

**READ A SECOND TIME** this 18<sup>th</sup> of June 2007

**READ A THIRD TIME** this 18<sup>th</sup> of June 2007

**ADOPTED** this 4<sup>th</sup> day of July 2007

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Administrator

COMMITTEE OF THE WHOLE REPORT

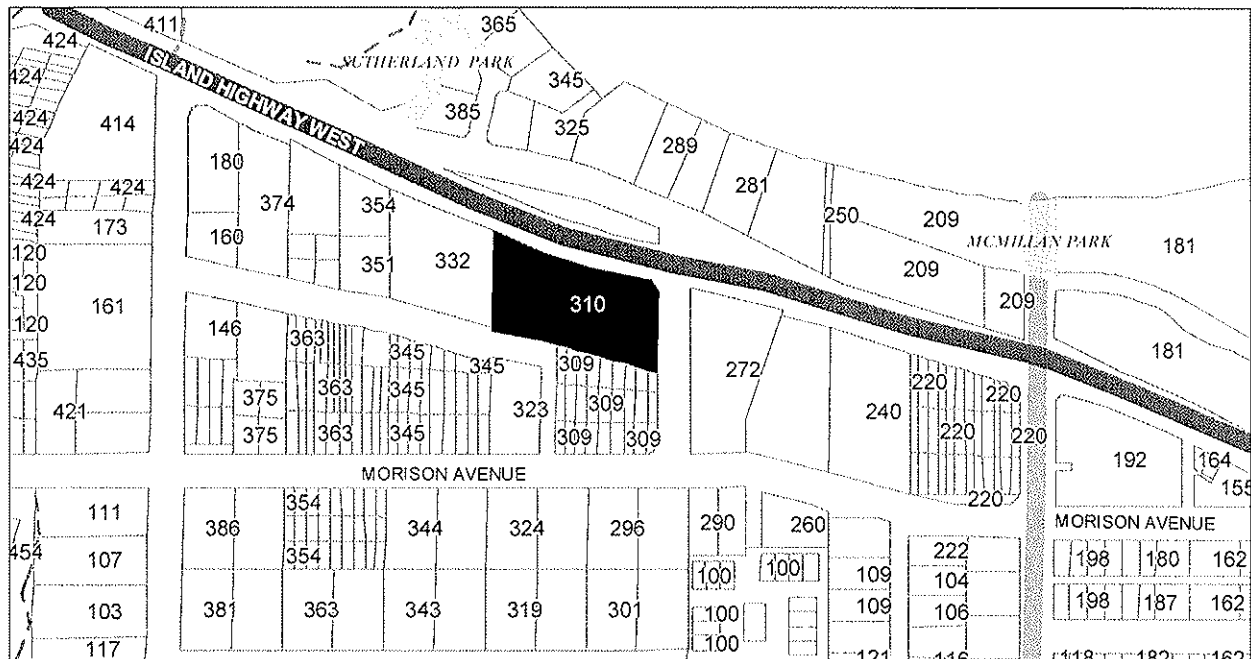


April 21, 2008

**MEMO TO:** F. C. MANSON, C.G.A., CHIEF ADMINISTRATIVE OFFICER  
**FROM:** N. GRAY, MBCSLA, PLANNER  
**SUBJECT:** APPLICATION FOR A DEVELOPMENT PERMIT TO UPDATE THE APPEARANCE OF THE EXTERIOR OF THE McDONALD'S RESTAURANT IN PARKSVILLE ON LOT A, DISTRICT LOT 89, NANOOSE DISTRICT, PLAN 47679 [310 ISLAND HIGHWAY WEST].  
REGISTERED OWNER: McDONALD'S RESTAURANTS OF CANADA LIMITED, (INC. NO. A27,057)  
APPLICANT: DELIA MEDWID, REAL ESTATE REPRESENTATIVE  
FILE NO: 3060-08-01

**Issue:**

Consideration of a Development Permit to permit an update to the appearance of the exterior to McDonald's Restaurant.



.../2

**Executive Summary:**

On January 19, 2008, the City received a Development Permit application from Delia Medwid, Real Estate Representative on behalf of the property owner, McDonald's Restaurants of Canada. The applicant requests the issuance of a Development Permit to permit an update to the appearance of the exterior of McDonald's Restaurant at 310 Island Highway West.

The subject property is within Development Permit Area No. 3 - ISLAND HIGHWAY – WEST. The development permit designation is under the Form and Character of the development category. The site is situated at the southwest corner of Island Highway 19A and Lombardy Street.

**References:**

Official Community Plan Bylaw 2002, No. 1370 excerpt – 5.2.3. Development Permit Area No. 3 - ISLAND HIGHWAY – WEST;  
Patio Plan, 1.1, dated April 14, 2008, as prepared by R. Vombrock and Associates Ltd.;  
Proposed Elevations, 4.0, dated April 1, 2008, as prepared by R. Vombrock and Associates Ltd.;  
Proposed Elevations/Finishes Schedule, 4.1, dated April 1, 2008, as prepared by R. Vombrock and Associates Ltd.;  
Signage Details Sheet, 1/1, dated April 1, 2008, as prepared by Pattison Sign Group;  
Signage Details Sheet, 1/2, dated April 1, 2008, as prepared by Pattison Sign Group;  
Signage Details Sheet, 2/2, dated April 1, 2008, as prepared by Pattison Sign Group;  
Lighting Specifications, dated April 1, 2008.

**Background:**

The Planning Department's technical review of the proposal is complete. The current proposal meets the requirements and guidelines of both the Zoning and Development Bylaw, 1994, No. 2000 and the Official Community Plan, 2002, No. 1370. The proposal was reviewed by the Advisory Design Panel on April 10, 2008. The Advisory Design Panel's recommendation to Council is as follows:

"That Council should accept the design proposal based on the revised drawings and presentation provided to the Advisory Design Panel for legal: Lot A, District Lot 89, Nanoose District, Plan 47679, subject to a Staff review considering a revised treatment of the east patio area to soften the mass of the stone wall. CARRIED."

The applicant has made the revisions that are, in Staff's opinion, consistent with the subjects of the Advisory Design Panel's recommendation and the development permit guidelines. Please refer to the attached Patio Plan.

.../3

**Options:**

Council may:

1. Authorize Staff to issue a Development Permit for the proposed development.
2. Deny the Development Permit application.

**Analysis:**

The existing building façade has become dated and is in need of an updated architectural form. Proposed development works are limited to façade improvements and patio seating modification. Works and services have not been required as improvements are limited to the building itself.

1. Form and Character under the Development Permit is consistent with Development Permit Area Guidelines. The Development Permit application meets the technical requirements of the zoning. The proposed building and patio improvements would result in a more modern 'West Coast' architectural appearance when viewed from the Highway 19A corridor.
2. Should a Development Permit be denied by Council, the decision must be based on the application not meeting the Development Permit Area Guidelines or that insufficient information has been provided for Council to make an informed decision. Application deficiencies in meeting the guidelines would have to be clearly communicated to the applicant so that they may be addressed and made satisfactory. The **Local Government Act** does not provide Council with the discretionary ability to deny permit issuance. Denial would in this case result in the retention of the dated architectural form of the building.

**Sustainability/Environmental Analysis:**

Sustainable features include the use of 'night friendly lighting' fixtures. Locally manufactured 'faux river rock' stone cladding has been applied to the façade as a Parksville specific material selection.

**Financial Implications:**

There are no financial implications other than the cost of processing this permit.

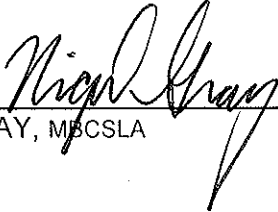
**Recommendation:**

THAT the report from the Planner dated February 28, 2008 for the issuance of a Development Permit at 310 Island Highway West be received for information;

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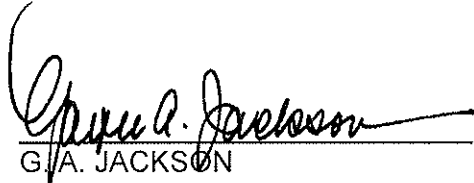
AND THAT a Development Permit be issued/McDonalds Restaurants of Canada Limited, (Inc. No. A27,057) to permit an update to the appearance of the exterior of McDonald's restaurant on Lot A, District Lot 89, Nanoose District, Plan 47679 [310 Island Highway West] subject to:

- (a) A landscaping bond in the amount of \$15,700.00 be received prior to the issuance of the permit.



N. GRAY, MBCSLA

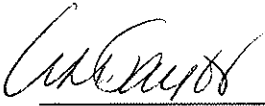
NG/dd  
Attachments



G.A. JACKSON

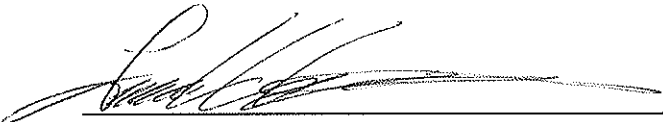
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**DIRECTOR OF ADMINISTRATIVE SERVICES' COMMENTS:**



L. TAYLOR

**CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:**



F. MANSON, C.G.A.









<b>ILLUMINATED EXTERIOR S/F CHANNEL LETTERS "CLOUD SIGN"</b>	
Installation:	Interior: <input type="checkbox"/> Exterior: <input checked="" type="checkbox"/>
Electrical Specifications:	Vols: XXX Amp: XXX Circ: X
#	Descriptions:
1	BLACK MOLDED ABS SIGN BOX
2	3/4" WHITE LEXAN WITH 2" PRISMATIC LETTERS PAINTED ON FIRST SURFACE
3	ILLUMINATION WITH T12 LAMPS T.B.D.
4	SIGNA SIGN BALLASTS

#	Colors:
A	BLACK (SEMI-GLOSS)
A1	BLACK ABS

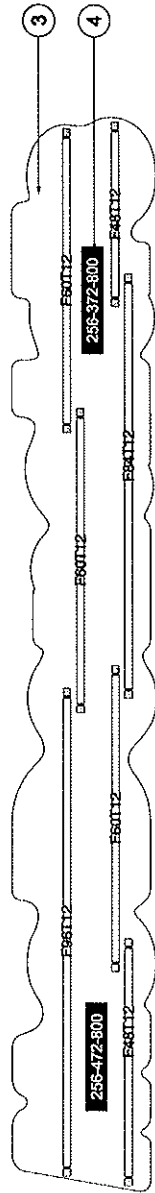
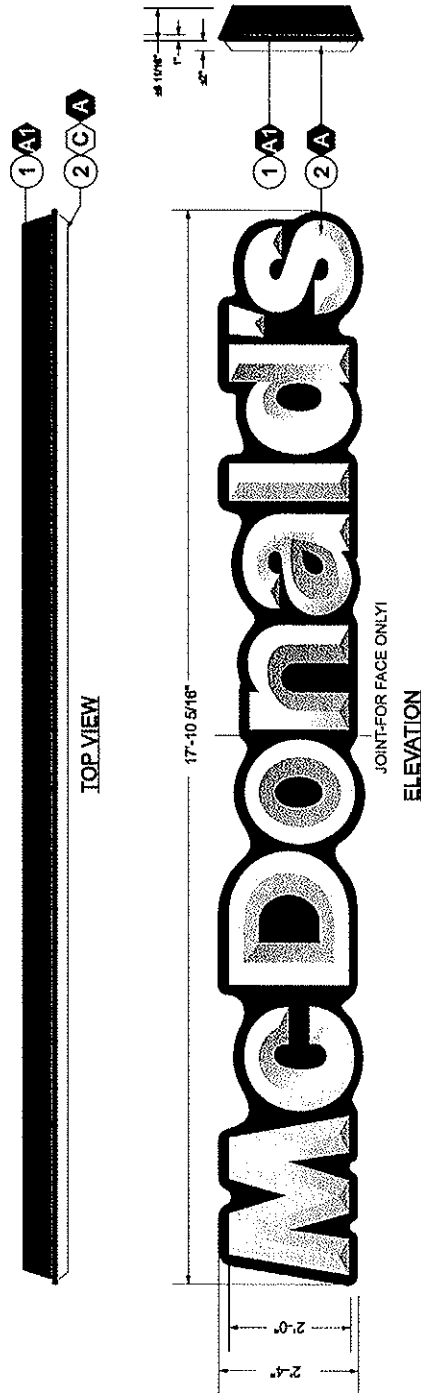
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 PLANNING  
 CITY OF PARKSVILLE

IT IS ADVISED THAT THE CLIENT IS ENTIRELY RESPONSIBLE TO INSTALL THE CONCRETE FOUNDATION. THESE FOUNDATIONS ARE TO BE USED FOR THE SIGN AND TO BE CONCRETE. THE CLIENT IS RESPONSIBLE TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES. THE CLIENT IS RESPONSIBLE TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES. THE CLIENT IS RESPONSIBLE TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES.

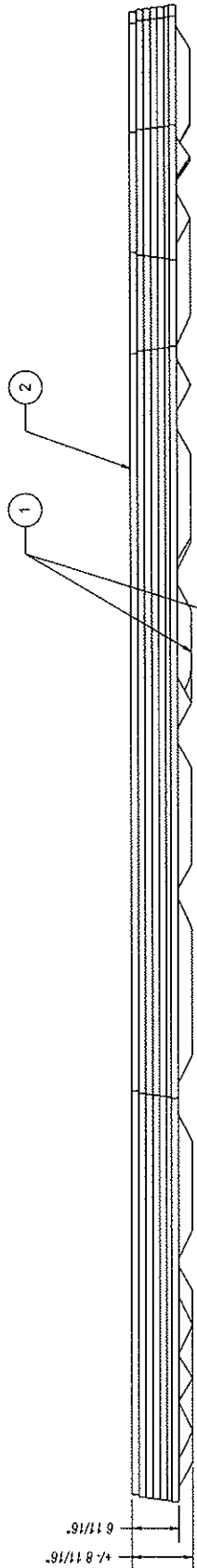
**ENSEIGNES**  
**PATTISON**  
**SIGN GROUP**

101 (506) 735-5506 Fax (506) 737-1740 Toll Free 1-800-561-9700

Client: IMC DONALD'S  
 Site: VARIOUS  
 Consultant: VARIOUS  
 Draftsman: BROCK PRICE Date: 11.04.05  
 Page: 1 of 1 Scale: 3/4" = 1'-0"  
 Project: VARIOUS

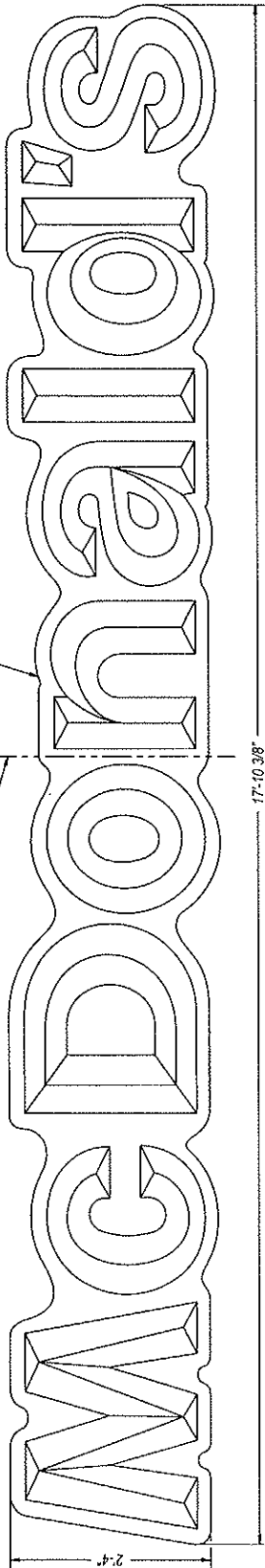


# ITEMS	DESCRIPTION	QTY
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2	3/16"TK. WHITE ABS PAINTED BLACK	1

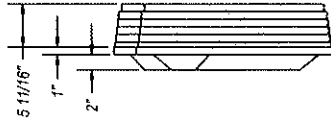


TOP VIEW

3/16"TK. WHITE LEXAN CAN  
BE SPLIT. T.B.D.



FRONT VIEW



SIDE VIEW

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DRAWING TITLE	S/F LL CHANNEL LETTERS
CLIENT	MC DONALD'S
SITE	BRAMPTON, ON
CONSULTANT	S. FARAJ & D. ROGERS
DRAFTSMAN	S. COUTURIER 2005-11-10
CHECK BY	D. PERRON
PAGE	1/2
SCALE	1:16
PROJECT	SFDR-2148K
	SW2005

www.pattisonsign.com

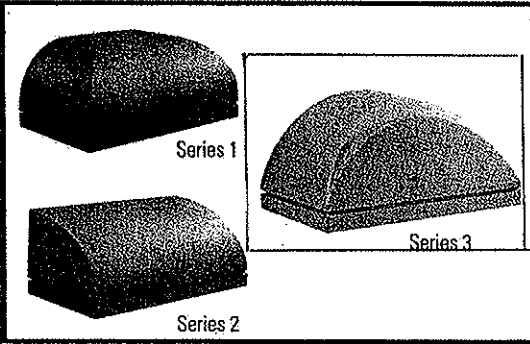
ISO 9001:2000 Certified Enterprise

ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION FROM ENSEIGNES PATTISON SIGN GROUP.  
P-66.01 - E/P/DW WORKING (S/FDR-2148K)



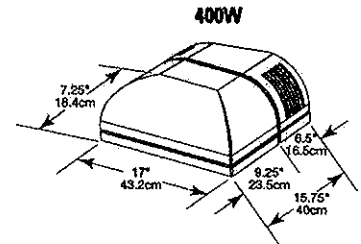
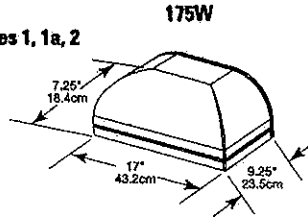
# GeoScapes

50W to 400W Metal Halide and High Pressure Sodium;  
26W to 42W Compact Fluorescent; 200W Incandescent

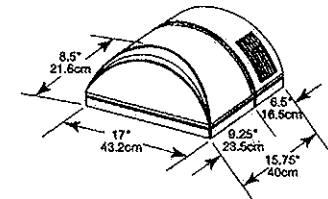
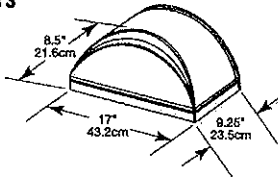


## Dimensions

Series 1, 1a, 2



Series 3



### FEATURES

- MULTIPLE STYLES:** Family of architectural designed luminaires, bringing together superior performance and essential aesthetic elements. Choose from three distinct profiles, two sizes, multiple distributions, three mounting methods, designer finishes, and multiple sources. Ideal for Schools, Malls, Office Buildings, Industrial Parks, Hospitals, Sports Complexes, and Commercial Center applications.
- PERFORMANCE OPTICS:** Formed and polished and/or segmented specular aluminum reflectors with TruForm™ prismatic glass or tempered flat glass lens. Type 1 (Very Wide Throw), 2 (Wide Throw), 3 (Medium Throw) or 4 (Forward Throw) Distribution Types available for the large size. Type 1 (Very Wide Throw), 2 (Wide Throw), 3 (Medium Throw), 3X (Medium Throw Maximum), 4 (Forward Throw) or 4X (Forward Throw Maximum) Distribution Types available for the small size.
- FULL CUT-OFF IESNA CLASSIFICATION:** The GeoScapes family is a Night-Friendly lighting option meeting IESNA full cut-off.
- RUGGED CONSTRUCTION:** Heavy-duty die-cast aluminum housing and hinged door for ease of maintenance.
- LAMPHOLDER:** Porcelain, 4KV pulse rated, grip-type medium (small size) or mogul (large size) based socket prevents lamp loosening. 4-pin PLT for compact fluorescent.
- BALLAST:** Hinged galvanized steel ballast tray for ease of maintenance. HID ballast to be class H insulation, high power factor. Starting temperatures of -30°C for MH and -40°C for HPS.
- MOUNTING:** Direct or indirect orientation, pre-mountable wall box with integral splice chamber, built-in bubble level for accuracy and hands-free fixture to wall positioning for wiring provide superior ease of installation.
- FINISH:** Standard Finish is wrinkle bronze Duraplex II™ Electrostatic Powder Finish; optional colours available.
- APPROVAL:** cUL approved; Wet Locations
- WARRANTY:** 3 year limited warranty

### Fixture & Lamp DATA:

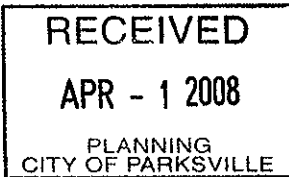
Wattage	Lamp Type	Ballast Type	Weight lbs. / kg
<b>High Pressure Sodium (LX)</b>			
50W	ED17 Clear	HX-HPF	22 / 10
70W	ED17 Clear	HX-HPF	24 / 10.9
100W	ED17 Clear	HX-HPF	26 / 11.8
150W	ED17 Clear	HX-HPF	26 / 11.8
250W	ED18 Clear	CWA	36 / 16.3
400W	ED18 Clear	CWA	38 / 17.2
<b>Metal Halide (MA)</b>			
50W	ED17 Clear	HX-HPF	23 / 10.4
70W	ED17 Clear	HX-HPF	24 / 10.9
100W	ED17 Clear	HX-HPF	25 / 11.3
150W	ED17 Clear	HX-HPF	26 / 11.8
175W	ED17 Clear	CWA	26 / 11.8
250W	ED28 Clear	CWA	36 / 16.3
400W	ED28 Clear	CWA	38 / 17.2
<b>Compact Fluorescent</b>			
26W	4 Pin PLT	Electronic	22 / 10
32W	4 Pin PLT	Electronic	22 / 10
42W	4 Pin PLT	Electronic	22 / 10



For ACCESSORIES, refer to p. 732.

### Ordering Guide (example: GS1D51MAL-TW)

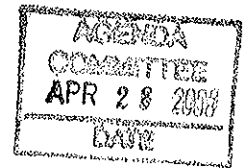
Series	Shape	Orientation	Lamp Wattage <sup>1</sup>	Distribution Type	Light Source	Lamp Included	Options	Voltage	Colour
GS: GeoScapes	1: Series 1 2: Series 2 3: Series 3 1A: Series 1 Accent <sup>4</sup>	D: Down U: Up	5: 50W 7: 70W 10: 100W 15: 150W 17: 175W 20: 200W 25: 250W 40: 400W 26: 26W (1-lamp) <sup>2,3</sup> 32: 32W (1-lamp) <sup>2,3</sup> 42: 42W (1-lamp) <sup>2,3</sup> 226: 26W (2-lamps) <sup>2,3</sup> 232: 32W (2-lamps) <sup>2,3</sup> 242: 42W (2-lamps) <sup>2,3</sup> 326: 26W (3-lamps) <sup>2,3</sup> 332: 32W (3-lamps) <sup>2,3</sup> 342: 42W (3-lamps) <sup>2,3</sup>	1: Very Wide Throw 2: Wide Throw 3: Medium Throw 3X: Medium Throw Maximum <sup>4</sup> 4: Forward Throw 4X: Forward Throw Maximum <sup>4</sup>	MA: Metal Halide LX: High Pressure Sodium HF: Compact Fluorescent <sup>4</sup> INC: Incandescent <sup>4</sup>	L: Yes Blank= No	See Option Chart on p. 732	1: 120V 4: 277V 6: 347V T: Tri-Tap (120/277V/347V)	Blank: Wrinkle Bronze CA: Caramel BLK: Wrinkle Black SL: Slate LS: Limestone GA: Galvanite CL: Clay See p. 738 for other colours available



<sup>1</sup> MA (50, 70, 100, 150, 175, 250, 400); LX (50, 70, 100, 150, 250, 400); HF (26, 32, 42, 226, 232, 242, 326, 332, 342); INC (200)  
<sup>2</sup> Voltage is (1) 120V or (4) 277V.

<sup>3</sup> General Type 3 distribution only.  
<sup>4</sup> Only available in the small size.

COMMITTEE OF THE WHOLE REPORT



April 21, 2008

REPORT TO: F. C. MANSON, C.G.A., CHIEF ADMINISTRATIVE OFFICER

FROM: G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING

SUBJECT: ZONING BYLAW AMENDMENTS

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**Issue:**

Consideration of several "housekeeping amendments" to the Zoning and Development Bylaw, 1994, No. 2000.

**Background:**

The need for several minor zoning bylaw amendments has been identified. They are as follows:

1. At present the C-3 (Downtown Commercial Zone) does not permit residential care facilities, despite the fact that multifamily uses are permitted. This is perceived to be an oversight rather than an intentional omission. There is no apparent planning rationale for permitting one but not the other.
2. The A-1 Zone (Agricultural) is applied to agricultural properties and also large "holding" properties which cannot readily obtain urban services. It is believed that the intent was to place such [constrained] properties into a holding pattern so that rezoning would ultimately be necessary to facilitate development when servicing becomes readily available. With this in mind, it has been noted that the zoning category is not clearly structured to ensure this. The customary approach is to set a large minimum lot size for all purposes.
3. The Fireworks Bylaw 1427 prohibits the discharge of fireworks and various other associated activities pertaining to fireworks. It is appropriate to add a clause within the Zoning Bylaw to specifically prohibit the storage of fireworks, explosives, in residential zones.
4. Neither the C-3 (Downtown Commercial Zone) and the CS-1 (Highway Commercial Zone) permit single family residential despite the fact that a number of single family dwellings remain in these zones (i.e. Pioneer Crescent/Weld/Jensen/Corfield). The effect of this is that even minor additions or changes to the dwellings require a Board of Variance application. It is also possible that the property owner's household

insurance is impacted. This may have been perceived at one time to be a method to force a phase out of single family dwellings. It can be perceived however as somewhat heavy handed in that many of these single family dwellings are in good condition and the extent of commercial zoning is very large.

5. The current definition of exterior lot line combined with the definition of highway results in a large setback (7.5 m) next to linear walkways for single family dwellings. The side yard setback for a non lane situation is 1.6 m. Lots typically have been created to accommodate the 1.6 m resulting in the frequent need for a variance process in these areas.

**Options:**

Council may:

1. Receive this report for information and request that Staff bring forward the related zoning amendment bylaws.
2. Direct Staff to bring forward some but not all of the related bylaws.

**Sustainability/Environmental Analysis:**

Items #2 and #4 facilitate land uses and land use decision making on a sustainability basis.

**Financial Implications:**

The only financial implication of these amendments is the cost of advertising for the public hearing. As these amendments affect more than ten parcels owned by ten or more persons that are the subject of the bylaw alterations there is no statutory requirement to send out notices.

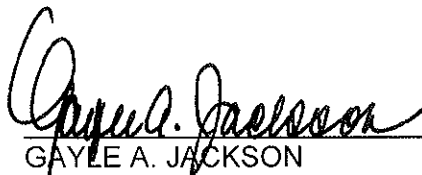
**Recommendation:**

That the report from the Director of Community Planning dated April 21, 2008 for "Consideration of several "housekeeping amendments" to the Zoning and Development Bylaw, 1994, No. 2000." be received for information;

And That Staff be requested to prepare, for Council's consideration, the necessary zoning text amendment bylaws to implement the following minor amendments to the Zoning Bylaw:

- a. Permit residential care facilities in the C-3 (Downtown Commercial) Zone
- b. Amendments to the lot size in the A-1 (Agricultural) Zone
- c. Prohibit the storage of fireworks and explosives in residential zones
- d. Permit single family residential in the C-3 (Downtown Commercial) Zone and CS-1 (Highway Commercial) Zone

- e. Amend setbacks for single family dwellings next to linear walkways;



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GAYLE A. JACKSON

GAJ/sh

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**CORPORATE ADMINISTRATOR'S COMMENTS:**



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L. TAYLOR

**DIRECTOR OF ENGINEERING AND OPERATIONS COMMENTS:**

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G. O'ROURKE, P. ENG.

**CHIEF ADMINISTRATIVE OFFICER COMMENTS:**



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F. MANSON, C.G.A.

**CITY OF PARKSVILLE**

**BYLAW NO. 2000.63**

**Text Amendment – Amend C-3 Downtown Commercial**

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A bylaw to amend the "City of Parksville Zoning and Development Bylaw, 1994, No. 2000".

The Municipal Council in open meeting assembled enacts as follows:

1. That "City of Parksville Zoning and Development Bylaw, 1994, No. 2000" be amended as follows:
  - a. Section 213.1 – DOWNTOWN COMMERCIAL (C-3) ZONE – PERMITTED LAND USES by adding the following:

Single Family Residential	560 m <sup>2</sup>
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2. This bylaw may be cited for all purposes as "Zoning and Development Amendment Bylaw, 2008, No. 2000.63".

**READ A FIRST TIME** this                      day of

**READ A SECOND TIME** this                      day of

**PUBLIC HEARING HELD** this                      day of

**READ A THIRD TIME** this                      day of

**ADOPTED** this                                      day of

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Mayor

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Director of Administrative Services



**CITY OF PARKSVILLE**

**BYLAW NO. 2000.64**

**Text Amendment – Amend CS-1 Highway Commercial**

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A bylaw to amend the "City of Parksville Zoning and Development Bylaw, 1994, No. 2000".

The Municipal Council in open meeting assembled enacts as follows:

1. That "City of Parksville Zoning and Development Bylaw, 1994, No. 2000" be amended as follows:
  - a. Section 214.1 – HIGHWAY COMMERCIAL (CS-1) ZONE – PERMITTED LAND USES by adding the following:

Single Family Residential	560 m <sup>2</sup>
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2. This bylaw may be cited for all purposes as "Zoning and Development Amendment Bylaw, 2008, No. 2000.64".

**READ A FIRST TIME** this            day of

**READ A SECOND TIME** this       day of

**PUBLIC HEARING HELD** this      day of

**READ A THIRD TIME** this        day of

**ADOPTED** this                    day of

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Mayor

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Director of Administrative Services

**CITY OF PARKSVILLE**

**BYLAW NO. 2000.65**

**Text Amendment – Amend the Agricultural A-1 Zone**

---

A bylaw to amend the "City of Parksville Zoning and Development Bylaw, 1994, No. 2000".

The Municipal Council in open meeting assembled enacts as follows:

1. That "City of Parksville Zoning and Development Bylaw, 1994, No. 2000" be amended as follows:
  - a. Section 210.1 – AGRICULTURAL (A-1) ZONE – PERMITTED LAND USES by replacing the minimum lot size for Single Family Residential with the following:

Single Family Residential	4 ha
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2. This bylaw may be cited for all purposes as "Zoning and Development Amendment Bylaw, 2008, No. 2000.65".

**READ A FIRST TIME** this            day of

**READ A SECOND TIME** this       day of

**PUBLIC HEARING HELD** this      day of

**READ A THIRD TIME** this        day of

**ADOPTED** this                    day of

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Mayor

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Director of Administrative Services

**CITY OF PARKSVILLE**

**BYLAW NO. 2000.66**

**Text Amendment – Amend the General Regulations, Division 600**

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A bylaw to amend the "City of Parksville Zoning and Development Bylaw, 1994, No. 2000".

The Municipal Council in open meeting assembled enacts as follows:

1. That "City of Parksville Zoning and Development Bylaw, 1994, No. 2000" be amended as follows:
  - a. Section 604 – PROHIBITED USES OF LAND, BUILDINGS AND STRUCTURES by adding the following:

"(h) the storage of fireworks and/or explosives in all zones containing residential uses, excepting "accessory residential" in the I-1 and IN2 Zones."
2. This bylaw may be cited for all purposes as "Zoning and Development Amendment Bylaw, 2008, No. 2000.66 ".

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**ADOPTED** this                    day of

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Mayor

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Director of Administrative Services

# CITY OF PARKSVILLE

## BYLAW NO. 2000.67

### Text Amendment – Amend the Division 100: Scope and Definitions

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A bylaw to amend the "City of Parksville Zoning and Development Bylaw, 1994, No. 2000".

The Municipal Council in open meeting assembled enacts as follows:

1. That "City of Parksville Zoning and Development Bylaw, 1994, No. 2000" be amended as follows:
  - a. Section 104 – DEFINITIONS of DIVISION 100: SCOPE AND DEFINITIONS by replacing the definition of "exterior lot line" with the following:

**"exterior lot line** means the lot line or lines common to the parcel and an abutting roadway (excepting linear pathways), other than the front lot line;"
2. This bylaw may be cited for all purposes as "Zoning and Development Amendment Bylaw, 2008, No. 2000.67".

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**PUBLIC HEARING HELD** this                      day of

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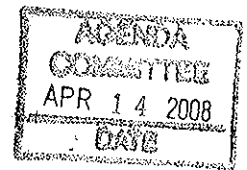
**ADOPTED** this                                      day of

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Mayor

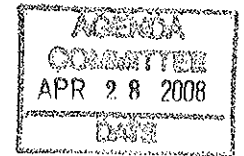
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Director of Administrative Services



**Committee of the Whole**

April 8, 2008



**REPORT TO: HER WORSHIP THE MAYOR AND MEMBERS OF COUNCIL**

**FROM: FRED C. MANSON, CHIEF ADMINISTRATIVE OFFICER**

**SUBJECT: CONSIDERATION OF DEVELOPMENT PROCESS REVIEW PROPOSED BY THE OCEANSIDE DEVELOPMENT AND CONSTRUCTION ASSOCIATION (ODCA)**

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**Issue:**

Consideration of Development Process Review proposed by the Oceanside Development and Construction Association.

**Executive Summary**

In a letter dated June 3, 2007 the ODCA requested the opportunity to work with Council and staff to complete and fund an independent Development Process Review. Repeated attempts by staff to progress this issue by obtaining draft terms of reference relating to "development process" verses "operational resources" for such a review have failed. This initiative was originally proposed by the ODCA and they have now apparently withdrawn their offer due to time and funding constraints.

**References:**

March 4, 2008 letter to the ODCA  
December 12, 2007 letter to the ODCA  
October 23, 2007 report from Staff

**Background:**

In a letter dated June 13 2007, the Oceanside Development and Construction and Association made a request to Council for the Oceanside Development and Construction Association "to work with the City of Parksville Council and Staff to complete and fund an independent review of the Development Process in the City of Parksville". This letter was received by Council at the July 4<sup>th</sup> 2007 regular meeting of Council at which the following resolution was passed:

THAT the correspondence from the Oceanside Development and Construction Association dated June 13, 2007 regarding an independent Development Process Review for the City, be received;  
AND THAT the proposal from the Oceanside Development and Construction Association to work with the City to complete and fund an independent review of the Development Process, be referred to staff for review and report back to the Planning and Development Service Committee.

Staff prepared a report which was presented to Council at the August 20, 2007 regular meeting of Council at which the following resolution was passed:

THAT the report from the Chief Administrative Officer dated August 8, 2007 entitled "Consideration of Development Process Review Proposed by the Oceanside Development and Construction Association (ODCA)", be received; AND THAT Council request additional information regarding the ODCA June 13, 2007 Development Process Review Proposal, including but not necessary limited to a Draft Terms of Reference, funding, and consultant selection from the ODCA and that this information be directed to Staff for an additional report to Council.

The ODCA responded to this request with their letter of October 3, 2007. This letter along with the October 23, 2007 covering report from staff was presented to council at the November 19<sup>th</sup>, 2007 regular meeting of Council at which the following resolution was passed:

THAT the report from the Chief Administrative Officer dated October 23, 2007 entitled "Consideration of Development Process Review Proposed by the Oceanside Development and Construction Association (ODCA)", be received;

AND THAT Council request staff to work with representatives from the ODCA to revise the Terms of Reference attached to their letter dated October 3, 2007 to more properly address process rather that operations and resources and that the revised terms of reference be brought forward to Council for consideration;

AND FURTHER THAT staff be requested to provide staff time and cost estimates required for a process review for Councils consideration".

This directive was conveyed to the ODCA through the above referenced December 12, 2007 letter which outlined Councils November 19, 2007 resolution, provided detailed guidelines for the ODCA to use as a template for development of the content for the preliminary terms of reference to be used as a starting point for discussions with staff, and a request for the information to be provided by January 31, 2008.

On January 24, 2008, at the request of the ODCA, staff met with the Michelle Jones, the ODCA president, to review the content of the December 12, 2007 letter. At this meeting staff was given the indication that the ODCA would be providing the City with a draft terms of reference in accordance with the guidelines contained in the letter by January 31, 2008 as requested.

Having had no further contact with the ODCA since the January 24, 2008 meeting, staff sent the above referenced March 4<sup>th</sup> 2008 letter which outlined the chronological progress of the file, a final deadline for submission of the requested draft terms of reference for March 31, 2008 and that failure to meet the March 31, 2008 deadline would be interpreted as the ODCA abandoning their request.

On March 19, 2008 Michelle Jones, the ODCA president, e-mailed a request for members of the ODCA to meet with the Mayor, Councilor's Lefebvre and Burger and the CAO. In response to that e-mail, staff contacted Ms. Jones on March 26, 2008 by phone in order to obtain clarification regarding the purpose of the meeting. In the ensuing conversation Ms. Jones outlined that the ODCA was withdrawing their request for the Development Process Review due to cost and the time commitment required from their members to develop the Terms of Reference and had wanted on opportunity to present this directly to Mayor as well as the past and present ODCA Council liaison. Staff indicated that, as all of Council had participated in

approval of the original request it would be more appropriate for their group to meet with all of Council at a Committee of the Whole meeting, as apposed to the requested private meeting with limited Councilors.

No further contact by phone, e-mail or correspondence has been received from the ODCA since the March 26, 2008 phone conversation.

Repeated attempts by staff to progress this issue have failed. This initiative was originally proposed by the ODCA who now apparently are withdrawing their offer "to work with the City of Parksville Council and Staff to complete and fund an independent review of the Development Process in the City of Parksville" as originally requested in their Letter of June 3, 2007.

### Options

At this point the options are basically limited to Council directing staff to inform the ODCA that in view of their apparent abandonment of their request for the process review, the City will not be pursuing the issue any further.

### Analysis

Although the ODCA indicated in their letter of June 3, 2007 a willingness to work with the City to complete and fund an independent review of the development process, they have not followed through with that commitment.

### Recommendation:

That Council direct staff to inform the ODCA that in view of their abandonment of their request for the process review, the City will not be pursuing the issue any further.



F. MANSON, C.G.A.

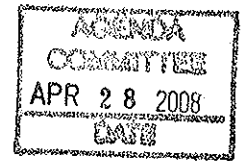
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Attachments

### **DIRECTOR OF COMMUNITY PLANNING COMMENTS:**

The Planning Department's current process respects the need to follow statutory requirements pertaining to public participation. It is not uncommon for the development community to perceive such a process to be slow and cumbersome. During periods of high growth and change it is especially important to proceed cautiously with respect to development approvals. The City's Planning Department also balances limited resources between 'pre planning' and application processing.



G. A. JACKSON



April 21, 2008

**Report to COTW**

**MEMO TO: FRED MANSON, CHIEF ADMINISTRATIVE OFFICER**  
**FROM: LAURIE TAYLOR, DIRECTOR OF ADMINISTRATIVE SERVICES**  
**SUBJECT: Optional Changes to Election Procedures Bylaw**

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**ISSUE:**

To refer the matter of "optional" amendments to the City's Election Procedures Bylaw to the Citizens Advisory Committee for their input and recommendations.

**EXECUTIVE SUMMARY**

Recent changes to the election provisions in Provincial legislation include a number of optional changes including increasing the required number of nominators, website publishing of nomination documents and campaign financing disclosures, mail ballot voting and special voting opportunities. It is entirely up to each individual local government whether any, or all, of the changes are incorporated into their election bylaws.

**REFERENCES:**

*Election Procedures Bylaw No. 1371*

**BACKGROUND:**

The Province recently enacted legislation that includes amendments to the election provisions of the Local Government Act. These amendments are summarized as follows:

1. Non-resident property elector certificates are no longer required. Non-resident property electors will still be able to vote, they just won't have to go through the process of registering for a certificate which is much more efficient for both them and the election officials.
2. Copies of the list of registered electors are no longer available for sale to the general public. Copies of the list will still be provided to candidates, and a copy will be available for the public to view.
3. Current requirement under the LGA is for two nominators per candidate. The number of nominators required *may* be increased by local bylaw. A local government may set the minimum number at 10, or in jurisdictions with a population of more than 5000, the minimum can be set at 25. (Optional) People can still sign as a nominator for more than one candidate but now the number they can nominate is limited to the number of persons to be elected (i.e. 6 for Councillor and 1 for Mayor)



4. Candidates are now required to sign a solemn declaration stating the person fully intends to take office if elected and the declaration must be submitted as part of the nomination package.
5. In order to provide additional public access to nomination documents, the ability to publish them on a municipality's website *may* be authorized by local bylaw (Optional)
6. Changes to campaign financing rules now require that the rules apply to campaign organizers in addition to candidates and elector organizers.
7. In order to provide additional public access to campaign financing disclosure, the ability to publish them on a municipality's website *may* be authorized by local bylaw (Optional)
8. Candidate, elector organizations and campaign organizers who do not file a campaign financing disclosure statement will be prohibiting from campaign fundraising or campaign spending until after the next general local election.
9. All electors will now be eligible to vote at an advance voting opportunity. Previously the only electors permitted to vote at an advance poll were: ones who expected to be away on election day, were unable to attend a voting place on election day for reasons beyond their control, have a physical disability, candidates or candidate's representatives, election officials, or were unable to vote on election day due to reasons of conscience.
10. Mail ballot voting *may* now be extended to snowbirds and other electors who will be absent during the voting period if provided for in the local election bylaw. Previously the only electors who could vote by mail ballot were persons with a physical disability. (Optional)

Of the above changes #3, #5, #7 and #10 are optional and an amendment to the current Election Procedures Bylaw would have to be done in order for them to be implemented.

As well under the current bylaw two special voting opportunities have been set – one at Arrowsmith Lodge and one at Trillium Lodge. Halliday House should be added to the list and the VIHA facility will be open by the fall, so the City will either have to look at increasing the number of special voting opportunities or eliminating them all together and provide extra staff for curbside voting at the regular voting places.

#### **OPTIONS:**

1. Refer the matter of Optional Changes to the Election Procedures to the Citizens Advisory Committee
2. Council may consider the matter of Optional Changes to the Election Procedures without input from the committee.

Staff recommends Option 1.

**ANAYLSIS**

1. Referring the matter to the Committee would allow for an independent and arms length review and will provide Council with input on the issue from the public's point of view.

**FINANCIAL IMPLICATIONS**

Any increases in the number of special voting opportunities will increase the amount of election costs. As well the implementation of a mail ballot voting system could increase the budget.

**ENVIRONMENTAL/SUSTAINABILITY IMPACT**

Nil

**STAFF RECOMMENDATION:**

**THAT** the issue of Optional Changes to the Election Procedures including increasing the required number of nominator, website publishing of nomination documents and campaign financing disclosure, mail ballot voting and special voting opportunities be referred to the Citizens' Advisory Committee for input and recommendations;

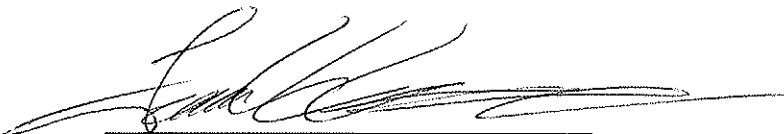
**AND THAT** the Committee's Assignment Terms of Reference for consideration of Optional Changes to the Election Procedures attached to the Director of Administrative Services report dated April 21, 2008 be approved.

Respectfully submitted,



**LAURIE TAYLOR**

Director of Administrative Services

**CHIEF ADMINISTRATIVE OFFICER'S  
COMMENTS:**

**FRED C. MANSON, CGA**

Chief Administrative Officer

**CITIZENS' ADVISORY COMMITTEE**  
**ASSIGNMENT TERMS OF REFERENCE**  
**ELECTION BYLAW**

**Assignment:** *To provide input and recommendations on changes to the City's Election Procedures Bylaw*

**Due Date:** *June 30, 2008*

**Staff Liaison** *Laurie Taylor, Director of Administrative Services*

**Specifics:** The Province recently amended some of the provisions of the Local Government Act that apply to local elections. Included in these changes are a number of optional ones. The Committee is requested to provide recommendations on the following from the perspective of the general public:

1. Increasing the number of nominators required for nomination for office from 2 to 10 (or 25)
2. Providing additional public access to nomination documents by posting them on the City's website
3. Providing additional public access to campaign financing disclosures by posting them on the City's website.
4. Authorize mail ballot voting
5. Look at the number and location of special voting opportunities.

# CITY OF PARKSVILLE

## BYLAW NO. 1371

*Consolidated for convenience only to include Bylaw No. 1371.1*

### **A BYLAW TO PROVIDE FOR THE USE OF AN AUTOMATIC VOTING SYSTEM AND ESTABLISH VARIOUS PROCEDURES FOR THE CONDUCT OF LOCAL GOVERNMENT ELECTIONS AND OTHER VOTING.**

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**WHEREAS** under the *Local Government Act*, the Council may, by bylaw, determine various procedures and requirements to be applied in the conduct of local government elections and other voting;

**AND WHEREAS** the Council may, by bylaw, provide for the use of automated voting machines, voting recorders or other devices for voting in an election;

**AND WHEREAS** the Council of the City of Parksville wishes to establish various procedures and requirements under that authority and use automated voting machines in local government elections;

**NOW THEREFORE** the Council of the City of Parksville in open meeting assembled enacts as follows:

#### **1. DEFINITIONS**

**AUTOMATED VOTING COUNTING SYSTEM** means an automated system that records and counts votes and processes and stores election results. The system is comprised of three components, one being the vote counting unit, one being the ballot box and one being the emergency ballot box on which the vote counting unit sits.

**BALLOT** means a single ballot card designed for use in an automated vote counting system containing spaces in which the electors mark their votes and shows:

- a) the names of all of the candidates for each of the offices of Mayor, Councillor and School Trustees, if applicable; and
- b) all of the choices on all of the referendum questions on which the opinion of or consent from the electors is sought.

**BALLOT ACCOUNT** means an account of ballots prepared in accordance with Section 131 of the *Local Government Act*.

**BALLOT BOX** means the container for ballots that have been marked by electors.

**BALLOT RETURN OVER-RIDE PROCEDURE** means the use, by an election official, of a device on a vote counting unit which causes the unit to accept a returned ballot.

**CHIEF ELECTION OFFICER** means the election official appointed under Section 41 of the *Local Government Act* to conduct the election.

**DEPUTY CHIEF ELECTION OFFICER** means the election official(s) appointed under Section 41 of the *Local Government Act* to assist the Chief Election Officer in administering the conduct of the election.

**ELECTION** means an election for the number of persons required to fill a local government office.

**ELECTION HEADQUARTERS** means a location designated by the Chief Election Officer and used for the preparation and operation of the election.

**ELECTION OFFICIALS** means individuals appointed by the Chief Election Officer to assist the presiding election officials at election proceedings and act as alternate presiding election officials.

**ELECTOR** means a resident elector or property elector of the jurisdiction as defined under the *Local Government Act*.

**EMERGENCY BALLOT COMPARTMENT** means a designated compartment box under each vote counting unit into which voted ballots are temporarily deposited in the event that the unit ceases to function.

**GENERAL LOCAL ELECTION** means the elections held for the Mayor and all Councillors of the municipality which must be held in the year 1993 and every third year after that.

**GENERAL VOTING DAY** means:

- a) for a general local election, the 3<sup>rd</sup> Saturday of November in the year of the election;
- b) for other elections, the date set under Sections 37 or 38 of the *Local Government Act*;
- c) for other voting, the date set under Section 162 of the *Local Government Act*.

**JURISDICTION** means, in relation to an election, the municipality for which it is held.

**LEGIBLE MARK** means a mark in the space provided on the ballot opposite a candidate's name or a question that the vote counting unit is able to read and count.

**LOCAL GOVERNMENT** means in relation to a municipality, the Council.

**MEMORY CARD** means a computer software cartridge which is inserted into the vote counting unit and into which is preprogrammed:

- a) the names of all of the candidates for each of the offices of Mayor, Councillors and School Trustees, if applicable;
- b) the alternative "yes" or "no" for each of the referendum questions on which the opinion of or consent from the electors is sought; and

- c) a mechanism to record and retain information on the number of acceptable marks made for each.

**OTHER VOTING** means voting on a matter referred to in Section 158 of the *Local Government Act* and includes voting on a referendum under Section 245 of that Act.

**PORTABLE BALLOT BOX** means a ballot box which is used in the election where a vote counting unit is not being used at the time of voting.

**PRESIDING ELECTION OFFICIAL** means the election official appointed by the Chief Election Officer to conduct election proceedings where the Chief Election Officer is not acting as presiding election official.

**RESULTS TAPE** means the printed record generated from a vote counting unit at the close of voting on general voting day which shows:

- a) the number of ballots received;
- b) the number of ballots accepted;
- c) the number of ballots rejected;
- d) the number of votes for each candidate; and
- e) the number of votes for and against each referendum question on which the opinion of or consent from the electors is sought.

**RETURNED BALLOT** means a voted ballot inserted into the vote counting unit but not accepted and was returned with an explanation of the ballot marking error which caused the ballot not to be accepted.

**SECRECY SLEEVE** means an open-ended folder or envelope used to cover ballots to conceal the choices made by each elector.

**VOTE COUNTING UNIT** means the device into which voted ballots are inserted and which scans each ballot and counts and records the number of votes for each candidate and for and against each referendum question on which the opinion of or consent from the electors is sought.

**VOTING BOOK** means the book for recording the names of electors.

## 2. **USE OF PROVINCIAL LIST OF VOTERS AS THE REGISTER OF RESIDENT ELECTORS**

For the purposes of all local elections and submissions to the electors under Parts 3 and 4 of the *Local Government Act*, the most current available Provincial List of Voters prepared under the *Election Act*, shall become the register of resident electors for the City of Parksville on the 52<sup>nd</sup> day prior to the general voting day for such elections and submissions to the electors.

## 3. **USE OF AUTOMATED VOTING SYSTEM**

- 3.1 The Chief Election Officer is hereby authorized to conduct any local government election and referendum questions to the electors using an automated voting system.

3.2 The Chief Election Officer must conduct a test of the automated voting system before each local government election and referendum questions to the electors and must be satisfied that it is in good working order.

3.3 As soon as the test of the automated voting system is completed, the Chief Election Officer must secure the memory cards and ensure they will remain secured until the local government elections and referendum questions vote are taken.

#### 4. **FORM OF BALLOT**

4.1 The Chief Election Officer may provide for use of composite ballots on which an elector votes on two or more elections.

4.2 If a ballot is in the form of a composite ballot, each portion of the ballot that deals with a single election is to be considered a separate ballot.

4.3 Each ballot shall contain a space for a "legible mark" opposite each candidate's name or opposite "yes" or "no" when the vote is on a referendum question.

4.4 The order of names of candidates on the ballot will be alphabetical in accordance with Section 106 of the *Local Government Act*.

#### 5. **AUTOMATED VOTING PROCEDURES**

5.1 The presiding election official for each voting place and at each advance and special voting opportunity, shall offer, and, if requested, ensure that a demonstration of how to vote using an automated vote counting system is provided to an elector, as soon as such elector enters the voting place and before a ballot is issued.

5.2 Upon completion of any voting demonstration, the elector shall proceed as instructed to the election official responsible for issuing ballots, who:

- a) shall ensure the elector is qualified to vote in the election;
- b) shall ensure the elector signs the voting book; and
- c) shall provide a ballot to the elector and, if requested, provide a secrecy sleeve.

5.3 Immediately after receiving the ballot, the elector must proceed to a voting compartment to vote, or if the elector is unable to mark a ballot because of a physical disability or difficulties in reading or writing, or is unable to enter the voting place because of a physical disability or impaired mobility, he or she may vote in accordance with the procedures outlined in Sections 121 and 122 of the *Local Government Act*.

5.4 The elector shall vote by making a legible mark on each ballot beside the chosen candidate (or candidates where there is more than one vacancy), or beside the "yes" or "no" when the vote is on a referendum question. An elector may mark only up to the same number of spaces on the ballot as the number of vacancies in office and may not mark more than one space on a ballot for a referendum question.

5.5 Once the elector has finished marking the ballot he or she must proceed to the vote counting unit and under the supervision of the election official in attendance, insert the

ballot directly into the vote counting unit without the acceptable marks on the ballot being exposed.

5.6 If:

- a) before inserting the ballot into the vote counting unit, an elector determines that a mistake has been made when marking the ballot; or
- b) the ballot is inserted into the vote counting unit and returned

the elector may request a replacement ballot by advising the election official in attendance. The presiding election official shall issue a replacement ballot to the elector and mark the returned ballot "spoiled" and shall retain all such spoiled ballots separately from all other ballots and they shall not be counted in the election.

5.7 If an elector declines the opportunity to obtain a replacement ballot and has not damaged the ballot to the extent that it cannot be reinserted into the vote counting unit, the election official shall, using the ballot over-ride procedure, reinsert the returned ballot into the vote counting unit to count any acceptable marks.

5.8 Any ballot accepted by the vote counting unit is valid and any acceptable marks contained on such ballots will be counted in the election results subject to any determination made by the Chief Election Officer on a recount.

5.9 Once the ballot has been inserted into the vote counting unit and the unit indicates that the ballot has been accepted, the elector must immediately leave the voting place.

5.10 During any period that a vote counting unit is not functioning, the election official supervising the unit shall direct electors to insert their ballots into the emergency ballot compartment on the understanding that if the vote counting unit:

- a) becomes operational; or
- b) is replaced with another vote counting unit

the ballots in the emergency ballot compartment shall, as soon as reasonably possible, be removed by an election official and, under the supervision of the presiding election official, shall be inserted into the vote counting unit to be counted.

5.11 Any ballots which were temporarily stored in the emergency ballot compartment during a period when the vote counting unit was not functioning, which are returned by the vote counting unit when being counted, shall, through the use of the ballot over-ride procedure and, under the supervision of the presiding election official, be reinserted into the vote counting unit to ensure that any acceptable marks are counted.

## 6. **ADVANCE AND SPECIAL VOTING OPPORTUNITIES AND PROCEDURES**

6.1 As authorized under Section 97 of the *Local Government Act*, the following required advance voting opportunities are established for each election to be held in advance of general voting day:

- a) on the 10<sup>th</sup> day before general voting day from 8:00 a.m. to 8:00 p.m.; and
- b) on the 3<sup>rd</sup> day before general voting day from 8:00 a.m. to 8:00 p.m.



- 6.2 As authorized under Section 99 of the *Local Government Act*, the following special voting opportunities are established for each election to be held in advance of general voting day:
- a) at the Arrowsmith Lodge and Trillium Lodge
  - B) Chief Election Officer is authorized to establish the date within the limits set out in Section 99 of the *Local Government Act* for the special voting opportunities [Amendment Bylaw No. 1371.1].
- 6.3 The Chief Election Officer is authorized to establish the voting hours within the limits set out in Section 99 of the *Local Government Act* for the special voting opportunities.
- 6.4 The only electors who may vote at the special voting opportunities are electors, who on the date on which the special voting opportunities are held, are residents of the respective Lodges.
- 6.5 Before being allowed to vote in an advanced voting opportunity, an elector must sign a Statement for Advance Voting in accordance with Section 97(1) of the *Local Government Act*.
- 6.6 Vote counting units shall be used at all advance and special voting opportunities and voting procedures at all advance and special voting opportunities shall follow as closely as possible those described in Section 5.
- 6.7 During any period that a vote counting unit being used at an advance or special voting opportunity is not functioning, the provisions of subsections 5.10 and 5.11, so far as applicable, shall apply.
- 6.8 At the close of voting at each advance and special voting opportunities, the presiding election official in each case shall ensure:
- a) any remaining ballots in the emergency ballot compartment are inserted into the vote counting unit;
  - b) secure the vote counting unit so that no more ballots can be inserted;
  - c) the results tape in the vote counting unit is not generated; and
  - d) deliver the vote counting unit, together with the memory pack and all other election materials, to the Chief Election Officer at election headquarters.

**7. PROCEDURES AFTER THE CLOSE OF VOTING ON GENERAL VOTING DAY**

- 7.1 After the close of voting on general voting day, each presiding election official, shall undertake all of the following generally in the order stipulated:
- a) ensure that any remaining ballots in the emergency ballot compartment are inserted into the vote counting unit;
  - b) secure the vote counting unit so that no more ballots can be inserted;
  - c) generate two copies of the results tape from the vote counting unit;
  - d) remove the memory pack from the vote counting unit and deliver it with one copy of the results tape to the Chief Election Officer;

- e) account for the unused, spoiled and voted ballots and place them, packaged and sealed separately, into the election materials transfer box;
- f) complete the ballot account and place the copy in the election materials transfer box;
- g) place the voting books, list of electors, completed registration cards and all other election materials in the supplied marked envelopes and place in the election materials transfer boxes.

7.2 After the close of voting on general voting day, the Chief Election Officer shall direct the presiding election officials to undertake the procedures in subsection 7.1, so far as applicable, for both the advance and special voting opportunities.

## 8. **RECOUNT PROCEDURE**

8.1 If a recount is required it shall be conducted under the direction of the Chief Election Officer using the automated vote counting system and generally in accordance with the following procedure:

- a) the memory cards of all vote counting units will be cleared;
- b) vote counting units will be designated for each voting place;
- c) all voted ballots will be removed from the sealed ballot boxes;
- d) all voted ballots, except spoiled or rejected ballots, will be reinserted in the appropriate vote counting units under the supervision of the Chief Election Officer;
- e) any ballots returned by the vote counting unit during the recount process shall, through the use of the ballot return over-ride procedure, be reinserted into the vote counting unit to ensure that any acceptable marks are counted.

## 9. **RESOLUTION OF TIE VOTES AFTER JUDICIAL RECOUNT**

9.1 In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with Section 141 of the *Local Government Act*.

## 10. **NUMBER OF SCRUTINEERS AT VOTING PLACES**

10.1 As authorized under Section 110(2)(d) of the *Local Government Act*, the number of scrutineers for each candidate that may attend at an election is a maximum of one scrutineer for each ballot box in use.

10.2 As authorized under Section 99(3) of the *Local Government Act*, at least one candidate representative is entitled to be present at a special voting opportunity for the election, with that candidate representative chosen by agreement of the candidates for that election or, failing such agreement, by the Chief Election Officer.

## 11. **GENERAL PROVISIONS**

11.1 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.

11.2 If any part, section, sentence, clause, phrase or word of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion

shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the bylaw had been adopted without the invalid portion.

**12. REPEAL OF PREVIOUS BYLAWS**

12.1 "List of Voters Bylaw, 1996, No. 1262" and all amendments are hereby repealed.

12.2 "Election Procedures and Automated Voting Bylaw, 1999, No. 1324" and all amendments are hereby repealed.

**13. CITATION**

This bylaw may be cited for all purposes as "Election Procedures and Automated Voting Authorization Bylaw, 2002, No. 1371".

**READ A FIRST TIME** this 15<sup>th</sup> day of July 2002

**READ A SECOND TIME** this 15<sup>th</sup> day of July 2002

**READ A THIRD TIME** this 15<sup>th</sup> day of July 2002

**ADOPTED** this 22<sup>nd</sup> day of July 2002

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Mayor

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Clerk