

The Corporation of the Village of Cumberland  
Regular Council Meeting Agenda

Monday, May 29, 2023, 5:30 p.m.  
Council Chamber, 2675 Dunsmuir Avenue



We are honoured to gather on the unceded traditional territory of the K'ómoks First Nation.  
The public may view the meeting live on the [Village of Cumberland YouTube channel](#)

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Pages

1. Call To Order

2. Agenda

2.1 Agenda for Regular Council Meeting, May 29, 2023

**Recommendation:**

THAT Council approve the agenda for the May 29, 2023 Regular Council meeting.

3. Minutes

3.1 Adoption of Minutes

6

**Recommendation:**

THAT Council adopt the following minutes:

- Regular Council Meeting, May 8, 2023
- Committee of the Whole Meeting, May 15, 2023
- Special Council Meeting, May 18, 2023

3.2 Receipt of Committee Minutes

17

**Recommendation:**

THAT Council receive the Advisory Planning Commission Draft minutes for May 11, 2023.

4. Delegations

5. Correspondence

5.1 Cayet Lands - Request for Confirmation of Interest  
Received from Keith Burrell, 0888128 B.C Ltd.

26

**Recommendation:**

That Council direct staff to work with owners of the Cayet land to include appropriate information about the land in the Official Community Plan Review for community engagement on future land use.

5.2 K'ómoks First Nation Indigenous People's Day

28

Received from Elected Chief Councillor Ken Price, K'ómoks First Nation.

**Recommendation:**

THAT Council receive the correspondence from the K'ómoks First Nation regarding Indigenous People's Day.

**6. Unfinished Business**

**7. Reports**

- 7.1 Development Variance Permit Application 2794 Beck Avenue 29  
Prepared by Meleana Searle, Planner

**Recommendation:**

THAT Council approve the development variance permit to increase the maximum gross floor area (GFA) of the onsite caretaker's residence from 90.0m<sup>2</sup> to 149.6m<sup>2</sup> for the property described as Lot 2 Section 34 Township 10 Comox District Plan EPP104047 (2794 Beck Avenue).

- 7.2 Development Variance Permit and Manufactured Home Park Permit 39  
Amendment 3025 Royston Road  
Prepared by Meleana Searle, Planner

**Recommendation:**

- i. THAT Council approve the development variance permit (2023-02-DV) to allow the manufactured home park with more than 24 units to have a second access from a public road to instead provide emergency access from a private road with access easement and to increase the height of all principal dwellings from 4.5m to 5.5m in Phase 2 on the property described as Lot 1, District Lot 24, Nelson District, Plan 38778 Except Part In Plan 49490.
- ii. THAT Council approve the amendment to Manufactured Home Park Permit (2021-01-MHP) to include the second phase of development on the property described as Lot 1, District Lot 24, Nelson District, Plan 38778 Except Part In Plan 49490.

- 7.3 Approval of Public Art - 2770 Dunsmuir Ave 67  
Prepared by Courtney Simpson, Manager of Development Services

**Recommendation:**

- i. THAT Council approve the mural proposed for the front elevation of the Memorial Hall at 2770 Dunsmuir Avenue, legally described as Lot 3, Block 15, District Lot 21, Nelson District, Plan 522A (Royal Canadian Legion Branch 28), to exempt this public art from requiring a Heritage Alteration Permit.
- ii. THAT Council approve the painting proposed for the Memorial Arch at 2770 Dunsmuir Avenue, legally described as Lot 3, Block

15, District Lot 21, Nelson District, Plan 522A (Royal Canadian Legion Branch 28), as required by Heritage Designation Bylaw No. 818 and to exempt this public art from requiring a Heritage Alteration Permit.

7.4 Development Variance Permit Application 2934 Ulverston Avenue  
Prepared by Meleana Searle, Planner

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**Recommendation:**

- i. THAT Council approve the development variance permit to reduce the required 7.5m setbacks for:
  - Building 1 – Tent A - Wastewater Treatment Plant from 7.5m to 0.0m;
  - Building 2 – Tent B from 7.5m to 7.0m;
  - Structure 4 – Primary disinfection contact basin from 7.5m to 0.0m;
  - Structure 5 – Extreme wet weather disinfection contact basin from 7.5m to 0.0m;
  - Structure 6 – Blower Packages from 7.0m to 0.0m;
  - Structure 11 – Chemical storage for SAF systems from 7.5m to 0.0m; and
  - All storage containers along the south property line from 7.5m to as close at 1.5m

for the property described as Lot 1 District Lot 24 Nelson District Plan VIP71673 (2934 Ulverston Avenue)

- ii. THAT Council approve the development variance permit to reduce the minimum required setbacks for:
  - Building 1 – Tent A - Wastewater Treatment Plant from 1.5m to 0.0m;
  - Structure 4 – Primary disinfection contact basin from 1.5m to 0.0m;
  - Structure 5 – Extreme wet weather disinfection contact basin from 4.5m to 0.0m;
  - Structure 6 – Blower Packages from 1.5m to 0.0m; and
  - Structure 11 – Chemical storage for SAF systems from 1.5m to 0.0m

for the property described as Lot C District Lot 24 Nelson District And Section 25 Township 10 Comox District Plan VIP65968, Except Part In Plan VIP67631.

7.5 Funding options for the Beaufort Family Health Society

81

Prepared by Annie Bérard, Chief Financial Officer

**Recommendation:**

THAT Council direct staff to prepare a conditional two year bridge funding agreement with the Beaufort Family Health Society in support of community health centre services in the amount of \$10,000 per year, for a total of \$20,000 for 2023 and 2024, funded from the Waste Management Centre Host Community Amenity Funds Reserve.

- 7.6 2022 Statement of Financial Information (SOFI) 88  
Prepared by Andrea Samsom, Manager of Finance and Human Resources

**Recommendation:**

THAT Council approve the Corporation of the Village of Cumberland 2022 Statement of Financial Information for filing with the Ministry.

**8. Bylaws**

- 8.1 Development Approvals Process Modernization – Bylaw Amendments 126  
Prepared by Courtney Simpson, Manager of Development Services

**Recommendation:**

- i. THAT Council amend Development Application Procedures Bylaw No. 1187, 2023 as shown in Attachment 5 of this report, and give third reading to the bylaw as amended
- ii. THAT Council give third reading to Fees Amendment Bylaw No. 1188, 2023.

- 8.2 Housing Agreement (3345 Second Street) Bylaw No. 1193, 2023 242

**Recommendation:**

THAT Council give final adoption to Housing Agreement (3345 Second Street) Bylaw No. 1193, 2023.

**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 noticed of motion introduced by a Council Member.

- Village Hall June 5 at 7:00 pm in Chinatown Pavilion, Coal Creek Park (weather permitting)

**11. Question Period**

A member of the public may only inquire about items included on the agenda for that meeting during a question period.

- Please send questions by email to [info@cumberland.ca](mailto:info@cumberland.ca) using subject line "Question Period"; Note: please limit to questions only - comments will not be read.

**12. Closed Portion**

**Recommendation:**

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

(c) labour relations or other employee relations;

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

(l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];

**13. Adjournment**

**Recommendation:**

THAT Council adjourn the meeting.

**The Corporation of the Village of Cumberland**  
**Regular Council Meeting Minutes**



**May 8, 2023, 5:30 p.m.**  
**Council Chamber, 2675 Dunsmuir Avenue**

Council Present: Mayor Vickey Brown  
Councillor Neil Borecky  
Councillor Jesse Ketler (attended electronically)  
Councillor Sean Sullivan  
Councillor Troy Therrien

Staff Present: Michelle Mason, Chief Administrative Officer  
Rachel Parker, Corporate Officer  
Kevin McPhedran, Manager of Parks and Recreation  
Courtney Simpson, Manager of Development Services  
Rob Crisfield, Manager of Operations  
Annie Berard, Chief Financial Officer  
Karin Albert, Senior Planner  
Meleana Searle, Planner  
Mike Williamson, Manager of Protective Services

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**1. Call To Order**

Mayor Brown called the meeting to order at 5:30 p.m. and recognized the unceded traditional territory of the K'ómoks First Nation and offered gratitude for the care and stewardship of this land since time immemorial.

**2. Agenda**

2.1 Agenda for Regular Council Meeting, May 8, 2023

Motion 23-093

**Moved by:** Borecky

**Seconded by:** Therrien

THAT Council approve the agenda for the May 8, 2023 Regular Council Meeting.

**Carried Unanimously**

**3. Minutes**

3.1 Adoption of Minutes

Motion 23-094

**Moved by:** Sullivan

**Seconded by:** Borecky

THAT Council adopt the following minutes:

- Committee of the Whole Meeting, April 24, 2023
- Regular Council Meeting, April 24, 2023
- Committee of the Whole Meeting, May 1, 2023

**Carried Unanimously**

3.2 Receipt of Minutes

Motion 23-095

THAT Council receive the draft minutes from the Advisory Planning Commission, April 13, 2023

**4. Delegations**

4.1 Comox Valley Cycling Coalition - Update of Safe Cycling Initiatives in the Comox Valley

Motion 23-096

**Moved by:** Therrien

**Seconded by:** Sullivan

THAT Council receive the delegation from the Comox Valley Cycling Coalition regarding Safe Cycling Initiatives in the Comox Valley.

**Carried Unanimously**

**5. Unfinished Business**

5.1 North Island Student's Union - Menstrual Equity

Motion 23-097

**Moved by:** Sullivan

**Seconded by:** Borecky

THAT Council direct staff to bring forward the provision of free menstrual products in Village public washrooms in the 2024 operational budget.

**Carried Unanimously**

**6. Correspondence**

None

**7. Reports**

- 7.1 Environmental Protection, Wildfire Urban Interface Development Permit and Development Variance Permit - Coal Valley Estates Phase 10/11

Motion 23-098

**Moved by:** Therrien

**Seconded by:** Borecky

THAT Council refer the Development and Development Variance Permits - Coal Valley Estates Phase 10/11 report to the Advisory Planning Commission.

Opposed (1): Ketler

**Carried (4 to 1)**

- 7.2 2023 Community Grant Program Applications

Motion 23-099

**Moved by:** Therrien

**Seconded by:** Sullivan

THAT Council allocate 2023 Community Grant Program funding in the amounts of \$2,000 to Cumberland Culture and Arts Society, \$5,000 to the Comox Valley Health Network, and \$3,000 to the 1st Cumberland Scouts.

**Carried Unanimously**

Motion 23-100

**Moved by:** Therrien

**Seconded by:** Sullivan

THAT Council refer the Beaufort Family Health Society community grant application to staff to explore other funding options.

**Carried Unanimously**

7.3 Elevate the Arts – Community Arts and Culture Event Contract

Motion 23-101

**Moved by:** Sullivan

**Seconded by:** Borecky

THAT Council provide liability insurance to Elevate the Arts for the delivery of arts and culture event service providers through the Municipal Insurance Association associate members program and authorize the Chief Administrative Officer (CAO) to enter into service provider agreements with community arts and culture event service providers for the provision of liability insurance.

**Carried Unanimously**

7.4 Transportation Master Plan Update

Motion 23-102

**Moved by:** Borecky

**Seconded by:** Sullivan

THAT Council receive the Transportation Master Plan Update for information.

**Carried Unanimously**

7.5 Comox Strathcona Waste Management Centre, Development Cost Charges and Water Connection

Motion 23-103

**Moved by:** Therrien

**Seconded by:** Borecky

THAT Council allow the Comox Strathcona Waste Management Centre an additional one (1) year to connect to Village water beyond the one-year requirement contained in the Municipal Water System Regulation and Fees Bylaw 1023, to allow a review of water servicing requirements; and

THAT Council instruct staff to review the newly adopted DCC Bylaw and how it may be applied to the Comox Strathcona Waste Management Centre site, and to bring back a report for discussion at a future date.

**Carried Unanimously**

7.6 Council Code of Responsible Conduct

Motion 23-104

**Moved by:** Sullivan

**Seconded by:** Therrien

THAT Council consider the principles of responsible conduct and decide to update its code of conduct and consider resourcing the review during its 2024 budget development.

**Carried Unanimously**

7.7 K'wax Dzi Dsas Welcome Poles

Motion 23-105

**Moved by:** Borecky

**Seconded by:** Therrien

THAT Council approve the temporary installation of the two K'wax Dzi Dsas welcome poles in Peace Park;

THAT Council approve the expenditure of up to \$40,000 to be funded through the General Asset Reserve for the installation of the welcome poles and THAT Council direct staff to bring forward an amendment to the adopted 2023-2027 Financial Plan Bylaw to reflect this expenditure;

THAT Council direct staff to research potential grant programs for funding for the carving and raising of permanent welcome poles at the Peace Park location;

THAT Council direct staff to conditionally grant up to \$40,000 to Dawn to Dawn Action on Homelessness Society for the sole purpose of raising two welcome poles and related costs at Peace Park; and

THAT Council direct staff to enter into a Waiver Agreement with Dawn to Dawn Action on Homelessness Society and their construction contractor acknowledging the Village has approved construction of the pole footings without structural engineering sign off on the condition that the contractor demonstrate the necessary knowledge, recent experience on a similar project, and provide a reference satisfactory to the Village from a similar recent project.

**Carried Unanimously**

7.8 Grant Applications for Emergency Operations Centres & Training 2023

Motion 23-106

**Moved by:** Sullivan

**Seconded by:** Therrien

THAT the Village of Cumberland Council approves the application made to the Union of BC Municipalities Community Emergency Preparedness Fund

(Emergency Operations Centre's & Training 2023) for \$30,000 to be used in 2023-2024 to support the regional application made by the Comox Valley Regional District (primary applicant); and THAT as a joint applicant, the Village of Cumberland Council agrees that the primary applicant will apply for, receive, and manage the UBCM CEPF EOC & Training grant funding on the Village's behalf, if successful in grant funding; and

THAT the Village of Cumberland Council approves the application to be made to the Union of BC Municipalities Community Emergency Preparedness Fund (Public Notifications & Evacuation Route Planning 2023) for \$30,000 to be used in 2023-2024 to support the regional application made by the Comox Valley Regional District (primary applicant); and THAT as a joint applicant, the Village of Cumberland Council agrees that the primary applicant will apply for, receive, and manage the UBCM CEPF Public Notifications & Evacuation Route Planning grant funding on the Village's behalf, if successful in grant funding.

**Carried Unanimously**

7.9 United Riders of Cumberland Paved Pump Track Proposal

Motion 23-107

**Moved by:** Therrien

**Seconded by:** Sullivan

THAT Council direct staff to work with the United Riders of Cumberland on a Project Partnership Agreement for the proposed paved pump track at Village Park and report back to Council with a draft agreement.

**Carried Unanimously**

7.10 Accessibility Plan

Motion 23-108

**Moved by:** Sullivan

**Seconded by:** Therrien

That Council participate in the collaborative development of a regional accessibility framework provided that socio-economic and political inclusion and diversity are not excluded by the framework and enter into an agreement with Comox Valley Social Planning Society for the services of a regional Accessibility Committee along with other regional local government partners.

**Carried Unanimously**

7.11 Cumberland Events Society Memorandum of Understanding

Motion 23-109

**Moved by:** Borecky

**Seconded by:** Therrien

THAT Council enter in the Memorandum of Understanding with the Cumberland Events Society and authorize the Mayor and Chief Administrative Officer to execute the agreement; and THAT Council authorize the Manager of Parks and Recreation to make changes to the Memorandum of Understanding, upon mutual agreement with the Cumberland Events Society, providing said changes are strictly operational in nature and do not change the Village's financial commitment or level of service provision.

**Carried Unanimously**

\*Councillor Ketler left meeting virtually at 8:30 p.m. due to technical difficulties.

7.12 Mayor and Council Monthly Reports - April 2023

Motion 23-110

**Moved by:** Borecky

**Seconded by:** Therrien

THAT Council receive Mayor and Council monthly reports for April 2023.

**Carried**

## 8. Bylaws

8.1 2023 Property Tax Rates Bylaw No. 1192, 2023

Motion 23-111

**Moved by:** Borecky

**Seconded by:** Therrien

THAT Council give final adoption to the "2023 Property Tax Rates Bylaw No. 1192, 2023."

**Carried**

8.2 Housing Agreement (3345 Second Street) Bylaw 1193, 2023

Motion 23-112

**Moved by:** Sullivan

**Seconded by:** Borecky

THAT Council give first, second and third reading to Housing Agreement (3345 Second Street) Bylaw 1193, 2023.

**Carried**

**9. New Business**

None

\*Councillor Ketler electronically rejoined the meeting at 8:35 p.m.

**10. Notices, Motions and Announcements**

- Accessibility and Inclusion Select Committee, Monday May 15, 2023 Council Chambers
- Advisory Planning Commission, Thursday May 11, 2023
- Tree Protection community engagement online meetings on May 18 and May 24 and an online survey open from May 15 to June 2
- Plan Your Community event on May 24 from noon to 7pm on Third Street.

**11. Question Period**

Questions were received on the following matters:

- Coal Valley Estates development permit applications
- Active Transportation Plan
- Comox Strathcona Waste Management Centre Water Connection

**12. Adjournment**

Motion 23-113

**Moved by:** Borecky

**Seconded by:** Sullivan

THAT Council adjourn the meeting at 8:43 p.m.

**Carried Unanimously**

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Mayor

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Certified Correct by Corporate Officer

**The Corporation of the Village of Cumberland  
Committee of the Whole Meeting Minutes**

**May 15, 2023, 5:30 p.m.  
Council Chamber, 2675 Dunsmuir Avenue**



Council Present: Mayor Vickey Brown  
Councillor Neil Borecky  
Councillor Jesse Ketler  
Councillor Troy Therrien

Regrets Councillor Sean Sullivan

Staff Present: Michelle Mason, Chief Administrative Officer  
Rachel Parker, Corporate Officer  
Rob Crisfield, Manager of Operations  
Kevin McPhedran, Manager of Parks and Recreation  
Courtney Simpson, Manager of Development Services  
Annie Berard, Chief Financial Officer

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**1. Call to Order**

Mayor Brown called the meeting to order at 5:30 p.m. and recognized the unceded traditional territory of the K'ómoks First Nation and offered gratitude for the care and stewardship of this land since time immemorial.

**2. Approval of Agenda**

**Moved by:** Ketler

**Seconded by:** Borecky

THAT Council approve the agenda for the Committee of the Meeting, May 15, 2023.

**Carried Unanimously**

**3. Closed Portion**

**Moved by:** Ketler

**Seconded by:** Therrien

THAT Council close the meeting to the public pursuant to the Section 90 of the *Community Charter* to consider:

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

**Carried Unanimously**

4. **Adjournment**

**Moved by:** Therrien

**Seconded by:** Borecky

THAT the Committee adjourn the meeting at 6:20 pm.

**Carried Unanimously**

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Mayor

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Certified Correct by Corporate Officer

The Corporation of the Village of Cumberland  
Special Council Meeting Minutes



May 18, 2023, 4:30 p.m. (postponed from May 17, 2023)  
Council Chamber, 2675 Dunsmuir Avenue

Council Present: Mayor Vickey Brown  
Councillor Neil Borecky  
Councillor Jesse Ketler  
Councillor Troy Therrien

Regrets: Councillor Sean Sullivan

Staff Present: Michelle Mason, Chief Administrative Officer

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Mayor Brown called the meeting to order at 4:35 p.m. and recognized the unceded traditional territory of the K'ómoks First Nation and offered gratitude for the care and stewardship of this land since time immemorial.

**1. Approval of Agenda**

**Moved by:** Therrien

**Seconded by:** Ketler

THAT Council approve the agenda for the Special Council Meeting, May 18, 2023.

**Carried Unanimously**

**2. Closed Portion**

**Moved by:** Therrien

**Seconded by:** Ketler

THAT Council close the meeting to the public pursuant to the Section 90 of the *Community Charter* to consider:

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

**Carried Unanimously**

**3. Adjournment**

**Moved by:** Therrien

**Seconded by:** Ketler

THAT Council adjourn the meeting at 4:42 p.m.

**Carried Unanimously**

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Mayor

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Certified Correct by Corporate Officer

The Corporation of the Village of Cumberland  
Advisory Planning Commission Minutes

**DRAFT**



**May 11, 2023 at 4 p.m.**  
**Council Chamber, 2675 Dunsmuir Avenue**

**Members Present:**

Nick Ward (Chair)  
Janet Bonaguro (Secretary)  
Debbie Bowman  
Jaye Mathieu  
Jason Ross  
Ryan Camp  
Genevieve Burdett

**Regrets:** None

**Staff Present:**

Courtney Simpson, Manager of Development Services  
Karin Albert, Senior Planner  
Meleana Searle, Planner

**Guests Present:**

Toby Seward, (consultant item 3.1)  
Trevor Styan, (proponent item 3.1)  
Dave Atkinson, (proponent item 3.2)  
Dale Bellavance, (consultant item 3.2)  
Joanne Rees, (consultant item 3.2)

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The meeting was called to order at 4:02 p.m.

**1. Agenda**

**Moved by:** Bowman  
**Seconded by:** Bonaguro

THAT the APC approve the Agenda for May 11, 2023 with the removal of the Tree Protection Bylaw which will be postponed to the regular June APC meeting.

**Carried Unanimously**

**2. Minutes**

**Moved by:** Camp

**Seconded by:** Mathieu

THAT the APC adopt the minutes of April, 13, 2023.

**Carried Unanimously**

### **3. Referrals from Council**

#### **3.1 Development Variance Permit - 3025 Royston Road**

**Moved by:** Bonaguro

**Seconded by:** Mathieu

**Carried Unanimously**

DISCUSSION

- The developer provided an overview of the application
- Consider changes to the bylaw to address modern design of manufactured home park bylaw to address the new common height ranges.

**Moved by:** Bonaguro

**Seconded by:** Mathieu

THAT the Advisory Planning Commission recommend approval of the development variance permit (2023-02-DV) and amendment to the manufactured home park permit (2021-01-MHP).

**Carried Unanimously**

#### **3.2 Environmental Protection and Wildfire Urban Interface Development Permit and Development Variance Permit - Coal Valley Estates Phase 10/11**

**Moved by:** Bonaguro

**Seconded by:** Ross

THAT the APC receive introductory comments about this agenda item from APC Chair..

**Carried Unanimously**

DISCUSSION

The APC Chair introduced item 3.2, showed a satellite view from 2012 and 2022 to highlight the changes that have been made to the land. He commented that the discussion may require a second meeting as there is much to cover. .

**Moved by:** Mathieu

**Seconded by:** Bowman

THAT the APC receive that staff report titled Environmental Protection and Wildfire Urban Interface Development Permit and Development Variance Permit - Coal Valley Estates Phase 10/11.

**Carried Unanimously**

DISCUSSION

- Dale Bellevance, Bell Group, Agent for Coal Valley Estates provided some introductory comments about Phases 10/11
  - Fan House Park grows by .41 acres in reconfiguration to meet criteria to build the road as defined in the plan.

**CDA and Zoning**

DISCUSSION

- Zoning bylaw sets out the lot size.
- CDA bylaw allows a 5% variance to the number of lots, a change above this amount would require amendment to the CDA bylaw.
- The proposed plan has been analyzed by staff and found to fall within the allowable 5%.
- A form and character development permit will be required for multi-family lots.
- All single-family dwellings are allowed secondary suites under current zoning, Council can allow more but can't require it within the CDA.
- Council could change the zoning bylaw to increase the density ("up-zone"). This would be handled in a subsequent development request by each individual property owner.
- Province may supersede municipality move to up-zone single family lots.

**Fan House Covenant**

DISCUSSION

- If covenant remains, then the fan house area would return to the Village to manage and pay for any enhancements.
- Due to road grade requirements the existing fan house covenant will be 3-4 metres below grade and will likely need to be demolished or permanently fenced off due to liability issues.
- The existing road design would require some blasting into the slope.
- If the fan house covenant area is kept the way it is, lots 17-22 would likely not meet the minimum criteria for lot size and would likely need to be amalgamated into ML24. Moving the fan house covenant provides the developer with 6-7 additional lots.
- Installing a play park in the fan house park is of interest; the developer identified that due to traffic considerations a better lot for a playpark would be lot ML27 which is proposed to be transferred to the Village if the fan house covenant amendment is made.

The Committee deferred making a recommendation on the Fan House covenant area until after discussion of the other items.

**Wildfire DPA**

**Moved by:** Ward

**Seconded by:** Mathieu

THAT the APC recommend that Council approve the Wildfire Urban Interface Development Permit.

**Carried Unanimously**

**Frontage Waiver for ML23**

**Moved by:** Burdett

**Seconded by:** Camp

THAT the APC accept the frontage waiver for ML23 if the land is transferred to the Village.

**Carried Unanimously**

**Paving Penrith vs Maryport**

**Moved by:** Burdett

**Seconded by:** Camp

THAT the APC recommend that Council approve the change to paving Penrith instead of Maryport.

**Carried Unanimously**

**Paving Penrith to Dunsmuir**

DISCUSSION

- Penrith is longer than Maryport so the reduced paving from Penrith to Dunsmuir is expected to net out on cost.
- Suggest something closely adjacent be paved as an alternative.

**Moved by:** Ward

**Seconded by:** Camp

THAT the APC recommend to Council that staff consult with appropriate departments or professionals on the balance of cost resulting from the change to paving Penrith before making any decision to reduce paving from Penrith to Dunsmuir.

**Carried Unanimously**

**Variance to Road Width Fronting ML24**

DISCUSSION

- Proposed width is similar width to Penrith and Maryport Roads.
- Confirmed fire trucks can access on a road this width.
- Creating a wider road will require more cutting for the road, which would result in blasting resulting in a rock wall of 4-5 metres.

**Moved by:** Mathieu

**Seconded by:** Bowman

THAT the APC recommend that Council approve the variance reduction in the width of the road fronting ML24 to 7m.

**Carried**

DISCUSSION

- Lot access requirements are not part of the DPA guidelines, but is dealt with by the Approving Officer.
- Important to provide safe second access to all multi family developments.
- In the current lot layout, there is potential that if there was an incident at the north end of ML24 or Lot 10 there would not be another safe egress point (by road) from the area.

**Moved by:** Ward

**Seconded by:** Camp

THAT the APC recommend that at subdivision a safe second access point other than the lane for ML24 before approving subdivision.

**Carried Unanimously**

DISCUSSION

- Desire no parking to enable easier access during winter with snow and ensure turning radius is available as well as discourage MFD residents from parking on the road. But, parking may slow down traffic on this road.

**Moved by:** Bonaguro

**Seconded by:** Camp

THAT the APC recommend that no parking on the lane be considered.

**Carried**

Adjourn to Break 6:08pm

Call to Order 6:20pm

**Transfer of Lots to the Village**

DISCUSSION

- The only reason the transfer of land is being offered is in exchange for the modification of the fan house covenant area to enable more building development and the proposed Penrith Avenue alignment.
- Parkland requirements have already been met in previous development phases.
- Security would be obtained to ensure that the transferred lands are repaired.
- ML23
  - The CDA requires that a trail be provided. There is a bike trail that already exists from the end of Road C (Kendal) to that would skirt the norther edge of the park area (EPP18594) that connects to a trail behind homes on the north side of Camp Road.
  - CL27 at the south end of ML23 is damp part of the year but does not meet the OCP definition of “wetland” that includes “adapted species”.
  - ML23 is likely undevelopable so has no value to the developer.
- ML27
  - Some work has been done on this lot which has damaged the watercourse (“creek”) in this area. This work was supposed to be completed in 2021 but has not yet been done. A restoration plan has been prescribed for this lot that will be required as part of the DP and will be done at the same time as the civil works in this phase. The restoration of this site should happen now, regardless of if this parcel is transferred to the Village. The sooner this is restored the better the quality of the transfer to the Village. Before land is transferred to the Village it should be fully restored and security obtained to ensure restoration is effective for a minimum of two years. Staff will look into whether the damage made to the watercourse on this lot is a provincial offence that should be reported.
  - In reparation to damaging the riparian area a gesture of goodwill from the developer is requested (e.g. make ML27 larger to include lots 62-64 in the transfer of land to the Village).
  - Regardless of the transfer of this lot to the Village, the developer is required to remediate the watercourse.

**Moved by:** Bonaguro

**Seconded by:** Mathieu

THAT the APC recommend that Council accept the proposed transfer of lots ML23 and ML27.

**Carried Unanimously**

### **Traffic and Calming**

#### DISCUSSION

- Traffic studies are outside the scope of this DP.
- Consider traffic calming measures (physical deterrents to speed) on Kendal as well as Penrith to ensure that the volume of additional traffic can be effectively managed.
- During construction, construction vehicles should be made to use gravel road behind lots 62-64
- Staff identified that 3- or 4-way stops will be placed at every intersection, these will be confirmed as part of subdivision.
- There is no detailed design yet for traffic calming, the proposed measures in the staff report are proposed to be included in the detailed design, pending Council decision on the Fan House covenant area.. At design stage, considerations such as speed limit and street parking are determined.

**Moved by:** Ward

**Seconded by:** Bowman

THAT the APC recommend to Council that traffic calming measures presented for Penrith are appropriate, and encourage the creation of similar traffic calming measures on Kendal Ave.

**Carried Unanimously**

### **Environmental DP#1**

#### DISCUSSION

- The Environmental DPA exists to allow decision makers (Council) to place conditions on development, such as buffers.
- Grading/slopes
  - At the building permit stage, the Village has control over the grading plans, any retaining wall over 1.2m requires a building permit. If over 1.2m it may require a variance and go to Council. This helps to address the visual impact of large retaining walls.
- Setbacks/Buffers
  - Concern that activities on lots backing the ravine (lots 18-22, ML24, CL27 and ML25) impact the park area below (e.g. water runoff, fertilizer).
  - The original CDA was done before the current OCP Development Permit Area 1 guidelines were adopted. Prior to the implementation of the Develop with Care Guidelines the Riparian Areas Act defined the setback at 15-30m.
  - [Table 4.1 Develop with Care guideline](#) (p25) line item related to "Parks and protected areas" stating that target outer perimeter for rural areas is 60m. The current stage of development of this phase falls under the definition of "rural". The Develop with Care Guideline defines a 60m target buffer from the boundary of a park.

- Desire to look back at restoring previous hydrological function behind fan house park given restoration.
- Consideration of the “Edge Effect” on the riparian watercourse. Light, humidity, temperature alters conditions of the park which can reach 500m into the forest. In the case the edge effect would impact the entire park.
- Stormwater
  - Stormwater management report shows that calculations were done on a 10% increase in rainfall. Per staff, a 10% increase to the 100 year return period is based on current engineering standards for stormwater management.
- Trees
  - Important to protect Centennial Square area from MFD height and protect adjacent tree coverage.

**Moved by:** Ward

**Seconded by:** Bonaguro

THAT the APC table this topic for the next APC meeting.

**Carried Unanimously**

The Committee decided to table the remaining topics for discussion to the next APC meeting.

### **3.3 OCP Review**

#### **DISCUSSION**

- Staff presented a proposed schedule for OCP-related APC meetings and will send out meeting requests for everyone’s calendar.

**Moved by:** Mathieu

**Seconded by:** Ross

THAT the APC receive staff report on the OCP review process.

**Carried Unanimously**

### **4. Next Meeting**

The next regular APC meeting is Thursday, June 8, 2023 at 4:00 pm. Staff and the Committee will aim to schedule an additional meeting within two weeks to continue consideration of the Coal Valley Estates referral.

**5. Adjournment**

The meeting was adjourned at 8:28 p.m. (Camp)

April 20, 2023

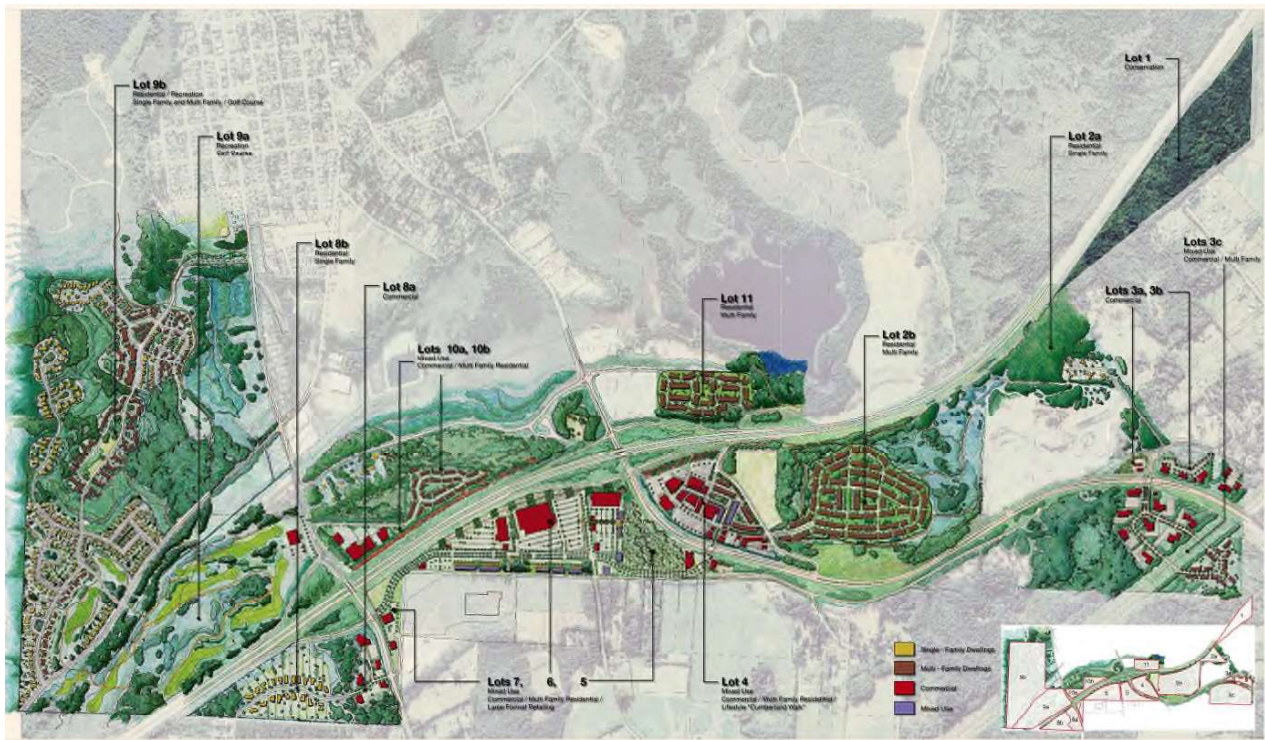
By Email ([info@cumberland.ca](mailto:info@cumberland.ca))

To Mayor and Council

**RE: Request for Confirmation of Interest**

We are reaching out to the Village of Cumberland Council to invite discussion on the future of the Cayet lands. As you know, the planning for the Cayet (Trilogy) project began in 2006 and encompasses a total of approximately 760 acres of land located in proximity to the Inland Island Highway 19 (Figure #1). After extensive planning and consultation the lands, which have commonly been referred to as the “Interchange Lands”, were rezoned and a Subdivision and Development Covenant (#FB325240) between the property owner and the Village of Cumberland (the Village) was registered to address additional and requirements of subdivision and development that were of concern when the planning commenced in 2006.

**Figure 1: Original Cayet Concept**



Since 2006 none of these lands have been developed other than for the visitors information centre. The residential and commercial markets have significantly changed in Comox Valley over the last 17 years;

however, the primary reason for the lack of progress is the comprehensive servicing provisions within the development covenant that require the entirety of the lands to be serviced prior to the approval of any development. Without any final approvals this results in significant upfront capital investment resulting in significant risk to the developer.

Based on our latest review of the project we anticipate that amendments to the Zoning Bylaw, Comprehensive Development Plan and Development Covenant will be necessary to facilitate the development moving forward. Such amendments represent significant investment in time and resources (for both the Village and the developer) to first educate stakeholders on all the relevant information, but also to collaborate and negotiate amendments that benefit both the property owner as well as the community. To this end, before exploring these options, we are seeking support from Council as follows:

- 1) Does Council support further dialogue to amend relevant development bylaws and obligations to facilitate the Cayet development moving forward?
- 2) Does Council support the allocation of staff resources to engage with the project consulting team to define application submission requirements and establish a process for reviewing the application?

It should be noted that, upon completion of the pre-application stage, we would consider providing funding to the Village to support the recruitment of additional development planning resources to increase the Village's planning capacity to enable timely consideration of this project.

Yours truly,

**0888128 B.C. Ltd.**

Keith Burrell

cc: Courtenay Simpson, Planning Manager  
(via email – [csimpson@cumberland.ca](mailto:csimpson@cumberland.ca))



## K'ómoks First Nation

3330 Comox Rd., Courtenay BC, V9N 3P8 | Ph: 250.339.4545 | F: 250.339.7053 | E: [reception@komoks.ca](mailto:reception@komoks.ca)

Mayor Vickey Brown & Council  
Village of Cumberland  
2673 Dunsmuir Ave,  
Cumberland, BC V0R 1S0

May 10, 2023

### **Requesting your support: please help our communities celebrate National Indigenous People's Day**

Dear Mayor Brown,

It is my pleasure to share that we are hosting our annual National Indigenous People's Day celebrations again this year on Wednesday June 21. This event provides an opportunity to celebrate and honour all Indigenous communities, recognizing our strength, sharing in cultural knowledge and diversity, and celebrating our resilience.

This year, we are excited to expand our efforts to accommodate for larger crowds, more parking, and vendors. As a result, we are moving the festivities to a new location, across from the Puntledge RV Campground. Morning activities will include key note speakers Joanna Recalma of Qualicum/Pentlatch, Letitica Pokiak from Tuktoyuktuk, and Dr. Dorothy Kennedy. These presentations will be closed for K'ómoks members, Chief & Council, and invited guests and elected officials. In the afternoon, the agenda will open to the general public, with storytelling, drumming and singing on stage, as well as fun for the family with kids' zone activities, a carver's corner, and food vendors.

### **Seeking community support and donations**

With our expanded offerings come expanded costs. While K'ómoks First Nation is providing important contributions for this event, we are looking to raise an additional \$35,000 and secure donations in-kind from our valued community partners. Partner support could take the form of:

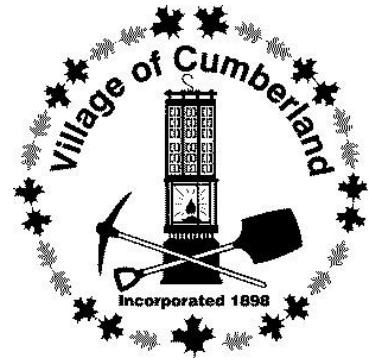
- Contributing financially
- Providing volunteer assistance (day-of event support)
- Supplying event, signage, or stage equipment
- Promoting the event in media channels
- Donating food, swag and/or door prizes

**If your organization would be interested in supporting this important community event, please reach out as soon as possible to Katherine Frank, our event lead at 250 650 7271 (cell) or [katfrank4@hotmail.ca](mailto:katfrank4@hotmail.ca).** Your contribution will provide a unique opportunity to promote cross-cultural awareness and understanding.

Respectfully,

Ken Price  
Elected Chief Councillor  
K'ómoks First Nation

# COUNCIL REPORT



REPORT DATE: 5/15/2023  
MEETING DATE: 5/29/2023

File No. 2023-03-DV

TO: Mayor and Councillors  
FROM: Meleana Searle, Planner  
SUBJECT: Development Variance Permit Application 2794 Beck Avenue

## RECOMMENDATION

THAT Council approve the development variance permit to increase the maximum gross floor area (GFA) of the onsite caretaker's residence from 90.0m<sup>2</sup> to 149.6m<sup>2</sup> for the property described as Lot 2 Section 34 Township 10 Comox District Plan EPP104047 (2794 Beck Avenue).

## PURPOSE

The purpose of this report is to seek a Council decision on an application for a development variance permit. The applicant is proposing to increase the maximum permitted floor area of the caretaker's residence from 90.0m<sup>2</sup> to 149.6m<sup>2</sup>.



**Subject Property**

## PREVIOUS COUNCIL DIRECTION

Date	Resolution
January 9, 2023	THAT Council approve the development permit (2022-07-DP) for the property described Lot A Section 34 Township 10 Comox District Plan EPP93477 (2794 Beck Avenue)

## BACKGROUND

### *Proposed Development*

The applicant has previously received development permit approval from Council to construct a storage facility, office, and caretaker's suite. The applicant is currently at the building permit stage and is proposing to increase the GFA of the caretaker's residence to increase the livability of the suite and the likelihood of a family or other residents requiring more space being able to rent the suite.

## ***Official Community Plan***

Pursuant to the Official Community Plan (OCP), the proposed development is subject to two development permit areas (DPAs): DPA #1 -Environmental Protection and DPA #5 – Industrial. An Environmental Protection and Industrial development permit was granted by Council on January 9, 2022.

## ***Zoning Bylaw***

The subject property is zoned I-2 – Heavy Industrial, which permits a large variety of industrial principal uses. Office and residential is permitted as an accessory use if it is an integral part of the principal use. The maximum size of a dwelling unit in this zone is 90.0m<sup>2</sup> (987.7ft<sup>2</sup>).

## **ANALYSIS**

### *Land use justification*

Best practices for evaluating development variance permit applications typically look for an acceptable land use justification such as:

- i. the ability to use or develop the property is unreasonably constrained or hindered by having to comply with the bylaw requirement;
- ii. there is a net benefit to the community or immediate area that would be achieved through the variance approval; or,
- iii. the proposed variance would allow for more efficient and effective use and development of the subject property.

The proposed variance would increase the GFA of the suite allowing for three bedrooms and increasing the potential for the suite to be rented by a family or any tenants desiring or requiring a larger living area. The proposed variance allows for a more efficient and effective use of the property as the increased GFA would not change the approved footprint or exterior finishing of the building. The proposed variance complies with the Zoning Bylaw as it does not increase density as it would remain a single-family dwelling.

### *Impacts of the Variance*

Where a land use justification for a proposed variance has been demonstrated, the application should then be evaluated based upon the impact(s) (positive or negative) of the variance.

Impact(s) may be classified into the following three general categories:

- i. Aesthetic impact. This includes the impact of the proposed variance on the streetscape, the views from adjacent properties, compatibility with neighbourhood design standards, etc.
- ii. Functional impact. This includes the impact of the proposed variance on the function of the property for the permitted uses and the potential impact of the variance on the function of adjacent properties, or road rights-of-way.
- iii. Environmental impact. This includes the impact of the proposed variance on the long-term sustainability of the natural environment or the direct impact on a specific feature of the natural environment.

There are no aesthetic impacts as a result of the variance. The form and character, which would not change, has already been approved by Council as part of the Industrial Development Permit.

The height of the building containing the residence complies with the height maximums for the zone.

There are no identified negative impacts to the function of the property or adjacent properties. A caretaker's suite is permitted on all I-2 lots. All parking required is provided on site. The suite provides a level of security for the subject property and adjacent properties by having someone on site 24hours a day.

There are no identified impacts to the environment as a result of an increase to the GFA of the residence.

Staff do not identify any negative impacts associated with the variance application.

### **PUBLIC NOTIFICATION AND REFERRALS**

Pursuant to the requirements of the Village of Cumberland Development Procedures and Fees Bylaw No. 1073, 2018:

1. The Applicant has placed the required signage on site.
2. Village staff prepared a notice of Council consideration of a Development Variance Permit which was mailed to owners and occupants of properties within 75.0 metres on May 16, 2023, meeting the Bylaw minimum of 10 days before Council considers the application.

At the time of this report, staff have received one letter of support from an adjacent property owner.

### **ALTERNATIVES**

- i. THAT Council refer the development variance permit to increase the maximum gross floor area (GFA) of the onsite caretaker's residence from 90.0m<sup>2</sup> to 149.6m<sup>2</sup> for the property described as Lot 2 Section 34 Township 10 Comox District Plan EPP104047 to the Advisory Planning Commission for comment.
- ii. THAT Council deny the development variance permit to increase the maximum gross floor area (GFA) of the onsite caretaker's residence from 90.0m<sup>2</sup> to 149.6m<sup>2</sup> for the property described as Lot 2 Section 34 Township 10 Comox District Plan EPP104047.

### **STRATEGIC OBJECTIVE**

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

### **FINANCIAL IMPLICATIONS**

None.

### **OPERATIONAL IMPLICATIONS**

The review of development variance permit applications is part of the services provided by Development Services.

## **CLIMATE CHANGE IMPLICATIONS**

The proposed development permit is located within an existing industrial node. Efforts to mitigate climate change through the reduction of greenhouse gas emissions include: the building being solar ready, provision of indoor secured bike parking, and electric vehicle plugs-in.

## **ATTACHMENTS**

1. 2023-03-DV DRAFT
  - a. Schedule A – Floor plan
2. Elevations
3. Letter from Applicant
4. Letter of Support

## **CONCURRENCE**

Courtney Simpson, Manager of Development Services **CS**

Respectfully submitted,

***M. Searle***

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Meleana Searle  
Planner

***M. Mason***

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Michelle Mason  
Chief Administrative Officer



**TO:** Bal Air LTD., INC. NO. BC0707209

**OF:** 1970 Toronitz Road, Comox, BC, V9M 3Y6

This Development Variance Permit (2023-03-DV) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purposes of developing two storage facilities, office and caretaker's suite.

1. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

**Legal Description:** Lot 2 Section 34 Township 10 Comox District Plan  
EPP104047

**Folio:** 516 29039.572 **PID:** 031-861-423

**Civic Address:** 2794 Beck Avenue

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit: The Zoning Bylaw No.1027, 2016 is varied as follows:

Section 10.2, 9, a). The maximum size of a dwelling unit in this zone is varied to a maximum of 150.0m<sup>2</sup> as shown on the site plan attached to this permit as Schedule A.

3. **Security**

None.

4. **Expiry**

Subject to the terms of the Permit, if the Applicant of this Development Variance Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

5. **Timing and Sequencing of Development**

None.

6. **List of Reports or Plans attached as Schedules**

Schedule A – Floor Plan

7. **Contaminated Sites Regulation**

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Applicant has completed a “Site Declaration” for the subject property.

8. This Permit is **not** a Building Permit.

CERTIFIED as the DEVELOPMENT VARIANCE PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on May 29, 2023.

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Corporate Officer

DRAFT







PHI Architecture Inc

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Date 02 May 2023  
To Village of Cumberland  
Attention Building Department  
**Re Application for a Development Variance Permit for 2794 Beck Avenue  
for Cumberland Storage**  
Via Email

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Please accept this application for a Development Variance to increase the allowable area of the single-family dwelling proposed for this development from 90 square meters to 149.6 square meters. One dwelling is allowed, there is no change to the proposed footprint of the project and the building height conforms to the bylaw.

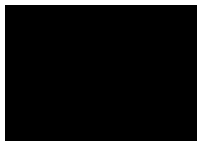
The area of the dwelling unit increased to allow the residents to fully access the scenic views of the Comox Glacier and the Beaufort range mountains from their elevated exterior deck.

The dwelling on site provides a level of security for the entire development. Without this variance the dwelling unit will be greatly compromised and have less appeal to a prospective tenant thereby compromising the owners ability to attract a quality tenant. The increased dwelling area requested in no way contravenes the five evaluation criteria for variances in that:

- It is not inappropriate development on the site.
- There are no adverse affects to the natural environment.
- It has no affect on the use and enjoyment of adjacent land since it's all industrial.
- It is a permitted use.
- It does not contravene the intent of the bylaw as it remains a single family dwelling.

Thank you for your consideration.

Sincerely,



cc: Brian Balfe, Owner

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Date 04 May 2023  
To Village of Cumberland  
Attention Cumberland Council  
**Re Application for a Development Variance Permit for 2794 Beck Avenue  
for Cumberland Storage**

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I would like to express my unconditional support for the Development Variance Permit request of my neighbour with whom I share my western property line. I understand he wants to increase the allowable area of the single-family dwelling.

Since this area is zoned Industrial a minimal number of dwellings will be present. Residents in the development will provide a level of security and safety that will support the success of this development.

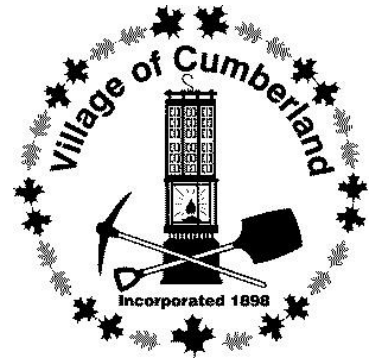
The large elevated exterior deck will provide good over sight of both our properties. This supports CPTED (Crime Prevention Through Environmental Design) principles that state the increased likelihood of detection and apprehension is known to be the biggest deterrent to crime. A higher quality dwelling, due to the increased area requested, will attract a tenant / owner who can be relied upon to protect the interests of all properties in the development.

Sincerely,

Scott DiGuistini, Owner, Tree Island Yogurt, Lot 1 Beck Avenue Development

cc: Brian Balfe, Owner, Lot 2 Beck Avenue Development

# COUNCIL REPORT



REPORT DATE: 5/12/2023  
MEETING DATE: 5/29/2023

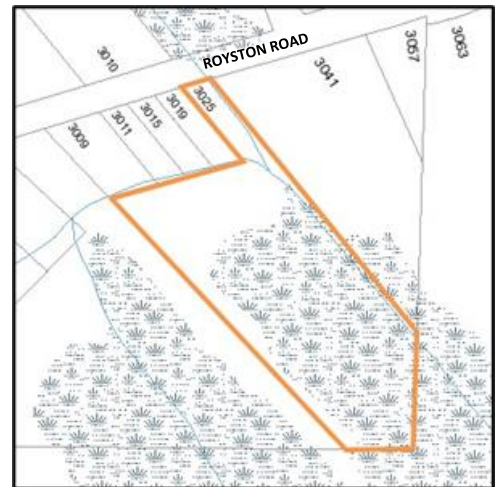
File No. 2023-02-DV & 2021-01-MHP

TO: Mayor and Councillors  
FROM: Meleana Searle, Planner  
SUBJECT: Development Variance Permit and Manufactured Home Park Permit  
Amendment 3025 Royston Road

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## RECOMMENDATION

- I. THAT Council approve the development variance permit (2023-02-DV) to allow the manufactured home park with more than 24 units to have a second access from a public road to instead provide emergency access from a private road with access easement and to increase the height of all principal dwellings from 4.5m to 5.5m in Phase 2 on the property described as Lot 1, District Lot 24, Nelson District, Plan 38778 Except Part In Plan 49490.
- II. THAT Council approve the amendment to Manufactured Home Park Permit (2021-01-MHP) to include the second phase of development on the property described as Lot 1, District Lot 24, Nelson District, Plan 38778 Except Part In Plan 49490.



**Subject Property**

## PURPOSE

The purpose of this report is to request a Council decision on an application for a development variance permit and an amendment to 2021-01-MHP permit to include the proposed second phase of development. The applicant is proposing to vary the Manufactured Home Park Bylaw by changing the requirement for a manufactured home park with more than 24 units to have a second access from a public road to instead provide emergency access from a private road. The applicant is also requesting that the maximum height for all principal dwellings be increased from 4.5m to 5.5m. An amendment to the original MHP permit (2021-01-MHP) is also required to reflect permission for Phase 2.

**PREVIOUS COUNCIL DIRECTION**

<b>Date</b>	<b>Resolution</b>
April 11, 2022	THAT Council approve the manufactured home park permit, development permit and development variance permit for the property described as Lot 1, District Lot 24, Nelson District, Plan 38778 Except Part In Plan 49490 (3025 Royston Road).

**BACKGROUND**

***Proposed Development***

On April 11, 2022, Council approved development permits for a Manufactured Home Park and Development Permit Area 1 – Environmental Protection. The development is proposed to be completed in two phases. Phase One includes 24-units, an internal road network and all civil services. Each lot will accommodate a single-family residential dwelling in the form of a prefabricated modular home. Council also granted a variance to allow for the primary access from Royston Road to be narrowed from 8.0m to 6.5m. The property owner is now requesting to vary the Manufactured Home Park Bylaw by changing the requirement for a MHP with more than 24 units to have a second access street from a public road to instead provide emergency access from a private road. Approval of this variance would allow the MHP permit to be amended for construction of Phase 2 - an additional 32 dwelling units.

The applicant is also requesting that the maximum height for all phase two principal dwellings be increased from 4.5m to 5.5m. The height issue was not identified until the building permit phase. An increase to the maximum height for all principal dwellings in phase one was granted by the Board of Variance on January 24, 2023. The height variance for the dwellings in phase two is not eligible to be considered by the Board of Variance because the access variance is also required at the same time and it cannot be considered by the Board of Variance. Legislation outlines that when multiple variances are required and not all can be considered by the Board of Variance, all must go to Council for decision. The height variance for phase 1 was considered on its own as it was not certain if or when phase 2 would be possible due to the requirement for the access easement.

***Official Community Plan***

The Official Community Plan Bylaw No. 990. 2014 (OCP) designates the subject property as Greenway. This designation applies to corridors and areas of land that provide trails, wetlands, biodiversity and wildlife connectivity. The subject property is bounded by riparian areas and is adjacent to Trent River Main which is identified as a greenway and future trail.

The subject property is within Development Permit Area #1 (DPA #1) – Environmental Protection with aquatic ecosystem areas and connectivity areas identified. A development permit was granted on April 11, 2022.

***Zoning Bylaw***

The subject property is zoned MHP-1 – Manufactured Home Park Zone pursuant to Zoning Bylaw No. 1027, 2016. The principal use in this zone is manufactured home park or a singular manufactured home. Accessory buildings and home occupations are permitted as accessory uses. The zone permits 20 units per hectare. At 3.29 hectares, the proposed development is within the permitted density at 56 units. The maximum height for a principal building or structure is 4.5m.

### ***Floodplain Management Bylaw***

The Floodplain Management Bylaw No. 962, 2012, specifies that construction adjacent to any river, stream or creek must be 1.5m above the natural boundary of the watercourse and set back 15.0m from the natural boundary, creeks and streams. The natural boundary is defined as the visible high watermark of the waterbody. The development complies with the required setbacks for flood construction levels.

### ***Manufactured Home Park Bylaw***

The proposed development is subject to the Manufactured Home Park (MHP) Bylaw No. 1036, 2016. The MHP Bylaw sets out guidelines and requirements for servicing, buffer areas, landscaping, on-site parking and access. As per the bylaw, where a MHP contains 25 or more spaces, a second access from a public street separated by at least 30.0m from the first access shall be provided. A MHP permit for the first phase of development was issued on April 11, 2021.

### **ANALYSIS**

The applicant is proposing to provide an 8.0m wide emergency access road onto the Trent River Main. The applicant has entered into a legal agreement with the property owner of the Trent River Main and has registered an easement that grants them access to the proposed emergency access (Attachment 3 – Map of Easement). The current access gate on the Trent River Main will be moved past the access road. The emergency access to the MHP will have bollards that restrict vehicle access other than emergency services who will have a key. Should the Trent River Main become a public road at any point in the future the emergency access could become a regular access to the site.

The applicant is also requesting to increase the maximum height for principal dwellings from 4.5m to 5.5m to account for the foundation and required driveway upslope on site. The applicant has provided a Letter of Rationale (Attachment 4 – letter of Rationale) that describes the technical rationale for the increased height request.

#### *Land use justification*

Best practices for evaluating development variance permit applications typically look for an acceptable land use justification such as:

- i. the ability to use or develop the property is unreasonably constrained or hindered by having to comply with the bylaw requirement;
- ii. there is a net benefit to the community or immediate area that would be achieved through the variance approval; or,
- iii. the proposed variance would allow for more efficient and effective use and development of the subject property.

A 14.9m wide panhandle is the only access to the subject property from a public road. The ability to develop the lot is hindered by the MHP bylaw requirements for a second access onto a public highway. The proposed variances would allow for the applicant to build out to the permitted density in the MHP-1 Zone. This would result in the addition of 32 new prefabricated, single-family dwellings to Cumberland.

By limiting the height of the units to 4.5m the builder would be required to build the homes outside of best practices, as described in the Letter of Rationale. Granting the requested height variance would allow for higher quality building standards on the site.

### *Impacts of the Variance*

Where a land use justification for a proposed variance has been demonstrated, the application should then be evaluated based upon the impact(s) (positive or negative) of the variance. Impact(s) may be classified into the following three general categories:

- i. Aesthetic impact. This includes the impact of the proposed variance on the streetscape, the views from adjacent properties, compatibility with neighbourhood design standards, etc.
- ii. Functional impact. This includes the impact of the proposed variance on the function of the property for the permitted uses and the potential impact of the variance on the function of adjacent properties, or road rights-of-way.
- iii. Environmental impact. This includes the impact of the proposed variance on the long-term sustainability of the natural environment or the direct impact on a specific feature of the natural environment.

The current reduced primary access road still meets MMCD guidelines for travel-lane width. In the event of an emergency such as a fire, the reduced width access road could be obstructed by emergency service vehicles which have a greater width than a standard vehicle. Pedestrian access would not be obstructed. Should the primary access road be congested with residents leaving the property, emergency service vehicles would have access to the Trent River Main emergency access road. A culvert has already been installed across the ditch between the MHP and the Trent River Main. Prior to the culvert installation a Qualified Environmental Professional surveyed the area and conducted a breeding bird survey. The biologist reported that the area could be cleared with minimal risk of incidental take or harm to migratory birds/eggs in compliance with the Migratory Bird Convention Act and Wildlife Act.

The impact of the 1.0m height increase would be minimal. The 5.5m height is lower than the 10.0m maximum height for principal buildings for the neighbouring properties in the R-3 Large Lot Rural Residential Zone. The additional height is not expected to noticeably change the overall look, except to accommodate a more contemporary design. The first phase of 24 manufactured homes is permitted a 5.5m height by the Board of Variance.

### **PUBLIC NOTIFICATION AND REFERRALS**

Pursuant to the requirements of the Village of Cumberland Development Procedures and Fees Bylaw No. 1073, 2018:

1. The Applicant has placed the required signage on site.
2. Village staff prepared a notice of Council consideration of a Development Variance Permit which was mailed to owners and occupants of properties within 75.0m on March 3, 2023, meeting the Bylaw minimum of 10 days before Council considers the application.

At the time of this report, staff have not received feedback from members of the public.

The Advisory Planning Commission (APC) reviewed the application at their regular meeting on May 11, 2023. The APC recommended approval for both variances and the MHP amendment with no additional comments.

### **ALTERNATIVES**

1. THAT Council deny the application for a development variance permit to:

- Vary the Manufactured Home Park Bylaw by changing the requirement for a manufactured home park with more than 24 units to have a second access street from a public road to instead provide emergency access from a private road; and
- Increase the height of all principal dwellings be increased from 4.5m to 5.5m; and
- Amend 2021-01-MHP to include the second phase of development on the property described as Lot 1, District Lot 24, Nelson District, Plan 38778 Except Part In Plan 49490.

2. THAT Council request further information.

### STRATEGIC OBJECTIVE

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

### FINANCIAL IMPLICATIONS

None.

### OPERATIONAL IMPLICATIONS

The review of development variance permit applications is part of the services provided by Development Services.

### CLIMATE CHANGE IMPLICATIONS

The potential flood hazard from Maple Lake Creek has been considered in the context of future climate change. The stormwater management plan considers climate change in its calculations and design of detention ponds, and the required flood construction levels for the dwellings also account for increases in flood waters. The proposed development supports Village climate change adaptation goals through the creation of a compact community along an existing corridor and within walking distance of Village amenities.

### ATTACHMENTS

1. 2023-02-DV
2. 2021-01-MHP - AMENDED
3. Map of Easement
4. Letter of Rationale

### CONCURRENCE

Courtney Simpson, Manager of Development Services **CS**

Mike Williamson, Fire Chief **MW**

Rob Crisfield, Manager of Operations **RC**

Respectfully submitted,

***M. Searle***

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Meleana Searle  
Planner

***M. Mason***

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Michelle Mason  
Chief Administrative Officer



Corporation of the  
Village of Cumberland

*DEVELOPMENT  
VARIANCE PERMIT*

**TO:** 1318796 BC LTD.

**OF:** 3025 Royston Road, Cumberland, BC, V0R 1S0

This Development Variance Permit (2023-02-DV) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purposes of developing a manufactured home park.

1. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

**Legal Description:** Lot 1, District Lot 24, Nelson District, Plan 38778 Except Part In Plan 49490

**Folio:** 516 00813.200 **PID:** 000-066-923

**Civic Address:** 3025 Royston Road

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit: The Manufactured Home Park Bylaw No.1036, 2016 is varied as follows:

Section 13, a). where a MHP contains 25 or more spaces, a second access from a public street separated by at least 30.0metres (98.8feet) from the first access is not required. Access will be provided from a private road as shown on the site plan attached to this permit as Schedule A.

3. The Zoning Bylaw No.1027, 2016 is varied as follows:

Section 7.7 The maximum height of a principal building is increased to 5.5metres.

3. **Security**

None.

4. **Expiry**

Subject to the terms of the Permit, if the Applicant of this Development Variance Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

5. **Timing and Sequencing of Development**

None.

6. **List of Reports or Plans attached as Schedules**

1. Schedule A – Site Plan

7. **Contaminated Sites Regulation**

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Applicant has completed a “Site Declaration” for the subject property.

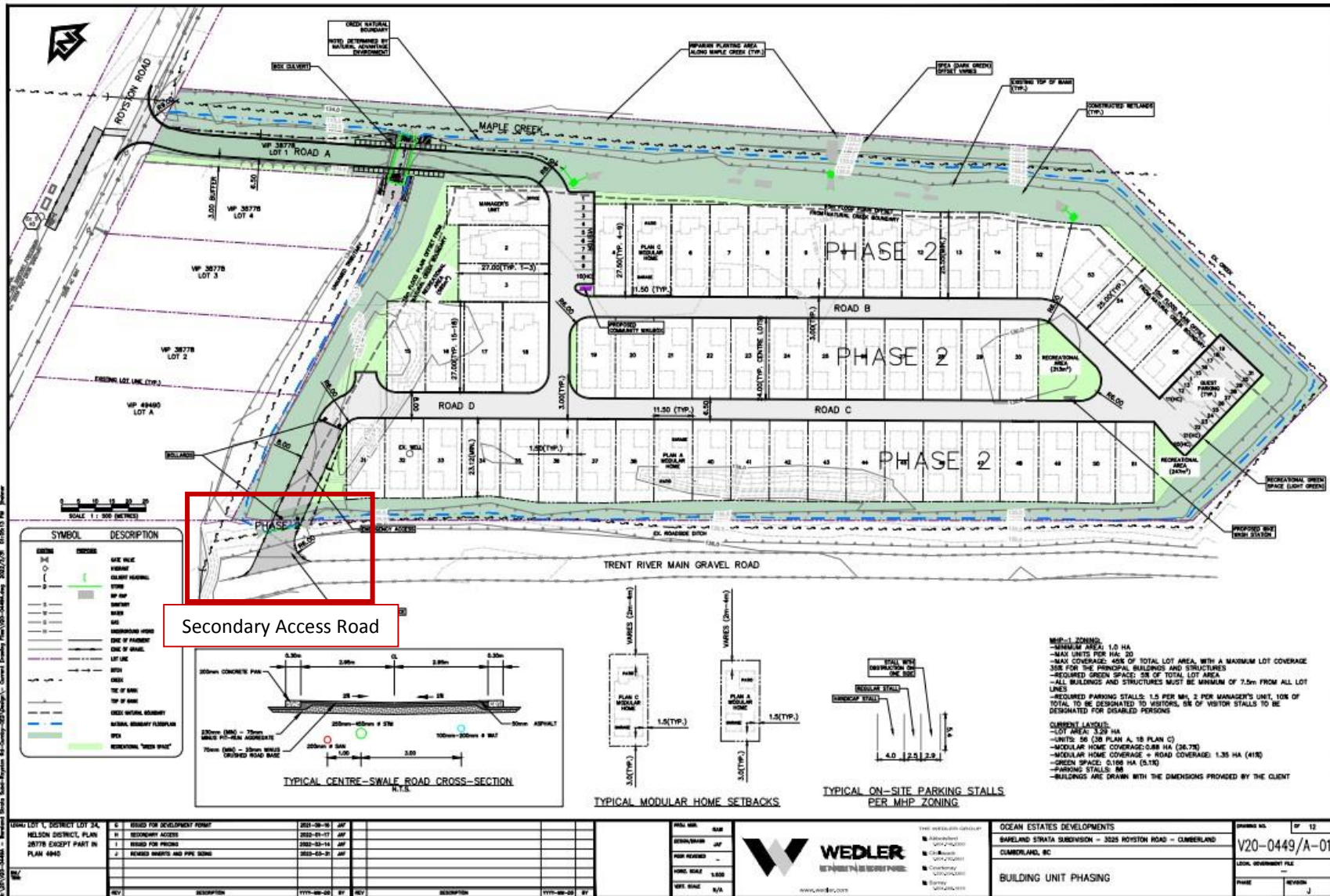
8. This Permit is **not** a Building Permit.

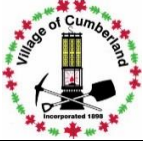
CERTIFIED as the DEVELOPMENT VARIANCE PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on May 29, 2023.

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Corporate Officer

Schedule A – Site Plan





**TO:** 1318796 BC LTD

**OF:** 3025 Royston Road, Cumberland, BC V0R 1S0

This Manufactured Home Park Permit (2021-01-MHP) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as supplemented by this Permit for the purposes of developing a manufactured home park.

1. This Manufactured Home Park Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

**Legal Description:** Lot 1, District Lot 24, Nelson District, Plan 38778 Except Part In Plan 49490

**Folio:** 516 00813.200 **PID:** 000-066-923

**Civic Address:** 3025 Royston Road

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:
  - a. The siting and design of the Manufactured Home Park (MHP) shall be substantially in compliance with the site plan and drawings attached to this permit as Schedule A.
  - b. The landscaping shall be substantially in compliance with the landscape plan attached to this permit at Schedule B.
  - c. Works and services will be designed and secured for the development in accordance with the requirements of the Manufactured Home Park Bylaw, No.136, 20616 and all applicable Municipal bylaws and policies.
    - i) All aspects of the work shall meet or exceed the standards in the current edition of the Master Municipal Construction Document (MMCD). This does not relieve the Registered Professional from their professional responsibilities to satisfy themselves as to the adequacy of the design.
    - ii) The Owner shall retain a Coordinating Registered Professional (CRP) to design the works and services, prepare specifications covering their installation, carry out all necessary surveys, supervise the installation of all works and services and, upon completion, shall provide certification that all works have been designed and installed according to all approved designs and good engineering practices.

- iii) The CRP shall submit certified "Record" drawings to the Village, together with certification confirming that all aspects of the work have been carried out in accordance with the Village's Bylaws, policies and regulations.
  - iv) A Municipal "Permit to do Works within a Street Right of Way" is required for any work within an existing Municipal right-of-way. All works and services shall be constructed by qualified civil contractors.
- d. Provision of 87 parking spaces.
- i) Two spaces are to be assigned to the manager's unit.
  - ii) Nine spaces are to be assigned as visitor's paces.
  - iii) Four spaces are to be assigned as accessible parking.
  - iv) Parking stalls shall be clearly marked by painted lines and appropriate signage.
- e. One freestanding sign on each road frontage on the same parcel as the MHP shall be permitted. Signs must conform to the requirements in MHP Bylaw No.1036, 2016.
- f. A separate Park Office is required. The Park Office shall be adequately identified by a sign not to exceed 0.4m<sup>2</sup> (4.3feet<sup>2</sup>) in area.

**3. Security**

- a) A security in an amount equal to 125% of the cost estimate for the approved landscape plan shall be received before the Permit is granted.
- b) When the plan has been completely implemented the Owner shall request an inspection. If found to be compliant, a refund of 75% of the security received shall be made.
- c) The remaining 25% will be held back for one year at which time the Owner will request an inspection. If the landscaping is to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Owner as per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

**4. Timing and Sequencing of Development**

Subject to the terms of the Permit, if the Applicant of this Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

**5. List of Reports or Plans attached as Schedules**

- 1. Schedule A – Site Plan
- 2. Schedule B – Landscape Plan

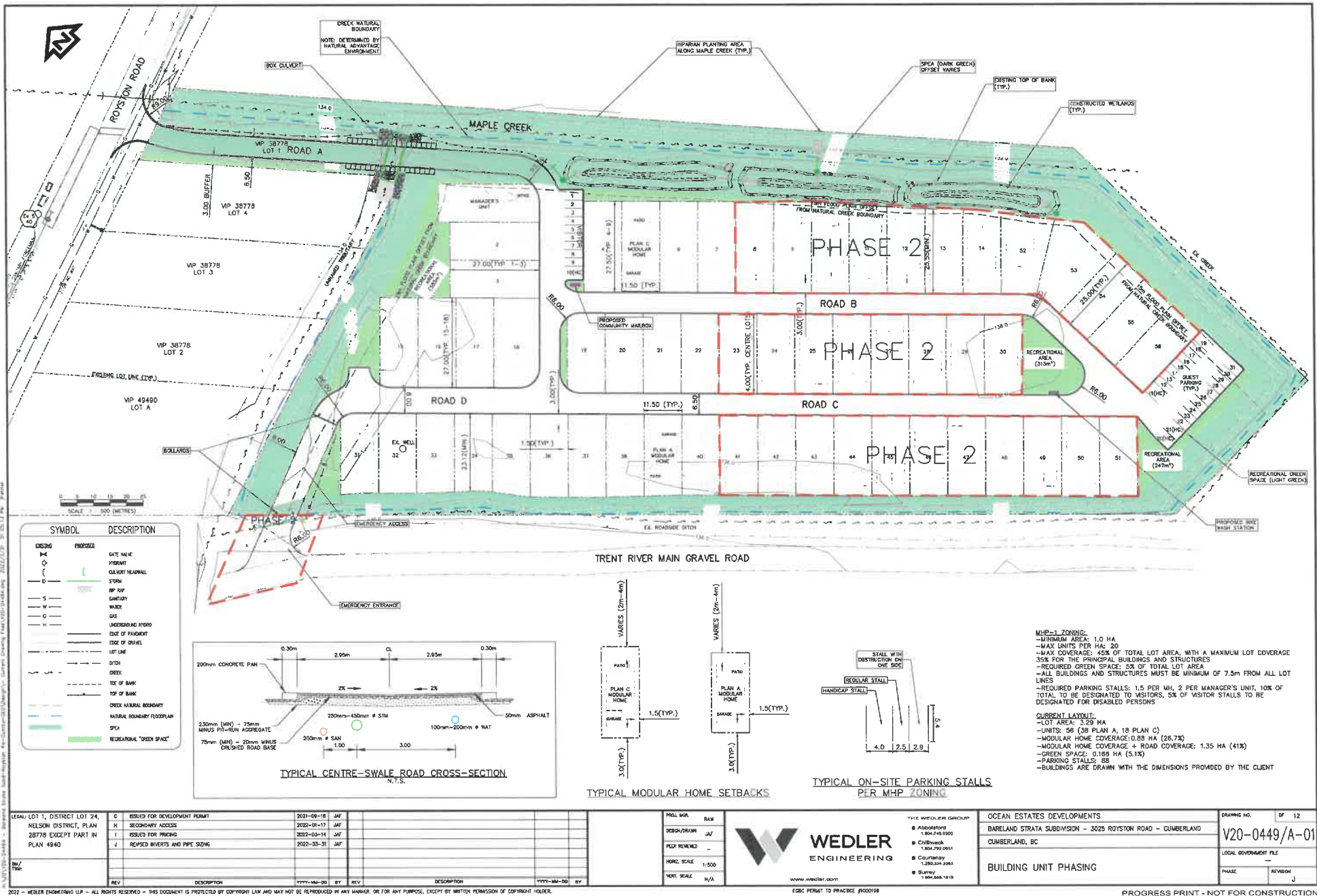
3. Schedule C – Stormwater Management Report

**Certification for Manufactured Home Park Permits where there are no pre-conditions:**  
CERTIFIED as the MANUFACTURED HOME PARK PERMIT approved for issuance by resolution of the Council of the Corporation of the Village of Cumberland on May 29, 2022.  
Corporate Officer

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Corporate Officer

DRAFT



LEGAL LOT 1, DISTRICT LOT 24, NELSON DISTRICT, PLAN 28778 EXCEPT PART IN PLAN 4940	REV	DESCRIPTION	DATE	BY	CHK
	0	ISSUED FOR DEVELOPMENT PERMIT	2021-09-16	JAF	
	1	SECONDARY ACCESS	2022-01-17	JAF	
	1	ISSUED FOR PRICING	2022-03-14	JAF	
	4	REVISED INVERTS AND PIPE SIZING	2022-03-31	JAF	

PROJ. NO.	DATE
DESIGN/DRAWN	JAF
PLR REVIEWED	-
NO. SCALE	1:500
VERT. SCALE	N/A

**WEDLER ENGINEERING**

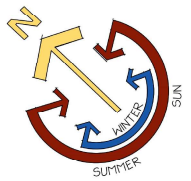
1800-448-1918

www.wedler.com

EGBC PERMIT TO PRACTICE #000199

OCEAN ESTATES DEVELOPMENTS	
BARELAND STRATA SUBDIVISION - 3025 ROYSTON ROAD - CUMBERLAND, BC	
BUILDING UNIT PHASING	

DRAWING NO.	OF
V20-0449/A-01	12
LOCAL GOVERNMENT FILE	
PHASE	REVISION



**DC LANDSCAPE STANDARDS**  
 All construction to meet the requirements as set out in the BC Landscape Standards, 2012 edition, prepared by the BC Society of Landscape Architects and the BC Landscape and Nursery Association jointly. Copies of the BC Landscape Standards are available through the BCLNA office at 460-514-7172.  
 Contractor to consult with designer regarding any discrepancies.  
 Contractor to consult with designer if plant substitutions are required due to availability.  
 Contractor is responsible for obtaining written confirmation of utility locations prior to commencing digging.  
 Contractor is responsible for providing one year of maintenance and one year warranty on all materials and workmanship, from acceptance of landscape.  
 Refer to landscape specifications supplied with this plan at building permit level. If you do not receive the specifications, please contact the designer.

**TOP SOIL REQUIREMENTS**  
 Minimum depth for shrub beds 450mm (18")  
 Minimum depth for grass/overrun 300mm (12")  
 Minimum depth for mulch 75mm (3")  
 Minimum depth for lawn areas 300mm (12")  
 Trees as per detail on these drawings.

**PROJECT:**  
 OCEAN ESTATES DEVELOPMENTS  
 BARELAND STRATA SUBDIVISION  
 3025 NOTION ROAD  
 CLUTBERLAND, BC

**CLIENT:**  
 BSM BC Ltd  
 1855 Conroy Road  
 Courtenay, BC V9N 3P8  
 250-871-7166

**LANDSCAPE DESIGNER:**  
 MYSTIC WOODS  
 LANDSCAPE DESIGN



phone: 250-286-1327  
 design@mysticwoods.ca

**DRAWN BY:**  
 Corinne Plushon CLD, CP  
 Certified Landscape Designer  
 Qualified Plantman

Member of the BCLNA / CLNA

**LANDSCAPE ARCHITECT:**  
 ALISON HUBBETT BCLSA  
 766 Loza Road  
 Courtenay, BC V9R 3V6  
 phone: 250-255-0255  
 ahusett1@gmail.com

**REVIEWED AND APPROVED BY:**  
 ALISON HUBBETT BCLSA  
 Landscape Architect  
 Member of the BCLSA

**SCALE:** 1 : 500

**DATE:** Oct 14, 2021

Issued Nov 5, 2021 For LA review

Issued Nov 15, 2021 For review

Issued Dec 16, 2021 For CD

Issued Jan 17, 2022 For DP

"Not for Construction"

LANDSCAPE DRAWINGS TO BE PROVIDED FOR BUILDING PERMIT  
 L3 - CONSTRUCTION PLAN  
 L4 - SPECIFICATIONS

**DRAWING:** LANDSCAPE MASTER PLAN

**DRAWING #:** LI of 2



**STREAM 1 SPEA**  
 ADD TREES AND SHRUBS per RAR Assessment, June 29, 2021



**STREAM 2 SPEA**  
 ADD TREES AND SHRUBS per RAR Assessment, June 29, 2021



**STREAM 3 SPEA**  
 ADD TREES AND SHRUBS per RAR Assessment, June 29, 2021



**DITCH SPEA**  
 EXISTING FOREST TREES AND UNDERSTORY PLANTS



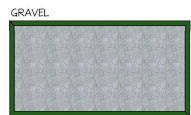
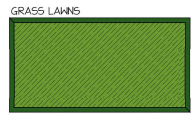
**DETENTION PONDS**  
 AS PER CIVL

NATIVE PLANTS WETLAND AREAS		NATIVE PLANTS DRY TO MOIST AREAS	
Botanical Name	Common Name	Botanical Name	Common Name
<i>Chamaecyparis nootkatensis</i>	NATIVE YELLOW CEDAR	<i>Pseudotsuga menziesii</i>	DOUGLAS FIR
<i>Thuja plicata</i>	Giant Western Red Cedar	<i>Thuja heterophylla</i>	Western Hemlock
<i>Populus tremuloides</i>	TREBILING ASPEN	<i>Acer macrophyllum</i>	NATIVE BIGLEAF MAPLE
<i>Populus trichocarpa</i>	BLACK COTTONWOOD	<i>Cornus nuttallii</i>	PACIFIC DOGWOOD
<i>Crotonia douglasii</i>	BLACK HAWTHORN - NATIVE	<i>Acer glabrum</i>	DOUGLAS MAPLE - NATIVE
<i>Pinus oerstedii</i>	DUKE'S PINE	<i>Acer arcticum</i>	VINE MAPLE
<i>Rhamnus purshiana</i>	NATIVE CASCARA TREE	<i>Sambucus canadensis</i>	NATIVE BLUE ELDERBERRY
<i>Sida lucida</i>	PACIFIC HELLION	<i>Malva sylvestris</i>	NATIVE HOLY BURNING
<i>Oenothera biennis</i>	INDIAN-PLUM NATIVE	<i>Amaranthus deflexus</i>	SASKATOON BERRY
<i>Mala fauca</i>	PACIFIC CRABAPPLE	<i>Helleborus discolor</i>	NATIVE OCEANFRY
<i>Sida hookeriana</i>	HOOKER'S BLUE HELLION	<i>Ribes sanguineum</i>	RED FLOWERING CURRANT
<i>Chamaecyparis nuytiana</i>	DUFFY'S HAWTHORN - NATIVE	<i>Phlomis lewisii</i>	COSTAL FLOCK ORANGE
<i>Myrica gale</i>	SHEET GALE - NATIVE	<i>Cornus sericea</i>	RED-OSIER DOGWOOD
<i>Spiraea douglasii</i>	HARDHACK	<i>Osbeckia spicata</i>	OREGON GRAPE HOLLY

OTHER NATIVE PLANTS TO BE ADDED TO SPEA	
Botanical Name	Common Name
<i>Andromeda polifolia</i>	BOG-ROSEMARY - NATIVE
<i>Lonicera mackenzii</i>	NATIVE BLACK THIMBERY
<i>Ribes gracilentum</i>	THIMBERY
<i>Sida acuminata</i>	5/11 IN LA / 121
<i>Sida sitchensis</i>	SI-TIKA HELLION
<i>Carex mertensii</i>	MERTENS' SEDGE - NATIVE
<i>Carex oregonica</i>	WESTERN SLOUGH SEDGE
<i>Juncus acutiflorus</i>	DASSLER LEAF RUSH
<i>Juncus effusus</i>	AQUATIC COMMON RUSH
<i>Arnica montana</i>	Giant Goats Beard
<i>Carex lasiocarpa</i>	KELLOGG'S SEDGE
<i>Phlox subulata</i>	WESTERN BLUE FLAG RIS
<i>Lychnis amurensis</i>	NETLUND RIS - NATIVE
<i>Lychnis viscaria</i>	SKUNK CABBAGE
<i>Phlox subulata</i>	ELKSHAN
<i>Sagittaria latifolia</i>	MARSH ONIONCEL
<i>Sagittaria latifolia</i>	ARROWHEAD - HARPATO
<i>Sagittaria latifolia</i>	HARD STEMPED BULRUSH
<i>Sagittaria latifolia</i>	CATTAIL
<i>Vaccinium uliginosum</i>	BOG BLUEBERRY - NATIVE

NATIVE PLANTS DRY TO MOIST AREAS	
Botanical Name	Common Name
<i>Pinus strobus</i>	DOUGLAS FIR
<i>Thuja heterophylla</i>	Western Hemlock
<i>Acer macrophyllum</i>	NATIVE BIGLEAF MAPLE
<i>Cornus nuttallii</i>	PACIFIC DOGWOOD
<i>Acer glabrum</i>	DOUGLAS MAPLE - NATIVE
<i>Acer arcticum</i>	VINE MAPLE
<i>Sambucus canadensis</i>	NATIVE BLUE ELDERBERRY
<i>Malva sylvestris</i>	NATIVE HOLY BURNING
<i>Amaranthus deflexus</i>	SASKATOON BERRY
<i>Helleborus discolor</i>	NATIVE OCEANFRY
<i>Ribes sanguineum</i>	RED FLOWERING CURRANT
<i>Phlomis lewisii</i>	COSTAL FLOCK ORANGE
<i>Cornus sericea</i>	RED-OSIER DOGWOOD
<i>Osbeckia spicata</i>	OREGON GRAPE HOLLY
<i>Malva sylvestris</i>	NATIVE HOLY BURNING
<i>Nyctaginia flexilis</i>	NIGHTSHADE
<i>Symphoricarpos alba</i>	NATIVE SANDWERRY
<i>Vaccinium oxycoccos</i>	ENGLISH Huckleberry Bush
<i>Vaccinium myrtillus</i>	RED Huckleberry Bush
<i>Salix</i>	SALIX
<i>Galium aparine</i>	SKIRD FERN
<i>Phytolacca maritima</i>	SKIRD FERN

FLAGSTONE SURFACE IN FRONT OF BENCHES



ULTIMATED PLANTS COMMON AREAS	
Botanical Name	Common Name
<i>Pinus strobus</i>	DOUGLAS FIR
<i>Ribes rubrum</i>	RED RIBBON
<i>Ribes rubrum</i>	RED RIBBON
<i>Rosa rugosa</i>	ROSA
<i>Vaccinium corymbosum</i>	BLUEBERRY
<i>Calceolaria</i>	Calceolaria
<i>Lonicera xylosteum</i>	WOODS WAXWING
<i>Salix</i>	SALIX
<i>Thymus praecox</i>	THYME

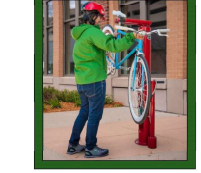
GRASS LAWNS	
Botanical Name	Common Name
<i>Panicum capillare</i>	BRASS SCRUB SPURGE
<i>Black currant bush</i>	BLACK CURRANT BUSH
<i>Red currant bush</i>	RED CURRANT BUSH
<i>Hansa Japanese rose</i>	HANSA JAPANESE ROSE
<i>Red elderberry</i>	RED ELDERBERRY VARIETIES
<i>Forsters feather reed grass</i>	FORSTERS FEATHER REED GRASS
<i>Hogeye English lavender</i>	HOGYE ENGLISH LAVENDER
<i>Red cinchona</i>	RED CINCHONA
<i>Golden Pile of sorghum</i>	GOLDEN PILE OF SORGHUM
<i>Goldsturm black eyed susan</i>	GOLDSTURM BLACK EYED SUSAN
<i>Halcyon lox catmint</i>	HALCYON LOX CATMINT
<i>Red creeping thyme</i>	RED CREEPING THYME



1.5 METER SOLID WOOD FENCE  
 (design must be signed off by an architect or structural engineer)



CUSTOM BUILT OPEN SIDED 6m x 6m GAZEBO ON CONCRETE SLAB  
 (design must be signed off by an architect or structural engineer)



FENCE REPAIR & WASH STATION  
 DERO - FMT WITH AIR KIT



September 21, 2021

File Ref: V20-0449/A

Ocean Estates Design  
9422 Martin Park Drive  
Black Creek, BC V9J 1C3

Attention: Kip Keylock

**Reference: Manufactured Home Park– 3025 Royston Road, Cumberland, BC  
Hydrology and Stormwater Management Report**

This letter is intended to fulfill the stormwater management requirements listed in the Development Permit checklist (DP) of the Village of Cumberland's (Village) DPA #1 Environmental Protection per the Official Community Plan Bylaw No. 990, 2014.

The following requirements relevant to hydrology and stormwater management were listed in the DP checklist:

- *Examine the impact of the proposed development on the soils, vegetation, watercourses, wildlife, and hydrology in all restricted development and buffer zones; and provide development pattern and servicing recommendations to minimize these impacts.*
- *Examine pre-development water quality and quantity on the site and provide mitigation and enhancement strategies to maintain pre-development water quality and quantity for the restricted development zones and buffer areas.*
- *Examine the impact of the proposed development on the larger watershed area(s) including watercourses, habitat connectivity, water quality and quantity upstream and downstream, and possible cumulative hydrological impacts that may result; and provide development pattern and servicing recommendations to minimize them.*
- *Manage rainwater in accordance with the Water Balance Model or the most recent integrated watershed management or rainwater policy and design manual. This includes managing rainwater on site and maintaining pre-development drainage flows.*

The "Water Balance Model" is an online tool for determining the impacts of certain stormwater management practices on the stormwater performance of a proposed development. From the Water Balance Model Website:

*The web-based "Water Balance Model powered by QUALHYMO" integrates the site with the watershed and the stream. This scenario comparison tool underpins Beyond the Guidebook, a provincial initiative to advance implementation of green infrastructure policies and practices throughout British Columbia.*

As such, the "Water Balance Model" does not, in itself, present any best management practices, being simply a tool for assessing the impact of said practices. Therefore, the "Beyond the Guidebook" publication is referenced in the preparation of this letter.

“Beyond the Guidebook 2010: Implementing a New Culture for Urban Watershed Protection and Restoration in British Columbia” does not include individual project site solutions or guidelines. Rather, it details how a greater policy shift can be achieved to greener infrastructure and better stream health in the receiving waters of urban centres. This publication does reference Department of Fisheries and Oceans Guidelines for stream health and environmental protection. Furthermore, it references a 2008 publication “Beyond the Guidebook: The New Business as Usual – Create Liveable Communities and Protect Stream Health – Establish Watershed-Specific Runoff Capture Performance Targets”. This publication, per its title, focuses on watershed level targets, and provides little guidance as to site specific goals, beyond reducing runoff, and limiting post-development flows to pre-development flows.

Finally, the “Beyond the Guidebook” publication references a June 2008 publication “Beyond the Guidebook: The New Business as Usual – Create Liveable Communities and Protect Stream Health – Rainwater Management: An Introduction to the Guidebook for British Columbia”. This publication does list performance targets that are applicable to a site specific design.

The following measures are recommended in the June 2008 publication:

- *Rainfall Capture - keep rain on site by means of ‘rainfall capture’ measures such as rain gardens and infiltration soakaways*
- *Runoff Control - delay overflow runoff by means of detention storage ponds which provide ‘runoff control’*
- *Flood Mitigation – reduce flooding by providing sufficient hydraulic capacity to ‘contain and convey’*

As such, this report will address on-site rainfall capture and some run-off control for the subject property in order to minimize the impacts from the proposed development.

#### Pre-Development Site Condition and Hydrology

The subject parcel is approximately 3.29 Ha in size, including the panhandle driveway access off Royston Road. It is located 1.7 km east of the Village downtown core and currently zoned as MHP-1 (Manufactured Home Park Zone) per the Village’s Zoning Bylaw No. 1027, 2016. The property is bordered by residential properties to the north and east, by Trent River Main to the west and by vacant lands to the south. Figure 1 is an aerial photo from 2020 obtained from the CVRD iMap.

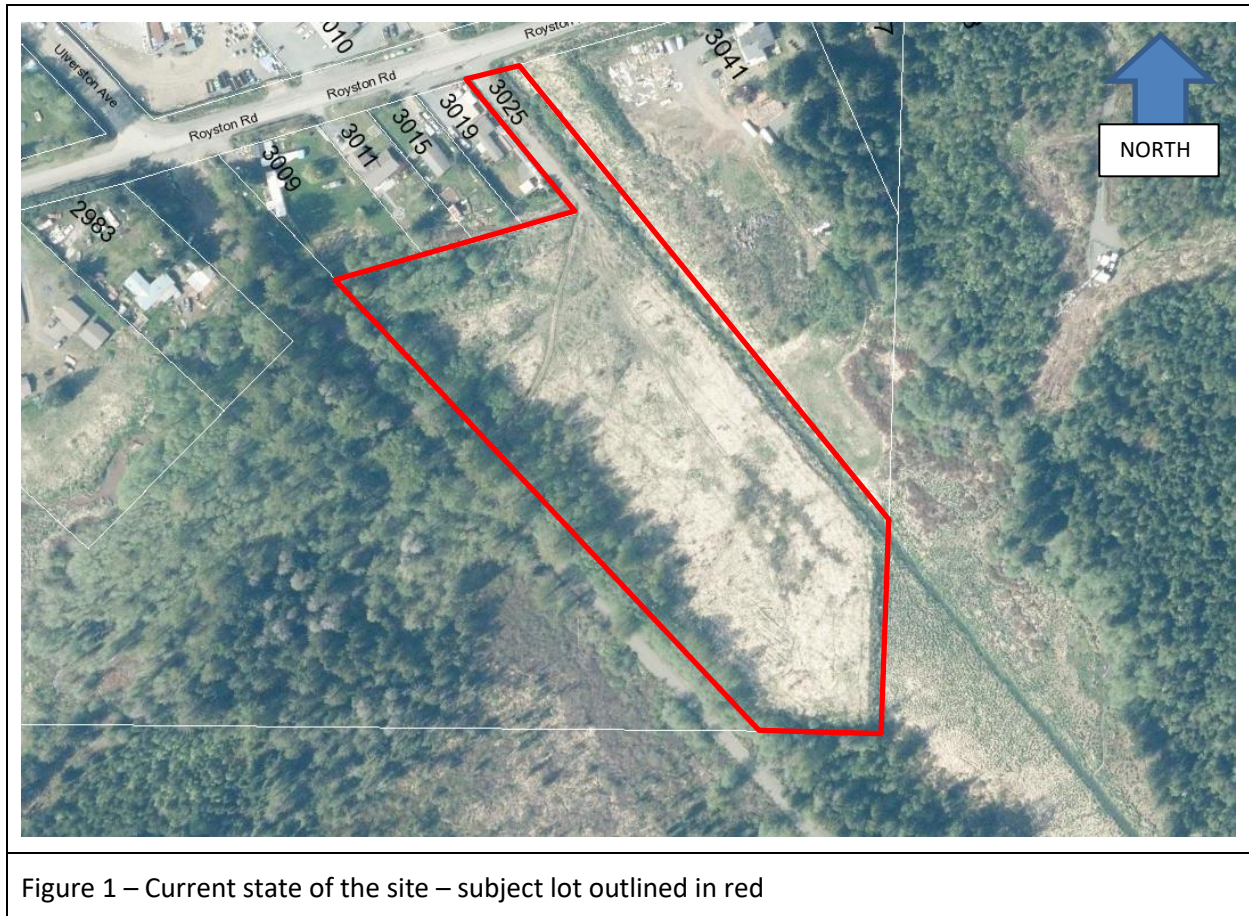
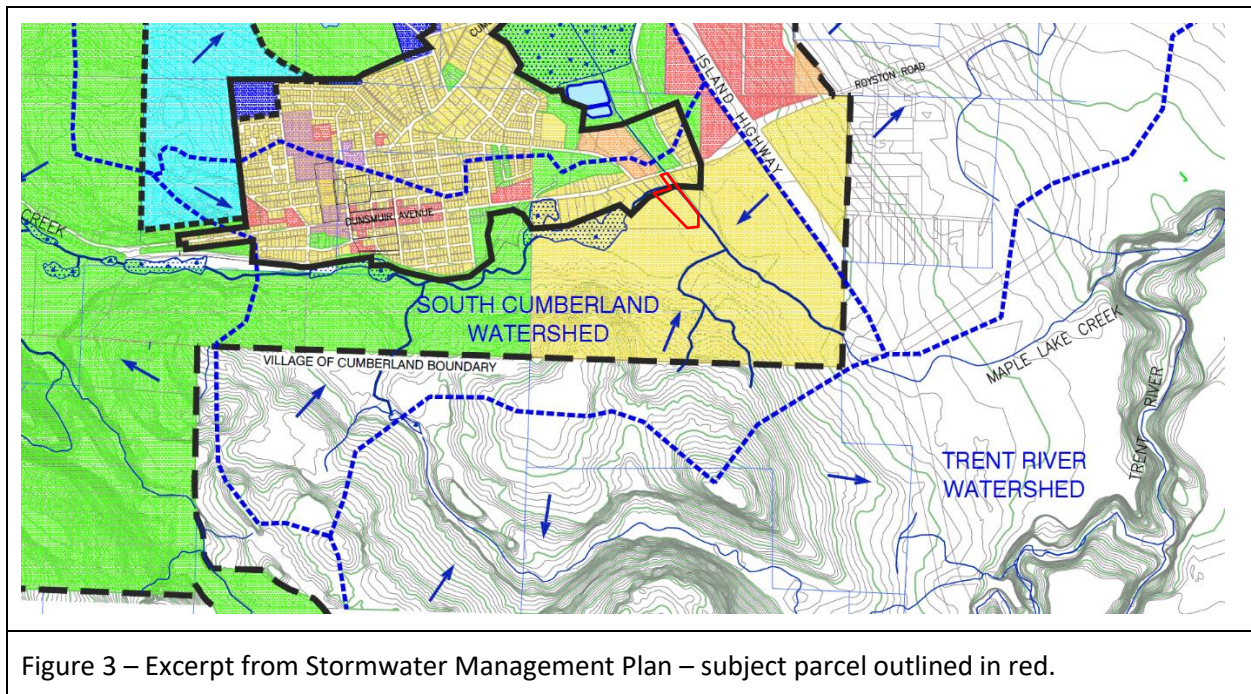
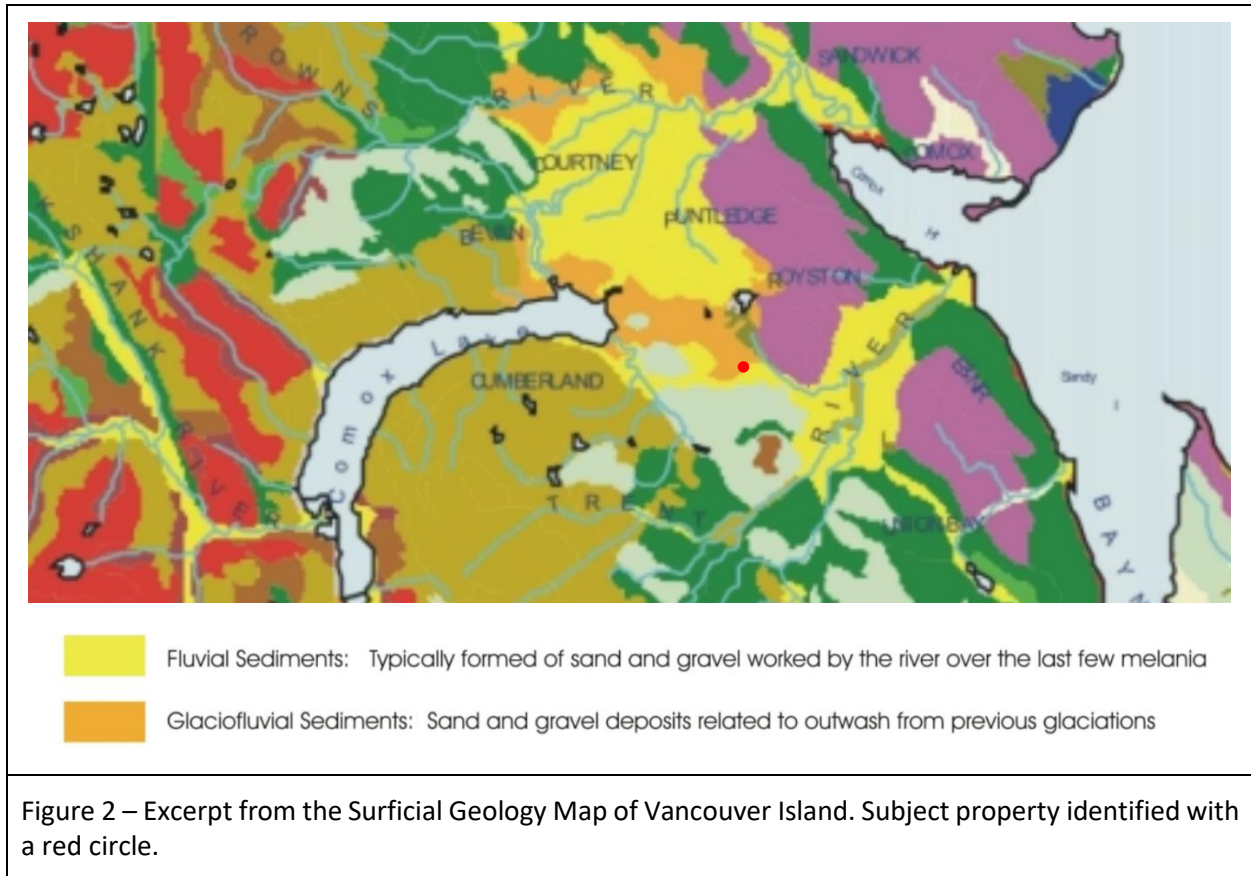


Figure 1 – Current state of the site – subject lot outlined in red

The property gently slopes from west to east with an average slope of less than 5.0%. Rain falling on the site would be absorbed to the capacity of the in-situ soils, and then sheet flow to Maple Creek which runs parallel to the northeastern property line. Water in this creek flows southeast, eventually being conveyed to the Trent River.

A geotechnical evaluation including test pitting was conducted by McElhanney Consulting Services Ltd. (McElhanney) on February 26, 2015 and November 16, 2017. Generally, the site has *topsoil sitting on a thick layer of variable fill overlaying compact native sand and gravel, underlain by silts to clayey silts, in a soft to firm condition*. Further, light to heavy groundwater seepage was encountered from 0.8 m to 2.8 m below surface. A review of surficial geology indicates that the site consists of fluvial/glacofluvial sediments (sand and gravel) which is typical of this area. Figure 2 is an excerpt from the Vancouver Island Surficial Map produced by the Ministry of Environment.

The site is contained within the catchment “South Cumberland Watershed” per the 2010 Stormwater Drainage Master Plan. Figure 3 shows the subject parcel relative to the larger sub-catchments of the Village and the surrounding area. The total area of the catchment is +/- 520 Ha, with 350 Ha of the area is within Village limits. 95 Ha of that area is settled urban and sub-urban lands within the Village core.



A review of historical aerial photos indicates that the site has been cleared to its current state more or less than 30 years ago.

Proposed Development

The proposed development will be a manufactured home park consisting of 56 single-residential units in the form of modular homes as presented in Wedler Drawing V20-0449/A-01 Conceptual Layout. Each lot will allow for addition of a single-family residential dwelling in the form of a modular house. The proposed development will be serviced by a 6.5 m width driveway/road that will have access off of Royston Road. An additional access at the west end of the property will also be provided and terminated at the property line for potential future connection to the Trent River Main.

Estimated Pre-Development and Post Development Flows

In order to accurately analyze the site’s stormwater characteristics, an appropriate runoff coefficient (C factor) is required. The C factor has been determined using values based on the MMCD Design Guidelines and standard engineering practices. Considering the length of time the site has been developed, the storm runoff flow paths are considered to have adapted to the current developed state:

- C = 0.25 for 1:5yr, 1:10yr and 1:25yr (pre-development – as the lot existed +/- 30 years ago)
- C = 0.64 for 1:5yr, 1:10yr and 1:25yr (post development)

A C factor of 0.25 was chosen for the site in its current state due to the fill that was brought to site many years ago. The weighted C factor of 0.64 has been calculated using the impermeability of the distinct features proposed on site assuming 0.9 for buildings and hard surfaces, and 0.2 for landscaped/grassed areas.

The runoff from the site has been calculated using the rational method<sup>1</sup>. Time of concentration (Tc) is estimated using the “Airport Method”. In the current condition, Tc would be 36.60 minutes.

The 5 year, 10 year, and 25 year storm recurrence intervals have been calculated using the 2020 Courtenay Puntledge IDF curve. All IDF values used for this stormwater analysis have been increased by 15% to account for climate change impacts. The pre-development and post development peak flows generated by the site are laid out in Table 1 below.

Table 1: Rational Method Peak Flow Calculations

	Tc	I5	I10	I25	C	A	Q5		Q10		Q25
Condition	minutes	mm/hr	mm/hr	mm/hr		ha	m <sup>3</sup> /s	l/s	m <sup>3</sup> /s	l/s	m <sup>3</sup> /s
Pre-dev	36.60	25.2	31.9	40.2	0.25	3.29	0.0213	21.3	0.0270	26.9	0.0338
Post-dev	<b>10.00</b>	45.2	59.2	76.7	0.64	3.29	0.2643	264.3	0.3459	345.9	0.4486

Post-Development Site Conditions and Hydrology

Table 1 also includes the peak flows for the post development state of the site based on the plans for the development. A Tc of 10.00 minutes was used based on the proposed building and hard surfaces after the development is completed.

<sup>1</sup> MMCD “Design Guidelines 2014”, 4.7 – Rational Method



The significant decrease in  $T_c$  results to an increase in total flow from 21.3 L/s to 264.3 L/s for a 5 year recurrence interval storm.

#### Proposed Runoff Mitigation Strategies

The modified rational method is an appropriate design methodology for determining the volume of detention required to maintain pre-development flow rates. The storm recurrence interval that will be analyzed to determine the detention volume is the 10-year storm. This will be more than sufficient to maintain pre-development flow levels for all storms of more common occurrence intervals as they will have lower intensity.

Using the pre-development flow rate as a release rate, a detention volume of **328 m<sup>3</sup>** is required to maintain flows at the pre-development level once all site development is complete.

Per the current servicing plan, three constructed wetlands with a total area of approximately 597 m<sup>2</sup> are being proposed along the northeastern portion of the property. These wetlands will be designed per “Land Development Guidelines for the Protection of Aquatic Habitat” (see Figure 4), and have storage capacity to accommodate the required detention volume after the proposed development:

- Pond 1 will detain approximately 138 m<sup>3</sup>, including 18 m<sup>3</sup> for permanent pool storage.
- Pond 2 will detain approximately 98 m<sup>3</sup>, including 22 m<sup>3</sup> for permanent pool storage.
- Pond 3 (Ponds 1 & 2 to have outlets discharging to Pond 3) will detain approximately 128 m<sup>3</sup>, including 15 m<sup>3</sup> for permanent pool storage.

Flow control structure would be installed on the outlet to ensure that the pre-development release rates are maintained. Emergency spillways for 1:100 year storm event will be also provided.

The following strategies are also being considered/proposed for further mitigating the increase in runoff from this site and to achieve the required detention volume. See Wedler’s servicing plan, sheet V20-0449/A-02.

- Underground storm piping with manholes/catch basins to be installed within the private road alignment to collect runoff from the road. Storm manholes and catch basin will have storage capacity to accommodate some of the required detention volume.
  - Oil/silt separators will be installed prior to discharging to the constructed wetlands. These will treat runoff from hard surfaces.
  - Rainwater leaders from future house will be connected to the system.
- Provision of overland flow routes through site grading design for major storms (i.e. 1 in 100 year recurrence interval).
- All onsite facilities will be designed with a suitable overflow and site grading that will convey excess flows safely without causing property damage or other unwanted effects.

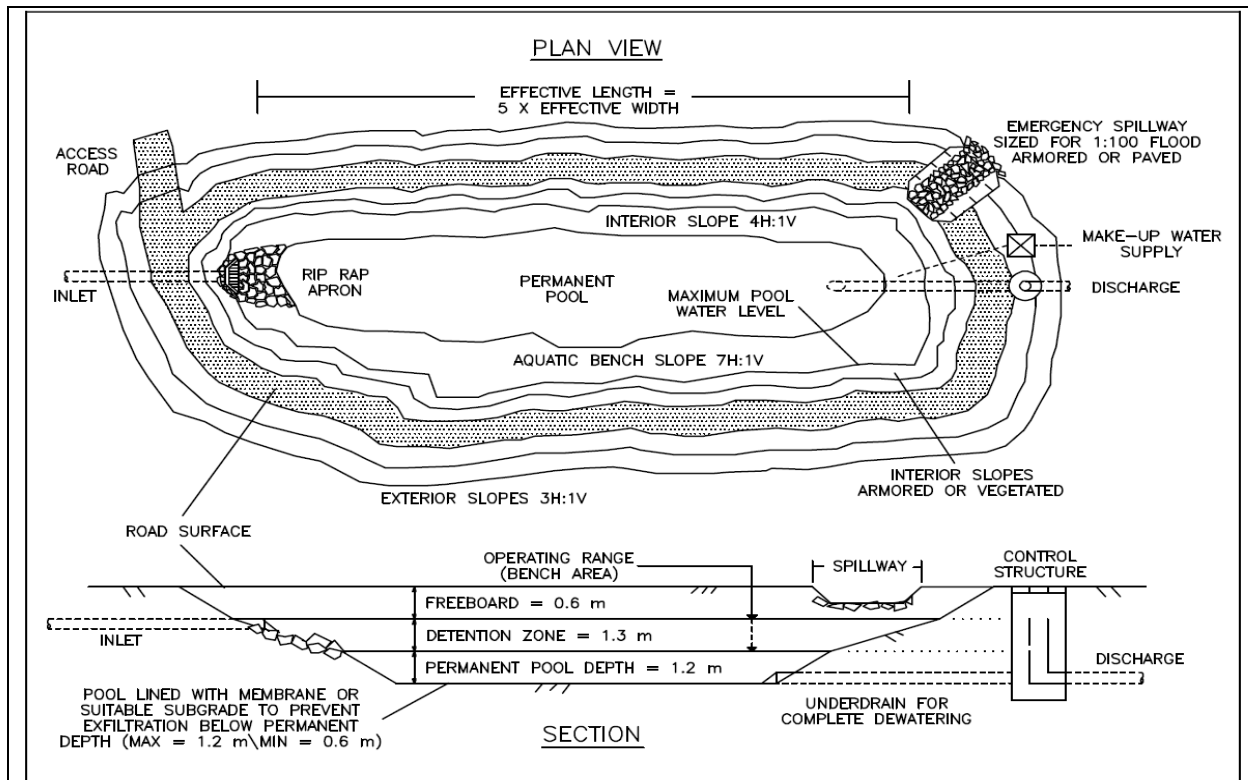


Figure 4 – Excerpt from Land Development Guidelines for the Protection of Aquatic Habitat – Typical Wet Detention Pond Design

#### Proposed erosion and sediment control measures for during construction

The following measures are recommended for the construction stage of any possible development of the property:

- Construct permanent or temporary fencing around sensitive features and their buffers.
- Retain as much natural vegetation as possible. Minimise the size of the cleared area required for construction.
- Prevent any disturbance within the root zone (drip line) of established trees.
- Retain the natural soils and put them back onsite during landscaping.
- Reduce soil compaction by avoiding machinery use except where necessary.
- Cut-off potentially sediment laden surface water with interception ditches or compost filled geotextile tubes.
- Build and maintain a sedimentation pond that captures all run-off from cleared areas.
- Cover any areas that will be left unplanted with straw to reduce soil stripping.
- Stage construction and stripping to avoid having large areas of the site excavated.

The details of the measures that will be employed, and how they would be staged, will depend on the form and nature of eventual development. A detailed Erosion and Sediment Control Plan should be prepared with any building permit submissions for the property.

### Stormwater management requirements checklist (DPA #1)

The following requirements are addressed by this report:

- *Examine the impact of the proposed development on the soils, vegetation, watercourses, wildlife, and hydrology in all restricted development and buffer zones; and provide development pattern and servicing recommendations to minimize these impacts.*
  - Per the RAR Assessment report completed by Natural Advantage Environmental, the subject property is not identified as Wildlife Interface Land Designation. Further, measures to protect and maintain the SPEA have been outlined in the aforementioned report. Impacts on existing hydrology at the macro level are minimal. Impact at the micro / site level can be easily mitigated as described in this report.
- *Examine pre-development water quality and quantity on the site and provide mitigation and enhancement strategies to maintain pre development water quality and quantity for the restricted development zones and buffer areas.*
  - Calculations of pre-development and current flow rates have been provided. The proposed measures described in this report are sufficient to maintain pre-development flow levels and mitigate the increase in run-off on site.
- *Examine the impact of the proposed development on the larger watershed area(s) including watercourses, habitat connectivity, water quality and quantity upstream and downstream, and possible cumulative hydrological impacts that may result; and provide development pattern and servicing recommendations to minimize them.*
  - Impacts on the larger watershed area are minimal given the small size of the subject parcel in comparison to the overall watershed. As discussed in this report, stormwater runoff will be treated and detained prior to any discharge to existing watercourses at the pre-development flow rate.
- *Manage rainwater in accordance with the Water Balance Model or the most recent integrated watershed management or rainwater policy and design manual. This includes managing rainwater on site and maintaining pre-development drainage flows.*
  - Onsite stormwater detention and construction stage erosion and sediment control measures are recommended.

As such, all impacts on water quality and quantity as a result of the proposed development on the subject property can be easily mitigated.

### Conclusion

The analysis performed for the stormwater management discussed in this report is based on the available site information and the current proposed site layout. The mitigative methods discussed in this report to reduce & control runoff and provide flood protection meet recommended minimum standards and accepted engineering practices.

Yours truly,  
Wedler Engineering LLP

Per:

Reviewed by:

Marie Xyla Emmanuel Vital, EIT  
Civil Design Engineer

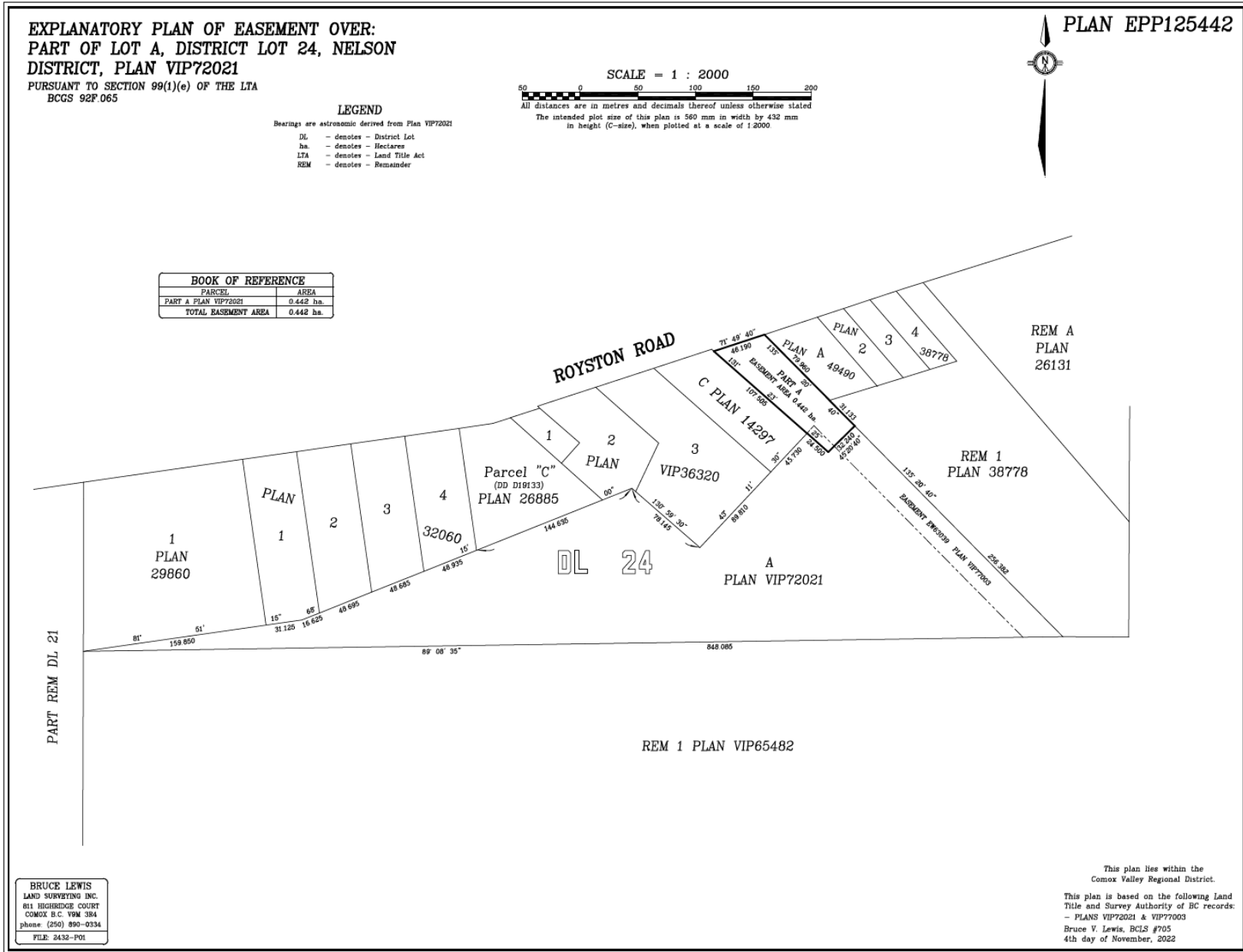
Randy Watson, P.Eng., CCA  
Senior Engineer • Senior Project Manager

#211 – 2459 Cousins Avenue  
Courtenay, BC V9N 3N6  
[mvital@wedler.com](mailto:mvital@wedler.com)  
p. 250-334-3263 f. 250-338-2296

[rwatson@wedler.com](mailto:rwatson@wedler.com)



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 MTD0CS 45935397v3



- END OF DOCUMENT -

SCHEDULE A



GRAF Concrete & Iron Inc.  
 2965 Norman Rd  
 Nanaimo BC  
 V9X 1K5

December 6<sup>th</sup>, 2022

**Village of Cumberland**

**Meleana**

Planner

O: 250 336 2291

M: 250 336 3010

[msearle@cumberland.ca](mailto:msearle@cumberland.ca)

**3025 Royston**  
 Development Variance Permit  
 Maximum building height from 4.5m to 5.5m

Letter of Rationale  
 22.12.06 - Rev 00

**1.0 Supporting Docs**

1. *Elevation views of 3 proposed house models – Great Slaty, Northern Flicker, The Lewis*
2. *Sample site layout – lot 6 – Northern Flicker*
3. *Sample, combined elevation view – completed **lot 6** dwelling (Northern Flicker Mirrored)*

**2.0 Technical**

Proposed Building Heights:

Each proposed model is shown in the table below.

House-type	Height (mm)	Sub-structure (mm)	Overall Height (mm)
Great Slaty	4080	509	4589
Lewis	4240	509	4749     4.6m
Northern Flicker	4300	509	4809     4.7m
			4.8m

As can be observed on the elevation views. The vertical construction of the three proposed dwellings is well within moderate design.



GRAF Concrete & Iron Inc.  
2965 Norman Rd  
Nanaimo BC  
V9X 1K5

#### Examination of Manufactured Home Design:

For the purposes of this document, we will examine the tallest of the three buildings, the Northern Flicker.

The northern flicker has a interior wall height, which is common to all structures of eight (8) feet. This is the lowest permissible wall height for a conventional living space. In contrast to many other single story homes which are now carrying nine (9) feet.

In the elevation view, it can be seen that there are two separate roof pitches forming a detached gable roof. This design is more vertically economical than a single pitch roof, which would gain double the vertical height per distance of span.

One roof is pitched at 2:12, while the other is 3:12. This is considered in modern building terms as a low-pitched roof. A 4:12 to 5:12 would be most common. Additionally, a single shed roof over a 28' would not be considered unreasonable.

Since manufactured homes are required to be constructed with transport in mind. The homes have a 350mm double plated steel truss, with 140mm cassettes (joists) that sit on top of the foundation. This adds 590mm to the building height. This height is part of the structure and not an architectural convenience and therefore is a requirement, not a luxury.

#### Examination of additional contributing factors:

The Flicker is currently planned to sit on a concrete foundation. This removes a 600mm cribbing requirement that would normally be required if the home was on piles or cribbing.

To meet BCBC code and good practice requirements, the foundation needs to project 50mm where areas are hard surfaced, and 200mm where they are landscaped. Given not all areas will be hard surfaced, we are required to project the top of foundation wall 200mm above finished grade. Additionally, in order to facilitate due-diligence we proposed to add an additional 50mm taking the total projection to 250mm above finished grade.

The total building height will be calculated from an average grade over the four corners of the dwelling. Since the lots are designed to slope 0.5% away from the road, this sets the dwelling an additional 150mm below curb grade. This elevation would cause the driveways to slope towards the dwelling. This creates problematic conditions and is against best practises. Therefore, we propose to set the top of driveway at the house tie in to 2% up slope. In total this requires an additional 0.3m from the MHP bylaw standard.



GRAF Concrete & Iron Inc.  
2965 Norman Rd  
Nanaimo BC  
V9X 1K5

### 3.0 Summary

As can be observed in the aforementioned technical points, a maximum roof height of 4.5m from averaged grade does not work for the project requirements. Further, it could be said and examined that other than a flat roofed structure sitting on grade, there would be no way to meet this design threshold.

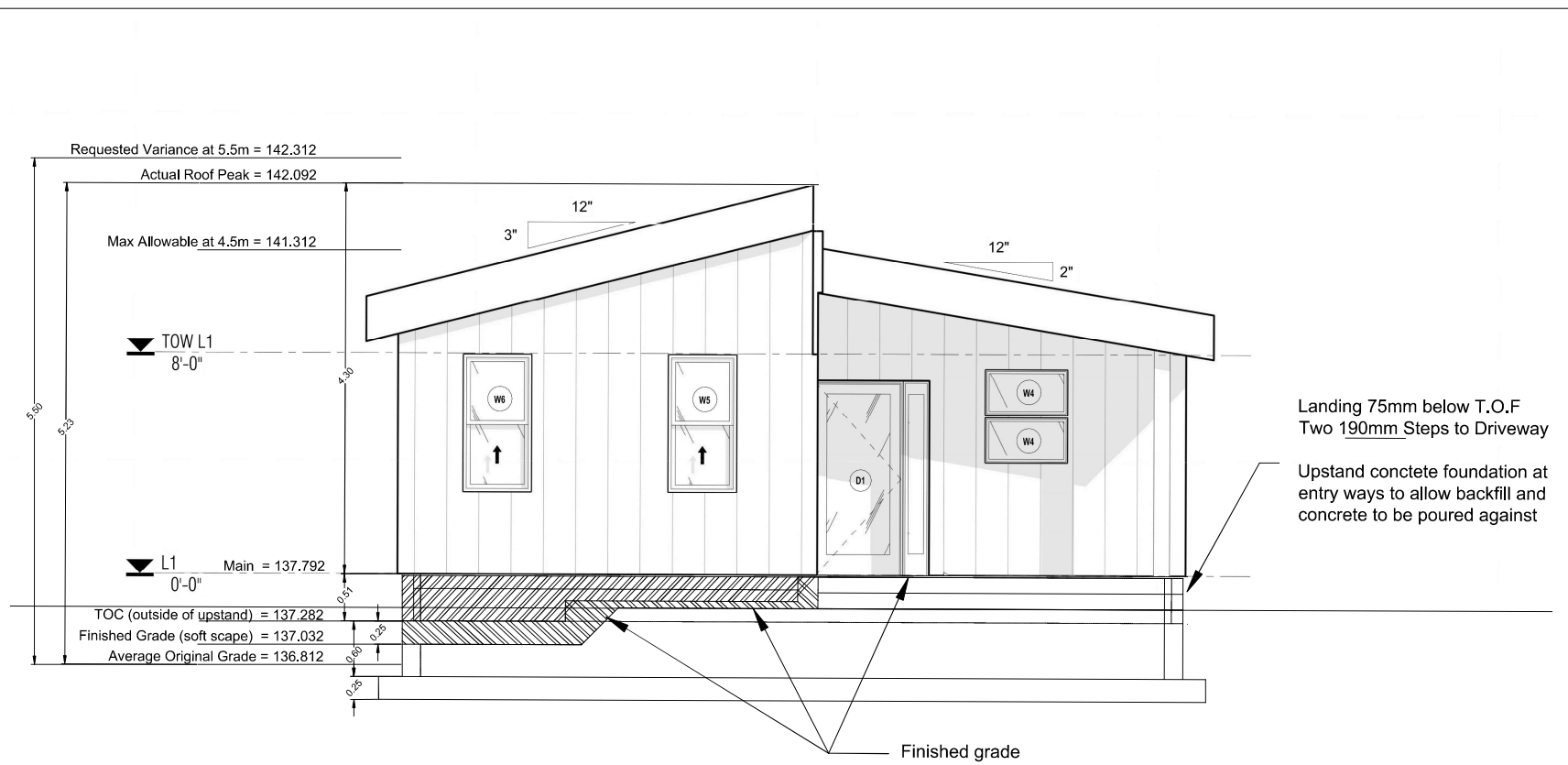
For this reason, we request a blanket variance for 3025 Royston from 4.5m to 5.5m total building height for all of the buildings on the property.

Thank you for the consideration to this matter.

Kind regards,

Trevor Styan

Owner  
Graf Concrete & Iron Inc.  
Nanaimo BC  
250-739-2262  
[grafconcion@gmail.com](mailto:grafconcion@gmail.com)



Drawn By:

TS

Date:

2022/12/06

Rev:

00

Scale:

1:50

Lot #:

6

Bldg Type:

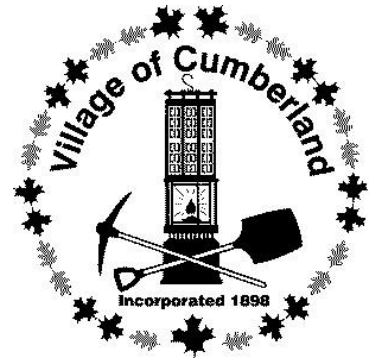
N. Flicker  
(Mirrored)



1318796 B.C. Ltd

3025 Royston Rd, Cumberland

# COUNCIL REPORT



REPORT DATE: 5/17/2023  
MEETING DATE: 5/29/2023

File No. 3200 2770 Dunsmuir

TO: Mayor and Councillors  
FROM: Courtney Simpson, Manager of Development Services  
SUBJECT: Approval of Public Art - 2770 Dunsmuir Ave

## RECOMMENDATION

- i. THAT Council approve the mural proposed for the front elevation of the Memorial Hall at 2770 Dunsmuir Avenue, legally described as Lot 3, Block 15, District Lot 21, Nelson District, Plan 522A (Royal Canadian Legion Branch 28), to exempt this public art from requiring a Heritage Alteration Permit.
- ii. THAT Council approve the painting proposed for the Memorial Arch at 2770 Dunsmuir Avenue, legally described as Lot 3, Block 15, District Lot 21, Nelson District, Plan 522A (Royal Canadian Legion Branch 28), as required by Heritage Designation Bylaw No. 818 and to exempt this public art from requiring a Heritage Alteration Permit.



Subject Property

## PURPOSE

The purpose of this report is to seek Council approval for public art on the front elevation of the Legion Memorial Hall and on the Memorial Arch.

## PREVIOUS COUNCIL DIRECTION

There has been no previous Council direction for this application.

## BACKGROUND

The Royal Canadian Legion Branch 28 in Cumberland is one of the oldest legions on Vancouver Island. The Village donated the land in 1919 and Memorial Hall was originally built in 1920 to honour Cumberland citizens who served in the First World War. In 1921, the Memorial Arch was built in front of the hall. Commemorative name plaques of local people who lost their lives in

service to their country in conflict have been installed here. In 1962 the original Memorial Hall was lost to fire. It was replaced by the current, smaller, one-storey concrete block building.

The current membership of the Legion would like to create an attractive mural with the goal to strengthen awareness of the Legion's history and recognize the contributions made by Cumberland and area community members who have served in the Canadian forces over the years. According to the applicant, the only updates to the Memorial Arch and the front elevation of Memorial Hall since they were constructed have been to paint them white and add new name plaques.

The rendering of the public art for Memorial Hall and the Arch are found in Attachment No. 1. The mural on the Memorial Hall shows a field of poppies with silhouettes of soldiers, a naval ship, and helicopters in the battlefield. The phrase 'Lest we Forget' will be painted on the Memorial Arch, a black background added behind the plaques and a relief of soldiers, poppies, and guns will be painted on the interior of the Arch consistent with the design on Memorial Hall. No physical alterations are planned for either Memorial Hall or Memorial Arch.

### **Official Community Plan - Heritage Conservation Area Guidelines**

The Official Community Plan (OCP) designates Cumberland's downtown commercial core as a Heritage Conservation Area (HCA). The historic form and scale of the commercial buildings is integral to the Village's appearance and ambience. The objective of the Heritage Conservation Area designation of the commercial core is to ensure that "revitalization or new development in the downtown area is compatible with the scale and character of the existing downtown heritage character." (OCP, p. 157).

The Legion property is in the HCA, and alteration of structures, including painting if not repainting in historically appropriate colours, requires a heritage alteration permit. There is, however, a list of exemptions in OCP Section 11.5.2 and "public art as approved by Council" is exempt. While public art is not defined in Bylaw No. 1073 or the Official Community Plan, the Canadian Encyclopedia defines it as art that is "commissioned for a specific public space by an individual or a group...The theme of the particular artwork may relate to the function of the building or environment it enhances<sup>1</sup>." Additionally, the OCP, Section 8.1 Community Well-Being includes policies encouraging the addition of public art in the Village.

### **Bylaw No. 818 Heritage Designation (Memorial Arch)**

The Memorial Arch, bolens, and chains located in front of Memorial Hall were designated by bylaw as a Heritage Structure by in 2006 and they are listed on the Community Heritage Register. The bylaw states that any alterations to the Memorial Arch are subject to approval of Village Council.

### **PUBLIC NOTIFICATION AND CONSULTATION**

There is no requirement for public notification and consultation for a HAP exemption, public art approval, or approval to alter a part of a property with a Heritage Designation Bylaw.

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<sup>1</sup> <https://www.thecanadianencyclopedia.ca/en/article/public-art>

**ALTERNATIVES**

1. THAT Council determine the proposal does not qualify for an exemption and require that the applicant submit a Heritage Alteration Permit application for 2770 Dunsmuir Avenue.

**STRATEGIC OBJECTIVE**

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

**FINANCIAL IMPLICATIONS**

None

**OPERATIONAL IMPLICATIONS**

Processing Heritage Alteration Permits and possible exemptions are part of the regular services provided by the Development Services Department.

**CLIMATE CHANGE IMPLICATIONS**

The proposed public art is not expected to have any implications for climate change preparedness, or reduction of greenhouse gas emissions.

**ATTACHMENTS**

1. Renderings of Mural and Memorial Arch painting

Respectfully submitted,

***C. Simpson***

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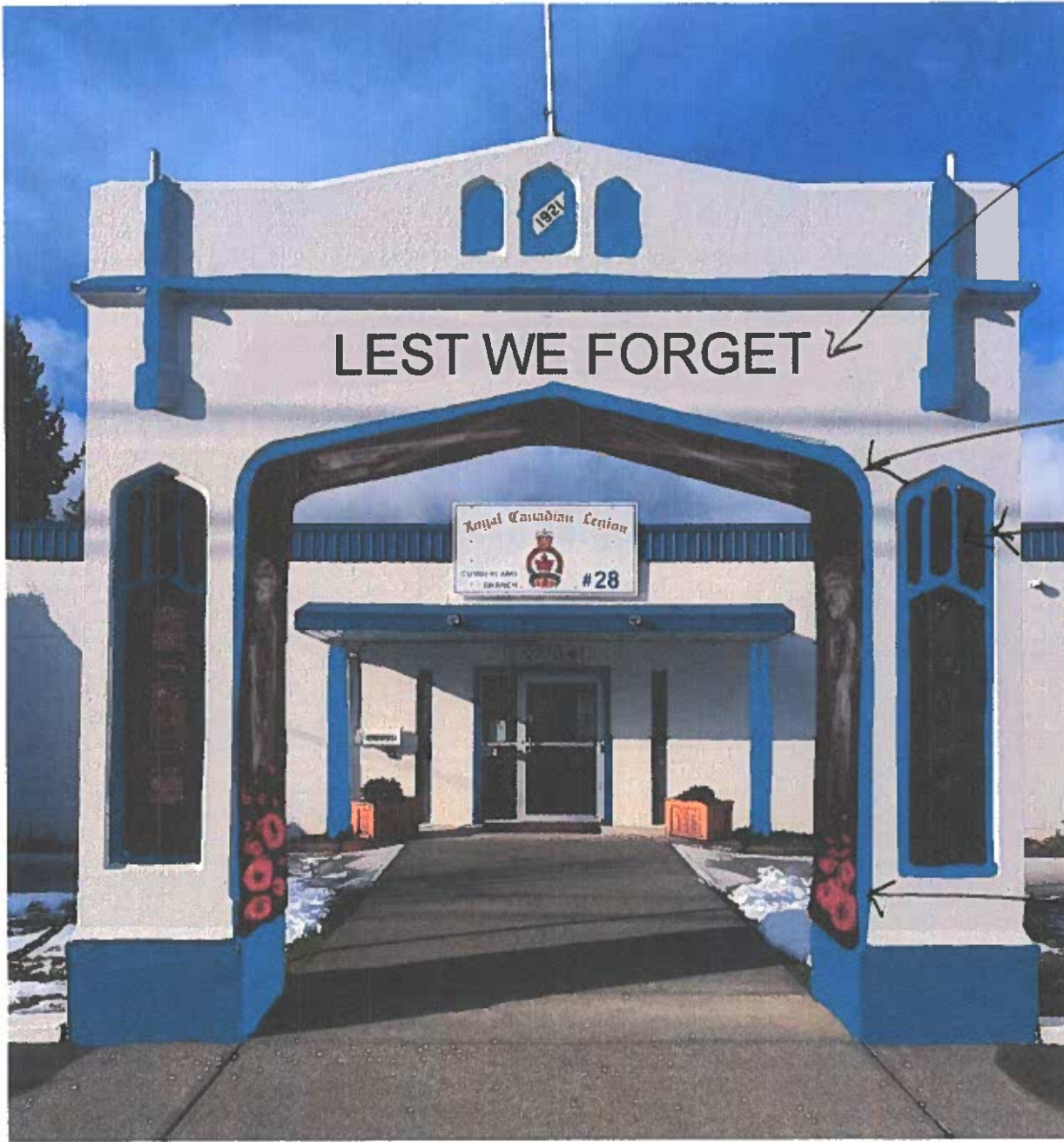
Courtney Simpson  
Manager of Development Services

***M. Mason***

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Michelle Mason  
Chief Administrative Officer





addition of  
lettering.

← matching Blue  
color to bring  
it all  
together

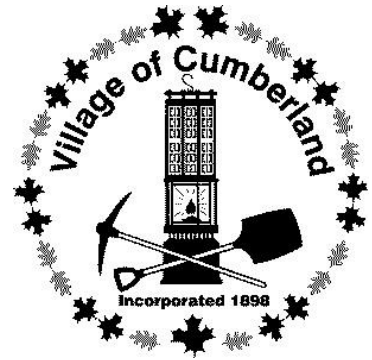
Black background  
behind plaques.

middle under  
area

includes...  
relief painted  
Soldiers  
& poppies  
on each end

under top area  
painted w gums of your  
choice.

# COUNCIL REPORT



REPORT DATE: 5/10/2023  
MEETING DATE: 5/29/2023

File No. 2023-04-DV

TO: Mayor and Councillors  
FROM: Meleana Searle, Planner  
SUBJECT: Development Variance Permit Application 2934 Ulverston Avenue

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## RECOMMENDATION

- I. THAT Council approve the development variance permit to reduce the required 7.5m setbacks for:
- Building 1 – Tent A - Wastewater Treatment Plant from 7.5m to 0.0m;
  - Building 2 – Tent B from 7.5m to 7.0m;
  - Structure 4 – Primary disinfection contact basin from 7.5m to 0.0m;
  - Structure 5 – Extreme wet weather disinfection contact basin from 7.5m to 0.0m;
  - Structure 6 – Blower Packages from 7.0m to 0.0m;
  - Structure 11 – Chemical storage for SAF systems from 7.5m to 0.0m; and
  - All storage containers along the south property line from 7.5m to as close at 1.5m

for the property described as Lot 1 District Lot 24 Nelson District Plan VIP71673 (2934 Ulverston Avenue).

- II. THAT Council approve the development variance permit to reduce the minimum required setbacks for:
- Building 1 – Tent A - Wastewater Treatment Plant from 1.5m to 0.0m;
  - Structure 4 – Primary disinfection contact basin from 1.5m to 0.0m;
  - Structure 5 – Extreme wet weather disinfection contact basin from 4.5m to 0.0m;
  - Structure 6 – Blower Packages from 1.5m to 0.0m; and
  - Structure 11 – Chemical storage for SAF systems from 1.5m to 0.0m

for the property described as Lot C District Lot 24 Nelson District And Section 25 Township 10 Comox District Plan VIP65968, Except Part In Plan VIP67631.

## PURPOSE

The purpose of this report is to seek a Council decision on an application for a development variance permit for two properties see Attachment 2 – Subject Property Map. The Village is requesting to reduce the 7.5m minimum setbacks to accommodate buildings and structures necessary to construct and operate the new Wastewater Treatment Facility.

## **BACKGROUND**

### ***Proposed Development***

Work is about to commence on the construction of the planned wastewater treatment upgrades. Phase 1 of the upgrades will bring the Village into compliance with its current Permit, while Phase 2 works will improve on that to allow registration of an operation certificate under Phase 3 of the Liquid Waste Management Plan which is planned to begin this year.

The wastewater treatment site includes three contiguous properties owned by the Village. Meeting Zoning Bylaw setback requirements is challenging when building onto existing infrastructure and adding new treatment processes. The existing lagoons, which were constructed in the late 1960's, are situated on their own lot, while the entrance to the site off Ulverston Avenue including the headworks that were constructed in 2011, are situated on Ecogift Land (2934 Ulverston). The Village does have authorization from Environment Canada & Climate Change to utilize the land for wastewater treatment purposes.

To accommodate the Wastewater Upgrade Project, it is necessary that all buildings and structures be sited as engineered. This requires siting within the setback area and across property lines with adjacent Village owned property in some cases.

### ***Official Community Plan***

The Official Community Plan Bylaw No. 990, 2014 (OCP) designates the subject property as within the Environmental Protection Development Permit Area (DPA 1); however, Public Infrastructure works are exempt from the requirement for a development permit.

### ***Zoning Bylaw***

As per the Zoning Bylaw No. 1027, 2016 (Zoning Bylaw), utility infrastructure is permitted in all zones. The subject property is zoned PA-2 – Park which requires all minimum setbacks to be 7.5m. The adjacent property, which Building 1, Building 11, Equipment 6 – blower packages, and structures 4 and 5 will cross the property line onto, is zoned PA-1 – Public Assembly/Institutional. The existing wastewater treatment facility is already located on both lots.

## **ANALYSIS**

### ***Land use justification***

Best practices for evaluating development variance permit applications typically look for an acceptable land use justification such as:

- i. the ability to use or develop the property is unreasonably constrained or hindered by having to comply with the bylaw requirement;
- ii. there is a net benefit to the community or immediate area that would be achieved through the variance approval; or,
- iii. the proposed variance would allow for more efficient and effective use and development of the subject property.

The current wastewater treatment facility is already located across both 2934 Ulverston Avenue and the adjacent PA-1 lot. The Wastewater Treatment Facility project is of significant net benefit to the community as Cumberland's current wastewater treatment has issues related to elevated

levels of phosphorous, excessive wet weather flows and is out of compliance with regulatory standards.

### *Impacts of the Variance*

Where a land use justification for a proposed variance has been demonstrated, the application should then be evaluated based upon the impact(s) (positive or negative) of the variance.

Impact(s) may be classified into the following three general categories:

- i. Aesthetic impact. This includes the impact of the proposed variance on the streetscape, the views from adjacent properties, compatibility with neighbourhood design standards, etc.
- ii. Functional impact. This includes the impact of the proposed variance on the function of the property for the permitted uses and the potential impact of the variance on the function of adjacent properties, or road rights-of-way.
- iii. Environmental impact. This includes the impact of the proposed variance on the long-term sustainability of the natural environment or the direct impact on a specific feature of the natural environment.

By approving the variance, the Village will be able to construct the new Wastewater Treatment Facility. There are no identified aesthetic impacts. The reduced setbacks will not have a functional impact on any adjacent properties. Although an environmental development permit is not required, the Village of Cumberland has involved registered professional biologists to look at impacts before and after treatment improvements including tree clearing, potential impacts to birds, and wetland and habitat assessments. There are no identified environmental impacts associated with the reduced setbacks.

### **PUBLIC NOTIFICATION AND REFERRALS**

Pursuant to the requirements of the Village of Cumberland Development Procedures and Fees Bylaw No. 1073, 2018:

1. The Applicant has placed the required signage on site.
2. Village staff prepared a notice of Council consideration of a Development Variance Permit which was mailed to owners and occupants of properties within 75.0 metres on May 17, 2023, meeting the Bylaw minimum of 10 days before Council considers the application.

At the time of this report staff have not received any comments from members of the public.

### **ALTERNATIVES**

- I. THAT Council refer the development variance permit to reduce the required 7.5m setbacks for:
  - Building 1 – Tent A - Wastewater Treatment Plant from 7.5m to 0.0m;
  - Building 2 – Tent B from 7.5m to 7.0m ;
  - Structure 4 – Primary disinfection contact basin;
  - Structure 5 – Extreme wet weather disinfection contact basin;
  - Structure 6 – Blower Packages from 7.0m to 0.0m;
  - Structure 11 – Chemical storage for SAF systems from 7.5m to 0.0m; and
  - All storage containers along the south property line from 7.5m to as close at 1.5m for the property described as Lot 1 District Lot 24 Nelson District Plan VIP71673 to the Advisory Planning Commission.

II. THAT Council refer the development variance permit to reduce the minimum required setbacks for:

- Building 1 – Tent A - Wastewater Treatment Plant from 1.5m to 0.0m;
- Structure 4 – Primary disinfection contact basin from 1.5m to 0.0m;
- Structure 5 – Extreme wet weather disinfection contact basin from 4.5m to 0.0m;
- Structure 6 – Blower Packages from 1.5m to 0.0m; and
- Structure 11 – Chemical storage for SAF systems from 1.5m to 0.0m

for the property described as Lot C District Lot 24 Nelson District And Section 25 Township 10 Comox District Plan VIP65968, Except Part In Plan VIP67631 to the Advisory Planning Commission.

III. THAT Council deny the development variance permit to reduce the required 7.5m setbacks for:

- Building 1 – Tent A - Wastewater Treatment Plant from 7.5m to 0.0m;
- Building 2 – Tent B from 7.5m to 7.0m ;
- Structure 4 – Primary disinfection contact basin;
- Structure 5 – Extreme wet weather disinfection contact basin;
- Structure 6 – Blower Packages from 7.0m to 0.0m;
- Structure 11 – Chemical storage for SAF systems from 7.5m to 0.0m; and
- All storage containers along the south property line from 7.5m to as close at 1.5m

for the property described as Lot 1 District Lot 24 Nelson District Plan VIP71673.

IV. THAT Council refer the development variance permit to reduce the minimum required setbacks for:

- Building 1 – Tent A - Wastewater Treatment Plant from 1.5m to 0.0m;
- Structure 4 – Primary disinfection contact basin from 1.5m to 0.0m;
- Structure 5 – Extreme wet weather disinfection contact basin from 4.5m to 0.0m;
- Structure 6 – Blower Packages from 1.5m to 0.0m; and
- Structure 11 – Chemical storage for SAF systems from 1.5m to 0.0m

for the property described as Lot C District Lot 24 Nelson District And Section 25 Township 10 Comox District Plan VIP65968, Except Part In Plan VIP67631.

#### **STRATEGIC OBJECTIVE**

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

#### **FINANCIAL IMPLICATIONS**

None.

#### **OPERATIONAL IMPLICATIONS**

The review of development variance permit applications is part of the services provided by Development Services.

## **CLIMATE CHANGE IMPLICATIONS**

The proposed variance does not have any easily quantifiable implications on climate change.

## **ATTACHMENTS**

1. 2023-01-DV DRAFT
  - a. Schedule A – Site Plan
2. Subject Property Map

## **CONCURRENCE**

Courtney Simpson, Manager of Development Services **CS**

Rob Crisfield, Manager of Operations **RC**

Respectfully submitted,

***M. Searle***

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Meleana Searle  
Planner

***M. Mason***

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Michelle Mason  
Chief Administrative Officer



**TO:** Village of Cumberland

**OF:** 2673 Dunsmuir Avenue, Cumberland, BC V0R 1S0

This Development Variance Permit (2023-04-DV) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purposes of constructing the new Village of Cumberland Wastewater Treatment Facility.

1. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

**Legal Description:** LOT 1 DISTRICT LOT 24 NELSON DISTRICT PLAN VIP71673

**Folio:** 516 00394.765 **PID:** 024-915-084

**Civic Address:** 2934 Ulverston Avenue

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit: The Zoning Bylaw No.1027, 2016 is varied as follows:

Section 11.2, 6) The setbacks (all lot lines) for Building 1 is reduced to as close as 0.0m.

The setbacks (all lot lines) for Building 2 is varied to as close as 7.0m.

The setbacks (all lot lines) for Structure 4 is varied to as close as 0.0m

The setbacks (all lot lines) for Structure 5 is varied to as close as 0.0m.

Section 11.2, 7) The setback (all lot lines) for the storage containers along the south property line (as shown in Schedule A) is varied to as close as 1.5m.

The setback (all lot lines) for Structure 6 is varied to as close as 0.0m.

The setbacks (all lot lines) for Structure 11 is varied to as close as 0.0m.

3. **Security**

None.

4. **Expiry**

Subject to the terms of the Permit, if the Applicant of this Development Variance Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

5. **Timing and Sequencing of Development**

None.

6. **List of Reports or Plans attached as Schedules**

1. Schedule A – Site Survey

7. **Contaminated Sites Regulation** (choose one of the following as applicable)

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Applicant has completed a “Site Declaration” for the subject property.

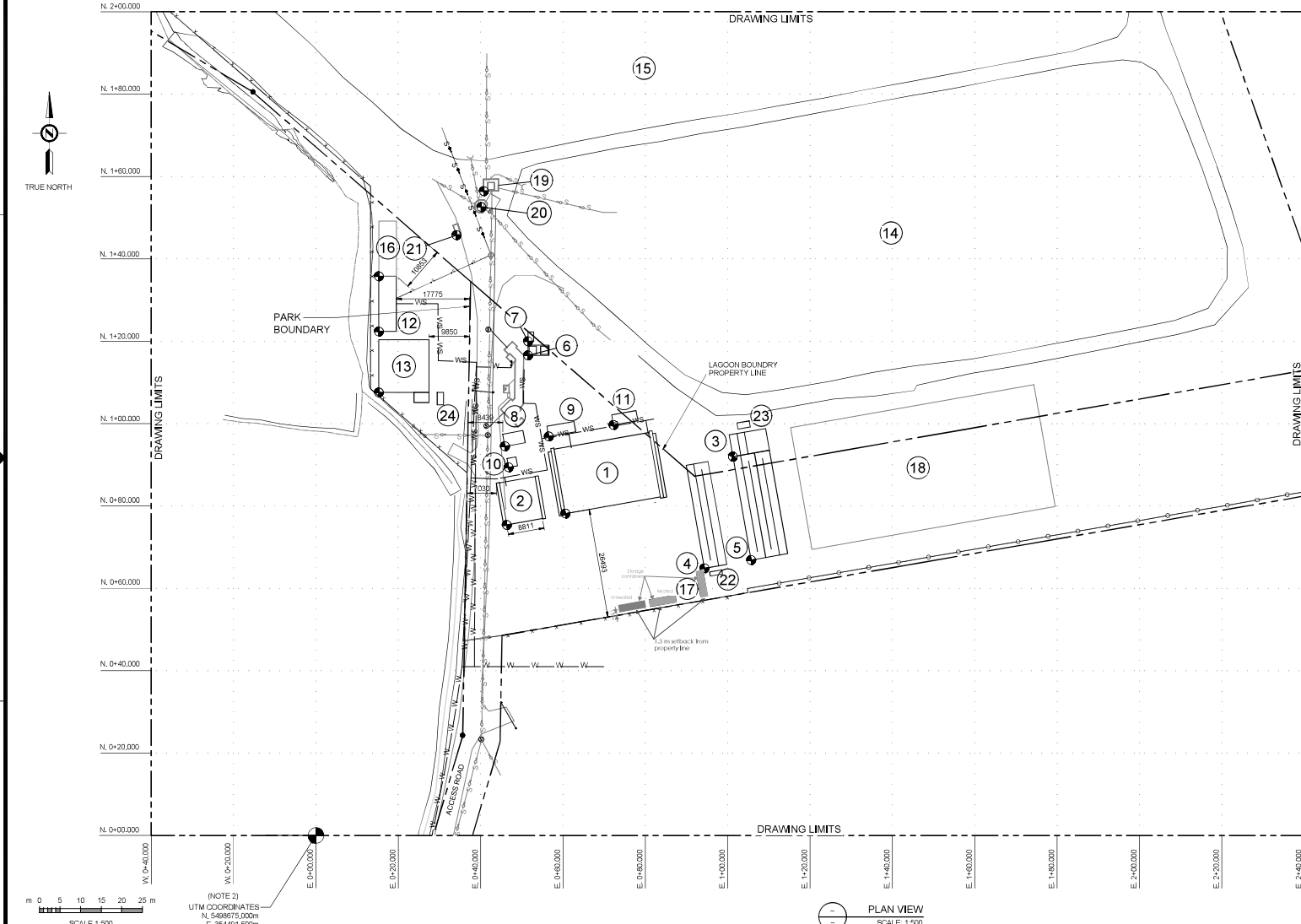
8. This Permit is **not** a Building Permit.

CERTIFIED as the DEVELOPMENT VARIANCE PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on May 29, 2023.

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Corporate Officer

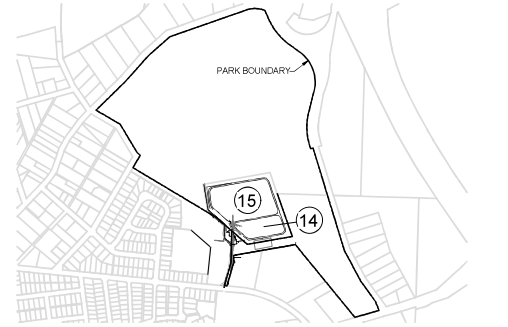
Schedule A - Site Plan



BUILDING/EQUIPMENT SCHEDULE				
TAG	DESCRIPTION	NORTHING	EASTING	
①	BL-100	TENT 'A' - WASTE WATER TREATMENT PLANT	0+78,143	0+60,584
②	BL-200	TENT 'B' - DEWATERING BINS	0+75,407	0+48,363
③	WB-200LS-300	WEIR BOX/LIFT STATION	0+91,981	1+01,259
④	TK-600	PRIMARY DISINFECTION CONTACT BASIN	0+64,871	0+94,362
⑤	TK-601	EWAF (EXTREME WET WEATHER FLOW) DISINFECTION CONTACT BASIN	0+66,868	1+05,687
⑥	BL-200AB	BLOWER PACKAGES	1+16,546	0+51,507
⑦	AC-201	AERIAL COOLER	1+19,976	0+51,507
⑧	BL-300	ELECTRICAL BUILDING	0+94,485	0+45,894
⑨	GENERATOR	STAND BY POWER GENERATOR FOR WWTP	0+96,870	0+56,542
⑩	TRANSFORMER	PAD MOUNTED TRANSFORMER	0+93,364	0+48,797
⑪	BL-400	CHEMICAL STORAGE FOR SAF SYSTEMS	-	-
⑫	BL-500	OPERATIONS BUILDING	1+22,357	0+15,287
⑬	BL-600	WORKSHOP BUILDING	1+07,556	0+15,287
⑭	-	SMALL LAGOON	-	-
⑮	-	LARGE LAGOON	-	-
⑯	-	OPERATIONS BUILDING EXPANSION (FUTURE)	1+35,768	0+15,287
⑰	-	CHEMICAL STORAGE FOR CLO2 SYSTEMS	-	-
⑱	-	REED BEDS (FUTURE)	-	-
⑲	-	EXISTING SPLITTER BOX	1+56,427	0+40,743
⑳	-	EXISTING LIFT STATION	1+52,574	0+40,166
㉑	-	EXISTING ELECTRICAL BOX	1+45,749	0+34,113
㉒	BL-600AB	BLOWERS FOR CHLORINE DIOXIDE REMOVAL	-	-
㉓	VALVE BOX	VALVE BOX FOR SAF AND REED BED PUMP STATIONS	-	-
㉔	GENERATOR	GENERATOR FOR OPERATION/WORKSHOP BUILDING	-	-

LEGEND	
PLANT DATUM	
BUILDING DATUM	
PROPERTY BOUNDARY/PARK BOUNDARY	
EXISTING SANITARY SEWER	
PROPOSED SANITARY SEWER	
PROPOSED SANITARY SEWER SERVICE	
WATERMAIN/PROPOSED WATERMAIN	
PROPOSED WATER SERVICE CONNECTION	
6' CHAIN LINK FENCE w BARBED WIRE	
6' PAGE WIRE FENCE	
CONCRETE BLOCK ALIGNMENT	
FENCE GATE	

- NOTES:
- BUILDINGS BL-100, BL-200, GENERATOR (ITEM 24) AND TRANSFORMER COORDINATES BASED ON CONCRETE SLABS.
  - ALL REMAINING BUILDINGS/EQUIPMENT NORTHING AND EASTING ARE BASED ON SOUTH WEST CORNER OF BUILDING/EQUIPMENT LOCATED WITH A DATUM.
  - UTM COORDINATES ARE BASED ON UTM NAD 83 ZONE 10. PLANT COORDINATES N: 0+00,000, E: 0+00,000 ARE EQUAL TO N: 5488675.000m, E: 354491.500m UTM COORDINATES.
  - SIZE AND LOCATION OF CONCRETE PAD FOR BLOWERS (BL-600AB) AND VALVE CHAMBER TBC.
  - THE PROPOSED LOCATIONS OF THE CHEMICAL STORAGE CONTAINERS FOR CLO2 SYSTEM CAN BE ADJUSTED TO BETTER SUIT PLANT OPERATIONS WHEN NECESSARY.



REV	ISSUED FOR BUILDING PERMIT	DESCRIPTION	BY	DATE	CHK	APP	PM
0	ISSUED FOR BUILDING PERMIT		JDL	2023-02-07	TDV	RL	AJM

PREPARED BY  
**INTEGRATED SUSTAINABILITY**

CLIENT  
**THE VILLAGE OF CUMBERLAND**

PROJECT NO.  
VP21-VOC-01-00

DRAWING NO.  
VP21-VOC-01-00-DWG-ME-PLT-002

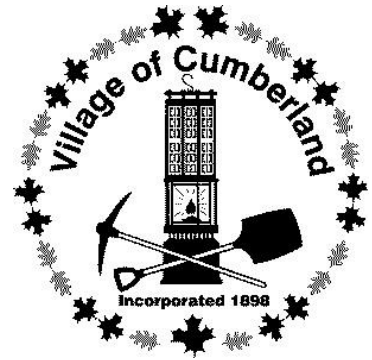
REV  
1

EGBC PERMIT NO. 1001147

Attachment 2 – Subject Property Map



# COUNCIL REPORT



REPORT DATE: May 17, 2023  
MEETING DATE: May 29, 2023

File No. 2240-20

TO: Mayor and Councillors  
FROM: Annie Bérard, Chief Financial Officer  
SUBJECT: Funding options for the Beaufort Family Health Society

---

## RECOMMENDATION

THAT Council direct staff to prepare a conditional two year bridge funding agreement with the Beaufort Family Health Society in support of community health centre services in the amount of \$10,000 per year, for a total of \$20,000 for 2023 and 2024, funded from the Waste Management Centre Host Community Amenity Funds Reserve.

## PURPOSE

The purpose of this report is to present Council with funding options for the Beaufort Family Health Society, which operates a not for profit family health clinic. The Society appeared as a delegation to Council on January 23, 2023 to request Council's consideration of a permissive property tax exemption and / or financial support.

## PREVIOUS COUNCIL DIRECTION

Date	Resolution
May 8, 2023	THAT Council refer the Beaufort Family Health Society community grant application to staff to explore other funding options.
February 13, 2023	THAT Council direct staff to bring forward a report on funding options for the Beaufort Family Health Society through conditional grant, service agreement, or permissive tax exemption.
January 23, 2023	THAT Council receive the delegation of Janet Bonaguro, Beaufort Family Health Society regarding a non-profit family health clinic.

## BACKGROUND

### Beaufort Family Health Society

As presented in their December 23, 2022 letter to Mayor and Council, the Beaufort Family Health Society is a not for profit society formed in 2022, which is working to operate a family practice in the former Ginger Goodwin Clinic in Cumberland. The Society's revenue comes solely from a fixed

overhead amount from each practitioner and is not sufficient to offset their annual operating costs. The Society is projecting a deficit of \$155,000 for their startup year and an annual ongoing deficit of approximately \$90,000. They are looking for additional sources of funding to offset the deficit and have requested further support from the Province.

They are requesting to be considered for a permissive tax exemption for the year 2024. As it is too late to request an exemption for 2023, they are requesting the Village to consider providing them with some financial support for the year 2023. The Society applied for a one time \$10,000 seed funding through the 2023 Community Grant Program and Council has referred the application to staff to explore other funding options.

The Society estimates the property taxes for the space leased and occupied by the clinic represents approximately \$8,895.56.

### **Property Tax Exemption**

Under Section 224 of the *Community Charter*, Council may provide a permissive tax exemption for the land and or improvement that are owned or held by a charitable, philanthropic, or other not for profit corporation.

Council has historically approved permissive tax exemption through their Financial Plan Bylaw Policies and Objectives only for the grounds surrounding places of worship and for municipal properties occupied by a community group or partner agency where the group or agency has been granted a reduced or zero lease rate but may be subject to property tax under section 229 of the *Community Charter*.

Council's policy is to generally not support exemptions. Taxpayers within the various property classes are treated equitably and policies are established for each class and not for individual property owners. Any permissive tax exemptions approved by Council result in a reduction of revenue from taxation for the Village or in an increase in the tax burden for the remaining taxable property owners in the Village.

Consideration of a permissive tax exemption for the Beaufort Family Health Society would require an amendment to the Village Financial Plan Bylaw Policies and Objectives, which currently limit permissive tax exemption to the two exceptions mentioned above.

Council is currently in the process of considering a change to this policy to exempt affordable rental housing projects. Affordable housing has been identified in Council's strategic priorities since 2014. Health services are not included in Council's strategic priorities.

In their January 31, 2023 letter to Council, the Beaufort Family Health Society mentioned their landlord estimates the clinic's portion of the property tax for 2022 was approximately \$9,000, representing roughly 50% of the total tax levied on the improvement taxable value of the property. The clinic occupies just over 50% of the space. About \$4,500 is for municipal taxes, the other half is for taxes collected on behalf of other taxing authorities.

Permissive tax exemptions are considered and approved by bylaw at Council's discretion every year, subject to Council's policy. Council may consider a full or partial exemption on the land and improvement taxable values or only improvement taxable value. Council may also choose to consider a permissive tax exemption every year or approve a multi year exemption, to a maximum of 10 years, as prescribed by Section 224 of the *Community Charter*.

If Council were to approve a permissive tax exemption for the Beaufort Family Health Society, a letter from their landlord would be required to confirm the exemption has been reduced from the rental fee.

Any permissive tax exemption approved by Council has to be confirmed to BC Assessment Authority every year before October 31 in order to be included in the property value assessment the next year, which informs the tax calculation for any given property. Frontage taxes, parcel taxes and utility fees are not covered by a permissive tax exemption.

Expanding the permissive tax exemption program to not for profit would require staff to develop an intake and review program, similar to the Community Grant Program. Such program may lead to a growing number of applications submitted every year, to be reviewed and compiled by staff and considered by Council.

### **Community Services Funding Agreement**

Council may choose to provide support to the Beaufort Family Health Society by entering in a community services funding agreement with the Society, similar to the agreements already in place with some of the Village not for profit organizations providing community services to the residents of Cumberland. Under this type of agreement, recipients are accountable to Council and have to report annually on the services they provide to the community.

Since the provision of health care services has traditionally been the jurisdiction of the Province, Council could also choose to support the Society temporarily with the intention to cover part of the Society's annual operating expenses. A conditional bridge funding agreement would allow Council to provide support for a limited period of time while the Society seeks other funding sources and stabilizes its revenue.

### **ALTERNATIVES**

1. THAT Council direct staff to prepare a conditional bridge funding agreement with the Beaufort Family Health Society in support of community health centre services for a term, amount and source of funding to be specified.
2. THAT Council direct staff to revise the permissive tax exemption policy to include exemptions for not for profit organizations and develop an intake program.
3. Not proceed with any action at this time.

### **STRATEGIC OBJECTIVE**

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

**FINANCIAL IMPLICATIONS**

The financial support provided through a service agreement could come from either the Waste Management Centre Host Community Amenity Funds Reserve or the General Fund Financial Stabilization Reserve.

The Waste Management Centre Host Amenity Funds Reserve is pursuant to the Village of Cumberland Comox Valley Waste Management Centre Host Community Benefit Agreement Funds utilized for initiatives that offset social, environmental and economic impacts related to the presence of the CVWMC within Village boundaries. A large portion of this funding is used every year to fund the community services funding agreements. Funding previously allocated to the Union Road Planning project was recently made available due to a successful provincial grant application and could be used to support the Beaufort Family Health Society for the two years.

The General Fund Financial Stabilization Reserve is for major emergent operating issues, one-time and intermittent projects, to smooth property tax increases over the financial planning period and to offset unrealized revenues. The reserve level is projected to remain at its optional level of \$960,000 every year.

**OPERATIONAL IMPLICATIONS**

None

**CLIMATE CHANGE IMPLICATIONS**

None

**ATTACHMENTS**

1. December 23, 2022 Letter to Council from the Beaufort Family Health Society
2. January 31, 2023 Letter to Council from the Beaufort Family Health Society

**CONCURRENCE**

None

Respectfully submitted,

***Annie Bérard***

---

Annie Bérard  
Chief Financial Officer

***M. Mason***

---

Michelle Mason  
Chief Administrative Officer

December 23, 2022

Mayor & Council  
Village of Cumberland  
info@cumberland.ca

Dear Mayor & Council:

### **Beaufort Family Health Society**

In April 2022 the Beaufort Family Health Society was registered in British Columbia, with a founding Board of five community stakeholders interested in establishing a community-led medical clinic in Cumberland BC.

The Society is working to operate a non-profit family health clinic at the former Ginger Goodwin Clinic, staffed with community-values oriented family physicians and nurse practitioners that want to work in an interdisciplinary facility (the clinic is co-located with a physiotherapy practice and pharmacy) and with interdisciplinary allied health professionals (e.g. mental health, social work, dietician).

Our Society is in the process of:

- Securing start-up and practitioner funding;
- Securing the facility lease;
- Recruiting for Family Physicians, Nurse Practitioners, and clinic staff;
- Identifying potential patients;
- Setting up clinic operations; and
- Recruiting additional board members.

In 2023 we will:

- Begin public communications around the clinic opening;
- Conduct a thorough community needs assessment to ensure the complement of practitioners makes sense for the broader Comox Valley and Cumberland specifically (which has a much younger average age);
- Conduct a long-term strategic planning exercise;
- Identify additional sources of funding for community-oriented programming that falls outside the funding available for practitioners.

The Society looks forward to appearing as a delegation to Council on January 23, 2023 to provide an update of our work to date, and to request Council's consideration of a permissive property tax exemption and/or community grants.

We appreciate Council's attention to this important community matter, and can be contacted at:  
BeaufortFamilyHealthSociety@shaw.ca

Sincerely,

### **Beaufort Family Health Society Board of Directors**

Linda Oprica - President  
Roger Kishi - Vice President  
Keith Tatton - Treasurer  
Janet Bonaguro - Secretary  
Emma Gledhill - Director at Large

January 31, 2023

**Mayor and Council  
Village of Cumberland**

**Re: Permissive Property Tax Exemption**

The Beaufort Family Health Society was formed in 2022 with the intention of operating a community-led, interdisciplinary, primary care, family medical practice in Cumberland BC.

The Beaufort Family Health Society is a non-profit society, governed by a volunteer Board of Directors.

The Society has been successful in obtaining commitments from the BC Ministry of Health for approximately five practitioners and some of our start up costs. Once at our full capacity we will serve up to 5,500 patients.

While located in Cumberland, the clinic will serve the entire Comox Valley and will be a part of the regional Primary Care Network, which provides access to a range of additional health professionals, which include Registered Nurses, Mental Health Workers, Social Workers, and others.

The clinic is fundamentally different from private medical practices owned by practitioners. Our revenue comes solely from a fixed overhead amount for each practitioner, which is not sufficient to offset our annual operating costs.

We project a startup year deficit of approximately \$155,000 and ongoing annual operating deficits of approximately \$90,000. We are diligently looking for sources of funding to offset this deficit, and have requested further Ministry support.

In order to offset a portion of our operating deficit and to further demonstrate the community's support for the clinic, it would be extremely helpful to receive a permissive property tax exemption for the clinic's portion of the property tax. The landlord has calculated the clinic's portion of property tax for 2022 was approximately \$9,000. The landlord calculates the clinic portion of taxes due as follows:

- Compare the property tax pre-building construction (2020 assessment) versus what it is recently. Therefore, 2022 was \$39,383.02 and in 2020 with no building it was \$21,603.89, a difference of \$17,791.13 that the building 'adds'.
- Multiply the square footage percentage that the medical clinic would occupy (2910/5800 square feet or approximately 50%) by the building portion of property tax per above (\$17,791.13) which equates to \$8,895.56.

We understand that in order to consider granting a property tax exemption for a non-profit on privately owned land, the Village would need to update its Permissive Property Tax policy in the Financial Plan Bylaw. We feel the Society provides a valuable community benefit and is worthy of consideration.

We also understand that the window of time has passed when Council needed to grant exemptions for the current tax year (taxes payable in 2023). While we seek an exemption for future years, we are also asking for any financial support the municipality may be able to provide to assist us in meeting the property tax costs we will incur in 2023.

Thank you in advance for your consideration. If you have questions please connect with us at: [BeaufortFamilyHealthSociety@shaw.ca](mailto:BeaufortFamilyHealthSociety@shaw.ca)

Sincerely,

**Beaufort Family Health Society Board of Directors**

Linda Oprica, Chair

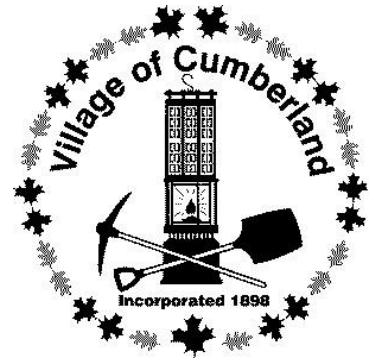
Roger Kishi, Vice Chair

Keith Tatton, Treasurer

Janet Bonaguro, Secretary

Emma Gledhill, Director

# COUNCIL REPORT



REPORT DATE: 5/23/2023  
MEETING DATE: 5/29/2023

File No. 1680

TO: Mayor and Councillors  
FROM: Andrea Samsom, Manager of Finance and Human Resources  
SUBJECT: 2022 Statement of Financial Information (SOFI)

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## **RECOMMENDATION**

THAT Council approve the Corporation of the Village of Cumberland 2022 Statement of Financial Information for filing with the Ministry.

## **PURPOSE**

The purpose of this report is to present the 2022 Statement of Financial Information (SOFI), prepared in accordance with the BC Financial Information Act to Council for approval.

## **PREVIOUS COUNCIL DIRECTION**

N/A

## **BACKGROUND**

Pursuant to the BC Financial Information Act, public bodies must prepare statements of financial information in accordance with Section 2 and as prescribed by the Lieutenant Governor in Council, within six months of the Corporation's fiscal year end.

The Statement of Financial Information is attached to this report. The Act requires that the Statement of Financial Information be approved by Council and by the Officer assigned responsibility for financial administration and then forwarded to the Ministry.

## **ALTERNATIVES**

1. Council can direct staff to bring additional information back before approving the 2022 Statement of Financial Information (SOFI) report.
2. Not proceed with any action at this time.

## **STRATEGIC OBJECTIVE**

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with approving the 2022 SOFI report.

## **OPERATIONAL IMPLICATIONS**

The Statement of Financial Information (SOFI) report is a statutory requirement. Staff extracts the SOFI information annually from the Village's financial system's payroll and purchasing modules. Staff need to reconcile and review this information for accuracy and enter the information into the required format. The expense reports are sent to employees for their review. The deadline for submission to the Province is June 30, 2023.

## **CLIMATE CHANGE IMPLICATIONS**

While the SOFI report as a regulatory reporting requirement does not mitigate impacts of climate change many of the goods and services that are paid for by the Municipality have impacts on climate however, those impacts would be reported in other areas by the Village.

## **ATTACHMENTS**

1. The 2022 Statement of Financial Information (SOFI)

## **CONCURRENCE**

Annie Bérard, Chief Financial Officer **AB**

Respectfully submitted,

**A. Samson**

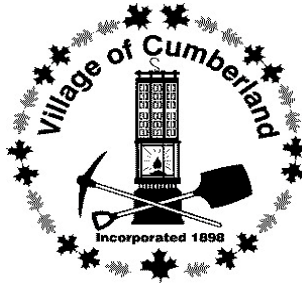
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Andrea Samsom  
Manager of Finance and Human Resources

**M. Mason**

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Michelle Mason  
Chief Administrative Officer



**THE CORPORATION OF THE VILLAGE OF CUMBERLAND**

**STATEMENT OF FINANCIAL INFORMATION**

**FOR THE FISCAL YEAR ENDED DECEMBER 31, 2022**

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SCHEDULE OF GUARANTEES AND INDEMNITIES

SCHEDULE OF REMUNERATION

SCHEDULE OF SEVERANCE

SCHEDULE OF PAYMENTS MADE TO SUPPLIERS

SUPPLEMENTARY SCHEDULE OF GRANTS IN AID

APPROVAL OF FINANCIAL INFORMATION

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND  
STATEMENTS OF FINANCIAL INFORMATION (SOFI)  
REQUIREMENTS FOR FINANCIAL INFORMATION ACT SECTION 2(2)(a-c)  
FOR THE FISCAL YEAR ENDED DECEMBER 31, 2022**

*2022 FINANCIAL STATEMENTS FOR THE CORPORATION OF THE VILLAGE OF CUMBERLAND  
ATTACHED*



**THE CORPORATION OF THE  
VILLAGE OF CUMBERLAND**

**FINANCIAL STATEMENTS**

**DECEMBER 31, 2022**

**THE CORPORATION OF THE  
VILLAGE OF CUMBERLAND**

**Index to Financial Statements**

**For the year ended DECEMBER 31, 2022**

**MANAGEMENT'S RESPONSIBILITY**

**INDEPENDENT AUDITOR'S REPORT**

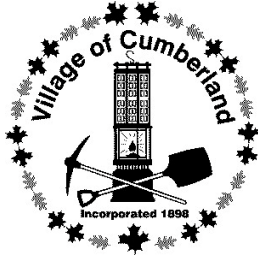
**STATEMENTS**

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# 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

## Management's Responsibility for Financial Reporting

The financial statements have been prepared by management in accordance with Canadian public sector accounting standards and are outlined under "Significant Accounting Policies" in the notes to the financial statements. Management is responsible for the integrity and objectivity of these statements and schedules.

Management maintains a system of internal controls to provide reasonable assurance that assets are safeguarded and that transactions are authorized, recorded and reported properly. Management also maintains a program of proper business compliance.

Council is responsible for reviewing and approving the financial statements and for ensuring that management fulfils its responsibilities for financial reporting and internal control.

MNP LLP, Chartered Professional Accountants, the Village's independent auditors, have conducted an examination of the financial statements in accordance with Canadian generally accepted auditing standards and have expressed their opinion in a report accompanying this statement.

***M. Mason***

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Michelle Mason, CPA, CGA  
Financial Officer,  
pursuant to Section 149 of the Community Charter  
April 24, 2023

To the Mayor and Council of the Corporation of the Village of Cumberland:

## Opinion

We have audited the financial statements of the Corporation of the Village of Cumberland (the "Municipality"), which comprise the statement of financial position as at December 31, 2022, and the statements of operations and accumulated surplus, changes in net financial assets and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Municipality as at December 31, 2022, and the results of its operations, changes in its net financial assets and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

## Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Municipality in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

## Other Information

Management is responsible for the other information, consisting of an annual report, which is expected to be made available to us after the date of this auditor's report.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated.

When we read the annual report, if we conclude that there is a material misstatement therein, we are required to communicate the matter to those charged with governance.

## Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Municipality's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Municipality or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Municipality's financial reporting process.

### Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Municipality's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Municipality's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Municipality to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Nanaimo, British Columbia

April 24, 2023

*MNP LLP*

Chartered Professional Accountants

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND**  
**Statement of Financial Position**  
**As at December 31, 2022**

	<u>2022</u>	<u>2021</u>
<b>Financial Assets</b>		
Cash and cash equivalents	\$ 8,360,526	\$ 13,019,005
Property taxes receivable	213,332	187,652
Accounts receivable (Note 2)	1,542,188	1,166,062
Investments (Note 3)	14,000,000	8,000,000
	<u>24,116,046</u>	<u>22,372,719</u>
<b>Financial Liabilities</b>		
Accounts payable and accrued liabilities (Note 4)	1,647,792	2,355,516
Service and other deposits (Note 5)	1,204,628	714,521
Deferred revenue (Note 7)	6,276,284	8,541,168
Debenture and long term-debt (Note 9, Schedule 2)	8,556,549	8,683,349
	<u>17,685,253</u>	<u>20,294,554</u>
<b>Net Financial Assets</b>	<u>6,430,793</u>	<u>2,078,165</u>
<b>Non-financial Assets</b>		
Tangible capital assets (Schedule 1)	71,282,227	64,985,318
Inventories	123,204	111,975
Prepaid expenses	18,885	16,378
	<u>71,424,316</u>	<u>65,113,671</u>
<b>Accumulated Surplus (Note 17)</b>	<u>\$ 77,855,109</u>	<u>\$ 67,191,836</u>
Contingent liabilities (Note 8)		
Contractual rights and commitments (Note 18)		
Subsequent events (Note 20)		

*See accompanying notes to the financial statements*

**Approved by:**

**V. Brown**

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Vickey Brown  
Mayor

**M. Mason**

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Michelle Mason  
Chief Financial Officer

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND**  
**Statement of Operations and Accumulated Surplus**  
**For The Year Ended December 31, 2022**

	<b>2022 Budget (Note 14)</b>	<b>2022 Actual</b>	<b>2021 Actual</b>
<b>Revenue</b>			
Property taxes	\$ 3,609,820	\$ 3,653,766	\$ 3,408,208
Payments in lieu of taxes	56,550	56,249	56,167
Frontage taxes	684,860	691,119	644,718
Sale of services	2,218,390	2,397,204	2,094,363
Transfers from other governments	1,367,810	2,956,902	1,950,167
Services to other governments	487,470	537,918	533,111
Other Revenue	794,190	1,120,617	826,276
Development cost charges	24,750	2,500,000	21,249
Contributed assets	-	5,410,428	-
	<u>9,243,840</u>	<u>19,324,203</u>	<u>9,534,259</u>
<b>Expenses</b>			
General government services	1,183,190	1,122,914	1,419,521
Transportation services	1,924,560	1,966,302	1,596,806
Protective services	851,650	1,022,694	901,506
Environmental health services	2,186,430	2,238,138	2,291,716
Public health services	37,410	30,530	29,643
Environmental planning and development	786,310	740,011	534,101
Recreation and cultural services	1,553,250	1,540,341	1,357,894
	<u>8,522,800</u>	<u>8,660,930</u>	<u>8,131,187</u>
<b>Annual Surplus</b>	<u><b>721,040</b></u>	<u><b>10,663,273</b></u>	<u><b>1,403,072</b></u>
<b>Accumulated Surplus, Beginning of Year</b>	67,191,836	67,191,836	65,788,764
<b>Accumulated Surplus, End of Year</b>	<u><b>\$ 67,912,876</b></u>	<u><b>\$ 77,855,109</b></u>	<u><b>\$ 67,191,836</b></u>

*See accompanying notes to the financial statements*

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND**  
**Statement of Changes in Net Financial Assets**  
**For The Year Ended December 31, 2022**

	<b>2022 Budget</b>	<b>2022 Actual</b>	<b>2021 Actual</b>
	(Note 14)		
<b>Annual Surplus</b>	\$ 721,040	\$ 10,663,273	\$ 1,403,072
Amortization of tangible capital assets	1,469,270	1,827,699	1,651,856
Change in supplies inventories	-	(11,229)	10,172
Change in prepaid expense	-	(2,507)	5,772
Proceeds on disposal of tangible capital assets	-	-	25,633
Loss on disposal of tangible capital assets	-	5,681	25,493
Acquisition of tangible capital assets	(853,100)	(8,130,289)	(2,820,324)
<b>Change In Net Financial Assets</b>	1,337,210	4,352,628	301,674
<b>Net Financial Assets, Beginning Of Year</b>	2,078,165	2,078,165	1,776,491
<b>Net Financial Assets, End Of Year</b>	<u>\$ 3,415,375</u>	<u>\$ 6,430,793</u>	<u>\$ 2,078,165</u>

*See accompanying notes to the financial statements*

## STATEMENT D

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND**  
**Statement of Cash Flows**  
**For The Year Ended December 31, 2022**

	<b>2022</b>	<b>2021</b>
	<u>                    </u>	<u>                    </u>
<b>Cash Flows From Operating Transactions</b>		
Annual surplus	\$ 10,663,273	\$ 1,403,072
Non-cash items		
Amortization	1,827,699	1,651,856
Contributed assets	(5,410,428)	-
Long-term debt actuarial reduction	(38,199)	(36,180)
Loss on disposal of tangible capital assets	5,681	25,493
Change in prepaid expense	(2,507)	5,772
Change in inventories	(11,229)	10,172
Change in deferred revenue	(2,264,884)	336,661
Change in working capital		
Change in property taxes receivable	(25,680)	(7,586)
Change in accounts receivable	(376,126)	(185,498)
Change in accounts payable	(707,724)	(226,761)
Change in trust and other deposits	490,107	(136,975)
Cash provided by operating transactions	<u>4,149,983</u>	<u>2,840,026</u>
<b>Cash Flow From Capital Transactions</b>		
Purchase of tangible capital assets	(2,719,861)	(2,820,324)
Proceeds on disposal of tangible capital assets	-	25,633
Cash applied to capital transactions	<u>(2,719,861)</u>	<u>(2,794,691)</u>
<b>Cash Flow From Financing Transactions</b>		
New debt issued	554,967	3,015,511
Long-term debt repaid	(643,568)	(488,015)
Cash applied to financing transactions	<u>(88,601)</u>	<u>2,527,496</u>
<b>Cash Flow From Investing Transactions</b>		
Change in investments	<u>(6,000,000)</u>	<u>(3,251,941)</u>
Cash applied to investing transactions	<u>(6,000,000)</u>	<u>(3,251,941)</u>
<b>Increase (Decrease) in Cash and Cash Equivalents</b>	(4,658,479)	(679,110)
<b>Cash and Cash Equivalents, Beginning Of Year</b>	<u>13,019,005</u>	<u>13,698,115</u>
<b>Cash and Cash Equivalents, End Of Year</b>	<u><u>\$ 8,360,526</u></u>	<u><u>\$ 13,019,005</u></u>
<b>Interest Included In Operating Transactions</b>		
Interest received in the year	\$ 282,221	\$ 257,916
Interest paid in the year	\$ (195,564)	\$ (209,498)

*See accompanying notes to the financial statements*

**The Corporation of the Village of Cumberland  
Notes to Financial Statements  
Year Ended DECEMBER 31, 2022**

The Corporation of the Village of Cumberland (the “Municipality”) was incorporated in 1898 under the provisions of the *British Columbia Municipal Act* and is subject to the provisions of the Community Charter and related legislation. Its principal activities are the provision of local government services to the residents of the Municipality.

**1. SIGNIFICANT ACCOUNTING POLICIES**

- a) It is the Municipality’s policy to follow Canadian public sector accounting standards (PSAS) as developed by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada.
- b) In accordance with PSAS, the Municipality reports a combination of all funds. The financial statements reflect the removal of internal transactions and balances.
- c) Financial instruments consist of cash and cash equivalents, receivables, investments, accounts payable and accrued liabilities, trusts and other deposits, and debenture and long-term debt. Unless otherwise noted, it is management’s opinion that the Municipality is not exposed to significant interest, currency or credit risk arising from these financial instruments.
- d) Tangible capital assets and other non-financial assets are accounted for as non-financial assets by the Municipality because they can be used to provide municipal services in future periods. These assets do not normally provide resources to discharge liabilities unless they are sold.
- e) Cash and cash equivalents include short-term deposits held both with the Municipal Finance Authority (in its Money Market Fund) and with the First Credit Union and are carried at cost, which approximates market value. The short-term deposits have maturities of less than 90 days at the time of purchase and/or can be liquidated on demand.
- f) Investments represent term deposits with maturities in excess of 90 days and are recorded at cost.
- g) Inventories are valued at the lower of cost and replacement value.
- h) Sources of Funds for the Municipality
  - i) Tax revenues are recognized in the year that they are levied.
  - ii) Government transfers are recognized as revenues when the transfer is authorized and any eligibility criteria are met, except to the extent that transfer stipulations give rise to an obligation that meets the definition of a liability. Restricted grants are recognized when the related expenses are incurred and when collection is reasonably assured.
  - iii) Other transfers are recognized as deferred revenue when transfer stipulations give rise to a liability. Transfer revenue is recognized in the statement of operations as the stipulation liabilities are settled.
  - iv) Sewer and water fees are recognized when the commodity has been used by the customer.
  - v) Other sales of services and other revenue from own sources are recognized when the service is provided or the amount is earned and when the amount can be estimated and collection is reasonably assured.
  - vi) Restricted revenues from collections of development cost charges are deferred and then recognized as revenue in the year that an expense, authorized by bylaw, is incurred.

**NOTE 1 SIGNIFICANT ACCOUNTING POLICIES (continued)**

- i) The Municipality is statutorily obligated to collect and transmit the tax levies of the following bodies:
- i) Provincial Government – Schools;
  - ii) Provincial Government – Police;
  - iii) Comox Valley Regional District;
  - iv) Regional Hospital District of Comox Strathcona;
  - v) British Columbia Assessment Authority;
  - vi) Municipal Finance Authority; and
  - vii) Vancouver Island Regional Library.

Such levies are not included in the revenues of the Municipality.

- j) Expenses are recorded in the period in which the goods or services are acquired and a liability is incurred.
- k) The preparation of financial statements in conformity with PSAS requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the date of the financial statements, as well as the reported amounts of revenue and expenditures during the reporting period. Significant areas requiring the use of estimates include the ability to collect property taxes receivable and accounts receivable, obsolete or damaged inventory, amortization of tangible capital assets and post employment benefits. Actual results may vary from the estimates and adjustments, if any, will be reported and reflected in operations, as they become known.
- l) The Municipality recognizes the expenses relating to employee benefits in the period in which the employees render the services in return for the benefits, including compensated employee absences that accumulate but do not vest. Absences due to employee illness are paid when an injury or illness occurs, but entitlement to such compensation arises as employees render service. Entitlement to compensated absence due to illness or injury is measured as the expected future utilization of this benefit.

**NOTE 1 SIGNIFICANT ACCOUNTING POLICIES (continued)**

- m) Tangible capital assets are recorded at cost which includes all amounts that are directly attributable to acquisition, construction, development or betterment of the asset. The cost, less residual value, of the tangible capital assets are amortized on a straight-line basis over their estimated useful lives as follows:

Buildings	25-40
Equipment, furniture and vehicles	5-15
Water and waste water plant and networks	
Underground networks	60-100
Plants and lift stations	50-100
Pumping stations and reservoirs	100
Other infrastructure	50-100
Transportation	
Road surfaces	15-25
Road base structure	75
Poles and luminaries	100
Parks and other	
Land improvements	10-40
Playing fields and trails	15-20
Parking lots	10-20

Contributions of tangible capital assets are recorded as an asset at their fair value at the date of receipt and as revenue.

Leases are classified as capital or operating leases. Leases which transfer substantially all of the benefits and risks incidental to ownership of property are accounted for as capital leases and the associated asset is recorded at the lower of the present value of future minimum lease payments or fair value.

- n) Liability For Contaminated Sites

Contaminated sites are a result of contamination of a chemical, organic or radioactive material or live organism that exceeds an environmental standard, being introduced into soil, water or sediment. The liability is recorded net of any expected recoveries. A liability for remediation of contaminated sites is recognized when all of the following criteria are met:

- i) an environmental standard exists;
- ii) contamination exceeds the environmental standard;
- iii) the Municipality is directly responsible or accepts responsibility; and
- iv) is directly responsible; or
- v) accepts responsibility; and
- vi) a reasonable estimate of the amount can be made.

As at December 31, 2022 and 2021 the Municipality has reported no liabilities related to contaminated sites.

**NOTE 1 SIGNIFICANT ACCOUNTING POLICIES (continued)**

o) Asset Retirement Obligation

PS 3280 *Asset Retirement Obligations*, issued August 2018, establishes standards for recognition, measurement, presentation and disclosure of legal obligations associated with the retirement of tangible capital assets and is effective for the Municipality as of January 1, 2023. A liability will be recognized when, as at the financial reporting date:

- a. There is a legal obligation to incur retirement costs in relation to a tangible capital asset;
- b. The past transaction or event giving rise to the liability has occurred;
- c. It is expected that future economic benefits will be given up; and
- d. A reasonable estimate of the amount can be made.

Liabilities are recognized for statutory, contractual or legal obligations associated with the retirement of tangible capital assets when those obligations result from the acquisition, construction, development or normal operation of the assets. The obligations are measured initially at fair value, determined using present value methodology, and the resulting costs capitalized into the carrying amount of the related tangible capital asset. In subsequent periods, the liability is adjusted for accretion and any changes in the amount or timing of the underlying future cash flows. The capitalized asset retirement cost is amortized on the same basis as the related asset and accretion expense is included in the Statement of Operations.

Management is in the process of assessing the impact of adopting this standard on the Municipality's financial results.

**2. ACCOUNTS RECEIVABLE**

Accounts receivable is comprised of the following:

	<b>2022</b>	<b>2021</b>
Due from federal government	\$ 334,908	\$ 367,823
Due from provincial government	12,376	18,790
Due from other governments	58,177	81,787
Other receivables	1,136,727	697,662
	<b>\$ 1,542,188</b>	<b>\$ 1,166,062</b>

**The Corporation of the Village of Cumberland  
Notes to Financial Statements  
Year Ended DECEMBER 31, 2022**

**3. INVESTMENTS**

Investments are comprised of the following:

	<u>2022</u>	<u>2021</u>
First Credit Union Term Deposits with interest rate of 1.85% (2021 – 1%); matures March 17, 2023	\$ 2,000,000	\$ 2,000,000
First Credit Union Term Deposits with interest rate of 4.4% (2021 – Nil); matures August 3, 2023	11,000,000	-
Canaccord Genuity Wealth Management Investment with interest rate of Nil (2021 – 1.3%); matured October 11, 2022	-	5,000,000
Canaccord Genuity Wealth Management Investment with interest rate of 1.4% (2021 – 1.4%); matures Jan 3, 2023	1,000,000	1,000,000
	<u>\$ 14,000,000</u>	<u>\$ 8,000,000</u>

**4. ACCOUNTS PAYABLE**

Account payable is comprised of the following:

	<u>2022</u>	<u>2021</u>
Due to federal government	\$ 6,217	\$ 4,199
Due to provincial government	2,611	1,181,086
Due to other government	1,690	1,163
Salaries, wages and benefits payable	322,678	316,043
Other payables	1,314,596	853,025
	<u>\$ 1,647,792</u>	<u>\$ 2,355,516</u>

**5. SERVICE AND OTHER DEPOSITS**

Service and other deposits are securities and deposits held by the Municipality to ensure performance of requirements under contract or for approval of development or subdivision applications, or to safeguard against damages to facilities and infrastructure. The balance includes deposits collected for building, plumbing and development permits, subdivision and landscaping performance bonds and park and facility rentals.

**The Corporation of the Village of Cumberland  
Notes to Financial Statements  
Year Ended DECEMBER 31, 2022**

**6. BANK INDEBTEDNESS**

The Municipality has an available secured line of credit of \$2 million from the First Credit Union bearing interest at prime. No balance was drawn on the line of credit as at December 31, 2022 (2021 – \$Nil).

**7. DEFERRED REVENUE**

	<b>Balance</b>			<b>Recognized</b>	<b>Interest</b>	<b>Balance</b>
	<b>31-Dec-21</b>	<b>Collections</b>	<b>Adjustments</b>	<b>As Revenue</b>	<b>Income</b>	<b>31-Dec-22</b>
Deferred Revenue – DCC						
Parks	\$ 760,717	\$ 65,485	\$ (2,097)	\$ -	\$ 19,519	\$ 843,624
Roads	842,455	65,630	(2,288)	-	21,345	927,142
Sanitary Sewer	2,739,895	263,834	(9,200)	(2,500,000)	45,774	540,303
Storm Drainage	194,192	27,219	(498)	-	5,302	226,215
Waterworks	630,711	116,272	(4,055)	-	17,797	760,725
	<u>5,167,970</u>	<u>538,440</u>	<u>(18,138)</u>	<u>(2,500,000)</u>	<u>109,737</u>	<u>3,298,009</u>
Other Deferred	3,373,199	728,891	( 8,827)	(1,194,044)	79,056	2,978,275
	<u><b>\$8,541,169</b></u>	<u><b>\$1,267,331</b></u>	<u><b>\$(26,965)</b></u>	<u><b>\$ (3,694,044)</b></u>	<u><b>\$ 188,793</b></u>	<u><b>\$ 6,276,284</b></u>

**8. CONTINGENT LIABILITIES**

- a) The Municipality's loan agreements with the Comox Valley Regional District and the Municipal Finance Authority provide that if at any time the scheduled payments required are not sufficient to meet obligations in regards to borrowings, the resulting deficiency becomes a joint and several liability of the Municipality and the other member Municipalities.
- b) The Municipality is involved with a number of legal actions, the outcomes of which cannot be determined at this time. Management has determined that any potential liabilities arising from these outstanding claims are either not significant or will be recovered through property taxes.
- c) As at December 31, 2022, the Municipality has no record of any significant assessment appeals pending with respect to properties.
- d) The Municipality is a Subscribed member of the Municipal Insurance Association of British Columbia (the "Exchange") as provided by Section 3.02 of the Insurance Act of the Province of British Columbia. The main purpose of the Exchange is to pool the risks of liability so as to lessen the impact upon any Subscriber. Under the Reciprocal Insurance Exchange Agreement the Municipality is assessed a premium and specific deductible for its claims based on population. The obligation of the Municipality with respect to the Exchange and/or contracts and obligations entered in to by the Exchange on behalf of its Subscribers in connection with the Exchange are in every case several, and not joint and several.
- e) The Municipality makes every reasonable effort to comply with all environmental regulations that apply to its operations. These regulations may require future expenditures to meet applicable standards. Amounts required to meet these obligations will be charged to operations when incurred or set aside as in reserve funds for when they can be reasonably estimated.

**NOTE 8 e) CONTINGENT LIABILITIES (continued)**

In 2019, the Municipality received a notice from the Ministry of Environment and Climate Change Strategy (MOE) notifying the Municipality that the MOE was considering imposing a number of administrative penalties. The Municipality entered into a consent order with MOE in 2020 and paid \$15,000 that represents a portion of the administration penalties. As per the consent order, if registration under the Municipal Wastewater Regulation or an Operational Certificate under an approved Liquid Waste Management Plan is not complete by December 31, 2025, unless any delay beyond that date is affected by a material change in circumstances not caused or contributed to by the appellant, \$40,000 shall forthwith be paid to the Minister of Finance. The Municipality believes there is a high probability that the registration will take place by December 31, 2025.

**9. LONG-TERM DEBT**

- a) The Municipality is party to several equipment loans financed through the Municipal Finance Authority for the acquisition of vehicles and operating equipment. Loan terms are five years or less. The vehicles and equipment under these loans have a carrying value of \$853,489 (2021 - \$764,705) and are recorded as non-financial assets in the statements.

The following is a schedule of future minimum principal payments under the equipment financing loans with various expiry dates to 2027 together with the balance of the obligations under the loans, which is included in the debenture and long-term debt as detailed in Schedule 2:

2023	\$	134,171
2024		87,905
2025		69,922
2026		23,930
2027		13,634
	<b>\$</b>	<b>329,562</b>

- b) Principal payments on debenture and long-term debt over the next five years are as follows:

2023	\$	305,727
2024		305,727
2025		305,727
2026		305,727
2027		305,727
	<b>\$</b>	<b>1,528,635</b>

Total balance for equipment loans, debenture and long-term debt equal \$8,556,549 (2021 - \$8,683,349).

**10. DEPOSITS AND RESERVES – MUNICIPAL FINANCE AUTHORITY**

Under borrowing arrangements with the Municipal Finance Authority (MFA), the Municipality is required to lodge security by means of demand notes and interest-bearing cash deposits based on the amount of the borrowing. As the debt principal is retired, demand notes are released and the cash deposits are refunded and recorded as operating income in the period received.

As a condition of these borrowings, a portion of the debenture proceeds is withheld by the MFA as a debt reserve fund. These deposits, which are contingent in nature, are held by the MFA to act as security against the possibility of debt repayment default, and together with the demand notes are not recorded in the accounts. If the debt is repaid without default, the deposits are refunded to the Municipality.

Cash deposits at December 31, 2022 equal to \$96,472 (2021 - \$94,364) and are not reported elsewhere in these financial statements.

**11. EMPLOYEE BENEFITS LIABILITY**

Employees who retire qualify for a one-time payout of up to 72 days of their accumulated unused sick leave bank after 10 years of service. The Municipality calculates the value of this liability for employees based on review of the total vested and non-vested accrued time to date.

Probabilities of 10 – 100% are assigned based on years of service and length of time to retirement and discounted at 4.38% (2021 – 2.97%). At December 31, 2022, the value of sick leave for all vested employees is calculated at \$76,007 (2021 - \$80,787). The total estimated employee retirement benefit liability at December 31, 2022 is \$221,681 (2021 - \$223,082). Employee retirement benefit amounts are being funded by an accounting charge on sick time accrued during the year and are included in the accounts payable and accrued liabilities.

**12. PENSION LIABILITY**

The Municipality and its employees contribute to the Municipal Pension Plan (the “Plan”), a jointly trustee pension plan. The Board of trustees, representing Plan members and employers, is responsible for administering the Plan, including investment of the assets and administration of benefits. The pension plan is a multi-employer defined benefit pension plan. Basic pension benefits provided are based on a formula. As at December 31, 2021, the Plan has approximately 227,000 active members and approximately 118,000 retired members. Active members include approximately 42,000 contributors from local governments.

Every three years, an actuarial valuation is performed to assess the financial position of the Plan and adequacy of plan funding. The actuary determines an appropriate combined employer and member contribution rate to fund the Plan. The actuary’s calculated contribution rate is based on the entry- age normal cost method, which produces the long-term rate of member and employer contributions sufficient to provide benefits for average future entrants to the Plan. This rate may be adjusted for the amortization of any actuarial funding surplus and will be adjusted for the amortization of any unfunded actuarial liability.

The most recent actuarial valuation for the Municipal Pension Plan as at December 31, 2021, indicated a \$3,761 million funding surplus for basic pension benefits on a going concern basis.

The next valuation will be as at December 31, 2024 with results available later in 2025.

**The Corporation of the Village of Cumberland  
Notes to Financial Statements  
Year Ended DECEMBER 31, 2022**

**NOTE 12 PENSION LIABILITY (continued)**

Employers participating in the Plan record their pension expense as the amount of employer contributions made during the fiscal year (defined contribution pension plan accounting). This is because the Plan records accrued liabilities and accrued assets for the Plan in aggregate, resulting in no consistent and reliable basis for allocating the obligation, assets and cost to the individual employers participating in the Plan.

The Municipality paid \$216,721 (2021 - \$231,402) for employer contributions while employees contributed \$200,426 (2021 - \$205,818) to the Plan in fiscal 2022.

**13. TRUST FUNDS**

Cash and cash equivalents at December 31, 2022 held in trust by the Municipality for cemetery care equal to \$83,445 (2021 - \$78,119). Neither the assets nor related liabilities have been recorded in the financial statements.

**14. ANNUAL BUDGET**

Budget figures are based on the *2022-2026 Financial Plan Bylaw No. 1152, 2021* approved by Council in January of 2022. Figures are presented on the basis used for actual results and were adjusted as follows to comply with financial statement presentation:

Surplus per 2022 – 2026 Financial Plan	\$ -
Remove proceeds from borrowing	(40,000)
Remove principal payments on debt	718,450
Add back amortization	(1,469,270)
Remove capital acquisitions	853,100
Transfer to reserves	658,760
Surplus restated for financial statement purposes	<u>\$ 721,040</u>

**The Corporation of the Village of Cumberland  
Notes to Financial Statements  
Year Ended DECEMBER 31, 2022**

**NOTE 14 ANNUAL BUDGET (continued)**

During the year, the adopted budget can be amended and Council will adopt a new bylaw to reflect the approved amendments. A reconciliation between the original financial plan adopted by Council by May 15th of each year and the final amended financial plan bylaw is as follows:

	<b>Original Financial Plan Bylaw 1152</b>	<b>Final Amended Financial Plan Bylaw 1180</b>	<b>Difference</b>
Revenues	\$ (9,219,090)	\$ (16,014,970)	\$ (6,795,880)
Expenses			
General government services	1,183,190	1,485,030	301,840
Transportation services	1,924,560	1,994,830	70,270
Protective services	851,650	933,650	82,000
Environmental health services	2,186,430	2,206,430	20,000
Public health services	37,410	37,410	-
Environmental planning and development services	786,310	958,330	172,020
Parks, Recreation and cultural services	1,553,250	1,793,716	240,466
	<u>8,522,800</u>	<u>9,409,396</u>	<u>886,596</u>
Net (Revenues) Expenses	<u>(696,290)</u>	<u>(6,605,574)</u>	<u>(5,909,284)</u>
Adjustments	62,280	10,357,880	10,295,600
Transfers (from) to reserves	658,760	(1,217,606)	(1,876,366)
Development costs charges	(24,750)	(2,534,700)	(2,509,950)
	<u>696,290</u>	<u>6,605,574</u>	<u>5,909,284</u>
Transfer to/(from) accumulated surplus	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

**15. FEDERAL GAS TAX AGREEMENT FUNDS**

Gas Tax Agreement funding is provided by the Government of Canada. The use of the funding is established by a funding agreement between the local government and the Union of British Columbia Municipalities. Gas Tax Agreement funding may be used towards designated categories that include public transit, community energy, water, wastewater, solid waste, transportation, tourism, sports, culture and recreation infrastructure, disaster mitigation and capacity building projects, as specified in the funding agreements.

Revenues under the Community Works Fund portion of the program will be recognized when allocated to the Municipality. The Municipality continues to track the unspent amounts in the Community Works Reserve Fund. The continuity of this fund is presented in the table below:

	<b>2022</b>	<b>2021</b>
Opening balance of unspent funds	\$ 887,154	\$ 443,943
Add:		
Amounts received during the year	223,057	436,228
Interest on funds	23,875	6,983
Less:		
Amounts allocated to projects during the year	-	-
Closing balance unspent funds	<u>\$ 1,134,086</u>	<u>\$ 887,154</u>

**The Corporation of the Village of Cumberland  
Notes to Financial Statements  
Year Ended DECEMBER 31, 2022**

**16. COVID-19 SAFE RESTART FUNDS**

COVID-19 Safe Restart funding is provided by the Province of British Columbia. COVID-19 Safe Restart funding may be used towards designated categories that address the impacts of COVID-19. Eligible costs will include:

- addressing revenues shortfalls;
- facility reopening and operating costs;
- emergency planning and response costs;
- bylaw enforcement and protective services like fire protection and police;
- computer and other electronic technology costs (to improve interconnectivity and virtual communications);
- services for vulnerable persons (e.g. persons living with disabilities, mental illness or addictions, persons experiencing homelessness or other vulnerabilities); and
- other related costs.

Revenues under the COVID-19 Safe Restart program have been recognized when allocated to the Municipality. The Municipality continues to track the unspent amounts in the General Financial Stabilization Reserve. The continuity of this fund is presented in the table below:

	<b>2022</b>	<b>2021</b>
Opening balance of unspent funds	\$ 750,671	\$ 1,295,316
Add:		
Amounts received during the year	-	-
Interest on funds	10,815	12,489
Less:		
Amounts allocated to projects during the year	(509,596)	(557,134)
Closing balance unspent funds	<b>\$ 251,890</b>	<b>\$ 750,671</b>

**The Corporation of the Village of Cumberland  
Notes to Financial Statements  
Year Ended DECEMBER 31, 2022**

**17. ACCUMULATED SURPLUS**

Operating Funds - comprise the principal operating activities of the Municipality and are separated into General, Water, and Sanitary Sewer Funds.

Reserve Funds - created to hold cash, and investments for specific future requirements.

Equity In Tangible Capital Assets - used to record the acquisition and disposal of tangible capital assets and related financing and similarly separated into General, Water and Sanitary Sewer Funds.

<b>Accumulated Surplus:</b>	<b>2022</b>	<b>2021</b>
Operating Funds:		
General Fund	\$ 1,570,231	\$ 1,566,622
Water Fund	338,806	286,158
Sanitary Sewer Fund	394,207	427,193
	<u>2,303,244</u>	<u>2,279,973</u>
Reserve Funds:		
Community Works Funds Reserve (Note 15)	1,134,086	887,154
Emergency & Safety Reserve	1,569,980	1,241,547
Fire Vehicles & Protective Equipment Replacement	151,076	141,176
General Financial Stabilization Reserve (Note 16)	1,562,028	1,800,509
General Municipal Facility Assets Reserve	173,057	-
General Village Assets Reserve	266,999	219,091
Host Amenity Funds Reserve	254,496	300,524
Infrastructure Asset Renewal Reserve	2,347,870	1,706,619
Land Sale Reserve	1,220	1,192
Parkland Reserve	150,871	112,659
Sewer Stabilization Reserve	898,942	708,103
Water Meter Renewal Reserve	690,326	581,967
Water Stabilization Reserve	528,395	318,159
Water & Sewer Infrastructure Asset Renewal Reserve	3,096,842	591,194
	<u>12,826,188</u>	<u>8,609,894</u>
Equity In Tangible Capital Assets:		
General Fund	27,073,416	24,824,253
Water Fund	17,357,545	15,742,903
Sanitary Sewer Fund	18,294,716	15,734,813
	<u>62,725,677</u>	<u>56,301,969</u>
Accumulated Surplus	<u><b>\$ 77,855,109</b></u>	<u><b>\$ 67,191,836</b></u>

**18. CONTRACTUAL RIGHTS AND COMMITMENTS**

Contractual rights are rights to economic resources arising from contracts or agreements that will result in revenues and assets in the future. As at December 31, 2022, the Municipality had the following contractual rights and significant commitments:

The significant contractual rights of the Municipality consisted of developer contributions. These rights exist as the Municipality has entered into a number of public works development agreements which require the developers to contribute various infrastructure assets to the Municipality, including roads and underground utilities. The timing and extent of these future contributions vary depending on development activity and fair value of the assets received at time of contribution. The contributions will be recorded as revenue based on the fair value of the assets received at the time that the Municipality assumes the risks and responsibilities related to the assets.

**19. SEGMENTED INFORMATION**

The Municipality is a diversified local government institution that provides a wide range of services to its citizens, including the provision of water, sewer, garbage disposal, recreation, parks, and cemetery services. The services and functions of the Municipality have been segregated or grouped based on factors such as delivery method, similarity in regulations, restrictions or cost recovery and the nature of the service as voluntary or essential services. Consideration has been given to comparability to other Municipal bodies.

The segments are categorized and described as follows:

**General Government Services**

This segment includes activities pertaining to the general administration and governance of the organization and those services that are provided on a centralized basis for all other segments and departments of the organization. Council, management, corporate and financial services are included as are other general costs which are not easily allocated to individual activity areas.

**Transportation Services**

This segment includes general roadway maintenance and upgrade, street lighting, sidewalk and other general duties of the Public Works department. The Department is responsible to ensure transportation infrastructure is safe and well maintained.

**Protective Services**

This segment includes fire protection services, emergency preparedness, bylaw enforcement and animal control. The function's mandate is to ensure the safety of the lives and property of citizens and preserve peace and good order.

**Environmental Health Services**

The Water and Waste segment consists of three distinct utilities: sewerage and drainage, water, and solid waste disposal. The department provides collection and treatment of sewage and storm water, treatment and delivery of drinking water and contracts garbage collection and recycling services. Ensuring environmental and public safety standards are the key concern for the functions within this segment.

**NOTE 19 SEGMENTED INFORMATION (continued)**

**Public Health Services**

The Municipality owns and/or operates three cemeteries. Although some of the maintenance activities are similar to those provided in the Parks function, a larger portion of the cost and activity is specific to performing cemetery services. The function has been segregated due to the unique regulatory requirements and because these services would be delivered as a separate business function in the private sector. The administrative and maintenance services for this function are divided between two departments but costs for administration are not substantial nor easily attributed to this function and are, therefore, not reallocated from General Government.

**Environmental Planning and Development Services**

The Planning Department manages land use planning, building and development functions. The department is responsible for ensuring that these functions are planned and managed to address environmental and building regulations, heritage matters and community and public concerns.

**Recreation and Cultural Services**

This segment captures all activities relating to the health and well-being of the citizens and community. The function includes recreational services such as a fitness centre and gym, facilities rentals and contributions to community and cultural events as well as provision and maintenance of parks and park facilities. The services in this category are not considered essential services but are important for economic and community development.

For each reported segment, revenues represent both amounts that are directly attributable to the segment and amounts that are allocated on a reasonable basis. Property taxes, payments in lieu and the small community grant funds are apportioned based on budget with any variance in actual revenue being attributed back to General Government. All other revenues can be directly attributed to a particular segment. With the exception of some general fiscal services and centralized supply and services charged directly to the General Government function, all other costs are instigated for and charged directly to the specific segments when incurred.

**20. SUBSEQUENT EVENTS**

On Feb. 10, 2023, provincial government announced the Growing Communities Fund, which provides a one-time total of \$1 billion in grants to all 188 B.C. municipalities and regional districts. Cumberland's allocation totals \$2,777,000. The eligible use of these funds has not been communicated at this point.

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND**  
**Tangible Capital Assets**  
**For the Year Ended December 31, 2022**

			Equipment /	Engineering Structures			Land	Assets Under	2022	2021
	Land	Building	Furniture / Vehicles	Water	Sewer / Drainage	Roads				
<b>Cost</b>										
Opening balance	\$ 9,638,896	\$ 10,151,094	\$ 5,049,554	\$ 15,631,382	\$ 20,262,644	\$ 25,439,246	\$ 3,129,537	\$ 1,063,751	\$ 90,366,104	\$ 87,807,049
Add: Additions	1,246,691	11,974	353,638	1,871,479	1,173,127	1,205,644	49,174	2,223,522	8,135,249	6,461,371
Less: disposals	-	-	(6,433)	(122)	(7,992)	-	-	(4,960)	(19,507)	(3,902,315)
Closing balance	10,885,587	10,163,068	5,396,759	17,502,739	21,427,779	26,644,890	3,178,711	3,282,313	98,481,846	90,366,105
<b>Accumulated Amortization</b>										
Opening balance	-	1,779,799	3,100,735	3,291,909	3,524,499	11,983,958	1,699,886	-	25,380,786	23,939,074
Add: amortization	-	295,863	318,211	196,095	218,788	681,134	117,608	-	1,827,699	1,651,856
Less: disposals	-	-	(6,433)	(35)	(2,398)	-	-	-	(8,866)	(210,142)
Closing balance	-	2,075,662	3,412,513	3,487,969	3,740,889	12,665,092	1,817,494	-	27,199,619	25,380,788
<b>Net Book Value, December 31, 2022</b>	\$ 10,885,587	\$ 8,087,406	\$ 1,984,246	\$ 14,014,770	\$ 17,686,890	\$ 13,979,798	\$ 1,361,217	\$ 3,282,313	\$ 71,282,227	
<b>Net Book Value, December 31, 2021</b>	\$ 9,638,896	\$ 8,371,295	\$ 1,948,819	\$ 12,339,473	\$ 16,738,145	\$ 13,455,288	\$ 1,429,651	\$ 1,063,751		\$ 64,985,317

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND**  
**Debenture and Long-Term Debt**  
**As at December 31, 2022**

	<b>2022</b>	<b>2021</b>
<b>General Capital Fund</b>		
Equipment Financing Loans with various expiry dates to 2025 interest charged at a floating rate (December 31st at 0.96%) secured by equipment with carrying value of \$764,705 (2020 - \$846,910)	\$ 329,562	\$ 405,528
Land Purchase-LUAR 4.1 5 year loan #305-6 interest charged at floating rate (December 31st at 0.97%) with carrying value of \$1,011,978 (2020 - \$1,011,978)	339,011	540,410
Interim Construction Financing Temporary Borrowing Bylaw #1123 interest charged at floating rate (December 31st at 0.97%) (Transferred to long-term debt Bylaw #1122 in 2021)	-	-
Debenture Debt Fire Hall Bylaw #1122, due 2041 interest charged at 2.41% annual principal payment of \$168,597	4,031,403	4,200,000
	<b>4,699,976</b>	<b>5,145,938</b>
<b>Water Capital Fund</b>		
Debenture Debt Water Supply Improvements Bylaw #981, due 2040 interest charged at 0.91% annual principal payment of \$18,865	409,061	428,256
Water Supply Improvements Bylaw #1063, due 2040 interest charged at 0.91% annual principal payment of \$44,305	960,715	1,005,795
	<b>1,369,776</b>	<b>1,434,051</b>
<b>Sewer Capital Fund</b>		
Interim Construction Financing Temporary Borrowing Bylaw #1106 interest charged at floating rate (December 31st at 0.97%)	1,000,000	500,000
Debenture Debt Sanitary Sewer Improvements Bylaw #781, due 2036 interest charged at 1.75% annual principal payment of \$15,797	541,228	569,678
Sanitary Sewer Improvements Bylaw #914, due 2031 interest charged at 3.25% annual principal payment of \$58,164	945,569	1,033,682
	<b>2,486,797</b>	<b>2,103,360</b>
<b>Total Debenture and Long-Term Debt</b>	<b>\$ 8,556,549</b>	<b>\$ 8,683,349</b>

THE CORPORATION OF THE VILLAGE OF CUMBERLAND  
 Segment Disclosure  
 For the Year Ended December 31, 2022

	General government services		Transportation services		Protective services		Environmental health services		Public health services		Environmental planning and development services		Recreation and cultural services		Total	
	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021	2022	2021
<b>Revenue</b>																
Tax revenue	\$ 1,144,077	\$ 1,143,083	\$ 1,085,341	\$ 908,787	\$ 542,957	\$ 504,135	\$ 655,903	\$ 609,502	\$ 486	\$ 7,653	\$ 233,093	\$ 194,231	\$ 739,277	\$ 741,702	\$ 4,401,134	\$ 4,109,093
Sale of services	-	-	-	-	247,765	241,955	2,377,047	2,146,095	28,545	20,663	-	-	281,765	218,761	2,935,122	2,627,474
Transfer from other governments	807,367	911,564	176,266	157,615	141,086	116,395	1,385,019	572,936	(98)	1,060	168,960	32,248	278,302	158,349	2,956,902	1,950,167
Other revenues and contributions	422,697	189,271	1,345,383	179,658	15,192	30,450	5,659,686	105,163	3,974	3,313	275,979	280,206	1,308,134	59,464	9,031,045	847,525
<b>Total revenues</b>	<b>2,374,141</b>	<b>2,243,918</b>	<b>2,606,990</b>	<b>1,246,060</b>	<b>947,000</b>	<b>892,935</b>	<b>10,077,655</b>	<b>3,433,696</b>	<b>32,907</b>	<b>32,689</b>	<b>678,032</b>	<b>506,685</b>	<b>2,607,478</b>	<b>1,178,276</b>	<b>19,324,203</b>	<b>9,534,259</b>
<b>Expenses</b>																
Wages, salaries and benefits	1,143,107	1,168,825	640,780	514,314	412,488	399,611	351,604	365,698	15,765	13,794	377,400	324,996	721,340	675,375	3,662,484	3,462,613
Good and services	(47,645)	233,093	489,392	324,685	261,944	228,008	1,182,183	1,198,672	11,683	12,766	362,611	209,104	708,571	572,686	2,968,739	2,779,014
Debt expense	-	-	22,852	8,827	107,732	125,107	65,742	78,277	-	-	-	-	-	-	196,326	212,211
Amortization	27,452	17,603	813,278	765,116	240,530	156,376	632,928	599,845	3,082	3,082	-	-	110,430	109,833	1,827,700	1,651,855
Loss/(Gain) on disposal of assets	-	-	-	(16,135)	-	(7,595)	5,681	49,224	-	-	-	-	-	-	5,681	25,494
<b>Total Expenses</b>	<b>1,122,914</b>	<b>1,419,521</b>	<b>1,966,302</b>	<b>1,596,807</b>	<b>1,022,694</b>	<b>901,507</b>	<b>2,238,138</b>	<b>2,291,716</b>	<b>30,530</b>	<b>29,642</b>	<b>740,011</b>	<b>534,100</b>	<b>1,540,341</b>	<b>1,357,894</b>	<b>8,660,930</b>	<b>8,131,187</b>
<b>Annual Surplus (Deficit)</b>	<b>\$ 1,251,227</b>	<b>\$ 824,397</b>	<b>\$ 640,688</b>	<b>\$ (350,747)</b>	<b>\$ (75,694)</b>	<b>\$ (8,572)</b>	<b>\$ 7,839,517</b>	<b>\$ 1,141,980</b>	<b>\$ 2,377</b>	<b>\$ 3,047</b>	<b>\$ (61,979)</b>	<b>\$ (27,415)</b>	<b>\$ 1,067,137</b>	<b>\$ (179,618)</b>	<b>\$ 10,663,273</b>	<b>\$ 1,403,072</b>

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND**  
**Segment Disclosure With Budget Information**  
**For the Year Ended December 31, 2022**

	General government services		Transportation services		Protective services	Environmental health services		Public health services		Environmental planning and development services		Recreation and cultural services		Total		
	Actual	Budget	Actual	Budget		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	
<b>Revenue</b>																
Tax revenue	\$ 1,144,077	\$ 1,130,290	\$ 1,085,341	\$ 1,073,900	\$ 542,957	\$ 536,280	\$ 655,903	\$ 649,640	\$ 486	\$ 490	\$ 233,093	\$ 230,190	\$ 739,277	\$ 730,440	\$ 4,401,134	\$ 4,351,230
Sale of services	-	-	-	-	247,765	254,470	2,377,047	2,179,390	28,545	25,500	-	-	281,765	246,500	2,935,122	2,705,860
Transfer from other governments	807,367	691,000	176,266	176,200	141,086	110,580	1,385,019	-	(98)	(70)	168,960	264,980	278,302	125,120	2,956,902	1,367,810
Other revenue and contributions	422,697	115,900	1,345,383	159,210	15,192	104,480	5,659,686	105,190	3,974	5,890	275,979	213,590	1,308,134	114,680	9,031,045	818,940
<b>Total revenue</b>	<b>2,374,141</b>	<b>1,937,190</b>	<b>2,606,990</b>	<b>1,409,310</b>	<b>947,000</b>	<b>1,005,810</b>	<b>10,077,655</b>	<b>2,934,220</b>	<b>32,907</b>	<b>31,810</b>	<b>678,032</b>	<b>708,760</b>	<b>2,607,478</b>	<b>1,216,740</b>	<b>19,324,203</b>	<b>9,243,840</b>
<b>Expenses</b>																
Wages, salaries and benefits	1,143,107	1,248,540	640,780	647,280	412,488	450,290	351,604	419,740	15,765	18,100	377,400	392,310	721,340	761,310	3,662,484	3,937,570
Good and services	(47,645)	(82,050)	489,392	468,710	261,944	235,920	1,182,183	1,228,140	11,683	16,210	362,611	394,000	708,571	651,690	2,968,739	2,912,620
Debt expense	-	-	22,852	10,370	107,732	103,440	65,742	89,530	-	-	-	-	-	-	196,326	203,340
Amortization	27,452	16,700	813,278	798,200	240,530	62,000	632,928	449,020	3,082	3,100	-	-	110,430	140,250	1,827,700	1,469,270
Loss/(Gain) on disposal of assets	-	-	-	-	-	-	5,681	-	-	-	-	-	-	-	5,681	-
<b>Total expenses</b>	<b>1,122,914</b>	<b>1,183,190</b>	<b>1,966,302</b>	<b>1,924,560</b>	<b>1,022,694</b>	<b>851,650</b>	<b>2,238,138</b>	<b>2,186,430</b>	<b>30,530</b>	<b>37,410</b>	<b>740,011</b>	<b>786,310</b>	<b>1,540,341</b>	<b>1,553,250</b>	<b>8,660,930</b>	<b>8,522,800</b>
<b>Annual Surplus (Deficit)</b>	<b>\$ 1,251,227</b>	<b>\$ 754,000</b>	<b>\$ 640,688</b>	<b>\$ (515,250)</b>	<b>\$ (75,694)</b>	<b>\$ 154,160</b>	<b>\$ 7,839,517</b>	<b>\$ 747,790</b>	<b>\$ 2,377</b>	<b>\$ (5,600)</b>	<b>\$ (61,979)</b>	<b>\$ (77,550)</b>	<b>\$ 1,067,137</b>	<b>\$ (336,510)</b>	<b>\$ 10,663,273</b>	<b>\$ 721,040</b>

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND  
STATEMENTS OF FINANCIAL INFORMATION (SOFI)  
REQUIREMENTS FOR FINANCIAL INFORMATION ACT SECTION 2(2)(d)  
FOR THE FISCAL YEAR ENDED DECEMBER 31, 2022**

**SCHEDULE OF GUARANTEE AND INDEMNITY AGREEMENTS**

This organization has not given any guarantees or indemnities under the Guarantees and Indemnities Regulation

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND  
STATEMENTS OF FINANCIAL INFORMATION (SOFI)  
REQUIREMENTS FOR FINANCIAL INFORMATION ACT SECTION 2(3)(a)  
FOR THE FISCAL YEAR ENDED DECEMBER 31, 2022**

**SCHEDULE OF REMUNERATION**

**1. Council / Elected Officials**

<b>Name</b>	<b>Position</b>	<b>Remuneration</b>	<b>Expenses</b>
Baird, Leslie	Mayor	\$ 19,702	\$ 6,023
Borecky, Neil	Councillor	1,804	582
Brown, Vickey	Mayor and Councillor	13,701	9,001
Ketler, Jesse	Councillor	12,028	163
Sproule, Gwyn	Councillor	10,224	4,439
Sullivan, Sean	Councillor	12,028	6,949
Therrien, Troy	Councillor	1,804	585
<b>Total: Council/Elected Officials</b>		<b>\$ 71,291</b>	<b>\$ 27,741</b>

**2. Other Employees**

<b>Name</b>	<b>Position</b>	<b>Remuneration</b>	<b>Expenses</b>
Albert, Karin	Senior Planner	\$ 79,132	\$ 1,486
Barker, Darryl	Mechanic	76,367	455
Chambers, Kaelin	Economic Development Officer	77,830	106
Crisfield, Robert	Manager of Operations	117,110	2,797
Farley, Tyler	Parks, Trails and Lands Supervisor	76,382	1,889
Guthrie, Russell Sean	Equipment Operator	82,222	1,865
Houghton, Eric	Public Works Chargehand	78,260	1,666
Mason, Michelle	Chief Financial Officer / Deputy CAO	133,944	6,430
McPhedran, Kevin	Manager of Parks and Recreation / Interim Deputy CAO	95,763	1,049
Murgatroyd, Gavin	Public Works Foreman/Coordinator	94,486	1,750
Parker, Rachel	Corporate Officer	78,116	1,768
Pinfield, Simon	Utilities I	78,582	1,768
Samsom, Andrea	Manager of Finance and Human Resources	82,217	3,956
Simpson, Courtney	Manager of Development Services	105,955	3,010
Williamson, Michael	Manager of Protective Services	102,887	565
Consolidated total of other employees with remuneration and expenses of \$75,000 or less		1,576,225	52,349
<b>Total: Other Employees</b>		<b>\$ 2,935,478</b>	<b>\$ 82,909</b>

**3. Reconciliation**

Total remuneration - Council/Elected Officials	\$ 71,291
Total remuneration - Other Employees	2,935,478
<b>Subtotal</b>	<b>3,006,769</b>
Reconciling Items	Note 1
<b>Total per Statement of Revenue and Expenditure (Schedule 3)</b>	<b>3,662,484</b>
<b>Variance Note 1</b>	<b>\$ 655,715</b>

**Note 1 - Reconciling Items**

*Financial statement figures include employer wage and pension costs and consequently does not reconcile to the expenses noted on the Financial Statements.*

**Note 2 - Receiver General CPP and EI employer payments**

CPP	\$	132,982
EI		37,143
<b>Total</b>	<b>\$</b>	<b>170,124</b>

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND  
STATEMENTS OF FINANCIAL INFORMATION (SOFI)  
REQUIREMENTS FOR FINANCIAL INFORMATION ACT  
FOR THE FISCAL YEAR ENDED DECEMBER 31, 2022**

**STATEMENT OF SEVERANCE AGREEMENTS**

There were no severance agreements between The Corporation of the Village of Cumberland and its non-unionized or unionized employees during 2022

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND  
STATEMENTS OF FINANCIAL INFORMATION (SOFI)  
REQUIREMENTS FOR FINANCIAL INFORMATION ACT SECTION 2(3)(b)  
FOR THE FISCAL YEAR ENDED DECEMBER 31, 2022  
SCHEDULE OF PAYMENTS FOR THE PROVISION OF GOODS AND SERVICES**

**1. Alphabetical list of suppliers who received aggregate payments exceeding \$25,000**

Supplier name	Aggregate amount paid to supplier
Alpine Water & Energy	70,586.58
Assessment Authority, BC	58,062.66
Canada Life Insurance Company	168,533.57
Carbon Safety Solutions	28,282.40
Carvello Law Corporation	68,725.73
Central Square Technologies	34,988.04
Coastal Mountain Fuels	71,732.77
Colliers Project Leaders Inc.	155,361.17
Cupe Local 556	35,292.74
Ecofish Research Ltd.	59,266.89
Edgett Excavating Ltd.	121,865.89
Emterra Environmental	255,209.54
FORTISBC-Natural Gas	31,833.07
Frontier Power Products	54,743.48
GCS Technology (Alpha)	155,498.43
HCMA	32,494.16
Hydro & Power Authority, BC	180,003.04
Insurance Corporation of British Columbia	26,050.00
Integrated Sustainability Consultants Ltd.	389,476.62
Lee Mac Electric Ltd.	37,190.53
Maple Reinders Inc.	911,560.34
McElhanney Consulting Services Ltd.	36,941.63
Minister of Finance - CFD	1,180,000.00
Minister of Finance - PTB	1,056,488.53
Ministry of Finance - EHT	60,894.37
MKM Projects Ltd	46,200.00
Municipal Finance Authority	372,683.97
Municipal Insurance Association of British Columbia	79,190.85
Municipal Pension Plan	438,140.06
North Island Nissan	55,858.88
Receiver General For Canada	855,702.32
Regional District, Comox Valley	1,507,239.90
Regional Hospital District, Comox Strathcona	426,587.66
Regional Library, Vancouver Island	222,475.00
Remote Marine Solutions Inc	34,083.70
Steve Marshall Motors (1996) Ltd.	41,886.88

Tayco Paving Company	121,553.54
Urban Systems Ltd	186,882.08
Village Carpentry Service	37,319.54
Waste Connections Canada	26,538.70
WorkSafeBC	76,536.55
<b>Grand Total</b>	<b>\$ 9,809,962</b>

**Schedule of payment to suppliers**

Total paid to suppliers who received \$25,000 or more	\$ 9,809,962
Total paid to suppliers who received less than \$25,000	\$ 5,014,471
Total paid to suppliers	<b>\$ 14,824,433</b>

**Total of payments for grants and contributions**

Community Grant- Cumberland Museum	\$	39,660
Cumberland Community School Society-(Food share program \$30,000 Community Grant \$14,000)	\$	44,000
<b>Total grants of \$25,000 or more</b>	\$	<b>83,660</b>
Total grants of less than \$25,000- <i>Note 1</i>	\$	52,336
<b>Total of all grants</b>	\$	<b>135,996</b>

Total of contributions of \$25,000 or more	\$	-
Total of contributions less than \$25,000	\$	-
<b>Total contributions</b>	\$	<b>-</b>

Total of all grants and contributions of \$25,000 or more	\$	83,660
Total of all grants and contributions less than \$25,000	\$	52,336
<b>Total of all grants and contributions</b>	\$	<b>135,996</b>

**Reconciliation**

Total paid to suppliers of goods and services	\$	14,824,433
Total of all grants and contributions		135,996
<b>Subtotal</b>		<b>14,960,429</b>
Less: total per Schedule 3 to financial statements (goods and services)		2,968,739
<b>Variance (Note 2)</b>	\$	<b>11,991,690</b>

**Note 1:** A listing of grants in aid under \$25,000 is attached for information.

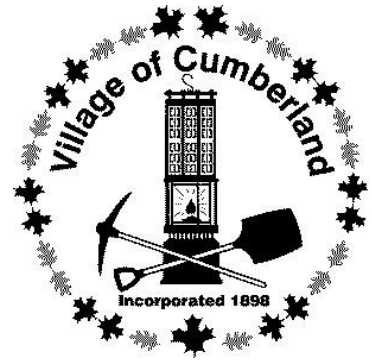
**Note 2:** Vendor listing includes all vendor payments, including balance sheet items, payments to other taxing authorities, capital expenditures and payroll expenses and consequently does not reconcile to the expenses noted on the Financial Statements.

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND  
STATEMENTS OF FINANCIAL INFORMATION (SOFI)  
REQUIREMENTS FOR FINANCIAL INFORMATION ACT SECTION 2(3)(b)  
FOR THE FISCAL YEAR ENDED DECEMBER 31, 2022**

**SUPPLEMENTARY SCHEDULE FOR GRANTS IN AID  
(Grants under \$25,000)**

Weird Church	2,100
Comox Valley Community Foundation	1,000
Comox Bay Care Society	8,236
Victoria Days	10,000
Farmer's Market Nutrition Coupon Program	8,000
Comox Valley Community Health Network	10,000
United Riders of Cumberland	13,000
<b>Total</b>	<b>\$ 52,336</b>

# COUNCIL REPORT



REPORT DATE: 5/15/2023  
MEETING DATE: 5/29/2023

File No. 3010

TO: Mayor and Councillors  
FROM: Courtney Simpson, Manager of Development Services  
SUBJECT: Development Approvals Process Modernization – Bylaw Amendments

## RECOMMENDATION

- i. THAT Council amend Development Application Procedures Bylaw No. 1187, 2023 as shown in Attachment 5 of this report, and give third reading to the bylaw as amended
- ii. THAT Council give third reading to Fees Amendment Bylaw No. 1188, 2023.

## PURPOSE

Further to Council giving first and second reading to the Development Application Procedures Bylaw No. 1187, 2023 and the Fees Amendment Bylaw No. 1188, 2023 on March 27, 2023, the Advisory Planning Commission (APC) and the community has had an opportunity to review and comment on the draft bylaws. As a result of further review and in response to public input, minor revisions to the Development Application Procedures Bylaw are recommended.

## PREVIOUS COUNCIL DIRECTION

Date	Resolution
March 27, 2023	<p>THAT Council give first and second reading to Development Application Procedures Bylaw No. 1187, 2023; and</p> <p>THAT Council give first and second reading to Fees Amendment Bylaw No. 1188, 2023; and</p> <p>THAT Council refer Development Application Procedures Bylaw No. 1187, 2023 to the Advisory Planning Commission as part of the development industry engagement.</p>
January 23, 2023 COTW	<p>THAT the Committee approve the interim adoption of Electric Vehicle Charging station rates equivalent to the rates set by the British Columbia Utilities Commission for BC Hydro’s Electric Vehicle Charging Stations.</p> <p>THAT the Committee direct staff to initiate the bylaw amendment process to amend the existing Village Fees Bylaw to add Electric Vehicle Charging Stations rates, and to set rates based on a revenue neutral basis.</p>

	THAT the Committee direct staff to draft a Village Electric Vehicle Charging Station Policy and report back to Council.
May 30, 2022	THAT the Committee receive the Development Approvals Process Modernization Summary Report for information.
November 8, 2021	THAT Council receive the Amendments to Local Government Legislation Proposed in Bill 26 report for information.
May 22, 2021	THAT Council direct staff to submit an application to the Union of BC Municipalities Local Government Development Approvals Program, for funding to review and update the Village of Cumberland's development approvals processes including information technology to support it, and that the Village of Cumberland provide overall grant management.

## BACKGROUND

A summary of the proposed bylaw amendments are outlined in detail in the [March 27, 2023 Council Report](#) (item 8.1).

### Development Application Procedures Bylaw

The bylaw proposes to repeal both the Village's Development Approval Information Bylaw No. 809, 2005 and the Development Application Procedures Bylaw No. 1073, 2018, and replace with a combined bylaw. The revised bylaw eliminates redundancies by removing references to procedures and timelines that are no longer followed by the Village. It also clarifies development procedures and development approval information requirements into one bylaw which adds clarity to application procedures and requirements (Attachment 1 – Bylaw 1187).

### Fees Bylaw

Currently, the fees for development applications are included in the Schedules of the Development Application Procedures Bylaw No. 1073, 2018. It is proposed that the development application fee schedule be added to the current Fees Bylaw No. 1110, 2019 to consolidate all fees for ease of use by the development community and staff (Attachment 2 – Bylaw 1188). Consolidating fees into one bylaw aligns with best practices and ensures that all fees are reviewed regularly and inflationary cost adjustments to Village fees are streamlined. This approach may be phased in across other Village fees and charges as bylaws are amended.

## PUBLIC ENGAGEMENT AND CONSULTATION

The APC provided initial feedback on delegation of minor variances at their July 14, 2022 meeting. Following Council's review and first and second reading of the bylaws, the bylaws were referred to the APC. The APC passed the following resolution at their April 13, 2023 meeting (Attachment 3 – APC Minutes):

THAT the Advisory Planning Commission recommend to Council adoption of the Development Application Procedures Bylaw No. 1187, 2023 and Fees Bylaw Amendment No. 1188, 2023.

The Village sought public input by referring the bylaws to Cumberland's development community by email as well as posting the bylaws on the Village's website for community review. At time of

writing two submissions were received from the public (Attachment 4 – Public Submissions). Some of the comments received have resulted in several minor amendments to the Development Application Procedures Bylaw No. 1187, 2023. Most of the revisions are administrative such as correcting capitalization and numbering errors. The most notable recommended change is restructuring the guidelines and criteria for determining and assessing minor development variance permit applications to address concern that the criteria were unclear (section 12.8) (see Attachment 5 – 4.5. Development Application Procedures Bylaw No. 1187, 2023 tracked changes).

Both submissions expressed concern about the proposed delegation of minor variances. One submission further described that the concern is a scenario where residents or neighbours feel that they are significantly impacted by a variance that is considered minor by the delegate (staff) and does not come to Council for a decision. In addition to the clarification of criteria discussed above, there are measures in place to avoid this scenario. The proposed bylaw goes beyond the legislative requirements, requiring neighbourhood notification of delegated minor variances (section 6.2.2). The notification letter to owners and tenants within a specific distance of the proposal requests that any comments on the proposed variance be submitted to the Village. This will allow the delegate to understand if there are negative impacts that had not been previously identified and provide the applicant an opportunity to alter their proposal. If the variance cannot be altered to address the concern, the variance does not meet the criteria to be considered minor and it would go to Council for a decision.

## **ALTERNATIVES**

1. That Council provide alternate direction.

## **STRATEGIC OBJECTIVE**

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

## **FINANCIAL IMPLICATIONS**

Consolidating fees into one bylaw aligns with best practices and ensures that all fees are reviewed regularly and simplifies inflationary cost adjustments to fees across all service areas. This project is fully funded by the Provincial government through a grant program administered by UBCM.

## **OPERATIONAL IMPLICATIONS**

The goal of the project is to identify opportunities to increase the efficiency and effectiveness of the Village's development approvals processes.

## **CLIMATE CHANGE IMPLICATIONS**

Amendment of these administrative bylaws, including delegation of some types of minor applications to staff, are not expected to have any implications for climate change preparedness, or reduction of greenhouse gas emissions.

**ATTACHMENTS**

1. Development Application Procedures Bylaw No. 1187, 2023
2. Fees Bylaw Amendment No. 1188, 2023
3. Minutes of April 13, 2023 Advisory Planning Commission
4. Public Submissions
5. Development Application Procedures Bylaw No. 1187, 2023 tracked changes

**CONCURRENCE**

Rachel Parker, Corporate Officer **RP**

Andrea Samson, Manager of Finance and Human Resources **AS**

Respectfully submitted,

**C. Simpson**

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Courtney Simpson  
Manager of Development Services

**M. Mason**

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Michelle Mason  
Chief Administrative Officer

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1187

A Bylaw to establish procedures for the processing of development applications, to establish policies for development approval information to specify distances for notification, and to delegate powers, duties, and functions of Council.

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The Corporation of the Village of Cumberland  
Development Application Procedures Bylaw No. 1187, 2023

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

**1. TITLE**

This Bylaw may be cited as the “Development Application Procedures Bylaw No. 1187, 2023”.

**2. DEFINITIONS**

In this Bylaw,

**APPLICANT** means the owner or an agent duly authorized to act on the owner’s behalf in relation to an application(s).

**COMPREHENSIVE DEVELOPMENT PLAN** means a plan required by the Village in advance of consideration of an OCP amendment for lands which have not been thoroughly assessed for development potential or where significant constraints have been identified which may affect the potential development of the site (e.g., infrastructure, servicing, access, topography, visual impact, or environmentally sensitive areas).

**COUNCIL** means the Council of the Village of Cumberland.

**DAY** means calendar day.

**DEVELOPMENT REVIEW TEAM** or **DRT** means a group of Village of Cumberland Staff responsible for review of development applications.

**GROSS FLOOR AREA** means as defined in the Village of Cumberland Zoning Bylaw as amended from time to time.

**MANAGER** means the person appointed to be responsible for the administration of development applications at the Village and includes a delegate fulfilling an Acting Manager position during the Manager’s absence.

**OFFICIAL COMMUNITY PLAN** or **OCP** means the Village of Cumberland Official Community Plan Bylaw as amended or superseded from time to time.

**OWNER** means the registered owner(s) of property as demonstrated on the Land Title Certificate.

**PHASED DEVELOPMENT AGREEMENT** means an agreement authorized by section 516 of the *Local Government Act*.

**QUALIFIED PROFESSIONAL** means a professional engineer, geoscientist, architect, landscape architect, certified arborist, biologist, planner, forester, qualified environmental professional, or other professional licensed to practice in British Columbia with experience relevant to the applicable matter, as determined appropriate by the Manager.

**VILLAGE** means the Corporation of the Village of Cumberland.

### **3. INTERPRETATION**

- 3.1. A reference in this bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated, or replaced from time to time.
- 3.2. A reference in this bylaw to any bylaw, policy or form of the Village is a reference to the bylaw, policy or form as amended, revised, consolidated or replaced from time to time.

### **4. GENERAL PROVISIONS**

#### **4.1. Application Fees**

- 4.1.1. At the time of application, the applicant must pay the Village an application fee in the amount set out in any applicable Village of Cumberland Fees Bylaw.

#### **4.2. Application Requirements and Processing Procedure**

- 4.2.1. In respect of an application for an OCP Bylaw amendment, Zoning Bylaw amendment, Heritage Alteration Permit, and Temporary Use Permit, the applicant, at their cost, must post a Notice of Application Sign in accordance with Schedule 1 of this bylaw.
- 4.2.2. Before commencing work that requires approval of an OCP Bylaw amendment, Zoning Bylaw amendment, Development Permit, Heritage Alteration Permit, and Temporary Use Permit, the applicant must submit the applicable application and receive approval for such amendment or permit from the Village.
- 4.2.3. An applicant must submit any application in the form required by the Manager and the application will be processed substantially as outlined in the applicable Schedules to this bylaw.

#### **4.3. Number of Development Applications**

- 4.3.1. Where a proposed activity or development involves more than one type of application, the applicant must comply with all of the applicable provisions of this Bylaw.
  - 4.3.2. Where land is subject to more than one Development Permit Area designation, only one Development Permit Application is required and the application must address the requirements of each applicable Development Permit Area and the applicant must pay the application fees for each Development Permit Area in the amount set out in any Village of Cumberland Fees Bylaw as amended or superseded from time to time.
- 4.4. Development Permit Required prior to Development
- 4.4.1. In all Development Permit Areas, an applicant must obtain all required Development Permits before land is subdivided or development occurs, including but not limited to land clearing, preparation for the construction of services or roads, blasting, and construction of, addition to or alteration of a building or structure, unless otherwise exempted from requiring a Development Permit as specified in the Official Community Plan.

## **5. DEVELOPMENT APPROVAL INFORMATION**

### **5.1. Type of Information Required**

Pursuant to the *Local Government Act* and as set out in the OCP, the Manager may require an applicant to provide information, at the applicant's expense, on the anticipated impact of a proposed activity or development on the community, including but not limited to the following:

- 5.1.1. Compliance of the activity or development with the OCP and any other relevant Village bylaw, plan or policy in preparation or adopted by Council;
- 5.1.2. The impact of the proposed development on the natural environment such as adjacent riparian and wetland areas, vegetation, soils and erosion, geotechnical characteristics, topographical features, ecosystems and biological diversity, fish and wildlife habitat, environmentally sensitive features, and rare or endangered plant or animal species;
- 5.1.3. Hazardous conditions including, but not limited to, mud flow, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, wildfire, flood, inundation or other hazard (including appropriate

- construction elevations and setbacks);
- 5.1.4. Transportation assessments including but not limited to transportation impacts in terms of daily and peak hour trip generation and assignments, public transit, parking demand, traffic safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, Site access and egress, network connectivity and accessibility;
  - 5.1.5. The aesthetic values of the proposed development such as visual character, landscaping, integration with public areas, view corridors, and the natural environment, lighting, noise, and odour;
  - 5.1.6. The impact of the proposed development on groundwater quantity and quality; surface water generated by the proposed development; and the options for collection, storage, reuse and dispersal of such drainage;
  - 5.1.7. Hydrological and/or hydrogeological assessment including, but not limited to, infiltration, interception, groundwater and overland flow, as well as hydrologic processes including accretion and erosion;
  - 5.1.8. An assessment of wildfire hazard that assures project construction activities comply with Urban Wildfire Interface management principles;
  - 5.1.9. Functional servicing assessment of local infrastructure and site servicing including, but not limited to, drainage, water, sewer or other utilities; to determine the impact of the development on Village infrastructure including capital, operations and maintenance over the lifecycle of the development;
  - 5.1.10. Tree assessment and plan that promotes the retention and planting of native plant species, plant health, habitat preservation, reduce wildfire risk, minimize erosion and to ensure that the landscape retains a natural appearance;
  - 5.1.11. Impacts on the demand for local services including but not limited to community facilities and services including, but not limited to, schools, parks, recreation, emergency protective and health services;
  - 5.1.12. Assessments of historical, cultural and archaeological buildings, structures, sites or features;
  - 5.1.13. How the proposed development impacts and buffers adjacent uses;

- 5.1.14. Energy efficiency, water efficiency and emissions reduction;
  - 5.1.15. Air Quality Impact Assessment including, but not limited to, pollution, dust, fumes, smoke and odours;
  - 5.1.16. Retail impacts of a proposed commercial development, including but not limited to, the effects of additional competition, traffic impacts, effects on tenancy and potential impacts to neighbourhood;
  - 5.1.17. Socio-economic impacts affecting the day-to-day quality of life of people and communities, including direct and indirect economic impacts, demographics, housing, local services and socio-cultural issues;
  - 5.1.18. Construction management plan outlining the staging, implementation schedule, and duration of construction for any proposed development including proposed impact mitigation; and
  - 5.1.19. Other studies to which the Manager considers the proposed activity or development impacts the jurisdiction of the Village as deemed necessary.
- 5.2. Preparation of the Terms of Reference
- 5.2.1. The applicant will be required to work with staff to review and confirm the scope of the report or impact study in accordance with any relevant Terms of Reference for Professional Reports.
  - 5.2.2. The Manager may require that the applicant provide, at the applicant's expense, documents, plans, and/or development approval information in a report that is certified by a qualified professional, which:
    - a) complies with and fully addresses the relevant assessments;
    - b) identifies and defines the context, magnitude and significance of the anticipated impacts of the activity or development on the community, as well as the methodology, assumptions, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing circumstances and risks;
    - c) provides recommendations for conditions or requirements Council or the Manager may impose to mitigate or ameliorate the anticipated impacts;

- d) provides recommendations and details costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts; and
    - e) is prepared to the satisfaction of the Manager.
  - 5.2.3. The Manager is authorized to establish and revise the required information, documents, plans, and/or development approval information needed for each type of application pursuant to this Bylaw. The Manager is authorized to establish and revise the size, form and quality of information, documents, plans, and/or development approval information needed to assist in reviewing or processing the application.
  - 5.2.4. The Manager is authorized to waive any of the information, documents, plans, and/or development approval information if at their discretion the information is not required to assist in reviewing or processing the application.
- 5.3. Selection of Personnel
  - 5.3.1. The applicant will be required to provide the reports and impact studies prepared by Qualified Professionals at the applicant's expense in accordance with the Village's specifications for Terms of Reference for Professional Reports.
  - 5.3.2. If required by the Manager, a qualified professional shall certify all documentation including drawings, reports, security estimates, technical letters, and other documentation submitted to the Manager for the purposes of reviewing the application.
  - 5.3.3. The Manager may review all documents and design drawings to verify general compliance with the requirements but will not necessarily check the adequacy or accuracy of the qualified professional's design. Any errors or omissions will be the sole responsibility of the qualified professional who has certified the documents and design drawings.
- 5.4. Requirement for Independent Review
  - 5.4.1. The Village may require an independent review of the study results in certain circumstances, at the applicant's expense, including but not limited to staff capacity and to ensure the timely review of the study results and application processing timelines. The applicant will be notified if an independent review is required and the additional fees associated with the peer review.

5.5. Incomplete or Deficient Reports

5.5.1. If it is determined by the Manager that a report containing development approval information is outdated, incomplete or deficient, the applicant will be notified in writing the nature of deficiencies and the timeframe to resubmit the corrected report.

5.6. Presentation of Reports or Impact Studies

5.6.1. The Manager may request, at the applicant's expense, the presentation of the report or impact study to Council, the community, or staff by the Qualified Professional(s) that prepared the document.

5.7. Publication of Information

5.7.1. The Village may distribute and publish a report containing development approval information requested under this bylaw.

**6. NOTIFICATION**

6.1. Where a notice is required to be mailed or delivered to owners and tenants, pursuant to the *Local Government Act*, the Village will provide notice to owners and tenants in occupation of parcels within 75 metres from any boundary of any subject property of the application or proposed bylaw.

6.2. Where notification is not required by the *Local Government Act*, the Village will provide notification to owners and tenants as follows:

6.2.1. The Village will provide notification for manufactured home park permits that will be mailed or otherwise delivered to owners and tenants in occupation of parcels within 75 metres from the boundaries of the subject application or proposed bylaw at least 10 days prior to the meeting will be considering the application.

6.2.2. The Village will provide notification for delegated Minor Development Variance Permits to be mailed or otherwise delivered to owners and tenants in occupation of parcels within 75 metres from the boundaries of the subject application at least 10 days prior to the consideration of the application.

6.2.3. The Village will make reasonable efforts to notify affected residents of an applicant's request to undertake a Comprehensive Development Plan. Methods of notification may include but are not limited to direct mail outs, newsletters, advertisements in the newspaper or notices on the Village's website.

- 6.2.4. When a public information meeting is required by the Village, the Village will provide notice of the meeting to properties within 75 metres from the subject application or proposed bylaw at least 10 days prior to the meeting.

## **7. PUBLIC INFORMATION MEETINGS**

- 7.1. As outlined in the Schedules to this Bylaw, an applicant is required to hold a public information meeting prior to OCP Bylaw amendments, Zoning Bylaw amendments, non-delegated Heritage Alteration Permits, and Temporary Use Permit applications being considered by Council to provide an additional opportunity for the public to access information and to inquire about the proposal beyond that available through the standard application processes.
- 7.2. When a public information meeting is held by the applicant, it is the responsibility of the applicant to arrange and conduct the meeting at a location that is approved by staff, accessible to individuals with disabilities, and in the Village and/or on a virtual meeting platform at their expense.
- 7.3. The applicant must advertise the meeting in a local newspaper at least 10 days prior to the meeting at their expense.
- 7.4. After the meeting is held, applicants must submit a report to the Village summarizing the meeting including the following information:
  - 7.4.1. Location, time, and duration of meeting;
  - 7.4.2. Number of attendees;
  - 7.4.3. Proof of how the meeting was advertised;
  - 7.4.4. Information provided at the meeting; and
  - 7.4.5. A summation of questions raised and major discussion points.
- 7.5. Council may require the applicant to conduct additional public consultation to seek additional community engagement regarding the proposed application, the cost of which will be the responsibility of the applicant.

## **8. AGENCY REFERRAL PROCESS**

- 8.1. When reviewing applications, staff will develop a referral list of agencies, organizations, or levels of government that the application may be sent to for review and comment. Each agency, organization or level of government shall be given a minimum of thirty (30) days from the date of the referral to provide any comments.

## 9. SECURITY

9.1. Pursuant to the *Local Government Act* and the OCP, security may be required as a condition of permit issuance for the following:

9.1.1. Landscaping (“Landscape Security”);

9.1.2. An unsafe condition or damage to the natural environment that may result as a consequence of a contravention of a condition in a permit (“Remediation Security”); or;

9.1.3. To guarantee the performance of the terms of a permit (“Performance Security”).

9.2. Phased Landscape

9.2.1. Plans may be approved for large-scale developments at the discretion of the Manager to enable the completion of the landscape plan in phases and the submission of the related security deposit at each phase. The applicant is required to request a phased approach to the execution of the landscape plan at the time of Development Permit Application, clearly identifying on the submitted landscape plan the proposed phases and related cost estimates for each phase.

9.3. Form of Security

9.3.1. Security will be provided in the form of an automatically renewing irrevocable letter of credit, bank draft or in a form satisfactory to the Manager.

9.4. Amount of Security

The amount of security will be calculated and submitted by a Qualified Professional at the applicant’s expense, to the satisfaction of the Manager using the following:

9.4.1. For Landscape Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, hardscaping, irrigation, labour and plantings materials.

9.4.2. For Remediation Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, irrigation, labour and planting materials.

9.4.2.1. Where security is required in the case of an unsafe condition or damage to the natural environment that may result from a contravention of a permit condition, the amount of security shall reflect:

- a) the nature of the permit condition;
- b) the nature of the unsafe condition or damage; and
- c) the cost to the Village of entering the land to undertake the work to correct the unsafe condition or restore and enhance the natural environment, including the cost of repairing any damage to land that may have been caused by the unsafe condition or that may have occurred in connection with the repair work.

9.4.3. For Performance Security, the amount of security will be 125% of an estimate or quote of the cost of works to guarantee the performance of the terms of the permit. Such works may include but are not limited to: inspections, monitoring, maintenance, irrigation, labour, planting materials and works required to restore the land or remove any temporary structures.

9.4.4. Notwithstanding Section 9.4.3., for Performance Security for Heritage Alteration Permits, the amount of security will be 125% of an estimate or cost of works to guarantee the performance of the terms of the permit.

#### 9.5. Return of Security

9.5.1. If a permit is cancelled by the applicant and no work has occurred related to the security deposit, the security deposit will be returned to the applicant at the approval of the Manager.

9.5.2. Unless otherwise stated in this bylaw, the Village will return the security when written request has been submitted by the applicant and includes a satisfactory Substantial Completion Report by a Qualified Professional certifying that:

9.5.2.1. The works have been completed in substantial compliance with the approved plan(s).

9.5.2.2. The unsafe condition or damage to the natural environment has been corrected.

- 9.5.3. The Substantial Completion Report must be signed and sealed by a Qualified Professional and include the following at a minimum:
  - 9.5.3.1. The date and drawing number of the plan reviewed by the Qualified Professional;
  - 9.5.3.2. Date(s) of inspection by the Qualified Professional;
  - 9.5.3.3. A statement from the Qualified Professional that the completed works substantially comply with the approved plan;
  - 9.5.3.4. Identification of conformance to approved species, quantity of materials, scale and number of plans, irrigation systems and features (including hard landscaping) as shown on approved drawing(s) and installation to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
  - 9.5.3.5. Confirmation that the depth of soils and composition of soils are to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
  - 9.5.3.6. A description of all deviations from the approved plan(s) with a rationale for the changes and whether the changes meet the intent of the approved plan(s); and
  - 9.5.3.7. The request of the amount of funds to be released.
- 9.5.4. Upon receipt of a Substantial Completion Report, the Village may conduct a site inspection to verify that the works are installed in accordance with the approved plans.
- 9.5.5. Should there be any deficiencies identified in the Substantial Completion Report or should the Village find any discrepancies and/or deficiencies during an inspection, an inspection report will be issued to the applicant and the security will be retained until the deficiencies have been addressed. Any changes to the approved plans will require approval of the Village prior to installation of any works. Depending on the level of non-conformance with the approved plans, Council approval of the revised plan(s) may be required through an amended permit application prior to the release of the security.
- 9.5.6. Site inspections and final acceptance by the Village of the installation of plant material, sodding or seeding, will not be carried out during

the plant dormancy period between November 15th and April 15<sup>th</sup>, unless otherwise approved by the Manager.

- 9.5.7. Upon completion of any items outlined in an inspection report, the applicant shall notify the Village for further inspection in order to obtain a final release of the security.
- 9.5.8. Upon substantial completion, the Village will return a portion of the security deposit. The Village will withhold 10% of the total security deposit or 25% of the value of soft landscaping, whichever is greater, as a maintenance bond for up to two growing seasons to ensure that the work has been fully implemented and demonstrated to function (ecologically or as designed).

#### 9.6. Partial Return of Landscape Security

The Village may return a portion of the Landscape Security upon receipt of a report from a Qualified Professional.

##### 9.6.1 The report must include the following:

- 9.6.1.1. Evidence that the total landscaping is 50% complete and substantially complies with the approved landscape plan;
- 9.6.1.2. Evidence that the perimeter landscaping is 100% complete as required by the approved landscape plan for any portion of the subject property that includes street frontage;
- 9.6.1.3. The date and drawing number of the landscape plan reviewed by the Qualified Professional;
- 9.6.1.4. Date(s) of inspection by the Qualified Professional;
- 9.6.1.5. Evidence of conformance to approved species, quantity of materials, scale and number of plants, irrigation systems and features (including hard landscaping) as shown on approved drawing(s) and installation to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
- 9.6.1.6. Identification of all deviations from the approved landscape plan;
- 9.6.1.7. The submission of a revised landscape plan and cost estimates for the remainder of the works to be completed for the approval of the Manager; and

9.6.1.8. The request for the amount of funds to be released.

- 9.6.2 When considering a request for partial release, staff will consider the visual impact and safety of the remainder of the site as well as the public interface areas prior to approving a partial return request.
- 9.6.3 If the request for the partial return of security is approved, the Village will return 50% of the original cost estimate or quote and will withhold a portion of the original cost estimate as a maintenance bond as set out in Section 9.5.8.
- 9.6.4 The partial return of the landscape security will occur only once per security deposit unless as otherwise approved by the Manager.

## **10. PERMIT RENEWALS, EXTENSIONS, LAPSES AND RE-APPLICATION**

- 10.1. The Village only accepts complete applications. If staff determines that an application is incomplete during the initial review, the application will be placed on hold and the applicant will be requested to provide the required information. If an applicant does not provide the required information within three (3) months of the request, the file will be closed and the application and fee will be returned in accordance with the Village of Cumberland Fees Bylaw as amended or superseded from time to time.
- 10.2. An application that has been inactive for more than 6 months is deemed to be abandoned and may be closed.
- 10.3. In the event that an application made pursuant to this bylaw has not been given final adoption by Council within one (1) year after the date it was given third reading or one (1) year after the date of last consideration by Council the application may be deemed to be abandoned and the file closed.
- 10.4. In the case of applications that have been delegated to the Manager, if final approval of the application is not granted within one (1) year after a written request from the Manager to submit any outstanding items and/or meet the conditions of approval, the application will be deemed to be abandoned and may be closed.
- 10.5. In order for an application that has lapsed under Sections 10.1 to 10.4 to proceed, a new application and fee will be required.
- 10.6. For a bylaw amendment, upon written request from the applicant received 30 days prior to the lapse of the application, Council may extend the deadline for a period of one (1) year by passing a resolution to that effect to enable the applicant to complete the requirements for final adoption. A maximum of two

(2) one-year time extensions may be granted by Council. If Council decides to deny an extension request or the applicant has received two (2) one-year time extensions and still has not met the requirements for final adoption and wishes to proceed with the application, a new application and fee will be required as per the Village of Cumberland Fees Bylaw as amended or superseded from time to time.

#### 10.7. Re-Application

10.7.1. Subject to the *Local Government Act*, where an application made pursuant to this bylaw has been refused by Council, re-application for the same amendment or permit will not be accepted for a six (6) month period immediately following the date of refusal.

10.7.2. Where an applicant intends to appeal to the Council to vary the time limit set in section 10.7.1 pursuant to the *Local Government Act*, the applicant shall submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied.

### 11. CHANGE OF OWNERSHIP

11.1. If there is a change of ownership of a parcel(s) of land that is the subject of an application under this bylaw, the Village will require updated Land Title Certificate(s) for the parcel(s) of land and written authorization from the new owner(s) prior to proceeding with the application.

### 12. DELEGATION OF AUTHORITY

The following powers, duties and functions of Council are delegated to the Manager:

12.1. The power to require security under ss. 496 and 502 of the Local Government Act.

12.2. The power to designate the form of any permit issued under this bylaw as per the Local Government Act.

12.3. The power to designate the form and content of application forms.

12.4. The authority to create, amend, and prescribe graphic design templates for development application notice signs.

12.5. The authority to require development approval information.

12.6. The power to issue or amend Development Permits for the following:

12.6.1. Any residential developments that do not exceed four (4) units;

- 12.6.2. Any industrial and commercial development outside of Heritage Conservation Area 1 – Historic Village Commercial Core that does not unduly impact the character of the streetscape or surrounding neighbourhood;
  - 12.6.3. Any accessory building(s);
  - 12.6.4. Any Wildfire Urban Interface and Farmland Protection Development Permits where there are no, or only minor, variances requested;
  - 12.6.5. The Manager will refer a delegated Development Permit to Council when the proposed delegated Development Permit meets the criteria to be delegated to staff, but in the opinion of the Manager, it would be in the public interest to instead have the application considered by Council.
- 12.7. The power to renew Development Permits and Heritage Alteration Permits that have been issued and lapsed provided:
- 12.7.1. No changes have been proposed to the permit; and
  - 12.7.2. The permit is consistent with the current OCP and relevant Guidelines.
- 12.8. The power to issue Minor Development Variance Permits in accordance with the following sub-sections:
- 12.8.1. A Development Variance Permit is considered minor where it meets the following criteria:
    - 12.8.1.1. The variance would have no significant negative impact on the use of immediately adjacent or nearby properties;
    - 12.8.1.2. Degree or scope of the variance relative to the regulation from which a variance is sought is not significant;
    - 12.8.1.3. The proposed variance is consistent with the general purpose and intent of the zone; and
    - 12.8.1.4. There is a valid reason for the variance request.
  - 12.8.2. In deciding whether to issue a Minor Development Variance Permit the Manager must consider the following guidelines:
    - 12.8.2.1. The proposed variance addresses a physical or legal constraint associated with the site (e.g., unusual parcel shape, topographical feature, statutory right-of-way, etc.);

- 12.8.2.2. There is a community or environmental benefit to the larger community in granting the variance and/or it would support a Council priority (i.e. affordable housing, environmental protection, provision of a trail SRW);
  - 12.8.2.3. The variance request must not include a reduction in the required number of parking stalls except in situations where an increase in parking spaces is associated with a change in use associated with a business licence application and does not propose additional floor area;
  - 12.8.2.4. Proximity and impact of the variance to neighbouring properties is considered;
  - 12.8.2.5. The proposed variance would unduly impact the character of the streetscape or surrounding neighbourhood; or,
  - 12.8.2.6. If strict compliance with the zoning regulation would be unreasonable.
- 12.8.3. Despite 12.8.1, the Manager will refer a Minor Development Variance Permit to Council in the following circumstances:
- 12.8.3.1. The proposed variance is in conjunction with a Development Permit Application that is not delegated to staff; or
  - 12.8.3.2. The proposed variance meets the criteria of minor, but in the opinion of the Manager, it would be in the public interest to instead have the application considered by Council.
- 12.9. The power to issue a minor Heritage Alteration Permit in accordance with the *Local Government Act* for:
- 12.9.1. Signs, fences, or accessory buildings;
  - 12.9.2. New or replacement windows and doors that do not affect the character defining elements of the building;
  - 12.9.3. Single or duplex residential additions up to a maximum of 100m<sup>2</sup> at the rear of the building without variances; and
  - 12.9.4. Minor amendments to an existing approved permit.
  - 12.9.5. The Manager will refer a minor Heritage Alteration Permit to Council in the following circumstances:

12.9.5.1. The proposed Heritage Alteration Permit is in conjunction with a Development Variance Permit application that is not delegated to staff; or

12.9.5.2. The proposed Heritage Alteration Permit meets the criteria to be delegated to staff, but in the opinion of the Manager, it would be in the public interest to instead have the application considered by Council.

12.10. Despite Sections 12.6 and 12.7 the power to amend any Development Permit and Heritage Alteration Permit that have been issued provided:

12.10.1. The changes are minor in nature regarding landscaping or form and character issues; and

12.10.2. Only minor variances are requested.

12.11. The following powers, duties and functions of Council are delegated to the Manager, Corporate Officer, and Chief Administrative Officer when required as a condition of a development application approval:

12.11.1. To approve and execute or amend a Section 219 Covenant or Statutory Right of Way;

12.11.2. To approve and execute the discharge of a restrictive covenant which is no longer required or is to be replaced;

12.11.3. To approve and execute a statutory right of way or easement or amendment to a statutory right of way or easement on behalf of the Village in connection with the operation of a sewer, water or drainage works, or for the purpose of trails or pedestrian or vehicular access; and

12.11.4. To approve and execute a discharge of a statutory right of way which is no longer required by the Village or is to be replaced.

### **13. COUNCIL RECONSIDERATION OF A STAFF DECISION**

13.1. Within 14 days of being notified in writing of the decision of a delegate under this bylaw, an applicant may, at no charge, request that Council reconsider the decision.

13.2. The applicant must give written notice to the Village Corporate Officer setting out the grounds on which the applicant considers the decision to be inappropriate, including the specific decision, and what decision Council should use as a substitute.

- 13.3. The Village Corporate Officer will notify the delegate of the request(s) for reconsideration and the delegate will, prior to the date of the meeting at which the reconsideration will occur, provide a copy of the written memo setting out for Council, the rationale for their decision.
- 13.4. The Village Corporate Officer will place the request(s) for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible.
- 13.5. The Village Corporate Officer will notify the applicant of the date of the meeting at which reconsideration will occur.
- 13.6. Council will review the information provided by the applicant and staff, and either confirm the decision made by staff, or substitute its own decision including permit conditions.

**14. SEVERABILITY**

- 14.1. If any section, subsection, sentence, clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed from the Bylaw without affecting the validity of the Bylaw or any remaining portions of the Bylaw.

**15. REPEAL**

- 15.1. The Development Procedures and Fees Bylaw No. 1073, 2018 together with any amendments is hereby repealed.
- 15.2. The Corporation of the Village of Cumberland Development Approval Information Bylaw No. 809, 2005 together with any amendments is hereby repealed.

<b>READ A FIRST TIME THIS</b>	<b>27<sup>TH</sup></b>	<b>DAY OF</b>	<b>MARCH</b>	<b>2023.</b>
<b>READ A SECOND TIME THIS</b>	<b>27<sup>TH</sup></b>	<b>DAY OF</b>	<b>MARCH</b>	<b>2023.</b>
<b>READ A THIRD TIME THIS</b>		<b>DAY OF</b>		<b>2023.</b>
<b>ADOPTED THIS</b>		<b>DAY OF</b>		<b>2023.</b>

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Corporate Officer

**SCHEDULE 1 – NOTICE OF APPLICATION SIGN REQUIREMENTS**

**1. Installation**

In respect of an application for an OCP Bylaw Amendment, Zoning Amendment, Heritage Alteration Permit, or Temporary Use Permit the applicant, at their cost, must install a Village of Cumberland Notice of Application Sign in accordance with this bylaw.

**2. Timing**

The Notice of Application sign must be posted in accordance with the specifications outlined in the Schedules forming part of this bylaw.

**3. Design of Sign**

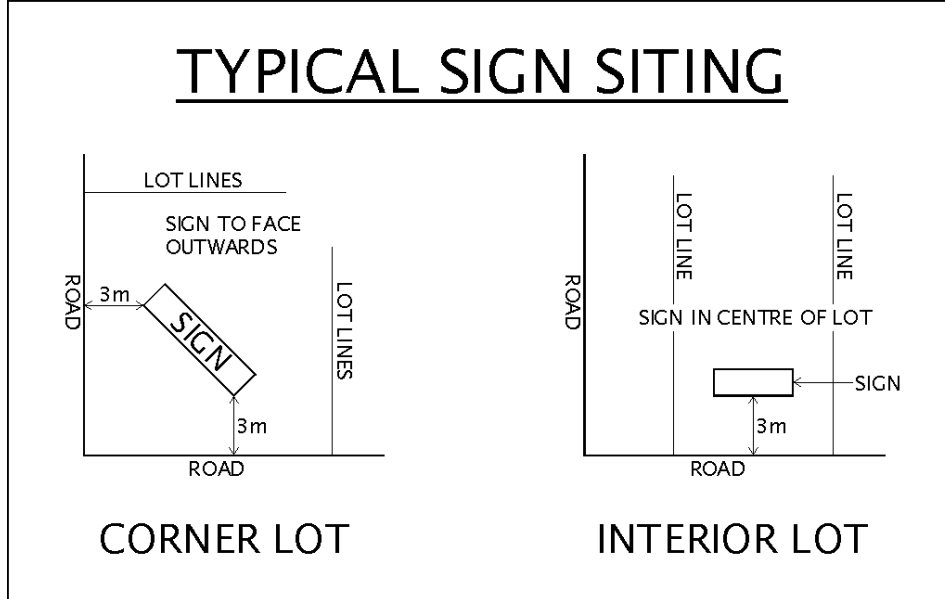
The design of the sign shall be in a form prescribed by the Manager ('Village Sign Format Sheet').

**4. Preparation of Sign**

The preparation and posting of the Notice of Application sign is the responsibility of the applicant and must be undertaken as per the requirements of this bylaw and as identified on the Sign Format Sheet. The applicant will provide a mock-up of the sign with their complete application for review and approval prior to final printing. Once the sign is posted, the applicant shall demonstrate proof to the staff of the posted sign within 10 days of staff's approval of the mock-up.

**5. Siting of Sign**

All Notice of Application Signs shall be placed on the property at a setback of 3 metres from the front property line as demonstrated in the below diagram. The sign must face the street and be clearly visible. All proposed sign locations must be verified by the Village Staff prior to installation. The sign must be located so as not to interfere with pedestrian or vehicular traffic, or obstruct visibility from streets, lanes, walkways or driveways so as to create a hazard. The Notice of Application Sign must be installed in a sound workmanlike manner and must be capable of withstanding wind and weather.



## 6. Number of Signs

The applicant shall post a minimum of one (1) Notice of Application Sign. For large parcels with over 200 m of street frontage, one (1) Notice of Application Sign shall be required for each 200 m of street frontage, to a maximum of three signs.

## 7. Maintenance of Sign

It is the responsibility of the applicant to ensure the sign(s) remain intact and visible as per the sign siting specifications until such time the sign can be removed, in accordance with Section 9.

## 8. Amendments to Application

If any significant amendments are made to the application, the applicant will be required to install new sign(s) reflecting the change in application. The applicant will provide a mock-up of the sign to the Village Staff for review and approval prior to final printing.

## 9. Sign Removal

The Notice of Application Sign shall be removed by the applicant within seven (7) days following:

- (i) The conclusion of the public hearing or adoption of the amending bylaw if a public hearing is not required; or

- (ii) The final consideration of an application by Council; or
- (iii) The abandonment of the application.

**10. Failure to Post, Maintain or Remove**

- (i) Failure to Post and maintain the required Notice of Application Sign(s) in accordance with this bylaw may result in the postponement of any Public Information or Council meeting and any costs associated with the postponement will be borne by the applicant. Non-compliance with this section due to the removal, destruction, or alteration of the sign by vandalism or natural occurrence shall not affect the validity of the application or postpone a Public Information or Council meeting as long as reasonable efforts have been taken by the applicant to maintain the sign.
- (ii) Failure to remove the sign as required may result in the sign being removed at the expense of the applicant. The Village shall not be liable for any damage or loss of the sign.

**SCHEDULE 2 - AN APPLICATION FOR AN AMENDMENT TO AN OFFICIAL  
COMMUNITY PLAN BYLAW OR ZONING BYLAW (INCLUDING THE  
ESTABLISHMENT OF A PHASED DEVELOPMENT AGREEMENT)**

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

**1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

**2. Consultation**

An application for an amendment to the OCP will include one or more opportunities for consultation with persons, organizations and authorities it considers affected by the application as per the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be outlined within staff's technical report to Council.

**3. Processing Procedure**

An amendment application submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will return the application and request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant Village bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- e) The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- f) Staff may prepare an Initial Staff Report to Council to introduce the application

and seek preliminary direction regarding the application including referral to advisory committees and other matters as required.

- g) Staff will refer the application to all applicable Village departments, Development Review Team (DRT), advisory committees, government ministries, agencies and organizations.
- h) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s)
  - (ii) Submit any necessary reports/studies; and
  - (iii) Complete any required approvals.
- i) The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
- j) The applicant may be required and is encouraged to host a public information meeting at their own expense prior to the amending bylaw being considered by the Council. If required, the applicant is to conduct public information meeting in accordance with the requirements of Section 7 of this bylaw.
- k) For a rezoning application where the proposed Zoning Bylaw Amendment is consistent with the OCP, staff will publish and give notice of Council's consideration of the amending bylaw(s) advising of the date of consideration of first reading of the proposed bylaw in accordance with the *Local Government Act*.
- l) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, advisory committees, the community and any recommendations from the Development Review Team (DRT).
- m) Council will receive the technical report, and if Council decides to proceed with the amendment application, the amending bylaw may be given readings. Council may alternatively decide to postpone or deny the application.
- n) Should the amending bylaw receive readings and should Council decide that a public hearing be held prior to third reading to permit the public to comment on the application pursuant to the *Local Government Act* and as per this bylaw, notice(s) of the amending bylaw(s) will be published in a newspaper pursuant

to the *Local Government Act*. For a rezoning application where the proposed zoning bylaw is consistent with the OCP, a public hearing is not a default requirement of the *Local Government Act*; however, may be required by Council.

- o) If a public hearing is held, the minutes of the Public Hearing will be presented to Council prior to consideration of third reading of the amending bylaw.
- p) Council may proceed with third reading of the amending bylaw (including the imposition of conditions), postpone or deny the application. Upon third reading, an amendment bylaw may need to be referred to the relevant provincial minister(s) for signature before proceeding to adoption.
- q) Once all of the conditions identified at third reading, if any, have been addressed, Council will consider adoption of the bylaw(s).
- r) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.

#### **4. Preparation of Phased Development Agreements**

If a Phased Development Agreement is required, it may be processed concurrently with a Zoning Bylaw Amendment application, and will be substantially processed with the following additional steps:

- a) The applicant will be required to work with staff to develop a Terms Sheet identifying the basic conditions to be outlined in the Phased Development Agreement. Such conditions include, but are not limited to, the lands affected and intent of the agreement, the term, amenities, features and phasing of the development. Other conditions may be required and will be determined on a site-specific basis.
- b) The applicant will submit the draft Terms Sheet to the Village who will refer it to applicable Village departments, government ministries, agencies, organizations and the Development Review Team.
- c) Staff will prepare a technical report to the Manager for consideration of the Terms Sheet. Once the basic conditions in the Terms Sheet have been agreed upon, the applicant will be directed to draft the Phased Development Agreement, at the applicant's expense, and submit the agreement to the Village.
- d) Staff will refer the draft Phased Development Agreement to all applicable Village departments, government ministries, agencies, organizations and may refer the draft Phased Development Agreement to a solicitor.

- e) Staff will prepare a technical report for Council's consideration on the draft Phased Development Agreement, incorporating feedback received from the referral process, the community and any recommendations from Development Review Team (DRT).
- f) Notices of the amending bylaw(s) will be given advising of the date of the first reading of the bylaw in accordance with the *Local Government Act*.
- g) If Council wishes to proceed with the Phased Development Agreement, the Phased Development Agreement bylaw will be given first reading and second reading (including the placement of conditions, where appropriate). Council may alternatively decide to postpone or deny the application.
- h) Should the Phased Development Agreement Bylaw receive first and second readings and Council decides that a public hearing be held to permit the public to comment on the application pursuant to the *Local Government Act* and as per this bylaw, notice(s) of the amending bylaw(s) will be published in a newspaper pursuant to the *Local Government Act*.
- i) Following the close of the public hearing, Council may proceed with third reading of the amending bylaw (including the imposition of conditions), postpone or deny the application.
- j) Once the applicant has adequately addressed all of the conditions identified at third reading (if any), Council will consider adoption of the Phased Development Agreement bylaw(s).
- k) If a Phased Development Agreement is entered into, a Notice of Permit will be registered against the title of the property at the Land Title Office by staff.
- l) Amendments to an approved Phased Development Agreement may occur pursuant to the *Local Government Act*.

### **SCHEDULE 3 - COMPREHENSIVE DEVELOPMENT PLANS**

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

#### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

#### **2. Processing Procedure – PART A: Development of Terms of Reference for a Comprehensive Development Plan**

A request for the development of Terms of Reference for Comprehensive Development Plans submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposed Terms of Reference and application requirements for the Comprehensive Development Plan with staff prior to submitting a formal application to the Village. Staff may refer the request for a Terms of Reference to Council for direction on whether to pursue a Comprehensive Development Plan or an Area Plan. Where applicable, the Village may require collaboration/joint applications between adjoining landowners to ensure comprehensive development planning as per the OCP.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will return the application and request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant Village bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- e) The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- f) Staff will notify affected residents of the applicant's request to undertake a Comprehensive Development Plan as per Section 6 of this bylaw.

- g) The Manager will work with the applicant to prepare a draft Terms of Reference for the Comprehensive Development Plan.
- h) Staff will refer the draft Terms of Reference to applicable Village departments, Development Review Team (DRT), advisory committees, government ministries, agencies and organizations.
- i) Based on feedback received through the referral process, staff may meet with the applicant and/or send the applicant a letter(s) identifying any outstanding issues to be addressed in order to finalize the draft Terms of Reference.
- j) Staff will prepare a technical report for Council's consideration of the draft Terms of Reference, incorporating feedback received from the referral process and the community and any recommendations from the Development Review Team (DRT).
- k) Council will consider the technical report and may approve, approve with conditions, postpone or deny the draft Terms of Reference for the Comprehensive Development Plan.

### **3. Processing Procedure – PART B: Submission of a Comprehensive Development Plan**

A Comprehensive Development Plan submitted in accordance with this bylaw will be substantially processed as follows:

- a) Once the Terms of Reference have been prepared and approved by Council, the applicant will commission a Qualified Professional to prepare the draft Comprehensive Development Plan in consultation with the Village and interested parties.
- b) The applicant will submit the draft plan in accordance with the authorized Terms of Reference.
- c) Staff will review the draft plan for compliance with the Terms of Reference, relevant Village bylaws and policies and may meet with the applicant to address any outstanding issues (as required). Staff may conduct a site visit as part of the evaluation process.
- d) Staff will refer the draft plan to all applicable Village departments, advisory committees, Development Review Team (DRT), advisory committees, government ministries, agencies, and organizations.
- e) The applicant may be required and is encouraged to arrange a public information meeting at the applicant's expense, per Section 7 of this bylaw, to present the draft plan to the community and solicit feedback. The proposed

format and timing for the session must be submitted to the Manager for approval a minimum of one-month prior to the consultation session.

- f) If a public information meeting is conducted, the applicant will be required to submit a report summarizing the session, per this bylaw.
- g) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies;
  - (iii) Complete any required approvals; and
  - (iv) The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
- h) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, advisory committees, the community and any recommendations from the Development Review Team (DRT).
- i) The applicant is encouraged to attend the Council meeting at which the draft plan will be considered to listen to the proceedings.
- j) Council will receive the technical report, and Council may approve the Comprehensive Development Plan or approve the Comprehensive Development Plan with conditions. Council may alternatively decide to postpone or deny the application.
- k) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- l) If the Terms of Reference specify that the Comprehensive Development Plan be submitted or completed in distinct phases, the procedures outlined in this schedule will be repeated for each phase as applicable.

#### **4. Processing Procedure – PART C: Official Community Plan Amendment**

- a) Once Council has approved all phases of the Comprehensive Development Plan, staff will bring forward an amendment to the Official Community Plan, in accordance with Schedule 2 of this bylaw, to ensure consistency with the

Comprehensive Development Plan.

#### **SCHEDULE 4 - DEVELOPMENT PERMIT APPLICATIONS**

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

##### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

##### **2. Processing Procedure**

A Development Permit Application submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant Village bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- e) Staff will refer the application to all applicable Village departments, advisory committees, Development Review Team (DRT), government ministries, agencies and organizations.
- f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies;
  - (iii) Complete any required approvals; and

- (iv) The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
- g) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Team (DRT). If the Manager has delegated authority to review the Development Permit, the application and technical report will be referred to the Manager for consideration, otherwise the report will be prepared for Council's consideration.
- h) If authority has not been delegated, Council will receive the technical report, and if Council decides to proceed with the Development Permit Application, Council may authorize the issuance of the Development Permit or authorize the issuance of the Development Permit with conditions. Council may alternatively decide to postpone or deny the application. If the Development Permit Application includes a request for a development variance(s), the request may be considered by staff or Council in conjunction with the Development Permit Application pursuant to requirements of this bylaw and the *Local Government Act*. Additional fees will be required as per the Village of Cumberland Fees and Charges Bylaw as amended from time to time.
- i) The applicant will be notified of the decision regarding the application.
- j) If a Development Permit is granted, a Notice of Permit will be registered against the title of the property at the Land title Office by staff.

## **SCHEDULE 5 – MINOR DEVELOPMENT VARIANCE PERMIT AND DEVELOPMENT VARIANCE PERMITS**

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

### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

### **2. Processing Procedure**

A Development Variance Permit Application submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) Staff will mail or otherwise deliver notices to adjacent property owners as per as per requirements of this bylaw and the *Local Government Act*. If the Manager has delegated authority to review the Development Variance Permit no notice is required as per the *Local Government Act*; however, the Manager may require notification to be sent to adjacent property owners as per this bylaw.
- e) Staff will review the proposal for compliance with relevant Village bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- f) Staff may refer the application to the Development Review Team (DRT), all applicable Village departments, advisory committees, government ministries, agencies and organizations. Staff will determine whether the variance request is minor or needs to be referred to Council for a decision.
- g) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the

Development Review Team (DRT). If the application is deemed to be a Minor Development Variance Permit and the Manager has delegated authority to approve the Permit, the application and technical report will be referred to the Manager for consideration, otherwise the report will be prepared for Council's consideration.

- h) The Manager may authorize the issuance of a Minor Variance Permit or alternatively decide to deny the application or refer it back to staff for further information or deem that the variance is not minor and refer the application to Council for a decision. If authority has not been delegated or the Manager denies the application, Council will receive the technical report, and if Council decides to proceed with the Development Variance Permit application, Council may authorize the issuance of the Development Variance Permit or authorize the issuance of the Development Variance Permit with conditions. Council may alternatively decide to postpone or deny the application.
- i) If a variance is approved, a Notice of Permit will be registered against the title of the property at the Land title Office by staff.
- j) When a permit is to (re) considered by the Council, staff will forward a technical memo, incorporating feedback received from the referral process, advisory committees, and the community.
- k) Council will receive the technical memo and may authorize the issuance of the Development Variance Permit or authorize the issuance of the Development Variance Permit with conditions. Council may alternatively decide to postpone or deny the application.
- l) If a Development Variance Permit is granted by Council, a Notice of Permit will be registered against the title of the property at the Land title Office by staff.

## **SCHEDULE 6 - TEMPORARY USE PERMIT**

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

### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

### **2. Processing Procedure**

A Temporary Use Permit application submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- e) Staff will review the proposal for compliance with relevant Village bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- f) Staff will refer the application to all applicable Village departments, advisory committees, Development Review Team (DRT), government ministries, agencies, and organizations.
- g) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies; and

- (iii) Complete any required approvals.
- h) Staff will mail or otherwise deliver notices to adjacent property owners as per this bylaw and as per requirements of the *Local Government Act*. Notice will also be published in the newspaper pursuant to the *Local Government Act*.
- i) The applicant may be required and is encouraged to host a public information meeting at their own expense prior to the permit being considered by the Council. If required, the applicant is to conduct public information meeting in accordance with the requirements of this bylaw.
- j) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from the Development Review Team (DRT).
- k) Council will receive the technical report, and Council may grant the requested permit (including the imposition of conditions) or may postpone or deny the application.
- l) Once the minutes of the Council resolution have been prepared, the applicant will be notified on the outcome.
- m) If a Permit is granted by Council, a Notice of Permit will be registered against the title of the property at the Land title Office by staff.

## **SCHEDULE 7 - FLOOD PLAIN EXEMPTIONS**

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

### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

### **2. Processing Procedure**

A Flood Plain Exemption Application submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant Village bylaws and policies and consistency with provincial guidelines. Staff may meet with the applicant as required and may conduct a site visit(s) as part of the evaluation process.
- e) Staff will refer the application to all applicable Village departments, advisory committees, Development Review Team (DRT), government ministries, agencies and organizations.
- f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies; and
  - (iii) Complete any required approvals.

- g) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process.
- h) Council will receive the technical report, and Council may grant the requested floodplain exemption, may grant the floodplain exemption with terms or conditions, or may postpone or deny the application.
- i) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- j) If an exemption is granted, a covenant under the *Land Title Act* will be prepared at the expense of the applicant and will be registered against the title of the subject property at the Land Title Office.

**SCHEDULE 8 – A REFERRAL FOR A LIQUOR LICENSE AND CANNABIS LICENSE  
UNDER THE LIQUOR AND CANNABIS REGULATION BRANCH  
(LCRB)**

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

**1. Application Requirements**

- a) Applicants must review the Liquor and Cannabis Regulation Branch (LCRB) requirements prior to submitting a Liquor License or a Cannabis License application to the Village. The LCRB specifies application requirements and when local governments are required to comment on liquor license applications.
- b) Application requirements are specified in the Village of Cumberland Development Application Form.

**2. Processing Procedure for Liquor Licenses and Cannabis Licenses**

A Liquor License Application submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of an application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant. Applicants are required to demonstrate proof of application to the LCRB prior to municipal consideration. The LCRB may forward a summary report to the Village prior to the Village's review of the application.
- d) Staff will review the proposal for compliance with relevant Village bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- e) Staff may refer the application to all applicable Village departments and Development Review Team (DRT).
- f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify recommended conditions/requirements

which will be sent to the applicant.

- g) In order to obtain public input, the Village may, in accordance with the *Liquor Control and Licensing Act* and the *Cannabis Control and Licensing Act*:
  - (i) Advertise the proposal in one edition of a local newspaper to solicit written comments on the application from the public. Such comments shall be submitted in writing to the Manager within fourteen (14) days of the publication of the notice.
  - (ii) Send notifications to adjacent property owners in accordance with this bylaw.
- h) If a Council resolution is required as per the LCRB, staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community, and any recommendations from the Development Review Team (DRT) and in accordance with the criteria local governments must consider as per guidelines specified by the LCRB.
- i) If a Council resolution is required as per the LCRB, Council will receive the technical report, and Council will make a recommendation to the LCRB by passing a resolution to either support or not support the application.
- j) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome. Staff will forward the Council resolution to the LCRB for their final review and approval.
- k) If a Council resolution is not required per the LCRB, the Manager will review the application and any feedback received from the review and provide a recommendation to the LCRB for their review and final approval.

## **SCHEDULE 9 – HERITAGE ALTERATION PERMITS**

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

### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

### **2. Processing Procedure**

A Heritage Alteration Permit Application submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of an application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- e) Staff will review the proposal for compliance with relevant Village bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- f) Staff may refer the application to all applicable Village departments, advisory committees, Development Review Team (DRT), government ministries, agencies and organizations.
- g) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies; and

- (iii) Complete any required approvals.
- h) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Team (DRT). If the application is deemed to meet the conditions where the Manager has delegated authority to approve the Permit, the application and technical report will be referred to the Manager for consideration otherwise the report will be prepared for Council's consideration.
- i) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Heritage Advisory Commission. If the application is deemed to meet the criteria of a delegated Heritage Alteration Permit application, the application and technical report will be referred to the Manager for consideration otherwise the report will be prepared for Council's consideration.
- j) The Manager/Council may authorize the issuance of a permit or alternatively decide to deny the application or refer it back to staff for further information or if requested by the applicant, refer the application to Council for consideration. If authority has not been delegated or the Manager denies the application, Council will receive the technical report, and if Council decides to proceed with the Heritage Alteration Permit Application, Council may authorize the issuance of the permit or authorize the issuance of the permit with conditions. Council may alternatively decide to postpone or deny the application.
- k) Council will receive the technical report and may authorize the issuance of the Heritage Alteration Permit or authorize the issuance of the Heritage Alteration Permit with conditions. Council may alternatively decide to postpone or deny the application.
- l) If authorized for issuance, staff will prepare the required Heritage Alteration Permit and related schedules for signature and obtain the required security, pursuant to the *Local Government Act* and this Bylaw.

## **SCHEDULE 10 – SECTION 219 COVENANT AND/OR STATUTORY RIGHT OF WAY AMENDMENTS**

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

### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

### **2. Processing Procedure**

An application to amend a Section 219 Covenant or statutory right of way submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposed amendment and application requirements with staff prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant Village bylaws and policies and consistency with provincial guidelines. Staff may meet with the applicant as required and may conduct a site visit(s) as part of the evaluation process.
- e) Staff will refer the application to all applicable Village departments, advisory committees, Development Review Team (DRT), government ministries, agencies and organizations.
- f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies; and

- (iii) Complete any required approvals.
- g) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations. If the application is deemed to meet the criteria of delegated authority, the amendment request and technical report will be referred to the Manager for consideration otherwise the report will be prepared for Council's consideration.
- h) Council/Manager will receive the technical report, and Council/Manager may approve the request, may approve the requested amendment with terms or conditions, or may postpone or deny the application.
- i) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- j) If proposed amendment is approved, an amended covenant or statutory right of way under the *Land Title Act* or request to discharge will be prepared at the expense of the applicant and will be registered against the title of the subject property at the Land Title Office.

## **SCHEDULE 11 – MANUFACTURED HOME PARK PERMITS**

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

### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

### **2. Processing Procedure**

A Manufactured Home Park Permit submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of an application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant Village bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- e) Staff may refer the application to all applicable Village departments, advisory committees, Development Review Team (DRT), government ministries, agencies, and organizations.
- f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies; and
  - (iii) Complete any required approvals.
- g) Staff will prepare a technical report for consideration, incorporating feedback

received from the referral process, community, and any recommendations from the Development Review Team (DRT).

- h) Staff will mail or otherwise deliver notices to adjacent property owners as per this bylaw.
- i) Council may authorize the issuance of a permit or alternatively decide to deny the application or refer it back to staff for further information or if requested by the applicant, refer the application to Council for consideration.
- j) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- k) If authorized for issuance, staff will prepare the required Manufactured Home Park Permit and related schedules for signature and obtain the required security, pursuant to the *Local Government Act* and this bylaw.

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND**

**BYLAW NO. 1188**

**A bylaw to amend the Fees Bylaw to add electric vehicle charging and land development fees.**

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

1. This Bylaw shall be cited as “Fees Amendment Bylaw No. 1188, 2023.”
2. Fees Bylaw No. 1110, 2019, is amended in Schedule A, Goods and Services Fees, by adding the following section:

“12. Electric Vehicle Charging Station Fees: \$2.50 per hour”
3. Fees Bylaw No. 1110, 2019 is amended as follows:
  - (a) by adding the following section:

2.1 Fees are imposed and are payable and subject to applicable taxes for land development applications as set out in Schedule B to this bylaw.
  - (b) by adding the following clause to part 3:

(a.1) at the time of application, or
  - (c) by adding “for Goods and Services” after the title “Refunds”;
  - (d) by deleting from Schedule A, clause 10:

“Liquor Licence Applications: \$100 where the Village gathers public input
  - (e) by adding Schedule B, Development Application Fees and Charges, as attached to this bylaw.

<b>READ A FIRST TIME THIS</b>	<b>27<sup>TH</sup></b>	<b>DAY OF</b>	<b>MARCH</b>	<b>2023.</b>
<b>READ A SECOND TIME THIS</b>	<b>27<sup>TH</sup></b>	<b>DAY OF</b>	<b>MARCH</b>	<b>2023.</b>
<b>READ A THIRD TIME THIS</b>		<b>DAY OF</b>		<b>2023.</b>
<b>ADOPTED THIS</b>		<b>DAY OF</b>		<b>2023.</b>

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Mayor

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Corporate Officer

**Schedule B  
 Development Application Fees and Charges**

Fee Type	Fee Total	Plus Other Costs*
<b>Official Community Plan Amendment</b>	\$4,100	Cost of Advertising \$950 for each additional Public Hearing \$1,500 Peer Review Retainer for less than 3 single residential lots \$15,000 Peer Review Retainer for all other applications
<b>Zoning Bylaw Amendment</b>	\$4,100	Cost of Advertising \$950 for each additional Public Hearing \$1,500 Peer Review Retainer for less than 3 single residential lots \$15,000 Peer Review Retainer for all other applications
<b>Joint Zoning Bylaw and Official Community Plan Amendment</b>	\$4,100	Cost of Advertising \$950 for each additional Public Hearing \$1,500 Peer Review Retainer for less than 3 single residential lots \$15,000 Peer Review Retainer for all other applications
<b>Comprehensive Development Plan</b>	Step A: Terms of Reference: \$2500 Step B: Submission of Comprehensive Development Plan: \$5000 plus \$100 per hectare to a maximum of \$30,000	Cost of Advertising \$950 for each additional Public Hearing Peer Review Retainer \$10,000
<b>Temporary Use Permit (TUP)</b>	\$2,500	Cost of Advertising Cost of Peer Review

<b>Manufactured Home Park Permit</b>	\$4,500	Cost of Advertising Cost of Peer Review
<b>Compliance Determination (“Comfort Letter”)</b>	\$250 for owners of single-family dwelling and \$500 for all others	-
<b>Application for site Specific Exemptions to Flood Construction Level and Setbacks</b>	\$1,200	Cost of Peer Review
<b><i>Applications for Development Permit**:</i></b>		
<b>Intensive and Infill Residential</b>	\$1,200	Cost of Peer Review
<b>Commercial, Industrial Mixed-Use and Multi-Family</b>	\$2,100 plus \$1 per 1.0 meters gross floor area of commercial or industrial development or \$25 each residential lot/unit to a maximum of \$4,200 <sup>1</sup>	Cost of Peer Review
<b>Technical DP (Farmland, Wildfire, Groundwater)</b>	\$1,000	Cost of Peer Review
<b>Technical DP (Environmental)</b>	\$2,100 plus \$1 per 1.0 meters gross floor area of commercial or industrial development or \$25 each residential lot/unit to a maximum of \$4,200 <sup>1</sup>	Cost of Peer Review
<b><i>Application for a Heritage Alteration Permit:</i></b>		
<b>Heritage Alteration Permit</b>	\$1,600 plus \$1 per 1.0 meters gross floor area of commercial or industrial development or \$25 each residential lot/unit to a maximum of \$3,200 <sup>1</sup>	Cost of Peer Review

<b>Delegated Heritage Alteration Permit for only signs, fences, windows or doors</b>	\$250	Cost of Peer Review
<b>Combined Heritage Alteration Permit with Development Permit or Development Variance Permit</b>	Only charge for one application (see above) – whichever is greater	Cost of Peer Review
<b><i>Application for a Development Variance Permit:</i></b>		
<b>Single Family Residential</b>	\$950	Cost of Peer Review
<b>All other</b>	\$1,200	Cost of Peer Review
<b><i>Other Applications:</i></b>		
<b>Liquor and Cannabis License or Referral</b>	\$1000	Cost of Advertising
<b>Special Occasion License</b>	\$100	-
<b>Telecommunication Antenna System</b>	\$1,500	Cost of Advertising
<b>Application for a Floodplain Exemption</b>	\$500	Cost of Peer Review
<b>Restrictive Covenant or Statutory Right of Way - Amendment to or Discharge</b>	\$1,000	Cost of Advertising Legal Costs
<b>Road Closure Application</b>	\$1,000	Cost of Advertising Legal Costs
<b>Development Related Report Requiring a Council Resolution</b>	\$500	-
<b><i>Extensions, Renewals, Amendments:</i></b>		
<b>Application extension, renewal or amendment</b>	50% of application fee	-

\*Where noted, a retainer will be collected at the time of application. The retainer will be based on the average cost of the external review plus a 10% administration charge for processing that type of application. Any unused retainer will be refunded. If the cost of the external review is more than the retainer collected at the time of application, another retainer of the same amount will be collected. Processing of the application will be suspended until this retainer or any outstanding fees are paid.

\*\*Where land is subject to more than one Development Permit Area designation, only one development permit application is required. The applicant must pay the application fees for each Development Permit Area.

### **1. Additional Costs to All Applicants**

#### **a) External Review Costs**

All costs expended as part of the Peer Review of a development application will be invoiced to the applicant. This Peer Review may include, but is not limited to, external engineering reviews, independent environmental review, site visits, and legal reviews including the preparation and registration of restrictive covenants, Phased Development Agreements, Statutory Right-of-Way.

#### **b) Legal Documents**

Application fees shall include Title searches but do not include other documents such as covenants, ROW's, etc. The cost of retrieving these from LTO shall be borne by the Applicant.

### **2. Refund of Application Fees**

a) Refunds shall be made in accordance with the following table:

<b>Application</b>	<b>Refund Amount</b>
Official Community Plan and Zoning Bylaw	
Before preliminary review of the application	90%
Before preparation of first staff report	50%
After second reading but before public hearing	25%
After public hearing	0%

Development Permit, Heritage Alteration Permit, Development Variance Permit, Temporary Use Permit, Manufacture Home Park Permit, Application for site Specific Exemption to Flood Construction Level and Setback	
Before preliminary review of the application	90%
Before preparation of first staff report	25%
After notification to adjacent neighbours (where applicable)	0%

### **3. Application Fees**

Payment of these fees will be a condition that must be met prior to issuing the permit.



# Village of Cumberland

# Advisory Planning Commission

## Minutes

The meeting of the APC was held on Thursday April 13, 2023 at Village of Cumberland Council Chambers, commencing at 4:03pm.

<b>PRESENT:</b>	Nick Ward, Chair	Jason Ross
	Janet Bonaguro, Secretary	Ryan Camp
	Jaye Mathieu	
<b>ABSENT:</b>	Genevieve Burdett	
	Debbie Bowman	
<b>GUESTS \ STAFF:</b>	Courtney Simpson, Manager of Development Services	
	Karin Albert, Senior Planner	
	Nancy Henderson Senior Local government Advisor, Urban Systems (Item 4.1)	
<b>OBSERVERS:</b>	None	

### 1. CALL TO ORDER

The meeting of the APC was held on Thursday April 12, 2023 at Village of Cumberland Council Chambers, commencing at 4:03pm. We are honoured to gather on the unceded traditional territory of the K'ómoks First Nation.

### 2. APPROVAL OF AGENDA

Bonaguro / Ross: THAT the agenda be approved with the addition of item 4.2 "OCP Review Process and Engagement Plan."

**CARRIED UNANIMOUSLY**

### 3. APPROVAL OF MINUTES

Ross / Mathieu: THAT the minutes of the meeting held December 8, 2022 be approved as presented.

**CARRIED UNANIMOUSLY**

### 4. REFERRALS FROM COUNCIL

1. Request for Comment – Development Application Procedures Bylaw and Fees Amendment Bylaw

Bonaguro / Mathieu: THAT the Advisory Planning Commission receive the staff report titled “Request for Comment – Development Application Procedures Bylaw and Fees Amendment Bylaw”.

**CARRIED UNANIMOUSLY**

**DISCUSSION**

- Consultant, Nancy Henderson presented an overview of the changes.
- General
  - Staff believe these changes will make a cumulative impact on effectiveness and efficiency of development processes for applicants, staff, Council and APC.
- Development Approval Information (Section 5)
  - Q: There appear to be more requirements for studies when compared with the old bylaw.
  - A: There is more detail in this bylaw than the past one. Staff use minimum requirement checklists that define the requirements for each type of development. Staff have some discretion on what studies are required based on the nature of the development. Staff will determine this at the pre-application stage. (Nancy)
- Development Permit Applications
  - Consider working change to Schedule 4, item 2e change from “will” to “may”, as not all applications will be referred.
- Delegated Minor DVPs
  - Good to have an avenue to reconsider delegated decisions and bring to Council.
  - Language in 12.6 and 12.8 related to what is considered “minor” seems vague. There is a line between being too prescriptive when scenarios are likely individually unique.
  - Staff professionals in their field and can make these judgement calls.
  - When staff are reviewing and considering minor DVP applications at least two planning department staff work on an application, one being the Manager of Development Services. Other internal departments are consulted if the DVP impacts other parts of village operations.
  - A report on minor variances approved by staff would be helpful so that Councilors understand what the nature of the minor variances was and the volume. Quarterly reporting may not be sufficient. The website, once operational, would be helpful at highlighting to the public what applications were approved by staff.
- Public Information Meeting
  - Risks associated with the requirement for the applicant to report on their meeting outcomes. Need a good set of guidelines to ensure that fulsome information is reported. The consultants recommended an “applicant guide” to assist applicants in hosting and reporting on public information meetings.

Suggest that the guidelines request that the host explain the process and their responsibilities around reporting what they heard, as well as the opportunity for participants to review what was submitted by the applicant and how to address inaccuracies.

- Public Hearings and Notifications
  - Notification of amendment for neighbours early in the process good; is there an opportunity to enhance the content of those notifications to provide some basic information (e.g. the application is in alignment with the OCP, zoning and development permit guidelines). The APC (and staff) see a lot of uninformed questions, it might be helpful to lift the knowledge level of community members by providing enhanced information when its relevant to them.
  - It makes sense that when an application is non-discretionary not to bring the public in when they can't influence it.
- Delegated Comprehensive Development Plans
  - Council may not entertain a CDP application without a Terms of Reference given the potential complexity of the development, therefore it makes sense to not bring anything to council until this step has been completed.

Bonaguro / Mathieu: THAT the Advisory Planning Commission recommend to Council adoption of the Development Application Procedures Bylaw No. 1187, 2023 and Fees Bylaw Amendment No. 1188, 2023.

**CARRIED UNANIMOUSLY**

## **2. OCP Review Process and Engagement Plan**

Bonaguro / Mathieu: THAT the Advisory Planning Commission receive the staff report titled "OCP Review Process and Engagement Plan".

**CARRIED UNANIMOUSLY**

### **DISCUSSION**

- Staff provided an overview of the report.
- General
  - Staff confirmed that land use maps and DPA's get amended through amendments to the OCP. The OCP process will review both land use maps and DPAs.
- Role of the APC
  - The APC is very supportive of our proposed role in the OCP process.
- Hot topics
  - Environmental protection areas and standards.
- Community engagement
  - Phase 1 – would like to see consultation with local non-profits working in the community as these are the drivers of change that do significant related

work in the community (CBA, CCSS, CCFS, clubs, legion, dawn to dawn, other societies). Staff clarified that groups will be invited to join in the public consultation events. Rather than consult with groups individually, the OCP engagement events will encourage groups and individuals to come together to exchange ideas and concerns. This typically results in more creative discussions and solutions to problems.

- Staff confirmed that the public will be consulted on the results of the Phase 3 engagement activities and opportunity identification.
- Staff Capacity
  - Staff indicated that one planning resource would be dedicated at an average 50% of their time (0.5 FTE) for the duration of the OCP process, and other staff will be involved as well. The Village is also getting assistance from consultants (e.g. graphic design, housing needs report update, facilitation).
- Timing
  - Wednesday May 24 is the first planned event from 12-7pm.
  - APC will look at member availability over the next several months to meet to conduct work on this.

Bonaguro / Ross: THAT the APC recommend to Council to accept the OCP review process as presented.

**CARRIED UNANIMOUSLY**

**5. NEXT MEETING**

The next APC meeting is Thursday May 11, 2023 at 4:00pm.

**6. TERMINATION:**

Bonaguro: THAT the meeting terminate.

Time: 6:20pm

Certified Correct:  <hr style="width: 80%; margin-left: 0;"/> <div style="text-align: right; margin-right: 20px;">Chair</div>	Confirmed:  <hr style="width: 80%; margin-left: 0;"/> <div style="text-align: right; margin-right: 20px;">Deputy Corporate Officer</div>
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## Attachment 4 - Public Submissions

### Comments on Bylaw #1187

1. Definitions should be in alphabetical order for ease of reference.
2. Village definition should be consistent with Zoning bylaw. Corporation of the Village of Cumberland ...
3. Further references in the definitions should refer to the Village as the Corporation of the Village of Cumberland.
4. OCP or Official Community Plan change superseded to replaced. Throughout the bylaw some places the document states superseded others replaced. Pick one and replaced is easier for people to understand.
5. The first time in the bylaw when using OCP it should be Official Community Plan (OCP) or in definitions have OCP first so easy to understand meaning and context.

3.2 delete of Cumberland

4.1.1 delete of Cumberland

4.2.1 add Development Permit after Heritage Alteration Permit

4.2.3 delete substantially. Applicants are expected to be in 100% compliance not just sort of compliant.

4.3.2 delete of Cumberland in second last line; change superseded to replaced

5.1 changed may to shall require in fist line

5.19 add impacts of the proposed development on climate change and greenhouse gas emissions.

5.2 “staff” Will the Manager appoint a staff member to be contact or what? Staff is mentioned throughout the bylaw and schedules

5.2.3 Why would the Manager be authorized to revise the requirements of each type of application without Council having input and voting on the changes? We elect Council not the Manager. I disagree with this section.

5.2.4 Why give authority to waive requirements and let the Manager decide what is or isn't required? I disagree with this section.

5.7.1 Does this mean a person can request a copy of the report?

6.2.1 change to no less than 10 days

Insert that in last line between meeting and will

6.2.2 change to no less than 10 days

6.2.3 delete “make reasonable efforts”; last line delete “or” change to “and”  
6.2.4 change to not less than 10 days and post on Village website

7.1 add CDAs, DVP, DP and HAPs all schedules need to change to must hold community meeting

7.2 add at their expense

Change at least to not less than 10 days

9.5.2 second last line delete substantial

9.5.2.1 delete substantial

9.5.3 delete substantial

9.5.3.3 delete substantially before comply. If plan is approved it must be complied with and if changes occur, they need approval prior to doing the changes. The Village expects compliance by applicant of what is approved.

9.5.3.6 deviations are needed to be approved prior to proceeding with deviations from the approved plan.

9.5.4 and .5 delete substantial

9.5.5 last two sentences. If changes to the approved plans would need to be amended applicant shall be required to follow the approved plan or apply to amend.

Why would the Village agree to any level of non compliance with the approved plan?

9.5.6 delete unless otherwise approved by the Manager

9.5.8 delete substantial

9.6.1.1 delete substantially

9.6.1.6 if any deviation from approved landscape plans no security deposit will be released.

9.6.3 What if the remaining landscaping is greater than 50% of the original cost estimate? Needs tweaking so the Village isn't out money and landscaping

9.6.4 end at once per security deposit

10.1 delete of Cumberland 2<sup>nd</sup> last line

10.2 last line and abandoned and shall be closed.

10.4 last line change may to shall be closed.

10.6 change superseded to replaced

11.1 add” and written confirmation that any plans, reports by qualified professional have been released to the new owner and may be used in the

application and be relied upon. There must be written proof this assignment executed by the qualified professionals and the previous owner and provided to the Village before going forward with the new owner.”

12.6.1 change to not to exceed two (2) units

12.6.2 delete in its entirety. This is not minor development

12.7 If Development permit or Heritage Alteration permit have lapsed then file is closed and need to start again Not minor

12.8.4 not minor

12.8.2.6 if we have a zoning requirement it needs to be followed or apply to vary this is not minor

12.8.2.7 if it impacts character or streetscape of the neighbourhood it is not minor

12.9.1 delete accessory buildings

12.9.4 delete. If a permit is approved cannot amend without process

12.10.1 delete. Form and character are important part of a Heritage Alteration Permit so needs to go through process

12.11.1 No. Section 219 Covenants need process not minor

12.11.2 No. Not minor

12.11.3 and 12.11.4 No delete

13.3 clarification is needed

13.6 change last lined including any conditions. This could be a Heritage Alteration Permit not just a Development Permit

Schedule 1 add Development Permit and Development Variance Permit

8 delete significant in first line

Schedule 2

3 delete substantially Needs to be 100% compliant and complete

f) staff shall prepare an initial report to Council. Add advisory committees and commissions.

j) change the applicant may be required to the applicant will be required to host...

k) Insert word ‘proposed’ before “first reading”

4.Preparation of Phased Development Agreements

d) add the community.

g) or council can request amendment

h) posted on the Village website

l) amendments to an approved Phased Development Agreement will be brought to Council for a decision.

#### Schedule 3 Comprehensive Development Plan

2. delete substantially

f) section 8?

h) add commissions and the community

3. delete substantially

a) who are the interested parties? Rather vague this would include everyone who wants to know what is happening

d) add community

e) change may be required to will be required to arrange a public information meeting. Last line. We don't have neighbourhood associations. Community would be a good addition The consultation should be with the public the residents of the Village.

f) start with A public information meeting is required

h) add commissions.

4a) Public hearing to amend OCP prior to Council approving the comprehensive plan. Be a bit hard to approve it and still not have made up their minds before a public hearing.

#### Schedule 4

2. delete substantially

e) add commissions and add resident land owners if authority not delegated need public meeting

j) at the cost of the applicant

#### Schedule 5

2 delete substantially

d) 2<sup>nd</sup> line delete the words "as per"; change may require notification to shall require notification

f) shall refer the application who shall (staff or Manager or ?) deciding if minor If not clear it shall go to Council

h)6,7, and 8<sup>th</sup> lines change to the Development Variance Permit

i) at the applicant's cost

- j) (re) change to be
- l) at the applicant's cost

#### Schedule 6 Temporary Use Permit

- 2. delete substantially
- f) add community, commissions
- h) add and posted on Village website
- i) change to shall be required delete and is encouraged
- m) at the cost of the applicant

#### Schedule 7

- 2. delete substantially
- f) change may to shall
- j) add in priority to all registered financial charges

#### Schedule 8

- f) shall prepare
- g) Village shall (not may)
- iii) post on the Village website
- j) change approved to decision. Just because the Village sends in a report does not mean that the Liquor Board will approve the application Also the Village's report may say it is not wanting the application to be approved.
- k) delete

#### Schedule 9 Heritage

- 2. delete substantially
- f) change may to shall require...  
add planning commission
- g) change may to shall  
I including the public and line 3 add Heritage Advisory Committee delete  
referred to the Manager for consideration otherwise the report will be...
- j) ???
- k)???
- l) and register Notice at the Land Title Office

#### Schedule 10

- 2. delete substantially

- f) shall not may
- Will the report go to Council?
- j) in priority to all financial charges

Schedule 11

- 2. delete substantially
- e) shall not may
- g) add for Council
- i) required public information meeting
- l) register a covenant on title showing the plans, landscaping etc at the applicant's cost in priority to all financial charges

I would suggest the proposed bylaw needs to be more carefully prepared. In our OCP early and ongoing community involvement in planning is one of the assets of our Village which is being eroded. Council is elected and part of your job is to protect the assets of the Village.

When did consultation happen with the citizens prior to preparing the bylaw? Were developers consulted prior to preparing the bylaw?

Even though the Local Government Act gives Council the right to delegate, it is only an option. I would request that this bylaw have first and second reading withdrawn and have a revamped bylaw come forward that is delegating less and retaining more power in Council.

submitted by



**From:** [REDACTED]  
**To:** [Courtney Simpson](#); [Troy Therrien](#); [Jesse Ketter](#); [Sean Sullivan](#); [Vickey Brown](#); [Neil Borecky](#)  
**Subject:** Feedback on Proposed Development Application Procedures Bylaw  
**Date:** May 1, 2023 4:04:09 PM

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Hello all

I expect you will have received lots of responses and I will make this brief. I have a few substantive concerns with the proposed changes.

1. There is no definition of "minor variance" in the proposed bylaw. This must be defined per the [LGA s498.1](#) (which states "(2)A bylaw delegating the power to issue a development variance permit under this section must include (a)criteria for determining whether a proposed variance is minor for the purposes of subsection (1) (a) ...")
2. Per the proposed bylaw, staff decide what falls within the category of "minor variance". There is no mechanism for oversight if say residents or neighbours feel that they in fact will experience "significant negative impact (per 12.8.1. of the proposed bylaw)". I cannot support delegating approval powers to staff if there is no mechanism for oversight. I note that the applicant is afforded the right to have a staff decision reviewed but not anyone else who may actually be impacted by the variance - and some variances arguably could impact the village as a whole. This is unfair (and perhaps will create potential legal liability for the village). **I suggest if no oversight mechanism is possible, then I urge council to approve the bylaw without the minor variances section.**
3. Lastly, current bylaw is not up to date in places and does not conform to the 2014 OCP. I urge council to delay approving these changes until we have a new OCP and updated bylaws.

Thank you for your time

[REDACTED]

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[REDACTED] [REDACTED]

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1187

A Bylaw to establish procedures for the processing of development applications, to establish policies for development approval information to specify distances for notification, and to delegate powers, duties, and functions of Council.

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The Corporation of the Village of Cumberland  
Development Application Procedures Bylaw No. 1187, 2023

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The Corporation of the Village of Cumberland  
Development Application Procedures Bylaw No. 1187, 2023

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

1. **TITLE**

This Bylaw may be cited as the “Development Application Procedures Bylaw No. 1187,  
2023”.

2. **DEFINITIONS**

In this Bylaw,

**APPLICANT** means the owner or an agent duly authorized to act on the owner’s behalf  
in relation to an application(s).

~~**VILLAGE** means the Corporation of the Village of Cumberland.~~

**COMPREHENSIVE DEVELOPMENT PLAN** means a plan required by the Village in  
advance of consideration of an OCP amendment for lands which have not been  
thoroughly assessed for development potential or where significant constraints have  
been identified which may affect the potential development of the site (e.g.,  
infrastructure, servicing, access, topography, visual impact, or environmentally  
sensitive areas).

**COUNCIL** means the Council of the Village of Cumberland.

**DAY** means calendar day.

**DEVELOPMENT REVIEW TEAM** or **DRT** means a group of Village of Cumberland [staff](#)  
[Staff](#) responsible for review of development applications.

~~**MANAGER** means the person appointed to be responsible for the administration of  
development applications at the Village and includes a delegate fulfilling an Acting  
Manager position during the Manager’s absence.~~

**GROSS FLOOR AREA** means as defined in the Village of Cumberland Zoning Bylaw as  
amended from time to time.

**MANAGER** means the person appointed to be responsible for the administration of  
development applications at the Village and includes a delegate fulfilling an Acting  
Manager position during the Manager’s absence.

**OFFICIAL COMMUNITY PLAN** or **OCP** means the Village of Cumberland Official  
Community Plan Bylaw as amended or superseded from time to time.

**Commented [CS1]:** Agree with public comment that we  
should alphabetize

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**OWNER** means the registered owner(s) of property as demonstrated on the Land Title Certificate.

**PHASED DEVELOPMENT AGREEMENT** means an agreement authorized by section 516 of the *Local Government Act*.

**QUALIFIED PROFESSIONAL** means a professional engineer, geoscientist, architect, landscape architect, certified arborist, biologist, planner, forester, qualified environmental professional, or other professional licensed to practice in British Columbia with experience relevant to the applicable matter, as determined appropriate by the Manager.

**VILLAGE** means the Corporation of the Village of Cumberland.

### 3. INTERPRETATION

- 3.1. A reference in this bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated, or replaced from time to time.
- 3.2. A reference in this bylaw to any bylaw, policy or form of the Village of Cumberland is a reference to the bylaw, policy or form as amended, revised, consolidated or replaced from time to time.

### 4. GENERAL PROVISIONS

- 4.1. Application Fees
  - 4.1.1. At the time of application, the applicant must pay the Village an application fee in the amount set out in any applicable Village of Cumberland Fees Bylaw.
- 4.2. Application Requirements and Processing Procedure
  - 4.2.1. In respect of an application for an OCP Bylaw amendment, Zoning Bylaw amendment, Heritage Alteration Permit, and Temporary Use Permit, the applicant, at their cost, must post a Notice of Application Sign in accordance with Schedule 1 of this bylaw.
  - 4.2.2. Before commencing work that requires approval of an OCP Bylaw amendment, Zoning Bylaw amendment, Development Permit, Heritage Alteration Permit, and Temporary Use Permit, the applicant must submit the applicable application and receive approval for such amendment or permit from the Village.

4.2.3. An applicant must submit any application in the form required by the Manager and the application will be processed substantially as outlined in the applicable Schedules to this bylaw.

4.3. Number of Development Applications

4.3.1. Where a proposed activity or development involves more than one type of application, the applicant must comply with all of the applicable provisions of this Bylaw.

4.3.2. Where land is subject to more than one Development Permit Area designation, only one ~~development-Development permit-Permit application-Application~~ is required and the application must address the requirements of each applicable Development Permit Area and the applicant must pay the application fees for each Development Permit Area in the amount set out in any Village of Cumberland Fees Bylaw as amended or superseded from time to time.

4.4. Development Permit Required prior to Development

4.4.1. In all Development Permit Areas, an applicant must obtain all required Development Permits before land is subdivided or development occurs, including but not limited to land clearing, preparation for the construction of services or roads, blasting, and construction of, addition to or alteration of a building or structure, unless otherwise exempted from requiring a Development Permit as specified in the Official Community Plan.

**5. DEVELOPMENT APPROVAL INFORMATION**

5.1. Type of Information Required

Pursuant to the *Local Government Act* and as set out in the OCP, the Manager may require an applicant to provide information, at the applicant's expense, on the anticipated impact of a proposed activity or development on the community, including but not limited to the following:

5.1.1. Compliance of the activity or development with the OCP and any other relevant Village bylaw, plan or policy in preparation or adopted by Council;

5.1.2. The impact of the proposed development on the natural environment such as adjacent riparian and wetland areas, vegetation, soils and erosion, geotechnical characteristics,

- topographical features, ecosystems and biological diversity, fish and wildlife habitat, environmentally sensitive features, and rare or endangered plant or animal species;
- 5.1.3. Hazardous conditions including, but not limited to, mud flow, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, wildfire, flood, inundation or other hazard (including appropriate construction elevations and setbacks);
  - 5.1.4. Transportation assessments including but not limited to transportation impacts in terms of daily and peak hour trip generation and assignments, public transit, parking demand, traffic safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, Site access and egress, network connectivity and accessibility;
  - 5.1.5. The aesthetic values of the proposed development such as visual character, landscaping, integration with public areas, view corridors, and the natural environment, lighting, noise, and odour;
  - 5.1.6. The impact of the proposed development on groundwater quantity and quality; surface water generated by the proposed development; and the options for collection, storage, reuse and dispersal of such drainage;
  - 5.1.7. Hydrological and/or hydrogeological assessment including, but not limited to, infiltration, interception, groundwater and overland flow, as well as hydrologic processes including accretion and erosion;
  - 5.1.8. An assessment of wildfire hazard that assures project construction activities comply with Urban Wildfire Interface management principles;
  - 5.1.9. Functional servicing assessment of local infrastructure and site servicing including, but not limited to, drainage, water, sewer or other utilities; to determine the impact of the development on Village infrastructure including capital, operations and maintenance over the lifecycle of the development;
  - 5.1.10. Tree assessment and plan that promotes the retention and planting of native plant species, plant health, habitat preservation, reduce wildfire risk, minimize erosion and to ensure that the landscape retains a natural appearance;
  - 5.1.11. Impacts on the demand for local services including but not limited to community facilities and services including, but not limited to,

schools, parks, recreation, emergency protective and health services;

- 5.1.12. Assessments of historical, cultural and archaeological buildings, structures, sites or features;
  - 5.1.13. How the proposed development impacts and buffers adjacent uses;
  - 5.1.14. Energy efficiency, water efficiency and emissions reduction;
  - 5.1.15. Air Quality Impact Assessment including, but not limited to, pollution, dust, fumes, smoke and odours;
  - 5.1.16. Retail impacts of a proposed commercial development, including but not limited to, the effects of additional competition, traffic impacts, effects on tenancy and potential impacts to neighbourhood;
  - 5.1.17. Socio-economic impacts affecting the day-to-day quality of life of people and communities, including direct and indirect economic impacts, demographics, housing, local services and socio-cultural issues;
  - 5.1.18. Construction management plan outlining the staging, implementation schedule, and duration of construction for any proposed development including proposed impact mitigation; and
  - 5.1.19. Other studies to which the Manager considers the proposed activity or development impacts the jurisdiction of the Village as deemed necessary.
- 5.2. Preparation of the Terms of Reference
- 5.2.1. The applicant will be required to work with [Staff-staff](#) to review and confirm the scope of the report or impact study in accordance with any relevant Terms of Reference for Professional Reports.
  - 5.2.2. The Manager may require that the applicant provide, at the applicant's expense, documents, plans, and/or development approval information in a report that is certified by a qualified professional, which:
    - a) complies with and fully addresses the relevant assessments;
    - b) identifies and defines the context, magnitude and significance of the anticipated impacts of the activity or development on the community, as well as the methodology, assumptions, acceptability thresholds, and how the anticipated impacts

may cumulatively contribute to existing circumstances and risks;

- c) provides recommendations for conditions or requirements Council or the Manager may impose to mitigate or ameliorate the anticipated impacts;
- d) provides recommendations and details costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts; and
- e) is prepared to the satisfaction of the Manager.

5.2.3. The Manager is authorized to establish and revise the required information, documents, plans, and/or development approval information needed for each type of application pursuant to this Bylaw. The Manager is authorized to establish and revise the size, form and quality of information, documents, plans, and/or development approval information needed to assist in reviewing or processing the application.

5.2.4. The Manager is authorized to waive any of the information, documents, plans, and/or development approval information if at their discretion the information is not required to assist in reviewing or processing the application.

### 5.3. Selection of Personnel

5.3.1. The applicant will be required to provide the reports and impact studies prepared by Qualified Professionals at the applicant's expense in accordance with the Village's specifications for Terms of Reference for Professional Reports.

5.3.2. If required by the Manager, a qualified professional shall certify all documentation including drawings, reports, security estimates, technical letters, and other documentation submitted to the Manager for the purposes of reviewing the application.

5.3.3. The Manager may review all documents and design drawings to verify general compliance with the requirements but will not necessarily check the adequacy or accuracy of the qualified professional's design. Any errors or omissions will be the sole responsibility of the qualified professional who has certified the documents and design drawings.

### 5.4. Requirement for Independent Review

5.4.1. The Village may require an independent review of the study results in certain circumstances, at the applicant's expense, including but not limited to staff capacity and to ensure the timely review of the study results and application processing timelines. The applicant will be notified if an independent review is required and the additional fees associated with the peer review.

5.5. Incomplete or Deficient Reports

5.5.1. If it is determined by the Manager that a report containing development approval information is outdated, incomplete or deficient, the applicant will be notified in writing the nature of deficiencies and the timeframe to resubmit the corrected report.

5.6. Presentation of Reports or Impact Studies

5.6.1. The Manager may request, at the applicant's expense, the presentation of the report or impact study to Council, the community, or ~~Staff~~ staff by the Qualified Professional(s) that prepared the document.

5.7. Publication of Information

5.7.1. The Village may distribute and publish a report containing development approval information requested under this bylaw.

**6. NOTIFICATION**

6.1. Where a notice is required to be mailed or delivered to owners and tenants, pursuant to the *Local Government Act*, the Village will provide notice to owners and tenants in occupation of parcels within 75 metres from any boundary of any subject property of the application or proposed bylaw.

6.2. Where notification is not required by the *Local Government Act*, the Village will provide notification to owners and tenants as follows:

6.2.1. The Village will provide notification for manufactured home park permits that will be mailed or otherwise delivered to owners and tenants in occupation of parcels within 75 metres from the boundaries of the subject application or proposed bylaw at least 10 days prior to the meeting will be considering the application.

6.2.2. The Village will provide notification for delegated ~~minor~~ Minor development-Development variance-Variance permits-Permits to be mailed or otherwise delivered to owners and tenants in occupation of parcels within 75 metres from the boundaries of the subject

application at least 10 days prior to the consideration of the application.

- 6.2.3. The Village will make reasonable efforts to notify affected residents of an applicant's request to undertake a Comprehensive Development Plan. Methods of notification may include but are not limited to direct mail outs, newsletters, advertisements in the newspaper or notices on the Village's website.
- 6.2.4. When a public information meeting is required by the Village, the Village will provide notice of the meeting to properties within 75 metres from the subject application or proposed bylaw at least 10 days prior to the meeting.

## 7. PUBLIC INFORMATION MEETINGS

- 7.1. As outlined in the Schedules to this Bylaw, an applicant is required to hold a public information meeting prior to OCP [Bylaw](#) amendments, ~~zoning~~ [Zoning Bylaw](#) amendments, non-delegated ~~heritage~~ [Heritage alteration](#) ~~Alteration permits~~ [Permits](#), and ~~temporary~~ [Temporary use](#) ~~Use permit~~ [Permit](#) applications being considered by Council to provide an additional opportunity for the public to access information and to inquire about the proposal beyond that available through the standard application processes.
- 7.2. When a public information meeting is held by the applicant, it is the responsibility of the applicant to arrange and conduct the meeting at a location that is approved by staff, accessible to individuals with disabilities, and in [the Village Cumberland](#) and/or on a virtual meeting platform at their expense.
- 7.3. The applicant must advertise the meeting in a local newspaper at least 10 days prior to the meeting at their expense.
- 7.4. After the meeting is held, applicants must submit a report to the Village summarizing the meeting including the following information:
  - 7.4.1. Location, time, and duration of meeting;
  - 7.4.2. Number of attendees;
  - 7.4.3. Proof of how the meeting was advertised;
  - 7.4.4. Information provided at the meeting; and
  - 7.4.5. A summation of questions raised and major discussion points.

- 7.5. Council may require the applicant to conduct additional public consultation to seek additional community engagement regarding the proposed application, the cost of which will be the responsibility of the applicant.

## 8. AGENCY REFERRAL PROCESS

- 8.1. When reviewing applications, [Staff-staff](#) will develop a referral list of agencies, organizations, or levels of government that the application may be sent to for review and comment. Each agency, organization or level of government shall be given a minimum of thirty (30) days from the date of the referral to provide any comments.

## 9. SECURITY

- 9.1. Pursuant to the *Local Government Act* and the OCP, security may be required as a condition of permit issuance for the following:
  - 9.1.1. Landscaping (“Landscape Security”);
  - 9.1.2. An unsafe condition or damage to the natural environment that may result as a consequence of a contravention of a condition in a permit (“Remediation Security”); or;
  - 9.1.3. To guarantee the performance of the terms of a permit (“Performance Security”).
- 9.2. Phased Landscape
  - 9.2.1. Plans may be approved for large-scale developments at the discretion of the Manager to enable the completion of the landscape plan in phases and the submission of the related security deposit at each phase. The applicant is required to request a phased approach to the execution of the landscape plan at the time of Development Permit ~~application~~[Application](#), clearly identifying on the submitted landscape plan the proposed phases and related cost estimates for each phase.
- 9.3. Form of Security
  - 9.3.1. Security will be provided in the form of an automatically renewing irrevocable letter of credit, bank draft or in a form satisfactory to the Manager.
- 9.4. Amount of Security

The amount of security will be calculated and submitted by a Qualified Professional at the applicant's expense, to the satisfaction of the Manager using the following:

- 9.4.1. For Landscape Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, hardscaping, irrigation, labour and plantings materials.
  - 9.4.2. For Remediation Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, irrigation, labour and planting materials.
    - 9.4.2.1. Where security is required in the case of an unsafe condition or damage to the natural environment that may result from a contravention of a permit condition, the amount of security shall reflect:
      - a) the nature of the permit condition;
      - b) the nature of the unsafe condition or damage; and
      - c) the cost to the Village of entering the land to undertake the work to correct the unsafe condition or restore and enhance the natural environment, including the cost of repairing any damage to land that may have been caused by the unsafe condition or that may have occurred in connection with the repair work.
  - 9.4.3. For Performance Security, the amount of security will be 125% of an estimate or quote of the cost of works to guarantee the performance of the terms of the permit. Such works may include but are not limited to: inspections, monitoring, maintenance, irrigation, labour, planting materials and works required to restore the land or remove any temporary structures.
  - 9.4.4. Notwithstanding Section 9.4.3., for Performance Security for Heritage Alteration Permits, the amount of security will be 125% of an estimate or cost of works to guarantee the performance of the terms of the permit.
- 9.5. Return of Security
- 9.5.1. If a permit is cancelled by the applicant and no work has occurred related to the security deposit, the security deposit will be returned

to the applicant at the approval of the Manager.

- 9.5.2. Unless otherwise stated in this bylaw, the Village will return the security when written request has been submitted by the applicant and includes a satisfactory Substantial Completion Report by a Qualified Professional certifying that:
  - 9.5.2.1. The works have been completed in substantial compliance with the approved plan(s).
  - 9.5.2.2. The unsafe condition or damage to the natural environment has been corrected.
- 9.5.3. The Substantial Completion Report must be signed and sealed by a Qualified Professional and include the following at a minimum:
  - 9.5.3.1. The date and drawing number of the plan reviewed by the Qualified Professional;
  - 9.5.3.2. Date(s) of inspection by the Qualified Professional;
  - 9.5.3.3. A statement from the Qualified Professional that the completed works substantially comply with the approved plan;
  - 9.5.3.4. Identification of conformance to approved species, quantity of materials, scale and number of plans, irrigation systems and features (including hard landscaping) as shown on approved drawing(s) and installation to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
  - 9.5.3.5. Confirmation that the depth of soils and composition of soils are to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
  - 9.5.3.6. A description of all deviations from the approved plan(s) with a rationale for the changes and whether the changes meet the intent of the approved plan(s); and
  - 9.5.3.7. The request of the amount of funds to be released.
- 9.5.4. Upon receipt of a Substantial Completion Report, the Village may conduct a site inspection to verify that the works are installed in accordance with the approved plans.

- 9.5.5. Should there be any deficiencies identified in the Substantial Completion Report or should the Village find any discrepancies and/or deficiencies during an inspection, an inspection report will be issued to the applicant and the security will be retained until the deficiencies have been addressed. Any changes to the approved plans will require approval of the Village prior to installation of any works. Depending on the level of non-conformance with the approved plans, Council approval of the revised plan(s) may be required through an amended permit application prior to the release of the security.
- 9.5.6. Site inspections and final acceptance by the Village of the installation of plant material, sodding or seeding, will not be carried out during the plant dormancy period between November 15th and April 15<sup>th</sup>, unless otherwise approved by the Manager.
- 9.5.7. Upon completion of any items outlined in an inspection report, the applicant shall notify the Village for further inspection in order to obtain a final release of the security.
- 9.5.8. Upon substantial completion, the Village will return a portion of the security deposit. The Village will withhold 10% of the total security deposit or 25% of the value of soft landscaping, whichever is greater, as a maintenance bond for up to two growing seasons to ensure that the work has been fully implemented and demonstrated to function (ecologically or as designed).

9.6. Partial Return of Landscape Security

The Village may return a portion of the Landscape Security upon receipt of a report from a Qualified Professional.

- 9.6.1 The report must include the following:
  - 9.6.1.1. Evidence that the total landscaping is 50% complete and substantially complies with the approved landscape plan;
  - 9.6.1.2. Evidence that the perimeter landscaping is 100% complete as required by the approved landscape plan for any portion of the subject property that includes street frontage;
  - 9.6.1.3. The date and drawing number of the landscape plan reviewed by the Qualified Professional;
  - 9.6.1.4. Date(s) of inspection by the Qualified Professional;

- 9.6.1.5. Evidence of conformance to approved species, quantity of materials, scale and number of plants, irrigation systems and features (including hard landscaping) as shown on approved drawing(s) and installation to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
  - 9.6.1.6. Identification of all deviations from the approved landscape plan;
  - 9.6.1.7. The submission of a revised landscape plan and cost estimates for the remainder of the works to be completed for the approval of the Manager; and
  - 9.6.1.8. The request for the amount of funds to be released.
- 9.6.2. When considering a request for partial release, [Staff-staff](#) will consider the visual impact and safety of the remainder of the site as well as the public interface areas prior to approving a partial return request.
  - 9.6.3. If the request for the partial return of security is approved, the Village will return 50% of the original cost estimate or quote and will withhold a portion of the original cost estimate as a maintenance bond as set out in Section 9.5.8.
  - 9.6.4. The partial return of the landscape security will occur only once per security deposit unless as otherwise approved by the Manager.

#### 10. PERMIT RENEWALS, EXTENSIONS, LAPSES AND RE-APPLICATION

- 10.1. The Village only accepts complete applications. If [Staff-staff](#) determines that an application is incomplete during the initial review, the application will be placed on hold and the applicant will be requested to provide the required information. If an applicant does not provide the required information within three (3) months of the request, the file will be closed and the application and fee will be returned in accordance with the Village of Cumberland Fees Bylaw as amended or superseded from time to time.
- 10.2. An application that has been inactive for more than 6 months is deemed to be abandoned and may be closed.
- 10.3. In the event that an application made pursuant to this bylaw has not been given final adoption by Council within one (1) year after the date it was given third reading or one (1) year after the date of last consideration by Council the

application may be deemed to be abandoned and the file closed.

- 10.4. In the case of applications that have been delegated to the Manager, if final approval of the application is not granted within one (1) year after a written request from the Manager to submit any outstanding items and/or meet the conditions of approval, the application will be deemed to be abandoned and may be closed.
- 10.5. In order for an application that has lapsed under Sections 10.1 to 10.4 to proceed, a new application and fee will be required.
- 10.6. For a bylaw amendment, upon written request from the applicant received 30 days prior to the lapse of the application, Council may extend the deadline for a period of one (1) year by passing a resolution to that effect to enable the applicant to complete the requirements for final adoption. A maximum of two (2) one-year time extensions may be granted by Council. If Council decides to deny an extension request or the applicant has received two (2) one-year time extensions and still has not met the requirements for final adoption and wishes to proceed with the application, a new application and fee will be required as per the Village of Cumberland Fees Bylaw as amended or superseded from time to time.
- 10.7. Re-Application
  - 10.7.1. Subject to the *Local Government Act*, where an application made pursuant to this bylaw has been refused by Council, re-application for the same amendment or permit will not be accepted for a six (6) month period immediately following the date of refusal.
  - 10.7.2. Where an applicant intends to appeal to the Council to vary the time limit set in section 10.7.1 pursuant to the *Local Government Act*, the applicant shall submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied.

**Commented [NH2]:** Want to add opportunity to extend for other application types as well.

## 11. CHANGE OF OWNERSHIP

- 11.1. If there is a change of ownership of a parcel(s) of land that is the subject of an application under this bylaw, the Village will require updated Land Title Certificate(s) for the parcel(s) of land and written authorization from the new owner(s) prior to proceeding with the application.

## 12. DELEGATION OF AUTHORITY

The following powers, duties and functions of Council are delegated to the Manager:

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- 12.1. The power to require security under ss. 496 and 502 of the Local Government Act.
- 12.2. The power to designate the form of any permit issued under this bylaw as per the Local Government Act.
- 12.3. The power to designate the form and content of application forms.
- 12.4. The authority to create, amend, and prescribe graphic design templates for development application notice signs.
- 12.5. The authority to require development approval information.
- 12.6. The power to issue or amend Development Permits for the following:
  - 12.6.1. Any residential developments that do not exceed four (4) units;
  - 12.6.2. Any industrial and commercial development outside of Heritage Conservation Area 1 – Historic Village Commercial Core that does not unduly impact the character of the streetscape or surrounding neighbourhood;
  - 12.6.3. Any accessory building(s);
  - 12.6.4. Any Wildfire Urban Interface and Farmland Protection Development Permits where there are no, or only minor, variances requested;
  - ~~12.6.4-12.6.5.~~ The Manager will refer a delegated Development Permit to Council when the proposed delegated Development Permit meets the criteria to be delegated to staff, but in the opinion of the Manager, it would be in the public interest to instead have the application considered by Council.~~requested.~~
- 12.7. The power to renew Development Permits and Heritage Alteration Permits that have been issued and lapsed provided:
  - 12.7.1. No changes have been proposed to the Permit~~permit~~; and
  - 12.7.2. The Permit~~permit~~ is consistent with the current OCP and relevant Guidelines.
  - 12.7.3. Despite 12.8.1, the Manager will refer a Minor Development Variance Permit to Council in the following circumstances:
    - 12.7.3.1. The proposed variance is in conjunction with a Development Permit Application that is not delegated to staff; or

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12.7.3.2. The proposed variance meets the criteria of minor, but in the opinion of the Manager, it would be in the public interest to instead have the application considered by Council.

12.8. The power to issue Minor Development Variance Permits in accordance with the following sub-sections:

12.8.1. ~~Where the variance would be minor and would have no significant negative impact on the use of immediately adjacent or nearby properties. In making this determination the Manager must consider the following criteria:~~ A Development Variance Permit is considered minor where it meets the following criteria:

12.8.1.1. ~~The variance would have no significant negative impact on the use of immediately adjacent or nearby properties;~~

12.8.1.2. Degree or scope of the variance relative to the regulation from which a variance is sought is not significant;

~~12.8.1.3. Character of development in the vicinity of the subject property.~~

~~12.8.1.5.~~ 12.8.1.4. There is a valid reason for the variance request.

12.8.2. In deciding whether to issue a Minor Development Variance Permit the Manager must consider the following guidelines:

~~12.8.2.1. If the proposed variance is consistent with the general purpose and intent of the zone;~~

~~12.8.2.4.~~ 12.8.2.2. ~~If~~ There is a community or environmental benefit to the larger community in granting the variance and/or it would support a Council priority (i.e. affordable housing, environmental protection, provision of a trail SRW);

~~12.8.2.5.~~ 12.8.2.3. The variance request must not include a reduction in the required number of parking stalls except in situations where an increase in parking spaces is associated with a change in use associated with a business licence application and does not propose additional floor area;

~~12.8.2.6.~~ 12.8.2.4. If strict compliance with the zoning regulation would be unreasonable.

~~12.8.2.7.~~ 12.8.2.5. ~~If~~ The proposed variance would unduly impact the

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**Commented [CS4]:** Moved from the list of guidelines in 12.8.2, to be listed with the criteria

character of the streetscape or surrounding neighbourhood; or,

12.8.2.6. Proximity and impact of the variance to neighbouring properties is considered.

~~12.9.~~

~~12.10.12.9.~~ The power to issue a minor Heritage Alteration Permit in accordance with the *Local Government Act* for:

~~12.10.1.12.9.1.~~ Signs, fences, or accessory buildings;

~~12.10.2.12.9.2.~~ New or replacement windows and doors that do not affect the character defining elements of the building;

~~12.10.3.12.9.3.~~ Single or duplex residential additions up to a maximum of 100m<sup>2</sup> at the rear of the building without variances; and

~~12.10.4.12.9.4.~~ Minor amendments to an existing approved permit.

~~12.10.5.12.9.5.~~ The Manager will refer a minor Heritage Alteration Permit to Council in the following circumstances:

~~12.10.5.1.12.9.5.1.~~ The proposed Heritage Alteration Permit is in conjunction with a Development Variance Permit application that is not delegated to staff; or

~~12.10.5.2.12.9.5.2.~~ The proposed Heritage Alteration Permit meets the criteria to be delegated to staff, but in the opinion of the Manager, it would be in the public interest to instead have the application considered by Council.

~~12.11.12.10.~~ Despite ~~sections~~ Sections 12.6 and 12.710 the power to amend any Development Permit and Heritage Alteration Permit that have been issued provided:

~~12.11.1.12.10.1.~~ The changes are minor in nature regarding landscaping or form and character issues; and

~~12.11.2.12.10.2.~~ Only minor variances are requested.

~~12.12.12.11.~~ The following powers, duties and functions of Council are delegated to the Manager, Corporate Officer, and Chief Administrative Officer when required as a condition of a development application approval:

~~12.12.1.12.11.1.~~ To approve and execute or amend a Section 219

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Covenant or Statutory Right of Way;

~~12.12.2~~~~12.11.2~~. To approve and execute the discharge of a restrictive covenant which is no longer required or is to be replaced;

~~12.12.3~~~~12.11.3~~. To approve and execute a statutory right of way or easement or amendment to a statutory right of way or easement on behalf of the Village in connection with the operation of a sewer, water or drainage works, or for the purpose of trails or pedestrian or vehicular access; and

~~12.12.4~~~~12.11.4~~. To approve and execute a discharge of a statutory right of way which is no longer required by the Village or is to be replaced.

**13. COUNCIL RECONSIDERATION OF A STAFF DECISION**

- 13.1. Within 14 days of being notified in writing of the decision of a delegate under this bylaw, an applicant may, at no charge, request that Council reconsider the decision.
- 13.2. The applicant must give written notice to the Village Corporate Officer setting out the grounds on which the applicant considers the decision to be inappropriate, including the specific decision, and what decision Council should use as a substitute.
- 13.3. The Village Corporate Officer will notify the delegate of the request(s) for reconsideration and the delegate will, prior to the date of the meeting at which the reconsideration will occur, provide a copy of the written memo setting out for Council, the rationale for their decision.
- 13.4. The Village Corporate Officer will place the request(s) for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible.
- 13.5. The Village Corporate Officer will notify the applicant of the date of the meeting at which reconsideration will occur.
- 13.6. Council will review the information provided by the applicant and ~~Staff~~staff, and either confirm the decision made by ~~Staff~~staff, or substitute its own decision including ~~Development Permit~~permit conditions.

**14. SEVERABILITY**

- 14.1. If any section, subsection, sentence, clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed from the Bylaw without

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affecting the validity of the Bylaw or any remaining portions of the Bylaw.

**15. REPEAL**

- 15.1. The Development Procedures and Fees Bylaw No. 1073, 2018 together with any amendments is hereby repealed.
- 15.2. The Corporation of the Village of Cumberland Development Approval Information Bylaw No. 809, 2005 together with any amendments is hereby repealed.

<b>READ A FIRST TIME THIS</b>	<b>27<sup>TH</sup></b>	<b>DAY OF</b>	<b>MARCH</b>	<b>2023.</b>
<b>READ A SECOND TIME THIS</b>	<b>27<sup>TH</sup></b>	<b>DAY OF</b>	<b>MARCH</b>	<b>2023.</b>
<b>READ A THIRD TIME THIS</b>		<b>DAY OF</b>		<b>2023.</b>
<b>ADOPTED THIS</b>		<b>DAY OF</b>		<b>2023.</b>

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

## **SCHEDULE 1 – NOTICE OF APPLICATION SIGN REQUIREMENTS**

### **1. Installation**

In respect of an application for an OCP Bylaw Amendment, Zoning Amendment, Heritage Alteration Permit, or Temporary Use Permit the applicant, at their cost, must install a Village of Cumberland Notice of Application Sign in accordance with this bylaw.

### **2. Timing**

The Notice of Application sign must be posted in accordance with the specifications outlined in the Schedules forming part of this bylaw.

### **3. Design of Sign**

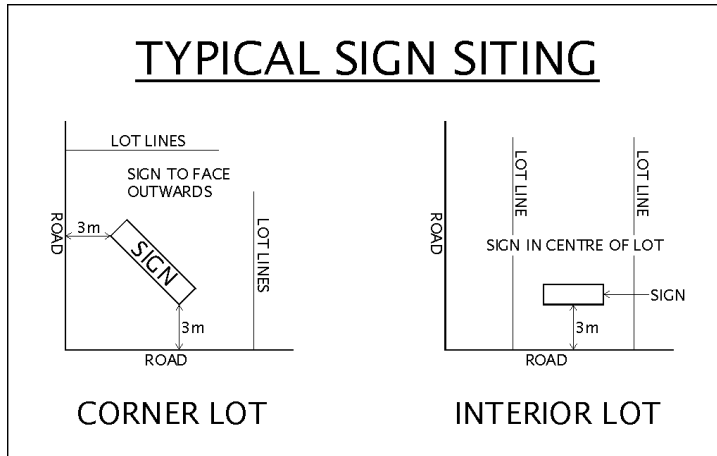
The design of the sign shall be in a form prescribed by the Manager ('Village Sign Format Sheet').

### **4. Preparation of Sign**

The preparation and posting of the Notice of Application sign is the responsibility of the applicant and must be undertaken as per the requirements of this bylaw and as identified on the Sign Format Sheet. The applicant will provide a mock-up of the sign with their complete application for review and approval prior to final printing. Once the sign is posted, the applicant shall demonstrate proof to the ~~Staff~~staff of the posted sign within 10 days of ~~staff's~~ approval of the mock-up.

### **5. Siting of Sign**

All Notice of Application Signs shall be placed on the property at a setback of 3 metres from the front property line as demonstrated in the below diagram. The sign must face the street and be clearly visible. All proposed sign locations must be verified by the Village Staff prior to installation. The sign must be located so as not to interfere with pedestrian or vehicular traffic, or obstruct visibility from streets, lanes, walkways or driveways so as to create a hazard. The Notice of Application Sign must be installed in a sound workmanlike manner and must be capable of withstanding wind and weather.



#### 6. Number of Signs

The applicant shall post a minimum of one (1) Notice of Application Sign. For large parcels with over 200 m of street frontage, one (1) Notice of Application Sign shall be required for each 200 m of street frontage, to a maximum of three signs.

#### 7. Maintenance of Sign

It is the responsibility of the applicant to ensure the sign(s) remain intact and visible as per the sign siting specifications until such time the sign can be removed, in accordance with Section 98.

#### 8. Amendments to Application

If any significant amendments are made to the application, the applicant will be required to install new sign(s) reflecting the change in application. The applicant will provide a mock-up of the sign to the Village Staff for review and approval prior to final printing.

#### 9. Sign Removal

The Notice of Application Sign shall be removed by the applicant within seven (7) days following:

- (i) The conclusion of the public hearing or adoption of the amending bylaw if a public hearing is not required; or

- (ii) The final consideration of an application by Council; or
- (iii) The abandonment of the application.

**10. Failure to Post, Maintain or Remove**

- (i) Failure to Post and maintain the required Notice of Application Sign(s) in accordance with this bylaw may result in the postponement of any Public Information or Council meeting and any costs associated with the postponement will be borne by the applicant. Non-compliance with this section due to the removal, destruction, or alteration of the sign by vandalism or natural occurrence shall not affect the validity of the application or postpone a Public Information or Council meeting as long as reasonable efforts have been taken by the applicant to maintain the sign.
- (ii) Failure to remove the sign as required may result in the sign being removed at the expense of the applicant. The Village shall not be liable for any damage or loss of the sign.

**SCHEDULE 2 - AN APPLICATION FOR AN AMENDMENT TO AN OFFICIAL  
COMMUNITY PLAN BYLAW OR ZONING BYLAW (INCLUDING THE  
ESTABLISHMENT OF A PHASED DEVELOPMENT AGREEMENT)**

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

**1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

**2. Consultation**

An application for an amendment to the OCP will include one or more opportunities for consultation with persons, organizations and authorities it considers affected by the application as per the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be outlined within [Staff's](#) technical report to Council.

**3. Processing Procedure**

An amendment application submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with [Staff-staff](#) prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will return the application and request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, [Staff-staff](#) will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant Village bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- e) The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- f) Staff may prepare an Initial Staff Report to Council to introduce the application

and seek preliminary direction regarding the application including referral to advisory committees and other matters as required.

- g) Staff will refer the application to all applicable Village departments, Development Review Team (DRT), advisory committees, government ministries, agencies and organizations.
- h) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s)
  - (ii) Submit any necessary reports/studies; and
  - (iii) Complete any required approvals.
- i) The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
- j) The applicant may be required and is encouraged to host a public information meeting at their own expense prior to the amending bylaw being considered by the Council. If required, the applicant is to conduct public information meeting in accordance with the requirements of Section 7 of this bylaw.
- k) For a rezoning application where the proposed zoning amendment bylaw is consistent with the OCP, staff-staff will publish and give notice of Council's consideration of the amending bylaw(s) advising of the date of the consideration of first reading of the proposed bylaw in accordance with the *Local Government Act*.
- l) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, advisory committees, the community and any recommendations from the Development Review Team (DRT).
- m) Council will receive the technical report, and if Council decides to proceed with the amendment application, the amending bylaw may be given readings. Council may alternatively decide to postpone or deny the application.
- n) Should the amending bylaw receive readings and should Council decide that a public hearing be held prior to third reading to permit the public to comment on the application pursuant to the *Local Government Act* and as per this bylaw, notice(s) of the amending bylaw(s) will be published in a newspaper pursuant

to the *Local Government Act*. For a rezoning application where the proposed zoning bylaw is consistent with the OCP, a public hearing is not a default requirement of the *Local Government Act*; however, may be required by Council.

- o) If a public hearing is held, the minutes of the Public Hearing will be presented to Council prior to consideration of third reading of the amending bylaw.
- p) Council may proceed with third reading of the amending bylaw (including the imposition of conditions), postpone or deny the application. Upon third reading, an amendment bylaw may need to be referred to the relevant provincial minister(s) for signature before proceeding to adoption.
- q) Once all of the conditions identified at third reading, if any, have been addressed, Council will consider adoption of the bylaw(s).
- r) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.

#### 4. Preparation of Phased Development Agreements

If a Phased Development Agreement is required, it may be processed concurrently with a Zoning Bylaw Amendment application, and will be substantially processed with the following additional steps:

- a) The applicant will be required to work with [Staff-staff](#) to develop a Terms Sheet identifying the basic conditions to be outlined in the Phased Development Agreement. Such conditions include, but are not limited to, the lands affected and intent of the agreement, the term, amenities, features and phasing of the development. Other conditions may be required and will be determined on a site-specific basis.
- b) The applicant will submit the draft Terms Sheet to the Village who will refer it to applicable Village departments, government ministries, agencies, organizations and the Development Review Team.
- c) Staff will prepare a technical report to the Manager for consideration of the Terms Sheet. Once the basic conditions in the Terms Sheet have been agreed upon, the applicant will be directed to draft the Phased Development Agreement, at the applicant's expense, and submit the agreement to the Village.
- d) Staff will refer the draft Phased Development Agreement to all applicable Village departments, government ministries, agencies, organizations and may refer the draft Phased Development Agreement to a solicitor.

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- e) Staff will prepare a technical report for Council's consideration on the draft Phased Development Agreement, incorporating feedback received from the referral process, the community and any recommendations from Development Review Team (DRT).
- f) Notices of the amending bylaw(s) will be given advising of the date of the first reading of the bylaw in accordance with the *Local Government Act*.
- g) If Council wishes to proceed with the Phased Development Agreement, the Phased Development Agreement bylaw will be given first reading and second reading (including the placement of conditions, where appropriate). Council may alternatively decide to postpone or deny the application.
- h) Should the Phased Development Agreement Bylaw receive first and second readings and Council decides that a public hearing be held to permit the public to comment on the application pursuant to the *Local Government Act* and as per this bylaw, notice(s) of the amending bylaw(s) will be published in a newspaper pursuant to the *Local Government Act*.
- i) Following the close of the public hearing, Council may proceed with third reading of the amending bylaw (including the imposition of conditions), postpone or deny the application.
- j) Once the applicant has adequately addressed all of the conditions identified at third reading (if any), Council will consider adoption of the Phased Development Agreement bylaw(s).
- k) If a Phased Development Agreement is entered into, a Notice of Permit will be registered against the title of the property at the Land Title Office by [Staff](#).
- l) Amendments to an approved Phased Development Agreement may occur pursuant to the *Local Government Act*.

### **SCHEDULE 3 - COMPREHENSIVE DEVELOPMENT PLANS**

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

#### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

#### **2. Processing Procedure – PART A: Development of Terms of Reference for a Comprehensive Development Plan**

A request for the development of Terms of Reference for Comprehensive Development Plans submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposed Terms of Reference and application requirements for the Comprehensive Development Plan with [Staff-staff](#) prior to submitting a formal application to the Village. Staff may refer the request for a Terms of Reference to Council for direction on whether to pursue a Comprehensive Development Plan or an Area Plan. Where applicable, the Village may require collaboration/joint applications between adjoining landowners to ensure comprehensive development planning as per the OCP.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will return the application and request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, [Staff-staff](#) will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant Village bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- e) The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- f) Staff will notify affected residents of the applicant's request to undertake a Comprehensive Development Plan as per Section 68 of this bylaw.

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- g) The Manager will work with the applicant to prepare a draft Terms of Reference for the Comprehensive Development Plan.
- h) Staff will refer the draft Terms of Reference to applicable Village departments, Development Review Team (DRT), advisory committees, government ministries, agencies and organizations.
- i) Based on feedback received through the referral process, ~~Staff-staff~~ may meet with the applicant and/or send the applicant a letter(s) identifying any outstanding issues to be addressed in order to finalize the draft Terms of Reference.
- j) Staff will prepare a technical report for Council's consideration of the draft Terms of Reference, incorporating feedback received from the referral process and the community and any recommendations from the Development Review Team (DRT).
- k) Council will consider the technical report and may approve, approve with conditions, postpone or deny the draft Terms of Reference for the Comprehensive Development Plan.

**3. Processing Procedure – PART B: Submission of a Comprehensive Development Plan**

A Comprehensive Development Plan submitted in accordance with this bylaw will be substantially processed as follows:

- a) Once the Terms of Reference have been prepared and approved by Council, the applicant will commission a Qualified Professional to prepare the draft Comprehensive Development Plan in consultation with the Village and interested parties.
- b) The applicant will submit the draft plan in accordance with the authorized Terms of Reference.
- c) Staff will review the draft plan for compliance with the Terms of Reference, relevant Village bylaws and policies and may meet with the applicant to address any outstanding issues (as required). Staff may conduct a site visit as part of the evaluation process.
- d) Staff will refer the draft plan to all applicable Village departments, advisory committees, Development Review Team (DRT), advisory committees, government ministries, agencies, and organizations.
- e) The applicant may be required and is encouraged to arrange a public information meeting at the applicant's expense, per Section 79 of this bylaw,

to present the draft plan to the community and solicit feedback. The proposed format and timing for the session must be submitted to the Manager for approval a minimum of one-month prior to the consultation session. ~~The consultation may include a referral to the local neighbourhood association(s).~~

- f) If a public information meeting is conducted, the applicant will be required to submit a report summarizing the session, per this bylaw.
- g) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies;
  - (iii) Complete any required approvals; and
  - (iv) The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
- h) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, advisory committees, the community and any recommendations from the Development Review Team (DRT).
- i) The applicant is encouraged to attend the Council meeting at which the draft plan will be considered to listen to the proceedings.
- j) Council will receive the technical report, and Council may approve the Comprehensive Development Plan or approve the Comprehensive Development Plan with conditions. Council may alternatively decide to postpone or deny the application.
- k) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- l) If the Terms of Reference specify that the Comprehensive Development Plan be submitted or completed in distinct phases, the procedures outlined in this schedule will be repeated for each phase as applicable.

#### **4. Processing Procedure – PART C: Official Community Plan Amendment**

- a) Once Council has approved all phases of the Comprehensive Development

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Plan, ~~Staff~~ staff will bring forward an amendment to the Official Community Plan, in accordance with Schedule 2 of this bylaw, to ensure consistency with the Comprehensive Development Plan.

#### **SCHEDULE 4 - DEVELOPMENT PERMIT APPLICATIONS**

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

##### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

##### **2. Processing Procedure**

A Development Permit Application submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with [Staff-staff](#) prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, [Staff-staff](#) will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant Village bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- e) Staff will refer the application to all applicable Village departments, advisory committees, Development Review Team (DRT), government ministries, agencies and organizations.
- f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies;
  - (iii) Complete any required approvals; and

- (iv) The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
- g) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Team (DRT). If the Manager has delegated authority to review the Development Permit, the application and technical report will be referred to the Manager for consideration, otherwise the report will be prepared for Council's consideration.
- h) If authority has not been delegated, Council will receive the technical report, and if Council decides to proceed with the ~~development-Development permit-Permit~~ Permit applicationApplication, Council may authorize the issuance of the ~~development-Development permit-Permit~~ or authorize the issuance of the ~~development-Development permit-Permit~~ with conditions. Council may alternatively decide to postpone or deny the application. If the ~~development-Development permit-Permit application-Application~~ includes a request for a development variance(s), the request may be considered by ~~Staff-staff~~ or Council in conjunction with the ~~development-Development permit-Permit application-Application~~ pursuant to requirements of this bylaw and the *Local Government Act*. Additional fees will be required as per the Village of Cumberland Fees and Charges Bylaw as amended from time to time.
- i) The applicant will be notified of the decision regarding the application.
- j) If a Development Permit is granted, a Notice of Permit will be registered against the title of the property at the Land title Office by ~~Staffstaff~~.

## **SCHEDULE 5 – MINOR DEVELOPMENT VARIANCE PERMIT AND DEVELOPMENT VARIANCE PERMITS**

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

### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

### **2. Processing Procedure**

A Development Variance Permit ~~application~~ Application submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with ~~Staff~~ staff prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, ~~Staff~~ staff will open a file and issue a receipt to the applicant.
- d) Staff will mail or otherwise deliver notices to adjacent property owners as per as per requirements of this bylaw and the *Local Government Act*. If the Manager has delegated authority to review the Development Variance Permit no notice is required as per the *Local Government Act*; however, the Manager may require notification to be sent to adjacent property owners as per this bylaw.
- e) Staff will review the proposal for compliance with relevant Village bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- f) Staff may refer the application to the Development Review Team (DRT), all applicable Village departments, advisory committees, government ministries, agencies and organizations. Staff will determine whether the variance request is minor or needs to be referred to Council for a decision.
- g) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the

Development Review Team (DRT). If the application is deemed to be a Minor Development Variance Permit and the Manager has delegated authority to approve the Permit, the application and technical report will be referred to the Manager for consideration, otherwise the report will be prepared for Council's consideration.

- h) The Manager may authorize the issuance of a Minor Variance Permit or alternatively decide to deny the application or refer it back to [Staff](#) for further information or deem that the variance is not minor and refer the application to Council for a decision. If authority has not been delegated or the Manager denies the application, Council will receive the technical report, and if Council decides to proceed with the ~~development~~-Development ~~Variance permit~~-Permit application, Council may authorize the issuance of the ~~development~~-Development ~~Variance permit~~-Permit or authorize the issuance of the ~~development~~-Development ~~Variance permit~~-Permit with conditions. Council may alternatively decide to postpone or deny the application.
- i) If a variance is approved, a Notice of Permit will be registered against the title of the property at the Land title Office by [Staff](#).
- j) When a permit is to (re) considered by the Council, [Staff](#) will forward a technical memo, incorporating feedback received from the referral process, advisory committees, and the community.
- k) Council will receive the technical memo and may authorize the issuance of the Development Variance Permit or authorize the issuance of the Development Variance Permit with conditions. Council may alternatively decide to postpone or deny the application.
- l) If a Development Variance Permit is granted by Council, a Notice of Permit will be registered against the title of the property at the Land title Office by [Staff](#).

#### **SCHEDULE 6 - TEMPORARY USE PERMIT**

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

##### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

##### **2. Processing Procedure**

A Temporary Use Permit application submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with [Staff-staff](#) prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, [Staff-staff](#) will open a file and issue a receipt to the applicant.
- d) The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- e) Staff will review the proposal for compliance with relevant Village bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- f) Staff will refer the application to all applicable Village departments, advisory committees, Development Review Team (DRT), government ministries, agencies, and organizations.
- g) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies; and

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- (iii) Complete any required approvals.
- h) Staff will mail or otherwise deliver notices to adjacent property owners as per this bylaw and as per requirements of the *Local Government Act*. Notice will also be published in the newspaper pursuant to the *Local Government Act*.
- i) The applicant may be required and is encouraged to host a public information meeting at their own expense prior to the permit being considered by the Council. If required, the applicant is to conduct public information meeting in accordance with the requirements of this bylaw.
- j) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from the Development Review Team (DRT).
- k) Council will receive the technical report, and Council may grant the requested permit (including the imposition of conditions) or may postpone or deny the application.
- l) Once the minutes of the Council resolution have been prepared, the applicant will be notified on the outcome.
- m) If a Permit is granted by Council, a Notice of Permit will be registered against the title of the property at the Land title Office by [Staffstaff](#).

## **SCHEDULE 7 - FLOOD PLAIN EXEMPTIONS**

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

### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

### **2. Processing Procedure**

A Flood Plain Exemption Application submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with [Staff-staff](#) prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, [Staff-staff](#) will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant Village bylaws and policies and consistency with provincial guidelines. Staff may meet with the applicant as required and may conduct a site visit(s) as part of the evaluation process.
- e) Staff will refer the application to all applicable Village departments, advisory committees, Development Review Team (DRT), government ministries, agencies and organizations.
- f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies; and
  - (iii) Complete any required approvals.

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- g) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process.
- h) Council will receive the technical report, and Council may grant the requested floodplain exemption, may grant the floodplain exemption with terms or conditions, or may postpone or deny the application.
- i) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- j) If an exemption is granted, a covenant under the *Land Title Act* will be prepared at the expense of the applicant and will be registered against the title of the subject property at the Land Title Office.

**SCHEDULE 8 – A REFERRAL FOR A LIQUOR LICENSE AND CANNABIS LICENSE  
UNDER THE LIQUOR AND CANNABIS REGULATION BRANCH  
(LCRB)**

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

**1. Application Requirements**

- a) Applicants must review the Liquor and Cannabis Regulation Branch (LCRB) requirements prior to submitting a Liquor License or a Cannabis License application to the Village. The LCRB specifies application requirements and when local governments are required to comment on liquor license applications.
- b) Application requirements are specified in the Village of Cumberland Development Application Form.

**2. Processing Procedure for Liquor Licenses and Cannabis Licenses**

A Liquor License Application submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with ~~Staff~~staff prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of an application submitted in accordance with the requirements of this bylaw, ~~Staff~~staff will open a file and issue a receipt to the applicant. Applicants are required to demonstrate proof of application to the LCRB prior to municipal consideration. The LCRB may forward a summary report to the Village prior to the Village's review of the application.
- d) Staff will review the proposal for compliance with relevant Village bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- e) Staff may refer the application to all applicable Village departments and Development Review Team (DRT).
- f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify recommended conditions/requirements

which will be sent to the applicant.

- g) In order to obtain public input, the Village may, in accordance with the *Liquor Control and Licensing Act* and the *Cannabis Control and Licensing Act*:
  - (i) Advertise the proposal in one edition of a local newspaper to solicit written comments on the application from the public. Such comments shall be submitted in writing to the Manager within fourteen (14) days of the publication of the notice.
  - (ii) Send notifications to adjacent property owners in accordance with this bylaw.
- h) If a Council resolution is required as per the LCRB, staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community, and any recommendations from the Development Review Team (DRT) and in accordance with the criteria local governments must consider as per guidelines specified by the LCRB.
- i) If a Council resolution is required as per the LCRB, Council will receive the technical report, and Council will make a recommendation to the LCRB by passing a resolution to either approve-support or deny-not support the application.
- j) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome. Staff will forward the Council resolution to the LCRB for their final review and approval.
- k) If a Council resolution is not required per the LCRB, the Manager will review the application and any feedback received from the review and provide a recommendation to the LCRB for their review and final approval.

## **SCHEDULE 9 – HERITAGE ALTERATION PERMITS**

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

### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

### **2. Processing Procedure**

A Heritage Alteration Permit Application submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with [Staff-staff](#) prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of an application submitted in accordance with the requirements of this bylaw, [Staff-staff](#) will open a file and issue a receipt to the applicant.
- d) The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- e) Staff will review the proposal for compliance with relevant Village bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- f) Staff may refer the application to all applicable Village departments, advisory committees, Development Review Team (DRT), government ministries, agencies and organizations.
- g) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies; and

- (iii) Complete any required approvals.
- h) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Team (DRT). If the application is deemed to meet the conditions where the Manager has delegated authority to approve the Permit, the application and technical report will be referred to the Manager for consideration otherwise the report will be prepared for Council's consideration.
- i) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Heritage Advisory Commission. If the application is deemed to meet the criteria of a delegated Heritage Alteration Permit application, the application and technical report will be referred to the Manager for consideration otherwise the report will be prepared for Council's consideration.
- j) The Manager/Council may authorize the issuance of a ~~Permit~~ permit or alternatively decide to deny the application or refer it back to ~~Staff~~ staff for further information or if requested by the applicant, refer the application to Council for consideration. If authority has not been delegated or the Manager denies the application, Council will receive the technical report, and if Council decides to proceed with the ~~heritage~~ Heritage alteration Alteration permit Permit applicationApplication, Council may authorize the issuance of the permit or authorize the issuance of the permit with conditions. Council may alternatively decide to postpone or deny the application.
- k) Council will receive the technical report and may authorize the issuance of the Heritage Alteration Permit or authorize the issuance of the Heritage Alteration Permit with conditions. Council may alternatively decide to postpone or deny the application.
- l) If authorized for issuance, staff will prepare the required Heritage Alteration Permit and related schedules for signature and obtain the required security, pursuant to the *Local Government Act* and this Bylaw.

**SCHEDULE 10 – SECTION 219 COVENANT AND/OR STATUTORY RIGHT OF WAY  
AMENDMENTS**

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

**1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

**2. Processing Procedure**

An application to amend a Section 219 Covenant or statutory right of way submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposed amendment and application requirements with [Staff-staff](#) prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, [Staff-staff](#) will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant Village bylaws and policies and consistency with provincial guidelines. Staff may meet with the applicant as required and may conduct a site visit(s) as part of the evaluation process.
- e) Staff will refer the application to all applicable Village departments, advisory committees, Development Review Team (DRT), government ministries, agencies and organizations.
- f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies; and

- (iii) Complete any required approvals.
- g) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations. If the application is deemed to meet the criteria of delegated authority, the amendment request and technical report will be referred to the Manager for consideration otherwise the report will be prepared for Council's consideration.
- h) Council/Manager will receive the technical report, and Council/Manager may approve the request, may approve the requested amendment with terms or conditions, or may postpone or deny the application.
- i) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- j) If proposed amendment is approved, an amended covenant or statutory right of way under the *Land Title Act* or request to discharge will be prepared at the expense of the applicant and will be registered against the title of the subject property at the Land Title Office.

#### **SCHEDULE 11 – MANUFACTURED HOME PARK PERMITS**

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

##### **1. Application Requirements**

Application requirements are specified in the Village of Cumberland Development Application Form.

##### **2. Processing Procedure**

A Manufactured Home Park Permit submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with [Staff-staff](#) prior to submitting a formal application to the Village.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of an application submitted in accordance with the requirements of this bylaw, [Staff-staff](#) will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant Village bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- e) Staff may refer the application to all applicable Village departments, advisory committees, Development Review Team (DRT), government ministries, agencies, and organizations.
- f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies; and
  - (iii) Complete any required approvals.
- g) Staff will prepare a technical report for consideration, incorporating feedback

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received from the referral process, community, and any recommendations from the Development Review Team (DRT).

- h) Staff will mail or otherwise deliver notices to adjacent property owners as per this bylaw.
- i) Council may authorize the issuance of a [Permit-permit](#) or alternatively decide to deny the application or refer it back to [Staff-staff](#) for further information or if requested by the applicant, refer the application to Council for consideration.
- j) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- k) If authorized for issuance, staff will prepare the required Manufactured Home Park Permit and related schedules for signature and obtain the required security, pursuant to the *Local Government Act* and this bylaw.

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND**

**BYLAW NO. 1193**

**A bylaw to authorize a Housing Agreement  
under section 483 of the *Local Government Act*.**

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

1. This bylaw may be cited as “Housing Agreement (3345 Second Street) Bylaw No. 1193, 2023.”
2. The Mayor and the Village’s Chief Administrative Officer are authorized to execute the Housing Agreement:
  - (a) set out in Schedule A to this bylaw,
  - (b) between the Village, the Vancouver Island Health Authority, and the Comox Valley Transition Society, and
  - (c) that applies to the land known as 3345 Second Street, legally described as:

PID: 031-335-284 Lot A, District Lot 24, Nelson District, Plan EPP103460

<b>READ A FIRST TIME THIS</b>	<b>8<sup>TH</sup></b>	<b>DAY OF</b>	<b>MAY</b>	<b>2023.</b>
<b>READ A SECOND TIME THIS</b>	<b>8<sup>TH</sup></b>	<b>DAY OF</b>	<b>MAY</b>	<b>2023.</b>
<b>READ A THIRD TIME THIS</b>	<b>8<sup>TH</sup></b>	<b>DAY OF</b>	<b>MAY</b>	<b>2023.</b>
<b>ADOPTED THIS</b>	<b>_____</b>	<b>DAY OF</b>	<b>_____</b>	<b>2023.</b>

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

**SCHEDULE A  
HOUSING AGREEMENT**

**HOUSING AGREEMENT AND SECTION 219 COVENANT**

**WHEREAS**

- A. Under section 483 of the *Local Government Act*, a local government may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*;
- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of a local government in respect of the use of land or construction on land;
- C. The Vancouver Island Health Authority ("**VIHA**") is the registered owner in fee simple of the Land as defined in this Agreement, and is the initial "**Transferor**";
- D. VIHA intends to lease the Land to the Village so that the Village of Cumberland ("**Village**") can sub-lease the Land to a Housing Society for the purposes of constructing a residential housing development that includes housing units provided at subsidized rents, with up to four (4) market rental units for purposes of VIHA employee housing;
- E. The Village, as local government, is the initial "**Transferee**", and may also become the "**Transferor**", per their interest in registered leasehold, should the Village and VIHA agree to modify this Agreement to apply to the leasehold interest only. As the Housing Society would be operating the housing development, they are also a party to this agreement, and the parties are agreed that the practical operating and reporting requirements would be their obligations to report to the Village and VIHA;
- F. The Parties wish to enter into this Agreement as a housing agreement pursuant to section 483 of the *Local Government Act*, and a covenant under Section 219 of the *Land Title Act* to secure the agreement that certain Dwelling Units to be constructed on the Land shall be used to provide housing at subsidized rents.

**NOW THIS AGREEMENT WITNESSES** that pursuant to section 483 of the *Local Government Act* and section 219 of the *Land Title Act*, and in consideration of the premises and covenants contained in this Agreement, the parties agree each with the other as follows:

**1.0 Definitions**

**1.1** Unless otherwise stated, the definitions of the Village of Cumberland Zoning Bylaw (firstly) and Official Community Plan (secondly), as amended and replaced from time to time, apply to this Housing Agreement and Covenant.

**1.2** In this Agreement

- (a) "**Affordable Housing Funder**" means an entity such as BC Housing or Canada Mortgage and Housing Corporation, that provides a grant or preferential rate loan to support the development of Affordable Housing

Units on the Land;

- (b) **"Affordable Near Market Rental Unit"** means a unit on the Land where the rental price is linked to market conditions in Cumberland or the Courtenay/Comox region and the rental rate is approved by an Affordable Housing Funder;
- (c) **"Affordable Rental Unit"** means a unit on the land where the rental price must be less than 80% of the Median Market Rent as defined by Canada Mortgage and Housing Corporation;
- (d) **"Agreement"** means this agreement, including its recitals;
- (e) **"Dwelling Unit"** means either a studio, one bedroom, two bedroom, three bedroom, or four bedroom residential unit that is to be used by occupants as a primary residence;
- (f) **"Final Occupancy Date"** means the date upon which the entirety of the New Building has been approved for occupancy by the building inspector for the Village of Cumberland;
- (g) **"Land"** means those parcels of land legally described as:
  - a. Lot A, District Lot 24, Nelson District, Plan EPP103460;
- (h) **"Median Market Rent"** means the median monthly rents by unit type as determined in the annual fall survey of rents for the prior calendar year published by the Canada Mortgage and Housing Corporation;
- (i) **"New Building"** means the residential building to be constructed on the Land, or any multi-unit residential or mixed use building constructed on the Land;
- (j) **"Subdivision" or "Subdivide"** means the division of land into two (2) or more parcels whether by plan, apt descriptive words or otherwise, and includes subdivision under the *Strata Property Act*, SBC 1998, Chapter 43 and the creation, conversion, organization or development of "cooperative units" or "shared interests in land" as defined in the *Real Estate Development Marketing Act*, SBC 2002, Chapter 41;
- (k) **"Tenancy Agreement"** means an agreement between the Transferor or its agent and a tenant with respect to the possession and occupation of a Dwelling Unit in the New Building;
- (l) **"Transferor"** includes a person which acquires an interest in the Land, or any part of it and is thereby bound by this Agreement.

## 2.0 Housing Agreement

- 2.1 The parties covenant and agree that, for a period of fifty (50) years (or 60 years if the Affordable Housing Funder is BC Housing) commencing on the Final Occupancy Date that:

(a) Rents for at least 30% of the units must be at less than 80% of the Median Market Rent,

(b) The average rental price in the New Building must be less than 80% of the Median Market Rent, and

(c) The average rental price in the New Building may be achieved through a combination of Affordable Near Market Rental Units and Affordable Rental Units provided the proposed unit mix complies with sections 2.1(a) and 2.1(b).

**2.2 VIHA Staff Housing:**

(a) Up to four (4) Dwelling Units that are market rental units must be reserved for VIHA for use as housing of VIHA employees employed in Cumberland. For certainty, the requirement to be employed in Cumberland only applies at initial tenancy, and a VIHA employee is not, by this Agreement, required to cease tenancy if transferred elsewhere.

(b) VIHA may make those units available to the Housing Society, but agrees to be responsible for market rents when not available to the Housing Society, whether the units are occupied or not.

(c) VIHA agrees that it shall not use these units, in a manner that jeopardizes senior government funding of the proposed development.

**3.0 219 Covenant**

3.1 The Land shall not be used, or built upon or subdivided except in strict accordance with this Agreement.

3.2 The Transferor covenants and agrees not to make any application to deposit a subdivision plan, strata plan, or any other plan if depositing the plan would result in the New Building or the Dwelling Units in the New Building being subdivided.

3.3 The Lands shall not be used or built upon for residential purposes unless such residential use or construction is in accordance with Article 2.0 of this Agreement.

**4.0 Reporting**

4.1 The Housing Society covenants and agrees to provide to the Village no later than March 1 of each year following the execution of this Agreement and no later than March 1 of each following year up to and including fifty (50) years (60 years if the Affordable Housing Funder is BC Housing) following the Final Occupancy Date, a report in writing confirming compliance with the provisions of this Agreement including without limitation article 2.0 and section 3.3.

4.2 The parties acknowledge that the Village will not impose reporting requirements more than once per calendar year, unless there are reasonable grounds to believe that there may be a breach, in fact or in spirit, of this Housing Agreement (as determined at the Village's sole discretion, for the purposes of reporting).

4.3 For greater certainty, the Housing Society is not required to provide a Statutory Declaration and accompanying report unless the Village so requests, but when

the Village requests a report the Village may request the information for the year in which such report is requested and for previous years not previously reported.

**4.4** The parties agree that VIHA has no reporting obligations under this Agreement.

## **5.0 Notice to be Registered in Land Title Office**

**5.1** Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the Village in accordance with section 483(5) of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Land after registration of the Notice.

**5.2** Further, the restrictions and covenants herein contained shall be covenants running with the Land and shall be perpetual, and shall continue to bind all of the Land when subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the Transferee as a first charge against the Land.

**5.3** The parties intend this Agreement to be perpetual, however if, after fifty (50) years (60 years if the Affordable Housing Funder is BC Housing) following the Final Occupancy Date, all residential uses of the Lands cease, and the building is either destroyed, demolished, converted to other use or no longer suitable for residential purposes, then VIHA may require the Village to execute and deliver a release in registrable form of this Agreement.

**5.4** Provided the proposed lease between VIHA and the Village adequately secures the Village's control of the Land for purposes of the proposed development, VIHA may require the release of this Agreement from the fee simple, for registration only against the Village's leasehold interest, if permitted by law.

**5.5** The parties agree that this Agreement may be amended in writing without further public hearing.

## **6.0 General Provisions**

### **6.1 Notice**

If sent as follows, notice under this Agreement is considered to be received seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and on the date of delivery if hand-delivered, to the Transferee:

Village of Cumberland  
2673 Dunsmuir Avenue  
Cumberland, BC V0R 1S0  
Attention: Corporate Officer

to the Transferor:  
Vancouver Island Health Authority  
1952 Bay Street  
Victoria, BC V8R 1J8  
Attention: Capital Planning & Leasing

to the Housing Society:  
Comox Valley Transition Society  
625 England Avenue  
Courtenay, BC V9N 2N5  
Attention: Heather Ney, Executive Director

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail service or facsimile service is interrupted by strike, work slow-down, force majeure, or other cause,

- (a) notice sent by the impaired service is considered to be received on the date of actual receipt, and
- (b) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand delivering the notice.

#### Time

6.2 Time is of the essence of this Agreement.

#### Binding Effect

6.3 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees.

#### Equitable Remedies

6.4 The Transferor acknowledges and agrees that damages would be an inadequate remedy for the Transferee for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

#### Waiver

6.5 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

7.6 The enforcement of this Agreement shall be entirely within the discretion of the Transferee and the execution and registration of the Agreement against title to the Land shall not be interpreted as creating any duty on the part of the Transferee to the Transferor or to any other person to enforce any provision of the breach of any provision of this Agreement.

Headings

- 7.7 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

Language

- 7.8 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

Cumulative Remedies

- 7.9 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

Entire Agreement

- 7.10 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

No Derogation from Statutory Authority

- 7.11 Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the Transferee all of which powers may be exercised by the Transferee from time to time and at any time to the fullest extent that the Transferee is enabled and no permissive bylaw enacted by the Transferee, or permit, licence or approval granted, made or issued thereunder shall estop, limit, or impair the Transferee from relying upon and enforcing this Agreement;
  - (b) impose any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Housing Agreement & Covenant or the breach of any provision in this Housing Agreement & Covenant;
  - (c) impose any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, on the Village with respect to its exercise of any right or remedy expressly provided in this Housing Agreement & Covenant or at law or in equity; or
  - (d) relieve the Transferor from complying with any enactment, including the Transferee's bylaws, or any obligation of the Transferor under any other agreement with the Transferee.

Further Assurances

- 7.12 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

Amendment

**7.13** This Agreement may be amended from time to time upon terms and conditions acceptable to the parties.

Law Applicable

**7.14** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

Priority

**7.15** At the Transferor's expense, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Lands.

**IN WITNESS WHEREOF** the parties ~~convened~~ ~~and~~ ~~agree~~ as of the date of registration of this Agreement:

**VILLAGE OF CUMBERLAND**, by its authorized signatory(ies):

Name: \_\_\_\_\_

Name: \_\_\_\_\_

**VANCOUVER ISLAND HEALTH AUTHORITY**, by its authorized signatory(ies):

Name: \_\_\_\_\_

Name: \_\_\_\_\_

**COMOX VALLEY TRANSITION SOCIETY**, by its authorized signatory(ies):

Name: \_\_\_\_\_

Name: \_\_\_\_\_