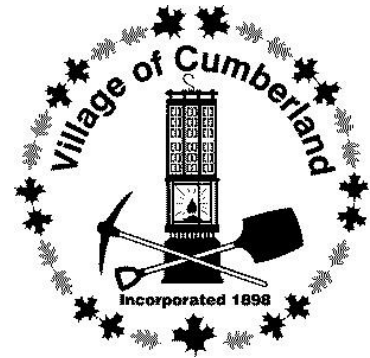


REGULAR AGENDA

14/2013/R



The Corporation of the Village of Cumberland

Regular Council Meeting
May 13th, 2013 at 5:30 p.m.
Village Council Chambers

1. Approval of Agenda

- 1.1 Agenda for regular council meeting, May 13th, 2013.
Recommend THAT Council approve the agenda for the regular council meeting, May 13th, 2013.

2. Adoption of Minutes

- 2.1 Minutes of the council meeting held April 22nd, 2013. 1
Recommend THAT Council approve the minutes of the council meeting held April 22nd, 2013.
- 2.2 Minutes of the village hall meeting held May 6th, 2013. 11
Recommend THAT Council approve the minutes of the village hall meeting held May 6th, 2013.

3. Delegations

4. Unfinished Business

- 4.1 David Stapley, Program Manager and Jack Minard, Comox Valley Conservation Strategy Community Partnership
- Proposal for a Comox Lake Watershed Sustainable Use Recreation Area
- Recommendation from the Comox Valley Conservation Strategy Community Partnership:
- i) ***THAT Council support the proposed Comox Lake Watershed Sustainable Use Recreation Area by:***
- a) ***ensuring that the Comox Valley Regional District's Comox Lake Watershed Protection Plan and related activities are aligned with the five goals outlined in the Comox Lake Watershed Sustainable Use Recreation Area proposal;***

- b) directing staff to work with community and provincial stakeholders to establish a local, cooperative and inclusive administrative structure to publically manage the health of Comox Lake Watershed;*
- c) amending Official Community Plans to prevent residential or commercial subdivisions in the Comox Lake Watershed as outlined in the Regional Growth Strategy;*
- d) requesting financial resources from the provincial government to achieve local control and protection of the Comox Lake watershed; and*
- e) requesting that the province utilize provisions under the Water Act to implement a watershed management plan.*
- ii) THAT council work in partnership with local and provincial stakeholders to develop, implement and monitor an ecologically based multi-use watershed management plan Once a local, cooperative and inclusive administrative structure is established.*

5. Correspondence

- 5.1 Jeremy Grasby, Cumberland Course Director, BC Bike Race – June 30th, 2013 13
- 2013 BC Bike Race
 - i) Recommend THAT Council receive the correspondence from Jeremy Grasby, Cumberland Course Director, BC Bike Race – June 30th, 2013 for information.*
 - ii) Recommend THAT Council permit the closure of Dunsmuir Avenue between First Street and Second Street from 7:30 am to 11:00 am; and Dunsmuir Avenue between Second Street and Fourth Street and Fourth Street and Cumberland Road from Dunsmuir Avenue to Bevan Road from 9:00 am to 10:30 on June 30th, 2013 for the BC Bike Race.*
- 5.2 Keith Tatton, Rotary Club of Cumberland Centennial 14
- Comox Valley Classic Cruisers Car Club Annual Cruise the Valley – July 27th, 2013
 - i) Recommend THAT Council receive the correspondence from Keith Tatton, Rotary Club of Cumberland Centennial re: Comox Valley Classic Cruisers Car Club Annual Cruise the Valley – July 27th, 2013.*

- ii) Recommend THAT Council permit the closure of Dunsmuir Avenue between First Street and Fourth Street on July 27th, 2013 from 6:00 pm to 10:00 pm for the Comox Valley Classic Cruisers Car Club Annual Cruise the Valley.*
- 5.3 Jean Cameron, Chairperson, Cumberland Motorcycle Roundup 15
- 5th Annual Cumberland Motorcycle Roundup Show & Shine and Poker Run August 10th & 11th, 2013
 - i) Recommend THAT Council receive the correspondence from Jean Cameron, Chairperson, Cumberland Motorcycle Roundup re: 5th Annual Cumberland Motorcycle Roundup Show & Shine and Poker Run August 10th & 11th, 2013.*
 - ii) Recommend THAT Council permit the closure of Third Street from Dunsmuir Avenue to the alley between Dunsmuir and Derwent Avenue on August 10th, 2013; to permit motorcycle demonstrations on Dunsmuir Avenue between Fourth Street and Fifth Street on August 10, 2013; and permit the closure of Dunsmuir Avenue between Third and Fourth Street between 8 am and 11 am on August 11th, 2013 for the Cumberland Motorcycle Roundup.*
- 5.4 Richard Ellsay, Race Director, Comox Valley Cycle Club 19
- Comox Valley Cycle Club Race – June 16th, 2013
 - i) Recommend THAT Council receive the correspondence from Richard Ellsay, Race Director, Comox Valley Cycle Club re: Comox Valley Cycle Club Race – June 16th, 2013.*
 - ii) Recommend THAT Council permits the Comox Valley Cycle Club to hold a bicycle road race on Dunsmuir Avenue, Royston Road, Union Road and Cumberland Road on June 16th, 2013 at 11:00 am.*
- 5.5 Edwin Grieve, Chair, Comox Valley Regional District 22
- Proposed elected officials forum – June 11, 2013
 - i) Recommend THAT Council receive the correspondence from Edwin Grieve, Chair, Comox Valley Regional District re: Proposed elected officials forum – June 11, 2013.*
 - ii) Recommend THAT Council attend the Comox Valley Regional District elected officials forum on June 11, 2013 and submit topics for inclusion on the agenda.*

- 5.6 Julie Le Goff, Executive Director, Comox Valley Pregnancy Care Centre 23
- Run/Walk Fundraiser
 - i) ***Recommend THAT Council receive the correspondence from Julie Le Goff, Executive Director, Comox Valley Pregnancy Care Centre re: Run/Walk Fundraiser.***
 - ii) ***Recommend THAT Council permit the run/walk fundraiser from Village Park to Comox Lake and back on Comox Lake Road on May 20th, 2013 at 12:00 noon.***
6. Reports
- 6.1 Parks and Cemeteries Select Committee – Status update 25
- Prepared by Kevin McPhedran,
- i) ***Recommend THAT Council receive the Parks and Cemeteries Select Committee- Status Update report for information; and***
 - ii) ***Recommend THAT Council direct staff to delay the establishment of the Parks and Cemeteries Select committee and review the concept of the committee in spring 2014.***
- 6.2 Park Signs: Development of Standards and Manual 29
- Prepared by Kevin McPhedran, Outdoor Recreation Co-ordinator
- i) ***Recommend THAT Council receive the Park Signs: Development of Standards and Manual report for information.***
 - ii) ***Recommend THAT Council approve the expenditure of up to \$6,000, to be funded through Council's Tax Surplus Reserve, for the development of a Village of Cumberland Parks Sign Standards manual; and***
 - iii) ***Recommend THAT the 2013-2017 Financial Plan Bylaw be amended accordingly.***
- 6.3 Edwards Industrial Park Development Permit 2013-01-DP 32
- Prepared by Joanne Rees, Planner
- i) ***THAT Council receive 'Edwards Industrial Park Development Permit 2013-01-DP' report dated May 13, 2013.***
 - ii) ***THAT Council grant the Development Permit (File 2013-01-DP) for property legally described as Lot 1, Section 25, Nelson District, Plan 35738 (4640 Cumberland Road) for the purposes of construction of Phase 1 of a multi-phase light industrial development. The development will be substantially in the form of the attached draft Development Permit.***

- iii) THAT staff be directed to initiate the discharge of the notation on the title of the subject property of two abandoned Development Permits being documents numbered EK72715 (1996) and EP69988 (2006).***

- 6.4 Official Community Plan – Review & Revision: May 13, 2013 51
Status Report
Prepared by Judith Walker, Senior Planner
Recommend THAT Council receive the 2013 Official Community Plan – Review & Revision: May 13, 2013 Status Report for information.
- 6.5 Liquor Licence Application for a Structural Change, Waverley Hotel and Pub, 2692 Dunsmuir Avenue 54
Prepared by Rachel Parker, Deputy Corporate Officer
- i) Recommend THAT Council receive the Liquor Licence Application for a Structural Change, Waverley Hotel and Pub report.***
 - ii) Recommend THAT Council recommend that the application for an amendment to liquor-primary licence number 001858 for the Waverley Hotel & Pub, 2692 Dunsmuir Avenue, for the addition of a patio be approved;***
 - iii) Recommend THAT Council considers that the views of the residents indicate that there is a concern for noise to neighbouring residents and that measures be taken to reduce this potential for noise, including restrictions limiting patio use hours to daylight hours only and only when live entertainment is not occurring inside the venue, that the applicant provide screening and noise reduction barriers to the patio, that client access to the alleyway be restricted at all times (emergency exit only), that the rear door not be permitted to be left open;***
 - iv) Recommend THAT Council considers the impact on the community, if the application is approved with the restrictions imposed as recommended, is generally positive, supporting economic development in the commercial core in the Village.***

- 6.6 Comox Lake Road 67
Prepared by Rob Crisfield, Manager of Operations
i) Recommend THAT Council receives the Comox Lake Road Report.
ii) Recommend THAT Council direct staff on how to proceed with Comox Lake Road project.
- 6.7 Backyard Chickens Report 73
Prepared by Sundance Topham, Chief Administrative Officer
i) Recommend THAT Council receive the Backyard Chickens Report.
ii) Recommend THAT Council provide direction to staff in regards to backyard chicken regulations within the Village of Cumberland.
- 6.8 April 2013 Recreation Department Report 76
Prepared by Margaret Robertson, Recreation Program Coordinator and Sandra Hryko, Recreation Programmer
Recommend THAT Council receive the April 2013 Recreation Department Report for information.
- 6.9 April 2013 Parks and Outdoor Recreation Report 78
Prepared by Kevin McPhedran, Parks and Outdoor Recreation Coordinator
Recommend THAT Council receive the April 2013 Parks and Outdoor Recreation Report for information.
- 6.10 Protective Services Report, April 2013 81
Prepared by Mike Williamson, Fire Chief/Manager of Protective Services
Recommend THAT Council receive the Protective Services Report, April 2013 for information.
- 6.11 April 2013 Operations Department Report 86
Prepared by Rob Crisfield, Manager of Operations
Recommend THAT Council receives the April 2013 – Operations Department Report for information.
- 6.12 April 2013 Administration Department Report 95
Prepared by Michelle Mason, Financial Officer
Recommend THAT Council receive the April 2013 Administration Department Report for information.

- 6.13 April 2013 Chief Administrative Officer Report 97
Prepared by Sundance Topham, Chief Administrative Officer
Recommend THAT Council receive the April 2013 Chief Administrative Officer Report for information.
- 6.14 Council Reports
6.14.1 Mayor Leslie Baird 99
6.14.2 Councillor Conner Copeman
6.14.3 Councillor Kate Greening 101
6.14.4 Councillor Roger Kishi 102
6.14.5 Councillor Gwyn Sproule 103
Recommend THAT the Council reports be received.
7. Bylaws
- 7.1 Carlisle Lane – 01-2012 OCP & Zoning Amendment Application 104
Prepared by Judith Walker, Senior Planner
i) THAT second reading of Official Community Plan Amendment Bylaw No. 966 be rescinded, amended as attached, and given second reading anew;
ii) THAT second reading of Zoning Amendment Bylaw No. 967 be rescinded, amended as attached, and given second reading anew; and
iii) THAT second reading of PDA Bylaw No. 983 be rescinded, the Schedules amended as attached, and given second reading anew.
- 7.2 The Corporation of the Village of Cumberland 2013 – 2017 Financial Plan Bylaw No. 984, 2013 186
Recommend THAT Council give fourth reading and adoption to “The Corporation of the Village of Cumberland 2013 - 2017 Financial Plan Bylaw No. 984, 2013”.
- 7.3 The Corporation of the Village of Cumberland 2013 Property Tax Rates Bylaw No. 985, 2013. 191
Recommend THAT Council give fourth reading and adoption to “The Corporation of the Village of Cumberland 2013 Property Tax Rates Bylaw No. 985, 2013”.

- 7.4 Bylaw 986 Development Procedures and Fees Bylaw Amendment – 193
Development Permit Exemptions
Prepared by Joanne Rees, Planner

- i) ***Recommend THAT Council receive Bylaw 986 Development Procedures & Fees Bylaw Amendment – Development Permit Exemptions’ dated May 6, 2013.***
- ii) ***Recommend THAT Council consider giving first, second and third readings to the ‘Corporation of the Village of Cumberland Development Procedures and Fees Amendment Bylaw No. 986, 2013.***

8. Consent Calendar

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

- 8.1 David Sparanese, President, Public Works Association of BC re: 197
National Public Works Week, May 19-25, 2013 – “Because of Public Works”;
- 8.2 Basia Ruta, Auditor General for Local Government re: Annual Service 200
Plans for 2012/2013 – 2014/15 and 2015/16 release;
- 8.3 Crystal Dunahee, President, Child Find BC re: Proclamation for 201
National Missing Children’s Month and Missing Children’s Day;
- 8.4 The Honourable Peter Kent, P.C., M.P. re: Raven Underground Coal 204
Project;
- 8.5 Amber Zirnhelt, sustainability Manager, City of Campbell River re: 206
urban Hen Information;
- 8.6 Russell Irvine, Chair, Comox Valley Airport Commission Governance 213
Committee re: Upcoming Comox Valley Airport Commission Director Vacancy;
- 8.7 Elke Bibby re: Chicken petition; 215
- 8.8 Craig Daniell, Chief Executive Officer, BCSPCA re: Public Consultation 216
Process.

Recommend THAT the Consent Calendar be received.

9. New Business

10. Notices, Motions and Announcements

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

- Village Booth on Market Day, Saturday May 18, 2013
- Deadline for Elector Response to the Alternate Approval Process for the Water Improvements Loan Bylaw is on June 10, 2013
- Stage 1 Water Restrictions are now in effect
- Property tax notices will be issued to property owners in mid-May.

11. Question Period

12. Closed Portion

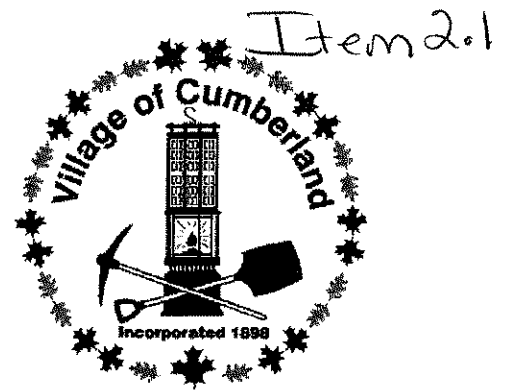
Recommend THAT pursuant to Section 90 (1) of the Community Charter Council close the meeting to the public to consider:

- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

13. Adjournment

REGULAR MINUTES

12/2013/R



**The Corporation of the Village of Cumberland
Regular Council Meeting
April 22nd, 2013 at 5:30 p.m.
Village Council Chambers**

Council Present:

Mayor Leslie Baird
Councillor Conner Copeman
Councillor Kate Greening
Councillor Roger Kishi
Councillor Gwyn Sproule

Staff Present:

Sundance Topham, Chief Administrative Officer
Michelle Mason, Financial Officer
Rob Crisfield, Manager of Operations
Rachel Parker, Deputy Corporate Officer
Judith Walker, Senior Planner
Kevin McPhedran, Parks and Outdoor Recreation
Coordinator

The meeting was called to order at 5:30 p.m.

1. Approval of Agenda

1.1 Agenda for regular council meeting, April 22nd, 2013.

Motion 13-204

Sproule/Greening

THAT Council approve the agenda for the regular council meeting, April 22nd, 2013.

Carried Unanimously

2. Adoption of Minutes

2.1 Minutes of the council meeting held April 8, 2013.

Motion 13-205

Greening/Copeman

THAT Council approve the minutes of the council meeting held April 8, 2013 as corrected in item 7.1 to replace "\$8,000 to \$6,000" with "\$6,000 to \$8,000".

Carried Unanimously

3. Delegations

- 3.1 David Stapley, Program Manager and Jack Minard, Comox Valley
Conservation Strategy Community Partnership, Proposal for a Comox Lake
Watershed Sustainable Use Recreation Area

Motion 13-206

Copeman/Sproule

THAT Council receive the delegation of David Stapley, Program Manager
and Jack Minard, Comox Valley Conservation
Strategy Community Partnership re: Proposal for a Comox Lake Watershed
Sustainable Use Recreation Area.

Carried Unanimously

4. Unfinished Business

None

5. Correspondence

None

6. Reports

- 6.1 Working in Partnership with the United Riders of Cumberland to Pursue
Land Access Agreements

Motion 13-207

Kishi/Copeman

THAT Council receive the Working in Partnership with the United Riders of
Cumberland to Pursue Land Access Agreements report;

Carried Unanimously

Motion 13-208

Greening/Sproule

THAT Council move into the Committee of the Whole for the purpose of
having an informal discussion on Working in Partnership with the United
Riders of Cumberland to Pursue Land Access Agreements.

Carried Unanimously

The Committee of the Whole moved back into the regular Council
meeting.

Motion 13-209

Greening/Sproule

THAT Council direct staff to continue to work with the United Riders of
Cumberland to facilitate formal land access agreements and assist in

managing trails on private lands adjacent to the Village of Cumberland; and THAT Council enter into the Memorandum of Understanding agreement with the United Riders of Cumberland for the purposes of clarifying the role of Village staff in assisting UROC in their pursuit of formal access agreements to authorize trails on private land and to authorize the Mayor and Chief Administrative Officer to execute the agreement.

Carried Unanimously

- 6.2 Harmonic Arts Official Community Plan Amendment & Rezoning – Preliminary Consideration (2666 Ulverston Avenue) Report
Motion 13-210

Copeman/Kishi

THAT Council receive the “Harmonic Arts OCP Amendment & Rezoning - Preliminary Consideration (2666 Ulverston Avenue) Report.

Carried Unanimously

Greening/Sproule

THAT Council direct staff to leave consideration of the Harmonic Arts Official Community Plan Amendment and Rezoning application (2666 Ulverston Avenue) to the official community plan review and revision.

In Favour: Councillor Greening
Councillor Sproule

Opposed: Mayor Baird
Councillor Copeman
Councillor Kishi

Defeated

Motion 13-211

Sproule/Copeman

THAT Council direct staff to process the application 2013-02-OCP/RZ (2666 Ulverston Avenue) in conjunction with the official community plan review.

Carried Unanimously

- 6.3 Coal Valley Estates Traffic Calming Status Report
Motion 13-212

Sproule/Kishi

THAT Council receive the Coal Valley Estates Traffic Status Report.

Carried Unanimously

Motion 13-213

Copeman/Sproule

THAT Council direct staff to develop a traffic regulations and traffic calming information flyer to be posted on the website and distributed to all mail boxes, and that the Village not proceed with the printing and distribution of signs due to lack of budget.

Carried Unanimously

- 6.4 Official Community Plan 2013 – Local Advisory Community Group Report

Motion 13-214

Sproule/Kishi

THAT Council receive the Official Community Plan 2013 –Local Advisory Community Group Status Report for information.

Carried Unanimously

- 6.5 Alternate Approval Process for Water Improvements Loan Authorization
Bylaw No. 981, 2013

Motion 13-215

Sproule/Kishi

THAT Council receive the Alternate Approval Process for Water Improvements Loan Authorization Bylaw No. 981, 2013 report.

Carried Unanimously

Motion 13-216

Greening/Sproule

THAT Council establish the deadline of June 10, 2013 for receiving elector response forms, establish the elector response forms as presented, make a fair determination of the total number of electors of the area to which the process applies as 2433, and approve the public information sheet as presented.

Carried Unanimously

- 6.6 South Sewer Select Committee - Terms of Reference

Motion 13-217

Sproule/Greening

THAT Council receive the South Sewer Select Committee – Terms of Reference report.

Carried Unanimously

Motion 13-218

Sproule/Greening

THAT the Village of Cumberland support the establishment of the South Sewer Select Committee as per the Terms of Reference; and THAT the Village of Cumberland appoint Mayor Baird and Councillor Kishi to the South Sewer Select Committee and appoint all members of Council as alternates with alternate attendance to coincide with the list of acting mayors; and THAT Council advise the Comox Valley Regional District that the Village of Cumberland will contact the media in regard to its own process.

Carried Unanimously

- 6.7 Comox Valley Fire and Rescue Services Agreement
Motion 13-219

Greening/Sproule

THAT Council receive the Comox Valley Fire and Rescue Services Agreement report.

Carried Unanimously

Motion 13-220

Greening/Kishi

THAT the Corporation of the Village of Cumberland Council enter into the Comox Valley Fires and Rescue Services Agreement (Mutual Aid Agreement) and that the Mayor and Chief Administrative Officer be authorized to execute the agreement.

Carried Unanimously

- 6.8 Outstanding Action Items, Reconsideration of Motions
Motion 13-221

Sproule/Greening

THAT Council receive the Outstanding Action Items, Reconsideration of Motions report.

Carried Unanimously

Motion 13-222

Greening/ Sproule

THAT Council rescind motion 12.21, THAT the Village of Cumberland Staff, Committee and Public Communications to Council Policy be amended to reflect the changes discussed during the December 29, 2011 Committee of the Whole Meeting and that these changes be incorporated into a new Staff and Council Communications Policy to be brought to Council for consideration.

Carried Unanimously

Motion 13-223

Greening/ Sproule

THAT Council rescind motion 12.43, THAT Staff invite Staff Sergeant Andrew Isles to come to a Council meeting to discuss the Village of Cumberland Fireworks Bylaw No. 712, 1997.

Carried Unanimously

Motion 13-224

Greening/Kishi

THAT Council rescind motion 12-248, THAT Staff bring forward a Smoke Free Outdoor Public Place Bylaw for outside municipal buildings.

Carried Unanimously

Motion 13-225

Sproule/Greening

THAT Council rescind motion 12.309, THAT Staff arrange a Village Hall Youth meeting at Cumberland Junior Secondary with Grade 9 students and create a formal agenda for that meeting.

Carried Unanimously

Motion 13-226

Copeman/Sproule

THAT Council rescind motion 12-491, THAT Council direct staff to bring forward a report on the consequences of not purchasing carbon offsets and a resolution reflecting such action at a future meeting of council.

In Favour: Mayor Baird
Councillor Copeman
Councillor Kishi
Councillor Sproule

Opposed: Councillor Greening

Carried

Motion 13-227

Sproule/Kishi

THAT Council direct staff to draft a policy for Council's consideration on the investment of preferred local carbon offset projects.

Carried Unanimously

6.9 Outstanding Action Items Report

Motion 13-228

Greening/Kishi

THAT Council receive the Outstanding Action Items Report for information.
Carried Unanimously

6.10 Electronic Funds and Cheque Register Report, March 2013

Motion 13-229

Greening/Sproule

THAT Council receives the Electronic Funds and Cheque Register Report, March 2013 for information.

Carried Unanimously

7. Bylaws

7.1 Carlisle Lane – 01-2012 Official Community Plan and Zoning Amendment Application

Motion 13-230

Greening/Sproule

THAT the Council receive the Carlisle Lane – 01-2012 Official Community Plan and Zoning Amendment Application report.

Carried Unanimously

Motion 13-231

Sproule/ Greening

THAT the "Corporation of the Village of Cumberland Official Community Plan Amendment Bylaw No. 966, 2012" and "Village of Cumberland Zoning Amendment Bylaw No. 967, 2012" be given first and second reading; THAT the PDA Bylaw No. 983 be given first and second reading; THAT Council directs staff to refer the "Corporation of the Village of Cumberland Official Community Plan Amendment Bylaw No. 966, 2012" to BC Assessment Authority, Agricultural Land Commission, Ministry of Agriculture (Courtenay), Ministry of Energy, Mines & Natural Gas, Ministry of Community, Sport & Cultural Development, Ministry of Aboriginal Relations & Reconciliation, Ministry of Forests, Lands & Natural Resource Operations (Fish & Wildlife), Ministry of Forests, Lands & Natural Resource Operations (Forestry – CR), K'omoks First Nations, City of Courtenay, Town of Comox, Comox Valley Regional District, Environment Canada, Ministry of Transportation and Infrastructure (Courtenay), Fisheries & Oceans Canada (Comox), School District No. 71, and VIHA (VI Health Authority); THAT Council directs staff to hold a public information meeting on Thursday May 9, 2013, 6:30-8pm in Council Chambers; and THAT Council directs staff to schedule a public hearing for "Corporation of the Village of Cumberland Official Community Plan Amendment Bylaw No. 966, 2012"

and "Village of Cumberland Zoning Amendment Bylaw No. 967, 2012" on Wednesday May 29, 2013 at 7pm. in Council Chambers.

Carried Unanimously

- 7.2 The Corporation of the Village of Cumberland 2013 – 2017 Financial Plan Bylaw No. 984, 2013 and 2013 Property Tax Rates Bylaw No. 985, 2013 Second and Third Reading Report
Motion 13-232

Sproule/ Greening

THAT Council receive The Corporation of the Village of Cumberland 2013 - 2017 Financial Plan Bylaw No. 984, 2013 and 2013 Property Tax Rates Bylaw No. 985, 2013 Second and Third Reading Report for information.

Carried Unanimously

Motion 13-233

Greening/ Sproule

THAT Council give second and third reading of The Corporation of the Village of Cumberland 2013 - 2017 Financial Plan Bylaw No. 984, 2013;
THAT Council amend the Corporation of the Village of Cumberland 2013 Property Tax Rates Bylaw No. 985, 2013 in Schedule A by removing columns c, d, and e and substituting the following:

REGIONAL DISTRICT		REGIONAL HOSPITAL DISTRICT
GENERAL (column c)	HOSPITAL (column d)	HOSPITAL (column e)
0.3427	0.4671	0.8040
3.6429	4.9653	2.814 0
0.3427	0.4671	0.8040
0.6854	0.9342	2.7336
0.6854	0.9342	2.7336
0.6820	0.9295	1.9698
0.8910	1.2145	2.4120
0.3427	0.4671	0.8040
0.3427	0.4671	0.8040

That Council give second and third reading to The Corporation of the Village of Cumberland 2013 Property Tax Rates Bylaw No. 985, 2013 as amended.

Carried Unanimously

8. Consent Calendar

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

- 8.2 Maureen Eykelenboom, Founder, Boomer's Legacy re: Boomer's Legacy Bike Ride 2013;
- 8.3 Terry Lake, Minister of Environment re: Comox Strathcona Waste Management 2012 Solid Waste Management Plan;
- 8.4 Edwin Grieve, Chair, Comox Valley Regional District re: Comox Valley Regional District board resolution – rainwater management (the full report is available at the Village Office);
- 8.5 Terry Lake, Minister of Environment re: Proposed Raven Underground Coal Project;
- 8.6 B. McDonald, Inspector, Officer in Charge, Comox Valley RCMP Detachment re: Comox Valley RCMP Monthly Policing Report, January – March, 2013;
- 8.7 Russell Irvine, Chair, Comox Valley Airport Commission Governance Committee re: Upcoming CVAC Director Vacancy;
- 8.8 Petition in support of backyard chickens.

Motion 13-234

Greening/ Sproule

THAT the Consent Calendar be received.

Carried Unanimously

Discussion took place on:

- 8.1 Comox Valley Housing Task Force Report April 2012 – February 2013;
- 8.3 Terry Lake, Minister of Environment re: Comox Strathcona Waste Management 2012 Solid Waste Management Plan;

9. New Business

None

10. Notices, Motions and Amendments

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

- Village Hall meeting Monday, May 6th, 2013 at 7:00pm in the Village Council Chambers; and

- Official Community Plan photo contest deadline is June 15th, 2013.
- Carlisle Lane Development, Public Information Meeting, May 9, 2013, 6:30 to 8 p.m. in the Council Chamber

11. Question Period

A comment was received on the official community plan and rezoning application for 2666 ULverston and a question received on the process for receiving the Comox Lake Watershed Sustainable Use Recreation Area delegation.

12. Closed Portion

Motion 13-235

Greening/Sproule

THAT pursuant to Section 90 (1) of the Community Charter Council close the meeting to the public to consider the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried Unanimously

13. Adjournment

Motion 13-236

Greening/Sproule

THAT Council adjourn the meeting at 8:04 p.m.

Carried Unanimously

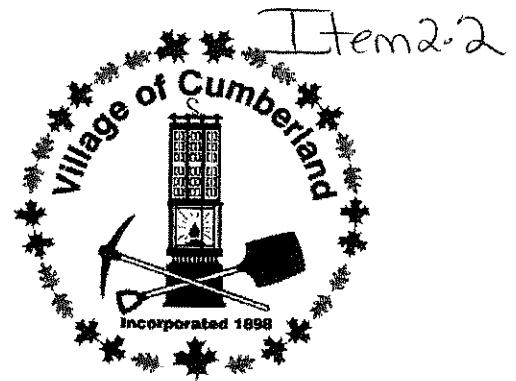
Certified Correct:

Mayor

Corporate Officer

VILLAGE HALL MINUTES

13.2013.VH



The Corporation of the Village of Cumberland

**Village Hall Meeting
May 6, 2013 at 7:00 p.m.
Village Council Chambers**

Council Present:

Mayor Leslie Baird
Councillor Conner Copeman
Councillor Kate Greening
Councillor Roger Kishi
Councillor Gwyn Sproule

Staff Present:

Sundance Topham, Chief Administrative Officer
Michelle Mason, Financial Officer
Rob Crisfield, Manager of Operations
Rachel Parker, Deputy Corporate Officer

The meeting was called to order at 7:00 p.m.

1. Approval of Agenda

1.1 Agenda for Village Hall Meeting, May 6, 2013.

Greening/Kishi

THAT Council approve the agenda for the Village Hall Meeting of May 6, 2013.

Carried Unanimously

2. Unfinished Business

None

3. New Business

Sproule/Copeman

THAT Council receive and discuss the following items with members of the public.

3.1 Regulation of Backyard Chickens

3.2 Plus Items Brought Forward by Residents

Carried Unanimously

Discussion took place on the possibility of permitting backyard chickens.

- Some residents have kept chickens and some have had issues with wildlife, pests, and odour while others have not and noted that maintenance of coops and care of chickens was important
- Some residents suggested self-enforcement with community members volunteering to provide education and information
- Some residents felt that bylaw enforcement by the Village would be an essential tool to ensure that those having chickens not affect their neighbours
- Residents noted that many other municipalities in BC are shifting towards laws and policies that support local food production including hens for egg production
- Residents commented on whether chickens attract bears and noted that there are many other bear attractants in the community, chicken feed must be secure, and that work must be done to preserve wildlife habitat
- Residents noted that raising chickens is an excellent educational opportunity for children
- Residents noted that those who do not care for chickens will loose them to predators, disease, or through bylaw enforcement
- Residents suggested that market gardening be permitted
- Residents were encouraged to participate in the official community plan review as the official community plan guides decisions on land issues and is a building block for the community; and that staff would ask Council for direction on the backyard chicken regulation at the upcoming May 13, 2013 council meeting
- It was noted that discussion at this meeting would feed into the official community plan process

Staff provided an update on the curbside organics collection program commencing June 19, 2013 and that residents should expect information through the mail on the new program.

4. Adjournment

Greening/Copeman

That the meeting be adjourned at 8:25 p.m.

Carried Unanimously

Certified Correct:

Mayor

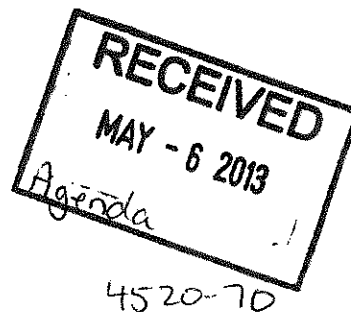
Corporate Officer

Item 5.1



200 -188 Pemberton Ave
North Vancouver, BC
V7P 2R5

T 1-778-846-5746
F 1-866-886-4108
jeremy@bcbikerace.com
www.bcbikerace.com



April 16, 2013
Mayor and Council
Village of Cumberland
2673 Dunsmuir Ave
Cumberland, BC
V0R 1S0

Mayor and Council,

I am writing in regards to the 2013 BC Bike Race. This internationally recognized event is now in it's seventh year of operation and Cumberland has been one of the premier stages in this seven day mountain bike stage race each year. Cumberland is the only community on Vancouver Island that can lay claim to this.

The BC Bike Race is a globally marketed event that contributes directly and indirectly to the economy of our community. The profile of Cumberland is consistently elevated within the mountain biking tourism and event sector by the strong, year round marketing campaign of this award winning event.

To facilitate the event and ensure rider safety as well as create excellent media coverage for the Village I am requesting permission for the closure of Dunsmuir ave. between 1st and 2nd st. on June 30th, 2013 from 7:30 am to 11:00 am. Also, the closure of Dunsmuir from 2nd to 4th street and 4th street from Dunsmuir to Bevan road from 9:00 to 10:30 am. Please note that vehicles wishing to cross 4th street will be permitted to do so when safe. Traffic entering the Village of Cumberland on Cumberland rd/4th st. will be controlled by a certified traffic controller and be provided with a detour option. Please see the attached map for details regarding traffic control.

The BC Bike Race would like to thank the Village of Cumberland, it's businesses and residents for the support it has received over the years.

Respectfully,

Jeremy Grasby
Cumberland Course Director
BC Bike Race
jeremy@bcbikerace.com
1 (250) 650-2173

File: 4520-70



The Rotary Club of
Cumberland Centennial

PO Box 101

SERVICE Above Self

Cumberland, BC V0R 1S0

<http://www.cumberlandcentennial.rotary-site.org>

April 18, 2013

The Village of Cumberland,
2673 Dunsmuir Street,
Cumberland, B.C.
V0R 1S0



Re: Cruise the Valley - Cruise In

Mayor Leslie Baird and Counselors:

The Comox Valley Classic Cruisers Car Club has asked us to again organize and host the destination of their annual Cruise the Valley. The event is scheduled for the evening of Saturday, July 27th.

With your permission, we will block traffic and parking on Dunsmuir Street between 1st Street and 4th Street for the period of 6:00 PM to 10:00 PM. Cross traffic on 1st Street and 4th street will be unimpeded.

We also request permission to use the Village Square for the same time period. Thrifty Foods will again set up in the Square and provide free cake and coffee to the spectators and entrants. We're also organizing a live band to play fifties rock and roll music in the Square.

The Car Club has sufficient liability insurance and will once again have their broker provide the Village with a letter of comfort.

Thank you for taking the time to consider our request. We look forward to your response.

Yours truly,

Keith Tatton,
Rotary Club of Cumberland Centennial

Item 5.3

Cumberland MOTORCYCLE ROUNDUP

RECEIVED
APR 22 2013
4520-70

April 22/ 2013

Mayor Leslie Baird; Sundance Topham; Rachel Parker;

& Cumberland Village Council

The Corporation of the Village of Cumberland

Box 340 2673 Dunsmuir Avenue

Cumberland, BC V0R 1S0

Dear Major Baird, Sundance Topham, Rachel Parker, and Cumberland Village Council:

RE: 5th Annual Cumberland Motorcycle Roundup Show & Shine and Poker Run August 10th & 11/ 2013.

Due to our growing success, and the possibility of 3rd Street between Dunsmuir and Penrith being under construction at the time of our event, we would like to request the closure of the additional (half) side street: from Dunsmuir to the alley on 3rd street toward Derwent.

We had originally asked for the block of Dunsmuir Ave between 4th and 5th Streets for overflow traffic. Due to our growth, we would also request the closure of this block for two twenty minute intervals (1:00 pm to 1:20 pm and 2:30 pm to 2:50 pm) for motorcycle demonstrations.

Due to an increased amount of motorcycles attending our Sunday Aug 11th Poker Run, we also request permission for closure of the block of Dunsmuir Ave between 4th and ~~5th~~ ^{3rd and 4th} for three hours, between 8 am and 11 am. This would also allow several vendors to attend our Poker Run for this period of time.

The Village of Cumberland has asked the Cumberland Motorcycle Roundup to increase our liability insurance this year from three million dollars to five million dollars. Our

* Change as per request from Jean Cameron.
- 15 -
RParker

insurance company has been informed, and the coverage WILL be changed to the five million dollar amount as requested.

Thank you all very much for your help and support with our event.

Sincerely,

A handwritten signature in black ink that reads "Jean Cameron". The signature is fluid and cursive, with the first letters of "Jean" and "Cameron" being capitalized and prominent.

Jean Cameron

Chairperson, Cumberland Motorcycle Roundup

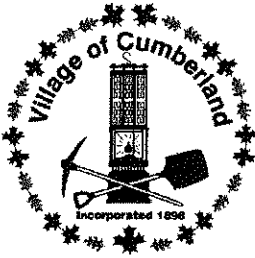
PO Box 625, Cumberland, BC V0R 1S0

Phone: 250-336-8746

Cell: 250-702-7181

Email: camerons_salon@hotmail.com

www.cumberlandmotorcyclergroundup.com



Corporation of the Village of Cumberland

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

File No. 4520-70

April 11, 2013

Jean Cameron, Chairperson
Cumberland Motorcycle Roundup
PO Box 625
Cumberland, BC V0R 1S0

Dear Ms. Cameron,

Re: 5th Annual Motorcycle Show & Shine and Poker Run – August 10 and 11, 2013

Thank you for your letter of December 17, 2012. I can advise that the following road closures are approved for the above event:

On August 10, 2013 from 8 a.m. to 5 p.m.:

- Dunsmuir Avenue from First Street to Fourth Street,
- Second Street from Derwent Avenue to the alley between Dunsmuir Avenue and Penrith Avenue,
- Third Street from Dunsmuir Avenue to Penrith Street;
- Dunsmuir Avenue from Fourth Street to Fifth Street, if required.

On August 11, 2013 from 12 p.m. to 5 p.m.:

- to reserve parking on Dunsmuir Avenue and Second Street, and
- close Second Street from Dunsmuir Avenue to the alley between Dunsmuir Avenue and Penrith Avenue.

Council has also approved an exemption to the noise bylaw on August 10, 2013 from 4 p.m. to 8 p.m. for a burnout pit at 2679 Beaufort Avenue for the 5th Annual Cumberland Motorcycle Show & Shine and Poker Run. Please provide advance notification to the surrounding residences of the increased noise and smoke during this time as set out in your letter.

.../2

Please note that exemptions provided under Noise Control Bylaw No. 950, 2012 are intended to permit activities which are prohibited under the bylaw in the general public interest. It is not contemplated nor intended, nor does the purpose of this bylaw extend to protect any person from damage or economic loss as a result of an exemption or a revocation of an exemption under this bylaw or to provide any person with a warranty to engage in an activity that is generally prohibited under this bylaw. This exemption is subject to the indemnification of the Village of Cumberland by the Cumberland Motorcycle Round Up organization. Please sign and return page 3 of this letter to the Village office.

Street barricades are available for your use for the road closures. Please contact Kevin Fitzgerald at Public Works directly at 250-336-2291 to make arrangements before your event. To book parks for your event please contact staff at the CRI 250-336-2231.

As well, it is required that the Village of Cumberland be added as an additional insured to the event's insurance policy and a certificate of insurance provided to us at least 30 days in advance of the event. With the serving of alcohol at this event, the Village would request that a minimum of \$5 million general liability coverage be provided. Please ensure that the serving of alcohol is acknowledged and liability insurance coverage is provided to cover this activity on the certificate of insurance.

All the best for the success of your event.

Yours truly,

Rachel Parker
Deputy Corporate Officer

- c. Kevin Fitzgerald, Public Works
Mike Williamson, Manager of Protective Services
BC Transit at valleyanswer@shaw.ca
BC Ambulance Service at Wilhemina.Perry@bcas.ca
Margaret Robertson, CRI

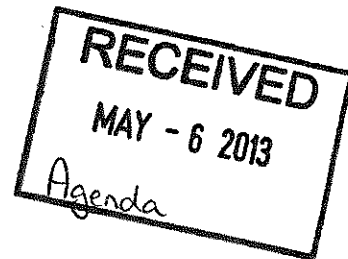


Comox Valley Cycle Club
Box 3632, Courtenay, B.C. V9N 7P1
WWW.CVCC.CA

April 29, 2013

File No. 4520-70

Village of Cumberland
 2673 Dunsmuir Avenue
 Cumberland, BC



Dear Sirs:

Re: Comox Valley Cycle Club Race

We wish to advise you of a bicycle road race our club plans on holding this summer in the Comox Valley. The race is scheduled for June 16, 2013. Part of the race is to be run in the Village of Cumberland.

The race is to commence on Dunsmuir Avenue at the Cumberland Village Park at 11:00 am. The route is east on Dunsmuir Avenue to Union Road. The racers will turn left onto Union Road to go in a northerly direction. We then plan on making several loops with the racers making a right turn onto Union Road after coming up Royston Road. We do not go further west on Royston Road.

The race will have approximately 50 participants in total. There will be 3 groups in the race. Each group will have a separate start approximately five minutes apart. The groups will range in size from 10-20 riders. The age of the riders will range from 13-60

We have received our road use permit from the Ministry of Transportation and Infrastructure. We have insurance in place for the events obtained from our governing body, Cycling BC. We have attached:

1. Letter to the Ministry of Transportation and Infrastructure;
2. Provincial Public Highway Permit;

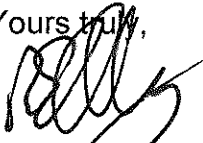
3. Ministry of Transportation and Infrastructure Certificate of Insurance;
4. Certificate of Insurance from Sutton Insurance;
5. Map of the event

We have already advised the Comox Valley Detachment of the RCMP and the Comox Valley Regional District of our plans.

The course is shown on the attached map. We will have marshalls to control traffic to ensure the safety of riders and other road users. The proposed location of the marshalls is shown on the map.

I trust the information supplied is sufficient for your purposes. Please advise if you require anything further.

Yours truly,



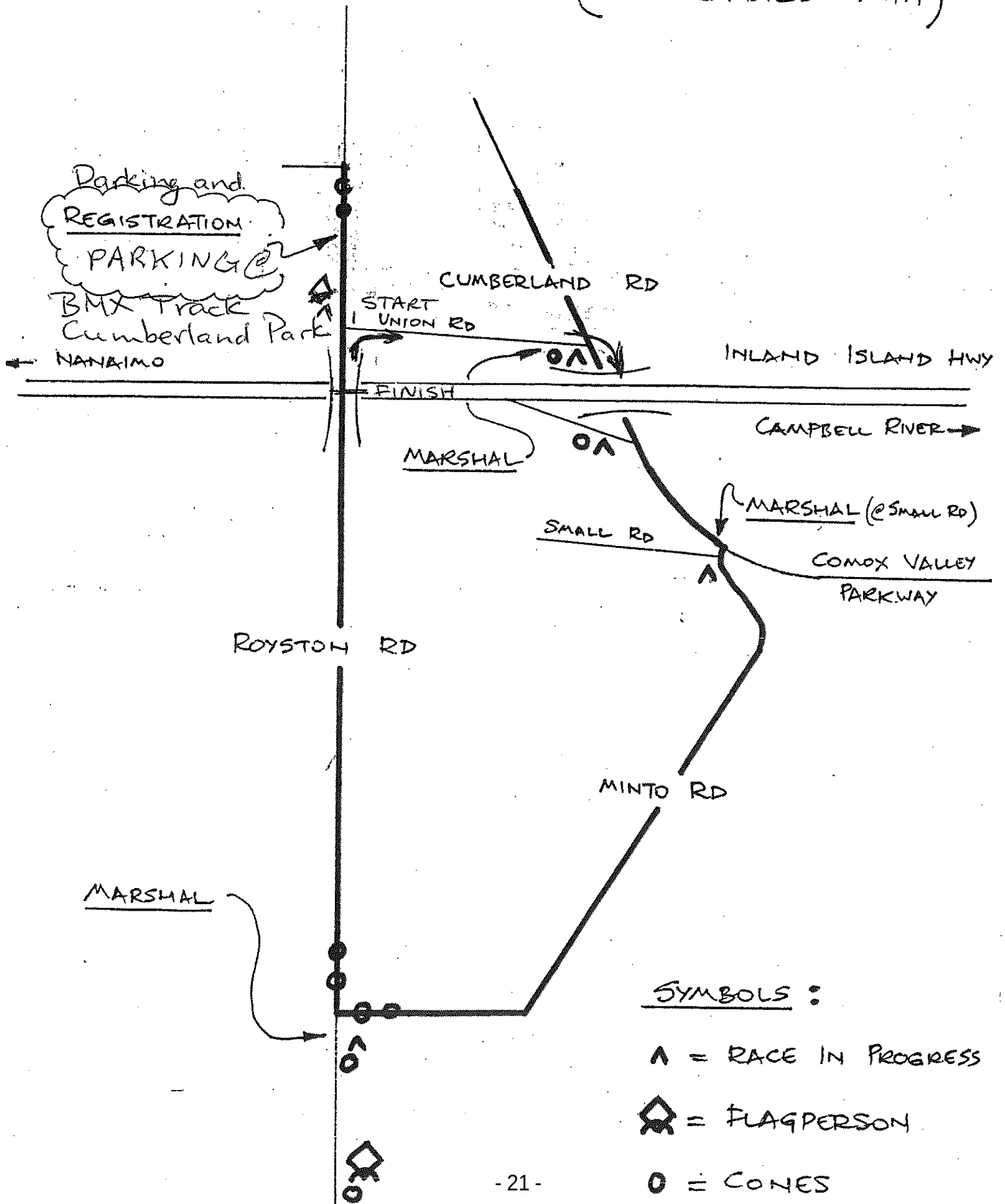
Richard Ellsay
Race Director

6046 Aldergrove Drive
Courtenay, BC V9J 1W3
250-334-1122
ellsay@shaw.ca

CYCC CIRCUIT

CUMBERLAND/MINTO RD.

(5 MARSHALS - MIN)



SYMBOLS :

▲ = RACE IN PROGRESS

🚩 = FLAGPERSON

○ = CONES

Item 5.5

Office of the Chair

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



File: 530.01

April 19, 2013

Sent via email: rparker@cumberland.ca

Mayor and Council
Village of Cumberland
Box 340,
Cumberland, BC, V0R 1S0

Dear Mayor and Council:

Re: Proposed elected officials forum – June 11, 2013

The Comox Valley Regional District (CVRD) is considering hosting an elected official's forum on June 11, 2013. In the past the CVRD has hosted these types of forums as an opportunity to bring together all local elected officials to discuss matters of mutual concern.

Please contact James Warren, corporate legislative officer prior to May 23, 2013 should your council be interested in participating in such a forum as well as providing your topics for inclusion on the agenda.

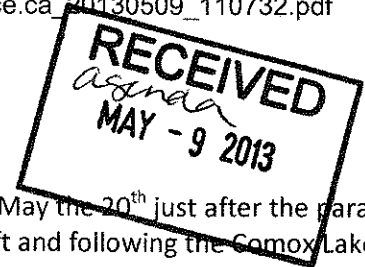
Sincerely,

A handwritten signature in black ink, appearing to read 'Edwin Grieve'. The signature is fluid and cursive, with the first and last names being clearly legible.

Edwin Grieve
Chair

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

From: Julie Le Goff [cvpregcare@shaw.ca]
Sent: Thursday, May 09, 2013 11:46 AM
To: Rachel Parker
Subject: Lake Run
Attachments: 2013 Lake Run Poster Julie.pdf; brokerforce@brokerforce.ca_20130509_110732.pdf



To the Village of Cumberland,

We would like to host a Run/Walk fundraiser as part of Empire Days in Cumberland May the 20th just after the parade. The route would start at the Village Park and go down Derwent to Sutton turning left and following the Comox Lake Road out to the Lake and back. The race would be both 5k and 10k, with the 5k participants turning around at the half way point and coming back and the 10k participants going almost to the end of the road and back. We will have water stations at the 5k turn around point and the 10k turn around point. We will have traffic controllers just watching out for the safety of the run/walkers at all intersections. As well we will have volunteers on motor cycles in front of the first person and behind the last person and possibly a third going back and forth watching for persons in need. The run/walk will start at 12:00 and should be finished by 1:00. Ribbons will be given out in the park after, as well as draw prizes. We will also have signs at both ends of the Comox Lake Road notifying that there is a run in progress so drivers will use caution. This is a fundraiser for the Pregnancy Care Centre and we help women all over the Valley and many from Cumberland, but we will also give 10% of all we make to the Mom's and Tot's group at the Cumberland Rec Centre.

Attached are our poster for the event and insurance coverage.

Thank you for your consideration.

Julie Le Goff

Executive Director

Comox Valley Pregnancy Care Centre cvpregcare@shaw.ca or 250-334-0058

Comox Valley Pregnancy Care Centre's
THIRD ANNUAL



LAKE RUN

Fun Run or Walk - 5K or 10K

May 20th 2013

12:00pm

At Empire Days in Cumberland

\$10.00 Entrance Fee

Registration starts at 11:00 at the Cumberland Village Park

Pre-registration can be done on line at www.raceonline.ca

Or through the Pregnancy Care Centre

785 - 6th Street Courtenay 250-334-0058

Check us out on line: [facebook.com/cvpcclakerun](https://www.facebook.com/cvpcclakerun)

The race will start at the park, head down Derwent Ave. and out to Comox Lake and back.

**\$200.00 Wal-Mart Gift Certificate for the
Participant with the most sponsored donations.**

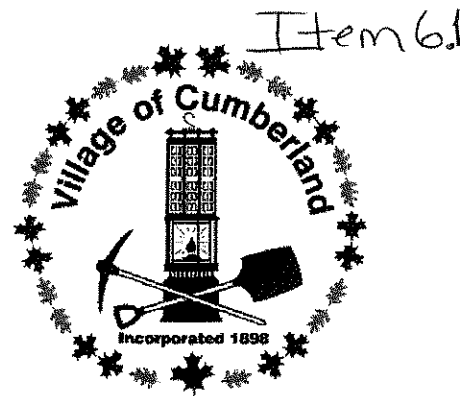
Sponsor sheets available on Facebook or at the Comox Valley Pregnancy Care Centre 785 6th Street

Donation money must be turned in at registration.

Call 250-334-0058 for more information

*Proceeds will go to the Comox Valley Pregnancy Care Centre and
The Moms and Tots group at the Cumberland Recreation Centre.*

COUNCIL REPORT



REPORT DATE: May 7, 2013
MEETING DATE: May 13, 2013

TO: Mayor and Councillors
FROM: Kevin McPhedran, Parks and Outdoor Recreation Coordinator
SUBJECT: Parks and Cemeteries Select Committee- Status Update

RECOMMENDATION

1. THAT Council receive the *Parks and Cemeteries Select Committee- Status Update* report for information.
2. THAT Council direct staff to delay the establishment of the Parks and Cemeteries Select committee and review the concept of the committee in spring 2014.

SUMMARY

In December of 2012 Council adopted the Parks and Cemeteries Select Committee, Terms of Reference policy. This policy states that the committee is to meet twice per year in April and October and would consist of representatives from existing parks volunteers and committees. As a result of a variety of considerations, including the hiring of a Parks and Outdoor Recreation Coordinator, staff are recommending a delay in the establishment of this committee and to review the concept of the committee in spring 2014.

BACKGROUND

In March of 2012, staff were tasked with researching the creation of a Parks and Cemeteries Select Committee. The purpose of this committee was to make recommendations to Council on the acquisition, planning, design, and management of Village Parks. At this time, volunteer work was overseen by the Senior Planner and coordinated with public works maintenance and purchasing of supplies on an ad hoc basis. Council adopted the Terms of Reference policy at its December 10th, 2012 meeting; this policy stated that the committee was to meet in April and October of each year.

With the establishment of the *Parks and Outdoor Recreation Coordinator* position, the Village now has an employee focused on park management. This position has taken a lead role on coordinating park projects and managing park issues. As part of these tasks, significant liaising with volunteers and volunteer organizations occurs and the position acts as a conduit for information between Village staff, including Public Works and Planning, as well as volunteers.

As Council adopted the motion to establish a Parks and Cemeteries Select Committee prior to the creation of this new parks position, and several of the intended functions of the committee are now managed by the Parks and Outdoor Recreation Coordinator through other means, Village staff are recommending delaying the establishment of the Committee at this time.

FINANCIAL IMPLICATIONS

None.

STRATEGIC OBJECTIVE

None.

ATTACHMENTS

Council Policy: Parks and Cemeteries Select Committee, Terms of Reference

CONCURRENCE

Rachel Parker, Deputy Corporate Officer 

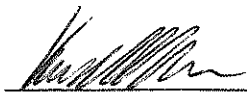
Rob Crisfield, Manager of Operations 

Judy Walker, Senior Planner 

OPTIONS

1. THAT Council direct staff to delay the establishment of a Parks and Cemeteries Select Committee.
2. THAT Council direct staff to establish a Parks and Cemeteries Select Committee.
3. Any other action deemed appropriate by Council.

Respectfully submitted,



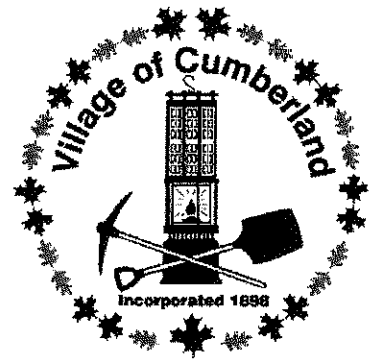
Kevin McPhedran

Parks and Outdoor Recreation Coordinator
Village of Cumberland



Sundance Topham
Chief Administrative Officer

COUNCIL POLICY



Title: Parks and Cemeteries Select Committee, Terms of Reference	No.
Authority: Adopted Date: December 10, 2012 Amended Date:	Section: Motion No.

Purpose of the Committee

The role of the Parks and Cemeteries Select Committee is to consider broad base topics related to parks and cemeteries maintenance and management, to consider long term planning, to prepare work plans and proposed budgets, and to report its findings and opinions to Council.

Membership

1. Members shall be appointed by Council to represent advisory committees and working groups, including those for the following community parks and cemeteries, as applicable:
 - (a) Coal Creek Historic Park
 - (b) No. 6 Mine Heritage Park
 - (c) Cumberland Community Forest
 - (d) Village Park
 - (e) Village Square
 - (f) Peace Park
 - (g) Derwent Park
 - (h) Egremont Park
 - (i) Ulverston Park
 - (j) Chinese Cemetery
 - (k) Japanese Cemetery
 - (l) Cumberland Cemetery
2. Council will appoint a member of Council to the Committee.

Procedures and Administration

3. The Committee is subject to the open meeting rules and other applicable rules under the *Community Charter* and applicable rules of procedure in the Council Procedure Bylaw.
4. The Committee must meet at least twice each calendar year in April and in October.
5. The staff coordinator will provide administrative support, including
 - Scheduling and public notice of meetings
 - Preparation of meeting agendas and agenda items for discussion
 - Assistance with the preparation of work plans and budgets
 - Taking of the minutes
 - Submission of minutes to Council agenda for receipt

Scope of Work

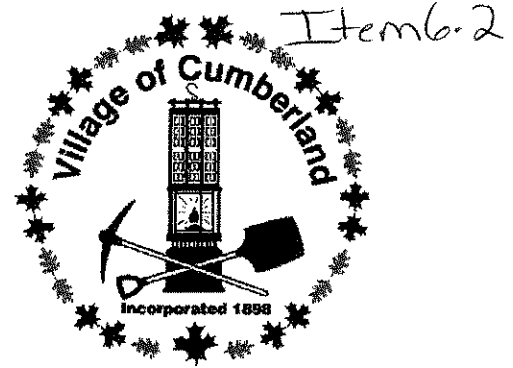
6. The primary purpose of the Committee is to finalize and present annual proposed work plans and associated budgets to Council for consideration in its annual budget discussions.
7. Annual park work plans should include
 - (a) maintenance works for existing infrastructure, and
 - (b) capital projects for new construction.
8. Work plans and proposed budgets should be submitted with a recommendation that Council “refer the work plan and proposed budget to budget discussions”.
9. The Committee will report to the Council through
 - (a) proposed works plans and budgets submitted for Council’s consideration by the second Monday in January each year, and
 - (b) recommendations to Council in its minutes.
10. For the Committee’s information:

Council adopts a five year financial plan each year by bylaw by May 15. The budget year is a calendar year (January to December).

Regular operating funds for public works services included in the five year plan may be expended as of January 1 of that year by the Village.

Capital funds and funds for special projects proposed for that year must receive Council approval and may not be expended until the five year financial bylaw is adopted in May of that year.

COUNCIL REPORT



REPORT DATE: May 7, 2013
MEETING DATE: May 13, 2013

TO: Mayor and Councillors
FROM: Kevin McPhedran, Parks and Outdoor Recreation Coordinator
SUBJECT: Park Signs: Development of Standards and Manual

RECOMMENDATION

- i. THAT Council receive the *Park Signs: Development of Standards and Manual* report for information.
- ii. AND THAT Council approve the expenditure of up to \$6,000, to be funded through Council's Tax Surplus Reserve, for the development of a Village of Cumberland Parks Sign Standards manual;
- iii. AND THAT the 2013-2017 Financial Plan Bylaw be amended accordingly.

SUMMARY

In the 2013 Financial Plan several sign projects have been identified in Village parks and greenways; however, Village park signs have historically either been designed on a case-by-case basis or standard traffic/highway signs have been used. Developing and implementing a set of sign standards would create a consistent "look and feel" to parks signs, helping to establish a brand for the Village's increasingly popular parks, reducing the risk of vandalism to signs and other park assets, and improving the aesthetics of Village parks and greenways. These standards would be documented in a manual available for staff to use for any park sign project, including regulatory, boundary, interpretive, information, map, and directional signs. In order to proceed with this project, the 2013-2017 Financial Plan Bylaw must be amended to release funding to hire a sign designer who would be tasked with developing a Sign Standards Manual with the input of Village staff.

BACKGROUND

Existing signs in Village parks have been designed on a case-by-case basis, lacking consistent standards, which has led to signs of a variety of styles, sizes, colours and typeface in our parks. This lack of consistency leads to difficulty in recognizing lands which are Village parks versus other Village owned lands or private land. Furthermore, many regulatory signs installed in Village parks are standard traffic/highway signs which are impersonal in feel and are less effective as a tool in achieving compliance of posted park regulations. As several park sign projects are planned for the 2013 fiscal year, including in the Cumberland Community Forest,

Lake Park, Village Park and Coal Creek Historic Park (Jumbo's Cabin), Village staff are recommending hiring a sign designer to assist in the creation of Park Sign Standards.

Working in conjunction with Village staff, an expert sign designer would develop a sign standards manual which would then be used to create all park signs. Using sign standards would ensure that all signs are consistent in their branding, appearance, messaging, and dimension. Specific components of a sign standards manual would include:

1. The "Look and Feel": an overarching "look and feel" and distinct elements that indicate that signs are part of the municipal parks system
2. Standard typeface, colour and composition
3. Sign Categories: would allow for the layout of signs "in-house" and would ensure consistency within and between categories (e.g. with sign dimensions)
4. Sign Functionality: an outline for the specific use of signs within given context such as directional, regulatory, information, interpretation
5. Sign Templates: examples of signs that can be taken "off the shelf" for use
6. Resources and Maintenance

With a Parks Sign Standards manual available, the production of signs would become a simple process. As such, initial upfront costs of developing a manual eventually would result in cost savings over the long run as each individual sign or project would not require specific graphic design work.

Finally, another added benefit would be that signs designed for other Village-owned lands (e.g. the watershed and cemetery) could be based on the principles of the Parks Sign Standards, but altered based on specific needs (e.g. change in colour scheme).

FINANCIAL IMPLICATIONS

The cost for a consultant to develop this park sign standards is \$6,000. During the 2013 financial planning process, Council reserved a tax surplus fund for projects that Council may approve during 2013; staff is recommending the use of these funds for this project. The financial plan would need to be amended if this project, using this source of funding, is approved by Council. The balance in this fund is currently \$26,450.

STRATEGIC OBJECTIVE

Developing park infrastructure, including improved signage, is in line with *Goal J: Develop ecotourism plan* of the 2013 Corporate Strategic Priorities.

ATTACHMENTS

None.

CONCURRENCE

Michelle Mason, Financial Officer
Rob Crisfield, Manager of Operations



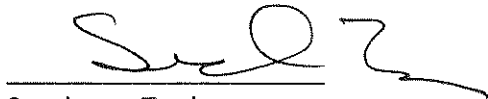
OPTIONS

1. Receive this report for information.
2. Approve the expenditure of up to \$6,000, to be funded through Council's Tax Surplus Reserve, for the development of a Village of Cumberland Parks Sign Standards manual and amend the 2013-2017 Financial Plan Bylaw as required.
3. Direct staff to continue to develop park signage on an ad hoc basis and consider the development of park sign standards during the 2014 financial planning process
4. Any other action deemed appropriate by Council.

Respectfully submitted,

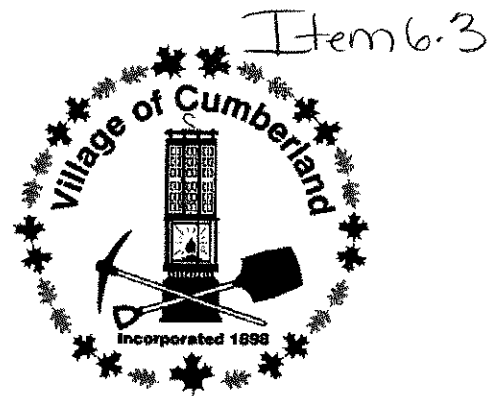


Kevin McPhedran
Parks and Outdoor Recreation Coordinator



Sundance Topham
Chief Administrative Officer

COUNCIL REPORT



REPORT DATE: May 6, 2013
MEETING DATE: May 13, 2013

TO: Mayor and Councillors

FROM: Joanne Rees, Planner

SUBJECT: Edwards Industrial Park Development Permit 2013-01-DP

FILE: 2013-01-DP

OWNER: 0967096 BC Ltd.

AGENT: Jamie Edwards

FOLIO No.: 516 00820.005

PID: 000-351-440

LEGAL
DESCRIPTION: Lot 1, Section 25, Nelson District, Plan 35738

CIVIC ADDRESS: 4640 Cumberland Road

OCP
DESIGNATION: Commercial

ZONING: Industrial Two (I-2)

RECOMMENDATION

- i) THAT Council receive 'Edwards Industrial Park Development Permit 2013-01-DP' report dated May 13, 2013.
- ii) THAT Council grant the Development Permit (File 2013-01-DP) for property legally described as Lot 1, Section 25, Nelson District, Plan 35738 (4640 Cumberland Road) for the purposes of construction of Phase 1 of a multi-phase light industrial development. The development will be substantially in the form of the attached draft Development Permit.
- iii) THAT staff be directed to initiate the discharge of the notation on the title of the subject property of two abandoned Development Permits being documents numbered EK72715 (1996) and EP69988 (2006).

SUMMARY

An application has been submitted to create an Industrial Park development on the above-noted property.

Pursuant to the 'Official Community Plan Bylaw No. 786, 2004' the proposed development is subject to an Industrial Development Permit Area (DPA #2) as it is an Industrial Use, and an Environmentally Sensitive Area Development Permit Area (DPA #1) as it is located on a property which is identified as an ESA.

BACKGROUND

A. Industrial Development Permit Area Guidelines

The 0.89 hectare (2.2 acres) site is largely cleared of vegetation, having been previously utilized as a recycling facility. A large portion of the site is presently covered in asphalt, and slopes south to north, at approximately 0.5%. The subject property is shown on Schedule A which is attached to this report.

The development of this site is proposed to be in up to five phases, and will consist of four light industrial rental buildings (26 units) and an office complex. The timing of the development will be dependent upon local market conditions. Each unit is intended to function as a stand-alone rental industrial space, targeting small local businesses in need of shop and/or office space. This DP is for Phase 1 of the development which will be the construction of Building A and the handicap accessible washroom addition to the existing office building.

Please note that the italicized text (as follows) are the guidelines from the OCP which have been provided for convenience only.

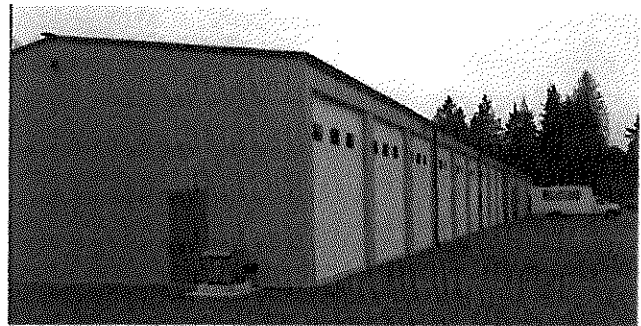
i) Siting

Buildings shall be sited to ensure that any adjacent residential properties have visual privacy, as well as protection from site illumination and noise.

The siting of Building A meets this guideline.

ii) Form and Character

- 1) *All buildings, storage, parking, and supply yards shall be designed to be compatible with surrounding land uses and the major roads fronting the property.*
- 2) *The use of smooth surfaced, wood, acrylic stucco, brick, baked enamel finished metal siding, or metal panels is encouraged. The use of untreated or unfinished concrete, metal or aluminum as a final building finish will not be permitted.*
- 3) *Building elevations fronting and visible to the street are encouraged to include offices, showrooms, pitched roofs and decorative design elements.*
- 4) *Roof top mechanical equipment shall be hidden behind screens or parapets designed as an integral part of a building to conceal such equipment.*



The buildings have been designed to fit within the context of the area and natural surroundings. All exterior building faces will feature natural colours. The buildings prominent to Cumberland Road will also be treated with neutral finishings, similar to those used at Parkside Storage (4602 Cumberland Road). Preference will be given to the use of locally sourced construction materials. Where feasible, recycled materials, including asphalt and concrete removed to facilitate building construction, will be reused onsite. See the drawing attached to the draft Permit as Appendix B.

Staff have discussed with the applicant the concern that the plain, unarticulated south wall of Building A will be highly visible from Cumberland Road and that some kind of design will be required to create some visual interest in the bare expanse of wall.

The form and character of the proposed buildings meet the intent of the guidelines.

iii) Landscaping

A landscaped buffer shall be provided along all major roads and every industrial building shall be screened from public view from any adjacent 'Rural Residential' and 'Residential' properties as effectively as possible through the use of landscaping, fencing and siting.

A preliminary landscape plan has been prepared and is attached to the draft Permit as Appendix C. This plan has been drawn showing the ultimate build out of all phases and where the landscape treatments will be located. The planting list and incomplete cost estimate (for the plants only) has also been provided. However, as this DP is for Phase 1 only, staff recommends that a new landscape plan be required prior to issue of the DP, which includes the following:

1. The landscaping to be provided for this Phase and associated irrigation system.
2. Fencing at the front and left side will be replaced by black chainlink and will have vegetation planted on both sides. All fencing will be to a minimum height of 2.5metres (8.0feet). There will be 7.5metre (24.6feet) buffer trees and shrubs inside a solid fence along the right side of the property line to provide visual screening and noise attenuation for the adjacent residential property. Fencing along the rear property line has already been installed as part of the dedication of the wetland to the Village. However, it is staff's recommendation that the riparian area setback be clearly delineated in such a way to the satisfaction of the Village to prevent domestic/industrial incursion into the riparian setback.
3. The final landscape plan will be required prior to issue of the DP in addition to the provision a detailed cost estimate and the performance security. The security shall be in the amount of 120% of the cost estimate for the approved landscape plan and shall be received before the Permit is issued. Once the landscaping has been completed to the Village's satisfaction, 75% of the security will be returned. The remaining 25% will be held for two full growing seasons and at the end of this time, if the plant material is found to be viable, the security will be returned.

Staff recommends that the approval of the finished landscape plan and acceptance of the cost estimate be delegated to the Senior Planner (who is a professional landscape architect) prior to issuance of the DP. This requirement meets the intent of the guidelines.

iv) Outside Storage

All waste disposal bins shall be completely screened within a solid walled enclosure not less than 2.0metres (6.6feet) in height.

The applicant advises that a screened waste disposal and recycling area will be located in a temporary location adjacent to the existing office/washroom area. This meets the intent of the guidelines.

v) Screening

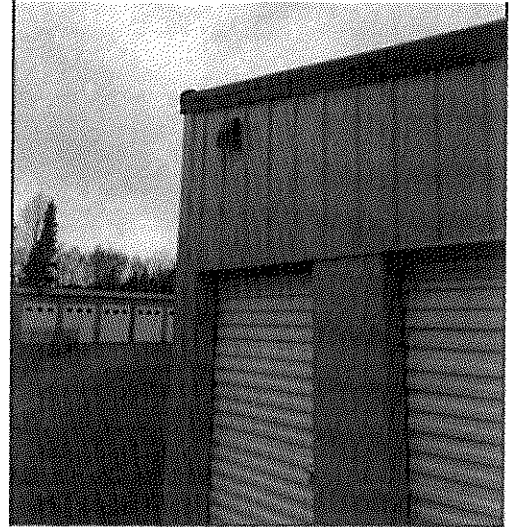
Such elements as shipping and loading areas, outdoor storage areas, transformers, meters and garbage receptacles shall be screened from public view as effectively as possible through landscaping, fencing, and siting.

See the above landscaping description for screening.

vi) Lighting

Security and other lighting shall be placed so as not to shine directly into residential properties or to reduce the separation effectiveness of any landscaped buffer.

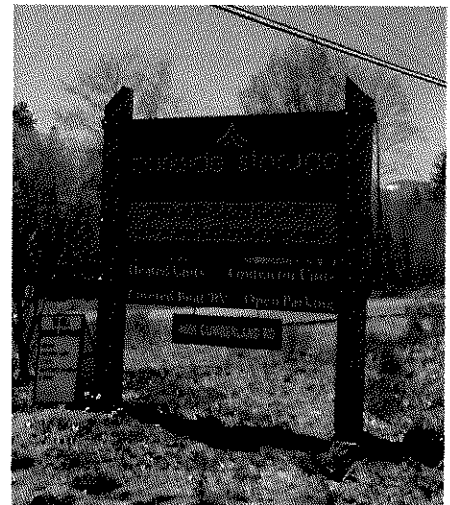
All onsite area lighting will be in accordance with Village's Dark Sky policy. Energy efficient LED lighting is proposed throughout. This meets the intent of the guidelines.



vii) Signs

1) *One fascia sign shall be permitted for each exterior wall of a building. The maximum area of all fascia signs shall not exceed 10.0metres² (107.6feet²). Fascia signs may be illuminated and shall be integrated into the design of the building and may not extend above the top wall of a building. Billboards and roof signs are not permitted. No signs shall be equipped with flashing, oscillating or moving lights or beacons.*

2) *Each industrial premises within the Development Permit Area shall be allowed one freestanding sign. Freestanding signs shall be permitted in landscaped areas only, on the same parcel as the industrial building. One such sign for each street frontage of the business will be permitted. The height of any sign including support structures, shall not exceed 3.0metres (9.8feet) and the area of any one face shall not exceed 3.0metres² (32.8feet²). A freestanding sign may be externally illuminated. No signs shall be equipped with flashing, oscillating or moving lights or beacons.*



A sign will be erected in a suitable location near the driveway for the development, similar in construction to the sign at the Parkside Storage at 4606 Cumberland Road. See adjacent picture. This meets the intent of the guidelines.

vii) Parking

- 1) *Large surface parking areas shall be broken down into smaller parking lots evenly dispersed throughout the development and integrated with planted, landscaped areas. Tree planting is encouraged in parking areas.*

No large parking areas are required in this Phase of the development, nor are they proposed.

- 2) *Parking areas should clearly identify pedestrian circulation areas, preferably with different paving and landscaping treatment.*

Parking for vehicles will be provided in front of each unit at a minimum of one space per 90.0metres² (968.8feet²) and one space per two employees, and one space for each company vehicle located therein. Parking areas shall be clearly delineated for this purpose. This meets the intent of the guidelines and the parking regulations in the Zoning Bylaw.

- 3) *All paved parking areas shall be included within the context of the required stormwater management plan and shall incorporate oil/water separators which meet current Ministry of Environment and Department of Fisheries and Oceans criteria or a bio-filtration swale constructed by a qualified professional.*

A stormwater management plan has been designed by McElhanney Consulting Services Ltd. which proposes to utilize a bio-filtration swale. Construction of the system will be certified by the associated professional. A copy of the plan is attached to the draft DP as Appendix A. This meets the intent of the guidelines.

- 4) *Parking areas shall be surfaced with a paving treatment.*

- 5) *Developers are encouraged to use permeable surface treatments for roadways, parking areas and other surfaced areas within a development.*

The portion of the area to be utilized as Phase 1 has been previously paved. The remainder of the property is, and will remain, graveled until further phases are to be completed. This meets the intention of the guidelines.

- 6) *No off-site parking requirements shall be allowed.*

No off-site parking is proposed.

viii) Stormwater

It is recognized that the clearing, grading and servicing of sites alters their natural hydrology patterns. In recognition of this fact, it shall be required that each development prepare a stormwater management plan that has as its goal the maintenance of post-development flows equivalent to those of pre-development flow patterns and volumes over the entire wet weather season. This stormwater plan shall be prepared by a Professional Engineer and may make use of such devices as wet or dry detention ponds, constructed wetlands, or other devices as deemed suitable and consistent with accepted engineering practice.

A stormwater management plan has been designed by McElhanney Consulting Services Ltd. which provides for capture and treatment of stormwater in a bio-filtration swale system. Construction of the system will be certified by the associated professional. The bioswales and catchbasins will require maintenance to remove solids and there are overflows from the catchbasins to the bioswale, which provides the necessary biological treatment. A copy of the plan is attached to the draft DP as Appendix A. This meets the intent of the guidelines.

The table below illustrates that the on-site proposed system will reduce the amount of runoff in the normal and 2yr rainfall events, and only marginally increase runoff.

	Stormwater Flows			
	Existing Site Conditions (l/s)	Post Development Unmitigated (l/s)	Post Development Mitigated (l/s)	Reduction/ Increase
Q-MAR	4.31	4.47	3.10	-28.07%
Q-2YR	16.90	18.98	16.83	-0.41%
Q-10YR	23.51	26.02	23.95	+1.87%

(l/s)=(litres per second)

Note: Mitigated runoff rates are based upon minimum expected storage volume with the bioswale/infiltration trench, and a conservative soil permeability of 15mm/hour. The increased infiltration provided by the open bottom catchbasins and perforated storm pipe have not been accounted for in modeling to date.

b) Environmentally Sensitive Area Development Permit (ESA DP)

Requirements

For any development proposal wholly or partially within a Riparian Assessment Area, the Village will require an assessment report to be prepared by a Qualified Environmental Professional. Developments within the Riparian Assessment area may only proceed where authorized by the relevant Provincial Ministry or Federal Fisheries & Oceans, or where the assessment report determines the appropriate Streamside Protection and Enhancement Area width and measures required to maintain the features, functions, and conditions of the riparian area.

The Riparian Area Assessment (RAA) #946 by Fleenor and Associates Environmental dated June 6, 2008 (with amendments to riparian setbacks) was presented by the applicant to the Village as it contains the information pertinent to this application. Margaret Henigman, Ecosystems Specialist at the Environmental Protection of the Ministry of Forests, Lands and Natural Resources, has accepted this report to be used for this purpose in her email dated April 23, 2013.

Site Planning

Each proposal shall require demonstration of an understanding of the site's:

- i) *Soils, slopes, and biota including preparation of an inventory map and basic written evaluation;*

Information is provided in the above noted RAA.

ii) *Relationship to mining shafts, other mine openings, and contaminated materials;*

This property is identified as being within the extent of underground mine workings (see photo below) and approximately 90metres to the nearest borehole and significant distances from the nearest airshafts. Please see the drawing of this area below.

Excerpt from Report prepared by Levelton Engineering dated July 18, 2006:

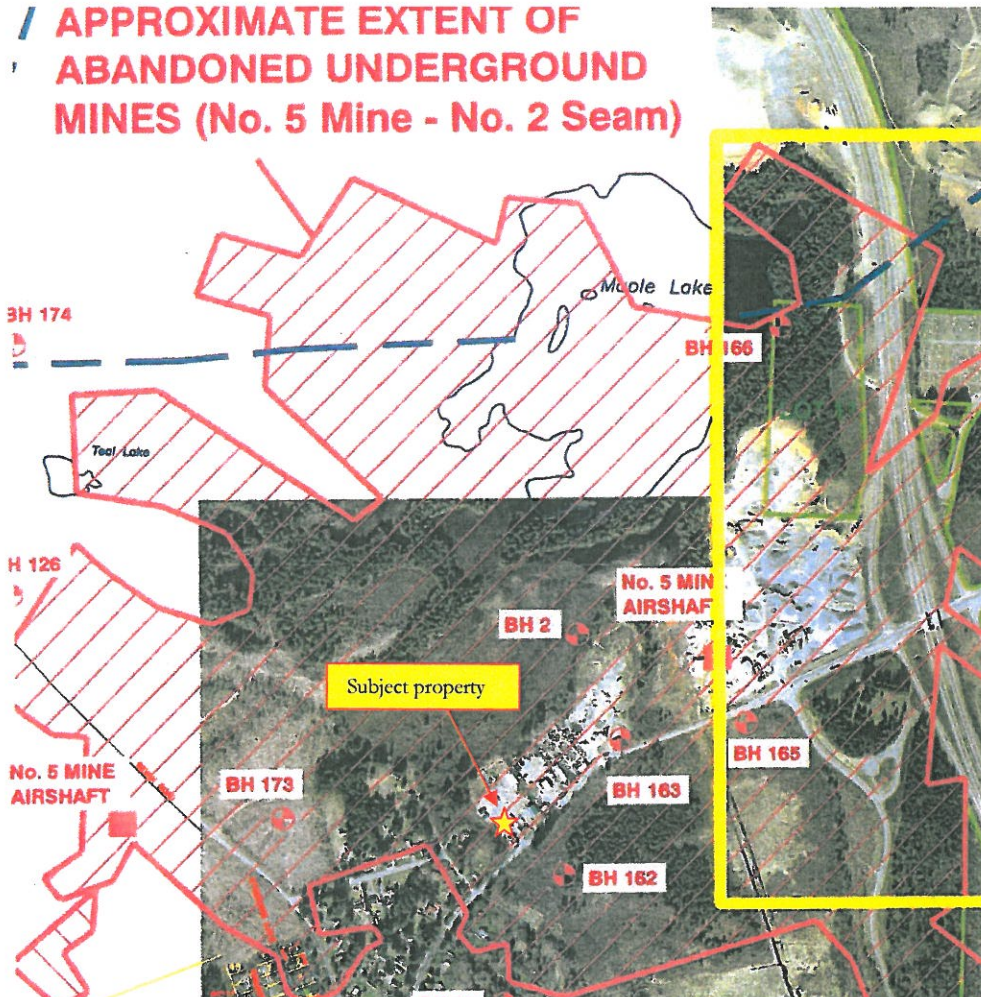
"Our 18 July 2006 assessment of abandoned underground mine workings report indicated that those sites that were underlain by workings were likely to have experienced maximum subsidence settlements of up to approximately 1.6m. Due to the nature of the (long wall) method of extraction, published information (NCB 1975) would suggest that the subsidence occurred during, or shortly after, the mining operations in the 1940's. Our 18 July 2006 report recommended that further research be undertaken to support this theory and noted that subsurface assessment may be required dependent upon the nature of the future development.

The above noted findings are supportive of the theory that the mines have collapsed. However, the observations are localized and there is no conclusive visual evidence that corresponds to the limits of the approximate abandoned mine works

to the existing surface features. Without a broad coverage of pre mining surface information, it is difficult to compare pre-mining and post-mining surface features. The complex surficial geology in the area likely masks evidence of subsidence, particularly through the operating gravel pits on the north side of the mine workings.

As was outlined in our 18 July 2006 report, the mine workings are judged to pose a "low risk of hazard" to future development. While we are not able to quantify "low", we consider it to be comparable to the 10% in 50 years criteria that is frequently used as a basis by regulation agencies for approval."

**APPROXIMATE EXTENT OF
ABANDONED UNDERGROUND
MINES (No. 5 Mine - No. 2 Seam)**



- iii) *Location in one of the eight principal watersheds (First Supply Creek, Morrison Creek, Piercy Creek, Millard Creek, Roy Creek, Maple Lake Creek, Perseverance Creek and Comox Lake) including identification of upstream (or upslope) and downstream (or downslope) land uses and the evaluation of the potential conflicts therein;*

Information is provided in the above noted RAA.

- iv) *Hydrologic system with an inventory that includes, precipitation rates, runoff patterns, infiltration/recharge areas, springs and seeps and wetlands with summary approximating the annual water budget.*

Information is provided in the above noted RAA.

Require demonstration that site selection and planning have given consideration to:

- v) *Landforms, soils, wetlands, biota, archaeological resources, community trails and existing and neighbouring land uses;*

- vi) *Ecosystem and species protection-applicants are directed to "Environmental Best Management Practices for Urban and Rural Land Development in British Columbia, 2005" and amendments thereto, prepared by the Ministry of Environment.*

Information is provided in the above noted RAA.

- vii) *Groundwater systems including known aquifers, recharge areas, and existing groundwater users;*

Information is provided in the above noted RAA.

- viii) *Existing infrastructure, including roads, power lines, sanitary sewers, water supply lines and stormwater facilities (both formal and informal) and their relationship to the proposed development program;*

See earlier Parking and Stormwater Sections in this report.

- ix) *Opportunities and constraints for on-site stormwater management including factors such as natural storage and soil;*

See earlier Parking and Stormwater Sections in this report.

- x) *Boundary conditions and the need to provide buffers, protect viewsheds, manage runoff, and integrate or separate compatible and incompatible land uses.*

The property is bounded on the north side by a wetland, on the west by an improved residential lot and a vacant residential lot. No significant viewsheds would be affected by this Phase of development. With regard to runoff, please see earlier Parking and Stormwater Sections in this report. The land uses in the area would be considered compatible to this use.

Require stormwater management planning that:

- xi) *Follows source control (on-site) principles and practices and minimizes the use of conventional pipe and pond techniques, and avoids direct discharges to streams and other water-bodies;*

- xii) *Takes advantage of on-site opportunities to recycle water to soil, wetlands, and forests;*

- xiii) *Follows site adaptive principles in facility placement and design, site grading, tree removal, impervious cover, and the scale and types of measures used to capture, direct and dispose of stormwater;*

- xiv) *Provides for on-site retention of 90% or more of total annual rainfall;*
- xv) *Minimizes impacts on stream flows, water quality, aquatic habitat and neighboring properties; and*
- xvi) *Provides for soil erosion and sediment control in both construction and operational phases of the project.*

The applicant provides that preservation and enhancement of sensitive habitat, both within the confines of the development and offsite is proposed. Certification has been provided by a Registered Professional Biologist, confirming that this phase of development is outside the 30metre riparian assessment area and that all works are in conformance with the 2008 Riparian Area Assessment. In addition to the stormwater works, the applicant is proposing to do the following:

- 1) Removal of invasive plant species.
- 2) Establishing riparian setbacks.
- 3) Replanting of disturbed areas with native species.
- 4) Augmenting summer base flows to the Maple Creek wetland through the use of exfiltration swales, perforated piping and open bottom catchbasins.

Items (xi) to (xv) have been addressed by above referenced RAA report. The report, however, does not address soil and erosion control during construction on this lot. Staff recommends that the approval of an erosion control plan be delegated to Senior Staff and that the plan be received and approved prior to issuance of the DP. These requirements meet the intent of the guidelines.

c) Other Considerations - Discharge of Abandoned DP's

In 1996, a DP was issued for a warehouse sales building. The DP was registered with Land Title Office (LTO) as document EK72715. The development did not proceed. In 2006, another DP was issued for a recycling facility and warehouse. The DP was registered with Land Title Office (LTO) as document EP69988. The property was used for recycling for a number of years, but the warehouse was never constructed.

Staff recommends that the two previous DP's be discharged from the title of this property as both the developments that they represent were abandoned.

FINANCIAL IMPLICATIONS

Please note that this information is provided for information as Development Cost Charges (DCC's) are payable at Building Permit stage. Staff has researched this property and has determined that although this site has been "active" as an industrial site since 1996, DCC's have not been paid.

This development is an industrial use on industrially-zone land, which is on the Village water system, but not sanitary or storm sewer. Industrial Development Cost Charges are calculated on a *per hectare of land developed** basis and are charged at Building Permit stage for the services currently being provided. This lot, therefore would only be payable for Waterworks and Roads on the Phase currently being developed which is estimated to be 0.348 hectare. In order to ensure that DCC's for future phases and development, staff recommends that the owner be invited (at the time of Building Permit) to register a section 219 covenant which outlines what has been paid and what will be required to be paid in the future.

Development Cost Charges (Bylaw 934) for Phase 1 (Building A)				
Waterworks	0.348 hectare of land developed*	\$55,321.00	=	\$19,251.71
Sanitary Sewer		\$0.00	=	\$0.00
Roads		\$10,444.00	=	\$3,634.51
Storm Drainage		\$0	=	\$0.00
Parks		\$0.00	=	\$0.00
				Total: \$22,886.22

*means the area that is to be utilized by the application that initiates the requirements for DCC's.

STRATEGIC OBJECTIVE

None

ATTACHMENTS

A copy of the draft Development Permit is attached.

CONCURRENCE

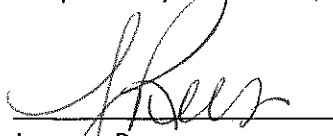
Rob Crisfield, Manager of Operations

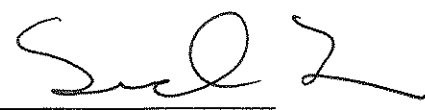
Michelle Mason, Chief Financial Officer

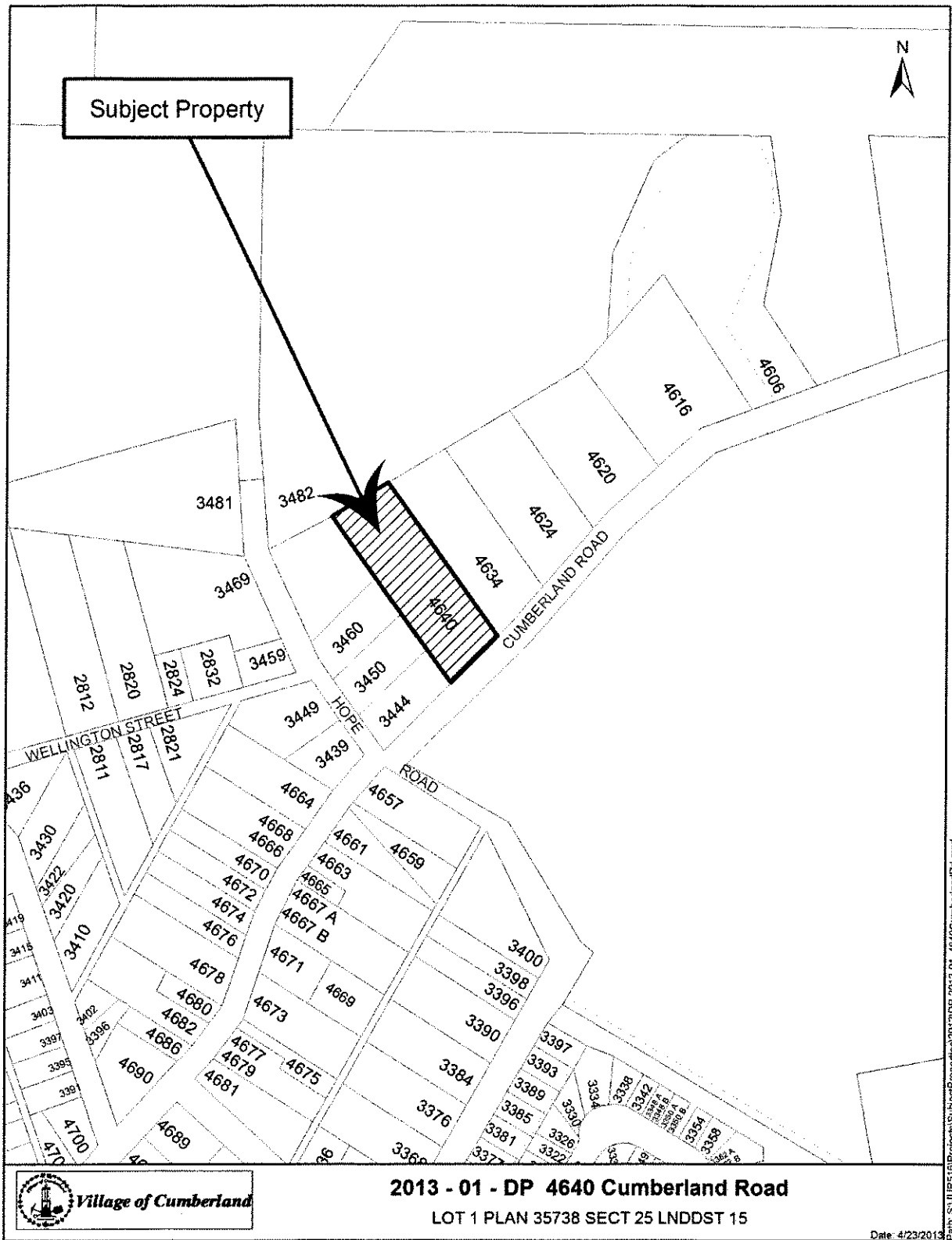
OPTIONS

- ii) THAT Council receive 'Edwards Industrial Park Development Permit 2013-01-DP' report dated May 13, 2013.
- ii) THAT Council grant the Development Permit (File 2013-01-DP) for property legally described as Lot 1, Section 25, Nelson District, Plan 35738 (4640 Cumberland Road) for the purposes of construction of Phase 1 of a multi-phase light industrial development. The development will be substantially in the form of the attached draft Development Permit.
- iii) THAT staff be directed to initiate the discharge the notation on the title of the subject property of two abandoned Development Permits being documents numbered , EK72715 (1996) and EP69988 (2006).
- iv) Any other action deemed appropriate by Council.

Respectfully submitted,


 Joanne Rees
 Planner


 Sundance Topham
 Chief Administrative Officer





The Corporation of the
Village of Cumberland

***DEVELOPMENT
PERMIT***

TO: 0967098 BC Ltd

AGENT: Jamie Edwards

OF: PO Box 3582, Courtenay, BC V9N 6Z2

1. This Development Permit (2013-01-DP) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this permit for the purposes of developing Phase One of light industrial rental units.

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

Legal Description: *Lot 1, Section 25, Township 10, Comox District, Plan 35738*

Folio: *516 00820.005*

PID: *000-351-440*

Civic Address: *4640 Cumberland Road*

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

a) DPA #2 Industrial Development Permit Area Guidelines

i) Siting

The siting of Building A shall be in accordance with the attached Appendix A.

ii) Form and Character

- 1) All exterior building faces will feature natural colours of neutral finishings, similar to those used at Parkside Storage (4602 Cumberland Road) in accordance with the general design of the attached Appendix B.
- 2) The plain, unarticulated south wall of Building A will require some kind of design approved by staff to create some visual interest in the bare expanse of wall.
- 3) Preference should be given to the use of locally sourced construction materials.

iii) Landscaping and Screening

The owner will provide a landscape plan prepared by a registered professional which utilizes drought-tolerant plants native to the area, and the plan shall be satisfactory to staff. The approved landscape plan, when provided, shall be attached to this Permit as Appendix C. The plan shall include:

- 1) Small trees, shrubs, and plants along the front of the building and on the boulevard.
- 2) A 7.5metre (24.6feet) buffer of trees and shrubs along the left side of the property. This buffer will eventually be the entire left side to the riparian area at the rear, however it shall only be required, at this time, to extend 3.0metres (9.8feet) past the Building A of this phase.
- 3) Fencing on the front and right sides (adjacent to Cumberland Road and neighbour Industrial property) may be chain link.
- 4) Fencing left side property line (adjacent to residential properties) shall be solid, preferably a type of sound attenuation fencing to a minimum height of 2.5metres. This fence will eventually be the entire left side to the riparian area at the rear, however it shall only be required, at this time, to extend 3.0metres (9.8feet) past the Building A of this phase.
- 4) It is noted that the fencing along the rear property line has already been installed at the rear property line as part of the dedication of the wetland to the Village. However, it is staff's recommendation that the riparian area setback which extends approximately 19metres into the rear property, be clearly delineated in such a way to prevent domestic/industrial incursion into this setback.
- 5) An irrigation system for landscaping.
- 5) A cost estimate of the approved landscape plan shall provide the following detailed (itemized) information for:
 - aa) Softscaping such as but not limited to plants, bed preparation, etc.;
 - ab) Equipment to be installed such as, but not limited to, the irrigation system, etc.,
 - ac) Hardscaping such as but not limited to sidewalks, fencing, etc., and
 - ad) Labour costs required for the total cost of the construction and implementation of the plan.

- 5) Performance Security in a form acceptable to the Village in the amount of 120% cost of implementation of the approved landscape plan. An inspection shall be carried out upon completion of the plan and if compliant, a refund of 75% shall be made. The remaining 25% will be held back for one year at which time the owner will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned. If any of the plants have not survived, they shall be replaced by the owner per the approved landscape plan, or failing this, the Village will use the holdback to replace the plants. Any amount of the holdback remaining will be returned to the owner after works have been completed.

iv) Outside Storage

A screened waste disposal and recycling area will be located in a location to be determined in Phase 1 of the development and shall be noted on the Siting Plan attached as Appendix A to this Permit.

vi) Lighting

All onsite area lighting will be in accordance with Village's Dark Sky policy. Energy efficient LED lighting is proposed throughout.

vii) Signs

A sign will be erected in a suitable location near the driveway for the development, similar in construction to the sign at the Parkside Storage.

vii) Parking

Parking for vehicles will be provided in front of each unit at a minimum of one space per 90.0metres² (968.8feet²) of unit space and one space per two employees, and one space for each company vehicle located therein. Parking areas shall be clearly delineated for this purpose.

viii) Stormwater

A stormwater management plan has been designed by McElhanney Consulting Services Ltd. Drawing SK-1 which provides for capture and treatment of stormwater in a bio-filtration swale system. Construction of the system will be certified by the associated professional. A copy of the plan is attached to this Permit as Appendix A.

b) Environmentally Sensitive Area Development Permit (ESA DP)

A Riparian Area Assessment #946 by Fleenor and Associates Environmental dated June 6, 2008 with amendments to SPEA has been accepted by the Ministry of Forests, Lands and Natural Resources Environmental Branch in the email from Maggie Henigman on or about April 23, 2013.

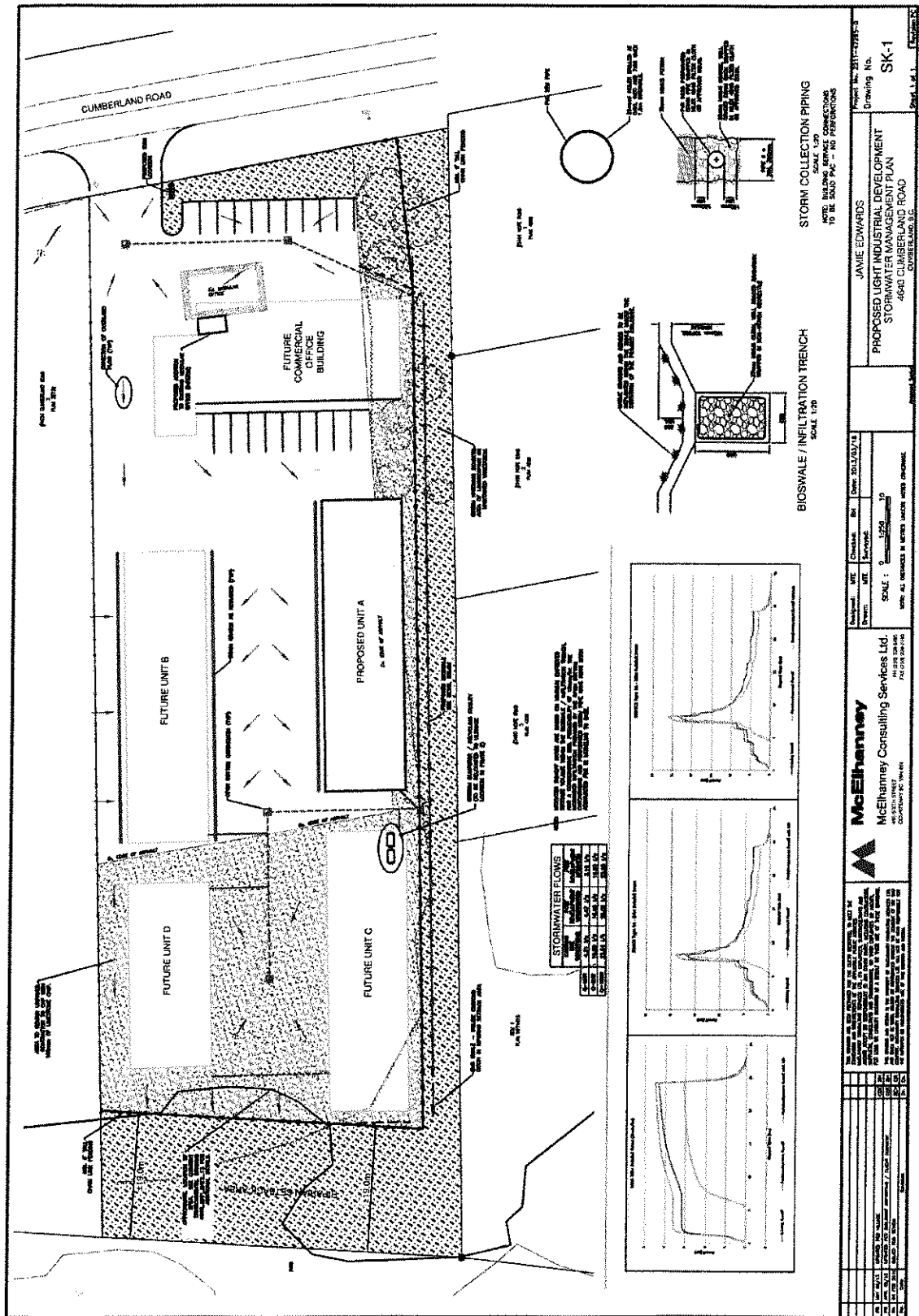
Schedule B – Development Permit

- 1) The Streamside Protection and Enhancement Area (SPEA) from the wetland on the adjacent Village property has clearly delineated and the setback for all development shall be as noted on the mapping provided by Warren Fleenor, RPBio and attached to this Permit as Appendix D. After completion of mitigative plantings, there shall be no disturbance of this area, without amendment to the Riparian Areas Assessment report dated June 6, 2008.
 - 2) The SPEA shall be clearly delineated in such a way to prevent domestic/industrial incursion into this setback.
 - 3) Invasive plant species found on the subject property shall be removed and disposed of in an acceptable manner.
 - 4) Drainage from exfiltration swales, perforated piping and open bottom catchbasins shall be used to augment summer base flows to the Maple Creek wetlands.
 - 5) A Sediment and Erosion Control Plan acceptable to Senior Staff shall be prepared by a registered profession for the construction phase of Phase 1 of the development.
4. 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.
5. This permit is **not** a building permit.

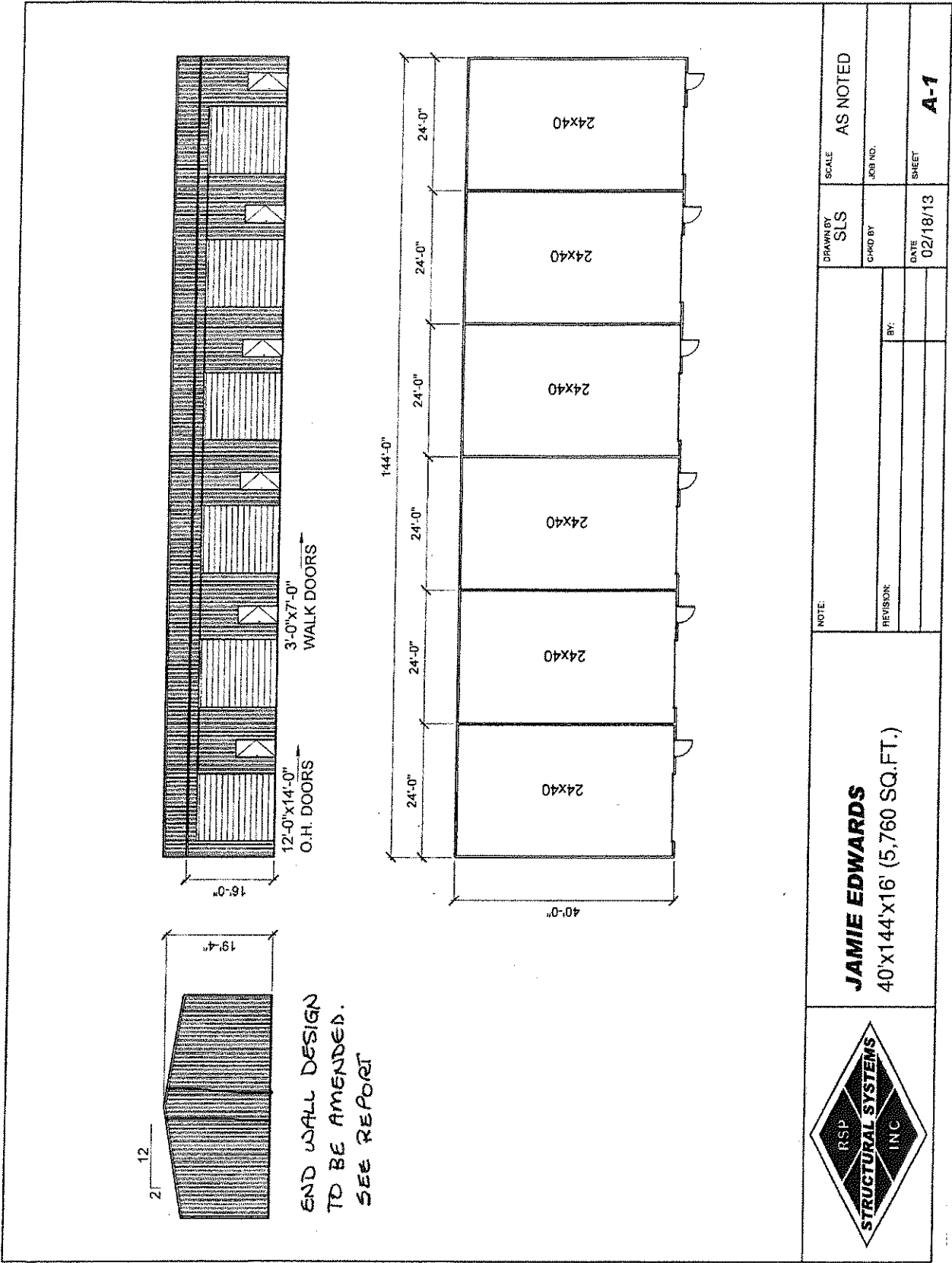
CERTIFIED as the **DEVELOPMENT PERMIT** granted by resolution of the Council of the Corporation of the Village of Cumberland on the ____ day of ____, 20__ and issued on the ____ day of ____, 20__ *(the Council grants the permit, and senior staff shall issue the permit when all the conditions have been met. (such as the landscaping bond, etc)*

Corporate Officer

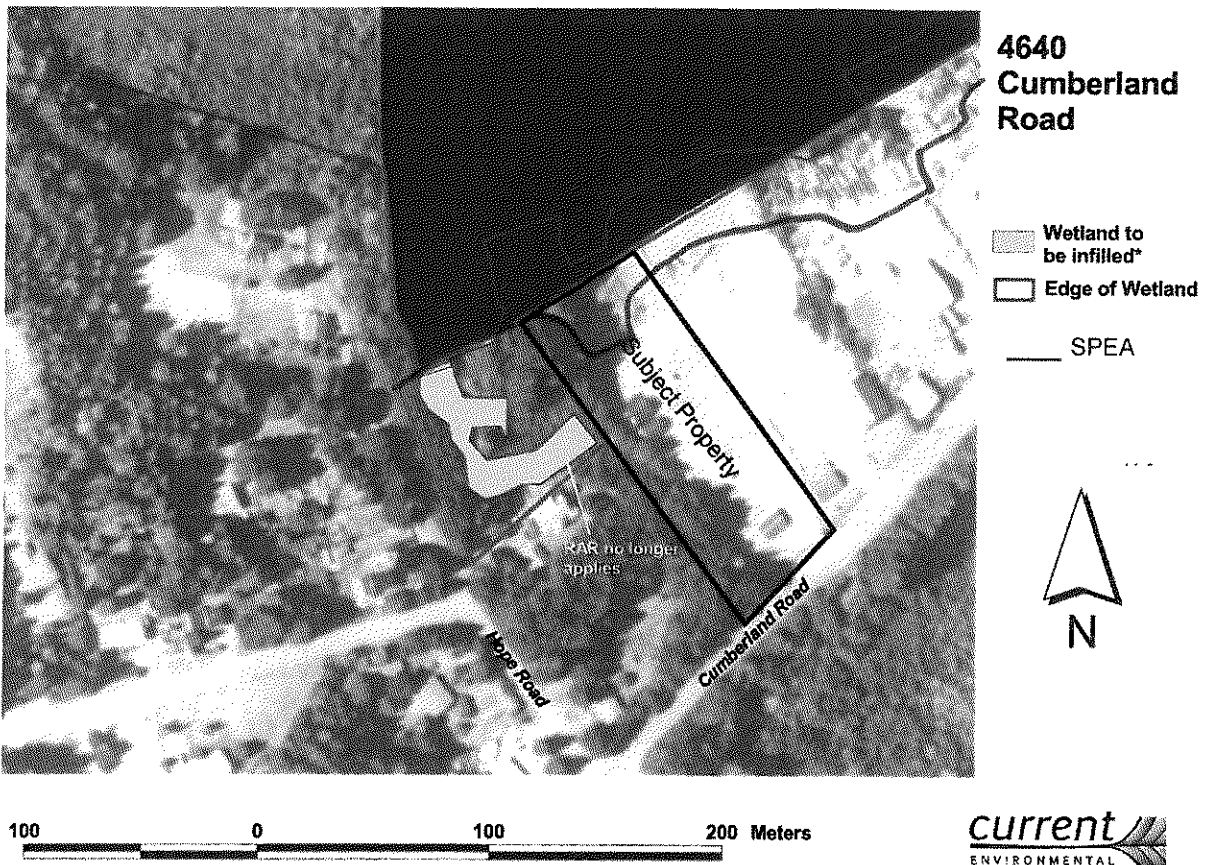
Appendix A – Site Plan and Stormwater Plan



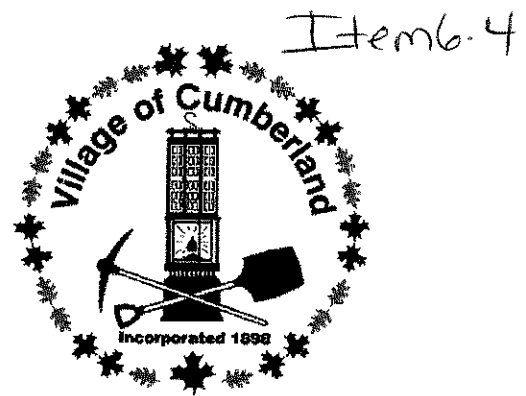
Appendix B – Preliminary Building A Form & Character



Appendix D – SPEA



COUNCIL REPORT



REPORT DATE: May 8, 2013
MEETING DATE: May 13, 2013

TO: Mayor and Councillors
FROM: Judith Walker, Senior Planner
SUBJECT: 2013 Official Community Plan – Review & Revision: May 13, 2013 Status Report

RECOMMENDATION

- i) THAT Council receive the 2013 Official Community Plan – Review & Revision: May 13, 2013 Status Report.

SUMMARY

During the Official Community Plan (OCP) Review & Revision process, staff will provide regular status reports on the ongoing activities and offer clarification and information as requested by Council. The Stage 2 Community Engagement Summary is now complete and has been posted on *PlaceSpeak*, the Village website and copies made available. The Stage 3 Engagement Implementation Plan and Facilitation Guide has been prepared, including a Stage 3 Implementation Schedule. The revised OCP Review & Revision schedule is attached to this report.

BACKGROUND

OCP Activities: Public Engagement Strategy

The OCP process is now in Stage 3 of the engagement strategy. The Local Community Advisory Group met on May 8, 2013 to review the Stage 3 Engagement Implementation Plan and Facilitation Guide, and to provide input on some operational details.

Next Events

On May 18, 2013 at **Market Day**, the Village has a booth for several municipal projects, including the OCP Review & Revision. Staff will be providing information on the process and schedule and how citizens can be involved. LCAG members will also be available at the booth during the day.

The **Photo Contest** is on now until June 15th. Post photos on *PlaceSpeak* in order to be entered to win prizes including the grand prize of an *Ipad mini*. An **Online Survey** will be held between July 8-22, designed and administered to be more user-friendly. **Roving Kiosk** will be back in the Village in mid-July following the release of the draft OCP document on July 8th, and the **Sounding Boards** will be back in the Post Office for two weeks in July as well. The times and locations of all events in the Village will be posted on the Village website, as well as on *PlaceSpeak*.

The next LCAG meeting is Thursday July 11th 5:30-8pm in Council Chambers for a presentation of the draft OCP by Stantec. The next **Community Dialogue** will occur in mid-July and will be well-advertised.

Legal Review

The draft OCP will be forwarded to legal review during June. It is critical to have the document legislatively and legally accurate prior to forwarding to LCAG, Council and the public for comment

K'ómoks First Nations

K'ómoks First Nations (KFN) have been in discussion with the Village regarding their participation in the review of the OCP. Stantec has proposed a presentation of the draft OCP to KFN on July 11th or 12th. Staff is waiting for KFN to confirm the date.

Student Input

The Vice- principals of both Cumberland Elementary School and Cumberland Junior Secondary School were contacted in March regarding the potential to have questions posed to students in order to get their input for the OCP. The two questions posed were:

- *What would you do to make Cumberland a better place?*
- *What are your favourite things about Cumberland?*

The deadline for submissions was May 2. The results are available as copies of the originals and in a tabulated form in the Council reader file. Copies of the originals and the tabulate form were also provided to Stantec.

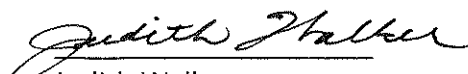
FINANCIAL IMPLICATIONS

There are no financial implications outlined in this report.

OPTIONS

- i) THAT Council receive the 2013 Official Community Plan – Review & Revision: May 13, 2003 Status Report; or
- ii) Any other action deemed appropriate by Council.

Respectfully submitted,


Judith Walker

Senior Planner



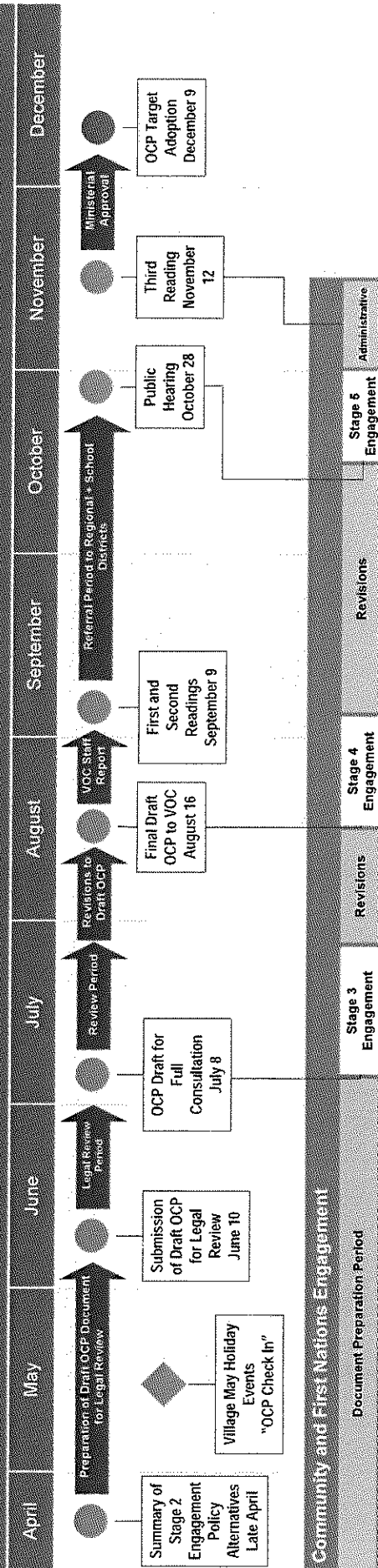
Sundance Topham

Chief Administrative Officer

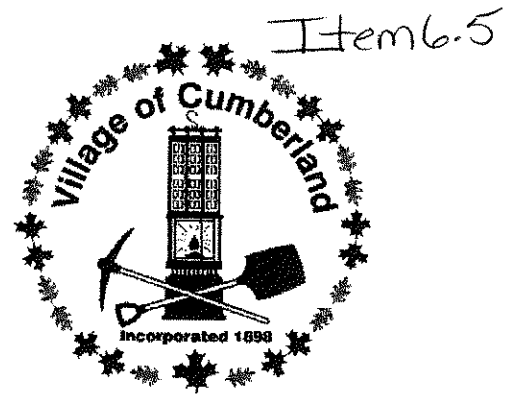
Updated Village of Cumberland 2012 OCP Review and Revise Schedule

(Subject to review and periodic updates)

2013



COUNCIL REPORT



REPORT DATE: May 6, 2013
MEETING DATE: May 13, 2013

File No. 4320-50-20

TO: Mayor and Councillors
FROM: Rachel Parker, Deputy Corporate Officer
SUBJECT: Liquor Licence Application for a Structural Change, Waverley Hotel and Pub,
2692 Dunsmuir Avenue,

RECOMMENDATION

1. THAT Council receive the Liquor Licence Application for a Structural Change, Waverley Hotel and Pub report.
2. THAT Council recommend that the application for an amendment to liquor-primary licence number 001858 for the Waverley Hotel & Pub, 2692 Dunsmuir Avenue, for the addition of a patio be approved;

AND THAT Council considers that the views of the residents indicate that there is a concern for noise to neighbouring residents and that measures be taken to reduce this potential for noise, including restrictions limiting patio use hours to daylight hours only and only when live entertainment is not occurring inside the venue, that the applicant provide screening and noise reduction barriers to the patio, that client access to the alleyway be restricted at all times (emergency exit only), that the rear door not be permitted to be left open;

AND THAT Council considers the impact on the community, if the application is approved with the restrictions imposed as recommended, is generally positive, supporting economic development in the commercial core in the Village.

SUMMARY

Under the Liquor Control and Licensing Act, a local government must provide input on certain liquor licence applications. The Waverley Hotel and Pub has applied for an amendment to its liquor primary licence for the addition of an outdoor patio. The Council must provide a resolution to the Liquor Control and Licensing Branch (LCLB) that includes comments and recommendations with respect to the view of residents, and recommendations as to whether the application should be approved and reasons for its recommendations.

BACKGROUND

The Waverley Hotel and Pub has submitted an application to the LCLB. As part of the application, the applicant must provide a copy of the application to the local government in order for the local government to have the opportunity to provide input. The local government may choose to opt out of this process in which case the Liquor Control and Licensing Branch would gather views of residents.

When gathering the view of residents, the local government may determine the area that will be covered and the method gathering their view. Staff distributed a total of 75 notices to residents, business owners and property owners within 100 m of the subject property, by mail (26 notices) and by hand delivery (49 notices), advising that the Village was seeking the written comments in regard to the application. As notices were delivered by mail to property owners and by hand to residents/business owners, some individuals may have received more than one notice. Residents were given approximately 15 days to respond.

Summary of Residents' Views

The following comments were received:

- I would hope that File No 4320-50 re Waverley Hotel & Pub outdoor patio if approved will be fenced in to ensure NO encroachment and or NO parking on my vacant Lot.
- Resident: ...we're not in favour of the patio due to location and noise concerns. We feel the rear of the Waverly, which abuts residential properties, is not an appropriate place for an outdoor patio. We're also concerned that the location of the patio will lead to increased intoxicated people frequenting the back alley behind the Waverly, and potentially lead to disturbances which could effect our peace and quiet.
- Resident: ... feel this expansion will ruin the enjoyment of our yard. With the application to expand to include an outdoor patio..., I am absolutely opposed under any circumstances. I am already solidly impacted at night. To now have an outdoor patio even just for daylight hours would mean I would lose the quiet enjoyment of my backyard for the daytime as well. ... I do have a right to the quiet enjoyment of my property and outside patio with the additional noise and traffic that it would create would completely destroy the enjoyment that my family experiences in our backyard in daytime and early evening hours.
- Business: ...are fully in favour of The Waverley Hotel's application to extend their floor plan to include an outdoor patio
- Business: I believe this application as put forth by the Waverly Hotel stands to be complimentary to the growing destination tourism product of Cumberland. I would like to thank the Village of Cumberland for reaching out to the residents and businesses for input when considering the approval of this application and clearly outlining the items for consideration.

Required Input to the Liquor Control and Licensing Branch

A Council resolution to the LCLB must include comments and recommendations with respect to the view of residents, and recommendations as to whether the application should be approved and reasons for its recommendations.

Based on the few number of responses opposed to the application, staff recommends that Council recommend approval of the application. Recognizing that there is potential for noise or negative impact on the community if the application is approved, council may make comments and recommendations to the LCLB, for example

- that restrictions be placed on the patio hours use,
- that the applicant provide screening and noise reduction barriers to the patio,
- that client access to the alleyway be restricted at all times (emergency exit only),
- that the rear door not be permitted to be left open.

Council must also comment on the impact on the community if the application is approved. Staff recommends that Council consider that, with the restrictions imposed as recommended, the application may provide a positive impact on the community as the applicant is a successful business supported by a great number of local and out of town clients, and the business has a positive impact on the economic development of the community.

Recommended Resolution

THAT Council recommends that the application for an addition of a patio as an amendment to liquor-primary licence number 001858 for the Waverley Hotel & Pub be approved;

AND THAT Council considers that the views of the residents indicate that there is a concern for noise to neighbouring residents and that measures be taken to reduce this potential for noise, including restrictions limiting patio use hours to daylight hours only, and only when live entertainment is not occurring inside the venue, that the applicant provide screening and noise reduction barriers to the patio, that client access to the alleyway be restricted at all times (emergency exit only), that the rear door not be permitted to be left open;

AND THAT Council considers the impact on the community, if the application is approved with the restrictions imposed as recommended, is generally positive, supporting economic development in the commercial core in the Village.

What Happens Next

The Liquor Control and Licensing Branch will review the application in light of the Village Council's resolution and LCLB policy, a final inspection is conducted and if the results are satisfactory the amendment is approved.

FINANCIAL IMPLICATIONS

None

STRATEGIC OBJECTIVE

None

ATTACHMENTS

1. LCLB Liquor Primary and Liquor Primary Club – Structural Change Application
2. Notice to residents, property owner, business owners

CONCURRENCE

Mike Williamson, Manager of Protective Services

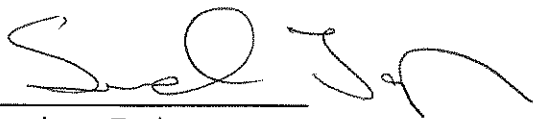
OPTIONS

1. Recommend approval of the application and provide reasons.
2. Recommend that the application not be approved and provide reasons.
3. Any other action deemed appropriate by Council.

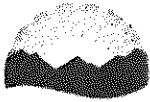
Respectfully submitted,



Rachel Parker
Deputy Corporate Officer



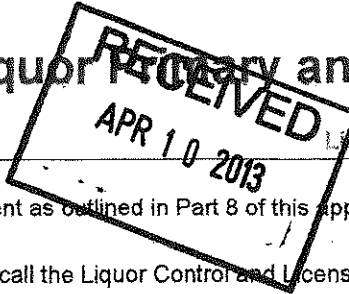
Sundance Topham
Chief Administrative Officer



BRITISH
COLUMBIA

Liquor Primary and Liquor Primary Club Structural Change Application

Liquor Control and Licensing Form LCLB 012a



INSTRUCTIONS:

Complete all applicable fields then submit with payment as outlined in Part 8 of this application form. You may complete this form online, then print.

- If you have any questions about this application, call the Liquor Control and Licensing Branch (LCLB) toll-free at: 1 866 209-2111
- LCLB forms and supporting materials referred to in this document can be found at: www.pssg.gov.bc.ca/lclb

Licensee Information

Licence # affected: 001858

Licensee name [as shown on licence]: The Waverley Hotel & Pub

Establishment name [as shown on licence]: Waverley Hotel

Establishment

Location address: 2692 Dunsmair Ave Cumberland BC V0R1S0
(as shown on licence) Street City Province Postal Code

Business Tel with area code: 250 336 8888 Business Fax with area code: 250 336 8308
8322

Business e-mail: Info @ Waverley hotel.ca

Business

Mailing address: Box 550 Cumberland BC V0R1S0
(if different from above) Street City Province Postal Code

Contact Name: McClellan, Don R Contact number: 250 336 8322
last / first / middle

Type of Change Requested

Please check ☒ appropriate box(es) below:

Sub- Job Number
Office Use ONLY

1.	☒ New Outdoor Patio: see Part 1	Outdoor Patio (C3-LIC)
2.	This section is for golf courses only. ☐ A Kiosk ☐ Take-out Window ☐ Beverage Cart Service (one cart permitted per 9 holes) ☐ Playing Area of the golf course to allow liquor service from the interior LP liquor service bar.	Structural - no capacity change (Golf Kiosk/take-out) (C4-LIC) Structural - no capacity change (Golf Cart) (C6-LIC)
3.	☐ Structural Alterations/Renovations or Addition of New Licensed Area or Removal of an Existing Licensed Area: see Part 3	Structural - capacity change (C3-LIC) Structural - no capacity change (C4-LIC)

PART 1: Addition of New Outdoor Patio

Fee: \$440

C3 - LIC

The addition of a licensed outdoor patio must be approved by the Liquor Control and Licensing Branch. Floor plans must have sufficient detail to be acceptable to the branch. Please be advised that the applicant is responsible for complying with any local bylaws related to the licensed establishment patios. **The application requires a local government/First Nation resolution.**

Provide the following:

- ☒ One 11" x 17" and one 8.5" x 11" floor plan detailing furniture layout of the entire establishment and the proposed patio area(s). The occupant load of the establishment and proposed patio area(s) must be marked/stamped ON the plans by fire or building authorities. An alternate qualified architect or design professional may be used in locations where fire and building authorities do not have jurisdiction to provide an occupant load. Written confirmation must be provided by local government/First Nations.
- ☐ Occupant load of patio(s) from above plans, if provided separately and not included in calculation of main interior occupant load.
Patio #1: ☐ Patio #2: ☐
- ☐ Provide evidence of valid interest in the patio property if the patio is on different property than the licensed establishment, such as a patio located on a public sidewalk adjacent to the licensed interior. Evidence of valid interest may be in the form of a lease, letter of authorization or other agreement document.

1. Describe the patio perimeter that is designed to control patron entry/exit. (i.e., railing, fencing, planters, hedging, etc.)

The patio would be ^{almost} square. One side would be the back of the LP building. Two sides have existing chain link fence over six feet high. The currently open side would have a fence built with a single access point.

2. Will your servers have to carry liquor through unlicensed areas to get to the patio? ☐ Yes ☒ No If Yes, please explain:

—

3. Is the patio located immediately adjacent or contiguous to the interior licensed area? ☒ Yes ☐ No If No, please explain:

—

4. Describe how your staff will manage and control the patio from the interior licensed area

The door to the patio is easily accessible from the interior. A server will be assigned to the patio whenever patrons are present and will do regular visits to patio. The patio will be used during daylight hours only.

☐ Attach a photo if the patio is already built.

IMPORTANT: You must request a local government/First Nation resolution commenting on the application. Local government must complete Part 5 of this form. For further information on local government resolutions, read Part 4.

...Also complete Parts 7 and 8

PART 4: Local Government/First Nation Resolutions: Information for the Applicant

A resolution from your local government or First Nation commenting on the application is required for the following change types:

- Part 1: Addition of a new patio
- Part 3: Any alteration/addition, when the change increases the physical size of the establishment and the occupant load calculation.

Licensee responsibilities:

- Fill out applicable sections of this form.
- **Request your local government/First Nation to sign and date Part 5 of the original form.**
- Provide a photocopy of this form to the local government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor Control and Licensing Branch, Victoria Head Office.
- Send the original form and application fees to the branch.
- The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. However, they must still provide a resolution stating this decision and this resolution must be submitted directly to the Liquor Control and Licensing Branch.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb/> under "Publications, Legislation & Resources".

PART 5: Local Government/First Nation Confirmation of Receipt of Application

This is to be filled out by your local government/First Nation office in relation to Parts 1 and 3. Applies to Liquor Primary and Liquor Primary Club licences.

Local government/First Nation (name): Village of Cumberland

Name of Official: Parker, Rachel
(last / first / middle)

Title/Position: Deputy Corporate
officer

Date of receipt of application: 10 / 04 / 2013
(day / month / year)

Phone: 250-336-2291

Signature of Official: [Signature]

This application serves as notice from the Liquor Control and Licensing Branch that an application for a permanent change to a liquor licence is being made within your community. The Liquor Control and Licensing Branch (LCLB) requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt.

If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution indicating this decision must be provided to the branch.

All of the items outlined below in points (a) through (d) must be addressed in the resolution in order for the resolution to comply with section 53 of the Liquor Control and Licensing Regulation. Any report presented by an advisory body or sub-committee to the council or board may be referenced in and attached to the resolution.

(a) The potential for noise if the application is approved (provide comments).

(b) The impact on the community if the application is approved (provide comments).

(c) If the amendment may affect nearby residents, the local government or first nation must gather the views of residents in accordance with 11.3(2)(c) of the Act.

- If the local government or first nation gathered the views of residents, they must provide:

- ↓ (i) the views of the residents
- (ii) the method used to gather the views of the residents, and
- (iii) its comments and recommendations respecting the views of the residents.

(Residents includes residents and business owners)

- If the views of residents were not gathered, provide reasons.

(d) Its recommendation with respect to whether the amendment should be approved.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb/> under "Publications, Legislation & Resources".

PART 6: Floor Plan Guidelines

A floor plan is a view of each floor as seen if you were to remove the roof or ceiling and all construction above. Floor plans must show acceptable levels of detail to the Liquor Control and Licensing Branch for your application to be processed.

Floor plans should meet the following requirements:

- Must be clear, legible and of sufficient size and detail
- OCCUPANT LOAD(S) MUST BE CLEARLY MARKED/STAMPED ON THE PLANS by provincial (or designate) fire or building authorities. An alternate qualified professional may be used in locations where fire and building authorities are not available to provide an occupant load, if accompanied by local government/First Nation written consent.
- Dimensions of rooms, partial height walls, planters, location of doors and windows, stairs showing direction of travel, etc.
- Clearly mark the washrooms, kitchen, bars, patio(s), furniture layout of tables, chairs and barstools, entrances and exits, as applicable.

PART 7: Declaration of Signing Authority Including Valid Interest

My signature, as Applicant, indicates that, with respect to the establishment:

- I am the owner of the business to be carried on at the establishment or the portion of the establishment to be licensed.
- I am the owner or lessee of the establishment or portion of the establishment to be licensed. If I have an option/offer to lease the establishment, or portion of the establishment to be licensed, prior to a licence being issued, I will obtain a completed lease that will not expire for a minimum of 12 months after the date the licence is issued.
- I understand that the general manager has the right to request the following documentation supporting valid interest at any time and I agree to provide the requested documentation in a timely manner upon request:
 - If the applicant owns the property, a Certificate of Title in the applicant's name.
 - If the applicant is renting or leasing, a fully executed lease or assignment/offer of lease which does not expire for at least 12 months from the date the licence is issued. An offer for rent/lease must show rent paid, have a term and an expiry date and be signed by both the applicant and the property owner.
 - If the applicant is buying the land and the building(s), a copy of the offer or option to purchase the property and building(s). An offer must show price paid, have a term and expiry date, and be signed by both the applicant and the property owner.
- I understand that loss of valid interest at any time while holding a licence is reason for the general manager to consider cancelling the licence.
- I understand that I must advise the branch immediately if at any time the potential exists to lose valid interest either during the licensing process or once a licence has been issued.
- I understand that the name(s) on documentation demonstrating valid interest must be identical to the applicant name(s).
- As the licensee, I will be accountable for the overall operation, for all activities within the establishment and will not allow another person to use the licence without having first obtained a written approval from the general manager.
- I understand that a licence can only be renewed if I am the owner of the business carried on at the licensed establishment and I am the owner or lessee of the licensed portion of the establishment.

I solemnly declare that the statements in this declaration are true.

(Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or all individuals in a partnership is required below):

Note: An agent, lawyer, resident manager or third party operator may not sign the declaration on behalf of the applicant.

Name of Official: McClellan / Donald / R Position: Owner Date: 3 Apr 2013
(last / first / middle) (Day/Month/Year)

Signature: [Signature]

Name of Official: _____ Position: _____ Date: _____
(last / first / middle) (Day/Month/Year)

Signature: _____

Name of Official: _____ Position: _____ Date: _____
(last / first / middle) (Day/Month/Year)

Signature: _____

Name of Official: _____ Position: _____ Date: _____
(last / first / middle) (Day/Month/Year)

Signature: _____

Section 15(2) of the Liquor Control and Licensing Act states: "A person applying for the issue, renewal, transfer, or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application commits an offence".

False declaration of valid interest is reason for the general manager to consider terminating the licence application and/or cancelling the licence.

PART 8: Application Fees - Payment Options

Fees may be paid by cheque, money order, debit or credit card and are non-refundable. Debit transactions can only be made in person at the Victoria Head Office. Submit the payment with the application form. Do not mail cash.

Fee: (non-refundable):

TOTAL FEE Submitted: \$ 440.00

Payment is by (check ☒ one):

☐ cheque, payable to Minister of Finance (if cheque is returned, non-sufficient funds, a \$20 fee will be charged)

☐ money order, payable to Minister of Finance

☐ VISA ☐ MasterCard ☐ AMEX

If paying by credit card, please provide credit card details below...

Credit card Number: /

Expiry Date: /

Name of cardholder (as it appears on card):

Signature of cardholder: 

Or you may send in the application without credit card information, but you must telephone LCLB Head Office directly to provide the credit card number details. If so, please confirm by checking the box below:

☐ I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 to provide credit card information and understand that no action can proceed with my application until the application fee is paid in full.

Contact Information

Ministry of Public Safety and Solicitor General
Liquor Control and Licensing Branch

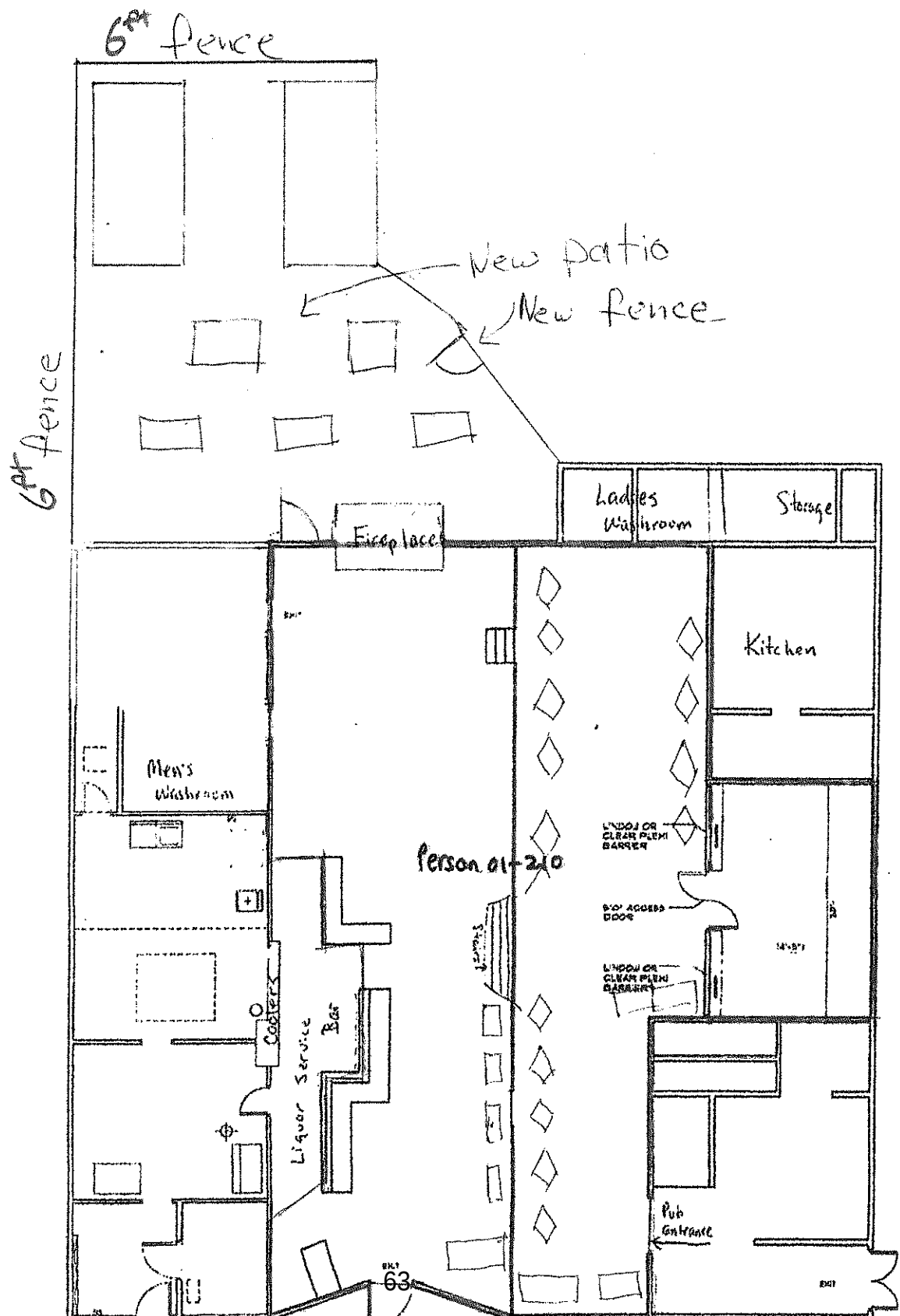
Location: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1

For Mail Only: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8

Phone: 250 952-5787 Web: www.pssg.gov.bc.ca/lclb E-mail: liquor.licensing@gov.bc.ca

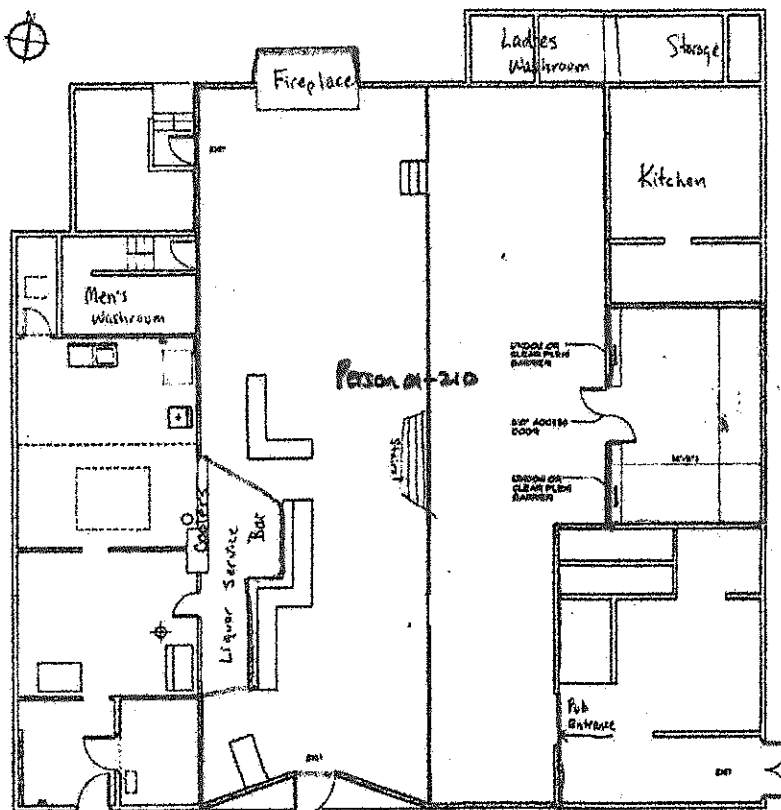
Note: To ensure legibility, this application and supporting material cannot be faxed to the branch.

Freedom of Information and Privacy Act - The information requested on this form is collected for the purpose of obtaining or making changes to a liquor licence application. All personal information is collected under the authority of Section 15 of the Liquor Control and Licensing Act (RSBC 1996, c.267). Questions should be directed to: Liquor Control and Licensing Branch, Freedom of Information Officer, PO Box 9292 STN PROV GOVT, Victoria, BC V8W 9J8. Ph: In Victoria, 250 952-5787 Outside Victoria, 1 866 209-2111. Fax: 250 952-7066



I have talked to the local
fire chief & he does not calculate
occupancy loads for outdoor spaces.
~~He states~~ Below is our last
occupancy load document.

LCLB OFFICIAL PLAN
MUST BE KEPT WITH LIQUOR LICENCE AND
AVAILABLE FOR INSPECTION AT ALL TIMES
Date Issued: March 31, 2008 *Karen Agnew*
Licence #: LP 001858 General Manager



MAXIMUM
OCCUPANT LOAD

IS 210

*J.B. and
Fire Chief*

THE VILLAGE OF CUMBERLAND

LIQUOR CONTROL BOARD
RECEIVED
DEC 01 2009
PM VICTORIA BC

PARTIAL MAIN FLOOR PLAN
SCALE: 1/8" = 1'-0"

Waverley Hotel, Cumberland
Liquor Primary #1858

Dishlevoy
ISSUE NO
28 NOV

HARVEY
PM 334
MAY 23
WAVERLEY
HOTEL
CUMBER
ISSUE NO
28 NOV

SI



Corporation of the Village of Cumberland

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

File No. 4320-50

April 12, 2013

Dear Resident/Property Owner/Business Owner,

Re: Liquor Licence Amendment for Structural Change – Waverly Hotel & Pub

A liquor licence application for a structural change for the addition of an outdoor patio to the Waverly Hotel & Pub at 2692 Dunsmuir Avenue has been referred to the Village of Cumberland for comment.

The Village is seeking the views of residents in regard to the application. A copy of the application, which includes a floor plan of the proposed patio area, may be viewed at the Village office during regular office hours.

You may provide written comment on this application to the Village office by May 1, 2013 by mail, by email to info@cumberland.ca, or by fax to 250-336-2321. Please include your name and residential/business address in your correspondence*.

Your comments will be summarized in a report to Council which will be considered at the May 13, 2013 Council meeting. At that meeting, Council is required to consider:

- (a) The potential for noise if the application is approved.
- (b) The impact on the community if the application is approved.
- (c) The views of the residents and the Council's comments and recommendations respecting the views of the residents and business owners.
- (d) Council's recommendation with respect to whether the amendment should be approved.

.../2

For more information, or to view the application, please feel free to contact me.

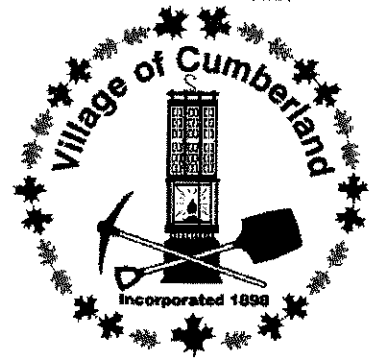
Yours truly,

A handwritten signature in black ink, appearing to read 'R Parker', written in a cursive style.

Rachel Parker
Deputy Corporate Officer

* Personal information is collected under the authority of Part 26(a) the *Freedom of Information and Protection of Privacy Act*. The information will be used for the required evaluation of a liquor licence application for comment to the Liquor Control and Licensing Branch. Comments will be summarized and provided to Council at a public meeting and to the Liquor Control and Licensing Branch. If you have any questions about the collection of this information, contact the Deputy Corporate Officer at the address and phone number at the top of this form. Personal information will only be disclosed in accordance with the *Freedom of Information and Protection of Privacy Act*.

COUNCIL REPORT



Item 6.6

REPORT DATE: May 7, 2013
MEETING DATE: May 13, 2013

TO: Mayor and Council
FROM: Rob Crisfield, Manager of Operations
SUBJECT: Comox Lake Road

RECOMMENDATION

THAT Council receives the Comox Lake Road Report;
AND THAT Council direct staff on how to proceed with Comox Lake Road project.

SUMMARY

In May of 2012 a staff report to Council recommended the closure of a portion of the westbound lane on Comox Lake Road due to slope movement resulting in noticeable road pavement deformations. Council approved expenditures to close a section of the road and further recommended that an additional \$25,000 be set aside to undertake a sub-surface geotechnical investigation. Subsequent to the closure staff has continued to look at options and engage other stakeholders to find a solution to the slope movement. This report summarizes work to date and seeks direction from Council on how they wish to proceed.

BACKGROUND

Significant subsidence in the pavement on Comox Lake Road due to slope instability between the road and Comox Lake prompted staff to engage a Geotechnical Engineer in April of 2012 to perform a visual inspection and provide recommendations. As a result of these recommendations Council approved expenditures to close a 200 meter portion of the westbound lane on Comox Lake Road approximately 300 meters east of the Comox Lake Boat Launch. The closure is in place to protect the safety of motorists using Comox Lake Road and is intended to be a short term measure until further investigation and a permanent solution can be determined.

A closer examination of the area where the subsidence has occurred reveals layers of pavement repairs and sloping trees, indicating that this section of road has been experiencing movement for many years prior to the Village assuming responsibility. Prior to a municipal boundary expansion in 2002 this section of road was owned and maintained by the Ministry of Transportation. In addition, Comox Lake is a hydraulic lake and experiences fluctuations in lake levels resulting from BC Hydro's Hydro Generation Dam on the Puntledge River. Staff has met with BC Hydro on site and based on previous correspondence it is clear that they do accept some responsibility for the

slope movement. They have indicated that they would be willing to assist us with some sort of bank stabilization but need more information such as costs before committing. Our attempts to engage MoTI to the same level have not been as successful. Creating a partnership between ourselves, BC Hydro, and MoTI is not only fair based on previous ownership of the road and impacts from fluctuating lake levels, but this partnership makes it equitable for the Village to deal with the slope stability once and for all.

While a budget amount of \$25,000 was set aside in the 2012 budget to undertake a sub-surface geotechnical investigation, it was felt that it was important for the Village engage BC Hydro and MoTI prior to any expenditure. Council should also be aware that the \$25,000 may be light for the length of slope failure and number of holes that may potentially need to be drilled.

Towards the beginning of 2013 staff was approached by a Geotechnical Engineer from a slope stabilization company called GeoStabilization International inquiring about our plans to repair this section of road. As a former engineer with experience with MoTI on the Island he explained a newly developed method called 'soil nail technology' that has been tried and proven around the world and on Vancouver Island on very similar type slope failures, and how they might be able to assist us. It was further explained that this company has a unique approach based on resources, proprietary tools and in-house expertise that allow them to design, build, and warranty the project eliminating the need for geotechnical subsurface work, design, tender and construction. The company claims that in a lot of cases they can cut costs in half and reduce the completion time by up to 90% as compared to traditional repair methods. The warranty they offer is for 5 years and if within that time there is additional slope failure within their original scope of work, they will come back in and repair/stabilize the failed section.

GeoStabilization International completed an initial review of the section of slope failure on Comox Lake Road and provided a preliminary cost estimate of \$500,000 to \$600,000 for slope stabilization. This does not include costs to re-install w-beam guard rail or repave the road. It will however allow for a wider road surface affording us some room to slightly shift the road away from the upper bank side and create some drainage ditching re-directing water away from the road.

Based on high level costs for traditional slope stabilization work that could include pilings and some form of concrete retaining wall, initial geotechnical work, an RFP for design, and a tender for the reconstruction/stabilization work, cost would be in the magnitude of \$1.2 million. Again this does not include the w-beam guard rail and road pavement but should provide room for proper road drainage.

FINANCIAL IMPLICATIONS

Based on Direction from Council and depending on involvement with the other two stakeholders (BC Hydro & MoTI), this will impact future capital costs for the stabilization and road reconstruction, depending on how we decide to proceed. Costs could range from \$0.5 to \$1.2 million.

If council wishes to proceed with a traditional stabilization method we may need to increase our current budget of \$25,000 in order to capture enough data for a proper detailed design.

STRATEGIC OBJECTIVE

None

ATTACHMENTS

CONCURRENCE

None

OPTIONS

1. Have staff arrange for a presentation by GeoStabalization International to learn more about their unique approach to slope stabilization.
2. Continue with the traditional method of stabilization which would include engaging a geotechnical firm in 2013.
3. Any other action deemed appropriate by Council.

Respectfully submitted,



Rob Crisfield
Manager of Operations
Village of Cumberland



Sundance Topham
Chief Administrative Officer



GeoStabilization International Inc.
SUITE 101 - 1830 WEST 5TH AVE.
VANCOUVER, BC, V6J 1P3

March 15, 2013

Rob Crisfield

Manager of Operations
Village of Cumberland
2673 Dunsmuir Avenue
Box 340, Cumberland, BC V0R 1S0

Ph: 250-336-2291

Fax: 250.336.2321

rcrisfield@cumberland.ca

Re: Proposal for Road Stabilization, **Comox Lake Road**

Dear Rob Crisfield:

GeoStabilization International, Inc. (GSI) is pleased to offer this proposal to repair the Comox Lake Road shoulder slump just outside the Village of Cumberland (the Village) town centre.

Project Overview

This proposal addresses reconstruction of the road shoulder, installation of SuperNails®, and the application of a shotcrete face to stabilize the slope along Comox Lake Road for a length of approximately 210 lineal metres as detailed below.



Photo 1 - Eastern end of the Comox Lake Road Shoulder Failure

Proposal

This mitigation effort will provide a long-term solution for the two challenges currently affecting this 210 m segment of Comox Lake Road: the large scale slope instability, and the failing roadway. The proposal would regained the lost road width and provided enough platform width for a small ditch, two 3.2m wide lanes, shoulder and "W" beam barrier.

The slope instability will be mitigated with a series of anchors installed through the failing soil and grouted into the competent ground behind. While the roadbed and loss of width challenge will be addressed with reconstruction using our Geosynthetically Confined Soil (GCS)[™] system.

In an effort to minimize cost, GSI suggests that the Village of Cumberland, or their designated contractor provide the excavation equipment and personnel. GSI will provide the on-site oversight of this effort to ensure proper construction and shaping of the working face.

After the stabilization/drainage system is complete, the Village would hydroseed exposed soil and conduct any pavement repairs if deemed necessary.

Resources

Our drill equipment is mounted on an excavator with "asphalt friendly" tracks allowing the work to be accomplished from the roadway with minimal damage. The work zone required is narrow, however it must be noted that due to the limited width of road, traffic will not be able to pass during the excavation and drilling operations.

This proposal requires utilizing Village personnel, or their designated contractor to provide site preparation as described above, assistance with utility locates (including depth to all utilities within the work zone), traffic control, laydown/yard space, and all permits and easements necessary for the work at no cost to GSI.

Schedule

Barring any unforeseen delays, this project should take approximately 6 weeks to complete.

Proposal Cost Estimate

Mobilization, supply and install SuperNails®, shotcrete face and shoulder reconstruction is estimated to be between \$500,000 to \$600,000 inclusive.

Five-Year Warranty

Our design is based on a 75-year design life. Our price includes design and a P.Eng. stamped typical section. The work also carries a five-year warranty commencing after GSI project completion. This warranty is void absent of GSI receiving mutually agreed project payment. If at any point within the warranty period the repaired section becomes unstable, GSI will, in a timely manner, remedy the situation with a design/construction solution at no cost to the owner. This warranty does not cover work completed by others or shallow surface erosion problems that may develop in the future. Exceptions to the warranty include catastrophic seismic, weather, or other events outside reasonable accounting in design (including earthquakes and weather events exceeding expectation for the region) or further construction by third parties that destabilizes the repair (including utility trenches dug into or through any soil nails, deep excavations in the area, etc.). Extreme storm water volumes may cause erosion, which could undermine the repaired areas, which may void this warranty. These areas should be checked for erosion if such an event occurs.

Note that this is a passive system, and some movement in the roadway is expected within the following months after the repair. It would be best to complete any finish paving 3-6 months after the nails are installed to minimize reflective cracking. Level patching can be completed immediately.

This proposal is conditional upon entering a mutually acceptable contract between GeoStabilization International, Inc. and the Owner or the Owner's General Contractor. This Proposal shall be incorporated into any final Agreement between GSI and the Owner or the Owner's General Contractor.

If you have any questions, please feel free to contact me anytime.

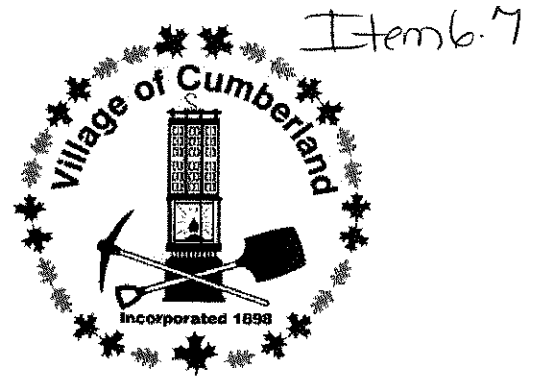
Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bullock". The signature is fluid and cursive, with the first name "Peter" and last name "Bullock" clearly distinguishable.

Peter Bullock, P.Eng., M.Eng.
Principal Engineer
GeoStabilization International Inc.

250.228.2421
Peter@GSICan.ca

COUNCIL REPORT



REPORT DATE: May 7, 2013
MEETING DATE: May 13, 2013

TO: Mayor and Councillors
FROM: Sundance Topham, Chief Administrative Officer
SUBJECT: Backyard Chickens Report

RECOMMENDATION

- i. THAT Council receive the Backyard Chickens Report.
- ii. THAT Council provide direction to staff in regards to backyard chicken regulations within the Village of Cumberland.

SUMMARY

The Village of Cumberland has been approached by a local resident who has requested changes to the current municipal bylaws in respect to backyard chickens. A petition was submitted to Council, and the Bylaw Enforcement Officer presented a report on the subject at the April 8, 2013 Council meeting.

Following the presentation of the Bylaw Enforcement Officer's report, Council directed staff to bring the report to the May 6, 2013 Village Hall meeting for further discussion. At this meeting a respectful and thorough conversation took place in regards to backyard chickens in the Village. Now that this meeting has taken place staff is requesting Council direction in regards to next steps.

BACKGROUND

The purpose of this report is not to specifically debate the merits of backyard chickens, as there has been a lot of information already presented to Council, both for and against the premise. The purpose of this report is to provide Council with a number of options in regards to next steps.

Although the petition presented to Council specifically asked for the Village to amend the Village of Cumberland Animal Control Bylaw No. 893, 2011, this bylaw does not regulate poultry, except in an instance where it is "At Large". The Village of Cumberland currently regulates poultry through Zoning Bylaw No. 717, 1997. This bylaw allows for the keeping of poultry on Residential Three (R-3) zoned properties that are 0.4 hectares (0.99 acres) or larger, along with Rural Two (RU-2), Rural Three (RU-3) and Uplands Rural One (UR-1) properties.

Because the regulation of poultry is contained within the municipal zoning bylaw any changes become slightly more involved than amending a regular bylaw. In order to amend the zoning bylaw the Village would need to go through a public engagement process as legislated through the Local Government Act, including a public hearing. Any changes to the zoning bylaw must also be consistent with the current Official Community Plan.

Although the bylaw is currently under review, the existing Village of Cumberland Official Community Plan Bylaw No. 786, 2004 is silent on food security and local food production issues, and doesn't speak specifically to the keeping of chickens. This doesn't preclude amending the existing zoning bylaw, however having food security language contained within the Official Community Plan would give any potential revisions more weight. The review and revision of the Official Community Plan is scheduled to be completed by the end of 2013.

In terms of next steps there are a number of options for Council to consider:

- Direct staff to come forward with a report that outlines options to increase the flexibility for residents to legally raise backyard chickens prior to the completion of the Official Community Plan review and revision. Upon receipt of this report Council could choose their preferred option and staff could move forward with the appropriate zoning bylaw revisions.
- Direct staff to wait for the completion of the Official Community Plan review and revision process before moving forward on this issue. The Official Community Plan review and revision process can act as a gauge of community support for local food production, and since the existing zoning bylaw will need to be amended to reflect the new Official Community Plan, any applicable local food production changes can be added to the zoning bylaw at that time.
- Direct staff to perform a community survey independent of the Official Community Plan review and revision process that examines community support for backyard chickens. Use the results of this survey to guide next steps.

Each of these options has positives and negatives associated with them:

- By amending the zoning bylaw prior to the completion of the Official Community Plan review and revision Council risks utilizing staff resource on a process that is already scheduled to take place, with no guarantee that the documents will align.
- Waiting for the Official Community Plan review and a subsequent zoning bylaw rewrite means that any changes to existing regulations are not likely until late-2014, which could seem like a long period of time for someone who wants chickens now.
- Directing staff to perform a community survey in regards to backyard chickens gains a broader community perspective, but leaves out other food security issues, and including them in the survey duplicates the Official Community Plan process.

As far as bylaw enforcement in regards to individuals who currently have backyard chickens. The municipality will continue to enforce its bylaws as per the current Bylaw Enforcement Policy, which reviews zoning bylaw infractions on a complaint basis.

FINANCIAL IMPLICATIONS

Depending on the option that Council chooses there could be additional financial implications. Specifically, if Council directs staff to perform a community survey independent of the Official Community Plan review and revision there will be the costs associated with an online survey tool, that would be used in conjunction with a hard copy version.

STRATEGIC OBJECTIVE

None

ATTACHMENTS

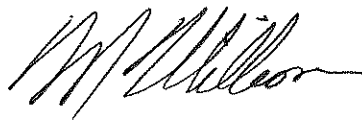
None

CONCURRENCE

Rob Crisfield, Manager of Operations



Mike Williamson, Manager of Protective Services



OPTIONS

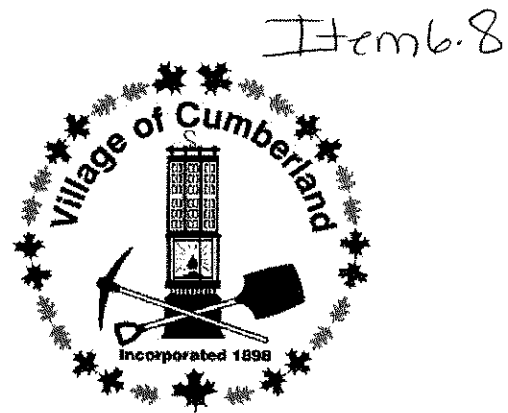
1. Direct staff to come forward with a report that outlines options to increase the flexibility for residents to legally raise backyard chickens.
2. Direct staff to wait for the completion of the Official Community Plan review and revision process before moving forward on this issue.
3. Direct staff to perform a community survey independent of the Official Community Plan review and revision process that examines backyard chickens.
4. Any other action deemed appropriate by Council.

Respectfully submitted,



Sundance Topham
Chief Administrative Officer
Village of Cumberland

COUNCIL REPORT



REPORT DATE: May 6th, 2013
MEETING DATE May 13th, 2013
TO: Mayor and Councilors
FROM: Margaret Robertson, Recreation Program Coordinator
Sandra Hryko, Recreation Programmer
SUBJECT: April 2013 Recreation Department Report

RECOMMENDATION

That Council receive the April 2013 Recreation Department Report for information.

Facilities

- Cumberland Village Works has been contacted regarding an article in the local newspaper about a new Venue for Big Time Out this year. It has now been confirmed that the Cumberland Village Works will be holding The Big time Out at another location, so Cumberland Village Park is free on the Week-end of August 16th, 17th and 18th, 2013. Coco Loco's Slo-Pitch Team will move their tournament to this week-end.
- Final facility contracts and park use permits have now been sent out to BC Bike Race
- This race will bring over 500 participants to the Village for a period of two days. The Cumberland Village Park will be used as a base with camping and the CRI Hall will be used for food service.
- Public Works has installed a new toilet in the men's shower room at the CRI Hall.
- A new microwave and kettle have been purchased for the Cultural Centre kitchen.
- All Parks are busy as everyone is enjoying the sunshine.

Staffing

- The Recreation Coordinator will be attending a Municipal Alcohol Policy Workshop on May 9th, 2013 at the Comox Recreation Centre.

Programs

Take a Hike in Historic Cumberland this Spring

- Two local walking tours will take place this spring led by local Historian Gwyn Sproule. This tour will include some of Cumberland's oldest Coal Mines. They are connected by ancient pathways and old railroad beds, which wind through beautiful forests to the west of Cumberland.

- A 40 person Squash tournament is booked for May 10 & 11.
- Adult Table Tennis is now being offered on Sunday's at the Cultural Centre 4pm – 6pm.

Upcoming Special Events

- Comox Valley Pregnancy Care Centre is once again holding a Lake Run on Empire Day. Part of the proceeds will be going towards Parent & Tot gym.
- May 1st Museum Bean dinner
- May 11th Empire Days Cinch
- May 15th Empire Days Fashion show
- May 18th Empire Days Washoe Tournament
- May 19th Empire Days Old Time Soccer Game and Dinner
- May 25th 4 R's Family Magic Show

FINANCIAL IMPLICATIONS

None

STRATEGIC OBJECTIVE

None

ATTACHMENTS

None

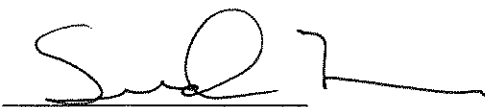
OPTIONS

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

Respectfully submitted,

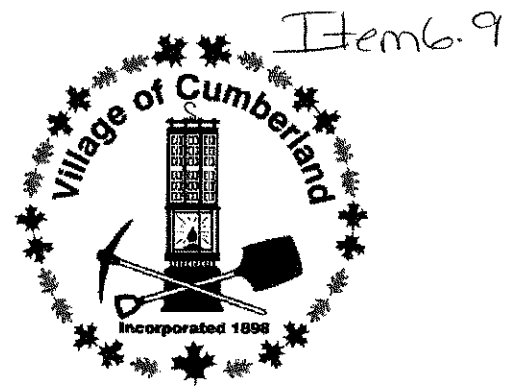


Margaret Robertson
Recreation Programmer Coordinator
Village of Cumberland



Sundance Topham
Chief Administrative Officer

COUNCIL REPORT



REPORT DATE: May 7, 2013
MEETING DATE: May 13, 2013

TO: Mayor and Councillors
FROM: Kevin McPhedran, Parks and Outdoor Recreation Coordinator
SUBJECT: April 2013 Parks and Outdoor Recreation Report

RECOMMENDATION

THAT Council receive the Parks and Outdoor Recreation Coordinator April 2013 report for information.

BACKGROUND

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

PROJECTS

1. Coal Creek Historic Park:
 - a. Received a proposal from a local resident to build a labyrinth in the cleared area of the former Chinatown. Village response indicated that Coal Creek Historic Park does not have a park master plan and that new infrastructure proposals in the park should be considered during the park master planning process.
 - b. Ongoing planning for the Bridge Opening Event scheduled for May 11th.
 - c. Worked with the Perseverance Creek Streamkeepers Society to coordinate restoration of the bridge site including planting native plants, placing coarse woody debris and stabilizing the stream bank.
 - d. Working with the Coal Creek Historic Park Advisory Committee and Coastal Invasive Species Council to plan a community broom pull at the former No. 1 Japanese town site on June 8th, 2013 (Broombusters also invited).
2. Cumberland Community Forest: ongoing planning for 2013 projects (trail work and authorization, invasive plant management, signage, etc.)
 - a. In partnership with International Mountain Bike Association (IMBA), as well as UROC, Cumberland Community Forest Society and the Comox Valley Land Trust, full trail closure/decommissioning of the "Shock Therapy" trail to occur in late May.
 - b. Ongoing replacement/installation of park boundary signs

3. Land access agreements with private landowners:
 - a. Worked with the United Riders of Cumberland (UROC) on Memorandum of Understanding between Village and UROC; MOU gives structure to the partnership between the Village and the club in order to move forward on pursuing land access agreements (MOU adopted by Council on April 22)
 - b. Made contact with private landowners communicating UROC-Village partnership, plan to meet in early-mid May
 - c. Successful in receiving \$1400 in funding through the provincial *Healthy Community Capacity Building Fund* to support community engagement as part of the land access initiative
 - d. Other ongoing research and drafting of documents to support requirements of the land use agreement.
4. Lake Park:
 - a. Cumberland Community Schools Society, in partnership with the Village and John Jones (Lake Park Contractor) held a very successful outdoor wilderness education program at the Group Campsite over Spring break (late March)
 - b. Worked with the Contractor to develop and implement operating policy for the Group Campsite (reservations for the site began on May 1 2013)
5. Park and Recreation Fees- Grant in Aid Program: grant money dispersed to community organizations by Council at the April 8th meeting
6. Park Use Permits: worked with CRI staff on processing park use permits
7. Village Park Master Plan Implementation
 - a. Issued a Request for Quote (RFQ) to local fencing contractors for the replacement of the Dog Park Fence and new installation of a Jump Park fence
 - b. Liaised with Rotary Club on their involvement in playground improvements
 - c. Initiated research on public engagement strategy for playground improvements
 - d. Continue to work with UROC on Jump Park planning
8. "Orchard Park:" in partnership with the Rotary Club of Cumberland Centennial, hosted a "spring clean-up" of the park including removing windfalls, branches and other debris as well as invasive plant eradication. Event was a great success with attendance of over 20 volunteers from the Rotary Club, Comox Valley chapter of the Broombusters and local community
9. Rotary Club of Cumberland Centennial: gave a presentation to the club at their April 16th meeting on Village parks and outdoor recreation, latest news and projects, and possible partnership opportunities

10. Comox Valley Economic Development Society: liaised with John Watson, Executive Director, to discuss mountain bike tourism and ongoing involvement of the Village on the land access agreement initiative
11. Comox Valley Regional District: liaised with Michael Nihls, Parks Manager, and Karin Alberts, Parks Planner on the land access initiative and park sign standards

FINANCIAL IMPLICATIONS

Financial resources required to support the above projects have been requested through the 2013 budget process.

STRATEGIC OBJECTIVE

Ongoing projects are in line with *Goal J: Develop ecotourism plan* of the 2013 Corporate Strategic Priorities.

ATTACHMENTS

None.

CONCURRENCE

None.

OPTIONS

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

Respectfully submitted,

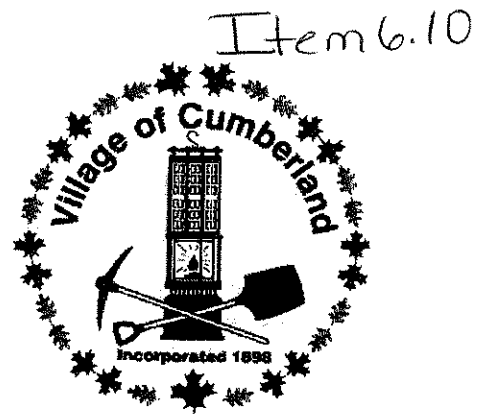


Kevin McPhedran
Parks and Outdoor Recreation Coordinator
Village of Cumberland



Sundance Topham
Chief Administrative Officer

COUNCIL REPORT



REPORT DATE: May 3 , 2013
MEETING DATE: May 13, 2013

TO: Mayor and Councilors
FROM: Mike Williamson, Fire Chief / Manager of Protective Services
SUBJECT: Protective Services Report, April 2013

RECOMMENDATION

THAT Council receives the April 2013 Protective Services Report.

SUMMARY

Incidents for April were about normal with nothing out of the ordinary to report. A quiet month again for us.

2013 Responses:

Response Type	September
Fire	2
Rescue	0
First Responder	8
Motor Vehicle Incident	1
Duty Officer	0
Total Monthly 2013:	11
Total 2013:	62

BACKGROUND

April was another quiet month. Eleven responses with a total of 40 hours combined staff hours for call outs. For the first quarter of the year we are at the normal numbers of responses. We do feel the land is dryer this year than last and could be into a fire season earlier this year.

We continue to work on training and work with the Fire Pro database.

We had a lot of burning around the Village this month. The ground burn permit has ended April 30 we are back to just back yard recreation fires.

We are closing up a lot of the agreements we have been working on. Valley mutual aid one is finished, the fire fighters remuneration policy is done and the CVRD agreement will be coming to an end shortly. We are currently working on the Fire Bylaw for Cumberland.

In the works is planning an emergency watershed protection plan (EWPP). This will be an ongoing plan that will always need maintained and worked on but the basis will be in place shortly.

We are also working on fire prevention. We have again this year kicked off the Fire Smart Program with the Grade 3 school children and teachers. They seem to be enjoying program the teachers tell me the kids are very excited about doing this and will be coming to the fire hall this week. Last year had good success and we will run it in 2014 also. Smoke alarms we have had some Donated I request some from the Fire Chief's association of BC and they shipped us 25 battery operated ones have installed 10 this month in Mountain View apartments and in other residents in the Village for people that require them .

The department took part in Fire EXPO at Courtenay Fire hall which was a two days of Fire Safety Prevention with all the grade 7 students from all the Valley Junior schools.

Membership

Regular Members:	21
Junior Members:	4
Probationary Members:	9
Pending Applications:	4

Training

The majority of the memberships just completed Module 2 written testing with the JIBC. Had some members at Comox Training center doing Module 8 Live fire. We will be moving on to Module 5 Testing. So we have completed Module 1, 2, 8, 10, testing. We will be work on their practical testing and evaluations.

The good thing about our training is our officers and our members are getting good results the officer are dong the training with 90% passing grades the modules first time. The members are doing their homework and we are making good progress moving along as good as could be expected.

We ran a Auto Ex training weekend with a combined students from Union Bay fire and Cumberland and we brought in an instructor Charlie Brown form Cowichan Bay Fire to help me teach the level one Auto Ex JIBC evaluation course which all the members passed the evaluation. Myself and Captain Mike Bossom, through the office of the fire commissioner, took a course on training on wild land protection fires so we are now certified to train our members

and certify them with a certificate from the Fire Commissioners office on wild land firefighting. This is the S100 course. We also had a crew and our tender in Oyster River on an Valley group exercise on wild land interface fires .

I also attended a spill response practice with CVRD, Timber west and Courtenay Fish and Game. They have a huge spill response kit stationed at the Courtenay Fish and Game to protect the waters in the Comox lake area and for the CVRD water intake in the river. Our fire boat and department could play a major role in deploying the boom with our fire boat and fire crews if a incident happens on the lake or at or near the river. This instantly got me thinking of the need for a plan to protect our own water reservoir which we will soon put together.

FINANCIAL IMPLICATIONS

None

STRATEGIC OBJECTIVE

Developing a facility replacement and upgrade plan

ATTACHMENTS

None

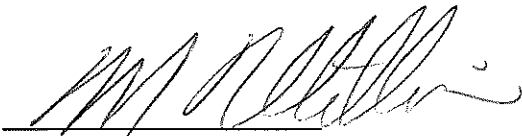
CONCURRENCE

None

OPTIONS

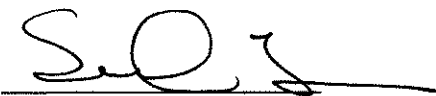
1. THAT Council receive the April 2013 Protective Services Report.
2. Any other action deemed appropriate by Council.

Respectfully submitted,



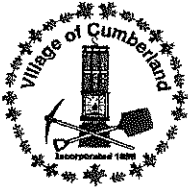
Mike Williamson

Fire Chief/ Manager of Protective Services



Sundance Topham

Chief Administrative Officer



The Corporation of the Village of Cumberland

Bylaw Enforcement Report

Date: May 1, 2013
To: Mike Williamson, Manager of Protective Services
From: Darby Arseneault, Bylaw Enforcement Officer
Re: April 2013 Bylaw Enforcement Report

Illegal Dumping:

There have been several reports of illegal dumping throughout the Village this month. Most complaints are in regards to organic waste such as branches, gardening material, and grass clippings despite the Villages Yard Waste curbside pickup. Public Works is assisting Bylaw Enforcement in dealing with these matters.

Illegal dumping at the end of a cul-de-sac continues to be an issue. Larger items such as couches and household refuse have been dumped. The Public Works department has been a major asset in dealing with these issues as crews have been maintaining the sight until a more permanent solution is established.

Bears:

Bear sightings have become to trickle in along the edge of town. Household garbage that has been left unsecured can be found scattered throughout the trails and is often mistaken for illegal dumping. Bylaw Enforcement continues to assist Conservation Officers in educating the public on Bear attractants and human/bear conflict. Tracking Bear movement throughout the Village helps to identify problem areas and notify visitors of bears in the area. Residents and visitors can access this information on the Villages tracking website www.cumberlandbeartracker.com. They can also report a bear sighting and find access to information on "Bear Aware."

Land Use:

Several issues concerning land use contrary to Village Bylaws have been reported to staff. Files have been started and in many cases land owners have been contacted and are taking or have taken necessary steps to bring their property into compliance with Village Bylaws. RCMP assisted Bylaw Enforcement Officials in regards to one incident and voluntary compliance was ultimately achieved. Bylaw Enforcement is working with RCMP to obtain compliance with another land use issue at this time.

Chickens:

One complaint regarding chicken noise, and being kept contrary to Bylaws was received in April.

Parking:

Two uninsured vehicles parked on Village property were towed in April.

Dogs:

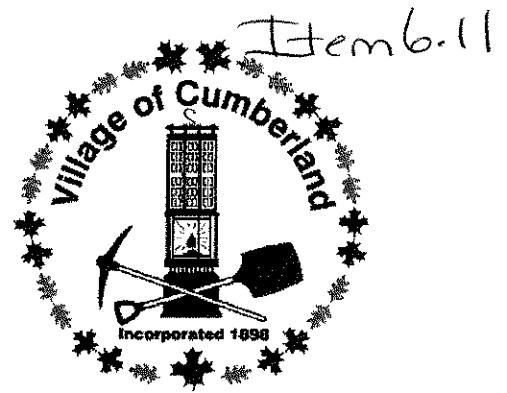
One dog was impounded in April for being “at large”. This dog was not licenced and taken to the SPCA as a result.

Bylaw Enforcement received a report of a man with 3 off leash dogs in a restricted area of Village Park. Bylaw Enforcement attended and issued one ticket for Dog in Village Park.

Unsightly:

Bylaw Enforcement is currently working on 4 files regarding unsightly premises and an additional 3 files involving residents using Village Property in an unsightly manor.

COUNCIL REPORT



REPORT DATE: May 7, 2013
MEETING DATE: May 13, 2013

TO: Mayor and Council
FROM: Rob Crisfield, Manager of Operations
SUBJECT: April 2013 – Operations Department Report

RECOMMENDATION

THAT Council receives the March 2013 – Operations Department Report for information.

SUMMARY

April 2013 – Operations Department Report

BACKGROUND

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

Manager of Operations Activities

Engineering Review

Staff recently interviewed three engineering firms with experience in municipal engineering and more specifically experience assisting smaller municipalities with reviewing development applications. The goal is to complete a reference check on other municipalities who have engaged these three firms and then make a final determination on which development related projects these firms would be best suited to assist us with our review process.

Transit Management Advisory Committee (TMAC)

Currently working with BC Transit and TMAC on a public engagement process that includes the use of the 'Transit Future Bus' at the end of June/beginning of July. Tentatively the bus has been scheduled to arrive in Cumberland for a half day session and staff is currently working on a final date and location for optimal public participation and feedback.

Coal Creek Well Project

We're now into the final stages of this project with only a few outstanding items remaining. These items include a 'final' commissioning of the well and controls, a 'Well Head

Protection Plan' currently being finalized, and the final 'okay' from VIHA to bring the well into full time service. Plans are in place to complete an inspection of the project in order to issue a substantial complete notice.

Water 'Filtration' Treatment Deferral

The Vancouver Island Health Authority is continuing their review of the Village's request to defer filtration treatment submitted on January 24th. Staff has since provided VIHA with the data spreadsheets for their own analysis. There are also indications that if deferral is approved the Village will need to have some form of watershed protection plan. Stay tuned for more details!

Comox Lake Road

Have a 'draft' RFP to engage a Geotechnical Consultant to undertake an investigation of the subsurface conditions of Comox Lake Road including recommendations for slope stabilization and road reconstruction. Staff has also received a high level quote from GeoStabilization International for a bank stabilization technique called 'soil nailing'. Staff will prepare a report for council looking at a couple of options for work on Comox Lake Road and seek further direction from Council on how to proceed.

Stevens Lake Dam

An RFP has been completed for the design of the Stevens Lake dam including contract administration and construction supervision. Waiting to confirm how much snow remains at Stevens Lake before issuing the RFP.

Other work items include:

- Working with Public Works on gaining information on street sweepers to assist with issuing a tender to purchase a new unit in 2013.
- Working with staff on coordination of rolling out the new kitchen compost pilot project through the Comox Valley Regional District.
- Reviewing options for linen supply services and Janitorial supplies.
- Finalizing an application for submission to VIHA for the construction of a re-chlorination injection station on Cumberland Road at Union Road to boost the chlorine residual in the Discovery Centre Watermain.
- Summer Student job posting and hiring

FINANCIAL IMPLICATIONS

None

STRATEGIC OBJECTIVE

None

ATTACHMENTS

Planning Report for April 2013

Public Works Report for April 2013

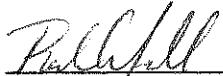
CONCURRENCE

None

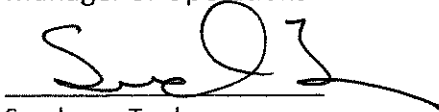
OPTIONS

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

Respectfully submitted,



Rob Crisfield
Manager of Operations



Sundance Topham
Chief Administrative Officer



Corporation of the Village of Cumberland

Memorandum

DATE: May 7, 2013
TO: Rob Crisfield, Manager of Operations
FROM: Judith Walker, Senior Planner
SUBJECT: Planning Report for April 2013

OCP/ZONING AMENDMENTS

1. **2012-01 OCP&RZ Carlisle Lane Proposal** Council approved 1st & 2nd reading of the bylaws on April 22, 2013. Public information meeting May 9, 2013 6:30-8pm, and public hearing scheduled for May 29, 2013 at 7pm.
2. **2013-01-OCP Review:** Stage 2 Engagement Summary was made available at Village Hall meeting on May 6, 2013 and distributed to LCAG, Council and on the website. LCAG meeting re-scheduled for May 8 to discuss the summary.
3. **2013-02-OCP&RZ Harmonic Arts:** At the April 22, 2013 Council meeting, it was approved to proceed with the application in the OCP Review & Revise process.

DEVELOPMENT PERMITS

1. 2012-01-DP Library, 2748 Dunsmuir Avenue: Conditions met, CAO issued Permit. Construction is underway.
2. 2013-01-DP Edwards, 4640 Cumberland Road: Application to develop the first phase of an Industrial Park.

DEVELOPMENT VARIANCE PERMITS

None

SUBDIVISION

1. Coal Valley Phase 4 (7lots) & 4a (35lots): Final Approval issued on 21Sep12.
2. 3354 Crescent Street: Application for lot line change and one additional lot. Preliminary Layout Review Approved 5Jun12.
3. 3349 Third Street: Application for one lot subdivision made on 5Nov12. Preliminary Layout Review Approved 8Jan13.
4. Initial Trilogy Subdivisions: Lots 3a, 3b, 3c, 4, 6, 7, 8a, 8b, 9a, 9b, 10a, 10b, 11: Received 6Feb13: Staff preparing Preliminary Layout Review

BUSINESS LICENSING

New for April	Non-Resident Business	None
	Home Occupation	None
	Resident Business	None

BUILDING PERMITS

1. Provided verbal and written advice/information on-Building Permits, processed building permits and prepared them for review by Building Inspector.

Month of April	New Residential	Residential Reno & Additions	Residential Accessory (new or reno)	Industrial, Commercial, or Institutional	Demolition
	0	3	0	0	2

OTHER

1. Provided verbal and written responses to enquiries regarding OCP and Zoning bylaw interpretation and potential land use and development proposals. Met with public to confirm conformity of land use and siting with Village bylaws.
2. Provided verbal and written advice/information on recycling, as required.

BYLAWS IN PROCESS

1. Water Service Connection, Use, Extension, & Fees No. 952, 2013
2. Storm Sewer Connection, Use, Extension, & Fees No. 953, 2013 - In final draft, staff review in process, Council consideration Summer 2013
3. Sanitary Sewer Connection, Use, Extension, & Fees No. 954, 2013
4. Zoning Bylaw Amendment No. 970, 2013 (Amends Bylaw 717, 1997) Include changes for overdue housecleaning changes to B&B, Home Occupation, MH, Secondary Suites, and to simplify an existing Zone. To be considered following OCP approval.
5. Manufactured Home Park Bylaw No. 971, 2013 (Repeals Bylaw 498, 1981) Rewrite of existing Bylaw which regulates the establishment, extension, design and servicing of MHP.
6. Tree Management Bylaw No. 947, 2011 Council direction to staff to amend the bylaw. Significant tree inventory in process.
7. Advisory Planning Commission Bylaw No.____, 2012 NEW Staff preparing a draft bylaw for Council's consideration. On hold during OCP
8. Pesticide Use Control Bylaw No. ____, 2012 *Repeals Bylaw 838* Amendment to clarify what pesticides are included, bylaw to permit pesticide use for invasive plants on public lands: in progress

PROJECTS

1. Drafts of bylaws are being prepared for Council's consideration in the future: refer to "Bylaws in Progress".

2. Cumberland Enhancement Study: New bus shelter is stored, awaiting "Transit Future Plan" in 2013. Library location is proposed for a bus stop. Builder in support; Village to provide bench (memorial bench request).
3. The Comox Valley Cycling Task Force: Task Force meeting alternately with Technical Advisory Committee (TAC) and Public Advisory Committee (PAC) meeting. Next Task Force meeting March 2013. Kevin McPhedran is Village representative
4. Greenhouse Gas (GHG) Reduction: Targets, policies & action for inclusion into OCP.
5. Organics Compost Pilot Project: Pilot proposed to start in June 2013. Revised schedule including organics waste to be mailed out closer to startup date. Brochures, posters and website will provide information on organics content and collection system.
6. Community Gardens Report: Council directed staff to develop a Village policy, along with an accompanying fee schedule, including a lease, for any gardens created by the public on Village-owned lands, based on the Community Gardens Report.

PARKS PLANNING

1. Cumberland Community Forest: Management plan has been signed off by both covenant-holders. Village signature required for completion.

Refer to Memo by Kevin McPhedran for Parks Operations status

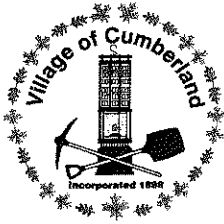
Respectfully submitted,



Judith Walker
Senior Planner

Year	New Residential		Residential Reno & Additions		Foundation / Relocated Homes		Residential Accessory (new or reno)		Industrial, Commercial, or Institutional		Demolition		Totals	
	# of Permits	Value of Construction	# of Permits	Value of Construction	# of Permits	Value of Construction	# of Permits	Value of Construction	# of Permits	Value of Construction	# of Permits	Value of Construction	# of Permits	Value of Construction
2013	1	\$250,000	4	\$83,500	Discontinued category included as new residential or renovations		1	\$20,000	2	\$64,300	1	\$5,000	9	\$422,800
2012	10	\$2,104,000	18	\$286,850			3	\$122,000	6	\$873,000	0	\$0	37	\$3,385,580
2011	20	\$3,905,000	17	\$480,000			1	\$10,000	7	\$1,623,000	0	\$0	45	\$6,018,000
2010	29	\$5,260,000	27	\$754,340			3	\$63,000	6	\$3,408,300	0	\$0	65	\$9,485,640
2009	15	\$3,164,400	20	\$394,700			3	\$24,600	3	\$73,000	2	\$10,000	43	\$3,666,700
2008	69	\$11,932,080	18	\$365,220	22	\$1,154,000	7	\$105,640	2	\$101,000	0	\$0	118	\$13,657,940
2007	67	\$9,640,000	14	\$219,000	1	\$1,000	4	\$43,000	9	\$4,723,000	0	\$0	95	\$14,626,000
2006	60	\$7,177,625	18	\$315,500	2	\$38,000	5	\$24,920	5	\$1,045,000	0	\$0	90	\$8,601,045
2005	34	\$4,320,630	17	\$193,300	5	\$36,500	2	\$9,000	8	\$1,363,000	0	\$0	66	\$5,922,430
2004	13	\$1,508,675	6	\$87,000	1	\$4,500	5	\$28,000	2	\$2,103,675	0	\$0	27	\$3,731,850
2003	2	\$200,000	2	\$59,000	4	\$35,000	6	\$30,883	2	\$120,000	0	\$0	16	\$444,883
2002	5	\$470,000	18	\$362,500	2	\$30,000	3	\$9,600	5	\$59,000	0	\$0	33	\$931,100
2001	2	\$190,000	7	\$114,430	0	\$0	1	\$5,000	5	\$371,000	0	\$0	15	\$680,430
2000	No data		15	\$171,250	1	\$75,000	3	\$20,000	6	\$69,045	0	\$0	25	\$335,295
Totals	327	\$50,122,410	202	\$3,886,320	38	\$1,374,000	47	\$497,643	68	\$15,996,320	3	\$15,000	683	\$71,909,693

Updated 3 May 2013



Corporation of the Village of Cumberland

Memorandum

DATE: 06/05/2013
TO: Rob Crisfield, Manager of Operations
FROM: Kevin Fitzgerald, Public Works Foreman
SUBJECT: Public Works– Monthly Report for the period ending 30/04/2013

Water: Henderson Dam, Allen Lake, 2nd Dam, and Hamilton Dam are all full. We were unable to get to Stevens Dam due to snow.

The road into 2nd Dam has been cleared of all winter blow downs.

We have been working with the contractor in resolving some small issues with the hypo chlorination system for the new well. As of Friday May 3rd. I believe most of the issues have been resolved.

All water samples met the drinking water guidelines

Some new parts were installed in the chlorination station. This will help us maintain more accurate readings on our remote system.

Sewer & Storm: We are now accepting effluent from the Discovery Center at our Lagoon on a trial basis. This could happen monthly. The first time seemed to have no adverse affect to the Lagoon.

General maintenance continues to our systems.

A culvert was installed under the path leading into the orchard off of Dunsmuir Ave, in order to resolve an erosion issue during heavy rains.

Roads Pothole patching continues around town.

The alleys paralleling Dunsmuir Ave. to the north and south between 1st and 5th have been maintained to help with access to off street parking.

The concrete islands entering Cumberland have been cleaned.

Buildings: Some minor repairs were needed to the Centennial Building at Village park due to vandalism.

New lighting was installed in the planning office over a common work area.

General maintenance on all buildings

Parks

Village Park ball diamonds have received a substantial upgrade. The rest of the park is also receiving some maintenance in preparation for summer (which appears to be here according to the temperatures lately)

Lake Park is now open and the water system has been commissioned for the season.

Miscellaneous

Spring cleanup has been completed at the main cemetery.

A used power lift tailgate was purchased and has been installed on one of the pickups to help the crew with lifting and moving heavy tools and materials.

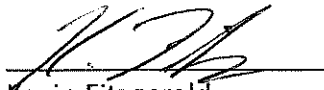
Darryl has been busy keeping the fleet maintained.

We have been looking at different types of road sweepers and will be issuing a request for quote for the purchase of a new unit this year.

A number of the crew upgraded or received their flagging certification.

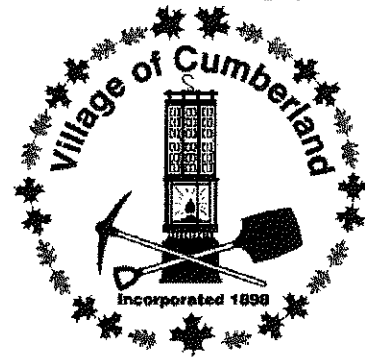
It's great to have Mark back at work and so far his shoulder is doing well.

Respectfully submitted,

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

Kevin Fitzgerald
Public Works

COUNCIL REPORT



REPORT DATE: May 7, 2013
MEETING DATE: May 13, 2013

TO: Mayor and Councillors
FROM: Michelle Mason, Financial Officer
SUBJECT: April 2013 Administration Department Report

RECOMMENDATION

THAT Council receive the April 2013 Administration Department report for information.

SUMMARY

The following provides Council with a summary of the activities that took place during April in the administration department.

BACKGROUND

During April staff continued to provide financial and administrative support to all departments. The Department is in the process of preparing property tax bills and mailing inserts which are expected to be sent out in the middle of May. The new photo copier was delivered and installed. Staff training on this equipment is in progress.

A new casual finance and administration employee was trained to provide the department with a full complement for backup for vacation and other permanent employee absences. The Accounting Clerk will retire in May and we thank her for her many years of diligent service to the Village. A job posting is currently on the website and is being advertised for the replacement of this employee.

Prior to June 30th, as required under Section 98 and 99 of the Community Charter, the annual report will be prepared, made available to the public and brought to a Council meeting for Council to consider submissions and questions from the public. Local government financial and tax reporting submissions and annual Gas Tax reporting are also underway.

With spring deadlines met, the Department will be diverting attention to reconciling system accounts, preparing manuals and documentation for the various new processes, uploading financial budgets and developing management reports. Preparation for collective agreement bargaining is also a key project for the summer and early fall. Staff has been working with the water meter rates consultant to provide him with the information needed for this project. "Mock consumption based bills" are expected to start going out to customer in August.

The Province of BC removed the harmonized sales tax as at March 31st, 2013 and reinstated the goods and services and provincial sales tax. Staff modified the front counter cash receipts and the Recreation Centre cash register to allow for this change. The financial system will be upgraded to a newer version and testing and training are in progress for this.

The 2013-2017 Financial Plan was given second and third reading and the budget open house meeting was held in April. The Financial Plan Bylaw and Tax Rates Bylaw are included in this agenda for fourth reading and adoption.

Corporate Administration was kept busy during April with meetings and projects. Staff have been preparing water conservation and water restrictions brochures in preparation for the summer water season and mock water billing. Work on a draft fire regulation bylaw has begun and a liquor licence application was processed. Staff have been preparing material for a table on Market Day, including water conservation information and prizes, and a Village Park playground survey which is expected to be presented in the elementary school and pre-school as well. Staff also worked with Rotary to submit a grant application for a recycled rubber surface for the new Village Park play structure. Staff also obtained prizes and developed rules and regulations for the OCP photo contest. All staff and council members now receive Cumberland.ca news posts by email to keep informed on Village activities.

FINANCIAL IMPLICATIONS

None.

STRATEGIC OBJECTIVE

None.

ATTACHMENTS

None.

CONCURRENCE

None.

OPTIONS

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

Respectfully submitted,

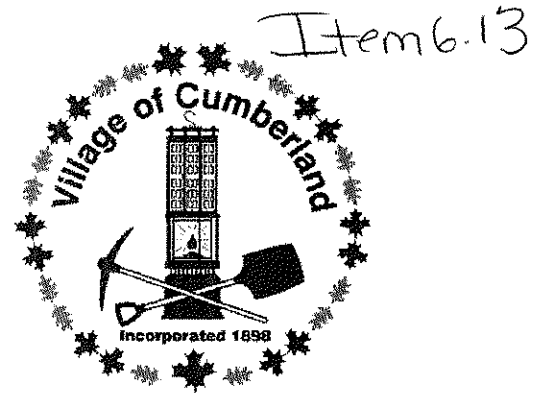


Michelle Mason
Financial Officer



Sundance Topham
Chief Administrative Officer

COUNCIL REPORT



REPORT DATE: May 7, 2013
MEETING DATE: May 13, 2013

TO: Mayor and Councillors
FROM: Sundance Topham, Chief Administrative Officer
SUBJECT: April 2013 Chief Administrative Officer Report

RECOMMENDATION

THAT Council receive the April 2013 Chief Administrative Officer Report for information.

SUMMARY

April featured the continuation of a number of ongoing projects, including a large amount of time spent preparing for the 2013 budget, continuing the Official Community Plan review and revision and working with Trilogy on their Initial Subdivision application. The Village is also investigating participation in a South Regional Sewer project and the background work has begun in earnest.

As we move into late spring the municipality is preparing for the busy project season, and a lot of work is taking place getting ready for summer capital projects and other seasonal initiatives.

BACKGROUND

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

Development

Trilogy:

Discussions with Trilogy representatives and Village staff and consultants in regards to their Initial Subdivision application.

Carlisle Lane:

Worked with Village staff on the details of the proposed Carlisle Lane development project.

Municipal Engineering Services:

Met with various regional engineering firms to discuss Village engineering requirements.

Regional Initiatives

Proposed South Regional Sewer System:

Met with CVRD staff and elected officials in regards to the proposed South Regional Sewer System.

Rural Cumberland Fire Protection Agreement:

Met with CVRD staff to discuss the proposed Rural Cumberland Fire Protection Agreement.

Miscellaneous

- Met with representatives from United Riders of Cumberland to discuss potential land access models
- Met with Hancock Forestry representatives to discuss watershed management and fire management
- Met with Cumberland Rotary representatives to discuss Rotary participation in Village Park upgrades
- Met with School District 71 officials to discuss potential Cumberland School Campus

FINANCIAL IMPLICATIONS

None

STRATEGIC OBJECTIVE

None

ATTACHMENTS

None

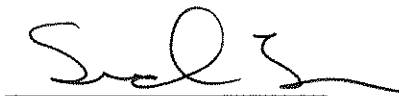
CONCURRENCE

None

OPTIONS

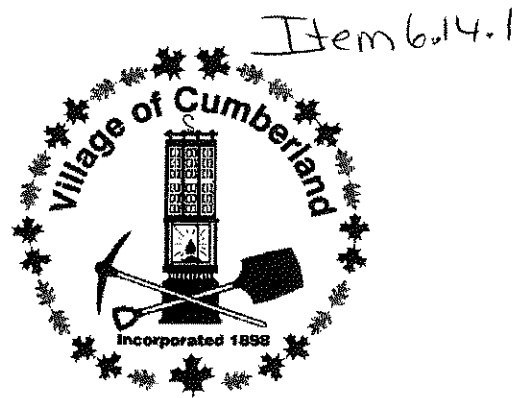
1. Receive this report for information.
2. Any other action deemed appropriate by Council.

Respectfully submitted,



Sundance Topham
Chief Administrative Officer
Village of Cumberland

COUNCIL MEMBER REPORT



DATE: May 7, 2013
TO: Mayor and Councillors
FROM: Mayor Leslie Baird
SUBJECT: Councillor Report – April 2013

- | | | |
|------------------|---------------------|---|
| 3 rd | Grand reopening | Casa Loma reception to acknowledge the updating of the facility. |
| 4 th | Community Justice | Iona Campagnolo Lecture in Restorative Justice guest speaker retired Judge Stuart. |
| 9 th | Announcement | Honourable Terry Lake Minister of Environment and Don McRae MLA, spoke on the Blue Carbon project for the Comox Valley. |
| 10 th | Chamber of Commerce | held their board meeting to discuss and vote on joining the Comox Valley Chamber of Commerce. It was decided to work an agreement out to join. |
| 12 th | Conference | AVICC annual conference in Sooke:

Island Corridor Foundation held a lunch meeting to discuss process up to date. It was a very informative meeting with Mary Ashley starting the discussion on the last 13 years. Graham Bruce updated everyone on all other matters, maintenance and volunteers. The main office will be in Nanaimo. They are working with 14 First Nations with 8 members sitting on the board. There are many trails along the route. Update on all the stations and their uses they are fitted with lifts for handicap accessibility. The board has an agreement with Southern Rail to operate and maintain the line. They will start construction in October and plan to open the line in the spring. 48 structures have been investigated and a plan has been put in place for 10 years and for 20 years. Passenger service is lighter than freight. |

All resolutions were addressed including Cumberland's three: Councillor Sproule spoke on the Underground Aquifer

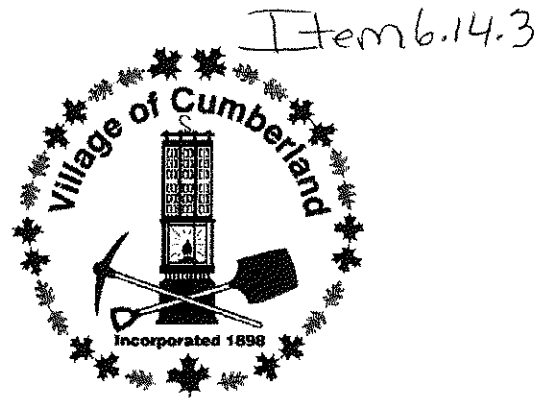
Mapping for Proposed Mining projects and no one spoke in opposition-Endorsed. Canada-European Comprehensive Economic & Trade Agreement was complied into previous resolutions and vote on as a package-endorsed. I spoke on the Private Managed Forest Land Assessment and Consultation and no one spoke on opposition-endorsed

Two other resolutions that we as a council should watch are Workplace Bullying and Harassment and Conflict of Interest.

The next conference is being shared by Parksville and Qualicum Beach.

16	Courtenay	I signed a proclamation for National Volunteer Week.
	Lunch	Richard Skinner the eagle Radio Station.
17	Tea	OAP annual tea.
18	Dinner	Youth for Christ annual recognition of board members and volunteer and projects throughout the valley.
21	Opening	Courtenay Lawn Bowling Club annual opening ceremony.
23 rd	Meeting	Cumberland Rotary and staff to discuss the relationship in regards to the Village Park Playground equipment and other related projects.
24 th	Meeting	With staff to discuss Maple Lake and the terms of reference for the committee.
26 th	Fair	Volunteer Fair held at Mark Isfield school, many organizations looking for volunteers.
	Art Gallery	Opening reception of the artwork of Trumpeter Swans, Students from the grade 2/3 class at Royston Elementary School.

COUNCIL MEMBER REPORT



DATE: May 7, 2013
TO: Mayor and Councillors
FROM: Councillor Greening
SUBJECT: Councillor Report – April 2013

I attended all regular council meetings and committee of the whole meetings. I also attended the Library Board meeting in Nanaimo on April 6th. It is looking good for our library to open in late summer early fall. I think it is one of the most exciting things happening in Cumberland.

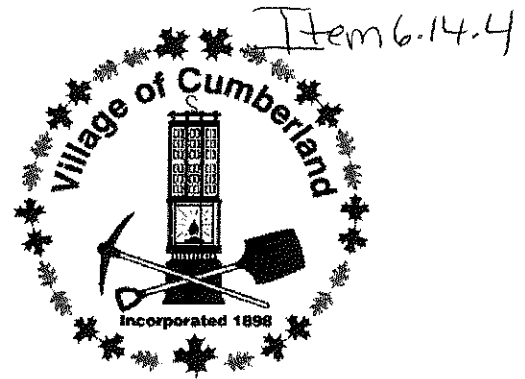
Community Justice has begun the process of moving to the new space. I really enjoyed the dinner and the Campagnoula Lecture on April 4th.

I met with Floyd Trotter who wished to talk about the different methods of dealing with garbage rather than just a landfill. I suggested that he talk to the people running for the provincial government as they are the ones who make the final decision and I understood that the present government would not approve waste to energy.

I spent time reading and listening to citizens with varying views regarding the Chicken Debate as well as on other topics.

Respectfully submitted
KATE GREENING

COUNCIL MEMBER REPORT

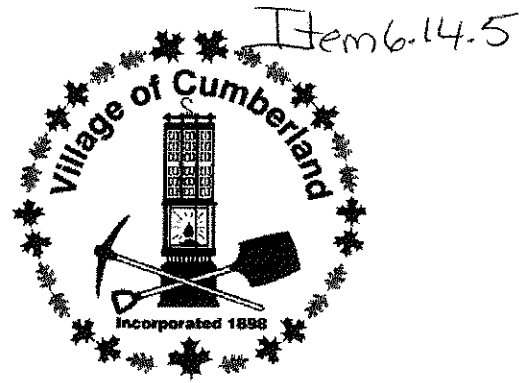


DATE: May 1, 2013
TO: Mayor and Councillors
FROM: Councillor Roger Kishi
SUBJECT: Councillor Report – April 2013

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

Date	Event
Apr. 5	St. Joseph's Hospital- Finance Committee
Apr. 10	Cumberland Chamber of Commerce AGM
Apr. 11	St. Joseph's Hospital Board meeting
Apr. 12	Cumberland Community Forest Trivia Night- Cosmic Ninja's
Apr. 16	St. Joseph's Hospital- Finance Committee Audit Services Selection CSWM Special meeting- Alternate approval process, Host Community Agreement
Apr. 25	AIDS Vancouver Island- Dining Out For Life
Apr. 26	CV Housing Task Force

COUNCIL MEMBER REPORT



DATE: May 1, 2013
TO: Mayor and Councillors
FROM: Councillor Gwyn Sproule
SUBJECT: Councillor Report – April 2013

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

Date	Event
April 11 th	Public Information evening for OCP Review
April 12 th to 14 th	AVICC (verbal report)
April 16 th	CVRD COW Meeting – Request from CV Curling Club for new facility – CV Conservation Strategy presentation – Affordable Housing Community Forum request – Carbon Offset Report
April 25 th	Museum Board Meeting - 2014 Pacific north West Conference – staff job descriptions and contracts – Miners Memorial day – Board Policy Development priority list CVRD Board Meeting – South Sewer Terms of Reference & appointees – CVRD looking to share space with other public body – staff workshop - CVRD and SRD – Seniors Games – encouraging letter to CV housing task force – Strategic Priorities Report – Annual Report – see website

COUNCIL REPORT



REPORT DATE: May 8, 2013
MEETING DATE: May 13, 2013

TO: Mayor and Councillors
FROM: Judith Walker, Senior Planner
SUBJECT: Carlisle Lane – 01-2012 OCP & Zoning Amendment Application

FILE:	01-2012-OCP & RZ		
AGENT:	Bob Hudson, McElhanney Consulting Services Ltd. (Courtenay)	OWNER:	954651 BC Ltd.
FOLIO No.:	516 00696.020	PID:	003-012-522
LEGAL DESCRIPTION:	Lot 1, District Lot 24, Nelson District, Plan 24314 Except Part in Plan 31165		
CIVIC ADDRESS:	Carlisle Lane		
EXISTING OCP DESIGNATION	Agriculture	PROPOSED DESIGNATION:	Residential
EXISTING ZONE:	Rural Three (RU-3)	PROPOSED ZONE:	Residential Four (R-4)

RECOMMENDATION

- i) THAT second reading of Official Community Plan Amendment Bylaw No. 966 be rescinded, amended as attached, and given second reading anew;
- ii) THAT second reading of Zoning Amendment Bylaw No. 967 be rescinded, amended as attached, and given second reading anew; and
- iii) THAT second reading of PDA Bylaw No. 983 be rescinded, the Schedules amended as attached, and given second reading anew.

SUMMARY

The owners of a four hectare property on Carlisle Lane made application for an Official Community Plan and Zoning bylaw amendments to permit the development of 33 residential single family lots. This report presents a revision, following first and second reading of the Bylaws on April 22, 2013, to enable a portion of the subject property to be given to the owners of the adjacent small lot, as shown in the proposed site layout in the PDA as a triangle of land adjacent to the park walkway. Changes to the bylaws and the PDA are shown in blue underlined text and the site layout has been revised to reflect this proposed change.

This report does not consider approval of the subdivision that is required in order to add the portion of the subject property to the small lot. That process is separate and does not require Council approval but will proceed concurrently with the OCP/zoning bylaw amendment process.

BACKGROUND

The applicant has discussed the potential impact of the proposed subdivision with the neighbours who own the existing home on the small lot. The applicant has offered a small portion of land (113metres²) to be added to the small lot in order to legally transfer land that the neighbours are currently using and to decrease the potential impact of the proposed adjacent park walkway. The 113metres² of land has been added to the proposed park to compensate the Village for the potential transfer i.e. there is no net loss of park/walkway to the Village. The proposed walkways are 5.0metres in width.

In order to avoid a future split zone (two zones) on the small lot, it is important to correct the line now to have the actual boundaries of the requested amendments to the OCP designation and the zoning.

The PDA provides the conditions so as to tie the success of the bylaw amendments to consolidation of the triangle to the small lot. Should the bylaws not be approved, the applicant is not obligated to provide the additional land to the neighbour.

FINANCIAL IMPLICATIONS

The subdivision application and fee will be required in order to process the lot line adjustment (subdivision) being requested.

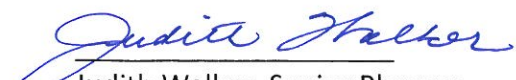
CONCURRENCE

Rob Crisfield, Manager of Operations 

OPTIONS

- i) THAT second reading of Official Community Plan Amendment Bylaw No. 966 be rescinded, amended as attached, and given second reading anew;
- ii) THAT second reading of Zoning Amendment Bylaw No. 967 be rescinded, amended as attached, and given second reading anew; and
- iii) THAT second reading of PDA Bylaw No. 983 be rescinded, the Schedules amended as attached, and given second reading anew; or
- iv) Any other action deemed appropriate by Council.

Respectfully submitted,


Judith Walker, Senior Planner


Sundance Topham, Chief Administrative Officer

STATUS

TITLE: Corporation of the Village of Cumberland Official
Community Plan Amendment Bylaw No. 966, 2012

APPLICANT: R-J Construction Ltd. (Dale & Shirley Querin)

PURPOSE: To amend the designation of the subject property from
'Agriculture' to 'Residential'.
To designate development permit area #6, with guidelines.



COUNCIL: **Date:** April 22, 2013
Decision: 1st & 2nd reading

PUBLIC MEETING: **Date:** May 9, 2013

COUNCIL: **Date:** May 13, 2013
Decision:

REFERRALS TO AGENCIES: **Date:**

PUBLIC HEARING: **Date:**

COUNCIL: **Date:**
Decision:

CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 966

A BYLAW TO AMEND THE 'VILLAGE OF CUMBERLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 786, 2004'

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts the following amendments to the 'Village of Cumberland Official Community Plan Bylaw No. 786, 2004':

PART A TEXT AMENDMENT

The 'Village of Cumberland Official Community Plan Bylaw No. 786, 2004' is amended by adding a new Section 5.6 Carlisle Lane Intensive Residential Development Permit Area (DPA No. 6) as set out in Schedule 'A' attached, with respect to the area shown as highlighted with thick black outline and hatched on Schedule 'B' attached.

PART B DESIGNATION

That portion of the property known as PID 003-012-522 Lot 1, District Lot 24, Nelson District, Plan 24314 Except Part in Plan 31165 ("Lot 1"), shown as highlighted with thick black outline and hatched on Schedule 'B' attached, which is the entirety of Lot 1 except a triangular portion adjacent to the westerly boundary of PID 001-180-886 Lot A, District Lot 24, Nelson District, Plan 31165 ("Lot A") extending approximately 6 metres westerly from the southwest corner of that Lot A and connecting at the northwest corner of that Lot A, is hereby re-designated from 'Agriculture' to 'Residential' on Map A of the Official Community Plan;

PART C MAP AMENDMENT

- a) Map A of the 'Village of Cumberland Official Community Plan Bylaw No. 786, 2004' entitled "Official Community Plan" shall incorporate the changes more particularly described in Part B DESIGNATION of this Bylaw and indicated on Schedule 'B' of this bylaw, attached hereto.
- b) Map B of the 'Village of Cumberland Official Community Plan Bylaw No. 786, 2004' entitled "Development Permit Areas" shall incorporate the changes more particularly described in Part A TEXT AMENDMENT of this Bylaw.

PART D TITLE

This Bylaw may be cited for all purposes as the 'Corporation of the Village of Cumberland Official Community Plan Amendment Bylaw No. 966, 2012'.

READ A FIRST TIME THIS	22ND	DAY OF	APRIL	2013.
READ A SECOND TIME THIS	22ND	DAY OF	APRIL	2013.
PUBLIC HEARING HELD THIS		DAY OF		2013.
READ A THIRD TIME THIS		DAY OF		2013.
ADOPTED THIS		DAY OF		2013.

Mayor

Corporate Officer

Development Permit No. 6 Intensive Residential Areas

1. Area

Pursuant to the *Local Government Act* and amendments thereto, the Village designates the area shown on the "Corporation of the Village of Cumberland Official Community Plan Bylaw No. 786, 2004" Map 'B' as Development Permit Area No. 6 in order to provide guidelines for the form and character of intensive residential developments, and to promote energy and water conservation.

2. Justification

Development Permit designation is warranted to promote a high standard of design in intensive residential projects and to guide the integration of new housing into the residential neighbourhoods for which they are proposed. These guidelines provide a statement of expectations for these developments that will aid the assessment of an individual project on a site-specific basis, thus promoting quality residential environments that maintain desirable relationships to their surrounding context.

3. Objectives

The development of coach houses in combination with secondary suites within a single family residential neighbourhood promotes increased density, efficient servicing, home-based businesses and rental opportunities within a single family neighbourhood context. However, high quality design, including form and character is important in order to ensure:

- privacy;
 - views;
 - solar access;
 - outdoor enjoyment for all; and
 - integration within the neighbourhood.
- a) The objectives of these guidelines are to:
- i) achieve a high degree of residential liveability;
 - ii) achieve development that considers site specific characteristics;
 - iii) achieve sensitive integration of the coach house into the single family housing;
 - iv) promote a style of development that is compatible with the single family home and neighbourhood in terms of setbacks, landscaping and massing;
 - v) promote and encourage construction of quality housing; and
 - vi) accomplish the above in an energy-efficient, sustainable and responsible manner.

4. Guidelines

These Guidelines apply to the entire Carlisle Lane neighbourhood, with the guidelines specific to “coach houses” and the properties on which they are permitted specifically noted.

a) Form and Scale

- i) New Buildings should:
 - 1) Create visual interest by providing variations in height, rooflines and massing and
 - 2) Avoid building plans that are repetitive.
- ii) Flat roofed buildings are not permitted.
- iii) Large blank walls must not dominate the buildings and where windows/dormers/bays are not possible, landscaping should be used to mitigate the blank walls.
- iv) Garage must not be visually prominent, mitigated through the use of staggered setbacks, and varied orientation, materials, scale, finishes and colours.
- v) The use of vinyl siding is not permitted.
- vi) Trim on windows, soffits and gables should complement the primary background colour of a building.
- vii) Large windows should not face directly onto adjacent properties.
- viii) Main entrances for principal dwellings should be prominent to the street.
- ix) The design and siting of coach houses shall:
 - 1) be sensitive to the scale, mass and form of adjacent buildings;
 - 2) use building materials that reflect the character of the principal dwelling unit;
 - 3) not overlook and shadow adjacent properties; and
 - 4) utilize all habitable space opportunities such as building into the truss system of the unit.

b) Landscaping

All portions of a parcel used for intensive residential, exclusive of parking areas, driveways or sidewalks shall be landscaped with a balanced mix of grass, shrub beds and trees to create a pleasant livable environment by providing an appropriate amount of usable open space, screening and shading.

- i) A landscape plan by a landscape professional, shall be prepared with the broad objectives of providing:
 - 1) vegetative screening on private lots to protect the privacy and to mitigate noise between occupants of adjacent properties; and

Schedule A

- 2) low height vegetation between adjacent driveways on private lots to mitigate the visual impact of paved surfaces.
 - 3) Aesthetic, social and natural benefits of street trees and plantings on public and common areas.
- ii) The use of drought-resistant plant species is encouraged in all landscaping.
- iii) Boulevard (common or public) landscaping will include street trees and grass or groundcovers.
- vii) Street trees of a type, spacing, and caliper size to be determined by the Village, shall located on the public right of way within the subject development. These works shall include root barriers and irrigation.
- iv) Enhancement and landscaping along an adjacent lane must not contain parking or driveways.
- vii) Landscaping Security
 - 1) A performance security in a form acceptable to the Village shall be provided in an amount which is equal to 120% of the cost of implementing the landscape plan.
 - 2) When the planting is completed the Owner will advise the Village and will request an inspection. When the plantings are in compliance with the planting plan by the Village, 80% of the performance security will be returned. A holdback of 20% will be retained for two full growing seasons to ensure viability of the plant stock. At the end of the two years, the owner will request an inspection, and if found in conformance with the plan, the holdback is returned.
- v) Private outdoor space for both the principal unit and the coach house must not constitute the same space and must be separated through landscaping.
- vi) Mature trees must not be cut down or damaged, wherever possible. Any trees removed by the Owners and occupiers must be replaced to meet the principle of “no net loss” of significant plant material. Replacement plantings must be sufficient in number, size, type and maturity in order to off-set its removal; Subsequent owners and occupiers must not remove replacement plantings installed by the developer or previous owner.
- vii) All landscaping is to be installed, staked, and mulched according to BC Landscape and Nursery Association standards.
- viii) Garbage and recycling systems must be placed in predetermined locations within the lane, in a enclosed area, garage, or adjacent to parking areas. Garbage and recycling areas and containers must be secure from, and are not to attract, wildlife.
- ix) Fences must be constructed of wood. All wooden fencing and other wooden landscape components must not be left untreated unless the wood naturally has some preservative qualities (i.e. Western red cedar).

Schedule A

c) Driveways and Parking

- i) Paved driveway surfaces must not be wider than 5.0metres (16.4feet);
- ii) Where possible, parking for a coach house must not be accessed from the frontage road, but rather a secondary access in order to disperse traffic associated with any single property;
- iii) Parking areas for all recreational vehicles, trailers and boats, including commercial or industrial vehicles (if permitted by bylaw), must be parked behind the front face of the primary dwelling unit. This requirement must be met whenever these vehicles are on the property; there is no “temporary” storage or parking areas permitted.

d) Outside Amenity Area

- i) A coach house must have an outside amenity area in the form of a deck, dedicated yard, garden or similar feature. A parking area does not qualify as an outside amenity area;
- ii) The amenity area must not be narrower than 2.5metres (8.2feet) and most not be less than 10.0metres² (107.6feet²) in area;
- iii) Decks and balconies shall not overlook adjacent properties.

e) Safety Features

- i) The civic addressing for a coach house must be visible from the primary street frontage.
- ii) A coach house shall have a dedicated, unobstructed, hard surfaced path, not be less than 1.0metre (3.3feet) in width, that links the coach house to public street or lane. The pathway shall be lighted in such a way as to not impact neighbouring properties. Vertical clearance must not contradict fire safety requirements and standards of the Village and maintenance must not contradict Village bylaws.

f) Energy and Water Conservation

- i) Building units must not use any appliances that are not Energy Star certified.
- ii) Building siting and landscaping should consider passive solar exposure in wintertime and the reduction of sun penetration in summer.
- iii) Solar energy systems or pre-plumbing for future installation should be considered.
- iv) Natural infiltration of rainwater into the ground must be incorporated into the lot drainage management system unless the engineering and geotechnical reports confirm that the soils are not suitable for on-site infiltration.

Schedule A

- v) Landscaping must not be developed without consideration of water-smart landscaping principles.

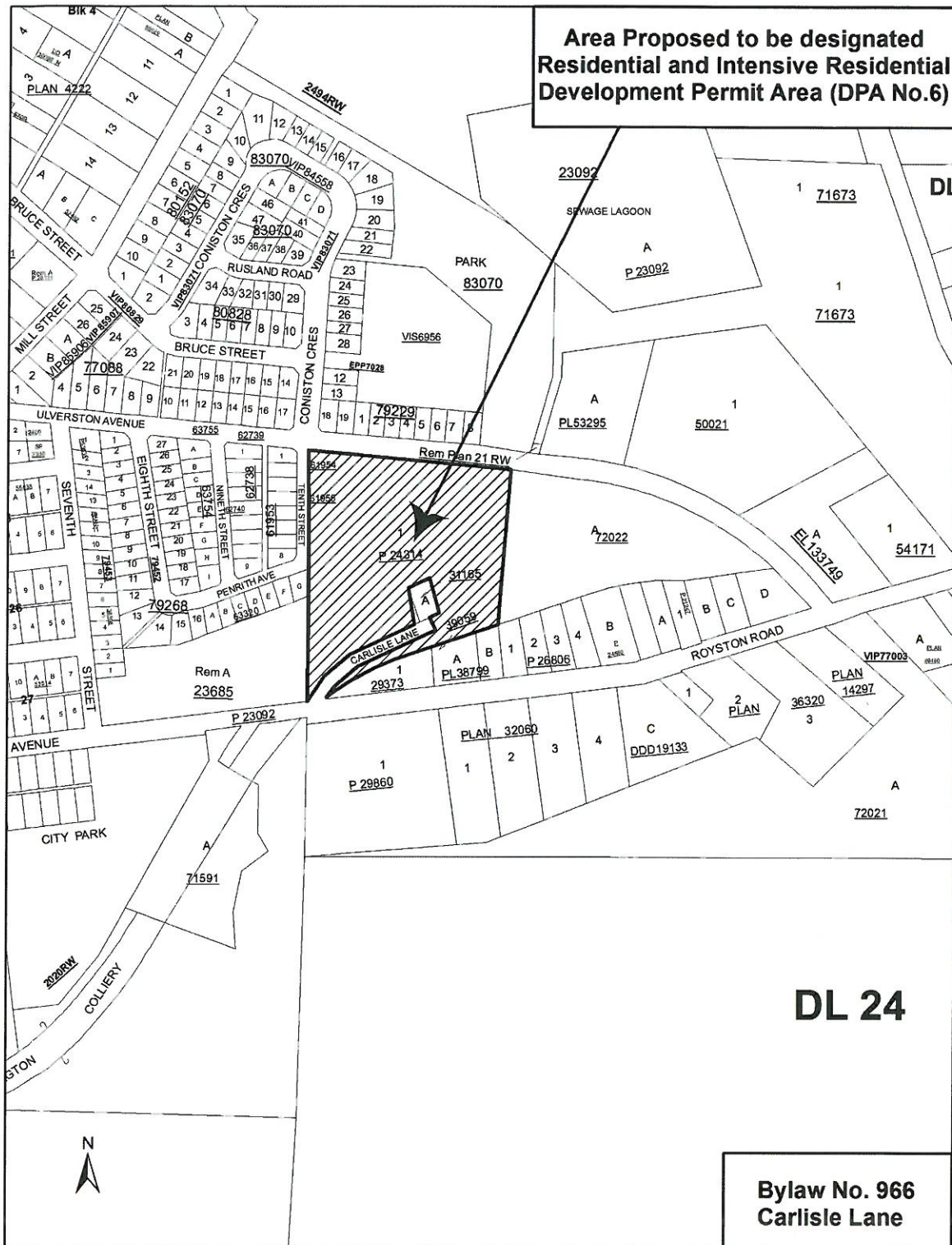
g) Lighting

- i) Lighting for parking areas must not spill into the neighbours property or on to other units on the same property.
- ii) Motion-activated security lights must not create any light spillage on neighbouring buildings.
- iii) Lights from parked cars must not affect adjacent properties, but rather must be effectively prevented by the use of screening/fencing and/or landscaping and/or fencing.

h) Stormwater

It is recognized that the clearing, grading and servicing of sites alters their natural hydrology patterns. In recognition of this fact, it shall be required that each development prepare a stormwater management plan that has as its goal the maintenance of post-development flows equivalent to those of pre-development flow patterns and volumes over the entire wet weather season. This stormwater plan shall be prepared by a Professional Engineer and may make use of such devices as wet or dry detention ponds, constructed wetlands, or other devices as deemed suitable and consistent with accepted engineering practice.

Schedule 'B'

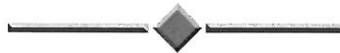


STATUS

TITLE: Corporation of the Village of Cumberland Zoning Amendment Bylaw No. 967, 2012

APPLICANT: R-J Construction Ltd. (Dale & Shirley Querin)

PURPOSE: To introduce a new Residential Four (R-4) zone that permits residential use including secondary suites and coach houses subject to criteria, and to rezone the subject land to R-4.
To add definition and regulations for coach houses.
Related consequential amendments.



COUNCIL:	Date: April 22, 2013 Decision: 1 st & 2 nd reading
PUBLIC MEETING:	Date: May 9, 2013
COUNCIL:	Date: May 13, 2013 Decision:
PUBLIC HEARING:	Date:
COUNCIL:	Date: Decision:

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 967

A BYLAW TO AMEND THE 'VILLAGE OF CUMBERLAND ZONING BYLAW No. 717, 1997'

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts the following amendments to the 'Village of Cumberland Zoning Bylaw No. 717, 1997':

SECTION 1 TEXT AMENDMENTS

- 1) The 'Village of Cumberland Zoning Bylaw No. 717, 1997' is amended by adding a new Section 5.9 Residential Four (R-4) as set out in Schedule A attached to and forming part of this bylaw.

- 2) Part 3 is amended by the addition of 3.1.40 Residential Four Zone, R-4: Single family & coach houses.

- 3) Part 2 INTERPRETATION is amended by the addition of the following definition of "Coach House":

COACH HOUSE means an accessory residential dwelling unit, located in a detached accessory building, located on and part of a single family dwelling residential parcel all as a single real estate entity. (*Refer to Part 3 General Regulations Section 3.23 Coach Houses*).

- 4) Part 2 INTERPRETATION is amended by the addition of the underlined portion below to the definition of "Building, Accessory":

BUILDING,
ACCESSORY means a building or structure, the use of which is ancillary to the principal permitted use of the lands, buildings or structures located on the same parcel, but specifically excludes buildings used for residential use (except in the case of a coach house use where specifically permitted) and farm buildings where agricultural use is a permitted principal use.

- 5) Part 3 GENERAL REGULATIONS is amended by both:

- a) the addition of the underlined portion below to the Accessory Buildings and Use section 3.6(3), as follows:

"3) No accessory building or structure shall be used for human habitation (except in the case of a coach house use, where specifically permitted)."

- b) the addition of a new Part 3.23 *Coach House* section as follows:

"3.23 Coach House:

Where a coach house is permitted the following requirements shall apply:

- a) must only be located on:
i) a lot with lane access; or

- ii) a lot with double frontage (corner lot); or
 - iii) a lot with minimum area of 850.0metres² and a minimum frontage of 20.0metres.
 - b) must be located in the rear yard;
 - c) the accessory building containing the coach house shall be sited in accordance with principal building and structure setbacks, except in relation to the lane in which case the setback from the lane is 1.5metre;
 - d) the coach house must be detached from (and with no breezeway to) an existing single family dwelling (with or without secondary suite) on the subject property;
 - e) the dwelling unit floor area of the coach house:
 - i) must not exceed 90.0metres² (968.8feet²);
 - ii) must be less than 75% of the gross floor area of the principal building;
 - f) the total floor area of the accessory building containing the coach house:
 - i) must not exceed 90.0metres² (968.8feet²), if the accessory building is one storey or one-and-a-half storeys;
 - ii) must not exceed 180.0metres² (1,937.5feet²), if the accessory building is two storeys, and no part of the first storey is used for the coach house (except stairs and entry) or other habitable space;
 - g) only one coach house unit is permitted per parcel;
 - h) the coach house cannot be subdivided from the building or the lot of which it is part under the *Strata Property Act* and amendments thereto;
 - i) must provide one off-street parking space for the exclusive use of the coach house;
 - j) must comply with all relevant building code requirements and constructions standards; and
 - k) for greater certainty, must not be used as, or part of, a bed and breakfast or tourist accommodation, or other accommodation for the traveling public.
- 6) Part 4 OFF-STREET PARKING AND LOADING AREA REQUIREMENTS, Section 4.4 Required Number of Off-street Parking Spaces, Subsection 1 RESIDENTIAL is amended by the addition of “Coach house – 1 space per unit” as new paragraph 4.4(1)(c) and re-lettering the existing paragraphs thereafter accordingly.

SECTION 2 ZONING DESIGNATION

That portion of the property known as PID 003-012-522 Lot 1, District Lot 24, Nelson District, Plan 24314 Except Part in Plan 31165 (“Lot 1”), shown as highlighted with thick black outline and hatched on Schedule B, which is the entirety of that Lot 1 except a triangular portion adjacent to the westerly boundary of PID 001-180-886 Lot A, District Lot 24, Nelson District, Plan 31165 (‘‘Lot A’’) extending approximately 6metres westerly from the southwest corner of that Lot A and connecting at the northwest corner of that Lot A, attached to and forming part of this bylaw, is hereby rezoned from Rural Two (RU-2) to Residential Four (R-4).

SECTION 3 MAP AMENDMENT

- 1) Schedule B of the ‘Village of Cumberland Zoning Bylaw No. 717, 1997’ is amended to incorporate the amendments more particularly described in Section 2 Zoning Designation of this bylaw.
- 2) The map key for Schedule B of the ‘Village of Cumberland Zoning Bylaw No. 717, 1997’ is amended to add R-4 with a descriptor of ‘Residential Four’.

SECTION 4 TITLE

This Bylaw may be cited for all purposes as the ‘Corporation of the Village of Cumberland Zoning Amendment Bylaw No. 967, 2012.’

READ A FIRST TIME THIS	22ND	DAY OF	APRIL	2013.
READ A SECOND TIME THIS	22ND	DAY OF	APRIL	2013.
PUBLIC HEARING HELD THIS		DAY OF		2013.
READ A THIRD TIME THIS		DAY OF		2013.
ADOPTED THIS		DAY OF		2013.

Mayor

Corporate Officer

Schedule A

5.9

RESIDENTIAL FOUR (R-4)

1) PERMITTED PRINCIPAL USES

On any lot:

- a) One single family dwelling;
- b) Utility use;
- c) Park use.

2) PERMITTED ACCESSORY USES

On any lot:

- a) Home occupation use;
- b) Accessory buildings and structures;
- c) One secondary suite subject to the conditions contained herein;
- d) One coach house subject to the conditions contained herein.

3) SITING OF PRINCIPAL BUILDINGS AND STRUCTURES

The required yards are as follows:

- a) 3.0metres of a front lot line;
- b) 4.5metres of a rear lot line;
- c) 1.5metres of a side lot line, except where the side yard abuts a street, in which case the minimum yard distance shall be 3.5metres.

4) BUILDING HEIGHTS

- a) The height of principal buildings shall not exceed 9.0metres.

5) ACCESSORY BUILDINGS

Accessory buildings shall meet the following requirements:

- a) shall not exceed 4.5metres in height, except in the case of one accessory building that includes a coach house, in which case the maximum height is 6.5metres;
- b) shall have a combined floor area not exceeding a size of 50.0metres² or 10% of the lot area, whichever is less, not including the accessory building which contains a coach house;
- c) shall not be located in any required front and side yards;
- d) shall not be located within 1.5metres from a side and rear lot line, except where the side yard flanks a public road right-of-way, in which case the minimum yard distance shall be 3.5metres.

6) LOT COVERAGE

- a) The maximum lot coverage shall not exceed 35% of the total lot area.
- b) The maximum impermeable surface coverage, including the buildings, shall not exceed 60% of the total lot area.

7) MINIMUM LOT SIZE AND FRONTAGE

A lot shall have a minimum area of 650.0metres² and a minimum frontage of 17.0metres.

Schedule A

8) **PARKING**

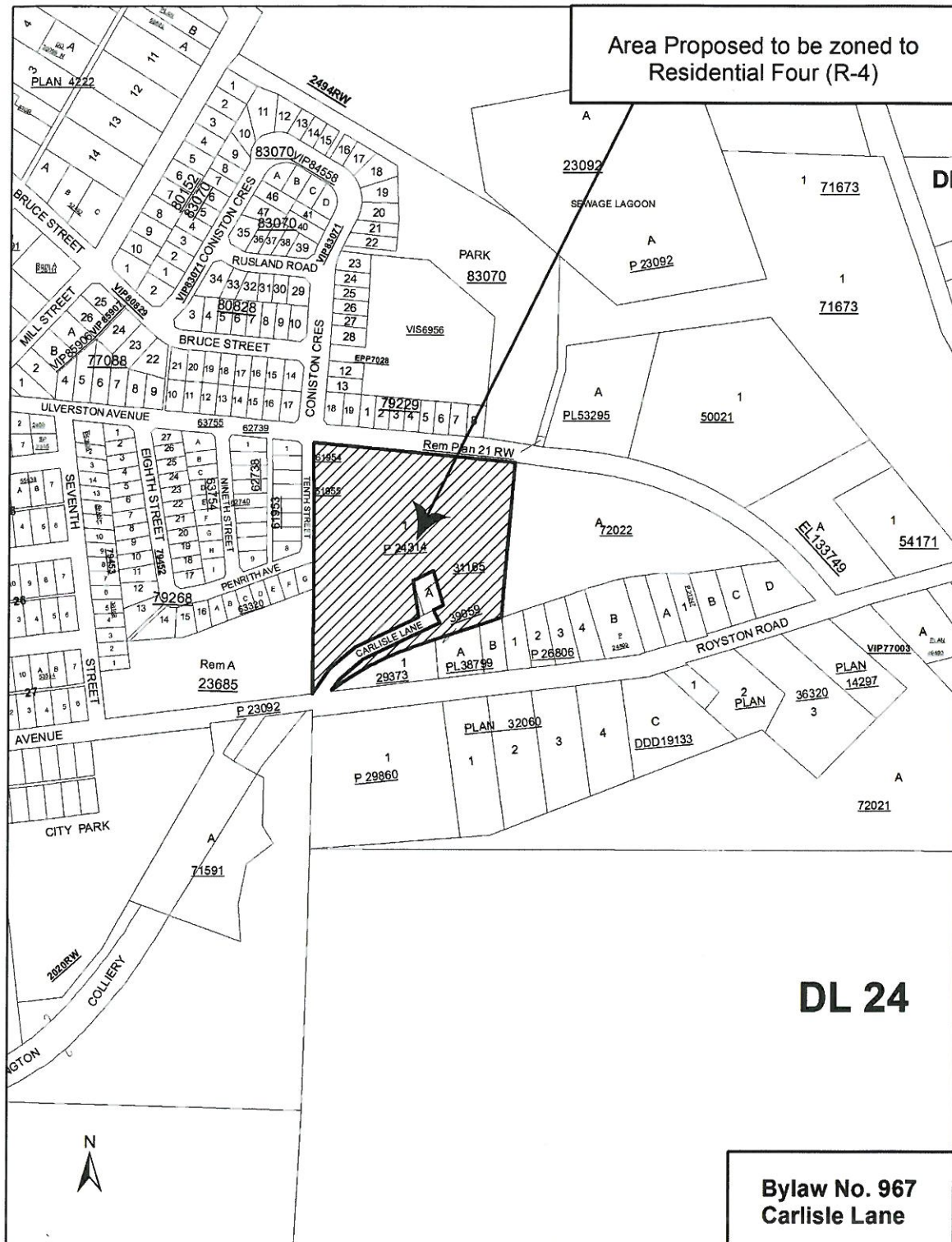
- a) Notwithstanding Section 4.4(1) each lot shall have a minimum of two off street parking spaces for use of the principal single family dwelling plus:
 - i) one off-street parking space for the exclusive use of the secondary suite, if permitted, plus
 - ii) one off street parking space for the exclusive use of the coach house, if permitted, plus
 - iii) one off-street parking space for the exclusive use of a home based business, if approved.(Total potential on-site parking required is 5 spaces).
- b) Notwithstanding Section 4.1 (11) none of the vehicles, boats or trailers identified in 4.4(11)(b), (c), (d) or (e) may be parked or stored:
 - i) within the front yard setback;
 - ii) within any side yard; or
 - iii) within any other area of the lot that is not fully and suitably landscaped and screened to obscure such parking use.
- c) Notwithstanding Section 4.2(5)(c) all parking spaces, aprons, entrances and access must be surfaced with permeable pavers, concrete driving strips, or other Village approved permeable surfaces, except the following areas shall be surfaced with asphalt, concrete or other dust-free material:
 - i) the two off street parking spaces, and their respective manoeuvring aisles, entrances and exits, intended for the principal residence and the secondary suite,
 - ii) the apron off the lane of an accessory building that contains a coach house; and
- d) In addition to all other requirements and restrictions of this Part and Bylaw, no more than one recreation vehicle, to a maximum length of 8.0metres plus one boat trailer (with or without boat) to a maximum length of 8.0metres may be parked, stored or otherwise located on a lot.

9) **CONDITIONS OF USE**

- a) A Development Permit shall be obtained prior to the commencement of any site development.
- b) Screening, buffering and landscaping shall be required as per the applicable Development Permit guidelines. In addition or for greater certainty, at least half of the minimum 40% impermeable area of each lot must be fully and suitably landscaped with vegetation.

End • R-4

Schedule B



Corporation of the Village of Cumberland

Phased Development Agreement (Carlisle Lane) Bylaw No. **983**, 2013

STATUS

TITLE: Corporation of the Village of Cumberland Phased Development Agreement (Carlisle Lane) Bylaw No. 983, 2013

APPLICANT: Corporation of the Village of Cumberland

PURPOSE: A bylaw to approve a Phased Development Agreement for the proposed Carlisle Lane development.



COUNCIL: **Date:** April 22, 2013
Decision: 1st and 2nd readings

COUNCIL: **Date:** May 13, 2013
Decision:

PUBLIC HEARING: **Date:**

COUNCIL: **Date:**
Decision:

COUNCIL: **Date:**
Decision:

CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 983

A bylaw to approve a Phased Development Agreement for the proposed Carlisle Lane development.

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

1. This Bylaw shall be cited as the 'Corporation of the Village of Cumberland Phased Development Agreement (Carlisle Lane) Bylaw No. 983, 2013.'
2. The Mayor and the Village's Corporate Officer are authorized to execute the Phased Development Agreement:

- a) set out in the attached Schedule A,
- b) between the Village and 954651 BC Ltd, and
- c) that applies to the land legally described as:

Legal Description: Lot 1, District Lot 24, Nelson District, Plan 24314 Except part in Plan 31165

Folio: 51600696.020

PID: 003-012-522

Civic Address: 2882 Carlisle Lane

READ A FIRST TIME THIS	22ND	DAY OF	APRIL,	2013.
READ A SECOND TIME THIS	22ND	DAY OF	APRIL,	2013.
PUBLIC HEARING HELD THIS		DAY OF		2013.
READ A THIRD TIME THIS		DAY OF		2013.
ADOPTED THIS		DAY OF		2013.

Mayor

Corporate Officer

PHASED DEVELOPMENT AGREEMENT

This Agreement dated for reference the ____ day of _____, 2013.

AMONGST:

**CORPORATION OF THE
VILLAGE OF CUMBERLAND**
2673 Dunsmuir Avenue, PO Box 340
Cumberland, BC
V0R 1S0
(the "**Village**")

AND:

954651 BC Ltd
201-467 Cumberland Road
Cumberland, BC
V9N 2C5
(the "**Developer**")

WHEREAS

A. The Developer is the registered owner of lands legally described as:

PID: 003-012-522

Legal Description: Lot 1, District Lot 24, Nelson District, Plan 24314 Except part in Plan 31165

(the "**Lands**", [and as further herein defined](#))

B. The Developer is proposing subdivision and development of the Lands into thirty three (33) fee simple lots, primarily for single family residential homes, with some provision for secondary suites and coach houses, and without further stratification;

C. The Developer has applied to the Village for an amendment to the Village's Official Community Plan Bylaw No. 786, 2004 (the "**OCP**") by way of OCP Amendment Bylaw No. 966, 2012 (the "**OCP Amendment Bylaw**"), and has applied for an amendment to the Village's Zoning Bylaw No. 717, 1997 (the "**Zoning Bylaw**") by way of Zoning Amendment Bylaw No. 967, 2012 (the "**Zoning Amendment Bylaw**"), to permit the development on the Lands;

D. The Developer has undertaken to provide certain amenities and features in conjunction with the development of the Lands and the parties wish to ensure that the provisions of the Zoning Amendment Bylaw continue to apply to the Lands for the period more particularly set out in this Agreement, that the Lands are developed in the phases and in the sequence identified herein, and that the amenities and features are provided in conjunction with the development of the Lands and in the sequence provided for in this Agreement.

E. The Council of the Village has, by bylaw, authorized the execution of this Agreement.

NOW THEREFORE in consideration of the mutual promises set out in this Agreement, the Developer and the Village agree pursuant to Section 905.1 of the *Local Government Act* as follows:

1. APPLICATION AND INTERPRETATION

1.1. This Agreement applies to the Lands, including all parcels created from the Lands, and to no other land, except with respect to the following:

- a) The Developer proposes to subdivide and transfer a small triangular portion of the Lands (the “Triangular Portion”) for consolidation with the adjacent parcel legally described as PID 001-180-886 Lot A, District Lot 24, Nelson District, Plan 31165 (the “Adjacent Lot A”);
- b) That Triangular Portion is approximately 113sq.m. in area, adjacent to the westerly boundary of that Adjacent Lot A, extending approximately 6metres westerly from the southwest corner of that Adjacent Lot A and connecting at the northwest corner of that Adjacent Lot A;
- c) That Triangular Portion has been excluded from the OCP Amendment Bylaw and Zoning Amendment Bylaw, and therefore, if those bylaws are adopted, will continue to have an OCP designation and Zone that matches the Adjacent Lot A;
- d) If the Approving Officer:
 - i) permits the subdivision of the Triangular Portion and it is consolidated with the Adjacent Lands, then the Lands as referred to herein shall apply to the Lands without the Triangular Portion;
 - ii) does not permit such subdivision, or the Developer does not register the approved plan of subdivision, then the Lands shall continue as defined in recital paragraph A of this Agreement, but the Triangular Portion shall be become part of the Park Area or Trails, as described below (at the sole option of the Village).

1.2. In this Agreement:

- a) **“Amenities and Features”** includes:
 - i) Financial Contribution of EIGHTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$82,500) for use by the Village for playground upgrades in the Village Park, and such other recreation matters as determined in its sole discretion, as detailed under Section 6.0 of the Agreement;
 - ii) Park Area, as detailed under Section 7.0 of this Agreement;
 - iii) Trails, as detailed under Section 8.0 the Agreement;
 - iv) Tree Management, as detailed under Section 9.0 of the Agreement;
 - v) Highway Improvements, as detailed under Section 10.0 of the Agreement;
 - vi) Stormwater Improvements, as detailed under Section 11.0 of the Agreement;
 - vii) Design Guidelines, as detailed under Section 12.0 of the Agreement;
- and all further reports, studies, plans, agreements and other work in relation to the above.

- b) **"Design Guidelines"** means the restrictions and requirements for building, landscaping and use on the Lands as identified in Development Permit Area 6 of the Village's Official Community Plan;
- c) **"Development"** means the development of the Lands as generally depicted on the Site Plan in accordance with the Zoning Amendment Bylaw.
- d) **"Development Phase" or "Phase"** means a phase of the development, including all Amenities and Features specifically contemplated or required in connection with that Phase, and those Amenities and Features, works and services that are required for the whole Development (as applicable to the Phase, unless stated otherwise).
- e) **"Force Majeure"** means any act reasonably beyond the control of the party seeking to invoke the benefit of Force Majeure under this Agreement including but without restricting the generality thereof, severe weather conditions, lightning, earthquakes, fires, floods and storms, strikes, lockouts and industrial disturbances, any acts, rules, regulations, order or directives of any government or agency thereof, civil disturbances, explosions, transportation embargoes, or failure or delays in transportation, breakdown or mechanical or operational failure of any technical facilities, excessive electrical power fluctuations, excessive water pressure fluctuations, the order of any Court, or any other causes either herein enumerated or otherwise not reasonably within the control of such party; provided that financial incapacity, insolvency and general economic conditions do not in any event constitute or be deemed to constitute an event of Force Majeure.
- f) **"Highway Improvements"** means the on-and-off-site improvements required in accordance with Section 10.0 of this Agreement.
- g) **"PDA Bylaw"** means the bylaw authorizing the entering into of this Agreement, being the "Village of Cumberland Phased Development Agreement Bylaw No.983, 2013".
- h) **"Phasing Plan"** means the Site Plan, and:
 - i) **"Phase 1"** means proposed Lots 1-8 inclusive, and
 - 1) Provision of the Park Area in accordance with Section 7.0 of this Agreement, and chain link fence along the boundary of the park and pathways;
 - 2) Dedication of, statutory right of way (blanket or specific, to satisfaction of Village) for all areas that will include, or eventually include, trails, walkways and other Village or public access;
 - 3) Construction of all Park Trails lying within Phase 1, including portions of the Ulverston-Penrith Connector and Carlisle Lane-Dunsmuir Connector;
 - 4) Tree Management detailed report for all Lands, and other Tree Management requirements for Phase 1;
 - 5) Location of the sanitary sewermain within Right of Way Plan 2020RW along the Carlisle Road frontage, and upgrading to service the Development;

- 6) The following Highway Improvements:
 - aa) A onetime cash contribution of \$15,000 for grading and chip sealing an 8.0 metre wide surface on the unpaved section of Ulverston Avenue to Royston Road. The onetime cash contribution shall be made upon registration of the 17th new lot or 2 years from the date of adoption of the PDA Bylaw;
 - ab) access improvements for any lots fronting on the chicane on Ulverston Avenue;
 - ac) road dimensions, turning radii and on-street parking conditions sufficient to ensure access for emergency vehicles;
 - ad) construction of frontage improvements along Ulverston Avenue, including boulevards with trees.
- 7) Prior to substantial completion of Phase 1, and prior to subdivision of the Lands other than for Phase 1, the Developer covenants and agrees to provide the following:
 - aa) Detailed Stormwater Management Plan for all Lands;
 - ab) Stormwater Improvements necessary for Phase 1
 - ac) detailed engineering as-built drawings signed and sealed by a professional engineer showing all Stormwater Improvements, and in particular the detention pond and outlet;
 - ad) comprehensive maintenance manual and schedule for annual maintenance and operation of all portions of the Stormwater Improvements located on parkland or other Village land; and

all to the satisfaction of the Village's Chief Administrative Officer.
- ii) **“Phase 2”** means proposed Lots 9-12 and 21-33 inclusive, and
 - 1) road dedication and construction of the extension of Penrith Avenue to connect to Ulverston Avenue;
 - 2) Tree Management requirements for Phase 2;
 - 3) The following Highway Improvements:
 - aa) construction of frontage improvements along Penrith-Ulverston connector, including boulevards with trees,
 - 4) Stormwater Improvements required for Phase 2 in accordance with the Stormwater Management Plan;
 - 5) Construction and dedication (or SRWs) of any Park Trails within Phase 2;
- iii) **“Phase 3”** means proposed Lots 13-20, inclusive, and all remaining Amenities and Features, Improvements, works and services not completed as part of previous phases further to this Agreement.

- iv) **“Park Area”** means that portion of the Lands no less than 5% of the total Land area, shown in green on the Site Plan and labeled “Park”;
- v) **“Preliminary Arborists Report”** means the report prepared by New Heritage Arborists Ltd. entitled “2882 Carlisle Lane” (undated).
- vi) **“Preliminary Stormwater Report”** means the report prepared by McElhanney Consulting Services Ltd. entitled “Stormwater Management Plan for Lot 1, DL 24, Nelson District, Plan 24314 Except part in Plan 31165 – Carlisle Lane” dated September 27, 2012 (File 2211-47203-0).
- vii) **“Preliminary Geotech Report”** means the report prepared by Lewkowich Engineering Associates Ltd., entitled “Project: 33 Lot Residential Development, 2882 Carlisle Lane, Cumberland B.C. – Subject: Geotechnical Site Assessment” and dated September 7, 2012 (File F0254.01).
- viii) **“Qualified Professional”** means:
 - 1) in respect of environmental or landscaping matters, including trees, a Registered Professional Biologist, Agrologist or Arborist in good standing, as appropriate to the context;
 - 2) in the case of other services to the Development, Highway Improvements, Stormwater Improvements, or building in light of the Preliminary Geotechnical Report, a member of the Association of Professional Engineers and Geoscientists in good standing with experience in the design and construction of local government services, including highways, as appropriate to the context.
- ix) **“Site Plan”** means the plan prepared by McElhanney Consulting Services Ltd. entitled “Phase Lot Layout Option 1” and dated September, 2012 a reduced copy of which is attached as Schedule “A” to this Agreement.
- x) **“Specified Zoning Bylaw Provisions”** means all those provisions of the Village of Cumberland Zoning Bylaw No. 717, 1997 that are applicable to the Lands and that are adopted pursuant to Section 903 of the *Local Government Act*.

1.3 The following Schedules are attached to and form part of this Agreement:

Schedule “A” – Site Plan
 Schedule “B” – Section 219 Covenant
 Schedule “C” – Preliminary Arborists Report
 Schedule “D” – Preliminary Traffic Impact Study
 Schedule “E” – Preliminary Stormwater Report
 Schedule “F” – Preliminary Geotech Report

1.4 The following interpretation rules apply to this Agreement:

- a) Unless otherwise provided, the terms in this Agreement are interpreted in accordance with the Village’s Zoning Bylaw.

- b) The headings and captions are for convenience only and do not form a part of this Agreement and will not be used to interpret, define or limit the scope, extent or intent of this Agreement or any of its provisions.
- c) The word "including" when following any general term or statement is not to be construed as limiting the general term or statement to the specific items or matters set forth or to similar terms or matters but rather as permitting it to refer to other items or matters that could reasonably fall within its scope.
- d) A reference to currency means Canadian currency.
- e) A reference to a statute includes every regulation made pursuant thereto, all amendments to the statute or to any such regulation in force from time to time, and any statute or regulation that supplements or supersedes such statute or any such regulation.
- f) A reference to time or date is to the local time or date in Cumberland, British Columbia.
- g) 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.
- h) A reference to approval, authorization, consent, designation, waiver or notice means written approval, authorization, consent, designation, waiver or notice.
- i) A reference to a section means a Section of this Agreement, unless a specific reference is provided to a statute.

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

2.0 CONDITIONS PRECEDENT

2.1 The obligations of the parties under this Agreement are subject to the Village, in its sole and unfettered discretion, adopting both the OCP Amendment Bylaw and the Zoning Amendment Bylaw.

2.2 The parties agree the obligations of the Village in this Agreement are subject to the Developer registering and keeping registered (in priority to all financial encumbrances) the S.219 Covenant, in the form attached as Schedule "B" to this Agreement. The Developer must execute it prior to the adoption of the Zoning Amendment Bylaw and the OCP Amendment Bylaw, and must promptly register it against title to the Lands pursuant to Section 219 of the *Land Title Act* immediately upon adoption of the Zoning Amendment Bylaw and the OCP Amendment Bylaw.

3.0 SPECIFIED ZONING BYLAW PROVISIONS

3.1 For the Term of this Agreement, any amendment or repeal of the Specified Zoning Bylaw Provisions does not apply to the Land, subject to:

- a) the express limits set out at Section 905.1 of the *Local Government Act*,
- b) the termination of this Agreement under Section 4; and

- c) changes that the Developer agrees to, in writing, apply.
- 3.2 For certainty, the parties agree that this Agreement is limited to zoning considerations and is not intended to restrict or otherwise apply to:
- a) the application of Village Bylaws (current or future) relating to subdivision servicing standards; or
 - b) the authority of the Approving Officer in relation to the proposed or other subdivision of the Lands, except that the Developer covenants and agrees that Lands are not to be subdivided for more than 33 lots generally in accordance with the Site Plan, and no lot created or building constructed will be further subdivided, including under the *Strata Property Act*.

4.0 TERM AND TERMINATION

- 4.1 The term of this Agreement is ten (10) years from the date of this Agreement.
- 4.2 The parties may terminate this Agreement at any time by written agreement.
- 4.3 If the Developer does not comply with any of the provisions of this Agreement, as determined in the Village's sole and unfettered discretion, the Village may at its option terminate this Agreement before the expiry of the Term by providing notice in writing to the Developer, provided that:
- a) in the case of a failure on the Developer's part to pay a sum of money or to provide security for an obligation, the Village has, at least ten (10) days prior to giving such notice, advised the Developer in writing of the alleged failure to pay or to provide the security (the "Default Notice") and the Developer has not corrected the failure to the reasonable satisfaction of the Village within that ten (10) day period;
 - b) in the case of any other failure on the Developer's part to comply with the provisions of this Agreement, the Village has, at least sixty (60) days prior to giving such notice, provided the Developer with a Default Notice in respect of such failure, and the Developer has not corrected the failure or deficiency in performance to the reasonable satisfaction of the Village, within that sixty (60) day period; or
 - c) if a failure or deficiency requires longer than sixty (60) days to remedy, the Developer has failed to substantially commence remedying such failure or deficiency within sixty (60) days after receipt of the Default Notice to the reasonable satisfaction of the Village and further has failed to diligently pursue remedying the failure or deficiency thereafter.
- 4.4 If the Developer does not register plan(s) of subdivision that complete the proposed 33 lot subdivision, and provide all the Amenities and Features, by 10 years less sixty (60) days from the date of this Agreement, the Developer shall be considered in breach of this Agreement, and the breach provisions of the Section 219 Covenant shall apply, without further notice from the Village or formal termination in accordance with this section, and this breach and the Section 219 Covenant shall survive the termination of this Agreement.

5.0 DEVELOPMENT AND DEVELOPMENT PHASING

- 5.1 The Developer covenants and agrees that it must not develop, build upon or use the Lands, disturb the surface of the Lands, cut or damage vegetation on the Lands or subdivide the Lands except in accordance with the terms of this Agreement.
- 5.2 The Developer covenants to subdivide, develop and construct the Development in the Phases shown in the Site Plan, such that:
- a) Phase 1 is substantially completed before the commencement of Phase 2;
 - b) Phase 2 is substantially completed before the commencement of Phase 3; and
 - c) Phase 3 (and, for certainty, the entirety of the Development) is substantially completed on or before the expiry of the Term.

Notwithstanding the phasing noted, upon mutual agreement by the Approving Officer and the Developer, Phase 3 may proceed in advance of Phase 2, provided all the Amenities and Features required as a condition of Phase 2 are concurrently provided.

- 5.3 For the purpose of this Agreement, "substantially completed" or "substantial completion" means that the Developer has completed and fulfilled all of the Developer's obligations with respect to:
- a) subdivision,
 - b) servicing (on-site and off-site),
 - c) the provision of Amenities and Features, and
 - d) all to the satisfaction of the Village.
- 5.4 The Lands must not be subdivided for more than 33 lots and no lot created or building constructed may be further subdivided, including under the *Strata Property Act*. For greater certainty, the Developer acknowledges and agrees that:
- a) Buildings are not permitted to be stratified;
 - b) Secondary Suites and the main portion of a Single Family Dwellings must remain under the same ownership;
 - c) Coach Houses, where permissible, and the Single family Dwelling (with or without secondary suite), must remain under the same ownership;
 - d) All suites and units are intended to function in a landlord tenant relationship, where not occupied by members of the same family.
- 5.5 Except as expressly provided in this Agreement, nothing in this Agreement relieves the Developer from any obligation or requirement arising under any applicable statute, bylaw or regulation in respect of the subdivision and development of the Lands, and without limiting the generality of the forgoing:
- a) the Developer remains fully responsible to ensure that the development of the Lands is in full compliance with all requirements of the bylaws of the Village respecting land development, zoning, subdivision and building construction;
 - b) in respect of any subdivision, the Developer must obtain the approval of the Approving Officer, and must comply with all applicable enactments and bylaws in connection with that subdivision.

- 5.6 The parties acknowledge that the Approving Officer is an independent statutory officer, and that nothing in this Agreement prejudices or affects the duties and powers of the Approving Officer in respect of any application to subdivide the Lands.
- 5.7 All utilities, sidewalks, highways and any infrastructure improvements must be constructed in accordance with Village Bylaws, the Master Municipal Construction Documents ("MMCD") Standards or such other Village standards, as determined by the Village's CAO in his/her sole discretion, acting reasonably. No private utilities providing servicing infrastructure may be located on those portions of the Lands to be dedicated as road, park or otherwise transferred to the Village; such public lands are only to contain the usual public infrastructure.

6.0 AMENITY & FEATURE #1 – FINANCIAL CONTRIBUTION

- 6.1 The Developer covenants and agrees that immediately following the adoption of the OCP Amendment Bylaw and the Zoning Amendment Bylaw, it must provide the Financial Contribution of EIGHTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$82,500) to the Village's Reserve Fund, in accordance with this Section (the "**Funds**").
- 6.2 Prior to the consideration of adoption of the OCP Amendment Bylaw, the Zoning Amendment Bylaw and the PDA Bylaw, the Developer will either:
- a) Deposit the Funds with the Village, on the understanding that the Funds will be returned if the bylaws are not adopted before December 31, 2013;
 - b) Provide the Village with a certified cheque or money order for the Funds to the reasonable satisfaction of the Village, to be deposited upon adoption of the bylaws; or
 - c) Deposit the Funds in trust with the Developer's Solicitor, and provide the Developer's Solicitor irrevocable instructions to provide undertakings to the Village's Solicitor that the Funds will be released to the Village forthwith upon (and no later than 5 days following) adoption of the bylaws.
- 6.3 The parties agree the funds are intended for use by the Village for playground upgrades in the Village Park, and such other recreation matters as determined in its sole discretion.

7.0 AMENITY & FEATURE #2 – PARK AREA

- 7.1 The Lands shall not be subdivided, built upon or used for any use unless the Park Area of the Lands is concurrently dedicated as park on a registered plan of subdivision or concurrently transferred, unencumbered, to the Village by the Developer.
- 7.2 The Developer agrees that such dedication or transfer to be at the Village's option in its sole discretion and to be at no cost to the Village.
- 7.3 The Park Area may include the stormwater detention pond designed as a natural feature, on the condition that any such area of the pond or related surface infrastructure does not count towards the minimum area required for the Park Area.

- 7.4 The Park Area must be counted towards the 5% park dedication requirement under section 941 of the *Local Government Act*, and any additional areas are to be considered an additional common area trail amenity under Section 8.0 of this Agreement, and may be provided either by dedication, transfer or solely by way of statutory right of way. The parties acknowledge and agree there is no intended non-compliance with section 905(4.1) of the *Local Government Act*.

8.0 AMENITY & FEATURE #3 – TRAILS

- 8.1 The Developer covenants and agrees that Lands may not be subdivided, built upon or used except in accordance with the provision, at its sole cost, of the Trails required under this Section.
- 8.2 The Developer must provide the trails and trail improvements on the Lands and on adjacent Village lands, including highways, in accordance with the remainder of this Agreement:
- a) Ulverston-Penrith Connector
 - b) Carlisle Lane – Dunsmuir Connector:
 - c) All trails constructions with compacted crushed gravel to create permeable, easily travelled surfaces through greenways and parks, and other customary Village standards,
- (collectively the "**Trails**"),
- the precise details, location, phasing and specifications of which to be agreed upon between the Developer and the Village's Chief Administrative Officer and failing agreement then as directed by the Village's Chief Administrative Officer acting reasonably on consideration of the additional reports and plans required under this Section.
- 8.3 Prior to substantial completion for any Phase for which Trails are required, the Developer must provide the following:
- a) detailed engineering design drawings signed and sealed by a professional engineer showing all Trails for that Phase; and
 - b) a cost estimate for the Trails required under this Section, certified by a professional engineer; and
- all to the satisfaction of the Village's Chief Administrative Officer.
- 8.4 Prior to issuance of a Building Permit for any building or work on any Phase for which Trails are required, the Developer must provide security in the form and amount required by the Village's Chief Administrative Officer, acting in accordance with the Village's customary practices.
- 8.5 The Developer covenants and agrees to complete all the required Trails for each Phase to the satisfaction of the Village's Chief Administrative Officer, prior to issuance of an occupancy permit for any building on that Phase.
- 8.6 For any Trails not located on lands dedicated as park or otherwise transferred to the Village, the Developer must provide, prior to or concurrent with a Phase that includes such trail, a Statutory Right of Way under section 218 of the *Land Title Act*, to the benefit of and in a

form acceptable to the Village (as determined in its sole discretion), providing perpetual public access and use for non-commercial recreational purposes.

9.0 AMENITY & FEATURE #4 – TREE MANAGEMENT

9.1 The Developer covenants and agrees that Lands may not be subdivided, built upon or used except in accordance with the provision, at its sole cost, of the Tree Management matters required under this Section.

9.2 Acknowledging that the Village is concerned about the natural environment within its community, and in consideration of the Preliminary Arborist's Report, the Developer must, prior to subdivision of the Lands, including to create Phase 1 lots:

- a) commission an environmental review by a Qualified Professional and further Tree Management Plan for the Lands, including in accordance with the following:
 - i) the Preliminary Arborist's Report,
 - ii) preparation of a vegetative management and maintenance plan that includes identification of healthy trees, trees to be protected, relocation of nursery stock to stormwater detention pond area, and removal of invasive species and plantings with native vegetation,
 - iii) preparation of a detailed landscape plan, including boulevard trees,
 - iv) detail the costs of landscaping matters, including labour and materials,
 - v) certification from a Qualified Professional that that the proposed tree removal, retention and above management will not create adverse impacts such as flooding, erosion, contamination of a watercourse or harm to habitat; and
- b) provide a copy of the report and plans required under this Section to the Village, whom the Developer agrees shall have the opportunity (but not the obligation) to review and provide comments within thirty (30) days, and
- c) revise the report and plans, as necessary to incorporate any reasonable comments and requirements identified by the Village,

the precise details, location, phasing and specifications of which to be agreed upon between the Developer and the Village's Chief Administrative Officer and failing agreement then as directed by the Village's Chief Administrative Officer acting reasonably on consideration of the additional reports and plans required under this Section.

9.3 Prior to issuance of a Building Permit for any building or work on any Phase for which Tree Management matters are required, the Developer must provide security in the form and amount required by the Village's Chief Administrative Officer, acting in accordance with the Village's customary practices.

9.4 The Developer covenants and agrees to complete all the required Tree Management matters for each Phase to the satisfaction of the Village's Chief Administrative Officer, prior to issuance of an occupancy permit for any building on that Phase.

10.0 AMENITY & FEATURE #5 – HIGHWAY IMPROVEMENTS

- 10.1 The Developer covenants and agrees that Lands may not be subdivided, built upon or used except in accordance with the provision, at its sole cost, of the Highway Improvements required under this Section.
- 10.2 The Developer acknowledges that the Lands require streetscape, highway, intersection and traffic improvements before subdivision and development, including as identified in the Preliminary Traffic Impact Study, and therefore, prior to subdivision of the Lands, including to create Phase 1 lots, the Developer must, at its sole cost:
- a) commission a highway servicing and traffic impact assessment of the Lands, in light of maximum use and density contemplated by the Zoning Amendment Bylaw (including consideration of recreational vehicles and boats), prepared by a Qualified Professional to determine the on-and-off-site streetscape, highway, intersection and traffic improvements, including but not limited to:
 - i) on and off-street parking provisions,
 - ii) details of the intersection improvements at Royston Road and Carlisle Lane,
 - iii) access options and details of improvements for any lots fronting on the chicane on Ulverston Avenue;
- 10.3 The Developer must provide the following on and off-site streetscape highway, intersection and traffic improvements:
- a) intersection improvements at Royston Road and Carlisle Lane, acceptable to the Village of Cumberland;
 - b) A onetime cash contribution of \$15,000 for chip Seal paving of the graveled portion of Ulverston Avenue to Royston Road,
 - c) access improvements for any lots fronting on the chicane on Ulverston Avenue,
 - d) other improvements and dedications necessary to make the Development Area suitable for subdivision and development,
- (collectively the “**Highway Improvements**”, as further defined),
- the precise details, location, phasing and specifications of which to be agreed upon between the Developer and the Village's Chief Administrative Officer and failing agreement then as directed by the Village's Chief Administrative Officer acting reasonably on consideration of the additional reports and plans required under this Section.
- 10.4 Prior to issuance of a Building Permit for any building or work on any Phase for which Trails are required, the Developer must provide security in the form and amount required by the Village's Chief Administrative Officer, acting in accordance with the Village's customary practices.
- 10.5 The Developer covenants and agrees to complete all the required Highway improvements for each Phase to the satisfaction of the Village's Chief Administrative Officer, prior to issuance of an occupancy permit for any building on that Phase.
- 10.6 For certainty, the provisions of this Section do not preclude possible requirements for dedication and construction of additional public roads, or additions to or upgrading of existing roads, as imposed by the Approving Officer, the determination for which can only be made on consideration of a formal subdivision application.

11.0 AMENITY & FEATURE 6 – STORMWATER IMPROVEMENT

- 11.1 The Developer covenants and agrees that Lands may not be subdivided, built upon or used except in accordance with the provision, at its sole cost, of the Stormwater Improvements required under this Section.
- 11.2 The Village's OCP promotes the use of green infrastructure and innovation in developing properties through stormwater management tools such as rain gardens, infiltration trenches, increased topsoil depths and so on, to increase the infiltration of the water to the ground at source. "Zero Net Impact" on existing natural drainage systems is an important objective.
- 11.3 The Developer proposes to utilize best management practices for stormwater and therefore the Owner covenants and agrees to:
- a) determine and provide to the Village, to the CAO's reasonable satisfaction, the pre-development level of storm water drainage flows off the Lands, including without limiting the foregoing, into ditches and onto adjacent property and roadways, prior to or concurrent with the subdivision to create Phase 1 lots;
 - b) update such determination at each further Phase prior to the subdivision to create the further lots associated with each Phase;
 - c) at no time permit the stormwater drainage flows off the Lands to exceed pre-development flow levels up to, and including the return period defined as the mean annual rainfall (base determined in SWMP); and
 - d) determine and provide an assessment of flow levels on demand from the Village's CAO, acting reasonably, following commencement of the Development.
- 11.4 The Developer acknowledges these objectives and that the Lands require stormwater management and drainage improvements before subdivision and development, including as identified in the Preliminary Stormwater Report, and therefore, prior to subdivision of the Lands, including to create Phase 1 lots, the Developer must, at its sole cost:
- a) commission a detailed Stormwater Management Plan of the Lands, in light of the above objectives and maximum use and density contemplated by the Zoning Amendment Bylaw, prepared by a Qualified Professional to determine the on-and-off-site stormwater management improvements, including consideration of wet seasonal conditions;
 - b) prepare and provide a detailed engineering and design plan for all Stormwater Improvements;
 - c) provide a copy of the report and plans required under this Section to the Village, whom the Developer agrees shall have the opportunity (but not the obligation) to review and provide comments within thirty (30) days, and
 - d) revise the report and plans, as necessary to incorporate any reasonable comments and requirements identified by the Village.
 - e) provide improvements necessary to make the Development Area suitable for subdivision and development, and
 - f) if necessary, statutory rights of ways and plans to the Village, registered in the form to the reasonable satisfaction of the Village

(collectively the “Stormwater Improvements”, as further defined),

the precise details, location, phasing and specifications of which to be agreed upon between the Developer and the Village's Chief Administrative Officer and failing agreement then as directed by the Village's Chief Administrative Officer acting reasonably on consideration of the additional reports and plans required under this Section.

- 11.5 For greater certainty, acknowledging that the precise location of the Stormwater Improvements to be located on and through the Lands has yet to be specifically determined and surveyed, the Developer covenants and agrees that it will conduct surveys and provide the Village with the necessary Statutory Rights of Way pursuant to Section 218 of the *Land Title Act*, in the Village's customary form and to the reasonable satisfaction of the Village's CAO, and including ancillary access over the remainder of those parcels if necessary, as determined in the Village's sole discretion. The Developer is solely responsible for the cost of surveying, preparing and registering all statutory rights of way and right of way plans.
- 11.6 Prior to substantial completion for any Phase for which Stormwater Improvements are required, the Developer must provide the following:
- a) Detailed engineering design drawings signed and sealed by a professional engineer showing all stormwater improvements, for that Phase,
 - b) A cost estimate for the works required under this region, certified by a professional engineer; and
 - c) A site servicing plan for that Phase;
- all to the satisfaction of the Village's Chief Administrative Officer.
- 11.7 Prior to issuance of a Building Permit for any building or work on any Phase for which Trails are required, the Developer must provide security in the form and amount required by the Village's Chief Administrative Officer, acting in accordance with the Village's customary practices.
- 11.8 The Developer covenants and agrees to complete all the required Highway improvements for each Phase to the satisfaction of the Village's Chief Administrative Officer, prior to issuance of an occupancy permit for any building on that Phase.
- 11.9 For certainty, the provisions of this Section do not preclude possible requirements for additional improvements as imposed by the Approving Officer, the determination for which can only be made on consideration of a formal subdivision application.

12.0 AMENITY & FEATURE #7 – DESIGN GUIDELINES

- 12.1 The Developer covenants and agrees that the Lands must not be built upon except in accordance with the Design Guidelines, such covenant an Amenity and Feature under this Agreement whether or not such guidelines are strictly enforceable under the development permit authority of s.919.1 and 920 of the *Local Government Act*.

13.0 GEOTECHNICAL CONSIDERATIONS

- 13.1 The Village is in an area of known mine workings and has other geotechnical considerations. The Developer has provided a Preliminary Geotechnical Report which identifies conditions to be implemented if the Land is to be considered safe for the intended use of thirty-three

- (33) single family residential lots. The final report will be required to include the impact of the additional permitted units: the secondary suites and coach houses.
- 13.2 The investigations for the Preliminary Geotechnical Report were undertaken in August, 2012 and therefore do not reflect wet seasonal conditions. The Developer covenants and agrees to undertake further investigations during the wet season to establish realistic water table conditions, consider such in further recommendations, including Stormwater Improvements, and provide such supplementary information forthwith
- 13.3 The Developer covenants and agrees to provide a more detailed report to the Approving Officer in accordance with customary subdivision requirements under section 86 of the *Land Title Act*.
- 13.4 The parties agree that this Agreement does not preclude, nor obligate, the Village from using its statutory powers under section 56 of the *Community Charter* at the time of application for building permit.

14.0 INDEMNITY AND RELEASE

- 14.1 The Developer covenants and agrees to indemnify and keep indemnified the Village from any and all claims, causes of action, suits, demands, fines, penalties, costs, deprivation, expenses or legal fees whatsoever, whether based in law or equity, whether known or unknown, which anyone has or may have against the Village or which the Village incurs as a result of any loss, damage or injury, including economic loss or deprivation, arising out of or connected with this Agreement, including:
- a) the restrictions and requirements of this Agreement,
 - b) any breach by the Developer of any covenant in this Agreement, or
 - c) death, bodily injury, damage to or loss of any property or other incident or occurrence during the provision or construction of the Amenities and Features and the Development.
- 14.2 The Developer hereby releases, saves harmless and forever discharges the Village or its representatives of and from any claims, causes of action, suits, demands, fines, penalties, costs, deprivation, expenses or legal fees whatsoever which the Developer can or may have against the Village, whether based in law or equity, whether known or unknown, for any loss, damage or injury, including economic loss or deprivation, that the Developer may sustain or suffer arising out of or connected with this Agreement, including the restrictions and requirements of this Agreement, the provisions of the Amenities and Features and the development of the Lands as contemplated under this Agreement, or any breach by the Developer of any covenant in this Agreement.
- 14.3 For greater certainty, the Developer acknowledges and agrees to be responsible for the Village's legal fees (on a solicitor-client basis) for the preparation and subsequent interpretation of this Agreement during the Term of this Agreement, including but not limited to requests for extensions, minor amendments or other amendments, in relation to portions of the Lands held by the Developer.
- 14.4 The indemnity and release provisions of this Section survive the expiry or termination of this Agreement.

15.0 NO RECOVERY OF AMENITIES OR FEATURES

- 15.1 The Developer covenants and agrees that expiry of the Agreement and any termination in accordance with Section 4.0 or otherwise, does not entitle the Developer to recover any portion of the Amenities and Features provided prior to termination, or to seek restitution in relation thereto or in relation to any other obligation of the Developer as performed prior to such termination (and the Developer specifically agrees that the Specified Zoning Bylaw Provisions of this Agreement for the period prior to expiry or termination provides sufficient consideration for the Amenities and Features) and the release and indemnity provisions under Section 14.0 apply in this regard.
- 15.2 The Developer covenants and agrees it will not commence or advance a legal proceeding of any kind to seek to quash, set aside, hold invalid this Agreement, or the OCP Amendment Bylaw, or the Zoning Amendment Bylaw, or to recover any portion of the Amenities and Features provided under this Agreement, or seek restitution in relation to any of the Amenities and Features provided under this Agreement, and if the Developer does any of the foregoing, the Village may provide this Agreement to the Court as a full and complete answer.

16.0 DEVELOPMENT OF LAND FOLLOWING TERMINATION

- 16.1 Following termination of this Agreement, development of the Land is governed by the Section 219 Covenant attached as Schedule "B", subject however to more restrictive provisions in the Village's Zoning Bylaw.
- 16.2 Nothing in this Agreement is intended to provide any non-conforming use protection that may arise in connection with the subdivision and development of the Lands, including with respect to the doctrine of "commitment to use", if the Village terminates this Agreement under Section 4.0. If the Developer breaches this Agreement, and it is terminated, the Developer agrees such is unequivocal evidence that it has abandoned its commitment to any intended use other than one single family residence (with no secondary suites or coach houses) for the entirety of the Lands prior to termination, and the doctrine of "commitment to use" will no longer apply. The Village agrees that any lot transferred, constructed upon and occupied prior to Notice of Termination may also continue with one single family residence per lot on satisfaction of the Amenities and Features that pertain to that lot.
- 16.3 The provisions of this Section survive the expiry or termination of this Agreement.

17.0 ASSIGNMENT

- 17.1 The Developer covenants and agrees that:
- a) if Phase 2 is subdivided to create lots prior to the substantial completion of Phase 1, those Phase 2 lots must not be sold or otherwise transferred separately;
 - b) if Phase 3 is subdivided to create lots prior to the substantial completion of Phase 1 and Phase 2, those Phase 3 lots must not be sold or otherwise transferred separately;
- all except without the written consent of the Village.
- 17.2 Except as provided in this Section, the Developer may only assign this Agreement if:
- a) the Village consents in writing to the assignment; and

- b) the proposed assignee has executed and delivered to the Village a notice of assumption accepting all remaining obligations, and if required by the Village, entered into as Assignment/Assumption Agreement (which may include further agreements concerning the performance of the obligations).
- 17.3 To the extent that it may lawfully do so under the provisions of the *Local Government Act*, the Village agrees that its consent to an assignment will not be withheld unreasonably.
- 17.4 The parties agree that, in the limited circumstances where all Amenities and Features have been provided in respect of a lot created by subdivision, and the Developer sells that lot for occupancy by the new purchaser owner, and the new purchaser owner occupies a building on the lot (or, where no building has yet obtained an occupancy certificate, obtains the necessary permits and advances the construction on the lot within 6 months), this Agreement may be assigned without a written Assignment/ Assumption Agreement on the basis that the new purchaser owner has accepted the provisions of this Agreement in relation to the lot purchased.

18.0 MINOR AMENDMENTS

- 18.1 The parties may in writing agree to minor amendments to this Agreement, and for that purpose "Minor Amendment" means any amendments made to this Agreement which do not fall within the list of amendments under section 905.4(3) of the *Local Government Act*.
- 18.2 No amendment to this Agreement is effective unless it is made in writing and is duly executed by all parties.

19.0 DISPUTE RESOLUTION & REMEDIES

- 19.1 If a dispute arises between the parties in connection with this Agreement, the parties agree to use the following procedure as a condition precedent to any party pursuing other available remedies:
 - a) either party may notify the other by written notice ("Notice of Dispute") of the existence of a dispute;
 - b) a meeting will be held promptly between the parties, attended by individuals with decision-making authority regarding the dispute, to attempt in good faith to negotiate a resolution of the dispute;
 - c) If, within seven (7) days after such meeting or such further period as is agreeable to the parties (the "Negotiation Period"), the parties have not succeeded in negotiating a resolution of the dispute, the parties are entitled to pursue any other remedies available at law.
- 19.2 The Developer covenants and agrees that the Park and Trail Areas are uniquely located and if the Developer fails to dedicate or transfer such lands to the Village in accordance with this Agreement, the Developer agrees the Village is entitled to an order for specific performance instead of or in addition to damages.

- 19.3 The Developer acknowledges that the Village may, despite any public law limitations on the withholding of development permits, building permits and occupancy permits, withhold development permits, building permits and occupancy permits for the purpose of ensuring compliance with and administering the terms of this Agreement.
- 19.4 Except as expressly set out in this Agreement, nothing in this Agreement prejudices or affects the rights and powers of the Village in the exercise of its powers, duties or functions under the *Community Charter* or the *Local Government Act* or any of its bylaws, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered to the Developer, subject only to Section 905.1 of the *Local Government Act*
- 19.5 For certainty, the provisions of this Section do not impede or affect the Village's authority to enforce its zoning and other regulatory bylaws.

20.0 NOTICE

- 20.1 Any notice permitted or required by this Agreement to be given to either party must be given to that party at the address set out above, or to any other address of which the party has given the other party notice in writing expressly for the purposes of this Agreement.

21.0 GENERAL

- 21.1 VILLAGE'S REPRESENTATIVE: Any opinion, decision, act or expression of satisfaction or acceptance of the Village provided for in this Agreement may be taken or made by the Chief Administrative Officer or his or her designate, unless expressly provided to be taken or made by another official of the Village.
- 21.2 CONFLICT: In the event of a conflict between the terms of this Agreement and the provisions of the Village Official Community Plan or Zoning Bylaw applicable to the Lands, the Official Community Plan or Zoning Bylaw will prevail, except insofar as Section 905.1(5) of the *Local Government Act* applies to a bylaw adopted after the date of execution of this Agreement by the Village.
- 21.3 TIME: Time is to be the essence of this Agreement, and will remain of the essence notwithstanding the extension of any dates.
- 21.4 BINDING EFFECT:
- a) This Agreement enures to the benefit of and is binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees.
 - b) Subject to the terms of an assignment under Section 17.0, the Developer's obligations and rights under this agreement continue in effect notwithstanding any transfer of title to all or part of the Land.
- 21.5 WAIVER:
- a) No provision of this agreement is to be considered to have been waived by a party unless the party expresses the waiver in writing.

- b) 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.
- 21.6 CUMULATIVE REMEDIES: 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.
- 21.7 RELATIONSHIP OF PARTIES:
 - a) No provision of this Agreement may be construed to create a partnership or joint venture relationship, an employer-employee relationship, a landlord-tenant, or a principal-agent relationship.
 - b) The Developer is solely responsible for all costs and expenditures required to fulfill its obligations under this Agreement, whether those costs and expenses are specifically referred to in this Agreement.
- 21.8 ENTIRE AGREEMENT:
 - a) This Agreement contains the entire agreement and understanding of the parties with respect to the matters contemplated by this Agreement and supersedes all prior and contemporaneous agreements between them with respect to such matters.
 - b) No representations, warranties or conditions, express or implied, oral or otherwise, have been made other than those expressed in this Agreement.
- 21.9 SURVIVAL: All representations and warranties set forth in this Agreement and all provisions of this Agreement, the full performance of which is not required prior to a termination of this Agreement, survives any such termination and be fully enforceable thereafter.
- 21.10 SEVERABILITY: Each article of this Agreement is severable. If any provision of this Agreement is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity must not affect the validity of the remainder of this Agreement.
- 21.11 ACKNOWLEDGEMENT: The Developer acknowledges having read and fully understood all the terms and conditions of this agreement and confirm that this agreement has been entered voluntarily.
- 21.12 COUNTERPART: This Agreement may be executed in counterpart with the same effect as if both parties had signed the same document. Each counterpart is deemed to be an original. All counterparts are construed together and constitute one and the same Agreement.

IN WITNESS WHEREOF the parties have set their hands and seals as of the day and year first above written.

**CORPORATION OF THE
VILLAGE OF CUMBERLAND**

by its authorized signatories

Mayor

Chief Administrative Officer

)
)
)
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THE DEVELOPER

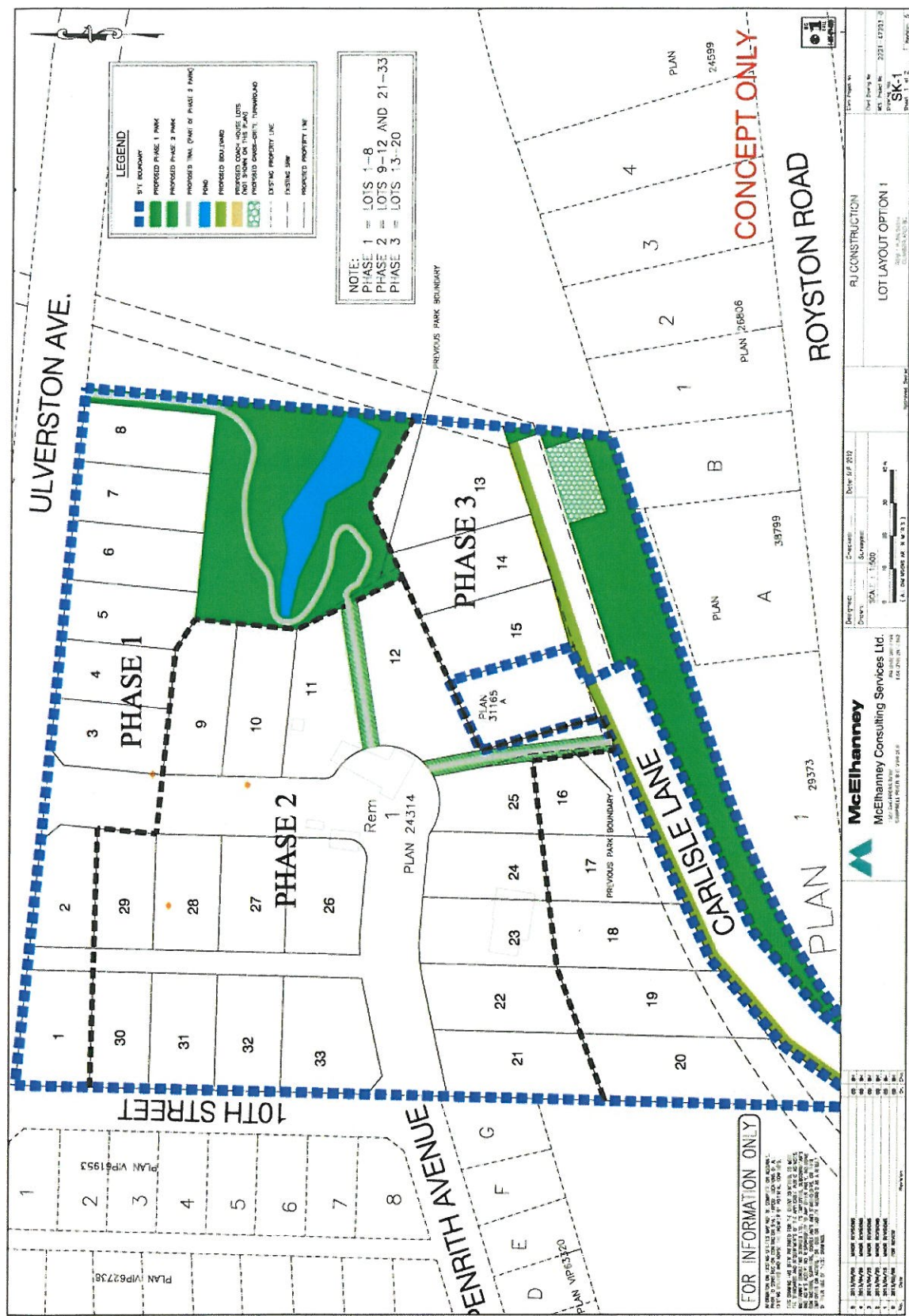
by its authorized signatories

Name:

Name:

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Schedule A – Site Plan



TERMS OF INSTRUMENT - PART 2

RECITALS:

- A. The Transferor is the registered owner in fee-simple of those lands with a current civic address of 2882 Carlisle Lane, more particularly described in Item #3 of Form C, in the Village of Cumberland in Province of British Columbia (the “**Lands**”).
- B. The Transferee is the Village of Cumberland (“**Transferee**” or “**Village**”).
- C. The Transferor intends to subdivide the Lands in three (3) Phases, and develop the Lands, in accordance with a Phased Development Agreement dated the ____ day of ____, 2013, (the “**Phased Development Agreement**”), a copy of which is attached as Schedule “1” to this Covenant.
- D. Section 219 of the *Land Title Act* gives authority for a covenant and indemnity, whether of a negative or positive nature, to be registered against the Lands and granted in favour of the Transferee with provisions:
- in respect of the use of land or the use of a building on or to be erected on land;
 - that land is to be built on in accordance with the covenant;
 - that land is not to be built on or subdivided except in accordance with the covenant;
 - that land is not to be used, built on or subdivided;
 - that parcels of land designated in the covenant and registered under one or more indefeasible titles are not to be sold or otherwise transferred separately; and
 - that land or a specified amenity in relation to it be protected, preserved, conserved, maintained, enhanced, restored or kept in its natural or existing state in accordance with the covenant and to the extent provided in the covenant.

NOW THEREFORE in consideration of the payment of the sum of \$10.00 by the Transferee to the Transferor (receipt and sufficiency acknowledged), the mutual covenants and agreements contained in this Agreement, and for other good and valuable consideration, the parties covenant and agree as to the following, including under Section 219 of the *Land Title Act*.

1. The terms used in this Covenant shall be interpreted in accordance with definitions provided, firstly, in the Schedule, and secondly, in the Village’s bylaws.

Restrictions and Requirements

2. The Lands must not be subdivided to create more than thirty-three (33) lots (including remainder), and those lots, or any building thereon, must not be further subdivided, either under the *Land Title Act (British Columbia)* or the *Strata Property Act (British Columbia)* or Regulations under those Acts or otherwise, without the express written consent of the Village (which consent may be withheld in the sole discretion of the Village).

3. The Transferor covenants and agrees that:
 - (a) if Phase 2 is subdivided to create lots prior to the substantial completion of Phase 1, those Phase 2 lots must not be sold or otherwise transferred separately;
 - (b) if Phase 3 is subdivided to create lots prior to the substantial completion of Phase 1 and Phase 2, those Phase 3 lots must not be sold or otherwise transferred separately;all except without written consent of the Village.
4. The Transferor covenants with the Transferee that it will:
 - (a) not construct and cause to be constructed any building or structure on the Lands except in accordance with the Phased Development Agreement; and
 - (b) protect, preserve and conserve any natural amenities on the Lands in accordance with the Phased Development Agreement including but not limited to the Trees, and the obligation to dedicate or transfer to the Village the areas intended as park and trails.

Additional Restrictions and Requirements upon Breach

5. If the Transferor is in breach of an obligation under the Phased Development Agreement, or the Transferee terminates the Phased Development Agreement as a result of a breach of the Phased Development Agreement by the Transferor, the Transferor covenants and agrees that:
 - (a) it must not further subdivide the Lands, under the *Land Title Act (British Columbia)* or the *Strata Property Act (British Columbia)* or Regulations under those Acts without the consent of the Village (which consent may be withheld in the sole discretion of the Village);
 - (b) it must not construct any additional building or structure on the Lands except in accordance with this Covenant;
 - (c) if the Park and Trail Areas have not been dedicated or transferred to the Village in accordance with the Phased Development Agreement:
 - (i) it must not subdivide any portion of the Lands,
 - (ii) it must not use or build upon any portion of the Lands except for one single family residence (with no secondary suite or coach house), and
 - (iii) it must not sell or otherwise transfer separately any parcel comprising part or all of the Lands that the owned by the same owner.
6. Despite the previous section, the Transferor may complete construction of any building:
 - (a) in respect of which the Transferor had poured footings prior to the date of breach or termination of the Phased Development Agreement by the Transferee, and
 - (b) that the Transferor had been diligently constructing at the date of breach or termination, as the case may be.

Indemnity and Release

7. The Transferor covenants and agrees to indemnify and save harmless the Transferee from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees (on a solicitor-client basis) whatsoever, in law or equity, which anyone has or may have against the Transferee or which the Transferee incurs as a result of any loss, damage, deprivation, enrichment or injury, including economic loss, arising out of or connected with the restrictions or requirements of this Agreement, the breach of any covenant in this Agreement, or the use of the Lands contemplated under this Agreement.
8. The Transferor releases and forever discharges the Transferee of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees (on a solicitor-client basis) whatsoever, in law or equity, which the Transferor can or may have against the Transferee for any loss, damage, deprivation, enrichment or injury, including economic loss, arising out of or connected with the restrictions or requirements of this Agreement, the breach of any covenant in this Agreement, or the use of the Lands contemplated under this Agreement.

Registration

9. The restrictions and requirements in this Agreement are covenants running with the Lands in favour of the Transferee and intended to be perpetual, and continue to bind all of the Lands when subdivided.
10. At the Transferor's sole cost, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement over all encumbrances of a financial nature.
11. The Transferor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
12. The Transferor, as a personal covenant between the parties, agrees to pay the legal fees and land title office costs of the Transferee in connection with the preparation and registration of this Agreement.

General

13. The Transferor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions set out in this Agreement.
14. It is mutually understood, acknowledged and agreed by the parties that the Transferee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Transferor other than those contained in this Agreement.
15. Nothing contained or implied in this Agreement:
 - (a) prejudices or affects the rights, powers or discretion of the Transferee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Agreement had not been executed and delivered by the Transferor;

Schedule B – Sec 219 Covenant

- (b) imposes any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement or the breach of any provision in this Agreement; or
 - (c) imposes any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, on the Transferee with respect to its exercise of any right or remedy expressly provided in this Agreement or at law or in equity
- 16. The Transferor covenants and agrees that the Transferee may withhold development permits, building permits and other approvals related to the use, building or subdivision of land as necessary to ensure compliance with the covenants in this Agreement, and that the issuance of a permit or approval does not act as a representation or warranty by the Transferee that the covenants of this Agreement have been satisfied.
- 17. The Transferor covenants and agrees that:
 - (a) if the Transferee advises of a breach of this Agreement, as determined in its reasonable discretion, the Transferor must promptly remedy that breach at its sole cost;
 - (b) if the Transferor has not remedied the breach to the reasonable satisfaction of the Transferee within fifteen (15) days of notice or other time longer period specified by the Transferee, the Transferee may, but is under no obligation to, remove or rectify the breach at the expense of the Transferor without further notice; and
 - (c) any costs to the Transferee of such removal or rectification is a debt due from the Transferor to the Transferee together with interest at a rate of 3% per annum in excess of the Prime Lending Rate of the Royal Bank of Canada in effect from time to time, and:
 - (i) the Transferor must pay such costs and interest to the Transferee forthwith upon demand; and
 - (ii) failing payment, the Transferee may add such costs to property taxes for the Lands.
- 18. 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.
- 19. The waiver by a party of any breach of this Agreement or 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, and no waiver is effective unless it is written and signed by both parties.
- 20. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
- 21. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

Schedule B – Sec 219 Covenant

Priority

22. _____ Incorporation No. _____ (the “**Chargeholder**”) is the registered holder of a charge by way of MORTGAGE against the Lands, registered under No. _____ (the “**Charge**”), agrees with the Transferee, in consideration of the sum of Ten Dollars (\$10.00) paid by the Transferee to the Chargeholder (receipt and sufficiency acknowledged), that the Agreement must be an encumbrance upon the Lands in priority to the Charge in the same manner and to the same effect as if the Agreement had been dated and registered prior to the Charge.

The Transferor and Transferee acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1 and 2) attached.



2882 Carlisle Lane

I believe I have looked over most of this property and there is so much regen and undergrowth it will be hard to tell what is salvageable until the regen is removed. Along with undergrowth the row of pines with pitch maggot and overcrowded row of spruce can also be removed. At that point it will be easier to tell if any of the old stock can be salvaged.

As far as large trees I have seen enough heavy blow down and snags on site. The Douglas fir have laminated root rot and there is Fomes anosus in the Grand fir. The cedar may be ok but Cumberland is notorious for a brown crumbly rot. When the ROWs are felled that can be checked out. For now though I will hope they can be retained around the water retention pond with perhaps some of the Sequoias added to fill in.

There was a interest in the 10 St. trees but only 10 of the 23 trees look OK at this time. Some may have suffered root loss during road construction but I also see several snags there so only smaller alternate species can be considered for possible long term trees on site.

My advice is in removal of all fir and their root systems. These trees are large and will literarily do tons of damage if they were to hit a house. For this reason I believe the trees should be felled in blocks not individual lots. Suggested blocks are

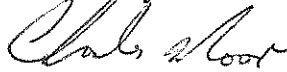
- 1) lots 1-2 and lots 26-33
- 2) Lots 16-25
- 3) Lots 13-15

The Rows should be felled with the first block. Blocks can be felled singularly or combined.

Schedule C-Arborist's Report

**With careful falling some of the smaller trees may be able to be saved.
This can be addressed after the falling and stumps pulled has been
completed**

Yours truly

A handwritten signature in cursive script, appearing to read "Charles Moore".

Charles Moore



DESIGN BRIEF

PREPARED BY: Joel Rabinovitz, P.Eng.
CHECKED BY: Bob Hudson, P.Eng.
TO: Village of Cumberland
DATE: September 27, 2012
FILE NO: 2211-47203-0
RE: TRAFFIC IMPACT STUDY FOR LOT 1, DL 24, NELSON
DISTRICT, PLAN 24314, EXCEPT PART IN PLAN 31165
(CARLISLE LANE)

The following brief report presents trip generation estimates and analysis for the 33 lot RJ Construction residential development.

Background Volumes

Traffic counts for the area were conducted on July 31 (Ulverston Avenue / Dunsmuir Avenue) and August 1, 2012 (Ulverston Avenue / 10th Street) during the AM and PM peak periods. The peak hour was calculated at each intersection from the peak period counts.

Because of the modest size of this development, we have assumed construction will be completed by the end of Year 2013. To develop Year 2013 Background conditions (i.e. Opening Day), the existing counts were increased by 2%. Growth in the area has generally been around 2% per year.

A 10-year horizon was also developed. The Year 2023 Background volumes were calculated by taking the Year 2013 Background volumes and increasing them linearly by 2% per year for 10 years (a 20% increase over Year 2013 volumes).

Trip Generation

The proposed residential development consists of the following:

- 14 lots – single family home, second suite, carriage house (SFH_SS_CH)
- 19 lots – single family home, second suite (SFH_SS)

The Village of Cumberland has requested that the following unit rates be used to estimate the population of the development:

- SFH_SS_CH – 6 persons per unit
- SFH_SS – 4 persons per unit

To determine the number of trips per household, information for single-family detached housing (L.U. 210) provided in *Trip Generation, 8th Edition, 2008*, Institute of Transportation Engineers was utilized, as follows:

- Trips per person: AM – 0.21, PM – 0.28



The ratio of persons per unit for Village of Cumberland to ITE was multiplied by the number of units for each lot type to determine the total number of peak hour trips. The development is expected to generate 34 AM and 46 PM peak hour trips.

▪ Trips =

$$\text{Village of Cumberland rate (persons per unit)} \times \text{ITE Rate (trips per person)} \times \text{Number of units}$$

▪ AM: $6 \times 0.21 \times 14 + 4 \times 0.21 \times 19 = 34 \text{ trips}$

▪ PM: $6 \times 0.28 \times 14 + 4 \times 0.28 \times 19 = 45 \text{ trips}$

Trip Distribution

The following trip distribution was assumed:

- 80% to/from Courtenay and 20 % to/from the Village of Cumberland
- 65% to/from Royston Road to the east, 30% to/from Ulverston Avenue to the west, and 5% to/from Dunsmuir Avenue to the west

Intersection Analysis

Operations of roadway facilities are described in terms of Level of Service (LOS). LOS is a qualitative description of traffic flow based on factors such as speed, travel time, delay, and freedom to maneuver. Six service levels are defined ranging from LOS A, the best operating conditions, to LOS F, the worst operating conditions. LOS E corresponds to "at or near capacity" operations. When volumes exceed capacity, stop-and-go conditions result and operations are designated LOS F. The delay thresholds and corresponding LOS are presented in Table 1.

Table 1 Level of Service and Delay Criteria

LOS	Delay Criteria (sec/veh)	Description
	Unsignalized	
A	<10	Represents free flow. Individual users are virtually unaffected by others in the traffic stream.
B	>10 and <15	Stable flow, but the presence of other users in the traffic stream begins to be noticeable.
C	>15 and <25	Stable flow, but the operation of individual users becomes significantly affected by interactions with others in the traffic stream.
D	>25 and <35	Represents high-density, but stable flow.
E	>35 and <50	Represents operating conditions at or near the capacity level.
F	>50	Represents forced or breakdown flow.

Schedule D-Traffic Impact Study



An AM and PM peak hour analysis was performed at the Ulverston Avenue / Dunsmuir Avenue and Ulverston Avenue / 10th Street intersections for Year 2013 and Year 2023 Background conditions. The results of the analysis are shown in Table 2.

Table 2 Intersection Level of Service Results ¹

	Location	Year	Intersection	NB	SB	EB	WB
AM	Ulverston Avenue / Dunsmuir Avenue	2013	1 (A)	0.0 (A)	8.9 (A)	0.2 (A)	0.0 (A)
		2023	1 (A)	0.0 (A)	9.1 (A)	0.2 (A)	0.0 (A)
	Ulverston Avenue / 10 th Street	2013	7 (A)	7.0 (A)	7.1 (A)	7.1 (A)	6.4 (A)
		2023	7 (A)	7.0 (A)	7.1 (A)	7.2 (A)	6.4 (A)
PM	Ulverston Avenue / Dunsmuir Avenue	2013	1 (A)	0.0 (A)	9.7 (A)	0.1 (A)	0.0 (A)
		2023	1 (A)	0.0 (A)	10.0 (A)	0.1 (A)	0.0 (A)
	Ulverston Avenue / 10 th Street	2013	7 (A)	7.1 (A)	7.1 (A)	7.1 (A)	6.7 (A)
		2023	7 (A)	7.1 (A)	7.1 (A)	7.1 (A)	6.7 (A)

Notes:

1. 7.0 (A) – Delay per Vehicle (LOS)

As shown in Table 2, all intersections and approaches operate at LOS A.

The project would add less than 20 trips to any specific intersection movement, and the addition of the 34 AM peak hour and 45 PM peak hour trips to the roadway network would have little impact on roadway and intersection operation.

However, it should be noted that the project will add approximately 25 trips (two-way) to the unpaved section of Ulverston Avenue. This should be addressed with the Village of Cumberland to determine if this is acceptable.

Parking

A parking plan will be developed at the detailed design stage once the road cross section has been determined. Onsite parking requirements will be based on the road cross section and the designated land use, as well as any covenants or other parking restrictions. The applicant welcomes the opportunity to work with the Village to establish appropriate covenants, and provide the required (on street and private) parking to ensure road network functionality and emergency access are maintained.

Schedule E- Preliminary Stormwater Management Report



DESIGN BRIEF

PREPARED BY: Chris Durupt, EIT
CHECKED BY: Bob Hudson, P.Eng.
TO: Village of Cumberland
DATE: September 27, 2012
FILE NO: 2211-47203-0
RE: STORMWATER MANAGEMENT PLAN FOR LOT 1, DL 24,
NELSON DISTRICT, PLAN 24314, EXCEPT PART IN PLAN 31165
CARLISLE LANE

INTRODUCTION

This report is an update to McElhanney's April 25, 2012 Stormwater Management Plan (SMP) submitted with OCP and zoning bylaw amendment applications, prepared by McElhanney on behalf of R-J Construction Ltd. This update incorporates field saturated hydraulic conductivity as determined by Lewkowich Engineering Associates Ltd. in their Geotechnical Site Assessment report dated September 7, 2012, copy attached.

SITE DESCRIPTION

Post development site conditions have been modeled based on the attached lot plan. Field saturated hydraulic conductivity as determined by Lewkowich Engineering Associates ranges from 0.8 mm/hr to 59 mm/hr. Exfiltration galleries were only modeled for lots 13-25 which are located in the region of highest saturated hydraulic conductivity. Physical characteristics of the site are shown in Table 1:

Table 1: Physical Characteristics

Model Parameters	Pre Development	Post Development
Total Site Area	3.9 ha	3.9 ha
Average Grade	0.5%	0.5%
% Impervious	25%	65%
SCS Curve Number for Infiltration	65	61
Saturated Hydraulic Conductivity Area 4	56 mm/hr.	56 mm/hr.

PRE-DEVELOPMENT STORMWATER RUNOFF

To demonstrate the impact of development on rainwater runoff, hydrographs for pre and post-development scenarios, including the 24-hour MAR (Mean Annual Rainfall, 2mm/hr), 24-hour SCS Type 1A distribution (2 Year and 10 Year rainfall events), have been provided. These graphics are shown in figures 1, 2 and 3, respectively. The SCS Type 1A rainfall distribution was selected for this analysis as it most closely approximates rainfall patterns in the coastal areas of British Columbia.

Page 1 of 4

Schedule E- Preliminary Stormwater Management Report



DESIGN CRITERIA

To mitigate the impact of development on downstream stormwater infrastructure, the on-site stormwater management system should be designed to mimic or decrease peak pre-development stormwater flows from the site (in terms of both intensity and total volume) up to a two year return rainfall event. Mitigation will be accomplished through the implementation of Low-Impact Development (LID) techniques, as described in the following section.

POST-DEVELOPMENT STORMWATER RUNOFF

A hydraulic model was developed using SWMM software to analyze site response to development. Simulations were completed for the 24-hour MAR (Mean Annual Rainfall, 2mm/hr) and 24-hour SCS Type 1A distribution (2 Year and 10 Year rainfall events). Post-development (unmitigated) and LID scenarios were considered. The results are as follows:

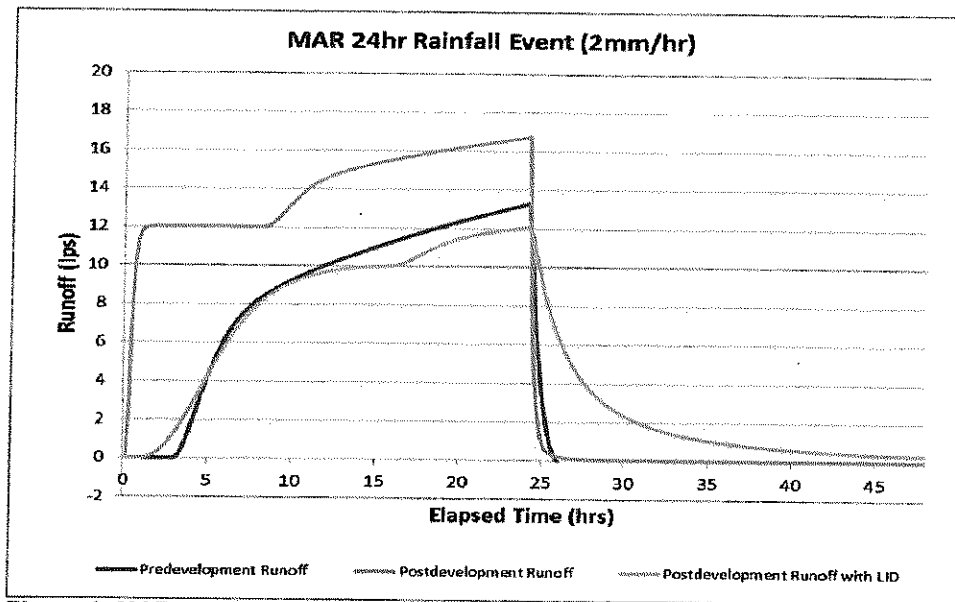


Figure 1: MAR 24hr Rainfall Event (2mm/hr)

Schedule E- Preliminary Stormwater Management Report

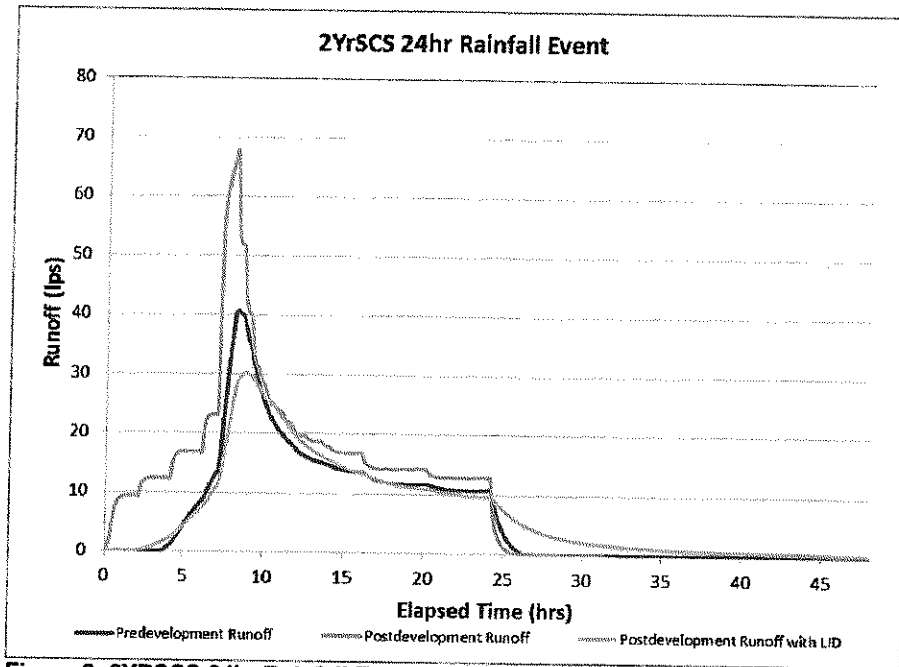


Figure 2: 2YRSCS 24hr Rainfall Event

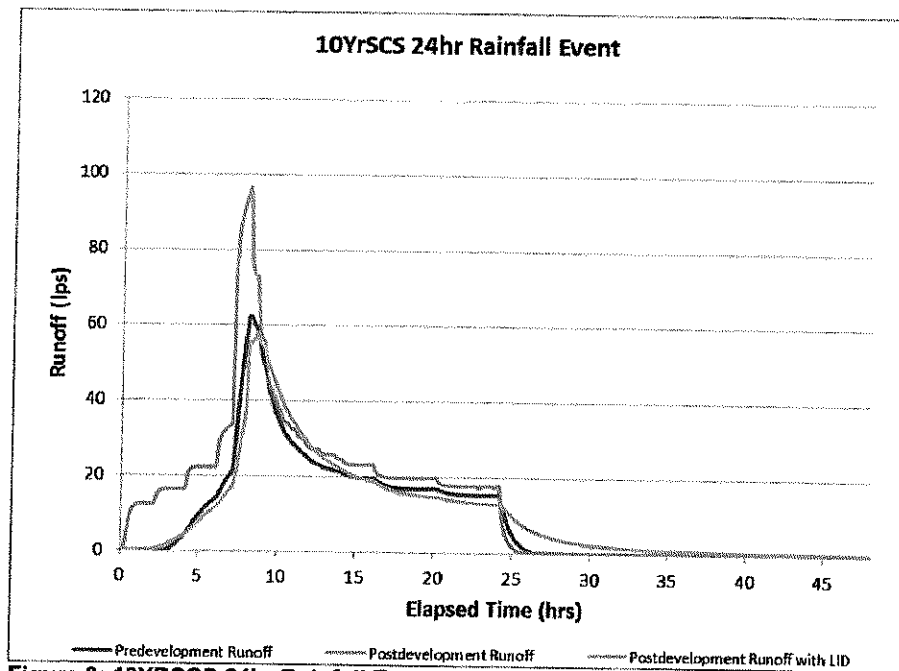


Figure 3: 10YRSCS 24hr Rainfall Event

Schedule E- Preliminary Stormwater Management Report



SITE DEVELOPMENT SWMP DESIGN ELEMENTS

To increase retention of stormwater, a 300mm depth of amended soil should be retained across the site or imported where necessary. In addition, roof leaders for lots 13-25 should be directed to underground exfiltration galleries to take advantage of the higher saturated hydraulic conductivity in this area. Exfiltration galleries from lots 21-25 will be less effective than those constructed on lots 13-25, based on in-situ soil conditions. These features will, however, allow for in-ground storage of runoff, as long as an overflow from each rock pit is provided to the on-site pond. Exfiltration galleries on lots 13-20 should be constructed with overflows to the existing ditch on Carlisle Lane. The remainder of the site's stormwater will be attenuated by the on-site pond. Note: the on-site pond may need to be reconfigured to provide the requisite storage volume.

Exfiltration galleries were modeled with a total effective storage volume of 60m³ for lots 13-20 and 30m³ for lots 21-25. A longevity factor of 0.75 was used in this analysis to account for plugging of pore spaces and degradation over time. The on-site pond was modeled with a total effective storage volume of 600m³ and controlled by a V-notch weir. To be conservative, evaporation and infiltration were not modeled for the on-site pond. The pond and exfiltration galleries will act as storage/detention facilities, and will benefit the site by reducing peak and overall runoff, while promoting ground water recharge.

Table 2: Runoff quantities

Distribution	Pre Development Runoff		Post Development Unmitigated		Post Development Runoff w/ LID	
	Total (m ³)	Peak (lps)	Total (m ³)	Peak (lps)	Total (m ³)	Peak (lps)
MAR	760	13	1230	17	810	12
2 Yr 24-hour Type 1A	1130	41	1670	68	1150	30
10 Yr 24-hour Type 1A	1680	62	2310	96	1720	58

As demonstrated in Table 2, peak flow rates and runoff volumes can be significantly reduced through the use of Low-Impact Development (LID) techniques. For each design storm considered, peak runoff rates are mitigated to pre-development levels while total runoff volumes are significantly reduced.

Rainfall events exceeding a 10-year return will be safely conveyed to the receiving system via overland grading and major flow paths within the existing road network.

CONCLUSION

We conclude that effective stormwater management can be provided for the development, based on the analysis herein.



R-J Construction Ltd
2407 Tutor Drive
Comox, B.C.
V9M 0A7

File: F0254.01
September 7, 2012

ATTENTION: DALE QUERIN

**PROJECT: 33 LOT RESIDENTIAL DEVELOPMENT, 2882 CARLISLE LANE,
CUMBERLAND, B.C.**

**LEGAL DESCRIPTION: LOT 1, DISTRICT LOT 24, NELSON DISTRICT,
PLAN 24314, EXCEPT PART & PLAN 31165**

SUBJECT: GEOTECHNICAL SITE ASSESSMENT

Dear Mr. Querin,

1. INTRODUCTION

Lewkowich Engineering Associates Ltd. (LEA) was retained to conduct a geotechnical assessment of the above referenced property. This report provides a summary of our findings and recommendations.

2. BACKGROUND

- a. LEA understands that the proposed development includes 33 single family residential lots with associated civil works, and roads.
- b. LEA performed a test pitting investigation on August 23, 2012, which included a subsurface investigation to assess soil conditions and a visual assessment of the property. LEA also performed soil percolation testing on August 28, 2012.

3. ASSESSMENT OBJECTIVES

- a. Our assessment, as summarized within this report, is intended to meet the following objectives:
 - i. Determine whether the land is considered geotechnically safe and suitable for the use intended (defined for the purposes of this report as the construction of 33 single family residential lots with associated civil works, and roads), with the probability of a

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Client: R-J Construction Ltd
Project: 2882 Carlisle Lane, Cumberland, B.C.
File: F0254.01
Date: September 7, 2012
Page: 2 of 12



geotechnical failure resulting in property damage of less than 10 percent (10%) in 50 years, with the exception of geohazards due to a seismic event which are to be based on a 2 percent (2%) probability of exceedance in 50 years, provided the recommendations in this report are followed.

- ii. Identify any geotechnical deficiency that might impact the design and construction of the development, and prescribe the geotechnical works and any changes in the standards of the design and construction of the development that are required to ensure the land, buildings, and works and services are developed and maintained safely for the use intended.
- iii. Provide geotechnically related recommendations with regard to soil bearing capacities, seismic site class, water table depths, and soil percolation.
- iv. Acknowledge that the Approving and/or Building Inspection Officer may rely on this report when making a decision on applications for the development of the land.

4. ASSESSMENT METHODOLOGY

- a. A visual reconnaissance and test pitting investigation were conducted on August 23, 2012. Test pitting was performed with a rubber tracked John Deer 50D excavator provided by the Client.
- b. A total of fourteen test pits were excavated. Soil profiles were determined and soil samples were collected from each test pit. Test pit logs detailing the soil profiles are appended to this report along with a site plan showing the location of the pits.
- c. The site and relevant infrastructure in the vicinity were visually assessed and recorded.
- d. Percolation testing was performed on August 29, 2012, to provide design data for storm water management design. Most tests were performed at a depth of 0.6m below the existing surface grade and measured at 2 minute intervals.

Lewkowich Engineering Associates Ltd.

Client: R-J Construction Ltd
Project: 2882 Carlisle Lane, Cumberland, B.C.
File: F0254.01
Date: September 7, 2012
Page: 3 of 12



- e. A review of available mine abandonment records was carried out to determine if the property is within the area of influence of abandoned coal mining works.

5. SITE CONDITIONS

5.1. General

- a. The subject site is located in a residential suburb of east Cumberland. It is bound by Ulverston Avenue to the north, 10th Street to the west, and Carlisle Lane to the south at civic address 2882 on Carlisle Lane. The subject site is an irregular, rectangle shaped property with an approximate area of 3.93ha (9.71acres).
- b. Existing infrastructure on the property includes a single family residence on the north side of Carlisle lane, a partially demolished greenhouse, and a barn/work shed. An active gas line bisects the lot from Ulverston Avenue to the residence on Carlisle Lane. A concrete sanitary sewer pipe traverses the south east portion of the property. The exact location of this sewer has not been determined.
- c. The relief of the property is generally flat with slight localized variations in grade. Surface drainage appears to flow to the south east third of the site towards a wooded area with a small creek and pond. Several piles of imported fill material were found in the north east quarter of the property.
- d. The northern two thirds of the site are vegetated with grass and bounded by mature deciduous and coniferous trees. The south west quarter of the lot was vegetated with mature coniferous trees, and well established grass and bushes. The south east portion of the lot was forested with mature deciduous and coniferous trees, and thick under brush. The north east area of the property contained planted rows of cedar trees parallel to Ulverston Avenue.

5.2. Soil Conditions

- a. Several soil profiles were encountered during the test pitting investigation. The property has

Lewkowich Engineering Associates Ltd.

Client: R-J Construction Ltd
Project: 2882 Carlisle Lane, Cumberland, B.C.
File: F0254.01
Date: September 7, 2012
Page: 4 of 12



been roughly divided into 4 regions of similar soil conditions (see Figure 1 appended to this report). The boundaries of these regions are approximate at best but will suffice for descriptive purposes in this report.

- b. Region 1: Three test pits were excavated in this area (TP12-01, TP12-02, and TP12-013). The general soil profile from surface grade to refusal is described below.
 - i. Sand with some silt and gravel - This upper stratum consisted of dry, compact sand with some silt and gravel to depths of 0.4m. The soils were generally very dry.
 - ii. Silt - This light brown stratum consisted of very hard silt with some sand and traces of gravel. The thickness of this layer was not determined as the density of the soil precluded any deeper excavation.
- c. Region 2: Five test pits were excavated in this area (TP12-03, TP12-04, TP12-05, TP12-12 and TP12-14). This region may have been a fluvial landform that drained towards the south east. Thicknesses and depths of soil strata varied, however refusal depths were approximately 2m. Abandoned percolation pipe and garbage fill was encountered in TP12-12, and TP12-14. The general soil profile from surface grade to refusal is described below.
 - i. Sand - This upper stratum consisted of compact to dense sand and gravel fill.
 - ii. Sandy organics - This layer was soft and wet with inclusions of clay, gravel, and decayed wood debris.
 - iii. Silt - This grey-brown stratum consisted of very hard silt with some sand and traces of gravel. The silt was very blocky and presented with a network of fractures in some areas. Light to moderate seepage was observed in the fracture network of this soil. This material was found at depths ranging from 1.1m to 1.8m below the existing surface grade.
- d. Region 3: Three test pits were excavated in this area (TP12-06, TP12-07, and TP12-11). The general soil profile from surface grade to refusal is described below. Thicknesses and depth

Lewkowich Engineering Associates Ltd.

Client: R-J Construction Ltd
Project: 2882 Carlisle Lane, Cumberland, B.C.
File: F0254.01
Date: September 7, 2012
Page: 5 of 12



of soil stratum varied.

- i. Sand - This upper stratum consisted of loose to compact sand with some silt and organics, and traces of gravel.
 - ii. Sand with organics - This layer was generally compact to dense and contained traces of gravel and silt.
 - iii. Silty sand - This very dense layer varied in colour from light brown to grey. Soil samples were blocky and damp to moist. This stratum increased in density with depth.
- e. Region 4: Three test pits were excavated in this area (TP12-08, TP12-09, and TP12-10). The general soil profile from surface grade to refusal is described below.
- i. Sand - Several layers of compact to dense sand were observed with varying gradations and textures ranging from coarse to very fine. These strata were well defined and horizontally stratified, indicating alluvial origins.
 - ii. Silty sand - This stratum was composed of very dense, blocky sand with high silt content. The colour of this soil was generally grey with orange lenses. This soil unit increased in density with depth to the point of refusal.
- f. Details of the soil profile descriptions can be found in the attached test pit logs (TP12-01 to TP12-14).
- g. Moderate seepage was observed in the fractured silt basement strata in Region 2. No seepage was observed in other regions of the property. Groundwater flows are subject to seasonal variation and are likely to increase during the winter months and spring run-off.

5.3. Soil Infiltration Conditions

- a. Percolation rates measured in Region 1 were initially very low and increased slightly with soil saturation. The lots in this region (Lots 2-9, 29) would not be suitable for storm water

Lewkowich Engineering Associates Ltd.

Schedule F-Geotechnical Report

Client: R-J Construction Ltd
Project: 2882 Carlisle Lane, Cumberland, B.C.
File: F0254.01
Date: September 7, 2012
Page: 6 of 12



infiltration systems.

- b. The percolation rates measured in Region 2 were low due to the density of the upper soil layers, and the silt content. Soil conditions within this region may not be conducive to suitable storm water infiltration.
- c. The percolation rates measured in Region 3 were also very low due to the silt content. Infiltration rates increased slightly following soil saturation but may not be sufficient for storm water infiltration facilities.
- d. The sandy soils in Region 4 were very well drained with relatively high percolation rates. Soil conditions in Lots 13 through 25 should be adequate for storm water infiltration facilities.
- e. Soil conditions may vary from what has been outlined in this report. Uniformly graded sand strata with low fines content that are encountered during construction should be suitable for storm water infiltration facilities. A summary of percolation rates measured in the field are outlined in the table below.

Region	Field Saturated Hydraulic Conductivity, K_{fs}
1	67.2 mm/day
2	19.9 mm/day
3	907.1 mm/day
4	1360.2 mm/day

Lewkowich Engineering Associates Ltd.

Client: R-J Construction Ltd
Project: 2882 Carlisle Lane, Cumberland, B.C.
File: F0254.01
Date: September 7, 2012
Page: 7 of 12



5.4. Review of Available Mine Information

- a. We have reviewed the available mine abandonment plans titled '*Plan of Part of the Village of Cumberland and the Underground Working of Part of No.5 and No. 6 Mines That Exist Beneath*', prepared by Robert Williams, B.C.L.S. in 2003, '*Cumberland, Tsable River, and Lantzville Coal Fields Composite Plan*', compiled by Island Geotechnical Services Ltd in April 1982, and '*Colliery Heritage Project: Exploration and Rehabilitation of Comox No.3 Mine as an Underground Educational Site*', authored by C.G. Cathyl-Bickford in 2001.
- b. There are conflicting records as to the exact location(s) of the underground workings in this area. The map produced by R. Williams does not cover area east of 9th Street. The density of the underground works on this boundary of the map would suggest that underground mining works extend beneath the subject property. The maps produced by Island Geotechnical Services Ltd show that the subject site is approximately 350m west and 670m south of the coal mine boundaries.
- c. The nearest depth measurement from surface grade to underground mining works is located near the intersection of Fifth Street and Maryport Avenue, approximately 500m west of the subject site. The approximate thickness of the strata over mine workings is 84.7m in this location. The second nearest depth measurement is located 750 west of the site, near Dunsmuir Avenue and Third Street. The approximate thickness of the strata over mine workings in this location is 70.1m.
- d. The records indicated that the nearest mine entrances were located approximately 1.34 km to the west and 1.28km to the north.

6. RECOMMENDATIONS AND CONCLUSIONS

6.1. General

- a. From a geotechnical point of view, the land is considered geotechnically safe and suitable for the use intended (defined for the purposes of this report as the construction of 33 single family residential lots with associated civil works, and roads), with the probability of a

Lewkowich Engineering Associates Ltd.

Client: R-J Construction Ltd
Project: 2882 Carlisle Lane, Cumberland, B.C.
File: F0254.01
Date: September 7, 2012
Page: 8 of 12



geotechnical failure resulting in property damage of less than 10 percent (10%) in 50 years, with the exception of geohazards due to a seismic event which are to be based on a 2 percent (2%) probability of exceedance in 50 years, provided the recommendations in this report are followed.

- b. No major seepage was observed at the time of the investigation, however, this may be subject to change during the wet season. Standard design and construction guidelines for drainage, as detailed in the most recent B.C. Building Code, should be adhered to.

6.2. Foundation Soils

- a. The silty sand basement layer observed in all of the test pits should provide suitable bearing for the proposed buildings and roads. This soil unit was dense to very dense and appeared to be glacially consolidated. This basement material may be assigned a working stress bearing capacity of 100kPa. Bearing grade for foundation footings and roads should be inspected by a qualified geotechnical engineer.
- b. The depth to suitable bearing in Region 1 is approximately 0.6m below existing surface. Depths to suitable bearing in Region 2 ranged from 1.5m to 2.2m. Depth to suitable bearing soil in Region 3 was approximately 1m. Depths to suitable bearing soil in Region 4 ranged from 0.9m to 1.6m.
- c. Based on the 2006 British Columbia Building Code, Division B, Part 4, Table 4.1.8.4.A, 'Site Classification for Seismic Response,' the basement soil materials observed during the investigation would be a 'Site Class D' (stiff soil), following excavation of any organic soils and other weak materials.
- d. We do not anticipate differential settlement to be greater than 20mm if the foundations are directly bearing on undisturbed, glacially consolidated soil.
- e. Prior to construction, all unsuitable materials should be removed to provide a suitable base of support. Unsuitable materials include any non-mineral material such as vegetation, topsoil,

Lewkowich Engineering Associates Ltd.

Client: R-J Construction Ltd
Project: 2882 Carlisle Lane, Cumberland, B.C.
File: F0254.01
Date: September 7, 2012
Page: 9 of 12



peat, fill or other materials containing organic matter, as well as any soft, loose, or disturbed soils. The Geotechnical Engineer is to confirm the removal of unsuitable materials and approve the exposed competent subgrade.

- f. It would be prudent to plan the foundation excavation drainage (for the future perimeter drains) during the excavation process. i.e. create shallow ditches from the high corner of the excavation, around the residence's foot print both ways to the point where the perimeter drain will be collected and then be directed to the storm sewer.

6.3. Undermining

- a. Based on our review of available mine information, it is very likely that the site lies over underground coal mine workings. These workings are estimated to be approximately 80m below the existing ground surface. LEA has not undertaken any subsurface investigations at the subject property to investigate undermining.
- b. Coal mining in this area was often carried out using the "room and pillar" type of operation, with pillars subsequently (partially) removed. This operation resulted in very wide effective mine openings. The use of "long-wall method" has also been documented in this region. This method involved the complete excavation of rectangular blocks without support pillars. The strength of the mine's working roof is partially dependent on the rock formation and pillar spacing. Artificial roof support was also provided by structural timbers. It is likely that the soil and rock overlying the workings would not be self-standing beyond a short time after mine abandonment.
- c. We believe that the risk of future ground disruption would be considered to be "low" given the estimated depth of nearby mine works. However, as a precautionary measure, we recommend that foundations for the proposed structures be provided with reinforcement to resist differential movement. This reinforcement is recommended because "fossil" tension cracks may be present. Such tension cracks could represent a plane of weakness in the subgrade soils, which in turn could result in reflection cracking, particularly under extreme

Lewkowich Engineering Associates Ltd.

Client: R-J Construction Ltd
Project: 2882 Carlisle Lane, Cumberland, B.C.
File: F0254.01
Date: September 7, 2012
Page: 10 of 12



seismic loading.

- d. Subgrades should be examined by the Geotechnical Engineer to determine whether any loose soils are present. The extent of reinforcement should be determined by the Structural Engineer in consultation with the Geotechnical Engineer once building designs are completed. For current guidance and planning, we would expect the extent of reinforcement as determined by the Structural Engineer, as a “worst case” scenario, should be capable of allowing footings to span a distance of at least 1.5m.

6.4. Structural Fill

- a. Structural fill should be inorganic sand and gravel. If structural fill placement is to be carried out in the wet season, material with a fines content limited to 5% passing the 75µm sieve should be used, as such a material will not be overly sensitive to moisture, allowing compaction during rainy periods of weather.
- b. Structural fill should be compacted to a minimum of 95% of Modified Proctor maximum dry density (ASTM D1557) in foundation and floor slab areas, and a minimum of 95% in paved roadway and parking areas.
- c. Structural fills under foundations should include the zone defined by a plane extending down and outward a minimum 0.5m from the outer edge of the foundation at an angle of 45 degrees from horizontal. Adequate subjacent support should be provided to the structural fill soils in the form of at least 0.6m of earth cover, extending horizontally at least 1.5m away from the foundation, then transitioning to a slope less than 2H:1V.
- d. Compaction of fill should include moisture conditioning as needed to bring the soils to the optimum moisture content and compacted using vibratory compaction equipment in lift thickness appropriate for the size and type of compaction equipment used.
- e. A general guideline for maximum lift thickness is no more than 100mm for light hand equipment such as a ‘jumping-jack,’ 150mm for a small roller and 200-300mm for a large

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Schedule F-Geotechnical Report

Client: R-J Construction Ltd
Project: 2882 Carlisle Lane, Cumberland, B.C.
File: F0254.01
Date: September 7, 2012
Page: 11 of 12



roller or heavy (>500 kg) vibratory plate compactor, a backhoe mounted hoe-pac or a large excavator mounted hoe-pac, as measured loose. We recommend full-time monitoring by a qualified geotechnical engineer or technician, during any structural fill placement within the building envelope.

- f. LEA recommends limiting the use of backhoe mounted hoe-pacs or a large excavator mounted hoe-pacs for compaction of materials that are confined (in subcuts and trenches). We recommend using larger vibratory rollers for compaction of engineered fill laying proud of the surrounding grade.
- g. It should be emphasized that the long-term performance of buildings, slabs, and pavements is highly dependent on the correct placement and compaction of underlying structural fills. Consequently, we recommend that structural fills be observed and approved by the Geotechnical Engineer. This would include approval of the proposed fill materials and performing a suitable program of compaction testing during construction.

7. ACKNOWLEDGEMENTS

Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the Building Inspector (or equivalent) of the Village of Cumberland as a precondition to the issuance of a development or building permit. It is acknowledged that the Approving Officers and Building Officials may rely on this report when making a decision on application for development of the land. We acknowledge that this report has been prepared solely for, and at the expense of the Client. We have not acted for or as an agent of the Village of Cumberland in the preparation of this report.

8. LIMITATIONS

The conclusions and recommendations submitted in this report are based upon the data obtained from a preliminary site investigation. The recommendations given are based on current construction techniques, and generally accepted engineering practices. No other

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Schedule F-Geotechnical Report

Client: R-J Construction Ltd
Project: 2882 Carlisle Lane, Cumberland, B.C.
File: F0254.01
Date: September 7, 2012
Page: 12 of 12



warranty, expressed or implied, is made. If other soils are encountered, unanticipated conditions become known during construction, or other information pertinent to the structures become available, the recommendations may be altered or modified in writing by the undersigned.

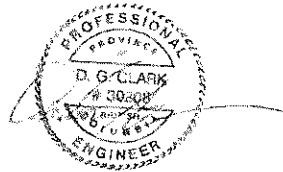
9. CLOSURE

Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or if we can be of further service, please contact us at your convenience.

Respectfully Submitted,
Lewkowich Engineering Associates Ltd.

A handwritten signature in black ink, appearing to read 'Johannes Fischer'.

Johannes Fischer, E.I.T.



Darron Clark, P.Eng.
Project Engineer

Lewkowich Engineering Associates Ltd.

Schedule F-Geotechnical Report



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TEST PIT LOG

File Number: F0254

TP12-01

Project: Subdivision

Location: 2882 Carlisle Lane, Cumberland, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.4m		Sand, some silt, compact, light brown, dry
0.4-1.0m		Silt with sand, very hard, light brown, dry
1.0m		End of test pit at 1.0m (effective refusal due to density of soil) No seepage observed
1.5		
2.0		
2.5		

Logged By: JF

Date: August 23, 2012

Reviewed By: DGC

Sheet: 1 of 1

Digging Method: John Deere 50D, Rubber Tracked Excavator

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Schedule F-Geotechnical Report



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TEST PIT LOG

File Number: F0254

TP12-02

Project: Subdivision

Location: 2882 Carlisle Lane, Cumberland, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.4m		Gravel (rounded, 100mm diameter), sand, compact, brown, damp
0.4-0.8m		Silt, some sand, very hard, light brown, dry
0.8m		End of test pit at 0.8m (effective refusal due to density of soil) No seepage observed
1.0		
1.5		
2.0		
2.5		

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Sheet: 1 of 1

Digging Method: John Deere 50D, Rubber Tracked Excavator

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Schedule F-Geotechnical Report



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TEST PIT LOG

File Number: F0254

TP12-03

Project: Subdivision

Location: 2882 Carlisle Lane, Cumberland, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-1.4m		Sand, some gravel, some organics, trace silt, compact, light brown, moist
1.4-1.8m		Peat, clay, sand, organics, soft, dark grey, wet
1.8-2.2m		Silt with sand, hard, blocky, grey, moist
2.2m		End of test pit at 2.2m (effective refusal due to limited reach of excavator) Fill material to 1.8m Minor seepage observed in cracks of fractured silt material below 1.8m

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Sheet: 1 of 1

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Schedule F-Geotechnical Report



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TEST PIT LOG

File Number: F0254

TP12-04

Project: Subdivision

Location: 2882 Carlisle Lane, Cumberland, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-1.1m		Sand and gravel, trace silt, compact, light brown, damp (fill)
0.5		
1.0		1.1-1.7m Silty sand and gravel, soft to compact, dark grey, wet (inclusions of coal and organics)
1.5		
1.7-1.8m		Organics (roots, peat), soft, brown, wet
1.8-2.4m		Silty sand with gravel, compact, light brown, wet
2.0		
2.5		2.4m End of test pit at 2.4m (effective refusal due to limited reach) Fill material to 1.7m Moderate seepage at 1.8m

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Sheet: 1 of 1

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Schedule F-Geotechnical Report



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TEST PIT LOG

File Number: F0254

TP12-05

Project: Subdivision

Location: 2882 Carlisle Lane, Cumberland, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.5m		Sand and gravel, trace silt, dense, light brown, dry
0.5-1.1m		Peat, sand, organics (decayed wood), trace gravel, soft, black, moist
1.1-1.6m		Silt (blocky), some sand, soft becoming harder with depth, grey-brown, moist to wet
1.6m		End of test pit at 1.6m (effective refusal) Seepage observed in cracks of fractured silt below 1.1m
2.0		
2.5		

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Sheet: 1 of 1

Digging Method: John Deere 50D, Rubber Tracked Excavator

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Schedule F-Geotechnical Report



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TEST PIT LOG

File Number: F0254

TP12-06

Project: Subdivision

Location: 2882 Carlisle Lane, Cumberland, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.3m		Sand, some silt and organics, loose, brown, damp to moist
0.3-0.4m		Sand and organics, compact, red, moist
0.4-0.7m		Sand, trace organics, dense, moist
0.7-0.9m		Silty sand, very dense, orange, damp (glacial till)
0.9m		End of test pit at 0.9m (effective refusal due to very dense soil) No seepage observed
1.0		
1.5		
2.0		
2.5		

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Sheet: 1 of 1

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TEST PIT LOG

File Number: F0254

TP12-07

Project: Subdivision

Location: 2882 Carlisle Lane, Cumberland, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.35m		Sand, organics (roots, grass turf), trace gravel, loose, brown, dry
0.35-0.5m		Sand, organics (roots), compact, red, damp
0.5-0.8m		Sand (medium fine), dense, brown, damp
0.8-1.5m		Silty sand, very dense, blocky, grey with orange, dry to damp
1.5m		End of test pit (effective refusal due to density of soil) No seepage observed
2.0		
2.5		

Logged By: JF

Date: August 23, 2012

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Sheet: 1 of 1

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Schedule F-Geotechnical Report



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TEST PIT LOG

File Number: F0254

TP12-08

Project: Subdivision

Location: 2882 Carlisle Lane, Cumberland, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.6m		Sand, some silt, trace gravel, loose, red, dry
0.5		
0.6-0.9m		Sand (coarse) and gravel, very dense, dark grey, moist
0.9-1.1m		Sand (fine, poorly graded), dense, brown to grey, moist
1.0		
1.1-1.4m		Sand (very fine, poorly graded), very dense, horizontally stratified, blue-grey, moist to wet
1.4-2.0m		Silty sand, very dense, blocky, grey-blue, moist
1.5		
2.0		2.0m End of test pit at 2.0m (effective refusal due to reach of machine) No seepage observed
2.5		

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TEST PIT LOG

File Number: F0254

TP12-09

Project: Subdivision

Location: 2882 Carlisle Lane, Cumberland, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.6m		Sand, some silt, trace gravel, loose, red, dry
0.6-0.7m		Silt, some sand, compact, red-orange, moist
0.7-0.95m		Sand (coarse), trace gravel, dense, dark grey, moist
0.95-1.2m		Sand (fine), dense, grey, moist
1.2-1.4m		Silty sand, trace gravel, very dense, orange and grey, moist
1.4m		End of test pit at 1.4m (effective refusal) No seepage observed

Logged By: JF

Date: August 23, 2012

Reviewed By: DGC

Sheet: 1 of 1

Digging Method: John Deere 50D, Rubber Tracked Excavator

Suite A - 2569 Kenworth Road
Nanaimo, British Columbia, V9T 3M4
Phone: (250) 756-0355
Fax: (250) 756-3831
Email: geotech@lewkowich.com

Schedule F-Geotechnical Report



**Lewkowich
Engineering
Associates Ltd.**

TEST PIT LOG

File Number: F0254

TP12-10

Project: Subdivision

Location: 2882 Carlisle Lane, Cumberland, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.7m		Sand, some gravel, some organics and roots, trace silt, compact to dense, light brown, damp
0.5		
0.7-1.2m		Silty sand, very dense, light brown, moist to damp
1.0		
1.2m		End of test pit at 1.2m (effective refusal due to dense soil)
1.5		
2.0		
2.5		

Logged By: JF

Date: August 23, 2012

Reviewed By: DGC

Sheet: 1 of 1

Digging Method: John Deere 50D, Rubber Tracked Excavator

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Schedule F-Geotechnical Report



**Lewkowich
Engineering
Associates Ltd.**

TEST PIT LOG

File Number: F0254

TP12-11

Project: Subdivision

Location: 2882 Carlisle Lane, Cumberland, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.6m		Sand, organics (roots), loose to compact, light brown, dry
0.6-0.8m		Sand, trace gravel, dense, red, damp
0.8-1.1m		Silty sand, very dense, light brown, moist
1.1m		End of test pit at 1.1m (effective refusal due to soil density) No seepage observed
1.5		
2.0		
2.5		

Logged By: JF

Date: August 23, 2012

Reviewed By: DGC

Sheet: 1 of 1

Digging Method: John Deere 50D, Rubber Tracked Excavator

Suite A - 2569 Kenworth Road
Nanaimo, British Columbia, V9T 3M4
Phone: (250) 756-0355
Fax: (250) 756-3831
Email: geotech@lewkowich.com

Schedule F-Geotechnical Report



**Lewkowich
Engineering
Associates Ltd.**

TEST PIT LOG

File Number: F0254

TP12-12

Project: Subdivision

Location: 2882 Carlisle Lane, Cumberland, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.7m		Sand and gravel, trace silt, compact, reddish-brown, damp (fill)
0.7-0.8m		Abandoned, perforated drain pipe in drain rock bedding
0.8-1.3m		Sand and gravel with organics, trace peat and coal, soft to compact, dark brown, moist
1.3-1.6m		Silty sand, trace gravel, very dense, brown, moist
1.6m		End of test pit at 1.6m (effective refusal) No seepage observed

Logged By: JF

Date: August 23, 2012

Reviewed By: DGC

Sheet: 1 of 1

Digging Method: John Deere 50D, Rubber Tracked Excavator

Suite A - 2569 Kenworth Road
Nanaimo, British Columbia, V9T 3M4
Phone: (250) 756-0355
Fax: (250) 756-3831
Email: geotech@lewkowich.com

Schedule F-Geotechnical Report



**Lewkowich
Engineering
Associates Ltd.**

TEST PIT LOG

File Number: F0254

TP12-13

Project: Subdivision

Location: 2882 Carlisle Lane, Cumberland, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.4m		Sand, some silt, compact, light brown, dry
0.4-1.0m		Silt with sand, very hard, light brown, dry
1.0m		End of test pit at 1.0m (effective refusal due to density of soil) No seepage observed
1.5		
2.0		
2.5		

Logged By: JF

Date: August 23, 2012

Reviewed By: DGC

Sheet: 1 of 1

Digging Method: John Deere 50D, Rubber Tracked Excavator

Suite A - 2569 Kenworth Road
Nanaimo, British Columbia, V9T 3M4
Phone: (250) 756-0355
Fax: (250) 756-3831
Email: geotech@lewkowich.com

Schedule F-Geotechnical Report



**Lewkowich
Engineering
Associates Ltd.**

TEST PIT LOG

File Number: F0254

TP12-14

Project: Subdivision

Location: 2882 Carlisle Lane, Cumberland, BC

Depth (m)	Soil Symbol	Description
0.0		Ground Surface
0.0-0.6m		Sand and gravel, dense, brown, dry (fill)
0.6-1.0m		Inorganic garbage fill, wood debris
1.0-1.4m		Clay, peat, sand, trace gravel, soft, dark brown, wet
1.4-2.0m		Silt (blocky), some sand, soft, becoming hard with depth, light brown, moist to wet
2.0m		End of test pit at 2.0m (effective refusal due to soil density) Moderate seepage observed at 1.5m
2.5		

Logged By: JF

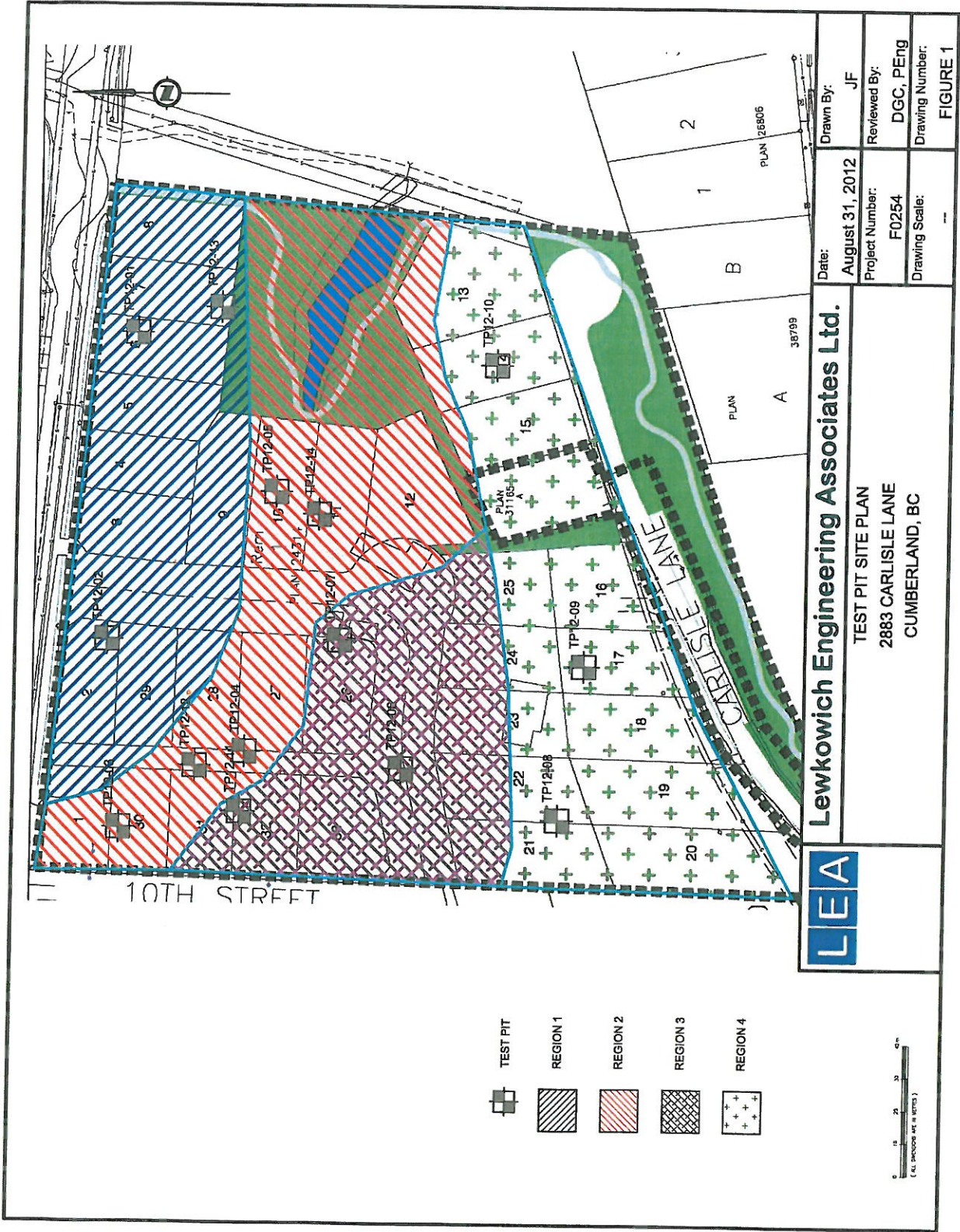
Date: August 23, 2012

Reviewed By: DGC

Sheet: 1 of 1

Digging Method: John Deere 50D, Rubber Tracked Excavator

Suite A - 2569 Kenworth Road
Nanaimo, British Columbia, V9T 3M4
Phone: (250) 756-0355
Fax: (250) 756-3831
Email: geotech@lewkowich.com



Schedule F-Geotechnical Report

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 984

A Bylaw to adopt the 2013- 2017 Financial Plan.

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

1. This Bylaw may be cited as "The Corporation of the Village of Cumberland 2013 - 2017 Financial Plan Bylaw No. 984, 2013".
2. The financial plan attached as Schedule A to this Bylaw is hereby adopted as the financial plan for the municipality for the period commencing January 1, 2013 and ending December 31, 2017.
3. The objectives and policies attached as Schedule B to this Bylaw outlines the proportion of total revenue from different funding sources, the distribution of property taxes among the property classes and the use of permissive tax exemptions.
4. This Bylaw has full force and effect from January 1, 2013 until amended, repealed or replaced.

READ A FIRST TIME THIS	8TH	DAY OF	APRIL,	2013.
READ A SECOND TIME THIS	22ND	DAY OF	APRIL,	2013.
READ A THIRD TIME THIS	22ND	DAY OF	APRIL,	2013.
ADOPTED THIS		DAY OF		, 2013.

Mayor

Corporate Officer

Schedule A

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
	<u>Budget</u>	<u>Budget</u>	<u>Budget</u>	<u>Budget</u>	<u>Budget</u>
REVENUES					
Property taxes & payments in lieu	\$ (2,086,055)	\$ (2,128,850)	\$ (2,171,350)	\$ (2,214,860)	\$ (2,290,040)
Parcel taxes	(177,450)	(177,450)	(177,450)	(177,450)	(177,450)
Sale of services & fees	(1,371,900)	(1,400,320)	(1,422,780)	(1,453,180)	(1,467,980)
Transfers from other government	(995,455)	(505,920)	(491,880)	(492,890)	(493,950)
Other revenue	(459,940)	(300,670)	(300,670)	(290,670)	(290,670)
	<u>(5,088,800)</u>	<u>(4,513,210)</u>	<u>(4,564,130)</u>	<u>(4,629,050)</u>	<u>(4,720,090)</u>
EXPENSES					
Other municipal purposes	4,030,110	3,605,820	3,700,320	3,772,480	3,855,020
Debt interest	126,800	141,940	151,120	198,320	207,240
Amortization	821,820	821,820	821,820	821,820	821,820
	<u>4,972,730</u>	<u>4,569,580</u>	<u>4,673,260</u>	<u>4,792,620</u>	<u>4,884,080</u>
NET (REVENUES) EXPENSES	<u>(116,070)</u>	<u>56,370</u>	<u>109,130</u>	<u>163,570</u>	<u>163,990</u>
ADJUSTMENTS					
Acquisition of capital assets	2,666,670	1,811,960	1,642,790	726,130	499,360
Add back amortization	(821,820)	(821,820)	(821,820)	(821,820)	(821,820)
Proceeds from borrowing	(809,980)	(1,373,660)	(1,102,050)	(273,490)	(184,160)
Principal payments on debt	231,810	242,830	237,680	314,560	333,690
TOTAL ADJUSTMENTS	<u>1,266,680</u>	<u>(140,690)</u>	<u>(43,400)</u>	<u>(54,620)</u>	<u>(172,930)</u>
CHANGE IN CONSOLIDATED FUNDS	<u>\$ 1,150,610</u>	<u>\$ (84,320)</u>	<u>\$ 65,730</u>	<u>\$ 108,950</u>	<u>\$ (8,940)</u>
TRANSFER FROM RESERVES					
Reserves	(753,090)	(45,700)	(37,610)	(178,700)	(15,030)
Development cost charges	(649,530)	(5,440)	(101,160)	(44,830)	(57,210)
TRANSFER TO RESERVES					
Reserves	248,010	135,460	73,040	114,580	81,180
TRANSFER TO/(FROM) RESERVES	<u>(1,150,610)</u>	<u>84,320</u>	<u>(65,730)</u>	<u>(108,950)</u>	<u>8,940</u>
TRANSFER TO/(FROM) ACCUMULATED SURPLUS	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

Schedule B

Policies and Objectives

Pursuant to section 165 (3.1) of the *Community Charter*

Part A: Proportion of Total Revenue Proposed To Come From Each Funding Source

Table 1 shows the proportion of total revenue proposed to be raised from each funding source in 2013.

Table 1

Revenue Source	% Total Revenue	Dollar Value
Property Value Taxes & Payments in Lieu	35%	2,086,055
Sale of Services and Fees	23%	1,371,900
Government Grants	17%	995,455
Proceeds from Borrowing	14%	809,980
Other Revenue	8%	459,940
Parcel Taxes	3%	177,450
Total	100%	5,900,780

Property value tax is the primary source of operating funds for general municipal purposes. Property taxation is simple to administer, and offers a stable and reliable source of revenue for services that are difficult or undesirable to fund on a user-pay basis.

Sale of services and fees form another significant portion of planned revenue. Many municipal services such as utilities and recreation lend well to a fee for service basis. Costs can be associated to a level of service provided, particularly where services are optional.

Grant funding is an integral funding source for major capital and operating projects due to the Municipality's limited tax base and borrowing authority. Due to the extensive use of Community Works Funds for many smaller projects and the Liquid Waste Management Plan along with the Gas Tax grant approved for the OCP review and revise project, grants form the third largest source of funding for the Municipality in the first year of the 2013-2017 Financial Plan. The Municipality also receives funds under the Strategic Community Initiative (Small Community grant) which provides a significant source of funds for operations and capital maintenance programs.

The Municipality leases vehicles and equipment and secures debenture financing for portions of large committed projects not funded by grants or development cost charges. The Municipality reviews all other funding options prior to financing recognizing that borrowing constitutes a long-term commitment and because borrowing authority is limited for an organization of this size.

Other revenue includes sources of funds which do not fit another category and include donations, grants from non-government sources, investment revenue, permits and licensing.

Parcel taxes were set up to fund the capital costs of providing water and sewer infrastructure. The intention is to use these taxes toward the maintenance and replacement of water and sewer infrastructure. This source of revenue is under review.

Objective and Policies

Over the next five years, the municipality has the following objectives and policies:

- to actively seek grants for major infrastructure repair and replacement;
- to annually review utility rates to ensure water and sewer operating and delivery costs are fully funded;
- to complete the implementation of water meters;
- to review all other services to determine optimal proportions of cost recovery from fees versus general revenues and taxation; and
- to establish reserve policies to assist in the funding of future capital replacements and to stabilize tax and utility rates.

Part B: Distribution of Property Taxes among Property Classes

Table 2 provides the distribution of property tax revenue among the property classes.

Table 2

Property Class	Ratio	% Total Property Tax	Dollar Value
1. Residential	1.00	76%	1,550,156
2. Utilities	10.63	1.4%	27,935
3. Supportive Housing	1.00		
4. Major Industry	2.00		
5. Light Industry	2.00	3.5%	69,162
6. Business and Other	1.99	17%	350,174
7. Managed forest	2.60	2%	41,314
8. Recreation & Non Profit	1.00	.1%	2,377
9. Farm	1.00		
Total		100%	2,041,118

Tax rates are set in order to maintain tax stability and generally increases are apportioned equitably over the classes with only minor adjustments to ensure that Classes 3, 8 and 9 continue to receive a 1:1 ratio with Class 1. The Municipality recognizes the need to

attract and retain businesses and industry for economic development and to not rely heavily on any one industry as a tax source. Council believes that the non-residential rates reflect that philosophy.

Part C: The Use of Permissive Tax Exemptions

The Corporation of the Village of Cumberland Council does not generally support exemptions. Tax payers within the various property classes are treated equitably and policies are established for each class not individual property owners. There are two exceptions to this policy.

Parcels that qualify for partial statutory exemption, such as the grounds surrounding places of worship, are granted an exemption from taxes. These exemptions represent a very small dollar value which would not recover the associated costs of administering the taxes.

Permissive tax exemptions will also be provided for municipal properties occupied by a community group or partner agency where the group or agency has been granted a reduced or zero lease rate but may, under Section 229 of the Charter, be subject to property tax. This exemption recognizes that municipal buildings are not subject to property taxes when used for municipal purposes; the groups or agencies are deemed by Council to be providing a valuable community benefit or municipal service; that the group or agency may not be granted exclusive use of the building and/or that the space may be reclaimed by the Municipality as and when needed.

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 985

A bylaw to establish property tax rates and impose property value taxes for the year 2013.

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

1. This Bylaw may be cited as "The Corporation of the Village of Cumberland 2013 Property Tax Rates Bylaw No. 985, 2013."
2. The following rates are hereby imposed and levied for the year 2013:
 - (a) for all lawful and general purposes of the municipality on the taxable assessed value of land and improvements for general purposes, rates are shown in column a of Schedule A to this Bylaw;
 - (b) for the purposes of the Vancouver Island Regional Library on the taxable assessed value of land and improvements for general purposes, rates are shown in column b of Schedule A to this Bylaw;
 - (c) for the purposes of Comox Valley Regional District on the taxable assessed value of land and improvements for general purposes, rates are shown in column c of Schedule A to this Bylaw;
 - (d) for the purposes of Comox Valley Regional District on the taxable assessed value of land and improvements for hospital purposes, rates are shown in column d of Schedule A to this Bylaw; and
 - (e) for the purposes of the Comox-Strathcona Regional Hospital District on the taxable assessed value of land and improvements for hospital purposes, rates are shown in column e of Schedule A to this Bylaw.

READ A FIRST TIME THIS	8TH	DAY OF	APRIL,	2013.
AMENDED THIS	22ND	DAY OF	APRIL,	2013.
READ A SECOND TIME THIS	22ND	DAY OF	APRIL,	2013.
READ A THIRD TIME THIS	22ND	DAY OF	APRIL,	2013.
ADOPTED THIS		DAY OF		, 2013.

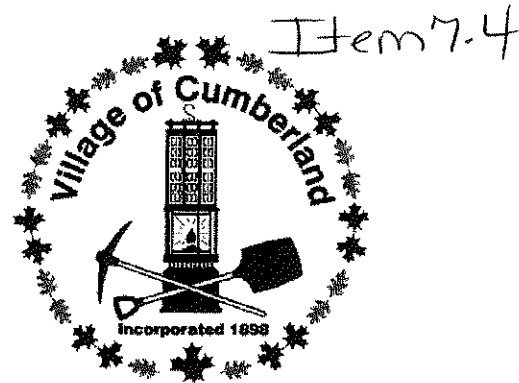
Mayor

Corporate Officer

SCHEDULE A
(Dollars of tax per \$1,000 of assessed value)

PROPERTY CLASS	MUNICIPAL	VANCOUVER ISLAND REGIONAL LIBRARY	REGIONAL DISTRICT		REGIONAL HOSPITAL DISTRICT
	GENERAL (column a)	GENERAL (column b)	GENERAL (column c)	HOSPITAL (column d)	HOSPITAL (column e)
1 Residential	4.2984	0.2509	0.3427	0.4671	0.8040
2 Utilities	45.7067	2.6671	3.6429	4.9653	2.8140
3 Supportive Housing	4.2984	0.2509	0.3427	0.4671	0.8040
4 Major Industry	8.5903	0.5018	0.6854	0.9342	2.7336
5 Light Industry	8.5903	0.5018	0.6854	0.9342	2.7336
6 Business and Other	8.5386	0.4993	0.6820	0.9295	1.9698
7 Managed Forest	11.1781	0.6523	0.8910	1.2145	2.4120
8 Rec/Non Profit	4.2984	0.2509	0.3427	0.4671	0.8040
9 Farm	4.2984	0.2509	0.3427	0.4671	0.8040

COUNCIL REPORT



REPORT DATE: May 6, 2013
MEETING DATE: May 13, 2013

TO: Mayor and Councillors
FROM: Joanne Rees, Planner
SUBJECT: Bylaw 986 Development Procedures
and Fees Bylaw Amendment – Development Permit Exemptions

RECOMMENDATION

- i) THAT Council receive 'Bylaw 986 Development Procedures & Fees Bylaw Amendment - Development Permit Exemptions' dated May 6, 2013.
- ii) THAT Council consider giving first, second, and third readings to the 'Corporation of the Village of Cumberland Development Procedures and Fees Amendment Bylaw No. 986, 2013.

BACKGROUND

The Procedures and Fees Bylaws contains exemptions for Development Permits (DP) which are *ultra vires (unlawful)*. Through a legal review of a separate issue, it was revealed that exemptions for a Development Permit (DP) may only be made in an Official Community Plan (OCP) or zoning bylaw which has had public process.

Section 919.1(4) of the *Local Government Act* states: *If an official community plan designates areas under subsection (1), the plan or a zoning bylaw may, with respect to those areas, specify conditions under which a development permit under section 920 (1) would not be required.*

In Part 5 Development Permit Controls in the 'Official Community Plan Bylaw No. 786, 2004' there is contained the following exemptions:

Exemptions:

Where any one of the following conditions apply, a development permit is not required:

- a) *Construction involving a building floor area of 10.0metre² (107.6feet²) or less (does not include additions to existing dwelling(s));*
- b) *Internal alterations and renovations to a building or structure;*
- c) *Erection of fences less than 2.0metres (6.6feet) in height; and*
- d) *Construction of farm buildings;*
- e) *Growing, rearing, producing, and harvesting of agricultural products in accordance with recognized standards of the Farm Practices Protection Act and the Codes of Agricultural Practice.*
- f) *Stream habitat enhancement work and environmental compensation work directed by senior government agencies.*

g) *In-stream work as deemed by the Water Act and riparian planting of native vegetation.*

It is assumed that when 'Bylaw Amendment and Permit Procedures Bylaw No. 811, 2005' was replaced by the new 'Procedures and Fees Bylaw No. 897, 2008', some of the above-noted exemptions were repeated for convenience in the Schedule for DP's. Since that time, the exemptions have been added to without the benefit of amending the OCP. It is legal advice that the exemptions section be deleted in its entirety and reference made to the OCP for this purpose.

The additional exemptions were added where staff believed that they were unnecessary in the context of the Development Permit. For example, where the purpose of the DP is to regulate form and character, the DP should not be required at the time of subdivision, when no buildings were being built.

FINANCIAL IMPLICATIONS

None to the Village

STRATEGIC OBJECTIVE

None

ATTACHMENTS

A copy of draft 'Corporation of the Village of Cumberland Development Procedures and Fees Amendment Bylaw No. 986, 2013.'

CONCURRENCE

Rob Crisfield, Manager of Operations

Rachel Parker, Deputy Corporate Officer

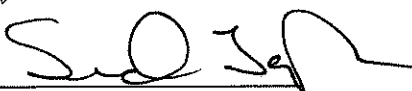
OPTIONS

- i) THAT Council receive 'Development Procedures & Fees Bylaw Amendment - Development Permit Exemptions ' dated May 6, 2013.
- ii) THAT Council consider giving first, second, and third readings to the 'Corporation of the Village of Cumberland Development Procedures and Fees Amendment Bylaw No. 986, 2013.
- iii) Any other action deemed appropriate by Council.

Respectfully submitted,



Joanne Rees
Planner



Sundance Topham
Chief Administrative Officer

Corporation of the Village of Cumberland

Development Procedures and Fees Amendment Bylaw No. **986**, 2013

STATUS

TITLE: Corporation of the Village of Cumberland Development Procedures and Fees Amendment Bylaw No. 986, 2013

APPLICANT: Corporation of the Village of Cumberland

PURPOSE: A bylaw to delete the conditional exemptions for Development Permits within the Procedures Bylaw.



COUNCIL: **Date:** May 13, 2013
Decision:

COUNCIL: **Date:**
Decision:

CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 986

**A bylaw to delete the conditional exemptions
for Development Permits within the Procedures Bylaw.**

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

1. CITATION

This Bylaw shall be cited as the 'Corporation of the Village of Cumberland Development Procedures and Fees Amendment Bylaw No. 986, 2013.'

2. TEXT AMENDMENTS

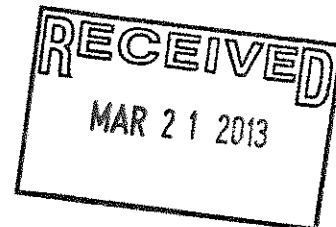
The Schedule C.2. of the 'Corporation of the 'Village of Cumberland Development Procedures and Fees Bylaw No. 956, 2012', is deleted in its entirety and the remaining sections shall be renumbered accordingly.

READ A FIRST TIME THIS	DAY OF	,	2013.
READ A SECOND TIME THIS	DAY OF		2013.
READ A THIRD TIME THIS	DAY OF		2013.
ADOPTED THIS	DAY OF		2013.

Mayor

Corporate Officer

Item 8.1



PUBLIC WORKS ASSOCIATION OF BRITISH COLUMBIA

CHAPTER OF CANADIAN PUBLIC WORKS ASSOCIATION
PO BOX 1456 STN MAIN KAMLOOPS BC V2C 6L7

<http://pwabc.cpwa.net>



March 18, 2013

**Attention: Honourable Mayors,
Members of Council and
Chief Administrative Officers**

Re: National Public Works Week, May 19-25, 2013 – "Because of Public Works"

The Public Works Association of British Columbia (PWABC) is seeking your support to recognize and promote National Public Works Week (NPWW) by acknowledging May 19-25, 2013 as National Public Works Week in your community. This year's theme is "Because of Public Works"

National Public Works Week is observed each year during the third full week of May and this is the 53rd year. NPWW calls attention to the importance of public works in community life and seeks to acknowledge the efforts of tens of thousands of men and women in North America who provide and maintain civil infrastructure and services. NPWW also allows Councils remind the public of the 24/7 services that they are responsible for and are proud of, and many make this an annual celebration in their communities.

The APWA encourages public works agencies and professionals to take the opportunity to celebrate the week by parades, displays of public works equipment, high school essay contests, open houses, programs for civic organizations and media events. The occasion is marked each year with scores of resolutions and proclamations from mayors and governors and raises the public's awareness of public works issues and increases confidence in public works agencies like yours who are dedicated to improving the quality of life for present and future generations.

For your convenience, I have attached a sample Council proclamation that you may consider using. You may wish to go to www.apwa.net/About/npww/ for information about this year's theme and resources on making your Public Works Week a success. If you have any further questions or require any additional information, please do not hesitate to contact Jeannette Austin, Executive Director at 250.819.6290. Thank you for making a difference.

Please note that declarations should be forwarded to:
PWABC
PO BOX 1456 STN MAIN
KAMLOOPS BC V2C 6L7

Yours truly,

David Sparanese, President PWABC

PROCLAMATION

"Public Works: Creating a Lasting Impression"

**PUBLIC WORKS WEEK
MAY 19-25, 2013**

WHEREAS: *public works infrastructure, facilities and services are vital to the health, safety and well-being of the residents of (Enter your city/municipality/town/etc name); and*

WHEREAS: *such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers and administrator who are responsible for building, operating and maintaining the public works systems that serve our citizens; and*

WHEREAS: *the Public Works Association instituted Public Works Week as a public education campaign "to inform communities and their leaders on the importance of our nation's public infrastructure and public works services"; and*

WHEREAS: *it is in the public interest of citizens and civic leaders to gain knowledge of the public works needs and programs of their respective communities;*

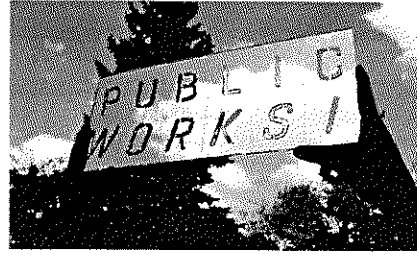
WHEREAS: *Public Works Week also recognizes the contributions of public works professionals.*

NOW THEREFORE, I, (Enter Mayor's Name), Mayor of the (Enter your city/municipality/town/etc name), do hereby proclaim the week of **May 19-25, 2013**, as **Public Works Week** in Enter your municipality.

Dated this day of 2013.

(Enter Mayor's Name), Mayor

81st Annual PWABC
Technical Conference &
Trade Show
Nanaimo, BC
September 16-18, 2013



Celebrate National Public Works
Week

“Because of Public Works...”

May 19-25, 2013

Resources available on the
PWABC Website:

- How-to Guide
- Colouring Sheets
- Activities

Provincial Contests:

- Posters
- Colouring Sheets
- “Public Works in Action”
Photos



Upcoming Courses
Certified Public Works
Supervisor Program

INFR 1110

April 8-12, 2013

INFR 1130

May 6-10, 2013

Other Courses offered by the
PWABC

Introduction to Construction

Inpection

Lower Mainland-

April 29- May 1, 2013

Island

May 13-15, 2013

Introduction to Public Works

Introduction to Construction

Management

COMING SOON



**AUDITOR GENERAL FOR
LOCAL GOVERNMENT**

ACCESSIBILITY • INDEPENDENCE • TRANSPARENCY • PERFORMANCE

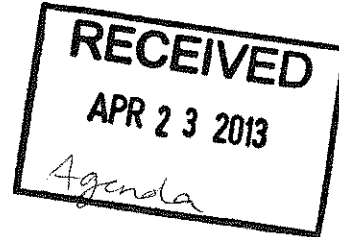


**BRITISH
COLUMBIA**

March 27, 2013

Ref: 005

To: Mayors and Councils
Chairs and Boards



Greetings to All:

I am pleased to advise you that the Auditor General for Local Government annual service plans for 2012/13 - 2014/15 and 2013/14 - 2015/16 will be released on our website www.aglg.ca at the end of day tomorrow, March 28.

Prepared less than 90 days into the existence of the office, we are publishing two annual service plans. The *Auditor General for Local Government Act* (s. 22) requires that an annual service plan be published before March 31, 2013. The Act also requires that an annual service plan be published prior to commencing performance audits next fiscal year. In light of these statutory requirements it makes sense to publish the plans concurrently.

The plans, which are virtually identical, describe our mandate, principles, goals and objectives. They both describe the criteria we have developed over the early weeks of our office to guide what we audit and the themes on which we will focus. The plans also include the measures we will use to track our progress and measure our results. Each plan covers a three year period, as required by the Act. The 2013/14 annual service plan extends into 2015/16 and includes additional performance measures.

I am very grateful for the input we have received from you, your staff and other key stakeholders since January. These two plans and, in particular, the audit themes were informed by input at our planning workshops, responses to our survey, the interviews we conducted as well as letters and emails. I have also benefitted greatly from the numerous face-to-face meetings and speaking engagements that I have held since my appointment. I am looking forward to meeting with many more in the weeks and months to come.

I hope you will take the opportunity to read our service plans and share your feedback and comments with us. Please send your comments to info@aglg.ca or call the office at (604) 930-7100.

Best regards,

Basia Ruta, CPA, CA
Auditor General for Local Government

pc: Chief Administrative Officers

Item 8.3

Child Find BC

BRITISH COLUMBIA

RECEIVED
APR 17 2013

Consent -

Serving British Columbia Since 1984
Provincial Toll Free: 1.888.689.3463 www.childfindbc.com

April 17, 2013

Dear Mayor and Councilors,

Re: Proclamation for National Missing Children's Month and Missing Children's Day

I write today on behalf of Child Find British Columbia. Child Find BC requests that your local government proclaim May as Missing Children's Month and May 25th as missing Children's Day.

Child Find BC provides "ALL ABOUT ME" ID Kits with child finger printing and photos, to at no cost to families and Child Find BC hosts these Child Find ID Clinics throughout BC. Child Find BC provides education, including public speakers, literature and tips for families to assist them in keeping all of our children safe.

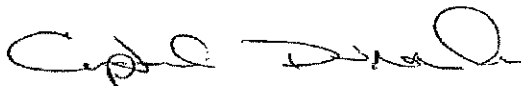
In the next few weeks the 2013 posters of missing children from across Canada will arrive at your offices. We have attached an electronic printable copy for your use as well. It is our hope that you will arrange for these posters to be placed at municipal facilities where children and families frequent. If you would like any additional hard copy posters they will be provided upon request.

We hope that you will raise this proclamation for consideration to your Council and your community at your next meeting.

Most recent reporting from the RCMP show that over 10,000 cases of missing children were reported in British Columbia and over 50,000 cases in Canada. Through the support of municipal governments like yours we are able to educate and bring awareness to thousands of BC families on this important issue.

Thank you so much for your consideration of this request and your continuing commitment to Community Services in BC and the children and families of BC. If you have any questions regarding this request please contact the Child Find BC office at 1-888-689-3463.

Yours truly,



Crystal Dunahee
President, Child Find BC

Victoria Office
2722 Fifth Street, 208
Victoria, BC V8T 4B2
(250) 382-7311
Fax (250) 382-0227
Email:
childvicbc@shaw.ca

"A charitable non-profit organization working with searching families and law enforcement to reduce the incidence of missing and exploited children."

*A Missing Child is
Everyone's
Responsibility*



Your Letterhead here

National Missing Children's Month and Missing Children's Day

WHEREAS Child Find British Columbia, a provincial member of Child Find Canada is a non-profit, registered charitable organization, incorporated in 1984; **AND**

WHEREAS The Mandate of Child Find British Columbia is to educate children and adults about abduction prevention; to promote awareness of the problem of missing children, and to assist in the location of missing children; **AND**

WHEREAS Child Find has recognized Green as the colour of Hope, which symbolizes a light in the darkness for all missing children; **AND**

WHEREAS Child Find's annual Green Ribbon of Hope Campaign will be held in the month of May and May 25th is National Missing Children's Day; **AND**

THEREFORE BE IT RESOLVED THAT

I, (Mayors Name) of the (city, town, municipality), do hereby proclaim May as Child Find's Green Ribbon of Hope month and May 25th as National Missing Children's day. I urge our citizens to wear a green ribbon as a symbol of Hope for the recovery of all missing children; and to remain vigilant in our common desire to protect and nurture the youth of our Province.

_____ Mayor

Signed at _____ this _____ day of May, 2013

A missing child is everyone's responsibility. La disparition d'un enfant concerne tout le monde.

CHILD FIND

January - December 2013 • Janvier - Décembre 2013

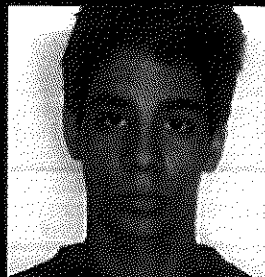
Have you seen these missing children? Avez-vous vu ces enfants?



Karina Wolfe
Case number/Numéro de dossier: 3229-57
Date of birth: May 7, 1990 Date de naissance: 7 mai 1990
Missing since: July 2, 2010 Disparu le: 2 juillet 2010
Missing from: Saskatoon, Saskatchewan
Disparu de: Saskatoon, Saskatchewan



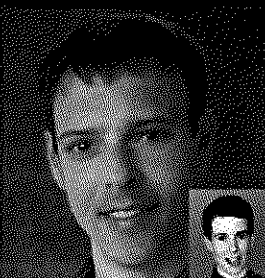
Melanie Lynn Temperton
Date of birth: April 4, 1968 Date de naissance: 4 avril 1968
Missing since: September 21, 1988 Disparu le: 21 septembre 1988
Missing from: Mascouche, Quebec
Disparu de: Mascouche, Québec



James Daniel Khan
Date of birth: April 18, 1991 Date de naissance: 18 avril 1991
Missing since: July 15, 2010 Disparu le: 15 juillet 2010
Missing from: Montreal, Quebec
Disparu de: Montréal, Québec



Mitchell O'Brien
Case number/Numéro de dossier: 10,001-P
Date of birth: November 29, 1991 Date de naissance: 29 novembre 1991
Missing since: November 2, 1996 Disparu le: 9 novembre 1996
Missing from: St. John's, Newfoundland and Labrador
Disparu de: St. John's, Terre-Neuve et Labrador



Adam O'Brien
Case number/Numéro de dossier: 31,000-P
Date of birth: October 28, 1982 Date de naissance: 28 octobre 1982
Missing since: November 9, 1996 Disparu le: 9 novembre 1996
Missing from: St. John's, Newfoundland and Labrador
Disparu de: St. John's, Terre-Neuve et Labrador



Trevor O'Brien
Case number/Numéro de dossier: 10,914-P
Date of birth: May 5, 1985 Date de naissance: 5 mai 1985
Missing since: November 9, 1996 Disparu le: 9 novembre 1996
Missing from: St. John's, Newfoundland and Labrador
Disparu de: St. John's, Terre-Neuve et Labrador



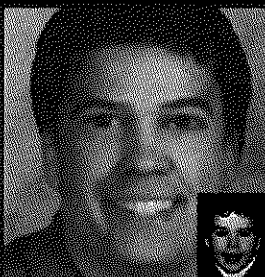
Tamra Jewel Keepness
Case number/Numéro de dossier: 31,041
Date of birth: September 1, 1998 Date de naissance: 1 septembre 1998
Missing since: July 5, 2004 Disparu le: 5 juillet 2004
Missing from: Regina, Saskatchewan
Disparu de: Regina, Saskatchewan



Dylan Koshman
Case number/Numéro de dossier: 31,775R
Date of birth: April 11, 1987 Date de naissance: 11 avril 1987
Missing since: October 11, 2008 Disparu le: 11 octobre 2008
Missing from: Edmonton, Alberta
Disparu de: Edmonton, Alberta



Michael Wayne Dunahee
Case number/Numéro de dossier: 31,000-P
Date of birth: May 12, 1986 Date de naissance: 12 mai 1986
Missing since: March 24, 1991 Disparu le: 24 mars 1991
Missing from: Victoria, British Columbia
Disparu de: Victoria, Colombie-Britannique



Jeffrey Dupres
Case number/Numéro de dossier: 1125-5
Date of birth: March 16, 1977 Date de naissance: 16 mars 1977
Missing since: April 24, 1980 Disparu le: 24 avril 1980
Missing from: Slave Lake, Alberta
Disparu de: Slave Lake, Alberta



Charles K J Horvath-Allan
Case number/Numéro de dossier: 31,000-P
Date of birth: August 21, 1968 Date de naissance: 21 août 1968
Missing since: May 25, 1989 Disparu le: 26 mai 1989
Missing from: Kelowna, British Columbia
Disparu de: Kelowna, Colombie-Britannique



Lindsey Jill Nicholls
Case number/Numéro de dossier: 31,000-P
Date of birth: September 12, 1978 Date de naissance: 12 septembre 1978
Missing since: August 2, 1993 Disparu le: 2 août 1993
Missing from: Comox Valley, British Columbia
Disparu de: Comox Valley, Colombie-Britannique

1-800-387-7962

all calls confidential • tous les appels sont confidentiels

childfind.ca



Child Find



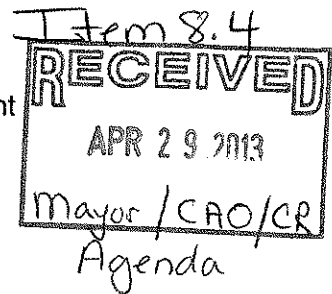
Use of these photographs has been granted to Child Find only, for this poster, by the searching parent(s) or guardian(s). Any unauthorized use of this poster in whole or in part may result in prosecution.
L'autorisation d'utiliser ces photos est fournie exclusivement à Child Find par le ou les parents / le ou les tuteurs légaux. Toute atteinte au droit d'auteur ou toute utilisation de cette affiche sans autorisation mènera à des procédures judiciaires.

Minister of the Environment



Ministre de l'Environnement

Ottawa, Canada K1A 0H3



APR 19 2013

Her Worship Mayor Leslie Baird
Village of Cumberland
P.O. Box 340
2673 Dunsmuir Avenue
Cumberland BC V0R 1S0

File: 3180-20

Dear Mayor Baird:

Thank you for your letter of March 4, 2013, concerning the Raven Underground Coal Project (the Project) proposed by Compliance Coal Corporation (the proponent).

As you are likely aware, the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) and associated regulations came into force on July 6, 2012. Under the transitional provisions of CEAA 2012, the Project will continue to be assessed as a comprehensive study in accordance with regulated timelines, as if the former *Canadian Environmental Assessment Act* (the former Act) had not been repealed.

In your letter, you make reference to a council resolution requesting that the environmental assessment for the Project be referred to a review panel. Under the former Act, the Canadian Environmental Assessment Agency (the Agency) may recommend to me that a proposed project be referred to a review panel, if the Agency is of the opinion that the Project may cause significant adverse environmental effects after taking into account the implementation of any appropriate mitigation measures or that public concerns with respect to those environmental effects warrant a referral. After considering the Project information received from the proponent, the comments from the public and the standard mitigation measures for the Project, the Agency is confident that the cooperative comprehensive study will thoroughly examine the environmental effects associated with the Project. The outcome will be a high-quality environmental assessment which will enable subsequent government decisions to be based on a thorough understanding of the environmental effects of the Project.

.../2



Canada

The proponent is preparing an Environmental Impact Statement in accordance with the Environmental Impact Statement Guidelines that were issued jointly with the Province of British Columbia on June 7, 2012. There will be continued opportunities for public participation in the environmental assessment, including a public comment period on the proponent's Environmental Impact Statement. Following this step, the federal government will review the information provided and prepare a Comprehensive Study Report summarizing the key findings of the environmental assessment. The public will then be invited to comment on the Comprehensive Study Report and its conclusions. I will consider the Comprehensive Study Report, as well as comments from the public in making a determination on the significance of the potential adverse impacts of the Project on the environment, including impacts to freshwater resources and the marine environment.

I encourage you to consult the Canadian Environmental Assessment Registry website at: www.ceaa.gc.ca/050/details-eng.cfm?evaluation=55529 to remain informed on the federal environmental assessment. Additionally, you may access information on the provincial review at British Columbia's Environmental Assessment Office website at: www.a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_351.html.

I appreciate the ongoing input from the Village of Cumberland through the Comox Regional Valley District on the working group for this project.

Sincerely,

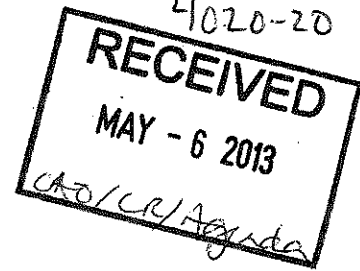
A handwritten signature in black ink, appearing to read "Peter Kent". The signature is fluid and cursive, with the first name "Peter" and last name "Kent" clearly distinguishable.

The Honourable Peter Kent, P.C., M.P.

c.c.: John Duncan, M.P., Vancouver Island North

Memo

Item 8.5



TO: Advisory Planning and Environment Commission

FROM: Amber Zirnhelt, Sustainability Manager

DATE: 26 April 2013

SUBJECT: Urban Hen Information

Background:

At the February 19, 2013 Council meeting, a delegation of community members presented a petition with 643 signatures from Campbell River residents requesting the City allow for the keeping of hens within City limits. City Council referred this issue to the Advisory Planning and Environment Commission for review.

During the development of the City's Sustainable Official Community Plan, the City allowing the keeping of urban hens was a key issue brought forward by the public. Through public forums and an online survey, the City received feedback that the overwhelming majority of community members participating in the SOCP process supported the City permitting hen keeping in residential areas. Staff heard very little opposition to keeping of backyard hens. This resulted in the City's Sustainable Official Community Plan containing clause 12.2.3 *"The keeping of poultry and bees in the City is generally supported. Reviewing and amending zoning regulations may be undertaken to support keeping of poultry and bees."*

Currently only areas zoned as Rural 1, 2, and 3, and those properties 1 acre in size or larger in the Quinsam Livestock Boundary permit keeping of hens. While these zones account for approximately 54 percent of the City's land area, less than 3% of residential properties are permitted to keep hens¹.

Currently in Campbell River, a significant number of properties are keeping hens in contravention of City bylaws. In 2013 to date, the City has not received any complaints and in the previous two years the City received an average of four to five complaints per year, many of which pertained to roosters. This number may reduce further if guidelines are put in place for keeping chickens. When compared to other household pets such as dogs, the City currently does not restrict the number of dogs permitted in residential areas, but does have provisions to address nuisances such as noise and smell caused by dogs. Dogs have the potential to create a greater degree of nuisance than chickens, but dogs are accepted under City bylaws.

Across Canada, keeping of urban hens is becoming increasingly common as a means of promoting access to local food. Examples of communities in British Columbia that allow the keeping of hens within non-rural residential areas include Nanaimo, Powell River, Duncan, North Vancouver, Vancouver, Victoria, and Saanich, among others. As well many cities in the United States, including Portland, Seattle, New York City and others allow for the keeping of poultry.

¹ These calculations are based on properties with single-family homes and single-family homes with suites.

Benefits of Urban Hens:

Allowing the keeping of urban hens supports the City of Campbell River's Food Self-Sufficiency target, identified in the *Sustainable Official Community Plan* and *Agriculture Plan* of promoting access to locally raised and grown food. Benefits of promoting the keeping of urban hens include:

- Enhanced access to locally raised food
- Ability for hen owners to determine the source of their food and how it has been raised, fed, and treated
- Lower cost access to a healthy food protein²
- Convenient and regular access to a healthy food source
- An opportunity for families to foster an understanding of where food comes from; and an opportunity for children to learn about the food system, and caring for animals
- Chicken manure provides a great soil amendment for compost and gardening
- Chickens consume food scraps, helping to divert this organic material from the landfill
- Chickens can help to reduce the reliance on pesticides as they eat problem weeds
- Reduction in unnecessary waste associated with food storing and transportation (ie. greenhouse gas emissions, packaging etc.)

Concerns and Solutions for Urban Hens:

There are several common concerns associated with City's permitting urban hens. The following information is derived from a review of bylaws and common practices in six BC communities that permit keeping of urban hens (see attached supplementary information).

1. Noise

One of the primary issues is around a concern that hens will make too much noise and disturb the neighbourhood. The most common approach to address this concern is that City's do not allow for the keeping of roosters. In general, hens are quite quiet and their noise is limited to very quiet clucking. Roosters are the birds that 'cock-a-doodle-do' in the early hours of the morning. In Victoria, the City's Public Nuisance Bylaw also regulates issues around noise, and the City of North Vancouver recommends keeping chickens in their coops until 7 a.m.

2. Attracting Rodents

The main attractions for rodents are food and/or a new place to take-up residence. To address these potential issues, several communities have a bylaw regulation that states that it is the responsibility of the property owner to keep the coop free of vermin. Most bylaws also have specifications for keeping coops sealed, tight, and food securely stored. According to chicken farmers, if these measures are followed, the risk of attracting rodents is minimal.

3. Smell

Some people are concerned that chickens may cause a foul smell. Just like other domestic animals such as dogs and cats, chicken poop can have an odour. Many bylaws state that owners of hens must keep their property free of odours and that manure must be stored in a

² According to a letter to the City of Duncan from Paul Hasselback, Medical Health Officer, "backyard chickens offer access to eggs that are of higher nutritional value than non-free range eggs." Locally raised eggs are also usually from chickens fed a pesticide free diet.

closed container, and no more than 3 cubic metres of manure may be stored on a property. The City of Vancouver's Animal Control Services receive approximately 20 complaints a year in relation to the keeping of hens, mostly related to odour (due to improper siting of coops) and roosters (which would not be permitted in the City of Campbell River). The City of Campbell River could provide guidelines for appropriate coop siting and development, and have bylaw enforcement for non-compliance.

4. Animal Welfare Issues

Some of the concerns about allowing chickens in an urban area include humane treatment and abandonment of chickens. The majority of cities that allow for the keeping of chickens have guidelines for urban hen keeping including requirements to provide them food, water, shelter, adequate light and ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, sufficient to maintain the hen in good health.

5. Stray Chickens

In terms of the need for a place for stray chickens to be taken, they could be taken to the City of Campbell River's Pound and partnerships could be developed with local farms to take-in stray chickens. It is anticipated that the number of stray chickens would be very low. Since June 2010 when the City of Vancouver permitted the keeping of urban hens, less than 10 chickens have been received at the City of Vancouver's purpose built chicken shelter. City of Vancouver staff note that these chickens are likely either roosters or broilers that have fallen off of delivery trucks. Staff anticipate the number of stray chickens in Campbell River to be significantly lower given that there is no broiler facility in the area, and a much smaller population base. The City of Campbell River could also have strict guidelines for chicken enclosures that could be required to be inspected prior to permitting the owner to keep hens.

5. Bears and Cougars

Just as is the case with other small animals, chickens can attract predators. The City of North Vancouver noted in their Report to Council on the issue (see attached) that the local Conservation Officer acknowledged that chickens can attract bears, cougars, and other wildlife, especially in areas adjacent to natural areas. The report states that the CO noted that "if effective and enforceable measures were put in place, then conflict would be minimized. Proposed bylaw amendments to permit hens in the City meet the concerns raised by the Conservation Officer. Proper pen construction, secure enclosures, feed storage, cleanliness, etc., all contribute to upholding the harmony between wildlife and humans."

6. Costs for Bylaw Enforcement/Animal Control

Potential costs for bylaw enforcement and animal control associated with chickens are anticipated to be minimal. Between June 2010 when the City of Vancouver permitted residents to keep urban hens and June 2012, approximately 80 residents had registered with the municipality for hens. With a population of 603,000 at the time, this means that far less than 1% of residents are keeping chickens. The City of Vancouver receives an average of twenty complaints per year. Communities on Vancouver Island receive on average a very small number of complaints each year.

7. Property Value Concerns

Some residents have voiced concerns that urban hens in the neighbourhood could devalue their property. To address these concerns, it is important that City's have guidelines for coop standards. For example, the City of Vancouver uses the following guidelines for coop placement: Bird and animal enclosures, are defined as accessory structures and must be no closer than 9.1 m (30 ft) from any dwellings and 18.3 m (60 ft) from the front property line. As well, the City's Zoning Bylaw could include information on the types of coop structures permitted and sizes.

8. Human Health Issues

Other cities that have permitted the keeping of urban hens have undertaken analysis in this area. The City of Duncan received a letter from the local Medical Health Officer (attached), that noted "the key requirement from a public health perspective for such a bylaw is assurance that the health of the residents will not be put at risk. Small scale methods of keeping poultry do not typically lead to problems with sanitation, or transmission of disease to humans."

As well, the following excerpt from the City of North Vancouver's report speaks to the issue of potential health concerns.

During the creation of Vancouver's regulations pertaining to the keeping of urban hens, Vancouver staff completed substantial analysis on real and perceived public health concerns. Specifically, the City of Vancouver looked at Avian Influenza and Salmonella and the possible impacts on the municipality. The City of Vancouver consulted with Vancouver Coastal Health and, after these discussions, were provided with information presented in a report Published by the Journal of Community Health (2012, 37:734-742) entitled 'Raising Chickens in Backyards: The Public Health Role'. The report stated: "Overall, the risk of pathogen transmission given backyard chicken keeping appears to be low and does not present a greater threat to the public's health compared with keeping of other animals allowed... such as dogs and cats".

Regarding the concerns surrounding Avian influenza, the report noted: "While the potential for air droplet transmission exists for Avian Influenza in commercial poultry operations, it is less relevant for urban backyard chicken scenarios (limited number of birds, outdoor confinement and less potential for reaching high pathogen loads for adjacent air)."

9. Butchering of Hens and End of Life Disposal

Another concern that has been identified is with what happens to chickens once they stop laying eggs or when they die from old age. All municipal bylaws compared in this review have a clause that states that butchering of hens in one's backyard is not permitted. The bylaws also contain a range of clauses stating that owners are responsible for legal, humane, and sanitary disposal of hens. Options include taking hens to a farm or abattoir for slaughter or to a veterinarian for euthanization.

Changes Required to Campbell River's Animal Control Bylaw and Zoning Bylaw

If the City of Campbell River proceeds with allowing the keeping of urban hens, this would require updates to the City's Animal Control, Zoning, and Ticketing for Bylaw Offences bylaws. As well, the City would want to have guidelines for those interested in keeping urban hens. Examples of required changes include:

Animal Control Bylaw

- Allow for keeping of poultry
- Requirements for lot size and number of hens permitted
- Restrictions prohibiting roosters
- Details around the type of enclosure required for keeping of hens
- Restriction of slaughtering and burying of chickens on property
- Animal welfare related clauses
- Requirements for property owner to keep the building and enclosure keeping the hens maintained in good repair and kept free from vermin and obnoxious smells and substances
- Potential requirement for a hen registry

An example Animal Control Bylaw is provided from Saanich that includes examples of these requirements (attached).

Zoning Bylaw

- Allow keeping of poultry in residential areas
- Provisions around location and size of coop

Ticketing For Bylaw Offences Bylaw

- Ticket amounts associated with contravention of animal control bylaw and zoning bylaw pertaining to chicken requirements

Conclusion

Cities that are permitting the keeping of urban hens are becoming increasingly common place throughout North America. As outlined in this report, there are a variety of solutions that can address potential concerns with permitting urban hens and there is a wide variety of resource material that has already been developed by other communities. If Campbell River chooses to permit the keeping of urban hens these resources would be available for the City's reference in developing requirements and guidelines.

Respectfully submitted,



Amber Zirnelt, M.Sc, MCIP, RPP
Sustainability Manager

Reviewed by,

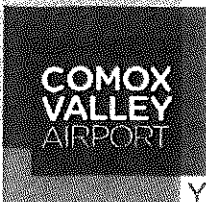


Ronald G. Neufeld, P.Eng
General Manager Operations

Attachments: Community Comparison Chart,
Medical Health Officer Letter,
City of North Vancouver Council Report,
Sannich Bylaw,
Map of Areas Permitting Poultry

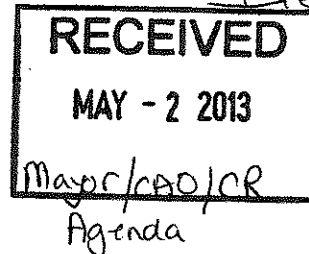
Issue	Saanich	Duncan	Nanaimo	City of North Vancouver	Victoria	Powell River	Vancouver
Noise	no roosters	no roosters	no roosters	No roosters; Noise bylaw can be enforced	no roosters; recommend keeping in COOP until 7 am to avoid potential noise at daybreak	no roosters in main residential areas	no roosters
Attracting Rodents	Bylaw specifications for Coops/responsibility of property owner to keep the coop free of vermin; hen food must be stored in closed, vermin proof container	Coop free from vermin	Areas within and around structures are kept free of vermin	Ensure flock is protected against predators and pests through a secure pen and coop, monitoring their health and hygiene; feed must be secured to reduce pests	see Saanich example	keep coops clean, rodent proof	Hen enclosures shall be kept in good repair, maintained in a sanitary condition, free of vermin, obnoxious smells, and substances. Enclosures shall be constructed and maintained to prevent rodents from being harboured underneath, within, or within the walls of the enclosures, and to prevent entrance by any other bird or animal.
Smell	Manure must be stored in a closed container, and no more than 3 cubic metres on property	Coop free from obnoxious smells; removal of food, trash and manure from each coop; Manure must be stored in a closed container, and no more than 3 cubic metres on property	Structures housing chickens or ducks must be kept clean, dry, and free of odours; Chicken and duck manure or disposed of to prevent odours; can be seized by pound if contravention	Nuisance bylaw can be enforced; sanitation guidelines	see Saanich example	keep coops and enclosures clean	Clean Coops, manure stored in close-lidded container Owners shall be responsible for the humane and sanitary disposal of hens. Can be taken to Animal Shelter for cremation or disposed of in other legal means. Options include taking hens to a farm or abattoir for slaughter, or to a veterinarian for euthanization.
End of Life Disposal of Chickens	No hens to be buried on parcel	No disposal of fens except to a poundkeeper, farm, abattoir, veterinarian or other facility with the ability to lawfully dispose of the carcass.	No reference	Hens shall not be slaughtered or euthanized on the property. Hens shall only be disposed of by delivering to a farm, abattoir, veterinarian, or other facility that has the ability to dispose of hens lawfully.	see Saanich example	No reference	
Hen Registry	Yes, required	Yes, required (without license or bylaw contravention animals can be seized by Pound Services)	No reference	Not required	yes, required	No reference	yes, required
Butchering of hens	not permitted	No slaughtering or euthanizing on lot; no burying on lot	Not on lot	not permitted	not permitted on lot	No reference up to 12 poultry, none of which may be a rooster, on a RA1 zoned parcel where the lot area is less than 0.2 hectares (0.5 acres); b) up to 24 poultry, one of which may be a rooster, on a RA1, A1 or A2 zoned parcel; and c) up to three poultry, none of which may be a rooster, on a R1, R2 and R3 zoned parcel	not permitted in backyard
# of chickens allowed/lot size	5 with a property area greater than 6,000 ft ² ; 10 with a property area greater than 12,000 ft ²	up to six	maximum of six (6) chickens or ducks may be kept on a lot less than 0.4 hectares (1 acre) in size but where the lot is less than 450 m ² (4843.75 ft ²) no more than four (4) chickens or ducks may be kept.	up to 8 hens in single-family residential areas (recommends 3 to 4)	see Saanich example	Guidelines for humane treatment of animals in bylaw, Powell River Farmer's Institute to help with abandoned birds if necessary	Guidelines for urban hen keeping: A person who keeps a hen must give the hen food, water, shelter, adequate light and ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, sufficient to maintain the hen in good health.
Inhumane Protection	Responsibility of owners; SPCA	Provision of perches/coop space etc., lots of good examples around treatment of hens/living conditions in bylaw	No info on this	Provide guidelines for humane treatment of chickens	see Saanich example		

Issue	Saanich	Duncan	Nanaimo	City of North Vancouver	Victoria	Powell River	Vancouver
COOPs/Pens	No reference	See Zoning Bylaw for siting requirements (0.37 m ² of Coop floor area and at least 0.92 m ² of Pen area per hen)	0.37 m ² of Coop floor area per hen	See urban hen guidelines; not regulated in bylaw	see Saanich example	No reference	Each hen shall be provided a minimum of 0.37 m ² (4 ft ²) of coop space, and a minimum of 9.2 m ² (10 ft ²) of roosted outdoor enclosure. The floor of the outdoor enclosure shall consist of any combination of vegetated or bare earth. Coops shall include at least one perch and one nest box for each hen. Hens shall be kept for personal use only; no person shall sell eggs, manure, or other
No selling of eggs, meat, manure	No reference	Eggs, meat, manure	No info on this	no sale of eggs, manure or meat	no sale of eggs or meat		



YQQ

Where journeys begin.



To: The Local Government Nominating Entities

File No. 0360-20

May 1st 2013

Attn: Mayor Leslie Baird
Director Edwin Grieve
Mayor Paul Ives
Mayor Larry Jangula

Re: Upcoming CVAC Director Vacancy

Dear Local Government Leaders,

This is the follow-up on the particular skills, knowledge and experience that are being sought in a new CVAC director to fill the upcoming board vacancy.

To make this straightforward for your contact with potential candidates the attached listing provides the profile of a CVAC director as ascribed by CVAC policy. In Item 4 a number of factors are covered that indicate knowledge provided by a new director that would enhance the overall board skill set. You will see that the listing includes:

- Facilities administration including life cycle planning
- Economics particularly related to transportation & tourism
- Risk assessment
- Project management
- Strategic planning through to performance monitoring

When candidates are screened by the Local Government Nominating Entity, the Governance Committee believes that the candidates should demonstrate an understanding of the unique model of the Comox Valley Regional Airport; its economic value to the region, and CVAC's strategic plan. Additionally candidates should clearly indicate their enthusiasm toward undertaking this important oversight role in a not-for-profit Canadian corporation.

As noted in the attached form the revised target date of July 15 2013 for the submission of the list of candidates prepared by the Local Government is outlined.

On behalf of the Governance Committee I thank you for your consideration and support of this request.

Sincerely,

Russell Irvine
Chair, Comox Valley Airport Commission Governance Committee

Attachment: Form CVAC Director Recruitment – Local Government NE 2013

CVAC Director Recruitment

1. Vacancy: effective July 16 2013 Nominating Entity Local Government Term Available TBA
2. Current incumbent: Daryl McLoughlin - Completing final term – Total 9 years of service - Not eligible for reappointment by CVAC Bylaws
3. Director Profile ascribed by CVAC Policy:
 - a) Personal attributes:
 - High ethical standards & integrity in professional and personal dealings
 - Ability & willingness to raise potentially controversial issues//encourages dialogue
 - Flexibility, responsiveness and willingness to consider change
 - Ability & willingness to listen to others
 - Capability for a wide perspective on issues
 - Ability to work as a team member
 - b) Core Competencies:
 - Well-developed faculty for critical & strategic analysis
 - Financial literacy, including the ability to read financial statements, use ratios, measure performance.
 - Appreciation of the unique role of CVAC as the stakeholder of the Commission
 - Thorough knowledge of the responsibilities & duties of a director
 - Ability to distinguish corporate governance from management
 - Demonstrate leadership skills from either voluntary or employed organizations
4. Expertise & Experience – Based on Current Board Needs Assessment: April 2013
 - Physical facility policy & planning – life cycle management
 - Economics – International to Local including tourism & transportation
 - Risk assessment
 - Project management to specifics of ROI & business case development
 - Strategic planning through to performance monitoring
5. Notification & Contact by CVAC Governance Committee with Nominating Entity:
 - ~ Official notification on April 10 2013 for nomination of candidates
 - ~ Outline of Qualifications as presented above – As above Item 4
 - ~ Other contacts as required e.g. coordination & advertising arrangements - TBA
6. Nomination of candidates by Local Government NE to CVAC Governance Committee:

Target Date – July 15 2013
7. Contact by Candidates to Governance Committee: Schedule follows NE nomination
 - Letter of interest
 - Resume
 - Acknowledgment of Commitment & Eligibility

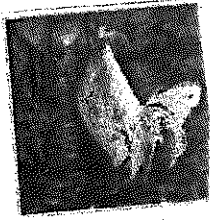
CVAC Director Recruitment Form C 2013

PLEASE CALL 250 3360331

FOR PICK UP.

ELKE BIBBY

Item 8.7



HELP MAKE BACKYARD CHICKENS LEGAL IN CUMBERLAND!

By signing this petition you are telling Council that we, the residents of the Village, care about our environment, our health, the humane treatment of animals and our right to access local food. We want Bylaw 893 changed to allow residents to keep a limited number of Backyard Hens (but no roosters!)

Backyard chickens provide families access to an affordable, sustainable, environmentally responsible food source. Chickens reduce the number of unwanted pests in the garden, in-turn decreasing the amount of harmful pesticides, and produce a nutrient rich fertilizer aiding in the growth of healthy plants.

Many Canadian urban centers including Victoria, Vancouver, and Nelson already allow residents to keep a limited number of Backyard chickens.

Thanks for your support!

Dear Rachel.

And here are some more signatures

page 1 has 13

page 2 has 6

page 3 has 6

page 4 has 6 so all together 31 more signatures

We had 476 before, so now we have 507 signatures.

I respectfully submit the last 31 signatures

to the next Council meeting at the Town Hall,

MAY 6, 013, at 7 p.m.

ELKE BIBBY



Rachel Parker

Subject: FW: Invitation to participate in BC SPCA strategic planning survey

From: Craig Daniell [mailto:cdaniell@spca.bc.ca]
Sent: Tuesday, May 07, 2013 10:45 AM
Cc: Erin Ryan (erin.ryan.ubc@gmail.com)
Subject: Invitation to participate in BC SPCA strategic planning survey
Importance: High

Dear Mayor and Council:

The British Columbia Society for the Prevention of Cruelty to Animals (BC SPCA/Society), in the final year of its current five year strategic plan, has recently launched an extensive public consultation process to determine animal welfare priorities for the Society for the period 2014 to 2018.

To assist the BC SPCA in its strategic planning process, a web based public survey has been developed in which we are seeking the views of British Columbians on where they believe the Society should prioritize its scarce resources. It is our hope that thousands of supporters and members of the public will share their views and hopes for improved animal welfare in British Columbia. The survey is the first component of this public consultation process.

As elected community representatives, we believe that you have valuable insight that can assist the BC SPCA in the development of its new plan. As such, we ask each of you to spend approximately 10 to 15 minutes completing the survey by clicking the following link:

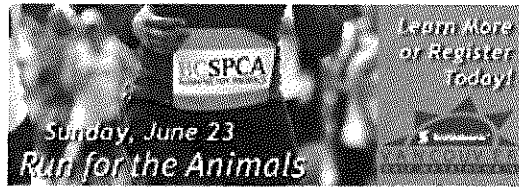
<http://fluidsurveys.com/s/Mayors/Council/strategic-planning/>

Although the survey you complete is identical to the public survey available on our website, the results will be analyzed separately. We are also asking you to identify your community so that we can obtain a better understanding of the animal welfare concerns and/or issues facing your community and invite you to elaborate on any particular issues to you and your constituents in the comment section at the end of the survey.

Thank you for supporting the prevention of cruelty to animals in British Columbia.

Sincerely,

Craig Daniell
Chief Executive Officer
BCSPCA
1245 East 7th Avenue
Vancouver BC V5T 1R1
Tel: 604.681.7271
Fax: 604.681.7022



OUR MISSION: To protect and enhance the quality of life for domestic, farm and wild animals in British Columbia.

*The BC SPCA is a not-for-profit charitable organization reliant on donations from the public.
Charitable Tax # BN 11881 9036 RR0001*

This message and any attachments or links are for the sole use of the intended recipient(s) and may contain privileged and confidential information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please notify us immediately and destroy the original message. Thank you.