



TOWN OF COMOX

1809 Beaufort Avenue Ph: (250) 339-2202
Comox BC V9M 1R9 Fx: (250) 339-7110

REGULAR COUNCIL MEETING **AGENDA FOR WEDNESDAY FEBRUARY 20, 2019**

We respectfully acknowledge that we live, work and play on the traditional lands of the K'ómoks First Nation ... Gila'kasla ... Hay ch q' a'

Meeting Location: Council Chambers, 1801B Beaufort Avenue, Comox

Call to Order: 5:30 p.m.

Adoption of the Agenda

1. DELEGATIONS:

- (7) a. [Bruce Gibbons \(Merville Water Guardians\) Prohibit bottling of ground water in Zoning Bylaws](#)
- (39) b. [Jody Macdonald and Colin Sauer \(Comox Valley Community Foundation\) 2018 Comox Valley Vital Signs Report](#)
- (40) c. [Jennell Ellis \(Breathe Clean Air Comox Valley\): Help improve air quality by addressing wood smoke](#)

2. MINUTES OF MEETINGS:

- (41) a. [Regular Council Meeting Minutes](#)
That the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday February 6, 2019, be Approved.

3. COMMITTEE REPORTS: NIL

4. UNFINISHED BUSINESS:

- (49) a. [Management Report - February 20, 2019](#)
That the Management Report for February 20, 2019 be received and filed for information.

TOWN OF COMOXREGULAR COUNCIL MEETING AGENDA OF WEDNESDAY FEBRUARY 20, 2019

5. SPECIAL REPORTS:

- (50) a. [Comox Valley Regional District Meeting Minutes](#)
That the following Comox Valley Regional District meeting minutes be received for information:
- Comox Valley Regional District Board held on Tuesday, January 29, 2019;
- Comox Valley Regional District (Comox Strathcona Waste Management) Board held on Thursday, February 7, 2019; and
- Comox Strathcona Regional Hospital District Board held on Thursday, February 7, 2019.

6. BYLAWS: NIL**7. NEW BUSINESS:**

- (69) a. [Banning of Single-Use Plastic Bags and Straws \(January 16, 2019 Notice of Motion: Councillor Minions\)](#)
That a staff report be provided on the banning of single use plastic bags and straws.
- (94) b. [Planning Report PR 18-13: Comox Building Bylaw Amendment](#)
That Comox Building Amendment Bylaw 1903 be given First, Second and Third Readings.

8. CORRESPONDENCE:

- (149) a. [Susan Toresdahl \(CVAC\) Director Reappointment](#)
- (150) b. [Steve Cowan \(Royal Canadian Naval Association\) - Permission for Battle of the Atlantic Ceremony](#)
- (151) c. [Bruce Gibbons & Nicole Poirier \(Merville Water Guardians\) Support](#)

9. LATE ITEMS: NIL**10. DELEGATIONS: NIL****11. REPORTS FROM MEMBERS OF COUNCIL:****12. MEDIA QUESTION PERIOD:****13. PUBLIC QUESTION PERIOD:**

TOWN OF COMOXREGULAR COUNCIL MEETING AGENDA OF WEDNESDAY FEBRUARY 20, 2019

14. EXCLUDE THE PUBLIC:a. Exclude the Public

That, pursuant to section 127 of the Community Charter, notice is hereby given that the Public be Excluded from the Special In-Camera Meeting on Wednesday February 20, 2019, pursuant to the following sub-sections of the Community Charter:

90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and

90(1)(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].

ADJOURNMENT

Deputy Corporate Administrator

RECEIVED**Twyla Slonski**

From: Bruce & Nicole <brunic@shaw.ca>
Sent: November 25, 2018 3:06 PM
To: council
Cc: Twyla Slonski
Subject: Request to Appear as Delegation at Council Meeting Dec 5th
Attachments: Fwd: AVICC Resolution re Bulk Water Extraction; Re: Water bottling from the Comox Valley aquifer; 20181101 Commercial Groundwater Extraction.pdf; Presentation to the Town of Comox.docx; Request to Appear as Delegation.jpg

November 25, 2018

TOWN OF COMOX

Categories: Twyla - Outstanding

Hello. I have attached my completed Request to Appear as a Delegation as well as a copy of my presentation and supporting documents for my presentation. Please let me know if you have any questions or require any additional information.

Thank you.

Bruce Gibbons
 2470 Sackville Road
 Merville
 V0R2M0
 250-702-1672

LOG: 18-384	REFER:	AGENDA:
FILE: 0550-20	ACTION: MR	RCM - Dec. 5

o ~ cfile 0550-20-DEL
 copy ~ Mayor & Council
 RK / SR / MK / agenda



REQUEST TO APPEAR AS A DELEGATION

TOWN OF COMOX

1809 Beaufort Avenue Ph: (250) 339-2202

Comox BC V9M 1R9 Fx: (250) 339-7110

REQUESTS TO APPEAR BEFORE COUNCIL OR THE COMMITTEE OF THE WHOLE MUST BE SUBMITTED NO LATER THAN THURSDAY NOON, THE WEEK PRIOR TO THE MEETING

Name(s) of person(s) speaking: Bruce Gibbons

Organization you are representing: Merville Water Guardians

Primary purpose of Organization: Water Protection Number of members: _____

Mailing address: P.O. Box 321, 2470 Sackville Road

City: Merville Postal Code: V0R 2M0

Contact name: Bruce Gibbons Email: brunic@shaw.ca

Phone: 250-702-1672 Fax: _____

Subject matter: Water bottling and commercial sale of groundwater in the Comox Valley.

Specific request of Council, if any (i.e., letter of support, funding): Please consider changing zoning bylaws to prohibit water bottling as an accepted use.

Requested meeting and date: Council Meeting Dec 5/18

Audio-visual equipment required: None

Date of application: Nov. 25/18

Signature of applicant: [Signature]

or Print Name: Bruce Gibbons

Please Note:

1. Regular Council Meetings start at 5:30 p.m., while Committee of the Whole Meetings start at 4:15 p.m. Delegations are dealt with at the beginning of each meeting.
2. Maximum presentation time is 10 minutes including questions, unless previously approved by the Chair.
3. Presenters are to address Council or the Committee of the Whole, and not the audience.
4. All presentation materials/handouts must be submitted no later than Thursday noon, the week prior to the meeting. If the Friday prior to the meeting is a statutory holiday, then presentation materials must be submitted by Wednesday noon.
5. Please ensure that your cell phone is turned OFF during the meeting.

Presentation to Town of Comox Council

Dec 5, 2018

Mr. Mayor, Councillors and staff of the Town of Comox

Thank you for allowing me to address you today. My name is Bruce Gibbons, and I live at 2470 Sackville Road, in Merville. I am here today to address council about the issue of protecting groundwater in the Comox Valley. As you are most likely aware the Provincial Government has approved a groundwater extraction licence for a resident of Merville to extract up to 10,000 liters of water per day from the Comox Valley aquifer, and bottle and sell that water. The licence was contingent on rezoning of his property, and the CVRD denied the rezoning on Aug 28th. Therefore, the current licence does not allow the applicant to utilize his licence and bottle water on his property. However, his water extraction licence is still valid and he has publicly stated his intent to go ahead with the water bottling whatever way he can and to that end he has applied to the provincial government to amend his licence to allow him to truck the water from his well and bottle it at a site that allows water bottling. I follow up regularly with the FLNRORD Ministry regarding the status of that application and I am told that his application is still under review.

I am the founder of a group called Merville Water Guardians. I formed the group to oppose the water licence, oppose the rezoning application and to achieve reforms to the Water Sustainability Act to protect the groundwater aquifers of BC. I filed an appeal against the water licence in March, but after a lengthy process with the Environmental Appeal Board the appeal was dismissed. There is a serious flaw in the Water Sustainability Act that denies appeal of a water licence unless the licence physically detrimentally affects your land, not your water, not your access to water. The Water Sustainability Act does not protect my water or my access to water. I find that appalling. I have been campaigning against the licence and for protection of our aquifer since March. We have over 290 followers on our Facebook page, and in August we submitted 425 signatures on a petition presented to the CVRD Directors asking them to deny the rezoning and to prohibit water bottling in the CVRD. We have approximately 1,300 signatures to date on a petition to the BC Government asking them to stop approving licences to bottle and sell water from all aquifers in BC. We have a lot of followers in the Comox Valley who are telling us that water, and the protection of our water was a big issue in the recent local elections and will be a huge issue in the next provincial election.

The Comox Valley aquifer, aquifer 408, stretches from Comox Harbour to north of Merville. There are thousands of Comox Valley residents and farmers who rely on that aquifer for their only source of water. If that water supply is depleted then the thousands of residents and farmers of the Comox Valley will not be able to look after their personal needs for drinking water, sanitation, growing their backyard gardens or

growing their crops and raising their livestock. That would put our food security at risk. Without water, farmers cannot produce our food, the local food that so many people desire and rely on. Without water, there is no life. We are facing population growth that will put more demand on the aquifer and we are already seeing the negative effects of climate change impact the quality and quantity of water in the summer drought period. We experienced level 4 drought all over Vancouver Island and in many other areas of BC this past summer. We have seen record dry months, record heat and every indication is that these changes are here to stay and will likely only get worse. Residents and farmers are being told to seriously conserve water. Yet we have a provincial water licence for commercial profit that will allow extraction of water from the aquifer we all rely on despite the level 4 drought. There is not enough information known about our aquifers to risk bottling and selling any of the water. The licence approval relied on old data, and technical calculations but did not consider climate change that is producing extended periods of serious drought, putting rivers, streams, fish habitat and fish stocks at risk. It did not consider serious impacts from the receding glacier. We have been fighting to stop this licence but have been thwarted in our efforts. It is clear to me and my supporters that the Water Sustainability Act does not protect our groundwater and needs to be reviewed and revised. We are pushing the Ministry of Environment for revisions to the Act.

In the meantime, there is an existing, real threat to the water of the Comox Valley. Our petition to the CVRD asked them to amend their bylaws to prohibit the bottling of water in the Regional District in order to help prevent the applicant from bottling off site. There is indeed a bylaw revision in process that will prohibit water bottling in the CVRD. I made a presentation to the Village of Cumberland asking them to consider a bylaw to prohibit water bottling, and I am told by their staff that my request has been considered and a report from staff will be discussed at their Council meeting on Nov. 26th. I am scheduled to make a presentation to the City of Courtenay on Dec 3rd. I have contacted the Strathcona Regional District (SRD), since the applicant has stated that he may approach them in an attempt to bottle his water in their region. The SRD has taken immediate steps to prevent the water bottling and at a meeting on Oct 25th the SRD voted on a resolution to ask the Provincial Government to curtail the extraction of water from aquifers all over BC for bottling or bulk sales. We applaud them for their prompt and decisive actions and we look forward to keeping the momentum moving forward.

I have 2 requests today for the Town of Comox.

- 1) that you consider taking the necessary steps to implement a bylaw that prohibits water bottling in any of your zoning, to help in the fight to protect our Comox Valley aquifer for the use of our residents and farmers today and for our children and grandchildren and great grandchildren in the future.
- 2) I also ask that the City of Courtenay support the Strathcona Regional District resolution to ask the Provincial Government to curtail the commercial extraction of groundwater resources for bottling or bulk water sales.

We cannot allow water bottling from our aquifers based on theory and calculations. The consequences of being wrong could be catastrophic. We will continue to do our part to fight the Provincial Government, who have jurisdiction over groundwater licencing, and to support the Strathcona resolution to curtail groundwater extraction for bottling or bulk sales. We would sincerely appreciate the support of the Town of Comox in protecting the above ground uses of our groundwater by preventing anyone from bottling and selling water from the Comox Valley aquifer or any other aquifer in BC. I implore you to talk to and work with the Strathcona Regional District to protect the aquifers of Vancouver Island. Water is our most precious resource. Water is life. We must do everything we can to protect and conserve it. Thank you for your time and your consideration.

Bruce Gibbons

Merville Water Guardians

2470 Sackville Road

Merville, BC

V0R2M0

250-702-1672



STAFF REPORT

DATE: November 1, 2018 **FILE:** 0550-04 Board

TO: Chair and Directors
Regional Board

FROM: Dave Leitch
Chief Administrative Officer

RE: COMMERCIAL GROUNDWATER EXTRACTION

PURPOSE/PROBLEM

To consider a resolution for submission to the Association of Vancouver Island and Coastal Communities (AVICC) convention in 2019.

EXECUTIVE SUMMARY

At its October 25, 2018 meeting the Board considered the attached report and passed the following resolution:

Leigh/Abram: SRD 953/18

THAT the Premier and the Minister of Forests, Lands and Natural Resources and Rural Development of BC be advised that the SRD does not support approvals of licenses for the extraction of groundwater anywhere from aquifers on Vancouver Island to be sold for commercial purposes, such as water bottling, bulk water export or private sales.

Subsequent to passage of the above resolution, direction was provided to staff to bring back a re-formatted resolution that would comply with the AVICC submission guidelines. That proposed resolution is attached below for the Board's consideration. Since Res. SRD 953/18 did not include the rationale for the Board's position on this issue, it is likely that the Board may need to entertain amendments that will more accurately reflect the Board's intent and purpose. When the Board is satisfied as to its content it may approve the resolution and rescind the previous resolution dealing with this topic.

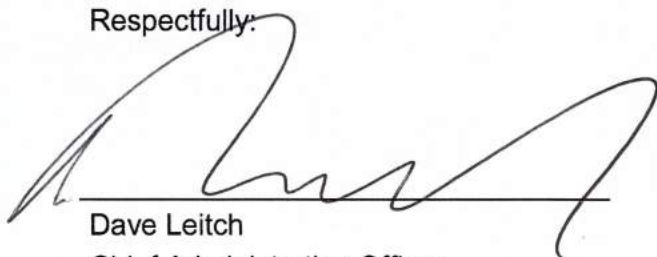
The deadline for submission of resolutions for consideration at the next AVICC convention is mid-February 2019.

RECOMMENDATIONS:

1. THAT the report from the Chief Administrative Officer be received.
2. THAT the draft resolution entitled 'Commercial Groundwater Extraction' attached to the November 1, 2018 report from the Chief Administrative Officer be approved and forwarded to the AVICC for consideration at the 2019 convention, and

THAT Res. SRD 953/18 be rescinded.

Respectfully:



Dave Leitch

Chief Administrative Officer

Prepared by: T. Yates, Corporate Services Manager

Attachments: AVICC Resolution Guidelines for 2018
Copy of October 15, 2018 report to the Board

Commercial Groundwater Extraction

WHEREAS groundwater is a resource to be managed for the benefit of all British Columbians;

AND WHEREAS the current licensing approval process may not fully appreciate the limitations associated with aquifers located on Vancouver Island and the long-term effects of groundwater extraction for large scale commercial purposes;

NOW THEREFORE BE IT RESOLVED that the UBCM request that the Province of B.C. place a moratorium on licenses for the commercial extraction of groundwater from aquifers on Vancouver Island.



TO: Mayors and Councils, Chairs and Boards
Chief Administrative Officers, Corporate Officers

FROM: President Mary Marcotte

DATE: November 17, 2017

RE: **RESOLUTIONS NOTICE AND GUIDELINES;
NOMINATIONS FOR AVICC EXECUTIVE COMMITTEE**

Attached is the Resolutions Notice and the Call for Nominations for the AVICC Executive. Please note that this year's resolution and nomination deadline is **Wednesday, February 14, 2018**.

Both AVICC and UBCM members strongly believe in the value of resolutions debate and continually seeks ways to improve the process. AVICC strives to mirror and complement UBCM's processes in order to develop efficiency and ease of understanding for delegates.

We have asked for members' assistance in bringing forward resolutions for consideration at the Area Association as opposed to submitting them directly to UBCM.

Members are concerned that some of the resolutions being considered are too general or focus on topics that are not local government responsibilities. Another concern is that bringing forward too many resolutions detracts from debate on the most important issues.

Please continue to ensure that resolutions that are being brought forward are specific and focus on new issues of provincial or AVICC-wide interest (refer to the UBCM Resolutions database at www.ubcm.ca). Resolutions that already support existing UBCM policy will normally be included in the resolutions block where they are not debated separately.

Included with the Resolutions Notice are guidelines for preparing and submitting resolutions. We appreciate all efforts to expedite and facilitate the debate among members.

Sincerely,

Director Mary Marcotte
President, AVICC

525 Government St, Victoria, BC V8V 0A8
Email: avicc@ubcm.ca • Tel: 250-356-5122 • Fax: 250-356-5119 • www.avicc.ca



2018 AGM & CONVENTION

RESOLUTIONS NOTICE REQUEST FOR SUBMISSIONS

DEADLINE FOR RESOLUTIONS

All resolutions must be received in the AVICC office by: **FEBRUARY 14, 2018**

SUBMISSION REQUIREMENTS

Resolutions submitted to the AVICC for consideration shall be received as follows:

1. One copy of the resolution by regular mail to:
AVICC
525 Government Street
Victoria, BC
V8V 0A8

AND

2. One copy submitted as a Word document by email to avicc@ubcm.ca
 - The resolution should not contain more than two "whereas" clauses; and
 - Separate background documentation **must** accompany each resolution submitted, and will be shared with the membership on the AVICC website.

Sponsors should be prepared to introduce their resolutions on the Convention floor.

LATE RESOLUTIONS

- a. Resolutions submitted following the expiry of the regular deadline shall be considered "Late Resolutions" and shall comply with all other submission requirements, except that a copy of the resolution must be forwarded to the AVICC by the Wednesday noon preceding the date of the Annual General Meeting. This year's late resolution deadline is **April 11, 2018**.
- b. Late resolutions shall be available for discussion after all resolutions printed in the Resolutions Book have been debated.
- c. Late resolutions are deemed to be appropriate for discussion only if the topic is such that it has arisen since or was not known prior to the regular deadline date for submission of resolutions.
- d. In the event that a late resolution is recommended to be admitted for discussion AVICC shall produce sufficient copies for distribution to the Convention.

UBCM ASKS FOR RESOLUTIONS TO BE CONSIDERED BY THE AREA ASSOCIATIONS FIRST

UBCM urges members to submit resolutions first to Area Associations for consideration. Resolutions endorsed at Area Association annual meetings are submitted automatically to UBCM for consideration and do not need to be re-submitted to UBCM by the sponsor.

A resolution should be submitted directly to UBCM only if the resolution addresses an issue that arises after the Area Association annual meeting. In this case, local governments may submit council- or board-endorsed resolutions to UBCM prior to June 30 each year. Should this be necessary, detailed instructions are available under the Resolutions tab on <http://www.ubcm.ca>.

UBCM RESOLUTIONS PROCESS

1. Members submit their resolutions to their Area Association for debate.
2. The Area Association submits the endorsed resolutions to UBCM.
3. The UBCM Resolution Committee reviews the resolutions for submission to the UBCM Convention.
4. Endorsed resolutions at the UBCM Convention are submitted to the appropriate level of government for responses.
5. Once the provincial responses have been conveyed to the UBCM they are forwarded to the sponsor for their review.

GUIDELINES FOR PREPARING RESOLUTIONS FROM THE UBCM

The Construction of a Resolution:

All resolutions contain a preamble and enactment clause. The preamble describes *the issue* and the enactment clause outlines *the action being requested*. A resolution should answer the following three questions:

- What is the problem?
- What is causing the problem?
- What is the best way to solve the problem?

Preamble:

The preamble commences with a recital, or "WHEREAS", clause. This is a concise paragraph about the nature of the problem or the reason for the request. It should clearly and briefly outline the reasons for the resolution.

The preamble should contain no more than two "WHEREAS" clauses. If explaining the problem requires more than two preliminary clauses, then provide supporting documents to describe the problem more fully. Do not add extra clauses.

Enactment Clause:

The enactment clause begins with the words "THEREFORE BE IT RESOLVED". It must convey the resolution's intent, and should propose a specific action by AVICC and UBCM.

Keep the enactment clause as short as possible, and clearly describe the action being requested. The wording should leave no doubt about the proposed action.

How to Draft a Resolution:

1. Address one specific subject in the text of the resolution.

Since your community seeks to influence attitudes and inspire action, limit the scope of a resolution to one specific subject or issue. Delegates will not support a resolution if the issues it addresses are too complex for them to understand quickly.

2. Use simple, action-oriented language and avoid ambiguous terms.

Explain the background briefly and state the desired action clearly. Delegates can then consider the resolution without having to parse complicated text or vague concepts.

3. Provide factual background information.

Even a carefully constructed resolution may not clearly indicate the problem or the action being requested. Where possible, provide factual background information to ensure that the "intent" of the resolution is understood.

Two types of background information help to clarify the "intent" of a resolution:

i Supplementary Memo:

A brief, one-page memo from the author, that outlines the background that led to the presentation and adoption of the resolution by the local government.

ii Council/Board Report:

A report on the subject matter, presented to council or board in conjunction with the resolution. If it is not possible to send the entire report, then extract the essential background information and submit it with the resolution.

Resolutions submitted without adequate background information will not be considered until the sponsor has been consulted and has provided documentation outlining the intent of the resolution. This could result in the resolution being returned and having to be resubmitted as a late resolution.

4. Construct a brief, descriptive title.

A title assists to identify the intent of the resolution and eliminates the possibility of misinterpretation. It is usually drawn from the "enactment clause" of the resolution.

For ease of printing in the Annual Report and Resolutions Book and for clarity of intent, a title should be no more than three or four words.

5. Check legislative references for accuracy.

Where necessary, identify:

- The correct jurisdictional responsibility (e.g., ministry or department within the provincial or federal government); and
- The correct legislation, including the name of the Act.

6. For resolutions that will be debated at UBCM, focus on issues that are province-wide.

The issue identified in the resolution should be relevant to other local governments across the province. This will support proper debate on the issue and assist UBCM to represent your concern effectively to the provincial or federal government on behalf of all BC municipalities and regional districts.

7. Avoid repeat resolutions.

In the past, Resolutions have often come back year after year on the same topic. Members and staff are encouraged to search the UBCM Resolutions database available through the website at www.ubcm.ca. Click on the Resolutions and Policy tab at the top of the page. It will be possible to locate any Resolutions on the same topic that have been considered in the past and what the response has been.

8. Ensure that your own local government's process for handling/approving of resolutions to AVICC/UBCM is followed.

UBCM GOLD STAR AND HONOURABLE MENTION RESOLUTIONS

The UBCM Gold Star and Honourable Mention resolution recognition initiative was launched at the 2003 UBCM Convention, and is intended to encourage excellence in resolutions drafting and to assist UBCM members in refining their resolutions in preparation for submission to the annual UBCM Convention.

To be awarded the UBCM Gold Star or Honourable Mention recognition, a resolution must meet the standards of excellence established in the following Gold Star Resolutions Criteria, which are based on the resolution:

1. Resolution must be properly titled.
2. Resolution must employ clear, simple language.
3. Resolution must clearly identify problem, reason and solution.
4. Resolution must have two or fewer recital (WHEREAS) clauses.
5. Resolution must have a short, clear, stand-alone enactment (THEREFORE) clause.
6. Resolution must focus on a single subject, must be of local government concern province-wide and must address an issue that constitutes new policy for UBCM.
7. Resolution must include appropriate references to policy, legislation and regulation.
8. Resolution must be submitted to relevant Area Association prior to UBCM.

If you have any questions, please contact Reiko Tagami by email at rtagami@ubcm.ca or by calling 604-270-8226 (extension 115).

MODEL RESOLUTION

SHORT TITLE: _____

Sponsor's Name _____

WHEREAS _____

AND WHEREAS _____

THEREFORE BE IT RESOLVED that _____

(Note: A second resolve clause if it is absolutely required should start as follows:)

AND BE IT FURTHER RESOLVED that _____

AVICC
525 Government Street
Victoria, BC V8V 0A8
Telephone: 250-356-5122
email: avicc@ubcm.ca

AVICC AGM & Convention – April 13-15, 2018 – Victoria

Tom Yates

From: Andrew Adams <Andrew.Adams@campbellriver.ca>
Sent: October 15, 2018 12:24 PM
To: Elle Brovold; Tom Yates
Cc: Deborah Sargent; David Leitch
Subject: FW: Application to amend water bottling licence to allow transport of water - Merville/Comox Valley
Attachments: October 2018 re - amendment to licence Merville water bottling - letter.pdf; Sieffert struggles to revive dry Creek 1994 (2).zip

Elle & Tom,

attached for consideration as correspondence and/or consent on a SRD or Council agenda.

Thanks,

ANDY ADAMS

Mayor

City of Campbell River

Tel: 250.286.5740

Fax: 250.286.5760

Mayor.adams@campbellriver.ca

From: FG ANDERSON [fganderson@shaw.ca]
Sent: Monday, October 15, 2018 9:56 AM
To: town; John Ward; administration@srd.ca; info; Kenn McLaren; Valerie Cameron; Darryl Slater; Charles Short; Jeff Sheldrake; amullaly; Jennifer Wallis; info@cumberland.ca; Mayor Adams; AGR Minister; andrew weaver mla; administration; ABR Minister; Minister Transportation; env minister; premier; Ronna-Rae Leonard MLA; info; David Robinson; greg.gage@gov.bc.ca; sonia.furstenau.MLA@leg.bc.ca; flnr.minister@gov.bc.ca; Tanya.dunlop@gov.bc.ca
Cc: Bruce Gibbons; arzeenahamir
Subject: Application to amend water bottling licence to allow transport of water - Merville/Comox Valley

Hello:

Please see attached letter.

Thank you.
 Gillian Anderson

October 15, 2018

Honourable Doug Donaldson,
Minister of Forests, Lands, Natural Resource Operations and Rural Development
Parliament Buildings, Victoria BC V8V 1X4
FLNR.Minister@gov.bc.ca; greg.gage@gov.bc.ca

Dear Minister:

Re: 104026 Conditional Water Licence 500169 - 2410 Sackville Road, Merville, BC – 3.65 million litres per year - Vancouver Island (East) Rivers (Tsolum River) watershed - Aquifer 408

Thank you for your Ministry's letter signed by Mr. Gage (June 25 2018). I am replying to urge you to take these actions:

- Decline the proposed amendment of this water licence to allow the removal of water from the aquifer for transport by tanker truck to other jurisdictions.
- Re-evaluate ministry technical reports on this and other BC aquifers to reflect the apparently as yet unconsidered role of melting glaciers in what may be artificially high aquifer level readings.
- In co-operation with Department of Fisheries and Ocean, bring forward a strong wild salmon strategy that requires province-wide environmental flows regulation to ensure sufficient water flows to BC streams and rivers, to aid the return of current dangerously low populations of salmon and other aquatic species to historic levels, bolstering food stocks for predators such as bears and birds of prey.
- Implement a province-wide plan to secure public ownership of watersheds, incorporating them into 'greenbelt and natural beauty' protected areas.
- Remove the permitted commercial sale of water in BC from the Water Sustainability Act: review and increase the royalties that current water withdrawal licensees must pay: dedicate this money to habitat restoration on streams and rivers.

- Based on changing climatic conditions, modernize current water use planning information that land and resource managers use when making decisions about forestry, mining and other activities that impact BC's freshwater.

Decline the proposed amendment of this water licence to allow the removal of water from the aquifer for transport by tanker truck to other jurisdictions.

The Comox Valley Regional District has denied the bottling plant application for the property as it is not a permitted use under current zoning bylaws and the Official Community Plan, nor is there community support. This project has no environmental or economic value to the community at large. At 10,000 litres per day, this water application is enough for a daily withdrawal of 500 standard 18.9 litre jugs or the equivalent of consumption for 5-10 homes, depending on family size and usage (270 liters per day average in BC): which would be the equivalent of a small subdivision in a rural area and as such, an application would require public hearings.

The provincial approval process that allowed this licence declined any mandatory notification to neighbours of the project, thus denying the benefit of local knowledge. Since the license was issued, the ministry has held a workshop to encourage people to register their wells, and has indicated a desire to be informed about where local wells are drying up; but why was the decision made without a complete understanding of this local well situation? Have cumulative impact assessments been done?

At the community meeting held earlier this year, the FLNR staff said that any water bottling application, including one from Nestlé, would be considered within the parameters of the Water Sustainability Act. The Council of Canadians reported that "In Ontario, Nestlé continues to pump up to 4.7 million litres (1.2 million gallons) of water every day on expired permits from its two wells in Wellington County, Ontario." (<https://canadians.org/blog/water-flint-not-nestle>)

Concern is also rising about legal precedent being set for future bottling applications and commercial water withdrawals. Once a temporary usages or amendment is allowed, including allowing water to be removed, transported and bottled off site, you may set precedent and open up rural areas, with their cheaper land, to unsuitable development which violates community planning and undermines the rural community and its sustainable economic contributions to the economy.

Re-evaluate ministry technical reports on this and other BC aquifers to reflect the apparently as yet unconsidered role of melting glaciers in producing what may be artificially high aquifers level readings.

Aquifer 408 which services the Comox-Merville Area is classified as a moderately developed, low vulnerability aquifer. The Aquifer Classification Worksheet (CVRD May 29 2000) notes that for this aquifer “Recharge is likely from precipitation. Further studies need to be conducted to determine all sources of recharge to the aquifer.”

Your Ministry notes:

“Groundwater levels are sensitive to precipitation, aquifer storage capacity, recharge rate (the rate at which surface water trickles down to refill a groundwater aquifer), and human withdrawal.” (<http://www.env.gov.bc.ca/soe/indicators/water/groundwater-levels.html>)

We have experienced a level four drought here in BC this year, as well as unprecedented forest fire numbers. The BC government’s own research indicates that:

“BC has become warmer over the last century ... Lake ice lasts a shorter time.... Spring snowmelt and runoff is starting sooner and is followed by increasingly long, dry summers in south-central BC (Leith and Whitfield 1998) and south coastal BC (Pike et al. 2007)... suggest that by mid-century, BC will be 1.8 °C warmer than it was in the 1960 to 1990 period ... By the end of this century (2070-2099), mean annual temperature in BC could be 1.7 to 4.5 °C warmer than the 1961-90 period Summer precipitation is expected to ... decrease more substantially in coastal BC. ... warmer temperatures will reduce winter snowfall (i.e., more rain) substantially in coastal BC (Figure 5). Spring snowfall will likely be substantially reduced across all regions of BC.... snow cover will contract and glaciers and permafrost will thaw (IPCC 2007; Meehl et al. 2007). Further, the depth and duration of the winter snowpacks in BC will likely decrease (Pike et al. 2008). Preliminary analyses suggest growing season moisture deficits will increase in several locations, particularly in southern and coastal BC (Spittlehouse 2008). Deficits occur where monthly precipitation is less than monthly evaporative demand (reflecting solar radiation, air temperature and humidity)... The frequency and duration of summer drought events are expected to increase over much of southern BC (Haughian et al. 2012). Precipitation is expected to fall in fewer, larger events (IPCC 2007), with consequences for ecosystem function (Knapp et al. 2008).” (2a_va_BC-Climate-change-final-aug30.pdf). Climate Change in BC, Dave Daust)

So climate change is bringing hotter, longer summers with less rain and warmer winters with less snowpack and more intense rainstorms. This is going to mean less water permeating into the aquifer at a time when more wells are drawing water out: moreover, rainfall will be moving more quickly off the ground above the aquifer, as a result of more impermeable surfaces and more drainage infrastructure accompanying increased development, as well as widespread loss of tree cover from both logging and development.

You note in your letter,

“A detailed aquifer study was not considered warranted in this case. In addition to the assessment completed for this application, there have been a number of studies completed since the aquifer classification sheet was produced, most notably the Agricultural Water Demand Model for the Comox Valley Regional District by the Ministry of Agriculture... the Ministry of Forests, Lands, Natural Resource Operations and Rural Development has maintained a groundwater monitoring well, Observation Well 351(0W351), in aquifer 408...Groundwater levels in this well have shown a stable or slightly increasing trend in the 14-year monitoring period, which indicates that extractions from the aquifer do not exceed recharge. A groundwater budget was constructed, which took into account all known groundwater use in the area and an estimate of recharge (supply). No concerns with aquifer capacity were noted, an outcome which is consistent with expectations given the extremely small demand relative to the supply on that source, coupled with monitored groundwater trends being stable.”

As Fred Fern pointed out, continuing high levels in the aquifer may be due not to regeneration, but rather to the melting of the Comox and other glaciers which is topping up the aquifer artificially – and temporarily - as, once melted, these glaciers will likely never be re-formed. Aquifer levels that are stable or increasing, despite ongoing domestic and agricultural development in the Valley and a decline in rain and snow pack as a result of climate change, point strongly to a distortion of these readings as a result of glacial melting. Making decisions on perpetual never-to-be-extinguished water licences, on the basis of data from as far back as thirty years and without any consideration of climate change, is dangerous.

In co-operation with Department Fisheries and Ocean, bring forward a strong wild salmon strategy that requires province-wide environmental flows regulation to ensure sufficient water flows to BC streams and rivers to help return current dangerously low populations of salmon and other aquatic species to historic levels, bolstering food stocks for predators such as bears and birds of prey.

The Ministry’s decision was also made without meaningful consideration of the effect of continuing aquifer withdrawals on Portuguese Creek and other wetlands in the Valley. The report also notes page 9, “... Impact on Connected Stream(s) and Surface Water Users Not applicable, as Aquifer 408 is not likely hydraulically connected to surface water. ... Environmental Flow Needs (EFN) Consideration Not applicable, as Aquifer 408 is not likely hydraulically connected to surface water...”

The Ministry maintains that the creek is not fed by the aquifer, but rather through surface water only, but as GF Consulting noted in their report, Review of the New Groundwater Application process for a proposed water bottling facility in Merville, BC (application by Christopher MacKenzie and Regula Heynck) May 2018:

“However, the well is artesian. Therefore, vertical migration of groundwater through a leaky aquitard could very likely be recharging a stream or wetlands. The assumption of absence of connection should be supported by a cross-section describing the aquifer, the confining layer (the aquitard), the piezometric level, and any intersection of the piezometric level with surface water bodies or wetlands (Figure 3). However, there is no supporting figures or illustrations confirming this assumption.” (page 11).

Sackville Road cuts across Portuguese Creek (which has been diverted under the road by a culvert), and many wildlife species travel along the creek’s riparian area, including confirmed identification for both Western Toads and Northern Red-Legged frogs present in the creek area. Western Toads are on the provincial Yellow List, as a species of conservation concern. Northern red-legged frogs are listed nationally by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) for Special Concern and they are on the provincial Blue List as a species of special concern.

The Tsolum River Recovery Plan notes, “Water withdrawals from tributaries such as Portuguese Creek are much more pronounced especially during low flow periods when refuge habitat pool availability is critical. Restrictions on use vary with the type of licence e.g. older irrigation permits have been grandfathered in and are not monitored.” page 17

tsolumriver.org/uploads/4/0/5/7/4057952/tsolum_river_recovery_plan-vaug2016. Apparently many farms have a water licence for withdrawals October to May directly from Portuguese Creek, but by May the creek is already almost to the point of drying up. Such outdated permits must be redrawn to reflect climate change and changing domestic water and land use.

Moreover, CVRD Aquifer Report 2000 noted that, “Several groundwater users are currently withdrawing large volumes from aquifers at Oyster River (Aquifer 410), Rosewall Creek (414), Base Flats (415) and Wilfred Creek (419). These users include aquaculture, agriculture, water bottling and industry. .. Of the 15 aquifers identified in the Regional District eight were classified as highly vulnerable...The highly vulnerable aquifers of the study area ... tend to appear on the banks or at the mouths of rivers and streams. As such, the water quality and quantity of these watercourses is intimately connected to that of the aquifers they share a geographic area with.” (page 30).

What monitoring is being conducted on these large withdrawals from aquifers, and how is the adequate environmental flow of creeks and rivers maintained?

At the Merville community meeting, ministry staff and MLA Ronna-Rae Leonard told us that your ministry is working on a province-wide plan for securing environmental flows to creeks and rivers. Given the former abundance of fish stocks in many creeks in the Valley, does Fisheries and Oceans Canada have any input into surface and groundwater management? When will this environmental

flow plan be finished and available for public comment, and what will be the connection between this plan and the recommendations of the BC government's Wild Salmon Advisory Council?

Implement a province-wide plan to protect the integrity of watersheds, implementing them into 'greenbelt and natural beauty' protected areas, with a program to secure public ownership of watershed areas across BC.

When watershed lands are privately owned and subject to logging and other deleterious activities, community water sources are at risk and often require costly water treatments. Funding for public purchase of watershed lands is repaid in saved treatment costs.

Remove the permitted commercial sale of water in BC under the Water Sustainability Act: review and increase the royalties that current water withdrawal licencees must pay to extract water from our rivers, lakes and streams: dedicate this money to habitat restoration on streams and rivers.

The Canadian Fresh Water Alliances notes, "...water pricing in BC currently undervalues the services and benefits of freshwater. Commercial users like Nestle pay a mere \$2.25 for a million Litres of water -- almost as much as they charge for 1L of bottled water. This is the lowest rate in Canada. Water pricing that values our natural capital fairly and provides incentives to conserve water will help reduce water waste and penalize over-extraction, potentially helping to avert future scarcity and drought."

There are deficiencies in the licence approval process and a lack of sufficient knowledge of surface water management and the health of BC aquifers and their streams and rivers, which must require a suspension to any future bottling approvals, including the proposed amendment to allow this withdrawal and transport. The spokesman for FLNR told the community meeting that approving this application will not set precedent for future applications, but with respect, he was most likely not a lawyer, and we must make decisions on water with the full knowledge that as water becomes a more and more valuable commodity in the world, the US will doubtlessly task their best legal minds with the matter of how to get hold of Canada's water. Changing NAFTA rules and other trade deals may make existing water bottling operations a commodity that must by law be permitted to be exported to the US. We simply cannot foresee how a decision here could have national repercussions. Joyce Nelson (Watershed Sentinel) notes that the US Army Corps of Engineers mapped Canada's freshwater resources in the 1950s in long-range water supply plans.

In the face of inadequate information about how climate change and development are affecting how aquifers are recharged,

and faced with the modern reality of chronic water shortages and public sentiment for water conservation, the permitted use of commercial water bottling must be removed from the Water Sustainability Act.

Based on changing climatic conditions, modernize current water use planning information that land and resource managers use when making decisions about forestry, mining and other activities that impact BC's freshwater.

According to the Canadian Fresh Water Alliance, "More than 60% of the province's water basins were in drought conditions in the fall of 2017. Water policy experts rank drought and flood resilience as the number one challenge that will define British Columbia One-fifth of provincial observation wells show moderate to large rates of decline.... Climate change, overuse and poor planning are ushering the province into an era of tough water decisions. The tools and policies we have to defend waters simply aren't built to withstand a multi-year drought in BC. The critical drought conditions we are seeing more frequently across the province in recent years could be mitigated by stronger legislation of BC's freshwater resources..... We lack a full understanding of how much is down there or how withdrawals affect the health of our rivers, lakes and streams..."

BC water policies are inadequate for the task of managing our water responsibly, and need to be updated to reflect modern realities.

Thank you for your attention to my concerns.

Sincerely yours,



Gillian Anderson
2561 Sackville Road PO Box 307
Merville, BC V0R 2M0

CC:

- Premier@gov.bc.ca

- Ronna-rae.leonard.MLA@leg.bc.ca
- George Heyman, Minister of Environment and Climate Change Strategy - ENV.minister@gov.bc.ca
- Claire Travena, Minister of Transportation & Infrastructure - Minister.Transportation@gov.bc.ca
- Scott Fraser, Minister of Indigenous Relations and Reconciliation - ABR.Minister@gov.bc.ca
- Minister of Agriculture – AGR.Minister@gov.bc.ca
- Andrew.weaver.mla@leg.bc.ca
- administration@comoxvalleyrd.ca – for distribution to:
 - CVRD Board of Directors, Puntledge
 - Puntledge – Black Creek Area ‘C’ advisory planning commission
 - Agricultural Advisory Planning Commission
 - Tsolum River Watershed Planning Group (CVRD)
- Jennifer Wallis at jwallis@comoxvalleyrd.ca
- Alana Mullaly, manager planning services CVRD - amullaly@comoxvalleyrd.ca

- Executive Director Regional Operations, FLNRO - Jeff.Sheldrake@gov.bc.ca
- Executive Director Regional Operations, FLNRO - Charles.Short@gov.bc.ca
- Water Authorizations Section Head - Darryl.Slater@gov.bc.ca
- Senior Authorizations Specialist – Water - David.Robinson@gov.bc.ca
- Authorizations Specialist – Water - Tanya.dunlop@gov.bc.ca.
- Valerie.Cameron@gov.bc.ca (BC Water Stewardship Manager)
- McLaren, Kenn FLNR:EX <Kenn.McLaren@gov.bc.ca>;
- info@dfo-mpo.gc.ca

- Chief Nicole Rempel, K’ómoks First Nations - info@komoks.ca
 - Strathcona Regional District - administration@srd.ca
 - City of Courtenay - jward@courtenay.ca
 - City of Comox - town@comox.ca
 - City of Campbell River - mayor.adams@campbellriver.ca
 - Village of Cumberland - info@cumberland.ca

Portuguese Creek



Sieffert struggles to revive dry creek

(Part two of a series)

Norm Sieffert crouched above a pool of stagnant water that has been slowly drying up on the bed of Portuguese Creek.

The Project Watershed member looked sadly at the the few surviving coho fingerlings darting about in the remaining shadows of the puddle.

As the dry days of summer drag on into the fall, the fish's chances of survival drop.

"It's pretty simple," he said. "No water, no fish."

The little creek didn't use to dry up.

Less than a half-a-century ago Sieffert would have been ankle-deep in flowing water where he crouched—even after a dry summer like this past one.

In those days the Portuguese, a tributary of the Tsolum River, supported impressive runs of salmon.

There are old-timers in the Valley, says Sieffert — himself no youngster — who remember the Portuguese "running red" with salmon in the fall.

However, the degradation of the Tsolum River and especially development along the banks of the Portuguese itself has almost eliminated the salmon runs.

"We've just been doing what we pleased with the land for 100 years and what we've done with it hasn't been very good for it ecologically," Sieffert said. "It's pay back time. It's pay back time in spades."

However, all the damage human

development has done to the Portuguese hasn't discouraged Sieffert.

"It's not as though it can't be brought back," he said. "It won't take much, just a few gallons a minute."

Sieffert, and the other volunteers with Project Watershed, have made restoring Portuguese Creek one of their missions. Project Watershed is a local non-profit group which is dedicated to preserving fish habitat.

They've been lobbying property owners along the length of the creek to "donate" some of their well water to maintain flows throughout the summer.

Most folks have been ready to listen, if not yet ready to commit part of their water supply, Sieffert said.

Last drops — Norm Sieffert worries about creek.

From: [Brenda Leigh](#)
To: brunic@shaw.ca
Subject: Fwd: AVICC Resolution re Bulk Water Extraction
Date: November 24, 2018 5:39:07 PM
Attachments: [20181101 Commercial Groundwater Extraction.pdf](#)
[Untitled attachment 00016.html](#)

Sent from my iPad

Begin forwarded message:

From: Tom Yates <TYates@srd.ca>
Date: November 21, 2018 at 9:35:43 AM PST
To: Charlie Cornfield <Charlie.Cornfield@campbellriver.ca>, "Director Leigh " <bleigh.53@gmail.com>
Cc: David Leitch <DLeitch@srd.ca>
Subject: AVICC Resolution re Bulk Water Extraction

Good morning.

The Regional Board has charged staff with developing a resolution for consideration by the AVICC on the above noted topic, with support from Directors Cornfield and Leigh. Accordingly it would be appreciated if you could provide your thoughts on the content and structure of the resolution. For your reference here is the resolution on this topic from October that was forwarded to the Premier:

THAT the Premier and the Minister of Forests, Lands and Natural Resources and Rural Development of BC be advised that the SRD does not support approvals of licenses for the extraction of groundwater anywhere from aquifers on Vancouver Island to be sold for commercial purposes, such as water bottling, bulk water export or private sales.

...and the motion that was referred to staff at the last meeting for further consideration:

WHEREAS water is the most essential resource upon which all life and all ecosystems depend,

AND WHEREAS water is a common heritage and a public trust for present and future generations and access to water must not be compromised by private or commercial operations,

THEREFORE BE IT RESOLVED that the Premier of BC and the Minister of Natural Resources and Rural Development be requested to immediately curtail the licensing of commercial extraction of groundwater resources for bottling or bulk water sales from groundwater on Vancouver Island.

Also attached to this email is the report presented to the Board at the November 7

meeting. The deadline for submission of resolutions for the AVICC is mid-February so it would be appropriate that this matter be reconsidered by the Board in January 2019.

Your assistance with this is appreciated.



Tom Yates
Corporate Services Manager
Tel: 250.830.6704
Toll free: 1.877.830.2990

From: [Brenda Leigh](#)
To: [Bruce & Nicole](#)
Subject: Re: Water bottling from the Comox Valley aquifer
Date: November 24, 2018 5:31:52 PM

Hi, Bruce. I put forward the Resolution which carried at the Strathcona Regional District Board on October 25/18 that the Strathcona Regional District write to the Premier and the Minister of Forest, Lands, Natural Resources and Rural Development to let them know that the SRD was not in favour of the Provincial Government issuing groundwater extraction licences anywhere on Vancouver Island to commercial water bottlers nor bulk water exporters.

The passing of this Resolution was very exciting to many groups and individuals on Vancouver Island and, therefore, I am following up with a Resolution to go to the Association of Vancouver Island and Coast Communities and then to UBCM to see how many other communities across BC would also appreciate having such a Provincial policy. The SRD Board directed that Charlie Cornfield, a Director from the City of Campbell River work collaboratively with me on the next resolution, so I've drafted what I consider to be a "Gold Star" Resolution for Director Cornfield to read and make possible suggestions on and for the SRD Board to consider at their meeting on January 19th. I will forward you the draft Resolution which is in progress. (See the next email which was sent to the SRD Corporate Officer, Tom Yates.)

If you have any suggestions for improvement to the Resolution, you could let myself and Director Cornfield know. The Resolution must follow the AVICC format and provide background information for AVICC members to consider. If it passes at the SRD Board and then at the AVICC, it will be sent on the the Union of BC Municipalities (all local governments in BC) and with that strengthened level of support, it may result in the BC Government amending it's Water Sustainability Act to prohibit commercial export/bottling of our groundwater sources.

You or someone within your group who might wish to be a Delegation to the Strathcona Regional District Board to support the upcoming Resolution can do so by contacting Tom Yates, Corporate Officer at the SRD to ask to speak to the Board as a Delegation on January 19th. It could really help boost support for the Resolution.

Thank you so much for contacting me! Tom Yates is at tyates@srd.com and Director Charlie Cornfield can be reached at ccornfield@shaw.ca.

Sincerely,

Brenda Leigh, Director,
Oyster Bay-Buttle Lake (Area D),
Strathcona Regional District

“

Sent from my iPad

On Nov 24, 2018, at 9:51 AM, Bruce & Nicole <brunic@shaw.ca> wrote:

Hi everyone. I was at a Council of Canadians meeting a couple of nights ago and all the folks there were very excited about this. They are very impressed and very thankful for the stand you have taken and for your proposal to take this "Vancouver Island Wide". There was a Courtenay Council member and a CVRD Director at the meeting and they were very interested in the movement, and cognisant of the timing for the AVICC.

I represent the Merville Water Guardians and our numerous supporters, and I meet regularly with a number of other water-related community activist groups. Is there anything we can do to help move this initiative forward? Are you able to provide any information on the steps that are being taken to move this forward? I would love to share anything you can tell me with all our supporters.

Many thanks.

Bruce Gibbons
Merville Water Guardians
250-702-1672

From: Brenda Leigh <bleigh.53@gmail.com>

Sent: October 30, 2018 2:10 PM

To: Bruce & Nicole <brunic@shaw.ca>

Cc: Jim Abram <jimabram@xplornet.ca>; RHansen@srd.ca; TYates@srd.ca

Subject: Re: Water bottling from the Comox Valley aquifer

Thanks, everyone for all your hard work to stop the privatization of our public water resources. We need to protect our watersheds and aquifers for the health of our communities, This is a very important issue and one we need to "draw the line on" for governments at all levels on Canada!

Thanks again for getting behind this issue!

Brenda Leigh, Director,
Oyster Bay-Buttle Lake (Area D),
Strathcona Regional District

Sent from my iPhone

On Oct 29, 2018, at 9:53 PM, Bruce & Nicole <brunic@shaw.ca> wrote:

Hello Mr. Abram. I just read the story in the Comox Valley Record

about the Strathcona Regional District taking action to protect water and ban water bottling. I am ecstatic and so grateful that you took such strong, definitive And timely action to protect our water. I am also really encouraged that you are proposing that the Island stand united against commercial extraction of water for profit. Are you able to share your plans for moving this forward? I have been campaigning for protection of our groundwater and our group has compiled 1,300 signatures on a petition toward that end. I would like to stay informed or better yet be involved in helping to move your idea forward.

I would love an opportunity to meet with you to talk about the issue.

Thank you.

Bruce Gibbons
Merville Water Guardians

From: Bruce & Nicole <brunic@shaw.ca>
Sent: August 31, 2018 5:04 PM
To: 'Jim Abram' <jimabram@xplornet.ca>
Cc: 'Brenda Leigh' <bleigh.53@gmail.com>; 'RHansen@srd.ca' <RHansen@srd.ca>; 'TYates@srd.ca' <TYates@srd.ca>
Subject: RE: Water bottling from the Comox Valley aquifer

I have attached the agenda from the original CVRD meeting in March, which includes the provincial licence. I have also attached the Executive Summary from the FLNRORD decision, and the staff report from the previous meeting (CVRD Agenda June 16). Here is a link to the agenda and the minutes from the final decision at the CVRD on Aug 28th. <https://www.comoxvalleyrd.ca/minutes-agendas>

Here is the timeline of the Merville issue:

Nov 2017 – Applicant is granted a licence by the FLNRORD Ministry over the objections of the CVRD and K'omoks First Nation

- Licence allows the applicant to extract up to 10,000 liters of water from the aquifer and bottle it and sell it (his original application was for 100,000 liters per day but he was convinced to reduce the volume in order to avoid higher levels of testing and scrutiny)

- Business plan calls for sales to local area in 20L plastic reusable containers

March 2018

- Application for rezoning comes before the CVRD. Area residents learn of the groundwater extraction licence for the first time.
- Large turnout at CVRD Board room in opposition of the rezoning
- CVRD Directors refer the application to staff, several committees, First Nations
- I formed a group called Merville Water Guardians in opposition to the rezoning and the granting of the water licence
 - I live 300 meters down the road from the applicant's property
- I filed an appeal of the water licence with the Environmental Appeal Board

May 2018

- The FLNRORD Ministry strongly opposed my appeal and fought to have my appeal dismissed

June 2018

- The EAB dismissed my appeal because the Water Sustainability Act requires an appellant to be a Riparian Owner (property abuts a water course that owner draws water from and the new licence would draw water from the same source and impact the owner/appellant) or the owner/appellant's land must be physically detrimentally affected by the new licence. The EAB specifically stated that their interpretation of that criteria was for the "land" to be affected, not the appellant's water or access to water. The Act does not appear to consider or protect groundwater.
- All committees, First Nations recommend denial of the rezoning application
- CVRD Directors refer the application to Public Hearing

July 2018

- Public hearing attended by approximately 175 area residents
 - Approximately 36 speakers, of which all but 2 were opposed to the rezoning
 - 175 written comments were submitted to CVRD at the hearing
 - Merville Water Guardians submitted a petition to the CVRD asking to deny the rezoning and to prohibit water

bottling in the CVRD

August 2018

- CVRD Directors voted unanimously to deny the application for rezoning

From March to date we have emailed and called the FLNRORD decision team, the FLNRORD Minister, the Environment Minister, our local MLA. The FLNRORD decision team continues to defend and justify their decision to grant the licence in spite of overwhelming opposition from residents and farmers in the Comox Valley.

Current status:

- Applicant still has his water licence, although it is/was dependent on him getting rezoning
- CVRD has denied rezoning, therefore his current licence cannot be utilized
- Applicant has applied for an amendment to his licence to allow him to truck the water off-site and bottle it in an area that allows water bottling
 - FLNRORD Ministry advises the application for an amendment is still under review
 - We are pressing the FLNRORD decision makers, the FLNRORD Minister and his Ministerial Assistant to deny the application for amendment
 - Denial of the amendment would effectively stop the water bottling
- Applicant has publicly stated that he will approach the Strathcona Regional District to bottle the water there (this is contingent on receiving the amendment approval)

We are also actively pressing the provincial government to stop approving licences to bottle and sell water from BC's aquifers. We have a petition asking that with 1,170 signatures to date.

If you still have questions or want even more info please let me know.

Bruce Gibbons

250-702-1672

From: Jim Abram <jimabram@xplornet.ca>
Sent: August 31, 2018 1:52 PM
To: Bruce & Nicole <brunic@shaw.ca>
Cc: Brenda Leigh <bleigh.53@gmail.com>; RHansen@srd.ca;
TYates@srd.ca
Subject: Re: Water bottling from the Comox Valley aquifer

Thanks for this. Please do send the rest of the details. We need to deal with this swiftly
Jim Abram

Sent from my iPhone so please excuse my fat fingered response

On Aug 31, 2018, at 1:10 PM, Bruce & Nicole <brunic@shaw.ca> wrote:

Strathcona Regional District Directors

Thank you for your time and consideration in receiving and reading my email.

You may or may not be aware of a water bottling licence that was approved for a resident of Merville in an area zoned RU-8, Rural Residential and surrounded by ALR land. The province granted the licence in spite of objections by the CVRD and K'omoks First Nation. The CVRD received an application for rezoning to allow water and beverage bottling in March 2018. The rezoning process was completed in July and the rezoning application was denied on Aug 28th by the CVRD Directors.

When the applicant left the meeting he was interviewed by a local reporter and he stated that he will be approaching the Strathcona Regional District and looking for a suitable site to locate his water bottling business. His current provincial water licence does not allow him to truck the water to another site, but he has applied to

the province for an amendment to his licence to allow him to do that. We are pressing the FLNRORD Ministry to deny the application for an amendment, but the application is still under review.

The CVRD is in the process of revising their bylaws to prohibit water and beverage bottling in the CVRD. A draft of that bylaw is on their website. I am emailing you as Directors of the SRD to ask you to consider amending your zoning bylaws to prohibit water and beverage bottling as a permitted use in order to prevent the applicant from extracting water from our Comox Valley aquifer (relied upon by thousands of Comox Valley residents and farmers) to be trucked to and bottled in your regional district. We are not campaigning against this one individual. We are concerned about protecting and conserving the water in our aquifers in the face of level 4 drought all over Vancouver Island, and in the face of evidence that climate change will bring longer, hotter, drier summer drought periods in future. We are seriously concerned that this local Merville water licence could set a dangerous precedent that would see more and more licences extracting water from our aquifers for bottling and commercial sale. A select few individuals and corporations should not be allowed to profit by selling precious groundwater resources that belong to all the people of BC. Environment Ministry statistics show that over one million people in BC (roughly 22%) rely on groundwater for their everyday water requirements for drinking, sanitation, home gardens and farms.

Thank you very much for your consideration. If you would like more information about this specific Merville licence issue, or about our overall campaign to protect the groundwater of British Columbia I would be happy to provide information to you or to make a presentation to your Board.

Bruce Gibbons
Merville Water Guardians

250-702-1672

RECEIVED

**REQUEST TO APPEAR AS A DELEGATION**

TOWN OF COMOX
1809 Beaufort Avenue Ph: (250) 339-2202
Comox BC V9M 1R9 Fx: (250) 339-7110

JAN 29 2019

TOWN OF COMOX

REQUESTS TO APPEAR BEFORE COUNCIL OR THE COMMITTEE OF THE WHOLE MUST BE
SUBMITTED NO LATER THAN THURSDAY NOON, THE WEEK PRIOR TO THE MEETING

Name(s) of person(s) speaking: Jody Macdonald and Colin Sauer

Organization you are representing: Comox Valley Community Foundation

Primary purpose of Organization: Enrich live in the Comox Valley Number of members: 17

Mailing address: 102-1797 Comox Ave

City: Comox Postal Code: V9M3L9

Contact name: Sigourney Brown Email: office@cvcfoundation.org

Phone: 250-338-8444 Fax: _____

Subject matter: 2018 Comox Valley Vital Signs Report - Jody and Colin would like an opportunity

to speak to council about the importance of the report and some of the Comox data it contains. Copies
of the report will be handed out at the meeting

Specific request of Council, if any (i.e., letter of support, funding): None

Requested meeting and date: February 6th or 20th

Audio-visual equipment required: Screen and Projector for PowerPoint Presentation

Date of application: January 29th 2019 Signature of applicant: _____

Please Note: or Print Name: Sigourney Brown

1. Regular Council Meetings start at 5:30 p.m., while Committee of the Whole Meetings start at 4:15 p.m. Delegations are dealt with at the beginning of each meeting.
2. Maximum presentation time is 10 minutes including questions, unless previously approved by the Chair.
3. Presenters are to address Council or the Committee of the Whole, and not the audience
4. All presentation materials/handouts must be submitted no later than Thursday noon, the week prior to the meeting. If the Friday prior to the meeting is a statutory holiday, then presentation materials must be submitted by Wednesday noon.
5. Please ensure that your cell phone is turned OFF during the meeting.

0-RCM Agenda
copies - Council
- RK

19-059	RCM
0400-03	Feb 20



REQUEST TO APPEAR AS A DELEGATION

TOWN OF COMOX

1809 Beaufort Avenue Ph: (250) 339-2202
Comox BC V9M 1R9 Fx: (250) 339-7110

February 8, 2019

TOWN OF COMOX

REQUESTS TO APPEAR BEFORE COUNCIL OR THE COMMITTEE OF THE WHOLE MUST BE SUBMITTED NO LATER THAN THURSDAY NOON, THE WEEK PRIOR TO THE MEETING

Name(s) of person(s) speaking: Jennell Ellis

Organization you are representing: Breathe Clean Air Comox Valley

Primary purpose of Organization: Improve air quality Number of members: 250+

Mailing address: 820 Stewart Ave.

City: Courtenay Postal Code: V9N 3H2

Contact name: Jennell Ellis Email: info@breathecleanair.ca

Phone: 250-465-9192 Fax: _____

Subject matter: How local governments can help improve air quality by addressing wood smoke issues.

Specific request of Council, if any (i.e., letter of support, funding): Action on air quality.

Requested meeting and date: Council meeting, February 20, 2019

Audio-visual equipment required: Powerpoint projector

Date of application: Feb 7 2019 Signature of applicant: _____

Please Note: or Print Name: Jennell Ellis

1. Regular Council Meetings start at 5:30 p.m., while Committee of the Whole Meetings start at 4:15 p.m. Delegations are dealt with at the beginning of each meeting.
2. Maximum presentation time is 10 minutes including questions, unless previously approved by the Chair.
3. Presenters are to address Council or the Committee of the Whole, and not the audience
4. All presentation materials/handouts must be submitted no later than Thursday noon, the week prior to the meeting. If the Friday prior to the meeting is a statutory holiday, then presentation materials must be submitted by Wednesday noon.
5. Please ensure that your cell phone is turned OFF during the meeting.

LOG: 19-078	REFER:	AGENDA: RCM - Feb. 20
FILE: 0550-20	ACTION: MR	

o ~ cfile 0550-20-DEL
copy ~ Mayor & Council
RK / SR / agenda

TOWN OF COMOX
Minutes of the Regular Council Meeting,
held in Council Chambers on Wednesday February 6, 2019

Present: Mayor R. Arnott
 Councillors A. Bissinger, K. Grant, S. McGowan,
 P. McKenna, N. Minions, M. Swift

Absent: Nil

Call to Order:

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

The Agenda was Approved.

There were 31 visitors in attendance.

1. DELEGATIONS:

- a. **Krystian Wetulani and Shamus Dowler (Applicants): Non-Medical Cannabis Licence Application Review (City Cannabis Corporation, 215 Port Augusta Street)**

215 Port Augusta Street

Mr. Wetulani and Mr. Dowler advised that they were available to answer any questions of Council.

- b. **Maren Blid and Scott Fisher (Applicant) Rezoning Application: RZ 18-9 / Development Variance Permit Application: DVP 18-8 (1548 Dogwood Avenue)**

1548 Dogwood

Ms. Blid advised that they are wanting to build a coach house for her father, and that they need a variance in order to have the home meet his needs.

2. MINUTES OF MEETINGS:

- a. **Regular Council Meeting Minutes**

RCM Minutes

That the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday January 16, 2019, be Approved.

(2019.025) -- CARRIED

- b. **Committee of the Whole Meeting Minutes**

COW Minutes

That the Minutes of the Committee of the Whole Meeting, held in Council Chambers on Wednesday January 23, 2019, be Received.

(2019.026) -- CARRIED

COMMITTEE RECOMMENDATIONS:

- (1) Pam Moughton (Comox Archives and Museum Society) Request for an annual increase in support to the Museum

CAMS Funding Request

That the January 15, 2019 letter from Pam Moughton, Chairperson of the Comox Archives and Museum Society, requesting that their annual grant be increased by \$7,500 per year, be referred to the budget process.

(2019.027) -- CARRIED

3. COMMITTEE REPORTS: NIL

4. UNFINISHED BUSINESS:**a. Management Report - February 6, 2019.****Management Report**

That the Management Report for February 6, 2019 be received and filed for information.

(2019.028) -- CARRIED

b. Modification of Mack Laing Trust**Mack Laing Trust**

Councillor McKenna advised that:

- he has evaluated both sides of this issue through multiple conversations with stakeholders, painstaking research, a lot of reading on the history,
- he does not believe that a museum located on the site of Shakesides should be built, as it would be costly, would be located in an area of flooding and ocean reclamation, and would not be easily or economically maintained, leading to further costs to the taxpayers of Comox;
- he also does not believe in breaking the trust of a donor, as for more than ten years he has been in the position of accepting donations to do the great work of non-profits, and has made the difficult decision to not accept donations when he knew he could not honour the request.

Councillor Swift advised that:

- she was surprised to learn that potential new Councillors wanted to take another look at Shakesides before moving forward, and it is of great credit to a small group of citizens that they have been able to sow the seeds of doubt on the unanimous decision of the last Council;
- the issue of not proceeding with the will has always been the same, and that even in 1983 the money and the way it was allocated was not adequate to implement Mack's wishes;
- with the necessary modifications today, Mack's house would look quite different than what he could have imagined;
- she is impressed with how many are willing to assist, and advised that the "relatively low cost" mentioned in the Heritage Society's Report does not come close to defining "actual costs";
- the Town doesn't want volunteers doing risky projects on our behalf;
- using 1/4 of the funds for renovating Shakesides would only give \$70-75,000, that it would be impossible to build to today's standards, and questioned where the money would come from;
- the Filberg Association's stage project increased from a budget of \$20,000 to an actual cost of \$85,000 even with donated labour from the engineers at the base;
- being "eligible" for grants does not guarantee the money, and that she did not know of any grants that cover operating costs;
- only two people applied to a Council Committee struck to consult with stakeholders, both closely connected with the MLHS;
- some of the discussion that influenced the decision of the Council Committee included conversations that the Comox Archives and Museum Society did not want to give up Mack's collection, as well as about the lack of funding and potential for volunteer burnout;
- she believes the MLHS has unrealistic expectations of running a museum;
- the Council Committee decided to honour Mack's legacy with a viewing stand and educational signage, and the Attorney General's office can support this;
- although some would prefer that there be no stand, the Council Committee felt a moral responsibility to have something stand in place of the house;
- there is still a place for the MLHS and others in the community to honour Mack Laing;
- many of the activities described by the MLHS do not require a house and a viewing platform may be better suited to study nature;
- meeting space could be accomplished at the Filberg Lodge - a win-win to help sustain the property, or at the Twin Sail buildings at the Marina;
- the Nature Pre-School, part of the MLHS plan, is now operating out of Filberg Park;
- the viewing stand is just a concept, and that there is still time to work out the details;
- many people enjoy just being in the park and sitting on the benches, and that Mack would be pleased by this;
- she hopes that everyone now has a broader understanding of the conundrum facing previous Councils, and that the AG agrees that the previous Council's solution is practical; and
- she hopes all members can come together as leaders and deliver the message that the Town should proceed with the alteration of the trust.

b. Modification of Mack Laing Trust**Mack Laing Trust**

Councillor McGowan advised that:

- it was great to have all of the background information;
- the Town received a great gift that came with certain stipulations, and as of yet the contract has not been fulfilled;
- there is potential that can be explored to make good on the agreement, and that there will be compromise as the world has changed in the last 30 years; and
- she hopes Council can explore how to move beyond past mistakes and on to a more collaborative effort that works with trust and taxpayers together.

Councillor Bissinger advised that:

- the Mack Laing situation is more of a moral issue;
- she doesn't support the idea of a nature museum or the platform solution;
- she would like to sit down with the MLHS to see what's involved, what's sustainable and what the community is willing to accept;
- that moving forward, the Town needs to make sure that this does not become a tax burden to the residents of Comox;
- she would like to see the Court proceedings go into abeyance and have an honest and open discussion with the MLHS;
- if there is absolutely no compromise then she would be willing to consider something else;
- as an engineer, she considers solving problems as a challenge, and she sees this as a fairly big challenge but also sees, with opportunity and compromise, a win-win solution;
- she would like to see this complete within the next year, and have a way to move forward within the next couple of months.

Councillor Grant advised that:

- all sides on this issue need to compromise;
- the Attorney General won't agree with everything;
- in 2002, 2003, 2014 and 2016, a kiosk or a platform was the way to honour Mack and move forward;
- if the Town proceeds with using volunteers, it probably can't rely on volunteers and grant funding to sustain it in the future;
- he believes that maintaining an open cheque book, with unknown funding demands, is highly irresponsible; and
- if the Town proceeds with modifying the trust, then there is cost certainty, the funding is available, and a nice tribute will be left for Mack Laing.

Councillor Minions advised that:

- this is a complex issue, and one of the most divided topics of this short term of Council;
- the interpretation in breaking a trust is that absolutely every effort has been made with the Society that is common sense;
- in reading through the Terms of Reference for the Council Committee, it seems that there was already a pre-conceived decision that was made without joint efforts on costs and engineering;
- the Town accepted the trust, that is a legal item, and that we would be ignoring a resident in our history if we did not try to find a win-win;
- the MLHS that has held the money does not agree with the platform concept,
- the process was correct but something is missing;
- that the Town gave back the money on Dec 6, 2017 - the same day that the Court motion was put forward - and it doesn't feel like the due diligence was done to 100%; and
- as a new Council we are having a challenge with the moral side of how we treat our history and our citizens that have given a large gift to the Town.

b. Modification of Mack Laing Trust**Mack Laing Trust**

Mayor Arnott advised that:

- this has been a passionate issue for some residents, and that it was not a big topic on the recent campaign trail;
- of those he spoke with, most think a viewing platform and signage is a nice way to remember Mack Laing while enjoying the natural beauty of the area;
- this topic was not raised as a concern from the homes he knocked on;
- he believes creating a museum would require excessive amounts of tax money after initial grant funding dries up and the trust fund becomes exhausted;
- allocating limited tax dollars between either a single home or a longer community benefit, such as affordable housing is what Council's role is all about;
- there will never be enough tax dollars, and Council's task is to decide if spending the Town's tax dollars on a project that very well might continue to be a net drain on the budget is a wise choice to make;
- he feels that our current path of applying to amend the Trust and building a viewing platform is a worthwhile compromise; and
- being a believer in climate change, and with increased storm activity and rising sea levels, he sees this as becoming a bigger problem that will continually challenge the suitability, and engineering, of operating a museum at this site.

REGULARLY MOVED AND SECONDED THAT THE MEETING RECESS AT 6:28 P.M. UNTIL AFTER THE PUBLIC HEARING ON REZONING APPLICATION RZ 17-12 (1961 BOLT AVENUE).

CARRIED

THE MEETING WAS CALLED BACK TO ORDER AT 6:55 P.M.

b. Modification of Mack Laing Trust**Mack Laing Trust**

That the court proceedings be put into abeyance for a period of up to three months, in order that Council facilitate discussions with all parties interested in the Mack Laing trust issue

(2019.029) -- CARRIED

[Opposed: Mayor Arnott]

c. Planning Report PR 19-3 Non-Medical Cannabis Licence Application Review (City Cannabis Corporation) 215 Port Augusta Street - Comox Mall**215 Port Augusta**

That staff be directed to gather the views of Town residents on Non-Medical Cannabis Retail Store Licence Application PR 19-3 as follows:

- a. *Placement of a notice of request for written public comment in two consecutive issues of a newspaper; and*
- b. *Mail-out or hand delivery of a notice of request for written public comment to property owners and tenants within 75 metres of the subject property.*

(2019.030) -- CARRIED

5. SPECIAL REPORTS:**a. Comox Valley Regional District Meeting Minutes****CVRD Meeting Minutes**

That the following Comox Valley Regional District meeting minutes be received for information:

- *Comox Valley Regional District Board held on Wednesday, December 19, 2018;*
- *Comox Valley Regional District (Comox Strathcona Waste Management) Board held on Thursday, January 10, 2019; and*
- *Comox Strathcona Regional Hospital District Board held on Thursday, January 10, 2019.*

(2019.031) -- CARRIED

6. BYLAWS: NIL**7. NEW BUSINESS:****a. Planning Report PR 19-1 - Annual Referrals to School Districts****School District Referrals**

That the annual referral responses from local school districts (SD71 and SD93) be received by Council for information, as contained in Planning Report PR 18-1 dated February 6, 2019.

(2019.032) -- CARRIED

b. PR 19-2 Streamlined Applications for Side-By-Side Secondary Suites and Coach Houses**Side-by-Side Secondary Suites and Coach Houses****1. That, in accordance with s. 475 of the Local Government Act:**

- a. A notice of proposed OCP amendment, as contained in Attachment 2 to the February 6, 2019 Planning Report PR 19-2, be placed on the Town's bulletin board and website, until replaced by a notice of public hearing; and*
- b. A copy of the February 6, 2019 Planning Report PR 19-2 be posted on the Town's website, until replaced by a notice of Public Hearing.*

(2019.033) -- CARRIED

2. That staff be directed to prepare for Council's consideration an OCP Amendment Bylaw to:

- a. Create a new Development Permit Area for side-by-side secondary suites, which exempts side-by-side secondary suites that meet standardized design criteria from the requirement to obtain a Development Permit; and*
- b. Allow coach houses in single-family zones as an outright use, as opposed to requiring site by site consideration.*

(2019.034) -- CARRIED

3. That staff be directed to prepare for Council's consideration a Zoning Amendment Bylaw:

- a. To amend the definition of secondary suite to include side-by-side location; and*
- b. To permit coach houses as an outright use in single-family residential zones.*

(2019.035) -- CARRIED

4. That staff be directed to prepare for Council's consideration an amendment to Comox Planning Procedures Bylaw 1780, to delete procedures specific to coach house zoning amendments.

(2019.036) -- CARRIED

c. Rezoning Application: RZ 18-11 / Development Variance Permit Application: DVP 18-12 (1622 Ascot Avenue Coach House)**1622 Ascot Avenue****1. That Comox Zoning Amendment Bylaw 1871 be given First and Second Readings.**

(2019.037) -- CARRIED

2. That in accordance with Section 464(2) of the Local Government Act the requirement to hold a Public Hearing in respect of Comox Zoning Amendment Bylaw 1871 be waived and staff be instructed to publish the requisite notices as required by the Local Government Act.

(2019.038) -- CARRIED

d. Bates-Huband Fire Service Agreement**Bates-Huband Fire Service**

That the Town of Comox enter into an agreement with the Comox Valley Regional District for the provision of fire protection services and emergency assistance to the Bates-Huband fire protection local service area, for a period of five years, effective January 1, 2019.

(2019.039) -- CARRIED

e. Rezoning Application: RZ 18-9 / Development Variance Permit Application: DVP 18-8 (1548 Dogwood Avenue Coach House)**1548 Dogwood Avenue**

1. *That Comox Zoning Amendment Bylaw 1901 be given First and Second Readings.*

(2019.040) -- CARRIED

2. *That in accordance with Section 464(2) of the Local Government Act, the requirement to hold a Public Hearing in respect of Comox Zoning Amendment Bylaw 1901 be waived and staff be instructed to publish the requisite notices as required by the Local Government Act.*

(2019.041) -- CARRIED

8. CORRESPONDENCE:**a. CivicInfo BC - Message from the Legislative Assembly of British Columbia - Inquiry into ride hailing services****Ride Hailing Services**

That the December 18, 2018 email from the Legislative Assembly of BC, regarding ride hailing services, be received and filed for information.

(2019.042) -- CARRIED

b. Kerry Griffiths - Move forward with honouring Mack Laing Jim Hentschel - The Future of Mack Laing Nature Park**Mack Laing**

That the January 23, 2019 email from Kerry Griffiths and the January 28, 2019 email from Jim Hentschel, regarding the Mack Laing nature park and trust, be received and filed for information.

(2019.043) -- CARRIED

c. Pamela Munroe (Comox Valley Social Planning Society) Designate one Councillor as a representative**CV Social Planning Society**

That the January 21, 2019 letter from the Comox Valley Social Planning Society, inviting the Town to designate a representative to the Society, be received; and further, that Councillor McGowan be appointed.

(2019.044) -- CARRIED

d. Noreen Robertson - Concerns with 635 Anderton and area**635 Anderton Road Concerns**

That the January 24, 2019 letter from Noreen Robertson, inquiring into why the Town removed their second driveway, be received and referred to staff for followup.

(2019.045) -- CARRIED

e. Earlene Cameron - Parking concerns with new Craft Pub on Guthrie**Land and Sea Brewing**

That the January 24, 2019 letter from Earlene Cameron, regarding parking concerns with the new Land and Sea Brewing Company, be received and referred to staff for followup.

(2019.046) -- CARRIED

9. LATE ITEMS: NIL

10. DELEGATIONS: NIL**11. REPORTS FROM MEMBERS OF COUNCIL:****a. Councillor McKenna**

Councillor McKenna advised that he:

- attended two Homelessness Coalition meetings,
- attended the Chamber of Commerce breakfast at Crown Isle,
- met with members of the Mack Laing Heritage Society,
- rented one of the Twin Sail buildings for a Habitat for Humanity event,
- attended a restorative justice training event,
- attended the Local Government Leadership Academy training sessions,
- represented the Town at a Fung Loy Kok Institute tai chi open house in Parksville,
- attended the Community Enrichment Awards event, and
- attended the Community Action Hive at the World Community Film Festival.

b. Councillor Bissinger

Councillor Bissinger advised that she:

- attended the regional solid waste advanced technology select committee meeting,
- attended the regional solid waste management board and hospital board meetings, and
- judged a robotics competition at Highland Secondary School.

c. Councillor Grant

Councillor Grant advised that he:

- attended the regional committee of the whole meeting, and
- attended the regional sewer commission and water committee meetings.

d. Councillor Minions

Councillor Minions advised that she:

- attended the regional solid waste management and hospital board meetings,
- attended a Vancouver Island Regional Library board meeting,
- attended a Filberg Lodge Association meeting,
- attended a Comox Archives and Museum Society meeting,
- attended an environmental sustainability event at Highland Secondary School, and
- attended the Democracy Corner at the Hive.

e. Councillor Swift

Councillor Swift advised that she:

- toured through India over the past month,
- attended the regional sewer commission meeting, and
- attended the regional district budget meeting.

f. Councillor McGowan

Councillor McGowan advised that she:

- attended a d'Esterre Seniors' Association meeting,
- attended the Community Enrichment Awards event, and
- attended the Democracy Corner at the Hive.

g. Mayor Arnott

Mayor Arnott advised that he:

- met with Rob and Lee Everson regarding their red dress campaign;
- attended the Mayor's Cup hockey game;
- attended the Campagnolo Lecture series featuring Brenda Luckie, RCMP Commissioner;
- co-chaired the Mayor's breakfast at a Comox Valley Economic Development Society event;
- attended the Comox Valley Chamber awards night;
- attended the Regional District board meeting for Councillor Swift;
- toured the Cannabis lab site with Nick Page;
- attended the Community Action Hive;
- presented the Mayor's cup to Courtenay Mayor Wells; and
- attended a Regional District sewage committee meeting.

12. BUSINESS ARISING FROM PUBLIC HEARING:**a. Rezoning Application RZ 17-12 / Development Variance Permit Application DVP 17-9 (1961 Bolt Avenue)****1961 Bolt Avenue**

That Comox Zoning Amendment Bylaw 1894 be given Third Reading.

(2019.047) -- CARRIED
[Opposed: Mayor Arnott]

15. EXCLUDE THE PUBLIC: NIL**Adjournment:**

Regularly moved and seconded that the meeting adjourn at 7:44 p.m.

CARRIED

Certified correct pursuant to Section 97(1)(b) of the Community Charter.

MAYOR

CORPORATE OFFICER

TOWN OF COMOX – MANAGEMENT REPORT

February 20, 2019

Item	DATE ADDED	SUBJECT	COUNCIL DIRECTION	STATUS
1.	Mar 7, 2007	Organic Waste Collection Service	Investigate the provision of an Organic Waste Collection Service in Comox-Courtenay	Regional District continuing to investigate options. Organics collection remained constant, at nearly 1800 tonnes for 2018.
2.	Aug 20, 2014	Fixed Wing Search and Rescue Training Facility	Investigate the feasibility of financial and other incentives that would support the selection of 19 Wing Comox.	Grant-in-aid provided to 19 Wing Comox as an incentive to develop a training facility at CFB Comox. Expected building completion by July 2019.
3.	Jan 18, 2017	Northeast Comox Storm Water Management Plan	Implementation of Northeast Comox Storm Water Management Plan	Storm Water Management Plan accepted by Council at its October 3 RCM. Staff working on bylaws, to be introduced to Council in the Fall.
4.	Jan 18, 2017	Mack Laing Trust	That staff be directed to begin the process to modify, if necessary, the terms of the Trust.	Mack Laing Heritage Society granted intervener status, rather than standing, and submitted a Business Plan for the new Council's consideration. Court proceedings put into abeyance for up to three months in order that Council facilitate discussions with all interested parties.
5.	August 2, 2017	Wayfinding Signage	Implement wayfinding signage standards, prototypes and implement Phase 1 signage	Project eligible for Community Works Funds. Directional fingerboards continue to be installed as time and weather allow. Larger map and interpretive signs in production.

Note: Shaded items will be removed from the Management Report unless otherwise directed by Council.



COMOX VALLEY REGIONAL DISTRICT BOARD

Tuesday, January 29, 2019

Minutes of the meeting of the Comox Valley Regional District Board of Directors held on Tuesday, January 29, 2019
in the boardroom of the Comox Valley Regional District offices located at 550B Comox Road, Courtenay, BC
commencing at 4:00 pm.

MINUTES

Present:

Chair:	B. Wells	City of Courtenay
Vice-Chair:	A. Hamir	Lazo North (Area 'B')
Director:	J. Ketler	Village of Cumberland
Directors:	D. Arbour	Baynes Sound-Denman/Hornby Islands (Area 'A')
	W. Morin	City of Courtenay
	E. Grieve	Puntledge/Black Creek (Area 'C')
	D. Hillian	City of Courtenay
	D. Frisch	City of Courtenay
	B. Leigh	Oyster Bay – Buttle Lake (Area 'D')
	K. Grant	Town of Comox
Alt. Directors:	R. Arnott	Town of Comox
Staff:	R. Dyson	Chief Administrative Officer
	B. Dunlop	Corporate Financial Officer
	S. Smith	General Manager of Planning and Development Services
	M. Rutten	General Manager of Engineering Services
	I. Smith	General Manager of Community Services
	J. Martens	Manager of Legislative Services

RECOGNITION OF TRADITIONAL TERRITORIES:

The Chair acknowledged that the meeting was being held on the unceded traditional territory of the K'ómoks First Nation.

VARY THE AGENDA

D. Frisch/D. Hillian: THAT the agenda be varied to bring forward items D.4, F.2 and G. 3 relating to Black Creek-Oyster Bay Services.

208

Carried

K. Grant/E. Grieve: THAT the agenda be varied to bring forward the delegation under item E.1 following items D.4, F.2 and G.3.

208

Carried

BUSINESS ARISING FROM MINUTES:**BLACK CREEK - OYSTER BAY FIRE PROTECTION - SERVICE AREA AMENDMENT**

B. Leigh/K. Grant: THAT adoption of Bylaw No. 567 being "Black Creek/Oyster Bay Fire Protection Local

Service Area Conversion/Establishment Bylaw No. 1964, 1997, Amendment No. 6", be rescinded.

208

Carried

REPORTS:

BLACK CREEK - OYSTER BAY SERVICES COMMITTEE - JANUARY 7, 2019

D. Frisch/B. Leigh: THAT the Black Creek - Oyster Bay Services Committee minutes dated January 7, 2019 be received.

208

Carried

BYLAWS AND RESOLUTIONS:

B. Leigh/D. Arbour: THAT Bylaw No. 567 being "Black Creek/Oyster Bay Fire Protection Local Service Area Conversion/Establishment Bylaw No. 1964, 1997, Amendment No. 6", be adopted.

208

Carried

Director Leigh left the meeting at 4:07 pm.

PETITIONS AND DELEGATIONS:

GLACIER VIEW LODGE

E. Grieve/K. Grant: THAT the presentation from James Taylor, Board Chair, regarding Glacier View Lodge and their intended work on a seniors' housing needs survey for the Comox Valley be received.

208

Carried

D. Arbour/K. Grant: THAT the board provide a letter of support to Glacier View Lodge in support of their initiative to provide affordable housing for seniors in the Comox Valley;

AND FURTHER THAT staff work with Glacier View Lodge with respect to their information gathering and surveys in support of this initiative.

208

Carried

ADOPTION OF MINUTES:

R. Arnott/D. Frisch: THAT the Comox Valley Regional District Board minutes dated December 18, 2018, be adopted.

208

Carried

R. Arnott/D. Frisch: THAT the Comox Valley Regional District Board minutes dated December 19, 2018, be adopted.

208

Carried

BUSINESS ARISING FROM MINUTES CONTINUED:

COMOX VALLEY AIRPORT COMMISSION - APPOINTMENT

The following resolution was passed at the December 18, 2018 Board in-camera meeting and was publicly released as the appointment of Mr. Crilly to the Comox Valley Airport Commission has been confirmed:

"THAT the Comox Valley Airport Commission be advised that the Comox Valley Regional District Board concur to the reappointment of Mr. Martin Crilly to the commission;

AND FURTHER THAT the board rise and report on this resolution subject to the airport commission being advised."

COLLECTIVE AGREEMENT - UNITED STEELWORKERS LOCAL 1-1937

The following resolution was passed at the December 18, 2018 Board restricted in-camera meeting and was publicly released as the agreement with United Steelworkers Local 1 – 1937 (USW) has been confirmed:

"THAT the agreement between the Comox Valley Regional District and USW Local 1-1937 for the term of February 1, 2018 – February 1, 2022 be approved;

AND FURTHER THAT the Chair and Corporate Legislative Officer be authorized to sign the agreement;

AND FINALLY THAT the Board rise and report on the matter subject to endorsement of the agreement by USW Local 1-1937."

COMOX VALLEY EARLY YEARS COLLABORATIVE - APPOINTMENT

D. Hillian/W. Morin: WHEREAS on December 18, 2018 the Board appointed Director Grieve to the Comox Valley Early Years Collaborative Child Care Planning Committee;

THEREFORE BE IT RESOLVED THAT the appointment be for the 2018-2022 term of office and travel expenses be paid provided travel expenses are not paid directly by the Comox Valley Early Years Collaborative.

208

Carried

REPORTS CONTINUED:

COMMITTEE OF THE WHOLE - DECEMBER 20, 2018

A. Hamir/K. Grant: THAT the Committee of the Whole minutes dated December 20, 2018 be received.

208

Carried

ELECTORAL AREAS SERVICES COMMITTEE - JANUARY 7, 2019

K. Grant/D. Frisch: THAT the Electoral Areas Services Committee minutes dated January 7, 2019 be received.

208

Carried

D. Frisch/K. Grant: THAT the board approve the Development Variance Permit DV 5C 18 (Jancowski) to:

1. Reduce the minimum right side yard setback of a proposed accessory building from 3.5 metres to 2.0 metres;
2. Reduce the minimum right side yard setback of the eaves of the proposed accessory building from 1.75 metres to 1.4 metres; and
3. Increase the maximum building height of the proposed accessory building from 6.0 metres to 7.0 metres; for a property described as Lot B, District Lot 136, Comox District, Plan 48662, PID 014-172-313 (4250 Marsden Road) with the condition that a visual buffer along the portion of the proposed accessory building be implemented and maintained for the life of this building;

AND FINALLY THAT the Corporate Legislative Officer be authorized to execute the permit.
208 and 213 Carried

D. Hillian/K. Grant: THAT the board approve Development Variance Permit (DV 6C 18) to reduce the minimum road frontage from 10.0 per cent of the lot's perimeter to 6.7 per cent for the property currently described as Lot 2, District Lot 124, Comox District, Plan 26362 (PID 002-751-291) for the purposes of a lot line adjustment (Subdivision Referral File: 04836 C 18);

AND FINALLY THAT the Corporate Legislative Officer be authorized to execute the permit.
208 and 213 Carried

E. Grieve/W. Morin: THAT the board approve Development Variance Permit DV 7C 18 (Dick/Macleod) to increase the maximum permitted height of a carriage house building from 7.0 metres to 7.5 metres for the property described as Block O, District Lot 166, Comox District, Plan 1845, PID 003-417-841 (6864 Railway Avenue);

AND FINALLY THAT the Corporate Legislative Officer be authorized to execute the permit.
208 and 213 Carried

D. Frisch/D. Arbour: THAT the board approve the Development Variance Permit DV 8C 18 (MacMillan/Klupsas) to increase the maximum permitted height for an accessory building from 6.0 metres to 7.8 metres for property described as Lot A, Sections 29 and 30, Township 6 and of Block 29, Comox District, Plan 9627, PID 005-367-280 (7762 Island Highway North);

AND FINALLY THAT the Corporate Legislative Officer be authorized to execute the permit.
208 and 213 Carried

W. Morin/E. Grieve: THAT the board approve issuance of a Temporary Use Permit (TUP 1C 18) to Robert & Sheila Reynolds to allow a manufactured and modular home sales centre for a term of three years on the property described as Lot D, Block 29, Comox District, Plan 49418, PID 015-091-236 (1321 Williams Beach Road);

AND FURTHER THAT, in the event that any required Development Permit or Building Permit application has not been submitted within six months of the issuance of Temporary Use Permit (TUP 1C 18), staff provide a report to the board for consideration of revoking the Temporary Use Permit;

AND FINALLY THAT the board authorize the Corporate Legislative Officer to execute the Temporary Use Permit.
208 and 213 Carried

D. Frisch/K. Grant: THAT an application based annual rebate program for properties with farm status be developed and implemented for the Royston Water Local Service Area.
207 Carried NAY: D. Arbour

SEWAGE COMMISSION - JANUARY 15, 2019

W. Morin/K. Grant: THAT the Sewage Commission minutes dated January 15, 2019 be received.
208 Carried

COMMITTEE OF THE WHOLE - JANUARY 15, 2019

RCM Agenda February 20, 2019

D. Hillian/K. Grant: THAT the Committee of the Whole minutes dated January 15, 2019 be received.
208 Carried

K. Grant/W. Morin: THAT staff be directed to investigate formation of a Regional Airshed Advisory Group, to consult with staff at The Village of Cumberland, Town of Comox and City of Courtenay and to report back to the Board by spring 2019;

AND THAT the mandate of the advisory group would be to provide a report with action items by September 2019.
208 Carried

ELECTORAL AREAS SERVICES COMMITTEE - JANUARY 21, 2019

K. Grant/W. Morin: THAT the Electoral Areas Services Committee minutes dated January 21, 2019 be received.
208 Carried

D. Hillian/K. Grant: THAT the revised water service agreement (Graham Lake Improvement District (GLID) for the Denman Island Water Local Service Area) attached as Appendix A to the staff report dated January 17, 2019 be approved;

AND FURTHER THAT the Chair and Corporate Officer be authorized to execute the agreement.
207 Carried

K. Grant/E. Grieve: THAT the Comox Valley Regional District rescind the decision to secure funding for the Saratoga Miracle Beach roadside greenways as a stand-alone initiative as directed by the February 27, 2017 staff report titled 'Seaman Road beach access and Saratoga Miracle Beach roadside greenway plan'.
209 Carried

E. Grieve/K. Grant: THAT the board consider three readings and subsequent adoption of an amendment to Bylaw No. 2051, being "Unsightly Premises Extended Service Establishment Bylaw No. 2051, 1998", to increase the maximum requisition by 25 per cent, to be available for the 2020 fiscal year, in accordance with the Local Government Act and the Regional Districts Establishing Bylaw Approval Exemption Regulation;

AND FINALLY THAT the Directors for Electoral Areas A, B and C, being the participants in the service, consent to the amendment of Bylaw No. 2051 in writing.
209 Carried

D. Frisch/D. Arbour: THAT \$250,000 from the Electoral Area B Community Works Fund Reserve be committed to implement the Seal Bay Management Plan.
209 Carried

K. Grant/W. Morin: THAT \$70,000 from the Electoral Area C Community Works Funds Reserve be committed to replace the Eagles Beach Stairs access and connector trail along Eagles Drive.
209 Carried

K. Grant/E. Grieve: THAT \$100,000 from the Electoral Area B Community Works Fund Reserve be committed to assist with the greenway development along Lazo Road.
209 Carried

ALTERNATIVE APPROVAL PROCESS RESULTS - DENMAN ISLAND COMMUNITY FACILITIES

K. Grant/D. Arbour: THAT the report dated January 21, 2019 providing the Board with the results of Alternative Approval Process (AAP) that was conducted to seek elector approval for Bylaw No. 564 being "Denman Island Community Facilities Service Establishment Bylaw, 1992, Amendment No. 2", be received.
208 Carried

UBCM COMMUNITY PREPAREDNESS FUND APPLICATION - EVACUATION ROUTE PLANNING

K. Grant/E. Grieve: THAT the report dated November 5, 2018 regarding a UBCM Community Preparedness fund application for evacuation route planning be received.
208 Carried

D. Arbour/D. Frisch: THAT the board approve an application to be made to the Union of BC Municipalities Community Emergency Preparedness Fund in the amount of \$25,000.00, to assist in the procurement of a contractor to develop operational guidelines and tools for a multi-government regional evacuation;

AND FURTHER THAT, the board endorse staff to provide grant financial and project management support in collaboration with the other regional districts.
208 Carried

2019-2022 STRATEGIC PRIORITIES CHART

D. Frisch/D. Arbour: THAT the report dated January 10, 2019 regarding a recommendation that the strategic priorities chart, which is an outcome from the December 19, 2018 strategic planning session with the CVRD Board of Directors, be approved, be received.
208 Carried

D. Frisch/A. Hamir: THAT the Strategic Priorities Chart, as developed through the December 2018 strategic planning session and dated January 10, 2019, be approved.
208 Carried

INTRODUCTION OF INTEGRATED REGIONAL TRANSPORTATION SELECT COMMITTEE TO THE COMOX VALLEY REGIONAL DISTRICT BOARD

D. Frisch/A. Hamir: THAT the report dated January 8, 2019 regarding the Integrated Regional Transportation Select Committee and confirmation of its mandate and appointments be received.
208 Carried

D. Frisch/D. Hillian: THAT the Comox Valley Regional District Board confirm the updated terms of reference for the Integrated Regional Transportation Select Committee as attached to the staff report dated January 8, 2019;

AND FURTHER THAT the Comox Valley Regional District Board appoint Electoral Area Director Grieve (and Electoral Area Director Hamir as the alternate) to the Integrated Regional Transportation Select Committee;

AND FINALLY THAT the Integrated Regional Transportation Select Committee review its mandate including

multi-modal transportation and the concept of a single point of contact for transportation-related initiatives in the Comox Valley, as identified during the Board's strategic planning session in December 2018.

208

Carried

NORTH ISLAND 9-1-1 - ANNUAL REQUISITION ALLOCATION ALTERNATIVES

D. Arbour/R. Arnott: THAT the report dated January 23, 2019 providing a summary of the request outlined in a letter dated November 22, 2018 from the North Island 9-1-1 Corporation regarding their annual regional district shareholders' requisition apportionments, be received.

209

Carried

J. Ketler/D. Frisch: THAT the Comox Valley Regional District board recommend that the North Island 9-1-1 Corporation alter the method for calculating each shareholders' respective contribution percentage of funds based on a combination of assessment and population.

209

Carried

BYLAWS AND RESOLUTIONS CONTINUED:

D. Frisch/R. Arnott: THAT Bylaw No. 569 being "Revenue Anticipation Borrowing Bylaw No. 569, 2019" be given first and second readings concurrently.

210

Carried

K. Grant/J. Ketler: THAT Bylaw No. 569 being "Revenue Anticipation Borrowing Bylaw No. 569, 2019" be read a third time.

210

Carried

E. Grieve/K. Grant: THAT Bylaw No. 569 being "Revenue Anticipation Borrowing Bylaw No. 569, 2019" be finally adopted.

210

Carried

Note: the above resolution received at least 2/3 of the votes cast.

D. Frisch/K. Grant: THAT Bylaw No. 564 being "Denman Island Community Facilities Service Establishment Bylaw, 1992, Amendment No. 2" be finally adopted.

208

Carried

NEW BUSINESS:

AVICC RESOLUTION - PROPERTY TRANSFER TAX REDISTRIBUTION FOR AFFORDABLE HOUSING

D. Frisch/E. Grieve: THAT the correspondence dated January 23, 2019 from Director Grant regarding a proposed resolution to the Association of Vancouver Island and Coastal Communities (AVICC) annual conference regarding the redistribution of a portion of the Property Transfer Tax for affordable housing initiatives, be received.

208

Carried

E. Grieve/K. Grant: THAT the following resolution be submitted to the 2019 Association of Vancouver Island and Coastal Communities convention:

WHEREAS affordable housing for low-income citizens is in critical need and is currently severely challenged by current supply conditions and lack of adequate funding;

AND WHEREAS the Province of British Columbia collects approximately \$2 billion annually through the Property Transfer Tax:

THEREFORE BE IT RESOLVED THAT the UBCM petition the Province of British Columbia to provide an annual redistribution of 1% of the Property Transfer Tax to local governments across the province for the specific purpose of addressing affordable housing.
208 Carried

TERMINATION:

K. Grant/D. Frisch: THAT the meeting terminate.
208

Carried

Time: 5:15 pm.

Confirmed this _____ day of _____ 20__:

Bob Wells
Chair

Certified Correct and Recorded By:

Jake Martens
Manager of Legislative Services



**COMOX VALLEY REGIONAL DISTRICT (COMOX STRATHCONA WASTE MANAGEMENT)
BOARD**

Thursday, February 7, 2019

Minutes of the meeting of the Comox Valley Regional District (Comox Strathcona Waste Management) Board of Directors held on February 7, 2019 at the Campbell River Maritime Heritage Centre, 621 Island Highway, Campbell River, BC commencing at 9:30 am

MINUTES

Present:

Chair:	B. Wells	City of Courtenay
Vice-Chair:	A. Hamir	Lazo North (Area 'B')
Directors:	D. Arbour	Baynes Sound-Denman/Hornby Islands (Area 'A')
	J. Abram	Discovery Islands - Mainland Inlets (Area 'C')
	N. Anderson	Cortes (Area 'B')
	M. Babchuk	City of Campbell River
	J. Colborne	Village of Zeballos
	C. Cornfield	City of Campbell River
	D. Frisch	City of Courtenay
	E. Grieve	Puntledge/Black Creek (Area 'C')
	D. Hillian	City of Courtenay
	B. Leigh	Oyster Bay – Buttle Lake (Area 'D')
	J. MacDonald	Village of Sayward
	A. Adams	City of Campbell River
	M. Davis	Village of Tahsis
	B. Unger	Village of Gold River
	G. Whalley	Kyuquot – Nootka/Sayward (Area 'A')
	C. Moglove	City of Campbell River
Alt. Directors:	K. Dahl	City of Campbell River
	W. Cole-Hamilton	City of Courtenay
	A. Bissinger	Town of Comox
	G. Sproule	Village of Cumberland
	N. Minions	Town of Comox
Staff:	B. Dunlop	Corporate Financial Officer
	R. Dyson	Chief Administrative Officer
	M. Rutten	General Manager of Engineering Services
	J. Warren	General Manager of Corporate Services
	J. Martens	Manager of Legislative Services

IN-CAMERA MEETING:

B. Leigh/G. Sproule: THAT the board adjourn to an in-camera session pursuant to the following sub-section(s) of section 90 of the Community Charter:

90(1)(i) The receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

AND FINALLY THAT the in-camera portion convene immediately following the open portion of the meeting.
208 Carried

ADOPTION OF MINUTES:

B. Unger/A. Hamir: THAT the minutes of the Comox Strathcona Waste Management Board meeting held January 10, 2019 be adopted.
208 Carried

PETITIONS AND DELEGATIONS:

LATE DELEGATION REQUEST - ROD NICHOL

C. Cornfield/M. Babchuk: THAT the correspondence dated February 4, 2019 from Rod Nichol requesting to appear as a delegation to present information regarding the board's direction for the monitoring of Sustane Technologies, be received.
208 Carried

C. Cornfield/E. Grieve: THAT the late delegation request from Rod Nichol regarding the board's direction for the monitoring of Sustane Technologies be approved.
208 Carried

NOTE: The resolution above received at least two-thirds approval of the members in attendance in accordance with the CVRD Procedure Bylaw No. 1.

D. Frisch/E. Grieve: THAT the information provided by Rod Nichol regarding the board's direction for the monitoring of Sustane Technologies be received.
208 Carried

REPORTS:

COMOX STRATHCONA WASTE MANAGEMENT ADVISORY COMMITTEE MINUTES

C. Cornfield/M. Babchuk: THAT the Comox Strathcona Waste Management Advisory Committee minutes dated January 23, 2019 be received.
208 Carried

C. Cornfield/M. Babchuk: THAT the Comox Strathcona Waste Management Advisory Committee composting workshop minutes dated January 23, 2019 be received.
208 Carried

Director Arbour entered the meeting at 9:50 am.

CSWM TIPPING FEE ANALYSIS

E. Grieve/W. Cole-Hamilton: THAT the report dated January 31, 2019 providing information related to how a possible increase in tipping fees could offset the planned tax requisition increase, be received.
209 Carried

Andrew McGifford, Senior Manager of CSWM Services presented information regarding how a possible increase in tipping fees could offset the planned tax requisition increase.

J. Abram/G. Whalley: THAT the Comox Strathcona Waste Management Board support the staff recommendation from the 2019-2023 Financial Planning process, that fees be reviewed every two years, and increases reflect the Consumer Price Index (CPI) increases.

209

M. Babchuk/J. Colborne: THAT the motion be amended to delete the following text:
"and increases reflect the Consumer Price Index (CPI) increases" and be replaced with the following:
"that include Consumer Price Index (CPI) increases at a minimum."

209

Carried *NAY: G. Whalley, B.
Leigh, C. Cornfield, M.
Davis, N. Minions*

Vote taken on main motion as amended as follows:

THAT the Comox Strathcona Waste Management Board support the staff recommendation from the 2019-2023 Financial Planning process, that fees be reviewed every two years, that include Consumer Price Index (CPI) increases at a minimum.

209

Carried *NAY: G. Whalley, C.
Cornfield*

2019 - 2023 RECOMMENDED FINANCIAL PLAN – CSWM SERVICE - FUNCTION 391

E. Grieve/D. Frisch: THAT the report dated January 31, 2019 regarding the recommended 2019 – 2023 Financial Plan, for the Regional Solid Waste service, Functions 391-393 and identify changes in the Financial Plan presented at the January 10, 2019 Board meeting, be received.

209

Carried

Andrew McGifford, Senior Manager of CSWM Services presented information regarding the recommended 2019 – 2023 Financial Plan, for the Regional Solid Waste service, Functions 391-393.

D. Frisch/A. Adams: THAT the recommended 2019 - 2023 Financial Plan for the Comox Strathcona Waste Management service, Function 391, (Comox Strathcona Waste Management) be approved.

209

Carried *NAY: G. Whalley, J.
Abrams, J. MacDonald*

REGIONAL ORGANICS COMPOST PROJECT - REVIEW AND SITING

D. Frisch/D. Arbour: THAT the report dated January 31, 2019 regarding an update on the regional organics compost project be received.

209

B. Leigh/W. Cole-Hamilton: THAT the matter regarding the regional organics compost project be referred to the March 7, 2019 board meeting and that staff include additional background information regarding the siting comparison, including backhauling of materials.

209

Defeated

The dissenting votes for the above motion were as follows: B. Wells, A. Hamir, D. Arbour, J. Abram, N. Anderson, M. Babchuk, J. Colborne, C. Cornfield, D. Frisch, E. Grieve, D. Hillian, J. MacDonald, A. Adams, W. Cole-Hamilton, B. Unger, G. Whalley, C. Moglove, K. Dahl, M. Davis, A. Bissinger, G. Sproule, and N. Minions.

Volte taken on main motion as follows:

THAT the report dated January 31, 2019 regarding an update on the regional organics compost project be received.

209

Carried

J. Colborne/M. Babchuk: THAT the Comox Valley Regional District (Comox Strathcona Waste Management) Board direct staff to analyze and compare siting of the Comox Strathcona Waste Management organics processing facility, at both the Norm Wood Environmental Centre and Campbell River Waste Management Centre – Block J;

AND FURTHER THAT staff seek approval from respective provincial ministries and agencies for siting as required at either location.

209

Carried

NAY: B. Leigh

D. Frisch/W. Cole-Hamilton: THAT staff bring forward the background information and financial analysis, including backhauling considerations, that was completed to compare the siting of the regional organics compost facility in Campbell River and the Comox Valley.

209

Carried

SOLID WASTE ADVANCED TECHNOLOGY SELECT COMMITTEE - FEBRUARY 1, 2019

C. Cornfield/M. Babchuk: THAT the Solid Waste Advanced Technology Select Committee minutes dated February 1, 2019 be received.

208

Carried

C. Cornfield/B. Unger: THAT a letter be sent to the Minister of Environment and Climate Change Strategy requesting clarification regarding the ministry's guideline for diversion targets and potential amendments to the CSWM Solid Waste Management Plan for inclusion of advanced technologies (waste to energy).

209

Carried

PERFORMANCE MONITORING OF WASTE MANAGEMENT TECHNOLOGY - CHESTER, NOVA SCOTIA

C. Cornfield/B. Unger: THAT the report dated January 28, 2019 presenting the proposed methodology for performance monitoring of Sustane Technologies' (Sustane) waste management system currently under construction in Chester, Nova Scotia, be received.

209

Carried

N. Anderson/C. Cornfield: THAT the Comox Valley Regional District (Comox Strathcona Waste Management) Board endorse the performance monitoring program as presented in the report titled "Performance Monitoring of Waste Management Technology – Chester, Nova Scotia," dated January 28, 2019, for a period of one year after successful start-up;

AND FURTHER THAT the Board approach the Cowichan Valley Regional District and the Nanaimo Regional District to request sharing of the costs and information related to performance monitoring.

209

Carried NAY: A. Bissinger, G.
Sproule, B. Leigh, W.
Cole-Hamilton, E.
Greive, N. Minons

PROCUREMENT REQUIREMENTS FOR ADVANCED TECHNOLOGY

C. Cornfield/B. Unger: THAT the report dated November 22, 2018 regarding the procurement requirements to pursue a Solid Waste Advanced Technology (SWAT) as an alternate waste disposal method and to summarize and highlight previous analysis as requested by the Board be received.

209

Carried

B. Unger/C. Cornfield: THAT the Comox Valley Regional District (Comox Strathcona Waste Management) Board continue to support implementation of the 2012 Comox Strathcona Waste Management Solid Waste Management Plan and reassess the viability of advanced alternate disposal technologies in 2022 as part of the major 10 year update of the Solid Waste Management Plan.

209

Carried

MANAGEMENT REPORT

C. Cornfield/M. Babchuk: THAT the CSWM management report dated February 2019 be received.

209

Carried

NEW BUSINESS:

RECYCLING COUNCIL OF BRITISH COLUMBIA'S CONFERENCE

D. Frisch/J. Colborne: THAT the correspondence dated January 17, 2019 from Director Hamir regarding attendance at the Recycling Council of British Columbia's Conference & Trade Show on May 8-10, 2019 at the Westin Resort in Whistler, BC be received.

209

Carried

M. Babchuk/A. Adams: THAT Director Cornfield and Director Frisch attend the Recycling Council of British Columbia's Annual Conference and Trade Show to be held May 8, 2019 – May 10, 2019 at Westin Resort, Whistler, BC;

AND FURTHER THAT registration, travel and accommodation expenses be paid by function 391, Comox Strathcona Solid Waste Management.

209

Carried

SELECT COMMITTEE VOTING

M. Babchuk/B. Leigh: THAT the correspondence dated February 1, 2019 from Director Cornfield regarding a proposed amendment to the voting rules for the Solid Waste Advanced Technology Select Committee be received.

209

Carried

C. Cornfield/J. Abram: THAT the Comox Strathcona Solid Waste Advanced Technology Select Committee terms of reference be updated to provide that all appointed committee members present at the meeting are entitled to vote and each member has only one vote.

209

Carried

NAY: D. Hillian, E.
Grieve

PUBLIC INPUT - FINANCIAL PLANNING PROCESS

Members of the public were provided an opportunity to give input on the 2019-2023 proposed financial plan and process.

ADJOURN TO IN-CAMERA

The board adjourned to its in-camera session at 12:18 pm.

RISE AND REPORT:

The board rose from its in-camera session at 12:35 pm.

TERMINATION:

D. Frisch/E. Grieve: THAT the meeting terminate.

208

Carried

Time: 12:35 pm.

Confirmed this _____ day of _____ 20____:

Bob Wells
Chair

Certified Correct and Recorded By:

Jake Martens
Manager of Legislative Services



COMOX STRATHCONA REGIONAL HOSPITAL DISTRICT BOARD

Thursday, February 7, 2019

Minutes of the meeting of the Comox Strathcona Regional Hospital District Board of Directors held on Thursday, February 07, 2019 at the Campbell River Maritime Heritage Centre, 621 Island Highway, Campbell River, BC commencing at 1:00 pm.

MINUTES

Present:**Chair:**

C. Cornfield

City of Campbell River

Directors:

D. Frisch

City of Courtenay

J. Abram

Discovery Islands - Mainland Inlets (Area 'C')

N. Anderson

Cortes (Area 'B')

M. Babchuk

City of Campbell River

J. Colborne

Village of Zeballos

D. Hillian

City of Courtenay

D. Arbour

Baynes Sound-Denman/Hornby Islands (Area 'A')

E. Grieve

Puntledge/Black Creek (Area 'C')

B. Leigh

Oyster Bay – Buttle Lake (Area 'D')

A. Hamir

Lazo North (Area 'B')

B. Unger

Village of Gold River

B. Wells

City of Courtenay

G. Whalley

Kyuquot – Nootka/Sayward (Area 'A')

A. Adams

City of Campbell River

J. MacDonald

Village of Sayward

Alt. Directors:

K. Dahl

City of Campbell River

M. Davis

Village of Tahsis

W. Cole-Hamilton

City of Courtenay

A. Bissinger

Town of Comox

G. Sproule

Village of Cumberland

N. Minions

Town of Comox

Staff:

R. Dyson

Chief Administrative Officer

B. Dunlop

Corporate Financial Officer

J. Martens

Manager of Legislative Services

Absent:**Alt. Directors:**

C. Evans

City of Campbell River

Other:

S. Christiansen

Ka:'yu : 'k't'h / Che : k'tles7et'h First Nations

ADOPTION OF MINUTES:

THAT the Minutes of the Comox Strathcona Regional Hospital District Board meeting held January 10, 2019 be adopted.

HDA (9)

PETITIONS AND DELEGATIONS:
SENIORS HEALTH CARE

B. Wells/D. Frisch: THAT the information presented by Deborah Mitchell, VP, Seniors Care, Organizational Strategy and Partnerships at Providence Health Care, regarding the transfer of ownership of St. Joseph's in Comox to the Providence Residential and Community Care Services Society be received.

HDA (9)

Carried

LIZA SCHMALCEL - WATER FEATURES AT THE HOSPITALS

B. Leigh/J. Colborne: THAT the information presented by Liza Schmalcel regarding the proposed installation of water features at the North Island Hospitals and her request for the board to not approve the project be received.

HDA (9)

Carried

REPORTS:
ISLAND HEALTH OPERATIONS

B. Wells/D. Frisch: THAT the information presented by Dermot Kelly, Executive Director, Geography 1, and Dr. Jennifer Grace, Executive Medical Director, Island Health, regarding Island Health operations be received.

HDA (9)

Carried

PROPOSED WATER FEATURE DESIGN AND COSTS COMOX VALLEY AND CAMPBELL RIVER HOSPITAL CAMPUSES

B. Wells/J. Colborne: THAT the report dated October 9, 2018 regarding the proposed design and costs related to the installation of the water features at both the Comox Valley and Campbell River hospital campuses be received.

HDA (9)

Carried

A. Adams/M. Babchuk: THAT the matter be referred back to staff to reevaluate the project with Island Health and prepare a report for a future select committee or board meeting that includes projects that are valued at the board approved limit of \$50,000 per site.

HDA (9)

Defeated

G. Whalley/D. Arbour: THAT the CSRHD Board not proceed with water features at the hospitals at this time and that the board thank the efforts of the Commemorative Items Select Committee.

HDA (9)

Carried

TAX REQUISITION REDUCTION

D. Frisch/M. Babchuk: THAT the report dated January 28, 2019 regarding a recommendation to reduce the tax requisition for the Comox Strathcona Regional Hospital District (CSRHD) from \$17 million to \$15 million be received.

HDA (9)

Carried

Director Whalley left the meeting at 2:57 pm.

B. Wells/D. Frisch: THAT the tax requisition for the Comox Strathcona Regional Hospital District be reduced from \$17 million to \$15 million in the 2019 recommended budget, and to be reviewed annually as part of the financial planning process.

HDA (9)

A. Adams/M. Babchuk: THAT the matter be referred back to staff to prepare a report for the board to consider maintaining the requisition at \$17 million per year and;

- apply the 2018 surplus and any future surplus directly against the outstanding debt, hence reducing the overall debt period; or

- maintain the 2018 surplus and any future surplus in a capital reserve that would provide a permanent capital reserve in perpetuity.

Carried

Director Abram left the meeting at 3:03 pm.

Director Colborne left the meeting at 3:05 pm.

2019 ANNUAL BUDGET AND CAPITAL PROJECTS

B. Unger/M. Babchuk: THAT the report dated February 1, 2019 regarding the 2019 recommended annual budget for the Comox Strathcona Regional Hospital District (CSRHD) and to recommend adoption of the 2019 annual budget be received.

HDA (9)

Carried

K. Douville, Manager of Financial Planning, provided an overview of the 2019 recommended annual budget for the Comox Strathcona Regional Hospital District.

B. Unger/M. Babchuk: THAT subject to confirmation of the requisition level by the board, the 2019 recommended annual budget for the Comox Strathcona Regional Hospital District be adopted.

LGA (196 and 197)

Carried

CSRHD BACKGROUND AND STRATEGIC PLANNING REPORT

M. Babchuk/D. Arbour: THAT the report dated January 23, 2019 regarding the strategic planning report and background materials to the Comox Strathcona Regional Hospital District (CSRHD) Board of Directors be received.

HDA (9)

Carried

B. Wells/M. Babchuk: THAT the Comox Strathcona Regional Hospital District Board recognize its mandate is to provide capital funding support to Island Health for acute care facilities;

AND FURTHER THAT the Comox Strathcona Regional Hospital District Board recognize the important role for communities and regions to advocate for health care services and programs through local municipalities and regional districts.

208

Carried

SUMMARY OF PROJECTS AS OF DECEMBER 31, 2018

B. Wells/M. Babchuk: THAT the summary of projects as of December 31, 2018 be received.

HDA (9)

Carried

MANAGEMENT REPORT

B. Leigh/M. Babchuk: THAT the Comox Strathcona Regional Hospital District management report dated February, 2019 be received.

HDA (9)

Carried

NEW BUSINESS:

The agenda was varied to consider a new business item regarding acute care facilities before G.1 (Remuneration and Expenses Bylaw).

ACUTE CARE FACILITIES

A. Adams/B. Wells: THAT staff provide a report to the board with an updated listing of acute care facilities within the Comox Strathcona Regional Hospital District and confirming whether a board appointment to the St. Joseph's General Hospital Board is required.

HDA (9)

Carried

REMUNERATION AND EXPENSES BYLAW

M. Babchuk/W. Cole-Hamilton: THAT the correspondence dated February 1, 2019 from Chair Cornfield regarding director meeting remuneration be received.

HDA (9)

Carried

D. Frisch/M. Babchuk: THAT a report be provided regarding potential amendments to the meeting remuneration rates and expenses provided by Comox-Strathcona Regional Hospital District Board Remuneration Bylaw No. 244, 2008.

HDA (9)

Carried

TERMINATION:

THAT the meeting terminate.

Time: 3:20 pm.

Confirmed this _____ day of _____ 20____:

Charles J. Cornfield

Chair

Certified Correct and Recorded By:

Jake Martens

Manager of Legislative Services

Banning Single use Plastic Bags & Single use Plastic Straws Town of Comox – 2019

Pros of the Ban

- **Less waste into the CSWM - Landfill** (Improve diversion rates)
 - Waste Management costs are going up due to the required closure of past Landfills and the increase in consumerism.
- **Reduce cost to the Retail businesses** providing the services
- **Reduce the plastics that are entering our Oceans**, including our Salish Sea and Pacific Ocean
- **Reduce the quantity of micro-plastics** that are being eaten by birds, fish and marine life; in turn being consumed by humans
- **Involve our community** in participating in a world-wide and national effort to fight against the dangers that single use plastics bring to our Health & the Environment
- **Education opportunities** with our residents from community groups, schools, town staff and the public.

Cons of the Ban

- Inconvenience for a change in the way we use these product
- Timing with other municipalities – Cumberland before and Courtenay looking at after Comox

Who else is looking into banning Plastic Bags, Straws etc.?

- | | | |
|---------------------|-------------------------|----------------|
| ✓ Victoria | Parksville | Saanich |
| ✓ Cumberland | ✓ Qualicum Beach | |
| ✓ Vancouver | Nanaimo | |

Over **50+ countries** and **350+ cities worldwide** before January 1, 2019

Plastic Recycling Facts



A Dirty Truth Of Our Time: The Near Absence Of Plastic Recycling.

GET READY FOR THE TRUTH: 91% OF PLASTIC, NEVER GETS RECYCLED.

Plastic Recycling Facts: Ever since its invention, in just half a century, the amount of plastic that has been manufactured is already in billions of tons! As valuable as that may make plastic to seem, most of the plastic manufactured has just turned into discarded trash, severely polluting the planet.

It all came to light when a group of scientists got around to do, the first of its kind, a running total of how much plastic had been produced, thrown away, incinerated, dumped in landfills and recycled. But the numbers were bewildering, for the scientists themselves! In just 6 decades, we have produced about 8.3 billion metric tons of plastic. Much of this amount is [single-use plastic](#) that cannot be recycled.

SINCE PLASTIC TAKES OVER 400 YEARS TO DECOMPOSE, IS HARDLY

EVER RECYCLED OR INCINERATED, MOST OF THE PLASTIC EVER CREATED, STILL EXISTS. MOSTLY AS TRASH.

A system that is unprepared for such a sudden jump in numbers is bound to fail. That is why there have been so many cases of global waste systems leaking into the ocean, Jenna felt. Here's one more example: [Swedish manufacturing plant leaks millions of microplastic into the ocean](#)

So, How Much Trash Are We Talking About?

This study which was published in the Science Advances, a peer-reviewed journal, is the first one to conduct a worldwide analysis of all the plastic manufactured to date.

Here are the plastic recycling facts from the study:

- Total plastic produced since 1950 – 8.3 billion metric tons
- Total plastic that has become waste – 6.3 billion metric tons
- Total plastic that got recycled – 9%
- Total plastic dumped in landfills – 79%
- Total plastic dumped into the ocean every year – 8 million metric tons



If the current trend is followed, by just 2050, our landfills will host 12 billion metric tons of plastic. That is roughly 35,000 times heavier than the Empire State Building. In simple words, if we don't act now, we're 100% screwed!

[Roland Geyer](#), the lead author of the study, who trained as an engineer and as a professor at the University of California specialised in industrial ecology, asserted on the importance of measuring and taking into account what happens to the vast amount of plastic being manufactured. The next step, said Roland Geyer, would be to build a foundation that could better manage plastic products.

The rate of growth of plastic manufacturing has been such that, it has nearly doubled in size, every 15 years, leaving all other man-made material far behind. Unlike any other material, plastic is strong, durable and very very cheap. However, other materials such as steel, half of which when used in construction, have a decade-long lifespan. While 50% of all the plastic manufactured, get discarded as waste in less than a year.

Almost 50% of the resins and fibres required to make plastic products were manufactured in just the last 13 years. Close to 28% of the world's resins and about 68% of acrylic and polyester polyamide fibres come from China.

One of the primary culprits responsible for the rapid increase in plastic production has been the widely growing use of [plastic packaging](#). Don't think the plastic packaging, found around almost all things sold, is a significant nuisance? Read this – [New Study Reveals: Plastic Packaging, A Disastrous Attempt At Curbing Food Wastage Issue](#)

Accounting For And Tackling The Global Waste Problem

To aid scientists, who were trying to grasp of the actual amount of plastic that enters the ocean and its adverse effects on the fish, marine animals and seabirds; eventually, this study came to be launched.

*SCIENTISTS PREDICT THAT BY 2050,
THE OCEAN WILL HAVE MORE PLASTIC
THAN FISH BY WEIGHT.*

The fact that this quote has become so popular is an indication of the growing awareness regarding the harmful effects of plastic and the need to curb it. Jenna Jambeck had led the same team to analyse the amount of plastic waste that enter the oceans each year. The results were shocking – 8 million metric tons of plastic every year! That's the same as one garbage truck dumping a full load into the ocean every minute. Jambeck strongly feels that the situation is such that only a collective global approach can solve this colossal mess plastic has put us in. We need to rethink everything from product design to consumer use, recycling strategies, maybe even the chemical structure of plastic!

THE RECYCLING RATE IN EUROPE IS AT 30% WHILE IN CHINA IT IS AT 25%. SADLY, THE UNITED STATES, ONE OF THE SO-CALLED SUPERPOWERS, HAS BEEN RECYCLING AT A MEAGRE 9% SINCE 2012!

Geyer voiced out that the society needs to rethink whether it is worth compromising our environment and our health in exchange for the cheap convenience that plastic provides. Products, such as the single-use plastic items that have been known to cause serious environmental and health issues should be replaced by eco-friendly alternatives or be systematically phased out. Here's an example: [UK Proposes to Ban Single-Use Plastics](#)

For such big global changes to happen, first the local governments and corporations must be stirred to take action. That is possible only through the demands of the local people. Cutting down on plastic from your lifestyle will force the businesses and governments to take notice. So start with your own home. Maybe even make it a family thing. Here's something to help you with that: [How To Become A Plastic-less Family](#). Most importantly, let the truth about plastic recycling facts be known. Help by sharing the article with your friends or be a part of the discussion by commenting below.



SINGLE-USE PLASTIC BAG BYLAW

BYLAW NO. XXX

DRAFT

NO. XXX
SINGLE-USE PLASTIC BAG BYLAW
 A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to prohibit the sale or free distribution of single-use plastic bags within the city of Victoria.

Contents

PART 1 – INTRODUCTION

- 1 Title
- 2 Definitions

PART 2 – REGULATIONS

- 3 Sales and distribution by a person
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- 5 Alternatives
- 6 Reusable container use

PART 3 – EXEMPTIONS

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PART 4 – ENFORCEMENT

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- 11 Severability
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Under its statutory powers, including sections 8(3)(j) and 9(1)(b) of the *Community Charter*, and section 2(1)(a) of B.C. Regulation 235/2008 [*Spheres of Concurrent Jurisdiction - Environment and Wildlife Regulation*], the Council of the City of Victoria enacts the following provisions:

PART 1 – INTRODUCTION

Title

- 1 This Bylaw may be cited as the "SINGLE-USE PLASTIC BAG BAN BYLAW".

Definitions

- 2 In this Bylaw

"Biodegradable Plastic bag" "Compostable Plastic Bag" or "Degradable Plastic Bag"

means any bag which is composed of, in whole or part, biodegradable plastic, Ox-biodegradable plastics, Plastarch Material (PSM), polylactide or any other

plastic resin composite that is intended to degrade at a faster rate than non-biodegradable plastic film.

“Customer”

means any person purchasing food, goods, or materials or renting goods or materials from a retail business.

“Door-Hanger Bag”

means a bag designed to hold flyers, coupons or other advertisements and intended to be left on the door of homes.

“Designated Officer”

means the person(s) authorized by City Council to enforce any part of this Bylaw.

“Retail Business”

means a business that sells or offers for sale or rent goods or services by retail to the public.

“Reusable Container”

means other than a single-use plastic bag, a bag, box or other container that is specifically designed and manufactured for multiple reuse that is:

- (i) made of cloth or other machine washable fabric; or
- (ii) made of other durable material suitable for reuse

“Single-Use Plastic Bag”

means any bag made with less than 2.25 millimeters thick polyethylene, including biodegradable bags, compostable bags and degradable bags.

PART 2 – REGULATIONS

- 3 No person shall sell or provide single-use bags free of charge or allow single-use plastic bags to be sold or provided free of charge.
- 4 No person employed by or acting on behalf of a person carrying on a retail business shall sell or provide single plastic bags free of charge or allow single-use plastic bags to be sold or provided free of charge.
- 5 Nothing in this Bylaw shall preclude owners of retail businesses from making alternatives to single-use plastic bags, such as reusable containers and bags, available for sale or free of charge to customers.
- 6 No retail business shall deny the use of any reusable bag by a customer for the transport of purchased items.

PART 3 – EXEMPTIONS

- 7 A retail business shall be permitted to provide bags for the following circumstances:
- (i) bags used by customers inside retail businesses established to package bulk items, but not limited to such as fruit, vegetables, nuts, grains, candy or small hardware items such as nails and bolts;
 - (ii) bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, whether pre-packaged or not;
 - (iii) bags used to protect prepared foods or bakery goods;
 - (iv) bags provided by pharmacists to contain prescriptions drugs;
 - (v) door-hanger bags;
 - (vi) laundry-dry cleaning bags; and
 - (vii) bags sold in packages containing multiple bags intended for such uses including, but not limited to garbage bags, pet waste bags, yard waste bags, or recycling bags.

PART 4 - ENFORCEMENT

- 8 A designated officer may enter any retail business established and may make examinations, investigations and inquires for enforcement purposes.
- 9 Every person or retail business who contravenes a provision of this Bylaw is guilty of an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw and the *Offence Act*.
- 10 Each day that a contravention of a provision of this Bylaw continues is a separate offence.

PART 5 – GENERAL PROVISIONS

- 11 If any provision or part of a provision of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the Bylaw or its application in any other circumstances shall not be affected and shall continue to be in full force and effect.
- 12 This Bylaw shall come into force on the date of adoption.

“X”
CORPORATE ADMINISTRATOR

“LISA HELPS”
MAYOR

COUNCIL REPORT



REPORT DATE: November 6, 2018
MEETING DATE: November 13, 2018

TO: Mayor and Councillors
FROM: Kaelin Chambers, Economic Development Coordinator
SUBJECT: Single Use Plastic Ban Report

RECOMMENDATION

- i. THAT the Single Use Plastic Ban Report be received.
- ii. THAT Council direct staff to prepare a Single-Use Item Regulation Bylaw to regulate the use of single-use plastics THAT will be implemented no earlier than July 1, 2019 and considers a minimum period of six months between implementation and bylaw enforcement.
- iii. THAT the Single-Use Item Regulation Bylaw identifies a phased approach to removing the use of all single use plastics, starting with single use plastic grocery bags.
- iv. THAT Council recommend staff to conduct further business outreach and provide support to the local business community by participating in a public education/advisory campaign as part of the implementation of a Single-Use Item Regulation Bylaw.

SUMMARY

On July 9, 2018 Council endorsed Member of Parliament (MP) Gord Johns' private members motion (M-151), National strategy to combat plastic pollution. As part of this endorsement, Council also directed Village Staff to report on a ban of single use plastics in the Village of Cumberland.

The Single Use Plastic Ban Report (the Report) has been developed to:

- Frame and inform the discussion regarding the implementation of a single use plastic ban;
- Present the current capacity and practices of recycling single use plastics in the Comox-Strathcona Waste Management service area;
- Identify existing single-use plastic bans in Canada and present the experiences of communities currently implementing a plastics ban;
- Provide information following engagement with the local business community regarding the potential economic implications of a single use plastic ban; and,
- Make recommendations for the creation of a bylaw banning the use of single-use plastics, starting with plastic shopping bags.

Municipal bylaws banning the use of single use plastics are increasing in communities of all sizes across Canada. Such bylaws have consistently focused on banning individual single use plastic plastics, such as straws or grocery bags, and have been implemented gradually over time to allow for appropriate consumer awareness, as well as to mitigate potential adverse effects to local businesses.

With respect to Cumberland's local business community, many have already taken measures to avoid and/or reduce the use of single use plastics. Others, while still utilizing some disposable plastics, have begun to develop long term plans for minimizing their use. Most businesses are aware of the increasing potential for a ban on the use of single use plastics, and many would appreciate more time and opportunity to exhaust current inventories as well as seek out new alternatives. Similarly, additional time would also be well used in educating and preparing local consumers.

In discussion with local businesses, it was also ascertained that the use of single use plastics bags was already in the process of being phased out, and a ban on these bags would represent a lower risk to local business practices. Furthermore, single use plastic bags are often identified as one of the most commonly improperly recycled materials, adding additional time and cost to current waste management systems.

In the Comox Valley, single use plastic shopping bags are also not eligible within the blue box pick up program and can only be recycled at a local recycling depot. This results in many of the bags being improperly disposed.

As described, the removal of these products via a single use plastics bylaw would minimize risk to local business while offering opportunities for improved efficiency within local waste management systems.

BACKGROUND

There is growing recognition, signified by increasing presence of plastics in the environment that patterns of consumption must evolve quickly to a more responsible model of resource use. Through the entire lifecycle of plastic, be it through single use products or disposable plastic packaging, plastics unnecessarily consume resources, and release harmful greenhouses gases and other toxins within their extraction, processing and manufacturing process. Following their brief use, much of this waste finds its way back into the natural environment as litter or trash that must be treated.

Single-use plastics, or disposable plastics, are defined as plastics that are used only once before they are thrown away or recycled, and include (but are not limited to):

- Plastic bags;
- Plastic straws and eating utensils; and
- Food and drink containers, packaging and wrapping.

According to Metro Vancouver's 2017 Multi-Family Residential Waste Composition Study, plastics made up 15% of garbage collected within the Metro Vancouver region in 2017 (compost 38%, paper 16%). The largest component of collected plastics was single use packaging, bags and non-recyclable film, as well as more durable plastic products such as food utensils and packaging.

Despite accounting for 15% of total waste, plastic made up approximately 7% of the properly recycled materials collected by Metro Vancouver. In addition, single use plastic bags, film and packaging were identified as the most commonly improperly recycled materials resulting in additional time, effort and cost of Metro Vancouver's overall recycling efforts (Metro Vancouver 2017).

Similarly, in Ontario, recycling reports also identify plastics as the lowest recycling rate of all packaging and disposable products (only 29% of plastic packaging is recycled, compared to paper at 74%, glass at 73%, and metal at 53%)(Toronto 2018).

Plastic Recycling in the Comox Valley Regional District

Comox Strathcona Waste Management's (CSWM) Solid Waste Management Plan (2012) notes that approximately one third of all CSWM waste is recyclable, with plastics accounting for 40% of this total (plastics make up 15% of all waste).

Currently, CSWM accepts plastic recyclables via its blue box pick up program, including:

- Plastic bottles, jars and jugs;
- Plastic trays and clam shell food containers;
- Plastic or paper take-out containers, cups, bowls and lids; and
- Plastic garden pots and seedling trays.

Additional plastics can be recycled at a local Recycle BC depot, including

- Bags for groceries, produce, dry bulk foods, frozen vegetables, water softener, salt, garden products, newspapers;
- Overwrap for diapers, feminine hygiene products, paper towels & soft drink flats;
- Foam meat trays;
- Foam take-out containers;
- Foam cushion packaging (not packing chips/peanuts);
- Zipper lock pouches for frozen foods like prawns, berries, vegetables; fresh foods like fruit. deli meat;
- Stand-up pouches for dried fruit and nuts, quinoa, grated cheese, dish detergent pods;
- Bags for potato chips, wrappers for cheese slices and candy bars, cereal bags, cellophane for gift baskets and flowers;
- Packaging for dry pasta, pre-packaged deli meat;
- Net bags for avocados, onions, citrus fruit; and
- Padded protective plastic like plastic shipping envelopes, bubble wrap, plastic air packets

Plastics that are not recyclable in the CVRD include:

- Plastic squeeze tubes;
- Plastic-lined paper;

- Plastic strapping;
- 6-pack ring;
- Biodegradable plastic;
- PVC/vinyl; and
- Squishy foam

Existing Single Use Plastic Bans

A review of existing community efforts to ban single use plastics provides a variety of factors for Council to consider, including:

- Identification and discussion the types of single use plastics to be banned;
- Process and/or programs for businesses to phase out single use plastics; and
- Mechanism(s) and/or procedure in the enforcement of a single-use plastics ban.

In May 2018, the City of Vancouver announced it would be the first major Canadian city to ban plastic drinking straws. Vancouver's straw ban, which takes effect in fall 2019, is part of a suite of waste-reducing policies adopted by Vancouver that also includes a ban on the distribution of polystyrene foam cups and containers, as well as restrictions on disposable cups and plastic shopping bags. Vancouver has committed to fully banning the distribution of single-use bags and cups if it doesn't hit its target waste reduction rate by 2021.

Vancouver's ban applies to restaurants and mobile food vendors with city business licences. The city is still working out details for enforcement and is considering a recommendation to punish offenders with a \$250 ticket through complaints and spot-checks. Many Vancouver restaurants have already independently eliminated single-use straws or only provided them to customers on request.

Led by local merchants, in April 2018, the north shore community of Deep Cove eliminated plastic straws from all locally licensed businesses. The same merchant group is now focused on replacing single use takeout bags and containers in an effort to make Deep Cove a zero-waste community. The group is proposing a program that reduces the use of Styrofoam and plastics by introducing reusable and returnable containers for use by locals and tourists for a fee.

In 2016 and spearheaded by local businesses, the Village of Tofino adopted a voluntary plastics ban. Currently over 25 local restaurants no longer provide plastic straws or eating utensils. In addition, local retailers do not provide plastic bags. The Tofino Co-op does provide paper bags for ten cents each or reusable cloth bags for a dollar, as well as free cardboard boxes.

In the course of the Village of Tofino's June 26, 2018 regular meeting, Mayor Josie Osborne began the process of formalizing a single-use plastic ban by directing staff to prepare a "Single-Use Item Regulation Bylaw" to "regulate the use of items such as single-use shopping bags and plastic straws". The aim is to implement the bylaw by January 1, 2019 and provide a six-month transition to enforcement beginning July 1, 2019.

On July 1, 2018, The City of Victoria implemented a ban on single-use plastic bags, as an initial step towards banning all other single-use items. Currently, the plastic bag ban is limited to grocery type bags, yet many other single use plastic bags are still allowed for the following purposes:

- Packaging loose bulk items (e.g. fruit, vegetables, nuts, grain or candy)

- Packaging loose small hardware items (e.g. nails and bolts)
- Containing or wrapping frozen foods, meat, poultry or fish – whether pre-packaged or not
- Wrapping flowers or potted plants
- Protecting prepared foods or bakery goods that are not pre-packaged
- Containing prescription drugs received from a pharmacy
- Transporting live fish
- Protecting linens, bedding or other similar large items that cannot fit easily in a reusable bag
- Protecting newspapers or other printed material intended to be left at the customer's residence or place of business
- Protecting clothes after professional laundering or dry cleaning

The above list of permitted uses will be reviewed after one year to determine if any changes are required. Victoria's plastic-bag ban will phase out plastic bags with fees, and will eventually prohibit retailers from providing them for free. Businesses could also face fines if they provide one without asking.

The City of Montreal's passed a single-use plastic bag bylaw in 2016 and began implementation on January 1st, 2018. The ban also includes degradable plastics, such as oxo-degradable, oxo-fragmentable, oxo-biodegradable and biodegradable bags. The only exception is small bags used for hygienic reasons, like produce bags in grocery stores.

Enforcement, including penalties for businesses in violation began in June 2018. Montreal retailers who fail to adhere to the bylaw face fines ranging from \$200 to \$1,000 for a first infraction and \$300 to \$2,000 for any subsequent ones. For companies, those fines range from \$400 to \$4,000.

A bill to prohibit retailers from giving out single-use plastic bags passed its third reading in P.E.I.'s provincial government in June 2018, and could make the province the first one to implement such a ban.

PEI's Plastic Bag Reduction Act is meant to encourage retailers to sell paper or cloth reusable bags, which would cost no less than \$0.15 or \$1.00 each, respectively. Starting July 1st, 2018, retailers have been charging customers \$0.15 for a plastic bag. That fee would go up to \$0.25 in July 2019. In January 2020, businesses will face fines for giving away single-use bags.

As described above, not all single use plastic use bans are alike, either in the types of plastics to be banned, nor in how individual programs/policies are implemented and enforced. However, there are some key consistencies among the experiences discussed above:

- As an initial step in reducing plastic use, communities have typically targeted a single type of single use plastic (ie straws or bags). In some cases, such as Vancouver, a long term plan has been developed to apply a phased approach to reducing each type of single use plastic in turn.
- Communities have provided grace periods, of typically 6-12 months, to allow for business to plan and prepare for change. This time allows for minimal economic impact by permitting businesses time to exhaust current inventories, as well as identify appropriate alternatives.

- Enforcement requirements for single use plastic bans have been minimized when implemented in conjunction with supporting public education efforts.

Local Business Outreach

As identified in the review of existing single use plastic bans, businesses with the potential to experience economic impacts of implementing a single use plastic ban are predominantly food/beverage and/or retail services. In Cumberland there are approximately 35 active businesses within these categories, each of which were identified for potential engagement. Seventeen of these were food/beverage services, 15 were retail and three were identified as industrial businesses (see Appendix A).

Of the 35 businesses identified for potential outreach approximately 15 (seven food/beverage, seven retail, one industrial) were engaged directly to discuss the potential implications of a single use plastics ban on their business interests.

Informal discussions with business owners/operators took place in person and/or over the telephone from August through October 2018. Conversations were guided using structured questions designed to identify the potential business effects of a single use plastic ban.

In discussion with local businesses, the largest take-away was that local operators were already moving away from the use and/or provision of single use plastics. Whereas many business were already avoiding the use of plastics altogether (or offering alternatives), some businesses were still in the planning stages of decreasing plastic use. A summary of the feedback provided by type of business is presented below.

- **Food/Beverage** - The primary single use plastic of interest within the food/beverage industry are plastic straws, utensils and food containers.

Of the seven food/beverage providers, five businesses are already utilizing non-plastic straws/utensils and food packaging. Two business, although still providing single-use plastics were in the process of seeking alternatives to replace their current inventory.

- **Retailers** – The primary single use plastic of interest within the food/beverage industry are plastic bags and packaging.

Local retailers are leading the charge with respect to minimizing plastic use. The majority (five of seven) of the retail businesses engaged do not provide any single use plastics (bags, film wrapping).

Similarly, the two businesses that do provide plastic bags only do so at the customers' requests, and require a fee.

A local industrial business was also engaged regarding the use of single use plastics within their service provisions, however it was noted that this was not a current practice. It is expected there would be minimal impact to their operations as a result of such a ban.

In addition to the responses above, the majority of the businesses engaged shared the following interests/concerns with respect to a ban on single-use plastics.

- **Existing Inventory** – In order to minimize costs, businesses often purchase/possess a large inventory of plastic packaging and utensils. Subsequently, the implementation of a plastic ban should consider a grace period (i.e. 6-12 months) to avoid unnecessary cost to

businesses by allowing them to exhaust existing inventory. A patient implementation practice is also consistent with existing single use plastic bans.

Businesses also noted that they will also need to time to identify plastic alternatives, and budget accordingly for any additional costs associated with plastic alternatives.

Similarly, some businesses are part of a larger corporate enterprises, such as the BC Liquor Store and may not have direct control over day to day operational decision making. Additional time may be needed for such businesses to address and adjust to any changes in the Village's policy.

It has been noted by the BC Liquor Stores that in response to the City of Victoria's ban on plastic bags, they removed all single use plastic bags in favour of paper.

- **Cost** – Alternatives to single-use plastics are available, but typically cost more than traditional plastics. In most cases, these added costs are passed on to the consumer. However, consideration for businesses to manage these costs could be balanced by allowing them to implement alternative programs such as reusable incentives or offsetting measures, such as plastic user fees that are directed towards related educational and/or environmental causes.

Whereas increasing the cost for single use plastics is an effective deterrent in the use of disposable plastics, utilizing a fee system for plastics, such as a return for refund policy, would allow businesses to offer customers an alternative option to paying increased costs associated with single use plastics and/or plastic alternatives (paper, fabric, multi-use bags...etc.)

- **Customer Education** - When a single use plastic ban is implemented, local businesses are at the forefront, and must address the impacts to their respective customer services. Staff need to be informed and aware of the ban and able to explain both the motive and implications to customers. Educating staff, and managing customer interests can result in additional administrative costs that may not be part of businesses current long term planning.

Support from the Village in an effort to educate local consumers through media, communications, information pamphlets and/or signage would be well received by local businesses.

Bylaw Enforcement

Another important factor to be considered as part of a Single Use Plastic Bylaw is a bylaw enforcement plan. As recognized by the Village, the community does not possess sufficient resources to formally inspect businesses to determine whether or not a bylaw is being complied with at all times. Therefore, it is the general policy of the Village to rely on citizen complaints.

It is anticipated that a Single Use Plastic bylaw enforcement plan will involve this same procedure, however it is recommended that the Village participate in a Single use Plastic Bylaw public education/advisory campaign in order to educate local consumers on the goals of the ban and to encourage local shoppers to utilize alternatives. An effective educational campaign, as part of bylaw implementation, will ultimately minimize the need for (and efforts of) Village bylaw enforcement.

It is also recommended that the Single Use Plastic Bylaw be included within the Municipal Ticket Information (MTI) system. This will allow Village bylaw enforcement to issue tickets and apply fines, should such measures be required. As noted within the review of existing plastic bans, first infraction fines for businesses not in compliance start at approximately \$250 and increase with each additional, subsequent infraction.

Next Steps

Based on the research done to date, staff are recommending that Council seek the development of a Single-Use Item Regulation Bylaw to regulate the use of single-use plastics within the Village, which includes:

- a. A phased approach towards removing single use plastic products, as implemented in the City of Victoria, starting with:
 1. Plastic grocery bags
 2. Plastic straws and eating utensils
 3. Food and drink containers, packaging and wrapping.
- b. An appropriate schedule from bylaw implementation to enforcement (6-12 months) to minimize economic impacts to local businesses.
- c. Participation from the Village in a public education/advisory process (ie media, communications, information pamphlets and/or signage) in support of local businesses and in an effort to minimize future costs/efforts of Village bylaw enforcement.

FINANCIAL IMPLICATIONS

As part of the implementation of a Single-Use Item Regulation Bylaw staff will fund the public education/advisory campaign of \$1,000 from within the annual operating budget.

OPERATIONAL IMPLICATIONS

As recommended, the implementation of a single use plastics bylaw should also consider additional operational efforts on behalf of the Village in the form of public education/advisory campaign and the potential of increased bylaw enforcement. This would require input from staff, particularly the Economic Development Coordinator, as well as bylaw enforcement.

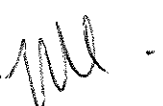
STRATEGIC OBJECTIVE

None

ATTACHMENTS

1. Appendix A – Single Use Plastics Business Outreach Plan

CONCURRENCE

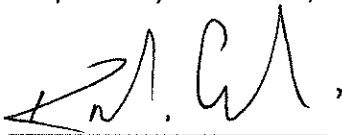
Michelle Mason, Financial Officer 

Mike Williamson, Manager of Protective Services 

OPTIONS

1. Receive the Single Use Plastic Ban Report.
2. Direct staff to prepare a Single-Use Item Regulation Bylaw to regulate the use of single-use plastics THAT will be implemented no earlier than July 1, 2019 and considers a minimum period of six months between implementation and bylaw enforcement.
3. Recommend that the Single-Use Item Regulation Bylaw identifies a phased approach to removing the use of all single use plastics, starting with single use plastic grocery bags.
4. Recommend staff to conduct further business outreach and provide support to the local business community by participating in a public education/advisory campaign as part of the implementation of a Single-Use Item Regulation Bylaw.
5. Any other action deemed appropriate by Council.

Respectfully submitted,



Kaelin Chambers

Economic Development Coordinator



Sundance Topham

Chief Administrative Officer



The Corporation of the Village of Cumberland

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August 08, 2018

Business Outreach Plan – Single Use Plastic Ban

1. Situation

Council recently instructed Village Staff to report on ban on single use plastics in the Village of Cumberland. This Business outreach Plan (the Plan) has been developed to

- Frame and inform the discussion regarding the implementation of a single use plastic ban;
- Identify the potential positive and/or adverse effects of such a ban; and
- Provide an engagement strategy and/or plan to effectively engage with the local business community to discuss and identify the economic implications of a single use plastic ban.

2. Single Use Plastics

Single-use plastics, or disposable plastics, are used only once before they are thrown away or recycled, including (but not limited to):

- Plastic bags;
- Straws;
- Eating utensils;
- Drink containers; and
- Food packaging.

Overconsumption of single use products have devastating consequences on our natural environment. Through the entire lifecycle of a product, disposable packaging and the products themselves unnecessarily consume resources, releasing harmful greenhouses gases and other toxins in the extraction, processing and manufacturing process. Following their brief use, much of this waste finds its way back into the natural environment as litter or trash that must be treated. According to Ontario Provincial recycling reports, plastics have the lowest recycling rate of all packaging and disposable products (only 29% of plastic packaging is recycled, compared to paper at 74%, glass at 73%, and metal at 53%).

3. CVRD Plastic Recycling

Currently in the CVRD accepts plastic recyclables via its blue box pick up program, including:

- Plastic bottles, jars and jugs;
- Plastic trays and clam shell food containers;
- Plastic or paper take-out containers, cups, bowls and lids; and
- Plastic garden pots and seedling trays.

Additional plastics can be recycled in the CVRD by dropping them at a local Recycle BC depot, including

- Bags for groceries, produce, dry bulk foods, frozen vegetables, water softener, salt, garden products, newspapers;
- Overwrap for diapers, feminine hygiene products, paper towels & soft drink flats;
- Foam meat trays;
- Foam take-out containers;
- Foam cushion packaging (not packing chips/peanuts);
- Zipper lock pouches for frozen foods like prawns, berries, vegetables; fresh foods like fruit, deli meat;
- Stand-up pouches for dried fruit and nuts, quinoa, grated cheese, dish detergent pods;
- Bags for potato chips, wrappers for cheese slices and candy bars, cereal bags, cellophane for gift baskets and flowers;
- Packaging for dry pasta, pre-packaged deli meat;
- Net bags for avocados, onions, citrus fruit; and
- Padded protective plastic like plastic shipping envelopes, bubble wrap, plastic air packets

Plastics that are not recyclable in the CVRD include:

- Plastic squeeze tubes;
- Plastic-lined paper;
- Plastic strapping;
- 6-pack ring;
- Biodegradable plastic;
- PVC/vinyl; and
- Squishy foam

4. Single Use Plastic Bans in Canada

In May 2018, the City of Vancouver announced it would be the first major Canadian city to ban plastic drinking straws. Vancouver's straw ban, which takes effect in fall 2019, is part of a suite of waste-reducing policies adopted by Vancouver that also includes a ban on the distribution of polystyrene foam cups and containers, as well as restrictions on disposable cups and plastic shopping bags. Vancouver has committed to fully banning the distribution of single-use bags and cups if it doesn't hit its target waste reduction rate by 2021.

Vancouver's ban applies to restaurants and mobile food vendors with city business licences. The city is still working out details for enforcement and is considering a recommendation to punish offenders with a \$250 ticket through complaints and spot-checks. Many Vancouver restaurants have already independently eliminated single-use straws or only provided them to customers on request.

In April, the north shore community of Deep Cove eliminated plastic straws from all locally licensed businesses, and in May, the Village of Tofino (and its local businesses) implemented a voluntary plastics ban.

On July 1, 2018, Victoria implemented a ban on single-use plastic bags, as an initial step towards banning all other single-use items like plastic-foam cups. Currently, the plastic bag ban is limited to grocery type bags, yet many other single use plastic bags are allowed for the following purposes:

- Packaging loose bulk items (e.g. fruit, vegetables, nuts, grain or candy)
- Packaging loose small hardware items (e.g. nails and bolts)
- Containing or wrapping frozen foods, meat, poultry or fish – whether pre-packaged or not
- Wrapping flowers or potted plants
- Protecting prepared foods or bakery goods that are not pre-packaged
- Containing prescription drugs received from a pharmacy
- Transporting live fish
- Protecting linens, bedding or other similar large items that cannot fit easily in a reusable bag
- Protecting newspapers or other printed material intended to be left at the customer's residence or place of business
- Protecting clothes after professional laundering or dry cleaning

The above list of permitted uses will be reviewed after one year to determine if any changes are required. Victoria's plastic-bag ban will phase out plastic bags with fees, and will eventually prohibit retailers from providing them for free. Businesses could also face fines if they provide one without asking.

Montreal's ban on plastic bags took effect this year, and penalties for businesses that violate it began in June. The ban includes oxo-degradable, oxo-fragmentable, oxo-biodegradable and biodegradable bags. The only exception is small bags used for hygienic reasons, like produce bags in grocery stores.

A bill to prohibit retailers from giving out single-use plastic bags passed its third reading in P.E.I.'s provincial government in June 2018, and could make the province the first one to implement such a ban.

PEI's Plastic Bag Reduction Act is meant to encourage retailers to sell paper or cloth reusable bags, which would cost no less than \$0.15 or \$1.00 each, respectively. Starting July 1, retailers will have to charge customers \$0.15 for a plastic bag. That fee would go up to \$0.25 in July 2019. In January 2020, businesses will face fines for giving away single-use bags.

Although the anti-plastic movement is gaining momentum in Canada (and worldwide), there still are some challenges and adjustments, particularly with respect to the economic implications for local businesses.

5. Implications for Local Businesses

Single Use Plastic bans can directly impact businesses that provide plastic bags, containers, utensils (including straws) or other forms of plastic packaging as part of their service. Potentially adverse impacts of a plastic ban could include:

- **Existing Inventory** – Businesses that provide single use plastics to their customers may possess large inventory of pre-purchased plastics. Subsequently, the implementation of a plastic ban should consider a grace period (i.e. 6 months) to avoid unnecessary cost to businesses and allow them to exhaust existing inventory.

Businesses will also need to identify packaging alternatives, and budget accordingly for any additional costs associated with plastic alternatives. Similarly, some businesses may be part of a larger enterprise, such as a franchise or corporate business and may not have direct control over

day to day operational decision making. Additional time may be needed for such businesses to address and adjust to any changes in the Village's policy regarding single use plastics.

- **Cost** – Alternatives to single-use plastics are available, but typically cost more than traditional plastics. In most cases, these added costs are passed on to the consumer, however any plastic ban should consider the potential financial implications on the pricing of goods/services from local businesses.

Whereas increasing the cost for single use plastics is an effective deterrent in the use of disposable plastics, utilizing a fee system for plastic bags, such as a return for refund policy, would allow businesses to offer customers an alternative option to paying increased costs associated with single use plastics and/or plastic alternatives (paper, fabric, multi-use bags...etc.)

- **Customer Education** - When a ban is implemented retail businesses are at the forefront, and must address the impacts to their respective customer services. Staff need to be informed and aware of the ban and able to explain both the motive and implications to customers. Educating staff, and managing customer interests can result in additional administrative costs that may not be part of businesses current long term planning.

In addition to educating local consumers, businesses will also need to strategize on the best methods for limiting adverse impacts of a plastics ban on their customers. As an example, businesses may consider implementing reward programs for customers who use their own bags. In some cases, business owners charge a fee for single use plastics which is then given to outside sources, such as a fund for environmental or education purposes.

6. Potentially Impacted Businesses

Most businesses identified as experiencing potential economic impacts of implementing a single use plastic ban are predominantly food/beverage and/or retail services. Of the 35 businesses identified for outreach in Cumberland, 17 are food/beverage services, 15 are retail and 3 are identified as industrial businesses.

Business Name	Business Type
Beaufort Cycles	Retail
BiblioTaco	Food/beverage
Canada Legion	Food/beverage
Cooks	Food/beverage
Cumberland Bakery	Food/beverage
Cumberland Brewing company	Food/beverage
Cumberland Fly Shop	Retail
Cumberland Grind	Food/beverage
Cumberland Hotel	Food/beverage
Cumberland lake Park Concession	Food/beverage
Cumberland Ready Mix	Industrial
Cumberland Sand and Gravel	Industrial
Cumberland Veterinary Clinic	Retail

Dark Side Chocolates	Retail
Dodge City Cycles	Retail
Esso / Supreme Convenience	Retail
Fisherman's Daughter	Retail
Four Quarters	Food/beverage
Gas N' Go	Retail
Hyland Precast	Industrial
Jipsi Tree Style	Retail
Liquor Distribution Branch	Retail
Pan de Sanchia/Love's Ice Cream	Food/beverage
Mini Mart	Retail
New Creek Cafe	Food/beverage
Rare Bird Bookshop	Retail
Riders Pizza	Food/beverage
Rusty Rooster	Retail
Slegg Lumber	Retail
Seeds Food market	Retail
Tarbell's Deli	Food/beverage
Union Specialty Meats	Food/beverage
Village Ice	Food/beverage
Waverley Hotel	Food/beverage
Wandering Moose	Food/beverage
Whole Glow Cafe	Food/beverage

7. Outreach Methods/Tools

Business outreach can be facilitated via a variety of methods, all of which provide benefits and challenges associated with them. Identifying the most appropriate engagement tool is an important first step in implementing meaningful engagement.

For the purposes of the Business outreach Plan, it is recommended to utilize Face-to-Face Engagement (i.e. Interviews and/or informal discussions) when discussing a potential plastics ban with local businesses. Face to face discussion is traditionally more labour intensive and requires a more time to complete, but it is an effective form of engagement that provides a number of advantages for this situation, including:

- People tend to feel more involved when they can hear directly from, and speak directly to, the people who are making the final decisions;
- Participants don't have outside distractions so they are often more attentive and engaged in the conversation;
- Face to face discussions allow for a deeper level of information exchange, particularly important when discussing topics that require greater sharing of knowledge/context; and
- Decisions can be made more quickly as participants must focus their efforts for a limited time.

Other forms of engagement also to be considered are surveys and/or questionnaires, both of which can be distributed in person and/or online. Although quicker to develop and implement, the quality of information/knowledge exchange is typically be less complete than face to face discussions. In many

cases, additional efforts to engage people more directly (ie phone calls, online discussions) are recommended to help verify survey driven data.

8. Schedule

Council requested staff to report on a ban of single use plastics in the Village of Cumberland on July 9, 2018. Outcomes of the business outreach on single use plastics will be need to be included within this report, which is targeted for presentation to council on September 24, 2018.

The length of time to complete business outreach for all 31 businesses is 3-4 weeks, dependent on the interest/availability of local business owners. In consideration of these factors, a preliminary Business Outreach Schedule is provided below.

Activity	Estimated Completion
Finalize Business Outreach Plan	August 21
Conduct Business Outreach	August 22 – October 12
Finalize Outreach Feedback	October 19
Finalize Council Report on Single Use Plastics	November 6
Single Use Plastics Report to Council	November 13

9. Outreach Questions

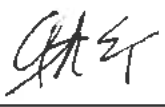
The following questions have been designed to identify the potential effects of a single use plastic ban on Village businesses.

1. What sort of single use plastics does your business utilize?
2. In what instances do you provide plastic bags for your customers?
3. How would a single use plastic ban affect your business?
4. What are the things that would stop a single use plastic ban from being effectively implemented?
5. What exemptions do you believe are necessary to ensure safety and quality for your store?
 - a. Are there plastics that are essential to your business?
6. Do you have a current inventory of plastic bags/utensils or other single use plastics?
7. Have you already identified/considered alternatives?
8. If you provide disposable plastics to customers, would it be feasible to phase it out?
 - a. How much would this affect your business (i.e. costs)?
 - b. How long would it take to switch?
9. Are you aware of (or practicing) other alternative programs to reducing plastics, such applying fees or customer incentive programs (i.e. reusable bags, cups...etc.)?

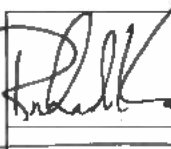


TOWN OF COMOX PLANNING REPORT

TO:	RICHARD KANIGAN, CHIEF ADMINISTRATIVE OFFICER
FROM:	MARVIN KAMENZ, MUNICIPAL PLANNER GAIL ANDESTAD, PLANNER II ELLIOT TURNBULL, PLANNING TECHNICIAN
SUBJECT:	PR 18-13 COMOX BUILDING BYLAW AMENDMENT
DATE:	FEBRUARY 20, 2019 RCM FIRST, SECOND AND THIRD READING REPORT


 Submitted by


 Concurrence


 Approval

Recommendation:

1. That Comox Building Amendment Bylaw 1903 be given First, Second and Third Reading (Attachment 1).

Proposal:

The PR 18-13 proposal is to amend Comox Building Bylaw No. 1472 (Building Bylaw) to include updated section references to the BC Building Code, an updated Owner's Declaration for secondary suite construction and a new Owner's Declaration for coach house construction, and other minor amendments. Proposed Comox Building Amendment Bylaw 1903 is contained in **Attachment 1**.

Background:

The British Columbia Building Code is updated approximately every five years, with the most recent update in December 2018. This update includes new energy efficiency standards, building accessibility standards, stair requirements, and section renumbering.

Comox Zoning Bylaw 1850 requires that for properties with a secondary suite or coach houses either the suite/coach house or single-family dwelling on the parcel be owner occupied. Owner occupation has been a critical element in public support for these housing forms.

Comox Building Bylaw No. 1472 includes a form titled "Owner's Declaration of Secondary Suite" which is required to be completed and submitted at the time a building permit issuance for a

U:\Dev App\2018\PR\PR 18-13 add Coach House Owner Decl'n to Bldg Bylaw\Reports\RCM 20 Feb 2019-Building Bylaw amend_1st, 2nd, 3rd Reading.docx

secondary suite. The form is intended to strengthen the home owner's awareness of the Zoning Bylaw regulation requiring secondary suites to be owner-occupied. No similar form currently exists for coach houses.

Processing Steps:

Attachment 2 outlines the key processing steps for Council's consideration of the proposed Comox Building Bylaw amendment¹.

Building Bylaw Implications

The primary purpose of proposed Comox Building Amendment Bylaw 1903 is updating the existing Building Bylaw to reflect the December 2018 version of the BC Building Code.

The proposed bylaw also includes:

- Addition of Development Variance Permits, Temporary Use Permits, Heritage Alteration Permits, Board of Variance Orders and any covenants or statutory rights of way granted to the Town under the *Land Title Act* as items to which proposed works must comply prior to issuance of a Building Permit;
- Update of the existing Secondary Suite Owner's Declaration to reflect the current wording of secondary suite zoning provisions; and,
- Addition of the requirement for an Owner's Declaration of Coach House similar to that of the secondary suite suit declaration.

A full copy of the Building Bylaw with tracked changes is contained in **Attachment 3** for convenience purposes only.

MK/GA/ET

Attachments:

1. Comox Building Amendment Bylaw 1903
2. Processing Steps
3. Comox Building Bylaw No. 1472 with tracked changes.

¹ No advertising of Building Bylaw amendments are required under the *Community Charter* or *Building Act*.

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ATTACHMENT 1

COMOX BUILDING AMENDMENT BYLAW 1903

TOWN OF COMOX

BYLAW NO. 1903

A BYLAW TO AMEND TOWN OF COMOX BUILDING BYLAW No. 1472

WHEREAS Council has adopted a Building Bylaw and has the authority under the provisions of the *Community Charter* to amend the Building Bylaw;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, enacts as follows:

1. Title

This Bylaw may be cited for all purposes as "Comox Building Amendment Bylaw 1903".

2. Amendments

"Comox Building Bylaw No. 1472" is amended as follows:

- (1) Section 1 Title is deleted and replaced with the following:

This Bylaw may be cited for all purposes as Comox Building Bylaw 1472.

- (2) Section 2 Definitions is amended by:

- a) replacing sub-section (1) with the following:

In this Bylaw, the following words and terms have the meanings set out in Section 1.4 of the **Building Code: assembly occupancy, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, plumbing system, registered professional, and residential occupancy.**

- b) replacing sub-section (1)(a) with the following:

"Building Code" means the current *British Columbia Building Code* as adopted by the Minister pursuant to the *Building Act*.

- (3) Section 7 Building Officials is amended by replacing sub-section (1)(c) with the following:

keep records of permit applications, permits, notices and orders issued, inspections and tests made, and retain copies of documents related to the administration of this bylaw;

- (4) Section 9 Applications for Complex Buildings is amended by:

- a) replacing sub-section (1)(c) with the following:

include a copy of a title search made within 30 days of the date of the application and copies of all charges on title in favour of the Town;

- b) replacing sub-section (1)(j) with the following:

include a letter of assurance in the form of Schedule A as referred to in Division C Part 2.2.7 of the **Building Code**, signed by the **owner**, or a signing officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional**;

- c) replacing sub-section (1)(k) with the following:

include letters of assurance in the form of Schedule B as referred to in Division C Part 2.2.7 of the **Building Code**, each signed by such **registered professionals** as the **building official** or **Building Code** may require to prepare the design for and conduct **field reviews** of the construction of the **building** or **structure**;

- (5) Section 10 Applications for Standard Buildings is amended by:

- a) replacing sub-section (1)(c) with the following:

include a copy of a title search made within 30 days of the date of the application and copies of all charges on title in favour of the Town;

- b) replacing sub-section (4)(f) with the following:

letters of assurance in the form of Schedule B as referred to in Division C Part 2.2.7 of the **Building Code**, signed by the **registered professional**; and

- (6) Section 12 Professional Plan Certification is amended by replacing sub-section (1) with the following:

The letters of assurance in the form of Schedule B referred to in Division C Part 2.2.7 of the **Building Code** and provided pursuant to this bylaw are relied upon by the Town of Comox and its **building officials** as certification that the design and plans to which the letters of assurance relate comply with the **Building Code** and other applicable enactments relating to safety.

- (7) Section 17(2) is amended by adding the following as sub-section (c) and renumbering the following sub-section as (d): "in the case of a dwelling with a secondary suite or a property with a coach house, an executed **owner's** declaration in the form of Form VIII or Form IX, respectively; and".

- (8) Section 18(1)(b) is amended by replacing the phrase "and any applicable Development Permit" with the phrase "and any applicable Development Permit, Development Variance Permit, Temporary Use Permit, Heritage Alteration Permit, Board of Variance order and any covenant or statutory right of way granted to the Town under the *Land Title Act*";.

- (9) Section 19 Applications for Retaining Structures is amended by replacing sub-section (1)(d) with the following:

include letters of assurance in the form of Schedule B as referred to in Division C Part 2.2.7 of the **Building Code**, signed by the **registered professional**.

- (10) Section 23 Professional Design and Field Review is amended by:

- a) replacing sub-section (1)(c) with the following:

letters of assurance in the form of Schedule B, C-A and C-B as referred to in Division C Part 2.2.7 of the **Building Code**, and

- b) replacing sub-section (2) with the following:

Prior to the issuance of an occupancy permit for a **complex building**, or **standard building** in circumstances where letters of assurance have been required by this bylaw, the owner shall provide the Town of Comox with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in Division C Part 2.2.7 of the **Building Code**, or in the form of Form IV to this bylaw in the case of **building** foundation

field reviews and Form VI to this bylaw in the case of **building** envelope **field reviews**.

- c) replacing sub-section (4) with the following:

When an applicant proposes to move a **building** including a **floating building** into the Town, move a **building** from one parcel of land to another within the Town, or relocate a **building** on the same parcel within the Town, the **building official** may require that a **registered professional** certify that the **building** meets or exceeds the requirements of the **Building Code** for the proposed class of **occupancy** of the **building** as of the time the **building** was constructed; that the **building** requires the modifications and alterations specified in the certification in order to be safely occupied in cases where the **building** does not comply with the current edition of the **Building Code**, and that the new **building** foundation and attachment of the **building** to its new foundation will comply with the structural requirements of the current **Building Code** for the proposed **occupancy** of the **building**, and provide letters of assurance as referred to in section 23(1)(c).

- (11) Section 31 Forms and Schedules is amended by:

- a) replacing sub-section (1) with the following:

Forms 1 through IX and Schedules 1, 2 and 3 form a part of this Bylaw.

- (12) Form I is replaced with the form in Schedule A.
- (13) Form V is replaced with the form in Schedule B.
- (14) Form VI is replaced with the form in Schedule C.
- (15) Form VII is replaced with the form in Schedule D.
- (16) Form VIII is replaced with the form in Schedule E.
- (17) Form IX in Schedule F is added to the bylaw in Schedule F.
- (18) Comox Building Bylaw No. 1472 is further amended by making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and order of the sections of the bylaw.
- (19) Schedules A to F form part of this Bylaw.

3. Adoption

- (1) READ A FIRST and SECOND time this ___ day of ___, 2019
- (2) READ A THIRD time this ___ day of ___, 2019
- (3) ADOPTED this ___ day of ___, 2019

SCHEDULE A

FORM I

Owner's Authorization of Agent

The undersigned registered owner of land in the Town of Comox legally described as

_____ and having a civic address of _____

hereby makes the acknowledgements set out below and authorizes _____ to:

1. apply for and obtain as my agent a building permit in respect of the land from the Town of Comox under the provisions of Comox Building Bylaw 1472; and
2. provide to the Town as my agent all information and documents required by the bylaw for such an application.

Name of Registered Owner (please print)

*Signature of Registered Owner or
Authorized Signatory of Corporate Owner*

Date of Authorization

Acknowledgements of Owner

I acknowledge that as the owner of the land in respect of which this permit application is made, I will be solely responsible for carrying out the work authorized by the permit in accordance with the Building Code and other applicable laws respecting health and safety.

I acknowledge that as the owner I will be solely responsible for determining whether the work authorized by the permit contravenes any easement, right of way, or covenant charging the land, or requires the involvement of an architect under the *Architect's Act* or an engineer under the *Engineers and Geoscientists Act*.

I acknowledge that the Town provides a limited monitoring service in relation to building construction and does not, by accepting or reviewing plans, inspecting construction, monitoring the inspection of construction by others, or issuing building or occupancy permits, make any representation or give any assurance that the construction authorized by a building permit complies in every or any respect with the Building Code or any other applicable laws respecting health and safety.

If the Town so indicates on the permit, I acknowledge that the Town has issued the permit in reliance on the certification of a registered professional, engaged by me to provide such a certification, that the plans for the work authorized by the permit comply with the Building Code and other applicable enactments, and that the fee for the permit has been accordingly reduced. I acknowledge that the Town, by issuing the permit or any occupancy permit, makes no representations to me or any other person as to any such compliance.

SCHEDULE B

FORM V

**Building Envelope Professional Design Review
and Building Envelope Field Review**

- Note: 1) In this letter the words in *italics* have the same meaning as in the B.C. Building Code.
2) This letter must be submitted prior to the issuance of a building permit.

To : The Building Official
Town of Comox
1809 Beaufort Avenue
Comox, B.C.
V9M 1R9

Date: _____

Re: _____
Name of Project

Address of Project

Legal Description of Project

The undersigned *registered professional* hereby gives assurance that he/she has completed the design review of the *building envelope* components of the plans and supporting documents prepared by:

(Print name of *registered professional* who signed for the "Architectural" components of the
B.C. Building Code Schedule B)

in support of the application for the *building* permit, and that the *building envelope* components of such plans and documents substantially comply with the applicable requirements of the B.C. Building Code.

The undersigned hereby undertakes to be responsible for the *field reviews* of the *building envelope* components during construction and to prepare and distribute written field reports of such reviews to the above referenced *registered professional* who signed for the "Architectural" components of the B.C. Building Code Schedule B.

The undersigned hereby undertakes to notify the *building official* in writing as soon as possible if the undersigned's contract for *field review* is terminated at any time during construction.

The undersigned confirms that their professional liability, errors and omissions insurance policy covers them for water penetration claims and proof of such coverage has been sent with this letter.

Name (Print)

Date

Signature

(Affix PROFESSIONAL SEAL here)

Name of firm if applicable

Address (Print)

Phone

SCHEDULE C

FORM VI
Building Envelope Professional
Field Review and Compliance

- Note: 1) In this letter the words in italics have the same meaning as in the B.C. Building Code.
2) This letter must be submitted after completion of the project but before the final inspection is made by the *building official*.

To : The Building Official
Town of Comox
1809 Beaufort Avenue
Comox, B.C.
V9M 1R9

Date: _____

Re: _____
Name of Project

Address of Project

Legal Description of Project

The undersigned *registered professional* hereby gives assurance that:

1. he/she has fulfilled their obligations for *field reviews* as outlined in the previously submitted Town of Comox Form V, "Building Envelope Professional Design Review and Building Envelope Field Review";
2. the *building* envelope components of the project substantially comply in all material respects with the applicable requirements of the B.C. Building Code, and the plans and documents submitted in support of the application for building permit; and
3. he/she has submitted any final design plans and supporting documents prepared by him/her for this project, to the *registered professional* who signed for the "Architectural" components of the B.C. Building Code Schedule B, for submission to the Town of Comox.

Name (Print)

Date

Signature

Name of firm if applicable

(Affix PROFESSIONAL SEAL here)

Address (Print)

Phone

SCHEDULE D

FORM VII

Proof of Registered Professional's Insurance Coverage

(This document requires the attachment of a current certificate of insurance coverage and may not be altered in any way)

Town of Comox
1809 Beaufort Avenue
Comox, British Columbia
V9M 1R9

Attention: Chief Building Official

Re: Address of Project _____

Legal Description of Project _____

The undersigned hereby gives assurance that:

1. I have fulfilled my obligation to obtain a current policy of professional liability or errors and omissions insurance as specified in section 23.3 of Comox Building Bylaw 1472.
2. I have enclosed a copy of my certificate of insurance indicating the particulars of such coverage.
3. I am a registered professional as defined by the British Columbia Building Code.
4. I will notify the Chief Building Official immediately if this insurance coverage is reduced or terminated at any time during construction.
5. If the scope of my certifications under the Building Code or the Building Bylaw extends to building foundation or building envelope matters, my insurance policy contains no exclusions or limitations in relation to such matters.

Signature

Print Name: _____

(Affix PROFESSIONAL SEAL here)

Name of Firm: _____

Date: _____

Attachment: Certificate of Insurance

SCHEDULE E

FORM VIII



OWNER'S DECLARATION OF SECONDARY SUITE

BUILDING PERMIT NUMBER: _____

DATE: _____

Please Print

I/We, _____ being the registered
NAME OF REGISTERED PROPERTY OWNER(S)
Property Owner and residing at _____, have a suite
PROPERTY ADDRESS
located _____, and hereby declare:
LOCATION OF SECONDARY SUITE WITHIN THE DWELLING

1. That I understand that the suite located within the dwelling, as stated above, can be occupied and used as a secondary suite only in accordance with the following provisions of Comox Zoning Bylaw 1850:

A. Section 3.2 Definitions:

"Secondary Suite: a dwelling unit that is secondary to another dwelling unit. Single-family dwellings containing a secondary suite shall be owner occupied. Secondary suites shall:

- (1) Be located only in single-family dwellings;
- (2) Be limited to one (1) per single-family dwelling;
- (3) Be completely contained within the principal buildings;
- (4) Have a dwelling unit gross floor area not exceeding 40% of the gross floor area of the principal building, or 90 m² whichever is the lesser;
- (5) Be located above or below the other dwelling unit, shared utility and storage areas are excluded from this requirement; and
- (6) Have their own entrance separate from that of the other dwelling unit."

B. Section 6 Off-Street Parking and Loading:

Two individually accessible off-street parking spaces must be provided.

2. That I understand that the registered owner(s) of the property must occupy either the primary dwelling unit, or the secondary suite, as their permanent residence.
3. That I understand that the secondary suite must be constructed in accordance with the requirements of the British Columbia Building Code.
4. That I understand that no person may occupy a secondary suite and no person shall permit or suffer a secondary suite to be occupied, unless an occupancy permit has been issued under Comox Building Bylaw 1472.

Signature of owner(s)

Address of Owner(s)

{ DECLARED BEFORE ME in

{ _____ (municipality)
{ in the Province of British Columbia, on
{ _____ (date),
{ _____ (signature)
{ a commissioner for taking affidavits for British
{ Columbia / a Notary Public in and for the
{ Province of British Columbia.

SCHEDULE F

FORM IX



OWNER'S DECLARATION OF COACH HOUSE

BUILDING PERMIT NUMBER: _____

DATE: _____

Please Print

I/We, _____ being the registered
NAME OF REGISTERED PROPERTY OWNER(S)
Property Owner and residing at _____, have a coach house
PROPERTY ADDRESS
located _____, and hereby declare:
LOCATION OF COACH HOUSE ON THE PROPERTY

1. That I understand that the coach house can be located on the property as stated above, and be occupied and used as a coach house only in accordance with the following provisions of Comox Zoning Bylaw 1850:
 - A. Section 3.2 Definitions:

"Coach House: a building consisting of one dwelling unit or one modular unit.
Coach houses shall:

 - (1) Only be permitted on a parcel on which a single family dwelling exists;
 - (2) Only be permitted on a parcel where either the single family dwelling or the coach house is owner occupied;
 - (3) Be located only in a rear yard; and
 - (4) Be limited to one (1) per parcel."
 - B. Section 6 Off-Street Parking and Loading:

Two individually accessible off-street parking spaces to the maximum aggregate width of 6.20 metres must be provided.
2. That I understand that the registered owner(s) of the property must occupy either the primary dwelling unit, or the coach house, as their permanent residence.
3. That I understand that the coach house must be constructed in accordance with the requirements of the British Columbia Building Code.
4. That I understand that no person may occupy a coach house and no person shall permit or suffer a coach house to be occupied, unless an occupancy permit has been issued under Comox Building Bylaw 1472.

Signature of owner(s)

Address of Owner(s)

{ DECLARED BEFORE ME in _____
{ _____ (municipality)
{ in the Province of British Columbia, on _____
{ _____ (date),
{ _____ (signature)
{ a commissioner for taking affidavits for British
{ Columbia / a Notary Public in and for the
{ Province of British Columbia.

ATTACHMENT 2
PROCESSING STEPS

1. First, Second, and Third Reading of proposed Comox Building Amendment Bylaw 1903;
2. Resolution of outstanding items (if applicable); and
3. Adoption of proposed Comox Building Amendment Bylaw 1903;

ATTACHMENT 3

COMOX BUILDING BYLAW NO. 1472 WITH TRACKED CHANGES

TOWN OF COMOX

BYLAW NO. 1472

A BYLAW TO REGULATE, PROHIBIT AND IMPOSE REQUIREMENTS IN RELATION TO BUILDINGS AND OTHER STRUCTURES

WHEREAS the *Community Charter* authorizes the Town of Comox, for the health, safety and protection of persons and property, to regulate, prohibit and impose requirements in relation to buildings and other structures;

AND WHEREAS the Province of British Columbia has adopted a building code to govern standards in respect of the construction, alteration, repair and demolition of buildings in municipalities and regional districts in the Province;

AND WHEREAS it is deemed necessary to provide for the administration of the building code;

NOW THEREFORE THE COUNCIL OF the Town of Comox, in open meeting assembled, enacts as follows:

1. Title

This bylaw may be cited for all purposes as ~~the Comox Building Bylaw No. 1472~~ Comox Building Bylaw 1472. (#1782 Jun 18/14)

2. Definitions

- (1) In this Bylaw, the following words and terms have the meanings set out in Section ~~4.1.3.21.4~~ of the *Building Code*: **assembly occupancy, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, plumbing system, registered professional, and residential occupancy.**

- (a) "Building Code" means the current British Columbia Building Code ~~1998~~ as adopted by the Minister pursuant ~~to section 692(1) of the Local Government Act, as amended or re-enacted from time to time~~ the Building Act.

- (b) "Building Official" includes Building Inspectors, Plan Checkers and Plumbing Inspectors designated by the Town of Comox.

- (c) "Complex Building" means:

- (i) all **buildings** used for **major occupancies** classified as
 - (A) **assembly occupancies,**
 - (B) **care or detention occupancies, or**
 - (C) **high hazard industrial occupancies, and**
- (ii) all **buildings** exceeding 600 square meters in **building area** or exceeding three storeys in **building height** used for **major occupancies** classified as residential occupancies,
 - (A) **business and personal services occupancies,**
 - (B) **mercantile occupancies, or**
 - (C) **medium and low hazard industrial occupancies.**
- (d) "EPA standards" means the Environment Protection Agency standards set out in title 40 of the Code of Federal Regulations Part 60 and published in the Federal Register by the Executive departments and agencies of the Federal Government of the U.S.A.
- (e) "Floating Building" means a **building** built on a flotation system, not primarily intended for, or usable in, navigation.
- (f) "Health and safety aspects of the work" means design and construction regulated by Part 3, Part 4, and sections 9.4, 9.8, 9.9, 9.10, 9.12, 9.13, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.25, 9.31 except to the extent that it deals with the potability of a water supply, 9.32, and 9.34 of Part 9 of the **Building Code**.
- (g) "Owner" means the registered owner in fee simple and includes, in the case of an application for a permit where a **building official** determines that it is not practical, by reason of health, disability or absence from the Province, for the registered **owner** to sign the application, an agent of the **owner** authorized in the form attached as Form I.
- (h) "Private Swimming Pool" means any constructed or prefabricated pool, situated on or below ground level, used or intended to be used for swimming, wading or bathing, and having a depth of more than 0.6 meters, that is not subject to regulations under the **Health Act**.
- (i) "Standard building" means a **building** of three storeys or less in **building height**, having a **building area** not exceeding 600 square meters and used for **major occupancies** classified as
 - (i) **residential occupancies,**
 - (ii) **business and personal services occupancies,**
 - (iii) **mercantile occupancies, or**

(iv) **medium and low hazard industrial occupancies.**

- (j) "Structure" means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures 1.2 meters or less in height.
- (k) "Wood Burning Appliance" means a device designed for wood combustion producing usable heat for the interior of a **building** or **structure** and includes, but is not limited to, wood stoves, fireplaces, fireplace inserts and combination fuel furnaces.

3. Purpose of Bylaw

- (1) The bylaw, shall, notwithstanding any other provision herein, be interpreted in accordance with this section
- (2) This bylaw has been enacted for the purpose of regulating construction within the Town of Comox in the general public interest. The activities undertaken by or on behalf of the Town of Comox pursuant to this bylaw are for the sole purpose of providing a limited and interim spot-checking function for reasons of health, safety and the protection of persons and property, and for the purpose of monitoring compliance with zoning and Development Permit requirements.
(#1782 Jun 18/14) It is not contemplated nor intended, nor does the purpose of this bylaw extend:
- (a) to the protection of **owners**, owner/builders or **constructors** from economic loss;
 - (b) to the assumption by the Town of Comox or any **building official** of any responsibility for ensuring the compliance by any **owner**, his or her representatives or any employees, **constructors** or **designers** retained by him or her, with the **Building Code**, the requirements of this bylaw or other applicable enactments respecting health or safety;
 - (c) to providing any person a warranty of design or workmanship with respect to any **building** or **structure** for which a building, occupancy, or other permit is issued under this bylaw; or
 - (d) to providing a warranty or assurance that construction undertaken pursuant to building or other permits issued by the Town of Comox is free from latent, or any defects.

4. Permit Conditions

- (1) A permit is required whenever work regulated under this bylaw is to be undertaken.

- (2) Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the Town of Comox shall in any way relieve the **owner** or his or her representatives from full and sole responsibility to perform the work in strict accordance with this bylaw, the **Building Code** and or other applicable enactments respecting health or safety.
- (3) It shall be the full and sole responsibility of the **owner** to carry out the work in respect of which the permit was issued in compliance with the **Building Code** and this bylaw or other applicable enactments respecting health or safety.
- (4) Neither the issuance of a permit under this bylaw nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Town of Comox constitute in any way a representation, warranty, assurance or statement that the **Building Code**, this bylaw or other applicable enactments respecting health or safety have been complied with.
- (5) No person shall rely upon any permit as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms. The person to whom the building or other permit is issued and his or her representatives are responsible for making such determination.

5. Scope and Exemptions

- (1) This bylaw applies to the design, construction and **occupancy** of new **buildings** and **structures**, and the alteration, reconstruction, demolition, removal, relocation and **occupancy** or change of **occupancy** of existing **buildings** and **structures**.
- (2) This bylaw does not apply to **buildings** or **structures** exempted by Part 1 of the **Building Code** except to the extent that the bylaw requires a permit for, or establishes standards for, the construction of such **building** or **structure**, nor to retaining **structures** 1.2 meters or less in height.

6. Prohibitions

- (1) No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the **occupancy** of any **building** or **structure**, including excavation or other work related to construction unless a **building official** has issued a permit for the work.
- (2) No person shall occupy or use any **building** or **structure** unless an occupancy permit has been issued by a **building official** for the **building** or **structure**, or contrary to the terms of any permit issued or any notice given by a **building official**.

- (3) No person shall knowingly submit false or misleading information to a **building official** in relation to any permit application or construction undertaken pursuant to this bylaw.
- (4) No person shall, unless authorized in writing by a **building official**, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a **building** or **structure** pursuant to this bylaw.
- (5) No person shall do any work that is substantially at variance with the accepted design or plans of a **building**, **structure** or other works for which a permit has been issued, unless that variance has been accepted in writing by a **building official**.
- (6) No person shall obstruct the entry of a **building official** or other authorized official of the Town of Comox on property in the administration of this bylaw.

7. Building Officials

- (1) Each **building official** may:
 - (a) administer this bylaw;
 - (b) prescribe from time to time the form of permits, permit applications, notices and orders referred to in this bylaw, except where the form is prescribed by the bylaw;
 - (c) keep records of permit applications, permits, notices and orders issued, inspections and tests made, and retain copies of all documents related to the administration of this bylaw ~~or microfilm copies of such documents~~;
 - (d) monitor and audit the certifications of **registered professionals** provided under this bylaw as to compliance of plans submitted by the **registered professional** with the **Building Code** and other enactments respecting safety, and require **registered professionals** to resubmit plans and supporting information if such monitoring identifies deficiencies in any certification;
 - (e) monitor and audit **field reviews** undertaken by **registered professionals**, by receiving and reviewing their **field review** reports, accompanying them on **field reviews**, conducting spot checks of construction that has been or will be the subject of a **registered professional's field review**, and taking such other measures as they may deem appropriate to verify that **field reviews** required by this bylaw or the **Building Code** are properly conducted; and
 - (f) establish, if requested to do so, whether the methods or types of

construction and types of materials used in the construction of a **building** or **structure** for which a permit is sought under this bylaw substantially conform to the requirements of the **Building Code**.

(2) **A building official:**

- (a) may enter any land, **building**, **structure**, or premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw are being observed;
 - (b) where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and
 - (c) shall carry proper credentials confirming his or her status as a **building official**.
- (3) A **building official** may order the correction of any work that is being or has been done in contravention of this bylaw or a permit issued pursuant to this bylaw.
- (4) A **building official** may order that work concealed in contravention of this bylaw be partially or completely uncovered.

8. Applications

- (1) An application for a building permit will not be accepted for a **building** or **structure** located in a Development Permit area until a Development Permit for the **building** or **structure** has been approved by the Town of Comox, unless a development permit exemption applies.
- (2) Every person shall apply for and obtain:
 - (a) a building permit before constructing, repairing or altering a **building** or **structure**;
 - (b) a moving permit before moving a **building** or **structure** including a **floating building**, or undertaking any demolition, alteration or construction of a **building** or **structure** prior to such a move;
 - (c) a demolition permit before demolishing a **building** or **structure**;
 - (d) a building permit prior to the construction of a masonry fireplace and chimney or the installation of a **wood burning appliance** and chimney, unless the works are encompassed by a building permit authorizing the construction of the **building** in which these components are included;
 - (e) a plumbing permit before installing, adding to, or altering a **plumbing system** in a new or existing **building** or **structure**; and

- (f) a swimming pool permit before constructing or installing a **private swimming pool**.
- (3) An application for a, plumbing permit, demolition permit, swimming pool permit or fireplace and chimney permit shall be made in the form prescribed for that purpose by a **building official**.
- (4) All plans submitted with permit applications shall bear the name and address of the **designer** of the **building** or **structure**.
- (5) Each **building** or **structure** to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee based on the value of that **building** or **structure** as determined by a **building official**.

9. Applications for Complex Buildings

- (1) An application for a building permit with respect to a **complex building** shall:
 - (a) be made in the form prescribed for that purpose by a **building official**, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (b) be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form attached as Form II to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (c) include a copy of a title search made within 30 days of the date of the application and copies of all charges on title in favour of the Town;
 - (d) unless a **building official** waives the requirement in whole or in part for an application to repair or alter an existing **building** or **structure**, include a site plan drawn at a suitable scale, or when required by the **building official** a site plan prepared by a British Columbia Land Surveyor, showing:
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;
 - (ii) the legal description and civic address of the parcel;
 - (iii) the location and dimensions of all statutory rights of way, easements and setback requirements;
 - (iv) the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel, including all motor vehicle parking and loading areas, paved areas, driveways and maneuvering aisles, pedestrian walkways, fences, retaining walls of any height, hard landscaping elements and similar structures; (#1782 Jun 18/14)
 - (v) setbacks to the natural boundary of the sea or to any lake, swamp,

marsh, pond or watercourse where the Town of Comox land use or flood plain regulations establish siting requirements related to water bodies;

- (vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the Town of Comox flood plain regulations establish siting requirements related to minimum floor elevation; and
- (vii) the gradient of parking and driveway access; (#1782 Jun 18/14)
- (e) include floor plans showing the dimensions and uses of all areas; the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- (f) include a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
- (g) include elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, and finished grade;
- (h) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the requirements of the **Building Code** in relation to the **health and safety aspects of the work**;
- (i) include copies of approvals required under any enactment relating to health or safety, including, without limitation, highway access permits and Ministry of Health approval;
- (j) include a letter of assurance in the form of Schedule A as referred to in ~~section 2.6 of Part 2~~ Division C Part 2.2.7 of the **Building Code**, signed by the **owner**, or a signing officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional**;
- (k) include letters of assurance in the form of Schedules B-1 and B-2 as referred to in ~~section 2.6 of Part 2~~ Division C Part 2.2.7 of the **Building Code**, each signed by such **registered professionals** as the **building official** or **Building Code** may require to prepare the design for and conduct **field reviews** of the construction of the **building** or **structure**;
- (l) include a letter in the form of Form V to this bylaw in relation to the building envelope components of the plans and supporting documents, in cases where the **coordinating registered professional** is not insured in respect of errors and omissions pertaining to building envelope matters or chooses

to engage a building envelope specialist to prepare the design and conduct **field reviews** of the construction of building envelope elements; and

(m) include two sets of drawings at a suitable scale of the design prepared by each **registered professional** and including the information set out in sections 9(1)(e) to 9(1)(h) of this bylaw.

(2) In addition to the requirements of section 9(1), the following may be required by a **building official** to be submitted with a building permit application for the construction of a **complex building** or during the construction of such a **building** where the complexity of the proposed **building** or **structure** or siting circumstances warrant:

- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**;
- (b) a section through the site showing grades, **buildings**, **structures**, parking areas and driveways; and
- (c) any other information required by the **building official** or the **Building Code** to establish substantial compliance with this bylaw, the requirements of the **Building Code** in relation to the **health and safety aspects of the work**, and other bylaws and enactments relating to the **building** or **structure**.

10. Applications for Standard Buildings

- (1) An application for a building permit with respect to a **standard building** shall:
 - (a) be made in the form prescribed by a **building official** for that purpose, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (b) be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form attached as Form II to this bylaw, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (c) include a copy of a title search made within 30 days of the date of the application and copies of all charges on title in favour of the Town;
 - (d) unless a **building official** waives the requirement in whole or in part for an application to repair or alter an existing **building** or **structure**, include a site plan drawn at a suitable scale, or when required by the **building official** a site plan prepared by a British Columbia Land Surveyor, showing:
 - (i) the bearing and dimensions of the parcel taken from the registered subdivision plan;

- (ii) the legal description and civic address of the parcel;
- (iii) the location and dimensions of all statutory rights of way, easements and setback requirements;
- (iv) the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel, including all motor vehicle parking and loading areas, paved areas, driveways and maneuvering aisles, pedestrian walkways, fences, retaining walls of any height, hard landscaping elements and similar structures; (#1782 Jun 18/14)
- (v) setbacks to the natural boundary of the sea or to any lake, swamp, marsh, pond or watercourse where the Town of Comox land use or flood plain regulations establish siting requirements related to water bodies;
- (vi) the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the Town of Comox flood plain regulations establish siting requirements related to minimum floor elevation; and
- (vii) The-gradient of parking and driveway access; (#1782 Jun 18/14)
- (e) include floor plans drawn at a suitable scale showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;
- (f) include a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;
- (g) include elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, vertical dimensions and finished grade;
- (h) include cross-sectional details drawn at a suitable scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the requirements of the **Building Code** in relation to the **health and safety aspects of the work**;
- (i) include copies of approvals required under any enactment relating to health or safety, including without limitation, highway access permits and evidence that any filings required under the *Health Act* in relation to any on-site sewage disposal system have been made;
- (j) include, except in the case of an application to construct a one-family or

- two-family dwelling or an accessory building to such a dwelling, a foundation design prepared by a **registered professional** in accordance with section 4.2 of Part 4 of the **Building Code**, accompanied by a letter in the form of Form III to this bylaw, signed by the **registered professional**;
- (k) include a letter in the form of Form V to this bylaw in relation to the building envelope components of the plans and supporting documents, in the case of an application to construct:
- (i) any **building** for a **residential occupancy** containing two or more dwelling units; and
 - (ii) any **building** subject to Part 9 of the **Building Code** that has a gross floor area of 470 square metres or more; a face sealed wall system; any roof without overhangs; any exposed glass block window; any exposed concrete or concrete block wall; or any firewall; and
- (l) include two sets of drawings at a suitable scale of the design including the information set out in sections 10(1)(e) to 10(1)(h) and 10(1)(j) of this bylaw.
- (2) The requirements of section 10(1)(j) may be waived by a **building official** in circumstances where the **building official** has required a professional engineer's report pursuant to section 56 of the *Community Charter* and the building permit is issued in accordance with that section.
- (3) The requirements of section 10(1)(j) may be waived by a **building official** if documentation, prepared and sealed by a **registered professional**, is provided assuring that the foundation design substantially complies with section 9.4.4 of Part 9 the **Building Code** and the foundation excavation substantially complies with section 9.12 of Part 9 of the **Building Code**.
- (4) In addition to the requirements of section 10(1), the following may be required by a **building official** to be submitted with a plumbing permit application or a building permit application for the construction of a **standard building** or during the construction of such a **building** where the complexity of the proposed **building** or **structure** or siting circumstances warrant:
- (a) site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**;
 - (b) a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;
 - (c) a roof plan and roof height calculations;

- (d) design drawings acceptable to the **building official** for a proposed **plumbing system**;
- (e) architectural, structural, electrical, mechanical or fire suppression drawings prepared and sealed by a **registered professional**;
- (f) letters of assurance in the form of Schedules ~~B-1 and B-2~~ as referred to in Division C Part 2.2.7-section 2.6 of Part 2 of the **Building Code**, signed by the **registered professional**; and
- (g) any other information required by the **building official** or the **Building Code** to establish substantial compliance with this bylaw, the requirements of the **Building Code** in relation to the **health and safety aspects of the work**, and other bylaws and enactments relating to the **building or structure**.

11. Climatic Data

The following Degree-Days below 18°C datum applies to the design and construction of buildings and structures in the Town of Comox in place of the corresponding datum in Appendix C of Division B of the **Building Code**: 2978.7 (#1796 JAN 7/15)

12. Professional Plan Certification

- (1) The letters of assurance in the form of Schedules ~~B-1 and B-2~~ referred to in section 2.6 of Part 2Division C Part 2.2.7 of the **Building Code** and provided pursuant to this bylaw are relied upon by the Town of Comox and its **building officials** as certification that the design and plans to which the letters of assurance relate comply with the **Building Code** and other applicable enactments relating to safety.
- (2) When a building permit is issued and letters of assurance have been provided pursuant to this bylaw a notice shall be included to the **owner** that the building permit is issued in reliance upon the certification of the **registered professionals** that the design and plans submitted in support of the application for the building permit comply with the **Building Code** and other applicable enactments relating to safety.
- (3) When a building permit is issued in accordance with section 12(2) and letters of assurance have been provided pursuant to this bylaw the permit fee shall be reduced by 10% of the building permit fees payable pursuant to Schedule 1 to this bylaw.

13. Fees and Charges

- (1) In addition to applicable fees and charges required under other bylaws, a permit fee, calculated in accordance with Schedule 1 to this bylaw, shall be paid in full prior to the issuance of any permit under this bylaw.
- (2) An application made for a building permit shall be accompanied by the appropriate application fee as set out in Schedule 1 to this bylaw.
- (3) The application fee is non-refundable and shall be credited against the building permit fee when the permit is issued.
- (4) An application shall be cancelled and the application fee forfeited if the building permit has not been issued and the permit fee paid within 180 days of the date of the permit application.
- (5) When an application is cancelled the plans and related documents submitted with the application may be disposed of or destroyed.
- (6) The **owner** may obtain a refund of the permit fees set out in Schedule 1 to this bylaw when a permit is surrendered and cancelled before any construction begins, provided:
 - (a) the refund shall not include the application fee paid pursuant to section 13(2) of this bylaw; and
 - (b) no refund shall be made where construction has begun or an inspection has been made.
- (7) Where, due to non-compliance with this bylaw, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Schedule 1 to this bylaw shall be paid prior to additional inspections being performed.
- (8) If more than two inspections are required at the same stage of work described in section 16(4) the **owner** shall pay the re-inspection fee prescribed in Schedule 1.
- (9) An inspection charge, as set out in Schedule 1 to this bylaw, shall be payable in advance for a voluntary inspection or to obtain a report on the status of an existing **building** or **structure**.
- (10) A new **owner** of property in respect of which a permit has been issued under this bylaw may apply to a **building official** to have the permit reissued in their name, and a **building official** may reissue the permit upon receipt of Form II executed by the new **owner** and the transfer fee specified in Schedule 1.
- (11) If as a result of monitoring by a **building official** under section 7(1)(d) resubmission of plans or supporting information is required, the **owner** shall pay the resubmission fee set out in Schedule 1.

14. Damage to Municipal Property

- (1) Every **owner** to whom a permit is issued shall when required by the **building official**, provide at the time of permit issuance a written acknowledgement of responsibility and undertaking to repair in the form prescribed by a **building official** for that purpose, and in the case of projects with an estimated value in excess of \$10,000 shall provide security in the form of cash or an irrevocable letter of credit in the amount of \$750 in the case of a permit to construct a one-family or two-family dwelling and \$750 plus \$30 per metre of highway frontage of the parcel that is the subject of the permit in all other cases, to secure payment for:
 - (a) the cleanup of or correction of any damage to municipal property or infrastructure; or
 - (b) attendance by the Fire Department to control and extinguish illegal or uncontrolled firesthat occur in the course of the work authorized by the permit.
- (2) Every **owner** to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit.
- (3) Every **owner** to whom a permit is issued shall be responsible for ensuring that all construction waste or debris is collected, contained and disposed of in order to prevent an untidy accumulation of such materials on the construction site or surrounding municipal or private properties.
- (4) The Town of Comox may apply the security provided under section 14(1) towards outstanding cleanup, damage or Fire Department costs that occur in the course of the work authorized by the permit, and nothing contained in this bylaw shall prevent the Town of Comox from recovering costs exceeding the amount of the security.
- (5) Any remaining security shall be returned to the provider of the security once the Town of Comox has ascertained there are no outstanding cleanup, damage or Fire Department costs.

15. Moving Buildings

- (1) The **owner** of the parcel on which the proposed **building** to be moved is located shall pay to the Town of Comox all outstanding utility fees, municipal taxes and applicable interest prior to the issuance of the moving permit.

- (2) Every **owner** or moving contractor to whom a moving permit is issued shall ensure that persons and property are protected from injury and damage during the move.
- (3) A moving permit shall not be issued until a building permit has been issued in accordance with this bylaw for the relocation of the **building** to its new location. (#1730 Aug 15/12)
- (4) The work authorized by the moving permit shall be completed within three months of the permit being issued, or the permit shall expire.
- (5) The moving permit applicant must pick up an approved moving permit and pay the fee prescribed in Schedule 1 within 30 days of the approval date, or a new application will be required.
- (6) When a **building** is raised to accommodate a basement or relocated to another foundation site, the existing chimney or fireplace shall be dismantled and the **owner** shall obtain a permit for the replacement fireplace or chimney from the **building official**.
- (7) The **owner** shall provide notice of disconnection from municipal water and sewage systems and such disconnections shall be carried out only by the Town of Comox.

16. Inspections and Monitoring

- (1) When a **registered professional** provides letters of assurance in accordance with this bylaw, the Town of Comox will rely solely on **field reviews** undertaken by the **registered professional** and the letters of assurance submitted pursuant to this bylaw as assurance that the construction substantially conforms to the design and that the construction substantially complies with the **Building Code**, this bylaw and other applicable enactments respecting safety.
- (2) A **building official** may from time to time during the course of construction attend the site in respect of which letters of assurance have been provided, to ascertain that the **field reviews** are taking place and to monitor **field reviews** undertaken by the **registered professionals**.
- (3) A **building official** may attend periodically at the site of the construction of **standard buildings** or **structures** to ascertain whether the **health and safety aspects of the work** are being carried out in substantial conformance with those portions of the **Building Code**, this bylaw and any other applicable enactments concerning health and safety.

- (4) For **complex buildings** the **registered professional** or the **owner** shall, for the purpose of section 16(2), give at least 24 hours' notice to a **building official**, which need not be in writing unless required by the **building official**, prior to proceeding beyond the following aspects of work:
- (a) the installation of completed concrete footing formwork, prior to the placement of concrete therein;
 - (b) the installation of any concrete formwork requiring reinforcing steel, prior to the placement of concrete therein;
 - (c) the installation of perimeter drain tile and dampproofing, prior to backfilling and after a copy of the survey certificate has been provided;
 - (d) the preparation of ground, including insulation, vapour barrier and reinforcing steel, when required, prior to the placing of a concrete slab;
 - (e) the rough in of factory built chimneys and fireplaces and **wood burning appliances**;
 - (f) the framing and sheathing, prior to the installation of any insulation or exterior finish including sheathing membrane;
 - (g) the service plumbing from the **building** to the property line, after the required tests to sanitary and water supply lines have been applied;
 - (h) the rough in of under slab drain, waste, vent and water supply plumbing, after the required tests have been applied and prior to the placement of concrete;
 - (i) the rough in of drain, waste, vent and water supply plumbing, after the required tests have been applied;
 - (j) the insulation and vapour barrier, prior to the application of any interior finish and after the completion of the siding or other exterior finish; and
 - (k) when the **building** or **structure** is complete, but before **occupancy** takes place of the whole or part of the **building** or **structure**.
- (5) For **standard buildings**, the **owner** shall give at least 24 hours' notice to a **building official**, which need not be in writing unless required by the **building official**, when requesting an inspection and shall obtain an inspection and receive an **building official's** acceptance of the following aspects of the work prior to concealing it:
- (a) the installation of completed concrete footing formwork, prior to the placement of concrete therein;

- (b) the installation of any concrete formwork requiring reinforcing steel , prior to the placement of concrete therein;
 - (c) the installation of perimeter draitile and dampproofing, prior to backfilling and after a copy of the survey certificate has been provided;
 - (d) the rough in of factory built chimneys and fireplaces and **wood burning appliances**;
 - (e) the framing and sheathing, prior to the installation of any insulation or exterior finish including sheathing membrane;
 - (f) the service plumbing from the **building** to the property line, or to any on-site water supply or sewage disposal system, after the required tests to sewage and water supply lines have been applied;
 - (g) the rough in of under slab drain, waste, vent and water supply plumbing, after the required tests have been applied and prior to the placement of concrete;
 - (h) the rough in of drain, waste, vent and water supply plumbing, after the required tests have been applied;
 - (i) the insulation, vapour barrier, and fan ductwork and insulation thereof, prior to the application of any interior finish and after the completion of the siding or other exterior finish acceptable to the **building official**; and
 - (j) when the **building** or **structure** is complete, but before **occupancy** takes place of the whole or part of the **building** or **structure**.
- (6) No aspect of the work referred in section 16(5) of this bylaw shall be concealed until a **building official** has accepted it in writing.
- (7) The requirements of section 16(5) of this bylaw do not apply to any aspect of the work that is the subject of a **registered professional's** letter of assurance in respect of **field reviews** provided in accordance with this bylaw.

17. Occupancy Permits

- (1) No person shall occupy a **building** or **structure** or part of a **building** or **structure** until an occupancy permit has been issued in the form prescribed by a **building official** for that purpose.
- (2) An occupancy permit shall not been issued unless:
 - (a) all letters of assurance have been submitted when required by this bylaw and the **building official** is not aware, as a result of monitoring conducted in accordance with this bylaw, of any error or insufficiency in such letters of

assurance;

(b) in the case of a dwelling with an on-site sewage disposal system, evidence is provided to the **building official** that any post-construction filings required under the *Health Act* in relation to the on-site sewage disposal system have been made; and

(c) in the case of a dwelling with a secondary suite or a property with a coach house, an executed owner's declaration in the form of Form VII and Form IX, respectively; and

(e)(d) all aspects of the work requiring inspection and acceptance pursuant to section 16(5) of this bylaw have been inspected and accepted or the inspections and acceptance are not required in accordance with section 16(7) of this bylaw.

(3) A **building official** may issue an occupancy permit for part of a **building** or **structure** when the part of the **building** or **structure** is self-contained, provided with essential services and the requirements set out in section 17(2) of this bylaw have been met with respect to it.

18. Building Permits

(1) When:

(a) a completed application including all required supporting documentation has been submitted;

(b) the proposed work set out in the application substantially conforms with the requirements of the **Building Code** in relation to the **health and safety aspects of the work**, and complies with this bylaw, and all other applicable bylaws of the Town, and any applicable Development Permit, Development Variance Permit, Temporary Use Permit, Heritage Alteration Permit, Board of Variance order and any covenant or statutory right of way granted to the Town under the Land Title Act; and (#1782 Jun 18/14)

(c) the **owner** or his or her representative has paid all applicable fees prescribed by this bylaw;

a **building official** shall issue the permit for which the application is made.

(2) When the application is in respect of a **building** that includes, or will include, a **residential occupancy**, the building permit must not be issued unless the **owner** provides evidence pursuant to section 30 (1) of the *Homeowner Protection Act* that:

(a) the proposed **building** is covered by home warranty insurance, and

- (b) the **constructor** is a licensed residential builder.
- (3) Section 18(2) of this bylaw does not apply if the **owner** is not required to be licensed and to obtain home warranty insurance in accordance with sections 20 (1) or 30 (1) of the *Homeowner Protection Act*.
- (4) Every permit is issued upon the condition that the permit shall expire and the rights of the **owner** under the permit shall terminate if:
 - (a) the work authorized by the permit is not commenced within 6 months from the date of issuance of the permit;
 - (b) work is discontinued for a period of 6 months; or
 - (c) the work authorized by the permit is not completed within 24 months of the permit issue date.
- (5) A building permit may be renewed once upon the condition that:
 - (a) the **owner** pays the fee prescribed in Schedule 1 to this bylaw; and
 - (b) the renewed permit shall expire 6 months after the expiry date of the original permit.
- (6) Should a building permit not be renewable as set out in section 18(5), or a renewed permit expire prior to the completion of the work authorized by the permit, a new permit application will be required to complete the work.
- (7) A **building official** may issue a building permit for a portion of a **building** or **structure** before the design, plans and specifications for the entire **building** or **structure** have been submitted, provided sufficient information has been provided to demonstrate to the **building official** that the portion authorized to be constructed substantially complies with this and other applicable bylaws and the permit fee applicable to that portion of the **building** or **structure** has been paid. The issuance of the permit notwithstanding, the requirements of this bylaw apply to the remainder of the **building** or **structure** as if the permit for the portion of the **building** or **structure** had not been issued.
- (8) A **building official** may by notification to the **owner** in writing, revoke a permit where:
 - (a) any condition be found to exist which would have been cause for denial of such permit if known to exist at the time of issuance of the permit;
 - (b) there is a violation of any condition under which the permit was issued; or

- (c) there is a violation of any provision of the **Building Code** or this bylaw.

19. Applications for Retaining Structures

- (1) An application for a building permit with respect to a retaining **structure** greater than 1.2 metres in height shall;
 - (a) be made in the form prescribed for that purpose by a **building official**, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (b) include a site plan showing the dimensions and location of the proposed retaining **structure** with respect to the property lines and the existing **buildings** on the site;
 - (c) include design drawings prepared and sealed by a **registered professional**; and
 - (d) include letters of assurance in the form of Schedules ~~B-1 and B-2~~ as referred to in ~~section 2.6 of Part 2~~ Division C Part 2.2.7 of the **Building Code**, signed by the **registered professional**.

20. Applications for Building Code Exempt Accessory Buildings

- (1) An application for a building permit with respect to an accessory **building** less than 10 square metres in **building area** shall;
 - (a) be made in the form prescribed for that purpose by a **building official**, signed by the **owner**, or a signing officer if the **owner** is a corporation;
 - (b) include a site plan showing the dimensions and location of the proposed **building** with respect to the property lines and the existing **buildings** on the site; and
 - (c) include an elevation sketch of the proposed **building** showing the roof lines and the overall height of the **building**.

21. Applications for Moving Buildings (#1730 Aug 15/12)

- (1) An application for a moving permit with respect to moving a **building** or **floating building** shall;
 - (a) be made in the form prescribed for that purpose by a **building official**, signed by the **owner**, or a signing officer if the **owner** is a corporation;

- (b) except in the case of a **building** being relocated on its existing parcel, be accompanied by proof that the moving contractor carries at least
 - \$1,000,000.00 liability insurance that names the Town of Comox as an additional party insured; and
 - (c) be accompanied by written approvals obtained from the Ministry of Transportation and any utility providers if the Ministry or the utility providers are affected by the move.
- (2) The requirements of this section are in addition to the building permit application requirements set out in section 8(2).

22. Disclaimer of Warranty or Representation

- (1) Neither the issuance of a permit under this bylaw, the review and acceptance of the design, drawings, plans or specifications, nor inspections made or monitoring activities undertaken by a **building official**, shall constitute a representation or warranty that the **Building Code** or the bylaw have been complied with, that the **building** or **structure** meets any standard of materials or workmanship, or that any on-site water supply system is capable of supplying water of any particular quality or quantity, and no person shall rely on any of those acts as establishing compliance with the **Building Code** or this bylaw or any standard of construction.

23. Professional Design and Field Review

- (1) When a **building official** considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a **registered professional** provide one or more of the following;
- (a) design and plan certification,
 - (b) certification of construction or **field review**,
 - (c) letters of assurance in the form of Schedules ~~B-1, B-2~~, C-A and C-B referred to in ~~section 2.6 of Part 2~~ Division C Part 2.2.7 of the **Building Code**, and
 - (d) in relation to **building** envelopes, Forms V and VI to this Bylaw.
- (2) Prior to the issuance of an occupancy permit for a **complex building**, or **standard building** in circumstances where letters of assurance have been required by this bylaw, the **owner** shall provide the Town of Comox with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in ~~section 2.6 of Part 2~~ Division C Part 2.2.7 of the **Building Code**, or in the form of Form IV to this bylaw in the case of **building** foundation field reviews and

Form VI to this bylaw in the case of **building** envelope **field reviews**.

- (3) When a **registered professional** provides letters of assurance in accordance with this bylaw, he or she shall also provide proof of professional liability insurance in the form attached as Form VII, and where the scope of the letters of assurance pertains to **building** foundation or **building** envelope matters the insurance coverage shall contain no limitation or exclusion in relation to such matters.
- (4) When an applicant proposes to move a **building** including a **floating building** into the Town, move a **building** from one parcel of land to another within the Town, or relocate a **building** on the same parcel within the Town, the **building official** may require that a **registered professional** certify that the **building** meets or exceeds the requirements of the **Building Code** for the proposed class of **occupancy** of the **building** as of the time the **building** was constructed; that the **building** requires the modifications and alterations specified in the certification in order to be safely occupied in cases where the **building** does not comply with the current edition of the **Building Code**, and that the new **building** foundation and attachment of the **building** to its new foundation will comply with the structural requirements of the current **Building Code** for the proposed **occupancy** of the **building**, and to provide letters of assurance as referred to in ~~sub-section 1(c)~~ section 23(1)(c). (#1730 Aug 15/12)

24. Responsibilities of the Owner

- (1) Every **owner** shall ensure that all construction complies with the **Building Code**, this bylaw and other applicable enactments respecting health and safety.
- (2) Every **owner** to whom a permit is issued shall submit to the **building official** a survey certificate prepared by a British Columbia Land Surveyor, showing information required by section 9(1)(d) or 10(1)(d) as the case may be, after the **building** foundations have been placed but prior to the drain tile inspection and the commencement of framing.
- (3) Every **owner** to whom a permit is issued shall, during construction:
 - (a) post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;
 - (b) keep on the property a copy of the designs, plans and specifications in relation to which the building permit was issued;
 - (c) ensure that the underside of the lowest floor system or basement slab is constructed at or above any minimum floor elevation on record as having been recommended by the design engineer for the subdivision in which the

building is located, in relation to the provision of storm drainage;

- (d) where there is no minimum floor elevation on record, ensure that the underside of the lowest floor system or basement slab is constructed at or above an elevation of 0.75 metres above the invert of the storm sewer service connection at the property line, or at an elevation recommended in writing by a **registered professional** as enabling the **building** to be connected to the storm sewer system by gravity connection;
- (e) notwithstanding clauses 24(3)(c) and 24(3)(d), ensure the provision to the building official of a design by a registered professional for a building or portion thereof used for the parking of motor vehicles or bicycles, for change rooms, or for housing electrical or mechanical systems that are not critical to building code required safety systems but not including electrical rooms, to be connected to the storm water disposal system by a non-gravity system where a connection to a gravity system is not possible; (#1672 Oct 6/10)
- (f) post the civic address on the property in a location visible from an adjoining street; and
- (g) ensure that the lot is graded prior to the final inspection so as to provide positive drainage of storm water from the **building**.

25. Flood and Erosion Protection

- (1) If landfill is used to raise the natural ground elevation in order to elevate the floor system of a **building** or **structure** for protection from flood damage, the face of the landfill slope shall be constructed so as to resist erosion by floodwaters, wave action, ice or other flood debris.

26. Private Swimming Pools and Fencing

- (1) Every **private swimming pool** shall be provided with a sturdy, non-climbable barrier not less than 1.5 meters in height and no openings greater than 10 centimeters in their least dimension, enclosing the **private swimming pool** itself or an area, including the **private swimming pool**, of the parcel on which it is situated.
- (2) Where only the **private swimming pool** itself is enclosed, the enclosure shall be such that the **private swimming pool** is open to full view through the enclosure.
- (3) Every gate in a enclosure which provides access to a **private swimming pool** shall be kept in a lock-closed position when not in use, be equipped with a self closing device, be openable from the **private swimming pool** side only, and only be opened for the purpose of access to or egress from the **private swimming pool**.

- (4) Every enclosure, including the gates, enclosing a **private swimming pool** shall be maintained by the **owner** in good order and safely perform its intended function.

27. Wood Burning Appliances

- (1) Section 27(2) shall only apply to **wood burning appliances** installed in new construction for which a building permit is issued under this bylaw.
- (2) Every **wood burning appliance** must display a permanent label indicating that it has been tested to and meets the **EPA standards** for clean burning.

28. Notice to Alter Building

- (1) The **building official** may direct and require that any **building** or portion thereof be vacated, or the **occupancy** prohibited, until altered to comply with the requirements of this bylaw, the **Building Code** or other applicable enactments respecting health or safety by posting a written Do Not Occupy notice upon the **building** whenever it be found by the **building official** that either of the following conditions exist:
 - (a) the **building** has been erected, altered or repaired contrary to the provisions of the **Building Code**, this bylaw, a permit issued pursuant to this bylaw, or another applicable enactments respecting health or safety; or
 - (b) the **building** is unsafe to human life or property from any cause, or in imminent danger of so becoming.
- (2) Such **building** shall not be occupied until a building permit has been issued and all required alteration work has been performed and approved by the **building official**.

29. Penalties and Enforcement

- (1) Every person who contravenes any provision of this bylaw commits an offense punishable on summary conviction and shall be liable to a fine of not more than \$10,000 or to imprisonment for not more than six months.
- (2) Every person who fails to comply with any order or notice issued by a **building official**, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- (3) A **building official** may order the cessation of any work that is proceeding in contravention of the **Building Code** or this bylaw by posting a Stop Work notice

in the form prescribed for that purpose by a **building official**.

- (4) The **owner** of property on which a Stop Work notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this bylaw have been substantially complied with and the Stop Work notice has been rescinded in writing by a **building official**.
- (5) Where a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of section 6(2) of this bylaw, a **building official** may post a Do Not Occupy notice in the form prescribed for that purpose by a **building official**, on the affected part of the **building** or **structure**. (#1730 Aug 15/12)
- (6) The **owner** of property on which a Do Not Occupy notice has been posted, and every person, shall cease **occupancy** of the **building** or **structure** immediately and shall refrain from further **occupancy** until all applicable provisions of the **Building Code** and this bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a **building official**.
- (7) Every person who commences work requiring a building permit without first obtaining such a permit shall, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge equal to 25% of the building permit fee prior to obtaining the required building permit.
- (8) The **Building Official**, Bylaw Enforcement Officer, Municipal Planner and Corporate Officer may lay an information by means of a ticket pursuant to section 264(2) of the *Community Charter*. (#1730 Aug 15/12)
- (9) Authorization is hereby delegated to the **Building Official**, Bylaw Enforcement Officer, Municipal Planner, and Corporate Officer to refer tickets issued pursuant to section 264(2) to the Provincial Court for hearing pursuant to section 269(1) of the *Community Charter*. (#1730 Aug 15/12)
- (10) The words or expressions set forth in Column 1 of Schedule 2 of this bylaw are authorized pursuant to section 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions. (#1730 Aug 15/12)
- (11) The amounts appearing in Column 3 of Schedule 2 of this bylaw are the fines established by Council pursuant to section 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1. (#1730 Aug 15/12)

30. Severability

- (1) The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of this bylaw.

31. Forms and Schedules

- (1) Forms I through ~~VIII-IX~~ and Schedules 1, 2 and 3 form a part of this Bylaw.
(#1730 Aug 15/12) (#1786 Jun 18/14)

32. Repeal

- (1) Comox Building Bylaw, 2000 is repealed.

33. Adoption

- | | | | | |
|---------------------------------------|------------------|--------|------|--------|
| (1) READ A FIRST AND SECOND time this | 15 th | day of | June | , 2005 |
| (2) READ A THIRD time this | 6 th | day of | July | , 2005 |
| (3) ADOPTED this | 5 th | day of | July | , 2006 |

"Dr. Jim Brass"

MAYOR

"Richard Kanigan"

CORPORATE OFFICER

FORM I

Owner's Authorization of Agent

The undersigned registered owner of land in the Town of Comox legally described as _____

and having a civic address of _____

hereby makes the acknowledgements set out below and authorizes _____
_____ to:

1. apply for and obtain as my agent a building permit in respect of the land from the Town of Comox under the provisions of Comox Building Bylaw No. 1472, 2005; and
2. provide to the Town as my agent all information and documents required by the bylaw for such an application;
3. ~~execute and deliver to the Town, as my agent, a document in the form set out below when obtaining the permit.~~

Name of Registered Owner (please print)

Signature of Registered Owner or
Authorized Signatory of Corporate Owner

Date of Authorization

Acknowledgements of Owner ~~or Owner's Agent~~

I acknowledge that as the owner of the land in respect of which this permit ~~is issued~~ is application is made, I ~~will be~~ will be solely responsible for carrying out the work authorized by ~~this-the~~ permit in accordance with the Building Code and other applicable laws respecting health and safety.

I acknowledge that as the owner ~~is-I will be~~ solely responsible for determining whether the work authorized by ~~this-the~~ permit contravenes any easement, right of way, or covenant charging the land, or requires the involvement of an architect under the *Architect's Act* or an engineer under the *Engineers and Geoscientists Act*.

I acknowledge that the Town provides a limited monitoring service in relation to building construction and does not, by accepting or reviewing plans, inspecting construction, monitoring the inspection of construction by others, or issuing building or occupancy permits, make any representation or give any assurance that the construction authorized by ~~this-a~~ this-a building permit complies in every or any respect with the Building Code or any other applicable laws respecting health and safety.

If the Town ~~has so indicated~~ on this-the permit, I acknowledge that the Town has issued the permit in reliance on the certification of a registered professional, engaged by me to provide such a certification, that the plans for the work authorized by the permit comply with the Building Code and other applicable enactments, and that the fee for the permit has been accordingly reduced. I acknowledge that the Town, by issuing ~~this-the~~ permit or any occupancy permit, makes no representations to me or any other person as to any such compliance.

~~If I am executing this acknowledgement as the agent of the owner, I represent to the Town that:~~

- ~~• I am authorized by the owner to receive this permit and make these acknowledgements on the owner's behalf; and~~
- ~~• The owner is aware that the owner is solely responsible for carrying out the work authorized by this permit in accordance with the Building Code and other applicable laws respecting health and safety.~~

FORM II

Acknowledgements of Owner or Owner's Agent

NOTE: An agent may not apply for or obtain a building permit on behalf of an owner without having provided a written authorization by the owner, in the form provided by the Town for that purpose.

I acknowledge that the owner of the land in respect of which this permit is issued is solely responsible for carrying out the work authorized by this permit in accordance with the Building Code and other applicable laws respecting health and safety.

I acknowledge that the owner is solely responsible for determining whether the work authorized by this permit contravenes any easement, right of way, or covenant charging the land, or requires the involvement of an architect under the *Architect's Act* or an engineer under the *Engineers and Geoscientists Act*.

I acknowledge that the Town provides a limited monitoring service in relation to building construction and does not, by accepting or reviewing plans, inspecting construction, monitoring the inspection of construction by others, or issuing building or occupancy permits, make any representation or give any assurance that the construction authorized by this permit complies in every or any respect with the Building Code or any other applicable laws respecting health and safety.

If the Town so indicates in issuing a building permit, I acknowledge that the Town has issued the permit in reliance on the certification of a registered professional, engaged by me to provide such a certification, that the plans for the work authorized by the permit comply with the Building Code and other applicable enactments, and that the fee for the permit has been accordingly reduced. I acknowledge that the Town, by issuing this permit or any occupancy permit, makes no representations to me or any other person as to any such compliance.

If I am executing this acknowledgement as the agent of the owner, I represent to the Town that:

- I am authorized by the owner to receive this permit and make these acknowledgements on the owner's behalf; and
- The owner is aware that the owner is solely responsible for carrying out the work authorized by this permit in accordance with the Building Code and other applicable laws respecting health and safety.

Name of Registered Owner or Agent (please print)

Signature of Registered Owner or Agent or
Authorized Signatory of Corporate Owner

(Affix PROFESSIONAL SEAL here)

Date of Acknowledgement

FORM III

Standard Building Foundation Professional Design Review and Field Review

- Note: 1) In this letter the words in italics have the same meaning as in the B.C. Building Code.
2) This letter must be submitted prior to the issuance of a building permit.

To: The Building Official
Town of Comox
1809 Beaufort Avenue
Comox, B.C.
V9M 1R9

Date: _____

Re:

Name of Project

Address of Project

Legal Description of Project

The undersigned *registered professional* hereby gives assurance that he/she has completed the design review of the building foundation components of the plans and supporting documents prepared by:

in support of the application for the *building* permit, and that the building foundation components of such plans and documents substantially comply with the applicable requirements of the B.C. Building Code.

The undersigned hereby undertakes to be responsible for the *field reviews* of the building foundation components during construction and to prepare and distribute written field reports of such reviews to the *building official*.

The undersigned hereby undertakes to notify the *building official* in writing as soon as possible if the undersigned's contract for *field review* is terminated at any time during construction.

The undersigned confirms that their professional liability, errors and omissions insurance policy covers them for building foundation claims and proof of such coverage has been sent with this letter.

Name (Print)

Date

Signature

(Affix PROFESSIONAL SEAL here)

Name of firm if applicable

Address (Print)

Phone

FORM IV

Standard Building Foundation Professional Field Review and Compliance

- Note: 1) In this letter the words in italics have the same meaning as in the B.C. Building Code.
2) This letter must be submitted after completion of the project but before the final inspection is made by the *building official*.

To : The Building Official
Town of Comox
1809 Beaufort Avenue
Comox, B.C.
V9M 1R9

Date: _____

Re: _____
Name of Project

Address of Project

Legal Description of Project

The undersigned *registered professional* hereby gives assurance that:

1. he/she has fulfilled their obligations for *field reviews* as outlined in the previously submitted Town of Comox Form III, "Standard Building Foundation Professional Design Review and Field Review";
2. the building foundation components of the project substantially comply in all material respects with the applicable requirements of the B.C. Building Code, and the plans and documents submitted in support of the application for building permit; and
3. he/she has submitted any final design plans and supporting documents prepared by him/her for this project, to the *building official*.

Name (Print)

Date

Signature

Name of firm if applicable

(Affix PROFESSIONAL SEAL here)

Address (Print)

Phone

FORM V

Building Envelope Professional Design Review and Building Envelope Field Review

- Note: 1) In this letter the words in *italics* have the same meaning as in the B.C. Building Code.
2) This letter must be submitted prior to the issuance of a building permit.

To : The Building Official
Town of Comox
1809 Beaufort Avenue
Comox, B.C.
V9M 1R9

Date: _____

Re: _____
Name of Project

Address of Project

Legal Description of Project

The undersigned *registered professional* hereby gives assurance that he/she has completed the design review of the *building envelope* components of the plans and supporting documents prepared by:

(Print name of *registered professional* who signed for the "Architectural" components of the
B.C. Building Code Schedules ~~B1~~ and ~~B2B~~)

in support of the application for the *building* permit, and that the *building envelope* components of such plans and documents substantially comply with the applicable requirements of the B.C. Building Code.

The undersigned hereby undertakes to be responsible for the *field reviews* of the *building envelope* components during construction and to prepare and distribute written field reports of such reviews to the above referenced *registered professional* who signed for the "Architectural" components of the B.C. Building Code Schedules ~~B1~~ and ~~B2B~~.

The undersigned hereby undertakes to notify the *building official* in writing as soon as possible if the undersigned's contract for *field review* is terminated at any time during construction.

The undersigned confirms that their professional liability, errors and omissions insurance policy covers them for water penetration claims and proof of such coverage has been sent with this letter.

Name (Print)

Date

Signature

(Affix PROFESSIONAL SEAL here)

Name of firm if applicable

Address (Print)

Phone

FORM VI

Building Envelope Professional Field Review and Compliance

- Note: 1) In this letter the words in *italics* have the same meaning as in the B.C. Building Code.
2) This letter must be submitted after completion of the project but before the final inspection is made by the *building official*.

To : The Building Official
Town of Comox
1809 Beaufort Avenue
Comox, B.C.
V9M 1R9

Date: _____

Re: _____
Name of Project

Address of Project

Legal Description of Project

The undersigned *registered professional* hereby gives assurance that:

1. he/she has fulfilled their obligations for *field reviews* as outlined in the previously submitted Town of Comox Form V, "Building Envelope Professional Design Review and Building Envelope Field Review";
2. the *building* envelope components of the project substantially comply in all material respects with the applicable requirements of the B.C. Building Code, and the plans and documents submitted in support of the application for building permit; and
3. he/she has submitted any final design plans and supporting documents prepared by him/her for this project, to the *registered professional* who signed for the "Architectural" components of the B.C. Building Code Schedules B1 and B2B, for submission to the Town of Comox.

Name (Print)

Date

Signature

Name of firm if applicable

(Affix PROFESSIONAL SEAL here)

Address (Print)

Phone

FORM VII

Proof of Registered Professional's Insurance Coverage

(This document requires the attachment of a current certificate of insurance coverage and may not be altered in any way)

Town of Comox
1809 Beaufort Avenue
Comox, British Columbia
V9M 1R9

Attention: Chief Building Official

Re: Address of Project _____

Legal Description of Project _____

The undersigned hereby gives assurance that:

1. I have fulfilled my obligation to obtain a current policy of professional liability or errors and omissions insurance as specified in section ~~2223.3~~ of Comox Building Bylaw ~~No. 1472, 2005~~.
2. I have enclosed a copy of my certificate of insurance indicating the particulars of such coverage.
3. I am a registered professional as defined by ~~section 1.1.3.2 of~~ the British Columbia Building Code.
4. I will notify the Chief Building Official immediately if this insurance coverage is reduced or terminated at any time during construction.
5. If the scope of my certifications under the Building Code or the Building Bylaw extends to building foundation or building envelope matters, my insurance policy contains no exclusions or limitations in relation to such matters.

Signature

Print Name: _____

(Affix PROFESSIONAL SEAL here)

Name of Firm: _____

Date: _____

Attachment: Certificate of Insurance

TOWN OF COMOX
PLANNING AND BUILDING INSPECTION DEPARTMENT
OWNER'S DECLARATION OF SECONDARY SUITE

FORM VIII

OWNER'S DECLARATION OF SECONDARY SUITE



BUILDING PERMIT NUMBER: _____

DATE: _____

Please Print

I/We, _____ being the registered
NAME OF REGISTERED PROPERTY OWNER(S)

Property Owner and residing at _____ have a suite
PROPERTY ADDRESS

located _____ and hereby declare:
LOCATION OF SUITE WITHIN THE DWELLING

1. That I understand that the suite may be occupied and used as a secondary suite only in accordance with the following provisions of ~~the Town of Comox, Zoning Bylaw 1477~~ Comox Zoning Bylaw:
 - A. Section 3.2. Definitions:
"Secondary Suite: A dwelling unit that is secondary to another dwelling unit. Single-family dwellings containing a secondary suite shall be owner occupied. Secondary suites shall:
 - (1) Be located only in single-family dwellings;
 - (2) Be limited to one (1) per single-family dwelling;
 - (3) Be completely contained within the principal building;
 - (4) Have a dwelling unit gross floor area not exceeding 40% of the gross floor area of the principal building of 90 m² whichever is the lesser;
 - (5) Be located above or below the other dwelling unit, except that shared utility and storage areas are excluded from this requirement; and
 - (6) Have their own entrance separate from that of the other dwelling unit."
 - B. Section 6 Off-Street Parking and Loading: ~~I must provide:~~
 8. Two individually accessible off-street parking spaces for the dwelling must be provided
2. That I understand that the registered owner(s) of the property must occupy either the primary dwelling unit, or the secondary suite, as their permanent residence.
3. That I understand that the rooms containing the secondary suite must be constructed in accordance with the requirements of the British Columbia Building Code.
- 3.4 That I understand no person may occupy a secondary suite or and no person shall permit or suffer a secondary suite to be occupied, unless an occupancy permit has been issued under the Town of Comox, Building Bylaw 2005-Comox Building Bylaw 1472.

(Signature of owner(s))

(Address of Owner)

I DECLARED BEFORE ME in _____
{ _____ (municipality)
{ in the Province of British Columbia, on
{ _____ (date),
{ _____ (signature)
I, a commissioner for taking affidavits for British
Columbia / a Notary Public in and for the
Province of British Columbia.



FORM IX

OWNER'S DECLARATION OF COACH HOUSE

BUILDING PERMIT NUMBER: _____

DATE: _____

Please Print

I/We, _____ **being the registered**

NAME OF REGISTERED PROPERTY OWNER(S)

Property Owner and residing at _____ **, have a coach house**

PROPERTY ADDRESS

located _____ **, and hereby declare:**

LOCATION OF COACH HOUSE ON THE PROPERTY

1. That I understand that the coach house can be located on the property as stated above, and be occupied and used as a coach house only in accordance with the following provisions of Comox Zoning Bylaw 1850:

A. Section 3.2 Definitions:

"Coach House: a building consisting of one dwelling unit or one modular unit.

Coach houses shall:

(1) Only be permitted on a parcel on which a single family dwelling exists;

(2) Only be permitted on a parcel where either the single family dwelling or the coach house is owner occupied;

(3) Be located only in a rear yard; and

(4) Be limited to one (1) per parcel."

B. Section 6 Off-Street Parking and Loading:

Two individually accessible off-street parking spaces to the maximum aggregate width of 6.20 metres must be provided.

2. That I understand that the registered owner(s) of the property must occupy either the primary dwelling unit, or the coach house, as their permanent residence.

3. That I understand that the coach house must be constructed in accordance with the requirements of the British Columbia Building Code.

4. That I understand that no person may occupy a coach house and no person shall permit or suffer a coach house to be occupied, unless an occupancy permit has been issued under Comox Building Bylaw 1472.

Signature of owner(s)

Address of Owner(s)

{ DECLARED BEFORE ME in

{ _____ (municipality)

{ in the Province of British Columbia, on

{

_____ (date),

{

_____ (signature)

{ a commissioner for taking affidavits for British

{ Columbia / a Notary Public in and for the

{ Province of British Columbia.

SCHEDULE 1

Scale of Fees

A. Building, Moving, Demolition, Private Swimming Pool, Wood Burning Appliance Permit Fees

1.	<u>Application Fee</u>	
(a)	accessory buildings < 10m ² and private swimming pools	\$35.00
(b)	construction value < \$25,000, excluding accessory buildings < 10m ² and private swimming pools	\$ 50.00
(c)	construction value > \$25,000	\$150.00
2.	<u>Permit Fee</u>	
(a)	permit fee for accessory buildings <10 m ²	\$35.00
(b)	except for accessory buildings < 10m ² and Private swimming pools the fee is	
i)	a minimum of	\$75.00
ii)	for each \$1,000 of value of construction, or fraction thereof, up to \$100,000	\$7.50
iii)	for each additional \$1,000 of value of construction, or fraction thereof, over \$100,000	\$5.50
(c)	In the case of a factory built building certified by Canadian Standards Association the fee shall be 50% of that specified in A.2(b). (#1786 Jun 18/14)	
(d)	In the case of buildings located within the area shown shaded in Schedule 3 of this Bylaw, excluding alteration, reconstruction, demolition, removal, relocation or change of occupancy:	
i)	50% of that specified in Section A.2(b) for buildings of 4 stories or more;	
ii)	20% of that specified in Section A.2(b) for buildings of 3 storeys.	
		(#1786 Jun 18/14)
3.	change of owner with respect to an existing permit	\$75.00
4.	renewal of permit	
(a)	where the value of the remaining construction is \$50,000.00 or less	\$50.00
(b)	for each subsequent \$1,000.00 of value or fraction thereof over \$50,000.00	\$2.00
5.	for the third or subsequent inspection of the same required stage of work	\$50.00

SCHEDULE 1 - Continued

Scale of Fees

- | | | |
|-----|---|----------|
| 6. | fee for required resubmissions based on monitoring of complex building permit applications, | |
| (a) | second resubmission | \$100.00 |
| (b) | third and subsequent resubmissions | \$250.00 |

B. Plumbing Permit Fees

- | | | |
|-----|--|---------|
| 1. | plumbing system | |
| (a) | fee for first plumbing fixture | \$50.00 |
| (b) | fee for each additional plumbing fixture | \$6.00 |
| 2. | irrigation backflow device | \$35.00 |
| 3. | fire sprinkler system | |
| (a) | first head | \$50.00 |
| (b) | each additional head | \$0.75 |

C. Miscellaneous Fees

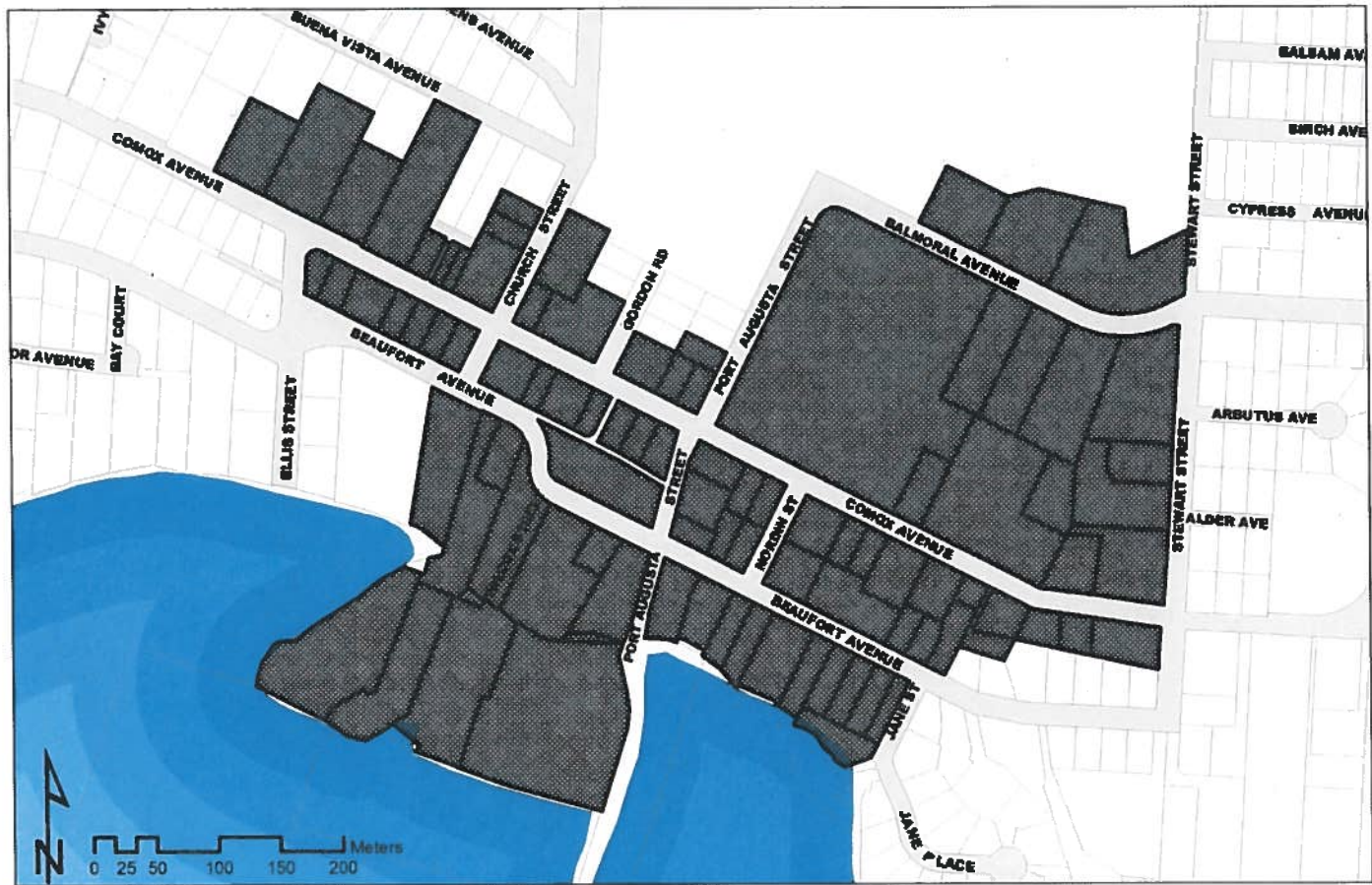
- | | | |
|----|--|----------|
| 1. | provision of a letter advising of the status of a property and the improvement thereon | \$100.00 |
| 2. | voluntary inspection | \$50.00 |

SCHEDULE 2 (#1730 Aug 15/12)

Municipal Ticket Information Designations

<u>Column 1</u> <u>Offence</u>	<u>Column 2</u> <u>Bylaw Section #</u>	<u>Column 3</u> <u>Fine</u>
Failure to obtain permit	6(1)	\$500.00
Unlawful Occupancy	6(2)	\$1000.00
Providing false information	6(3)	\$200.00
Tampering with notice	6(4)	\$200.00
Work at variance with permit	6(5)	\$200.00
Obstruction of building official	6(6)	\$500.00

SCHEDULE 3 (#1786 Aug 18/14)





YQQ

0-RCM Agenda
copies- Council
- RR

LOG: 19-062	REFER:	AGENDA: RCM Feb 20
FILE: 0360-20	ACTION: RR	

Where journeys begin.

RECEIVED

JAN 31 2019

TOWN OF COMOX

31 January, 2019

Distribution List

Dear Mayors, Chair, Councils and Board,

In accordance with the Comox Valley Airport Commission's (CVAC) by-law 3.2, the Board Secretary is to contact you to advise that the term of Director Andy Frost is up for reappointment and is due to expire on July 31st, 2019.

As part of CVAC's appointment process, Mr. Frost has informed us of his willingness to continue to serve the Commission for a subsequent term. Mr. Frost serves as a nominee to the Airport Commission for Local Government and as such CVAC is seeking input from all Local Governments on this reappointment.

Mr. Frost brings a high standard of leadership and management skills to the CVAC Board. His experience as a Senior Executive following a 32 year career with IBM allows him to offer broad management and revenue generation experience to the Board, in addition to his detailed understanding of information technology.

Aside from his dedicated participation in Board work, Mr. Frost is an active participant in the Governance Committee and chairs the Audit Committee.

May I request that you signal your concurrence to this reappointment no later than March 31st, 2019. In the mean time, if you have any questions about this request or our nomination process as a whole, please contact me at storesdahl@shaw.ca

Yours truly,

Susan Toresdahl

Susan Toresdahl
CVAC Secretary

Distribution List:

Mayor Leslie Baird and Councilors, Village of Cumberland
Mayor Russ Arnott and Councilors, Town of Comox
Mayor Bob Wells and Councilors, City of Courtenay
Chair Bob Wells and Board Members, Comox Valley Regional District



**Royal Canadian Naval Association
Comox Valley Branch
1566 Baillie Road
Comox, BC V9M 4C6**

RECEIVED

FEB 13 2019

TOWN OF COMOX

13 February 2019

Mayor Russ Arnott
Town of Comox
Town Hall
1809 Beaufort Avenue
Comox BC V9M 1R9

LOG: 19-089	REFER:	AGENDA:
FILE: 0220-30	ACTION: NR/TS	Rcnl Feb. 20

on file
copy ~ Mayor & Council
RK/AF/SR

Dear Mayor Arnott,

The Comox Valley Branch of the Royal Canadian Naval Association is planning on holding the annual public memorial service to commemorate the Battle of the Atlantic on Sunday 5 May 2019.

I am writing for permission, Your Worship, to hold this public gathering at the Naval Memorial Cairn in the Comox Marina Park at 1:00pm. This memorial service will be open to the public and will be attended by veterans, serving members from 19 Wing, sea cadets and air cadets.

I also request your approval to arrange with the Royal Canadian Air Force for a low level fly past by a CP-140 Aurora Long Range Patrol aircraft as part of the event. The single fly past, as low as 500 feet, is timed for 1:25pm during the two minutes of silence.

As a public event to commemorate the wartime services of local residents and Canadian service personnel I also invite you and the Councillors to attend. 2019 commemorates the 80th anniversary of the start of World War Two and the Battle of the Atlantic

The Association will hold the post service reception at the Comox premises of the 160 Branch of the Royal Canadian Legion.

Yours aye,

Steve Cowan, C.D
President
250 890 0225
stevecowanartist@yahoo.ca

Shelly Russwurm: Town of Comox

From: council
Sent: Friday, January 25, 2019 10:20 AM
To: Shelly Russwurm: Town of Comox
Subject: Fw: Town of Comox support for Strathcona Regional District Resolution to Stop Approving Licences for bottling and sale of groundwater

*o-RCM Agenda
 copies Council*

- RK/SA/MK

From: Bruce & Nicole <brunic@shaw.ca>

Sent: January 24, 2019 4:23 PM

To: council

Subject: Town of Comox support for Strathcona Regional District Resolution to Stop Approving Licences for bottling and sale of groundwater

Hi everyone. We just got home from the Strathcona Regional District Board (SRD) meeting where I made a presentation to the Board, and then the Board subsequently approved a resolution to be presented to the Association of Vancouver Island Coastal Communities (AVICC) and then ultimately to the Union of BC Municipalities (UBCM). The resolution is as follows:

"WHEREAS water is an essential resource upon which all life, including all ecosystems and all local communities depend and

WHEREAS water is a public heritage and a public trust for present and future generations and access to water must not be compromised by commercial operations relating to commercial water bottling or commercial bulk water exports,

THEREFORE BE IT RESOLVED that the Premier of British Columbia and the Minister of Forests, Lands, Natural Resources and Rural Development be requested to immediately cease the licensing and extraction of groundwater for commercial water bottling and/or bulk water exports from aquifers."

This is fabulous news, as we now officially have a Regional District driving the change we want.

My request to you:

Please vote to support the SRD resolution at the AVICC.

Thank you very much!!

Bruce Gibbons
 Nicole Poirier
 Merville Water Guardians
 250-702-1672

LOG: 19-053	REFER:	AGENDA: RCM
FILE: 0400-03	ACTION: MR	Feb 6