

Purpose

To provide Council with a comprehensive overview of the guiding principles for the new Parks and Open Spaces bylaw and seek Council approval of the Parks and Open Spaces Bylaw Guiding Document.



Process

The City Staff developed the Parks and Open Spaces Bylaw through a strategic three-stage process.

Step 1

Draft regulation using key priorities and best practices

Step 2

Assess the impacts

Step 3

Refine and tailor regulations to meet the City's needs



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Step 1

Key Priorities & Leveraging Best Practices

Staff placed high importance on aligning the draft regulations with the City's identified priorities.

These priorities served as guideposts to ensure that the bylaw would effectively address the specific needs and challenges of the City of Courtenay:

- ✓ Clarity & Guidance 
- ✓ Authority & Accountability 
- ✓ Future Proofing 
- ✓ Protection of Natural & Cultural Spaces 
- ✓ Enforcement & Penalties 
- ✓ Legal Compliance 
- ✓ Sheltering in Parks 
- ✓ Addressing Smoking & Vaping 



Step 2

Assess the Impacts

Staff initiated an impact assessment of the regulations, focusing on the rules governing the preservation of environmentally sensitive areas and guidelines for sheltering in parks.

Action 1

Assess the Current State

Created a comprehensive inventory of parks and open spaces, cataloging current attributes, amenities, and natural elements.

Action 2

Map the Restrictions

Utilized GIS technology to map restrictions and identify areas where temporary sheltering would be prohibited or restricted.

Action 3

Evaluate the Impacts

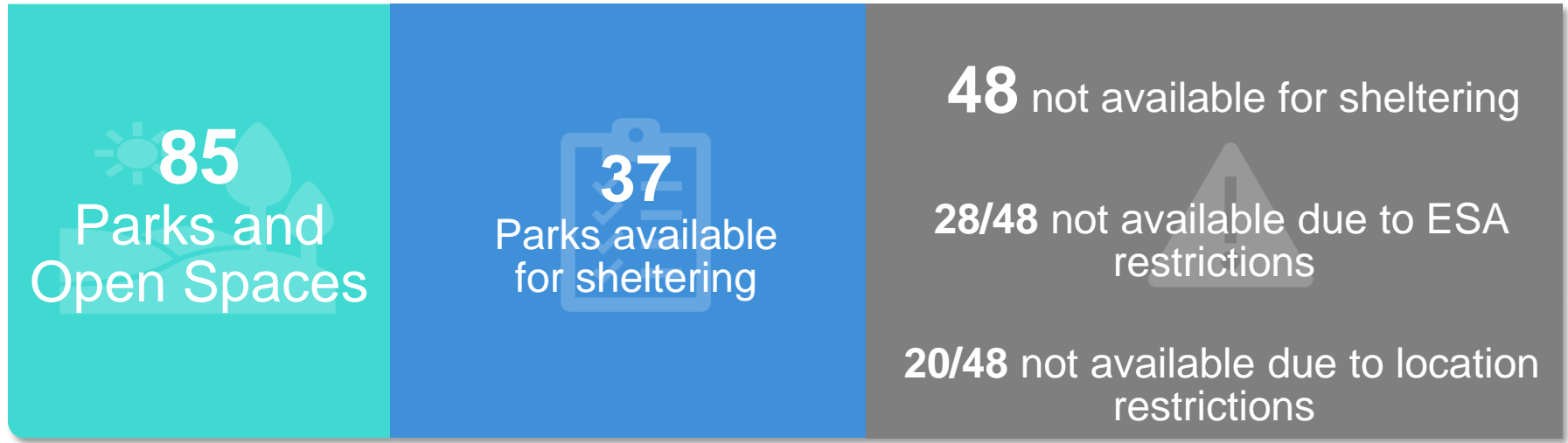
Evaluated the impact of regulations on each park & open space, considering East & West Courtenay and overall city geography.



Step 2

Assess the Impacts

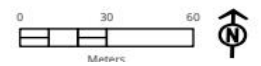
The impact assessment results show that the City has taken a balanced approach, safeguarding parks with significant ESAs while allowing sheltering in parks & open spaces.

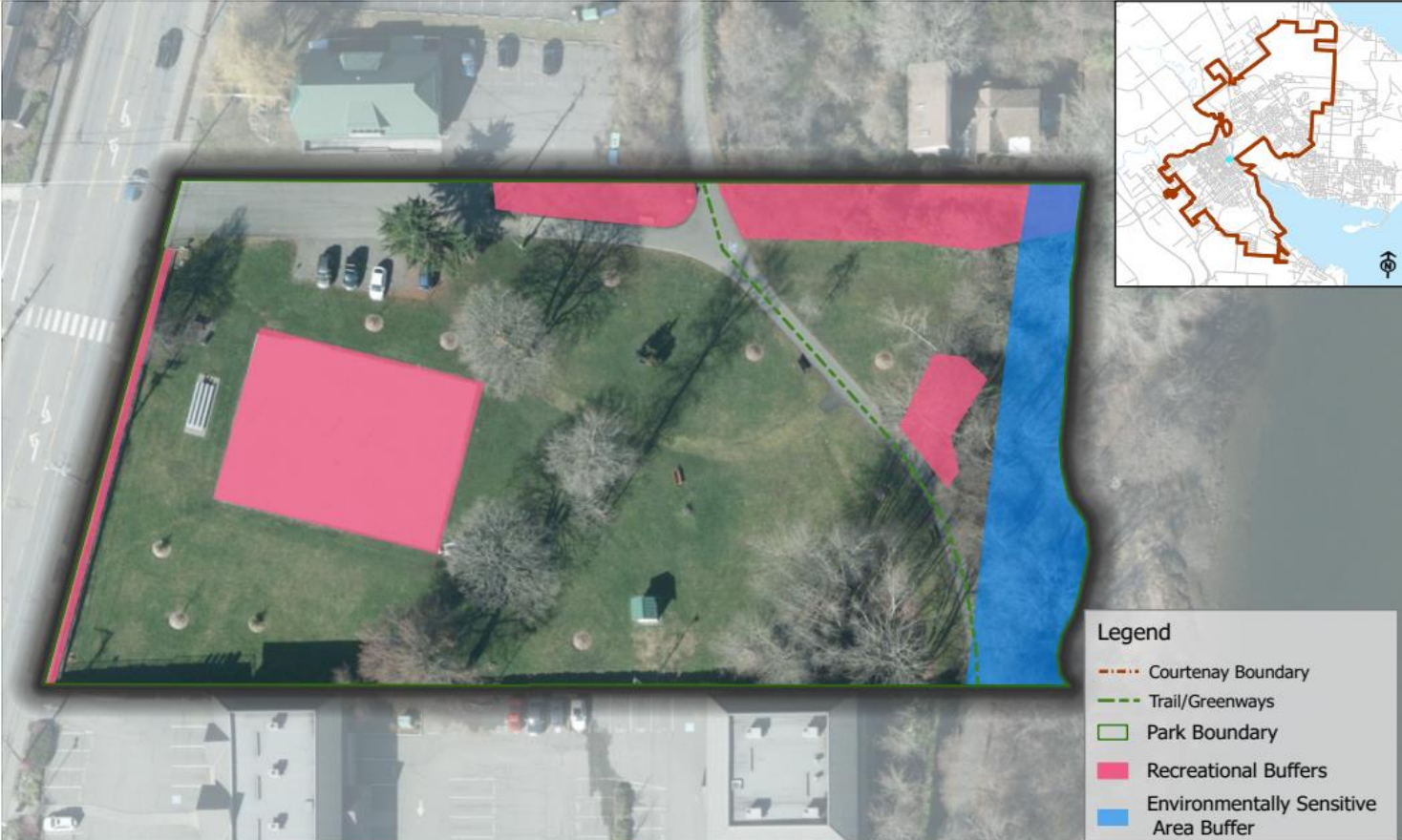




Simms Millenium Park provides sufficient space for sheltering purposes while also ensuring the protection of environmentally sensitive areas.

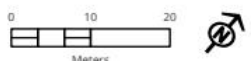
SIMMS MILLENIUM PARK





Standard Park has buffer zones around private property and recreational amenities, while also safeguarding environmentally sensitive areas.

STANDARD PARK



Step 3

Refine and Tailor Regulations

Upon completion of the impact assessment, Staff actively sought feedback from internal and external contributors to ensure the proposed regulations met the City's needs.



The Parks and Open Spaces Bylaw Highlights and Insights



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Highlight 1:

Clear & Adaptable Structure

- 1 The Parks and Open Spaces Bylaw has a clear and user-friendly structure.
- 2 It was designed with a forward-thinking approach for adaptability.
- 3 Able to remain responsive to legal changes, community needs, and emerging challenges.
- 4 The adaptable framework establishes a strong foundation for effective park governance.

Priorities Addressed

Clarity & Guidance

Futureproofing



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Highlight 2: Clear Intent Statements for Each Section

- 1 Intent statements in the bylaw clarify the regulations' intended goals.
- 2 They improve transparency, understanding, and alignment among stakeholders and park users.
- 3 By explicitly stating the purpose of each provision, the bylaw facilitates better comprehension of the rules and their rationale.

Priorities Addressed

Clarity & Guidance

Futureproofing



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Highlight 3:

Guidance for Park Usage

- 1 The bylaw provides an inclusive framework for various park usage scenarios.
- 2 It caters to the diverse needs of park visitors by offering clear guidance from exclusive activities to general use.
- 3 The Director of RCCS has the authority to adapt regulations to align with the city's evolving needs, ensuring flexibility.

Priorities Addressed

Clarity & Guidance

Futureproofing

Authority & Accountability



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Highlight 4:

Protect the Environment & Culturally Sensitive Areas

① Regulations protect sensitive ecological areas and cultural assets.

② Environmentally Sensitive Area's are parcels of land that contribute to the retention and/or creation of wildlife habitat, soil stability, water retention or recharge, vegetative cover and similar ecological functions as defined in the OCP.

③ Emphasis on safeguarding natural habitats and cultural significance.

Priorities Addressed

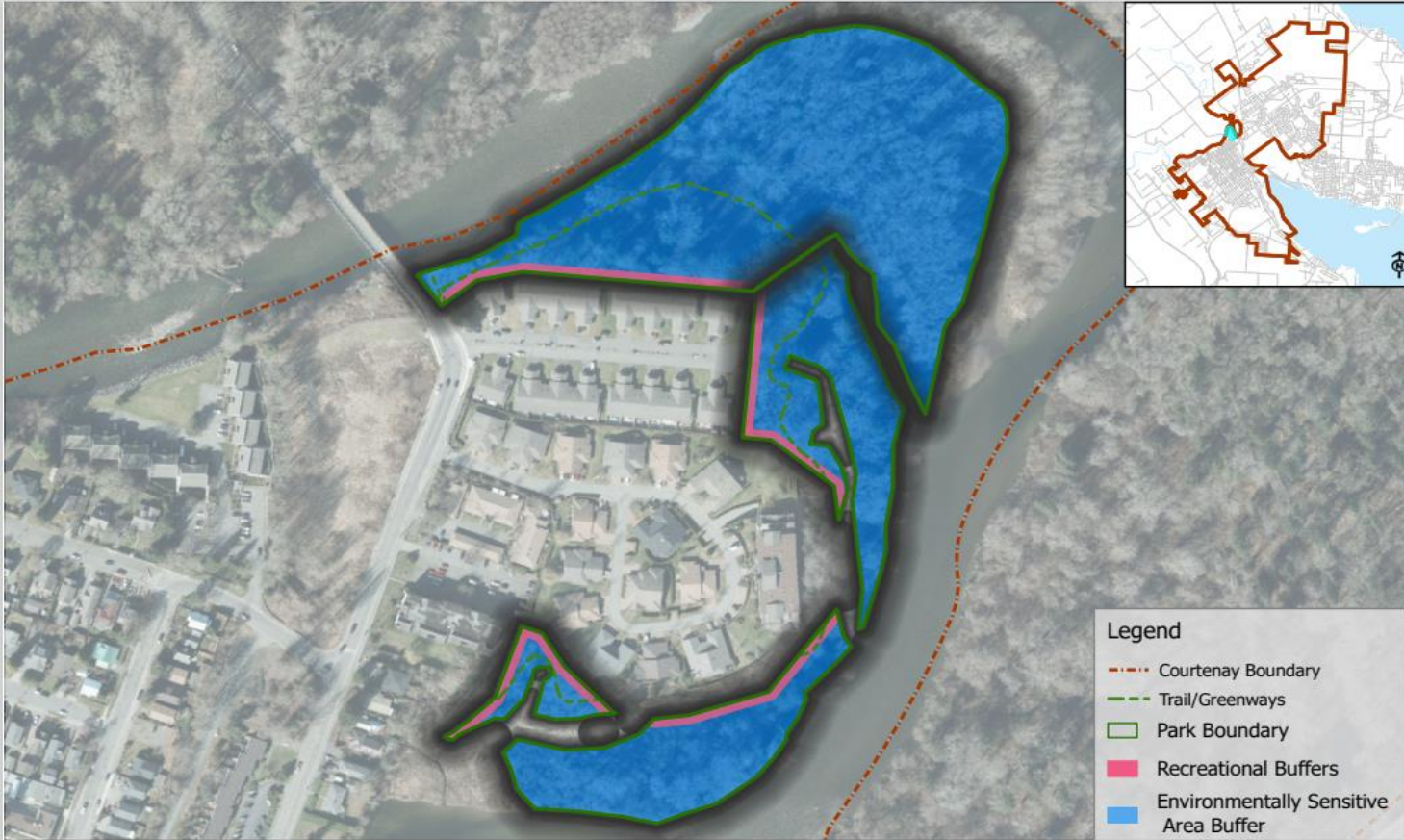
Clarity & Guidance

Futureproofing

Protecting Natural & Cultural
Areas



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Condensory Park represents a significant Environmentally Sensitive area located within the city.

CONDENSORY PARK

Highlight 5: Addressing Recreational Transportation

- 1 Bylaw aligns with modern transportation trends.
- 2 Addresses integration of various transportation modes in park areas.
- 3 Includes pragmatic regulations for vehicle use, including e-bikes.

Priorities Addressed

Clarity & Guidance

Futureproofing

Authority & Accountability



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Highlight 6:

Substance Use in Parks & Open Spaces

- 1 Bylaw aligns with Provincial and Federal Acts on substances
- 2 Prohibition of smoking is supported by the Medical Health Officer (MHO).
- 3 Bylaw provisions enable rapid adjustment to changing substance use policies by governments.

Priorities Addressed

Clarity &
Guidance

Futureproofing

Smoking & Vaping

Legal Compliance



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Highlight 7:

Legal Provisions for Temporary Sheltering

- 1 Aligns with Supreme Court Ruling (Abbotsford (City) v Shantz 2015).
- 2 Allows sheltering in parks and open spaces 7:00 p.m. - 9:00 a.m. when no housing alternatives exist.
- 3 Ensures support, legal alignment, and human rights considerations for unhoused.

Priorities Addressed

Clarity &
Guidance

Futureproofing

Sheltering in Parks

Legal Compliance



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Highlight 8:

Enhancing Operational Authority for City Staff

- 1 New bylaw grants City staff clear management authority.
- 2 Enhances adaptability and responsiveness in park management.
- 3 Policy decision-making remains with the Council.

Priorities Addressed

Clarity & Guidance

Futureproofing

Authority & Accountability



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Next Steps



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Next Steps

The next steps for the project include preparing for adoption of the new bylaw and comprehensive planning for implementation.

Step 1: Drafting the Parks and Open Spaces Bylaw

Upon Council's decision to proceed with the draft bylaw, Staff will collaborate with external legal counsel to draft the Parks and Open Spaces Bylaw and undergo a final legal review of its regulations.

Step 2: Bylaw Presentation and Adoption

Staff will present the bylaw to Council for three readings and subsequent adoption and request the repeal of the existing Parks Control Bylaw.

Step 3: Implementation and Communications Planning

In early 2024, staff will develop a comprehensive implementation and communications plan. This plan will prioritize transparent communication to facilitate a smooth transition among stakeholders



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Putting the Bylaw Into Action: Implementation Plan

A comprehensive approach involving various key actions and considerations is necessary to successfully implement the Parks and Open Spaces Bylaw.

Implementation Committee

Communication
Strategy

Permit
Updates

ESA Public
Awareness

Operational
Improvements

Assess &
Report



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Recommendation

THAT Council approve the Parks and Open Spaces Bylaw Guiding Document and direct staff work with external legal counsel to draft a new Parks and Public 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 further guidance for local governments is provided by the Province.

