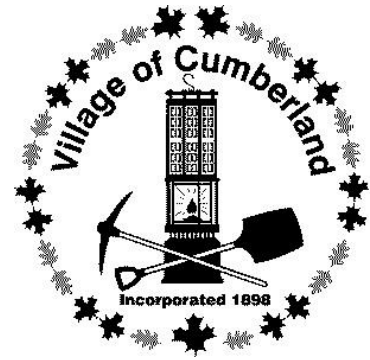


REGULAR AGENDA

7/2017/R



The Corporation of the Village of Cumberland

Regular Council Meeting
March 13, 2017 at 5:30 p.m.
Village Council Chambers

1. Approval of Agenda

- 1.1 Agenda for regular Council meeting, March 13, 2017
Recommend THAT Council approve the agenda for the regular Council meeting, March 13, 2017.

2. Adoption of Minutes

- 2.2 Minutes of the Council meeting held February 27, 2017 1
Recommend THAT Council approve the minutes of the Council meeting held February 27, 2017.

3. Delegations

- 3.1 Dr. Charmaine Enns, Medical Health Officer, North Island, Island Health and Earle Plain, Air Quality Meteorologist, Ministry of Environment 11
• Cumberland Air Quality
Recommend THAT Council receive the delegation of Dr. Charmaine Enns, Medical Health Officer, North Island, Island Health and Earle Plain, Air Quality Meteorologist, Ministry of Environment Re: Cumberland Air Quality.

4. Unfinished Business

- 4.1 Development Variance Permit Application – 2613 Dunsmuir Avenue 13
Prepared by Joanne Rees, Planner
Paulina Maj, Cumberland Resident
Randy Anderson, Cumberland Resident
i) Recommend THAT Council receive the “Development Variance Permit Application – 2613 Dunsmuir Avenue” report dated March 13, 2017.

- ii) Recommend THAT Council receive the delegation of Brett Ferdinandi, Cumberland Resident.*
- iii) Recommend THAT Council receive the delegation of Randy Anderson, Cumberland Resident.*
- iv) Recommend THAT with regard to the Variance request for property described as Lot 37, District Lot 24, Nelson District, Plan 13640 (2613 Dunsmuir Avenue), Council grant (subject to the terms contained within the entirety of these recommendations) the following Variances:*
 - a) the front setback for a single family dwelling from the required 3.0metres to 0.0metres in accordance with the survey drawing prepared by Bruce Lewis, BCLS dated October 22, 2016;*
 - b) the right side setback for a single family dwelling from the required 1.5metres (4.9feet) to 1.0metres (3.3feet);*
 - c) the lot coverage be increased from the required 40% to 48% to accommodate the existing single family dwelling, decks on the left side and rear, a 1.4metre wide deck on the right side, and an Accessory Dwelling Unit (ADU) of a size not to exceed 90metres²;*

PROVIDED THAT the Owner sign a “demand letter” agreeing to move forward with the requirements (listed below as section #5) of the Development Variance Permit within a reasonable time (as determined in consultation with the Owner, but at the final determination by staff), and further agreeing to acquire the required Building Permits, Development Permits (and any engineering certification as required) for any works required to conform with the Variance conditions.
- v) Recommend THAT with regard to the Variance request for property described as Lot 37, District Lot 24, Nelson District, Plan 13640 (2613 Dunsmuir Avenue), Council deny the following requested Variances:*
 - a) the request for an increase of Floor Area for an Accessory Dwelling Unit from the required 90.0metres² (968.8 feet) to 100.0metres² (1076.4 feet).*
 - b) the requested increase in height to fences and landscape/retaining walls on the left right property lines as shown on as the drawing #3 attached to this report, as it is felt that the increases requested [left side: ±3.9m (12.8) and right side: ±5.9m (19.4ft)] are excessive for their purpose;*

- c) the request for 0.0m setbacks on the rear and left side for the proposed Accessory Dwelling Unit.*
- vi) Recommend THAT Council enter into a Highway Encroachment Agreement for property described as Lot 37, District Lot 24, Nelson District, Plan 13640 (2613 Dunsmuir Avenue), for the front porch attached to the single family dwelling, the existing shed, and the fence that encroaches onto the public road right-of-way as shown on the survey drawing prepared by Bruce Lewis, BCLS dated October 22, 2016; after the fence had been reduced to 1.2metres (4.0feet) in height;
PROVIDED THAT:
 - a) the fence in the right-of-way is reduced to a height not to exceed 1.2metres (4.0feet);*
 - b) the Village receives, in writing, a letter from BC Hydro stating that they are not concerned with the shed's close proximity to the adjacent hydro pole.**
- vii) Recommend THAT Council sets the following as requirements of the Demand Letter:
 - a) Reduce the width of the deck attached to the single family dwelling to conform to a reduced setback of 1.0metre (3.3feet) from the right side property line;*
 - b) Remove any and all fence or wall on top of the deck, this may be replaced with an 106.7cm (42.0inch) high BC Building Code approved handrail/safety device; and*
 - c) Ensure any existing or new fence(s) on any retaining/landscape wall on right and left side comply to the siting and height requirements of the Zoning Bylaw;*
 - d) Ensure that the existing tire retaining walls located in the left rear corner of the lot comply with Zoning Bylaw, Building Bylaw, and/or BC Building Code; giving a timeline for removal and compliance with the above;*
 - e) Where required, acquisition of valid Building Permits, Development Permits (and any engineering certification as required) for any of the works on the subject property.**
- viii) Recommend THAT, should the Owner not agree to sign the "demand letter", the Development Variance Permit not be issued, Council not enter into the Highway Encroachment Agreement for the shed and fence at the front of the property; AND THAT the Owner be directed to remove the following:*

- a) *Reduce the width of the deck attached to the single family dwelling to conform to the required setback of 1.5metre (4.9feet) from the right side property line;*
- b) *Reduce in height any existing fence(s) on any retaining/landscape wall(s) to comply to the siting and height requirements of the Zoning Bylaw;*
- c) *Remove any fence located in the front of the house on the right-of-way; and*
- d) *Remove the shed located in the front of the house on the right-of-way;*
- e) *Ensure that the existing tire retaining walls located in the left rear corner of the lot comply with Zoning Bylaw, Building Bylaw, and/or BC Building Code the tire retaining walls located in the left rear corner of the lot; giving a timeline for removal and compliance with the above.*

- 4.2 Anna Rambow, Outreach Coordinator, Cumberland Museum & Archives 47
- Invitation for Village Representative to Join the Ginger Goodwin - 100 Year Anniversary Committee
- Recommend THAT Council appoint a Council member to represent the Village on the Ginger Goodwin – 100 Year Anniversary Committee.***

5. Correspondence

- 5.1 Alana Mullaly, Acting General Manager of Planning and Development Services Branch, Comox Valley Regional District 49
- Local Government Act Requirement to Consider Five Year Review of a Regional Growth Strategy
- Recommend THAT Council receive the correspondence from Alana Mullaly, Acting General Manager of Planning and Development Services Branch, Comox Valley Regional District Re: Local Government Act Requirement to Consider Five Year Review of a Regional Growth Strategy.***

6. Reports

- 6.1 Cumberland Lake Park: Boat Size Restrictions and Regulations 51
Prepared by Kevin McPhedran, Parks and Outdoor Recreation Coordinator

- i) Recommend THAT Council receive the Cumberland Lake Park: Boat Size Restrictions and Regulations report for information.*
- ii) Recommend THAT Council provide direction on whether or not to proceed with further investigations into Vessel Operation Restriction Regulations for Comox Lake.*

6.2 Village Park Skatepark and Jump Park Project: Construction Contracts Update 55

Prepared by Kevin McPhedran, Parks and Outdoor Recreation Coordinator

- i) Recommend THAT Council receive the Village Park Skatepark and Jump Park: Construction Contracts Update report.*
- ii) Recommend THAT Council approve staff to enter into a contract with Radius Contracting Inc. for \$255,950.00 for the construction of the skatepark and surrounding landscaping.*

6.3 2017 Infrastructure Projects Update 59

Prepared by Rob Crisfield, Manager of Operations

- i) Recommend THAT Council receive the 2017 Infrastructure Projects Update Report.*
- ii) Recommend THAT Council defer the following capital projects to 2018:*
 - a) \$499,500 from the Egremont Road and Storm (Phase 3)*
 - b) \$429,445 from the Lane South of Maryport Utility renewal project*
 - c) \$190,720 from the Lane South of Ulverston Sanitary/Storm project*
- iii) Recommend THAT Council use the infrastructure asset renewal reserve funds allocated for the deferred projects in 2017 as follows:*
 - a) THAT Council contribute \$189,915 towards the Dunsmuir Project*
 - b) THAT Council contribute \$589,855 towards the Cumberland/Bevan Road project in order to proceed with the project based on the lowest tender amount of \$2,698,046*
- iv) Recommend THAT Council approve award of the Cumberland/Bevan Road project to Wacor Holdings Limited for a bid price of \$2,698,046.*

- 6.4 Shaw Go WiFi on Municipal Properties – Update Report 63
Prepared by Sundance Topham, Chief Administrative Officer
i) Recommend THAT Council receive the Shaw Go WiFi on municipal properties – Update Report.
ii) Recommend THAT Council enter into the attached Facilities Attachment License Agreement with Shaw Cablesystems Limited and authorize the Mayor and Chief Administrative Officer to execute the agreement.
- 6.5 February 2017 Recreation Department Report 68
Prepared by Leah Knutson, Manager of Recreation
• Recreation Programming Report 70
• Parks and Outdoor Recreation Report 72
Recommend THAT Council receive the February 2017 Recreation Department Report for information.
- 6.6 February 2017 Protective Services Report 74
Prepared by Mike Williamson, Manager of Protective Services
• Bylaw Enforcement Report 77
Recommend THAT Council receive the February 2017 Protective Services Report for information.
- 6.7 February 2017 Operations Department Report 79
Prepared by Rob Crisfield, Manager of Operations
• Planning Report 82
• Public Works Report 87
Recommend THAT Council receive the February 2017 Operations Department Report for information.
- 6.8 February 2017 Finance and Administration Department Report 89
Prepared by Michelle Mason, Financial Officer and Adriana Proton, Deputy Corporate Officer
Recommend THAT Council receive the February 2017 Administration Department Report for information.
- 6.9 February 2017 Chief Administrative Officer Report 93
Prepared by Sundance Topham, Chief Administrative Officer
Recommend THAT Council receive the February 2017 Chief Administrative Officer Report for information.

6.10	Council Reports	
6.10.1	Mayor Leslie Baird	96
6.10.2	Councillor Jesse Ketler	97
6.10.3	Councillor Roger Kishi	98
6.10.4	Councillor Gwyn Sproule	99
6.10.5	Councillor Sean Sullivan – Verbal Report	
	<i>Recommend THAT the Council reports be received.</i>	

7. Bylaws

7.1	Water Improvements Loan Authorization Bylaw No. 1048, 2017 Water Improvements Temporary Borrowing Bylaw No. 1050, 2016 Prepared by Sundance Topham, Chief Administrative Officer <i>i) Recommend THAT Council receive the “Water Improvements Loan Authorization Bylaw No. 1048, 2017 and Water Improvements Temporary Borrowing Bylaw No. 1050, 2017” report.</i> <i>ii) Recommend THAT Council adopt “The Corporation of the Village of Cumberland Water Improvements Loan Authorization Bylaw No. 1048, 2017”,</i> <i>iii) Recommend THAT Council give first three readings to “The Corporation of the Village of Cumberland Water Improvements Temporary Borrowing Bylaw No. 1050, 2017”.</i>	100
7.2	Sewer Improvements Loan Authorization Bylaw No. 1049, 2017 Sewer Improvements Temporary Borrowing Bylaw No. 1051, 2016 Prepared by Sundance Topham, Chief Administrative Officer <i>i) Recommend THAT Council receive the “Sewer Improvements Loan Authorization Bylaw No. 1049, 2017 and Sewer Improvements Temporary Borrowing Bylaw No. 1051, 2017” report.</i> <i>ii) Recommend THAT Council adopt “The Corporation of the Village of Cumberland Sewer Improvements Loan Authorization Bylaw No. 1049, 2017”,</i> <i>iii) Recommend THAT Council give first three readings to “The Corporation of the Village of Cumberland Sewer Improvements Temporary Borrowing Bylaw No. 1051, 2017”.</i>	108

- 7.3 Zoning Amendment Bylaw No. 1055, 2017 116
Prepared by Judith Walker, Senior Planner
- i) Recommend THAT Council receive the “4681 Cumberland Road Rezoning: Bylaw No. 1055 –Staff Report for Consideration of 1st and 2nd Reading.*
 - ii) Recommend THAT Council consider the applicants proposed amenity contribution of \$4000.*
 - iii) Recommend THAT Council consider 1st and 2nd reading of Zoning Amendment Bylaw No. 1055.*
 - iv) Recommend THAT Council agrees with the concept of a proposed Covenant on the property restricting use of land for the new lots until subdivision, and directs staff to engage legal counsel for the preparation and registration of the Covenant at the applicant’s cost.*
 - v) Recommend THAT Council directs staff to hold a Public Hearing for Tuesday March 28, 2017 in Council chambers at 7pm.*

8. Consent Calendar

All matters listed here are considered to be routine and non-controversial and will be received by one motion. There will be no separate discussion of these items unless a member so requests, in which case the item will be removed from the Consent Calendar and considered immediately after the adoption of the Consent Calendar.

- 8.1 BC Culture Days Re: 2017 Call for BC Culture Days Ambassadors; 131
8.2 Faith Bodnar, Executive Director, Inclusion BC Re: Help Celebrate 133
Canada 150 Inclusively;
8.3 Josie Osborne, Mayor, District of Tofino Re: Draft #2L Social 134
Procurement Resolution.
Recommend THAT Council receive the consent calendar.

9. New Business

10. Notices, Motions and Announcements

Matters considered here may include notices or motions to hold a meeting of the Committee of the Whole, a Village Hall meeting, a public hearing, and notices of motion introduced by a council member.

- Homelessness and Affordable Housing Select Committee meeting, March 15, 2017 at 9:00 a.m.
- Committee of the Whole Budget meeting, March 16, 2017 at 9:00 a.m.
- Accessibility Select Committee meeting, March 20, 2017 at 6:30 p.m.
- Village Hall meeting, April 3, 2017 at 7:00 p.m.

11. Question Period

12. Closed Portion

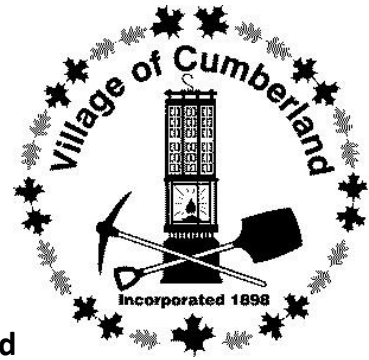
THAT pursuant to Section 90 (1) of the Community Charter Council close the meeting to the public to consider:

- 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;
- Labour relations or other employee relations.

13. Adjournment

REGULAR MINUTES

6/2017/R



The Corporation of the Village of Cumberland

Regular Council Meeting February 27, 2017 at 5:30 p.m. Village Council Chambers

Council Present:

Mayor Leslie Baird
Councillor Jesse Ketler
Councillor Gwyn Sproule
Councillor Sean Sullivan

Staff Present:

Sundance Topham, Chief Administrative Officer
Adriana Proton, Deputy Corporate Officer
Michelle Mason, Financial Officer
Rob Crisfield, Manager of Operations
Judith Walker, Senior Planner
Joanne Rees, Planner

Regrets:

Councillor Roger Kishi

Mayor Baird called the meeting to order at 5:30 p.m.

1. Approval of Agenda

- 1.1 Agenda for regular Council meeting, February 27, 2017
Motion 17-97

Sproule/Ketler

THAT Council approve the agenda for the regular Council meeting, February 27, 2017, with the on-table amendment 6.1a.

Carried Unanimously

2. Adoption of Minutes

- 2.1 Minutes of the Council meeting held February 14, 2017
Motion 17-98

Ketler/Sproule

THAT Council approve the minutes of the Council meeting held February 14, 2017.

Carried Unanimously

- 2.2 Receipt of Committee/Commissions Minutes:
Motion 17-99

Sullivan/Sproule

THAT Council receive the minutes of the:

- Homelessness and Affordable Housing Select Committee, January 18, 2017
- Accessibility Select Committee, November 21, 2016

Carried Unanimously

3. Delegations

4. Unfinished Business

4.1 Natural Burial Monument Design

Prepared by Adriana Proton, Deputy Corporate Officer
Motion 17-100

Sproule/Sullivan

THAT Council approve the natural burial monument design.

Carried Unanimously

4.2 Cumberland Lamplighters Old Age Pensioners' Society Lease

Prepared by Adriana Proton, Deputy Corporate Officer
Motion 17-101

Sullivan/Ketler

THAT Council enter into the lease with the Cumberland Lamplighters Old Age Pensioners' Society for the tenancy of Buchanan Hall in the Cumberland Cultural Centre, located at 2674 Dunsmuir Avenue, from March 1, 2017 to February 28, 2022 and authorize the Mayor and Chief Administrative Officer to execute the lease.

Carried Unanimously

5. Correspondence

5.1 Tim Walton, Inspector, Comox Valley Royal Canadian Mounted Police

- Comox Valley Detachment 2017 Annual Performance Plan Consultation
Motion 17-102

Sullivan/Sproule

THAT Council receive the correspondence from Tim Walton, Inspector, Comox Valley Royal Canadian Mounted Police Re: Comox Valley Detachment 2017 Annual Performance Plan Consultation.

Carried Unanimously

Motion 17-103

Sproule/Ketler

THAT Council respond to Inspector Tim Walton that Cumberland shares the same priorities as the rest of the Comox Valley, but would also like to see a greater RCMP presence at Comox Lake Park in the summer months.

Carried Unanimously

5.2 Dennis McGuckin, Member, Royal Canadian Navy Association

- Merchant Navy Day - Red Duster

Motion 17-104

Ketler/Sproule

THAT Council receive the correspondence from Dennis McGuckin, Member, Royal Canadian Navy Association Re: Merchant Navy Day – Red Duster.

Carried Unanimously

Motion 17-105

Sproule/Sullivan

THAT Council purchase a Red Ensign flag from the Royal Canadian Navy Association and fly it annually on the appropriate day.

Carried Unanimously

5.3 Bruce Jolliffe, Chair, Comox Valley Regional District, and Bob Wells, Chair, Comox Valley Water Committee

- Ministers Meeting Invitation and Presentation Request

Motion 17-106

Ketler/Sullivan

THAT Council receive the correspondence from Bruce Jolliffe, Chair, Comox Valley Regional District, and Bob Wells, Chair, Comox Valley Water Committee Re: Ministers Meeting Invitation and Presentation Request.

Carried Unanimously

Motion 17-107

Sproule/Ketler

THAT Council respond to the Comox Valley Regional District that Mayor Baird and CAO Sundance Topham will attend the Ministers meeting, and that at this time, there is no further information to present to the Comox Valley water committee other than what was presented in early 2016.

Carried Unanimously

6. Reports

6.1 Development Variance Permit Application – 2613 Dunsmuir Avenue
Prepared by Joanne Rees, Planner

Brett Ferdinandi, Cumberland Resident

Hans Suhr, representing Randy Anderson, Cumberland Resident

Motion 17-108

Sproule/Ketler

THAT Council receive the "Development Variance Permit Application – 2613 Dunsmuir Avenue" report dated February 22, 2017,

THAT Council receive the delegation of Brett Ferdinandi, Cumberland Resident,

AND THAT Council receive the delegation of Hans Suhr representing Randy Anderson, Cumberland Resident.

Carried Unanimously

Motion 17-109

Sullivan/Baird

THAT with regard to the Variance request for property described as Lot 37, District Lot 24, Nelson District, Plan 13640 (2613 Dunsmuir Avenue), Council grant (subject to the terms contained within the entirety of these recommendations) the following Variances:

- a) the front setback for a single family dwelling from the required 3.0metres to 0.0metres in accordance with the survey drawing prepared by Bruce Lewis, BCLS dated October 22, 2016;
- b) the right side setback for a single family dwelling from the required 1.5metres (4.9feet) to 1.0metres (3.3feet);
- c) the lot coverage be increased from the required 40% to 42% to accommodate the existing single family dwelling, decks on the left side and rear, a 1.4metre wide deck on the right side, and an accessory building of a size not to exceed 50metres²;

PROVIDED THAT the Owner sign a "demand letter" agreeing to move forward with the requirements (listed below as section #5) of the Development Variance Permit within a reasonable time (as determined in consultation with the Owner, but at the final determination by staff), and further agreeing to acquire the required Building Permits (and any engineering certification as required) for any works required to conform with the Variance conditions.

THAT with regard to the Variance request for property described as Lot 37, District Lot 24, Nelson District, Plan 13640 (2613 Dunsmuir Avenue), Council deny the following requested Variances:

- a) the request for an increase of Floor Area for an accessory building from the required 50.0metres² (538.2feet²) to 59.5metres² (637.2feet²) as

this is considered "Density" in our Zoning Bylaw and the Local Government Act prohibits variances to density; and

- b) the requested increase in height to fences and landscape/retaining walls on the left right property lines as shown on as the drawing #3 attached to this report, as it is felt that the increases requested [left side: $\pm 3.9\text{m}$ (12.8) and right side: $\pm 5.9\text{m}$ (19.4ft)] are excessive for their purpose;
- c) the request for 0.0m setbacks on the rear and left side for an accessory building.

THAT Council enter into a Highway Encroachment Agreement for property described as Lot 37, District Lot 24, Nelson District, Plan 13640 (2613 Dunsmuir Avenue), for the front porch attached to the single family dwelling, the existing shed, and the fence that encroaches onto the public road right-of-way as shown on the survey drawing prepared by Bruce Lewis, BCLS dated October 22, 2016; after the fence had been reduced to 1.2metres (4.0feet) in height;

PROVIDED THAT:

- a) the fence in the right-of-way is reduced to a height not to exceed 1.2metres (4.0feet);
- b) the Village receives, in writing, a letter from BC Hydro stating that they are not concerned with the shed's close proximity to the adjacent hydro pole.

THAT Council sets the following as requirements of the Demand Letter:

- a) Reduce the width of the deck attached to the single family dwelling to conform to a reduced setback of 1.0metre (3.3feet) from the right side property line;
- b) Remove any and all fence or wall on top of the deck, this may be replaced with an 106.7cm (42.0inch) high BC Building Code approved handrail/safety device;
- c) Ensure any existing or new fence(s) on any retaining/landscape wall on right and left side comply to the siting and height requirements of the Zoning Bylaw;
- d) Ensure that the existing tire retaining walls located in the left rear corner of the lot comply with Zoning Bylaw, Building Bylaw, and/or BC Building Code; and
giving a timeline for removal and compliance with the above;

- e) Where required, acquisition of valid Building Permits (and any engineering certification as required) for any of the works on the subject property.

AND FURTHER THAT, should the Owner not agree to sign the “demand letter”, the Development Variance Permit not be issued, Council not enter into the Highway Encroachment Agreement; AND THAT the Owner be directed to remove the following:

- a) Reduce the width of the deck attached to the single family dwelling to conform to the required setback of 1.5metre (4.9feet) from the right side property line;
- b) Reduce in height any existing fence(s) on any retaining/landscape wall(s) to comply to the siting and height requirements of the Zoning Bylaw;
- c) Remove any fence located in the front of the house on the right-of-way;
- d) Remove the shed located in the front of the house on the right-of-way; and
- e) Ensure that the existing tire retaining walls located in the left rear corner of the lot comply with Zoning Bylaw, Building Bylaw, and/or BC Building Code the tire retaining walls located in the left rear corner of the lot; giving a timeline for removal and compliance with the above.

In favour: Mayor Baird
Councillor Sullivan

Opposed: Councillor Sproule
Councillor Ketler

Defeated

- 6.2 Development Variance Permit Application – 2719 Penrith Avenue
Prepared by Joanne Rees, Planner
Motion 17-110

Sullivan/Ketler

THAT Council receive the “Development Variance Permit Application – 2719 Penrith Avenue” report dated February 15, 2017.

Carried Unanimously

Motion 17-111

Sullivan/Sproule

THAT Council grant the Development Variance Permit for property described as the Easterly ½ of Lot 11, District Lot 21, Nelson District,

Plan 522 (2719 Penrith Avenue) in order to legalize the siting of an existing accessory building by varying the following:

- 1) Section 7.2(7): The minimum rear setback from 1.5metres to 0.8metres in accordance with the attached survey drawing prepared by Bruce Lewis BCLS dated July 13, 2016 and the elevation drawings contained as part the attached draft Development Variance Permit.

Carried Unanimously

- 6.3 Residential Infill Development Permit – 2799A&B Derwent
Prepared by Joanne Rees, Planner
Motion 17-112

Sullivan/Sproule

THAT Council receive the “Residential Infill Development Permit – 2799A&B Derwent Avenue” report dated February 22, 2017.

Carried Unanimously

Motion 17-113

Ketler/Sproule

THAT Council refer the application for a Residential Infill Development Permit 2799A&B Derwent Avenue (2017-03-DP) to the next meeting of the Advisory Planning Commission to be held on March 7, 2017.

Carried Unanimously

- 6.4 Heritage Commission – Work Program Report 2016-2017
Prepared by Judith Walker, Senior Planner
Motion 17-114

Sullivan/Ketler

THAT Council receive the Heritage Commission – Work Program Report 2016-2017.

Carried Unanimously

Motion 17-115

Sullivan/Sproule

THAT Council approve the Summary of the Activities of the Heritage Commission for 2016 and Work Priorities for 2017,
AND THAT Council forward the Statement of Significance workshop cost, brochure production cost and research/photo costs (total est. \$3000) for budget consideration.

Carried Unanimously

- 6.5 Homelessness and Affordable Housing Committee 2017 Work Plan

Prepared by Adriana Proton, Deputy Corporate Office
Motion 17-116

Sullivan/Ketler

THAT Council receive the Homelessness and Affordable Housing
Committee 2017 Work Plan report.

Carried Unanimously

Motion 17-117

Sullivan/Sproule

THAT Council approve the Homelessness and Affordable Housing
Committee 2017 Work Plan,
AND THAT Council direct staff to review the affordable housing brochure
content.

Carried Unanimously

6.6 Accessibility Committee 2017 Work Plan

Prepared by Adriana Proton, Deputy Corporate Officer
Motion 17-118

Sullivan/Ketler

THAT Council receive the Accessibility Committee 2017 Work Plan report.

Carried Unanimously

Motion 17-119

Sullivan/Sproule

THAT Council approve the Accessibility Committee 2017 Work Plan.

Carried Unanimously

6.7 Final Reports for the 2016 Community Grant Program

Prepared by Adriana Proton, Deputy Corporate Officer
Motion 17-120

Sullivan/Ketler

THAT Council receive the Final Reports for the 2016 Community Grant
Program report.

Carried Unanimously

6.8 Electronic Funds and Cheque Register January 2017

Motion 17-121

Ketler/Sullivan

THAT Council receive the Electronic Funds and Cheque Register January
2017.

Carried Unanimously

6.9 Outstanding Action Items

Motion 17-122

Sproule/Sullivan

THAT Council receive the Outstanding Action Items Report.

Carried Unanimously

7. Bylaws

7.1 Fire Protection Services and Regulation Amendment Bylaw No.

1052, 2017

Motion 17-123

Ketler/Sullivan

THAT Council adopt the "Fire Protection Services and Regulation Amendment Bylaw No. 1052, 2017".

In favour: Mayor Baird

Councillor Ketler

Councillor Sullivan

Opposed: Councillor Sproule

Carried

7.2 Water Frontage Tax Bylaw No. 1056, 2017

Motion 17-124

Ketler/Sproule

THAT Council adopt the "Water Frontage Tax Bylaw No. 1056, 2017".

Carried Unanimously

7.3 Sanitary Sewer Frontage Tax Bylaw No. 1057, 2017

Motion 17-125

Sullivan/Sproule

THAT Council adopt the "Sanitary Sewer Frontage Tax Bylaw No. 1057, 2017".

Carried Unanimously

7.4 Storm Water Frontage Tax Bylaw No. 1058, 2017

Motion 17-126

Ketler/Sproule

THAT Council adopt the "Storm Water Frontage Tax Bylaw No. 1058, 2017".

Carried Unanimously

8. Consent Calendar

All matters listed here are considered to be routine and non-controversial and will be received by one motion. There will be no separate discussion of these items unless a member so requests, in which case the item will be removed from the Consent Calendar and considered immediately after the adoption of the Consent Calendar.

9. New Business

10. Notices, Motions and Announcements

Matters considered here may include notices or motions to hold a meeting of the Committee of the Whole, a Village Hall meeting, a public hearing, and notices of motion introduced by a council member.

- Heritage Commission meeting March 6, 2017 at 5:45 p.m. in Council Chambers
- Advisory Planning Commission meeting March 7, 2017 at 11 a.m. in Council Chambers

11. Question Period

Council received questions about variances and building permits.

12. Closed Portion

Motion 17-127

Sullivan/Sproule

THAT pursuant to Section 90 (1) of the Community Charter Council close the meeting to the public to consider:

- Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent to the municipality or another position appointed by the municipality.

Carried Unanimously

13. Adjournment

Motion 17-128

Ketler/Sproule

THAT Council adjourn the meeting at 7:48 p.m.

Carried Unanimously

Certified Correct:

Mayor

Corporate Officer

From: Enns, Charmaine [mailto:Charmaine.Enns@viha.ca]
Sent: Friday, January 27, 2017 1:24 PM
Cc: 'Plain, Earle N ENV:EX' <Earle.Plain@gov.bc.ca>
Subject: RE: Air Quality Statistics

Thank you Jessica. Earle and I will providing information to the Council on Cumberland Air Quality. My name and title is: Dr. Charmaine Enns, Medical Health Officer, North Island, Island Health.

We will inform you in advance of any requested actions from Council.

Cheers
Charmaine

Charmaine Enns, MD, MHSc, FRCPC
Medical Health Officer
355-11th St.
Courtenay, BC V9N 1S4
Tel: (250) 331-8591 or direct line 331-8592
Fax: (250) 331-8513





FOR IMMEDIATE RELEASE

Montreal, February 27, 2017

Woodstoves are good for the soul, bad for the heart

Researchers from McGill and Health Canada find that air pollution from wood burning linked to increased risk of heart attacks in seniors

The risk of acute myocardial infarction for the elderly living in and around small cities is increased by air pollution caused by biomass burning from woodstoves.

It is well documented that air pollution in big cities causes heart and lung problems. But what are its consequences on people in smaller urban centres?

By comparing pollution data from three cities in British Columbia (Prince George, Kamloops and Courtenay/Comox) with hospital admissions, researchers from McGill and Health Canada found that rising concentrations of fine particulate air pollution caused by wood burning were associated with increased hospitalization for myocardial infarction. During the cold season, when pollution from woodstoves is at its highest, the risk of heart attacks among subjects of 65 years and older increased by 19%.

"We noticed that the association was stronger when more of the air pollution came from wood burning, says McGill University professor Scott Weichenthal, lead author of a new study published in [Epidemiology](#). This suggests that the source of pollution matters and that all particulate air pollution is perhaps not equally harmful when it comes to cardiovascular disease."

Improving public health

Scott Weichenthal thinks the findings might push cities across Canada to tackle air pollution caused by fireplaces and woodstoves. Increasing winter smog alerts have prompted cities such as Montreal to bring forward bylaws forcing homeowners to register and, eventually, replace their stoves with cleaner sources of heating. The study, says Weichenthal, gives credence to "initiatives aimed at reducing air pollution from residential wood burning in the interest of public health."

This work was funded by Health Canada.

"Biomass Burning as a Source of Ambient Fine Particulate Air Pollution and Acute Myocardial Infarction," by Scott Weichenthal *et al* in *Epidemiology*:
http://journals.lww.com/epidem/Abstract/publishahead/Biomass_Burning_as_a_Source_of_Ambient_Fine.98888.aspx

Contact:

Justin Dupuis, McGill University, Media Relations
514-398-6751

justin.dupuis@mcgill.ca

<http://www.mcgill.ca/newsroom/>

COUNCIL REPORT



REPORT DATE: March 8, 2017

MEETING DATE: March 13, 2017

TO: Mayor and Councillors

FROM: Joanne Rees, Planner and Judy Walker, Senior Planner

SUBJECT: Development Variance Permit Application – 2613 Dunsmuir Avenue

FILE:	2016-04-DV		
OWNER:	Brett Ferdinandi		
PID:	000-927-074	FOLIO:	516 00624.000
LEGAL DESCRIPTION:	Lot 37, District Lot 24, Nelson District, Plan 13640		
OCP DESIGNATION	Residential	EXISTING ZONE:	Residential One A (R-1A)
		REQUIRED BY BYLAW	REQUESTED VARIANCE
PRINCIPAL SITING	FRONT SETBACK	3.0m (9.9ft)	0.0m
	REAR SETBACK	4.5m (14.8ft)	No variance requested
	LEFT SIDE SETBACK	1.5m (4.9ft)	No variance requested
	RIGHT SIDE SETBACK	1.5m (4.9ft)	0.0m
ACCESSORY SITING	FRONT SETBACK	3.0m (9.9ft)	No variance requested
	REAR SETBACK	1.5m (4.9ft)	0.0m
	LEFT SIDE SETBACK	1.5m (4.9ft)	0.0m
	RIGHT SIDE SETBACK	1.5m (4.9ft)	No variance requested
FLOOR AREA	ACCESSORY BUILDINGS	50.0m ² (538.2feet ²)	No variance requested
FLOOR AREA	ACCESSORY DWELLING UNIT	90.0m ² (968.8feet ²)	100.0m ² (1,078feet ²)
LOT COVERAGE	ALL BUILDINGS & STRUCTURES	40.0%	53.0%
FENCE & LANDSCAPE/ RETAINING HEIGHTS	RIGHT SIDE	2.0m (6.6ft)	±5.9m (19.4ft)
	LEFT SIDE	2.0m (6.6ft)	±3.9m (12.8)
	FRONT	1.2m (4.0ft)	±3.6m (11.8ft)

RECOMMENDATION

1. THAT Council receive the “Development Variance Permit Application – 2613 Dunsmuir Avenue” report dated March 13, 2017.

2. THAT with regard to the Variance request for property described as Lot 37, District Lot 24, Nelson District, Plan 13640 (2613 Dunsmuir Avenue), Council grant (subject to the terms contained within the entirety of these recommendations) the following Variances:

- a) the front setback for a single family dwelling from the required 3.0metres to 0.0metres in accordance with the survey drawing prepared by Bruce Lewis, BCLS dated October 22, 2016;
- b) the right side setback for a single family dwelling from the required 1.5metres (4.9feet) to 1.0metres (3.3feet);
- c) the lot coverage be increased from the required 40% to 48% to accommodate the existing single family dwelling, decks on the left side and rear, a 1.4metre wide deck on the right side, and an Accessory Dwelling Unit (ADU) of a size not to exceed 90metres²;

PROVIDED THAT the Owner sign a “demand letter” agreeing to move forward with the requirements (listed below as section #5) of the Development Variance Permit within a reasonable time (as determined in consultation with the Owner, but at the final determination by staff), and further agreeing to acquire the required Building Permits, Development Permits (and any engineering certification as required) for any works required to conform with the Variance conditions.

3. THAT with regard to the Variance request for property described as Lot 37, District Lot 24, Nelson District, Plan 13640 (2613 Dunsmuir Avenue), Council deny the following requested Variances:

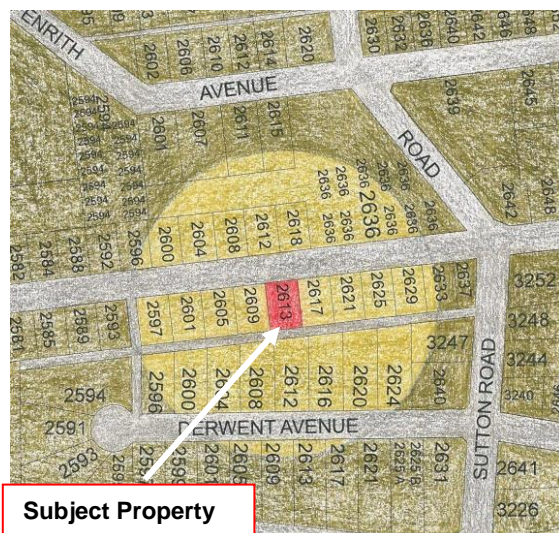
- a) the request for an increase of Floor Area for an Accessory Dwelling Unit from the required 90.0metres² (968.8 feet) to 100.0metres² (1076.4 feet).
- b) the requested increase in height to fences and landscape/retaining walls on the left right property lines as shown on as the drawing #3 attached to this report, as it is felt that the increases requested [left side: ±3.9m (12.8) and right side: ±5.9m (19.4ft)] are excessive for their purpose;
- c) the request for 0.0m setbacks on the rear and left side for the proposed Accessory Dwelling Unit.

4. THAT Council enter into a Highway Encroachment Agreement for property described as Lot 37, District Lot 24, Nelson District, Plan 13640 (2613 Dunsmuir Avenue), for the front porch attached to the single family dwelling, the existing shed, and the fence that encroaches onto the public road right-of-way as shown on the survey drawing prepared by Bruce Lewis, BCLS dated October 22, 2016; after the fence had been reduced to 1.2metres (4.0feet) in height;

PROVIDED THAT:

- a) the fence in the right-of-way is reduced to a height not to exceed 1.2metres (4.0feet);
- b) the Village receives, in writing, a letter from BC Hydro stating that they are not concerned with the shed’s close proximity to the adjacent hydro pole.

5. THAT Council sets the following as requirements of the Demand Letter:
- Reduce the width of the deck attached to the single family dwelling to conform to a reduced setback of 1.0metre (3.3feet) from the right side property line;
 - Remove any and all fence or wall on top of the deck, this may be replaced with an 106.7cm (42.0inch) high BC Building Code approved handrail/safety device; and
 - Ensure any existing or new fence(s) on any retaining/landscape wall on right and left side comply to the siting and height requirements of the Zoning Bylaw;
 - Ensure that the existing tire retaining walls located in the left rear corner of the lot comply with Zoning Bylaw, Building Bylaw, and/or BC Building Code;
- giving a timeline for removal and compliance with the above;
- Where required, acquisition of valid Building Permits, Development Permits (and any engineering certification as required) for any of the works on the subject property.
6. AND FURTHER THAT, should the Owner not agree to sign the “demand letter”, the Development Variance Permit not be issued, Council not enter into the Highway Encroachment Agreement for the shed and fence at the front of the property; AND THAT the Owner be directed to remove the following:
- Reduce the width of the deck attached to the single family dwelling to conform to the required setback of 1.5metre (4.9feet) from the right side property line;
 - Reduce in height any existing fence(s) on any retaining/landscape wall(s) to comply to the siting and height requirements of the Zoning Bylaw;
 - Remove any fence located in the front of the house on the right-of-way; and
 - Remove the shed located in the front of the house on the right-of-way;
 - Ensure that the existing tire retaining walls located in the left rear corner of the lot comply with Zoning Bylaw, Building Bylaw, and/or BC Building Code the tire retaining walls located in the left rear corner of the lot;
- giving a timeline for removal and compliance with the above.



SUMMARY

In response to a Bylaw Enforcement process, an application has been received for the above noted property to vary the Zoning Bylaw.

The original DVP application brought forth on February 27, 2017 included a request for an increase in the floor area for an Accessory Building. In subsequent conversations with the applicant it was confirmed that the request should have been for an Accessory Dwelling Unit. The report has been updated to reflect this information.

The applicant has requested the following variances:

- Reducing the right side setback to 0.0metre lot line for existing single family dwelling (SFD;)
- Reducing the front lot line to 0.0metre lot line for existing SFD;
- Increased fence and landscape/retaining wall heights (different heights per drawing #3);
- Increased Floor Area for an Accessory Dwelling Unit from the allowed 90.0m² to 100.0m²;
- Reduce the rear and left lot line setback to 0.0metres for the proposed Accessory Dwelling Unit; and,
- Increased Lot Coverage from 40% to 53%.

In addition, there are encroachments on the road right-of-way in the front of the property (porch, shed and screen, and fence) and the Owner wishes permission to allow them to remain.

BACKGROUND

History

On the south side of this part of Dunsmuir Avenue, known as Camp Road, nine "*red houses*" (addresses 2601 to 2633) were originally built in 1901 by the Wellington Colliery Company for more senior colliery employees. The *red houses* were larger than most of the 1888-89 "*white houses*" on the north side and were completely plumbed when built¹. They were originally constructed

as frontier-type side-gabled cottages with drop siding and handsome twin brick chimneys and until 1997, 2613 Dunsmuir retained its red body colour and contrasting white trim. However sometime previous to this date, the original drop siding was covered with cedar shingles, as were all Camp houses. To this day, you can see the bones of the original wooden six-over-six (barn sash), double-hung sash windows. The square porch posts are similar to the original, and the low balustrade is now covered with lattice.

This part of Dunsmuir Avenue, known locally as "Camp Road" was incorporated into the Village in 1966. The Regional District, created in 1965, did not yet zone this area. The subdivision was registered in December 1959 when the company sold the lots.

Anecdotal information is that the lot lines were placed around the existing houses, resulting in some houses in this area being closer to the lot lines than others and many were rendered *non-conforming* when setbacks were put in place in 1969 when the first zoning bylaw was adopted.

"PLANNING PRIMER"

The following has been prepared in order to provide Council with some context, with regards to the believed purpose of zoning, setbacks, and lot coverage which are the focus of this variance application.

2613 Dunsmuir, Noble family & friends, c.early 1960s. CMA: C30-233



2613 Dunsmuir, 1995. Donna Lemay photo



¹ Barr, Jennifer Nell. *Cumberland Heritage A Selected History of People Buildings Institutions and Sites 1888-1950* Cumberland: Village of Cumberland, 1997. Print.

The Purpose of Zoning Regulations

At their inception in the early 20th century, zoning laws were intended to promote the health, safety, welfare, convenience, morals, and prosperity of the community at large, and are meant to enhance the “General Welfare” rather than to improve the economic interests of any particular property owner. They were designed to stabilize neighborhoods and preserve the character of the community by guiding its future growth.

Over the years of use, a successive refinement of land use controls have been developed to carry out the purpose “...to establish safe and clear rights-of-way and to provide adequate light, air and open space in conformity with buildings now in existence.”

In general, the attempt has been to limit bulk in ways that will help achieve the purposes of comprehensive land use planning. For instance, a zone may specify a percentage of lot coverage as well as size of yards in a residential zone and setbacks from property lines in order to prevent building to the maximum bulk required by yard and height dimensions alone. Or it may limit both height of storey and number of storeys in a business zone to prevent vertical overcrowding, which, if widespread, taxes street capacity.

Why Setbacks?

Older houses are seen to have smaller setbacks between properties, as walking was a primary mode of transportation. Front setbacks of 1.0 to 5.0feet are common in neighborhoods built before 1890. In addition, most subdivisions laid out before 1920 are relatively narrow lots and setbacks of 5.0 to 15.0feet between houses. Over the years, front yard setbacks increased as England’s colonial children embraced the idea of large, decorative and open front lawns which displayed wealth and success. In addition to this aesthetic, as automobile ownership became common, a 25foot front setback became the norm to allow for enough space to permit parking the family sedan in the driveway.

Setbacks are described as a *distance from a curb, property line, or structure within which building is prohibited and are* enacted through zoning and Building Code, usually for reasons of public policy such as safety, privacy, and environmental protection. Setbacks prevent landowners from crowding the property of others and allow for the safe placement of infrastructure.

Today, setbacks as found in the new zoning bylaw, Bylaw 1027, are generally closer to the front lot line, and maintain the 1.5metres side as prevalent in the Village, except in the larger lot zones. Although variations occur in some of the newer areas where garages have a greater setback (to allow for more driveway) the rest of the house may be set forward to reduce the appearances of “snout houses”. However, this aesthetic hasn’t been achieved to date, as most preferred building plans have the garage out front. Rear setbacks also change from zone to zone but mostly maintain the historical rear setbacks originally designed for lots with lanes.

BC Building Code (BCBC) Setback Requirements

With the adoption of the new BCBC in 2012, setbacks for Part 9 (single family dwellings and residential accessory) buildings were enacted where buildings were to be setback at least 1.2metres from any adjacent “combustible” wall or eave. This is to prevent any structure fire from spreading into an adjacent dwelling as occurred recently on Kendal Avenue and on Allen Avenue. In the BCBC, as the size of the adjacent combustible wall and number of openings (doors and windows) increases so does the setback. There are other variations to determine fire separation, however this is the new regulation in its simplest form.

Property History Past Compliance with Regulation and Requirements

This Variance application for the house addition is in response to a bylaw complaint submitted in June of 2015.

Date	Action Description
12Jun15	<p>Planning received a complaint that building was being carried out next door. Staff determined that there was no Building Permit and carried out a site visit. There was a retaining wall approximately 24inches high (at its highest point) with newly poured concrete steps. On top of the retaining wall are poles in loose footings which appear to be part of the foundation of the deck.</p> <p>Discussion with the Owner and advised that a STOP WORK would be forthcoming because</p> <ul style="list-style-type: none"> • the construction doesn't meet the required setbacks • the construction requires a building permit • The retaining wall requires a building permit
12Jun15	The CAO signed the STOP WORK order and the bylaw enforcement Officer took a copy to the Owner and posted a laminated copy on the structure.
16 Jun 15	<p>Building Inspector carried out a Site Visit and told the Owner that all work must stop until a valid building permit is issued or addition is to be removed. New addition does not meet BCBC:</p> <p>New addition is sited 6inches from right side of property line, so new addition will be required to be non-combustible or fire wall constructed 2 hour minimum non-combustible.</p> <p>The Owner was informed of the above. Stop Work order reposted at time of visit.</p>
26 Jun 15	Registered letter sent to Ferdinandi to address on title. Letter returned as undeliverable.
26 Jun 15	Complaint that work has not stopped on the subject property.
30 Jun 15	Planning staff and the Building Inspector did a site visit. Since the earlier visit(s) a metal fence has been added out into the road ROW, and it appears that boards have been placed or nailed to the addition and tanks of some kind installed underneath the addition on the concrete steps. It is staff's opinion that the fence (while trespassing on road right-of-way) does not cause a significant safety issue. The STOP WORK notice was no longer posted.
30 Jun 15	Planning staff sent letter to the Owner, outlining the issues and his options, giving 2weeks to remove the fence and addition or begin the process of a variance for the addition.
3 Jul 15	Registered Letter sent to Owner at address on title. Copy to file. Letter returned to Village as "moved unknown".
12 Aug 15	Received pictures of ongoing works from complainant
9 Dec 15	Bylaw Enforcement reposted STOP Work Order (previous notices had been removed) and gave the owner until Dec 1, 2015 to take steps to secure and make safe the construction and after that no further works. Three MTI's were written but not served
16 Mar 16	Received email from Owner advising that he was proceeding with works and that he would be coming forward soon with an application. He was advised that he had until April 15 2016 to make application.
21 Apr 16	Received letter from owner advising that he would be bringing something forward in the fall of 2016.

Date	Action Description
18 Jul 16	Bylaw Enforcement carried out a site visit. Spoke with the Owner. Served them with a copy of STOP WORK order which was still posted. Staff advised the process that was required for the works being carried out.
23 Aug 16	Letter was hand delivered to Owner re-iterating the complaint and that works have continued despite the STOP WORK Order. Deadline of September 5, 2016 to make application for a DVP and a Building Permit.
8 Sep 16	Letter in answer to the Owner's request to extend the deadline. New deadline 28Oct16.
28 Oct 16	Owner made application for a DVP, edited drawings to be supplied by draftsman

Planning Recommendations

In considering the various Variance requests, staff considered the following:

- a) **Past practice.** It has been staff's practice to require at least 1.0metre setbacks for new construction providing for extrusions such as eaves, open space between dwellings and to maintain fire separation. There is no precedence for percentage lot coverage variances as this is the first such Variance to be considered.
- b) **Effect of the construction on the neighbouring properties.** The property owner to the right is the most affected by this construction. The construction presents a large unarticulated visual barrier, and it may restrict his ability to build to the required setback due to the required Building Code fire separation. Neighbours across the lane might have to deal with impediments (such as vehicle parking, storage of materials, etc) to the rear of a building placed so close to the rear lot line.
- c) **Willingness of the Owner to comply with Village requirements.** As previously noted, since 2015, this Owner has shown little or no regard to bylaw requirements stating that they were "too difficult" or "costly" to contemplate and continued construct despite the Posting and re-Posting of the Stop Work Orders.

The applicant maintains that this development should be approved because it will utilize green initiatives. While Planning wholeheartedly supports the use of green infrastructure wherever possible, staff are of opinion that a number of these proposed works can be achieved within the requirements of the Zoning Bylaw, or at least with less impact on neighbouring properties with amended variances than requested. Staff have considered the above and believe that the following recommendations are a viable compromise.

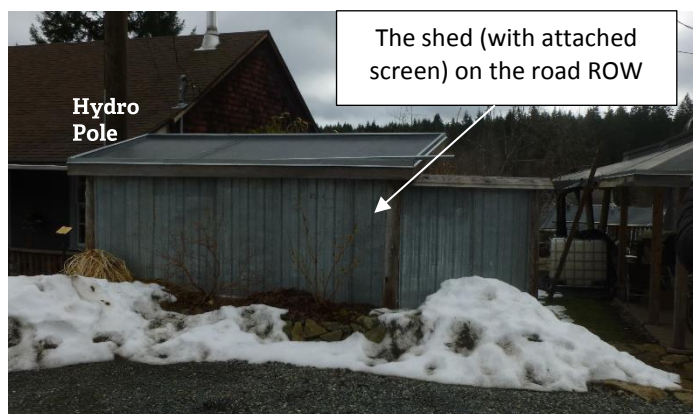
1. Variance Requests Right Side: The works on this side of the house (the western side) comprises of a retaining wall, with a wall on top of that, with a deck on top of the wall, and a wall or fence on top of the deck. The height of the entire construction is estimated to be 7.3metres (24.0feet) tall at its highest point. The setback of this construction is ± 0.2 metres (± 8 inches) as per the survey drawing provided by Bruce Lewis, BCLS. The Owner has advised that they wish to have the deck on this side for egress from the newly installed door, and to provide shelter to water storage totes underneath the deck.



Given the above information, staff recommends:

- a) The setback variance for the deck to 1.0metre (3.3feet) to property line. This will allow for a 1.4metre (4.6feet) wide landing which meets the minimum requirement for the BC Building Code and provides some shelter to the water storage below;
 - b) The exterior of the section of wall between the retaining wall and the deck shall be finished with complimentary material which meets the fire separation requirements of the BC Building Code;
 - c) On top of the deck shall be the required handrail only as per the BC Building Code; and
 - d) The right side fence on top of the retaining/landscape wall to the rear of the property must comply with the requirements of the Zoning Bylaw.
2. Variance Requests Left Side Fence: The proposed fencing and retaining/landscape on the left side property line as shown on the applicants drawing #3, should comply with the requirements for siting and height of the Zoning Bylaw.

3. Variance Request for Front: As the siting of the dwelling to the front lot line is historic and poses no problem with regards to fire separation or access, Planning recommends that the variance to that portion of the porch to 0.0metres to the front lot line be granted. See also the next section of this report entitled "Encroachments".





4. Variance Requests for Accessory Building

Left Side and Rear Setbacks: The applicants are intending to level their property and have installed a tire and soil retaining wall and are proposing to construct an Accessory Dwelling Unit built mostly into a new underground space. The building as proposed would be largely unseen built into the slope, but being 0.0m from the rear lane, would present increased opportunity for encroachment by vehicles and materials parked against the doors. As such Planning cannot recommend the 0.0metre lot line requests.



5. Variance Request to Increase Floor Area for Accessory Dwelling Unit

In the new Zoning Bylaw, Accessory Dwelling Units have a floor area maximum that must not exceed 90 metres². Staff are not recommending that this be increased.

6. Variance Request to Increase Lot Coverage

Staff reviewed the lot coverage of the existing house with the recommended reduced right side deck (as noted in #1) as well as the proposed Accessory Dwelling Unit. The lot coverage as it exists now is 35%. When calculating the additional possibly of a 100.00metres² Accessory Dwelling Unit this would result in an estimated lot coverage of 53%. Staff is recommending allowing for the additional space allowed for an ADU in the Zoning Bylaw (up to 90 metres²). If the entire 90 metres² amount allowed for the ADU was utilized this would mean a total of up to 48% lot coverage. Any ADU would require a Development Permit/Building Permit prior to construction.

Encroachments

The survey certificate prepared by Bruce Lewis, BCLS dated October 22, 2016 (as attached) shows that the porch, right side fence, and shed trespasses on the public road right-of-way. If Council agrees with staff's recommendation to vary the front lot line for the porch on the single family dwelling, **and** the Owner agrees to sign the Demand Letter, Council may wish to enter into a Highway Encroachment Agreement which could allow the encroachments to remain. This type of Agreement typically recognizes the existing trespass/encroachment (while not "grandfathering" it) and outlines the Owner's and Village's rights and responsibilities with regards to same.

Planning recommends that Council enter into this Agreement for the porch and the shed and the fence, provide that the fence be reduced to 1.2metres (4.0feet) in height to comply with the requirements of the Zoning Bylaw for front fences and as the shed is directly adjacent to a hydro pole, staff recommends that the Village receives acceptance for this location from BC Hydro.

NEXT STEPS

1. If Council agrees with staff's recommendations to granting a portion of the requested Variances the Owner will be required to agree to the conditions (see Recommendations #5 of page 2 of this report for details) of the Demand Letter:
 - a) If the Owner signs the Demand Letter, the Development Variance Permit is created, (see the Variances as recommended as #2 on page 2 of this report) which is signed and executed by the Corporate Officer. A Notice on Title is prepared and registered on the title of the property at the Land Title Office.
 - b) If the Owner does not agree to sign the Demand Letter, the Development Variance Permit will not be issued and the Owner will be required to remove any non-complying construction. (see Recommendation #6 on page 3 of this report).
2. If it is Council's wish to deny the Variances as requested, the Owner will be required to comply with the requirements set out in Recommendation #6 on page 3 of this report. If he does not within the set timeline, enforcement action would proceed to a court process seeking civil injunctive order in the form of a Consent Order, the details of which could be the same as the Demand Order (Recommendation #2 on page 2 of this report) or total removal of all non-compliances as found in the Recommendation #6 on page 3 of this report.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Pursuant to the requirements of the *Local Government Act*, notice of Council consideration of a Development Variance Permit must be mailed or otherwise delivered to owners of adjacent properties a minimum of 10 days before the Council considers the application. The required notice was mailed to the neighboring properties within 75.0 metres of the subject property and at the time of writing this report, comments have been received and they are attached to this report.

ATTACHMENTS

1. A portion of the Survey Certificate prepared by Bruce Lewis, BCLS dated October 22, 2016
2. Drawings submitted by the applicant
3. Public Comments received to date

CONCURRENCE

Rob Crisfield, Manager of Operations



OPTIONS

- i) Table the application pending receipt of further information.
- ii) Deny all or some of the requested Variances
- iii) Grant all or some the requested Variances.
- iv) Any other action deemed appropriate by Council.

Respectfully submitted,

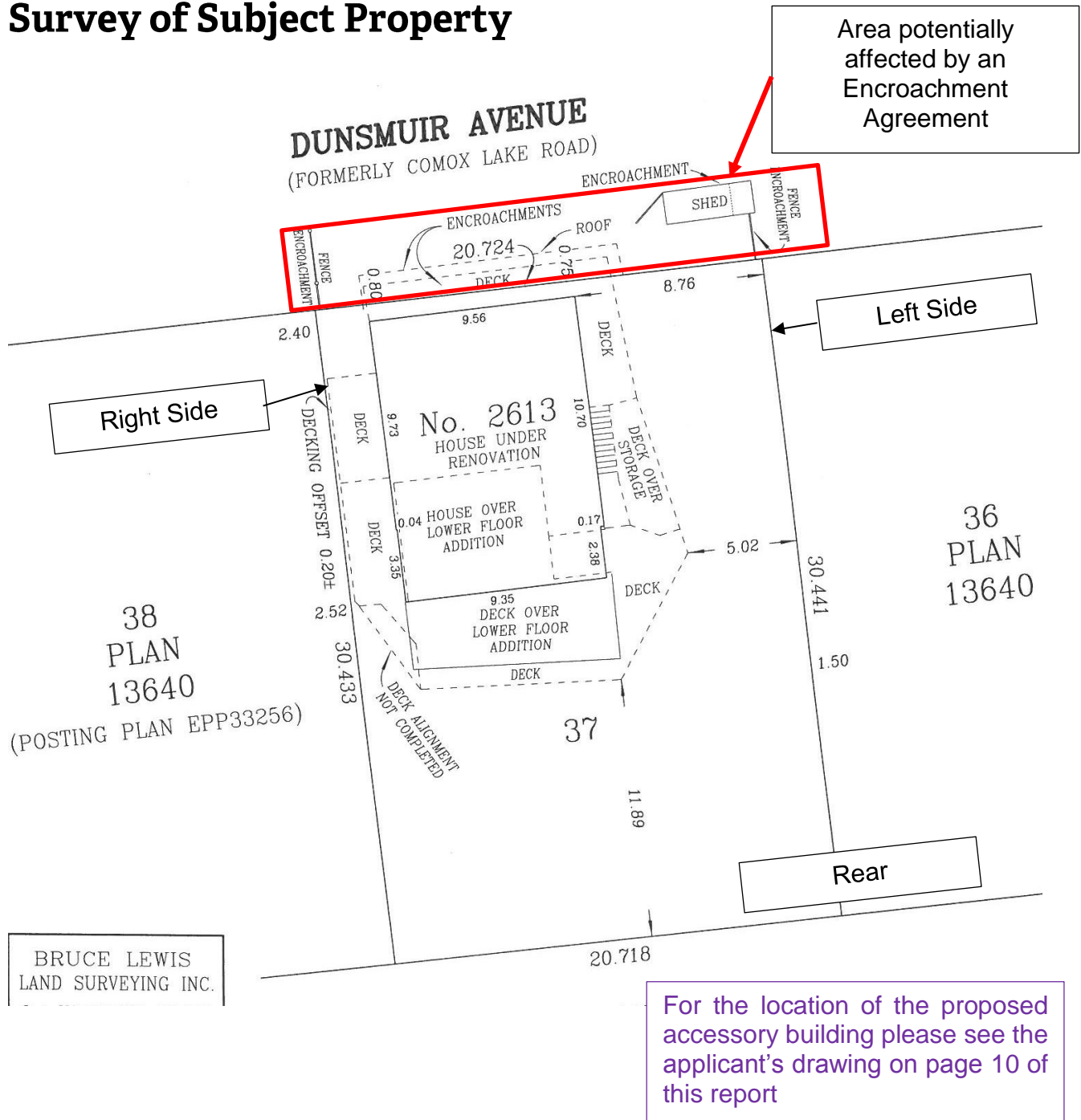


Joanne Rees
Planner



Sundance Topham
Chief Administrative Officer

Survey of Subject Property



CAMP ROAD ECO HOUSE

CUMBERLAND, BC

Drawing #1

ISSUE FOR DEVELOPMENT VARIANCE PERMIT

OCTOBER 28, 2016

PROJECT INFO

REGION - VILLAGE OF CUMBERLAND

CIVIL ADDRESS

2613 DUNSMUIR AVE
CUMBERLAND, BC
V0R 1S0

LEGAL ADDRESS

LOT 37, DISTRICT LOT
24, NELSON DISTRICT
P.I.D. 000-927-074

PROPERTY INFO

ZONING.....INFILL RESIDENTIAL (R-1A)
LOT SIZE..... 6787sf (631sm)
LOT COVERAGE PERMITTED..... 40%
LOT COVERAGE PROPOSED..... 53%

DRAWINGS

ARCHITECTURAL

SK0 - COVER PAGE & LOCATION PLAN
SK1 - SITE PLAN
SK2 - SITE SECTIONS
SK3 - NORTH & SOUTH SITE PERSPECTIVES

PRINCIPAL BUILDING

PRINCIPAL BUILDING AREA..... 2536sf (236sm)
BUILDING HEIGHT (10m MAX.)..... 25'-8" (7.8m)
NUMBER OF STORIES.....TWO

ACCESSORY BUILDING

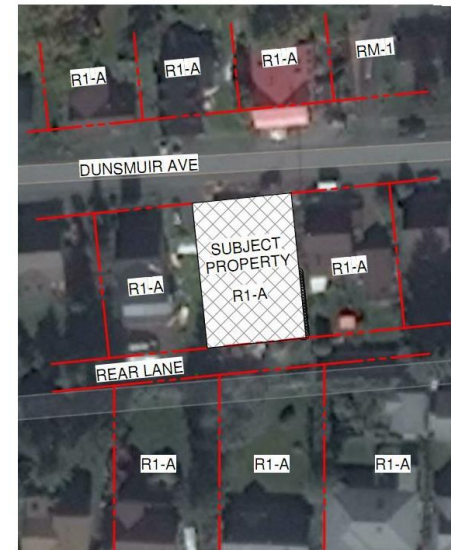
ACCESSORY BUILDING AREA..... 1078sf (100sm)
ACCESSORY BUILDING
GFA PERMITTED..... 538.2sf (50.0sm)
ACCESSORY BUILDING
GFA PROPOSED..... 640sf (59.5sm)
BUILDING HEIGHT (4.5m MAX.)..... 5'-3" (1.6m)
NUMBER OF STORIES..... ONE

CONTACTS

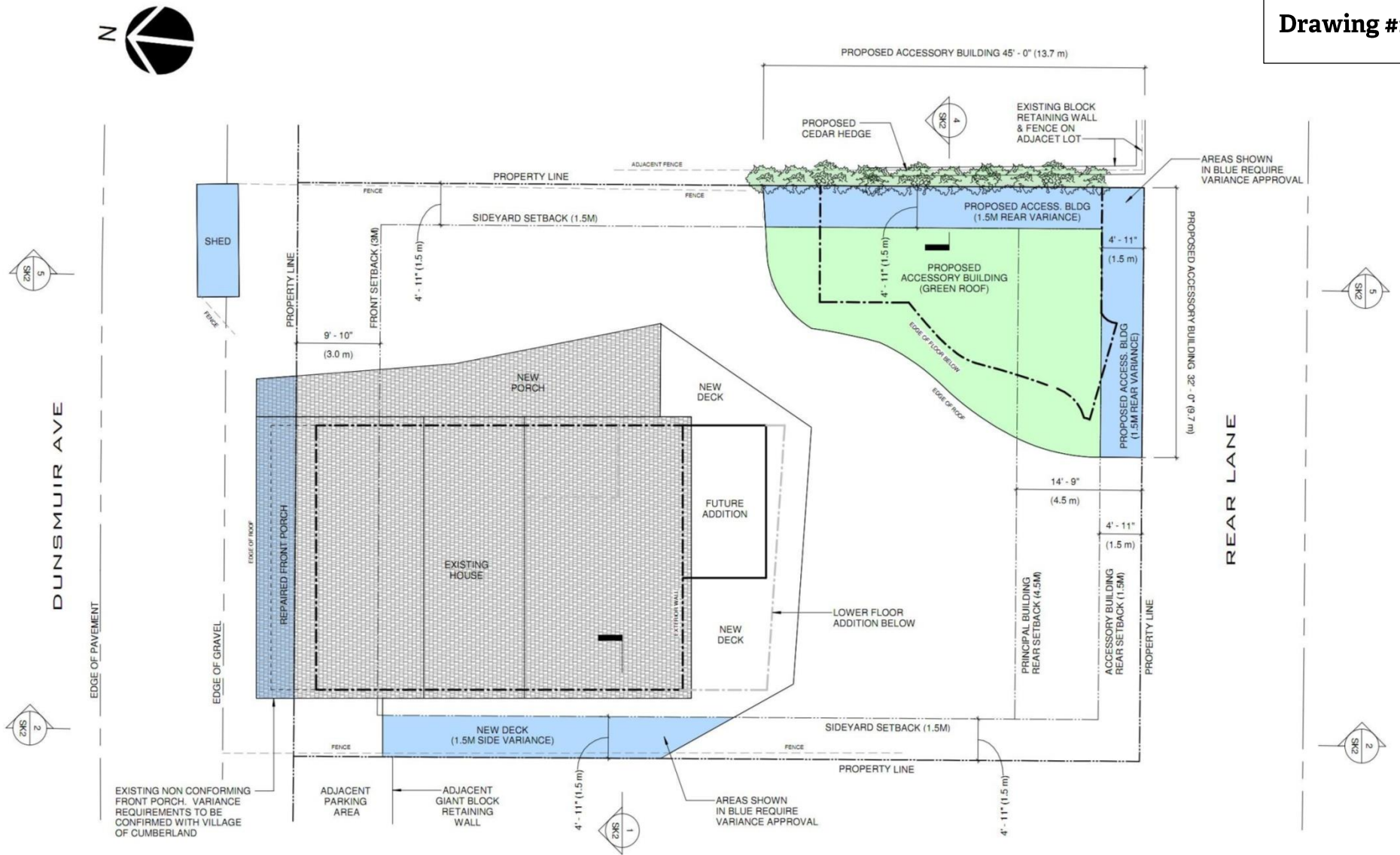
OWNER

DRAFTING

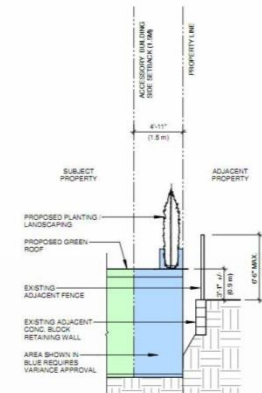
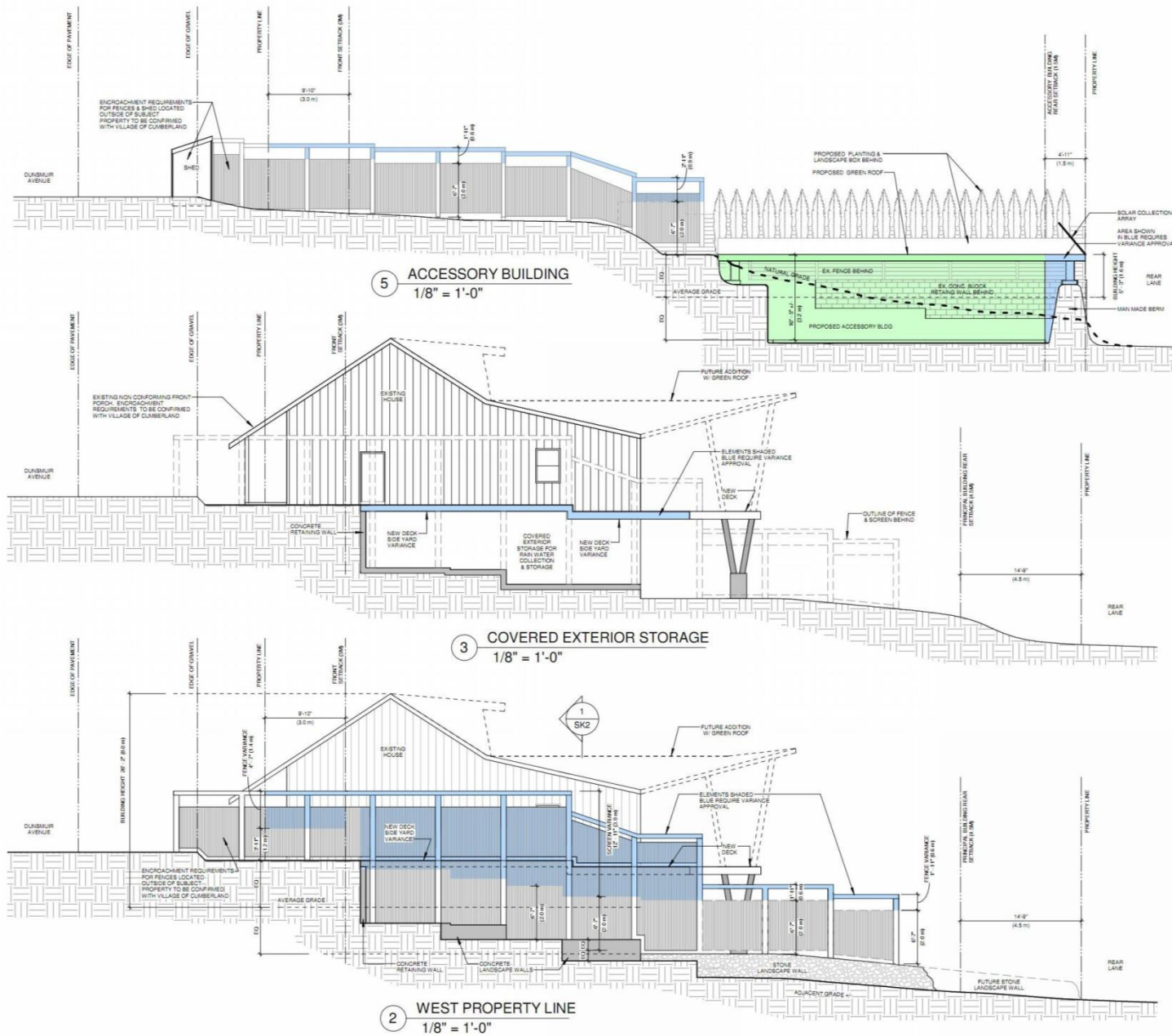
SGDESIGN & BUILD



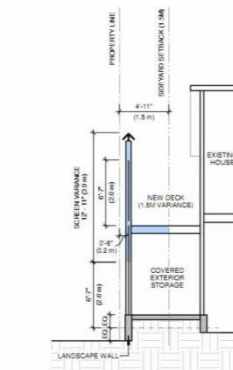
Drawing #2



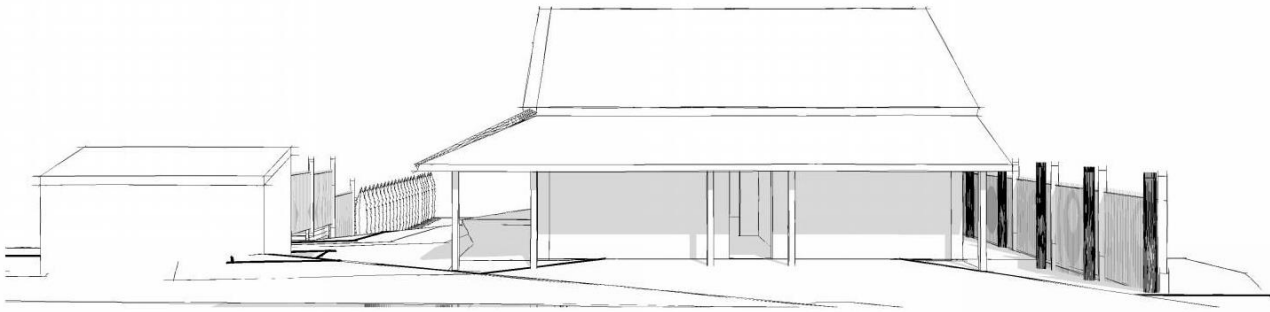
Drawing #3



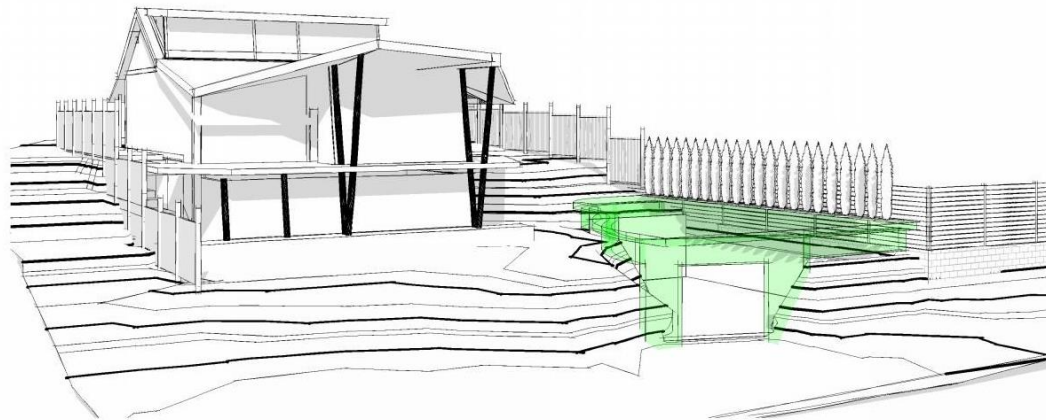
4 EAST P.L. FENCE
1/8" = 1'-0"



1 WEST P.L. SCREEN
1/8" = 1'-0"



Front View



Rear View

Public Submissions Received

Up to February 15, 2017

Sent: Friday, December 09, 2016 10:37 AM

As a property owner that is currently trying to finish my own project I am sympathetic to others trying to improve their properties as well.

The only concern I have, and all that really affects me, is reducing the rear lane clearance to 0.0m. It is a tight lane already, and even more so at that address. But, I don't know where the actual property line is in relation to where things are physically in the lane are currently. Maybe people are already over with non-permanent items. It is a very small portion of the structure that will be over the line, but once 0.0m is approved, it could be 0.0 all along the property line.

This is my only concern and what I would reject from my perspective. Especially with people like myself, wanting to use the lane regularly.

Phone Call Received December 9, 2016 at 3:50pm

Does not agree with variance on the rear lane because he believes the owner will further encroach onto the lane, more than he already does or has in the past.

14 Dec 16 Verbal comment:

Lives across the back lane. Doesn't want the rear lane to be right to property line. He feels that this owner encroaches enough on the lane as it is.

19 Dec 16 Phone call

Lives across the back lane. Does not support the variance on the back lane. Any doors on the building will be opening into the lane.

Date: Tue, Dec 27, 2016 at 4:41 PM

As one of Brett's neighbors on dunsmuir Ave(2613 dunsmuir), I just wanted to say that I totally support his plans for his house and yard. I like that he is using green roof design and building in long term eco friendly ways. We also use the alley and none of his plans will impede vehicles at all. Anyway I'm going to keep it short just wanted to put my vice into the discussion about his projects. Thank-you for your time.

I, _____, have reviewed Brett Ferdinandi's Variance Application's (File 2016-04-DV) for the property at 2613 Dunsmuir Ave.

As shown in the architectural drawings developed by SG Design & Build, SK1 thru SK3, I have no problem with the proposed concept. It show's a ecologically thoughtful design with a green roof.

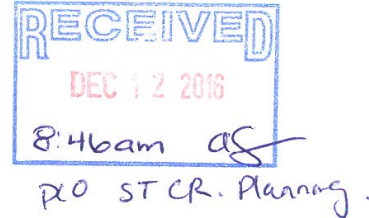
The proposed variances for the main house are minimal in scope and have a very smart design.

I see no logical reason why the variances should not be granted.

DELIVERED BY HAND

December 12, 2016

Corporation of the Village of Cumberland
2673 Dunsmuir Avenue
Cumberland, BC V0R 1S0



Attention: Mayor and Councillors

**Re: File 2016-04-DV
Development Variance Permit Application – 2613 Dunsmuir Avenue**

We are the owners of property located at 2609 Dunsmuir Avenue, which is on the immediate left (when facing Dunsmuir Ave) of the property for which the above noted application has been submitted.

We were advised by letter from the Village dated December 1, 2016, that Council will be asked to refer the application to the next meeting of the Advisory Planning Commission, ("APC") scheduled for January 3, 2017.

We are respectfully requesting that Council exercise its discretion pursuant to the *Advisory Planning Commission Bylaw No 999, 2014, section 6* to **not refer** this application to the APC. Section 6 provides:

"COUNCIL DISCRETION

Council retains discretion on whether to refer particular applications or not to the Commission."

Our reasons for requesting Council do not refer this application to the APC are as follows:

1. The applicant has, to the best of our knowledge, not applied for any building permits with respect to the addition, deck or fence referred to in the Village letter of December 1, 2016.
2. The applicant ignored direction from the Village in regard to obtaining a building permit for the construction of the addition and the fence as per the attached letter from the Village dated July 7, 2015. (attached)
3. The applicant further ignored direction from the Village to remove the fence from the road right of way and to remove the addition and retaining wall. (letter of July 7, 2015)
4. Despite these directions from the Village, the applicant continued to work on both the addition and retaining wall.

5. The manner of construction of the addition, the retaining wall, the deck and fence above the retaining wall are not up to the standards required by the various building codes. The height of the retaining wall, the sub-standard foundation, the quantity and overall weight of the backfill and structures on top of the retaining wall along with the lack of engineering or geotechnical approval **raise very clear concerns about safety and liability.**
6. **We are not able to enjoy the use of our property next to the applicant's building projects for fear of having that construction fall into our yard.**
7. The applicant's construction of the addition, retaining wall, deck and fence were contrary to the provisions of the bylaws which required the appropriate setback from the neighbouring property lines.
8. The applicant's continued refusal to adhere to the Bylaws and directions from the Village as well as the ongoing refusals to obtain building permits for his construction of the retaining wall, fence, deck and addition clearly indicated that the applicant has no respect for any rules or regulations.
9. This application for a development variance permit amounts to nothing less than an attempt to obtain retroactive permission for work already illegally done, contrary to the various rules and regulations in effect.

In summary, we suggest that this is a situation where the applicant has in effect, repeatedly thumbed his nose at the Village and the regulatory requirements, and now wants retroactive approval for so doing. We adamantly oppose this application. We would further suggest that this application is a gross abuse of process. We finally suggest that this application is an appropriate matter for Council to exercise its discretion to refuse to refer it to the APC.

We thank you for your consideration of our concerns in this matter and remain;

Respectfully yours,

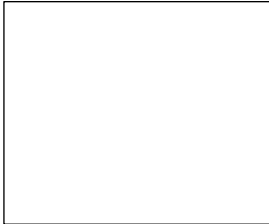




Corporation of the Village of Cumberland

2673 Dunsmuir Avenue
PO Box 340
Cumberland, BC V0R 1S0
Telephone: 250-336-2291
Fax: 250-336-2321
cumberland.ca

July 7, 2015



Re: Stop Work Order placed on addition at 2613 Dunsmuir Avenue

Further to your submission to the Building Inspector date June 30, 2015, I can offer you the following information:

1. On June 12, 2015 a Stop Work Order was placed on the above noted addition.
2. On June 16, 2015, the Building Inspector spoke to the Owner of 2613 Dunsmuir Avenue and again advised that he required a building permit.
3. On June 30, 2015 I received your complaint that construction was continuing and another site visit was done. The new fence encroaching on the road right-of-way and the further addition of the addition were noted. The Chief Administrative Officer directed me to write him a letter which we advised that we expected that:
 - a) The fence be removed from the road right-of way by July 17, 2015; and
 - b) The addition and retaining wall be removed by July 31st, 2015.

If compliance with the Village's expectations is not forthcoming, the Village will investigate further options with Council, who will make the ultimate decision on our next steps. If you are not satisfied with this information, I urge you to obtain legal advice as to what you could do in a civil court.

Yours truly,

Joanne Rees
Planner

jrees@cumberland.ca

Sent: Thursday, December 22, 2016 3:14 PM

With regards to the development variance permit for 2613 Dunsmuir Avenue we are totally against all aspects of the application:

- should not be able to encroach on the road right of way. If you allow this resident to do so then what happens when you have numerous residents encroaching on Village property. There is not enough room for parking in Camp already then to allow a shed on the right of way is not fair to the rest of the residents. Once you allow this be sure you will have numerous residents asking for the same. Then where does this end.

- with regards to the setbacks, a variance to a zero metre setback is totally insane. Setbacks are in place for very good reasons. The Council just passed a new zoning bylaw and to allow a variance of this magnitude would set a very bad precedence for the rest of the residents.

- lot coverage to 53% is way too much to ask for.

- I understand some of this work has already been started. Why should someone be rewarded for not following the bylaws. They should have checked all the setbacks etc. before they started any work.

- As I said in the beginning we are totally against all of the requested in the variance applications.

This application is asking for a crazy amount of variances all in one application and we don't believe this application should be considered at all.

Sent: Wednesday, December 28, 2016 1:05 PM

In order to serve due diligence around the application noted in the subject heading above, and as the owners of the adjacent property at 2617 Dunsmuir Ave, XXXX and I would like to submit some thoughts for consideration by the Advisory Planning Committee for their meeting of January 3rd, 2017.

As an opening statement, we would like to note that in general we have no issues with the plan as proposed, at least with regards to how it impacts our property, apart from the specific items noted below. We feel that our property and the neighbourhood in general would benefit from the development of this property -- currently halted -- being brought to some kind of conclusion. We certainly don't want to see an outcome where the project is stalled *ad infinitum* out of a lack for due process having been followed in its early stages. To some degree we feel that the focus, at this stage, should be on mitigation vs. strict adherence to specific bylaws, the enforcement of which should have happened before the fact or during the point of construction and not after the fact, as appears to be the case.

However, being owners of the neighbouring property, we feel compelled, for the protection of our own assets, to highlight the following concerns. We believe that if these considerations are adequately accounted for, the ongoing and eventual completed development of the property at 2613 Dunsmuir can proceed successfully while having minimal potential negative impact on said assets.

- 1) It should be noted that we share a significant earth wall with the property at 2613 Dunsmuir. An excavation of this wall has proceeded throughout 2016 in anticipation of the construction of the accessory building noted in the Development Variance Permit Application. This summer, we spent a significant amount of money erecting a high-quality cedar fence around our property, one side of which is built atop this earth wall. We would very much like to have assurances that any construction that proceeds along this wall and our common property line, is done under the supervision of a qualified structural engineer and that adequate steps are taken to ensure there is no negative impact to the structural integrity of this shared earth wall. This extends to the use of qualified contractors to provide additional assurances that the work being done is to a minimum acceptable standard. In our opinion, this work should not proceed in the same informal fashion as has been done so far.

- 2) Following this line of logic, we have equal concerns about the event that the Development Variance Permit Application *does not* find approval by Council. Given that the excavation of this earth wall has already occurred, it would seem that retroactively imposing the typical 1.5m side setback would leave the wall exposed to the elements, which will presumably degrade its structural integrity. We feel that this is very much a "damned if you do, damned if you don't" scenario. Since the proposed Accessory Building would essentially provide structural support for the now-exposed wall, the lack of this building could have a negative impact on the quality of our shared wall, over time. This would in turn directly impact the integrity of our own fence, retaining wall, and by extension, the value of our property. If the Application is denied, we seek assurances that the integrity of this shared wall will be improved and preserved.
- 3) Insofar as the proposed accessory building's "green roof" extends *above* the height of our current yard and fence -- as indicated by the diagram provided in the Development Variance Permit Application (please refer to the "rear view") -- we seek assurances that this construction will in no way make physical contact with our fence, which is constructed of cedar. Our concern is that the "green roof" of this accessory building will encroach on our fence and, over time, affect its condition. We propose that a more detailed diagram that articulates exactly how this transition will be mediated be provided before any approvals are granted. Alternatively, we propose that the ceiling/roof height of this accessory building be lowered to ensure it matches the "ground level" elevation of our lot, thus ensuring our fence can co-exist with the proposed accessory building, unimpeded.
- 4) Regarding the proposed cedar hedge identified in the site diagram, we seek assurances that the height of this cedar hedge will not encroach on our view. That said, we also recognize that both the current and "new deck" proposed for the back of the house at 2613 already provide a view overlooking our property and that this situation will likely be exacerbated by the new proposed construction, and therefore some additional steps will need to be taken to protect our privacy. We would prefer not to have our neighbour construct outbuildings or additions to their home which look directly *over* the privacy fence we just went to significant expense to construct, and while we acknowledge a tall cedar hedge might be part of the solution to this, we ask the Advisory Planning Committee and Council to consider how this proposed construction may impact our privacy. We are also prepared to take steps to ensure our privacy, such as can be accomplished by construction and/or privacy-focused plantings (ex. bamboo) on our side of the fence, thereby providing us the ability to determine for ourselves how our views will be impacted.

In general -- these concerns aside -- we are in favour of seeing this project proceed, insofar as its current state reflects poorly on the quality of the neighbouring properties and the neighbourhood in general, and is causing some degree of emotional/psychological distress for the owners at 2613 Dunsmuir. We feel that anything that can be done, within reason, to help advance this project would be to our benefit and to the benefit of all adjacent properties, not to mention providing meaningful relief to the owners of 2613 Dunsmuir.

Our intent in expressing these concerns is to protect the value of our own assets -- namely, the property and the fence/retaining wall system we've had installed this Summer -- as well as to preserve the general "neighbourliness" of relationships between those with whom we live in relatively close quarters. It in no way reflects on our personal feelings about the owners -- who we have affection for, and whose wellbeing we are concerned about.

Our fear is that the imposition of the standard setbacks, this project will become stalled indefinitely, and that to some degree the "damage is done" as far as how this project affects our shared lot line. We hope that the focus, moving forward, can be on solutions to help advance this project out of its current holding pattern to the owner's benefit, and to the mutual benefit of all adjacent landowners. We hope

and believe that continued dialogue and an open-mindedness on the part of the Advisory Planning Commission, and Council in general, can lead to a successful resolution of this situation.

Thank you for considering our thoughts in this matter.

Sent: Sunday, January 01, 2017 10:36 AM

Thank you for forwarding the report and your responses to my spouse Michael Walton. He forwarded it on to me for my input. I already have a previous engagement so will not be attending your open house but wanted to let you know what my position is on your building variance application to the Village.

I agree with the recommendation that the Council should not grant the variance application you are asking for except for the possibility of an agreement (as stated in the report) regarding the encroachment of your front porch in its "historical" setting.

I will address some of the points in your letter:

- You are right in that your house has not been designated a heritage house but that does not negate the input of the Heritage Committee. It is the Heritage Commission's mandate and it is the Village's duty to consult with its committee's. The houses in your neighbourhood are some of the oldest in Cumberland and have a significant historical and cultural value. It was made very clear in consultation meetings that the Cumberland community wanted to retain the historical look and feel of the Village. That historical connection and retention helps to make Cumberland the cultural mecca it is. The fact that you have restored the original building in keeping with its heritage is to be commended.

- The placement of a 10,000 litre water tank slightly up hill from our neighbours house and our backyard makes me a little nervous. It has the potential to cause major flooding and damage.
- I agree that the fence and shed built on the public right of way should be removed.
- The variance requests for the east and west property lines encroach on the neighbours space. The by-law regulations for set backs are for the safety and respect of everyone in the community. Notwithstanding the building materials used, for the respect of the neighbours and to retain historical and cultural value of the area I cannot support a variance to either side of the property lines, or to the front of the building beyond the historical front porch
- The alley variance would also be an encroachment on public space. The lesser the space between the alley and the building the harder it will be to access the area. Congestion as a problem is not unforeseeable
- My understanding is that in the recent update to the bylaws it is now possible to have 40% of the lot as building. In this neighbourhood I do not support a variance to the building footprint above 40%. I believe that the cultural and historical heritage of the area and buildings should be preserved to the utmost extent possible.
- Permits are not complaint driven and there have been regulations in Cumberland for a long time.

Permits are necessary to ensure that the work is done to the correct codes and that the building conforms to the community plans as adopted by the Village as a whole. As well the process provides assurance that the structure is not a danger or an encroachment upon their neighbours.

Planning ahead is necessary.

I have lived in or around Cumberland for almost 50 years of my life and my family has lived in and around Cumberland since 1897. In order for the community to work we must respect each other and our public space and for that we must have regulations. The regulations adopted by Cumberland Council are in response to community input.

In closing, I do not support your application for the variance. I agree with the recommendations to remove the shed and fence, to not allow the variance of the setback lines and to not allow more than a 40% building footprint on the lot.

From: Paulina Maj [mailto:paulina.maj@gmail.com]
Sent: Monday, January 02, 2017 12:12 PM
Subject: Re: Request for Meeting

The following points are misrepresented in the report:

1. Green Roof on Subterranean Accessory Building

No where in the report does Joanne include the fact that the accessory building will be covered in green space. This brings up the issue of whether or not the building will actually surpass the allowed 40% lot coverage since not only is it subterranean in nature but it has green space above it. Joanne cites "impact this increase could have on potential greenspace" while overlooking the fact that we are **preserving greenspace**.

2. Parking

Joanne has advised to remove the shed and fence on the north side of the property citing parking as an issue. This is factually incorrect as there is **full parking available** both in front of the shed and the fence as it currently exists and the setback is consistent with the rest of the street.

3. Heritage

Joanne has not included an original photo of the house with the original roof line. Moreover, her recommendation to apply modern set backs of 1.5m is also not in keeping with the set backs traditional to Camp Road and currently in effect on all the houses. We feel she is unjustly **applying modern setbacks to a Heritage Home**, making us the **only exception on the entire street**.

4. Fire Safety

Joanne has cited fire hazards as a reason against the western deck/fence/water storage area. This is factually incorrect. The deck will be built out of concrete and the fence/railing is made of **noncombustible materials** and is engineer-approved. Moreover, the western deck **provides fire egress** to the rooms on the western side of the house. Otherwise there is no fire escape due to the severe slope of grade on the western side.

5. Encroachment

Joanne cites encroachment potential on the back alley as a reason against recommending a zero setback building. She cites "increased opportunity for encroachment by vehicles and materials parked against the doors." As the door to the building is set back 1.5m, does not face the alleyway and will have a driveway built for vehicle access, the concern of encroachment is unfounded. Moreover, the alleyway is **at it's widest** behind our house, measuring 21feet fence to fence while it tapers down to 10 feet behind other homes. Our **design has alley access as a paramount feature**.

Due to the gross misrepresentation the report makes of the above points, we are asking for an opportunity to provide accurate information to Council as a delegation. We feel a lot of damage has been done to the perception the APC Board, Heritage Committee and Council will have of the project.

To Whom it May Concern,

This project at 2613 Dunsmuir is of an award-winning caliber. The way in which this project was started however, has cheapened the perceived value that it has to our community, to the neighbours, as well as to the process by which the Village evaluates any given project. The value however, of this project to our process as a Village, to the sustainable potential of design in Cumberland as well as to the community as a whole, should not go unnoticed. Through my review of the proposal as well as a tour of the site, I have found overarching themes that deserve attention; process, environment and community.

The process of building a non standard structure is, without a doubt, one that requires great patience and planning. On top of this, due to many factors, it comes with a large price tag. A non-standard structure requires extra effort, the majority of which is put on the home-owner, to navigate an already complex process. This is where the homeowner fell short and where lies the nature of the friction within the process of this particular project. It also however provides a great starting point for a conversation about how our process as a village can keep up with the dynamic nature of the evolving architectural standards of today to nurture an evolving, progressive community.

At the Architecture Biennale in Venice in 2014, there was an untold, unintentional theme of the environmental impacts of architecture and of society as a whole. Projects by the top architects and designers from across the globe all expressed the importance of changing the way architecture co-exists with its surroundings through the complex integration of structure with landscape. This project exemplifies many of the same honourable, advanced traits of the projects at that Biennale and shows how the homeowners have and continue to do their research to keep up with modern practices. It has water retention, integrated HVAC systems, passive technologies and re-use, all while maintaining the heritage quality of Camp Road.

Two years later, I returned to Venice once again to see a new untold theme: Community. The architecture community had evolved their far-reaching, global, environmental focus inwards, to what communities are doing to collaborate and come together. Density and the way in which it is achieved was a major factor. In this project, the low-lying form of the additional building shows the evolving nature of this project by creating more space while avoiding a traditional form that would block views and create additional water run-off. It again shows a sincere dedication to pushing for quality while painstakingly maintaining the heritage value of the area. It adds value not only to the village by improving density but also as a precedent for what can be achieved with non-standard design, literally in our own backyards.

This project has started a discussion addressing the gray areas of our practices as a community and deserves an educated, thorough evaluation by all parties involved. I hope that, whatever the outcome, the value is celebrated in order to have non-standard design become a regular part of our growing, vibrant community.

I live on Camp Road. Lots of wonderful things happening on Camp Road.

I think as a community we should attempt to help with progressive and environmentally respectful projects as much as possible. Brett and Paulina are making that effort on a previously existing structure!! Aaaaargh, that's a difficult process! (personal experience)

(Aside: I believe that as a community we should have caveats regarding all new developments embracing some % of environmental tech incorporated in every 'new' home. The tech is affordable especially for construction from the ground up.)

In 13 years I have only had issue with the Bylaw related nuisance dogs of 2609 (house owner) and 2576 (renters) for which I eventually, after years filed a complaint.

Visual Index Assessment of 2613 at street level affords neighbours and passersby a view into a project that commands appeal to the eye , respect for both effort in maximizing utility of property and creating privacy for the residents and neighbours.

At no point does the western fence line negatively impact eastern sunlight into neighbouring yards more than other fences in town especially by comparison to some treed fence lines complete blocking of the coveted morning sunlight!

As for the backyard fence line: privacy, beauty, and utility makes for great neighbours. By all accounts the alleyway is going to be wider at 2613: so I'm bewildered that there could be issue.

Shed: a nice looking small shed on the N property line facing Dunsmuir that will not negatively impact late afternoon summer sunlight as the sight lines on the shed roof are well below the existing house and the neighbouring 2.5 storey just SW not to mention the large 30m Douglas Firs three houses SW.

I would be supportive of "any" neighbour attempting what is being proposed at 2613.

Let's support people who are trying to be community leaders by doing things responsibly!

"Precedent setting in either case! "

No: has many potential unsavory potential cascading consequences besides having unhappy neighbours. And usually only serves to support entitled limited vision and often times the hypocritical detractor.

(I suspect a very large can of bylaw and construction infraction worms may exist not only on Camp Road)

Yes: bares all the positive fruit that all supportive "community" minded souls wish for.

My name is ____ in Cumberland, BC. I am also a share holder and landowner in _____

I am writing regarding the easement requests of Brett Ferdinandi of 2613 Dunsmuir Ave. I understand that his building project landscape design using tire walls and accessory building that includes the architectural design of a living roof is a great, innovative building strategy. I have personal building experience and involvement with sustainable housing, as well as land use strategies with the Islands Trust. I think that this property is an important step towards creative and sustainable building methods. This property is a great innovative example to our local community and the Development Variance Permit should be granted.

This property is a unique local reference source for the need of innovative structural design and use of land to meet the housing density needs of the residents in Cumberland. I think that potential easement issues raised are of little concern, since they do not affect me, or fellow neighbours. The issues of parking and location of outbuildings and porch extension do not affect the flow of traffic on Dunsmuir ave, or adjacent alley way. I personally appreciate these eclectic qualities which contribute to the unique style of the historical neighbourhood of "Camp Rd."

I am a designer/builder cabinet maker who has been residing in Cumberland for 12 years and am very familiar with the building in question as I have aided the owner in many areas of it's redesign and renovation.

My prior contracts with Blue Sky Design, Etienne Designs (both on Vancouver Island) and 2 houses that I have been the general contractor for in NSW, Australia, give me keen insight into progressive and sustainable building techniques.

Brett's design and implementation on his Camp road house are simply put, exemplary of techniques that point us towards a sustainable future while preserving the historical values of the neighbourhood and the Village at large.

His points regarding his variance requests are well considered and accurate.

I strongly urge you to grant these requests so this young family can complete their dwelling and it can become another highlight of what makes Cumberland progressive and unique.

Thank you for your time and consideration in these matters

I physically looked at the back alley where the owners of 2613 Dunsmuir Ave are requesting to build an elevated garden structure. I am in total support of being self sufficient. The measurement of the alley behind 2613 Dunsmuir is 21 feet. Not only is the building within the property lines, it has no impact on the alley way. If compared to surrounding environments, across the alley there is a yard compost pile that encroaches 6 feet into the lane way. The other neighbour at 2605 has a tree that is about 60 feet high that has encroached by 8 feet into the lane way. Behind my home the lane way is 10 feet wide. So considering the surrounding neighbours, the proposed zero setback variance has no negative impact on the alley, therefore I am in complete support of the living elevated gardens that not only increases green space but makes use of solar energy and food production. We pride ourselves on the fact that Cumberland is heading towards being on the leading edge of self-sufficiency with solar and food production as well as water conservation. These concepts should be used as an educational tool for our school children and should be celebrated.

Aesthetically, walking the front street it is evident that Brett and Paulina have gone to great lengths to preserve the heritage façade of their home. Compare that to the recent upgrades on other homes that have settled for vinyl siding and double paned windows and chain linked fences that go against the heritage flavor of the street.

When speaking to the out building (shed) on the east side of their home I was assured they made sure it was clear of all village services. The only thing negative is that their shed and fence line has been set back by almost 5 feet from the general fence and hedge line that exists on camp road. It would have been nice had they brought things forward into the road right of way to keep in line with the rest of camp.

They have created a holding system that catches 10,000 gallons of rain water to use on the gardens for food production. Because of the safety issues, the concrete deck and deck railing on the west side need to be built with those dimensions to allow access and safety for our fire men and women. They have also chosen materials that speaks to burn time to ensure the safety of their surrounding neighbours and an engineer approved the design. They chose to insulate the 8 foot section of fence and by doing so addressed noise pollution and car exhaust from the neighboring vehicles that are dangerously close to their child's bedroom. They chose the set back of the building and fence line to make sure the visibility is not impeded for any of the neighbours when pulling into traffic. They chose to use the same material for the short section of fence and made it line up with the safety railing for the deck which will visually match the 6 foot fence extending into the back yard.

Looking at the innovative designs for building a self sustaining home utilizing water conservation, solar energy and food production I would say that this totally represents Cumberland's future of being leaders in the in the Comox valley and is a great asset to our community

I am writing this letter in support of the application for all requested variances for the residence of Paulina and Brett at 2613 Dunsmuir Ave. Given the unique nature of "Camp Road" any and all improvements would require variance approval. To deny Paulina and Brett their request at this time would appear prejudicial and discriminatory.

I'm writing a letter of support for Brett and Paulina, in regards to their building project.

Camp road is a beautiful place to live, though it comes with some serious challenges due to the old houses. I have been in a number of those houses over the years and have seen many beautiful, and many not so beautiful renovations.

With the condition of some of those houses, it sometimes intrigues me that they haven't lured in the bulldozer.

In these last handful of years I've had the pleasure of meeting and becoming friends with Paulina and Brett. I've had the pleasure of seeing the transformation of a broken down miners cabin, into the humble beginnings of a beautiful home. I'm amazed with the range of creativity and ability that reside in Brett and Paulina and how this is manifesting itself into an example for future home design.

I am a building professional who has worked in the Comox Valley over the last 15 years, specializing in timber frame and building design as well as construction and project management.

When Brett first bought the 2613 Dunsmuir Ave home, I told him he was crazy to take on a project of that magnitude, since the house needed so much work and the site was extremely challenging.

Despite my words of warning, Brett proceeded to restore the house, focusing on bringing the original heritage aesthetic back while utilizing very progressive green building methods to get as off grid as possible.

To say the project is ambitious is an understatement. The fact he has come this far is a testament to his level of skill and perseverance and I wholly support the completion of this vision. It will lead as an inspiring example not only in Cumberland but in the entire Comox Valley.

I have worked on many Camp Road houses and am familiar with the unique struggles that each of these properties create for their residents. The non-conforming nature is part of what makes the street unique and this should be celebrated, not opposed.

All variances should be granted as they are being asked for in the most considered and conscientious way with only positive impact.

Jan 02 2017

I'm writing in support of Brett Fernandi and Paulina Maj's Development Variance Permit Application. I had the pleasure of living in the house adjacent to Brett and Paulina (2617 Dunsmuir Ave) from September 2010 to July 2015, during which time they worked hard to improve their home and property. I attest to their supportive and responsive behavior over those years - I found them to be receptive and communicative neighbours. I appreciate the vision and care that they have applied in the renovation of their old house - paying attention to both aesthetic and function within and out. I remember the first time I set foot inside their house and was amazed at how beautiful it was; much like the interior, they have continued to beautify the exterior and lot. The beautiful wood siding and wrap around porch gives their house a heritage look that I love and I find their choice of wood with re-purposed metal fencing to be quite attractive. The rainwater harvesting/ gardens/ permaculture best practices land use they are developing is the type of forward thinking that pioneers and inspires more Cumberland urban farming - one of the delightful visions in our Official Community Plan. At no time during my neighbourly stint did I feel hindered by the shed that was constructed roadside beside the property line between our homes. And likewise, at no time in my 4 years walking the alley behind our houses did I experience the alleyway behind their house to be encumbered upon by any items. After having walked the alleyways of Cumberland for 16 years I'll submit that there are several local alley-side buildings with 0.0m setbacks. I urge the Mayor and Councillors to approve Paulina and Brett's application for variances.

I am writing to express our support for the proposed variances at 2613 Dunsmuir Ave.

We are familiar with the negative impact the residents at XXXX have on Brett and Paulina's privacy and well being and we think a fence is the very least that can be done about the situation. Yes to the fence variance!

The existing shed poses no problem to street parking, unlike XXXX who's fence encroaches on the street, making the whole street unusable for parking. Yes to the shed variance!

The proposed zero setback accessory building with green roof is very innovative and won't cause any issue with alley access. The alley is at it's widest at 2613 Dunsmuir Ave and it's unjust to not allow Brett and Paulina the same use as the neighbouring homes who have encroached well past their property lines with fences, trailers, trees and bushes, etc. Yes to the setback variance!

I live in Cumberland and have worked on Brett & Paulina's house over the years. It's a very creative and forward-thinking endeavour. I don't think there's anything else like it in the Valley but there should be, considering what we're facing as a planet. Brett is committed to sustainability and I think all the variances they are asking for are completely reasonable and should be granted so the construction can finally be finished.

I also want to say that I have witnessed the mistreatment Brett and Paulina have received from the neighbours at XXXX who are doing the complaining. They are unstable people who yell and swear at adults and children and an example of what I don't want to see in my community.

The construction at 2613 Dunsmuir Ave is very inspiring to me. I am a designer and I think Brett Ferdinandi and Paulina Maj have done an amazing job with restoring the original heritage look from the front while building in a really unique and modern style at the back to maximize solar power via the southern exposure.

Brett has gone to great lengths and expense to detail every piece of the property and the proposed underground building is a wonderful idea that keeps the greenery in tact while being space efficient. Unlike some of the horrendously boxy and overbearing garage-type buildings that have recently been allowed nearby...

I agree with all the variance proposals as this project has been expertly designed and is ahead of it's time in all regards.

I am writing in support of my friends Paulina Maj and Brett Ferdinandi and their Camp Road Eco House Variance Application.

I have known Paulina and Brett since my move to the Comox Valley in 2013 and I have worked with them closely in the Sew Sisters Artist Guild Society. They are two of the most innovative individuals in our community and I admire their drive and persistence in any project that they take on.

With regards to their house renovation, I highly respect their diligence to use eco-friendly materials and procedures as well as their consideration for Cumberland's heritage and the Camp Road neighbourhood "feel". I believe their requests for variance should be granted since their proposed building plans have no true negative impact on the street, the alley or the neighbours (as outlined point by point in their application). On the contrary, their proposed ideas positively impact the neighbourhood by setting an example of modern, eco-friendly family living.

The History and reputation of Cumberland is being written.

I went and looked, closely, and I am strongly in favour of the completion of the construction on the site of 2613 Dunsmuir Ave.

I also recommend that every encouragement and facilitation be given to those undertaking this project. This is an excellent example of ECO friendly ingenuity.

The commitment to safety, function and beauty is exemplary. This is a very good compliment to the 'Camp Road' ambiance.

January 1/2017

As a frequent visitor to Cumberland and a professional participant in many design related endeavours in the Village, I'd like to offer my support for the variance requests being made by the owners of 2613 Dunsmuir Ave.

Having seen first-hand the careful planning work that Paulina and Brett have completed over the years I am confident that their finished home will add to the neighbourhood in only a positive manner.

Successful design is a careful balance between form and function; between adhering to tradition and creating innovative solutions to complex issues. Their plans and work to date are well-attuned to the property's aesthetic heritage within the context of the Camp Road neighbourhood while also being forward-thinking in parallel with the modern, innovative Village of Cumberland.

To find the balance between the past and the future as Brett and Paulina are doing is no easy feat. They are well on their way to manifesting this. I hope to be able to see this project reach completion and wholeheartedly back their variance requests as they have been carefully considered and will undoubtedly be a positive attribute to the neighbourhood.

January, 2017

I am writing this letter in support of Brett Ferdinandi and Paulina Maj's eco-home at 2613 Dunsmuir Ave.

I've read their Variance Application file and have personally seen this project evolve during their time as homeowners of this property. What is clear is that they have carefully thought out the most efficient, environmentally conscious and aesthetically pleasing design for their property.

They have gone above and beyond with their research and outreach to the community to resolve any negative feedback as well as following the lengthy protocol for their variance application.

Their vision for their property is in line with what should be considered for approval for development considering what the community of Cumberland embraces- sustainability, innovation and the blending of existing heritage aspects with the forward-thinking design that will benefit the next generation.

I encourage anyone with existing concerns to view the property in person to gain an accurate view of the proposed variances and the building as a whole.

I hope all these factors are taken into consideration when reviewing their application.

I am writing to express my support for the building projects and proposed variances by Brett and Paulina on their home at 2613 Dunsmuir Ave.

I am a resident of Cumberland with an appreciation of the heritage and history of this town. Brett and Paulina's renovation work on the home has maintained a heritage look and contributes to the overall heritage charm of Camp Rd. They have gone to great lengths to maintain the heritage look and feel of their home while doing so in a respectful and eco-friendly manner.

Their plans and variances are on the cutting edge of eco-design, respecting the Earth, being energy efficient and self-sustaining. A method and way of living which I respect and feel is the direction we need to move in home building and design.

The fence they constructed complies with all rules and requirements and gives them much needed privacy from imposing lights, exhaust, and video cameras of the neighbours. The fence visually looks great and in no way imposes on the road, the view, nor the parking. Yes to the fence variance!

The proposed accessory building does not impact the back alley in any negative way, in fact it enhances the property as potential roof top garden/green space and potential future rental suite which aligns with the villages densification initiative. If there are other properties and home owners who have encroached into the back alley why are some allowed and others not?

I believe all variances should be granted and that they should be allowed to complete their projects which will only contribute to the greatness and uniqueness of this village and their home.

Sent: Sunday, January 01, 2017 2:03 PM

In the following address of 2613 Dunsmuir Ave, my husband and I do have some concerns. Since we live 2 doors away from the neighbor asking for this Variance, we have watched renovations that have been going on for years using scrap material to upgrade their house. We have concerns of what has been used so far, for example at least 100 tires buried in the backyard to build up the landscape. Also, the scrap sheet metal to build a fence on the deck and the shed out front. Our question is, is this up to code? If the variance is granted for the garage, will the buried tires be removed and a proper foundation be put into place? Will the Village Office oversee the work that has been done and make changes if the work is not up to code? Also, will the Village Office oversee the new structures being built?

Another concern is, is this going to cause a problem with parking too far onto the street and the alley way? There is limited parking now out front of the property. As well, will the extension to the garage cause any problems with the back alley use, since most neighbors use it?

My husband and I are not against the neighbors upgrading their home providing the upgrades are up to code. Also, we do not have a problem with the variance of the garage and front if this is not going to cause a problem with accessibility to the road and alley for the rest of the neighborhood.

Date: 2 January 2017 at 20:31

Hello Village of Cumberland Council And APC

I am writing this letter today in support of the variance application of Brett Ferdinandi and Paulina Maj at 2613 Dunsmuir Rd

I have been friends with Brett and Paulina since July 2012 and lived beside them at 2617 Dunsmuir rd from July 2013- July 2015.

In all this time of friendship and being neighbors I have not had a dispute with them regarding their building project or anything personal.

The shed on left side of property and the fence were never an issue for parking or visibility.

I have appreciated their vision for a well built, green and sustainable house, home and garden.

Thank you all for your time and energy in considering the variances applied for.

Sent: Saturday, December 31, 2016 9:41 AM

I live on camp road here in Cumberland.

I've been watching this house project unfold during the last several years that I've lived here. At no point could I see why this project has been stopped. No part of it seems to pose any danger or problems for anyone in the community.

The owners of the home, Brett and Paulina, have gone far out of their way to try and accommodate their neighbours during this renovation.

I have had a few interactions with the complaining neighbours at XXXX Dunsmuir Ave who verbally threatened and swore at me for walking through the back alley. They don't seem right in the head.

So far it's been amazing to see what has been done to renovate this old house. I look forward to seeing it finished and agree to all the variances that are being asked for.

Sent: Tuesday, January 03, 2017 4:05 PM

Having lived in various areas of Cumberland since moving here in 2011, Camp Rd. remains one of my favorite. I had been travelling Canada relentlessly before moving here when I found this village and valley so vibrantly full of creative individuals like - Brett and Paulina - dedicated to worthwhile projects. I stopped travelling and stayed here to work and learn precisely because of the presence of projects like the eco-house. Working with Sew Sisters Artist Guild, Cumberland Village Works and various perma/agriculture sites around the valley has demonstrated to me the commitment that the folks of this valley give to getting things done with excellence and beauty, taking pride in improving their community.

I have had the honour and pleasure to have worked on many stages of Brett & Paulina's house and yard over the past few years. The planning, organizing and extensive forethought that has gone into this creative and forward-thinking endeavour has taught me so much. I don't think there are very many similar projects like it in the Valley; but there *should* be considering what we're facing as a planet. Brett is committed to sustainability, safety, community development, long term design and aesthetic I think all the variances they are asking for are completely reasonable and need to be granted so the final stages of this beautiful project can be finished.

I also want to say that I have witnessed with regularity the bizarre treatment (bordering on) mistreatment Brett and Paulina have received from the neighbours at XXXX who, I have been told, are the ones doing the complaining to the village. I do not know their names; attempts at introductions have been flatly ignored. I have had to wear headphones while working to block out the way they yell at their barking dog(s). They have seemed to me to be unstable, slightly anti-social, people who yell and swear at adults, children and animals. To be honest, these are 2 juxtaposed examples - side by side - of what I don't want to see in my community, and what I wish received more support.

I'd be happy to discuss my experience and opinions regarding this matter at further length, but for now wanted to simply make my opinion public: that these variances should be approved. I can be reached at

January 5, 2017

3788-001

Via email: brettferdinandi@gmail.com

Brett and Paulina Ferdinandi
2613 Dunsmuir Avenue
Cumberland, BC
V0R 1S0

Attn: Brett Ferdinandi

**Re: 2613 Dunsmuir Avenue
Cumberland, BC**

Dear Brett:

This letter will confirm that Herold Engineering Limited has been retained by you and Paulina since November 15, 2015 to provide consulting structural engineering services for your renovations / additions to your residence at the above address.

You have both been very good to work with and always accept our recommendations on structural issues on the house that need to be completed to maintain the structural integrity of the structure.

Herold Engineering will be continuing on with the structural engineering design and inspections on your house and will be issuing Letters of Assurance of structural design at the completion of the work.

Yours truly,

HEROLD ENGINEERING LIMITED



Mike Herold, P.Eng., Struct.Eng., M.I. Struct. E., LEED AP

Principal

Sent: Tuesday, January 03, 2017 10:28 AM

Hello, my name is _____, I live at _____ from 2613 Dunsmuir avenue.

I'd like to share my opinion on the request for a development variance permit.

I am disappointed that this process has dragged on for so many years, and I would like to see it concluded as quickly as possible. I am in support of the amazing house that Brett is building and the attention to detail that he has shown so far.

In terms of the variance requests, I personally have no problems supporting them with the caveat that the neighbors directly affected also find them acceptable.

I believe that our village is a strong community, and that we all have a responsibility to follow process and find common ground with our fellow neighbours. Having said that I am also aware of the long standing conflict that Brett and Paulina are involved in with some neighbours. It is my belief that in this case it is the village's responsibility to mediate and find mutually acceptable resolution to both parties.

Most importantly, I would like to see a quick resolution that leads to the timely completion of this project, as this has been in limbo for years.

I will be attending the council meeting and am looking for clear, strong leadership from council and staff to resolve this matter justly considering all affected.

Sent: Wednesday, January 18, 2017 11:20 AM

To: Adriana Proton

Subject: Invitation for Village Rep. to Join 100 Year Anniversary Committee

Hi Adriana,

Please find attached a letter of invitation for a member of Council, or Village staff to join the *Ginger Goodwin – 100 Year Anniversary Committee*. Our Board Chair, Brian Charlton, has been in discussion with Mayor Baird around the invite.

Thank you so much. Let me know if you have any questions.

Anna.

Anna Rambow
Outreach Coordinator
Cumberland Museum & Archives
www.cumberlandmuseum.ca
250-336-2445





January 18, 2016

Dear Cumberland Council;

2018 marks the hundred year anniversary of the death of Albert 'Ginger' Goodwin. A '*Ginger Goodwin - 100 Year Anniversary Committee*' has been formed under the Cumberland Museum and Archives to move forward with the planning of special events and commemoration around this important year.

The committee would like to extend an invitation for a member of Council, or Village of Cumberland staff to join the committee.

Meetings will take place approximately once a month starting in the fall of 2017, and ending in July of 2018. There may be preliminary meetings before the fall as we apply for funding. With the understanding that committee members may not be able to attend all meetings, minutes will be regularly circulated.

We look forward to connecting further.

Sincerely,

Anna Rambow

Outreach Coordinator

On behalf of the *Ginger Goodwin - 100 Year Anniversary Committee*
Cumberland Museum and Archives

Box 258 - 2680 Dunsmuir Ave. Cumberland BC, V0R 1S0
www.cumberlandmuseum.ca - 250-336-2445

600 Comox Road, Courtenay, BC V9N 3P6
 Tel: 250-334-6000 Fax: 250-334-4358
 Toll free: 1-800-331-6007
 www.comoxvalleyrd.ca



File: 6410-20 / five year review

March 2, 2017

Sent via email only: jwalker@cumberland.ca

Village of Cumberland
 PO Box 340
 Cumberland BC V0R 1S0

Attention: Judith Walker, Senior Planner

Dear Ms. Walker:

Re: Local Government Act requirement to consider five year review of a regional growth strategy

The Comox Valley Regional District (CVRD) is required to provide an opportunity for input to its citizens, affected local governments, First Nations, School District 71 and senior government agencies on the need for a five year review of its regional growth strategy (RGS). This is a legal requirement of the *Local Government Act* (RSBC, 2015, c. 1), part 13, section 452, that requires a regional district with an approved RGS to consider whether the RGS must be reviewed for possible amendment at least once every five years. As the CVRD adopted Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”, in March 2011, the consideration of a five year review is now required.

Please provide any written input by March 31, 2017. The CVRD board will consider all written input submitted by that date.

In addition to receiving any written comments, the CVRD will be hosting an open house to provide the community and those agencies affected by the RGS with an opportunity to refresh themselves on the goals, objectives and policies of the regional growth strategy in order that they may effectively provide input to the board on its consideration of a review. I encourage you to attend that open house, if interested. You will also be provided with an opportunity to provide your written feedback at that time.

The RGS open house will be held in the CVRD boardroom, 550B Comox Road, Courtenay, BC on March 16, 2017, from 3:00 to 7:00 pm.

I also encourage you to check the CVRD RGS website at: <http://www.comoxvalleyrd.ca/rgs>.

Thank you, and please feel free to contact Ann MacDonald at 250-334-6077 or by email to amacdonad@comoxvalleyrd.ca with any questions, concerns or comments regarding this matter.

Sincerely,

A. Mullaly

Alana Mullaly, MCIP, RPP

Acting General Manager of Planning and Development Services Branch

cc: Debra Oakman, chief administrative officer
Sundance Topham, chief administrative officer, Village of Cumberland

COUNCIL REPORT



REPORT DATE: March 7, 2017
MEETING DATE: March 13, 2017

TO: Mayor and Councillors
FROM: Kevin McPhedran, Parks and Outdoor Recreation Coordinator
SUBJECT: Cumberland Lake Park: Boat Size Restrictions and Regulations

RECOMMENDATION

- i) THAT Council receive the *Cumberland Lake Park: Boat Size Restrictions and Regulations* report for information.
- ii) THAT Council provide direction on whether or not to proceed with further investigations into Vessel Operation Restriction Regulations for Comox Lake.

SUMMARY

In late 2015 Council directed staff to research options for implementing size restrictions for vessels using the Cumberland Lake Park boat launch on Comox Lake and to review regulations on the “flushing out” of boat motors. This report summarizes the available options and processes required to implement changes to boating regulations on Comox Lake.

BACKGROUND

Presented to Council in fall 2015, the *Cumberland Lake Park Contractor Annual Report* brought forth concerns related to boaters using the park boat launch to flush out boat motors and to the size of boats using the launch. The following is an excerpt from the report:

CLWS (Cumberland Lake Wilderness Society) would also like clarification from the Village regarding policy surrounding the flushing out of boats in the CV's drinking source that have been in contact with saltwater. There were many launch users this season who stated that they were merely launching in order to clean the saltwater out their boats/motors and CLWS is not aware of the appropriate policy regarding this issue.

CLWS would also recommend that the Village Council consider adopting either a boat size restriction for boats on the lake and/or a horsepower restriction for motors as a means of creating policy around the noise pollution on the lake as well as the level of usage on the launch ramp. There were many boats being launched on the lake this summer that were of a size suited for ocean boating and the additional noise created from craft of this size, not only engine noise but also noise created from music, had a direct impact on the experience of park users, campers, and non-motorized boaters on the lake.

The 2014 Cumberland Lake Park Master Plan addresses “noise created by motorized watersports” as an issue identified by the community. The removal of motorized rentals (boats, jet skis, etc.) was a recommended action item in the plan and was a policy implemented in 2015. The issue of vehicle parking limitations in the park – exasperated by the large amount of space required to accommodate boat trailer parking – is also a major challenge for park operators. Reducing the number of boats using the boat launch – and therefore the amount of required trailer parking – would also help to alleviate this issue.

CVRD Comox Lake Watershed Protection Plan

Adopted in April of 2016, the CVRD’s Comox Lake Watershed Protection Plan provides information on the level of risk of motorized vessels in the lake, in addition to recommendations to mitigate against the hazards created by this activity. Overall, the risk of “boating and fishing in Comox Lake, including use of boat launches and docks” is currently rated as a moderate risk in the Plan, with 23 other *Hazardous Event/Source of Hazard* rated as higher risk events or sources of hazard (i.e. rated as “Very High” or “High”). In regards to the risk of boating and fishing in the lake, hazard mitigation recommendations in the plan include:

- Ensuring proper toilet facilities exist at access points to the lake.
- The Regional Emergency Management Plan should be expanded to include watershed emergencies, including adding secondary spill kits and emergency contact signage at the Cumberland Lake Park Boat Launch.
- Designated boat cleaning stations should be developed away from the lake to prevent the spread of invasive species.
- All motorized boats must be fueled at designated stations away from the lakeshore. Offenders and spills should be reported to the CVRD.
- The CVRD should ensure its Bylaw regulate the size/type of boat allowed on the lake (i.e. no houseboats). Bylaw enforcement is also required.
- Designated sani-dump facilities for bilge and holding tanks should be established outside the watershed; boat users and campers should be directed to these facilities.

The CVRD is currently working to implement the Watershed Protection Plan and while the Watershed Advisory Group has been consulted on many of the recommendations intended to mitigate higher risk events and sources of hazards, the recommendation to regulate the size/type of vessels on the lake has not been brought forward to the Group to date.

Staff have also conducted independent research into the available management options in regards to the concerned outlined by the park operator:

“Flushing Out” of Boats

As observed by the park operator, it is understood to be a frequent practice for boat operators from around the Comox Valley to launch ocean-going vessels at the park simply to “clean them out” in the freshwater of Comox Lake. Staff have made an enquiry with the BC Conservation Officer Service (COS) and no specific legislation exists that prohibits this activity. However, it is unlawful to introduce pollutants (i.e. bilge waters contaminated with fuels or other chemicals) or invasive species into the lake, something that may be occurring as a negative side effect of this practice. With limited resources and enforcement capacity, responding to this issue is a challenge

for the COS; however, they are aware of it. They have suggested that outreach and education by the boat launch operator may be the best available option in an effort to change boater behaviour. The Invasive Species Council of BC has a sign currently in place at the boat launch for their “Clean, Drain, Dry” program that aims to provide information to boaters to reduce the spread of aquatic invasive species.

Boat Size Restrictions

Transport Canada has jurisdiction over Vessel Operation Restriction Regulations (VORR) and any local government may submit a request to the federal government to restrict the use of boats on lakes in Canada, including introducing horsepower restrictions or speed limits. Prior to making such a request, Transport Canada requires the applicant to conduct a comprehensive consultation process that includes stakeholders affected by restrictions. Issues raised by Cumberland Lake Park users during the park master planning process and subsequently by the park operator relate to environmental concerns including pollution and introduction of invasive species; noise pollution from large vessels (including music); safety (including conflicts with non-motorized vessels); and behavioural issues related to alcohol consumption and boating.

When applying for restrictions, a number of different restrictions may be requested, including:

- prohibition of all motor boats on the lake;
- limit engine power; or
- impose speed limits.

Restrictions can apply at all times or be specific to certain times of the day, week or month; they can also apply to a particular type of vessel, and to only a certain part of the lake.

If Council chooses to further investigate Transport Canada VORR restrictions for Comox Lake, staff recommend that initial outreach is made to the Comox Valley Regional District Engineering Services Department. As the agency responsible for implementation of the Comox Lake Watershed Protection Plan – including overseeing the Watershed Advisory Group – investigation of VORRs for Comox Lake is most likely to be effective if done in collaboration with the CVRD. Furthermore, Transport Canada requires that any applicant conduct a thorough consultation process with local stakeholders, something that the CVRD may be better positioned to lead given drinking water protection and governance issues, and available resources.

Other Options

As an alternative to pursuing a VORR restriction, the Village could attempt to limit the size of vessels on Comox Lake by modifying boat launch infrastructure to discourage large vessels from using the launch. Such measures could include removing docks. However, given historical use patterns; past precedents and current expectations; recent dock improvements; accessibility and liability concerns; potential loss in boat launch related revenue; and the current practices of storing the fire boat on the existing dock, there are significant barriers to pursuing this strategy.

Another alternative may be to raise launch fees, thereby discouraging use of the boat launch. However, this would serve to penalize all users of the launch, not just the boaters that cause negative environmental and social impacts.

FINANCIAL IMPLICATIONS

There are no current Financial Implications of Council receiving this report and no funds have been requested by staff for further investigation of pursuit of VORR in the 2017 Parks Budget. However, if further investigations proceed, staff resources will be required to be allocated to this project.

STRATEGIC OBJECTIVE

Boat launch use, parking and behaviour issues generally align with the following objective in Council's 2016 Strategic Plan:

- Implement the Cumberland Lake Park Master Plan

CONCURRENCE

Leah Knutson, Manager of Recreation



ATTACHMENTS

None.

OPTIONS

1. THAT Council direct staff not to proceed with any further action on the pursuit of Vessel Operation Restriction Regulations.
2. THAT Council direct staff to proceed with further investigations into Vessel Operation Restriction Regulations for Comox Lake by making initial contact with CVRD Engineering Services staff and to report back to Council on the results of this outreach.
3. Any other action deemed appropriate by Council.

Respectfully submitted,



Kevin McPhedran

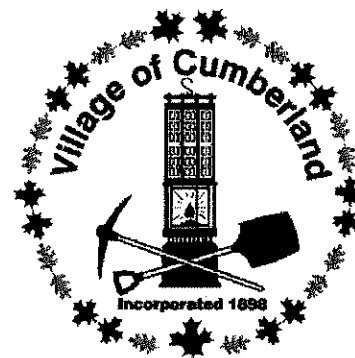
Parks and Outdoor Recreation Coordinator



Sundance Topham

Chief Administrative Officer

COUNCIL REPORT



REPORT DATE: March 6, 2017
MEETING DATE: March 13, 2017

TO: Mayor and Councillors
FROM: Kevin McPhedran, Parks and Outdoor Recreation Coordinator
SUBJECT: Village Park Skatepark and Jump Park Project: Construction Contracts Update

RECOMMENDATION

- i) THAT Council receive the *Village Park Skatepark and Jump Park: Construction Contracts Update* report;
- ii) THAT Council approve staff to enter into a contract with Radius Contracting Inc. for \$255,950.00 for the construction of the skatepark and surrounding landscaping.

SUMMARY

The Village issued an Invitation to Tender in late January for construction of the Village Park Skatepark. Radius Contracting Inc. was the sole contractor to bid on the project and their submission meets our requirements. Accordingly, staff recommend that Council approve awarding the skatepark construction contract to Radius, who plan to begin construction shortly thereafter. Meanwhile, a Request for Proposal for the Design-Build of the Jump Park was also issued at the same time and the Village received four proposals in response. A comprehensive evaluation process has been completed and Dream Wizards Events Ltd. has been selected as the preferred Jump Park proponent. Dream Wizards also plan to start construction later this month and with construction timelines of approximately nine to 11 weeks for each project, we expect both the skatepark and jump park to be completed by late spring or early summer 2017.

BACKGROUND

Over the past several years, the Village has worked with community partners on planning, design and fundraising for a skatepark (with the Cumberland Community Schools Society) and bicycle jump park (with the United Riders of Cumberland) in Village Park. In April 2016, Council endorsed the integration the two projects, and planning and design work proceeded accordingly. From May 2016 through February 2017 the project proceeded through the following phases:

- **Phase One: Conceptual Design Development.** This phase included:
 - Development of a conceptual skatepark design in consultation with the Cumberland Community Schools Society Skatepark Committee, which resulted in the design of a 5200 square foot skatepark with a bowl, mini-ramp, and street features.

- Geotechnical assessment of the skatepark site with information incorporated into site layout and detailed skatepark design work.
- Development of a conceptual jump park plans, including the preliminary layout of the jump trails and pump track. This phase included consultation with UROC, in addition to enabling the Village to partner with Edgett Excavating to import clean fill from the Dunsmuir Infrastructure project.
- **Phase Two: Community Engagement.** This phase included:
 - The development of renderings and presentation materials depicting the overall site layout and landscaping, skatepark details, and the orientation of the jump trails and pump track.
 - A well-attended public open house.
 - A community survey distributed online, via social media and in hard copy.
 - This process confirmed strong public support for park plans and designs.
- **Phase Three: Detailed Design.** This phase included the development of detailed construction drawings for the skatepark and surrounding landscaping. Throughout this phase, Edgett also completed the import of several thousand yards of clean fill for use in Jump Park construction, in addition to the installation of a storm water pipe to drain the skatepark area.
- **Phase Four: Tendering:**
 - For the skatepark, an Invitation to Tender was issued for the construction of the park using construction drawings developed in Phase Three.
 - For the Jump Park, a Request for Proposal for the Design-Build of the Jump Park was issued using the conceptual plans developed throughout the previous phases to define the scope of work of the contract.

Skatepark Contract Award

The Village received one bid in response to the Invitation to Tender for skatepark construction. The bid – from Radius Contracting Inc. for \$255,950.00 – met or exceeded all of the Village’s tender requirements. Radius Contracting is a Comox based company with a good reputation in the industry and have constructed numerous skateparks throughout BC and the rest of Canada. They also met our Social Procurement Policy requirements, including proposing to host a skatepark workshop for local youth to learn about the skatepark construction process. As the Village has budget available to proceed to construction (more details below), and the value of the budget exceeds \$200,000, staff recommend that Council provide approval to award the contract to Radius Contracting. The scope of work for this contract includes site preparation and installation of drainage systems; construction of the concrete skatepark and entrance pathway; landscaping and tree planting; irrigation; and installation of other site amenities such as benches, waste receptacles, and graveled pathways. This tender price also includes the tinting of concrete (dark grey in colour) to enhance the visual appeal of the park. The approximate construction timeline is 11 weeks and Radius plans to begin construction immediately, meaning the estimated completion date is about late May or early June.

Jump Park Proposal Evaluation

The Village received four proposals from the following companies in response to the Jump Park Design-Build Request for Proposal:

- Dream Wizards Events Ltd.
- Great West Tree Services Inc.
- Hoots Ltd.
- Rhythm Bike Parks Ltd.

The scope of work for this contract includes the in-field design, grading and shaping of four jump trails (beginner through to expert in difficulty), a pump track, and children's "run bike trail"; access pathways; drainage and irrigation systems; and the installation of other site amenities such as benches and garbage receptacles.

Proposal evaluations were completed by the Parks and Outdoor Recreation Coordinator and Manager of Recreation using a scoring matrix that evaluated the proponents qualifications and experience; price; construction timelines; and social procurement. Experience, qualifications, and prices varied significantly between the proposals; however, the Village shortlisted the proposals from Rhythm Bike Parks and Dream Wizards for more in depth evaluation. Following interviews and further assessment of additional materials submitted by both proponents, the Village has selected Dream Wizards Events Ltd. as the preferred proponent with in the intention to proceed to contract award. As the total value of this contract is less than \$200,000 and funding for the project is already in place, Council does not need to authorize the contract.

Dream Wizards is a Squamish-based trail building company that has significant experience building trails, jumps, and pump tracks for both public and professional riders in BC and internationally. They have assembled a strong team (including a landscape architect and semi-professional riders), have demonstrated a strong understanding of the project and commitment to complete it to a high standard, and are experienced in working with government agencies on public lands. Additionally, their quoted price of \$69,900 was the lowest of the four proposals and best fits within project budget constraints. Staff have also consulted with the UROC Board throughout the evaluation process and have received their support for this decision. Dream Wizards has indicated that they would also like to start construction as soon as possible; with a construction timeline of about 10 weeks, an April 1 start would result in the completion of construction in early to mid-June.

FINANCIAL IMPLICATIONS

The 2016 Village Parks Capital Budget (carried forward to 2017) includes sufficient funds to award the contracts for both skatepark construction (contract value of \$255,950.00) and jump park design-build (contract value of \$69,900.00). Meanwhile, funding is also in place to cover additional costs such as contract administration and inspection fees, and Village retained capital cost responsibilities (e.g. signage). Once all known project costs are accounted for, a contingency of approximately 8% of the construction budget remains. To cover any unforeseen construction costs, staff suggest a construction contingency of 10%, which would require an additional approximately \$6,000 in funding. Our community partners continue to fundraise for the project – including applying for grants and seeking out in-kind material donations – and we expect that these efforts will enable us to reach or exceed the 10% construction contingency target. However, in the unlikely circumstance that additional funds are ultimately required, staff have identified the Parks Development Cost Charges (DCCs) funding source as available for use. As of the end of 2016, the balance of this account was \$196,414.00. Should this funding source be required for this project, staff will come back to Council with a budget amendment to request using these Parks DCCs.

STRATEGIC OBJECTIVE

The Skatepark and Jump Park project aligns with the following objective in Council's draft 2017 Strategic Plan:

- Implement the Village Park Master Plan

CONCURRENCE

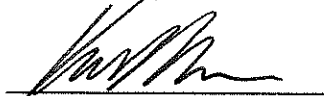
Leah Knutson, Manager of Recreation



OPTIONS


1. THAT Council approve staff to enter into a contract with Radius Contracting Inc. for \$255,950.00 for the construction of the skatepark and surrounding landscaping.
2. Any other action deemed appropriate by Council.

Respectfully submitted,



Kevin McPhedran

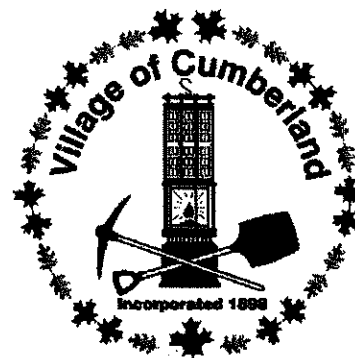
Parks and Outdoor Recreation Coordinator



Sundance Topham

Chief Administrative Officer

COUNCIL REPORT



REPORT DATE: March 9, 2017
MEETING DATE: March 13, 2017

TO: Mayor and Council
FROM: Rob Crisfield, Manager of Operations
SUBJECT: 2017 Infrastructure Projects Update

RECOMMENDATION

- i. THAT Council receive the 2017 Infrastructure Projects Update Report.
- ii. THAT Council defer the following capital projects to 2018:
 - a. \$499,500 from the Egremont Road and Storm (Phase 3)
 - b. \$429,445 from the Lane South of Maryport Utility renewal project
 - c. \$190,720 from the Lane South of Ulverston Sanitary/Storm project;
- iii. AND THAT Council use the infrastructure asset renewal reserve funds allocated for the deferred projects in 2017 as follows:
 - a. THAT Council contribute \$189,915 towards the Dunsmuir Project
 - b. THAT Council contribute \$589,855 towards the Cumberland/Bevan Road project in order to proceed with the project based on the lowest tender amount of \$2,698,046
- iv. AND THAT Council approve award of the Cumberland/Bevan Road project to Wacor Holdings Limited for a bid price of \$2,698,046.

SUMMARY

Recently the tender for the Cumberland/Bevan project closed and three bids were received. The lowest bid price is approximately the same value as the current budget and the Village will need to add contingency and engineering costs to this total in order to move the project forward. There are also some cost overruns with the Dunsmuir project that will need to be funded.

The challenge is finding additional funding to cover these extra costs along with all the other proposed projects for 2017. Staff are recommending deferral of three capital projects that were slated for construction in 2017 to 2018, in order to provide the additional funding towards these two major projects.

BACKGROUND

Leading up to the release of the tender for the Cumberland/Bevan project, staff were struggling with estimated project costs due to some challenges in dealing with drainage and in relation to the expanded scope of work that will be required through the wetlands area of Cumberland Road.

Now that we have bid prices to compare with the engineered estimates we will require additional funds to fully complete the project, in addition to funds that Council added in 2016. Bid pricing confirms that the project costs including contingency, communications, and engineering will be \$3,195,600. A significant portion of this is attributable to the additional soil stabilization required on the wetland crossing west of Union Road. Just earthworks aside from the road costs are pegged at around \$400,000. Subtracting this amount from the \$3,195,600 figure above brings us in line with what we were expecting for project costs last year at \$2.7 million.

Of course, we are still waiting to hear if the Village was successful in its BikeBC Grant application. If we are successful, potential funds of up to \$150,000 from this grant would be used to offset the costs of the paved bike lanes attached to the outside of both the east and west bound lanes. Currently the 2017 budget is using other reserve funds for the bike lane costs.

The consultant has reviewed the tender for this project and they are recommending award to Wacor.

The Dunsmuir Project has seen a number of challenges presented due to unknown factors related to the age of the infrastructure in this old section of town. Service records were not reliable and required the contractor to spend considerably more time searching for services. The amount of actual pipe removal increased significantly again due to poor records and conflict with new infrastructure installation. In addition, contaminated soil, corduroy roads, extra roadwork and paving, and gas main relocation in the lanes, was not anticipated and has added significant costs. Finally, the longer duration of the project due to an extremely wet fall has added costs in relation to engineering and inspection.

Some of these costs were known early in the project, but they are just being finalized now, as a number of the overages were the subject to negotiations between the contractor and the Village. These extra costs have added up to an additional \$189,915.

The good news is the Village will have renewed some significant larger older infrastructure and servicing in the heart of downtown that is now reliable, with increased capacity.

Staff has completed a review of our proposed 2017 capital budgets and are recommending that three projects be deferred by one year in order to fund the extra costs for the two project above. This would create a total of \$898,615 in infrastructure asset renewal reserve funds for 2017 to put towards both projects above. Not all of these funds are required and a more detailed explanation of the proposed apportionment is explained under financial implications below.

The three projects that staff are recommending for deferral are:

- a. \$499,500 from the Egremont Road and Storm (Phase 3)
- b. \$429,445 from the Lane South of Maryport Utility renewal project
- c. \$190,720 from the Lane South of Ulverston Sanitary/Storm project;

These projects can be deferred until 2018 without significantly altering long-term asset renewal, and although the deferral of these projects will affect the projects for future years, staff will continue to review them on an annual basis with an emphasis on ensuring the higher priority

works take place first. For 2017 the finalization of the Dunsmuir Project and the Cumberland/Bevan project are the higher priority.

Further to this, if Council agrees to the recommended approach to cover these costs, Staff is recommending that we proceed with award for the Cumberland/Bevan Road Project for a total bid price of \$2,698,046 to Wacor Holdings Limited. The bids have been reviewed by the consultant and they are recommending award to Wacor Holdings Ltd, who are \$261,846 lower than the next closest bid. All three bidders submitted a separate package for community benefits as part of or social procurement policy. All three submissions were reviewed by staff prior to the bid opening and all three met the terms required under the policy.

FINANCIAL IMPLICATIONS

Based on extra costs required for both the Cumberland/Bevan Project and the Dunsmuir Project, as described above, additional funding of \$779,770 would be required.

By not completing the Egremont, Lane South of Maryport, and Lane South of Ulverston projects, and deferring these projects until 2018, \$898,615 in funding from the infrastructure asset renewal reserve has been made available for 2017 projects.

The additional budget requirements for the Cumberland/Bevan and Dunsmuir projects for 2017 used most of the infrastructure asset renewal funds that were freed up by deferring the three projects originally slated for 2017. By proposing to use the infrastructure renewal reserve funds for Cumberland/Bevan Road and Dunsmuir Ave projects host amenity funds are available to be reallocated to other 2017 budget requests. Council will have the opportunity to review these budget requests with all the 2017 budget requests at the March 16, 2017 budget Committee of the Whole meeting.

The following is a summary of how the 2017 budget requirements for the Cumberland/Bevan Road and Dunsmuir Ave project funding allocations are being proposed:

	Building Canada Grant	Infrastructure Asset Renewal Reserve	General Developer Amenity Funds	Downtown Enhancement Amenity Funds	DCCs
Dunsmuir Ave	\$32,870	\$151,385	\$56,740	\$25,000	\$115,505

	Comox Valley Regional District Host Agreement	Infrastructure Asset Renewal Reserve	Accumulated Surplus (to be paid back by Host Amenity Funds)	Host Amenity Funds	Mini Storage Amenity Funds	DCCs
Cumberland/Bevan Road	\$1,562,150	\$644,855	\$561,950	\$170,000	\$13,050	\$243,595

STRATEGIC OBJECTIVE

The Dunsmuir and Bevan/Cumberland Road projects relate directly to the Draft 2017 Corporate Strategic Priorities of

- Establish an adequate and high quality source of water for the current and future residents of the Village

- Develop an environmentally sustainable method of treating the liquid waste that is produced by the Village
- Revitalize the historic Village commercial core
- Promote active transportation

ATTACHMENTS

None

CONCURRENCE

Michelle Mason, Financial Officer



OPTIONS

1. Defer the expenditure of the following projects to 2018:
 - a. \$499,500 from the Egremont Road and Storm (Phase 3)
 - b. \$429,445 from the Lane South of Maryport Utility renewal project
 - c. \$190,720 from the Lane South of Ulverston Sanitary/Storm project;
2. Use the infrastructure asset renewal reserve funds allocated for the deferred projects in 2017 as follows:
 - a. THAT Council contribute \$189,915 towards the Dunsmuir Project
 - b. THAT Council contribute \$589,855 towards the Cumberland/Bevan Road project in order to proceed with the project based on the lowest tender amount of \$2,698,046
3. Approve award of the Cumberland/Bevan Road project to Wacor Holdings Limited for a bid price of \$2,698,046.
4. Any other action deemed appropriate by Council.

Respectfully submitted,



Rob Crisfield
Manager of Operations
Village of Cumberland



Sundance Topham
Chief Administrative Officer

COUNCIL REPORT



REPORT DATE: March 7, 2017
MEETING DATE: March 13, 2017

TO: Mayor and Councillors
FROM: Sundance Topham, Chief Administrative Officer
SUBJECT: Shaw Go WiFi on Municipal Properties – Update Report

RECOMMENDATION

- i. THAT Council receive the Shaw Go WiFi on municipal properties – Update Report.
- ii. THAT Council enter into the attached *Facilities Attachment License Agreement* with Shaw Cablesystems Limited and authorize the Mayor and Chief Administrative Officer to execute the agreement.

SUMMARY

Shaw Cablesystems Limited (Shaw) provides free Shaw Go WiFi access to Shaw customers. They provide this service in numerous public and private locations across Western Canada. The Village has the opportunity to partner with Shaw to have Shaw Go WiFi utilized at a number of Village of Cumberland owned locations/facilities. In order to have this service take place the Village will need to enter into an agreement with Shaw.

A proposed agreement was brought to Council on February 14, 2017, but Council had concerns in relation to the agreement, and asked for staff to investigate changes to the agreement. The new proposed agreement is presented for Council consideration.

BACKGROUND

Shaw Go WiFi provides free internet connection to Shaw customers. The service currently has over 80,000 hot spots across Western Canada. Shaw has approached the Village of Cumberland in regards to the possibility of working together to provide enhanced Shaw Go WiFi coverage within municipally owned locations and facilities, including outside spaces and commonly used public spaces (such as the Recreation Centre, CRI, Village Park and Lake Park).

In order for the Village to take advantage of this offer, the municipality is required to enter into a *Facilities Attachment License Agreement* with Shaw. A proposed agreement was brought to Council at the February 14, 2017 Regular Council meeting, and at that time Council expressed concerns in relation to the term of the agreement and the abandonment clause contained within the contract.

Staff passed these concerns on to Shaw, and amendments were made to the contract as follows:

- Term – The term of the proposed agreement has amended language as follows:
 - **Term:** The term of this Agreement shall commence on **April 1, 2017** and shall continue for a period of **five (5)** years and shall auto renew for successive five (5) year periods (collectively, the “Term”) unless a party to this Agreement notifies the other party one (1) year prior to the expiry of such ~~renewal~~ term. Either party may terminate this Agreement if the other party breaches any of its material obligations hereunder and fails to remedy or commence actions to remedy such breach within thirty (30) days of receipt of notice from the non-breaching party.
- Abandonment – The abandonment clause has amended language as follows:
 - **Abandonment:** Shaw may abandon its use of part or all of the Facilities at any time during the Term ***in the case of disaster, or where there has been damage at the Facility, or any other causes reasonably beyond Shaw’s control.*** Shaw may remove any Work it abandons that is installed on Facilities.

The other items in the agreement remain the same as presented to Council on February 14, 2017. Highlights of the agreement are as follows:

- There is no cost to the municipality except for the electrical costs associated with powering any shaw wifi equipment.
- The agreement is non-exclusive. Meaning that if another internet provider wanted to offer free wifi within the Village and utilize Village facilities, there would be nothing precluding the municipality from offering more than one free internet service.
- Prior to working on any facilities Shaw will obtain the Village’s consent.
- Indemnity clauses and insurance coverage on Shaw’s behalf are included in the agreement.
- If the Village needs to relocate shaw equipment the Village needs to provide 90 days notice.

In terms of the actual locations that would be serviced by Shaw, this is subject to a number of items, including a desktop analysis of potential locations, an on-site visit to ensure the site locations would work, and finally, Village of Cumberland approval of any potential locations.

In initial conversations with Shaw the Cultural Centre, Museum and Recreation Centre were identified as potential inside locations, along with the CRI Parking Lot, Village Square, Village Park, Dog Park and Lake Park Campground Day Use Area as outside spaces.

FINANCIAL IMPLICATIONS

The only additional cost to the Village would be the increased electrical costs associated with powering the Shaw equipment, which would be negligible.

STRATEGIC OBJECTIVE

None

ATTACHMENTS

1. Schedule A – Facilities Attachment License Agreement

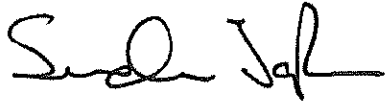
CONCURRENCE

Michelle Mason, Financial Officer

**OPTIONS**

1. Receive the Shaw Go WiFi on municipal properties report.
2. Enter into the attached Facilities Attachment License Agreement with Shaw.
3. Any other action deemed appropriate by Council.

Respectfully submitted,



Sundance Topham
Chief Administrative Officer

FACILITIES ATTACHMENT LICENSE AGREEMENT

This Facilities Attachment License Agreement (this “**Agreement**”) between The Village of Cumberland (the “**Village**”) and Shaw Cablesystems Limited (“**Shaw**”) outlines the terms agreed to by the parties regarding the granting of access to and use by Shaw of certain Village facilities for the purpose of the provision of Shaw’s Wi-Fi services.

In consideration of the mutual agreements and promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, Shaw and the Village agree as follows:

1. Grant: The Village hereby consents and grants Shaw a non-exclusive right and license to access and attach in, on or to the Village’s facilities, including, but not limited to, attaching to, on or within traffic lights, cross walk poles, aerial structures, vehicle and/or public transportation corridors, lands and/or civic buildings owned by or under the direction, control and management of the Village (collectively, “**Facilities**”), to install, operate and maintain certain telecommunication devices, cable and related equipment (the “**Work**”) used for the purpose of transmission, emission or reception of signs, signals, writings, images, sounds or intelligence of any nature related to Shaw’s Wi-Fi services (the “**Purpose**”).

2. Term: The term of this Agreement shall commence on April 1, 2017 and shall continue for a period of five (5) years and shall auto renew for successive five (5) year periods (collectively, the “**Term**”) unless a party to this Agreement notifies the other party one (1) year prior to the expiry of such term. Either party may terminate this Agreement if the other party breaches any of its material obligations hereunder and fails to remedy or commence actions to remedy such breach within thirty (30) days of receipt of notice from the non-breaching party.

3. Work on the Facilities: Prior to any Work Shaw shall obtain the Village’s consent for such Work at a particular Facility. Upon Shaw obtaining such consent, Shaw agrees that all Work shall: (a) be carried out in a good, workmanlike and timely manner; (b) not unduly interfere with the Facilities; (c) comply with all applicable construction and safety codes; and (d) be responsible for all of its costs for its Work. Upon completion of the Work Shaw shall restore and repair any damage caused by the Work to the Facilities to the condition in which it existed prior to the Work.

4. No Interference: The Village shall not alter, remove or access Shaw’s Work without Shaw’s prior written approval nor shall the Village install or permit third parties to make installations of any equipment on or in the Facilities that causes interference with the Work without Shaw’s prior written consent. The Village agrees that upon receipt of notice by Shaw of such interference it shall immediately make or cause to be made such adjustments to such equipment to eliminate the interference. Shaw shall not alter, remove or access any Village property or third party property located on Facilities without the Village’s prior written approval. For the purpose of clarity, neither party is responsible for any interference caused by radio waves or other technologies used by any person at the Facilities where the Work is located.

5. Indemnity: Each party (an “**Indemnifying Party**”) shall indemnify and save harmless the other party (the “**Indemnified Party**”) from and against all actions, causes of action, proceedings, claims and demands brought against the Indemnified Party, for all losses, costs, or expenses incurred by the Indemnified Party, for damage to property, including property of the Indemnified Party or any third party, and for injury to persons incurred by the Indemnified Party, including its employees, servants, agents, and licensees or any third party, caused by, or attributable to, the negligence or willful act or omission of the Indemnifying Party or any of its

employees, servants or agents as a result of this Agreement. Neither the Village nor Shaw shall be liable for indirect or consequential losses or damages, or for damages for pure economic loss, howsoever caused or contributed to, in connection with this Agreement or with any of Shaw's Work.

6. Insurance: Shaw shall maintain general liability insurance to protect from claims for damages, personal injury, including death, and for claims from property damages which may arise from the Work. Such insurance limits shall not be less than five million dollars (\$5,000,000.00) for each occurrence and shall add the Village as an additional insured.

7. Abandonment: Shaw may abandon its use of part or all of the Facilities at any time during the Term in the case of disaster, or where there has been damage at the Facility, or any other causes reasonably beyond Shaw's control. Shaw may remove any Work it abandons that is installed on Facilities.

8. Relocation: If at any time during the Term, the Village is required to relocate a particular Facility that has Work attached to it, the Village shall provide Shaw with no less than ninety (90) calendar days notice. Shaw shall at its cost remove the Work from the affected Facility immediately upon the expiry of the notice period. If Shaw fails to remove such Work, the Village may remove the Work and the reasonable costs incurred by the Village shall be payable by Shaw. If the affected Facility is moved to a new location Shaw shall be permitted to relocate its Work to the Facility at the new location; or in the alternative if such relocation is not feasible or if the new location is not in the immediate area of the original site, the Village will reasonably assist Shaw in finding a suitable alternative location for such Work.

9. In consideration of the grant herein by the Village to Shaw, Shaw hereby agrees to offer the general public complimentary guest access to use the Shaw Go WiFi services. Such general public use will be subject to Shaw's Guest Access terms and policies and will be limited to use at each Facility where Shaw has installed and is operating attachment points.

10. Ownership: The Village acknowledges that notwithstanding any rule of law or equity to the contrary, all Work installed by Shaw will remain the property of Shaw even though it is attached to the Facilities.

11. Governing Law: This Agreement will be governed by and construed under the laws of the Province of _____. The parties agree to submit any dispute regarding this Agreement to the exclusive jurisdiction of a competent court located within the Province of _____.

12. Binding Agreement: The parties agree that this Agreement and the agreements and understandings set out herein will be binding upon and enforceable against the parties.

ACCEPTED AND AGREED:

SHAW CABLESYSTEMS LIMITED

[_____]

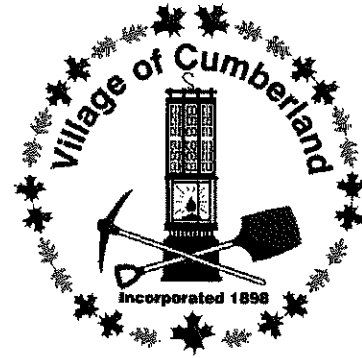
By:

By:

Name/Title:

Name/Title:

COUNCIL REPORT



REPORT DATE: March 7, 2017
MEETING DATE: March 13, 2017

TO: Mayor and Councilors
FROM: Leah Knutson, Manager of Recreation
SUBJECT: February 2017 Recreation Department Report

RECOMMENDATION

That Council receive the February 2017 Recreation Department Report for information.

Administration

- Worked on the 2017 Parks and Recreation Department budgets.
- Assisted the Outdoor Recreation Coordinator on the Skate Park Tender and Jump Park RFP processes.
- Met with the OAP regarding the lease agreement conditions. Some clarification was needed regarding programs offered in the OAP hall.
- Was out of the office on vacation.

Facilities

- The snow guards on the Recreation Centre were damaged this month during the heavy snowfall – the repairs are scheduled to happen in early March. Snow guards prevent accumulated snow from sliding off the steep metal roof onto pedestrians on the sidewalk.
- Received quotes for improving accessibility in the CRI hall washrooms for the Rick Hansen Foundation Grant application, which is due March 31, 2017.

Programs and Events

- Current Event bookings in queue: Quilters Show, Victoria Day Celebrations, Atmosphere 17 and BCBR

See attached Memorandum from the Recreation Coordinator.

Parks

- Current park use permits in the queue: Snow to Surf, CV Kickers practices and games, Summer Wedding(s), BCBR and The Cumby 50, Comox Valley Baseball League Games, MOMAR, Victoria Day Weekend Celebrations

See attached Memorandum from the Outdoor Recreation Coordinator.

FINANCIAL IMPLICATIONS

None

STRATEGIC OBJECTIVE

None

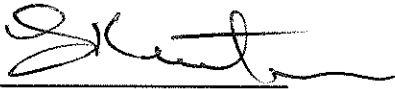
ATTACHMENTS

None

OPTIONS

1. Receive this report for information.
2. Any other action deemed appropriate by Council.

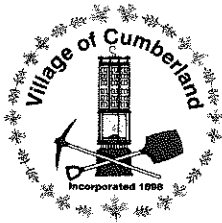
Respectfully submitted,



Leah Knutson
Manager of Recreation



Sundance Topham
Chief Administrative Officer



Corporation of the Village of Cumberland

Memorandum

DATE: March 6, 2017
TO: Leah Knutson, Manager of Recreation
FROM: Samantha Purin, Recreation Coordinator
SUBJECT: February 2017 Recreation Programming Report

BACKGROUND

This report provides a synopsis of the major ongoing projects and tasks relating to municipal recreation programming in Cumberland.

Programs

- Friday, February 10th – Italian Cooking class (Gnocchi & Sauces, \$30) held in the Cumberland Recreation Kitchen was a sold out success with one on the wait list. Most of the clients are rebooking into future classes.
- Family Climb held on Saturday, February 11th, had 4 families take advantage of the special family pricing of \$15 plus individual climbers.
- Dad's Night Out held on Wednesday, February 22nd, offered fathers/male caregivers a free night to enjoy with their little ones on our climbing wall with complimentary healthy snacks, sponsored by Success By 6 and Lush Valley and Cumberland Recreation. We had a total of 61 attend with 36 children and 25 adults attend this wonderful event.
- Drop In Cards & Games held on Wednesday mornings from 10:00 – 12 pm located in the OAP Hall continues to prove to be a need within the community. We are averaging an attendance of 10 people each week (geared towards seniors for \$1.50 drop in) Volunteers from Cumberland 50 Plus H.U.B. Society are helping to facilitate this. Unfortunately we have had to cancel one session due to the OAP Committee cancelling due to a private booking.
- The Table Tennis Tournament held on February 25th in the Cultural Centre and the OAP Hall was another busy event with record breaking registrations (over 50). This successful fundraiser raised over \$1100.00 for their club, to be used to put towards the purchase of the new table tennis tables used by both the Junior and Adult Table Tennis League.

Community Feedback

- Due to one of the earlier snowstorms, we experienced a power outage on Thursday, February 9th causing the Recreation Centre to close down in the afternoon and for the remainder of the day, obviously causing class cancellations. We also had to cancel different classes through the month due to both extreme weather conditions, and the icy conditions of the Cultural Centre parking lot. Keeping our customers safe (especially the seniors attending the early morning classes) was our priority.

- We have been receiving community feedback expressing concern over the janitorial challenges to keep our facilities and equipment clean – we are working to improve this through increasing more mats to clear debris off footwear, posting signs regarding indoor shoes and being diligent on cleaning during slow periods of the day.
- Cumberland Empire Events Society “Washoe Tournament” on Friday, February 24th was a great success. This community event brought a lot of interest with the generous cash prizes and created an increased awareness to both this unique game and to the Cumberland Empire Events Society itself.
- We have received many positive comments from parents from the different fitness programs that include both the parents & children. The families appreciate the night together to work out. We have also received comments on how the children love the programs so much that they make their parents come to the fitness classes even if the parents are tired!

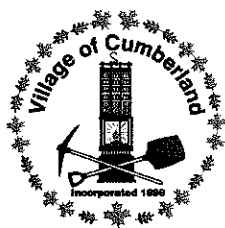
Upcoming Events

- Monday, March 6 - Registrations go live for Spring Programs (April, May & June)
- Saturday, March 11 – Family Climb (\$15 for the family), held at the Cumberland Recreation Climbing Wall
- Sunday, March 12 – Paint, Sip & Eat class held at the Cumberland Hotel
- Spring Break has many different camps offered including Spring Break Art Camp, Hand-In-Hand Nature Preschool Spring Break Program, and the Cumberland Lake Wilderness Society has 3 different camps including the very popular “Spring Break Wilderness Adventure Camp” (Sold Out with waitlist) as well as Archery & Dragon Boat Camps.
- Wednesday, March 29 – Dad’s Night Out, held at Cumberland Recreation Climbing Wall

Respectfully submitted,



Samantha Purin
Recreation Coordinator



Corporation of the Village of Cumberland

Memorandum

DATE: March 8, 2017
TO: Leah Knutson, Manager of Recreation
FROM: Kevin McPhedran, Parks and Outdoor Recreation Coordinator
SUBJECT: February 2017 Parks and Outdoor Recreation Report

BACKGROUND

This report provides a synopsis of ongoing projects and tasks relating to parks and trails in Cumberland.

1. Skatepark and Jump Park: February was a busy month for the project as we worked through two competitive processes – an Invitation to Tender for skatepark construction and a Request for Proposal for the jump park design build - to acquire contractors for park development. We are now in a position to award these construction contracts; more information on this project can be found in a separate report on this agenda.
2. Cumberland Community Forest Park Acquisitions – Covenant Development: staff met with representatives of the CCFS and Comox Valley Land Trust to discuss the exclusion of the gravel pit and the future water infrastructure development area from the park conservation covenant.
3. Village Park Family Area Improvements: staff presented the landscape and accessibility improvements designs to the Village Accessibility Committee and received positive feedback. We are now working to finalize the construction drawings; if time permits we would like to complete this project this spring, otherwise construction will proceed in the fall.
4. Interpretive Trail Kiosk Project: staff continue to work with UROC, TimberWest, Hancock and the CVRD on an interpretive kiosk project including collaborating with the CVRD on a watershed protection panel. Sign development is ongoing and the goal is to have the kiosk built and signs installed this spring.
5. Cumberland Lake Park: preparations are ongoing for the 2017 operating season and Cumberland Lake Wilderness Society has begun accepting reservations for the campground (scheduled to open mid-April).
6. Cumberland Lake Park – capital projects: coordination of capital projects as per 2016 Parks Budget carry-forwards.
7. Invasive Species: staff attended a Regional Workshop hosted by the Coastal Invasive Species Committee on prioritizing target species and coordination among land managers.

8. Trails: ongoing trail coordination and management tasks relating to signage, education, and outreach. UROC was successful with their application to the province's Rural Dividend Fund and have acquired \$45,000 in funding to support trail network signage, a project that will have positive implications on visitor experience and risk management. As part of this project, new trailhead signage (trail name and difficulty ratings) will be installed on trails in the Cumberland Community Forest this year.
9. Coal Creek Historic Park:
 - a. Chinatown Walking Tour Signage Project: sign installation continues to be on hold due to ongoing weather delays; however, once the snow melts the signs will be installed. Staff are also working with the museum and the park advisory committee on an unveiling ceremony and have tentatively set a date in early May for this event – more information will be shared as it becomes available.
 - b. Disc Golf Course: a draft stewardship agreement has been prepared and submitted to the Comox Valley Disc Golf Club for review, after which a report will be brought forward to Council.

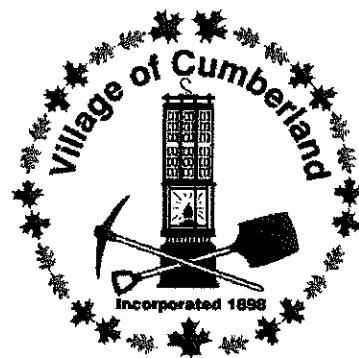
Respectfully submitted,



Kevin McPhedran

Parks and Outdoor Recreation Coordinator

COUNCIL REPORT



REPORT DATE: March 8, 2017
MEETING DATE: March 13, 2017

TO: Mayor and Councilors
FROM: Mike Williamson, Fire Chief / Manager of Protective Services
SUBJECT: Protective Services Report February 2017

RECOMMENDATION

THAT Council receive the February 2017 Protective Services Report.

SUMMARY

Incidents for February - 34 responses

Response Type	Jan
Fire	5
Rescue	0
First Responder	14
Motor Vehicle Incident	8
Duty Officer	7
Total Monthly	34
Total 2017	61

BACKGROUND

February was another busy month; we responded to 34 total calls. I think the prolonged winter has something to do with the increase in the volume of calls as most of the fire responses have not been serious or damaging in nature, but we have assisted BC Ambulance Service on 14 first responder calls, a few of them serious, which is an increase. We also had 8 Motor Vehicle Incident responses. Duty officer calls also increased, but were mostly minor things such as residents calling that Smoke Alarms or Carbon Monoxide Alarms were going off. There seems to be an increase in residents asking for help from the Fire Department; it is good that residents are having us check that things are safe. There were five fire calls, all of them minor incidents

and one natural gas leak. We had one interesting fire on Rydal. A lit lantern landed in a backyard on a Trampoline causing it to catch fire and destroying it. The lantern was commercially purchased, but it was not caused by the Lantern Festival event that was held in Cumberland.

Training

Myself and two other officers attended a Justice Institute of BC training event in Campbell River. The Justice Institute of BC has rolled out new training procedures for all departments; so again, we will have a learning curve going forward. Thankfully, most of our members have already completed their certification. However, we still have nine members switching to the new system and the officers courses will also switch to the new system. Some members do not like the change in the training, but I feel this move is a good change for the department in the long run. It will simplify procedures, but again, it will take some time to get everyone on this new track. The new system includes online testing and then practical training at the Fire Hall, which means a lot of work for our volunteers. This part does concerns us, as it is getting very difficult to recruit members in smaller and larger communities. We were lucky to get a new recruit from Parksville Fire who moved here to the valley and has six years of experience. He is halfway through the Justice Institute of BC training program which he will finish here with us and hopefully be with us long term; these people do not come along often and it is a pleasure to have him. At this time, we have good complement of trained personnel - 25 certified firefighters and 5 certified officers. This is great improvement over the last five years.

The last few months we have been working on new Fire Engine requirements and looking at what we need to service Cumberland for the next 20 years. There are so many options and combinations available to us. The new fire hall concept is coming along well. I think we have put together a well thought out future Fire Hall that we will be proud of and that will service Cumberland for the next 60 years. We have put a lot of time and thought into this using our members and other departments' ideas and mistake. It been very exciting time for all of us in the department to have this opportunity to work on these projects.

We always need to look for more recruits, which is always a struggle and an ongoing challenge of the department. I hope that the new Fire hall will help with recruiting new members. We are working on some final concept plans and costing to bring forward.

Membership

Regular Members	23
Junior Members:	1
Probationary Members:	6
Pending Applications:	2
Total	31

STRATEGIC OBJECTIVE

None

ATTACHMENTS

None

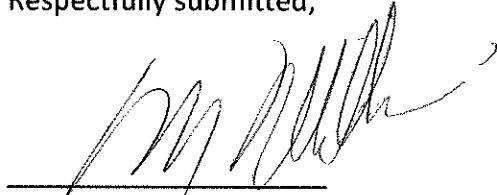
CONCURRENCE

None

OPTIONS

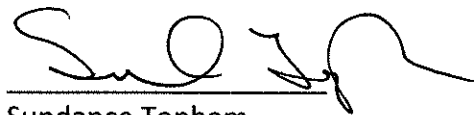
1. THAT Council receive the February 2017 Protective Services Report.
2. Any other action deemed appropriate by Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mike Williamson', written over a horizontal line.

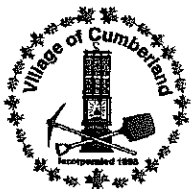
Mike Williamson

Fire Chief/ Manager of Protective Services

A handwritten signature in black ink, appearing to read 'Sundance Topham', written over a horizontal line.

Sundance Topham

Chief Administrative Officer



The Corporation of the Village of Cumberland

Bylaw Enforcement Report

Date: March 6, 2017
To: Mike Williamson, Manager of Protective Services
From: James Abrams, Bylaw Enforcement Officer
Re: February 2017 Bylaw Enforcement Summary Report

Please find below a summary of complaints and issues handled in January 2017 by Village Bylaw Enforcement.

Animal Control

There have been several Dog attack / aggressive reports in the Village as the weather is warming up and more people are out. In all cases, the offending dogs were off leash. There have been a slight increase in Dog at Large complaints in the past month. Many I suspect are coming from the same dog which has not been seen by myself or ascertained where it resides at.

The number of dog licenses sold in the Village have remained fairly constant with an average of 342 licenses sold each year. This would indicate that approximately for every ten residents that there is a single dog. This number is actually proportionately higher than what was found in a small survey I conducted on a Bylaw Officer web page where I found on average "municipalities" had 14.7 residents per licensed dog.

There are American surveys that show that 36.5 – 47% of households own a dog. With those stated numbers we should have an estimate of 511 to 658 dogs residing in Cumberland based on 1400 houses in the Village and based on that each house has only one dog. The actual number of houses in Cumberland is just under 1400 and many houses have multiple dogs, therefore I believe the real number of dogs is most likely on the higher end if not completely higher than calculated previously.

According to TrendCT (trendct.org/) the number of dogs being licensed is slowly decreasing nationally. I believe that the Village of Cumberland is about to start that trend as the article states that the younger populations are less apt to register their dogs and Cumberland with new developments and other factors will be reducing its median age most likely.

Traffic/Parking

Long time uninsured/stored vehicles continue to be moved onto and parked or abandoned on Village roads. Work is ongoing to have them removed.

Illegal parking and poor parking habits continue to be a challenge. As I am able to patrol the Village more I suspect this will slowly improve.

Preliminary works have been ongoing to start implementing various sections of the new Streets and Traffic Bylaw.

Noise

There was no new noise complaints received by the Village. The only files being worked on were from previous months.

Garbage

Village residents are encouraged to be vigilant with their garbage as there are still a couple of bears that do roam Cumberland from time-to-time. As the weather starts to warm up more and more bears will be appearing looking for easy food sources such as garbage as there is little natural food available.

Zoning

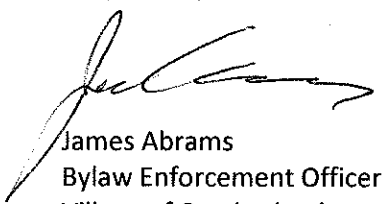
The only zoning files that the Village worked on were files continuing from previous months

Miscellaneous

The Village has received several complaints about snow clearing on the Sidewalks. The Village often makes an effort to clear sidewalks in the core area where it can; however, the Village is reminding people that *The Village of Cumberland Prevention of Public Nuisance Bylaw No 870, 2007* section 7 (C) states that the "owners or occupiers of a property which has a sidewalk on it are responsible for clearing snow and ice off the sidewalk"

I'm happy to announce that the Village was successful in obtaining funding for a WildSafeBC Community Coordinator position. Although provincial funding is confirmed, we are still waiting for a signed contract. Other partnerships are being pursued to help support this opportunity and the job posting (which is done by WildSafe BC, as it's their employee) is set to be put out on March 21st. Council will be updated with more information as it becomes available.

Respectfully submitted,



James Abrams
Bylaw Enforcement Officer
Village of Cumberland

COUNCIL REPORT



REPORT DATE: March 7, 2017
MEETING DATE: March 13, 2017

TO: Mayor and Council
FROM: Rob Crisfield, Manager of Operations
SUBJECT: February 2017 – Operations Department Report

RECOMMENDATION

THAT Council receive the February 2017 – Operations Department Report for information.

SUMMARY

February 2017 – Operations Department Report

BACKGROUND

Staff Report on Recent Activities undertaken by the Planning Department, Public Works Department and by the Manager of Operations.

Manager of Operations Activities

Water System Improvements

While we wait for an announcement on our Clean Water and Wastewater Fund (CWWF) grant application, staff continues to work with the engineering consultant on next steps with the implementation plan that include detailed design and construction of the twinning of the supply line between the valve chamber and the chlorination building, and the continued monitoring of UVT levels in both water sources from Allen Lake and Henderson Lake. Staff are currently reviewing 50% design drawings for the twinning portion of these works. Should we received positive news on the grant, the Village would need to commence detailed design for the new reservoir and treatment building with construction to start on these two items in the fall.

Dunsmuir Avenue I&I Project

Work is now substantially complete with some paving to yet to take place once the asphalt plant is open. We are now waiting on the weather to complete a substantial completion inspection and identify deficiencies that will be corrected by the contractor. Trees will also be planted once we get into spring and have our Trails & Parks Gardener in place for the year. Staff are currently attempting to complete a report required by the province once we reached the 75% of the grant claim. There have been some significant extra costs incurred on this project due to a number of reasons, and a report summarizing these details and

how these costs are proposed to be covered will be presented to Council at the March 13 Council meeting.

Cumberland & Bevan Roads Design Work

The tender for this project was issued and three bids were received. Staff is working through the details and will provide a report to Council for their recommendation on award.

Lake Park Concession Renovation

Continue to work with 19 Wing on a fall start to this project. Staff are also working on set up of the concession for summer time operation including the addition of some equipment that will ultimately be used in the new facility once it's completed.

Mandatory Dam Safety Review

All DSR reports are now finalized and will be filed with the Dam Safety Branch in Nanaimo. Within the report, there are several items that will need to be addressed in the next two to three years and have been included in the budget process for consideration. Staff will now review the draft Emergency plans and O&M plans for the dams, which was included in the scope of work for the DSR review, and required by the Dam Safety Branch.

No. 2 Dam Design

Staff have received and in the process of reviewing a proposal for the conceptual and preliminary design work required for rebuilding the No. 2 Dam along with Henderson Dam, and including diversion of water in a manner that does not affect the water quality at the Henderson Lake intake.

Liquid Waste Management

Work continues on moving forward with the design of the wastewater treatment plant, while waiting for an announcement on the grant application and TetraTech will now be completing some early engineering work and preparing Request for Proposal packages.

Other Work

- 2017 Budgets – continue to review budgets in preparation for the budget meeting scheduled for March 16th.
- Public Works Foreman – Staff is pleased to have this position now filled. The new Public Works Foreman is Gavin Murgatroyd who received accolades from references and others who know him. Gavin brings experience and knowledge with him that should prove to be an asset to our community.
- Building Inspection saw another retirement and staff are working on finding a replacement for Glen Grieve, who provided excellent service to the Village during his tenure with us.

FINANCIAL IMPLICATIONS

None

STRATEGIC OBJECTIVE

None

ATTACHMENTS

1. Planning Report for February 2017
2. Public Works Report for February 2017

CONCURRENCE

None

OPTIONS

1. Receive this report for information.
2. Any other action deemed appropriate by Council.

Respectfully submitted,



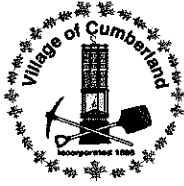
Rob Crisfield

Manager of Operations



Sundance Topham

Chief Administrative Officer



Corporation of the Village of Cumberland

Memorandum

DATE: February 28, 2017
TO: Rob Crisfield, Manager of Operations
FROM: Judith Walker, Senior Planner
SUBJECT: Planning Report for February 2017

OCP/ZONING AMENDMENTS	
2016-01-RZ 4681 Cumberland Road	Rezoning application for the purpose of subdivision. To Council for consideration of 1 st & 2 nd reading of zoning amendment bylaw March 13, 2017.
TEMPORARY USE PERMITS	
1.	2017-01-TUP 3274 Third Street: Application received for a Medical Marijuana Dispensary Temporary Use Permit. On February 14 th , Council referred to APC (March 7, 2017).
2.	2017-02-TUP 2718 Dunsmuir Avenue: Application received for a Medical Marijuana Dispensary Temporary Use Permit. On February 14 th , Council referred to APC (March 7, 2017).
3.	2017-03-TUP 2698 Dunsmuir Avenue: Application received for a Medical Marijuana Dispensary Temporary Use Permit. On February 14 th , Council referred to APC (March 7, 2017).
4.	2017-04-TUP 2744 Dunsmuir Avenue: Application received for a Medical Marijuana Dispensary Temporary Use Permit. On February 14 th , Council referred to APC (March 7, 2017).
5.	2017-05-TUP 2744 Dunsmuir Avenue: Application received to allow for a light industrial Temporary Use Permit. The application is incomplete.
DEVELOPMENT PERMITS	
1.	2013-01-DP 4640 Cumberland Road (Edwards): Outstanding Issues: finishing the fence on the west side. The neighbour's drainage is directed over his property line, he needs to contact them to redirect it where it's supposed to go. (into a municipal storm sewer, a ditch or rockpit)
2.	2014-03-DP Coal Valley Estates Phases 5a&6: Subdivision building out. Issue with rear swale on Phase 5a Lots 1-12, working on it. First deadline January 31, 2017. Staff working on issue.
3.	2015-02-DP Carlisle Lane Phase 2: DP granted on April 27, 2015 for Phase 2 of the PDA at Carlisle Lane for 17 lots. Conditions have been met, Permit issued. Outstanding Issues: Holding security to replace missing trees in park in Spring 2017
4.	2015-03-DP Coal Valley Estates (blasting & fill): Outstanding Issues from DP conditions: •'pre-clearing' nest survey shall be conducted for endangered species, and •Stormwater Management Plan updated to specifically analyze the effects of the proposed blasting.
5.	2016-01-DP 4616 Cumberland Road: Application received to replace existing building with prefab steel building. Council granted Permit. Awaiting the following conditions to be met before issuing.: c) Building shall be wrapped or painted; f) Appropriate lighting; l) Sheltered and secure bicycle parking; n) Building shall be electric plug in ready

DEVELOPMENT PERMITS (cont'd)	
6.	2017-01-DP 3699 Bevan Road: Application received for an Industrial and Environmental Protection Development Permit for a new leachate treatment facility. To Council March 27 th , 2017
7.	2017-02-DP 2728 Derwent Avenue: Application received for a Residential Infill Development Permit for a new Accessory Dwelling Unit. To APC March 7, 2017. To Council March 27 th , 2017.
8.	2017-03-DP 2799 Derwent Street: Application received for a Residential Infill Development Permit for a new Accessory Dwelling Unit. To APC March 7, 2017. To Council March 27 th , 2017
9.	2017-04-DP CVE Phases 7 & 8: Application received Feb 3. Staff review begins
HERITAGE ALTERATION PERMITS	
1.	2015-01-HAP 2692 Dunsmuir Avenue (Waverley): Sent a letter regarding outstanding issues. Outstanding Issues from HAP: Lighting spillage; No enclosed garbage and recycling area; Parking lot: No pavers, no lines, no HC, no electric hookup; No rooftop screening of mechanical equipment. Letter rec'd as part of the MMD TUP application advising the delay in finishing was due to the recent inclement weather and that the outstanding items will be finished as soon as possible.
2.	2016-01-HAP Hinterland: Application received on June 22, 2016. Awaiting consolidation to issue permit.
3.	2016-02-HAP Riders Pizza: Application received on May 13, 2016. Council granted Permit on June 27 2016. Awaiting conditions to be met before issuing: Statutory-Right-of-Way (SRW) along the rear lane.
4.	2016-03-HAP 2781 Dunsmuir Avenue: Application received September 9, 2016. Heritage Commission considered application on October 17, 2016. Applicant was in to talk about some minor changes to the plan, will proceed with neighbourhood meeting
5.	2016-04-HAP First Credit Union: Application received October 14, 2016 to make changes to the front door and to add a door. Council granted on December 12, 2016.
DEVELOPMENT VARIANCE PERMITS	
1.	2016-04-DV 2613 Dunsmuir Avenue: Application received to vary setbacks, height, and lot coverage for an existing single family dwelling and proposed accessory building. Council considered on February 27 th , application returning to Council on March 13 th .
SIDEWALK CAFÉ PERMITS (approved by Manager of Operations)	
	None yet

SUBDIVISION		
1.	Carlisle Lane Phase 2: 16 lots Design Stage Approval granted August 2, 2016. Final Approval granted	Maintenance Period Ends June 19, 2018
2.	Trilogy – Initial Subdivision 11 lots PLR issued February 4, 2016. Extension granted.	PLR expires February 3, 2018
3.	Coal Valley Estates Phase 6: 27 Lots PLR granted. Design Stage Approval (DSA) granted. Construction underway.	PLR expires on February 28, 2017
4.	2639 Penrith Avenue: 4 lots DSA granted August 2, 2016. Final Approval granted.	Maintenance Period Ends January 22, 2018
5.	3376 Mill Street: 2 lots PLR granted. DSA granted. Final Approval granted.	Maintenance Period Ends January 22, 2018
6.	Maple Street: 12 lots Additional information has been requested for PLR	Application expires on September 30, 2017
7.	Coal Valley Estates – Phase 7 (34 lots) Carpe per diem. Staff review begins.	Application received February 3, 2017
8.	Coal Valley Estates – Phase 8 (22 lots) Carpe per diem. Staff review begins.	Application received February 3, 2017

BUILDING PERMITS

Provided advice/information on-Building/Plumbing Permits, prepared and kept forms and statistics, and processed Building/Plumbing Permit applications for review by Building Inspector.

New for Feb	2017	New Residential	Residential Reno & Additions	Residential Accessory (new or reno)	Industrial, Commercial, or Institutional	Demolition
	Building	4	1	0	0	0
	Plumbing	1	1	0	0	0

BUSINESS LICENSING:

Provided advice/information on business licenses, prepared and kept forms and statistics, and processed applications for review by CAO.

New for Feb	Non-Resident Business	<ul style="list-style-type: none"> No new ones issued in February
	Home Occupation	
	Resident Business	
	InterCommunity	

OTHER

1. Provided verbal and written responses to enquiries regarding OCP and Zoning bylaw interpretation and potential land use and development proposals. Meet with public to confirm conformity of land use with Village bylaws.
2. Trees on public property: dealing with public's concerns for potential hazardous trees; coordinating arborist reports, pruning/removal, liaison with adjacent owners.

BYLAWS IN PROCESS		
1.	Pesticide Use Control Bylaw No. ___, 2016 <i>Repeals Bylaw 838</i>	For public lands: what pesticides are included, and its use for invasive plants. Meeting in early 2017 with CVRD regarding provincial regulation updates.
PROJECTS		
1.	TreeCanada/BC Hydro Grant 2016: TreeCanada Grant for 2016 has been approved for tree purchase in 2017.	
2.	Heritage Management Plan: Heritage Management Plan complete and posted on website. Heritage Commission developed work plan for 2017 and approved by Council. Saito house report to Council early in 2017.	
3.	Museum Landscape Design: Renovated landscape included in museum application for Canada 150 grant application.	
PROJECTS		
4.	Dunsmuir Street Trees: Locations for 7 replacement trees have been selected. Planting will occur in appropriate conditions.	
5.	Japanese-Canadian Historic Places Recognition Project: Nominations for No. 1 Japanese townsite and Japanese Cemetery submitted September 7, 2016.	
6.	Cumberland Road Entrance Landscape: Development of landscape plan & cost estimate for Local Service Area in process, including landscape island at Cumberland and Union Roads.	
7.	Egremont Park Master Plan: Development of the master plan in-house. Tree assessment completed. Trails recorded by GPS in February 2017.	
COMMISSIONS & COMMITTEES		
1.	Heritage Commission: Next meeting Monday April 3, 2017 at 5:45pm.	
2.	Advisory Planning Commission: Next meeting Tuesday April 4, 2017 at 11am	
3.	Homelessness and Affordable Housing Select Committee: Next meeting on Wednesday March 15 th , 2017 9am.	
4.	Accessibility Select Committee: Next meeting Monday March 20, 2017 6:30pm.	

Respectfully submitted,



Judith Walker, Senior Planner

	New Residential		Residential Reno & Additions		Foundation / Relocated Homes		Residential Accessory (new or reno)		Industrial, Commercial, or Institutional		Demolition		Totals	
Year	# of Permits	Value of Construction	# of Permits	Value of Construction	# of Permits	Value of Construction	# of Permits	Value of Construction	# of Permits	Value of Construction	# of Permits	Value of Construction	# of Permits	Value of Construction
2017*	8	\$895,000	3	\$6,000	Discontinued category included as new residential or renovations		2	\$3,000	2	\$440,000	0	\$0	15	\$1,344,000
2016*	42	\$5,045,000	19	\$594,000			6	\$55,000	8	\$437,982	1	\$10,000	76	\$6,141,982
2015*	26	\$2,885,000	15	\$414,500			7	\$152,000	5	\$530,000	1	\$5,000	56	\$3,986,500
2014	28	\$5,335,305	14	\$404,200			5	\$118,300	7	\$902,000	1	\$10,000	55	\$6,769,805
2013	8	\$1,551,000	20	\$303,700			4	\$109,000	2	\$310,000	4	\$20,000	38	\$2,293,700
2012	10	\$2,104,000	18	\$286,580			3	\$122,000	6	\$873,000	0	\$0	37	\$3,385,580
2011	20	\$3,905,000	17	\$480,000			1	\$10,000	7	\$1,623,000	0	\$0	45	\$6,018,000
2010	29	\$5,260,000	27	\$754,340			3	\$63,000	6	\$3,408,300	0	\$0	65	\$9,485,640
2009	15	\$3,164,400	20	\$394,700			3	\$24,600	3	\$73,000	2	\$10,000	43	\$3,666,700
2008	69	\$11,932,080	18	\$365,220	22	\$1,154,000	7	\$105,640	2	\$101,000	0	\$0	118	\$13,657,940
2007	67	\$9,640,000	14	\$219,000	1	\$1,000	4	\$43,000	9	\$4,723,000	0	\$0	95	\$14,626,000
2006	60	\$7,177,625	18	\$315,500	2	\$38,000	5	\$24,920	5	\$1,045,000	0	\$0	90	\$8,601,045
2005	34	\$4,320,630	17	\$193,300	5	\$36,500	2	\$9,000	8	\$1,363,000	0	\$0	66	\$5,922,430
2004	13	\$1,508,675	6	\$87,000	1	\$4,500	5	\$28,000	2	\$2,103,675	0	\$0	27	\$3,731,850
2003	2	\$200,000	2	\$59,000	4	\$35,000	6	\$30,883	2	\$120,000	0	\$0	16	\$444,883
2002	5	\$470,000	18	\$362,500	2	\$30,000	3	\$9,600	5	\$59,000	0	\$0	33	\$931,100
2001	2	\$190,000	7	\$114,430	0	\$0	1	\$5,000	5	\$371,000	0	\$0	15	\$680,430
2000	No data		15	\$171,250	1	75,000	3	\$20,000	6	\$69,045	0	\$0	25	\$335,295
Totals	444	\$66,018,715	269	\$5,525,220	38	\$1,374,000	72	\$942,943	90	\$18,572,002	9	\$55,000	922	\$92,487,880

*The number of plumbing permits (no value is associated with them) are being included in the data to more accurately reflect the workload.



Corporation of the Village of Cumberland

Memorandum

DATE: March 3, 2017
TO: Rob Crisfield, Manager of Operations
FROM: Gavin Murgatroyd, Public Works Foreman
SUBJECT: Public Works– Monthly Report for the period ending 28/02/2017

Water

All water samples met the drinking water guidelines.
Two (2) water leaks at Lagoon; repairs made by VoC crew.
One (1) water leak at 3359 Westwood; repaid made by VoC crew.
Repairs completed at well site and was put back online on March 2nd .
Upgrades completed to emergency backup propane heating system at well site building.

Sewer & Storm:

Emergency spill valve opened on Feb 15th at Lagoon due to high water levels; valve closed on Feb 20th; MoE was notified of these operations .
Sewer main clean out repair performed at Camp Road.

Roads

Continued efforts for snow and ice control.
Patching and more patching.
Due to unusually harsh winter conditions the demand on salt/sand and snow/ice control operations has been higher than normal.
Grading completed at Ulverston Ave and Bevan Road.

Buildings:

Closet renovation for janitorial in Council Chambers kitchen has been completed.
Drywall repairs at Cultural Centre have started.

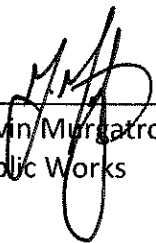
Parks

Vandalism to lights at ball park have been repaired.
Minor repairs completed to oil furnace at Centennial building.

Miscellaneous

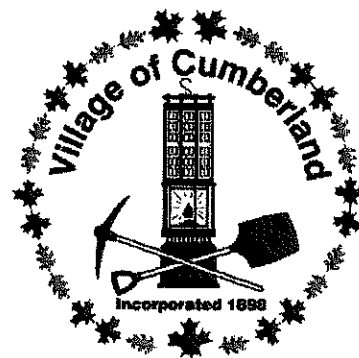
Lumber for the Lake Park picnic tables has arrived at Public Works Yard; construction of these tables is to start soon in anticipation of Lake Park opening in spring.

Streetlight on Coniston was damaged; Cobra was contracted to replace.
Public sand/sand bag station setup outside PW yard.



Gavin Murgatroyd
Public Works

COUNCIL REPORT



REPORT DATE: March 9, 2017
MEETING DATE: March 13, 2017

File No. 1880

TO: Mayor and Councillors
FROM: Michelle Mason, Financial Officer and
Adriana Proton, Deputy Corporate Officer
SUBJECT: February 2017 Finance and Administration Report

RECOMMENDATION

THAT Council receive the February 2017 Finance and Administration Report for information.

SUMMARY

In February, staff continued to provide financial and administrative support to all departments.

BACKGROUND

The following provides Council with details on the tasks over and above regular daily duties that were undertaken by the Finance and Administration department.

Financial Planning

- Financial planning process for the years 2017-2021 continued in February
- The budget workbook package and reserve continuity schedules for 2017-2021 were completed
- The draft proposals for the 2017-2021 Financial Plan has been reviewed at a management level based on strategic priorities, work plans and funding restrictions
- Work continued on the Council budget presentation package and will continue into March for the March 16, 2017 Committee of the Whole meeting where Council will review budgets

Year-end Audit

- The year-end work book that provides reconciliations for every balance sheet account as well as expenditure variances for the auditors was started in February and will into March
- The year-end audit will take place during the week of March 27, 2017
- Reconciliation of Cumberland Fire Protection District 2016 receivable reconciled and provided with an updated 2017-2021 budget to Comox Valley Regional District

Utility Billings and Property Taxes

- Fourth quarter 2016 utilities levies that were outstanding as of the end of the day on February 20, 2017 received a 10% penalty
- Frontage tax bylaws were adopted
- The parcel tax roll was updated for new properties and was advertised for inspection
- Notification of the establishment of the storm water frontage tax is expected to be mailed by March 10, 2017

Procurement

- *A Delegation of Financial Signing Authority Policy* was adopted
- Document completion is underway to formalize the signing authority of the Deputy Financial Officer
- Work began for auto signatures with the financial system and procedures

Human Resources

- In-house cross training to allow for leave coverage within the department continued
- Year-end payroll reconciliations, reporting and T4 preparation were completed in February
- Perfect Mind software webinars
- Climate Action Revenue Incentive Program (CARIP) SMART Tool webinar
- Canada Revenue Agency webinar (Salary overpayment and adjustments)
- Bargaining financial support and meetings
- The job sharing arrangement for the accounting clerk position ended in February

Customer Service

Staff responded to public enquiries about the following matters in January:

- Business license renewals
- Enquiries about business license letters
- Enquiries about tax arrears letters
- High volume of dog licenses
- Utility Bills due – busy at the counter

Information Technology

- Perfect Mind support and maintenance
- Diamond Financial System investigations and maintenance
- Staff support and coordination of support with IT provider
- Facilitated analog land lines contract with Shaw (formerly contracted from Telus)
- Reviewed existing internet contracts with Shaw and moved from monthly to 3-year term
- Purchased 5 licenses of Foxit Phantom pdf applications (read and write)
- Purchased 3 central processing unit (CPU) computers to replace older units

Grant Administration

- Submitted claim for Building Canada grant (Dunsmuir project)
- Final reports for the 2016 Community Grant program recipients were received and provided to Council

- Community grant applications were received

Communications

News posts at cumberland.ca:

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2017	15	14										
2016	14	13	22	26	37	24	17	21	20	25	23	11

Cemetery

- The natural burial monument design was presented to Council and approved

Rights of Interment (Licences)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2017	0	1										
2016	3	1	0	1	1	1	1	1	0	4	0	0

Interment Permits (lot open and close)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2017	0	1										
2016	1	1	0	0	2	2	1	1	2	2	0	1

Miscellaneous

- The Cumberland Lamplighters Old Age Pensioners' Society lease of Buchanan Hall was approved by Council
- Village Hall meeting took place
- Provided administrative support at a Homelessness and Affordable Housing committee meeting and work plan development
- 2016 year end records management and disposal is ongoing

FINANCIAL IMPLICATIONS

None

STRATEGIC OBJECTIVE

None

ATTACHMENTS

None

CONCURRENCE

None

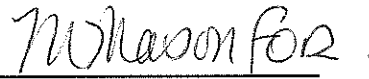
OPTIONS

1. Receive this report for information.
2. Any other action deemed appropriate by Council.

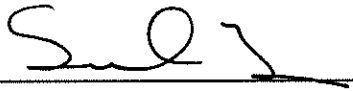
Respectfully submitted,



Michelle Mason
Financial Officer

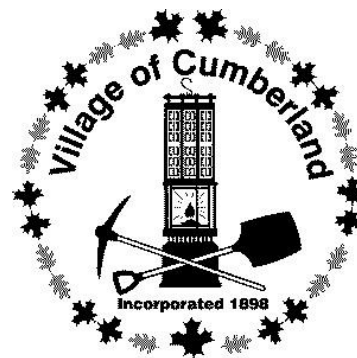


Adriana Proton
Deputy Corporate Officer



Sundance Topham
Chief Administrative Officer

COUNCIL REPORT



REPORT DATE: March 7, 2017

MEETING DATE: March 13, 2017

TO: Mayor and Councillors

FROM: Sundance Topham, Chief Administrative Officer

SUBJECT: February 2017 Chief Administrative Officer Report

RECOMMENDATION

THAT Council receive the February 2017 Chief Administrative Officer Report for information.

SUMMARY

The month of February included the continuation of a number of ongoing projects, including preparations for the Alternative Approval Processes for the water and sewer grant projects, ongoing budgeting work and the hiring for the new Public Works Foreman. I was also able to take part in some educational opportunities, including the Annual Chief Administrative Officer's Conference and a Local Government Law Seminar in Victoria.

BACKGROUND

The following is a synopsis of some of the items that I spent time working on in February:

Development Services

Approving Officer Duties:

Performed a number of Approving Officer related duties associated with ongoing subdivision applications in the Village.

Trilogy:

Met with Trilogy representatives in regards to their initial subdivision application. Trilogy has begun the work necessary to meet the initial subdivision requirements.

Water and Sewer Planning

Liquid Waste Planning:

Worked with the Deputy Corporate Officer and Financial Officer to create the information package and website that was used in the just completed Alternative Approval Process.

Participated in an all-day meeting with representatives from Tetra Tech Canada Inc. to review their proposed work plan for project management and engineering services for the proposed Village of Cumberland Waste Water Treatment Project.

Water Planning:

Worked with the Deputy Corporate Officer and Financial Officer to create the information package and website that was used in the just completed Alternative Approval Process.

Human Resources

Collective Bargaining:

Worked with the bargaining committee on the ongoing collective bargaining. Our Collective Agreement with CUPE Local 556 expired on December 31, 2016. Bargaining sessions for mid-January and early March were both cancelled due to illness. Rescheduled for late-March.

Public Works Foreman Retirement:

Worked with the Manager of Operations in the hiring process for the Public Works Foreman position.

Performance Reviews:

Conducted annual management performance reviews.

Miscellaneous

- Attended the Village Hall meeting on February 6, 2017.
- Attended the quarterly Comox Valley Emergency Program and Chief Administrative Officer's meeting.
- As an outcome of the ongoing budget process I'm investigating a change to the format of Council reports to include the addition of an "Administrative Implications" or "Organizational Impact" section to the reports. The purpose of the change will be to bring non-financial implications to Council's attention, such as the effect any recommendations have on service levels or to highlight how existing resources are able to respond to any proposed initiatives.

FINANCIAL IMPLICATIONS

None

STRATEGIC OBJECTIVE

None

ATTACHMENTS

None


CONCURRENCE

None

OPTIONS

1. Receive this report for information.
2. Any other action deemed appropriate by Council.

Respectfully submitted,



Sundance Topham
Chief Administrative Officer
Village of Cumberland

COUNCIL MEMBER REPORT



DATE: March 7, 2017

TO: Mayor and Councillors

FROM: Mayor Leslie Baird

SUBJECT: Councillor Report – February 2017

Date	Event	Comments
1 st	LGLA conference in Richmond. Keynote speaker James Hogan author of “I’m Right and You’re an Idiot: The Toxic State of Public Discourse and How to Clean it Up”.	Communications styles for constructive and effective communications Connecting-Bullying-Bad Behaviour. Business as Usual Leading-Speaking as a Leader Connecting-Collaborative Conversations; Shift Happens Policy Trumps Spin; Managing Public Expectations
16 th	Conference call with Trilogy and Sundance to discuss where they are in the initial subdivision process.	
18 th	Opening of the Heritage Faire welcome speech.	
25 th	Table Tennis Awards.	
27 th	Comox Valley Chamber lunch to discuss CTV proposal for advertising our downtown businesses.	
28 th	Comox Valley Cycling Coalition AGM with guest speaker MP Gord Johns.	
28 th	Retirement lunch for Glen Grieve.	

COUNCIL MEMBER REPORT



DATE: Mar 8, 2017
 TO: Mayor and Councillors
 FROM: Councillor Jesse Ketler
 SUBJECT: Monthly Report – February 2017

Date	Event	Discussion
Feb 6	Village Hall	Topics: Water/Sewer, Alternative Approval Process, Air Quality etc
Feb 6	Heritage Committee	Heritage List, Brochure
Feb 14	Regular Council Meeting	
Feb 15	Homelessness and Affordable Housing Committee	Work plan, BCNPHA conference, brochure
Feb 21	CVRD Meeting	Agriplex, Cumberland Ec Dev, Regional Growth Strategy etc.

COUNCIL MEMBER REPORT



DATE: March 1, 2017

TO: Mayor and Councillors

FROM: Councillor Roger Kishi

SUBJECT: Councillor Report- February 2017

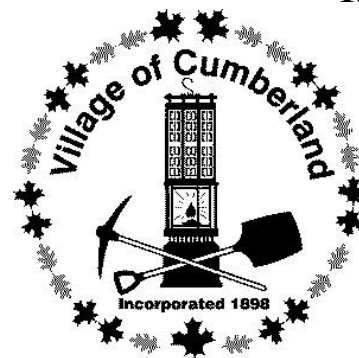
As well as regular Council business/ meetings, I attended the following:

Date	Event	Comments
Feb. 3	Quebec City Mosque vigil	St. Francis Church
Feb. 6	Village Hall	
Feb. 7	CV Sports Centre Commission	Fee increases & financial plan process
	CVRD Committee of the Whole	Proposed financial plan, CVEDS funding
Feb. 9	CVRD Special In- camera Board Meeting	teleconference
	CV Overdose Working Group	teleconference
Feb. 11	Lunarfest dinner	TECO Director- General Lee
Feb. 12	Lunarfest event	Native Sons Hall
Feb. 14	CV Missing & Murdered Indigenous Women Rally	Simms Park
Feb. 15	VoC Homeless & Affordable Housing Committee	Delegation
Feb. 16	Comox Strathcona Solid Waste Management	CVWMC update, waste management plan review, proposed financial plan
	St. Joseph's Hospital Finance Committee	Transition
	Comox Strathcona Regional Hospital District	NIHP update(s), IH deficit forecast reply

I was on vacation Feb. 18- Mar. 3, 2017.

I am also attending CV Homelessness Coalition meetings from work.

COUNCIL MEMBER REPORT



DATE: March 8, 2017

TO: Mayor and Councillors

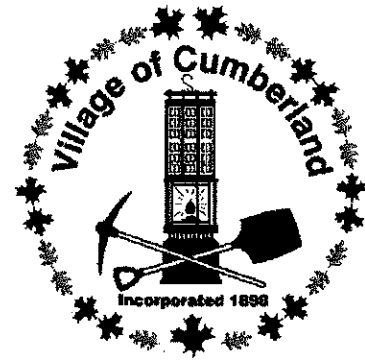
FROM: Councillor Gwyn Sproule

SUBJECT: Councillor Report – February 2017

I was away on vacation for most of February

Date	Event	Comments
28 th	CVRD Board Meeting	<ul style="list-style-type: none"> • Purchase of land for new Civic Centre/ RD offices and potential partners • Financial plan in Budget Binder on CVRD website • Frequent transit corridor and transit service expansion

COUNCIL REPORT



REPORT DATE: March 10, 2017

MEETING DATE: March 13, 2017

File No. 1760-20/4220-20

TO: Mayor and Councillors

FROM: Sundance Topham, Chief Administrative Officer

SUBJECT: Water Improvements Loan Authorization Bylaw No. 1048, 2017 and Water Improvements Temporary Borrowing Bylaw No. 1050, 2017

RECOMMENDATION

- i. THAT Council receive the "Water Improvements Loan Authorization Bylaw No. 1048, 2017 and Water Improvements Temporary Borrowing Bylaw No. 1050, 2017" report.
- ii. THAT Council adopt "The Corporation of the Village of Cumberland Water Improvements Loan Authorization Bylaw No. 1048, 2017",
- iii. THAT Council give first three readings to "The Corporation of the Village of Cumberland Water Improvements Temporary Borrowing Bylaw No. 1050, 2017".

SUMMARY

Council has received elector approval for Water Improvements Loan Authorization Bylaw No. 1048, 2017 and may consider adoption of the bylaw in anticipation of the project outlined in the bylaw. In addition, Council may consider first three readings of Water Improvements Temporary Borrowing Bylaw No. 1050, 2017 in anticipation of receiving required grant funding through the Clean Water and Wastewater Fund to undertake the project.

BACKGROUND

At the November 14, 2016 regular meeting of Council, Council resolved to proceed with an application to the Clean Water and Wastewater Fund for the Water Supply Capital Improvements Project for an amount up to \$6,010,000, and directed staff to proceed with an AAP for borrowing up to \$1,050,100 for the Village's share of the project.

Council has received elector approval through an alternate approval process to adopt Water Improvements Loan Authorization Bylaw No. 1048, 2017. This bylaw authorizes Council to borrow a total of \$1,050,100 in order to finance improvements to the Community Drinking Water System, called the Water Supply Capital Improvements Project and consisting of the construction of a reservoir, construction of a treatment plant, and twinning of the supply line.

Temporary Borrowing Bylaw

Upon adoption of Bylaw 1048, Council may consider first three readings of Water Improvements Temporary Borrowing Bylaw No. 1050, 2017, which permits Council to borrow funds in the short term to fund the project before staff proceed to apply to the Regional District for a long term borrowing certificate through the Municipal Finance Authority.

Next Steps

The elector approval of the alternate approval process to adopt Water Improvements Loan Authorization Bylaw No. 1048, 2017 means that the Village is able to move forward with adopting Water Improvements Loan Authorization Bylaw No. 1048, 2017.

The Village is still waiting on confirmation of the required grant funding through the Clean Water and Wastewater Fund for the other funds to undertake the project. Announcement of any grant funding is anticipated to take place in March. Once grant funding is approved staff will bring forward Water Improvements Temporary Borrowing Bylaw No. 1050, 2017 for adoption by Council.

Once Council adopts the Water Improvements Loan Authorization Bylaw No. 1048, 2017, staff must wait one month to give electors of the Village an opportunity to apply to set aside the bylaw. If an application to do so is not received, the Corporate Officer may apply to the Ministry of Community Sport and Cultural Development for a certificate of approval.

Once this certificate is received, the loan authorization borrowing process will be complete.

FINANCIAL IMPLICATIONS

If the AAP for Water Improvements Loan Authorization Bylaw No. 1048 receives the approval of the electors AND the grant application for the remainder of the funding is successful, then the Village of Cumberland will proceed with the Water Supply Capital Improvements Project.

The total project cost is estimated at \$6 038 400, and if successful, the grant funding would relieve borrowing and eventual parcel tax charges of approximately \$4 988 300. The Village proposes to pay back the \$1 050 100 of long-term debt mainly using parcel taxes. In the table below, parcel taxes are calculated equally per parcel.

Percentage of Capital Cost Funding Approved	20 Years at 4% Interest	30 Years at 4.5% Interest
100% of capital costs with 83% grant funding	\$ 74	\$ 63
Grant funding not approved	\$ 339	\$ 290

The new treatment plant will also have increased operating costs. These are estimated at \$70 per year for a residential customer using 168 cubic metres of water annually (the median water usage in the Village).

The following is a summary of the estimated yearly water utility costs for a residential customer with median water usage.

Residential per-unit costs for each option	Current proposal 30-year debt term	Current proposal 20-year debt term	No grant funding 30-year debt term	No grant funding 20-year debt term
New parcel tax	\$ 63	\$ 74	\$ 290	\$ 339
Future operations and maintenance costs	\$ 70	\$ 70	\$ 70	\$ 70
Water usage charges	\$ 268	\$ 268	\$ 268	\$ 268
Existing frontage tax	\$ 76	\$ 76	\$ 76	\$ 76
TOTAL	\$ 477	\$ 488	\$ 704	\$ 753

STRATEGIC OBJECTIVE

- Establishing an adequate and high quality source of water for the current and future residents of the Village

ATTACHMENTS

1. Elector Approval Certification for Water Improvement Loan Authorization Bylaw No. 1048, 2017
2. Water Improvement Loan Authorization Bylaw No. 1048, 2017
3. Water Improvements Temporary Borrowing Bylaw No. 1050, 2017

CONCURRENCE

Michelle Mason, Financial Officer

Rob Crisfield, Manager of Operations

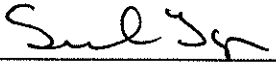


OPTIONS

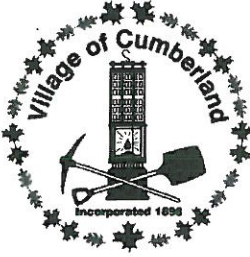
1. THAT Council adopt "The Corporation of the Village of Cumberland Water Improvements Loan Authorization Bylaw No. 1048, 2017".
2. THAT Council give first three readings to "The Corporation of the Village of Cumberland Water Improvements Temporary Borrowing Bylaw No. 1050, 2017".

3. Any other action deemed appropriate by Council.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sundance Topham", written over a horizontal line.

Sundance Topham
Chief Administrative Officer



Corporation of the Village of Cumberland

2673 Dunsmuir Avenue
P.O. Box 340
Cumberland, BC V0R 1S0
Telephone: 250-336-2291
Fax: 250-336-2321
cumberland.ca

File No. 4220-20
March 10, 2017

Elector Approval Certification

Water Improvements Loan Authorization Bylaw No. 1048, 2017

I certify that, on the basis of 0 elector responses forms received before the deadline of March 9, 2017 at 4:00 p.m., and where 337 elector responses are required to prevent the council from proceeding without the assent of the electors, electoral approval for *The Corporation of the Village of Cumberland Water Improvements Loan Authorization Bylaw No. 1048, 2017* has been obtained in accordance with section 86 of the BC Community Charter.

Sundance Topham
Corporate Officer

Date

THE CORPORATION OF THE VILLAGE OF CUMBERLAND**BYLAW NO. 1048****A bylaw to authorize the borrowing of money for the capital cost of improvements to the Community Drinking Water System.**

WHEREAS it is deemed desirable and expedient to construct improvements to the Community Water Drinking Supply, called the Water Supply Capital Improvements Project;

AND WHEREAS the Council of the Village of Cumberland has resolved to submit an application for grant funding to the Canada-British Columbia Clean Water and Wastewater Fund for the Water Supply Capital Improvements Project for up to \$6,010,000, and committed the Village to its share of the project of up to \$1,050,100;

NOW THEREFORE the Council of the Corporation of the Village of Cumberland in open meeting assembled enacts as follows:

1. This bylaw may be cited as “Water Improvements Loan Authorization Bylaw No. 1048, 2017.”
2. The Corporation of the Village of Cumberland is hereby empowered and authorized to carry out or cause to be carried out the construction of improvements to the Community Drinking Water System generally in accordance with general plans on file in the municipal office and called the Water Supply Capital Improvements Project, 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 to exceed \$1,050,100.
 - (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 the Water Supply Capital Improvement Project, consisting of the construction of a reservoir, construction of a treatment plant, and twinning of the supply line.
3. The maximum term for which the debentures may be issued for the debt created by this bylaw is 30 years.

READ A FIRST TIME THIS	28TH	DAY OF	NOVEMBER	2016.
READ A SECOND TIME THIS	28TH	DAY OF	NOVEMBER	2016.

READ A THIRD TIME THIS 28TH DAY OF NOVEMBER 2016.

RECEIVED THE APPROVAL OF THE
INSPECTOR OF MUNICIPALITIES THIS 18TH DAY OF JANUARY 2017.

RECEIVED THE APPROVAL OF THE
ELECTORS OF THE CORPORATION OF
THE VILLAGE OF CUMBERLAND THIS 10TH DAY OF MARCH 2017.

ADOPTED THIS DAY OF

Mayor

Corporate Officer

THE CORPORATION OF THE VILLAGE OF CUMBERLAND**BYLAW NO. 1050****A bylaw to authorize the temporary borrowing of money for the capital cost of improvements to the Community Drinking Water System.**

The Council of the Corporation of the Village of Cumberland in open meeting assembled enacts as follows:

1. This bylaw may be cited as "Water Improvements Temporary Borrowing Bylaw No. 1050, 2017."
2. The Corporation of the Village of Cumberland is authorized to temporarily borrow an amount or amounts not to exceed \$1,050,100.
3. The form of obligation to be given as acknowledgement of the liability must be a promissory note or notes bearing the corporate seal and signed by the Mayor and the Financial Officer.
4. The money borrowed under this bylaw must be used solely for the purposes set out by the Corporation of the Village of Cumberland "Water Improvements Loan Authorization Bylaw No. 1048, 2017."
5. The proceeds from borrowing authorized by the Corporation of the Village of Cumberland "Water Improvements Loan Authorization Bylaw No. 1048" must be used to repay the money temporarily borrowed under this bylaw.

READ A FIRST TIME THIS DAY OF

READ A SECOND TIME THIS DAY OF

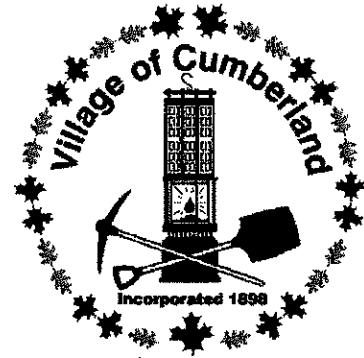
READ A THIRD TIME THIS DAY OF

ADOPTED THIS DAY OF

Mayor

Corporate Officer

COUNCIL REPORT



REPORT DATE: March 10, 2017
MEETING DATE: March 13, 2017

File No. 1760-20/4220-20

TO: Mayor and Councillors
FROM: Sundance Topham, Chief Administrative Officer
SUBJECT: Sewer Improvements Loan Authorization Bylaw No. 1049, 2017 and Sewer Improvements Temporary Borrowing Bylaw No. 1051, 2017

RECOMMENDATION

- i. THAT Council receive the "Sewer Improvements Loan Authorization Bylaw No. 1049, 2017 and Sewer Improvements Temporary Borrowing Bylaw No. 1051, 2017" report.
- ii. THAT Council adopt "The Corporation of the Village of Cumberland Sewer Improvements Loan Authorization Bylaw No. 1049, 2017",
- iii. THAT Council give first three readings to "The Corporation of the Village of Cumberland Sewer Improvements Temporary Borrowing Bylaw No. 1051, 2017".

SUMMARY

Council has received elector approval for Sewer Improvements Loan Authorization Bylaw No. 1049, 2017 and may consider adoption of the bylaw in anticipation of the project outlined in the bylaw. In addition, Council may consider first three readings of Sewer Improvements Temporary Borrowing Bylaw No. 1051, 2017 in anticipation of receiving required grant funding through the Clean Water and Wastewater Fund to undertake the project.

BACKGROUND

At the November 17, 2016 special meeting of Council, Council resolved to proceed with an application to the Clean Water and Wastewater Fund for the Cumberland Wastewater Treatment Project for an amount up to \$21,000,000, and directed staff to proceed with planning an Alternative Approval Process (AAP) for borrowing up to \$4,310,650 for the Village's share of the project.

Council has received elector approval through an alternate approval process to adopt Sewer Improvements Loan Authorization Bylaw No. 1049, 2017. This bylaw authorizes Council to borrow a total of \$4 310 650 for a maximum 30-year term for improvements to the wastewater treatment (sewer) system, called the Cumberland Wastewater Treatment Project.

Temporary Borrowing Bylaw

Upon adoption of Bylaw 1049, Council may consider first three readings of Sewer Improvements Temporary Borrowing Bylaw No. 1051, 2017, which permits Council to borrow funds in the short term to fund the project before staff proceed to apply to the Regional District for a long term borrowing certificate through the Municipal Finance Authority.

Next Steps

The elector approval of the alternate approval process to adopt Sewer Improvements Loan Authorization Bylaw No. 1049, 2017 means that the Village is able to move forward with adopting Sewer Improvements Loan Authorization Bylaw No. 1049, 2017.

The Village is still waiting on confirmation of the required grant funding through the Clean Water and Wastewater Fund for the other funds to undertake the project. Announcement of any grant funding is anticipated to take place in March. Once grant funding is approved staff will bring forward Sewer Improvements Temporary Borrowing Bylaw No. 1051, 2017 for adoption by Council.

Once Council adopts the Sewer Improvements Loan Authorization Bylaw No. 1049, 2017, staff must wait one month to give electors of the Village an opportunity to apply to set aside the bylaw. If an application to do so is not received, the Corporate Officer may apply to the Ministry of Community Sport and Cultural Development for a certificate of approval.

Once this certificate is received, the loan authorization borrowing process will be complete.

FINANCIAL IMPLICATIONS

If the AAP for Sewer Improvements Loan Authorization Bylaw No. 1049 receives the approval of the electors AND the grant application for the remainder of the funding is successful, then the Village of Cumberland will proceed with the Cumberland Wastewater Treatment Project.

The total project cost is estimated at \$21 million dollars, and if successful, the grant funding would relieve borrowing and eventual parcel tax charges of approximately \$16 361 375. The potential funding is for 50% of eligible project costs from the federal government, and 33% of eligible project costs from the provincial government. Approximately 3% of project costs are ineligible for the grant funding, so the grant would cover approximately 80% of total project costs.

The Village proposes to pay back the \$4 310 650 of long-term debt mainly using parcel taxes. Based on Cumberland's limited borrowing capacity, the project could not proceed without grant funding.

Borrowing term	20 Years at 4% Interest	30 Years at 4.5% Interest
Estimated annual parcel tax (calculated equally per parcel)	\$ 234	\$ 200

The new treatment plant total operating costs are estimated at \$427 000 per year. This equates to \$244 per year for a single family residential customer.

The following is a summary of the estimated yearly sewer utility costs for a typical size lot for a single family residential unit for the proposed sewer treatment option as compared to the costs associated with the South Sewer Treatment project that Council previously considered (and rejected).

Residential per-unit costs for each option	Current proposal 30-year debt term	Current proposal 20-year debt term	South Sewer (no PPP grant)	South Sewer (with PPP grant)
Annual capital debt repayment	\$ 200	\$ 234	\$ 780 *	\$ 365 *
Existing operations and maintenance costs	\$ 575	\$ 575	\$ 575	\$ 575
Future operations and maintenance costs	\$ 244	\$ 244	\$ 275 *	\$ 275 *
Additional wet weather flow treatment	-	-	\$ 120 *	-
TOTAL	\$ 1019	\$ 1053	\$ 1750	\$ 1215

*2014 estimate

STRATEGIC OBJECTIVE

- Develop an environmentally sustainable method of treating the liquid waste that is produced by the Village

ATTACHMENTS

1. Elector Approval Certification for Sewer Improvement Loan Authorization Bylaw No. 1049, 2017
2. Sewer Improvement Loan Authorization Bylaw No. 1049, 2017
3. Sewer Improvements Temporary Borrowing Bylaw No. 1051, 2017

CONCURRENCE

Michelle Mason, Financial Officer

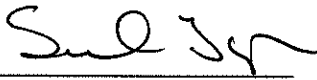
Rob Crisfield, Manager of Operations



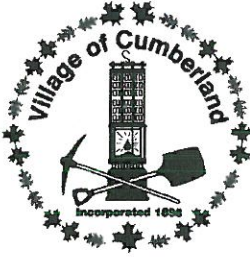
OPTIONS

1. THAT Council adopt "The Corporation of the Village of Cumberland Sewer Improvements Loan Authorization Bylaw No. 1049, 2017".
2. THAT Council give first three readings to "The Corporation of the Village of Cumberland Sewer Improvements Temporary Borrowing Bylaw No. 1051, 2017".
3. Any other action deemed appropriate by Council.

Respectfully submitted,



Sundance Topham
Chief Administrative Officer



Corporation of the Village of Cumberland

2673 Dunsmuir Avenue
P.O. Box 340
Cumberland, BC V0R 1S0
Telephone: 250-336-2291
Fax: 250-336-2321
cumberland.ca

File No. 4220-20
March 10, 2017

Elector Approval Certification

Sewer Improvements Loan Authorization Bylaw No. 1049, 2017

I certify that, on the basis of 0 elector responses forms received before the deadline of March 9, 2017 at 4:00 p.m., and where 337 elector responses are required to prevent the council from proceeding without the assent of the electors, electoral approval for *The Corporation of the Village of Cumberland Sewer Improvements Loan Authorization Bylaw No. 1049, 2017* has been obtained in accordance with section 86 of the BC Community Charter.

Sundance Topham
Corporate Officer

March 10, 2017

Date

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1049

A bylaw to authorize the borrowing of money for the capital cost of improvements to the Wastewater Treatment System.

WHEREAS it is deemed desirable and expedient to construct improvements to the Wastewater Treatment System, called the Cumberland Wastewater Treatment Project;

AND WHEREAS the Council of the Village of Cumberland has resolved to submit an application for grant funding to the Canada-British Columbia Clean Water and Wastewater Fund for the Cumberland Wastewater Treatment Project for up to \$21,000,000, and committed the Village to its share of the project of up to \$4,310,650;

NOW THEREFORE the Council of the Corporation of the Village of Cumberland in open meeting assembled enacts as follows:

1. This bylaw may be cited as "Sewer Improvements Loan Authorization Bylaw No. 1049, 2017."
2. The Corporation of the Village of Cumberland is hereby empowered and authorized to carry out or cause to be carried out the construction of improvements to the Wastewater Treatment System generally in accordance with general plans on file in the municipal office and called the Cumberland Wastewater Treatment Project, 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 to exceed \$4,310,650.
 - (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 the Cumberland Wastewater Treatment Project.
3. The maximum term for which the debentures may be issued for the debt created by this bylaw is 30 years.

READ A FIRST TIME THIS	28TH	DAY OF	NOVEMBER	2016.
READ A SECOND TIME THIS	28TH	DAY OF	NOVEMBER	2016.
READ A THIRD TIME THIS	28TH	DAY OF	NOVEMBER	2016.

RECEIVED THE APPROVAL OF THE
INSPECTOR OF MUNICIPALITIES THIS 18TH DAY OF JANUARY 2017.

RECEIVED THE APPROVAL OF THE
ELECTORS OF THE CORPORATION OF
THE VILLAGE OF CUMBERLAND THIS 10TH DAY OF MARCH 2017.

ADOPTED THIS DAY OF

Mayor

Corporate Officer

THE CORPORATION OF THE VILLAGE OF CUMBERLAND**BYLAW NO. 1051****A bylaw to authorize the temporary borrowing of money for the capital cost of improvements to the Wastewater Treatment System.**

The Council of the Corporation of the Village of Cumberland in open meeting assembled enacts as follows:

1. This bylaw may be cited as "Sewer Improvements Temporary Borrowing Bylaw No. 1051, 2017."
2. The Corporation of the Village of Cumberland is authorized to temporarily borrow an amount or amounts not to exceed \$4,310,650.
3. The form of obligation to be given as acknowledgement of the liability must be a promissory note or notes bearing the corporate seal and signed by the Mayor and the Financial Officer.
4. The money borrowed under this bylaw must be used solely for the purposes set out by the Corporation of the Village of Cumberland "Sewer Improvements Loan Authorization Bylaw No. 1049, 2017."
5. The proceeds from borrowing authorized by the Corporation of the Village of Cumberland "Sewer Improvements Loan Authorization Bylaw No. 1049" must be used to repay the money temporarily borrowed under this bylaw.

READ A FIRST TIME THIS **DAY OF**

READ A SECOND TIME THIS **DAY OF**

READ A THIRD TIME THIS **DAY OF**

ADOPTED THIS **DAY OF**

Mayor

Corporate Officer

COUNCIL REPORT



DATE: March 8, 2017
MEETING DATE: March 13, 2017

TO: Mayor and Councillors

FROM: Judith Walker, Senior Planner

SUBJECT: 4681 Cumberland Road Rezoning: Bylaw No. 1055
Staff Report for Considerations of 1st and 2nd Reading

FILE: 2016-01-RZ

AGENT: Marjorie Morris

OWNER: Paul Daley

FOLIO No.: 516 00494.000

PID: 005-493-684

LEGAL DESCRIPTION: Lot 1, Block 4, Section 25 Township 10, Comox District, and of District Lot 24, Nelson District, Plan 4222

CIVIC ADDRESS: 4681 CUMBERLAND ROAD

EXISTING ZONE: Residential Three (R-3) **PROPOSED ZONE:** Residential Two (R-2) and Residential Two A (R-2A)

RECOMMENDATION

- i) THAT Council receive the "4681 Cumberland Road Rezoning: Bylaw No. 1055 –Staff Report for Consideration of 1st and 2nd Reading;
- ii) THAT Council consider the applicants proposed amenity contribution of \$4000;
- iii) THAT Council consider 1st and 2nd reading of Zoning Amendment Bylaw No. 1055;
- iv) THAT Council agrees with the concept of a proposed Covenant on the property restricting use of land for the new lots until subdivision, and directs staff to engage legal counsel for the preparation and registration of the Covenant at the applicant's cost; and
- v) THAT Council directs staff to hold a Public Hearing for Tuesday March 28, 2017 in Council chambers at 7pm.

SUMMARY

An application to rezone the above property was received in October 2016. The intention of the rezoning is to permit future subdivision of the existing lot into three lots, retaining the owner's house on one of the lots.

BACKGROUND

The applicant has lived on the 3035m² property for many years. The owner now wishes to reduce the size of their property in order to decrease the maintenance of the unused portion of the large lot. The current zoning is Residential Three, with a minimum lot size of 2024m².

The owner wishes to rezone the property to permit the subdivision of two 450m² (minimum area) lots on Bruce Street, with the remainder of the parent lot to retain the existing house. The existing lot has 103.75m. frontage on Bruce St. that can accommodate the additional frontage requirements of two new lots of Residential Two zoning. The depth and width of the potential lots can each meet setback requirements for a residential building.

Note that subdivision is an entirely separate process, and may follow if the rezoning is approved. Rezoning does not automatically mean a subdivision will take place – only that it is possible for the owner to make application.

Staff strongly recommend a covenant be registered on the entire property in order to ensure that, if the rezoning is successful, an owner of a split-zoned property will not build on the newly zoned area prior to actual subdivision of the two new proposed parcels. This is required due to 1.8 c) v) in Zoning Bylaw 1027, 2016 which states *"where a lot is divided by a zone boundary the areas created by such division shall be deemed to be separate lots for the purposes of this Bylaw."* Without the covenant, the R-2 Zone is treated as a separate lot and the owner would be able to build one single family dwelling (plus secondary suite) without subdivision. The covenant would be registered before consideration of final adoption, and if the rezoning is not approved, it would be removed from title. Staff have discussed the covenant with the applicant who has agreed with this approach and the key terms.

Official Community Plan (OCP)

The property is designated Residential in the OCP so an amendment is not required. Residential designation *"includes new neighbourhood-scaled residential development within the Village. It includes single detached and multiple dwellings in accordance with the Village's Zoning bylaw."* The proposed additional density is supported in the OCP under 5.1.5 General Land Use Policies:

- The majority of new development will be encouraged to locate in close proximity to or within the Village Centre,
- Servicing outside existing serviced area is discouraged,
- Zoning amendment shall demonstrate that the project will be a benefit to the community (opportunity for new homes in the Village)

Under 5.2.1 Housing, 5.2.3. Housing policies states a *"priority to development proposals for small and compact forms of housing such as small lot single detached homes...."*

Zoning Bylaw

The proposed small lots fit under the existing Residential Two (R-2) zoning. R-2 zoning occurs in parts of Coal Valley Estates, Ulverston Station and other area in the Village. The 450m² minimum lot size is popular for building family-sized single family homes. However, the R-2 Zone is not appropriate for the entire property as that would permit the property to be subdivided into six (6) lots.

The proposed Residential Two-A (R-2A) zone is a new zone with the same permitted uses as the R-3 Zone but with a smaller minimum lot size of 1000m². Since the owners wish to keep the larger

lot for the family home, this new zoning prevents further subdivision for the remainder, unless an owner in the future came forward with a further development application. By including a “no-further subdivision” clause in the proposed covenant, Council could also ensure that a future proposal would need to proceed under a full public review.

Neighbourhood Meeting

The applicant held a neighbourhood meeting on November 1, 2016. The results are attached to this report.

Amenity Contribution

As per 5.1.5 6) b) iii) in the Official Community Plan the applicant has offered an amenity contribution of \$4000 (\$2000 per proposed new lot) to go towards construction of the new fire hall. If the offered contribution is not accepted by Council, staff requests direction from Council and will place Bylaw No. 1055 on hold.

Advisory Planning Commission

The APC reviewed the application on February 7, 2017. The APC motion is as follows:

“THAT the Advisory Planning Commission recommends that the application (2016-01-RZ Daley - 4681 Cumberland Road) to rezone the subject property proceeds through the public planning process.”

FINANCIAL IMPLICATIONS

As an amenity contribution to the Village (as per 5.1.5 Land Use Policies in the OCP 6) b. iii.), the applicant has agreed to provide \$4000 to go towards the new fire hall. This would also be mentioned in the proposed covenant and will be paid prior to adoption of Zoning Amendment Bylaw No. 1055.

STRATEGIC OBJECTIVE

None

ATTACHMENTS

- Existing Zoning map (excerpt)
- Proposed Zoning bylaw amendment map
- Draft survey with proposed future subdivision
- Copy of existing R-3 zone
- Copy of existing R-2 zone
- Proposed Residential Two-A (R-2A) zone.

OPTIONS

- i) Consider the applicants proposed amenity contribution of \$4000;
- ii) Consider giving 1st and 2nd reading of Zoning Amendment Bylaw No. 1055, with the covenant requirement;
- iii) Directs staff to hold a Public Hearing for Tuesday March 28, 2017 in Council chambers at 7pm.; or
- iv) Any other action deemed appropriate by Council.

Respectfully submitted,



Judith Walker
Senior Planner



Sundance Topham
Chief Administrative Officer

EXHIBIT 2: NEIGHBORHOOD MEETING SUMMARY

1. Project Case No.: 2016-01 RZ
2. Meeting Date & Time: Nov 1st 4:00-6:30 PM
3. Meeting Location: 4681 CUMBERLAND RD.
4. Number of invitations that were sent: 20
5. How was the mailing list generated: All households within 300ft of property
6. Number of neighbors in attendance (attach a sign-in sheet): 2 (see Attached)
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

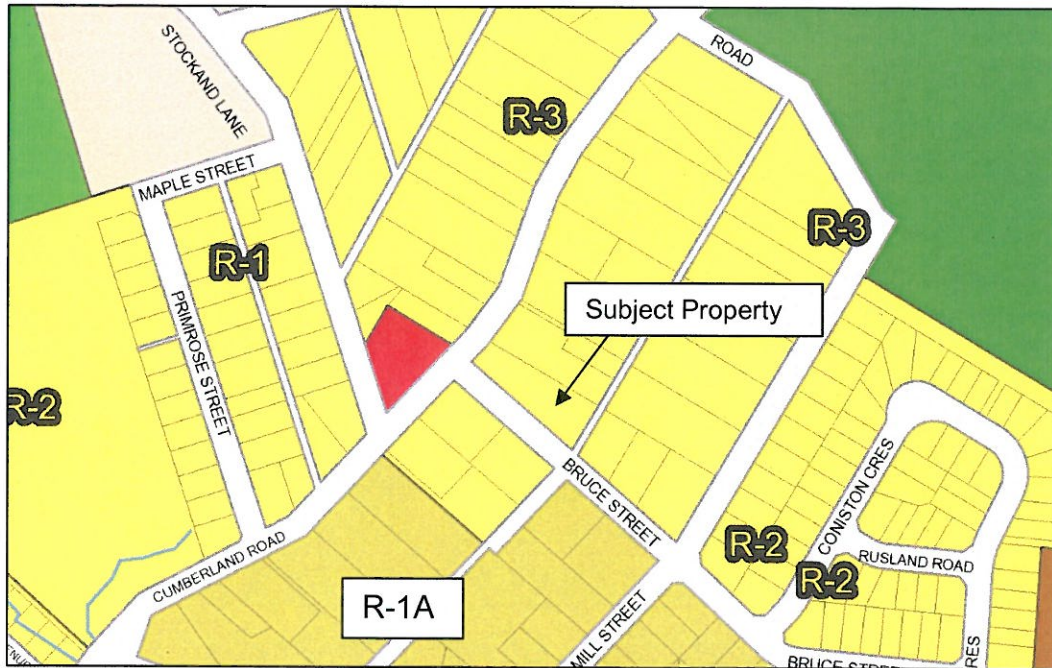
All positive comments
Inquiries regarding purchasing

8. List or attach the written comments and how you plan to address any issues:

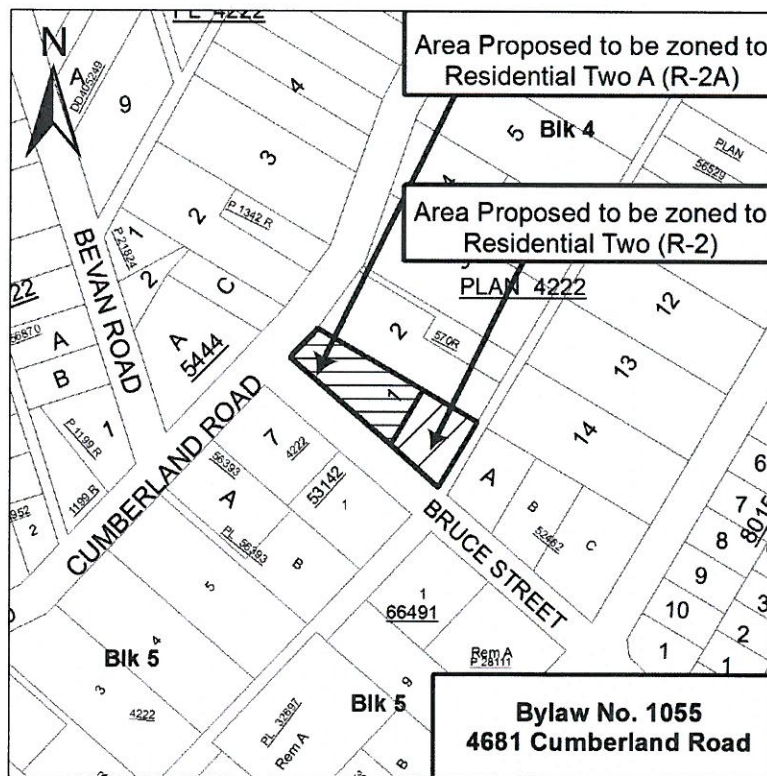
No negative comments received at meeting.
Positive comments received while delivering invites.

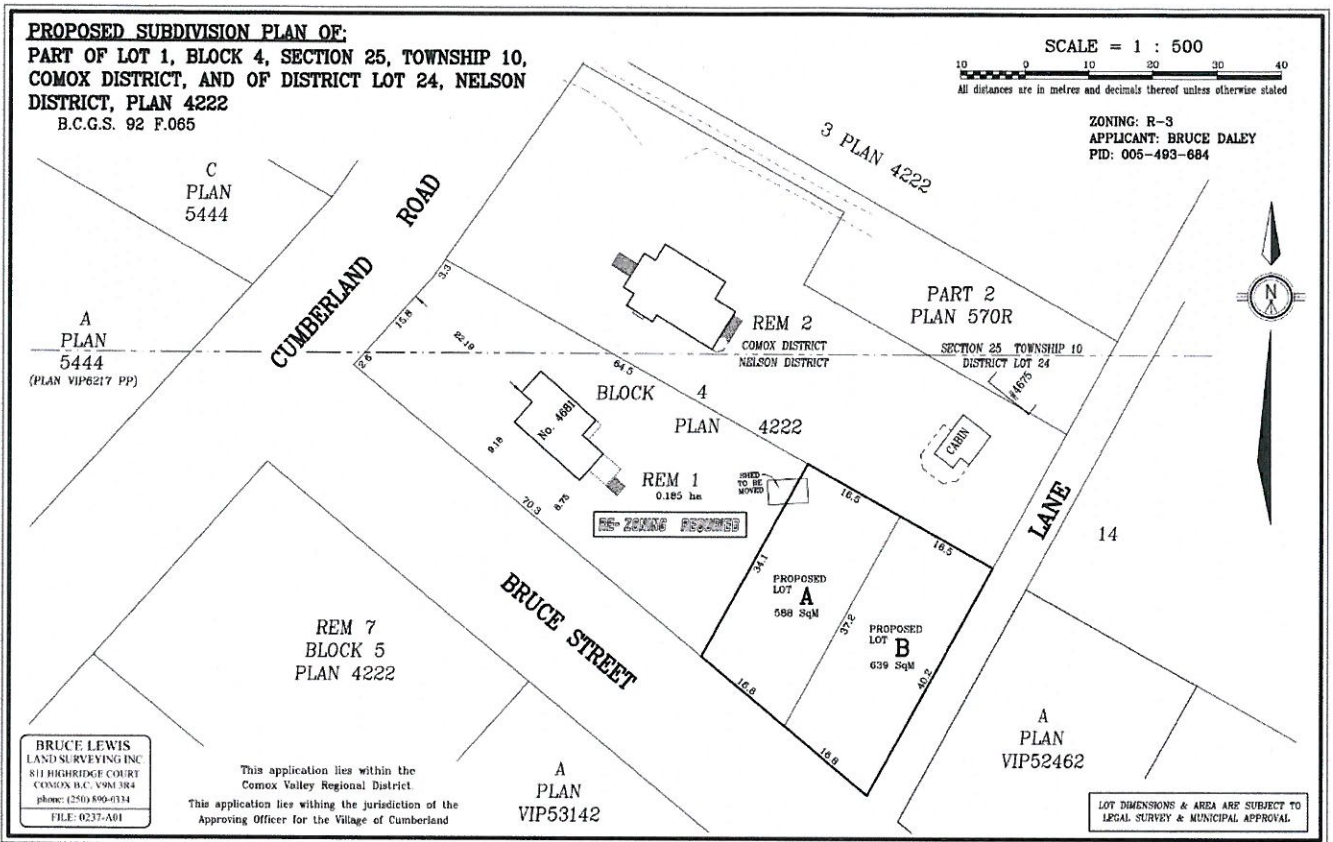
Note: two neighbours attended the meeting

Existing Zoning Map (excerpt)



Subject property is currently zoned Residential Three (R-3)





Proposed future subdivision for illustration only

7.4 R-3—Large Lot Residential Zone Existing

1. Principal Uses			Single family dwelling
2. Accessory Uses			Accessory buildings and structures Accessory dwelling unit Home occupation Market garden Secondary suite Urban agriculture
3. Lots Created by Subdivision	Area, minimum		2,024.0square metres (21,786.9square feet)
	Frontage, minimum		25.0metres (82.0feet)
4. Density	Principal buildings or uses per lot, maximum		One single family dwelling
	Accessory buildings or uses per lot, maximum		One secondary suite or One accessory dwelling unit
	Building GFA, maximum		Accessory buildings shall have a combined Floor Area no greater than 100.0square metres (1,076.4square feet).
5. Lot Coverage	Coverage, maximum		35%
6. Principal Buildings and Structures	Setbacks, Minimum	Front	7.5metres (24.6feet)
		Rear	4.5metres (14.8feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		10.0metres (32.8feet)
7. Accessory Buildings and Structures	Setbacks, minimum	Front	3.0metres (9.8feet)
		Rear	1.5metres (4.9feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		6.0metres (14.8feet)
	One storey accessory dwelling unit height, maximum		6.5metres (21.3feet)
	Two storey accessory dwelling unit height, maximum		7.5metres (24.8feet)
8. Conditions of Uses	An accessory dwelling unit shall only be permitted if the property is connected to all available municipal servicing.		

End • R-3

7.3 R-2—Small Lot Residential Zone

For proposed lots A & B

1. Principal Uses			Single family dwelling
2. Accessory Uses			Accessory buildings and structures Home occupation Market garden Secondary suite Urban agriculture
3. Lots Created by Subdivision	Area, minimum		450.0square metres (4,843.9square feet)
	Frontage, minimum		15.0metres (49.2feet)
4. Density	Principal buildings or uses per lot, maximum		One single family dwelling
	Accessory buildings or uses per lot, maximum		One secondary suite
	Building GFA, maximum		Accessory buildings shall have a combined Floor Area no greater than 50.0square metres (538.2square feet).
5. Lot Coverage	Coverage, maximum		35%
6. Principal Buildings and Structures	Setbacks, Minimum	Front	3.0metres (9.8feet)
		Rear	4.5metres (14.8feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		10.0metres (32.8feet)
7. Accessory Buildings and Structures	Setbacks, minimum	Front	3.0metres (9.8feet)
		Rear	1.5metres (4.9feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		4.5metres (14.8feet)
8. Conditions of Uses	N/A		

End • R-2

NEW

7.35 R-2A—Medium Lot Residential Zone For remainder

9. Principal Uses			Single family dwelling
10. Accessory Uses			Accessory buildings and structures Home occupation Market garden Secondary suite Urban agriculture
11. Lots Created by Subdivision	Area, minimum		1,000.0square metres (10,764ft²)
	Frontage, minimum		20.0metres (66.6feet)
12. Density	Principal buildings or uses per lot, maximum		One single family dwelling
	Accessory buildings or uses per lot, maximum		One secondary suite or One accessory dwelling unit
	Building GFA, maximum		Accessory buildings shall have a combined Floor Area no greater than 50.0square metres (538.2square feet).
13. Lot Coverage	Coverage, maximum		35%
14. Principal Buildings and Structures	Setbacks, Minimum	Front	3.0metres (9.8feet)
		Rear	4.5metres (14.8feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		10.0metres (32.8feet)
15. Accessory Buildings and Structures	Setbacks, minimum	Front	3.0metres (9.8feet)
		Rear	1.5metres (4.9feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		4.5metres (14.8feet)
16. Conditions of Uses	An accessory dwelling unit shall only be permitted if the property is connected to all available municipal servicing.		

End • R-2A

BYLAW STATUS

TITLE: Zoning Amendment Bylaw No. 1055, 2017

APPLICANT: Paul Daley and Marjorie Morris

PURPOSE: To introduce a new Residential Two A (R-2A) zone that permits residential use including secondary suites or Accessory Dwelling Units (ADUs) subject to criteria, and to rezone a portion of the subject land to Residential Two A (R-2A), and to rezone the remainder of the subject property to Residential Two (R-2).

DATE: March 13, 2017

COUNCIL DECISION:

PUBLIC HEARING DATE: Proposed For March 28, 2017

DATE:

COUNCIL DECISION:

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1055

A bylaw to amend the Zoning Bylaw No. 1027, 2016

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts the following amendments to the Zoning Bylaw No. 1027, 2016':

Citation

1. This Bylaw may be cited for all purposes as the Zoning Amendment Bylaw No. 1055, 2017.

Text Amendments

2. The Zoning Bylaw No. 1027, 2016 is amended by adding a new zone being Section 7.4 Residential Two A (R-2A) as set out in Schedule A attached to and forming part of this bylaw, and renumbering Part 7 zones following the new section.
3. The Zoning Bylaw No. 1027, 2016 is amended by adding a new 7.4 R-2A – Medium Lot Residential Zone in the Table of Contents and renumbering Part 7 Residential Zones in the Table of Contents.

Zoning Designation

4. That property known as Lot 1, Block 4, Section 25, Township 10, Comox District, and of District Lot 24, Nelson District, Plan 4222 PID 005-493-684 is hereby rezoned from Residential Three (R-3) to Residential Two A (R-2A) and Residential Two (R-2), in the respective portions shown with a thick black outline and hatched on Schedule B. For greater certainty, the R-2A Zone portion is to have a frontage along Bruce Street of not less than 70 metres and the R-2 Zone portion is to have a frontage along Bruce Street of not less than 34 metres.

Map Amendment

5. Schedule B of the Bylaw No. 1027, 2016 is amended to incorporate the amendments more particularly described in Section 4 Zoning Designation of this bylaw.
6. The map key for Schedule B of the Zoning Bylaw No. 1027, 2016 is amended to add R-2A with a descriptor of 'Residential Two A'.

Severability

7. If any section or subsection of this bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the bylaw.

READ A FIRST TIME THIS	DAY OF	2017.
READ A SECOND TIME THIS	DAY OF	2017.
PUBLIC HEARING HELD THIS	DAY OF	2017.
READ A THIRD TIME THIS	DAY OF	2017.
ADOPTED THIS	DAY OF	2017.

Mayor

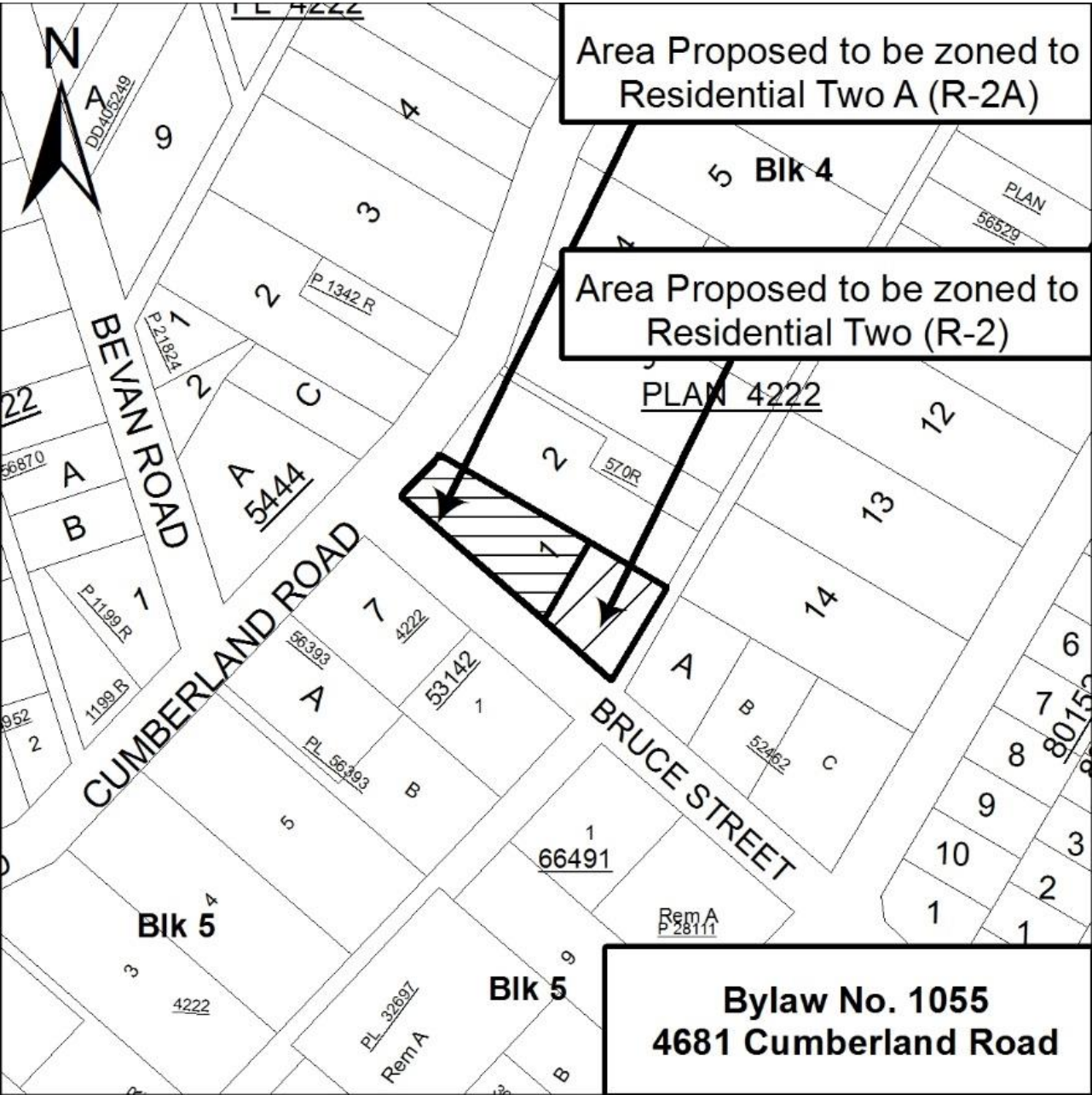
Corporate Officer

Schedule A**7.4 R-2A—Medium Lot Residential Zone**

1. Principal Uses			Single family dwelling
2. Accessory Uses			Accessory buildings and structures Accessory dwelling unit Home occupation Market garden Secondary suite Urban agriculture
3. Lots Created by Subdivision	Area, minimum		1000.0 metres ² (10, 763.9square feet)
	Frontage, minimum		20.0metres (65.6feet)
4. Density	Principal buildings or uses per lot, maximum		One single family dwelling
	Accessory buildings or uses per lot, maximum		One secondary suite or One accessory dwelling unit
	Building GFA, maximum		Accessory buildings shall have a combined Floor Area no greater than 100.0square metres (1,076.4square feet).
5. Lot Coverage	Coverage, maximum		35%
6. Principal Buildings and Structures	Setbacks, Minimum	Front	7.5metres (24.6feet)
		Rear	4.5metres (14.8feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		10.0metres (32.8feet)
7. Accessory Buildings and Structures	Setbacks, minimum	Front	3.0metres (9.8feet)
		Rear	1.5metres (4.9feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		6.0metres (14.8feet)
	One storey accessory dwelling unit height, maximum		6.5metres (21.3feet)
	Two storey accessory dwelling unit height, maximum		7.5metres (24.8feet)
8. Conditions of Uses	An accessory dwelling unit shall only be permitted if the property is connected to all available municipal servicing.		

End • R-2A

Schedule B



From: [BC Culture Days](#)

Sent: Tuesday, February 21, 2017 1:03 PM

Subject: 2017 Call for BC Culture Days Ambassadors

February 21, 2017 - Call for BC Culture Days Ambassadors

[View this email in your browser](#)



Call for 2017 BC Culture Days Ambassadors

Deadline: March 31, 2017

BC Culture Days invites all BC artists to apply to be a 2017 Culture Days Ambassador in their community. Winners will receive \$1,000 towards community activation and production of a Culture Days activity!

The Culture Days Ambassador acts as a spokesperson for BC Culture Days and as a community mobilizer throughout the summer leading up to the Culture Days weekend (**September 29-October 1, 2017**).

Eligibility Requirements - The applicant must be:

- An individual artist (amateur or professional) residing in BC (Applications from organizations, businesses or groups are not eligible);
- Active in their arts, culture, or heritage community;
- Present and available to act as a spokesperson in their community during the months of August and September 2017; and
- Registered at BC.CultureDays.ca to present an activity in BC during the 2017 Culture Days weekend (September 29-October 1, 2017).

Ambassador Responsibilities include:

Networking and mobilizing — Reaching out to community members such as individual artists, arts organizations, cultural organizations, heritage organizations, and businesses encouraging them to offer activities during the Culture Days weekend.

Promoting — Encouraging public participation and discussion about Culture Days through in-person interviews with community members, blog posts, and social media, including Facebook, Twitter, YouTube, and Instagram.

Organizing — Registering, coordinating, and presenting a free Culture Days activity for the public.

Representing — Acting as a spokesperson and media contact during the Culture Days publicity campaign. The ambassador may be called upon for TV, radio, and newspaper interviews to speak on behalf of BC Culture Days and their local arts and cultural community.

How to apply:

Please visit BC.CultureDays.ca to complete the [online application form](#).

Submissions will be juried by members of the BC Culture Days Steering Committee and finalists will be called for an interview. Winners will be awarded **\$1,000** (includes ambassador honorarium + activity budget).

Winners will be required to submit a final report in October.

For more information, please contact Nazanin Shoja at nazanin.shoja@culturedays.ca or 604-681-3535 ext. 214.

From: [Elizabeth Murphy](#)
To: 'Mayor.Baird@cumberland.ca'
Sent: Friday, February 17, 2017 4:25 PM
Subject: Help Celebrate Canada 150 Inclusively



Her Worship Mayor Leslie Baird

Box 340, Cumberland
 Cumberland, BC
 V0R 1S0

Dear Mayor Baird:

This year Inclusion BC will present the first ever Disability Pride celebration and parade in British Columbia as part of Canada 150+. Disability crosses every demographic so on June 15th, 2017, thousands will gather to celebrate the pride we have for Canadian citizens of all abilities. Self-advocacy and family groups, youth, multi-cultural and community living organizations, the Chief Commissioner of the Canadian Human Rights Commission, Ministry of Canadian Heritage and various social movements will gather at Richmond, BC's City Hall and parade the streets moving to a location where we will host a huge pancake breakfast.

While we are excited to take it to the streets and celebrate the disability identity as part of sesquicentennial celebrations, our pride celebration is aspiring to be truly inclusive, self-determined by people with intellectual disabilities and their families, and a model of connectedness and belonging so, our celebrations are twofold. Throughout 2017 we will be giving grants to individuals, families, and community organizations to participate in existing celebrations, parades and marches in their own communities around the province. These grants will provide opportunities for people historically not included to become civically and socially engaged outside of our movement.

We are proud to lead the country in advancing a new culture of pride, strength and freedom for people with intellectual disabilities in Canada. We welcome Cumberland to be part of the celebrations.

In order to make the community granting dollars needed, we are asking every municipality in the province to make a contribution of \$1,000. Be an Inclusive Communities Partner with a contribution of \$1,000 and get included on our geo map at <https://www.disabilitypride.ca/> and have your local events featured. Your support will help build communities where we all belong and celebrate Canadians of all abilities throughout this anniversary year.

Sincerely,

Faith Bodnar

Executive Director | Inclusion BC

227 6th Street | New Westminster BC | V3L 3A5 P 604 777 9100 F 604 777 9394 E
info@inclusionbc.org www.inclusionbc.org

From: [Josie Osborne](#)

To: [Lisa Helps \(Mayor\)](#) ; [Colleen Evans](#) ; [Shirley Ackland](#) ; [Leslie Baird](#) ; [Teunis Westbroek](#) ; [Aaron Stone](#) ; [Rob Southcott](#) ; [Silas White](#) ; [Sandra Hamilton](#)

Sent: Monday, January 16, 2017 2:55 PM

Subject: DRAFT #2L Social Procurement Resolution with Noba's feedback

Dear all,

Noba and I had some back and forth today, and this is where we got to. With a few “okays” I will run this by Barbara Price and Liz for any feedback. I may yet hear back from Edwin but I know it takes a few days.

~Josie

Whereas at the 2016 AVICC AGM & Convention in Nanaimo, membership gave direction to the AVICC to "advance the use of social procurement policies"; and

Whereas the term 'social procurement' is generally used to describe the practice of using purchasing power to leverage community benefit and is also known as 'community benefit procurement'; and

Whereas the AVICC Executive has received presentations and proposals from a group of volunteer elected officials and subject matter experts about how to advance this membership direction so as to best assist interested local governments in implementing community benefit procurement policies and practices;

Therefore be it resolved that the AVICC strike a Special Committee on Community Benefit Procurement, with representation from across the AVICC region, to undertake a feasibility assessment of a “**Community Benefit Procurement Hub**” (as per the information circulated at the AVICC 2017 Convention) for the AVICC membership;

And that the Special Committee report back to the AVICC at the 2018 AGM.

Josie Osborne

Mayor | District of Tofino | PO Box 9, Tofino BC V0R 2Z0 | Mobile 250-266-5229 | Office 250-725-3229