

The Corporation of the Village of Cumberland
Regular Council Meeting Agenda

Monday, July 10, 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](#)

Pages

1. Call To Order

2. Agenda

2.1 Agenda for Regular Council Meeting, July 10, 2023

Recommendation:

THAT Council approve the agenda for the July 10, 2023 regular Council Meeting.

3. Minutes

3.1 Adoption of Minutes

5

Recommendation:

THAT Council adopt the following minutes:

- Committee of the Whole Meeting, June 26, 2023
- Regular Council Meeting, June 26, 2023

THAT Council receive the following draft Committee minutes:

- Advisory Planning Commission, June 8, 2023

4. Delegations

5. Correspondence

5.1 Installation of a Climbing Boulder
Piotr Lutynski

18

Recommendation:

THAT Council refer the Climbing Boulder proposal to staff for follow up with the project proponents, and report back to Council with more information.

5.2 Flag Raising for Pride in Cumberland
Pride Society of the Comox Valley

21

Recommendation:

THAT Council receive the request from the Pride Society of the Comox Valley and request staff to raise the Progress Pride Flag as soon as available.

- 5.3 Fungus Fest and National Day of Truth and Reconciliation Requests
Cumberland Community Forest Society 23

Recommendation:

THAT Council fund the staff costs from Council's public relations budget for the Saturday rental quoted at \$896.16 for Fungus Fest and National Day of Truth and Reconciliation produced by the Cumberland Community Forest Society.

6. Unfinished Business

7. Reports

- 7.1 Development Permit, Bevan Road (PIDs 006-688-527 and 006-689-361)
Prepared by Courtney Simpson, Manager of Development Services 24

Recommendation:

THAT Council approve the development permit for the purpose of a 2-lot subdivision of the lots legally described as SECTION 34 TOWNSHIP 10 COMOX DISTRICT PLAN 552H EXCEPT THOSE PARTS SHOWN OUTLINED IN RED ON PLAN 21 RW AND IN PLANS VIP55123 VIP69987 EPP93477, EPP111856 AND EPP127706; and THAT PART OF SECTION 34, TOWNSHIP 10, COMOX DISTRICT, PLAN 552H INCLUDED IN PLAN 21 RW EXCEPT PART IN PLAN VIP69987 AND EPP111856.

- 7.2 Funding for the Cumberland Community Schools Society Food Share
Program 30
Prepared by Annie Bérard, Chief Financial Officer

Recommendation:

THAT Council direct staff to prepare a conditional two year grant funding agreement with the Cumberland Community Schools Society to support their Food Share Program in the amount of \$10,000 per year, for 2023 and 2024, for a total of \$20,000, funded from the Host Amenity Funds Reserve.

- 7.3 Volunteer Firefighter Remuneration Policy Amendment 39
Prepared by Annie Bérard, Chief Financial Officer

Recommendation:

THAT Council approve the amendments to the Volunteer Firefighter Remuneration Policy 7.3 to increase compensation for volunteer firefighters for practice and emergency callouts.

- 7.4 Purchase of House on 3249 First Street 47
Prepared by Michelle Mason, Chief Administrative Officer

Recommendation:

THAT Council direct staff to engage a property management company to manage the rental of the house on 3249 First Street on behalf of the Village of Cumberland, and;

THAT Council approve staff to explore the opportunity of renting either the main house or the studio suite at market rate to the Planner 1 candidate.

7.5 Council June 2023 Monthly Reports 50

Recommendation:

THAT Council receive the monthly reports from Mayor and Council for June 2023.

8. Bylaws

8.1 OCP and Zoning Amendment Bylaws, 3345 Second Street 58
Prepared by Karin Albert, Senior Planner

Recommendation:

1. THAT Council adopt Official Community Plan Amendment Bylaw No. 1136, 2023.
2. THAT Council adopt Zoning Amendment Bylaw No. 1137, 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. Check cumberland.ca/meetings to confirm meetings.

- Advisory Planning Commission 4:00 pm, July 13, Council Chambers
- Accessibility and Inclusion Select Committee 3:00 pm, July 17, Council Chambers
- Board of Variance 11:30 am, July 19, Council Chambers
- Heritage Committee 4pm July 20, Council Chambers

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 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:

(d) the security of the property of the municipality;

2 (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;

13. Adjournment

Recommendation:

THAT Council adjourn the meeting.

**The Corporation of the Village of Cumberland
Advisory Planning Commission Minutes**

**June 8, 2023 at 4:00 p.m.
Council Chamber, 2675 Dunsmuir Avenue**



Members Present:

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

Regrets:

Nick Ward

Staff Present:

Karin Albert, Senior Planner

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

1. Agenda

Moved by: Mathieu
Seconded by: Bowman

THAT the APC approve the Agenda for June 8, 2023 as presented.

Carried Unanimously

2. Minutes

Moved by: Ross
Seconded by: Mathieu

THAT the APC adopt the minutes of May 25, 2023.

Carried Unanimously

3. Unfinished Business - NONE

4. New Business - Referrals from Council

4.1 Staff report - Tree Protection Bylaw

Moved by: Ross
Seconded by: Camp

That the APC receive the staff report titled 2023 Tree Protection Bylaw.

Carried Unanimously

DISCUSSION

- Questions raised about trees as wildfire fuel. APC suggestion to consult Fire Chief Mike Williamson.
- It is recommended that the Komoks First Nation also be asked for their input on this topic.
- It would be interesting for canopy cover data at the lot or neighbourhood scale to be available to the Village and APC. The Urban Forest Management Plan only has canopy cover data for the entire Village, for developed and undeveloped areas.
- How was the 30% canopy cover target ascertained? Metro Vancouver has a current canopy cover of 32% with a goal of 40%, the Village goal seems low for a rural community.
 - Staff explained that the amount of mature trees in an urban area affects a municipality's goal. Metro Vancouver may have more mature trees than the Village and therefore has set a higher canopy cover target to seek to achieve.

1. Does the APC support the Village implementing a tree protection bylaw?

DISCUSSION

- Concerns around the timing of the development and implementation of the Tree Protection Bylaw as the Village is currently undergoing an OCP review, plus the Climate Action Plan which may inform the content of the Tree Protection Bylaw.

Moved by: Bowman

Seconded by: Camp

That the APC support the Village implementing a tree protection bylaw.

Carried Unanimously

2. What private properties should be regulated under the Tree Protection Bylaw?

Options provided:

- All properties
- Only properties that have few or no trees (i.e., properties that have less than a targeted number of trees per hectare)
- Only large, forested properties
- Only properties undergoing subdivision or development (i.e., trees would not be protected until an application for development is made)
- Other (specify)

Moved by: Camp

Seconded by: Ross

That the APC recommend that all properties be regulated under the Tree Protection Bylaw.

Carried

Moved by: Mathieu

Seconded by: None

That the APC recommend that only large forested properties and properties undergoing subdivision or development be regulated under the Tree Protection Bylaw.

No seconder, defeated

3. How large should a tree be before it is regulated on private property?

Options provided:

- Small (e.g., < 20 cm diameter)
- Medium (e.g., ≥ 20 cm diameter)
- Large (i.e., mature trees, e.g., ≥ 60 cm diameter)

DISCUSSION

- This question could be species dependent
- Stands of trees could be protected instead of individual trees
- Maybe another way to consider this question is by regarding canopy cover percentage of a lot instead of individual tree/trees.
- If canopy cover is used then any combination of tree size could be used to meet the onsite tree density requirement to achieve canopy goals based on lot size and zoning.
- A system of 'planting, or preserving, or paying (into a fund for trees to be planted elsewhere)' could be considered as methods to address tree canopy goals.

Moved by: Burdett

Seconded by: Bowman

That the APC recommend a tree density requirement or canopy cover density requirement based on lot size, zoning or land use. Any combination of size or species could be used to meet the onsite tree density requirement.

Carried

4. In some communities, certain types of trees of high significance are given greater protection than others. Which of these examples do you feel should have a greater level of protection?

Options provided:

- Very large mature trees (e.g., ≥60 cm diameter)
- Trees individually nominated to a significant tree registry

- Native species of importance
- Other (specify)

DISCUSSION

- Trees located on sensitive habitat should also be considered.
- Any trees planted with public tree funds should be considered.
- The APC felt that the options provided didn't align well with the concept of using tree density and canopy cover as recommended under item 4.4 above.

Moved by: Camp

Seconded by: Ross

That the APC recommend that all trees located within the Village be regulated under the Tree Protection Bylaw

Carried

5. Should replacement trees be planted for every tree removed?

Options provided:

- Always, for all tree removals
- Sometimes, only for properties that have few trees left
- Sometimes, only when the trees removed are very large or important to the community
- Never, no replacement trees should be required

DISCUSSION

- What if the property is not conducive to growing trees and trees should not be replaced or extra trees planted?
- There should be consideration for allowing removal of hazardous trees and other common exemptions.
- Replacement of tree canopy percentage, or replanting to ensure a minimum tree density for the overall lot should be considered instead of number of trees.
- no motion for this question as next question includes this consideration

6. How many replacement trees do you think property owners should be required to plant for every tree that is removed on their property?

Options provided:

- None
- One replacement tree
- Two replacement trees
- More than two replacement trees. Please specify the number:

Moved by: Burdett

Seconded by: Bowman

That the APC recommends replacement or payment for every tree removed based on onsite tree density requirements.

Carried

7. Tree bylaws require staff time to implement and typically charge fees for tree permits that can cover some of the implementation costs. If Cumberland had a Tree Protection Bylaw, how should it be funded?

Options provided:

- Through general revenue (i.e., property taxes)
- By the permit fees
- A combination of both

DISCUSSION

- Is a tree removal permitting process the most cost effective way to achieve the goal of increased canopy cover?
- Could other incentives be considered?
- Desire for any direct costs incurred related to protecting trees on development sites be borne entirely by the developer.

Moved by: Ross

Seconded by: Mathieu

That the APC recommend that the Village fund the Tree Protection Bylaw with a combination of general revenue plus permit fees.

Carried

Additional discussion:

- Would this bylaw be significantly impacted by changes made to the OCP?
- An incentivisation approach vs. punitive approach could be considered.

4.2 OCP Review - Staff report - Growing Together - Official Community Plan Review and Appendix 1,2,3

Moved by: Camp

Seconded by: Mathieu

That the APC receive the draft engagement summary report of the May 24, Plan Your Community Street Event and Appendices 1,2,3.

Carried Unanimously

5. Next Meeting

The next APC meeting is Thursday, July 13, 2023 at 4:00 pm.

6. Adjournment

Moved by: Bowman

That the meeting adjourn at 5:56 p.m.

DRAFT

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



**June 26, 2023, 2:00 p.m.
Council Chamber, 2675 Dunsmuir Avenue**

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

Staff Present: Michelle Mason, Chief Administrative Officer
Rachel Parker, Corporate Officer
Courtney Simpson, Manager of Development Services
Annie Berard, Chief Financial Officer

1. Call to Order

Mayor Brown called the meeting to order at 2:00 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 Committee of the Whole meeting, June 26, 2023

Motion 23-COTW

Moved by: Borecky

Seconded by: Sullivan

THAT the Committee approve the Agenda for the June 26, 2023 Committee of the Whole Meeting.

Carried Unanimously

3. Delegations

None

4. Reports

4.1 Permissive Tax Exemption Policy

Discussion took place on financial impact of exemptions. It was noted that the proposed policy would exempt only improvements and as such would only apply to improvements. For part non-market and market housing combined, could only apply to non-market portion of improvements, which could determine what affordable housing means.

Ms. Berard reviewed an application process that would include presentation of proposed exemptions annually to Council on a case by case basis. Draft policy does not include distinction of whether market/non-market, but for consideration on case by case basis and council would have discretion to exempt the entire improvement.

Discussion on example, apply in summer, then in October Council to determine amount of exemption or partial exemption, percentage of units that receive exemption, and which units exempt.

Councillor Ketler arrived at 2:15 p.m.

Motion 23-COTW

Moved by: Sullivan

Seconded by: Therrien

THAT the Committee recommend Council to direct staff to amend the Permissive Tax Exemption Policy to include an exemption on the assessed improvement value of qualifying affordable rental housing properties.

Carried Unanimously

5. **Question Period**

None received

6. **Closed Portion**

Motion 23-COTW

Moved by: Therrien

Seconded by: Ketler

THAT Council close the meeting to the public at 2:20 p.m. pursuant to Section 90 of the *Community Charter* to consider:

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

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

(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*];

(2) (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;

Carried Unanimously

7. Adjournment

Motion 23-COTW

Moved by: Borecky

Seconded by: Sullivan

THAT the Committee of the Whole meeting adjourn at 4:20 p.m.

Carried Unanimously

Mayor

Certified Correct by Corporate Officer

The Corporation of the Village of Cumberland
Regular Council Meeting Minutes



June 26, 2023, 5:30 p.m.
Council Chamber, 2675 Dunsmuir Avenue

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

Staff Present: Michelle Mason, Chief Administrative Officer
Rachel Parker, Corporate Officer
Annie Berard, Chief Financial Officer
Mike Williamson, Manager of Protective Services

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, June 26, 2023

Motion 23-147

Moved by: Borecky

Seconded by: Sullivan

THAT Council approve the agenda for the June 26, 2023 Regular Council Meeting.

Carried Unanimously

3. Minutes

3.1 Adoption of Minutes

Motion 23-148

Moved by: Sullivan

Seconded by: Ketler

THAT Council adopt the following minutes:

- Village Hall, June 5, 2023
- Regular Council Meeting, June 12, 2023

Carried Unanimously

4. Delegations

4.1 Mosaic Forest Management

Motion 23-149

Moved by: Borecky

Seconded by: Therrien

THAT Council receive the delegation from Mosaic Forest Management regarding updates on community and operational activities in the Cumberland region.

Carried Unanimously

5. Unfinished Business

5.1 Cumberland Community Schools Society - Food Share program

Motion 23-150

Moved by: Therrien

Seconded by: Borecky

THAT Council direct staff to prepare a report to provide conditional bridge funding grant to the Cumberland Community School Society for the food share program.

Carried Unanimously

6. Correspondence

6.1 Comox Valley Early Years Collaborative

Motion 23-151

Moved by: Ketler

Seconded by: Sullivan

THAT Council appoint Councillor Therrien as a non-voting liaison, and Councillor Borecky as alternate, to the Comox Valley Early Years Collaborative.

Carried Unanimously

7. Reports

7.1 Comox Valley Emergency Program Extended Service

Motion 23-152

Moved by: Sullivan

Seconded by: Borecky

THAT the Village of Cumberland consent to the adoption of the Comox Valley Regional District Bylaw No. 766 being "Comox Valley Emergency Program Extended Service Establishment Bylaw, 1991, Amendment No. 4" under section 346 of the *Local Government Act*.

Carried Unanimously

7.2 2022 Annual Report

Motion 23-153

Moved by: Borecky

Seconded by: Sullivan

THAT Council receive the 2022 Annual Report and receive any submissions and questions from the public.

Carried Unanimously

8. Bylaws

None

9. New Business

None

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. Check cumberland.ca for updates.

- Homelessness and Affordable Housing Committee rescheduled to June 28, 2023 at 9:00 am in Council Chambers

11. Question Period

None received

12. Closed Portion

Motion 23-154

Moved by: Sullivan

Seconded by: Ketler

THAT Council close the meeting to the public at 6:20 p.m. pursuant to Section 90 of the *Community Charter* to consider:

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

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

(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];

Carried Unanimously

13. Adjournment

Motion 23-155

Moved by: Brown

Seconded by: Therrien

THAT Council adjourn the meeting at 7:03 p.m.

Carried Unanimously

Mayor

Certified Correct by Corporate Officer

Subject: FW: Mayor and Council
Attachments: Installation of a Climbing Boulder in the Village of Cumberland_June_16_2023.pdf

From: Piotr Lutynski [REDACTED] >
Sent: Friday, June 16, 2023 1:25 PM
To: Village of Cumberland <info@cumberland.ca>; Vickey Brown <mayor.brown@cumberland.ca>; Jesse Ketler <councillor.ketler@cumberland.ca>; Sean Sullivan <Councillor.sullivan@cumberland.ca>; Troy Therrien <councillor.therrien@cumberland.ca>; Neil Borecky <councillor.borecky@cumberland.ca>
Cc: Jan Neuspiel [REDACTED] >; Julian Blackhall [REDACTED] >; Tom Bailey <[REDACTED]>
Subject: Mayor and Council

Dear Mayor and Council of the Village of Cumberland, B.C.,
Please see the attached request to include in your legislative meeting agenda our proposal for the installation of a Climbing Boulder in the village.
Regards,
Piotr

To: Village Council of Cumberland, B.C.
From: Julian Blackhall, Tom Bailey, Jan Neuspiel, Piotr Lutynski, and over 200 other supporters of this proposed project
Subject: Installation of a Climbing Boulder in the Village of Cumberland, B.C.

We would like to request the Village of Cumberland to include into their legislative meeting agenda our proposal for the installation of a Climbing Boulder in our Village of Cumberland.

- **We ask the Council of the Village of Cumberland to approve our proposal and to indicate a possible location (and/or alternative location) for this project. The majority of supporters suggest Mine Park #6.**
- **We are not asking the Village for any funding. When this project is approved and a location is selected, we will start organizing all of the needed funds to make it happen ASAP. All we request of the village is a 24' by 28' area to put this installation.**

The climbing boulder we suggest is made by Rock Craft (www.rockcraft.net) and comes with a 15-year warranty. Rock Craft will deliver it free of charge and we will have to install it according to provided instructions. The boulder should be surrounded by a safety zone (also outlined by Rock Craft) that is covered with wood/cedar chips for soft landing (the same as around swings and teetertotters in any playground). The total area needed for installation and the safety zone around the boulder is 24' by 28'. We propose the model "Chief" for Cumberland (Fig. 3) that can serve children from age 5 to adults.



Fig. 3. Suggested Climbing Boulder for Cumberland

Rockcraft Designs climbing boulders have been certified by the International Playground Equipment Manufacturers Association (IPEMA).



The boulder can be produced within 2 to 3 months, and installation requires a minimum space 24 by 28 feet that includes a safety zone. The majority of supporters suggest Mine Park #6 for this installation.

In our many years of climbing and working as rock and ice climbing instructors, we address safety as the most important and support the physical education and exercise that climbing offers. The athletic side of this sport (now an Olympic sport) is only one aspect of it. Climbing creates great friendships that can last for life and teaches practical skills, team work, rope work, strength, movement, flexibility, and confidence. It is a very good sport for all ages. Various local school groups, after school clubs and programs would benefit from the installation as they would be able to incorporate it into their activities.

The Cumberland Recreation Centre would be able to use the facility in their programs and after school clubs.

In Vancouver, in Riley Park, the Vancouver Park Board installed over 20 years ago the biggest climbing outdoor boulder in Vancouver. It is located at the end of a playground (Fig. 1 and 2)



Fig 1. Climbing Boulder in Riley Park, Vancouver



Fig. 2. Climbing walls in parks of Denmark

Since its installation in Riley Park, this man-made climbing boulder has never needed any repairs, and it was made by the same company that we propose to use for purchasing a climbing boulder for Cumberland.

We see that this project will benefit all age groups. It will diversify Cumberland as not only a biking community but also a climbing hub.

If you have any questions, please contact the organizing committee named below.

Thank you,
Julian, Tom, Jan and Piotr

Cumberland, June 16, 2023

Julian Blackhall: [REDACTED]
Tom Bailey: [REDACTED]
Jan Neuspiel: [REDACTED]
Piotr Lutynski: [REDACTED]

Subject: FW: flag raising for Pride in Cumberland?
Attachments: Progress Pride flag

-----Original Message-----

From: Marusha Taylor [REDACTED]
Sent: Tuesday, July 4, 2023 6:48 PM
To: Melissa Roeske <mroeske@cumberland.ca>
Subject: RE: flag raising for Pride in Cumberland?

Hello Melissa,

On behalf of the Pride Society of the Comox Valley, I would like to request that Cumberland Village Council give consideration to showing support for local Pride celebrations this summer by raising a Progress Pride flag at the municipal hall. We ask that this item be placed on the agenda for the next Council meeting.

In the Comox Valley, Pride weekend will take place on August 25-27, 2023. Both the Town of Comox and the City of Courtenay have been asked to raise the updated Progress flag on Friday August 25, and have indicated their willingness to procure the updated flag, similar to that which appears on 5th Street in downtown Courtenay (image attached). It is our hope that Cumberland Village Council will join them in affirming 2SLGBTQIA+ citizens of the Comox Valley. Thank you for considering this request.

In Pride,
Marusha Taylor, Director
Pride Society of the Comox Valley
psc2021@gmail.com

Subject: FW: Progress Pride flag - resent, hope this works! MT

From: Marusha Taylor [REDACTED]
Sent: Wednesday, July 5, 2023 10:16 AM
To: Melissa Roeske <mroeske@cumberland.ca>
Cc: Marusha Taylor [REDACTED]
Subject: Progress Pride



The Corporation of the Village of Cumberland
2673 Dunsmuir Ave.
Box 340 Cumberland, BC V0R 1S0



June 30th, 2023

Dear Cumberland Village Council,

On behalf of the Cumberland Community Forest Society, I am writing to request councils' consideration to support or waive facility rental costs association with the 4th annual Cumberland Fungus Fest and specifically for Saturday September 30th, National Day of Truth and Reconciliation.

In consideration of the importance of September 30th, which this year falls on the Saturday of our annual event, we are hosting a workshop with Land Based Cultural Empowerment Facilitator Avis O'Brien. This workshop has been rescheduled from the June 10th Belonging event and will be extended specifically to Cumberland based boards / NGO's who will be invited to send a delegate, free of charge.

Avis will share her story which highlights the intersectionality of colonial genocide, systemic separation from Indigenous identity, land & culture, and mental health & addiction struggles that have resulted. Tangible tools for contributing to a community that is rooted in belonging, decolonization & Indigenous cultural safety will be offered. N'alaga / K'áw kuuna (Avis O'Brien), a Haida/Kwakwaka'wakw artist and Land Based Cultural Empowerment Facilitator, was born in Alert Bay, British Columbia. She belongs to the Kawaas Sdaast.aas Eagle Clan from the Village of K'yusda in Haida Gwaii and the Gígəlǵəm n̄ə́m̄ina sa Liǵ'w̄it̄daǵ'w̄ people of Cape Mudge, one of the 18 Tribes of the Kwakwaka'wakw.

Avis offers Community Land Based Healing Workshops that are rooted in Decolonization, Reconciliation, Indigenous Land Based Healing & Breath & Embodiment Practices. Her work highlights the intersectionality of colonial genocide, impacts of trauma, residential schools and how we can utilize Ancestral forms of healing to regain a sense of balance and harmony in body, mind, and spirit. Her work within non-Indigenous communities has a focus on building Allyship and dismantling racist stereotypes against Indigenous folk.

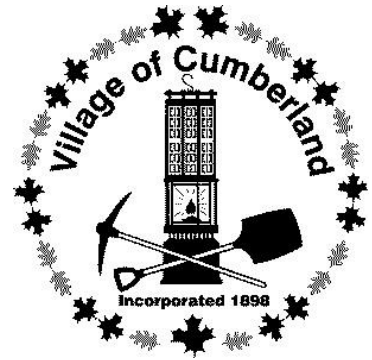
Following this workshop, we plan to maintain the space (Moncrief Hall) as a quiet retreat, reflection space and venue for later story telling and teachings by and for knowledge holders and attendees of Cumberland Fungus Fest Event. The lower level (Buchanan Hall) will host a gleaned, foraged, and wild food feast in partnership with LUSH Valley for Fungus Fest attendees, guests, community allies and knowledge holders.

We have the Buchannan Hall rented for Thurs – Saturday and the Moncrief Hall for Friday - Saturday. Our request is only to cover staff cost for the Saturday rental which has been quoted at \$896.16.

Thank you for your consideration.

Meaghan Cursons
Executive Director
Cumberland Community Forest Society

COUNCIL REPORT



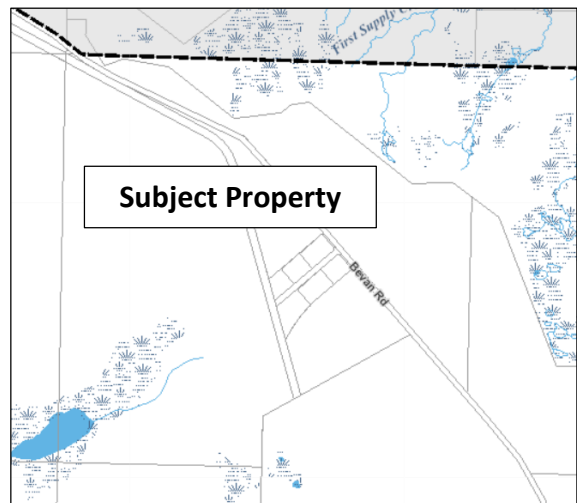
REPORT DATE: 6/29/2023
MEETING DATE: 7/10/2023

File No. 2023-04-DP

TO: Mayor and Councillors
FROM: Courtney Simpson, Manager of Development Services
SUBJECT: Development Permit, Bevan Road (PIDs 006-688-527 and 006-689-361)

RECOMMENDATION

THAT Council approve the development permit for the purpose of a 2-lot subdivision of the lots legally described as SECTION 34 TOWNSHIP 10 COMOX DISTRICT PLAN 552H EXCEPT THOSE PARTS SHOWN OUTLINED IN RED ON PLAN 21 RW AND IN PLANS VIP55123 VIP69987 EPP93477, EPP111856 AND EPP127706; and THAT PART OF SECTION 34, TOWNSHIP 10, COMOX DISTRICT, PLAN 552H INCLUDED IN PLAN 21 RW EXCEPT PART IN PLAN VIP69987 AND EPP111856.



PURPOSE

The purpose of this report is to seek a Council decision on the development permit application; for subdivision of the subject properties, a development permit is required pursuant to Development Permit Area 1 – Environmental Protection.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
September 30, 2019	THAT Council approve the Development Permit for a portion of the property described as Section 34, Township 10, Comox District, Plan 552H Except That Part Shown Outlined In Red On Plan 21RW and That Part In Plan VIP55123 and VIP69987 (3901 Bevan Road) for the purposes of developing and servicing a six lot subdivision, substantially in compliance with the Development Permit dated September 30, 2019;

BACKGROUND

Proposed Development

Acciano Developments acting as agent on behalf of the owner, Comox Timber, proposes to subdivide a 17.4 ha lot from the approximately 169 ha parent parcel to facilitate their purchase of the new lot. A 2020 subdivision created a new lot from the same parent parcel that has now been further subdivided into six lots on new Beck Avenue and where the new Tree Island Yogurt facility is located. A subsequent subdivision application of the 17.4 ha parcel that would expand the Beck Avenue industrial area is anticipated.

No land alteration is proposed as this subdivision is only to sever a new lot from a larger parent parcel to facilitate transfer to a new owner. Any land clearing and subsequent subdivision will require another development permit that will include conditions for land alteration and development to protect environmental values.

Bevan Industrial Lands Concept Plan

The Bevan Industrial Lands Concept Plan and Report (Concept Plan) was developed by the Village in cooperation with Hancock Timber in 2019-2020 with input from key stakeholders in the community. The Bevan Industrial Lands contain approximately 500 hectares (1,235 acres) of land and represent the largest supply of industrial lands in the Comox Valley. The Concept Plan was approved by Village Council on September 14, 2020. Council's 2023-2027 Strategic Plan includes the Bevan Implementation Plan as a strategic priority objective.

Official Community Plan

The Official Community Plan Bylaw No. 990, 2014 (OCP) designates the property as Industrial. The subject property is within to two development permit areas (DPAs): DPA #1 -Environmental Protection and DPA #5 – Industrial. For subdivision, only DPA#1 is applicable. The primary function of this development permit area is to ensure that natural resources are protected, connectivity restored and maintained, and development impacts mitigated, including allowing decision makers to have the ability to secure the necessary information and be able to place conditions on development.

Zoning Bylaw

The Zoning Bylaw No. 1027, 2016 (Zoning Bylaw) zones the subject property as I-2 – Heavy Industrial, which permits a large variety of industrial principal uses.

ANALYSIS

The proposed 2-lot subdivision is consistent with the relevant DPA #1 guidelines.

The bio-inventory report focuses on the 17.4 ha new lot to be created and does not identify any environmentally sensitive areas on this proposed new lot. There are no streams, wetlands or lakes on the proposed new lot, although aquatic habitats exist on the remainder lot, but are at least 300m away (note that the area of the remainder lot was reduced in its eastern extent between the time the bio-inventory report was prepared and the date of this staff report with the creation of the Morrison Creek Headwaters Conservation Area).

The property was logged in 2014/2015 and terrestrial vegetation is in an early seral regrowth stage. Some mature conifers were retained on the property. Some Douglas-fir and Western white pine saplings are regenerating on site. Species at risk habitat has not been identified within the lot to be created; critical habitat for the Western Painted Turtle is at least 120 km away.

This development permit would permit a two-lot subdivision, and the subdivision is subject to a deferred services covenant. This covenant recognizes that the subdivision is the first step in a two-part subdivision, where this first step will not see any land alternation or servicing but only enables purchase of the new lot from Comox Timber. As such, no conditions for protection, enhancement or restoration of the natural environment are included in the permit. Before any land alteration, land clearing, installation or services, or road construction takes place, another development permit is required. It is anticipated that this would be received in conjunction with the anticipated application to further subdivide the 17.4 ha lot.

PUBLIC NOTIFICATION AND CONSULTATION

No public notification is required for a development permit application. Referral to the Advisory Planning Commission is not recommended for this development permit application.

ALTERNATIVES

1. That Council refer the development permit application to the Advisory Planning Commission.

This would delay issuance of the development permit.

2. THAT Council request further information or clarification or request the applicant to make changes to the plans. If changes are requested, specific direction about the type of alterations should be presented including reference to the relevant development permit area guideline or guidelines.

STRATEGIC OBJECTIVE

- Diverse and Healthy Community
- Sustainable Service Delivery and Asset Management
- Community Planning

FINANCIAL IMPLICATIONS

None

OPERATIONAL IMPLICATIONS

The review of Development Permit applications is part of the services provided by the Development Services Department.

CLIMATE CHANGE IMPLICATIONS

Climate change implications will be reviewed at subsequent applications for development of the new lot.

ATTACHMENTS

1. 2023-04-DP DRAFT

CONCURRENCE

None

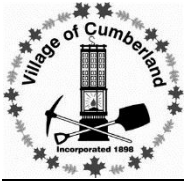
Respectfully submitted,

C. Simpson

Courtney Simpson
Manager of Development Services

M. Mason

Michelle Mason
Chief Administrative Officer



Corporation of the
Village of Cumberland

DEVELOPMENT PERMIT

TO: Comox Timber Ltd

OF: 197 Clarendon Street, C-08-99, Boston, Massachusetts, 02116 USA

1. This Development Permit (2023-04-DP) 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 an industrial building and office.
2. This Development Permit applies to and only to a portion of those lands within the Village of Cumberland described below:

Legal Description: SECTION 34 TOWNSHIP 10 COMOX DISTRICT PLAN 552H EXCEPT THOSE PARTS SHOWN OUTLINED IN RED ON PLAN 21 RW AND IN PLANS VIP55123 VIP69987 EPP93477, EPP111856 AND EPP127706

Folio: 516 29039.520 **PID:** 006-628-527

Civic Address: None

And

Legal Description: THAT PART OF SECTION 34, TOWNSHIP 10, COMOX DISTRICT, PLAN 552H INCLUDED IN PLAN 21 RW EXCEPT PART IN PLAN VIP69987 AND EPP111856

Folio: 516 29039.534 **PID:** 006-689-361

Civic Address: None

3. The land described herein shall be developed substantially in compliance with the following terms and conditions and provisions of this permit:

DPA#1 Environmental Protection Permit Areas

A two-lot subdivision is permitted by this development permit. No land alteration is permitted. For clarity, no subdivision servicing or site preparation is permitted by this development permit.

4. Landscape Security

- a) None required as no land alteration is permitted.

5. Expiry

Subject to the terms of the permit, if the Owner of this Development 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.

6. Timing and Sequencing of Development

7. List of Reports or Plans attached as Schedules

- 1. Schedule A – Phase 1 Environmental Site Assessment, Wedler Engineering, June 9, 2023
- 2. Schedule B – Bio-inventory Report, Current Environmental, April 4, 2023

8. Contaminated Sites Regulation

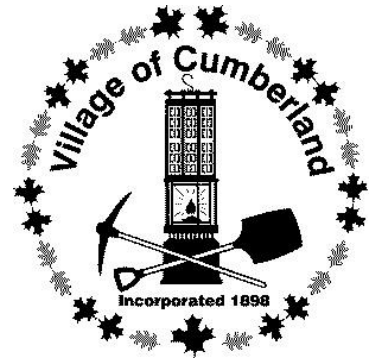
This permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Owner has completed a “Site Declaration” for the subject property.

- 9. This Permit is **not** a Building Permit.

CERTIFIED as the **DEVELOPMENT PERMIT** granted by resolution of the Council of the Corporation of the Village of Cumberland on _____ 2023.

Corporate Officer

COUNCIL REPORT



REPORT DATE: June 28, 2023
MEETING DATE: July 10, 2023

File No. 2240-20

TO: Mayor and Councillors
FROM: Annie Bérard, Chief Financial Officer
SUBJECT: Funding for the Cumberland Community Schools Society Food Share Program

RECOMMENDATION

THAT Council direct staff to prepare a conditional two year grant funding agreement with the Cumberland Community Schools Society to support their Food Share Program in the amount of \$10,000 per year, for 2023 and 2024, for a total of \$20,000, funded from the Host Amenity Funds Reserve.

PURPOSE

The purpose of this report is to present Council with funding options for the Cumberland Community Schools Society (CCSS) to support their Food Share Program. The Society appeared as a delegation to Council on June 12, 2023 to request Council's consideration of a five-year financial contribution in the range of \$10,000 to \$13,000 per year and assistance in securing an alternative space to operate the program.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
June 12, 2023	THAT Council direct staff to prepare a report to provide conditional bridge funding grant to the Cumberland Community School Society for the food share program.

BACKGROUND

Cumberland Community Schools Society

As presented in their June 2, 2023 letter to Mayor and Council, the CCSS is a registered charity that works to strengthen our community by improving access to healthy food, recreation, life-long learning and a network of support. For 23 years, the CCSS Healthy Food Program has provided breakfast, lunch and snacks to children at the Cumberland School. When schools closed due to COVID, 51 students lost access to regular subsidised meals. With many local residents experiencing

job loss, the broader community also faced food insecurity. In response, the CCSS worked with community partners to establish the Cumberland Food Share Program in April 2020. The program includes a food shed and regular deliveries of healthy food boxes. Due to limited funding and operating space, the program has been capped to 75 households.

The Weird Church provides in kind space for the CCSS to operate the Food Share Program.

Funding and Community Engagement

The CCSS has been successful at securing funding from various grants, fundraising activities and donations from individuals and local organizations. The Society also provides community engagement opportunity through volunteering.

The Village has a community services funding agreement with the CCSS since 2019 and provides annual funding to the Society since 2015. The amount contributed for 2019-2023 was set to \$14,000 per year.

The Village has also contributed \$71,000 to date specifically for the Food Share program:

- \$6,000 in 2020 from the CV Waste Management Centre Host Agreement Funds Reserve
- \$35,000 in 2021 and \$30,000 in 2022 from the COVID-19 Restart Fund

Of the \$30,000 granted in 2022, an amount of \$10,000 was to support the Society to purchase a refrigerator, two freezers, a shelf unit and some food storage bins.

DISCUSSION

Conditional grant funding agreement

Since food bank has traditionally been the jurisdiction of the Province, Council could choose to support the Society temporarily with the intention to cover part of the Society's annual operating expenses. A conditional funding agreement would allow Council to provide support for a limited period while the Society seeks other funding sources and new partnerships with local organizations and stabilizes its revenue.

Under this type of agreement, recipients are accountable to Council and have to report annually on the services they provide to the community.

Space to operate the program

Staff recommend referring to staff the CCSS request for assistance in finding an alternative space to operate the Food Share Program. Staff will include this request into ongoing facilities reviews for any opportunities that may arise.

ALTERNATIVES

1. THAT Council direct staff to prepare a conditional bridge funding agreement with the Cumberland Community Schools Society to support the Food Share Program for a longer term, amount and source of funding to be specified.
2. THAT Council direct staff to report back during the budgeting process regarding costs involved with providing an alternative space to operate the Food Share Program.

3. Not proceed with any action at this time.

STRATEGIC OBJECTIVE

- Diverse and Healthy Community
- Sustainable Service Delivery and Asset Management
- Community Planning

FINANCIAL IMPLICATIONS

Financial support provided to the CCSS could come from either the Host Amenity Funds Reserve or the General Fund Financial Stabilization Reserve.

Comox Valley Waste Management Centre Host Agreement Funds

The Host Amenity Funds Reserve is pursuant to the Village of Cumberland Comox Valley Waste Management Centre Host 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 Urban Road Planning project is now available due to a successful provincial grant application and could be used to support CCSS for a two or three-year agreement. Unallocated Host Amenity Funds could also be used to fund a longer term agreement (up to five years), although this would limit funding available for new initiatives. Council could also consider a longer term agreement with funding reduced each year as the Society increases their revenues for the program.

As discussed during the 2023-2027 Financial Planning process, staff recommends that Council begin transitioning the funding source of the community services funding program in the coming years to property taxes. This would ensure the long term sustainability of the delivery of services to the community through the program due to the uncertainty of the future of the Host Community Amenity Funding source beyond 2032.

General Fund Financial Stabilization Reserve

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 and could be also be used to support the Society Food Share Program with a multi-year agreement.

OPERATIONAL IMPLICATIONS

None

CLIMATE CHANGE IMPLICATIONS

None

ATTACHMENTS

1. Cumberland Community Schools Society June 2, 2023 Letter to Council

CONCURRENCE

None

Respectfully submitted,

Annie Bérard

Annie Bérard
Chief Financial Officer

M. Mason

Michelle Mason
Chief Administrative Officer



June 2, 2023

Dear Mayor and Councillors,

Re: Funding and support for Cumberland Food Share

The Cumberland Community Schools Society (CCSS) is working to establish the Food Share as a long term project. We are seeking funding for a five year period, in the range of \$10,000 to \$13,000 per annum, to support the operating costs of the program while we work toward developing a sustainable funding model. In addition, CCSS is requesting assistance in securing a larger space to operate the program.

Background

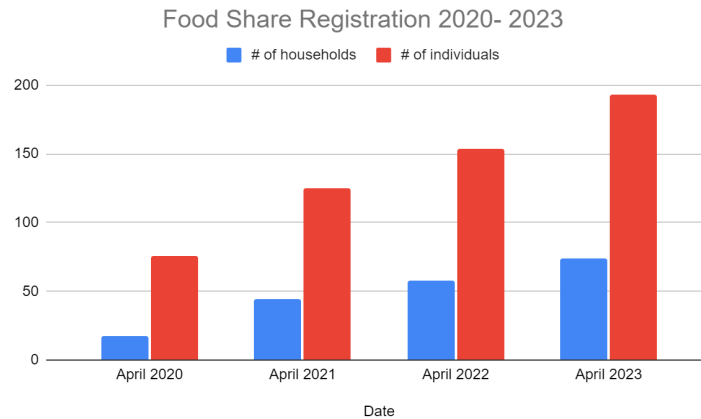
CCSS is a registered charity that works to strengthen our community by improving access to healthy food, recreation, life-long learning and a network of support.

For 23 years, the CCSS Healthy Food Program has provided breakfast, lunch & snacks to children at Cumberland School. When schools closed due to COVID-19, 51 students lost access to regular subsidised meals. With many local residents experiencing job loss, the broader community also faced food insecurity. In response, CCSS worked with community partners to establish the Cumberland Food Share.

The Food Share has a specific focus on strengthening food security in our Village. It includes a Food Shed and regular deliveries of Healthy Food Boxes. The Food Shed is a permanent, outdoor pantry located at 2688 Penrith Avenue. Built and maintained by Weird Church, community members drop off donations of non-perishable food, while others pick up what they need.

CCSS coordinates and fundraises for the bi-weekly delivery of Healthy Food Boxes to Cumberland households. Boxes include fresh produce, dairy, meat and non-perishables. Food is ordered wholesale and purchased locally whenever possible. Operating out of the Cumberland United Church basement, CCSS staff and volunteers sort, pack and deliver boxes directly to client's doors. Clients include individuals living with job loss, disabilities, transportation barriers, mental health issues, substance abuse, recovery after trauma and those at risk of homelessness.

Since the Food Share was established in April 2020, registration for Healthy Food Box deliveries has quadrupled. Over the 3 years participation in the program has steadily increased from 17 to 74 households. There are currently 191 individuals (84 children/youth, 89 adults and 18 seniors) benefiting from Food Box deliveries. Due to funding restraints and the small size of the church facility from which we are operating, we have capped the program at 75 households.



While coordinating the program CCSS staff have developed positive relationships with our Village’s vulnerable population. On several occasions, staff have referred clients to other services available in the Comox Valley. Regular surveys and direct communication have provided valuable insight on the challenges our clients face, additional services that are needed, and how best we can help. Their feedback indicates that many residents find it difficult to access services in neighbouring communities. Transportation barriers, disabilities and anxiety make it challenging for many folks to seek support outside of Cumberland.

Community Benefit

The goals of the Food Share align with the Village of Cumberland’s Strategic Plan, which highlights a ‘Healthy Community’ as one of four priority areas. Food security is identified as the first objective in achieving this priority.

In the recent “Beyond Hunger” report published by Community Food Centres Canada, Canadians who experience food insecurity described the effect it has on all aspects of their lives. It has a negative impact on their physical and mental health, affects their relationships with loved ones, isolates them socially, impedes their ability to find meaning and purpose in their lives and creates barriers to finding and maintaining employment.¹ Having access to good, safe and affordable food is essential to being healthy.

Food Share participants have expressed their gratitude for the support they receive. Feedback from participants indicates that the program provides a sense of security for families who have experienced job loss. Many participants said the program has helped them to make positive changes in their eating habits, through the provision of fresh produce that they wouldn’t otherwise be able to afford. Others mentioned that regular communication with program staff and volunteers helps to reduce their feelings of isolation, and they appreciate knowing that people in the community care about them.

¹ <https://cfccanada.ca/en/News/Publications/Reports/Beyond-Hunger-the-hidden-impacts-of-food-insecurit>



Through volunteerism, the program provides opportunities for community engagement. Over the past year, local residents contributed 416 volunteer hours to help sort, pack and deliver food boxes.

Whenever possible, food for the program is purchased from local farmers and producers. Over the course of one year we purchased \$41,000 worth of food (produce, meat, yogurt, eggs) from 20 different local farmers and producers. By facilitating the distribution of local food to low income and marginalised individuals, we are addressing inequalities in our global food system. Local farmers and food producers face economic and other barriers set in place by the global food economy. Healthy, local and unprocessed foods are often more expensive than processed foods, making them less accessible to low income individuals. The Food Share focuses on both supporting the local food industry while simultaneously ensuring equal access to local, nutrient dense food options.

Sustainability and Community Support

Over the past 3 years CCSS has put systems in place to ensure the success of the program. We have purchased equipment, developed operational procedures, secured donations and established relationships with wholesale distributors, local farmers and producers.

CCSS has collaborated with community partners and residents, who share their knowledge, expertise and resources. Weir Church provides in kind use of space to operate the program. The CV Food Bank supplies bread for Food Boxes. The Waverley donates a take-out Christmas dinner for all Food Share clients. In the summer months, we work in partnership with the CV Farmers' Market to provide clients with coupons to purchase local food at the Sunday market. We are grateful to have a dedicated team of volunteers who contribute 12 hours per week to sort, pack and deliver food boxes.

Workplan and Budget

CCSS aims to establish the Food Share as a continuing program.

Appendix 1 details Food Share revenues and expenses for the 2022, 2023 and 2024 calendar years. To date we have been successful in securing funding from a variety of sources including grants, fundraisers and donations. Donations to CCSS increased by \$51,822 over the last 3 fiscal years, which is partially attributed to the creation of the Food Share program. Covid relief funding from both Community Food Centres Canada and the Village of Cumberland played a vital role in ensuring the success of this program to date.

Based on previous years and the current rate of inflation, the Food Share operating budget for 2024 is estimated to be \$129,254. The budget is based on the current level of service (capped at 75 households) and does not account for a potential increase in demand for the program. We are confident that we will secure \$116,195 in revenues for the Food Share which leaves a deficit of \$13,059.



CCSS is requesting funding from the Village of Cumberland in the range of \$10,000- \$13,000 per annum for a five year period. This would help to support the operating costs of the Food Share while we work to develop a sustainable funding model. In addition, a multi-year financial commitment from the municipality would prove indispensable in leveraging additional funds.

It would also be beneficial to secure a larger facility from which to operate the program. We would like to request assistance from the Village in securing an alternative space within the municipal boundaries to coordinate Healthy Food Box deliveries.

Conclusion

We are grateful to the Village of Cumberland, who was a partner during the inception of the program, and has since provided \$71,000 in funding. Your contributions over the past 3 years have been integral in ensuring that Food Box deliveries continue.

Thank you for your time in considering our proposal. We look forward to continuing to work with the Village to strengthen food security in Cumberland.

Sincerely,

Sue Loveless
Executive Director

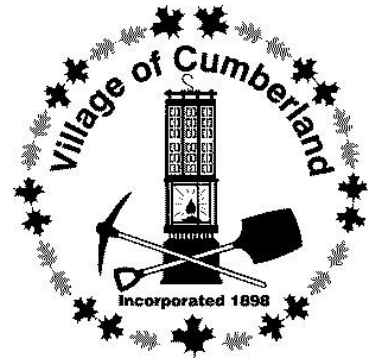
On behalf of the Cumberland Community Schools Society



Appendix 1: Food Share Revenues and Expenses 2022-2024

	Previous Year Actuals	Current Year Budget	Next Fiscal Year Budget
REVENUES	Jan- Dec 2022	Jan- Dec 2023	Jan - Dec 2024
Province of BC Community Gaming Grant	13,458	16,750	16,750
CV Community Foundation	7,500	10,000	10,000
Community Food Centres Canada	20,000	0	0
Student Affordability Fund via SD 71	0	5,000	0
Village of Cumberland Covid Restart Grant in Aid	20,000	10,000	0
CCSS Fundraisers	3,500	20,000	20,000
Donations	29,907	40,575	45,300
CCSS Contribution (bookkeeping, outreach, insurance)	3,200	3,200	3,200
Rent- In kind donation	20,945	20,945	20,945
Total Revenue	118,510	126,470	116,195
EXPENSES			
Food	84,459	83,750	92,125
Non-food supplies	839	503	503
Equipment Upgrades (via Village Covid Restart Funding)	0	6,615	0
Staff wages	8,918	10,977	12,001
Mileage	149	480	480
Outreach	1,100	1,100	1,100
Bookkeeping	1,680	1,680	1,680
Insurance	420	420	420
Rent- In kind donation	20,945	20,945	20,945
Total Expense	118,510	126,470	129,254
NET INCOME	0	0	(13,059)

COUNCIL REPORT



REPORT DATE: June 28, 2023
MEETING DATE: July 10, 2023

TO: Mayor and Councillors
FROM: Annie Bérard, Chief Financial Officer
SUBJECT: Volunteer Firefighter Remuneration Policy Amendment

RECOMMENDATION

THAT Council approve the amendments to the Volunteer Firefighter Remuneration Policy 7.3 to increase compensation for volunteer firefighters for practice and emergency callouts.

PURPOSE

The purpose of this report is to seek Council approval for the attached amended Volunteer Firefighter Remuneration Policy 7.3.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
January 23, 2023	<p>THAT Council make the following specific changes to the draft 2023-2027 detailed budgets and present the proposed 2023-2027 detailed budget package and a proposed 2023-2027 Financial Plan Bylaw to the public at the February 6, 2023 Village Hall meeting so that the tax revenue increase for 2023 is 6.16% to existing 2022 taxpayers:</p> <ul style="list-style-type: none"> • Remove eBike for staff at \$6,000 and explore funding from active transportation funds; • Confirm Parking Study to be funded from parking in lieu funds; • Move \$50,000 for new utility worker service truck to 2024, direct staff to retain the two trucks slated for disposal in 2023 in order to revisit the fleet plan to consider alternative energy vehicles; • Increase annual debt payments for public works fleet by \$5,000 per year beginning in 2023; • Add cyber insurance at \$7,400 per year; • Reduce records management funded by reserves by \$5,000 in 2023; • Add increase of \$19,050 per year to total Council remuneration as set by bylaw;

	<ul style="list-style-type: none"> • Add \$100,000 in 2023 and an additional \$80,000 in 2024 for combined staffing additions to be reported back to Council; • Add \$6,280 per year to be funded by taxes for VOIP phone licensing to start in 2026; • Add \$10,000 per year for bylaw community patrol services and increase the revenue sharing from the Lake Park Campground by \$3,000 per year; • Add \$2,000 per year for fire fleet material and supply; • Add \$3,500 per year for fire fleet fuel and oil increase; • Add \$1,000 per year for fire fleet insurance increase; • Add \$100 per year for fire volunteer occupational health and safety supplies; • Add \$4,400 per year for firefighter call out wages to 2023 and an additional \$4,400 to the 2024 year; • Add \$300 to 2023, an additional \$300 to 2024 and an additional \$300 to 2025 for fire staff professional memberships; • Add \$1,000 per year for fire uniform increase; • Add \$400 per year for regional fire meeting hosting costs; • Add \$300 per year for Fire department coffee; • Add \$1,000 per year for firefighter banquet increase; • Add \$250 per year for Fire Department office material increase; • Increase to fire vehicle & protective equipment replacement reserve annual contribution by \$15,000 in 2025, \$3,000 in 2026, and \$2,000 in 2027 to bring the total fire vehicle & protective equipment replacement reserve contribution to \$107,500 by 2027; • Add \$30,640 Fire debt annual payments to 2025 for the Rescue 4 replacement (move the quint purchase to 2028 to be ordered in 2026); • Add \$13,000 budget for additional equipment/modifications needed for the leased ladder truck in 2023 funded by the fire vehicle and protective equipment replacement reserve; • Add \$6,000 for community events for the summer music series to be funded by host amenity funds; • Add \$750 per year starting in 2024 for Nikkei Park operating costs; • Increase Village Park contracted services by \$1,000 in 2023, \$500 in 2024, \$500 in 2025, \$500 in 2026 and \$500 in 2027; • Increase Village Trail Network contracted services by \$1,000 in 2023, \$500 in 2024, \$500 in 2026 and \$500 in 2027; • Add \$27,000 per year for Transportation fleet cost increases; • Add \$5,000 per year for general engineering services; • Add \$3,000 per year starting in 2024 for Public Works materials; • For distribution of property taxes among property classes, set the multiplier for class 7 to 19-times the residential rate. • Add \$20,000 per year to the Community Service Partnership program from host amenity funds;
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	<ul style="list-style-type: none"> • Consider retaining 10% of annual contributions to the host amenity funds to stabilize eventual taxes required to fund the Community Service Partnership program in a future year.
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BACKGROUND

The Village has provided compensation to its volunteer firefighters since 2008. Remuneration for attending weekly practices, emergency response call-outs, duty officer, and standby as set out in the attached policy has been increased over the years.

Volunteer fire call out budget increases were requested at budget time and approved by Council which equates to the following rate increases:

Effective January 1, 2023:

- Increase the firefighter practice compensation from \$18 per hour to \$19 per hour.
- Increase the emergency call-out compensation from \$18 per hour to \$19 per hour.
- Increase the fire emergency call-out and response in excess of four hours compensation from \$20 per hour to \$21 per hour.

Effective January 1, 2024:

- Increase the firefighter practice compensation from \$19 per hour to \$20 per hour.
- Increase the emergency call-out compensation from \$19 per hour to \$20 per hour.
- Increase the fire emergency call-out and response in excess of four hours compensation from \$21 per hour to \$22 per hour.

The funding to accommodate these increases is included in the adopted 2023-2027 five year financial plan, which was considered by Council in January 2023 and adopted by bylaw in March 2023.

The Council policy with the proposed amendments is included with this report.

ALTERNATIVES

1. Council can direct staff to come back with changes to the policy.
2. Not proceed with any action at this time.

STRATEGIC OBJECTIVE

- Diverse and Healthy Community
- Sustainable Service Delivery and Asset Management
- Community Planning

FINANCIAL IMPLICATIONS

The proposed five year financial plan has been increased by \$4,400 for 2023 and by an additional \$4,400 for 2024 to include these increases in remuneration. This amount is based on the hours worked by the membership in past years.

OPERATIONAL IMPLICATIONS

Payroll adjustments will be required to include the proposed rate increases retroactive to January 1, 2023.

ATTACHMENTS

1. Policy 7.3 Volunteer Firefighter Remuneration Policy with proposed amendments

CONCURRENCE

Mike Williamson, Manager of Protective Services **MW**

Respectfully submitted,

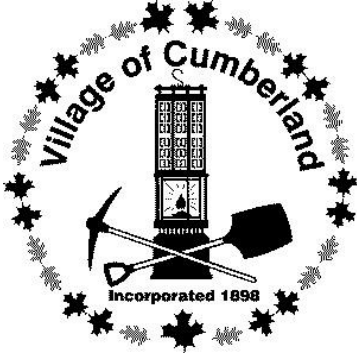
Annie Bérard

Annie Bérard
Chief Financial Officer

M. Mason

Michelle Mason
Chief Administrative Officer

COUNCIL POLICY



<p>Title: Volunteer Firefighter Remuneration Policy</p> <p>Adopted Date: April 8, 2013 Amended Date: December 9, 2013 Amended Date: April 11, 2016 Amended Date: February 11, 2019 Amended Date: October 13, 2020 <u>Amended Date: July 10, 2023</u></p>	<p>No. 7.3</p> <p>Section: Personnel Motion No. 2013-188, 2013-595, 2016-190, 2019-81, 20-279, <u>23-017</u></p>
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PURPOSE: To provide procedures for the compensation of paid-on-call firefighters.

SCOPE: This policy applies to all paid-on-call members of the Cumberland Volunteer Fire Department. *Paid-on-call firefighters are defined as volunteer firefighters who are approved by the fire chief as being trained to a sufficient capacity to attend an emergency incident.*

POLICY: Paid-on-call firefighters will be compensated as per the guidelines set out in this policy.

RATIONALE: Paid-on-call firefighters are a valuable resource to the community. To ensure firefighters maintain operational readiness and in order to mitigate costs members personally incur to participate in emergency response activities, a nominal compensation package is provided.

A. Regular Compensation Rates

1. Paid-on-call firefighters will be compensated at an hourly rate as per schedule A for attendance at regularly scheduled weekly and fire department-sanctioned practices to a maximum of 55 practices in one calendar year.
2. Paid-on-call firefighters will receive an hourly rate as per schedule A for attending emergency call-outs.

3. Compensation will be based on a one-hour minimum and paid in half-hour increments for practices and responses that extend beyond the first hour. If the Village of Cumberland is compensated by another source for the costs of fighting a fire (as per any applicable bylaw or agreement in place at the time), any firefighter who attends a fire scene for in excess of four hours will be paid at the hourly rate as per schedule A, for every hour in excess of four hours.

B. Compensation for Stand-by and to Act as Duty Officer

1. Paid-on-call firefighters will be compensated for providing approved stand-by coverage or for acting as a duty officer.
2. Compensation will be at the hourly rate as per schedule A for the duration of the stand-by or duty officer shift.
3. In the event the member attends a call-out while on stand-by or while acting as a duty officer, the member is entitled to compensation for the prescribed call-out compensation as well as the stand-by or duty officer rate.
4. A duty officer is required to attend a call when providing coverage in place of the fire chief.
5. The overnight duty officer will be paid the rate per night as per schedule A for plugging in the duty truck in the five winter months (November, December, January, February, March).

C. Compensation Procedures

1. Subject to approval from the BC Director of the Employment Standards, paid-on-call firefighters will be paid all compensation once per year on December 15th for work performed from November 16th of the prior year to November 15th of the current year.
2. In the event December 15th falls on a weekend or holiday, the pay will be issued on the last business day prior to December 15th.
3. In the event that the BC Director of Employment Standards withdraws or denies approval for an annual compensation payment, the compensation will be paid bi-weekly and will coincide with the Village's regular payroll schedule.
4. The fire chief will be responsible for ensuring all employee records, time sheets and notifications of hire and termination are submitted to payroll to meet the Village's payroll schedules.

5. Subject to the approval of the Chief Administrative Officer and the Manager of Protective Services, paid on call firefighters may receive partial remuneration paid in advance of December 15th of each year. *[Amended Dec 9 2013]*

D. Compensation for Training and Operational Duties

1. Paid-on-call firefighters will not receive compensation for attendance at training courses or conferences unless approved by the fire chief or chief administrative officer of the Village. Compensation per firefighter per day will be limited to the maximum set out in schedule A, and all compensation is to come out of the approved fire department annual training budgets.
2. Out-of-pocket costs for tuition fees, travel, accommodation and per-diems for meals will be provided for attending training and conferences authorized by the fire chief or the chief administrative officer of the Village.
3. Mileage and per diem rates will be the rates applicable to the Village's regular employees.
4. When a paid on-call firefighter is performing approved specialized training to the department this member will be compensated up to the maximum hourly rate as per schedule A. All remuneration for training is to come out of the approved fire department annual training budgets.
5. Training officer(s) will be compensated an hourly rate as per schedule A for six hours per week from the approved fire department annual training budgets to coordinate and monitor firefighter training progression and to record and track individual firefighter training records. This coordination and monitoring will be done on a weekly basis. The fire chief will be responsible for approving and tracking all training officer compensation.
6. When a paid-on-call firefighter is performing operational duties approved by the fire chief, they will be paid up to the maximum hourly rate as per schedule A for performing these duties. Duties include, but are not limited to, relief coverage for the fire chief, fire hall and equipment inspections, summer fire patrols, and other related work or repairs. Remuneration is to come from approved operations annual budget.

Schedule A

(Schedule A will be updated with rates included in the adopted financial plan bylaws as approved by Council Resolution)

A. Regular Compensation Rates

		<u>Effective January 1, 2023</u>	<u>Effective January 1, 2024</u>
A (1)	Fire practice attendance	\$ 18 19 per hour	<u>\$20 per hour</u>
A (2)	Emergency call-outs and responses	\$ 18 19 per hour	<u>\$20 per hour</u>
A (3)	Fire emergency call-outs and responses in excess of four hours (contingent on receipt of external funding)	\$ 20 21 per hour	<u>\$20-22 per hour</u>

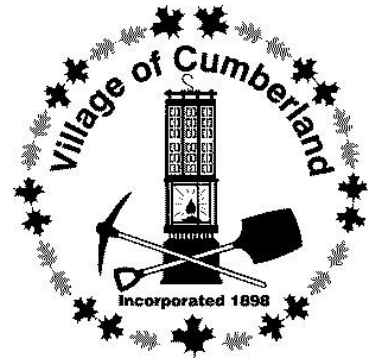
B. Compensation for Stand-by and to Act as Duty Officer

B (2)	Duty Officer	\$4 per hour
B (2)	Stand-by compensation	\$4 per hour
B (5)	Winter duty truck electricity compensation	\$4 per night

D. Compensation for Training and Operational Duties

D (1)	Approved compensation for attendance at training courses or conferences	Up to a maximum \$200 per day
D (4)	Specialized Trainer compensation	Up to a maximum \$25 per hour
D (5)	Firefighter training coordination and records management compensation	\$20 per hour
D (6)	Approved compensation for operational duties	Up to a maximum \$20 per hour

COUNCIL REPORT



REPORT DATE: July 3, 2023
MEETING DATE: July 10, 2023

File No. 0810-20

TO: Mayor and Councillors
FROM: Michelle Mason, Chief Administrative Officer
SUBJECT: Purchase of House on 3249 First Street

RECOMMENDATION

- i. THAT Council direct staff to engage a property management company to manage the rental of the house on 3249 First Street on behalf of the Village of Cumberland.
- ii. THAT Council approve staff to explore the opportunity of renting either the main house or the studio suite at market rate to the Planner 1 candidate.

PURPOSE

The purpose of this report is to present options to Council regarding the purchase of the house on 3249 First Street.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
May 18 2023	THAT Council approve the purchase of 3249 First Street, Lot 1 District Lot 21 Nelson District, Plan EPP33288, for a purchase price of \$600,000, plus closing costs. THAT Council direct staff to inspect the building at 3249 First Street before taking possession of the property to understand any required expenses.

BACKGROUND

The Village has completed a strategic review of core Village-owned properties and information for this process can be found at <https://cumberland.ca/cumberland-municipal-facilities-planning/>. The analysis for long-term facility needs included Village owned lands on the 2600 block of Dunsmuir Avenue. The house at 3249 First Street was identified as a potential purchase in the long-term strategy of this block.

In May, the house at 3249 First Street went on the market and the Village of Cumberland purchased it. The cost of the house totals \$600,000 plus minor closing costs which was funded

through the Growing Communities provincial funds. The principal dwelling of the house has three bedrooms, one bathroom and is on a small lot. The house has a secondary studio type suite without a full kitchen but with a separate entrance and one bathroom.

As directed by Council, a full property inspection is expected to take place on July 13, 2023 and recommendations from the inspection will help inform operating budgets for this property. The property is located within the Public Works yard of the municipal office and will become part of a future land use decision for the 2600 block of Dunsmuir Avenue. Until the Village is ready to make this land use decision, Council directed staff to report on potential costs of renting and rental revenue from the property.

The Village does not have an in-house property management division and does not have the capacity to fully analyze the potential market value of rentals for this type of property. A quick internet search indicates that the availability of three bedroom houses in the Comox Valley are very limited and therefore rental income for this type of house, would need the input of a professional management company. Most of the availability appears to be one to two bedroom condos in the Valley. Therefore, staff recommend that a property management company be retained for the rental operations of the house and that rental income be based on the recommendations of the property management company. If Council directs staff to retain a property management company, a competitive search will take place.

Council has the option to explore other types of rental options for this house, such as affordable rental opportunities. However, based on staff capacity, this analysis would not be able to take place in the near future without deferral of other Council priorities. In the meantime, staff recommend that the property be rented at market rates in order to ensure that all operating costs of the house are covered by the rental income.

Staff recommends that if Council wishes to rent this property for long-term rental purposes, that Council direct staff to engage a property management company and to include the rental revenues and operating costs for this house into the 2024 budgeting process with the understanding that that house and the suite will be rented at market rents and that the rental revenues will cover all operating costs.

In addition, staff recently undertook a recruitment process to fill the Planner 1 vacancy. Knowing that the availability of rental properties in Cumberland is scarce and would be a barrier to many qualified quality candidates, staff informed the potential candidates that there may be a rental available to the successful incumbent. The idea was that either the studio suite or the house being available to the successful candidate may remove barriers of finding accommodation to the successful candidate who may need to relocate to Cumberland in order to take the job. This has been identified as a challenge in previous recruitments for the Village. Therefore, staff recommend that Council approve staff to explore the opportunity of renting either the main house or the studio suite at market rate to the Planner 1 candidate.

ALTERNATIVES

1. Council can direct staff to analyze future affordable housing opportunities for the rental of this house at this time or during future strategic planning processes.
2. Not proceed with any action at this time.

STRATEGIC OBJECTIVE

- Diverse and Healthy Community
- Sustainable Service Delivery and Asset Management
- Community Planning

FINANCIAL IMPLICATIONS

Rental income and costs for this house are currently not fully known; however, staff are confident that market rental rates are sufficient to cover operating costs and reserve fund contributions for this house. Property management fees will be determined through a competitive process and the Village will ensure that the costs for this service will be covered by rental income.

OPERATIONAL IMPLICATIONS

Facility staff will liaise with the property management company regarding repairs and maintenance of the house. However, all other rental services will need to be undertaken by the property management company such as:

- Advertising, screening potential tenants;
- Showing and routine inspections of the property;
- Handling of all tenancy matters and arbitrations as may be necessary in compliance with the Residential Tenancy Act;
- Coordinating maintenance and repairs;
- Monthly reporting which will allow us to evaluate income and expenses.

CLIMATE CHANGE IMPLICATIONS

Without a full inspection of the house, climate change implications of this purchase are unknown.

ATTACHMENTS

None.

CONCURRENCE

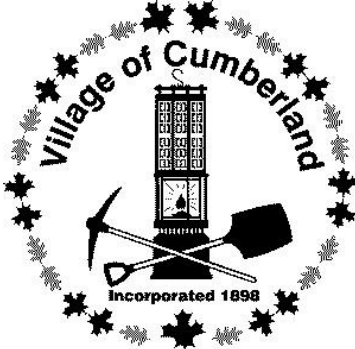
Annie Bérard, Chief Financial Officer **AB**

Respectfully submitted,

M. Mason

Michelle Mason
Chief Administrative Officer

COUNCIL MEMBER REPORT

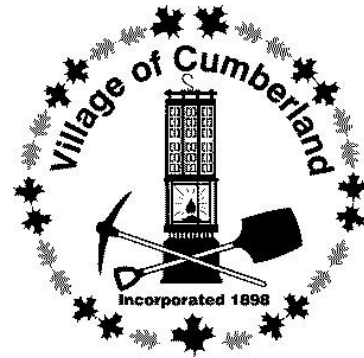


DATE: July 2, 2023
 TO: Mayor and Councillors
 FROM: Councillor Ketler
 SUBJECT: June Monthly Report

Date	Events	Comments
Date	Event	Comments
Jun 2	Island Coastal Economic Trust	North Island Sunshine Coast Advisory Committee meeting
Jun 2	CVRD Chair/Vice Chair/CAO agenda meeting	Set agenda for following week’s CVRD Board meeting
Jun 5	Provincial Budget 2024 Consultation	Presentation on behalf of the CVRD to the Provincial Committee in Campbell River
Jun 5	Village Hall	Topics included: Land Titles Act, design covenants for Dunsmuir heritage buildings, Coal Valley Estates, Cayet, climbing rock, unlicensed motorcycles and ATVS, traffic, roundabouts, No.2 Dam, Perseverance and fish flows.
Jun 6	CVRD Board	Delegations: Beaufort Watershed Stewards Reports: 2023 Corporate Plan, Social Planner Role Concept, CV Community Health Network update, approval of two UBCM Emergency Planning grants.
Jun 7	Coalition to End Homelessness	Topics: NIC Housing Project, Situation Table, change in Leadership Team members, proposed allocation of additional HSS funds.
Jun 7	CVRD Chair/Vice Chair/CAO agenda meeting	Set agenda for following week’s CVRD Board meeting
Jun 7	Coal Valley Estates Public meeting	Attended as observer
Jun 9	Comox Valley Family Physician Attraction and Retention Taskforce	Updates – 25 doctors since 2021. Only one walk-in clinic at Walmart now in Valley – still too many people accessing ER for primary care.
Jun 9	Cumberland Museum	Attended new exhibition “Seat At the Table”
Jun 10	Cumberland Belonging Event	Volunteered at the Strawberry Tea

Jun 12	Village of Cumberland tour	Toured Cumberland water system with staff and Council
Jun 12	Regular Council Meeting	https://cumberland.ca/meeting-info/
Jun 14	Meeting with Regional Mayors	Courtenay City Hall
Jun 14	CV Food Policy Council – Municipal Food Policy Subcommittee	Other munis offer rainwater capture rebate, Comox developing new Food Policy, Cumberland needs to update Procurement Policy to include local food, food mapping etc.
Jun 15 - 16	CVRD Board	Two day Strategic Planning session: <ul style="list-style-type: none"> • Social development supports • Active Transportation • Climate crisis response • Advocacy briefing note • Housing Backgrounder
Jun 19	Comox Valley Substance Use Committee	Presentations for Walk with Me and Len Pierre
Jun 20	CV Airport Commission AGM	Commission nominations and yearly update
Jun 21	National Indigenous Peoples Day	Event held across from Puntledge campsite
Jun 21	CVRD Chair/Vice Chair/CAO agenda meeting	Set agenda for following week's CVRD Board meeting
Jun 26	Regular Council Meeting	https://cumberland.ca/meeting-info/
Jun 27	CVRD Board	EASC motions and Committee minutes
Jun 28	Cumberland Homelessness and Affordable Housing	Affordable housing reserve fund referral
Jun 28	CVRD Chair/Vice Chair/CAO agenda meeting	Set agenda for following week's CVRD Board meeting
Jun 29	CV Food Policy	Updates from members and dinner

COUNCIL MEMBER REPORT



DATE: July 5, 2023
 TO: Mayor and Councillors
 FROM: Mayor Brown
 SUBJECT: June 2023 Monthly Report

Date	Event	Comments
May 26	Eco Forum	Baynes Sound Lambert Channel Eco Forum Presentation of our wastewater project
June 1	Climate Caucus	Session included school Trustees and discussion included district student leadership, active travel collaborations and free busing for students/youth
	PAC	Final Parents Advisory Meeting for CCS Childcare facility on track, District is building a new admin building, school supplies are covered by provinces Affordability Fund, school forest project hoping to start in the fall.
June 2	ICET	North Island Sunshine Coast Regional Advisory Committee Meeting Government Engagements and Activity Plan on \$150mill capitalization Legislative Amendments to the Trust Act to remove limitations on funding Strategic Approaches for UBCM Convention in September Province of B.C. Engagement on DRIPA Action Plan Inter-Community Passenger Transportation Project
	CVCDA	Comox Valley Child Development Association Mural Unveiling Beautiful collaborative mural has been added to the side of their building.
June 3	Cadets	79 th Annual Ceremonial Review for Air Cadets Cadet Unit performance and awards ceremony
June 5	Village Hall	Minutes: https://cumberland.ca/wp-content/uploads/2023/06/Agenda-Package-RC_Jun26_2023.pdf
June 6	CVRD	Regional Parks and Trails Committee meeting Strategic Plan Overview Lanarc is the contractor for the strategic plan Timeline is presented in the agenda: Strategic Planning Timeline
	Belonging 125	Dignitaries confirmation and scheduling
June 7	BCCLC	Climate Leaders Coaching Program Communication Planning
	CVSUS	Comox Valley Substance Use Strategy is moving into a collaborative model for the next phase, this was the first meeting.
	Village	Agenda Setting for June 12 th Council Meeting
	Info Session	Coal Valley Estates Info Session for Phase 10/11

June 8	K'omoks	#2 Dam presentation to K'omoks Council
June 10	Museum	Opening Day for the 'A Seat at the Table' exhibit Provided welcome words and gratitude to visitors on behalf of the Village
	Belonging 125	Belonging event to celebrate Cumberland's 125 th anniversary of incorporation in a good way. Provided opening words, served tea with Gord Johns and Mayor's Minion and Wells
June 12	Tour	Tour of Village Watershed system with operations staff, CAO and Councillors who were able to make it.
	Council Meeting	In Camera – Legal advice and law enforcement
June 13	BC Builds	Follow up from Housing Summit Presentation Meeting with CAO, Development Services Manager and Lisa Helps (Premiers Office) to introduce BC Builds and discuss potential housing initiatives
June 14	Collaboration Corner	Mayors, Chair and Chief Leadership Meeting
	CVFPC	Food Policy Council Food Supply and Municipal Policy Committee Meeting Onsite water storage licensing issues Challenges with allotment gardens Economic impact study for Farmers Market Food Security in OCP process
	Climate Biodiversity Health Nexus	Follow up interview and modeling of new system mapping tool The Climate Biodiversity Health Nexus Project is a community-based participatory research approach engages stakeholders and local governments in the Comox Valley region, British Columbia, to build an understanding of how communities can better engage in integrated food systems and sustainable community development planning. The research contributes practical outcomes by developing frameworks and tools for practitioners to use for their planning needs, as well as a produces findings and recommendations for integrated food systems planning and policy. More info here: https://www.triaslab.ca/cbh-nexus
June 15	CBA	Cumberland Business Association Mixer event
June 16	Village	Goodbye event for staff member leaving
June 17	Miners Memorial	Miners Memorial Event at Cumberland Cemeteries Provided words of welcome and appreciation for events at both the Cumberland Cemetery and the Chinese Cemetary
June 20	VIHA	Regular meeting with Executive Director of Island Health Lack of lab facilities in Cumberland
	Village	Agenda review for June 26 th Meeting
June 21	Pole Raising	Ceremony to raise and celebrate two new welcome poles in Peace Park
		Indigenous Day at Puntledge Campground

June 22	CVRD	Special Meeting of the Comox Strathcona Solid Waste Management Board Tour of Campbell River transfer station and organics facility
June 23	ICET	Island Coastal Economic Trust Board Meeting RAC Meetings and Government Relations Strategy Updates Briefing Note — Government Engagement Strategy Through UBCM Strategy for Legislative Amendments for the Act Financial Statements for \$10 Million Contribution Update on Inter-Community Passenger Transportation Study Recruitment Update for CABRO Appointee Vacancy Indemnity Agreement 2022-23 Audit Findings Report Transition the Trust's Accounting to the Restricted Fund Method Updated Authorizations Policy to enable EFT
	VIEA	Vancouver Island Economic Alliance AGM
June 26	Council	Committee of the Whole Meeting https://cumberland.ca/meetings/20-2023-cotw/
		Regular Council Meeting https://cumberland.ca/meetings/21-2023-r/
June 27	CVSUS	Review of Walk With Me and Substance Use Strategy recommendations and adoption of recommendations.
June 28	Mayor/CAO	Regular Catch up Meeting
June 29	CCS	End of School Assembly at Cumberland Community School
	Village	Review UBCM Ministers Meeting Requests
June 30	Climate Caucus	Presentation on the potential of offsite construction of low-embodied carbon wood frame and mass timber buildings to increase our housing supply. Update on the downsides of RNG in new construction. Zero Step Code Resource: https://www.pembina.org/pub/role-renewable-natural-gas-zero-carbon-step-code
	Project Watershed ED	Discussion around resources for Green Infrastructure planning

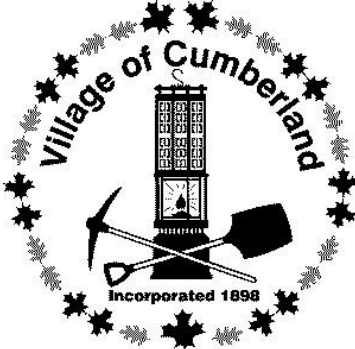
COUNCIL MEMBER REPORT



DATE: July 10, 2023
 TO: Mayor and Councillors
 FROM: Troy Therrien
 SUBJECT: Monthly Report for June 2023

Date	Event	Details
June 7	CVE Open House	<p>Attended event hosted by Coal Valley Estates. My main take away from the meeting was that local residents are very frustrated with the development to date. They are unhappy with the amount and speed of traffic on Kendal and the lack of usable park space for their children. There were requests to put a park at the top of the hill in the center as opposed to the offered park in the far corner. Most of the residents in the room seemed unimpressed and underwhelmed with the latest offering from CVE.</p>
June 28	BC Hydro call to power	<p>I attended the Zoom session hosted by BC Hydro. In the session BC hydro put out a call for private industry to submit plans for “large” Hydro projects to supply the province with electricity in the coming years. It was unclear how large “large” was, but I got the impression that any power we could produce on Cumberland Creek would be too small for call, and in any case there did not appear to be any funding opportunities at this time.</p>

COUNCIL MONTHLY REPORT



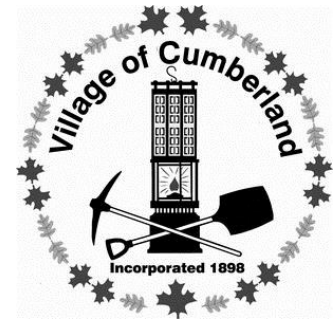
DATE: July 6th, 2023
 TO: Mayor and Councillors
 FROM: Councillor Borecky
 SUBJECT: June 2023 Monthly Report

Please accept this monthly report for information.

<p>June 6th</p>	<p>Attended the Village town hall at the Chinatown pavilion.</p>	<ul style="list-style-type: none"> • Discussed Section 82 and 86 of the land titles act and covenant 219 • Discussed design covenants for Dunsmuir • Mention of a full time bandshell • Discussed a bouldering structure for #6 mine park • ATV's and speeding complaints • Stream-keeper input on #2 Dan and water retention related to fisheries • Totem Poles going up on Indigenous day
<p>June 21st</p>	<p>Totem Pole unveiling at Peace Park</p>	<ul style="list-style-type: none"> • Joined for the well-attended unveiling of our welcome poles in Peace Park

June 22nd	Attended the Community Justice Centre Monthly Board meeting	<ul style="list-style-type: none">• Discussed lease renewal• Discussed critical incident protocol• Discussed the future of the Campanolo lecture series• Discussed grants• Updated Values, vision and mission

COUNCIL REPORT



REPORT DATE: June 29, 2023
 MEETING DATE: July 10, 2023
 TO: Mayor and Councillors File: 3360- 2020- RZ 3345 Second St
 FROM: Karin Albert, Senior Planner
 SUBJECT: OCP and Zoning Amendment Bylaws, 3345 Second Street

RECOMMENDATIONS

- i. THAT Council adopt Official Community Plan Amendment Bylaw No. 1136, 2023.
- ii. THAT Council adopt Zoning Amendment Bylaw No. 1137, 2023.

PURPOSE

This report presents the final executed agreements identified as conditions of rezoning at third reading of Bylaws 1136 and 1137 and presents the two bylaws for final adoption.

Bylaw No. 1136 amends the land use designation in the 'Official Community Plan Bylaw No. 990, 2014' from Residential Infill to Multi-family and includes the properties within Development Permit Area No. 7 - Residential Multi-Family.

Bylaw No. 1137 amends the zoning of the properties in 'Zoning Bylaw No. 1027, 2016' from R-1 A Infill Residential to RM-4 Multi-Family Residential.

If adopted, the two amendment bylaws will allow for the construction of a proposed 22-unit affordable rental housing project for single and two-parent led households.



PREVIOUS COUNCIL DIRECTION

Dec. 14, 2020	<p>THAT Council receive the report "Third Reading: OCP Amendment and Rezoning of 3339, 3341 and 3345 Second Street", dated December 1, 2020.</p> <p>THAT Council confirm that, pursuant to its Development Procedures and Fees Bylaw No. 1073, 2018 and statutory requirements, early and on-going consultation was undertaken, including but not limited to a notice sign on the property, delivery of flyers and mailed notifications to neighbours within a 75 metre radius, public information meetings and a public hearing.</p>
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	<p>THAT Council give third reading to “Official Community Plan Amendment Bylaw No. 1136, 2020.”</p> <p>THAT Council give third reading to “Zoning Amendment Bylaw No. 1137, 2020”.</p> <p>THAT final consideration of Bylaw No. 1136 and Bylaw No. 1137 be subject to:</p> <ul style="list-style-type: none"> a) Registration of a section 219 <i>Land Title Act</i> covenant and housing agreement on title of 3345, 3341 and 3339 Second Street, legally described as Lots 3, 4, and 5, Block 32, District Lot 24, Nelson District, Plan 3268 with terms as outlined generally by the Senior Planner at the Public Hearing held on November 18, 2020. b) An access agreement, or assurance thereof, in a form satisfactory to the Village to permit the applicant to access their proposed on-site parking spaces off the Island Health rear driveway. c) Registration of a section 219 <i>Land Title Act</i> covenant requiring the consolidation of the three lots prior to any development, further subdivision (consolidation) or use.
Oct. 13, 2020	<p>THAT Council receive the report “Application for an OCP Amendment and Rezoning of 3339, 3341, 3345 Second Street”, dated October 2, 2020.</p> <p>THAT Council give first and second reading to “Official Community Plan Amendment Bylaw No. 1136, 2020.”</p> <p>THAT Council give first and second reading to “Zoning Amendment Bylaw No. 1137, 2020”.</p> <p>THAT Council schedule a public hearing for “Official Community Plan Amendment Bylaw No. 1136, 2020” and “Zoning Amendment Bylaw No. 1137, 2020” on Wednesday, November 18 at 7 p.m. at the Recreation Centre Gym.</p>
Aug. 10, 2020	<p>THAT Council refer the application for an OCP Amendment and Rezoning of 3339, 3341, and 3345 Second Street, legally described as Lots 3, 4, and 5, Block 32, District Lot 24, Nelson District, Plan 3268, to the next meeting of the Advisory Planning Commission, Homelessness and Affordable Housing Committee, and Accessibility Committee for a recommendation.</p>

BACKGROUND

The applicant has met the conditions of rezoning identified at time of third reading of the bylaws on December 14, 2020:

1. Consolidating the three properties into a single property (Attachment 1 – Reference Plan);
2. Registration of a section 219 covenant and housing agreement on title (Attachment 2 – Section 219 Covenant and Housing Agreement);

3. An access agreement to permit the applicant to access the parking spaces off the Island Health rear driveway (Attachment 3 – Access Agreement).

In addition, Council adopted the Housing Agreement Bylaw (3345 Second Street) Bylaw 1193, 2023 at their May 29, 2023 meeting.

The Village has entered into a long-term lease agreement over the property with the owner, Island Health. The Village will sub-lease the property to the Comox Valley Transition Society (CVTS) to develop the property with the proposed 22-unit multi-family rental apartment building. Once constructed, the Society will manage and operate the building. The proposed 22 units are targeting low to medium income families with a unit breakdown of four 2-bedroom, fifteen 3-bedroom, and three 4-bedroom units.

CVTS is applying to the Canada Mortgage and Housing Corporation and BC Housing to fund the project. Having the required zoning in place for the proposed development will strengthen the applications and increase the likelihood that the project will be funded.

PUBLIC NOTIFICATION AND CONSULTATION

As required under the Village of Cumberland's *Development Procedures and Fees Bylaw No. 1073, 2018*, the applicant placed the required sign on the site, delivered a flyer to neighbours and advertised and hosted an outdoor public meeting on Thursday, August 27, 2020 from 9 a.m. to 12 noon. About 30-40 people attended the meeting and the applicant provided a summary of the comments received. In addition, the Village mailed a notice of the information meeting to neighbours within a 75 metre radius.

Council referred this application to the Advisory Planning Commission, the Homelessness and Affordable Housing Committee and the Accessibility Committee for comment. All three Committees supported the project and recommended adoption of the OCP and Zoning Amendment bylaws.

Committee comments were summarized in the [October 13, 2020](#) report to Council at which Council gave first and second reading to Bylaws No. 1136 and 1137.

The Village advertised the public hearing as per the statutory requirements. The hearing was held on November 18, 2020 and was attended by 13 members of the public. The public hearing minutes and submissions received at the hearing were presented to Council at the [December 14, 2020](#) meeting. Prior submissions were provided to Council as part of the [public hearing package](#) which was also posted on-line.

ALTERNATIVES

1. THAT Council amend the bylaw(s) prior to adoption.

As per the Local Government Act, Council can ask for further amendments of Bylaws 1136 and 1137 prior to adoption as long as the amendments do not change use or density of the property. If Council wishes to change the use or density, the amended bylaws have to go back to public hearing.

A delay in the adoption of the amendment bylaws may mean that the rezoning will not be finalized in advance of funding agencies' application deadlines and reduce the chance of a successful application.

2. THAT Council deny adoption of Bylaws 1136 and 1137.

If Council denies adoption of Bylaws 1136 and 1137, the affordable housing project cannot be built on the property.

STRATEGIC OBJECTIVE

- Diverse and Healthy Community
- Sustainable Service Delivery and Asset Management
- Community Planning

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of the adoption of the OCP and Zoning Amendment bylaws. The costs associated with meeting the conditions of the rezoning were borne by the applicant.

OPERATIONAL IMPLICATIONS

Planning staff will be working with CVTS to develop a sublease agreement over the property. CVTS also applied for a Development Permit and Development Variance Permit over the property. Those two permits will be presented to Council for review and approval at an upcoming Council meeting. Planning and Operations staff will work with the Society and their design team to ensure development permit guidelines and building permit requirements are met.

Finance reviews and tracks development cost charges and securities payable during the development phase of the project.

CLIMATE CHANGE IMPLICATIONS

Increasing housing density close to the Village commercial core and services such as schools and transit contributes to greenhouse gas emission reduction as residents are less dependent on vehicle travel for daily needs. The Multi-family Development Permit Area includes guidelines for energy conservation and greenhouse gas emissions reduction and water conservation.

ATTACHMENTS

1. Reference Plan
2. 219 Covenant and Housing Agreement
3. Access agreement
4. OCP Amendment Bylaw No. 1136, 2023
5. Zoning Amendment Bylaw No. 1137, 2023

CONCURRENCE

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

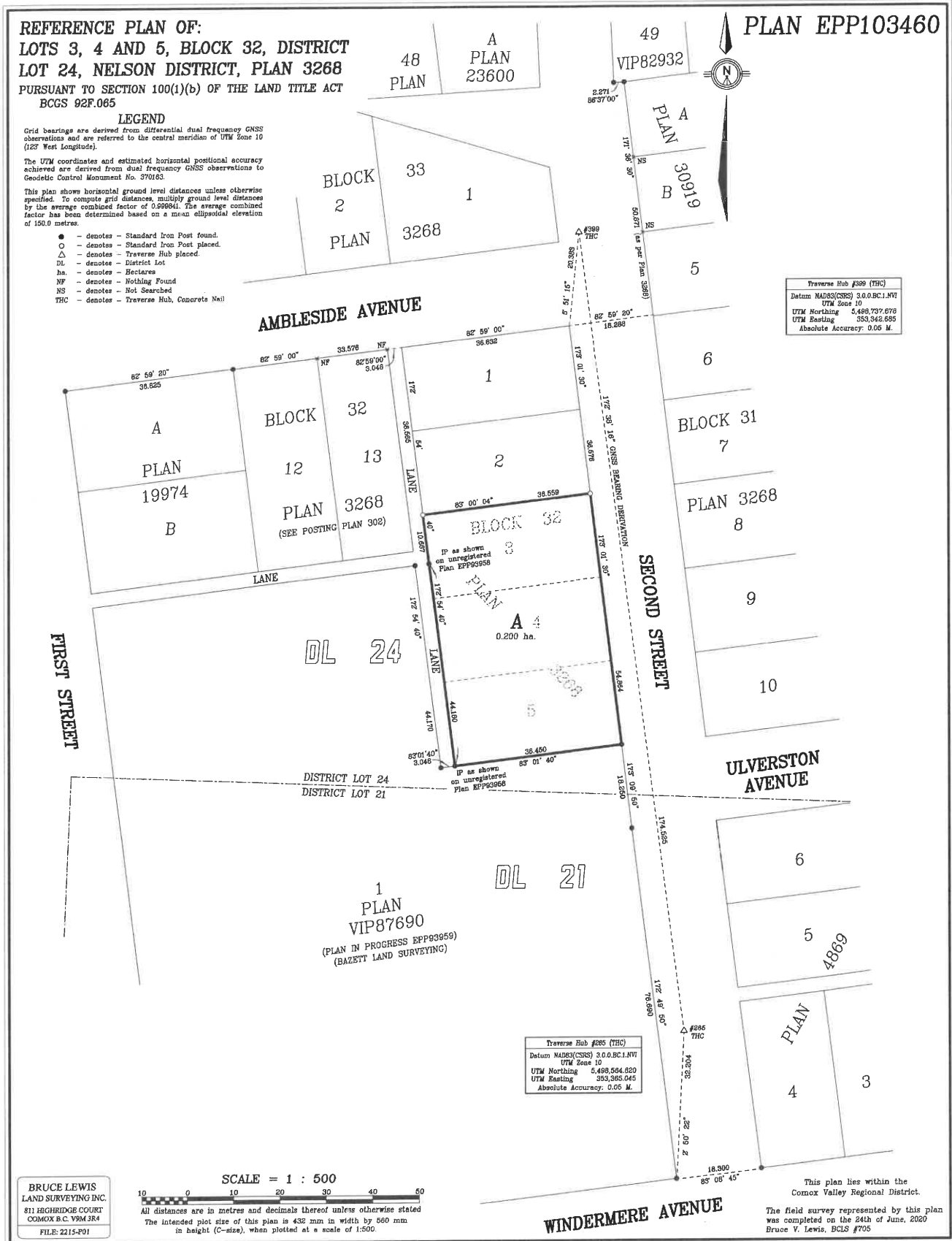
Respectfully submitted,

K. Albert

Karin Albert
Senior Planner

M. Mason

Michelle Mason
Chief Administrative Officer





1. Application

Document Fees: \$78.17

Ben Ramsden, Carvello Law Corporation
203 - 1005 Broad Street
Victoria BC V8W 2A1
(250) 590-7230

2. Description of Land

PID/Plan Number	Legal Description
031-335-284	LOT A DISTRICT LOT 24 NELSON DISTRICT PLAN EPP103460

3. Nature of Interest

Type	Number	Additional Information
COVENANT		Section 219

4. Terms

Part 2 of this instrument consists of:
(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

VANCOUVER ISLAND HEALTH AUTHORITY

6. Transferee(s)

THE CORPORATION OF THE VILLAGE OF CUMBERLAND
 2673 DUNSMUIR AVE
 BOX 340
 CUMBERLAND BC V0R 1S0

7. Additional or Modified Terms

8. Execution(s)

This instrument creates, assigns, modifies, enlarges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

Laylee Rohani
Barrister & Solicitor
7th Floor, 1175 Douglas Street
Victoria BC V8W 2E1

YYYY-MM-DD

2023-02-22

**VANCOUVER ISLAND HEALTH
AUTHORITY**
By their Authorized Signatory

Name: ROBERT GUENTHER

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

Rachel Parker
**Commissioner for Taking Affidavits
for British Columbia**
2673 Dunsmuir Avenue
PO Box 340
Cumberland BC V0R 1S0

YYYY-MM-DD

2023-04-28

**The Corporation of the Village of
Cumberland**
By their Authorized Signatory

Name: Vickey Brown, Mayor

Corporate Officer
as to all signatures

**Name: Michelle Mason, Chief
Administrative Officer**

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

**Benjamin Philip
Ramsden EJS3H8**

**Digitally signed by
Benjamin Philip Ramsden
EJS3H8
Date: 2023-06-16
14:54:36 -07:00**

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.

6.6 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

- 6.7** 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

- 6.8** 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

- 6.9** 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

- 6.10** 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

- 6.11** 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

- 6.12** 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

6.13 This Agreement may be amended from time to time upon terms and conditions acceptable to the parties.

Law Applicable

6.14 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

Priority

6.15 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 ~~herein~~ agree as of the date of registration of this Agreement:

VILLAGE OF CUMBERLAND, by its authorized signatory(ies):

Name: _____
Vickey Brown

Name: _____
Michelle Mason
Chief Administrative Officer

VANCOUVER ISLAND HEALTH AUTHORITY, by its authorized signatory(ies):

Name: _____

Name: ROBERT GUENTHER

COMOX VALLEY TRANSITION SOCIETY, by its authorized signatory(ies):

Name: _____

Name: Heather Neely

ACCESS AGREEMENT

THIS ACCESS AGREEMENT (the "Agreement") is made effective this 28 April 2023 (the "Effective Date").

BETWEEN:

Village of Cumberland, with registered offices at 2673 Dunsmuir Ave,
Cumberland, BC V0R 1S0

("The Village")

AND

VANCOUVER ISLAND HEALTH AUTHORITY, with registered offices at 1952
Bay St Victoria, BC V8R 1J8

("VIHA")

BACKGROUND:

- A. VIHA operates a convalescent hospital located at Lot 1 Plan VIP97690 District Lot 21 Land District 34 & DL 24 PID: 028-160-525 and uses a no-thru driveway to access VIHA's parking lot and delivery bay (the "Driveway") as shown crosshatched on Schedule A attached;
- B. The Village requires access to a property it has leased for a non-profit housing development located at 3345 Second Street, Cumberland, BC, legally described as PID: 031-335-284 Lot A, District Lot 24, Nelson District, Plan EPP103460, (the "Development Property"), which is accessible via the Driveway, in order to construct parking spaces and access the waste management collection area on the Development Property and to generally carry out its non-profit housing project (the "Project"); and
- C. The parties wish to make this Agreement to provide The Village with access to the Driveway to facilitate the completion of parking spaces; access the eight (8) parking spaces upon completion; access the waste management collection area; provide access to the Development Property for the Project.

NOW THEREFORE in consideration of the premises, mutual covenants, and agreements contained in this Agreement, the sufficiency of which is acknowledged, the parties agree as follows:

1. Access. VIHA grants access to the Driveway to the Village and the Village's subcontractors, agents, lessees, sub-lessees, and tenants of the Village and their lessees and sub-lessees for the purposes of accessing the Development Property and constructing eight (8) parking spaces on the Development Property for the Project. It is understood by both parties that the use of the Driveway by the Village and the Village's

subcontractors, agents, lessees, sub-lessees, and tenants, shall not impede VIHA's ability to use the Driveway and to conduct its business.

2. The Village's Requirements. The Village has provided the site plan attached to this Agreement as Schedule "A" describing the location of the parking spaces to be constructed on the Development Property. No changes or amendments can be made to the site plan without the prior consent of VIHA, with such consent not to be unreasonably withheld.
3. Payment. The Village will pay a one-time fee of ten dollars (\$10.00) for use of the Driveway for the Term, the receipt and sufficiency of which is hereby acknowledged.
4. Term. The term of this Agreement shall commence as of the Effective Date of this agreement, and shall end on the 50th anniversary (or on the 60th anniversary if the Affordable Housing Funder is BC Housing), or such other earlier termination in accordance with this Agreement (the "Term").
5. Dispute Resolution. If a dispute arises between the parties relating to this Agreement, the parties shall submit the dispute to arbitration by a single arbitrator, agreed upon by both parties, as per the *Arbitration Act* of British Columbia. The determination of the arbitrator will be final and binding on the parties. The costs and expenses of the arbitration will be dealt with as follows:
 - a. each party will bear its own expense of preparing and presenting its case to the arbitrator, irrespective of whether any such expense was incurred or contracted for prior to the appointment of the arbitrator, including the expenses of appraisals, witnesses and legal representation; and
 - b. the fees of the arbitrator will be shared by the parties equally unless the arbitrator decides otherwise.
6. Termination. This Agreement may be terminated at any time by either party with nine (9) month's written notice of termination. In the event of a breach of this Agreement, including a material breach, the parties agree to proceed through dispute resolution pursuant to section 5 (Dispute Resolution).
7. Representations and Warranties. VIHA represents and warrants that its signatory below has the legal authority to enter into this Agreement and that there are no encumbrances or third party interests in the Parking Lot or otherwise, that would restrict VIHA carrying out its obligations under this Agreement.

The Village represents and warrants that its signatory below has the legal authority to enter into this Agreement and that there are no encumbrances or third party interests that restrict the Village from carrying out its obligations under this Agreement.

8. Indemnity. The Village does hereby indemnify and save harmless VIHA from against all losses, damages and costs suffered or incurred by VIHA as a consequence of granting the Village access to the Driveway as provided in this Agreement.
9. Assignment. Neither party may assign its rights under this Agreement without the express, prior written consent of the other party.

10. Nature of Agreement. This Agreement is legally binding.

11. Damages. In no circumstances shall either party bring a claim for, or be liable for, consequential damages under this Agreement.

IN WITNESS WHEREOF the parties have executed this Agreement as of the Effective Date.

Village of Cumberland

By its authorized signatory

Per:

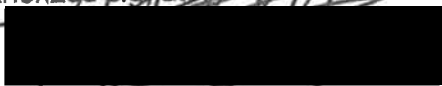


Michelle Mason, Chief Administrative Officer

VANCOUVER ISLAND HEALTH AUTHORITY

By its authorized signatory

Per:



Name:

ROBERT GUENTHER

Title:

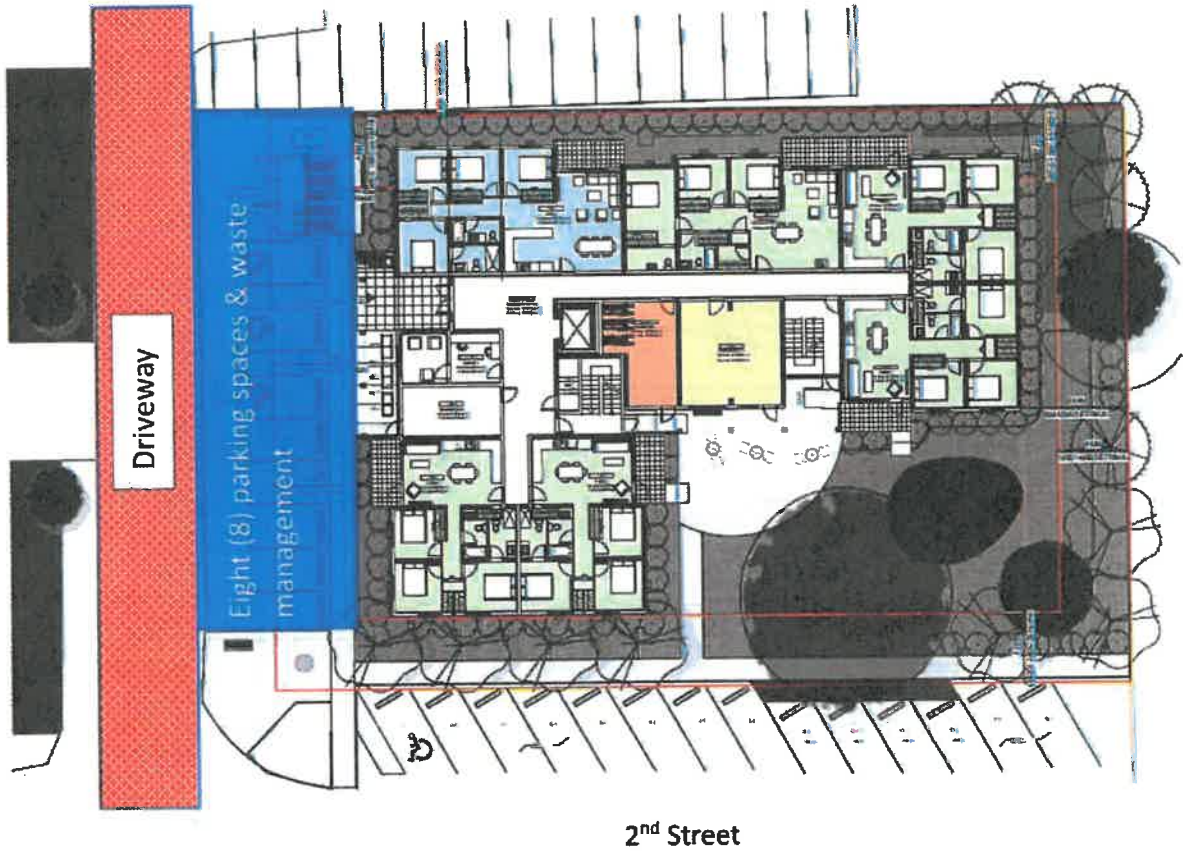
MANAGER - SPACE OPTIMIZATION,
LEASING + REAL ESTATE.

SCHEDULE "A"

THE VILLAGE PARKING SPACE REQUIREMENTS

The Village requires access to the Development Property via the Driveway owned by VIHA.

The Village plans to build eight (8) parking spaces located on the Development Property for use by the Village, its subcontractors, agents and tenants. The parking spaces will be accessed via the Driveway.



THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1136

A bylaw to amend Village of Cumberland Official Community Plan

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

1. This Bylaw shall be cited as “Official Community Plan Amendment Bylaw No. 1136, 2020.”
2. MAP A FUTURE LAND USE of the Village of Cumberland Official Community Plan, Bylaw No. 990, 2014 is amended as follows:

The land use designation of 3339, 3341 and 3345 Second Street, Cumberland, BC, legally described as Lots 3, 4, and 5, Block 32, District Lot 24, Nelson District, Plan 3268 shown in Schedule A to this bylaw is amended from Residential Infill to Multi-Family.

3. MAP C DEVELOPMENT PERMIT AREAS of the Village of Cumberland Official Community Plan, Bylaw No. 990, 2014 is amended as follows:

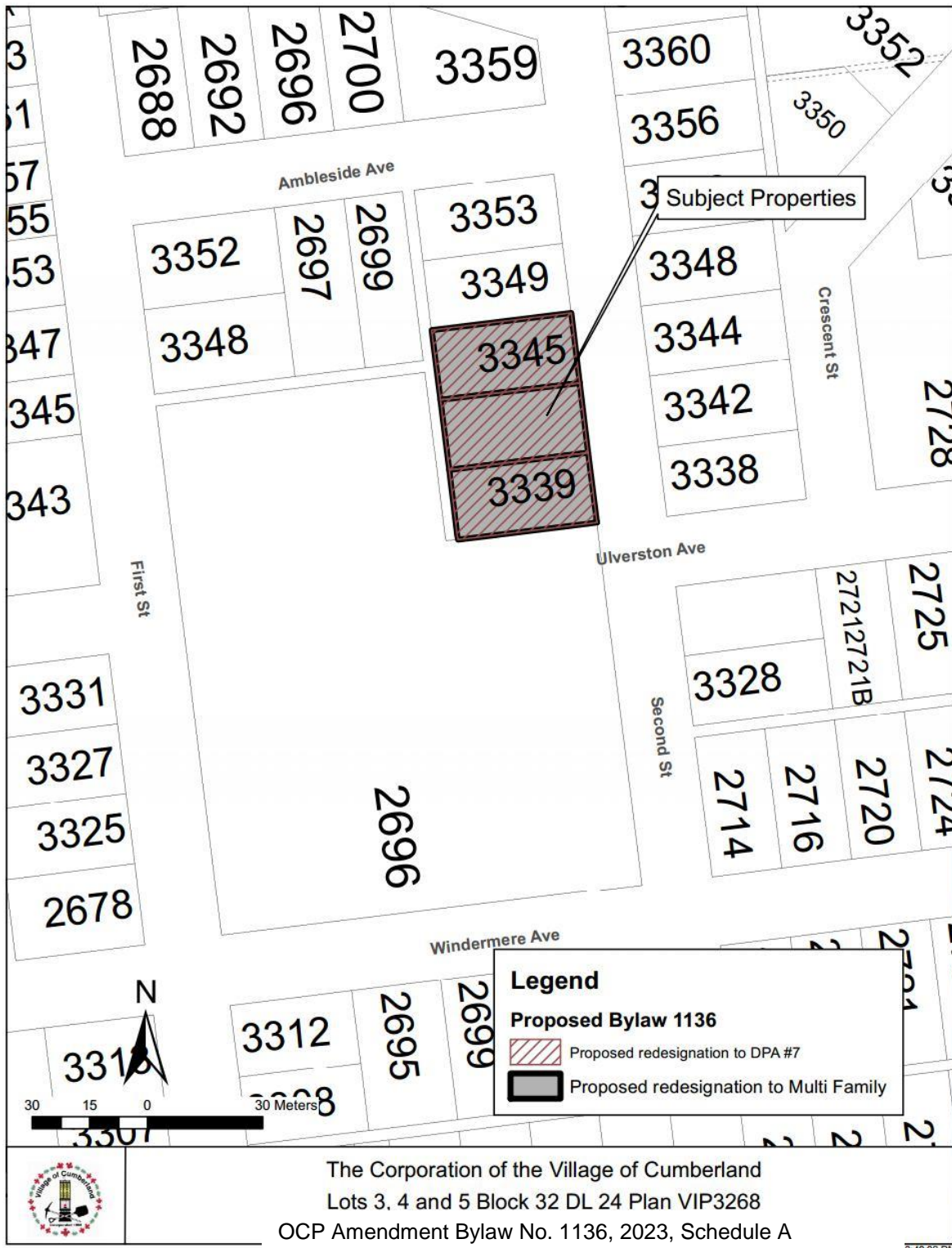
The land use designation of 3345, 3341 and 3329 Second Street, Cumberland, BC, legally described as Lots 3, 4, and 5, Block 32, District Lot 24, Nelson District, Plan 3268 shown in Schedule A to this bylaw is amended from DPA#6 – Residential Infill to DPA#7 – Residential Multi-Family.

READ A FIRST & SECOND TIME THIS	13TH	DAY OF	OCTOBER	2020.
PUBLIC HEARING HELD THIS	18TH	DAY OF	NOVEMBER	2020.
READ A THIRD TIME THIS	20TH	DAY OF	DECEMBER	2020.
ADOPTED THIS	—	DAY OF	_____	2023.

Mayor

Corporate Officer

Schedule A



THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1137

A Bylaw to amend Zoning Bylaw No. 1027, 2016

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

1. This Bylaw shall be cited as “Zoning Amendment Bylaw No. 1137, 2020”.

Zoning Amendments

2. The Zoning Bylaw No. 1027, 2016 is amended in Part 7, Residential Zones by
 - (a) **inserting** the following zone after 7.10:

7.11 RM-4—Residential Multi-Family Zone

1. Principal Uses		<i>Apartment</i> <i>Townhouse</i>	
2. Accessory Uses		<i>Accessory buildings and structures</i> <i>Home occupation</i>	
3. Lots Created by Subdivision	Area, minimum	2,000.0square metres (21,528square feet)	
	Frontage, minimum	10% of the perimeter of the <i>lot</i>	
4. Density	<i>Building GFA</i> , maximum	<i>Accessory buildings</i> shall have a combined floor area no greater than 10.0% of the <i>lot area</i> .	
	<i>Units Per Hectare (uph)</i> , maximum	85 <i>uph</i>	
	Density Bonusing	Where 20% or more of the total number of multi-family <i>dwelling units</i> are <i>affordable housing</i> units, the maximum number of multi-family dwelling units may be increased by 25 <i>units per hectare</i> .	
5. Lot Coverage	Coverage, maximum	65%, including <i>parking lot coverage</i>	
6. Principal Buildings and Structures	Setbacks, Minimum	Front	3.0metres (9.8feet)
		Rear	7.5metres (24.6feet)
		Side	4.5metres (9.8feet)
		Side, Exterior	4.5metres (9.8feet)
	Height, maximum	12.5metres (41.0feet)	

7.11 RM-4—Residential Multi-Family Zone

7. Accessory Buildings and Structures	<i>Setbacks, minimum</i>	Front	3.0metres (9.8feet)
		Rear	1.5metres (4.9feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (11.5feet)
	Height, maximum		4.5metres (14.8feet)
8. Conditions of Uses	N/A		

(b) **numbering** that zone 7.11; and

(c) **renumbering** the zones that follow in Part 7 in sequential order.

- Schedule A Zoning Map and Schedule B Zoning Map Village Core of “Zoning Bylaw No. 1027, 2016” are amended as follows:

The zoning of 3345, 3341 and 3339 Second Street, legally described as Lots 3, 4, and 5, Block 32, District Lot 24, Nelson District, Plan 3268 shown in Schedule A to this bylaw are amended from R1-A Infill Residential Zone to RM-4 Multi-Family Residential.

Severability

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

READ A FIRST TIME THIS	13TH	DAY OF	OCTOBER	2020.
READ A SECOND TIME THIS	13TH	DAY OF	OCTOBER	2020.
PUBLIC HEARING HELD THIS	18TH	DAY OF	NOVEMBER	2020.
READ A THIRD TIME THIS	14TH	DAY OF	DECEMBER	2020.
ADOPTED THIS		DAY OF		2023.

Mayor

Corporate Officer

Schedule A

