. 1: The Clock shown on the Old City Hall Building and a design selected to restore the original clock.

In April 2021 the HAC advised on the location of the clock after reviewing a number of options (Figure 2) including:

- A. Placing it on the City Hall front façade;
- B. Placing it on the north side of the building adjacent to the steel stairwell:
 - By either bolting the clock directly to the north building wall; or
 - Hanging the clock from the original two chains by a custom-made structural bracket to be secured to the roof.

- C. Placing it on the façade of the steel stairwell with a custom-made structural bracket secured to the building roof.

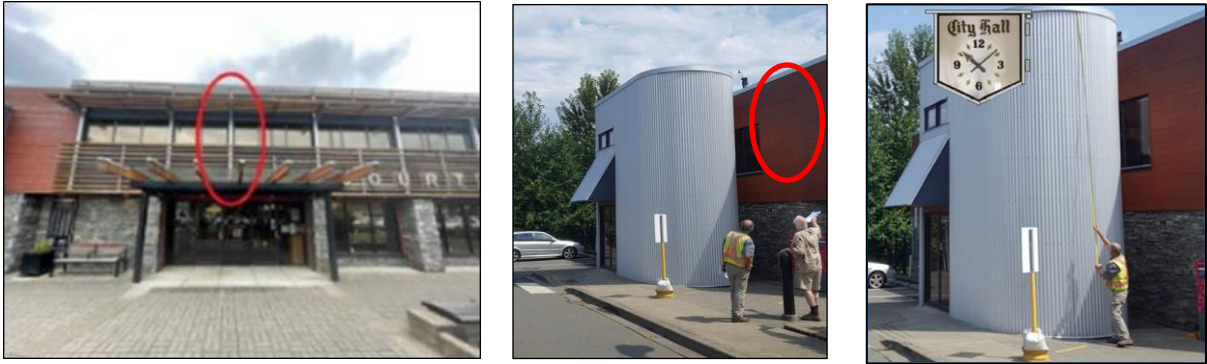


Figure No. 2: Options for locating the City Hall Clock, 2021, A through C (left to right).

The HAC advised the front façade noting that the clock would be visible from both sides for persons travelling along Cliffe Avenue. It was further recommended that the bottom of the clock be placed twelve (12) feet from the ground and be hung with chains similar to the Old City Clock.

The HAC did not consider the installation of the clock on any other civic buildings or properties in the City other than the City Hall building given that the clock is labeled “City Hall”.

At the regular Council Meeting held on November 21, 2022, the following two motions passed:

“THAT Council pre-approve for 2023 \$14,826 to the heritage commission operating budget; THAT staff allocate \$14,826 from gaming grant funds to fund this initiative; and THAT Council direct staff to work towards installing the old city hall clock before Heritage Week 2023 which falls on the third week of February.”
 CARRIED

The clock project experienced delays due to the pandemic. In late 2022 the HAC and staff resumed the implementation phase of the clock installation which included:

- Refurbishment completed.
- Structural Engineering designs to place the clock on the front of the City Hall building.
- Quotes were solicited and obtained for a contractor to install the clock due to the presence of asbestos containing material (ACM) and associated hazard level which exceeded the safety threshold for City staff to complete the work.

The clock was not able to be installed for Heritage Week in February 2023 due to reconsiderations in the location. The HAC 2023 regular meeting minutes show a consistent desire to continue the installation of the City Hall clock.

DISCUSSION:

Staff have reviewed the location of the refurbished City Hall Clock at the Development Application Review Team (DART) and a number of concerns have been raised about installing the refurbished clock on the existing City Hall. Staff propose that Council consider other locations for the refurbished clock and seek

direction from Council on the location. Cost estimates will be required and should the \$14,826 not cover the installation costs Staff will return with a request for a budget adjustment.

Alternative Locations

Given that Old City Hall Clock includes the words “City Hall”, staff continue to recommend that installation of the refurbished clock should be on the City Hall property.

Considerations for installation on City Hall building versus on the property are:

- The clock does not match the exterior colors/design of the City Hall building. Changing the clock colours to match City Hall would alter the refurbished heritage design.
- A stand-alone option (where the clock is not directly affixed to any City Hall building wall, roof or stairwell) may be more appropriate, especially if it is paired with interpretative signage. Stand-alone options include:
 - locating the clock in close proximity to the entrance of City Hall where the flag poles were formerly located;
 - locating the clock in the landscaped area on the southwest portion of the property adjacent to Cliffe Avenue;
 - Affixing the clock to an existing lamppost on City Hall property by chains and/or a structural bracket.
- Any departures from the City Hall front façade option will require additional cost estimate to be determined.
- The HAC has not yet been formally consulted on alternative ideas to respond to Council’s 2022 motion and will be consulted at the direction of Council.
- The clock requires an electrical power source. The clock is over 300 lbs and any installation require a structural design. Placing the clock on a building requires a building permit.
- Asbestos is contained in the walls of the existing city hall which requires specialized hazmat installation that has not been considered and requires a cost estimate. Staff would prefer to avoid disturbance of the wall structure.

Staff recommendation

Staff recommend that the stand-alone option in the location of where the old City Hall was, and that interpretive signage to tell the story of the original City Hall location and the clock’s linkages to Courtenay’s past. Staff would bring this concept to the HAC for their comments once the location and costs have been finalized.

POLICY ANALYSIS:

Official Community Plan No. 3070 encourages “Heritage” to be showcased throughout the City and contains policies that support the recognition of local culture and heritage assets as foundational to Courtenay’s community identity. The OCP supports investments in, and creation of, cultural resources and activities, and cultural and artistic expression in the public realm.

The Commission advises Council on matters referred to it by the Council and undertakes and provides supports heritage activities directed by Council. The Commission also:

1. develops and implements educational and public awareness programs related to heritage conservation in the City;

2. raises funds for local heritage conservation projects; and
3. makes recommendations on heritage policy and advise Council on policy issues relating to heritage property and neighbourhoods.

FINANCIAL IMPLICATIONS:

The original budget of \$25,000 to refurbish two heritage clocks (Theatre and City Hall) was approved in 2018 from gaming funds. In 2022, \$14,826 remained in the budget after refurbishment of one City Hall clock. The \$14,826 was carried forward to the 2023 budget to install one City Hall clock.

Should Council wish to proceed with the front façade of City Hall installation option, a new quote will be obtained to ensure that the budgeted amount remains sufficient due to inflation, hazmat, and structural requirements to meet Building Code.

The information presented on the budget above is only for the City Hall clock and does not include funds for the Theatre Clock which remains without refurbishments and uninstalled.

OPTIONS:

1. THAT Council support a stand-alone option for the City Hall Clock at the location of the old City Hall or Flag Pole location and include interpretative signage ;
AND THAT staff report back to Council on the location recommendation for the stand-alone option, along with costs ;
AND THAT staff bring the report to the Heritage Advisory Commission to receive comments.
2. THAT Council support locating the City Hall Clock on the front façade of the “City Hall Building” as recommended by the City’s Heritage Advisory Commission.
3. THAT Council provide alterantive direction to City on the location of the City Hall Clock.
4. THAT Council not proceed with the City Hall Clock project

Staff recommend option 1.

ATTACHMENTS:

None

Prepared by: Dana Beatson, RPP, MCIP, Policy Planner
 Reviewed by: Nancy Gothard, RPP, MCIP, Manager of Community and Sustainability Planning
 Reviewed by: Marianne Wade, RPP, MCIP Director of Development Services
 Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)



STAFF REPORT

To: Council

File No.: 7320-20

From: Kurt MacDonald, Fire Chief

Date: November 22 2023

Subject: 2023 Disaster Risk Reduction – Climate Adaptation Grant

PURPOSE:

The purpose of this report is to inform Council of the UBCM Community Emergency Preparedness Fund grant program and seek a resolution approving the regional application for the Disaster Risk Reduction – Climate Adaptation grant, in partnership with K'ómoks First Nation, and to delegate authority to the City Manager, on behalf of the City of Courtenay, to approve a formal Municipal Service Agreement with K'ómoks First Nation for the provision of emergency planning and disaster reduction measures.

EXECUTIVE SUMMARY:

The Community Emergency Preparedness Fund (CEPF) is a suite of funding streams intended to support First Nations and local governments to better prepare for disasters and reduce risks from natural hazards in a changing climate. Funding is provided by the Province of BC and administered by the Union of BC Municipalities (UBCM).

This report seeks a resolution from Council to submit a joint grant funding application for 2023 Disaster Risk Reduction – Climate Adaptation Grant with K'ómoks First Nation. The 2023 application will include a plan to:

- Purchase temporary flood mitigation equipment including additional lengths of flood barriers, anchoring systems, fill attachments and valves.
- Provide training on the deployment and maintenance of the product.
- Development of operational guidelines for deployment of flood barriers and equipment regionally.

This report also seeks Council approval to create a Municipal Service Agreement between the City of Courtenay and K'ómoks First Nation. The partnership between the City of Courtenay and K'ómoks First Nation looks to protect critical infrastructure and mitigate response costs to the Comox Valley regional partners and EMCR for flood response during atmospheric river events.

BACKGROUND:

Many communities across the province have experienced serious economic loss, social disruption, and damage to important infrastructure from natural hazards and climate-related disasters. Investing in disaster risk reduction and enhancing the resilience of communities will help reduce these impacts in the future.

Natural hazards can include earthquakes, tsunamis, floods, drought, heatwaves, debris flows, and landslides. Some hazards are slow in their onset (e.g., changes in temperature and precipitation leading to ecosystem impacts), while others happen more suddenly (e.g., earthquakes, floods, heat waves). Climate change

2023 Disaster Risk Reduction – Climate Adaptation Grant

increases the likelihood of weather-driven natural hazards occurring (e.g., debris flows, drought, wildfire), the severity of disasters, and the occurrence of cascading events.

The intent of this funding is to support eligible applicants to reduce disaster risks from natural hazards and climate-related events through building partnerships within the community and supporting long-term disaster risk reduction planning.

DISCUSSION:

With Council support, staff will work with K'ómoks First Nation on a regional application that could result in up to \$300,000 in funding to purchase flood barriers and associated flood mitigation equipment. A successful grant application would result in the City of Courtenay obtaining 650 additional feet of flood barriers and equipment, and K'ómoks First Nation receiving enough flood barriers and equipment to protect their infrastructure as well. This joint initiative supports disaster risk reduction, aligns with the principles of mutual aid in Emergency Management, and the collaborative and cooperative approaches championed by the Sendai Framework.

Included with the purchase of the flood barriers and equipment, professionals with technical knowledge and experience will provide training on how to deploy, maintain, and remove the equipment to City of Courtenay staff, K'ómoks First Nation maintenance team members, local emergency managers and Mainroad North Island Contracting staff.

A Municipal Service Agreement between the City of Courtenay and K'ómoks First Nation will provide both governments an opportunity to share knowledge and resources, as well as develop a plan to mitigate the damage caused by overland flooding.

FINANCIAL IMPLICATIONS:

The purchase of the flood barriers and equipment have been added to the 2024 Financial Plan. There will be no impact on taxation as 100% of costs are covered by the grant.

ADMINISTRATIVE IMPLICATIONS:

As the primary applicant, the City of Courtenay will apply for, receive, and administer the grant.

STRATEGIC PRIORITIES REFERENCE:**We focus on organizational and governance excellence**

●▲ Value community safety and support our protective services

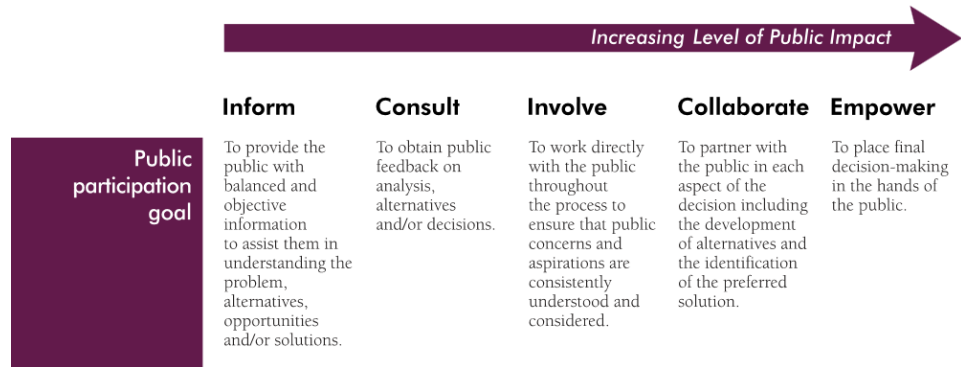
We continually invest in our key relationships

▲■ Advocate and cooperate with local and senior governments on regional issues affecting our community.

2023 Disaster Risk Reduction – Climate Adaptation Grant

PUBLIC ENGAGEMENT:

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



© International Association for Public Participation www.iap2.org

OPTIONS:

1. THAT Council approve an application the 2023 Disaster Risk Reduction – Climate Adaptation fund to be submitted jointly on behalf of the City of Courtenay and K’ómoks First Nation; and, THAT Council delegate authority to the City Manager, on behalf of the City of Courtenay, to approve a formal Municipal Service Agreement with K’ómoks First Nation for the provision of emergency planning and disaster reduction measures.
2. THAT Council refer back to staff for further review.

Prepared by: Kurt MacDonald, ECFO, Fire Chief

Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)



BRITISH
COLUMBIA

VIA EMAIL

Ref: 62641

November 9, 2023

Their Worship Bob Wells
Mayor of the City of Courtenay
Email: bwells@courtenay.ca

Dear Mayor Bob Wells:

RE: New legislation to support local government housing initiatives

Over the past week, I have introduced several pieces of legislation to support local governments to get more homes built faster while enabling updated and new tools to effectively fund the costs of infrastructure and amenities to support increased housing supply and growth. Taken together, these changes are critical to getting more of the right kind of housing built in the right places to provide homes for British Columbians.

Last week, I introduced Bill 44, to support communities to deliver the homes people need quickly by allowing small-scale multi-unit housing across BC. These homes, including townhomes, triplexes, and secondary suites, can generally be built in a reasonable timeframe and blend more seamlessly into neighbourhoods. The legislation will apply to many areas of the province, and we anticipate it will allow up to 4 units in single-detached and duplex zones (or 3 depending on the size/type of lot) and up to 6 units permitted in single-detached and duplex zones close to bus stops with frequent service. It will also allow secondary suites or an accessory dwelling unit on single-detached lots throughout BC.

Bill 44 will also speed up the approvals process by moving away from spot zoning to ensure more comprehensive upfront planning and zoning to meet current and future housing needs. The changes include using a robust, standard methodology for calculating long-term housing needs for all Housing Needs Reports to ensure consistency across the

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**Office of the
Minister of Housing**

Website:
www.gov.bc.ca/housing

Mailing Address:
PO Box 9074 Stn Prov Govt
Victoria BC V8W 9E9
Phone: 236 478-3970

Location:
Parliament Buildings
Victoria BC V8V 1X4
Email: HOUS.Minister@gov.bc.ca

province. Municipalities will also be required to update Official Community Plans (OCPs) and zoning bylaws to ensure their communities have sufficient land designated and zoned to meet long-term housing needs and continue to make these updates on a regular basis. The new legislation will also remove the option for local governments to hold public hearings for rezonings for housing projects consistent with OCPs.

Today, I announced new legislation, Bill 47, to support new housing to get built near high-frequency transit, and yesterday Bill 46, to ensure local governments have tools to collect amenity and infrastructure contributions outside of the re-zoning process.

Bill 47 will require local governments to designate areas near high frequency transit stations as 'TOD Areas.' TOD Areas are near SkyTrain stations and busy bus exchanges and are expected to be identified in 29 municipalities in BC. This is different from the 6-unit requirements in the small-scale multi-unit housing legislation which will focus on properties within 400 metres of bus stops with frequent service. TOD areas will include minimum levels of density, size, and dimension prescribed by regulation. Similar to implementing small-scale multi-unit housing requirements, local governments will have a comprehensive provincial policy manual to assist in making bylaw amendments consistent with the TOD legislation. Off-street parking spaces in TOD areas will be determined by the market; local governments will not be able to require off-street residential parking, other than spaces for other uses like commercial, spaces for disabled persons and loading spaces. These changes will help get more of the right kind of housing built in the right places to provide homes for British Columbians. A subsequent letter will notify the identified municipalities in December.

The new legislation will expand the scope of infrastructure for which Development Cost Charges (DCCs) can be collected to include fire protection facilities, police facilities, and solid waste facilities. It also allows local governments to collect DCCs for provincial highway infrastructure projects where there is a cost-sharing arrangement between the municipality and the Province.

The new Amenity Cost Charges (ACCs) tool will allow local governments to collect monetary and in-kind contributions for amenities (e.g., community centres, recreation centres, libraries) to support liveable communities in areas where new housing is going. This tool will provide certainty and transparency for local governments and developers.

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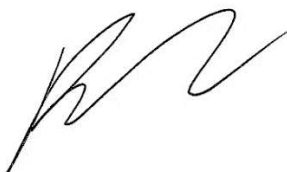
We are aware that local governments require tools and supports to facilitate the delivery of affordable housing in their communities. We are currently exploring policy options and additional tools, including the potential for inclusionary zoning, and I look forward to sharing more about this in the coming months.

I know that the new housing initiatives announced over the past week will take work to implement and require additional resources for your local government to meet the requirements. We have committed to \$51 million in funding for local governments to support planning and capacity to meet these new requirements. The funding will be allocated based on population and the volume of work needed because there are different requirements for municipalities and regional governments. The funding will be distributed in early 2024.

The Province has also provided another \$10 million for a second intake of the Local Government Development Approvals Program (LGDAP), managed by the Union of B.C. Municipalities (UBCM). This funding is in addition to the \$1 billion provided to local governments through the Growing Communities Fund to support the delivery of infrastructure projects needed to support increasing density.

The Ministry of Housing is committed to working together and supporting every community as we move forward with new approaches and new ways to deliver the housing supply our province needs. In the coming weeks, we will be providing policy manuals detailing the site-level specifications for small-scale multi-unit housing and TOD areas. Further guidance will be coming in the new year to support implementation of the development finance tools and pro-active zoning requirements. Ministry of Housing staff will be in touch with your administration in the coming weeks to provide more detail about the changes and about funding and educational support and opportunities.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ravi Kahlon', written in a cursive style.

Ravi Kahlon
Minister of Housing

pc: Honourable Rob Fleming, Minister of Transportation and Infrastructure
Honourable Anne Kang, Minister of Municipal Affairs
Teri Collins, Deputy Minister, Ministry of Housing
Kaye Krishna, Deputy Minister, Ministry of Transportation and Infrastructure
Okenge Yuma Morisho, Deputy Minister, Ministry of Municipal Affairs
Tara Faganello, Assistant Deputy Minister, Ministry of Municipal Affairs
Bindi Sawchuk, Assistant Deputy Minister, Ministry of Housing
Kevin Volk, Assistant Deputy Minister, Ministry of Transportation and Infrastructure
Geoff Garbutt, Chief Administrative Officer, City of Courtenay
(ggarbutt@courtenay.ca)

Links:

Local Government Housing Initiatives Webpage: [Local government housing initiatives - Province of British Columbia](#)

Bill 44 Announcement: news.gov.bc.ca/releases/2023PREM0062-001706

Bill 46 Announcement: news.gov.bc.ca/releases/2023HOUS0063-001737

Bill 47 Announcement: news.gov.bc.ca/releases/2023HOUS0063-001748



Office of the Mayor

2760 Cameron Road, West Kelowna, British Columbia V1Z 2T6

Tel (778) 797.2210 Fax (778) 797.1001

mayorandcouncil@westkelownacity.ca

November 1, 2023

Mayor Bob Wells
City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7

Dear Mayor Wells,

Re: Thank you from West Kelowna

With the most immediate McDougall Creek Wildfire recovery efforts almost over, I'd like to express my deepest gratitude to you and the Courtenay Fire Department for all your incredible support during the wildfire.

This was by far the most unprecedented and devastating wildfire in the history of West Kelowna. We cannot thank you enough for sending such outstanding firefighters who put their lives on the line each and every day to help our community. How could we ever truly repay your Fire Chiefs and the army of amazing men and women who helped us continues to go through my mind. There simply are no words of thanks that run deep enough to show our gratitude. But please know that we are here for you should a wildfire crisis happen in your community. There is no doubt that these are unprecedented times and we are stronger together.

This traumatic time for so many who lost their homes includes firefighters who also lost their home. We are devastated for their loss and in awe of their resilience during such a stressful time. Our hearts go out to them and their family as they also recover from these unprecedented wildfires.

I am also grateful for all the calls, emails and messages of support along the way. Our entire fire-rescue staff send along their deep gratitude as well. The next generation of firefighters who learn from example surely benefit from your outstanding personnel who demonstrated leadership, partnership and firefighting excellence in our community.

On behalf of our Council and the entire West Kelowna community, we are so deeply thankful for your support during a remarkably difficult time for so many.

Kind regards,

A handwritten signature in blue ink that reads "Gord Milsom".

Gord Milsom
Mayor

cc. West Kelowna Council



THE CORPORATION OF THE CITY OF COURTENAY

BRIEFING NOTE

To: Council
From: City Manager (CAO)
Subject: Management Reports

File No.: 5335-20
Date: Nov 22, 2023

PURPOSE: To update Council on the attached Management Reports.

ATTACHMENTS:

1. Engineering Services Management Report
2. Corporate Services Management Report
3. Recreation, Culture and Community Services Management Report
4. City Manager Management Report

Prepared by: Chris Davidson, Director of Engineering Services
Kate O'Connell, Director of Corporate Services
Susie Saunders, Director of Recreation, Culture and Community Services
Geoff Garbutt, City Manager

Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)

**CITY OF COURTENAY
MANAGEMENT REPORT**

DEPARTMENT	ENGINEERING SERVICES
DIRECTOR	CHRIS DAVIDSON
DATE UPDATED	Nov 10, 2023



INITIATIVE	DETAILS	ANTICIPATED COMPLETION	% OF TASK	UPDATE & COMMENTS
		DATE	COMPLETE	
Capital Projects				
McPhee Meadows	Detailed Design	Q1 2024	50%	Reviewing concept design options. Report back to Council soon.
1st St Lift Station	Design and Construction	Q4 2024	45%	Re-tender Q1 of 2024. Construction Q2/Q3 of 2024.
Sandwick Water Main - Fire Flow Upgrades	Design and Construction	Q4 2023	90%	Substantial completion achieved. On schedule and under budget.
Puntledge Sewer/Comox Rd Crossing	Detailed Design	Q2 2024	90%	Tender Q1 of 2024. Anticipating cost increase due to contaminated soils in the area.
Ryan Road from Sandwick to Back Rd - Sidewalk/Bike Lane	Options Analysis	Q1 2024	15%	Following MOTI discussion, revisiting Options. Consultant contract awarded and proceeding.
Cousins Ave. Complete St.	Options Analysis	Q1 2024	75%	Community open-house complete. Report back to Council soon.
East -West Multi Use Path Connector (Tunner MUP)	Options Analysis	Q1 2024	15%	Consultant contract awarded and proceeding.
Operational Projects				
Dike Replacement/Flood Mitigation Planning (Flood Management)	Phase 2	Q1 2024	90%	Design/analysis progressing well. Community engagement completed.
Anderton Dike Remediation	Options Analysis	Q2 2023	100%	Options Analysis complete. Proceeding with preliminary design.
Integrated Rainwater Management Plan	Phase 3	Q1 2024	95%	Design/analysis nearly complete.
Air Quality Initiative (Partner CVRD)		On-going	100%	Seasonal communications campaign launched. Purple Air Monitor Network in service.
2023 Corporate Emissions Inventory and LGCAP survey	Annual Submission	Q2 2023	100%	Completed.
South Courtenay Sewer Servicing Options Analysis	Options Analysis	Q1 2024	98%	Options Analysis nearing completion. Reviewing alignment with CVRD South Sewer Extension project.
Strategic Priorities				
East Courtenay Firehall	Options Analysis	Q1 2024	25%	Contract awarded, developing options.
Dingwall Steps	Design and Construction	Q4 2023	85%	Concrete work complete. On schedule and under budget.
6th St Bridge	Detailed Design	Q1 2024	100%	Design Complete. Awaiting grant results.

**City of Courtenay
MANAGEMENT REPORT**



DEPARTMENT	CORPORATE SERVICES
Director	KATE O'CONNELL
DATE UPDATED	10-Nov-23

INITIATIVE	DETAILS	ANTICIPATED COMPLETION	% OF TASK	UPDATE & COMMENTS
Operational Projects				
VI Library	Lease	-	30%	ON HOLD Referall process complete. On Hold - capacity.
Accessibility Framework	Legislated Requirement - Joint Framework with RD, Comox, and Cumberland.	Fall 2023	100%	Framework has been adopted by Council, the RD, Comox and Cumberland.
Privacy Management Strategy	Legislated Requirement	2024 Workplan	0%	2024
Phishing Enterprise Training	In Progress Cyber Security Requirement	Winter 2023	70%	IN PROGRESS Penetration test complete, identifying training
Strategic Initiatives				
Council Procedure Bylaw	Amendment: legislative updates, technology use, and meeting efficiency	Report November 21, 2022	100%	COMPLETE
Resident Survey	Resident Survey - Benchmarking	Q3 2023	100%	Resident survey complete and final report received by Council.
Brand Standards	Update city branding	11/01/23	85%	Final brand standards approved, rolling into implementation - staff training, and template creation currently underway.
Communication Strategy	Focus and plan for communications	Fall/Winter 2022 - Brand Standards 2023 - Strategy	80%	IN PROGRESS Engagement completed, intierm report presented to Councin, final report anticipated to be presented to Council on December 6th, 2023.
Parks and Public Spaces Bylaw	Smoking bylaw, camping, loitering etc.	Report and Policy Approved Bylaw Drafting - January 2024	80%	IN PROGRESS Final report and policy approved by Council. Bylaw currently being drafted, 1st/2nd reading anticipated for December 6th, 2023.
Council Correspondence Policy	Policy to manage council correspondence receipt and public response	Q4 2023/Q1 2024	20%	Review Council correspondence workflows and responses - increase service level.
Code of Conduct	Review Code of Conduct	2023 Winter/2024 Q1	60%	Legislated requirement to review has been met. Considering possible changes due to authorities in legislation and best practice recommendations.
Committees, Commission and Board Review	Review structure	2023/2024	40%	First report approved by Council, has been referred to a Committee of the Whole, staff currently conducting research and reviewing legislation.
Delegation of authority bylaw/Routine transaction bylaw	On Hold Land, signing authority, and purchasing approvals	Align with Purchasing Policy Update: Summer 2022	0%	On Hold - capacity.
Bylaw Policy	Bylaw Policy Bylaw Compliance Strategy Good Neighbour Guide	January 10th, 2024	85%	Bylaw Policy, Compliance Strategy - Drafts currently in review by staff. Good Neighbourguide outline created.
Public Safety Office	EMERGING - Council Direction	2024 Budget Process	0%	2024
Prohibiting Discriminatory Language - Communication Policy	EMERGING - Council Direction	07/16/05	25%	IN PROGRESS Social media policy posted. Larger city wide communication policy to be developed as part of the anti-racism strategy.

**CITY OF COURTENAY
MANAGEMENT REPORT**

22-Nov-23

DEPARTMENT	RECREATION, CULTURE & COMMUNITY SERVICES
DIRECTOR	Susie Saunders



INITIATIVE	DETAILS	COMPLETION DATE	% OF TASK COMPLETE	UPDATE & COMMENTS
Capital Projects				
LINC Sign & Exterior	Sign requires update to enhance usability, as well as exterior improvements to enhance visibility.	Q4 2023	50%	Procurement of contractor underway. Draft designs to be reviewed shortly.
Playground Standards Manual	Development of playground standards to guide location, accessibility, material, etc. standards.	Q2 2024	25%	Consultant secured. Project initiated. Expected completion Q2 2024
Guardian Totem Pole - Interpretative Signage	Complete interpretative signage in collaboration with KFN and Karver Everson.	Q2 2024	90%	In discussions.
Parks and Recreation Master Plan Implementation	Capital funded in 2024 to 2025 from Growing Communities.	2024-2025	10%	PRMP Implementation Strategy completed. Priorities to be included in 2024 financial plan.
Operational Projects				
Canada Day Celebration	Plan and deliver on two day event including concerts, parade, and other community activities.	Q2 2023	100%	Complete.
Regional Parks Service Technical Advisory Committee	Participate on CVRD Regional Parks Service TAC to support strategic plan development.	Q2 2024	25%	CVRD consultant completed targeted engagement. Draft directions under review. Public consultation in early 2024.
Stan Hagen Park Naming	Respond to Council resolution .	Q3 2023	100%	Complete.
Strengthening Communities Grant	Ongoing overall grant administration, reporting and training initiatives of the SCG Grant.	Q2 2024	50%	Additional funding and extension received until June 2024. Ongoing administration including tracking of payments, metrics, and reporting, as well as training.
Cultural Partner Agreement Renewals	Renewal of the Sid William Theatre, Art Gallery, and Comox Valley Arts management and lease agreements.	Q1 2024	50%	Renewal discussion and negotiation underway, including internal referrals. Delayed until Q1 2024.
Field House Lease Agreement Renewals	Renewal of lease agreements for lawn bowling, soccer, football, and baseball.	Q1 2024	50%	Renew lease agreements with sports clubs for use of fieldhouses. Delayed until Q1 2024.
Organization & Service Development	Assessment of current structure and resources to respond to post COVID-19 operations	Q1 2024	90%	Review organizational structure and service delivery model, including recreation programming, events, community services, planning, culture, and sport to assess and improve capacity post COVID-19. Recommendations in 2024 Financial Plan.

**CITY OF COURTENAY
MANAGEMENT REPORT**

Community Substance Use Strategy	Continue to support work of Community Substance Use strategy and participate in Collaborative.	Ongoing	75%	Phase 2 complete. Phase 3 launch of Community Substance Use collaborative underway.
Strategic Initiatives				
Culture Strategic Plan	Complete Cultural Strategic Plan	Q1 2024	75%	Engagement complete. Draft directions under review. Community check-in in progress. Delayed final report until Q1 2024
Sport Field Strategy (CVRD) Implementation	Work with regional partners to implement recommendations from Sport Field Strategy.	Q3 2024	50%	Council direction to proceed with allocation policy. Request to CVRD for financial support underway.
Aquatic Services (outdoor pool) Strategy	Based on Aquatic Services strategy bring forward recommendations for Outdoor Pool.	Q4 2023	80%	Bring forward final Aquatic Services Review to Council with recommendations on next steps for Outdoor pool. Public engagement complete. Condition assessments underway.
Fees & Charges Implementation	Implement updated fees and charges from Fees & Charges Framework adopted by Council in 2022	Q4 2023	75%	Fees & charges framework adopted by council June 27, 2022. Implementation plan recommendations to council end of 2023 for indoor rentals.
Parks & Rec Master Plan Implementation	Complete implementation plan for PRMP.	Q4 2023	100%	Completed implementation strategy.
Community & Social Development Framework	Develop a Community & Social Development Framework to guide the City's role and response to community needs.	07/16/05	10%	Recruitment of Community Development Coordinator underway. Scope of work for CSDF to be defined.
Regional Recreation pass	Work with regional partners on research, analysis, and recommendations re: regional recreation pass.	Q4 2023	100%	Complete
Supportive & Affordable Housing and Shelter implementation	Work with City Manager and Development services to develop strategic approach to housing and shelter development.	Ongoing	50%	Collaborative work internally and externally (with BCH and non-profits) to determine strategic path forward for supportive and affordable housing and shelter development.
Court Usage Study	Report to Council on Court Usage	TBD	10%	Respond to Court Usage motion of Council. Working with Comox Valley Pickleball on assessing facility needs and options. Short term priority of PRMP Implementation Strategy
Community Safety Office	With Corporate Services, explore the option of a Downtown Community Safety Office, for the use of community partners including the RCMP and City of Courtenay Bylaw division	TBD	0%	Respond to Council motion.
Free Menstrual Products	Report back to council on implementation of free menstrual products.	TBD	0%	Respond to Council motion
Vanier Nature Park	Report back to Council regarding Garry Oak restoration in Vanier Nature Park.	TBD	25%	Respond to Council motion. Short term priority of PRMP Implementation Strategy.
Memorial Benches	Report back to Council on memorial bench program recommendations	TBD	75%	Respond to Council Motion

**CITY OF COURTENAY
MANAGEMENT REPORT**

Safe and Inclusive City Facilities	Report back to Council regarding keeping City facilities free of hate and inclusive of all people.	TBD	0%	Respond to Council motion.
Safe & Inclusive Access	Report back to council regarding motion on Safe & Inclusive Access.	TBD	0%	Respond to Council motion.

**CITY OF COURTENAY
MANAGEMENT REPORT**

DEPARTMENT	
City Manager (CAO)	Geoff Garbutt



INITIATIVE	DETAILS	DATE	% OF TASK	UPDATE & COMMENTS
Capital Projects				
N/A				
Operational Projects				
KFN Service Agreement IR2	Interim Agreement in Place, focus is new consolidated agreement	Interim Agreement and updated Agreement	40%	Reviewing previous draft document with KFN staff and Courtenay Staff. Project progressing but Work delayed due administrative change, will utilize best practice examples and address: water, sewer, fire protection as focus - current agreement in place as interim for
Housing Strategy: BC Housing Outreach/Housing Projects	Develop overall Strategy for Housing including Supportive Housing/Shelter and Affordable Housing - continue work from 2022 and update with 2023/26 focus		65%	City staff team developed to work directly with BC Housing on roster of public and private lands available for affordable housing development. Build on 2022 work to formulate action plan for Purpose Built Supportive Housing/Shelter stream and Affordable Housing stream. Team meeting twice monthly with BC Housing on identified opportunities. TUP conditionally issued for The Lodge and focused discussions with Landowners ongoing. Elected Officials Forum on Affordable Housing with CVRD on Oct 24/24 Next Steps: Report to Council on Purpose Built Shelter and Day Services Winter 2023
Strategic Priorities				
Strategic Plan Implementation and Reporting	Develop Reporting Format and Report	Fall 2023	50%	Will develop following Strategic Plan adoption, will tie outcomes to Annual Report and Financial Planning and Communications Strategy
Budget Process August 2023 - April 2024	Overall Budget Process Developed	Aug to April	100%	Initial review internally by staff and currently developing materials for Council workshops in November
	Review Format with Senior Staff and CFO	Aug to Sept	100%	Complete
	Report to Council on Budget	Spring 2024	10%	Working with Director of Financial Services
	Present to Council for Adoption	Spring 2024	10%	Working with Director of Financial Services
Indigenous Relations and Reconciliation Plan	Engage Consultant and Staff	Fall 2023/24	50%	In Development - implemented action items: Monthly Meeting Mayor/Chief and Council (currently on hold), Monthly CAO/Band Administrator and Director of Intergovernmental Rels, Airpark Totem, McPhee Meadows Engagement, Ongoing Staff Training Underway, Indigenous Procurement Policy Developed - professional fees included in 2023 - formal framework to be developed 2024 through council engagement
Economic Development Review	City Approach to Economic Development	Spring 2024	25%	In Development - 2023-2026 Stragic Plan item, MRDT in place w agreement for 4VI to mange, CVRD to support administration, Discussion with ICET re grant support for strategy, 2023 budget item to engage external resources to determine options and work with Council to start forward movement

Minutes of a Parks & Recreation Advisory Commission Meeting

Held at Florence Filberg Centre – Soroptomist Lounge, September 14th, 2023 at 6:30 p.m.

Attending: Mary Crowley
Allan Douglas
Erik Eriksson
Bill Green
Michael Lynch
Carolyn Janes
Melanie McCollum (Council Representative)
Susie Saunders (Ex Officio)

Regrets: Tom Demeo
Iris Churchill

Call to Order

The meeting was called to order at 6:30 p.m.

Acknowledgements

The group acknowledged that the land on which the meeting is conducted is the Unceded Traditional Territory of the K'ómoks First Nation, the traditional keepers of this land.

Adoption of Previous Meeting Minutes

MINUTES The minutes of the Parks & Recreation Advisory Commission meeting on Thursday, July 6th, 2023, were adopted as read. **Carried**

New Business

PARKS AND RECREATION COMMISSION TERMS OF REFERENCE

Council resolution January 17, 2022:

THAT Council direct staff to review the Terms of Reference of the Parks and Recreation Advisory Commission, and provide Council with options that will support diversity of Members on the Commission.

Questions arose from members regarding Terms of Reference:

- Youth Interest Groups as part of this Council?
- Increase diversity of PRAC. Is there a segment of the population who are not represented on this Council?
- Update Terms of Reference (length of term, how appointments are made etc.)
- Question as to whether City Council “values” our input
- Is there still a need for PRAC or something different?
- Terms of reference indicates 1 meeting/month. Propose 1 meeting every 2 months

IMPACT OF HOMELESS ON RECREATION

Discussion had regarding the impact of homelessness on parks and recreation in the City of Courtenay. Discussion covered topics including impact on access to facilities, parks, and sense of safety.

Specific items:

- Reviewed Provincial legislation on Substance Use in parks
- City is actively working with Province on to secure permanent and purpose-built supportive housing and shelter.
- City Parks and Open Space Bylaw is being updated and will include language regarding sheltering in parks.
- Potential to support sport groups and coaches through provision of training such as how to deal with safe needle disposal etc.
- Our Commission needs to continue expressing these concerns to Council

**KASSY CESSFORD
RECOGNITION**

Council has a resolution to update the Freedom of City and recognitions. Council has authority to recognize individuals.

AIRPARK PARKING

Paddling alteration does not have accessible parking spot. Could one be added. Staff confirmed there is one accessible parking spot in the parking lot.

SUPERSTORE CONSTRUCTION

Road and path at the back of Superstore has been closed due to construction. Question if it will be reopened for bikes as it has created risk for pedestrians and bikers.

**PRMP IMPLEMENTATION
PLAN**

Parks and Recreation Master Plan priorities will be presented to Council so that it can be built into City budget.

Old Business

AQUATIC STRATEGY

Public engagement re: Outdoor Pool completed and will be reported back to Council in Fall / Winter.

CULTURAL STRATEGIC PLAN

What We Heard Report presented to Council September 13, 2023. Approximately 700 survey responses received.

Key findings from engagement process were: expanding and enhancing space for arts and culture, support for arts and culture and technical expertise in arts, Indigenous culture, and funding.

Next step is to develop vision, strategic priorities, and implementation plan.

Next Meeting

Thursday, November 2nd at 6:30 PM, location to be determined.

Adjournment

The meeting was adjourned at 8:00 p.m.



STAFF REPORT

To: Council

File No.: 1760-02

From: City Manager (CAO)

Date: November 22, 2023

Subject: Puntledge Sanitary Catchment Replacement budget amendment and Loan Authorization Bylaw

PURPOSE:

To seek Puntledge Sanitary Catchment Replacement project capital budget increase and to begin the borrowing process to secure funding for the construction of the Puntledge Sanitary Catchment Replacement project.

EXECUTIVE SUMMARY:

The Puntledge Sanitary Catchment Replacement project costs have risen substantially and require a budget amendment to proceed. In conjunction with the increased project cost, the borrowing to fund the project must also be increased. Finally, due to the funding and timing of the project, the borrowing process must be commenced promptly to ensure adequate funds are on hand to pay for the project.

BACKGROUND:

The existing Puntledge Sanitary river crossing is at the end of its service life and presents a potential environmental and public health risk. This planned upgrade is vital to protect public health and the environment as well as promote resilience to climate change. Upgrading the Puntledge Sanitary catchment is one of the ways the City of Courtenay proactively plans and invests in our natural and built environment.

The cost estimate for 2024 construction that was submitted as part of the 2023 financial planning process was estimated to be approximately \$2.53M. Unfortunately, the construction cost estimate has increased to approximately \$3.41M. There are two main drivers for this. The first is the recent change in environmental regulations around contaminated soils, and how this impacts the handling of naturally occurring Arsenic, which is prolific in this area. The second major budget driver is contingency to switch the 5th St road works (in front of Lewis Center) to, night work, should we end up in conflict with the CVRD's Conveyance project. The project team is cognizant of the impacts this may have on traffic in the valley. Although staff continue to work hard to minimize costs associated with these two budget drivers, given the importance and impacts of this project it is critical to ensure adequate budget is in place to deliver the project.

Due to limitations in the sewer reserves, the City is recommending to borrow at a higher level than the construction cost estimate, to allow flexibility should the actual costs come in higher. As such the City is proposing to increase total project budget approval by approximately 17% to \$4.0M, with \$3.5M coming from debt, and \$500K coming from sewer reserve. It is anticipated that this extra borrowing will not be needed, however considering the challenging construction market in recent years, it would be prudent to have available. Should this higher level of available debt not be needed to fund the project, there is no requirement for the City to take on the debt that will not be used.

DISCUSSION:

Borrowing Process:

Section 179 of the Community Charter provides Council with the authority to incur a liability by borrowing funds for any purpose of a capital nature. The local government borrowing process is highly regulated and closely monitored by the Province. All loan authorization bylaws must be approved by the Inspector of Municipalities and approval of the electors is required before adoption of the bylaw. In addition, sections 623 and 760 of the Local Government Act require a one-month quashing period after approval of the electors has been received, where an application can be made to the Supreme Court to set aside the loan authorization bylaw before final approval will be provided by the Inspector of Municipalities.

Finally, Section 182 of the Community Charter restricts local governments to financing long term debt with their local regional district through the Municipal Finance Authority of British Columbia (MFA). Once a certificate of approval has been received by the Inspector of Municipalities, Council must then pass a Municipal Security Issuing Resolution and forward it to the Comox Valley Regional District to be included in the next Regional District Security Issuing Bylaw that will go through further adoption at the regional level.

The borrowing process can take several months to complete; therefore, it is recommended to begin the process early to ensure appropriate approvals are in place before significant project spending occurs.

Appendix 1 is a flowchart provided by the Municipal Finance Authority that outlines the steps involved for a loan authorization bylaw.

Elector Approval:

Section 180 of the Community Charter requires elector approval of a loan authorization bylaw before it can be adopted. The two options available to gain elector approval are through referendum or the alternative approval process. However, the City has the option to use the approval-free zone that does not require electoral approval per section Part 2 Section 7 of the Municipal Liabilities Regulation. The approval-free zone is for municipalities with annual debt servicing costs below 5% of the annual calculation revenue.

The City currently has consumed 59% of its approval-free limit and the proposed new debt servicing costs would increase this to 67% of its approval-free limit. There is approximately \$970,000 of annual debt servicing within the approval-free limit and therefore the City is safely within the approval-free limit.

POLICY ANALYSIS:

Council adopted the 2023-2027 Consolidated Financial Plan Bylaw No. 3096, 2023, on April 26th 2023. The 2023-2027 Financial plan contains the Puntledge Sanitary Catchment Replacement capital project within the Sewer Function which is partially funded through debt.

Section 179 of the Community Charter provides Council with the authority to incur a liability (loan) by borrowing funds for any capital nature.

FINANCIAL IMPLICATIONS:

Per the 2023-2027 Financial Plan the expected total cost of the Puntledge Sanitary Catchment Replacement project is budgeted at \$2.53M for 2024 however this has now increased to \$4M. The original debt contributed \$2M to the project while the new projection requires \$3.5M in debt. Funding for the project is set to come from the following:

Table 1

Puntledge Sanitary Catchment Replacement	
Funding Source	Amount
Reserves	\$ 500,000
Debt	3,500,000
Total	\$ 4,000,000

The annual debt servicing costs are expected to be \$229,748 made up of \$65,598 principal payment and \$164,150 interest, this is based on a 30-year loan amortization period at a rate of 4.69%. A thirty-year amortization period is identified in the report and liability servicing limit calculation to reduce the annual debt servicing cost. The City is not tied to the 30-year amortization period and Council will have the opportunity to change the amortization period when authorizing the borrowing request to the MFA. If the project ends up coming in under budget, staff will analyse the impact of reducing the amortization period to reduce the total interest paid over the life time of the loan. Further consideration will be given to available reserve balances that could be drawn on to further reduce the overall borrowing required once the project has completed and the final cost is known.

The debt servicing cost for the original \$2M in debt was \$131,285, the debt servicing cost for \$3.5M is expected to be \$229,748 which represents a \$98,463 increase. The increase in debt servicing will be paid through sewer user fees.

The Province regulates how much debt a municipality can carry. The total annual debt servicing costs cannot exceed 25% of the previous year's revenue and is known as the Liability Servicing Limit. The City's current liability servicing limit is calculated at \$14,718,465 for 2023. Assuming a 4.49% interest rate and 30 year amortization period this means the City has the capacity to borrow an additional \$200,560,218 on top of the existing \$10,872,288 of existing debt at the end of 2023. It is not recommended that the City take on this amount of debt, this figure illustrates the total borrowing capacity. Table 2 outlines the liability servicing limit and change from new debt in 2023.

Table 2

Liability Servicing Impact	Dollar Value	Percent	Notes
Liability servicing limit	\$ 14,718,465	100.0%	1
Existing debt payments	1,589,356	10.8%	2
Expiring debt payments	(36,116)	-0.2%	3
Existing liability servicing limit	\$ 13,165,224	89.4%	4
New debt payments			
1st St. lift station	\$ 191,155	1.3%	5
Puntledge catchment	229,748	1.6%	6
Total new debt payments	\$ 420,903	2.9%	
New total debt servicing cost	\$ 1,974,143	13.4%	7
Available liability servicing limit	\$ 12,744,321	86.6%	8

Notes:

- 1) Total liability servicing limit for 2023
- 2) Existing debt payments from prior years
- 3) Expiring debt payments in 2023
- 4) Total available liability servicing capacity prior to new debt in 2023

- 5) 1st street lift station project authorized loan – no borrowing taken out to date but must still include maximum debt servicing costs for the liability servicing limit calculation
- 6) New debt servicing costs for Puntledge catchment replacement project
- 7) New total debt servicing costs including prior year debt, expired debt and new debt.
- 8) Remaining available liability servicing limit

The 2023 liability servicing limit utilization was 10.8%, current year utilization with new debt, less expiring debt will increase the liability servicing limit utilization to 13.4% which is a reasonable amount.

The City’s debt utilization ranked against other BC municipalities would move us to 78th position from 87th position out of 153 BC municipalities that have debt utilization statistics as gathered by BC Statistics. This means there are 77 municipalities in BC that utilized more of their liability servicing limit and therefor have more proportional debt on the books.

Table 3 compares other local municipalities debt servicing capacity utilization

Table 3

Debt Servicing Utilization	
Squamish	55.9%
Cumberland	55.7%
Powell River	30.4%
Salmon Arm	29.9%
Port Alberni	13.7%
Naniamo	13.5%
Courtenay	13.4%
Campbell River	6.4%
Parksville	5.8%
Comox	0.7%

The total expected outstanding debt at the end of 2023 is \$10,872,288 however we must take into consideration debt that has been authorized but not yet taken out. The 1st street lift station and the Puntledge catchment projects will have been authorized but the projects have not yet proceeded so no borrowing has been completed to date. Table 4 outlines the over existing and authorized debt for the City including the Puntledge catchment project debt.

Table 4

Total Existing and Authorized	
Existing debt at Dec 31, 2022	\$ 11,880,552
Principal payments 2023	(1,008,264)
Existing debt at Dec 31, 2023	\$ 10,872,288
Authorized but not taken	
1st St Lift Station	\$ 2,500,000
Puntledge Catchment	3,500,000
	<u>\$ 6,000,000</u>
Total existing and authorized debt	\$ 16,872,288

The total existing and authorized debt the City would be carrying, if both the 1st street lift station and Puntledge catchment project utilize 100% of the authorized debt, would be \$16,872,288. Although the City

is taking on more debt for capital projects the debt capacity utilization is still at a reasonable level and the total projected debt is reasonable.

ADMINISTRATIVE IMPLICATIONS:

Once Council gives first three readings to the proposed borrowing bylaw the bylaw and liability servicing limit certificate are sent to the inspector of municipalities for approval. Once the approval is given then Council can adopt the loan authorization bylaw and move to adopt a temporary borrowing bylaw to allow the City to access funds.

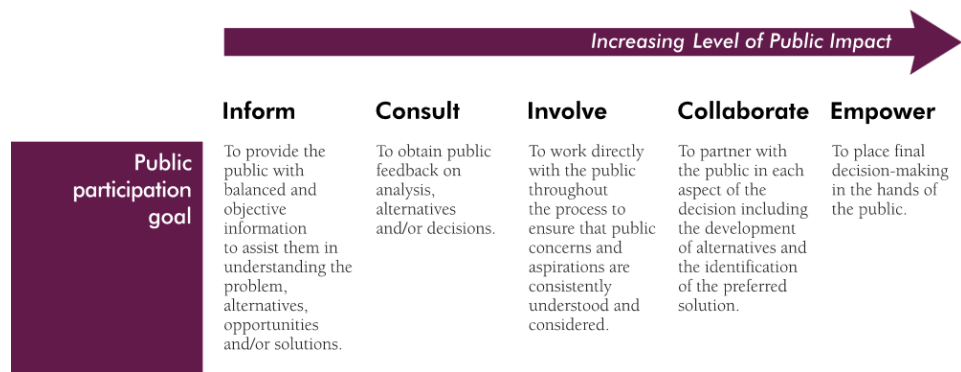
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following cardinal direction:

COURTENAY WILL BE RESPONSIBLE FOR THE FUTURE by being more thoughtful, strategic, and efficient in all resources that we use whether it be land, energy, or public infrastructure, to ensure that actions deliver on multiple goals of fiscal responsibility, economic resilience, social equity, and ecological health.

PUBLIC ENGAGEMENT:

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



© International Association for Public Participation www.iap2.org

OPTIONS:

1. THAT Council increase the Puntledge Sanitary Catchment Replacement project budget to \$4,000,000 funded from \$3,500,000 in debt and \$500,000 from Sewer Asset Management Reserves.
AND
THAT Council give first, second and third readings to "Puntledge Sanitary Catchment Replacement Loan Authorization Bylaw No. 3067, 2024".
AND
THAT Council proceed with adoption of "Puntledge Sanitary Catchment Replacement Loan Authorization Bylaw No. 3067, 2024" through the Approval-Free Liability Zone granted by the *Municipal Liabilities Regulation section 7*.
2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

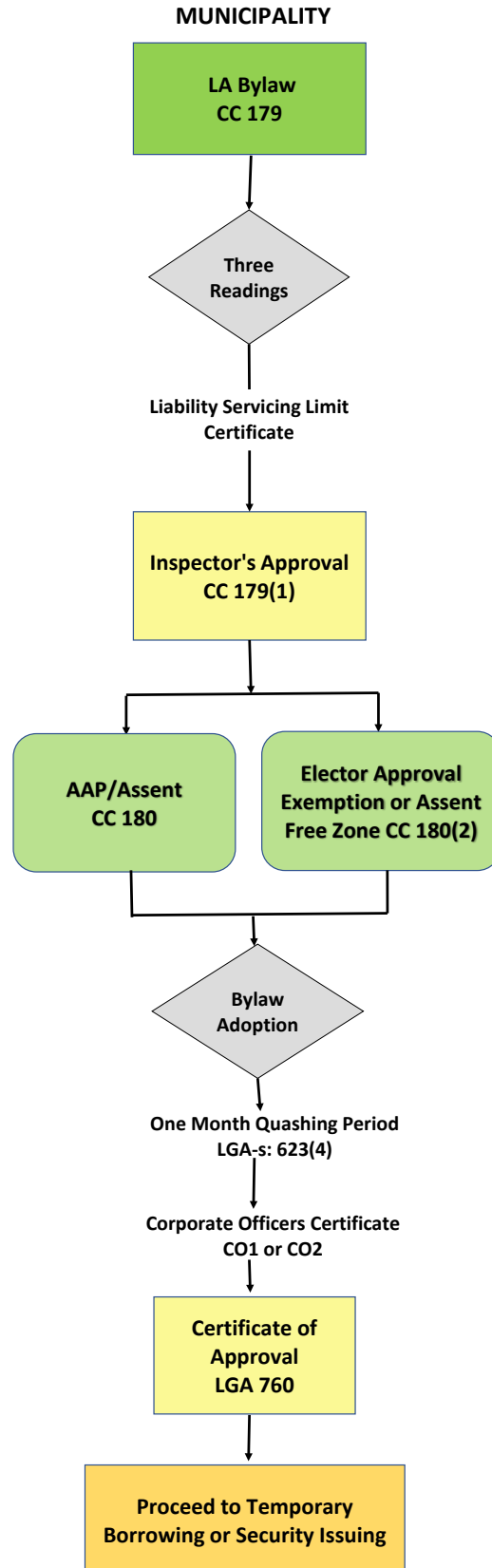
1. Municipal Finance Authority Borrowing Flowchart
2. Puntledge Sanitary Catchment Replacement Loan Authorization Bylaw No. 3067, 2024

Prepared by: Adam Langenmaier, Director of Finance, CFO

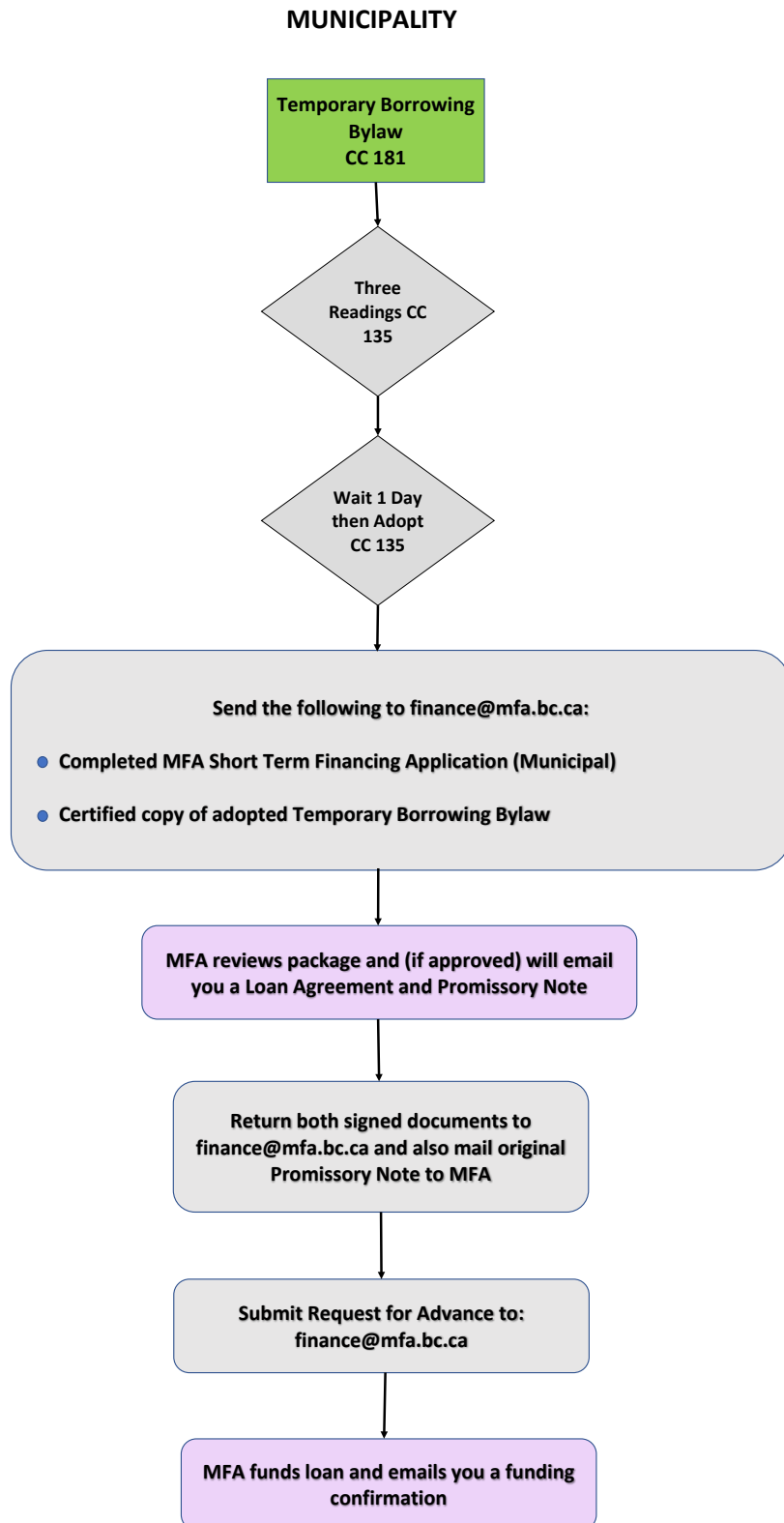
Reviewed by: Chris Davidson P. Eng, PMP, Director of Engineering Services

Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)

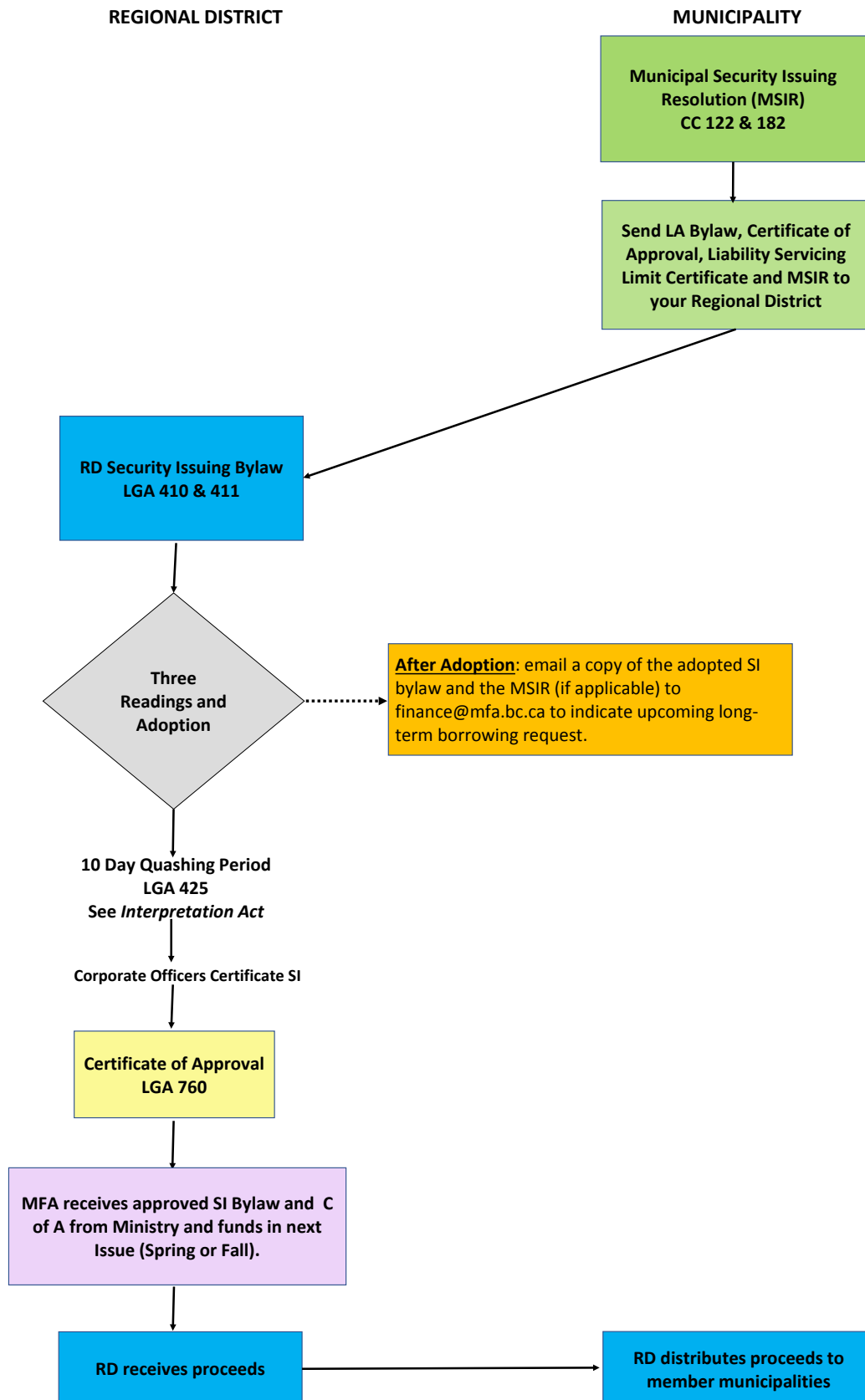
Loan Authorization Bylaw Procedures



Temporary Borrowing Bylaw Procedures

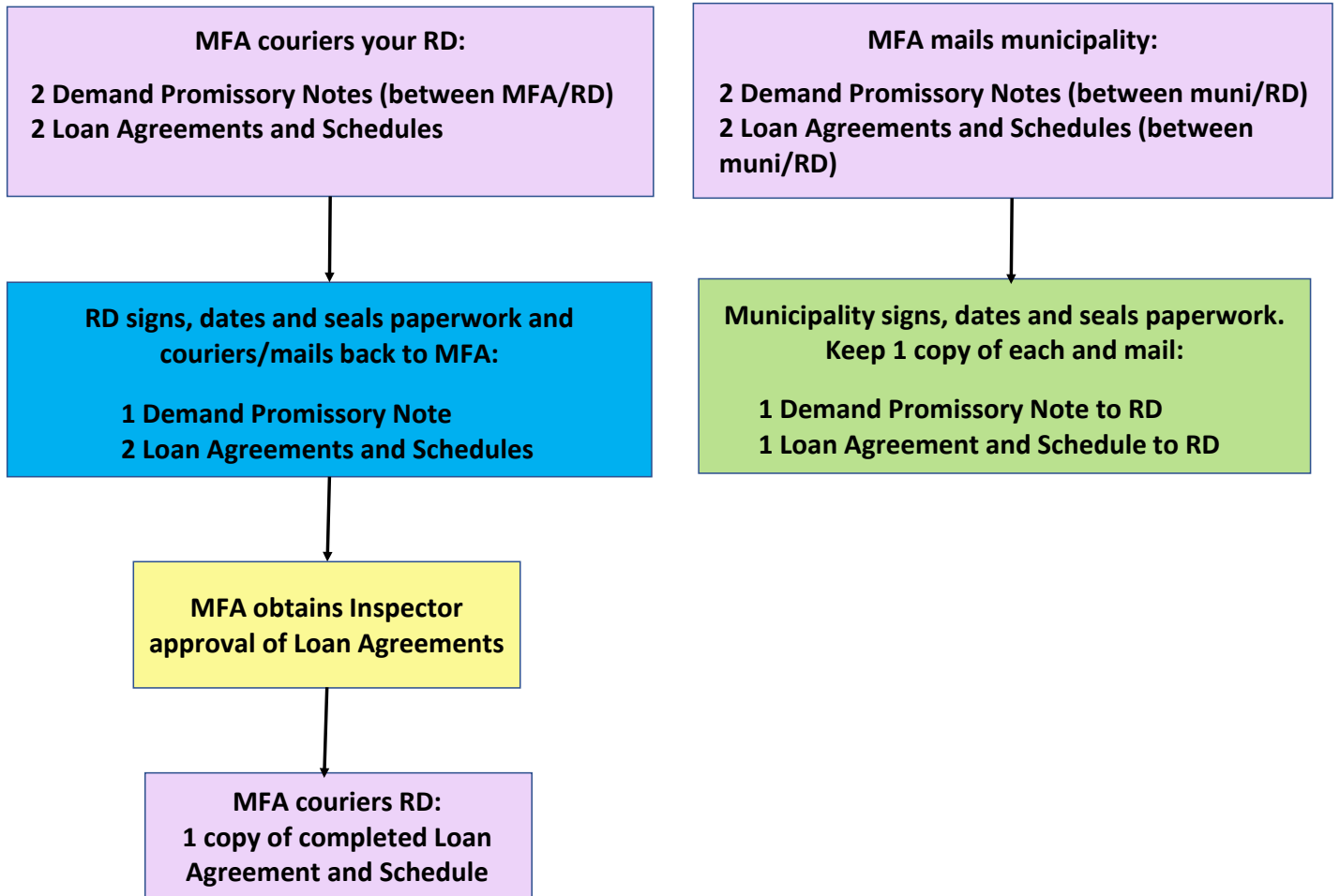


Security Issuing Procedures



Security Issuing Paperwork

MUNICIPAL BORROWINGS



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3067

A bylaw to authorize the borrowing of the estimated cost of Puntledge Sanitary Catchment Replacement sewer capital project.

WHEREAS it is deemed desirable and expedient to rehabilitate sewer infrastructure.

AND WHEREAS the estimated cost of sewer infrastructure including expenses incidental thereto is the sum of \$4,000,000 of which the sum of \$3,500,000 is the amount of debt intended to be borrowed by this bylaw;

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

1. The Council is hereby empowered and authorized to undertake and carry out or cause to be carried out sewer infrastructure replacement generally in accordance with general plans on file in the municipal office and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
 - a) To borrow upon the credit of the Municipality a sum not exceeding three million five hundred thousand dollars (\$3,500,000).
 - b) To acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with sewer infrastructure projects.
2. The maximum term for which debentures may be issued to secure the debt created by this bylaw is thirty years.
3. This bylaw may be cited as **“Puntledge Sanitary Catchment Replacement Loan Authorization Bylaw No. 3067, 2024”**.

Read a first time this ___ day of _____, 2023.

Read a second time this ___ day of _____, 2023.

Read a third time this ___ day of _____, 2023.

Received the approval of the Inspector of Municipalities this ___ day of _____, 202_.

Assent of the electors of the City of Courtenay is not require as per Section 7 of the *Municipal Liabilities Regulation* (approval-free liability zone).

Reconsidered and finally passed and adopted this ____ day of _____, 202_.

Mayor

Corporate Officer



STAFF REPORT

To: Council
From: Director of Development Services
Subject: Development Procedures Bylaw No.3106

File No.: 6410-00
Date: November 22, 2023

PURPOSE:

For Council to consider first, second, and third readings of Development Procedures Bylaw No. 3106. This bylaw will repeal Development Applications Bylaw No. 2790.

BACKGROUND:

The Province approved Bill 26 of the Local Government Act (LGA) in early 2022 in an effort by the province to modernize and streamline certain development approvals to address the housing supply issue by providing powers for to delegate minor development variances to staff and not requiring a public hearing for rezoning amendments that were consistent with the Official Community Plan (OCP). Council's strategic priorities include streamlining procedures for the public and development industry to ensure consistency in application and implementation, resulting in improved communication to improve customer services.

At the regular meeting of Council held on June 27, 2022 an update on the Bill 26 was provided and Council passed the following two motions:

“THAT Council direct staff to develop policy on all different aspects of public engagement related to development applications where the City is waiving a Public Hearing for rezoning.”

“THAT Council direct staff to draft a bylaw to consider the delegation of Development Variance Permits for the approval of specific types of minor variances to staff.”

Bylaw No. 3106 includes clarification on public engagement related to not holding a public hearing and most recently the Province through Bill 44 has further regulations that if a rezoning amendment for housing and mix use with 50% or more residential is consistent a public hearing is prohibited. Once staff have received the implications of Bill 44, further amendments will be brought forward for Council's consideration.

Bylaw No. 3106 proposes to define a minor development variance as up to 25% variance and would apply to: setbacks, parking, height, projections, access and lot coverage. This delegated authority empowers staff to respond to applications in a timely manner and reduce processing times as the requirement for public notification is not required under legislation.

DISCUSSION:

Delegation of authority to approve and Issue Minor Development Variances Permits

Currently there are a number of variances that Council is considering that are minor in nature which have little impact on surrounding properties and may be a hardship due to topography. Staff have reviewed other municipalities and the definition of minor varies from 10% to just under 50%. Staff propose that 25% or less be used in defining a minor variance:

- 25% variance for minimum parking space provisions for vehicles, loading and bicycles;
- 25% variance related to parking and loading design standards, such as dimensions, siting and access;
- 25% variance related to dimensions and siting of garbage and recycling storage facilities;
- 25% variance for building setbacks, landscape setbacks, lot coverage, lot frontage, useable open space;
- 25% variance related to dimensions of patios and decks;
- 25% variance related to projections into a required setback;
- 25% variance for building height; and
- 25% variance related to sign area, sign height, sign setbacks.

The Director of Development Services would consider the following criteria in granting a minor variance:

- the degree or scope of the variance relative to the regulation from which a variance is sought;
- proximity of the building or structure to neighboring properties; and
- the character of development in the vicinity of the subject property as envisioned in the OCP.

Staff would have the ability upon review of an application to advise the applicant that a variance request is not minor and must be considered by Council.

This delegated authority empowers staff to respond to applications in a timely manner and reduce processing times as the requirement for public notification is not required under legislation. Without such a delegation, staff would prepare a Council Report, prepare a notice to be mailed out which must be coordinated with a regularly scheduled Council meeting for Council to consider. This process can take 3 months. With delegation this could be reduced to month if applicant provides all required information.

This delegation of minor development variances to staff creates an improved timeline for both the applicant and staff, creating better customer service and creating greater staff efficiency in workload.

Under section 490 of the LGA, Council can delegate the authority to approve and issue development permits for Form and Character, and Technical permits as defined in the LGA. This is already the case in the existing procedures bylaw and would continue to be the case.

Public Information Meetings

The existing Bylaw includes a requirement for applicants of development applications that will be considered by Council to hold a Public Information Meeting (PIM) prior to the preparation of staff reports to Council. The requirement for a PIM is not a provincial legislative requirement.

Under the current development applications procedure bylaw, the PIM is held entirely by the applicant, following guidelines on acceptable meeting methods, required content to be presented, and notice radius. Given the Freedom of Information and protection of Privacy Act, city should not provide addresses to applicants for mail outs but the applicant can get addresses through Canada Post for any public event they wish to hold. As such, the current process has been modified in the proposed bylaw to have staff lead the information meeting if required and there is a corresponding charge in the fees and charges bylaw to recover staff time and associated costs. The proposed bylaw refers to the PIM as community information meetings.

Staff also observe that PIMs may not always be necessary and required given the scale of the development, alignment with OCP and impact on neighbourhood.

Further to this, Bill 44 will have legislation on when public hearings and community meetings can be held in a rezoning process. Once staff have received these regulations further amendments to this bylaw may be required.

Public hearings

The legislation previously permitted local governments to not hold a public hearing for a zoning amendment that is consistent with the OCP. In order to do so, the Council would have to pass a resolution to not hold the public hearing and provide notice. Council would then consider first three readings of the bylaw at the next regular council meeting and adoption following two weeks later or when conditions had been met.

Bill 44 will bring in new regulations on when a public hearing can or cannot be held in order to decrease application processing times and increase supply of housing.

The proposed bylaw outlines the current legislation, which is when a zoning bylaw amendment is consistent with the OCP, that staff bring a report requesting that a public hearing not be held and notice given of not holding a public hearing. In the proposed new legislation, the required to come to council to pass a resolution not to hold a public hearing and give notice will no longer be required.

Third Party Review

Staff often requires a third party for subject matter advice or review which is referred to in the OCP. The proposed bylaw authorizes staff to recover these costs so that the tax payer is not paying for these services as part of the land development approval process. This is a very common practice in municipalities which is recommended by legal to cost recover expenses generated by a land use application.

Land Development Approval and Process

This bylaw clarifies the land development application process for the public and staff. This bylaw will then inform the revisions to land use applications and Development Services webpage.

Reconsideration Provisions

Under the proposed bylaw, and in accordance with the LGA, applicants have the ability to request Council reconsider a decision of the Director of Development Services and Manager. Section 490 (5) of the LGA expressly entitles an owner of land to the right of reconsideration

POLICY ANALYSIS:

The following policies in the OCP support the proposed bylaw:

- Affordable Housing Objective 6: Development application approval processes are streamlined, transparent, and easy to understand.

- Local Economy Policy 14: Liaise with senior governments, neighbouring jurisdictions, and the business community to identify barriers, improve business infrastructure, and streamline application processes.
- OCP identifies streamlining as an implementation priority.

City of Courtenay Development Procedures Bylaw No. 3106, 2023 will repeal Development Application Procedures Bylaw, No.2790.

FINANCIAL IMPLICATIONS:

Amendments to City of Courtenay Fees and Charges Bylaw No.1673 are also proposed in order to create new categories of fees for new application processes (e.g. minor DVP) and more accurately reflect cost recovery of administrating planning and development planning applications.

ADMINISTRATIVE IMPLICATIONS:

Processing planning and development applications is a core City of Courtenay administrative service. A number of the changes proposed in the new bylaw will reduce staff time dedicated to applications. Consultant was undertaken with Corporate Services.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Buildings and Landscape - Review and update land use regulations and bylaws for consistency with OCP
- Good Governance - Review and streamline development process and set targets for application processing times
- Buildings and Landscape - Review and update land use regulations and bylaws for consistency with OCP

PUBLIC ENGAGEMENT:

On July 20 2023 City staff held a meeting with the local development community on a variety of topics of interest. This proposed new bylaw was discussed, with focus on: changes to community information meeting requirement (when to be held, and City staff to arrange), public hearings as not required for zoning applications consistent with the OCP, and the assignment of minor variances as administrative and delegated to the Director of Development Services.

OPTIONS:

1. THAT Council give first, second, and third reading to Development Procedures Bylaw No. 3106.
2. THAT Council provide alternative direction to staff.
3. THAT Council not proceed.

ATTACHMENTS:

1. City of Courtenay Development Procedures Bylaw No. 3106, 2023

Prepared by: Nancy Gothard, Manager of Long Range Planning

Reviewed by: Marianne Wade, Director of Development Services

Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)

CITY OF COURTENAY

Development Procedures Bylaw No. 3106, 2023

A bylaw to establish procedures for the processing of land development applications.

WHEREAS the Council has adopted an official community plan and a zoning bylaw;

AND WHEREAS Section 460 of the *Local Government Act* requires the Council to define, by bylaw, the procedures under which an owner of land may apply for amendment to an official community plan, zoning bylaw, and for the issuance of a permit under Part 14 of the *Local Government Act*;

AND WHEREAS Section 154 of the *Community Charter* allows Council to delegate certain authorities to officers and employees of the City;

AND WHEREAS Section 94.2 of the *Community Charter* allows to provide for alternative means of publishing notices;

AND WHEREAS the Legislature of the Province of British Columbia is proposing to implement new regulations applicable to housing through the *Housing Statutes (Residential Development) Amendment Act, 2023*, and nothing in this bylaw is intended to operate in contravention of these new regulations;

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

PART 1: GENERAL PROVISIONS

1.1. TITLE

This Bylaw may be cited for all purposes as “City of Courtenay Development Procedures Bylaw No. 3106, 2023”.

1.2. DEFINITIONS

In this Bylaw:

Agent	means the person(s) given authority by the Owner(s) to act on their behalf for the purposes of making and dealing with an Application to the City.
Applicant	means the Owner or the Agent making an Application.
Application	means a written request by an Applicant in relation to any of the matters set out in section 1.5.
Approving Officer	means the person appointed by Council to that position and includes their lawful deputy or a person designated by Council to act in their place.

Certificate of Title	means the document issued from the BC Land Title and Survey Authority identifying the Owner, legal description of land, and any charges registered against the title.
City	means the City of Courtenay.
Community Information Meeting	means an information session held in accordance with Part 7.
Corporate Officer	means the officer for the City of Courtenay.
Council	means the council of the City of Courtenay.
DAI	means development approval information set out in the OCP.
Delegate	means the person holding the position as the City's Director of Development Services or Manager of Development Services, or a person delegated the authority to act in the place of either person.
Fees and Charges Bylaw	means the Fees and Charges Bylaw, Bylaw No. 3107, 2023 as amended or re-enacted from time to time.
<i>Local Government Act</i>	means the <i>Local Government Act</i> , RSBC 2015, c 1, as amended or re-enacted from time to time.
Minor Development Variance Permit	<p>means a development variance permit for a variance to the Zoning Bylaw that meets one or more of the following criteria:</p> <ul style="list-style-type: none"> (a) 25% for minimum parking space provision for vehicles, loading and bicycles; (b) 25% variance related to parking and loading design standards, such as dimensions, siting and access; (c) 25% variance related to dimensions and siting of garbage and recycling storage facilities; (d) 25% variance for building setbacks, lot frontage and useable open space, and permeable surfaces; (e) 25% variance related to dimensions of patios and decks; (f) 25% variance related to projections into a required setback; and (g) 25% variance for lot coverage and building height, provided that the variance does not allow for an increase in density.
Official Community Plan or OCP	means Official Community Plan, Bylaw No. 3070, 2022, as amended or re-enacted from time to time.

Owner	means the person listed in the Land Title Office as the Owner in fee simple of a parcel.
Planner	means any planning professional employed by the City to administer the provisions of this Bylaw.
Pre-Acceptance Review	means an informal review by a Planner or Delegate of a development proposal or planning application. The review may identify the requirements and materials to assist an applicant in their submission of a complete planning application. Based on the location, scale, complexity or other factors of the project, the review may lead to the need for a Pre- Application Consultation Meeting.
Pre-Application Consultation Meeting	means a meeting between an applicant and the Delegate to identify the requirements and materials to assist the Applicant in their submission of a complete Application. The meeting may involve identifying issues to be addressed by the Applicant, sharing information that needs to be considered and identifying additional required reports or information.
Preliminary Lot Review	means a review of a proposed subdivision by the City's approving officer, which is not a final decision on approval of the subdivision within the meaning of the <i>Land Title Act</i> , RSBC 1996, c 250, as amended from time to time.
Professional	includes a Qualified Professional or other person holding accreditation, acceptable to the Delegate, with an organization setting standards for the activities carried out by members of their organization.
Site Plan	means a site plan prepared by a Professional, including at a minimum all existing lot lines, proposed buildings and development with all required setbacks, and <ul style="list-style-type: none"> (a) for an application for subdivision, showing all proposed lots and all watercourses and must illustrate there is a buildable area on each parcel that is compliant with all applicable bylaws; (b) where an environmental assessment is required for any Application, showing all setbacks from the environmental features required under the applicable bylaws and regulations.
Substantial Completion Report	means a report from a Qualified Professional in accordance with section 5.6.
Report	means any opinion, written document, study or other information that provides information on a proposed development and that is intended to verify compliance with one or more enactment or requirement of the City.

Qualified Professional	includes a person carrying on a profession regulated by the <i>Professional Governance Act</i> , SBC 2018, c 47, as amended from time to time, or a person who is a qualified environmental professional within the meaning of the <i>Riparian Areas Protection Regulation</i> , BC Reg 178/2019, provided that person working within their field of expertise and is in good standing with any applicable professional organization.
Zoning Bylaw	means Zoning Bylaw, Bylaw No. 2500, 2007, as amended or re-enacted from time to time.

1.3. INTERPRETATION

In this Bylaw

- (a) words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;
- (b) headings given to sections are for convenience of reference only and do not form part of this Bylaw;
- (c) unless expressly stated otherwise, a reference to a “section” is a reference to a section in this Bylaw and a reference to a “part” is a reference to a part in this Bylaw; and
- (d) unless expressly stated otherwise, a reference to an enactment is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated, or replaced from time to time, and a reference to a bylaw or policy is a reference to a City bylaw or policy, as amended, revised, consolidated, or replaced from time to time; and
- (e) a reference to the current title of a position includes the position as it may be renamed from time to time, or to any successor position that is most closely connected to the position if it is modified or eliminated from time to time.

1.4. Notwithstanding any provision of this Bylaw, on adoption of the *Housing Statutes (Residential Development) Amendment Act, 2023*, in the event of a conflict between the processes and procedures set out in this Bylaw and the new processes and procedures arising from the *Housing Statutes (Residential Development) Amendment Act, 2023*, the regulations in the *Housing Statutes (Residential Development) Amendment Act, 2023* shall prevail.

1.5. This Bylaw applies to the following applications related to land within the boundaries of the City:

- (a) an amendment to the Official Community Plan;
- (b) an amendment to the Zoning Bylaw;
- (c) the establishment of Phased Development Agreement;
- (d) the preparation of a Housing Agreement;
- (e) a permit issued pursuant to Part 14 of the *Local Government Act*; including:

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- i. Development Permits;
 - ii. Development Variance Permits, including minor Development Variance Permits;
 - iii. Temporary Use Permits;
 - (f) Floodplain Exemptions; and
 - (g) Section 219 Covenant and or Statutory Right of Way Amendments.

PART 2: DELEGATION OF AUTHORITY

2.1. Council delegates to the Delegate the authority to:

- (a) create, amend, publish and prescribe the form and content of Applications;
- (b) create, amend, publish and prescribe policies, guidance documents, or procedures that are convenient for the administration of this Bylaw;
- (c) require Reports or DAI, or both, including the authority to prescribe an acceptable Professional to author the Reports or DAI;
- (d) require security in accordance with Part 5, or any other bylaws of the City;
- (e) determine the form and content of permits issued under this Bylaw;
- (f) create, amend, public and prescribe templates and procedures for development notice signs required by section 7.19;
- (g) decide to process an incomplete Application in accordance with section 3.5;
- (h) grant an extension to an Application in accordance with section 6.6;
- (i) elect not to hold a public hearing for an Application to amend the Zoning Bylaw where the Application is consistent with the Official Community Plan in accordance with section 464 (2) of the *Local Government Act* and to give notice of the decision not to held a public hearing in accordance with section 467 of the *Local Government Act*;
- (j) issue or amend a Minor Development Variance Permit;
- (k) issue or amend all development permits within Development Permit Areas created under section 488 (1) where no variances are requested;
- (l) renew any permits delegated to the Delegate that have been issued and lapsed, provided that the Permit is consistent with the current OCP and relevant guidelines;
- (m) grant an exemption from a flood plain specification pursuant to section 524 (7) of the *Local Government Act* where an Applicant has provided a certified report from a person identified in section 524 (7) (b) of the *Local Government Act*;
- (n) sign any permits authorized by Part 14 of the *Local Government Act* that have been issued either by Council or by the Delegate; and

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- (o) exercise any other authority which is incidental to the administration of the provisions of Part 14 of the *Local Government Act*, this Bylaw or other bylaws of the City related to land use planning, development or building.
- 2.2. Council delegates to the Delegate and to a Planner the authority to:
- (a) receive, review and require development approval information in order to administer the provisions of Part 14 of the *Local Government Act*, this Bylaw or other bylaws of the City related to land use planning, development or building;
 - (b) receive and consider an Application as part of a Pre-Acceptance Review, and where the location, scale, complexity or other factors of the project so warrant, to require the Applicant participate in a Pre-Application Consultation Meeting with the Delegate; and
 - (c) to require an Applicant provide a Site Plan or to have a British Columbia Land Surveyor confirm that the Site Plan conforms to the requirements of the Zoning Bylaw or to any other bylaws of the City.

PART 3: APPLICATION REQUIREMENTS

- 3.1. If an Applicant submits a complete application, the Delegate or a Planner shall process the application in accordance with this Bylaw.
- 3.2. The minimum application requirements for all applications are:
- (a) all associated application fees in accordance with the Fees and Charges Bylaw;
 - (b) complete application form prescribed by the Delegate, including written authorization from all the Owner(s) of the land involved in the Application;
 - (c) a Certificate of Title; and
 - (d) all Reports and DAI required under Part 4 of this Bylaw, which have been identified by the Planner in a Pre-Acceptance Review or Pre-Application Consultation Meeting.
- 3.3. The Delegate or a Planner may require the following additional information to support an Application:
- (a) a Site Plan;
 - (b) DAI or a Report;
 - (c) review of a previously submitted Report or DAI;
 - (d) site disclosure statement in accordance with the *Environmental Management Act*;
 - (e) confirmation that other required permits, approvals or authorizations have been obtained with respect to the development; and
 - (f) the payment of security in accordance with Part 5.
- 3.4. Applications that are deficient of any of the application requirements in section 3.2 are deemed to be incomplete and will not be opened or reviewed. On receipt of an

incomplete application, the Delegate may:

- (a) advise the Applicant in writing or verbally with the deficiencies in the application; or
 - (b) open and begin to review the Application despite the deficiency in the minimum application requirements in which case the Delegate or Planner will inform the Applicant that the Application will be held as “pending” for 90 days from receipt of the Application.
- 3.5. Any Applications that are not completed within the deadlines set out in section 3.4 or Part 6 will be closed in accordance with the provisions of that Part.
- 3.6. All Applications shall be submitted by or on behalf of all the Owner(s) of land involved and, where the Application has been submitted by an Agent, the Application must include written authorization from the Owner(s) for the Agent to act on their behalf.
- 3.7. If there is a change of ownership of a parcel of land that is the subject of an Application, the Applicant will, as soon as practical, provide the City with an updated Certificate of Title and written authorization from the new Owner to proceed with the Application.
- 3.8. For all other changes to the Land Title Certificate(s) for the parcel(s) of land that is subject to an application under this bylaw, the City will require updated Land Title Certificate(s) for the parcel(s) of land and copies of any encumbrances.
- 3.9. Depending on the particulars of an Application, an Application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 3.10. Where an Application requires a decision from Council, the Delegate or a Planner will prepare a planning report for Council’s consideration, incorporating feedback received through the referral and review process described in section 4.1.
- 3.11. In addition to the application requirements established in this Bylaw, the following specific application types will generally follow the process set out as follows:

Official Community Plan Amendment (OCP) or Zoning Bylaw Amendment (including the establishment of Phased Development Agreement)	Schedule A
Preparation of Housing Agreement	Schedule B
Delegated Development Permit	Schedule C
Development Variance Permit (Approval by Council)	Schedule D
Delegated Minor Development Variance Permit	Schedule E
Temporary Use Permit	Schedule F
Floodplain Exemptions	Schedule G
Section 219 Covenant and or Statutory Right of Way Amendments	Schedule H

- 3.12 Concurrent Applications are encouraged. Where a proposed activity or development involves requires more than one approval by the City, a single Application may be submitted that addresses the requirements of each applicable application type and the Applicant must pay the fees for each application type in the amount set out in Fees and

Charges Bylaw.

- 3.13 Where a proposed activity or development includes multiple adjoining sites, the Planner or Delegate may accept a single Application provided that the proposal contemplates a configuration that is acceptable to the Planner.
- 3.14 Where an Amendment to the Zoning Bylaw is made to support a subdivision application, a subdivision application must be made, and a Preliminary Lot Review letter issued, prior to adoption of the zoning amendment bylaw.

PART 4: DEVELOPMENT APPROVAL INFORMATION

- 4.1. Depending on the particulars of an Application, it may be:
 - (a) referred to other City Staff and applicable external agencies by the Planner or Delegate for review and comment;
 - (b) supported by a Report prepared by a Professional; and
 - (c) accompanied by Development Approval Information.
- 4.2. Any Reports or DAI shall be prepared at the Applicant's expense by Professionals acceptable to a Planner or Delegate.
- 4.3. Where a Planner or the Delegate requires further information in order to review an Application, including DAI specified in the OCP, this requirement will be conveyed to an Applicant in writing after Pre-Acceptance Review or Pre-Application Consultation Meeting.
- 4.4. An Applicant will be required to work with City Staff and/or Delegate to review and confirm the scope of the Report or the DAI, which may include acceptance of the proposed Terms of Reference for the preparation of the Report of the DAI.
- 4.5. If required by the Planner or Delegate, a Professional shall certify all documentation including drawings, reports, security estimates, technical letters, and other documentation submitted to the Planner or Delegate for the purposes of reviewing the application.
- 4.6. A Report required under this Part will include:
 - (a) the legal description and property identifier (PID) for the land that is the subject of the Application;
 - (b) a description of all relevant land use covenants, easements, statutory rights of way or other charges that affect the use and development of land that are shown on a Certificate of Title;
 - (c) a location and context map for the land that is the subject of the Application;
 - (d) a description of the methodology and assumptions used to undertake the

Report or sufficient detail regarding assessment and the methodology to facilitate a professional peer review, if required under section 4.7 of this Bylaw;

- (e) identification and definition of the context, interaction, scope, magnitude and significance of the anticipated impacts of the proposed activity or development, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing risks, stressors, and threats; and
 - (f) recommendations for conditions or requirements that Council, the Director of Development Services, Director of Engineering and Public Works, Director of Parks, Recreation and Culture or the Approving Officer may impose to mitigate the anticipated impacts.
- 4.7. The City will generally not accept Reports or DAI older than one year without a covering letter from the author certifying that the conditions and findings of the document have not changed.
- 4.8. Notwithstanding Section 4.7, if the Planner or Delegate determines that a Report or DAI is:
- (a) outdated, incomplete or deficient, the Applicant will be notified in writing the nature of deficiencies and the timeframe to resubmit the corrected report; or
 - (b) remains valid despite being older than one year, a new report will not be required.
- 4.9. If the Delegate determines that a Report or DAI is incomplete or otherwise deficient, the Delegate may require, on written notice to the Applicant, that the Applicant:
- (a) revise or amend and re-submit, at its own expense, a previously submitted a Report or DAI;
 - (b) retain a second Professional, unrelated to and independent of the Professional who prepared the initial Report or DAI, to conduct a peer review of the Report or DAI at the cost of the Applicant.
- 4.10. In addition to any application fee contained in the Fees and Charges Bylaw, an Applicant shall be responsible for the City's costs necessary to facilitate a review of any Report or DAI required under this Part, as deemed necessary by the Delegate, including but not limited to legal, engineering, environmental, geotechnical, biologists, architectural and other professionals. The Applicant shall pay as a fee, the City's actual cost of such third-party professional review costs prior to final consideration of the Application by the authorized decision-maker.
- 4.11. The Planner or Delegate may review all documents and design drawings to verify general compliance with the requirements but will not necessarily check the adequacy or accuracy of the Qualified Professional's design. Any errors or omissions will be the sole responsibility of the Qualified Professional who has certified the documents and design drawings.

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- 4.12. The Delegate may request, at the Applicant's expense, the author of the Report or DAI make a presentation to Council, the community, or staff.
- 4.13. The Delegate is authorized to:
- (a) establish and revise the required information, documents, plans, and/or other information needed for each type of application pursuant to this Bylaw;
 - (b) establish and revise the size, form and quality of information, documents, plans, and/or information needed to assist in reviewing or processing the application; and
 - (c) waive any of the information, documents, plans, and/or development approval information if at their discretion the information is not required to assist in reviewing or processing the application.
- 4.14. The City may distribute and publicize a Report or DAI requested under this bylaw.

PART 5: SECURITY DEPOSIT

- 5.1. The Delegate may require an Applicant provide a security deposit for the following:
- (a) Landscaping (Landscape Security);
 - (b) Remediation/Restoration of the natural environment; and
 - (c) to guarantee the performance of the terms of a temporary use permit (Performance Security).
- 5.2. Phased landscaping plans and securities: Landscape Plans may be approved for large-scale developments at the discretion of the Delegate to enable the completion of the landscape plan in phases and allow for the submission and return of the related security deposit at each phase. The Applicant is required to request a phased approach to the execution of the landscape plan at the time of the Application for a Development Permit, clearly identifying on the submitted landscape plan the proposed phases and related cost estimates for each phase as prepared by a Professional. Phased landscape plans will be formalized by means of a Works and Services Agreement.
- 5.3. The amount of the security deposit shall be based on the cost estimate as provided by a Professional, at the expense of an Applicant, to address:
- (a) Landscape improvements. The amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, hardscaping, irrigation, labour and plantings materials. Hardscaping elements such as fences, decorative pavements, public art and benches shall be distinguished from soft landscaping elements such as vegetation, soil and amendments in the cost estimate in order to support staged releases of landscape securities as described in section 5.6 below.
 - (b) Performance security as a condition of a Temporary Use Permit. The amount of security will be 125% of an estimate or quote of the cost of works to guarantee the performance of the terms of the permit. Such works may include but are not

limited to: inspections, monitoring, maintenance, irrigation, labour, planting materials and works required to restore the land or remove any temporary structures.

- 5.4. Any changes to the approved plans will require approval of the City prior to installation of any works, and may include changes to the security requirement.
- 5.5. The form of the security deposit shall be an irrevocable letter of credit or other form satisfactory to the Delegate. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled, and shall be redeemable locally.
- 5.6. The procedures for the release of the security deposit shall be:
- (a) Upon completion of the works, a Qualified Professional shall certify that the works are in compliance with the recommendations of the Report or the DAI included in the permit;
 - (b) The compliance report must be signed and sealed by a Qualified Professional and include the following at a minimum:
 - i. The date and drawing number of the plan reviewed by the Qualified Professional;
 - ii. Date(s) of inspection by the Qualified Professional; and
 - iii. A statement from the Qualified Professional that the completed works substantially comply with the approved plan;
 - iv. A description of all deviations from the approved plan(s) with a rationale for the changes and whether the changes meet the intent of the approved plan(s);
 - v. The request of the amount of funds to be released.
- 5.7. Upon receipt of a Substantial Completion Report:
- (a) The City may conduct a site inspection to verify that the works are installed in accordance with the approved plans;
 - (b) Should there be any deficiencies identified in the compliance report or should the City find any discrepancies and/or deficiencies during an inspection, an inspection report will be issued to the applicant and the security will be retained until the deficiencies have been addressed;
 - (c) Upon confirmation that the works are in compliance by the Professional to the satisfaction of the Delegate:
 - i. soft landscape security deposits will be released to a maximum 80%. The remaining 20% security deposit may be held for up to three years where deficiencies are identified
 - ii. Hardscape landscape security deposits will be released in full.
- 5.8. Where, in the opinion of the Delegate, an applicant has failed to satisfy the landscaping requirements of the Permit, or failed to comply with the conditions of the Permit, or has created an unsafe condition, the City may undertake and complete the landscaping requirements, or carry out any construction required to comply with the conditions of the

permit or correct an unsafe condition or correct the damage to the environment, at the full cost of Applicant, and may apply the landscape security or the remediation security to the cost of the work, with any excess to be returned to the Applicant.

- 5.9. Council may require, as a condition of issuing a temporary use permit, a security deposit to guarantee the performance of the terms of the permit. Where a temporary use permit provides for such a security deposit, the procedures for the release of the security deposit shall be:
- (a) The Applicant confirms in writing to the Delegate that buildings or structures have been demolished and removed, and the land restored to a condition specified in the permit, and requests in writing that the performance security deposit be released;
 - (b) Once the Delegate has received confirmation that buildings or structures have been demolished and removed, and land restored to a condition specified in the permit, the Delegate will authorize the release the security deposit; and
 - (c) If the Applicant fails to undertake such restoration works or defaults on the terms of the temporary use permit, the performance security deposit will be forfeited to the City of Courtenay.

PART 6: VALIDITY OF APPLICATIONS

- 6.1. The date of issuance for a development permit, a development variance permit, or a temporary use permit is the date of approval of the permit by Council or a Delegate.
- 6.2. An Application to renew or extend a development permit, a minor development variance permit, a development variance permit, or a temporary use permit under this Bylaw must be made prior to the lapse of the permit.
- 6.3. Other than subdivision, if the Delegate determines that an Application has been inactive for period of 6 months or longer, the Applicant will be given 30 days written notice to provide outstanding development approval information or meet outstanding requirements after which time the Application will be closed. The Delegate may consider a written request from the Applicant for extension deadline imposed by this section which shall not be longer than one period of 6 months.
- 6.4. If an Application is withdrawn in writing by the Applicant prior to a council report, the Applicant may request in writing a refund of the refundable portion of the application fees in accordance with the Fees and Charges Bylaw.
- 6.5. If an Application has been closed due to inactivity, the Applicant must, even if the new Application is substantially the same as the closed Application, begin the Application process again in accordance with this Bylaw and submit a new, complete Application.
- 6.6. Where an Application has been denied by Council, no reapplication for a substantially similar application shall be considered within one year of denial date of the previous application. Despite this section 6.6, Council may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one year period.
- 6.7. If an Application is closed, withdrawn or denied, fees pursuant to the Fees and Charges

Bylaw are applicable to any new Application.

- 6.8. The process to amend a permit will be the same as the process for a new permit.
- 6.9. In the event that an Application made pursuant to this Bylaw for an amendment to the Official Community Plan or Zoning Bylaw has not been given final adoption by Council within one year after the date it was given third reading or one year after the date of last consideration by Council, the Applicant shall be notified in writing and if no response is received within 60 days:
 - (a) the Planner will record the response and consider the Application abandoned; and
 - (b) a Planner will prepare a motion for Council's consideration to rescind all readings of the bylaw associated with the amendment application;
- 6.10. Upon written request by the Applicant prior to the lapse of the Application for an amendment to the Official Community Plan or Zoning Bylaw, Council may extend the deadline for a period of one (1) year by passing a resolution to that effect to enable the Applicant to complete the requirements for final adoption. A maximum of two (2) one-year time extensions may be granted by Council. If Council decides to deny an extension request or the applicant has received two (2) one-year time extensions, or there have been changes to the policies, bylaws or development permit guidelines affecting the Application and the Applicant still has not met the requirements for final adoption and wishes to proceed with the Application, a new Application and fees will be required as per the Fees and Charges Bylaw.

PART 7: COMMUNITY INFORMATION MEETING

- 7.1 Applicants for Official Community Plan Amendments, Zoning Bylaw Amendments, Temporary Use Permits or Development Variance Permits may be required to hold a Community Information Meeting at their own expense prior to the application being considered by Council.
- 7.2. The Delegate will determine whether a Community Information Meeting is required by evaluating:
 - (a) the potential impact of the development on the surrounding neighborhood due to the scale of the development;
 - (b) whether the proposal aligns and is consistent with the OCP; and
 - (c) the complexity of the Application.
- 7.3. The purpose of the Community Information Meeting is to provide an opportunity for the public to access information and to inquire about a development application beyond what is available through the application referral process, notification process and public hearing process.
- 7.4. The Community Information Meeting will be held following the review of the application by staff.
- 7.5. When a Community Information Meeting is held, it will be arranged by City staff, with staffing, venue and advertising fees paid by the Applicant.

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- 7.6. The Community Information Meeting may be held at City of Courtenay Offices or at an alternative venue in the community approved by the Planner or Delegate. If requested, the Planner or Delegate will provide a list of appropriate venues to the applicant.
 - 7.7. Community Information Meetings will be held in person and all information provided at the in-person meeting is also required to be mailed to adjacent property owners and occupiers at least ten (10) days prior to the date of the meeting.
 - 7.8. For the in-person Community Information Meeting, it may take the form of an open house, presentation, display, small group discussion, and/or a question and answer period and may include a combination of meeting formats, as directed by the Delegate.
 - 7.9. The City will provide notice of the meeting to properties within 100m for OCP and Zoning Amendments; including the establishment of a Phased Development Agreement and Temporary Use Permits and 30m for Development Variance Permits.
 - 7.10. The Delegate is authorized at their discretion to modify the notification distance required for a Community Information Meeting based on the nature of the proposal.
 - 7.11. The Delegate may require the applicant to hold more than one (1) Community Information Meeting for an application based on the following considerations: if the first Community Information Meeting generated substantive public comments or concerns to warrant a second meeting, if the proposal presented at the first meeting is subsequently substantially changed, and significance and/or complexity of the application.
 - 7.12. Council may require the applicant to hold more than one (1) Community Information Meeting to facilitate additional community and public engagement on any application.
 - 7.13. The Delegate is authorized at their discretion to modify the meeting location, meeting time, meeting format, and staff attendance at the meeting.
 - 7.14. After a Community Information Meeting is held, the Planner will prepare a summary report including:
 - (a) Location, time, and duration of meeting;
 - (b) Number of attendees;
 - (c) Proof of how the meeting was advertised;
 - (d) All meeting materials displayed and information provided at the meeting;
 - (e) A summation of questions raised, comments provided by attendees and major discussion points;
 - (f) A summary of community concerns raised at the meeting and how the applicant will be addressing the concerns;
 - 7.15. The input received at the Community Information Meeting as well as the Applicant's and staff's responses will be included in a staff report for consideration by the Delegate and/or Council.
 - 7.16. Where an Applicant has given notice or engaged with the community prior to an Application, the Applicant shall provide copies of these written materials to the City prior to consideration of an Application by Council.

PART 8: PUBLIC NOTICE REQUIREMENTS

- 8.1. The public notice requirements for Applications are prescribed in the *Local Government Act*.
- 8.2. Any notice that is required to be advertised under the Part 14 of the *Local Government Act* may be given by no less than two of the following methods:
- (a) electronically by posting the notice prominently for two consecutive weeks on City's official website;
 - (b) electronically by posting the notice prominently for two weeks on any of City's official social media sites; or
 - (c) by publishing at least once a week for two consecutive weeks in at least one newspaper or other publication circulating in the City.
- 8.3. Additional Notice Requirements
- (a) Any notice that is required to be mailed under the will be given to all properties with 100 m, measured from the boundaries of the subject land.
 - (b) The Applicant may be required by the City to erect or cause to be erected at the Applicant's expense a development notice sign on the subject land. The development notice sign must be consistent with the template and procedures prescribed by the Delegate.
 - (c) For notices that are required to be mailed under the *Local Government Act*, the City will mail or otherwise deliver individual notices to all owners and occupiers of properties within a 100 m radius of the subject property for OCP, Zoning, Phased Development Agreement and Temporary Use Permits, or 30 m for Development Variance Permits, advising of:
 - i. A scheduled public hearing for an Official Community Plan Amendment, Zoning Bylaw Amendment, or a Phased Development Agreement;
 - ii. Notification for when a public hearing will not be held;
 - iii. A scheduled Council meeting for a Major Development Variance Permit; and
 - iv. A scheduled Council meeting for a Temporary Use Permit.
 - (d) All correspondence in response to the notifications must be received by the City prior to the start of the Council meeting where final consideration of an Application is to be given or until close of the Public Hearing.
 - (e) Additional Public Hearings are subject to the Fees and Charges bylaw.

PART 9: RECONSIDERATION

- 9.1. An Applicant may apply to Council for the reconsideration of a decision by the Delegate under this Bylaw by delivering to the City's corporate officer a written application for reconsideration within 30 days after the decision is communicated in writing to the Applicant.

-
- 9.2. An application for reconsideration must set out:
- (a) The Applicant's address for receiving correspondence related to the request for reconsideration;
 - (b) a copy of the Delegate's written decision;
 - (c) a copy of any documents which support the Applicant's request for reconsideration by Council;
 - (d) reasons why the Applicant wishes the specific decision to be reconsidered by Council; and
 - (e) what, if any, decision the Applicant considers the Council ought to substitute, and must include a copy of any materials considered by the Applicant to be relevant to the reconsideration by Council.
- 9.3. The corporate officer will place each application for reconsideration on the agenda of a regular meeting of Council as soon as reasonable after delivery of the application for reconsideration, and will notify the Applicant of the date of the meeting at which the reconsideration will occur.
- 9.4. When reconsidering the decision of the Delegate, Council may hear from the Applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the decision or substitute its own decision.

PART 10: EFFECTIVE DATE, SEVERABILITY AND REPEAL

- 10.1. This Bylaw comes into effect on adoption.
- 10.2. If any section, clause, sub-clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- 10.3. The following bylaws and any amendments to those bylaws thereto are hereby repealed:
- (a) Development Applications Bylaw No. 2740, 2014

READ a first time this _____ day of _____, 2023.

READ a second time this _____ day of _____, 2023.

READ a third time this _____ day of _____, 2023.

ADOPTED this _____ day of _____, 2023.

Mayor

Corporate Officer

SCHEDULE A

OFFICIAL COMMUNITY PLAN (OCP) OR ZONING BYLAW AMENDMENT (INCLUDING THE ESTABLISHMENT OF A PHASED DEVELOPMENT AGREEMENT)

All applications for an amendment to the Official Community Plan and Zoning Bylaw submitted in accordance with this bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

- 1.1. The Applicant shall hold a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information such as project summary and conceptual site plan are submitted in advance. The Delegate or Planner will advise the Applicant of DAI required, if any.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.3. An application for an amendment to the Official Community Plan will include one or more opportunities for consultation with persons, organizations and authorities that the City considers affected by the application as outlined in the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be addressed in the staff's report to Council.
- 1.4. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.5. The Applicant may post a Notice of Application sign.
- 1.6. Depending on the particulars of an Application, an application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.7. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to Council.
- 1.8. The Applicant may be required, to hold a Community Information Meeting at their own expense prior to the amending bylaw being considered by Council. If required, the Applicant is to conduct the Community Information Meeting.
- 1.9. The City encourages applicants to inform their neighbours on their proposed development plans and address concerns where feasible. In doing so provide this information to inform the application.
- 1.10. For a Zoning Bylaw amendment that is consistent with the OCP, the Delegate may elect not to hold a public hearing and provide notice of this decision in accordance with the *Local Government Act*, prior to first reading. In considering whether to hold a public hearing or not, the Delegate will consider:
 - (a) If the bylaw is consistent with the Official Community Plan;
 - (b) Whether community engagement has occurred according to this Bylaw.
 - (c) The bylaw has a supporting recommendation from staff; and
 - (d) The bylaw is not expected to generate substantive public input based on correspondence received at the time of writing of the Council report.

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- 1.11. Planning staff will prepare a planning report for Council to summarize referral responses, present bylaw, recommend first and second readings of the bylaw, (and set public hearing date where one is required); or recommend Council deny the Application. First, second, and third readings of the bylaw may take place where a public hearing is not held, and at the discretion of the Delegate.
 - 1.12. The applicant is encouraged to attend the Council meeting at which the application will be considered to answer any questions Council may have and to listen to the proceedings.
 - 1.13. Council may, upon receipt of a report completed by staff:
 - (a) Give first reading to the bylaw amendment pursuant to the application; or
 - (b) Refer the application back to staff to make changes as directed; or
 - (c) Defer or postpone the Application; or
 - (d) Reject the application.
 - 1.14. If Council does not give first reading, the Applicant is notified in writing. That portion of the application fees taken for a public hearing are refunded as per the Fees and Charges Bylaw and the Application is closed.
 - 1.15. In the case of a phased development agreement, following approval of first and second readings of the amending bylaw(s), the Delegate will work with the Applicant to draft the agreement.
 - 1.16. Where the Delegate has provided notice not to hold a public hearing, and Council decides that a public hearing be held prior to third reading to permit the public to comment on the application pursuant to the *Local Government Act* and as per this bylaw, notice(s) of the amending bylaw(s) will be published pursuant to the *Local Government Act*. For a rezoning application where the proposed zoning bylaw is consistent with the OCP, a public hearing is not a default requirement of the *Local Government Act*; however, may be required by Council.
 - 1.17. If a public hearing is held, the minutes of the public hearing will be presented to Council prior to consideration of third reading of the amending bylaw.
 - 1.18. Following third reading of the bylaw(s), where applicable, any legal documents such as covenants and statutory rights of way shall be registered on title, and if applicable subdivision agreements completed, and final technical documents submitted for review and consideration.
 - 1.19. Once all of the conditions identified at third reading, if any, have been addressed, Council will consider adoption of the bylaw(s).
 - 1.20. If defeated, reapplication of a similar amendment will only be considered in accordance with this bylaw.
 - 1.21. Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.

Preparation of Phased Development Agreements

If a Phased Development Agreement is required, it may be processed concurrently with a Zoning Bylaw Amendment application, and will be substantially processed with the following additional steps. The Phased Development Agreement must be adopted by separate bylaw prior to adoption of the amending land use bylaw:

- a) The applicant will be required to work with the Delegate to develop a Terms of Reference identifying the basic conditions to be outlined in the Phased Development

Agreement. Such conditions include, but are not limited to, the lands affected and intent of the agreement, the term, amenities, features and phasing of the development. Other conditions may be required and will be determined on a site-specific basis.

- b) The applicant will submit the draft Terms of Reference to the City who may refer it to other City staff and applicable external agencies by for review and comment.
- c) Once the basic conditions in the Terms of Reference have been agreed upon, the Applicant will be directed to draft the Phased Development Agreement, at the applicant's expense, and submit the agreement to the City.
- d) Staff may refer the draft Phased Development Agreement to all applicable other City staff and applicable external agencies by for review and comment, and may refer the draft Phased Development Agreement to a solicitor.
- e) Staff will prepare a technical report for Council's consideration on the draft Phased Development Agreement, incorporating feedback received from the referral process and amending land use bylaw(s) (e.g. OCP, Zoning Amendment Bylaw application(s)).
- f) If Council wishes to proceed with the Phased Development Agreement, the Phased Development Agreement bylaw will be given first reading and second reading (including the placement of conditions, where appropriate). Council may alternatively decide to postpone or deny the application.
- g) Should the Phased Development Agreement Bylaw receive first and second readings a public hearing will be held pursuant to the *Local Government Act* and this Bylaw.
- h) Following the close of the public hearing, Council may proceed with third reading of the Phased Development Agreement and the amending land use bylaw(s) (e.g. OCP, Zoning Bylaw application(s)) (including the imposition of conditions), postpone or deny the application.
- i) Once the applicant has adequately addressed all of the conditions identified at third reading (if any), Council will consider adoption of the Phased Development Agreement bylaw(s) and the amending land use bylaw(s) (e.g. OCP, Zoning Bylaw application(s)).
- j) If a Phased Development Agreement is entered into, a Notice will be registered against the title of the property at the Land Title Office by Staff.
- k) Amendments to an approved Phased Development Agreement may occur pursuant to the *Local Government Act*.

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- 1.22. An OCP or zoning bylaw amendment application, with or without Phased Development Agreement, submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

OFFICIAL COMMUNITY PLAN (OCP) OR ZONING BYLAW AMENDMENT (INCLUDING THE ESTABLISHMENT OF A PHASED DEVELOPMENT AGREEMENT)



**SCHEDULE B
PREPARATION OF HOUSING AGREEMENTS**

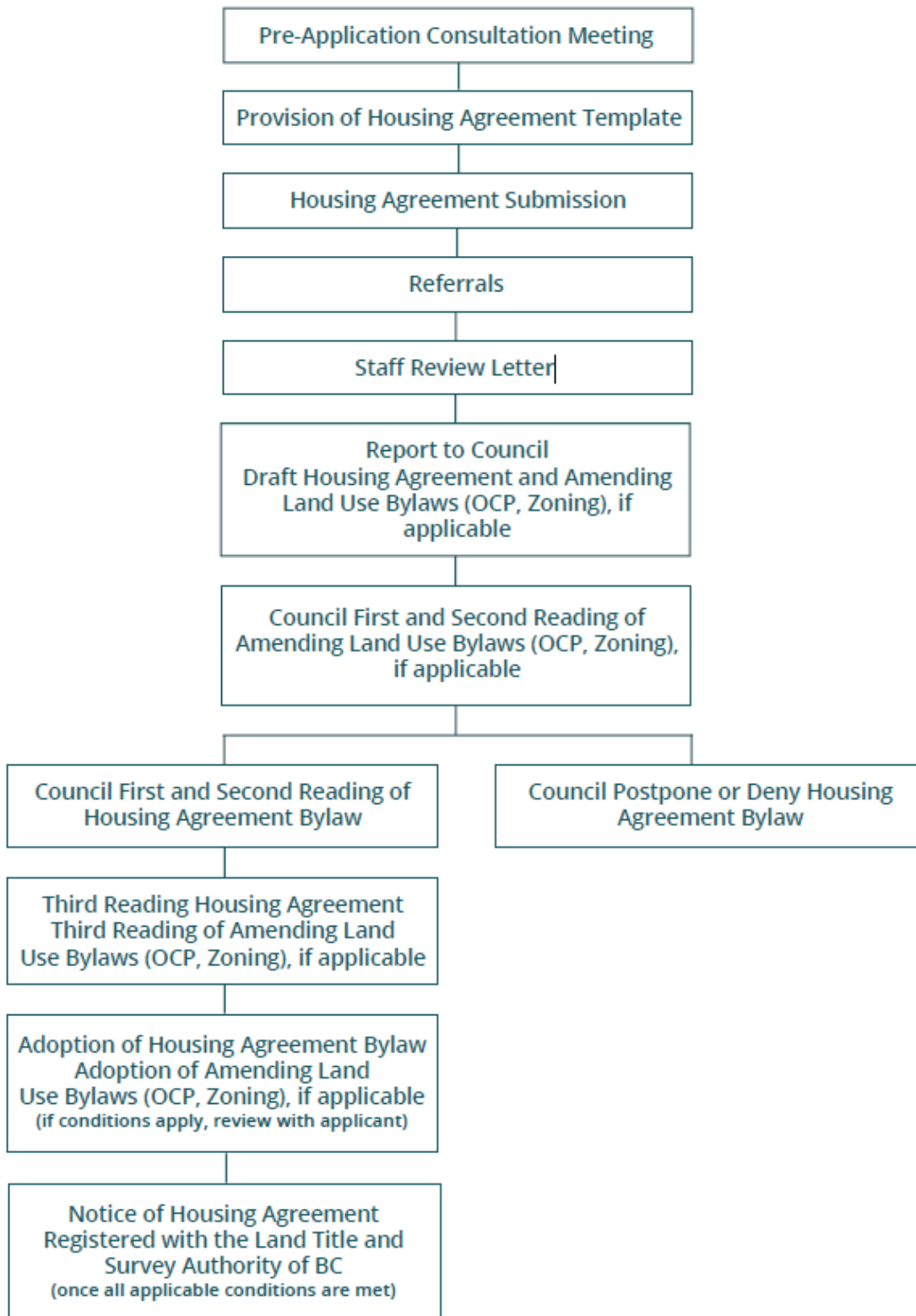
Housing Agreements are used to ensure affordability for current and future renters and owners. While terms and conditions of the agreement vary between properties, a housing agreement usually serves to limit rental rates or sale prices, and may also stipulate who may reside at, or purchase, the property. Administrative requirements, property management, and an allowance for monitoring to ensure compliance may also be included. Housing Agreements may be required as a condition of a Zoning Amendment application. A Housing Agreement may also occur in the absence of a Zoning Amendment application process. When in conjunction with a Zoning Amendment application, the Housing Agreement must be adopted by separate bylaw prior to adoption of the amending land use bylaw.

- 1.1. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. Where a Zoning Bylaw amendment is considered in relation to the proposed Housing Agreement, the meeting will include discussion of Zoning Bylaw amendment as well. The Delegate or Planner will advise the Applicant of Reports and DAI required, if any.
- 1.2. Prior to application, staff will provide a Housing Agreement template. This document contains the standard terms and wording for City of Courtenay housing agreements and shall include at minimum:
 - (a) Owner/Society and Site Specific Information – Information specific to the owner or management information, as well as site-specifics such as number and type of units etc.
 - (b) Fees and Charges – Clearly outlines fees, such as rent amounts, strata or leasehold fees, and additional charges, and specific information regarding rate increases.
 - (c) Qualified Occupants – A fair practice and clear definition for determining who is a qualified occupant.
 - (d) Roles and Responsibilities – Define the roles and responsibilities of each party, including external funding sources if applicable.
 - (e) Terms and Conditions – These may be standard or specific to the proposal and will be discussed with the Delegate or Planner.
- 1.3. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant.
- 1.4. Planning staff will review the proposal for compliance with relevant City bylaws. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.5. Staff may refer the draft Housing Agreement to all applicable other City staff and applicable external agencies by for review and comment, and may refer the draft Housing Agreement to a solicitor.
- 1.6. Staff will prepare a technical report for Council's consideration on the draft Housing Agreement, incorporating feedback received from the referral process and amending land use bylaw(s) where applicable (e.g. OCP, or Zoning Amendment Bylaw application(s)).
- 1.7. Where the Housing Agreement is considered in relation to a Zoning Amendment bylaw,

the Housing Agreement Bylaw will be considered following First and Second Readings of the Zoning Amendment Bylaw.

- 1.8. If Council wishes to proceed with the Housing Agreement, the Housing Agreement bylaw will be given first reading and second reading. Council may alternatively decide to postpone or deny the application.
- 1.9. Where a Housing Agreement Bylaw has received First and Second readings, Council may proceed with third reading of the Housing Agreement and the amending land use bylaw(s) together (e.g. OCP, Zoning Bylaw application(s)) (including the imposition of conditions), postpone or deny the application(s).
- 1.10. Once the applicant has adequately addressed all of the conditions identified at third reading (if any), Council will consider adoption of the Housing Agreement bylaw and the amending land use bylaw(s) where applicable (e.g. OCP, Zoning Bylaw application(s)). If a Housing Agreement Bylaw is adopted, a Notice of Housing Agreement will be registered by staff against the title of the property at the Land Title Office.
- 1.11. Monitoring and enforcement are common conditions of Housing Agreements and will be followed in accordance with the Agreement.
- 1.12. A Housing Agreement application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

HOUSING AGREEMENTS



SCHEDULE C

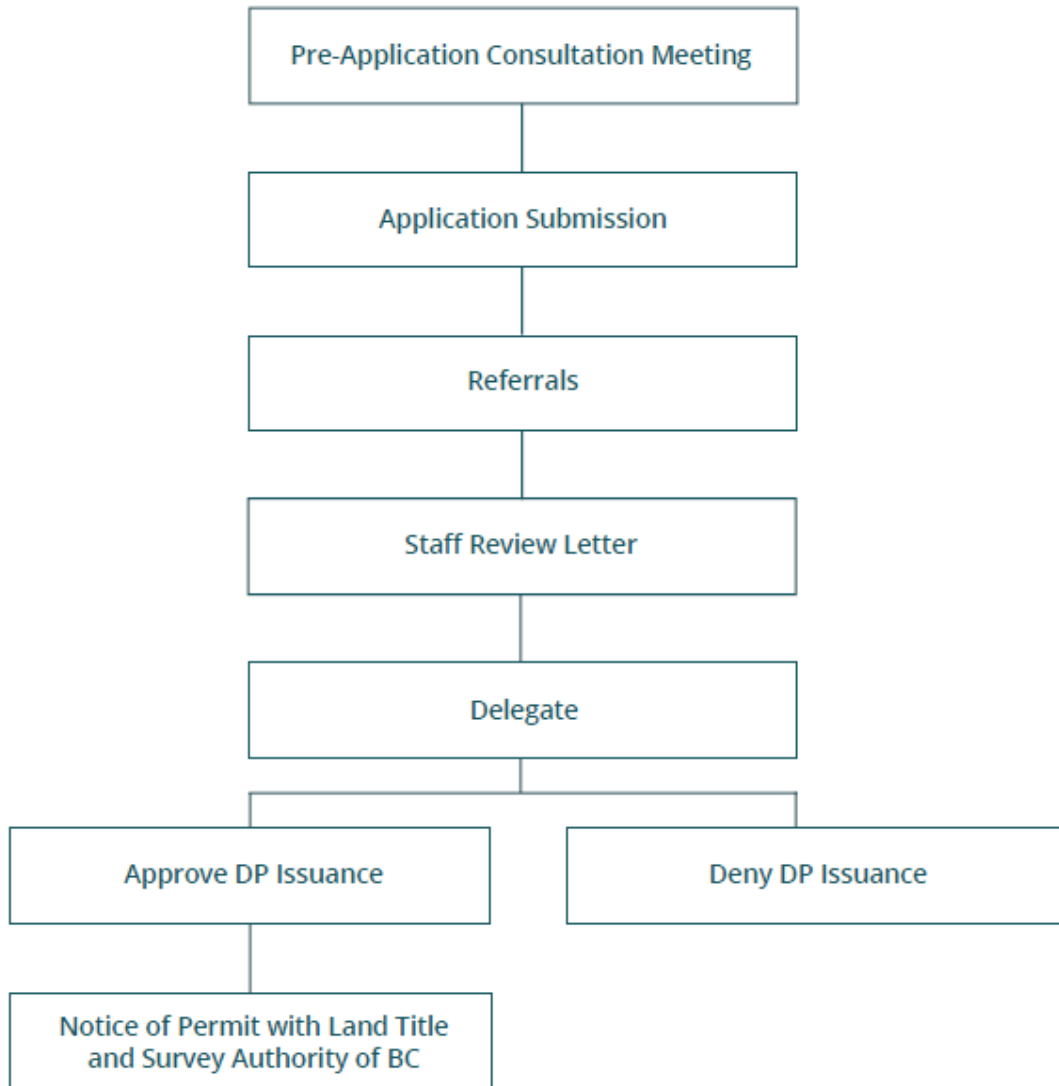
DELEGATED DEVELOPMENT PERMIT

All applications for Development Permit submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. A Development Permit allows the Delegate to approve a development permit in compliance with the Official Community Plan and Zoning Bylaw. Development Permit applications are not subject to Public Hearing requirements or formal notification. This process arises because the Delegate's discretion to approve, amend or deny a development permit is limited to the scope of the Development Permit Area Guidelines in the Zoning Bylaw.

- 1.1. This schedule applies to permits that have been delegated by Council to the Delegate and where the development permit does not include a variance.
- 1.2. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information such as project summary and conceptual site plan are submitted in advance. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.3. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information, including Reports, is received and fees paid.
- 1.4. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.5. Depending on the particulars of an Application, an application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.6. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to the Delegate.
- 1.7. Planning staff will prepare a planning report for the Delegate to summarize how the application meets the Development Permit Area guidelines, and recommend whether to approve or deny.
- 1.8. The Delegate may issue the development permit, issue the development permit with conditions or where the Application does not conform to the Development Permit Area Guidelines in the Zoning Bylaw, refuse to issue the development permit. Alternatively, the Delegate may refer the Application to Council for reconsideration in accordance with this bylaw.
- 1.9. Development permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.
- 1.10. If a Development Permit is granted, a Notice of Permit will be registered by staff against the title of the property at the Land Title Office
- 1.11. Applications for permit renewals, extension, or re-application will be processed in substantial accordance with the process outlined above.

- 1.12. A development permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

DELEGATED DEVELOPMENT PERMIT



The following permits are delegated to the Director of Development Services:

DPA-1: Commercial, Industrial, Mixed-Use Developments, and Multi-Residential Dwellings with Three or More Units

DPA-2: Intensive Residential Form and Character DPA for Duplexes, Detached Secondary Residences, Heritage Neighbourhoods, Bare Land Stratas, and Mobile Home Parks

DPA-3: Farm Protection

DPA-4: Environmental

DPA-5: Hazardous Conditions - Steep Slopes

SCHEDULE D

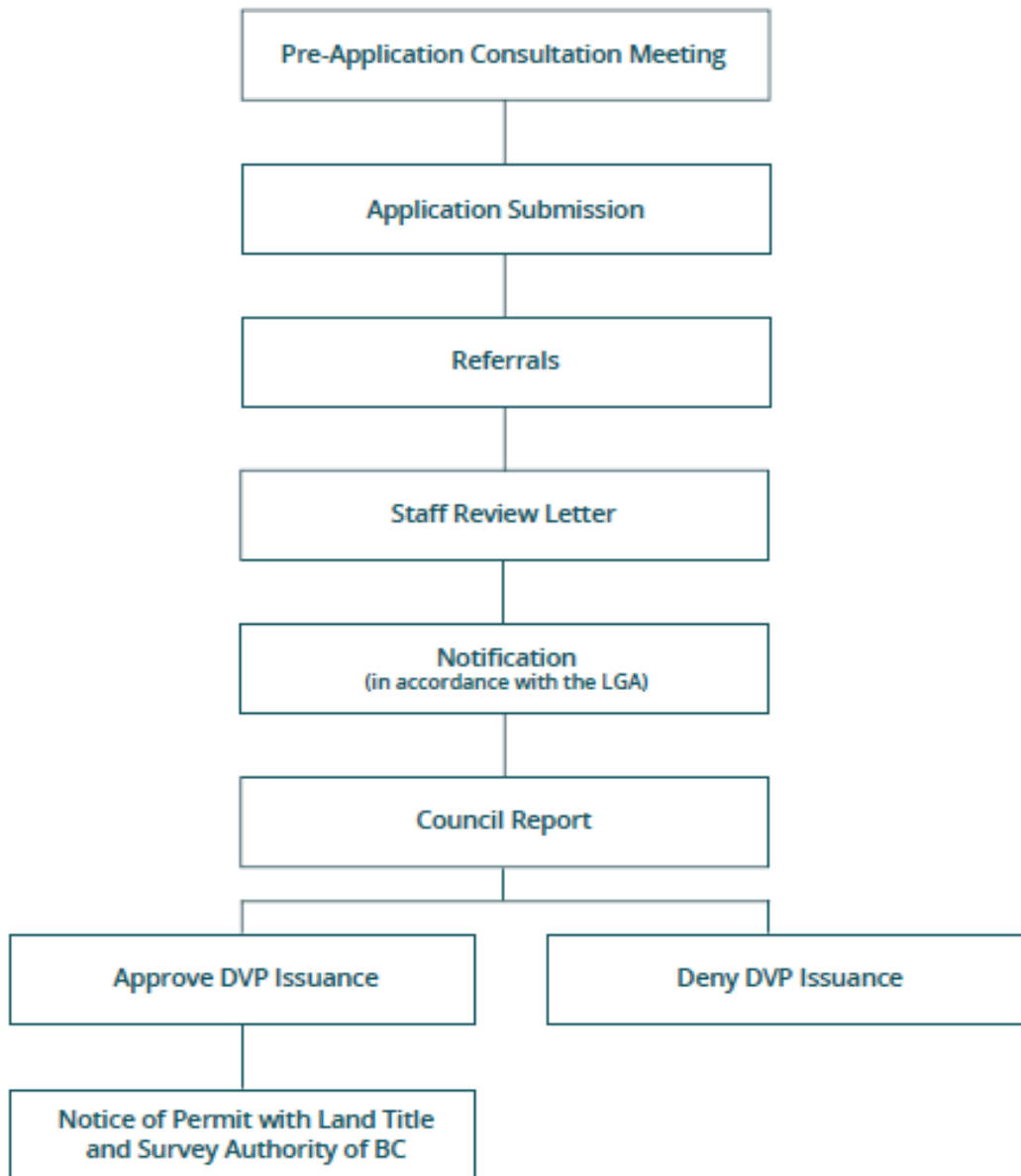
DEVELOPMENT VARIANCE PERMIT (DVP) APPLICATION (APPROVAL BY COUNCIL)

All applications for development variance permits, other than for a Minor Development Variance Permit, will be submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

- 1.1. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information such as project summary and conceptual site plan are submitted in advance. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant.
- 1.3. Planning staff will review the proposal for compliance with relevant City bylaws and to confirm whether the requested variance can be approved as a Minor Development Variance Permit and, if not, will process the Application in accordance with this schedule. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.4. Depending on the particulars of an Application, an application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.5. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to the Delegate.
- 1.6. Planning staff will prepare a planning report to Council relating any information received through internal referral, and the notification process and advising on the extent of the requested variance and whether the variance is necessary or beneficial. The report will consider the impact of the proposed variance on adjacent properties or the surrounding neighbourhood and how those impacts may be mitigated, whether there is a community or environmental benefit to the larger community in granting the variance, and whether there is hardship other than the business aspects of the development, such as location, size, site configuration or topography or other natural attribute of the land (e.g. rock outcrop, floodplain, natural vegetation).
- 1.7. Where an application for a Development Variance Permit is made concurrent with a Development Permit, the report to Council will include in general terms the nature of the Development Permit. The Development Permit is a separate permit and is reviewed and issued by the Delegate.
- 1.8. Staff will mail or otherwise deliver notices to adjacent property owners in accordance with this bylaw.
- 1.9. The applicant is encouraged to attend the Council meeting at which the application will be considered to answer any questions Council may have and to listen to the proceedings.

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- 1.13. Development Variance Permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.
 - 1.14. If a Development Variance Permit is granted, a Notice of Permit will be registered by staff against the title of the property at the Land Title Office.
 - 1.15. Applications for permit renewals, extension, or re-application will be processed in substantial accordance with the process outlined above.
 - 1.10. A DVP application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

DEVELOPMENT VARIANCE PERMIT (DVP) APPLICATION (APPROVAL BY COUNCIL)



SCHEDULE E

DELEGATED MINOR DEVELOPMENT VARIANCE PERMIT

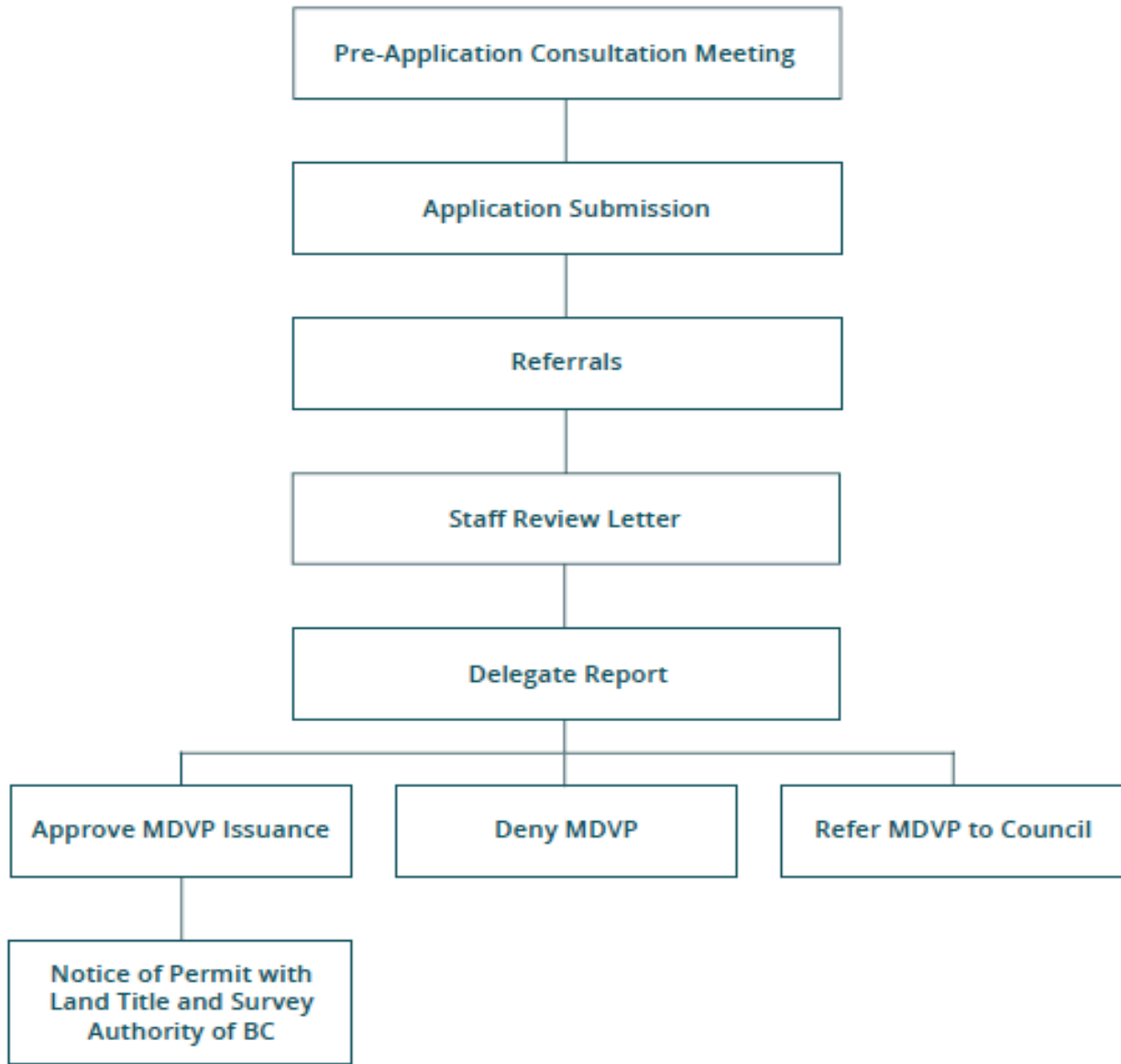
All applications for Minor Development Permit submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. A Minor Development Permit allows a person to whom Council has delegated authority to review proposed variances against detailed regulations in the Zoning Bylaw. Minor Development Variance Permits applications are not subject to statutory notice provisions in the Local Government Act (see s. 499 (1.1)).

- 1.1. This schedule applies to Minor Development Variance Permits. These decisions are subject to reconsideration by Council.
- 1.2. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information such as project summary and conceptual site plan are submitted in advance. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.3. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information, including Reports, is received and fees paid.
- 1.4. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.5. Depending on the particulars of an Application, an application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.6. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to the Delegate.
- 1.7. Planning staff will prepare a planning report for the Delegate to summarize the application and how it meets the Minor DVP guidelines.
- 1.8. Where an application for a Minor Development Variance Permit is made concurrent with a Development Permit, the report to Delegate will also address the Development Permit and how it meets Development Permit Area guidelines. The Development Permit is a separate permit and is reviewed and issued by the Delegate.
- 1.9. In considering whether to approve a minor variance, the Delegate will consider the following guidelines:
 - (a) the impact of the proposed variance on adjacent properties or the surrounding neighbourhood and how those impacts may be mitigated;
 - (b) whether there is a community or environmental benefit to the larger community in granting the variance, and
 - (c) whether there is hardship other than the business aspects of the development,

such as location, size, site configuration or topography or other natural attribute of the land (e.g. rock outcrop, floodplain, natural vegetation).

- 1.10. The Delegate may issue the Minor Development Variance Permit, issue the Minor Development Variance Permit with conditions or where the variance is not supported by the considerations above, refuse the Minor Development Variance Permit. Alternatively, the Delegate may refer the Application to Council for reconsideration in accordance with this bylaw.
- 1.11. Minor Development Variance Permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.
- 1.12. If a Minor Development Variance Permit is granted, a Notice of Permit will be registered by staff against the title of the property at the Land Title Office.
- 1.13. Applications for permit renewals, extension, or re-application will be processed in substantial accordance with the process outlined above.
- 1.14. A Minor Development Variance Permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

DELEGATED MINOR DEVELOPMENT VARIANCE PERMIT (MDVP)



SCHEDULE F

TEMPORARY USE PERMIT (TUP) APPLICATION

This process is only available where the OCP or Zoning Bylaw designate the area as a places where temporary uses may be allowed. All applications for Temporary Use Permits submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

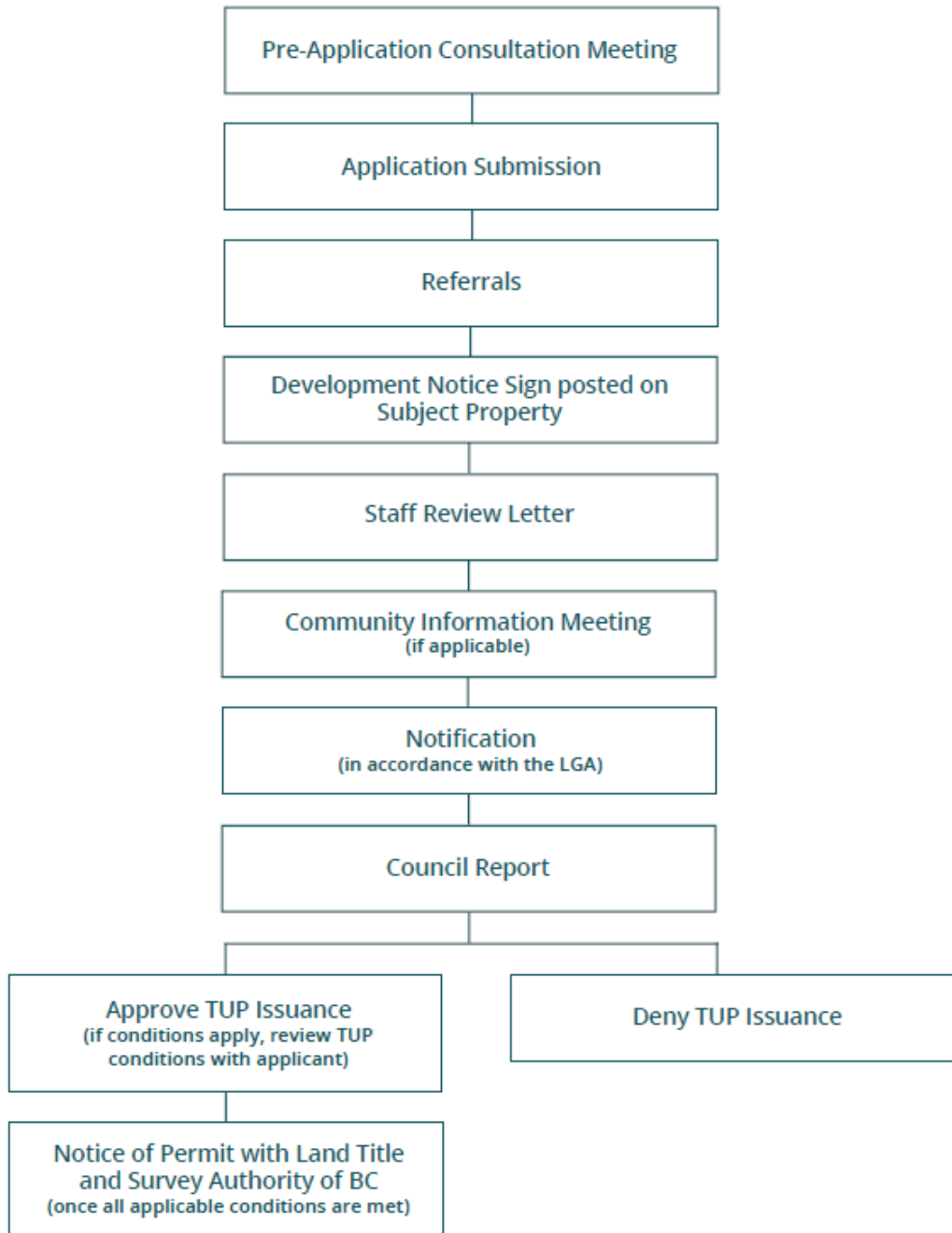
- 1.1. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information such as project summary and conceptual site plan are submitted in advance. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.3. The Applicant will post a Notice of Application sign as per Schedule X of this bylaw.
- 1.4. Depending on the particulars of an Application, an application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.5. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.6. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to Council.
- 1.7. The Applicant may be required, and is encouraged, to hold a Community Information Meeting at their own expense prior to the Permit being considered by Council. If required, the Applicant is to conduct the Community Information Meeting.
- 1.8. Temporary use permits are subject to statutory notification requirements as outlined in the *Local Government Act* and the alternative methods of notice set out in this Bylaw, and shall include opportunity for the public to make comment to Council on the proposal in the form of a public input opportunity.
- 1.9. Staff will prepare a planning report for Council relating any information received through internal referral, and the notification process. The report should consider the extent to which the temporary use relates with the intent and policies of the Official Community Plan and potential impact of the use on surrounding properties.
- 1.10. The applicant is encouraged to attend the Council meeting at which the application will be considered to answer any questions Council may have and to listen to the proceedings.
- 1.11. Council may require an Applicant provide performance security for a temporary use permit and may impose additional conditions, including those that were not imposed in the original TUP.
- 1.12. Once the minutes of the Council resolution have been prepared, the applicant will be

notified of the outcome.

- 1.13. If a Temporary Use Permit is granted, a Notice of Permit will be registered by staff against the title of the property at the Land Title Office.
- 1.14. The owner of the land in respect to which the temporary use permit has been issued has the right to use the land as authorized through the permit until the date that the permit expires, for a term not to exceed three (3) years.
- 1.15. An Applicant to whom a temporary use permit has been issued may apply in writing to have the permit renewed for the same use for a specified term not exceeding 3 years. Renewal may only be granted once.
- 1.16. The renewal should be applied for and granted within the term of the original temporary use permit.
- 1.17. When the owner of land fails to comply with all the undertakings given under the permit, the City may enter on the land and carry out the demolition, removal or restoration at the expense of the owner.

- 1.18. A TUP application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

TEMPORARY USE PERMIT APPLICATION

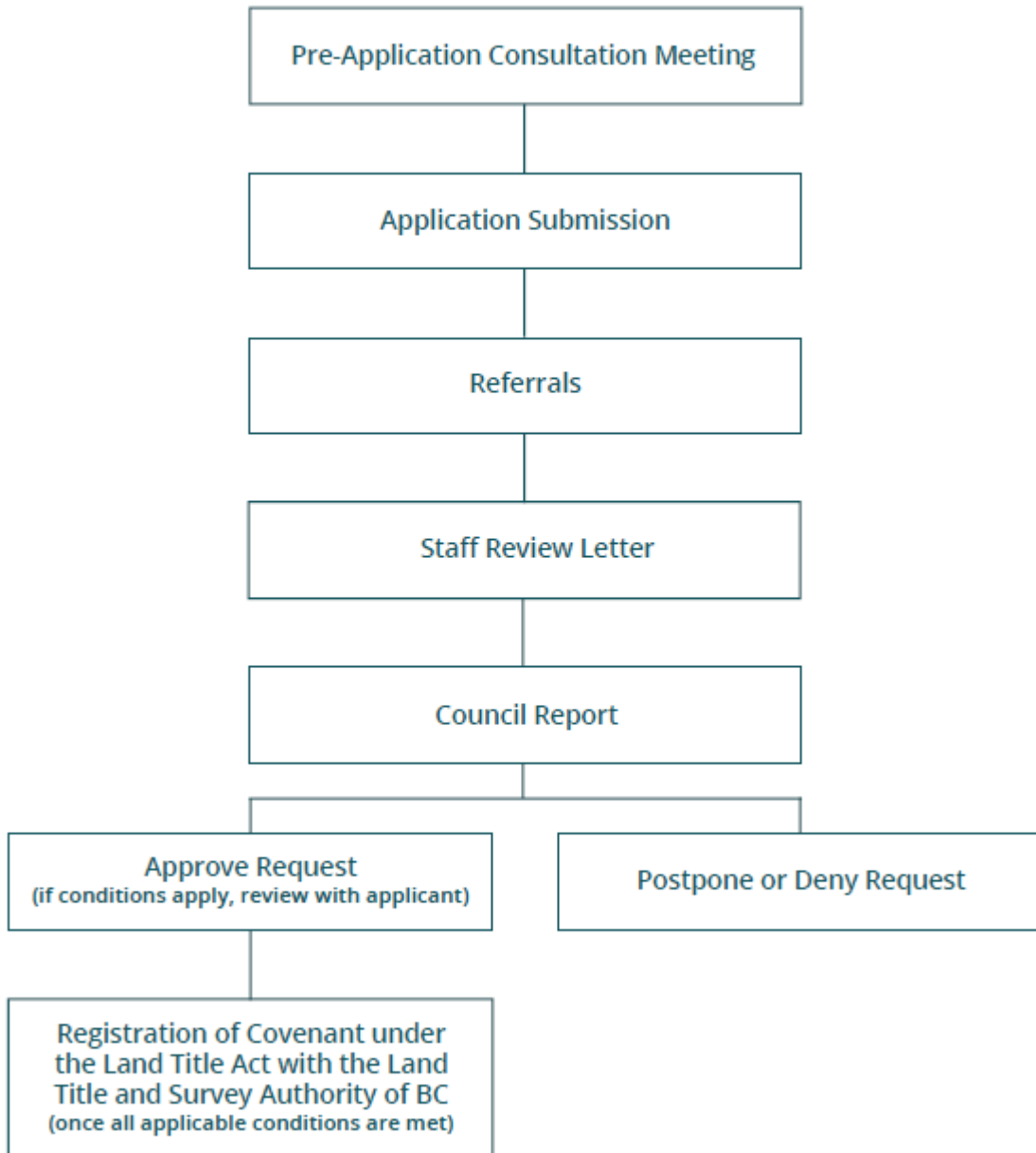


**SCHEDULE G
FLOOD PLAIN EXEMPTIONS**

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

- 1.1. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant.
- 1.3. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.4. Depending on the particulars of an Application, an application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.5. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to the Delegate.
- 1.6. Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process.
- 1.7. Council will receive the technical report, and Council may grant the requested floodplain exemption, may grant the floodplain exemption with terms or conditions, or may postpone or deny the application.
- 1.8. Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- 1.9. If an exemption is granted, a covenant under the *Land Title Act* will be prepared at the expense of the applicant and will be registered against the title of the subject property at the Land Title Office.
- 1.10. A Floodplain Bylaw exemption application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

FLOODPLAIN EXEMPTION

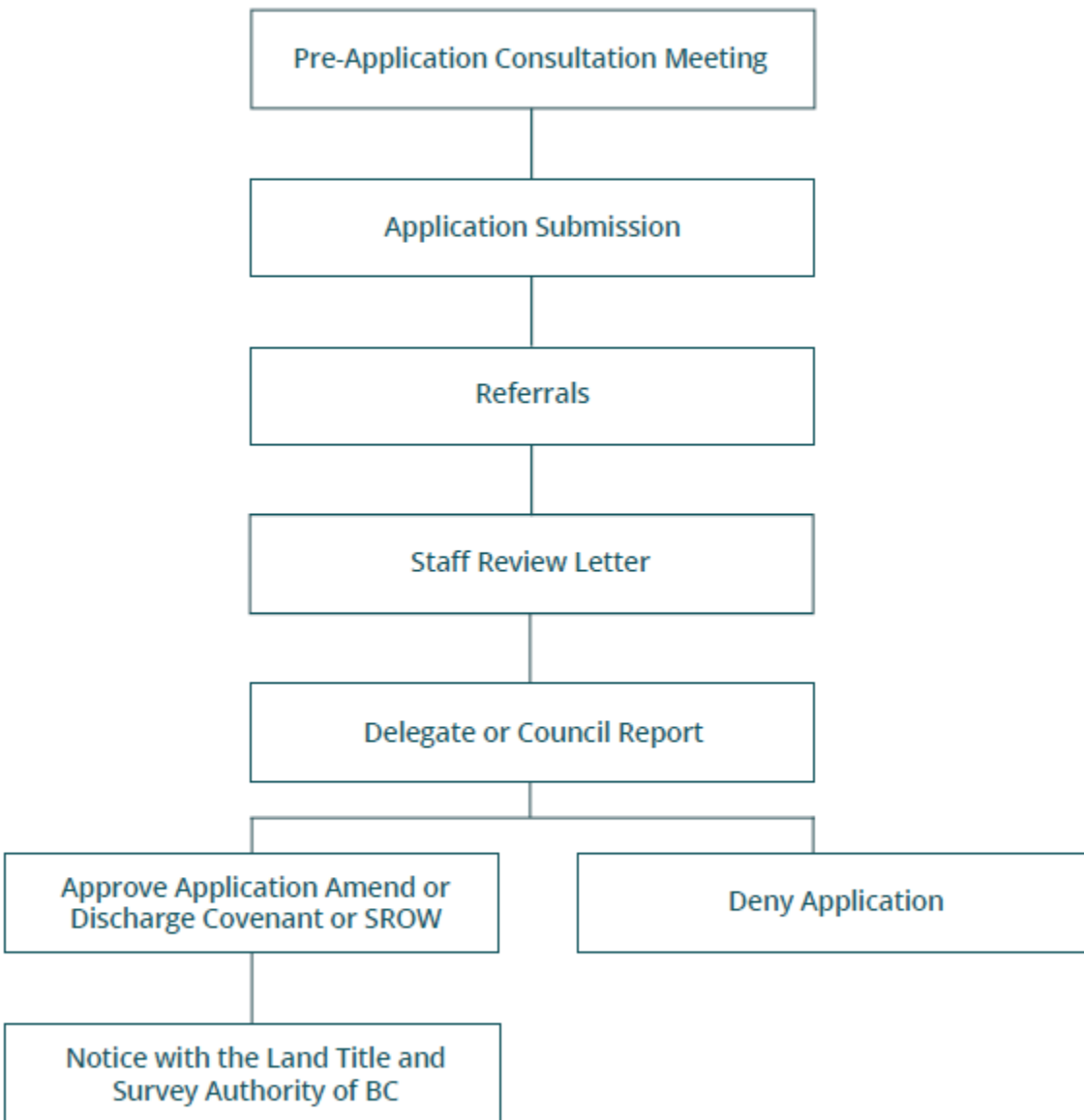


SCHEDULE I
SECTION 219 COVENANT AND/OR STATUTORY RIGHT OF WAY
AMENDMENTS

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. An application to amend a Section 219 Covenant or statutory right of way submitted in accordance with this bylaw will be substantially processed as follows:

- 1.1. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.3. Depending on the particulars of an Application, an Application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.4. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.5. The Applicant will be advised, in writing, of feedback received through the referral process and will be advised of any additional information required to evaluate the Application.
- 1.6. Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations. If the Application is deemed to meet the criteria of delegated authority, the amendment request and technical report will be referred to the Delegate for consideration otherwise the report will be prepared for Council's consideration.
- 1.7. Where approved by Council, the Applicant is encouraged to attend the Council meeting at which the Application will be considered to answer any questions Council may have and to listen to the proceedings.
- 1.8. If proposed amendment is approved, an amended covenant or statutory right of way under the Land Title Act or request to discharge will be prepared at the expense of the applicant and will be registered against the title of the subject property at the Land Title Office. If approved, Notice of Permit will be registered by staff against the title of the property at the Land Title Office.
- 1.9. A Section 219 Covenant and Statutory Right of Way Amendment submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

SECTION 219 AND/OR STATUTORY RIGHT OF WAY AMENDMENTS





STAFF REPORT

To: Council

File No.: 1810-00

From: Director of Development Services

Date: November 22nd 2023

Subject: Fees and Charges Amendment Bylaw No. 3107

PURPOSE:

To consider amendments to the *City of Courtenay Fees and Charges Bylaw No. 1673, 1992* in order to introduce new and updated development application fees and charges, cost recovery charges for specific services provided by the Development Services Department and a refund structure for development applications. These fees and charge changes are introduced to support implementation of the new *Planning and Development Application Procedures Bylaw No. 3106*.

BACKGROUND:

City of Courtenay Fees and Charges Bylaw No. 1673, 1992 provides the City with the authority to impose a fee in respect to all or part of a service, the use of municipal property or the exercise of authority to regulate, prohibit or impose requirements pursuant to Section 194 of the *Community Charter*. This includes ability to set development application flat or scaled fees, administrative fees for duties not included in support of a development application or routine public service, and cost recovery for external services such as third party review, mail outs, and obtaining of land titles from BC Land Title and Survey Authority.

DISCUSSION

Modest increase to fees in 2017, costs to administrate these services has increased since this time and this bylaw seeks to reflect costs such as inflation, advertisements, mail outs and staff time. This bylaw also identifies new fees that were not being collect or reflect the applicant process in the Development Procedures Bylaw No. 3106.

Fees were updated in order to reflect legislative changes, and the Development Procedures Bylaw No. 3106 which include:

- Creation of Minor Development Variance Fee, delegated to the Director of Development Services,
- Creation of fees for the creation of Phased Development Agreements and Housing Agreements,
- Creation of agreement fees for the registered occupation of private land over City land such as in the case of encroachment agreements,
- Creation of fees for the discharging or amending of restrictive covenants or statutory rights of way.
- Creation of fees for providing a letter of concurrence from City Council for the siting of Telecommunication Towers,
- Creation of form and character façade alteration fees outside of the Downtown Courtenay Business Improvement Association Area, and an increase in fees to the Downtown Courtenay BIA façade development permit fees to better reflect incurred costs.

- Creation of fees to provide a property information that requires the retrieval, review and summary of records.
- Creation of a flat Tree Cutting Permit fee for larger properties to provide clarity in application and recovering costs.
- Creation of a refund structure for applications that do not proceed to a report being presented to the decision maker (Council or the Director of Development Services),
- Compartmentalizing fees for activities such as mail outs, that would be required for Community Information Meetings, Variances, and Public Hearings. These are fees additional to the application fee when required.
- Increasing fees to better reflect the cost to administer the regulatory frameworks for: complex environmental development permit application fees, simple tree cutting permits, Board of Variance applications, liquor and cannabis licencing, and sign permits.
- Removal of fees to process Agricultural Land Reserve applications as these fees are set by the Agricultural Land Commission,
- Removal of fees for which the City no longer provides a discrete service such as site profile processing and landscape inspections,
- Removal of building permit fees as they are contained in the Building Bylaw and removal of soil permit fees as they are contained in Soil Removal Bylaw.

Staff reviewed a number of other community fees and charges bylaws to inform the proposed fee increases, these municipalities and regional districts are outlined in Attachment 3. The proposed fee increases are in alignment with neighbouring cities.

Development Application Refund Policy

Staff have revised the refund policy to include all types of development applications. Currently the bylaw is structured to grant refunds only for specific types of development applications, for example, rezoning applications and ALR applications. Staff have proposed the following refund table be included in the Bylaw:

Refunds as a % of Total Application Fee	
After referral of an application, prior to preparation of a staff report	50%
After completion of a staff report	0%

Table No. 2: Refund Table

POLICY ANALYSIS:

The changes to the fees and charges bylaw align with OCP policies and Implementation actions.

OCP Policy LE 14

Liaise with senior governments, neighbouring jurisdictions, and the business community to identify barriers, improve business infrastructure and streamline application processes.

FINANCIAL IMPLICATIONS:

The LGA legislation states that municipalities can recover costs incurred for service. The proposed changes to the Fees and Charges Bylaw will more accurately reflect a more current fee structure and cost recovery for services provided and for services the department is receiving little or no revenue for.

Development related Fees and Charges are collected when applications are made and permits are applied for. The proposed amendments are expected to result in moderate changes to Development Services Department Revenues.

ADMINISTRATIVE IMPLICATIONS:

The proposed changes will not impact administrative resources the Development Services Department is already charging fees and providing the services outlined in the new fee and cost recovery categories in the bylaw, no significant administrative implications are anticipated.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Financial Sustainability - Review City Financial processes: Review fees, charges, and fines

PUBLIC ENGAGEMENT:

Development industry consultation on proposed changes to the Development Application Procedures Bylaw and informed the group fees would be increasing that took place July, 2023

OPTIONS:

1. THAT Council give first, second and third reading to Fees and Charges Amendment Bylaw 3107.
2. THAT Council provide alternative direction to staff.
3. THAT Council not move forward with the bylaw.

ATTACHMENTS:

1. City of Courtenay Fees and Charges Amendment Bylaw No. 3107
2. City of Courtenay Fees and Charges Bylaw No. 1673 showing new changes
3. Comparison of other communities development related fees and charges

Prepared by: Dana Beatson, RPP, MCIP, Policy Planner
Reviewed by: Nancy Gothard, RPP, MCIP, Manager of Community and Sustainability Planning
Reviewed by: Marianne Wade, RPP, MCIP Director of Development Services
Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3107, 2023

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

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

1. This bylaw may be cited for all purposes as **“City of Courtenay Fees and Charges Amendment Bylaw No. 3107, 2023.”**
2. That “City of Courtenay Fees and Charges Bylaw No. 1673, 1992” be amended as follows:
 - (a) That Schedule of Fees and Charges, Section II, Appendix I, “Development Fees”, be hereby repealed and substituted therefore by the following attached hereto and forming part of this bylaw:

Schedule of Fees and Charges Section II, Appendix I – Development Fees

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

Read a first time this ___ day of _____, 2023

Read a second time this ___ day of _____, 2023

Read a third time this ___ day of _____, 2023

Finally passed and adopted this ___ day of _____, 2023

Mayor Bob Wells

Adriana Proton, Corporate Officer

**SCHEDULE OF FEES AND CHARGES
CITY OF COURTENAY FEES AND CHARGES AMENDMENT BYLAW
NO. 3107, 2023**

**SECTION II
APPENDIX I
DEVELOPMENT FEES**

SCHEDULE OF FEES AND CHARGES - DEVELOPMENT APPLICATIONS

APPLICATION	TOTAL
Official Community Plan (OCP) Amendment	
Application Fee (does not include Public Hearing fee)	\$3,000.00
Temporary Use Permit	
Application Fee.....	\$2,500.00
Extension or Amendment	\$2,500.00
Zoning Bylaw	
1. Application Fee	\$3,000.00
2. Large projects - if application is for a parcel with a site area:	
a. Site area over 2 ha or if floor area exceeds 4500 m ²	\$5,000.00
*Plus:	
i. \$100 per residential unit for multi-family developments (to a max of \$10,000)	
ii. \$1.00 per m ² for commercial developments (to a max of \$10,000)	
b. Site area over 8 ha or if floor area exceeds 9000 m ²	\$6,500.00
*Plus:	
i. \$100 per residential unit for multi-family developments (to a max of \$10,000)	
ii. \$1.00 per m ² for commercial developments (to a max of \$10,000)	
3. Comprehensive Development zone (other than 2b)	\$7,500.00
*Plus:	
i. \$100 per residential unit for multi-family developments (to a max of \$10,000)	
ii. \$1.00 per m ² for commercial developments (to a max of \$10,000)	
At the discretion of the Director of Development Services fees will be collected for third party professional reviews to assist City staff in the review of more complex proposals and to assist in the processing of applications during periods of higher development activity.	

Development Permit Applications (DPA)	
1. DPA – 1 Commercial; Industrial, Mixed Use Developments & Multi-Family Residences with Three (3) or more units.....	\$2,500.00
a. For residential projects, add \$75 per 100 m ² residential unit or parcel over 25 units or parcels	
b. For commercial/industrial projects, add \$125 per 100 m ² of gross floor area over 500 m ² or add \$50 per 0.1 ha of site area over 0.4 ha whichever results in the greater fee (round up to nearest \$100.00)	
c. Exterior Façade Improvement (Commercial; Industrial Multi-Family, Multi-Family; with three (3) or more units).....	\$1,000.00
d. Exterior Façade Improvement of existing commercial properties within the Downtown Courtenay Business Improvement Area.....	\$200.00
2. DPA – 2 Intensive Residential Form and Character.....	\$500.00
3. DPA – 3 Farm Protection.....	\$500.00
4. DPA – 4 Environmental Protection (EDP)	
a. EDP major*.....	\$2,500.00
b. EDP minor**.....	\$500.00
5. DPA – 5 Hazardous Conditions - Steep Slopes.....	\$500.00
6. Application to extend the period of validity for an existing Development Permit.....	\$750.00
7. Application to amend an existing Development Permit.....	\$750.00
*Major: construction value is over \$100,000.00	
**Minor: construction value is under \$100,000.00	
Development Variance Permit Applications	
1. Application fee if approved by Council	\$1,500.00
2. Minor Development Variance Permit (Delegated).....	\$500.00
Board of Variance Application	\$500.00
Liquor License and Cannabis Applications	
1. Application fee (does not include a Public Hearing fee – if required)	\$1,500.00 (+GST)
Sign Permits	\$100.00
Strata Conversion	
1. Application for a strata conversion of a previously occupied building	
a. Inspection fee	\$100.00
b. Application fee	\$500.00
c. For each additional unit/parcel	\$100.00
Subdivision Application Fees	
1. First parcel	\$600.00
2. Each additional parcel	\$150.00
3. Application for a Phased Strata Development.....	\$1,500.00

Restrictive Covenant or Statutory Right of Way Amendment to or Discharge	\$1,000.00
Property Information Request or File Review	\$150.00 (+GST)
Land Title Document Search, per title	BC Land Title and Survey Rates
Printing, per page	0.25
Photocopying, per page	0.35 (+GST)
Postage	Canada Post Rates (+GST)
Administrative Fee (e.g. preparing mail-out notifications, preparing property information request or file review)	\$35.00 per hour
Tree Cutting & Removal Permit	
1. Single family lots equal to or under 4000m2 in size, or when only two trees are removed on any sized lot.....	\$100.00
2. Lots larger than 4000m2 and multi-lot subdivisions.....	\$500
3. Hazardous tree removal.....	No fee

Public Hearing	
Each Statutory Public Hearing organized and conducted by City Staff (this fee includes the publication of notice (e.g. newspaper). A corresponding mail-out notification of the meeting is additionally charged at postage and staff admin rates..... This fee will be refunded in full if an application does not proceed to Public Hearing.	\$1,500.00 (+GST)
Community Information Meeting	
Each Community Information Meeting held in person and attended by City Staff. A corresponding mail-out of the materials and notification of the meeting is additionally charged at postage and staff admin rates. Cost of Venue and Advertising (Community Information Meeting)	\$500.00 Applicant's Cost
Letter of Concurrence from City Council for the siting of Telecommunication Towers	\$1,500.00

Encroachment Agreements	
General	\$1,500.00
a) Plus, annual fee of \$200.00 plus \$5.00 for every square foot exceeding 150 square feet	
Residential Non-Invasive Encroachment.....	\$75.00 application fee
a) Plus (assessed value per sq. ft x sq. ft of encroachment) x 2.5%	
Residential Invasive Encroachment.....	\$75.00 application fee
a) Plus (assessed value per sq. ft x sq. ft of encroachment) x 5%	
Commercial & Multi-Family Sidewalk Hoarding Only.....	\$75.00 application fee
Commercial & Multi-Family Non-Invasive Sidewalk Hoarding and Site Trailers.....	\$75.00 application fee
a) Plus (assessed value per sq. ft x sq. ft of encroachment) x 5%	
Commercial & Multi-Family Invasive Construction Staging, Cut Excavated Slope and/or Temporary Land Use.....	\$75.00 application fee
a) Plus (assessed value per sq. ft x sq. ft of encroachment) x 7.5%	
Housing Agreement	
	\$2,000.00
Phased Development Agreement	
	\$3,500.00
License of Occupation	
All fees are in addition to required Business License Fees per current associated bylaw.	
Sidewalk Cafés.....	\$5.00 per m ² per month for sidewalk or SRW occupied
a) Plus \$100.00 per parking space occupied per month	
Merchant Encroachment (Sidewalk).....	Annual fee of \$25.00 for all sidewalk area
a) \$15.00 fee per day per parking space	
For-Profit Events.....	Minimum \$100.00 fee
a) Plus \$50.00 per hour (or portion thereof) after the first 2 hours until fully vacated	
24 Hour Mobile Street Vendor.....	\$25.00

Seasonal License Fee.....	\$25.00 per month or \$125.00 for May 1 to October 31
Community Events and Non-Profit Vendors.....	No fee

Development Application Refund

Refunds as a % of Total Application Fee	
After referral of an application, prior to preparation of a staff report	50%
After completion of a staff report	0%

Comparison Table

Name of Fee	Existing Fee	Proposed Fee	Name of Municipality/Regional District who charge similar fees	Notes
Official Community Plan Amendment	\$3,000.00	\$3,000.00 *Plus cost of public hearing (\$1,500.00)	Village of Cumberland Comox Valley Regional District	*Cost of public hearing is a separate fee and was amended to include the cost of the public hearing.
Temporary Use Permit Application Extension or Application Amendment	\$2,500.00	\$2,500.00	Village of Cumberland City of Burnaby	No change in fee.
Zoning Bylaw Amendments 1. <u>Application Fee</u> a) for existing developed residential property to allow for one additional housing unit b) to add one permitted use to an existing commercial or industrial zone c) All Other Text Amendments*	\$3,000.00 \$500.00	\$3,000.00 +cost of public hearing (\$1,500.00)	City of Nanaimo Town of Comox City of Campbell River Comox Valley Regional District	Fee was amended to include the cost of the public hearing Fees for 1. a), b), c) were removed from the bylaw and a fee of \$3,000.00 for zoning bylaw amendment is recommended. *No change to All Other Text Amendments

4. For each additional public hearing	\$2,000.00	\$500.00		
5. For each additional community information meeting	\$500.00			
Development Permit Application Fees				
1. DPA – 1 Commercial; Industrial, Mixed Use Developments & Multi-Family Residences with Three (3) or more units <ul style="list-style-type: none"> a) For residential projects, add \$75 per 100 m² residential unit or parcel over 25 units or parcels b) For commercial/industrial projects, add \$125 per 100 m² of gross floor area over 500 m² or add \$50 per 0.1 ha of site area over 0.4 ha whichever results in the greater fee (round up to nearest \$100.00) c) Façade Improvement (Commercial; Industrial Multi-Family, Multi-Family; with three (3) or more units) 	\$2,500.00	\$2,500.00	Comox Valley Regional District City of Nanaimo City of Kelowna Village of Cumberland	No change. New fee added for facade improvements in DPA 1 and new fees for DPA 3,4,5
2. DPA – 2 Intensive Residential Form and Character Development Permit		\$500.00		*Fee increase for Minor EDP
3. DPA - 3 Farm Protection		\$500.00		

4. DPA – 4 Environmental Protection		\$2500.00		No change to amendments and extending permits.
5. DPA – 5 Hazardous Conditions - Steep Slopes		\$500.00		
6. Environmental Development Permit (Minor)		\$500.00		
7. Application to extend the period of validity for an existing permit		\$750.00		
8. Application to amend an existing permit		\$750.00		
Development Variance Permit Applications			City of Revelstoke District of North Vancouver City of Kelowna	Revised and simplified application fees Added new Minor Development Variance permit fee
1. Application fee for commercial, industrial and multi-residential	\$1,500.00	\$1,500.00		
2. Application for single residential or duplex	\$1,000.00			
3. Application for variance of the Sign Bylaw	\$400.00			
4. Application to extend the period of validity for an existing permit	\$750.00			
Application for a phased strata development	\$1,500.00			
Minor Development Variance permit	\$500.00			
All Other City Bylaws	\$1,500.00			
Applications to the ALC				Removed from Fees and charges bylaw

Board of Variance	\$250.00	\$500.00	City of Nanaimo, Town of Comox, City of Campbell River Comox Valley Regional District	Revised BOV Fee
Liquor License Applications			Comox, Village of Cumberland, City of Nanaimo	
1. Application fee, or	\$500.00	\$500.00		
2. If a public hearing is to be held	\$1,250.00 +GST	\$1,500.00		Revised public hearing fee added
Sign Permits		\$100.00	City of Nanaimo	Simplified fee for signs for all sign applications
Community Information Meeting				
Each Community Information Meeting held in person and attend by City Staff		\$500.00	District of North Vancouver City of Surrey	New fee for community information meetings
Cost of Venue and Advertising for Community Information Meeting		At Applicant's Cost	City of White Rock	Revised to recover cost of advertising
Public Hearing		\$1,500.00	Comox Valley Regional District	New public hearing stand-alone fee
Letter of Concurrence from City Council for the siting of Telecommunication Towers		\$1,500.00	Comox Valley Regional District Regional District of Nanaimo	New fee
Application for Floodplain Exemption		\$1,500.00	Comox Valley Regional District Village of Cumberland	New fee

Restrictive Covenant or Statutory Right of Way Amendment to or Discharge		\$1,000.00	Village of Cumberland	New fee
Photocopying (per page)		\$0.25	City of Nanaimo Regional District of Nanaimo	New fee for photocopying and printing
Postage		Current Canada Post Rate	Village of Cumberland City of Kelowna	
Printing (per page)		\$0.35	City of Courtenay	
Public Mailout Notification Costs		*At Applicant's Cost (Combined Cost of Postage imposed by Canada Post, and City's Printing, and Photocopying Rates)		
Encroachment Agreement - General		\$1,500.00 Plus, annual fee of \$200.00 plus \$5.00 for every square foot exceeding 150 sq. ft	City of Vancouver City of Coquitlam	New fee

Residential Non-Invasive Encroachment		\$75.00 application fee plus (assessed value per sq. ft x sq. ft of encroachment) x 2.5%		
Residential Invasive Encroachment		\$75.00 application fee plus (assessed value per sq. ft x sq. ft of encroachment) x 5%		
Commercial & Multi-Family Sidewalk Hoarding Only		\$75.00 application fee only		
Commercial & Multi-Family Non-Invasive Sidewalk Hoarding and Site Trailers		\$75.00 application fee plus (assessed value per sq. ft x sq. ft of encroachment) x 5%		
Commercial & Multi-Family Invasive Construction Staging, Cut Excavated Slope and/or Temporary Land Use		\$75.00 application fee plus (assessed value per sq. ft x sq. ft of encroachment) x 7.5%		
Housing Agreement		\$2,000.00	City of Victoria	New fee
Phased Development Agreement		\$3,500.00	City of Kelowna	New fee

License of Occupation		All fees are in addition to required Business License Fees per current associated bylaw.	Town of Golden	New fee
Sidewalk Cafés		\$5.00 per m2 per month for sidewalk or SRW occupied plus \$100.00 per parking space occupied per month		
Merchant Encroachment (Sidewalk)		Annual fee of \$25.00 for all sidewalk area, \$15.00 fee per day per parking space		
Private Exclusive		Minimum \$100.00 fee plus \$50.00 per hour (or portion thereof) after the first 2 hours until fully vacated		
24 Hour Mobile Street Vendor		\$25.00		

Seasonal License Fee		\$25.00 per month or \$125.00 for May 1 to October 31		
Community Events and Non-Profit Vendors		No Fees		
Property Information Request or File Review		\$150.00	City of Nanaimo Comox Valley Regional District Village of Cumberland	New fee



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Director of Public Works Services
Subject: Solid Waste Management Bylaw

File No.: 05360-02
Date: November 22, 2023

PURPOSE: To seek Council approval of the first, second and third readings of ***Solid Waste Management Bylaw No. 3113, 2023*** (Attachment 3), to seek Council direction to update ***Municipal Ticket Information Bylaw No. 2435, 2006***, and further to seek Council direction to draft a bylaw to repeal the ***Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002***.

BACKGROUND:

In June 2022 Council directed staff to award a ten-year contract commencing January 1, 2024 to Halton Recycling Ltd. (dba Emterra Environmental) for automated curbside collection creating a new solid waste service requiring an accompanying bylaw to outline the program's expectations and define the requirements of the automated curbside collection service.

Upon commencement of automated curbside collection, the existing ***Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002*** will no longer meet the needs of the solid waste collection service and is recommended to be formally repealed by bylaw. Furthermore, an update will be required to ***Municipal Ticket Information Bylaw No. 2435, 2006*** to define the penalties for offences related to the new bylaw as well removing penalties for offences related to the old bylaw. In addition, a Solid Waste Contamination Policy to define escalating enforcement steps for recycling contamination.

DISCUSSION:

The current solid waste bylaw (***Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002***) was originally adopted over twenty years ago for the purpose of requiring residents to use the waste disposal or recycling service provided by the City. Further amendments to this bylaw included:

- Redefining accepted recyclables (2022)
- Removing multi-family and industrial / commercial / institutional properties (2022)
- Including co-mingled organics and limiting organic collection to 360 L (2022)
- Purchasing additional yard waste tags (2023)

The recent amendments to the previous bylaw were all in preparation for the impending transition to automated service in 2024. The implementation of automated curbside collection creates a new solid waste collection service with significant changes to the existing service, including a shift to bi-weekly garbage collection, a limit on organics collection, the assignment of cart sets for each household, cart exchanges, options for additional carts, wildlife resistant carts, weight or volume limits, mandatory participation, serviceable properties, cart placement requirements on collection day, assisted set-out service, requirements for waste audits, contamination management, penalties and offences, and a change to fees and charges.

Bi-Weekly Garbage and Recycling, Weekly Organics Collection

The change to bi-weekly garbage collection is to align with the established goals as defined within the Regional Solid Waste Management Plan. The goal of waste reduction through diversion to recycling and organics is required to effectively achieve the Provincial target of 350 kg/person per year. The inclusion of co-mingled organics in curbside collection in 2023 has shifted behaviours away from a reliance on garbage and towards diversion through the organics stream. Responses from the public as well as 2023 tipping tonnages at the landfill do indicate a reduction in garbage output from most households. The proposed bylaw also stipulates the frequency of collection as the overall collection system will shift to a two stream per week collection style. Starting in January of 2024, organics will be collected every week, with garbage and recycling alternating on a bi-weekly basis.

Organics Limits

Single residential homes will be provided a 360 L organics cart for weekly organics collection, and residents in some areas of the City have voiced concern that seasonal leaf collection and yard waste may overwhelm the new carts that will be provided. Residents will be given the opportunity to acquire additional organics carts on a cost-recovery basis. The costs for additional organics carts are outlined in Attachment 1: Proposed Fees and Charges, which are subject to budget approval.

In March 2023, the **Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002** was amended to include the provision for residents to purchase additional yard waste tags at a cost of \$5 per bag (similar to garbage tags) for the remainder of the manual collection program in 2023. The transition to automated carts will eliminate the option for yard waste tag purchases, but will allow for residents to pay for additional organics carts on a cost-recovery basis, discussed below. Yard waste tag sales have been minimal throughout the first nine months of 2023. Staff understand that the CSWM Comox Valley Waste Management Centre saw a significant increase in residents dropping off yard waste during the spring clean-up period. While there is a need to dispose of yard waste, residents have shown they are willing to pay the user-fee themselves for the excess yard waste disposal.

Standard Cart Assignments

Two cart sets are based on housing type, and will be delivered to homes this fall.

Table 1. Cart sets by housing type

Housing Type	Recycling	Organics	Garbage
Single Residential Dwelling, Duplex	360 L	360 L	120 L
Secondary Suites, Carriage House	240 L	120 L	
Multi-residential Detached, Manufactured Homes in a Mobile Home Park, and Fourplex			

All households in the curbside collection service will receive a 120 L garbage cart with the emphasis on waste diversion to the recycling and organics streams.

Cart Exchanges

Supply-chain limitations in the production of the automated carts prevented the City the opportunity to offer a well-publicized and robust cart selection survey for residents ahead of the required cart order in the fall of 2022. In the absence of the survey, Courtenay used historical data and past experience to select the standard carts for different housing types in the City. The standard cart sizes are also based on industry best practices, regional waste reduction commitments, and contractual obligations through Recycle BC. Residents have been asked to use the supplied carts for all four seasons with an online cart exchange portal opening in the fall of 2024 for cart exchange requests to be made. A cart exchange is defined as the annual exchange of up to two collection streams, either recycling and/or organics carts as garbage carts will be considered additional carts. The first cart exchange for each owner will be free with each subsequent cart exchange in future years being subject to a cart exchange fee. The cart exchange fee is based on a cost recovery model to simply cover the cost of the pickup, drop-off, and administration by the contractor and City. In order to avoid multiple cart exchanges throughout the year, each household will be limited to one cart exchange annually. The fee for cart exchanges is outlined in Attachment 1: Proposed Fees and Charges, which are subject to budget approval. Cart exchanges will require residents to apply and pay in-person at City Hall, followed by a cart exchange by the contractor.

Additional Carts

Requests for additional garbage carts will be accommodated under two different categories: home health care waste requests or additional standard cart requests. For those households that generate Home Health Care Waste that results in a volume or weight of garbage that regularly exceeds the volume of garbage permitted under the bylaw, an additional 120L garbage cart will be provided for a proposed fee of \$56 as outlined in Attachment 1: Proposed Fees and Charges, which are subject to budget approval. The \$56 fee is based solely on the expected tipping fee (variable rate) for that cart volume, with the contractor fee (fixed rate), and administration charges per household not included.

Should a household request an additional cart because regular household volume or weight of garbage exceeds the volume or permitted gross tare weight of the garbage cart that the City supplied to the serviced property, an additional 120 L garbage cart fee will be based on a full cost recovery model of \$136.29 as outlined in Attachment 1: Proposed Fees and Charges, which are subject to budget approval. The \$136.29 fee represents the garbage component of the basic annual charge for solid waste collection. A waste audit, at the discretion of the Director, may be undertaken.

Wildlife Resistant Carts

A map of wildlife active neighbourhoods is in Schedule A of the bylaw and was chosen based on proximity to greenbelts and watercourses. The City will supply organics carts only that are wildlife resistant to serviced properties in the wildlife resistant cart areas based on the default sizes for organics carts for household type. For example, a single residential dwelling will receive a 360 L wildlife resistant cart while a townhouse or suite will receive the 120 L version. The bylaw stipulates that the City does not supply wildlife resistant carts to serviced properties that are not in the wildlife resistant cart area unless the owner submits a request for the wildlife resistant carts.

Weight or Volume Limits

The automated carts will allow for an increase to the more than double the current limit of the weight of the materials placed in the containers due to the automated nature of the new collection equipment and vehicles. These volumetric units are outlined for each cart size within the bylaw.

Mandatory Participation

The automated service will require all serviced properties to use the carts for curbside solid waste collection as manual collection will no longer be an option. No owner or occupier may opt out of the service. A residence may choose not to use every aspect of the service, such as organics collection, but they will be charged for the service nonetheless. In addition, fees and charges are payable by serviced properties whether or not the dwelling unit is occupied or the service is used, such as an uninhabited property or a seasonal dwelling. All dwelling units in the service will be required to keep the carts for each of the solid waste streams on-site, as such, the City will not collect carts or accept returned carts from residents that do not want to use the carts.

Serviceable Properties & Properties Excluded from Service

A serviceable property is defined as a dwelling unit that has a minimum unobstructed frontage of five (5) meters for the placement of collection carts and that is not otherwise an unserviceable property. A property is considered unserviceable if it is determined that the property, or any dwelling unit located at the property, cannot be serviced for a number of reasons related to road access, public safety, conflict with other regulations, operational constraints, presence of an unsafe person, animal or other hazard on the property or non-payment of all required fees and charges.

Should a property be excluded from the service, alternative arrangements will need to be made to ensure that all waste generated at the property, including garbage, organics, and/or recyclables, is disposed of in accordance with this bylaw and at an approved disposal site by a private collection service as to ensure that waste does not accumulate on the property.

In addition, the bylaw also defines that multi-residential apartments and condominiums, dwelling units located on properties that also contain commercial, industrial or institutional uses, and industrial, commercial and/or institutional properties are excluded from the automated curbside collection service.

Cart Placement and Requirements on Collection Day

Based on the various road configurations that have been constructed or improved in the City over the years, a number of preferred guidelines are outlined for the various scenarios such as alleys, roadways with bicycle lanes, and properties with limited on-site parking. Guidelines for cart placement in cul-de-sacs or during snow and ice season are also included. In addition, the times that carts are set-out for collection and brought back onto the property are included. The guidelines for placement of carts and schedules for cart set-out are provided to bring clarity to residents in the service and reinforce the recommendations outlined in the Automated Curbside Cart Collection Guide. These guidelines will be enforceable with penalties should a dwelling unit regularly neglect the guidelines and create a situation that is unsafe or unserviceable.

Assisted Set-Out Service

The assisted set-out service includes having the contractor pull the carts from an agreed upon location at a dwelling unit to the curb, empty the carts, and return the carts to the same location on the property. The assisted set-out service is intended for those residents that are eligible, being physically unable to fulfil the resident responsibilities of setting out the automated carts on collection day and do not have an able-bodied person assisting them with their household activities. Inclusion in the assisted set-out service will require an application to the City and may also include a site-visit to the home to ensure the resident is unable to pull the carts to the curb and that the service is reasonably possible at the home. Upon approval for the assisted set-out service, the City and owner or owner on behalf of the occupier will enter into a signed agreement

confirming responsibilities and providing a release or waiver of claims against the City for any negligence by the City or the contractor.

The annual fee for this subsidised service will be \$100, outlined in Attachment 1: Proposed Fees and Charges, which are subject to budget approval.

Waste Audits & Right of Entry

In an effort to educate, reduce contamination, and increase diversion to other waste streams, the City will have the right to inspect collection carts on collection day. Considering recycling contamination in particular, an enhanced contamination management program (approved by Recycle BC) with the most visible component being contamination management staff (Ambassadors) who will be out in the community on a daily basis monitoring recycling bins for contamination. The inspection efforts will range from proactively lifting lids to look for contamination to a complete emptying of a recycling bin to inform and educate a dwelling unit that is regularly contributing contaminated recyclables.

Based on requests for additional garbage carts, the City or Contractor have the right to perform a waste audit, which will include inspection of the garbage cart, organics cart, or recycling cart in an effort to educate, reduce contamination and increase diversion to other waste streams.

The City will have the right to enter a property to determine whether garbage, recyclables, or organic waste is being stored in the appropriate designated collection cart as well as whether banned recyclables, special waste, prohibited waste, and/or hazardous waste are being stored in the collection carts.

In an effort to clarify cart exchange, cart return, or additional cart requests, the City, or the contractor will have the right to enter the property to determine the number of dwelling units on a property for both cart usage and utility billing.

Contamination Management

Contamination is defined as both the presence of prohibited waste as defined in the Comox Strathcona Waste Management Service Tipping Fee and Solid Waste Disposal Regulation Bylaw as well as:

- a. Garbage in the Organics Cart or Recycling Cart;
- b. Recyclables in the Organics Cart or Garbage Cart; or
- c. Organic Waste in the Garbage Cart or Recycling Cart

As discussed, the City has the right to inspect containers for contamination. As has been seen in numerous communities, the implementation of automated carts typically increases recycling contamination with the closed lids on the carts concealing the contents from view. The absence of manual loaders puts the reliance on the automated truck driver to monitor for contamination while the cart is being tipped into the truck.

Through the Master Services Agreement with Recycle BC, the City has committed to maintaining recycling contamination levels consistent during and after the transition to the automated cart system. While education has and will continue to be the first step in reducing contamination across the community, this bylaw will be accompanied by a Solid Waste Contamination Management Policy that includes a series of enforcement steps should a dwelling unit not be receptive to education efforts for reducing recycling contamination. A companion Solid Waste Contamination Management Policy is intended to be more discretionary in enforcement, providing the City some flexibility rather than including the enforcement steps in a formal bylaw. The Director may modify or impose changes to the Solid Waste Contamination

Management Policy as operationally necessary or required to uphold or maintain the requirements of the Master Services Agreement with Recycle BC.

The Solid Waste Contamination Management Policy included as Attachment 2 is intended to afford residents with educational opportunities about recycling contamination through a series of escalating steps before enforcement is used as a compliance tool. Understanding that the process will be resource intensive and managed through the Solid Waste department of Public Works Services, the goal is to be consistent through enforcement while not overwhelming the resources available.

Upon first identification of contamination from the collection driver (as carts are emptied into the truck), an “OOPS!” sticker will be left on the cart and the City will be notified of contamination via the RFID tracking system. This is considered Step 1. If the collection driver finds contamination on one of the next four collection days (up to two months), the dwelling unit moves to Step 2. The process can continue to escalate through steps outlined in the Solid Waste Contamination Management Policy. If four consecutive collection cycles pass with no contamination, the dwelling unit de-escalates to the next step down.

Penalties and Offences

Municipal Ticket Information Bylaw No. 2435, 2006 includes fines related to the current solid waste bylaw and enforces failures to provide appropriate garbage receptacles or the improper placement of receptacles which will need to be replaced and altered to align with the new automated cart system.

There are a number of sections to the proposed Solid Waste Management Bylaw that will require enforcement, listed below. Proposed fines are intended to act as a deterrent and are in alignment with current fine amounts in the ***Municipal Ticket Information Bylaw No. 2435, 2006***.

The bylaw stipulates that where there is an offence that continues for more than one day, separate fines may be issued for each day in respect of which the offence occurs or continues. For example, if an organic cart is regularly placed out the night before collection, a fine may be issued for each offence.

In addition to enforcement for infractions related to the automated collection system, the fines listed below also include infractions for properties excluded from the collection service to deter waste spillage or accumulation.

Table 2. Proposed Infractions and Fines for Solid Waste

Infraction	Proposed Fine
Improper placement of collection carts on roadway, bicycle lane, sidewalk, parking lane or during snow event on collection day.	\$100.00
Collection carts set out before 5AM on Collection Day or Collection Carts left at collection point after 10PM on collection day.	\$100.00
Over-loading of carts on collection day – by weight or volume.	\$100.00
Failure to maintain the Collection Cart in a clean and sanitary condition	\$100.00
Failure to clean any spillage from a Collection Cart before or after collection.	\$200.00
Failure to store collection cart in a manner that is Wildlife Resistant and which otherwise avoids attracting wildlife.	\$200.00
Removal of any Garbage, Recyclables, or Organic Waste from the Collection Carts prior to collection by the City by any person except the Owner or Occupier of the dwelling unit.	\$200.00
Addition of any Garbage, Recyclables, or Organic Waste from the Collection Carts prior to collection by the City by any person except the Owner or Occupier of the dwelling unit unless agreed to by the Owner or Occupier of the dwelling unit.	\$200.00
Improper use of collection cart – related to storing hazardous materials in Contractor/City owned carts.	\$200.00
For properties excluded from the collection service, failure to arrange for a private collection service.	\$200.00 per week
Disposal of Prohibited Waste, Special Waste and/or Hazardous Waste in any Collection Cart.	\$500.00
For properties excluded from the collection service, accumulation of garbage, organic waste, or recyclables on the property or public property.	\$500.00
Obstructing or interfering with the Contractor, Bylaw Enforcement Officer or other representative of the City from carrying out their functions pursuant to this Bylaw, including on any inspection by the City.	\$500.00
Solid Waste Contamination Management Policy Step 5 for each collection cycle infraction	\$200.00

Aside from the incremental enforcement steps outlined in the Solid Waste Contamination Management Policy, the standard policies and procedures for bylaw enforcement will be relied upon for stepped enforcement of Solid Waste Management Bylaw infractions.

Fees and Charges

The proposed costs for collection carts (“Basic Annual Fee”), additional carts, cart exchanges, assisted set-out service are outlined in Attachment 1: Proposed Fees and Charges. These fees and charges as represented are considered **as proposed**, in anticipation of the 2024 solid waste budget presentation and until the 2024 Fees & Charges bylaw amendment is adopted by Council.

POLICY ANALYSIS:

A Solid Waste Contamination Management Policy is included as a companion document to the Solid Waste Management Bylaw allowing discretionary enforcement for contamination management as different situations arise and lessons are learned in the implementation of the automated collection system. Should the policy require modifications due to operations needs, a policy offers a simpler amendment process than if the contamination management steps were included in the bylaw.

FINANCIAL IMPLICATIONS:

The cost of the new automated curbside collection service will be reflective of the true costs of the contracted service consisting of contracted collection fixed fees, cart and administration fixed costs, as well as variable costs (tipping fees). The cost of the service has been included in the 2024 Financial Plan, subject to budget approval.

ADMINISTRATIVE IMPLICATIONS:

The largest administrative burdens on City staff will be contamination management and cart exchange requests in late 2024. Contamination management tracking through stepped enforcement will be a new administrative function. The proposed solid waste budget includes temporary staff to monitor the contamination management program. The delivery of automated carts has revealed some idiosyncrasies in the addressing of dwelling units throughout the City, but has made the system more robust than before. Working with the new technology available for contamination monitoring on the contractor’s fleet in combination with the updated and mapped addresses, the City is well-positioned to use the tools and software available to track and manage contamination systematically.

As supply-chain constraints prevented a cart selection survey, the first cart exchange per owner will be free of charge. In an effort to mitigate this burden and offset the inherited costs associated with the administration and coordination of cart exchanges, fees will be administered for all future cart exchanges – and limited to one exchange annually.

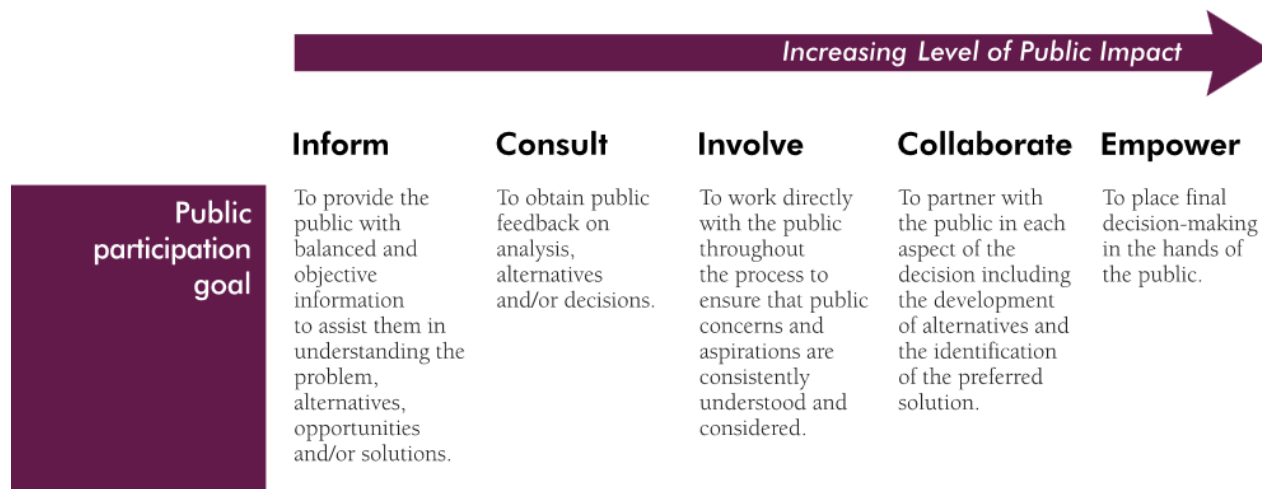
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Municipal Infrastructure - Continued regional collaboration: Regional Growth Strategy, Liquid Waste Management Plan, South Sewer Conveyance, organics/solid waste, air quality, and regional parks

PUBLIC ENGAGEMENT:

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



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OPTIONS:

1. TO BE MADE AS SEPARATE RESOLUTIONS

THAT based on the November 22, 2023 staff report “Solid Waste Management Bylaw”, that Council give first, second and third readings to ***Solid Waste Management Bylaw No. 3113, 2023***; and,

THAT Council direct staff to update the ***Municipal Ticket Information Bylaw No. 2435, 2006***, to include a section for infractions related to ***Solid Waste Management Bylaw No. 3113, 2023***; and,

THAT Council direct staff to draft a bylaw to repeal the ***Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002*** and update the ***Municipal Ticket Information Bylaw No. 2435, 2006*** to remove the section related to infractions related to the ***Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002***; and

FURTHER THAT Council adopt the Solid Waste Contamination Policy (**Recommended**)

2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. Proposed Fees and Charges, which are subject to budget approval
2. Solid Waste Contamination Management Policy
3. Solid Waste Management Bylaw No. 3113, 2023

Prepared by: Chris Thompson, Manager of Solid Waste Services

Reviewed by: Kyle Shaw, ASCT, CPWI, CWP, CWWP, Director of Public Works Services

Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)

Attachment 1: Proposed Fees and Charges, which are subject to budget approval

**SCHEDULE OF FEES AND CHARGES
CITY OF COURTENAY FEES AND CHARGES
SECTION III, APPENDIX IV
SOLID WASTE COLLECTION FEES**

Fees associated with Collection of Garbage, Organic Waste, and Recyclables

The annual rates in this schedule apply to the jurisdictions as outlined in the body of this bylaw.

A. Single Residential Dwelling (SRD) Unit / Duplex Basic Annual Fee:

Garbage	Organic Waste	Recyclables	Fee
120 L	360 L	360 L	\$351.19

B. Multi-residential detached, Manufactured Homes in a Mobile Home Park, Fourplex, and Secondary Suites inside SRDs Basic Annual Fee:

Garbage	Organic Waste	Recyclables	Fee
120 L	120 L	240 L	\$317.68

C. Cart Exchange Fee (limited to one set of cart exchanges per year): \$65.00 per exchange

<u>Fee Description</u>	<u>Annual Fee</u>
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D. Additional Home Health Care Waste Garbage Cart (120 L):	\$56.00
E. Additional Garbage Cart (120 L):	\$136.29
F. First Recycling Cart (240 L or 360 L):	\$30.92
G. Additional Recycling Cart (240 L or 360 L):	\$13.99
H. Additional Organic Waste Cart (120 L):	\$150.47
I. Additional Organic Waste Cart (360 L):	\$183.98
J. Assisted Set-out Service:	\$100.00

<u>Description of cart replacement charges</u>	<u>Charge</u>
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K. Replacement cart fee – 120 L	\$81.60
L. Replacement cart fee – 240 L	\$102.00
M. Replacement cart fee – 360 L	\$117.60
N. Replacement wildlife resistant cart fee - any size	\$217.60

Solid Waste Contamination Management Policy

Reducing contamination, as defined in the Solid Waste Management Bylaw – 3113, 2023, particularly in the recycling stream, is key to maintaining the Master Services Agreement with Recycle BC. The contractor’s collection vehicles will be equipped with monitoring tools to enable tracking of properties that are contributing to contamination. Any findings of contamination by the contractor may result in the City taking the below enforcement actions to reduce contamination through an escalating series of stepped infractions. The same timing of incidents that escalate an owner or occupier of a dwelling unit through the below steps also applies to de-escalating through steps. For example, a dwelling unit at Step 3 may take four consecutive collection cycles without contamination to move down to Step 2.

The following are discretionary guidelines for the City’s enforcement against owners or occupiers of dwelling units who have been found by the City or the contractor to have contamination in their collection carts. At any time, for any reason, and in their sole discretion, the Director may deviate from any of the below suggested enforcement steps, or take any other enforcement steps available under the Solid Waste Management Bylaw or at law generally where contamination is discovered in a collection cart.

Step	Incident	Action
Step 1	First notification from contractor to the City of contamination.	A curbside audit prior to next collection, with educational materials provided to the owner or occupier, which may include an “OOPS!” sticker along with educational materials and a door knocker for resident awareness.
Step 2	Contamination notifications from the contractor to the City within four consecutive collection cycles of Step 1 engagement with the owner or occupier.	Direct engagement with the owner or occupier, which may include an in-person visit by City staff or the contractor.
Step 3	Contamination notifications from the contractor within four consecutive collection cycles of Step 2 engagement with the owner or occupier.	A letter to the owner or occupier containing a warning, including implications for future non-compliance with this Policy.
Step 4	Contamination notifications from the contractor within four consecutive collection cycles of Step 3 engagement with the owner or occupier.	<ul style="list-style-type: none"> • A temporary or permanent restriction on collection or all or some of the collection services; • A further warning, including implications for future non-compliance with this Bylaw.
Step 5	Contamination notifications from the contractor within four consecutive collection cycles of Step 4 engagement with the owner or occupier	<ul style="list-style-type: none"> • A temporary or permanent restriction on collection or all or some of the collection services • Fines or other monetary penalties

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3113

A bylaw to provide for the control, collection and disposal of garbage, recyclables and organic materials

WHEREAS pursuant to the *Community Charter*, a local government may, by bylaw, establish municipal services, including a system to collect, remove and dispose of garbage, recycling and other discarded matter;

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

PART 1 – CITATION

1. This Bylaw will be cited for all purposes as “Solid Waste Management Bylaw No. 3113, 2023”.

PART 2 – DEFINITIONS

2. In this Bylaw:

“Approved Disposal Site” means a site owned and operated by CSWM, or CVRD, or licensed or otherwise approved by the Ministry of the Environment and Climate Change Strategy, for the deposit, disposal and/or processing of Waste.

“Assisted Set-Out Service” means a service provided by the City, where the City, or the Contractor, identifies a location on an eligible Serviced Property where the City, or the Contractor, will collect each Collection Cart from, empty the Collection Cart into the collection vehicle, and return the Collection Cart to the agreed upon location, all in accordance with Part 6 of this Bylaw.

“Automated Collection” means the collection of Solid Waste using a specialized collection vehicle with a mechanical apparatus for the emptying of Collection Carts directly into the vehicle without the need for manual labour.

“Banned Recyclables” means Recyclables not accepted under Recycle BC’s curbside collection of Packaging and Paper Product Recycling Program, as may be amended or replaced from time to time.

“Basic Annual Fee”	means the fee payable for the Municipal Collection Service for each Dwelling Unit, as set out under the Solid Waste section of the Fees and Charges Bylaw.
“Bicycle Lane”	means a lane intended for the exclusive use of bicycles, skateboards, in-line skates, scooters, and/or other active modes of transportation, within a roadway used by motorized vehicles.
“Bi-Weekly”	means every other week.
“Cart Exchange”	means the annual one-time exchange of a Collection Cart or Collection Carts made by request of an Owner of a Property involving the return of one or more Collection Carts and the replacement of the returned Collection Cart or Collection Carts with one or more different-sized Collection Carts.
“Cart Exchange Fee”	means the fee payable for a Cart Exchange, as set out under the Solid Waste section of the Fees and Charges Bylaw.
“City”	means the Corporation of the City of Courtenay.
“City Council”	means the elected Municipal Council for the City.
“Collection Cart”	means a Garbage Cart, Organics Cart or a Recycling Cart, supplied by the City through the Municipal Collection Service to a Serviced Property.
“Collection Container”	means a container for the collection of Waste provided by or approved for collection by a Private Collection Service.
“Collection Day”	means the day or days scheduled for the Curbside Collection of Garbage, Organic Waste, and/or Recyclables from a Serviced Property as determined by the City in its sole discretion.
“Collection Point”	means the location on or adjacent to a Serviced Property where a Collection Cart is placed on Collection Day for optimal access by the specialized vehicle used for the Automated Collection.
“Collection Schedule”	means the calendar indicating the days on which Municipal Collection Service is provided to Serviced Properties within the City.

“Commencement Date”	means January 1, 2024.
“Community Charter”	means the <i>Community Charter</i> , S.B.C. 2003, c. 26 as may be amended or replaced from time to time.
“Composting Facility”	means the CSWM Regional Organics Composting Facility.
“Contamination”	means the presence, as determined by the Contractor or the City, of: <ul style="list-style-type: none"> a. Garbage in the Organics Cart or Recycling Cart; b. Recyclables in the Organics Cart or Garbage Cart; c. Organic Waste in the Garbage Cart or Recycling Cart; d. Depot Recyclables in the Recycling Cart; or, e. Prohibited Waste in the Garbage Cart, Recycling Cart, or Organics Cart.
“Contractor”	means a company, or any other entity, with whom the City has entered into an agreement for the provision of any part of the Municipal Collection Service.
“CSWM”	means Comox Strathcona Waste Management.
“Cul-de-sac”	means a length of local roadway made for vehicular use, the end of which is designed to be permanently closed by the pattern of subdivision; or which is terminated by a natural feature such as inaccessible terrain, so that there is no alternative vehicular route to another roadway.
“Curbside Collection”	means the Automated Collection of Garbage, Organic Waste and/or Recyclables from a Collection Point, individually or collectively, as determined by the Collection Schedule.
“CVRD”	means Comox Valley Regional District.
“Depot Recyclables”	means those products listed in Schedules 1-5 of the <i>Recycling Regulation</i> , as amended or replaced from time to time.

“Director”	means the City’s Director of Public Works or their designate, where such designate can include a Contractor.
“Duplex”	means two Dwelling Units attached in accordance with any of the configurations listed in the table of BC Assessment Actual Use Codes and Descriptions, as amended and replaced from time to time.
“Dwelling Unit”	means each self-contained building on a Property that has received an occupancy permit to be used as a habitation or place of residence and includes: <ul style="list-style-type: none"> a. a Single Residential Dwelling; b. a secondary suite in a Single Residential Dwelling; c. a Dwelling Unit of a Duplex, Triplex or Fourplex; d. a Multi-residential Detached House, row house dwelling, patio home or townhouse; and, e. a Manufactured Home.
“Fees and Charges Bylaw”	means the City of Courtenay <i>Fees and Charges Bylaw No. 1673, 1992</i> , as amended and replaced from time to time.
“Fourplex”	means four Dwelling Units attached in accordance with any of the configurations listed in the table of BC Assessment Actual Use Codes and Descriptions, as amended and replaced from time to time.
“Garbage”	means all Solid Waste and discarded materials produced as a result of residential activities but excludes Hazardous Waste, Prohibited Waste, Special Waste, Organic Waste, and Recyclables.
“Garbage Cart”	means the Collection Cart that has been supplied through the Municipal Collection Service to Serviced Properties for the collection of Garbage.
“Hazardous Waste”	has the same meaning as prescribed under the <i>Hazardous Waste Regulation</i> , as amended and replaced from time to time.
“Hazardous Waste Regulation”	means the <i>Hazardous Waste Regulation</i> , BC Reg 63/88 enacted under the <i>Environmental Management Act</i> , as amended and replaced from time to time.

“Home Health Care Waste”	means Garbage that includes incontinence products or other Human Waste or products containing Human Waste that is not considered Prohibited Waste or Hazardous Waste.
“Human Waste”	means the waste products of the human digestive system, menses, and human metabolism including urine and feces.
“Manufactured Home”	means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed, or manufactured to be moved from one place to another, and which is used as a Dwelling Unit or designed for use as a Dwelling Unit, including but not limited to a mobile home.
“Mobile Home Park”	means Property accommodating two or more Manufactured Home Sites and common areas are located.
“Manufactured Home Site”	means a site in a Mobile Home Park, which is rented or intended to be rented to a tenant for the purpose of being occupied by a Manufactured Home.
“Multi-residential Detached House”	means a building or buildings containing three or more strata titled Dwelling Units, where each Dwelling Unit has a separate entrance at the first storey level and includes, without limitation, patio homes, row house dwellings, and townhouses.
“Municipal Collection Service”	means the service administered by the City for the collection of Garbage, Organic Waste, and/or Recyclables as set out under this Bylaw.
“Occupier”	means a person occupying a Dwelling Unit.
“Organics Cart”	means the Collection Cart that has been supplied through the Municipal Collection Service to Serviced Properties for the collection of Organic Waste.
“Organic Waste”	means compostable organic material including raw and cooked food waste and/or Yard Waste from a Dwelling Unit that meets the acceptable criteria for the CSWM Regional Organics Compost Facility.
“Owner”	has the same meaning as defined under the <i>Community Charter</i> .

“Parking Lane”	means a zone within a roadway designed only for the parking of vehicles in a parallel fashion in accordance with the regulations of the City’s <i>Traffic Regulations Bylaw No. 1926, 1996</i> , as amended or replaced from time to time, or the <i>Motor Vehicle Act</i> , R.S.B.C. 1996, c. 318, as amended or replaced from time to time.
“Physically Challenged”	means a person who has been medically diagnosed with physical disabilities or infirmities.
“Private Collection Service”	means a private service for the collection and disposal of Garbage, Organic Waste, and/or Recyclables from an Unserviceable Property that is arranged and managed by the Owner or Occupier of an Unserviceable Property and which is not administrated by the City.
“Property”	means real Property within the jurisdiction of the City.
“Prohibited Waste”	means all Prohibited Waste included under Schedule “C” of the <i>Comox Strathcona Waste Management Service Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 720, 2022</i> as amended or replaced from time to time.
“Recyclables”	means materials acceptable for Curbside Collection as determined by Recycle BC, and as set out in the <i>Recycling Regulation</i> , but does not include Depot Recyclables.
“Recycle BC”	means the not-for-profit agency named <i>Recycle BC</i> with which the City has entered into a Master Services Agreement related to Recyclables.
“Recycling Cart”	means the Collection Cart that has been supplied through the Municipal Collection Service to Serviced Properties for the collection of Recyclables.
“Recycling Regulation”	means <i>Recycling Regulation</i> , BC Reg. 449/2004 enacted under the <i>Environmental Management Act</i> , as amended or replaced from time to time.
“Single Residential Dwelling”	means a single detached home also referred to as a single family dwelling.
“Serviceable Property”	means a Dwelling Unit that has a minimum unobstructed frontage of 5 metres for the placement of Collection Carts and that is not otherwise an Unserviceable Property.

“Serviced Property”	means a Property determined by the Director, in their sole discretion, to be a Serviceable Property for the Municipal Collection Service.
“Special Waste”	means Hazardous Waste, pathological waste, explosives, radioactive material, paint and paint products, and all waste resulting from a commercial, industrial, or manufacturing operation.
“Solid Waste”	means Garbage, Organic Waste, and/or Recyclables.
“Solid Waste Contamination Management Policy”	means the policy intended to afford residents with educational opportunities about Contamination through a series of escalating steps before enforcement is used as a compliance tool.
“Triplex”	means three Dwelling Units attached in accordance with the configurations listed in the table of BC Assessment Actual Use Codes and Descriptions, as amended and replaced from time to time.
“Unserviceable Property”	means a Property that has been excluded from receiving the Municipal Collection Service in accordance with this Bylaw.
“Waste”	means Garbage, Organic Waste, Special Waste, Prohibited Waste, Yard Waste and/or Recyclables.
“Waste Audit”	means an audit of Garbage, Organic Waste and/or Recycling conducted in accordance with Part 8 of this Bylaw.
“Wildlife Resistant”	means resistant to access by bears and other wildlife.
“Wildlife Resistant Cart”	means an Organic Cart which is designed to be Wildlife Resistant.
“Wildlife Resistant Cart Area”	means the area outlined in the map attached as Schedule “A” to this Bylaw.
“Yard Waste”	means grass clippings and vegetation removed from trees, shrubs and gardens with branches no bigger than seventy-five (75) millimetres in diameter.

PART 3 – GENERAL

3. Any enactment referred to herein is a reference to an enactment of British Columbia and/or its regulations, as amended or replaced from time to time.

ROLE OF THE DIRECTOR

4. The Director is authorized to administer and enforce this Bylaw including the supervision, control and direction of the collection, removal, and disposal of Solid Waste generated by Properties including, without limitation, Garbage, Recyclables and Organic Waste.

DUTIES OF OWNERS AND OCCUPIERS

5. Every Owner or Occupier of Property that generates Solid Waste will comply with the provisions of this Bylaw.
6. Every Owner or Occupier of a Property that is determined to be a Serviced Property in accordance with this Bylaw must participate in the Municipal Collection Service and must ensure that all Garbage, Organic Waste, and Recyclables generated on the Serviced Property are collected and disposed of in accordance with this Bylaw. All Garbage Carts, Organics Carts, and Recycle Carts provided to Owners under this Bylaw must remain at the Property at all times and cannot be returned to the City except in accordance with this Bylaw.
7. By complying with this Bylaw, a person is not relieved of any other obligation that they may have under any other federal, provincial or municipal enactments in respect of the storage and disposal of Waste generated on a Property.
8. The Director may modify or amend the Solid Waste Contamination Management Policy as the director deems operationally necessary or where such modification or amendment is required to uphold, maintain, or ensure consistency with the requirements of the Master Services Agreement with Recycle BC, all in the sole discretion of the Director.

PART 4 – MUNICIPAL COLLECTION SERVICE

MANDATORY COLLECTION SERVICE

9. As of the Commencement Date, the City will provide the Municipal Collection Service for the collection, removal, and disposal of Garbage, Organic Waste and Recyclables by way of Automated Collection or manual labour, or a combination of both, for all Serviced Properties on the following schedule:
 - a. weekly Curbside Collection of the Organics Cart; and
 - b. alternating Bi-Weekly Curbside Collection of the Garbage Cart and the Recycling Cart.
10. The frequency and schedule of the provision of the Municipal Collection Service described under this Part of the Bylaw is subject to change from time to time, as determined by the

Director, in their sole discretion, or as otherwise necessary to respond to environmental, emergency, or other unforeseeable circumstances. For greater certainty, any failure by the City or the Contractor to provide the Municipal Collection Service to any Serviced Property in accordance with the schedule in this Bylaw does not constitute a breach of this Bylaw.

11. On Collection Days, the Owner or Occupier of a Serviced Property will:

- a. place Collection Carts with the lids in the fully closed position, no earlier than 5 AM and prior to 8 AM on each Collection Day:
 - i. on the unpaved shoulder of the roadway or alley, adjacent to the Property line for the Serviced Property or;
 - ii. in front of the curb or curb and sidewalk on the roadway adjacent to the Property line for the Serviced Property, or;
 - iii. in the driveway directly behind the curb adjacent to the Property line for the Serviced Property when parked cars prevent roadway placement, or;
 - iv. behind the curb or curb and sidewalk adjacent to the Property line for the Serviced Property when a Bicycle Lane prevents roadway placement, or;
 - v. in a Parking Lane when a Bicycle Lane and a Parking Lane are both present, adjacent to the Property line for the Serviced Property;
- b. in a manner that an automated collection vehicle arm with a reach of three and a half (3.5) metres can collect the Collection Carts;
- c. in a manner such that the Collection Carts can be handled from street level and are easily accessible from any curb, roadway, or lane adjacent to the Property line for the Serviced Property;
- d. in the case of Cul-de-sacs, ensure that, where possible, all vehicles are parked on the Property and not on the roadway, all obstacles are moved off of the roadway, and otherwise all City bylaws and regulations are followed with respect to parking vehicles in Cul-de-sacs.
- e. with the exception of the Organics Cart equipped with the gravity lock, which, where practicable, should be in the locked position at all times, ensure all latching devices, if any, are unlatched by 8 AM on each designated Collection Day;
- f. place all Collection Carts with a minimum one (1) metre of clearance space on all sides of each Collection Cart, with three (3) metres of clearance space above each Collection Cart, and with one (1) metre of clearance space from parked vehicles

- g. place the Collection Cart with the arrows on the lid of the Collection Cart facing the roadway;
 - h. remove all Collection Carts from the roadway, alley, shoulder, parking lane, or other collection location, no later than 10 PM on each Collection Day; and
 - i. comply with any other direction given to the Owner or Occupier by the City or the Contractor in respect of the timing, placement, or location of the Collection Carts.
- 12. Where there is any snow fall in the City on a Collection Day the Owner or Occupier of a Serviced Property will not place Collection Carts behind, on top of, or otherwise obstructed by snow or snow banks and will:
 - a. clear a flat spot adjacent to the end of the driveway of the Serviced Property of all snow and ice for placement of the Collection Carts; or
 - b. place Collection Carts on a cleared driveway if within three and a half (3.5) metres of the roadway.
- 13. Each Owner or Occupier of Serviced Property will, with respect to any Collection Cart located on their Property:
 - a. maintain the Collection Cart in a clean and sanitary condition;
 - b. ensure the Collection Cart does not become noxious, offensive, or dangerous to public health;
 - c. ensure that the Collection Cart does not overflow by adhering to its capacity limits as set out under this Bylaw;
 - d. clean up any spillage from the Collection Cart before or after any collection;
 - e. prevent liquid from entering or accumulating inside the Collection Cart; and
 - f. store Solid Waste in the Collection Cart in a manner that is Wildlife Resistant and which otherwise avoids attracting wildlife.
- 14. Every Owner or Occupier of a Serviced Property will ensure that:
 - a. Garbage, Organic Waste, and Recyclables are placed in the appropriate Collection Carts, without Contamination;
 - b. Banned Recyclables, Prohibited Waste, Special Waste and/or Hazardous Waste is not stored in the Collection Carts and all Banned Recyclables, Prohibited Waste, Special Waste, and/or Hazardous Waste do not accumulate at the Property and are disposed of by the Owner or Occupier at an Approved Disposal Site; and

- c. the Collection Carts are only used in connection with the Municipal Collection Service in accordance with this Bylaw and within their capacity limits set out under this Bylaw.
15. The City may discontinue or suspend service to a Serviced Property, in the sole discretion of the Director, where a Serviced Property does not comply with the requirements under this Bylaw, including but not limited to the requirements under Part 4 of this Bylaw.
16. No Owner or Occupier of a Serviced Property may opt out of the Municipal Collection Service.

COLLECTION CARTS

17. The Owner of the Serviced Property shall pay all charges for the Municipal Collection Service set out under the Solid Waste section of the Fees and Charges Bylaw. The City will provide the following standard Collection Carts in the table below to each Dwelling Unit using the Municipal Collection Service:

Table 1. Standard Collection Carts

Type of Serviced Property	Capacity Limit for Recycling Cart	Capacity Limit for Organics Cart	Capacity Limit for Garbage Cart
Single Residential Dwelling (SRD) and Duplex	360 L	360 L	120 L
Secondary Suites inside SRDs	240 L	120 L	120 L
Multi-residential Detached, Manufactured Homes in a Mobile Home Park, and Fourplex	240 L	120 L	120 L
Fourplex (Where Collection Cart space saving is requested and approved by the Director, in their sole discretion)	240 L X 2	120 L X 4	240 L X 2

18. The City will supply Organics Carts that are Wildlife Resistant Carts to a Serviced Property in a Wildlife Resistant Cart Area, as listed in Schedule “A” attached to and forming part of the bylaw, based on the standard sizes for the type of Serviced Properties in the table under Section 16 of this Bylaw. Should a Serviced Property that is not in the Wildlife Resistant Cart Area require a Wildlife Resistant Cart, the Owner of that Serviced Property will submit a Cart Exchange request for a Wildlife Resistant Cart.
19. All Collection Carts supplied by the City or the Contractor in connection with the Municipal Collection Service will remain the property of the City or the Contractor.
20. All Collection Carts will remain on the Serviced Property to which they were issued unless removed in accordance with this Bylaw. The City will have the right to inspect, alter, remove

or replace the Collection Carts at any time and for any reason and an Owner or Occupier of a Serviced Property must provide the City with reasonable access to the Collection Carts for this purpose upon request and at the time of the request by the City.

21. The City will not collect any Garbage, Organic Waste, or Recyclables which exceed the capacity (by weight or volume) of the Collection Carts as set out in the table below.

Table 2. Cart Weight and Volume Limits

120 L Cart	240 L Cart	360 L Cart
Maximum weight 55 KG (122 LB)	Maximum weight 102 KG (227 LB)	Maximum weight 146 KG (322 LB)

22. The Collection Carts will not be used for any purpose other than their intended use, which is the disposal of Garbage, Organic Waste, or Recyclables in accordance with this Bylaw.

23. The Owner or Occupier of a Serviced Property will notify the City if a Collection Cart is damaged, lost, or stolen and the City may repair or replace the Collection Cart in the City's sole discretion and subject to the Owner paying a Cart Exchange Fee.

24. If a Collection Cart is damaged, lost, or stolen due to the negligence of the Owner or Occupier, as determined by the Director in their sole discretion, the City may repair or replace the Collection Cart and the Owner, in addition to paying a Cart Exchange Fee, will reimburse the City for all costs of such repair or replacement of the Collection Cart within 30 days of receipt of an invoice from the City for such costs.

CART EXCHANGES

25. On or after September 1, 2024, an Owner of a Serviced Property may request from the City or Contractor, in the form required by the City of the Contractor, an exchange of one or more Collection Carts of a different size, other than a Wildlife Resistant Cart, once every 12 months (a "Cart Exchange Request"). The Director, in their sole discretion, may deny a Cart Exchange Request for any reason, including, without limitation, based on the City or the Contractor's inventory of Collection Carts.

26. No fee is payable for an Owner's first Cart Exchange Request for each Serviced Property. The Cart Exchange Fee under the Solid Waste section of the Fees and Charges Bylaw is payable for each subsequent Cart Exchange Request. The Cart Exchange Fee is to be paid

to the City at the time of the Cart Exchange Request. For greater clarity, no Cart Exchange will occur until all applicable fees have been paid by the Owner.

ADDITIONAL CARTS

27. The City or the Contactor may supply additional Organics Carts and/or Recycling Carts to a Serviced Property if the Owner requests the additional Organics Carts and/or Recycling Carts in the form required by the City and/or the Contractor. The fees for additional Collection Carts as outlined in the Solid Waste section of the Fees and Charges Bylaw are payable for any additional Collection Carts provided by the City or the Contractor. The provision of an additional Organics Cart and/or Recycling Cart is in the sole discretion of the Director, and may be denied for any reason, including, without limitation, based on the City or the Contractor's inventory of Collection Carts.
28. The City may supply an additional 120 L Garbage Cart to a Serviced Property if the Owner of a Serviced Property requests an additional Garbage Cart in the form provided by the City and/or the Contractor if:
 - a) the Owner or Occupier of the Serviced Property generates Home Health Care Waste and the volume or weight of Garbage generated at the Serviced Property, including the Home Health Care Waste, regularly exceeds the permitted volume or weight of Garbage permitted under this Bylaw and the Owner pays the additional cart fees for an additional Home Health Care Waste Garbage Cart under the Solid Waste section of the Fees and Charges Bylaw; or
 - b) the Owner or Occupier of a Serviced Property generates regular household Garbage and the volume or weight of the Garbage regularly exceeds the volume or weight of Garbage permitted under this Bylaw and the Owner pays the additional cart fees for an additional Garbage Cart under the Solid Waste section of the Fees and Charges Bylaw.
29. The provision of an additional Garbage Cart is in the sole discretion of the Director, and may be denied for any reason, including, without limitation, based on the City or the Contractor's inventory of Collection Carts. The Director may also require, in their sole discretion, a Waste Audit prior to the supply of an additional Garbage Cart.

PART 5 – PROPERTIES EXCLUDED FROM MUNICIPAL COLLECTION SERVICE

30. The Municipal Collection Service will not be provided to the following Unserviceable Properties:
 - a. multi-residential apartments and condominiums;
 - b. Dwelling Units located on Properties that also contains commercial, industrial or institutional uses;

- c. industrial, commercial and/or institutional Properties; and
 - d. Properties otherwise determined to be Unserviceable Properties in accordance with this Bylaw.
31. Notwithstanding Section 29 of this Bylaw, the Director may, on application from an Owner of a Property, and on any terms or conditions required by the Director, in their sole discretion, agree to provide the Municipal Collection Service to any Property.
32. A Property will be considered an Unserviceable Property where the Director determines, in their sole discretion, that the Property, or any Dwelling Unit located at the Property, cannot be serviced for one or more of the following reasons:
- a. road configuration;
 - b. grade of the Property or any public road, lane, or access route to the Property;
 - c. physical condition of the public road, lane, or access route to the Property;
 - d. public safety;
 - e. conflict with other municipal bylaws or other municipal, provincial or federal regulations;
 - f. operational constraints on the City, including the availability of City resources;
 - g. the presence of an unsafe person, animal, natural or other hazard at the Property;
 - h. an Owner of a Property is not in compliance with any of the provisions of this Bylaw, including non-payment of all required fees and charges for the Municipal Collection Service; or
 - i. any other reason as determined by the Director acting reasonably.
33. Other than where the Municipal Collection Service has been discontinued by the City for an Owner's non-payment of any fees, where a Property is excluded from the Municipal Collection Service under this Bylaw, the Owner or Occupier of that Property will not be required to pay any fees or charges for the Municipal Collection Service as long as the Property remains excluded from the Municipal Collection Service.
34. Where a Property is excluded from the Municipal Collection Service under this Bylaw, the Owner or Occupier of that Property will ensure that all Waste generated at the Property, including Garbage, Organic Waste, and Recyclables, is disposed of at an Approved Disposal Site by a Private Collection Service, at the Owner or Occupier's sole expense. The Owner or Occupier of a Property excluded from the Municipal Collection Service under this Bylaw must ensure that collection of Garbage, Organic Waste, and Recyclables by a Private Collection

Service is done at intervals consistent with the schedule for collection for the Municipal Collection Service to avoid the accumulation of Solid Waste on the Property.

35. Where a Property is excluded from the Municipal Collection Service under this Bylaw, the Owner or Occupier of that Property will not cause or permit any Garbage, Organic Waste, or Recyclables to accumulate at the Property and will ensure the proper storage of any Garbage, Organic Waste, or Recyclables, by using a Collection Container or another container used for the storage of Solid Waste in such a way as to ensure:
- a. it is maintained in a clean and sanitary condition;
 - b. it does not become noxious, offensive or dangerous to public health;
 - c. it does not overflow;
 - d. all spillage from it is cleaned before or after collection;
 - e. liquid does not enter or accumulate inside it; and
 - f. it stores Solid Waste in a manner that is Wildlife Resistant and otherwise avoids attracting wildlife.
36. At any time the City may discontinue or suspend the Municipal Collection Service to any Serviced Property where the Director determines, in accordance with this Bylaw, that the Serviced Property is an Unserviceable Property, and where the City provides notice to the Owner or Occupier that the Property is an Unserviceable Property.
37. Upon receiving notice from the City that a Property has been deemed an Unserviceable Property in accordance with this Bylaw, the Owner or Occupier of the Unserviceable Property will promptly comply with all requirements of this Bylaw in respect of Unserviceable Properties, including arranging for a Private Collection Service for all Garbage, Organic Waste, and Recyclables within one (1) month of the Owner or Occupier receiving notice from the City that the Property is an Unserviceable Property.

PART 6 – ASSISTED SET-OUT SERVICE

38. Where the Owner or Occupier is Physically Challenged and unable to reasonably comply with Part 4 of this Bylaw, and does not have an able-bodied person assisting them with their household activities, the Owner or the Owner on behalf of the Occupier may apply to the Director for the provision of an Assisted Set-Out Service in the form required by the City.
39. On receipt of an application by the Owner or the Owner on behalf of the Occupier for the Assisted Set-Out Service, the Director will determine, in their sole discretion, whether a Physically Challenged Owner or Occupier requires such assistance.

40. On an application for the Assisted Set-Out Service, the Director may require the Physically Challenged Owner or Occupier to provide any information the Director deems necessary to determine if the Physically Challenged Owner or Occupier qualifies for the Assisted Set-Out Service, including without limitation:
 - a. a letter or other written confirmation from a qualified physician that the Owner or Occupier is Physically Challenged;
 - b. information confirming that the Owner or Occupier does not have an able-bodied person assisting them with their household activities; and/or
 - c. a site inspection of the Dwelling Unit and/or the Property where the Physically Challenged Owner or Occupier resides.

41. The Director, in their sole discretion, may refuse an Owner or the Owner on behalf of the Occupier's application for the Assisted Set-Out Service, or on written notice to the Owner or Occupier cease providing the Assisted Set-Out Service, for any reason, including without limitation:
 - a. the applicant is a seasonal or part-time resident of the City;
 - b. the physical layout of the Property where the Dwelling Unit is situated, or any nearby properties or roadways, makes the provision of the Assisted Set-Out Service unsuitable;
 - c. limits on the available resources of the City or Contractor to provide the Assisted Set-Out Service; and/or
 - d. the Owner or Occupier has not provided the Director with sufficient information for the Director to determine that they qualify for the Assisted Set-Out Service.

42. For certainty, the provision of all of the information required under this Bylaw on an application for the Assisted Set-Out Service does not guarantee that the City will provide the Assisted Set-Out Service to an Owner or Occupier.

43. As a condition of the Assisted Set-Out Service, on the Collection Day, the Owner or Occupier will ensure that the Collection Carts are at all times freely accessible and not enclosed within any building or gated area.

44. Upon the City's approval of the Assisted Set-Out Service for an Owner or Occupier, the Owner or Occupier will enter into a signed agreement with the City, confirming responsibilities and providing a release or waiver of claims against the City for any negligence by the City or the Contractor.

45. The Owner will pay the fees for the Assisted Set-out Service as set out under the Solid Waste section of the Fees and Charges Bylaw on an annual basis.

46. The City is not responsible for any property or other damage as a result of providing the Assisted Set-Out Service, and the Assisted Set-Out Service is provided to Physically Challenged Owners and Occupiers on the condition that they waive any claims against the City and the Contractor for any property or other damage as a result of the City or the Contractor providing the Assisted Set-Out Service, whether or not such damage was caused by the negligence of the City or the Contractor.

PART 7 – MANAGEMENT OF WASTE

47. No person will accumulate, spill, drop, dump, or dispose of any Waste, or any other material on any street, sidewalk, boulevard, park or other lands owned by the City.
48. No person, except the Owner or Occupier of the Dwelling Unit to which the Collection Carts were supplied by the City, will remove any Garbage, Recyclables, or Organic Waste from the Collection Carts prior to collection by the City.
49. No person, except the Owner or Occupier of the Dwelling Unit to which the Collection Carts were supplied by the City, will add any Garbage, Recyclables, or Organic Waste to the Collection Carts prior to collection by the City unless the Owner or Occupier of the Dwelling Unit has entered into a written agreement with the City modifying this requirement.

PART 8 – WASTE AUDITS AND RIGHT OF ENTRY

50. The City, including the Contractor, have the right to inspect all materials inside the Collection Carts on Collection Day or at any other time for the purposes of determining the presence of Contamination, to perform a Waste Audit, or for any other reason as determined by the Director, in their sole discretion.
51. The City and/or the Contractor have the right to perform a Waste Audit at any time, which will include inspection of the Garbage Carts, Organics Carts, and/or Recycling Carts at a Dwelling Unit in an effort to ensure materials are placed in the appropriate Collection Carts and to, among other things, educate, reduce or remove Contamination and increase diversion to other Solid Waste streams.
52. The City, including the Contractor, have the right to enter at all reasonable times upon any Property subject to this Bylaw for the purposes of confirming an Owner or Occupier's compliance with this Bylaw, including but not limited to determining:
- a. the number and existence of Dwelling Units at a Property;
 - b. whether Garbage, Recyclables, or Organic Waste is being stored in the appropriate designated Collection Cart in accordance with this Bylaw;

- c. whether Banned Recyclables, Special Waste, Prohibited Waste, and/or Hazardous Waste are being stored in the Collection Carts; and
 - d. inspecting for Contamination or to perform a Waste Audit.
53. A person must not obstruct or interfere with the Contractor, Bylaw Enforcement Officer or other representative of the City from carrying out their functions pursuant to this Bylaw, including on any inspection by the City.

PART 9 - CHARGES AND FEES

54. The charges and fees set out in the Solid Waste section of the Fees and Charges Bylaw, including the Basic Annual Fee, are payable by the Owner or Occupier of each Dwelling Unit at a Serviced Property and will form a charge on the Dwelling Unit, or the Property on which the Serviced Property is situated, and may be recovered in the same manner and by the same means as taxes in arrears. The charges and fees are payable whether or not:
- a. the Dwelling Unit is occupied;
 - b. any Owner or Occupier of the Dwelling Unit makes use of the Municipal Collection Service; and
 - c. the Municipal Collection Service is interrupted, temporarily ceased, changed in any manner by the City or the Contractor, or is not provided by the City due to an Owner or Occupier's non-compliance with this Bylaw.
55. The charges and fees set out under the Solid Waste section of the Fees and Charges Bylaw will be levied by the City for each Dwelling Unit as identified in this Bylaw, including the Cart Exchange Fee.
56. The charges and fees set out under the Solid Waste section of the Fees and Charges Bylaw will be invoiced annually, with the exception of the Cart Exchange Fee and/or a replacement cart fee which will be paid at the time of the Owner's application for a Cart Exchange. Fees and charges levied under this Bylaw may be combined with other utilities provided and invoiced by the City.
57. Where the Municipal Collection Service is provided or changed in any way to any Dwelling Unit after the first day of January in any year, the charges pursuant to this Bylaw will be calculated as follows:
- a. For a newly constructed Dwelling Unit, the charges for that year will apply upon the earlier of occupancy, the issuance of an Occupancy Permit or where there is evidence that the Dwelling Unit is available for occupancy, and the full annual charge according to the Solid Waste section of the Fees and Charges Bylaw will be prorated by the

number of days in the full months remaining in the calendar year in which the Municipal Collection Service starts.

- b. For an existing Dwelling Unit, the charges for that year will apply from the date the Municipal Collection Service begins or is altered and will be prorated by the number of days in the full months remaining in the calendar year in which the Municipal Collection Service starts.

58. No complaint of an error in any charges for rates or charges billed under this Bylaw will be considered and no adjustment of any such error will be made after a period of one year has elapsed since the end of the period for which such user rates or charges were billed by the City or the Contractor. After the termination of this period, all such user rates or charges will be deemed to have been properly and correctly made.

59. All charges levied on a Property do not in any way imply that the use of the Property by the Owner or Occupier is legal or otherwise in compliance with the City's bylaws. In levying the charges, the City is in no way determining that a Property is in compliance with other City bylaws and the City reserves all of its rights to enforce its bylaws at any time.

PART 10 – PENALTIES AND OFFENCES

60. Any Owner or Occupier of a Property that places Contaminated materials in the Collection Carts in breach of this Bylaw may be subject to, in addition to all other rights and remedies available to the City, the actions defined in the Solid Waste Contamination Management Policy, or Schedule 1 of the *Municipal Ticket Information Bylaw No. 2435, 2006*.

61. When requested by a Bylaw Enforcement Officer, or any other person authorized by the City, any person, including an Owner, who has apparently committed an offence under this Bylaw, will correctly state their name and address.

62. Every person will at all times comply with any lawful order, direction, signal, or command made or given by a Bylaw Enforcement Officer, or other person authorized by the City, in the performance of their duties enforcing the provisions of this Bylaw.

63. Any person who violates any provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this Bylaw is liable, on summary of conviction, and may be issued a municipal ticket under the *Community Charter, S.B.C. 2003, c. 26*.

64. Where there is an offence that continues for more than one day, separate fines may be issued for each day in respect of which the offence occurs or continues.

65. Any person who contravenes any provisions of this Bylaw is liable to the City for and must indemnify the City from all costs, expenses, damages, and injuries resulting from the contravention.

66. The City may, in its sole discretion, enforce compliance with this Bylaw or any non-payment of fines issued for non-compliance with this Bylaw by temporarily or permanently discontinuing the provision of the Municipal Collection Service to any person. The City's temporary or permanent discontinuance of the Municipal Collection Service under this Bylaw does not in any way limit the City's right to collect all fees associated with the Municipal Collection Service, or otherwise under this Bylaw, or relieve any person from their obligations under this Bylaw, including without limitation, an Owner or Occupier's obligation to remove and dispose of all Waste from their Property.

67. Nothing in this Bylaw limits the City from utilizing, enforcing or relying on any other remedy that is otherwise available to the City under this Bylaw or at law generally.

PART 11 – SEVERABILITY

68. Each provision of this Bylaw is severable from each other provision, and, if any provision is determined by a Court of competent jurisdiction to be void or unenforceable in whole or in part, this determination will not be deemed to affect or impair the validity of any other provision, unless a Court otherwise determines.

Read a first time this ___ day of _____, 2023

Read a second time this ___ day of _____, 2023

Read a third time this ___ day of _____, 2023

Adopted this ___ day of _____, 2023

Mayor Bob Wells

Corporate Officer Adriana Proton

Schedule A – Wildlife Resistant Cart Areas - Map

Wildlife Resistant Cart Areas

— Creeks

▭ Wildlife Resistant Cart Areas



Solid Waste Management Bylaw



Solid Waste Management Bylaw

Purpose:

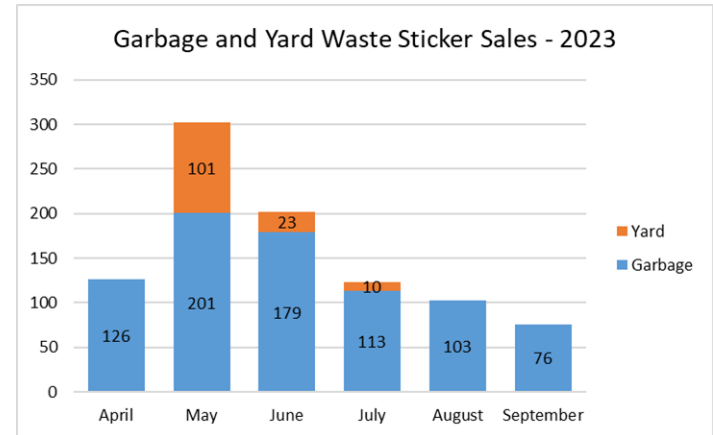
- ✓ Approve the new Solid Waste Management Bylaw No. 3113, 2023
- ✓ Council approval of the first, second and third readings
- ✓ Seek direction to update the Municipal Ticket Information Bylaw No. 2435, 2006
- ✓ Add fines for the new bylaw, remove fines for the old bylaw
- ✓ Seek direction to repeal the old Refuse Materials Collection, Removal and Regulation – Bylaw 2244, 2002;
- ✓ Approve the Solid Waste Contamination Policy



Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002

Recent Amendments

- Redefined accepted materials (2022)
- Remove multi-family and industrial / commercial / institutional properties (2022)
- Included co-mingled organics and limiting organic collection to 360 L (2022)
- Purchasing additional yard waste tags (2023)



Automated Collection - Changes

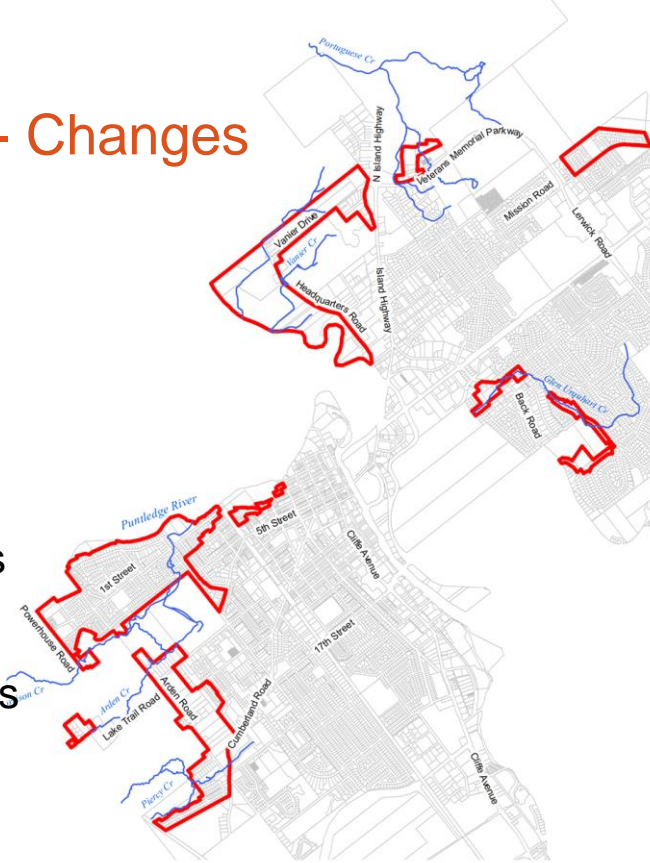
- Bi-Weekly Garbage and Recycling, Weekly Organics Collection.
- Organics Limits – based on cart size by housing type. Additional carts option available.
- Standard Cart Assignments:
- Cart Exchanges – residents have been asked to use standard carts for all four seasons.
 - Organic cart exchanges primarily expected
 - Recycling carts are limited to 240L and 360L sizes
 - A cart exchange portal will be made available in the fall of 2024:
 - First exchange free for each owner
 - One exchange annually (\$65)

Housing Type	Recycling	Organics	Garbage
Single Residential Dwelling, Duplex	360 L	360 L	120 L
Secondary Suites, Carriage House	240 L	120 L	
Multi-residential Detached, Manufactured Homes in a Mobile Home Park, and Fourplex			



Cont'd; Automated Collection - Changes

- Additional Carts
 - Garbage / Home health care waste
 - Recycling & Organics
- Wildlife Resistant Carts
- Increased Weight or Volume Limits
- Mandatory Participation
- Serviceable Properties & Properties Excluded from Service



Cont'd; Automated Collection - Changes

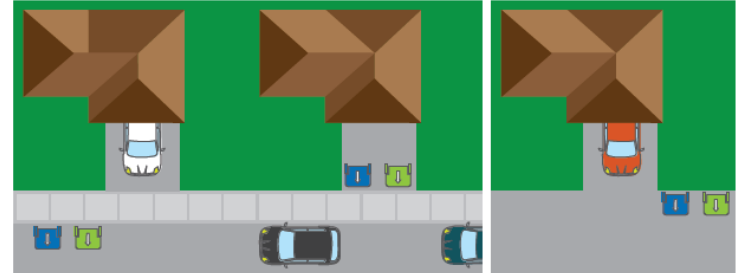
- Cart Placement and Requirements on Collection Day
- Assisted Set-Out Service
- Waste Audits & Right of Entry
- Contamination Management:
 - Solid Waste Contamination Management Policy
- Penalties and Offences:

An update to the Municipal Ticketing Information Bylaw No. 2435, 2006 to remove offences related to the previous Solid Waste bylaw and update with offences related to the new Bylaw – expected with MTI Bylaw update in 2024.



Setting Out The Carts **For Collection.**

Street Collection **with no marked bike lanes.**



- Place carts on the street with wheels against the curb. • For steep-sloped driveways, set carts out on the street against the curb. • Alternatively, if obstructed by parked cars, carts can be placed on the driveway if within 3.5 m (12 ft) of the roadway.



Proposed Fees & Charges

- “Basic Annual Fee”
- Additional carts
- Cart exchanges
- Assisted set-out service

The annual rates in this schedule apply to the jurisdictions as outlined in the body of this bylaw.

A. Single Residential Dwelling (SRD) Unit / Duplex Basic Annual Fee:

Garbage	Organic Waste	Recyclables	Fee
120 L	360 L	360 L	\$351.19

B. Multi-residential detached, Manufactured Homes in a Mobile Home Park, Fourplex, and Secondary Suites inside SRDs Basic Annual Fee:

Garbage	Organic Waste	Recyclables	Fee
120 L	120 L	240 L	\$317.68

C. Cart Exchange Fee (limited to one set of cart exchanges per year): \$65.00 per exchange

Fee Description	Annual Fee
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D. Additional Home Health Care Waste Garbage Cart (120 L):	\$56.00
E. Additional Garbage Cart (120 L):	\$136.29
F. First Recycling Cart (240 L or 360 L):	\$30.92
G. Additional Recycling Cart (240 L or 360 L):	\$13.99
H. Additional Organic Waste Cart (120 L):	\$150.47
I. Additional Organic Waste Cart (360 L):	\$183.98
J. Assisted Set-out Service:	\$100.00

Description of cart replacement charges	Charge
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K. Replacement cart fee – 120 L	\$81.60
L. Replacement cart fee – 240 L	\$102.00
M. Replacement cart fee – 360 L	\$117.60
N. Replacement wildlife resistant cart fee - any size	\$217.60

*The fees and charges as represented are considered **as proposed**, in anticipation of the 2024 solid waste budget presentation and until the 2024 Fees & Charges bylaw amendment is adopted by Council.*



Solid Waste Management Bylaw

RECOMMENDATIONS

THAT based on the November 22, 2023 staff report “Solid Waste Management Bylaw”, that Council give first, second and third readings to *Solid Waste Management Bylaw No. 3113, 2023*; and,

THAT Council direct staff to update the *Municipal Ticket Information Bylaw No. 2435, 2006*, to include a section for infractions related to *Solid Waste Management Bylaw No. 3113, 2023*; and,

THAT Council direct staff to draft a bylaw to repeal the *Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002* and update the *Municipal Ticket Information Bylaw No. 2435, 2006* to remove the section related to infractions related to the *Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002*; and

FURTHER THAT Council adopt the Solid Waste Contamination Policy





STAFF REPORT

To: Council

File No. 1765-01-2023

From: Director of Development Services

Date: November 22, 2023

Subject: CPI increase to Development Cost Charge Bylaw No. 2840, 2016

PURPOSE:

For Council to consider giving first, second and third reading of Development Cost Charges Amendment Bylaw No. 3116. This bylaw will amend Development Cost Charge Bylaw No. 2840, 2016 to increase the fees by inflationary increase of 6.9% for 2022 in accordance with *Community Charter Development Cost Charge Amendment Bylaw Approval Exemption Regulation B.C Reg. 130/2010*.

BACKGROUND:

Like many communities across British Columbia, the City of Courtenay imposes Development Cost Charges (DCCs) on new development in order to support infrastructure investments due to growth. Courtenay’s DCC rates are established through *Development Cost Charges Bylaw No. 2840, 2016*, which was amended in 2022 through *Development Cost Charges Amendment Bylaw No. 3068, 2022*. The current DCC rates are shown in the table below:

**Current Courtenay DCC Rates - Bylaw 2840, 2016 amendment Bylaw No. 3068, 2022
Development Cost Charge Schedule**

Land Use	Collection basis	Transportation	Water	Sanitary Sewer	Drainage	Park Acquisition & Development	TOTAL
Single Family Residential	Per lot or per dwelling unit	\$2,744.20	\$456.08	\$1,427.30	\$1,439.01	\$875.48	\$6,942.07
Multi-Family Residential	Per m ² of total floor area	\$15.42	\$3.22	\$10.08	\$4.32	\$6.18	\$39.22
Commercial	Per m ² of total floor area	\$36.14	\$1.19	\$3.71	\$6.47	\$-	\$47.51
Institutional	Per m ² of total floor area	\$36.14	\$1.19	\$3.71	\$6.47	\$-	\$47.51
Congregate Care	Per m ² of total floor area	\$7.71	\$1.61	\$5.04	\$2.16	\$-	\$16.52
Industrial	Per hectare	\$29,480.62	\$7,625.05	\$23,862.45	\$24,464.43		\$85,432.56

Staff are currently working with Connections Planning and Urban Systems on a major update to its DCC program and bylaw, which is anticipated to be completed by mid-2024. In the meantime, staff are recommending an annual inflationary update pursuant to provincial regulation.

DISCUSSION:

DCC Bylaws are one of the few municipal bylaws which require approval from the provincial Inspector of Municipalities, as per the *Local Government Act*. All new and major updates to DCC Bylaws are referred to the Ministry of Municipal Affairs following Third Reading of the Bylaw, for their review and approval. There is one exception to this, as per *Development Cost Charge Amendment Bylaw Approval Exemption Regulation, BC Reg. 130/2010*, which is a for an annual inflationary update based on the Consumer Price Index (CPI).

According to the regulation, a DCC Bylaw can be updated without inspector approval once each for up to 4 years from either:

- a) the date of adoption of a development cost charge bylaw approved by the inspector, or
- b) the date of the adoption of a bylaw approved by the inspector that amends a development cost charge bylaw.

Although the City of Courtenay DCC rates were set by bylaw in 2016, the bylaw was amended with approval from the Inspector of Municipality in 2022 to clarify the application of DCCs for infill lots that previously had a residential unit in place prior to the development of additional units. Based on clause (b) in the regulation above, have been advised that inspector approval for an annual inflationary update is not required.

A Draft DCC Bylaw amendment is attached to this report for Council's consideration. Should Council give first, second and third reading to the bylaw, according to the regulation, the Bylaw will not require approval from the Inspector of Municipalities between third and fourth reading.

Pursuant to the regulations, once the Bylaw amendment has been approved and adopted by Council, a copy of the DCC amendment bylaw should be filed as soon as reasonable with the Ministry of Municipal Affairs.

PROPOSED DCC RATES AND BYLAW

With reference to the above regulation, an annual inflationary update for the City of Courtenay in 2023 would utilize the British Columbia Consumer Price Index (CPI), as published by Statistics Canada for the previous calendar year. The CPI table is attached to this memo, and indicates that the BC CPI All Items Index increase for 2022 was 6.9%. Therefore, an inflationary increase of 6.9% to the current City of Courtenay DCC Rates for 2023 could apply to all land use and infrastructure categories. Based on this calculation, the potential 2023 DCC rates are as follows:

Proposed Courtenay DCC Rates (2023) - based on 6.9% BC Consumer Price Index from 2021 to 2022
Development Cost Charge Schedule

Land Use	Collection basis	Transportation	Water	Sanitary Sewer	Drainage	Park Acquisition & Development	TOTAL
Single Family Residential	Per lot or per dwelling unit	\$2,933.55	\$487.55	\$1,525.78	\$1,538.30	\$935.89	\$7,421.07
Multi-Family Residential	Per m ² of total floor area	\$16.48	\$3.44	\$10.78	\$4.62	\$6.61	\$41.93
Commercial	Per m ² of total floor area	\$38.63	\$1.27	\$3.97	\$6.92	\$-	\$50.79
Institutional	Per m ² of total floor area	\$38.63	\$1.27	\$3.97	\$6.92	\$-	\$50.79
Congregate Care	Per m ² of total floor area	\$8.24	\$1.72	\$5.39	\$2.31	\$-	\$17.66
Industrial	Per hectare	\$31,514.78	\$8,151.18	\$25,508.96	\$26,152.48	\$-	\$91,327.41

POLICY ANALYSIS:

This update aligns with implementation policies in the OCP regarding fees and charges for infrastructure and align with Council’s Strategic priorities to update the Development Cost Charges Bylaw.

FINANCIAL IMPLICATIONS:

The update will increase DCC fees collected at time of building or subdivision which will be placed into the DCC reserve funds for eligible DCC projects in the current bylaw.

ADMINISTRATIVE IMPLICATIONS:

This update is part of the departments work plan for 2023.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Financial Sustainability - Review City Financial processes: Review fees, charges, and fines
- Buildings and Landscape - Update Development Cost Charges (DCC) Bylaw

PUBLIC ENGAGEMENT:

This is an administrative bylaw and no requirement under the legislation for public notice or engagement.

OPTIONS:

1. THAT Council give first, second and third reading to Development Cost Charge Amendment Bylaw No.3116.
2. THAT Council provide alternative direction to staff.
3. THAT Council not move forward with the bylaw consideration.

ATTACHMENTS:

1. Development Cost Charge Amendment Bylaw No. 3116

Prepared by: Marianne Wade, Director of Development Services

Reviewed by: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)

Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3116

A Bylaw to amend “Development Cost Charges Bylaw No. 2840, 2016”.

Pursuant to *Development Cost Charge Amendment Bylaw Approval Exemption Regulation* (BC Reg 130/2010) of the *Community Charter*, and in consideration of *City of Courtenay Development Cost Charges Amendment Bylaw No. 3068, 2022*, the Council of the Corporation of the City of Courtenay in open meeting assembled enacts the following:

1. This Bylaw may be cited for all purposes as “Development Cost Charges Amendment Bylaw No. 3116 2023”.
2. That Schedule A of *Development Cost Charges Bylaw No. 2840, 2016* be deleted and replaced with the following:

Development Cost Charge Schedule

Land Use	Collection basis	Transportation	Water	Sanitary Sewer	Drainage	Park Acquisition & Development	TOTAL
Single Family Residential	Per lot or per dwelling unit	\$ 2,933.55	\$ 487.55	\$ 1,525.78	\$ 1,538.30	\$ 935.89	\$ 7,421.07
Multi-Family Residential	Per m ² of total floor area	\$ 16.48	\$ 3.44	\$ 10.78	\$ 4.62	\$ 6.61	\$ 41.93
Commercial	Per m ² of total floor area	\$ 38.63	\$ 1.27	\$ 3.97	\$ 6.92	\$ -	\$ 50.79
Institutional	Per m ² of total floor area	\$ 38.63	\$ 1.27	\$ 3.97	\$ 6.92	\$ -	\$ 50.79
Congregate Care	Per m ² of total floor area	\$ 8.24	\$ 1.72	\$ 5.39	\$ 2.31	\$ -	\$ 17.66
Industrial	Per hectare	\$ 31,514.78	\$ 8,151.18	\$ 25,508.96	\$ 26,152.48	\$ -	\$ 91,327.41

Read a first time this ___ day of _____, 2023

Read a second time this__ day of _____,2023

Read a third time this ___ day of _____, 2023

Reconsidered, finally passed and adopted this __day of _____, 2023

Mayor

Corporate Officer



STAFF REPORT

To: Council
From: Director of Development Services
Subject: Zoning Amendment Bylaw No.2973 Third Reading

File No.: 3360-20-1911
Date: November 22, 2023

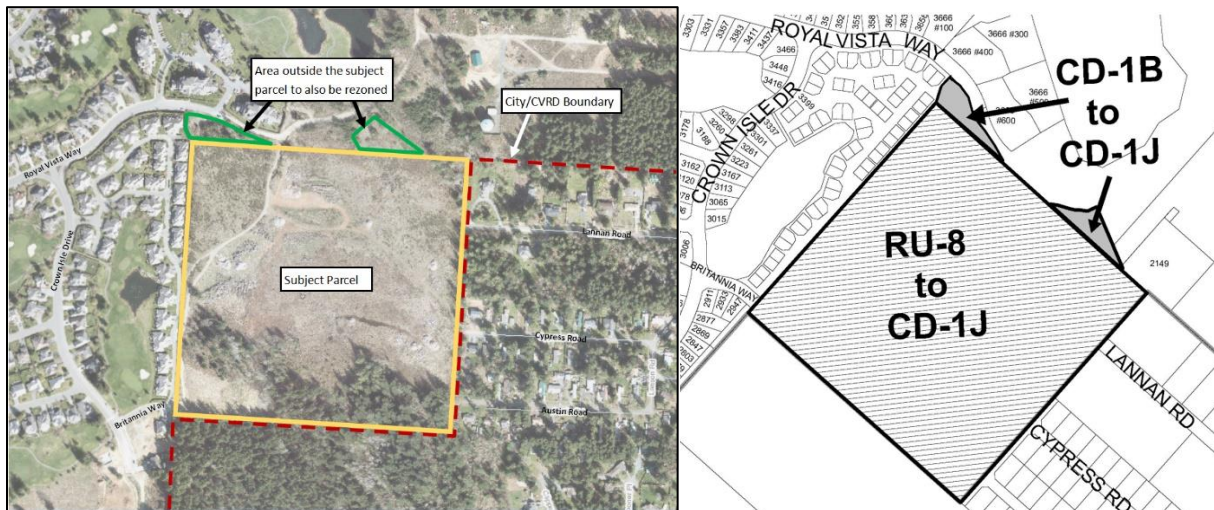
PURPOSE:

For Council to consider Third Reading of Zoning Bylaw Amendment No. 2973.

BACKGROUND:

At the July 26, 2023 regular council meeting, council received a briefing note to provide an update on this application. This application to rezone the subject property was originally received in June 2019 and included both an OCP amendment (from undesignated land use to mixed use) and Zoning Bylaw amendment from CD-1 J from CVRD RU-8 zone given the lands had been annexed into the City of Courtenay in 2013 (see Figure 1).

Figure 1 Subject Property



Council adopted first and second readings of Zoning Amendment Bylaw No. 2973 and OCP Amendment Bylaw No 2072 - Lannan Road at the January 6, 2020 regular Council meeting and both amendments proceeded to a public hearing on January 20, 2020.

Upon the termination of the public hearing, staff presented a report at the February 18, 2020 Council meeting, requesting third reading of the bylaws. Council did not adopt Third reading of either bylaw, deferring consideration as per the following resolution:

THAT Council defer a decision on the main motion (OPTION 1) of the February 18th, 2020 staff report "Third Reading Report - Official Community Plan (OCP) Amendment Bylaw No. 2972 and Zoning

Amendment Bylaw No. 2973 - Lannan Road” to allow staff to present the report to Council and give Council the opportunity to review and consider the other options available listed on pages 5 and 6 of the staff report.

At the Regular Council Meeting held on April 6, 2020 at the staff brought forward a Follow up Report for Council’s consideration. The following resolution was carried:

THAT based on the April 6th, 2020 staff report “Follow Up Report - OCP Amendment Bylaw No. 2972 and Zoning Amendment Bylaw No. 2973 - Lannan Road” Council approve OPTION 1 and require the applicant to make revisions to the proposal and supply the information listed below prior to proceeding with the bylaw amendments:

- 1. All remaining trees within the area identified generally on Schedule No. 1 are to be protected with the exception of tree removal necessary to allow for the extension of the Britannia Place strata as well as the extension of Britannia Way.*
- 2. Require that the location of any proposed stormwater management facility is identified to the satisfaction of all relevant authorities but in no case can the facility be located within the area identified on Schedule No. 2.*
- 3. The development’s stormwater management design must be completed to the satisfaction of the City and any other agencies which may be affected depending on the facilities’ location.*
- 4. An appraisal is to be provided to the City determining the current property value and the value realized once the subject property is rezoned to help inform Council’s decision on amenities.*
- 5. Additional consideration of transportation modes must be provided and integrated into the proposal to reduce the dependence on automobile trips.*

DISCUSSION:

Since the original application and the April 6, 2020 resolution, the City adopted a new Official Community Plan (OCP) Bylaw No. 3070, 2022. The 2022 OCP designates the subject property as Urban Residential which supports the zoning amendment. Given this context, the 2020 OCP Amendment Bylaw is no longer required. It is also important to note that given this application has had a public hearing, commitments and requirements of the day are legislatively required to move forward through to adoption. Substantive changes to the rezoning application or the addition of new information received or considered after the termination of the January 20, 2020 Public Hearing would likely require the City to hold a new public hearing. In this situation OCP Bylaw No.2387, 2005 should guide the discussion at all future readings.

Conditions prior to Adoption

The conditions below will be incorporated into the Council resolution for third reading of Zoning Bylaw No. 2973 for their consideration and these items will have to be finalized between Staff and the applicant prior to a staff report coming back to Council for their consideration of the bylaw adoption. These items are listed and described below:

- 1. Dawn to Dawn Modular Home-** commitment to provide a modular home for a location to be determined as per the reports to date prior to adoption either through security or provision.
- 2. Lannan Park Master Plan** – means a master plan that provides preliminary park programming for the lands that will accompany a section 219 covenant for deferral of park land. This plan will include definitions of parks and total parks land required under the LGA (5%) and will follow Parks and Recreation Master Plan 2019 as a minimum. This plan will form a Schedule in the Development Agreement (DA).

3. **Environmental Master Plan** – based upon Strategic Overview Environmental Assessment dated October 18, 2017 this report will need to be updated and a plan will be developed to identify the tree protection area and other environmental conditions reflected to date in the various reports. This will guide future phases of development and will form a schedule in the DA to address provincial legislation and city bylaws of the day.
4. **Preliminary Infrastructure Master Plan**- based upon Koers & Associates combining all technical memos received to date into one master servicing plan that will inform each phase of development detailed engineering plans. Comments will be provided to the consultant by the City which will need to be addressed and the Master Plan finalized based upon the reports to date and issues raised by Council. This report will form a Schedule in the DA.
5. **Preliminary Stormwater Management Master Plan** – the draft report prepared by Koers & Associates version 1 September 2022 was submitted to the city and will need to address city comments and issues raised to date in the reports to Council. This plan will need to be finalized prior to adoption of the bylaw and will form a Schedule in the DA.
6. **Street hierarchy/active transportation Preliminary Master Plan** – based upon the reports to date and issues raised by Council this plan will coordinate environmental considerations such as bioswales into the street design, greenways, pathways for active transportation. This plan will form a schedule in the DA.

Development Agreement

As noted in the briefing note of July 26, 2023 Staff have recommended that, a Development Agreement which is registered on the title of the subject lands through a Section 219 covenant prior to adoption of the Bylaw. The Development Agreement will outline the phases of development (see Figure 3) and the requirements that must be met prior to a subdivision being approved for a particular phase. As such the lands cannot be constructed upon until these requirements have been met to the satisfaction of the City.

The City and the applicant have commenced working on this document and this document would be drafted and provided to Council for their consideration as part of the adoption of the bylaw. Staff are satisfied this Development Agreement meets the intent to manage construction and development by phases as outlined in the staff reports.

MOTI

Approval by MOTI will be required prior to adoption as the lands are within an 800 metre radius of a controlled intersection.

Terms of the Development Agreement

Listed below are the terms of the DA as discussed with the applicant which if Council supports would then form the content of the DA. The DA would then be drafted in consultation with the applicant, the final version reviewed by legal consul, and executed by the applicant. This document would form part of the Council report for their consideration of the bylaw for adoption.

General

- 1) Each phase is required to provide at time of subdivision application:

- Geotechnical, Environment assessment, arborist, infrastructure capacity model and design, fire protection plan and emergency services, roadways
 - Cost estimates to inform the works and services agreement.
- 2) PLR will identify all required legal documents including updates to park land deferral covenant to be prepaid by applicant's legal counsel.
 - 3) All third-party costs occurred by City including legal will be invoiced to the applicant for payment.
 - 4) As part of final subdivision approval, the applicant will submit the volunteered community amenity contributions as per the mutually agreed to schedule attached to this agreement.
 - 5) Applicant is responsible for obtaining any CVRD approvals for infrastructure and securities.
 - 6) Applicant is responsible for obtaining any approvals for roadway extension and connections into MOTI jurisdiction.
 - 7) Transportation Impact Assessments (TIA) for each phase if required and identification of required upgrades associated with development.
 - 8) Park land dedication to be addressed at each phase of development and the Park Land Deferral Covenant modified. The objective is to have parks earlier in the development for public use.

Phase 1 – Britannia Development

1. Preliminary Residential Stormwater Management Master Plan (updated version for adoption of the Bylaw prepared by *Koers & Associates Engineering Ltd.*) that guides storm water requirements will ensure that the temporary detention pond is feasible. And, that a permanent solution can be achieved should phase 2 not proceed within 10 years of the date of this development agreement.
2. Design for the offsite stormwater to be piped in MOTI SRW to be initiated to meet the requirements for MOTI permit to ensure that the required infrastructure for Phase 2 will be acceptable to MOTI in order to prepare for construction of this utility in Phase 2.
3. The stormwater flows from Lake 20 to Parry Place requires an SRW to be put in place and a permit will be required by MOTI for these works. A resolution needs to be in place prior to Phase 2.
4. Koers & Associates to confirm that Phase 1 can connect to existing private services and consolidate with existing strata.
5. That post-development drainage will be directed to discharge to the existing drainage courses. A better understanding of private versus public drainage courses will be required in the Preliminary Residential Stormwater Management Master Plan
6. Meter will be installed to the PL for to service the units and the service becomes private from PL to units to be discussed with city, strata and developer.
7. Traffic Impact Assessment (TIA) for the lands to be undertaken to identify off site upgrades and which phase triggers the required improvements to be completed to inform Phase 2.

Phase 2

1. Tree Retention to be protected via covenant or dedicated to city prior to final approval of subdivision and protected during construction with a construction management plan and monitoring by a third party.

2. Connectivity through the phases is required for emergency services and construction activity utilizing Britannia Way – a standard of road surface to be determined.
3. Greenway trail to be secured via legal document as per the plan in schedule of the DA Document.
4. Implementation of the Preliminary Stormwater Management Master Plan (PSMMP) to support the construction and operations of the onsite and offsite drainage system as outlined in the report and to the approved MOTI permits.
5. That sanitary sewer can be extended to the limits of the roadworks and all on-site sanitary sewers required to service this phase and beyond, which may or may not include a sanitary lift station. A discussion will be had with Staff and the applicant to finalize this in the DA and Master Preliminary service report to be prepared by Koers & Associates. This will be finalized prior to issuance of a PLR.

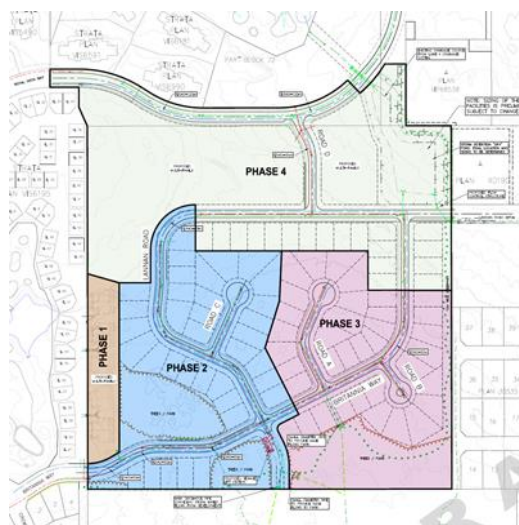
Phase 3

1. Design of the stormwater management plan that drains to the Little River catchment area needs to be finalized to the satisfaction of City and MOTI as outlined in the Preliminary Stormwater Management Master Plan.
2. Any requirements needed to support all master plans and connectivity as identified in these plans.

Phase 4

1. Construction of all required on-site storm sewers, including volume reduction facilities and the detention pond in the northeast corner (Little River Catchment Area) to be built and be operational prior to final subdivision approval as outlined in the Preliminary Stormwater Management Master Plan.
2. Master Preliminary
3. That the work will also include the stubs for the multi-family sites, which must develop on-site private stormwater management facilities in accordance with Bylaw 2919

Figure 3 Koers & Associates Engineering Ltd Proposed Development Phasing for DA



POLICY ANALYSIS:

The proposed zoning amendment aligns with the new OCP which identifies these lands as Urban Residential. An OCP amendment is no longer required.

FINANCIAL IMPLICATIONS:

When the phases are built and constructed there will be operational costs incurred by the newly created public roads, parks, trails and off-site services that the city will have to bear.

ADMINISTRATIVE IMPLICATIONS:

There will be staff time required to finalize master plans, DA, and associated legal documents that outside of the daily work activities. Given the nature of this development adoption of this rezoning application will require the coordination of activities between a number of departments as well as staff time for implementation. Involved in this implementation will be representatives of Recreation, Culture and Community Services, Public Works Services, Legislative Services and Engineering Services.

STRATEGIC PRIORITIES REFERENCE:

This proposed development does provide a mix of housing with the proposed zoning that restricts the number of single-family homes to provide a more diverse housing form to meet housing choices for residents in the community.

PUBLIC ENGAGEMENT:

A public hearing was held as per the LGA requirements and forms part of the reports received by Council to date.

OPTIONS:

1. THAT Council give third reading to Zoning Amnendment Bylaw 2973; and that prior to adoption of the bylaw the following conditions be met:
 - a) **Dawn to Dawn Modular Home**- commitment to provide a modular home either through security or provision.
 - b) **Lannan Park Master Plan** finalized to satisfaction of the Director of Development Services.
 - c) **Environmental Master Plan** finalized to satisfaction of the Director of Development Services.
 - d) **Preliminary Infrastructure Master Plan** finalized to satisfaction of the Director of Development Services.
 - e) **Preliminary Stormwater Management Master Plan** finalized to satisfaction of the Director of Development Services.
 - f) **Street hierarchy/active transportation Preliminary Master Plan** finalized to satisfaction of the Director of Development Services.
 - g) **Development Agreement** be finalized to the satisfaction of the Director of Development Services and executed by the applicant.
2. THAT Council deny third reading of Zoning Amendment Bylaw No.2973.
3. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. July 26, 2023 Council Briefing Note

Prepared by: Marianne Wade, Director of Development Services
Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)



BRIEFING NOTE

To: Council

File No.:3360-20-1911/ OCP00007

From: Director of Development Services

Date: July 26, 2023

Subject: SRDDS Udate Report Zoning Amendment Bylaw No.2973.docx

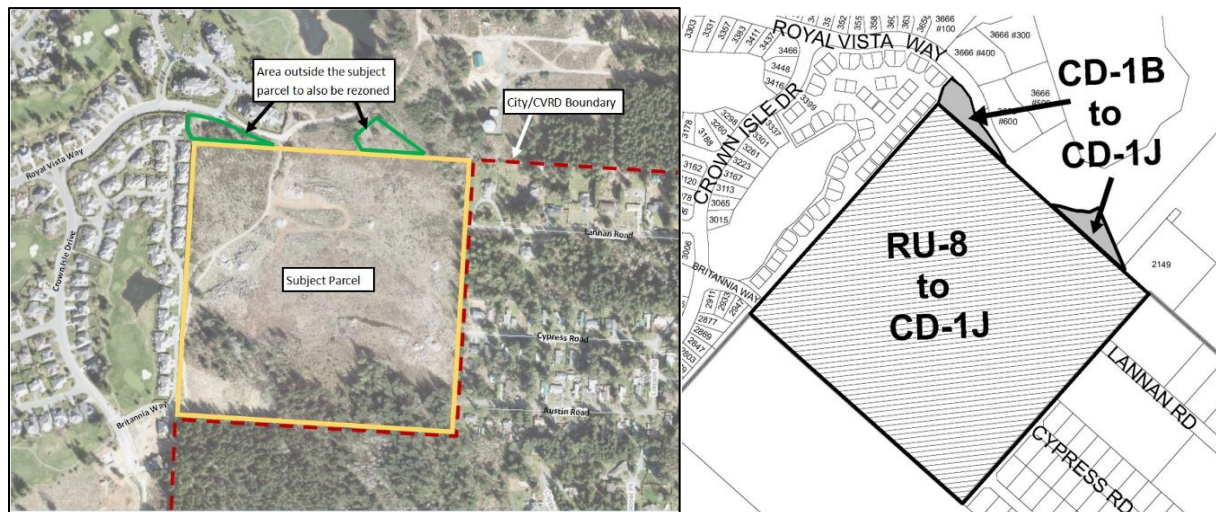
PURPOSE:

To provide Council with an update on the status of Zoning Amendment Bylaw No 2973 and OCP Amendment Bylaw No. 2072 and outline next steps.

BACKGROUND:

This application to rezone the subject property was originally received in June 2019 and included both an OCP amendment (from undesignated land use to mixed use) and Zoning Bylaw amendment from CD-1 J from CVRD RU-8 zone given the lands had been annexed into the City of Courtenay in 2013 (see Figure 1).

Figure 1 Subject Property



Council adopted first and second readings of Zoning Amendment Bylaw No. 2973 and OCP Amendment Bylaw No 2072 - Lannan Road at the January 6, 2020 regular Council meeting and both amendments proceeded to a public hearing on January 20, 2020.

Upon the termination of the public hearing, staff presented a report at the February 18, 2020 Council meeting, requesting third reading of the bylaws. Council did not adopt Third reading of either bylaw, deferring consideration as per the following resolution:

THAT Council defer a decision on the main motion (OPTION 1) of the February 18th, 2020 staff report "Third Reading Report - Official Community Plan (OCP) Amendment Bylaw No. 2972 and Zoning Amendment Bylaw No. 2973 - Lannan Road" to allow staff to present the report to Council and give Council the opportunity to review and consider the other options available listed on pages 5 and 6 of the staff report.

At the Regular Council Meeting held on April 6, 2020 at the staff brought forward a Follow up Report for Council's consideration. The following resolution was carried:

THAT based on the April 6th, 2020 staff report "Follow Up Report - OCP Amendment Bylaw No. 2972 and Zoning Amendment Bylaw No. 2973 - Lannan Road" Council approve OPTION 1 and require the applicant to make revisions to the proposal and supply the information listed below prior to proceeding with the bylaw amendments:

- 1. All remaining trees within the area identified generally on Schedule No. 1 are to be protected with the exception of tree removal necessary to allow for the extension of the Britannia Place strata as well as the extension of Britannia Way.*
- 2. Require that the location of any proposed stormwater management facility is identified to the satisfaction of all relevant authorities but in no case can the facility be located within the area identified on Schedule No. 2.*
- 3. The development's stormwater management design must be completed to the satisfaction of the City and any other agencies which may be affected depending on the facilities' location.*
- 4. An appraisal is to be provided to the City determining the current property value and the value realized once the subject property is rezoned to help inform Council's decision on amenities.*
- 5. Additional consideration of transportation modes must be provided and integrated into the proposal to reduce the dependence on automobile trips.*

Upon further review, staff have determined that if undertaken, the request for an appraisal would be considered new information (item 4 of the aforementioned resolution) and would trigger a new public hearing. Additionally, the original intent of the request for an appraisal to determine the lift value of the property was not a policy within the 2005 OCP Bylaw which applies to this rezoning application.

It is important to note that from January 6, 2020 to February 18, 2020, a number of requirements were identified in the staff reports and amenity contributions were volunteered by the applicant which form the public record of Zoning Amendment Bylaw No. 2973.

DISCUSSION:

Since the original application and the April 6, 2020 resolution, the City adopted a new Official Community Plan (OCP) Bylaw No. 3070, 2022. The 2022 OCP designates the subject property as Urban Residential which supports the zoning amendment. Given this context, the 2020 OCP Amendment Bylaw is no longer required. It is also important to note that given this application has had a public hearing, commitments and requirements of the day are legislatively required to move forward through to adoption. Substantive changes to the rezoning application or the addition of new information received or considered after the termination of the January 20, 2020 Public Hearing would likely require the City to hold a new public hearing. In this situation OCP Bylaw No.2387, 2005 should guide the discussion at all future readings.

Phased Development Agreement

Staff have reviewed the comments regarding a Phased Development Agreement and have identified a more streamlined legislative tool, a Development Agreement which is registered on the title of the parcel of land by a Section 219 covenant prior to adoption of the Bylaw. The Development Agreement will outline the phases of development and the requirements that must be met prior to a subdivision being approved for a

particular phase. As such the lands cannot be constructed upon until these requirements have been met to the satisfaction of the City.

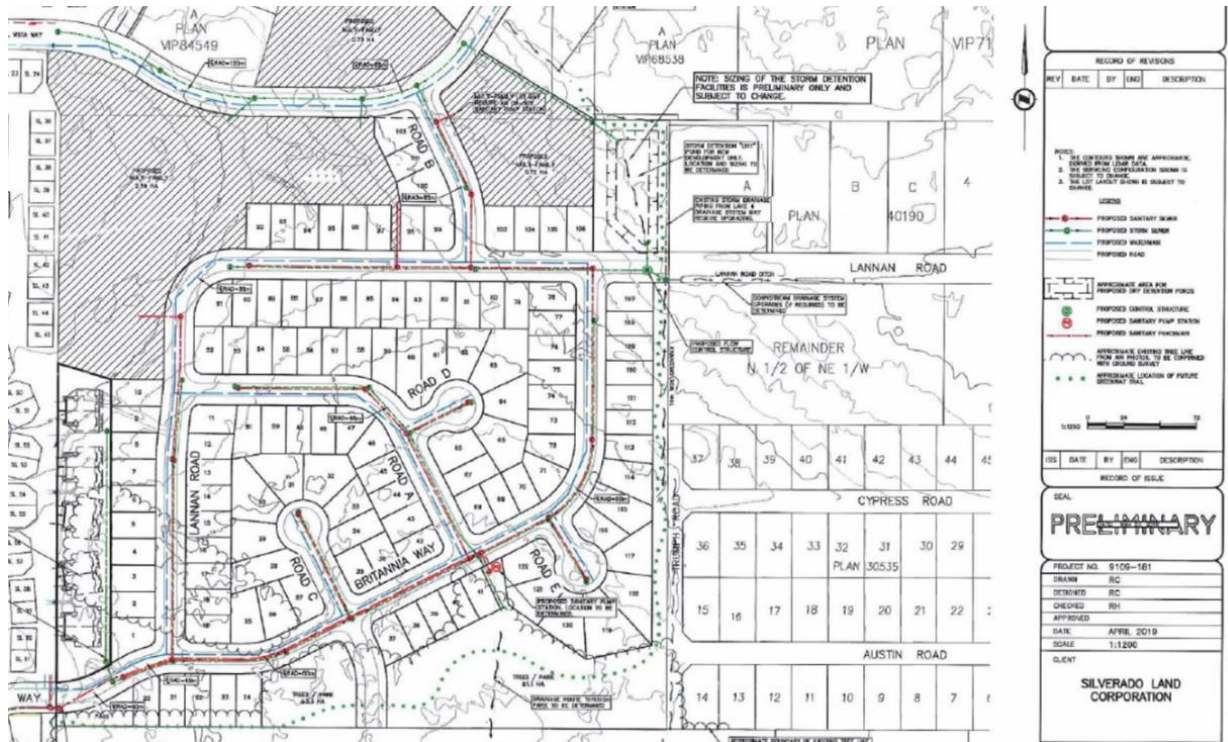
The City and the applicant have commenced working on this document and this would form part of the staff report for the consideration of Third Reading of the Zoning Amendment Bylaw No. 2973. Staff are satisfied this Development Agreement meets the intent to manage construction and development by phases as outlined in the staff reports.

Status of Issues for Consideration Prior to Adoption of Bylaws

Land Use, Housing Form, and Density

The CD-1 J zoning limits total number of units to 330. The split is 122 Single residential dwellings units that are permitted to have secondary suites and 208 duplex or multi-family residential dwelling units. Minimum lot size was decreased from 465m² to 400 m². The Developer will have a section 219 covenant that will outline construction details that will include Step Code 3 or better, and will coordinate with infiltration designs for house and road ways to address stormwater management plan. This will include solar panels, EV chargers, bio-swales, infiltration trenches, drought resistant landscaping and native plants. See Figure 2 Conceptual Development Layout. Staff are satisfied that building Performance Standards are in alignment with recent changes to the BC Building Code which requires Step Code 3 for all Part 9 Buildings. The applicant has committed to encompass Step Code 3 or better specifications in the section 219 covenant. Staff are satisfied this resolution has been addressed and it will be addressed in the Development Agreement.

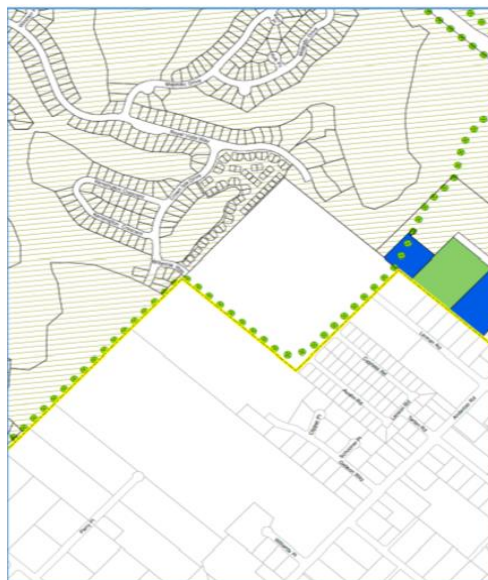
Figure 2 Conceptual Development Layout



Trails and Greenway Connections

The pathway identified in Figure 3 aligns with the Parks and Recreation Master Plan (September 30, 2019) and OCP (Bylaw No.2387, 2005). These were the documents that formed the public records for First and Seconding Reading of Zoning Bylaw Amendment No.2973, the public hearing held on January 20, 2020, the consideration of third reading on February 18, 2020, and update report on April 6, 2020. The Greenway trail is noted in the conceptual Development Layout (Figure 2).

Figure 3 Greenway Trail



The OCP Bylaw No. 2387, 2005 policies required integration of greenways and the inclusion of pedestrian walkways with any subdivision and developments to link residences to public facilities, transit, parks, and neighbourhood amenities. Dedication of buffer strips within properties prior to rezoning of land and/or use of section 219 covenants to provide for pedestrian trails and landscaped areas were required in addition to the 5% parkland dedication requirement under subdivision.

The reports indicate that this Greenway trail could be secured in a Development Agreement and the intent was to have this secured prior to adoption of the bylaw. The applicant has been discussing the design of this trail with the Brooklyn Creek Watershed Society and City staff. Staff will require this Greenway Trail conceptual design and construction specifications be secured in the Development Agreement.

In addition, buffer areas will be identified based upon the Conceptual Development Layout (Figure 2) and incorporated into the Development Agreement.

Park

As part of the development phasing and associated subdivision approval process, park dedications of 5% of the land area are required under the *Local Government Act*. Staff have been working with the applicant to identify types of parks along with area and location based upon the Conceptual Development Layout (Figure 2). In the reports to date the City has highlighted the desire for parks to come earlier in the development

process and align with the Parks and Recreation Master Plan (September 30, 2019), and is working with the applicant to address this in the Development Agreement.

Environmental Considerations

The Strategic Lannan Development Site Wetland Assessment dated May 14, 2019 was submitted to staff and informed the Zoning Amendment Bylaw No. 2973. The staff reports to date indicate the City's requirement for a registered professional biologist to undertake an environmental assessment with each phase of development. The recommendation for this will be a requirement in the Development Agreement.

Concern over the existing trees and protecting them was identified in staff reports and Council resolutions. This area has been defined as per Council Resolution on April 6, 2020 and is noted in Figure 4 Tree Protection Area. This protected area will be addressed in the Development Agreement as a section 219 covenant.

Figure 4 Tree Protection Area from April 6, 2020



Stormwater Management

The applicant and the City have been working on the stormwater management design with other relevant authorities and have arrived at a conceptual design which received "approval in principle from MOTI". The applicant has worked with the Brooklyn Creek Watershed Society who have provided the City with a letter acknowledging the information sharing on the Koers & Associates Engineering Ltd Proposed Residential Subdivision Drainage Study dated September 1, 2022 Rev 1 and the Town of Comox Anderton Corridor Servicing Study draft report, which employs a water balance approach, that offers more downstream

protection than the City of Courtenay standards in our Subdivision and Development Servicing Bylaw No. 2919.

Staff have reviewed this plan with the applicant and will be providing comments on the draft study and design, both the study and design will be required as part of the Development Agreement. Detailed Designs will be required at each phase of development and the required off site construction will be required at the early phase of the development.

As per the April 6, 2020 resolution the pond is not placed in the lands noted in Figure 5 and the pond is located on lands owned by Crown Isle which consist of an executive golf course. It is proposed that this pond be incorporated into the existing golf course use.

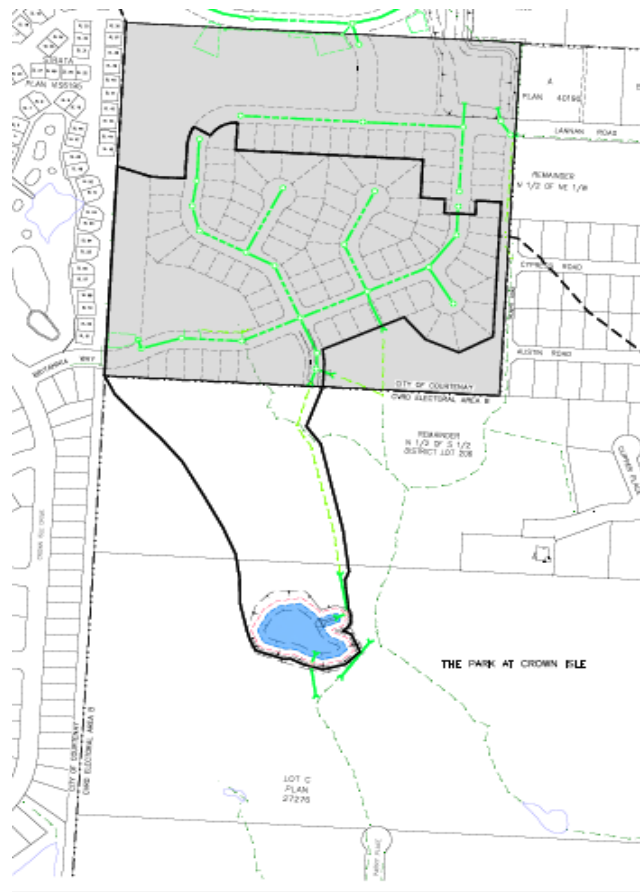
Once the Proposed Residential Subdivision Drainage Study has been finalized and associated designs are acceptable for a MOTI application submission, the City will be making an application to MOTI to convey the stormwater that is currently not managed in the area south of the proposed Lannan development into a pipe located in the MOTI roadway. According to the applicant's engineer, the pipe will discharge to Brooklyn Creek as it does now, and it is to be designed to accommodate existing flows. The Proposed Residential Subdivision Study includes the use of infiltration systems, control mechanisms at the pond, and maintains the baseflow required to maintain the health of the trees and vegetation. According to the applicant's engineer, stormwater generated with the Lannan development is intended to be address on site and through the stormwater pond. This conceptual plan is illustrated in Figure 5 below.

Staff will continue to work with the applicant's engineer and with relevant agencies through the design and construction period. The finalized report will be incorporated into the Development Agreement.

Figure 5 Protect Area from Stormwater Pond from April 6 2020



Figure 6 Koers & Associates Engineering Ltd September 1, 2020 Rev.1



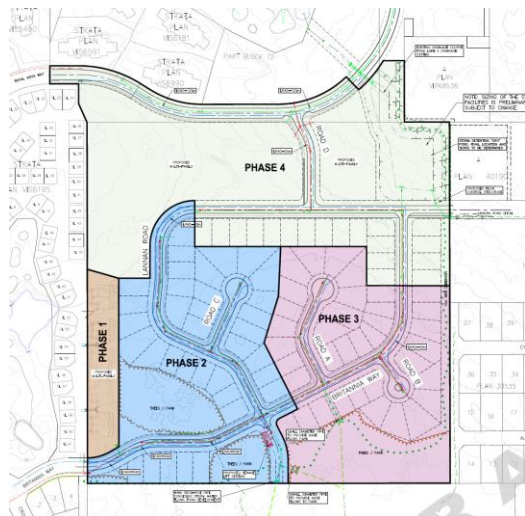
Servicing

Koers & Associates has submitted a Technical Memorandum No. 1 dated May 9, 2019 for the proposed Lannon Conceptual Development Layout in support of the Zoning Amendment Bylaw No. 2793, Technical Memorandum No.2 dated May 24, 2019 and Technical Memorandum No.2 Revision 1 dated August 10, 2021 for the proposed Britannia Development, and Technical Memorandum No.3 dated June 30, 2023 an updated conceptual servicing report for the proposed Lannon Road development.

The Consultant's report notes the need for a sanitary lift station to be located near Lannon and Britannia Way which will require a SRW or dedication of land for utilities. In addition, the Consultant notes that a water system network analysis by the City's modelling consultant will be required to confirm water capacity and fire flow demand. Staff are reviewing Technical Memorandum No. 3 and will provide comments to the applicant to inform the Development Agreement.

This report outlines the proposed development phasing plan that will inform the Development Agreement and the proposed development phasing plan provided by Koers is illustrated below (see figure 7) :

Figure 7 Koers & Associates Engineering Ltd Proposed Development Phasing



Amenities

Regarding the April 6, 2020 resolution requiring an appraisal to be provided to the City to determine the current property value and the value realized once the subject property is rezoned, this is challenging for the City to request given we have no policy or requirements for this in the OCP Bylaw No. 2387, 2005 which guided these amenity contributions made by the applicant.

There is substantial public record on the amenities offered by the applicant which include:

- Contribution of \$225,000 to Affordable Housing Fund as per section 7.6 (c) of Bylaw 2387, 2005 but is subject to change based on the final lot sizes and the final number and area of multifamily units
- Contribution to Parks, Recreation, Cultural and Senior's Facilities Amenity Reserve Fund of \$225,000 section 7.5 of Bylaw 2387 but subject to change based upon the final lot sizes and other variables such as the final area of multifamily units and the location of stormwater management facilities.
- Park improvements to 2600 Crown Isle as per specifications provided in February 18, 2020 staff report, staff will confirm completion as construction had commenced
- As per February 18, 2020 staff report provision of a furnished modular house for those on the verge or experiencing homelessness somewhere in the City as outlined in the letter provided
- Other amenities that upon staff review of the public records may have to be incorporated into the Development Agreement

Given that these contributions to date form the public hearing record it is suggested that these amenities are documented in the development agreement. As Community Amenities are voluntary the applicant can volunteer to contribute more if they desire to do so.

Next Steps

Staff will work with the applicant to draft a Development Agreement which would form the staff report for consideration of third reading of Zoning Amendment Bylaw No.297s Lannan road.

ATTACHMENTS:

Attachment 1 January 6, 2020 Staff Report OCP Amendment Bylaw 2972 and Zoning Amendment Bylaw 2973 – Lannan Road

Attachment 2 February 18, 2020 Staff Report Third Reading Report OCP Amendment Bylaw 2972 and Zoning Amendment Bylaw 2973 – Lannan Road

Attachment 3 March 16, 2020 Staff Report Follow Up Report OCP Amendment Bylaw 2972 and Zoning Amendment Bylaw 2973

Prepared by: Marianne Wade, Director of Developments Services

Concurrence: Kate O’Connell, Acting City Manager

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2973

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. 2973, 2020**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:

(a) Amending Division 8 - Classification of Zones, Part 32 - Comprehensive Development One Zone (CD-1) Crown Isle Block, Section 8.32.2 Permitted Uses through the addition of:

- “(8) Within the CD-1J area:
- (a) *Single residential dwelling*
 - (b) *Duplex dwelling*
 - (c) *Multi-residential dwelling*
 - (d) *Secondary suite*
 - (e) *Accessory buildings and structures*
 - (f) *Boarding*
 - (g) *Home occupation*”

(b) Amending Division 8 - Classification of Zones, Part 32 - Comprehensive Development One Zone (CD-1) Crown Isle Block, Section 8.32.3 Densities through the addition of:

- “(8) Within Area J:
- (a) Up to 122 *single residential dwellings* with or without a *secondary suites*
 - (b) Up to 208 *duplex dwelling* or *multi-residential dwelling* units”

(c) Amending Division 8 - Classification of Zones, Part 32 - Comprehensive Development One Zone (CD-1) Crown Isle Block, Section 8.32.5 Lot Coverage through the addition of:

“(3) Within Area J: 50%”

(d) Amending Division 8 - Classification of Zones, Part 32 - Comprehensive Development One Zone (CD-1) Crown Isle Block, Section 8.32.6 Minimum Lot Sizes through the addition of:

“(9) Area J: 400 m²”

(e) Amending Division 8 - Classification of Zones, Part 32 - Comprehensive Development One Zone (CD-1) Crown Isle Block, Section 8.32.9 Setback through the addition to the table of:

AREA J	<i>Front yard</i>	<i>Rear yard</i>	<i>Side yard</i>	<i>Exterior side yard</i>
<i>Single residential lot</i>	6.0 m	6.0 m	1.5 m	3.0 m
<i>Duplex</i>	6.0 m	6.0 m	1.5 m	3.0 m
<i>Multi Residential</i>	6.0 m	6.0 m	4.5 m	4.5 m

(f) by rezoning Lot 1, District Lot 206, Comox District, Plan VIP76495 (Lannan Road) as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Rural Eight (RU-8) to Comprehensive Development Zone One J (CD-1J) and from Comprehensive Development One B Zone (CD-1B) to Comprehensive Development Zone One J (CD-1J).

(g) 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 6th day of January, 2020

Read a second time this 6th day of January, 2020

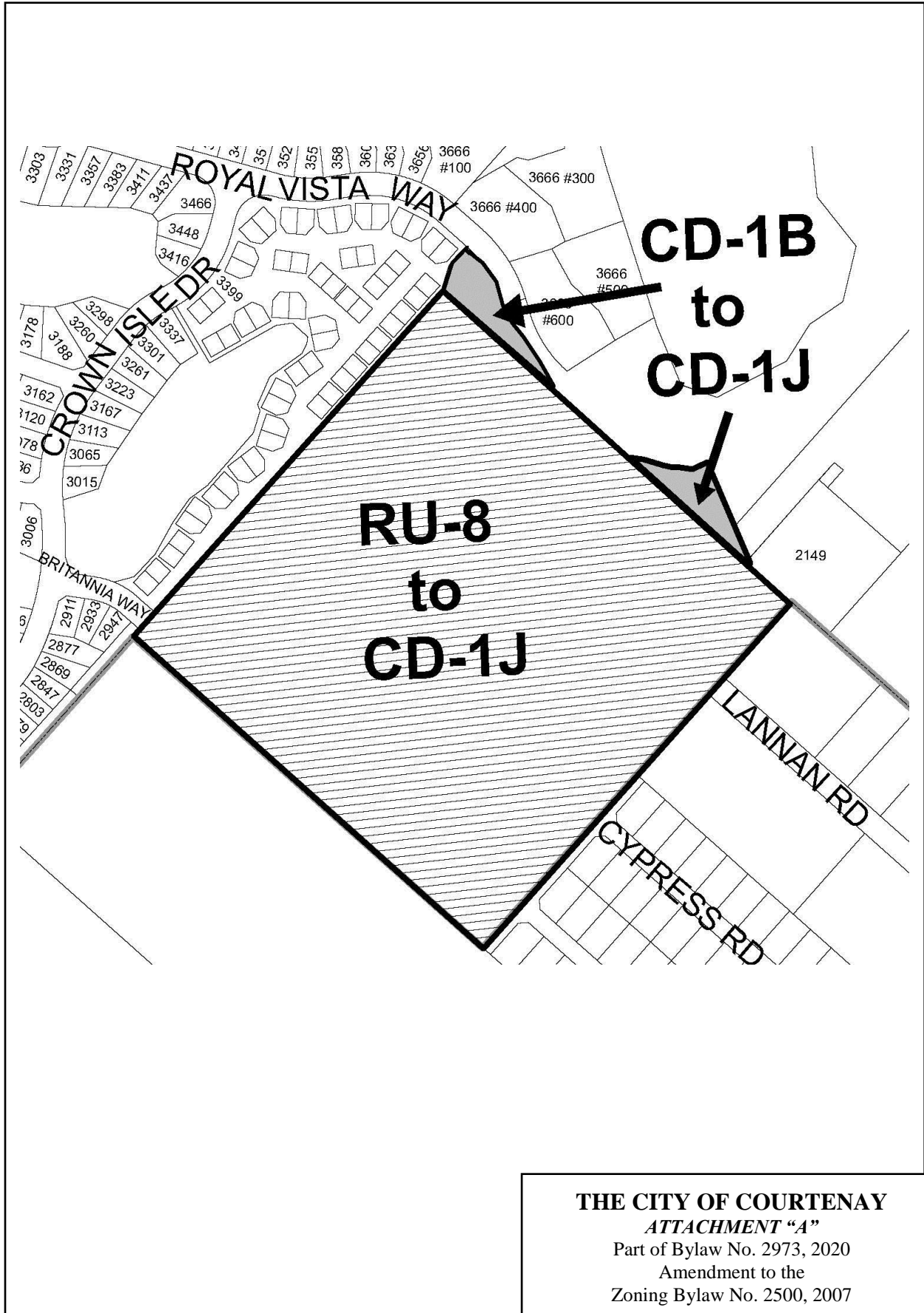
Considered at a Public Hearing this 20th day of January, 2020

Read a third time this _____ day of _____

Finally passed and adopted this _____ day of _____

Mayor Bob Wells

Adriana Proton, Corporate Officer



THE CITY OF COURTENAY
ATTACHMENT "A"
 Part of Bylaw No. 2973, 2020
 Amendment to the
 Zoning Bylaw No. 2500, 2007

City of Courtenay

BUILDING BYLAW NO. 3114

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City of Courtenay

BUILDING BYLAW NO. 3114

A Bylaw for Administration of the Building Code and Regulation of Construction

GIVEN that the City Council

- A. may by bylaw regulate, prohibit and impose requirements in respect to buildings and structures under sections 8(3)(g) and (l) of the *Community Charter* for the following under section 53(2):
 - (a) the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
 - (b) the conservation of energy or water;
 - (c) the reduction of greenhouse gas emissions;
 - (d) the health, safety or protection of persons or property;
- B. is enacting this bylaw to regulate construction and administer the British Columbia *Building Code* in the City of Courtenay in accordance with the *Community Charter* and the *Building Act*;
- C. has employed trained building officials for the purposes of this bylaw;

NOW THEREFORE the Council of the City of Courtenay enacts as follows:

PART 1: TITLE

Citation

- 1.1 This bylaw may be cited as “Building Bylaw No. 3114”.

PART 2: PURPOSE OF BYLAW

- 2.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.
- 2.2 Every permit issued under this bylaw is issued expressly subject to the provisions of this Part.
- 2.3 This bylaw is enacted to regulate, prohibit and impose requirements in regard to *construction* in the City in the public interest.

- 2.4 The purpose of this bylaw does not extend to
- (a) the protection of *owners, designers* or *constructors* from economic loss;
 - (b) the assumption by the City or any *building official* of any responsibility for ensuring the compliance by any *owner*, their representatives or any employees, *constructors* or *designers* retained by the *owner*, with the *building code*, the requirements of this bylaw, or other applicable enactments, codes or standards;
 - (c) providing any person a warranty of design or workmanship with respect to any *building* or *structure* for which a *building permit* or *occupancy permit* is issued under this bylaw;
 - (d) providing any person a warranty or assurance that *construction* undertaken under *building permits* issued by the City is free from latent, or any, defects; or
 - (e) the protection of adjacent real property from incidental damage or nuisance.

PART 3: SCOPE AND EXEMPTIONS

Application

- 3.1 This bylaw applies to the geographical area of the City and to land, the surface of water, air space, *buildings* or *structures* in the City.
- 3.2 This bylaw applies to the design, construction or *occupancy* of new *buildings* or *structures*, and the *alteration*, reconstruction, demolition, removal, relocation or *occupancy* or change of use or *occupancy* of *existing buildings* and *structures*.
- 3.3 This bylaw does not apply to
- (a) buildings or structures exempt by Division A Part 1 of the building code except as expressly provided herein;
 - (b) an accessory *building* with a floor area of less than 10 square metres;
 - (c) platforms or decks without roofs less than 0.6 meters above grade;
 - (d) retaining walls that do not support a building or structure;
 - (e) breakwaters, seawalls, bulkheads, riprap, deposition of materials such as stone and concrete, rubble, bluff stabilization projects, and similar measures employed to protect property from the sea or any lake, swamp, pond or watercourse;
 - (f) a fence, a trellis, an arbour, stairs that are not part of an egress from a building or structure, or other similar landscape *structures* on a parcel zoned for single-family *residential occupancy* uses under the City's zoning bylaw;

- (g) a portable or temporary tent, rigid frame structure covered with a flexible material, or a shipping container used for storage;
- (h) polyethylene film covered greenhouses used for the production of agricultural and horticultural produce and feeds;
- (i) the replacement of plumbing fixtures (sinks, tubs, water closets, valves etc.) or the maintenance of *existing building plumbing systems*, providing the work does not involve the rearrangement of supply, waste or vent lines;
- (j) above or below grade swimming pools not located within a building or structure, spa or hot tubs;
- (k) a *building* or *structure* commonly known as “Canadian Standards Association Z240 MH series, Z241 series or A277 series”, except as regulated by the Building Code.

Limited Application to Existing Buildings

- 3.4 Except as provided in the *building code* or to the extent an *existing building* is under *construction* or does not have an *occupancy permit*, when an *existing building* has been *constructed* before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the *building* must be reconstructed and *altered*, unless it is expressly so provided by this or another bylaw, regulation or statute.
- 3.5 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the City, including relocation relative to parcel lines created by subdivision or consolidation. Part 11 applies to *building* moves.
- 3.6 If an *alteration* is made to an *existing building*, the *alteration* must comply with this bylaw and the *building code* and the entire building must be made to comply with this bylaw and the *building code*, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the *alteration*.
- 3.7 If an *alteration* creates an *addition* to an *existing building*, the *alteration* or *addition* must comply with this bylaw and the *building code* and the entire building must be made to comply with this bylaw and the *building code*, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the *alteration* or *addition*.

PART 4: PROHIBITIONS

- 4.1 A person must not commence or continue any *construction*, *alteration*, *excavation*, reconstruction, demolition, removal, relocation or change the use or *occupancy* of any *building* or *structure*, including other work related to *construction*:

- (a) except in conformity with the requirements of the *building code* and this bylaw; and
 - (b) unless a *building official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 4.2 A person must not *occupy* or *permit* the *occupancy* of any *building* or *structure* or part of any *building* or *structure*:
 - (a) unless a subsisting *final inspection notice* has been issued by a *building official* for the *building* or *structure* or the part of the *building* or *structure*; or
 - (b) contrary to the terms of any *permit* issued or any notice given by a *building official*.
- 4.3 A person must not knowingly submit false or misleading information to a *building official* in relation to any *permit* application or construction undertaken pursuant to this bylaw.
- 4.4 A person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the *building official*, or plans and supporting documents which have been filed for reference with the *building official* after a *permit* has been issued, except in accordance with this bylaw, including the acceptance of revised plans or supporting documents by the *building official*.
- 4.5 A person must not, unless authorized in writing by a *building official*, reverse, alter, deface, cover, remove or in any way tamper with any notice, *permit* or certificate posted or affixed to a *building* or *structure* pursuant to this bylaw.
- 4.6 A person must not do any work that is substantially at variance with the *accepted* design or plans of a *building*, *structure* or other works for which a *permit* has been issued, unless that variance has been authorized in writing by a *building official*.
- 4.7 A person must not interfere with or obstruct the entry of a *building official* or other authorized official of the City on property in the administration of this bylaw.
- 4.8 A person must not *construct* on a *parcel* unless the civic address is conspicuously posted on the front of the premises or on a signpost so it may be easily read from the public *highway* from which it takes its address.
- 4.9 A person must not contravene an administrative requirement of a *building official* made under the authority set out in section 6.6 or any other provision of this bylaw.
- 4.10 A person must not change the use, *occupancy* or both of a *building* or *structure* or a part of a *building* or *structure* without first applying for and obtaining a *building permit* under this bylaw.

PART 5: PERMIT CONDITIONS

- 5.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 5.2 Neither the issuance of a *permit* under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the City will in any way
- (a) relieve the *owner* (and if the *owner* is acting through an *agent*, the *agent* of the *owner*) from full and sole responsibility to perform the work in respect of which the *permit* was issued in strict compliance with this bylaw, the *building code*, and all other applicable codes, standards and enactments;
 - (b) constitute a representation, warranty, assurance or statement that the *building code*, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or
 - (c) constitute a representation or warranty that the *building or structure* meets any standard of materials or workmanship.
- 5.3 No person shall rely on any *permit* as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- 5.4 Without limiting section 5.2(a), it is the full and sole responsibility of the *owner* (and if the *owner* is acting through an *agent*, the *agent*) to carry out the work in respect of which the *permit* was issued in compliance with the *building code*, this bylaw and all other applicable codes, standards and enactments.

PART 6: POWERS OF A BUILDING OFFICIAL

Administration

- 6.1 Words defining the authority of a *building official* are to be construed as internal administrative powers and not as creating a duty.
- 6.2 A *building official* may
- (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
 - (b) create, amend, publish and prescribe any forms, notices, policies, or other documents that may be convenient for the administration of this bylaw, including stop work orders, the format and content of any supporting documents, and the verification of compliance with the *Energy Step Code and Zero Carbon Step Code*;
 - (c) keep records of applications received, *permits*, notices and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw;

- (d) establish or require an *owner* to establish whether a method or type of construction or material used in the construction of a *building* or *structure* complies with the requirements and provisions of this bylaw and the *building code*; and
- (e) direct that tests of materials, equipment, devices, construction methods, structural assemblies or *foundations* be carried out, or that sufficient evidence or proof be submitted by the *owner*, at the *owner's* sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or *foundation* condition complies with this bylaw and the *building code*.

Refusal and Revocation of Permits

- 6.3 A *building official* may refuse to issue a *permit* if the proposed work will contravene the requirements of the *building code* or the provisions of this or any other bylaw of the City, and, on request, must state the reason for the refusal in writing.
- 6.4 A *building official* may revoke a *permit* if, in their opinion, the *construction* authorized by the *permit* is not being carried out in accordance with the *building code* or the provisions of this bylaw, or both, the results of tests on materials, devices, construction methods, structural assemblies or *foundation* conditions contravene the *building code* or the provisions of this bylaw, or both, or if all *permits* required under this bylaw have not been obtained.

Right of Entry

- 6.5 Subject to section 16 of the *Community Charter*, a *building official* may enter on property at any time to ascertain whether the requirements of this bylaw are being met.

Powers

- 6.6 Subject to applicable enactments, a *building official* may by notice in writing require:
 - (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
 - (b) an *owner* to stop work on a *building* or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *building code*, or any other enactment of the City or other applicable enactments, or if there is deemed to be an *unsafe condition*, and may enter on property to affix or post a stop work order in the form prescribed by the City;
 - (c) an *owner* to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under an enactment;

- (d) an *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, *constructed* in contravention of a provision of this bylaw;
- (e) an *owner* to have work inspected by a *building official* prior to covering;
- (f) an *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *building official*;
- (g) a person to cease any *occupancy* in contravention of a provision of this bylaw;
- (h) a person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *building official* has not issued a final inspection notice for the work;
- (i) an *owner* to correct any *unsafe condition*; and
- (j) an *owner* to correct any work that contravenes this bylaw, the *building code*, or any other enactment.

6.7 Every reference to “*owner*” in section 6.6 includes a reference to the *agent* or *constructor*.

6.8 Every person served with a notice under this Part must comply with that notice

- (a) within the time ordered, or
- (b) if no time is ordered, immediately.

PART 7: OWNER’S RESPONSIBILITIES

Permit Requirements

7.1 Subject to Part 10 of this bylaw, every *owner* must apply for and obtain a *permit*, prior to

- (a) *constructing*, repairing or *altering* a *building* or *structure*;
- (b) moving a *building* or *structure* into or within the City;
- (c) demolishing a *building* or *structure*;
- (d) *constructing*, repairing or *altering* a *plumbing system* or fire suppression system;
- (e) *occupying* a new *building* or *structure*;
- (f) changing the use or *occupancy* of a *building*,

unless the works are the subject of another valid and subsisting *building permit*.

7.2 Every *owner* must ensure that plans submitted with a *permit* application bear the name, phone number, address and email address of the *designer* of the *building* or *structure*.

Owner's Obligations

- 7.3 Every *owner* must
- (a) comply with the *building code*, the requirements of this bylaw and the conditions of a *permit*, and must not omit any work required by the *building code*, this bylaw or the conditions of a *permit*;
 - (b) ensure that all *permits*, all plans and specifications and supporting documents on which a *permit* was based, all municipal inspection certificates, and all professional *field reviews* are available at the site of the work for inspection during working hours by the *building official*; and
 - (c) prior to the issuance of a *building permit*, execute and submit to the City an *owner's* undertaking made in the form prescribed by the *building official*, where required by the *building official*.
- 7.4 Every *owner* and every *owner's agent*, must carry out *construction* or have the *construction* carried out in accordance with the requirements of the *building code*, this bylaw and other bylaws of the City and none of the issuance of a *permit* under this bylaw, the review of plans and supporting documents, or inspections made by a *building official* or a *registered professional* shall relieve the *owner*, or their *agent*, from full and sole responsibility to perform the work in strict accordance with this bylaw, the *building code* and all other applicable codes, standards and enactments.
- 7.5 Every *owner* to whom a *permit* is issued must, during *construction*,
- (a) allow a *building official* to enter any *building* or premises at any reasonable time to administer and enforce this bylaw;
 - (b) post the civic address on the property so that it may be easily read from the public *highway* from which the property takes its address; and
 - (c) post the *permit* on the property so that it may be easily read from the public *highway* from which the property takes its address.

Damage to Municipal Works

- 7.6 Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to municipal works or land that occurs during and arises directly or indirectly from the work authorized by the *permit*.
- 7.7 In addition to payment of a security deposit under sections 10.11 to 10.15, every *owner* must pay to the City, within 30 days of receiving an invoice for same from the City, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a *permit* was issued.

Demolition

- 7.8 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must
- (a) provide to the City a vacancy date;
 - (b) pay capping and inspection chamber installation fees as set out in the City's bylaws governing waterworks and sewer; and
 - (c) ensure that all municipal services and other services are capped and terminated at the property line in a City standard inspection chamber and valve arrangement.
- 7.9 Every *owner* must ensure that, on completion of all demolition procedures, all debris and fill are cleared and the *site* is levelled or graded, or made safe if levelling and grading are not possible.

Notice

- 7.10 Every *owner* must, at least 48 hours prior to commencing work at a *building site*, give written or online notice to a *building official* of the date on which the *owner* intends to begin such work.
- 7.11 Every *owner* must give written or online notice to a *building official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during construction, within 24 hours of when the change or termination occurs.
- 7.12 If an *owner* or a *registered professional* terminates the engagement of the *registered professional*, including a *coordinating registered professional*, the *owner* must terminate all work under a *building permit* until the *owner* has engaged a new *registered professional*, including a *coordinating registered professional*, and has delivered to a *building official* new letters of assurance.
- 7.13 Without limiting sections 10.32 to 10.47, every *owner* must give at least 48 hours' online or written notice to a *building official*
- (a) of intent to do work that is required or ordered to be corrected during *construction*;
 - (b) of intent to cover work that is required under this bylaw to be, or has been ordered to be, inspected prior to covering; and
 - (c) when work has been completed so that a final inspection can be made.
- 7.14 Every *owner* must give notice in writing to a *building official* and pay the non-refundable fee set out in Appendix A immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the acceptance of final inspection.
- 7.15 Every *owner* must give such other notice to a *building official* as may be required by the *building official* or by a provision of this bylaw.

PART 8: OBLIGATIONS OF OWNER'S CONSTRUCTOR

- 8.1 Every *constructor* must ensure that all *construction* is done in compliance with all requirements of the *building code*, this bylaw and all other applicable, codes, standards and enactments.
- 8.2 Every *constructor* must ensure that no *construction, excavation* or other work is undertaken on public property, and that such public property is not disturbed or used for the storage of materials, without first having obtained approval in writing from the appropriate authority over such public property.
- 8.3 For the purposes of the administration and enforcement of this bylaw, every *constructor* is responsible jointly and severally with the *owner* for all work undertaken.

PART 9: REGISTERED PROFESSIONAL'S RESPONSIBILITIES

Professional Design and Field Review

- 9.1 The provision by the *owner* to the City of letters of assurance in accordance with the requirements of the *building code* shall occur prior to
 - (a) the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
 - (b) a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *building code*, in which case the *owner* must provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*.
- 9.2 If a *registered professional* provides letters of assurance in accordance with the *building code*, they must also provide proof of professional liability insurance to the *building official*.

Requirement for a Registered Professional

- 9.3 The *owner* must retain a *registered professional* to provide a *professional design* and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B referred to in subsection 2.2.7, Division C, of the *building code*, in respect of a *permit* application
 - (a) prior to the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
 - (b) prior to a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *building code*, in which case the *owner* must provide the City with letters of assurance in the

form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*;

- (c) except for single storey garages, carports and garden structures, *foundation* and *excavation* components of new *simple buildings* and *additions* greater than 55 square metres to *simple buildings* in accordance with the *building code*;
- (d) a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *building code*;
- (e) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
- (f) for a *building* in respect of which the *building official* determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the *building code*;
- (g) if the *building* envelope components of the *building* fall under Division B Part 3 of the *building code*, the *building* contains more than four dwellings, or if the *building* envelopes do not comply with the prescriptive requirements of Division B Part 9 of the *building code*; and
- (h) for a parcel of land on which a *building* or *structure* is proposed if the *building official* believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for a *professional design* is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*
 - (i) for a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended, and
 - (ii) that the plans submitted with the application comply with the relevant provisions of the *building code* and applicable bylaws of the City.

9.4 The *building official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 9.3 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

Professional Plan Certification

9.5 The letters of assurance referred to in sections 9.1 and 9.3 of this bylaw are relied upon by the City and *its building officials* as certification that the design and plans to which the letters of assurance refer comply with the *building code*, this bylaw and other applicable enactment.

9.6 Letters of assurance must be in the form of Schedules A and B referred to in subsection

2.2.7, Division C, of the *building code*.

- 9.7 For a *building permit* issued for the construction of a *complex building*, the building official shall provide the *owner* with a notice that the *building permit* is issued in reliance on the certification of the *registered professional* that the *professional design* and plans submitted in support of the application for the *building permit* comply with the *building code* and other applicable enactments. Any failure on the part of the *building official* to provide the *owner* with the notice will not diminish or invalidate the reliance by the City or its *building officials* on the certification of the *registered professionals*.
- 9.8 If a *building permit* is issued for a construction of a *complex building*, the *permit fee* is reduced by 5% of the fees payable under Appendix A to this bylaw, up to a maximum reduction of \$500.00 (five hundred dollars).

PART 10: BUILDING APPLICATION REQUIREMENTS

Requirements before applying for a Building Permit

- 10.1 Prior to issuance of a *building permit*, the *owner* must satisfy the following requirements or conditions:
- (a) the *owner* must apply for and obtain a development permit if the *building* or *structure* is in an area designated by the City's Official Community Plan as a development permit area;
 - (b) the *owner* must ensure that the proposed *building* or *structure* complies with all bylaws of the City, except to the extent a variance of a bylaw is authorized by a development permit, development variance permit or order of the Board of Variance;
 - (c) an approving officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed *building* or *structure* will be *constructed*, and the subdivision plan must have been registered in the Land Title Office;
 - (d) the *owner* must provide evidence to the *building official* showing that the person applying for the *building permit* is either the *owner* of the parcel that is the subject of the proposed *building permit*, or is the *agent* of the *owner*, in which case, the *agent* must provide the name and contact information of the *owner*;
 - (e) if the parcel that is the subject of the *building permit* application is not intended to be connected to the City's sewage disposal system, the *owner* must apply for and obtain approval from the City and other applicable public authorities for an alternate *private sewage disposal system*;
 - (f) if the parcel that is the subject of the *building permit* application is not intended to be connected to the City's waterworks system, the *owner* must apply for and obtain

approval from the City and other applicable public authorities for an alternate water supply system;

- (g) if the parcel that is the subject of the *building permit* application is not intended to be connected to The City's storm water drainage system, the *owner* must apply for and obtain approval from the City and other applicable public authorities for the alternate storm water drainage and detention system; and
- (h) if all on site and off site works and services required by a City bylaw or other enactment have not been completed in accordance with the enactments, the *owner* must enter into a completion agreement with the City and deliver to the City letters of credit or cash security for completion of the works and service.

General Application Requirements

10.2 An application for a *building permit* shall be submitted electronically and:

- (a) be made in the form prescribed by the *building official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (b) be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the form prescribed by the *building official*, and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include a copy of a title search for the relevant property that is subject of the application made on the date of the *permit* application;
- (d) include a copy of a survey plan prepared by a British Columbia Land Surveyor, except the *building official* may waive the requirements for a survey plan, in whole or in part, where conditions warrant;
- (e) include a site plan showing;
 - (i) the bearing and dimensions of the parcel boundaries taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
 - (iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel including proposed and *existing* setbacks to property lines;
 - (v) setbacks to the natural boundary of the sea and any lake, swamp, pond or watercourse where the City's land use regulations establish siting requirements related to flooding or riparian areas;

- (vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system or the top of a finished concrete slab of a of a building or structure where the City's land use regulations establish siting requirements related to minimum floor elevation;
 - (vii) if applicable, location of an approved *existing* or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system; and
 - (viii) the location, dimensions and gradient of parking and parking access,
- except that for a *simple building* the *building official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building* or structure;
- (f) include floor plans showing the dimensions and uses of all areas, including the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
 - (g) include a cross-section through the *building* illustrating foundations, drainage, ceiling heights and construction systems;
 - (h) include elevations of all sides of the building showing finish details, roof slopes, windows, doors, the grade, the maximum building height line, ridge height, spatial separations and natural and finished grade to comply with the building code and to illustrate that the building or structure conforms with the City zoning and development permit;
 - (i) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the building or structure substantially conforms to the building code; and
 - (j) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, *highway access permits* and Ministry of Health approvals;

Application for Complex Buildings

- 10.3 In addition to the requirements set out in section 10.2 of this Part, an application for a building permit with respect to a complex building shall be submitted electronically and include;
- (a) a site plan prepared by a *registered professional* showing the information set out in section 10.2(e);
 - (b) one set of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in section 10.2(f) to (i) and all other

- requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Division C of the *building code*;
- (c) a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of the building code, signed by the owner, or a signing officer if the owner is a corporation, and the *coordinating registered professional*;
 - (d) letters of assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, of the building code, each signed by such registered professionals as the building official or building code may require to prepare the design for and conduct field reviews of the construction of the *building*;
 - (e) include a *building code* compliance summary including the applicable edition of the *building code*, such as without limitation whether the building is designed under Part 3 or Part 9 of the building code, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number of streets the *building* faces, and *accessible* entrances, work areas, washrooms, firewalls and facilities;
 - (f) include illustration of any slopes on the subject parcel that exceed 30%;
- 10.4 A *building official* may require the following to be submitted with a *permit* application for the construction of a *complex building* if the *building official* determines that the complexity of the proposed *building* or *structure* or siting circumstances warrant:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a *registered professional*, in accordance with the City's Subdivision and Development Servicing Bylaw, as amended or replaced from time to time;
 - (b) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways; and
 - (c) any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code* and other bylaws and enactments relating to the *building* or *structure*.

Application for Simple Buildings

- 10.5 In addition to the requirements set out in section 10.2 of this bylaw, an application for a building permit with respect to a *simple building* shall include;
- (a) one set of drawings at a suitable scale of the design including the information set out in section 10.2(f) to (i);
 - (b) a *foundation* and *excavation* design prepared by a *registered professional* in accordance with the *building code*;
 - (c) geotechnical letters of assurance, in addition to a required geotechnical report, if the *building official* determines that the site conditions so warrant.

10.6 Where a *project* involves:

- (a) two or more *buildings* with the aggregate footprint area that totals more than 1,000 square meters;
- (b) two or more *buildings* that will collectively contain four or more dwelling units; or
- (c) a determination by the *building official* that the complexity of the proposed *building* or *structure* or siting circumstances warrant,

a *building official* may require the following be submitted with a *permit* application for the construction of each *simple building* in the *project*:

- (i) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a registered professional, in accordance with the City's Subdivision and Development Servicing Bylaw, as amended or replaced from time to time;
- (ii) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways;
- (iii) a roof plan and roof height calculations;
- (iv) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;
- (v) letters of assurance in the form of Schedule B referred to in Division C of the *building code*, signed by a *registered professional*;
- (vi) a *building code* compliance summary including the applicable edition of the *building code*, such as, without limitation, the *building* is designed under Part 9 and compliance with article 2.2.2.1(2), Division C of the *building code*; or
- (vii) any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code* and other bylaws and enactments relating to the *building* or *structure*.

10.7 The building official may waive the requirements under subsection 10.5(b) of this Part in whole or in part, where the permit is sought for the:

- (a) repair or *alteration* of an *existing building* or *structure*; or
- (b) construction of a single story detached storage garage or carport less than 55 square meters in area serving a single-family dwelling.

Site and Location Information

10.8 Without limiting sections 10.2(d) or 10.3(a) of this Part, the building official may in writing require an owner to submit an up to date certificate of location prepared by a British Columbia Land Surveyor which contains sufficient information respecting to the site and location of any building or structure;

- (a) to establish, before *construction* begins, that all the provisions of this bylaw in relation to this information will be complied with;
- (b) to verify, on completion of the *construction*, that all provisions of this and other applicable bylaws have been complied with;
- (c) in relation to an *existing building*, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring grades; and
- (d) in relation to *construction* of a new *building*, or of an *addition* to an *existing building*, prior to and after the placement of concrete for *foundations* and footings, show the *elevation* at proposed top of concrete on all *building* elevations and at all significant changes of elevation to substantiate its size, location and elevation,

and every person served with a written requirement under this section must comply with the requirement.

Application Fees

10.9 An application for a *building permit* shall:

- (a) be accompanied by the processing fee as prescribed in Appendix A;
- (b) be credited against the permit fee when the *permit* is issued.
- (c) expire and, if applicable, the processing fee shall be forfeited to the *City*, if:
 - (i) the application expires in accordance with section 10.22; or
 - (ii) the permit fee has not been paid within 180 days following the date on which the application was made.

Building Permit Fee

10.10 Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the *City*:

- (a) the *building permit* fee prescribed in Appendix A; and
- (b) any fees, charges, levies or taxes imposed by the *City* and payable under an enactment at the time of issuance of the *building permit*.

Security Deposit

- 10.11 Prior to the issuance of a *building permit*, the *owner* must pay to the City, the security deposit prescribed in Appendix A of this bylaw.
- 10.12 The security deposit sum set out in section 10.11 of this Part
- (a) covers the cost borne by the City to maintain, restore or replace any public works or public lands which are destroyed, damaged or otherwise impaired in the carrying out of the work referred to in any *building permit* held by the applicant;
 - (b) covers the cost borne by the City to make the site safe if the *permit* holder abandons or fails to complete the work as designated on the *permit*;
 - (c) serves as the security deposit for provisional *occupancy* when such a *final inspection notice* makes provision for a security deposit; or
 - (d) serves as a security deposit to effect compliance with any condition under which the *permit* was issued.
- 10.13 The security deposit or applicable portion must be returned to the *owner* or to the person identified by the *owner*, when:
- (a) the *building official* is satisfied that no further damage to public works or public lands will occur;
 - (b) the inspections required by this bylaw are complete and acceptable to the *building official*; and
 - (c) the conditions or provisions of a provisional certificate of *occupancy* are completed to the satisfaction of the *building official*;
- and only after the *owner* or *agent* has requested the return of the security.
- 10.14 Any credit greater than the amount of the security deposit used by the City for the purposes described in sections 10.12 of this Part will be returned to the *owner* unless otherwise so directed by the *owner*. Any amount in excess of the security deposit required by the City to complete corrective work to public lands, public works, or the site is recoverable by the City from the *owner*, the *constructor* or the *agent*.
- 10.15 If the proposed work includes *excavation* or construction on lands within 3 metres of works or services owned by the City, the *owner* must deliver to the *building official* a signed agreement in a form prescribed by the City under which the *owner* acknowledges and agrees that any damage to municipal works or services arising from the construction associated with the *building permit* will be repaired by the *owner* at its expense and to the satisfaction of the City, and the *owner* must deposit with the City security in accordance with sections 10.11 to 10.14 of this Part.

10.16 Any security or other deposits held by the City shall be forfeited and paid to the City as a fee for the cost of closing open *applications* or *permits* where an application or a *permit* expires prior to the *owner* obtaining an accepted final inspection report or an extension of its effective date.

Permit Fee Refunds

10.17 No fee or part of a fee paid to the City will be refunded if construction of the *building* has started.

10.18 A *building permit* or other *permit* fee may be partially refunded as set out in Appendix A, only if

- (a) the *owner* or *agent* has submitted a written request for a refund;
- (b) the *building official* has certified a start has not been made on the construction of the *building* or *structure*; and
- (c) the *permit* has not expired.

10.19 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 10.49 of this Part.

Design Modification

10.20 If the *owner* proposes modification to the *building* design of a completed *permit* application ready for issue, an accepted *alternative solution*, or an issued *building permit* or other *permit* that is active, the *owner* must pay to the City a design modification fee based on the plan review hourly rate set out in Appendix A.

Construction before Permit Issued

10.21 The *building permit* or other *permit* fee is doubled for every *permit* application if construction commenced before the *building official* issued a *permit*, to a maximum of \$10,000.00.

Expiration of Application for a Permit

10.22 A *building permit* application that is not complete or does not comply with the applicable provisions of this bylaw expires 180 days from the date an application is received under this Part.

Issuance of a Building Permit

10.23 If:

- (a) a completed application in compliance with sections 10.2 to 10.4 or sections 10.5 to 10.7 of this Part, including all required supporting documentation, has been submitted;

- (b) the *owner* has paid all applicable fees set out in sections 10.10 to 10.21 of this Part and Appendix A;
- (c) the *owner* or their representative has paid all charges and met all requirements imposed by any other statute or bylaw;
- (d) the *owner* has retained a *professional engineer* or *professional geoscientist* if required under this bylaw;
- (e) the *owner* has retained an *architect* if required under this bylaw; and
- (f) no covenant, agreement, resolution or regulation of the City requires or authorizes the *permit* to be withheld,

the *building official* must issue the *permit*, in the form prescribed by the City, for which the application is made, and the date of issuance is deemed to be the date the City gives written notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

10.24 Despite section 10.23, the *building official* may refuse to issue a *permit* when the *owner* has been notified of a violation of this bylaw about the construction of another *building* or *structure* by the *owner*.

Compliance with the *Homeowner Protection Act*

10.25 If the application is in respect of a *building* that includes, or will include, a *residential occupancy* governed by the *Homeowner Protection Act*, the *building permit* must not be issued unless the *owner* provides evidence under section 30(1) of the *Homeowner Protection Act*, that the proposed *building*

- (a) is covered by home warranty insurance; and
- (b) the *constructor* is a licensed “residential builder” as defined in that *Homeowner Protection Act*.

10.26 Section 10.25 of this Part does not apply if the *owner* is not required to be licensed and to obtain home warranty insurance in accordance with sections 20(1) or 30(1) of the *Homeowner Protection Act*.

10.27 Every *permit* is issued subject to the *owner* and *constructor* maintaining compliance with the *Homeowner Protection Act* during the term of the *permit*.

Partial Construction

10.28 If a site has been *excavated* under a *building permit* for *excavation* issued under this bylaw and a *building permit* is not subsequently issued or a subsisting *building permit* has expired under section 10.48, but without the construction of the *building* or *structure* for which the *building permit* was issued having commenced, the *owner* must fill in the *excavation* to restore the original gradients of the site within 60 days of being served notice by the *building official* to do so.

10.29 If a *building permit* has expired and partial construction has progressed, with no extension requested of the *building official* under section 10.49, permanent type fencing with privacy screen complying with the City's Zoning Bylaw, must be erected around the *building* site for protection to the public.

Conditions of a Building Permit

10.30 A *building permit* or an application for a *building permit* that is in process may not be transferred or assigned until the *owner* has notified the *building official* in writing, the *building official* has authorized the transfer or assignment of the *building permit* in writing and the *owner* has paid the non-refundable fee required under Appendix A. The transfer or assignment of a *building permit* is not an extension of a *building permit*.

10.31 The review of plans and supporting documents and the issuance of a *building permit* do not prevent the *building official* from subsequently requiring the correction of errors in the plans and supporting documents, nor do they prohibit the City from prohibiting *construction* or *occupancy* being carried on that violates this or another bylaw.

Inspections

10.32 If a *registered professional* provides letters of assurance in accordance with this Part, the City will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw and the *building code* as assurance that the *construction* substantially conforms to the design, plans and specifications and that the *construction* complies with the *building code*, this bylaw and other applicable enactments respecting safety.

10.33 Despite section 10.32 of this Part, a *building official* may attend the site from time to time during the course of construction to ascertain that the *field reviews* are taking place and to monitor the *field reviews* undertaken by the *registered professionals*.

10.34 A *building official* may attend periodically at the site of the *construction* of *simple buildings* or *structures* to ascertain whether the work is being carried out in substantial conformance with the *building code*, this bylaw and any other applicable enactments concerning safety.

10.35 For all work in respect of *simple buildings* the *owner* must give at least 48 hours' notice to the City when requesting an inspection and must obtain an inspection and receive a *building official's* written acceptance of the following aspects of the work prior to concealing them

- (a) after demolition, the grading of and removal of debris from the site;
- (b) siting and footing forms prior to pouring concrete;
- (c) installation of perimeter drain tile, dampproofing and roof drainage system prior to backfilling;

- (d) installation of *building* services before being covered;
- (e) prior to inspection under section 10.35(f), plumbing located below the finished slab level;
- (f) the preparation of ground, including ground cover when required, below slab insulation and perimeter insulation on inside of concrete *foundation* walls;
- (g) installation of rough-in plumbing before it is covered;
- (i) rough in of new factory built chimneys and fireplaces and solid fuel burning appliances;
- (j) framing, sheathing, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
- (k) insulation and vapour barrier prior to the installation of any finishes that could conceal such work;
- (l) on-site *constructed* tubs or showers and tub or shower trap tests; and
- (m) Final inspection when the *health and safety aspects of the work* and the *Energy Step Code, Zero Carbon Step Code* and accessibility aspects of the work when the *building* or *structure* is substantially complete, ready for *occupancy* but prior to *occupancy*.

10.36 A *building official* will only carry out an inspection under section 10.35 if the *owner* or the *agent* has requested the inspection in accordance with this bylaw.

10.37 Despite the requirement for the *building official's* acceptance of the work outlined in section 10.35, if a *registered professional* provides letters of assurance, the City will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw as assurance that the aspects of the construction referenced by those letters of assurance substantially conform to the design, plans and specifications and that the construction complies with the *building code*, this bylaw and other applicable enactments respecting safety.

10.38 For work in respect of *complex buildings*, the *owner* must

- (a) give at least 48 hours' online or written notice to the City when requesting a preconstruction meeting with the *building official* prior to the start of construction, and the *owner* or their representative must ensure that the *coordinating registered professional*, the *constructor*, as well as representatives of major trades, are in attendance;

- (b) give at least 48 hours' online or written notice to the City when requesting a preoccupancy coordinated by the *coordinating registered professional* or other *registered professional* to have the *owner*, the *constructor* and the *registered professionals* demonstrate to the *building official* and Fire Services the compliance with *the health and safety aspects of the work*, the coordination and integration of the fire and life safety system, applicable City requirements and other enactments respecting safety, the *Energy Step Code*, *Zero Carbon Step Code* and accessibility aspects of the work; and
- (c) cause the *coordinating registered professional*, at least 48 hours prior to the preoccupancy coordinated site review coordinated by the *coordinating registered professional*, to deliver to the *building official* the Confirmation of Required Documentation described in this bylaw, complete with all documentation in the form as prescribed by the *building official*.

Stop Work Order

- 10.39 The *building official* may direct the immediate suspension or correction of all or a portion of the *construction* on a *building* or *structure* or an unsafe *excavation* by attaching notice of a stop work order in the form prescribed by the *building official* on the premises whenever it is found that the work is not being performed in accordance with the requirements of the *building code*, any applicable bylaw of the City or the applicable provisions of the *Homeowner Protection Act*.
- 10.40 The *coordinating registered professional* may request, in writing, that the *building official* order the immediate suspension or correction of all or a portion of the *construction* on a *building* or *structure* by attaching notice of a stop work order in the form prescribed by the *building official* on the premises. The *building official* must consider such a request and, if not acted upon, must respond, in writing, to the *coordinating registered professional* and give reasons.
- 10.41 If a *registered professional's* services are terminated, the *owner* must immediately stop any work that is subject to their design or *field review* and the *building official* is deemed to have issued a *stop work order*.
- 10.42 The *owner* must immediately, after the posting of a *stop work order*, secure the construction and the lands and premises surrounding the construction in compliance with the safety requirements of every statute, regulation or order of the Province or of a provincial agency and of every applicable bylaw of the City.
- 10.43 Subject to section 10.42, no work other than the required remedial measures may be carried out on the parcel affected by a *stop work order* until the *stop work order* has been removed by the *building official*.
- 10.44 The *stop work order* must remain posted on the premises until that which is contrary to the enactments has been remedied.

Do Not Occupy Notice

- 10.45 If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw, a *building official* may post a Do Not Occupy Notice in the form prescribed by the *building official* on the affected part of the *building* or *structure*.
- 10.46 If a notice is posted under section 10.45, the *owner* of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must cease *occupancy* of the *building* or *structure* immediately and refrain from further *occupancy* until all applicable provisions of the *building code* and this bylaw have been substantially complied with and the Do Not Occupy Notice has been rescinded in writing by a *building official*.

Inspection and Other Fees

- 10.47 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in Appendix A for
- (a) a second and each subsequent re-inspection where it has been determined by the *building official* that due to non-compliance with the provisions of this bylaw or due to non-complying work, more than one site visit is required for any required inspection;
 - (b) a special inspection during the City's normal business hours to establish the condition of a *building* where such inspection requires special arrangements because of time, location or construction techniques; and
 - (c) inspection required under this bylaw which cannot be carried out during the City's normal business hours.

Permit Expiration

- 10.48 Every *permit* is issued on the condition that the *permit* expires and the rights of the *owner* under the *permit* terminate if:
- (a) the work authorized by the *permit* is not commenced within 180 days from the date of issuance of the *permit*;
 - (b) work is discontinued for a period of 180 days; or
 - (c) the work is not completed within two years of the date of issuance of the *permit*.

Permit Extension

- 10.49 A *building official* may extend the period set out under section 10.48 for only one period, not to exceed twelve months, if construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the *owner's* control, or if the size and complexity of the construction warrants, if

- (a) application for the extension is made at least 30 days prior to the date of *permit* expiration; and
- (b) the non-refundable fee set out in Appendix A has been paid.

Building Permit Revocation

10.50 The *building official* may revoke a *building permit* if there is a violation of

- (a) a condition under which the *permit* was issued; or
- (b) a requirement of the *building code* or of this or another bylaw of the City,

such *permit* revocation must be in writing and sent to the *permit* holder by signature mail to, or personal service on, the *permit* holder.

Building Permit Cancellation

10.51 A *building permit*, or a *building permit* application, may be cancelled by the *owner*, or their *agent*, on delivery of written notification of the cancellation to the *building official*.

10.52 On receipt of the written cancellation notice, the *building official* must mark on the application, and a *permit* if applicable, the date of cancellation and the word "cancelled".

10.53 If the *owner*, or their *agent*, submits changes to an application after a *permit* has been issued and the changes, in the opinion of the *building official*, substantially alter the scope of the work, design or intent of the application in respect of which the *permit* was issued, the *building official* may cancel or amend the *permit* and mark on the *permit* the date of cancellation or amendment and the word "cancelled" or "amended".

10.54 If a *building permit* application or *permit* is cancelled, and construction has not commenced under the *permit*, the *building official* must return to the *owner* any fees deposited under Appendix A, less

- (a) any non-refundable portion of the fee; and
- (b) 15% of the refundable portion of the fee.

Occupancy

10.55 No person may occupy a *building* or *structure* or part of a *building* or *structure* until a final inspection notice has been issued by a *building official*.

10.56 A final inspection notice will not be issued unless

- (a) all letters of assurance have been submitted when required in accordance with this bylaw;

- (b) all aspects of the work requiring inspection and acceptance pursuant to Part 9 and sections 10.32 through 10.38 of this bylaw been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;
- (c) the *owner* has delivered to the City as-built plans of works and *services* in the prescribed format;
- (d) the *owner* has provided to the City a *building* survey prepared by a British Columbia Land Surveyor showing the *building* height, size, location and elevation determined in accordance with the City's land use regulations;
- (e) all other documentation required under applicable enactments has been delivered to the City; and
- (f) the *owner* has delivered to the City as-built drawings of the *building* or *structure* in digital format as required by the City.

10.57 When a *registered professional* provides letters of assurance in accordance with this bylaw, the City will rely solely on the letters of assurance when issuing a final report authorizing *occupancy* as assurance that the items identified on the letters of assurance substantially comply with the *design, the building code*, this bylaw and other applicable enactments respecting safety.

10.58 A *building official* may issue a final inspection notice for partial *occupancy* of a portion of a *building* or *structure* under construction when

- (a) that portion of the *building* or *structure* is self-contained and provided with essential services respecting *health and safety aspects* of the work, and if applicable, accessibility, *Energy Step Code*, *Zero Carbon Step Code*; and
- (b) the requirements set out in section 10.56 have been met with respect to it.

10.59 A final inspection notice may not be issued unless

- (a) all letters of assurance and the Confirmation of Required Documentation described in this bylaw have been submitted when required in accordance with the requirements of this bylaw;
- (b) all aspects of the work requiring inspection and review pursuant to Part 9 and sections 10.32 through 10.38 of this bylaw have both been inspected and *accepted*;
- (c) the *owner* has executed and delivered to the City every agreement, instrument or form required by the City in relation to the work or the site; and
- (d) all required offsite works respecting safety have been completed.

Sanitary Facilities

10.60 During the time a *building permit* has been issued and remains valid under this bylaw, the *owner* must provide on the parcel of land in respect of which the *permit* has been issued, sanitary facilities for the disposal of human waste from individual persons who enter on the parcel in relation to the work referred to in the *permit*, which facilities must be accessible and unlocked when not occupied while work is being carried out on the parcel under this bylaw, and every sanitary facility that is not connected to a

- (a) sanitary sewer; or
- (b) septic disposal system approved under the *Health Act*,

by plumbing that complies with the *Plumbing Code* and this bylaw, must be provided, at all times the facility is required under this bylaw, with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility. Such facilities must be located so as not to create a nuisance to neighbouring parcels or *highways*.

Application for Plumbing Systems

10.61 In addition to the requirements set out in section 10.2(a) to (c) of this Part, an application for a plumbing *permit* with respect to a plumbing system shall include:

- (a) one set of drawings at a suitable scale of design and including the information set out in sentence 2.2.2.1(1) in Part 2 of Division C of the *Plumbing Code* when the registered owner will be installing a plumbing system in accordance with clause 1.2.3.1. (1) (c) Part 1 of Division A of the *Plumbing Code* or at any time deemed necessary by the building official; and
- (b) any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code* and other bylaws and enactments relating to the *building* or *structure*.

PART 11: BUILDING MOVE

11.1 No person may move a *building* or *structure* into or within the City except:

- (a) where certified by a *registered professional* that the *building*, including its *foundation*, will substantially comply with the current version of the *building code*;
- (b) the *owner* of the premises onto which the *building* is proposed to be moved has provided documentation that the age of the *building* or *structure* is not greater than 15 years old; and
- (c) a *building permit* has been issued for the *building* or *structure*.

PART 12: NUMBERING OF BUILDINGS

- 12.1 Immediately upon issuance of a *building permit* governing the *construction, alteration* or repair of a *building*, or prior to and during the *occupancy* of a *building*, the *owner* or occupant must display the address number assigned to it by the City
- (a) on or over the entrance to the *building* or where landscaping or *structures* obscure the visibility of a *building* entrance from the adjacent highway, on the *building* property within sight of the adjacent highway; and
 - (b) until such time as the *building* is removed from the site or has been demolished.
- 12.2 Despite section 12.1, the City may renumber or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.
- 12.3 Without limiting sections 12.1 or 12.2, the *building official* must, on the issuance of a *building permit*, designate a house number or set of house numbers related to the *building* authorized by the *permit*. The *owner* or occupier must post the number or numbers on the site immediately after obtaining the *building permit* and keep the numbers posted in a conspicuous location at all times during construction.

PART 13: ENERGY CONSERVATION AND GHG EMISSION REDUCTION

- 13.1 In relation to the conservation of energy and the reduction of greenhouse gas emissions, the City incorporates by reference the *Energy Step Code* in accordance with sections 13.2 through 13.3.
- 13.2 A *building* regulated by Part 3 of the *building code* must be designed and constructed to meet the minimum performance requirements specified in:
- (a) Step 3 of the *Energy Step Code*; or
 - (b) for *building permit* applications received on or after adoption of Step 3 within the *building code*, Step 4 of the *Energy Step Code*.
- 13.3 A *building* regulated by Part 9 of the *building code* must be designed and constructed to meet the minimum performance requirements specified in;
- (a) Step 4 of the *Energy Step Code*; or
 - (b) for *building permit* applications received on or after adoption of Step 4 within the *building code*, Step 5 of the *Energy Step Code*.
- 13.4 When an *Energy Advisor* or an *architect*, as required, provides energy reports or field reviews in accordance with this bylaw, the City will rely solely on field reviews undertaken by the *Energy Advisor* or *architect* and the reports submitted pursuant to this bylaw as assurance that the construction or applicable aspect thereof substantially conforms to the design, and that the construction or applicable aspect thereof

substantially complies with the *building code*, this bylaw, and other applicable enactments respecting energy efficiency.

13.5 Requirements for *Energy Advisors*:

- (a) With respect to a building permit for a *building* or *structure* that falls within the scope of Part 9 of the *building code*, the *owner* must provide, to the satisfaction of the *building official*, all the materials and documentation required by the *Energy Step Code*, prepared and signed by an *Energy Advisor*, and such other reports and materials as required by the *building official*.
- (b) The *Energy Advisor*, providing the required materials and documentation set out in the *Energy Step Code*, must provide evidence to the building inspector that he or she is an *Energy Advisor* registered and in good standing with Natural Resources Canada in accordance with the EnerGuide Rating System Administrative Procedures (ERS) and adheres to the technical standards and procedures of the ERS.
- (c) For certainty, and notwithstanding Sections 13.5(a) above, where a *registered professional* is required under this bylaw, in respect of a *building permit* for a *building* or *structure* that falls within the scope of Part 3 or Part 9 of the *building code*, the professional design and field review shall include the materials and documentation required by the applicable step of the *Energy Step Code*, and such other reports and materials as required by the *building official*.

PART 14: ACCESS ROUTE FOR FIRE VEHICLE

- 14.1 Prior to the issuance of a *building permit* for a *building* under Part 9 of the *building code*, the *owner* must satisfy the *building official* that the *building* or *structure* for which the *permit* is issued will be served by a fire access route that complies with the bearing load and surface material standards of the City's Subdivision and Development Servicing Bylaw, as amended or replaced from time to time.

PART 15: OFFENCES

Violations

- 15.1 Without limiting Part 4 of this bylaw, every person who

- (a) violates a provision of this bylaw;
- (b) *permits*, suffers or allows any act to be done in violation of any provision of this bylaw; and
- (c) neglects to do anything required to be done under any provision of this bylaw,

commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$50,000.00, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during

which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

- 15.2 Every person who fails to comply with any order or notice issued by a *building official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 15.3 Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a *stop work order* is issued and remains outstanding for 30 days, pay an additional charge as outlined in Appendix A of this bylaw.

Deemed Offence

- 15.4 An *owner* is deemed to have knowledge of and be liable under this bylaw in respect of any construction on the parcel the *owner* owns and any change in the use, *occupancy* or both of a *building* or *structure* or part of a *building* or *structure* on that parcel.
- 15.5 No person is deemed liable under section 15.4 who establishes, on a balance of probabilities, that the *construction* or change of use or *occupancy* occurred before he or she became the *owner* of the parcel.
- 15.6 Nothing in section 15.5 affects
- (a) the City's right to require and the *owner's* obligation to obtain a *permit*; and
 - (b) the obligation of the *owner* to comply with this bylaw.

Ticketing

- 15.7 The offences in Municipal Ticket Information Bylaw No. 2435 Appendix 2 are designated for enforcement under s. 264 of the *Community Charter*.
- 15.8 The following persons are designated as bylaw enforcement officers under section 264(1)(b) of the *Community Charter* for enforcing the offences in Municipal Ticket Information Bylaw No. 2435 Appendix 2 *building officials*, fire inspectors and persons designated by Council as bylaw enforcement officers.
- 15.9 The words or expressions set forth in Column 1 of Municipal Ticket Information Bylaw No. 2435 Appendix 2 are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
- 15.10 The amounts appearing in Column 3 of Municipal Ticket Information Bylaw No. 2435 Appendix 2 are the fines established pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

PART 16: INTERPRETATION

Definitions

16.1 In this bylaw

- (a) *accepted* means reviewed by the *building official* under the applicable provisions of the *building code* and this bylaw;
- (b) *addition* means an *alteration* to any *building* that increases the total aggregate floor area or the *building height* (in storeys), and includes the provision of two or more separate *buildings* with openings between each other for intercommunication;
- (c) *agent* includes a firm, corporation or other person representing the *owner*, by written designation or contract, and includes a hired tradesperson or *constructor* who may be granted a *permit* for work within the limitations of their licence;
- (d) *alternative solution* means an alternative solution authorized under the *building code*;
- (e) *alter* or *alteration* means a change, repair or modification of the *construction* or arrangement of or use of any *building* or *structure*, or to an *occupancy* regulated by this bylaw;
- (f) *architect* means an architect within the meaning of the *Professional Governance Act*, SBC 2018, c 47;
- (g) *building code* means the *British Columbia Building Code* as adopted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time;
- (h) *building official* means the person designated in or appointed to that position by the City, and includes a building inspector, plan checker, plumbing inspector gas inspector, or electrical inspector designated or appointed by the City, and for certainty the *building official* is the “building inspector” referred to in the *Community Charter* and *Local Government Act*;
- (i) *complex building* means:
 - (A) a *building* used for a *major occupancy* classified as:
 - (i) *assembly occupancy*;
 - (ii) *care occupancy*;
 - (iii) *detention occupancy*;

- (iv) *high hazard industrial occupancy,*
 - (v) *treatment occupancy; or*
 - (vi) *post-disaster building,*
- (B) a *building* exceeding 600 square metres in *building area* or exceeding three storeys in *building height* used for a *major occupancy* classified as:
- (i) *residential occupancy;*
 - (ii) *business and personal services occupancy;*
 - (iii) *mercantile occupancy; or*
 - (iv) *medium and low hazard industrial occupancy,*
- (j) *coordinating registered professional* means a *registered professional* retained pursuant to the *building code* to coordinate all design work and field reviews of the *registered professionals* required for a development;
- (k) *construct* or *construction* includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate or shore;
- (l) *constructor* means a person who *constructs*;
- (m) *Energy Advisor* means a person qualified to carry out any of the activities contemplated by the *Energy Step Code* or *Zero Carbon Step Code*;
- (n) *Energy Step Code* means the *building code*'s performance based standard for energy efficiency in new *construction* which involves energy modelling prior to construction and onsite testing after construction to ensure that the building envelope, equipment and systems, and airtightness are consistent with the performance based standards for the applicable step;
- (o) *existing*, in respect of a *building*, means that portion of a *building constructed* prior to the submission of a *permit* application required under this bylaw;
- (p) *foundation* means a system or arrangement of *foundation* units through which the loads from a *building* are transferred directly to supporting soil or rock and includes any portion of the exterior walls of a building that lie below the finished grade immediately adjacent to the building;
- (q) *health and safety aspects of the work* means design and construction regulated by Parts 3, 4, 5, 6, 7, 8, 9 and 10, Division B, of the *building code*; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B;

- (r) *owner* means the registered *owner* in fee simple, or an *agent* duly authorized by the *owner* in writing in the form prescribed by the City;
- (s) *permit* means permission or authorization in writing by the *building official* to perform work regulated by this bylaw and, in the case of a final inspection notice, to occupy a *building* or part of a *building*;
- (t) *professional design* means the plans and supporting documents bearing the date, seal or stamp, and signature of a *registered professional*; *project* means any construction operation;
- (u) *professional engineer* has the same meaning as the *Professional Governance Act*;
- (v) *professional geoscientist* has the same meaning as the *Professional Governance Act*;
- (w) *Professional Governance Act*, means the *Professional Governance Act*, SBC 2018, c 47, as amended from time to time;
- (x) *retaining wall* means a *structure* exceeding 1.2 metres in height that holds or retains *soil* or other material behind it;
- (y) *simple building* means a *building* of three storeys or less in *building height*, having a *building area* not exceeding 600 square metres and used for a *major occupancy* classified as
 - (A) residential occupancy;
 - (B) business and personal services occupancy;
 - (C) mercantile occupancy;
 - (D) medium hazard industrial occupancy; or (e) low hazard industrial occupancy,
- (z) *stop work order* means an order issued by a *building official* pursuant to section 10.39 or 10.40 of this bylaw;
- (aa) *structure* means a *construction* or portion of *construction*, of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, and paving;
- (bb) *value of construction* means the amount that is calculated as the greater of:
 - (A) the declared *value of the work*; or

- (B) the value calculated using a method from “Marshall Swift Valuation Service”, an appraiser or another valuation method approved by the *building official*;
- (cc) *Zero Carbon Step Code means the greenhouse gas (GHG) emission requirements set out in the building code.*

16.2 In this bylaw the following words and terms have the meanings:

- (a) set out in section 1.4.1.2 of the *building code* as of the date of the adoption of this bylaw: *accessible assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, post disaster occupancy, private sewage disposal system, registered professional, residential occupancy, treatment occupancy or unsafe condition*;
- (b) subject to this bylaw, set out in the Schedule to the *Community Charter: highway, land, occupier, parcel, public authority, service and soil*; and
- (c) subject to this bylaw, set out in section 29 of the *Interpretation Act: may, must, obligation, person, property, writing, written and year*.

16.3 Every reference to this bylaw in this or another bylaw of the City is a reference to this bylaw that is in force as of the date of the reference.

16.4 Every reference to

- (a) the *building code* is a reference to the current edition as of the date of issuance of the *building permit*; and
- (b) a section of the *building code* is a reference to the applicable successor sections, as the code or section may be amended or re-enacted from time to time.

16.5 Definitions of words and phrases used in this bylaw that are not included in the definitions in this Part have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies

Appendices

16.6 Appendix A is attached to and forms part of this bylaw.

Severability

16.7 If a section, subsection, paragraph, subparagraph or phrase of this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

PART 17: REPEAL

17.1 Building Bylaw No. 3001, 2020, and all amendments thereto, are hereby repealed.

PART 18: IN FORCE

18.1 This bylaw comes into force on 1st January 2024.

Read a first time this 8th day of November, 2023

Read a second time this 8th day of November, 2023.

Read a third time this 8th day of November, 2023.

Finally passed and adopted this ___ day of _____, 2023.

Mayor Bob Wells

Adriana Proton, Corporate Officer

BUILDING BYLAW NO. 3114

Appendix A – Fees and Charges

Application Fees	
DESCRIPTION	FEE AMOUNT
Building Permits	
All	\$150 or 25% of the building permit fee prescribed below whichever is the highest
Plumbing, Fire Suppression System Permits	
Complex buildings and structures	\$125
Simple buildings and structures	\$75

Permit Fees	
DESCRIPTION	FEE AMOUNT
Building Permits	
All	\$150 + 1% of the estimated value of construction
Demolition Permits	
All	\$150
Plumbing Permits	
Complex buildings and structures	\$125 + \$15 for each fixture
Simple buildings and structures	\$75 + \$10 for each fixture
Fire Suppression System	
Complex Buildings and structures	\$125 + 1% of the estimated value of construction
Simple buildings	\$75 + 1% of the estimated value of construction

BUILDING BYLAW NO. 3114

Appendix A – Fees and Charges

Inspection Fees	
DESCRIPTION	FEE AMOUNT
Complex Buildings and structures	\$275
Simple buildings	\$125
Other permits	\$75

Extension Fees	
DESCRIPTION	FEE AMOUNT
Complex Buildings and structures	\$275 + 1% of the estimated value of construction
Simple buildings	\$125 + 1% of the estimated value of construction
Other permits	\$75
<p>For the purposes of this table the “estimated value of construction” is the value of construction to complete the building or structure beyond the accepted inspection stage at the time the permit expired.</p>	

Transfer Fees	
DESCRIPTION	FEE AMOUNT
Complex Buildings and structures	\$275
Simple buildings	\$125
Other permits	\$75

BUILDING BYLAW NO. 3114

Appendix A – Fees and Charges

Archive Research, per site	
Complex Buildings and structures	\$300
Simple buildings	\$150
Buildings containing 1 or 2 dwelling units and other buildings	\$75

Other Fees	
DESCRIPTION	FEE AMOUNT
Title Search	At cost + \$25
To obtain a copy of a Restrictive Covenant	At cost + \$25 each
To process a covenant in favour of the City	\$250
Site inspection, Section 56 of the Community Charter	\$125
To remove a Notice on Title, Section 57 of the Community Charter	\$1000
To provide copies of plans	\$10 + applicable taxes per sheet
Rescind a Stop Work Order or Do Not Occupy Order	\$300
Design Modification	\$85/hour
Review of each alternate solution	\$400
Special inspection	\$125
Re-inspection	\$125
Security Deposit for Single/two family Dwelling	\$3000
Security Deposits for Multi-residential/commercial/industrial/institutional	\$300 per metre of frontage or a minimum fee of \$3000 whichever is the highest

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3115

A bylaw to amend Municipal Ticket Information Bylaw No. 2435, 2006

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 **“Municipal Ticket Information Amendment Bylaw No. 3115.”**
2. That “City of Courtenay Municipal Ticket Information Bylaw No. 2435, 2006” be amended as follows:
 - a) That Schedule 1, Column 1 “Designated Bylaws” line item No. 2 “Building Bylaw No. 2323, 2003”, be hereby repealed and substituted therefore by the following: “Building Bylaw No. 3114, 2024”.
 - b) That Appendix 2 to Schedule 1, be hereby repealed and substituted therefore by the following attached hereto and forming part of this bylaw.
3. This bylaw shall come into effect 1st January 2024.

Read a first time this 8th day of November, 2023.

Read a second time this 8th day of November, 2023.

Read a third time this 8th day of November, 2023.

Finally passed and adopted this ___ day of _____, 2023.

Mayor Bob Wells

Adriana Proton, Corporate Officer

APPENDIX 2 TO SCHEDULE 1 (BYLAW 3115)

Building Bylaw No. 3114

Column 1	Column 2	Column 3
OFFENCE	BYLAW SECTION NO.	FINE
Failure to obtain final inspection notice prior to occupancy	4.2(a)	\$500.00
Removing a do not occupy /stop work order	4.5	\$300.00
Tampering with Posted Notice	4.5	\$300.00
Interference with building official's right of entry	4.7	\$300.00
Unsafe condition	6.6(h)	\$500.00
Construction without building permit	7.1	\$500.00
Moving building without building permit	7.1(b)	\$300.00
Demolition without building permit	7.1(c)	\$300.00
Failure to comply with permit conditions	7.3(a)	\$200.00
Failure to have permit and supporting documents on site	7.3(b)	\$100.00
Failure to post civic address	7.5(a)	\$100.00
Failure to obtain building official's written acceptance prior to concealing work	10.37	\$200.00
Failure to stop work after a registered professional's services are terminated	10.41	\$200.00
Violation of Stop Work Order	10.39	\$500.00
Violation of Do Not Occupy Notice	10.46	\$500.00



THE CORPORATION OF THE CITY OF COURTENAY

COUNCIL MEMBER REPORT

To: **COUNCIL**

File No.: 0540

From: Councillor Frisch



Date (MMM-YYYY):

Subject: **REPORT OF ACTIVITIES AND EVENTS**

	DATE (MMM-DD)	EVENT/LOCATION	COMMENTS
1.	Oct-11	Housing Legislation Announcement re: Short Term rental restrictions	May 2024 target for Legislative changes to restrict short term rental in BC
2.	Oct-18	Cousins Ave redesign and upgrade open house	Aiming to balance industrial, commercial, and residential use of the roadway/sidewalk/etc.
3.	Oct-23	Asset Management Lunch and Learn with staff	
4.	Oct-24	Elected Official's forum re: reconciliation and housing issues and information	
5.	Nov-02	Code of Conduct Workshop	
6.	Nov-14	Diwali Celebration - Native Son's Hall	
7.			
8.			