
AGENDA - REGULAR MEETING OF COUNCIL

Monday, June 12, 2023 @ 2:00 PM

In the City Hall Council Chambers – 4850 Argyle Street, Port Alberni, BC

The following pages list all agenda items received by the deadline [12:00 noon on the Wednesday before the scheduled meeting]. A sample resolution is provided for most items in italics for the consideration of Council. For a complete copy of the agenda including all correspondence and reports please refer to the City's website portalberni.ca or contact Corporate Services at 250.723.2146 or by email corp_serv@portalberni.ca

A. **CALL TO ORDER & APPROVAL OF THE AGENDA**

1. Council for the City of Port Alberni respectfully acknowledges that we are holding our meeting on the unceded traditional territories of Tseshaht and Hupacasath First Nations.
2. Late items identified by Councillors.
3. Late items identified by the Corporate Officer.
4. Notice of Video Recording (live-streaming and recorded/broadcast on YouTube)

That the agenda be approved as circulated.

B. **ADOPTION OF MINUTES** - Page 5

1. Minutes of the Special meeting held at 12:30 pm and Regular Council meeting held at 2:00 pm on May 23, 2023, as presented.

C. **PUBLIC INPUT PERIOD**

An opportunity for the public to address Council on topics relevant to City Council. A maximum of four [4] speakers for no more than three [3] minutes each will be accommodated.

D. **DELEGATIONS**

1. **Introduction of Manager of Communications**
Director of Corporate Services to introduce the Manager of Communications, Kate Love.

E. **UNFINISHED BUSINESS**

Includes items carried forward from previous Council meetings.

F. **STAFF REPORTS**

Members of the public may be recognized by Council to speak to a report if the report is a response to their correspondence or an application.

1. **Accounts**
THAT the certification of the Director of Finance dated June 12, 2023, be received and the cheques numbered _____ to _____ inclusive, in payment of accounts totalling \$ _____, be approved.

2. **2022 Development Cost Charges** - Page 10
Report dated June 5, 2023 from the Deputy Director of Finance providing information regarding Development Cost Charges.

THAT Council receive the report dated June 6, 2023 and titled "2022 Development Cost Charges".

3. **2022 Reserve and Surplus Balances** - Page 13
Report from the Deputy Director of Finance providing information regarding the 2022 reserve and surplus balances.

THAT Council receive the report dated June 5, 2023 titled '2022 Reserve and Surplus Balances'.

G. BYLAWS

Bylaws are required for the adoption of regulations, financial plans, changes to land use policy and to approve borrowing. A bylaw requires four separate resolutions to be adopted and must be considered over a minimum of two [2] Council meetings. Each reading enables Council to reflect on the bylaw before proceeding further.

1. **Council Procedures Amendment Bylaw No. 5082, 2023** - Page 17
Report dated May 31, 2023 from the Deputy Director of Corporate Services requesting Council consider final reading of the proposed bylaw.

THAT "Council Procedures Amendment Bylaw No. 5082, 2023" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5082.

2. **Zoning Bylaw Amendment | 5249 Pineo Road** - Page 25
Report dated May 29, 2023 from Planner II requesting Council consider final reading of the proposed bylaw.

THAT "Zoning Map Amendment No. 50 (5249 Pineo Road – Hammer), Bylaw No. 5049" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5049.

3. **Building Bylaw No. 5077, 2023** - Page 42
THAT "Building Bylaw No. 5077, 2023" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5077.

H. CORRESPONDENCE FOR ACTION

Correspondence addressed to the Mayor and Council where there is a specific request may be included on an agenda. Correspondence regarding personnel matters, legal action and/or items of a confidential nature will not be included. Correspondence addressed to Council that is administrative or operational in nature will be circulated to Council weekly and referred to the appropriate department for review and follow-up where necessary.

I. PROCLAMATIONS

J. CORRESPONDENCE FOR INFORMATION

Correspondence found here provides information to Council. Correspondence regarding personnel matters, legal action and/or items of a confidential nature will not be included. Correspondence addressed to Council that is administrative or operational in nature will be circulated to Council weekly and referred to the appropriate department for review and follow-up where necessary.

1. **Correspondence Summary** - Page 89
 - a. D. Hunt | 2023 Memorial Monument for Children of IRS
 - b. Tsawak-qin Forestry Inc. | Forest Stewardship Plan - Tree Farm Licence 44
 - c. Residents of Heritage Place | Advanced Polling Station at Civic Elections
 - d. G. & L. Walerius | City Bylaws and Public Input

K. REPORT FROM IN-CAMERA

L. COUNCIL REPORTS

1. **Council and Regional District Reports** - Page 120
THAT the Council reports outlining recent meetings and events related to the City's business, be received.

M. NEW BUSINESS

New items of business requiring Council direction as well as an opportunity for Council to raise issues as a result of the business of the meeting or to identify new items for subsequent meetings by way of a 'Notice of Motion'.

1. **2022 Surplus Funds | Notion of Motion [Deferred from the May 23rd Regular Mtg.]**
THAT Council allocate the 2022 surplus between the R.C.M.P and Parks, Recreation and Heritage Reserves.
2. **Official Community Plan (OCP) | Community Representative Team**
Recommendation from the May 15, 2023 Committee of the Whole.
THAT Council direct staff to include a Seniors representative to the Official Community Plan | Community Action Representative Team.
3. **Bylaw Enforcement Policy**
Recommendation from the May 15, 2023 Committee of the Whole.
THAT Council refer the draft Bylaw Enforcement Policy presented to the May 15th Committee of the Whole to the June 19th Committee meeting to be further informed by priorities of the 2023 – 2027 Corporate Strategic Plan and further, that staff provide information relating to the composition and growth of the Bylaw Services department over recent years.

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4. **Development Variance Permit [DVP 118] | 4289 Ravenhill Avenue** - Page 123
Report dated June 1, 2023 from the Planner I requesting Council consideration for issuance of Development Variance Permit No. 118.

THAT Council authorize the issuance of Development Variance Permit No. 118 and that the Director of Corporate Services be authorized to sign the permit granting the following variance to the Zoning Bylaw at 4289 Ravenhill Avenue:

- i. *Vary section 5.11.2 Site Development Regulations to permit a reduction of the required minimum front yard setback at 4289 Ravenhill Avenue from 7.5 metres to 3.26 metres for an accessory structure, a variance of 4.24 metres.*
5. **Burde Street Reconstruction | Anderson Avenue to 16th Avenue** - Page 134
Report dated May 28, 2023 from the Director of Engineering and Public Works requesting Council consideration for a Financial Plan amendment.

THAT Council amend the "City of Port Alberni 2023-2027 Financial Plan Bylaw No. 5075, 2023", by allocating \$800,000 towards reconstruction of Burde Street between Anderson Avenue and 16th Avenue with funding from the Canada Community Building Reserve Fund.

N. QUESTION PERIOD

An opportunity for the public to ask questions of Council.

O. ADJOURNMENT

That the meeting adjourn at PM

MINUTES OF THE IN-CAMERA MEETING OF COUNCIL
MONDAY, May 23, 2023 @ 12:30 PM
City Hall Committee Room | 4850 Argyle Street, Port Alberni, BC

PRESENT: Mayor Minions
Councillor D. Dame
Councillor J. Douglas
Councillor D. Haggard
Councillor C. Mealey
Councillor T. Patola
Councillor C. Solda

Staff: M. Fox, CAO
S. Smith, Director of Development Services/Deputy CAO
D. Monteith, Director of Corporate Services
S. Darling, Deputy Director of Corporate Services

Call to order: @ 12:30 pm.

MOVED and SECONDED, THAT Council conduct a special Council meeting closed to the public on the basis that one or more matters covered under Section 90 of the Community Charter will be considered, specifically outlined as follows:

Section 90 (1)(e) the acquisition, disposition or expropriation of land or improvements and where the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

Section 90 (1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

CARRIED

The meeting was adjourned at 1:53 pm.

CERTIFIED CORRECT

Mayor

Corporate Officer

MINUTES OF THE REGULAR MEETING OF COUNCIL
Tuesday, May 23, 2023 @ 2:00 PM
In the City Hall Council Chambers – 4850 Argyle Street, Port Alberni, BC

Present: Mayor Minions
Councillor D. Dame
Councillor J. Douglas @ 2:12 pm
Councillor D. Haggard
Councillor C. Mealey
Councillor C. Solda
Councillor T. Patola

Staff: M. Fox, Chief Administrative Officer
S. Smith, Director of Development Services/Deputy CAO
A. McGifford, Director of Finance
D. Monteith, Interim Director of Corporate Services
S. Darling, Deputy Director of Corporate Services | Recording Secretary

Gallery: 16

A. CALL TO ORDER & APPROVAL OF THE AGENDA

The meeting was called to order at 2:00 PM.

MOVED AND SECONDED, THAT the agenda be amended to include an item under L.1 Council Reports. The agenda was then adopted as amended.

CARRIED

B. ADOPTION OF MINUTES

MOVED AND SECONDED, THAT the minutes of the Special meeting held at 12:00 pm and Regular Council meeting held at 2:00 pm on May 8, 2023, and the minutes of the Special meetings held at 4:30 pm and 5:00 pm on May 15, 2023, be adopted, as presented.

CARRIED

C. PUBLIC INPUT PERIOD

N. Anderson

Spoke to safety improvements proposed for Council Chambers.

M. Ahlroos

Spoke to recent provincial funding announcement in support of development.

Dr. Lambiotte

Provided information on recruitment and retention of healthcare staff within the City.

W. Kerr

Spoke to the healthcare shortages as it relates to employee vaccination requirements.

D. DELEGATIONS

E. UNFINISHED BUSINESS

1. **Intersection Safety Improvement Options | 10th Avenue and Dunbar Street Project Update**

MOVED AND SECONDED, THAT Council receive the staff report dated May 11, 2023 as a formal project update for the improvements at the intersection of 10th Avenue and Dunbar Street.

CARRIED | Res. No. 23-166

F. STAFF REPORTS

1. **Accounts**

MOVED AND SECONDED, THAT the certification of the Director of Finance dated May 23, 2023, be received and the cheques numbered 152741 to 152810 inclusive, in payment of accounts totalling \$749,607.62, be approved.

CARRIED | Res. No. 23-167

G. BYLAWS

1. **Building Bylaw No. 5077, 2023**

MOVED AND SECONDED, THAT "Building Bylaw No. 5077, 2023" be now introduced and read a first time.

CARRIED | Res. No. 23-168

MOVED AND SECONDED, THAT "Building Bylaw No. 5077, 2023" be read a second time.

CARRIED | Res. No. 23-169

MOVED AND SECONDED, THAT "Building Bylaw No. 5077, 2023" be read a third time.

CARRIED | Res. No. 23-170

2. **OCP and Zoning Bylaw Amendments | 2601 Burde Street**

MOVED AND SECONDED, THAT "Official Community Plan Amendment No. 40 (2601 Burde Street – Irg), Bylaw No. 5070" be read a third time.

CARRIED | Res. No. 23-171

MOVED AND SECONDED, THAT "Zoning Map Amendment No. 58 (2601 Burde Street – Irg), Bylaw No. 5071" be read a third time.

CARRIED | Res. No. 23-172

MOVED AND SECONDED, THAT "Official Community Plan Amendment No. 40 (2601 Burde Street – Irg), Bylaw No. 5070" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5070.

CARRIED | Res. No. 23-173

MOVED AND SECONDED, THAT "Zoning Map Amendment No. 58 (2601 Burde Street – Irg), Bylaw No. 5071" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5071.

CARRIED | Res. No. 23-174

H. CORRESPONDENCE FOR ACTION

I. PROCLAMATIONS

J. CORRESPONDENCE FOR INFORMATION

The Interim Director of Corporate Services summarized correspondence to Council as follows:

- a. Alberni Valley Museum and Heritage Commission Minutes | April 5, 2023

K. REPORT FROM IN-CAMERA

1. Council released for public consumption its intent to provide a letter of support to the Tseshaht First Nation to add properties to their reserve land.
2. Council released for public consumption Notice of its Intent to lease Unit 11 to C. Cootes for the operation of Harbour Scoop and Unit 12 to J. Wang for the operation of Turtle Island Fish and Chips shop at the Alberni Harbour Quay for a five-year term.

L. COUNCIL REPORTS

1. **Council and Regional District Reports**
MOVED AND SECONDED, THAT the Council reports outlining recent meetings and events related to the City's business, be received.
CARRIED | Res. No. 23-175

M. NEW BUSINESS

1. **2022 Surplus Funds | Notice of Motion**
MOVED AND SECONDED, THAT Council defer the notice of motion to allocate the 2022 surplus between the R.C.M.P and Parks, Recreation and Heritage Reserves for consideration at the June 26, 2023 Regular meeting.
CARRIED | Res. No. 23-176
2. **2023 – 2027 Financial Plan Amendment | Garbage Truck & Water Meters**
MOVED AND SECONDED, THAT Council amend the "City of Port Alberni 2023-2027 Financial Plan Bylaw No. 5075, 2023" Capital Plan, to increase the funding allocation for "Replace 2018 Freightliner Garbage Truck #401" to \$523,940 coming from the Equipment Replacement Reserve Fund.
CARRIED | Res. No. 23-177

MOVED AND SECONDED, THAT Council amend the "City of Port Alberni 2023-2027 Financial Plan Bylaw No. 5075, 2023" by adding the funding allocation for "2023 Water Meter Renewal" to \$300,000 coming from the Water Fund Reserve.
CARRIED | Res. No. 23-178
3. **Manufacturer Licence New Outdoor Patio Application | Alberni Brewing Company**
MOVED AND SECONDED, THAT Council for the City of Port Alberni support the Manufacturer Licence New Outdoor Patio application for Alberni Brewing Company operating at 4630 Adelaide Street and endorse the comments and reasons for support as provided in the report from City staff dated May 12, 2023.
CARRIED | Res. No. 23-179

4. **Complete Communities 2023/24 Grant Application**
MOVED AND SECONDED, THAT Council authorize staff to prepare and submit an application for funding to the June 16, 2023 intake of the Complete Communities Program for \$150,000 to prepare and assess a core area of the City for infrastructure improvements, develop an implementation plan for those improvements and hire an individual for up to a one-year term to do that work.
CARRIED | Res. No. 23-180
5. **Purchase Card [P-Card] Policy 3009-3**
MOVED AND SECONDED, THAT Council rescind "Credit Card Policy" dated October 14, 2014 and approve Policy 3009-3 "Purchase Card Policy".
CARRIED | Res. No. 23-181
6. **Travel Policy 3009-2**
MOVED AND SECONDED, THAT Council rescind "P6 – Travel Expense Policy – For Employees & Other Authorized Persons" dated March 9, 2015 and approve Policy 3009-2 "Travel Policy".
CARRIED | Res. No. 23-182

N. QUESTION PERIOD

N. Anderson

Requested clarity regarding comments made by Council in reference to proposed safety improvements in Council Chambers.

R. Fraser

Requested updates on the Train Station [Expression of Interest], Connect the Quays Pathway [Invitation to Tender] and maintenance of City trails and pathways.

Chylene

Inquired regarding fluoride in City water and requested clarity on the different Council meeting structures.

O. ADJOURNMENT

MOVED AND SECONDED, THAT the meeting adjourn at 3:13 pm.

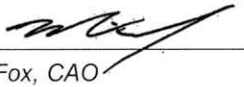
CARRIED

CERTIFIED CORRECT

Mayor

Corporate Officer

Date: June 5, 2023
File No: 1765-01
To: Mayor & Council
From: M. Fox, CAO
Subject: 2022 Development Cost Charges

Prepared by: <i>R. MACAULEY</i> <i>Deputy Director of Finance</i>	Supervisor: <i>A. MCGIFFORD</i> <i>Director of Finance</i>	CAO Concurrence:  <i>M. Fox, CAO</i>
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RECOMMENDATION

That Council receive the report dated June 6, 2023 and titled "2022 Development Cost Charges".

PURPOSE

Provide information about the annual collection, expenditures, reserve balances, and waivers/reductions related to the City's Development Cost Charges [DCC] accounts.

BACKGROUND

DCC's are charges levied on new development to assist local governments in financing the costs of growth-related infrastructure. The use of DCC's, in combination with other funding sources, is needed to fund the construction of new or expanded infrastructure that supports population growth in the City. DCC's provide funding for transportation improvements, parkland acquisition, development of certain park improvements, as well as utility infrastructure including water, sewer and drainage.

DCC's collected in 2022 were based on the rates established by the City's *Development Cost Charges, 2009, Bylaw No. 4713, "Development Cost Charge Amendment {Grade Period Extension}, Bylaw No. 4766 and "Development Cost Charges Reduction Bylaw No. 4947"*. Funds collected through the DCC bylaws must be deposited in a separate account and may only be used to pay for the capital costs of the works that are identified in the corresponding DCC program upon which the rates are based. The purpose of the bylaw is to impose development cost charges to assist the City in paying the capital costs of providing, constructing, altering or expanding water, sewage, drainage, highway facilities and proving and improving park land in order to serve, directly or indirectly, the development for which the charge was imposed.

As per *Section 569* of the *Local Government Act*, the City of Port Alberni is required to report annually on the DCC's received and expended during the year. The attached schedule reflects DCC accounts as of December 31, 2022 and includes the following information:

- a) The amount of Development Cost Charges received during the year;
- b) The expenditures from the Development Cost Charges accounts during the year including interest being paid;
- c) The balance in the Development Cost Charges accounts at the start and the end of the applicable year; and
- d) Any waivers and reduction under *Section 563(2)* of the *Local Government Act*.

ALTERNATIVES/OPTIONS

n/a

ANALYSIS

The current balance in the City of Port Alberni's combined DCC account is \$3,177,801.10. Currently all funds remain unallocated to current or future projects as of December 31, 2022. Appendix A provides a detailed summary of the individual DCC balances at year end December 31, 2022.

In 2022, no waivers or reductions under *Section 563(2)* of the *Local Government Act* were provided.

IMPLICATIONS

This report provides financial information regarding the DCC accounts for 2022 and potential funding for eligible projects in future years.

COMMUNICATIONS

n/a

BYLAWS/PLANS/POLICIES

- *Development Cost Charges, Bylaw No. 4947*

SUMMARY

- DCC's are charges levied on new development to assist local governments in financing the costs of growth-related infrastructure.
- This report fulfills the statutory requirement to report information regarding the 2022 DCC collected and expended during the year and the balance in the DCC accounts.

ATTACHMENTS/REFERENCE MATERIALS



- Appendix A - Development Cost Charge Accounts as of December 31, 2022

C: D. Monteith, Interim Director of Corporate Services
A. McGifford, Director of Finance

**City of Port Alberni
Development Cost Charges - Deferred Revenue
December 31, 2022**

	Water	Sewer	Storm	Roads	Parkland	Total DCC
Opening Balance at January 1, 2022	738,972.97	363,801.30	220,358.05	438,862.95	127,123.69	1,889,118.96
Receipts:						
2022 Gross DCC Contributions	437,725.91	297,849.75	88,347.44	315,030.18	119,318.97	1,258,272.25
Credit and Rebates:						
2022 DCC Credits and Rebates	-	-	-	-	-	-
Expenditures:						
Anderson Ave - Paving and SW - developer driven [22044]	-	-	-	(81,216.00)	-	-
Johnston/Adelaide Development [22020]	-	-	-	(25,000.00)	-	-
Balance before interest earned in 2022	1,176,698.88	661,651.05	308,705.49	647,677.13	246,442.66	3,147,391.21
	-	-	-	-	-	-
Interest earned in 2022						
Interest earned	10,053.55	7,881.15	3,082.34	7,145.85	2,247.00	30,409.89
	-	-	-	-	-	-
Funding Available January 1, 2023	1,186,752.43	669,532.20	311,787.83	654,822.98	248,689.66	3,177,801.10
	-	-	-	-	-	-
Committed funds 2023						
	-	-	-	-	-	-
	-	-	-	-	-	-
Uncommitted funding at January 1, 2023	\$ 1,186,752.43	\$ 669,532.20	\$ 311,787.83	\$ 654,822.98	\$ 248,689.66	\$ 3,177,801.10

Date: June 5, 2023
File No: 1700-01
To: Mayor & Council
From: M. Fox, CAO
Subject: 2022 Reserve and Surplus Balances

Prepared by:  Deputy Director of Finance	Supervisor: A. McGIFFORD Director of Finance	CAO Concurrence:  M. Fox, CAO
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RECOMMENDATION

That Council receive the report dated June 5, 2023 titled '2022 Reserve and Surplus Balances'.

PURPOSE

To provide Council with information relating to reserve fund balances and general operating surplus balances as of December 31, 2022.

BACKGROUND

Reserves

Section 188 of the *Community Charter* authorizes a Council, by bylaw, to establish reserve funds for a specific purpose. The City currently has 15 established reserves which include: 2 statutory, 6 restricted, and 7 unrestricted reserves. Reserves provide the City with financial flexibility to assist in achieving Strategic Priorities, invest in opportunities, or mitigate future financial risk without increase to taxation. Reserve balances fluctuate throughout the year based on budget transfers to fund capital, operational, and special initiative projects as directed by Council within the financial plan. Transfers into reserves are funded through the financial plan or through interest and or federal/provincial grant funds received.

Reserves are invested throughout the year in 100% guaranteed short term GIC investments which earn interest and market gains through out the year. In the 2022 year over \$280,000 in interest was earned by the City for reserve balances. Interest is recognized and held in its respective reserve for future use as directed by Council.

Surplus

Surplus funds are defined as excess of revenues over expenditures that have not been set aside for specific use. Surplus can be reported as "Accumulated Surplus" meaning, accumulated excess revenues over expenditures from prior years or as annual surplus which only reports on unallocated excess funds from the current year.

Annual surplus by fund is reported by segment in our consolidated financial statements, this amount includes accounting estimates and allocations required under the Public Sector Accounting Standards [PSAB]. Surplus funds reported for the purpose of internal reporting will remove the accounting estimates and allocations to give Council a better picture of operating surplus funds available.

ALTERNATIVE/OPTIONS

1. That Council receive the report dated June 5, 2023 titled '2022 Reserve and Surplus Balances'.
2. That Council provide a motion to direct use of funds.

ANALYSIS

This report speaks to both reserve and surplus funds available as of December 31, 2022 after the financial statements have been externally audited and approved by Council.

Statutory Reserve Balances

Balances from statutory reserves include interest earned from Short term investment of funds through 100% Guaranteed GIC's. Committed budgeted amounts for capital work in progress (WIP) are deducted from the total available spend in the reserve to show the total unallocated amounts available in the reserve. No other additions or deductions were made throughout the fiscal year.

Table A-1: Statutory Reserve Balances

Unrestricted Reserves	Reserve Totals
Parkland Acquisition	\$ 300,029
Land Sale	\$ 65,937
Total	\$ 365,966

Restricted Reserve Balances

Balances from restricted reserves include interest earned from short term investment of funds through 100% guaranteed GIC's, additions from sale of assets, grants received, or budgeted contributions as directed by Council. Amounts deducted from reserve include monies to fund completed capital projects and amounts committed for capital work in progress (WIP). Additionally, any change in project scope will result in the project being relinquished and funds returned to the reserve. Relinquished projects will be redesigned and brought forth to be reapproved in future financial plan amendments.

Table A-2: Restricted Reserve Balances

Reserve funds - Restricted	Reserve Totals
Equipment Replacement	\$ 4,959,797
Carbon Fund	\$ 262,066
Parks and Recreation Capital	\$ 450,585
Capital Works	\$ 542,976
Community Building Fund	\$ 2,503,898
Alberni Valley Community Forest Corporation	\$ 598,452
Total	\$ 9,317,774

Unrestricted Reserve Balances

Balances from unrestricted reserves include interest earned from short term investment of funds through 100% Guaranteed GIC's, grants received, or budgeted contributions as directed from Council. Amounts deducted from reserve include monies to fund completed capital projects and amounts committed for capital work in progress (WIP). Additionally, any change in project scope will result in the project being relinquished and funds returned to the reserve. Relinquished projects will be redesigned and brought forth to be reapproved in future financial plan amendments.

The "General Fund - Projects & Purchases" reserve contains funds related to general operating projects and initiatives. The reserve includes the following funds: COVID-19 federal relief funds, community gaming funds, heritage fees collected, and equity invested in the Alberni Valley Community Forest Corporation. The funds are considered unrestricted however guidelines are in place for specific use within operations.

Table A-3: Unrestricted Reserve Balances

Reserve funds - Unrestricted	Reserve Totals
General Fund - Projects and Purchases	\$ 2,789,071
Loss on Taxation	-
Museum Purchases	\$ 62,968
RCMP - Contract Surplus	\$ 1,065,620
McLean Mill Projects	\$ 477,352
Water Fund - Projects and Purchases	\$ 6,887,036
Sewer Fund - Projects and Purchases	\$ 1,543,123
	\$ 12,825,171
Total	\$ 22,508,911

Surplus

The 2022 operating activities show a total excess in revenues over expenses for the year ended December 31, 2022. Total unallocated annual surplus after accounting estimates and amortization are removed is \$185,063. Table B-1 shows the surplus compared to the 2022 financial plan numbers.

Table B-1: Surplus

Annual Surplus	Actual 2022	Budget 2022	Variance (Loss)
General Reserve Operating Surplus	4,019,514	3,957,237	62,277
Amounts Transferred to Operating from Reserve:			
To Fund Community Policing	150,930		
COVID Restart Grant Funds	581,856		
Total Adjustment Annual Surplus	\$4,752,300	\$3,957,237	\$795,063
Surplus Allocated to 2023 Capital Projects:			
Train Station Phase II	(320,000)		(320,000)
Linking Roger Creek Trails	(290,000)		(290,000)
Total Unallocated Annual Surplus	\$4,142,300	\$3,957,237	\$185,063

IMPLICATIONS

This report is being provided for discussion purposes only and no recommendation has been set forth with the reported information. Should Council wish to direct use of funds, a motion for consideration can be made.

COMMUNICATIONS

This report is being provided for discussion purpose only as such, no communications are being proposed.

BYLAWS/PLANS/POLICIES


Section 188 of the *Community Charter*

SUMMARY

The *Community Charter* authorizes a Council, by bylaw, to establish reserve funds for a specific purpose. The City currently has 15 established reserves which include: 2 statutory, 6 restricted, and 7 unrestricted reserves. Reserve Balances fluctuate throughout the year based on transfers approved in the financial plan. Unallocated reserve balances have been reported based on the December 31, 2022 financial statements less any approved project carry forward amounts for the 2023 year. Surplus balances are the excess of operating revenues over expenses, totalling \$185,063 for 2022.

Copy: D. Monteith, Interim Director of Corporate Services
A. McGifford, Director of Finance

Date: May 31, 2023
File No: 3900-02-5082
To: Mayor & Council
From: M. Fox, CAO
Subject: Council Procedures Amendment Bylaw No. 5082, 2023 | Adoption

Prepared by: <i>S. DARLING</i> DEPUTY DIRECTOR OF CORPORATE SERVICES	Supervisor: <i>D. MONTEITH</i> DIRECTOR OF CORPORATE SERVICES	CAO Concurrence:  M. Fox, CAO
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RECOMMENDATION[S]

THAT "Council Procedures Amendment Bylaw No. 5082, 2023" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5082.

PURPOSE

For Council to consider final adoption of "Council Procedures Amendment Bylaw, No. 5082, 2023".

BACKGROUND

Council adopted Council Procedures Bylaw, 2013, Bylaw No. 4830 in 2013 and has amended the bylaw four times. Following a workshop to discuss the Code of Conduct and Council Procedures Bylaws, held March 23, 2023, a draft Council Procedures Amendment Bylaw was presented at the April 25th Committee of the Whole meeting. A number of additional amendments were then recommended for inclusion prior to formal introduction of the bylaw to Council at a Regular meeting.

At its Regular meeting of May 8th, "Council Procedures Amendment Bylaw, No. 5082, 2023" was introduced and given three readings. Prior to first reading, Council made a number of additional amendments which have been summarized below.

Summary of Changes:

Add new subsection (2) to Section 22, that a maximum of three [3] questions will be permitted per speaker at Regular Council meetings and renumber the subsequent subsections accordingly. Section 22 referenced below in its entirety for context.

Section 22. Question Period

- (1) At the conclusion of proceedings of Regular Council Meetings and Committee of the Whole Meetings, the Mayor or presiding member shall provide time for the public to ask questions of Council or Committee on decisions or recommendations made during the course of the meeting.
- (2) A maximum of three [3] questions will be permitted per speaker at Regular Council meetings.
- (3) If an answer cannot be readily provided, the Mayor or presiding member may refer the public to the appropriate department or committee for response.

Delete Section 35 and replace it with the following:

35. Form of Bylaws

A bylaw introduced at a Council meeting must:

- be printed and/or electronically provided;
- have a distinguishing name;
- have a distinguishing number;
- contain an introductory statement of purpose; and
be divided into sections.

Amend Section 42 to increase number of speakers from four (4) to six (6) and minutes per speaker from three (3) to five (5). Add subsection to reflect that priority will be given to speakers whom are residents and/or taxpayers of the City. Section 42 referenced below in its entirety for context.

42. Public Input Period

Members of the public may address Committee of the Whole during the Public Input Period.

- (1) A maximum of six [6] speakers for no more than five [5] minutes each will be accommodated.
- (2) The presiding member will ask for a show of hands from those wishing to speak and will invite speakers one at a time to come forward to the podium.
- (3) Priority will be given to speakers whom are residents and/or taxpayers of the City.
- (4) Speakers must identify themselves for the record and may only speak once at the Public Input Period.
- (5) Speakers may not address items that refer to concluded Public Hearings or to Public Hearings progressing through a public participation process.
- (6) Council or Committee member may ask or answer questions of a member of the public who is addressing the Committee, but must not enter into debate.
- (7) The presiding member may refer members of the public to the appropriate department or committee for response.

Delete Section 46, subsection (1) and replace it with the following:

46. Reports

- (1) Committee of the Whole may consider reports and bylaws only if:
 - a. a print or electronic copy has been provided to members, or
 - b. a majority of the Council members present decide without debate that the requirements of paragraph (a) do not apply.

Add to Section 56, subsection (10) to permit public electronic participation as follows:

56. Electronic Participation

- (10) Where reasonably practicable by means of the electronic or other communication facilities in use, members of the public who are unable to attend a Regular or Committee of the Whole meeting may participate by electronic means using audio, visual or other communication facilities.

ALTERNATIVES/OPTIONS

1. That “*Council Procedures Amendment Bylaw No. 5082, 2023*” be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5082.
2. That Council provide additional amendments to “*Council Procedures Amendment Bylaw No. 5082, 2023*” which would require rescinding of 3rd reading.
3. That Council provide alternate direction.

ANALYSIS

The proposed changes align with discussions around good governance and meeting conduct highlighted at Council’s Code of Conduct workshop and through further discussions at the April 25th Committee of the Whole and May 8th Regular meeting. The changes amend how Council engages the public at Council and Committee of the Whole meetings. The most significant changes are to the use of public input periods and question periods. The public are able to engage with Council at Regular meetings through question period, and Committee of the whole Meetings through both question period and public input period.

Other less formal opportunities for public engagement will also be provided, though these are not captured under a Council procedures bylaw. These might include open houses, public surveys, notices for public comment, town halls, etc. These are not regulated by this procedures bylaw and will be utilized on a project-by-project basis, or as directed by Council. Council may also seek to establish a public engagement policy to explore these further.

IMPLICATIONS

These changes align with the *Community Charter* and *Local Government Act*, as well as best practices for the conduct of meetings. Staff compared the provisions with a number of municipalities that take the same approach with public input opportunities and management of correspondence.

COMMUNICATIONS

The City provided public notice as is required by the *Local Government Act* prior to adopting an amendment by placing an advertisement in the May 17th and 24th editions of the Alberni Valley News and on the City website.

BYLAWS/PLANS/POLICIES

Council Procedures Bylaw, 2013, Bylaw No. 4830

SUMMARY

The proposed changes align with discussions around good governance and meeting conduct. Through review and discussion at both Committee and Regular meetings, a number of amendments have been applied.

Staff are recommending Council provide adoption of “*Council Procedures Amendment Bylaw No. 5082, 2023*” with the understanding that should Council wish, further amending bylaws may be brought forward.

ATTACHMENTS/REFERENCE MATERIALS

- *Council Procedures Amendment Bylaw No. 5082, 2023*
- *Council Procedures Bylaw, 2013, Bylaw No. 4830 [ref].*

C: M. Fox, CAO
S. Smith, Deputy CAO | Director of Development Services
D. Monteith, Director of Corporate Services
A. McGifford, Director of Finance
W. Thorpe, Director of Parks, Recreation and Heritage

CITY OF PORT ALBERNI

BYLAW NO. 5082

A BYLAW TO AMEND COUNCIL PROCEDURES BYLAW, 2013, BYLAW NO. 4830

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. **Title**

This Bylaw may be known and cited for all purposes as the "**Council Procedures Amendment Bylaw No. 5082, 2023**"

2. **Amendments**

"Council Procedures Bylaw, 2013, Bylaw 4830" is hereby amended as follows:

(a) By deleting Section 11(4) and replacing it with the following:

11. **Attendance of Public at Meetings**

(4) Despite Section 11(1), the Mayor or the Presiding Member may expel or exclude from the meeting a person in attendance at the meeting in accordance with Section 133 of the *Community Charter*.

(b) By deleting Section 16(1) and replacing it with the following:

16. **Order of Proceedings and Business**

(1) The agenda for Regular Council meetings contains the following matters in the order in which they are listed below:

- Approval of Agenda, including introduction of late items;
- Adoption of Minutes;
- Delegations;
- Unfinished Business;
- Staff Reports;
- Bylaws;
- Correspondence for Action;
- Proclamations;
- Informational Correspondence;
- Report from In-Camera;
- Council Reports;
- New Business;
- Question Period;
- Adjournment.

(c) By deleting Section 22 and replacing it with the following:

22. Question Period

- (1) At the conclusion of proceedings of Regular Council Meetings and Committee of the Whole Meetings, the Mayor or presiding member shall provide time for the public to ask questions of Council or Committee on decisions or recommendations made during the course of the meeting.
- (2) A maximum of three [3] questions will be permitted per speaker at Regular Council meetings.
- (3) If an answer cannot be readily provided, the Mayor or presiding member may refer the public to the appropriate department or committee for response.

(d) By deleting Section 24(3) and replacing it with the following:

24. Correspondence and Referrals

- (3) Councillors may request that a particular item of correspondence referred to a City department, be brought forward to a Regular Council meeting, or Closed meeting of Council if appropriate, for discussion at any time. As well, Council may refer any item of correspondence included on an agenda to a City department as it deems appropriate.

(e) By deleting Section 35 and replacing it with the following:

35. Form of Bylaws

A bylaw introduced at a Council meeting must:

- be printed and/or electronically provided;
- have a distinguishing name;
- have a distinguishing number;
- contain an introductory statement of purpose; and
- be divided into sections.

- (f) By adding new Section 41 as follows and renumbering subsequent sections accordingly:

41. Order of Proceedings and Business at Committee of the Whole

- (1) The agenda for Committee of the Whole meetings contains the following matters in the order in which they are listed below:
- Approval of Agenda, including introduction of late items;
 - Adoption of Minutes;
 - Delegations;
 - Public Input Period;
 - Unfinished Business;
 - New Business and Staff Reports;
 - Correspondence;
 - Question Period;
 - Adjournment.

- (g) By deleting Section 19 and adding new Section 42 as follows and renumbering subsequent sections accordingly:

42. Public Input Period

Members of the public may address Committee of the Whole during the Public Input Period.

- (1) A maximum of six [6] speakers for no more than five [5] minutes each will be accommodated.
- (2) The presiding member will ask for a show of hands from those wishing to speak and will invite speakers one at a time to come forward to the podium.
- (3) Priority will be given to speakers whom are residents and/or taxpayers of the City.
- (4) Speakers must identify themselves for the record and may only speak once at the Public Input Period.
- (5) Speakers may not address items that refer to concluded Public Hearings or to Public Hearings progressing through a public participation process.
- (6) Council or Committee member may ask or answer questions of a member of the public who is addressing the Committee, but must not enter into debate.
- (7) The presiding member may refer members of the public to the appropriate department or committee for response.

(h) By deleting Section 46(1) and replacing it with the following:

46. Reports

- (1) Committee of the Whole may consider reports and bylaws only if
- a. a print or electronic copy has been provided to members, or
 - b. a majority of the Council members present decide without debate that the requirements of paragraph (a) do not apply.

(i) By adding to Section 56, subsection (10) as follows:

56. Electronic Participation

- (10) Where reasonably practicable by means of the electronic or other communication facilities in use, members of the public who are unable to attend a Regular or Committee of the Whole meeting may participate by electronic means using audio, visual or other communication facilities.

READ A FIRST TIME this 8th day of May, 2023, as amended.

READ A SECOND TIME this 8th day of May, 2023.

READ A THIRD TIME this 8th day of May, 2023.



**PUBLIC NOTICE PROVIDED PURSUANT TO SECTION 94 OF THE
COMMUNITY CHARTER.**

FINALLY ADOPTED this _____ day of _____, 2023.

Mayor

Corporate Officer

Date: May 29, 2023
File No: 3360-20-5249 PINEO
To: Mayor & Council
From: M. Fox, CAO
Subject: **DEVELOPMENT APPLICATION** – Zoning Bylaw Map Amendment at 5249 Pineo Road
LOT 2, DISTRICT LOT 11, ALBERNI DISTRICT, PLAN 6936 (PID: 005-794-081)
Applicant: P. Hammer

Prepared by:  B. McLoughlin Planner II	Supervisor: S. Smith Dir. of Development Services Deputy CAO	CAO Concurrence:  M. Fox, CAO
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RECOMMENDATION

THAT "Zoning Map Amendment No. 50 (5249 Pineo Road – Hammer), Bylaw No. 5049" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5049.

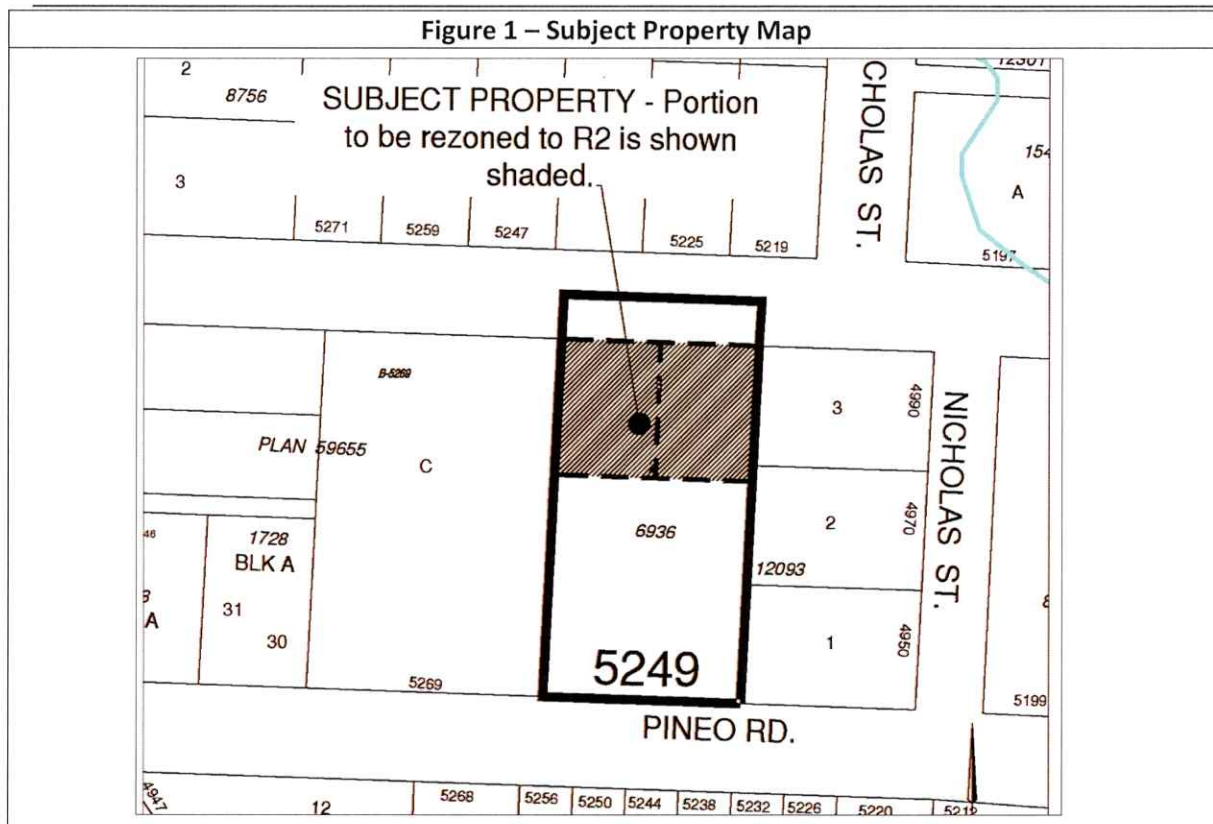
PURPOSE

To consider final adoption of zoning amendment Bylaw 5049 to rezone a portion of the property at 5249 Pineo Road to *R2 One and Two Family Residential*. This would enable a subdivision and the creation of two (2) additional lots for the development of two (2) residential duplexes.

BACKGROUND

Council gave first and second readings to the amending bylaw at the Meeting of April 11, 2022, and a Public Hearing was held in Council Chambers at City Hall on May 11, 2022. Council gave third reading at its June 13, 2022 Regular meeting and set conditions for additional engineering information to be provided. These engineering requirements have been satisfied and the applicant has received a subdivision *Preliminary Layout Review* letter from the City's Approving Officer.

Since the subject property is within 800 metres of Highway 4, the bylaw also requires approval from the BC Ministry of Transportation and Infrastructure. This approval was received on March 9, 2023.



ALTERNATIVES/OPTIONS

1. THAT "Zoning Map Amendment No. 50 (5249 Pineo Road – Hammer) Bylaw No. 5049" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5049.
2. THAT Council may pass a resolution to provide alternative direction to staff.
3. THAT Council may pass a resolution to not proceed.

IMPLICATIONS

Supporting this application will rezone a portion of the property from RR2 to R2, and enable a subdivision for the creation of two (2) additional parcels. This would enable the applicant to build a total of two (2) duplexes – one on each R2 parcel.

COMMUNICATIONS

Prior to the Public Hearing on May 11, 2022, staff completed all required statutory notices. This included notification to owners and occupants within 75 metres as per section 5 of the City's *Development Application Notice Bylaw No. 4614*, and notice in the newspaper as required by sections 465 and 466 of the *Local Government Act*. There were 35 notices mailed and no correspondence was received. There were no attendees from the public at the Public Hearing.

BYLAWS/PLANS/POLICIES

1. *Zoning Bylaw 2014 (Bylaw 4832):*

The application proposes to amend the Zoning Bylaw map to change the classification from *RR2 Semi-Rural Residential* to *R2 One and Two Family Residential*.

SUMMARY

Staff recommend adoption of the amending *Bylaw No. 5049* as the proposal aligns with the OCP land use designation for the property, and high-level policy objectives supporting a diversity of housing options within the community. Additionally, the low-density of development is comparable to the land use and zoning of the surrounding neighborhood.

ATTACHMENTS/REFERENCE MATERIALS

- *Zoning Map Amendment No. 50 (5249 Pineo Road - Hammer), Bylaw No. 5049*
- *Staff Report to Council | June 1, 2022*
- *Public Hearing Minutes | May 11, 2022*

C: *D. Monteith, Director of Corporate Services*
 A. McGifford, Director of Finance
 R. Gaudreault, Building/Plumbing Inspector

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CITY OF PORT ALBERNI

BYLAW NO. 5049

A BYLAW TO AMEND PORT ALBERNI ZONING BYLAW 2014, NO. 4832

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. Title

This Bylaw may be known and cited for all purposes as "**Zoning Map Amendment No. 50 (5249 Pineo Road - Hammer), Bylaw No. 5049**".

2. Zoning Amendment

- 2.1 A portion of Lot 2, District Lot 11, Alberni District, Plan VIP6936 (PID: 005-794-081), located at **5249 Pineo Road** and shown shaded on Schedule A, attached hereto and forming part of this bylaw, is hereby rezoned from 'RR2 Semi-Rural Residential' to '**R2 One and Two Family Residential**'.

3. Map Amendment

Schedule "A" (Zoning District Map) which forms an integral part of Port Alberni Zoning Bylaw 2014, No. 4832 is hereby amended to denote the zoning outlined in Section 2 above.

READ A FIRST TIME this 11th day of April, 2022.

READ A SECOND TIME this 11th day of April, 2022.

A PUBLIC HEARING WAS HELD this 11th day of May, 2022.

READ A THIRD TIME this 13th day of June, 2022.

APPROVED BY THE MINISTRY OF TRANSPORTATION THIS 9th day of March, 2023


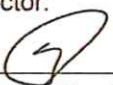
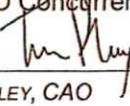
FINALLY ADOPTED this day of , 2023.

Mayor

Corporate Officer

1582 10037 1 REM A B
Pt. 5 27958
2 8756
3 5271 5259 5247 5225 5219
12301 154 A 5197
NICHOLAS ST.
PLAN 59655 C 4990 4970 4950
1728 BLK A 31 30 5269 6936 12093 5249
NICHOLAS ST.
PINEO RD.
4947 12 5268 5256 5250 5244 5238 5232 5226 5220 5212
B DD E-488 19 5 6 A B C D 1
1728 29900 VIP84013 8444
DD ED113221 A REM 2 1728
BEAVER CK. RD. 4915

Date: June 1, 2022
File No: 3360-20-5249 PINEO
To: Mayor & Council
From: T. Pley CAO
Subject: **DEVELOPMENT APPLICATION** – Proposed Zoning Bylaw Map Amendment at 5249 Pineo Road Lot 2, District Lot 11, Alberni District Plan 6936(PID: 005-794-081)
Applicant: P. Hammer

Prepared by:  B. McLoughlin Development Planner	Supervisor: M. Wade MANAGER OF PLANNING	Director:  S. Smith, Dir. of Development Services Deputy CAO	CAO Concurrence:  T. PLEY, CAO
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RECOMMENDATION

- a. THAT "Zoning Map Amendment No.50 (5249 Pineo Road – Hammer), Bylaw No. 5049 be read a third time.
- b. THAT as part of the development process for 5249 Pineo Road, the applicant be required to complete the following before Council considers final adoption of Bylaw No. 5049:
 - I. Geotechnical report
 - II. Stormwater management plan
 - III. Site grading plan
 - IV. Design and estimate for required off-site works
 - V. Receive a subdivision Preliminary Layout Review letter from the City's Approving Officer.

PURPOSE

The City has received an application proposing to rezone a portion of the property at 5249 Pineo Road to *R2 One and Two Family Residential* to facilitate a subdivision that will enable the future development of two residential duplexes. The purpose of this report is to consider an application for a map amendment to *Zoning Bylaw No. 4832*.

BACKGROUND

Status of the Application

The application was reviewed by the Advisory Planning Commission (APC) at their meeting on March 17, 2022. The APC recommended that Council proceed with the application to rezone 5249 Pineo Road subject to the conditions of final approval recommended by staff. The APC raised questions regarding the status of the floodplain as agricultural land, and if any local creeks might be impacted by the proposed development. The APC supported the applicant's proposal for low density infill development in this area.

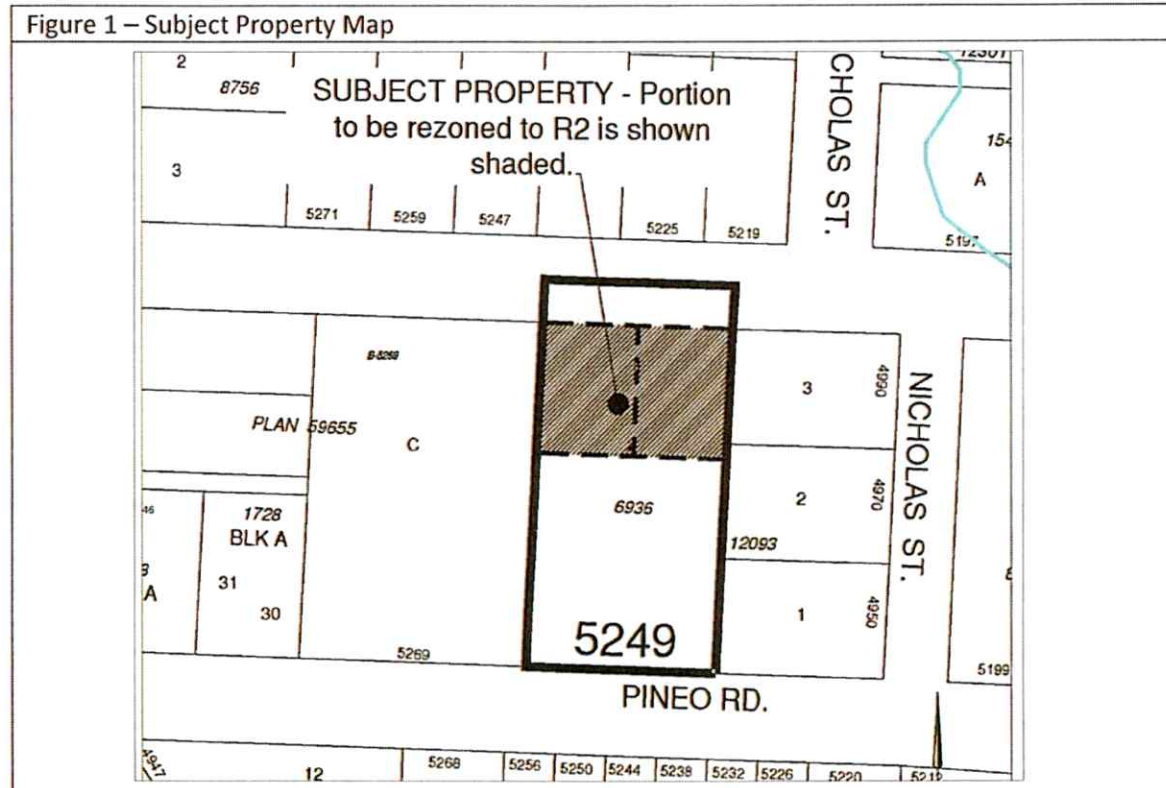
Council gave first and second reading of *Zoning Bylaw Amendment No. 5049* at their April 11, 2022 meeting. The Public Hearing was held in Council Chambers at City Hall on May 11, 2022. There were no attendees from the public at the meeting, and no correspondence was received.

ENTERED

G-3

Subject Property: 5249 Pineo Road

The property at 5249 Pineo Road is currently occupied by a single-family dwelling with frontage on Pineo Road. The applicant is proposing to rezone the rear portion of the property to *R2 One and Two Family Residential* to facilitate a subdivision that would create two additional parcels. These parcels are north of the existing dwelling, and would have frontage on Forrest Road. The subject property is also located in an area designated as a floodplain by *Floodplain Bylaw No. 4288*.



Current Official Community Plan (OCP) and Zoning Bylaw Designations

In the OCP, the subject property is currently designated *Residential on Schedule A – Land Use Map* which permits two-family dwellings. The property is not currently within a Development Permit Area. According to OCP policy, properties designated *Residential* are not required to be within a Development Permit Area. No OCP amendments are required for this application.

In the Zoning Bylaw, the property is currently classified *RR2 Semi Rural Residential on Schedule A – Zoning Map*. The applicant has requested to rezone a portion of the property to the *R2-One and Two Family Residential* zone. A map amendment to the Zoning Bylaw is required.

Surrounding Land Use

The surrounding area contains several land uses that are generally low density. Closest to the subject property are semi-rural, multi-family, and single-family residential lots. A mix of parks, open space, agricultural, and commercial properties are also located nearby. To the east are a number of one and two-family residential lots zoned R2. To the west is the Ahahswinis Reserve and a number of semi-rural properties. The neighbouring multi-family property to the west is restricted to two dwelling units via restrictive covenant meaning it will remain low density. The Kitsuksis Dyke public walking trail is easily accessible from the area, and the Northport commercial area is within approximately one kilometre of the property.

OCP Policy on Tsunami Hazard Area

The subject property is located within the Tsunami Hazard Area in the OCP. The OCP recognizes this land use hazard by identifying a “tsunami inundation zone” below the 6.0 metre contour line, and the document provides policy guidance for development in these areas. To summarize – agricultural, park and open space recreational uses are encouraged in flood susceptible areas to minimize potential property damage. On lands where development does occur, all structures must be flood-proofed as specified by the City of Port Alberni *Floodplain Bylaw No. 4288*.

Floodplain Bylaw No. 4288

1. The subject property is located within the floodplain identified by *Floodplain Bylaw No. 4288*. The bylaw contains regulations to protect from potential river flood hazards, though it is not intended to protect against potential tsunami events. The *Floodplain Bylaw* requires the underside of any floor system supporting a habitable area to be constructed at an elevation of at least 3.65 m G.S.C. The subject property has an approximate elevation of 3.1 m G.S.C.

ALTERNATIVES/OPTIONS

1. That "Zoning Map Amendment No.50 (5249 Pineo Road – Hammer), Bylaw No. 5049 be read a third time and as part of the development process, the applicant be required to complete a geotechnical report, stormwater management plan, site grading plan, the design and estimate for required off-site works, and receive a subdivision preliminary layout review letter from the City's Approving Officer before Council considers final adoption of Bylaw No. 5049.
2. Do not proceed with the proposed bylaw amendment.
3. Provide alternative direction.

ANALYSIS

Zoning & Site Plan

The subject property is currently zoned *RR2-Semi Rural Residential* and has one single family home and a detached garage on site. The primary consideration is ensuring the portion of property proposed to be rezoned meets the minimum requirements of the *R2 Site Development Regulations* in the Zoning Bylaw. Staff have reviewed the application, and found that this portion of the property meets the minimum lot area and minimum frontage required for an R2 lot.

The total area is approximately 4,057 m² (1 acre) with approximately 45 m of frontage onto Forrest Road, and enough area to create two R2 lots. Each additional lot will be 829 m² (0.22 acres). This exceeds the minimum lots size required for a two-family dwelling in the R2 zone which is 700 m² (0.17 acres).

The applicant intends to build a duplex on each new lot, and the site plan indicates there will be enough space for the buildings to meet all required setbacks from the property line. Furthermore, the remainder of the property would still meet the minimum requirements of the RR2 zone. This is important as the applicant intends to apply for a subdivision of the property.

Duplex Use (Two-Family Dwellings)

Duplexes are a common form of two-family dwelling consisting of a single building with dwelling units sharing a common wall. They are an important housing option for people seeking a low-density alternative to the single-family home. Two-family dwellings are supported under the *Residential* land use designation of the OCP, and permitted in the *R2 One and Two-Family Residential* zone.

According to the Zoning Bylaw, the purpose of the R2 zone is to provide for quiet, low-density, residential neighbourhoods characterized by single family and two-family homes. Staff consider duplexes to be a low-density form of housing that is compatible with the adjacent lands and surrounding neighbourhood.

Subdivision

Since the applicant intends to subdivide the property, staff recommend that final adoption of the zoning amendment be conditional upon receiving a Preliminary Layout Review (PLR) letter from the City's Approving Officer. The PLR will establish requirements for subdivision approval which shall include works and services.

Infrastructure & Site Engineering

Infrastructure upgrades will be required to properly service development at 5249 Pineo Road following subdivision. These improvements will be provided at the developer's cost. Key considerations are the capacity of the underground sewer at Forrest Road, and the management of stormwater/drainage.

Sewer and stormwater main upgrades may be required, along with new water service connections and driveway curb upgrades. A *Stormwater Management Plan* will also be required to confirm any potential issues with its location within a floodplain. Additionally, the applicant will be required to meet the 3.65 m G.S.C. elevation requirement of the *Floodplain Bylaw* in their building design and site layout. The Engineering Department has recommended that the following items be required from the applicant prior to approval:

- a) Geotechnical report
- b) Stormwater management plan
- c) Site grading plan
- d) Design and estimate for required off-site works

Parking and Access

The existing property is accessed only from Pineo Road. The proposed new lots would be accessed from Forrest Road, which is currently at the rear of the existing property. Traffic from the new development would enter the

neighbourhood from the Beaver Creek/Pineo Road intersection. This intersection is controlled by a stop sign, and staff do not anticipate that the addition of two duplexes would impact the flow of traffic in this area.

However, the Ministry of Transportation and Infrastructure will be required to sign-off on the bylaw amendment since the subject property is located within 800 m of a provincial highway. These approvals must be given before final adoption of the bylaw can be considered. To date, the Ministry has provided no objection to the bylaw amendments.

IMPLICATIONS

Supporting this application to rezone a portion of the property from RR2 to R2, would enable a subdivision of 5249 Pineo Road and the creation of two additional parcels zoned R2. This would enable the applicant to build a total of two duplexes – one on each R2 parcel.

Council should consider the appropriateness of the proposal including its location in a floodplain, potential neighbourhood impacts, and potential benefit to the community. This application will enable the creation of four dwelling units of low-density housing in an area that is primarily characterized by large lots with single family homes. Additionally:

- The property is located within the Tsunami Hazard Area of the OCP.
- The applicant will be required to provide infrastructure improvements to ensure the property can be properly serviced and accessed.
- The applicant will be required to build in compliance with *Floodplain Bylaw No. 4288* as per the OCP.

COMMUNICATIONS

Prior to the Public Hearing on May 11, 2022, staff completed all required statutory notices. This included notification to owners and occupants within 75 metres as per section 5 of the City's *Development Application Notice Bylaw No. 4614*, and notice in the newspaper as required by sections 465 and 466 of the *Local Government Act*. There were 35 notices mailed and no correspondence was received. There were no attendees from the public at the Public Hearing.

BYLAWS/PLANS/POLICIES

The applicant is requesting a map amendment to the Zoning Bylaw No.4832. The Zoning Map Amendment No. 5049 is attached to this report and a summary of this amendment is noted below:

1. Change the zoning classification of a portion of 5249 Pineo Road from *RR2 Semi-Rural Residential* to *R2 One and Two Family Residential*.

SUMMARY

The applicant has applied to rezone a portion of the property at 5249 Pineo Road from RR2 to R2, for the purpose of subdividing and constructing two duplex buildings. The proposal aligns with the OCP land use designation for the property, and high-level policy objectives supporting a diversity of housing options within the community. The Development Services department supports this application because it will enable the creation of new housing, while maintaining a low density of development comparable to the land use and zoning of the surrounding neighbourhood. The low density of the proposed development is also compatible with the location of the property within a floodplain.

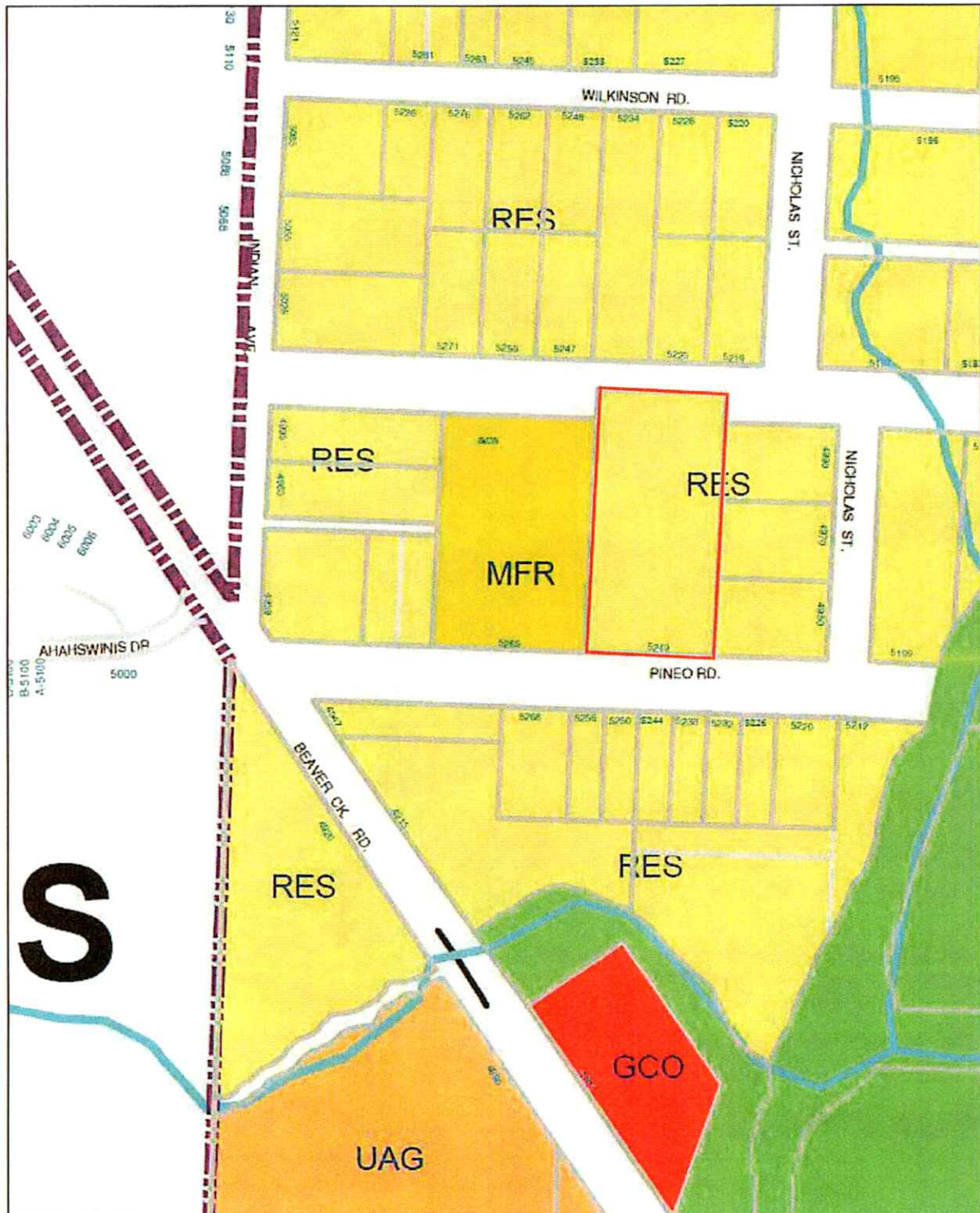
ATTACHMENTS/REFERENCE MATERIALS

- *Subject Property Map – 5249 Pineo Road*
- *OCP Land Use Designation*
- *Current Zoning Bylaw Classification*
- *Preliminary Site Plan*
- *Advisory Planning Commission March 17, 2022 Meeting Minutes*
- *Zoning Map Amendment No. 50 (5249 Pineo Road - Hammer), Bylaw No. 5049*

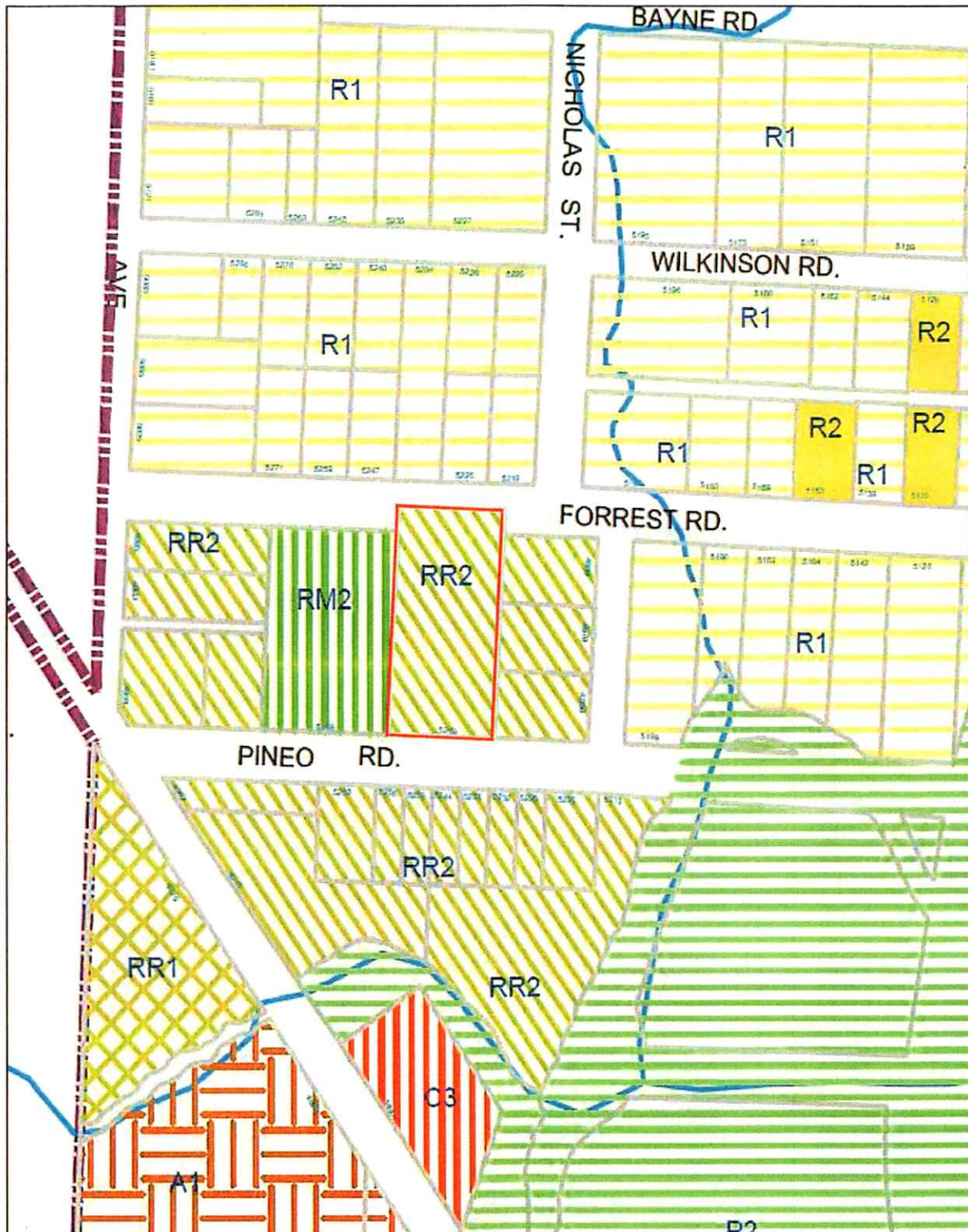
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OCPLAND USE DESIGNATION



CURRENT ZONING BYLAW CLASSIFICATION





PUBLIC HEARING REPORT
Wednesday, May 11, 2022 @ 6:00 PM
In the City Hall Council Chambers | 4850 Argyle Street, Port Alberni, BC

PRESENT: Mayor S. Minions
Councillor D. Haggard
Councillor R. Paulson
Councillor H. Poon
Councillor C. Solda
Councillor D. Washington

Absent: Councillor R. Corbeil

Staff: S. Smith, Director of Development Services | Deputy CAO
T. Slonski, Director of Corporate Services
M. Wade, Manager of Planning
B. McLoughlin, Development Planner

Gallery: 0

CALL TO ORDER & APPROVAL OF THE AGENDA

The meeting was called to order at 6:00 pm.

MOVED AND SECONDED, THAT the agenda be approved as circulated.

CARRIED

Chair Minions noted that the Public Hearing is held pursuant to section 464, 465 and 466 of the Local Government Act. Chair Minions then invited the Director of Corporate Services to provide a summary of the application.

1. Description of the Application:

The Director of Corporate Services provided a summary of the application as follows:

The applicant has applied to rezone a portion of the property to facilitate a subdivision, which would allow for the development of two lots suitable for duplex dwellings. The proposed lots would have frontage on Forrest Road.

The proposed bylaw is:

- i. "Zoning Map Amendment No. 50 (5249 Pineo Road – Hammer) Bylaw No. 5049".

2. Background Information from the Development Services Department:

Council received the report from staff.

3. Correspondence: None received

4. Late Correspondence Regarding the Matter: None received.

5. Questions/Comments from Council: None received.

6. **Public Representation:**
As there were no members of the public in attendance, Chair Minions declared the Public Hearing closed.
7. **Termination of the Public Hearing:**
MOVED and SECONDED, THAT this Public Hearing terminate at 6:05 pm
CARRIED


Twyla Slonski, Corporate Officer

City of Port Alberni
BUILDING BYLAW NO. 5077, 2023

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City of Port Alberni

BUILDING BYLAW NO. 5077, 2023

A Bylaw for Administration of the Building Code and Regulation of Construction

GIVEN that the City Council

- A. may by bylaw regulate, prohibit and impose requirements in respect to buildings and structures under sections 8(3)(g) and (l) of the *Community Charter* for the following under section 53(2):
 - (a) the provision of access to a building or other structure, or to part of a building or other structure, for a person with disabilities;
 - (b) the conservation of energy or water;
 - (c) the reduction of greenhouse gas emissions;
 - (d) the health, safety or protection of persons or property;
- B. is enacting this bylaw to regulate construction and administer the British Columbia *Building Code* in Port Alberni in accordance with the *Community Charter* and the *Building Act*;
- C. has employed trained building officials for the purposes of this bylaw;

NOW THEREFORE the Council of the City of Port Alberni enacts as follows:

PART 1: TITLE

Citation

- 1.1 This bylaw may be cited as “Building Bylaw No. 5077, 2023”.

PART 2: PURPOSE OF BYLAW

- 2.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.
- 2.2 Every permit issued under this bylaw is issued expressly subject to the provisions of this Part.

- 2.3 This bylaw is enacted to regulate, prohibit and impose requirements in regard to *construction* in the City in the public interest.
- 2.4 The purpose of this bylaw does not extend to
- (a) the protection of *owners, designers* or *constructors* from economic loss;
 - (b) the assumption by the City 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 the *owner*, with the *building code*, the requirements of this bylaw, or other applicable enactments, codes or standards;
 - (c) providing any person a warranty of design or workmanship with respect to any *building* or *structure* for which a *building permit* or *occupancy permit* is issued under this bylaw;
 - (d) providing any person a warranty or assurance that *construction* undertaken under *building permits* issued by the City is free from latent, or any, defects; or
 - (e) the protection of adjacent real property from incidental damage or nuisance.

PART 3: SCOPE AND EXEMPTIONS

Application

- 3.1 This bylaw applies to the geographical area of the City and to land, the surface of water, air space, *buildings* or *structures* in the City.
- 3.2 This bylaw applies to the design, construction or *occupancy* of new *buildings* or *structures*, and the *alteration*, reconstruction, demolition, removal, relocation or *occupancy* or change of use or *occupancy* of *existing buildings* and *structures*.
- 3.3 This bylaw does not apply to
- (a) except as set out in Part 11 [*Retaining Walls*] of this bylaw, a fence;
 - (b) an accessory *building* with a floor area of less than 10 square metres;
 - (c) a trellis, an arbour, a wall supporting soil that is less than 1.22 metres in height, or other similar landscape *structures* on a parcel zoned for single-family *residential occupancy* uses under the City's zoning bylaw;
 - (d) a *building* or *structure* commonly known as "Canadian Standards Association Z240 MH series, Z241 series or A277 series", except as regulated by the Building Code.

Limited Application to Existing Buildings

- 3.4 Except as provided in the *building code* or to the extent an *existing building* is under *construction* or does not have an *occupancy permit*, when an *existing building* has been *constructed* before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the *building* must be *reconstructed* and *altered*, unless it is expressly so provided by this or another bylaw, regulation or statute.
- 3.5 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the City, including relocation relative to parcel lines created by subdivision or consolidation. Part 12 applies to *building* moves.
- 3.6 If an *alteration* is made to an *existing building* the *alteration* must comply with this bylaw and the *building code* and the entire building must be made to comply with this bylaw and the *building code*, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the *alteration*.
- 3.7 If an *alteration* creates an *addition* to an *existing building*, the *alteration* or *addition* must comply with this bylaw and the *building code* and the entire building must be made to comply with this bylaw and the *building code*, but only to the extent necessary to address any new infractions introduced in the remainder of the building as a result of the *alteration* or *addition*.

PART 4: PROHIBITIONS

- 4.1 A person must not commence or continue any *construction*, *alteration*, *excavation*, *reconstruction*, *demolition*, *removal*, *relocation* or change the use or *occupancy* of any *building* or *structure*, including other work related to construction
- (a) except in conformity with the requirements of the *building code* and this bylaw; and
 - (b) unless a *building official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 4.2 A person must not *occupy* or *permit* the *occupancy* of any *building* or *structure* or part of any *building* or *structure*
- (a) unless a subsisting *final inspection notice* has been issued by a *building official* for the *building* or *structure* or the part of the *building* or *structure*; or
 - (b) contrary to the terms of any *permit* issued or any notice given by a *building official*.
- 4.3 A person must not knowingly submit false or misleading information to a *building official* in relation to any *permit* application or construction undertaken pursuant to this bylaw.

- 4.4 Except in accordance with this bylaw, including acceptance of revised plans or supporting documents, a person must not erase, alter or modify plans and supporting documents after the same have been reviewed by the *building official*, or plans and supporting documents which have been filed for reference with the *building official* after a *permit* has been issued.
- 4.5 A person must not, 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 or affixed to a *building* or *structure* pursuant to this bylaw.
- 4.6 A person must not 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 authorized in writing by a *building official*.
- 4.7 A person must not interfere with or obstruct the entry of a *building official* or other authorized official of the City on property in the administration of this bylaw.
- 4.8 A person must not *construct* on a *parcel* unless the civic address is conspicuously posted on the front of the premises or on a sign post so it may be easily read from the public highway from which it takes its address.
- 4.9 A person must not contravene an administrative requirement of a *building official* made under section 6.6 or any other provision of this bylaw.
- 4.10 A person must not change the use, *occupancy* or both of a *building* or *structure* or a part of a *building* or *structure* without first applying for and obtaining a *building permit* under this bylaw.

PART 5: PERMIT CONDITIONS

- 5.1 A *permit* is required if work regulated under this bylaw is to be undertaken.
- 5.2 Neither the issuance of a *permit* under this bylaw, nor the acceptance or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the City will in any way
- (a) relieve the *owner* (and if the *owner* is acting through an *agent*, the *agent* of the *owner*) from full and sole responsibility to perform the work in respect of which the *permit* was issued in strict compliance with this bylaw, the *building code*, and all other applicable codes, standards and enactments;
 - (b) constitute a representation, warranty, assurance or statement that the *building code*, this bylaw or any other applicable enactments respecting safety, protection, land use and zoning have been complied with; or

- (c) constitute a representation or warranty that the *building or structure* meets any standard of materials or workmanship.
- 5.3 No person shall rely on any *permit* as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.
- 5.4 Without limiting section 5.2(a), it is the full and sole responsibility of the *owner* (and if the *owner* is acting through a representative, the representative of the *owner*) to carry out the work in respect of which the *permit* was issued in compliance with the *building code*, this bylaw and all other applicable codes, standards and enactments.

PART 6: POWERS OF A BUILDING OFFICIAL

Administration

- 6.1 Words defining the authority of a *building official* are to be construed as internal administrative powers and not as creating a duty.
- 6.2 A *building official* may
 - (a) administer this bylaw, but owes no public duty to enforce or administer this bylaw;
 - (b) keep records of applications received, *permits*, notices and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw;
 - (c) establish or require an *owner* to establish whether a method or type of construction or material used in the construction of a *building or structure* complies with the requirements and provisions of this bylaw and the *building code*; and
 - (d) direct that tests of materials, equipment, devices, construction methods, structural assemblies or *foundations* be carried out, or that sufficient evidence or proof be submitted by the *owner*, at the *owner's* sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, construction or *foundation* condition complies with this bylaw and the *building code*.

Refusal and Revocation of Permits

- 6.3 A *building official* may refuse to issue a *permit* if the proposed work will contravene the requirements of the *building code* or the provisions of this or any other bylaw of the City, and must state the reason in writing.
- 6.4 A *building official* may revoke a *permit* if, in their opinion, the results of tests on materials, devices, construction methods, structural assemblies or *foundation* conditions

contravene the *building code* or the provisions of this bylaw, or both, or if all *permits* required under this bylaw have not been obtained.

Right of Entry

6.5 Subject to section 16 of the *Community Charter*, a *building official* may enter on property at any time to ascertain whether the requirements of this bylaw are being met.

Powers

6.6 Subject to applicable enactments, a *building official* may by notice in writing require

- (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
- (b) an *owner* to stop work on a *building* or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *building code*, or any other enactment of the City or other applicable enactments, or if there is deemed to be an *unsafe condition*, and may enter on property to affix or post a stop work order in the form prescribed by the *building official*;
- (c) an *owner* to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under an enactment;
- (d) an *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, *constructed* in contravention of a provision of this bylaw;
- (e) an *owner* to have work inspected by a *building official* prior to covering;
- (f) an *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *building official*;
- (g) a person to cease any *occupancy* in contravention of a provision of this bylaw;
- (h) a person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *building official* has not issued a final inspection notice for the work;
- (i) an *owner* to correct any *unsafe condition*; and
- (j) an *owner* to correct any work that contravenes this bylaw, the *building code*, or any other enactment.

6.7 Every reference to “*owner*” in section 6.6 includes a reference to the *owner’s agent* or *constructor*.

6.8 Every person served with a notice under this Part must comply with that notice

- (i) within the time ordered, or
- (ii) if no time is ordered, immediately.

PART 7: OWNER'S RESPONSIBILITIES

Permit Requirements

7.1 Subject to Part 10 of this bylaw, every *owner* must apply for and obtain a *permit*, prior to

- (a) *constructing*, repairing or *altering* a *building* or *structure*, including a *pool* or *retaining wall*;
- (b) moving a *building* or *structure* into or within the City;
- (c) demolishing a *building* or *structure*;
- (d) *occupying* a new *building* or *structure*;
- (e) *constructing* a masonry fireplace or installing a wood-burning appliance or chimney, whether attached to, part of or detached from a *building*.
- (f) changing the use or *occupancy* of a *building*,

unless the works are the subject of another valid and subsisting *building permit*.

7.2 Every *owner* must ensure that plans submitted with a *permit* application bear the name, phone number, address and email address of the *designer* of the *building* or *structure*.

Owner's Obligations

7.3 Every *owner* must

- (a) comply with the *building code*, the requirements of this bylaw and the conditions of a *permit*, and must not omit any work required by the *building code*, this bylaw or the conditions of a *permit*;
- (b) ensure that all *permits*, all plans and specifications and supporting documents on which a *permit* was based, all municipal inspection certificates, and all professional *field reviews* are available at the site of the work for inspection during working hours by the *building official*, and that all *permits* are posted conspicuously on the site during the entire execution of the work; and
- (c) prior to the issuance of a *building permit*, execute and submit to the City an *owner's* undertaking in the form, where required by the *building official*.

- 7.4 Every *owner*-and every owner's *agent*, must carry out *construction* or have the *construction* carried out in accordance with the requirements of the *building code*, this bylaw and other bylaws of the City and none of the issuance of a *permit* under this bylaw, the review of plans and supporting documents, or inspections made by a *building official* or a *registered professional* shall relieve the *owner*, or his or her *agent*, from full and sole responsibility to perform the work in strict accordance with this bylaw, the *building code* and all other applicable codes, standards and enactments.
- 7.5 Every *owner* must allow a *building official* to enter any *building* or premises at any reasonable time to administer and enforce this bylaw. Every *owner* to whom a *permit* is issued must, during construction,
- (a) post the civic address on the property so that it may be easily read from the public highway from which the property takes its address; and
 - (b) post the *permit* on the property so that it may be easily read from the public highway from which the property takes its address.

Damage to Municipal Works

- 7.6 Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to municipal works or land that occurs during and arises directly or indirectly from the work authorized by the *permit*.
- 7.7 In addition to payment of a security deposit under sections 10.8 to 10.14, every *owner* must pay to the City, within 30 days of receiving an invoice for same from the City, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a *permit* was issued.

Demolition

- 7.8 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must
- (a) provide to the City a vacancy date;
 - (b) pay capping and inspection chamber installation fees as set out in the City's bylaws governing waterworks and sewer; and
 - (c) ensure that all municipal services and other services are capped and terminated at the property line in a City standard inspection chamber and valve arrangement.
- 7.9 Every *owner* must ensure that, on completion of all demolition procedures, all debris and fill are cleared and the *site* is levelled or graded, or made safe if levelling and grading are not possible.

Notice

- 7.10 Every *owner* must, at least 48 hours prior to commencing work at a *building site*, give written or online notice to a *building official* of the date on which the *owner* intends to begin such work.
- 7.11 Every *owner* must give written or online notice to a *building official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during construction, within 24 hours of when the change or termination occurs.
- 7.12 If an *owner* or a *registered professional* terminates the engagement of a *registered professional*, including a *coordinating registered professional*, the *owner* must terminate all work under a *building permit* until the *owner* has engaged a new *registered professional*, including a *coordinating registered professional*, and has delivered to a *building official* new letters of assurance.
- 7.13 Without limiting sections 10.30 to 10.37, every *owner* must give at least 48 hours' online or written notice to a *building official*
- (a) of intent to do work that is required or ordered to be corrected during *construction*;
 - (b) of intent to cover work that is required under this bylaw to be, or has been ordered to be, inspected prior to covering; and
 - (c) when work has been completed so that a final inspection can be made.
- 7.14 Every *owner* must give notice in writing to a *building official* and pay the non-refundable fee set out in Appendix A immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of an *occupancy permit*.
- 7.15 Every *owner* must give such other notice to a *building official* as may be required by the *building official* or by a provision of this bylaw.

PART 8: OBLIGATIONS OF OWNER'S CONSTRUCTOR

- 8.1 Every *constructor* must ensure that all *construction* is done in compliance with all requirements of the *building code*, this bylaw and all other applicable, codes, standards and enactments.
- 8.2 Every *constructor* must ensure that no *excavation* or other work is undertaken on public property, and that no public is disturbed, no *building* or *structure* erected, and no materials stored thereon, in whole or in part, without first having obtained approval in writing from the appropriate authority over such public property.

- 8.3 For the purposes of the administration and enforcement of this bylaw, every *constructor* is responsible jointly and severally with the *owner* for all work undertaken.

PART 9: REGISTERED PROFESSIONAL'S RESPONSIBILITIES

Professional Design and Field Review

- 9.1 The provision by the *owner* to the City of letters of assurance in accordance with the requirements of the *building code* shall occur prior to
- (a) the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
 - (b) a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *building code*, in which case the *owner* must provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*.
- 9.2 If a *registered professional* provides letters of assurance in accordance with the *building code*, they must also provide proof of professional liability insurance to the *building official*.

Requirement for a Registered Professional

- 9.3 The *owner* must retain a *registered professional* to provide a *professional design* and plan certification and letters of assurance in the form of Schedules A, B, C-A and C-B referred to in subsection 2.2.7, Division C, of the *building code*, in respect of a *permit* application
- (a) prior to the pre-occupancy site review coordinated by the *coordinating registered professional* or other *registered professional* for a *complex building*, or
 - (b) prior to a final inspection for a *simple building* in circumstances where letters of assurance have been required in accordance with the requirements of the *building code*, in which case the *owner* must provide the City with letters of assurance in the form of Schedules C-A or C-B, as appropriate, referred to in subsection 2.2.7, Division C, of the *building code*;
 - (c) except for garages, carports and garden structures, *foundation* and *excavation* components of new *simple buildings* and *additions* greater than 55 square metres to *simple buildings* in accordance with the *building code*;
 - (d) a *building* that is designed with common egress systems for the occupants and requires the use of *firewalls* in accordance with the *building code*;

- (e) prior to *alterations* to a *building*, or to a structural component of a *building* described in paragraph (b);
 - (f) for a *building* in respect of which the *building official* determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the *building code*;
 - (g) if the *building* envelope components of the *building* fall under Division B Part 3 of the *building code*, the *building* contains more than two dwellings, or if the *building* envelopes do not comply with the prescriptive requirements of Division B Part 9 of the *building code*; and
 - (h) for a parcel of land on which a *building* or *structure* is proposed if the *building official* believes the parcel is or is likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rock falls, subsidence or avalanche, and the requirement for a *professional design* is in addition to a requirement under Division 8 of Part 3 of the *Community Charter*
 - (i) for a report certified by a professional engineer with experience in geotechnical engineering that the parcel may be used safely for the use intended, and
 - (ii) that the plans submitted with the application comply with the relevant provisions of the *building code* and applicable bylaws of the City.
- 9.4 The *building official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 9.3 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

Professional Plan Certification

- 9.5 The letters of assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C, of the *building code* referred to in sections 9.1 and 9.3 are relied upon by the City and its *building officials* as certification that the design and plans to which the letters of assurance refer comply with the *building code*, this bylaw and other applicable enactment.
- 9.6 Letters of assurance must be in the form of Schedules A and B referred to in subsection 2.2.7, Division C, of the *building code*.
- 9.7 For a building permit issued for the construction of a *complex building*, the building official shall provide the *owner* with a notice that the *building permit* is issued in reliance on the certification of the *registered professional* that the *professional design* and plans

submitted in support of the application for the *building permit* comply with the *building code* and other applicable enactments. Any failure on the part of the building official to provide the *owner* with the notice will not diminish or invalidate the reliance by the City or its *building officials* on the *registered professionals*.

- 9.8 If a *building permit* is issued for a construction of a *complex building*, the *permit* fee is reduced by 10% of the fees payable under Appendix A to this bylaw, up to a maximum reduction of \$500.00 (five hundred dollars).

PART 10: BUILDING APPLICATION REQUIREMENTS

Requirements Before Applying for a Building Permit

- 10.1 Prior to issuance of a *building permit*, the *owner* must satisfy the following requirements or conditions:
- (a) the *owner* must apply for and obtain a development permit if the *building* or *structure* is in an area designated by the City's Official Community Plan as a development *permit* area;
 - (b) the *owner* must ensure that the proposed *building* or *structure* complies with all bylaws of the City, except to the extent a variance of a bylaw is authorized by a development *permit*, development variance permit or order of the Board of Variance;
 - (c) an approving officer must have approved the subdivision plan that, once registered, would create the parcel on which the proposed *building* or *structure* will be *constructed*, and the subdivision plan must have been registered in the Land Title Office;
 - (d) the *owner* must provide evidence to the *building official* showing that the person applying for the *building permit* is either the *owner* of the parcel that is the subject of the proposed *building permit*, or is the *agent* of the *owner*, in which case, the *agent* must provide the name and contact information of the *owner*;
 - (e) if the parcel that is the subject of the *building permit* application is not intended to be connected to the City's sewage disposal system, the *owner* must apply for and obtain approval from the City and other applicable public authorities for an alternate *private sewage disposal system*;
 - (f) if the parcel that is the subject of the *building permit* application is not intended to be connected to the City's waterworks system, the *owner* must apply for and obtain approval from the City and other applicable public authorities for an alternate water supply system;

- (g) if the parcel that is the subject of the *building permit* application is not intended to be connected to The City's storm water drainage system, the *owner* must apply for and obtain approval from the City and other applicable public authorities for the alternate storm water drainage and detention system; and
- (h) if all on site and off site works and services required by a City bylaw or other enactment have not been completed in accordance with the enactments, the *owner* must enter into a completion agreement with the City and deliver to the City letters of credit or cash security for completion of the works and service.

Building Permit Applications for Complex Buildings

10.2 An application for a *building permit* with respect to a *complex building* must

- (a) be made in the form prescribed by the *building official* and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (b) be accompanied by the *owner's* acknowledgement of responsibility and undertaking and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
- (d) include a *building code* compliance summary including the applicable edition of the *building code*, such as without limitation whether the building is designed under Part 3 or Part 9 of the building code, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number of streets the *building* faces, and *accessible* entrances, work areas, washrooms, firewalls and facilities;
- (e) include a copy of a survey plan prepared by a British Columbia land surveyor;
- (f) include a site plan prepared by a *registered professional* 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 *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
 - (iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
 - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;

- (vi) north arrow;
- (vii) if applicable, location of an approved *existing* or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;
- (viii) zoning compliance summary;
- (ix) the location, dimensions and gradient of parking and parking access;
- (x) proposed and *existing* setbacks to property lines;
- (xi) natural and finished grade at *building* corners and significant breaks in the building plan and proposed grade around the *building* faces in order to ascertain *foundation* height;
- (xii) first storey floor elevation;
- (xiii) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
- (xiv) line of upper floors;
- (xv) location and elevation of curbs, sidewalks, manholes, and service poles;
- (xvi) location of *existing* and proposed service connections;
- (xvii) location and species of all trees greater than 10 centimetres in diameter;
- (xviii) location of top bank and water courses;
- (xix) access routes for firefighting;
- (xx) *accessible* paths of travel from the street to the *building*;
- (xxi) geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,

except that the *building official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building* or *structure*;

- (g) include floor plans showing the dimensions and uses and *occupancy* classification of all areas, including: 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; fire separations; plumbing fixtures; structural elements; and stair dimensions;

- (h) include a cross-section through the *building* or *structure* in sufficient detail and locations to illustrate *foundations*, drainage, ceiling heights and constructions systems;
- (i) include elevations of all sides of the *building* or *structure* showing finish details, roof, slopes, windows, doors, natural and finished *grade*, spatial separations and ridge height to comply with the *building code* and to illustrate that the *building* or *structure* conforms with the City zoning bylaw and development permit;
- (j) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* conforms to the *building-code*;
- (k) include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9, Davison C of the *building code*;
- (l) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and ministry of health approvals;
- (m) include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of the *building code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating registered professional*;
- (n) include letters of assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, 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*;
- (o) include two sets of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in (g) to (k) of this section; and
- (p) include illustration of any slopes on the subject parcel that exceed 30%.

10.3 In addition to the requirements of section 10.2 of this bylaw, a *building official* may require the following to be submitted with a *permit* application for the construction of a *complex building* if 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*, in accordance with the City's subdivision and development servicing bylaw;

- (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 *building code* and other bylaws and enactments relating to the *building* or *structure*.

Building Permit Applications for Simple Buildings

10.4 An application for a *building permit* with respect to a *simple building* must

- (a) be made in the form prescribed by the *building official* and 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 undertaking and signed by the *owner*, or a signing officer if the *owner* is a corporation;
- (c) include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;
- (d) include a copy of a survey plan prepared by a British Columbia land surveyor except that the *building official* may waive the requirement for a survey plan, in whole or in part, where conditions warrant;
- (e) include a site plan 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 *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;
 - (iv) the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;
 - (v) setbacks to the natural boundary of any lake, swamp, pond or watercourse;
 - (vi) north arrow;
 - (vii) if applicable, location of an approved *existing* or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;
 - (viii) the location, dimensions and gradient of parking and parking access;

- (ix) proposed and *existing* setbacks to property lines;
- (x) natural and finished grade at *building* corners and datum determination points;
- (xi) *first storey* floor elevation;
- (xii) location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;
- (xiii) line of upper floors;
- (xiv) location and elevation of curbs, sidewalks, manholes and service poles;
- (xv) location of *existing* and proposed service connections;
- (xvi) location and species of all trees greater than 10 centimetres in diameter;
- (xvii) location of top bank and water courses;
- (xviii) access routes for firefighting;
- (xix) *accessible* paths of travel from the street to the *building*;
- (xx) zoning compliance summary; and
- (xxi) the geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the City's land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation,

except that for a *simple building* the *building official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building*;

- (f) include floor plans showing the dimensions and uses of all areas, including: 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;
- (g) include a cross-section through the *building* illustrating *foundations*, drainage, ceiling heights and construction systems;
- (h) include elevations of all sides of the *building* showing finish details, roof slopes, windows, doors, the *grade*, the maximum *building height* line, ridge height, spatial separations and natural and finished *grade* to comply with the *building code* and to

illustrate that the *building* or *structure* conforms with the City zoning and development permit;

- (i) include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* or *structure* substantially conforms to the *building code*;
- (j) include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and Ministry of Health approvals;
- (k) except for garages, carports and garden structures located on land, include a *foundation* and *excavation* design prepared by a *registered professional* in accordance with the *building code*;
- (l) include geotechnical letters of assurance, in addition to a required geotechnical report, if the *building official* determines that the site conditions so warrant;
- (m) include two sets of drawings at a suitable scale of design including the information set out in (f) to (i) of this section; and
- (n) include a *building code* compliance summary including the applicable edition of the *building code*, such as, without limitation, whether the *building* is designed under Part 3 or Part 9 and compliance with article 2.2.2.1(2), Division C of the *building code*.

10.5 In addition to the requirements of section 10.4 of this Part, if a *project* involves

- (a) two or more *buildings*, the gross floor areas of which in the aggregate total more than 1000 square metres;
- (b) two or more *buildings* that will contain four or more dwelling units; or
- (c) otherwise if the complexity of the proposed *building* or *structure* or siting circumstances warrant,

a *building official* may require the following be submitted with a *permit* application for the construction of each *simple building* in the *project*:

- (d) a section through the site showing grades, *buildings*, *structures*, parking areas and driveways;
- (e) a roof plan and roof height calculations;
- (f) structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional*;

- (g) letters of assurance in the form of Schedule B referred to in Division C of the *building code*, signed by a *registered professional*; and
- (h) any other information required by the *building official* or the *building code* to establish substantial compliance with this bylaw, the *building code* and other bylaws and enactments relating to the *building* or *structure*.

Site and Location Information

10.6 Without limiting sections 10.2(f) or 10.4(d) of this Part, the *building official* may in writing require an *owner* to submit an up-to-date plan or survey prepared by a registered British Columbia land surveyor which contains sufficient information respecting the site and location of any *building* to

- (a) establish, before *construction* begins, that all the provisions of this bylaw in relation to this information will be complied with;
- (b) verify, on completion of the *construction*, that all provisions of this and other applicable bylaw have been complied with;
- (c) in relation to an *existing building*, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighbouring grades; and
- (d) in relation to *construction* of a new *building*, or *addition* to an *existing building*, prior to and after the placement of concrete for *foundations* and footings, show the *elevation* at proposed top of concrete on all *building* elevations and at all significant changes of elevation to substantiate its size, location and elevation,

and every person served with a written requirement under this section must comply with the requirement.

Building Permit Fee

10.7 Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the City

- (a) the *building permit* fee prescribed in Appendix A; and
- (b) any fees, charges, levies or taxes imposed by the City and payable under an enactment at the time of issuance of the *building permit*.

Security Deposit with Building Permit Application

10.8 An applicant for a *building permit* must pay to the City, at the time of the application, the security deposit as prescribed in Appendix A of this bylaw.

10.9 The security deposit sum set out in section 10.8 of this Part

- (a) covers the cost borne by the City to maintain, restore or replace any public works or public lands which are destroyed, damaged or otherwise impaired in the carrying out of the work referred to in any *building permit* held by the applicant;
- (b) covers the cost borne by the City to make the site safe if the *permit* holder abandons or fails to complete the work as designated on the *permit*;
- (c) serves as the security deposit for provisional *occupancy* when the final inspection notice makes provision for a security deposit; or
- (d) serves as a security deposit to effect compliance with any condition under which the *permit* was issued.

10.10 The security deposit or applicable portion must be returned to the applicant

- (a) when the *building official* is satisfied that no further damage to public works or public lands will occur;
- (b) when the inspections required by this bylaw are complete and acceptable to the *building official*; and
- (c) when the conditions or provisions of a provisional certificate of *occupancy* are completed to the satisfaction of the *building official*;

only if the applicant has requested the return of the security.

10.11 Any credit greater than the amount of the security deposit used by the City for the purposes described in sections 10.9 of this Part will be returned to the *permit* holder unless otherwise so directed by the *permit* holder. Any amount in excess of the security deposit required by the City to complete corrective work to public lands, public works, or the site is recoverable by the City from the *permit* holder, the *constructor* or the *owner* of the property.

10.12 If the proposed work includes *excavation* or construction on lands within 10 metres of works or services owned by the City, the *owner* must deliver to the *building official* a signed agreement in a form prescribed by the City's Public Works Superintendent under which the *owner* acknowledges and agrees that any damage to municipal works or services arising from the construction associated with the *building permit* will be repaired by the *owner* at its expense and to the satisfaction of the Public Works Superintendent, and the *owner* must deposit with the City security in accordance with sections 10.8.

10.13 Any *application* or *permit* that was opened prior to the adoption of this bylaw and that has not been closed to the satisfaction of the *building official* within two years of the date of being opened expires on the earlier of:

- (a) seven years from the date on which the *permit* was opened; or
- (b) sixty days after adoption of this bylaw.

10.14 Any security or other deposits held by the City shall be forfeited and paid to the City as a fee for the cost of closing open applications or permits where an application or a permit expires prior to the owner receiving a final inspection report, a final occupancy permit or an extension of its effective date.

Permit Fee Refunds

10.15 No fee or part of a fee paid to the City may be refunded if construction of the *building* has started.

10.16 A *building permit* or other *permit* fee may be partially refunded as set out in Appendix A, only if

- (a) the *owner* has submitted a written request for a refund;
- (b) the *building official* has certified a start has not been made on the construction of the *building* or *structure*; and
- (c) the *permit* has not expired.

10.17 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under section 10.48 of this Part.

Design Modification

10.18 If an issued *building permit* or other *permit* is active and the *owner* proposes modification to the *building* design whereby the value of the work does not increase or the value of the work decreases, the *owner* must pay to the City a *building permit* fee based on the plan review hourly rate set out in Appendix A.

Construction Before Permit Issued

10.19 The *building permit* or other *permit* fee is doubled for every *permit* application if construction commenced before the *building official* issued a *permit*, to a maximum of \$10,000.00.

Expiration of Application for a Permit

- 10.20 A *building permit* or a mechanical *permit* application expires 180 days from the date a complete application is received under this Part if the *building permit* or mechanical *permit* is not issued by the application expiration date, unless the *permit* is not issued only due to delays caused by the City.

Issuance of a Building Permit

10.21 If

- (a) a completed application in compliance with sections 10.2 and 10.3 or sections 10.4 and 10.5 of this Part, including all required supporting documentation, has been submitted;
- (b) the *owner* has paid all applicable fees set out in Appendix A and has provided security in accordance with section 10.8 of this Part;
- (c) the *owner* or his or her representative has paid all charges and met all requirements imposed by any other statute or bylaw;
- (d) the *owner* has retained a professional engineer or geoscientist if required under this bylaw;
- (e) the *owner* has retained an architect if required under this bylaw; and
- (f) no covenant, agreement, resolution or regulation of the City requires or authorizes the *permit* to be withheld,

the *building official* must issue the *permit*, in the form prescribed by the *building official*, for which the application is made, and the date of issuance is deemed to be the date the City gives written notice to the *owner* that the *permit* is ready to be picked up by the *owner*.

- 10.22 Despite section 10.21, the *building official* may refuse to issue a *permit* when the *owner* has been notified of a violation of this bylaw about the construction of another *building* or *structure* by the *owner*.

Compliance with the Homeowner Protection Act

- 10.23 If the application is in respect of a *building* that includes, or will include, a *residential occupancy* governed by the *Homeowner Protection Act*, the *building permit* must not be issued unless the *owner* provides evidence under section 30(1) of the *Homeowner Protection Act*, that the proposed *building*

- (a) is covered by home warranty insurance; and

(b) the *constructor* is a licensed “residential builder” as defined in that Act.

10.24 Section 10.23 of this Part 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*.

10.25 Every *permit* is issued subject to the *owner* and *constructor* maintaining compliance with the *Homeowner Protection Act* and negotiations under it during the term of the *permit*.

Partial Construction

10.26 If a site has been *excavated* under a *building permit* for *excavation* issued under this bylaw and a *building permit* is not subsequently issued or a subsisting *building permit* has expired under section 10.47, but without the construction of the *building* or *structure* for which the *building permit* was issued having commenced, the *owner* must fill in the *excavation* to restore the original gradients of the site within 60 days of being served notice by the City to do so.

10.27 If a *building permit* has expired and partial construction has progressed, with no extension requested of the *building official* under section 10.48, permanent type fencing with privacy screen complying with the City’s Zoning Bylaw, must be erected around the *building* site for protection to the public.

Conditions of a Building Permit

10.28 A *building permit* or an application for a *building permit* that is in process may not be transferred or assigned until the *owner* has notified the *building official* in writing, the *building official* has authorized the transfer or assignment in writing and the *owner* has paid the non-refundable fee required under Appendix A. The transfer or assignment of a *building permit* is not an extension of a *building permit*.

10.29 The review of plans and supporting documents and issuance of a *building permit* do not prevent the *building official* from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting *building* construction or *occupancy* being carried on when in violation of this or another bylaw.

Inspections

10.30 If a *registered professional* provides letters of assurance in accordance with this Part, the City will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw and the *building code* as assurance that the construction substantially conforms to the design, plans and specifications and that the construction complies with the *building code*, this bylaw and other applicable enactments respecting safety.

- 10.31 Despite section 10.30 of this Part, a *building official* may attend the site from time to time during the course of construction to ascertain that the *field reviews* are taking place and to monitor the *field reviews* undertaken by the *registered professionals*.
- 10.32 A *building official* may attend periodically at the site of the construction of *simple buildings* or *structures* to ascertain whether the work is being carried out in substantial conformance with the *building code*, this bylaw and any other applicable enactments* concerning safety.
- 10.33 For all work in respect of *simple buildings* the *owner* must give at least 72 hours' notice to the City when requesting an inspection and must obtain an inspection and receive a *building official's* written acceptance of the following aspects of the work prior to concealing them
- (a) after demolition, the grading of and removal of debris from the site;
 - (b) *excavation*, within 24 hours of the start of *excavation*;
 - (c) *foundation* and footing forms, before concrete is poured;
 - (d) prior to inspection under section 10.33(e), plumbing located below the finished slab level;
 - (e) the preparation of ground, including ground cover when required, perimeter insulation on inside of concrete *foundation* walls and reinforcing steel;
 - (f) after inspection under section 10.33(e) hydronic heating pipes and below slab insulation;
 - (g) installation of rough-in plumbing before it is covered;
 - (h) installation of *building* services before being covered;
 - (i) rough-in of factory-built chimneys and fireplaces and solid fuel burning appliances;
 - (j) framing, sheathing, fire stopping (including drywall in fire separations), bracing, chimney and ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;
 - (k) insulation and vapour barrier;
 - (l) *construction* of an exterior deck if the deck serves as a roof;
 - (m) on-site *constructed* tubs or showers and tub or shower trap tests;

- (n) the installation of wall sheathing membrane, externally applied vapour or air barrier, stucco wire or lath, and flashings, but prior to the installation of exterior finishes which could conceal such work; and
- (o) the *health and safety aspects of the work* and the conservation, GHG emission reduction and accessibility aspects of the work when the *building* or *structure* is substantially complete, ready for *occupancy* but prior to *occupancy*.
- 10.34 A *building official* will only carry out an inspection under section 10.33 if the *owner*, or the *owner's agent* has requested the inspection online or in writing in accordance with this bylaw.
- 10.35 Despite the requirement for the *building official's* acceptance of the work outlined in section 10.33, if a *registered professional* provides letters of assurance, the City 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 aspects of the construction referenced by those letters of assurance substantially conform to the *design*, plans and specifications and that the construction complies with the *building code*, this bylaw and other applicable enactments respecting safety.
- 10.36 No person may conceal any aspect of the work referred to in section 10.33 of this bylaw until a *building official* has *accepted* it in writing.
- 10.37 For work in respect of *complex buildings*, the *owner* must
- (a) give at least 48 hours' online or written notice to the City when requesting a preconstruction meeting with the *building official* prior to the start of construction, and the *owner* or his or her representative must ensure that the *coordinating registered professional*, the *constructor*, as well as representatives of major trades, are in attendance;
 - (b) give at least 48 hours' online or written notice to the City when requesting a pre-occupancy coordinated by the *coordinating registered professional* or other *registered professional* to have the *owner*, the *constructor* and the *registered professionals* demonstrate to the *building official* and Fire Services the compliance with the *health and safety aspects of the work*, the coordination and integration of the fire and life safety system, applicable City requirements and other enactments respecting safety and the conservation, GHG emission and accessibility aspects of the work; and
 - (c) cause the *coordinating registered professional*, at least 48 hours prior to the pre-occupancy coordinated site review coordinated by the *coordinating registered professional*, to deliver to the *building official* the Confirmation of Required

Documentation described in this *bylaw*, complete with all documentation in a hard covered three ring binder and in digital pdf format on a memory stick.

Stop Work Order

- 10.38 The *building official* may direct the immediate suspension or correction of all or a portion of the construction on a *building* or *structure* by attaching a stop work order notice on the premises whenever it is found that the work is not being performed in accordance with the requirements of the *building code*, any applicable bylaw of the City or the applicable provisions of the *Homeowner Protection Act*.
- 10.39 The *coordinating registered professional* may request, in writing, that the *building official* order the immediate suspension or correction of all or a portion of the construction on a *building* or *structure* by attaching a stop work order notice on the premises. The *building official* must consider such a request and, if not acted upon, must respond, in writing, to the *coordinating registered professional* and give reasons.
- 10.40 If a *registered professional's* services are terminated, the *owner* must immediately stop any work that is subject to his or her *design* or *field review* and the *building official* is deemed to have issued a stop work order under section 10.38.
- 10.41 The *owner* must immediately, after the posting of a notice under section 10.38, secure the construction and the lands and premises surrounding the construction in compliance with the safety requirements of every statute, regulation or order of the Province or of a provincial agency and of every applicable bylaw of the City.
- 10.42 Subject to section 10.38, no work other than the required remedial measures may be carried out on the parcel affected by the notice referred to in section 10.38 until the stop work order notice has been removed by the *building official*.
- 10.43 The notice referred to in section 10.38 must remain posted on the premises until that which is contrary to the enactments has been remedied.

Do Not Occupy Notice

- 10.44 If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw, a *building official* may post a Do Not Occupy Notice in the form prescribed by the *building official* on the affected part of the *building* or *structure*.
- 10.45 If a notice is posted under section 10.44, the *owner* of a parcel on which a Do Not Occupy Notice has been posted, and every other person, must cease *occupancy* of the *building* or *structure* immediately and 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*.

Inspection and Other Fees

10.46 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in Appendix A for

- (a) a second and each subsequent re-inspection where it has been determined by the *building official* that due to non-compliance with the provisions of this bylaw or due to non-complying work, more than one site visit is required for any required inspection;
- (b) a special inspection during the City's normal business hours to establish the condition of a *building*, or if an inspection requires special arrangements because of time, location or construction techniques; and
- (c) inspection required under this bylaw which cannot be carried out during the City's normal business hours.

Permit Expiration

10.47 Every *permit* is issued on the condition that the *permit* expires and the rights of the *owner* under the *permit* terminate if the *permit* is not closed within two years of the date of issuance of the *permit*, or

- (a) the work authorized by the *permit* is not commenced within 180 days from the date of issuance of the *permit*;
- (b) work is discontinued for a period of 180 days;
- (c) the work is not completed within two years of the date of issuance of the *permit*.

Permit Extension

10.48 A *building official* may extend the period set out under section 10.47 for only one period, not to exceed twelve months, if construction has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the *owner's* control, or if the size and complexity of the construction warrants, if

- (a) application for the extension is made at least 30 days prior to the date of *permit* expiration; and
- (b) the non-refundable fee set out in Appendix A has been paid.

Building Permit Revocation

10.49 The *building official* may revoke a *building permit* if there is a violation of

- (a) a condition under which the *permit* was issued; or
- (b) a requirement of the *building code* or of this or another bylaw of the City,

such *permit* revocation must be in writing and sent to the *permit* holder by signature mail to, or personal service on, the *permit* holder.

Building Permit Cancellation

10.50 A *building permit*, or a *building permit* application, may be cancelled by the *owner*, or his or her *agent*, on delivery of written notification of the cancellation to the *building official*.

10.51 On receipt of the written cancellation notice, the *building official* must mark on the application, and a *permit* if applicable, the date of cancellation and the word "cancelled".

10.52 If the *owner*, or his or her *agent*, submits changes to an application after a *permit* has been issued and the changes, in the opinion of the *building official*, substantially alter the scope of the work, design or intent of the application in respect of which the *permit* was issued, the *building official* may cancel or amend the *permit* and mark on the *permit* the date of cancellation or amendment and the word "cancelled" or "amended".

10.53 If a *building permit* application or *permit* is cancelled, and construction has not commenced under the *permit*, the *building official* must return to the *owner* any fees deposited under Appendix A, less

- (a) any non-refundable portion of the fee; and
- (b) 15% of the refundable portion of the fee.

Occupancy

10.54 No person may occupy a *building* or *structure* or part of a *building* or *structure* until a final inspection notice has been issued by a *building official*.

10.55 A final inspection notice will not be issued unless

- (a) all letters of assurance have been submitted when required in accordance with this bylaw;
- (b) all aspects of the work requiring inspection and acceptance pursuant to sections 7.11 to 7.16 of Part 7 of this bylaw have both been inspected and *accepted* or the inspections and acceptance are not required in accordance with this bylaw;

- (c) the *owner* has delivered to the City as-built plans of works and *services* in digital format as required by the City;
- (d) the *owner* has provided to the City a *building* survey prepared by a British Columbia Land Surveyor showing the *building* height, size, location and elevation determined in accordance with the City's land use regulations;
- (e) all other documentation required under applicable enactments has been delivered to the City; and
- (f) the *owner* has delivered to the City as-built drawings of the *building or structure* in digital format as required by the City.
- 10.56 When a *registered professional* provides letters of assurance in accordance with this bylaw, the City will rely solely on the letters of assurance when issuing a final report authorizing *occupancy* as assurance that the items identified on the letters of assurance substantially comply with the *design, the building code, this bylaw* and other applicable enactments respecting safety.
- 10.57 A *building official* may issue a final inspection notice for partial *occupancy* of a portion of a *building or structure* under construction when
- (a) that portion of the *building or structure* is self-contained and provided with essential services respecting *health and safety aspects* of the work, and if applicable, accessibility, GHG emissions and conservation; and
- (b) the requirements set out in section 10.55 have been met with respect to it.
- 10.58 A final inspection notice may not be issued unless
- (a) all letters of assurance and the Confirmation of Required Documentation described in this bylaw have been submitted when required in accordance with the requirements of this bylaw;
- (b) all aspects of the work requiring inspection and review pursuant to Part 9 and sections 10.30 through 10.37 of this bylaw have both been inspected and *accepted*;
- (c) the *owner* has executed and delivered to the City every agreement, instrument or form required by the City in relation to the work or the site; and
- (d) all required offsite works respecting safety have been completed.

Temporary Buildings

10.59 Subject to the bylaws of the City and orders of Council, the *building official* may issue a *building permit* for the erection or placement of a *temporary building* or *structure* for occupancy if

- (a) the *permit* is for a period not exceeding one year; and
- (b) the *building* or *structure* is located in compliance with the City's zoning bylaw, built in compliance with the *building code* and this bylaw, and connected, as required by enactments, to City utility services.
- (c) application for the extension of a *temporary building* permit may be made prior to the one-year period is complete for consideration by Director of Development Services.

10.60 An application for a *building permit* for the erection or placement of a *temporary building* or *structure* must be made in the form of a *temporary permit* application in the form prescribed by the *building official*, signed by the *owner* or *agent*, and must include

- (a) plans and supporting documents showing the location and *building height* of the *building* or *structure* on the parcel;
- (b) plans and supporting documents showing construction details of the *building* or *structure*;
- (c) a statement by the *owner* indicating the intended use and duration of the use;
- (d) plans and supporting documents showing the proposed parking and loading space;
- (e) a written description of the *project* explaining why the *building* is temporary;
- (f) a copy of an issued development *permit*, if required;
- (g) in the case of a manufactured *building*, a CSA label in respect of manufacture and, without limitation, a Quonset or other steel *building* must be certified in accordance with CSA Standard A660;
- (h) a report or drawing by an engineer, architect or designer confirming compliance with the *building code*, this bylaw, the City's zoning bylaw and other applicable bylaws;
- (i) security in the form of cash or a letter of credit for 10% of the value of the *temporary building*, which security
 - (i) may be used by the City to remove the *building* after one year of the date of the final inspection required under this bylaw; or

- (ii) must be returned to the *owner* if the *owner* removes the *temporary building* within one year of the date of the final inspection of the *temporary building* required under this bylaw; and
 - (j) in the case of a *temporary building*, information to comply with article 1.1.1.1(2)(f), Division C of the *Building Code*.
- 10.61 Before receiving a *building permit* for a *temporary building* or *structure* for occupancy, the *owner* must pay to the City the applicable *building permit* fee set out in Appendix A.
- 10.62 A *permit fee* for a *temporary building* or *structure* is not refundable.

Sanitary Facilities

- 10.63 During the time a *building permit* has been issued and remains valid under this bylaw, the *owner* must provide on the parcel of land in respect of which the *permit* has been issued, sanitary facilities for the disposal of human waste from individual persons who enter on the parcel in relation to the work referred to in the *permit*, which facilities must be accessible and unlocked when not occupied while work is being carried out on the parcel under this bylaw, and every sanitary facility that is not connected to a
- (a) sanitary sewer; or
 - (b) septic disposal system approved under the *Health Act*,
- by plumbing that complies with the *Building Code* and this bylaw, must be provided, at all times the facility is required under this bylaw, with toilet paper, a locking door for privacy, and ventilation, and must be kept in sanitary condition without leaking beyond the facility and without overflowing within the facility. Such facilities must be located so as not to create a nuisance to neighbouring parcels or highways.

PART 11: RETAINING WALLS AND GRADES

- 11.1 No person may construct, or structurally repair, a *retaining wall* without a *building permit*.
- 11.2 Except as certified by a professional engineer with expertise in geotechnical engineering registered in the province of British Columbia, fill material placed on a parcel, unless restrained by permitted *retaining walls*, must not have a surface slope exceeding a ratio of one linear unit vertically to two linear units horizontally.
- 11.3 Without limiting section 11.2, no person may occupy a *building* unless the finished *grade* complies with all applicable enactments.

PART 12: BUILDING MOVE

12.1 No person may move a *building* or *structure* into or within the City

- (a) except where certified by a *registered professional* that the *building*, including its *foundation*, will substantially comply with the current version of the *building code*; and
- (b) a *building permit* has been issued for the *building* or *structure*.

PART 13: NUMBERING OF BUILDINGS

13.1 Immediately upon issuance of a *building permit* governing the *construction*, *alteration* or repair of a *building*, or prior to and during the *occupancy* of a *building*, the *owner* or occupant must display the address number assigned to it by the City

- (a) on or over the entrance to the *building* or where landscaping or *structures* obscure the visibility of a *building* entrance from the adjacent highway, on the *building* property within sight of the adjacent highway; and
- (b) until such time as the *building* is removed from the site or has been demolished.

13.2 Despite section 13.1, the City's Director of Engineering may renumber or alter the assigned numbers in respect of any *building*, on any parcel, including those already in existence or numbered.

13.3 Without limiting sections 13.1 or 13.2, the *building official* must, on the issuance of a *building permit*, designate a house number or set of house numbers related to the *building* authorized by the *permit*. The *owner* or occupier must post the number or numbers on the site immediately after obtaining the *building permit* and keep the numbers posted in a conspicuous location at all times during construction.

13.4 Without limiting sections 13.1 through 13.3, on issuance of an *occupancy permit*, the *owner* or occupier of the parcel must affix the numbers permanently in a conspicuous place on the *building* such that the number is visible from an adjacent highway that is not a lane.

PART 14: POOLS

Swimming Pool Permit and Fencing

14.1 Without limiting section 5.1 of this bylaw, a person must not construct, or structurally repair, a swimming *pool* without a valid *building permit*.

- 14.2 A swimming *pool*, including a spa or hot tub must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.85 metres, a maximum height of 2.4 metres, and no openings greater than 100 mm at their greatest dimension.

Pool Gate

- 14.3 Access through a fence enclosing a swimming *pool*, spa or hot tub must be only through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming *pool*, spa or hot tub side of the gate.

Spa or Hot Tub Lid

- 14.4 In lieu of a fence, a spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.

Maintenance

- 14.5 A person may not use or *occupy* a swimming *pool*, including a spa or hot tub unless the *owner* or *occupier* of property on or in which a *pool*, spa or hot tub is located maintains every fence or cover required under sections 14.2 to 14.4 in good order. and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

Leaks or Other Failures

- 14.6 A person may not obtain a valid and subsisting *building permit* for or use or *occupy* a swimming *pool* without first delivering to the *building official* at the time of the *building permit* application an opinion of a *registered professional* that the *design* of the *pool* will not cause or result in leaks or other failures of the *pool*.

PART 15: ENERGY CONSERVATION AND GHG EMISSION REDUCTION

- 15.1 In relation to the conservation of energy and the reduction of greenhouse gas emissions, the City incorporates by reference the British Columbia Energy Step Code in accordance with sections 15.2 through 15.5.
- 15.2 A *building* regulated by Part 3 of the *Building Code* must be designed and constructed to meet the minimum performance requirements specified in Step Two of the Energy Step Code or as updated through the BC Building Code.
- 15.3 A *building* regulated by Part 9 of the *Building Code* must be designed and constructed to meet the minimum performance requirements specified in Step Three of the Energy Step Code or as updated through the BC Building Code.

- 15.4 Any building regulated under 15.2 and 15.3 and constructed under a permit issued as of May 1st 2023 must include a building energy label posted prior to issuance of occupancy permit.
- 15.5 A *building* regulated by Part 3 or Part 9 of the *Building Code* may use the prescriptive approach to meet the minimum requirements of the Energy Step Code or as updated through the BC Building Code. The use of the prescriptive approach must be approved by the building official.

PART 16: ACCESS ROUTE FOR FIRE VEHICLE

- 16.1 Prior to the issuance of a *building permit* for a *building* under Part 9 of the *building code*, the *owner* must satisfy the *building official* that the *building* or *structure* for which the *permit* is issued will be served by a fire access route.

PART 17: OFFENCES

Violations

- 17.1 Without limiting Part 4 of this bylaw, every person who
- (a) violates a provision of this bylaw;
 - (b) *permits*, suffers or allows any act to be done in violation of any provision of this bylaw; and
 - (c) neglects to do anything required to be done under any provision of this bylaw,
- commits an offence and on summary conviction by a court of competent jurisdiction, the person is subject to a fine of not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both, in addition to the costs of prosecution. Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.
- 17.2 Every person who fails to comply with any administrative requirement issued by a *building official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.
- 17.3 Every person who commences work requiring a *building permit* without first obtaining such a *permit* must, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge as outlined in Appendix A of this bylaw.

Deemed Offence

- 17.4 An *owner* is deemed to have knowledge of and be liable under this bylaw in respect of any construction on the parcel the *owner* owns and any change in the use, *occupancy* or both of a *building* or *structure* or part of a *building* or *structure* on that parcel.
- 17.5 No person is deemed liable under section 18.4 who establishes, on a balance of probabilities, that the construction or change of use or *occupancy* occurred before he or she became the *owner* of the parcel.
- 17.6 Nothing in section 18.5 affects
- (a) the City's right to require and the *owner's* obligation to obtain a *permit*; and
 - (b) the obligation of the *owner* to comply with this bylaw.

Ticketing

- 17.7 The offences in Offence Bylaw No. 4929 Schedule A are designated for enforcement under s. 264 of the *Community Charter*.
- 17.8 The following persons are designated as bylaw enforcement officers under section 264(1) (b) of the *Community Charter* for enforcing the offences in Offence Bylaw No. 4929 *building officials*, fire inspectors and persons designated by Council as bylaw enforcement officers.
- 17.9 The words or expressions set forth in Offence Bylaw No. 4929 are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in the description column in Schedule A.
- 17.10 The amounts appearing in Offence Bylaw No. 4929 Schedule A Column A1, A2, and A3 are the fines established pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

PART 18: INTERPRETATION

Definitions

- 18.1 In this bylaw

accepted means reviewed by the *building official* under the applicable provisions of the *building code* and this bylaw;

addition means an *alteration* to any building which will increase the total aggregate floor area or the *building height* (in storeys), and includes the provision of two or more separate *buildings* with openings between each other for intercommunication;

agent includes a firm, corporation or other person representing the *owner*, by written designation or contract, and includes a hired tradesperson or *constructor* who may be granted a *permit* for work within the limitations of his or her licence;

alternative solution means an alternative solution authorized under the *building code*;

alteration means a change, repair or modification of the *construction* or arrangement of or use of any *building* or *structure*, or to an *occupancy* regulated by this bylaw

Architects Act means the Architects Act RSBC 1996, c. 17;

building code means the *British Columbia Building Code* as adopted by the Minister responsible under provincial legislation, as amended or re-enacted from time to time;

building official means the person designated in or appointed to that position by the City, and includes a building inspector, plan checker, plumbing inspector gas inspector, or electrical inspector designated or appointed by the City, and for certainty the *building official* is the “building inspector” referred to in the *Community Charter and Local Government Act*;

complex building means:

(a) a *building* used for a *major occupancy* classified as:

- (i) *assembly occupancy*;
- (ii) *care occupancy*;
- (iii) *detention occupancy*;
- (iv) *high hazard industrial occupancy*,
- (v) *treatment occupancy*; or
- (vi) *post-disaster building*,

(b) a *building* exceeding 600 square metres in *building area* or exceeding three storeys in *building height* used for a *major occupancy* classified as:

- (i) *residential occupancy*;
- (ii) *business and personal services occupancy*;
- (iii) *mercantile occupancy*; or

(iv) *medium and low hazard industrial occupancy,*

coordinating registered professional means a *registered professional* retained pursuant to the *building code* to coordinate all design work and field reviews of *the registered professionals* required for a development;

construct includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, *excavate* or shore;

constructor means a person who *constructs*;

Engineers and Geoscientists Act means the *Engineers and Geoscientists Act* RSBC 1996, c. 116;

existing, in respect of a *building*, means that portion of a *building constructed* prior to the submission of a *permit* application required under this bylaw;

foundation means a system or arrangement of *foundation* units through which the loads from a *building* are transferred directly to supporting soil or rock and includes any portion of the exterior walls of a building that lie below the finished grade immediately adjacent to the building;

GHG means greenhouse gas;

health and safety aspects of the work means design and construction regulated by Parts 3, 4, 5, 6, 7, 8, 9 and 10, Division B, of the *building code*; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B;

owner means the registered owner in fee simple, or an *agent* duly authorized by the owner in writing;

permit means permission or authorization in writing by the *building official* to perform work regulated by this bylaw and, in the case of a final inspection notice, to occupy a *building* or part of a *building*;

pool means a *structure* or *constructed* depression used or intended to be used for swimming, bathing, wading or diving which is designed to contain water and has a depth, at any point, exceeding 0.6 m, including an in-ground *pool* and hot tub;

professional design means the plans and supporting documents bearing the date, seal or stamp, and signature of a *registered professional*;

project means any construction operation;

retaining wall means a *structure* exceeding 1.2 metres in height that holds or retains *soil* or other material behind it and requires professional engineering;

simple building means a *building* of three storeys or less in *building height*, having a *building area* not exceeding 600 square metres and used for a *major occupancy* classified as

- (a) *residential occupancy*;
- (b) *business and personal services occupancy*;
- (c) *mercantile occupancy*;
- (d) *medium hazard industrial occupancy*; or
- (e) *low hazard industrial occupancy*,

structure means a *construction* or portion of *construction*, of any kind, whether fixed to, supported by or sunk into land or water, except landscaping, fences, paving and retaining *structures* less than 1.2 meters in height;

temporary building includes a sales office, construction office or a *structure* in which tools are stored during construction of a *building* or other *structure*;

value of the work means that amount that is calculated as follows:

- (a) for construction of a *building* containing a *residential occupancy* that is served by only one stove, or two stoves if permitted as an auxiliary and secondary *residential occupancy*, the greater of
 - (i) the declared *value of the work*; or
 - (ii) the value calculated using a method from Marshall Swift, an appraiser or another valuation method approved by the building official;
- (b) for all other construction, the greater of
 - (i) the declared *value of the work*; or
 - (ii) the value calculated using a method from Marshall Swift, an appraiser, or another valuation method approved by the building official.

18.2 In this bylaw the following words and terms have the meanings

- (a) set out in section 1.4.1.2 of the *building code* as of the date of the adoption of this bylaw: *accessible assembly occupancy*, *building*, *building area*, *building height*, *business and personal services occupancy*, *care occupancy*, *constructor*,

coordinating registered professional, designer, detention occupancy, excavation, field review, firewall, first storey, grade, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, post disaster occupancy, private sewage disposal system, registered professional, residential occupancy, treatment occupancy or unsafe condition;

- (b) subject to this bylaw, set out in the Schedule to the *Community Charter*: *assessed value, highway, land, occupier, parcel, public authority, service and soil*; and
- (c) subject to this bylaw, set out in section 29 of the *Interpretation Act*: *may, must, obligation, person, property, writing, written* and *year*.

18.3 Every reference to this bylaw in this or another bylaw of the City is a reference to this bylaw as amended to the date of the reference.

18.4 Every reference to

- (a) the *building code* is a reference to the current edition as of the date of issuance of the *building permit*; and
- (b) a section of the *building code* is a reference to the applicable successor sections, as the code or section may be amended or re-enacted from time to time.

18.5 Definitions of words and phrases used in this bylaw that are not included in the definitions in this Part have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with the various trades and professions to which the terminology applies.

Appendices

18.6 Appendix A are attached to and form part of this bylaw.

Severability

18.7 If a section, subsection, paragraph, subparagraph or phrase of this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

PART 19: REPEAL

19.1 BUILDING BYLAW NO. 4577, 2005 AND ALL AMENDMENTS THERETO, ARE HEREBY REPEALED.

READ A FIRST TIME this 23rd day of May, 2023.

READ A SECOND TIME this 23rd day of May, 2023.

READ A THIRD TIME this 23rd day of May, 2023.

ADOPTED this day of 2023.

Mayor

Corporate Officer

City of Port Alberni
BUILDING BYLAW No. 5077, 2023

Appendix A – Fees

Building permit	FEES
1) Base Fee	\$100.00
2) Plus, per \$1,000 of valuation, or portion thereof If a building permit is issued for a construction under the supervision of a Coordinating Registered Professional, the permit fee is reduced by 10% of the fees payable under this Bylaw, up to a maximum reduction of \$500.00.	\$7.00
Renewal of lapsed building permit	
(a) Base fee	\$100.00
(b) Plus, per \$1,000 of valuation, or portion thereof	\$9.50
Excavation and/or Foundation permit for Part 3 buildings	\$1,330.00 plus 1/3 the cost of the final building permit fee (plus applicable development cost charges)
Plumbing permit – per fixture	
(a) Base fee	\$65.00
(b) Per fixture	\$10.00
Fire sprinkler system – per fixture	
(a) Base fee	\$65.00
(b) Per sprinkler	\$2.00
Re-inspections (first inspection no charge)	\$100.00
Inspection – outside normal City business hours – per hour	\$200.00
Compliance inspection of existing buildings application	
(a) Up to 600 sq.m.	\$100.00
(b) Over 600 sq.m	\$400.00
Transfer of building permit to new owner or update to owner's address	\$100.00
Plan check deposit – non-refundable	
(a) % of building permit fee	15%
(b) Minimum fee	\$100.00
This payment will be reduced from the final building permit issuance fees.	
Submission of new plans after plan review that include major changes that result in more than three hours of staff time to review, additional fees per hour of staff time may be applicable.	\$150.00

Installation of solid fuel burning appliance	\$100.00
Demolishing a building	
(a) Fee	\$100.00
(b) Bond fee	\$500.00
Siting of a manufactured building	
(a) For construction between \$30,000 and \$200,000	\$300.00
(b) For construction over \$200,000	\$600.00
Retaining walls – greater than 1.2 meters in height	\$150.00
Moving a building	\$200.00
Temporary building refundable security deposit This will be refunded in full upon removal of the temporary building.	10% of Construction Value
Report on equivalency with BC Building Code	\$200.00
Where any work has started prior to the issuance of a building permit	
(a) % of permit fee otherwise payable	200%
(b) Maximum penalty	\$10,000.00
Inspection or plan review not covered by other categories –per hour of staff time	\$75.00
Removal of Section 57 Notice on Title	\$500.00
Single family/two family dwelling – bonding against damage to the city street and final site servicing/grading	\$2,000.00
Multi-residential/commercial/industrial/institutional – bonding against damage to City Street and final site servicing/grading This fee is not applicable when the Owner has entered into a Works and Services agreement and provided necessary bonding	\$2,000.00 or \$110.00 per metre of frontage whatever is greater
Refunds – as a % of total building permit fees (excluding plan check deposit fee)	
(a) Prior to excavation or commencement of construction	85%
(b) After initiation of construction including foundation Any development cost charges paid as part of a building permit are non-refundable.	0%
Land title search This fee does not cover any other documents such as Covenants, Rights of Ways, etc. The cost of retrieving these from the LTSA shall be borne by the applicant. Land title searches are only completed as part of an application submission.	Fees are as per the LSTA charges
Note: Fees will increase annually at the rate of the CPI unless the bylaw is amended	

City of Port Alberni

BUILDING BYLAW No. 5077, 2023

Appendix B – Value of Work

For building permit applications for multi-family dwellings (three or more units), mixed-use, commercial, industrial, institutional, and all other categories not addressed above, at the discretion of the City, the value of construction shall be based on the contract price together with a reasonable allowance for extras or, where there is no contract price, the cost estimated by a Building Official of construction of the building according to the plans submitted in support of the permit application. The City reserves the right to use the Marshall Swift or other industry databases such as Altus or Butterfield Consultants to calculate the total construction cost, at its discretion.

COPY AVAILABLE FOR PUBLIC INSPECTION



Stanley C Hunt – 2023 Memorial Monument for Children of IRS



☒ Council
☒ Mayor
☒ CAO
☐ Finance
☒ Corporate Services
☐ Agenda
☐ Economic Development
☐ Engineering/PW
☐ Parks, Rec. & Heritage
☐ Development Services
☐ Community Safety
☐ Other
File # 8100-01 **June 12/23 RCH**

May 2023

Gila'kasala – Join us on the “2023 Memorial Monument for Children of IRS”

Stanley C Hunt, Kwakiutl, Master Carver from Fort Rupert, BC and Ray Bergen, a Vancouver businessman are connected not only in friendship but also a strong desire to bring light to **the truth** of Indian Residential School impacts. They could not bear to watch another year pass by without doing something to raise awareness to IRS, and so the “2023 Memorial Monument for Children of IRS” Project was initiated!

It is hoped that the 18-foot sacred monument will uplift and honor the spirit of the many children who did not make it home. Those who participate will share love and gratitude to the families of the children and the survivors of Indian Residential Schools. In the spirit of Reconciliation, we can join together to support and acknowledge the harsh realities and the truth, and begin a healing journey and lasting relationships.

Kwakwabalas, Stan Hunt and the team from the “2023 Memorial Monument for Children of IRS” Project extends a warm welcome to your community and all residents in your area to participate this journey.

A chance to celebrate what has NOT been lost through IRS. Our communities are stronger, our children hold the space in the way our ancestors taught us, learning language, participating in ceremony and practicing traditional and cultural values.

The travel plans for the monument are attached, we encourage your community to participate in the ceremonies in Port Hardy, Campbell River, Port Alberni, Nanaimo, Duncan, Victoria and Vancouver.

Immediately following the ceremony in Victoria's Inner Harbour, The Canadian Coast Guard, the RCMP, the Canadian Navy will assist and escort the artist, his family, and the monument to travel via water on the CCG hover craft from Victoria to Vancouver.

Attachments include: travel itinerary and scheduled stops along the way, information on the monument and Stanley C Hunts bio. We look forward to your community's participation in this monumental occasion. Please contact Dorothy Hunt to confirm your community's participation and to coordinate the agenda and preparations.

Gila'kasala, Respectfully,

D. [redacted] Hunt



ENTERED



Stanley C Hunt – 2023 Memorial Monument for Children of IRS



Travel Schedule for the Monument

June 15/23	Monument & transport vehicle prepared for travel																			
June 16/23	10:00	Short ceremony at Stans Shop																		
	11:15	Ceremony at Carrot Park, Port Hardy																		
		<table><tr><td>Kwakiutl</td><td>Gwa'sala-'Nakwaxda'xw</td></tr><tr><td>Namgis</td><td>Musgamagw/Dzawadaenuxw</td></tr><tr><td>Gusgimukw</td><td>Kwasut'inuxw/Hawa'mis</td></tr><tr><td>Tlatlasikwala</td><td>Kwiakah</td></tr><tr><td>Gwawaenukw</td><td>Wuikinuxv</td></tr></table>	Kwakiutl	Gwa'sala-'Nakwaxda'xw	Namgis	Musgamagw/Dzawadaenuxw	Gusgimukw	Kwasut'inuxw/Hawa'mis	Tlatlasikwala	Kwiakah	Gwawaenukw	Wuikinuxv								
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Tlatlasikwala	Kwiakah																			
Gwawaenukw	Wuikinuxv																			
		Crew and monument travel to Campbell River and overnight																		
June 17/23	10:00	Thunderbird Hall – Campbell River																		
		<table><tr><td>Wei Wai Kum</td><td>Wei Wai Kai</td></tr><tr><td>Mamalilikulla</td><td>Tlowitsis</td></tr><tr><td>Danaxda'xw</td><td>Komoks</td></tr><tr><td>Homalco</td><td>Klahouse</td></tr><tr><td>Kwiakah</td><td></td></tr><tr><td>Mowachaht</td><td>Muchalaht</td></tr></table>	Wei Wai Kum	Wei Wai Kai	Mamalilikulla	Tlowitsis	Danaxda'xw	Komoks	Homalco	Klahouse	Kwiakah		Mowachaht	Muchalaht						
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Homalco	Klahouse																			
Kwiakah																				
Mowachaht	Muchalaht																			
		Crew and monument travel Port Alberni and overnight																		
June 18/23	10:00	Ceremony at (Location) Port Alberni																		
		<table><tr><td>Nuu-chah-nulth</td><td>Kyuquot</td></tr><tr><td>Ehattesaht</td><td>Nuchatlaht</td></tr><tr><td>Mowachaht/Muchalaht</td><td>Hesquiaht</td></tr><tr><td>Ahousaht</td><td>Tlaquiaht</td></tr><tr><td>Toquaht</td><td>Uchucklesaht</td></tr><tr><td>Tsesaht</td><td>Hapacasath</td></tr><tr><td>Huuayaht</td><td>Dididaht</td></tr><tr><td>Pacheedaht</td><td>Nuu-chah-nulth Tribal Council</td></tr><tr><td>PA Friendship Center</td><td></td></tr></table>	Nuu-chah-nulth	Kyuquot	Ehattesaht	Nuchatlaht	Mowachaht/Muchalaht	Hesquiaht	Ahousaht	Tlaquiaht	Toquaht	Uchucklesaht	Tsesaht	Hapacasath	Huuayaht	Dididaht	Pacheedaht	Nuu-chah-nulth Tribal Council	PA Friendship Center	
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Pacheedaht	Nuu-chah-nulth Tribal Council																			
PA Friendship Center																				
		Crew and monument travel to Nanaimo and overnight																		



Stanley C Hunt – 2023 Memorial Monument for Children of IRS



June 19/23	10:00	Ceremony at (Location) Nanaimo	
		Snuneymuxw Penelakut Stzuminus Lyackson	Snaw'Nawas le lum Qualicum Beach Hulquminum Treaty Group
	4:00	Ceremony at (Location) Duncan	
		Cowichan Tribes Scia'new Tsuubaa	Chemainus Halalt
		Crew and monument travel to Victoria and overnight	
June 20 /23	10:00	Victoria Inner Harbour	
		Esquimalt T'souke Tseycum Malahat	Songhees Tsartlip Pauquachin
June 21/23	10:00	Final Farwell in Victoria Harbour	
	12:00	Leave Victoria to Gulf Islands	
	4:00	Vancouver Inner Harbour for ceremony	



Stanley C Hunt – 2023 Memorial Monument for Children of IRS



The Memorial Monument

On May 28, 2021, the Tk'emlups te Secwepemc Nation announced that ground-penetrating radar was used to locate 215 children that were buried on the grounds of the Kamloops Residential School. Since then, it is estimated that close to 10,000 children's unmarked graves have been located across Canada; the search for other continues. This news brought First Nations and other Canadians to their knees; there is no greater grief and sorrow for these children that did not make it home.

Ray Bergen, a Vancouver businessman and master Kwakiutl carver, Stanley Clifford Hunt started to discuss what they could do to honor the children. Mr. Bergen worked with fellow businessmen, Eric Martin and Don James to secure the funds for the carving of the memorial monument. Mr. Hunt created conceptual drawings and carved the 18-foot monument over a 10-month period. The Monument has carved faces of children with a Raven standing over them and embracing the children. One can only imagine the fear, sadness, confusion that children, as young as five experienced. Each face is unique; each showing loss and sorrow. The Monument is black washed in recognition of this dark part of our history. Each face has an orange band around it to honor the movement that "Every Child Matters".

On June 16, 2023 the Monument will begin its journey. First Nations and all residents on Vancouver Island will be witnesses to the monument as it travels down Vancouver Island on a Canadian Coast Guard flatbed truck, with stops in Campbell River, Port Alberni, Nanaimo, Duncan and finally Victoria on June 20th, 2023.

On National Aboriginal Day, June 21, 2023, there will be a ceremony in the Victoria Inner Harbour. The Canadian Coast Guard, the RMCP and the Canadian Navy will then escort the Monument, the artist, singers, and dancers across the waterways to Vancouver where there will be a ceremony held close to Canada Place.

The Monument is meant to:

- 1) Ensure that we uplift the history of the residential school survivors
- 2) Honor the spirit of the children who went missing or were murdered
- 3) Honor the families and acknowledge the journey of losing a child and the pain and suffering that this trauma has inflicted
- 4) To raise awareness to the true history of Canada, the Northwest Mounted Police, the RCMP and the Church's



Stanley C Hunt – 2023 Memorial Monument for Children of IRS



- 5) To provide awareness and history to Canadians and those who participate in this journey, visit the monument on site or are a part of this journey in anyway
- 6) Record the many survivors, families, Canadians, and participants in a historical record through, video, media, and the opportunity to sign or send a message in a guest book along the journey of the Monument.

The permanent home for the monument will be a location that is aligned with the traditional and cultural values of honor, respect and sacredness of the children's everlasting spirit that it represents.

How can you participate:

- **Attend** the ceremony in your community
- **Volunteer** in your community on the day of the ceremony
- **Wear your regalia**, orange shirt in honour of the children
- **Share** this information with your family, colleagues and networks
- **Take time to learn** about the history of Indian Residential Schools from survivors
- **Contribute in-kind donations or financial donations**, to assist in travel expenses that will be incurred on the journey from Port Hardy to Vancouver and onto its final home

All media or other inquiries please contact D [REDACTED] [REDACTED] or [REDACTED]
[REDACTED]



Stanley C Hunt – 2023 Memorial Monument for Children of IRS



Stanley Clifford Hunt

Stan Hunt is a Kwakiutl master carver from Fort Rupert, near Port Hardy, on Vancouver Island, BC, Canada. His Grandfather, Mungo Martin; his father, Henry Hunt, and his brothers Richard and Tony Hunt are all artists of international stature.

Stan was born on September 25, 1954 in Victoria where his father was working as the head carver for the Royal BC Museum. He was initiated into the Hamatsa Society and danced in the cedar bark ceremony for the first time at his mother's potlatch in 1974. He first learned to carve toy boats and canoes. In 1976 Stan asked his father if he could be a carver. Henry replied, "The first thing you have to do is make your own tools." Stan spent the next three years learning knife techniques, designing and carving plaques for the Victoria tourist trade. He also assisted his father on six totem poles. His interpretation of the Kwakiutl style is starkly traditional. No power tools are used, only traditional tools, the adze, straight knife, and curved knife are used. The images are original but with traditional roots in the stories of the Kwakiutl people. Images passed down from one generation to the next.

Stan is a committed artist. He carves solely in the Kwakiutl style that he learned from his father and brothers. His masks, totem poles and graphic original paintings are collected for their craftsmanship and authenticity. Stan's work can be found in museums and private collections around the world.

Career Highlights

1986	Jean Auel 12-foot totem pole	Oregon
1987	Jean Auel's lawyer 12-foot totem pole	Oregon
1993-94	"Following in Our Father's Footsteps" Tony Hunt Jr & Stan	Stonington, Seattle
1993-97	Art Shows – Quintana Gallery	Portland, Oregon
1994	20 ft Sisuitl Log Drum/sticks, Derek Simkins Gallery	Vancouver
1994	Front of Native Art Calendar	
1996	12 ft totem pole, Joe Kovalac, "Sea Bear Holding Halibut	Vancouver
1997-99	Bahti Arts with sons Jason & Trevor	Tucson, Arizona
2002	restoration of totem pole with sons Jason & Trevor	Phoenix, Arizona



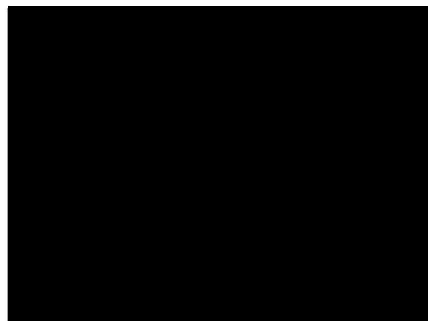
Stanley C Hunt – 2023 Memorial Monument for Children of IRS



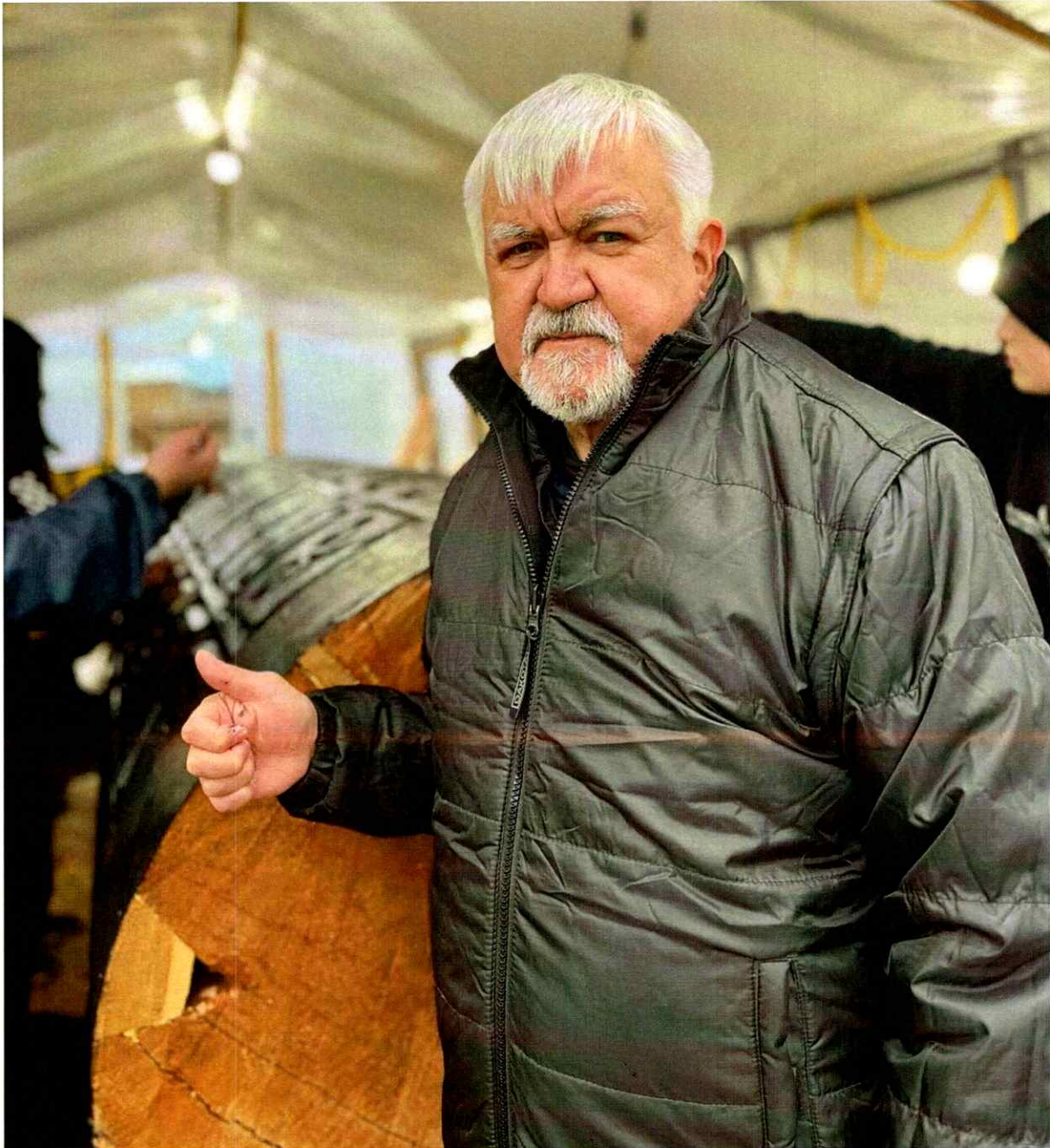
2002-04 Art Shows at Tribal Expressions Gallery

Chicago, Illinois

2003	12 ft totem pole, Rob & Jeri Brooke	Chicago, Illinois
2005	20 ft memorial totem pole for parents Henry & Helen Hunt	Fort Rupert, BC
2007	restoration of 67 ft totem pole carved by Henry Hunt/Expo 67	Montreal, Quebec
2009	5 ft, 9 ft, 15 ft totems, 2 paddles & panel - 200-foot yacht, Andrew Winch Designs	London
2010	Restoration of Henry Hunt 30 ft totem pole, Annenberg Trust Sunnylands	Rancho Mirage, CA43
2011	43 ft totem pole, Canada Square Argentina	Buenos Aires,
2012	3 totem poles, 14 masks – private commission	Toronto, Ontario
2012-13	30 ft totem pole – private commission	Kelowna, BC
2014	3 larger than life Hamatsa masks – client	Kelowna, BC
2014	12 ft bear totem pole, Windfarm	Port Hardy, BC
2014	Restoration of 20 ft totem Henry & Helen Hunt memorial	Port Hardy, BC
2016	Restoration of 8 ft totem pole, Victoria Park	Palm Springs, CA
2019	9 ft totem pole Cape Scott Wind Farm	Port Hardy, BC
2019	Coordinating the artists & art work Port Hardy Airport	Port Hardy, BC
2020	Reach for the Sky Exhibition, Sunnylands	Palm Springs, CA
2021	2 – 18 ft for the Canadian Coast Guard Base	Port Hardy, BC
2021	11 ft Grizzly Bear holding Grizzly cub, memorial pole	Vancouver, BC
2023	18 ft Monument for residential school children that did not return home. Project completion date end of May 2023	Port Hardy, BC

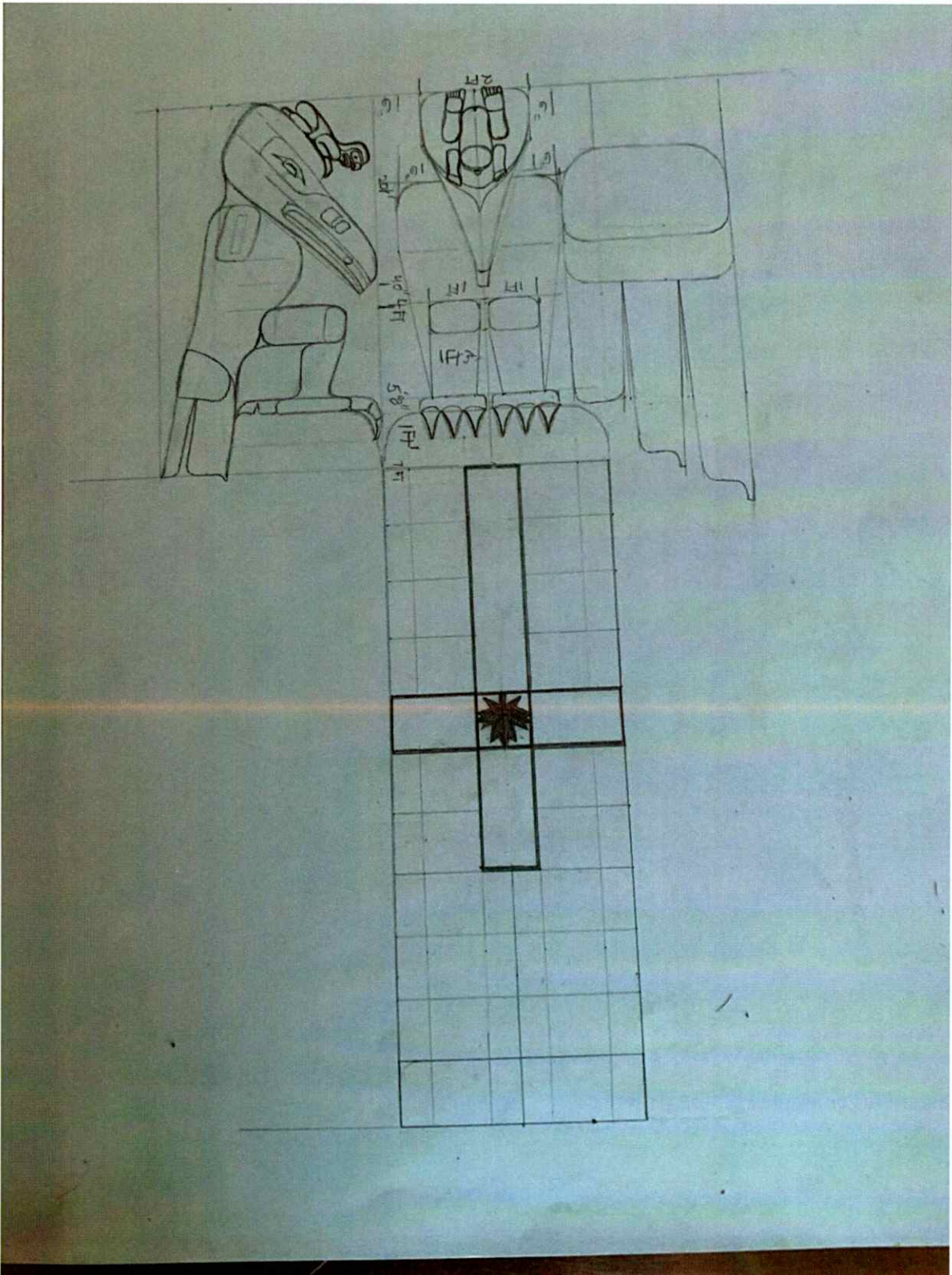


Stanley Hunt – 2023 Residential School Monument Project Photos



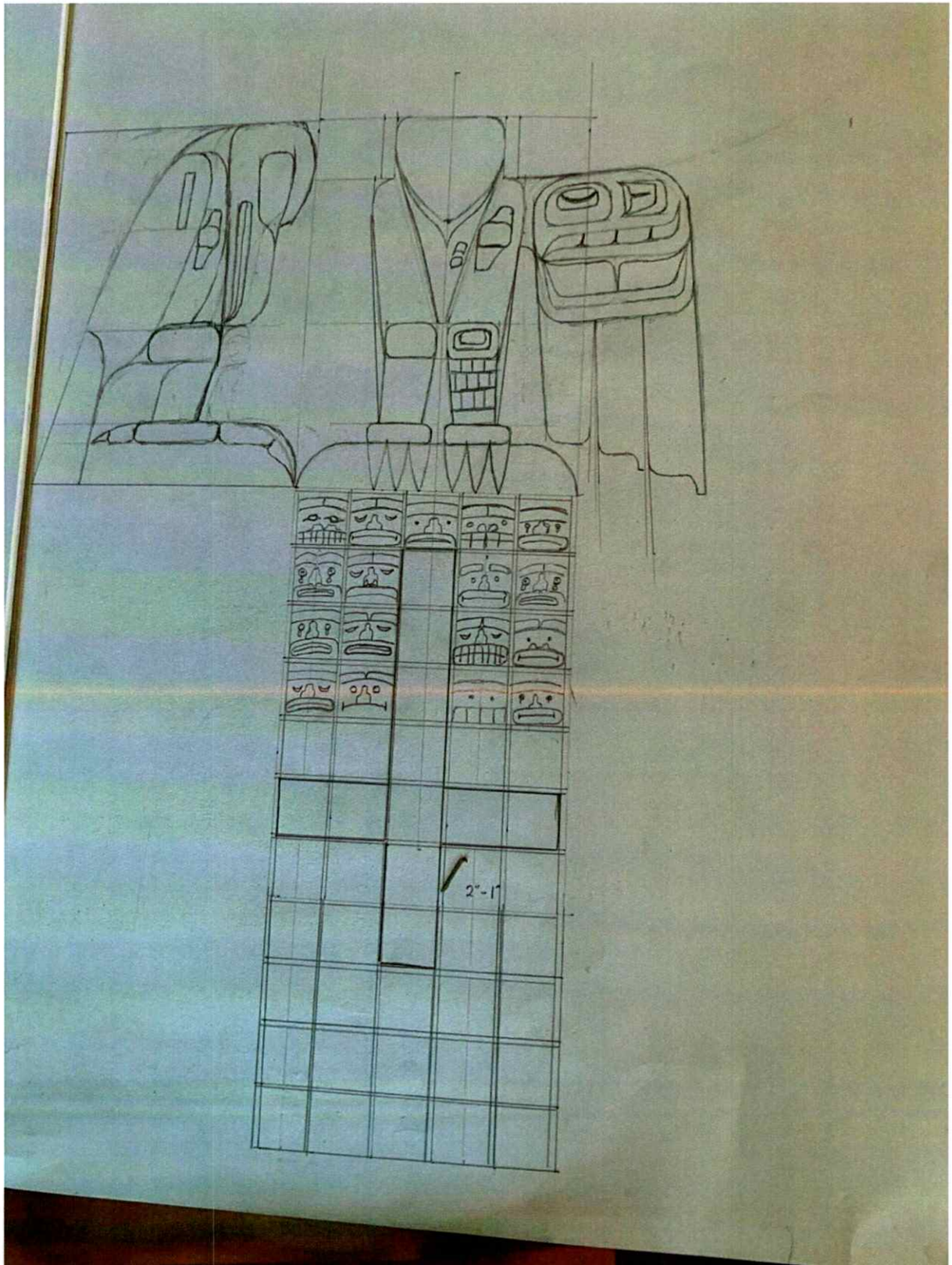
Master Carver Stanley Clifford Hunt

Stanley Hunt – 2023 Residential School Monument Project Photos



Initial Design Drawings

Stanley Hunt – 2023 Residential School Monument Project Photos

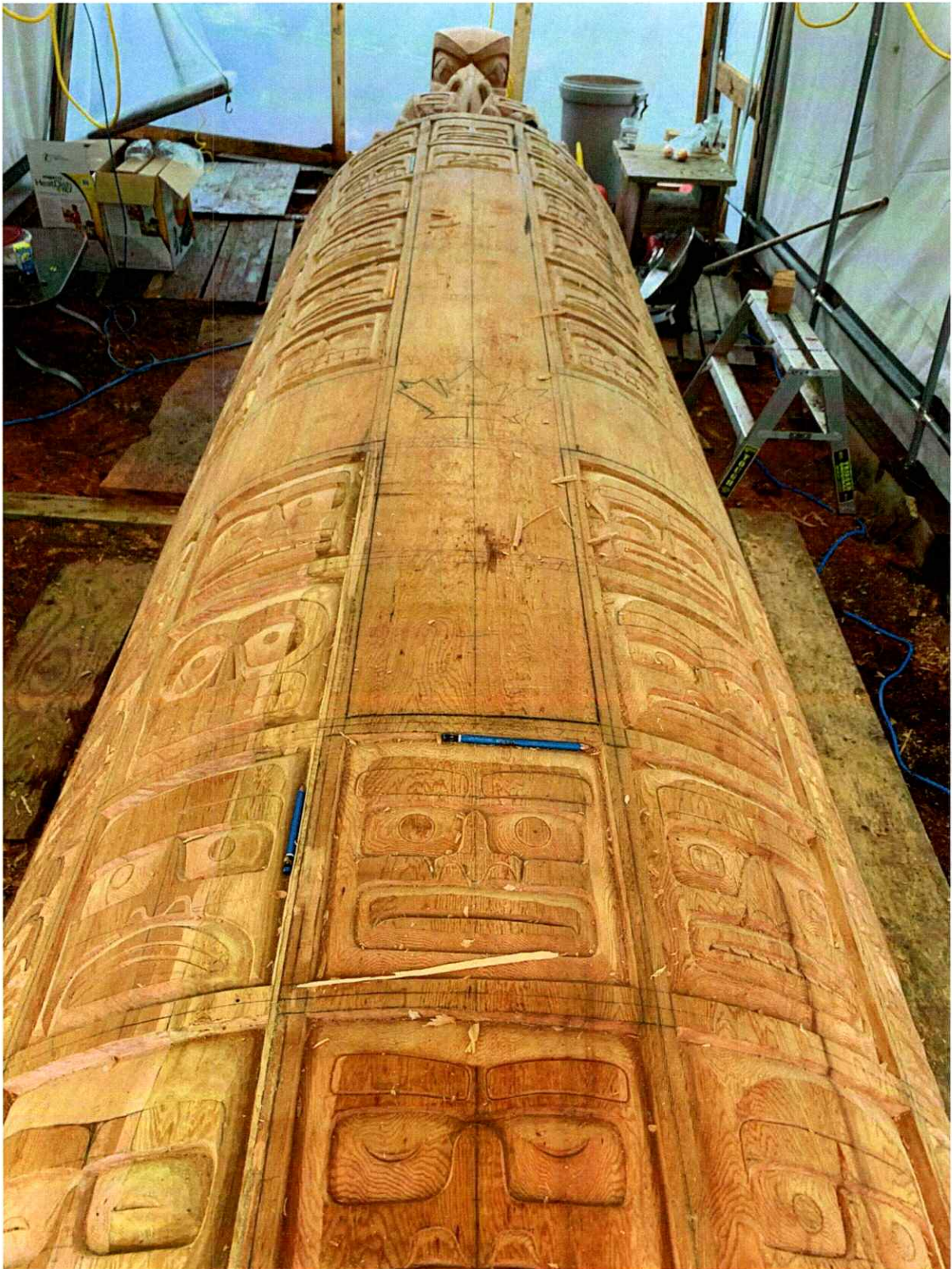


Stanley Hunt – 2023 Residential School Monument Project Photos



Children Details

Stanley Hunt – 2023 Residential School Monument Project Photos



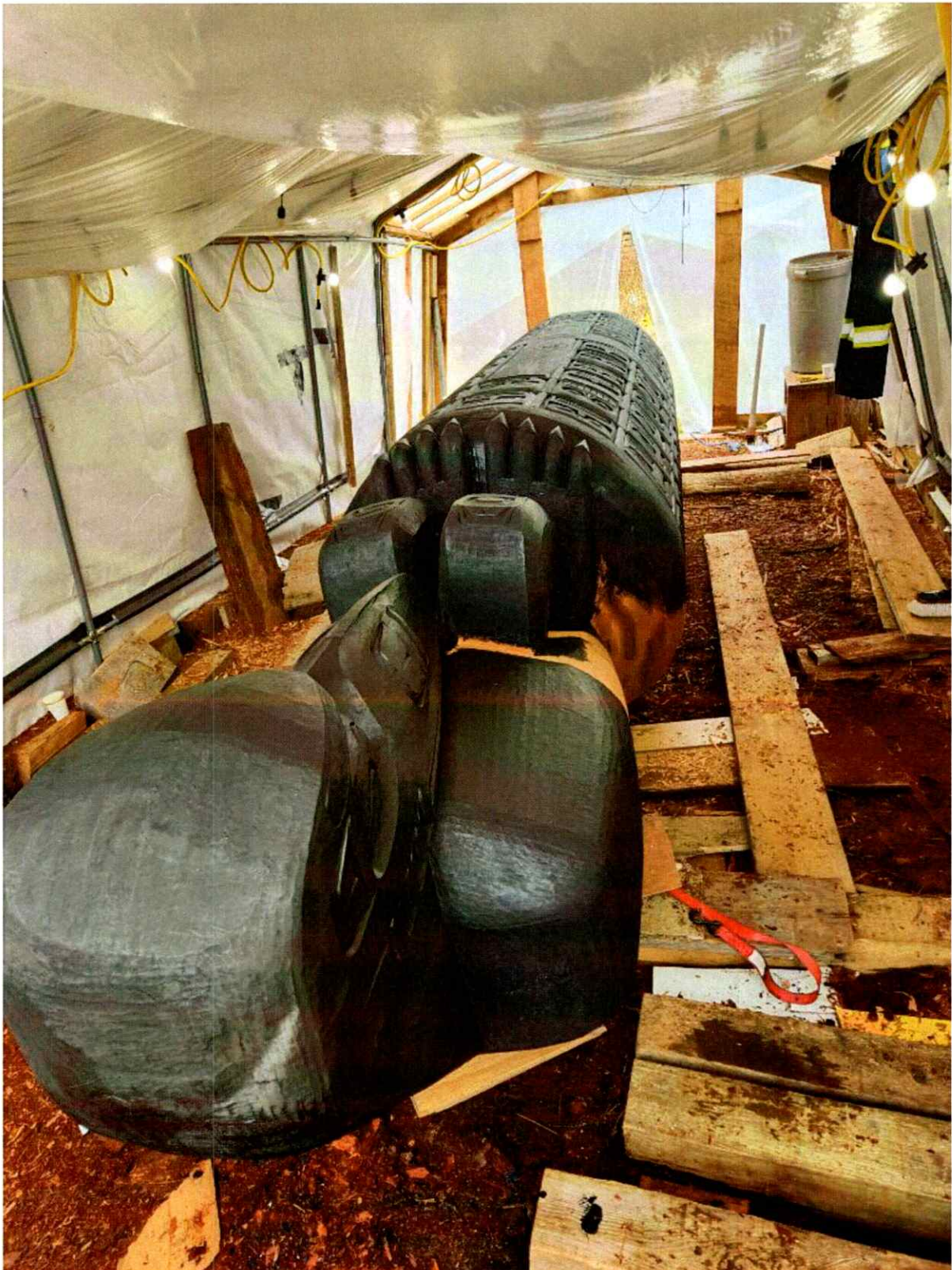
Monument in Progress

Stanley Hunt – 2023 Residential School Monument Project Photos



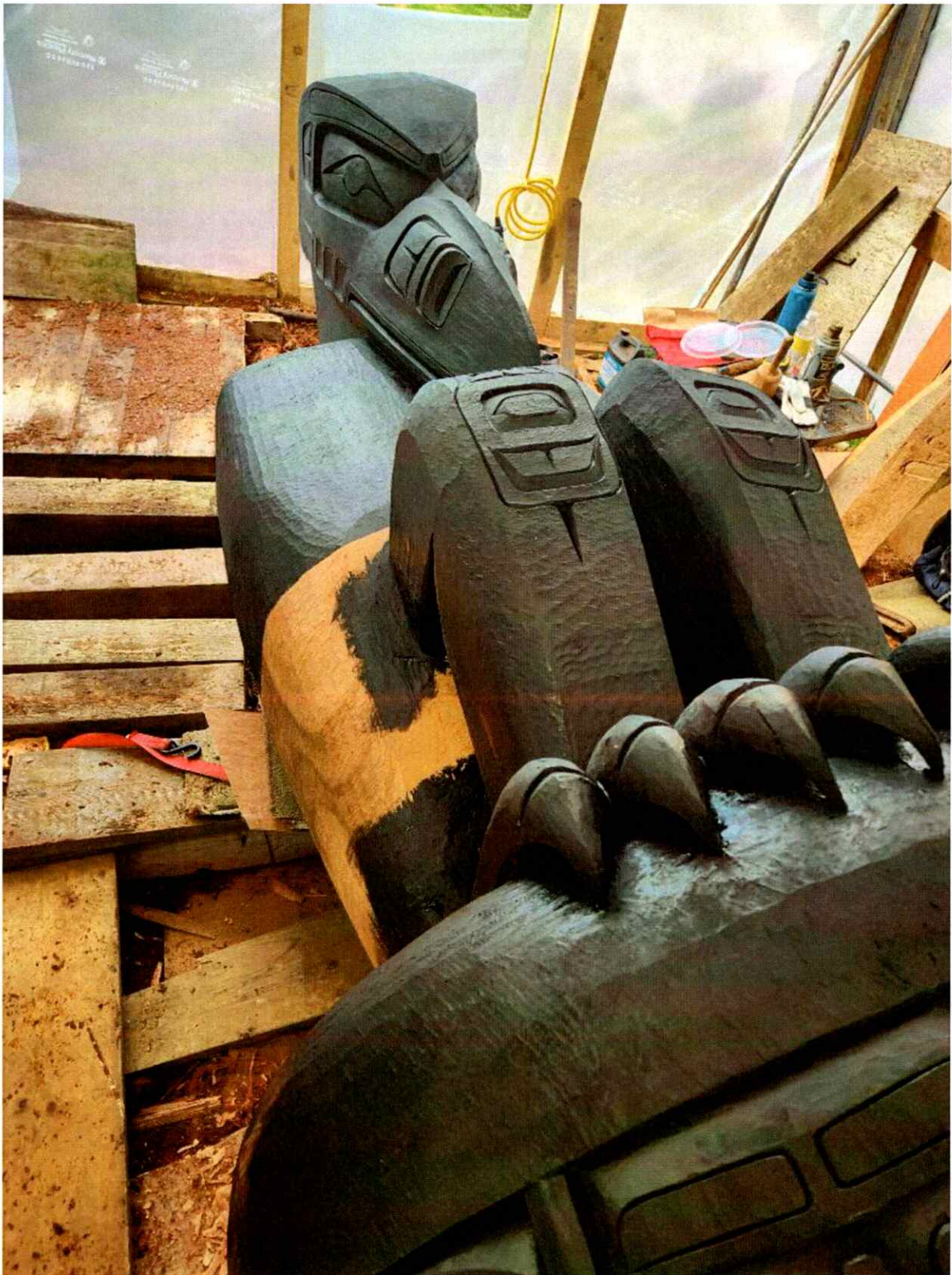
Raven Detail

Stanley Hunt – 2023 Residential School Monument Project Photos

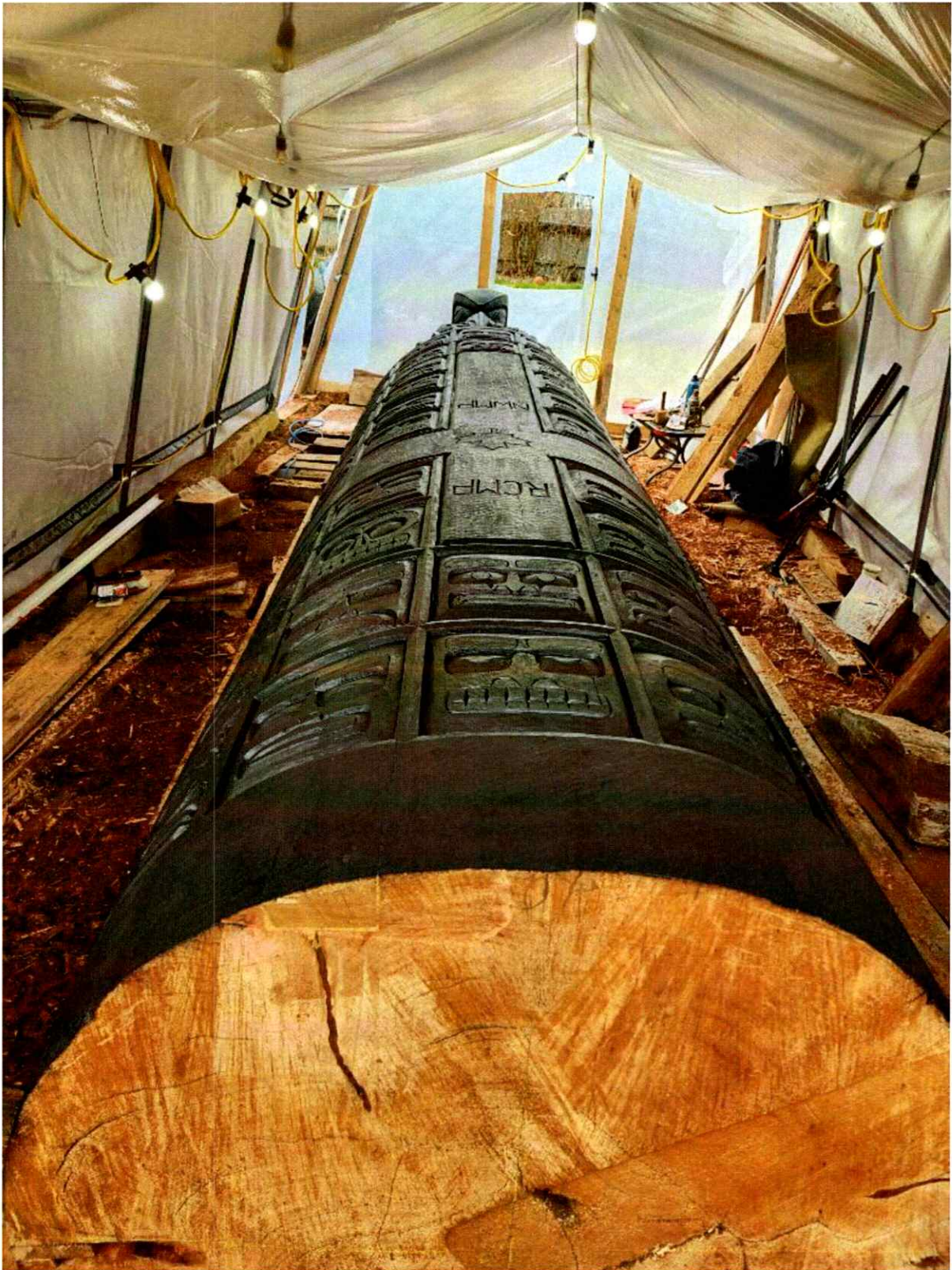


First black wash

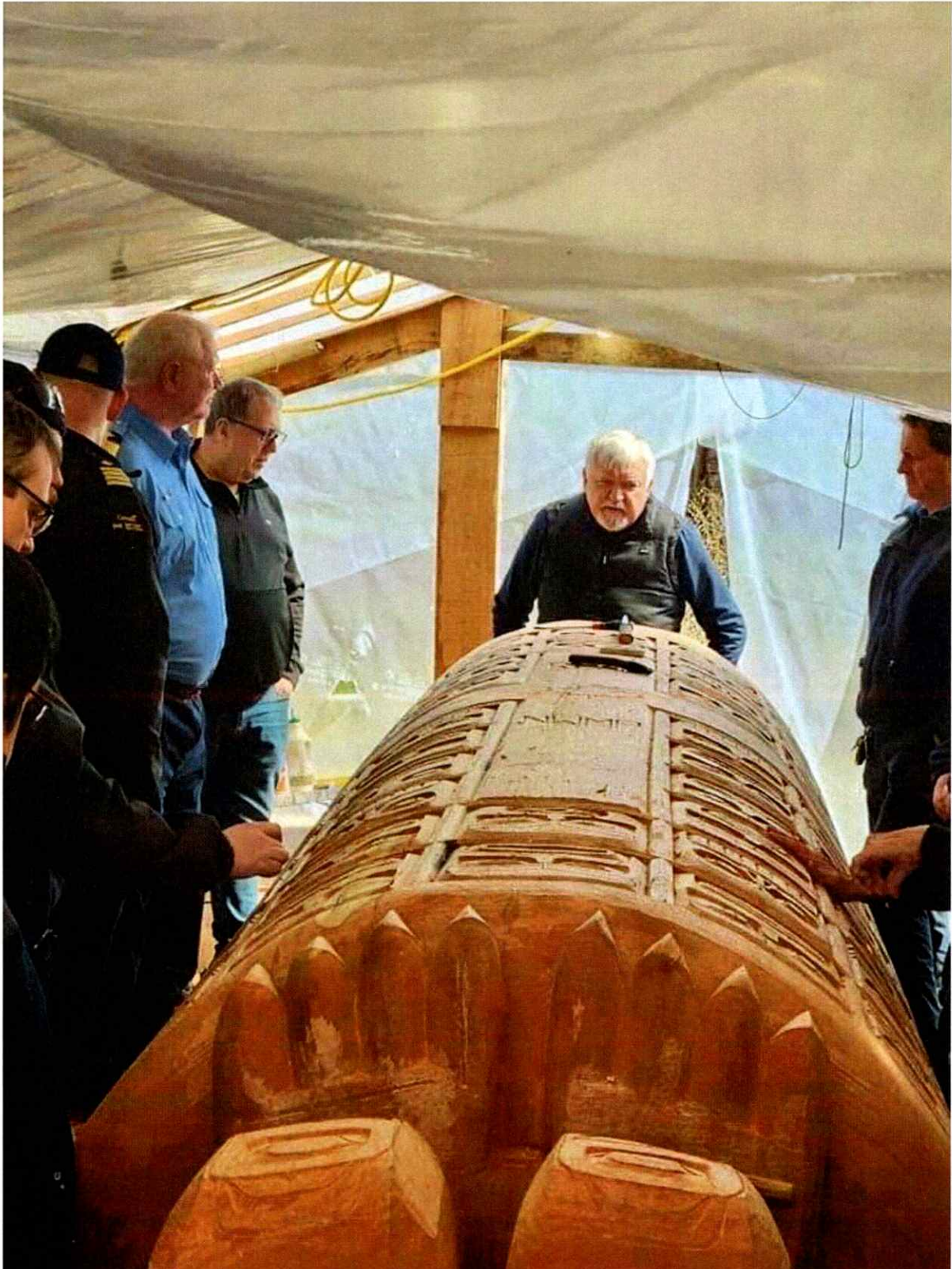
Stanley Hunt – 2023 Residential School Monument Project Photos



Stanley Hunt – 2023 Residential School Monument Project Photos



Stanley Hunt – 2023 Residential School Monument Project Photos



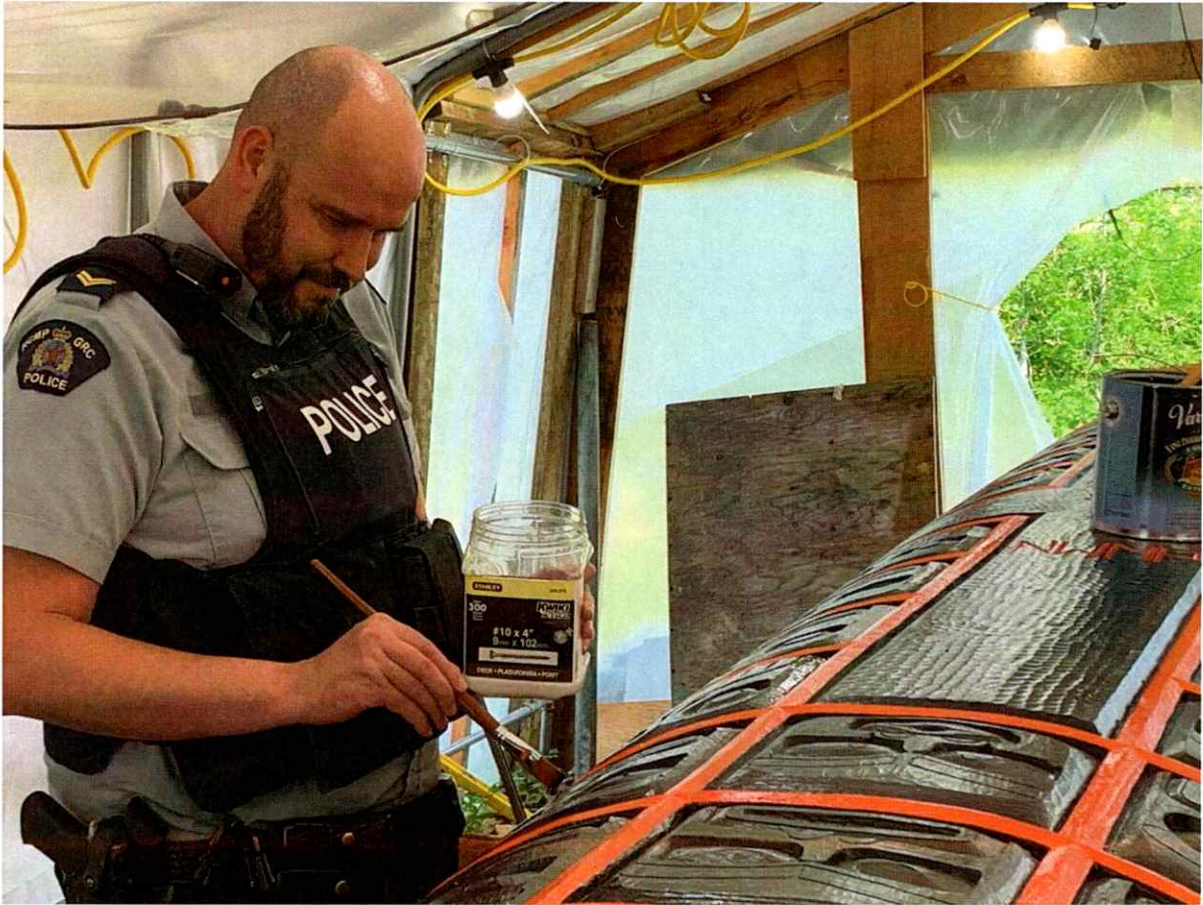
Canadian Coast Guard preparing to lay the first black wash.

Stanley Hunt – 2023 Residential School Monument Project Photos



Canadian Coast Guard

Stanley Hunt – 2023 Residential School Monument Project Photos



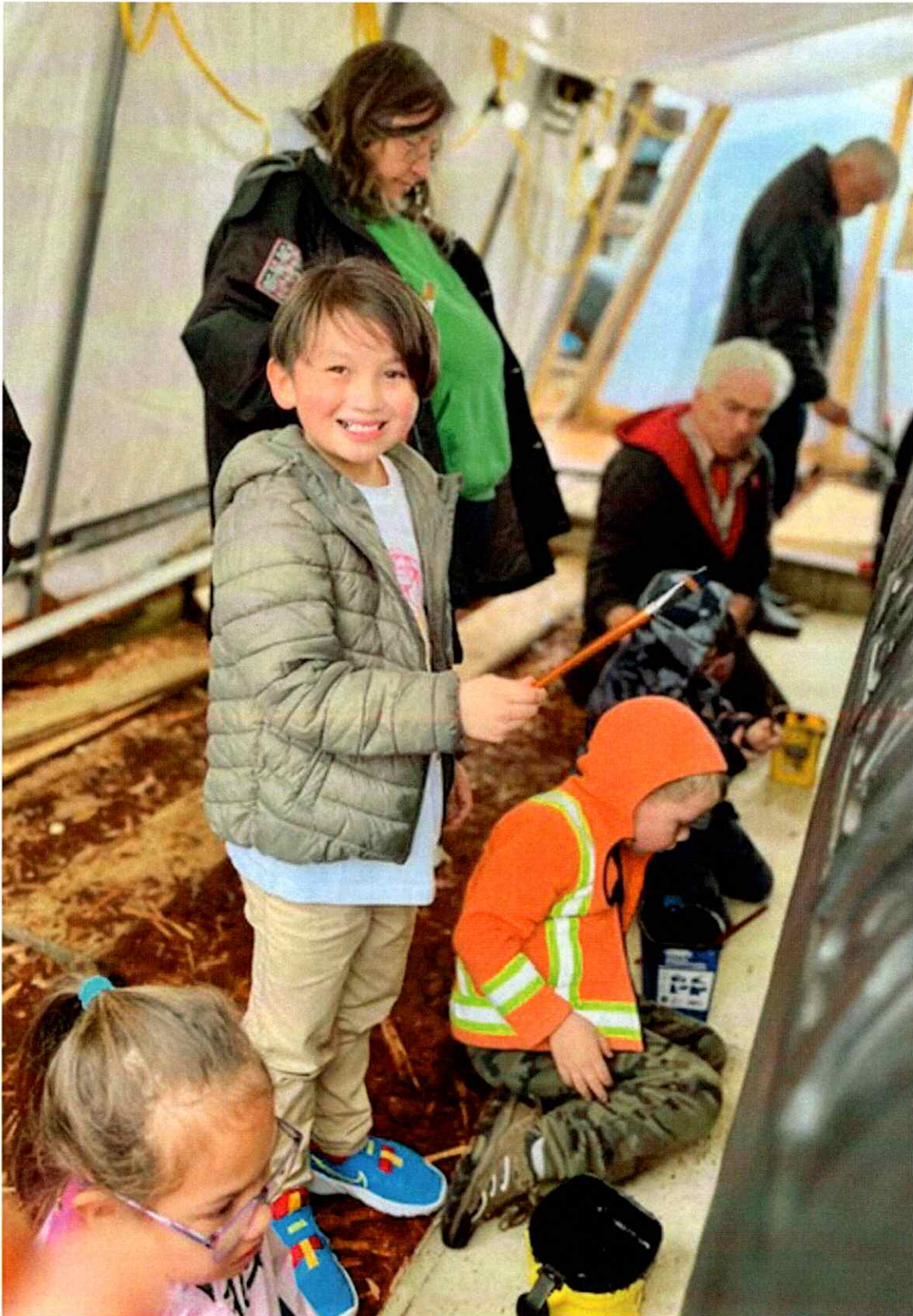
RCMP painting the Monument

Stanley Hunt – 2023 Residential School Monument Project Photos



RCMP adding black wash

Stanley Hunt – 2023 Residential School Monument Project Photos



Local School Children adding to the black wash

Stanley Hunt – 2023 Residential School Monument Project Photos



Stanley Hunt – 2023 Residential School Monument Project Photos

Merv detail



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MAY 23 2023



CAWAK ?QIN
FORESTRY

CITY OF PORT ALBERNI

May 5, 2023

City of Port Alberni
C/O Mike Fox, Chief Administrative Officer
City Hall, 4850 Argyle Street
Port Alberni, BC
V9Y 1V8

<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Economic Development
<input checked="" type="checkbox"/> Mayor	<input type="checkbox"/> Engineering/PW
<input checked="" type="checkbox"/> CAO	<input type="checkbox"/> Parks, Rec. & Heritage
<input type="checkbox"/> Finance	<input type="checkbox"/> Development Services
<input checked="" type="checkbox"/> Corporate Services	<input type="checkbox"/> Community Safety
<input checked="" type="checkbox"/> Agenda	<input type="checkbox"/> Other
File #	3170-01

RCM June 12, 23

RE: Tsawak-qin Forestry Inc. 2023-2028 Forest Stewardship Plan (FSP)

To Whom it May Concern,

This letter is to inform you that Tsawak-qin Forestry Inc. is preparing a Forest Stewardship Plan for its activities within the Tree Farm Licence 44, located on Vancouver Island, in the vicinity of Port Alberni and Bamfield (attached overview map).

The Forest Stewardship Plan (FSP) is a key operational plan under the Forest and Range Practices Act (FRPA). FSPs identify broad areas called Forest Development Units (FDUs) where timber harvesting and road construction may occur, are subject to public review and comment, and must be approved by government before taking effect. The FSP identifies legally binding results and strategies, forest practices, measures, and standards, which are required to be implemented by a Holder of the FSP. Results and strategies must be consistent with government objectives and must be measurable and verifiable. These results and strategies are tailored to meet the eleven FRPA values and their objectives set by government. (<https://www2.gov.bc.ca/gov/content/industry/forestry/managing-our-forest-resources/forest-stewardship-plans>). The FSP also must be consistent with government Land-Use Plans, such as the Vancouver Island Land Use Plan, and sub-unit plans such as approved Landscape Unit Plans. If approved, the FSP will form the basis for the future development of roads and the timber harvesting and reforestation of cutblocks.

To review the Tsawak-qin Forestry Inc. proposed FSP and associated maps online please go to <https://www.tfl44lp.com/forest-stewardship/>. Alternatively, the FSP can be viewed in our office by appointment from 9:00am to 4:00pm Monday through Friday until July 5, 2023. An FSP Companion Document has been prepared to assist in interpreting the content of the FSP <https://www.tfl44lp.com/wp-content/uploads/2023/04/Tsawak-qin-Forestry-FSP-Companion-Document.pdf>. Following your review, we invite you to offer comments as to how our proposed forest management activities may potentially affect or align with your interests.

Any comments you provide will be considered by Tsawak-qin Forestry Inc. in the formulation of the final FSP document and will be made available to the government decision maker who will adjudicate the submitted FSP.

Tsawak-qin Forestry Limited Partnership
1080A Franklin River Road, PO Box 2001, Port Alberni, BC V9Y 7N3 | 250.720.4200

www.tfl44lp.com

ENTERED



TSAWAK-QIN
FORESTRY

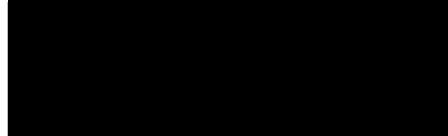
If you have questions, would like to review the Forest Stewardship Plan by appointment, access the FSP through a different avenue, or provide written comments, please contact Brian Marcus at [REDACTED]

We look forward to receiving your written comments and contact information **on or before July 7, 2023.**

Finally, in conducting forest management activities in TFL 44, Tsawak-qin Forestry Inc. will continue to comply with regulatory requirements outside the FSP, such as the Heritage Conservation Act, Wildlife Act, Professional Governance Act, Land Act, Federal Species at Risk Act, Federal Fisheries Act, and First Nations case law. Tsawak-qin Forestry Inc. will also continue to work to achieve the targets outlined in our Sustainable Forest Management Plan monitored to the standards required by the Canadian Standards Association (CSA).

Yours truly,

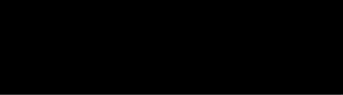
TSAWAK-QIN FORESTRY INC.



B [REDACTED] Marcus, RPF

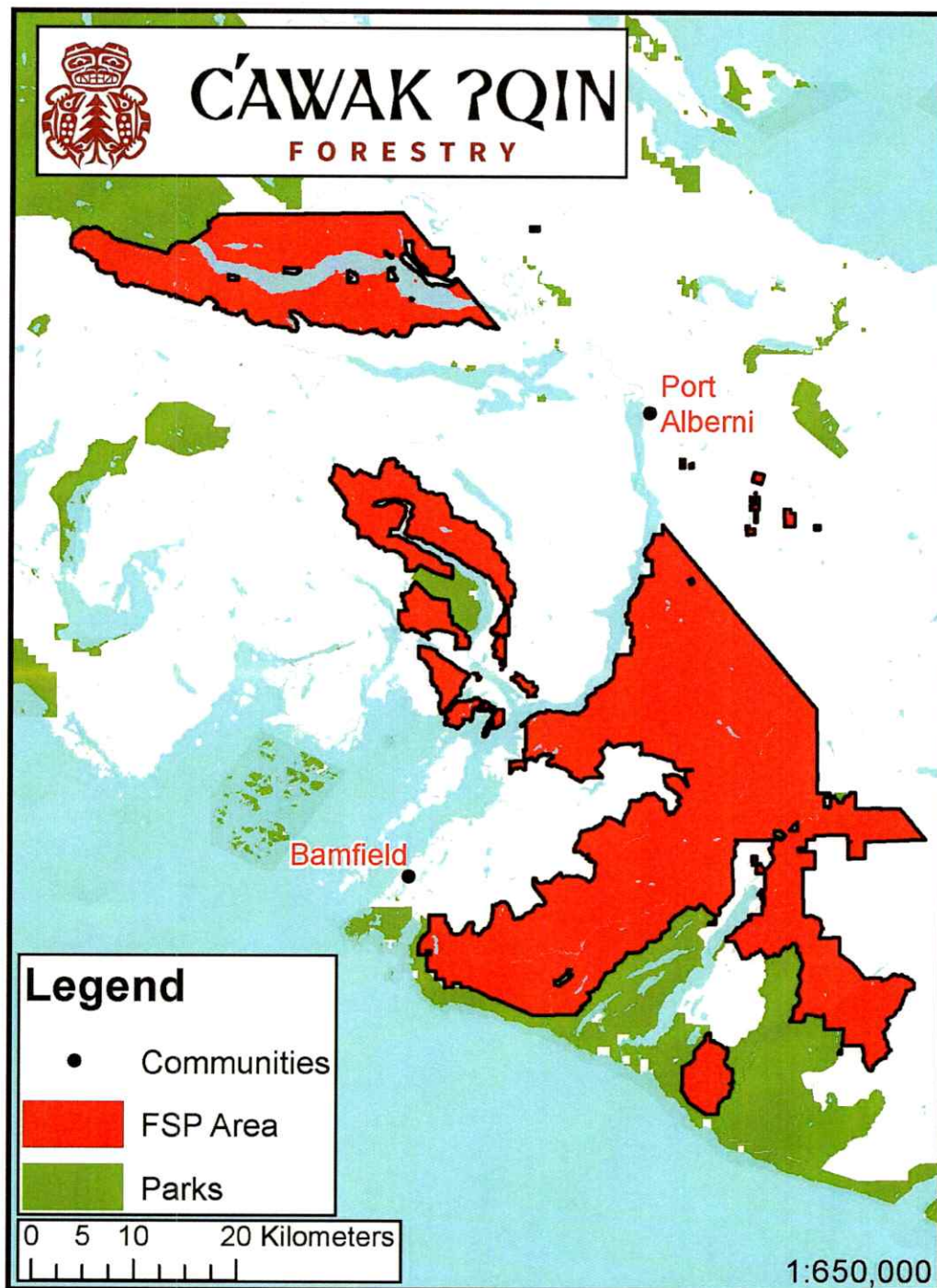
Silviculture Forester

Tsawak-qin Forestry Limited Partnership





C'AWAK ?QIN FORESTRY



Tsawak-qin Forestry Limited Partnership
1080A Franklin River Road, PO Box 2001, Port Alberni, BC V9Y 7N3 | 250.720.4200

www.tfi44lp.com

3

- ☒ Council
 - ☒ Mayor
 - ☒ CAO
 - ☐ Finance
 - ☒ Corporate Services
 - ☒ Agenda
 - ☐ Economic Development
 - ☐ Engineering/PW
 - ☐ Parks, Rec. & Heritage
 - ☐ Development Services
 - ☐ Community Safety
 - ☐ Other
- File # 4200-01 *RCM June 12, 2023*

RECEIVED
MAY 17 2023
CITY OF PORT ALBERNI

May 11, 2023

To: Mayor & City Council

On behalf of the residents of Heritage Place we would like to have an Advanced Polling Station for Civic Elections brought in to our facility as it was before Covid.

It is our duty and our right to vote but most of us cannot easily get out to the Polling Stations. Hoping you can help us with this.

We remain respectfully
Residents of Heritage Place



pg:db

ENTERED

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MAY 18 2023

CITY OF PORT ALBERNI

☒ Council
☒ Mayor
☒ CAO
☐ Finance
☒ Corporate Services
☒ Agenda
☐ Economic Development
☐ Engineering/PW
☐ Parks, Rec. & Heritage
☐ Development Services
☒ Community Safety
☐ Other _____
Rgn June 12, 23
4000-01
File # _____

To: Mayor Minions

Councilors Dame, Douglas, Haggard, Mealey, Patola and Solda

CC: CAO Mike Fox

Manager of Community Safety Mark Zenko

Interim Director of Corporate Services Donna Monteith

From: G [REDACTED] & L [REDACTED] Walerius, Port Alberni, BC

RE: Notice of Motion – State of City of Port Alberni’s By-laws

Further to the Notice of Motion put forward by Councilor Patola at the Committee of the Whole Meeting (May 15, 2023) requesting staff prepare a report on the state of our current by-laws, along with a plan to update the by-laws so they are effective and enforceable is appropriate. This motion should be considered and supported by Mayor and Council.

The By-law Enforcement Department is only as effective as the by-laws that the officers are able to enforce. If by-laws are poorly written or written in a manner that are not enforceable, this could result in the inability of the by-law officers to perform their duties effectively and efficiently.

A staff report would provide Council with the appropriate information on the state of the city’s by-laws as it aligns with Council’s new Strategic Plan (5.4 People are safe and feel safe). At the same time, staff would be providing a report that features the work of the cities employees, in this case the Manager of Community Safety and the by-law officers and the work that may be needed to improve the effectiveness of the By-Law Enforcement Department.

We, as taxpayers, call upon Council to support the Notice of Motion raised by Councilor Patola.

Best Regards,

G [REDACTED] and L [REDACTED] Walerius,
Port Alberni

[REDACTED]

ENTERED

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MAY 18 2023

CITY OF PORT ALBERNI

☒ Council
☒ Mayor
☒ CAO
☐ Finance
☒ Corporate Services
☒ Agenda
File # 3900-01

☐ Economic Development
☐ Engineering/PW
☐ Parks, Rec. & Heritage
☐ Development Services
☒ Community Safety
☐ Other _____

RCM June 12, 23

To: Mayor Minions
Councilors Dame, Douglas, Haggard, Mealey, Patola and Solda

May 18, 2023

CC: CAO Mike Fox
Interim Director of Corporate Services Donna Monteith

From: G [REDACTED] & L [REDACTED] Walerius, Port Alberni, BC

RE: RCM May 23 or June 12, 2023 - AV News – Public Notice – Council Procedures Bylaw

Below is a chart for 2023 Regular Council Meetings (RCM) and Committee of the Whole Meetings (COW), presented to show the gaps between meetings that affect “Public Input” as is being presented in the Council Procedures Amendment Bylaw No. 5082, 2023 (COW April 25, 2023 Agenda Page 14-47) that may be adopted at either the May 23, 2023 or June 12, 2023 Regular Council Meeting without further amendments.

The AV News Article May 17, 2023 “City considers removing public input” by Elena Rardon, has prompted us to write and ask council to reconsider the Public Input portion of the City’s Regular Council Meeting transitioning to the Committee of the Whole meetings.

We stand by the old format with Public Input at the beginning of each Regular Council Meeting. RCM are held twice a month with the exception of July, August and December where meetings are held once a month for 21 meetings/year versus COW meetings at 1 meeting a month for 9 meetings/year with no meetings held in August, September or December.

Changing the format over to the Committee of the Whole meetings, decreases the number of times per year that the Public can engage with Council and the time lag between the COW meetings increases dramatically from every 3 to 5 weeks in Spring/Fall to 13 weeks in the Summer and 8 weeks over the Christmas holidays.

We realize that the number of public speakers and minutes increase with the new proposal, but the time lag between COW meetings is extremely worrisome if Council wishes to engage with the Public on a regular basis.

Regular Council Meetings: 4 speakers X 3 minutes x 21 meetings = 252 minutes

Committee of the Whole Meetings: 6 speakers x 5 minutes x 9 meetings = 270 minutes

Council by way of this new “Council Procedures Amendment Bylaw” is actually avoiding Public Input.

Having attended both RCM & COW meetings, as members of the Public, there is no difference in the process. One is no less formal than the other, saying it is, doesn’t make it so. The Public still

REGULAR COUNCIL AGENDA - JUNE 12, 2023

ENTERED

117

J. (d)

sits in the gallery, follows the agenda and listens while the Mayor & Council discuss and vote. The public still stands at the podium for public input and to ask questions.

Due to the time lag between Public Engagement at a COW meeting, the newly proposed "Council Procedures Amendment Bylaw No. 5082, 2023) **should be tabled** until Council opens up and announces other regular Public Engagement opportunities.

As residents of the City of Port Alberni, we encourage Council to reconsider the meeting dates/times of RCM & COW Meetings, seek other Public engagement opportunities, and then amend & adopt the "Council Procedures Bylaw" that promotes Public Input.

Best Regards,
G [REDACTED] and L [REDACTED] Walerius,
Port Alberni
[REDACTED]

[AV News Article: May 17, 2023 – City considers removing public input](#)

Councilor Patola said "It seems to me we've missed the mark, because we're taking away opportunities for engagement which may be very good for streamlining, but we're failing to replace those opportunities for engagement somewhere else".

Councilor Dustin Dame agreed that council has a responsibility to make sure the public can engage in meetings, but said he overall supported the changes.

Councilor Dame states "The intent and the spirit of the changes that have been made are not to avoid public engagement"

Haggard also added that a "less formal process" might make people more comfortable to come forward and speak in front of council.

Mayor Minions said "I think that what we're trying to achieve here is a more free discussion in committee of the wholes".

City of Port Alberni

Schedule of Meetings for 2023 - New Procedures By-law

2023	2023		
RCM	COW	Weeks between COW & RCM	Between COW Meetings
		For Public Engagement & ? Period	Between Public Engagement
Jan. 9			
	Jan. 16	1 week Jan. 16 - 23	5 weeks Jan. 16 - Feb. 21
Jan. 23			
Feb. 13			
	Feb. 21	1 week Feb. 21 - 27	4 weeks Feb. 21 - Mar 20
Feb. 27			
Mar. 13			
	Mar. 20	1 week Mar. 20 - 27	3 weeks Mar. 20 - Apr. 17
Mar. 27			
Apr. 11			
	Apr. 17	1 week Apr. 17 -24	4 weeks Apr. 17 - May 15
APR. 24			
May 8			
	May 15	1 week May 15 - 23	5 weeks May 15 - June 19
May 23			
June 12			
	June 19	1 week June 19 - 26	4 weeks June 19 - July 17
June 26			
July 10			
	July 17	4 weeks July 17 - Aug. 14	13 weeks July 17 - Oct. 16
Aug 14			
Sept 11			
Sept 25			
Oct 10			
	Oct. 16	1 week Oct. 16 - Oct. 23	5 weeks Oct. 16 - Nov. 20
Oct 23			
Nov 13			
	Nov. 20	1 week Nov. 20 - Nov. 27	8 weeks Nov. 20 - Jan. 15, 2024
Nov 27			
Dec. 11			

2024	2024
RCM	COW
Jan. 8	
	Jan. 15

Councillor Report

For June 12, 2023

Councillor Debbie Haggard

May 23, 2023 – Public Hearing – The public hearing was held to change the land use designation and zoning of the property located at 2846 4th Avenue to enable a four-unit townhouse with a new TH1 Townhouse Multi-Family zone.

May 24, 2023 – Alberni Clayoquot Regional District Board meeting– Highlights include:

- The Log Train Trail Management Plan Report was presented, along with possible next steps.
- The Connected Coast Project was presented to the Board. This project brings high speed internet to rural and remote communities along the BC Coastline, Haida Gwaii and Vancouver Island.
- The Board of Directors endorsed the process of renewing the Solid Waste Management Plan.

May 25, 2023 – HFN and Timber Tiles Launch Event - This event celebrated the partnership between HFN Forestry LP and Timber Tiles. Timber Tiles manufactures a product that promises to challenge the dominance of ceramic wall tile industry. This value-added product is made of hemlock sustainably harvested from forests on Vancouver Island. Thank you for choosing Port Alberni as the location of your business!

May 26, 2023 - Recycle Matters and INEO are making a difference by recycling mattresses and creating employment while doing so. This was a celebration of saving over 32,000 mattresses from the land fill. Thank you, Terry Deakin, for all that you do for our community!

May 27, 2023 – Ty Watson Gala – After a three-year absence, I was pleased to attend the Ty Watson Gala, a fund raiser for the Ty Watson House. All proceeds from the event are directly donated for the operations of the Ty Watson House. Thank you to the organizing committee for another very successful event!

May 30, 2023 - Tseshah Council to City Council Meeting – Thank you to the Tseshah Council for hosting City Council to support continued government-to-government relationship building through open and constructive dialogue based on mutual trust, honesty, respect and understanding.

May 31, 2023 – Alberni Valley Aquatics Open House and Workshop – I attended the open house for a possible regional aquatic centre. This was an opportunity for the public to share their vision, their wants and needs. It was very interactive and lots of great ideas were shared. The survey deadline has been extended until June 15, 2023. Please go to www.letsconnectacrd.ca and express your opinion.

June 2, 2023 – I met with the **Chair of the Port Alberni Port Authority Board**. We shared highlights of our respective strategic plans and what goals have the potential of a working partnership between our two organizations.

June 2, 2023 – Thank you to the **Portal Players Dramatic Society and the Stages Youth Theatre** for their presentation of **Sense and Sensibility**. It was a fun and lighthearted performance of a regency era classic by our local theatre troupe. Congratulations to the local youth who gave an exceptional performance!

Councilor Report for June 12 regular council meeting

Councilor Patola

From May 25 through to May 28 I joined Mayor Minions in attending the Federation of Canadian Municipalities conference (FCM) in Toronto Ontario.

I want to thank the taxpayers of Port Alberni for funding this event and assure you that this type of investment in council is instrumental in making Port Alberni a better city.

In addition to the usual speeches by dignitaries and representatives of all levels of government I also attended a number of educational sessions.

Thursday May 25 – Equity Inclusion

I found it noteworthy that the conference began with a session promoting the concept and practice of equality. Often conferences are designed to jump straight into business and progressive philosophical discussions are left to the end, as if they are only a dream or a wish but not realistic objectives. By placing this topic front and center FCM demonstrated a commitment to reaching real equality, as should we all.

The session provided information about programs and funding available from the Canadian Race Relations and the UNESCO Coalition of Inclusive Municipalities.

The definition of an inclusive community being one where (a) all people (b) feel welcomed and safe (c) with effective access (d) to all the city's programs (e) and areas. This is a concept that I feel the city can take a lead on promoting throughout the greater area, as it clearly aligns with our strategic plan.

A few sound bites from this session are:

- (i) We can achieve more together than alone
- (ii) Creating space (physical and emotional) for people tells them they are seen and recognized
- (iii) Any oppression, even unintentional, destabilizes the environment and fractures relationships
- (iv) It is more important relationships to build relationships at a community level with individuals than at a political level with leaders
- (v) Trust is a precondition to engagement

On May 26 I attended a session on the Toronto Community Crisis Service. This is a new system designed for response to persons in crisis and diverts these calls for assistance away from existing police, fire and paramedic emergency services. It is essentially a third generation of this type of program which builds on the successes and solutions to the challenges of previous efforts. The Toronto program shares many similarities with programs being piloted in BC.

The key aspects of the service are;

- (i) Access through a dedicated 211 phone number (911 also works)
- (ii) 24/7 service provision

- (iii) 2 person mobile response team
- (iv) Clients 16 years and older (due to legal consent)
- (v) Entirely voluntary for client involvement
- (vi) Culturally relevant services and referrals
- (vii) Post crisis follow up

Initial results show;

- (a) 23% of emergency calls diverted from police
- (b) 24% of clients accept further resources and support
- (c) A first report on the pilot project is due in October of this year

This is one piece of the SafeTO Community Safety and Well Being plan which is well worth the read. It is a full implementation plan designed to reach the strategic plan goal of a safe community. Developing a similar plan would be an effective tool for Port Alberni to reach its strategic goals of a safe community.

Finally, I participated in a number of walking tours throughout the neighborhoods of Toronto. These were led by planners from the city and demonstrated some of the considerations they make in creating higher density, while still successfully maintaining heritage value, neighborhood character and the form of future development. I found that ideas and solutions in a large metropolis are equally applicable to a smaller city such as Port Alberni. With a planning department of over 500 staff, Toronto has the capacity to creatively advance its densification and thereby benefiting smaller centers that can focus directly on implementing successful solutions.

For example, with every development Toronto places at least an equal value on the effect the new build will have on the public space. They require setbacks to increase the usable streetscape. They emphasize retention of an angular gradient so that elevated sightlines and shadow windows are preserved. They avoid hard boundaries between zones and developments in favour of transitional areas. All of which creates a more inviting space for residents to engage with a vibrant city.

On the subject of single family residential densification, the planners stressed that the motivation was not a financial one. In fact in Toronto it is hard to make a business case to purchase and densify an existing property due to the large initial investment required. Most densification in the nature of secondary suites is done with the objective of providing flexibility of life style to the existing residents. Secondary suites give people the options such as; to age in place, to support extended family, and to make immigration fiscally attainable. In doing so the city becomes less prescriptive and more inviting to all its population.


In summary, I learned many ideas for improving the experience of living in Toronto. The effect being a nicer city attracts more people to live in and contribute to the vibrancy of their community. As we look to addressing the concerns particular to Port Alberni we would be well advised to adopt this holistic approach and utilize all the opportunities to make Port Alberni a preferred place to live.

With Gratitude

Todd Patola,

Councilor, Port Alberni

Date: June 1, 2023
File No: 3090-20-DVP118
To: Mayor & Council
From: M. Fox, CAO
Subject: **DEVELOPMENT APPLICATION – Development Variance Permit (DVP 118)**
4289 Ravenhill Avenue, Port Alberni
LOT B, DISTRICT LOT 1, ALBERNI DISTRICT, PLAN EPP125293 (PID: 031-881-319)
Applicant(s) R. Jaenicke & L. Ranger

Prepared by: <u>H. Stevenson</u> Planner I	Supervisor: <u>S. Smith</u> Dir. of Development Services Deputy CAO	CAO Concurrence:  M. Fox, CAO
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RECOMMENDATION

That Council authorize the issuance of Development Variance Permit No. 118 and that the Director of Corporate Services be authorized to sign the permit granting the following variance to the Zoning Bylaw at 4289 Ravenhill Avenue:

- i. *Vary section 5.11.2 Site Development Regulations to permit a reduction of the required minimum front yard setback at 4289 Ravenhill Avenue from 7.5 metres to 3.26 metres for an accessory structure, a variance of 4.24 metres.*

PURPOSE

To consider a Development Variance Permit application to decrease the required minimum front yard setback of the *R1 Single Family Residential* zone to enable construction of an accessory building at 4289 Ravenhill Avenue.

BACKGROUND

The subject property is located at the western end of Ravenhill Avenue abutting Ship Creek Road. It has split zoning consisting of *R1 Single Family Residential* at the eastern end, and *P2 Parks and Recreation* at the western end. The R1 portion of the property is occupied by a single-detached home. The P2 zoning was established during the property's previous rezoning and subdivision process, adopted June 14, 2021 and approved September 28, 2021 respectively, along with registration of a covenant that restricts vegetation removal within 30 m of the top of the Ship Creek ravine bank and protects the existing Ship Creek walking trail.

The subject property's front lot line (southern boundary) parallels an unconstructed road Right of Way (ROW) for the remainder of Ravenhill Avenue. The City has no plans to develop this portion of road, and it is currently forested with a portion of the Ship Creek walking trail. The surrounding neighborhood consist of R1 and undeveloped *FD Future Development* zoned properties. The applicant is proposing to build an accessory building (garage) within the property's R1 area for which the footings have already been placed 3.26 m from

the front lot line (Ravenhill Ave. ROW). The requested variance would correct for this error and allow the applicant to complete construction.

Subject Property and Site Context

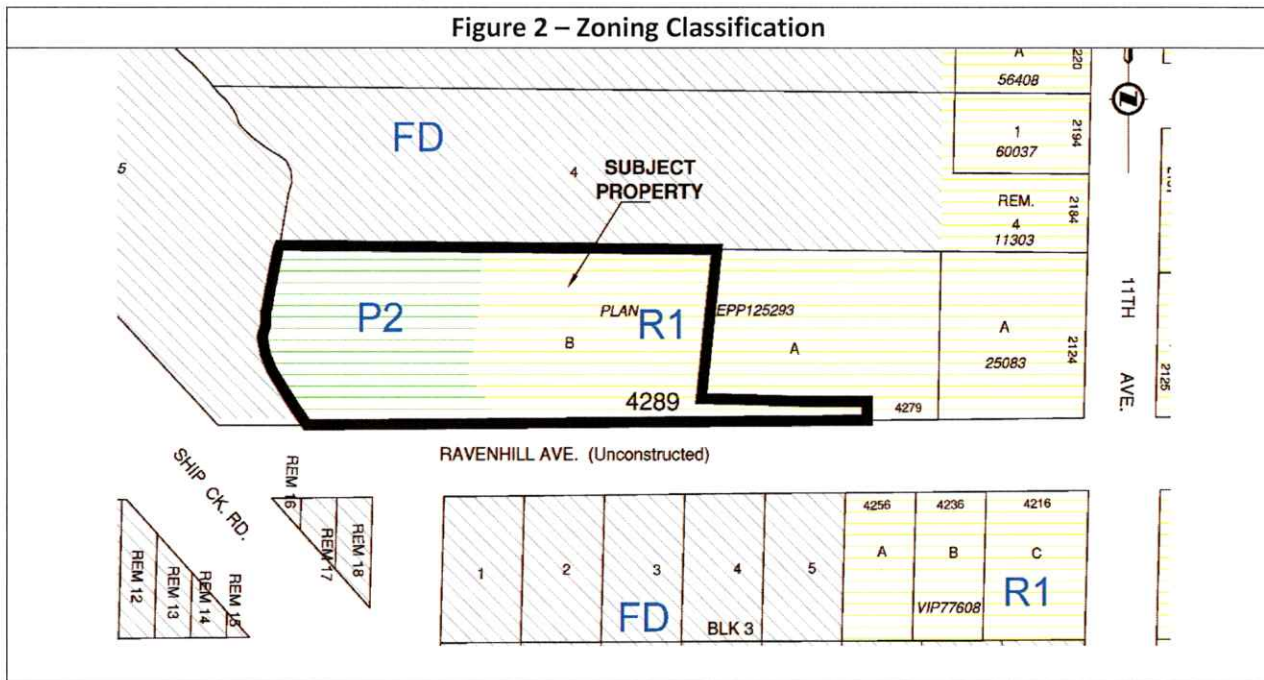
Location	Western end of Ravenhill Avenue, on northern side of street, abutting Ship Creek Park area.
Current Zoning	Split Zoning: R1 Single Family Residential and P2 Parks and Recreation
Total Area	6070.28 m ² (1.5 acres)
Official Community Plan (OCP)	<ul style="list-style-type: none"> • Schedule A: Land Use Map: Residential (RES) and Parks and Open Space (POS)
Relevant Guidelines	<ul style="list-style-type: none"> • OCP Section D Plan Policies – 4.0 Residential • OCP Section D Plan Policies – 2.0 Parks and Open Space

Figure 1 – Subject Property Map



Table 1 – Surrounding Neighbourhood Land Use

North	R1 Single Family Residential, FD Future Development (undeveloped)
South	Road ROW, R1 Single Family Residential, FD Future Development (undeveloped)
East	R1 Single Family Residential
West	P2 Parks and Recreation (Ship Creek), FD Future Development (undeveloped)



ALTERNATIVES/OPTIONS

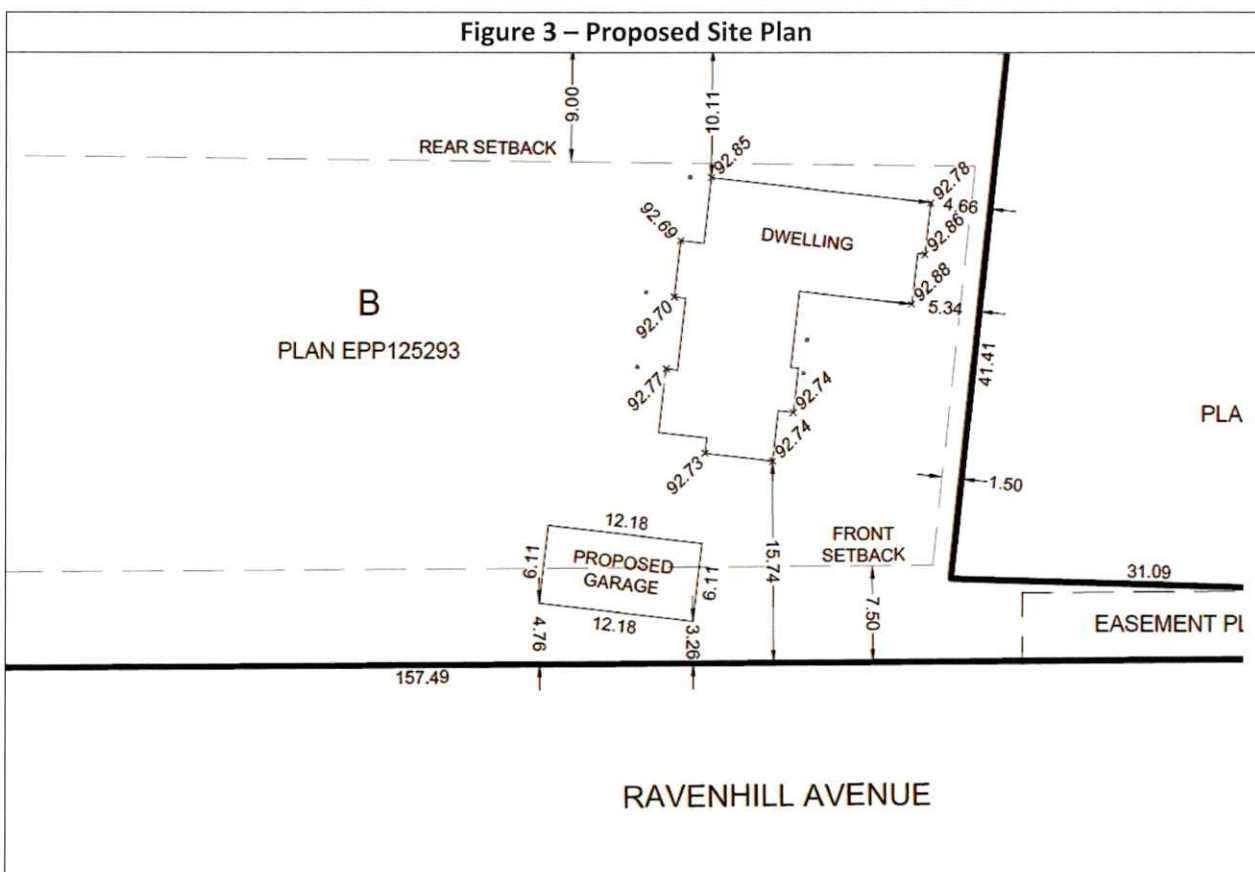
1. That Council authorize the issuance of Development Variance Permit No. 118 and that the Director of Corporate Services be authorized to sign the permit granting the following variance to the Zoning Bylaw at 4289 Ravenhill Avenue:
 - I. Vary section 5.11.2 Site Development Regulations to permit a reduction of the required minimum front yard setback at 4289 Ravenhill Avenue from 7.5 metres to 3.26 metres for an accessory structure, a variance of 4.24 metres.
2. Council may pass a resolution to provide alternate direction to staff.
3. Council may pass a resolution to decline issuance of Development Variance Permit No. 118.

ANALYSIS

The applicant is seeking to vary *Zoning Bylaw Section 5.11.2 Site Development Regulations* that specifies requirements for R1 properties including minimum setbacks. Table 2 details the existing required setback, and the reduced setback proposed by the applicant.

The applicant has also provided a site plan showing the existing single-detached house and location of the proposed accessory building within the required front yard setback (Figure 3). The existing 7.5-metre minimum setback is also shown.

Table 2 – Text of Requested Variance to Zoning Bylaw No. 4832				
5.11.2 R1 Site Development Regulations	Reduce required minimum front yard setback from 7.5 m to 3.26 m for a variance of 4.24 m.			
Minimum Setback (Front Yard)	Required		Proposed	
	7.5m	(24.6ft)	3.26m	(10.7ft)



Staff have confirmed with the Engineering Department that there are no plans to construct the remaining portion of Ravenhill Avenue. As a result, the designated front yard does not currently serve the same function as that of a traditional R1 property (surrounding neighborhood), and staff do not anticipate that nearby residences will be affected.

Additionally, the proposed accessory building will be entirely located on the R1 portion of the property and will not encroach on Ship Creek's riparian area or the portion of property zoned P2 protected by the existing covenant. Plans for the proposed accessory building conform with all other regulations of *Zoning Bylaw, 2014 No. 4832*.

IMPLICATIONS

Issuing Development Variance Permit No. 118 will enable the applicant to construct an accessory building within 3.26 m of the front lot line. The proposed variance is not anticipated to impact neighbouring properties or the City's unconstructed road right-of-way (Ravenhill Avenue).

COMMUNICATIONS

The development application (DVP118) was reviewed by the Advisory Planning Commission (APC) at their meeting on May 18, 2023. The APC passed a motion recommending Council support the application. A draft copy of the APC Summary Meeting Minutes from the meeting on May 18th is included as an attachment.

Staff completed all required notifications in accordance with *Local Government Act* section 499. Notices were mailed to all owners and occupants of property within 100 metres of 4289 Ravenhill Avenue, and notice was also posted on the City of Port Alberni website. A total of 17 letters were mailed, and as of the date of this report no correspondence has been received in response.

BYLAWS/PLANS/POLICIES

Zoning Bylaw, 2014 (Bylaw 4832):

The application proposes to vary *Section 5.11.2 R1 Single Family Residential Site Development Regulations of Zoning Bylaw, 2014 No. 4832*.

SUMMARY

The City has received an application to vary *Section 5.11.2 of Zoning Bylaw No. 4832* to reduce the required minimum front yard setback at 4289 Ravenhill Avenue from 7.5 metres to 3.26 metres for a variance of 4.24 metres to enable construction of an accessory building. Staff support the proposed variance and recommend that Council authorize the issuance of Development Variance Permit No. 118.

ATTACHMENTS/REFERENCE MATERIALS

- Advisory Planning Commission May 18, 2023 Draft Summary Meeting Minutes
- R1 Single Family Residential Zone Regulations
- Draft Development Variance Permit No. 118

C: D. Monteith, Interim Director of Corporate Services
R. Gaudreault, Building and Plumbing Inspector

J:\Engineering\Planning\Development Applications\Variance\VAR-2023\3090_20_2023_02 4289 RavenhillAve_Jaenicke_DVP118\Council



**Summary Report / Minutes of the Advisory Planning Commission Meeting
held on May 18, 2023 at 12:00 p.m.
(Council Chambers, Port Alberni City Hall, 4850 Argyle Street)**

Commission Members Present

Joe McQuaid
Callan Noye
Dan Holder
Stefanie Weber
Sandy McRuer
Councillor Dustin Dame, Council Liaison
Derrin Fines, P.A.F.D. Liaison

Regrets

Ed Francoeur (Chair)
Ken Watts, ECC, Tseshah (č išaa?ath) F.N
Peter Dionne, R.C.M.P. Liaison
Jolleen Dick, Councillor, Hupačasath F.N
Christine Washington, SD70

Staff

Scott Smith, Dir. of Dev. Services/Deputy CAO
Brian McLoughlin, Planner II
Haley Stevenson, Planner I

Guests

Applicant/s: J. Doove (virtual), Project Manager
R. Jaenicke, Property Owner

Alternates (not in attendance)

S/Sgt. Mike Thompson (Alt. – RCMP)
Larry Ransom (Alt. – S.D.70)
Councillor Deb Haggard, Alt. Council Liaison
Harley Wylie (Alt. – Tseshah (č išaa?ath) F.N)

1. Acknowledgements and Introductions

- An acknowledgement was made that this APC meeting is being held within the un-ceded, traditional territories of the Hupačasath and the Tseshah (č išaa?ath) First Nations.
- Welcome and introduction of any members who had not yet met.

2. Election of Chair and Vice Chair for 2023

- Quorum was met.
- Members present nominated and elected (all in favour) Stefanie Weber as Vice Chair of the APC for the year of 2023.
- Stefanie Weber accepted the position of Vice Chair.
- Members present agreed to postpone election of the Chair position until a meeting where more members were present.

3. Adoption of previous meeting minutes

- Draft Summary Minutes from the APC Meetings held on December 15, 2022 and February 16, 2023 were adopted.

4. DEVELOPMENT APPLICATION – Development Variance Permit 3355 Johnston Rd.

Lot 1, District Lot 152, Alberni District, Plan VIP79990 PID: 026-505-878

Applicant: J. Doove

- Planner I summarized the report dated May 10, 2023.
- The applicant J. Doove was in attendance virtually.

- APC discussed the proposed variance and report.
 - Discussion regarding an advertisement of a proposed development in the AV news.
 - An APC member expressed support for a hotel in the shopping area and that it makes sense for more dense development to occupy the abundant parking space.
 - An APC member inquired about the branding of “Microtel” and its relation to hotel unit size. The Director of Development Services referred the question to the applicant. The applicant provided a brief overview of Microtel design and clarified that the designs are smaller than typical hotel rooms. The Director of Development Services added that as with all development, the designs must conform with BC building Code.
 - An APC member inquired about any additional uses that the development may enable (e.g. pool). The Direction of Development Services clarified that these uses are included in “hotel” use.
 - The APC requested clarity on the subdivision process involved in the application. The Director of Development Services clarified that the subdivision and development permit/variance permit application are being processed parallelly to a degree permitted by statutory requirements. Staff also noted that the subdivision would not result in any additional access points from Johnston Rd.

Motion:

THAT the Advisory Planning Commission recommends to City Council that the application be supported.
CARRIED

5. DEVELOPMENT APPLICATION – Development Variance Permit 4289 Ravenhill Avenue
Lot B, District Lot 1, Alberni District, Plan EPP125293 PID: 031-881-319
Applicant: R. Jaenicke & L. Ranger

- Planner I summarized the report dated May 10, 2023.
- The applicant R. Jaenicke was in attendance.
- APC discussed the proposed variance and report.
 - An APC member inquired as to whether the variance would apply to the entire property or the solely proposed accessory building. Planner I clarified that the variance would apply solely to the proposed accessory building.
 - An APC member inquired whether the proposed location of the accessory building would encroach on the P2 zone. Planner I clarified that it would not.

Motion:

THAT the Advisory Planning Commission recommends to City Council that the application be supported.
CARRIED

6. Updates from the Director of Development Services

- The APC was provided information on the status of Bylaw updates.
 - The updated Building Bylaw will be brought to the City Council Regular Meeting on May 23 2023 for three readings.
 - Staff are aiming to bring the updated Zoning Bylaw to the City Council Regular Meeting at the end of June for first and second readings, and to set a public hearing date.

- The APC was provided updates on ongoing Planning & Development Services projects/applications.
 - 4210 Cedarwood
 - 2846 4th Ave – new townhouse zone
 - 2601 Burde Street
- The APC was provided an update on the status of the Official Community Plan.
 - City has been working on creating background documents “snapshots” for each of the OCP Touchstones.
 - Working with consultants on a population report.
 - OCP project Team is re-evaluating next steps and timing regarding public engagement.

7. Other Business:

- Staff communicated to the APC that it is their intent to hold the June APC meeting as there are items that will need to move forward and to ensure that their calendars are cleared to the best of their ability.

8. Adjournment – The meeting adjourned at 12:45 pm. The next meeting is scheduled for 12:00 pm on June 15, 2023.

(Chair)

APC-Summary Minutes-May18-2023

R1 – SINGLE FAMILY RESIDENTIAL

5.11 The purpose of this *zone* is to establish and maintain quiet, low density neighbourhoods.

5.11.1 Permitted uses

Principal Uses

Single family dwelling

Accessory Uses

Bed and breakfast

Home occupation

Secondary suite

Supportive housing

5.11.2 Site Development Regulations

Minimum Lot Area	600 m ²	6458 ft ²
Minimum Frontage	15 m	49.2 ft
Maximum Coverage	40%	
Minimum Setbacks:		
Front yard	7.5 m	(24.6 ft)
Rear yard	9 m	(29.5 ft)
Side yard	1.5 m	(4.9 ft)
Maximum Floor Area Ratio	0.5	
Maximum Height, Principal Building	10 m	(32.8 ft)
Maximum Number of Principal Building Storeys	2.5	
Maximum number of dwelling units per lot	2	

5.11.3 Conditions of Use

- (a) Notwithstanding the provisions of 5.11.2:
 - (i) On a *corner lot*, the *side yard* by the flanking *street* must be not less than 3.5 metres (11.5 ft) wide.
 - (ii) For single *family* dwellings having no carport or attached garage and with no access to the rear or the side of the *lot* from a *street* or *lane*, the minimum *side yard* requirement shall be increased to 3 m (9.8 ft) for one *side yard*.
- (b) For *supportive housing*, the maximum number of persons in care shall not exceed four (4).
- (c) Only one of the three (3) following *accessory uses* is permitted on any *lot*: *bed and breakfast* OR *secondary suite* OR *supportive housing*.



4850 Argyle Street | Port Alberni BC
V9Y 1V8 Canada
www.portalberni.ca
T. 250-723-2830
F. 250-723-3402

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit No: 118

Registered Owner(s): Robert William Jaenicke, Louise Margaret Ranger
Applicant: Robert William Jaenicke, Louise Margaret Ranger
Subject Property: 4289 Ravenhill Avenue, Port Alberni BC
Parcel Identifier: 031-881-319
Legal Description: Lot B, District Lot 1, Alberni District, Plan EPP125293
Purpose: To vary the required minimum front yard setback.

WHEREAS, pursuant to Section 498 of the *Local Government Act, RSBC 2015*, on application of an owner of land, a local government may, by resolution, issue a Development Variance Permit that varies, in respect to the land covered in the Permit, the provisions of a Zoning Bylaw adopted under Part 14 of the *Local Government Act*. Authorization is hereby granted to:

Robert William Jaenicke, Louise Margaret Ranger
P.O. Box 100, Stn Main, Port Alberni, V9Y 7M6

to:

- a) Vary Section 5.11.2 R1 Site Development Regulations, 'Minimum Setbacks: Front Yard' from 7.5 meters to 3.26 meters for an accessory structure, a variance of 4.24 meters.

for development on the lands legally described as Lot B, District Lot 1, Alberni District, Plan EPP125293 (PID: 031-881-319) and located at **4289 Ravenhill Avenue**, as shown on the Schedule A map attached.

In accordance with the provisions of Section 498 of the *Local Government Act RSBC 2015*, approval of this Permit was granted by resolution of the City Council on _____, __, 2023.

Authorized by

Corporate Officer

This Permit is issued under the Seal of the City of Port Alberni on _____, __, 2023.

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2220 A 56408

2194 1 60037

2184 REM. 4 11303

2124 A 25083

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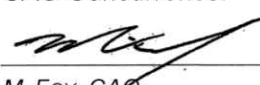
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Date: May 28, 2023
File No: 5400-20-Burde St
To: Mayor & Council
From: M. Fox, Chief Administrative Officer
Subject: **Burde Street Reconstruction | Anderson Avenue to 16th Avenue**

Prepared by: <i>R. DICKINSON</i> Director of Engineering & Public Works	Supervisor: <i>M. Fox</i> Chief Administrative Officer	CAO Concurrence:  <i>M. Fox, CAO</i>
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RECOMMENDATION[S]

That Council amend the "City of Port Alberni 2023-2027 Financial Plan Bylaw No. 5075, 2023", by allocating \$800,000 towards reconstruction of Burde Street between Anderson Avenue and 16th Avenue with funding from the Canada Community Building Reserve Fund.

PURPOSE

This report is provided for Council consideration of providing funding in 2023 to compliment the existing \$370,000 budgeted to reconstruct the road, curb, gutter and sidewalk on Burde Street between Anderson Avenue and 16th Avenue.

BACKGROUND

With development of the former high school site on Burde Street, the developer provided funds to pave the top lift of asphalt on Burde Street fronting their development, on their half of the road. [i.e. to road centerline as enabled by provincial legislation]. To compliment this investment and provide a full road reconstruction [both sides of the road] the City hired a consulting engineer to design the project and provide a construction cost estimate. The proposed design is attached for information.

ALTERNATIVES/OPTIONS

1. That Council amend the "City of Port Alberni 2023-2027 Financial Plan Bylaw No. 5075, 2023", by allocating \$800,000 towards reconstruction of Burde Street between Anderson Avenue and 16th Avenue with funding from the Community Building Reserve Fund.
2. That Council direct staff to only repave the south half of the road fronting the development with the current available funds of \$370,000.
3. That Council direct staff to defer construction until 2024.

ANALYSIS

With redevelopment of the former high school site the developer was required to build half of Burde Street [to centerline fronting their development]. The developer provided funds to the City for the top lift of asphalt, those funds are still being held by the City awaiting completion by the developer of all the underground works in Burde Street. It is anticipated the developer will complete their works in Burde during 2023.

In an effort to be proactive, the City hired a consulting engineer to design the full road. The design is to replace failed road infrastructure, provide curb extensions to slow traffic, improve pedestrian safety, reconstruct the sidewalk on the north side to provide better grading and improve grading between the City sidewalk and adjacent properties.

IMPLICATIONS

The proposed improvements to the south half of the road have been budgeted for in the amount of \$370,000 from allocations in 2019 and 2020 carried forward from previous Financial Plans. The additional \$800,000 being requested would be sourced from Canada Community Building Reserve Fund [Gas Tax] reserves.

COMMUNICATIONS

The City would ensure the public are notified prior to and during construction.

BYLAWS/PLANS/POLICIES

Corporate Strategic Priorities

1.2.1 Revitalize and reconfigure existing streets prioritizing work based on underground infrastructure needs and on public safety, especially pedestrian safety.

2.4.1 Utilize tools, methods and resources available to a local government to facilitate the redevelopment of brownfield sites.

SUMMARY

This project supports reconstructing aged infrastructure and supporting reinvestment in our community by developers by complimenting their investment to improve our City.

With approval of the \$800,000, with the existing \$370,000 budget the City would tender construction with a total budget of \$1,170,000.

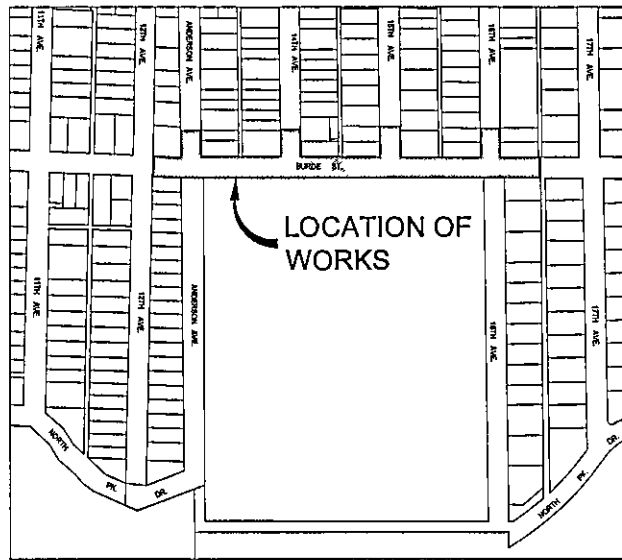
ATTACHMENTS/REFERENCE MATERIALS

1. McGill & Associates Engineering Ltd | Issued for Tender Design dated May 9, 2023

C: A. McGifford, Director of Finance
 C. Wright, Operations Manager

CITY OF PORT ALBERNI

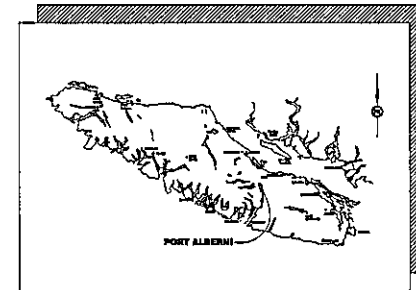
BURDE ST. IMPROVEMENTS



DRAWING INDEX

TITLE SHEET / SITE LOCATION PLAN

Pg	PLAN #	NAME
1	C01	OVERALL SITE PLAN & GENERAL NOTES
2	C02	PLAN AND PROFILE, STA. 1+000 - 1+180
3	C03	PLAN AND PROFILE, STA. 1+180 - 1+380
4	C04	BURDE AND ANDERSON INTERSECTION
5	C05	BURDE AND 14TH INTERSECTION
6	C06	BURDE AND 15TH INTERSECTION
7	C07	BURDE AND 16TH INTERSECTION
8	C08	GENERAL DETAILS 1 of 2
9	C09	GENERAL DETAILS 2 of 2
10	C10	ROAD CROSS SECTIONS

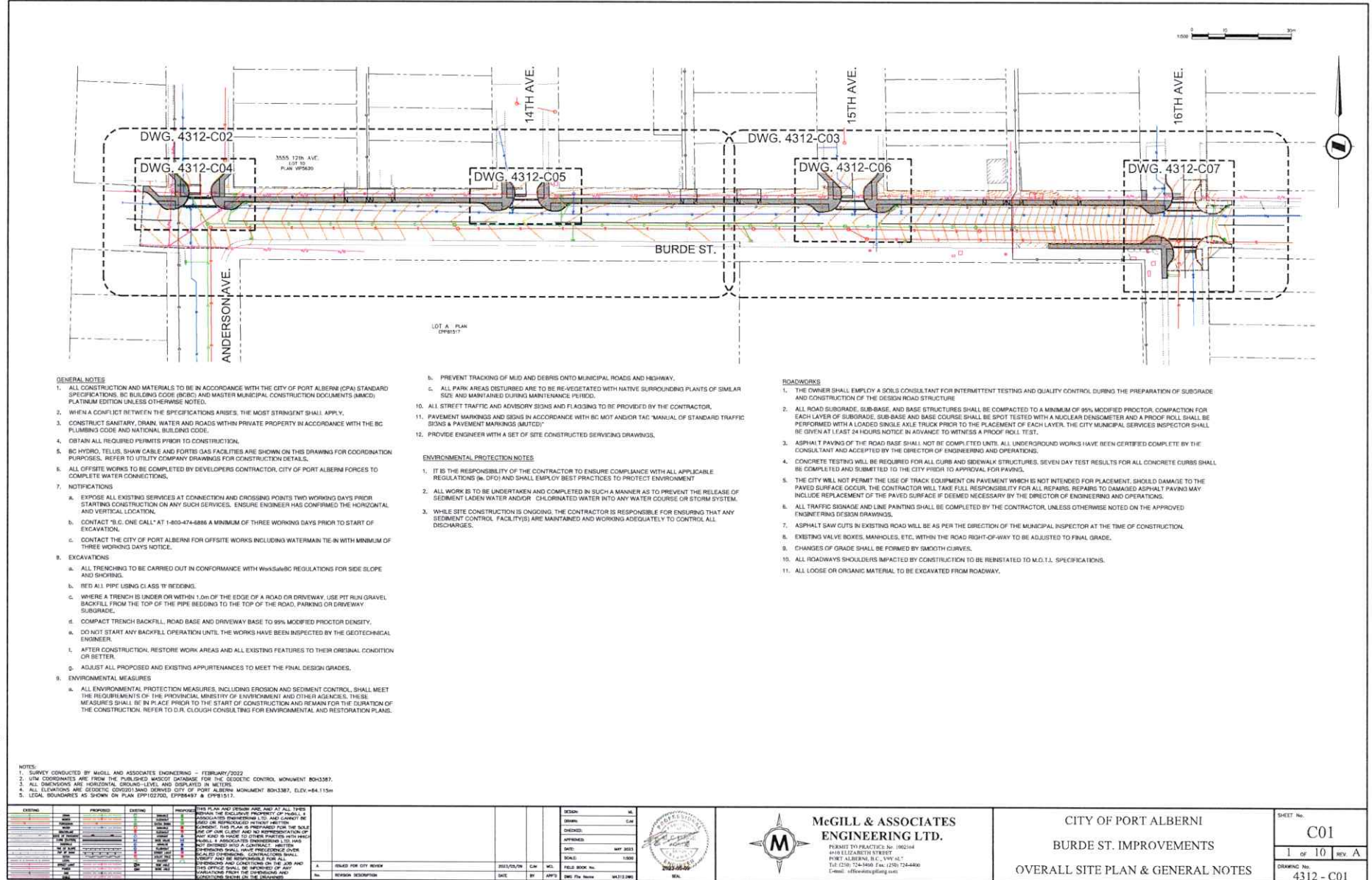


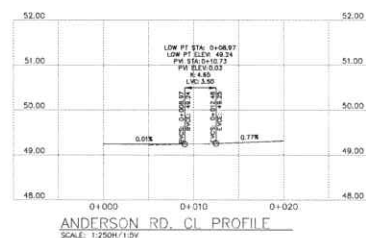
**McGILL & ASSOCIATES
ENGINEERING LTD.**

PERMIT TO PRACTICE No. 1002564
4410 ELIZABETH STREET
PORT ALBERNI, B.C. V9Y 4L7
Tel: (250) 724-3400 Fax: (250) 724-4100
E-mail: office@mcgilleng.com

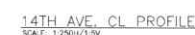
JOB# - 4312
REV A - ISSUED FOR CITY REVIEW

5543312 - CPA Road Design & Survey - 5543312.dwg May 09 2023 11:05:24am



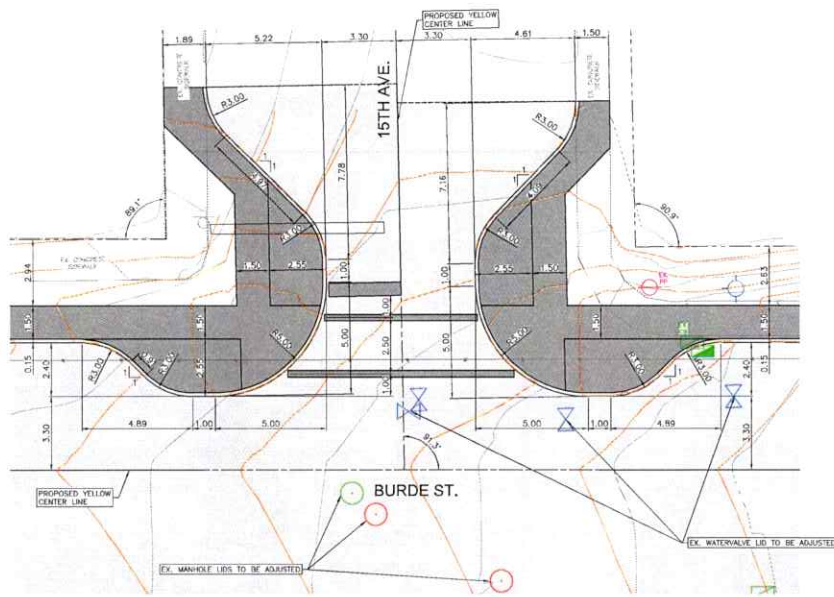


<p>SCALE: 1:1000</p> <p>THIS PLAN AND DESIGN ARE AND AT ALL TIMES REMAIN THE EXCLUSIVE PROPERTY OF MCGILL & ASSOCIATES ENGINEERING LTD. AND ARE NOT TO BE REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF MCGILL & ASSOCIATES ENGINEERING LTD. THE SOLE USE OF OUR CLIENT AND NO REPRESENTATION OF ANY KIND IS MADE TO OTHER PARTIES WITHIN THE SCOPE OF THIS CONTRACT. MCGILL & ASSOCIATES ENGINEERING LTD. HAS NOT ENTERED INTO A CONTRACT WITH ANY OTHER PARTY FOR THE SAME OR SIMILAR WORK. ANY SUCH CONTRACTS SHALL BE VOID AND OF NO EFFECT. ANY SUCH CONTRACTS SHALL BE VOID AND OF NO EFFECT. ANY SUCH CONTRACTS SHALL BE VOID AND OF NO EFFECT.</p> <p>A. REVIEWED FOR CITY REVIEW</p> <p>B. DESIGN DESCRIPTION</p>										<p>DESIGNED BY: M. J.</p> <p>DRAWN BY: C.M.</p> <p>CHECKED BY: M. J.</p> <p>APPROVED BY: M. J.</p> <p>DATE: 08/11/2010</p>				 <p>McGILL & ASSOCIATES ENGINEERING LTD.</p> <p>PROJECT TO PRACTICE NO: 100244 4010 112A STREET #700 PORT ALBERNI, B.C., V1Y 4L1 TEL: (250) 724-4400 FAX: (250) 724-4401 E-mail: a.mcgill@mga-eng.com</p>		<p>CITY OF PORT ALBERNI</p> <p>BURDE ST. IMPROVEMENTS</p> <p>BURDE AND ANDERSON INTERSECTION</p>		<p>SHEET No. C04</p> <p>4 of 10 REV. A</p> <p>DRAWING No. 4312 - C04</p>	
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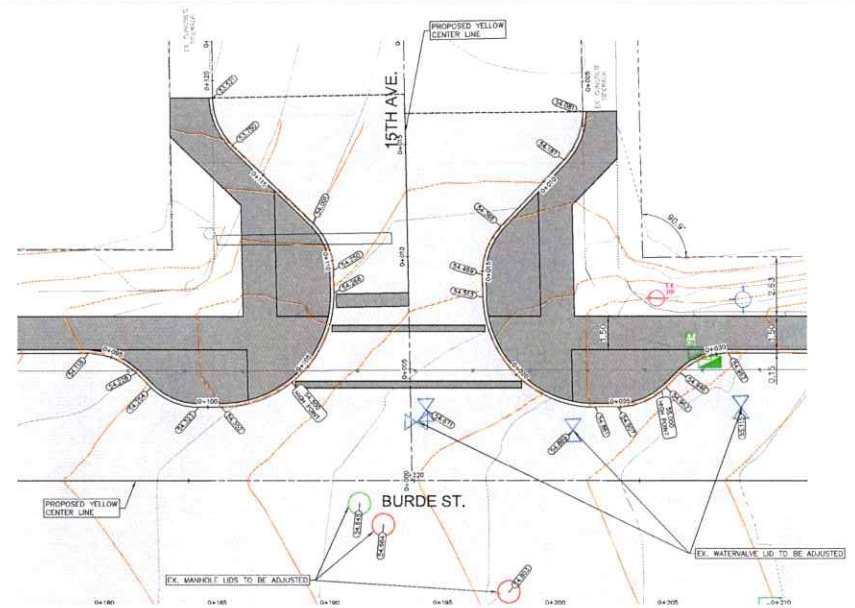
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CITY OF PORT ALBERNI
BURDE ST. IMPROVEMENTS
BURDE AND 14TH INTERSECTION

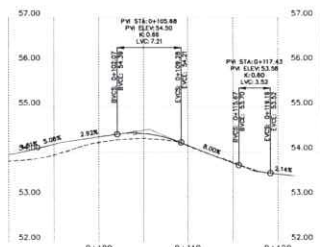
SHEET No.	
C05	
5 of 10	REV. A
DRAWING No.	
4312-C05	



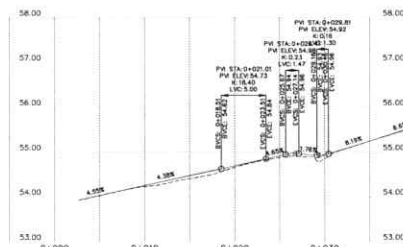
BURDE/15TH ROAD BULB GEOMETRY
SCALE: 1:100



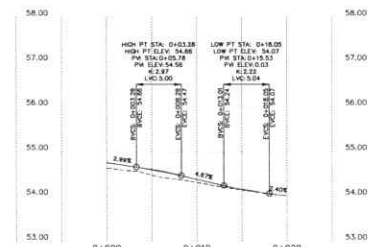
BURDE/15TH ROAD BULB ELEVATIONS
SCALE: 1:100



BURDE/15TH NW GUTTER PROFILE
SCALE: 1:250m/1"=50'



BURDE/15TH NE GUTTER PROFILE
SCALE: 1:250m/1"=50'



15TH AVE. CL PROFILE
SCALE: 1:250m/1"=50'

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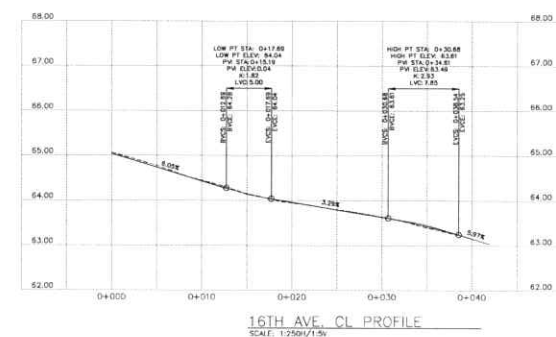
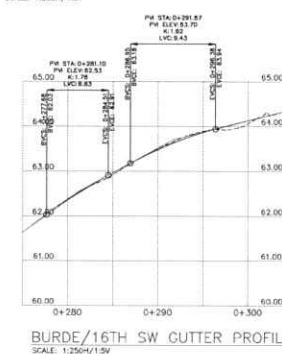
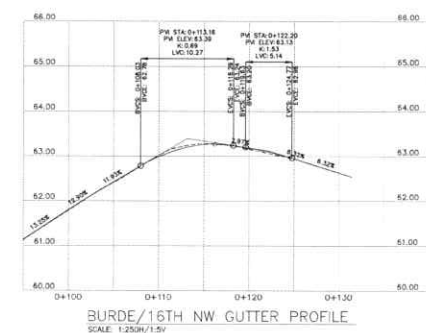
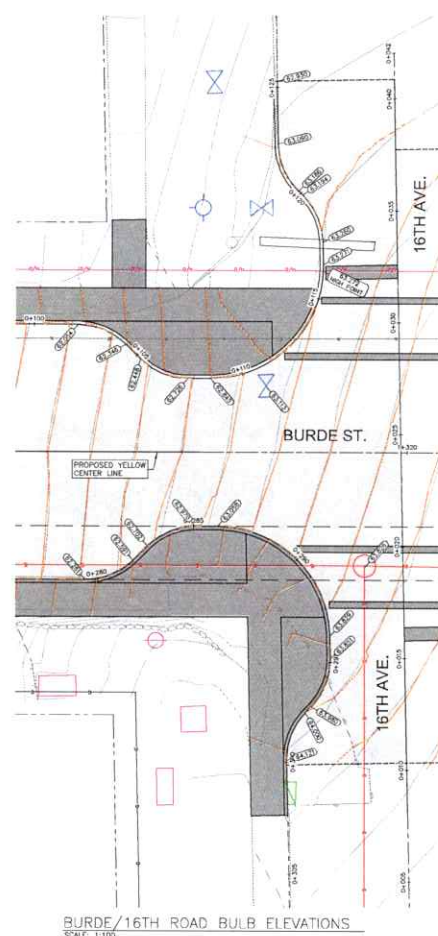
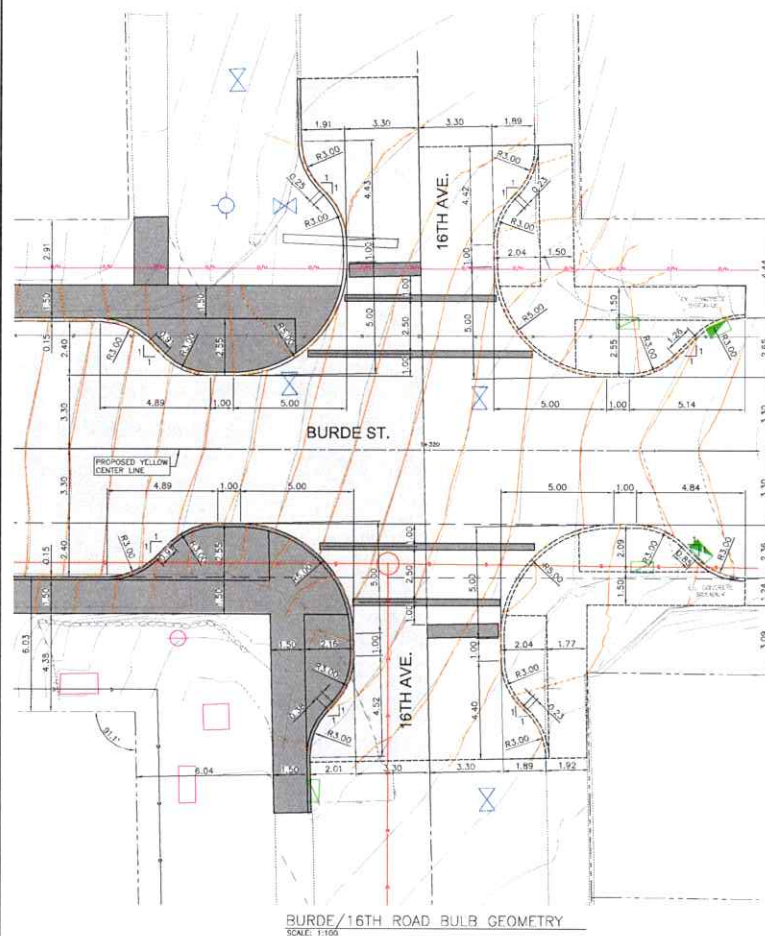
DESIGNED BY	ML
CHECKED BY	CM
APPROVED BY	
DATE	MAY 2023
SCALE	1:250m/1"=50'
FIELD BOOK No.	
DATE	
BY	
APP'D	
SHEET No.	4312-006
SCALE	



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CITY OF PORT ALBERNI
BURDE ST. IMPROVEMENTS
BURDE AND 15TH INTERSECTION

SHEET No.	C06
6 OF 10	REV. A
DRAWING No.	4312 - C06

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CITY OF PORT ALBERNI
BURDE ST. IMPROVEMENTS
BURDE AND 16TH INTERSECTION

SHEET No.	
C07	
7 of 10	REV. A
DRAWING No.	
4312 - C07	

McGILL CIVIL ROAD DESIGN & SURVEYING INC. 1000 10TH AVE. S.W. 2ND FLOOR

