

The Corporation of the Village of Cumberland
Regular Council Meeting Agenda

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



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

Pages

1. **Call To Order**
2. **Agenda**
 - 2.1 Agenda for Regular Council Meeting, May 8, 2023
Recommendation:
THAT Council approve the agenda for the May 8, 2023 Regular Council Meeting.
3. **Minutes**
 - 3.1 Adoption of Minutes 7
Recommendation:
THAT Council adopt the following minutes:
 - Committee of the Whole Meeting, April 24, 2023
 - Regular Council Meeting, April 24, 2023
 - Committee of the Whole Meeting, May 1, 2023
 - 3.2 Receipt of Minutes 17
Recommendation:
THAT Council receive the draft minutes from the Advisory Planning Commission, April 13, 2023
4. **Delegations**
 - 4.1 Comox Valley Cycling Coalition - Update of Safe Cycling Initiatives in the Comox Valley 21
Delegation of Mike Keohane, President
Recommendation:
THAT Council receive the delegation from the Comox Valley Cycling Coalition regarding Safe Cycling Initiatives in the Comox Valley.
5. **Unfinished Business**
 - 5.1 North Island Student's Union - Menstrual Equity 22

Recommendation:

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

6. Correspondence

7. Reports

- 7.1 Environmental Protection, Wildfire Urban Interface Development Permit and Development Variance Permit - Coal Valley Estates Phase 10/11 Prepared by Meleana Searle, Planner 24

Recommendation:

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

- 7.2 2023 Community Grant Program Applications Prepared by Rachel Parker, Corporate Officer 179

Recommendation:

- i. THAT Council allocate 2023 Community Grant Program funding.
- ii. THAT Council refer the Beaufort Family Health Society community grant application to staff to explore other funding options.

- 7.3 Elevate the Arts – Community Arts and Culture Event Contract Prepared by Kaelin Chambers, Economic Development Officer 188

Recommendation:

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

- 7.4 Transportation Master Plan Update Prepared by Rob Crisfield, Manager of Operations 194

Recommendation:

THAT Council receive the Transportation Master Plan Update for information.

- 7.5 Comox Strathcona Waste Management Centre, Development Cost Charges and Water Connection Prepared by Rob Crisfield, Manager of Operations 197

Recommendation:

- i. THAT Council allow the Comox Strathcona Waste Management Centre an additional one (1) year to connect to Village water beyond the one-year requirement contained in the Municipal Water System Regulation and Fees Bylaw 1023, to allow a review of water servicing requirements.
 - ii. THAT Council instruct staff to review the newly adopted DCC Bylaw and how it may be applied to the Comox Strathcona Waste Management Centre site, and to bring back a report for discussion at a future date.
- 7.6 Council Code of Responsible Conduct 201
 Prepared by Rachel Parker, Corporate Officer
- Recommendation:**
 THAT Council consider the principles of responsible conduct and decide to update its code of conduct and consider resourcing the review during its 2024 budget development.
- 7.7 K'wax Dzi Dsas Welcome Poles 218
 Prepared by Kevin McPhedran, Manager of Parks and Recreation
- Recommendation:**
- i. THAT Council approve the temporary installation of the two K'wax Dzi Dsas welcome poles in Peace Park; and
 - ii. THAT Council approve the expenditure of up to \$40,000 to be funded through the General Asset Reserve for the installation of the welcome poles and THAT Council direct staff to bring forward an amendment to the adopted 2023-2027 Financial Plan Bylaw to reflect this expenditure.
 - iii. THAT Council direct staff to research potential grant programs for funding for the carving and raising of permanent welcome poles at the Peace Park location.
- 7.8 Grant Applications for Emergency Operations Centres & Training 2023 223
 Prepared by Fire Chief Mike Williamson
- Recommendation:**
1. THAT the Village of Cumberland Council approves the application made to the Union of BC Municipalities Community Emergency Preparedness Fund (Emergency Operations Centre's & Training 2023) for \$30,000 to be used in 2023-2024 to support the regional application made by the Comox Valley Regional District (primary applicant); and
- THAT as a joint applicant, the Village of Cumberland Council agrees that the primary applicant will apply for, receive, and manage the UBCM CEPF EOC & Training grant funding on the Village's behalf, if successful in grant

funding.

2. THAT the Village of Cumberland Council approves the application to be made to the Union of BC Municipalities Community Emergency Preparedness Fund (Public Notifications & Evacuation Route Planning 2023) for \$30,000 to be used in 2023-2024 to support the regional application made by the Comox Valley Regional District (primary applicant); and

THAT as a joint applicant, the Village of Cumberland Council agrees that the primary applicant will apply for, receive, and manage the UBCM CEPF Public Notifications & Evacuation Route Planning grant funding on the Village's behalf, if successful in grant funding.

- 7.9 United Riders of Cumberland Paved Pump Track Proposal 226
Prepared by Kevin McPhedran, Manager of Parks and Recreation

Recommendation:

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

- 7.10 Accessibility Plan 230
Prepared by Mayor Vickey Brown, Chair Committee of the Whole

Recommendation:

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

- 7.11 Cumberland Events Society Memorandum of Understanding 231
Prepared by Mayor Vickey Brown, Chair Committee of Whole

Recommendation:

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

- 7.12 Mayor and Council Monthly Reports - April 2023 232

- Mayor Vickey Brown
- Councillor Sean Sullivan
- Councillor Troy Therrien
- Councillor Neil Borecky
- Councillor Jesse Ketler

Recommendation:

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

8. Bylaws

- 8.1 2023 Property Tax Rates Bylaw No. 1192, 2023 233
Prepared by Annie Berard

Recommendation:

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

- 8.2 Housing Agreement (3345 Second Street) Bylaw 1193, 2023 235
Prepared by Karin Albert, Senior Planner

Recommendation:

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

9. New Business

10. Notices, Motions and Announcements

Matters considered here may include notices or motions to hold a meeting of the Committee of the Whole, a Village Hall meeting, a Public Hearing, and noticed of motion introduced by a Council Member.

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

11. Question Period

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

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

read.

12. Adjournment

Recommendation:

THAT Council adjourn the meeting

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



**April 24, 2023, 2:00 p.m.
Council Chamber, 2675 Dunsmuir Avenue**

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

Staff Present: Michelle Mason, Chief Administrative Officer
Rachel Parker, Corporate Officer
Kevin McPhedran, Manager of Parks and Recreation
Kaelin Chambers, Economic Development Officer
Ryan Parton, Recreation and Culture Supervisor

1. Call to Order

Mayor Brown called the meeting to order at 2:00 p.m. and recognized the unceded traditional territory of the K'ómoks First Nation and offered gratitude for the care and stewardship of this land since time immemorial.

2. Agenda

2.1 Agenda for Committee of the Whole meeting, April 24, 2023

Moved by: Borecky

Seconded by: Therrien

THAT the Committee approve the Agenda for the April 24, 2023 Committee of the Whole meeting.

Carried Unanimously

3. Delegations

3.1 Experience Comox Valley, powered by 4VI (formally Tourism Vancouver Island).
Delegation of Tanya Massa, Comox Valley Marketing Coordinator and
Calum Matthews, VP of Sustainability and Strategy at 4VI

Mr. Matthews shared updates on 4VI. 4VI has a new organizational structure as a social enterprise, and focus serving residents, businesses and community partners. The current three year business plan areas of focus include:

- Post COVID-19 pandemic tourism resiliency
- Mountain biking support and trail enhancements
- Supporting communities by investing in projects that benefit residents and tourism

Mr. Matthews noted the recent 4VI publication of a climate action report on emissions from the tourism industry on Vancouver Island and a decarbonization plan.

Ms. Massa, Marketing Coordinator, reviewed the Experience Comox Valley strategic plan and objectives, including:

- Increasing revenue from visitation,
- Managing growth,
- Increasing competitiveness of Comox Valley as desired destination,
- supporting sustainable tourism,

Ms. Massa noted audiences are targeted based on geography location, age, explore quotient type, and interests.

Highlights in 2022 included establishment of the Technical Advisory Committee, print marketing, broadcast marketing, promotional campaigns, new website, social media, visitor servicing, future focus on continued asset development, sustainable planning, events and experience support.

Moved by: Sullivan

Seconded by: Borecky

THAT the Committee receive the delegation of Experience Comox Valley, powered by 4VI (formally Tourism Vancouver Island).

Carried Unanimously

4. Reports

4.1 Cumberland Events Society Memorandum of Understanding

Moved by: Sullivan

Seconded by: Borecky

THAT the Committee recommend that Council enter in the Memorandum of Understanding with the Cumberland Events Society and authorize the Mayor and Chief Administrative Officer to execute the agreement;

AND FURTHERMORE, that the Manager of Parks and Recreation be authorized to make changes to the MOU, upon mutual agreement with the Cumberland Events Society, providing said changes are strictly operational in nature and do not change the Village's financial commitment or level of service provision.

Carried Unanimously

4.2 Accessibility Plan

Moved by: Therrien

Seconded by: Sullivan

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

Carried Unanimously

4.3 Strategic Priorities, First Quarter Report, January to March 2023

Moved by: Borecky

Seconded by: Sullivan

THAT the Committee receive the Strategic Priorities First Quarter Report, January to March 2023.

Carried Unanimously

5. **Question Period**

There were no questions.

6. **Closed Portion**

Moved by: Borecky

Seconded by: Therrien

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

(c) labour relations or other employee relations;

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

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

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the [Freedom of Information and Protection of Privacy Act](#); and,

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

Carried Unanimously

7. Adjournment

Moved by: Borecky

Seconded by: Therrien

THAT Council adjourn the meeting at 4:09 p.m.

Carried Unanimously

Mayor

Certified Correct by Corporate Officer

The Corporation of the Village of Cumberland
Regular Council Meeting Minutes



April 24, 2023, 5:30 p.m.
Council Chamber, 2675 Dunsmuir Avenue

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

Staff Present: Michelle Mason, Chief Administrative Officer
Kevin McPhedran, Interim Deputy Chief Administrative Officer
Rob Crisfield, Manager of Operations
Annie Berard, Chief Financial Officer

1. Call To Order

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

2. Agenda

2.1 Agenda for Regular Council Meeting, April 24, 2023

Motion 23-083

Moved by: Ketler

Seconded by: Sullivan

THAT Council approve the agenda for the April 24, 2023 Regular Council Meeting.

Carried Unanimously

3. Minutes

3.1 Adoption of Minutes

Motion 23-084

Moved by: Sullivan

Seconded by: Ketler

THAT Council adopt the following minutes:

- Regular Council Meeting, April 11, 2023
- Committee of the Whole, April 17, 2023

Carried Unanimously

4. Delegations

- 4.1 Menstrual Equity - Delegation of Carissa Wilson, Executive Director and Rebecca Lennox, Organizer-Advocacy, North Island College Students Union NISU

Motion 23-085

Moved by: Ketler

Seconded by: Borecky

THAT Council receive the delegation from North Island Students Union (NISU) regarding Menstrual Equity.

Carried Unanimously

- 4.2 Cumberland Victoria Day Celebrations and Cumberland Event Society-Delegation of Marianne Bell, Chair

Motion 23-086

Moved by: Borecky

Seconded by: Therrien

THAT Council receive the delegation from Cumberland Events Society regarding the Cumberland Victoria Day Celebrations.

Carried Unanimously

5. Unfinished Business

- 5.1 United Riders of Cumberland (UROC) - Pump Track Project

Motion 23-087

Moved by: Sullivan

Seconded by: Ketler

That Council refer the request from the United Riders of Cumberland regarding partnering on a Pump Track project to staff to provide a report to Council for more information on the opportunity.

Carried Unanimously

6. Correspondence

None

7. Reports

7.1 Audited Financial Statements

Motion 23-088

Moved by: Borecky

Seconded by: Therrien

- i. THAT Council receive Cory Vanderhorst, CPA, CA from MNP to present the auditor's report to Council for the year ended December 31, 2022.
- ii. THAT Council approve the Village of Cumberland Audited Financial Statements for the year ended December 31, 2022.

Carried Unanimously

7.2 UBCM Letter on Behalf of the Ministry of Housing

Motion 23-089

Moved by: Therrien

Seconded by: Sullivan

THAT Council direct staff to report to Council in a closed session meeting under section 90 (e) regarding possible municipal lands or facilities available for affordable housing.

Carried Unanimously

8. Bylaws

8.1 2023 Property Tax Rates Bylaw

Motion 23-090

Moved by: Sullivan

Seconded by: Borecky

THAT Council give first, second and third reading to "2023 Property Tax Rates Bylaw No. 1192, 2023".

Carried Unanimously

9. New Business

None

10. Notices, Motions and Announcements

None

11. Question Period

None received

12. Closed Portion

Motion 23-091

Moved by: Sullivan

Seconded by: Borecky

THAT Council close the meeting at 6:32 p.m. to the public pursuant to Section 90 of the Community Charter to consider:

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

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;

Carried Unanimously

13. Adjournment

Motion 23-092

Moved by: Borecky

Seconded by: Therrien

THAT Council adjourn the meeting at 6:58 p.m.

Carried Unanimously

Mayor

Certified Correct by Corporate Officer

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

**May 1, 2023, 5:30 p.m.
Council Chamber, 2675 Dunsmuir Avenue**



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

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

1. Call to Order

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

2. Agenda

2.1 Agenda for Committee of the Whole meeting, May 1, 2023

Moved by: Therrien

Seconded by: Ketler

THAT the Committee approve the agenda for the Committee of the Whole Meeting, May 1, 2023.

Carried Unanimously

3. Closed Portion

Moved by: Borecky

Seconded by: Therrien

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

(c) labour relations or other employee relations;

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

Carried Unanimously

4. Adjournment

Moved by: Borecky

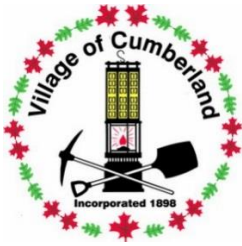
Seconded by: Sullivan

THAT the Committee adjourn the meeting at 7:22 pm.

Carried Unanimously

Mayor

Certified Correct by Corporate Officer



Village of Cumberland

Advisory Planning Commission

Minutes

The meeting of the APC was held on Thursday April 13, 2023 at Village of Cumberland Council Chambers, commencing at 4:03pm.

PRESENT:	Nick Ward, Chair	Jason Ross
	Janet Bonaguro, Secretary	Ryan Camp
	Jaye Mathieu	
ABSENT:	Genevieve Burdett	
	Debbie Bowman	
GUESTS \ STAFF:	Courtney Simpson, Manager of Development Services	
	Karin Albert, Senior Planner	
	Nancy Henderson Senior Local government Advisor, Urban Systems (Item 4.1)	
OBSERVERS:	None	

1. CALL TO ORDER

The meeting of the APC was held on Thursday April 12, 2023 at Village of Cumberland Council Chambers, commencing at 4:03pm. We are honoured to gather on the unceded traditional territory of the K'ómoks First Nation.

2. APPROVAL OF AGENDA

Bonaguro / Ross: THAT the agenda be approved with the addition of item 4.2 "OCP Review Process and Engagement Plan."

CARRIED UNANIMOUSLY

3. APPROVAL OF MINUTES

Ross / Mathieu: THAT the minutes of the meeting held December 8, 2022 be approved as presented.

CARRIED UNANIMOUSLY

4. REFERRALS FROM COUNCIL

1. Request for Comment – Development Application Procedures Bylaw and Fees Amendment Bylaw

Bonaguro / Mathieu: THAT the Advisory Planning Commission receive the staff report titled “Request for Comment – Development Application Procedures Bylaw and Fees Amendment Bylaw”.

CARRIED UNANIMOUSLY

DISCUSSION

- Consultant, Nancy Henderson presented an overview of the changes.
- General
 - Staff believe these changes will make a cumulative impact on effectiveness and efficiency of development processes for applicants, staff, Council and APC.
- Development Approval Information (Section 5)
 - Q: There appear to be more requirements for studies when compared with the old bylaw.
 - A: There is more detail in this bylaw than the past one. Staff use minimum requirement checklists that define the requirements for each type of development. Staff have some discretion on what studies are required based on the nature of the development. Staff will determine this at the pre-application stage. (Nancy)
- Development Permit Applications
 - Consider working change to Schedule 4, item 2e change from “will” to “may”, as not all applications will be referred.
- Delegated Minor DVPs
 - Good to have an avenue to reconsider delegated decisions and bring to Council.
 - Language in 12.6 and 12.8 related to what is considered “minor” seems vague. There is a line between being too prescriptive when scenarios are likely individually unique.
 - Staff professionals in their field and can make these judgement calls.
 - When staff are reviewing and considering minor DVP applications at least two planning department staff work on an application, one being the Manager of Development Services. Other internal departments are consulted if the DVP impacts other parts of village operations.
 - A report on minor variances approved by staff would be helpful so that Councilors understand what the nature of the minor variances was and the volume. Quarterly reporting may not be sufficient. The website, once operational, would be helpful at highlighting to the public what applications were approved by staff.
- Public Information Meeting
 - Risks associated with the requirement for the applicant to report on their meeting outcomes. Need a good set of guidelines to ensure that fulsome information is reported. The consultants recommended an “applicant guide” to assist applicants in hosting and reporting on public information meetings.

Suggest that the guidelines request that the host explain the process and their responsibilities around reporting what they heard, as well as the opportunity for participants to review what was submitted by the applicant and how to address inaccuracies.

- Public Hearings and Notifications
 - Notification of amendment for neighbours early in the process good; is there an opportunity to enhance the content of those notifications to provide some basic information (e.g. the application is in alignment with the OCP, zoning and development permit guidelines). The APC (and staff) see a lot of uninformed questions, it might be helpful to lift the knowledge level of community members by providing enhanced information when its relevant to them.
 - It makes sense that when an application is non-discretionary not to bring the public in when they can't influence it.
- Delegated Comprehensive Development Plans
 - Council may not entertain a CDP application without a Terms of Reference given the potential complexity of the development, therefore it makes sense to not bring anything to council until this step has been completed.

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

CARRIED UNANIMOUSLY

2. OCP Review Process and Engagement Plan

Bonaguro / Mathieu: THAT the Advisory Planning Commission receive the staff report titled "OCP Review Process and Engagement Plan".

CARRIED UNANIMOUSLY

DISCUSSION

- Staff provided an overview of the report.
- General
 - Staff confirmed that land use maps and DPA's get amended through amendments to the OCP. The OCP process will review both land use maps and DPAs.
- Role of the APC
 - The APC is very supportive of our proposed role in the OCP process.
- Hot topics
 - Environmental protection areas and standards.
- Community engagement
 - Phase 1 – would like to see consultation with local non-profits working in the community as these are the drivers of change that do significant related

work in the community (CBA, CCSS, CCFS, clubs, legion, dawn to dawn, other societies). Staff clarified that groups will be invited to join in the public consultation events. Rather than consult with groups individually, the OCP engagement events will encourage groups and individuals to come together to exchange ideas and concerns. This typically results in more creative discussions and solutions to problems.

- Staff confirmed that the public will be consulted on the results of the Phase 3 engagement activities and opportunity identification.
- Staff Capacity
 - Staff indicated that one planning resource would be dedicated at an average 50% of their time (0.5 FTE) for the duration of the OCP process, and other staff will be involved as well. The Village is also getting assistance from consultants (e.g. graphic design, housing needs report update, facilitation).
- Timing
 - Wednesday May 24 is the first planned event from 12-7pm.
 - APC will look at member availability over the next several months to meet to conduct work on this.

Bonaguro / Ross: THAT the APC recommend to Council to accept the OCP review process as presented.

CARRIED UNANIMOUSLY

5. NEXT MEETING

The next APC meeting is Thursday May 11, 2023 at 4:00pm.

6. TERMINATION:

Bonaguro: THAT the meeting terminate.

Time: 6:20pm

Certified Correct: <hr/> <div style="text-align: right;">Chair</div>	Confirmed: <hr/> <div style="text-align: right;">Deputy Corporate Officer</div>
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Subject: FW: Request for Delegation - May 8

From: mikekeohane@icloud.com <mikekeohane@icloud.com>

Sent: Monday, March 27, 2023 8:34 AM

To: Village of Cumberland <info@cumberland.ca>

Subject: Request for Delegation - May 8

Good morning,

I would like to request a delegation to Cumberland Village Council on behalf of the Comox Valley Cycling Coalition for the meeting on May 8, 2023.

The delegation information is as follows:

Organization: Comox Valley Cycling Coalition

Presenter: Mike Keohane (organization President)

Topic: Update of safe cycling initiatives in the Comox Valley

Preferred Date: Monday, May 8, 2023

Please confirm our delegation request via return email at your convenience.

Thank you,

Mike Keohane

President – CV Cycling Coalition

[REDACTED]

[REDACTED]

Subject: FW: Application for delegation

From: NISU Office <theoffice@nisu.ca>

Sent: Thursday, March 23, 2023 11:05 AM

To: Village of Cumberland <info@cumberland.ca>

Subject: Application for delegation

Hello there, I am writing on behalf of North Island Students' Union to request an appearance as a delegation.

The delegation will be presented by Carissa Wilson and myself on the topic of Menstrual Equity, with the intention to illustrate the impact that lack of access to menstrual products has on community members. Council is requested to vote in favour of a staff report regarding the cost analysis and implications of providing free menstrual products in village owned and operated facilities.

Rebecca Lennox, she/her
Organiser - Advocacy
North Island Students' Union

Local 15 British Columbia Federation of Students

Access our bookable calendar: <https://calendly.com/nisuoffice>

Please practice compassion for spelling mistakes and grammar, learning disabilities are lifelong.

North Island Students' Union is honoured to acknowledge territories of the combined 35 First Nations; Nuu-chah-nulth, Kwakwaka'wakw and Coast Salish peoples, on whose unceded lands we learn, live and play

Subject: FW: NISU delegation package
Attachments: Village of Cumberland - Menstrual Equity.pdf

From: NISU Office <theoffice@nisu.ca>
Sent: Monday, April 17, 2023 12:15 PM
To:
Subject: NISU delegation package

Good afternoon, please find attached the presentation NISU will be bringing before Council next week. Carissa Wilson will be presenting. If it is possible to send this link with the full Period Promise Campaign information to council in advance of the meeting, we would be much obliged. <https://uwbc.ca/program/period-promise/#research>
Hope you are well, see you soon.

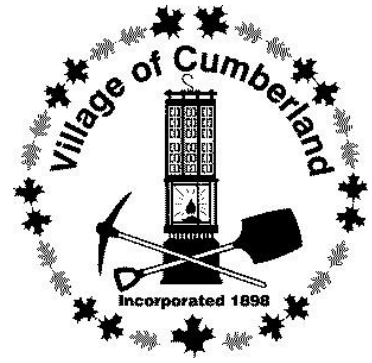
Rebecca Lennox, she/her
Organiser - Advocacy
North Island Students' Union

Local 15 British Columbia Federation of Students

Please practice compassion for spelling mistakes and grammar, learning disabilities are lifelong.

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COUNCIL REPORT



REPORT DATE: 4/19/2023
MEETING DATE: 5/8/2023

File No. 2019-15-DP/2022-10-DV

TO: Mayor and Councillors
FROM: Meleana Searle, Planner
SUBJECT: Environmental Protection and Wildfire Urban Interface Development Permit and Development Variance Permit - Coal Valley Estates Phase 10/11

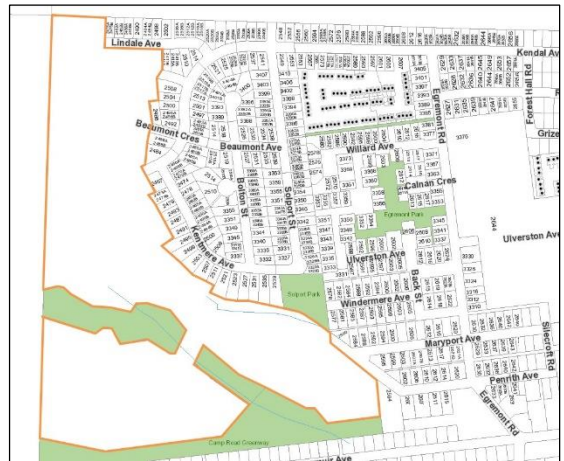
RECOMMENDATION

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

PURPOSE

The purpose of this report is to request a referral to the Advisory Planning Commission. Approvals requested from Council related to this Coal Valley Estates Phase 10/11 subdivision are:

- Environmental Protection development permit
- Wildfire Urban Interface development permit
- Development variance permit to allow for an alternate road design to narrow the road west of proposed lots 10-18
- Frontage waiver for Lot ML 23
- Amendment to the Fan House covenant area
- Approval for the following related to the Comprehensive Development Agreement:
 - Reconstruction and resurfacing of Penrith Avenue from the property line of the land to Egremont Road instead of Maryport Avenue
 - Egremont Road reconstruction and resurfacing only from Penrith Avenue to Dunsmuir Avenue
- Acceptance of Lots ML23 and ML27 proposed to be transferred to the Village



Subject Property (outlined in orange)

PREVIOUS COUNCIL DIRECTION

Date	Resolution
August 9, 2021	THAT Council deny the modification of Covenant CA4570302 & CA4570304, known as the ‘Fan House covenant,’ to change the covenant area to that area shown in the McElhanney “Conceptual Design of Penrith Avenue Extension Design Memo” dated June 25, 2021; and, THAT Council obtain legal advice on how to move forward on the Coal Valley Estates Comprehensive Development Agreement.
December 14, 2020	THAT Council request that staff provide the information requested by Council on the Coal Valley Estates development proposal before considering referral of the Environmental Protection (DPA #1) and Wildfire Urban Interface Development Permit (DPA #4) to the APC.
January 14, 2019	<p>i) “THAT Council direct Administration to pursue developing a park design, in conjunction with Coal Valley Estates, for a pocket park on the No. 5 Mine Fan House site that includes deconstruction, partial removal and honouring of the Fan House as described in the “Options for the No. 5 Mine Fan House” report dated December 19, 2018;</p> <p>THAT Council direct Administration to refer the ‘Options for the No. 5 Mine Fan House’ report dated December 19, 2018 to the Heritage Commission for information and consult with the Heritage Commission during design development for the proposed pocket park.”</p>
June 22, 2015	THAT Council grant the Development Permit (File 2015-03-DP Coal Valley Estates) for property legally described as District Lot 24, Nelson District, Except Parts in Plans 21RW, 522E, 3130, 3268, 4222, 4661, , 4824, 4869, 6793, 6794, 11068, 12569, 13409, 13580, 13640, 14028, 30068, 30809, 32692, 35790, 36785, 35098, 50021, VIP64656, VIP65968, VIP65482, VIP67269, VIP71673, and except Parcel A (DD27356N) and Parcel B (DD M7897) and except Parts in Plans VIP72020, VIP72022, VIP73804, VIP74156, VIP75434, EPP15708, EPP17313, EPP18594, and EPP20118 AS SHOWN ON THE SCHEDULE A dated May 28, 2015 to the draft Development Permit ONLY for the purposes of blasting and fracturing rock in some areas and filling other areas to design depths prior to construction of adjacent homes, acknowledging that future development permits continue to be required for other parts of the Lands and for other purposes, respectively.

BACKGROUND

Proposed Development

The applicant is proposing to subdivide, pursuant to a subdivision and development covenant (referred to as comprehensive development agreement or “CDA”). This subdivision represents Phases 10 and 11, which are now proceeding as a single subdivision application. As such, some documents may refer to this subdivision as Phase 10 and 11 combined, or just Phase 11. There are 64 lots proposed for single family development, 3 lots proposed for multifamily development, 1 lot for commercial development and 2 lots proposed to be gifted to the Village. Development works proposed for Phases 10 and 11 subdivision of Coal Valley Estates consist of the following:

- Blasting to allow for service installation and road construction.
- Civil infrastructure construction including potable water, sanitary and storm sewer servicing.
- Third party utilities infrastructure installation including electrical, gas and telecommunication servicing.
- Municipal road construction including curb, gutter, sidewalk, multi-use trails and street lighting.

Other items such as trails, boulevard landscaping, and irrigation will be addressed through detailed design at subdivision but do not require a development permit.

Official Community Plan

The subject property is within DPA #1 – Environmental Protection and includes aquatic ecosystem areas and is considered a connectivity area (OCP Map E). It is also within DPA #4 - Wildfire Urban Interface Development Permit (DPA#4). A development permit pursuant to both DPAs is required for subdivision.

The purpose of DPA#1 – Environmental Protection is to ensure that natural resources are protected, connectivity restored and maintained, and development impacts mitigated, including allowing decision makers to have the ability to secure the necessary information and be able to place conditions on development.

DPA#4 is applicable to lands that may be susceptible to wildfire. The lands identified as Interface Wildfire Risk are designated a hazardous condition development permit area to protect buildings and properties near interface boundaries from heat radiation, direct flame contact or airborne embers produced by interface wildfires.

Zoning Bylaw

The subject property is zoned MU-1 – Mixed Use Residential, which permits a variety of residential and commercial principal uses such as apartment, community care facility, office, mixed use building, townhouse, and single family residential. Accessory uses include accessory buildings, home occupations, secondary suites and urban agriculture. This zone outlines maximum densities for each of the permitted uses, either as a unit number, a land area, and/or as gross floor area (GFA).

Comprehensive Development Agreement (CDA)

In 2011, the Village entered a CDA with Coal Valley Estates (CVE) as part of the rezoning of the subject property. The CDA was registered on the title of the affected property and addressed the following: plan for subdivision and uses; servicing required prior to subdivision; park dedication; highway improvements; and financial contributions.

ANALYSIS

DPA #1 – Environmental Protection

A Bio-Inventory Report and subsequent Environmental Assessments have been prepared by a qualified professional biologist. Three species of management concern were identified: Olive-sided Flycatcher, Band-tailed pigeon, and wandering salamander, that are all provincially blue-listed.

The northern section of the property is highly disturbed with no potential habitat for listed species or plant communities. The southern portion of the property is forested in predominantly young regenerating forest. There is relatively more mature vegetation (young forest) within the riparian greenway which provides most of the habitat values on the property and most of the identified potential species would utilize this portion of the property. There will be no development within the riparian greenway thus protecting any values that would occur there. A 2015 development permit authorized blasting and filling to create preliminary road grades, and that work has been completed.

Aquatic Habitat

The southern section of the property includes the Watercourse Linear Park comprised of a riparian greenway surrounding a seasonal stream and wetland. It was determined that the stream reach required a 10m wide riparian setback around the stream reach east of Road B, and a 15m to 30m wide riparian setback around the wetland area west of Road B. (See Attachment 2 - Schedule F - Coal Valley Estates Phases 9-12 Aquatic Ecosystems). There are no fish bearing waterways on the property and the closest fish bearing water is more than 8km downstream of the property. The stream and wetland provide limited amphibian habitat as breeding is limited due to the shallow and seasonal nature of the wetland area.

A 2.14-hectare Watercourse Linear Park was dedicated at the time of the first subdivision. In some areas, the 30 m riparian setback extends outside of this park as shown on the site plan showing the 30m environmentally sensitive area (ESA) and Watercourse Linear Park around the wetland (Attachment 7 - Site Plan - 30m ESA and Park Around Wetland). Proposed lot ML23 encompasses this area on one side and is proposed to be transferred to the Village by the developer. On the other side, the additional park dedication to include the full 30 m riparian setback is a requirement of this subdivision.

Any works associated with the installation of a crossing at Road B will require notification under the Water Sustainability Act and will be completed under the direction of the project biologist. Any vegetation removal required for the roadway through the greenway will be minimized to only what is needed for the construction footprint.

An additional seasonal stream was identified at the northwest corner of the property. It is a poorly scoured, unconfined, non-fish bearing drainage that eventually drains into a series of wetlands and into Maple Lake Creek. A revegetation plan was prepared by SNRC in 2021 to restore the riparian vegetation along the waterway and this work is a requirement of the development permit (Attachment 2 – 2019-15-DP – Schedule C – NW Waterway Revegetation Plan (June 3, 2021)).

Wildlife Habitat Protection

The bio-inventory assessments identified three provincially blue-listed species on the subject property: the olive-sided flycatcher, band-tailed pigeon, and wandering salamander. Most of the habitat for these species is within the Watercourse Linear Park or ML23 (proposed to be gifted to the Village). Habitat was also identified on ML24 and ML25, however, this development permit does not authorize any vegetation removal or land alteration within those lots; that will be subject to future development approvals.

There are recommendations for habitat conservation within the Watercourse Linear Park that will be taken into account by the Village in future park management including trail construction required with this subdivision.

Stormwater Management

The Village is in receipt of a Rainwater Management Plan (Preliminary) B4 Engineering Inc, November 2022. This is a new stormwater management plan (SWMP), revised from the original McElhanney plan (September 25, 2020) based on the B4 Engineering peer review (March 9, 2021). The current SWMP is attached to this report and the earlier reports are on the Village website for reference.

The current stormwater management plan includes infiltration systems along the extension of Penrith Road and underneath the road surface. The stormwater would be retained and then released from these under-road systems and directed into the existing Village stormwater infrastructure. This design allows the wetlands in the Watercourse Linear Park to be undisturbed by the development. At the detailed design stage, the Village will retain a Professional Engineer for peer review of the SWMP.

Connectivity

The riparian greenway is protected as Village park land (the Watercourse Linear Park) and bisects the property providing a connection to the adjacent working forest land to the west that allows for species movement through the site. This connection will contribute to the retention of habitat, nesting, and forage area for species such as, but not limited to, the Band Tailed Pigeon, Olive-sided Flycatcher, Screech Owls, and Wandering Salamander.

Blasting

The original development permit application included blasting of much of the area west of the Penrith Road extension to level the building lots to be ready for construction. In discussion with the applicant about Official Community Plan policies regarding site adaptive design and development permit area guidelines about minimizing alteration to the natural environment, the applicant has amended their application to limit blasting only to that necessary for trenches for servicing to lot boundaries, and grading of the narrow road behind lots 10-18 (Schedule G – Blasting Plan Map).

No building designs have been submitted for the new lots at this time. For multifamily lots 24-26 and commercial lot 27, blasting may be required to build to the desired density. For single family lots 10-22, blasting may be required for foundations. This would be addressed in future development permit applications with the benefit of specific building plans so that blasting would be minimized to only that required for the buildings. Lots will remain with their current grading and vegetation cover, allowing new owners to design the sites to minimize disturbance, consistent with the development permit area guidelines.

In 2015, a Development Permit was issued for a 17.6hectare area to blast and fracture the rock to the design depths and to fill other areas prior to construction of adjacent homes. Much of the area proposed for subdivision (Phase 10/11) is bare earth/rocks or existing roads from previous development (blasting and earth moving) activity on the site. However, since 2015 the site has been regenerating with new forest growth. The proposed subdivision preserves as much regenerating forest as possible, proposed blasting limits for Phase 10/11 will be limited to the roadways as shown on Attachment 2 – 2019-15-DP - Schedule G – Blasting Plan Map.

Steep Slope Assessment

In response to concerns from Council regarding the effects of blasting on adjacent steep slopes a geotechnical field review was conducted by a registered professional engineer. The report states

that based on the site topography, composition of the sedimentary rock and method of blasting, there will be no significant disturbance to the adjacent steep slopes. A Geotechnical Engineer will be required to review specific blasting plans prior to and during the process to ensure there is no significant impact to neighbouring lands.

DPA #4 – Urban Wildfire Interface

As part of their application, the applicant provided a report reviewing the Wildfire Urban Interface Development Permit Area guidelines. The report states that the proposed layout provides adequate separation of proposed buildings from adjacent wildland fuel areas as well as adequate defensible space between development and undeveloped portions of the area. The application meets all DPA#4 guidelines. A covenant will be required before final approval of the subdivision to address building construction and design at the building permit stage.

Development Variance Permit

The applicant is proposing a 7.0 m wide local road dedication that will serve as frontage for lots 10-18 with the driveways, front yards and addresses from this road, instead of the minimum pavement width for local roads of 8.0m. The definition of frontage in the Zoning Bylaw precludes frontage on a lane. As such, it must be considered a road and the road must be designed to an MMCD standard per Subdivision and Development Bylaw No. 948, 2012. The Subdivision and Development Bylaw would be varied to allow for a road design that follows good engineering practice that follows local, Provincial, and Federal codes and standards, and would be subject to approval by the Village.

The road is proposed to be a dead-end street that will include a 5.0m right of way for a pedestrian connection from the end of the lane to the ravine trail. Final design of the road and trail will be completed during the Design Stage Approval process of subdivision.

Best practices for evaluating development variance permit applications typically look for an acceptable land use justification. Where a land use justification for a proposed variance has been demonstrated, the application should then be evaluated based upon the impact(s) (positive or negative) of the variance. See Attachment 4 – Best Practices for Evaluating Development Variance Applications.

Frontage Waiver – ML 23

ML 23 does not meet the minimum frontage of 10% of the perimeter of the lot that fronts on a highway as required by section 512 of the Local Government Act. The Approving Officer has been delegated by Council the authority to reduce the s.512 minimum lot frontage requirements under certain conditions. These conditions do not apply to this subdivision; therefore, approval of the reduced lot frontages pursuant to s.512 requires a Council resolution. This property is proposed to be gifted to the Village and is discussed below.

Local Government Act Section 512

Minimum parcel frontage on highway

(1) If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of

(a) 10% of the perimeter of the lot that fronts on the highway, and

(b)the minimum frontage that the local government may, by bylaw, provide.

(2)A local government may exempt a parcel from the statutory or bylaw minimum frontage provided for in subsection (1).

(3)As a limitation on section 229 [*delegation of board authority*] of this Act or section 154 [*delegation of council authority*] of the [Community Charter](#), a local government may delegate its powers under subsection (2) only to an approving officer.

Comprehensive Development Agreement (CDA)

The proposed subdivision layout has been reviewed by staff and legal council for adherence to the CDA. The CDA allows for an up to 5% adjustment from the conceptual lot layout to the areas allocated for different uses and the proposal is within this adjustment. Two requirements of the CDA require Council approval: a change from Maryport to Penrith Avenue for reconstruction and resurfacing, and a change to the extent or reconstruction and resurfacing of Egremont Road and are described below.

Change from Maryport to Penrith for Reconstruction and Resurfacing

The CDA, Schedule C requires reconstruction and resurfacing of Maryport Avenue from the property line to Egremont Road. The Owner proposes reconstruction and resurfacing of Penrith Avenue from the property line of the land to Egremont Road instead of Maryport Avenue. This is supported by the Approving Officer and Managers of Development Services and Operations and is subject to Council approval. The reconstruction and resurfacing of Penrith Avenue will also include sidewalk and cycling facilities.

Penrith Avenue is the more logical direct route to the downtown core, and it is assumed that even if Maryport Avenue was reconstructed, motorists would use Penrith Avenue. Additionally, Penrith Avenue has less residential driveways that would be crossing the proposed sidewalk and cycling facilities.

Change to Reconstruction and Resurfacing of Egremont Road (Existing)

The CDA, Schedule C requires reconstruction and resurfacing of Egremont Road from Maryport Avenue to Dunsmuir Avenue. In 2015 a new storm trunk main was installed on Egremont Road. As the road between Maryport Ave and Penrith Ave was in such poor condition, and the time frame for the future of Coal Valley was unknown, the Village completed the works originally required of the CDA.

Therefore, the Approving Officer and Managers of Development Services and Operations are prepared, subject to Council approval, to consider reconstruction and resurfacing only from Penrith Avenue to Dunsmuir Avenue.

Fan House Park

The ruins of a fan house from the No. 5 Mine are located on the subject property. In 2015, as part of the phase 5a subdivision of Coal Valley Estates, a covenant was registered to protect an 0.21 ha area around and including the Fan House and to require dedication as park, or transfer to the Village in fee simple, when the adjacent lands are subdivided (Covenant CA4570302-4).

In 2019 Village Council directed staff to pursue developing a park design that included deconstruction, partial removal and honouring of the Fan House as described in the “Options for

the No. 5 Mine Fan House” staff report dated December 19, 2018. Design details were further directed by Village Council on November 25, 2019.

The No. 5 Mine Fan House Park Concept Plan, The Royal We Design Studio, June 2019 presents two options for park design (see Coal Valley Estates development page on Village website). Both options involve changing the shape of the park from the shape of the covenant area and partial deconstruction of the Fan House to reuse some of the original concrete (see Attachment 8 – Fan House proposed park area (2019)). At their November 25, 2019 meeting, Village Council directed staff to develop a letter of agreement with the owner regarding development of the park following The Royal We design. Further development of the design has been on hold while this subdivision application is being pursued.

A request to Village Council from Coal Valley Estates to modify the shape of the Fan House Covenant area consistent with The Royal We designs was denied at the August 9, 2021 Council meeting. Staff then presented the applicant with two options prior to and as a condition of subdivision approval:

- (1) The routing of the Penrith Avenue extension in the proposed subdivision plan requires amendment to be consistent with the Fan House Covenant Area Plan EPP53387 as currently registered on title; or
- (2) The applicant applies to Council again and receives permission for Modification of the Fan House Covenant to be consistent with the plan submitted for subdivision approval.

The applicant has applied again to Council for permission to modify the Fan House Covenant, and this time, full information about all aspects of the subdivision including the development permit and development variance permits are presented all together.

Traffic Calming Plan

Subdivision Road design including active transportation facilities is typically approved at the staff level pursuant to the Subdivision and Development Bylaw. For this subdivision, the applicant is also requesting an amendment to the Fan House covenant area which Council has not been prepared to consider without information to assess the impact on road design. If the current Fan House covenant area is to remain as is, the Penrith Road extension will take a curved route around the ruins of the Fan House. If the covenant is amended as proposed, the road will take a straighter route, over top of the location of the ruins. Council has expressed concern that a straighter road will lead to higher vehicle speeds and would like to see traffic calming measures.

The Penrith Avenue extension shall include active transportation facilities including protected bike lanes and pedestrian facilities. The BC Active Transportation Guidelines shall be referenced in determining the most appropriate facilities.

Traffic calming measures proposed by the applicant include (Attachment 6 – Traffic Calming):

- Pronounced curb extensions.
- A pedestrian controlled crosswalk from the bottom of Penrith Avenue to Solport Park.
- Stamped surfaces at crosswalks.
- Stop-sign controlled intersections along Penrith Avenue at Road D, Kendal Avenue, and Road B.

These calming measures are proposed and are subject to change during the Design Stage Approval process of subdivision. All designs will be peer reviewed and require approval by the Village.

Transfer of Lots 23 and 27 to the Village

With the request to modify the Fan House Park area, Coal Valley Estates would like to gift the following 1.68 ha of land in the multi-family area of Phase 10/11 (fee simple, not park dedication). These areas are shown in hatched green in Attachment 1- Phase 11 Conceptual Lot Layout, April 23, 2023.

ML 27	0.45 ha
ML 23	1.23 ha
TOTAL	1.68 ha

Preliminary analysis suggests that the best use of these areas may be neighbourhood park or conservation. The lands would remain zoned MU-1–Mixed Use Residential after transfer to Village ownership and there is no required timeline for a decision on future use of the lands.

ML 27

Initial analysis of this proposed lot indicates good potential for use as a new neighbourhood park. The desire for a neighbourhood park in this area of Coal Valley Estates is identified in the [2014 Parks and Greenways Master Plan](#), and by residents during the fall 2020 consultations for development of Solport Park. Although Solport Park is nearby and was acquired through subdivision since the 2014 Parks and Greenways Master Plan, there is still an identified need for a neighbourhood park with a larger, flat area to develop facilities such as unstructured field space, playground and/or picnic area.

If used as a park, the lot in the northwest corner of Phase 10/11 would:

- meet a need for public greenspace in that area of Coal Valley Estates by serving residents of future multi-family developments as well as the many single family residences;
- allow for a variety of future park development options that are not possible within the other Coal Valley Estates greenspaces because it is relatively flat and other nearby park areas include steep terrain; and
- protect a small creek that crosses the northwest corner of the development; and
- connect to a multi-use pathway proposed as part of the subdivision that will start at the park and follow the west side of the Penrith Avenue extension to where it joins the existing Penrith Avenue, thereby connecting the park to other greenspace within the development and to the Village core.

In addition, this northwest corner is adjacent to future development lands that could include a park area to make a larger neighbourhood park. Staff considered if there was a better location within this subdivision phase for a neighbourhood park, specifically off of Beaumont Crescent at the height of land. The views are excellent from that location, and it is not encumbered by a waterway, but because access would be difficult for all ages and abilities it was determined that was not the most desirable location.

Coal Valley Estates is required to restore the riparian area five metres on either side of the creek. Pursuant to a recent restoration plan requested by the Village, the riparian area has been fenced,

fill materials will be removed, and the land will be leveled and hydroseed prior to property transfer (See 2019-15-DP – Schedule C – NW Waterway Revegetation Plan, June 3, 2021).

ML 23

This area is located in a depression that is seasonally wet and has been identified as having important environmental values. Initial analysis of this proposed lot indicates conservation of some or all of the area may be the best use. Conservation of this area would:

- protect the area where wandering salamander was identified in an Environmental Assessment report submitted as part of the Environmental Development Permit application. Wandering Salamander is provincially blue-listed / a species of Special Concern;
- protect an area used by the provincially Blue-listed Olive-sided Flycatcher and Band-tailed Pigeon;
- include the dirt road/trail that connects the development to forest lands to the west; and
- add an area that is contiguous to existing protected greenspaces, including a small seasonal wetland, creek and ravine, thereby increasing those greenspaces' overall habitat value.

The trail above the ravine will likely be routed to connect with the end of Kendal Avenue (Road C) – to be confirmed at the design stage of subdivision. Prior to property transfer invasive vegetation would be removed by the developer and native vegetation will be restored as directed by a Registered Professional Biologist. A security would be held to ensure the work is carried out to Village standards.

PUBLIC NOTIFICATION AND REFERRALS

As required by the *Village of Cumberland Procedures and Fees Bylaw No. 1073, 2018* the applicant has placed the required sign on-site.

Pursuant to the requirements of the *Local Government Act*, a notice of Council consideration of the Development Permit and Development Variance Permit was mailed on February 1, 2023, to the owners and occupiers of properties within 75.0metres. At the time of this report, staff have received eighteen public comments. Common concerns are the amount of park being provided, increase in traffic, environmental protection of sensitive ecosystems and blasting.

ALTERNATIVES

1. THAT Council not refer the application for a development permit (2019-15-DP) and a development variance permit (2022-10-DVP) to the Advisory Planning Commission (APC) at this time but request additional information prior to referral. If changes are requested, specific direction about the type of alterations should be presented including reference to the relevant development permit area guideline or guidelines.

Council may request further information or clarification, or request the applicant make changes to the plans. If changes are requested for the development permit, specific direction about the type of changes and how they relate to one or more development permit area guidelines will assist the applicant.

2. THAT Council deny the application for a development variance permit (2022-10-DVP) for the property described as DISTRICT LOT 24, NELSON DISTRICT, EXCEPT PARTS IN PLANS 21 RW, 522E, 3130, 3268, 4222, 4661, 4824, 4869, 6793, 6794, 11068, 12569, 13409, 13580, 13640, 14028, 15750, 23224, 19381, 19382, 19383, 20746, 21025, 22199, 23092, 23237,

23600, 23685, 24001, 24314, 24868, 25906, 26084, 26131, 26455, 26629, 26885, 27337, 27857, 29860, 30068, 30809, 32692, 35790, 36785, 35098, 50021, VIP64546, VIP65968, VIP65482, VIP67269, VIP71673 AND EXCEPT PARCEL A (DD 27356N) AND PARCEL B (DD M7897) AND EXCEPT PARTS IN PLANS VIP72020, VIP72021, VIP72022, VIP73804, VIP74156, VIP75434, EPP15708, EPP17313, EPP18594, EPP20118, EPP53358, EPP71701, EPP79979, EPP90590 AND EPP95109.

STRATEGIC OBJECTIVE

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

FINANCIAL IMPLICATIONS

This Phase 10/11 subdivision may be the final subdivision of this CDA, and the last installment in the \$1.5 million financial contribution required in the CDA will be paid by the developer. In addition to the reconstruction and resurfacing of Penrith Avenue discussed above, the CDA also requires the developer to construct improvements at the intersection of Cumberland Road, 4th Avenue and Kendal Avenue, and realignment of the intersection at 3rd Street, 4th Street and Cumberland Road. These improvements must be completed as condition of the phase 10/11 subdivision, or the developer may enter into a servicing agreement with security to complete the improvements within a specified time period.

Subdivision works and services are installed at the cost of the developer and are subject to a one-year maintenance period, or four years for street trees. They then become assets of the Village. Detailed design review of infrastructure ensures a balance between meeting current and future needs of the community while managing maintenance and replacement costs.

If Council approves the proposed Fan House Covenant amendment, the cost of developing the Fan House Park will be the responsibility of the developer and a letter of agreement will be prepared when the design has been finalized. The current Fan House Covenant does not assign any responsibility to the developer to fund development of the park; if the covenant area remains unchanged, the cost of designing and developing a park around the ruins will be the responsibility of the Village after the subdivision is complete and it is dedicated as park. This is not currently budgeted and costs would be significant. A structural engineering report from 2012 indicated the condition was very poor and extensive work would be needed to restore the structure. Alternatives to restoration such as preservation or deconstruction also require significant budget to secure the area and develop a park around it.

Taking ownership of Lots ML 23 and 27 proposed to be gifted to the Village comes with minimal financial implications in the short term. Prior to being transferred to the Village invasive vegetation would be removed by the developer and native vegetation restored. On ML 27 the NW waterway will be restored and the remaining lot area will be covered with soil and hydroseed. If ML 27 is to be developed as an active neighbourhood park, those costs will need to be budgeted as they are not covered by the developer.

OPERATIONAL IMPLICATIONS

The review of development permit and development variance applications is part of the services provided by the Development Services and Operations Department. Any future decisions on the use of ML23 and 27, should the Village accept them, will have operational implications that will need to be understood.

CLIMATE CHANGE IMPLICATIONS

Climate change adaptation and mitigation are being addressed through various components of the development.

- Wildfire Interface – To mitigate potential fire risks the Village requires a Wildfire Assessment that includes considerations for climate change.
- Stormwater Management – The SWMP incorporates current best practices for evaluating 100-year events with a 10% increase in rainfall intensity due to global-warming.
- Active transportation – Transportation choices will be improved by enabling residents to safely and easily walk and cycle to the Village core. Road designs and parking standards will support active transportation and transit.
- Multi family – Higher density and compact growth will be developed on multiple lots in the next Phase of development.
- The addition of street trees and potential additional park/conservation areas contribute to the Village’s canopy cover targets and help to mitigate climate change.

ATTACHMENTS

1. Phase 10/11 Conceptual Lot Layout, April 23, 2023
2. Development Permit 2019-15-DP
 - i. Schedule A - Bio-Inventory Assessment –October 23, 2019. Revised September 23, 2020.
 - ii. Schedule B - Bio-Inventory Report (June 24, 2018) Amendment. October 4, 2022.
 - iii. Schedule C - NW Waterway Revegetation Plan, June 3, 2021
 - iv. Schedule D - Rainwater Management Plan (Preliminary) Coal Valley Estates Phase 11, B4 Engineering, November 2022.
 - v. Schedule E - Geotechnical Assessment, Lewkowich Engineering Associates Ltd., November 28, 2022.
 - vi. Schedule F - Coal Valley Estates Phase 9 to 12 Aquatic Ecosystems Letter (2018-05-10)
 - vii. Schedule G - Blasting Plan Map
 - viii. Schedule H – Wildfire Hazard Report
 - ix. Schedule I – Coal Valley Estates Bio-Inventory Report (June 24, 2018) Amendment
3. Development Variance Permit 2022-10-DVP
 - i. Schedule A - Site Plan
4. Best Practices for Evaluating Development Variance Applications
5. Public Submissions
6. Traffic Calming
7. Site Plan - 30m ESA and Park Around Wetland
8. Fan House proposed park area (2019)

CONCURRENCE

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

Rob Crisfield, Manger of Operations **RC**

Mike Williamson, Fire Chief **MW**

Kevin McPhedran, Parks, Trails & Lands Supervisor **KM**

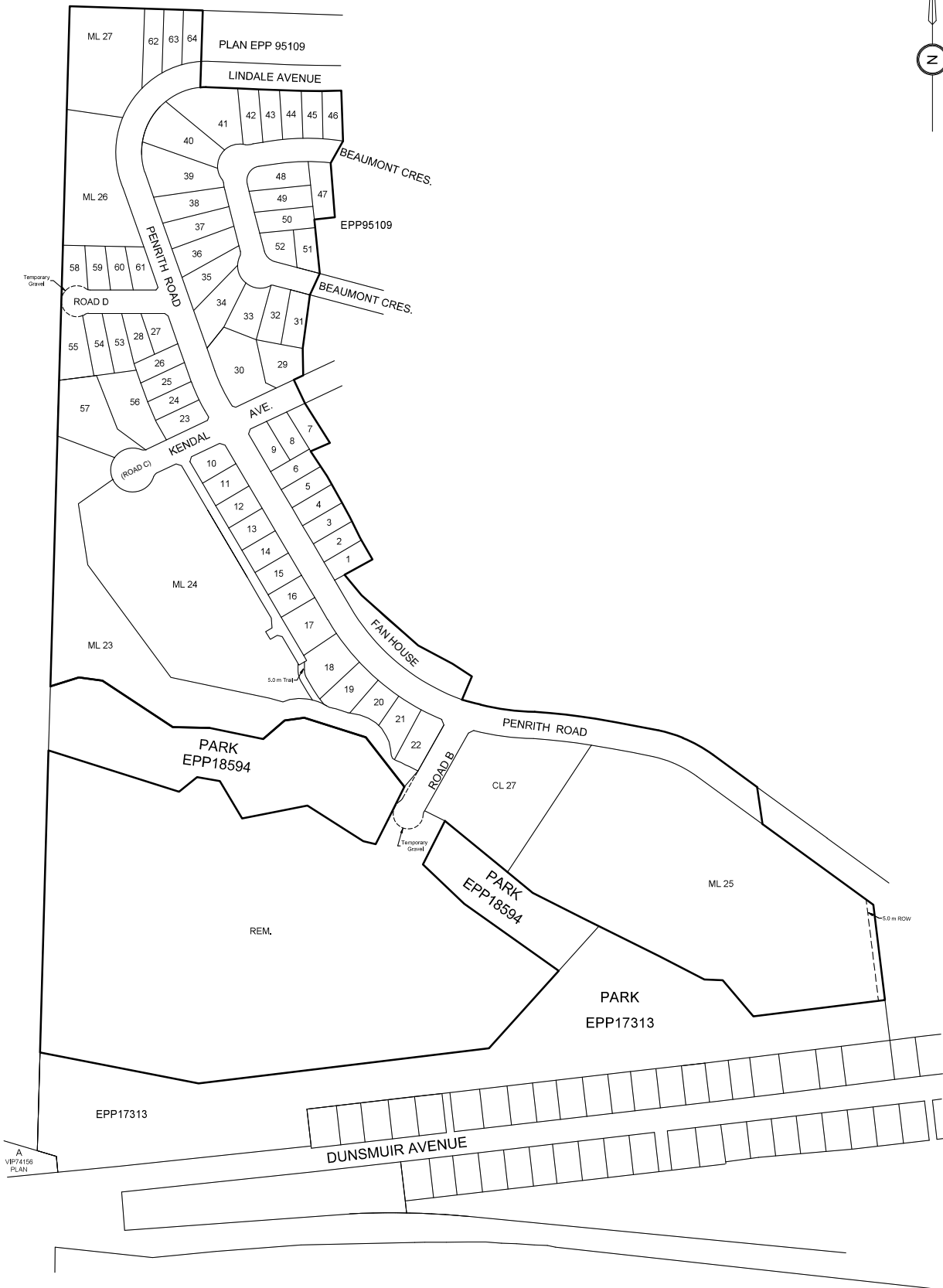
Respectfully submitted,

M. Searle

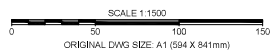
Meleana Searle
Planner

M. Mason

Michelle Mason
Chief Administrative Officer



A
VIP74156
PLAN



REVISION:
April 8, 2023 - Blasting Area Removed

Reviewed
C. Burridge, BCLS, CLS, P, Eng

COAL VALLEY ESTATES LTD.
CUMBERLAND, BC
COAL VALLEY SUBDIVISION
MU, D. L. 24, NELSON DISTRICT,
PHASE 11 CONCEPTUAL LOT LAYOUT
CUMBERLAND, BC





AERIAL IMAGERY FROM UNDERHILL GEOMATICS



REVISION: March 2, 2023
Subdivision boundary line added

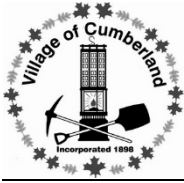
Reviewed

C. Burridge, B.C.L.S., C.L.S., P.Eng

COAL VALLEY ESTATES LTD.
CUMBERLAND, BC

COAL VALLEY SUBDIVISION
MU. D. L. 24, NELSON DISTRICT,
PHASE 11 CONCEPTUAL LOT LAYOUT
CUMBERLAND, BC





Corporation of the
Village of Cumberland

DEVELOPMENT PERMIT

TO: Coal Valley Estates LTD.

OF: 7894 Glover Road, Langley, BC, V1M 3S2

1. This Development Permit (2019-15-DP) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as supplemented by this permit for the purposes of subdivision.
2. This Development Permit applies to and only to a portion of those lands within the Village of Cumberland described below:

Legal Description: DISTRICT LOT 24, NELSON DISTRICT, EXCEPT PARTS IN PLANS 21 RW, 522E, 3130, 3268, 4222, 4661, 4824, 4869, 6793, 6794, 11068, 12569, 13409, 13580, 13640, 14028, 15750, 23224, 19381, 19382, 19383, 20746, 21025, 22199, 23092, 23237, 23600, 23685, 24001, 24314, 24868, 25906, 26084, 26131, 26455, 26629, 26885, 27337, 27857, 29860, 30068, 30809, 32692, 35790, 36785, 35098, 50021, VIP64546, VIP65968, VIP65482, VIP67269, VIP71673 AND EXCEPT PARCEL A (DD 27356N) AND PARCEL B (DD M7897) AND EXCEPT PARTS IN PLANS VIP72020, VIP72021, VIP72022, VIP73804, VIP74156, VIP75434, EPP15708, EPP17313, EPP18594, EPP20118, EPP53358, EPP71701, EPP79979, EPP90590 AND EPP95109

Folio: 516 00394.545 **PID:** 003-634-264

Civic Address: N/A

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

DPA#1 – Environmental Protection Area

- a. This development permit only authorizes site clearing and limited blasting for roads and services and does not authorize construction of buildings, vegetation alteration, grading, site clearing, blasting or any other land alteration within proposed lots.

- b. No land alteration works shall begin until Design Stage Approval for subdivision of the subject property (file 2022-02-SV) has been given by the Village Approving Officer.
- c. The proposed development shall be constructed substantially in compliance with the Rainwater Management Plan from B4 Engineering Inc, dated November 2022.
- d. The northwest waterway shall be restored in compliance with the Coal Valley Estates Northwest Waterway Revegetation Plan from Strategic Natural Resource Consultants Inc., dated June 3, 2021.
- e. Remove invasive vegetation and restore native vegetation where it has been disturbed on ML lot 23 and ML lot 27 under the direction of a Registered Professional Biologist.
- f. Covenant CA5403033 protects a Pacific Yew Tree and a 5m (radius) buffer around it. These areas must not be built upon and “must not be disturbed in any manner, including but not limited to soil deposit or removal”. Temporary fencing is required during construction and after nearby (outside of those areas) construction is finished, a cedar rail fence, approximately 1.2 metres in height at the outer boundary of the 5.0 metre buffer shall be erected and maintained.
- g. During site clearing, all invasive species shall be removed and separated from clean fill, transported separately from other materials in a covered load and disposed of in a burn pile or appropriate reeving area at the landfill.
 - i) The same procedure is to be applied to the soils adjacent to the invasive species in order to remove the seed bank found within the surrounding soils.
 - ii) Preferred timing for invasive species removal is in the spring months (April-May) when new vegetative growth is evident but before annual growth is at its maximum.
- h. Any road works requiring instream work will require notification under Section 11 of the Water Sustainability Act at least 45 days prior to the work commencing.
- i. Any clearing of land, grubbing, grading and other activities that expose expanses of soil will be completed during dry months of the year, usually June through September.
- j. Restoration of the northwest waterway is required as per the Coal Valley Estates Northwest Waterway Revegetation Plan – June 3, 2021. A registered professional biologist shall prepare a cost estimate for a restoration planting plan.
- k. Any vegetation clearing is to be conducted outside of the bird breeding season (April 1 – August 15). If tree and vegetation clearing or other disruptive construction activities must be conducted during the breeding period, a qualified biologist should be engaged to survey the development area for active nests and flag no-work buffer zones around active nests. See Schedule A for further monitoring requirements.

- l. Signs shall be installed along the riparian greenway to discourage entry and disturbance from domestic pets and residents to the core greenway located between trails. Sign to be approved by Village staff and placement determined at Design Stage Approval of the subdivision.
- m. The riparian greenway boundary is to be clearly demarcated with snow fencing and will include a minimum 5.0m machine free zone in areas that are close to the development area. The fencing must be installed prior to any development activity, and clearly marked with a bright orange or other highly visible temporary fence with a minimum height of 1.2metres and supported by poles a maximum distance of 2.5metres from one another. This fence will remain in place throughout clearing, site preparation, construction, or any other form of disturbance.
- n. Water quality baseline assessments shall be collected prior to the work commencing.
- o. A detailed civil construction sediment and erosion control plan, that reflects the Land Development Guidelines for the Protection of Aquatic Habitat provincial document is required prior to Design Stage Approval for the subdivision which will outline cut off ditching, silt fencing etc. to reduce the risk of silt laden runoff entering the natural drainage courses. Sediment containment and erosion control measures will be installed prior to any development activity.
- p. The located microhabitat with confirmed Wandering Salamander presence is to be clearly demarcated with a 5.0m machine free zone with a sign indicating it is an environmental feature prior to any works occurring in the area.
 - i. Should the stump with the known Wandering Salamander require moving, it should be conducted in the fall/winter outside of the breeding season as they lay eggs under the bark and would be more sensitive to disturbance.
 - ii. A registered professional biologist shall be onsite should the stump need to be moved.
- q. A ‘Watch for Wildlife’ warning sign shall be installed on the Penrith Road Extension. Location to be determined by Operations.
- r. Blasting for service trenching and road grading may undertaken pursuant to Schedule H – Blasting Plan Map and detailed design forthcoming prior to Design Stage Approval for the subdivision. A Geotechnical Engineer should review specific blasting plans prior to and during the process to ensure there is no significant impact to neighbouring lands.

DPA#4 – Urban Wildfire Interface

- a. The proposed development shall adhere to the recommendations in the Wildfire Hazard Assessment, Coal Valley Estates Development, Phase 9-12, Cumberland report from Strategic Natural Resource Consultants Inc., dated September 29, 2022.

4. Landscape Security

None.

5. Expiry

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

6. Timing and Sequencing of Development

7. List of Reports or Plans attached as Schedules

- i. Schedule A - Bio-Inventory Assessment –October 23, 2019. Revised September 23, 2020.
- ii. Schedule B - Bio-Inventory Report (June 24, 2018) Amendment. October 4, 2022.
- iii. Schedule C - NW Waterway Revegetation Plan, June 3, 2021
- iv. Schedule D - Rainwater Management Plan (Preliminary) Coal Valley Estates Phase 11, B4 Engineering, November 2022.
- v. Schedule E - Geotechnical Assessment, Lewkowich Engineering Associates Ltd., November 28, 2022.
- vi. Schedule F - Coal Valley Estates Phase 9 to 12 Aquatic Ecosystems Letter (2018-05-10)
- vii. Schedule G - Blasting Plan Map
- viii. Schedule H – Wildfire Hazard Report
- ix. Schedule I – Coal Valley Estates Bio-Inventory Report (June 24, 2018) Amendment

8. Contaminated Sites Regulation

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

9. This Permit is not a Building Permit.

CERTIFIED as the **DEVELOPMENT PERMIT** granted by resolution of the Council of the Corporation of the Village of Cumberland on May 8, 2023.

Corporate Officer



TO: Coal Valley Estates LTD.

OF: 7894 Glover Road, Langley, BC, V1M 3S2

This Development Variance Permit (2022-10-DV) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purposes of designing proposed Road C as part of subdivision.

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

Legal Description: DISTRICT LOT 24, NELSON DISTRICT, EXCEPT PARTS IN PLANS 21 RW, 522E, 3130, 3268, 4222, 4661, 4824, 4869, 6793, 6794, 11068, 12569, 13409, 13580, 13640, 14028, 15750, 23224, 19381, 19382, 19383, 20746, 21025, 22199, 23092, 23237, 23600, 23685, 24001, 24314, 24868, 25906, 26084, 26131, 26455, 26629, 26885, 27337, 27857, 29860, 30068, 30809, 32692, 35790, 36785, 35098, 50021, VIP64546, VIP65968, VIP65482, VIP67269, VIP71673 AND EXCEPT PARCEL A (DD 27356N) AND PARCEL B (DD M7897) AND EXCEPT PARTS IN PLANS VIP72020, VIP72021, VIP72022, VIP73804, VIP74156, VIP75434, EPP15708, EPP17313, EPP18594, EPP20118, EPP53358, EPP71701, EPP79979, EPP90590 AND EPP95109

Folio: 516 00394.545

PID: 003-634-264

Civic Address: N/A

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit: The Subdivision and Development Bylaw No. 948, 2012 Schedule E, 1, a):

“Design shall meet or exceed the standards in the current edition of the MMCD Design Guideline Manual, and construction of all the works under this bylaw shall comply with MMCD Volume II Platinum Edition 2009 or the most current edition.”

is varied to allow a road of as narrow as 7.0 metres as shown on the attached schedule.

3. **Security**

None.

4. **Expiry**

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

5. **Timing and Sequencing of Development**

None.

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

1. Site Plan

7. **Contaminated Sites Regulation**

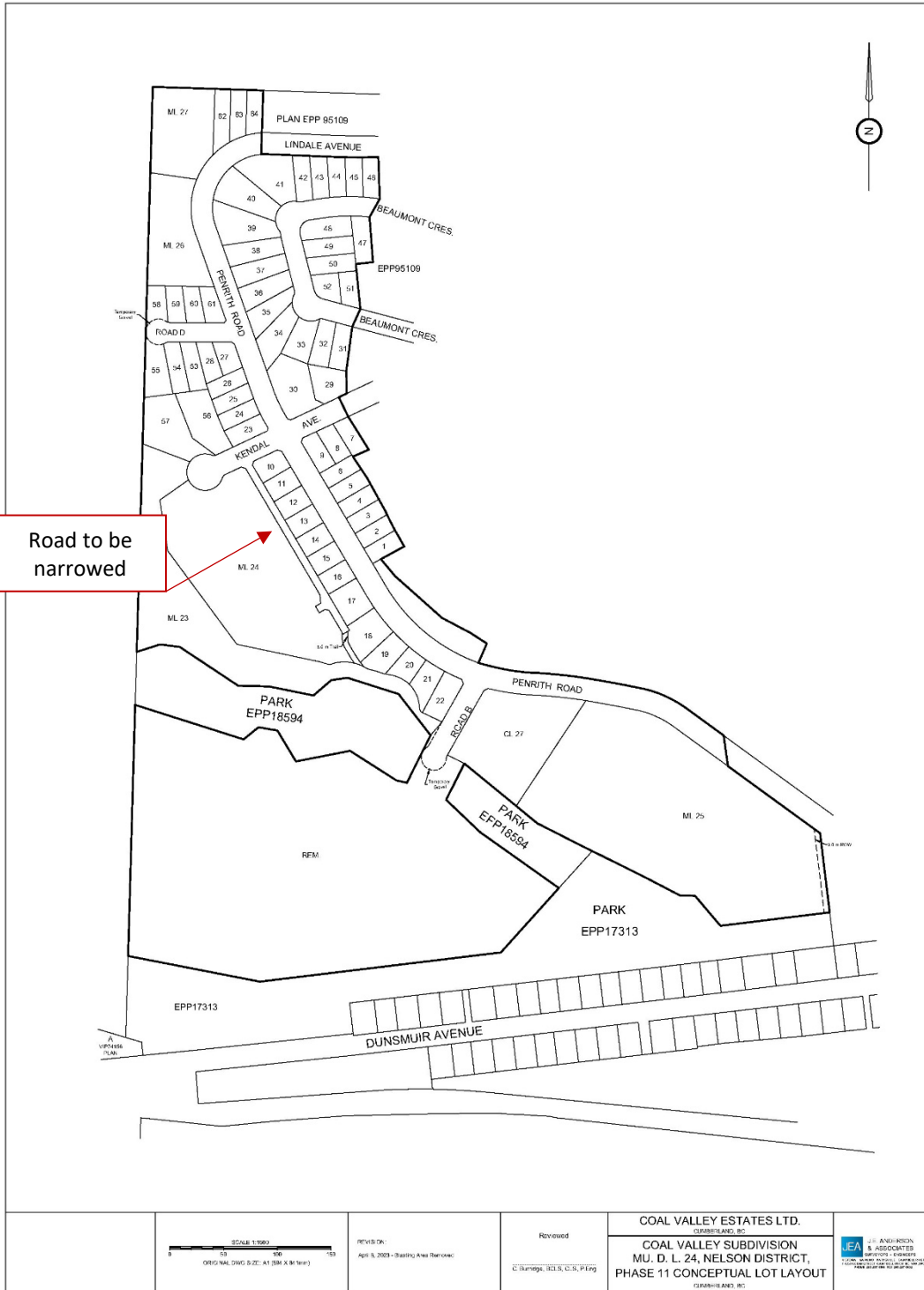
This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Applicant has completed a "Site Declaration" for the subject property.

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

CERTIFIED as the DEVELOPMENT VARIANCE PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on May 8, 2023.

Corporate Officer

Site Plan



Road to be narrowed



REVISED
April 8, 2023 - Building Area Renewed

Revised
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COAL VALLEY ESTATES LTD.
CEMETERLAND, BC
COAL VALLEY SUBDIVISION
MU. D. L. 24, NELSON DISTRICT,
PHASE 11 CONCEPTUAL LOT LAYOUT
CEMETERLAND, BC





October 23, 2019
Revised September 23, 2020

Environmental Assessment – Coal Valley Estates Remainder

Cindy Hannah, RPBio (#1275)

Project #: 18-1044-06

PROFESSIONALLY RESOURCEFUL

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1.0 Introduction and Background

A wildlife bio-inventory assessment was completed by Strategic Natural Resource Consultants (SNRC) in June 2018 on behalf of Coal Valley Estates for the remainder of the property of the Coal Valley Estates residential development and included Phases 9-12. The 2018 report identified bird and amphibian species potentially breeding in the area, with a particular focus on migratory birds and species on Schedule 1 of the *Species at Risk Act (SARA)*. The 2018 report also summarized site visits and field assessments in 2018 (Environmental Assessment-Coal Valley Estates Remainder, June, 2018).

This report summarizes the baseline field surveys completed in 2019, which had been recommended in the 2018 bio-inventory report, prior to further development permit applications for the southern portion of the property.

At the time that this report was produced (September 2019), a development permit application is being submitted for Phases 11+ (23.8ha) and the development includes the area to the north of the greenway/stream that crosses the property. The DP area has been revised in 2020 and the area is 17.9ha. The works include road construction and civil servicing. The property is located in the Village of Cumberland and the land parcel is identified under REM. D. L. 24, NELSON DISTRICT, PLAN EPP53358. Refer to Figure 1 for a locator map showing the development site.

Preliminary site plan maps showing the development area were provided by McElhanney Consulting Services Ltd. (McElhanney) prior to the assessment (dated 2018-03-23).



Figure 1: Google Earth image showing the Coal Valley Estates development Phase 11+.

As the initial Bio-Inventory was completed in 2018, the scope of the work for 2019 included presence/not detected surveys for birds and amphibians.



1.1 Project Objectives

The following project objectives were determined for the field assessment:

1. Identify and document bird species potentially breeding in the area, with particular focus on migratory birds and species on Schedule 1 of the *Species at Risk Act (SARA)*.
 - a. Olive-sided Flycatcher (*Contopus cooperi*)
 - b. Band-tailed Pigeon (*Patagioenas fasciata*)
 - c. Western Screech-owl (*Megascops kennicottii kennicottii*)
 - d. Northern Pygmy-owl (*Glaucidium gnoma swarthi*)
2. Identify and document amphibian species potentially breeding in the area.
 - a. Wandering Salamander (*Aneides vagrans*)
3. Provide mitigation measures for species identified as occurring onsite, with a focus on the development area.

2.0 Methodology

The 2018 Bio-Inventory of the property was completed to the standards outlined in Appendix B of the Ministry of Environment Develop with Care document (BC Ministry of Environment, 2014a), and is summarized in a previous report (Environmental Assessment-Coal Valley Estates Remainder, June, 2018). Biophysical presence/not detected surveys were conducted to ground-truth or supplement previous studies and undertaken in general accordance with the methodologies listed in Table 1. Target species identified in the 2018 Bio-Inventory for this field season included: Western Screech-owl, Northern Pygmy-owl, Olive-sided Flycatcher, Band-tailed Pigeon, and Wandering Salamander.

Table 1: RISC standard methodologies applied to this study.

Biophysical Element	Applicable RISC Standards	Target Species
Song birds	Inventory Methods for Forest and Grassland Songbirds (MELP, 1999a)	Olive-sided Flycatcher (<i>Contopus cooperi</i>) and others
Owls	Inventory Methods for Owl Survey (MOE, 2006)	Western Screech-Owl (<i>Megascops kennicottii</i>) and others
Upland Gamebirds	Upland Gamebirds (MELP, 1997)	Band-tailed Pigeon (<i>Patagioenas fasciata</i>) and others
Lung-less salamanders	Inventory Methods for Plethodontid Salamanders (MELP, 1999b)	Wandering salamander (<i>Aneides vagrans</i>) and others

2.1 Migratory Songbirds

Surveys for species occurrence in the property were conducted utilizing procedures outlined in RISC biodiversity inventory methods for presence/not detected. Songbirds include passerines such as thrushes, flycatchers, vireos, wrens, kinglets, warblers, finches, and sparrows. Non-passerine migratory birds, such as swallows, swifts, woodpeckers and hummingbirds, are also encountered using songbird inventory methods. Migratory birds and their nests and eggs are typically protected under the federal *Migratory Birds Convention Act* and the *BC Wildlife Act*, and several species are also listed on Schedule 1 of SARA.



2.1.1 Field Methods

Point-count stations were pre-selected using satellite imagery and spaced evenly across the property to provide sufficient coverage of the area. Stations were spaced in such a manner to provide coverage of all habitat types in the survey area with a focus on habitats that support potential bird species of management concern.

Point-count surveys were completed within the property following provincial Resource Inventory Committee (RIC) standards (RIC 1999a). Surveys were conducted only when the weather was within acceptable conditions (calm to light breeze, little to no precipitation, and air temperatures >7°C). Sites were accessed by vehicle/foot, and the survey crew waited for one minute after they arrived at each station to allow birds potentially affected by their arrival to return to normal activity. Point-count survey duration was five minutes, and point-counts were completed between sunrise and approximately two hours after sunrise. Five point-count stations were spaced 200m from each other, as measured with Avenza Maps. The point count stations are shown on the bird count observation map included in Appendix 1. Birds detected within 100m radius of each point-count station were identified by song, call or sight. Additionally, bird behavior was recorded for each observation. Birds detected further than 100m away or detected between point count stations were documented as incidentals with one exception; observations of corvids and raptors flying over the station were recorded within a radius of 400m (RIC 1998a).

Habitat characteristics at each station were also recorded. Habitat measures include: habitat type (e.g., young forest, logged, regenerating stand), forest age, stand density (stems per hectare), average diameter at breast height (DBH), average tree height, herbaceous/shrub species and herbaceous/shrub percent cover.

Three breeding bird surveys were completed on May 1, June 3 and July 8, 2019 (Table 2). Photographic documentation of the point count stations can be found in Table 3. Location of point count stations is displayed in Figure 2.

Table 2: Breeding bird survey point count locations

Survey Station	UTM Coordinates (10U)	Habitat Characteristics
A	352667m E, 5498293m N	Young, dense, second growth forest (self-thinning has not occurred) of Douglas-fir (<i>Pseudotsuga menziesii</i>) and Western Hemlock (<i>Tsuga heterophylla</i>). Average DBH <20cm and <15m tall. canopy Closure of 50-70%. Understory development is patchy; dense in open canopy areas and sparse in closed. Understory is composed of salal (<i>Gaultheria shallon</i>) and Dull Oregon grape (<i>Mahonia nervosa</i>) (Table 3; Photo 1).
B	352473m E, 5498383m N	Edge habitat; Riparian area to south, composed of mostly deciduous trees (red alder (<i>Alnus rubra</i>), black cottonwood (<i>Populus trichocarpa</i>), cascara (<i>Rhamnus purshiana</i>). Area to north has been cleared, and is maintained as an open gravel lot (Table 3, Photos 2-3).
C	352250m E, 5498508m N	Young, open regenerating timber (Douglas-fir and western hemlock) to the north, with occasional larger trees (Table 3, Photos 4-5).
D	352469m E, 5498211m N	Variable habitat; short, regenerating timber to the north, small patch of mature timber to the south, east and west. Oldest timber on site (Table 3; Photos 6-7).
E	352253m E, 5498275m N	Young, dense (>800 sph), second growth forest (self-thinning has not occurred) of Douglas-fir and red alder. Average DBH 10-25cm, height <20m tall. Shrub layer has 25-50% coverage composed of salal, Oregon grape, sword fern (<i>Polystichum munitum</i>) and vanilla leaf (<i>Achlys triphylla</i>) (Table 3, Photo 8).



Table 3: Photo documentation of point count stations







	
<p>Photo 1: Typical habitat type surrounding survey station A. Habitat is young, dense second growth forest with patchy understory development.</p>	<p>Photo 2: View of habitat at survey station B looking north. To the north, the area has been maintained as an open gravel lot with low habitat values.</p>
	
<p>Photo 3: View of the riparian greenway located south of survey station B. The riparian greenway is composed of mostly deciduous trees with some regenerating conifers in the understory.</p>	<p>Photo 4: View of habitat at survey station C, looking towards the southeast. Habitat is young, open, regenerating timber.</p>
	
<p>Photo 5: View of habitat at survey station C, looking towards the north. There are occasional larger, mature trees along the ridge.</p>	<p>Photo 6: View of habitat at survey station D, looking towards the north. There is short, regenerating timber with a high component of salal ground cover.</p>





Photo 7: View of habitat at survey station D, looking towards the south. The habitat includes the most mature timber within the study area. It is important to note that the mature timber is located off the development property.



Photo 8: View of habitat at survey station E. Habitat type is young, dense stand, with salal ground cover.

In addition to the point count surveys, an Acoustic Recording Unit (ARU) was deployed to survey for potential target species. The ARU used was a Song Meter SM4 by Wildlife Acoustics (Wildlife Acoustics Inc., Maynard, MA). The ARU was deployed at pre-selected sites using satellite imagery and then ground truthed to focus on habitats that might support the bird species of management concern (Table 4). The ARU schedule was set from 0.5 hours before sunrise to 0.5 hours after sunrise and from 0.5 hours before sunset to 0.5 hours after sunset.

Table 4: ARU locations for songbird survey

ARU Location Number	UTM Coordinates (10U)	Dates Deployed	Survey Effort
1	352635m E, 5498303m N	01 May, 2019 to 03 June, 2019	2 hours per day; 66 hours total
2	352240m E, 5498534m N	03 June, 2019 to 08 July, 2019	2 hours per day; 70 hours total

Acoustic files recorded during the survey were processed and analyzed using Kaleidoscope Pro Software Version 5.1.8 (Wildlife Acoustics, Inc., Maynard, MA). Kaleidoscope Pro has a clustering algorithm that is based on a Hidden Markov Model using spectral features as an effective method in robust acoustic signal recognition (Wildlife Acoustics, Inc. 2019). ARU data was analyzed for detections of target species, any other species incidentally encountered during the analysis were recorded as well. One hundred and nine reference recordings (calls and phrases) from the Xeno-canto Foundation and the Macaulay Library (Cornell Lab of Ornithology, Cornell University) were scanned and clustered to generate an Olive-sided flycatcher classifier. Specific parameters were used in the acoustic recognizer built into Kaleidoscope Pro (Table 5). The clusters were reviewed, and detected species were recorded. If the target species was recorded, then the entire audio file was reviewed in order to ensure no vocalizations were missed by the classifier.



Table 5: Parameter settings for an Olive-sided Flycatcher acoustic recognizer for Kaleidoscope Pro software

Parameter	Setting
FFT Size	256
Max distance from cluster centre to include outputs in cluster.csv	2.0
Max states	12
Max distance to cluster centre for building clusters	0.5
Max clusters	500
Frequency minimum (kHz)	0.25
Frequency maximum (Hz)	10
Minimum song length (ms)	0.1
Maximum song length (ms)	2.5
Max syllable gap (ms)	0.5

2.2 Owls: Western Screech Owl and Northern Pygmy Owl

Call playback surveys were conducted for Western Screech-owls and Northern Pygmy-owls following the methods outlined in Resources Information Standards Committee's Inventory Methods for Owl Surveys (RISC, 2006).

Nest boxes were installed in February 2018 in order to provide artificial nesting cavities for the Western Screech-owl. Nest boxes were monitored throughout the 2019 breeding season following the Nest Box Protocol developed by Madrone in 2018 (Madrone, 2018). The nest boxes were monitored to assess if they were occupied by the target, or other species.

2.2.1 Field Methods

Survey stations were located close to riparian areas to target Western Screech-Owl habitat. The stations were pre-selected from satellite imagery and from ground-truthed habitat information collected by SNRC staff.

Surveys began a minimum of 30 minutes following sunset. Surveys were conducted only when the weather was within acceptable conditions. Sites were accessed by vehicle/foot, and the survey crew waited one minute after they arrived at each station to allow birds potentially affected by their arrival to return to normal activity. Call playback consisted of broadcasting either the Western Screech Owl or Northern Pygmy Owl call for 1 minute, followed by a four minute wait, and then repeated three times. Three stations were originally established, and an additional two stations were added to increase coverage during the fifth and sixth survey. The call playback stations are shown on the owl survey observation map included in Appendix 1.

Six owl surveys were completed in total. Three Western Screech-owl surveys were completed on February 21, March 6, and March 25, 2019 (Table 6). Three Northern Pygmy-owl surveys were completed March 13, April 11 and April 15, 2019 (Table 7).

In addition to the call playback surveys, an ARU was deployed to survey for owls. The ARU used was the Song Meter SM4 by Wildlife Acoustics (Wildlife Acoustics Inc., Maynard, MA). The ARU was deployed at three locations along the riparian greenway, corresponding with owl survey stations A, B and C (Table 8). The ARU schedule was set for 30 minutes prior to sunset, to midnight and 2 hours before sunrise, to 30 minutes after.



Table 6: Western Screech-Owl survey summary

Survey Station	UTM Coordinates (10U)	Dates	Call Play Back Station Number
F	352606m E, 5498214m N	21Feb2019	1-1
		06Mar2019	2-3
		25Mar2019	3-2
G	352419m E, 5498370m N	21Feb2019	1-2
		06Mar2019	2-2
		25Mar2019	3-3
H	352150m E, 5498517m N	21Feb2019	1-3
		06Mar2019	2-1
		25Mar2019	3-4
I	352221m E, 5498192m N	25Mar2019	3-1
J	352167m E, 5498872m N	25Mar2019	3-5

Table 7: Northern Pygmy-Owl survey summary

Survey Station	UTM Coordinates (10U)	Dates	Call Play Back Station Number
F	352606m E, 5498214m N	13Mar2019	1-2
		11Apr2019	2-4
		15Apr2019	3-2
G	352419m E, 5498370m N	13Mar2019	1-3
		11Apr2019	2-3
		15Apr2019	3-3
H	352150m E, 5498517m N	13Mar2019	1-1
		11Apr2019	2-2
		15Apr2019	3-4
I	352221m E, 5498192m N	11Apr2019	2-5
		15Apr2019	3-1
J	352167m E, 5498872m N	11Apr2019	2-1
		15Apr2019	3-5

Table 8: Acoustic Recording Unit locations summary

ARU Location Number	UTM Coordinates (10U)	Dates Deployed	Survey Effort
3	352637m E, 5498276m N	13 March, 2019 to 25 March, 2019	89 hrs 52 min
4	352137m E, 5498512m N	25 March, 2019 to 11 April, 2019	120 hrs 46 min
5	352452m E, 5498378m N	11 April, 2019 to 01 May, 2019	126 hrs 18 min

Acoustic files recorded during the survey were processed and analyzed as noted above. ARU data was analyzed for detections of target species, any other species incidentally encountered during the analysis were recorded as well. One hundred and three reference recordings (calls and phrases; WSOW 71 recordings, NPOW 32 recordings) from the Xeno-canto Foundation and the Macaulay Library (Cornell Lab of Ornithology, Cornell University) were scanned and clustered to generate both a Western Screech-Owl and Northern Pygmy-Owl classifier. The clusters were reviewed, and species detections were recorded. Specific parameters were used in the acoustic recognizer built into Kaleidoscope Pro (Table 9). The clusters were reviewed, and



detected species were recorded. If the target species was recorded, then the entire audio file was reviewed in order to ensure no vocalizations were missed by the classifier.

Table 9: Parameter settings used for a Western Screech-owl and Northern Pygmy-owl acoustic recognizer for Kaleidoscope Pro software

Parameter	Setting
FFT Size	1024
Max distance from cluster centre to include outputs in cluster.csv	2.0
Max states	12
Max distance to cluster centre for building clusters	0.5
Max clusters	500
Frequency minimum (kHz)	0.25
Frequency maximum (Hz)	10
Minimum song length (ms)	0.1
Maximum song length (ms)	5.0
Max syllable gap (ms)	0.5

Nest boxes were inspected in conjunction with the six call playback surveys for both Northern Pygmy-owl and Western Screech-owl. Nest box monitoring consists of an initial visual inspection from the ground. If no signs of activity are observed (e.g. birds flying out of the box, sign on the ground, etc.) then an iPhone attached to a painter's pole is used to record a video of the inside of the nest boxes in order to assess if the boxes are being used, while attempting to minimize disturbance to the nest box and possible nest box occupants.

2.3 Upland Gamebirds: Band-tailed Pigeon

Surveys for upland game birds were conducted utilizing procedures outlined in RISC biodiversity inventory methods for presence/not detected. Upland Gamebirds surveyed for include the Band-tailed pigeon.

2.3.1 Field Methods

Point-count stations for upland game birds coincided with stations used for songbirds.

Point-count surveys were completed within the property following provincial Resource Inventory Committee (RIC) standards with one exception (RIC 1997). The RIC standards for Band-tailed pigeons recommend a minimum distance of 800m between stations. Due to the small size of the survey area, as well as to time the completion of the Band-tailed pigeon survey with the migratory songbird survey, interstation distance was less than 800m (200m spacing was used), however this should increase the possibility of detections. Surveys were conducted only when the weather was within acceptable conditions (Table 10). Sites were accessed by vehicle/foot, and the survey crew waited for one minute after they arrived at each station to allow birds potentially affected by their arrival to return to normal activity. Point-count survey duration was five minutes, and point-counts were completed between sunrise and approximately two hours after sunrise. Five point-count stations were spaced 200m from each other, as measured with Avenza Maps. The point count stations are shown on the bird count observation map included in Table 8 and Appendix 1. Birds detected within 100m radius of each point-count station were identified by song, call or sight. Additionally, bird behavior was recorded for each observation. Birds detected further than 100m away or detected between point count stations were documented as incidentals.



The survey was conducted within the recommended season for band-tailed pigeon (July 1 to July 15).

Habitat characteristics at each station were also recorded. Habitat measures include: habitat type (e.g., young forest, logged, regenerating stand), forest age, stand density (stems per hectare), average diameter at breast height (DBH), average tree height, herbaceous/shrub species and herbaceous/shrub percent cover.

One Band-tailed pigeon survey was completed in conjunction with the breeding bird surveys. The survey was completed on July 8, 2019.

Table 10: Band-tailed Pigeon point count stations

Survey Station	UTM Coordinates (10U)
A	352667m E, 5498293m N
B	352473m E, 5498383m N
C	352250m E, 5498508m N
D	352469m E, 5498211m N
E	352253m E, 5498275m N

In addition to the point count surveys, an ARU was deployed to survey for potential target species (Table 11). The ARU deployment for songbirds noted above was also used to potentially detect upland game birds.

Table 11: ARU locations for upland gamebirds survey

ARU Location Number	UTM Coordinates (10U)	Dates Deployed	Survey Effort
1	352635m E, 5498303m N	01 May, 2019 to 03 June, 2019	2 hours per day; 66 hours total
2	352240m E, 5498534m N	03 June, 2019 to 08 July, 2019	2 hours per day; 68 hours total

Acoustic files recorded during the survey were processed and analyzed as noted above. ARU data was analyzed for detections of target species, any other species incidentally encountered during the analysis were recorded as well. Ninety-six recordings (calls and phrases) from the Xeno-canto Foundation and the Macaulay Library (Cornell Lab of Ornithology, Cornell University) were scanned and clustered to generate a Band-tailed Pigeon classifier. Specific parameters were used in the acoustic recognizer built into Kaleidoscope Pro (Table 12). The clusters were reviewed, and detected species were recorded. If the target species was recorded, then the entire audio file was reviewed in order to ensure no vocalizations were missed by the classifier.



Table 12: Parameter settings used for a Band-tailed Pigeon acoustic recognizer for Kaleidoscope Pro software

Parameter	Setting
FFT Size	1024
Max distance from cluster centre to include outputs in cluster.csv	2.0
Max states	12
Max distance to cluster centre for building clusters	0.5
Max clusters	500
Frequency minimum (kHz)	0.25
Frequency maximum (Hz)	10
Minimum song length (ms)	0.1
Maximum song length (ms)	2.0
Max syllable gap (ms)	0.5

2.4 Lung-less salamanders

Surveys for Lung-less salamanders were conducted utilizing procedures outlined in RISC biodiversity inventory methods for presence/not detected. Lung-less salamanders surveyed for included the Wandering Salamander.

2.3.1 Field Methods

Two methods were employed during the assessment. The first was a 1 hour (30 min x 2 crew) time constrained search where an informal search was done spending a few minutes searching each object (microhabitat) encountered. Hand tools were used to peel away bark to search for the salamanders in stumps.

After one hour of searching that yielded no results, a transect search began. This method establishes a 2m wide strip and whenever suitable microhabitat was encountered it was searched using hand tools.

Transects can be any length depending on the study area and should be placed 20m apart. Only one transect was established as a wandering salamander was located on the first established transect. Given the destructive nature of the searches, sampling ceased once presence was confirmed.

One survey was conducted on April 22, 2019 during ideal weather conditions. The weather was overcast with showers with moist conditions onsite.

3.0 Results / Discussion / Recommendations

3.1 Objective 1: Migratory Songbirds

3.1.1 Point Count Surveys Results

Breeding bird surveys resulted in the detection of 34 species (Table 13); Band-tailed pigeon and olive-sided flycatcher were the only species of management concern detected (Figure 2). The most frequently detected species were spotted towhee (*Pipilo maculatus* [13 detections]), American robin (*Turdus migratorius* [12 detections]), Swainson's thrush (*Catharus ustulatus* [10 detections]), common raven (*Corvus corax* [10 detections]), MacGillivray's warbler (*Geothlypis*



tolmiei [8 detections]), pine siskin (*Spinus pinus* [8 detections]), and warbling vireo (*Vireo gilvus* [7 detections]). A list of birds encountered during the bird surveys conducted in May, June and July 2019 was compiled (Table 13). How the species was detected (point count, ARU) and where the species was detected is included. Only target species that were identified by the ARU were included within the table, and non-target species identified by the ARU were not included in Table 13.

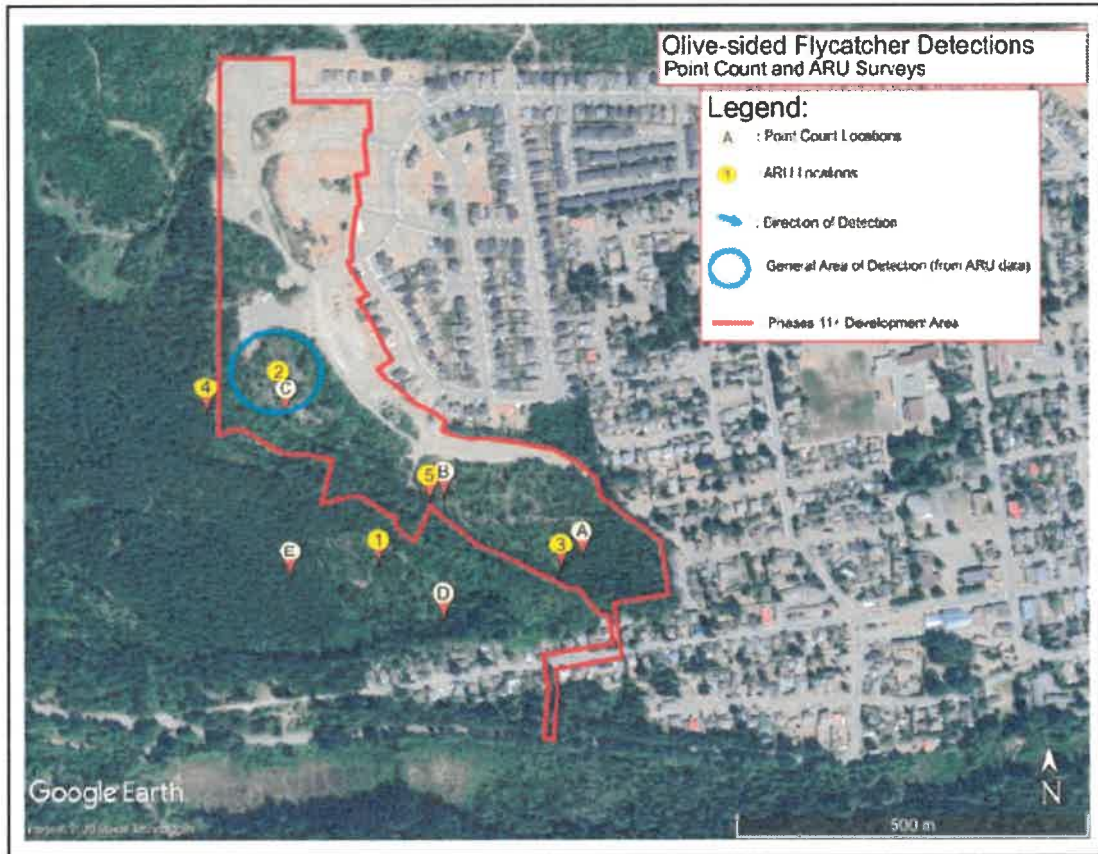


Figure 2: Green circle shows the area that an Olive-sided flycatcher was detected during the ARU survey at location #2

Table 13: Breeding bird survey summary

English Name (Scientific Name)	Detection Type and Location	BC List
Raptors		
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	Point Count; D	Yellow
Corvids		
Common Raven (<i>Corvus corax</i>)	Point Count; A, B, C, D, E	Yellow
Stellar's Jay (<i>Cyanocitta stelleri</i>)	Point Count; B	Yellow
Finches		
Pine Siskin (<i>Spinus pinus</i>)	Point Count; A, B, C, D	Yellow
Flycatchers		
Olive-sided Flycatcher (<i>Contopus cooperi</i>)*	ARU; Location #2	Blue*
Pacific-slope Flycatcher (<i>Empidonax difficilis</i>)	Point Count; A, E	Yellow
Willow Flycatcher (<i>Empidonax traillii</i>)	Point Count; C, D, E	Yellow
Sparrows		
Dark-eyed Junco (<i>Junco hyemalis</i>)	Point Count; D	Yellow



English Name (Scientific Name)	Detection Type and Location	BC List
Spotted Towhee (<i>Pipilo maculatus</i>)	Point Count; A, B, C, D, E, and ARU locations #1 and #2	Yellow
White-crowned Sparrow (<i>Zonotrichia leucophrys</i>)	Point Count; A, B, C	Yellow
Thrushes		
American Robin (<i>Turdus migratorius</i>)	Point Count; A, B, C, D, E and ARU locations #1 and #2	Yellow
Swainson's Thrush (<i>Catharus ustulatus</i>)	Point Count; A, B, C, D, E and ARU locations #1 and #2	Yellow
Hermit Thrush (<i>Catharus guttatus</i>)	ARU Location #5	Yellow
Vireos		
Warbling Vireo (<i>Vireo gilvus</i>)	Point Count; A, B, C, D	Yellow
Hutton's Vireo (<i>Vireo huttoni</i>)	ARU location #4	Yellow
Warblers		
Common Yellowthroat (<i>Geothlypis trichas</i>)	Point Count; D	Yellow
MacGillivray's Warbler (<i>Geothlypis tolmiei</i>)	Point Count; A, B, C, D, E and ARU locations #1 and #2	Yellow
Orange-crowned warbler (<i>Leiothlypis celata</i>)	Point Count; A, B, C, D and ARU locations #1 and #2	Yellow
Yellow-rumped Warbler (<i>Setophaga coronate</i>)	Point Count; A	Yellow
Yellow Warbler (<i>Setophaga petechial</i>)	Point Count; A, C, E	Yellow
Black-throated Gray Warbler (<i>Setophaga nigrescens</i>)	Point Count; C, D, E	Yellow
Other Passerines		
Pacific Wren (<i>Troglodytes pacificus</i>)	Point Count; A, E and ARU location #1 and #2	Yellow
Red-breasted Nuthatch (<i>Sitta canadensis</i>)	Point Count; A, B, C, D, E	Yellow
Chestnut-backed Chickadee (<i>Poecile rufescens</i>)	Point Count; A, C, D, E	Yellow
Black-headed Grosbeak (<i>Pheucticus melanocephalus</i>)	Incidental by ARU location #2	Yellow
Golden-crowned Kinglet (<i>Regulus satrapa</i>)	Point Count; B and ARU location #4	Yellow
Cedar Waxwing (<i>Bombycilla cedrorum</i>)	ARU Location #1	Yellow
Woodpeckers		
Northern Flicker (<i>Colaptes auratus</i>)	Point Count; A, C	Yellow
Pileated Woodpecker (<i>Dryocopus pileatus</i>)	Point Count; C	Yellow
Red-breasted Sapsucker (<i>Sphyrapicus ruber</i>)	Point Count; A, D and nest found within greenway	Yellow
Columbids		
Band-tailed Pigeon (<i>Patagioenas fasciata</i>)*	Point Count; A, E ARU location #2	Blue*
Eurasian Collared-Dove (<i>Streptopelia decaocto</i>)	Point Count; A, B, D, ARU location #4	Exotic
Other Birds		
Common Nighthawk (<i>Chordeiles minor</i>)	ARU Location #4 & #5	Yellow
Anna's Hummingbird (<i>Calypte anna</i>)	Point Count; B	Yellow
Rufous Hummingbird (<i>Selasphorus rufus</i>)	Point Count; B, D	Yellow
Waterbirds		
Mallard Duck (<i>Anas platyrhynchos</i>)	Point Count; B and ARU location #5	Yellow
Killdeer (<i>Charadrius vociferous</i>)	ARU location #5	Yellow



3.1.2 ARU Results

The ARU survey for Olive-sided flycatcher generated 134 audio files from two sites over 68 survey days from May 1 to July 8. Olive-sided flycatcher vocalizations were detected on seven non-consecutive days (June 6, June 10, June 11, June 16, June 21, June 23, and June 29, 2019).

3.1.3 Point Count Survey and ARU Results Discussion

Olive-sided flycatcher was detected during the ARU survey. The Kaleidoscope pro classifier correctly identified the vocalizations on seven non-consecutive days. In order to reduce false positive identifications, the vocalizations were manually reviewed. In addition, the entire audio files for the days with vocalizations were reviewed to ensure no vocalizations were missed.

The Olive-sided Flycatcher (is blue listed provincially and is listed as 1-threatened (2010) under the Species at Risk Act. They are generally associated with open areas containing tall live trees or snags (preferred) for perching (BC CDC, 2010). Open areas may be forest clearings, forest edges located near natural openings (such as rivers or swamps) or human-made openings (such as logged areas), burned areas or openings within old-growth forest stands (BC CDC, 2010). There is evidence that breeding success is lower in harvested habitats than breeding success in natural openings (Environment Canada, 2016b). The Olive-sided flycatcher has a relatively large nesting territory for a passerine bird (varies from 10-20ha to 40-45ha) (Altman, 2012; Government of Canada, 2014).

The cause of the decline is currently unknown (Environment Canada, 2016b). It is suspected that a loss of wintering habitat in Central and South America is partly causing the decline (Government of Canada, 2014). It is also suspected that changes in prey population dynamics could also be partly causing the decline (aerial insectivore birds are in a decline across Canada) (Environment Canada, 2016b). It is also currently unknown as to whether breeding habitat is limiting in Canada (Environment Canada, 2016b).

There is suitable habitat present on the property, but a limited amount within the Phase 11+ development area. Habitat values within the riparian greenway provides foraging habitat for the species, as well as contains tall trees for perching. There are a low number of snags present within the riparian greenway. Other suitable habitat includes the strip of timber located to the north of Dunsmuir Ave, which contains tall trees and snags which could provide nesting habitat. The large amount of regenerating forest currently provides foraging habitat for the flycatcher, but without continuous disturbance, this foraging habitat will decline as the timber regenerates.

3.1.4 Migratory Songbird (Olive-sided flycatcher) Recommendations

Presently, there are no best management practices and/or specific recommendations for managing Olive-sided flycatchers in an urban environment provided by any level of government or recovery strategy. Research is currently under way by Environment Canada to; 1) determine the appropriate management units based on habitat requirements, 2) increase monitoring at strategic locations, 3) determine the appropriate configuration of landscape biophysical attributes, 4) determine habitat quality across and within management units, 5) determine the scale and intensity at which suitable habitat would likely be destroyed by anthropogenic activities, 6) determine how much suitable habitat is required to support the population and distribution objectives, and 7) to develop and validate habitat models (Environment Canada, 2016b). As such, the following recommendations are general recommendations to ensure the



continued presence of Olive-sided flycatchers within the development area. The recommendations are split into two categories; one for recommendations during the civil construction of the subdivision, and one for recommendations that the Village of Cumberland may want to include as future recommendations for homeowners.

Civil Construction of the subdivision:

- Complete tree and vegetation clearing outside of the general nesting period (August 16 to March 31) (Olive-sided Flycatchers generally breed from April 25th to August 14th (BSC, 2019). Clearing vegetation outside the general nesting period does not require a pre-clearing survey. If tree and vegetation clearing or other disruptive construction activities must be conducted during the breeding period, a qualified biologist should be engaged by the construction contractor to survey the development area for active nests and flag no-work buffer zones around active nests. Monitoring of active nests for disturbance within 200m of construction noise is recommended (MOE, 2014c). Nests should be monitored for signs of disturbance behavior until each nest has fledged. If project activity occurs near a protected nest, a protective buffer is required so that damage or disturbance to the nest and nest tree does not occur.
- Retain existing habitats and features; minimize loss of natural vegetation;
 - This will be achieved through the preservation of the riparian greenway and connection to undeveloped habitat located outside of the development area.
- Protect Olive-sided flycatcher nest/roost/perch/forage sites;
 - It is unknown if Olive-sided flycatchers are breeding within the development area. As such, a precautionary approach should be taken to preserve tall live trees and snags within the riparian greenway and proposed park.
- Educate the public about the importance of maintaining aerial insectivores in urban environments.
 - Use interpretative materials such as signs to make the public aware of the need to protect aerial insectivore habitat, such as the proposed riparian greenway. Ensure the public understands the need to keep domestic pets on trails and out of protected riparian greenways.
- Avoid disturbance of sensitive habitats during and after development;
 - No disturbance to natural vegetation located within the proposed riparian greenway.
 - Avoid constructing new trails within the proposed riparian greenway.
 - Consider installing signs along proposed riparian greenway to discourage entry and disturbance to the core greenway located between trails.
- Avoid the use of pesticides and herbicides, especially surrounding the riparian greenway and proposed parks.

Future recommendations for homeowners:

- Manage, restore or enhance Olive-sided flycatcher habitat features;
 - Restore habitats where natural vegetation has been removed or altered. Consider using native trees and shrubs for landscaping of residential homes. Control invasive plants, and ensure natural vegetation establishes.
 - Maintain an area of uncut lawn or pasture near forest edges (specifically the riparian greenway) to increase prey abundance.
- Minimize the risk of accidental mortality;



- Minimize risk of mortality due to collisions with windows and clear panel railings on sundecks. Recommend home owners use non-reflective substitutes, awnings, screens, tinted films, or apply decals generously onto windows or clear panels.
- Educate the public about the importance of maintaining aerial insectivores in urban environments.
 - Use interpretative materials such brochures to make the public aware of the need to protect aerial insectivore habitat, such as the proposed riparian greenway. Ensure the public understands the need to keep domestic pets on trails and out of protected riparian greenways.
 - Encourage volunteers and local residents to collect data and make observations on Olive-sided flycatcher use in the development area.

3.2 Objective 1: Owls: Western Screech-Owl and Northern Pygmy-Owl

3.2.1 Call Playback Surveys

Six call playback surveys were completed, three for Western Screech-Owl and three for Northern Pygmy-Owl. There were two possible responses by species of management concern; a northern pygmy-owl response at the first call playback station of the first call playback survey for Western Screech-Owl, and a Northern Saw-whet owl response at the fifth call playback station of the third call playback survey. However, the Northern Saw-whet owl response came from off site. The most common detection was of a barred owl pair. Barred owl responses were detected on all surveys except for April 11th. A summary of survey results are listed below (Table 14).

Table 14: Call playback survey information

Survey Date	Survey Type	Number of Stations	Survey Effort (hours x number of observers)	Weather	Responses
21 Feb 2019	WSOW	3	2hrs 40min	Mainly clear/overcast/cold	Station F: unknown response to 1st and 2nd set, suspected NPOW or NSOW, nearby on site; BDOW calls >5min after 1st set, from south off site.
06 Mar 2019	WSOW	3	2hrs	Mainly clear/cold	Station F: BDOW response, 3min after 3rd set, to south off site.
13 Mar 2019	NPOW	3	2hrs 20min	Overcast/cool	Station F: BDOW response on site and then pair response off (or near) site to east. Responds to every call sequence
25 Mar 2019	WSOW	5	2hrs 20min	Overcast/cool	BDOW heard calling prior to Station F, but no calls during CPB. Station G: BDOW called between Station G and Station H; calls coming from the east (Near Station F) and moving towards the north.
11 Apr 2019	NPOW	5	4hrs 40min	Overcast/Light Drizzle	No response at any call points.
15 Apr 2019	NPOW	5	4hrs 40min	Clear	BDOW heard immediately upon arrival at site. BDOW response to Station I. NSOW heard and response to Station J. Both detections came from off site.



3.2.2 ARU Results

The ARU survey for Western Screech-Owl and Northern Pygmy-Owl generated 361 audio files from three sites over 49 survey days from March 13 to May 1. No Western Screech-Owl and Northern Pygmy-Owl vocalizations were recorded during the ARU survey. The ARU picked up the call-playback broadcasts from both the Western Screech-Owl and Northern Pygmy-Owl surveys, indicating that classifier is working to detect the target species. Barred owls were detected during the ARU surveys.

3.2.3 Nest Box Monitoring Results

The nest boxes were observed on seven days. There was no evidence that any of the three nest boxes were utilized by the target species. Table 15 summarizes the results.

Table 15: Nest box monitoring results

Survey Date	Number of Boxes Checked	Weather	Observations
21 Feb 2019	3	Mainly clear/ overcast/ cold	All nest boxes in good condition, no indication that maintenance required. Nest box 3 was filled with terrestrial moss; there was no clear evidence of what species has filled the box. No signs of activity in nest boxes 1 and 2.
06 Mar 2019	3	Mainly clear/cold	All nest boxes were in good condition, no indication that maintenance required. Nest box 1 had no signs of activity. Nest box 2 had an unidentified bird exit the box when the camera was lifted up. Species was unable to be identified due to low light conditions. Video did not provide any other evidence of use. The box was observed for five minutes after taking video and the bird returned. The wing beat was noisy (not common for owls). Nest box 3 had additional moss added to the box from the last visit. There was still no clear indication on what species has filled the box.
13 Mar 2019	3	Overcast/ cool	All nest boxes were in good condition, no indication that maintenance required. Nest box 1 had no signs of activity. Nest box 2 had a confirmed sighting of a Northern flicker inside of the nest box. Nest box 3 was observed for 30minutes, and no species was observed using the nest box. The deposited moss was visible from outside of the nest box. Species confirmation was still required.
25 Mar 2019	3	Overcast/ cool	All nest boxes were in good condition, no indication that maintenance required. Nest Box 1 had no signs of activity. Nest box 2 had no signs of activity. The Northern flicker was not observed at or in nest box. Nest box 3 continued to be filled up with moss; no confirmation on what was utilizing the nest box.
11 Apr 2019	3	Overcast/ Light Drizzle	All nest boxes were in good condition, no indication that maintenance required. Nest Box 1 had no signs of activity. Nest box 2 had no signs of activity. The Northern flicker was not observed at or in nest box. Nest box 3 continued to be filled up with moss; no confirmation on what was utilizing the nest box.
15 Apr 2019	3	Clear	All nest boxes were in good condition, no indication that maintenance required. Nest Box 1 had no signs of activity. Nest box 2 had no signs of activity. The Northern flicker was not observed at or in nest box. Nest box 3 continued to be filled up with moss; no confirmation on what was utilizing the nest box.
3 Jun 2019	3	Clear	All nest boxes were in good condition, no indication that maintenance required. Nest Box 1 had no signs of activity. Nest box 2 had no signs of activity. The Northern flicker was not observed at or in nest box. Nest box 3 continued to be filled up with moss; no confirmation on what was utilizing the nest box.



3.2.4 Western Screech-Owl and Northern Pygmy-Owl Results Discussion

There were no confirmed detections for either the Western screech-owl or the northern pygmy-owl during the call play back surveys. There was one possible Northern Pygmy-owl or Northern Saw-whet owl detection during the February 21st survey at call playback station F in response to the first and second set of WSOW calls. The detection consisted of a single 'toot' call repeated at an interval over five minutes immediately in response to the first and second set of calls. A barred owl then responded after five minutes, and the unidentified owl ceased to call.

A northern saw-whet owl was detected during the April 11th survey at call playback station J. The owl was heard calling faintly in the distance (NNE, >100m away) prior to the commencement of the call play back. The owl did not appear to be responding to the call play back, nor did it move closer to the CPB station during or after the broadcast.

Barred owls were detected on five out of six survey nights. It was also confirmed that there was a pair of barred owls in the area during the March 13th survey. Barred owls were the most commonly detected owl species in the study area.

There were no confirmed detections of either the Western Screech-owl or the Northern Pygmy-owl within the ARU analysis. There was a possible detection of a Northern Pygmy-owl on March 13th. There was one single 'toot' call made. A manual review of the audio file, and audio files surrounding that date did not result in any additional possible detection. Barred owls were detected on thirty one days suggesting that they are breeding in the general location of the survey area.

All three nest boxes were not occupied by the target species during the 2019 breeding season.

The coastal British Columbia subspecies of Western screech-owl (*Otus kennicottii kennicottii*) is blue listed provincially and is listed 1-threatened (2012) under the Species at Risk Act (BC CDC, 2019). The Western Screech-owl is found at low elevations (generally below 600m) on the BC coastal mainland west of the coastal ranges and on Vancouver Island (COSEWIC, 2012). The habitat requirements are varied, but individuals are generally found in mixed coniferous-deciduous forests often greater than 50 years old, within close proximity to riparian areas (streams or marsh) (COSEWIC, 2012). They can also be found in older residential areas with mature trees and woodland, but use of this habitat has significantly declined in the last 20 years (COSEWIC, 2012). They require large trees with suitable cavities for nest sites, and often roost in these cavities as well (COSEWIC, 2012). The forests on the property are either young forest or regenerating forest with a high deciduous component. There are minimal large trees with suitable cavities for nest sites located on the property. The riparian greenway provides the most suitable habitat. At present, few detailed home range and territory size estimates have been completed for this species in North America, but previous studies have estimated that territories generally range from 3ha to 60ha (Tripp and Dempsey, 2017).

There is limited suitable habitat present on the property within the development areas, likely limiting the possibility of occurrence. The only potentially suitable habitat is contained within the riparian greenway set aside from development. In addition, confirmed detections of a Barred owl pair in the study area limit the possibility of occurrence. Previous studies have noted significant declines in Western screech-owl populations coinciding with increases in Barred owl populations (COSEWIC, 2012). These declines have been noted for the south coast as well as in southern coastal Alaska (COSEWIC, 2012).



The Vancouver Island Pygmy-Owl (*Glaucidium gnoma swarthi*) is blue listed provincially and is not listed under the Species at Risk Act (BC CDC, 1997). It is found from 50m to <1700m elevation, and is adaptable to a range of forest types and associated habitat features as long as sufficient nest cavities are available and disturbance is low (Darling, 2003). It is a generalist species and will utilize interior forest areas, riparian zones and open stands as well as clearings and immature stands with lower structural diversity (COSEWIC, 2012).

There is suitable habitat present on the property, but there are very few large trees with suitable cavities for nest sites, likely limiting the possibility of occurrence. The possible detection that occurred on February 21st could not be confirmed. In addition, similar to the Western screech-owl, this species is preyed upon by Barred owls, and the presence of Barred owls within the study area further reduces the likelihood that this species occurs on the property.

3.2.4 Western Screech-Owl and Northern Pygmy-Owl Recommendations

No Western Screech-owls or Northern Pygmy-owls were detected during the 2019 bio-inventory. However, a confirmed detection in October 2014 by Ursus Environmental suggests that there is sufficient habitat for occupation. As such, it is best to support the potential occupation of the species within the development by considering the following recommendations provided in the Develop with Care Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia (BC Ministry of Environment, 2013). The recommendations are split into two categories; one for recommendations during the civil construction of the subdivision, and one for recommendations that the Village of Cumberland may want to include as future recommendations for homeowners.

Civil Construction of the subdivision:

- Complete tree and vegetation clearing outside of the general nesting period (August 16 to March 31). Clearing vegetation outside the general nesting period does not require a pre-clearing survey. If tree and vegetation clearing or other disruptive construction activities must be conducted during the breeding period, a qualified biologist should be engaged by the construction contractor to survey the development area for active nests and flag no-work buffer zones around active nests. Monitoring of active nests for disturbance within 200m of construction noise is recommended (MOE, 2014c). Nests should be monitored for signs of disturbance behavior until each nest has fledged. If project activity occurs near a protected nest, a protective buffer is required so that damage or disturbance to the nest and nest tree does not occur.
- Retain existing habitats and features; minimize loss of natural vegetation;
 - This will be achieved through the preservation of the riparian greenway
- Protect raptor nest/roost/perch/forage sites;
 - Since no known nest sites are located within the study area, and there are few trees of sufficient size, age, decay class for cavity recruitment, maintain artificial nest boxes to provide nesting and roosting locations within the property. The preservation of the riparian greenway should help the long term recruitment of potential nest sites. Ensure a 1.5x tree length buffer (45m) of undisturbed natural vegetation from the nest boxes (Appendix 2). Relocate Nest 1 and Nest 2 to be placed within the riparian greenway such that the 1.5x tree length buffer (45m) is contained within areas with more mature vegetation. Attempt



to retain as many mature trees on site as practicable to provide perching and roosting sites within the development.

- Avoid disturbance of sensitive habitats during and after development;
 - No disturbance to natural vegetation located within the proposed riparian greenway.
 - Avoid constructing new trails within the proposed riparian greenway.
 - Consider installing signs along proposed riparian greenway to discourage entry and disturbance to the core greenway located between trails.
- Manage, restore or enhance raptor habitat features;
 - Maintain nest boxes while the surrounding timber matures. Monitor and maintain nest boxes to ensure they are in appropriate condition.
- Educate the public about the importance of maintaining raptors in urban environments.
 - Use interpretative materials such as signs and to make the public aware of the need to protect raptor habitat, such as the proposed riparian greenway. Ensure the public understands the need to keep domestic pets on trails and out of protected riparian greenways.
- Avoid the use of pesticides and herbicides.

Future recommendations for homeowners:

- Consider using native trees and shrubs for landscaping of residential homes. Control invasive plants, and ensure natural vegetation establishes.
- Maintain an area of uncut lawn or pasture near forest edges (specifically the riparian greenway) to increase prey abundance.
- Minimize the risk of accidental mortality;
 - Minimize risk of mortality of raptors due to collisions with windows and clear panel railings on sundecks. Recommend home owners use non-reflective substitutes, awnings, screens, tinted films, or apply decals generously onto windows or clear panels.
- Avoid the use of pesticides and herbicides.
- Educate the public about the importance of maintaining raptors in urban environments.
 - Use interpretative materials such as brochures to make the public aware of the need to protect raptor habitat, such as the proposed riparian greenway. Ensure the public understands the need to keep domestic pets on trails and out of protected riparian greenways.
 - Encourage volunteers and local residents to collect data and make observations on raptor use in the development area.

3.3 Objective 1: Upland Gamebirds: Band-tailed Pigeon

3.3.1 Point Count Surveys Results

Band-tailed pigeons were detected on July 8th, 2019 at point count stations A and E (Figure 3).

3.3.2 ARU Survey Results

The ARU survey for Band-tailed pigeon generated 134 audio files from two sites over 68 survey days from May 1 to July 8. Band-tailed pigeon vocalizations were detected on one day (June 29, 2019).



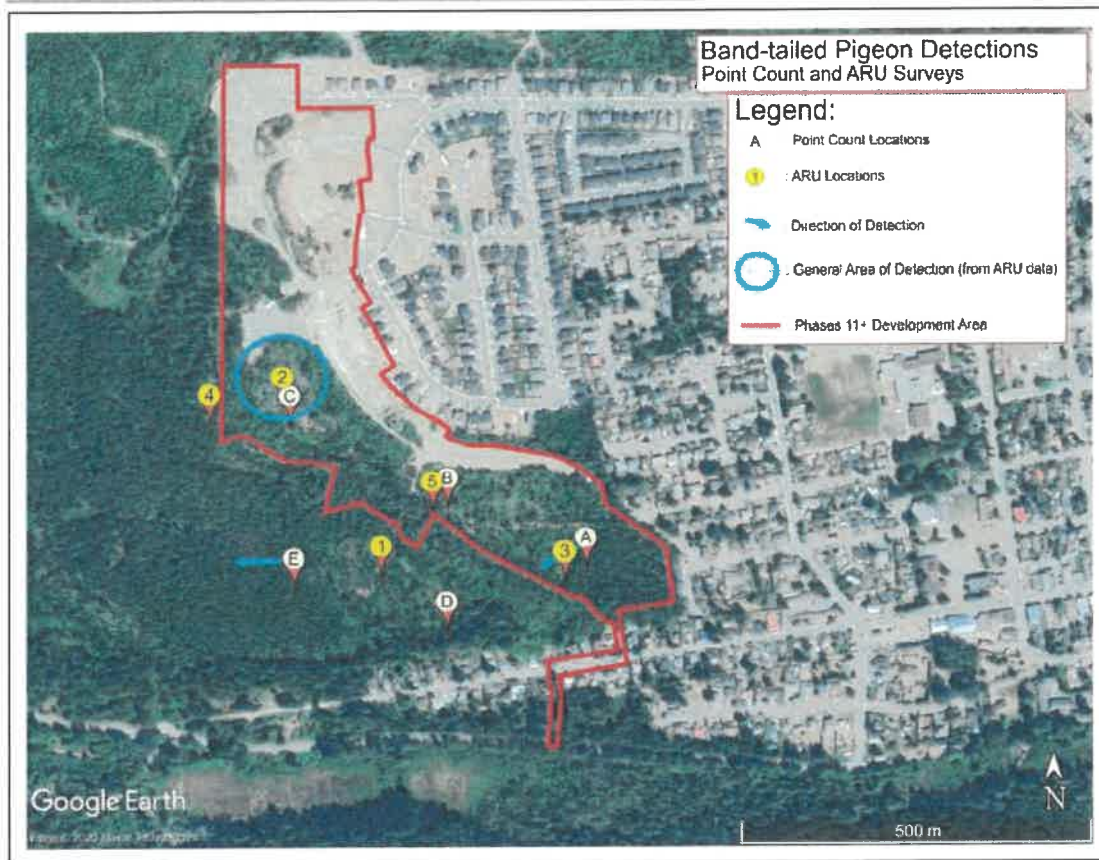


Figure 3: Green arrows show the direction of the detected Band-tailed pigeon call during the Point Count Surveys (Point Count locations A and E), and the green circle shows the area that a Band-tailed pigeon was detected during the ARU survey at location #2.

3.3.3 Point Count Survey and ARU Results Discussion

Band-tailed pigeons were detected during both the point count survey and ARU survey.

The Band-tailed pigeon (*Patagioenas fasciata*) is blue listed provincially and is listed as 1-Special Concern (2011) under the Species at Risk Act (BC CDC 2000). They are a generalist species, able to nest and feed in towns and near farms, as well as in forested ecosystems. Band-tailed pigeons tend to inhabit habitat from sea level to 300m elevation (COSEWIC, 2008). They typically breed in natural and human-made habitats including edges and openings in mature coniferous, mixed and deciduous forests, city yards and parks, wooded groves, open bush land, golf courses and orchards (Environment and Climate Change Canada, 2016). Nest location and stand characteristics vary greatly across its range. The nest tree species varies; they generally nest in coniferous trees, but can also be found in deciduous trees (Environment and Climate Change Canada, 2016). Research in Oregon has found that 69% of nests were found in closed canopy conifer forests, 55% were found in sapling/pole-sized stands, 71% were found in stands with 150-500 stems per hectare, 69% were found in 16-32cm DBH, and 59% were found on mid-slopes (Environment and Climate Change Canada, 2016). Mineral sites are important to breeding Band-tailed pigeons (Sanders, 1999). The pigeons require mineral sites high in sodium during their breeding season (Environment and Climate Change Canada, 2016; Sanders and Koch, 2017). Almost all Band-tailed pigeons are thought to occur within 50km of a mineral site (Environment and Climate Change Canada, 2016). There is no research into home range size in



Canada, but research in California and Oregon suggest home ranges vary from 2000-6000ha (California) to 11000ha (Oregon) (Environment and Climate Change Canada, 2016). They are known to forage up to 15km away from their nest site (COSEWIC, 2008). Band-tailed pigeons feed almost exclusively on berries of red elderberry (*Sambucus racemosa*) and cascara (*Rhmanus purshiana*) while nesting (Sander and Koch, 2017; Sanders, 1999).

There is suitable habitat present on the property. Habitat values within the riparian greenway provide foraging habitat. There is also ample foraging habitat located within the regenerating forest stands, where there is an abundance of fruit bearing shrubs. There is also breeding habitat present on the property, located within the riparian greenway as well as the strip of mature timber to the north of Dunsmuir Ave. There are no known mineral sites located on the property, but mineral sites were not surveyed for during this bio-inventory.

3.3.4 Band-tailed Pigeon Recommendations

Band-tailed pigeons were detected during the 2019 bio-inventory. The proposed management plan for the Band-tailed pigeon in Canada objective is to maintain the Canadian population at its current size and distribution (Environment and Climate Change Canada, 2016). Threats to the survival or recovery of Band-tailed pigeons are varied and include; habitat loss and land use changes (especially at mineral sites), land use practices that result in fewer fruit-bearing plants and older trees used for nesting, parasite infections (e.g. trichomoniasis) and direct and indirect pesticide poisoning at foraging and mineral sites (Environment and Climate Change Canada, 2016). Currently, the management plan focuses on population monitoring and surveys, habitat conservation and stewardship (with a specific focus on identifying mineral sites and protecting mineral sites) and research (focused on the determining the effects of forestry practices on breeding habitat, identifying setback distances, vegetative cover and perch availability needed to minimize disturbance at mineral sites and to determine the impact of parasitism and identify approaches to mitigate future outbreaks) (Environment and Climate Change Canada, 2016). As such, the following recommendations are made to maintain breeding habitat and improve foraging habitat. The recommendations are split into two categories; one for recommendations during the civil construction of the subdivision, and one for recommendations that the Village of Cumberland may want to include as future recommendations for homeowners.

Civil Construction of the subdivision:

- Complete tree and vegetation clearing outside of the general nesting period (August 16 to March 31). Clearing vegetation outside the general nesting period does not require a pre-clearing survey. If tree and vegetation clearing or other disruptive construction activities must be conducted during the breeding period, a qualified biologist should be engaged by the construction contractor to survey the development area for active nests and flag no-work buffer zones around active nests. Monitoring of active nests for disturbance within 200m of construction noise is recommended (MOE, 2014c). Nests should be monitored for signs of disturbance behavior until each nest has fledged. If project activity occurs near a protected nest, a protective buffer is required so that damage or disturbance to the nest and nest tree does not occur.
- Preserve mature, closed canopy conifer stands for nesting habitat;
 - This will be achieved through the preservation of the riparian greenway and strip of mature timber north of Dunsmuir Ave. While there are limited mature trees throughout the development area, consider retaining were practicable.
- Preserve foraging areas with suitable forage species;



- This will be achieved through the preservation of the riparian greenway. Use extra care around individual cascara shrubs. Cascara is a shade tolerant shrub species present within the greenway at low densities, and is an important forage species during breeding and nesting (Sanders, 1999). Unfortunately, cascara is a known alternate host for oat crown rust (*Puccinia coronata* var. *avenae*), and as such, the propagation, sale and movement of cascara is currently prohibited under Schedule 1 (Subsection 50(1) and (2) of the Plant Protections Regulations (SOR/95-212). Therefore it is extremely important to protect and retain all cascara individuals within the greenway, as there are no nurseries that propagate or sell cascara in Canada, and any regeneration would have to occur naturally from existing individual trees.
- Improve forage availability;
 - Red elderberry, an early seral species, could also be increased through planting in available open areas within the greenway and parks (Appendix 2).
 - Consider planting other berry producing shrubs in available areas (e.g. salal, huckleberries).
- Restrict pesticide and herbicide use within the development area, with special emphasis on the area surrounding the riparian greenway.

Future recommendations for homeowners:

- Minimize the risk of accidental mortality;
 - Minimize risk of mortality of pigeons due to collisions with windows and clear panel railings on sundecks. Recommend home owners use non-reflective substitutes, awnings, screens, tinted films, or apply decals generously onto windows or clear panels.
- Improve forage availability;
 - Consider recommending to homeowners the planting of native vegetation (specifically red elderberry and other berry producing shrubs) within their lots to increase forage opportunities in an urban setting.

3.4 Objective 2: Lung-less salamanders

3.4.1 Time Constrained Survey Results

The time constrained survey began at the southeast corner of the property within the second growth forest. The survey continued along the southern half of the property and ended 30 minutes later at the greenway edge. Potential microhabitats consisting of decaying logs or stumps were quickly pulled apart looking for amphibians. The track was recorded on Avenza maps and is shown in Figure 4. Details of the observations for the entire survey are included in Appendix 1.





Figure 4: Green line shows the location of the time constrained survey.





Within the area immediately north of the riparian greenway the habitat consists of small second growth of Douglas fir, western hemlock and Big-leaf maple (Photo 1, Table 16). The microhabitats that were sampled consisted of smaller stumps (Photo 2, Table 16). Several stumps were pulled apart, but the bark was typically firmly attached and was not in the decay state that would be associated with wandering salamander habitat.

Most of the habitat at the southeast side of the property consists of regenerating forest. The area is vegetated in salal, scotch broom and bracken ferns (Photo 3, Table 16). Very few microhabitats suitable for wandering salamanders were encountered in this area. A reconnaissance assessment was conducted between the location of the time constrained survey and the commencement point of the first transect survey. The area south of the riparian greenway along the southern property boundary has a high deciduous content (maple and alder) (Photo 4, Table 16).

No salamanders were located during the time constrained survey.



Table 16: Photo documentation for time constrained survey

	
<p>Photo 1: Typical habitat type within the time constrained survey. The site has a young forest.</p>	<p>Photo 2: View of typical microhabitat sampled. Stumps were generally small. No salamanders were located.</p>
	
<p>Photo 3: Typical habitat within the regenerating forest area. Very little suitable microhabitat was noted.</p>	<p>Photo 4: The area along the south property line has a high deciduous content.</p>

3.4.2 Transect Survey Results

A transect survey was established at the west side of the property and commenced at the southwest corner of the property in a northerly direction shown in Figure 5. Only microhabitats within a 2m strip (1m on either side) were assessed.

This area had very few microhabitats along the transect itself (Photo 5, Table 11). The forest is a mix of young Douglas-fir and big leaf maple. Most decaying wood present were small stumps and there were few logs on the ground. The transect ended at the north end of the riparian greenway at the edge of the regenerating forest area (Photo 6, Table 11). No salamanders were located.

Due to a lack of suitable habitat noted, a reconnaissance survey was conducted to assess the property to determine areas that would contain suitable microhabitats.

One large stump was noted along an old road (Figure 6). The level of decay was such that the bark was loose and provided suitable habitat. A piece of bark was pulled away and a wandering salamander was located (Photos 7-9, Table 11).





Figure 5: Yellow line shows the location of Transect 1.






The reconnaissance assessment continued and can be seen in Appendix 1. There were very few areas noted with suitable microhabitats for wandering salamanders. There are some larger stumps that were noted in the southern area of the property, but a historic fire in the area, has altered the stumps such that there is no bark (Photo 10, Table 17).



Figure 6: Location of wandering salamander located in a large stump.



Table 17: Photo documentation of Transect 1

	
<p>Photo 5: Typical habitat along Transect 1. View is north from the commencement point. Mostly young fir and maple.</p>	<p>Photo 6: View of typical north of the end of Transect 1. Area consists of regenerating forest.</p>
	
<p>Photo 7: This large stump circled was the only high quality micro habitat that was noted during the survey.</p>	<p>Photo 8: A section of bark was peeled away.</p>
	
<p>Photo 9: One wandering salamander was identified.</p>	<p>Photo 10: Where present, most of the larger stumps have been burned, limiting habitat potential.</p>



3.4.3 Time constrained and Transect Results Discussion

One wandering salamander was located, indicating that they are present in low numbers. No specimens were located during either the time constrained survey or the transect survey. Although during both of those, it was noted that there was minimal suitable habitat available.

The Wandering Salamander is blue listed provincially and is listed 1-SC (2018) under the Species At Risk Act. This terrestrial salamander is typically found under the bark in decaying conifer trees. They are mostly found at <600m elevation in forests dominated by western hemlock or Douglas fir. The forested areas on the property are either young forest or regenerating forest with a high deciduous component. There are minimal stumps of sufficient size/decay to provide microhabitats for the species. Where the reconnaissance survey was conducted the stumps from previous logging were generally small and cut low to the ground. There was minimal larger sized decaying wood on the ground. Where present larger stumps (mostly cedar) had been burnt at some point in the property's history, further reducing the number of suitable microhabitats. There are likely higher numbers of suitable microhabitats within the riparian greenway as the area is in a more mature stand age with higher coarse woody debris present. Wandering salamanders typically stay within the same microhabitat and dispersal of individuals is low with one study having marked individuals being recaptured with 75% within 2m and 94% within 10m of the first capture location (COSEWIC, 2014).

There are very limited suitable microhabitats present on the property within the development areas, likely limiting the number of the individuals being present. Although they were located, the numbers are likely very low due to the lack of available habitat.

3.4.2 Wandering Salamander Recommendations

The method of finding this species is quite destructive and therefore sampling of every stump or log to identify individuals, is not recommended. It is rather best to support the species within the development by considering the following provided in the Develop with Care Guidelines for Amphibian and Reptile Conservation during Urban and Rural Land Development in British Columbia (BC Ministry of Environment, 2014):

- Preserve remnant old growth and maturing forest stands whenever possible. Even relatively small patches may support populations, provided that moist forest floor conditions and abundant coarse woody debris are available;
 - This will be achieved through the preservation of the riparian greenway
- Retain snags and downed wood and bark in various stages of decay, including large diameter logs which provide essential shelter and egg-laying sites for salamanders;
 - Consider retaining larger stumps and logs found outside of the development footprint and/or move these features when encountered to areas where they can be left undisturbed.
- Consider enhancement and restoration by adding and/or salvaging larger diameter logs with bark still intact and placing them within areas that will be left undisturbed to increase the habitat available for this species.
- The located microhabitat with confirmed wandering salamander presence has been flagged /identified in the field, but should be clearly demarcated with a 5m machine free zone with a sign indicating it is an environmental feature prior to any development works occurring in the area. If this feature conflicts with development plans, consider salvaging the stump as noted above to an area where it can be left undisturbed.



3.4 Additional General Mitigation Measures

The following measures are recommended to implement as the development approaches the riparian greenway which has been identified as having the highest values pertaining to potential habitat for a variety of species. These are not specific to any one species, but will ensure that the development does not disturb the values in this area.

- Prior to the commencement of any ground disturbance works (including vegetation removal) adjacent to the riparian greenway, the boundary and tree protection zone will need to be clearly demarcated. It is recommended to install snow fence or similar a minimum of 5m away from the park boundary to ensure that the rooting zone of any trees along the boundary are protected during the development. This will also ensure no vegetation is inadvertently removed from the protected area.
- Install sediment and erosion control devices where necessary in locations that slope towards the riparian greenway and associated stream and wetland.
- Minimize the extent of exposed soils if working during inclement weather.

4.0 CONCLUSIONS

Further to the Wildlife Bio-Inventory that was completed by SNRC in June 2018, additional surveys were conducted in 2019 to determine the presence of listed species that were identified within the report. More specifically, presence/not detected surveys were conducted for Olive-sided flycatcher, band-tailed pigeon, Western screech owl, northern pygmy owl and wandering salamander.

Field programs were completed as planned and followed either provincial standards or were based on best available guidance and professional judgement. Surveys for Western Screech-owls and the Vancouver Island Pygmy owl (both call playback surveys and ARU surveys) did not result in detection of the target species. Three species of management concern were detected during surveys within and adjacent to the development area. These are: Olive-sided Flycatcher, Band-tailed Pigeon and wandering salamander.

This bio-inventory provided baseline data to inform the potentially developable areas within the subdivided lots and assists future planning for the development of these lots while protecting environmentally sensitive features and ESAs. Future data requirements and reporting needs to support impact assessments, mitigation measures, and restoration plans to accompany anticipated lot-by-lot development permit applications and are recommended in this report.



5.0 Signature and Professional Seal

Field work completed by: Cindy Hannah, RPBio (#1275), Mario Cottone, BIT, Stephen Johnston, BIT and Jacob Blanchard, RBTech (#31).

Report completed by: Cindy Hannah, RPBio (#1275) and Mario Cottone, BIT.

Signature and Seal	
	
23/10/19	
Date (dd/mm/yy)	

COPY
Original signed and sealed on file



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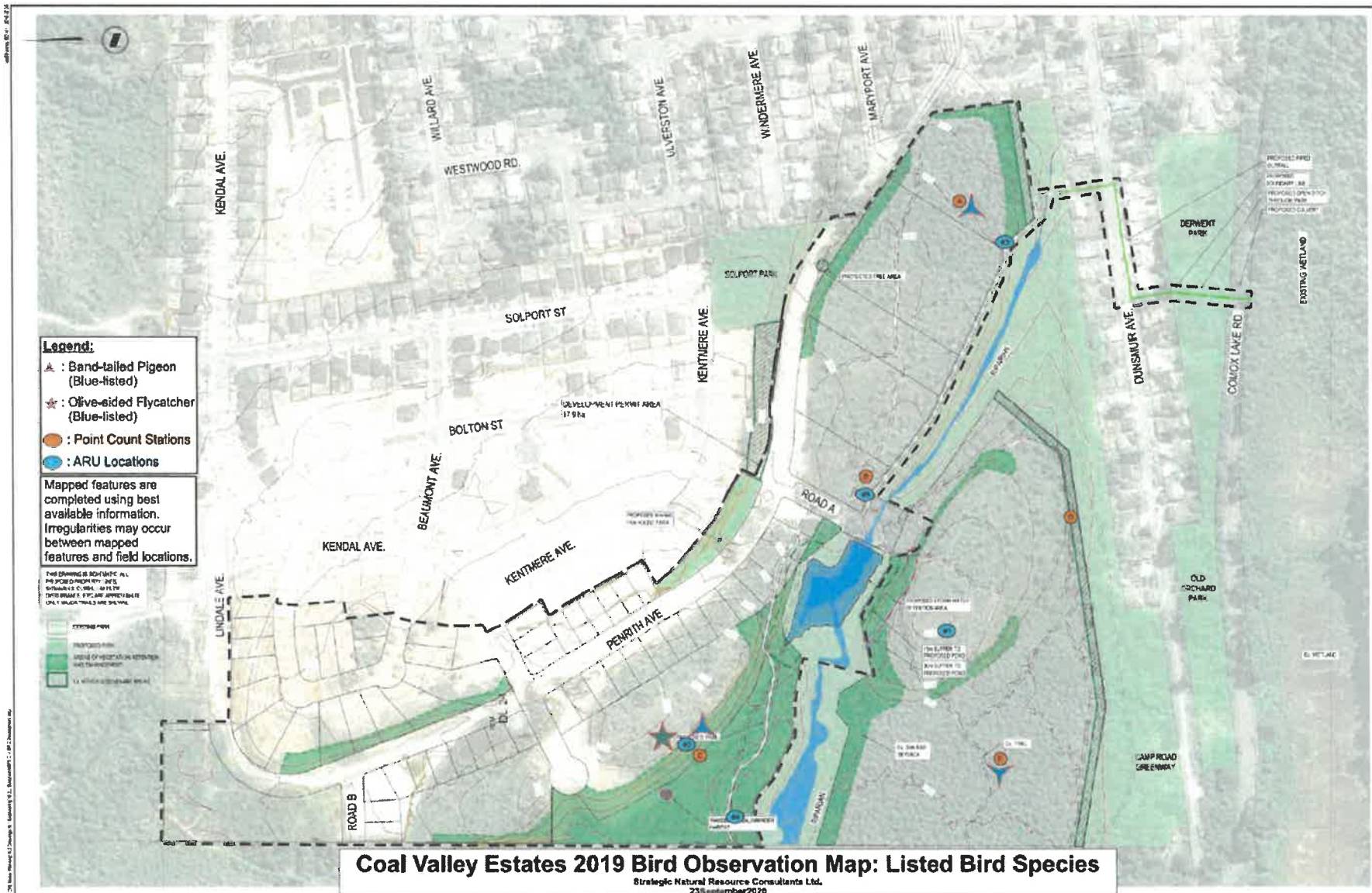
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Appendix 1 – Wildlife Observations

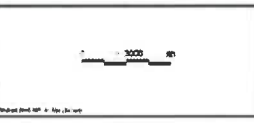
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- Map 2: Bird observations Columbids
- Map 3: Bird observations Finches and Flycatchers
- Map 4: Bird observations Other birds
- Map 5: Bird observations Passerines
- Map 6: Bird observations Raptors and Corvids
- Map 7: Bird observations Sparrows
- Map 8: Bird observations Thrushes
- Map 9: Bird observations Vireos
- Map 10: Bird observations Warblers
- Map 11: Bird observations Water birds
- Map 12: Bird observations Woodpeckers
- Map 13: Owl call playback results
- Map 14: Lung-less salamander survey results





NO. 10000-01-01	REVISION FOR CIVIL ENGINEERING	DATE	DESCRIPTION
1	ISSUED FOR CIVIL ENGINEERING	2019	ISSUED FOR CIVIL ENGINEERING

McEiHanney
Strategic Natural Resource Consultants Ltd.
23 September 2019



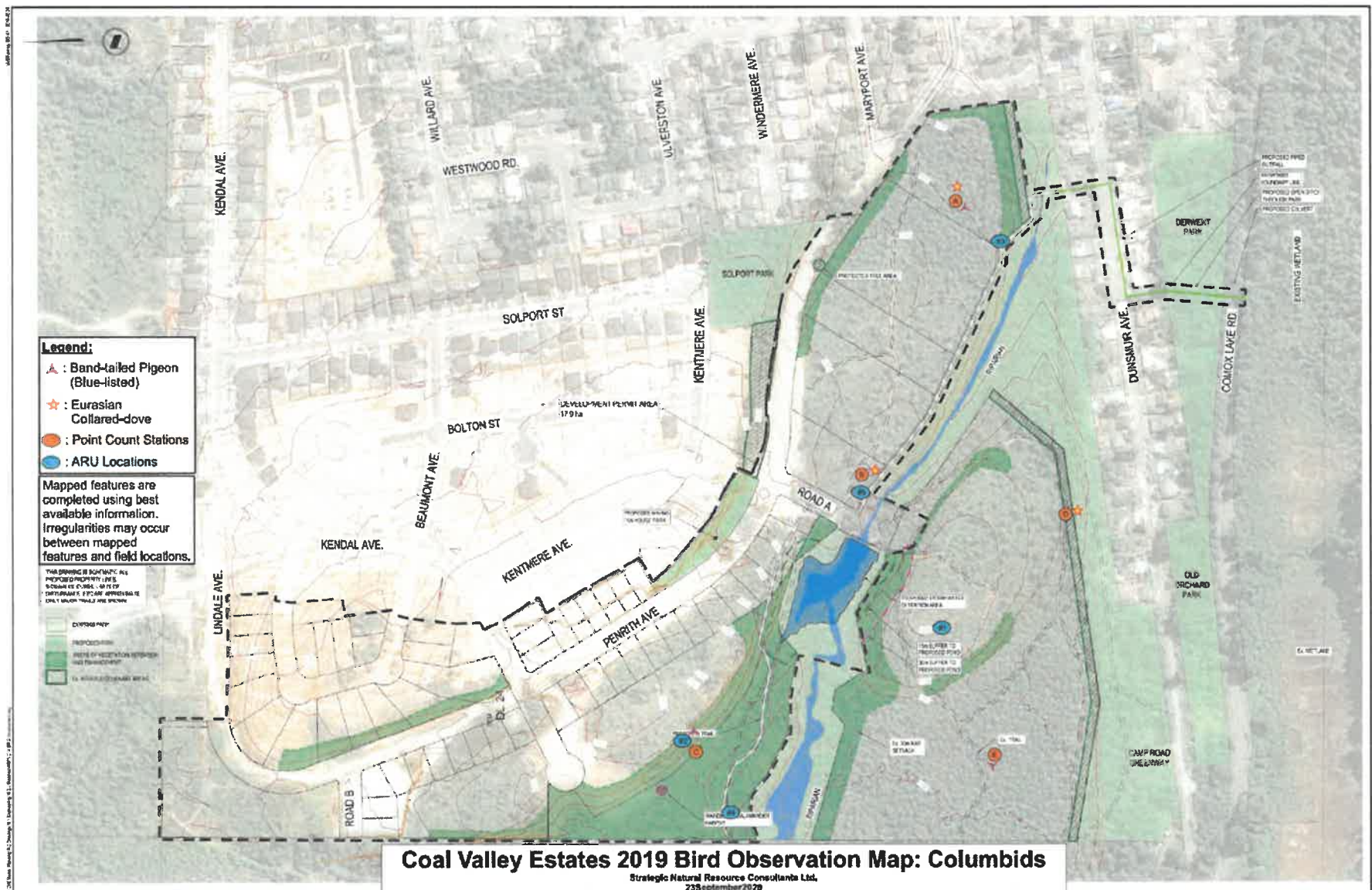
McEiHanney

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Photogram
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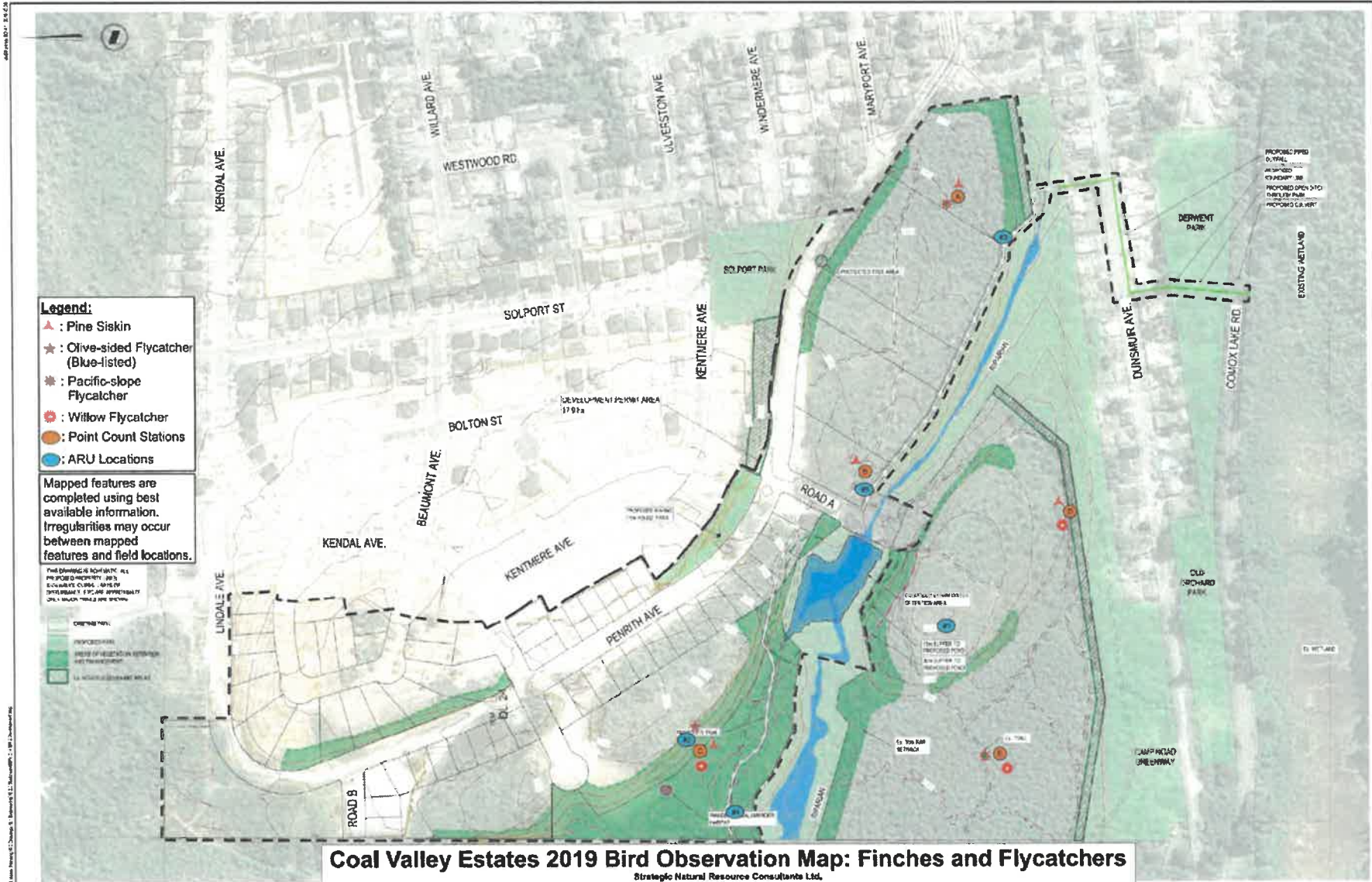
Proposed Development
Rem. D. L. 24, Nelson District,
Plan CPP53358

COAL VALLEY ESTATES LTD
PROPOSED DEVELOPMENT
REM. D. L. 24, NELSON DISTRICT,
PLAN CPP53358

Drawing No
DP-02
22/11/2019 14



<p>2020-03-11 09:00:00</p> <p>2020-03-11 09:00:00</p> <p>2020-03-11 09:00:00</p>	<p>2020-03-11 09:00:00</p> <p>2020-03-11 09:00:00</p> <p>2020-03-11 09:00:00</p>	<p>2020-03-11 09:00:00</p> <p>2020-03-11 09:00:00</p> <p>2020-03-11 09:00:00</p>	<p>McEiHanney</p> <p>2020-03-11 09:00:00</p> <p>2020-03-11 09:00:00</p>	<p>2020-03-11 09:00:00</p> <p>2020-03-11 09:00:00</p> <p>2020-03-11 09:00:00</p>	<p>GOAL VALLEY ESTATES LTD.</p> <p>PROPOSED DEVELOPMENT</p> <p>REM, D. L. 24, NELSON DISTRICT,</p> <p>PLAN CPP53358</p>	<p>Drawing No</p> <p>DP-02</p> <p>Client Number</p> <p>2211-4887-14</p> <p>Page</p> <p>0</p>
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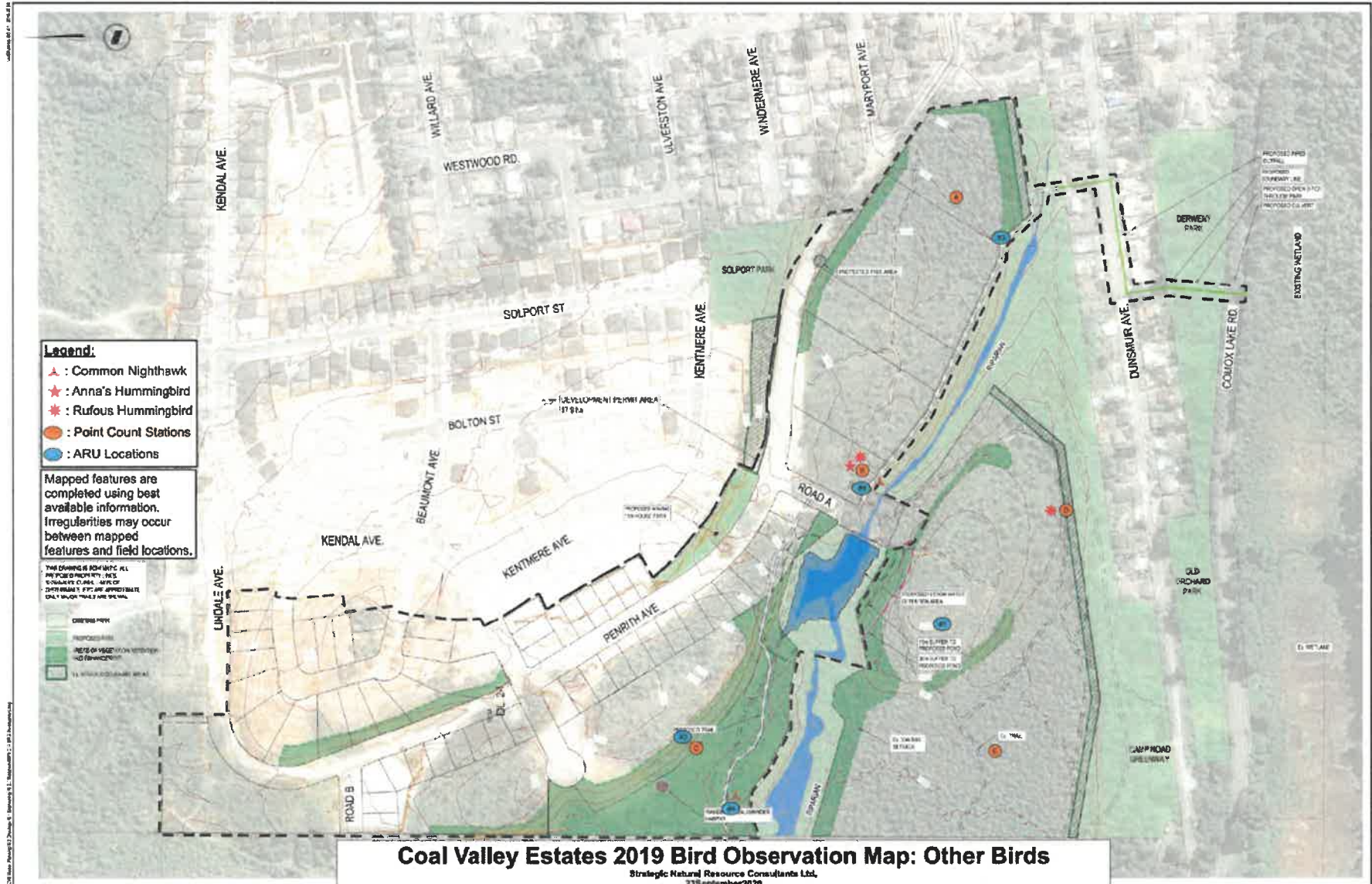
- Legend:**
- ▲ : Pine Siskin
 - ★ : Olive-sided Flycatcher (Blue-listed)
 - ✱ : Pacific-slope Flycatcher
 - : Willow Flycatcher
 - : Point Count Stations
 - : ARU Locations

Mapped features are completed using best available information. Irregularities may occur between mapped features and field locations.

This drawing is not to be used for any other purpose than that for which it was prepared. It is the responsibility of the client to ensure that the information is up to date and accurate. The client is responsible for any errors or omissions. The client is responsible for any errors or omissions. The client is responsible for any errors or omissions.

Coal Valley Estates 2019 Bird Observation Map: Finches and Flycatchers
 Strategic Natural Resource Consultants Ltd,
 23 September 2020

<p>2020-09-23 10:00 AM 2020-09-23 10:00 AM 2020-09-23 10:00 AM</p>	<p>McElhanney</p> <p>2020-09-23 10:00 AM 2020-09-23 10:00 AM 2020-09-23 10:00 AM</p>	<p>COAL VALLEY ESTATES LTD PROPOSED DEVELOPMENT REM. D. L. 24, NELSON DISTRICT, PLAN CP753358</p>	<p>Drawing No DP-02</p> <p>Project Number 2211-4887-14</p>
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- Legend:**
- ▲ : Common Nighthawk
 - ★ : Anna's Hummingbird
 - ✱ : Rufous Hummingbird
 - : Point Count Stations
 - : ARU Locations

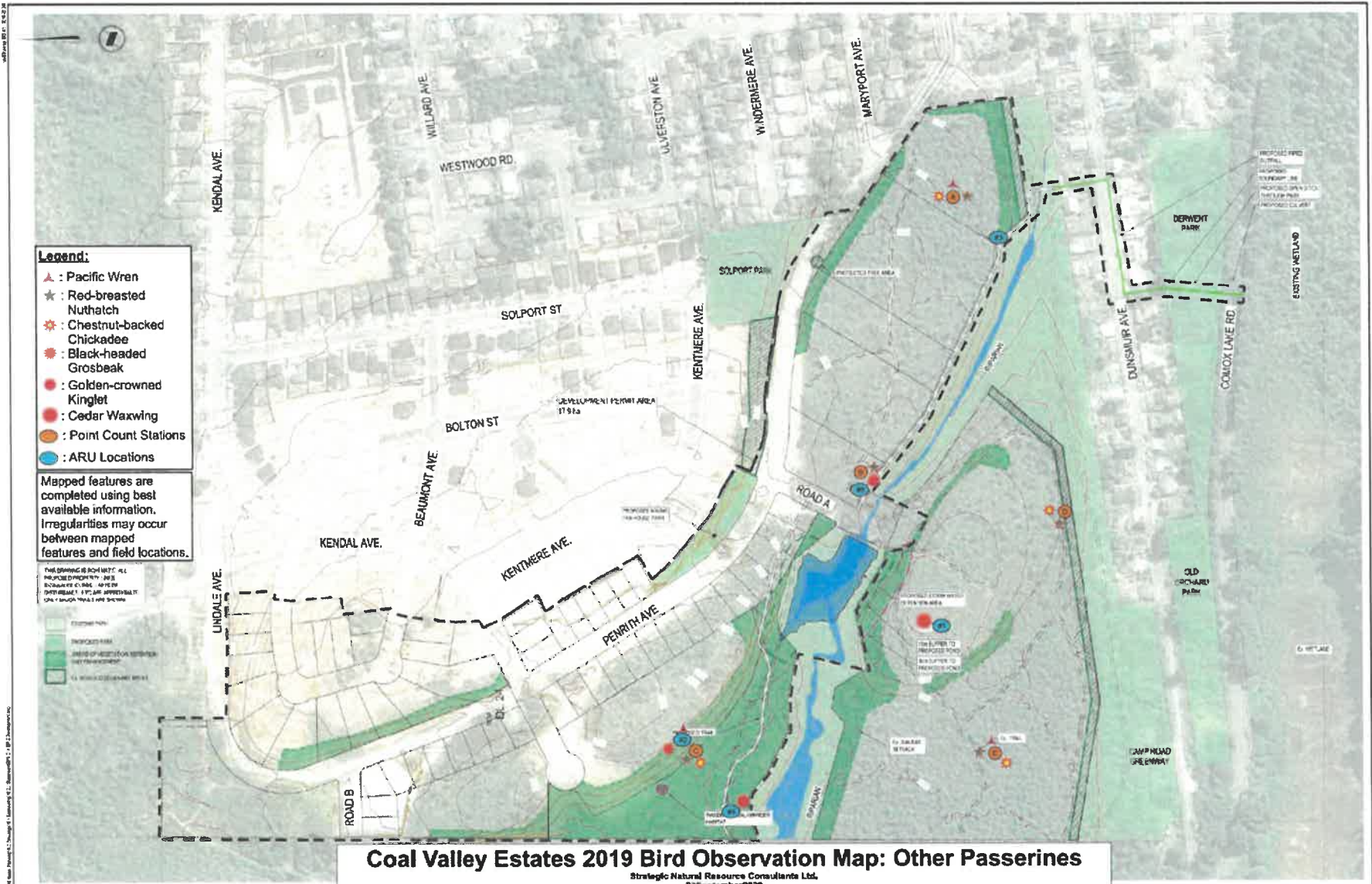
Mapped features are completed using best available information. Irregularities may occur between mapped features and field locations.

THIS DRAWING IS FOR MATC ALL THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT OR SERVICE.

Coal Valley Estates 2019 Bird Observation Map: Other Birds

Strategic Natural Resource Consultants Ltd, 23 September 2020

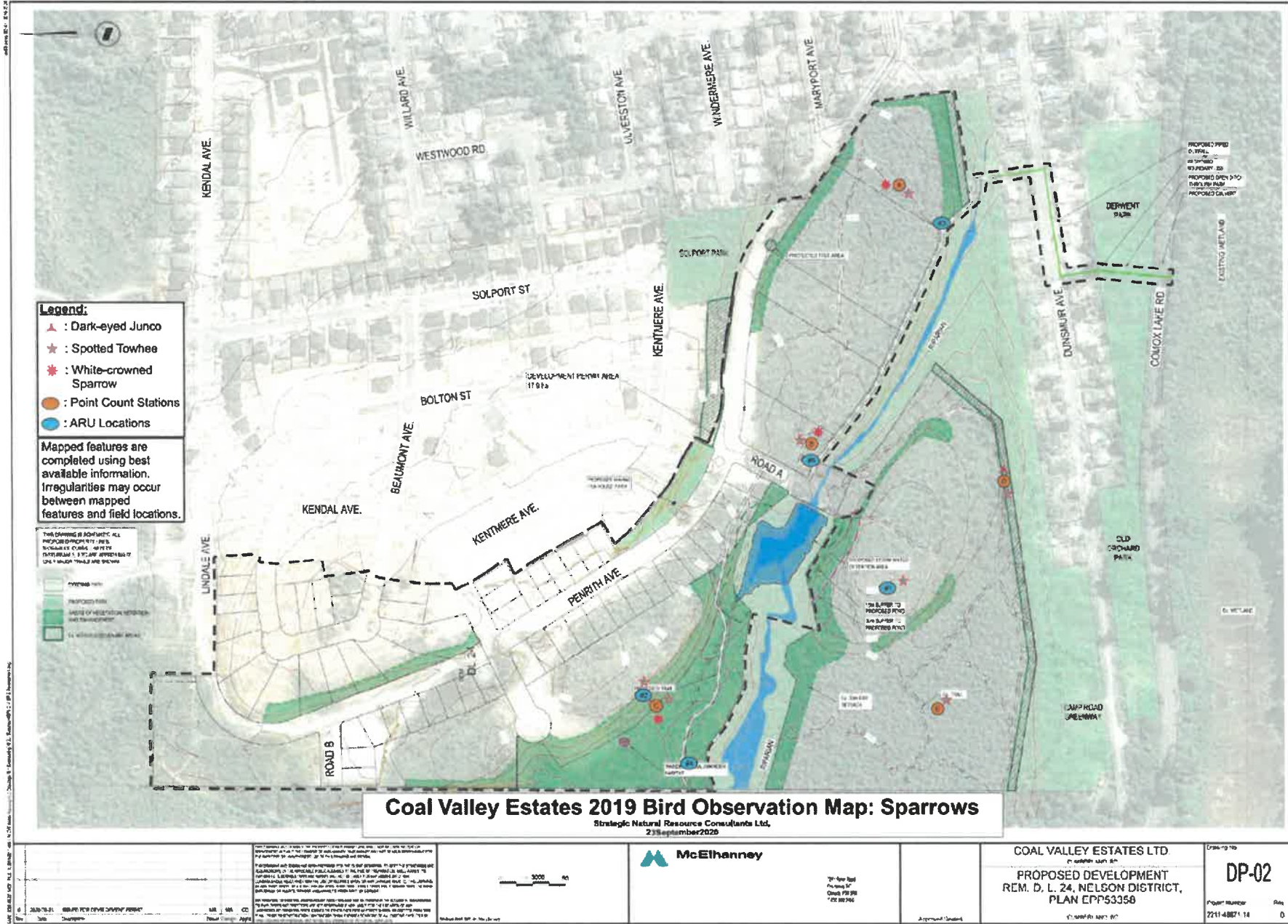
<p>2020-10-11 08:48:00 FOR DEVELOPMENT PERMIT</p>	<p>McEithanney</p>	<p>Scale: 1:2000</p>	<p>COAL VALLEY ESTATES LTD. PROPOSED DEVELOPMENT REM. D. L. 24, NELSON DISTRICT, PLAN CPP53358</p>	<p>DP-02</p>
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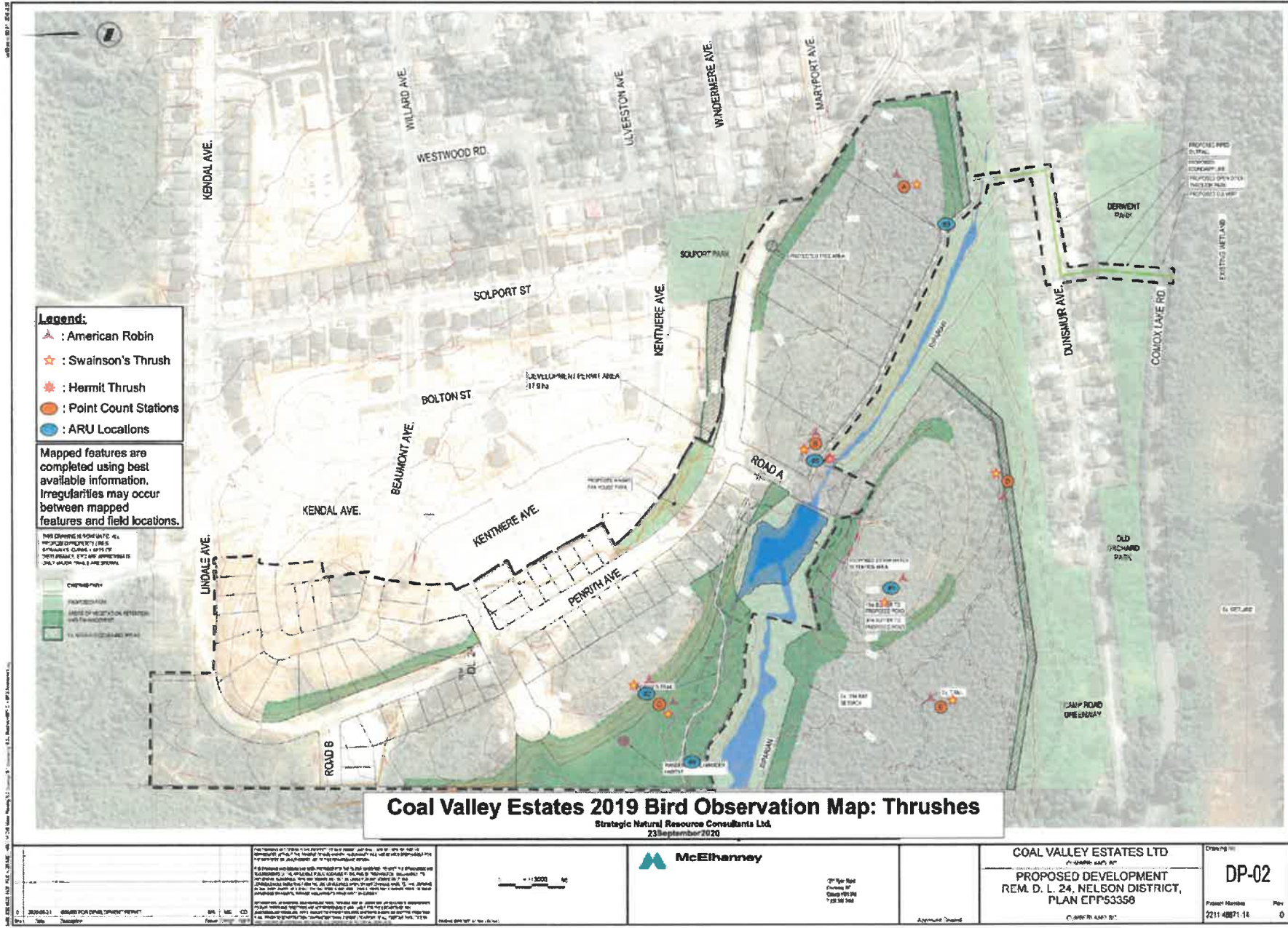


Coal Valley Estates 2019 Bird Observation Map: Other Passerines

Strategic Natural Resource Consultants Ltd.
23 September 2020

<p>Scale: 1:5000</p> <p>North Arrow</p>	<p>McElhanney</p> <p>20' Area Scale Drawing of Scale 1:5000 * FE 100 246</p>	<p>COAL VALLEY ESTATES LTD</p> <p>PROPOSED DEVELOPMENT REM. D. L. 24, NELSON DISTRICT, PLAN CPP53358</p>	<p>Drawing No DP-02</p> <p>Plan Number 2211-4887-1-14</p>
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- Legend:**
- ▲ : American Robin
 - ★ : Swainson's Thrush
 - ✱ : Hermit Thrush
 - : Point Count Stations
 - : ARU Locations

Mapped features are completed using best available information. Irregularities may occur between mapped features and field locations.

- THIS DRAWING IS FOR THE USE OF THE CLIENT ONLY. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE CLIENT.
- EXISTING OPEN SPACE
 - PROPOSED OPEN SPACE
 - AREA OF RESTRICTION RETENTION AND REDEMPTION
 - EXISTING WETLAND

Coal Valley Estates 2019 Bird Observation Map: Thrushes

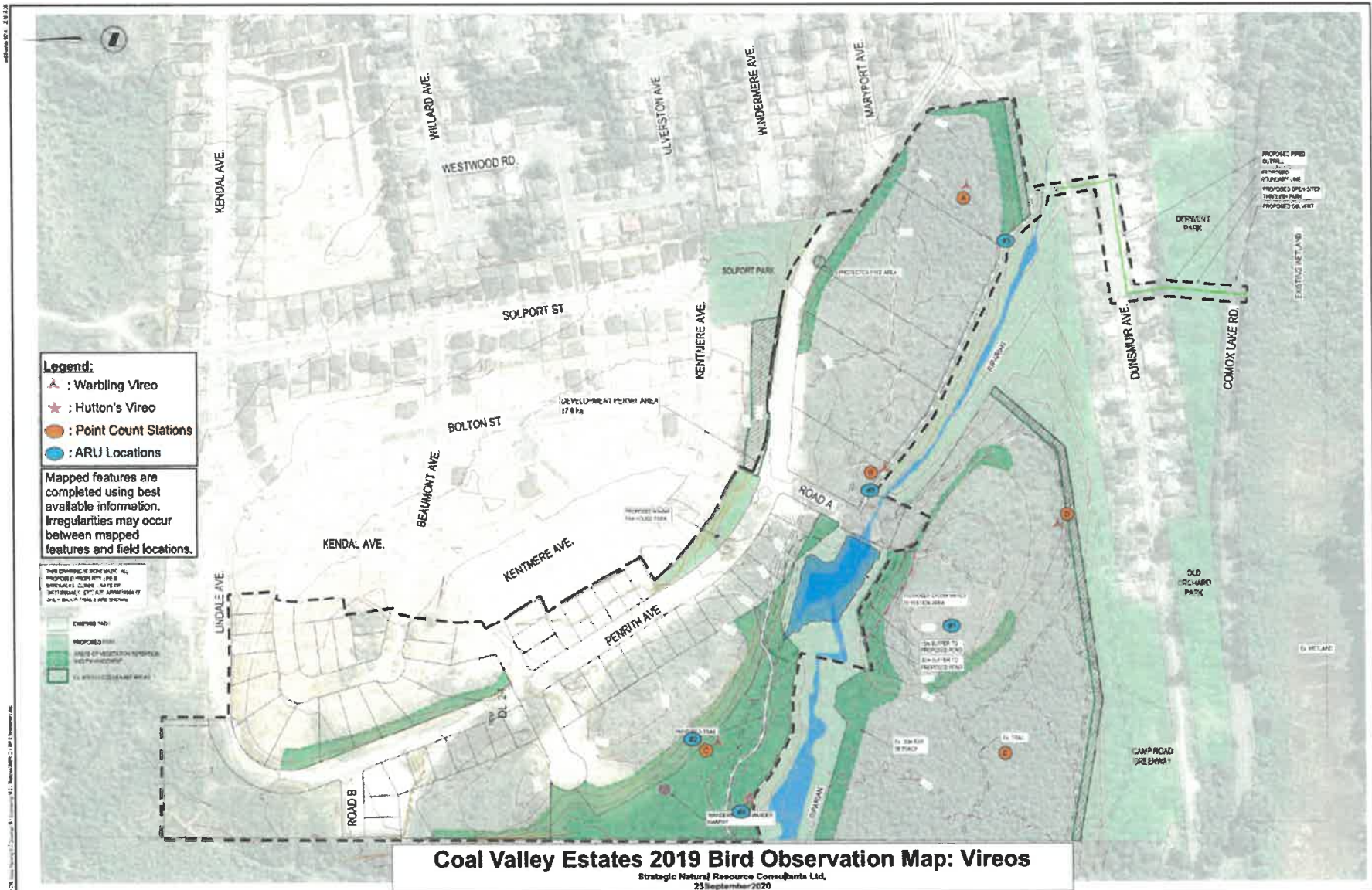
Strategic Natural Resource Consultants Ltd.
23 September 2020



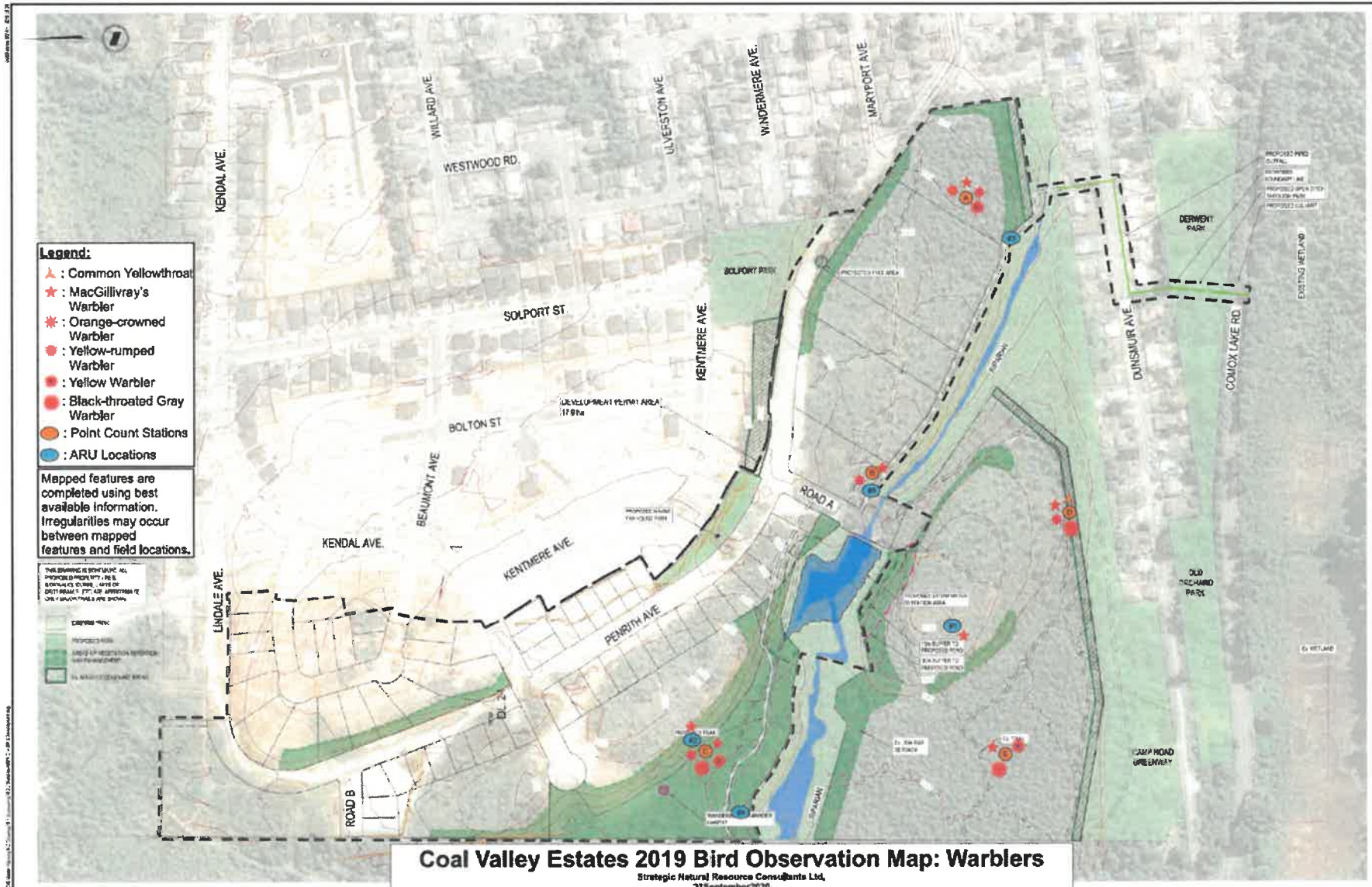
20" Top Scale
Drawing of
Client: PPS 36
1:25,000 Scale

COAL VALLEY ESTATES LTD
PROPOSED DEVELOPMENT
REM. D. L. 24, NELSON DISTRICT,
PLAN EPP53358

Drawing No: **DP-02**
Project Number: 2211 40871-14
Rev: 0



<p>2020-10-21 09:15:00</p> <p>2020-10-21 09:15:00</p> <p>2020-10-21 09:15:00</p>	<p>McEthenney</p> <p>1:1000</p>	<p>COAL VALLEY ESTATES LTD.</p> <p>PROPOSED DEVELOPMENT</p> <p>REM. D. L. 24, NELSON DISTRICT,</p> <p>PLAN CPFS3358</p>	<p>DP-02</p> <p>2211-4821-14</p>
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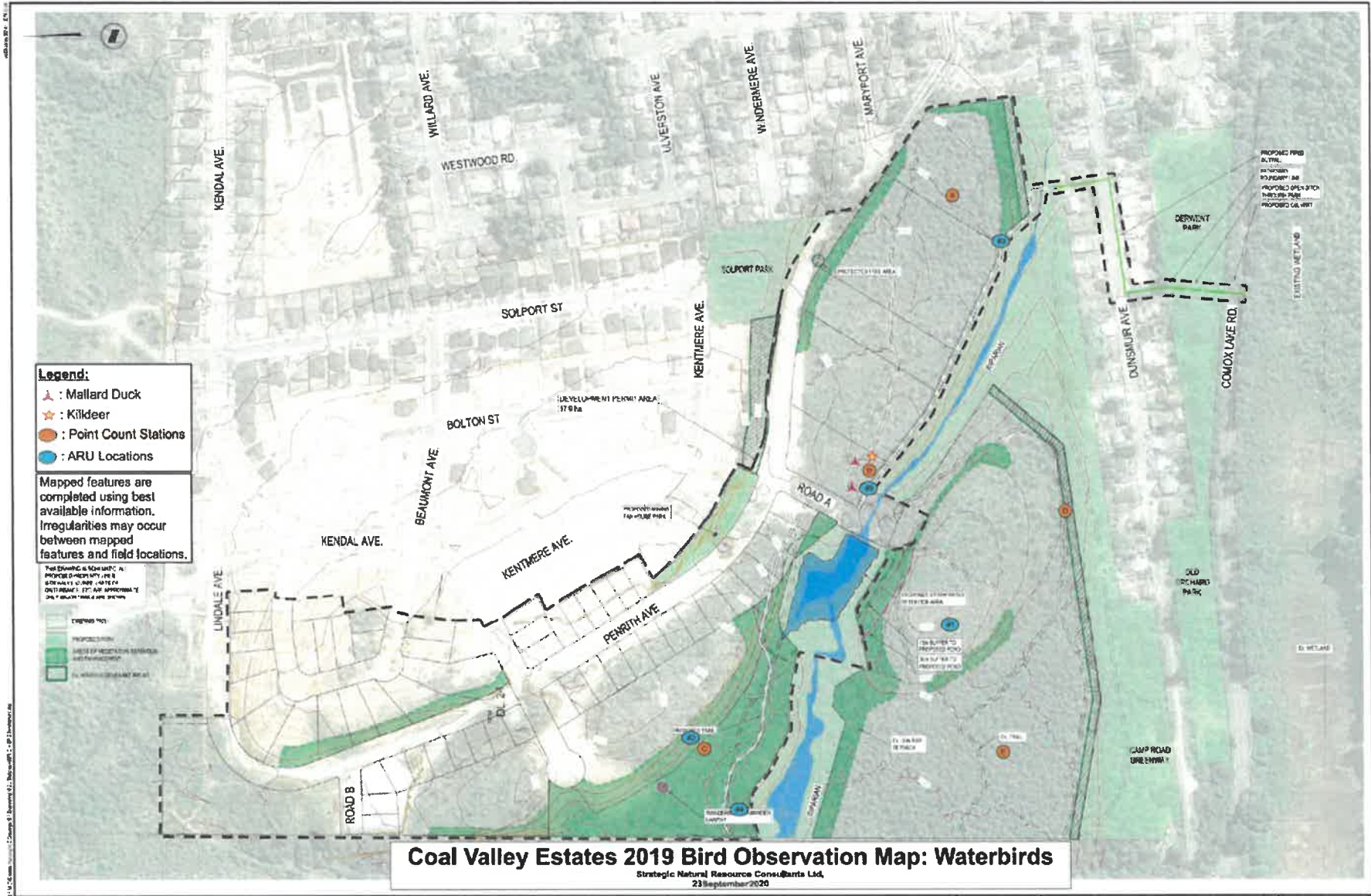
- Legend:**
- ▲ : Common Yellowthroat
 - ★ : MacGillivray's Warbler
 - ★ (with dot) : Orange-crowned Warbler
 - (with dot) : Yellow-rumped Warbler
 - : Yellow Warbler
 - (with horizontal lines) : Black-throated Gray Warbler
 - (orange) : Point Count Stations
 - (blue) : ARU Locations

Mapped features are completed using best available information. Irregularities may occur between mapped features and field locations.

THIS DRAWING IS BEYOND ALL PROVISIONS OF THE ACT AND IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT SPECIFICALLY STATED HEREON.

Coal Valley Estates 2019 Bird Observation Map: Warblers
 Strategic Natural Resource Consultants Ltd,
 23 September 2020

<p>4 2020/09/21 09:00:00 FOR DEVELOPMENT</p>	<p>McEithney</p>	<p>1:10,000</p>	<p>COAL VALLEY ESTATES LTD PROPOSED DEVELOPMENT REM. O. L. 24, NELSON DISTRICT, PLAN EDP53358</p>	<p>Drawn by: DP-02 Project Number: 2211-4801/14 Date: 0</p>
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DATE	DESCRIPTION	BY	CHKD
2020-09-11	PREP FOR DEVELOPMENT PLAN	MS	MS
2020-09-11	PREP FOR DEVELOPMENT PLAN	MS	MS

Scale: 1:10,000

North Arrow

McEiThannay

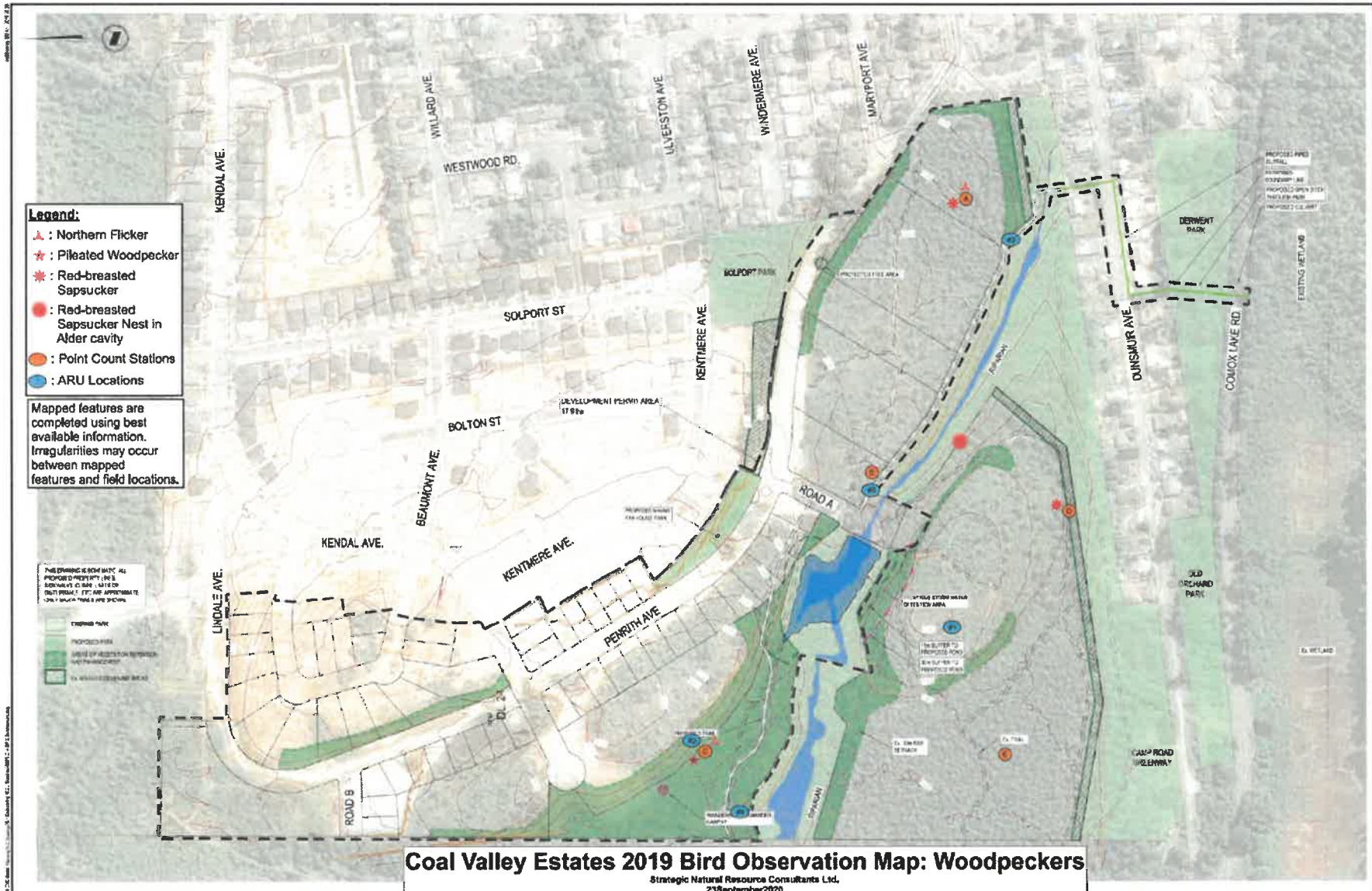
Coal Valley Estates Ltd
 PROPOSED DEVELOPMENT
 REM. D. L, 24, NELSON DISTRICT,
 PLAN EPP53356

Project Number: 2211-43071-14

Scale: 1:10,000

DP-02

0



- Legend:**
- ▲ : Northern Flicker
 - ★ : Pileated Woodpecker
 - ✱ : Red-breasted Sapsucker
 - : Red-breasted Sapsucker Nest in Alder cavity
 - : Point Count Stations
 - : ARU Locations

Mapped features are completed using best available information. Irregularities may occur between mapped features and field locations.

THIS DRAWING IS BEING MADE AS PROVIDED ON THESE TERMS AND CONDITIONS. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE USER OF THIS DRAWING.

Coal Valley Estates 2019 Bird Observation Map: Woodpeckers

Strategic Natural Resource Consultants Ltd.
23 September 2020



OP: Top Map
Drawing by:
Scale: 1:12,500
1:28 000

COAL VALLEY ESTATES LTD.
PROPOSED DEVELOPMENT
REM. D. L. 24, NELSON DISTRICT,
PLAN CPP53358

DP-02

Project Number:
2211-4821-14

Rev:
0

Western Screech Owl Survey Summary

Survey Station	Dates	Call Play Back Station Number
F	21Feb2019	1-1
	06Mar2019	2-3
	25Mar2019	3-1
G	21Feb2019	1-2
	06Mar2019	2-2
	25Mar2019	3-2
H	21Feb2019	1-3
	06Mar2019	2-1
	25Mar2019	3-3
I	25Mar2019	3-4
J	25Mar2019	3-5

Northern Pygmy Owl Survey Summary

Survey Station	Dates	Call Play Back Station Number
F	13Mar2019	1-2
	11Apr2019	2-4
	15Apr2019	3-2
G	13Mar2019	1-3
	11Apr2019	2-3
	15Apr2019	3-3
H	13Mar2019	1-1
	11Apr2019	2-2
	15Apr2019	3-4
J	11Apr2019	2-5
	15Apr2019	3-1
	11Apr2019	2-1
J	15Apr2019	3-5

Legend:

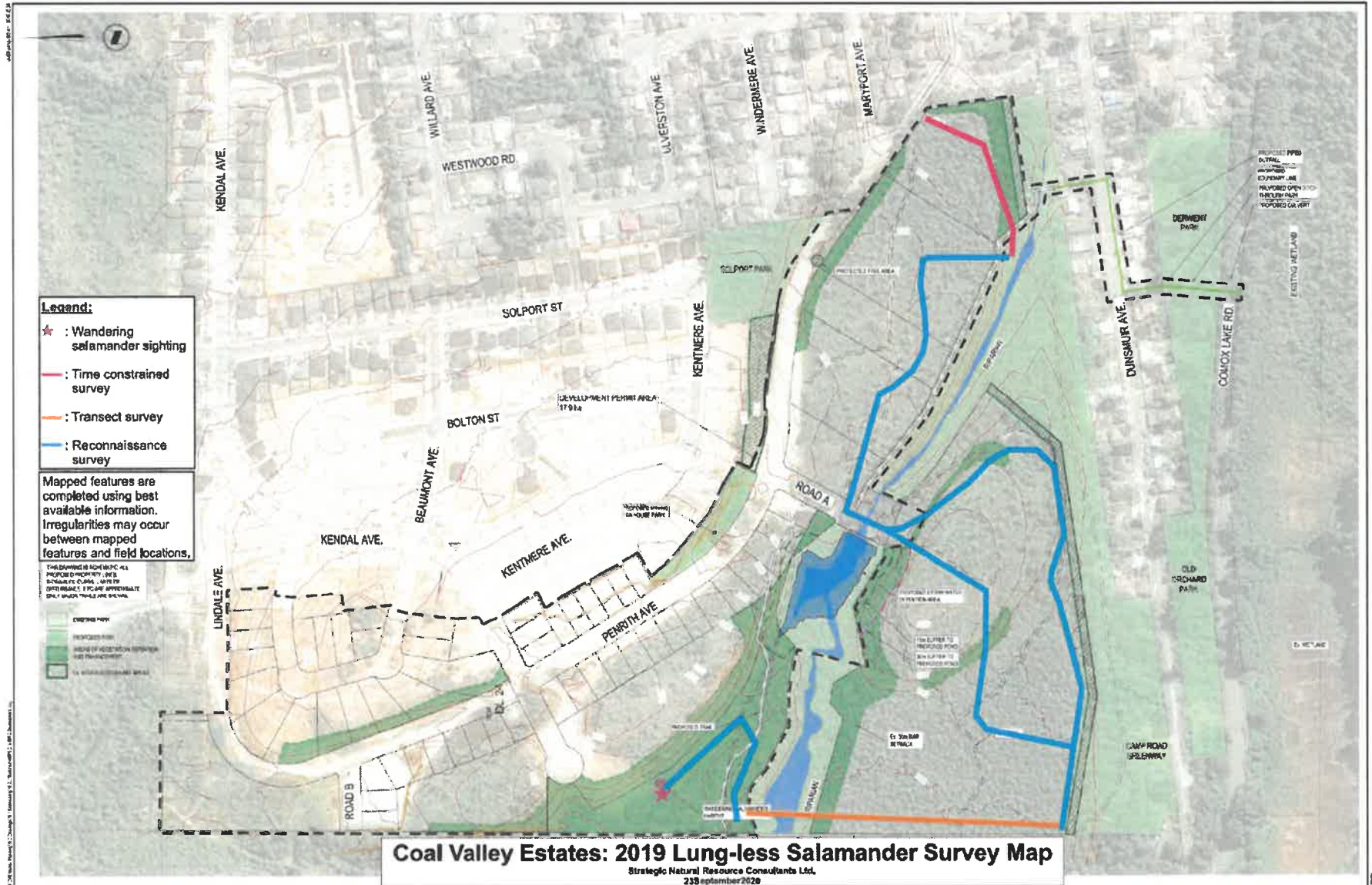
- : Unknown Detection
- : BDOW Detection
- : NSWOW Detection
- : Survey Stations
- ★ : Screech owl nest box location
- : ARU location

Mapped features are completed using best available information. Irregularities may occur between mapped features and field locations.



Coal Valley Estates: 2019 Owl Survey Map
Strategic Natural Resource Consultants Ltd. 23 September 2020

<p>McEiHanney</p> <p>23 September 2020</p>	<p>Scale 1:10,000</p>	<p>COAL VALLEY ESTATES LTD</p> <p>PROPOSED DEVELOPMENT</p> <p>REM. D. L. 24, NELSON DISTRICT,</p> <p>PLAN EPP53358</p>	<p>DP-02</p> <p>2211-48871 H</p>
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Coal Valley Estates: 2019 Lung-less Salamander Survey Map
 Strategic Natural Resources Consultants Ltd.
 23 September 2020

<p>0 1000 2000 3000 4000</p> <p>Scale 1:5000</p>	<p>McEhannay</p> <p>17-1800 South P.O. Box 100 Christchurch 8140</p>	<p>COAL VALLEY ESTATES LTD</p> <p>PROPOSED DEVELOPMENT REM. D. L. 24, NELSON DISTRICT, PLAN CPP53358</p>	<p>Drawn No DP-02</p> <p>Project Number 2211-4887-14</p> <p>Plan 0</p>
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Appendix 2 – Wildlife Recommendations

Map 1: Nest Box protective buffer recommendation

Map 2: Recommended Vegetation Enhancement Areas



Coal Valley Estates: Screech-owl Nest Box Locations and Buffers

Strategic Natural Resource Consultants Ltd.
23 September 2020

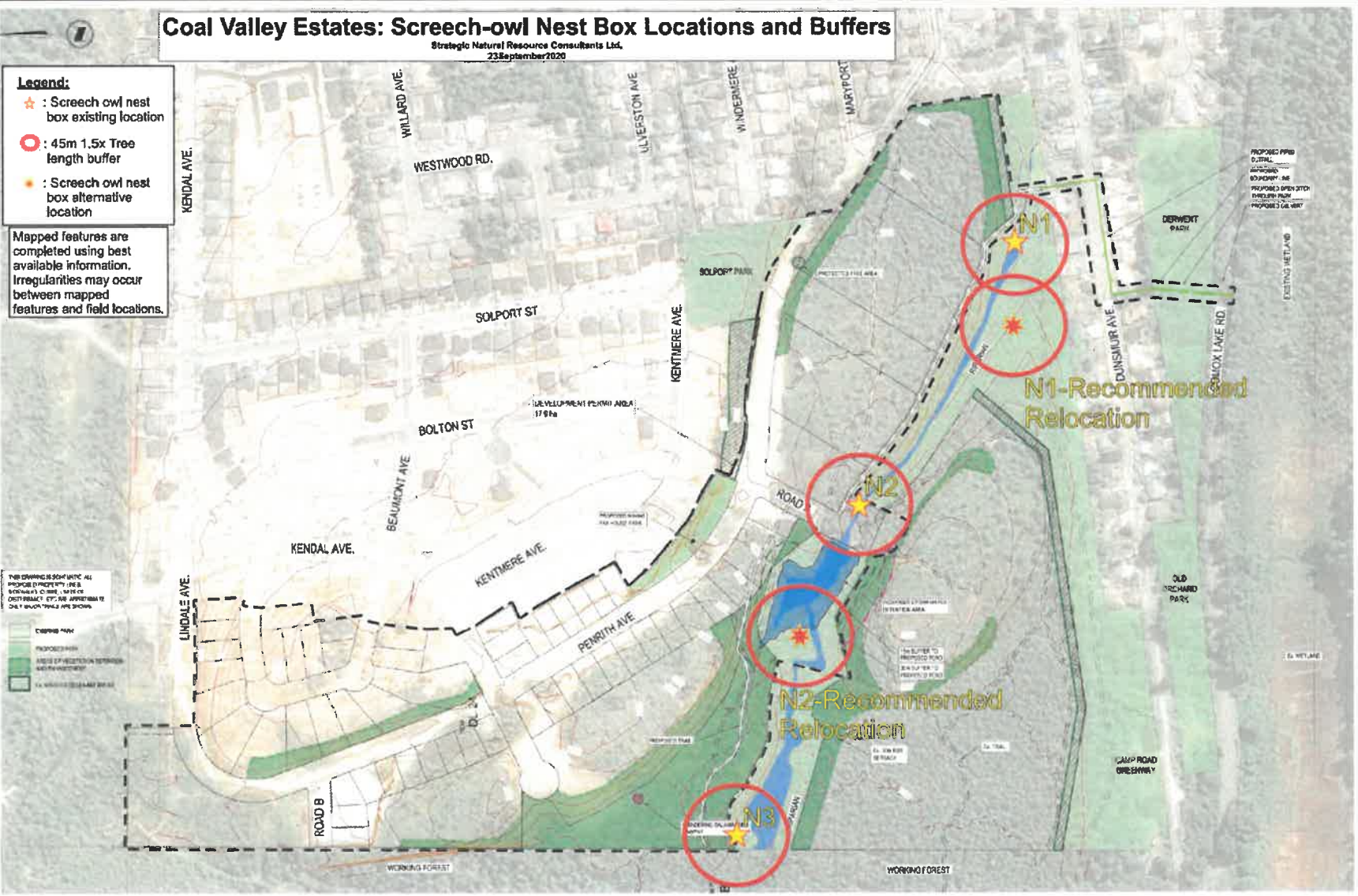
Legend:

- ★ : Screech owl nest box existing location
- : 45m 1.5x Tree length buffer
- ★ : Screech owl nest box alternative location

Mapped features are completed using best available information. Irregularities may occur between mapped features and field locations.

THIS DRAWING IS SHOWN WITH ALL PROPOSED DEVELOPMENT AND EXISTING FEATURES. IT IS NOT TO BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER DEVELOPMENT OR ACTION. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE INFORMATION SHOWN ON THIS DRAWING IS SUBJECT TO CHANGE WITHOUT NOTICE.

- EXISTING ROAD
- PROPOSED ROAD
- EXISTING PROTECTED AREA
- PROPOSED PROTECTED AREA
- EXISTING WETLAND
- PROPOSED WETLAND



PROPOSED PAVED DRIVEWAY
PROPOSED DRIVEWAY
PROPOSED OPEN SPACE
PROPOSED PARK
PROPOSED GOLF COURSE

N1-Recommended Relocation

N2-Recommended Relocation

	<p>20' Top Sheet Drawing No. Scale 1:500 1:25 000 S.M.C.</p>	<p>COAL VALLEY ESTATES LTD.</p>	<p>Drawing No. DP-02</p>
		<p>PROPOSED DEVELOPMENT REM. D. L. 24, NELSON DISTRICT, PLAN CPD/53358</p>	<p>Project Number 2211-0021-14</p>

Coal Valley Estates: Recommended Vegetation Enhancement Areas

Strategic Natural Resource Consultants Ltd.
23 September 2020

- : Previously Cleared Open Areas: Bare ground and early successional herbs present. Dry/poor site. Plant areas with low density Douglas-fir, interspersed with drought tolerant shrubs such as common snowberry, Saskatoon berry, Indian Plum and Oceanspray.
- : Early successional forest: Young, regenerating stands. Dry/poor site. Low to moderate densities of regenerating conifers with a high component of native understory vegetation (e.g. salal) but invasive species are present. Remove invasive species and fill plant with drought tolerant shrubs.
- : Riparian greenway forest: Young, deciduous stand with conifer component regenerating in the understory, and with a high component of native understory vegetation (e.g. salmonberry) but invasive species are present. Moist-Wet/Medium-Rich site. Remove invasive species and fill plant with shade tolerant and/or facultative hydrophytes such as red elderberry, salmonberry, red huckleberry, black twinberry and hardhack, depending on local microsites.
- : Young, pole/sapling forest: Young, coniferous stand regenerating. Currently has high densities, but has yet to self-thin. Understory is patchy but has a high component of native understory vegetation. No treatment is recommended. Stand should be left to develop naturally.
- : Shrub area adjacent to trail: Young mixed vegetation. Poor/dry site at the crest of a steep slope. Invasive species present. Remove invasives and fill plant with drought tolerant shrubs. Small portion of a wetter site near the waterway; plant facultative hydrophytes in this area.
- : Proposed open ditch through Darwent Park: Mature forest with well-developed, high diversity understory composed of mostly native vegetation (e.g. swordfern, Indian plum) and sporadic invasives (e.g. spurge laurel). Remove invasives and attempt to salvage native plants during ditch construction to use following construction. Ensure facultative hydrophytes are placed along ditch.

Mapped features are completed using best available information. Irregularities may occur between mapped features and field locations.



1:500 Scale
 2020-09-23
 Strategic Natural Resource Consultants Ltd.
 23 September 2020
 Coal Valley Estates Ltd.
 2211-4801-14
 DP-02

<p>McElhanney</p> <p>1000 West 10th Street Victoria, BC V8V 2P6 Tel: 250-383-1111 Fax: 250-383-1112 Email: info@mc-elhanney.com</p>	<p>1000 West 10th Street Victoria, BC V8V 2P6 Tel: 250-383-1111 Fax: 250-383-1112 Email: info@mc-elhanney.com</p>	<p>COAL VALLEY ESTATES LTD</p> <p>PROPOSED DEVELOPMENT REM. D. L. 24, NELSON DISTRICT, PLAN EPM53358</p> <p>2211-4801-14 DP-02</p>
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Date: October 4, 2022

To: Mercedes Van Blokland, Bell Group
via email: Mercedes@bellgroup.co

From: Cindy Hannah, RPBio
Strategic Natural Resource Consultants
321-1180 Ironwood Street
Campbell River, BC V9W 5P7

Subject: Coal Valley Estates Bio-Inventory Report (June 24, 2018) Amendment

As per the request received from the Village of Cumberland in their review of the proposed Development Permit application for Coal Valley Estates, this letter has been prepared as an amendment to the initial Bio-inventory report submitted on June 24, 2018. The Village has requested the following:

“Have maps updated to reflect current layout, including ‘Northern Section – pg. 5, to reflect the NW Waterway that needs to be restored”

Background

The June 2018 report was prepared in preparation of further development on the property at that time. An assessment was conducted to determine potential sensitive features on the site. Subsequent monitoring was completed in 2019 for presence/not detected of potential species at risk.

Further to the 2018 report, additional reports were prepared in 2019 and then revised in 2020.

Bio-Inventory Amendment October 4, 2022

Development plans have changed since the first report and is included in Figure 1. Lots ML23 and ML27 are proposed to be gifted to the Village. ML23 is adjacent to the existing park along the riparian greenway and includes the microhabitat feature for the wandering salamander that was identified (Figure 2). ML27 encompasses the NW Waterway that will be restored (Figure 3). A revegetation plan was prepared on June 3, 2021 to restore the riparian vegetation that is lacking along the small waterway.

Please refer to the SNRC documents:

- Environmental Assessment – Coal Valley Estates Remainder – Revised September 23, 2020 for pertinent mitigation measures
- Coal Valley Estates Northwest Waterway Revegetation Plan – June 3, 2021 for information regarding the restoration of the waterway within proposed lot ML27
- Coal Valley Estates Phase 11+ Revised Stormwater Management Plan review – April 14, 2021 for information regarding the changes to the stormwater management plan.

Cranberry Lake Maintenance Assessment and Recommendations

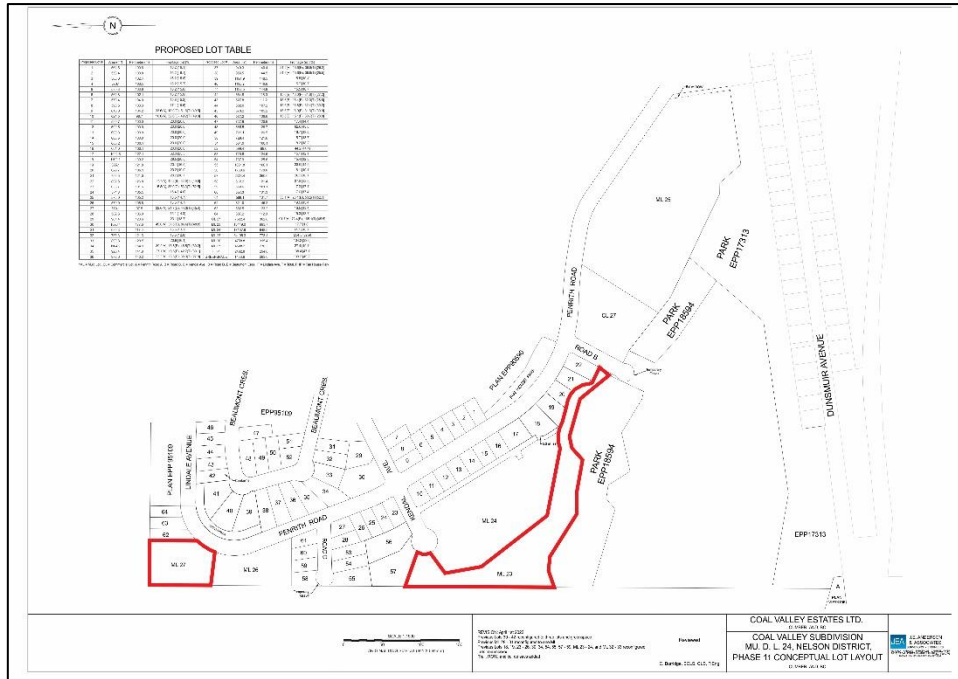


Figure 1, Site plan as of October 4, 2022 showing lot configuration. ML23 and ML27 are proposed to be gifted to the Village and are outlined in red.

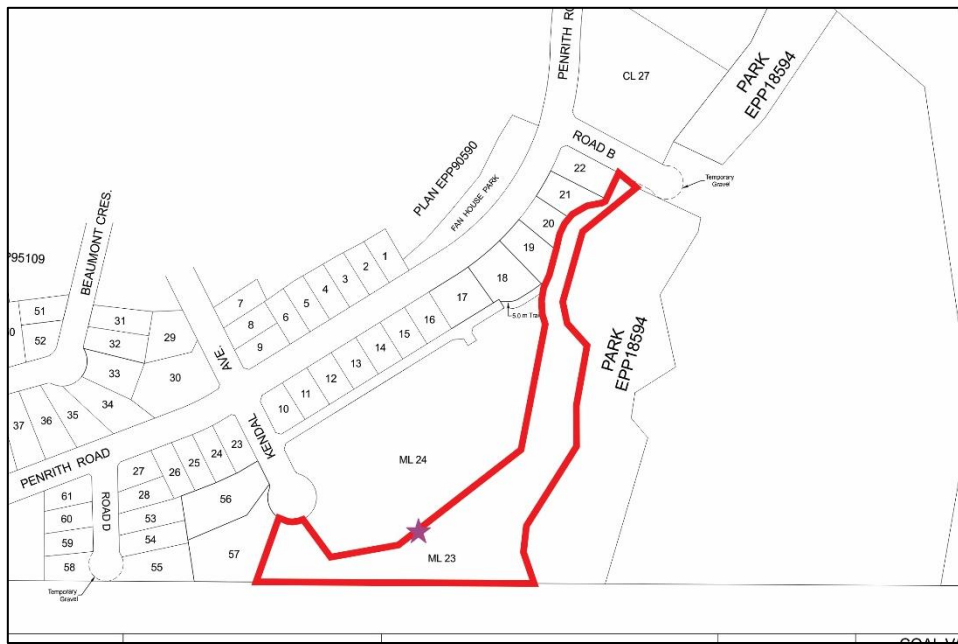


Figure 2: Identified Wandering salamander observation (purple star) in relation to the proposed gifted lot ML23.

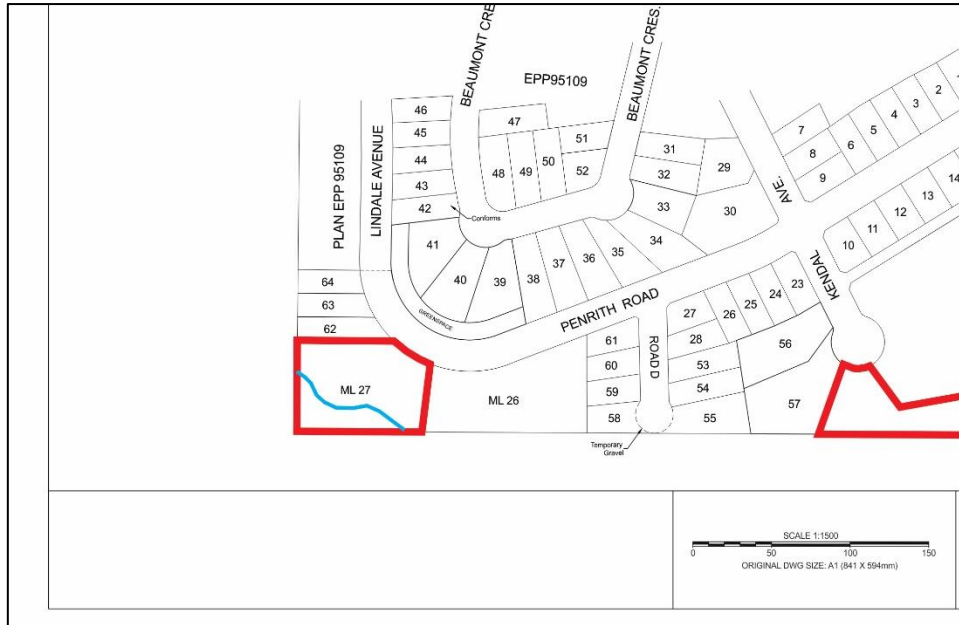


Figure 3: Northwest drainage location in relation to the proposed gifted lot ML27.

Please feel free to contact me at 250-616-3758 or by email at channah@snrc.ca if you have any questions.



Cindy Hannah, RPBio
Strategic Natural Resource Consultants Inc.

Date: June 3, 2021

To: Dave Atkinson
Via email: dave.atkinson@wacor.ca

From: Strategic Natural Resource Consultants Inc.
301-1180 Ironwood Street
Campbell River, BC, V9W 5P7

RE: Coal Valley Estates Northwest Waterway Revegetation Plan

Introduction:

As part of the ongoing development at Coal Valley Estates, a seasonal waterway on the northwest corner of the property was monitored through the winter of 2020/2021 to determine if the waterway was ephemeral or seasonal in order to develop a management plan of it moving forward. The waterway has been assessed numerous times over previous years, but not consistently enough to determine how frequently it dries after precipitation events. The drainage flows north onto the neighbouring property and is poorly scoured and often unconfined. It eventually drains into a series of wetlands and into Maple Creek.

A game camera was installed to take regular pictures of the site. It was determined fairly early in the winter that the waterway is seasonal rather than ephemeral. The waterway will be maintained in an open channel and a 5m wide vegetated buffer will be developed. This report provides a revegetation plan for the waterway to restore the riparian vegetation.

The above proposed work presents a good opportunity to remove invasive plant species that have established and replace them with native vegetation. By establishing native vegetation and managing for invasive species, natural ecosystem processes will increase long-term resilience and provide riparian ecosystem services. These services include decreased sedimentation (by intercepting rainfall and filtering surface run-off) and wildlife habitat and forage.

Treatment Recommendations:

The northwest waterway is 85m long and bisects the northwest corner of the property. It is 1-1.5m wide with a substrate that varies between fines to cobble. The re-vegetation plan along this section of the waterway includes a 5m width on either side measured from the high water mark. Refer to Figures 1 and 2 for photos of the waterway in its current state prior to restoration. Treatment recommendations on the photos are shown in Figures 3 and 4. A site plan is also attached. The restoration area includes an approximately 471m² area on the east side of the waterway and 376m² on the west side for a total restoration area of 847m².

As we are in an undesirable time to establish new plants, it is recommended to wait until the fall or spring to complete the works. In the interim, it is recommended to survey and stake the restoration area to ensure that no further encroachment into the 5m area occurs. There are storage piles of material that should be moved out of the area, prior to the completion of the works. Any storage of fine materials should have appropriate sediment and erosion control mitigation measures in place. This could include installing a sediment fence along the bottom of the piles to contain sediment or covering piles with poly sheeting.



Figure 1: Photo showing the waterway and restoration area. View is towards the northeast from the south side.



Figure 2: Photo showing the waterway and restoration area. View is towards the southwest from the north side.

Treatment

- 1) Invasive Species Removal:
 - a) Recommended species: Scotch broom and thistle species. Although the site is mostly bare, there are some alder saplings regenerating. Minimize damage to native vegetation while invasives are being removed.
 - b) Comments: reference the Best Management Practices for Invasive Plants in Parks and Protected Areas of British Columbia¹. Plant material should be bagged and taken to local Waste Management Facility for proper disposal to avoid reestablishment.²

- 2) Topsoil Additions:
 - a) Topsoil should be added to increase organic content and create a more suitable growing medium for newly planted shrubs. This soil should be free of invasive species and their seeds, and would ideally come from overburden from a nearby location in the development. Spread to a depth of 15-20cm along the length of the waterway for a width of 5m on either side.
 - b) Timing: fall or winter to avoid colonization by invasive plants during the growing season. Closer to the time of planting is preferable.

- 3) Plant shrub / Herbaceous Vegetation:
 - a) Timing or conditions at time of treatment: fall (September to October) or spring (March to April).
 - b) Recommended species³: 10% slough sedge (*Carex obnupta*), 10% small flowered bulrush (*Scirpus microcarpus*), 10% common cattail (*Typha latifolia*), 60% sword fern (*Polystichum munitum*), 5% red huckleberry (*Vaccinium parvifolium*), and 5% salmonberry (*Rubus spectabilis*). Utilize the sedges, bulrush, and cattail within 1m of the wetted edge on either side of the waterway. The remaining shrub / herbaceous species should be planted on the slopes between 1m to 5m on either side.
 - c) Various native grasses and low growing willow species (*Salix* spp.), may be used as alternatives.
 - d) Density or spacing: Given the area is 847m²; approximately 413 shrub, herbaceous, and aquatic vegetation are required. Minimum inter-plant spacing should be 1.5m.



Figure 3: View to northeast showing approximate high water mark in red and restoration areas shaded green. Invasive plants should be removed, topsoil added and native vegetation planted.



Figure 4: View to southwest showing approximate high water mark in red and restoration areas shaded green. Invasive plants should be removed, topsoil added and native vegetation planted.

General Planting Guidelines:

- a) The botanical name should be used when ordering stock to ensure that the desired native species is being purchased.
- b) Comments: Prompt planting will increase probability of planting success and limit the re-colonization by invasives. Monitor soil moisture levels and water if required. Regular watering may be required until all shrubs are established. Additional advice on proper planting procedures should be obtained from the nursery supplying the stock.

Follow-up:

Monitoring of post-planting survival will be necessary to ensure the objectives of re-vegetation with native plants, and removals of invasive species are met. Watering may be necessary during establishment of installed plants.

The restoration area should also be monitored for re-sprouting of invasive species and additional removals may be necessary.

¹"Best Management Practices for Invasive Plants in Parks and Protected Areas of British Columbia" found at www.env.gov.bc.ca/bcparks/conservation/bcparks-ip-guide.pdf. Please refer to the Coastal Invasive Species Committee website at www.coastalisc.com for additional information.

² Comox Valley Waste Management invasive plant disposal information: www.cswm.ca/invasiveplantdisposal.html

³Stock availability may determine species selection. Recommendations here are based on ecologically suitable species and those currently on site. All tree and shrub species are to be of guaranteed nursery stock.


Additional Information:

The following are potential businesses from which to obtain the recommended native plant species. Streamside Native Plants has a comprehensive price list available online, so cost estimates are based on their price guide:

Streamside Native Plants, Bowser, BC
(250) 757-9999 or 1 (877) 570-3138

http://www.streamsidenativeplants.com/streamside_inventory.html#

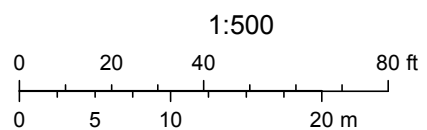
If you have any further questions, feel free to contact Cindy Hannah by phone at 250-616-3758 or by email at channah@snrc.ca.


Cindy Hannah, RPBio
SNRC

CVRD iMap



6/3/2021, 7:40:51 AM



CVRD

RAINWATER MANAGEMENT PLAN (Preliminary) Coal Valley Estates Phase11

**Prepared for:
Klondike Contracting**

**Prepared by:
Darryl V. Brizan, P.Eng.
B4 Engineering Inc
4735 Sooke Road
Victoria BC, V9C 4C1
250-961-5208**

**2022 - November
B4 Engineering Inc. File number: 1196-01**



Date: 03 November 2022
File: 1096-01

Aiman Rasheed
Senior Project Manager

O: 604-708-3337 ext: 101 **C:** 604-842-0293
Klondike Contracting Corporation
www.klondikecontracting.com
Unit 101, 20678 Duncan Way, Langley, BC, V3A 7A3
Copy: davins@kscivil.com
Copy: dale@bellgroup.co
Victoria, BC

Attention: Aiman Rasheed

Reference: RAINWATER MANAGEMENT PLAN PEER Coal Valley Phase11

1.0 INTRODUCTION

At the request of Klondike Contracting B4 Engineering Inc has prepared this preliminary Rainwater Management Plan for Phase 11 of the Coal Valley Estates subdivision development. This report is in support of the development application for the remainder of DL 24, Nelson District, Cumberland BC. The phase 11 development area consists of approximately 26Ha located north of Dunsmuir Avenue, southwest of Kentmere Avenue and south of Lindale Avenue. On 2021-Feb-23 B4 Engineering visited the site to review the existing site conditions. The development includes 64 residential lots with an area of 5.0ha, 6 multifamily lots (ML) with an area of 7.6ha, 1 commercial lot (CL) with an area of 0.8ha, and 1 park lots (Park) with an area of 0.1ha

2.0 SITE DESCRIPTION

The proposed ph11 subdivision area consists of approximately 26 ha of remaining undeveloped land within Coal Valley Estates. The area is zoned Mixed Use Residential (MU-1) which allows residential, multifamily, and commercial. The area is bounded to the north by forest land, to the west by a working forest zoned UR-1, to the south by a strip of residential along Dunsmuir Ave, and to east by earlier phases of the Coal Valley Estates residential subdivision development. The land north of Kendal Avenue drains to the north and the land south of Kendal Avenue drains to the south. The area along the proposed future road right of ways (Penrith and Kendal) is partly cleared and has minimal vegetation). The remainder of the site is forest land. A previously dedicated park lowland south of the proposed multi-family lots south and west of Penrith Avenue. bisects the area. Lewkowich Geotechnical Engineering Ltd excavated 38 test pits and prepared a report (February 9, 2007, file G4684.01) which states that the soils consisted generally of a layer of organics overlying silty sand with some gravel over dense silty sand glacial till. Lewkowich encountered bedrock in in most test pits at depths between ground surface and 2m. The Lewkowich report goes on to say that this native soil material should be suitable for infiltration of stormwater. Groundwater seepage was not encountered. The proposed development site varies in elevation from approximately 170m to 200m.

3.0 PROPOSED DEVELOPMENT

The study area is proposed to contain a mix of single and multi-family residential, as well as a small pocket of commercial. (See figure 2).

The property also contains a natural riparian corridor which is planned to remain as a municipal park as shown(See figure 2).

4.0 DESIGN RAINFALL

This RWMP uses the Environment Canada's 2019 Courtenay Puntledge BCHP (Station ID 102216990) IDF curve to be consistent with the Village of Cumberland's Stormwater Drainage Master Plan, 2010-July-13. A 24-hour SCS Type 1-A rainfall distribution for mean average rainfall of the 6-month (72% of 2-year event),

2,5,10,100 year return period was used as the SCS Type 1-A distribution mimics typical west coast low intensity long duration rainfall events. We increased the return period rainfall 24-hr depth by 10% to account for predicted increases in rainfall intensity due to global warming. We used the following adjusted 24-hr rainfall depths in the HYDROCAD computer modeling for this report. 6-month (72% of the 2-yr) 58mm, 2-yr 80mm, 5-yr 104mm, 10yr, 120mm, 100-yr 170mm.

5.0 EXISTING RUNNOFF

The proposed development is located in the South Cumberland Watershed as described in the Village of Cumberland's Stormwater Drainage Master Plan , July 13,2010. Catchment 3 (South Penrith Ave), Catchment 10 (Park), catchment 5 (ML23), catchment 6 (ML24), catchment 7 (ML25) drain to existing Village of Cumberland storm pipes OUT3 and OUT4 on Penrith Avenue, Derwent Avenue, and Sutton Road, discharging at the end of Sutton Road to the wetland south of Comox Lake Road. Catchment 1 (North Penrith Ave), catchment 2 (Kendal) catchment 8 (ML26), catchment 9 (ML27) drain to existing Village of Cumberland storm pipes OUT1 north of Lindale Avenue & OUT2 along Kendal Ave near Kentmere Avenue. This runoff to the north was previously approved by the District of Cumberland in a SWMP for a previous phase of the development. The remainder parcel in the southwest corner drains overland with no formal conveyance route being collected by the wetland south of Comox Lake Road. The report calculates the estimated pre-development flows from the 4 catchment areas. The pre-development runoff was estimated for the catchments using a computer modeling program called HYDROCAD. Model soils input values are based on B4 Engineering field observations and reporting by Lewkowich Geotechnical Engineering Ltd in their February 2007 Preliminary Geotechnical Assessment.

Much of the area is currently forested and the pre-development site is assumed to have been fully forested. The CN provides an indication of how much rainfall will be absorbed by the soil. The CN depends on the tree cover, grass cover, weeds, shrubs, and soil type. Asphalt typically has a CN of 98 while a forest in good condition with good sandy soil or sandy loam soil has a CN ranging from 30-57. The higher the CN the less the site and soil absorbs the rain. For this site, the Lewkowich report indicated the soils have a thin layer of organics overlying silty sand with some gravel over dense silty sands and glacial till. Assuming the report is correct and that much of the site is silty sand and forest in good condition, the CN value would be 30-57. If the soil was closer to a silt loam or a silt soil, then the CN

would be 48-73 depending on the condition of the forest and underbrush cover. The CN would be 48 if the forest and undercover was in good condition and 73 if the forest and under cover was sparse and in poor condition. In some areas where the soil is very shallow, and rock is near the surface the CN could be higher. A CN value of 55 was used for the pre-development forested site conditions in the computer model for this report

6.0 PERFORMANCE TARGETS

Performance targets have been developed based on the Village of Cumberland Bylaw no. 990, Section 10.1.5.17 which requires rainwater management in accordance with the Water Balance Model, “The British Columbia Stormwater Planning Guidebook (2002), (BCSWPGB), and “Beyond the Guidebook”, a 2007 a 2007 revised publication which builds on the BCSWPG, and are the baseline for the Water Balance Model. The BCSWPG suggests that the complete spectrum of rainfall events should be evaluated with the goal that post-development flow rates should mimic pre-development rates. The BCSWPG also recognizes that the rainfall capture targets will depend on the site and watershed-specific conditions. Beyond the Guidebook introduces 3 performance targets to facilitate implementation of the integrated strategy for managing the complete rainfall spectrum.

Rainfall Capture – Rainfall capture measures include infiltration, evaporation, or re-use.

Runoff Control – delay overflow runoff by means of detention storage with runoff control and release into a receiving body at a rate that mimics pre-development flow rates.

Flood Mitigation – reduce flooding by providing sufficient hydraulic capacity to contain and convey ensuring that large storm events are safely conveyed by the storm drainage system.

In additions to the above items, we have tried to meet the requirements of the DFO/MOE pending publication Land Development Guidelines draft copy released 2014/04. This Guideline has an objective to prevent harmful impacts to water quality. Fish and wildlife species and habitats that result from the connection of stormwater management systems to local streams. The DFO/MOE Stormwater Management Objectives are three-fold. Volume Reduction, Water Quality Control, Rate Control or Detention.

Volume Reduction – Retain the 6-month, 24-hr post development runoff on-site and infiltrate into the ground rather than conveying it offsite. It has been shown that all the rainfall events up to and including the 6-month, 24-hr storm event are equivalent to 90% of the average annual historic rainfall volume. The rainfall depth of the 6-month, 24-hr storm event may be estimated as 72% of the 2-yr, 24-hr storm event rainfall depth.

Water Quality Control – Maintain or improve the quality of runoff discharged to streams. Collect and treat the runoff volume from impervious areas of the 6-month 24-hr precipitation event, this is equivalent to 90% of the total annual rainfall. A continuous simulation model may be used to determine the required treatment volume or the 6-month 24-hr storm event may be used (72% of the 2-yr, 24-hr rainfall depth). The water quality treatment systems should be designed to remove 80% by mass of the inflow total suspended solids (TSS) for particles sizes greater than 50 micrometer using the MUSIC (Model for Urban Stormwater Improvement Conceptualization) particle size distribution. Systems should not increase the runoff temperature above 15 degrees Celsius. TSS leaving the site should be less than 25mg/L above background levels under normal conditions and less than 75mg/L above background levels during design storm events.

Rate Control or Detention – Reduce the peak runoff flow rates prior to discharge into the receiving waters. Reduce post-development flows (hydrograph volume, approximate shape and peak instantaneous rates) to pre-development levels for the 6-month, 2-year, and 5-year 24-hour precipitation events. Pre-development is natural forested conditions unless an alternate standard is developed during an ISMP watershed process. Unlike volume reduction measures, detention volumes should be calculated assuming wet antecedent moisture conditions. If pre-development discharge information is unavailable, a pre-development unit discharge of 4.0 L/s/ha may be assumed for the 6-month, 24-hr release rate.

Application of Stormwater Guidelines – The desired objective of any stormwater management plan should be to maintain the pre-development flow patterns and volumes over the entire rainfall spectrum. Post-development flow patterns and volumes should strive to mimic pre-development conditions. We have prepared this rainwater management plan with the above performance targets as guidelines.

7.0 BEST MANAGEMENT PRACTICES

The proposed best management practices (BMP) to be implemented for this project have been developed to promote onsite capture of runoff and groundwater recharge. Properly employed this approach will mitigate peak runoff rates and provide qualitative treatment of runoff prior to discharge. The following BMPs are proposed for the site.

7.1 Amended Soil

We recommend placing a minimum of 300mm of topsoil which meets the revised MMCD specifications of 8% organics for lawn areas, and 8-15% organics for planters, shrub, and groundcover areas on all pervious surfaces of the site. The Village of Cumberland has requested that this requirement not be included for the single-family residential lots. Accordingly, we have utilized infiltration trenches located in the road right of way as an alternate to requiring amended soil. Note that if the single-family lot owners want to install 300mm of topsoil it should be encouraged but it does not need to be enforced by the Village of Cumberland to meet the goals of this RWMP.

7.2 Retention of Native Vegetation

Wherever possible the native vegetation should be retained and or re-established post development.

In addition to retention of native vegetation, runoff should be directed to native vegetation wherever possible to promote infiltration, evapotranspiration and sheet flow which will serve to maintain natural hydrology while reducing velocities, time of concentration and removing pollutants. For instance, flow-controlled runoff from proposed multi-family sub-catchments ML-23,24,25, could be directed to and conveyed overland to the riparian area Park lot which drains southeast to OUT4 and ultimately to the natural wetland south of Comox Valley Highway. Alternately the runoff from ML-25 could be directed to the proposed 300mm diameter storm sewer pipe on Penrith Avenue which drains to OUT3 and ultimately to the natural wetland south of Comox Valley Highway. Our recommendation is to keep this existing park lot riparian corridor in its natural condition and not use it as a detention pond for stormwater management purposes.

We recommend that the rainwater falling on ML-23,24,25,26,27, & CL27 be captured onsite and infiltrated into the ground using infiltration systems to create

interflow. If the permeable soil depth is shallow, then topsoil can be added to the site and or onsite detention chambers can be used to reduce the release rate of rainwater from the site to interflow rates. Flow from large, rare rainfall events larger than the 6-month could be detained onsite in detention facilities (underground tanks or drain rock filled trenches and released at acceptable rates.

7.3 Infiltration Systems

As per Part C Green Alternatives of the Village of Cumberland Municipal Stormwater System Regulation and Fees Bylaw No. 1024,2015 for new developments the Village requires infiltration galleries (where feasible) to be constructed and connected to roof leaders and perimeter drains in new subdivision and new building developments. As stated in the DFO/MOE pending draft guide, “Stormwater infiltration systems can provide many benefits to urban streams. Infiltration systems can retain runoff, recharge groundwater and reduce turbidity, and control peak flows. The soil, through which the stormwater runoff passes, also acts as a filter removing a large percentage of the common pollutants normally discharged to the stream or creek. Infiltration can recharge local groundwater which in turn feeds smaller streams and creeks through seepage. Groundwater which is slowly discharged back into streams and can constitute all of or part of a streams baseflow. This baseflow can be critical for fish and fish habitat during extended periods of little or no precipitation and runoff.

Penrith Road (sub-catchment 1) has a known ability to infiltrate large volumes of runoff because of the large thickness of gravel fill proposed to build up the road grade and adjacent boulevards. Multiple infiltration systems are proposed for this site within the Penrith Road right of way (ROW). The ROW is unique to the site in that it will contain import gravels and these gravels will be confined within the naturally occurring site topography. The infiltration systems have been modeled as 25-100m long by 12m wide by 0.5m-2m deep drain rock filled trenches with perforated storm pipe surrounded in drain rock with filter cloth cover to promote infiltration to the ground. The exact volume and shape and location of these infiltration trenches can be modified as needed once the detailed civil design drawings including road grades and elevations are completed. These infiltration systems are designed to capture and retain and infiltrate to the ground or slowly release at acceptable rates all the rainfall from the 6-month, 2yr, 5yr, 10yr, 100yr, 24-hr rainfall events.

At this time, we have assumed that the RWMP design for the ML lots 23-27 and CL27 will rest with the future owners of these lots. The engineers and architects that design the multi-family sites will be able to design the foundations of the buildings to consider slow release of water from any infiltration/filtration galleries that get installed on these sites. An in-ground infiltration system in this geographical area does not need to be extremely deep to be effective. An infiltration system constructed using plastic infiltrators surrounded by clean coarse sand with an overall depth of 0.45m-0.6m could be very effectively used even on top of bedrock to capture, store, filter, and slowly release rainwater as interflow at pre-development rates mimicking the pre-development conditions. We can calculate and provide recommended maximum allowable release rates from these sites that will meet the goals of this RWMP if required by our client. If our client wishes to be able to market the ML and CL lots as fully serviced with the ability to accept all the rainwater runoff from the sites then we would suggest that the Penrith ROW infiltration systems be constructed even larger than proposed in this RWMP so that they can infiltrate rainwater runoff from the ML and CL sites.

The proposed infiltration system under the Penrith Road structure would include a conventional PVC 300mm diameter pipe system to convey stormwater at rates no greater than the capacity of the existing downstream stormwater collection systems piping will accept. Conventional 1050mm diameter concrete manholes spaced at 50-100m are proposed. Conventional 600mm diameter concrete catch basins are proposed to match the interval of the manholes. Flow directing asphalt berms will be placed across the paved road from curb to curb which will also act as a traffic calming measures. Infiltration systems will consist of 200mm PVC perforated pipe between the catch basins and the manholes surrounded by drain rock of varying depth depending on the topography. Outlet flow control tees within the manholes with a small diameter orifice will control the outlet flow into the 300mm storm sewer pipe. The orifices will be sized to limit the outlet flows to mimic predevelopment levels but will also be sized so that the total outflow does not exceed the capacity of the downstream existing piping during a rare 1:100yr rainfall event.

The water table under Penrith Road would never rise above the base of the SGSB gravels located more than 1m below the finished road grade. The structure and integrity of the road sub-base and base gravels would remain unaffected by the infiltration systems located below the road with more than 1m of unsaturated structural fill between the road surface and the infiltration systems.

By using multiple infiltration systems along Penrith Road this would allow the existing riparian corridor green space that has previously been designated as park that contains a very small intermittent stream flow to be undisturbed by the development.

7.4 Sub-Catchment Boundary Retention

The existing discharge from Out-4 currently flows east in an existing open ditch along the back lot line of residential lots north of Dunsmuir Avenue and into an inlet structure 2621c for a 450mm storm sewer pipe which then flows east for 46.4m to mh 2622, then south for 46.7m to mh 2623, then east along Dunsmuir Avenue for 59.2m to mh 2614. This manhole 2614 also collects storm water from mh 2613 located 59.8m north via a 450mm diameter pipe which currently drains the Penrith Road sub catchment area 3. From this mh 2614 the outgoing pipe increase to a 600mm diameter pipe which flows south to Derwent Avenue, then east for 162m to mh 2618 at the intersection of Derwent and Sutton Road. From here the pipe changes to a 900mm diameter pipe and flows south for 103m crossing Comox Lake Road and eventually discharging into the wetland south of Comox Lake Road.

Installing a new stormwater piping system in this area is very disruptive to the existing residents, is relatively expensive, and in our view is not required. The existing 450mm diameter piping from Out-4 draining the riparian greenway corridor ML23,ML24,CL27,ML25 and the existing 300mm,450mm,600mm, & 900mm piping draining the Penrith Road subcatchment1 appear to be adequate to handle current development flow conditions. Development of the phase 11 of Coal Valley Estates will be completed in accordance with current standard practices of rainwater management (onsite infiltration, onsite detention, and slow interflow release) to limit post development flows to pre-development levels. Therefore, these existing storm sewer pipes are adequate to handle the flows from this phase 11 development with no upgrading required.

7.6 Wetland Attenuation

A per the Village of Cumberland Drainage Master Plan, the wetland south of Comox Valley Highway will be used to accept the runoff from the southern portion of the phase 11 development. Onsite infiltration systems, addition of topsoil, and onsite detention facilities can be used to limit the post development flow rates and runoff

volumes to pre-development levels for all storm events from minor rains to the 1:100yr event.

9.0 POST-DEVELOPMENT RUNOFF

Post-development runoff flow rates and runoff volumes will be designed to mimic pre-development rates. The development area is divided into sub catchments as described below. Runoff is modeled using HYDROCAD for the 24-hr SCS Type 1A rainfall distribution. Runoff was calculated for the 6-month, 2yr, 5yr, 10yr, 100yr rainfall events.

1 Sub catchment 1 Road D, Beaumont Cres, plus the north section of Penrith Road. Includes ML26, ML27, and xx single-family residential lots. Flows north into OUT1 which is an existing 375mm diameter municipal storm sewer pipe located north of Lindale Avenue. Includes onsite infiltration systems under Penrith Road.

2 Sub catchment 2 Kendal Ave plus the new road to access ML24 and xx single family residential lots. Flows east into OUT2 which is an existing 250mm diameter municipal storm sewer pipe located on Kendal Ave just west of Kentmere Ave. Includes onsite infiltration systems under Kendal Ave.

3 Sub catchment 3 south section of Penrith Road plus CL27, ML23, and xx single family residential lots. Flows south into OUT3 which is an existing 300mm diameter municipal storm sewer pipe located on Penrith Road at the south limit of the site. Includes onsite infiltration systems under Penrith Road.

4 Sub catchment 4 CL27 Located on Penrith Road. Will require detailed design by future owners/architect/engineers to limit runoff rates and volumes to pre-development rates or to lesser values as determined by this RWMP so as to not exceed the capacity of the proposed 300mm PVC storm sewer pipe proposed for Penrith Road.

5 Sub catchment 5 ML23 accessed from west of Kendal Ave bulb, along the western boundary of the ph11 development north of the park land riparian corridor (sub catchment 11. Flows south into sub catchment 11 (Park). Will require detailed design by future owners/architect/engineers to limit runoff rates and volumes to pre-development rates or to lesser values as determined by this RWMP to not exceed the capacity of the existing 450mm PVC storm sewer pipe OUT4 located at the rear of a residential lot North of Dunsmuir Avenue during a 100yr storm.

6 Sub catchment 6 ML24 accessed from west of Kendal Ave bulb, north of ML23 west of access road xx. Future design of this lot will determine in which direction post development flows will leave this site. Runoff north to sub catchment 2 or south to sub catchment 11 (Park) may both be possible. Will require detailed design by future owners/architect/engineers to limit runoff rates and volumes to pre-development rates or to lesser values as determined by this RWMP to not exceed the capacity of the existing 450mm PVC storm sewer pipe OUT4 located at the rear of a residential lot North of Dunsmuir Avenue or to OUT3 the existing 300mm pipe on Penrith during a 100yr storm.

7 Sub catchment 7 ML25 accessed from Penrith Road. Future design of this lot will determine in which direction post development flows will leave this site. Runoff north to sub catchment 3 (Penrith Rd) or south to sub catchment 11 (Park) may both be possible. Will require detailed design by future owners/architect/engineers to limit runoff rates and volumes to pre-development rates or to lesser values as determined by this RWMP to not exceed the capacity of the existing 450mm PVC storm sewer pipe OUT4 located at the rear of a residential lot North of Dunsmuir Avenue or to OUT3 the existing 300mm pipe on Penrith during a 100yr storm.

8 Sub catchment 8 ML26 accessed from north Penrith Road. Runoff east to sub catchment 1 (Penrith Rd). Will require detailed design by future owners/architect/engineers to limit runoff rates and volumes to pre-development rates or to lesser values as determined by this RWMP to not exceed the capacity of the existing 375mm PVC storm sewer pipe OUT1 which is an existing 375mm diameter municipal storm sewer pipe located north of Lindale Avenue. Includes onsite infiltration systems under Penrith Road.

9 Sub catchment 9 ML27 accessed from north Penrith Road. Runoff east to sub catchment 1 (Penrith Rd). Will require detailed design by future owners/architect/engineers to limit runoff rates and volumes to pre-development rates or to lesser values as determined by this RWMP to not exceed the capacity of the existing 375mm PVC storm sewer pipe OUT1 which is an existing 375mm diameter municipal storm sewer pipe located north of Lindale Avenue. Includes onsite infiltration systems under Penrith Road.

10 Sub catchment 10 (Remainder) (future development) accessed from south Penrith Road or perhaps a possible new access from Dunsmuir Avenue from the south. Runoff north to sub catchment 11 Park or south through offsite land across Dunsmuir Avenue and to the wetlands to the south may be possible. Will require detailed design by future owners/architect/engineers to limit runoff rates and volumes to pre-development rates or to lesser values as determined by this RWMP to not exceed the capacity of the existing 450mm PVC storm sewer pipe OUT4 located at the rear of a residential lot North of Dunsmuir Avenue or to OUT3 the existing 300mm pipe on Penrith during a 100yr storm.

11 Sub catchment 11 (Park) This existing riparian corridor is dedicated as a Park to the Village of Cumberland. This area will remain undeveloped and will be used to

convey runoff from sub catchments 4,5,6,7,9,10. Runoff to this sub catchment 11 Park from these other sub catchments will be limited to pre-development levels or less to limit the flows out of this Park via OUT4 to the capacity of the existing 450mm pipe.

10.0 DOWNSTREAM CONVEYANCE

Onsite runoff up to the 100-yr post development peak flow will be detained and exfiltrated onsite using subsurface infiltration systems and then released at rates to mimic pre-development rates as closely as possible but also to ensure not to exceed the capacity of the existing storm sewer piping system south of Penrith, Dunsmuir, Derwent, Sutton to the Wetlands south of Comox Lake Road. See section 7.4 for a description of the existing stormwater piping system. Runoff from rainfall events greater than the 100yr from OUT3 and OUT4 will continue to be conveyed via existing overland flood routing (municipal roads and paths) down Penrith Avenue and through existing Village streets and right of ways to the wetlands south of Comox Lake Road. This ph11 development will not increase the flow rates through this existing development for any rainfall events or return periods.

11.0 MAINTENANCE

- 1 Catch basins should be inspected every six months and cleaned out if the volume of sediment exceeds 1/3 of the capacity of the chamber below the outlet invert.
- 2 Roads should be cleaned annually to reduce the volume sediment transported into the catch basins.
- 3 Storm sewer pipes should be inspected periodically for signs of damage or sediment buildup and cleaned out as required.
- 4 Perforated 200mm CB leads (infiltration pipe) located in the subsurface infiltrations systems under Penrith should be inspected after one year and cleaned with a vacuum truck as required (typically every 3 years) based on the estimated sediment accumulation rate.
- 5 Private Multi Family (ML) and commercial (CL) sites shall be maintained at intervals determined by the O&M manual prepared by the design engineers or architects who design the onsite infiltration systems for these facilities. Oil/water separators are recommended for commercial (CL) sites, Water quality monitoring of any stormwater discharges from the CL sites is recommended.

12.0 EROSION AND SEDIMENT CONTROL

A site-specific erosion and sediment control plan (ESCP) should be prepared by an ESC specialist prior to or at the start of construction of the civil works for the development. The work should be monitored during construction by the ESC specialist, and the ESCP modified when required to meet the changing conditions of the site. The goal of the ESCP is to reduce the probability of introducing fine sediment (silt and clay) into the receiving water courses. The current and Pending

DFO/MOE Publications Land Development Guidelines, “Develop with Care 2014 Environment Guidelines for Urban and Rural Land Development in BC”, MOE June 2004 “Environmental Best Management Practices for Urban and Rural Land Developments in BC.

13.0 CONCLUSION

The proposed rainwater management plan (RWMP) for CVE ph11 utilizes site specific Best Management Practices including, amended soil in all multi-family and commercial areas, catch basin sumps to reduce total suspended solids and pollutant loading, perforated catch basin leads and subsurface infiltration systems to infiltrate runoff, outlet flow control devices on the manholes to reduce peak flow rates to less than pre-development rates and to flow rates less than the capacity of the existing municipal piping system.

This RWMP is in accordance with current industry best management practices for rainwater management systems. Capture all small storms and infiltrate them into the ground on site near the source, if possible, detain and release medium sized storms slowly via interflow or at interflow rates, and safely convey the extreme storms without causing property damage. The proposed rainwater management plan will meet the regulatory requirements of the DFO/MOE, Village of Cumberland OCP, Village of Cumberland Municipal Stormwater Regulation bylaw 1024, Village of Cumberland Master Drainage Plan, Village of Cumberland Subdivision and Development Bylaw, the provincial Water balance model, A Guidebook for British Columbia Stormwater Planning, MMCD Green Design Guidelines, and the 2014 Ministry of Environment Develop with Care Environmental Guidelines for Urban and Rural Land Development in British Columbia.

Yours very truly,
B4 ENGINEERING INC

Darryl V. Brizan, P.Eng.
Principal

Enclosures: As noted

Copies to: Village of Cumberland

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GEOTECHNICAL FIELD REVIEW

Coal Valley Estates Limited Partnership
7894 Glover Road
Kelowna, BC
V1Y 9S4

File Number: F8681.02
Date: October 13, 2021

ATTENTION: Mr. Dave Atkinson
PROJECT: PHASE 11, COAL VALLEY ESTATES, CUMBERLAND, BC
SUBJECT: BLASTING PLAN ASSESSMENT

1. As requested, Lewkowich Engineering Associates Ltd. (LEA) attended the above noted 23.6 hectare property on October 12th, 2021 to observe and comment on the current site conditions as they relate to the future blasting plans for the noted development. We understand from the grading plans that rock manipulation with an average 3.5m thickness is required and will be achieved through a drill and blast program.
2. We note that most of the rock blasting is to prepare future lots areas along future Penrith Avenue. We understand that there is concern that the blasting on the multi-family lots to the south east will affect the adjacent steep slope. Our review shows that the rock in this area is the same as the rest of the development, consisting of a competent sedimentary rock (Sandstone). Based on the plans, the proximity to the crest of the slope is at least 9m away.
3. As per previous assessment(s), the development area consist primarily of sedimentary bedrock throughout and/or fills derived from sedimentary rock which, when reviewing the site topography, is inherently stable from a global seismic perspective. The preferred rock manipulation method is the drill and blast technique as sedimentary rock is very energy absorptive and not conducive to rock hammer breaking.
4. A geological review details the bedrock in this area as:
 - a. Mesozoic Era, Nanaimo Group , Undivided Sedimentary Rocks
5. See pictures below of the current conditions and typical bedrock topography.



Typical Sandstone Hummocks



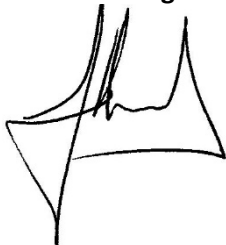
Future Road near Old Fan House



Typical Sedimentary Rock (Grey Sandstone)

6. It is LEA's opinion that the proposed blasting for the submitted plans, can be carried out with no significant disturbance to the adjacent steep slopes. A Geotechnical Engineer should review specific blasting plans prior to and during the process to ensure there is no significant impact to neighbouring lands.
7. 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 assistance, please contact us at your convenience.

Respectfully Yours,
Lewkowich Engineering Associates Ltd.



John Hessels, ASCT
Senior Technologist
Project Manager – Geotechnical

Chris Hudec, M.A.Sc., P.Eng.
Senior Project Engineer

Date: May 10, 2018

To: Chris Durupt, PEng
McElhanney Consulting Services Ltd.
495 Sixth Street
Courtenay BC, V9N 6V4

From: Strategic Natural Resource Consultants Inc.
321-1180 Ironwood Street
Campbell River, BC, V9W 5P7

RE: Coal Valley Estates Phases 9 to 12 Aquatic Ecosystems

Introduction

On April 11, 2018, a site visit was completed at the proposed Phases 9 to 12 of the Coal Valley Estates property development in the Village of Cumberland. The purpose of this survey was to comment on the Aquatic Ecosystems as they relate to Phases 9 to 12, (see attached site plan). The fieldwork was conducted by Cindy Hannah, RPBio and Jacob Blanchard RBTech of Strategic Natural Resource Consultants (SNRC). Subsequent fish sampling on the drainage was conducted on May 7 and 8, 2018 to confirm fish absence.

Various assessments at the site have been completed to date. A Riparian Areas Regulation (RAR) assessment and report was initially completed during the rezoning of the property in 2007. Subsequent assessments determined that several identified waterways did not meet the definition of a stream under the RAR. In 2012, a letter was written by SNRC indicating that the waterways on the development property do not in fact trigger the RAR as they are non-fish bearing with extensive wetlands (including the Village stormwater and sanitary sewer discharge) downslope of the property. Fish bearing water is located +8km downstream of the property.

Site Description and Observations

Phases 9 to 12 include an area of 29.1ha. Phases 9 (2.8ha), 10 (3.7ha) and 11 (3.1ha) are predominantly single family residential with a small area of multifamily (in the vicinity of the waterway at the northwest corner in Phase 11). Phase 12 (19.5ha) surrounds the riparian greenway and is predominantly multifamily with some commercial development. A road crossing the drainage is planned at the location of the stream/wetland reach break where there is currently an old road that crosses it. A site plan showing the layout of the development is attached in Appendix 1.

The area has been previously cleared of vegetation in preparation of the planned development within phases 9 and 10. Phases 11 and 12 to the north of the riparian greenway were previously harvested of timber, but has a young regenerating forest. To the south of the riparian greenway, the property is vegetated in second growth timber. There are two streams/waterways within Phases 9 to 12 that have been identified and fall under Section 10.1.6.1 Aquatic Ecosystem Areas.

It was determined in 2012 that the waterways on the property do not trigger the RAR, given they are non-fish bearing and do not connect directly to fish bearing water.

**Coal Valley Estates
Phases 9-12 Aquatic Assessment**

Further fish sampling was conducted with a backpack electrofisher to confirm the 2012 findings. The drainage at the northwest corner of the property is intermittently scoured with sections of overland flow. It drains from a wetland area on the adjacent property to the west and drains to a poorly scoured seasonal stream that drains east into a series of wetlands downstream of Maple Lake, then through the Village’s stormwater and sewage outfall to a tributary of the Trent River. Bedrock falls that are 7m high were identified +8km downstream of the property boundary (Photo 1). Sampling results are shown in Table 1 and a map with the sampling locations is attached in Appendix 2. The stream was sampled extensively immediately upstream of the identified barrier. It was also sampled in the vicinity of Royston Road, Bevan Road and on the property. No RAR fish species (salmonids, game fish or regionally significant fish) were located upstream of the barrier in 3141 electrofishing seconds over 1800m in various locations upstream of the barrier. A rainbow trout was located immediately below the barrier in 2 electrofishing seconds (Photo 2). Threespine stickleback were located in high numbers in the stream that flows into the sewage outfall channel below Royston Road (Photo 3). It should also be noted that invasive bluegill sunfish were located in the Trent River tributary upstream of the falls (Photo 4). Ten sunfish were captured and removed from the stream. Maple Lake is an isolated lake surrounded by extensive wetland areas. The lake is stocked annually (and in some years twice annually) with catchable sized fish. The rainbow trout are genetically modified to be sterile (meaning that they cannot reproduce).

Table 1. Sampling Results for fish presence/absence within the Coal Valley drainage systems

Area	Sample ID	Location (UTM) Lowest point	Length (m)	Effort (s)	Results	Comments
Trent River	1	10 353624 5499630	2	2	RB	Rainbow trout located immediately below falls
	2	10 353624 5499630	925	2142	TSBx2	Invasive sunfish were located and very low numbers of stickleback
	3	10 356885 5497536	65			
	4	10 357291 5497536	75			
Royston Rd	5	10 355027 5498424	135	91	TSBx~50	Abundant stickleback
Bevan Rd	6	10 353629 5499632	225	375	NFC	Abundant worms and other insects were noted.
	7	10 353411 5499565	150	218	NFC	
	8	10 353378 5499465	25	55	NFC	
Property	9	10 352218 5499027	200	261	NFC	

Section 10.1.6.1b of the bylaw applies: *When a site contains, or is adjacent to, a known watercourse where the presence or absence of fish is unknown.*

The subsections listed under 10.1.6.1b of the bylaw with the required information are listed in Table 2.

Table 2. Requirements under Bylaw No. 990, 2014 for Aquatic Ecosystem Areas

Section under 10.1.6.1.b.ii	Requirement	Comment
.1	A detailed site plan identifying the environmentally sensitive area within the site, location of proposed buildings and structures, new lot lines and an assessment of existing natural vegetation.	<ol style="list-style-type: none"> 1. The riparian greenway with stream and wetland identified during the assessment for the rezoning of the property is clearly shown on the site plan. For the most part the drainage is within a well defined vegetated draw. 2. The waterway at the northwest corner of the property does not require a specific riparian area as it is a poorly scoured, seasonal, non-fish bearing drainage, but the waterway needs to maintain the current drainage pattern by ensuring the waterway connection upslope and downslope of the property is preserved. The proposed plan is to infill the area with large coarse rock to allow the water to flow through the site subsurface. An example of a cross section is included in Appendix 3. The surface was previously cleared and stripped and is vegetated in predominantly alder saplings with a high number of invasive species.
.2	The criteria used to define the boundaries of the environmentally sensitive area.	<p>The environmentally sensitive area that surrounds the stream/wetland within Phase 12 has an ESA boundary that corresponds to the Riparian Areas Regulation setbacks for similar waterways. It was determined that the stream reach required a 10m wide setback and the wetland area required a 15m/30m due south setback. As part of the rezoning process the riparian greenway boundary is slightly wider in places to accommodate a trail.</p> <p>A specific ESA area adjacent to the drainage at the northwest has not been defined due to the marginal nature of the waterway on the property. It is important that the drainage itself will be maintained to ensure existing drainage patterns are maintained.</p>
.3	An inventory of wildlife species and related habitat	<p>There is no fish habitat on the property. The closest fish bearing water is +8km downstream of the property.</p> <p>The stream/wetland within the riparian greenway has limited amphibian habitat. It provides habitat for adults, but breeding would be limited due to the shallow/seasonal nature of the wetland area. During night owl surveys, chorus frogs could be heard and Red-legged adults were observed during various assessments at the site.</p>

**Coal Valley Estates
Phases 9-12 Aquatic Assessment**

Section under 10.1.6.1.b.ii	Requirement	Comment
		<p>The small northwest drainage does not provide suitable amphibian habitat within the property as it is a shallow swale that is seasonal and dries during low precipitation.</p> <p>For details on wildlife species and related habitat please refer to the report: "Terrestrial Assessment for Remainder of Phase 5 of Coal Valley Estates, Cumberland" prepared by Ursus Environmental, October 2014. It was noted that Western screech owls responded to call playback conducted in October 2014. It was also noted that there were no suitable cavities in the area to provide nesting habitat for this species and it was recommended to install 3 nest boxes.</p> <p>Three Western screech owl boxes were installed in February 2018. Three call playback surveys have been conducted during the 2018 breeding season. No Western screech owls have responded. A barred owl was observed and was heard. It was likely in the area for hunting as the property does not provide suitable nesting habitat within the riparian greenway. This species of owl is not native and does not require specific protection as it is expanding its territory and the population is expanding.</p>
.4	An impact statement describing the effects of proposed development or subdivision on natural conditions or any neighbouring sensitive ecosystem as identified by the best available and most up to date information including the province's Sensitive Ecosystem Inventory and the Comox Valley Regional Districts' Sensitive Habitat Atlas.	Please refer to the report: "Terrestrial Assessment for Remainder of Phase 5 of Coal Valley Estates, Cumberland" prepared by Ursus Environmental, October 2014.
.5	Guidelines for mitigating habitat degradation including limits of proposed restricted development zone.	<p>Prior to any ground disturbance in the vicinity of the riparian greenway and other park areas where there will be trees maintained, delineate the dripline (approximately 5m from the tree) with snow fencing to ensure that the root zone isn't impacted.</p> <p>This is not applicable for the small marginal waterway at the northwest edge of the property, although the drainage must maintain the flow of water between the upslope and downslope connection points. Refer to point .1 for more details.</p>

Conclusions and Recommendations

A Section 11 Water Sustainability Act notification will be required for the stream crossing for the waterway within the existing riparian greenway at least 45 days prior to the planned construction of the crossing structure. If there is surface flow at the time of the works, ensure sediment and erosion control measures are in place to protect water quality downslope.

To protect the trees within the riparian greenway, install snow fencing or similar outside of the drip line to ensure that the root area of the retained trees are protected.

Although it was determined that the small seasonal waterway flowing through the northwest edge of the property does not require extra protection through an established ESA, it is important to maintain the drainage pattern, by not cutting off/diverting the water elsewhere. If there is surface flow at the time of the works, ensure sediment and erosion control measures are in place to protect water quality downslope.

If you have any further questions, feel free to contact Cindy Hannah phone at 250-616-3758 or by email at cindy.hannah@snrc.ca.



Cindy Hannah, RPBio
SNRC



COPY
Original signed and sealed on file

**Coal Valley Estates
Phases 9-12 Aquatic Assessment**



Photo 1: 7m high falls located +8km downstream of the property are a definable barrier to upstream fish movement from the Trent River.



Photo 2: A rainbow trout was located immediately in the pool at the base of the falls.

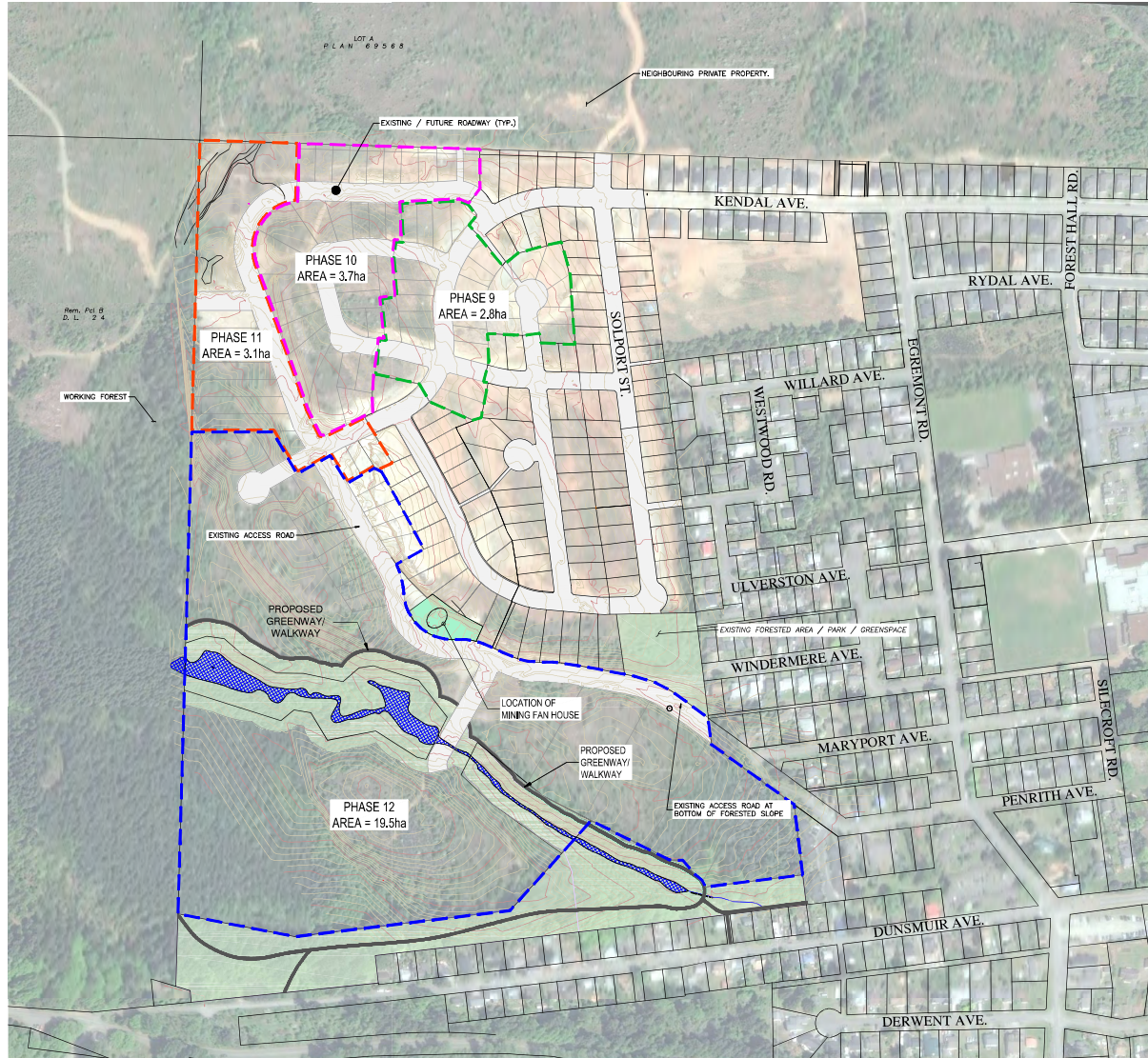
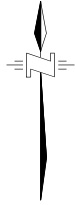


Photo 3: Stickleback were located adjacent to Royston Road.



Photo 4: Invasive bluegill sunfish were captured in the lower reaches upstream of the barrier falls.

Appendix 1



AIRPHOTO SHOWN - COMOX VALLEY REGIONAL DISTRICT, IMAP, 2016

CONTOURS ARE A COMPOSITE OF SURVEYS COMPLETED BETWEEN 2001 AND OCTOBER, 2016 AND REPRESENT THE TOPOGRAPHY OF THE SUBJECT PROPERTY AS OF OCTOBER 2016.

NOTE: PHASE BOUNDARIES AND AREAS ARE APPROXIMATE AND SUBJECT TO CHANGE

Project: May 14, 2018, 10:28:30 - 0:\2111_Engineering\46871-12_OVE_DP_Remaining_Phases\10.0_Drawings\01_Engineering\10.2.2_Sheets\46871-12 - Phase 9-12_Overview.dwg
 0 MAY 14/18 ISSUED FOR DEVELOPMENT PERMIT APPLICATION PW CD
 No. Date Revision Dr. Cn.

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McElhanney

McElhanney Consulting Services Ltd.

405 SIXTH STREET
COURTENAY BC V9N 6V4

PH (250) 338-5405

Designed: -	Checked: CD
Drawn: PW	Surveyed: -
SCALE : 1:2500	
[ALL DIMENSIONS ARE IN METRES]	

Approved: Sealed

COAL VALLEY ESTATES JOINT VENTURE INC.
 PHASE 9 - 12 OVERVIEW
 COAL VALLEY SUBDIVISION - PHASES 9 - 12
 REM. D. L. 24, NELSON DISTRICT, PLAN EPP53358
 CUMBERLAND, B.C.

Project No. 2211-46871-12
 Drawing No. **SK-01**
 Sheet 1 of 1 Revision 0
 Destroy all prints bearing previous number

Appendix 2



STREAM CLASSIFICATION
by
STRATEGIC NATURAL RESOURCE CONSULTANTS

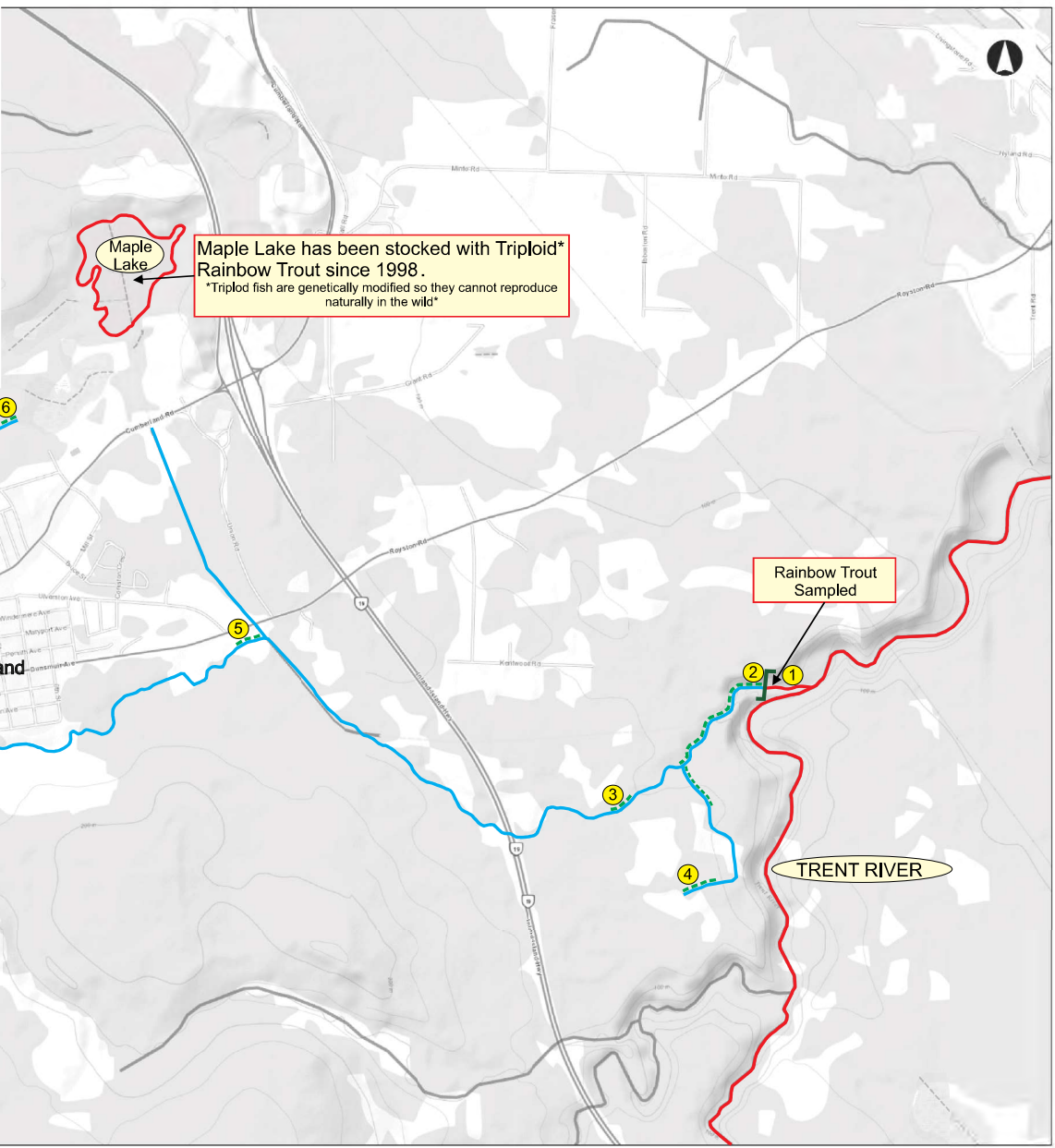
Prepared for
COAL VALLEY ESTATES JOINT VENTURES LTD.

Coal Valley Estates

Area: Cumberland Scale: 1:36112 Date: May 2018
Drainage: Unnamed waterways flowing to the Trent River.

STREAM NAME: CLASSIFICATION BREAK:
SAMPLE SITE: SAMPLE SITE:
FISH (red): NON-FISH (blue):

Mapped stream locations are completed using best available information. Irregularities may occur between mapped streams and field locations.

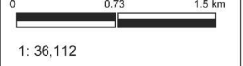


habwiz Mapping

Legend

- Stream Centre Line Network**
WDIC_SPFTP_CODE
- 100 - Coastline
 - 1000 - Single-line blue-line, main
 - 1050 - Single-line blue-line, thro
 - 1100 - Single-line blue-line, seco
 - 1150 - Single-line blue-line, seco
 - 1200 - Construction line, main fl
 - 1250 - Construction line, double
 - 1300 - Construction line, secon
 - 1350 - Construction line, double
 - 1400 - Construction line, isolate
 - 1410 - Construction line, networ
 - 1425 - Construction line, subsur
 - 1450 - Construction line, connec
 - 1475 - Construction line, lake ar
 - 150 - Construction line, coastlin
 - 2000 - Single-line, man-made w
 - 2300 - Single-line, man-made w
 - 6010 - Construction line, cross t

- Major Rivers - Colour Them**
Lakes, Man-Made Waterboc
Colour Themed (50K)
- WDIC_SPFTP_CODE
- Lake
 - Wetland
 - Man-Made Waterbody



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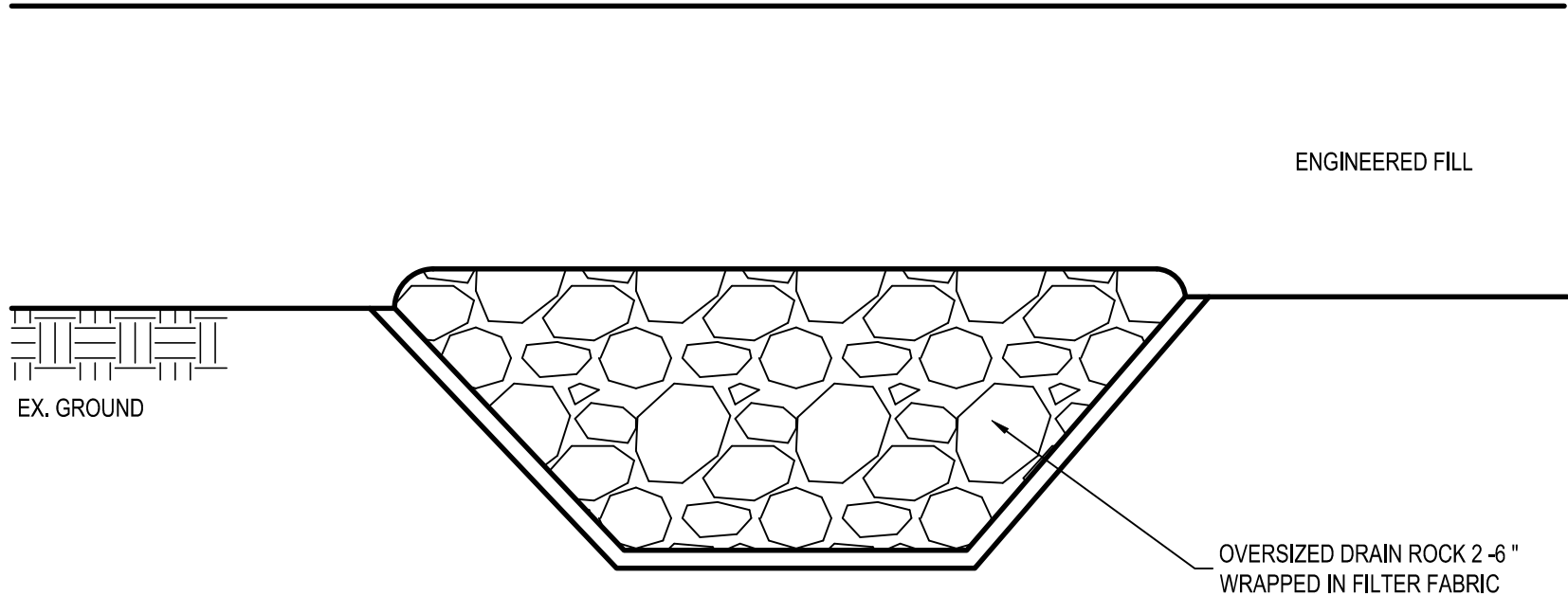
CAUTION: Maps obtained using this site are not designed to assist in navigation. These maps may be generalized and may not reflect current conditions. Uncharted hazards may exist. DO NOT USE THESE MAPS FOR NAVIGATIONAL PURPOSES.

Datum: NAD83
Projection: WGS_1984_Web_Mercator_Auxiliary_Sp
Date:

Key Map of British Columbia

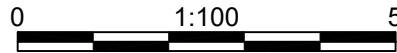


Appendix 3



DITCH INFILL TYPICAL SECTION

SCALE NTS



ORIGINAL DWG SIZE: ANSI A (8 1/2" x 11")

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Rev	Date	Description	Drawn	Design	App'd



McElhanney
McElhanney Consulting Services Ltd.

495 Sixth Street
Courtenay BC
Canada V9N 6V4
250 338 5495

COAL VALLEY JOINT VENTURES

COAL VALLEY 9 - 12 DP
DITCH DETAIL
TYPICAL SECTION

CUMBERLAND, BC

Drawing No.

SK-02

Project Number
2211-46871-12

Rev.
0



Hatched lot may be required for service backing and road grading of +0.25-3 m deep 4.0 m wide

<p>AERIAL IMAGERY FROM UNDERHILL GEOMATICS</p>	<p>SCALE 1:1500</p> <p>ORIGINAL DWG SIZE: A1 (594 X 841mm)</p>	<p>REVISION: April 6, 2023 Lot table removed Rear yard lot lines for lots 39 to 41 removed</p>	<p>Reviewed</p> <p>C. Burnidge, BCLS, CLS, P. Eng</p>	<p>COAL VALLEY ESTATES LTD. CUMBERLAND, BC</p> <p>COAL VALLEY SUBDIVISION MU. D. L. 24, NELSON DISTRICT, PHASE 11 CONCEPTUAL LOT LAYOUT CUMBERLAND, BC</p>	<p>J.E. ANDERSON & ASSOCIATES SURVEYORS & ENGINEERS 1110 - 10th Street, S.E. Courtenay, BC Phone: 250-337-1111</p>
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Date: 29 September 2022

Attention: Mercedes Van Blokland, Bell Group

Via email: mercedes@bellgroup.co

RE: Wildfire Hazard Assessment, Coal Valley Estates Development, Phase 9-12, Cumberland

The following report assesses the changes to layout of developments within the Coal Valley Estates Development, Phases 9-12 to satisfy requirements of the Village of Cumberland's Official Community Plan, (OCP), Development Permit Area #4, Section 10.4.5 which in general terms speak to the assessment and minimization of risks associated with wildland fuel areas proximal to proposed developments.

BACKGROUND

The area is in the advanced planning stages to being developed as a residential housing subdivision.

The OCP for the Village of Cumberland, Development Permit Area #4, Section 10.4.5 outlines requirements for developers to assess development areas with regards to wildland fire risks.

During the spring of 2018, Chris DURUPT, P Eng., Project Engineer, McElhanney, directed Strategic to carry out a Wildfire Hazard Assessment on the Coal Valley Development, Phase 9-12.

That report assessed areas of wildland vegetation, (fuel) that would remain after clearing of proposed development lots and roads and proposed layout and it's effect on wildfire risk. Most of the post-clearing vegetative fuels will be located within a riparian area, in the southwest corner of the development area, running a NW-SE direction. The vegetation within this area was previously assessed as mostly moderate to high wildfire risk.

The methodology used, (BCWS Wildfire Threat Assessment process) rates the flammability of the fuels based on vegetation structure, density, composition as well as the regions historical weather patterns and the sites inherent topography and it's effect on a potential wildfire. Not captured in this methodology, but relevant in terms of wildfire risk is the geometry of the fuels in relation to the values, (in this case proposed residential buildings).

Geometry of fuels and values was reviewed as part of the previous WRA and as a result amendments have been made to the layout of Coal Valley Estates that effectively address wildfire risk in accordance with the Village of Cumberland's OCP.

This review does not reassess fuel areas covered in previous assessment as none of these metrics has been altered appreciably by the revised layout. This review assesses the revised layout's adherence to wildfire risk reduction as captured in section 10.4.5, Area #4 of Cumberland's OCP, (see ATTACHMENT #1 below).

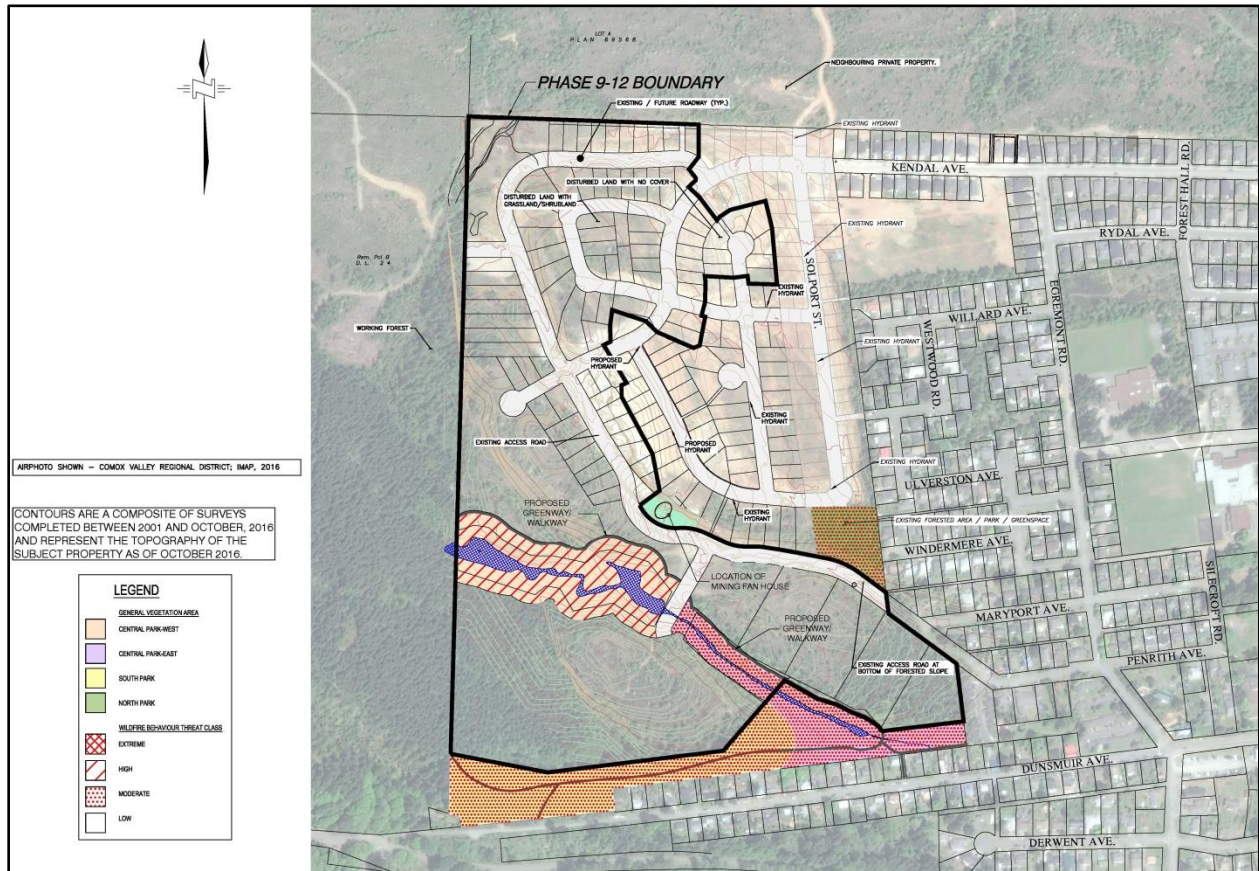


FIGURE 1MAP, COAL VALLEY ESTATES, PHASE 9-12, WILDFIRE THREAT ASSESSMENT, SPRING 2018.

RISK ASSESSMENT METHODOLOGY AND RESULTS

A review of revised plans for Coal Valley Estates, Phases 9-12 was conducted on 26 August 2022 by Henry GRIERSON, RFT.

GRIERSON reviewed the Spring 2018 WRA conducted previously.

GRIERSON reviewed the applicable sections of Cumberland's OCP.

GRIERSON reviewed current Firesmart principles.



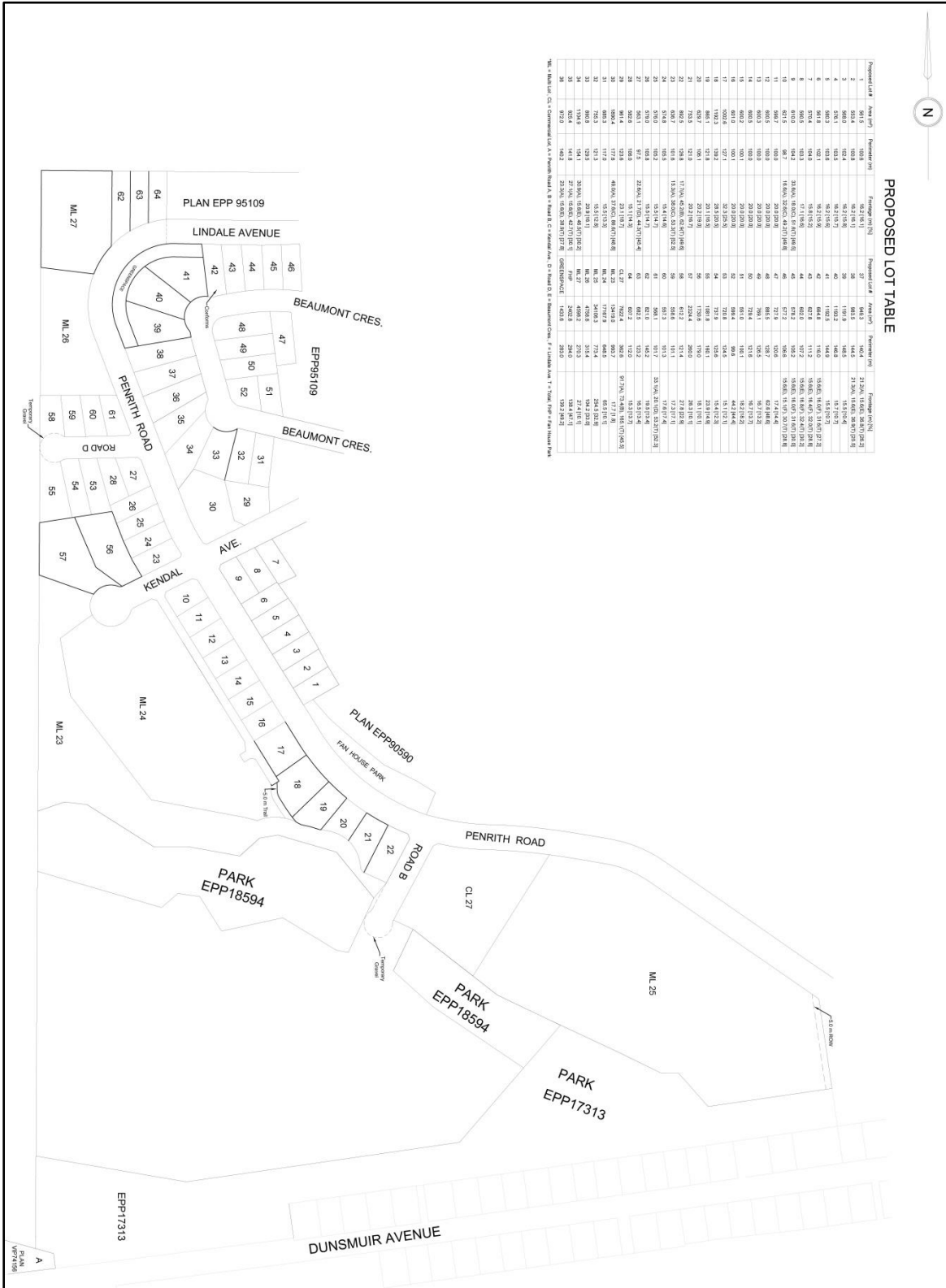


FIGURE 2PLAN, REVISED LOT LAYOUT, COAL VALLEY ESTATES, SEPT 2022

PROPOSED LOT TABLE

Proposed Lot #	Area (sq m)	Perimeter (m)	Proposed Lot #	Area (sq m)	Perimeter (m)	Proposed Lot #	Area (sq m)	Perimeter (m)
1	501.8	1023.8	38	883.3	144.3	64	2124.0	1630.0
2	501.8	1023.8	39	1191.3	144.3	65	1531.9	1444.3
3	501.8	1023.8	40	1191.3	144.3	66	1531.9	1444.3
4	501.8	1023.8	41	1191.3	144.3	67	1531.9	1444.3
5	501.8	1023.8	42	1191.3	144.3	68	1531.9	1444.3
6	501.8	1023.8	43	1191.3	144.3	69	1531.9	1444.3
7	501.8	1023.8	44	603.2	107.2	70	1531.9	1444.3
8	501.8	1023.8	45	603.2	107.2	71	1531.9	1444.3
9	501.8	1023.8	46	603.2	107.2	72	1531.9	1444.3
10	501.8	1023.8	47	603.2	107.2	73	1531.9	1444.3
11	501.8	1023.8	48	603.2	107.2	74	1531.9	1444.3
12	501.8	1023.8	49	603.2	107.2	75	1531.9	1444.3
13	501.8	1023.8	50	278.4	121.6	76	1531.9	1444.3
14	501.8	1023.8	51	278.4	121.6	77	1531.9	1444.3
15	501.8	1023.8	52	278.4	121.6	78	1531.9	1444.3
16	501.8	1023.8	53	278.4	121.6	79	1531.9	1444.3
17	501.8	1023.8	54	278.4	121.6	80	1531.9	1444.3
18	501.8	1023.8	55	1031.8	103.1	81	1531.9	1444.3
19	501.8	1023.8	56	1031.8	103.1	82	1531.9	1444.3
20	501.8	1023.8	57	1031.8	103.1	83	1531.9	1444.3
21	501.8	1023.8	58	1031.8	103.1	84	1531.9	1444.3
22	501.8	1023.8	59	508.8	101.1	85	1531.9	1444.3
23	501.8	1023.8	60	508.8	101.1	86	1531.9	1444.3
24	501.8	1023.8	61	508.8	101.1	87	1531.9	1444.3
25	501.8	1023.8	62	508.8	101.1	88	1531.9	1444.3
26	501.8	1023.8	63	508.8	101.1	89	1531.9	1444.3
27	501.8	1023.8	64	807.2	112.2	90	1531.9	1444.3
28	501.8	1023.8	65	807.2	112.2	91	1531.9	1444.3
29	501.8	1023.8	66	807.2	112.2	92	1531.9	1444.3
30	501.8	1023.8	67	807.2	112.2	93	1531.9	1444.3
31	501.8	1023.8	68	807.2	112.2	94	1531.9	1444.3
32	501.8	1023.8	69	807.2	112.2	95	1531.9	1444.3
33	501.8	1023.8	70	807.2	112.2	96	1531.9	1444.3
34	501.8	1023.8	71	807.2	112.2	97	1531.9	1444.3
35	501.8	1023.8	72	807.2	112.2	98	1531.9	1444.3
36	501.8	1023.8	73	807.2	112.2	99	1531.9	1444.3
37	501.8	1023.8	74	807.2	112.2	100	1531.9	1444.3
38	501.8	1023.8	75	807.2	112.2	101	1531.9	1444.3
39	501.8	1023.8	76	807.2	112.2	102	1531.9	1444.3
40	501.8	1023.8	77	807.2	112.2	103	1531.9	1444.3
41	501.8	1023.8	78	807.2	112.2	104	1531.9	1444.3
42	501.8	1023.8	79	807.2	112.2	105	1531.9	1444.3
43	501.8	1023.8	80	807.2	112.2	106	1531.9	1444.3
44	501.8	1023.8	81	807.2	112.2	107	1531.9	1444.3
45	501.8	1023.8	82	807.2	112.2	108	1531.9	1444.3
46	501.8	1023.8	83	807.2	112.2	109	1531.9	1444.3
47	501.8	1023.8	84	807.2	112.2	110	1531.9	1444.3
48	501.8	1023.8	85	807.2	112.2	111	1531.9	1444.3
49	501.8	1023.8	86	807.2	112.2	112	1531.9	1444.3
50	501.8	1023.8	87	807.2	112.2	113	1531.9	1444.3
51	501.8	1023.8	88	807.2	112.2	114	1531.9	1444.3
52	501.8	1023.8	89	807.2	112.2	115	1531.9	1444.3
53	501.8	1023.8	90	807.2	112.2	116	1531.9	1444.3
54	501.8	1023.8	91	807.2	112.2	117	1531.9	1444.3
55	501.8	1023.8	92	807.2	112.2	118	1531.9	1444.3
56	501.8	1023.8	93	807.2	112.2	119	1531.9	1444.3
57	501.8	1023.8	94	807.2	112.2	120	1531.9	1444.3
58	501.8	1023.8	95	807.2	112.2	121	1531.9	1444.3
59	501.8	1023.8	96	807.2	112.2	122	1531.9	1444.3
60	501.8	1023.8	97	807.2	112.2	123	1531.9	1444.3
61	501.8	1023.8	98	807.2	112.2	124	1531.9	1444.3
62	501.8	1023.8	99	807.2	112.2	125	1531.9	1444.3
63	501.8	1023.8	100	807.2	112.2	126	1531.9	1444.3
64	501.8	1023.8	101	807.2	112.2	127	1531.9	1444.3

ML 23: M.L. 23 - Commercial 2; M.L. 24: M.L. 24 - Residential 1; M.L. 25: M.L. 25 - Residential 1; M.L. 26: M.L. 26 - Residential 1; M.L. 27: M.L. 27 - Residential 1; M.L. 28: M.L. 28 - Residential 1; M.L. 29: M.L. 29 - Residential 1; M.L. 30: M.L. 30 - Residential 1; M.L. 31: M.L. 31 - Residential 1; M.L. 32: M.L. 32 - Residential 1; M.L. 33: M.L. 33 - Residential 1; M.L. 34: M.L. 34 - Residential 1; M.L. 35: M.L. 35 - Residential 1; M.L. 36: M.L. 36 - Residential 1; M.L. 37: M.L. 37 - Residential 1; M.L. 38: M.L. 38 - Residential 1; M.L. 39: M.L. 39 - Residential 1; M.L. 40: M.L. 40 - Residential 1; M.L. 41: M.L. 41 - Residential 1; M.L. 42: M.L. 42 - Residential 1; M.L. 43: M.L. 43 - Residential 1; M.L. 44: M.L. 44 - Residential 1; M.L. 45: M.L. 45 - Residential 1; M.L. 46: M.L. 46 - Residential 1; M.L. 47: M.L. 47 - Residential 1; M.L. 48: M.L. 48 - Residential 1; M.L. 49: M.L. 49 - Residential 1; M.L. 50: M.L. 50 - Residential 1; M.L. 51: M.L. 51 - Residential 1; M.L. 52: M.L. 52 - Residential 1; M.L. 53: M.L. 53 - Residential 1; M.L. 54: M.L. 54 - Residential 1; M.L. 55: M.L. 55 - Residential 1; M.L. 56: M.L. 56 - Residential 1; M.L. 57: M.L. 57 - Residential 1; M.L. 58: M.L. 58 - Residential 1; M.L. 59: M.L. 59 - Residential 1; M.L. 60: M.L. 60 - Residential 1; M.L. 61: M.L. 61 - Residential 1; M.L. 62: M.L. 62 - Residential 1; M.L. 63: M.L. 63 - Residential 1; M.L. 64: M.L. 64 - Residential 1.



ADHERANCE TO CUMBERLAND OCP SECTION 10.4.5, Subsections 3a, 3b, 3d, 3e, 3f, 3g, 3h, 3i.

Subsection 3a and 3b speak to required wildland fuel modification within Firesmart Priority Zones 1, (0-10m from value) and 2, (10-30m from value).

Recent layout adjustments provide adequate separation of proposed values, (buildings) from adjacent wildland fuel areas as well as improve defensible space between developed and undeveloped portions of the area. As recommended in the previous WRA and in section 10.4.5 of Cumberland's OCP, Firesmart Priority Zones 1, (0-10m from value) and 2, (10-30m from value) have been adequately addressed in terms of fuels. This will be accomplished due to the improved layout increasing space between developed and undeveloped areas and the development of the lots themselves resulting in adequate fuel management in Priority Zones 1 and 2.

Subsections 3d – 3i speak to building materials and design to minimize structural ignition. It is assumed these will be conformed to through the building construction code and inspection process.

ADHERANCE TO CUMBERLAND OCP SECTION 10.4.5, Subsections 4, 5, 6, 7.

The revised layout adequately addresses requirements contained in subsection 4, 5, 6, 7 of section 10.4.5 of Cumberland's OCP.

Emergency vehicle access is more than adequate for the majority of potential wildfire suppression scenarios in conformance with subsection 4

The combination of undeveloped lots, paved access roads and fuel-free walking trails etc creates adequate fuels breaks and defensible space in conformance with subsection 5

Within the revised layout design several access points to wildland fuel areas, for the purpose of wildfire suppression, are incorporated as well as defensible space between undeveloped and developed areas, in conformance with subsection 6.

Subsection 7 speaks to the timing of construction activities be such that high risk activities are minimized during seasonal high fire risk periods. This can be monitored as part of the building development inspection process, once construction commences.

Limitations of this Assessment

It should be understood that the BCWS Threat Assessment is based on the circumstances and observations as they existed at the time of the site inspection (tree health, ground cover, human litter, number and proximity of buildings to forest). Only the area outlined in the report was assessed. Property lines were determined by verbal information provided, and it is assumed that this information is reliable and correct. The opinions in this assessment are given based on observations made and using generally accepted professional judgment; however, because site conditions are subject to change (Canopy cover, ground cover, debris, tree health) the results, observations, recommendations, and any analysis as set out in this assessment are valid only for the conditions that were present on the day of assessment.

No guarantee, warranty, representation or opinion is offered or made by as to the length of the validity of the results, observations, recommendations, and analysis contained within this assessment. As a result, the Client



shall not rely upon this assessment, save and except for representing the circumstances and observations, analysis and recommendations that were made as at the date of such inspections. It is recommended that the site discussed in this assessment should be re-assessed periodically.

Regards,



Henry P. Grierson, RFT #1381
Wildfire Management Specialist
henry.grierson@snrc.ca
Strategic Natural Resource Consultants Inc.



ATTACHMENT A: Excerpt from Cumberland OCP.

10.4.5 GUIDELINES

- 1) A Development Proposal shall be submitted with a Development Permit application and should generally include the following information, in the form of plans or written documents:
 - a. A detailed site plan identifying areas susceptible to Wildfire Urban Interfaces
 - b. The location of watercourses, existing natural vegetation and, on-site topography
 - c. An assessment of existing natural vegetation, including identification of areas where tree removal or alteration of land may occur as a result of development
 - d. A detailed site plan illustrating existing and proposed buildings and structures

- 2) The assessment shall include recommendations on mitigation strategies with respect to the hazard.

- 3) The guidelines in the Homeowners FireSmart Manual, BC Edition, 2004, Province of British Columbia, as the same may be amended or replaced from time to time shall apply to the Wildfire Urban Interface Areas identified on **Map H** as follows:



Figure 12: FireSmart Priority Zones

- a. In Priority Zones 1 (within 10.0metres from structures), remove fuel and convert vegetation to fire resistance species to produce an environment that does not support combustion
 - b. In Priority Zones 2 (10.0–30.0metres from structures), increase fuel modified area by reducing flammable vegetation through thinning and pruning and produce an environment that will only support low-intensity surface fires
 - c. In Priority Zones 3 (30.0–100.0metres or greater from structures), eliminate the potential for a high-intensity crown fire through thinning and pruning, thereby slowing the approach of a fire approach towards structures
 - d. Class 'A' or 'B' Fire resistant roofing materials are required as a minimum standard
 - e. Non-combustible siding materials are required on building façades that directly face interface areas
 - f. Roof vents should be closed in and screened
 - g. Heavy timber construction, fire-retardant treated materials and other non-flammable materials are required for decks and railings that directly face interface areas
 - h. Chimneys should have approved spark arrestors
 - i. Vegetation should be cleared 3.0metres back from power lines and propane tanks
- 4) Subdivisions should be designed to provide adequate access for evacuation and fire control including the movement of emergency response vehicles. The number of access points and their capacity should be based upon the potential vehicle and housing density of the subdivision and lands beyond.
 - 5) Wherever possible, pursue opportunities for large setbacks (10.0metres minimum) between new buildings and forested areas (urban-interface boundary).
 - 6) Direct road access should be provided to forested lands abutting new subdivisions to provide both access for emergency response vehicles and offer a fuel break between the forested lands and the subdivision. Fire hydrants should be located in close proximity to forested lands abutting subdivisions.
 - 7) The sequence and timing of development approved by the permit may be specified in the permit to ensure the development does not occur during periods of high fire hazard.
 - 8) A fuel hazard assessment including recommendations for mitigating these hazards should be prepared. These recommendations should be applied to the permit for these properties including specifying areas that must remain free of development.



Date: October 4, 2022

To: Mercedes Van Blokland, Bell Group
via email: Mercedes@bellgroup.co

From: Cindy Hannah, RPBio
Strategic Natural Resource Consultants
321-1180 Ironwood Street
Campbell River, BC V9W 5P7

Subject: Coal Valley Estates Bio-Inventory Report (June 24, 2018) Amendment

As per the request received from the Village of Cumberland in their review of the proposed Development Permit application for Coal Valley Estates, this letter has been prepared as an amendment to the initial Bio-inventory report submitted on June 24, 2018. The Village has requested the following:

“Have maps updated to reflect current layout, including ‘Northern Section – pg. 5, to reflect the NW Waterway that needs to be restored”

Background

The June 2018 report was prepared in preparation of further development on the property at that time. An assessment was conducted to determine potential sensitive features on the site. Subsequent monitoring was completed in 2019 for presence/not detected of potential species at risk.

Further to the 2018 report, additional reports were prepared in 2019 and then revised in 2020.

Bio-Inventory Amendment October 4, 2022

Development plans have changed since the first report and is included in Figure 1. Lots ML23 and ML27 are proposed to be gifted to the Village. ML23 is adjacent to the existing park along the riparian greenway and includes the microhabitat feature for the wandering salamander that was identified (Figure 2). ML27 encompasses the NW Waterway that will be restored (Figure 3). A revegetation plan was prepared on June 3, 2021 to restore the riparian vegetation that is lacking along the small waterway.

Please refer to the SNRC documents:

- Environmental Assessment – Coal Valley Estates Remainder – Revised September 23, 2020 for pertinent mitigation measures
- Coal Valley Estates Northwest Waterway Revegetation Plan – June 3, 2021 for information regarding the restoration of the waterway within proposed lot ML27
- Coal Valley Estates Phase 11+ Revised Stormwater Management Plan review – April 14, 2021 for information regarding the changes to the stormwater management plan.

Cranberry Lake Maintenance Assessment and Recommendations

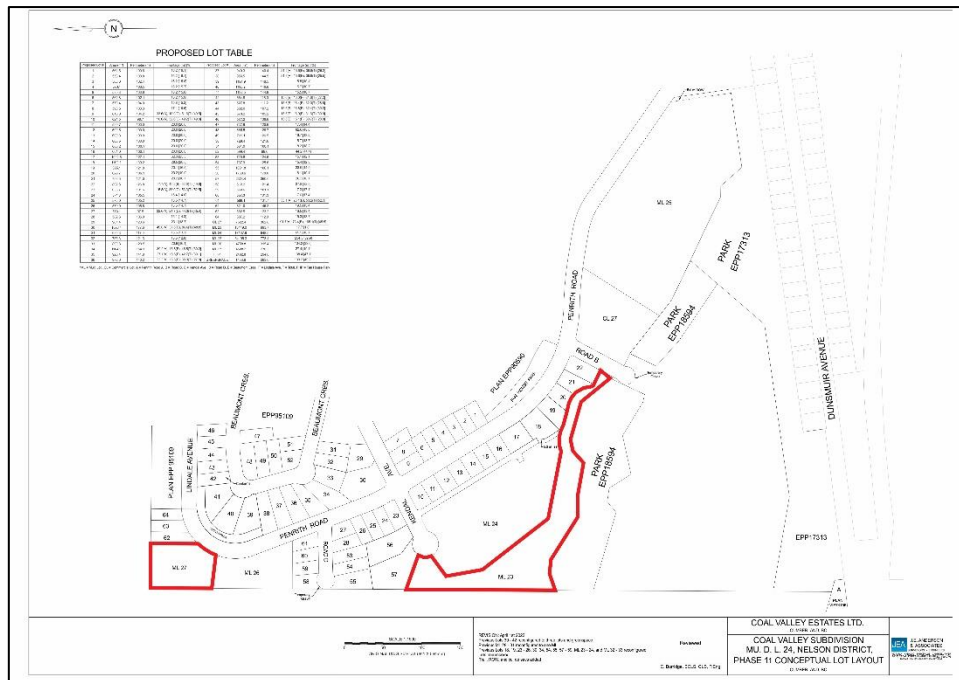


Figure 1, Site plan as of October 4, 2022 showing lot configuration. ML23 and ML27 are proposed to be gifted to the Village and are outlined in red.

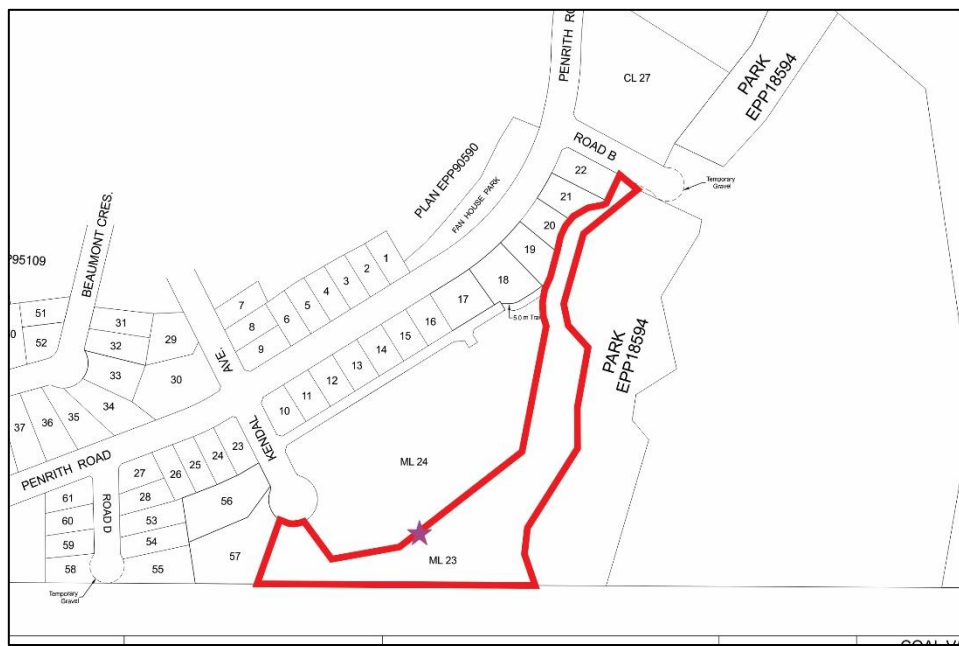


Figure 2: Identified Wandering salamander observation (purple star) in relation to the proposed gifted lot ML23.

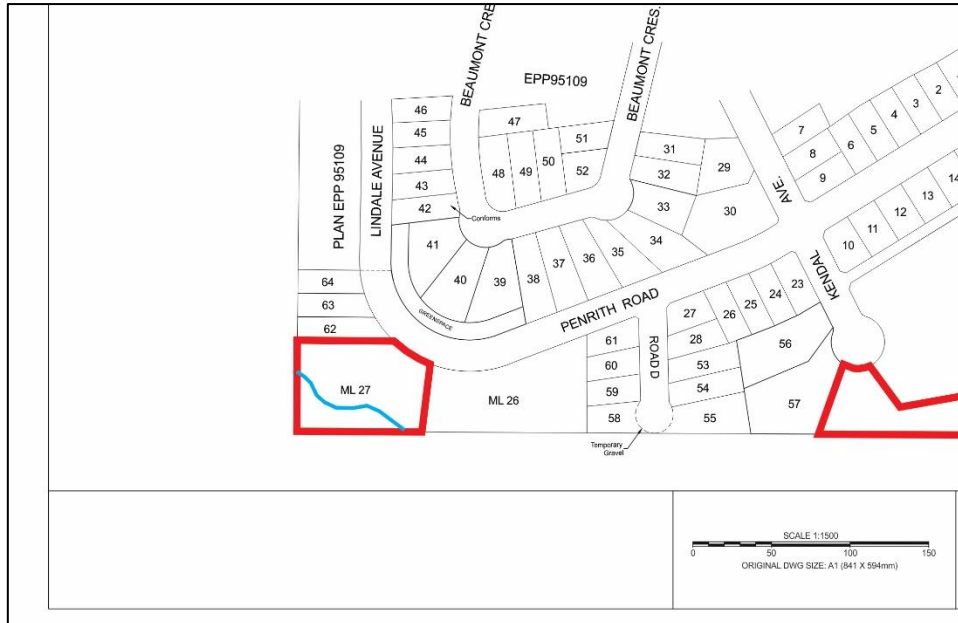


Figure 3: Northwest drainage location in relation to the proposed gifted lot ML27.

Please feel free to contact me at 250-616-3758 or by email at channah@snrc.ca if you have any questions.



Cindy Hannah, RPBio
Strategic Natural Resource Consultants Inc.

Attachment 4 – Best Practices for Evaluating Development Variance Applications

Land use justification

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

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

Impacts of the Variance

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

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

I gratefully acknowledge that we are on the unceded traditional territory of the K'ómoks First Nation, the "Care takers of the 'land of plenty' since time immemorial".

From: [REDACTED]
Sent: July 6, 2022 11:24 AM
To: Village of Cumberland <info@cumberland.ca>
Subject: Letter to Mayor and Council

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings,

I have attached a letter and brief document regarding the upcoming Coal Valley Estates subdivision plan and Environmental Development Permit application (EDPA). I respectfully request that these be included in the minutes and agenda of the next council meeting.

Many thanks,

[REDACTED]

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

July 6, 2022

Dear Mayor and Council,

It is my understanding that the subdivision plan for the next phase of the Coal Valley Estates development is complete or nearing completion and I anticipate the overall development plan to be taken up by council in the near future.

I would like to remind the Mayor and council of their commitment, by unanimous approval in 2021:

"protecting the natural areas, and to engaging qualified professionals in evaluating the effect of the proposed development on all of the existing natural systems inside and outside the development area, to staff as part of the Environmental and Wildfire development permit area application for Phase 10 of the Coal Valley Estates development"

I hope to see this commitment to protecting these unique and valuable lands reflected in the Environmental Development Permit Application and the subdivision plan.

The Comox Valley Conservation Partnership (CVCP), a coalition of 27 environmental organizations of which CWWG is a member, will be joining CWWG in evaluating the Coal Valley Estates development proposal.

I would respectfully remind the Mayor and council that this land, once developed, is forever removed from the natural areas that are part of our legacy. We owe it to future generations to tread carefully and thoughtfully.

I have included an updated 12 point plan that describes how we will be evaluating the proposed development. I would ask that this document as well as other documents and presentations I have previously made to council be passed on to the Advisory Planning Commission as part of their evaluation of the project.

Thanks for your consideration, please feel free to contact me with any questions or concerns.

**12 Point Plan for evaluating the Coal Valley Estates Subdivision:
Updated December 12, 2021
Cumberland Wetlands
Based on Cumberland Official Community Plan Bylaw No. 990, 2014**

Provincial legislation (LGA s.884) requires that works and services undertaken, and bylaws enacted after adoption of the OCP must be consistent with the OCP. In the following text when referring to an enforceable (as opposed to a general intention) action, *I have included the reference to the OCP paragraph that supports that action.*

The OCP states that “Protection and stewardship of environmentally sensitive areas in and around the Village are key aspects of New Development Permit Areas and updated guidelines for aquatic, terrestrial, and connectivity protection and enhancement. General land use objectives include protecting the natural condition of environmentally sensitive areas by managing these areas as free of development to the maximum extent possible and preserving the health and natural function of ecosystems and watersheds.”

This protection extends to:
landforms, forests, streams, wetlands, lakes: 7.1.2 1)
Rocky outcrops 10.1.3 3)
Cliffs and bluffs 10.1.3.3)
Wetlands 7.1.2.1) (and mentioned in 30 other places in the OCP)

Aquatic Ecosystem Areas are protected and defined as “Those natural systems that are either permanently or periodically under water” 10.1.1.a.

The area to be developed is complex. It sits astride two watersheds that support salmon bearing streams. These watersheds also lie above an unconsolidated aquifer that has been identified in the OCP by the provincial government as being “highly vulnerable to contamination” and used as part of the Cumberland drinking water system.

The area contains numerous seasonal and year round wetlands and a deep ravine with sandstone cliffs. Water from the area to be developed feeds not just the aquifers but the Chinatown wetlands, the Bevan Kindle wetlands and the Maple Lake wetland complex.

Federal and provincial legislation provides only the minimum levels of protection of the natural environment. It is the responsibility of our local government to provide specific protection of wetlands, watercourses and other important ecological areas.

We request the following 12 point minimum action plan for protecting the considerable natural assets in the area to be developed and beyond:

- 1) Commit to "protecting the natural areas, and to engaging qualified professionals in evaluating the effect of the proposed development on all of the existing natural systems inside and outside the development area, to staff as part of the Environmental and Wildfire development permit area application for Phase 10 of the Coal Valley Estates development" as specified in a **unanimously approved** council resolution.
- 2) Develop such that the plan, design, and implementation of land development and subdivision are done in a manner that supports the maintenance and restoration of natural system functions including watercourse hydrology and groundwater recharge: 10.1.5 8). Note that we are not talking about minimizing negative impact but about maintenance and restoration. 75% of wetlands in the Comox Valley have been lost. We must not let that happen here.
- 3) Allow no development on slopes greater than 20 degrees: 7.4.5 1). Note that the slope outside of the designated park area to the east of the ravine averages 20-35 degrees.
- 4) Allow no blasting. Blasting has the potential to disrupt the natural hydrological function of the area. 10.1.5 8)
- 5) 30 meter buffers extending from the natural boundaries of watercourses (permanent or seasonal), wetlands, cliffs, bluffs, rocky outcroppings. 10.1.3 3) c.
- 6) Walking paths built such that the areas in the park lands may be accessed and enjoyed without disrupting their natural functions. 10.1.5 21) a.
- 7) A thorough study of the hydrology of the larger watershed area, inside and outside the development boundaries looking at year round pre-development water quality and quantity and possible cumulative hydrological impacts on the site and provide mitigation and enhancement strategies to maintain pre-development water quality and quantity. This study should incorporate a long planning horizon looking at the effect of expected **climate changes** including wetter winters and drier summers: 10.1.5 3g
- 8) Extension of the park boundaries of the ravine area to incorporate the steeply (20-35 degrees) sloped area that is the eastern part of the canyon. 10.1.3 3) c.
- 9) Apply the principles of **habitat connectivity** as described in the OCP section 10.1.1, treating wetlands and the ravine riparian area as core areas and creating buffer areas and corridors in order to maintain biodiversity. This includes but is not limited to the upper wetland area which will be permanently disconnected from the lower ravine by the only access corridor to the mixed use development area.

10) **BC Provincial approval** must be obtained under the Water Sustainability Act of British Columbia for any proposed changes in or about a stream. “Stream” is defined as including ravine, gulch, or wetland, whether or not usually containing water. Neither the village nor the developer can make changes affecting a stream without provincial approval.

11) Continuous supervision of the ongoing development by a qualified professional to ensure adherence to the development agreement.

12) Implementation of a bylaw creating a ticketing system whereby violations of the development agreement will incur a daily fine that continues until the violation has been corrected, for example as implemented by the Resort Municipality of Whistler.

Meleana Searle

From: [REDACTED]
Sent: March 13, 2023 4:40 PM
To: Planning
Subject: RE: Village of Cumberland letter, dated 3 Mar 23 - Development Permit and Development Variance Permit Application - CV Estates Phase 10/11

Hi Meleana and thank you for the PDF. I could not locate road "C" but I'm assuming that it's the narrow road in behind lots 10-18. Either way, I won't be submitting any comment.

On a side note, I'm not sure what the height restriction is for these phases but is there any chance of limiting lots 1-6 and 16-18 to single story units? I know I'm probably dreaming but it would sure be nice if we could keep our backyard mountain views to the south and west without being obstructed by roof lines.

Thanks again and take care,

[REDACTED]
[REDACTED]
[REDACTED] Kentmere Ave.
Cumberland, BC V0R 1S0
[REDACTED]

From: Planning <Planning@cumberland.ca>
Sent: March 13, 2023 1:39 PM
To: [REDACTED]
Subject: RE: Village of Cumberland letter, dated 3 Mar 23 - Development Permit and Development Variance Permit Application - CV Estates Phase 10/11

Hi [REDACTED]

See attached PDF for higher resolution file.

The area is zoned MU-1 – Mixed-use residential.

ML = Multi-family lot

CL= Commercial/Mixed use lot

Lots with a number are single-family.

Lots 10-18 will front onto the smaller road to limit the number of driveways onto the hill on Penrith

ML 27 & ML 23 proposed to be gifted to the Village.

Any of the PLAN EPP.....are sections of land dedicated/subdivided previously.

Let me know if you have any further questions.

Cheers,
Meleana

From: [REDACTED]
Sent: March 10, 2023 4:54 PM
To: Meleana Searle <MSearle@cumberland.ca>
Cc: Planning <Planning@cumberland.ca>; [REDACTED]
Subject: RE: Village of Cumberland letter, dated 3 Mar 23 - Development Permit and Development Variance Permit Application - CV Estates Phase 10/11

Hi Meleana,

I received subject letter in the mail today. The photo of the phase 10/11 map is blurry and hard to see where lots 10-18 are located. Request that you provide an electronic version of the phase 10/11 map so that I can zoom in to read / locate the lot numbers / road names referenced in the letter to determine on whether or not I will be submitting any comments. Thank you.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED] Kentmere Ave.
Cumberland, BC V0R 1S0
[REDACTED]

Meleana Searle

From: [REDACTED]
Sent: March 14, 2023 3:15 PM
To: Planning
Subject: Wacor

Hi

I see that Wacor has submitted a request for variances for another stage of the Coal Valley Estates. I live on Kendal and am very concerned about the way this area has been handled. I hope the council will delay further development until a new OCP. There are too many issues with the way development has been handled, namely:

- drainage issues because of the lack of basic landscaping for new developments
 - clear-cutting to develop, rather than selecting trees to keep, means they have created an awful heat island up here. With climate change, this is a serious concern that will cost everyone way more money and energy. Additionally, the trees they planted afterwards are not doing well because the soil they replaced the rich forest soil with is awful. And it's taken them forever to plant trees and do basic landscaping in general.
 - road design in relation to the distance houses are to the sidewalk make for a dangerous situation. Kendal is really bad for speeding.
 - we need more parks and playgrounds for kids to roam free, especially since the Rds are so dangerous. They should be required to do this better. Solport park does not meet the need at all.
- *I suggest requiring the lot at the top of the first Beaumont crescent deadend to be used as a park. The community has already claimed that space as the ocean and mountain view is incredible up there. Kids play, dogs run.. It would be such a shame to lose it. It could really turn into a local treasure.
- we need the village to really watch development and ensure it's being done well... Wacor's job is to think of bottom dollar.. the Village's job is to ensure the community and livability remain at the forefront.

Thank you for all the work you are doing. I'm excited to follow your meetings to see how you steer this in a better direction.

Best,

[REDACTED]

Meleana Searle

From: [REDACTED]
Sent: March 14, 2023 1:35 PM
To: Planning
Subject: Re: Proposed Variance for Coal Valley Estates Phase 10/11

Thanks Meleana, that helps provide more clarity for sure. I'd suggest considering adding kind that info in future letters regarding variances with the developer. The way it was written sounded like the decision was going to be made 2 days after the pertinent info was public, which got a lot of people concerned.

thanks.
[REDACTED]

On Tuesday, March 14, 2023 at 11:54:29 a.m. PDT, Planning <planning@cumberland.ca> wrote:

Hi [REDACTED]

Staff is requesting a referral to the Advisory Planning Commission – that is what Council will be deciding on. Council will decide whether to refer it to the APC or to send it back to staff for more information from the developer.

Hope that provides some clarity.

Regards,

Meleana

From: [REDACTED]
Sent: March 14, 2023 9:52 AM
To: Planning <Planning@cumberland.ca>
Subject: Re: Proposed Variance for Coal Valley Estates Phase 10/11

Hi Meleana, the letter I received states that the anticipated date for review of the application is Monday, March 27, 2023 "at which time Council will decide on the development permit request". If that means that council may 'decide' to delay their final decision or assign the matter to a planning committee that was not made clear in the letter. This timeline the

main reason that I, and many of my neighbors, are upset about this process. Sounds like hopefully it's just unclear communication.

Anyway, I'll be waiting for more info on this when it is available.

Thanks,

[REDACTED]

On Tuesday, March 14, 2023 at 08:52:27 a.m. PDT, Planning <planning@cumberland.ca> wrote:

Hi [REDACTED]

Council won't be making a decision at the first Council meeting on March 27th (tentative date). Council will be able to review the information presented and then either refer it to the Advisory Planning Committee for review or ask for more information from the developer. A final decision will likely be sometime in May or June. Feedback from community members will be accepted until the day of the final Council meeting.

Regards,
Meleana

From: [REDACTED]
Sent: March 13, 2023 2:44 PM
To: Planning <Planning@cumberland.ca>
Cc: Melissa Roeske <mroeske@cumberland.ca>
Subject: Re: Proposed Variance for Coal Valley Estates Phase 10/11

Thanks for the map, Meleana.

Giving people 2 days to review information before council votes on matters that will be felt for decades is hardly appropriate.

This could be a minor design detail, or something of more significance, but without the information we can't know.

This specific instance may not be very significant, but it certainly doesn't give the impression that the council is serious about listening to us.

[REDACTED]

On Monday, March 13, 2023 at 01:46:12 p.m. PDT, Planning <planning@cumberland.ca> wrote:

Hi [REDACTED]

Thanks for the email. The letter is a Local Government Act requirement to let folks know that there's an application that's been received. Full information will be available in the Council Agenda Package when the report goes to Council. The Agenda will be [posted here](#) the Friday before the meeting. The meeting date is tentative so please check the Friday before to see if the report you're interested in is on the Agenda.

See attached for a higher resolution image.

The area is zoned MU-1 – Mixed-use residential.

ML = Multi-family lot

CL= Commercial/Mixed use lot

Lots with a number are single-family.

Lots 10-18 are proposed to front onto the smaller road to limit the number of driveways that cross the future multi-use path on Penrith

ML 27 & ML 23 are proposed to be gifted to the Village.

Any of the PLAN EPP.....are sections of land dedicated/subdivided previously.

Let me know if you have any further questions.

Cheers,
Meleana

From: [REDACTED]
Sent: March 12, 2023 1:17 PM
To: Planning <Planning@cumberland.ca>
Subject: Proposed Variance for Coal Valley Estates Phase 10/11

Hello council,

I received a letter regarding the development variance permit application for Coal Valley Estates Phase 10/11.

I can not give my support for any variance based on what has been provided, the information is grossly inadequate to make any kind of informed assessment.

Both the original design of the roadway and the proposed variance to this design need to be presented separately and clearly for comparison. From what has been provided I have no idea what change is actually being proposed, (or even what was proposed originally). Please be careful council, once these decisions are made their impacts will be felt for generations, so they should not be made lightly. Please properly inform us!

For what it's worth, from what has been provided my 'vote' would be a resounding NO.

Thank-you for your consideration,

[REDACTED]
[REDACTED] Kentmere

PS - Where are the parks in this development?? So far an existing pathway (at the bottom of Kentmere and Solport) has been realigned. This is not a new park. This is a rebranding of an existing pathway. My wife and I moved to Cumberland to raise a family. We now have an 11 month old. He wants swings, a play structure, room to kick a ball - not an existing path! Swings please! Thanks!

Meleana Searle

From: [REDACTED]
Sent: March 14, 2023 1:18 PM
To: Planning
Cc: [REDACTED]
Subject: Coal Valley Estate Phase 10/11

Hi Meleana,

I am sending you this email to express my concerns as a resident of Coal Valley and more importantly a resident of Cumberland as it relates to Wacor and the plans for the next phases of Coal Valley Estates.

I do believe there is a lot to consider before anymore Development happens in Coal Valley and I hope the council and Mayor will look at all of these considerations before moving forward with any new phases

- Green Space - currently there is NONE
- 200 year Flood Plan - is there a flood plan and if so , where is all the run off water going, as you know there are many different grades in Coal Valley
- Parking - all homes with suites must ensure ample parking on site NOT on Street -Water - does the Village have the water supply to support x amount of new houses and multi family housing
 - we know how global warming is effecting water ways , Comox lake and how low it was this year is a good example of what is our future and water restrictions -all of the streams that are salmon bearing - how do you build with out disruption

I know that there are many other concerns that i have missed and I know that many other concerned residents will submit, and voice at the meeting on the 27th, I am out of town but will be listening on YouTube, and I hope this newly elected Mayor and Council have the strength to ensure all concerns are looked at and rectified before any final plans can be signed off for further development in CVE.

This is our future community and we want to keep it growing but in the right way, to ensure our surroundings that make Cumberland so special are kept in tact with consideration of our Heritage, and how thoughtless developments will impact everything that is Cumberland Village.

Thank you for all you do

[REDACTED]
Cumberland Resident.
[REDACTED] Kentmere Ave

Sent from my iPad

Meleana Searle

From: [REDACTED]
Sent: March 15, 2023 1:07 PM
To: Planning
Subject: Coal Valley Estates

Good Afternoon,

I am very concerned with the density being considered for the Coal Valley Estates. As it stands our current infrastructure is already stressed.

Is there a possibility of putting restrictive covenants on the lots to ensure they are under a certain square footage and only one story. Additionally, can we create a building scheme with no use of building blocks for retaining walls?

If we have to honour a commitment from 2008 can we make the vision attractive as opposed to a blite on our community? Building super size homes above Dunsmuir Avenue does not create a cohesive community and will further fracture the town from the subdivision.

Thank you

--

[REDACTED]

[REDACTED]

Meleana Searle

From: [REDACTED]
Sent: March 16, 2023 10:06 PM
To: Planning
Subject: DVP Coal Valley Ph10/11

I support in principle a variance for alternate, narrow road designs as they have often proven to promote traffic calming. However, the letter notification does not indicate how much the road is being narrowed down by. I understand that the info is not released until the Friday before the Monday meeting. I'm afraid by then the staff report is already written. Overall, I am in support of a narrow culdesac road.

Sincerely

[REDACTED]
[REDACTED] Kentmere Avenue

Meleana Searle

From: [REDACTED]
Sent: March 17, 2023 2:54 PM
To: Planning
Subject: Coal Valley Estates Phase 10/11

Hello,

I live on Kentmere Avenue and received a letter notifying us of the application for a development permit and development variance permit for Coal Valley Estates Phase 10/11.

I have concerns with the amount of detail that was provided in that letter, and hope that the report going to council includes more. It was my understanding that council had expressed many concerns with the developer's most recent plans and I don't believe I've seen those addressed. I would like to see more information on:

- Any blasting or building up that is required for this development.
 - Much of the development that has occurred so far has stacked houses on top of each other and has resulted in issues with drainage. Retaining walls have been built outside of the normal variance process with a policy of asking for forgiveness instead of permission.
- Preserving the few trees that are left in the area and adding more to any maintained greenspace.
- Creating a usable park space for the many children and families living in this area.
 - There are at least 20 kids that live on Kentmere Ave alone, not to mention the children on Bolton, Beaumont, Lindale, Kendal, Solport, and the various grandchildren in the area often for visits and childcare.
 - These kids play in the area that is going to be developed and a park is needed to make up for that. The area at the top of Kendal is currently a gathering area for the community where kids bike and neighbors meet up.
 - I recognize that the land owner is providing as much park and greenspace as they are required to provide per the CDA. I would suggest that the Village consider using a portion of the \$2.7 Growing Communities Fund grant that they received to buy the adjacent lot and create a proper park. This money was a surprise to all communities and using a small portion for parkland in this growing area of Cumberland would be appreciated and help to address the concerns that we all have from being locked into a CDA that a previous council agreed to.
 - Alternatively, the additional funds could be used to get out of the CDA and build a growing community in a thoughtful way.

Thank you,

[REDACTED]

[REDACTED]

[REDACTED] Kentmere

Meleana Searle

From: [REDACTED]
Sent: March 20, 2023 7:17 AM
To: Planning
Subject: Development

This is a post that I put on Facebook.

[REDACTED] It's time for a moratorium on all developments in Cumberland until the OCP review has done its work. Developers like Wacor, Rideout, et al, are being permitted to 'pillage the village' for maximum profit for minimum effort and in the process degrade the quality of the appearance of the village and the lifestyle of all residents. Council seems to feel that any development is better than no development and claim its hands are tied. This may have been the case thirty years ago but Cumberland is now a highly desirable residential community. Surely, as elected officials of the community they have the ability to untie their own hands. We need design covenants for the historic core and some unyielding expectations of developers to perform the requirements of their current permits before being granted further license. All that seems to be missing is the political will to make it so.

Meleana Searle

From: [REDACTED]
Sent: March 24, 2023 9:41 AM
To: Planning; Meleana Searle
Subject: Proposed development permit for Coal Valley Estates Phases 10/11 - Feedback

Hello,

Please find below my comments relating to the proposed development permit for Coal Valley Estates Phases 10/11. My residence is 2521 Kentmere Ave, adjacent to the proposed site.

CL27 – Proposed Commercial Space

This space lies immediately below and next to existing or proposed suburban development. I see the following concerns. Commercial space is likely to cause an increase:

- To traffic on a largely suburban corridor / unintended incidents involving traffic and pedestrians / children.
- In light pollution from interior and exterior building lighting, street lights, parking lot lights.
- In noise pollution from commercial activity and added traffic.

Suggested Remediation to these concerns:

- Any proposed new commercial space could be added to the existing main Village area of Cumberland, adjacent to the existing business core instead of the proposed site. This is still only a few minutes walk away from the proposed development. Significant empty store fronts and empty lots in the Village commercial core continue to exist. Keeping commercial space in the village core will have the additional benefit of increasing the vibrancy of the Village.
- If commercial space is approved for the proposed site, suggest:
 - Limited to no parking; make this a walking or biking suitable space.
 - Restrictions on noise and light pollution, hours of operation.
 - Business licenses only approved for commercial activity which does not negatively / unreasonably impact existing and new residential properties.

Example business that could have negative impact to neighbouring residential properties: businesses whose operations cause ongoing smell perceptible to surrounding area, businesses whose operations cause ongoing noise audible to surrounding area (Gas stations, car wash centers, Etc).

Penrith Road @ Road “B”

The unique topography of this intersection is surrounded by natural features that create an amphitheatre type of space, where noise is echoed and transmitted easily. I see the following concerns:

- The intersection is likely to have traffic control (E.G stop signs) where vehicles may be forced to stop and then start. The sound of revving engines (especially those of larger trucks and busses) will amplify to neighbouring properties.
- To mitigate the concerns, suggest implementing a round-about, where vehicles *may* need to stop but are less likely to realize this need.

Third St @ Fourth St

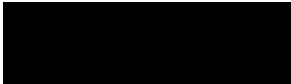
This intersection is already quite busy, and will be made more so by the increase in population due to the proposed development. The intersection is dangerous; vehicles turning left off of Third St regularly must contend with speeding vehicles approaching Cumberland on Fourth St. I suggest a round about be put in this intersection. It will improve the safety and promote better traffic flow.

Recreational and Park Space

The entire Coal Valley estates does not have a playground or park space for residents to enjoy or for children to play. Residents are forced to, often, drive to the Village park for their children to use a playground. Causing more traffic and more pollution in our community. The community plan should include a playground for all ages of children, a bike pump track or bike course for children, and a covered space with picnic tables for families to gather. In addition to natural green spaces.

Thank you for considering these points. Please feel free to contact me with any questions. I will be away for the next two weeks, but will have access to email. I am available after April 7th via phone as well.

Regards,



Meleana Searle

From: [REDACTED]
Sent: March 21, 2023 8:08 PM
To: Planning
Subject: CVE variance

Dear Village Council,

Re: Wacor Phase 10/11 Development, Coal Valley Estates

I am writing regarding the above noted development and variance being sought by Wacor development to further subdivide their fee-simple crown land into future lots for housing developments.

We are residents of the Coal Valley Estates developments, and unfortunately, this developer has sought profit over progress, sustainability, and resident concerns.

We support the Village council in amending the CDA to align with modern-day standards for development. We absolutely support housing/homes in our neighbourhood, but continuing to bulldoze, blast, and rubble pile the landscape, instead of working within existing terrain and features, and preserving the few older evergreens does not create a resilient, sustainable community.

Further, this developer has provided disparate, segregated, hilly, rocky, areas as designated "parks" for the community's use; they will argue they have met their quota required for park space. These areas are not parks. The developer must designate a level, green, space for the many dozens of kids to safely play; as the community of 100s of families still have no designated park for the community.

We have not been given any information about what exactly the narrowing of the proposed road means for our neighborhood. We just stand against moving forward with the new phase as the continual non-compliance of Wacor, and subsequently the home builders, has caused a community of substandard building practices and wacor performing the bare minimum in meeting their CDA agreement. We were told there is no one to be a watch dog to make sure things are being done properly. If this is the case, then there shouldn't be a new development phase. A habitual non-complaint developer should not be trusted to have our village in their best interests.

Sincerely,

[REDACTED]
Homeowner in CVE

From: [REDACTED]
Sent: Wednesday, March 22, 2023 3:56 PM
To: Village of Cumberland <info@cumberland.ca>
Subject: Next phase of Coal Valley estates

Dear Mayor and Councillors

I am writing to request that the next phase of Coal Valley estates be evaluated for 200 year high water levels rather than the ten year high water levels as seen in previous applications submitted by the developer. (I have attached the relevant page of the previous application.) Most municipalities are now requiring this level of scrutiny before granting building permits, especially following the devastation experienced in the Fraser Valley in late 2021.

I am alarmed that the drawings in the application before you today show no difference in the placement of lots compared to previous drawings. Homes at the bottom of a steep slope AND immediately adjacent to a wetland are at risk of being underwater at some point. Why let homes be built in these areas?

The Cowichan Valley Regional District has a bylaw in place which stipulates that the flood construction level must be 3.5 meters higher than the 200 year high water mark. I have attached a page from their bylaw which shows this, and elsewhere in their bylaw they clearly state that the 200 year high water level is the required standard.

I often walk where the Penrith extension is planned, and at the low points the water is sometimes hip high in the winter. How high would it be in a 200 year flood event?

Please consider this aspect as you evaluate the developer's latest application.

Respectfully

[REDACTED]

From: [REDACTED]
Sent: Thursday, March 23, 2023 1:52 PM
To: Village of Cumberland <info@cumberland.ca>
Subject: Coal valley estates phase 11

Hello,

I want to share my concern over the proposed plan for coal valley estates phase 11 and the lack of green space/play parks.

I live in this neighbourhood. My kids currently play at the school playground as it is not far away. But as this neighbourhood continues to develop further from the school with homes that are attracting many young families, green space and a play park need to be prioritized.

As a relatively new community within Cumberland, we need places to gather, relax and let our kids play.

Thank you.

[REDACTED]
[REDACTED] Bolton Street
Cumberland

Meleana Searle

From: Village of Cumberland
Sent: March 24, 2023 12:06 PM
To: Melissa Roeske; Planning
Subject: FW: The Ravine Park and Greenway

Niki Litke (she/her)
Customer Services Assistant II
Village of Cumberland
250-336-2291
info@cumberland.ca

I gratefully acknowledge that we are on the unceded traditional territory of the K'ómoks First Nation, the "Care takers of the 'land of plenty' since time immemorial".

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From: [REDACTED]
Sent: Friday, March 24, 2023 12:02 PM
To: Village of Cumberland <info@cumberland.ca>
Subject: The Ravine Park and Greenway

To Cumberland Mayor and Councillors,

After walking the area of Coal Valley's proposed next development this morning with [REDACTED] Councillor Ketler [thanks Jesse !] and interested neighbours, I'm hoping that Council will do what is possible to protect the integrity of The Ravine Park .

The Sandstone Cliff on the North side is a special feature and vulnerable to development. It seems to me that a buffer with a walking trail along the top of bank would provide the best protection - cost effective and a natural amenity for the new development.

Another question I have - Where is the actual boundary for the Ravine Park ? Does it go from top of bank on both sides ? If not, will it be possible to protect both slopes with Buffer Zones and walking trails ?

Thank you Council, for your care and attention ,
[REDACTED]

Meleana Searle

From: [REDACTED]
Sent: March 25, 2023 4:48 PM
To: Planning
Subject: Re: Coal Valley Estates Ph.10/11. Road Variance

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks for the plan from J.E. Anderson and Co..

The lane shown west of lots 10-18 appears to be approximately 6 m wide. For a relative comparison, My single cab long box pickup truck is just under 7 m long. To enter and exit some of the proposed steep driveways on lots 10-18 from the lane, should this variance be approved, would be difficult, especially when backing out onto the lane. Also even more difficult with snow/ice conditions.

The extent of the lot (total width) fronting the lane would have to be a driveway letdown from property line to property line to facilitate the tight turns entering and exiting these properties. Basically the front yards of these residences will be utilized for driveway - hard surfaced area.

I'm assuming these are typical R-1 lots that allow up to 3 vehicles per residence. Please correct me if there are vehicle restrictions for these lots.

It would be much easier to turn in and out of these residences off of Penrith, a standard road width.

I fail to see the conflict with the trail to the Fan Park as the driveways are on the opposite side of Penrith relative to the trail. The trail is not in the road allowance I presume.?

Thanks for your consideration regarding my concerns.

[REDACTED]

On Mar 24, 2023, at 10:04 AM, Planning <Planning@cumberland.ca> wrote:

Hi Dano,

Here's a [link to a higher resolution map](#) on our website. Unfortunately, I can't release any info on the engineers or engineering until there is a public report.

Regards,
Meleana

From: [REDACTED]
Sent: March 21, 2023 12:41 PM
To: Planning <Planning@cumberland.ca>
Subject: Re: Coal Valley Estates Ph.10/11. Road Variance

Could you send me a clear image of the area in question please? I will then comment further.

Also what Engineering firm is doing the design of these phases?

Thanks [REDACTED]

Sent from my iPhone

On Mar 17, 2023, at 12:06 PM, Planning <Planning@cumberland.ca> wrote:

Hi [REDACTED]

See my responses below in red. Let me know if you have any further questions. I can always loop Operations in if you have more technical questions.

Regards,
Meleana

From [REDACTED] **Sent:** March 14, 2023 9:52 AM
To: Planning <Planning@cumberland.ca>
Subject: Coal Valley Estates Ph.10/11. Road Variance

What is the reason or reasons for the developer requesting the Variance on road width? **The Village is requiring lots 10-18 to front onto the lane as we don't want that many driveways on Penrith across the multi-use path on a steep hill. A variance is needed because our Bylaw doesn't allow frontage off a lane.**

What road width is the developer proposing vs approved design width? **Final designs haven't been approved yet.**

What is the proposed road classification, i.e., Local, Collector ?? **It's proposed to be a local road**

Thanks, [REDACTED]

Sent from my iPhone



April 03, 2023

H.Y. ENGINEERING FILE: 225992

Bell Group

2-811 Royal Oak Drive
Victoria, BC V8X 4V1

Attention: Mr. Dale Bellavance

Dear Dale,

**RE: PROPOSED COAL VALLEY ESTATES PHASE 11 DEVELOPMENT LOCATED IN CUMBERLAND, BC
TRAFFIC CALMING MEASURES**

Per the Village of Cumberland's directive, several traffic calming measures have been implemented along the proposed Penrith Road at the Coal Valley Estates Phase 11 development. We understand that the Village's foremost concern is potential speeding issues on the portion of the proposed Penrith Road south of the Kendal Avenue intersection, where a long downslope stretch is present in the road alignment. Therefore, we will be focussing the discussion primary on this aspect of the project.

Building on the design concept set out in the previous phases of the Coal Valley Estates development and as required by the PLR letter, we have incorporated curb extensions at each intersection along the proposed Penrith Road. In conjunction with other traffic calming measures, the bump outs will cause natural slow-down due to the roadway narrowing, as well as acting as a visual indicator to vehicles for any crossing pedestrians. Curb extensions are supported by section 4.4 of the TAC Traffic Calming Guide, as well as most municipal standards in BC.

In conjunction with the curb extensions, and the Village's requirement for a formal pedestrian crossing, we have proposed a stop sign controlled intersection at the Penrith Road and Road B intersection, along with a raised median. This intersection will help control the speed along Penrith Road, as it within line of sight from the crest of the hill on the southbound lane, preventing vehicles from picking up speed on the down slope. The raised median and the associated warning signage and paint lines will act as additional physical buffers and visual indicators warning motorists of the upcoming intersection, as noted in the BC MOTI Active Transportation Design Guide.



Figure 1: Example intersection c/w curb extensions and raised median

Additionally, the proposed design incorporates a road narrowing along the Penrith Road alignment, starting some 130m south of the Road B intersection and terminating approximately 60m north of the Maryport Avenue intersection. The proposed road narrows by 2.5m for this stretch of Penrith Avenue. This narrowing has the dual purposes of accommodating the yew tree protection covenant, as well as serving as traffic calming along Penrith Road. Warning signage will be posted per the TAC Traffic Control Devices Manual to alert drivers to the change in road width. Along this narrowed stretch, there will be a pedestrian crossing for park access as required by the PLR. The crossing will be pedestrian-controlled via flashing indicators, which will serve as additional traffic control and calming.

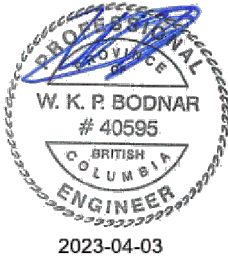


Figure 2: Example pole-mounted flashing indicator

We trust that these measures will be sufficient to provide traffic calming for the Coal Valley Estates Phase 11 development. Please feel free to reach out to the undersigned if you have any questions.

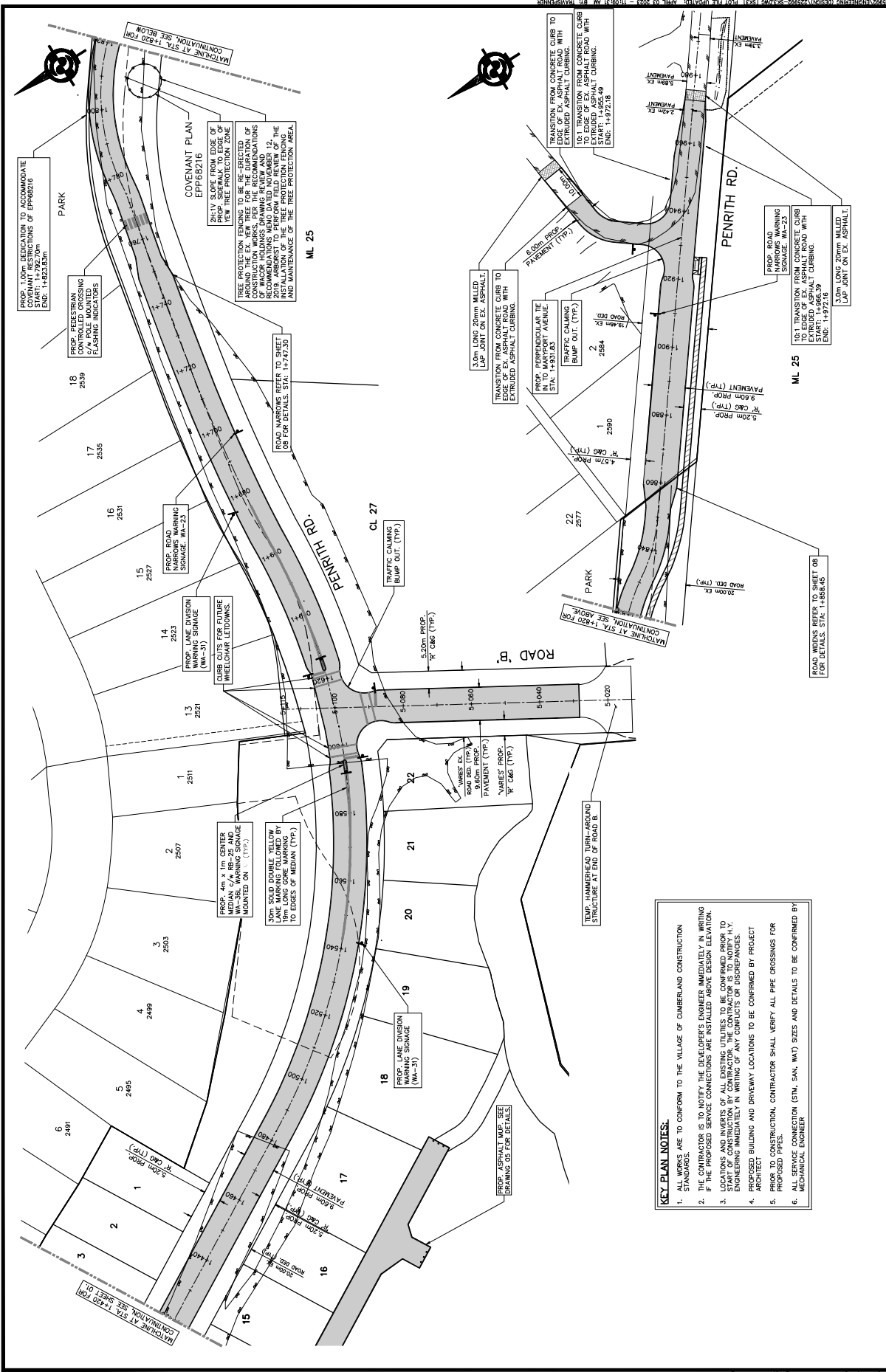
Sincerely,

H.Y. ENGINEERING LTD.



Will Bodnar, P. Eng.
Principal
LW/WKB/pl

225992Traffic Calming Measures Letter



KEY PLAN NOTES:

1. ALL WORKS ARE TO CONFORM TO THE VILLAGE OF CUMBERLAND CONSTRUCTION STANDARDS.
2. THE CONTRACTOR IS TO NOTIFY THE DEVELOPER'S ENGINEER IMMEDIATELY IN WRITING IF THE PROPOSED SERVICE CONNECTIONS ARE INSTALLED ABOVE DESIGN ELEVATION.
3. LOCATIONS AND INVERTS OF ALL EXISTING UTILITIES TO BE CONFIRMED PRIOR TO START OF CONSTRUCTION BY CONTRACTOR. THE CONTRACTOR IS TO NOTIFY H.V. ENGINEERING IMMEDIATELY IN WRITING OF ANY CONFLICTS OR DISCREPANCIES.
4. APPROVED BUILDING AND DRIVEWAY LOCATIONS TO BE CONFIRMED BY PROJECT ARCHITECT.
5. PRIOR TO CONSTRUCTION, CONTRACTOR SHALL VERIFY ALL PIPE CROSSINGS FOR PROPOSED PIPES.
6. ALL SERVICE CONNECTION (STW, SAN, WAT) SIZES AND DETAILS TO BE CONFIRMED BY MECHANICAL ENGINEER.

CLIENT KLONDIKE CONTRACTING CORPORATION P.O. BOX 20878 DUNCAN WAY LANGLER, BC V5A 7A3		DATE 2022.10.19		PROJECT NUMBER 225992	
TITLE TRAFFIC CALMING MEASURES PLAN - SOUTH		SCALE HORIZ. 1:500 VERT. N/A		DATE 2022.10.19	
CONSULTANT H.V. ENGINEERING LTD. CHALGERS • POLYMEROS • HANES		SCALE HORIZ. 1:500 VERT. N/A		DATE 2022.10.19	
LOCAL DESCRIPTION RD 003-642-96A, CUMBERLAND, BC		SCALE 0.5000 1:500		DATE 2022.10.19	
STREET BENCHMARK MON MOUNTAIN ELEVATION 1140.00		SCALE 0.5000 1:500		DATE 2022.10.19	
DATE 2022-10-19		SCALE 0.5000 1:500		DATE 2022.10.19	
DATE 2022-10-19		SCALE 0.5000 1:500		DATE 2022.10.19	
DATE 2022-10-19		SCALE 0.5000 1:500		DATE 2022.10.19	



PROPOSED LOT TABLE

Proposed Lot #	Area (m ²)	Perimeter (m)	Frontage (m) (%)	Proposed Lot #	Area (m ²)	Perimeter (m)	Frontage (m) (%)
1	581.9	102.8	182 (16.1)	37	949.3	140.4	21.3(A), 15.6(B), 36.8(T) (20.2)
2	553.4	100.9	182 (16.1)	38	963.5	144.5	21.3(A), 15.6(B), 36.8(T) (20.2)
3	568.0	102.4	182 (15.9)	39	1191.9	148.5	15.5 (10.4)
4	576.1	103.5	182 (15.7)	40	1193.2	148.8	15.5 (10.7)
5	580.3	103.6	182 (15.5)	41	1192.5	144.8	15.5 (10.7)
6	591.8	102.1	182 (15.9)	42	964.9	116.0	15.6(B), 18.0(P), 31.5(T) (27.2)
7	570.4	104.0	183 (15.3)	43	827.9	112.2	15.6(B), 18.4(P), 32.0(T) (28.8)
8	580.5	103.3	171 (16.8)	44	802.0	107.2	15.6(B), 18.9(P), 32.4(T) (29.2)
9	810.0	104.2	39.8(A), 18.6(C), 51.6(T) (49.9)	45	579.2	105.2	15.6(B), 18.0(P), 31.5(T) (29.0)
10	821.5	106.7	18.8(A), 32.6(C), 45.3(T) (49.8)	46	577.2	106.6	15.6(B), 18.1(P), 32.0(T) (28.8)
11	599.7	100.0	202 (20.0)	47	727.9	120.8	17.4 (14.4)
12	600.5	100.0	202 (20.0)	48	885.5	129.7	62.6 (46.6)
13	600.3	100.0	202 (20.0)	49	798.1	126.5	18.7 (13.2)
14	600.5	100.0	202 (20.0)	50	729.4	121.6	18.7 (13.7)
15	600.2	100.1	202 (20.0)	51	551.0	100.1	18.2 (18.2)
16	601.0	100.1	202 (20.0)	52	599.4	99.6	44.2 (34.4)
17	1032.9	127.1	323 (29.3)	53	720.8	124.5	15.1 (12.1)
18	1182.3	139.2	281 (20.9)	54	737.9	125.8	15.4 (12.3)
19	865.1	121.8	201 (16.5)	55	1091.8	160.1	23.8 (14.9)
20	629.7	106.1	202 (19.9)	56	1730.6	179.0	18.1 (10.1)
21	783.9	121.0	202 (16.1)	57	2204.4	200.5	26.9 (10.1)
22	892.5	128.8	17.7(A), 45.2(B), 62.9(T) (49.6)	58	612.2	121.4	27.8 (22.9)
23	936.7	101.6	19.3(A), 38.0(C), 53.3(T) (30.9)	59	558.6	101.1	17.3 (17.1)
24	574.8	105.5	154 (14.4)	60	507.3	101.3	17.6 (17.4)
25	578.0	105.2	153 (14.7)	61	588.1	101.7	33.1(A), 20.1(B), 53.2(T) (32.3)
26	579.0	105.8	153 (14.7)	62	821.0	145.2	18.9 (13.4)
27	563.1	97.5	23.8(A), 21.2(C), 44.8(T) (44.4)	63	862.5	123.2	16.9 (13.4)
28	582.6	106.0	151 (14.3)	64	607.2	112.0	15.3 (13.7)
29	961.4	123.6	231 (18.1)	CL 27	7622.4	382.6	51.7(A), 73.4(B), 105.1(T) (45.5)
30	1890.4	177.6	49.0(A), 37.4(C), 86.8(T) (48.8)	ML 23	13419.9	392.7	17.7 (11.8)
31	585.3	117.0	153 (13.3)	ML 24	17167.9	648.9	65.5 (15.1)
32	755.3	121.3	153 (12.8)	ML 25	34059.9	773.4	234.2 (20.9)
33	866.8	128.5	202 (16.1)	ML 26	4708.8	234.4	104.2 (33.0)
34	1104.9	154.1	30.8(A), 19.5(B), 45.3(T) (30.2)	ML 27	4398.2	270.3	27.4 (15.1)
35	925.4	141.8	27.5(A), 15.4(B), 45.7(T) (30.1)	FSP	2402.8	294.2	138.6 (47.1)
36	972.0	140.2	23.3(A), 15.4(B), 36.9(T) (27.8)	GREENSPACE	1433.6	283.0	139.2 (49.2)

*ML = Multi Lot, CL = Commercial Lot, A = Penrith Road A, B = Road B, C = Kendall Ave, D = Road D, E = Beaumont Cres, F = Lindale Ave, T = Total, FSP = Fair House Park

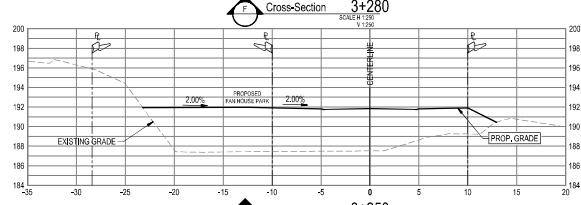
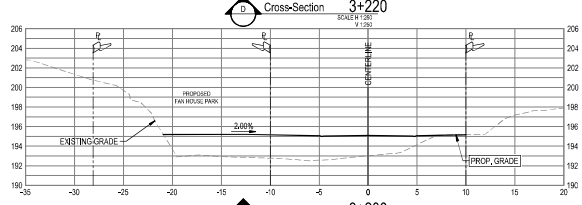
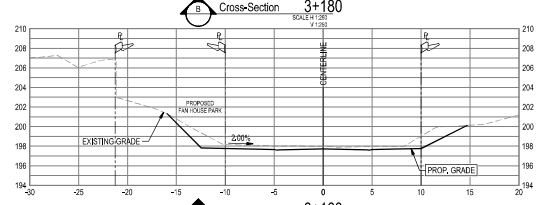
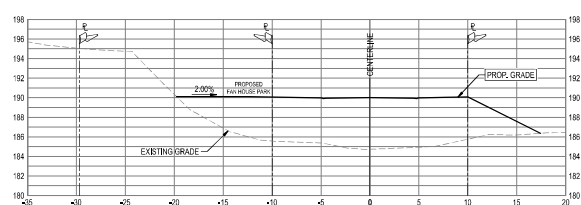
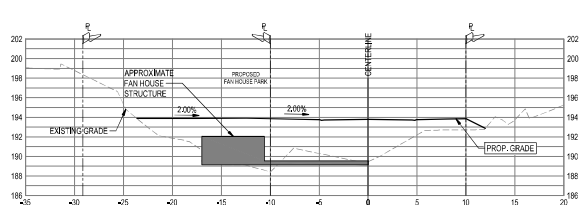
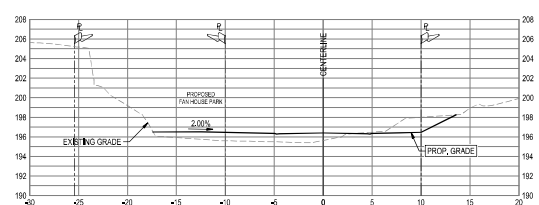
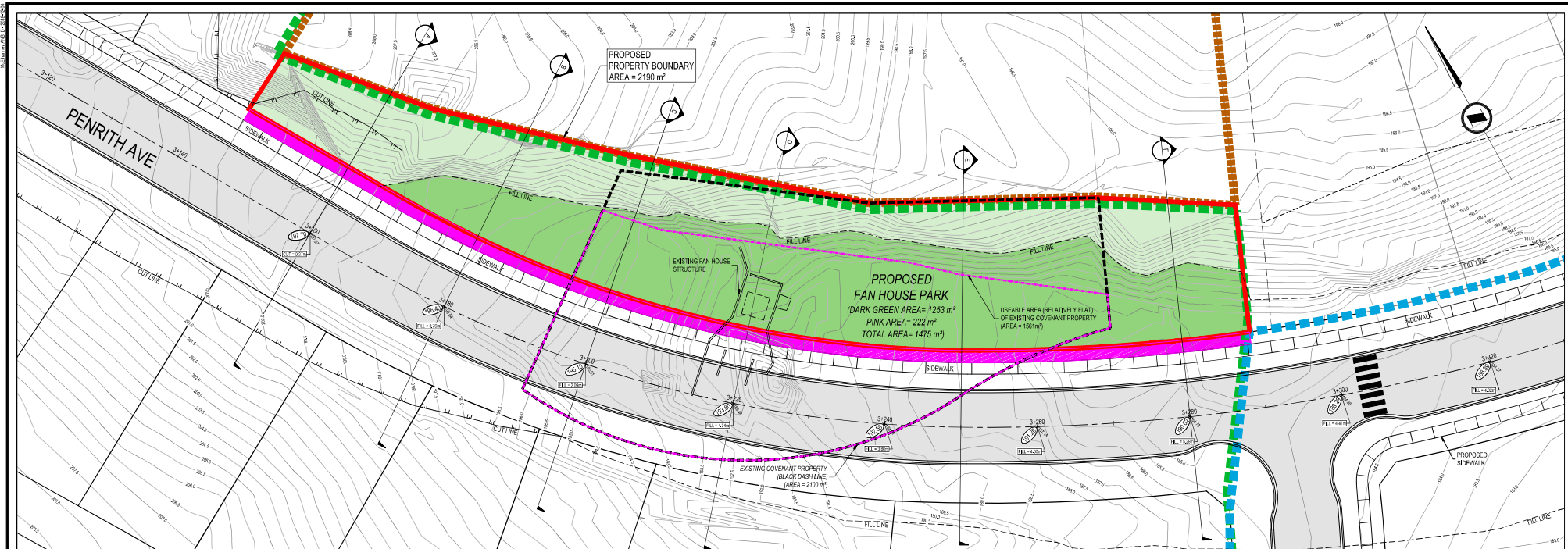


REVISION: April 1st 2022
 Previous Lots 29 - 42 reconfigured to three lots and greenspace
 Previous Lots 18, 19, 23 - 26, 30, 34, 54, 55, 57 - 59, ML 23 - 24, and ML 32 - 33 reconfigured
 Lots renumbered
 Trail, ROW, and cul de sacs added

Reviewed
 colin burridge
 LHRKSP
 C. Burridge, BCLS, CLS, P. Eng

COAL VALLEY ESTATES LTD.
 CUMBERLAND, BC
COAL VALLEY SUBDIVISION
 MU. D. L. 24, NELSON DISTRICT,
 PHASE 11 CONCEPTUAL LOT LAYOUT
 CUMBERLAND, BC

JEA J.E. ANDERSON & ASSOCIATES
 SUPERVISORS - ENGINEERS
 10000 - 100th Street, Vancouver, BC V5P 1G2
 PHONE: 604-271-4877 FAX: 604-271-9722



5	2018-10-09	PARK AREA ADJUSTMENT	MR	-	CD
4	2018-10-04	PARK AREA ADJUSTMENT	MR	-	CD
3	2018-07-12	ISSUED FOR DISCUSSION	MR	-	CD
2	2018-02-08	ISSUED FOR DISCUSSION	SJR	-	CD
1	2018-10-04	FOR DISCUSSION	GC	-	CD
0	2018-05-19	ISSUED FOR INFORMATION	GC	-	CD
Rev	Date	Description	Drawn	Design	App'd

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PROFESSIONAL ENGINEER (P.E.) MCGILLWATSON INC. 1400 WESTERN AVENUE, SUITE 100, VANCOUVER, BC V6V 1C6, CANADA. TEL: 604-271-1111. FAX: 604-271-1112. WWW.MCGILLWATSON.COM

McElhannay

1211 Ren Road
Courtenay BC
Canada V9N 8P6
250.333.9469

Scale: 1:1250
Horizontal Scale: 1:1250
Vertical Scale: 1:1250

COAL VALLEY ESTATES
CUMBERLAND, B.C.

COAL VALLEY SUBDIVISION
FAN HOUSE
PROPOSED PARK AREA

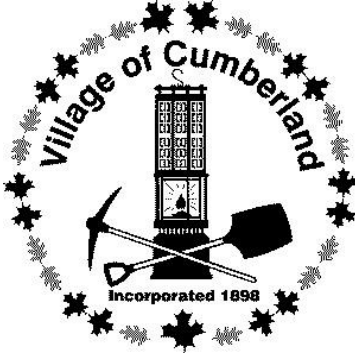
PHASE 3
CUMBERLAND, B.C.

Drawing No. **SK-004**

Project Number **2211-46781-C14**

Rev. **5**

COUNCIL REPORT



REPORT DATE: April 28, 2023
MEETING DATE: May 8, 2023

File No. 1850-03

TO: Mayor and Councillors
FROM: Rachel Parker, Corporate Officer
SUBJECT: 2023 Community Grant Program Applications

RECOMMENDATION

- i. THAT Council allocate 2023 Community Grant Program funding.
- ii. THAT Council refer the Beaufort Family Health Society community grant application to staff to explore other funding options.

PURPOSE

The purpose of this report is to present applications for community grant funding to allow Council to determine funding allocation under the program.

PREVIOUS COUNCIL DIRECTION

Mar 13 2023	THAT Council direct staff to write a letter to Dawn to Dawn Action on Homelessness Society regarding Gukwās sa Wagalus – Rainbow House outlining the Village’s property tax exemption policy, providing information on the Village’s community grant program, and offering support for applications for senior government funding.
Feb 27 2023	THAT Council add the following to the Community Grant Program Guidelines: <ul style="list-style-type: none"> · The program has one annual intake and organizations will have a higher chance of funding success if applications are submitted at the time of the intake. · The program budget may be allocated entirely at the time of consideration of applications submitted as part of the annual intake. · Funding will be distributed based on alignment with Village strategic priorities. Requests that do not align with these priorities are unlikely to be funded.
Feb 27 2023	THAT Council remove the third and fourth requirement for supporting financial documentation from the Community Grant Program application:

	<ul style="list-style-type: none"> · The organization’s projected budget for the current calendar or fiscal year, together with comparatives for the previous year · A separate and detailed breakdown of any capital expenditures included in the projected budget, if applicable
Feb 27 2023	THAT Council refer the Comox Valley Community Health Network to the Village of Cumberland Community Grant Program to apply for funding for Phase 3 of the Comox Valley Substance Use Strategy.
Feb 13 2023	THAT Council direct staff to bring forward a report on funding options for the Beaufort Family Health Society through conditional grant, service agreement, or permissive tax exemption.
Mar 14 2022	THAT Council allocate 2022 Community Grant Program funding at 70% to the three applicants and remaining money sit in the host community fund for late requests: Comox Bay Care Society: \$4,900 Cumberland and District Historical Society: \$1,400 Weird Church: \$2,100

BACKGROUND

The Community Grant Program aims to provide a limited amount of funding for one-time special projects and seed funding to community organizations to provide social, cultural, recreational and environmental services that benefit the residents of Cumberland. Special events held primarily for residents are eligible.

Proposed programs must further the Village’s 2020-2023 strategic priorities, including arts and music, affordable housing, food security, climate change mitigation and adaptation, and the development of new community services.

2023 Applications

The Village received four funding applications by the April 11, 2023 deadline. Two applications were received after the deadline. The Council has a \$10,000 budget for funding allocations in 2023. A summary of applications is provided below. Full applications have been provided to Council in a separate package.

	Applicant	Type	Project	Request	Minimum Request
1.	Beaufort Family Health Society	Seed funding	Start up costs for primary care clinic	\$10000	\$2500
2.	Comox Valley Community Health Network	One time project	Seed funding for Comox Valley Substance Use Strategy Phase Three	\$10000	\$0

4.	Cumberland Culture and Arts Society	One time project	Youth Song Writing and Performance Camp	\$2000	\$2000
Total				\$22,000	\$4,500

Council may consider grant funding allocations based on any factors, including how the application meets the criteria of the program, including alignment with Council’s strategic priorities. Applicants are asked to provide the minimum amount of funding required for the project to proceed as funds are often more than budget available. The Program Guidelines are attached to this report.

Beaufort Family Health Society

In January 2023, Council received a delegation from the Beaufort Family Health Society requesting assistance with funding shortfall for start up costs for a new primary care clinic. Council have directed staff to bring forward a report on funding options that is expected to be presented to Council at its May 29, 2023 Council meeting. Staff are recommending that the Society’s application under the community grant program be referred back to staff to be considered as part of this upcoming report rather than be funded from the community grant program.

Comox Valley Community Health Network

The Village provided the Comox Valley Community Health Network with \$10,000 in funding in 2021 for Phase 2 of the Substance Use Strategy from the COVID-19 Restart funds provided by the Province. As indicated in the application, funding will be received from the CVRD general administration fund for Phase 3. The Village is a municipal participant in the CVRD General Administration service and contributes to that service through requisition.

Late and/or Ineligible Applications

	Applicant	Type	Project	Request	Minimum Request
1.	Cumberland Business Association	One time project	Art mural project	\$5000	\$2000
2.	1 st Cumberland Scouts	One time project	Cultural Event in South Korea	\$4800	\$800
3.	LUSH Valley Food Action Society	One time project	Honey bee workshops	\$2640	\$1590

Cumberland Business Association

The Cumberland Business Association application is for an art installation on private property in the Historic Village Commercial Core. Applications for public art on private property were not specifically contemplated in the community grant guidelines and the project is not ineligible under the guidelines. Staff are providing some information to Council on Village requirements in regard to public art.

Exterior building alterations within the Historic Village Commercial Core require a heritage alteration permit, however public art approved by Council is exempt from this requirement. Council would need to approve the mural design. The proposed new Fees Bylaw amendment (currently at third reading) includes a new fee of \$500 for “development related report requiring a Council decision” that would apply to the required Council report regarding proposed mural design, adding costs to the project likely not contemplated by the applicant. Also, if funding is approved, staff recommend that the property owner be required to enter into an agreement with the Village to maintain the mural as public art for a certain period of time.

It is noted that at the time this report was prepared, the applicant had not confirmed in the application that they will not re-allocate funding directly to individuals, businesses or another organization; and this is not permitted in the guidelines. The application was also not signed by a Cumberland Business Association representative. Therefore the application does not meet the guidelines for eligibility.

1ST Cumberland Scouts

Council’s guidelines set out that applications must be received on the prescribed form by the annual deadline date and that applications received after the deadline date will not be considered. The 1st Cumberland Scouts application was received after the application deadline.

LUSH Valley Food Action Society

The LUSH Valley application was also received after the application deadline.

In the application, the Society proposes to house beehives on a property owned by the Village of Cumberland. However, the Zoning Bylaw permits rooftop beekeeping in the VCMU-1 zone only as part of market gardens, i.e. commercial growing and harvesting that contributes to the production of horticultural product for on-site agriculture or on-site sales. Staff have discussed the application with LUSH Valley staff who are seeking another suitable site for the housing of beehives. LUSH Valley noted that the education component program could take place in the fall, rather than this spring as proposed.

2022 Grants and Reporting

Council approved three grants in 2022, and all three are completed and final reports have been received.

Also in 2022, the Royal Canadian Legion Branch 76 requested an extension for its 2021 grant of \$2,100 for a regional research project on unhoused veterans, however the Village was advised that the project did not proceed. The cheque was issued but not cashed by the applicant.

	Applicant	Project	Grant	Final Report
1.	Comox Bay Care Society	Care-A-Van Health Promotional Teaching Monthly Pop Ups	\$4,900	Yes
2.	Cumberland and District Historical Society	Cumberland Museum Monthly Family Days	\$1,400	Yes
4.	Weird Church	Truth and Reconciliation Discussion Forum	\$2,100	Yes

STRATEGIC OBJECTIVE

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

FINANCIAL IMPLICATIONS

Council has provided a budget of \$10,000 annually from host community funds provided by the CVRD to mitigate impacts of hosting the waste management centre in the Village for the Community Grant program in its five year financial plan. The CVRD host community agreement has a 20 year term, expiring in 2032.

The Village also provides support for community-based services through long term service agreements with service organizations for operating funding in the amount of \$67,000 in 2022. These agreements expire in 2023. Council also provides facilities at no charge to the Cumberland Museum and Archives and the Coal Hills BMX Club.

OPERATIONAL IMPLICATIONS

Operating the Community Grant Program requires administrative and financial staff support, which is part of core staff duties.

ATTACHMENTS

1. Community Grant Program Guidelines

Note: Applications are provided to Council in a separate package.

CONCURRENCE

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

Kevin McPhedran, Manager of Parks and Recreation **KM**

Annie Bérard, Chief Financial Officer **AB**

Respectfully submitted,

R. Parker

Rachel Parker
Corporate Officer

M. Mason

Michelle Mason
Chief Administrative Officer



Corporation of the Village of Cumberland

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P.O. Box 340
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File No. 1850-03
March 2023

Community Grant Program Guidelines

Special one-time projects and seed funding

The purpose of the Community Grant Program is to provide a limited amount of funding to assist community organizations to provide social, cultural, recreational and environmental services that benefit the residents of Cumberland.

A. Eligibility Guidelines

1. Applications will be accepted for a minimum of \$2000 in funding for community projects or services that further the Village's strategic priorities and objectives, including:
 - Healthy and accessible community
 - Attainable housing
 - Diverse recreation, arts and culture opportunities
 - Food security
 - Child care space creation
 - Climate change mitigation and adaptation
 - Protection and enhancement of the natural environment

Applications will only be accepted for

- (a) a one-time special project or service,
- (b) seed operating funding to assist with initial operations and establishing revenue sources for a new project or service, and
- (c) a one-time special event or seed funding for a new special event provided that it is a community event held primarily for Cumberland residents.

Please contact the Economic Development Officer at the Village office for information on support for economic development, businesses, and tourism initiatives. Please contact the Cumberland Events Society for support for special events.

For more information on the Village's priorities and strategic objectives, view Council's *Strategic Priorities 2020-2023* at cumberland.ca.

2. The applicant must:
 - Be a not-for-profit society or not-for-profit organization
 - Provide services to Cumberland residents or provide other direct benefit to the Cumberland community.
 - Demonstrate financial need
 - Show how the service or project furthers the priorities and strategic objectives of the Village of Cumberland.
 - For a seed operating funding, provide information on future revenue generation for ongoing operations.

3. Applications will not be accepted:
 - From an organization which has not complied with conditions of a previous grant
 - From an organization whose sole purpose is fundraising
 - From an organization that re-allocates or donates funding directly to individuals, businesses or other organizations
 - For a project or service that duplicates a municipal service without a partnering agreement with the Village of Cumberland
 - From sports organizations for competition or travel expenses

B. Application Process

1. The program has one annual intake and organizations will have a higher chance of funding success if applications are submitted at the time of the intake.
2. Completed applications must be received on the prescribed form by the annual deadline date. Incomplete or applications received after the deadline date will not be considered.
3. Applications will be evaluated on the information provided in the application.
4. Applications meeting eligibility and mandatory criteria will be provided to Council for consideration. Grant awards will be determined by Council at a public Council meeting. There is no opportunity for applicants to address Council at this meeting.
5. Approved grant funding will be disbursed in July each year.

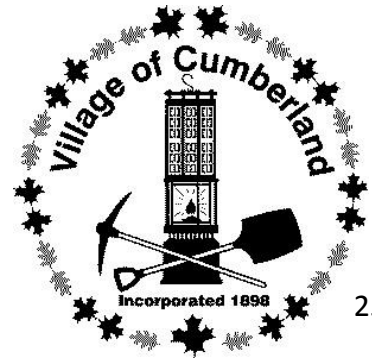
C. Grant Awards and Annual Program Budget

1. The program budget may be allocated entirely at the time of consideration of applications submitted as part of the annual intake.
2. Funding will be distributed based on alignment with Village strategic priorities. Requests that do not align with these priorities are unlikely to be funded.
3. Grant program funding will be allocated by Council within the available budget. No additional budgeted funds will be added to meet the demands of the applications.
4. Partial grants may be awarded at Council's discretion.
5. Grants must be spent in the year awarded and/or the following year.

D. Conditions of Funding

1. The organization must recognize the Village of Cumberland as a funder in all publications.
2. Funds must be used for the purpose for which they were requested. If circumstances change and the organization cannot meet its commitments or the project cannot be completed, the grant must be returned to the Village.
3. The organization must report to the Village of Cumberland how the grant was spent by January 31 in the following year using the form provided. The report must include a narrative summary, attendance figures, an evaluation of the impact on and benefits received by the community, and a statement of actual revenue and expenses following the completion of the project or activities.

COUNCIL REPORT



250

REPORT DATE: April 25, 2023
MEETING DATE: May 8, 2023

File No.

TO: Mayor and Councillors
FROM: Kaelin Chambers, Economic Development Officer
SUBJECT: Elevate the Arts – Community Arts and Culture Event Contract

RECOMMENDATION

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

PURPOSE

The purpose of this report is to seek Council approval to enter into Service Provider Agreements with a local non-for-profit through the MIABC Associate Member Program to provide insurance coverage and manage risks associated with providing community arts and culture event services on behalf of the Village.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
April 11, 2023	THAT Council provide liability insurance for contract jump park maintenance providers through the Municipal Insurance Association associate members program and authorize the Manager of Parks and Recreation to enter into service provider agreements with jump park maintenance providers for the provision of liability insurance.
Jan 23, 2018	THAT Council provide liability insurance for contract building inspectors through the Municipal Insurance Association associate members program and authorize the Manager of Operations to enter into service provider agreements with contract building inspectors for the provision of liability insurance.
March 23, 2015	THAT Council agree to provide liability insurance for contract recreation instructors through the Municipal Insurance Association associate members program; and THAT Council authorize the Manager of Recreation to enter into service provider agreements with recreation instructors for the provision of liability insurance.

Dec 8, 2014	THAT Council enter into a service provider agreement with building inspectors for the provision of liability insurance by the Village of Cumberland.
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BACKGROUND

In March, staff Elevate the Arts Society was shortlisted as the preferred 125th Anniversary Event Management organization, with Meaghan Cursons and Vig Schulman acting as Elevates lead on the project. Elevate is a local a non-for-profit organization that provides arts and cultural programming throughout the Valley and has vast experience in managing local events in the Village and creating opportunities for the community to come together and celebrate Cumberland through arts and culture.

Staff have been working to finalize a service contract with Elevate; however, an issue has been presented that Elevate, does not carry liability insurance. Accordingly, Elevate and its representatives may be exposed to risks associated with the work if they were to enter into an agreement without Commercial Liability Insurance coverage.

Elevate does have the option of purchasing insurance coverage, but as a registered non-for-profit, it does not have the financial means or resources to maintain the required liability coverage. Incorporation of these two individuals into a business has also been discussed but the expense associated with acquiring their own insurance and becoming incorporated would likely be over \$2,000 - \$3,000, which would significantly devalue the contract’s \$12,000 total. Likewise, as the contract is being financed via grant funding for the event, it is also likely to diminish the funding/resources available to the event itself.

An alternative solution exists through the Municipal Insurance Association of BC (MIABC) Associate Member Program where the Village would enter into a Service Provider Agreement with Elevate the Arts. This would enable the Village to provide Elevate with liability insurance coverage. Local government event management is specifically identified as an eligible service under the program provided the services are being provided for, or on behalf of, the Village. This would be similar in function and administration to how recreation program instructors and camp leaders are contracted in the Recreation Department and the more recent jump park maintenance service contract.

In supporting the arts and culture event contractors via the MIA Associate Member Program, staff have also identified additional benefits and opportunities such an arrangement would provide. In addition to the 125th community event, Elevate holds a partnership agreement with the Village to provide the Summer Concert Series in the Village.

The Summer Concert Series consists of five to eight free concerts held on Thursday evenings in July and August 2023 at Cumberland Village Square. Under the terms of a draft Partnership Agreement under development, the Village provides Elevate with \$6,000 of funding to cover costs associated with producing the Summer Series. To ensure the contract value of the Partnership Agreement remains focused on implementing the event, staff recommend also including the Summer Series under MIA Program as well.

Due to the lower risk nature of the work associated with planning and implementing community events, the cost of this insurance coverage under the MIA Program is more favourable. Through the MIABC Associate member program, the insurance premium is \$250 which would be deducted from the overall contract value of the contract(s). To reduce the risk associated with the 125th and

Summer Series events, both for the contractor and to the Village, staff will require additional reporting and documentation. Village staff will also participate more actively within event planning an implementation, including inspections of any physical infrastructure such as performance stages. The Village itself is adequately insured through its existing policy.

To proceed with this insurance policy for the contractor, Council must approve entering into the service agreement by resolution. A sample Service Agreement is attached to this report.

By providing insurance to Elevate to manage Village events, and ensuring adequate reporting and monitoring work, staff believe that this is the best option for providing arts and culture event services for both of events. It also supports other potential opportunities to partner with Elevate should they arise over between now and April 2024. This route will provide the best value out of the contract and translate to more benefit being generated within these community arts and culture events.

Should Council support this approach, staff will proceed to enter into Service Provider Agreement(s), in addition to the standard Purchase Order Service Contract Elevate to cover additional terms such as invoicing and payments; more detailed scope of work; contact information, etc.

ALTERNATIVES

1. Not proceed with any action at this time, and instead direct staff to delay the 125th Event and/or the Summer Concert Series until another solution is found.

STRATEGIC OBJECTIVE

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

FINANCIAL IMPLICATIONS

The Village will be responsible for any and all deductible amounts including any claim expenses incurred. The claim deductible for liability insurance is \$5,000 per claim. The Village has an operating budget for deductibles each year.

By approving the proposed proposal and entering into a Service Provider Agreement with the contractors the Village ensures the highest value for the 125th event and Summer Concert Series contract while ensuring risk management best practices are still met. By providing insurance to the contractor, the Village is providing quality arts and culture event services in an affordable manner, and adequately covering the financial risks to the Village.

OPERATIONAL IMPLICATIONS

Village staff will have to provide more oversight of the arts and culture events and work with the selected contractors more closely to ensure that due diligence is being performed and an acceptable standard of care is being met.

CLIMATE CHANGE IMPLICATIONS

None

ATTACHMENTS

1. Sample MIABC Service Provider Agreement

CONCURRENCE

Kevin McPhedran, Manager of Parks and Recreation **KM**

Rachel Parker, Corporate Officer **RP**

Respectfully submitted,

K. Chambers

Kaelin Chambers
Economic Development Officer

M. Mason

Michelle Mason
Chief Administrative Officer



SERVICE PROVIDER AGREEMENT

This Service Provider Agreement (the “Agreement”) is made and entered into this 18th day of April 2023 by and in between the Village of Cumberland (the “Local Government”) and Elevate the Arts (the “Service Provider”).

The Service Provider agrees to provide the following services for or on behalf of the Local Government per the language in the Purchase Order Contract #455517

- Community arts and culture event management services
- ✓ The Service Provider has not caused or contributed to any insured or uninsured losses in the past 5 years.
- ✓ The term of the Agreement is from the 18th day of April 2023 and the 30th day of April, 2024.
- ✓ As the Service Provider may attract errors and omissions claims, the Local Government agrees to maintain commercial general liability coverage from the MIABC beyond the termination of the Agreement, specifically until the 30th day of April 2024.

While providing the agreed service, the Service Provider agrees to comply with: all applicable laws, rules and regulations; the practices, procedures and policies of the Local Government; and any special instructions given to the Service Provider by representative(s) of the Local Government. By entering into this agreement, the Service Provider confirms they have the necessary training, experience and knowledge to provide the services as set out above.

The Local Government agrees to obtain commercial general liability and errors and omissions insurance coverage from the Municipal Insurance Association of British Columbia (MIABC) naming the Service Provider as an Additional Named Insured entitled to full coverage in the amount of \$5,000,000 with respect to third party liability claims arising from the provision of the agreed service. The Service Provider agrees to carry its own statutory worker’s compensation insurance and automobile liability insurance, if appropriate.

The Service Provider agrees to indemnify, defend and hold harmless the Local Government, its agents, servants, employees, trustees, officers and representatives from any liability, loss or damage which the Local Government may suffer as a result of any claims, demands, costs, actions, causes of actions, or judgments, including legal fees, asserted against or incurred by the Local Government arising out of, during, or as a result of the provision of services outlined in the Agreement except such liability, loss, or damage which is the result of, or arising out of, the sole negligence of the Local Government or that is covered by the MIABC liability insurance policy.

- ✓ The Local Government agrees to be responsible for any and all deductible amounts including any claim expenses incurred and policy premium payments.

The Local Government reserves the right to terminate this Agreement and the associated commercial general liability insurance coverage provided to the Service Provider by the MIABC at any time upon written notification to the Service Provider of the termination.

ON BEHALF OF <LOCAL GOVERNMENT>

Name:

Title:

Signature:

Date:

ON BEHALF OF <SERVICE PROVIDER>

Name:

Title:

Signature:

Date:

COUNCIL REPORT



REPORT DATE: April 26, 2023
MEETING DATE: May 8, 2023

File No. 8300

TO: Mayor and Councillors
FROM: Rob Crisfield, Manager of Operations
SUBJECT: Transportation Master Plan Update

RECOMMENDATION

THAT Council receive the Transportation Master Plan Update report for information.

PURPOSE

Update Council on the Transportation Master Plan process for 2023 including work that has been completed to date.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
	None

BACKGROUND

Work has been occurring in the background on the Transportation Master Plan (TMP) including the following:

- Review of applicable legislation and related plans and studies
- Traffic count data (multimodal)
- Developed a draft public engagement strategy
- Secured grant funding to bolster the active transportation component of the plan including public engagement for which we received an additional \$25k
- Technical working group meetings
- Update to the engagement strategy to reflect additional funding
- Technical work and cross sections for various road classifications

Moving forward, plans are now set to commence the first round of public engagement for the TMP with an Interactive & Tactile Urbanism Open House event scheduled for May 24th. This is one of various forms of engagement planned for this spring/summer, with online surveys and a stakeholder workshop still to come. Following this first round of engagement, the consulting team will return to the community to confirm what they heard through additional stakeholder engagement.

As work continues on the TMP, there are a number of key elements of the plan to be developed following the public engagement that include:

- Complete street opportunities and development
- Road network classifications
- Road cross sections
- Typical road intersection layouts
- Supplemental standards
- Implementation plan

The consultant has committed to providing presentations for Council and senior staff at key milestones. Once the timing of these opportunities is available, staff will work with the consultant to coordinate these opportunities.

The consultant has also committed through the TMP process, to explore a number of speed reduction measures including a 30 km/h speed limit policy, traffic calming measures, and a traffic calming warrant policy, which is a policy to assist staff in making decisions on whether or not traffic calming is warranted. Warrants are typically used by the larger municipalities to aid in regulatory sign installations and other traffic related items such as traffic calming.

ALTERNATIVES

1. For information

STRATEGIC OBJECTIVE

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

FINANCIAL IMPLICATIONS

None

OPERATIONAL IMPLICATIONS

None

CLIMATE CHANGE IMPLICATIONS

Through the TMP development, there will be ideas explored on how to reduce vehicle use within the community by improving active transportation facilities including walking and cycling. An active transportation network plan will be developed and form part of the TMP. This will help contribute to reducing greenhouse gas emissions in the Village.

ATTACHMENTS

None

CONCURRENCE

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

Respectfully submitted,

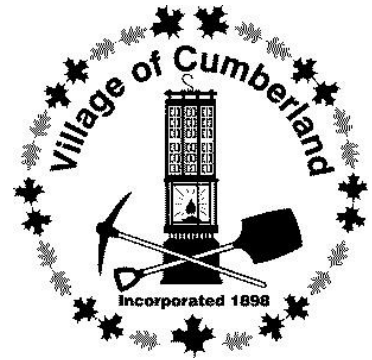
R. Crisfield

Rob Crisfield
Manager of Operations

M. Mason

Michelle Mason
Chief Administrative Officer

COUNCIL REPORT



REPORT DATE: April 26, 2023
MEETING DATE: May 8, 2023

File No. 5600-06 & 5360-10

TO: Mayor and Councillors
FROM: Rob Crisfield, Manager of Operations
SUBJECT: Comox Strathcona Waste Management Centre, DCCs and Water Connection

RECOMMENDATION

- i. THAT Council allow the Comox Strathcona Waste Management Centre on Bevan Road an additional one (1) year to connect to Village water beyond the one-year requirement contained in the Municipal Water System Regulation and Fees Bylaw 1023, to allow a review of water servicing requirements.
- ii. THAT Council instruct staff to review the newly adopted Development Cost Charges Bylaw and how it may be applied to the Comox Strathcona Waste Management Centre site on Bevan Road, and to bring back a report for discussion at a future date.

PURPOSE

Update Council on two items related to the Comox Strathcona Waste Management Centre (CSWMC).

1. Water connection requirement per the water system regulation bylaw 1023.
2. Development Cost Charge exemption request from the CVRD.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
	None

BACKGROUND

Water Connection Requirements

With a watermain now fronting the CSWMC along Bevan Road, there is a requirement in the Village Water System Regulation and Fees Bylaw (1023) to connect to this main within one year. Currently this facility is supplied water for domestic and operational purposes from three onsite ground water wells. CSWMC staff indicate these wells meet current needs, but that they need some time to consider future operations and expansion and whether or not there is capacity within their existing system or if there is a need to connect to Village water. There has also been

discussion on fire hydrant coverage which will require further analysis. Staff is seeking council support to allow the Comox Valley Regional District (CVRD) an additional year for their CSWMC staff to review future operational needs and to review budget implications, and to allow Village staff time to review fire response and fire suppression water supply. Staff will bring back a report to council in the future for discussion on outcomes of the review and a recommendation on how to proceed.

Development Cost Charges

With the recent adoption of the updated DCC bylaw, there has been some discussion with CVRD staff on how these charges would be applied to the CSWMC. Due to the nature of the land use and the fact that they are local government, there may be a need to either set special DCC rates or look at special exemptions. One of the challenging determinants in applying DCC's is "Land Utilized" and how this would apply to a landfill operation. Staff are seeking Councils direction to review this in more detail and to bring back a report with recommendations for discussion at a later date.

ALTERNATIVES

1. Apply the current regulations and not perform further review and analysis.

STRATEGIC OBJECTIVE

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

FINANCIAL IMPLICATIONS

Nothing to report at this time until further analysis has been completed on water servicing and how DCC's may impact this site. Connection to the water main on Bevan land initiates water user fee charges to properties through utility billing.

OPERATIONAL IMPLICATIONS

If Council approves the one-year extension, staff will likely need to come back at some point with an amendment to the bylaw that allows this extension. Amendment to the DCC Bylaw will require resources from Operations and Development Services staff.

CLIMATE CHANGE IMPLICATIONS

None

ATTACHMENTS

Letter from CVRD

CONCURRENCE

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

Annie Bérard, Chief Financial Officer **AB**

Respectfully submitted,

R. Crisfield

Rob Crisfield
Manager of Operations

M. Mason

Michelle Mason
Chief Administrative Officer

May 2, 2023

Sent via email only: mmason@cumberland.ca

Michelle Mason
Chief Administrative Officer
Village of Cumberland
2673 Dunsmuir Avenue
Box 340 Cumberland, BC V0R1S0

Re: Connection to Municipal Water System for 00526.178 at 3699 Bevan Road

In response to the July 12, 2022 letter mandating the compulsory connection to the Village of Cumberland (Village) municipal water system.

The Comox Strathcona Waste Management Service (Service) has invested time and money to secure three water wells licenses at the Comox Valley Waste Management property for its leachate, biosolids and landfill operations. The wells are meeting the water quality and quantity requirement for the biosolids and landfill operations and therefore, the Service does not anticipate a connection to the Village water system is required for those areas. However, there is potential water quality issues for the well servicing the leachate operation which may warrant a connection. As such, the Service would like to request an extension to the one year connection deadline for the Service to conduct the necessary water quality study to determine if a connection to the municipal water system is appropriate for the leachate operation.

Furthermore, under the newly adopted Development Cost Charges (DCC) bylaw, it was identified that the calculation for new development on the Comox Valley Waste Management property may be problematic due to how the area of site utilized is currently determined. In consideration of the Comox Strathcona Waste Management's unique land use, the Service would like to request a letter of understanding with the Village to clarify that DCCs will not be charged to the Service based on site area already utilized and to affirm that DCCs will only be applied to future developments.

Thank you for your consideration of these two requests.

Sincerely,

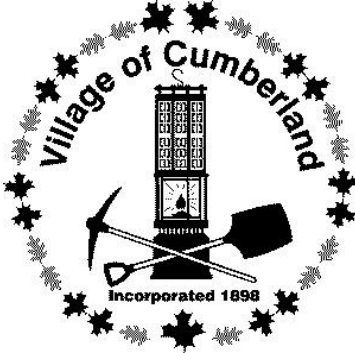


James Warren
Deputy Chief Administrative Officer

cc: Courtney Simpson, Manager of Development Services, Village of Cumberland
Marc Rutten, General Manager of Engineering Services
Vivian Schau, Senior Manager of CSWM Services

The Comox Strathcona Waste Management service area is located in the Coast Salish, Kwakwaka'wakw, and Nuu-chah-nulth territories.

COUNCIL REPORT



REPORT DATE: May 1, 2023
MEETING DATE: May 8, 2023

File No. 0530-05

TO: Mayor and Councillors
FROM: Rachel Parker, Corporate Officer
SUBJECT: Council Code of Responsible Conduct

RECOMMENDATION

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

PURPOSE

The purpose of this report is to seek Council decision on an update to its code of responsible conduct.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
Jan 28, 2019	THAT Council approve the Code of Responsible Conduct as presented.

BACKGROUND

In 2017, the Union of BC Municipalities created a Working Group on Responsible Conduct as a joint initiative between the UBCM, LGMA and the Ministry of Municipal Affairs and housing to undertake collaborative research and policy work around issues of responsible conduct of local government officials. This was in response to concerns about questionable conduct and the possible trend of diminishing responsible conduct in BC’s local government system. Council adopted the UBCM model code of conduct in January 2019. This code sets out the expectation of elected officials in their relationships with other Council members, staff and the public and is based on the principles of integrity, respect, accountability, and leadership and collaboration.

The *Community Charter* now requires councils to decide whether to review its code of conduct within six months following a general local election. Before making this decision, Council must consider the following principles prescribed by the Principles for Codes of Conduct Regulation:

- council members must carry out their duties with integrity,
- council members are accountable for the decisions that they make, and the actions that they take, in the course of their duties,
- council members must be respectful of others,
- council members must demonstrate leadership and collaboration.

If Council decides not to review its code of conduct, it must make a statement respecting the reasons for its decision and make that statement available to the public.

New Model Code of Conduct

The model code of conduct has been updated since Council adopted its code of conduct in 2019. The Working Group on Responsible Conduct (joint initiative between UBCM, Local Government Management Association, and the Ministry of Municipal Affairs) that updated the model code also suggests additional policies that could be included in the code of conduct, including policies about communications, personal interaction, how information is handled, and other matters.

If Council decides to update its code, staff recommend that resources be allocated during the 2024 budget development. Council may benefit by a third party consultant working with Council members on expectations, objectives and the process to update its code, and training and education. Alternatively, Council may direct that staff draft a code based on the updated model and present to Council for consideration.

ALTERNATIVES

1. If Council wishes more time to discuss, Council may direct that a discussion on updating the code of conduct be deferred to an upcoming Committee of the Whole meeting.
2. Not proceed with any action at this time.

STRATEGIC OBJECTIVE

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

FINANCIAL IMPLICATIONS

There is no financial implication to decide whether to update the code of conduct. Resources to facilitate any review may be considered at 2024 budget deliberations.

OPERATIONAL IMPLICATIONS

Staff support is necessary to make arrangements for a third party facilitator or to draft an updated code of conduct.

CLIMATE CHANGE IMPLICATIONS

None

ATTACHMENTS

1. Village of Cumberland Code of Responsible Conduct, January 28, 2019
2. Model Code of Conduct, October 2022

CONCURRENCE

None

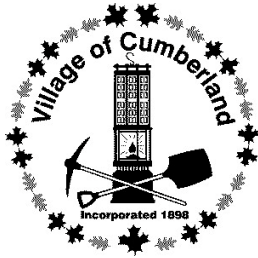
Respectfully submitted,

R. Parker

Rachel Parker
Corporate Officer

M. Mason

Michelle Mason
Chief Administrative Officer



Corporation of the Village of Cumberland

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File No. 0530-05
January 28, 2019

Code of Responsible Conduct

As local elected representatives, we recognize that responsible conduct is essential to providing good governance for the Village of Cumberland.

We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

1. How to Apply and Interpret this Code of Conduct

This Code of Conduct applies to the members of Council of the Village of Cumberland. It is each member's individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other members, staff, and the public.

Elected officials must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the local government, the common law and any other legal obligations which apply to members individually or as a collective council or board.

2. Foundational Principles and Standards of Responsible Conduct

These four principles, in conjunction with the key standards of conduct, can be used as a guide for elected officials against which to assess their own conduct.

2.1 **Integrity** means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.

Integrity is demonstrated by the following conduct:

- Members will be truthful, honest, and open in all dealings, including those with other members, staff and the public.
- Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by the council.

- Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
- Members will behave in a manner that promotes public confidence in all of their dealings.

2.2 **Respect** means having due regard for others' perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.

Respect is demonstrated through the following conduct:

- Members will treat every person with dignity, understanding, and respect.
- Members will show consideration for every person's values, beliefs, and contributions to discussions.
- Members will demonstrate awareness of their own conduct, and consider how their words or actions may be perceived as offensive or demeaning.
- Members will not engage in behaviour that is indecent, insulting or abusive. This behaviour includes unwanted physical contact, or other aggressive actions that may cause any person harm or makes them feel threatened.

2.3 **Accountability** means an obligation and willingness to accept responsibility or to account for ones actions. Conduct under this principle is demonstrated when council members, individually and collectively, accept responsibility for their actions and decisions.

Accountability is demonstrated through the following conduct:

- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective council.
- Members will listen to and consider the opinions and needs of the community in all decision making, and allow for appropriate opportunities for discourse and feedback.
- Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.

2.4 **Leadership and Collaboration** means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a council member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

Leadership and collaboration is demonstrated through the following conduct:

- Members will behave in a manner that builds public trust and confidence in the local government.
- Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of a decision, but once a decision has been made, all members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.
- As leaders of their communities, members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
- Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, staff, and the public.
- Members will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.

3. Recognition and Distribution

To support a culture of responsible conduct, this Code of Conduct will be included in Council's annual report, and will be provided to new members of Council and new members of working and advisory committees and commissions. This Code of Conduct will also be published on the municipal website.

MODEL CODE OF CONDUCT

Getting Started on a Code of Conduct for Your Council / Board

Produced by the Working Group on Responsible Conduct

Updated in October 2022



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The Working Group on Responsible Conduct is a joint initiative between the Union of BC Municipalities, the Local Government Management Association, and the Ministry of Municipal Affairs. The Group was formed to undertake collaborative research and policy work around issues of responsible conduct of local government elected officials.

INTRODUCTION & EXPLANATORY NOTES

What is a code of conduct?

- A code of conduct is a written document that sets shared expectations for conduct or behaviour. A local government council or board can adopt a code of conduct to establish shared expectations for how members should conduct themselves while carrying out their responsibilities and in their work as a collective decision-making body for their community.
- Responsible conduct of elected officials is not optional; it is essential to good governance. Responsible conduct refers to how government elected officials conduct themselves with their elected colleagues, with staff, and with the public. It is grounded in conducting oneself according to principles such as integrity, accountability, respect, and leadership and collaboration.
- A code of conduct is one tool that can be used by a local government council or board to promote or further responsible conduct. See the [Forging the Path to Responsible Conduct in Your Local Government](#) guide for complementary tools.

What is the purpose of this document?

- The purpose of this document is to provide local government council or board members with a model code of conduct which establishes a set of principles and general standards of conduct that can be used as a starting point to develop their own code of conduct.
- This model code of conduct may also be useful for councils or boards who already have a code of conduct in place but are required to consider updating their code following the 2022 general local elections.
- The Working Group on Responsible Conduct has also developed a “Companion Guide” to accompany this document that provides discussion questions, things to keep in mind, and other tips to facilitate a council or board’s conversation in developing a code of conduct.
- The general standards of conduct set out in this model code of conduct reflect the foundational principles of integrity, respect, accountability, and leadership and collaboration. Local governments are required to reflect on these principles when considering whether to establish or update a code of conduct.
- Councils or boards may choose to customize and expand on the general standards of conduct provided in this model code of conduct by:
 - Adding examples of specific behaviours or other details to further elaborate on the standards of conduct that are provided;
 - Including additional standards of conduct that address topics of importance to the council or board and which are not directly dealt with by the standards of conduct already provided;
 - Including additional provisions in the code of conduct to support compliance or to cover informal resolution processes, formal enforcement processes such as complaints investigation and final resolution, and sanctions; and/or

- Incorporating, referencing or attaching other policies that are generally related to responsible conduct (such as social media policies), where a council or board feels it is appropriate.

What are some considerations in developing and using a code of conduct?

- In developing a code of conduct, council or board members should consider not just the content of the code of conduct, but also how to make it meaningful for members, both as individuals and as a collective decision-making body. While there is no ‘right’ way to develop and use a code of conduct, councils or boards should consider the following to maximize the effectiveness of their code of conduct:

- *Don’t overlook the importance of the process when developing and adopting a code of conduct:* How a code of conduct is developed and adopted matters; providing opportunities for council or board members to discuss not just the “what” but also the “why” of a code of conduct will help ensure its effectiveness.

To start with, understanding the context for developing and adopting a code of conduct is important – is the council or board being proactive or have there been particular incidents of concern; does the council or board need to consider its collective “blind spots”, such as identifying and airing subconscious assumptions or systemic barriers? Discussing the language and content of the code of conduct and how it can best be customized to meet the needs of the council or board and individual members is also important. Discussing shared expectations as a part of the orientation process for newly elected officials or including the code of conduct as an outcome of a strategic planning process (with dedicated follow-up opportunities for development) could be good ways of ensuring a code of conduct is adopted in a meaningful way.

- *Make the code of conduct meaningful:* Finding ways to integrate the code of conduct into the council or board’s ongoing governance will help ensure that it remains a relevant and effective living document. For instance, some councils or boards may choose to refer to the code of conduct at every meeting; others may have a copy included in every agenda package or framed on the wall in the meeting room or placed on the desk of each elected official as a regular point of reference.
- *Make sure the code of conduct is consistent with existing laws and policies:* Council or board members may include a variety of topics in their code of conduct. Where existing laws or policies deal with topics they choose to include in their code of conduct (i.e., privacy legislation; Human Resources policies; etc.), they must ensure that their code of conduct is consistent with those laws and policies.
- *Offer ongoing advice, education, and support:* A council or board will also want to consider how members can best be supported in working with their code of conduct. This could include, for example, general education around the purpose of codes of conduct, opportunities for members to receive specific advice on how the code of conduct should be interpreted and applied, as well as other ongoing opportunities for support and education – for example, orientation when new members join the council or board or regular debriefings following council or board meetings to discuss how effectively the code of conduct guided the discussion.
- *Revisit it regularly:* Council or board members should approach their code of conduct as a living document to be reviewed and amended from time to time, to ensure that it remains a relevant and

effective tool. At a minimum, councils and boards are required to consider updating their code of conduct following a general local election; however, it is encouraged that councils and board review it more often than once per term.

MODEL CODE OF CONDUCT ¹

A. INTRODUCTION

As local elected representatives (“members”), we recognize that responsible conduct is essential to providing good governance for the [city / municipality / regional district / district] of [name of local government].

We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

B. HOW TO APPLY AND INTERPRET THIS CODE OF CONDUCT

This code of conduct applies to the members of [city / municipality / regional district / district] of [name of local government]. It is each member’s individual responsibility to uphold both the letter and the spirit of this code of conduct in their dealings with other members, staff, and the public.

Elected officials must conduct themselves in accordance with the law. This code of conduct is intended to be developed, interpreted and applied by members in a manner that is consistent with all applicable federal and provincial laws, as well as the bylaws and policies of the local government, the common law and any other legal obligations which apply to members individually or as a collective council or board.

¹ Some sections of this code of conduct include additional information in a shaded box. This information is for guidance and context only and is not intended to be included in a local government’s code of conduct.

C. FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

Information about the Foundational Principles:

The foundational principles of integrity, respect, accountability and leadership and collaboration have been identified by the Working Group on Responsible Conduct as being important to promoting and furthering responsible conduct and should be incorporated into every code of conduct.

A high-level definition of each foundational principle, along with a general description of the type of conduct that upholds each principle, is provided below. These principles are intended to provide members with a shared understanding of responsible conduct and guide them in fulfilling their roles and responsibilities both as individual elected officials and as a collective council or board. Key standards of conduct are set out in subsequent sections of this model code of conduct to provide specific examples of the types of conduct that demonstrate the foundational principles.

These four principles, in conjunction with the key standards of conduct, can be used as a guide for elected officials against which to assess their own conduct.

1. **Integrity** – means conducting oneself honestly and ethically.
2. **Respect** – means valuing the perspectives, wishes, and rights of others.
3. **Accountability** – means an obligation and willingness to accept responsibility or to account for one’s actions.
4. **Leadership and Collaboration** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts.

D. OPTIONAL: VALUE STATEMENTS

Information about including Value Statements:

A council or board may wish to customize their code of conduct to include ‘value statements’. These are high-level statements that identify the values that the council or board consider important and feels should be included for context in their code of conduct.

A council or board may find the “Companion Guide” to this code of conduct useful as they consider how ‘value statements’ may be incorporated into their own code of conduct.

E. STANDARDS OF CONDUCT

Information about the Standards of Conduct:

The following section provides general standards of conduct that reflect the foundational principles identified above. A council or board can customize their code of conduct by including additional standards of conduct, or by expanding on existing standards of conduct to more clearly demonstrate how a member can exemplify responsible conduct.

A council or board may find the “Companion Guide” to this code of conduct useful as they consider how these general standards of conduct may be customized to best fit their needs.

Integrity: Integrity is demonstrated by the following conduct:

- Members will be open and truthful in all local government dealings, while protecting confidentiality where necessary.
- Members will behave in a manner that promotes public confidence, including actively avoiding any perceptions of conflicts of interest, improper use of office, or unethical conduct.
- Members will act in the best interest of the public and community.
- Members will ensure actions are consistent with the shared principles, values, policies, and bylaws collectively agreed to by the council or board.
- Members will demonstrate the same ethical principles during both meetings that are open and closed to the public.
- Members will express sincerity when correcting or apologizing for any errors or mistakes made while carrying out official duties.

Respect: Respect is demonstrated through the following conduct:

- Members will treat elected officials, staff, and the public with dignity, understanding, and respect.
- Members will acknowledge that people’s beliefs, values, ideas, and contributions add diverse perspectives.
- Members will create an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as offensive or derogatory.

- Members will refrain from any form of discriminatory conduct against another elected official, staff, or the public.
- Members will honour the offices of local government and fulfill the obligations of Mayor/Chair and Councillor/Director dutifully.
- Members will recognize and value the distinct roles and responsibilities of local government staff.
- Members will call for and expect respect from the community towards elected officials and staff.
- Members will ensure that public statements and social media posts that concern other elected officials, staff, and the public are respectful.

Accountability: Accountability is demonstrated through the following conduct:

- Members will be transparent about how elected officials carry out their duties and how council conducts business.
- Members will ensure any information and decision-making processes are accessible to the public while protecting confidentiality where necessary.
- Members will correct any mistakes or errors in a timely and transparent manner.
- Members will accept and uphold that the council/board is collectively accountable for local government decisions, and that individual elected officials are responsible and accountable for their behaviour and individual decisions.
- Members will listen to and consider the opinions and needs of the community in all decision-making and allow for public discourse and feedback.
- Members will act in accordance with the law, which includes, but is not limited to, the statutes, bylaws, and policies that govern local government.

Leadership and Collaboration: Leadership and collaboration is demonstrated through the following conduct:

- Members will demonstrate behaviour that builds public confidence and trust in local government.

- Members will provide considered direction on municipal policies and support colleagues and staff to do the same.
- Members will educate colleagues and staff on the harmful impacts of discriminatory conduct, and take action to prevent this type of conduct from reoccurring if necessary
- Members will create space for open expression by others, take responsibility for one’s own actions and reactions, and accept the decisions of the majority.
- Members will advocate for shared decision-making and actively work with other elected officials, staff, the public, and other stakeholders to achieve common goals.
- Members will foster positive working relationships between elected officials, staff, and the public.
- Members will commit to building mutually beneficial working relationships with neighbouring First Nations to further advance reconciliation efforts.
- Members will positively influence others to adhere to the foundational principles of responsible conduct in all local government dealings.

F. ENCOURAGED: ENFORCEMENT MECHANISMS

Information about including Enforcement Mechanisms:

A council or board may want to include enforcement mechanisms to support compliance of their code of conduct. These mechanisms may include informal resolution, administratively fair and formal complaint processes, third-party investigators, and sanctions. Local governments are always first encouraged to focus on continuous improvement to foster responsible conduct, maintain good governance, and resolve conduct issues informally. A council or board may want to consult the “Companion Guide” and the “Forging the Path to Responsible Conduct in Your Local Government” guide for tips and resources that support the development of practical enforcement mechanisms.

G. OPTIONAL: ADDITIONAL POLICIES

Information about including Additional Policies:

A council or board may choose to include additional policies as part of their code of conduct. These additional policies may be useful in addressing matters of importance that require deeper attention or that are connected to the four foundational principles. Some examples of the types of policies that a council or board could include are provided below.

A council or board may want to consult the “Companion Guide” for tips and resources for including additional policies.

Policies About Communications

- *Use of social media by members.*
- *How members communicate as representatives of the local government.*

Policies About Personal Interaction

- *Interactions between members and others, such as the public, staff, bodies appointed by the local government, and other governments and agencies (e.g., respectful workplace policies).*
- *Roles and responsibilities of staff and elected officials.*

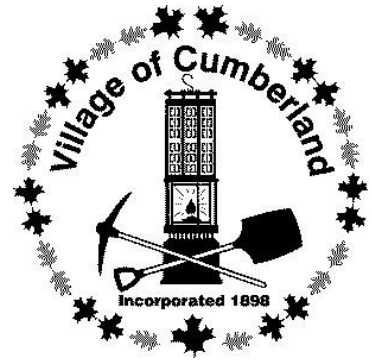
Policies About How Information is Handled

- *Proper handling and use of information, including information which is confidential or otherwise protected and is made available to members in the conduct of their responsibilities.*
- *Retention and destruction of records.*
- *How and when information that was relevant to the decision making process is made publicly available.*

Policies About Other Matters

- *Creation, use, and retention of the local government’s intellectual property.*
- *Personal use of local government resources.*
- *Receipt of gifts and personal benefits by members.*
- *Provision of remuneration, expenses, or benefits to members in relation to their duties as members.*

COUNCIL REPORT



REPORT DATE: April 27 2023
MEETING DATE: May 8 2023

File No.

TO: Mayor and Councillors
FROM: Kevin McPhedran, Manager of Parks and Recreation
SUBJECT: K'wax Dzi Dsas Welcome Poles

RECOMMENDATION

- i. THAT Council approve the temporary installation of the two K'wax Dzi Dsas welcome poles in Peace Park.
- ii. AND THAT Council approve the expenditure of up to \$40,000 to be funded through the General Asset Reserve for the installation of the welcome poles and THAT Council direct staff to bring forward an amendment to the adopted 2023-2027 Financial Plan Bylaw to reflect this expenditure.
- iii. THAT Council direct staff to research potential grant programs for funding for the carving and raising of permanent welcome poles at the Peace Park location.

PURPOSE

The purpose of this report is to present information to Council on the process and costs of installing the K'wax Dzi Dsas welcome poles at a temporary location in the Village until they can be permanently installed at the K'wax Dzi Dsas housing location; to present various options of moving the project forward pending Council's preferred budget and timelines; and to seek Council decision on next steps for raising permanent poles at that location.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
March 13 2023	That Council refer the request from Dawn to Dawn Action on Homelessness Society regarding the temporary location for the K'wax Dzi Dsas welcome poles to staff to provide a report to Council on costs and process to raise the K'wax Dzi Dsas welcome poles at a temporary location.

BACKGROUND

In February 2023, Council received a delegation from Dawn to Dawn Action on Homelessness Society (D2D) to provide an update on the two welcome poles being carved in the Village by local indigenous carvers, and to request that the Village approve and fund the temporary installation of the poles in the Village until such time as the poles can be permanently installed at the K'wax Dzi Dsas housing site.

Staff have since worked with D2D and one of the carvers – Karver Everson – to gather additional information to help inform Council on next steps. This includes:

- Confirmation that the proposal is for D2D to lend the poles to the Village from the time of proposed installation, until the K'wax Dzi Dsas housing project is at the landscaping phase (i.e. near completion of construction) and the poles can be raised at that location. The current status of the K'wax Dzi Dsas project funding is not yet confirmed; however, D2D is optimistic that the project will be funded later in 2023, leading to construction initiating in 2024, and the poles likely to be installed in 2025. However, this timeline is uncertain, and if there are any delays in the project, the poles would stay raised on Village property for longer.
- Per the delegation to Council in February, the preferred location for the poles is in Peace Park; staff have since followed up with D2D and Karver Everson to discuss various alternative options, with Peace Park remaining the preferred location due to the poles being “welcome poles” and the high exposure, traffic and visibility offered by the Peace Park location. It should be noted that Peace Park will be redeveloped into a roundabout in the coming years at the cost of the Coal Valley Estate development as triggered by a condition in their Comprehensive Development Agreement. While the timing of this project is not yet set, it is currently estimated to proceed in about 2026. At this time, should the K'wax Dzi Dsas housing project not yet be completed, the poles would need to be lowered, stored during construction, and reinstalled in the reconfigured public space, a site that will still maintain its highly visible and high traffic attributes. Some of this work can be included in the roundabout construction funded by the developer. Any additional costs outside of that scope will be presented to Council in a future budget year.
- While the poles would be loaned to the Village and the Village would not be responsible for the carving costs, D2D is requesting that the Village fund the cost of constructing the concrete foundations in which the poles would be fastened too. For the construction of these structures, staff has received a preliminary estimate from a local contractor for approximately \$30,000; the contractor was recently hired by the City of Courtenay to install a K'ómoks First Nation Guardian Pole at Courtenay Airpark in 2022, and are respected by the carvers of both the D2D welcome poles, and the Courtenay Airpark pole, for their high degree of attention and approach when in working with carved and painted poles.
- In addition to the \$30,000 construction and installation cost, staff estimate that an additional \$5000 be budgeted for structural engineer to produce a drawing of the structure and related details such as fasteners, as well as other professional fees.
- Accordingly, with contingency, staff recommend that Council allocate \$40,000 in budget should Council wish to proceed.

- Based on a project management best practices and in accordance with Council's Purchasing Management Policy, should Council wish to proceed with the project, staff would direct award the small structural engineering consulting contract as the first step. Then, once a drawing of the structure is on hand and the scope of work clearly defined, as the constructions costs are estimated to be greater than \$25,000, a competitive bidding process will be required to obtain a contractor. Based on staff availability, the estimated timeline to complete the design, tendering and construction process, and see the poles raised would be late 2023.
- However, in recognition of D2D's desire for the poles to be raised by National Indigenous Day on June 21 2023, and also acknowledging that to date D2D has only secured short term storage for the poles, an alternative option exists for Council's consideration in order to strive for a June 21 pole raising date, as follows:
 - Council may choose to grant funds to Dawn to Dawn with the condition that the grant funding be solely used for raising the poles and related expenditures.
 - Should Council wish to proceed with this option, it would be at Dawn to Dawn's discretion to determine procurement process, which may lead to an earlier installation.
 - Additionally, there is the potential to reduce overall project costs should Dawn to Dawn use a contractor with experience and knowledge in constructing the concrete bases, and if Council chooses to direct staff to enter into a waiver agreement with Dawn to Dawn and their selected contractor to proceed to construction and raise the poles without involvement and sign off of a structural engineer; staff recommend that Council only consider this as an option if its conditional on Dawn to Dawn selecting a contractor with demonstrated knowledge and recent experience in installing similar sized poles. While this would involve the Village taking on additional risk, staff view the risks to be low based on factors such as requiring the condition of the contractor to demonstrate the necessary knowledge and experience in this work; to provide a reference for a similar project; and the low probability of property or injury damage should the structure fail and the pole(s) fall within the low-foot traffic "fall zone" at Peace Park.
- Finally, given the poles are only proposed to be loaned to the Village by D2D, the longer range plan would be for the Village to commission the carving of welcome poles to be permanently raised at the Peace Park site. In order to see this vision come to fruition, staff recommend that Council direct staff to begin researching potential grant funding opportunities in support of this work.

ALTERNATIVES

1. THAT Council direct staff to conditionally grant up to \$40,000 to Dawn to Dawn Action on Homelessness Society for the sole purpose of raising two welcome poles and related costs at Peace Park; AND THAT Council direct staff to enter into a Waiver Agreement with Dawn to Dawn Action on Homelessness Society and their construction contractor acknowledging the Village has approved construction of the pole footings without structural engineering sign off on the condition that the contractor demonstrate the necessary knowledge, recent experience on a similar project, and provide a reference satisfactory to the Village from a similar recent project.

Should Council wish to proceed with this alternative option, staff would also require Council resolutions i) and ii), and potentially iii) as well.

2. Not proceed with any action at this time.

STRATEGIC OBJECTIVE

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

FINANCIAL IMPLICATIONS

Should Council approve this project, Staff recommend the funding to come from the General Village Assets Reserve, which is intended to fund major repairs, upgrades, replacement and expansion of ancillary structures and site services including municipal parks and trails, as well as mechanical equipment, Village fleet and heavy equipment and office furniture and equipment. The reserve balance at the end of 2023 is estimated to be approximately \$219,000, prior to any funding being committed to this project, which is below the minimum level of \$390,000 recommended in Council Reserve and Surplus Policy No. 3.5.

Maintenance costs and eventual replacement of the permanent totem poles and concrete foundation will have to be included in the long term financial plan with appropriate funding sources.

OPERATIONAL IMPLICATIONS

Discussions with Dawn to Dawn are currently being led by the Manager of Parks and Recreation; the project is considered to be an “emerging” one in that it was not part of staff’s overall work plan until recently. Accordingly, it is contributing to other delays in progressing other initiatives, including Council’s Strategic Priorities (including, but not limited to, parks, recreation, culture and watershed protection initiatives).

An additional operational consideration of raising the poles is the ongoing maintenance of them. Staff understand this to be resealing the poles to protect them from weather from time to time, work that is currently not budgeted.

CLIMATE CHANGE IMPLICATIONS

N/A

ATTACHMENTS

None.

CONCURRENCE

Annie Bérard, Chief Financial Officer **AB**

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

Respectfully submitted,

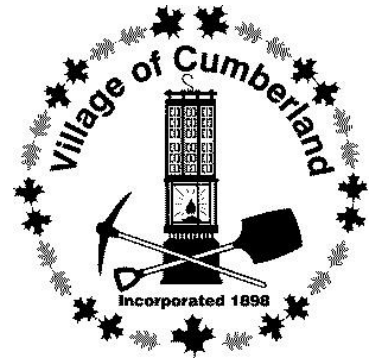
K. McPhedran

Kevin McPhedran
Manager of Parks and Recreation

M. Mason

Michelle Mason
Chief Administrative Officer

COUNCIL REPORT



REPORT DATE: April 14, 2023
MEETING DATE: May 8, 2023

File No.

TO: Mayor and Councillors
FROM: Fire Chief Mike Williamson
SUBJECT: Grant Applications for Emergency Operations Centres & Training 2023

RECOMMENDATION

1. THAT the Village of Cumberland Council approves the application made to the Union of BC Municipalities Community Emergency Preparedness Fund (Emergency Operations Centre's & Training 2023) for \$30,000 to be used in 2023-2024 to support the regional application made by the Comox Valley Regional District (primary applicant); and

THAT as a joint applicant, the Village of Cumberland Council agrees that the primary applicant will apply for, receive, and manage the UBCM CEPF EOC & Training grant funding on the Village's behalf, if successful in grant funding.

2. THAT the Village of Cumberland Council approves the application to be made to the Union of BC Municipalities Community Emergency Preparedness Fund (Public Notifications & Evacuation Route Planning 2023) for \$30,000 to be used in 2023-2024 to support the regional application made by the Comox Valley Regional District (primary applicant); and

THAT as a joint applicant, the Village of Cumberland Council agrees that the primary applicant will apply for, receive, and manage the UBCM CEPF Public Notifications & Evacuation Route Planning grant funding on the Village's behalf, if successful in grant funding.

PURPOSE

The purpose of this report is to request Council approval for two regional grant applications to UBCM lead by the Comox Valley Emergency Program (CVEP) on behalf of the Comox Valley Regional District (CVRD) and to authorize CVRD, as the primary applicant, to apply for, receive and managed the grant funding on behalf of the Village of Cumberland.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
March 27, 2023	THAT Council support the submission of a Community Emergency Preparedness Fund – Emergency Operations Centers & Training Program grant application through the Union of BC Municipalities (UBCM) for the upgrades of the Village Emergency Operations Centre for an amount of up to \$30,000
March 27, 2023	THAT Council direct staff to amend the 2023-2027 financial plan bylaw to reflect this expenditure (if grant is approved)
March 27, 2023	THAT Council support the proposed activities included in the grant application and commit to provide overall grant management.

BACKGROUND

The first grant UBCM CEPF EOC & Training Grant 2023 has been submitted by CVEP on behalf of CVRD on March 31, 2023 and revised on April 17, 2023 to include the Village of Cumberland’s request for the upgrade of the IT equipment and furniture of the Village of Cumberland Emergency Operations Centre (EOC) located at the new Cumberland Fire Hall.

Council already passed a resolution on March 27, 2023 to support a \$30,000 grant application prepared by the Village of Cumberland Protective Services department for the same request. If successful in grant funding, funds would be used towards the purchase of a new smart board, two new satellite phones, two laptop computers, new tables and chairs. Some funding would also be used for the relocation and connection of the communication antenna and purchase of identification vests for the EOC personnel. UBCM has been informed the original request is now included in the regional application and March 27, 2023 Council resolution to support the original grant will be rescinded.

The second grant UBCM CEPF Public Notifications & Evacuation Route Planning grant 2023 is currently being drafted by the CVEP and was submitted on April 28, 2023. The request is to support the co-development of collaborative regional evacuation response and efficient evacuation routes; as well as to support the regional alignment of public notifications and emergency alerting systems messaging used to deliver critical, life-saving information to the public and business community during emergencies, especially those who may be on evacuation alert or order.

Both applications must be supported by participating local government Council resolutions approving the application and agreeing the primary applicant will apply for, receive, and manage the grant funding on their behalf, if successful in grant funding.

ALTERNATIVES

1. THAT Council direct staff to bring back further information before considering supporting the grant applications.
2. Not proceed with any action at this time.

STRATEGIC OBJECTIVE

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

FINANCIAL IMPLICATIONS

There is no financial implication to these grants being applied for by the Comox Valley Regional District as the grant administration will be done by the CVRD and the grants fund 100% of the projects if approved.

If the UBCM CEPF EOC & Training Grant grant application is unsuccessful and if Council wish to pursue this initiative, contribution from the Fire Vehicle and Protective Equipment Replacement Reserve could be used to fund the project. An equivalent increase in contribution to reserve would be required for 2024 in order to maintain the reserve level needed to fund the projects already identified in the 5 year plan.

OPERATIONAL IMPLICATIONS

Upgrading the equipment and furniture in the EOC room will help the Village provide an adequate response to any major emergency in the Village and / or surrounding jurisdictions.

CLIMATE CHANGE IMPLICATIONS An updated EOC room will help provide an adequate response to any local or regional emergencies, including climate change related events.

Concurrence

Annie Bérard, Chief Financial Officer **AB**

Respectfully submitted,

M. Williamson

Mike Williamson
Fire Chief

M. Mason

Michelle Mason
Chief Administrative Officer

COUNCIL REPORT



REPORT DATE: May 1, 2023
MEETING DATE: May 8, 2023

File No.

TO: Mayor and Councillors
FROM: Kevin McPhedran, Manager of Parks and Recreation
SUBJECT: United Riders of Cumberland Paved Pump Track Proposal

RECOMMENDATION

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

PURPOSE

The purpose of this report is to seek Council direction to staff to pursue a Partnership Agreement with the United Riders of Cumberland (UROC) for the UROC-proposed paved pump track project in Village Park.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
April 24, 2023	That Council refer the request from the United Riders of Cumberland regarding partnering on a Pump Track project to staff to provide a report to Council for more information on the opportunity.

BACKGROUND

In 2017, the Village constructed a skatepark and combination dirt jump park and pump track in the south east corner of Village Park. Specifically, the dirt pump track was built as a skills development feature where BMX and mountain bikers use a series of shaped dirt features (“rollers”, “berms”, etc.) to maintain rhythm and flow by “pumping” around the course to maintain momentum. While the skatepark and jump park are well used by the community and the overall project is largely judged as a success, the pump track remains a “work in progress” with the potential to be improved to better serve the community.

The challenges associated with the pump track can largely be attributed to the maintenance dilemma associated with having to maintain - between the jump park and pump track – so much

exposed dirt to the elements. With the majority of the park out in the open, the dirt is constantly exposed to sun, wind, rain and tires; without a tree canopy to help reduce rain erosion, limit frost heave, and to shade the surface from excessive drying due to sun exposure, the exposed dirt riding surface is prone to erosion. Heat and prolonged sun exposure are particularly challenging during the summer peak periods of use of the park, and make it very hard to maintain optimal dirt moisture conditions for a high performing park without considerable amount of labour (and water).

Accordingly, in the five plus years that the Village has maintained the park through contract, a focus has been on the maintenance of the higher use (and higher risk) jump lines, while the pump track has received less focus (overall annual park maintenance budget = \$9,000). As such, the pump track sees less use, and is viewed by many cyclists who frequent the park as being an ideal candidate for investment to better serve the community.

The United Riders of Cumberland have made a similar observation and as a solution to the Village's challenge, and in response to their members desire for an improved facility, recently presented a proposal to Council to partner with the Village to reconstruct and re-surface the pump track with asphalt. Being a hard, weather resistant surface, asphalt would maintain a consistent tread regardless of weather conditions, and hence would maintain performance year round with minimal maintenance (unlike dirt!). Paved pump tracks have recently been constructed in other Vancouver Island municipalities and are quickly becoming popular civic park amenities.

In addition to the increased performance and reduced maintenance requirements, paved pump tracks are also much more accessible amenities than their dirt counterparts. The consistent traction of pavement is less slippery than either wet or dry dirt, thereby making riding a paved pump track easier for all abilities. Meanwhile, a smooth pavement surface enables other wheeled users – skateboards, long boards, scooters, roller blades, etc. to also access the track, expanding the number of residents and visitors that the amenity would benefit.

To date, UROC has conducted preliminary feasibility design work to confirm that the existing location is compatible for such an investment; has completed preliminary cost estimation work for the project based on comparable projects in other communities (preliminary estimate = \$200,000); and initiated outreach to potential funders for capital fundraising. As a next step, they are seeking Council endorsement of the project and to enter into a formal partnership agreement. It is staff's recommendation at this time for Council to direct staff to enter into formal discussions with UROC on a Partnership Agreement, and to report back to Council with a draft agreement for Council's consideration. Specifically, a partnership agreement would serve to confirm such details as:

- The roles and responsibilities of each partner in the project including, but not limited to, design direction, procurement, project management, funding and ownership.
- The scope of the project, including a framework for design considerations;
- The proposed timelines for the project;
- Funding contributions and/or opportunities for funding to be considered (staff's preliminary recommendation to Council would be for Council to consider allocating funds to contribute to project design costs in the fall 2023 budget process, and potentially to contribute to capital costs in the fall 2024 budget process.)

- Other details such as naming rights/funder recognition; maintenance considerations; and asset replacement responsibilities.

ALTERNATIVES

1. Council may choose to not proceed with any action at this time.

If Council chooses this alternative, staff request that Council provide an indication if the project is not of interest at this time, but may be in the near future, or if the project is not of interest for the foreseeable future, so that staff can communicate this onto UROC.

2. Council may choose to expedite the project.

Should Council choose this alternative, staff request that Council consider allocating funding to contribute toward pump track design costs.

STRATEGIC OBJECTIVE

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

FINANCIAL IMPLICATIONS

There are no financial implications of directing staff to enter into discussions with UROC in pursuit of a Partnership Agreement; however, should Council be generally in support of the project, staff recommend that Council consider allocating budget to support project design and construction costs in future budgeting processes. Based on informal conversations to date, staff understand that UROC intends on taking on a significant fundraising campaign; however, Village financial contributions will help demonstrate Village support for the project and will serve to give the Village more “ownership” over design and construction decisions.

An additional financial consideration is in the asset replacement cost; as paved pump tracks are relatively new amenities in the municipal recreation realm, their average life span – and ability to resurface them – is relatively unknown. Staff propose to conduct additional research on this topic and include this at the time of presenting a proposed Partnership Agreement.

OPERATIONAL IMPLICATIONS

There are two main operational implications of the project:

First, the existing pump track is an operational burden to maintain. Constructing a paved pump track will enable the existing operational resources to be more focused on the dirt jumps.

The second consideration is in regards to staff capacity. As the paved pump track is currently not in staff work plans, integrating the project into work plans at this time will inevitably result in delays or slow downs in other work in the Manager of Parks and Recreation’s portfolio. As such, unless Council directs staff to prioritize the project, pursuit of a partnership agreement would likely not begin until later in 2023, with design work then occurring over 2024 and, should funding be in place, construction in 2025. This timeline would then enable staff to implement the project

into annual work plans. Staff currently understand that UROC is targeting a 2024 construction start date; however, with further dialogue its believed that this revised timeline could be agreed upon.

CLIMATE CHANGE IMPLICATIONS

Paving the pump track would result in the installation of more impermeable surfacing in the Village; however, the overall footprint would be relatively small and wouldn't significantly be different than the status quo. There are also minor climate considerations related to the manufacturing and trucking of asphalt and other construction processes.

ATTACHMENTS

None.

CONCURRENCE

Annie Bérard, Chief Financial Officer **AB**

Respectfully submitted,

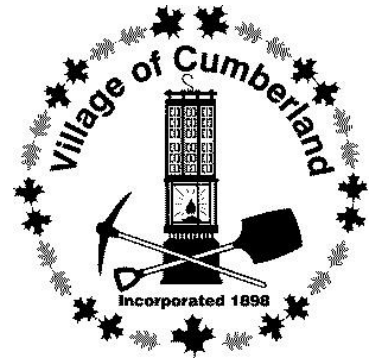
K. McPhedran

Kevin McPhedran
Manager of Parks and Recreation

M. Mason

Michelle Mason
Chief Administrative Officer

COUNCIL REPORT



REPORT DATE: May 1, 2023
MEETING DATE: May 8, 2023

File No. 0550

TO: Mayor and Councillors
FROM: Committee of the Whole
SUBJECT: Accessibility Plan

RECOMMENDATION

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

BACKGROUND

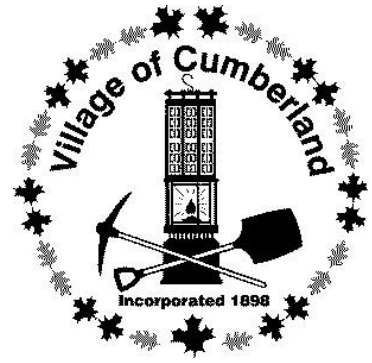
The Committee of the Whole approved the recommendation at its meeting of April 24, 2023.

Respectfully submitted,

V. Brown

Vickey Brown
Mayor

COUNCIL REPORT



REPORT DATE: May 1, 2023

MEETING DATE: May 8, 2023

File No. 0550

TO: Mayor and Councillors

FROM: Committee of the Whole

SUBJECT: Cumberland Events Society Memorandum of Understanding

RECOMMENDATION

THAT Council enter in the Memorandum of Understanding with the Cumberland Events Society and authorize the Mayor and Chief Administrative Officer to execute the agreement; and

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

BACKGROUND

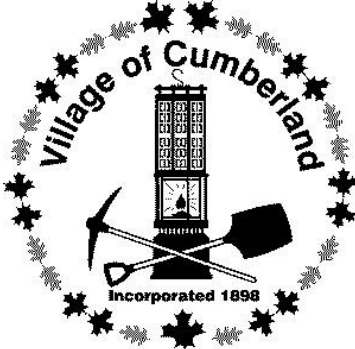
The Committee of the Whole approved the recommendation at its meeting of April 24, 2023.

Respectfully submitted,

V. Brown

Vickey Brown
Mayor

COUNCIL MEMBER MONTHLY REPORT



DATE: May 1, 2023
 TO: Mayor and Councillors
 FROM: Councillor Troy Therrien
 SUBJECT: April 2023 Monthly Report

Date	Event	Details
April 19	UROC AGM	I acted as parliamentarian for the election of the new board members at the UROC AGM. 3 new members were added by acclamation. Highlights of the past year were presented including the hiring of a new events coordinator position.
April 28	Lunch with Josie Osborne	I got to meet our local MLA and Minister of Energy Josie Osborne. An informal discussion was had at lunch which included Mayor Brown and Councillor Ketler. Topics discussed included housing, tourism, infrastructure, UROC and more.

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1192

A bylaw to establish property tax rates and impose property value taxes for the year 2023.

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

1. This Bylaw may be cited as “2023 Property Tax Rates Bylaw No. 1192, 2023.”
2. The following rates are imposed and levied for the year 2023:
 - (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	24TH	DAY OF	APRIL	2023.
READ A SECOND TIME THIS	24TH	DAY OF	APRIL	2023.
READ A THIRD TIME THIS	24TH	DAY OF	APRIL	2023.
ADOPTED THIS		DAY OF	MAY	2023.

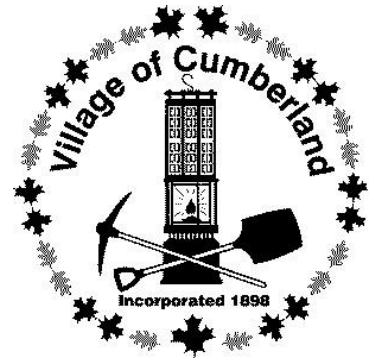
Mayor

Corporate Officer

SCHEDULE A
(Dollars of tax per \$1,000 of assessed value)

	<i>(column A)</i>	<i>(column B)</i>	<i>(column C)</i>	<i>(column D)</i>	<i>(column E)</i>
Property Class	Municipal	VANCOUVER Island Regional Library	Regional District		Regional Hospital District
	General	General	General	Hospital	Hospital
1 Residential	2.1647	0.1345	0.2886	0.3004	0.2617
2 Utilities	50.6009	3.1446	6.7475	1.0514	0.9160
3 Supportive Housing	2.1647	0.1345	0.2886	0.3004	0.2617
4 Major Industry	6.7020	0.4170	0.8947	1.0214	0.8898
5 Light Industry	6.7020	0.4170	0.8947	1.0214	0.8898
6 Business and Other	7.0279	0.4371	0.9380	0.7360	0.6412
7 Managed Forest	41.1293	2.5555	5.4834	0.9012	0.7851
8 Rec/Non Profit	2.1647	0.1345	0.2886	0.3004	0.2617
9 Farm	2.1647	0.1345	0.2886	0.3004	0.2617

COUNCIL REPORT



REPORT DATE: 5/2/2023
MEETING DATE: 5/9/2023

File No. 3360/2020/2020-02-RZ

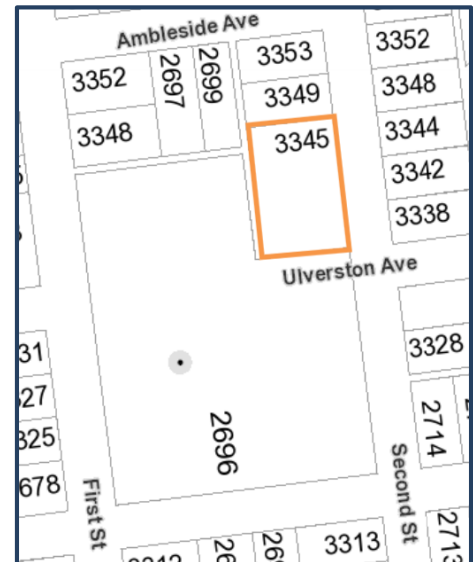
TO: Mayor and Councillors
FROM: Karin Albert, Senior Planner
SUBJECT: Housing Agreement (3345 Second Street) Bylaw 1193, 2023

RECOMMENDATION

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

PURPOSE

This report presents Housing Agreement Bylaw 1193, 2023 for first, second and third reading. The Housing Agreement, that forms Schedule A of the Bylaw, sets out requirements for below-market rents for the housing development proposed for 3345 Second Street. Completion of the housing agreement is one of the conditions of rezoning of the property from single-family to a multi-family residential zone.



PREVIOUS COUNCIL DIRECTION

Date	Resolution
Oct. 12, 2020	<p>THAT Council give third reading to "Official Community Plan Amendment Bylaw No. 1136, 2020."</p> <p>THAT Council give third reading to "Zoning Amendment Bylaw No. 1137, 2020".</p> <p>THAT final consideration of Bylaw No. 1136 and Bylaw No. 1137 be subject to:</p> <p>a. Registration of a section 219 <i>Land Title Act</i> covenant and housing agreement on title of 3345, 3341 and 3339 Second Street, legally described as Lots 3, 4, and 5, Block 32, District Lot 24, Nelson District, Plan 3268 with terms as outlined generally by the Senior Planner at the Public Hearing held on November 18, 2020.</p>

	<ul style="list-style-type: none"> b. An access agreement, or assurance thereof, in a form satisfactory to the Village to permit the applicant to access their proposed on-site parking spaces off the Island Health rear driveway. c. Registration of a section 219 <i>Land Title Act</i> covenant requiring the consolidation of the three lots prior to any development, further subdivision (consolidation) or use.
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BACKGROUND

At their October 12, 2020 meeting, Council gave third reading to OCP Amendment Bylaw 1136 and Zoning Amendment Bylaw 1137 to rezone the property at 3345 Second Street from R1-A Residential Infill to RM-4 Multi-family to allow for the construction of a 22-unit affordable rental apartment building.

At the time of third reading of the OCP and Zoning Amendment bylaws, Council also passed a resolution with several conditions to be completed prior to final consideration of the bylaws for adoption. One of the conditions is registration of a section 219 *Land Title Act* covenant and housing agreement on title of the property. As per section 483 of the *Local Government Act*, housing agreements have to be adopted by bylaw.

The purpose of a housing agreement is to specify the level of affordability of housing units to be developed on a property. The housing agreement for 3345 Second Street requires the following:

- a. Rents for at least 30 percent of the units must be at less than 80 percent of the median market rent for the region.
- b. The average rental price in the new building must be less than 80 percent of the median market rent, and
- c. The average rental price may be achieved through a combination of different rents to be affordable to tenants with different income levels.

Median market rent is defined in the agreement as “median monthly rents by unit type as determined in the annual fall survey of rents for the prior calendar year published by the Canada Mortgage and Housing Corporation.”

The agreement also reserves four rental units for Island Health employees working in Cumberland, to be rented at market rent. In the event that it does not require any of the rental unit for its employees, Island Health may make the units available to the Comox Valley Transition Society (CVTS) to rent to its clients.

Attachment 1 – Bylaw 1193 presents the housing agreement, included as Schedule A.

ANALYSIS

Adoption of Bylaw 1193 is required prior to registration of the housing agreement and covenant on title of the property.

The terms of the agreement have been reviewed by Island Health, the Village of Cumberland and the Comox Valley Transition Society to ensure they meet the needs of all three parties as well as the requirements of potential funders of the affordable housing development.

Completion of the conditions of rezoning and subsequent adoption of the OCP and Zoning Amendment bylaws is fundamental to a strong funding application to senior levels of government for the 22-unit housing development. Delaying or denying readings to Bylaw 1193 would jeopardize the ability of CVTS to obtain funding.

PUBLIC NOTIFICATION AND CONSULTATION

Council referred the OCP and Zoning Amendment Bylaws for 3345 Second Street to the Advisory Planning Commission, the Homelessness and Affordable Housing Committee and the Accessibility Committee for comment in August 2020. The comments were summarized in the October 13, 2020 report to Council at which Council gave first and second reading to Bylaw No. 1136 and 1137.

The OCP and Zoning Amendment Bylaws were presented at a public hearing on November 19, 2020. The conditions of rezoning, including a housing agreement, were identified at that meeting.

ALTERNATIVES

1. THAT Council request changes to the housing agreement prior to giving it first, second and third reading to Bylaw 1193.

The housing agreement was thoroughly reviewed by Council in October 2022. Any additional changes requested to the housing agreement would have to be reviewed and agreed to by the three parties to the agreement. This would likely result in considerable delays to completing the rezoning for 3345 Second Street.

2. THAT Council proceed no further with Bylaw 1193.

Since a housing agreement is a condition of the rezoning of the 3345 Second Street property, denial of readings of the Bylaw 1193 would mean that the conditions cannot be met by the applicant and the OCP and Zoning Amendment Bylaws could not proceed to adoption.

STRATEGIC OBJECTIVE

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

FINANCIAL IMPLICATIONS

There are no direct financial implications to the Village as a result of Bylaw 1193.

OPERATIONAL IMPLICATIONS

Planning staff time is required to guide the housing agreement through the bylaw adoption process.

CLIMATE CHANGE IMPLICATIONS

There are no direct implications of Bylaw 1193 on climate change. Construction and operation of the affordable housing development will contribute to greenhouse gas emissions.

ATTACHMENTS

1. Attachment 1 – Bylaw 1193

CONCURRENCE

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

Respectfully submitted,

K. Albert

Karin Albert
Senior Planner

M. Mason

Michelle Mason
Chief Administrative Officer

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1193

**A bylaw to authorize a Housing Agreement
under section 483 of the *Local Government Act*.**

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

1. This bylaw may be cited as "Housing Agreement (3345 Second Street) Bylaw No. 1193, 2023."
2. The Mayor and the Village's Chief Administrative Officer are authorized to execute the Housing Agreement:
 - (a) set out in Schedule A to this bylaw,
 - (b) between the Village, the Vancouver Island Health Authority, and the Comox Valley Transition Society, and
 - (c) that applies to the land known as 3345 Second Street, legally described as:

PID: 031-335-284 Lot A, District Lot 24, Nelson District, Plan EPP103460

READ A FIRST TIME THIS	___	DAY OF	_____	2023.
READ A SECOND TIME THIS	___	DAY OF	_____	2023.
READ A THIRD TIME THIS	___	DAY OF	_____	2023.
ADOPTED THIS	___	DAY OF	_____	2023.

Mayor

Corporate Officer

**SCHEDULE A
HOUSING AGREEMENT**

HOUSING AGREEMENT AND SECTION 219 COVENANT

WHEREAS

- A. Under section 483 of the *Local Government Act*, a local government may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the agreement, including but not limited to terms and conditions referred to in section 483(2) of the *Local Government Act*;
- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of a local government in respect of the use of land or construction on land;
- C. The Vancouver Island Health Authority ("**VIHA**") is the registered owner in fee simple of the Land as defined in this Agreement, and is the initial "**Transferor**";
- D. VIHA intends to lease the Land to the Village so that the Village of Cumberland ("**Village**") can sub-lease the Land to a Housing Society for the purposes of constructing a residential housing development that includes housing units provided at subsidized rents, with up to four (4) market rental units for purposes of VIHA employee housing;
- E. The Village, as local government, is the initial "**Transferee**", and may also become the "**Transferor**", per their interest in registered leasehold, should the Village and VIHA agree to modify this Agreement to apply to the leasehold interest only. As the Housing Society would be operating the housing development, they are also a party to this agreement, and the parties are agreed that the practical operating and reporting requirements would be their obligations to report to the Village and VIHA;
- F. The Parties wish to enter into this Agreement as a housing agreement pursuant to section 483 of the *Local Government Act*, and a covenant under Section 219 of the *Land Title Act* to secure the agreement that certain Dwelling Units to be constructed on the Land shall be used to provide housing at subsidized rents.

NOW THIS AGREEMENT WITNESSES that pursuant to section 483 of the *Local Government Act* and section 219 of the *Land Title Act*, and in consideration of the premises and covenants contained in this Agreement, the parties agree each with the other as follows:

1.0 Definitions

1.1 Unless otherwise stated, the definitions of the Village of Cumberland Zoning Bylaw (firstly) and Official Community Plan (secondly), as amended and replaced from time to time, apply to this Housing Agreement and Covenant.

1.2 In this Agreement

- (a) "**Affordable Housing Funder**" means an entity such as BC Housing or Canada Mortgage and Housing Corporation, that provides a grant or preferential rate loan to support the development of Affordable Housing

Units on the Land;

- (b) **"Affordable Near Market Rental Unit"** means a unit on the Land where the rental price is linked to market conditions in Cumberland or the Courtenay/Comox region and the rental rate is approved by an Affordable Housing Funder;
- (c) **"Affordable Rental Unit"** means a unit on the land where the rental price must be less than 80% of the Median Market Rent as defined by Canada Mortgage and Housing Corporation;
- (d) **"Agreement"** means this agreement, including its recitals;
- (e) **"Dwelling Unit"** means either a studio, one bedroom, two bedroom, three bedroom, or four bedroom residential unit that is to be used by occupants as a primary residence;
- (f) **"Final Occupancy Date"** means the date upon which the entirety of the New Building has been approved for occupancy by the building inspector for the Village of Cumberland;
- (g) **"Land"** means those parcels of land legally described as:
 - a. Lot A, District Lot 24, Nelson District, Plan EPP103460;
- (h) **"Median Market Rent"** means the median monthly rents by unit type as determined in the annual fall survey of rents for the prior calendar year published by the Canada Mortgage and Housing Corporation;
- (i) **"New Building"** means the residential building to be constructed on the Land, or any multi-unit residential or mixed use building constructed on the Land;
- (j) **"Subdivision" or "Subdivide"** means the division of land into two (2) or more parcels whether by plan, apt descriptive words or otherwise, and includes subdivision under the *Strata Property Act*, SBC 1998, Chapter 43 and the creation, conversion, organization or development of "cooperative units" or "shared interests in land" as defined in the *Real Estate Development Marketing Act*, SBC 2002, Chapter 41;
- (k) **"Tenancy Agreement"** means an agreement between the Transferor or its agent and a tenant with respect to the possession and occupation of a Dwelling Unit in the New Building;
- (l) **"Transferor"** includes a person which acquires an interest in the Land, or any part of it and is thereby bound by this Agreement.

2.0 Housing Agreement

- 2.1 The parties covenant and agree that, for a period of fifty (50) years (or 60 years if the Affordable Housing Funder is BC Housing) commencing on the Final Occupancy Date that:

(a) Rents for at least 30% of the units must be at less than 80% of the Median Market Rent,

(b) The average rental price in the New Building must be less than 80% of the Median Market Rent, and

(c) The average rental price in the New Building may be achieved through a combination of Affordable Near Market Rental Units and Affordable Rental Units provided the proposed unit mix complies with sections 2.1(a) and 2.1(b).

2.2 VIHA Staff Housing:

(a) Up to four (4) Dwelling Units that are market rental units must be reserved for VIHA for use as housing of VIHA employees employed in Cumberland. For certainty, the requirement to be employed in Cumberland only applies at initial tenancy, and a VIHA employee is not, by this Agreement, required to cease tenancy if transferred elsewhere.

(b) VIHA may make those units available to the Housing Society, but agrees to be responsible for market rents when not available to the Housing Society, whether the units are occupied or not.

(c) VIHA agrees that it shall not use these units, in a manner that jeopardizes senior government funding of the proposed development.

3.0 219 Covenant

3.1 The Land shall not be used, or built upon or subdivided except in strict accordance with this Agreement.

3.2 The Transferor covenants and agrees not to make any application to deposit a subdivision plan, strata plan, or any other plan if depositing the plan would result in the New Building or the Dwelling Units in the New Building being subdivided.

3.3 The Lands shall not be used or built upon for residential purposes unless such residential use or construction is in accordance with Article 2.0 of this Agreement.

4.0 Reporting

4.1 The Housing Society covenants and agrees to provide to the Village no later than March 1 of each year following the execution of this Agreement and no later than March 1 of each following year up to and including fifty (50) years (60 years if the Affordable Housing Funder is BC Housing) following the Final Occupancy Date, a report in writing confirming compliance with the provisions of this Agreement including without limitation article 2.0 and section 3.3.

4.2 The parties acknowledge that the Village will not impose reporting requirements more than once per calendar year, unless there are reasonable grounds to believe that there may be a breach, in fact or in spirit, of this Housing Agreement (as determined at the Village's sole discretion, for the purposes of reporting).

4.3 For greater certainty, the Housing Society is not required to provide a Statutory Declaration and accompanying report unless the Village so requests, but when

the Village requests a report the Village may request the information for the year in which such report is requested and for previous years not previously reported.

4.4 The parties agree that VIHA has no reporting obligations under this Agreement.

5.0 Notice to be Registered in Land Title Office

5.1 Notice of this Agreement (the "**Notice**") will be registered in the Land Title Office by the Village in accordance with section 483(5) of the *Local Government Act*, and this Agreement is binding on the parties to this Agreement as well as all persons who acquire an interest in the Land after registration of the Notice.

5.2 Further, the restrictions and covenants herein contained shall be covenants running with the Land and shall be perpetual, and shall continue to bind all of the Land when subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the Transferee as a first charge against the Land.

5.3 The parties intend this Agreement to be perpetual, however if, after fifty (50) years (60 years if the Affordable Housing Funder is BC Housing) following the Final Occupancy Date, all residential uses of the Lands cease, and the building is either destroyed, demolished, converted to other use or no longer suitable for residential purposes, then VIHA may require the Village to execute and deliver a release in registrable form of this Agreement.

5.4 Provided the proposed lease between VIHA and the Village adequately secures the Village's control of the Land for purposes of the proposed development, VIHA may require the release of this Agreement from the fee simple, for registration only against the Village's leasehold interest, if permitted by law.

5.5 The parties agree that this Agreement may be amended in writing without further public hearing.

6.0 General Provisions

6.1 Notice

If sent as follows, notice under this Agreement is considered to be received seventy-two (72) hours after the time of its mailing (by registered mail) or faxing, and on the date of delivery if hand-delivered, to the Transferee:

Village of Cumberland
2673 Dunsmuir Avenue
Cumberland, BC V0R 1S0
Attention: Corporate Officer

to the Transferor:
Vancouver Island Health Authority
1952 Bay Street
Victoria, BC V8R 1J8
Attention: Capital Planning & Leasing

to the Housing Society:
Comox Valley Transition Society
625 England Avenue
Courtenay, BC V9N 2N5
Attention: Heather Ney, Executive Director

If a party identifies alternate contact information in writing to another party, notice is to be given to that alternate address.

If normal mail service or facsimile service is interrupted by strike, work slow-down, force majeure, or other cause,

- (a) notice sent by the impaired service is considered to be received on the date of actual receipt, and
- (b) the sending party must use its best efforts to ensure prompt receipt of a notice by using other uninterrupted services, or by hand delivering the notice.

Time

6.2 Time is of the essence of this Agreement.

Binding Effect

6.3 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees.

Equitable Remedies

6.4 The Transferor acknowledges and agrees that damages would be an inadequate remedy for the Transferee for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

Waiver

- 6.5 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 7.6 The enforcement of this Agreement shall be entirely within the discretion of the Transferee and the execution and registration of the Agreement against title to the Land shall not be interpreted as creating any duty on the part of the Transferee to the Transferor or to any other person to enforce any provision of the breach of any provision of this Agreement.

Headings

- 7.7 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

Language

- 7.8 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

Cumulative Remedies

- 7.9 No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

Entire Agreement

- 7.10 This Agreement when executed will set forth the entire agreement and understanding of the parties as at the date it is made.

No Derogation from Statutory Authority

- 7.11 Nothing in this Agreement shall:
- (a) limit, impair, fetter or derogate from the statutory powers of the Transferee all of which powers may be exercised by the Transferee from time to time and at any time to the fullest extent that the Transferee is enabled and no permissive bylaw enacted by the Transferee, or permit, licence or approval granted, made or issued thereunder shall estop, limit, or impair the Transferee from relying upon and enforcing this Agreement;
 - (b) impose any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Housing Agreement & Covenant or the breach of any provision in this Housing Agreement & Covenant;
 - (c) impose any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, on the Village with respect to its exercise of any right or remedy expressly provided in this Housing Agreement & Covenant or at law or in equity; or
 - (d) relieve the Transferor from complying with any enactment, including the Transferee's bylaws, or any obligation of the Transferor under any other agreement with the Transferee.

Further Assurances

- 7.12 Each of the parties will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Agreement.

Amendment

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

Law Applicable

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

Priority

7.15 At the Transferor's expense, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Lands.

IN WITNESS WHEREOF the parties ~~convent and agree~~ as of the date of registration of this Agreement:

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

Name: _____

Name: _____

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

Name: _____

Name: _____

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

Name: _____

Name: _____