



The Corporation of the City of Courtenay

Council Agenda

Meeting #: R2/2024
Date: January 24, 2024
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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Delegation by Carolyn Rice, Make Back Road Safe, to present a resident petition endorsed by residents of Back Road and those living near Farquharson Drive. The delegation will also address the specific issues of the campaign and propose solutions.	
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Delegation by Taija McLuckie and Angela Fletcher, to present a delegation and request that Council not proceed with the adoption of Parks and Open Spaces Regulation Bylaw, Bylaw No. 3121 as presented.	
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<ul style="list-style-type: none">• Rob Parks, Partner, RC Strategies• Meaghan Carey, Sr. Consultant, RC Strategies	
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7. COUNCIL RESOLUTIONS

7.1	Solar Panel - Association of Vancouver Island and Coastal Communities (AVICC) Resolution - Councillor Frisch	
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WHEREAS the BC Government is committed to reducing greenhouse gas emissions by 16% below 2007 levels by 2025, 40% by 2030, and 80% by 2050;

WHEREAS the Land Title Act, RSBC 1996, c 250, permits the registration of a building scheme that imposes restrictions consistent with a general scheme of development;

WHEREAS these building schemes have been used to prohibit or restrict the installation of roof top solar panels;

WHEREAS such prohibitions or restrictions are a barrier to the generation of renewable energy and the reduction of greenhouse gas emissions;

THEREFORE BE IT RESOLVED THAT AVICC and UBCM urge the Ministry of Attorney General to consider amendments to the Land Title Act similar to its existing section 222 that would prohibit and render void any building schemes that purport to prohibit or restrict the installation of roof top solar panels, or any other renewable energy systems.

7.2	National Housing Conference Attendance - Mayor Wells	
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WHEREAS each member of Council, as outlined in the 2023 "Council Expense Reimbursement Policy", has up to \$2000 per year to use for the purposes of attending non-member conferences or training; and, WHEREAS Council approval is required to authorize Council member attendance at a conference or training that exceeds the allocated \$2000 expense limit, with requests adjudicated on the following basis:

1. Cost to the municipality/Council budget;
2. Educational value within the context of Council duties and performance; and
3. Corporate Strategic Priorities; and,

WHEREAS affordable housing is a Council Strategic Priority. THEREFORE, BE IT RESOLVED THAT Council authorize Mayor Bob Wells to attend the 2024 National Housing Conference March 18-19, 2024, and authorize a maximum expense claim of \$3000 beyond the permitted amount.

7.3 Rise and Report - Officer Appointment

THAT in accordance with Section 148 of the Community Charter, Ms. Jessica Bagnall, T/Manager of Legislative Services be appointed as the Acting Deputy Corporate Officer until such time as Ms. Adriana Proton, Manager of Legislative Services returns from leave; and

THAT Council authorize the immediate release of this information for the purposes of conducting City business; and

THAT Council rise and report on the appointment of Ms. Jessica Bagnall, T/Manager of Legislative Services as Acting Deputy Corporate Officer at the Council meeting scheduled for January 24th, 2024.

7.4 2024 RENT Housing Summit Coordination Support - Mayor Wells

WHEREAS the Comox Valley is experiencing a housing and homelessness crisis; and

WHEREAS the regional municipal and First Nation government leadership have committed to supporting a regional housing summit to bring together housing and homelessness sector partners.

THEREFORE BE IT RESOLVED that Council allocate up to \$7,500 from the "Other Council Initiatives" budget for the purposes of contracting an event producer to support the coordination, organization and facilitation of a regional housing summit with BC Non Profit Housing Association staff.

8. UNFINISHED BUSINESS

8.1 Situation Tables Request

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THAT Council direct staff to prepare a report on the requests from the January 10, 2024 Comox Valley Situation Table delegation regarding funding, the request to include city planners in the biannual meeting of the "System Leaders Group", and meeting room options.

9. BYLAWS

9.1 For First, Second and Third Readings

9.1.1 2024-2028 Water Fund Financial Plan and Bylaws

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9.1.2 2024-2028 Sewer Fund Financial Plan and Bylaws

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9.1.3 2024-2028 Solid Waste Financial Plan and Bylaw

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9.2 For Adoption

9.2.1 Puntledge Sanitary Catchment Replacement Loan Authorization

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9.2.2	Zoning Amendment Bylaw No. 3094 (1560 Grieve Ave)	262
9.2.3	Housing Agreement Bylaw No. 3117 (1560 Grieve Ave)	273

10. COUNCIL REPORTS

- 10.1 Councillor Cole-Hamilton
- 10.2 Councillor Frisch
- 10.3 Councillor Hillian
- 10.4 Councillor Jolicoeur
- 10.5 Councillor McCollum
- 10.6 Councillor Morin
- 10.7 Mayor Wells

11. IN CAMERA RESOLUTION

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

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

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

12. ADJOURNMENT



Council Minutes

Meeting #: R1/2024
Date: January 10, 2024
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
W. Morin

Regrets: M. McCollum

Staff Present: G. Garbutt, City Manager (CAO)
A. Langenmaier, Director of Financial Services (electronic)
K. O'Connell, Director of Corporate Services
S. Saunders, Director of Recreation, Culture & Community Services
K. Shaw, Director of Public Works Services
M. Wade, Director of Development Services
A. Guillo, Manager of Communications
A. Proton, Manager of Legislative Services
C. Thompson, Manager of Solid Waste Services

1. CALL TO ORDER

Mayor Wells called the meeting to order at 4:02 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. INTRODUCTION OF LATE ITEMS

Without objections, Councillor Hillian added Item 8.3 Transit Strike, to the agenda.

3. ADOPTION OF MINUTES

3.1 Regular Council Minutes - December 6, 2023

Moved By Cole-Hamilton

Seconded By Frisch

THAT Council adopt the December 6, 2023 Regular Council minutes.

CARRIED

4. DELEGATIONS

4.1 Comox Valley Situation Table

Dayna Forsgren, Comox Valley Situation Table Coordinator, provided an overview of situation tables in BC and the formation of the Comox Valley Situation Table. The presentation included a request for a biannual meeting of a "System Leaders Group" of city planners, a request for funding, and that a meeting room for the situation table be provided.

5. STAFF REPORTS

5.1 Corporate Services

5.1.1 City of Courtenay Communication Strategy

Moved By Hillian

Seconded By Jolicoeur

THAT Council approve the City of Courtenay Communication Strategy.

CARRIED

6. EXTERNAL REPORTS AND CORRESPONDENCE

6.1 CVRD Board - Request for Consent - Bylaw No. 795 "Comox Valley Sports Track and Fields Service Conversion Bylaw No. 2353, 2001, Amendment No. 2"

Moved By Frisch
Seconded By Hillian

THAT City of Courtenay consent to the adoption of the Comox Valley Regional District Bylaw No. 795 being "Comox Valley Sports Track and Fields Service Conversion Bylaw No. 2353, 2001, Amendment No. 2" under section 346 of the Local Government Act.

CARRIED

Moved By Jolicoeur
Seconded By Cole-Hamilton

THAT Council vary the order of agenda item 9.1.1 Parks and Open Spaces Regulation Bylaw No. 3121 to appear after item 6.1 and renumber accordingly.

CARRIED

7. BYLAW

7.1 For First and Second Readings

7.1.1 Parks and Open Spaces Regulation Bylaw No. 3121

Moved By Hillian
Seconded By Frisch

THAT Council give first and second readings to the Parks and Open Spaces Regulation Bylaw No. 3121; and,

THAT staff be authorized to prepare a bylaw amendment to the Municipal Ticket Information Bylaw No. 2435, 2006 for Council consideration.

CARRIED

Opposed: Councillor Jolicoeur

8. INTERNAL REPORTS AND CORRESPONDENCE

8.1 Solid Waste Automated Curbside Collection – Update

Moved By Hillian
Seconded By Frisch

THAT Council receive the “Solid Waste Automated Curbside Collection – Update” briefing note.

CARRIED

9. COUNCIL RESOLUTIONS

9.1 Comox Valley Farmers' Market - Councillor Frisch

Moved By Frisch
Seconded By Morin

THAT Council direct staff to prepare a report on the request from the December 6, 2023 Comox Valley Farmers' Market delegation to reduce rental fees at the Native Sons Hall for fall and winter markets.

CARRIED

9.2 Evolve Regional Electric Bike Share Program - Councillor Frisch

Moved By Frisch
Seconded By Cole-Hamilton

THAT Council direct staff to prepare a report on the feasibility of the proposed regional electric bike share program as outlined by Evolve in their delegation to Council on December 6th, 2023.

CARRIED

9.3 Transit Strike - Councillor Hillian

Moved By Hillian
Seconded By Jolicoeur

WHEREAS the current disruption of transit services is creating significant hardship for many local residents;

THEREFORE BE IT RESOLVED that the Council send correspondence to BC Transit and the Province of BC expressing concerns about the ongoing transit strike in the Comox Valley requesting that the Province support the parties involved in the strike to find a prompt resolution that restores transit services.

CARRIED

10. BYLAW

10.1 For First, Second and Third Readings

10.1.1 Housing Agreement Bylaw No. 3117 (1560 Grieve Avenue)

Councillor Jolicoeur declared a conflict of interest as his employer provides funding to the proponent, and left the meeting at 6:28 pm.

Moved By Morin

Seconded By Cole-Hamilton

THAT Council give first, second, and third readings to Housing Agreement Bylaw No. 3117.

CARRIED

Councillor Jolicoeur returned at 6:31 pm.

10.2 For Adoption

10.2.1 Development Cost Charges (DCC) Waiver (Affordable Housing) Bylaw No. 3118

Moved By Hillian

Seconded By Cole-Hamilton

THAT Council adopt City of Courtenay Development Cost Charges Waiver (Affordable Housing) Bylaw No. 3118.

CARRIED

10.2.2 Mansfield Lift Station Latecomer Agreement Bylaw No. 3119

Moved By Hillian

Seconded By Morin

THAT Council rescind third reading of Mansfield Lift Station Latecomer Agreement Bylaw No. 3119; and,

THAT Council give third reading to Mansfield Lift Station Latecomer Agreement Bylaw No. 3119 as amended.

CARRIED

Councillor Hillian left the meeting at 6:31 pm, was absent for the vote, and returned at 6:34 pm.

11. COUNCIL REPORTS

11.1 Councillor Cole-Hamilton

No report provided.

11.2 Councillor Frisch

No report provided.

11.3 Councillor Hillian

Councillor Hillian submitted a report of activities, see agenda.

11.4 Councillor Jolicoeur

Councillor Jolicoeur advised that the Comox Valley Substance Use Collaborative is moving to the action phase for the Substance Use Strategy.

11.5 Councillor Morin

Councillor Morin reviewed her attendance at the January 2 Social Planning Society meeting.

11.6 Mayor Wells

Mayor Wells reviewed his attendance at events over the holidays, and noted that he will be doing more fireside chats. Mayor Wells also noted that the Earl Naswell organizers delivered 800 meals on Christmas Day.

12. 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 part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

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

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

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

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

CARRIED

13. ADJOURNMENT

Mayor Wells terminated the open portion of the meeting at 6:40 pm. Following the conclusion of the in camera portion of the meeting, Mayor Wells terminated the meeting at 9:00 pm.

CERTIFIED CORRECT

Adopted by Council January 24, 2024

Mayor Bob Wells

Adriana Proton, Corporate Officer

Carolyn & David Rice

1976 Back Road, Courtenay, BC V9N 9C4
email: makebackroadsafe@gmail.com

October 18, 2023

Mayor & Members of Council
City of Courtenay
830 Cliffe Ave, Courtenay V9N 2J7

CV Regional District Board of Directors
770 Harmston Avenue, Courtenay V9N 2X6

Mayor & Members of Council
Town of Comox
1809 Beaufort Ave, Comox V9M 1R9

BC Ministry of Transportation & Infrastructure
550 Comox Avenue, Courtenay V9N 3P6

Dear Mayors, Members of Council, CVRD Directors & MoTI Representative:

Re: Make Back Road Safe

Over the past several months we have met with our neighbours along the entire 3.3 km length of Back Road to hear their views on neighbourhood traffic and how it may be impacting them. We knew immediately that we had tapped into what would become an outpouring of concern over the transformation that is taking place in our neighbourhood. The effect of that change is overwhelming and concerning for residents who have lived here for 3 years or for 30+ years.

To imagine 8,000 vehicles per day transiting along Back Road, as projected in the City of Courtenay's 2005 Traffic Study Report, seems incomprehensible to residents. Given the current design, engineering and poor state of this Road, it is alarming to envision traffic levels that could potentially reach 3 times the current estimated level. We live on a road that is collapsing along its edge and bordering a steep embankment from 10th Street to the First Nations and the design and engineering has not been improved since it was built 75 years ago to move farm vehicles.

Exiting our driveways is an increasingly difficult challenge and that's before we navigate the road where multiple cars are riding our bumper, passing when it's unsafe and pull around where there are no shoulders.

There are no sidewalks, no shoulders, no parking, no safe access for pedestrians or cyclists, blind corners, poor sight lines, steep driveways, hidden driveways, acute angled driveways, and driveway grades that make it impossible to check for oncoming traffic before you are out on the roadway.

There are 125 homes with driveways that have direct access to the right-of-way, and 13 direct access roads with both small and large numbers of homes that use Back Road to transit to an Arterial road. We face an ever more perilous situation just exiting or entering our driveways because of the increased traffic volume and high speeds

Over time we have observed that when non-local traffic is re-routed from Comox Avenue onto Back Road, more and more drivers discover that this route is faster than the Arterial routes. After the completion of the multiple high-density residential developments in Comox over the past two years, we have noticed another increased wave of traffic on Back Road. The detour route from those developments is off Lerwick or Lancaster down MacDonald to Back Road. The route avoids any traffic lights, stop signs, or speed enforcement. The stop sign at MacDonald doesn't slow most drivers as they roll right through the intersection onto Back Road. The intersection is poorly designed, as admitted by MoTI, and the danger is that vehicles need to move past the stop sign to check for oncoming traffic.

Back Road has been transformed into a 24/7 thoroughfare that increasingly feels like an Arterial route, and that makes our lives increasingly unsafe. There have been a number of accidents at Valley View, regular near head on collisions in the hairpin, and weekly incidents at MacDonald all due to speed, visibility issues and reckless driving behaviour. As was kindly pointed out to us by a City staff person, '*no one has been killed, yet*'.

Residents who see and hear the high-speed traffic and have encountered reckless drivers, will not risk their life riding a bicycle or walking along this Road. The effect is that people have stopped these activities altogether. A paved shoulder would be a vast improvement over what exists right now. In the 2005 City of Courtenay Traffic Study the reference to a *Collector Road* states that, *in residential areas sidewalks should be provided on both sides*. We raise this issue further on, but suffice to say that we suspect building sidewalks on Back Road would be a multi-million dollar rebuild.

High Speed = Increased Noise Levels

The noise caused by high-speed traffic causes sleep deprivation, stress, and anxiety and together these symptoms have long term health consequences. Studies show that noise levels and its effect in residential neighbourhoods is exponentially worse with even small incremental increases in vehicle speed.

MacDonald & Back Road Speed Boards

In May, a Speed Board was installed in the 30 km/h playground zone on MacDonald, registering speeds between 63-89 km/h. MacDonald is one of the most travelled access routes to Back Road, making our respective neighbourhoods the favourite route for Comox residents transiting to Courtenay and beyond.

Residents celebrated when the City installed three Speed Boards on the Courtenay section of Back Road in August. During the 4-week period some thought there was a minor change in driver speeds, however once the Boards were removed, the same reckless speed patterns have returned.

Policing & Enforcement

The Police are too busy to log our complaints any longer and they do not respond to our calls to intercept street racers. In fact, on any warm summer evening multiple street racers streak

past our homes at excessively high speeds and the only ones alarmed by this are those of us who live here.

Recently we were advised by the Police Inspector that Back Road is not safe to have an Officer operate speed enforcement or to safely pull over a speeding vehicle. We know it's not safe, because we live here. And yet with every call to any branch of government we will be referred to take our complaints to the Police.

There are insufficient resources for active and ongoing speed enforcement in the Comox Valley, and Back Road is just one area impacted by this reality. We feel it is negligent to expect that it is remotely possible for two full time traffic officers in our Police detachment to effectively provide enforcement for the entire Comox Valley and Regional District with a population of 95,000 residents.

Based on our reading of the Q2 Police report, the total *Traffic Incidents* were 286 over a 3-month period, an average of 95 Traffic Incidents per month and 48 incidents for each of the two Traffic Officers. Even if the *Total (monthly) Incidents* represented speed violations only, it doesn't begin to address the speed epidemic. To underscore the scope of the problem, we parked along MacDonald Road adjacent to the 30 km/h Park zone on a Friday afternoon and counted 87 drivers *speeding excessively* in a 50-minute period. The result corresponds with the Speed Board findings from a few months earlier.

The presence of a Police Officer conducting a neighbourhood drive-through is not effective speed enforcement nor will it have any effect, beyond the moment, in people's driving behaviour. Speeding and excessive speeds is a 24/7 problem that will not be solved through Policing. The most discouraging aspect in what we've learned over the past six months is just how absent enforcement is at all levels of government for vehicle related violations. However it does explain why we're here and why the problem is of epidemic proportions.

Camera Speed Enforcement

Over 70% of British Columbians support the use of photo speed enforcement, and support levels are consistent over a 5-year period. While we agree that it is an effective solution for speed enforcement, the Province would not grant authority to Municipalities for its use in 2017, suggesting instead that there were other tools available. The Province meanwhile uses camera enforcement on Provincial highways. Many larger Cities have implemented calming measures, reduced speeds, blocked residential streets to eliminate speedways, and introduced noise cameras Courtenay has just started down this path. We urge the Comox Valley governing bodies to pursue their demand that the Province extend authority to Municipalities to use camera enforcement and that this would include the Province setting up a meaningful enforcement strategy.

Speed Limits, Driveways, Blind Corners, etc.

To understand one of the challenges when it comes to speed, just take a drive along Back Road starting at the SE boundary before the hairpin. There is a slow to 30km/h sign, and in less than a 100m stretch, Morrison enters at an acute angle from the downhill side and on the uphill side is the entrance to Glacier View Lodge. Within 100m you will exit the hairpin and there is a slow to 40km/h sign for the blind corner where Marsland enters on one side and several houses enter from below the Road at acute angles. A short 0.5 km section downhill, there is a new slow to 40km/h sign at the blind corner before Snowbird Lane. Between Snowbird Lane and Valley View Drive there is another 40 km/h sign where two more driveways adjoin the road, one on the downhill side at an acute angle and one on the uphill next to Snowbird that has no sightline to traffic before they're on the road. Between Valley View and 10th Street there are no more signs but there are driveways that both access at an acute angle and at extremely steep grades down to Back Road and around another blind corner, which arguably should also have some speed reduction protection.

From 10th through to Ryan Rd, there is a transit stop on the road, then a blind corner hiding a bicycle and vehicle left turn lane onto 6th, a short downhill to a new pedestrian controlled crosswalk at Tunner Drive followed immediately by the backed up traffic that is the new normal onto Ryan Road. In addition we can expect significant increases in traffic exiting Tunner onto Back Rd when the Broadstreet development is finished and Tunner is extended.

After observing traffic and traffic patterns at different times of the day, the problem with speed starts from the time vehicles turn onto Back Road at Ryan Road, at Comox Avenue and at MacDonald. Drivers are in a hurry, impatient and oblivious to how unsafe their driving is in someone else's neighbourhood.

Similar problems exist when driving in the opposite direction on Back Road, except there is a somewhat clearer view of the intersections at Valley View Drive and Snowbird Lane. There are blind corners and hidden driveways, many of them at acute angles for almost all properties with homes on the downhill side along the entire length between Ryan Road and Comox Avenue.

There is a much higher risk for properties located immediately below Back Road, and for the homes along Farquharson Drive there is the possibility that an out-of-control vehicle would careen directly into their home, rooftop or onto their property. We have learned that a single homeowner has had a vehicle land in their yard twice and an electrical pole sheered in that location leaving residents without power for over 5 hours. We estimate that most of the patios and homes directly below the Road at Farquharson are less than 10 metres from the edge of the Road, with absolutely nothing that would protect their life and property. The only barrier that exists in that location is a single 6 ft cement curb, put there to protect a fire hydrant.

In our opinion, this illustrates the need for a continuous 40km/h speed limit on Back Rd between Comox Avenue and Ryan Road.

Collector Road Classification

We have conducted research on many issues that have helped to inform our understanding of the issues and our proposed solutions.

One of the areas of our research is the road classification system as set out in the MoTI Parameters & Guidelines for Road Design. In our review of other Municipalities and regions we note that their individual Traffic Plans will expand on each of MoTI's classifications and description to make it applicable to the purpose and use in their region. For example a Collector Road may serve a variety of purposes and be classified as a Local, Minor, Major or Neighbourhood Collector Road. The description within each of the classifications is unique as well to the specific area within a community such is the case in Courtenay where they have added a classification for an Industrial Collector Road. For the section of Back Road within the Town of Comox, Glacier View Drive is classified as a Minor Collector Road.

Consistent with the basic MoTI Guidelines, the City of Courtenay's definition for a Collector is a road, *whose function is to collect traffic from local roads and provide a suitable route to Arterials*. What is added in the Courtenay description is that, *traffic movement and land access are of equal importance*. *In residential areas sidewalks should be provided on both sides and Collector routes carry traffic volumes of up to 8,000 vehicles per day*.

By including language that implies that vehicle movement is equal to land access fails to recognize the incompatibility of those two purposes. The expected purpose of a Collector Road, within both MoTI's basic design parameters and in most other jurisdictions, recognizes the need to reduce the number of conflict points including residential driveway access. In fact, the MoTI guidelines state that, *a Collector provides for traffic movement between arterials and local streets with some direct access to adjacent property*.

The MoTI guidelines don't recommend land access as being equal to vehicle use because of the inherent and present risk to residents when high traffic volumes conflict with residential access. Isn't this the reason we don't have access to individual residential properties along arterial routes and freeways? The MoTI 's design limits restrict angles, grades, and the distances between each access point to allow safe access to the adjoining roadway and to reduce vehicle conflict on the right-of-way.

This issue is of the highest priority in order to protect the integrity and function of our neighbourhood road. It is our position that the governing bodies need to amend their current classification to designate Back Road as a Neighbourhood Collector Road to reflect the current use and function and for continuity across all jurisdictions.

Closing

Increased volume, excessive speed and high-speed noise are negatively impacting our lives, both inside and outside of our homes. Accessing and transiting Back Road causes enormous stress and puts us at high risk against drivers so impatient that they pass when it's unsafe, fly through the hairpin over the centre line, and transit at terrifying speeds. On any

normal day while exiting our driveway, there will be multiple vehicles suddenly appear on our bumper coaxing us to drive faster or to get out of their way. These events happen every single day.

Few residents, who observe the daily traffic and excessive speeds, would consider risking their life to walk or cycle on Back Road. It is for this reason that we have asked the City of Courtenay to install signage that warns cyclists and pedestrians that the road is unsafe for this use and the Town of Comox and MoTI should do the same.

Recommended Solutions

- The City of Courtenay in cooperation with the MoTI, CV Regional District and Town of Comox prioritize resident safety and livability by establishing Back Road as a *Neighbourhood Collector Road* in recognition of the number of properties with driveways that connect directly to the right-of-way; and, undertake a review of the necessary road improvements that will allow for local cyclist and pedestrian use.
- The City of Courtenay in cooperation with the MoTI, CV Regional District and Town of Comox reduce the posted speed limit on Back Road to 40 km/h, on a trial basis.
- The City of Courtenay in cooperation with the MoTI, CV Regional District and Town of Comox install a 3-way stop in a minimum of three locations on Back Road including Valley View, Marsland and MacDonald to slow speeds at three of the most dangerous intersections, on a trial basis.
- The City of Courtenay in cooperation with the MoTI, CV Regional District and Town of Comox install Speed Humps (Cushions or Tables) to enforce speed compliance.
- There should be NO diversion of traffic from Comox Avenue onto Back Road during the two-year CVRD Sewer Conveyance Project.

The *Make Back Road Safe* resident group requests that we be invited to participate in future discussions that may directly impact our neighbourhood safety and livability.

We will be pleased to attend as a delegation before your Council or Board to share our research and/or to answer any questions.

Yours truly,

Original signed

Carolyn & David Rice
On behalf of the Residents of Back Road

Carolyn & David Rice

1976 Back Road, Courtenay, BC V9N 9C4
email: makebackroadsafe@gmail.com

November 6, 2023

Mayor & Members of Council
City of Courtenay
830 Cliffe Ave, Courtenay V9N 2J7

Board of Directors, CV Regional District
770 Harmston Avenue, Courtenay V9N 2X6

Mayor & Members of Council
Town of Comox
1809 Beaufort Ave, Comox V9M 1R9

BC Ministry of Transportation & Infrastructure
550 Comox Avenue, Courtenay V9N 3P6

Dear Mayors, Members of Council, CVRD Directors & MoTI Representative:

Re: CVRD – Traffic Management Strategy

You will have received our letter dated October 18th outlining the current issues and unsafe conditions on Back Road. We have subsequently received a copy of the CVRD *Traffic Management Strategy* (TMS) for the *Sewer Conveyance Project*, adopted in August 2023. We are frankly appalled that that the *Traffic Management Strategy* for Back Road lacks any meaningful measures to protect our residential neighbourhood from the effects of a major traffic interruption during the Construction Project. The *Strategy* was written without consultation or input from the people who live on Back Road and in our opinion it is worthless.

It is not so much a *Strategy* for Back Road, but an unfocused discussion. The first suggestion [Section 5.4, p24] doesn't relate to the primary objective of (non-local traffic) deterrence and the second is absurd given the design and state of the roadway. In fact, the entire section dedicated to Back Road is presented in a manner that suggests the ideas will not be implemented at all.

Following the *Potential Calming Measures* [p24] it states; '*while these measures can help discourage use of this corridor as a detour route, these measures and speed humps in particular are often not universally supported by residents. Therefore, the benefits of traffic calming should be weighed against the impact on residents and an appropriate balance sought. Increased police enforcement will also support the use of appropriate speeds.*' Speed is not the purpose of the TMS, although it is one of our ongoing concerns. The

entire TMS seeks to manage the traffic flow with mitigation steps to ensure traffic is using the designated arterial detour routes. Therefore the singular purpose of the *Strategy* planned for Back Road should be to mitigate the damaging effect of potentially thousands more vehicles detouring into a residential neighbourhood and bypassing the designated arterial detour routes.

The ideas put forth are incongruent with the sheer scope of the traffic that will overwhelm our neighbourhood during the *Sewer Conveyance Project*. To suggest that we endure thousands more vehicles transiting Back Road is ludicrous and unacceptable. Even more ludicrous is the suggestion that Police speed enforcement will be important once all the cars detour onto Back Road. The police have already indicated to us that it is unsafe to operate effective speed enforcement on Back Road. If there is no effective deterrence, we believe that residents would choose a barricade at each access point to stop the non-local traffic, never mind speed humps.

The TMS estimates the daily number of vehicles on Back Road at 2000-2500 per day when the actual number is 5400 VPD according to the recent traffic study conducted by the City of Courtenay. Our neighbourhood is already overwhelmed by traffic volume, excessive speeds and reckless driving behaviour. There is also increasingly more commercial truck traffic transiting and also exceeding posted speeds.

We are regularly referred to the Police who have been unable to respond to our complaints. The Police are not about to step into the role of stopping or discouraging non-local traffic from using Back Road, so to imagine the Police are going to enforce speeds and/or stop non-local traffic is delusional thinking in our opinion.

The *Traffic Management Strategy* fails Back Road residents and raises many questions including:

- Why are there no specific measurable steps, actions and goals set out to deter or discourage traffic from rerouting onto Back Road?
- How does a speed board deter/discourage drivers from using Back Road when the neighbourhood is already overrun with non-local traffic using this Road as a *rat running route? **cut through driving; using residential side streets or any unintended shortcut instead of main road*
- How would the curb extensions be installed on a narrow road without curbs, shoulders or sidewalks?
- If local knowledge and information is not utilized for the purpose of developing an effective *Strategy*, what can we expect from an outside Project contractor who has no local authority or knowledge?
- What data or other information will the Contractor rely on to make decisions or to take steps once the traffic problems unfold?

- Why was the TMS approved, when the governing bodies are fully aware of the current problems that exist on Back Road?

Increasing traffic volumes combined with excessive speed have brought residents together to sound the alarm over issues of safety and livability on Back Road. We are acutely aware of the profound impact a Construction Project of this magnitude and duration will have on us. The problems that exist today have escalated quickly and will be compounded enormously by this project.

The greatest volume of traffic transiting Back Road today is entering from Ryan Road, Comox Avenue and Lerwick via MacDonald where drivers bypass the arterial routes and use this residential road as their personal arterial thoroughfare route. What do we predict will happen when there is just one lane westbound on Comox Avenue and all eastbound traffic is diverted to Ryan Road? We guarantee that Back Road will become a convenient right hand turn from all three arterials for thousands more vehicles and the greatest volume will be from the eastbound traffic on Ryan Road or from Lerwick via MacDonald.

The partners with jurisdictional responsibility for Back Road should install speed humps along the entire length of Back Road as the first and most effective measure to deter traffic volume and speeds. Our previous recommendation for a minimum of three 3-way stops located at MacDonald, Marsland and Valley View should be a priority before the Project starts. In our opinion, speed humps should also be placed around the playground on McDonald and perhaps even a 3 way stop at Lancaster to further deter the traffic that will rat run during the Project. As recent as last May, the speed board on MacDonald confirmed that the majority of drivers speed excessively through the playground zone.

Effective mitigation measures on McDonald and Back Road, combined with a 40 km/h speed limit on both, would severely reduce the desirability of using Back Road as a rat running route and keep traffic on the major arterial routes where it belongs.

A combination of speed humps, stop signs and a reduced speed limit (and if necessary, a barricade at Courtenay's southern boundary) are all critical to restoring neighbourhood safety and livability both during this two-year project and into the future.

In our previous letter, we stated that we have met with residents along the entire 3.3 km length of Back Road; however, the actual distance between Ryan Road and Comox Avenue is 4.6 km. Residents on Back Road and Glacier View Drive who live within the City of Courtenay, CVRD, First Nation or the Town of Comox, are involved in the *Make Back Road Safe* campaign.

The CVRD's *Traffic Management Strategy* planned for Back Road does not meet the standard of protecting or preserving the safety and livability of our residential

neighbourhood. We request that there is a consultation process with the *Make Back Road Safe* Steering Committee who have done their homework, have the local knowledge and can speak with confidence about the needs of our neighbourhood. Through this process we can develop effective solutions to keep our neighbourhood safe during this Project.

Yours truly,

Original signed

Carolyn & David Rice
On behalf of the Residents of Back Road

c: Back Road residents

Ministry of Transportation Excerpt - Collector vs Local Collector

Collector Roads

Typically, collector roads will have higher speeds and higher traffic volumes than local roads. On these roads, consideration should be given to paved shoulders for bikes, a marked bike lane, or a separate pathway for cyclists. For guidance, refer to TAC Geometric Design Guide, Chapter 5 -Bicycle Integrated Design. Regional District Official Community Plans should be consulted with respect to their objectives and network plans with respect to cycling.

Collectors Roadways connecting local streets with the arterial street system and provide traffic service to less intense developments like residential, schools, churches, parks and low intensity commercial developments. Collector streets accommodate relatively short trips, typically one mile or less. Lower speeds and moderate to low traffic volumes (generally less than 10,000 ADT*) are standard for collector streets. Collector streets provide an equal balance of both access and traffic movement. Direct access to non-residential facilities frequently occurs, but direct access to single-family residential properties should be avoided.

Local Collectors

Local collectors, like collectors, provide a connection between local streets and the arterial street system. Local collectors accommodate trips relatively short in length, typically one-half mile or less. Lower speeds and moderate to low traffic volumes (generally about 2,500 to 5,000 ADT*) are common on local collectors. Direct access to single-family residential properties continues to be avoided from on local collectors.

Appropriate Speed Limits

The selection of the speed limit for any particular section of a road type is an exercise in weighing the objectives of safety and operational efficiency. The operational efficiency is measured by travel time and the safety level, measured by the incidence of crashes and resulting injuries and fatalities with consideration of the road function. Freeways and other high-level roads can accommodate higher speeds because of their design features that have little or no interaction with non-motorized user or adjacent development. Road types with lower functional classes, such as minor arterials, collector, and local roads provide for a mix of road users, requiring that safety take on a higher priority.

Road Classification

The City of Courtenay currently classifies roads as arterials (split into major and minor), collectors (split into industrial/commercial and residential), locals (split into industrial/commercial and residential), and finally lanes. In addition, there are roads which are under the jurisdiction of the Ministry of Transportation. These classifications are summarized below and shown in Exhibit 5.1.

(a) Arterial Roads: The main purpose of arterial roads is to carry higher volumes of traffic over longer distances. Major arterials typically have rigid access controls while minor arterials have some access control. In the City of Courtenay a street such as Lerwick Road or Cliffe Avenue south of Fifth Street is classified as a major arterial while 17th Street and Lake Trail Road are classified as minor arterials. Major arterials can carry up to 30,000 vehicles per day while minor arterials can carry up to 20,000 vehicles per day. Parking is often prohibited, at least during peak hours, on arterial roads. Those roads in the City of Courtenay that are currently classified as major arterials or are Ministry of Transportation roads are clearly the high volume roads in the City. Based on the Transportation Association of Canada (TAC), the recommended intersection spacing on a minor arterial is 200 metres while on a major arterial it is 400 metres.

(b) Collector Roads: The second category is collector roads whose function is to collect traffic from local roads and provide a suitable route to arterials. **For collector roads, traffic movement and land access are of equal importance. Residential collector routes carry traffic volumes of up to 8,000 vehicles per day** while industrial/commercial collector routes carry up to 12,000 vehicles per day. The typical minimum intersection spacing is 60 metres. **In residential areas sidewalks should be provided on both sides while in industrial/commercial areas, sidewalks on one side would typically be sufficient.**

(c) Local Roads: The primary purpose of local roads is to provide land access with the movement of traffic as the secondary function. Typical volumes on a local road are up to 1,000 vehicles per day for local residential roads and 3,000 vehicles per day for local industrial/commercial roads. Typically parking is allowed depending on the width of the roadway and the recommended minimum intersection spacing is 60 metres.

PETITION to the City of Courtenay

- 1) We petition the City of Courtenay to install the **40 km/h speed limit signs on Back Road** during the first phase of the implementation.
- 2) We petition the City of Courtenay to **designate Back Road as a Neighbourhood Collector** in recognition of the direct access of multiple residential driveways to the right-of-way and the shared purpose for the enjoyment of residents; and, undertake a review of the necessary road improvements that would permit resident activities such as walking or cycling from their home.
- 3) We petition the City of Courtenay to take immediate steps toward **installing calming measures such as speed humps (tables or cushions)** to act as a deterrent for the hundreds if not thousands of vehicles that will use Back Road as their preferred detour route during the Sewer Conveyance Project; and, to enforce 24/7 speed compliance now and into the future.
- 4) We petition the City of Courtenay to install **three-way stop signs on Back Road at Marsland Drive and Valley View**, on a trial basis.

NAME	ADDRESS	SIGNATURE
Sonia Sonia	Section 22 Back Rd, Courtenay	Sonia
Lucy Khang	Back Rd, Courtenay	[Signature]
Stacie Cleveland	Back Rd Courtenay	[Signature]
Wendy L. Macdonald	Back Rd. Courtenay	Wendy L. Macdonald
Jan Macdonald	Back Rd	[Signature]
Grayson Macdonald	Back Rd.	[Signature]
Jocelyn Pelletier	Back Rd	[Signature]
Pam Saccucci	Back Road	[Signature]
Maurice Levest	BACK ROAD	[Signature]
Glenda Levest	BACK ROAD	[Signature]
Seth Williams	Back Road	[Signature]
Rick Williams	BACK Rd.	[Signature]
Brooke Williams	Back Rd	[Signature]
Jody MacFarlane	Back Rd	Jody M.
Barbara Cox	Back Rd.	B. Cox
Kristen Pelletier	BACK Rd.	Kpelletier

Volunteer Signature: _____ 

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NAME	ADDRESS	SIGNATURE
CHRIS PELLETIER	Section 22 BACK ROAD D	<i>[Signature]</i>
ARNI MINDILUK	BACK Rd.	<i>[Signature]</i>
Gord Young	BACK Rd	<i>[Signature]</i>
Manica Fuischen	back rd	<i>[Signature]</i>
Joyce Sommer	Section 22 10th St E	Joyce Sommer
BILL HARDING	Section 22 BACK RD	<i>[Signature]</i>
Connor Robertson	Section 22 back RD	Connor Robertson
Andrea Daugherty	Section 22 Back rd	<i>[Signature]</i>
FAYE RACHUK	Section 22 BACK RD	Fayre Rachuk
Angela Moore	Back Rd	Angela Moore
Jessica North-O'Connell	Section 22 Back Rd	Jessica North-O'Connell
Dennis Wilson	Section 22 Back Rd	Dennis Wilson
Daniel BRACKLEY	FARGUHARSON DR	<i>[Signature]</i>
Cindy Zachariou	Back Rd	<i>[Signature]</i>
John Zachariou	Back Rd.	<i>[Signature]</i>
Kartee Penner	Back Rd	<i>[Signature]</i>
Jileen LeChasseur	Back Rd	J LeChasseur


Volunteer Signature: CRICE *[Signature]*

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NAME	ADDRESS	SIGNATURE
Alicia Keen	Section 22 Back Rd	Alicia Keen
Shawn Heldt	BACK RD	Shawn Heldt
Carrie Herman	back rd	Carrie Herman
GORD HAMILTON	VALLEY VIEW	Gord Hamilton
Marta Sanabria	Valley View	Marta Sanabria
Debra Mackey	Section 22 Back Rd	Debra Mackey
RANDY FARNSWORTH	MARSLAND PL.	Randy Farnsworth
Judith Hamel	Section 22 Marsland Pl	Judith Hamel
Terry Chaney	Section 22 Marsland Pl.	Terry Chaney
Dominique Bruce	Back Rd	Dominique Bruce
Boomer Smith	Back rd	Boomer Smith
Section 22		
R. Bliley	Section 22 Back Rd	R. Bliley
Robyn Wallace	Back rd	Robyn Wallace
Prochuk mekilla	Section 22 Back Rd	Prochuk mekilla
Robyn Walsh	Section 22 Back Rd	Robyn Walsh

Volunteer Signature: _____

 CAROLYN RICE

PETITION to the City of Courtenay


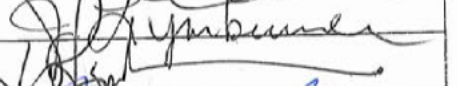
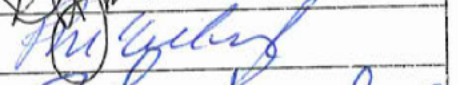

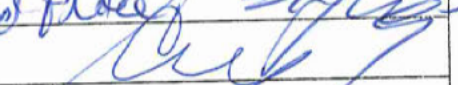


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NAME	ADDRESS	SIGNATURE
Marilyn Drouillard	Section 22 Back Rd	Marilyn Drouillard
Christa Holme	Back Rd.	Christa Holme
DANA CARTER	Back Rd	Dana Carter
SYLVIA WEBB	BACK RD	Sylvia Webb
DAVID WEBB	Back Rd.	David Webb
DAVID RICE	BACK RD.	David Rice
Carol Redfern	Back Rd	Carol Redfern
Susan Cash	Section 22 Back Rd	Susan Cash
FRANK MARINUS	Section 22 BACK RD.	Frank Marinus

Volunteer Signature: Sylvia Webb

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NAME	ADDRESS	SIGNATURE
MICHAEL GILBERT	Section 22 Marsland Place	
Time Lynburner	Section 22 Marsland Place	
Dave Lynburner	Marsland Pl	
Penny McCullough	Section 22 Marsland Dr	
FREDERICKSON	Section 22 MRS LD	
H. Long. 2/1/04	Section 22 A Marsland Place	
CAROLYN RICE (RICE)	BACK RD	

Volunteer Signature: MICHAEL GILBERT

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NAME	ADDRESS	SIGNATURE
Peter Braakmoore	Section 22 FARQUHARSON DR	
MIKE THOMPSON	Section 22 FARQUHARSON DR	
Kunio Yamagishi	Farquharson Dr.	
JENNIFER HOLDEN	Section 22 Far ...	
Newton Kimball	Far ...	
Anne Wigney	William Rd	
GLENN C LEUKOSKI	Section 22 FARQUHARSON	
MYRNA LEUKOSKI	" " "	
Charnelle Jerron	Section 22 10th St E.	
John Marche	" "	
B. Bodkin	Section 22 Farquharson Dr	
B. Bodkin	" "	
Bill Bret	Section 22 Farquharson Drive	
Thomas Okamun	Farquharson Dr	
Julie Perry	Section 22 " "	
Kathleen Battimelli	FARQUHARSON DR.	


Volunteer Signature: _____

Section 22


over →

Jennifer Awan Section 22 Forquhouson Drive
Courtenay BC
V9N 8N2 Jennifer

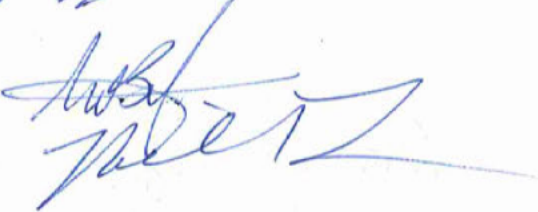

Richard Huber Section 22 FARG. 

George Finlay Section 22 Nikolaissen Rd
Courtenay, 

Debbie Ritchie Section 22 Farg. 

Roxy Reimer Section 22 Williams Rd. 

Casey Schoonfelder Section 22 Farg, Dr 

Ariana Bfano Section 22 Farquhouson dr 
Michael Lauder Section 22 Farquhouson Dr 

From: Wanda Thompson **Section 22**

Date: January 23, 2024 at 8:14:02 PM PST

To: Council <CouncilDistribution@courtenay.ca>

Cc: "Garbutt, Geoff" <ggarbutt@courtenay.ca>, "O'Connell, Kate" <koconnell@courtenay.ca>

Subject: Council Agenda item on Back Rd

Dear Council,

I am writing regarding tomorrow's agenda item on Back Rd.

I live on Valley View Dr., near the intersection of Back Rd. We use Back Rd. multiple times each week to access services in Courtenay, Comox and the Valley — it is a key route for our neighborhood to get anywhere. I support all of the points made by the delegation in their submissions and petitions to Council to make improvements to this roadway to make it safer.

Back Rd. is in unacceptable condition, with crumbling asphalt, no shoulders, deep ditches without barriers and is dangerous to drive. It is poorly lit, the pavement is uneven and is not safe to use for cyclists or pedestrians. We also listen to speeding drag racing all summer on this road, with no enforcement. Even though we are less than mile from services at Ryan and the bypass, we have no reasonable safe way to walk or cycle to access these services, because the section of Back Rd from Valley View to 10th St is unsafe for all road users.

I am further dismayed to learn that there is an anticipated exponential increase in traffic expected as a result of the sewer conveyance project.

I urge the City of Courtenay, Town of Comox, the CVRD and MOTI to work together to urgently implement solutions to make this road safer in the short term for all users and residents. In the medium term, I urge you all to develop and implement a plan to make this roadway safer and accessible for all users, especially in light of the 6th St East extension. Our neighbourhood deserves to have safe connections to our city hubs and core.

Please include my correspondence as part of the record for the January 24 Council meeting.

Sincerely

Wanda Thompson

Section 22

Invisibilizing Our Vulnerable Won't Work This Time

Increased visibility of our most vulnerable citizens in Comox Valley is a daily reality. One local professional told me that when driving through Courtenay his wife asks to take an extra long route, one that won't upset her. For if you have a heart, or have experienced any hardship in this life, you will be re-traumatized by what you see in the Comox Valley. Depravity, brokenness, and strife are constantly on display. The re-traumatizing is furthered by the fact that we all know it is everywhere, not just in our community, and the reality that the same 'systems' that created this situation are the ones empowered to fix it. Systems expressed as governments, agencies, and municipalities. And if you are prone to thinking, even more depressing is it to realize that our municipality is employing the same historic tactics against our vulnerable.

The historic method used by most municipalities is render our vulnerable invisible by regulating the space they use (thereby regulating them), encourage movement out of the municipality, mobilizing them to isolated areas of the municipality, while utilizing pervasive penalties (Martino, 2022). Police presence, the increase of bylaw officers and new bylaws (city laws) were tools that served prioritized citizens historically well (Martino, 2022). The prioritized citizens can not be feasibly served any longer as the numbers of our vulnerable are too great, there is nowhere to push them onto too, and space where they can exist is rapidly shrinking.

Our municipality is over-run, all the shelters everywhere are brimming with vulnerable persons. Adequate or affordable shelter simply doesn't exist. As our brothers, sisters, and grandparents find themselves chained to a backpack roaming streets and parks with little to no hope of housing or community, why are no measures created beyond historical practices? (Olson, Pauly 2022). Does someone think this will end well? That policing vulnerable persons works?

The practice of policing our vulnerable, whether it be increased patrols by police or the hiring of more bylaw officers (enjoying increased power since COVID-19) to enforce 'city laws' only facilitates

forced migration and involuntary displacement (Kaufman, Drew 2022). A result that hopes for what? Another city to become mecca for the vulnerable, a place we can send them all for compassion, real aid, and solace? Sorry. That place does not exist.

So, here we are. Viewing a swelling population of vulnerable persons that will not go away. A problem that punitive measures won't solve or any 'business-as-usual' approach won't touch. Any solution beyond what is the current practice of coerced mobility would be welcomed. Any idea outside what has already been implemented would be celebrated. Ideas not hard to find as they are contained locally in the hearts of all who make it their business to tend to the needs of our vulnerable. Solutions that can be tabled that are not more expensive than current practices.

A challenge to our elected municipal agents of policy: Stakeholder/Citizen input on How to Help Our Vulnerable in Comox Valley 2024. Or a simple google search of other municipal approaches and pick one, there are many. We have the space, wealth, benevolent citizenry, community partners, skills, and resources. We can create municipal work projects, a basic tax revenue flow from simple housing, while putting walls and supports around our vulnerable. All we need to do is throw out the old rule book, and face the facts: Our vulnerable cannot be made invisible this time.

References

- Kaufman, Drew. "Expulsion: A type of forced mobility experienced by homeless people in Canada." *Urban Geography* 43.3 (2022): 321-343.
- Martino, Natasha, "Loose Coupling, Burden Shuffling, and Pervasive Penalty: The Role of Bylaw Enforcement in Managing Homelessness" (2022). *Theses and Dissertations (Comprehensive)*. 2473. <https://scholars.wlu.ca/etd/2473>
- Olson, N., & Pauly, B. (2022). 'Forced to Become a Community': Encampment Residents' Perspectives on Systemic Failures, Precarity, and Constrained Choice. *International Journal on Homelessness*, 3(2), 124–138. <https://doi.org/10.5206/ijoh.2022.2.14431>



VIA Email

January 17, 2024

Dear Mayor Wells and City Councilors

RE: Parks and Open Spaces Bylaw No. 3121

We are writing in solidarity to voice our opposition to the new proposed Parks and Open Spaces Bylaw No. 3121 (“the Bylaw”). We are deeply concerned about the Bylaw’s potential impact on individuals experiencing homelessness and strongly urge Mayor Wells and the City Council not to adopt it.

At the City Council meeting on January 10, 2024, the Director of Corporate Services, Kate O’Connell, stated the Bylaw is “not intended to focus on a specific population”, namely individuals experiencing homelessness. While this may be true, the unintended consequences of similar Bylaws have been disproportionately applied to and harmed people relying on public space for survival.

We believe that more consultation is necessary to ensure a balanced approach to addressing the issue of sheltering in parks. On September 27, 2023, the City of Courtenay’s representative for the Comox Valley Coalition to End Homelessness (the “Coalition”), Angela Fletcher, wrote a letter to the City Council stressing the importance of including individuals with lived experience from the beginning of the consultation process.

Statistically, Indigenous people are overrepresented in the unhoused community, causing them to frequently interact with law enforcement. It has come to our attention that key interest-holders in the Indigenous community were not part of the consultation process. We agree with the Coalition that the perspectives and insights of those with lived experience are invaluable in shaping effective solutions, and strongly urge the City Council to engage in further consultation with these impacted communities.

We also find that the Bylaw fails to expressly acknowledge the human right to shelter. Most recently, in *Bamberger v. Vancouver (Board of Parks and Recreation)*, 2022 BCSC 49, the Court acknowledged that if there are no accessible shelters available, unhoused persons may temporarily shelter in a park. For a shelter to be accessible, it must have water, shower facilities, the ability to prepare food, and meet the necessities of life. Two temporary shelters in Courtenay that have been turning people away every night. Therefore, there are no accessible shelters available in the city.



We find the Bylaw’s language ambiguous, making it susceptible to misinterpretation. For example, the definition of “camping” overlaps with the definition of “sheltering,” making the associated provisions open to misinterpretation or misapplication. Several Bylaw provisions do not reflect the lived reality of those experiencing homelessness. Consequently, we find these provisions unreasonable in the circumstances. For example, section 7.3(f) states, “[t]emporary shelters must not be left unattended.” Individuals sheltering may need to leave their temporary shelter for a variety of reasons, including accessing the washroom.

The Bylaw also fails to provide clear guidance to enforcement bodies and the public regarding their rights, responsibilities, or enforcement procedures. At the City Council meeting on January 10, 2024, Kate O’Connell relied on the Bylaw Compliance Policy to provide sufficient guidance when enforcing this Bylaw. For example, approaching situations with curiosity and a trauma-informed approach. After reviewing this policy, we disagree.

The Bylaw Compliance Policy highlights aspirational goals but fails to provide specific operational guidelines or procedures. For example, it does not provide guidance congruent with emerging case law, specific things bylaw enforcement should consider when exercising discretion, the specific consequences for non-compliance, the nature and scope of the City’s impact assessments, or what, if any, training bylaw enforcement must complete to ensure trauma-informed practice. Therefore, the Bylaw Compliance Policy provides insufficient guidance to ground this Bylaw.

We strongly ask that the City Council does not adopt the proposed Parks and Open Spaces Bylaw.

Sincerely,

Taija McLuckie
Peer Advisor, CV CAT
taijam.mcluckie@gmail.com

Latoya Farrell
Staff Counsel (Community)
BC Civil Liberties Association
Latoya@bccla.org

Amy Criss
Indigenous Liaison, North Island
AVI Health and Community Services
Amy.Criss@avi.org

Angela Fletcher
Coordinator
Coalition to End Homelessness
comoxvalleyhousing@gmail.com



We have read, understood, and consent to sign this letter. We ask the City Council not to adopt the proposed Parks and Open Spaces Bylaw No. 3121.

AVI Health and Community Services
Comox Valley Coalition to End Homelessness, Leadership Team
Daniel Baboolal, Vice Principal, École Au-cœur-de-l'île
Dayna Forsgren, Coordinator, Comox Valley Situation Table
Fairahn Reid, Registered Social Worker
David Tazumi, Registered Nurse
Kaida Penney, Registered Occupational Therapist (MSc)
Thea Cowan, Registered Nurse
Gavin Miller
Daniel Nordstrom
Mariah Ricketts
Amy Greene
Maeve Bergeron
Aidan Bradfield

Bob Wells
Mayor of Courtenay
830 Cliffe Ave., Courtenay, BC, V9N 2J7
250-334-4441

January 16, 2024

To Mayor Bob Wells, City Councillors, and City Employees to whom this may concern,

We are writing to express our collective concerns regarding the proposed City of Courtenay Bylaw No. 3121, Parks and Open Spaces Regulation Bylaw (“Bylaw 3121”). Bylaw 3121 passed its first and second readings during the January 10th, 2024, council meeting and was supported by the majority of Courtenay Councillors.

We are a group of community members, including lived experience experts and local professionals such as legal advocates, indigenous social services, and social service providers. We are united in our sincere concern that Bylaw No. 3121, as currently drafted, does not support the City of Courtenay’s vision to provide a **“high quality of life” “for all people”** as set out in the City of Courtenay’s *Strategic Priorities for 2023-2026* (City of Courtenay, 2023).

We appreciate Councillor Kate O’Connell’s recognition of vulnerable individuals’ need to shelter in parks, as stated in section 7.1, but Courtenay’s proposed Bylaw No. 3121 will continue to add significant stress and pain to an already struggling population within the community. Currently, individuals who are unhoused are dealing with a wide range of daily struggles, including:

- Physical disabilities, while still being required to relocate heavy personal items daily.
- Physical health concerns exacerbated by the lack of appropriate washroom facilities and due to tents and sleeping bags being unable to dry appropriately after rainy nights.

The city of Courtenay recently released its strategic priorities and initiatives, which include a commitment “to review city operations with a **social equity, reconciliation and anti-racism lens** (City of Courtenay, 2023).” Although a consultation was undertaken to incorporate diverse feedback from the community into Bylaw 3121, as currently drafted, it does not appropriately support and protect those who are most vulnerable in our community. Our unhoused community members are experiencing significant risk due to our city’s housing crisis yet remain in a state of perpetual fear for their personal safety and well-being. This group

includes those community members also dealing with poverty, disabilities, and mental illnesses in addition to being unhoused.

In order to further this discussion and better address these concerns, we submit the following questions and recommendations for the Council:

1) Public Awareness and Human Rights:

How will the public be informed of Courtenay’s Bylaw policies, which incorporate recent community feedback and consultation, guiding Bylaw 3121 and Bylaw Officers? Can these policies be explicitly stated or referenced in the section of Bylaw 3121 pertaining to "sheltering in parks?"

- a. **Recommendation:** In order to address the community's current struggle with ongoing stigma, discrimination, and potential radicalization to violence, it is imperative that City leadership, policies, and bylaws clearly define and articulate the City’s stance on the Human Rights of all community members which must address the following:
 - i. Recognition of the **human rights of those experiencing homelessness** and the systems that are failing individuals who are at high risk of experiencing poverty and systematic discrimination (such as those with a disability, mental illness and of a racial minority group).
 - ii. **Incorporation of cultural and trauma-informed practice guidelines.** This ensures that individuals facing challenges related to physical disabilities, mental illness, and homelessness receive adequate support from City employees. Demonstrating compassion and understanding in these areas will not only showcase the City’s leadership but also guide our community towards a more unified stance, reducing divisive rhetoric associated with a situation primarily caused by a failing system.

2) Prioritizing and Emphasizing Social Service Support for Trauma-Informed Bylaw Enforcement

Pursuant to Section 10.2, "Enforcement," delineated in Bylaw 3121, it is expressly stipulated that "The Director, a bylaw enforcement officer, or a peace officer may enforce this bylaw ('Bylaw 3121'), and in doing so, may be assisted by another such officer or a City personnel."

- a) **Recommendation:** In response to community feedback and in alignment with trauma-informed and culturally sensitive practices, we implore City Councillors to consider incorporating language that promotes collaborative partnerships with more suitable social support services. This collaborative approach aims to assist

bylaw officers, thereby mitigating the potential for re-traumatizing vulnerable individuals and facilitating meaningful connections with essential resources. Express language in Bylaw 3121 that welcomes social support services not only diminishes the likelihood of conflicts but also enables individuals experiencing homelessness to receive timely information on available resources, services, and secure locations for additional support and rest. This proactive approach aligns with the principles of community well-being and inclusivity.

3) Indigenous Consultation:

With the Council's efforts on Reconciliation, has Bylaw 3121 been reviewed by local indigenous partners, given that nearly 30% of the region's homeless population identifies as Indigenous (BC Housing, 2023)?

- **Recommendation:** If this review has not taken place, we recommend it does.

4) Leniency for Health Issues:

Will individuals experiencing illness and physical disabilities receive leniency to shelter in place beyond the proposed time slots of 7:00 pm to 9:00 am (stated in Bylaw 3121, section 7.2 C) if Bylaw Officers are made aware that an individual is experiencing physical ailments, which may impact an individual's ability to move their belongings?

- **Recommendation:** leniency be provided in the appropriate circumstances, which will support our most vulnerable populations, cultivate trust between City staff and those affected by the Bylaw, and reduce the need for other support services by helping the homeless maintain their belongings (vs. being thrown away; adding to the cycle of poverty and waste).

5) Washroom Facilities:

As there is mention of preventing waste in parks, specified as "no fouling or polluting" in Bylaw 3121, section 6.4, will appropriate washroom facilities be provided to those needing to shelter in parks due to the lack of appropriate housing in shelters?

- **Recommendations:**
 - a. The addition of a monitored overnight washroom facility or additional public washroom hours will offer our most vulnerable community members the ability to maintain proper gastrointestinal health and personal safety and dignity with this basic human need.
 - b. When analyzing the costs associated with a monitored overnight washroom facility, it is imperative to consider the effects on the health and safety of individuals (the resulting impact on hospitals with increased visits), the

protection of the park's natural environment and local park users due to the absence of these basic facilities.

6) Access to Medical Marijuana:

Will there be further consideration and leniency for those experiencing homelessness to access medical marijuana in park spaces? Section 5.8 of Bylaw 3121 prohibits the use of marijuana.

- **Recommendation:** we recommend leniency with respect to access to medical marijuana as it is. However, the use of marijuana is often prescribed to treat pain and reduce the use of further substances (as described by the UBC Faculty of Medicine in 2020).

In conclusion, we ask that the Courtenay Mayor and Councillors consider utilizing the information that the community provided in consultation with the City for the purpose of better understanding and forming City regulations within an accessibility, diversity, and equity lens. Community members and local professionals worked with a city consultant, providing professional and first-hand experience, to ensure that appropriate considerations would be reflected in Courtenay's Bylaw Policies **as well as Bylaw No. 3121**. We fail to see how those comments were incorporated into Bylaw 3121.

The inclusive language, ideas, and conversations collected during this city consultation should be used to draft a more progressive Bylaw 3121. This was a conversation to build trust and relationships, which, if it is not taken into consideration, will make a negative statement and impact our community. Using this information will ensure that the money used during this important process does not go to waste and is used appropriately.

We ask that you do not dismiss the concerns of those who are experiencing discrimination in our community. We hope to continue to build trust with those community members whose human rights have been disproportionately neglected over prior decades.

In summary, we ask that the Courtenay Mayor and Councillors consider the following:

- The City's Strategic Plan and Priorities include a commitment to review city operations with a **social equity, reconciliation and anti-racism lens**.
- Prioritizing and emphasizing social service support within Bylaw 3121. A trauma-informed approach to bylaw enforcement will be a more effective method for decreasing the likelihood of conflicts and harm. This initiative also aids in risk reduction by providing relevant and up-to-date support services.

- Consultations were undertaken by the City to solicit feedback from a diverse group of community members with respect to the matters contemplated by Bylaw 3121.
- Those most vulnerable community members using parks to “shelter in place” due to the housing crisis are also experiencing poverty, mental health concerns, and disabilities.
- Bylaw 3121, as currently drafted, does not accord with our City’s Strategic Plan and Priorities, nor does it address the concerns raised in consultation with the City.
- Failing to address or being perceived as failing to address these concerns after undertaking such consultation will erode trust among our community members and public institutions.

Sincerely and in alliance with,

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The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 3900-01

From: Director of Corporate Services

Date: January 10, 2024

Subject: Parks and Open Spaces Regulation Bylaw

PURPOSE: To request Council give 1st and 2nd reading to the Parks and Open Spaces Regulation Bylaw No. 3121, 2024.

BACKGROUND:

The City of Courtenay initiated the Parks Control Bylaw Modernization Project in February 2023 to better reflect and address the needs of its population, changing park usage trends, and emerging challenges related to climate change and urbanization.

To modernize the Parks Control Bylaw, a systematic approach to develop the Parks and Open Spaces Bylaw was employed, advancing through three phases. Staff first formulated regulations that aligned with Courtenay's priorities and integrated best practices through municipal comparisons. Next, Staff conducted a comprehensive impact assessment that carefully considered the implications of proposed regulatory actions and policy perspectives. The impact assessment underscored the achievement of a balanced approach, allowing for a variety of activities while safeguarding ecological zones and the community's natural assets. Lastly, regulations were refined through engagement with various contributors, including city staff from various departments, Vancouver Island Health Authority's medical health officer, the Comox Valley Coalition to End Homelessness, the Homelessness Response Team, and unhoused individuals.

At the September 27, 2023 Council meeting, Council passed the following motion:

THAT Council approve the Parks and Open Spaces Bylaw Guiding Document and direct staff to work with external legal counsel to draft a new Parks and Open Spaces Control Bylaw; and,

THAT staff be directed to report back to Council on any further amendments to B.C.'s current decriminalization policy and or at such time as further guidance for local government is provided by the Province.

DISCUSSION:

As per Council's direction, external legal counsel has prepared the attached Parks and Open Spaces Regulation Bylaw.

POLICY ANALYSIS:

Upon adoption of the Parks and Open Spaces Regulation Bylaw, the current Parks Control Bylaw, No. 1664, 1992 will be repealed.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Social Infrastructure - Review City operations with a social equity, reconciliation and anti-racism lens and develop corporate policy
- Local Economy - Review City processes that may be barriers to economic development

PUBLIC ENGAGEMENT:

Upon adoption of the new Parks and Open Spaces Regulation Bylaw, a Good Neighbour Guide on the bylaw regulations will be disseminated to the public via online media, social media and physical materials. The City will also provide guides for distribution to community outreach organizations, the Comox Valley Coalition to End Homelessness, the Homelessness Response Team.

OPTIONS:

1. THAT Council give first and second readings to the Parks and Open Spaces Regulation Bylaw No. 3121, 2024; and,
THAT staff be authorized to prepare a bylaw amendment to the Municipal Ticket Information Bylaw No. 2435, 2006 for Council consideration.
2. THAT Council give first and second readings to the Parks and Open Spaces Regulation Bylaw No. 3121, 2024, and refer it back to staff with direction; and,
THAT staff be authorized to prepare a bylaw amendment to the Municipal Ticket Information Bylaw No. 2435, 2006 for Council consideration.
3. That Council refer the Parks and Open Spaces Regulation Bylaw No. 3121, 2024 to staff and provide further direction.

ATTACHMENTS:

1. Parks and Open Spaces Regulation Bylaw No. 3121, 2024

Prepared by: Kate O'Connell, Director of Corporate Services

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



The Corporation of the City of Courtenay

Bylaw No. 3121

A bylaw to establish regulations and control of parks and open public spaces.

WHEREAS

- A. The Council of the City of Courtenay wishes to enact a bylaw to regulate, prohibit, and impose requirements respecting parks and open spaces;
- B. This bylaw is essential to ensure that the City's parks and open spaces are accessible, safe, and enjoyable for everyone while protecting the environment and areas of cultural significance, and promoting healthy, active lifestyles; and
- C. The Council of the City of Courtenay respectfully acknowledges that the lands to which this Bylaw apply are on the Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

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

Citation

1. This Bylaw shall be cited as "Parks and Open Spaces Regulation Bylaw, Bylaw No. 3121".

Definitions

2. **In this Bylaw:**

"authorized personnel" means City employees and contractors, including bylaw enforcement officers, peace officers and emergency personnel and as specified in this bylaw;

"bicycle" means a device having any number of wheels that is propelled by human power only and upon which one or more persons may ride and includes the bicycle buggies and trailers that may be attached to the bicycle;

"camping" means the act of setting up tents, campers, or recreational vehicles, within a park or open space for recreational purposes or taking up temporary overnight abode in a park or open space with or without shelter;

"casual use" means the non-special use of a park or open space for recreational activities or relaxation, where the space is available for use by all park users on a first-come, first-served basis;

"City" means the City of Courtenay;

"Council" means the council of the City;

"Director" means the director of the City's Recreation, Culture and Community Services department or their successor;

"e-bike" means a cycle with an electric motor which is not capable of speeds greater than 32 kilometers per hour on level ground or of operating with pedals removed, and which looks like a bicycle and not a motor scooter;

“environmentally sensitive area” means those City lands, or parts thereof, that are in their natural state and which contribute to the retention or creation of wildlife habitat, soil stability, water retention or recharge, vegetative cover and similar vital ecological functions, or that are designated as such by the City;

“natural features” means any native or non-native tree, shrub, flower, herb, berry, bough, grass or plant of any kind, and all soil, sand, silt, gravel, rock, mineral, wood, fallen wood or other living or dead natural material;

“open space” means those City lands, excluding parks, consisting of natural landscapes, wetlands, wildlife habitats, greenbelts, civic plazas, picnic areas, footpaths, public parking lots that service recreational facilities and squares, and similar areas that contribute to the City's biodiversity, ecological sustainability, and the well-being of its residents;

“park” means an area of land dedicated or designated and maintained by the City as a park and intended for the purpose of providing recreational, cultural, and leisure opportunities to the public, including facilities such as playgrounds, sports courts and fields, trails, picnic areas, and green spaces, and are intended for the use and enjoyment of individuals and community groups;

“permit” means a permit issued by the City for a special use or another use that requires a permit under this bylaw;

“sheltering” means seeking temporary protection or refuge in a park or open space, often due to being unhoused or adverse weather conditions;

“special use” means the reservation or booking of a specific area of a park or open space for a specific time and purpose for any of the activities described in section 3.4;

“temporary shelter” means a structure, improvement, shield or cover used or intended to be used to house or protect people or things, and includes a tent, tarp, lean-to or other refuge made of cardboard, tarpaulin, canvas, plastic, metal, logs, brush, branches or other materials natural or man-made;

“unhoused” means not having a fixed address or a predictable residence to return to on a daily basis; and

“wildlife” means any wild mammal, bird, reptile, fish, amphibian or insect.

Objectives and Administration

3.1 The objectives and principles of this bylaw are to:

- a) Ensure that parks and open spaces are accessible, safe, and enjoyable for all members of the public;
- b) Encourage the use of parks and open spaces for healthy and active lifestyles;
- c) Regulate and manage commercial activities and events in parks and open spaces to minimize their impact on the environment and other park users;
- d) Protect and preserve natural areas and wildlife in parks and open spaces for future generations;
- e) Promote responsible and sustainable use of parks and open spaces to minimize environmental and natural resources damage;

- f) Foster a sense of community responsibility and pride in parks and open spaces among local residents and businesses;
 - g) Permit diverse activities that promote vibrant and engaging spaces, including recreational, cultural, and community-building events; and
 - h) Ensure compliance with applicable laws and regulations related to parks and open spaces.
- 3.2 **Delegation of Authority:** Staff members of the City, including the City Manager (Chief Administrative Officer), the Director, the Director of Engineering, the Director of Public Works Services, the Director of Corporate Services, or the Fire Chief, and other designated personnel, have been delegated defined responsibilities and authorities in this bylaw corresponding to their roles and functions in implementing and enforcing the bylaw. These include issuing permits, conducting inspections, enforcing regulations, ordering closures, and ensuring compliance, safety, and efficient management of parks and open spaces. Specific responsibilities and roles of staff members are outlined in relevant sections of the bylaw, aligning with their expertise and jurisdiction.
- 3.3 **Director's Power to Place or Erect Signs:** The Director may place or erect signs or other traffic control devices setting out rules and regulations for park and open space use.
- 3.4 **Director May Issue or Refuse Permits:** With regard to permits required under this bylaw:
- a) The Director shall be responsible for the issuance or refusal to issue permits;
 - b) The Director may modify or impose additional requirements on the permits outlined in this bylaw based on the needs and characteristics of the event, location, and potential impact on the community;
 - c) The Director may refer an application for a permit under this bylaw to Council for consideration and determination; and
 - d) If the Director refuses a permit application under this bylaw, the applicant may request that Council reconsider the decision by submitting a written request to the City's Corporate Officer within seven (7) business days of the Director's refusal.
- 3.5 **Permit Applications:** A person, group or organization intending to carry out special use of a park or open space under this bylaw may obtain a permit by:
- a) Submitting an application on the form provided by the City;
 - b) Agreeing in writing to all terms, requirements, restrictions and conditions of special use established by the Director;
 - c) Submitting all required fees, deposits, charges and insurance documents; and
 - d) Showing evidence of compliance with the requirements of other relevant enactments that may apply in the circumstances.

Interpretation

- 4.1 **Interpretation:** Except as otherwise defined in this bylaw, words and phrases used herein have the same meaning as in the *Local Government Act*, the *Community Charter* and the *Interpretation Act* as the context and circumstances require. A reference to a statute refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any enactment refers to that

enactment as it may be amended or replaced from time to time. Words in the singular include the plural, and words in the plural include the singular.

4.2 **Headings:** The headings to the clauses in this bylaw and table of contents have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this bylaw or any provision of it.

4.3 **Schedules:** The following schedule is attached and form part of this bylaw:

A: Parks where sheltering is restricted

Use of Parks and Open Spaces

5.1 **Vison Statement for Parks and Open Spaces:** The City's vision for its parks and open spaces network is to foster a healthy, engaged, and inclusive community with a high quality of life by offering diverse parks, interconnected trails, natural areas, and multi-use outdoor recreation and cultural spaces. These spaces aim to accommodate individuals of all ages and abilities and address emerging parks, recreation, and cultural needs and trends. The City's goal is for parks and open spaces to be utilized safely and respectfully, promoting health, well-being, and social interaction for all park users.

5.2 **City Objectives for Parks and Open Spaces:** The City aims to provide recreational, cultural and leisure opportunities that promote physical and mental well-being, community engagement, and appreciation of the natural environment while also recognizing the value commercial activities can have in enhancing the public realm and supporting local businesses. The goal of the bylaw is to balance these benefits with the need to preserve the natural, cultural, and social integrity of parks and open spaces.

5.3 **Casual Use of Facilities in Parks and Open Spaces:** A person may have casual use of a park or open space only if:

- a) The activity involves using a park or open space, or a portion thereof, that is designated by the City for that purpose;
- b) The activity is undertaken played according to applicable regulations and in accordance with applicable enactments and the times posted in the park, open space or at the relevant sport facility, if applicable; and
- c) If playing at a sports facility in a park, participants must wear appropriate equipment for the activity they are engaged in, including helmets for skateboarding, shin guards for soccer, and appropriate footwear for basketball.

5.4 **Permits for Special use:** To ensure the safety and enjoyment of all park users, the City requires permits for specific activities in parks and open spaces, including special use of parks and open spaces for recreational activities, games and organized play, special events, cultural activities, and commercial use. Permits issued by the Director are required for the special use of the following activities:

- a) A public or private, commercial or non-commercial service, activity or event that is intended to attract or requires participants or spectators and includes such as a gathering, wedding, festival, competition, tournament, procession, concert, march, show, party, ceremony, fishing derby or regatta;

- b) Group training, lessons or recreational or other programming;
- c) Recording, photography, filming or videotaping for use in television, motion pictures, on the web or in other commercial or institutional presentations;
- d) Research, survey, data collection or petition activity;
- e) Use of a park or open space for non-park purposes including vehicle access, utility lines, structures, road, signs, fences or walls;
- f) Use of a model airplane;
- g) Operation of a human or animal powered device to transport people or goods; or
- h) Exclusive use of a park or open space for cultural, recreational & social activities, games, or organized sports require a park facility permit;
- i) Special events conducted in a park or open space require a park facility permit and must comply with the Special Events Regulation Bylaw No. 2396;
- j) Posting, painting or distributing any kind of commercial advertisement, sign, handbill, pamphlet, poster or placard;
- k) Operating, parking or stationing a vehicle displaying advertising or equipped with a public address system, or
- l) Commercial use of a park or open space which shall require a commercial use permit, and which must comply with the Business Licence Bylaw No. 2523 requirements.

Applicants for permits under this section must pay the applicable fee specified in the relevant fees and charges bylaw. Permits must be obtained prior to engaging in any special use in a park or open space.

5.5 **Animals at Large:** The City aims to promote the safety, well-being, and harmonious coexistence of park users, wildlife, and domestic animals. By setting clear guidelines and expectations for animal owners, this section seeks to prevent incidents, protect natural habitats, and maintain an enjoyable environment for all individuals accessing the park facilities. Therefore:

- a) It is prohibited to allow an animal to run at large in a park or open space unless in compliance with the Animal Control Bylaw No. 1897;
- b) Despite subsection (a), the Director has the authority to post areas where dogs are allowed off-leash, including limitations in time;
- c) Any individual who owns, has care, custody, or control of an animal in any park or open space must promptly remove any defecated matter deposited by the animal, provided that the obligation to remove defecated matter does not apply to individuals certified as legally blind; and
- d) No person shall ride or walk a horse on any part of a park or open space except on trails and other areas specifically designated for horse riding by signs or a posted notice.

5.6 **Research:** Individuals who wish to conduct research or collect specimens within a park or open space must satisfy following requirements:

- a) Prior to conducting research or collecting specimens, the individual must obtain a research permit from the Director, with the research permit serving as official authorization for the proposed activities and ensuring compliance with applicable regulations;

- b) While there is no fixed fee for a research permit, the permit applicant is responsible for reimbursing the City for any costs incurred during the surveying, examination, and inspection of the area affected by the permit application;
 - c) All research activities and specimen collection must comply with applicable enactments, including adherence to guidelines and protocols pertaining to the protection of flora, fauna, and ecological systems;
 - d) The Director and/or the Director of Public Works Services shall have the authority to deny or revoke a research permit based on the nature of the proposed research, noncompliance with this bylaw or other applicable enactments or based on any other concerns made in the interest of preserving the integrity of the park or open space and their environmental resources; and
 - e) If the Director and/or the Director of Public Works Services refuses to issue a research permit, the permit applicant may request that Council reconsider the decision by submitting a written request to the Corporate Officer within seven (7) business days of the Director's refusal.
- 5.7 **Vehicle Usage:** The intent of this section is to regulate the use of motor vehicles, e-bikes, and bicycles, to ensure that they are used safely and responsibly, including, but not limited to the following:
- a) The following regulations shall apply in respect of motor vehicle and motorcycle usage:
 - i. operating any motor vehicle, motorcycle, dirt bike, all-terrain vehicle, or other motorized vehicle on a trail, except for wheelchairs or mobility devices, is strictly prohibited;
 - ii. usage of motor vehicles and motorcycles is prohibited in closed parks or open spaces or closed parking areas;
 - iii. motor vehicle operation below the natural boundary or high tide mark is strictly prohibited.
 - iv. damaging natural features, park facilities, or improvements through motor vehicle operation is strictly prohibited;
 - v. operating motor vehicles in a manner that obstructs the intended use of the park or open space is prohibited; and
 - vi. no vehicle may be parked in any park at any time between an hour after sunset on one day and one hour before sunrise the following day without the prior written consent of the Director, or unless otherwise posted; and
 - b) The following regulations shall apply in respect of e-bikes and bicycles:
 - i. riding e-bikes and bicycles is prohibited in closed parks or closed parking areas;
 - ii. e-bike and bicycle usage below the natural boundary or high tide mark is prohibited;
 - iii. usage of e-bikes on trails within parks is strictly prohibited; and
 - iv. damaging natural features, park facilities, or improvements through e-bike or bicycle usage is strictly prohibited;
 - c) No person under the age of 16 years is allowed to operate an e-bike in a park;
 - d) Any motor vehicle parked in violation of this bylaw may be removed and impounded and the motor vehicle owner is responsible for the cost of removal and impoundment before the vehicle will be returned; and

- e) Motor vehicles, e-bikes, and bicycles used by authorized personnel for park maintenance, park patrols, security, or with written permission from the Director are exempt from the above regulations.

5.8 **Substance Use:** a person must not do any of the following activities in a park or open space:

- a) Consume liquor, as defined in the Liquor Control and Licensing Act, except in compliance with a licence issued under the Liquor Control and Licensing Act;
- b) Consume cannabis, as defined in the Cannabis Control and Licensing Act;
- c) Smoking or vaping (including e-cigarettes);
- d) Consume illicit drugs, except in compliance with the Controlled Drugs and Substances Act (Canada) and applicable provincial enactments.

5.9 **Behaviour and Conduct:** The City is dedicated to creating safe and accessible parks and open spaces for all community members to enjoy and to achieve this goal, the City aims to minimize nuisances and obstructions that may impact the use and enjoyment of these spaces by all community members; therefore, the following provisions aim to ensure that individuals using the City's parks and community facilities do so in a safe and respectful manner:

- a) All individuals in a park or open space must abide by all federal and provincial laws, City bylaws, policies, and any posted notices or signs;
- b) Disorderly, dangerous, or offensive behavior is not allowed in parks and open space;
- c) High-speed activities that involve projectiles, such as golf, archery, war games, radio-controlled aircraft, drones, or cars, require authorization through a facility use permit;
- d) Camping in a park or open space, with or without shelter, is only permitted with a valid permit that complies with all terms and conditions of the permit.
- e) Entering or using any frozen or apparently frozen body of water in a park is prohibited unless posted authorization indicates otherwise.
- f) Constructing any permanent structure in a park or open space is only allowed if it complies with all City bylaws, permits, requirements, and regulations and has been authorized through a resolution of Council.
- g) Preventing or obstructing other individuals' free use and enjoyment of parks or open spaces is not permitted unless authorized through a valid permit.
- h) Using or operating any device in a way that interferes with other individuals' enjoyment of the park is not allowed. This includes but is not limited to the use of amplified or projected sound equipment without a valid permit and in accordance the Prevention of Public Nuisance Bylaw No.2084.

5.10 **Interaction with City Employees:** The City is committed to providing excellent service to the public and creating positive experiences for all individuals while promoting a culture of respect and professionalism, and to ensure that this commitment is met, the City has established provisions outlining expectations for the interaction between City employees and members of the public; therefore:

- a) City employees engaged in park maintenance, cleanup, or renovation may ask individuals within the park to relocate or leave in order to carry out their duties;

- b) Individuals who are asked to move by City employees must comply with the request and remove all of their property as directed;
- c) It is prohibited to obstruct or interfere with the duties of City employees in a park or open space; and
- d) Interfering with a bylaw officer in performing their duties, including issuing tickets or notices, is prohibited under this bylaw.

Protection of Parks and Open Spaces

- 6.1 **Intent of this Part:** The natural and built environments in parks and open spaces are valuable resources that enhance the City's well-being by providing recreation, relaxation, cultural and education opportunities. These areas also provide habitat for wildlife and play an essential role in the local ecosystem and as such require regulations for their protection. The provisions in this part of the bylaw have been established to preserve the natural and built environments in parks and open spaces.
- 6.2 **No Cutting, Pruning or Alteration:** No person shall cut down, prune, disturb, remove or alter any natural feature in a park or open space without first obtaining prior authorization from the Director of Public Works Services, and then only strictly following such authorization.
- 6.3 **No Damage or Tampering:** No person shall remove, destroy, damage, deface, break, or tamper with any tree, shrub, plant material or any building, structure, fence, float, wharf, piling, buoy, lifesaving device, bench, sign, road, trail, or any facility, equipment, material, or thing within a park or open space without first obtaining the express prior authorization from the Director of Public Works. This includes fallen or cut trees, whether they are naturally fallen or intentionally cut, and their removal without authorization is strictly prohibited.
- 6.4 **No Fouling or Polluting:** No person shall foul or pollute or otherwise introduce any contaminant on the land or into any natural stream, creek, ditch, pond, or any human-made water feature, fountain, or pond within a park or open space.
- a) **Waste Disposal and Littering:** The City is committed to maintaining clean and litter-free parks and open spaces for the enjoyment of all users; therefore:
 - b) No individual is permitted to dispose of any kind of waste or refuse within a park or open space except in designated waste receptacles provided by the City;
 - c) Disposing of any household or commercial waste within a park or open space is strictly prohibited, including prohibited within designated waste receptacles; and
 - d) It is strictly prohibited to dispose of any yard waste within a park or open space or receptacle. Yard waste includes, but is not limited to, grass clippings, leaves, branches, tree trunks, and other organic materials originating from gardening, landscaping, or tree maintenance activities.
- 6.5 **Fire and Firearms:** The following firearms provisions aim to prevent fire risk and ensure public safety in parks and open spaces:
- a) No individual may undertake the following activities in a park or open space:
 - i. discharge a firearm, air gun, air rifle, air pistol, or spring gun;
 - ii. feed, snare, trap, catch or hold by any means or purposely disturb, frighten, molest or injure any wildlife;

- iii. discharge a bow, as defined in the *Wildlife Act*;
 - iv. fire or explode any combustible or explosive material, except for fireworks, as allowed by the *Fire Protective Services Bylaw No. 2556*; or
 - v. discard or place any burning substance in park or open space;
- b) No person may keep, store, or use in a park or open space:
- i. an open flame appliance such as a barbecue, stove, heater, or any other appliance with an open flame; or
 - ii. a flammable gas or liquid container such as a propane tank, gasoline container, or any other flammable gas or liquid;
- c) Subsection (b) does not apply to a barbecue or a propane camping stove used for cooking food, provided that it:
- i. Is used according to the manufacturer's instructions;
 - ii. Is certified for outdoor use by the Canadian Standards Association (CSA);
 - iii. Is located at least two meters away from any building or structure, including temporary shelters, erected or maintained in accordance with section 5.2, or is located within a designated area for use by the Director; and
 - iv. Is not used in any park or location where open flames are explicitly prohibited; and
- d) a bylaw officer or firefighter may impound an appliance in cases where the appliance is found to be non-compliant based on Canadian Standards Association (CSA) standards, used contrary to the manufacturer's instructions, or deemed an unacceptable fire risk by a firefighter.

Temporary Sheltering

- 7.1 **Intent of this Part:** The City recognizes that some individuals may need to shelter temporarily in public spaces due to being unhoused, emergencies, or other reasons, and aims to balance the rights and needs of all park users while addressing the root causes of homelessness and poverty through collaborative and inclusive strategies. The intent of this section is to regulate the use of temporary sheltering within parks and open spaces and to ensure that it is done in a safe and healthy manner for all park users.
- 7.2 **Permitted Sheltering:** Where there is no accessible shelter accommodation available in the City, unhoused persons individuals who are unhoused may temporarily shelter in a park if the following conditions are met:
- a) They are in a designated park in a designated area where temporary shelters are allowed by this by-law; and
 - b) They construct a temporary shelter in compliance with this by-law;
 - c) Erecting temporary shelters is permissible only during the hours from 7:00 p.m. until 9:00 a.m. the following day;
 - d) All temporary shelters must be taken down and moved before 9:00 a.m. each day, except for those situated in a location authorized by the City Manager for daytime use.

7.3 **Shelter Requirements:** Temporary shelters must adhere to the following regulations:

- a) Temporary shelters must not be erected:
 - i. within 25 metres of a playground or school or community centre;
 - ii. within 5 meters of a private residential property;
 - iii. in or on a:
 - (A) beach, pond, slough or dock;
 - (B) trail, bridge, seawall, roadway or park entrance;
 - (C) environmentally protected natural area; culturally significant area;
 - (D) garden, community garden or horticultural display area;
 - (E) pool or water park;
 - (F) sports field, sports court, skate park, or fitness amenity;
 - (G) fieldhouse;
 - (H) bleacher, stage, gazebo, plaza, public monument, pavilion, designated picnic site, picnic shelter or washroom;
 - (I) designated off-leash dog area;
 - (J) area identified by signs prohibiting or restricting sheltering in that location; or
 - (K) designated areas of park or open space that have otherwise been issued a permit pursuant to this bylaw;
- b) Temporary shelters must not impede public use of, or access to a park or opens space or to a facility in a park or open space;
- c) Temporary shelters must not hinder or interrupt the ability of staff or contractors to perform their work, as set out in section 3.10 of this by-law;
- d) Temporary shelters must not contain any campfire, lighted candles, or propane lanterns or stoves, or other similar devices;
- e) Temporary shelters must not be used to sell goods or conduct business; and
- f) Temporary shelters must not be left unattended.

Environmentally Sensitive Areas

- 8.1 **Intent of this Part:** The intent of this section is to protect areas within parks and open spaces that are environmentally sensitive or culturally significant. By preserving these areas, the City aims to maintain biodiversity, ecological resilience, cultural diversity, and public appreciation of nature.
- 8.2 **No Sheltering in Environmentally Sensitive Areas:** To ensure the protection of environmentally sensitive areas within the parks and open spaces specified in Schedule A of this bylaw, all forms of sheltering and recreational activities are strictly prohibited in these parks and open spaces, unless designated zones within these areas have been specifically designed and approved for such purposes.
- 8.3 **Additional Measures for Environmentally Sensitive Areas:** The City may establish additional measures, such as signs or fencing, to Page 15 of 204 and protect environmentally sensitive areas.

Unsafe Conditions and Closures

9.1 **Implementation of Measures:** In the event of unsafe conditions within a park or open space that pose a risk to public safety, the following measures may be implemented:

- a) If an unsafe condition is identified, the Director has the authority to take immediate corrective action to eliminate or mitigate the unsafe condition, which may include, but is not limited to, securing, or removing hazardous objects, repairing damaged infrastructure, or closing off areas posing significant risks;
- b) The Director may issue a notice to the responsible party, informing them of the unsafe condition and outlining the necessary remedial actions to be taken within a specified timeframe and the responsible party is required to promptly address the identified safety concerns and take appropriate measures to rectify the situation; and
- c) Failure to address unsafe conditions or non-compliance with the required remedial actions may result in penalties, fines, or legal consequences, as determined by part 8 of this bylaw.

9.2 **Park and Open Space Closures:** The City Manager, the Director, the Director of Engineering, the Director of Public Works Services, or Fire Chief hold the authority to order park closures as necessary to ensure public safety and facilitate essential park operations, in accordance with the following:

- a) A park or open space may be subject to closure, either in their entirety or specific areas for various reasons in the discretion of the above referenced authorized personnel, including but not limited to:
 - i. maintenance, renovation, or other work within the park or open space, ensuring the upkeep and improvement of facilities.
 - ii. safeguarding the well-being of park users and staff in situations involving ongoing construction activities or the presence of hazardous conditions; or
 - iii. any other reason as deemed appropriate by the above-referenced personnel; and
- b) Authorized personnel specified above are responsible for prominently displaying closure notices at park entrances or specific areas within the park with the notices notifying the public of the closure and its implications to the public, ensuring compliance with the closure measures for the safety and security of all park users.

Enforcement & Penalty

10.1 **Intent of this Part:** The intent of this part is to provide the means to enforce the provisions of this bylaw, using various enforcement measures as deemed appropriate by the City, and enforcement of this bylaw shall be the responsibility of designated bylaw enforcement officers, and any other persons authorized by the City to enforce the bylaw

10.2 **Enforcement:** The Director, a bylaw enforcement officer or a peace officer may enforce this bylaw, and in doing so may be assist by another such officer or a City personnel and:

- a) The above referenced authorized personnel may order a person who contravenes this bylaw, or a park use permit to do any of the following:
 - i. cease and desist;
 - ii. leave the park or open space immediately;

- iii. remove or cause to be removed any animal, bicycle, e-bike, vehicle, vessel, structure or other thing which causes or is contributing to a contravention of this bylaw or of a park use permit; and
 - iv. restore any damage caused by the contravention to natural park features or facilities;
- b) Authorized personnel may restrain, seize and detain or cause to have restrained, seized and detained a dog or other domestic animal with no apparent custodian and have the animal removed to an animal shelter or other appropriate facility, in which case the provisions for impoundment and fees apply as established by applicable bylaws; and
- c) Bylaw enforcement officers may enter onto any property in accordance with section 16 of the *Community Charter* in order to inspect and determine if this bylaw is being contravened.

10.3 **Penalties:** The following penalties apply in respect of this bylaw:

- a) Any person who:
- i. contravenes a provision of this bylaw,
 - ii. suffers or permits any act or thing to be done in contravention of this bylaw,
 - iii. refuses, omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed under this bylaw,
- commits an offence, and each day that a contravention continues amounts to a separate offence;
- b) A person found guilty of an offence under this bylaw is liable:
- i. if proceedings are brought under the *Offence Act*, to pay the maximum fine and other penalties, compensation and costs authorized by that Act and the *Local Government Act*; or
 - ii. if a ticket is issued under Division 3 of Part 8 of the *Community Charter*, to pay a maximum fine of \$1,000; and
- c) Fines and penalties imposed under this section are in addition to and not in substitution for any cost recovery, remedial action or other consequence of default or contravention provided for under this bylaw, and do not limit the right of the City to bring civil proceedings or pursue any other remedy available at law.

10.4 **Remedial Action and Cost Recovery:** The City may also undertake remedial action and cost recovery in respect of this bylaw as follows:

- a) Where a person has damaged or removed any feature or facility in a park or open space, the person must, at the direction of the Director:
- i. restore or repair the feature or facility or replace it with one of similar value, or
 - ii. pay the cost of restoring, repairing or replacing the feature or facility, as applicable and as determined by the Director, to the City within 30 days of an invoice being delivered by the City;
- b) If a person has been required to do something under a provision of this bylaw, and the person has not completed the action within the time specified:
- i. authorized personnel may fulfill the requirement at the expense of the person;

- ii. authorized personnel may enter onto the person’s property if necessary or convenient to fulfill the requirement; and
- iii. the City may recover the costs incurred for fulfilling the requirement from the person as a debt.

General Provisions

- 11.1 **Severability:** If any provision of this bylaw is found to be invalid or unenforceable, the remainder of the bylaw shall remain in full force and effect.
- 11.2 **Amendments:** The City may, from time to time, amend this bylaw as it deems necessary. Any such amendments must be passed by City Council and shall be effective upon the date specified in the amending bylaw.
- 11.3 **Repeal:** City of Courtenay Parks Control Bylaw No. 1664, 1992, is repealed.

Read a first time this [day] day of [month], [year]

Read a second time this [day] day of [month], [year]

Public Hearing held this [day] day of [month], [year]

Read a third time this [day] day of [month], [year]

Approved by the Minister of Health this [day] day of [month], [year]

Adopted this [day] day of [month], [year]

Mayor Bob Wells

Corporate Officer Adriana Proton

SCHEDULE A – Parks Where Sheltering Is Restricted

1. 13th Street Park (Prohibited)
2. 26th Buffer Park (Prohibited)
3. Air Park (Prohibited)
4. Anderton & 1st (Prohibited)
5. Arden Road (Prohibited)
6. Bear James Park
7. Blue Jay Park
8. Buckstone Greenway
9. Capes Park
10. Cliffe & 5th Park
11. Condensory Park
12. CottonWood Community Garden
13. Courtenay Riverway
14. Crown Isle 150-yr Grove
15. Crown Isle Greenway
16. Crown Isle the Rise
17. Dogwood Park
18. Elderberry Park
19. Green Belt Park
20. Hawk Greenway
21. Hobson Park
22. Hurford Hill Nature Park
23. Idiens Greenway
24. Idiens Way and Suffolk Crescent
25. Lerwick Nature Park
26. Lewis Park
27. Marina Park
28. Martin Park
29. McPhee Meadows
30. Millard Creek Greenway
31. Millard Creek Park
32. Morrison Creek Park
33. Piercy Creek Greenway
34. Puntledge Park
35. Ridge Greenway
36. Ronson Road
37. Rosewall Buffer Park
38. Rotary Sky Park
39. Rotary Trail
40. Roy Morrison Park
41. Ryan Road and Cowichan Avenue
42. Ryan Road and Crown Isle Blvd
43. Sandwick Park
44. Second Street Park
45. South of City Park
46. Tarling Park
47. Valley View Greenway
48. Vanier Nature Park



The Corporation of the City of Courtenay

STAFF REPORT

To: Council

File No.: 7710-05

From: Director of Recreation, Culture, and Community Services

Date: January 24, 2024

Subject: Aquatic Needs Strategy Update - Courtenay and District Memorial Outdoor Pool What We Heard Report and 75th Anniversary

PURPOSE:

To provide Council with an update of the Aquatic Needs Strategy to include a summary of the outdoor aquatic public engagement findings in the attached Courtenay and District Memorial Outdoor Pool What We Heard Report (Attachment 1) and request Council's approval to proceed with providing free public admission for the outdoor pool's 75th season in 2024.

BACKGROUND:

The Courtenay and District Memorial Outdoor Pool was built in 1949 and is turning 75 years old this year. It is nearing the end of its useful life and requires capital investment in its renewal or redevelopment in order to continue operating and serving the Comox Valley into the future. Due to ageing aquatic infrastructure in the Comox Valley, the Comox Valley Regional District (CVRD) and City of Courtenay partnered to complete an Aquatics Needs Strategy in order to:

1. Develop a 10-year aquatic services implementation strategy that takes into consideration indoor and outdoor aquatic services in the Comox Valley over a 25-year time frame;
2. Conduct an options analysis for the renewal, replacement, or relocation of either or both the CVRD Sports Pool and the Courtenay and District Memorial Outdoor Pool; and,
3. Make recommendations on the future of aquatic facilities and services in the Comox Valley.

The Draft Comox Valley Aquatic Needs Strategy (the "strategy") (Attachment 2) was developed from a baseline review of existing aquatic services in the region, and input and feedback received from an extensive community engagement process. The engagement process included a public survey, aquatic facility user group survey, and online interest group workshops and interviews. The strategy was presented to Council at the January 11, 2023 Council meeting. The key findings of the strategy are:

- Existing aquatic facilities are well utilized and highly valued community spaces.
- Currently there is no need to increase water capacity (no additional pools / aquatic facilities) in order to meet community need.
- There is community demand for enhanced aquatic leisure and wellness experiences.
- There is a need to focus on enhanced accessibility at aquatic facilities.
- Alignment with regional environmental objectives is of key importance.

The Aquatic Needs Strategy identified three strategic objectives to guide the Comox Valley Regional District and the City of Courtenay in the delivery of aquatic services:

1. High quality aquatic facilities that are adaptable and responsive to community need.
2. Provide accessible, affordable and inclusive facilities and services.
3. Facilities and services are well planned, maintained and managed.

In addition to the key findings, the strategy presented four main aquatics facility options to be considered:

1. Status Quo: maintain all facilities in current locations and configurations
2. Relocate aquatic services (outdoor pool and CV Sports Centre) to the Comox Valley Aquatic Centre Site with the three sub-options to consider:
 - a) Include a Wellness Expansion at the CV Aquatic Centre Site
 - b) Include an Outdoor Pool Expansion at the CV Aquatic Centre Site
 - c) Wellness and Outdoor Pool Expansion at the CV Aquatic Centre Site
3. Build Out A New Site (consolidating all three existing pools)
4. New Outdoor Pool with two options to consider:
 - a) New Outdoor pool at new site
 - b) New Outdoor pool at existing site

The strategy provided three recommendations were provided in light of the fact that the CVRD would be responsible for decisions on indoor aquatic options while the City of Courtenay would make decisions regarding the outdoor pool. The recommendations recognized the benefits that could be sought be co-relocating aquatic services including operational efficiencies, capital cost efficiencies through shared infrastructure, and opportunity to address emerging community priorities with a new facility design.

1. For indoor aquatics, phase out of the operation of the pool at the CV Sport Centre and relocate the aquatic services through an addition to the CV Aquatic Centre – option 2(a).
2. For outdoor aquatics, close the outdoor pool and relocate the aquatic services to the CV Aquatic Centre through the addition of a new outdoor pool at that site – option 2(b).
3. For indoor and outdoor pool combined options, the recommendation is to have both jurisdictions consider combining indoor and outdoor pools facilities and services at the CV Aquatic Centre – option 2(c).

After council received the draft strategy, the draft report was posted on the CVRD and City's websites for a period of one month to receive public comment and feedback.

The Comox Valley Recreation Commission identified Option 2(a) as their preferred option and incorporated it into the Comox Valley Recreation Commission [Strategic and Capital Planning Reports](#). This option articulates the relocation of indoor aquatic services at the CV Sport Centre to the CV Aquatic Centre in five to seven years, resulting in the expansion or addition of a new pool at the existing CV Aquatic Centre. The medium-term implementation of this option provides time for the CVRD to consider further requirements, including any impacts arising from City of Courtenay decisions on the future of the outdoor pool.

At the July 12, 2023 Council Meeting, Council received for information the "[Comox Valley Aquatic Service Needs Strategy Update](#)" briefing note. The briefing note referenced that additional capacity scenarios regarding changes in use or access to the 19 Wing Base Pool or outdoor pool were to be included in an update

to the Strategy. The briefing note also, spoke to the need for additional public engagement regarding the future of the Courtenay and District Memorial Outdoor pool. While the Aquatic Needs Strategy received significant public engagement in the development phase, limited responses were received regarding the strategy's aquatic facility recommendations. Staff engaged RC Strategies to conduct additional public engagement in the Summer of 2023 specifically related to the future of the Courtenay and District Memorial Outdoor Pool. With the conclusion of the outdoor pool public engagement the What We Heard Report is being presented along with the updated Aquatic Strategy to form the final Comox Valley Aquatic Services Strategy for Courtenay.

DISCUSSION:

The Draft Comox Valley Aquatic Needs Strategy identified the Courtenay and District Memorial Outdoor Pool as an important community asset that should be maintained both from an aquatic services and community amenity perspective. It is also acknowledged within the strategy that the Outdoor Pool is nearing the end of its useful life and requires renewal, replacement or redevelopment for continued operation.

The provision of recreational opportunities, including outdoor aquatic recreation, plays a crucial role in enhancing the physical and social well-being of individuals and communities. Beyond facilitating mobility and physical therapy, fostering social connections, physical literacy, and community unity, imparting life safety skills, and nurturing athlete development, aquatic facilities can cater to a spectrum of needs. Particularly, outdoor pools hold the potential to advance broader community social objectives, such as promoting reconciliation, combating racism, and fostering inclusivity by minimizing barriers to access and encouraging social development.

Courtenay and District Memorial Outdoor Pool - Public Engagement

Based on the findings and recommendations of the Aquatic Strategy, the City undertook a public engagement to assess the public's response to the facility options put forward for the future of the outdoor pool by the Aquatic Needs Strategy.

A survey was created and made available to the public for a period of four weeks from August to September 2023. To maximize participation, the survey was supported by an extensive engagement strategy which included posters in the recreation facilities, dedicated project website, social media promotional posts and promotional boards displayed at the outdoor pool entrance and pool deck. Survey participants were directed to an interactive storyboard mapping presentation¹ that summarized the key findings of the Aquatic Needs Strategy, the geographic location of each potential option (if applicable), and highlighted key information on the outdoor pool for the public to consider before completing the survey.

Survey respondents were informed that the outdoor pool is nearing the end of its facility life and requires repair, renewal or redevelopment in order to continue to provide access to outdoor aquatic services into the future. Respondents were informed that there is need for approximately \$1 million dollars in capital investment to address current conditions, with additional undetermined costs related to leak remediation issues. Additionally, it was stated that the outdoor pool does not meet current accessibility requirements and is located on the flood plain, making redevelopment options more complicated.

¹ [The Future of the Courtenay & District Memorial Outdoor Pool \(arcgis.com\)](https://arcgis.com)

The storyboard presented the five options for the future of the outdoor pool that were identified through the strategy, including key messaging for the public to consider with each option including the approximate capital investment required based on estimates in the Aquatic Needs Strategy. This approach was undertaken to ensure that the public was well informed of the key findings and recommendations of the strategy before taking the survey. The five options presented for the future of the Courtenay and District Memorial Outdoor Pool are outlined in Table 1:

Table 1: Outdoor Pool Facility Options

Outdoor Pool Facility Option	Location	Capital Budget Estimate
Option 1: Status Quo	At existing site: Lewis Park	\$1 Million plus cost for repair and leak remediation (TBD)
Option 2: New outdoor pool at existing indoor aquatic facility site.	Co-located at the CV Aquatic Centre	\$12 Million
Option 3: New outdoor pool	At existing site: Lewis Park	\$18.2 million for replacement
Option 4: New outdoor pool at new site	To be determined	\$16.6 million (does not include land cost)
Option 5: Closure of outdoor pool without replacement or relocation	N/A	\$1 million for decommissioning (pending further study to confirm cost).

More detailed information on each option can be found in Attachment 3.

Outdoor Pool Public Engagement – What we Heard Report

The Courtenay and District Outdoor Pool What We Heard Report (Attachment 1) builds on the engagement findings from the strategy and provides further public input on the delivery of outdoor aquatics in the Comox Valley and specifically on the future of the Courtenay and District Memorial Outdoor Pool.

The public survey ran from August 14, 2023 date to September 12, 2023 and solicited over 1,800 responses from the community. An additional 884 comments were received in response to survey questions, which have been reviewed and presented in thematic findings. The number of responses as well as the substantial commentary provided by respondents are another indicator of the significant role this recreational asset plays in the community.

Survey Respondent Demographics

Respondents were asked to provide information regarding their place of residence, age, presence of children in the household and their ages, as well as how long they have lived in the region. Some key demographic highlights are summarized below:

Table 2: Place of Residence

Where do you live?		
	Survey Respondents	2021 Census*
City of Courtenay	54%	39%
Comox Valley Regional District	20%	34%
Town of Comox	16%	21%
Village of Cumberland	7%	6%
K'ómoks First Nation	<1%	N/A
Other	3%	-

Respondents were also asked to share information on their use of the outdoor pool. Two thirds of respondents visited the outdoor pool in the last two years. However, it is significant to note that over one third of respondents did not visit the pool in either or both of the last two years (2022 and 2023). This is a significant factor in considering the feedback and preferences of respondents regarding the future of the outdoor pool as it demonstrates its community value beyond just those individuals who access the service. While the survey responses indicate that there is greater use amongst the younger respondents, there is also multi-generational use of the outdoor pool.

Survey Key Findings

Respondents were asked questions to confirm the findings and recommendations of the Aquatic Needs Strategy and to seek clarity on preferred options for the future of the outdoor pool. Overall, the Outdoor Pool public engagement findings are fairly consistent with the engagement results of the aquatic strategy. As confirmed in the Aquatic Needs Strategy engagement, the Courtenay and District Memorial Outdoor pool is a highly valued community asset with three quarters of the respondents strongly agreeing that the outdoor pool is an important community facility.

Key Themes

The outdoor pool is widely recognized as a highly valued family friendly community asset that is centrally located. In considering the future of the outdoor pool, respondents indicated it is important to bear in mind the geographical distribution and accessibility of recreation facilities and amenities across Courtenay, and the Comox Valley. Respondents indicated some concern about the capital investment required, the existing location being on a flood plain, and expressed concern with the current lack of parking and connection to public transit.

The public is using the pool to experience fun and enjoyment, socialize, meet new people, exercise, and for physical well-being. A large number of respondents (80%) said they would sometimes pick the outdoor pool over an indoor pool. The preference for an outdoor pool use was mainly due to:

1. Providing a unique summer recreation activity;

2. Respite from summer heat; and
3. A preference for outdoor swimming.

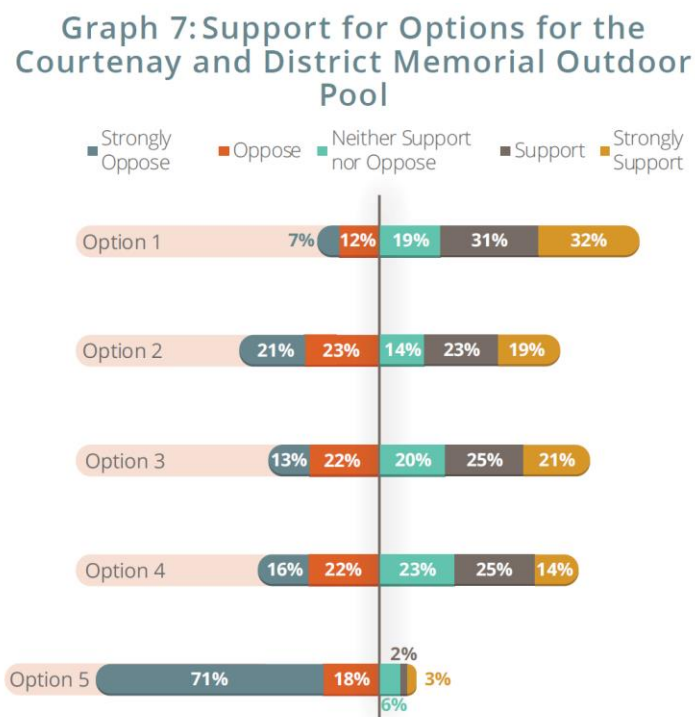
Respondents indicated they do not use the outdoor pool because of: crowding, lack of parking, the condition and cleanliness of the facility, or preference to swim in natural aquatic assets such as the ocean, lake, or river.

In summary, based on the feedback received, respondents confirmed the community value of the outdoor pool as they enjoy the outdoor aquatic experience and prefer it over indoor aquatics while provides an inherent social value. Barriers to use include issues with the current facility (condition, accessibility), crowding due to high use, and parking – suggesting that making improvements to the facility will increase its usage.

Survey Results – Preferred Options

The key objective of the Outdoor Pool public engagement was to garner feedback and understand preferences regarding the facility options for the future of the Courtenay and District Memorial Outdoor Pool. Respondents were asked to rank their preference of the five presented options from least preferred to most preferred. The results are shown in Table 3:

Table 3: Graph 7: Support for Options for the Outdoor Pool

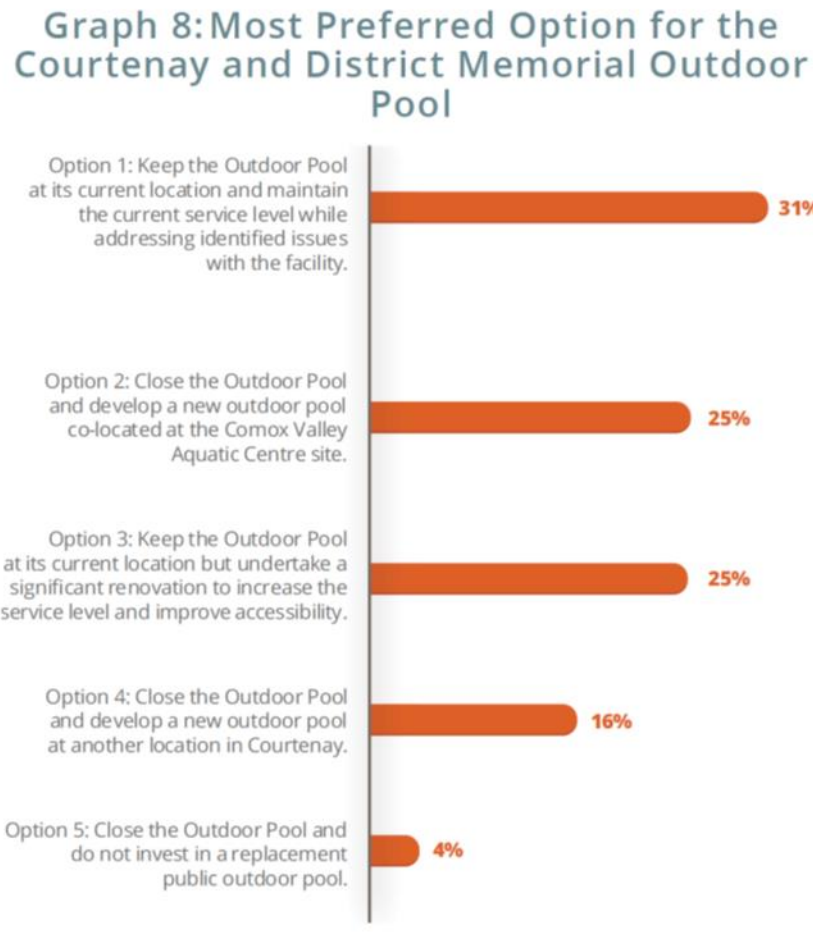


Results demonstrate that the preferred option is to maintain the Outdoor Pool at its current location and maintain the current service level while addressing identified issues with the facility, with the next most supported option being a significant renewal of the outdoor pool at its current location. These two

preferences are also strongly supported by those who did not visit the pool in 2022 or 2023. 89% of respondents opposed or strongly opposed the permanent closure of the outdoor pool.

Respondents were then asked to indicate their most preferred option, only being able to select one of the options for the future of the Outdoor Pool. The results are shown in Table 4:

Table 4: Graph 8: Most Preferred Option for the Outdoor Pool



Results align with the ranking of options described above, with the most preferred option being the maintenance of the pool at its current location. This preference is closely followed by redeveloping the pool on site or redeveloping at the Comox Valley Aquatic Centre, followed by looking for opportunities for relocating it to another location. Only 4% of respondents indicated their preferred option was the permanent closure of the outdoor pool.

Responses were almost split in regards to where the outdoor pool should be located. Over half (56%) preferred an option where the outdoor pool remained at its current location (Option 1 – 31% and Option 3- 25%) while 41% supported the closure of the outdoor pool and development of a new pool at another location (Option 2 – 25% and Option 4 -16%).

Survey Results – Conclusions

Both the Aquatic Needs Strategy and the Outdoor Pool Public engagement have clearly and consistently demonstrated that the Courtenay and District Memorial Outdoor Pool is a valued community asset, even by those residents who do not use its programs and services. It is clear from the public's response that there is strong support for outdoor aquatic services in Courtenay and the Comox Valley, and strong support for the continued provision of an outdoor pool. Over half of respondents to the Outdoor Pool engagement prefer the pool to remain at its current location, with the remaining half been split on relocating it to the Comox Valley Aquatic Centre or another location in Courtenay.

When the results of the preferred options are considered alongside the other survey responses and comments, as well as the community engagement results of the Aquatics Need Strategy, the following themes emerge regarding the future of the Outdoor Pool:

- It is a highly valued community asset that serves a wide demographic of individuals but requires improvements to meet today's needs:
 - Improved facility accessibility including change rooms and access to the pool
 - Improved amenities to enhance the experience, especially to increase leisure experiences
 - A need to address the feedback that the pool is too congested or busy for some and thus they choose not to use it
- The current location is centrally located and any relocation decisions should take into consideration the following:
 - Geographic distribution of aquatic services in Courtenay and the Comox Valley, with concerns raised over locating all services at one location (i.e. the Aquatic Centre)
 - Accessibility and parking, with consistent themes around transit access, sufficient parking, and ease of accessing by active transportation (i.e. walking or rolling), especially for children and youth
- Questions and concerns about the level of investment required, especially in light of its current location in the flood plain
 - Individuals indicated that their main reason for selecting option 1 as their preferred option was due to its lower cost implications

When asked to prioritize the factors that they think the City should consider in prioritizing investment in one facility or amenity over another, respondents indicated that community benefit was the most important criteria, followed by demand from residents and then overall costs of either maintaining or operating the asset.

Outdoor Pool Next Steps

With the completion of the Comox Valley Aquatics Needs Strategy and the Outdoor Aquatics public engagement, staff will incorporate the recommendations, feedback, and results into recommendations for Council's consideration regarding the future of the Courtenay and District Memorial Outdoor Pool. This information will be considered alongside the results of recently completed condition assessments to provide options for Council's consideration regarding continued investment into the outdoor pool. Following Council's direction, staff will engage with the Comox Valley Regional District regarding financial considerations for the CVRD Recreation Grant Service as well as any impacts and considerations on service levels at CVRD aquatic facilities if applicable.

Report Back on Free Public Admission Pilot at the Outdoor Pool

The Courtenay and District Memorial Outdoor pool offers unique benefits to residents, in addition to the community and social value it offers as an informal and low barrier gathering place. At the July 23, 2023 Council Meeting, staff recommended that Council consider the proposal to provide free public admission for the remainder of the outdoor pool 2023 season to encourage increased use, enhance access to low barrier recreational activities, and provide additional options for respite from the summer heat. Following Council’s direction, a free public admission pilot was offered at the Courtenay and District Outdoor Pool from August 8, 2023 until the end of the season on September 1, 2023.

Table 5 provides a summary of pool attendance in July versus August, 2023, comparing usage during regular admission fees in July and free public admission in August. Overall, there was an increase in users to the outdoor pool during the following scheduled program times: Lunch Lengths, Open Swim and Evening Lengths. Please note that admissions during the pilot were manually tracked versus those in July which are tracked through the Recreation registration software system or point of sale system and as such may not fully capture all actual visits or admissions.

Table 5: Public Admissions

Program	July 2023	August 2023
Early Bird Lengths	237	195
Lunch Lengths	315	334
Adapted Swim	165	143
Open Swim	3,252	3,888
Evening Lengths	68	71
Family Swim	72	40
Totals	4,109	4,671

Samples of public feedback from the free admission pilot was as follows:

“This is brilliant! I am one of those people who thinks all recreational facilities should be free. The people who need it the most can’t afford to pay for multiple uses. Thank you for doing this.”

“What a great group of people working at the outdoor pool!”

Anecdotal feedback also includes observations that the public accessed the outdoor pool at different times of day, including increased attendance in later hours of public swim sessions – likely due to cost no longer being a factor in attending the pool for shorter periods of time.

Table 6 Financial impacts of Free Admission Pilot

Outdoor Pool Annual Budget				
Revenue	2022 Budget	2022 Actual	2023 Budget	2023 Actual
				YTD (Unaudited)
Public Swimming	\$ 35,000	\$ 65,795	\$ 31,000	\$ 25,064
Lessons	\$ 30,000	\$ 15,296	\$ 49,000	\$ 52,952
Misc. Revenue	\$ 500		\$ 500	
Pool Rental	\$ 11,000	\$ 11,873	\$ 12,000	\$ 13,387
CVRD Operating Grant	\$ 96,700	\$ 96,700	\$ 101,500	\$ 101,500
Total Revenue	\$ 173,200	\$ 189,664	\$ 194,000	\$ 192,902

As summarized in Table 6, the financial impact of the free public admission pilot was approximately \$6,000 in reduced revenues for public swimming than budgeted for 2023.² No additional expenses were incurred as a result of the pilot.

The Courtenay and District Memorial Outdoor Pool continues to see increased participation and usage since its reopening in 2021 following its COVID-19 related closure in 2019. Along with the public feedback described above and the results of the free admission pilot program, it is clear that this is a valued community asset that provides access to critical life skills that contributed to drowning prevention, enjoyable and safe summer leisure opportunities, and serves diverse demographics within the community.

With the Courtenay and District Memorial Outdoor Pool entering its 75th year of operation in 2024, it is staff’s recommendation that the free public admission pilot be extended to include the entire season in 2024 in celebration of this incredible community asset and its services. It is expected that the projected revenue reduction of free public admission for the 2024 season would be approximately \$31,000. If supported by Council, staff would incorporate the financial impacts into the 2024 Financial Plan for Council’s consideration.

POLICY ANALYSIS:

Parks and Recreation Masterplan, 2019

Recommendation 4.1.3: Plan for the short-term operation and long-term replacement of the outdoor pool with a communications and engagement process.

- Provide information to the community regarding the age and condition of the outdoor pool, the challenges of the location, and the maintenance and capital improvement costs.
- Undertake a feasibility study for replacing the outdoor pool activities
- Consult with the community regarding the options identified in the feasibility study

Official Community Plan, 2022

- Parks and Recreation Policy (PR3): Ensure appropriate and sufficient parklands, play spaces, and recreation infrastructure are provided as a form of essential social and ecological infrastructure to meet the needs of the community and accommodate growth.

² Note: the above financial summary is an excerpt from the year to date unaudited financial statements and may be subject to year-end adjustments.

- Parks and Recreation Policy (PR 13): Maintain and invest in Lewis Recreation, Lewis and Sims Parks as centralized, high –intensity regional recreation destinations intended to serve the indoor and outdoor creation needs of the community
- Parks and Recreation Policy (PR14): Continue to review plans for expansion or renovation of existing recreational facilities in accordance with the Parks and Recreation master plan and particularly within the Town and Neighbourhood Centres and Corridors.

FINANCIAL IMPLICATIONS:

The Aquatic Service Strategy project budget was in the 2023 Capital Budget with the City’s portion of the strategy funded through the CVRD Recreation Commission Grant Function. The Courtenay and District Memorial Pool community engagement carried out this past summer was funded through the 2023 Operating Budget.

The expected projected revenue reduction of free public admission for the 2024 season would be \$31,000

ADMINISTRATIVE IMPLICATIONS:

This project is a strategic priority for Recreation, Culture, and Community Services and has been identified in staff members' annual work plans. Involvement from other City departments is required as draft recommendations and implementation strategies are developed with the condition assessment of the outdoor pool being led by Engineering Services.

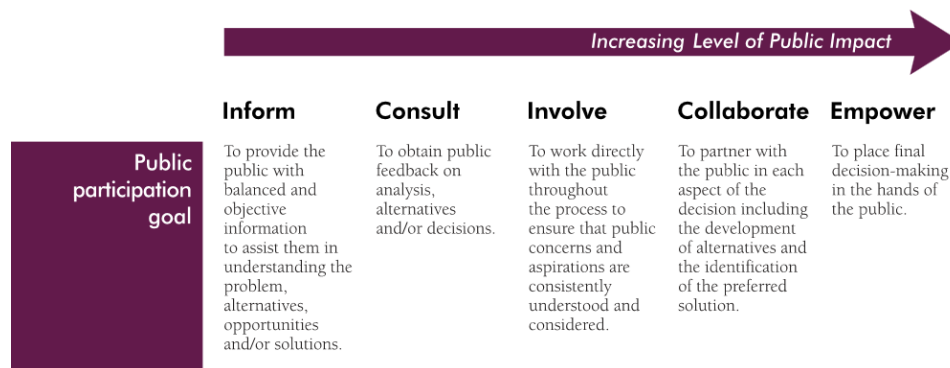
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Parks and Recreation - Complete recreation facilities need assessments and capital improvements: Florence Filberg Centre, Courtenay & District Memorial Outdoor Pool, Lewis Centre

PUBLIC ENGAGEMENT:

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



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OPTIONS:

1. THAT the Courtenay and District Memorial Outdoor Pool What We Heard Report (Attachment 1) and the Comox Valley Aquatic Services Strategy (Attachment 2) be received for information to form the final Comox Valley Aquatic Services Strategy for Courtenay; and
2. THAT Council direct staff to include free public admission for the Outdoor Pool's 75th year in the 2024 Financial Plan.
3. THAT the Courtenay and District Memorial Outdoor Pool What We Heard Report (Attachment 1) and the Comox Valley Aquatic Services Strategy (Attachment 2) be received for information to form the final Comox Valley Aquatic Services Strategy for Courtenay.
4. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. Courtenay and District Memorial Pool What We Heard Report
2. Comox Valley Aquatic Services Strategy
3. Outdoor Pool Options: Interactive Story Board Map Summary and Facility Options

Prepared by: Joy Chan, Manager of Business Administration, Recreation, Culture and Community Services

Reviewed by: Susie Saunders, Director of Recreation, Culture and Community Services

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



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 5335-20

From: Director of Engineering Services

Date: January 24, 2024

Subject: Courtenay and District Memorial Outdoor Pool - Condition Assessments and Options Analysis

PURPOSE:

The purpose of this report is to provide council with an update on the Courtenay and District Memorial Outdoor Pool condition assessments and request direction for staff to commence with all operationally necessary repairs to the pool for the 2024 season as well as begin procurement for an Options Analysis for the future of the pool in its current location.

BACKGROUND:

The Courtenay and District Memorial Outdoor Pool is one of the oldest pools of its kind in British Columbia and has played a significant role in the community since July 1st, 1949. The original 25 meter pool is made of cast-in-place walls and slabs. The pool has had several upgrades throughout the years including the addition of the wading pool in 1959 and change rooms and multipurpose area in 1979.

Owned, maintained, and operated by the City, the Courtenay and District Memorial Outdoor Pool is turning 75 years old this year. It is nearing the end of its useful life and requires capital investment in the form of repair, renovation, or redevelopment in order to continue operating and serving the Comox Valley into the future.

In partnership with the Comox Valley Regional District (CVRD) an Aquatic Needs Strategy was completed in 2023 to provide a 25-year vision and ten (10) year implementation plan for the future of indoor and outdoor aquatics in the Comox Valley. The Aquatic Needs Strategy identified the outdoor pool as an important community asset that should be maintained both from an aquatic services and community amenity perspective.

Based on the findings and recommendations of the Aquatic Strategy, the City undertook a public engagement to assess the public's response to the facility options put forward for the future of the outdoor pool by the Aquatic Needs Strategy. As per the Courtenay and District Memorial Outdoor Pool *What We Heard Report*, results demonstrated that the preferred option is to maintain the Outdoor Pool at its current location and maintain the current service level while addressing identified issues with the facility, with the next most supported option being a significant renewal of the outdoor pool at its current location. Only 4% of respondents indicated their preferred option was the permanent closure of the outdoor pool.

Both the Aquatic Needs Strategy and the Outdoor Pool public engagement have clearly and consistently demonstrated that the Courtenay and District Memorial Outdoor Pool is a valued community asset, even by those residents who do not use its programs and services. It is clear from the public's response that

there is strong support for outdoor aquatic services in Courtenay and the Comox Valley, and strong support for the continued provision of an outdoor pool, with the preference being to maintain it at its current location either through repair, renovation, or construction of a new pool.

DISCUSSION:

Based on the age and condition of the facility, initial facility condition assessments were completed for the Courtenay and District Memorial Outdoor Pool beginning in 2014 to identify immediate, short, medium, and long term capital investments required for the continued operation of the outdoor pool.

Since 2017, the following capital work has been completed:

- New boiler and boiler room (2017)
- Change Room Interior walls and flooring (2018)
- Chemical storage and safety improvements
- Safety items (main drain)
- Annual maintenance (basic maintenance, deck crack repairs, and painting)
- Recirculation Pump Replacement (2023)

While initial immediate (regulatory) and some short term capital upgrades were completed, all medium and long term recommendations were delayed until such time as the Aquatic Needs Strategy and Outdoor Pool public engagement were complete. The rationale being that the future of the outdoor pool, including future capital investments would be guided by a sound Aquatic Needs Strategy. Therefore, through effective repairs and mitigation measures, the outdoor pool has remained in operation since 2018, except for the 2020 COVID-19 related closure.

Leading up to the 2023 pool season however, it was identified through further facility condition assessments, that additional repairs and improvements were required as a result of the ageing facility and systems. In addition, a water loss analysis was completed to identify the source(s) of water loss which staff had identified over and above typical water loss due to usage and evaporation; this work resulted in a delay in the opening of the pool for the 2023 operating season. Environmental and Public Health regulators were advised of the leakage, with a commitment to report back on outcomes and findings. As a result, the regulator has requested that the City develop a remediation plan to address the leaks and report back within one to two years.

The 2023 operating season saw several other unplanned or temporary closures of the pool due to equipment breakdowns or operational failures, including the requirement to replace a failed recirculation pump. Due to the age of the pool and its infrastructure, unplanned repairs and subsequent service disruptions will continue to emerge in the coming years until such time as an investment is made into the renewal of ageing assets and associated appurtenances or the pool is upgraded or redeveloped.

Condition Assessment

Throughout the second half of 2023, a series of condition assessments was completed to determine the current condition of the pool and its systems (mechanical, structural, and electrical), and in order to prioritize any immediate operational repairs and any significant repairs that may be required in the near future.

As a result of the age of the outdoor pool, it is also imperative that work be completed to assess the pool's systems and update required documentation as set out by the Province in its pool design guidelines. It's expected that this investigation will form the basis of any urgent work in 2024.

While the condition assessments outline a number of immediate, short, medium, and long term recommended facility repairs, many of the identified items are typical of a facility of this age, especially a facility that is subject to the outdoor elements year-round, including freeze/thaw cycles, and a high groundwater table.

Mechanical – Main Pool

The mechanical condition assessment was undertaken by two separate firms throughout 2023. Belzona Molecular provided leak investigation services as well as testing of the pool's recirculation systems. AME Group reviewed and assessed the pools mechanical systems such as water supply piping, pumps, and drainage piping among other systems.

Through leak detection assessments and inspections, it was identified that the main pool is losing a significant volume in any one given day. Over the operating season the pool is experiencing an approximate loss or unexplained loss of twenty-two (22%) percent per day. Through a series of leak detection tests, water loss was observed at pool basin cracks and expansion joints, as well as within the pressurized recirculation piping. A leak that was discovered at the main drain valve was repaired through the full replacement of the valve assembly.

AME completed a health code review in relation to the pool's mechanical system. The assessment suggested that the City explore a list of upgrades as a priority to enhance the safety features of the pool. These include reviewing the pool and wading pools' single main drains, anti-entrapment systems, and chemical storage practices.

Mechanical - Wading Pool

During a water usage audit and site review, it was observed that the wading pool was losing a significant amount of water each day through a concrete drain sump that has been compromised and requires repair. Additional work is required to confirm the wading pool is meeting its turnover rates as required by the BC Pool Design Guidelines.

Structural

Thurber Engineering completed a review of the outdoor pool's concrete structure and coating. Thurber's findings include delamination of concrete, degradation of the joint filler material, significant pool paint coating build up, and blistering of the coating and interlaminar debondment of the coating system. Addressing these items would also address some of the findings of the water loss assessment.

Electrical

The electrical equipment within the facilities are operational and have been maintained throughout the operating life. It is not known but assumed that many of the electrical systems currently in place do not meet current electrical code which is typical of a building of this age. Electrical consultants who carried out the condition assessment indicated that the system would likely not be required to be brought up to current code as long as it is being maintained.

Options

The Comox Valley Aquatic Needs Strategy and Courtenay and Outdoor Memorial Pool What We Heard Report outlined five (5) options for the future of the outdoor pool facility, summarized in Table 1: Outdoor Pool Facility Options. Further detail is available in the Aquatic Needs Strategy and the outdoor pool What We Heard Report.

Table 1: Outdoor Pool Facility Options

Outdoor Pool Facility Option	Location	Capital Budget Estimate
Option 1: Status Quo	At existing site: Lewis Park	\$1 Million plus cost for repair and leak remediation (TBD)
Option 2: New outdoor pool at existing indoor aquatic facility site.	Co-located at the CV Aquatic Centre	\$12 Million
Option 3: New outdoor pool	At existing site: Lewis Park	\$18.2 million for replacement
Option 4: New outdoor pool at new site	To be determined	\$16.6 million (does not include land cost)
Option 5: Closure of outdoor pool without replacement or relocation	N/A	\$1 million for decommissioning (pending further study to confirm cost).

As per the Courtenay and Outdoor Memorial Pool What We Heard Report, the public preference is for the pool to be maintained at its current location, either through repair or redevelopment. Preferences for the relocation of the pool to another location (Comox Valley Aquatic Centre or alternative unidentified location) were generally even split, and only four percent (4%) supported the permanent closure of the pool.

Consideration of Options for relocation or permanent closure

Based on the Aquatic Needs Strategy which identifies the Courtenay and District Memorial Outdoor Pool as a valued community asset, in addition to feedback highlighting its central location, social impact, and significant usage, staff are recommending that Council approve proceeding with an option analysis for the future of the pool at its current location.

The public has clearly indicated that it does not support the permanent closure of the outdoor pool; with the Comox Valley Aquatics Strategy also recommending its continued operation. The public has indicated its support for continued investment in the pool either in the form of repair, redevelopment, or relocation.

While approximately 25% of respondents to the outdoor pool public engagement indicate their preferred option is for the pool to be relocated to the Aquatic Centre, this is less than the 56% who support it remaining in its current location. Concerns with relocation also include comments regarding centralizing aquatic services in one area of the City and region, as well as the social value of a stand-alone outdoor pool centralised in the City. In addition, if the City was to proceed with this option, considerable capital repair and maintenance work would still be required at the Outdoor Pool if the direction was to ensure its continued operation until such time as the outdoor pool could be relocated. Based on the Comox Valley Recreation Commission strategic plan for redevelopment of the Comox Valley Aquatic Centre this would be a minimum of five to seven years. The Options Analysis will include consideration of repairs required for the ongoing operation of the pool in its current form and location, and could inform the capital repairs required for operation over the next five to seven years should Council wish to explore the option of relocation to the Aquatic Centre.

While relocation to another, unidentified location, was included in the facility options and was supported by 16% of respondents, without an identified property for relocation this is not an option that can be assessed for feasibility at this time. As for relocation to the Aquatic Centre, this option would also require capital investment in the outdoor pool until such time as a new pool is built at a new location if the direction is to maintain the outdoor pool's operation in the meantime.

Based on the above, as well as the Aquatic Needs Strategy findings and outdoor pool public engagement results, staff recommend an options analysis for the current location, however the alternative options could be included in the scope of work, with an associated increase in estimated project budget, if directed by Council.

Next Steps

Staff are recommending an initial three-year strategy for capital investment and facility planning for the outdoor pool. These recommendations have been developed based on the Aquatic Needs Strategy, findings from the outdoor pool public engagement as outlined in the What We Heard Report, and the recently updated condition assessments. The recommendations align with community preference for the outdoor pool to remain on site while also acknowledging that further options and feasibility analysis must be completed to understand the repair, capital improvement, and redevelopment implications and considerations for this location.

The proposed three year plan as outlined below addresses immediate operational repairs as well as provides decision points at the end of each phase for Council discussion and further direction as the scope is refined.

Proposed Immediate Actions – 2024

1. Begin immediate work on routine and planned maintenance required for operation (i.e. cracks, VIHA requirements, sand filter medium replacement, etc.)
2. Begin required repairs as a result of the Condition Assessments:
 - a) Continue investigations to update pool operations documentation (required)
 - b) Complete needed mechanical and safety work (scope to be confirmed)
3. Conduct Outdoor Pool Options Analysis to study the future of the memorial pool at its current location. This study will identify options and associated costs and lifecycles for 3 options:
 - a) Repairs
 - b) Renovations (Capital Upgrades)
 - c) Redevelopment (construction of a new pool)

Staff are recommending that all upgrades (estimated to cost approximately \$75,000) related to health and safety and core operational functionality commence in early 2024, to ensure the pool is operational for the 2024 summer season. Initiating this work as quickly as possible is critical as the work could impact the planned opening schedule of the pool in 2024.

Proposed Short Term Plans - 2025

If an options analysis for the current location is approved by Council, as the conclusion of the analysis, a recommendation will be presented to Council to approve the direction for the facility. Once direction is confirmed by Council, staff would initiate detailed design.

Staff will also report back to regulators to seek review and approval for the leak remediation plans.

As noted above, many of the systems are at the end of their service life. Even with the repairs that are planned for 2024, regular operations are at continued risk for unplanned repairs and shutdowns.

Proposed Long Term Plans – 2026 and beyond

If Council proceeds with detailed design following the proposed Options Analysis, at the conclusion of the design work, a recommendation will be presented to Council to approve the direction for the facility. If direction to proceed is provided, a closure of the facility would be planned for as early as 2026 to allow for the planned construction.

POLICY ANALYSIS:

The OCP sets out the following policies:

- LU 16 Prioritize infrastructure investment using a multiple bottom line decision-making approach based generally on the following parameters and priorities:
 - a. High-growth areas;
 - b. Public health and safety;

- c. Environmental responsibility;
 - d. Regulatory need;
 - e. Asset management principles;
 - f. Economic efficiencies and impact, such as partnerships, project coordination, and economic spinoffs
- PR3: Ensure appropriate and sufficient parklands, play spaces, and recreation infrastructure are provided as a form of essential social and ecological infrastructure to meet the needs of the community and accommodate growth.
 - PR 13: Maintain and invest in Lewis Recreation, Lewis and Sims Parks as centralized, high –intensity regional recreation destinations intended to serve the indoor and outdoor creation needs of the community
 - PR14: Continue to review plans for expansion or renovation of existing recreational facilities in accordance with the Parks and Recreation master plan and particularly within the Town and Neighbourhood Centres and Corridors.

Parks and Recreation Master Plan Recommendation 4.1.3: Plan for the short-term operation and long-term replacement of the outdoor pool with a communications and engagement process.

- Provide information to the community regarding the age and condition of the outdoor pool, the challenges of the location, and the maintenance and capital improvement costs.
- Undertake a feasibility study for replacing the outdoor pool activities
- Consult with the community regarding the options identified in the feasibility study

FINANCIAL IMPLICATIONS:

Costs for the above mentioned works are estimated as per below:

Phasing	Item	Year	Estimated Cost	Note
Immediate Action	Required Repairs	2024	\$75,000	
Immediate Action	Options Analysis	2024	\$125,000	
Short Term	Detailed Design	2025	\$250,000	Dependent on Option Chosen
Long Term	Construction	2026 or later	\$1M - \$18M	Dependent on Option Chosen

In the interest of time and financial transparency, staff have submitted a preliminary financial request to the Comox Valley Regional District Recreation Grant Service for the costs associated with immediate operational repairs (\$75,000) and the Options Analysis (\$125,000), in addition to our annual capital maintenance grant request. This request will be modified as required based on Council’s decision. If funding is not supported through the CVRD Recreation Grant Service staff will return to Council with alternative funding recommendations.

ADMINISTRATIVE IMPLICATIONS:

Planning for the future of the Courtenay and District Memorial Outdoor Pool is a strategic priority and incorporated into the work plans of Engineering Services and Recreation, Culture, and Community Services. Engineering Services will lead the Options Analysis and necessary repairs, and will work with Public Works Services to complete the annual maintenance in advance of the 2024 operating season. Consultants with technical knowledge specific to this work will be utilized as required.

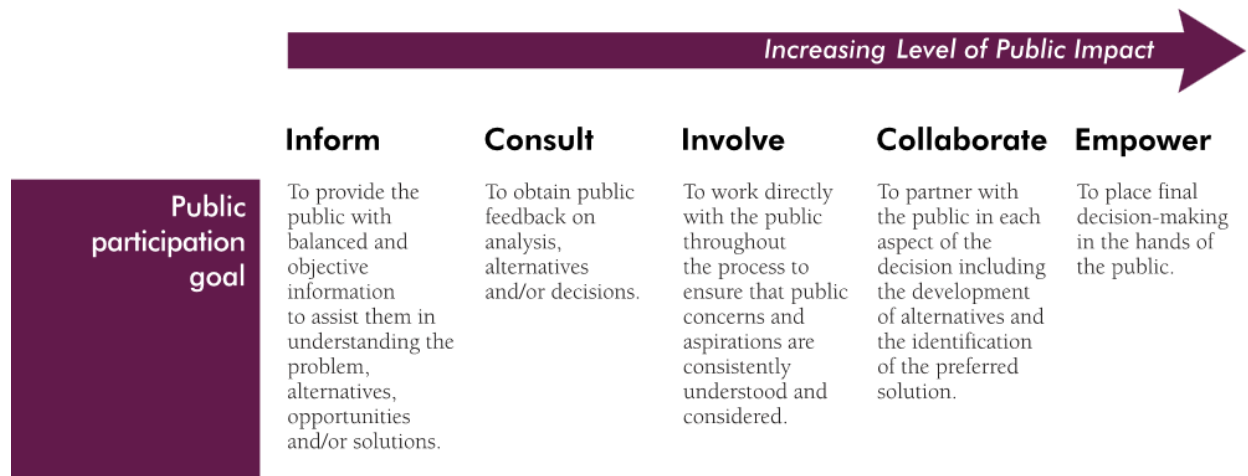
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priority:

- Parks and Recreation - Complete recreation facilities need assessments and capital improvements: Florence Filberg Centre, Courtenay & District Memorial Outdoor Pool, Lewis Centre

PUBLIC ENGAGEMENT:

Based on the IAP2 spectrum, the City would inform the public of the proposed works in 2024 as needed.



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OPTIONS: To be read as separate resolutions

1. THAT based on the January 24, 2024 report “Courtenay and District Memorial Outdoor Pool - Condition Assessments and Options Analysis”, Council direct staff to proceed with procurement to start immediate repairs for the Courtenay Memorial Pool; and
 2. THAT Council direct staff to proceed with procurement for an Options Analysis for the future of the pool at its current location.
2. THAT Council provide alternative direction to staff.

Prepared by: Adam Pitcher, ASCT, PMP, Manager of Engineering, Capital Projects

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

Susie Saunders, Director of Recreation, Culture, and Community Services

Adam Langenmaier, Director of Financial Services

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

ATTACHMENTS:

1. PRESENTATION - Courtenay and District Memorial Outdoor Pool - Condition Assessments and Options Analysis

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City of
Courtenay

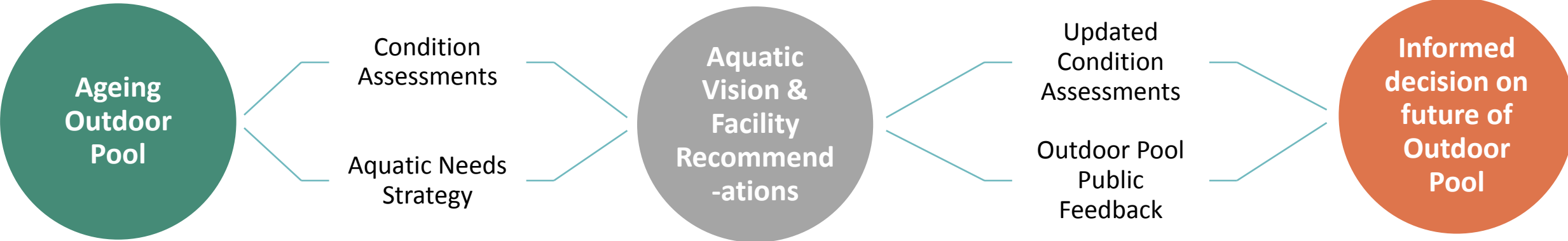
Courtenay Outdoor Pool

Presented by:
Chris Davidson



Overview

Future of the Outdoor Pool



Background

History

- Outdoor pool is one of oldest pools of its kind in B.C., opened July 1, 1949
- The original 25m pool is made of cast-in-place walls and slab.
- Wading pool was added in 1959
- Change rooms and multipurpose area added in 1979
- Operation of the pool moved from Courtenay Recreational Association to City of Courtenay in 1996



Background

Strategic Direction

- **Parks and Recreation Master Plan (2019)** recommendations:
 - Explore opportunities for replacing the services of the outdoor pool either through replacement or relocation
 - Complete a feasibility study involving community and stakeholder consultation to determine options.

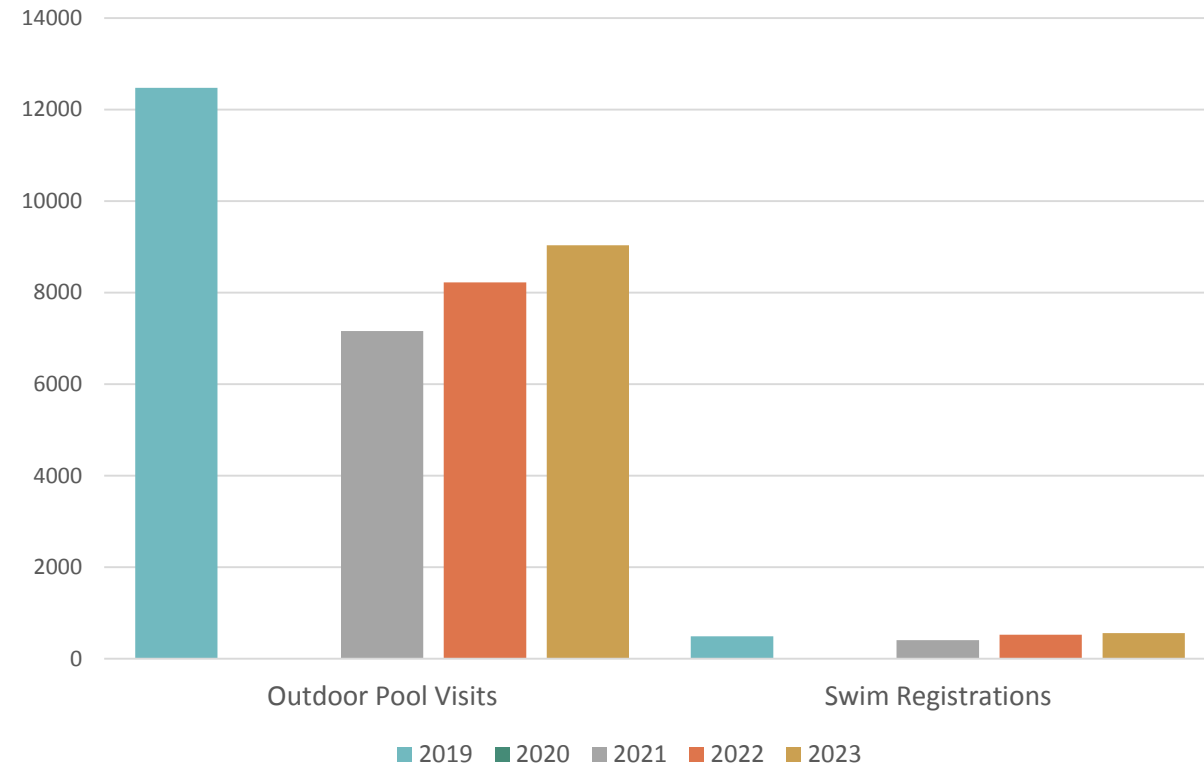


Outdoor Pool Operations

Outdoor Pool Usage

- Steadily recovering from COVID-19, with approximately 10,000 visits per season, plus additional ~600 program registrations
- 64 rentals in 2023 for a total of 81.5 hours; including 30 school bookings
- Blue Devils Swim Club (since 1948) with over 200 hours per season, including one swim meet

Outdoor Pool Visits & Registrations 2019-2023



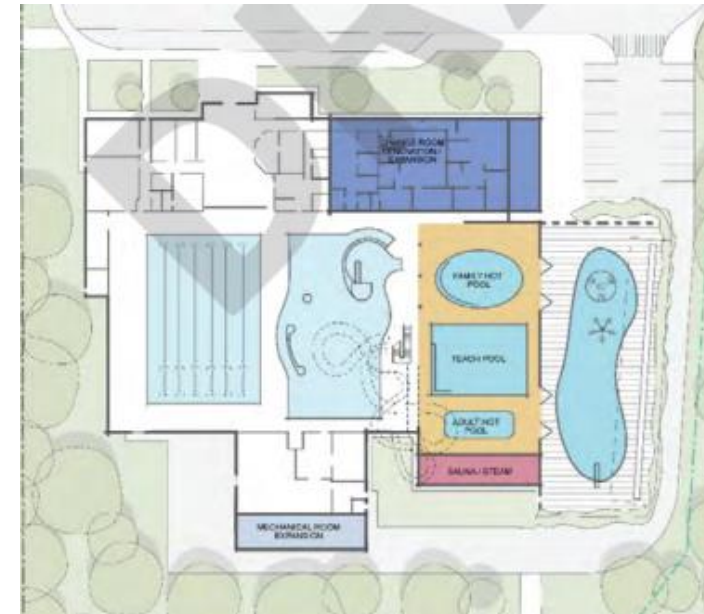
Aquatic Needs Strategy

Strategic Objectives

- 1) High quality aquatic facilities that are adaptable and responsive to community need.
- 2) Provide accessible, affordable and inclusive facilities and services.
- 3) Facilities and services are well planned, maintained and managed.

Aquatic Strategy Recommended Facility Option:

- Consolidation of indoor and outdoor aquatics at Aquatic Centre



Aquatic Needs Strategy

CVRD Recreation Commission Strategic Plan:

- Incorporate Sport Centre aquatic amenities and programming into the Aquatic Centre:
 - Distinct focus on wellness
 - Addition of 25 metre pool (extension or new pool)
 - Closure of aquatic facilities at Sport Centre
- Medium Term (5 to 7 years; 2027 to 2029)
 - Allows time for Courtenay to make decisions around outdoor pool



Courtenay Outdoor Pool Engagement

Future of Outdoor Pool Preferred Options

Option 1: Keep the Outdoor Pool at its current location and maintain the current service level while addressing identified issues with the facility.

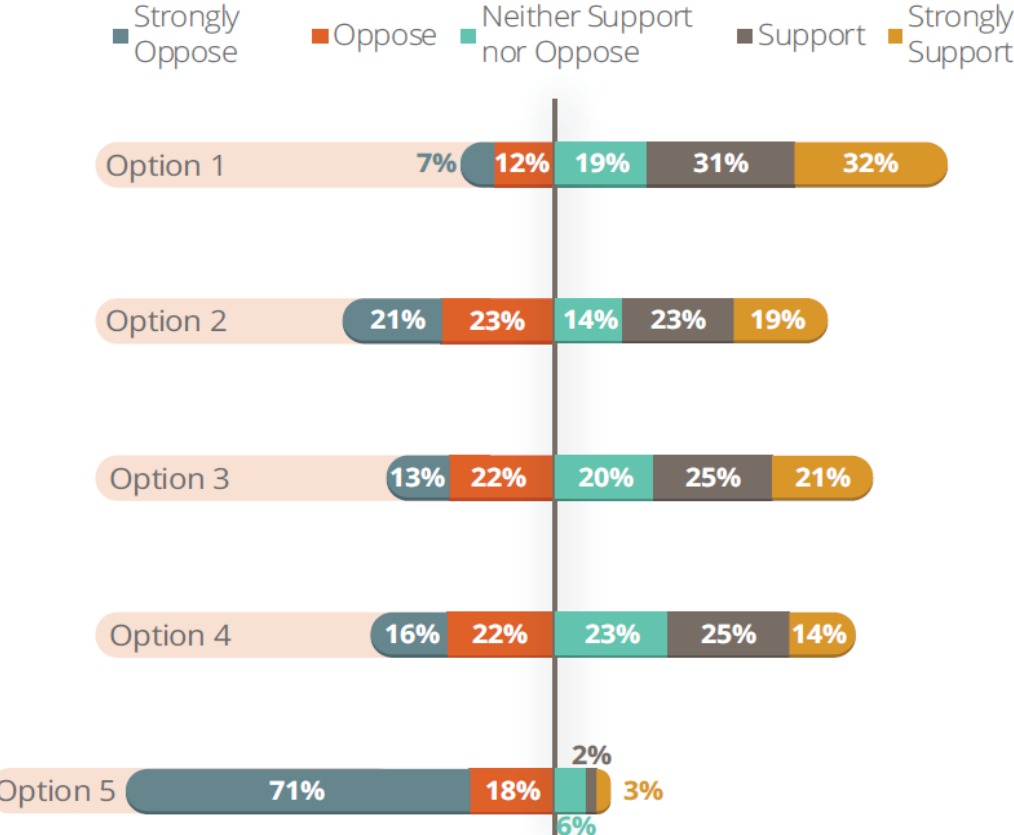
Option 3: Keep the Outdoor Pool at its current location but undertake a significant renovation to increase the service level and improve accessibility.

Option 5: Close the Outdoor Pool and do not invest in a replacement public outdoor pool.

Option 2: Close the Outdoor Pool and develop a new outdoor pool co-located at the Comox Valley Aquatic Centre site.

Option 4: Close the Outdoor Pool and develop a new outdoor pool at another location in Courtenay.

Graph 7: Support for Options for the Courtenay and District Memorial Outdoor Pool



Condition Assessments

- Following operational review, leak detection and condition assessments have been ongoing for the Memorial Outdoor Pool.
- Leak detection of both the lap pool, and the wading pool.
- Condition assessments of the pool and its systems (mechanical, structural, electrical, and coating)



Leak Detection

- Leak detection has been conducted throughout 2023, confirming the pool is leaking significant volume every day - 18 refills per season.
 - Leak detection has identified the recirculation piping, expansion joints, and cracks in the basin as major sources.
 - Remediation costs for this are estimated to be up to \$1M (tentatively planned for 2026), which may include some mechanical works as well.
- Wading pool sump is draining directly into ground/river and this will be addressed through remediation options.
- Environmental regulators were informed of the leaks in early 2023, with a promise to report back on remediation plans within the next 1-2 years.

Condition Assessments

- Condition assessments have been conducted on Structural, Electrical, Mechanical, and Pool Coating.
- Repairs to main drain valve and other components were undertaken before the 2023 season.
- All disciplines report that all systems are at or near the end of their service life.
- Still reviewing mechanical and safety findings, to determine potential impacts to operations.
- Some work may be needed to facilitate 2024 operation.

Immediate Actions - 2024

Address repairs required for regular operations

Routine & Planned Maintenance \$150,000*

- Routine repairs required for operation (i.e. cracks, VIHA requirements, etc.)
- Sand filter medium replacement (not an annual requirement)

Required Repairs as a result of Condition Assessments – up to \$75,000*

- Continue investigations to update pool operations documentation
- Complete needed mechanical and safety work (scope to be confirmed)
- Note: there will still be continued risks of emergent/unplanned repairs and shutdowns

Recommendation – Outdoor Pool Options Analysis - Estimated cost \$125,000*

- Conduct options analysis for future of the memorial pool at current location
- This will identify costs and lifecycles for new vs. renewal of existing.

** \$350,000 requested from CVRD Recreation Grant Service*

Short Term Plans - 2025

Detailed Design for Future of Pool

Recommendation: Detailed Construction Design - Estimated cost \$250K

- Initiate Detailed Design of selected facility option (based on options Analysis)
- Advance findings from Options Analysis and Condition Assessments
- Report back to environmental regulators on plans for leak remediation.

Complete any further needed works to support on-going operation.

- Regular Operations with continued risks of emergent/unplanned repairs and shutdowns.

Long Term Plans – 2026 and beyond

Temporary Closure for Repair, Renovation, or Redevelopment

Recommendation: Temporary Closure to complete repairs, renovation, or redevelopment as determined by Options Analysis

- Estimated budgets range from:
 - \$1M for repairs (condition assessment recommendations and leaks)
 - \$18M for completely new pool at current location



Questions?





The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 7320-20

From: Kurt MacDonald, Fire Chief

Date: January 24, 2024

Subject: BC's Emergency Management Legislation: Regulations for Local Authorities Discussion Paper Feedback

PURPOSE:

The new Emergency and Disaster Management Act (EDMA) replaces the old Emergency Program Act and brings comprehensive changes, including updated regulations. The purpose of this report is to highlight some of the key changes as well to submit feedback with respect to the Provincial Regulations for Local Authorities' discussion paper (Appendix A).

EXECUTIVE SUMMARY:

The new Emergency and Disaster Management Act (EDMA) received royal assent on November 8th, 2023, and is now in effect. The legislation includes new and enhanced responsibilities for local governments. As part of its work to develop new local authority regulations, the Ministry of Emergency Management and Climate Readiness (EMCR) published a discussion paper and a series of questions for local authorities to consider. The feedback to these questions is due by January 31st, 2024.

A summarized response to EMCR's Regulations for Local Authorities discussion paper (Appendix B) has been prepared collaboratively by Comox Valley Emergency Management working group made up of bylaw service members and partners, including the

- City of Courtenay, Town of Comox, Village of Cumberland,
- K'ómoks First Nation,
- Mutual aid partners at the City of Campbell River, Island Health, and Health Emergency Management

A draft summary of the compiled responses was prepared by CVRD Emergency Management (EM) staff, reviewed by CV EM Liaisons, and presented to all CAOs on December 7, 2023 at CV EM Admin committee meeting.

The working groups summary response to the 'Regulations for Local Authorities' discussion paper will be submitted to the Ministry of Emergency Management Climate Readiness.

BACKGROUND:

The new Emergency and Disaster Management Act (EDMA) now includes all four phases of emergency management – preparedness, mitigation, response and recovery, whereas the former Emergency Program Act only focused on emergency response. Key changes for local authorities in the proposed legislation that require further details through regulations include:

- The framework for multi-jurisdictional emergency management organizations

BC's Emergency Management Legislation: Regulations for Local Authorities Discussion Paper Feedback

- Clear emergency planning requirements that support equity, the inclusion of Indigenous and local knowledge, and reflect climate driven emergencies
- Requirements to consult and cooperate with Indigenous governing bodies

In order to inform the new proposed regulations for EDMA, Comox Valley Emergency Management service members and mutual aid partners have collaborated to provide feedback on the fourteen questions posed by Minister of Emergency Management & Climate Readiness in the "Regulations for Local Authorities" discussion paper.

The new legislation is consistent with the B.C. Declaration on the Rights of Indigenous Peoples (DRIPA) and is grounded in the United Nations Sendai Framework for Disaster Risk Reduction (Sendai Framework). Key changes to the Emergency Management Legislation include the following:

Consultation, Collaboration, and Cooperation

EDMA presents new legal requirements for consultation and cooperation with Indigenous Governing Bodies (IGB). IGBs are, as defined in DRIPA, an entity that is authorized to act on behalf of Indigenous Peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982.

New responsibilities for local governments include incorporating traditional Indigenous knowledge into comprehensive risk assessments and consultation on all facets of our Emergency Management Planning and use of powers during declared states of emergency or recovery. EDMA also aims to promote cultural safety in emergency management practices, recognize the inherent right of self-government of Indigenous Peoples, and recognize the importance of Indigenous worldviews (advice, input, and stewardship).

Note that to support this new responsibility, EMCR recently announced the Indigenous Engagement Requirements Funding Program (IERFP),

"The intent of IERFP is to respect the inherent rights of Indigenous Peoples, enhance the emergency management outcomes for the safety of all, provide for policy improvements that reflect lived experience, and address the disproportionate impacts on Indigenous peoples during emergency events. Regulated entities as defined in EDMA are required to engage through emergency management, and local authorities (regional districts and municipalities) are required to consult and cooperate with IGBs through response and recovery.

Local authorities in the Province will each be eligible to receive funding ranging from \$40,000 - \$65,000, under a contribution agreement, recognizing that the number of IGBs that local authorities engage with will vary."

Risk Assessments

EDMA brings new requirements to identify risks and undertake risk mitigation for identified risks. The EDMA requires local governments to comprehensively identify all reasonably foreseeable hazards and assess the risk posed by each hazard and the potential impacts in the event of an emergency.

Business Continuity Plans

Local Governments and owners of Critical Infrastructure will now be required to have business continuity plans that outline how essential services will be delivered during an emergency. This is a new requirement by the Province, and not be managed by local emergency management organizations.

Multi-jurisdictional Emergency Management Organizations

The new Act allows local governments to create or join a Multi-jurisdictional Emergency Management Organization (MJEMO) with other local governments, Indigenous Governing Bodies, and the Province. This new approach is similar to a regional or sub-regional service. Since the responsibilities within the EDMA are extensive, this concept has been established to provide clear authority for entering into service agreements to meet some or all of the newly assigned responsibilities.

In principle, a MJEMO could be established with multiple parties jointly funding a shared set of bylaws, one emergency management plan, one training and exercise plan, one Emergency Support Services and Emergency Radio Communications program, etc.

There are already successful examples of joint or regional emergency management organizations across Canada and the US. In British Columbia, the Comox Valley Emergency Management service is an MJEMO through the regional emergency management service bylaw and through the existing emergency management partnership with K'omoks First Nation. Other local authorities effectively operate as MJEMOs through contracted service models such as Cowichan Valley RD, Capital RD, RD Central Okanagan, RD Okanagan Similkameen, etc. have proven effective in coordinating overall emergency management.

State of Local Emergency Powers

The repealed Act previously made local authorities responsible for the direction and control of their emergency response. During a State of Local Emergency, a local authority had the power to do everything necessary to prevent, respond to, or alleviate the effects of an emergency. However, this language was not carried forward in the EDMA, which shifts us from the former response-centric legislation. What the absence of this might mean still needs to be determined.

Under the old Emergency Program Act (EPA), a declaration of a SOLE enabled local authorities to use eight broadly defined special powers. However, under the EDMA, these eight broad special powers have been replaced with 32 specific powers. Some of these powers are only available to the Minister, Lieutenant Governor in Council, or an Indigenous Governing Body. It is uncertain whether the EDMA expands SOLE power or, more precisely, defines or limits the powers that existed under the EPA.

Local authorities must now consult and cooperate with Indigenous Governing Bodies when using SOLE powers. If it is not possible to consult due to critical time constraints, a report must be submitted to the Minister within 120 days explaining why consultation was not performed. Additionally, the period for a SOLE has increased from seven to 14 days, reducing the frequency at which renewals must be submitted. Finally, the power to declare a SOLE can be delegated by bylaw, presenting an opportunity to streamline the process. Both changes are beneficial.

Expanded Evacuation Supports

EDMA includes requirements that intersectional disadvantage, support for vulnerable populations, and animals (pets and livestock) be included in evacuation planning and evacuee support services. This raises expectations and requirements that may be difficult to meet with current volunteer-driven evacuee support service programs. This will also require EMCR to demonstrate significant improvements to inter-ministerial advance planning, coordination, consultation, collaboration to better understand and effectively support the response and recovery requirements of local authorities and impacted communities.

Local Government Claims Adjudication & Funding Gaps

EDMA includes a new process for claims made against local governments for damages caused during emergency response activities. It also provides new opportunities for local governments to borrow money for emergency response and recovery costs. The implications of these changes are unclear, particularly whether they are part of a larger strategy to shift costs to local authorities.

Compliance and Enforcement

EDMA includes language regarding mandatory compliance and enforcement. It further includes certainty regarding the Minister's powers to ensure compliance and enforcement. In addition, it enables peace officers to have new powers to assist in implementing compliance and enforcement of emergency measures (use of powers under SOLE). Furthermore, penalties issued under this Act for non-compliance may be up to \$1 million. Penalties for decision-makers in corporations who pursue willful non-compliance are up to \$300,000 and imprisonment. A new regulation specific to this topic is to be introduced. CV EM will be seeking to understand the aim and intent when more information becomes available.

DISCUSSION:

Appendix B – CVEM Responses to EMCR Regulations for Local Authorities Discussion Paper provides an overview of the issues that regional discussions related to the legislation have identified. In the application of the legislative requirements, there are significant unknowns related to operational/planning response requirements as well as staffing and capacity challenges related to the response, recovery and documentation required pursuant to the Act.

Although there are concerns regarding these significant unknowns related to the Act, the Emergency Management and Disaster Act (EDMA) presents many positive aspects from the Emergency Program Act (EPA), which it has replaced. The EPA focused on the response phase of emergency management. In contrast, the new EDMA reflects a comprehensive pivot towards disaster risk reduction within Emergency Management legislation while superseding other relevant legislation (real estate, land use planning, building code, critical infrastructure, health, housing, social and transportation).

The Act acknowledges the importance of an all-hazard, whole-of-government and all-of-society approach when integrating climate adaptation considerations to mitigate disaster risk. In general, staff recognize the importance of moving beyond a response-centric statutory framework and striving to foster equitable and safe community development, prepare residents and businesses, and enhance public hazard awareness. The EDMA represents a significant stride in this direction.

FINANCIAL & ADMINISTRATIVE IMPLICATIONS:

The Emergency Program Act (EDMA) is introducing new requirements, which may result in increased costs for local governments. As the implications related to operationalizing this new legislation are better understood, resources (operating dollars and staffing) to support the regulatory requirements will be presented and considered during the financial planning process for the Comox Valley Emergency Planning Service.

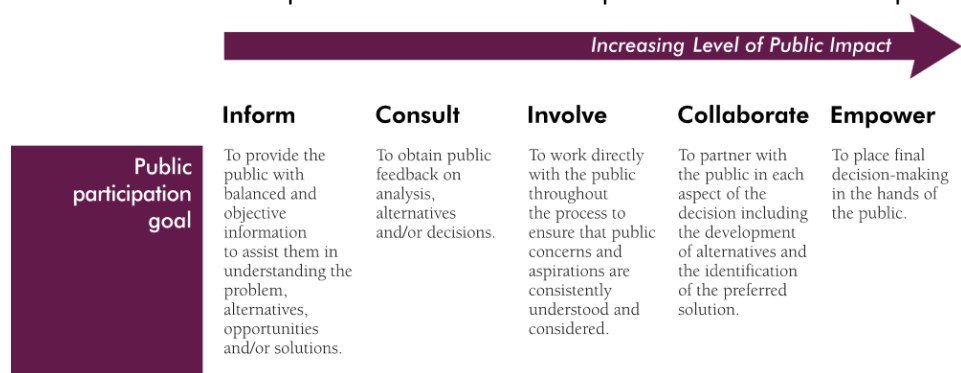
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Public Safety - Build capacity for emergency planning and local response

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 feedback to the Regulations on Local Authorities Discussion Paper be received and submitted to the Province of BC as feedback by the January 31st deadline.

And FURTHER THAT the City of Courtenay submit a joint letter with Comox Valley Emergency Management Service members and partners to the Premier and Minister of Emergency Management & Climate Readiness requesting a local government emergency management operational working group to collaborate in developing regulations under the Emergency & Disaster Management Act.

2. THAT Council provide alternative direction to staff.

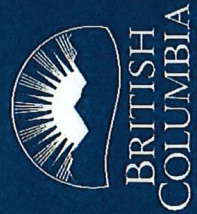
ATTACHMENTS:

1. Appendix A – B.C.s Modernized Emergency Management Legislation Regulations for Local Authorities
2. Appendix B – CVEM Responses to EMCR Regulations for Local Authorities Discussion Paper

Prepared by: Kurt MacDonald, ECFO, Fire Chief
 Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)



BC's Modernized Emergency Management Legislation: Regulations for Local Authorities



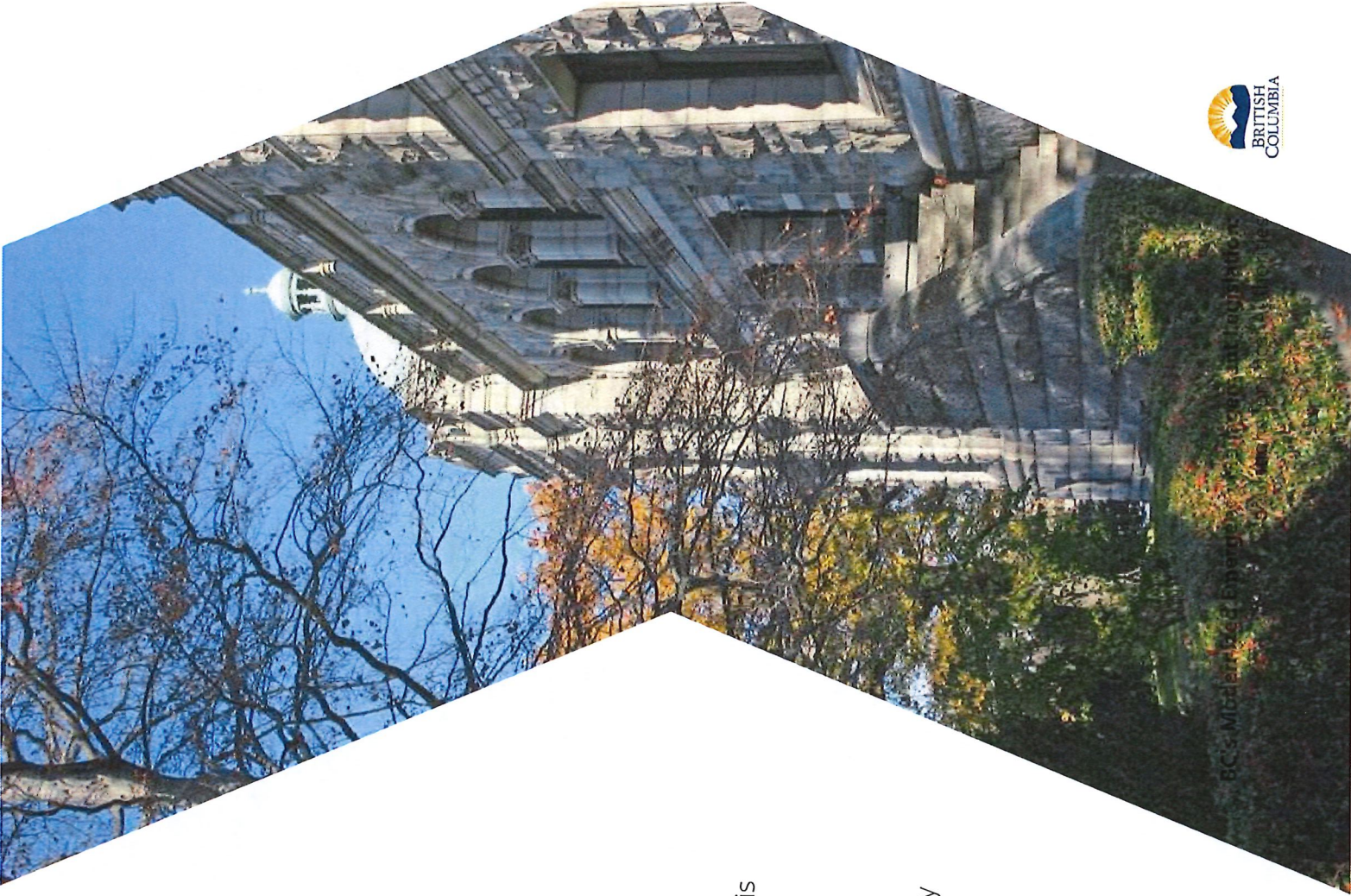
Emergency Management and Climate Readiness

Introduction

The Province intends to introduce a modernized emergency management statute during the fall 2023 legislative session to replace the Emergency Program Act. The new statute will reflect several key policy shifts that have been informed by best practices in emergency management, partner engagement and co-development with First Nations. While the Emergency Program Act focuses primarily on emergency response, the new statute incorporates the principles of the UN Sendai Framework on Disaster Risk Reduction and includes the four phases of emergency management—preparation, mitigation, response, and recovery—and clarifies what is required from partners in each phase.

The Ministry of Emergency Management and Climate Readiness is preparing to draft regulations to accompany the new statute, including a new regulatory approach for local authority emergency management. The proposed statute allows the Province to provide additional details on certain requirements through regulation, while others will be addressed through policy and guidance.

While the new statute identifies several key partners, this paper focuses on regulations for local authorities. Feedback received in response to this paper will inform the design and drafting of these regulations, which are currently targeted for completion in 2024.



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Process

How to Provide Feedback

Feedback on the content of this paper can be submitted to modernizeEM@gov.bc.ca.

Submissions will be accepted until December 31, 2023.

This discussion paper has been publicly released and posted for feedback on the govTogetherBC website. We welcome your feedback on the two focused topics highlighted in this paper, on the key questions presented throughout, and on any other ideas you have related to emergency management regulations for local authorities.

In fall 2023, the Ministry of Emergency Management and Climate Readiness will engage local governments through virtual sessions. Information on engagement opportunities will be posted on our [website](#).

How the Regulations Will Be Made

Responses to this paper will help inform provincial government decision-making as the regulations for local authorities are being designed.

The Ministry of Emergency Management and Climate Readiness will also be co-developing the regulations with First Nations in alignment with the Province's obligation to ensure that the laws of B.C. are consistent with the United Nations Declaration on the Rights of Indigenous Peoples. For background on why B.C.'s modernized emergency management legislation is being co-developed, see the [Declaration on the Rights of Indigenous Peoples Act](#) and the [Interim Approach to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act](#).

With your help, we will create safer, more resilient communities for all British Columbians.



BC's Modernized Emergency Management Legislation:
Regulations for Local Authorities

Context

Modernizing B.C.'s Emergency Management Legislation

Climate-related emergencies are impacting communities around the globe at an unprecedented rate and B.C. has not been immune. In recent years, we have endured some of the most challenging emergency conditions of our lifetimes, including the COVID-19 pandemic, catastrophic wildfire seasons, devastating floods, and increasingly extreme weather events. Since 2019, B.C. has been working on developing new provincial emergency management legislation to reflect this changing world by incorporating best practices, learnings from recent events, and the Province's commitment to reconciliation.

In 2018, B.C. adopted the United Nations Sendai Framework for Disaster Risk Reduction, which outlines international best practices to address and reduce disaster risk, and we have been taking action to align with this global strategy to increase preparedness and resilience. The following year, the

Declaration on the Rights of Indigenous Peoples Act became law in B.C. and the principles of that Act are key to the foundation of the modernized emergency management legislation.

For more information on B.C.'s road to modernizing our emergency management legislation, visit www.gov.bc.ca/emergencymanagementact.

Technical Resource

The Province anticipates introducing the new emergency management legislation in fall 2023. When the legislation is introduced, the full text of the proposed legislation will be accessible through the [website of the Legislative Assembly of British Columbia](#). In the meantime, we have released a technical paper, [B.C.'s Modernized Emergency Management Legislation: A New Framework for Disaster Risk Reduction, Response, and Recovery](#), which provides an overview of the major policy concepts included in the proposed legislation.

What are Regulations?

The statute, also referred to as an Act, sets the overall framework for emergency management in B.C. It establishes the key requirements, powers, and responsibilities of regulated entities.

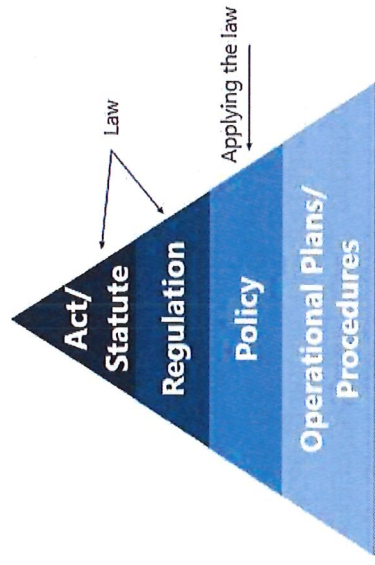


Figure 1 Hierarchy of Legislation

Regulations provide finer details on areas identified in the statute. For example, the emergency management statute will require regulated entities to prepare risk assessments, and the regulations can specify certain details, such as whether risk assessments need to be reviewed on a set schedule. The process for amending regulations to reflect learnings or needs from future events is also more streamlined than the process for amending the statute.

The statute will identify what may be outlined or required in regulation. In other words, it will provide authority for regulations. However, while certain topics will be authorized to

be addressed in regulations, the existence of this authorization does not necessarily mean that regulations will be made for those topics. Some matters may be better addressed through policy. Policy, along with operational plans and procedures, can provide guidance to ensure the legislation functions as intended.

This engagement process will help determine which details should be considered for inclusion in regulation rather than in policy, plans, or procedures.

Key Changes for Local Authorities

The new statute will reflect several key policy shifts that have been informed by best practices in emergency management, partner engagement, and co-development with First Nations. While the Emergency Program Act focuses primarily on emergency response, the new statute includes the four phases of emergency management—preparation, mitigation, response, and recovery—and clarifies what is required from identified actors in each phase.

Under the existing regulations, local authorities must:

- prepare local emergency plans that reflect potential emergencies and disasters that may affect any or all of an area within their jurisdiction;
- include an assessment of the relative risk that a given type of emergency will occur, along with its potential impact on people and property; and

BC's Modernized Emergency Management Legislation:
Regulations for Local Authorities



- establish priorities for restoring essential services provided by the local authority.

Some of the key changes for local authorities in the proposed legislation that may be further detailed through regulations include:

- clear requirements for risk assessments, emergency management plans, and business continuity plans;
- a framework for multijurisdictional emergency management organizations; and
- requirements to consult and cooperate with Indigenous governing bodies.

Emergency planning requirements

Municipalities and regional districts will be required to ensure that risk assessments are prepared for all reasonably foreseeable hazards within their jurisdictions. They will also need to ensure that there is at least one emergency management plan for each area within their jurisdiction. Generally, this means that municipalities will need to have a plan that covers municipal boundaries, and regional district plans can exclude areas for which municipal plans exist. Additionally, in recognition of the unique nature of regional districts, [Key Question A6](#) seeks input on how the regulations could focus regional district risk assessments and emergency management plans on geographic areas for which the making of plans is most critical.

Municipal authority under the legislation will apply within municipal boundaries. Regional district authority will apply within the boundaries of any electoral areas within a regional district. As local authorities, Modern Treaty Nations may exercise powers within the boundaries of their own treaty lands. If Crown land falls within municipal or regional district boundaries, a municipality or regional district will be authorized to use powers and will be required to perform their duties under the legislation within these Crown lands.

Emergency management organizations

Hazards and emergencies do not respect jurisdictional boundaries and collaboration can greatly enhance effective mitigation, preparedness, response, and recovery. The legislation will enable the creation of multijurisdictional emergency management organizations that include any combination of local authorities, Indigenous governing bodies, and the provincial government. The creation of a multijurisdictional emergency management organization will allow for requirements (such as preparing risk assessments and emergency management plans) to be fulfilled as a collective.

Consultation, coordination and cooperation

When a municipality or regional district prepares or revises a risk assessment or emergency management plan, they will be required to consult and coordinate with each municipality or regional district that has jurisdiction over an area adjacent to the municipality or regional district that is preparing or

revising their risk assessment or plan. Further consultation and coordination requirements could be included in regulations.

In alignment with the United Nations Declaration on the Rights of Indigenous Peoples, the new emergency management legislation will require consultation and cooperation in all phases of emergency management. Municipalities and regional districts will be required to consult and cooperate with Indigenous governing bodies when developing or reviewing risk assessments and emergency management plans. This includes Indigenous governing bodies authorized to act on behalf of First Nations Peoples whose traditional territory or treaty area includes an area within the jurisdiction of a municipality or regional district.

When the legislation receives royal assent, municipalities and regional districts will be required to contact Indigenous governing bodies and make reasonable efforts to reach agreement on the areas to be described in local authority emergency management plans for the purposes of consultation and cooperation. Entities authorized by First Nations Peoples to act on their behalf for the purposes of emergency management can be identified through this process.

For the response and recovery phases, consultation and cooperation will be required when either the Province or a local authority plans to use certain response or recovery powers. The Ministry of Emergency Management and Climate Readiness is developing additional supporting guidance on consultation and cooperation.



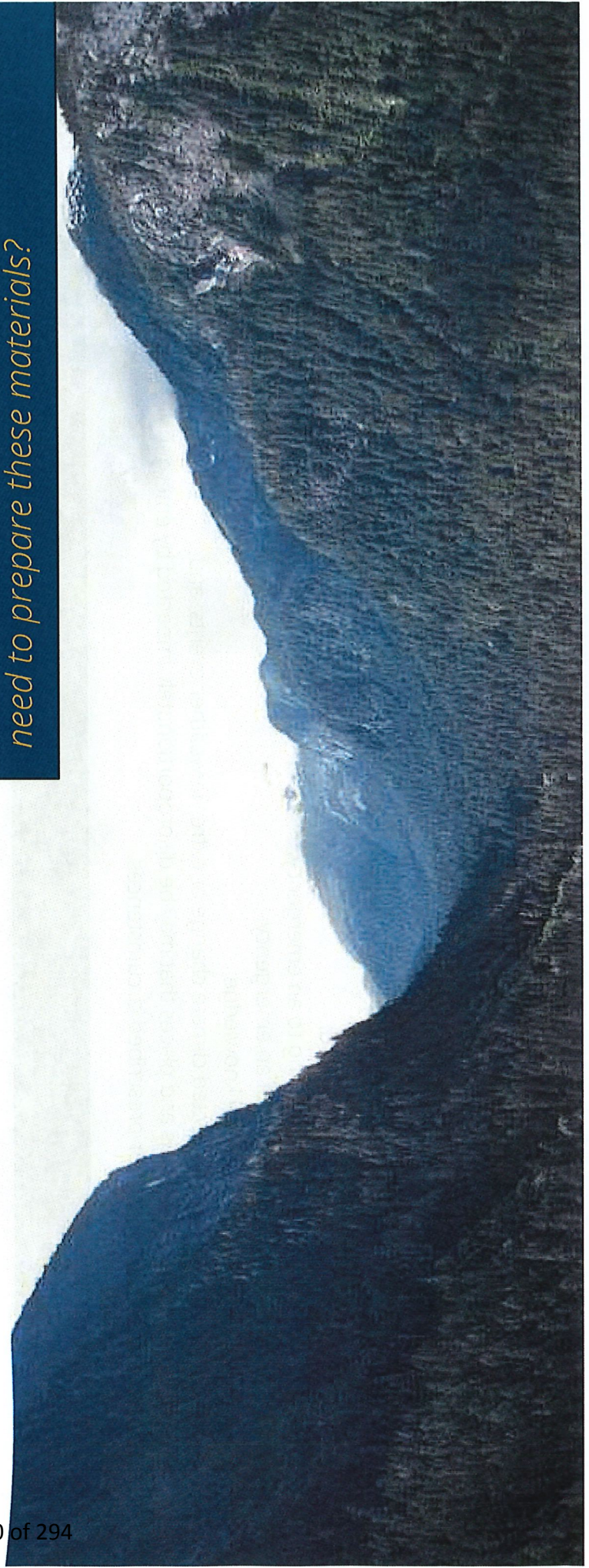
Focus "A" : Regulations for Local Authority Planning

The following sections outline key areas for which regulations concerning local authority planning could be made. Questions are included to prompt feedback. Please refer to the appendix for a summary of relevant regulation-making authorities.

When regulations for local authorities are made, requirements to prepare risk assessments, emergency management plans, and business continuity plans will take effect. Additional time will be provided to meet these new requirements.

Key Question A1: Phasing-In

How much time does your local authority need to prepare these materials?



Risk Assessments

Under the proposed legislation, risk assessments will need to consider:

- the degree of risk posed by a hazard;
- the likelihood of the hazard leading to an emergency;
- the potential scope and scale of an emergency;
- available Indigenous and local knowledge;
- potential impacts from expected climate change or extreme weather events; and
- impacts on people, animals and places that may be disproportionately impacted by emergencies and may be more vulnerable due to physical location or prescribed circumstances.

Modernized statute will require risk assessments to:	Regulations could:	Questions
<p>be prepared in accordance with the statute</p>	<p>add to statutory rules for how risk assessments must be prepared</p>	<p>Key Question A2: Preparing risk assessments</p> <p>Should there be rules in the regulations for how risk assessments are prepared? If yes, what do you suggest?</p>
<p>identify all reasonably foreseeable hazards, and assess:</p> <ul style="list-style-type: none"> • the extent of risk presented by a hazard • the potential consequences if an emergency occurs, with special consideration to (1) people who may experience intersectional disadvantage, and (2) vulnerable people, animals, places, or things 	<p>add to statutory rules for what risk assessments must contain</p>	<p>Key Question A3: Additional contents for risk assessments</p> <p>Should there be additional matters assessed in relation to hazards?</p>



Emergency Management Plans

Municipalities and regional districts will be required to have emergency management plans that are based on the results of risk assessments and that describe:

- measures necessary for each of the four phases of emergency management;
- the roles, powers, and duties of key persons;
- requirements for emergency resources;
- procedures for engaging emergency systems;
- plans for training and exercise programs; and
- how cultural safety will be promoted.

Modernized statute will require emergency management plans to:	Regulations could:	Questions:
<p>be prepared in accordance with the statute</p>	<p>add to statutory rules for how emergency management plans must be prepared</p>	<p>Key Question A4: Preparing emergency management plans</p> <p>Should there be rules in the regulations for how emergency management plans are prepared? If yes, what do you suggest?</p>
<p>describe:</p> <ul style="list-style-type: none"> • measures for each phase of emergency management • roles, powers, and duties of key persons • emergency resource requirements • procedures for engaging emergency systems (e.g., notification systems) • training and exercise programs • measures to mitigate the effects of emergencies on (1) people who may experience intersectional disadvantage, and (2) vulnerable people, animals, places, or things • measures to promote cultural safety 	<p>add to statutory rules for what emergency management plans must contain</p>	<p>Key Question A5: Additional contents for emergency management plans</p> <p>For example, regulations may specify that local authority emergency management plans must also describe measures to reduce the incidence of gender-based violence during emergencies.</p> <p>Should there be additional matters described for the purposes of emergency management plans?</p>

Regional Districts: Risk Assessment and Emergency Management Plan Scope

Regional districts are responsible for unincorporated areas within their jurisdiction, many of which are rural, remote, and/or sparsely populated. The Province intends to make regulations that will limit the minimum required scope of regional district plans to geographic areas where plans can have the greatest impact.

Modernized statute will:	Regulations could:	Question:
<p>require a municipality or regional district to prepare and maintain risk assessments for the hazards within their jurisdiction, and prepare and maintain an emergency management plan for their jurisdiction</p>	<p>create rules regarding the requirement for a municipality or regional district to prepare risk assessments and emergency management plans, including rules that could reduce the required geographic scope of these risks assessments and emergency management plans for regional districts</p>	<p>Key Question A6: Scope of regional district planning requirements</p> <p>How should the regulations establish a minimum required scope for regional district plans?</p>



Consultation, Collaboration, and Cooperation for Risk Assessments and Emergency Management Plans

The modernized emergency management legislation will include a series of principles which, broadly speaking, aim to foster collaboration, coordination, and relationship-building. In alignment with the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Rights of Indigenous Peoples Act, consultation and cooperation will be required in all phases of emergency management.

Modernized statute will require local authorities, when preparing, reviewing, or revising a risk assessment or emergency management plan, to:	Regulations could:	Questions:
consult and coordinate with adjacent local authorities	add to statutory rules for how a local authority must consult and coordinate with other local authorities, and potentially prescribe other persons for the purpose of consultation and coordination	<p>Key Question A7: Consultation and coordination with neighbouring local authorities</p> <p>Should there be rules in the regulations for how local authorities consult and coordinate with neighbouring local authorities in the course of preparing, reviewing, or revising a risk assessment or emergency management plan? If yes, what do you suggest?</p>
consult and cooperate with Indigenous governing bodies and, if adjacent to the treaty lands of a Modern Treaty Nation, to consult and cooperate with that Nation	add to statutory rules for how a local authority must consult and cooperate with Indigenous governing bodies	<p>Key Question A8: Consultation and cooperation with Indigenous governing bodies and Modern Treaty Nations</p> <p>Should there be rules in the regulations for how local authorities consult and cooperate with Indigenous governing bodies and (if applicable) Modern Treaty Nations in the course of preparing, reviewing, or revising a risk assessment or emergency management plan? If yes, what do you suggest?</p>

Business Continuity Plans

Municipalities and regional districts will be required to have business continuity plans that describe how they will ensure the continued delivery of essential services during an emergency.

<p>Modernized statute will require business continuity plans to:</p>	<p>Regulations could:</p>	<p>Question:</p>
<p>be prepared in accordance with the statute</p>	<p>add to statutory rules for how business continuity plans must be prepared</p>	<p>Key Question A9: Business continuity plans Should there be rules in the regulations for how business continuity plans are prepared? If yes, what do you suggest?</p>

Reviewing and Revising Planning Materials

As the risk landscape continues to evolve, regular review of risk assessments, emergency management plans, and business continuity plans is necessary to ensure all information is current. One consideration in establishing review cycles is community capacity to meet the requirements. The goal is to strike a balance between ensuring risks are being regularly reviewed and reflected in plans and recognizing the differences in community capacities and contexts.

<p>Modernized statute will:</p>	<p>Regulations could:</p>	<p>Question:</p>
<p>require a municipality or regional district to review and revise their risk assessments, emergency management plan, and business continuity plan</p>	<p>create rules regarding the requirement to review and revise risk assessments, emergency management plans, and business continuity plans, including rules that could establish a regular review cycle</p>	<p>Key Question A10: Review cycle Should there be rules in the regulations to establish a cycle for the regular review and revision of risk assessments, emergency management plans, and business continuity plans? If yes, what would be an appropriate cycle?</p>



Focus “B”: Regulations for Emergency Management Organizations

Under the Emergency Program Act, local authorities are required to establish emergency management organizations. These organizations develop and implement emergency management plans as well as response and recovery measures. This requirement will continue under the modernized legislation, but multijurisdictional emergency management organizations will also be enabled.

Emergency Management Organizations Other Than Multijurisdictional Emergency Management Organizations

Modernized statute will:	Regulations could:	Question:
<p>require a local authority, if it does not join a multijurisdictional emergency management organization, to establish, appoint members to, and maintain its own emergency management organization</p>	<p>create rules for establishing, appointing members to, and maintaining emergency management organizations (other than multijurisdictional emergency management organizations)</p>	<p>Key Question B1: Local authority emergency management organizations</p> <p>Should there be rules in the regulations for establishing, appointing members to, and maintaining emergency management organizations? If yes, what do you suggest?</p>

Multijurisdictional Emergency Management Organizations

The new multijurisdictional emergency management organization framework will allow members to undertake response actions as a single body. The framework will allow cross-jurisdictional collaborative relationships to be formalized and permit legislative and operational requirements to be met collaboratively. Multijurisdictional emergency management organizations can consist of any combination of local authorities, Indigenous governing bodies, and the provincial government.

Modernized statute will:	Regulations could:	Questions:
<p>authorize a multijurisdictional emergency management organization to be established by any combination (two or more) of local authorities, Indigenous governing bodies, and the Province</p>	<p>create rules for the establishment, governance, and responsibilities of multijurisdictional emergency management organizations</p>	<p>Key Question B2: Establishing multijurisdictional emergency management organizations What rules should the regulations provide to govern the formation of multijurisdictional emergency management organizations?</p> <p>Key Question B3: Governance and responsibilities of multijurisdictional emergency management organizations Should there be rules in the regulations about the governance and responsibilities of multijurisdictional emergency management organizations? If yes, what do you suggest?</p>
<p>provide that a local authority in a multijurisdictional emergency management organization must provide information required by the provincial administrator, and comply with directions given by the provincial administrator</p>	<p>create rules as to which records relevant to a local authority's participation in a multijurisdictional emergency management organization must be given to the provincial administrator</p>	<p>Key Question B4: Multijurisdictional emergency management organization records Should there be rules in the regulations to specify the types of records relevant to a local authority's participation in a multijurisdictional emergency management organization that must be given to the provincial administrator? If yes, what do you suggest?</p>



Conclusion

Thank you for taking the time to participate in this engagement to help shape the future regulatory approach for local authority emergency management.

The deadline for written submissions is December 31, 2023. Please send your submission to modernizeEM@gov.bc.ca.

Your feedback will help the Ministry of Emergency Management and Climate Readiness:

- understand the needs of local authorities in implementing the modernized legislation;
- identify policy options and pathways that provide the legislative foundation for strong local authority emergency management programs; and
- develop regulations and supporting policy and operational tools that reflect the needs and experiences of local governments.

Regulations are currently targeted for completion in 2024. Watch our website for up-to-date information on supports and upcoming engagement and co-development activities: www.gov.bc.ca/EmergencyManagementAct. You can subscribe to the page to receive updates.

Appendix: Summary of Regulation-Making Authorities

Theme	Regulations Authorized To
<p>Focus "A": Local Authority Planning</p>	<ol style="list-style-type: none"> 1. Add meaning to the term "vulnerable" by prescribing characteristics that make a person, animal, place, or thing vulnerable 2. Add to statutory rules for how risk assessments must be prepared 3. Add to statutory rules for what risk assessments must contain 4. Add to statutory rules for what risk assessments must be based on 5. Add to statutory rules for how emergency management plans must be prepared 6. Add to statutory rules for what emergency management plans must contain 7. Add to statutory rules for what an emergency management plan must be based on 8. Add to statutory rules for how a local authority must consult and coordinate with other local authorities, and potentially prescribe other persons for the purpose of consultation and coordination 9. Add to statutory rules for how a local authority must consult and cooperate with Indigenous governing bodies when preparing, reviewing, or revising a risk assessment or emergency management plan 10. Add to statutory rules for how business continuity plans must be prepared 11. Add to statutory rules for what business continuity plans must contain 12. Create rules regarding the areas within the jurisdiction of a regional district where the regional district is not required to prepare a risk assessment or emergency management plan or both 13. Create rules for reviewing and revising risk assessments, emergency management plans, and business continuity plans



Theme	Regulations Authorized To
Focus "B": Emergency Management Organizations	<ol style="list-style-type: none"> 1. Create rules for establishing, appointing members to, and maintaining emergency management organizations (other than multijurisdictional emergency management organizations) 2. Create rules for establishing multijurisdictional emergency management organizations, including governance and responsibilities, as well as terms and conditions of agreements to join multi-jurisdictional emergency organizations 3. Create rules as to which records relevant to a local authority's participation in a multijurisdictional emergency management organization must be given to the provincial administrator
Miscellaneous	<ol style="list-style-type: none"> 1. Add types of information, in addition to those that will be described in the statute, that the minister may, by order, require a municipality or regional district to provide to the government 2. Add types of actions, in addition to those that will be described in the statute, that the minister may, by order, require a municipality or regional district to take 3. Specify prohibitions, requirements, limits, or conditions that would apply to the exercise of response or recovery powers of a municipality or regional district 4. Add matters, in addition to those that will be described in the statute, that municipalities and regional districts must summarize in a report following a state of local emergency, and create rules that would require the publication of these final reports

BC’s Modernized Emergency Management Legislation: Regulations for Local Authorities-Discussion Paper

This draft response to the Regulations on Local Authorities Discussion Paper Summary was prepared by Comox Valley Emergency Management in collaboration with staff from the City of Courtenay, Town of Comox, Village of Cumberland, Kómoks First Nation, Comox Valley RD, Comox Valley Emergency Management staff and mutual aid partners from City of Campbell River and Island Health/Health Emergency Management BC.

Questions as they appear on the Discussion Paper:

“FOCUS A”: Regulations for Local Authorities Planning

Definition:

What are Regulations? – The statute, also referred to as an Act, sets the overall framework for emergency management in B.C. It establishes the key requirements, powers and responsibilities of regulated entities.

Key Question	Proposed Response	Discussion Notes
<p>A1: Phasing-In How much time does your local authority need to prepare these materials (risk assessments, emergency management plans, and business continuity plans).</p>	<p>This is currently unknown. As further details have not been disclosed regarding the preparation of risk assessment, emergency management plans and business continuity plans, CVEM First Nations and local authority partners cannot offer an accurate timeline for preparing these materials, either individually or regionally.</p>	<p><i>The discussion notes for A1 were repeated throughout the discussion paper review process and emphasize the importance of:</i></p> <ol style="list-style-type: none"> <i>1. standardized templates and strong tools for consultants,</i> <i>2. emphasizing alignment and consistency across the province,</i> <i>3. sustainable funding is deemed essential for risk assessments, especially with potential rule revisions.</i> <i>4. consideration is given to impacts on vulnerable populations, consistent notification tools, and clarity of roles, including BC housing and warm/cooling centers. Measures to promote cultural safety and inclusion are highlighted. Support is expressed for regional emergency plans with adequate funding and collaboration with key corporate service providers.</i> <i>5. training and exercising together, avoiding political cycle influence, and defining scope consistently are noted priorities.</i> <i>6. clear regional planning involving various stakeholders, including corporate service providers and internal government departments,</i>

<p>A2: Preparing risk assessments Should there be rules in the regulations for how risk assessments are prepared? If yes, what do you suggest?</p>	<p>No. We would not be in a position to provide direction on this until the Province has provided local authorities with engagement or consultation opportunities, nor details, on the forthcoming Provincial comprehensive risk assessments that we have informed will integrate the existing Provincial Hazard Risk and Vulnerability Assessments (HRVA) and Climate Risk Assessment (CRA) processes. Also missing from risk assessments is how other Provincial assessments such as the Community Wildfire Resilience Plans (CWRP) and Wildfire Risk Assessments will also be integrated into this comprehensive risk assessment process.</p>	<p>is emphasized. The question of consultants and the type of plan, particularly an all-hazards approach, remains open.</p> <p>The discussion notes for A2 and A3 emphasize the:</p> <ul style="list-style-type: none"> • importance of respecting partners' capacity for feedback on technical papers and advocate for a comprehensive approach to Hazard, Risk, and Vulnerability Assessments (HRVA). • considerations for commercial farms, dependencies on infrastructure, and the need for collaboration with crown corporations in multi-jurisdictional risk assessments. • questions about rules, risk assessment frequency, and repurposing public infrastructure. • need for developing standards of operational practices rather than rigid rules, with a focus on tools and guidelines for consultants with a First Nations and regional perspective. • issues of fair monitoring, enforcement, and support for communities with limited capacity are raised. • importance of sharing resources for building trust is noted, along with the need for education on hazard vs vulnerability. • data management, protection, indigenous knowledge, and environmental science are highlighted, emphasizing the role of operating communication procedures, community plans, and long-range planning. • need for regional emergency planning that considers all communities and involves key corporate service providers at the planning table.
<p>A3: Additional contents for risk assessments Should there be additional matters assessed in relation to hazards?</p>	<p>Yes. In order to complete these comprehensive risk assessment processes, local authorities will require core funding to both support the creation of new regional relationships and to engage with existing trusted partnerships in an ongoing capacity.</p> <p>As an example, the Comox Valley is surrounded by primarily private timber lands and the Province has not yet provided a clear understanding of how forthcoming Provincial comprehensive risk assessments will support Nations and local authorities to engage with private industry in a shared watershed landscape. To truly understand regional risk would require Provincial guidance on how to develop a common understanding of practices that reduce and increase risk of exposure to hazards and vulnerabilities of communities that are dependent on</p>	

	watersheds for clean drinking water, hydro-power supply, salmon stocks, agriculture, recreation, tourism, and more.	
<p>A4: Preparing emergency management plans. Should there be rules in the regulations for how emergency management plans are prepared? If yes, what do you suggest?</p>	<p>No. However, the Province does need to provide standardized guidelines, templates and strong tools, paired with core funding for local authorities to ensure alignment and consistency of emergency plans across the province.</p>	<p>Discussion notes for A4, A5 and A6 emphasize:</p> <ul style="list-style-type: none"> the importance of respecting partners' capacity for feedback on technical papers and advocate for a comprehensive approach to Hazard, Risk, and Vulnerability Assessments (HRVA). highlight considerations for commercial farms, dependencies on infrastructure, and the need for collaboration with crown corporations in multi-jurisdictional risk assessments. developing standards of operational practices rather than rigid rules, with a focus on tools and guidelines for consultants with a First Nations and regional perspective. issues of fair monitoring, enforcement, and support for communities with limited capacity are raised. importance of sharing resources for building trust is noted, along with the need for education on hazard vs vulnerability. data management, protection, indigenous knowledge, and environmental science are highlighted, emphasizing the role of operating communication procedures, community plans, and long-range planning. need for regional emergency planning that considers all communities and involves key corporate service providers at the planning table. consideration is given to impacts on vulnerable populations, consistent notification tools, and clarity of roles, including BC housing and warm/cooling centers. measures to promote cultural safety and inclusion are highlighted. support is expressed for regional emergency plans with adequate funding and collaboration with key corporate service providers. Training and exercising together, avoiding political cycle influence, and defining scope consistently are noted priorities. clear regional planning involving various stakeholders, including corporate service providers and internal government departments, is emphasized.
<p>A5: Additional contents for emergency management plans. Should there be additional matters described for the purpose of emergency management plans?</p>	<p>No. However, the Province does need to provide standardized guidelines, templates and strong tools, paired with core funding, for local authorities to ensure alignment and consistency of emergency plans across the province.</p>	
<p>A6: Scope of regional district planning requirements. How should the regulations establish a minimum required scope for regional district plans?</p>	<p>Yes. Section 166 (d) of Bill 31 does clarify that the Minister may identify (under regulation) areas within a regional district where risk assessments will not be required. This requirement must consider the:</p> <ul style="list-style-type: none"> standards established by the Community Wildfire Resiliency Plan and Wildfire Risk Assessments, which is within a community or 1 kilometre around its perimeter, and; risks and vulnerability assessments related to watersheds that provide drinking water and other critical resources to the community; 	

	<p>Additionally, the regulations need to provide autonomy to Regional Districts and MJEMOs that include Regional Districts to identify and allow for additional scoping requirements around regional planning in cases where Provincial entities may lack knowledge or experience. For example, the ability for a regional district to identify unique requirements under EDMA regulations for a private business that is also operating as a private water utility on private lands within RD boundaries to ensure that their business continuity plan includes the ability to provide water supply to residents and businesses, and for fire suppression purposes, during times of water scarcity or drought.</p>	
<p>A7: Consultation and coordination with neighbouring local authorities. Should there be rules in the regulations for how local authorities consult and coordinate with neighbouring local authorities in the course of preparing, reviewing, or revising a risk assessment or emergency management plan? If yes, what do you suggest?</p>	<p>No. This responsibility will sit with EMOs or MJEMOs, and it will be their responsibility to consult and coordinate with neighbouring local authorities and IGBs. The Province needs to provide guidelines, templates and core funding to support this ongoing work to develop and maintain comprehensive risk assessments and emergency plans that complement one another across jurisdictional boundaries.</p>	<p><i>The discussion notes for A7 and A8 highlight:</i></p> <ul style="list-style-type: none"> • <i>challenges of applying rigid rules in communities, emphasizing the need for operational guidance and trust-building.</i> • <i>sustainable funding, enforcement of timelines, standardizing language, and aligning with existing policies.</i> • <i>incorporating Improvement Districts, defining critical infrastructure, and integrating support into job descriptions are key considerations.</i> • <i>importance of differentiated plans for the public, internal collaboration, and operational guidelines is noted.</i> • <i>training for first responders on gender-based violence and ensuring support continuity during disasters are priorities.</i> • <i>defining terms, including animals and essential services, is emphasized. The need for collaboration and conversation, rather than strict rules, is underscored.</i> • <i>regular plan reviews and the potential for disagreement among municipalities in regional plans are also discussed, with a focus on collaboration with First Nations and IGBs.</i>

<p>A8: Consultation and cooperation with Indigenous Governing Bodies (IGBs) and Modern Treaty Nations.</p> <p>Should there be rules in the regulations for how local authorities consult and cooperate with Indigenous governing bodies and (if applicable) Modern Treaty Nations in the course of preparing, reviewing, or revising a risk assessment or emergency management plan? If yes, what do you suggest?</p>	<p>No. Rather than rules, local authorities need core funding, training and materials from Provincial bodies to support the overall understanding, integration and localization of DRIPA; as well as to develop a deeper working knowledge and understanding of 'free, prior and informed consent' and "the right to self-determination" as they apply to First Nations, Modern Treaty Nations, and/or IGBs.</p>	
<p>A9: Business Continuity plans.</p> <p>Should there be rules in the regulations for how business continuity plans (BCP) are prepared? If yes, what do you suggest?</p>	<p>No, to rules around BCPs specific to Emergency Management. We acknowledge that Provincial BCP rules or requirements may apply to EMOs, MJEMOs and EOCs, but ultimately BCPs remain an overall Provincial responsibility to standardize, monitor, enforce and support.</p> <p>AND</p>	<p>The discussion notes for A9 and A10 highlight the:</p> <ul style="list-style-type: none"> • importance of legislative coherence and EOC support, advocating for business continuity plans (BCP) to assist EOCs and various services. • concerns are expressed about unclear statutory language, suggesting that standards of operational guidelines or best practices would be more helpful. • need for sustainable funding for communities to create, review, and exercise plans is emphasized, independent of election cycles. • differentiating between plans and operational guidelines is proposed, with the board providing input on the plan and operational updates coinciding with election cycles.

	<p>Yes, to the Provincial responsibility to create regulations and/or guidelines around BCPs, for all entities that are required to have BCPs, not just local authorities. To ensure consistency and efficiencies, these regulations and/or guidelines must align, clarify and strengthen existing BCP standards (for example ISO 22301). These Provincial regulations must also be accompanied by Provincial core funding, materials and tools to support the businesses and authorities that are required to develop, update and maintain them.</p>	<ul style="list-style-type: none"> • <i>suggested review timelines include a 5-year interval for risk assessments and yearly exercises for components of the emergency management (EM) plan and BCP.</i> • <i>clear standards and sustainable funding are deemed essential for these processes, which can aid communities in identifying risks and gaps early. suggested that BCP should not be part of the emergency management planning department/services.</i>
<p>A10: Review cycle. Should there be rules in the regulations to establish a cycle for the regular review and revision of risk assessments, emergency management plans, and business continuity plans? If yes, what would be an appropriate cycle?</p>	<p>Yes. 5 years would be an appropriate cycle for emergency plans, which aligns with the proposed review cycle of the EDMA legislation. As a best practice, the Province must consider that any changes to the EDMA legislation or regulations will trigger the requirement for local authorities and MJEMOs/EMOS to review and update risk assessments, which will prompt changes to the emergency plans.</p> <p>Consider also that if the Province plans to regulate a regular review and revision cycle to the EDMA legislation then the Province also needs to offer sustainable core funding to support EMOs/MJEMOs to ensure regular review and updates to local emergency plans and risk assessments; to maintain alignment with legislation changes, and/or to reflect any changes prompted by lessons learned from training and exercises and/or from emergency and disaster events.</p>	

	<p style="text-align: center;">AND</p> <p>No. BCPs are the responsibility of the Province to regulate and must remain a distinct responsibility that includes EM but not for EM to enforce.</p>	
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Focus “B”: Regulations for Emergency Management Organizations (EMO)

“Focus B” Regulations for EM Organizations:

- EMOs (local authority only)
- Multi-jurisdictional EMOs (includes multiple Local Auth, Indigenous Governing bodies, Prov government)

Key Question	Proposed Response	Discussion Notes
<p>B1: Local Authority Management Organizations. Should there be rules in the regulations for establishing, appointing members to, and maintaining emergency management organizations? If yes, what do you suggest?</p>	<p>Yes, however, limited to the Provincial requirement to establish an EMO or MJEMO and the requirement to appoint a minimum of 2 members to ensure shared responsibility (more than an EPC) to support emergency planning for daily operations.</p>	<p>The discussion notes for B1, B2, B3 and B4 emphasize the:</p> <ul style="list-style-type: none"> • need for guidelines rather than strict rules, considering the diverse capacities of different communities and the differences between municipalities and RDs, that support a diversity of rural, remote and urban landscapes and communities. • caution is urged in regulating the formation of multi-jurisdictional emergency management organizations (MJEMO) to ensure support, respect, and time for relationship-building. • importance of clearly distinguishing Incident Command Systems and Emergency Operations Center (EOC) responsibilities as operational roles, versus defining staffing and governance parameters for MJEMOs. • need for more guidance and information for respecting and addressing the authority of Indigenous governing bodies, band administrations, Hereditary Chiefs, and conflicts of interest is highlighted. • further definition of jurisdictional authority is recommended. • the need for a formal registration process of MJEMOs, including periodic reviews, and contractual agreements for organizations in MJEMOs.

<ul style="list-style-type: none"> • <i>clear rules for joining/leaving, defined expectations, and collaboration through the lens of UNDRIP and Indigenous knowledge are advocated.</i> • <i>need for guidelines for record-keeping are preferred, support in the form of funding and sharing emergency plans and risk assessments is deemed essential for communities developing MJEMOs.</i> 		
<p>B2: Establishing multijurisdictional emergency management organizations What rules should the regulations provide to govern the formation of multijurisdictional emergency management organizations?</p>	<p>No. Suggestion is that the Province work with Local Authorities as partners to co-develop guidelines and tools to support the establishment of an MJEMO and the appointment of members for emergency planning, defining criteria and portfolios.</p>	
<p>B3: Governance and responsibilities of multijurisdictional emergency management organizations Should there be rules in the regulations about the governance and responsibilities of emergency management organizations? If yes, what do you suggest? Multijurisdictional?</p>	<p>No. Suggesting the Province work with Local Authorities as partners to both understand and then co-develop guidelines and tools to support the establishment of an MJEMO governance and responsibilities structures for multijurisdictional emergency management organizations. under existing systems such as bylaws.</p>	
<p>B4: Multijurisdictional emergency management organization records. Should there be rules in the regulations</p>	<p>Yes, however, limited to the Provincial requirement to establish an EMO or MJEMO and can include a basic list of records that EMO and MJEMO are required to maintain and review to support function of the</p>	

<p>to specify the types of records relevant to a local authority's participation in a multijurisdictional emergency management organization that must be given to the provincial administrator? If yes, what do you suggest?</p>	<p>emergency planning for daily operations function of the MJEMO. This needs to be distinct from ICS and EOC documentation as those procedures and systems are already clear and established.</p>	
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From: Town of Comox – Administration <town@comox.ca>

Date: January 2, 2024 at 3:50:54 PM PST

Cc: Jordan Wall <jwall@comox.ca>, "Cole-Hamilton, Will" <wcole-hamilton@courtenay.ca>, "Morin, Wendy" <wmorin@courtenay.ca>, "McCollum, Melanie" <mmccollum@courtenay.ca>, "Jolicoeur, Evan" <ejolicoeur@courtenay.ca>, "Wells, Bob" <mayor@courtenay.ca>, "Hillian, Doug" <dhillian@courtenay.ca>, "Garbutt, Geoff" <ggarbutt@courtenay.ca>, "Frisch, David" <dfrisch@courtenay.ca>

Subject: Community Broadband Planning

Good day,

In late 2024, the Town of Comox will be installing fibre optic broadband network infrastructure in coordination with planned civil construction for the Comox Valley Regional District's sewer conveyance project. The Town of Comox will utilize this opportunity to advance critical broadband technology within our municipal boundary and regionally.

The Town of Comox is currently seeking grant funding through the Island Coastal Economic Trust to develop a comprehensive Community Broadband Strategy that will support the operational and economic planning for our fibre optic network.

A comprehensive strategy that supports the advancement of high-speed Internet will provide positive social and economic development benefits for the Town of Comox and across our region, allowing access to online healthcare, education, e-commerce, support for our vulnerable sector, enhanced emergency response and safety, community viability and sustained economic growth potential.

Strategy development for this broadband project is scheduled for late February 2024 and the Island Coastal Economic Development grant application deadline for Letter of Support submissions is February 08, 2024. As this deadline is fast approaching, we have attached a "Letter of Support" template (see attached) that has been drafted for your response convenience.

Please respond to this email **prior to February 08, 2024**, with your support letter or contact the Town of Comox directly if you have questions regarding this request or our broadband project.

The Town of Comox would like to express our sincere appreciation for your support for this innovative project.

Sincerely,
Jordan Wall
Chief Administrative Officer
Tel: 250-339-2202
Email: jwall@comox.ca

I respectfully acknowledge that the land on which we gather and work is on the unceded traditional territory of the K'ómoks First Nation, the traditional keepers of this land.

Date: (insert date)

To Whom it May Concern:

Re: Town of Comox and Island Coastal Economic Trust – Letter of Support

Please accept this letter of support from the <**corporate name**>. We are writing this letter in support of the Town of Comox’s funding application for the Island Coastal Economic Trust Investment Readiness program and the development of an operational strategy for the Town’s fibre optic community broadband network.

The <**corporate name**> recognizes the need for cost-effective options for high-speed broadband access within the Town of Comox. The development of a comprehensive and actionable strategy will provide the foundation for the town’s social, economic, and technological progression.

A comprehensive strategy that supports the advancement of broadband high-speed internet will provide positive social and economic development benefits for the Town of Comox and across our region, allowing access to online healthcare, education, e-commerce, support for our vulnerable sector, enhanced emergency response and safety, community viability and growth potential. It is clearly a basic requirement to function effectively in the world today and the advancement of high-speed broadband access in communities across the Comox Valley Regional District should be a priority for all concerned.

The <**corporate name**> fully endorses the Town of Comox’s funding request, investment in advanced broadband infrastructure and services, and support for equitable access to essential services that bolster the overall well-being and economic prosperity of the region.

Sincerely,

(Insert signature and business owner name)

Office of the Chair

770 Harmston Avenue, Courtenay, BC V9N 0G8
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 230-20/AVICC

January 17, 2024

Sent via email only: ggarbutt@courtenay.ca

Mayor and Council
City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7

Dear Mayor and Council:

Re: Association of Vancouver Island Coastal Communities Resolutions

I am writing to seek City of Courtenay support in respect of two resolutions for the 2024 Association of Vancouver Island Coastal Communities Annual General Meeting and Convention. I propose a collaborative approach that ensures our submissions are not only impactful but also representative of the collective concerns and priorities of the Comox Valley.

Therefore, I suggest that the Comox Valley Regional District, City of Courtenay, Town of Comox and Village of Cumberland to independently approve and submit the attached two resolutions prior to the February 8, 2024 deadline:

- Housing Authority Feasibility Study Work (Appendix A);
- Extreme Weather Response Shelter System (Appendix B).

By adopting this approach all our local governments will be noted as sponsors, underscoring the importance of these issues and demonstrating a cohesive commitment to addressing them. It also allows us to present a united front while respecting the autonomy of each jurisdiction.

I also want to note that in drafting the resolutions, I sought feedback from the Comox Valley Mayors and also consulted with, and incorporated feedback from, the Comox Valley Coalition to End Homelessness leadership team on the extreme weather response resolution.

This collaborative approach is very much appreciated and we look forward to working together to make a meaningful impact at the upcoming Association of Vancouver Island Coastal Communities convention.

Respectfully,

A handwritten signature in black ink, appearing to read 'Will Cole-Hamilton', is written over a light blue horizontal line.

Will Cole-Hamilton
Chair

Enclosures: Appendix A - Housing Authority Feasibility Study Work
Appendix B - Extreme Weather Response Shelter System

cc: Adriana Proton, Manager of Legislative Services, City of Courtenay

AVICC HOUSING AUTHORITY FEASIBILITY STUDY WORK RESOLUTION

WHEREAS non-market housing is in critical need throughout the province, and the provision of such housing is currently severely challenged by supply conditions, lack of adequate funding, and lack of capacity by local governments to support the provision and management of such housing;

AND WHEREAS some municipalities and regional districts in British Columbia have created entities, such as housing authorities, which successfully increase the supply of non-market housing by providing and managing such housing, the process of planning and then creating these entities involves significant staff time and other costs;

THEREFORE BE IT RESOLVED THAT the Association of Vancouver Island and Coastal Communities and the Union of BC Municipalities petition the Province of BC to provide grant funding for municipalities and regional districts to plan and create entities that provide and manage non-market housing in their communities.

Background

- Housing affordability and homelessness are significant challenges across the province with the situation worsening considerably in recent years. A growing number of residents are experiencing homelessness and having difficulty securing suitable housing that is affordable relative to their household's income, impacting the economic and social wellbeing of communities large and small.
- The Government of BC has made affordable housing a key focus, launching a variety of initiatives and measures to increase the supply of all housing types, including non-market housing. This type of housing is government subsidized and is typically owned and/or operated by either a government or a non-profit housing provider.
- Through BC Housing, the Province partners with local governments, non-profits and co-ops by providing capital and operational grants for non-market housing.
- Local governments are recognized as a key partner in supporting affordable housing in BC, employing an array of tools including regulations, policies and plans, land and financing and capacity building.

The Comox Valley Regional District respectfully acknowledges the land on which it operates is on the unceded traditional territory of the K'ómoks First Nation, the traditional keepers of this land.

- The scale and complexity of the housing affordability crisis requires additional, sustained efforts by all orders of government. In response, many local governments are exploring new tools and considering new roles that have traditionally been held by senior government agencies. Such activities include the development and operation of affordable housing units as well as land banking and financing for local projects.
- Through arms-length corporations, societies and authorities, a small number of resort communities and large urban centers have made significant strides in the creation of new affordable housing. Such entities, many of which are now self-sustaining, serve as examples of the positive outcomes that can be achieved in the creation of affordable housing in cooperation with the local non-profit and co-op providers.
- Properly considering these types of activities in the context of the needs and attributes of each community requires housing sector expertise through a variety of lenses, including development, construction, operations, finance and legal. As this is not commonly an internal capacity held by local governments, analysis by third-party consultants is required to assist in such reviews and provide critical information and advice regarding the potential role, structure and operations. Depending on the scale and scope of the review, the costs for such work can range from \$15,000 - \$100,000.
- The creation of a new line of business for local governments is recognized as a significant undertaking and one that may take many years to reach maturity. Due to this complexity and the required assessments and feasibility studies, gaining public support for such expenditures can be challenge.
- Grant funding opportunities specific to this type of exploration and assessment would enable and facilitate more communities to consider these tools and approaches to help to build more vibrant and affordable communities throughout BC.

AVICC EXTREME WEATHER RESPONSE SHELTER SYSTEM

WHEREAS the Extreme Weather Response (EWR) shelter system was developed more than a decade ago to support community organizations in providing life-saving warm, safe places for unhoused community members to sleep in cold and wet weather, the EWR model does not provide any funding for facility rental costs, security, equipment or resource purchases, nor does it provide any funds for these community organizations to plan for, develop, and deliver EWR shelters in their communities;

AND WHEREAS since the EWR program was developed the number of community members experiencing homelessness has grown substantially, and the needs of those community members have, often due to addiction and mental health challenges, become increasingly complex, community organizations in many communities have been unable to provide life-saving EWR shelters with the limited resources available;

THEREFORE BE IT RESOLVED THAT Association of Vancouver Island Coastal Communities and Union of BC Municipalities petition the Province of British Columbia to recognize that the EWR program is insufficient to address current social challenges and community capacity to meet those challenges; and that a Provincially driven solution be determined in collaboration with community leaders to ensure that;

- service delivery by existing provincial agencies that are tasked with providing social service supports, including shelter spaces and wrap-around services, is strengthened and
- adequate funds are available to rent facilities, provide security and necessary equipment such that the community organizations that are tasked to deliver this program are appropriately resourced.

Background

- Since October 2023, Comox Valley local and provincial government representatives, K'ómoks First Nation, Comox Valley Coalition to End Homelessness, local non-profit and public organizations and community members, have been working together to find a suitable location for an Extreme Weather Response (EWR) Shelter for at least 100 unhoused community members.
- Available locations, both publicly and privately owned, have been explored and assessed based on considerations such as the number of people the site can support to sleep, existing use, ease and safety of access, security, proximity to services such as washrooms, and potential impacts on the surrounding neighborhoods. Despite best efforts, including calls to action through public communications and media coverage, no suitable location is available in the community for an EWR Shelter for this winter.
- Barriers to securing an appropriate location in the Comox Valley have been cost of leasing a space, cost and time to mobilize and service temporary structures such as mobile trailers, meeting fire code requirement for sleeping, limitations of organizations that have historically provided space (such as faith-based organizations) who are already at capacity or are concerned about security and safety, lack of mental health supports, compassion fatigue and stigma in the community.
- Comox Valley has warming centres coordinated by emergency management services during extreme cold. However, the local and provincial jurisdiction of the warming centre activation, mandate and resource allocation is different than an EWR, which poses difficulty for coordination to minimize gaps in needed services during potentially harmful weather events.

THE PROCESS OF THE Situation Table

THE FOUR FILTER APPROACH

1

FILTER ONE - PRIOR TO BRINGING THE SITUATION TO THE TABLE

- Occurs at the originating service agency.
- Could my client's situation be managed more effectively through a multi-sector, collaborative approach?
- If yes? Bring it to the Table!

FILTER TWO - DE-IDENTIFIED DISCUSSION AT THE TABLE

- Occurs at the Situation Table meeting.
- The originating agency shares their client's risk factors.
- Does my client's situation meet the threshold of Acutely Elevated Risk?

2

ACUTELY ELEVATED RISK

1. Significant interest at stake (service gaps & system failings have led the client to the AER threshold).
2. Probability that harm will occur if nothing is done.
3. Severe intensity of harm.
4. Multi-disciplinary nature of risk (the risk factors cut across multiple human service disciplines).

FILTER THREE - DISCUSSION TO DETERMINE INTERVENING AGENCIES

- If AER is met, the originating agency shares the situation and the client's name.
- Table participants pause for agency recognition (agencies check their records for involvement with the client, if they don't know them directly).
- The risk factors are entered onto the database.

3

4

FILTER FOUR - DISCUSSION AMONGST RECOGNIZED AGENCIES

- These agencies meet separately to discuss an intervention within 24/48hrs.
- What strategies can be used to connect this client with services?
- How can we put our approach lower this client's elevated risk?

SITUATION TABLES

A MODEL FOR COMMUNITY SAFETY AND WELL-BEING (CSWB) IN BRITISH COLUMBIA



Ministry of
Public Safety and
Solicitor General

What is a Situation Table?

- The Situation Table is a risk-based, collaborative, rapid triage model
- It focuses upstream to connect individuals/families facing situations of acutely elevated levels of risk (AER) – as seen across multiple agency lenses – to the services they need, immediately
- It is neither a new entity nor a formally structured organization. Rather, it is a carefully disciplined conversation, and a new tool for human service professionals as they perform their existing roles
- The Table is guided by the Four Filter Approach, which is a structured process designed in consultation with privacy officials in multiple jurisdictions
- The only data it records is risk-based data to track risk factors in the community, and the agencies involved

How Does it Work?

- Front-Line Human Service and Justice professionals come together once a week for 90 minutes to address situations of AER in a collaborative setting – while using the Four Filter Approach to properly and safely navigate privacy implications – in order to identify which agencies need to be involved in a supportive intervention
- The group of agencies determined to have a role will ultimately mobilize immediate (ideally within 24-48 hrs) and multi-agency supports, leading to a connection to all essential services required to mitigate the evident AER factors and ensure improved pathways to care and support
- Following the intervention, the ongoing work is carried on by the agencies involved, in a typical collaborative care manner, but away from the Table

What are the Benefits?

- Offers a new way for Human Service and Justice professionals to improve service delivery, reduce barriers, and connect individuals to the services they need
- Uses a multi-lens cross-sector approach to viewing risk factors and their cumulative impacts
- Risk-driven as opposed to incident-driven, allowing the Table to focus upstream and provide an opportunity to address situations of AER before incidents occur
- Takes collaboration to a new level, building increased trust and strengthening inter-agency relationships
- Risk-based data can help inform local decision making and policy development related to community safety and well-being
- Mobilizes the system in a new way

What Agencies are Involved in a Situation Table?



Understanding AER

Acutely Elevated Risk (AER) refers to situations where individuals and/or families are facing a composite level of risks factors, spanning across multiple human service and justice disciplines, and where there is a high probability of harm occurring soon.

The Four Filter Approach is essentially the triage process that the Table participants follow in order to determine if AER is present, and if so, move to the Intervention.



Ministry of
Public Safety and
Solicitor General

Situation Tables in BC: 2022 RTD Analysis

Collaborative Public
Safety Programs



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Executive Summary

In the past year, we saw positive growth across all KPIs, from cross-sector collaboration to risk diversion. We funded 23 new Tables in FY22/23, raising the Provincial total to 37.

The following is an analysis of data from the 17 Situation Tables which were active in BC in 2022. As more Tables onboard, subsequent RTDs will feature statistical insights from a broader BC perspective, representing an increasingly powerful policy tool. To further enhance the impact of Situation Tables, CPSP is responsible for data and privacy governance, providing support in analyzing data gathered from operational Situation Tables. It is a first step towards enabling timely comparative analyses between communities, identifying systemic gaps in and barriers to services, determining Provincial priorities, and informing resource and service allocation with the intention of a more just, inclusive, and resilient British Columbia.

In 2022, there were 358 discussions across all Tables. 65.4% of these discussions were closed with the overall risk lowered. 38% of the discussion subjects were female, 41% were male, and 21% 'other' or families. The most common age groups were 18 to 24 and 30 to 39, both at 18%. Of the 105 predetermined risk factors this database tracks, 2022's top five (5) were:

- Lack of appropriate housing - 55.9%;
- Unable to meet own basic needs - 45.8%;
- Financial hardship - 33.2%;
- Suspected unmanaged mental health concerns - 31.6%; and,
- Drug abuse/misuse - 25.7%

Since 2018, 90% of all discussions referred to Tables by the Police of Jurisdiction have been transferred to more appropriate agencies to provide services. This directly prevents the criminalization of individuals at risk, and prevents those individuals from experiencing negative outcomes. It moreover allows front line policing services to concentrate their efforts and resources on core policing matters.



Our Mission

- To foster collaboration amongst public safety entities, communities, and frontline stakeholders to promote the safety, well-being, and resiliency of people and communities in the face of emerging challenges.
- To build strength, collaboration, and innovation into the social services landscape of BC communities, thereby ensuring the long term sustainability of the Situation Table model.

Our Vision

- Resilient and thriving communities across BC, where collaborative, prevention-focused responses to public safety form the bedrock of community well-being, rather than overreliance on enforcement.
- Routine, comprehensive, and timely responses to people in crisis, leading to meaningful harm reduction via the establishment and expansion of Situation Tables and Indigenous Intervention Circles.



Background

Situation Tables are an evidence-based model for improving community safety by facilitating space for a community's front-line service providers to collaborate, leading to coordinated multi-agency responses, rapidly connecting vulnerable people to all the services they need in order to proactively mitigate risks and vulnerabilities associated with harms and negative outcomes. Cases, referred to as discussions, are brought forward by a member organization if it meets the threshold of Acutely Elevated Risk (AER), and an intervention is then planned by multiple agencies. Interventions occur within 24 – 48 hours of the Situation Table meeting.

The Ministry's Role

MPSSG's Collaborative Public Safety Programs is leading efforts to create new and enhance existing Situation Tables in BC, including policy frameworks, funding, and data governance. These activities align with CPSP's mandate to seek community-based solutions that address community safety & wellbeing, including, but not limited to, crime reduction; moving away from reactive approaches and towards holistic, integrated, and evidence-based models. Page 146 of 294



Celebrating Breakthroughs, Inspiring Progress in 2022

↑ **65%**

Lowered risk

↑ **358**

Discussions

↓ **41%**

were male

↑ **5.6**

Agencies per
Intervention (average)

↓ **18%**

Were age 30-39

= **25%**

Originated from
law enforcement

↑ **23**

Tables funded

Through the dedication
and commitment of
community champions

↓ **88%**

Transferred from
Police to a more
suitable Agency

↑ **7.4**

Number of Risk
Factors (average)



Top 5 Risk Factors in 2022

55.9%

LACK OF APPROPRIATE HOUSING

46%

UNABLE TO MEET OWN
BASIC NEEDS

33%

FINANCIAL HARDSHIP

32%

SUSPECTED UNMANAGED
MENTAL HEALTH
CONCERN(S)

26%

DRUG ABUSE/MISUSE



In 2021, **Financial Hardship** was at 19%, which represents a 14% increase in a single year – the highest recorded since tracking began.

A Note on 'Risk'

The Situation Table model is neither investigative nor punitive. Risk Factors are aggregately tracked and cannot be connected to individuals. These risk factors do not represent judgement or prognostication of criminality. Rather, they highlight barriers to achieving both individual and community safety & wellbeing and can inform meaningful policy reforms.



Top Originating Agencies in 2022

- 1 Police of Jurisdiction 25.4%
- 2 Adult Probation 8.4%
- 3 MCFD 5.3%

Top Lead Agencies in 2022

- 1 Adult Probation 8.4%
- 2 MCFD 7.0%
- 3 Interior Health 6.4%

INSIGHTS: HOUSING CRISIS

A lack of appropriate housing stands out as the overwhelming top risk factor across virtually all Situation Tables.

Exacerbated by limited rental supply, a lack of affordable housing options, rapid urbanization and population growth leave individuals and families struggling to secure safe and affordable housing. Evidence-based research suggests that this reality in turn may lead to exposure to comorbid risk factors, including: crises in mental health, inability to meet basic needs, association with negative peers, substance misuse, etc.

As supported by Situation Table data, housing precarity is often correlated to other top risk factors, such as:

- Drug abuse/misuse: 62.5%;
- Suspected mental health concerns: 61.3%;
- Unable to meet own basic needs: 60.4%;
- Negative peer association: 58.0%.

Our Government recognizes that housing is a significant issue facing British Columbians, and one that is a joint responsibility across all levels of government. As a direct response, in December of 2022, the Ministry of Housing was formed to focus on the creation of affordable, accessible, and safe housing supply.

CPSP works closely with the Ministries of Housing, Health, Mental Health and Addictions, Social Development and Poverty Reduction, and Attorney General to promote Situation Tables as a key collaborative response and resource in responding to the housing crisis across the spectrum of complex care needs, accessibility, and affordability.



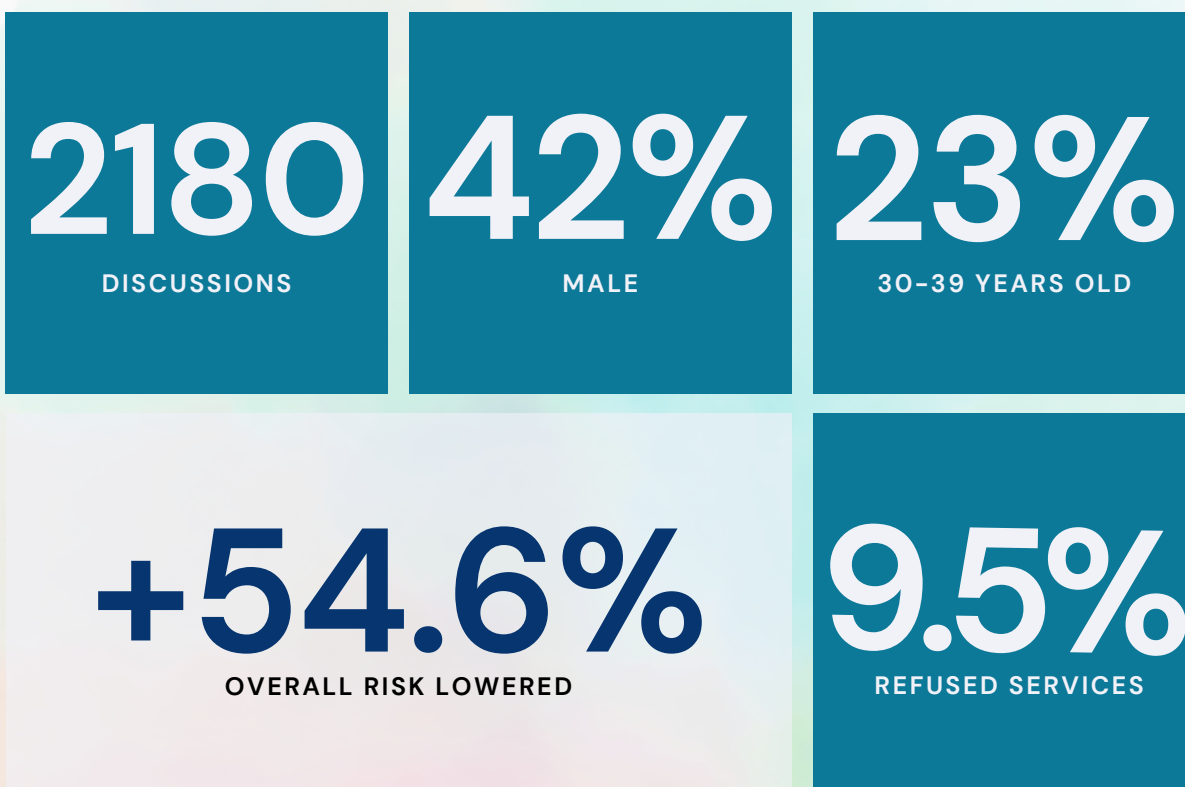
2015–2022 SNAPSHOT

10

The data for this report was aggregated from the 17 Situation Tables which were active in BC in 2022. In years prior, there were as few as 4 active Tables. Therefore, annual data comparisons must be viewed with the caveat that recent years have more weight in aggregate trends than previous years. Likewise, larger communities have a more significant impact on total values, due to their larger annual discussion counts. Additionally, newly established Situation Tables may have different local contexts and circumstances during their implementation phase which impact their discussion and agency participation totals.

While the purpose of this report is to provide a summary of the composition of discussions at these Situation Tables, using this report to compare year-over-year trends should be done with these caveats in mind, until such a time as most BC communities have established active Tables.

Aggregated historical data compounds in efficacy and utility as new Tables and new annual data subsets are added, as it allows us to see emergent trends. For example, 2022 data is the first instance we saw "Financial Hardship" in the top 5 most common risk factors, telling us that underlying factors – perhaps inflation or the rising cost of housing, but potentially some yet unknown compounding factor – are impacting vulnerable British Columbians more acutely than in years prior.



Aggregate statistics: 2015–2022

Trends in Risk



7 YEAR AGGREGATE

2015-2022

2015-2021

	2015-2022	Change	2015-2021
• Lack of Appropriate Housing	53.7%	+3.0%	50.7%
• Unable to meet own basic needs	44.7%	+3.3%	41.4%
• Drug Abuse/Misuse	34.0%	+1.6%	32.6%
• Suspected mental health concern	30.4%	+3.4%	27.0%
• Negative peer association	27.5%	+2.0%	25.5%

A Note on 'Risk'

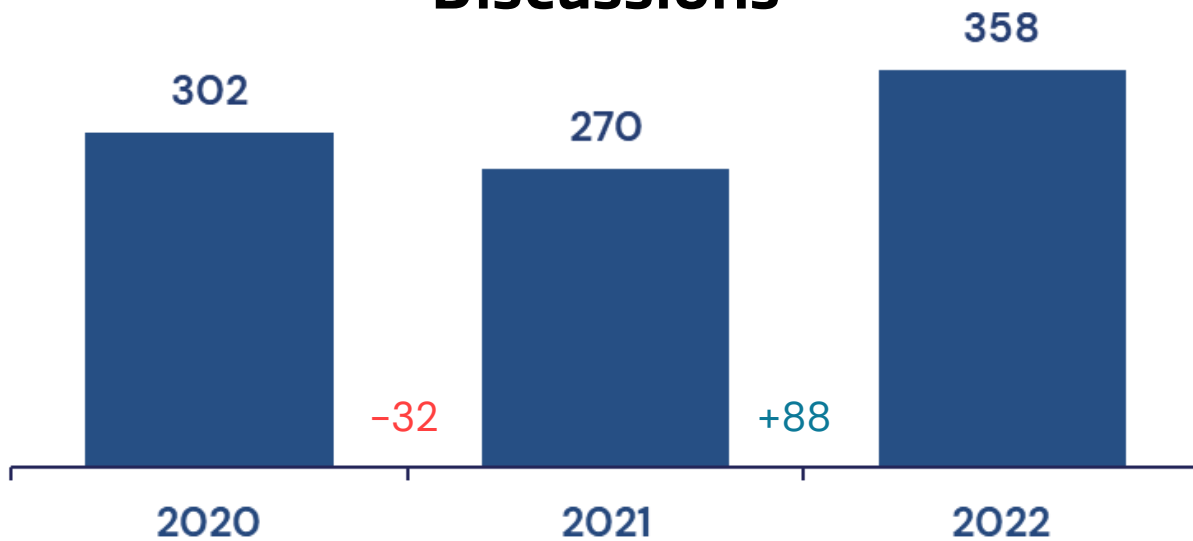
The Situation Table model is neither investigative nor punitive. Risk Factors are aggregately tracked and cannot be traced to individuals. These risk factors do not represent judgement or prognostication of criminality, but rather highlight barriers in achieving community safety & wellbeing and can inform meaningful policy reforms.

Acutely Elevated Risk (AER)

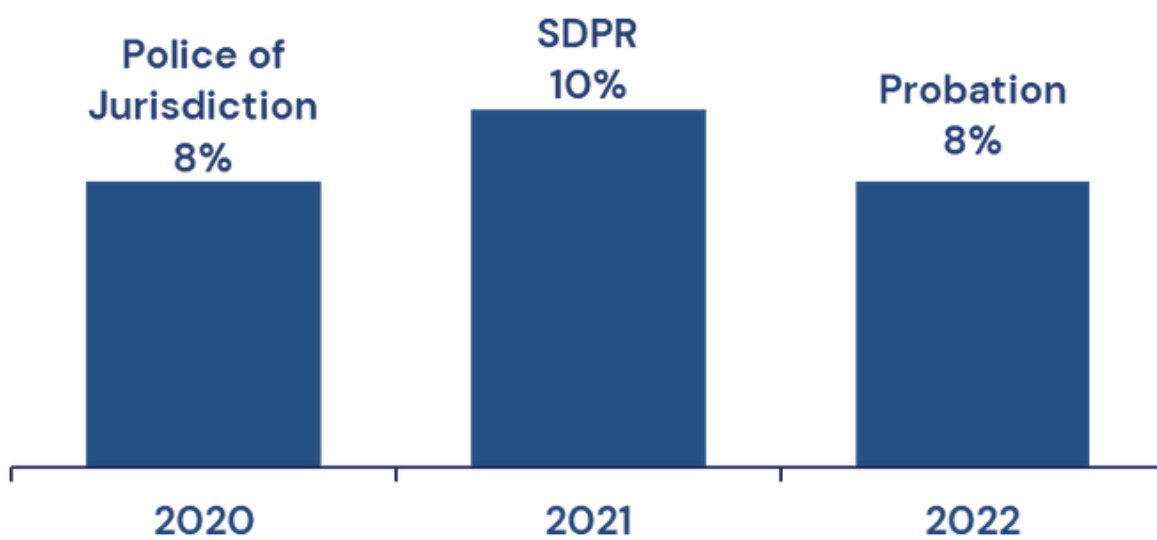
Refers to situations where individuals and/or families are facing a composite level of risks factors, spanning across multiple human service and justice disciplines, and where there is a high probability of harm occurring to self or others without immediate intervention, and where there is significant community interest at stake.

Trends 2015–2022

Discussions



Lead Agency



Situation Table Communities

Lower Mainland

- Abbotsford
- Agassiz
- Burnaby
- Chilliwack
- Coquitlam
- Hope
- Langley
- Maple Ridge
- Mission
- Squamish
- Surrey (SMART)
- Surrey (CHART)
- Vancouver
- Whistler

Vancouver Island

- Campbell River
- Comox Valley Region
- Duncan (Cowichan)
- Nanaimo
- Port Alberni
- Port Hardy
- Victoria

Interior

- Kelowna
- Greater Westbank
- Lytton – Lillooet
- Merritt
- Penticton
- Oliver–Osoyoos
- Columbia Valley District

North

- Houston
- Kitimat
- New Hazelton
- Prince George
- Prince Rupert
- Quesnel
- Smithers
- Terrace
- Williams Lake

TOP RISK FACTORS

- Lack of Appropriate Housing 57.1%
- Suspected Mental Health Concern 57.1%



Discussions

TOP ORIGINATING AGENCIES

- Police of Jurisdiction 42.9%
- Burnaby Community Services 28.6%

100%

Interventions which
led to overall
lowered risk

TOP LEAD AGENCIES

- Police of Jurisdiction 28.6%
- MCFD 28.6%
- School District 28.6%



42.9% Female
14.3% Male

42.9%

12-15 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	8.0		-
Average Agencies Involved Per Discussion	4.6		-
Cases Transferred from Police to a More Suitable Agency	1		-

TOP RISK FACTORS

- Financial Hardship 65.0%
- Lack of Appropriate Housing 60.0%
- Substance Misuse 57.5%

40

Discussions

TOP ORIGINATING AGENCIES

- Police of Jurisdiction 37.5%
- SDPR 17.5%
- Sasamans Society 12.5%

57.5%

Interventions which
led to overall
lowered risk



45% Female
45% Male

TOP LEAD AGENCIES

- SDPR 22.5%
- Island Health 20.0%
- Sasamans Society 15.0%

22.5%

40-49 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	8.2		-
Average Agencies Involved Per Discussion	6.7		-
Cases Transferred from Police to a More Suitable Agency	15		-

TOP RISK FACTORS

- Drug Abuse/Misue **87.0%**
- Alcohol Abuse/Misuse **78.3%**
- Lack of Appropriate Housing **73.9%**

TOP ORIGINATING AGENCIES

- Pacific Community Resources Society **43.5%**
- Cyrus Centre **17.4%**

TOP LEAD AGENCIES

- Pacific Community Resources Society **39.1%**
- Cyrus Centre **26.1%**
- Ann Davis Transition Society **21.7%**

23

Discussions

60.9%

Interventions which
led to overall
lowered risk



60.9% Female
26.1% Male

43.5%

18-24 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	10.6		-
Average Agencies Involved Per Discussion	6.6		-
Cases Transferred from Police to a More Suitable Agency	1		-

TOP RISK FACTORS

- Lack of Appropriate Housing **81.8%**
- Suspected Mental Health Concern **72.7%**

TOP ORIGINATING AGENCIES

- Police of Jurisdiction **36.4%**

TOP LEAD AGENCIES

- Police of Jurisdiction **36.4%**
- Cowichan Women Against violence **18.2%**

11

Discussions

63.6%

Interventions which
led to overall
lowered risk



63.6% Female
36.4% Male

36.4%

18-24 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	8.1		9.4
Average Agencies Involved Per Discussion	5.5		3.8
Cases Transferred from Police to a More Suitable Agency	2		3

TOP RISK FACTORS

- Unable to meet Own Basic Needs **83.3%**



Discussions

TOP ORIGINATING AGENCIES

- School District **50.0%**
- Police of Jurisdiction **33.3%**
- ARC Programs **16.7%**

83.3%

Interventions which led to overall lowered risk



50% Female
0% Male

TOP LEAD AGENCIES

- Youth Probation **16.7%**
- SDPR **16.7%**
- School District **16.7%**
- Salvation Army **16.7%**
- Arc Programs **16.7%**

33.3%

18-24, 30-39 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	7.7		10.5
Average Agencies Involved Per Discussion	6.2		3.8
Cases Transferred from Police to a More Suitable Agency	2		1

TOP RISK FACTORS

- Drug Abuse/Misuse **100%**



Discussions

TOP ORIGINATING AGENCIES

- School District **100%**

50%

Interventions which led to overall lowered risk

TOP LEAD AGENCIES

- School District **50%**
- Hope and Area Transition Society **50%**



0% Female
100% Male

50%

5-11, 16-17 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	4.0		3.5
Average Agencies Involved Per Discussion	4.5		2.5
Cases Transferred from Police to a More Suitable Agency	0		0

TOP RISK FACTORS

- Lack of Appropriate Housing **57.7%**
- Suspected Mental Health Concern **38.5%**
- Unable to Meet Own Basic Needs **38.5%**
- Financial Hardship **38.5%**

TOP ORIGINATING AGENCIES

- School District **34.6%**
- Police of Jurisdiction **19.2%**

TOP LEAD AGENCIES

- MCFD **23.1%**
- Interior Health **19.2%**
- School District **11.5%**

26

Discussions

80.8%

Interventions which led to overall lowered risk



34.6% Female
30.8% Male

19.2%

5-11 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	7.8		7.7
Average Agencies Involved Per Discussion	5.2		4.9
Cases Transferred from Police to a More Suitable Agency	4		2

TOP RISK FACTORS

- **Crime Victimization – Sexual Assault** **50%**

6

Discussions

TOP ORIGINATING AGENCIES

- **Police of Jurisdiction** **33.3%**
- **MCFD** **33.3%**
- **Kitimat Community Development Centre** **33.3%**

83.3%

Interventions which led to overall lowered risk



33.3% Female
16.7% Male

TOP LEAD AGENCIES

- **MCFD** **50.0%**
- **Social Services** **33.3%**
- **Mental Health** **16.7%**

33.3%

12-15 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	3.8		-
Average Agencies Involved Per Discussion	4.0		-
Cases Transferred from Police to a More Suitable Agency	2		-

MISSION



Ministry of
Public Safety and
Solicitor General

TOP RISK FACTORS

- Lack of Appropriate Housing 87.5%
- Suspected Mental Health Concerns 50.0%
- Drug Abuse/Misuse 50.0%

TOP ORIGINATING AGENCIES

- Community Services 62.5%

TOP LEAD AGENCIES

- Mental Health 25.0%
- Police of Jurisdiction 25.0%

HIGHLIGHTS

8

Discussions

50%

Interventions which
led to overall
lowered risk



62.5% Female
37.5% Male

25%

18-25, 30-39, 50-
59 YRS
Age Group

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	3.5		4.1
Average Agencies Involved Per Discussion	4.3		4.2
Cases Transferred from Police to a More Suitable Agency	0		4

TOP RISK FACTORS

- Lack of Appropriate Housing **61.1%**
- Unable to meet Own Basic Needs **50.0%**
- Financial Hardship **33.3%**

TOP ORIGINATING AGENCIES

- MCFD **33.3%**
- Brain Injury Society **16.7%**

TOP LEAD AGENCIES

- MCFD **33.3%**
- Brain Injury Society **22.2%**
- Foundry **16.7%**

18

Discussions

88.9%

Interventions which led to overall lowered risk



27.8% Female
22.2% Male

11.1%

12-15, 18-24, 60-69
YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	4.9		4.9
Average Agencies Involved Per Discussion	5.1		5.9
Cases Transferred from Police to a More Suitable Agency	0		0

TOP RISK FACTORS

- Financial Hardship **81.1%**
- Drug Use **67.6%**
- Lack of Appropriate Housing **64.9%**

TOP ORIGINATING AGENCIES

- RCMP - Victim Services **27.0%**
- Northern Health **10.8%**

TOP LEAD AGENCIES

- RCMP - Victim Services **18.9%**
- Northern Health **10.8%**

18

Discussions

100%

Interventions which
led to overall
lowered risk



35.1% Female
48.6% Male

25%

30-39, 40-49 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	13.6		9.5
Average Agencies Involved Per Discussion	4.3		4.6
Cases Transferred from Police to a More Suitable Agency	4		3

TOP RISK FACTORS

- Unable to Meet Own Basic Needs **83.3%**
- Drug Use **66.7%**
- Lack of Appropriate Housing **66.7%**

TOP ORIGINATING AGENCIES

- Bylaw **33.3%**
- Outreach Agency **33.3%**
- Mental Health **33.3%**

TOP LEAD AGENCIES

- Mental Health **66.7%**
- Outreach Agency **33.3%**

6

Discussions

100%

Interventions which
led to overall
lowered risk



33.3% Female
66.7% Male

50%

40-49 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	4.7		-
Average Agencies Involved Per Discussion	4.3		-
Cases Transferred from Police to a More Suitable Agency	0		-

TOP RISK FACTORS

- Drug Abuse/Misuse **47.6%**
- Lack of Appropriate Housing **42.9%**
- Alcohol Abuse/Misuse **38.1%**

TOP ORIGINATING AGENCIES

- Northern Society for Domestic Peace **47.6%**
- Good Acre Place **14.3%**

TOP LEAD AGENCIES

- Northern Society for Domestic Peace **66.7%**
- Police of Jurisdiction **19.1%**
- Good Acre Place **14.3%**

21

Discussions

66.7%

Interventions which
led to overall
lowered risk



28.6% Female
52.4% Male

23.8%

18-24 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	4.7		-
Average Agencies Involved Per Discussion	4.3		-
Cases Transferred from Police to a More Suitable Agency	0		-

TOP RISK FACTORS

- Lack of Appropriate Housing 50.0%

6

Discussions

TOP ORIGINATING AGENCIES

- Education 50.0%
- Police of Jurisdiction 33.3%
- Mental Health 16.7%

16.7%

Interventions which led to overall lowered risk



0% Female
83.3% Male

TOP LEAD AGENCIES

- Police of Jurisdiction 33.3%
- Education 33.3%

33.3%

12-15 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	4.2		-
Average Agencies Involved Per Discussion	3.7		-
Cases Transferred from Police to a More Suitable Agency	1		-

TOP RISK FACTORS

- Unable to Meet Own Basic Needs 71.2%
- Lack of Appropriate Housing 49.2%
- Criminal Involvement - Assault 32.2%

59

Discussions

TOP ORIGINATING AGENCIES

- Adult Probation 44.1%
- School District 13.6%
- Surrey Urban Mission Society 10.2%

42.4%

Interventions which
led to overall
lowered risk



23.7% Female
52.5% Male

TOP LEAD AGENCIES

- Adult Probation 40.7%
- Surrey Urban Mission Society 11.9%
- School District 8.5%

35.6%

40-49 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	5.0		5.1
Average Agencies Involved Per Discussion	5.5		5.2
Cases Transferred from Police to a More Suitable Agency	0		3

TOP RISK FACTORS

- Lack of Appropriate Housing **68%**
- Unable to Meet Own Basic Needs **60%**
- Financial Hardship **56%**

25

Discussions

TOP ORIGINATING AGENCIES

- Police of Jurisdiction **20%**
- ICMT **12%**
- Ksan Society **12%**
- Emergency Department **12%**

60%

Interventions which
led to overall
lowered risk



28% Female
40% Male

TOP LEAD AGENCIES

- ICMT **24%**
- Ksan Society **20%**
- Northern Health **12%**

20%

40-49 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	7.0		8.9
Average Agencies Involved Per Discussion	6.2		5.8
Cases Transferred from Police to a More Suitable Agency	5		3

TOP RISK FACTORS

- Drug Abuse/Misuse **56.1%**
- Alcohol Abuse/Misuse **49.1%**
- Lack of Appropriate Housing **42.1%**

57

Discussions

TOP ORIGINATING AGENCIES

- Police of Jurisdiction **84.2%**
- Canadian Mental Health Association **5.3%**

66.7%

Interventions which
led to overall
lowered risk

TOP LEAD AGENCIES

- Interior Health **22.8%**
- Canadian Mental Health Association **21.1%**
- Boys & Girls Club **14.0%**



49.1% Female
38.6% Male

22.8%

30-39 YRS
Age Group

HIGHLIGHTS

	2022	vs.	2021
Average Risk Factors Involved Per Discussion	6.0		6.6
Average Agencies Involved Per Discussion	6.9		6.2
Cases Transferred from Police to a More Suitable Agency	47		50



In Gratitude; Collaboration is Continued Success



The Ministry expresses our sincere appreciation to all Situation Table stakeholders, including fellow Ministries, municipal partners, First Nations staff, NGOs, health authorities, and law enforcement, for their unwavering support and dedication to this initiative.

CPSP@gov.bc.ca
Supporting People for Safer Communities



Comox Valley Situation Table

THE COMOX VALLEY SITUATION TABLE MEETS ON THE UNCEDED TRADITIONAL TERRITORY OF THE K'ÓMOKS, THE PENTLATCH, AND THE IEEKSUN FIRST NATIONS, INCLUDING THE SATHLOOT, THE SÄSITLA, AND THE XA'XE PEOPLE.



What is a Situation Table



Table Roles



Table Structure



Table Data



Benefits



Council Considerations

What will be covered

What is a Situation Table



Practiced model



Multi-sector
collaboration



Using a preventive lens



Offering support within
24 - 48 hours



Referrals must meet
Acutely Elevated Risk criteria
to be accepted at the Table

Primary Partners at the Comox Valley Table

Community Justice Centre	John Howard Society (The Foundry)	Sasamans Society	Wachiay Friendship Centre	Adult Probation - Ministry of Public Safety & Solicitor General	RCMP
Dawn to Dawn Action on Homelessness Society	Comox Valley Transition Society	Aids Vancouver Island (AVI)	Income Assistance - Ministry of Social Development & Poverty Reduction	Community Cares Peer Outreach	North Island Student Union
Island Health Mental Health & Substance Use (MHSU)	Island Health Hospital Crisis Nurses	Island Health Community Health	Community Living BC (CLBC)	Courtenay Bylaw	

Situation Table Roles


Secondary Partners

- Agencies providing support and attending as needed.
- Ex: Senior Support Society, CV Emergency Preparedness Program, and Kómoks First Nation.

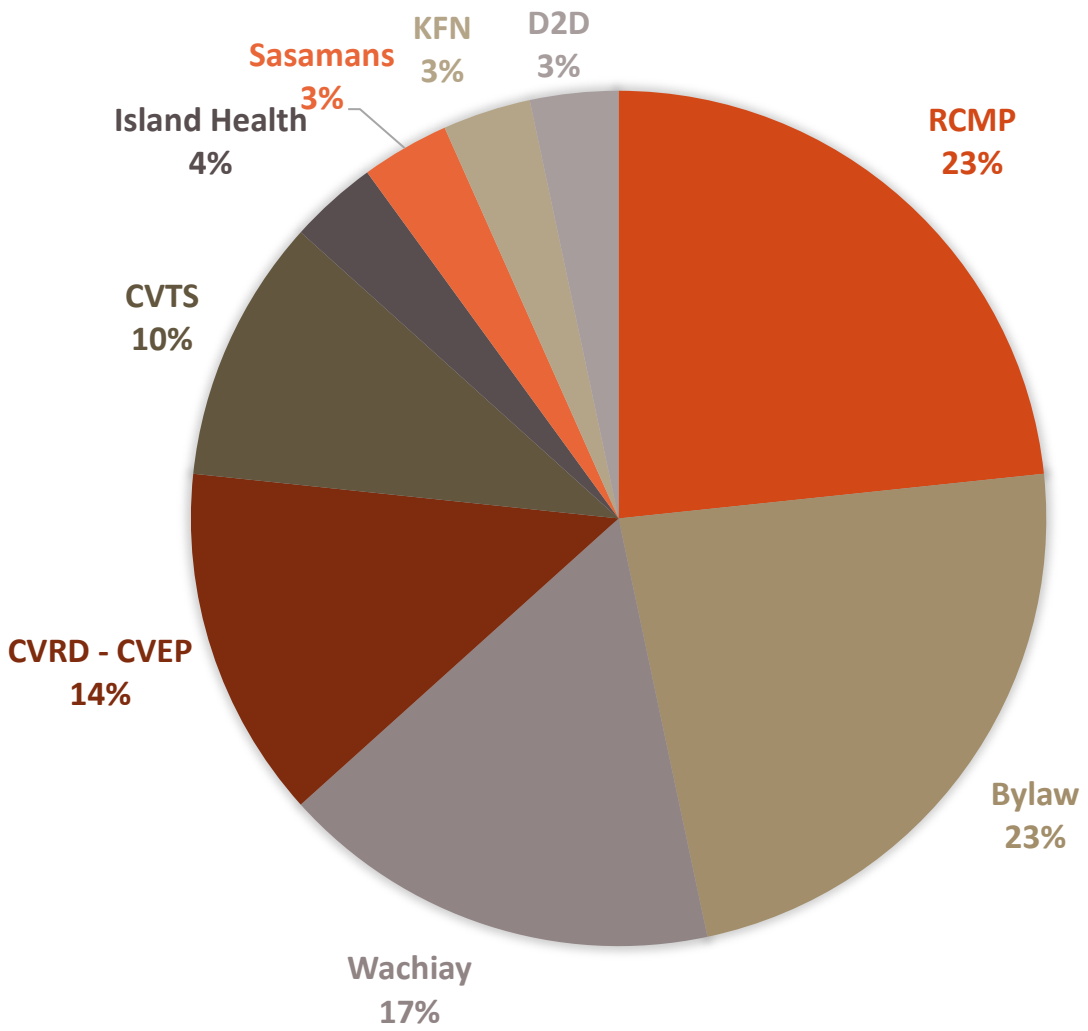
System Leaders Group

- Providing oversight, reviewing data and system issues, and determining steps to address gaps in community services.

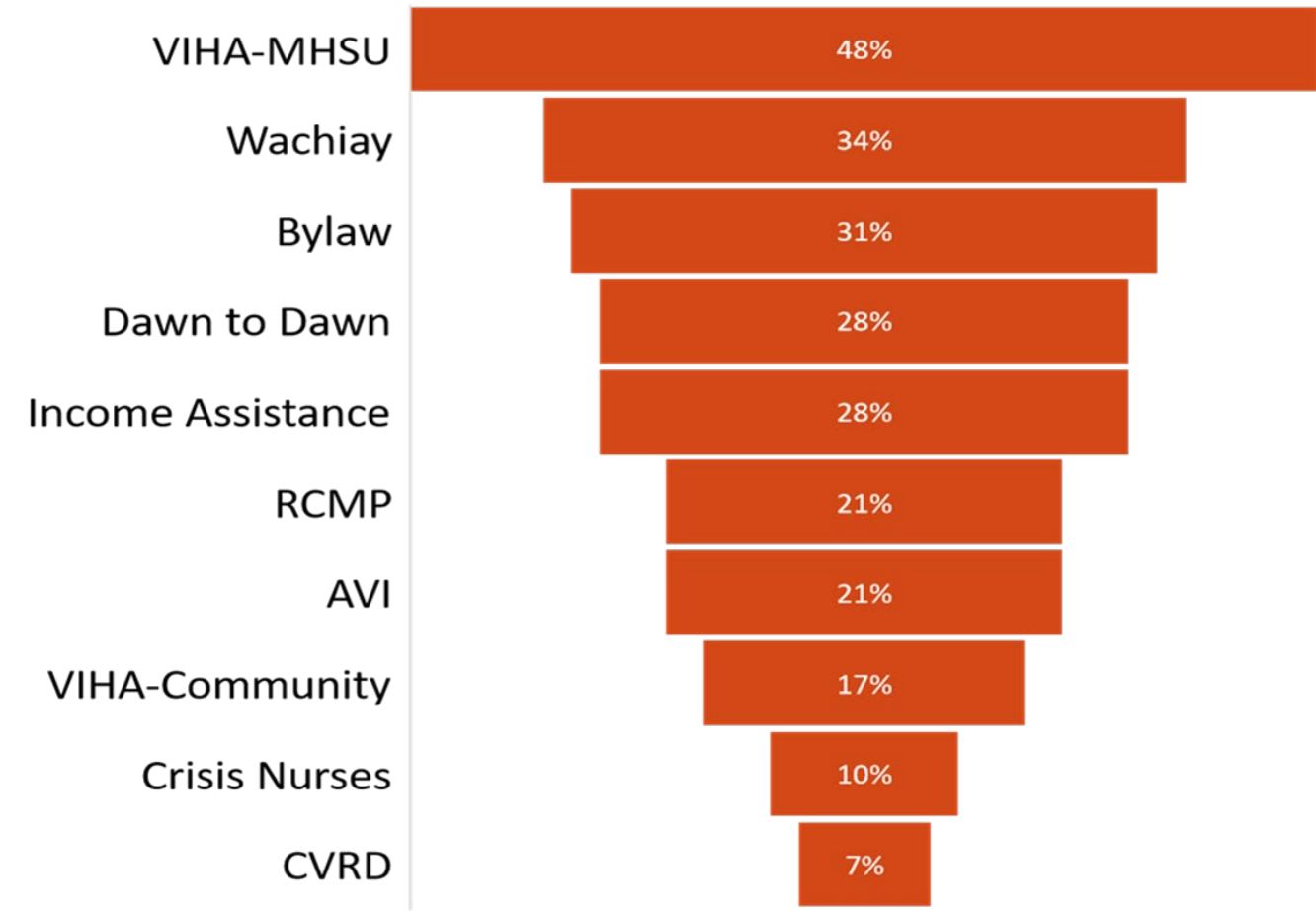
BC Tables: Chairs & Governance

City Partnership	RCMP Partnership	Non-Profit Partnership	Health Partnership
Abbotsford <i>(City/Non-Profit)</i>	Burnaby	Campbell River	Langley <i>(Non-Profit/Health Authority)</i>
Kelowna	Hope <i>(Non-Profit/RCMP)</i>	Chilliwack	Quesnel <i>(Health Authority/City)</i>
Maple Ridge	Houston <i>(RCMP/Non-Profit)</i>	Columbia Valley	Terrace <i>(Health Authority /Non-Profit)</i>
Merritt	Kent/Harrison	 Comox Valley <i>(John Howard/Justice Centre)</i>	
Mission	Kelowna Westside <i>(Indigenous Government/RCMP)</i>	Squamish	
Nanaimo	Kitimat	Terrace	
Port Hardy	North Cowichan Valley		
Prince George	Smithers		
Prince Rupert	Whistler <i>(Non-Profit/RCMP)</i>		
South Okanagan <i>(City/School District)</i>			
Surrey <i>(City/Non-Profit)</i>			
Victoria			
Williams Lake			

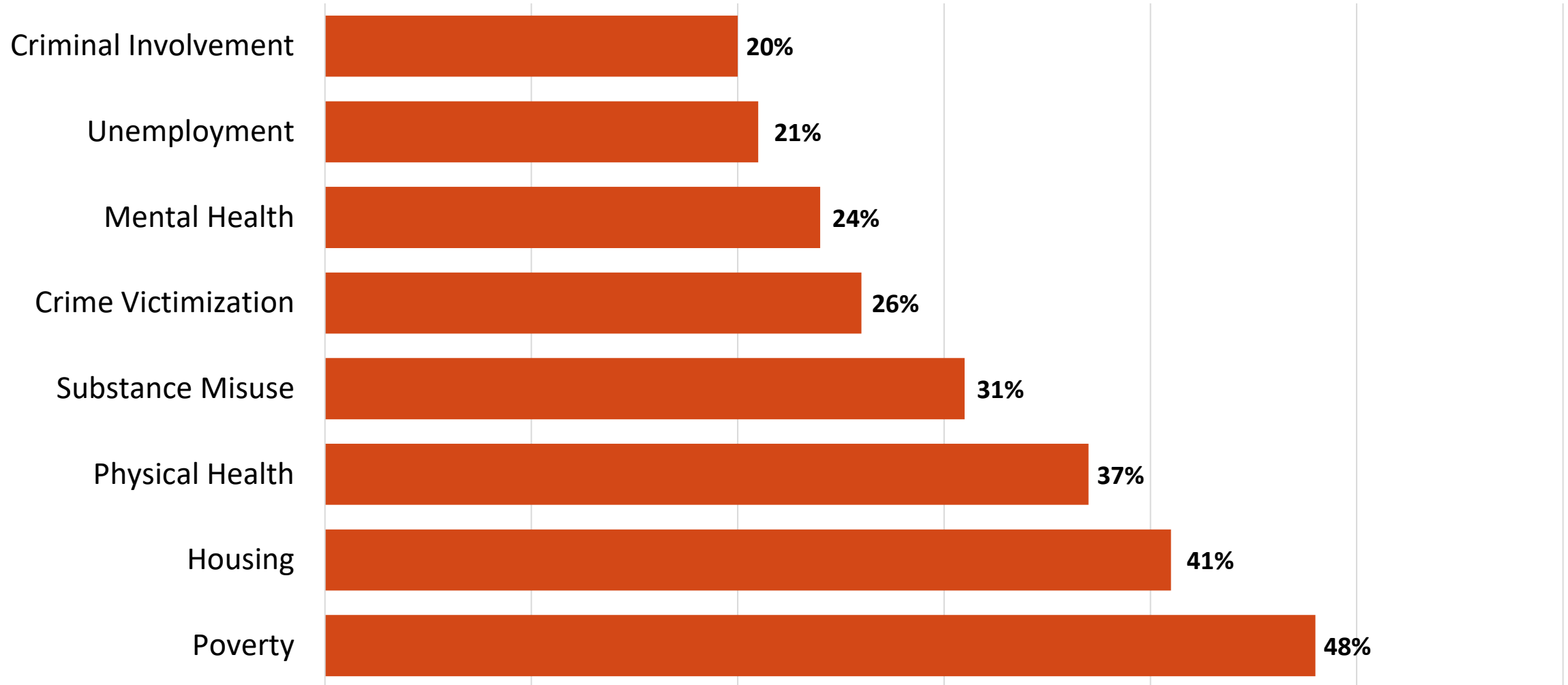
Referring Agencies



Agencies involved in Collaborative Support Planning



Most Common Risks Presented



Benefits

“Opens up resources and communication with partners at the Table”

Situations are looked at from multiple viewpoints

Increases and strengthens community partnerships and engagement

Creates unique set of de-identified data

Considerations for Council



City Representative on the System Leaders Group



Meeting space for the Situation Table

Contact Information



Dayna Forsgren – Situation Table
Coordinator & Co-Chair

comoxvalleysituationtable@gmail.com



(250) 884-9433



Karen McKinnon – Situation Table Chair &
Community Justice Centre Managing
Director

manager@communityjusticecentre.ca

Thank you for your time!



2024-2028 Water, Sewer and Solid Waste

Financial Plan Highlights



CITY OF
COURTENAY

PRESENTED BY
CITY OF COURTENAY STAFF

January 24, 2024

Water and Sewer Financial Plan Overview

Water and Sewer services are self funded utilities and are not assisted with funding from general taxation.

Two major sources of revenue:

1. Utility fees: to cover operational expenses
Such as bulk water purchase, CVRD sewer requisition and operation, monitoring and maintenance expenses
2. Frontage taxes: to cover capital expenses
Such as asset renewal or expansion, depreciation, repairs that extend the life of an asset and contribution to reserves

Water and Sewer Financial Plan Overview

❖ City Utility Fees impacted by:

- Regional long-term capital investment leading to increased CVRD bulk water rate & sewer requisition
- Increased permit and regulatory requirements in City operations

❖ Financial Plans developed based on Asset Management for sustainable service delivery

- Emphasis on preventative maintenance to extend the life of the City's assets

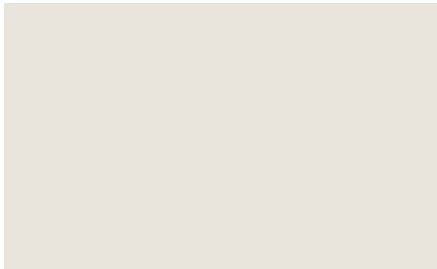


Water and Sewer Financial Plan Overview

- ❖ Water and Sewer Financial Plan is a collaborative effort involving:
Public Works – Engineering – Finance
- ❖ The *Community Charter* requires a municipality to have a five year financial plan adopted annually before May 15th
- ❖ Now seeking approval of proposed financial plans and to implement proposed utility fees to cover the anticipated costs of the services
- ❖ Next steps:
 - Amend Fees and Charges Bylaws for 2024
 - Amend Frontage Tax Bylaws for 2024
 - Incorporate Water and Sewer Financial Plan into the City's Consolidated Financial Plan



2024 Water Budget Highlights



Water Fund Overview

- ❖ Regional and Municipal components each play a vital role in providing water services to City of Courtenay residents
- ❖ The Comox Valley Regional District manages the treatment and transmission to six different water systems in the region including the City of Courtenay
- ❖ Comox Valley Regional District planned capital upgrades and expansion of water infrastructure, including the recently commissioned water treatment facility, resulting in increased bulk water rates
- ❖ City of Courtenay water utility infrastructure includes over 170 km of water main, 1 booster pump station, 7 pressure zones, and nearly 10,000 individual connections



2024 Water Operating Budget Overview

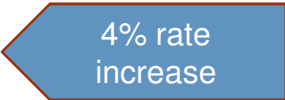
❖ Water Operating Expenses increase by \$1,100,400 or 14% from 2023 Budget due to:

- CVRD bulk water purchase \$848,400k

Actual and projected rate : 2022 - \$0.80 / m³

2023 - \$0.96 / m³

2024 - \$1.00 / m³



4% rate
increase

+\$218,188k due to rate increase

+\$630,212k due to projected increase in consumption

- Water Operations of \$338,500k mostly attributed to Water service expense (\$256k) being matched to the increase cost in reactions to system failures

Water Distribution Operations

- ❖ In BC, drinking water quality is controlled through provincial and federal regulations administered by the Local Health Authority

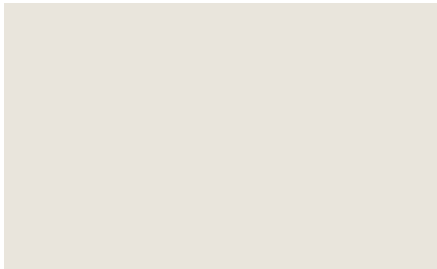
Under these regulations, the City is required to provide safe and reliable potable water services

- ❖ The City owns and operates a Class 3 (III) water distribution system
- ❖ Our systems are monitored by a Supervisory Control and Data Acquisition (SCADA) 24/7/365
- ❖ Operational activities mandated by the Ministry of Health in combination with industry best practises or engineering standards include;

ensuring proper distribution operations, maintenance and monitoring of the water system and its facilities, including; pumping/booster stations. Providing compliance sampling, uni-directional flushing, cross connection control programs. Staff education and annual re-certification, contingency or emergency plans & master planning

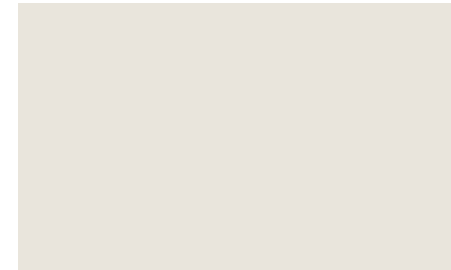


2024 Water Fund Expenses



	2023 BUDGET	2024 BUDGET	BUDGET increas/(decrease	VARIANCE %
WATER EXPENSES				
Contributions to Other Governments	\$ 5,454,700	\$ 6,303,100	\$ 848,400	16%
Water Administration	633,000	603,900	(29,100)	-5%
Water Fleet	64,300	6,900	(57,400)	-89%
Water Operations				
JOB 11000 Water Main	169,300	210,600	41,300	24%
JOB 11100 Water Service	405,200	661,400	256,200	63%
JOB 11200 Water Distribution Value	99,900	90,600	(9,300)	-9%
JOB 11300 Water Hydrant/Blow off	218,500	219,100	600	27%
JOB 11400 Water Meter	244,500	244,100	(400)	-16%
JOB 11500 Water Facilities	103,200	105,100	1,900	2%
JOB 11600 Water Quality & X-connect Control	80,500	120,700	40,200	50%
JOB 11700 Water Conservation Program	32,400	32,700	300	1%
JOB 11800 Water Leak Detection	27,600	35,300	7,700	28%
New Connections	100,000	100,000		0%
Total Water Operations	\$ 1,481,100	\$ 1,819,600	\$ 338,500	23%
Internal Transfers				
Internal Transfer - Common Costs	\$ 1,299,800	\$ 1,360,700	\$ 60,900	5%
Internal Transfer - To Other Funds (capital)	785,800	200,000	(585,800)	-75%
Internal Transfer - To Reserves and Allowances	891,100	393,600	(497,500)	-56%
Total Internal Transfers	\$ 2,976,700	\$ 1,954,300	\$ (1,022,400)	-34%
Water Debt Servicing	\$ 29,300	\$ 29,300	\$ -	0%
Total WATER EXPENSES	\$ 10,639,100	\$ 10,717,100	\$ 78,000	1%

2024-2028 Water Capital Projects

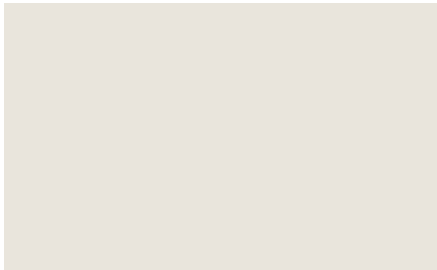


Project description	2024 Proposed Budget	2025 Proposed Budget	2026 Proposed Budget	2027 Proposed Budget	2028 Proposed Budget	Total 2024- 2028 Budget
Braidwood Road - Road & Utility - Water Component				10,000	500,000	510,000
Cousins Avenue Upgrades			59,400	779,500		838,900
New PRV Connection to 87 Zone (Cumberland - Arden)			30,000	300,000		330,000
Sandpiper / Millard Water Main Upgrade	19,200					19,200
South Courtenay PRV and Booster Station Upgrades (Buckstone Rd)			50,000	500,000		550,000
Water Smart Initiatives - District Meter Zone	400,000	75,000	400,000	75,000	400,000	1,350,000
Grand Total	419,200	75,000	539,400	1,664,500	900,000	3,598,100



2024 Water Revenue Requirements

- ❖ Recommended 4.5% increase to water user fees
- ❖ Recommended 4.5% increase to frontage fee
- ❖ Impact for a Single Residential Dwelling is +\$29.84



	2023 BUDGET	2024 BUDGET	BUDGET increas / (decrease)	VARIANCE %
WATER REVENUE				
Water Revenues				
Frontage-Parcel Taxes	\$ (1,234,900)	\$ (1,293,700)	\$ (58,800)	5%
User Fees	(7,942,400)	(8,645,700)	(703,300)	9%
Other Revenues	(294,300)	(474,000)	(179,700)	61%
Transfers from Surplus /	(1,167,500)	(303,700)	863,800	-74%
Total Water Revenues	(10,639,100)	(10,717,100)	(78,000)	1%

	2023	2024	\$ Change	% Change
User Fee	\$ 536.82	\$ 560.98	\$ 24.16	4.5%
Frontage	\$ 127.49	\$ 133.16	\$ 5.68	4.5%
Total	\$ 664.31	\$ 694.14	\$ 29.84	4.5%

- ❖ Water Master Plan and Water Rates Review to be completed 2024 will inform the water revenue requirements for future years

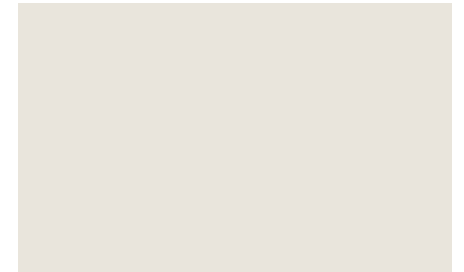


2024 Water Operating Budget Overview

Transfers, Contributions & Surplus	2024 Budget	2023 Budget
Transfer of revenue to fund Water capital projects	\$200,000	\$582,500
Contribution to Asset Management Water Reserve	\$300,000	\$300,000
Contributions to other Water Reserves (Utility, M&E, MFA)	\$93,600	\$93,600
Surplus / (Use of Surplus)	Use of surplus (\$303,700)	Use of Surplus \$(450,800)



2024 Water Budget Highlights



Questions?



2024 Sewer Budget Highlights



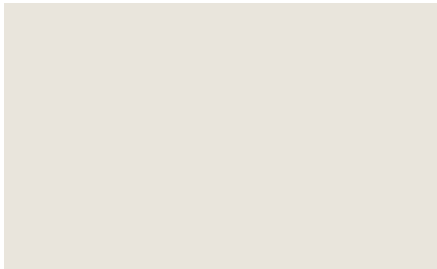
Sewer Fund Overview

- ❖ Regional and Municipal components each play a vital role in providing sewer services to City of Courtenay residents
- ❖ The Comox Valley Regional District owns and operates conveyance and treatment of wastewater for the communities of Courtenay, Comox, K'ómoks First Nation and CFB Comox (19 Wing)
- ❖ City of Courtenay sewer utility infrastructure includes over 150 km of sanitary sewer main, 12 sanitary lift stations, 23 pumps, and nearly 7,000 individual connections.

2024 Sewer Operating Budget Overview

- ❖ Operating Expenses increase by \$1m or 11% from 2023 budget due to:
 - CVRD regional sewer service requisition +\$992k or 19%
 - Represents 60.5% of Sewer Operating Expenses
 - Sewer admin expense increase \$50.6k – portion of additional engineer tech
 - Sewer operations expense increase \$189.4k – increase in equipment charge out rates \$92k, Contract services for responses and connections \$80k

Sewer Collection Operations



- ❖ In BC, municipal wastewater is managed through the Provincial Environmental Management Act under the Municipal Wastewater Regulation.

Under these regulations, the City is required to safeguard public health by providing safe the reliable conveyance of wastewater through to the regional treatment facility or an ownership transfer location.

- ❖ The City owns and operates a Class 3 (III) wastewater collection system
- ❖ Our systems are monitored by a Supervisory Control and Data Acquisition (SCADA) 24/7/365
- ❖ Operational activities mandated by the Ministry of Health in combination with industry best practises and engineering standards include;

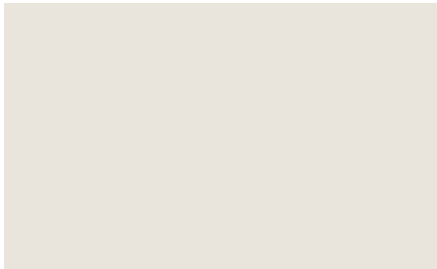
ensuring proper conveyance operations, maintenance and monitoring of the wastewater facilities, including lift stations. Preventative maintenance and flushing programs. Staff education and annual re-certification, contingency or emergency plans & master planning.



2024 Sewer Fund Operating Expenses

	2023	2024	INCREASE	VARIANCE
	BUDGET	BUDGET	(DECREASE)	%
SEWER EXPENSES				
Contributions to Other Governments	\$ 5,272,200	\$ 6,264,000	\$ 991,800	19%
Sewer Administration	541,200	591,800	50,600	9%
Sewer Fleet	49,000	25,500	(23,500)	(48%)
Sewer Operations				
JOB 12000 Sewer Gravity Main	185,000	245,400	60,400	33%
JOB 12100 Sewer Service	105,900	219,200	113,300	107%
JOB 12200 Sewer Manhole/Chamber	23,800	26,400	2,600	11%
JOB 12300 Sewer Valve	14,200	13,400	(800)	(6%)
JOB 12400 Sewer Forcemain	14,200	13,400	(800)	(6%)
JOB 12500 Sewer Lift Station	285,300	304,500	19,200	7%
JOB 12600 Sewer Inflow & Infiltration	70,600	66,100	(4,500)	(6%)
New Connections	40,000	40,000		
Total Sewer Operations	\$ 739,000	\$ 928,400	\$ 189,400	26%
Internal Transfers				
Internal Transfer - Common Costs	\$ 1,054,800	\$ 1,103,400	\$ 48,600	5%
Internal Transfer - To Other Funds	277,700	658,500	380,800	137%
Internal Transfer - To Reserves and Allowances	1,069,900	375,500	(694,400)	(65%)
Total Internal Transfers	\$ 2,402,400	\$ 2,137,400	\$ (265,000)	(11%)
Sewer Debt Servicing	\$ 309,500	\$ 407,700	\$ 98,200	32%
Total SEWER EXPENSES	\$ 9,313,300	\$ 10,354,800	\$ 1,041,500	11%

2023 Sewer Capital Projects



Project description	2024 Proposed Budget	2025 Proposed Budget	2026 Proposed Budget	2027 Proposed Budget	2028 Proposed Budget	Total 2024- 2028 Budget
Anderton Sanitary Lift Station	238,500	309,000	3,229,500			3,777,000
Braidwood Road - Road & Utility - Sewer Component				10,000	500,000	510,000
Comox Rd Sewer Crossing	4,000,000					4,000,000
Cousins Avenue Upgrades			59,400	779,500		838,900
Sewer - 1st Street Lift Station Replacement	3,439,078					3,439,078
Sewer - SCADA Server/Firewall Replacement	20,000					20,000
Sewer Equipment - Lift Station Pumps	60,000					60,000
South Courtenay Sewer System - Phase 1	948,000	10,747,500				11,695,500
South Courtenay Sewer System - Phase 2			860,000	9,747,000		10,607,000
Grand Total	8,705,578	11,056,500	4,148,900	10,536,500	500,000	34,947,478



2024 Sewer Revenue Requirements

- ❖ Recommended 10% increase to user fees
- ❖ Recommended 4.5% increase to frontage fee
- ❖ Impact for a Single Residential Dwelling is +\$49.92

	2023	2024	BUDGET	
			INCREASE	VARIANCE
	BUDGET	BUDGET	(DECREASE)	%
Sewer				
SEWER REVENUE				
Sewer Revenues				
Frontage-Parcel Taxes	\$ (2,120,200)	\$ (2,222,700)	\$ (102,500)	5%
User Fees	(6,534,700)	(7,500,700)	(966,000)	15%
Other Revenues	(60,000)	(60,000)		
Transfers from Surplus/Reserves	(598,400)	(571,400)	27,000	(5%)
Total Sewer Revenues	\$ (9,313,300)	\$ (10,354,800)	\$ (1,041,500)	11%

Sewer Utility Charge Change Summary

	2023	2024	\$ Change	% Change
User Fee	\$ 398.76	\$ 438.64	\$ 39.88	10.0%
Frontage	\$ 223.54	\$ 233.58	\$ 10.04	4.5%
Total	\$ 622.30	\$ 672.22	\$ 49.92	8.0%

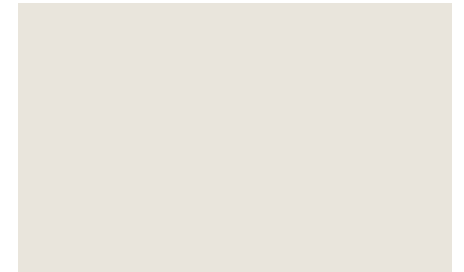


2023 Sewer Operating Budget Overview

Transfers, Contributions & Surplus	2024 Budget	2023 Budget
Transfer of revenue to fund Sewer capital projects	\$658,500	\$267,700
Contribution to Asset Management Sewer Reserve	\$300,000	\$300,000
Contributions to other Sewer Reserves	\$75,500	\$75,500
Surplus / (Use of Surplus)	Use of Surplus \$571,400	Surplus \$106,500

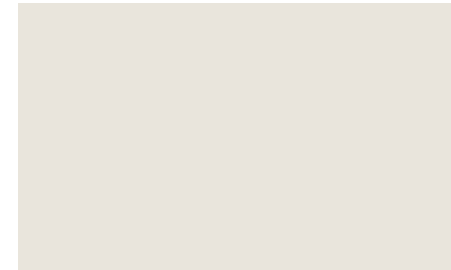


2024 Sewer Budget Highlights



Questions?

2024 Solid Waste Budget Highlights



2024 Solid Waste Fund Overview

- ❖ Regional and Municipal components each play a vital role in provision of solid waste collection services to City of Courtenay residents
- ❖ Regional Solid Waste Service infrastructure includes:
 - Waste Management Centre, Organic Composting Facility
 - Transfer Stations, Recycling Depots
- ❖ City of Courtenay Solid Waste infrastructure includes:
 - Automated collection container and collection services within our boundaries
- ❖ City provides solid waste collection services via a contracted service provider



2024 Solid Waste, Recyclables & Organic Waste Collection Budget Highlights

The 2024 Solid Waste budget includes a recommended increase of \$120 to the residential user fee, from \$237.50 to \$357.50 and an increase of \$86.50 to the strata fee from \$237.50 to \$324.00.

This increase is required in order to maintain a self funding service and cover those significant increases:

- New Collection contract increase of 77%
- \$110 / mt tipping fees for yard waste and organics, previously disposed at no costs

2024 Solid Waste, Recyclables & Organic Waste Collection Budget Overview

- ❖ 2024-2028 Solid Waste Budget based on single residential and multi-residential curbside servicing
- ❖ Solid Waste Service is a self funded service - user fee based service
- ❖ Fully Automated Collection Services commenced on January 2, 2024
- ❖ Services include weekly organic waste collection and alternating bi-weekly recycling garbage collection



2024 Solid Waste, Recyclables & Organic Waste Collection Budget Highlights

	2023 BUDGET	2024 BUDGET	BUDGET INCREASE (DECREASE)	VARIANCE %
Solid Waste Services				
SOLID WASTE REVENUE				
Solid Waste Revenue	\$ (2,739,600)	\$ (3,919,900)	\$ (1,180,300)	43%
Total SOLID WASTE REVENUE	\$ (2,739,600)	\$ (3,919,900)	\$ (1,180,300)	43%
SOLID WASTE EXPENSES				
Solid Waste				
JOB 15007 Solid Waste Admin	319,000	387,300	68,300	21%
JOB 15016 Solid Waste Old Container Program		30,000	30,000	
Solid Waste Contracted Services	1,499,200	2,649,200	1,150,000	77%
Solid Waste Tipping Fees	922,200	893,400	(28,800)	(3%)
Solid Waste Cart Exchange Costs		200,000	200,000	
Solid Waste Seasonal Excess Yard Waste		20,000	20,000	
Total Solid Waste	2,740,400	4,179,900	1,439,500	53%
Total SOLID WASTE EXPENSES	2,740,400	4,179,900	1,439,500	53%
Total Solid Waste Services (surplus) / deficit	\$ 800	\$ 260,000	\$ 259,200	

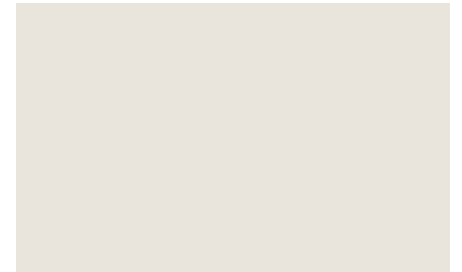


**City of
Courtenay**

2024-2028 Water, Sewer and Solid Waste Financial Plan Highlights

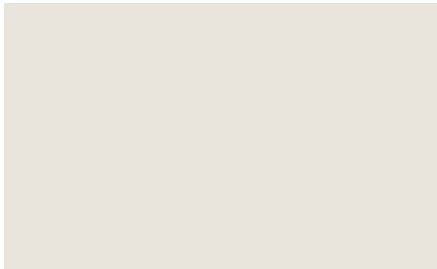
Slide 27 of 34

2024 Solid Waste Budget Highlights



Questions?

2024 Combined Utility Rates



For 2024, the total proposed increase for a single residential dwelling is \$199.76 or 13.1%.

Utilities	2023	2024	\$ Change	% Change
Water User fee	\$ 536.82	\$ 560.98	\$ 24.16	4.5%
Water Frontage*	\$ 127.49	\$ 133.16	\$ 5.68	4.5%
Sewer User fee	\$ 398.76	\$ 438.64	\$ 39.88	10.0%
Sewer Frontage*	\$ 223.54	\$ 233.58	\$ 10.04	4.5%
Solid Waste	\$ 237.50	\$ 357.50	\$ 120.00	50.5%
Total Utilities	\$ 1,524.11	\$ 1,723.86	\$ 199.76	13.1%





2024-2028 Water, Sewer and Solid Waste Budget and User Rates

Financial Plan Highlights





The Corporation of the City of Courtenay

Staff Report

To: Council
From: City Manager (CAO)
Subject: 2024-2028 Water Fund Financial Plan

File No.: 1705-20/1715-20
Date: January 24, 2024

PURPOSE:

The purpose of this report is for Council to consider the 2024–2028 Water Fund Financial Plan, water user fee changes and water frontage tax changes.

EXECUTIVE SUMMARY:

The five-year water fund financial plan is prepared annually and user fees are established to cover the projected cost of service delivery for the upcoming year. Funded entirely from water user fees and frontage fees, the water service is not funded from general property taxation.

The water utility has a regional and a municipal component and each plays a vital role in providing water services to the residents of Courtenay. The Comox Valley Regional District (CVRD) has planned capital upgrades and expansion of their water infrastructure. The new water treatment facility was recently commissioned and now provides a continuous supply of high-quality potable water to the growing Comox Valley population. To fund these major capital improvements, the CVRD, through the Water Committee, has increased the bulk water rate to \$1.00 per m³ from \$0.96 (2023) and \$0.80 (2022) as of January 1, 2024, resulting in an increase of 4%. One cubic meter (m³) contains 1,000 liters or 220 Canadian gallons (4.54L). This has an impact as bulk water purchase is the largest expense in the water fund, currently representing just over 59% of the total expenditures. Any further changes to the CVRD bulk water rate through their financial planning process will be reflected in future City of Courtenay financial plans.

Similar to the CVRD, the City is required to generate revenues sufficient to fulfil its commitment to operate a Class 3 water distribution system that provides safe drinking water to the residents. Water service expenses in this proposed financial plan also incorporate higher CVRD bulk water rates and sufficient staffing to complete the various maintenance programs required to comply with statutory water permit requirements set by the Province of BC through the Island Health Authority.

Staff is recommending a 4.5% increase for the water user rates. This will increase the user fee for a single residential dwelling by \$24.16 from \$536.98 to \$560.98 and the bulk water rate for metered properties (commercial, multi family) from \$1.85 to \$1.93 per m³.

Staff is also recommending a 4.5% increase for the frontage tax from \$5.84 per meter to \$6.10, this will result in an average frontage charge increase of \$5.68 from \$127.49 to \$133.16.

The expected increase to an average single residential dwelling for water fees and frontage is \$29.84 (user fee \$24.16 + frontage \$5.68) from \$664.31 to \$694.14.

Water Utility Charge Change Summary				
	2023	2024	\$ Change	% Change
User Fee	\$ 536.82	\$ 560.98	\$ 24.16	4.5%
Frontage	\$ 127.49	\$ 133.16	\$ 5.68	4.5%
Total	\$ 664.31	\$ 694.14	\$ 29.84	4.5%

BACKGROUND:

Consideration and approval of a five-year financial plan is an annual requirement under the *Community Charter*. The recommended financial plan for the water fund provides detail for 2024-2028. The water utility service is self-funding and receives no funding from the City’s general property taxation levy.

DISCUSSION:

The supply of water to Courtenay consumers is a combined effort involving the CVRD who supplies and transmits treated source water from Comox Lake to the City’s boundary where it is then distributed to property owners through the City’s water distribution system. The City purchases bulk water from the CVRD and operates and maintains a Class 3 water distribution system. The City must comply with Island Health permit requirements and standards set out in the Drinking Water Protection Act. To provide this service to the public, the City annually prepares a five-year financial plan to meet the legislative requirements of Section 165 of the Community Charter. This financial plan covers the period of 2024-2028.

The largest cost component of this financial plan is the cost of the regional water service shared proportionately between the service participants, the City of Courtenay, the Town of Comox and Electoral Areas A, B & C of the Comox Valley Regional District.

City of Courtenay 2024 – 2028 Water Fund Financial Plan

The proposed 2024-2028 Water Fund Financial Plan is detailed in the following attachments:

- Attachment 1 – 2024-2028 Water Fund Financial Plan
- Attachment 2 – 2024-2028 Water Capital Plan

The water fund financial plan includes for 2024 projected revenues of \$10,717,100 and \$10,094,200 of operating expenses, \$29,300 of debt payment, \$200,000 transferred to the capital fund and \$393,600 transferred to reserves.

Water Operating Fund

Water Operating Expenses

The water operating expense budget is presented by activity in Table 1. Total water expenses increase by \$78,000 or 1% between 2023 and 2024 budget. This small change was achieved through substantial reduction in transfers to Other Funds (capital) and reserves.

Table 1: Water Operating Expenses

	2023	2024	BUDGET	
	BUDGET	BUDGET	INCREASE	VARIANCE
			(DECREASE)	%
WATER EXPENSES				
Contributions to Other Governments	\$ 5,454,700	\$ 6,303,100	\$ 848,400	16%
Water Administration	633,000	603,900	(29,100)	-5%
Water Fleet	64,300	6,900	(57,400)	-89%
Water Operations				
JOB 11000 Water Main	169,300	210,600	41,300	24%
JOB 11100 Water Service	405,200	661,400	256,200	63%
JOB 11200 Water Distribution Value	99,900	90,600	(9,300)	-9%
JOB 11300 Water Hydrant/Blow off	218,500	219,100	600	27%
JOB 11400 Water Meter	244,500	244,100	(400)	-16%
JOB 11500 Water Facilities	103,200	105,100	1,900	2%
JOB 11600 Water Quality & X-connect Control	80,500	120,700	40,200	50%
JOB 11700 Water Conservation Program	32,400	32,700	300	1%
JOB 11800 Water Leak Detection	27,600	35,300	7,700	28%
New Connections	100,000	100,000		0%
Total Water Operations	\$ 7,633,100	\$ 8,733,500	\$ 1,100,400	14%
Internal Transfers				
Internal Transfer - Common Costs	\$ 1,299,800	\$ 1,360,700	\$ 60,900	5%
Internal Transfer - To Other Funds	785,800	200,000	(585,800)	-75%
Internal Transfer - To Reserves and Allowances	891,100	393,600	(497,500)	-56%
Total Internal Transfers	\$ 2,976,700	\$ 1,954,300	\$ (1,022,400)	-34%
Water Debt Servicing	\$ 29,300	\$ 29,300	\$ -	0%
Total WATER EXPENSES	\$ 10,639,100	\$ 10,717,100	\$ 78,000	1%

Comox Valley Regional District Bulk Water Purchase - \$6,303,100

The purchase of potable water from the CVRD is the largest cost driver in the water operating fund, which represents 59% (51% - 2023) of the total water operating budget. The City reviews and adjusts the estimated consumption every year, although it remains difficult to predict, as water consumption depends on many external factors, such as the weather and population growth. The water consumption for 2024-2028 is estimated based on prior years actual consumption and includes a general increase for consumption.

The CVRD bulk water rate is set to increase from \$0.96 to \$1.00 / m3 as of January 1, 2024: a 4% price adjustment, resulting in an increase of \$218,188. Based on prior years water consumption figures a 12% increase for consumption has been included resulting in an additional \$630,212 of water charges for a total change in consumption of \$848,400

Table 2 shows the combined financial impact of a greater consumption and higher rates on actual and estimated water consumption since 2019.

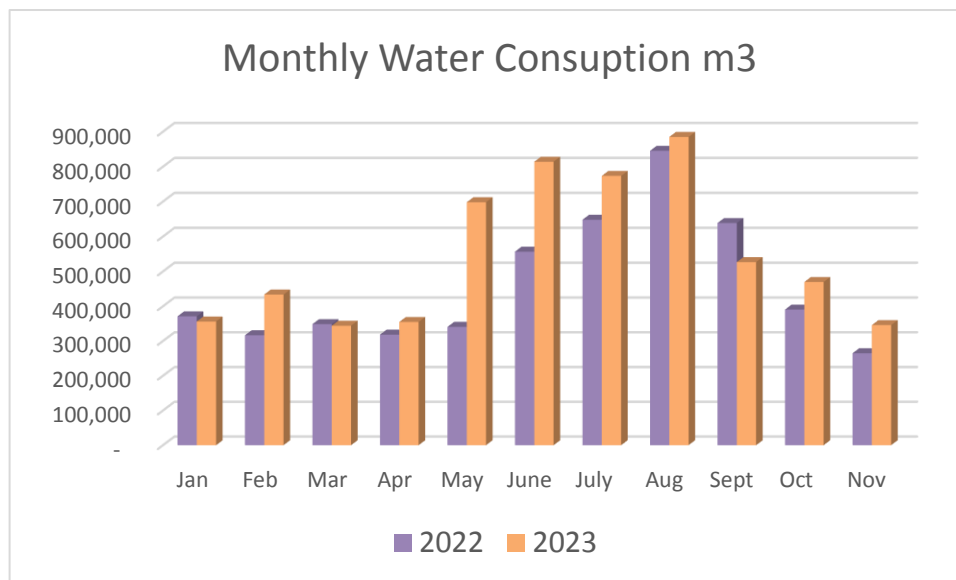
Table 2: Courtenay Water Bulk Purchase 2019-2025

Year		Consumption		CVRD rate		Annual Cost	% Change
		m3	% Change	\$ / m3	% Change		
2019	Actual	4,989,913	0.9%	\$ 0.80	6.7%	\$ 3,991,930	7.6%
2020	Actual	4,671,511	-6.4%	\$ 0.80	0.0%	\$ 3,737,209	-6.4%
2021	Actual	5,277,350	13.0%	\$ 0.80	0.0%	\$ 4,221,880	13.0%
2022	Actual	5,335,646	1.1%	\$ 0.80	0.0%	\$ 4,268,517	1.1%
2023	Actual*	6,351,032	19.0%	\$ 0.96	20.0%	\$ 6,096,991	42.8%
2024	Budget	6,303,100	-0.8%	\$ 1.00	4.2%	\$ 6,303,100	3.4%
2025	Budget	6,622,900	5.1%	\$ 1.00	0.0%	\$ 6,622,900	5.1%

*1 month estimation

2023 saw a substantial increase in bulk water purchases from the CVRD both in volume and value, this can be attributed to the 20% increase per m3 along with the long dry summer that began in May.

Graph 1: Monthly water consumption compares 2022 to 2023 monthly water consumption. Note May, June, and July have substantially higher consumption rates in 2023 vs 2022.



Water Administration - \$603,900

Those sections include a portion of the salaries, wages and benefits of the Public Works Services management staff and Engineering team and training expenses. The variance is due to reallocation of some wages to the water main function.

Water Fleet - \$6,900

The Water Fleet budget is adjusted every year based on actual and anticipated equipment and vehicle usage. The general water fleet budget has seen substantial reduction however these costs have been redistributed to better reflect actual cost of specific service provision.

Water Operation - \$1,819,600

The budget for water operations has seen a combined increase of \$338,500. Water operations includes the crew wages and benefits as well as the material and services needed to perform regular operations, preventative and reactive work on the water infrastructure. Regular contractual increases are also included for crew wages and benefits. The Water service function has seen the largest increase of \$256,200 of which \$200,000 is attributed to reactive repairs due to actual trends in system failures. An additional \$51,800 is attributed to equipment charge redistribution and refinement.

Internal Transfers - \$1,954,300

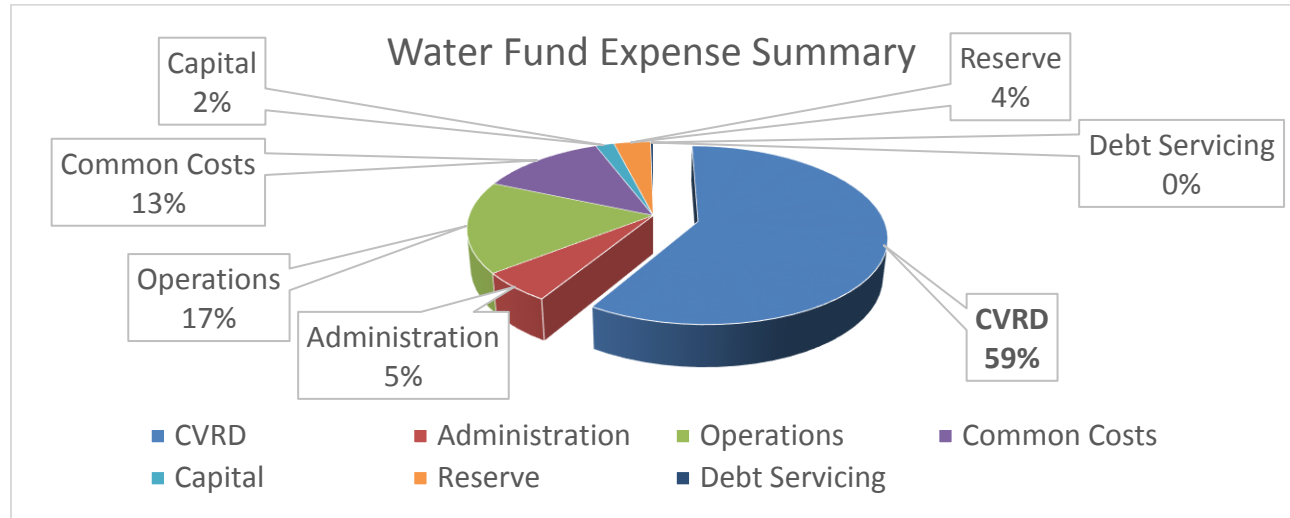
Internal allocations are a percentage of the General Fund and Public Works expenses transferred to the Water Fund. The intent is to transfer a reasonable amount for General Government Services (i.e. finance, human resources, administration) and Public Works administrative expenditures (personnel, utilities, materials, insurance, contracted services and fleet costs) as recognition of the costs necessary to provide the service.

The water allocation has increased by \$60,900 to \$1,360,700 and is set at 14.5% of the General Government Services and to 19% of the Public Works Administrative expenses based on prior year estimate. The allocation percentage is reviewed periodically and will be analyzed before next year's budget. The variance represents the general increase in the General Government Services and Public Works expenses.

Transfer to other funds represents capital projects funded from general revenue (current year water fees). These have decreased to \$200,000 from \$785,800, this figure will vary from year to year depending on the capital plan and how projects are funded (reserve, grant, debt, general revenue). If the project is not completed in 2024 these funds will be transfer into the reserve for future expenditures (RFE) and carried forward to the following year.

Reserve transfers have reduced by \$497,500 to \$393,600, this is due to the removal of \$497,500 to the RFE. The RFE is used to fund capital projects that are funded by general revenue (current year water fees) but have not been completed in the year and need the funding carried forward to the following year. RFE is used to ensure project funding is secured for future years. Transfers to capital reserves are the same as the prior years (\$393,600).

Graph 2 Water Fund Expense Summary illustrates the distribution of the \$10,717,100 of Water Fund expenses



Water Revenues

Revenues collected through water user and frontage fees are used to cover the costs of the operating and capital expenditures. Other water revenue includes connection fees and transfers from reserve. Although water rates are recommended to increase these increases are not sufficient to cover the costs of operating the water function. For 2024-2028 the City is relying on prior years surplus to balance the water fund. For 2024 \$303,700 is being drawn from surplus which represents 2.8% of total water revenue.

Table 3: Water Revenue

	2023 BUDGET	2024 BUDGET	BUDGET INCREASE (DECREASE)	VARIANCE %
WATER REVENUE				
Water Revenues				
Frontage-Parcel Taxes	\$ (1,234,900)	\$ (1,293,700)	\$ (58,800)	5%
User Fees	(7,942,400)	(8,645,700)	(703,300)	9%
Other Revenues	(294,300)	(474,000)	(179,700)	61%
Transfers from Surplus/Reserves	(1,167,500)	(303,700)	863,800	-74%
Total Water Revenues	(10,639,100)	(10,717,100)	(78,000)	1%
Total WATER REVENUE	\$ (10,639,100)	\$ (10,717,100)	\$ (78,000)	1%

Frontage Fees

Staff is recommending a 4.5% increase for the frontage tax from \$5.84 per meter to \$6.10, this will result in an average frontage charge increase of \$5.68 from \$127.49 to \$133.16. Total water frontage tax revenue is expected to be \$1,293,700 a \$58,800 increase over the prior year. The original intent of the frontage tax was to pay for capital costs of the water function however over the years operating costs have increased while user fee increases did not keep up to these changes thus operating expenses started to consume frontage tax revenue.

Water User Fees

Staff is recommending a 4.5% increase for the water user rates. This will increase the user fee for a single residential dwelling by \$24.16 from \$536.98 to \$560.98. Total water user fee revenue is expected to be \$8,645,700 an increase of \$703,300 over the prior year. The bulk water rate increase is also set to be 4.5% for metered properties (commercial, multi family) from \$1.85 to \$1.93 per m3.

The expected increase to an average single residential dwelling for water fees and frontage is \$29.84 (user fee \$24.16 + frontage \$5.68) from \$664.31 to \$694.14. The CVRD bulk water purchases represents 59% of water expenses and therefor about \$408.25 of an average single residential dwelling water fee. A utility rate review is currently underway and will be presented to Council in 2024. This rate review could substantially change utility fee distribution, burden and structure therefore the 2024-2028 Financial plan does not include provision for these changes. The Financial plan simply includes growth and modest percentage increases to existing utility fees.

Other Revenues

The water utility financial plan also includes miscellaneous revenues such as hydrant rentals (Fire Services), lawn sprinkling permits and park water usage for a total of \$474,000 a substantial increase over the prior years \$294,400. The reason for the increase is due to work performed through utility rate review that identified the City was undercharging itself for water consumed (expense) and sold (revenue). There is a matching expense increase in the general operating fund to better show the true cost of services provided. Using Parks water usage as an example, for many years an estimation of water consumption (expense) and matching revenue was used however over the years this estimation was not updated and overtime no longer truly represented the cost of parks water usage. By under estimating actual consumption through the water function, it was identified that user fees were, in part, subsidizing the parks function.

Water Capital Fund

The projects included in the 2024 Water Capital Budget are listed in Table 4 below.

Table 4: Water Capital Projects

Project description	2024 Proposed Budget	2025 Proposed Budget	2026 Proposed Budget	2027 Proposed Budget	2028 Proposed Budget	Total 2024- 2028 Budget
Braidwood Road - Road & Utility - Water Component				10,000	500,000	510,000
Cousins Avenue Upgrades			59,400	779,500		838,900
New PRV Connection to 87 Zone (Cumberland - Arden)			30,000	300,000		330,000
Sandpiper / Millard Water Main Upgrade	19,200					19,200
South Courtenay PRV and Booster Station Upgrades (Buckstone Rd)			50,000	500,000		550,000
Water Smart Initiatives - District Meter Zone	400,000	75,000	400,000	75,000	400,000	1,350,000
Grand Total	419,200	75,000	539,400	1,664,500	900,000	3,598,100

Cousins Avenue Upgrades – This project is the water component part of a complete street renewal project.

PRV Connection to 87 Zone – This project is the installation of a pressure reducing value (PRV) connecting to zone 87 at Cumberland Rd and Arden Rd.

South Courtenay PRV and Booster Station Upgrades – This project will be commenced after the CVRD’s water south extension project and will provide improved water supply to the Buckstone area.

Water Smart Initiatives – District Meter Zone – This project continues with the installation of water meters at the distribution points from the CVRD water transmission mains. The addition of more meters will provide data for water consumption for specific areas that will aid in master planning and conservation.

Debt Servicing Costs

The Water Operating Fund also includes debt servicing costs. Interest payments are expected remain at \$9,200 and \$20,100 of principal payment for a total of \$29,300 (\$29,300 – 2023). Debt servicing costs will remain stable until 2027 when they fall for a year and then increase to \$67,700 in 2028 with the anticipated completion of the 2027 capital plan.

Debt servicing costs are directly related to the funding method for capital projects. Due to limited reserves on hand, the only available option to fund capital projects is debt. As the years progress through the capital plan, if there are adequate reserves on hand staff will make recommendations to change capital funding from debt to reserve when possible, however given current water rates and reserves the financial plan presented relies on debt to fund capital projects.

POLICY ANALYSIS:

Section 165 of the *Community Charter* requires a municipality to have a five-year financial plan adopted annually and Section 194 permits the levying of a fee to recover the cost for the delivery of a service.

The 2024-2028 Water Budget is a component of the annual City of Courtenay five-year financial plan. It is proposed to increase the water user fee and frontage fee by 4.5% (4.0% - 2023) and 4.5% (0% - 2023) respectively. These have been incorporated into the 2024-2028 Water Fund Financial Plan.

FINANCIAL IMPLICATIONS:

The 2024-2028 Water Fund Financial Plan provides stable services with reasonable rate changes given expense projections and planned capital projects. The Water Fund has higher reserves on hand than the Sewer fund however the Water Fund needs to hold a higher operating reserve to ensure adequate funds available to pay the variable CVRD water consumption charges. This being said the City's water rates are under review and preliminary findings show Courtenay rates are reasonable when compared to other similar communities.

The ability to rely on prior year surplus to smooth and defer water rate increases has provided the time required to appropriately review and update water rates to ensure adequate funds are available to support future operating and capital costs.

Table 5: 2024 Sewer Fund Financial Plan Summary

	2023 BUDGET	2024 BUDGET	BUDGET INCREASE (DECREASE)	VARIANCE %
WATER REVENUE				
Water Revenues				
Frontage-Parcel Taxes	\$ (1,234,900)	\$ (1,293,700)	\$ (58,800)	5%
User Fees	(7,942,400)	(8,645,700)	(703,300)	9%
Other Revenues	(294,300)	(474,000)	(179,700)	61%
Transfers from Surplus/Reserves	(1,167,500)	(303,700)	863,800	-74%
Total Water Revenues	(10,639,100)	(10,717,100)	(78,000)	1%
Total WATER REVENUE	\$ (10,639,100)	\$ (10,717,100)	\$ (78,000)	1%
WATER EXPENSES				
Contributions to Other Governments	\$ 5,454,700	\$ 6,303,100	\$ 848,400	16%
Water Administration	633,000	603,900	(29,100)	-5%
Water Fleet	64,300	6,900	(57,400)	-89%
Water Operations				
JOB 11000 Water Main	169,300	210,600	41,300	24%
JOB 11100 Water Service	405,200	661,400	256,200	63%
JOB 11200 Water Distribution Value	99,900	90,600	(9,300)	-9%
JOB 11300 Water Hydrant/Blow off	218,500	219,100	600	27%
JOB 11400 Water Meter	244,500	244,100	(400)	-16%
JOB 11500 Water Facilities	103,200	105,100	1,900	2%
JOB 11600 Water Quality & X-connect Control	80,500	120,700	40,200	50%
JOB 11700 Water Conservation Program	32,400	32,700	300	1%
JOB 11800 Water Leak Detection	27,600	35,300	7,700	28%
New Connections	100,000	100,000		0%
Total Water Operations	\$ 1,481,100	\$ 1,819,600	\$ 338,500	23%
Internal Transfers				
Internal Transfer - Common Costs	\$ 1,299,800	\$ 1,360,700	\$ 60,900	5%
Internal Transfer - To Other Funds	785,800	200,000	(585,800)	-75%
Internal Transfer - To Reserves and Allowances	891,100	393,600	(497,500)	-56%
Total Internal Transfers	\$ 2,976,700	\$ 1,954,300	\$ (1,022,400)	-34%
Water Debt Servicing	\$ 29,300	\$ 29,300	\$ -	0%
Total WATER EXPENSES	\$ 10,639,100	\$ 10,717,100	\$ 78,000	1%
Total Water (surplus) / deficit	\$ -	\$ -		

ADMINISTRATIVE IMPLICATIONS:

Subsequent to Council endorsing the recommended increase for the 2024-2028 Water Fund Financial Plan, user fees bylaw and frontage bylaw, staff will update the financial system with the new rates, prior to the 2024 utility billing.

Once finalized, the water budget will be incorporated as part of the statutory component of the five-year financial plan.

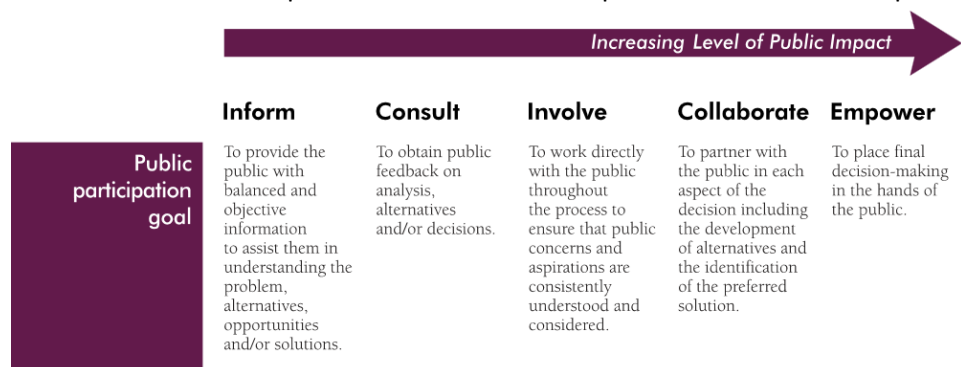
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following cardinal directions:

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 Gives first, second and third readings to Fees and Charges Amendment Bylaw No. 3123, 2024 (water).
and
THAT Council Gives first, second and third readings to Water Service Frontage Tax Amendment Bylaw No. 3125, 2024.
and
That Council approves the 2024-2028 Water Fund Financial Plan as presented for inclusion in the 2024-2028 Five-year plan.
2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. 2024-2028 Water Fund Financial Plan
2. 2024-2028 Water Fund Capital Plan
3. Fees and Charges Amendment Bylaw No. 3123, 2024 (water)
4. Water Service Frontage Tax Amendment Bylaw No. 3125, 2024

Prepared by: Adam Langenmaier BBA, CPA, CA, Director of Finance, Chief Financial Officer
Reviewed by: Kyle Shaw, ASCT, CPWI, CWP, CWWP, Director of Public Works Services
Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)

City of Courtenay

January 11, 2024

2024-2028 Water Fund Financial Plan

	2024	2025	2026	2027	2028
	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
Water					
WATER REVENUE					
Water Revenues					
Frontage-Parcel Taxes	\$ (1,293,700)	\$ (1,245,100)	\$ (1,251,200)	\$ (1,257,500)	\$ (1,255,300)
User Fees	(8,645,700)	(9,022,900)	(9,416,300)	(9,827,100)	(10,121,900)
Other Revenues	(474,000)	(474,000)	(474,000)	(474,000)	(474,100)
Transfers from Surplus/Reserves	(303,700)	(183,100)	(353,500)	(324,500)	(556,900)
Total Water Revenues	\$ (10,717,100)	\$ (10,925,100)	\$ (11,495,000)	\$ (11,883,100)	\$ (12,408,200)
WATER EXPENSES					
Contributions to Other Governments	\$ 6,303,100	\$ 6,622,900	\$ 6,952,200	\$ 7,291,900	\$ 7,642,400
Water Administration	603,900	634,500	657,000	680,800	707,900
Water Fleet	6,900	66,700	66,900	66,900	68,200
Water Operations	1,819,600	1,744,500	1,778,600	1,788,400	1,822,600
Internal Transfers	1,954,300	1,827,200	2,015,600	2,035,100	2,099,400
Water Debt Servicing	29,300	29,300	24,700	20,000	67,700
Total WATER EXPENSES	\$ 10,717,100	\$ 10,925,100	\$ 11,495,000	\$ 11,883,100	\$ 12,408,200
Total Water (surplus) / deficit	\$ -	\$ -	\$ -	\$ -	\$ -

2024-2028 Water Fund Capital Plan

	2024	2025	2026	2027	2028
Project description	Proposed Budget	Proposed Budget	Proposed Budget	Proposed Budget	Proposed Budget
Braidwood Road - Road & Utility - Water Component				10,000	500,000
Cousins Avenue Upgrades			59,400	779,500	
New PRV Connection to 87 Zone (Cumberland - Arden)			30,000	300,000	
Sandpiper / Millard Water Main Upgrade	19,200				
South Courtenay PRV and Booster Station Upgrades (Buckstone Rd)			50,000	500,000	
Water Smart Initiatives - District Meter Zone	400,000	75,000	400,000	75,000	400,000
Grand Total	419,200	75,000	539,400	1,664,500	900,000

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3123, 2024

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 **“Fees and Charges Amendment Bylaw No. 3123, 2024 (water)”**.
2. That “City of Courtenay Fees and Charges Bylaw No. 1673, 1992” be amended as follows:
 - (a) That Schedule of Fees and Charges, Section III, Appendix I, “Waterworks Distribution System” be hereby repealed and substituted therefore by the following attached hereto and forming part of this bylaw:

Schedule of Fees and Charges Section III, Appendix I – Waterworks Distribution System

Read a first time this day of , 2024

Read a second time this day of , 2024

Read a third time this day of , 2024

Finally passed and adopted this day of , 2024

Mayor

Corporate Officer

**SCHEDULE OF FEES AND CHARGES
CITY OF COURTENAY FEES AND CHARGES
AMENDMENT BYLAW NO. 3123, 2024
SECTION III, APPENDIX I**

WATERWORKS DISTRIBUTION SYSTEM

1. CONNECTION FEES

- (a) Pursuant to Section 3.2 of Water Regulations and Rates Bylaw No. 1700, 1994, and amendments thereto, every applicant shall pay to the City before any work is done on the connection, a connection fee as follows:

Connection Size

Within the City

Connection from either side of road to property line

20 millimetres (3/4 inch) \$5,500.00

25 millimetres (1 inch) \$6,500.00

Outside the City

20 millimetres (3/4 inch) Actual City cost plus 25%
with a minimum charge of \$5,500.00

- (b) Where a larger connection than those listed above is required, the connection will be installed at City cost plus 25%.

(c) **Water Turn On and Turn Off**

If turn on or turn off is for a purpose other than maintenance or the commissioning of a new service the following fees will apply:

Inside the City \$70.00 for each water turn on or turn off

Outside the City \$100.00 for each water turn on or turn off

(d) **Abandonment Fee**

Fee for disconnecting an abandoned service connection at the water main irrespective of the size of the connection Actual City cost plus 25%, with a minimum charge of \$2,500.00

2. WATER UTILITY USER RATES

(a) **Unmetered Water**

The minimum user rate per year or portion thereof for unmetered accounts shall be as follows:

	Bylaw Rates (per annum) Effective Date January 1, 2024
Single Family Dwelling	\$ 560.98
Multiple Family Dwelling-per unit	473.86
Commercial	536.10
Outside Commercial User	967.89
Outside Residential User	967.89

(b) **Metered Water**

All metered accounts for the quantity of water used each quarter shall be calculated at the following rates:

	Bylaw Rates Effective Date January 1, 2024
Multi-Family Metered	
0-48.0 cubic metres	\$ 92.64
Greater than 48.1 cubic meters	1.93
Commercial Metered	
0-48.0 cubic metres	\$ 92.64
Greater than 48.1 cubic meters	1.93
Regional Standpipe, Regional Playing fields	\$ 2.52
Outside City - Multi-Family Metered	
0-48.0 cubic metres	\$ 120.96
Greater than 48.1 cubic meters	2.52
Outside City - Commercial Metered	
0-48.0 cubic metres	\$ 120.96
Greater than 48.1 cubic meters	2.52
Regional District Bulk	\$ 1.93
Sandwich - Summer Only	\$ 560.98

(c) Where a meter is found not to register, the charge shall be computed on the basis of the amount of water used during the time the meter was working, or from any other

information or source which can be obtained, and such amount so composed shall be paid by the consumer.

- (d) Where a commercial or industrial consumer has not been connected to a water meter through non-availability of the water meter or because of special exemption being granted by the City, water charges to the consumer will be computed on the basis of consumption recorded for other similar purposes in the City, or from any other information or source which can be obtained, and such amount so computed shall be paid by the consumer.
- (e) Where it has been determined that a water leak has occurred during the last billing period on the buried portion of the service between the water meter and the point where the service pipe enters the building, a maximum one time rebate of 40% of the metered water utility fee to compensate for the water leak will be made at the discretion of the Finance Officer based on the following:
 - i. The leak occurred on the buried water service;
 - ii. That a leak of that nature would have caused the volume of excess water usage;
 - iii. The leak did not occur as a result of negligence of the owner;
 - iv. The owner has provided satisfactory evidence that the leak has been permanently repaired.

WATER METER RENTALS

a) Water meter fee shall be as follows:

	Bylaw Rates Effective Date January 1, 2024
	Monthly Rates
Up to 3/4"	\$ 1.79
1"	4.97
1 1/4" - 1 1/2"	9.93
2"	14.87
3"	24.76
4"	48.99
6"	74.10
8"	98.87
10"	123.61

The above meter fee shall be added to the monthly water rates and will apply both inside and outside the City.

METER READING CHARGE

Each call after the first one of each month if access has not been provided or if readings extra to the quarterly reading are requested

\$35.00 per call

3. SUPPLY OF WATER FROM FIRE HYDRANTS OR OTHER SOURCE

- (a) Water may be supplied from a fire hydrant or other for the use of developers during the course of construction of multi-family, industrial, and commercial developments. The charge for such water usage shall be:

For buildings with a gross floor area up to and including 250 square meters	\$250.00
For buildings greater than a gross floor area of 250 square meters	Minimum charge of \$250.00, plus \$0.10 per square meter for floor area in excess of 250 square meters.

- (b) Where water is supplied from a fire hydrant or other non-metered source for other uses, the amount of water supplied will be invoiced in accordance with Section 2 – Water Utility Users Rates – Metered Water.
- (c) Charge to service fire hydrant after use:
\$95.00 and/or any service costs that may arise from servicing a hydrant in respect of its use.

4. UTILITY BILLING ADJUSTMENTS AND COLLECTION

- a) Where a billing error is suspected by the consumer, notification in writing must be made to the City of Courtenay Finance Department within one year of the original billing date for review and consideration. Upon investigation, if it is determined by the City that an error occurred and the consumer has been overcharged, an adjustment will be made to the utility bill in question in an amount to be determined by the City. The City will not provide refunds or adjustments to billing errors made more than two years prior to the date of the notification being received by the City.
- b) The rates and charges, enumerated in this Bylaw, are hereby imposed and levied for water supplied or ready to be supplied by the City and for the provision of the service and other water related services. All such rates and charges which are imposed for work done or services provided to lands or improvements shall form a charge on those lands which may be recovered from the Owner of the lands in the same manner and by the same means as unpaid taxes.

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3125, 2024

A bylaw to amend City of Courtenay Water Service Frontage Tax Bylaw No. 2874, 2017

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

1. This bylaw may be cited for all purposes as **“Water Service Frontage Tax Amendment Bylaw No. 3125, 2024”**.
2. That “Water Service Frontage Tax Bylaw No. 2874, 2017” be amended as follows:
 - a) That “7. The annual amount to be paid under this tax per parcel is:
 - \$4.68 per metre of water frontage for 2017 and
 - \$5.84 per metre of water frontage for 2018.”
Be removed and replaced with:

“7. The annual amount to be paid under this tax per parcel is \$6.10 per metre of water frontage.”

Read a first time this day of , 2024

Read a second time this day of , 2024

Read a third time this day of , 2024

Finally passed and adopted this day of , 2024

Mayor

Corporate Officer



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 1705-20/1715-20

From: City Manager (CAO)

Date: January 24, 2024

Subject: 2024-2028 Sewer Fund Financial Plan

PURPOSE:

The purpose of this report is for Council to consider the 2024-2028 Sewer Fund Financial Plan, sewer user fee changes and frontage tax changes.

EXECUTIVE SUMMARY:

The five-year sewer fund financial plan is prepared annually and user fees are established to cover the projected cost of service delivery for the upcoming year. Funded entirely from sewer user fees and frontage fees, the sewer service receives no funding from general property taxation.

The City of Courtenay owns and operates a class 3 sewer collection system that collects effluent within the City and conveys this effluent to Regional trunk systems. These Regional trunk systems, including the Courtenay Lift Station then convey the effluent to the sewage treatment plant for processing, treatment and ultimately release. The Courtenay Lift Station and the Sewage Treatment Plant are part of the Comox Valley Regional Sewer Service, which is administered by the Comox Valley Regional District (CVRD).

Each component plays a vital role in providing sewer services to the residents of Courtenay and its regional partners. The CVRD, through the Sewage Commission, has planned capital conveyance upgrades and treatment plant expansion in order to ensure the sustainability, capacity and integrity of their portion of the system infrastructure. The CVRD's 2024 requisition is \$6,264,000 (\$5,637,600-2023) to the City for the cost of the City's share of the regional sewer service.

The City must also provide funding for its own sewer collection service capital and operational needs. The cost of sewer service delivery is funded through a combination of user fees and frontage and parcel taxes. Sewer expenses have risen by \$1,041,500 from \$9,313,300 to \$10,354,800 which is an 11% increase. The majority (95%) of these cost increases are directly related to the increased CVRD requisition which is expected to rise to \$6,240,000. This increase has been significantly influenced by the Sewer Conveyance project.

Staff is recommending a 10% increase for the sewer user fee which is equivalent to \$39.88, this will increase the user fee from \$398.76 to \$438.64.

Staff are also recommending a 4.5% increase for the frontage tax from \$10.24 per meter to \$10.70, this will result in an average frontage charge increase of \$10.04 from \$223.54 to \$233.58.

The expected increase to an average single residential dwelling for sewer fees is \$49.92 (user fee \$39.88 + frontage \$10.04) from \$622.30 to \$672.22 annually.

Sewer Utility Charge Change Summary

	2023	2024	\$ Change	% Change
User Fee	\$ 398.76	\$ 438.64	\$ 39.88	10.0%
Frontage	\$ 223.54	\$ 233.58	\$ 10.04	4.5%
Total	\$ 622.30	\$ 672.22	\$ 49.92	8.0%

BACKGROUND:

Consideration and approval of a five-year financial plan is an annual requirement under the *Community Charter*. The recommended financial plan for the sewer fund provides detail for 2024-2028. The sewer utility service is self-funding and receives no funding from the general property taxation levy.

DISCUSSION:

The sanitary sewer utility service provided to City property owners is a combination of the City and Comox Valley Regional Sewer Service infrastructure. Administered by the CVRD, the regional sewer service infrastructure includes sewer pumping stations, sewer trunk mains, sewer force mains (including the force main on Comox Road) and a wastewater treatment plant with an outfall for treated effluent. It was constructed in the early 1980’s and designed with a 25-year life-cycle. As a result of the 2011 CVRD sanitary sewer master plan, a 10-year capital plan was developed and approved by members of the CVRD Sewer commission in 2012. In 2018, the CVRD embarked on a new Liquid Waste Management Plan (LWMP). This statutory plan is outlining future capital expenditures necessary for the sustainability of the service. The draft plan for Stage 2 was submitted in summer 2022. The review will take approximately one year. Based on feedback from the province, the plan will be revised, shared with the community and then submitted back to the province for final approval, which is likely to occur in Spring of 2024.

City infrastructure includes lift stations, sewer gravity mains, a collection of system appurtenances and sewer connections within the boundaries of the municipality. This infrastructure varies in age depending on its location within the City. Infrastructure on the west side of the City varies from relatively new to over 60 years old, whereas infrastructure on the east side of the river is generally newer and, in some cases, less than 30 years old.

The largest cost component of this financial plan is the cost of the regional sewer service shared proportionately between the service participants, the City of Courtenay, the Town of Comox and HMCS Quadra, based on their respective annual sewer flows.

City of Courtenay 2024 – 2028 Sewer Fund Financial Plan

The proposed 2024-2028 Sewer Fund Financial Plan is detailed in the following attachments:

Attachment 1 – 2024-2028 Sewer Fund Financial Plan

Attachment 2 – 2024-2028 Sewer Capital Plan

The sewer fund financial plan includes for 2024: \$10,354,800 in projected sewer revenues and the following expenditures: \$8,913,100 of operating expenses, \$658,500 transferred to the capital fund, \$375,500 transferred to reserves and \$407,700 for debt payments.

Sewer Operating Fund

Sewer Expenses - \$10,354,800

The sewer operating expense budget is presented in Table 1. The overall increase in operating costs between 2023 and 2024 budget is \$1,041,500 (11%), of which \$991,800 is directly related to the projected increase in the CVRD requisition (representing 95% of the increase).

Table 1: Sewer Operating Expense

	2023	2024	BUDGET	
			INCREASE	VARIANCE
	BUDGET	BUDGET	(DECREASE)	%
SEWER EXPENSES				
Contributions to Other Governments	\$ 5,272,200	\$ 6,264,000	\$ 991,800	19%
Sewer Administration	541,200	591,800	50,600	9%
Sewer Fleet	49,000	25,500	(23,500)	(48%)
Sewer Operations	739,000	928,400	189,400	26%
Internal Transfers	2,402,400	2,137,400	(265,000)	(11%)
Sewer Debt Servicing	309,500	407,700	98,200	32%
Total SEWER EXPENSES	\$ 9,313,300	\$ 10,354,800	\$ 1,041,500	11%

Contributions to Other Governments - \$6,264,000

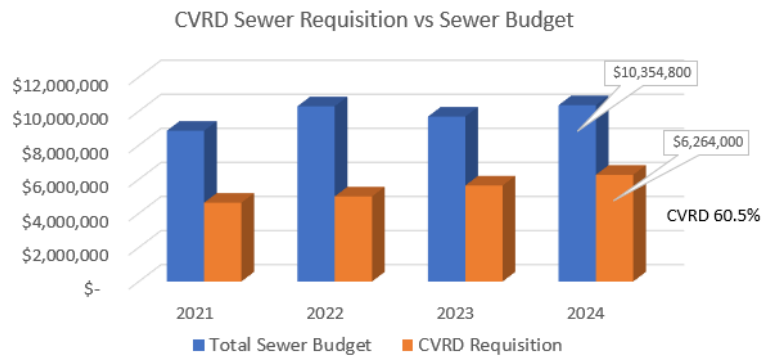
The Comox Valley Regional District 2023-2027 Financial Plan includes a 11% increase for the projected 2024 Regional Sewerage Service Requisition, which is the largest expense in for the Sewer Fund and accounts for 60.5% (56.6%-2023) of the 2024 sewer budget.

Table 2 presents the increase in Courtenay’s share of the sewer service requisition since 2020 to the proposed budget for 2027, based on the CVRD 2023-2027 Financial Plan.

It should be noted that the 2024-2028 Comox Valley Regional District Financial Plan is not available at the time of this report, therefore future year requisition amounts are subject to change and may impact future user fee estimates.

Table 2: Comox Valley Sewer Service Requisition, Courtenay’s Share

CVRD Sewer Service Requisition				
Year		Requisition	\$ Change	% Change
2020	Actual	4,439,680	294,189	7.1%
2021	Actual	4,630,120	190,440	4.3%
2022	Actual	4,994,640	364,520	7.9%
2023	Actual	5,637,600	642,960	12.9%
2024	Budget	6,264,000	626,400	11.1%
2025	Budget	6,612,000	348,000	5.6%
2026	Budget	6,960,000	348,000	5.3%



Sewer Administration - \$591,800

Those sections include a portion of the salaries, wages and benefits of the Public Works Services and Engineering Services teams, as well as training expenses. A portion of the overall service increase (9%) is

due to an additional engineering technologist position that is split 60% general fund, 20% sewer fund and 20% water fund. Other increases are due to the contractual increase for salaries, wages, benefits and inflation.

Sewer Fleet Charges - \$25,500

In 2023 staff undertook a review of fleet charges to best determine how charges are allocated and to ensure charges are accurate to the work being performed. As a result of this work, some charges have been increased, decreased or reallocated based on actual usage and value of the equipment being used. There has been a shift in charges falling to the generic fleet charges to more specific equipment charge out accounts within operation accounts.

Sewer Operations - \$928,400

The budget for sewer operations is has increased by \$189,400 however this includes reallocation of fleet charges. Increases can be attributed to increased traffic control, SCADA system refinement and increased equipment charges. Sewer operations include crew wages and benefits as well as the material and services needed to perform regular operations, preventative and reactive work on the sewer infrastructure. Regular contractual increases are also included for crew wages and benefits.

Internal Transfers - \$2,137,400

Internal transfers include transfer to reserves, current year capital projects and a percentage of the General Fund and Public Works administrative expenses.

Transfer to other funds represents capital projects funded from general revenue (current year sewer fees) have increased to \$658,500 from \$277,700, this figure will vary from year to year depending on the capital plan and how projects are funded (reserve, grant, debt, general revenue). If the project is not completed in 2024 these funds will be transfer into the reserve for future expenditures (RFE) and carried forward to the following year.

Reserve transfers have reduced by \$694,400 to \$375,500, this is due to the removal of \$106,500 to the contingency reserve, and \$587,900 to the RFE. Contingency transfer is used as a buffer to save funds for future years operating expenses. With the increase to the CVRD requisition, the City is not in a position to save for the future, instead the City is relying on prior years savings. The RFE is used to fund capital projects that are funded by general revenue (current year sewer fees) but have not been completed in the year and need the funding carried forward to the following year. RFE is used to ensure project funding is secured for future years. Reserve transfer of \$375,500 are the same as the prior years.

The sewer allocation has increased by \$48,600 to \$1,103,400 and is set to 11.5% of the General Government Services and to 17% of the Public Works administrative expenses based on prior year estimate. The intent is to transfer a reasonable amount for General Government Services, including Public Works Services and Engineering Services administrative expenditures (personnel, utilities, materials, insurance, contracted services and fleet costs) as recognition of the costs necessary to provide the service. The allocation percentage is reviewed periodically and will be analyzed before next year budget. The variance represents the general increase in the General Government Services budget.

Sewer Revenue - \$10,354,800

Revenues collected through sewer user and frontage fees are used to cover the costs of the operating and capital expenditures. Other sewer revenue includes connection fees and transfers from reserve. Although

sewer rates are recommended to increase these increases are not sufficient to cover the costs of operating the sewer function. For 2024-2028 the City is relying on prior years surplus to balance the sewer fund. For 2024 \$571,400 is being drawn from surplus which represents 5.3% of total sewer revenue.

Table 3: Sewer Revenue

	2023	2024	BUDGET	
			INCREASE	VARIANCE
	BUDGET	BUDGET	(DECREASE)	%
Sewer				
SEWER REVENUE				
Sewer Revenues				
Frontage-Parcel Taxes	\$ (2,120,200)	\$ (2,222,700)	\$ (102,500)	5%
User Fees	(6,534,700)	(7,500,700)	(966,000)	15%
Other Revenues	(60,000)	(60,000)		
Transfers from Surplus/Reserves	(598,400)	(571,400)	27,000	(5%)
Total Sewer Revenues	\$ (9,313,300)	\$ (10,354,800)	\$ (1,041,500)	11%

Sewer Frontage Tax

Staff is recommending a 4.5% increase for the frontage tax from \$10.24 per meter to \$10.70 which will result in an average frontage charge increase of \$10.04 from \$223.54 to \$233.58. Total sewer frontage tax revenue is expected to be \$2,222,700 a \$102,500 increase over the prior years \$2,120,200. The original intent of the frontage tax was to pay for capital costs of the sewer function. However, over the years operating costs have increased while user fee increases did not keep up to these changes. Thus, operating expenses started to consume frontage tax revenue.

Sewer User Fee

Staff is recommending a 10% increase for the sewer user fee which is equivalent to \$39.88. This will increase the user fee from \$398.76 to \$438.64. Total sewer user fee revenue is expected to be \$7,500,700, a \$966,000 increase over the prior years \$6,534,700. The increase in user fees is required to fund sewer operating costs, specifically the increases to the CVRD Sewer requisition.

Fees and Charges Amendment Bylaw No. 3122, 2024 contains the sewer user fee schedule. All user rates will increase by the proposed 10% except for the car wash class as it is increasing 3-fold from \$438.64 to \$1,315.92. The increase is to better align the recovery rate related to the volume of sewer flows produced by the property compared to the sewer fee applied to the property.

The expected increase to an average single residential dwelling for sewer fees is \$49.92 (user fee \$39.88 + frontage \$10.04) bringing total sewer fees to \$672.22 from \$622.30. The CVRD sewer requisition represents 60.5% of sewer expenses and therefor about \$406.69 of an average single residential dwelling sewer fee. A utility rate review is currently underway and will be presented to Council in 2024. This rate review could substantially change utility fee distribution, burden and structure; therefore the 2024-2028 Financial plan does not include provision for these changes. The Financial plan simply includes growth and modest percentage increases to existing utility fees.

Sewer Utility Charge Change Summary

	2023	2024	\$ Change	% Change
User Fee	\$ 398.76	\$ 438.64	\$ 39.88	10.0%
Frontage	\$ 223.54	\$ 233.58	\$ 10.04	4.5%
Total	\$ 622.30	\$ 672.22	\$ 49.92	8.0%

Sewer Capital Fund

The projects included in the 2024 Sewer Capital Budget are presented in Table below.

Table 4: Sewer Capital Projects – 2024-2028

Project description	2024	2025	2026	2027	2028	Total 2024-2028 Budget
	Proposed Budget	Proposed Budget	Proposed Budget	Proposed Budget	Proposed Budget	
Anderton Sanitary Lift Station	238,500	309,000	3,229,500			3,777,000
Braidwood Road - Road & Utility - Sewer Component				10,000	500,000	510,000
Comox Rd Sewer Crossing	4,000,000					4,000,000
Cousins Avenue Upgrades			59,400	779,500		838,900
Sewer - 1st Street Lift Station Replacement	3,439,078					3,439,078
Sewer - SCADA Server/Firewall Replacement	20,000					20,000
Sewer Equipment - Lift Station Pumps	60,000					60,000
South Courtenay Sewer System - Phase 1	948,000	10,747,500				11,695,500
South Courtenay Sewer System - Phase 2			860,000	9,747,000		10,607,000
Grand Total	8,705,578	11,056,500	4,148,900	10,536,500	500,000	34,947,478

Anderton Sanitary Lift Station – This project will relocate and upgrade the existing lift station which is one of the oldest lift stations in the city and is at the end of its service life.

Comox Road Sewer Crossing – This project will decommission the existing sanitary main crossing the Courtenay River as well as upgrade the sanitary main along Comox Road that is at the end of its service life. This project has historically been called the Puntledge Sanitary Catchment Replacement however due to confusion with the Puntledge area of town, this project has been renamed to better represent the physical location of work to be performed.

1st Lift Station Replacement – The 1st Street Lift Station is located near Puntledge Park and is also one of the oldest lift stations in the city. This project will replace and relocate the existing lift station which is at the end of its service life.

South Courtenay Sewer Phase 1 & 2 – This project will bring sanitary service to a large section of properties in South Courtenay that do not currently have City sewer services as well as prepare the City for any future development in the area.

Debt Servicing Costs

The Sewer Operating Fund also includes debt servicing costs. Interest payment is expected to rise by \$98,200 due to the 1st Street Lift Station Replacement project and Comox Road Sewer Crossing project. Principal payments of \$185,400 remain unchanged as principal payments on the two new projects are not payable until the following year that debt is held. Total debt servicing costs have increased by \$98,200 from \$309,500 to \$407,700. Total debt costs continue to be reasonable and could see a reduction from budgeted amounts due to falling interest rates. Future debt has been budgeted assuming a 5% interest rate however at the time of report writing the forecasted Municipal Finance Authority interest rate is 4.17%.

Debt servicing costs are set to rise over the next 5 years and are directly related to the funding method for capital projects. Due to limited reserves on hand the only available option to fund capital projects is debt. As the years progress through the capital plan, if there are adequate reserves on hand staff will make recommendations to change capital funding from debt to reserve when possible, however given current sewer rates and reserves the financial plan presented relies on debt to fund capital projects.

POLICY ANALYSIS:

Section 165 of the *Community Charter* requires a municipality to have a five-year financial plan adopted annually and Section 194 permits the levying of a fee to recover the cost for the delivery of a service.

The 2024-2028 Sewer budget is a component of the annual City of Courtenay five-year financial plan. An increase of 10% (5.5%-2023) for the user fee and a 4.5% (0%-2023) for the frontage fee has been incorporated into the 2024-2028 Sewer Fund Financial Plan.

FINANCIAL IMPLICATIONS:

The 2024-2028 Sewer Fund Financial Plan provides stable services with reasonable rate changes given expense projections and planned capital projects. The Sewer Fund has lower reserves on hand due to historical capital project cost overruns (Greenwood Trunk) and current project cost estimate escalations (1st St Lift Station, Comox Rd Sewer Crossing) coupled with the rising requisition from the CVRD attributed to the Sewer Conveyance project that has seen cost escalations from initial projections. The City's sewer rates are under review and preliminary findings show Courtenay sewer rates are reasonable when compared to other similar communities.

The ability to rely on prior year surplus to smooth and defer sewer rate increases has provided the time required to appropriately review and update sewer rates to ensure adequate funds are available to support future operating and capital costs.

Table 5: 2024 Sewer Fund Financial Plan Summary

	2023	2024	BUDGET	
			INCREASE	VARIANCE
	BUDGET	BUDGET	(DECREASE)	%
Sewer				
SEWER REVENUE				
Sewer Revenues				
Frontage-Parcel Taxes	\$ (2,120,200)	\$ (2,222,700)	\$ (102,500)	5%
User Fees	(6,534,700)	(7,500,700)	(966,000)	15%
Other Revenues	(60,000)	(60,000)		
Transfers from Surplus/Reserves	(598,400)	(571,400)	27,000	(5%)
Total Sewer Revenues	\$ (9,313,300)	\$ (10,354,800)	\$ (1,041,500)	11%
SEWER EXPENSES				
Contributions to Other Governments	\$ 5,272,200	\$ 6,264,000	\$ 991,800	19%
Sewer Administration	541,200	591,800	50,600	9%
Sewer Fleet	49,000	25,500	(23,500)	(48%)
Sewer Operations	739,000	928,400	189,400	26%
Internal Transfers	2,402,400	2,137,400	(265,000)	(11%)
Sewer Debt Servicing	309,500	407,700	98,200	32%
Total SEWER EXPENSES	\$ 9,313,300	\$ 10,354,800	\$ 1,041,500	11%
Total Sewer (surplus) / deficit	\$ -	\$ -	\$ -	

ADMINISTRATIVE IMPLICATIONS:

Subsequent to Council endorsing the recommended increase for the 2024-2028 Sewer Fund Financial Plan, user fees bylaws and frontage bylaw for the sewer services, staff will update the financial system with the new rates, prior to the 2024 utility billing.

Once finalized, the sewer budget will be incorporated as part of the statutory component of the five-year financial plan.

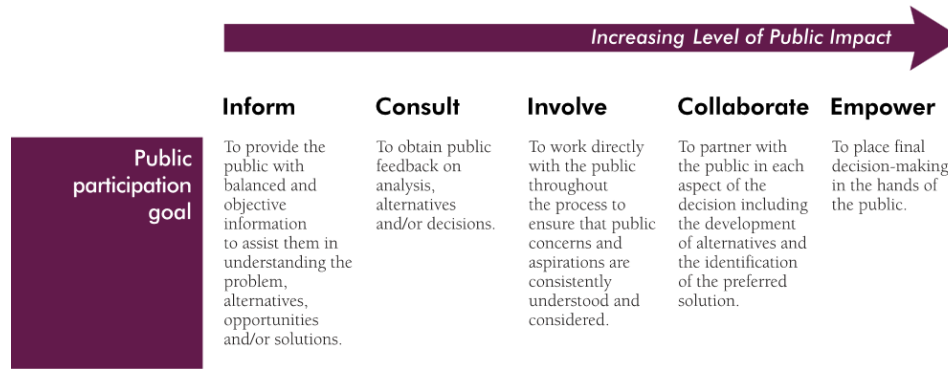
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following cardinal directions:

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:



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OPTIONS:

1. THAT Council Gives first, second and third readings to Fees and Charges Amendment Bylaw No. 3122, 2024 (sewer).
and
THAT Council Gives first, second and third readings to Sewer Service Frontage Tax Amendment Bylaw No. 3124, 2024.
and
THAT Council approves the 2024-2028 Sewer Fund Financial Plan as presented for inclusion in the 2024-2028 Five-year plan.
2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. 2024-2028 Sewer Fund Financial Plan
2. 2024-2028 Sewer Fund Capital Plan
3. Fees and Charges Amendment Bylaw No. 3122, 2024 (sewer)
4. Sewer Service Frontage Tax Amendment Bylaw No. 3124, 2024

Prepared by: Adam Langenmaier BBA, CPA, CA, Director of Finance, Chief Financial Officer
Reviewed by: Kyle Shaw, ASCT, CPWI, CWP, CWWP, Director of Public Works Services
Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)

City of Courtenay

January 10, 2024

2024-2028 Sewer Fund Financial Plan

	2024	2025	2026	2027	2028
	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
Sewer					
SEWER REVENUE					
Sewer Revenues					
Frontage-Parcel Taxes	\$ (2,222,700)	\$ (2,233,700)	\$ (2,244,800)	\$ (2,256,000)	\$ (2,267,200)
User Fees	(7,500,700)	(8,167,500)	(8,648,200)	(9,156,900)	(9,614,700)
Other Revenues	(60,000)	(60,000)	(60,000)	(60,000)	(61,200)
Transfers from Surplus/Reserves	(571,400)	(349,300)	(386,500)	(161,900)	(274,500)
Total Sewer Revenues	\$ (10,354,800)	(10,810,500)	(11,339,500)	(11,634,800)	(12,217,600)
SEWER EXPENSES					
Contributions to Other Governments	\$ 6,264,000	\$ 6,612,000	\$ 6,960,000	\$ 6,960,000	\$ 7,200,000
Sewer Administration	591,800	628,300	613,300	664,800	662,600
Sewer Fleet	25,500	49,600	49,600	49,600	50,500
Sewer Operations	928,400	820,600	818,000	818,000	831,800
Internal Transfers	2,137,400	1,784,500	1,553,000	1,507,900	1,538,100
Sewer Debt Servicing	407,700	915,500	1,345,600	1,634,500	1,934,600
Total SEWER EXPENSES	\$ 10,354,800	\$ 10,810,500	\$ 11,339,500	\$ 11,634,800	\$ 12,217,600
Total Sewer (surplus) / deficit	\$ -	\$ -	\$ -	\$ -	\$ -

2024-2028 Sewer Fund Capital Plan

	2024	2025	2026	2027	2028
Project description	Proposed Budget	Proposed Budget	Proposed Budget	Proposed Budget	Proposed Budget
Anderton Sanitary Lift Station	238,500	309,000	3,229,500		
Braidwood Road - Road & Utility - Sewer Component				10,000	500,000
Comox Rd Sewer Crossing	4,000,000				
Cousins Avenue Upgrades			59,400	779,500	
Sewer - 1st Street Lift Station Replacement	3,439,078				
South Courtenay Sewer System - Phase 1	948,000	10,747,500			
South Courtenay Sewer System - Phase 2		860,000	9,747,000		
Grand Total	8,705,578	11,916,500	13,035,900	789,500	500,000

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3122, 2024

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 **“Fees and Charges Amendment Bylaw No. 3122, 2024 (sewer)”**.
2. That “City of Courtenay Fees and Charges Bylaw No. 1673, 1992” be amended as follows:
 - (a) That Schedule of Fees and Charges, Section III, Appendix II “Sanitary Sewer System” be hereby repealed and substituted therefore by the following attached hereto and forming part of this bylaw:

Schedule of Fees and Charges Section III, Appendix II – Sanitary Sewer System

Read a first time this day of , 2024

Read a second time this day of , 2024

Read a third time this day of , 2024

Finally passed and adopted this day of , 2024

Mayor

Corporate Officer

**SCHEDULE OF FEES AND CHARGES
CITY OF COURTENAY FEES AND CHARGES AMENDMENT
BYLAW NO. 3122, 2024
SECTION III, APPENDIX II
SANITARY SEWER SYSTEM**

1. CONNECTION FEES

(a) Connection Fees

Connection from either side of road to property line

10.16 centimetres (4" inch) \$6,000.00

Where a larger connection than the one listed above is required, the connection will be installed at City cost plus 25%.

(b) Abandonment Fee

Fee for disconnecting an abandoned service connection at the sanitary sewer main irrespective of the size of the connection	Actual City cost plus 25%, min charge \$2,500.00
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(c) Connection Charges for Annexed Areas

For owners where commitment letters were issued between 1997 and 2006 quoting a sewer connection bylaw fee of \$1,500 (plus a capital contribution fee of \$5,000), this bylaw fee amount shall be in effect until October 31, 2007, after which the following schedule of connection fees will apply.

Property Use	Connection Charge		
	Capital Contribution		Connection Fee
	Existing Building	New Development	
Single Family Home OR Duplex	\$6,000.00	\$6,000.00	Either side of road from main - \$6,000.00
Multifamily, Strata OR Apartment OR Mobile Homes	\$6,000.00	\$6,000.00 for first unit, \$3,000.00 per unit for the next five units, \$2,500.00 per unit for the next five units, \$2,000.00 per unit for the next five units and \$1,500.00 per unit for all units thereafter	For a 100 mm diameter connection or the Bylaw rate for larger pipe sizes: Either side of road from main \$6,000.00

Industrial OR Commercial OR Public Assembly	\$10,000.00	\$10,000.00 minimum or the greater amount calculated based on the design sewage flows from the development.	For a 100 mm diameter connection or the Bylaw rate for larger pipe sizes: Either side of road from main \$10,000.00
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Note: Under the heading of ‘Capital Contribution’ an ‘Existing Building’ is defined as a building that existed or a property that had a building permit application in place on or before April 14, 2004. ‘New Development’ is defined as a property on which a building permit application was made on or after April 15, 2004.

1. SANITARY SEWER USER RATES – APPLIED ON A PER-UNIT/SPACE BASIS

- The minimum user rate per year or portion thereof shall be as follows:

		Bylaw Rates (per annum) Effective Date January 1, 2024
Part 1 - Residential Users		
1	Single Family Dwelling	\$ 438.64
2	Multiple Family Dwelling - per unit	438.64
3	Mobile Home Park - per space	438.64
4	Kiwanis Village - per unit	438.64

		Bylaw Rates (per annum) Effective Date January 1, 2024
Part 2 - Commercial Users		
1	Hotels and Motels - per unit	\$ 176.62
2	Trailer Park and Campsite - per serviced site	91.14
3	Wholesale and Retail Stores	438.64
4	Car Wash	1,315.92
5	Bus Depot	438.64
6	Funeral Parlour	438.64
7	Garage	438.64
8	Machine Shop and Repair Shop	438.64
9	Bakery	438.64
10	Photographer	438.64
11	Business Office - per office	438.64
12	Professional Office - per office	438.64
13	Barber and Hairdresser	438.64
14	Pool room and Recreation Facility	438.64
15	Theatre	877.25
16	Department Store	877.25
17	Supermarket	877.25
18	Bowling Alley	877.25
19	Bank	877.25
20	Nursing Home	877.25
21	Café and Restaurant (including drive-in or take-out)	877.25
22	Dry Cleaner	877.25
23	Beverage Room	877.25
24	Laundry and Coin Laundry	3,506.07
25	Sawmill	4,369.82
26	Dairy Product Processing Plant	32,541.98
27	Other Commercial User not enumerated in this schedule	877.25
28	Cheese Processing Plant	7,271.02

		Bylaw Rates (per annum) Effective Date January 1, 2024	
Part 3 - Institutional User			
1	Church	\$	438.64
2	Public Hall		438.64
3	Utility Office		877.25
4	School - per classroom		786.15
5	Regional Recreation Complex		34,905.88
6	Regional District Administrative Office		9,378.26
7	Hospital per Patient Room		176.62
8	Hospital per Staff Room		438.64

2. UTILITY BILLING ADJUSTMENTS AND COLLECTION

- a) Where a billing error is suspected by the consumer, notification in writing must be made to the City of Courtenay Finance Department within one year of the original billing date for review and consideration. Upon investigation, if it is determined by the City that an error occurred and the consumer has been overcharged, an adjustment will be made to the utility bill in question in an amount to be determined by the City. The City will not provide refunds or adjustments to billing errors made more than two years prior to the date of the notification being received by the City.

- b) The rates and charges, enumerated in this Bylaw, are hereby imposed and levied for sewer utility services supplied or ready to be supplied by the City. All such rates and charges which are imposed for work done or services provided to lands or improvements shall form a charge on those lands which may be recovered from the Owner of the lands in the same manner and by the same means as unpaid taxes.

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3124, 2024

A bylaw to amend City of Courtenay Sewer Service Frontage Tax Bylaw No. 2767, 2013

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 **“Sewer Service Frontage Tax Amendment Bylaw No. 3124, 2024”**.
2. That “Sewer Service Frontage Tax Bylaw No. 2767, 2013” be amended as follows:
 - (a) That “7. The annual amount to be paid under this tax per parcel is \$10.24 per metre of sewer frontage”. Be removed and replaced with:

“7. The annual amount to be paid under this tax per parcel is \$10.70 per metre of sewer frontage.”

Read a first time this day of , 2024

Read a second time this day of , 2024

Read a third time this day of , 2024

Finally passed and adopted this day of , 2024

Mayor

Corporate Officer



The Corporation of the City of Courtenay

Staff Report

To: Council
From: City Manager (CAO)
Subject: 2024-2028 Solid Waste Financial Plan

File No.: 1705-20/1830-05
Date: January 24, 2024

PURPOSE:

The purpose of this report is to consider the 2024-2028 solid waste service financial plan and the proposed solid waste user fee changes.

EXECUTIVE SUMMARY:

The costs associated with providing solid waste, recyclables, and organics collection are reviewed annually and user fees are established to cover the projected cost to deliver the services in the upcoming year. Generally, solid waste services are not funded from general property taxation however for 2024 there will be a small portion (\$60,000) funded from taxation for onetime costs pertaining to the new service.

In order to deliver the new automated service, Staff are recommending a solid waste user fee of \$357.50 for single residential dwellings (SRD) which is an increase of \$120.00 from 2023. For strata properties the recommendation is for a user fee of \$324.00 which is an increase of \$86.50 from 2023.

BACKGROUND:

Council sets the solid waste user fee rate schedule by bylaw to ensure costs for the provision of solid waste, recyclables and organics waste collection services are fully recovered.

January 2024 marked the launch of the automated curbside collection service in Courtenay which includes the change from weekly to bi-weekly garbage collection, the cart-size limit on organics (kitchen and yard waste) away from unlimited yard waste prior to 2023, and the transition to automated carts. A conservative budget has been prepared for 2024 and includes a 77% cost increase for the collection contract, a tipping fee increase from \$145 to \$155 /mt for garbage and a continued tipping fee of \$110 /mt to dispose of the organic waste at the new regional facility.

As part of the automated collection service there are a number of changes which make up the increased costs including:

- Assisted set out service costing \$450 annually, and subsidized \$350 by the service;
- Wildlife-resistant carts which are limited in number but cost twice as much as regular carts, the difference in cost spread across the service;
- Reduced RecycleBC disbursements (from \$38.80 to \$37.40 annually per household due to the carts) for materials which assumes higher levels of contamination (and higher costs at the RecycleBC sorting facility);
- Staffing for contamination management in accordance with the City's approved RecycleBC Transition Plan for conversion to automated carts;
- Cart exchange costs due to the lack of a cart selection survey attributable to an unanticipated early order requirement for carts due to global supply-chain challenges;

- The old container collection, exchange, and recycling program in the first year of the program to divert old collection containers away from the landfill; and
- A pilot project to for a seasonal excess yard waste program.

The projections for 2024 to 2028 were developed to reflect the anticipated cost of the new automated curbside collection service to be implemented in January 2024.

DISCUSSION:

The City provides alternating bi-weekly curbside garbage and recycling collection and weekly organics (food and yard waste) collection. The user fee charged for this service must cover:

1. The costs of the contractor hired to provide municipal solid waste, recyclables, organics collection and transport services as well as provision of cart services.

The cost of the collection contract increased by 77% from 2023 budget to 2024 budget with the commencement of automated curbside collection.

2. The costs of regional landfill fees for disposal of mixed waste and the regional organics processing facility fees for the disposal of yard waste and organics.

For 2024, the CVRD confirmed an increase to the regional landfill tipping fee for garbage from \$145 to \$155 per tonne. The 2024 budget also accounts for the yard waste and organics being sent for processing at the regional organics processing facility at a cost of \$110 per tonne. The 2024-2028 solid waste projected budget includes organics tonnages from 2023 which provides a more accurate projection for solid waste diversion between the landfill and organics facility.

3. The internal costs to deliver the service.

Internal costs recovered include costs related to utility billing and collection, education efforts, as well as of the administration of the service.

2024 – 2028 Financial Plan:

The 2024 Financial plan is substantially different than that of prior years due to the new automated solid waste services. Revenue has increased by \$1,180,300 (43%) over the prior year and is directly related to the increase in user fees. Expenses have increased by \$1,439,500 (53%) over the prior year with the majority relating to the new contracted service. Normally fees would cover all expenses of solid waste services however due to the new system in place additional communication, advertising and education funds have been budgeted (\$60,000). Furthermore for 2024 cart exchange costs have been budgeted at \$200,000 which is substantially higher than the subsequent years (\$25,000) due to the anticipated volume of cart exchanges. For 2024 no fee will be charged to exchange carts, for 2025 and beyond a fee will be charged, and will offset cart exchange costs.

Table 1: 2023-2024 Solid Waste Budget Comparison

	2023 BUDGET	2024 BUDGET	BUDGET INCREASE (DECREASE)	VARIANCE %
Solid Waste Services				
SOLID WASTE REVENUE				
Solid Waste Revenue	\$ (2,739,600)	\$ (3,919,900)	\$ (1,180,300)	43%
Total SOLID WASTE REVENUE	\$ (2,739,600)	\$ (3,919,900)	\$ (1,180,300)	43%
SOLID WASTE EXPENSES				
Solid Waste				
JOB 15007 Solid Waste Admin	319,000	387,300	68,300	21%
JOB 15016 Solid Waste Old Container Program		30,000	30,000	
Solid Waste Contracted Services	1,499,200	2,649,200	1,150,000	77%
Solid Waste Tipping Fees	922,200	893,400	(28,800)	(3%)
Solid Waste Cart Exchange Costs		200,000	200,000	
Solid Waste Seasonal Excess Yard Waste		20,000	20,000	
Total Solid Waste	2,740,400	4,179,900	1,439,500	53%
Total SOLID WASTE EXPENSES	2,740,400	4,179,900	1,439,500	53%
Total Solid Waste Services (surplus) / deficit	\$ 800	\$ 260,000	\$ 259,200	

Revenue

Revenue - User Fee

In order to cover for the increased costs for contracted collection, cart fees, administration (assisted set out, enhanced education), increased tipping fee for garbage disposal and continued tipping fee for organics, an increase of 36% to the residential user fee for strata properties and a 50% increase to the residential user fee for single residential dwellings. The annual strata fee will increase from \$237.50 in 2023 to \$324.00. The annual fee for SRD will increase from \$237.50 to \$357.50.

The 2024 Solid waste user fee is broken down in table 2 per is various components:

	SRD	Strata
Collection	\$176.02	\$176.03
Tipping	\$106.27	\$72.75
Cart purchase	\$41.98	\$41.98
Admin	\$33.23	\$33.23
Total	\$357.50	\$324.00

Revenue - RecycleBC

In 2023, the City extended the contract with RecycleBC to reimburse the City for recycling services to residential units in Courtenay and provide funding for recycling education. The City will continue to receive financial incentives through the program which covers the cost of providing the bi-weekly curbside pickup of recyclables to residences. It is expected the contract will be renewed with similar terms for 2025 onwards.

Expense

Expense – Solid Waste Admin

Administrative expenses have risen due to additional funding for the ambassador program to provide, increased advertising and education funding to assist with the new curbside service.

Expense - Contracted Services

Contracted services expense has increased substantially due to commencement of the automated curbside collection program.

Expense – Tipping Fees

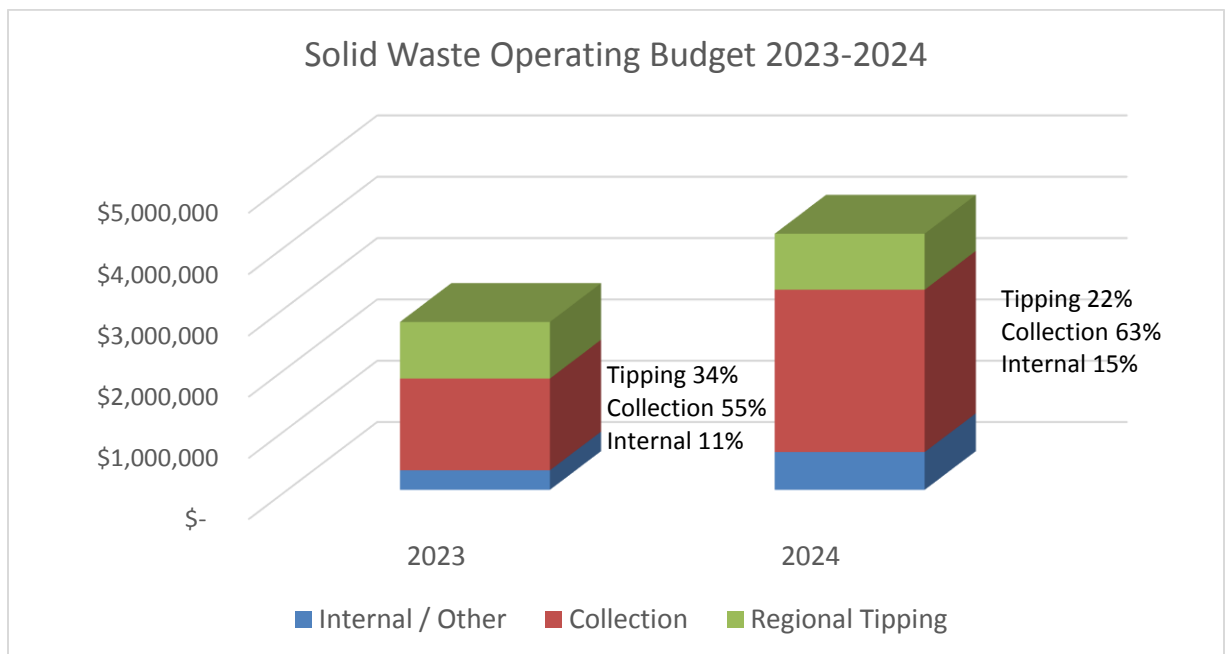
Tipping fee expenses have been reduced from prior year due to the anticipated diversion towards organics resulting in a reduction in volume of garbage tipping under the new service.

Expense – Cart Exchange

Cart exchange costs of \$200,000 will be funded from prior years surplus while additional communication, advertising and education costs of \$60,000 will be funded through current year taxation. This approach is being taken to smooth the solid waste user fee and to recognize the uncertainty of cart exchange volume and accompanying expense.

The different components of the Solid Waste Operating Budget between 2023 and 2024 are illustrated in Graph 1 below. The significant increase in the budget is attributable to the increase contractor costs for collection with the transition to automated curbside collection.

Graph 1: Solid Waste Operating Budget 2023-2024



See attachment 1 2024-2028 Solid Waste Service Financial Plan for details on the 5-year plan.

POLICY ANALYSIS:

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

FINANCIAL IMPLICATIONS:

The costs associated with providing solid waste, recyclables, and organics collection are reviewed annually and user fees are established to cover the projected cost to deliver the services in the upcoming year. Generally, solid waste services are not funded from general property taxation however for 2024 there will be a small portion (\$60,000) funded from taxation for onetime costs pertaining to the new service.

In order to deliver the new automated service, Staff are recommending a solid waste user fee of \$357.50 for single residential dwellings (SRD) which is an increase of \$120.00 from 2023. For strata properties the recommendation is for a user fee of \$324.00 which is an increase of \$86.50 from 2023.

Reflecting this information, 2024-2028 Solid Waste Service Financial Plan (Attachment No. 1) is presented for Council’s consideration for inclusion in the 2024-2028 Five Year Financial Plan and Solid Waster Service Fees and Charges Amendment Bylaw No. 3126, 2024 (Attachment No.2) is presented for consideration of three readings.

ADMINISTRATIVE IMPLICATIONS:

Subsequent to Council endorsing the recommended increase for the 2024-2028 solid waste service financial plan and user fees bylaw, staff will update the financial system with the new rates, prior to the 2024 utility billing.

Once finalized, solid waste service financial plan will be incorporated as part of the statutory component of the five-year financial plan.

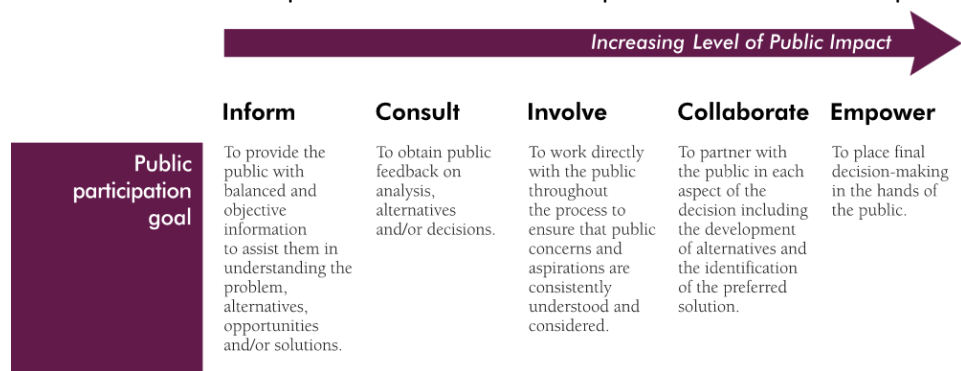
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following cardinal directions:

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:



OPTIONS:

1. THAT Council give first, second and third readings to Fees and Charges Amendment Bylaw No. 3126, 2024 (solid waste)
and
That Council approves the 2024-2028 Solid Waste Financial Plan as presented for inclusion in the 2024-2028 Five-year plan.
2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. 2024-2028 Solid Waste Service Financial Plan
2. Fees and Charges Amendment Bylaw No. 3126, 2024 (solid waste)

Prepared by: Adam Langenmaier BBA, CPA, CA, Director of Finance, Chief Financial Officer
Reviewed by: Chris Thompson, Manager of Solid Waste Services
Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)

City of Courtenay
January 10, 2024
2024-2028 Solid Waste Service Financial Plan

	2024	2025	2026	2027	2028
	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
Solid Waste Services					
SOLID WASTE REVENUE					
Solid Waste Revenue	\$ (3,919,900)	\$ (4,067,000)	\$ (4,254,900)	\$ (4,452,300)	\$ (4,659,200)
Total SOLID WASTE REVENUE	\$ (3,919,900)	\$ (4,067,000)	\$ (4,254,900)	\$ (4,452,300)	\$ (4,659,200)
SOLID WASTE EXPENSES					
Solid Waste					
JOB 15007 Solid Waste Admin	387,300	352,100	360,400	369,200	378,400
JOB 15016 Solid Waste Old Container Program	30,000				
Solid Waste Contracted Services	2,649,200	2,729,000	2,811,000	2,895,000	2,982,000
Solid Waste Tipping Fees	893,400	940,100	1,036,900	1,140,600	1,250,400
Solid Waste Cart Exchange Costs	200,000	25,000	25,000	25,000	25,000
Solid Waste Seasonal Excess Yard Waste	20,000	20,800	21,600	22,500	23,400
Total Solid Waste	4,179,900	4,067,000	4,254,900	4,452,300	4,659,200
Total SOLID WASTE EXPENSES	4,179,900	4,067,000	4,254,900	4,452,300	4,659,200
Total Solid Waste Services (surplus) / deficit	\$ 260,000	\$ -	\$ -	\$ -	\$ -

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3126, 2024

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 **“Fees and Charges Amendment Bylaw No. 3126, 2024 (Solid waste)”**.
2. That “City of Courtenay Fees and Charges Bylaw No. 1673, 1992” be amended as follows:
 - (a) That Schedule of Fees and Charges, Section III, Appendix IV, “Garbage Collection Fees” be hereby repealed and substituted therefore by the following attached hereto and forming part of this bylaw:

Schedule of Fees and Charges Section III, Appendix IV – Solid Waste Collection Fees

Read a first time this day of , 2024

Read a second time this day of , 2024

Read a third time this day of , 2024

Finally passed and adopted this day of , 2024

Mayor

Corporate Officer

**SCHEDULE OF FEES AND CHARGES
CITY OF COURTENAY FEES AND CHARGES
AMENDMENT BYLAW NO. 3126, 2024
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	\$357.50

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	\$324.00

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>
D. Additional Home Health Care Waste Garbage Cart (120 L):	\$56.00
E. Additional Garbage Cart (120 L):	\$138.20
F. First Recycling Cart (240 L or 360 L):	\$32.65
G. Additional Recycling Cart (240 L or 360 L):	\$14.00
H. Additional Organic Waste Cart (120 L):	\$153.15
I. Additional Organic Waste Cart (360 L):	\$186.65
J. Assisted Set-out Service:	\$100.00

<u>Description of cart replacement charges</u>	<u>Charge</u>
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 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 22nd day of November, 2023.

Read a second time this 22nd day of November, 2023.

Read a third time this 22nd day of November, 2023.

Received the approval of the Inspector of Municipalities this 22nd day of December, 2024.

Assent of the electors of the City of Courtenay is not required 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



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 3360-20-2301/RZ000074

From: Director of Development Services

Date: January 24 2024

Subject: Zoning Amendment Bylaw No. 3094 (1560 Grieve Ave) Adoption

PURPOSE:

For Council to consider adoption of Zoning Amendment Bylaw No. 3094 to permit 16-unit multi-residential rental development with amenity building for the property legally described as **Lot 14, Section 41, Comox District, Plan 9456**.

BACKGROUND:

At Council's Regular meeting on December 6th 2023, Council passed the following resolution:

THAT Council give First, Second and Third readings of "Zoning Amendment Bylaw No. 3094" (1560 Grieve Avenue); and

THAT prior to Council consideration of the adoption of "Zoning Amendment Bylaw No. 3094", the owner execute the Housing Agreement to form "Housing Agreement Bylaw No. 3117" for Council's consideration.

At Council's Regular meeting on January 10th 2024, having received an owner-executed Housing Agreement, Council passed the following resolution:

THAT Council give first, second and third Reading to Housing Agreement Bylaw No. 3117 (1560 Grieve Avenue).

DISCUSSION:

The condition that the owner execute the Housing Agreement that is attached to Housing Agreement Bylaw No. 3117 has been fulfilled and Council can now consider adoption of Zoning Amendment Bylaw No. 3094.

Then Council can consider adoption of Housing Agreement Bylaw No. 3117 and if adopted, the housing agreement will be registered at the Land Title and Survey Authority of British Columbia.

OPTIONS:

1. THAT Council adopt "Zoning Amendment Bylaw No. 3094" (1560 Grieve Avenue).
2. THAT Council defer and provide alternative direction to staff through resolution.
3. THAT Council not proceed.

ATTACHMENTS:

1. Zoning Amendment Bylaw No. 3094
2. December 6th 2023 Staff Report

Prepared by: Mike Grimsrud, RPP, MCIP, Planner II

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. 3094

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. 3094**”.
- 2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:

(b) Amending Division 8 – Classification of Zones through the addition of:

[Part 64] – Comprehensive Development Thirty-Eight Zone (CD-38) 1560 Grieve Avenue as attached in **Attachment A**.

(c) by rezoning Lot 14, Section 41, Comox District, Plan 9456 (1560 Grieve Avenue) as shown in bold outline on **Attachment B** which is attached hereto and forms part of this bylaw, from Residential Two Zone (R-2) to Comprehensive Development Thirty-Eight Zone (CD-38).

(d) That Schedule No. 8, Zoning Map be amended accordingly.

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

A decision not to hold a Public Hearing was made on November 8, 2023 pursuant to Section 464(2)(b) of the Local Government Act and notice of this decision was given in accordance with Section 467 of the Local Government Act in two editions of the Comox Valley Record on the 22nd day of November, 2023 and the 29th day of November, 2023.

Read a first time this 6th day of December, 2023

Read a second time this 6th day of December, 2023

Read a third time this 6th day of December, 2023

Finally passed and adopted this day of , 2024

Mayor

Corporate Officer

Approved under S.52 (3) (a) of the *Transportation Act*



Tallina McRae, Development Services Officer
Ministry of Transportation and Infrastructure
Vancouver Island District

Attachment A

Part 63 – Comprehensive Development Thirty-Eight Zone (CD-38) (1560 Grieve Ave)

8.64.1 Intent

The CD-38 Zone is intended to accommodate a supportive rental cluster housing development on the property legally described as Lot 14, Section 41, Comox District, Plan 9456. The property shall be developed substantially in accordance with Schedule A which form part of this zone, any contrary requirements of Zoning Bylaw No. 2500 notwithstanding.

8.64.2 Permitted Uses

The following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

1. Rental residential in *single, duplex and apartment dwelling units*
2. One amenity building for shared resident use that may have a second-floor dwelling unit for a support person
3. One *dwelling unit* for a support person located above a shared indoor resident amenity space
4. *Accessory buildings* and structures

8.64.3 Lot Coverage

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

8.64.4 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 0.55.

8.64.5 Minimum Lot Size

A lot shall have an area of not less than 1,600 m².

8.64.6 Setbacks

Except where otherwise specified in this bylaw the following minimum building setbacks shall apply for the principle buildings:

- (1) Front Yard: 7.5 m
- (2) Rear Yard: 7.5 m
- (3) Side Yard (interpreted as the yard adjacent to the northwest property line): 3.0 m except 1.5 m for the seating wall of the amenity building
- (4) Side Yard (interpreted as the yard adjacent to the southeast property line): 3.0 m

For clarity, heat pumps are permitted to project into setbacks.

8.64.7 Height of Buildings

Maximum *building height* shall be 8.5 m.

8.64.9 Usable Open Space

A minimum of 450 m² of useable open space must be provided plus a minimum of 50 m² of indoor amenity space.

8.64.10 Accessory Structures

Shall not be permitted except for bike and scooter storage structures and entry gazebo.

- (1) The front and southeast side yard setbacks for accessory buildings shall be 2.5 m
- (2) The rear yard setback for accessory buildings shall be 4.0 m
- (3) The northwest side yard setback for accessory buildings shall be 1.0 m
- (4) The maximum height for accessory buildings shall be 3.5 m

8.64.11 Off-Street Parking and Loading

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

- (1) A total of six (6) vehicle parking spaces shall be provided, including a minimum of three (3) visitor spaces;
- (2) Bicycle parking facilities shall be provided at a minimum rate of 0.875 Class II covered, secure stall per unit plus 0.25 Class I stalls per unit; and
- (3) Bicycle parking specification Sections 7.3.2 2,3,7,8,12 and 14g and h do not apply

8.64.12 Fencing

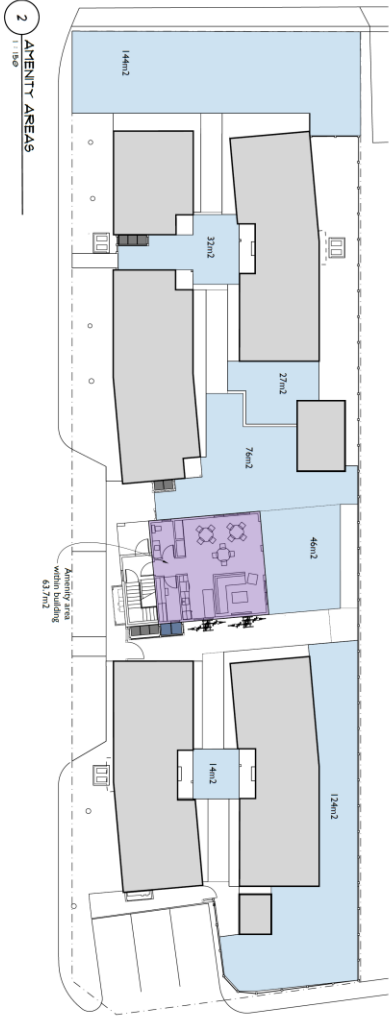
- (1) The maximum height of side and rear fencing is 2.5 m.
- (2) The minimum height of landscaping or fencing on all property lines adjoining all other adjoining properties is 2.0 m.

SCHEDULE A

GRIEVE AVENUE



- Tree retention legend
- 1 Existing cedar
 - 2 Existing cherry
 - 3 Existing dogwood
 - 4 Existing Douglas fir
 - 5 Existing Douglas fir



Amenity area calculations:
 Pylon, plaza and lawn: 312m²
 Accessible garden area: 151m²
 Total: 463m²

1 SITE PLAN
1:1150

2 AMENITY AREAS
1:1150

NOTE: ALL DESIGN MATERIAL, INCLUDING BUT NOT LIMITED TO, CONCEPTS, DRAWINGS, REPORTS, AND ALL INFORMATION CONTAINED HEREIN IS THE PROPERTY OF JOHN GOVER DESIGN INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THIS DOCUMENT. ANY REUSE OF THIS INFORMATION WITHOUT THE WRITTEN PERMISSION OF JOHN GOVER DESIGN INC. IS STRICTLY PROHIBITED.

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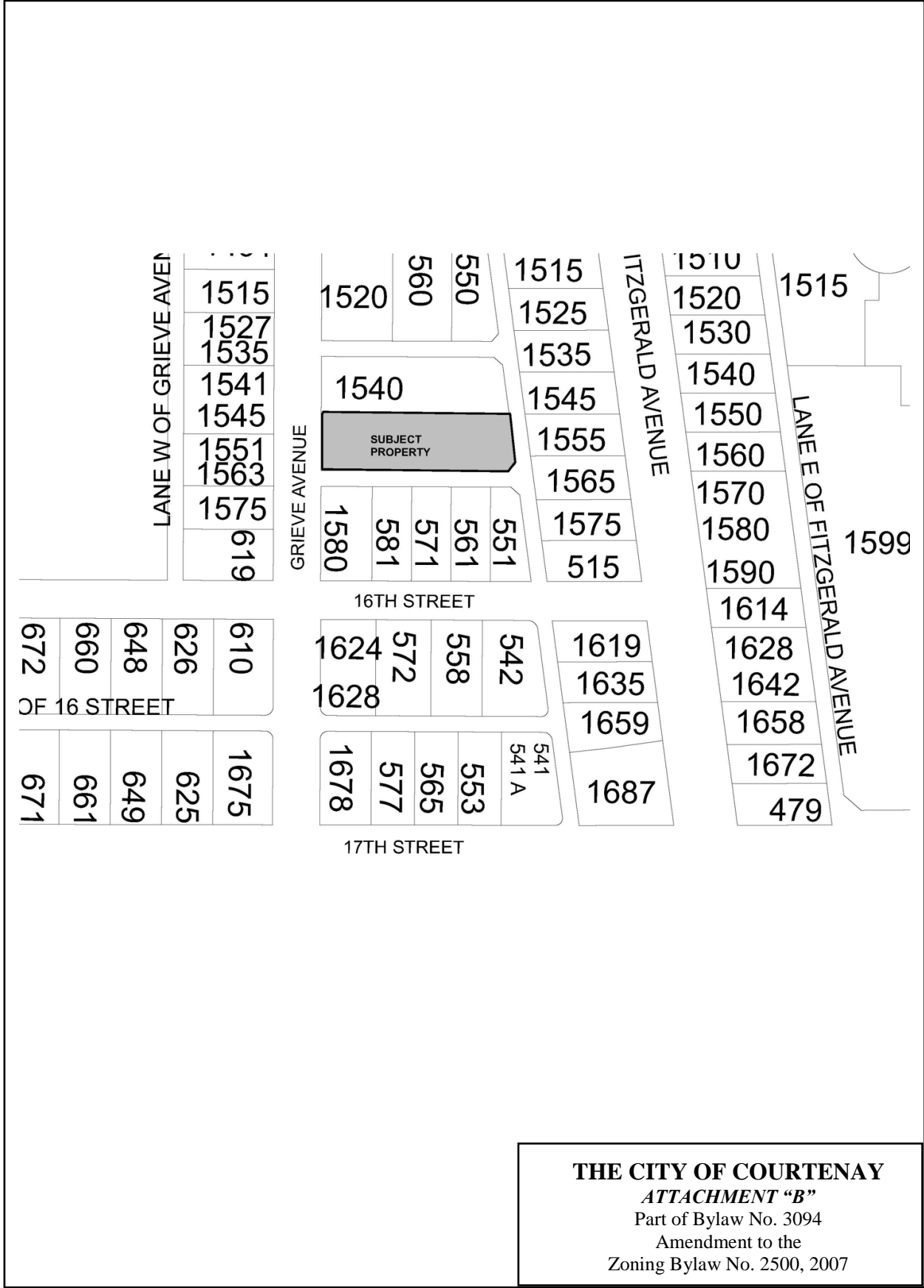
L'Arche Comox Valley "The Anchorage"

1560 Grieve Avenue, Courtenay BC

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 ARCHITECTURE • INTERIOR DESIGN • LANDSCAPE ARCHITECTURE

SCALE: AS NOTED
 PROJECT: 2023
 DRAWN: JGG
 CHECKED: JGG
 ISSUED: June 21, 2023
 REFERENCE: REZONING & O.P.

DRAWING NUMBER
A-4



THE CITY OF COURTENAY
ATTACHMENT "B"
 Part of Bylaw No. 3094
 Amendment to the
 Zoning Bylaw No. 2500, 2007



STAFF REPORT

To: Council
From: Director of Development Services
Subject: Zoning Amendment Bylaw No. 3094 (1560 Grieve Ave)

File No.: 3360-20-2301/ RZ000074

Date: December 6 2023

PURPOSE:

For Council to consider first, second and third reading of Zoning Amendment Bylaw No. 3094 to permit 16-unit multi-residential rental development with amenity building for the property legally described as Lot 14, Section 41, Comox District, Plan 9456.

BACKGROUND:

Council passed a resolution at the regular meeting of November 8, 2023 to not hold a public hearing as per section 464(2)(b) of the *Local Government Act (LGA)* and directed staff to send notices as per section 467 of the *Local Government Act (LGA)*. The staff report from the regular council meeting held on November 8th which outlines the application to amend Zoning Bylaw No. 2500, 2007 from R-2 to Comprehensive Development Thirty-Eight Zone (CD-38), to permit a 16-unit multi-residential rental development containing in six buildings on a 1,630 m² property for people with diverse abilities to be operated by a non-profit charitable organization is attached to this report. Staff support the proposed Zoning Amendment Bylaw No. 3094.

The subject property is designated Urban Residential and is consistent with the OCP land use policies and is located at 1560 Grieve Avenue as illustrated in **Figure 1**. The site contains an existing single-residential building and vegetation including a variety of mature trees and within 200 metres of the site contains many services including a community hub run by the L'Arche Organization who are the operators of this proposed development. It is zoned Residential Two (R-2) zone and has a single-family dwelling on the lot.



Figure 1: Subject Property Location and Context

DISCUSSION:

Zoning Review

The subject property is zoned R-2 which does not permit multi-residential development, a Comprehensive Development Zone CD-38 has been developed (Zoning Bylaw Amendment No. 3094) which is consistent with the OCP (draft bylaw **Attachment 1**). The staff report dated November 8, 2023 has the detailed zoning analysis.

Zoning Analysis

The proposed CD-38 is based upon the R-3 zone and seeks to:

- reduce building and landscape setbacks;
- reduce frontage width;
- reduce vehicular and bicycle parking requirements to suit target resident needs;
- and proposes significantly lower height than R-3 more in line with R-2 massing.
- The zone includes propose-built rental and will secure below-market rents to a priority equity group of people with diverse intellectual abilities through a housing agreement.

Figure 2 Site Plan indicates the two phases of the proposed development, number of units, parking, and access. Figure 3 illustrates the proposed massing of the development.

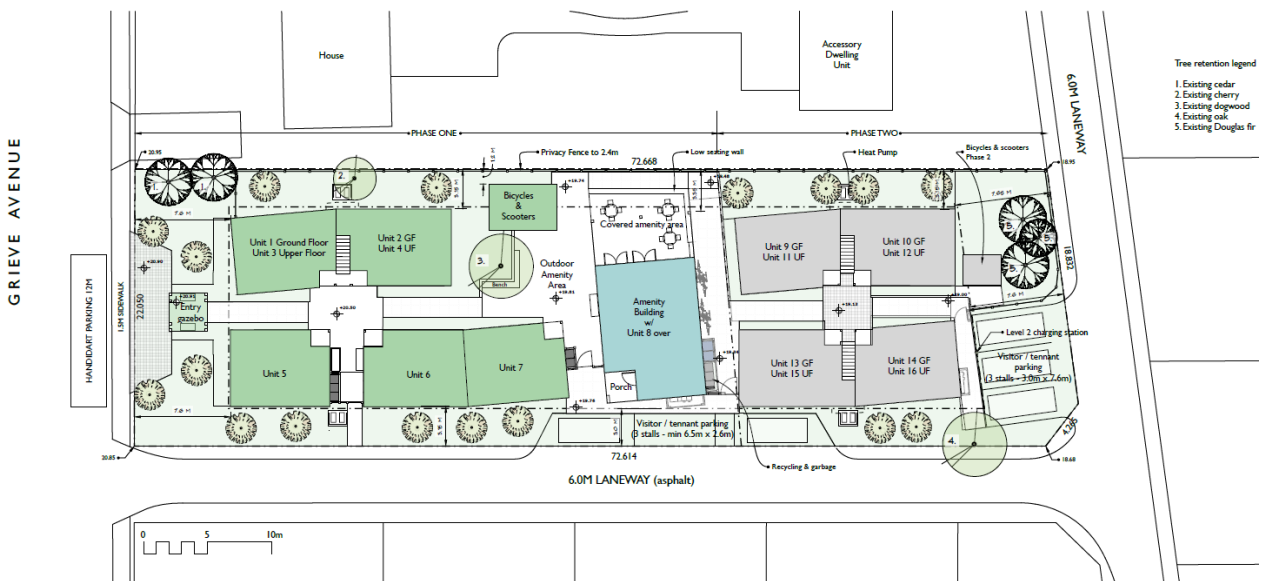


Figure 2 Site Plan



Figure 3: Rendering

Infrastructure

Staff have received an engineer report on the condition of the laneway and are working through the required upgrades with public works which will be brought back with the next council report along with the frontage improvements associated with removing and replacing the driveway letdown along Grieve Avenue. Fire has confirmed that they do not need to have the lane upgraded for the fire truck as they can utilize the fire hydrant on 16th street. Any requirements for off-site servicing will be secured by a Section 219 covenant prior to final reading.

POLICY ANALYSIS:

This proposal meets the objectives detailed in Official Community Plan Bylaw 3070, 2022 as outlined in the staff reported dated November 8, 2023 (**Attachment 2**).

Community Amenity Contribution

A housing agreement for this property has been drafted that considers that 15 units will have rents that are 30% below the CMHC average market rent for a one-bedroom unit. As per section 483 of the *Local Government Act*, this housing agreement will form a Housing Agreement Bylaw to be considered by Council at the next regular council meeting. The draft housing agreement is in **Attachment 3**.

REGIONAL GROWTH STRATEGY REFERENCE:

The Comox Valley Regional Growth Strategy (RGS) is a framework for future land use, and sets basic direction for planning, policies, and action for all member municipalities, including Courtenay. The RGS is guided by a number of growth management principles that are incorporated by this proposed application. This development proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” including:

- Promote the efficient use of land, provide greater transportation choices, reduce public servicing costs, and achieve environmental benefits through compact growth.

- Promote intensification, compact growth and supportive public transit services throughout designated Municipal Areas as the primary means of accommodating population and employment growth.

FINANCIAL IMPLICATIONS:

The applicant has provided a letter (Attachment 8 of the **Attachment 2** – November 8th Council Report) requesting consideration of reduction of DCCs and off-site services. The City does not have policy for reductions of off-site servicing costs but staff have confirmed that the development will not be required to repair and upgrade the lane, which would have been a significant cost given that the lane spans two property lines.

The development would incur District and City DCCs. District DCCs would be \$67,672 for each phase, at current per-unit rates. The District would have to pass a resolution to reduce the fees and identify a source of funding to cover the fees.

Estimated City DCC charges would be \$19,633.53 for Phase 1 and \$14,069.78 for Phase 2 based on floor areas in plans provided. The city does not have a DCC exemption bylaw for the reduction of DCC fees for affordable housing and staff is working on this bylaw for Council’s consideration. To date Council has passed a resolution to pay for DCC fees from the Affordable Housing Reserve fund.

No housing agreement fee is required because this file was opened prior to adoption of Fees and Charges Amendment Bylaw No. 3107. The owner will be required to reimburse the City for any legal costs occurred.

ADMINISTRATIVE IMPLICATIONS:

Processing Zoning Bylaw amendments is a statutory component of the corporate work plan and a core duty of the Department of Development Services. Work to date has primarily been carried out by Development Services staff, although other departments have provided referral comments.

ASSET MANAGEMENT IMPLICATIONS:

The applicant submitted engineered civil plans for water, sewer, and stormwater to service the development. The submissions are adequate to confirm the site can be serviced. Final engineering plans will be required as part of the building permit application.

STRATEGIC PRIORITIES REFERENCE:

Explore approaches to develop affordable housing

- A housing agreement to ensure affordability for tenants will be presented to Council with the development proposal for first reading.

Social Infrastructure: Identify roles for the City in the delivery of social infrastructure outlined in the OCP

- The OCP’s Equity cardinal direction details that equitable cities are those in which all people can participate, prosper, and reach their full potential, and specifically includes persons with disabilities as an equity-priority group. This is echoed in Goals #2 – Housing Choices for All and #7 – A City for Everyone.

PUBLIC ENGAGEMENT:

Notice as per Section 467 of the *Local Government Act* to 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 has been done. The opportunity to comment on the application, with written submissions to be received no later than 1:00 pm Wednesday December 6th 2023, was given in two editions of the Comox Valley Record on November 22nd and November 29th 2023, and 88 notices were mailed to residents and owners of properties within 100 m of the subject property on November 21st. No responses have been received by staff at time of writing; any responses received prior to the Council meeting will be forwarded to Mayor and Council.

The subject property is located within 800 m of the Cliffe Avenue intersection with 17th Street, a controlled intersection. In accordance with Section 52(3) of the *Transportation Act* the Ministry of Transportation must grant its approval prior to adoption of the bylaw.

As noted in the November 8th staff report, the applicant held a community open house and there was no requirement for a public information meeting. The applicant provided a summary of the open house for the November 8th 2023 staff report and is attached to it.

OPTIONS:

1. THAT Council give First, Second and Third readings of “Zoning Amendment Bylaw No. 3094” (1560 Grieve Avenue); and
THAT prior to Council consideration of the adoption of “Zoning Amendment Bylaw No. 3094”, the owner execute the Housing Agreement to form “Housing Agreement Bylaw No. 3117” for Council’s consideration.
2. THAT Council request additional information from staff through a resolution.
3. THAT Council not proceed with “Zoning Amendment Bylaw No. 3094”.

ATTACHMENTS:

1. Bylaw 3094 and CD-38 Zone
2. November 8th 2023 Council Report with Attachments
3. Draft Housing Agreement

Prepared by: Mike Grimsrud, Planner II, RPP, MCIP
Reviewed by: Marianne Wade, Director of Development Services, RPP, MCIP
Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 3360-20-2301/RZ000074

From: Director of Development Services

Date: January 24, 2024

Subject: Housing Agreement Bylaw No. 3117 (1560 Grieve Ave) Adoption

PURPOSE:

For Council to consider adoption of Housing Agreement Bylaw No. 3117 and direct staff to execute the Housing Agreement pursuant to Section 483 of the *Local Government Act* for the property located at 1560 Grieve Avenue legally described as **Lot 14, Section 41, Comox District, Plan 9456**.

BACKGROUND:

At Council's Regular meeting on December 6th 2023, Council passed the following resolution:

THAT Council give First, Second and Third readings of "Zoning Amendment Bylaw No. 3094" (1560 Grieve Avenue); and

THAT prior to Council consideration of the adoption of "Zoning Amendment Bylaw No. 3094", the owner execute the Housing Agreement to form "Housing Agreement Bylaw No. 3117" for Council's consideration.

At Council's Regular meeting on January 10th 2024, Council received an owner-executed Housing Agreement, Council passed the following resolution:

THAT Council give first, second and third Reading to Housing Agreement Bylaw No. 3117 (1560 Grieve Avenue).

DISCUSSION:

Upon adoption of Zoning Amendment Bylaw No. 3094 Council can consider the adoption of Housing Agreement Bylaw No. 3117 and register the housing agreement on title of the lands located at 1560 Grieve Avenue. The Housing Agreement has been executed by the owner and all conditions have been fulfilled for consideration of adoption.

OPTIONS:

1. THAT Council adopt "Housing Agreement Bylaw No. 3117" (1560 Grieve Avenue)
2. THAT Council defer and provide alternative direction to staff through resolution.
3. THAT Council not proceed.

ATTACHMENTS:

1. Housing Agreement Bylaw No. 3117 (1560 Grieve Avenue)
2. January 10th 2024 Staff Report

Prepared by: Mike Grimsrud, RPP, MCIP, Planner II

Reviewed by: Marianne Wade, RPP, MCIP Director of Development Services

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



The Corporation of the City of Courtenay

Bylaw No. 3117

A bylaw to authorize the City of Courtenay to enter into a housing agreement

WHEREAS the Council of the City of Courtenay may, by bylaw, under Section 483 of the Local Government Act enter into a Housing Agreement which may include terms and conditions agreed to by the Municipality and the Owner regarding occupancy of housing units identified in the Agreement;

AND WHEREAS Council has rezoned the property located at 1560 Grieve Avenue to a new Comprehensive Development Zone (CD-38) to enable the development of 16 residential units of which 15 are to be developed as below-market supportive rental units;

AND WHEREAS the Owner has offered to register a Housing Agreement to ensure that the housing units are developed as proposed on the Lands described in this Bylaw, and the Municipality as deemed it expedient to require the Owner to enter into a Housing Agreement with the Municipality pursuant to Section 483 of the *Local Government Act*;

Applicant: L'Arche Comox Valley (**Registered BC Society #S0030771**)

Location: 1560 Grieve Avenue

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

1. This Bylaw shall be cited as "Housing Agreement Bylaw No. 3117".
2. The Municipality is authorized to enter into Housing Agreements pursuant to Section 483 of the *Local Government Act*, in substantially the form attached to this Bylaw as Schedule "1" with respect to the land located in the City of Courtenay known as 1560 Grieve Avenue and more particularly known as:

Lot 14, Section 41, Comox District, Plan 9456 (1560 Grieve Avenue)

as shown on the map attached to this Bylaw as Appendix "A".

3. The Mayor and the Corporate Officer of the Municipality are authorized to execute the Housing Agreement on behalf of the Municipality.
4. This bylaw shall come into effect upon final adoption hereof.

Read a first time this [day] day of [month], [year]

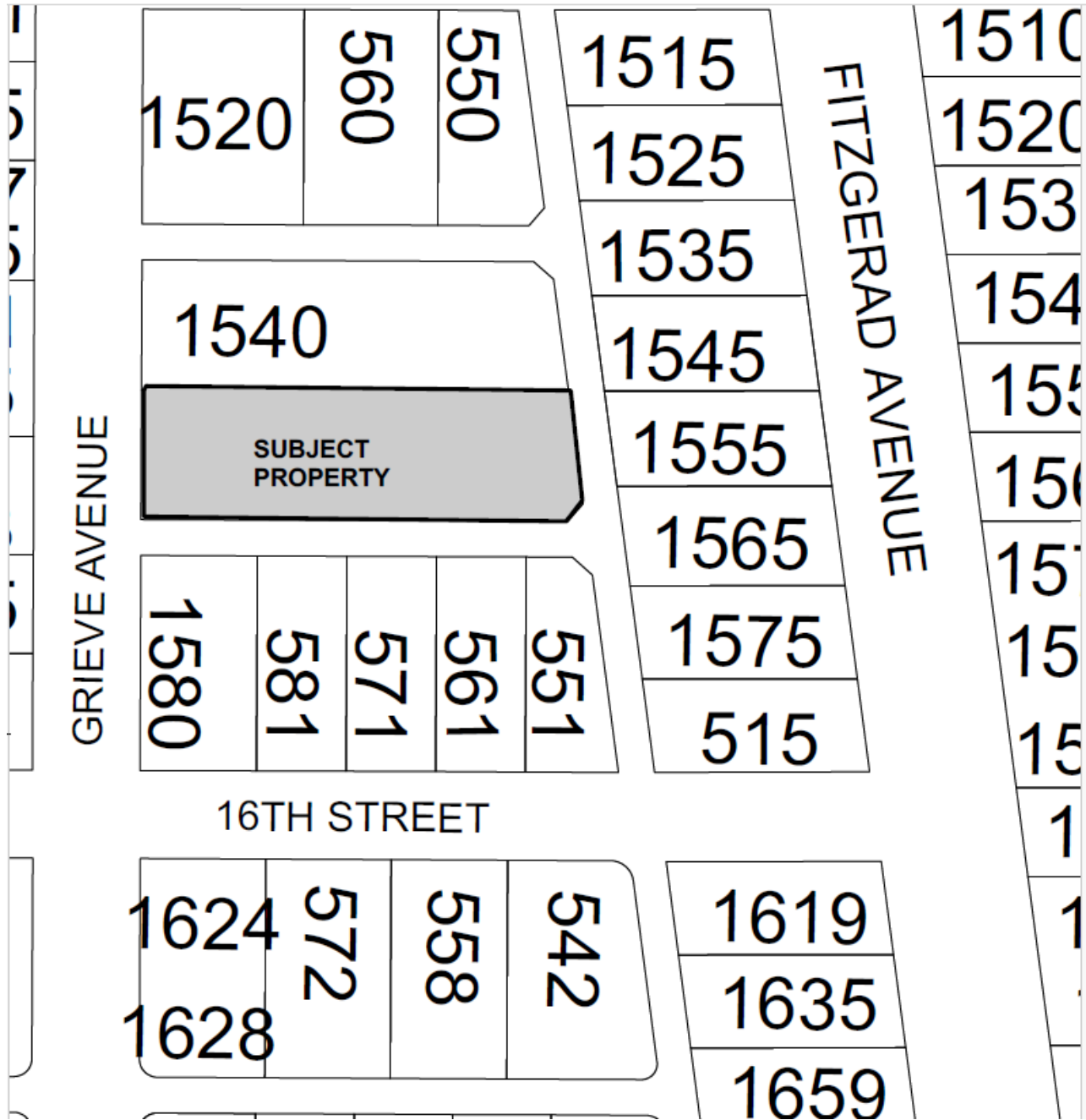
Read a second time this [day] day of [month], [year]

Read a third time this [day] day of [month], [year]

Adopted this [day] day of [month], [year]

Mayor Bob Wells

Corporate Officer Adriana Proton



Property Subject to Bylaw No. 3117:

Lot 14, Section 41, Comox District, Plan 9456

Schedule "1"
Housing Agreement



1. Application

LOGAN N. LAPOINTE, Barrister & Solicitor Swift Dato LLP 201-467 Cumberland Road Courtenay BC V9N 2C5 2503344461
--

46998

2. Description of Land

PID/Plan Number	Legal Description
005-307-422	LOT 14, SECTION 41, COMOX DISTRICT, PLAN 9456

3. Nature of Interest

Type	Number	Additional Information
COVENANT		S.219

4. Terms

Part 2 of this instrument consists of:

(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

L'ARCHE COMOX VALLEY INC., NO.S0030771

6. Transferee(s)

THE CORPORATION OF THE CITY OF COURTENAY 830 CLIFFE AVENUE COURTENAY BC V9N 2J7
--

7. Additional or Modified Terms



8. Execution(s)

This instrument creates, assigns, modifies, enlarges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)



Logan N. Lapointe
Barrister & Solicitor
 Swift Datoos LLP
 201-467 Cumberland Road
 Courtenay BC V9N 2C5

YYYY-MM-DD
 2024-01-08

L'ARCHE COMOX VALLEY INC.
 By their Authorized Signatory


HOLLEE CARD

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

YYYY-MM-DD

The Corporation of the City of Courtenay
 By their Authorized Signatory

Name:

Name:

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

PART 2 – TERMS OF INSTRUMENT

HOUSING AGREEMENT AND COVENANT
(Section 483 *Local Government Act* and Section 219 *Land Title Act*)

THIS AGREEMENT made the _____ day of DECEMBER, 2023,

BETWEEN:

L'ARCHE COMOX VALLEY INC., S0030771,
having a business at 100 1465 GRIEVE AVENUE,
COURTENAY, BC V9N 9B9

(the “**Owner**”)

OF THE FIRST PART

AND:

THE CORPORATION OF THE CITY OF COURTENAY, a
municipal corporation under the *Community Charter* of the
Province of British Columbia, and having its City Offices at 830
Cliffe Avenue, Courtenay, B.C. V9N 2J7

(the “**City**”)

OF THE SECOND PART

WHEREAS:

- A. Section 483 of the *Local Government Act* permits the City to enter into and note on title to lands, housing agreements which may include, without limitation, conditions in respect to the form of tenure of housing units, availability of housing units to classes of persons, administration of housing units, and rent that may be charged for housing units;
- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a positive or a negative nature in favour of the City in respect of the use of land and construction on land;
- C. The Owner is the owner of the Lands (as hereinafter defined);
- D. The City will consider adoption of Housing Agreement Bylaw No. 3117 authorizing the City to enter into this Agreement on the terms and conditions contained herein; and
- D. The Owner made an application to rezone the Lands from R-2 (Low Density Single Residential Dwelling or Duplex Zone) to CD-38 Comprehensive Development Zone (1560 Grieve Street) to permit the development of 6 buildings consisting of 16 residential dwelling units limited to 15 affordable rental units for adults with intellectual disabilities, 1 shared amenity building with 1 second floor caretaker rental

unit, and accessory buildings and structures which will be constructed in two phases.

- E. The Owner and the City wish to enter into this Agreement (as hereinafter defined) to provide long-term rental housing on the terms and conditions set out in this Agreement,

In consideration of \$10.00 and other good and valuable consideration (the receipt and sufficiency of which is acknowledged by both parties), and in consideration of the promises exchanged below, the Owner and the City covenant and agree pursuant to section 483 of the *Local Government Act* and section 219 of the *Land Title Act* as follows:

ARTICLE 1 DEFINITIONS AND INTERPRETATION

1.1 Definitions – In this Agreement, the following words have the following meanings:

- (a) “**Affordable Rental Units**” means the fifteen (15) self-contained Dwelling Units within the Development that are to be used and occupied in accordance with Article 2 of this Agreement for a rent charge of not more than the Permitted Rents in accordance with Schedule A of this Agreement;
- (b) “**Agreement**” means this agreement together with all Land Title Office forms, schedules, appendices, attachments and priority agreements attached hereto;
- (c) “**Caretaker Rental Unit**” means one (1) Dwelling Unit to be located on the second storey of the shared amenity building;
- (d) “**Daily Amount**” means \$100.00 per day as of January 1, 2024 adjusted annually thereafter by adding thereto an amount calculated by multiplying \$100.00 by the percentage change in the CPI since January 1, 2024, to January 1 of the year that a written notice is delivered to the Owner by the City pursuant to section 5.2 of this Agreement;
- (e) “**Dwelling Unit**” means a residential dwelling unit or units located or to be located on the Lands, and includes, where the context permits, an Affordable Rental Unit and a Caretaker Rental Unit;
- (f) “**Excess Charges**” means any amount of rent charged in respect of a tenancy of an Affordable Rental Unit that is in excess of Permitted Rent, plus any fees or charges of any nature whatsoever that are charged in respect of the tenancy of an Affordable Rental Unit that are not Permitted Tenant Charges, and includes all such amounts charged in respect of any tenancy since the commencement date of the Tenancy Agreement in question, irrespective of when the City renders an invoice in respect of Excess Charges;
- (g) “**Interpretation Act**” means the *Interpretation Act*, RSBC 1996, Chapter 238;
- (h) “**Lands**” means the following lands and premises situated in the City of Courtenay and any part, including a building or a portion of a building, into which said land is Subdivided:

Lot 14, Section 41, Comox District, Plan 9456, PID: 005307422;

- (i) “**Land Title Act**” means the *Land Title Act*, RSBC 1996, Chapter 250;
- (j) “**Local Government Act**” means the *Local Government Act*, RSBC 2015;
- (k) “**LTO**” means the Land Title and Survey Authority of British Columbia or its successor;
- (l) “**Owner**” means the party described on page 1 of this Agreement as the Owner and any subsequent owner of the Lands or of any part into which the Lands are Subdivided, and includes any person who is a registered owner in fee simple of a Dwelling Unit from time to time;
- (m) “**Real Estate Development Marketing Act**” means the *Real Estate Development Marketing Act*, SBC 2004, Chapter 41;
- (n) “**Permitted Rent**” means the maximum rent set out in Schedule A of this Agreement in respect of the Affordable Rental Units in question;
- (o) “**Permitted Tenant Charges**” means resident parking, typical monthly insurance premiums for tenant's household contents and third party liability insurance plus an amount equal to the average monthly charge for electricity supplied to all Dwelling Units on the lands by the B.C. Hydro and Power Authority based on electricity consumption over the previous twelve months only, and excludes without limitation any other amounts charged by the Owner from time to time in respect of any laundry, services or programs provided by or on behalf of the Owner and any other permitted charges as set out in section 3.1(c) whether or not such amounts are charged on a monthly or other basis to the Tenants;
- (p) “**Perpetuity**” means until such time as the Development is either lawfully demolished or substantially destroyed and not promptly rebuilt;
- (q) “**Phase 1**” means the first phase of the Development proposed to be constructed in phases, as more particularly set out in the plans attached hereto as Schedule “B”;
- (r) “**Residential Tenancy Act**” means the *Residential Tenancy Act*, SBC 2002, Chapter 78
- (s) “**Rezoning**” means the rezoning of the Lands as described in Recital D;
- (t) “**Strata Property Act**” means the *Strata Property Act*, S.B.C. 1998, Chapter 43;
- (u) “**Subdivide**” means to divide, apportion, consolidate or subdivide the Lands or any building on the Lands, or the ownership or right to possession or occupation of the Lands or any building on the Lands, into two or more lots, strata lots, parcels, parts, portions or shares, whether by plan, descriptive words or otherwise, under the *Land Title Act*, the *Strata Property Act*, or otherwise, and includes the creation, conversion, organization or development of “cooperative interests” or a “shared interest in land” as defined in the *Real Estate Development Marketing Act*;
- (v) “**Tenancy Agreement**” means a tenancy agreement, lease, license or other agreement granting rights to occupy a Dwelling Unit; and
- (w) “**Tenant**” means an occupant of a Dwelling Unit by way of a Tenancy

Agreement.

1.2 Interpretation – In this Agreement:

- (a) wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic, where the contents or parties so require.
- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (c) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (f) the provisions of section 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (g) time is of the essence;
- (h) all provisions are to be interpreted as always speaking;
- (i) reference to a “party” is a reference to a party to this Agreement and to that party’s respective successors, assigns, trustees, administrators and receivers. Wherever the context so requires, reference to a “party” also includes a Tenant, agent, officer and invitee of the party;
- (j) reference to a “day”, “month”, or “year” is a reference to a calendar day, calendar month, calendar or calendar year, as the case may be, unless otherwise expressly provided; and
- (k) where the word “including” is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word “including”.

ARTICLE 2 USE AND CONSTRUCTION OF LANDS AND DWELLING UNITS

2.1 Use and Construction of Lands – The Owner covenants and agrees that:

- (a) the Lands will not be developed and no building or structure will be constructed or used on the Lands unless as part of the development, construction, or use of any such building or structure, the Owner also designs and constructs to completion, in accordance with a building permit issued by the City, any development permit issued by the City and, if applicable, any rezoning consideration applicable to the development on the Lands, the Affordable Rental Units, and the Caretaker Rental Unit; and

- (b) notwithstanding that the Owner may be otherwise entitled, the Owner shall not occupy or permit to be occupied any Dwelling Unit on the Lands unless the Owner has:
- (i) constructed the Affordable Rental Units in alignment with Phase 1 and in accordance with this Agreement; and
 - (ii) all of the Affordable Rental Units are ready for occupancy in accordance with all applicable laws, regulations and bylaws; and
 - (iii) delivered to the Director, Development Services, a final rent roll confirming the rents to be charged to the first occupants of the Phase 1 Affordable Rental Units; and

without limiting the general scope of section 6.4 and 6.5, the Owner does hereby waive, remise and release absolutely any and all claims against the City and City Personnel for any Losses that may derive from the withholding occupancy until there is compliance with the provisions of this section 2.1.

2.2 Use of Affordable Rental Units – The Owner agrees covenants and agrees that in Perpetuity, following the occupancy of the building, Tenants of the Affordable Rental Units must not be charged rent in excess of the Permitted Rent, excluding Permitted Tenant Charges.

2.3 Operation of Dwelling Units – The Owner agrees to operate the Dwelling Units only as rental units subject to the *Residential Tenancy Act*.

2.4 Short-term Rentals Prohibited – The Owner agrees that no Dwelling Unit may be rented to any Tenant for a term of less than one (1) year.

2.5 No Subdivision to Allow Separate Sale – The Owner must not, without the prior approval of the City Council, Subdivide the Lands or stratify a building containing a Dwelling Unit or transfer an interest in land to a Dwelling Unit to any other person. Without limitation, the Owner acknowledges that the City will not support applications for stratification or Subdivision of any buildings on the Lands in any manner that would allow the Dwelling Units to be sold independently of each other.

2.6 City Authorized to Make Inquiries – The Owner hereby irrevocably authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.

2.7 Expiry of Housing Agreement – Upon expiry, the Owner may provide to the City a discharge of this Agreement, which the City shall execute and return to the Owner for filing in the Land Title Office.

ARTICLE 3 OCCUPANCY OF AFFORDABLE RENTAL UNITS

3.1 Occupancy of Affordable Rental Units – The Owner must not rent, lease, license or

otherwise permit any use or occupancy of any Affordable Rental Unit except in accordance with the following additional conditions:

- (a) the Affordable Rental Unit will be used or occupied only pursuant to a Tenancy Agreement;
- (b) the monthly rent payable by a Tenant for the right to occupy an Affordable Rental Unit must not exceed the Permitted Rent;
- (c) the Owner will not require the Tenant or any permitted occupant to pay any extra charges or fees for use of any facilities or amenities, or for sanitary sewer, storm sewer, water, other utilities (other than electricity), or property or similar tax;
- (d) the Owner will attach a copy of this Agreement to every Tenancy Agreement;
- (e) the Owner will include in the Tenancy Agreement a clause requiring the Tenant and each permitted occupant of the Affordable Rental Unit to comply with this Agreement;
- (f) the Owner will include in the Tenancy Agreement a clause entitling the Owner to terminate the Tenancy Agreement if:
 - (i) an Affordable Rental Unit is occupied by a person or persons other than the Tenant;
 - (ii) the Affordable Rental Unit is occupied by more than the number of people the City's building inspector determines can reside in the Affordable Rental Unit given the number and size of bedrooms in the Affordable Rental Unit and in light of any relevant standards set by the City in any bylaws of the City;
 - (iii) the Affordable Rental Unit remains vacant for three (3) consecutive months or longer, notwithstanding the timely payment of rent;
 - (iv) the Tenant fails to pay rent when due in accordance with the Tenancy Agreement and the *Residential Tenancy Act*; and/or
 - (v) the Owner is entitled, for any reason, to terminate the Tenancy Agreement in accordance with the Tenancy Agreement and the *Residential Tenancy Act*,

and in the case of each breach, the Owner hereby agrees with the City to forthwith provide to the Tenant a notice of termination. The notice of termination shall provide that the termination of the tenancy shall be effective thirty (30) days following the date of the notice of termination;

- (g) the Tenancy Agreement will identify all occupants of the Affordable Rental Unit and will stipulate that anyone not identified in the Tenancy Agreement will be prohibited from residing at the Affordable Rental Unit for more than thirty (30) consecutive days or more than forty-five (45) days total in any calendar year; and
- (h) the Owner will forthwith deliver a certified true copy of the Tenancy

Agreement to the City upon demand subject to the *Residential Tenancy Act*.

- 3.2 Tenant to Vacate Rental Unit Upon Termination** – If the Owner has terminated the Tenancy Agreement, then the Owner shall use best efforts to cause the Tenant and all other persons that may be in occupation of the Affordable Rental Unit to vacate the Affordable Rental Unit on or before the effective date of termination subject to the *Residential Tenancy Act*.
- 3.3 No Separate Sale** – The Owner covenants with the City that the Owner will not sell or transfer, or agree to sell or transfer, any interest in any building on the Lands containing an Affordable Rental Unit other than a full interest in the title to all Dwellings Units, and to a person that will continue to ensure that all Affordable Rental Units are available for rental in accordance with this Agreement.
- 3.4 Rental Tenure** – Rental tenure in accordance with this Agreement will be guaranteed in Perpetuity for the Affordable Rental Units.

ARTICLE 4 DEMOLITION OF DWELLING UNIT

- 4.1 Demolition** – The Owner will not demolish a Dwelling Unit unless:
- (a) the Owner has obtained the written opinion of a professional engineer or architect who is at arm's length to the Owner that it is no longer reasonable or practical to repair or replace any structural component of the Dwelling Unit, and the Owner has delivered to the City a copy of the engineer's or architect's report; or
 - (b) the Dwelling Unit is damaged or destroyed, to the extent of 40% or more of its value above its foundations, as determined by the City, in its sole discretion,
- and, in each case, a demolition permit for the Dwelling Unit has been issued by the City and the Dwelling Unit has been demolished under that permit.

ARTICLE 5 DEFAULT AND REMEDIES

- 5.1 Payment of Excess Charges** – The Owner agrees that, in addition to any other remedies available to the City under this Agreement or at law or in equity, if a Dwelling Unit is used or occupied in breach of this Agreement, if an Dwelling Unit is rented at a rate in excess of the Permitted Rent or the Owner imposes in respect of any tenancy of a Dwelling Unit any fee or charge of whatsoever nature other than Permitted Tenant Charges, the Owner will pay the Excess Charges to the City. The Excess Charges are due and payable five (5) business days following receipt by the Owner of an invoice from the City for the same.
- 5.2 Payment of Daily Amount** – The Owner agrees that, in addition to any other remedies available to the City under this Agreement or at law or in equity, if a Dwelling Unit is used or occupied in breach of this Agreement, or the Owner is otherwise in breach of

any of its obligations under this Agreement, the Owner will pay the Daily Amount to the City for every day that the breach continues after forty-five (45) days' written notice from the City to the Owner stating the particulars of the breach. In the absence of obvious error or mistake, any calculation by the City of the Daily Amount in any particular year shall be final and conclusive. The Daily Amount is due and payable five (5) business days following receipt by the Owner of an invoice from the City for the same.

- 5.3 Rent Charge** – The Owner hereby grants to the City a perpetual rent charge against the Lands securing payment by the Owner to the City of any amount payable by the Owner pursuant to section 5.2 of this Agreement. The Owner agrees that the City, at its option, may enforce payment of such outstanding amount in a court of competent jurisdiction as a contract debt, by an action for and order for sale, by proceedings for the appointment of a receiver, or in any other method available to the City at law or in equity. This rent charge is created both under section 219(6)(b) of the *Land Title Act* as an integral part of the statutory covenant created by this Agreement and as a fee simple rent charge at common law. Enforcement of this rent charge by the City does not limit, or prevent the City from enforcing, any other remedy or right the City may have against the Owner.

ARTICLE 6 MISCELLANEOUS

- 6.1 Housing Agreement** – The Owner acknowledges and agrees that:
- (a) this Agreement includes a housing agreement entered into under section 483 of the *Local Government Act* and a covenant under section 219 of the *Land Title Act*;
 - (b) the Owner will, at its sole cost register, this Agreement in the LTO as a Covenant pursuant to section 219 of the *Land Title Act* and the City will cause to registered a notice pursuant to section 483 of the *Local Government Act* against the title to the Lands.
- 6.2 Modification** – this Agreement may be modified or amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.
- 6.3 Management** – The Owner covenants and agrees that it will furnish good and efficient management of the Dwelling Units, that all Dwelling Units will be managed by the same manager and that the Owner will permit representatives of the City to inspect the Dwelling Units at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*. The Owner further covenants and agrees that it will maintain the Dwelling Units in a good state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Lands. Notwithstanding the foregoing, the Owner acknowledges and agrees that the City, acting reasonably, may require the Owner, at the Owner's expense, to hire a person or company with the skill and expertise to manage the Dwelling Units.

- 6.4 Indemnity** – The Owner will indemnify and save harmless the City and each of its elected officials, officers, directors, and agents, and their heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, actions, loss, damage, costs and liabilities, which all or any of them will or may be liable for or suffer or incur or be put to by reason of or arising out of:
- (a) any negligent act or omission of the Owner, or its officers, directors, agents, contractors or other persons for whom at law the Owner is responsible relating to this Agreement;
 - (b) the construction, maintenance, repair, ownership, lease, license, operation, management or financing of the Lands or any Dwelling Unit or the enforcement of any Tenancy Agreement; or
 - (c) without limitation, any legal or equitable wrong on the part of the Owner or any breach of this Agreement by the Owner.
- 6.5 Release** – The Owner hereby releases and forever discharges the City and each of its elected officials, officers, directors, and agents, and its and their heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of or which would or could not occur but for the:
- (a) construction, maintenance, repair, ownership, lease, license, operation or management of the Lands or any Dwelling Unit under this Agreement; or
 - (b) the exercise by the City of any of its rights under this Agreement.
- 6.6 Survival** – The indemnity and release set out in this Agreement will survive termination or discharge of this Agreement.
- 6.7 Priority** – The Owner will do everything necessary, at the Owner’s expense, to ensure that this Agreement will be noted and registered against title to the Lands in priority to all financial charges and financial encumbrances which may have been registered or are pending registration against title to the Lands save and except those specifically approved in advance in writing by the City or in favour of the City, and that a notice under section 483(5) of the *Local Government Act* will be filed on the title to the Lands.
- 6.8 City’s Powers Unaffected** – This Agreement does not:
- (a) affect, fetter or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or Subdivision of the Lands;
 - (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement;

- (c) affect or limit any enactment relating to the use or Subdivision of the Lands; or
- (d) relieve the Owner from complying with any enactment, including in relation to the use or Subdivision of the Lands.

6.9 Agreement for Benefit of City Only – The Owner and the City agree that:

- (a) this Agreement is entered into only for the benefit of the City;
- (b) this Agreement is not intended to protect the interests of the Owner, any Tenant, or any future owner, lessee, occupier or user of the Lands or the building or any portion thereof, including any Dwelling Unit; and
- (c) the City may at any time execute a release and discharge of this Agreement, without liability to anyone for doing so, and without obtaining the consent of the Owner.

6.10 No Public Law Duty – Where the City is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the City is under no public law duty of fairness or natural justice in that regard and agrees that the City may do any of those things in the same manner as if it were a private party and not a public body.

6.11 Notice – Any notice required to be served or given to a party herein pursuant to this Agreement will be sufficiently served or given if delivered, to the postal address of the Owner set out in the records at the LTO, and in the case of the City addressed to:

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

or to the most recent postal address provided in a written notice given by each of the parties to the other. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery.

6.12 Enuring Effect – This Agreement will extend to and be binding upon and enure to the benefit of the parties hereto and their respective successors and permitted assigns.

6.13 Severability – If any provision of this Agreement is found to be invalid or unenforceable, such provision or any part thereof will be severed from this Agreement and the resultant remainder of this Agreement will remain in full force and effect.

6.14 Waiver – All remedies of the City will be cumulative and may be exercised by the City in any order or concurrently in case of any breach and each remedy may be exercised any number of times with respect to each breach. Waiver of or delay in the City exercising any or all remedies will not prevent the later exercise of any remedy for the same breach or any similar or different breach.

6.15 Whole Agreement – This Agreement, and any documents signed by the Owner

contemplated by this Agreement, represent the whole agreement between the City and the Owner respecting the use and occupation of the Dwelling Unit, and there are no warranties, representations, conditions or collateral agreements made by the City except as set forth in or contemplated by this Agreement.

6.16 Further Assurance – Upon request by the City the Owner will forthwith do such acts and execute such documents as may be reasonably necessary in the opinion of the City to give effect to this Agreement.

6.17 Agreement Runs with Lands – This Agreement burdens and runs with the Lands and every parcel into which it is Subdivided in perpetuity. All of the covenants and agreements contained in this Agreement are made by the Owner for itself, its personal administrators, successors and assigns, and all persons who after the date of this Agreement acquire an interest in the Lands.

6.18 Equitable Remedies – The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for any breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

6.19 No Joint Venture – Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.

6.20 Applicable Law – The laws of British Columbia (including, without limitation, the *Residential Tenancy Act*) will apply to this Agreement and all statutes referred to herein are enactments of the Province of British Columbia.

6.21 Deed and Contract – By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

6.22 Joint and Several – If the Owner is comprised of more than one person, firm or body corporate, then the covenants, agreements and obligations of the Owner shall be joint and several.

6.23 Limitation on Owner's Obligations – The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands provided however that notwithstanding that the Owner is no longer the registered owner of the Lands, the Owner will remain liable for breaches of this Agreement that occurred while the Owner was the registered owner of the Lands.

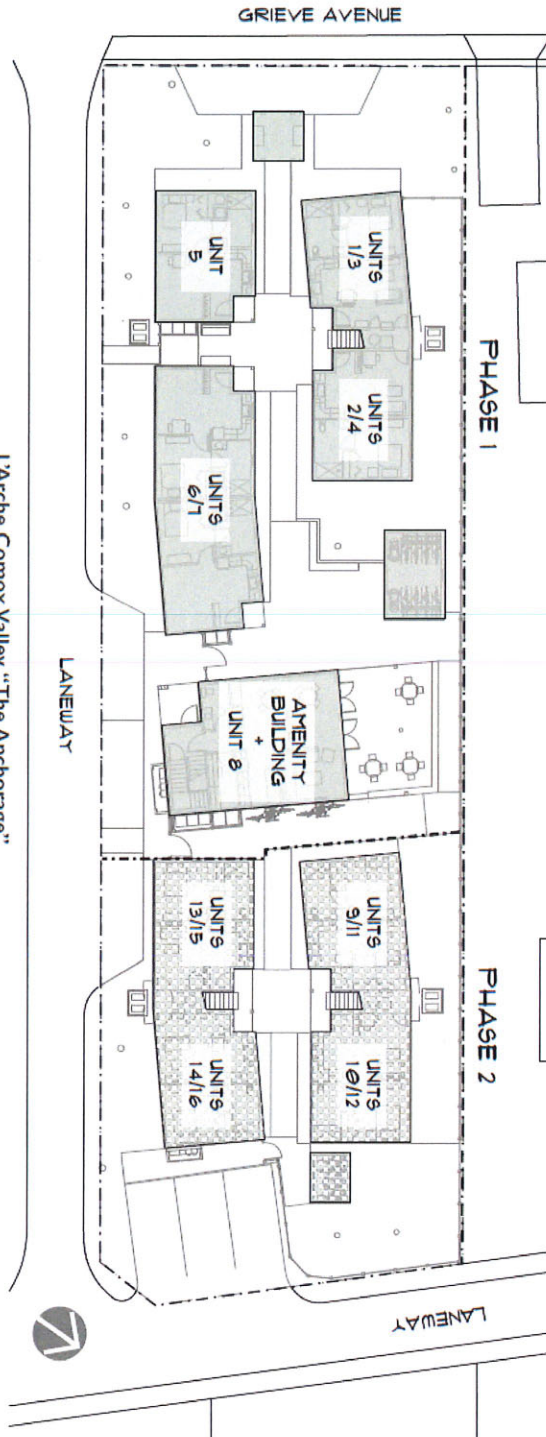
IN WITNESS WHEREOF the parties hereto have executed this Agreement on the *Land Title Act* Form C and D which is attached to and forms part of this Agreement.

Schedule A

PERMITTED RENT

“Dwelling Units”		
Unit Type	Affordable Rental Unit	Caretaker Rental Unit
Base Rent in perpetuity following the occupancy of the building	30% below the Market Rate for the Courtenay (CY) Census Subdivision (CSD) as determined by Canadian Mortgage and Housing Corporation (CMHC) from time to time.	No maximum.

Schedule B
Site and Phase Plans



L'Arche Comox Valley "The Anchorage"
Site Plan and Project Phasing for Housing Agreement and Covenant

Phase One		Phase Two	
Unit 1	ground level	Unit 9	ground level
Unit 2	ground level	Unit 10	ground level
Unit 3	upper level	Unit 11	upper level
Unit 4	upper level	Unit 12	upper level
Unit 5	ground level	Unit 13	ground level
Unit 6	ground level	Unit 14	ground level
Unit 6	ground level	Unit 15	upper level
Unit 8	upper level in amenity building	Unit 16	upper level

All units one bedroom. Size range 41m² - 47m². Zone CD-38



Prepared for L'Arche Comox Valley by
Commonhouse Design Inc
212-2459 Cousins Avenue
Courtenay BC V9N3N6
December 14, 2023



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 3360-20-2301/ RZ000074

From: Director of Development Services

Date: January 10 2024

Subject: Housing Agreement Bylaw No. 3117 (1560 Grieve Avenue)

PURPOSE:

To consider giving first, second and third reading to Housing Agreement Bylaw No. 3117 (**Attachment 1**) to authorize the City to enter into a Housing Agreement pursuant to Section 483 of the *Local Government Act* for the property located at 1560 Grieve Avenue legally described as **Lot 14, Section 41, Comox District, Plan 9456**.

BACKGROUND:

At Council's Regular meeting of December 6th 2023 Council passed the following resolution:

THAT Council give First, Second and Third readings of "Zoning Amendment Bylaw No. 3094" (1560 Grieve Avenue); and

THAT prior to Council consideration of the adoption of "Zoning Amendment Bylaw No. 3094", the owner execute the Housing Agreement to form "Housing Agreement Bylaw No. 3117" for Council's consideration.

The owner has executed the Housing Agreement which requires that rent for 15 of the 16 proposed 1-bedroom units be 30% below the Courtenay Census Subdivision market rate, in perpetuity, as determined by Canadian Mortgage and Housing Corporation from time to time.

Zoning Amendment Bylaw No. 3094 re-zones Lot 14, Section 41, Comox District, Plan 9456, from R-2 to a new Comprehensive Development Thirty-Eight Zone (CD-38) to permit a 16-unit multi-residential development for adults with diverse abilities. The December 6th Council Report with Bylaw No. 3094 and other attachments comprises **Attachment 2**.

DISCUSSION:

The proposed rezoning allows a net increase of 14 residential units over the 2 units permitted with existing R-2 zoning. The OCP's Community Amenity Contribution (CAC) Policy targets an affordable housing contribution applicable to rental multi-residential units of \$4,000 per unit; however, housing developments that achieve affordable housing such as through price-restricted units operated by a non-profit organization are exempt. CAC Policy 5 targets 15% of units being 30% below market for rental apartments. The proponent has agreed to 30% below market, for all units except the support worker unit, this exceeds the policy target.

POLICY ANALYSIS:

The subject Housing Agreement and associated development meet the housing objectives and goals in the following bylaws:

- Comox Valley Regional Growth Strategy Bylaw No. 120, 2010
- Official Community Plan Bylaw No. 3070, 2022

FINANCIAL IMPLICATIONS:

No financial implications are associated with this bylaw adoption as it is the applicant's responsibility to reimburse the City for all legal costs reasonably incurred by the City for preparation, execution and registration of this Agreement and Section 219 Covenant.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Affordable Housing - Explore approaches to develop affordable housing: Clarify municipal role in housing affordability

OPTIONS:

1. THAT Council give first, second and third Reading to Housing Agreement Bylaw No. 3117 (1560 Grieve Avenue)
2. THAT Council provide alternative direction to staff through resolution.
3. THAT Council not proceed.

ATTACHMENTS:

1. Housing Agreement Bylaw No. 3117 (1560 Grieve Avenue)
2. December 6th 2023 Council Report with Attachments

Prepared by: Mike Grimsrud, RPP, MCIP, Planner II

Reviewed by: Marianne Wade, RPP, MCIP, Director of Development Services

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