

**DATE:** July 9, 2020

**FILE:** 5330-20/BSSEP

**TO:** Chair and Members  
Comox Valley Sewage Commission

**FROM:** Russell Dyson  
Chief Administrative Officer

Supported by Russell Dyson  
Chief Administrative Officer

***R. Dyson***

**RE: Electoral Area A Connection to the Comox Valley Sewerage Service – Sewer Expansion Bylaw**

**Purpose**

To present the Sewage Service Expansion Principles Bylaw No. 617, 2020 for consideration.

**Recommendation from the Chief Administrative Officer:**

THAT Bylaw No. 617 being the "Sewage Service Expansion Principles Bylaw No. 617, 2020" be considered for readings.

**Executive Summary**

On May 12, 2020, the Comox Valley Sewage Commission reported on a resolution from the February 11, 2020 in-camera Sewage Commission meeting to allow the conveyance of wastewater from portions of Baynes Sound – Denman/Hornby Islands (Electoral Area A) into the Comox Valley Sewerage System (CVSS), for treatment at the Comox Valley Water Pollution Control Centre on Brent Road, and discharge to the environment via the Cape Lazo outfall. A portion of the resolution directed staff to present a non-regulatory bylaw to guide future decision processes for system expansion.

While the decision to accept Electoral Area A wastewater into the CVSS is a very significant step, there are many other decision points required including reviewing governance options and establishing and adopting new bylaws. To clarify the Sewage Commission's intent to treat wastewater from areas south of Courtenay, staff have drafted a bylaw, attached as Appendix A, for consideration. The purpose of the bylaw is not regulatory in nature but rather outlines the principles around the decision, including the environment, economics, social benefits and the greater good of the Comox Valley and the people who live here. The bylaw establishes criteria that will ensure fairness to member municipalities and existing ratepayers and also recognizing the steps and components involved in implementing this decision, including Comox Valley Regional District Board approval, municipal council approvals and partner approvals as needed.

Prepared by:

Concurrence:

Concurrence:

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***M. Rutten***

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**Government Partners and Stakeholder Distribution (Upon Agenda Publication)**

K'ómoks First Nation	✓
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Attachments: Appendix A – “Sewage Service Expansion Principles Bylaw No. 617, 2020”

# Appendix A

## COMOX VALLEY REGIONAL DISTRICT

### BYLAW NO. 617

#### **A bylaw to establish the criteria, principles and process for expansion of the Comox Valley Sewerage Service to portions of Electoral Area A**

**WHEREAS** the Comox Valley Regional District operates a service for the interception, treatment and disposal of sewerage, historically provided for in the City of Courtenay and Town of Comox and by way of partnership to the Department of National Defence and K'ómoks First Nation at its reserve lands along Comox Road;

**AND WHEREAS** the Sewage Commission acknowledges the importance of expanding the areas that receive sewage interception, treatment and disposal to provide for environmental protection and fiscal responsibility to include portions of Electoral Area A (Baynes Sound – Denman/Hornby Islands);

**NOW THEREFORE** the Board of the Comox Valley Regional District in open meeting assembled enacts as follows:

#### **Commitment**

1. The Comox Valley Regional District, through the Board by way of adopting this bylaw and through the Sewage Commission by way of delegated authority for operations and administration of the service, commits to providing for sewer interception, treatment and disposal for lands south of the City of Courtenay and will follow the tenets of this bylaw and future legislative and regulatory opportunities and requirements to deliver on this commitment. This bylaw is an interim component of the larger process to amend bylaws and obtain other approvals throughout the process.

#### **Criteria**

2. The City of Courtenay and the Town of Comox are the existing participants in the sewerage service as of June 2020. The City and Town each appoint three elected officials to the Sewage Commission, plus the Department of National Defence appoints one member from Canadian Forces Base Comox. The composition and structure of the Sewage Commission is important to the members. Any changes to the composition and structure must contemplate the resulting shifts in authority or decision-making and be done with the support of the existing members.
3. To reflect the important contribution and investments made by the sewer service's current participants, expenditures made by the current participants will not subsidize the addition of any new participating areas or partners to the service. Expanding the participating areas beyond the current participants must only be done when those new areas are responsible for their fair share of existing and new infrastructure.
4. A financial contribution from Electoral Area A (Baynes Sound – Denman/Hornby Islands) has been accepted by the Sewage Commission and is reflective of Electoral Area A's fair share of existing infrastructure.

5. The costs of new infrastructure required for extension of sewer service south will be paid for by Electoral Area A (Baynes Sound – Denman/Hornby Islands), grants and through funding agreements with other land developers and owners who will benefit from the extension.

### **Principles**

6. The Sewage Commission and Comox Valley Regional District Board recognize and support the following principles in considering this bylaw and the eventual expansion of sewer services, described in this bylaw:
  - (1) Environment: Recognizing the critical importance that is placed on environmental values in the Comox Valley, a collaborative approach to sewage management can protect, preserve and enhance the land base and marine environment.
  - (2) Economics: Providing public services, such as sewage interception, treatment and disposal, must be done in cost effective means as to be affordable for residents, businesses and property owners, while balancing the importance of a successful and progressive economic base, which is often supported by the natural environment (for example the aquaculture industry in Baynes Sound or tourism in general).
  - (3) Social: While balancing the environmental and economic impacts related to service delivery, consideration is also given to the costs and benefits that are placed upon residents, home and business owners and visitors during today and tomorrow.
  - (4) One Comox Valley: Despite the long-standing investment and operations of the existing sewerage treatment system, the Sewage Commission recognizes the importance of considering its actions and decisions in the broader context of the entire Comox Valley.

### **Process**

7. Various instruments are available to the Comox Valley Regional District and Sewage Commission to implement the changes required to expand sewage interception, treatment and disposal services beyond the current arrangement.
8. Instruments include amendments to service establishment bylaws, new bylaws, memorandums of understanding, legally-binding agreements and letters of incorporation.
9. The required instruments will be fully defined at a time when the parties are in a position to expand the services provided.
10. Related approvals for bylaws, agreements and other instruments will be sought, in accordance with legislated requirements, including Comox Valley Regional District Board approval, municipal council approvals and partner approvals as needed.
11. As a means of illustrating collaborative and meaningful relations amongst the parties, information will be shared as best as possible to keep all parties current and equitably knowledgeable on the process, implications and potential outcomes as decisions are being considered and project milestones are approached.

**Citation**

This Bylaw No. 617 may be cited as the "Sewage Service Expansion Principles Bylaw No. 617, 2020".

<b>Read a first and second time this</b>	<b>day of</b>	<b>2020.</b>
<b>Read a third time this</b>	<b>day of</b>	<b>2020.</b>
<b>Adopted this</b>	<b>day of</b>	<b>2020.</b>

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Chair

\_\_\_\_\_  
Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 617 being the "Sewage Service Expansion Principles Bylaw No. 617, 2020" as adopted by the board of the Comox Valley Regional District on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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Corporate Legislative Officer