
AGENDA - REGULAR MEETING OF COUNCIL

Monday, May 8, 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 12:00 pm and Regular Council meeting held at 2:00 pm on April 24, 2023, and Special meeting held at 5:30 pm on April 25, 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 Interim Director of Corporate Services**
Chief Administrative Officer to introduce the Interim Director of Corporate Services, Donna Monteith.

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 May 8, 2023, be received and the cheques numbered _____ to _____ inclusive, in payment of accounts totalling \$ _____, be approved.

2. RCMP Department - Page 14

Report from the Officer in Charge, Inspector Eric Rochette reporting on the 1st Quarter of 2023 [January to March].

THAT Council receive the 1st Quarter Report from the RCMP Department.

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. Tax Rates Bylaw No. 5083, 2023 - Page 17

THAT "City of Port Alberni Tax Rates Bylaw No. 5083, 2023 be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5083.

2. Council Procedures Amendment Bylaw No. 5082, 2023 - Page 20

Report dated May 1, 2023 from the Director of Corporate Services requesting Council consideration for three readings of the proposed bylaw as per the recommendation from the Committee of the Whole of April 25, 2023.

a. THAT "Council Procedures Amendment Bylaw No. 5082, 2023" be now introduced and read a first time.

b. THAT "Council Procedures Amendment Bylaw No. 5082, 2023" be read a second time.

c. THAT "Council Procedures Amendment Bylaw No. 5082, 2023" be read a third time.

3. Development Procedures Bylaw No. 5076, 2023 - Page 29

THAT "City of Port Alberni Development Procedures Bylaw No. 5076, 2023 be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5076.

4. Proposed Zoning Bylaw Amendment | 2244 Mallory Drive - Page 54

THAT "Zoning Map Amendment No. 56 (2244 Mallory Drive – Saywell Developments), Bylaw No. 5066" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5066.

5. **Proposed Zoning Bylaw Amendment | 2272 Mallory Drive - Page 63**
THAT “Zoning Map Amendment No. 57 (2272 Mallory Drive – Saywell Developments), Bylaw No. 5067” be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5067.

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.

1. **Alberni Valley Pride Society - Page 72**
Letter dated April 22, 2023 from the Alberni Valley Pride Society requesting that the Pride flag be flown at City Hall during Pride Week.

THAT Council authorize the Alberni Valley Pride Society request that City Hall fly the Pride flag during Pride Week, May 29 – June 4, 2023.
2. **Valley Street Rods Car Club - Page 73**
Emailed received May 3, 2023 from Valley Street Rods Car Club requesting use of the parking area at Harbour Quay.

THAT Council authorize the Valley Street Rods Car Club use of the parking area at the Harbour Quay for the purpose of a car show event on Sunday, August 13, 2023 from 12:00 pm to 5:00 pm subject to:
 - *the notification of emergency services and BC Transit;*
 - *consultation with all affected businesses/residents;*
 - *implementation of a Traffic Plan; and*
 - *provision of standard liability insurance in the amount of \$5M [minimum].*

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 74**
 - a. Union of BC Municipalities | Council 2023 AVICC Resolution Endorsement

K. REPORT FROM IN-CAMERA

L. COUNCIL REPORTS

1. Council and Regional District Reports

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. Code of Conduct Policy - Page 76

Report dated May 1, 2023 from the Director of Corporate Services requesting Council consideration of the Code of Conduct Policy as per the recommendation from the Committee of the Whole of April 25, 2023.

THAT Council approve the City of Port Alberni Council Code of Conduct Policy 3002-1.

2. Liquor Licence Application Policy - Page 82

Report dated April 28, 2023 from the Planner I requesting Council consideration of the Liquor Licence Application Policy 3006-1.

a. THAT Council rescind the existing Liquor Licence Application Policy approved June 25, 2013.

b. THAT Council approve the City of Port Alberni Liquor Licence Application Policy 3006-1.

3. BC Transit Annual Operating Agreement - Page 91

Report dated April 28, 2023 from the Director of Finance seeking Council authorization to execute the BC Transit Annual Operating Agreement.

THAT the Mayor and Corporate Officer be authorized to execute the BC Transit | 2023 – 2024 Annual Operating Agreement between the City of Port Alberni and British Columbia Transit as attached to this report and in effect from April 1, 2023 to March 31, 2024.

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
TUESDAY, April 24, 2023 @ 12:00 PM
City Hall Committee Room | 4850 Argyle Street, Port Alberni, BC

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

Staff: M. Fox, CAO
S. Smith, Director of Development Services/Deputy CAO
D. Leurebourg, Director of Corporate Services
A. McGifford, Director of Finance
S. Darling, Deputy Director of Corporate Services

Call to order: @ 12:00 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)(d)** the security of the property of the municipality;
- 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)(f)** law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- 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 1:05 pm.

CERTIFIED CORRECT

Mayor

Corporate Officer

MINUTES OF THE REGULAR MEETING OF COUNCIL
Monday, April 24, 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
Councillor D. Haggard [Electronically]
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
B. McLoughlin, Planner
S. Darling, Deputy Director of Corporate Services | Recording Secretary

Gallery: 5

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 Correspondence for Information J.1 | Fortis BC Community Giving Awards. The agenda was then adopted as amended.

CARRIED

B. ADOPTION OF MINUTES

MOVED AND SECONDED, THAT the minutes of the Special meeting held March 20, 2023 at 4:00 pm, Special meeting held at 12:00 pm and Regular Council meeting held at 2:00 pm on April 11, 2023, be adopted, as presented.

CARRIED

C. PUBLIC INPUT PERIOD

J. Mayba

Addressed proposed intersection improvements for 10th Avenue and Dunbar Street and expressed support for the removal of the left turn lane.

N. Anderson

Spoke to the inclusion of public input within the establishment of a Council Code of Conduct Policy.

D. DELEGATIONS

E. UNFINISHED BUSINESS

1. Financial Plan Q&A Summary

Council received the summary of questions and responses as it relates to the 2023-2027 Financial Planning process.

F. STAFF REPORTS

1. Accounts

MOVED AND SECONDED, THAT the certification of the Director of Finance dated April 24, 2023, be received and the cheques numbered 152533 to 152650 inclusive, in payment of accounts totalling \$ 1,956,891.56, be approved.

CARRIED | Res. No. 23-115

G. BYLAWS

Council recessed the meeting at 2:36 pm.

Council resumed its meeting at 2:49 pm with all members of Council in attendance.

1. 2023 – 2027 Financial Plan Bylaw No. 5075, 2023

MOVED AND SECONDED THAT “City of Port Alberni 2023 – 2027 Financial Plan Bylaw No. 5075, 2023” be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5075.

DEFEATED

MOVED AND SECONDED, THAT Council rescind third reading of “City of Port Alberni 2023-2027 Financial Plan Bylaw No. 5075, 2023”.

CARRIED | Res. No. 23 – 116

MOVED AND SECONDED THAT Council amend the “City of Port Alberni 2023 – 2027 Financial Plan Bylaw No. 5075, 2023” as follows for the Capital Plan in progress:

i. Linking Roger Creek Trails funding be moved from Growing Communities Fund to the General Fund [prior years surplus] in the amount of \$290,000.

CARRIED | Res. No. 23-117

ii. Add \$35,000 coming from taxation to the Capital Plan for 2023 for the purpose of implementing the structural recommendations of the City Hall Violence Risk Assessment.

CARRIED | Res. No. 23-118

iii. Add \$20,000 to the Project 21012 - Replace 2005 Ford F350 W/Comp Body #520 from the Equipment Replacement Reserve Fund.

CARRIED | Res. No. 23-119

MOVED AND SECONDED, THAT Council provide early approval and authorize staff to proceed with the following as allocated in the “City of Port Alberni 2023 – 2027 Financial Plan Bylaw No. 5075, 2023”:

i. 2023 Capital Plan – 10th Avenue and Dunbar Street | 10th Avenue and Redford Street traffic improvements in the amount of \$410,000;

ii. 2023 Capital Plan – Phase 6 – Cowichan Water Main upgrades - \$2.1 Million tender closed and award within 60 days;

iii. 2023 Capital Plan – Solid Waste truck replacement - #401 – \$443,060; and

iv. 2021 Capital Plan – Project 21012 – Replace 2005 Ford F350 W/Comp Body #520 - \$140,532.

CARRIED | Res. No. 23-120

MOVED AND SECONDED, THAT “City of Port Alberni 2023 – 2027 Financial Plan Bylaw No. 5075, 2023” be read a third time as amended.

CARRIED | Res. No. 23-121

2. **Tax Rates Bylaw No. 5083, 2023**
MOVED AND SECONDED, THAT "City of Port Alberni Tax Rates Bylaw No. 5083, 2023" be deferred to the Special meeting of April 25, 2023.
CARRIED | Res. No. 23-122
3. **Officers and Indemnification Bylaw No. 5061, 2023**
MOVED AND SECONDED, THAT "City of Port Alberni Officers and Indemnification Bylaw No. 5061, 2023" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5061.
CARRIED | Res. No. 23-123

Councillor Mealey left the meeting at 3:40 pm and returned at 3:42 pm.

Councillor Douglas left the meeting at 3:42 pm and returned at 3:44 pm.

4. **Development Procedures Bylaw No. 5076, 2023**
MOVED AND SECONDED, THAT Council direct staff to establish a process for public input within the Development Procedures Bylaw for those opposed Development Permits.
DEFEATED
MOVED AND SECONDED, THAT "City of Port Alberni Development Procedures Bylaw No. 5076, 2023 be now introduced and read a first time.
CARRIED | Res. No. 23-124
MOVED AND SECONDED, THAT "City of Port Alberni Development Procedures Bylaw No. 5076, 2023 be read a second time.
CARRIED | Res. No. 23-125
MOVED AND SECONDED, THAT "City of Port Alberni Development Procedures Bylaw No. 5076, 2023 be read a third time.
CARRIED | Res. No. 23-126

Councillor Dame left the meeting at 3:51 pm and returned at 3:54 pm.

5. **OCP and Zoning Bylaw Amendments | 2846 4th Avenue**
MOVED AND SECONDED, THAT "Official Community Plan Amendment (2846 4th Avenue) Bylaw No. 5078, 2023" be now introduced and read a first time.
CARRIED | Res. No. 23-127
MOVED AND SECONDED, THAT "Zoning Amendment (2846 4th Avenue) Bylaw No. 5079, 2023" be now introduced and read a first time.
CARRIED | Res. No. 23-128
MOVED AND SECONDED, THAT "Official Community Plan Amendment (2846 4th Avenue) Bylaw No. 5078, 2023" be read a second time.
CARRIED | Res. No. 23-129
MOVED AND SECONDED, THAT "Zoning Amendment (2846 4th Avenue) Bylaw No. 5079, 2023" be read a second time.
CARRIED | Res. No. 23-130

MOVED AND SECONDED, THAT the amending bylaws No.'s 5078 and 5079 be advanced to a Public Hearing on Tuesday May 23, 2023 at 6:00 pm in City Hall Council Chambers.

CARRIED | Res. No. 23-131

H. CORRESPONDENCE FOR ACTION

I. PROCLAMATIONS

1. Operation Smile Canada

MOVED AND SECONDED, THAT Council proclaim June 18, 2023 as 'Longest Day of SMILES®' in Port Alberni.

CARRIED | Res. No. 23-132

J. CORRESPONDENCE FOR INFORMATION

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

- a. Salvation Army [Bread of Life Centre] Good Neighbour Agreement dated January 9, 2023
- b. Cycle Alberni | 10th Avenue and Dunbar Street Proposed Intersection Improvements
- c. Falun Dafa | 31st Anniversary
- d. Alberni Valley Museum and Heritage Commission Minutes | March 1, 2023
- e. FortisBC | Community Giving Awards

K. REPORT FROM IN-CAMERA

1. Release from In-Camera | Sale of Somass Equipment

Council released for public consumption the sale of salvaged materials, equipment and structures from Somass Lands as follows:

- i) Canadian Mill Equipment Ltd. in the amount of \$40,000, plus applicable taxes, with Canadian Mill Equipment Ltd. to be responsible for all demolition and transportation related expenses, and in compliance with the City's safety, environmental and other requirements.
- ii) Franklin Forest Products in the amount of \$40,500, plus applicable taxes, with Franklin Forest Products to be responsible for all demolition and transportation related expenses, and in compliance with the City's safety, environmental and other requirements.

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. 23-133

M. NEW BUSINESS

1. Community Amenity Contributions

MOVED AND SECONDED, THAT Council amend the motion that Council direct staff to consider incorporating Community Amenity Contributions into standard practice by adding 'including those provisions as outlined in section 482 of the Local Government Act'.

CARRIED | Res. No. 23-134

MOVED AND SECONDED, THAT Council direct staff to consider incorporating Community Amenity Contributions into standard practice, including those provisions as outlined in section 482 of the Local Government Act.

CARRIED | Res. No. 23-135

2. Prioritizing Municipal Input in Future RCMP Contract Policing Decisions

WHEREAS, The Government of Canada has made the decision in Budget 2023 to make municipalities responsible for all retroactive costs stemming from the latest RCMP collective bargaining agreement; and

WHEREAS, These extraordinary one-time costs, which in some jurisdictions amount to millions of dollars, will cause significant hardship for communities and residents across the country, and were negotiated without meaningful consultation or a seat at the table for the municipalities responsible for paying the bill; and

WHEREAS, Municipal governments are already paying a growing share of policing costs, but unlike other orders of government, cannot run deficits to spread out the impact of these extraordinary one-time sums, and have limited revenue tools; and

WHEREAS, Local governments will now be forced to make difficult decisions that will impact residents, such as cutting essential services, reducing policing levels, raising property taxes significantly, and/or cancelling work on local infrastructure, at a time when Canadians' concerns about community safety and the cost of living are already rising; and

WHEREAS, Going forward, it is critical that municipalities be proactively engaged in any forthcoming processes related to contract policing to prevent this occurring again; therefore be it

RESOLVED, That the Council for the City of Port Alberni joins the Federation of Canadian Municipalities in calling on the federal government to commit to ensuring that local governments are meaningfully consulted, fully informed, and at the table on issues related to policing costs given the municipal role in keeping our communities safe; and be it further

RESOLVED, That Council for the City of Port Alberni direct staff to prepare a letter as per the template provided by the Federation of Canadian Municipalities to convey this support in writing to local Members of Parliament by May 1, 2023.

CARRIED | Res. No. 23-136

3. **10th Avenue and Dunbar Street Intersection | Project Update**

MOVED AND SECONDED, THAT Council direct staff to prepare a status report as it relates to the proposed intersection improvements for 10th Avenue and Dunbar Street including the project scope, timeline and next steps.

CARRIED | Res. No. 23-137

4. **Notice of Motion | 2022 Surplus Funds**

That Council consider allocating the 2022 surplus between the R.C.M.P and Parks, Recreation and Heritage Reserves.

N. QUESTION PERIOD

N. Anderson

Inquired as to the structure and process of Committee of the Whole meetings and requested information regarding the process undertaken to develop the draft Council Code of Conduct Policy.

J. Leskosek

Requested follow-up information on the Roger Creek Connector Trail project as it relates to the location and projected timeline.

O. ADJOURNMENT

MOVED AND SECONDED, THAT the meeting adjourn at 4:50 pm.

CARRIED

CERTIFIED CORRECT

Mayor

Corporate Officer

MINUTES OF THE SPECIAL MEETING OF COUNCIL
Tuesday, April 25, 2023 @ 5:30 PM
In the City Hall Council Chambers – 4850 Argyle Street, Port Alberni, BC

Present: Mayor Minions
Councillor D. Dame
Councillor J. Douglas
Councillor D. Haggard [Electronically]
Councillor C. Mealey
Councillor C. Solda
Councillor T. Patola

Staff: M. Fox, Chief Administrative Officer
D. Leurebourg, Director of Corporate Services
A. McGifford, Director of Finance
S. Darling, Deputy Director of Corporate Services | Recording Secretary

Gallery: 3

A. CALL TO ORDER & APPROVAL OF THE AGENDA

The meeting was called to order at 5:30 PM.

MOVED AND SECONDED, THAT the agenda be adopted as printed and circulated.

CARRIED

B. BYLAWS

1. 2023 – 2027 Financial Plan Bylaw No. 5075, 2023

MOVED AND SECONDED, THAT "City of Port Alberni 2023 – 2027 Financial Plan Bylaw No. 5075, 2023" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5075.

CARRIED | Res. No. 23-138

2. Tax Rates Bylaw No. 5083, 2023

MOVED AND SECONDED, THAT "City of Port Alberni Tax Rates Bylaw No. 5083, 2023" be now introduced and read a first time.

CARRIED | Res. No. 23-139

MOVED AND SECONDED, THAT "City of Port Alberni Tax Rates Bylaw No. 5083, 2023" be read a second time.

CARRIED | Res. No. 23-140

MOVED AND SECONDED, THAT "City of Port Alberni Tax Rates Bylaw No. 5083, 2023" be read a third time.

CARRIED | Res. No. 23-141

C. QUESTION PERIOD

An opportunity for the public to ask questions of Council.

D. ADJOURNMENT

That the meeting adjourn at 5:37 PM.

CERTIFIED CORRECT

Mayor

Corporate Officer



PORT ALBERNI RCMP DETACHMENT QUARTERLY REPORT



This report represents the policing activities undertaken by the Port Alberni RCMP Detachment during the first quarter of 2023 (January to March). Included in this report is a comparator to the same time frame during the previous four years.

The following represents some of the calls for services received, investigations undertaken and activities of the RCMP during the quarter.

- Officers received and responded to a total of 3,057 calls for service, 2,551 of these calls occurred in the City of Port Alberni.
- The number of Criminal Offences are down by 5% for the quarter compared to 2022.
- Property Offences are down by 8% for the quarter compared to 2022. Reports of Break and Enter are up by 15% for the quarter compared to last year.
- The number of Domestic Reports are down by 12% for the quarter compared to 2022.

Port Alberni RCMP's 2022/23 Annual Performance Plan Priorities:

- **Traffic- Road Safety:** Increased enforcement, both tickets and warnings. Reduction of Impaired drivers on the roads through criminal code charges and Immediate Roadside Prohibitions. Joint operations with Island District Traffic Units and Speedwatch.
- **Family Violence:** Focus on education, awareness and community support to foster a "wrap around" approach of harm reduction. Creating a supportive environment for victims of family violence to come forward.
- **Crime Reduction (Property Crimes and Drugs):** Identifying and managing prolific offenders through enhanced enforcement and partnerships with community agencies. The focus will be on drug and property crime offenders.
- **Aboriginal Policing:** This includes traffic safety and enforcement on the First Nations, greater visibility at community events and meetings and a focus on First Nation Youth through prevention programs and involvement in schools and at youth events.
- **Youth:** Positive interactions with youth through school and sporting events. Increased, proactive engagement with the youth in our community.

Respectfully submitted,

Inspector Eric Rochette
Officer in Charge
Port Alberni RCMP



Mayor and Council Report

Port Alberni Municipal	Q1 2023 (January to March)
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<i>Calls for Service</i>	Q1 2019	Q1 2020	Q1 2021	Q1 2022	Q1 2023
Total Calls for Service	2455	2667	2565	2388	2551

<i>Occurrences by Crime Type</i>	Q1 2019	Q1 2020	Q1 2021	Q1 2022	Q1 2023
Violent Crime	132	143	128	131	135
Property Crime	382	499	301	387	357
Other Criminal Code	153	202	168	249	257
Drug Offences	25	18	20	12	13
Total Criminal Code	692	962	629	799	762
Criminal Traffic	36	30	12	29	32

<i>Violent Crime</i>	Q1 2019	Q1 2020	Q1 2021	Q1 2022	Q1 2023
Assaults	81	69	70	85	69
Harassment	9	11	15	6	22
Robbery	2	2	2	1	2
Sex Offences	6	12	15	15	6
Uttering Threats	16	27	22	23	32
Domestic Violence	30	43	30	42	37

<i>Property Crime</i>	Q1 2019	Q1 2020	Q1 2021	Q1 2022	Q1 2023
Auto Theft	3	7	6	9	6
Bike Theft	5	2	8	8	2
Break and Enter - Business	19	17	7	7	11
Break and Enter - Residence	16	15	5	6	8
Break and Enter - Other	7	14	10	7	4
Mischief to Property	64	139	125	177	181
Theft	65	76	58	64	71
Possess Stolen Property	7	13	5	4	3
Shoplifting	41	65	20	48	30
Theft From Vehicle	42	112	31	24	17
Fraud	41	22	26	29	21

<i>Other Criminal Code</i>	Q1 2019	Q1 2020	Q1 2021	Q1 2022	Q1 2023
Cause Disturbance	70	93	74	107	83
Breach of Probation	36	45	21	14	8
Breach of Bail	30	56	50	43	64

CITY OF PORT ALBERNI

BYLAW NO. 5083

A BYLAW FOR THE LEVYING OF TAX RATES FOR MUNICIPAL, REGIONAL HOSPITAL DISTRICT, REGIONAL DISTRICT AND OFF-STREET PARKING PURPOSES FOR THE YEAR 2023

WHEREAS Section 197 of the *Community Charter, R.S.B.C. 2003 c. 26* requires a Council, on or before May 15th in each year, to adopt a bylaw to impose tax rates on all taxable land and improvements according to their assessed value in order to provide the money required for all lawful general purposes of the municipality, and other purposes permitted under the *Community Charter*.

THE MUNICIPAL COUNCIL OF THE CITY OF PORT ALBERNI IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited for all purposes as "**City of Port Alberni Tax Rates Bylaw No. 5083, 2023**".

2. Tax Rates

The following rates are hereby imposed and levied for the year 2023:

(a) General Municipal Purposes Rate

For all lawful general purposes of the municipality on the value of land and improvements taxable for general municipal purposes, rates appearing in Column I of Schedule "A" which is attached hereto and forms part of this Bylaw.

(b) General Municipal Debt Rate

For debt purposes on the value of land and improvements taxable for general municipal purposes, rates appearing in Column II of Schedule "A" which is attached hereto and forms part of this Bylaw.

(c) Regional Hospital District Rate

For purposes of the Alberni-Clayoquot Regional Hospital District on the value of land and improvements taxable for regional hospital district purposes, rates appearing in Column III of Schedule "A" which is attached hereto and forms part of this Bylaw.

(d) Regional District of Alberni-Clayoquot Rate

For purposes of the Regional District of Alberni-Clayoquot on the value of land and improvements taxable for regional hospital district purposes, rates appearing in Column IV of Schedule "A" which is attached hereto and forms part of this Bylaw.

(e) Special Rate - Off-Street Parking

For purposes of the specified area described in "Off-Street Parking Loan Authorization Bylaw, No. 1, 1971" No. 2087 on the value of land and improvements taxable for general municipal purposes, rates appearing in Column V of Schedule "A" which is attached hereto and forms part of this Bylaw.

(f) General Municipal Vancouver Island Regional Library Rate

For Vancouver Island Regional Library purposes on the value of land and improvements taxable for general municipal purposes, rates appearing in Column VI of Schedule "A" which is attached hereto and forms part of this Bylaw.

3. Effective Date

The aforementioned rates and taxes shall be considered to have been imposed on and from the first day of January, 2023.

4. Payment

The aforementioned rates and taxes shall be due and payable at the Office of the Collector of the City of Port Alberni at the City Hall, Port Alberni, in the Province of British Columbia.

5. Repeal

That "City of Port Alberni Tax Rates, Bylaw No. 5053, 2022" is hereby repealed.

READ A FIRST TIME this 25th day of April, 2023.

READ A SECOND TIME this 25th day of April, 2023.

READ A THIRD TIME this 25th day of April, 2023.

ADOPTED this day of , 2023.

Mayor

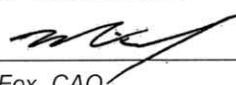
Corporate Officer

SCHEDULE "A" TO BYLAW # 5083

2023 TAX RATES (DOLLARS OF TAX PER \$1,000 TAXABLE VALUE)

	I	II	III	IV	V	VI
Property Class	General Municipal	Debt	Alberni Clayoquot Regional Hospital	Alberni Clayoquot Regional District	Off Street Parking	Vancouver Island Regional Library
Residential	4.18659	0.03327	0.13084	0.33936	0.31225	0.14361
Utilities	26.06664	0.20715	0.45794	1.18776		0.89416
Supportive Housing	4.18659	0.03327	0.13084	0.33936		0.14361
Major Industry	56.86505	0.45191	0.44486	1.15382		1.95063
Light Industry	34.25192	0.27220	0.44486	1.15382		1.17494
Business	12.65012	0.10053	0.32056	0.83143	0.94350	0.43393
Managed Forest Land	12.55976	0.09981	0.39252	1.01808		0.43084
Non-Profit	4.18659	0.03327	0.13084	0.33936	0.31225	0.14361
Farm	4.18659	0.03327	0.13084	0.33936		0.14361

Date: May 1, 2023
File No: 3900-02-5082
To: Mayor & Council
From: M. Fox, CAO
Subject: Council Procedures Amendment Bylaw No. 5082, 2023

Prepared by: <i>DANIELLE LEUREBOURG</i> DIRECTOR OF CORPORATE SERVICES	Supervisor: <i>M. FOX</i> CAO	CAO Concurrence:  M. Fox, CAO
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RECOMMENDATION[S]

1. THAT "Council Procedures Amendment Bylaw, 2023, No. 5082" be now introduced and read a first time.

OPTIONAL IF NO FURTHER CHANGES:

2. THAT "Council Procedures Amendment Bylaw, 2023, No. 5082" be read a second time.
3. THAT "Council Procedures Amendment Bylaw, 2023, No. 5082" be read a third time.

PURPOSE

The purpose of this report is to present the draft "Council Procedures Amendment Bylaw" to Council for first reading. The report summarizes recommended changes from the April 25 Committee of the Whole meeting to support good governance principles and the conduct of Council business in accordance with the Council Code of Conduct, and to introduce the bylaw for further discussion.

BACKGROUND

Council adopted *Council Procedures Bylaw, 2013, Bylaw No. 4830* in 2013 and has amended the bylaw four times. At a workshop to discuss the Code of Conduct held March 23, 2023, there were discussions around the Procedures Bylaw and how it ties closely with Council Code of Conduct. Good governance and effective meeting management were topics that led to further discussions around current practices under the Procedures Bylaw.

As part of discussions around good governance, the need to strike the appropriate balance between democratic accountability and efficient decision making, as well as public input and decision making was addressed. As a result of these discussions, it was highlighted that Regular Council meetings should be focused on Council making decisions. Committee of the Whole meetings were identified as a more suitable format for public input opportunities and for introducing new items for discussion and debate. It was also discussed that other opportunities for public engagement outside of Committee of the Whole meetings should be sought, though these are not covered under the Procedures Bylaw. These will be brought forward on a project by project basis, or as directed by Council. Alternatively, Council could look to develop a broader public engagement policy.

Further, discussions around correspondence were highlighted with a focus on having items that are administrative or operational in nature not included on Regular Council meeting agendas but rather having them referred to, and addressed directly by, staff. Council will continue to be informed of inquiries and responses as they come in. Further, Council members may bring forward items of correspondence to Council or Committee meetings if it is felt further discussion is warranted.

Summary of Changes:

Delete Section 11(4) and replace it with the following:

Section 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*.

The purpose of this amendment is to align the provision with the *Community Charter*. The provision outlines the ability of the Chair to expel individuals who are not conducting themselves respectfully or appropriately in meetings.

Delete Section 16(1) and replace it with the following:

Section 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

The purpose of this change was to remove Public Input period from Regular Council meetings. Public input period will remain in Committee of the Whole meetings and other less formal opportunities for public engagement will be sought.

Delete Section 22 and replace it with the following:

22. Question Period

- (1) At the conclusion of the 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) If an answer cannot be readily provided, the Mayor or presiding member may refer the public to the appropriate department or committee for response.

The purpose of this change is to focus questions received during Question Period at both Council Meetings and Committee of the Whole meetings on the decisions of Council during the course of the meeting.

Delete Section 24(3) and replace it with the following:

24. Correspondence and Referrals

- (3) Councillors may request that a particular item of correspondence be 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.

Under the current bylaw, items of correspondence that are administrative in nature are not included on Council agendas, though they may be addressed to Council. In these incidents, administration will provide a response to the individual. The correspondence and the response from administration will still be circulated to Council. The proposed change emphasizes that a Council member may request that an item of correspondence that was handled by administration and circulated to Council for information be brought forward to a Council or Committee meeting for further discussion.

Add new Section 41 as follows and renumber subsequent sections in the bylaw 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.

The purpose of adding this section is to identify the order of business at Committee of the Whole meetings. Specifically, it identifies opportunities for public input period and question period to be included in the order of business.

Remove Section 19, replace with new section 42 as follows and renumber subsequent sections in the bylaw accordingly:

42. Public Input Period

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

- (1) A maximum of four speakers for no more than three 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) Speakers must identify themselves for the record and may only speak once at the Public Input Period.
- (4) Speakers may not address items that refer to concluded Public Hearings or to Public Hearings progressing through a public participation process.
- (5) 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.
- (6) The presiding member may refer members of the public to the appropriate department or committee for response.

This section was the only recommended change coming out of Committee of the Whole April 25. The initial proposed wording had public input periods focused only on items that were on the agenda. Council directed that this be opened up. Neither Council, nor staff are required to respond immediately at public input if an answer is not readily available. Council, at its discretion, may consider providing opportunities for more than four individuals to speak or adjust the time allotted to speakers under subsection (1).

ALTERNATIVES/OPTIONS

Based on discussions at Committee of the Whole, Council may make further recommended changes prior to the bylaw being brought forward for second reading. It would be best that changes be brought forward by resolutions so the revisions can be brought forward for second reading. Proposed resolutions are included for key items. Some areas that Council may want to discuss further include:

- *Council may suggest a revision to Question Period provisions on Regular Council Meeting and COW agenda's, where members of the public may ask questions relating to items on the current meeting agenda or the previous meetings' agenda.*

THAT Council direct Section 22 be revised as follows:

- (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 current or the previous meeting*
 - *Council may further suggest including a provision under Committee of the Whole where the Committee will consider comments or questions from three members of the public,*

for no longer than three minutes each, following each report presented. These comments or questions must relate to the report being discussed.

THAT Council direct Section 41 be revised with the addition of a second provision as follows:

(2) The Chair will permit up to three members of the public to provide question or comment for up to three minutes following each report presented under Unfinished Business or New Business and Staff Reports at Committee of the Whole. (Note, at the Chair's discretion, an individual may be granted longer than three minutes to speak, or more than three people.

- *Removal of Proclamations – Section 157 (optional for council to make proclamations)*
 - *Remove any potential conflicts around proclamations (values, politically sensitive issues, etc.). It is becoming best practice for Council's to no longer issue proclamations.*

THAT Council discontinue the practice of issuing proclamations and direct Provision 16(1) be revised to have proclamations removed from the agenda.

Other items for discussion or consideration:

- *Changes to limits on speakers for question period and public input period (number of speakers, amount of time given to speak, opportunity to speak more than once at a meeting, etc);*
- *Further changes or clarifications on correspondence and referrals;*
- *Inclusion of electronic participation options for members of the public at Committee of the Whole meetings;*
- *Incorporation of a summer break for Council (i.e no meetings in the month of August, only one meeting in each of July and August, etc). Discussion around December holiday break; and*
- *Electronic participation*
 - *Consideration as to whether chair must be present or if they can act as chair if attending electronically.*
 - *Removal of four meeting electronic attendance per year limit.*

ANALYSIS

OPTION 1

First Reading: Captures the priority changes discussed at the workshop around the purpose of Council meetings vs. Committee of the Whole meetings and how Council wants to engage with the public at both meetings. The changes reflect best practices around the orderly conduct of meetings and good governance principles. It does not address all possible changes that could be made to the Procedures Bylaw, but a future amendment can be brought forward to address those.

OPTION 2:

Council only give first reading and provide direction on any further changes to be brought for second reading. Suggested topics of discussion are included in the options/alternatives section and Council may debate and recommend other changes to the bylaw than those proposed. Council may have further thoughts around the specific provisions around public input and correspondence.

OPTION 3: Council give all three readings to the proposed bylaw. The bylaw would be brought forward for final adoption at the next meeting as provided to Council today.

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 is required to provide public notice prior to adopting an amendment to the Procedures Bylaw. This will be advertised in the newspaper in accordance with the *Act*.

BYLAWS/PLANS/POLICIES

Council Procedures Bylaw, 2013, Bylaw No. 4830

SUMMARY

The proposed changes align with discussions around good governance and meeting conduct highlighted at Council's Code of Conduct workshop. 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. The public will receive prompt responses to correspondence that are operational in nature, and Council will continue to be appraised of the correspondence and responses. Other less formal opportunities for public engagement will also be provided, though these are not captured under a Council's 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.

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
A. McGifford, Director of Finance
W. Thorpe, Director of Parks, Recreation and Heritage
R. Dickinson, Director of Engineering

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) 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 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.

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

Section 42 – Public Input Period

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

- (1) A maximum of four speakers for no more than three 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) Speakers must identify themselves for the record and may only speak once at the Public Input Period.
- (4) Speakers may not address items that refer to concluded Public Hearings or to Public Hearings progressing through a public participation process.
- (5) 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.
- (6) The presiding member may refer members of the public to the appropriate department or committee for response.

READ A FIRST TIME this ____ day of ____, 2023.

READ A SECOND TIME this ____ day of ____, 2023.

READ A THIRD TIME this ____ day of ____, 2023.

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

FINALLY ADOPTED this ____ day of ____, 2023.

Mayor

Director of Corporate Services

CITY OF PORT ALBERNI

Development Procedures Bylaw No. 5076, 2023

A bylaw to establish procedures for the processing of land development applications.

WHEREAS the Council has adopted an official community plan and a zoning bylaw;

AND WHEREAS Section 460 of the *Local Government Act* requires the Council to define, by bylaw, the procedures under which an owner of land may apply for amendment to an official community plan, zoning bylaw, and for the issuance of a permit under Part 14 of the *Local Government Act*;

AND WHEREAS Section 154 of the *Community Charter* allows Council to delegate certain authorities to officers and employees of the City;

AND WHEREAS Section 94.2 of the *Community Charter* allows to provide for alternative means of publishing notices;

NOW THEREFORE the Council of the City of Port Alberni, in open meeting assembled, enacts as follows:

PART 1: GENERAL PROVISIONS

1.1. TITLE

This Bylaw may be cited for all purposes as "City of Port Alberni Development Procedures Bylaw No. 5076, 2023".

1.2. DEFINITIONS

In this Bylaw:

Advisory Planning Commission or APC	means the commission established under the Advisory Planning Commission Bylaw, 2009, Bylaw No 4738, as amended or re-enacted from time to time.
Agent	means the person(s) given authority by the Owner(s) to act on their behalf for the purposes of making and dealing with an Application to the City.
Applicant	means the Owner or the Agent making an Applicant.
Application	means a written request by an Applicant in relation to any of the matters set out in section 1.4.
Approving Officer	means the person appointed by Council to that position and includes their lawful deputy or a person designated by Council to act in their place.
Certificate of Title	means the document issued from the BC Land Title and Survey Authority identifying the Owner, legal description of land, and any charges registered against the title

City	means the City of Port Alberni.
Council	means the council of the City of Port Alberni.
Delegate	means the person holding the position as the City's Director of Development Services or Manager of Development Services, or a person delegated the authority to act in the place of either person.
Fees and Charges Bylaw	means the Fees and Charges Bylaw, 2007, Bylaw No. 4665, as amended or re-enacted from time to time.
<i>Local Government Act</i>	means the <i>Local Government Act</i> , RSBC 2015, c 1, as amended or re-enacted from time to time.
Minor Development Variance Permit	means a development variance permit for a variance to the Zoning Bylaw that meets the following criteria: (a) 25% for minimum parking space provision for vehicles, loading and bicycles; (b) 25% variance related to parking and loading design standards, such as dimensions, siting and access; (c) 25% variance related to dimensions and siting of garbage and recycling storage facilities; (d) 25% variance for building setbacks, lot coverage, lot frontage and useable open space, and permeable surfaces; (e) 25% variance related to dimensions of patios and decks; (f) 25% variance related to projections into a required setback; and (g) 25% variance for building height.
Official Community Plan or OCP	means Official Community Plan Bylaw 4602, as amended or re-enacted from time to time.
Owner	means the person listed in the Land Title Office as the Owner in fee simple of a parcel.
Planner	means any planning professional employed by the City to administer the provisions of this Bylaw.

Pre-Acceptance
Review

means an informal review by a Planner or Delegate of a development proposal or planning application. The review may identify the requirements and materials to assist an applicant in their submission of a complete planning application. Based on the location, scale, complexity or other factors of the project, the review may lead to the need for a Pre- Application Consultation Meeting.

Pre-Application
Consultation Meeting

means a meeting between an applicant and the Delegate to identify the requirements and materials to assist the Applicant in their submission of a complete Application. The meeting may involve flagging issues to be addressed by the Applicant, sharing information that needs to be considered and identifying additional required reports or information.

Site Plan

means a site plan prepared by a Qualified Professional, including at a minimum all existing and proposed buildings and development with all required setbacks, and

- (a) for an application for subdivision, showing all proposed lots and all watercourses and must illustrate there is a buildable area on each parcel that is compliant with all applicable bylaws;
- (b) where an environmental assessment is required for any Application, showing all setbacks from the environmental features required under the applicable bylaws and regulations.

Report

means any study or information containing development approval information that fulfils or is intended to fulfil the requirements of this Bylaw.

Qualified
professional

includes a landscape professional, an architect, BCLS, qualified environmental professional, a registered professional biologist or a registered professional engineer, who is working within their field of expertise and is in good standing with any applicable professional organization.

Zoning Bylaw

Port Alberni Zoning Bylaw 2014, Bylaw No. 4832, as amended or re-enacted from time to time.

13. INTERPRETATION

In this Bylaw

- (a) words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;
- (b) headings given to sections are for convenience of reference only and do not form part of this Bylaw;

- (c) unless expressly stated otherwise, a reference to a "section" is a reference to a section in this Bylaw and a reference to a "part" is a reference to a part in this Bylaw; and
 - (d) unless expressly stated otherwise, a reference to an enactment is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated, or replaced from time to time, and a reference to a bylaw or policy is a reference to a City bylaw or policy, as amended, revised, consolidated, or replaced from time to time; and
 - (e) a reference to the current title of a position includes the position as it may be renamed from time to time, or to any successor position that is most closely connected to the position if it is modified or eliminated from time to time.
- 1.4. This Bylaw applies to the following applications related to land within the boundaries of the City:
- (a) an amendment to the Official Community Plan;
 - (b) an amendment to the Zoning Bylaw;
 - (c) a permit issued pursuant to Part 14 of the *Local Government Act*;
 - (d) subdivision; and
 - (e) development of land within the Agricultural Land Reserve.

PART 2: DELEGATION OF AUTHORITY

2.1. Council delegates to the Delegate the authority to:

- (a) create, amend, publish and prescribe the form and content of Applications;
- (b) require development approval information in accordance with PART 4;
- (c) require security in accordance with PART 5, or any other bylaws of the City;
- (d) determine the form and content of permits issued under this Bylaw;
- (e) create, amend, and prescribe templates and procedures for development notice signs required by section 7.3;
- (f) decide to process an incomplete Application in accordance with section 3.5;
- (g) grant an extension to an Application in accordance with section 6.5;
- (h) waive the requirement for a public hearing for an Application to amend the Zoning Bylaw where the Application is consistent with the Official Community Plan in accordance with section 464 (2) of the *Local Government Act* and to give notice of the decision not to hold a public hearing in accordance with section 467 of the *Local Government Act*;
- (i) issue or amend a Minor Development Variance Permit;
- (j) issue or amend all development permits within Development Permit Areas created under section 488 (1) where no variances are requested;

- (k) grant an exemption from a flood plain specification pursuant to section 524 (7) of the *Local Government Act* where an Applicant has provided a certified report from a person identified in section 524 (7) (b) of the *Local Government Act*;
- (l) sign any permits authorized by Part 14 of the *Local Government Act* that have been issued either by Council or by the Delegate; and
- (m) exercise any other authority which is incidental to the administration of the provisions of Part 14 of the *Local Government Act*, this Bylaw or other bylaws of the City related to land use planning, development or building.

2.2. Council delegates to the Delegate and to a Planner the authority to:

- (a) receive, review and require development approval information in order to administer the provisions of Part 14 of the *Local Government Act*, this Bylaw or other bylaws of the City related to land use planning, development or building;
- (b) receive and consider an Application as part of a Pre-Acceptance Review, and where the location, scale, complexity or other factors of the project so warrant, to require the Applicant participate in a Pre-Application Consultation Meeting with the Delegate; and
- (c) to require an Applicant, provide a Site Plan or to have a British Columbia Land Surveyor confirm that the Site Plan conforms to the requirements of the Zoning Bylaw or to any other bylaws of the City.

PART 3: APPLICATION REQUIREMENTS

3.1. The minimum application requirements for all applications are:

- (a) all associated application fees in accordance with the Fees and Charges Bylaw;
- (b) complete application form prescribed by the Delegate, including written authorization from all the Owner(s) of the land involved in the Application;
- (c) a Certificate of Title; and
- (d) all Reports required under Part 4 of this Bylaw, which have been identified by the Planner in a Pre-Acceptance Review or Pre-Application Consultation Meeting.

3.2. The Delegate or a Planner may require the following additional information to support an Application:

- (a) a Site Plan;
- (b) additional development approval information or review of a previously submitted Report in accordance with Part 4 of this Bylaw;
- (c) site disclosure statement in accordance with the *Environmental Management Act*; and
- (d) the payment of security in accordance with PART 5:.

3.3. Applications that are deficient of any of the minimum application requirements in section 3.1 are deemed to be incomplete. On receipt of an incomplete application, the Delegate may:

- (a) advise the Applicant in writing or verbally with the deficiencies in the application;
 - (b) inform the Applicant that the Application will be held as "pending" for 90 days from receipt of the Application; and
 - (c) if the Applicant fails to complete the Application within 6 months, the Application will be returned to the Applicant and the non-refundable portion of the application fees will be retained by the City.
- 3.4. If an Applicant submits a complete application, the Delegate or a Planner shall process the application in accordance with this Bylaw.
 - 3.5. Despite section 3.3, if an Applicant submits an incomplete application, the Delegate may process the Application despite the deficiency in the minimum application requirements.
 - 3.6. Any Applications processed by the Delegate under section 3.5 that are not completed within the deadlines set out in PART 6: will be closed in accordance with the provisions of that Part.
 - 3.7. All Applications shall be submitted by or on behalf of all the Owner(s) of land involved and, where the Application has been submitted by an Agent, the Application must include written authorization from the Owner(s) for the Agent to act on their behalf.
 - 3.8. If there is a change of ownership of a parcel of land that is the subject of an Application, the Applicant will as soon as practical provide the City with an updated Certificate of Title and written authorization from the new Owner to proceed with the Application.
 - 3.9. Where referral to the APC is required prior to an amendment to the Zoning Bylaw or the Official Community Plan the Delegate or a Planner will prepare a preliminary review report for consideration and review by the Advisory Planning Commission (APC)
 - 3.10. Where an Application requires a decision from Council, the Delegate or a Planner will prepare a planning report for Council's consideration, incorporating feedback received through the referral process in section 4.1 and the APC.
 - 3.11. In addition to the application requirements established in this Bylaw, the following specific application types will generally follow the process set out as follows:

Application Type	Refer to
Official Community Plan (OCP) or Zoning Bylaw amendment	Schedule A
Development Permit Application - DP issuance by Council	Schedule B
Delegated Development Permits	Schedule C
Development Variance Permit (DVP)	Schedule D
Minor Development Variance Permit	Schedule E
Temporary Use Permit (TUP)	Schedule F

PART 4: DEVELOPMENT APPROVAL INFORMATION

- 4.1. Depending on the particulars of an Application, it may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 4.2. The Delegate may require the Applicant to submit development approval information on the impact that the proposed land use may have on the Owner's lands or the surrounding lands or the community after a Pre-Application Consultation Meeting. The information required may include details and impacts on the following:
- (a) transportation patterns including traffic, pedestrian and cycling flow;
 - (b) local infrastructure;
 - (c) public facilities including schools and parks;
 - (d) community services;
 - (e) the natural environment of the area affected;
 - (f) groundwater quantity and quality;
 - (g) stormwater management;
 - (h) agricultural lands;
 - (i) aesthetic values such as visual character, integration with public areas and with the natural environment, light pollution, noise and odour migration;
 - (j) cultural and heritage resources; and
 - (k) Any other information that may be reasonably required to verify the projects conformation to the requirements of the *Local Government Act*, the *Environmental Management Act*, the Official Community Plan and the Zoning Bylaw.
- 4.3. Where the Official Community Plan has specified circumstances or areas in which an Applicant is required to provide development approval information, such development information approval may be required by a Planner as part of an Application.
- 4.4. Reports to be prepared by a Qualified Professional may include, but are not limited to, geotechnical assessments, traffic impact studies, visual impact studies, rainwater management plans, erosion and sedimentation plans, biophysical assessments, and riparian areas regulation assessments.
- 4.5. Where a Planner or the Delegate requires a Report, this requirement will be conveyed to an Applicant in writing after Pre-Acceptance Review or Pre-Application Consultation Meeting.
- 4.6. A Report required under this Part will include:
- (a) the legal description and property identifier (PID) for the land that is the subject of the Application;
 - (b) a description of all relevant land use covenants, easements, statutory rights of way or other charges that affect the use and development of land that are shown on a Certificate of Title;

- (c) a location and context map for the land that is the subject of the Application;
 - (d) a description of the methodology and assumptions used to undertake the Report or sufficient detail regarding assessment and the methodology to facilitate a professional peer review, if required under section 4.7 of this Bylaw;
 - (e) identification and definition of the context, interaction, scope, magnitude and significance of the anticipated impacts of the proposed activity or development, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing risks, stressors, and threats; and
 - (f) recommendations for conditions or requirements that Council, the Director of Development Services, Director of Engineering and Public Works, Director of Parks, Recreation and Culture or the Approving Officer may impose to mitigate the anticipated impacts.
- 4.7. If the Delegate determines that a Report is incomplete or otherwise deficient, the Delegate may require, on written notice to the Applicant, that the Applicant:
- (a) revise or amend and re-submit, at its own expense, a previously submitted Report;
 - (b) retain a second Qualified Professional, unrelated to and independent of the Qualified Professional who prepared the initial Report, to conduct a peer review of the Report and charge these costs back to the applicant, at the cost of the Applicant.
- 4.8. In addition to any application fee contained in the Fees and Charges Bylaw, an Applicant shall be responsible for the City's costs necessary to facilitate a review of any Reports required under this Part, as deemed necessary by the Delegate, including but not limited to legal, engineering, environmental, geotechnical, biologists, architectural and other professionals. The Applicant shall pay as a fee, the City's actual cost of such third party professional review costs prior to final consideration of the Application by the authorized decision-maker. A Planner or the Delegate may request a deposit of estimated fees at the time the Application is made or at any other time during the processing of the Application.

PART 5: SECURITY DEPOSIT

- 5.1. The Delegate may require an Applicant provide a security deposit pursuant to section 496 and 502 of the *Local Government Act* and as per the Official Community Plan, for the following:
- (a) Landscaping (Landscape Security);
 - (b) An unsafe condition or damage to the natural environment that may result as a consequence or contravention of a condition of permit (Remediation Security); and
 - (c) To guarantee the performance of the terms of a temporary use permit (Performance Security).

- 5.2. The amount of the security deposit shall be 125 per cent of the cost of an estimate as provided by a Qualified Professional, at the expense of an Applicant, to address:
- (a) landscape improvements;
 - (b) damage to the environment, mitigation, or improvement determined by a qualified professional; and
 - (c) the correction of the unsafe condition.
- 5.3. The form of the security deposit shall be an irrevocable letter of credit or other form satisfactory to the Delegate. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled, and shall be redeemable locally.
- 5.4. The procedures for the release of the security deposit shall be:
- (a) Upon completion of the works, a letter from a Qualified Professional shall be submitted to the City of Port Alberni stating that the works are in compliance with the recommendations of the professional reports included in the permit; and
 - (b) Upon confirmation that the works are in compliance to the satisfaction of the Delegate, the security deposit will be released to a maximum 80% with a 20% hold for a one-year maintenance period.
- 5.5. Where, in the opinion of the Delegate, an applicant has failed to satisfy the landscaping requirements of the Permit, or failed to comply with the conditions of the Permit, or has created an unsafe condition, the City may undertake and complete the landscaping requirements, or carry out any construction required to comply with the conditions of the permit or correct an unsafe condition or correct the damage to the environment, at the full cost of Applicant, and may apply the landscape security or the remediation security to the cost of the work, with any excess to be returned to the Applicant.
- 5.6. Council may require, as a condition of issuing a temporary use permit, a security deposit to guarantee the performance of the terms of the permit. Where a temporary use permit provides for such a security deposit, the procedures for the release of the security deposit shall be:
- (a) The Applicant confirms in writing to the Delegate that buildings or structures have been demolished and removed, and the land restored to a condition specified in the permit, and requests in writing that the performance security deposit be released;
 - (b) Once the Delegate has received confirmation that buildings or structures have been demolished and removed, and land restored to a condition specified in the permit, the Delegate will authorize the release the security deposit; and
 - (c) If the Applicant fails to undertake such restoration works or defaults on the terms of the temporary use permit, the performance security deposit will be forfeited to the City of Port Alberni.

PART 6: VALIDITY OF APPLICATIONS

- 6.1. The date of issuance for a development permit, a development variance permit, or a temporary use permit is the date of approval of the permit by Council or Delegate.
- 6.2. An Application to renew or extend a development permit, a minor development variance

permit, a development variance permit, or a temporary use permit under this Bylaw must be made prior to the lapse of the permit.

- 6.3. Other than subdivision, if the Delegate determines that an Application has been inactive for period of 6 months or longer, the Applicant will be given 30 days written notice to provide outstanding development approval information or meet outstanding requirements after which time the Application will be closed. The Delegate may consider a written request from the Applicant for extension of a deadline imposed by this section.
- 6.4. If an Application is withdrawn in writing by the Applicant prior to a public hearing, the Applicant may request in writing a refund of the refundable portion of the application fees in accordance with the Fees and Charges Bylaw.
- 6.5. Upon written request by the Applicant prior to the lapse of the Application, the Delegate may extend the deadline for one period of 6 months.
- 6.6. If an Application has been closed due to inactivity, the Applicant must, even if the new Application is substantially the same as the closed Application, begin the Application process again in accordance with this Bylaw and submit a new, complete Application.
- 6.7. Where an Application has been denied, no reapplication for a substantially similar application shall be considered within one year of denial date of the previous application. Despite section 6.5, Council may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one year period.
- 6.8. If an Application is closed, withdrawn or denied, fees pursuant to the Fees and Charges Bylaw are applicable to any new Application.
- 6.9. The process to amend a permit will be the same as the process for a new permit.
- 6.10. In the event that an Application made pursuant to this Bylaw for an amendment to the Official Community Plan or Zoning Bylaw has not been given final adoption by Council within one year after the date it was given third reading or one year after the date of last consideration by Council, the Applicant shall be notified in writing and if no response is received within 60 days:
- (a) the Planner will record the response and consider the Application abandoned; and
 - (b) a Planner will prepare a motion for Council's consideration to rescind all readings of the bylaw associated with the amendment application.
- 6.11. Upon written request by the Applicant prior to the lapse of the Application, Council may extend the deadline for a period of one (1) year by passing a resolution to that effect to enable the Applicant to complete the requirements for final adoption. A maximum of two (2) one-year time extensions may be granted by Council. If Council decides to deny an extension request or the applicant has received two (2) one-year time extensions, or there have been changes to the policies, bylaws or development permit guidelines affecting the Application and the Applicant still has not met the requirements for final adoption and wishes to proceed with the Application, a new Application and fees will be required as per the Fees and Charges Bylaw.

6.12.

PART 7: PUBLIC NOTICE REQUIREMENTS

7.1. The public notice requirements for Applications are prescribed in the *Local Government Act*.

7.2. Any notice that is required to be advertised under the Part 14 of the *Local Government Act* may be given by no less than two of the following methods:

- (a) electronically by posting the notice prominently for two consecutive weeks on City's official website;
- (b) electronically by posting the notice prominently for two weeks on any of City's official social media sites; or
- (c) by publishing at least once a week for two consecutive weeks in at least one newspaper or other publication circulating in the City.

7.3. Additional Notice Requirements

- (a) Any notice that is required to be mailed under the *Local Government Act*, will be given to all properties within 100 m, measured from the boundaries of the subject land.
- (b) Where an Applicant has given notice or engaged with the community prior to, or as part of, an Application, the Applicant shall provide copies of these written materials to the City prior to consideration of an Application by Council.
- (c) The Applicant may be required by the City to erect or cause to be erected at the Applicant's expense a development notice sign on the subject land. The development notice sign must be consistent with the template and procedures prescribed by the Delegate, which template and procedures shall include the following requirements:

i. Information setting out:

- A. Application type, application number, street address and applicant's name;
- B. Subject property map, which may be supplied by the City of Port Alberni, with a north arrow and street names; and
- C. Description of the project considering proposed uses, gross floor area, building height, number of units and any other relevant information.

ii. The minimum size shall be:

- A. The minimum size of the sign is 1.2 metres in width and 1.2 metres in height; and
- B. The bottom of the sign façade must be at least 1.2 metres above grade; and

iii. The Applicant must install the development notice sign in a location that is legible from the primary road frontage. Where there is a 0 m front yard setback the sign must be affixed to the building in a manner that it is legible to the public. The sign may be placed in a window if all other requirements of the bylaw are met.

PART 8: RECONSIDERATION

- 8.1. An Applicant may apply to Council for the reconsideration of a decision by the Delegate under this Bylaw by delivering to the City's corporate officer a written application for reconsideration within 30 days after the decision is communicated in writing to the Applicant.
- 8.2. An application for reconsideration must set out:
- (a) The Applicant's address for receiving correspondence related to the request for reconsideration;
 - (b) a copy of the Delegate's written decision;
 - (c) a copy of any documents which support the Applicant's request for reconsideration by Council
 - (d) reasons why the Applicant wishes the specific decision to be reconsidered by Council; and
 - (e) what, if any, decision the Applicant considers the Council ought to substitute, and must include a copy of any materials considered by the Applicant to be relevant to the reconsideration by Council.
- 8.3. The corporate officer will place each application for reconsideration on the agenda of a regular meeting of Council as soon as reasonable after delivery of the application for reconsideration, and will notify the Applicant of the date of the meeting at which the reconsideration will occur.
- 8.4. When reconsidering the decision of the Delegate, Council may hear from the Applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the decision or substitute its own decision.

PART 9: EFFECTIVE DATE, SEVERABILITY AND REPEAL

- 9.1. This Bylaw comes into effect on adoption.
- 9.2. If any section, clause, sub-clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- 9.3. The following bylaws and any amendments to those bylaws thereto are hereby repealed:
- (a) "Development Application Notice Bylaw, No. 4614"

READ A FIRST TIME this 24th day of April, 2023.

READ A SECOND TIME this 24th day of April, 2023.

READ A THIRD TIME this 24th day of April, 2023.

ADOPTED this day of , 2023.

Mayor

Corporate Officer

COPY AVAILABLE FOR PUBLIC INSPECTION

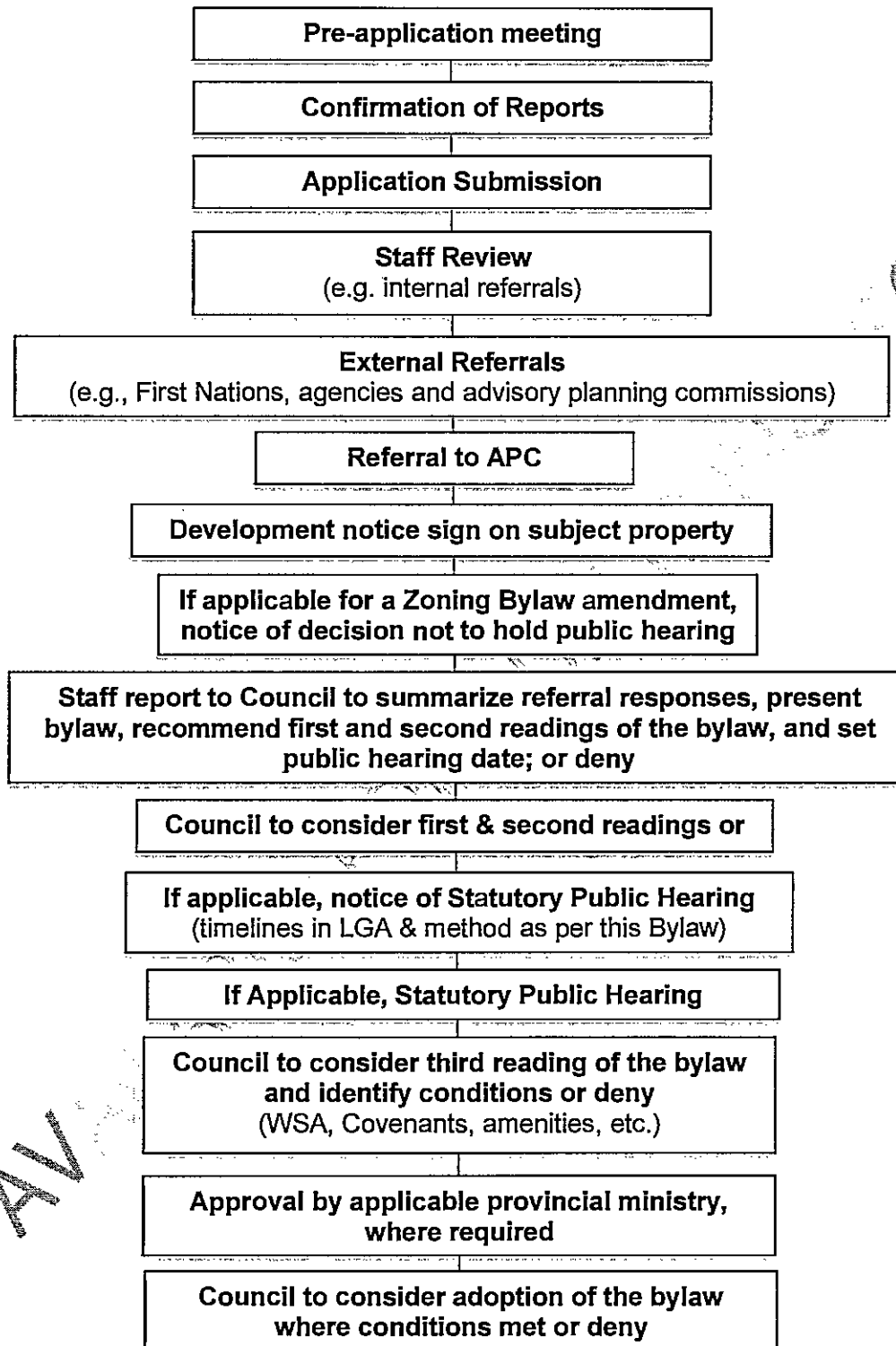
SCHEDULE A

OFFICIAL COMMUNITY PLAN (OCP) OR ZONING BYLAW AMENDMENT

All applications for an amendment to the Official Community Plan and Zoning Bylaw submitted in accordance with this bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

- 1.1. The Applicant will have a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate prior to submitting a formal application to the City.
- 1.2. The Delegate will advise the Applicant of Reports required, if any.
- 1.3. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.4. An application for an amendment to the Official Community Plan will include one or more opportunities for consultation with persons, organizations and authorities that the City considers affected by the application as outlined in the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be addressed in the staff's report to Council.
- 1.5. Planning staff will review the proposal for compliance with relevant City bylaws and policies.
- 1.6. Planning staff will prepare an information and referral sheet and circulates for comment to all applicable City departments, government ministries, agencies and organizations.
- 1.7. The Application will be referred to the APC prior to consideration by Council.
- 1.8. The Applicant will be advised, in writing, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to Council.
- 1.9. For a Zoning Bylaw amendment that is consistent with the OCP, the Delegate may elect not to hold a public hearing and provide notice of this decision in accordance with the *Local Government Act* prior to first reading.
- 1.10. Planning staff will prepare a planning report for Council to summarize referral responses, present bylaw, recommend first and second readings of the bylaw, and set public hearing date; or recommend Council deny the Application.
- 1.11. Council may, upon receipt of a report completed by Staff:
 - (a) Give first Reading to the bylaw amendment pursuant to the application; or
 - (b) Refer the application back to staff to make changes as directed; or
 - (c) Defer or postpone the Application; or
 - (d) Reject the application.
- 1.12. If Council does not give first reading, the Applicant is notified in writing. That portion of the application fees taken for a public hearing are refunded as per the Fees and Charges Bylaw and the Application is closed.

- 1.13. An OCP or zoning bylaw amendment application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



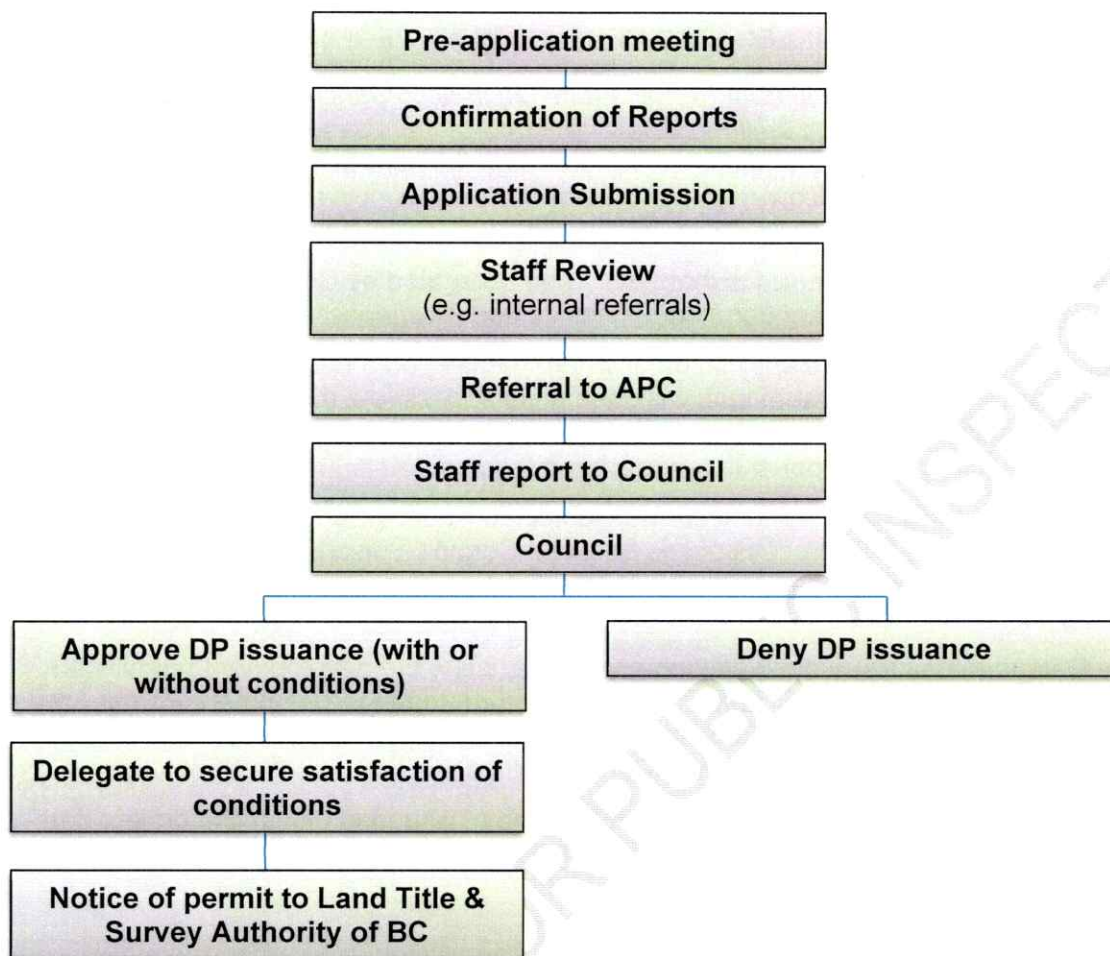
SCHEDULE B

DEVELOPMENT PERMIT APPLICATION (DP) APPLICATION (COUNCIL)

If the Delegate opts to bring a Development Permit forward for Council consideration, all applications for Development Permits submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. A Development Permit allows Council to review proposed developments that fall within designated areas against detailed guidelines contained in the Official Community Plan (OCP). The areas identified require special treatment for certain purposes including protection of the natural environment, protection of development from hazards and establishing objectives for form and character.

- 1.1. This schedule applies to permits that have not been delegated by Council or where the development permit includes a variance. Where an Applicant has requested a review of a delegated decision on an Application for a development permit, Council may refer the matter to the APC prior to a decision.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information, including Reports, is received and fees paid.
- 1.3. Development Permit applications are not subject to public hearing requirements or formal notification. This process arises because Council's discretion to approve, amend or deny a development permit is limited to the scope of the Development Permit Area Guidelines in the OCP.
- 1.4. Staff will prepare an information and referral sheet and circulate for comment to all applicable City departments, government ministries, agencies and organizations.
- 1.5. Staff will prepare a preliminary review report for consideration and review by the APC.
- 1.6. Staff will prepare a planning report for Council relating any information received through internal referral and the referral to the APC. The report should consider the extent to which the development permit is consistent with the Development Permit Area Guidelines in the OCP.
- 1.7. Development permits expire 2 years from the time of issuance unless the project is substantially completed.

- 1.8. A development permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



SCHEDULE C

DELEGATED DEVELOPMENT PERMIT

All applications for Development Permit submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. A Development Permit allows the Delegate to approve a development permit in compliance with the Official Community Plan and Zoning Bylaw.

- 1.1. This schedule applies to permits that have been delegated by Council to the Delegate and where the development permit does not include a variance.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information, including Reports, is received and fees paid.
- 1.3. Development Permit applications are not subject to Public Hearing requirements or formal notification. This process arises because Council's discretion to approve, amend or deny a development permit is limited to the scope of the Development Permit Area Guidelines in the OCP.
- 1.4. The Delegate may issue the development permit, issue the development permit with conditions or where the Application does not conform to the Development Permit Area Guidelines in the OCP, refuse to issue the development permit. Alternatively, the Delegate may refer the Application to Council for a decision,
- 1.5. Development permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.

- 1.6. A development permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



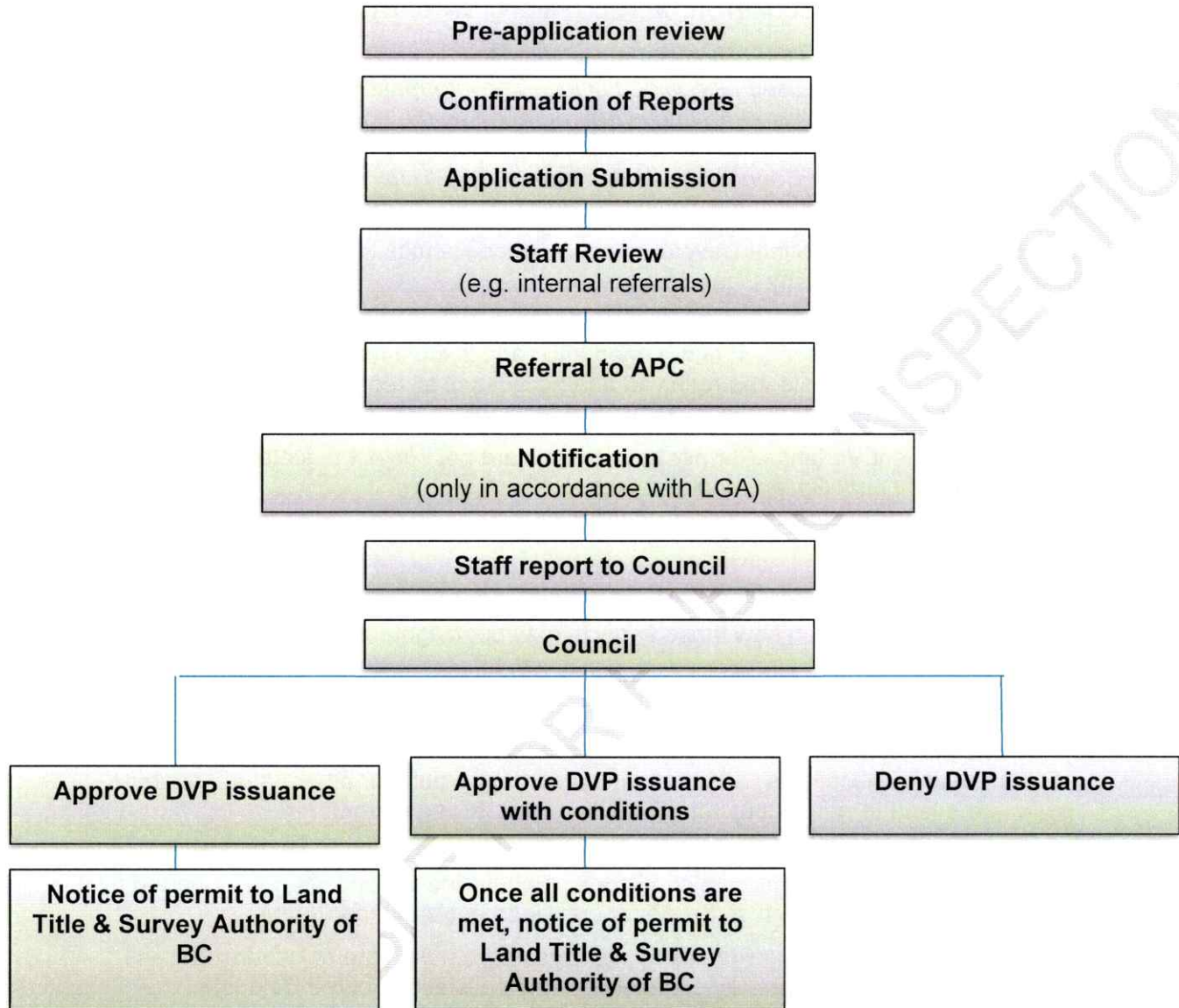
SCHEDULE D

DEVELOPMENT VARIANCE PERMIT (DVP) APPLICATION (COUNCIL)

All applications for development variance permits, other than for a Minor Development Variance Permit, will be submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. Development Variance requests are typically considered where specific site characteristics or other unique circumstances do not permit strict compliance with an existing regulation. A requested variance must be reasonable, must maintain the intent of the regulation, and should minimize any potential negative impacts on neighbours or the streetscape.

- 1.1. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.2. Planning staff will review the proposal for compliance with relevant City bylaws to confirm whether the requested variance can be approved as a Minor Development Variance Permit and, if not, will process the Application in accordance with this schedule.
- 1.3. Planning staff will prepare a preliminary review report for consideration and review by the Advisory Planning Commission (APC). The report will consider the impact of the proposed variance on adjacent properties or the surrounding neighbourhood and how those impacts may be mitigated, whether there is a community or environmental benefit to the larger community in granting the variance, and whether there is hardship other than the business aspects of the development, such as location, size, site configuration or topography or other natural attribute of the land (e.g. rock outcrop, floodplain, natural vegetation).
- 1.4. Planning staff will prepare a planning report relating any information received through internal referral, the referral to the APC, and the notification process and advising on the extent of the requested variance and whether the variance is necessary or beneficial.
- 1.5. Development Variance Permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.

- 1.6. A DVP application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



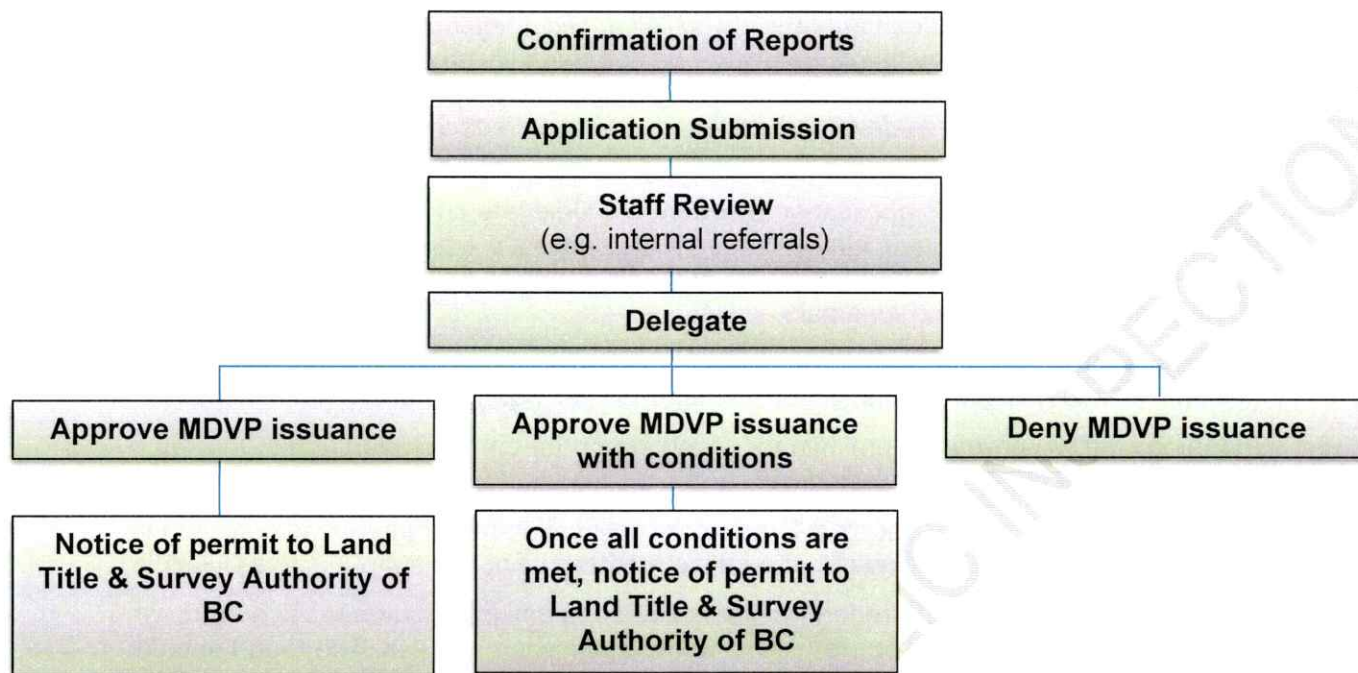
SCHEDULE E

DELEGATED MINOR DEVELOPMENT VARIANCE PERMIT

All applications for Minor Development Permit submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development variance approval if the steps indicated are followed. A Minor Development Permit allows a person to whom Council has delegated authority to review proposed variances against detailed regulations in the Zoning Bylaw.

- 1.1. This schedule applies to Minor Development Variance Permits. These decisions are subject to reconsideration by Council.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information, including Reports, is received and fees paid.
- 1.3. Minor Development Variance Permits applications are not subject to statutory notice provisions in the *Local Government Act* (see s. 499 (1.1)).
- 1.4. In considering whether to approve a minor variance, the Delegate will consider the following:
 - (a) the impact of the proposed variance on adjacent properties or the surrounding neighbourhood and how those impacts may be mitigated;
 - (b) whether there is a community or environmental benefit to the larger community in granting the variance, and
 - (c) whether there is hardship other than the business aspects of the development, such as location, size, site configuration or topography or other natural attribute of the land (e.g. rock outcrop, floodplain, natural vegetation).
- 1.5. The Delegate may issue the Minor Development Variance Permit, issue the Minor Development Variance Permit with conditions or where the variance is not supported by the considerations above, refuse the Minor Development Variance Permit.
- 1.6. Minor Development Variance Permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.

- 1.7. A Minor Development Variance Permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



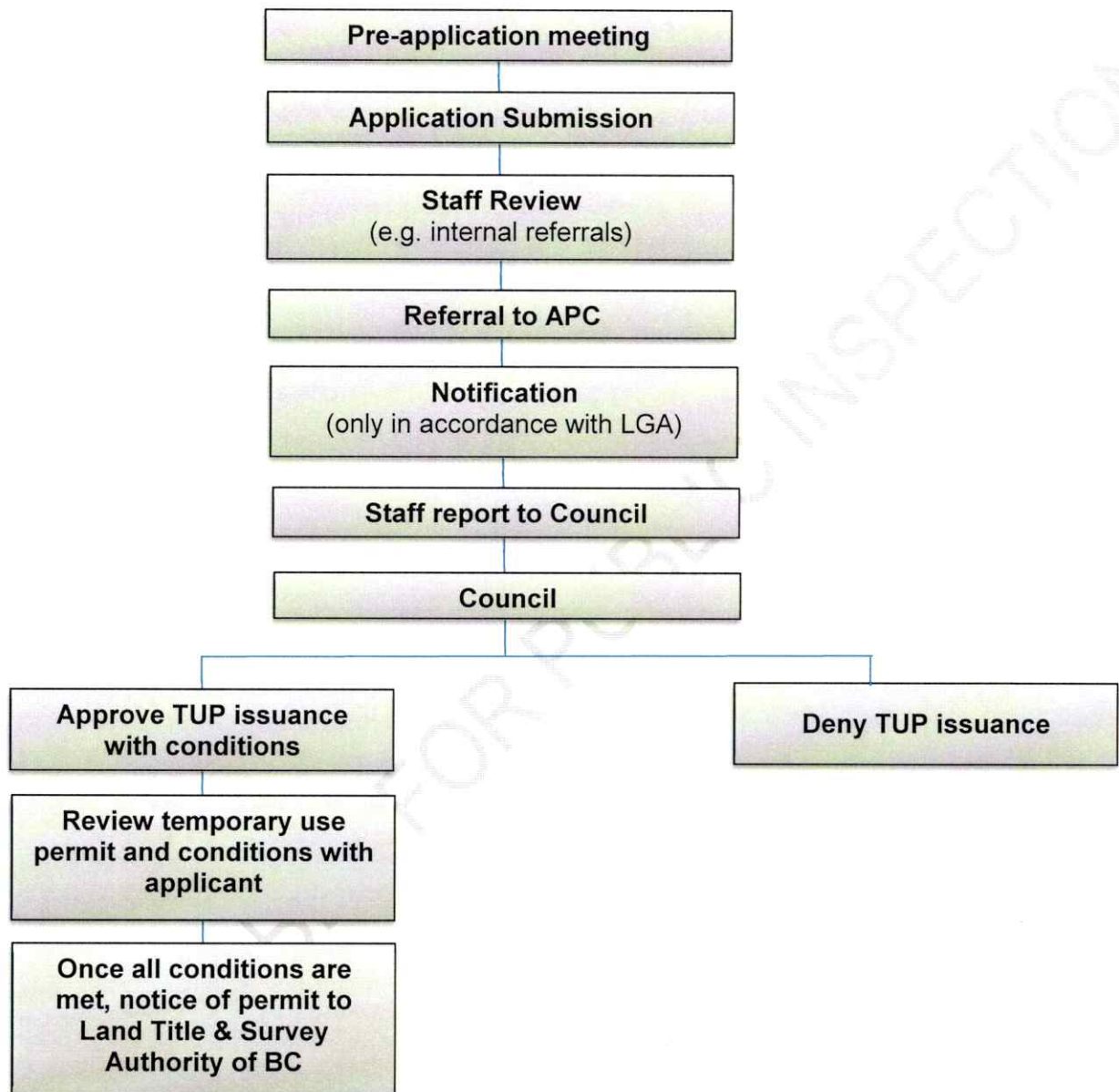
SCHEDULE F

TEMPORARY USE PERMIT (TUP) APPLICATION

This process is only available where the OCP or Zoning Bylaw designate the area as a place where temporary uses may be allowed. All applications for Temporary Use Permits submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

- 1.1. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.2. Planning staff will prepare an information and referral sheet and circulate for comment to all applicable City departments, government ministries, agencies and organizations.
- 1.3. Planning staff will prepare a preliminary review report for consideration and review by the Advisory Planning Commission (APC).
- 1.4. Temporary use permits are subject to statutory notification requirements as outlined in the *Local Government Act* and the alternative methods of notice set out in this Bylaw.
- 1.5. Staff will prepare a planning report for Council relating any information received through internal referral, the referral to the APC, and the notification process. The report should consider the extent to which the temporary use relates with the intent and policies of the Official Community Plan and potential impact of the use on surrounding properties.
- 1.6. Council may require an Applicant provide performance security for a temporary use permit.
- 1.7. The owner of the land in respect to which the temporary use permit has been issued has the right to use the land as authorized through the permit until the date that the permit expires, for a term not to exceed three (3) years.
- 1.8. An Applicant to whom a temporary use permit has been issued may apply in writing to have the permit renewed for the same use for a specified term not exceeding 3 years.
- 1.9. The renewal should be applied for and granted within the term of the original temporary use permit.
- 1.10. Council may impose additional conditions, including those that were not imposed in the original TUP.

- 1.11. A TUP application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



Date: April 28, 2023
File No: 3360-20-2244 Mallory
To: Mayor and Council
From: M. Fox, CAO
Subject: DEVELOPMENT APPLICATION – Zoning Bylaw Amendment ZON2022-03 at 2244 Mallory Drive, Port Alberni
Lot 7 District Lot 1 Alberni District Plan 23398 (PID: 000-819-972)
Applicant: Don Saywell Developments Ltd.

Prepared By: S. Smith Director of Development Services/Deputy CAO	Supervisor: M. Fox Chief Administrative Officer	CAO Concurrence:  M. Fox, CAO
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RECOMMENDATION

THAT "Zoning Map Amendment No. 56 (2244 Mallory Drive - Saywell Developments), Bylaw No. 5066" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5066.

PURPOSE

To consider adoption of Zoning Map Amendment No.56 to rezone 2244 Mallory Drive from R1 Single Family Residential to R2 One and Two Family Residential to enable the construction of a duplex on this lot. The property at 2244 Mallory Drive is currently vacant.

BACKGROUND

Council gave first and second reading to the amending bylaw at the Regular meeting on October 24, 2022 on the subject property at 2244 Mallory Drive illustrated in Figure 1 below. Council also passed a resolution to waive the Public Hearing as permitted under the *Local Government Act* (s.467) as the application aligns with the OCP land use designation. Council gave third reading to the bylaw at its Regular meeting on November 28, 2022. Council report from November 28, 2022 is attached.

ENTERED

Subject Property and Site Context

Figure 1 – Subject Property Map



ALTERNATIVES/OPTIONS

1. THAT "Zoning Map Amendment No. 56 (2244 Mallory Drive - Saywell Developments), Bylaw No. 5066" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5066.
2. That Council may defeat adoption of the bylaw.
3. That Council may pass a resolution to direct Staff with alternate direction.

Staff support Option #1.

ANALYSIS

Infrastructure and Servicing

Infrastructure upgrades may be required to service the development. This may include utility upgrades and improvements to the road and sidewalk areas. This will be confirmed at the time of building permit issuance by the Engineering Department. The applicant will be responsible for the cost of all improvements.

The Engineering Department has requested a Section 219 covenant be placed on title to limit vehicle access to Plywood Drive given site lines, grades and other technical aspects that impact safety of accessing the lot from Plywood Drive. They have requested that Mallory Drive be identified as the access for vehicles. The Section 219 covenant has been signed and the applicant's lawyer has provided an undertaking to register at the LTO.

IMPLICATIONS

Supporting this application provides housing choice in this neighbourhood to meet a changing demographic.

BYLAWS/PLANS/POLICIES

The application is to amend *Zoning Bylaw 2014 No. 4832*. The following amendment is proposed:

1. An amendment is requested to change the existing zoning from R1 to *R2 One and Two Family Residential*.

SUMMARY

The proposed change in zoning from *R1 Single Family Residential* to *R2 One and Two Family Residential* is consistent with adjacent land uses, and the overall proposal aligns with the OCP land use destinations. Staff support proceeding with the adoption of the bylaw as it aligns with the OCP and would create infill housing.

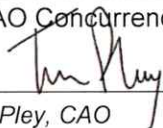
ATTACHMENTS/REFERENCE MATERIALS

- *Council report presented on November 28, 2022.*
- *Zoning Map Amendment No. 56 (2244 Mallory Drive), Bylaw No. 5066*

C: *D. Leurebourg, Director of Corporate Services*
R. Dickinson, Director of Engineering and Public Works

J:\Engineering\Planning\Development Applications\ZoningAmend\ZON-2022\ZON2022-03-2244_MalloryDr-Saywell\Council\ZON22-03-2244_MalloryDr Saywell-Council-Final-May8.docx

Date: November 14, 2022
File No: 3360-20-2244 Mallory
To: Mayor and Council
From: T. Pley, CAO
Subject: DEVELOPMENT APPLICATION – Zoning Bylaw Amendment ZON2022-03 at 2244 Mallory Drive, Port Alberni
Lot 7 District Lot 1 Alberni District Plan 23398 (PID: 000-819-972)
Applicant: Don Saywell Developments Ltd.

Prepared By  M. Wade Manager of Planning	Director:  S. Smith, Dir. of Development Services Deputy CAO	CAO Concurrence:  T. Pley, CAO
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RECOMMENDATION

1. THAT "Zoning Map Amendment No. 56 (2244 Mallory Drive - Saywell Developments), Bylaw No. 5066" be read a third time.
2. That prior to adoption of the Bylaw No. 5066 that a section 219 covenant be registered on title to restrict vehicle access from Plywood Drive.

PURPOSE

To consider third Reading of Zoning Map Amendment No.56 to rezone 2244 Mallory Drive from R1 Single Family Residential to R2 One and Two Family Residential to enable the construction of a duplex on this lot. The property at 2244 Mallory Drive is currently vacant.

BACKGROUND

Council gave first and second reading to the amending bylaw at the Regular meeting on October 24, 2022 on the subject property at 2244 Mallory Drive illustrated in Figure 1 below. Council also passed a resolution to waive the Public Hearing as permitted under the *Local Government Act* (s.467) as the application aligns with the OCP land use designation. Council report from October 24, 2022 is attached.

Subject Property and Site Context

Figure 1 – Subject Property Map



ALTERNATIVES/OPTIONS

1. THAT "Zoning Map Amendment No. 56 (2244 Mallory Drive - Saywell Developments), Bylaw No. 5066" be read a Third time.
2. THAT a section 219 covenant be placed on title limiting vehicle access from Plywood Drive.
3. That Council may pass a resolution to not give Third Reading of the bylaw.
4. That Council may pass a resolution to direct Staff with alternate direction.

Staff support Option #1 and #2.

ANALYSIS

Infrastructure and Servicing

Infrastructure upgrades may be required to service the development. This may include utility upgrades and improvements to the road and sidewalk areas. This will be confirmed at the time of building permit issuance by the Engineering Department. The applicant will be responsible for the cost of all improvements.

The Engineering Department has requested a Section 219 covenant be placed on title to limit vehicle access to Plywood Drive given site lines, grades and other technical aspects that impact safety of accessing the lot from Plywood Drive. They have requested that Mallory Drive be identified as the access for vehicles.

REFERRALS

None were received and will be considered at time of building application; most interests are unaffected.

IMPLICATIONS

Supporting this application provides housing choice in this neighbourhood to meet a changing demographic.

COMMUNICATIONS

At the October 24, 2022 Council meeting, Council passed a resolution to waive the Public Hearing. Accordingly, Staff issued 33 public notices to properties within 75 metre of the property as per Section 467 of the *Local Government Act*. The applicant also updated their property sign to state the Public Hearing had been waived as per council resolution under section 467 of the *Local Government Act*. Notices were placed in the newspaper according to the requirements *Local Government Act* sections 465 and 466. The notices provide an opportunity for the public to provide written feedback to Council. As of the date of this report, no items of correspondence have been received. If any correspondences are received, they will be brought forward by staff at the Council meeting.

BYLAWS/PLANS/POLICIES

The application is to amend *Zoning Bylaw 2014 Na. 4832*. The following amendment is proposed:

1. An amendment is requested to change the existing zoning from R1 to R2 *One and Two Family Residential*.

SUMMARY

Staff recommend third reading of the proposed *Zoning Map Amendment No. 56 (2244 Mallory Drive - Saywell Developments)*, *Bylaw No. 5066* and requiring a section 219 covenant for restricting vehicular access from Plywood Drive. The proposed change in zoning from R1 *Single Family Residential* to R2 *One and Two Family Residential* is consistent with adjacent land uses, and the overall proposal aligns with the OCP land use destinations. Staff support proceeding with the third Reading of the bylaw as it aligns with the OCP and would create infill housing.

ATTACHMENTS/REFERENCE MATERIALS

- *Council report presented on October 24, 2022.*
- *Zoning Map Amendment No. 56 (2244 Mallory Drive), Bylaw No. 5066*

C: *T. Slonski, Director of Corporate Services*
 R. Gaudreault, Building/Plumbing Inspector
 R. Dickinson, Director of Engineering and Public Works

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CITY OF PORT ALBERNI

BYLAW NO. 5066

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. 56 (2244 Mallory Drive - Saywell Developments) Bylaw No. 5066"**.

2. Zoning Amendment

2.1 Lot 7, District Lot 1, Alberni District, Plan VIP23398, PID: 000-819-972, located at **2244 Mallory Drive** and shown shaded on Schedule A, attached hereto and forming part of this bylaw, are hereby rezoned from 'R1 Single Family Residential' to **'R2 One and Two Family Residential'**.

3. Map Amendment

Schedule "A" (Zoning 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 24th day of October, 2022.

READ A SECOND TIME this 24th day of October, 2022.

A PUBLIC HEARING WAS WAIVED this 24th day of October, 2022.

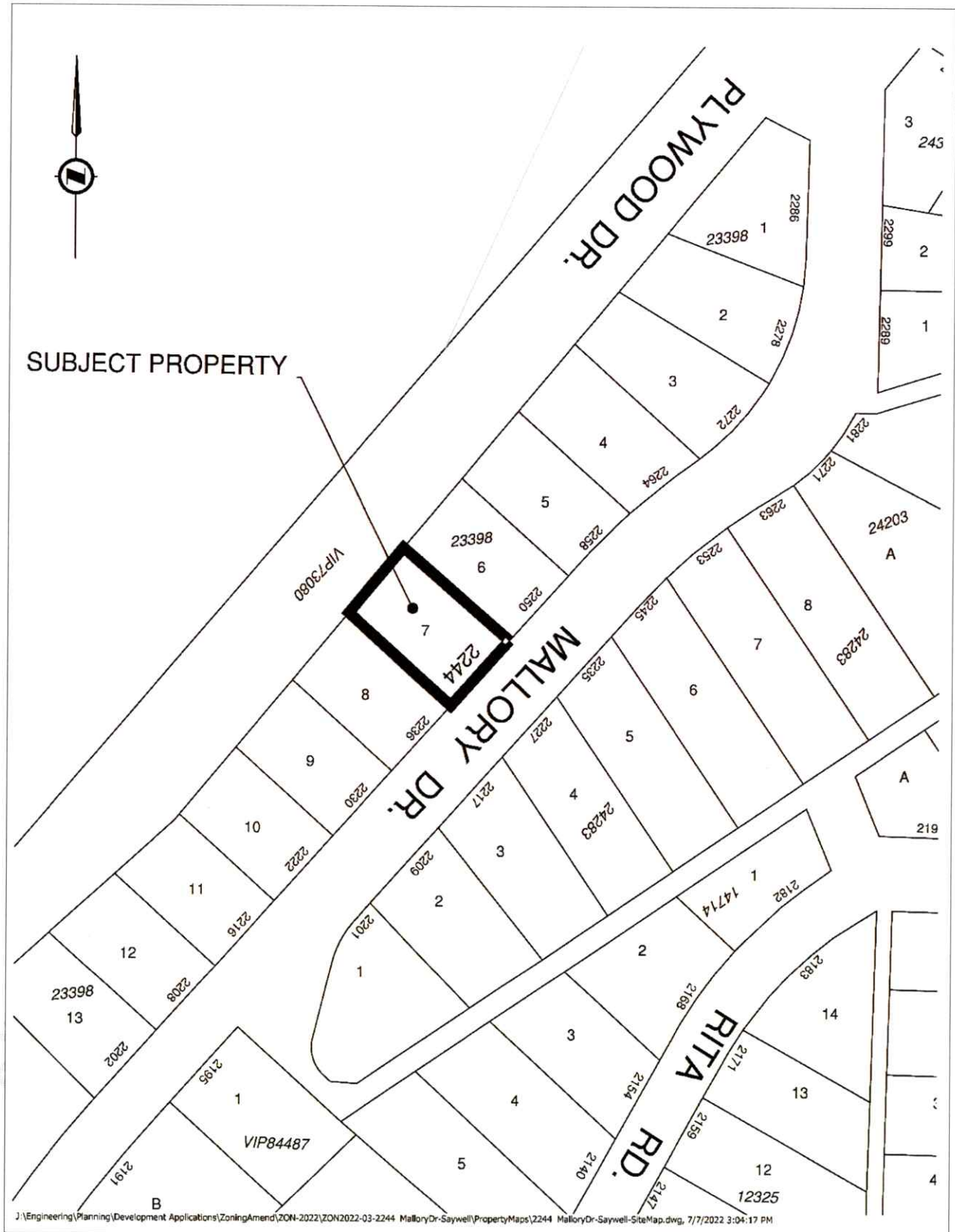
READ A THIRD TIME this 28th day of November, 2022.

ADOPTED this day of , 2022.

Mayor

Corporate Officer

Schedule "A" to Bylaw No. 5066



Date: April 28, 2023
File No: 3360-20-2272 Mallory
To: Mayor and Council
From: M. Fox, CAO
Subject: DEVELOPMENT APPLICATION – Zoning Bylaw Amendment ZON2022-04 at 2272 Mallory Drive, Port Alberni
Lot 3 District Lot 1 Alberni District Plan 23398 (PID: 002-881-195)
Applicant: Don Saywell Developments Ltd.

Prepared By: S. Smith <i>Director of Development Services/Deputy CAO</i>	Supervisor: M. Fox <i>Chief Administrative Officer</i>	CAO Concurrence:  M. Fox, CAO
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RECOMMENDATION

THAT "Zoning Map Amendment No. 57 (2272 Mallory Drive - Saywell Developments), Bylaw No. 5067" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5067.

PURPOSE

To consider adoption of Zoning Map Amendment No.57 to rezone 2272 Mallory Drive from R1 Single Family Residential to R2 One and Two Family Residential to enable the construction of a duplex on this lot. The property at 2272 Mallory Drive is currently vacant.

BACKGROUND

Council gave first and second reading to the amending bylaw at the Regular meeting on October 24, 2022 on the subject property at 2272 Mallory Drive illustrated in Figure 1 below. Council also passed a resolution to waive the Public Hearing as permitted under the *Local Government Act* (s.467) as the application aligns with the OCP land use designation. Council gave third reading to the amending bylaw at the Regular meeting on November 28, 2022. Council report from November 28, 2022 is attached.

Subject Property and Site Context

Figure 1 – Subject Property Map



ALTERNATIVES/OPTIONS

1. *THAT "Zoning Map Amendment No. 57 (2272 Mallory Drive - Saywell Developments), Bylaw No. 5067" be now finally adopted, signed by the Mayor and Corporate Officer and numbered 5067.*
2. That Council may defeat adoption of the bylaw.
3. That Council may pass a resolution to direct Staff with alternate direction.

Staff support Option #1.

ANALYSIS

Infrastructure and Servicing

Infrastructure upgrades may be required to service the development. This may include utility upgrades and improvements to the road and sidewalk areas. This will be confirmed at the time of building permit issuance by the Engineering Department. The applicant will be responsible for the cost of all improvements.

The Engineering Department has requested a Section 219 covenant be placed on title to limit vehicle access to Plywood Drive given site lines, grades and other technical aspects that impact safety of accessing the lot from Plywood Drive. They have requested that Mallory Drive be identified as the access for vehicles. The Section 219 covenant has been signed and the applicant's lawyer has provided an undertaking to register at the LTO.

IMPLICATIONS

Supporting this application provides housing choice in this neighbourhood to meet a changing demographic.

BYLAWS/PLANS/POLICIES

The application is to amend *Zoning Bylaw 2014 No. 4832*. The following amendment is proposed:

1. An amendment is requested to change the existing zoning from R1 to *R2 One and Two Family Residential*.

SUMMARY

The proposed change in zoning from *R1 Single Family Residential* to *R2 One and Two Family Residential* is consistent with adjacent land uses, and the overall proposal aligns with the OCP land use destinations. Staff support proceeding with the adoption of the bylaw as it aligns with the OCP and would create infill housing.

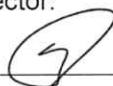
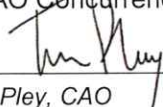
ATTACHMENTS/REFERENCE MATERIALS

- *Council report presented on November 28, 2022.*
- *Zoning Map Amendment No. 57 (2272 Mallory Drive), Bylaw No. 5067*

C: *D. Leurebourg, Director of Corporate Services*
R. Dickinson, Director of Engineering and Public Works

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Date: November 14, 2022
File No: 3360-20-2272 Mallory
To: Mayor and Council
From: T. Pley, CAO
Subject: DEVELOPMENT APPLICATION – Zoning Bylaw Amendment ZON2022-04 at 2272 Mallory Drive, Port Alberni
Lot 3 District Lot 1 Alberni District Plan 23398 (PID: 002-881-195)
Applicant: Don Saywell Developments Ltd.

Prepared By  M. Wade Manager of Planning	Director:  S. Smith, Dir. of Development Services Deputy CAO	CAO Concurrence:  T. Pley, CAO
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RECOMMENDATION[S]

1. THAT "Zoning Map Amendment No. 57 (2272 Mallory Drive - Saywell Developments), Bylaw No. 5067" be read a third time.
2. THAT prior to adoption of the Bylaw No. 5067 that a section 219 covenant be registered on title to restrict vehicle access from Plywood Drive.

PURPOSE

To consider third Reading of Zoning Map Amendment No.57 to rezone 2272 Mallory Drive from R1 Single Family Residential to R2 One and Two Family Residential to enable the construction of a duplex on this lot. The property at 2272 Mallory Drive is currently vacant.

BACKGROUND

Council gave first and second reading to the amending bylaw at the Regular meeting on October 24, 2022 on the subject property at 2272 Mallory Drive illustrated in Figure 1 below. Council also passed a resolution to waive the Public Hearing as permitted under the *Local Government Act* (s.467) as the application aligns with the OCP land use designation. Council report from October 24, 2022 is attached.

Subject Property and Site Context

Figure 1 – Subject Property Map



ALTERNATIVES/OPTIONS

1. THAT "Zoning Map Amendment No. 57 (2272 Mallory Drive - Saywell Developments), Bylaw No. 5067" be read a third time.
2. THAT a section 219 covenant be placed on title limiting access from Plywood Drive.
3. That Council may pass a resolution to not give third Reading of the bylaw.
4. That Council may pass a resolution to direct Staff with alternate direction.

Staff support Option#1 and #2.

ANALYSIS

Infrastructure and Servicing

Infrastructure upgrades may be required to service the development. This may include utility upgrades and improvements to the road and sidewalk areas. This will be confirmed at the time of building permit issuance by the Engineering Department. The applicant will be responsible for the cost of all improvements.

The Engineering Department has requested a Section 219 covenant be placed on title to limit vehicle access to Plywood Drive given site lines, grades and other technical aspects that impact safety of accessing the lot from Plywood Drive. They have requested that Mallory Drive be identified as the access for vehicles.

REFERRALS

None were received and will be considered at time of building application; most interests are unaffected.

IMPLICATIONS

Supporting this application provides housing choice in this neighbourhood to meet a changing demographic.

COMMUNICATIONS

At the October 24, 2022 Council meeting, Council passed a resolution to waive the Public Hearing. Accordingly, Staff issued 33 public notices to properties within 75 metre of the property as per Section 467 of the *Local Government Act*. The applicant also updated their property sign to state the Public Hearing had been waived as per council resolution under section 467 of the *Local Government Act*. Notices were placed in the newspaper according to the requirements *Local Government Act* sections 465 and 466. The notices provide an opportunity for the public to provide written feedback to Council. As of the date of this report, no items of correspondence have been received. If any correspondences are received, they will be brought forward by staff at the Council meeting.

BYLAWS/PLANS/POLICIES

The application is to amend *Zoning Bylaw 2014 No. 4832*. The following amendment is proposed:

1. An amendment is requested to change the existing zoning from R1 to R2 *One and Two Family Residential*.

SUMMARY

Staff recommend third reading of the proposed *Zoning Map Amendment No. 57 (2272 Mallory Drive - Saywell Developments)*, *Bylaw No. 5067* and requiring a section 219 covenant for restricting vehicular access from Plywood Drive. The proposed change in zoning from R1 *Single Family Residential* to R2 *One and Two Family Residential* is consistent with adjacent land uses, and the overall proposal aligns with the OCP land use destinations. Staff support proceeding with the third Reading of the bylaw as it aligns with the OCP and would create infill housing.

ATTACHMENTS/REFERENCE MATERIALS

- Council report presented on October 24, 2022.
- Draft *Zoning Map Amendment No. 57 (2272 Mallory Drive)*, *Bylaw No. 5067*

C: *T. Slonski, Director of Corporate Services*
 R. Gaudreault, Building/Plumbing Inspector
 R. Dickinson, Director of Engineering and Public Works

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CITY OF PORT ALBERNI

BYLAW NO. 5067

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. 57 (2272 Mallory Drive - Saywell Developments) Bylaw No. 5067"**.

2. Zoning Amendment

2.1 Lot 3, District Lot 1, Alberni District, Plan VIR23398, PID: 002-881-195, located at **2272 Mallory Drive** and shown shaded on Schedule A, attached hereto and forming part of this bylaw, are hereby rezoned from 'R1 Single Family Residential' to **'R2 One and Two Family Residential'**.

3. Map Amendment

Schedule "A" (Zoning 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 24th day of October, 2022.

READ A SECOND TIME this 24th day of October, 2022.

A PUBLIC HEARING WAS WAIVED this 24th day of October, 2022.

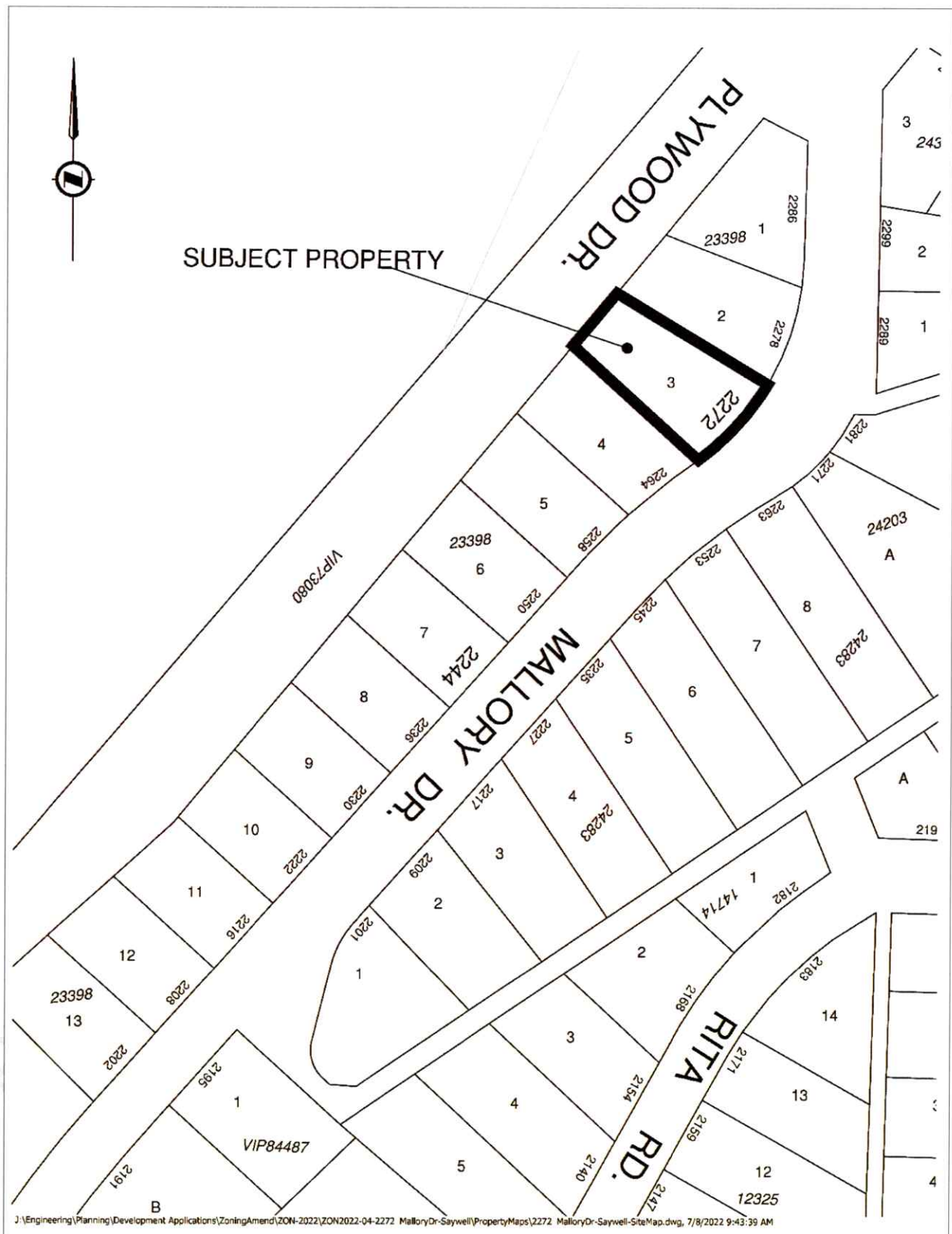
READ A THIRD TIME this 28th day of November, 2022.

ADOPTED this day of , 2022.

Mayor

Corporate Officer

Schedule "A" to Bylaw No. 5067



RECEIVED

APR 24 2023

CITY OF PORT ALBERNI

Alberni Valley Pride Society
alberni valleypride@gmail.com
Fb: @Alberni Valley Pride
Intsa: @alberni valleypride

☒ Council	☐ Economic Development
☐ Mayor	☒ Engineering/PW
☒ CAO	☐ Parks, Rec. & Heritage
☐ Finance	☐ Development Services
☒ Corporate Services	☐ Community Safety
☒ Agenda	☐ Other

File # 0630-01 RCM May 8/23

Pride Week May 29-June 4, 2023

Mayor and Council
City of Port Alberni
4850 Argyle Street
Port Alberni, BC V9Y 1V8

April 22, 2023

Subject: Flag Raising and Rainbow Crosswalk painting

The Alberni Valley Pride 2023 Pride Week will be taking place May 29-June 4, 2023. Our hope is to provide resources and events to support the LGBTQ2+ community and our allies. Council can follow us on social media *Alberni Valley Pride* to be updated once the plans are finalized and we invite you all to attend events throughout the week.

We are reaching out to Council to approve flying the Pride rainbow flag at City Hall for the duration of Pride Week, May 29-June 4, 2023. We will be connecting with other organizations such as School District 70, the Alberni Valley Chamber of Commerce, and North Island College to also fly the pride flag in recognition of our LGBTQ2+ community that week.

We are also reaching out to Council in hopes that City staff would be able to touch up the painting of the Rainbow Crosswalk prior to Pride Week.

Thank you for your consideration and we invite you to join in on the Alberni Valley Pride activities once they are confirmed.

Sincerely,

[Redacted Signature]

C. Thorpe
Chair, Alberni Valley Pride Society
alberni valleypride@gmail.com



RECEIVED

MAY 03 2023

CITY OF PORT ALBERNI

to: The Mayor and City Council, City of Port Alberni

From: D [REDACTED] Russell Valley Street Rods Car Club

Re: Car Show at Harbour Quay, Sunday Aug. 13 2023

☒ Council
☒ Mayor
☒ CAO
☐ Finance
☒ Corporate Services
☒ Agenda
☐ Economic Development
☐ Engineering/PW
☒ Parks, Rec. & Heritage
☐ Development Services
☐ Community Safety
☐ Other
File # 8100-01
Rem May 8/23

What we propose is basically the same thing we have done in the past which would be: A 4 to 5 hr. car show at the Harbor Quay beginning at noon and ending at 4PM or 5PM. The Quay would be closed to parking for that period of time and the public would be directed to nearby available space. There would be signage posted regarding the closure posted the previous day. We previously started the show at 4Pm and went to 8PM on a Friday evening in conjunction with the AVDRA races which were held on the Saturday and Sunday following our show. We usually hosted between 125-150 cars in the Quay and we would see somewhere between 1000 - 2000 visitors to the show. This brought a lot of business to the merchants at the Quay and also businesses close to the Quay. I believe the AVDRA will want to host a cruise though the Valley following the show. This will be a good fund raiser for the AVDRA and our club. Our Club Charity is Ty Watson House and they will receive a portion of the funds raised by Valley Street Rods. We have been Putting on our show for over 20 years in the Valley with a time- out for Covid and have always been well received by Valley residents and visitors to the Valley. We mainly draw out of town visitors from the Island but we have had entrants from the mainland and the USA. We are aware of the conditions outlined in previous communications and we will abide by all regulations including the Insurance coverage, notification of emergency services, and merchants at the Quay. We are somewhat flexible as to the date of this event in case it conflicts with previously planned usage of the Quay.

I hope this gives you an idea of what we would like to do, if you need further clarification feel free to call me at [REDACTED] or send me an email.

Thanks for considering our application.

D [REDACTED] Russell/ Valley Street Rods

RECEIVED

MAY 01 2023

CITY OF PORT ALBERNI

April 26, 2023

Mayor Sharie Minions
City of Port Alberni
4850 Argyle Street
Port Alberni, BC V9Y 1V8



☒ Council	☐ Economic Development
☒ Mayor	☐ Engineering/PW
☒ CAO	☐ Parks, Rec. & Heritage
☐ Finance	☐ Development Services
☒ Corporate Services	☐ Community Safety
☒ Agenda	☐ Other

File # 0390-20-AVICC **RCM MAY 8/23**

Dear Mayor Minions:

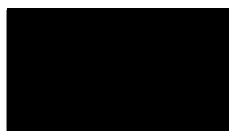
Re: 2023 AVICC Resolution(s)

UBCM is in receipt of the attached resolution(s) endorsed by your Council. Your resolution(s) received endorsement at the 2023 AVICC Spring Convention.

As such, the resolution(s) will be included in UBCM Resolutions Book for the 2023 UBCM Convention in September.

Please contact Jamee Justason, Resolutions and Policy Analyst, if you have any questions about this process, email: jjustason@ubcm.ca.

Sincerely,



Jen Ford
UBCM President

Enclosure

ENTERED

J.1

BC Emergency Health Services/Demands on Local Governments

Port Alberni

Whereas medical first responder call volume data taken locally and provincially reflects an upward trajectory year over year;

And whereas this increased trajectory of medical first responder call volume is disproportionately higher for municipal emergency responders than those reported by British Columbia Emergency Health Services [BCEHS];

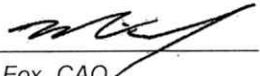
And whereas BCEHS is responsible for the delivery, co-ordination and governance of emergency health services and can and does consent to other organizations, primarily fire departments, providing these services as part of a co-ordinated response;

And whereas a number of challenges are present in achieving a coordinated approach to the access and provision of emergency health services including that of increased service demands congruent to the varied capacity for fire departments to provide first responder services across the province:

Therefore be it resolved that the AVICC urge the Ministry of Health to work with local governments and BCEHS to improve the coordinated approach to emergency health services that results in adequate funding and staffing levels so as to not overburden local governments [fire departments].

Convention Decision:

Date: May 1, 2023
File No: 3950-20-3002-1
To: Mayor & Council
From: M. Fox, CAO
Subject: Council Code of Conduct Policy 3002-01

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

THAT Council approve Council Code of Conduct Policy 3002-1.

PURPOSE

The purpose of this report is to provide Council the opportunity to review and approve the Council Code of Conduct Policy.

BACKGROUND

Council is required to consider a code of conduct within 6 months of its first Regular Council meeting following an election. The UBCM Model Code of conduct was briefly reviewed and presented at the January 23, 2023 Regular Council meeting. At that time Council determined to engage a consultant to facilitate a workshop for Council to review the Code of Conduct. The workshop was held March 23, 2023 and was led by Jerry Berry of JB Consultants Ltd.

The *Community Charter* outlines: "Requirement to consider code of conduct

- 113.1 (1) Within 6 months after its first regular council meeting following a general local election, a council must decide
- (a) whether to establish a code of conduct for council members, or
 - (b) if a code of conduct for council members has already been established, whether it should be reviewed.
- (2) Before making a decision under subsection (1), the council must
- (a) consider the prescribed principles for codes of conduct,
 - (b) consider the other prescribed matters, if any, and
 - (c) comply with the prescribed requirements, if any, including requirements respecting public notice or consultation.

-
- (3) If the council decides, under subsection (1), not to establish a code of conduct or review an existing code of conduct, it must make available to the public, on request, a statement respecting the reasons for its decision.

Reconsideration of decision respecting code of conduct

- 113.2 (1) If a council decides, under section 113.1, not to establish a code of conduct or review an existing code of conduct, the council must reconsider that decision before January 1 of the year of the next general local election.
- (2) In a reconsideration under subsection (1), the council must
- (a) consider the prescribed principles for codes of conduct,
 - (b) consider the other prescribed matters, if any, and
 - (c) comply with the prescribed requirements, if any, including requirements respecting public notice or consultation.
- (3) If the council confirms the decision that is the subject of the reconsideration, the council must make available to the public, on request, a statement respecting its reasons for confirming the decision."

The workshop consisted of a thorough review of good governance principles and the UBCM Model Code of Conduct and associated Guide. The foundational principles guided the discussion and were incorporated into the draft Code of Conduct Policy.

The foundational principles include:

1. Integrity
2. Respect
3. Accountability
4. Leadership and Collaboration

The workshop contemplated additional policy and bylaw changes that would support the Code of Conduct and its foundational principles to facilitate the business of Council. Key recommendations around changes to the procedures bylaw were identified as being crucial to supporting the good governance role of Council and the conduct of meetings. These changes will be presented and discussed separately.

ALTERNATIVES/OPTIONS

1. *Council adopt the Code of Conduct as presented.*
2. *Council to consider further recommendations to incorporate into the policy, such as enforcement mechanisms or additional policies contemplated in the Model Code of Conduct.*
3. *Council may elect to not establish a Code of Conduct under Section 113.2 of the Community Charter, and make a resolution to that affect, and reconsider that decision before January 1, 2026.*

ANALYSIS

The Model Code of Conduct provides all the required foundational principles of a Code of Conduct under the *Act*, and is drawn from best practice. The UBCM Model Code of Conduct forms the foundation of the proposed Council Code of Conduct Policy. The guiding principles were strongly supported in the workshop.

Council may further review and revise the Code of Conduct in the future to ensure that it continues to meet the needs of Council.

While it is an option for Council to decide not to have a Code of Conduct, this is not recommended. A Code of Conduct is a municipal governance best practice and provides a mechanism for Council to address specific areas of misconduct not specifically outlined in the *Act*.

IMPLICATIONS

Community Charter Section 113.1 and 113.2 (See above). Council must pass the code of conduct or a resolution outlining reasons for not adopting a code of conduct at this May 8, 2023 Council meeting to meet the legislated deadlines.

COMMUNICATIONS

No formal communications are required, but staff previously shared the Committee of the Whole's intent to consider the Code of Conduct policy at the April 25 meeting on social media to notify the public.

BYLAWS/PLANS/POLICIES

Draft Council Code of Conduct Policy 3002-01.

SUMMARY

The attached policy has been prepared following a workshop on Council Code of Conduct led by Jerry Berry of JB Consultants Ltd. The focus of the workshop was on the best practices around good governance and the foundational principles found within the UBCM Model Code of Conduct.

ATTACHMENTS/REFERENCE MATERIALS

1. Draft Policy 3002-01 Council Code of Conduct
2. UBCM Model Code of Conduct
https://www.ubcm.ca/sites/default/files/2022-10/Policy_Model_COC_Aug2022_UPDATED.pdf
3. UBCM Code of Conduct Guidebook
<https://www.ubcm.ca/sites/default/files/2021-08/Forging%20the%20Path%20to%20Responsible%20Conduct.pdf>

POLICY No. 3002-1 | Council Code of Conduct

Approved:

Resolution No.:

Date of Last Review:

CITY OF
PORT ALBERNI



PURPOSE

As local elected representatives ["members"], we recognize that responsible conduct is essential to providing good governance for the City of Port Alberni.

We further recognize that responsible conduct is based on the foundational principles of integrity, accountability, respect, and leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves to the highest ethical standards by being an active participant in ensuring that these foundational principles, and the standards of conduct set out below, are followed in all of our dealings with every person, including those with other members, staff, and the public.

SCOPE

This Code of Conduct applies to the members of the City of Port Alberni. It is each member's individual responsibility to uphold both the letter and the spirit of the Code of Conduct in their dealings with other members, staff and the public.

Elected officials must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the bylaws and policies of the local government, the common law and any other legal obligations which apply to members individually or as a collective council.

FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

1. **Integrity** – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.
2. **Respect** – means having due regard for others' perspectives, wishes and rights; it also means displaying deference to the offices of local government, and the role of local government in community decision making. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the local government.



3. **Accountability** – means an obligation and willingness to accept responsibility or to account for one's actions. Conduct under this principle is demonstrated when council or board members, individually and collectively, accept responsibility for their actions and decisions.
4. **Leadership and Collaboration** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a council or board member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

STANDARDS OF CONDUCT

Integrity: Integrity is demonstrated by the following conduct:

- Members will be truthful, honest, and open in all dealings, including those with other members, staff and the public.
- Members will ensure that their actions are consistent with the shared principles and values collectively agreed to by the council.
- Members will follow on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
- Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
- Members will behave in a manner that promotes public confidence in all of their dealings.

Respect: Respect is demonstrated through the following conduct:

- Members will treat every person with dignity, understanding, and respect.
- Members will show consideration for every person's values, beliefs, experiences and contributions to discussions.
- Members will demonstrate awareness of their own conduct, and consider how their words or actions may be, or may be perceived as, offensive or demeaning.
- Members will not engage in behaviour that is indecent, insulting or abusive. This behaviour includes verbal slurs such as racist remarks, unwanted physical contact, or other aggressive actions that are harmful or threatening.

Accountability: Accountability is demonstrated through the following conduct:

- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective council.
- Members will listen to and consider the opinions and needs of the community in all decision-making, and allow for appropriate opportunities for discussion and feedback.
- Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.



Leadership and Collaboration: Leadership and collaboration is demonstrated through the following conduct:

- Members will behave in a manner that builds public trust and confidence in the local government, including considering the different interests of the people who make up the community.
- Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of decision, but once a decision has been made, all members will recognize the democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.
- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.
- As leaders of their communities, members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and staff to do the same.
- Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, staff and the public.
- Members will recognize the importance of the role of the chair of meetings, and treat that person with respect at all times.



Date: April 28, 2023
File No: 3950-20-3006-1
To: Mayor & Council
From: M. Fox, CAO
Subject: Liquor Licence Application Policy 3006-1

Prepared by:  H. Stevenson Planner I	Director: S. Smith Dir. of Development Services Deputy CAO	CAO Concurrence:  M. Fox, CAO
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RECOMMENDATION(S)

- THAT Council rescind the existing Liquor Licence Application Policy approved June 25, 2013.
- THAT Council approve the City of Port Alberni Liquor Licence Application Policy 3006-1.

PURPOSE

The purpose of this policy is to establish clarity of process and ensure that community input and Council resolution be obtained in respect to the review and issuance of liquor licences in the City of Port Alberni in accordance with Liquor and Cannabis Regulation Branch (LCRB) regulations.

BACKGROUND

At the Regular meeting of March 27, 2023 Council received a report requesting to extend Temporary Expanded Service Area (TESA) patios until December 31, 2024. Within this report, staff highlighted the need for a liquor licensing bylaw or policy to outline City processes for accepting applications, plan review, public notification, and providing comment to the LCRB. Staff has worked to develop an updated policy to coordinate with LCRB regulations and processes, and provide additional guidance to applicants and staff.

ALTERNATIVES/OPTIONS

- That Council rescind the existing Liquor Licence Application Policy approved June 25, 2013 and that Council approve the City of Port Alberni Liquor Licence Application Policy 3006-1.
- That Council not approve City of Port Alberni Liquor Licence Application Policy 3006-1.
- That Council provide alternate direction to staff.

ANALYSIS

The City is referred a number of liquor licence applications from the LCRB through the liquor and cannabis licensing portal. Generally, local governments will be asked to provide one of three types of responses depending upon application type; community input process (formal consideration and comments required), objection or no objection (formal consideration and comments not required), or zoning confirmation (formal consideration and comments not required).

Most municipalities have a liquor licencing policy referencing application fees and providing clarity to staff, applicants, and the public on how applications are received and processed by the local government to then provide comments to the LCRB.

The City's existing Liquor Licence Application Policy addresses public input collection methods and references fees outlined in the *Fees and Charges Bylaw No. 4665* for both liquor licence applications requiring public input and liquor licence applications not requiring public input. The current policy does not provide details on which liquor licence applications require formal consideration and public input, or how resolution should be provided to the LCRB. This policy aligns City processes with the legislative requirements outlined by the LCRB and provides additional detail.

IMPLICATIONS

The objective of this policy is to provide clarity of process for existing local government requirements and to formally delegate authority to staff to provide statements on liquor licence applications which do not require formal consideration.

If Council chooses not to adopt this policy, the City will still be required to follow the outlined processes.

COMMUNICATIONS

Staff are working with affected applicants and representatives from the LCRB.

BYLAWS/PLANS/POLICIES

The existing Liquor Licence Application Policy will be replaced. The fees for liquor licence applications listed in the *Fees and Charges Bylaw No. 4665* will continue to be used.

SUMMARY

Staff recommend that Council rescind the existing Liquor Licence Application and approve the proposed Liquor Licence Application Policy 3006-1.

ATTACHMENTS/REFERENCE MATERIAL

1. Draft Liquor Licence Application Policy 3006-1
2. Regular Council Report March 27, 2023
3. Liquor Licence Application Policy | June 25, 2013 [ref.]
4. "Fees and Charges Bylaw No. 4665" [ref.]

C: D. Leurebourg, Director of Corporate Services

J:\Engineering\Liquor Licencing\Processes\Council

POLICY No.

3006-1 Liquor Licence Application Policy

Approved:

Resolution No.:

Date of Last Review:

CITY OF
PORT ALBERNI



1. PURPOSE

The purpose of this policy is to establish clarity of process and ensure that community input be obtained in respect to the review and issuance of liquor licences in the City of Port Alberni. The Liquor Licence Application Policy provides clarity to the following parties:

- 1.1 Liquor licence applicants on the process and fees associated with City of Port Alberni's review of applications; and
- 1.2 City staff on application review and public notification criteria for those types of liquor licence applications that require review by Council and opportunity for the public to comment.

2. POLICY STATEMENTS

- 2.1 This policy applies to liquor licence applications in the City of Port Alberni.

3. PROCEDURES

For any liquor licence applications to the City of Port Alberni the following provisions apply:

- 3.1 A business engaging in the manufacture, sale or service of liquor must have a City of Port Alberni Business Licence to lawfully conduct its businesses.
- 3.2 The application process and related fees will be made available to any business or member of the public through the internet or by request.
- 3.3 Applications for Liquor Licences shall not be accepted unless:
 - a) a corresponding application has been made to appropriate regulatory authority of the Province of British Columbia: Liquor Cannabis Regulation Branch (LCRB) at the same time that a liquor licence application is submitted to the City; and
 - b) the application includes floor plans of the proposed liquor location and/or expansion of a liquor location that are sealed by a qualified professional showing the maximum occupant load, where this is required by the LCRB for a liquor licence.
- 3.4 The applicant must pay the appropriate Liquor Licence Application Fee as established by the City of Port Alberni's *Fees and Charges Bylaw No. 4665*.
- 3.5 If the applicant has met all other City requirements (e.g. rezoning, development permit, business licensing) and the City is ready to consider the application, City staff will sign for receipt of the application initiating the 90-day timeframe during which the City must gather input and/or provide comment to the LCRB.



- 3.6** If rezoning is required, the City will initiate the rezoning process integrating LCRB considerations but will not sign for the receipt of application until the Zoning Bylaw amendment is adopted.
- 3.7** City staff will review liquor licence applications and coordinate with the applicant if additional information or alterations to submissions are required.
- 3.8** Public input shall be gathered and a Council resolution will be provided for Liquor Licence applications identified in Appendix A.
- 3.9** Staff shall be delegated authority to provide a statement of "objection" or "no objection" for Liquor Licence applications that do not require public comment and Council resolution as identified in Appendix B.
- 3.10** When required, public input shall be gathered by collecting written comments in response to a Notice for Public Comment. The City will ensure that:
- a) the Notice for Public Comment is posted in accordance with Section 94 of the *Community Charter*; and
 - b) the public will be provided at least 10 days for the submission of comments to City Hall.
- 3.11** When required, City staff will summarize and present comments to Council on the proposed Liquor Location with a recommendation for support, support with conditions, or non-support. Council may elect to consider other criteria.
- 3.12** When providing comment on an application, the City will include comments on those aspects within the parameters set by LCRB which currently include:
- a) the impact of noise to the community in the vicinity of the establishment;
 - b) general impact on the community if approved (including the location of the establishment and person capacity and hour of liquor service of the establishment); and
 - c) confirm that the establishment is being operated in a manner that is consistent with its primary purpose (only for food primary).
- 3.13** Comments and recommendations to Council shall meet the following criteria:
- a) comments and recommendations must be in writing;
 - b) public comments must be included and be accompanied by a description of the collection method;
 - c) recommendations must include whether the application should be approved or rejected; and
 - d) recommendations must include the reasons on which they are based.
- 3.14** Any Provincial orders, like the TESA, are outside of this Policy and the City will follow the regulations as outlined by the Provincial Government.



APPENDICES

Appendix A: Liquor licence applications that will require public input and Council resolution

1. Liquor Primary & Liquor Primary Club Licences:

- 1.1 New licence applications.
- 1.2 Relocation requests.
- 1.3 Permanent change to opening and closing hours of liquor service.
- 1.4 Structural change applications that propose to increase person capacity or add a new patio.
- 1.5 Adding or increasing a temporary use area endorsement (golf courses and ski hills only).
- 1.6 Converting a Liquor Primary Club licence to a Liquor Primary licence.

2. Manufacturing Licences:

- 2.1 New Lounge endorsement or the following lounge endorsement amendments:
 - a) Increase in the person capacity;
 - b) Permanent change to opening and closing hours of liquor service; and
 - c) Temporary change to hours of liquor service (events only).
- 2.2 New Special Event Area (SEA) endorsement or the following SEA amendments:
 - a) Increase in the person capacity; and
 - b) Permanent or temporary change to opening and closing hours for liquor service.

3. Food Primary Licences:

- 3.1 Patron-participation endorsement (e.g. dine and dance or karaoke).
- 3.2 Adding or increasing a temporary use area endorsement (golf courses and ski hills only).
- 3.3 Permanent change to hours of liquor service if proposed hours are before 9:00 am or after midnight.

4. Rural Licensee Retail Store Licences:

- 4.1. New licence applications.



Appendix B: Liquor licence applications delegated to City Staff that will not require public input and Council resolution

1. Liquor Primary & Liquor Primary Club Licences:

- 1.1** Temporary change to opening and closing hours of liquor service.
- 1.2** Temporary use area endorsement.
- 1.3** Event-driven term and condition change.
- 1.4** Relocations adjacent to the existing site (such as next door) without changes to occupancy load or liquor service hours.
- 1.5** Temporary Extension of Licensed Area (TELA) with capacity increase (events only).

2. Manufacturing Licences:

- 2.1** Temporary change to opening and closing hours of liquor sale or service.
- 2.2** Temporary Extension of Licensed Area (TELA) with capacity increase (events only).
- 2.3** Zoning confirmation for Picnic Endorsement (new or changed).

3. Food Primary Licences:

- 3.1** New licence applications.
- 3.2** Temporary change to hours of liquor service if proposed hours are before 9:00 am or after midnight.
- 3.3** Temporary Extension of Licenced Area (TELA) with capacity increase (events only).

Director of Finance

Director of Corporate Services



Date: March 16, 2023
File No: Legal File No. 1213
To: Mayor & Council
From: M. Fox, CAO
Subject: Temporary Expanded Service Area (TESA)

Prepared by: <i>M. WADE</i> Manager of Planning	Supervisor: <i>S. SMITH</i> Dir. of Development Services Deputy CAO	CAO Concurrence:  M. Fox, CAO
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RECOMMENDATION[S]

- THAT Council extend the Temporary Expanded Service Area (TESA) from March 31, 2023 to December 31, 2024 to align with Bulletin 23-01 which replaces policy directive 22-05.
- THAT the Director of Corporate Services be delegated to execute the Licence of Occupation for the Temporary Expanded Service Area (TESA) on City owned lands.
- THAT Council authorize a fee of \$300 dollars for the patio use of City owned lands for the Temporary Expanded Service Area (TESA).
- THAT Council direct Staff to prepare a Bylaw to permit encroachment on City streets and sidewalks for the purpose of operating a patio.

PURPOSE

To extend the current March 31, 2023 expiry date on the existing Temporary Expanded Service Area (TESA) and Licence of Occupation to December 31, 2024. The extension is to permit the TESA patios to continue operating on City owned land with a Licence of Occupation and align with the Liquor and Cannabis Regulation Branch (LCRB) Bulletin 23-01. The LCRB will reissue authorization letters to these businesses who currently have a TESA approval. Staff are requesting authorization be delegated to the Director of Corporate Services to issue the Licence of Occupation in order for continued operations for these patios after March 31, 2023.

BACKGROUND

At the regular meeting of May 9, 2022 Council passed a resolution to extend the TESA to March 31, 2023 and staff issued new Licence of Occupation for the patios on City owned lands. This report included City's Guidelines for Temporary Sidewalk Patios, this report from the regular council meeting of April 26, 2022 is attached.

ALTERNATIVES/OPTIONS

1. That Council extend the Temporary Expanded Service Area (TESA) from March 31, 2023 to December 31, 2024 to align with Bulletin 23-01 which replaces policy directive 22-05.
2. That the Director of Corporate Services be delegated to executed the Licence of Occupation for the Temporary Expanded Service Area (TESA) on City owned lands.
3. That Council authorize a fee of \$300 dollars for the use of City owned lands for the Temporary Expanded Service Area (TESA).
4. That Council direct Staff to prepare a Bylaw to permit encroachment on City streets and sidewalks for the purpose of operating a patio.
5. That Council allow the Licences to Occupy to expire and direct staff to notify the LCRB of same.
6. That Council provide alternate direction to staff.

Staff recommend options 1 to 4

ANALYSIS

Patio Policies

Staff are developing a Bylaw for patios on City owned land that will consider the LCRB process for approval. Currently, the City has no process for approving the permanent or seasonal patios nor any fees associated with recovery of staff resources, inspections or advertisements in the newspaper.

These patios require design review for zoning requirements, fire inspection, building inspection, public advertisement in the newspaper and coordination with internal departments and external agencies. Most municipalities have fees for a patio application, inspections, occupancy load calculations, and notification.

At this time staff are recommending a nominal fee in the Licence of Occupation to cover staff resources.

LCRB

Currently the City does not have a Liquor Licencing Bylaw to outline the process for the City in accepting applications, public notification, review of plans for compliance with BC Building Code, Zoning regulations and report writing for council resolutions. Staff will be working on the development of this Bylaw to coordinate with LCRB regulations, process, and fees. Most municipalities have an application fee and Bylaw for the LCRB requirements.

Fees for use of City Land

Most municipalities have an annual fee for sidewalk patios on city owned land. There are various ways of calculating this: by seats and tables or square footage of patio area. For example, the City of Victoria would charge a square footage fee of \$3.80 per square foot outside of the downtown area and \$6.20 per square foot in the downtown area. In addition, there is a charge for an occupant load review of \$100 to \$150. Further there is an application charge of \$50.00 for staff to review. Staff are undertaking a review of the fee calculations in similar municipalities and will provide a recommendation for the fees in the draft bylaw for Council's consideration. As such staff are recommending a nominal fee to cover review of the applications, inspections and occupant load of \$300.00.

IMPLICATIONS

The objective of this extension is to allow time for staff to prepare a Bylaw to address lounge licence requirements and businesses occupying city land for Council's consideration.

If Council chooses not to extend the in the licence of occupations then the businesses affected would not be permitted to operate the patios that are approved under TESA.

COMMUNICATIONS

Staff are working with affected owners and representatives from the LCRB.

BYLAWS/PLANS/POLICIES

Guidelines for Temporary Sidewalk Use will be followed for compliance of patios with a Licence to Occupy.

SUMMARY

Staff recommend extension of the TESA from March 31, 2023 to December 24, 2023 along with delegation of Licence of Occupation issues for extensions to the Director of Corporate Services, having a fee in the Licence of Occupation and developing a Bylaw for patios on City owned land.

ATTACHMENTS/REFERENCE MATERIALS

1. Regular Council report May 9, 2022
2. Guidelines for Temporary Sidewalk Use

C: *D. Leurebourg, Director of Corporate Services*
 R. Dickinson, Director Engineering and Public Works
 M. Owens, Fire Chief

<J:\Engineering\patios\council\TESACouncilReport>

Date: April 28, 2023
File No: Legal File No. 757 [2240-20-757]
To: Mayor & Council
From: M. Fox, CAO
Subject: BC Transit Annual Operating Agreement [AOA] | 2023-2024

Prepared by: <i>ANDREW MCGIFFORD</i> Director of Finance	Supervisor: <i>M. FOX</i> CHIEF ADMINISTRATIVE OFFICER	CAO Concurrence:  M. Fox, CAO
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RECOMMENDATION

THAT the Mayor and the Director of Corporate Services be authorized to execute the BC Transit | 2023 - 2024 Annual Operating Agreement between the City of Port Alberni and British Columbia Transit as attached to this report and in effect from April 1, 2023 to March 31, 2024.

PURPOSE

To receive Council's authorization to execute the BC Transit Annual Operating Agreement [AOA] – 2023-2027, covering the period from April 1, 2023 to March 31, 2024.

BACKGROUND

The City of Port Alberni enters into the AOA with BC Transit to provide transit service within the City. The AOA provides a shared service funding model with the province. BC Transit assumptions for revenues related to farebox cash, tickets and passes are based on the most current information and trends. The service agreement with BC Transit is considered in our '2023-2027 Financial Plan' and is based on projections provided in late 2022.

ALTERNATIVES/OPTIONS

1. That the Mayor and the Director of Corporate Services be authorized to execute the BC Transit | 2023 - 2024 Annual Operating Agreement between the City of Port Alberni and British Columbia Transit as attached to this report and in effect from April 1, 2023 to March 31, 2024.
2. That Council decline authorizing execution of the BC Transit 2023-2024 Annual Operating Agreement and seek to cease services.
3. That Council provide alternate direction, such as a change in the level of service.

ANALYSIS

The AOA has been considered in the '2023-2027 Financial Plan'. Should Council not concur with the recommendation, any changes would take time to implement and the City would continue with the current level of service until that service level is changed and new AOA is in place. Service level changes or cancellation would require 180 days written notice.

IMPLICATIONS

The City of Port Alberni's 2023-2027 Financial Plan includes provisions for the BC Transit AOA for 2023-2024 therefore there are no additional financial implications related to execution of the agreement. Should Council elect not to execute the BC Transit AOA for 2023-2024 City public transit service would be affected.

COMMUNICATIONS

Following Council authorization, the agreement will be signed and forwarded to BC Transit.

BYLAWS/PLANS/POLICIES

n/a

SUMMARY

- The AOA is an annual agreement with BC Transit and has been in place for many years to deliver transit service in the City of Port Alberni.
- The 2023-2027 Financial Plan includes provisions to operate the transit service, the estimated financial implications associated with senior government funding support.

ATTACHMENTS/REFERENCE MATERIALS

- BC Transit 2023-2024 Annual Operating Agreement

Copy: D. Leurebourg, Director of Corporate Services

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ANNUAL OPERATING AGREEMENT

between

City of Port Alberni

and

British Columbia Transit

Effective
April 1, 2023

CONTENTS

SECTION 1: DEFINITIONS.....	3
SECTION 2: INCORPORATION OF SCHEDULES	3
SECTION 3: INCORPORATION OF TRANSIT SERVICE AGREEMENT	3
SECTION 4: TERM AND RENEWAL	4
SECTION 5: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT.....	4
SECTION 6: SETTLEMENT OF DISPUTES	4
SECTION 7: MISCELLANEOUS PROVISIONS.....	4
SECTION 8: LOCAL CONTRIBUTIONS AND RESERVES	5
SECTION 9: SAFE RESTART CONTRIBUTION	6
SECTION 10: GOVERNING LAW	6
SECTION 11: COUNTERPARTS	6
SECTION 12: NOTICES AND COMMUNICATIONS.....	7
SCHEDULE A: TARIFF AND FARES.....	9
SCHEDULE B: SERVICE SPECIFICATIONS	10
SCHEDULE C: BUDGET	11

ANNUAL OPERATING AGREEMENT

April 1, 2023 – March 31, 2024

BETWEEN: **City of Port Alberni**
(the "Municipality")

AND: **British Columbia Transit**
(the "Authority")

WHEREAS the Authority is authorized to contract for transit services for the purpose of providing and maintaining those services and facilities necessary for the establishment, maintenance and operation of a public passenger transportation system in the Transit Service Area;

WHEREAS the Municipality is authorized to enter into one or more agreements with the Authority for transit services in the Transit Service Area;

WHEREAS the parties hereto have entered into a Transit Service Agreement which sets out the general rights and responsibilities of the parties hereto;

WHEREAS the Municipality and the Authority are authorized to share in the costs for the provision of a Public Passenger Transportation System pursuant to the *British Columbia Transit Act*;

AND WHEREAS the parties hereto wish to enter into an Annual Operating Agreement which sets out, together with the Transit Service Agreement, the specific terms and conditions for the Public Passenger Transportation System for the upcoming term.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants hereinafter contained, the parties covenant and agree with each other as follows:

SECTION 1: DEFINITIONS

Unless agreed to otherwise in the Annual Operating Agreement, the definitions set out in the Transit Service Agreement shall apply to this Annual Operating Agreement including:

- a) "*Annual Operating Agreement*" shall mean this Annual Operating Agreement and any Annual Operating Agreement Amendments negotiated and entered into by the parties subsequent hereto;
- b) "*Transit Service Agreement*" shall mean the Transit Service Agreement between the parties to this Annual Operating Agreement, including any amendments made thereto;
- c) "*Incurred*" means an event or transaction has taken place for which an obligation to pay exists, even if an invoice has not been received, such that the underlying evidence indicates there is little or no discretion to avoid the obligation. The value of the obligation is to be calculated in accordance with recognized Canadian accounting standards.

SECTION 2: INCORPORATION OF SCHEDULES

All schedules to this agreement are incorporated into the agreement, and form part of the agreement.

SECTION 3: INCORPORATION OF TRANSIT SERVICE AGREEMENT

Upon execution, this Annual Operating Agreement shall be deemed integrated into the Transit Service Agreement and thereafter, the Transit Service Agreement and Annual Operating Agreement shall be read together as a single integrated document and shall be deemed to be the Annual Operating Agreement for the purposes of the *British Columbia Transit Act*, as amended from time to time.

SECTION 4: TERM AND RENEWAL

- a) The parties agree that the effective date of this agreement is to be April 1, 2023, whether or not the agreements have been fully executed by the necessary parties. Once this agreement and the associated Transit Service Agreement are duly executed, this agreement will replace all provisions in the existing Transit Service Agreement and Master Operating Agreement with respect to the rights and obligations as between the Authority and the Municipality.
- b) Upon commencement in accordance with Section 4(a) of this agreement, the term of this agreement shall be to March 31, 2024, except as otherwise provided herein. It is acknowledged by the parties that in the event of termination or non-renewal of the Annual Operating Agreement, the Transit Service Agreement shall likewise be so terminated or not renewed, as the case may be.
- c) Either party may terminate this agreement as follows:
 - i. Cancellation by the Authority: In the event that the Authority decides to terminate this Agreement for any reason whatsoever, the Authority shall provide at least one hundred and eighty (180) days prior written notice. Such notice to be provided in accordance with Section 12.
 - ii. Cancellation by the Municipality: In the event that the Municipality decides to terminate this Transit Service Agreement for any reason whatsoever, and by extension, the Annual Operating Agreement, the Municipality shall provide at least one hundred and eighty (180) days prior written notice. Such notice to be provided in accordance with Section 12.

SECTION 5: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

This Agreement and the parties hereto are subject to the provisions of the *Freedom of Information and Protection of Privacy Act* (FOIPPA). Any information developed in the performance of this Agreement, or any personal information obtained, collected, or stored pursuant to this Agreement, including database information, shall be deemed confidential and subject to the provisions of FOIPPA, including the handling, storage, access and security of such information. Confidential information shall not be disclosed to any third party except as expressly permitted by the Authority or pursuant to the requirements of FOIPPA.

SECTION 6: SETTLEMENT OF DISPUTES

In the event of any dispute arising between or among the parties as to their respective rights and obligations under this Agreement, or in the event of a breach of this Agreement, the parties agree to use their best efforts to find resolution through a mediated settlement. However, in the event that mediation is not successful in finding a resolution satisfactory to all parties involved, any party shall be entitled to give to the other notice of such dispute and to request arbitration thereof; and the parties may, with respect to the particular matter then in dispute, agree to submit the same to a single arbitrator in accordance with the applicable statutes of the Province of British Columbia.

SECTION 7: MISCELLANEOUS PROVISIONS

- a) Amendment: This agreement may only be amended in writing as signed by the Municipality and the Authority and specifying the effective date of the amendment.
- b) Assignment: This Agreement shall not be assignable without prior written consent of the parties.
- c) Enurement: This Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective successors.
- d) The parties agree that this agreement is in substantial compliance with all relevant legislative requirements to establish the rights and obligations of the parties as set out in the *British Columbia Transit Act*.

SECTION 8: LOCAL CONTRIBUTIONS AND RESERVES

British Columbia Transit service is provided using a cost-sharing model. Where any transit-related contributions are received and/or third-party revenues are earned that are in excess of expenses, the Authority is required to hold these excess funds in a reserve account for use against transit-related expenditures in future years. When unanticipated expenditures occur that were not included in the budget and cannot be covered by reserves, the Authority will seek to recover these based on the cost-sharing ratios between the Municipality and the Authority.

Eligible Operating Expenses

The Authority will invoice the Municipality and collect on monthly invoices based on incurred eligible operating expenses to provide Transit Service. Eligible operating expenses are comprised of the following costs of providing Public Passenger Transportation Systems:

- a) *For Conventional Transit Service:*
 - i. the operating costs for providing Conventional Transit Service excluding interest and amortization;
 - ii. the amount of any operating lease costs of BC Transit for Conventional Transit Services;
 - iii. the amount of the municipal administration charge not exceeding 2% of the direct operating costs payable under an Annual Operating Agreement;
 - iv. an amount of the Annual Operating Costs of the Authority not exceeding 8% of the direct operating costs payable under an Annual Operating Agreement.
- b) *For Custom and Paratransit Transit Service:*
 - i. the operating costs for providing Custom Transit Service excluding interest and amortization, but including the amount paid by the Authority to redeem taxi saver coupons issued under the Taxi Saver Program after deducting from that amount the amount realized from the sale of those coupons;
 - ii. the amount of any operating lease costs of the Authority for Custom Transit Service;
 - iii. the amount of the municipal administration charge not exceeding 2% of the direct operating costs payable under an Annual Operating Agreement; and
 - iv. an amount of the Annual Operating Costs of the Authority not exceeding 8% of the direct operating costs payable under an Annual Operating Agreement.
- c) Eligible operating expenses exclude the costs of providing third-party 100%-funded services.
- d) Annual operating costs of the Authority are operations, maintenance and administration costs that are for the shared benefit of all transit systems operated by the Authority. These costs are allocated to each transit system on a pro rata basis, based on the nature of the costs.

Lease Fees

The Authority will invoice the Municipality and collect on monthly invoices for lease fees on tangible capital assets owned by the Authority that are used in the provision of transit service. Lease fees are comprised of the following:

- a) The Municipality's fee for use of the asset, including for the costs of acquisition, construction, development and betterment of the asset and the costs of installing the asset at the location and condition necessary for its intended use;
- b) Debt financing and risk-related charges or costs payable on assets;
- c) Payment into a reserve fund for preventative maintenance and major repair of assets owned or leased by the authority;
- d) Amounts sufficient for the Authority to recover all other costs relating to the asset, including, but not limited to taxes and administrative charges.

Where lease fees are received that exceed actual asset-related expenses in any given period, these will be placed in a pooled reserve. This reserve will be used to offset against future lease fees as outlined above.

Reserve Funds

The Authority will establish the following for each transit system to record the contributions that have been received but not yet earned as follows:

- a) **Local Transit Fund:** Contributions by the Municipality towards eligible operating expenses that have been received but not matched with a Provincial share contribution will be deferred in the Local Transit Fund.
 - i. Any expenditure of monies from the Local Transit Fund will:
 - 1. only be credited towards the Municipality's share of expenses for the transit system for which it was collected.
 - 2. be applied to reduce Municipal invoices at the discretion of the Municipality as agreed to under the Annual Operating Agreement or amendments as required.
 - ii. The Local Transit Fund may be used towards lease fees.
 - iii. The Authority will provide a quarterly statement of account of the Local Transit Fund balance including contributions, amounts utilized and interest earned.

SECTION 9: SAFE RESTART CONTRIBUTION

Under the Safe Restart Program, the federal and provincial governments provided joint, non-recurring contributions to transit systems in British Columbia (the "Safe Restart Contribution") in 2020/21 and 2021/22.

The Authority applied the Safe Restart Contributions as follows:

- a) As an allocation towards the Municipality's share of eligible operating expenses in the fiscal year of the contribution;
- b) After applying the allocation of Safe Restart Contribution, any excess contributions received from the Municipality were deferred to the Local Transit Fund;
- c) The Authority will apply the remaining Local Transit Fund balance to reduce 2022/23 and future municipal invoices at the discretion of the Municipality as agreed to under an Annual Operating Agreement or amendments as required.

It is expected that by receiving the Safe Restart contribution, the Municipality will work with the Authority to maintain targeted essential transit service levels by not reducing transit service below existing planned service levels and maintain affordability by limiting annual fare increases to an average of 2.3% from April 1, 2020 through March 31, 2025.

SECTION 10: GOVERNING LAW

This agreement is governed by, and shall be construed in accordance with, the laws of the Province of British Columbia, with respect to those matters within provincial jurisdiction, and in accordance with the laws of Canada with respect to those matters within the jurisdiction of the Government of Canada.

SECTION 11: COUNTERPARTS

This contract and any amendment hereto may be executed in counterparts, each of which shall be deemed to be an original and all of which shall be considered to be one and the same contract. A signed facsimile or PDF copy of this contract, or any amendment, shall be effective and valid proof of execution and delivery.

SECTION 12: NOTICES AND COMMUNICATIONS

All notices, claims and communications required or permitted to be given hereunder shall be in writing and shall be sufficiently given if personally delivered to a designated officer of the parties hereto to whom it is addressed where an electronic signed document is emailed to the parties or if mailed by prepaid registered mail to the Authority at:

British Columbia Transit
c/o Executive Assistant, Strategy and Public Affairs
PO Box 9861
520 Gorge Road East
Victoria, BC V8W 9T5

and to the Municipality at:

City of Port Alberni
4850 Argyle Street
Prince Alberni, BC V9Y 1V8

and, if so mailed, shall be deemed to have been received five (5) days following the date of such mailing.

IN WITNESS WHEREOF, the parties have hereunto set their hand this _____ day of _____, 2023.

City of Port Alberni

British Columbia Transit

Vice President, Strategy and Public Affairs

Vice President, Finance and Chief Financial Officer

SCHEDULE A: TARIFF AND FARES

Port Alberni Conventional – September 1, 2021

PRODUCT	AUDIENCE	PRICE
CASH	ALL	\$2.00
TICKETS (10)	ALL	\$18.00
DAYPASS	ALL	\$4.00
MONTHLY PASS*	ADULT	\$48.00
MONTHLY PASS*	STUDENT/SENIOR	\$25.00
SEMESTER PASS	COLLEGE	\$100.00
	CHILD 12 and Under	FREE

SCHEDULE B: SERVICE SPECIFICATIONS

Effective April 1, 2019

Port Alberni Conventional Service:

The Local Transit Service Area for Port Alberni conventional service shall be the municipal boundaries of the Corporation of the City of Port Alberni.

The Annual Service Level for Port Alberni conventional service shall be **12,500** Revenue Service Hours

The Exception Days recognized annually for the Port Alberni conventional service are:

Exception Days	Service Level
Good Friday	Sunday
Easter Monday	Sunday
Victoria Day	Sunday
Canada Day	Sunday
BC Day	Sunday
Labour Day	Sunday
Truth and Reconciliation Day	Saturday Service
Thanksgiving Day	Sunday
Remembrance Day	Sunday
Christmas Day	No Service
Boxing Day	Sunday
New Year's Day	Sunday
Family Day	Sunday

SCHEDULE C: BUDGET

PORT ALBERNI CONVENTIONAL

OFFICIAL
AOA
2023/24

TOTAL REVENUE	261,397
TOTAL OPERATING COSTS	1,846,113
TOTAL COSTS (including Local Government Share of Lease Fees)	1,980,697
NET LOCAL GOVERNMENT SHARE OF COSTS	827,534