

REGIONAL GROWTH STRATEGY PROJECT

**MEMORANDUM OF UNDERSTANDING**

**ON INTERIM MANAGEMENT OF  
PLANNING AND DEVELOPMENT INITIATIVES**

**BETWEEN**

*The Village of Cumberland,*

*The Town of Comox,*

*The City of Courtenay,*

**And**

*The Comox Valley Regional District.*

(Collectively referred to as the “Parties”)

**RESPECTING THE**

**Principles to address the approach to be followed regarding key planning and development issues during preparation of the Regional Growth Strategy (RGS).**

**WHEREAS** the Parties are committed to co-operating and collaborating where possible to address matters of common regional concern;

**AND WHEREAS** the Parties wish to be respectful of each other, their jurisdictions, and their processes;

**AND WHEREAS** the Parties wish to maintain good communications and co-ordination with respect to land-use and other decisions of a regional and sub-regional nature in advance of adoption of a Regional Growth Strategy;

**AND WHEREAS** the Parties share a desire to ensure that decisions on land use and related matters result in net social, economic and environmental benefits;

**AND WHEREAS** the Parties share a desire that all land use planning and development activities in the area are generally based upon the principles of sustainability;

**AND WHEREAS** the City of Courtenay and Town of Comox have previously adopted versions of a sustainability checklist;

**THEREFORE** the Parties hereby mutually agree as follows:

### **1. PURPOSE**

The purpose of this Memorandum of Understanding (MOU) is to guide decision making on key planning and development issues that may have a cross border impact, until the Comox Valley regional growth strategy is finalized and implemented. The Parties agree, in addition to their current procedures, to consider and apply the principles set out in this MOU when deliberating on land use planning and development review throughout their respective jurisdictions. Schedule A provides a map of the area of coverage for this Agreement.

A secondary goal of this agreement is to promote a culture of cooperation, coordination and collaboration between local governments, provincial agencies, the Government of Canada and First Nations.

Finally the MOU will also serve to better inform the public consultation and review processes.

### **2. TERM**

This MOU will be in effect upon the date of acceptance and until such time as the Comox Valley regional growth strategy has been accepted by the affected local governments, and adopted by the board of the Comox Valley Regional District, at which time the MOU shall expire. Adoption of the regional growth strategy is required by the Order-In-Council to occur by the end of 2010.

### **3. PILLARS OF SUSTAINABILITY**

The Parties recognize that management of land and other resources should follow a different path in the future than was the historic case. Through previous work a series of fundamental elements have been identified that are critical to the success of any effort to improve on the human interface with the natural world. These include the following, which form part of the underpinning philosophy behind this MOU and regional growth strategy formulation:

- i. Complete, compact, livable neighbourhood centres
- ii. Efficient, innovative transportation
- iii. Advancing green buildings & site design
- iv. Open space and local food systems
- v. Efficient, integrated infrastructure

- vi. Building a strong, healthy community
- vii. Sustainable economic development
- viii. Progressive and integrated management

These elements should be given significant consideration during the review and evaluation of all planning and development initiatives contemplated by the Parties.

#### **4. PRINCIPLES**

The Parties accept that existing official community plans, zoning bylaws and other forms of local regulations are in place today, and will continue to be in effect while the regional growth strategy is being prepared. There is also a range of planning and development initiatives underway as of the date of initiation of the regional growth strategy process. At the same time new planning and development initiatives are likely to arise before the overall Comox Valley regional growth strategy can be prepared and adopted.

Accordingly, evaluation, by each of the parties, of those current planning and development initiatives should consider the sustainability principles. Decision-making on any current or new matter should also be based upon the principles described in this MOU. Schedule B contains further details regarding the principles.

Through adoption of this MOU, all councils and the regional board have agreed to submit planning and development initiatives that will require OCP or zoning amendments to this enhanced process to consider these principles and to allow for greater regional reviews of initiatives during the period of preparation of the regional growth strategy. In addition significant development permit applications and applications for exclusion from the agricultural land reserve should be treated in a similar fashion. In this case significant includes those deemed to be of regional interest by the Steering Committee established by the Parties to manage the preparation of the growth strategy.

In addition, a new requirement should be added to the submission of applications from the private sector to review and report upon how their application addresses the principles of sustainability. This obligation applies to the Village of Cumberland and the Comox Valley Regional District so as to complement the checklists already in use by the City of Courtenay and the Town of Comox. Schedule D contains a basic checklist that should be utilized. All Parties are encouraged to continue to update and improve upon the content and methods used to achieve the goals of sustainability, and further evolutions of the Checklist are expected.

For those applications and planning initiatives underway or in-stream as of the date of adoption of this MOU, the parties commit to considering the sustainability principles during all review and approval processes. The expectation is to apply, to the fullest extent possible, the pillars of sustainability in any decisions related to land use and planning. Where an application or initiative is so far along that there is no further ability to include these principles in their review, the parties commit that they will strive to give further consideration to the principles during any further actions involving that item.

Staff reports regarding applications to respective councils and board meetings should include the MOU principles similar to OCP principles and include summaries of the comments/ recommendations from

the RGS intergovernmental review teams. Schedule E provides a graphic illustration of the process these applications should follow.

## **5. REQUEST FOR REVIEW**

Any Party may request a review of the content and interpretation of the MOU by giving 30 days notice to each of the other Parties. If discussions between the four Parties fail to resolve the differences, an independent third party may be brought in to assist.

## **6. INTERGOVERNMENTAL REVIEW TEAM**

In support of the principles of joint planning, additional efforts should be made to share information concerning new planning and development initiatives amongst the Parties. In order to demonstrate the commitment to this shared collaborative approach, the Parties have established a Steering Committee comprised of the four chief administrative officers and a technical advisory group comprised of senior planning staff to participate in the review and planning activity, where deemed appropriate by the elected officials or the chief administrative officers (CAO's). The participants should be expected to bring to the table for consideration all aspects of the issues that are of interest or concern to their organizations with a goal to allow the authority having jurisdiction to make a better-informed decision regarding the matter under consideration.

## **7. FIRST NATIONS CONSULTATION**

The Parties recognize that First Nations with an interest in the Comox Valley Regional District wish to assert their aboriginal rights within their traditional territories. Provincial requirements include an expectation for consultation with First Nations during preparation of a growth strategy. The Parties recognize the value of building and maintaining positive relations with all First Nations in the Comox Valley.

## **8. MONITORING AND COMMUNICATION**

Elected officials from the area, including municipal councils, rural directors and first nation leaders should serve as the bodies for monitoring the implementation and effectiveness of the MOU and for communication with respect to the MOU and any issues arising from it. Regular gatherings of elected officials, on at least an annual basis, should be encouraged to promote intergovernmental communication between all of the Parties involved. Regular status reports should be prepared and distributed to all Parties to maintain current knowledge.

## **9. FINANCIAL IMPACTS**

The Parties appreciate that many developments and planning decisions can have impacts that cross municipal borders. Some of these may include financial demands upon the adjacent local government. The Parties agree to investigate, along with the Province of British Columbia, opportunities to seek financial contributions from developments, to be provided to the other jurisdictions to mitigate cross border development impacts, and to bring forward for consideration agreements and other methods of realizing this commitment.

**10. RECOMMENDATIONS FOR ENDORSEMENT**

Electoral Area Services Committee, July 14, 2008

\_\_\_\_\_  
Director  
Baynes Sound (Area ‘A’)

\_\_\_\_\_  
Director  
Lazo North (Area ‘B’)

\_\_\_\_\_  
Director  
Puntledge-Black Creek (Area ‘C’)

Council of Village of Cumberland, July 14, 2008;  
Council of Town of Comox, July 16, 2008; and  
Council of City of Courtenay, July 21, 2008.

As evidenced by their acceptance of this Memorandum of Understanding, the Parties, by their authorized signatories, have executed this document on the dates set out below.

\_\_\_\_\_  
Mayor  
Village of Cumberland

\_\_\_\_\_  
Date

\_\_\_\_\_  
Corporate Officer  
Village of Cumberland

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor  
Town of Comox

\_\_\_\_\_  
Date

\_\_\_\_\_  
Corporate Officer  
Town of Comox

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor  
City of Courtenay

\_\_\_\_\_  
Date

\_\_\_\_\_  
Corporate Officer  
City of Courtenay

\_\_\_\_\_  
Date

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Chair  
Comox Valley Regional District

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Date

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Corporate Officer  
Comox Valley Regional District

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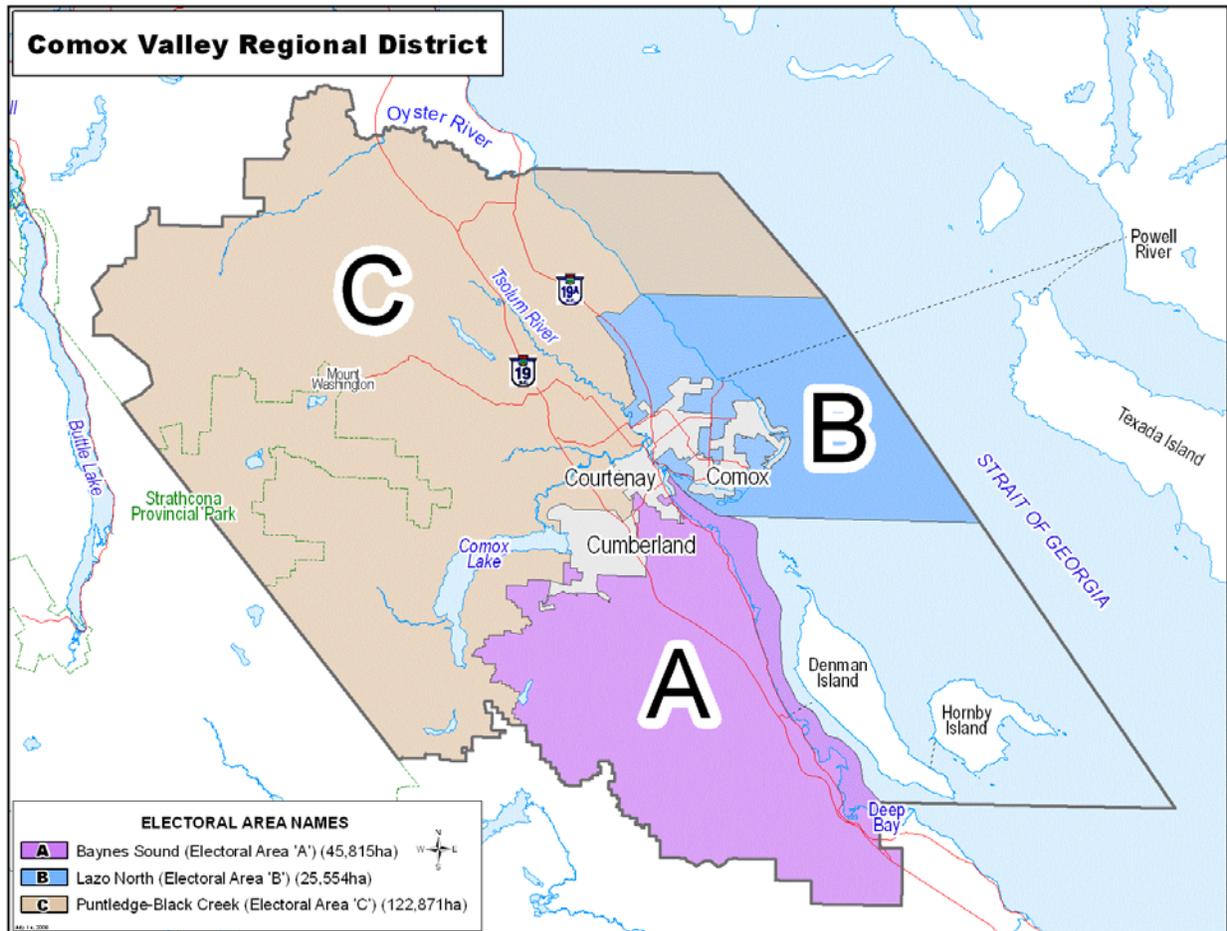
Date

COMOX VALLEY REGIONAL DISTRICT  
REGIONAL GROWTH STRATEGY PROJECT

MEMORANDUM OF UNDERSTANDING

SCHEDULE A

Map of Comox Valley Regional District  
Showing Coverage Area of the MOU



COMOX VALLEY REGIONAL DISTRICT  
REGIONAL GROWTH STRATEGY PROJECT

**MEMORANDUM OF UNDERSTANDING**

**SCHEDULE B**

**A. Land Use**

The Parties recognize the purpose of this document and generally endorse the pillars of sustainability for the preparation of the regional growth strategy, and for guidance in decision-making for other local planning and land use matters. The regional growth approach should focus on urban containment or nodes of development within existing and planned communities, within both the urban and rural areas. Sustainability principles and the desire for compact communities with accessible public spaces and complete services should be the basis for land use planning. The overall goal being sought is to maintain a tight compact form of urban development so as to increase the efficiency of servicing, reduce green house gas emissions and to maintain the rural integrity of the surrounding areas.

The following principles should guide decision-making with respect to land use until adoption of the regional growth strategy or the life of this MOU:

- i) New urban-style developments should be located in existing urban areas. Urban-style developments in new growth areas should only be considered where there is clear support for such development in adopted official community plans, local area plans, or other growth management policies, or official community plans currently in preparation or under review as of the date of this agreement. For major urban-style development proposals that are under discussion as of the date of commencement of this Memorandum of Understanding, the general principles below should also be applied:
- ii) Except as provided in principle i) above, existing non-urban communities should retain their low-density rural character.
- iii) Except as provided in principle i) above, existing non-settlement areas should remain as such. Settlement should be discouraged in existing areas used for agriculture, forest management, timber-harvesting, public and commercial backcountry recreation, and other resource activities;
- iv) Within all areas, sustainability principles should be utilized to conserve open space in order to protect the region's natural environment and cultural heritage;
- v) Within all areas, sustainability principles should be followed to reduce the threat to farm and agricultural lands and to reduce production of green house gases;
- vii) During preparation of the regional growth strategy, preparation of new or amendments to existing official community plans and other local planning documents, should be consistent with sustainability principles

## **B. Boundary Expansions**

The following principles should guide decision-making with respect to planning for boundary expansions until adoption of the regional growth strategy:

- i) Generally, new proposals for boundary expansions should only be considered under extraordinary circumstances to accommodate compact new urban-style developments and communities where such development will have significant impact on infrastructure or community services provided by that jurisdiction;
- ii) A Party proposing a boundary extension should agree to consult with elected officials in the adjacent jurisdictions on matters respecting the proposal, and to give serious consideration to issues raised;
- iii) Planning for any expansions should respect the sustainability principles referenced in the land use section above;
- iv) Boundary expansions may be recommended by any party in response to development proposals in close proximity to their borders.

## **C. Green House Gas Reduction**

Pursuant to recent Provincial legislative changes, all Parties are required to work towards policies and land use decisions that reduce production of green house gases. In order to achieve this, the Parties agree to:

- i) All parties to this agreement are encouraged to sign the Provincial Government-UBCM Climate Change Action Charter and to take steps to help implement the directions in the Charter;
- ii) All initiatives that decrease GHG emissions, and are consistent with respective OCPs, are encouraged (including infrastructure, services, and projects);
- iii) Strive to improve regional transportation options so as to reduce reliance on single-occupancy automobiles in commuter and other local traffic.

## **D. Pillars of Sustainability**

In order to guide the preparation of the regional growth strategy, and to guide other local planning and land use decision-making, consideration will be given to the pillars of sustainability which include the following:

- i) Direct urban forms of development towards existing urban communities (avoiding urban and rural sprawl);
- ii) Build compact, mixed-use neighbourhoods;
- iii) Create walkable and accessible communities;
- iv) Promote a variety of low impact transportation options;
- iv) Priority for transportation should include non-vehicle modes of transportation and increasing the number of housing units on bus routes.
- v) New developments should be designed to support the provision of efficient transit services;
- vi) Advocate a range of affordable housing options;

- vii) Foster distinct, attractive, economically sustainable communities with a strong sense of place;
- viii) Protect and promote responsible stewardship of green spaces and sensitive areas;
- ix) Ensure the integrity of a productive agricultural, aquaculture and forestry land base;
- x) Endorse energy efficient infrastructure;
- xi) Ensure early and ongoing public involvement that respects community values and visions; and
- xii) Seek innovative methods of financing major regional infrastructure systems, regardless of where they are located.

### **E. Principles of Conservation Strategy**

New planning and review of development initiatives should give due consideration to the regional approach for the long-term conservation of lands for ecosystem health and human well-being as defined in the Comox Valley Land Trust - NATURE WITHOUT BORDERS - The Regional Conservation Strategy Phase 1 Report.

#### **Attention should be made to the following key resources:**

- *“A Sustainable Development Strategy for the Comox Valley”*, Holland Barrs Planning Group, Oct 2007
- *“Approaches to Growth Management for Sustainable Communities in the Comox Valley”*, Holland Barrs Planning Group, Feb 2008
- *“SMART Growth Toolkit”*, SMART Growth BC, 2000
- *“Greenhouse Gas Reduction Assessment Guidelines”*, Community Services, BC Government, Feb 2008
- City of Courtenay and Town of Comox Sustainability Checklists
- *Places to Grow* – Province of Ontario
- *Nature Without Borders - The Regional Conservation Strategy Phase 1 Report*– Comox Valley Land Trust

COMOX VALLEY REGIONAL DISTRICT  
REGIONAL GROWTH STRATEGY PROJECT

**MEMORANDUM OF UNDERSTANDING**

**SCHEDULE C**

**Explanation of Terms**

For the purposes of this MOU:

**Community** means an identifiable or distinct settlement of people, living and interacting with one another in a defined geographic area, who may share a common culture, values and norms and similar environmental conditions.

**Settlement** means an area of predominantly residential use at varying densities. These may be either urban or non-urban.

**Urban** means a closely built up settlement characterized by buildings, asphalt, concrete, and a systematic street pattern within an incorporated municipality. Urban areas include residential, commercial, industrial, transportation, communications, utilities, and mixed urban land uses. The extent of urban areas is determined by the existence of or plans for a dense systematic street pattern and the relative concentration of buildings.

**Non-urban** includes any unincorporated or incorporated settlement area that is not urban, and includes small rural communities, serviced residential areas and rural residential areas.

**Rural Communities** means settlements that are closely built up, with a mix of land uses, individual or community water and sewer systems, and a systematic street pattern.

**Serviced Residential** means a settlement that contains primarily residential uses serviced by community water and/or sewer systems.

**Rural Residential** means a settlement that contains dispersed residential uses usually on small acreage parcels which are not serviced by community water or sewer services.

**Non-settlement** means an area predominantly used for agriculture, rangeland, forestry, outdoor recreation or resource extraction uses or areas of undisturbed natural environments. Some sparse settlement and localized, historic subdivisions and large areas of unsurveyed crown land characterize non-settlement areas. Parcel areas are generally greater than 15 hectares (40 acres) in non-settlement areas.

**Neighbourhood** means a local, identifiable area within a settlement area, either urban or non-urban, which has some quality or character, which distinguishes it from other areas.

COMOX VALLEY REGIONAL DISTRICT  
REGIONAL GROWTH STRATEGY PROJECT

**MEMORANDUM OF UNDERSTANDING**

**SCHEDULE D**  
**SUSTAINABILITY CHECKLIST**

**Introduction**

The following approach in considering developments is in addition to that contained within existing official community plans and zoning bylaws in the Village of Cumberland and the Comox Valley Regional District (Courtenay and Comox already have checklists in place):

Proposed developments and the related amendments in the OCP and/or zoning bylaw will only be approved under special circumstances and must comply substantially with the criteria within this section and applicable development permit guidelines. This criterion is established to ensure that the goals and objectives of promoting more sustainable development are satisfied.

**Policies**

1. The criteria in this section will be used to evaluate all proposed amendments to the official community plan and zoning bylaw, applications for exclusion from the ALR, and major development permits.
2. Proposed developments will be considered where it:
  - i) provides substantial benefits to the community and region,
  - ii) will not negatively impact on the area's infrastructure, neighbourhood or environment,
  - iii) supports economic activity consistent with the economic development goals, and
  - iv) meets applicable criteria set out in the OCP where appropriate.
3. All development will be evaluated and compared to the following criteria:
  - i) *Land Use*
    - provides a mix of housing types and sizes
    - balance the scale and massing of buildings in relation to adjoining properties
    - compliments neighbouring uses and site topography
    - provides or supports mixed used developments or neighbourhoods
    - promotes walking to daily activities and recreational opportunities
    - supports a range of incomes
    - positive impact on views and scenery
    - preservation and provision of greenspace trails and landscaping
  - ii) *Building Design*
    - must exhibit high standard of design, landscaping and environmental sensitivity
    - maintain a high standard of quality and appearance

- creates articulation of building faces and roof lines with features such as balconies, entrances, bay windows, dormers and vertical and horizontal setbacks with enhanced colors.
- a project must avoid creating a strip development appearance
- satisfies Leadership in Energy and Environmental Design (LEED) certification (or accepted green building best practices)
- use of environmentally sensitive materials which are energy sensitive or have accepted low pollution standards
- builds and improves pedestrian amenities
- provides adequate parking
- consideration of CPTED (Crime Prevention Through Environmental Design) principles
- promotes accessibility

*iii) Transportation*

- Integration, where possible, into public transit and closeness to major destinations
- provides multi-functional street
- priorities pedestrian and cycling opportunities on the public street system and through the site
- location that can provide an alternative to public road
- provision of or contribution towards trail system, sidewalks, transit facilities, recreation area or environmentally sensitive area

*iv) Infrastructure*

- stormwater techniques designed to reduce run-off, improve groundwater exchange and increase on-site retention
- use of renewable energy sources (i.e. solar, geothermal)
- within serviceable area to adopted standards
- incorporates green and energy efficient components

*v) Character and Identity*

- image along waterfront areas and fronting road
- design quality and variety of features within project (i.e. street furniture, street lights, signs, curb treatments)
- provision of public and private amenity space
- preservation of heritage fixtures
- orientation to views, open space and street

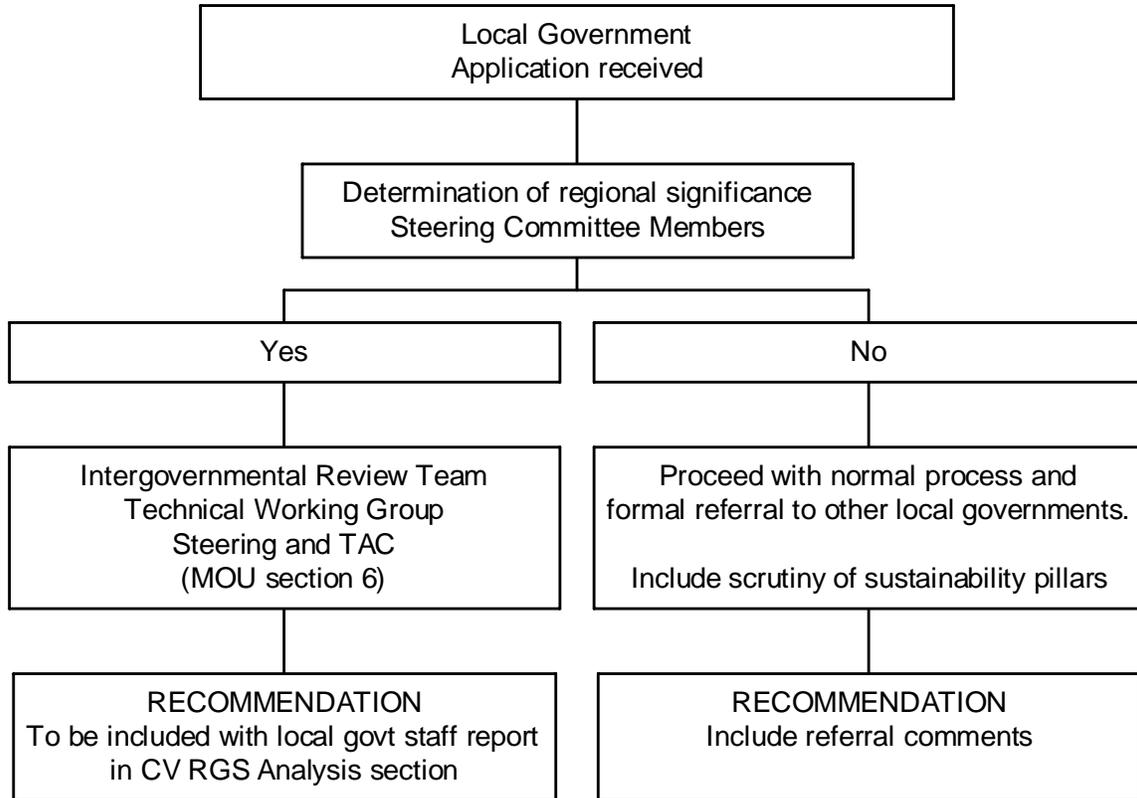
*vi) Environmental Protection and Enhancement*

- protects riparian areas and other designated environmentally sensitive areas
- provides for native species, habitat restoration/improvement
- tree lined streetscape

COMOX VALLEY REGIONAL DISTRICT  
REGIONAL GROWTH STRATEGY PROJECT

**MEMORANDUM OF UNDERSTANDING**

**SCHEDULE E**  
**PROCESS FLOW CHART**



Significant planning initiatives and development proposals may be reviewed through an Elected Officials Forum.