



AGENDA - VICTORIA CITY COUNCIL

Thursday, November 21, 2019

COUNCIL CHAMBERS - 1 CENTENNIAL SQUARE

VICTORIA, BC

To be held immediately following the Committee of the Whole Meeting

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

Pages

A. CONVENE COUNCIL MEETING

B. APPROVAL OF AGENDA

C. UNFINISHED BUSINESS

C.1 Bylaws for Utility Fees

Report to Follow

C.1.a Bylaw for Sanitary Sewer and Stormwater Utilities

1

- 1st, 2nd, and 3rd readings of:
 - Sanitary Sewer and Stormwater Utilities Bylaw, Amendment Bylaw (No. 7) No. 19-095

The purpose of this Bylaw is to increase the stormwater user fee factor rates, CRD sewer consumption charge payable, connection fees, dye tests fees, and special fees and considerations payable under the *Sanitary Sewer and Stormwater Utilities Bylaw 14-071*.

C.1.b Bylaw for Solid Waste Utilities

11

- 1st, 2nd, and 3rd readings of:
 - Solid Waste Bylaw, Amendment Bylaw (No. 8) No. 19-096

The purpose of this Bylaw is to amend the *Solid Waste Bylaw No. 12-086* to increase the fees for the collection of solid waste.

C.1.c Bylaw for Waterworks Utilities

13

- 1st, 2nd, and 3rd readings of:
 - Waterworks Bylaw, Amendment Bylaw (No. 14) No.

The purpose of this Bylaw is to increase the connection fees, special fees and consumption charges payable under the *Waterworks Bylaw No. 07-030*.

C.2 Bylaw for Tree Preservation Amendments

16

- Adoption of:
 - Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082

The bylaw proposes to amend the *Tree Preservation Bylaw* to ensure that trees are not cut down unnecessarily in the process of construction and to update definition and internal references.

D. CLOSED MEETING

MOTION TO CLOSE THE NOVEMBER 21, 2019 COUNCIL MEETING TO THE PUBLIC

That Council convene a closed meeting that excludes the public under Section 90 of the *Community Charter* for the reason that the following agenda items deal with matters specified in Sections 90(1) and/or (2) of the *Community Charter*, namely:

Section 90(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

Section 90(1)(c) labour relations or other employee relations;

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

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

E. APPROVAL OF CLOSED AGENDA

F. READING OF CLOSED MINUTES

G. CORRESPONDENCE

H. NEW BUSINESS

H.1 Land - Community Charter Section 90(1)(e)

H.2 Legal Advice - Community Charter Section 90(1)(i)

H.3 Legal Advice - Community Charter Section 90(1)(i)

H.4 Legal Advice/Land - Community Charter Section 90(1)(i) and 90(1)(e)

H.5 Legal Advice - Community Charter Section 90(1)(i)

H.6 Employee Relations - Community Charter Section 90(1)(c)

I. CONSIDERATION TO RISE & REPORT

J. ADJOURNMENT

SANITARY SEWER AND STORMWATER UTILITIES BYLAW, AMENDMENT BYLAW (NO. 7)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to increase the stormwater user fee factor rates, CRD sewer consumption charge payable, connection fees, dye tests fees, and special fees and considerations payable under the *Sanitary Sewer and Stormwater Utilities Bylaw 14-071*.

Contents

- 1 Title
- 2 Section 27A
- 3 Schedule “A”
- 4 Effective date

Under its statutory powers, including section 194 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "SANITARY SEWER AND STORMWATER UTILITIES BYLAW, AMENDMENT BYLAW NO. 7)".

Section 27A

- 2 Section 27A to the Sanitary Sewer and Stormwater Utilities Bylaw 14-071 is amended by repealing the existing Section 27A and replacing it with the updated Section 27A to this bylaw amendment.

Schedule “A”

- 3 Schedule “A” to the Sanitary Sewer and Stormwater Utilities Bylaw 14-071 is amended by repealing the existing Schedule “A” and replacing it with the updated Schedule “A” to this bylaw amendment.

Effective date

- 4 This Bylaw comes into force on January 1, 2020.

READ A FIRST TIME the	day of	2019
READ A SECOND TIME the	day of	2019
READ A THIRD TIME the	day of	2019
ADOPTED on the	day of	2019

CITY CLERK

MAYOR

27A. CRD Sewer Consumption Charge

- (1) Pursuant to the powers of the City under the Additional Powers Regulation, B.C. Reg. 236/2002, a rate of \$3.75 for the months of June through September and a rate of \$5.36 for all other months multiplied by the number of units of water used at the owner's premises must be paid by each owner in respect of a portion of the annual operating costs and debt costs of the Capital Regional District Liquid Waste Management Core Area and Western Communities Service that are payable by the City.

SCHEDULE "A"
FEES AND CHARGES

1. Sanitary Sewer Use Charge

1 The sanitary sewer use charge for each unit of water used for the months of June through September is \$1.56 and for all other months is \$2.23.

2. Sanitary Sewer Service and Stormwater Service Connection Fees

1 – 100 mm	\$8800
2 – 100 mm (in same trench)	\$11800
1 – 150 mm	at cost
2 – 150 mm (in same trench)	at cost
1 – 200 mm	at cost
1 – 150 / 1 - 200 mm (in same trench)	at cost
1 – 150 / 1 – 100 mm (in same trench)	at cost
1 – 250 mm	at cost
2 – 200 mm	at cost

3. Hub Connection Fees

\$1000 / hub connection

4. Dye Tests

\$200 for one visit to a single location or site, to a maximum of one hour

5. Sewer Service Connection Test for Reuse or Abandonment

4 service connections or fewer	\$250/visit/site
Each additional service connection	\$100/visit/site

6. Sewer Service Connection Rehabilitation

1 – 100 mm	\$ 3500
1 – 150 mm	\$ 4000

7. Sealing a Discontinued Sewer Service Connection

\$1000 per service

8. Special Fees and Considerations

All connection fees are for an application for a service connection to a single property unless otherwise stated. Service connection configurations not covered in this Schedule are subject to the Director's approval, and will be charged for "at cost".

Service connection fees under section 3 of this Schedule A include rock removal up to a depth of 1.0 m. All additional rock removal costs shall be paid by the applicant at cost.

At cost service connections must pay for all rock removal on an at cost basis. The estimated cost of rock removal shall be determined at the time rock is encountered. These costs must be paid by the applicant prior to the City continuing the installation.

All service connections larger than 100 mm, and all connections installed on Arterial Roads or within the Downtown Core: at cost

All service connections that are requested to be installed outside normal working hours, where approved by the Director will be billed for at cost.

If the applicant is performing their own restoration on their property frontage in the area of a new service installation, at their cost, the Director will allow a rebate of \$200 per service trench.

9. Contaminated Soil

Where the removal of contaminated soil is required it shall be done at cost.

10. Archaeological Site

Costs associated with working in vicinity of an archaeological site shall be done at cost.

11. Administrative Charges

Where work is performed at cost an administrative charge of 18% must be calculated and added to the "at cost" total.

12. Stormwater User Fees

The stormwater user fee payable by an owner shall be determined by applying and totaling the four factors in the Stormwater User Fee Calculation Table below.

Stormwater User Fee Calculation Table

STORMWATER USER FEE CALCULATION TABLE

1.A IMPERVIOUS SURFACES FACTOR

	Fee (per sq meter)
	\$0.6788

2.A STREET/SIDEWALK CLEANING FACTOR

	Fee (per meter)
Local	\$1.75
Collector	\$3.74
Arterial	\$4.19
Downtown	\$41.43

2.B INTENSITY CODE FACTOR

	Fee (per property)
Low Density Residential	\$0.00
Multi Family Residential	\$83.07
Civic/Institutional	\$72.11
Commercial/Industrial	\$142.69

2.C CODES OF PRACTICE FACTOR

	Fee (per property)
Required to register under Stormwater Code of Practice Schedule E	\$96.07

11. Rainwater Management Credit Program

(a) Educational Programs

Except for a property that is used as a school, in order to qualify for a rainwater management credit an educational program for a Civic/Institutional or Commercial/Industrial property must relate to, describe and inform either the owner's employees or members of the public about a stormwater management facility that has been approved under the Rainwater Management Credit Program, that is located on the property, and that is functional and in good working condition. A qualifying educational program may include or consist of signs, brochures, or other graphic or printed information that is located in a prominent location on the property.

For a property that is used as a school, in order to qualify for a rainwater management credit an educational program must be included in the regular curriculum and form part of the regular teaching program for the school.

(b) Calculation of Credits

Where the owner of premises applies for participation in the rainwater management credit program, and the application is approved by the Director, a percentage credit for each approved credit type will be applied to the stormwater user fee in the amount(s) set out in the following tables.

Rainwater Management Credit Table – Low Density Residential Properties

Rainwater Best Management Practice (BMP)	Minimum Size	Min. Roof Area (m ²) directed to BMP	Ongoing Credit
Cistern	1200L	25	10%
Infiltration Chamber		25	10%
Rain Garden		25	10%
Bioswale		25	10%
Permeable paving - no infiltration trench/piping	10 m ²		10%
Permeable paving - infiltration trench/piping		25	10%

Rainwater Management Credit Table – Multi-Family Residential, Civic/Institutional and Commercial/Industrial Properties

	Minimum Impervious Area Treated (%)	Credit (%)
Infiltration Chamber / Rain Garden / Bioswale/ Permeable Pavement / Cisterns Plumbed for Indoors / Intensive Green Roofs	10	4
	15	7
	20	9
	25	11
	30	13
	35	16
	40	18
	45	20
	50	22
	55	24
	60	27
	65	29
	70	31
	75	33
	80	36
	85	38
	90	40
	Minimum Impervious Area Treated (%)	Credit (%)
Cisterns- Hand Use	10	2
	15	3
	20	4
	25	6
	30	7
	35	8
	40	9
	45	10
	50	11
	55	12
	60	13
	65	14
	70	16
	75	17
	80	18
	85	19
	90	20

	Minimum Impervious Area Treated (%)	Credit (%)
Cisterns - Irrigation System/ Extensive Green Roof	10	3
	15	5
	20	7
	25	8
	30	10
	35	12
	40	13
	45	15
	50	17
	55	18
	60	20
	65	22
	70	23
	75	25
	80	27
	85	28
	90	30

(c) **BMP (Design and Construction Requirements) Table**

The following table sets out additional requirements for the design and construction of stormwater retention and water quality facilities.

BMP	DIY Build	Tier A Contractor Build	Tier B, C & D Contractor Build
Rain Barrel	1	1	N/A
Cisterns - at grade	1	1	2
Cisterns - below grade	3	3	3
Cisterns - above grade	3	3	3
Rain Gardens	1	1	2
Bio Swales	1	1	2
Green Roof	N/A	3	3
Permeable Paving without Infiltration Trench/piping	1	1	2
Permeable Paving with Infiltration Trench/piping	2	1	3
Infiltration Chamber	3	3	3

1 Design and construction must follow City standards and specifications.
Design and construction must follow City standards and specifications.

2 Must be designed and installed under the supervision of a Qualified Designer.

3 Design and construction must follow City standards and specifications.
Must be designed and installed under the supervision of a Qualified Professional.
Green Roofs must be designed by and installed under the supervision of a Qualified Professional who is a professional architect or structural engineer

Inspections as required at specified intervals.

DIY Build - Owner is responsible for construction methods and adhering to design.
Failure to do so may result in rejection at owner's expense. City assumes no responsibility for rejection or liability for damages.

In the table above:

- (a) "Tier A", "Tier B", "Tier C" and "Tier D" mean, respectively, properties that are classified under section 28(4) of this bylaw as Low Density Residential, Multi-Family Residential, Civic/Industrial and Commercial/Industrial.
- (b) "DIY Build" means that the owner of Low Density Residential property constructs or installs the stormwater retention and water quality facility themselves, without the assistance of a contractor.

SOLID WASTE BYLAW, AMENDMENT BYLAW (NO. 8)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Solid Waste Bylaw No. 12-086* to increase the fees for the collection of solid waste.

Contents

- 1 Title
- 2 Schedule "A"
- 3 Effective date

Under its statutory powers, including section 194 of the *Community Charter* and the *Local Government Act Additional Powers Regulation*, the Council of the City of Victoria in an open meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "SOLID WASTE BYLAW, AMENDMENT BYLAW (NO. 8)".

Schedule "A"

- 2 Bylaw No. 12-086, the Solid Waste Bylaw, is amended by repealing Schedule "A" and replacing it with the updated Schedule "A" to this bylaw amendment.

Effective date

- 3 This Bylaw comes into force on January 1, 2020.

READ A FIRST TIME the	day of	2019
READ A SECOND TIME the	day of	2019
READ A THIRD TIME the	day of	2019
ADOPTED on the	day of	2019

CITY CLERK

MAYOR

Schedule 1**Schedule “A”****Solid Waste Bylaw**

The fees for the collection of solid waste from each residential unit by size of bin under Section 16 are:

Size	Annual Fee
80 Litre Bin	\$199.89
120 Litre Bin	\$228.90
180 Litre Bin	\$272.43

NO. 19-097

WATERWORKS BYLAW, AMENDMENT BYLAW (NO. 14)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to increase the connection fees, special fees and consumption charges payable under the *Waterworks Bylaw No. 07-030*.

Contents

- 1 Title
- 2 Schedule "A"
- 3 Effective date

Under its statutory powers, including section 194 of the *Community Charter* and the *Local Government Act Additional Powers Regulation*, the Council of the City of Victoria in an open meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as the "WATERWORKS BYLAW, AMENDMENT BYLAW (NO. 14)".

Schedule "A"

- 2 Schedule "A" to the Waterworks Bylaw No. 07-030 is amended by repealing the existing Schedule "A" and replacing it with the updated Schedule "A" to this bylaw amendment.

Effective date

- 3 This Bylaw comes into force on January 1, 2020.

READ A FIRST TIME the	day of	2019
READ A SECOND TIME the	day of	2019
READ A THIRD TIME the	day of	2019
ADOPTED on the	day of	2019

CITY CLERK

MAYOR

Schedule A

Fees

1. Connection fee for any water service, other than a fire line:

<u>Size of Connection or Meter</u>	<u>Connection Charge</u>
18 mm	\$ 6,300.00
25 mm	6,500.00
40 mm	at cost
50 mm	at cost
75 mm	at cost
100 mm	at cost
150 mm	at cost
200 mm and greater	at cost
For duplexes only, 2-18mm (in the same trench)	at cost
For duplexes only, 2-25 mm (in the same trench)	at cost
Cap water service, 12mm to 25 mm	at cost
Cap water service, 40mm and greater	at cost

Special fees:

- (a) To upgrade a meter, outlet pipe, and accessories under s. 8(4) of the Waterworks Bylaw: \$500.00
- (b) Service pipe installations on Arterial Roads or within the Downtown Area: an additional at cost per trench.
- (c) Service Pipe that is requested to be installed outside normal working hours, where approved by the Director: at cost.
- (d) Temporary water connection: \$400.00.
- (e) Fire hydrant connection fee: \$100.00 per fire hydrant per day.
- (f) New fire hydrants that are installed at the request of an applicant: at cost.

2. Connection fee for a fire line:

<u>Size of Connection or Meter</u>	<u>Connection Charge</u>
100 mm	at cost
150 mm	at cost
200 mm and greater	at cost

3. Consumption charge

Consumption charge for each unit of water used: \$4.24

4. Service charge(a) 4-month service charge:

<u>Size of Connection</u>	<u>Service Charge</u>
12 mm	\$34.57
18 mm	\$39.23
25 mm	\$57.50
40 mm	\$71.88
50 mm	\$114.60
75 mm	\$215.52
100 mm	\$344.43
150 mm	\$644.18
200 mm	\$1,431.05

5. Fire Hydrant charge

(a) Esquimalt: \$4.00 monthly for each hydrant

(b) Non-municipal purposes: \$4.00 monthly for each hydrant.

6. Administrative Charges

Where work is performed "at cost" an administrative charge of 18% must be calculated and added to the "at cost" total.

7. Water Meter Activation/Deactivation Fee

To have an authorized person attend at a water meter pursuant to section 7A (5): \$40.

TREE PRESERVATION BYLAW, AMENDMENT BYLAW (NO. 1)

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the *Tree Preservation Bylaw* to:

1. ensure that trees are not cut down unnecessarily in the process of construction; and
2. update definitions and internal references so that they are accurate and current.

Contents

1	Title
2-4	Amendments
5	Repeal of Transition Provision
6	Commencement

Under its statutory powers, including section 8(3)(c) of the *Community Charter*, the Council of the Corporation of the City of Victoria in a public meeting assembled enacts the following provisions:

Title

- 1 This Bylaw may be cited as the “TREE PRESERVATION BYLAW, AMENDMENT BYLAW (NO. 1)”.

Amendments

- 2 Bylaw No. 05-106, the Tree Preservation Bylaw, is amended in section 2 as follows:

- (a) by repealing the definition for “building envelope” and substituting the following definition:

“means that part of a lot on which the primary building may be sited under the setback regulations of the City’s Zoning Regulation Bylaw or Zoning Bylaw 2018, as varied by a development permit, a development variance permit or a heritage alteration permit;”,

- (b) by repealing the definition for “building envelope line” and substituting the following definition:

“means the setback of the primary building established under the City’s Zoning Regulation Bylaw or Zoning Bylaw 2018, as varied by a development permit, a development variance permit or a heritage alteration permit;”,

- (c) under the definition of “protected tree”, at paragraph (i), by striking out “80cm” and replacing it with “30cm”,
 - (d) under the definition of “tree”, by striking out “living,” and

- (e) by striking out “60cm” and replacing it with “30cm” in paragraphs (e), (f) and (g) of the definition of “protected tree”.

3 The Tree Preservation Bylaw is further amended in section 5 as follows:

- (a) in subsection (2)(c)(i), by striking out “85” and replacing it with “112(2)”, and
- (b) by inserting the following new subsection directly after subsection (2)(c)(ii):

“(3) For the purposes of subsection (2), it is deemed not to be necessary or required to remove, cut down or alter the protected tree or protected tree seedling if it is possible to construct or install the accessory building, driveway, off-street parking or utilities service connections in a different location on the lot without removing, cutting down or altering the tree.”.

4 The Tree Preservation Bylaw is further amended as follows:

- (a) in section 11, by inserting the following directly after “falling”:

“, as confirmed by a certified arborist who holds the International Society of Arboriculture’s Tree Risk Assessment Qualification (TRAQ)”.

- (b) in section 17(2), by striking out “\$350.00” and replacing it with “\$700.00”,
- (c) in section 19(1)(a), by striking out “\$30.00” and replacing it with “\$50.00”,
- (d) in section 17, by inserting the following new subsection directly after subsection (3):

“(4) For the purposes of subsection 1(g), if the permit holder provides evidence to the Director that a replacement tree or tree seedling cannot be accommodated on the same lot without compromising sound arboricultural practices due to the size or other characteristics of the lot, and the Director is satisfied of the same, then:

- (a) the permit holder must provide to the City \$2000.00 cash-in-lieu for each replacement tree or tree seedling that cannot be accommodated, and such money shall then be used for the planting of trees on other sites; and
- (b) the amount of security that the applicant is to provide pursuant to subsection (2) will not include security for each replacement tree or tree seedling that is not being accommodated on the same lot in accordance with this subsection (4).”, and

- (e) by inserting the following new section 25 directly after section 24:

"Transition Provision

- 25.** If the City received an application for a permit, licence or other City approval on or before October 24, 2019, the Tree Preservation Bylaw as it was on the day before adoption of the Tree Preservation Bylaw, Amendment Bylaw (No. 1) No. 19-082 applies to that application."

Repeal of Transition Provision

- 5** Section 4(e) of this Bylaw is repealed.

Commencement

- 6** This Bylaw comes into force on adoption, except section 5, which comes into force five years after the date of adoption of this Bylaw.

READ A FIRST TIME the **19th** day of **September** 2019

READ A SECOND TIME the **19th** day of **September** 2019

READ A THIRD TIME the **19th** day of **September** 2019

RESCIND THIRD READING the **14th** day of **November**
2019

AMENDED the **14th** day **November** of
2019

READ A THIRD TIME the **14th** day **November** of
2019

ADOPTED on the day of 2019

CITY CLERK

MAYOR

