



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 5335-20

From: Director of Infrastructure and Environmental Engineering

Date: July 31, 2024

Subject: McPhee Meadows Update

PURPOSE:

The purpose of this report is to summarize the potential access options for the construction of McPhee Meadows Park and request Council to provide direction on a recommended option in order to complete design and proceed into construction.

BACKGROUND:

In 2011, the City of Courtenay and Nature Trust BC jointly received an 11.8-acre (4.78 hectare) land donation, through the Federal Ecological Gifts Program, from Robert McPhee, now referred to as McPhee Meadows.

The late donor, Robert McPhee, wanted to ensure this property would be maintained by the City as a public wetland park. The current conditions of the site do not allow for safe public use and therefore the site has remained closed since 2011.

A draft concept plan and report was presented to Council at the June 27, 2022 Council Meeting in which staff requested Council's approval to apply for the Union of British Columbia Municipalities (UBCM) grant in the amount of \$2,900,000. The June 10th draft concept plan included the following key features:

- Formalized river access point
- Orchard expansion to allow for demonstration gardens and cultural/heritage learning spaces
- Pedestrian trails around meadow and through west panhandle
- Access points from Menzies Avenue and 3rd Street
- Washroom facility
- Parking
- Select invasive species removal
- Native tree/shrub planting for riparian restoration and adjacent property privacy

Following the recommendations outlined by the Parks and Recreation Master Plan (PRMP) 2019, the park design included input through a full community engagement process that considered feedback from K'ómoks First Nation, the late donor's family, Nature Trust BC, adjacent property holders previously engaged and the community through an online survey.

At the June 27, 2022 Council Meeting, Council approved the following resolution:

THAT based on the June 27, 2022 staff report "McPhee Meadows UBCM Grant Application and Project Update", Council approve OPTION 1 and direct Staff to submit an application for grant funding for the proposed park improvement for McPhee Meadows Park project through the Canada Community-Building Fund in British Columbia under the 2022 Strategic Priorities fund capital infrastructure stream and capacity building stream; and

THAT this resolution confirms Council's support for the proposed activities and willingness to provide overall grant management.

At the August 29, 2022 Council Meeting, staff presented a final concept plan and requested Council:

1. Approve the final McPhee Meadows Nature Park Concept Plan as appended in the McPhee Meadows Concept Plan Report (Attachment 1); and
2. Direct staff to proceed with detailed design within the approved budget allocation in the 2022 capital budget; and
3. Direct staff to Include a provision for a Class D detailed design and construction budget cost of \$3,350,000 for consideration in the 2023 Capital Budget and 2023-2027 Financial Plan to support potential construction in 2024 subject to a successful UBCM SPF grant funding application.

At the August 29, 2022 Council Meeting, Council approved the following resolution:

THAT based on the August 29, 2022 staff report "McPhee Meadows Nature Park Final Concept Plan", Council approve OPTION 1, and:

1. *Approve the final McPhee Meadows Nature Park Concept Plan as appended in the McPhee Meadows Concept Plan Report (Attachment 1); and*
2. *Direct staff to proceed with detailed design within the approved budget allocation in the 2022 capital budget; and*
3. *Include a provision for a Class D detailed design and construction budget cost of \$3,350,000 for consideration in the 2023 Capital Budget and 2023-2027 Financial Plan to support potential construction in 2024, subject to a successful UBCM SPF grant funding application.*

DISCUSSION:

Following Council approval of the concept plan, staff included costs for detailed design and construction in the 2023-2027 Financial Plan. In 2023, detailed design began with an in-depth analysis of the natural features of the site as well as considerations to make the entrance to the park as accessible as possible.

The initial design direction for the property was determined primarily by the intentions of the donor and the terms of the Federal Ecological Gifts Program requirements, which state that biodiversity and environmental heritage features of the property must be maintained. The current access to the park at 3rd Street and Harmston Avenue is very steep and does not provide easy access to many people who would like to access the park. The natural grade of the existing access road is approximately 12-15% which is considered quite steep and far from an accessible or comfortable walk. In order to meet accessible guidelines, a maximum grade of 8% with landings every 50m is required. The initial design included only minor upgrades to the existing access. The design included minimal tree clearing and minimal upgrades to the access itself.

Initial designs were shared with the Comox Valley Social Planning/Accessibility Committee to receive feedback. The Accessibility Committee were not supportive of any design that is not accessible for all ages and abilities to access the park.

Since that time, the project team have been working on design options that would attempt to meet the requirements for all ages and abilities as defined by BC Active Transportation Design guidelines while also maintaining the environmental features and heritage of the park and adhering to the terms of the Federal Ecological Gifts Program.

Federal Ecological Gifts Program

The Federal Ecological Gifts Program is a program that provides a way for Canadians with ecologically sensitive land to protect nature and leave a legacy for future generations. It offers significant tax benefits to landowners who donate land or a partial interest in land to a qualified recipient. Recipients ensure that the land’s biodiversity and environmental heritage are conserved in perpetuity.

In 2011, McPhee Meadows was donated to the City of Courtenay as well as to Nature Trust BC under this program. As part of this donation, the City of Courtenay and Nature Trust BC became joint owners with the City of Courtenay owning 60% and the remaining 40% held by Nature Trust BC. As part of the agreement, the land’s ecological values need to be maintained. Any changes to the land need to be approved by the Federal Ministry of the Environment. Any changes to the land that were not approved by the Ministry could result in a tax equal to 50% of the current fair market value to the recipients of the Federal Ecological Gifts Program.

Included in the Ecological Gifts Program, there is the ability to apply for a Change in Use. In order to apply, an application needs to detail the changes in use, how the change will result in a protection that is at least equal to or better than provided under the existing arrangement and if it is beneficial to the long-term conservation and management of the ecologically sensitive features on the property.

Accessible Design Options

Staff have been working to develop an option that allows better access to the park without increasing the environmental impacts to the park beyond what had been previously planned. This has been a difficult task and staff have been unable to find a solution that meets both of the goals.

In an effort to help staff and Council evaluate potential options, an evaluation matrix was developed and is shown below in Figure 1. Green represents low impacts or meets requirements, yellow represents medium impacts and meets requirements and red does not meet requirements or has the highest impact.

Figure 1: Design Evaluation

	Option 1 – Maintain Current Access	Option 2 - 8% Grade (BCAT Accessible)	Option 35% Grade/BCAT Accessible
Compliance with BC Active Transportation Design	Does not meet BCAT accessibility standards	Meets BCAT accessibility standards	Meets BCAT accessibility standards.
Ambulance and Maintenance Vehicle Access	Yes	Yes	Yes
Environmental Regulatory	Potential to need an approval under the Water Sustainability Act. Potential for offsetting however the smallest area for replacement would be required.	Option 2 requires an approval under the Water Sustainability Act. Relatively large offsetting requirements – minimum 2:1 replacement ratio.	Option 3 requires an approval under the Water Sustainability Act. Offsetting area to be the largest for this option and difficult to accommodate.
Environmental Impact	Preferred option from a reduction of environmental impact perspective because it minimizes	Large area of wetland infilling proposed with the potential to negatively impact the adjacent	Largest area of wetland infilling proposed with the potential to negatively impact the adjacent

	impacts to the wetlands and crosses the wetland in a relatively perpendicular, linear way, which is easy to maintain the existing drainage patterns.	property which drains through the site. Potential for direct and indirect impacts to the wetland. Changes to site hydrology and changes to drainage patterns can cause negative impacts to portions of wetland that are retained onsite.	property which drains through the site. There are also potential impacts to the wetland footprint downstream on-site based on changes to flow regime which could impact ground and surface water levels and make the remaining wetland area non-viable.
Archeological Permitting	All options require archaeology permitting	All options require archaeology permitting	All options require archaeology permitting
Geotechnical	Geotechnically this option would have lower risk, with limited modification of existing conditions and no soil retention requirements.	Moderate risk due to stripping, placement of engineered fill and installation of 130m of retaining wall on a steep slope.	Increased design complexity and risk due to approximately 200m of retaining wall in a terraced switchback configuration on a steep slope. Significant engineered fill embankment required.
Class D Cost Estimate	\$890,000	\$1,400,000	\$2,600,000

Summarized below are three options that have been developed by staff.

Option 1 – Maintain Current Access (Minor Upgrades)

Option 1 includes re-surfacing and minor widening of the existing access road off 3rd Street. This option is presented as a low-impact, low-cost option. The existing access would be resurfaced with gravels and widened to 3.0m with 0.5m shoulders to allow ambulance and maintenance vehicle access, however, the existing road grades would not be altered, and as such would remain at 12%-15%. This does not meet BC Active Transportation Guidelines for accessibility.

Cost: \$890,000

Option 2 - 8% Grade

To address accessibility concerns caused by the existing steep slopes, the access road profile from 3rd Street to the Meadows was adjusted to a maximum grade of 8% to align with BC Active Transportation Guidelines for accessibility. To reduce the grade to 8% from 15%, and provide landings spaces to meet accessibility standards, additional cut and import fill are required along the access profile.

Retaining walls would have to be added in some areas to reduce fill requirements and lessen the impact on the surrounding environmentally sensitive areas. The Option 2 trail is designed with an overall width of 3.5m to accommodate ambulance and maintenance vehicles.

Cost: \$1,400,000

Option 3 - 5% Grade

A Universally Accessible design option was also studied which would consist of a 5% maximum slope.

To achieve a maximum of 5% grade, a modified trail alignment was required to increase the length of the access thereby reducing slope. Option 3 involves adding a switch-back and nearly doubling the length of the access road. Retaining walls would have to be added in some areas where dictated by topography, and to reduce fill requirements, however significant areas of fill remain. The Option 3 trail is designed with an overall width of 3.5m to accommodate ambulance and maintenance vehicles.

Cost: \$2,600,000

Proposed Next steps

Depending on the direction Council provides, proposed schedules for each option are presented below.

Option 1 – Maintain Existing Access

This option is the most straightforward. Staff would continue with the design that was originally presented and approved by Council and would not be anticipating any challenges or issues with Nature Trust BC or with regulatory permitting. This is also the design that has been circulated within the community and with the McPhee family. No further check-ins with Council would be planned.

Schedule for Option 1 – Maintain Existing Access

Task	Q3 2024	Q4 2024	Q1 2025	Q2 2025	Q3 2025	Q4 2025
Communicate decision with McPhee Family and Community groups						
Finalize permits						
Complete Detailed Design						
Construction Tender						
Construction						

Option 2 – 8% Grade/BCAT Accessible (Recommended Option)

Option 2 is the recommended option. Although, it will result in additional schedule delays and cost increases, it is the option that is in closest alignment with the Official Community Plan. Option 2 is the most equitable of the design options and staff believe that protection of the environment can be maintained through additional design work. Additional analysis can be found in the Policy Analysis section of the report.

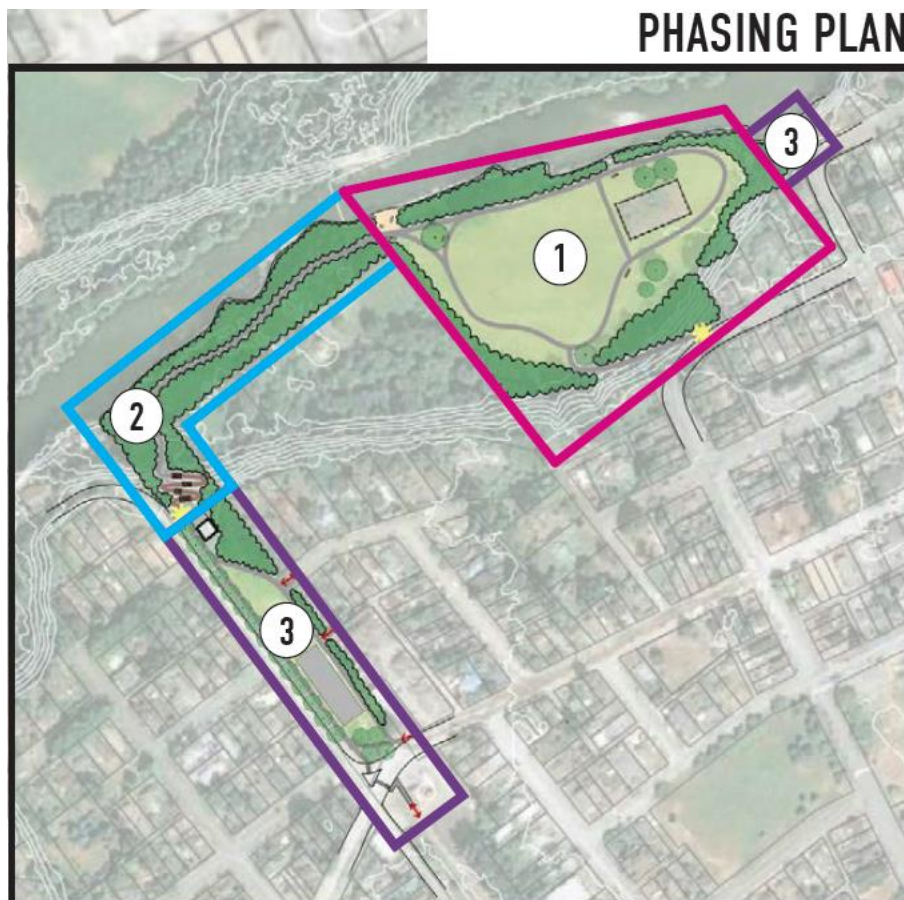
Option 2 will require approval from Environment Canada and Nature Trust BC. Additional design work will need to be completed to include additional environmental works that would result in environmental protection that is at least equal to or better than provided under the existing agreement and that is beneficial to the long-term conservation and management of the ecologically sensitive features on the property. Although staff have had discussions with Environment Canada about this option, there is a

Prepare Change in Use application/Submit application/receive decision										
Finalize permits										
Complete Detailed Design										
Construction Tender										
Construction										

Project Phasing

The preliminary design that was completed in 2022 included phasing for the project with the orchard area included as Phase 1, the fisherman’s walk/panhandle as Phase 2 and the development of the Island Corridor Foundation (ICF) lands as Phase 3. The phasing plan is shown in Figure 2 below. When staff initially included this project in the 2023-2027 Financial Plan, it was included as one line item for the entire project. In the 2024-2028 Financial Plan, the McPhee Meadows capital project was divided into 2 separate line items, a line item for Phase 1 and a line item for Phase 2 and 3. This allowed staff the flexibility to not have to carry the entire project budget in one year but also reflected the complications of delivering the entire project in one phase. Additional information about the project phases can be found lower in the report.

Figure 2: Phasing Plan



The scope of Phase 1 is to improve the access point at 3rd Street and Harmston Avenue, improve the trail around the meadow as well as remove invasive species. Phase 1 is considered to be relatively constructible once a decision is made on the direction of the design although there are cost and schedule risks as the application for a change in use with Environment Canada and Nature Trust BC presents an unknown risk.

The scope of Phase 2 is to construct the path through the panhandle or fisherman's walk as well as provide a connection between the lower portions of the meadow in Phase 1 and Phase 3 with a switchback trail across the same steep slopes in Phase 1. This phase is considered to be much less constructible than Phase 1 for two reasons. There are large trees that will need to be removed in order to accommodate a switchback trail. This will require additional geotechnical work to ensure bank stability as well as additional consultation with Nature Trust BC/Environment Canada for the tree removal. The second reason this phase is less constructible is the proximity of the proposed trail to the banks of the river. Although this work is possible, the environmental mitigation that will be required of a contractor and the accompanying environmental permitting and monitoring will be high. This will result in schedule and budget increases. It should also be expected that any work in the panhandle would require additional upgrading work in other areas of the park to offset the environmental impacts of the construction work in the panhandle. It should also be noted that staff did receive correspondence from the public stating that any work in the panhandle should be removed from the project or generally avoided due to the sensitive nature of the environment in this area.

The scope of Phase 3 was to focus primarily on additional amenities like washroom facilities, upgrades to the parking lot for vehicles and bikes and a viewpoint at 2nd Street and Fitzgerald Avenue. This area is owned by the ICF and requires their input and approval of any work the City would like to undertake. In 2019, the City of Courtenay and ICF signed a memorandum of understanding confirming mutual interest and desire for each organization to cooperatively establish a plan for the public use of the ICF lands between Cumberland Road and Puntledge River. If Phase 2 was not constructed, these lands may be less attractive as a piece of the MCPhee Meadows project, but this area would still hold park value, likely with different amenities or requirements.

Planning for the Harmston Local Area Plan is currently underway with the boundaries of the proposed area plan adjacent to the ICF lands. Staff could consider additional options for these lands in the context of the Harmston Local Area Plan.

POLICY ANALYSIS:

This project is supported by the Official Community Plan, 2022, Parks and Recreation Master Plan, 2019, and the Regional Growth Strategy. If Council directs staff to proceed with Option 2, the following policies and objectives of the OCP will be achieved.

Parks and Recreation

1. Parkland in the form of natural areas, open spaces, and outdoor recreation is of sufficient amounts, is well-connected, equitably distributed, and is of high quality to enhance liveability throughout the city.
2. Recreation amenities, services, and programming are expanded and enhanced to support increased health, wellness, and social connections for all residents.
3. Parks, greenways, and streets are better integrated to create a seamless and enjoyable active transportation system.
4. The parks and recreation system exemplifies leadership in reconciliation, climate action, equity, and community well-being through its services, programs, and partnerships.

5. Partnerships are in place to achieve parks and recreation objectives.

Natural Environment

1. Remaining sensitive ecosystems are protected; lost or degraded sensitive ecosystems are restored

Accessible BC Act

In June 2021, the provincial government passed the Accessible BC Act which requires local governments and over 750 other public sector organizations to establish:

1. An accessibility committee
2. An accessibility plan
3. A tool to receive feedback on accessibility

The Act does not currently require prescribed organizations to demonstrably make their services more accessible. For example, prescribed organizations are not currently required to carry out any renovations to the built environment or provide accessibility services (such as interpretive services) beyond what is already required by law.

The City of Courtenay is a participant in the Comox Valley Local Governments Accessibility Framework. The Comox Valley local government partners are taking steps to create connected, accessible and inclusive communities that promote well-being and belonging. This collaborative framework reflects this commitment. This framework aims to help local governments identify, eliminate and prevent accessibility barriers. This framework acknowledges that many local government programs, services and infrastructure have been introduced without full consideration of how these measures may affect people with different abilities. This framework aims to help government identify opportunities to treat everyone fairly by acknowledging their unique situation and addressing systemic barriers to ensure that everyone has access to benefits and outcomes determined through an equity lens.

As noted in this report, staff have consulted with the Comox Valley Accessibility Committee about this specific project, and the committee were not supportive of an option that isn't accessible.

FINANCIAL IMPLICATIONS:

The budget for Phase 1 and Phase 2 of the project from the current 5-year Capital Plan is shown below.

Project Description	2024 Budget	2025 Budget	2026 Budget	2027 Budget	2028 Budget
Park Design and Development McPhee Meadows - Phase 1	1,605,100				
Park Design and Development McPhee Meadows - Phase 2 and 3		282,500	2,598,000		

Cost estimates for each option are shown in the table below.

	Option 1	Option 2	Option 3
Class D Cost Estimate	\$890,000	\$1,400,000	\$2,600,000

Each of the options presented are shown with the costs estimated above. The cost estimates are Class D cost estimates that include 30% contingency and are based on only limited information. The costs are in 2024 dollars.

Option 1 and 2 are both within the 2024 budget for Phase 1 but Option 3 is not. A budget reallocation would be required from future project phases or other funding sources.

If Environment Canada does not approve a change in use for Option 2 or 3 and the City proceeds with either of these options, a federal tax of equal to 50% of the current fair market value of the land may be imposed.

ADMINISTRATIVE IMPLICATIONS:

This project is led by the Infrastructure and Environmental Engineering Department who is working closely with Recreation, Culture & Community Services. Consultants with technical knowledge specific to this work have been utilized in developing the concept designs and cost estimates.

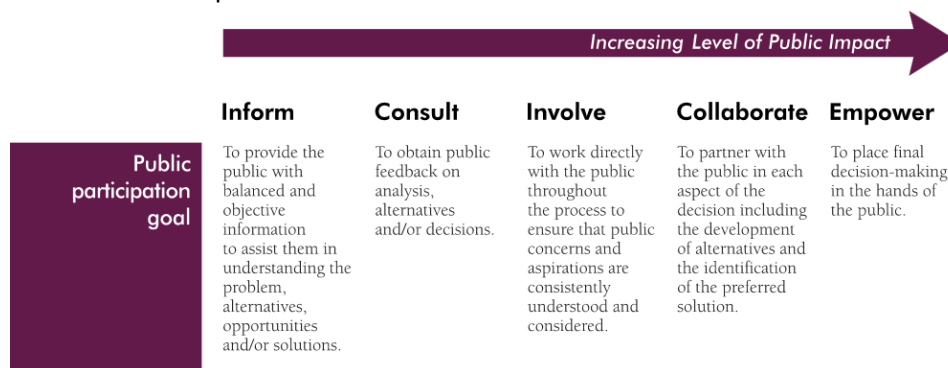
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Parks and Recreation - Optimize active public spaces to respond to density increases and increased park use
- Social Infrastructure - Review City operations with a social equity, reconciliation and anti-racism lens and develop corporate policy
- Buildings and Landscape - Develop a local area plan for Harmston Avenue Civic Precinct

PUBLIC ENGAGEMENT:

Regardless of the option, Staff would inform the McPhee Family, the Comox Valley Social Planning/Accessibility Committee, Environment Canada, Nature Trust BC as well as the public based on the IAP2 Spectrum of Public Participation:



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OPTIONS:

1. THAT Council direct staff to proceed with detailed design of Option 2, request a change in use for the park from Environment Canada, notify the McPhee Family, the Comox Valley Social Planning/Accessibility Committee, Environment Canada, Nature Trust BC as well as the public of the decision and begin construction as soon as possible. **(Recommended)**

2. THAT Council direct staff to proceed with detailed design of Option 1, notify the McPhee Family, the Comox Valley Social Planning/Accessibility Committee, Environment Canada, Nature Trust BC as well as the public of the decision and begin construction as soon as possible.
3. THAT Council direct staff to proceed with detailed design of Option 3, request a change in use for the park from Environment Canada, notify the McPhee Family, the Comox Valley Social Planning/Accessibility Committee, Environment Canada, Nature Trust BC as well as the public of the decision and begin construction as soon as possible.
4. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. McPhee Meadows Options Analysis Report

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

Reviewed by: Chris Davidson, P.Eng, PMP, Director of Infrastructure and Environmental Engineering
Susie Saunders, Director of Recreation, Culture, and Community Services

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