

**CORPORATION OF THE CITY OF COURTENAY  
COUNCIL MEETING AGENDA**

**DATE:** Monday, January 21, 2013  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

---

**1.00 ADOPTION OF MINUTES**

1. Adopt January 14, 2013 Regular Council Meeting Minutes

**2.00 INTRODUCTION OF LATE ITEMS**

**3.00 DELEGATIONS**

1. Matthew Wright, Update on the BC Shellfish Industry
2. Jim Stewart, Deputy Assessor, V.I. Region, BC Assessment Authority re: Revitalization Legislation
3. Brock Enderton, Standard Land re: Rogers Cell Phone Tower (see pg#75)
4. Dale Roberts re: Old House Variance (see pg#11)
5. Tom Moore re: OCP/Rezoning, 2525 Mission Rd (See pg#45)

**4.00 COMMITTEE/STAFF REPORTS**

**(a) Community Services**

- 3 1. Regional Play Field Project – Artificial Turf Field

**(b) Development Services**

- 7 2. Regional Growth Strategy Funding of Implementation and Monitoring Plan
- 11 3. Development Variance Permit No. 1205 – 1760 Riverside Lane
- 45 4. OCP/Zoning Amendment – 2525 Mission Road
- 75 5. Proposed Telecommunications Tower – 2931 Moray Avenue

**(c) Operational Services**

- 111 6. Subdivision Servicing Agreement – 388 Lerwick Road
- 123 7. Development Cost Charges Status Report

**5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION**

- 129 1. Police Report for December, 2012

**6.00 REPORTS FROM COUNCIL REPRESENTATIVES**

**7.00 RESOLUTIONS OF COUNCIL**

1. In Camera Meeting

That under the provisions of Section 90(1)(e) of the *Community Charter*, notice is hereby given that a Special In-Camera meeting closed to the public, will be held January 21, 2013 at the conclusion of the Regular Council.

**8.00 UNFINISHED BUSINESS**

**9.00 NOTICE OF MOTION**

**10.00 NEW BUSINESS**

- 131 1. Correspondence from CVRD re: 2013 Comox Valley Water Committee Voting Structure

**Recommendation:**

*“That the letter from the Comox Valley Regional District regarding weighted water votes be received; and*

*That the following distribution of weighted votes for City of Courtenay directors on the Comox Valley Water Committee for 2013 be as follows:*

<i>Councillor Winchester</i>	<i>2 votes</i>
<i>Councillor Ambler</i>	<i>2 votes</i>
<i>Councillor Theos</i>	<i>2 votes</i>
<i>Councillor Anglin</i>	<i>1 vote</i>

*And further that this information be provided to the Comox Valley Regional District.*

**11.00 BYLAWS**

**For First and Second Reading**

- 142 1. “Official Community Plan Amendment Bylaw No. 2722, 2013”  
(land use designation change from Industrial to Commercial Uses)
- 144 2. “Zoning Amendment Bylaw No. 2723, 2013”  
(CD-24 Zone – 2525 Mission Road)

### **For Final Adoption**

- 150 1. “Zoning Amendment Bylaw No. 2703, 2012”  
(to remove subsection 37 from C-2 Zone to permit the subdivision and development of 388 Lerwick Road)
- 152 1. “Official Community Plan Amendment Bylaw No. 2735, 2012”  
(to include a regional context statement consistent with the RGS)

### **For Third Reading After Public Hearing**

- 159 1. “Zoning Amendment Bylaw No. 2731, 2013”  
(to allow a secondary suite within an existing single residential dwelling)

### **12.00 COUNCIL MEMBER ROUND TABLE**

### **13.00 ADJOURNMENT**

**Please note that there is a Public Hearing scheduled for 5:00 p.m. in relation to Zoning Amendment Bylaw No. 2731 (Secondary suite Mallard Drive)**

DELEGATION JAN. 21

**Ward, John**

---

**From:** Matthew Wright [matt@bcsga.ca]  
**Sent:** November-28-12 9:41 AM  
**To:** Ward, John  
**Subject:** Re: Council Meeting

We aren't seeking a resolution or anything, we would just like to give an update on the BC shellfish industry in the Comox Valley.

Thanks,

Matthew

On Wed, Nov 28, 2012 at 9:38 AM, Ward, John <jward@courtenay.ca> wrote:

Hi Matthew. What is the topic of your presentation?

Thanks

John

---

**From:** Matthew Wright [mailto:matt@bcsga.ca]  
**Sent:** November-28-12 9:36 AM  
**To:** Ward, John  
**Subject:** Council Meeting

Hi John,

We would like to appear as a delegation in front of council, preferably on Dec. 10 and am wondering how to go about setting this up.

---

Thanks for your time,

Matthew





# THE CORPORATION OF THE CITY OF COURTENAY

## REPORT TO COUNCIL

FILE #: 1971-20

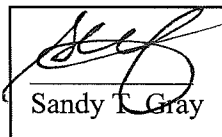
FROM: Director of Community Services

DATE: January 14, 2013

**SUBJECT:** Regional Play Field Project- Artificial Turf Field – Vanier Secondary School Site

### C.A.O. COMMENTS/RECOMMENDATIONS:

That the recommendation of the Director of Community Services be accepted.



Sandy T. Gray

### RECOMMENDATION:

That the City of Courtenay contribute approximately \$860,000 from the sale of City property to Vancouver Island Health Authority (VIHA) for use for a Hospital site, to a regional play field project, which is now identified as a singular artificial turf field at Vanier Secondary School;

That the City endorses the single field project conditional on the following:

- Budget approval at the Comox Valley Regional District;
- All subjects from the VIHA sale agreement are satisfied;
- A user agreement between School District 71, Comox Valley Regional District, an Comox Valley United Soccer being formalized;
- A maintenance agreement and capital replacement agreement between all jurisdictions and respective parties being formalized; and

That a project committee with representatives from each jurisdiction and Comox Valley United Soccer be established to oversee the project development and to coordinate the implementation of the use and maintenance agreements.

### PURPOSE:

To endorse the regional play field project to be located at Vanier Secondary School

### BACKGROUND:

In June, 2012 Council resolved to rise and report the following in camera resolution “That should the City property adjacent to the proposed hospital site be sold, Council agrees that the net proceeds be invested into regional recreation infrastructure”.

Council’s intention is that all net proceeds from the sale of this property be invested into an alternate regional playfield.

Comox Valley United Soccer has been working for several years with the Comox Valley Regional District and the City of Courtenay in the development of an artificial turf field. In

2011, their proposal for two fields at Valley View Park at a cost of 4.4 million was not approved by council. The soccer club has continued to fund raise and have recently presented the Comox Valley Regional District and School District 71 with a new proposal, which is a singular artificial turf field to be located at Vanier Secondary School with an estimated project cost of \$1.44 million (including capital equipment and escalation costs).

### **DISCUSSION:**

Staffs from the Comox Valley Regional District, City of Courtenay, School District 71, Town of Comox and representatives from Comox Valley United Soccer have had several meetings to discuss the project. As the project is on School District 71 property, the School District and Comox Valley Regional District would be the main partners in the project. Comox Valley United Soccer has made a financial commitment of 400,000 cash to the project. The City of Courtenay would be responsible for the ongoing booking of the field as they currently book all fields within Courtenay. School District 71 would be responsible for the maintenance of the field.

All parties would contribute to the ongoing maintenance and replacement costs. A draft use and maintenance principals document is attached. The project will be constructed in 2014.

### **FINANCIAL IMPLICATIONS:**

Funding and coordination of the project would run through and be managed by the Comox Valley Regional District as a regional playfield project. The project budget plan will be presented in the 2013- 2017 Comox Valley Regional District 5 year plan for discussion by the Board.

Based on sourcing capital funding for the project from both the \$860,000 in net sale proceeds of the Mission Playfield property, and the \$400,000 contribution from the Comox Valley Soccer Club, the impact for taxpayers is projected to be minimal.

### **STRATEGIC PLAN REFERENCE:**

An Active community with cultural and recreational opportunities

-3. Promote healthy lifestyles

- a) determine solutions to hospital/City owned playfield issue
- b) explore the development of an artificial turf field

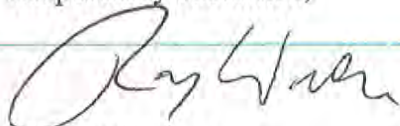
### **OCP SUSTAINABILITY REFERENCE:**

Promote health and wellness for all residents:

- Work in partnership with local governments to promote initiatives and activities that support a high quality of life for all residents.

### **REGIONAL GROWTH STRATEGY REFERENCE:**

Respectfully submitted,



Randy Wiwchar  
Director of Community Services



Tillie Mantney BA, CGA  
Director of Financial Services/Deputy CAO

## Joint Use and Maintenance Agreement Summary - DRAFT

### 1. Initial Capital Cost

- a. Similar to the running track agreement, SD71 would be the “owner” of the final sports field.
- b. The Regional District would be the party to enter into the agreement with SD71, as they represent the City of Courtenay and the Town of Comox on such ventures.
- c. The capital cost will include the field, necessary equipment to maintain the field, and all equipment required.
- d. SD71 will contribute the land to the initial capital cost – no money.
- e. Regional District will work with the Soccer Association to finalize their capital contribution (likely \$400,000).

### 2. Ongoing Maintenance

- a. Total annual maintenance cost estimated at \$15,000.
- b. 50/50 cost sharing between the Regional District and SD71 – likely SD71 would be people-power from the Operations Department.
- c. Soccer Association would not pay for maintenance if they provided a \$400,000 capital injection.
- d. Any rental revenues received during the year would be used to offset the annual maintenance costs.

### 3. Access to the Site

- a. City of Courtenay would manage field books (as they do for other fields).
- b. SD71 reserved access on school days during from 7:30 am to 5:30 pm.
- c. Soccer Association priority booking after school hours
- d. Adult and other bookings (for a fee) when available.
- e. SD71 would manage our own access to the field (i.e. other schools may want access for their extra-curricular programs).

### 4. Future Capital Repairs

- a. Expected life of the field is 20 to 22 years, with a major mid-life upgrade to the field turf year 10-12.
- b. Mid-life capital cost estimated between \$400,000 and \$500,000.
- c. 50/50 cost sharing of “net final cost” between Regional District and SD71 – same agreement as with the track.
- d. SD71 is not committed to a future replacement when the entire field needs replacement (20 to 22 years out).

The Soccer Association would be asked to sign a sub-agreement to the contract. It would provide:

1. Quantify their capital contribution (\$400,000 expected);
2. Define the priority booking rights;
3. Establish a 10-year term;
4. Provide for a renewal of the term, on the same terms and conditions, if they contributed \$125,000 to the mid-life capital upgrade required; and,
5. Address all legal issues such as insurance, indemnification, etc.



2

# THE CORPORATION OF THE CITY OF COURTENAY

---

## REPORT TO COUNCIL

---

**FILE #:**

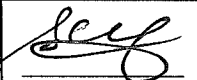
**FROM:** Development Services Department

**DATE:** January 15, 2013

**SUBJECT:** Regional Growth Strategy  
Funding of Implementation and Monitoring Plan

**C.A.O. COMMENTS/RECOMMENDATIONS:**

That the recommendation of the Director of Development Services be accepted.



Sandy T. Gray

**RECOMMENDATION:**

That Council receive the attached report for information and consider requesting a more defined financial plan and work program from the Regional District to reflect implementation activities identified in this report.

**PURPOSE:**

To review a proposed financial plan and work program for the Regional Growth Strategy (RGS) for 2013.

**BACKGROUND:**

In a letter dated December 3, 2012 from the Comox Valley Regional District, the City was provided a preliminary financial plan and work program for the Regional Growth Strategy for 2013. This is an ongoing program to monitor and implement the Regional Growth Strategy as well as prepare an annual report.

The proposed work program for 2013 includes:

- completion and adoption of RGS implementation MoU (*Part 25, Section 868, LGA*)
  - Intergovernmental Growth Management
  - Ministry of Transportation and Infrastructure
  - K'omoks First Nation
- support and review of regional context statements for the Village of Cumberland and the City of Courtenay (*Part 25, Section 866, LGA*)
- RGS monitoring and evaluation program (*Part 25, Section 869(1)(a), LGA*)
- RGS annual report (*Part 25, Section 869(1)(b), LGA*)
- review of CVRD bylaws and local government land use bylaws for RGS compliance (*Part 25, Section 865, LGA*)
- process RGS minor amendment and RGS amendment applications

The proposed budget for 2013 is \$125,814.00 which is a reduction from the 2012 budget of \$167,280.00 as it reflects a transfer from completion of the RGS to monitoring. The 2014-2017 financial plan shows a minor increase in the annual requisition for the purposes of building a reserve for a five year review of the RGS. The reserve fund had a \$54,822.00 contribution in 2011, \$63,980.00 in 2012 and the proposal is \$30,000.00 in 2013. This is identified by the Regional District to build to \$182,000.00 by 2016. The requisition request from the City for 2013 is \$28,610.00 which remains the same as 2012. The requisition request forecasted for 2014-2017 for the City is set at \$31,379.00.

## **DISCUSSION:**

The RGS is a document that establishes a high level vision for the desired future of the Region and sets the basic planning policies and actions. As it is a vision statement as compared to an active land use regulatory document such as an Official Community Plan or zoning bylaw, monitoring on an annual basis should be limited.

The work plan and budget presented to the City includes several items that are reviewed below:

### **1. Adoption and Management of RGS Implementation Agreement**

The City reviewed this as part of the inclusion of a Regional Context Statement in the Official Community Plan. The OCP establishes the principles and policies to be followed by council in the implementation of the RGS and the sharing of information within the Comox Valley Regional District occurs on a regular basis. It was concluded that entering into an implementation agreement would be an unnecessary expense to the City and it would be redundant to the existing practices of the City. Successful implementation will depend on the actions of all the participants of the RGS through the amendments to individual land use bylaws and policies. **One of the principles underlying the legislation for the adoption of an RGS was not to create further layers of administration or costs.** The budget includes \$35,000.00 for professional fees to prepare implementation agreements. This would not appear to be required.

### **2. Review of Regional Context Statements**

The Regional Context Statement for the City's OCP has been prepared by City staff and the process for consideration of adoption is proceeding. Again, any reviews by Regional District staff would be minimal.

### **3. Establish a Monitoring Evaluation Program and Prepare Annual Report**

As previously stated, monitoring a document that is more visionary in scope should be limited. Information on types and levels of activities for the City are prepared by City staff and submitted to the Regional District for presentation to the Regional Board.

### **4. Review of CVRD Bylaws (*Section 865*)**

*Section 865* of the Local Government Act pertains to the requirement of the Regional District to conform to the Regional Growth Strategy. This would include primarily bylaws applicable to Electoral Areas and therefore should not be an expense to the municipalities. We await the Regional District to adopt amending bylaws to the Electoral Areas Official Community Plans and Zoning Bylaw for consistency with the RGS.

## **5. Five Year RGS Review**

The Local Government Act states that a review must be considered once every five years. It is not a requirement for a mandatory review and this type of decision is typically made by the Regional Board nearing the conclusion of the five years based on the experience of working with the RGS.

A budget has been proposed at \$182,000.00 with \$118,802.00 being put in a reserve fund to date. The 2013 proposed budget includes a contribution of \$30,072.00 to this reserve fund. A future Regional Board will need to decide if a five year review is required and the extent of such review.

## **6. Process RGS Amendment Applications**

Over time amendments to the RGS may occur however it is expected that this will not be a regular occurrence.

### **FINANCIAL IMPLICATIONS:**

Requisition request is for \$28,610.00 in 2013 to increasing \$31,379.00 on an annual basis for 2014-2017.

### **STRATEGIC PLAN REFERENCE:**

N/A

### **OCP SUSTAINABILITY REFERENCE:**

N/A

### **REGIONAL GROWTH STRATEGY REFERENCE:**

Part 5 of the RGS sets out the tools and partnerships that would implement the RGS and a strategy to monitor its performance.

### **SUMMARY**

In summary, there are several items in the proposed financial plan and work program that would not appear to be required and therefore a further review may better define the budget and work program required.

Respectfully submitted,



Peter Crawford, MCIP  
Director of Development Services





3

THE CORPORATION OF THE CITY OF COURTENAY

REPORT TO COUNCIL

FILE #: 3090-20-1205

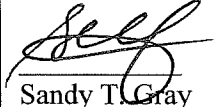
FROM: Development Services Department

DATE: January 17, 2013

**SUBJECT: Application for Development Variance Permit  
Lot 2, Section 68, Comox District, Plan VIP8228  
1760 Riverside Lane**

**C.A.O. COMMENTS/RECOMMENDATIONS:**

That the recommendation of the Director of Development Services be accepted.



Sandy T. Gray

**RECOMMENDATION:**

That Development Variance Permit No. 1205 to vary section 8.14.5 (3) of *Zoning Bylaw 2500, 2007* to reduce the side yard setback from 4.5 metres to 3.1 metres be issued for the property legally described as Lot 2, Section 68, Comox District, Plan VIP8228 (1760 Riverside Lane) subject to conformance with the plans and drawings in Attachment No. 2; and

That in accordance with the provisions of Section 910(5) of the *Local Government Act*, the proposed addition outlined in Attachment No. 2 is exempt for the minimum flood construction level specified in *City of Courtenay Floodplain Management Bylaw No. 1743, 1994* subject to the registration of a covenant under section 219 of *The Land Title Act* to ensure the addition is constructed in accordance with the recommendations outlined in the Lewkowich Engineering Associates Ltd report dated December 13, 2012 and that the applicant saves harmless the City from any claims for flood damage or injury.

**PURPOSE:**

The purpose of the application is to consider a variance to the minimum required side yard to permit a kitchen addition to the Old House and to grant an exemption to the minimum flood construction level for the addition.

**BACKGROUND:**

The Old House building was originally construction in 1938 as a residence for the Kirk family and was converted to a restaurant in 1975. As a classic Arts and Crafts building with historical significance it was put on the City's Heritage Registry in 2009. The restaurant has had various tenants over the years and briefly recovered from a fire in November 2011, however it closed permanently in early 2012.

**DISCUSSION:**

The property is zoned Multiple Use Two (MU-2) zone and requires a minimum side yard setback of 4.5 metres. The existing north/west side of the building is located with a 3.1m side yard setback and is legally non-conforming. Pursuant to section 911 of the *Local Government Act* buildings with non-conforming setbacks may only be maintained, extended or altered to the extent that the addition does not increase the degree of non-conformity. As seen in the attached

plans the addition is extending the non-conforming building wall. Accordingly a variance is required.

The subject site is located within the Courtenay River Floodplain and the existing building is sited below the minimum floor elevation. As the proposal is to move the existing kitchen from the second floor to have a single storey restaurant which is more economical and practical the new addition is proposed below the minimum flood construction level.

In general, staff do not support new construction below flood elevations, however section 910(5) of the *Local Government Act* authorizes Council to grant an exemption where: the exemption is consistent with Provincial regulations; a report has been received for a geotechnical engineer indicating that the land may be safely used for the intended use; and the property owner has entered into a covenant under section 219 of the *Land Title Act*.

Section 4.6 of the Provincial *Flood Hazard Area Land Use Management Guidelines* (attached for information) deals with additions to existing buildings. This provision considers it acceptable to allow an addition at an original non-conforming floor elevation if the addition is less than 25% of the existing floor area and the degree of non-conformity related to setbacks is not increased. In this instance the regulation is referring to a floodplain setback and not the side yard setback discussed above. The proposed 69 square metre addition represents a 22% increase in total floor area.

The applicant has provided a report from Lewkowich Engineering Associates Ltd. that indicates the site is safe for the use intended (commercial kitchen) and provides the conditions under which this certification is given. This report will form the basis of a covenant requiring the owner to only construct the addition in accordance with the terms and conditions contained in the report. The owner will also be required to save harmless the City from all claims related to damage or injury resulting from flooding. Should Council approve this exemption, the new covenant will replace an existing one from 1987 that prohibits new construction with an elevation less than 10.5 feet without the written consent of the City.

In accordance with the exemptions found in Section 8 of the OCP a form and character development permit is not required as the addition is less than 25% of the existing floor area. However, as a designated heritage building the design will be reviewed by the Heritage Advisory Commission for comment prior to building permit. In general, the design of the addition borrows elements, including recycled windows and matching singles, from the existing building but it has a more modern feel. The two angles of the shingle siding are designed to match the steep roof pitch of the existing building.

The applicant held a neighbourhood public meeting on January 16<sup>th</sup> and three people attended with no major concerns. The applicant has provided an overview of the meeting and e-mail correspondence with various property owners. Notices have been sent to all property owners within 30m of the development property. Staff will bring forward any additional feedback received prior to Council consideration.

Overall the neighbourhood is generally supportive of the proposal, however, concern has been expressed that the addition is immediately adjacent to the swimming pool/spa area of the adjacent Old House residential/hotel building. In this regard, it was noted that there may be odours from the kitchen exhaust and noise from the new kitchen door opening on the side of the building negatively impacting the adjacent property. The attached correspondence includes the applicant's response to these concerns. It is noteworthy that the proposed use is not new to the property and is permitted within the current Multiple Use Two (MU-2) zoning. The application before Council is to consider a relaxation in setback, not a change in use. In the opinion of Staff the 1.4m (4.5ft) relaxation is relatively minor in the scope of these concerns and what is

otherwise permissible.

Staff feel the new addition is minor in nature and will serve to increase the usability of the building with little new impact on the adjacent property. Additionally, the applicant has provided sufficient support to meet the requirements for floodplain exemption outlined in section 910 of the *Local Government Act*. Accordingly, staff recommend approval of both the floodplain exemption and setback variance.

**FINANCIAL IMPLICATIONS:**

NA

**STRATEGIC PLAN REFERENCE:**

NA

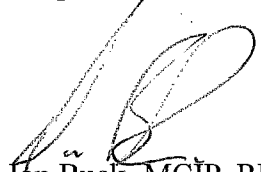
**OCP SUSTAINABILITY REFERENCE:**

NA

**REGIONAL GROWTH STRATEGY REFERENCE:**

NA

Respectfully submitted,



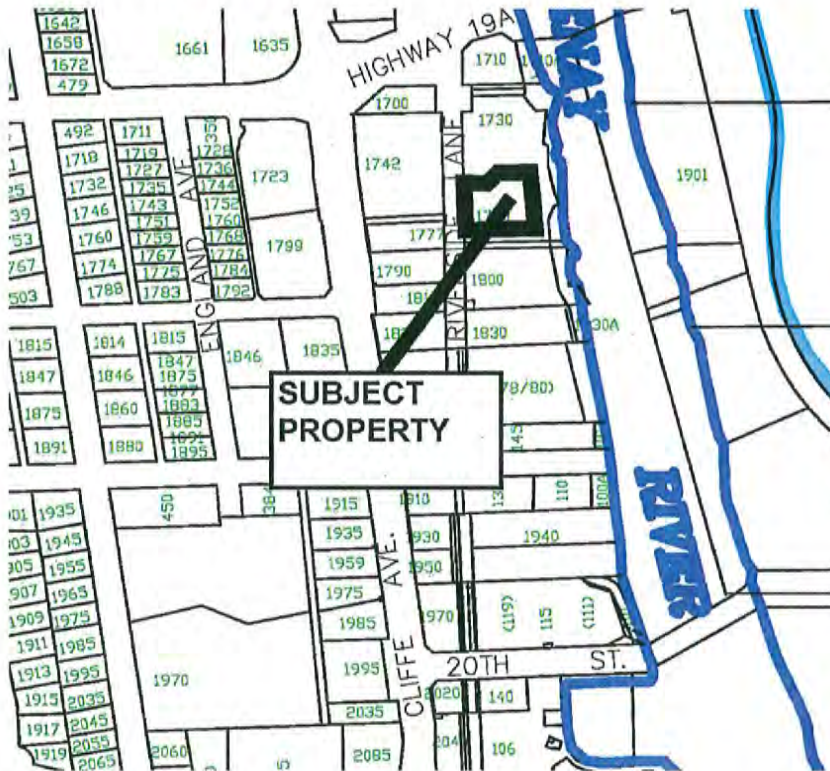
Ian Buck, MCIP, RPP  
Manager of Planning



Peter Crawford, MCIP, RPP  
Director of Development Services

Attachments: Reference Information  
Application Drawings  
Geotechnical Report  
Section 4.6 of Provincial Flood Hazard Area Land Use Management Guidelines  
Correspondence from Neighbourhood

REFERENCE INFORMATION:



**Applicant:** Riverhouse Enterprises Ltd.  
**Owner:** Riverhouse Enterprises Ltd.  
**Location:** 1760 Riverside Lane  
**Legal Description:** Lot 2, Section 68, Comox District, Plan VIP82228  
**Zoning Bylaw:** Current Zoning MU-2

Required Side Yard Setback 4.5m  
Proposed Side Yard Setback 3.1m

**Adjacent Land Uses:**

- Commercial to West
- Commercial/Residential to North and South
- Courtenay River to East

Riverhouse Enterprises Ltd.  
3650 South Island Highway  
Courtenay, BC  
V9N 9T6

December 18, 2012

City of Courtenay  
Planning Services  
830 Cliffe Avenue  
Courtenay, BC  
V9N 2J7

Dear Sirs/Mesdames:

Re: Development Variance and Flood Plain Bylaw Variance Application for 1760 Riverside Lane

I am one of the directors of Riverhouse Enterprises Ltd. and we wish to receive relief from two bylaws in order to build a small addition on to the north corner of our building at 1760 Riverside Lane which has housed a restaurant, formerly known as the "Old House" since the mid 1970s.

In support of these requests, I have enclosed the following:

1. Development Application Schedule 6A
2. Riverhouse Enterprises Ltd. Corporate Summary (confirming my status as a director)
3. An up to date title search and copies of the restrictive covenant and reciprocal easement as noted on that title
4. A survey of the property completed on November 8, 2012 by Hoerburger Land Surveyors showing the proposed location of the addition and geodetic elevations
5. A Flood Hazard Assessment prepared by Geotechnical Engineer Darron Clark of Lewkowich Engineering Associates Ltd.
6. A copy of the letter of support from the Old House Village Hotel and Spa previously received by the planning department.

A design drawing has been prepared by Martin Hagarty Architect. Those designs and a PDF of the geotechnical report will follow by email.

We are asking the City of Courtenay to vary the effects of two bylaws in regard to the proposed addition- Zoning Bylaw 2500, section 8.14.5 and Flood Plain Bylaw 1743.

In regard to Zoning Bylaw 2500, MU2 zoning requires a side yard setback of 4.5 metres. The existing building became non-conforming in 2006 as a result of the subdivision of Lot A, Section 41 and 68 Comox District Plan VIP75820 which left the building with a side yard setback of 3.1 metres. We are proposing to follow the line of the existing building and maintain the same 3.1 metre setback for the addition.

In regard to Flood Plain Bylaw 1743, the existing building does not conform to Part 4 (a) i and v which requires flood construction level at 2.3 metres above the 200 year recurrence interval. According to the geotechnical report, the existing building sits at .3 metres below the 200 year recurrence interval. We are proposing to build the addition at the same height as the existing lower floor. The geotechnical report recommends that any building below the 200 year floodplain contain no habitable space, permanent critical moisture sensitive systems, equipment or data storage below the 200 year floodplain. The addition will be for use as a kitchen. No electrical services will be located below the 200 year floodplain, the building to that level will be concrete in construction and the equipment that will be sitting on the floor will be stainless steel and not easily damaged by moisture.

We are asking council to allow this addition at the same elevation as the existing ground floor based on the following reasoning:

1. Without this addition, a piece of very usable commercial property will sit vacant and not contributing to the local economy.
2. The existing building has been on the site since 1936, originally as a residence and, since 1974, as a restaurant, including a kitchen on this level for much of that time. There is no change in use and little or no increase in risk.
3. This is an iconic structure in the Comox Valley. Allowing this addition to proceed will ensure that it continues in use for many years to come rather than succumbing to the fate of many of the older buildings in Courtenay that have disappeared in various commercial developments.
4. As has been demonstrated over the past few years, the existing building is too large and the kitchen improperly located for the entire building to easily accommodate a successful restaurant operation. Relocating the kitchen to the lower floor will allow the building to once more accommodate a successful restaurant in a unique building and site. We have investigated other alternatives and this proposal is the most feasible.
5. The Old House Village Hotel is strongly in support of the proposal.

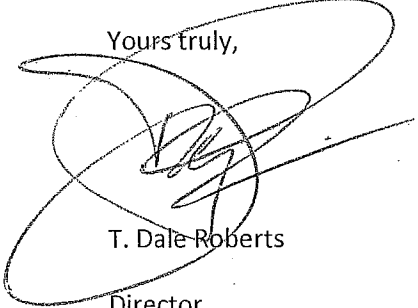
---

6. We are willing to construct berms or retaining walls (or a combination) at the perimeter of our property to reduce the flood risk.

In addition, we would ask that the requirement for a public hearing be waived, since the only property within 30 metres has submitted a letter of support for the project.

Thank you for considering these applications and expediting the process to allow the new tenant to open as soon as possible.

Yours truly,

A large, stylized handwritten signature in black ink, appearing to read 'T. Dale Roberts', is written over the 'Yours truly,' text.

T. Dale Roberts

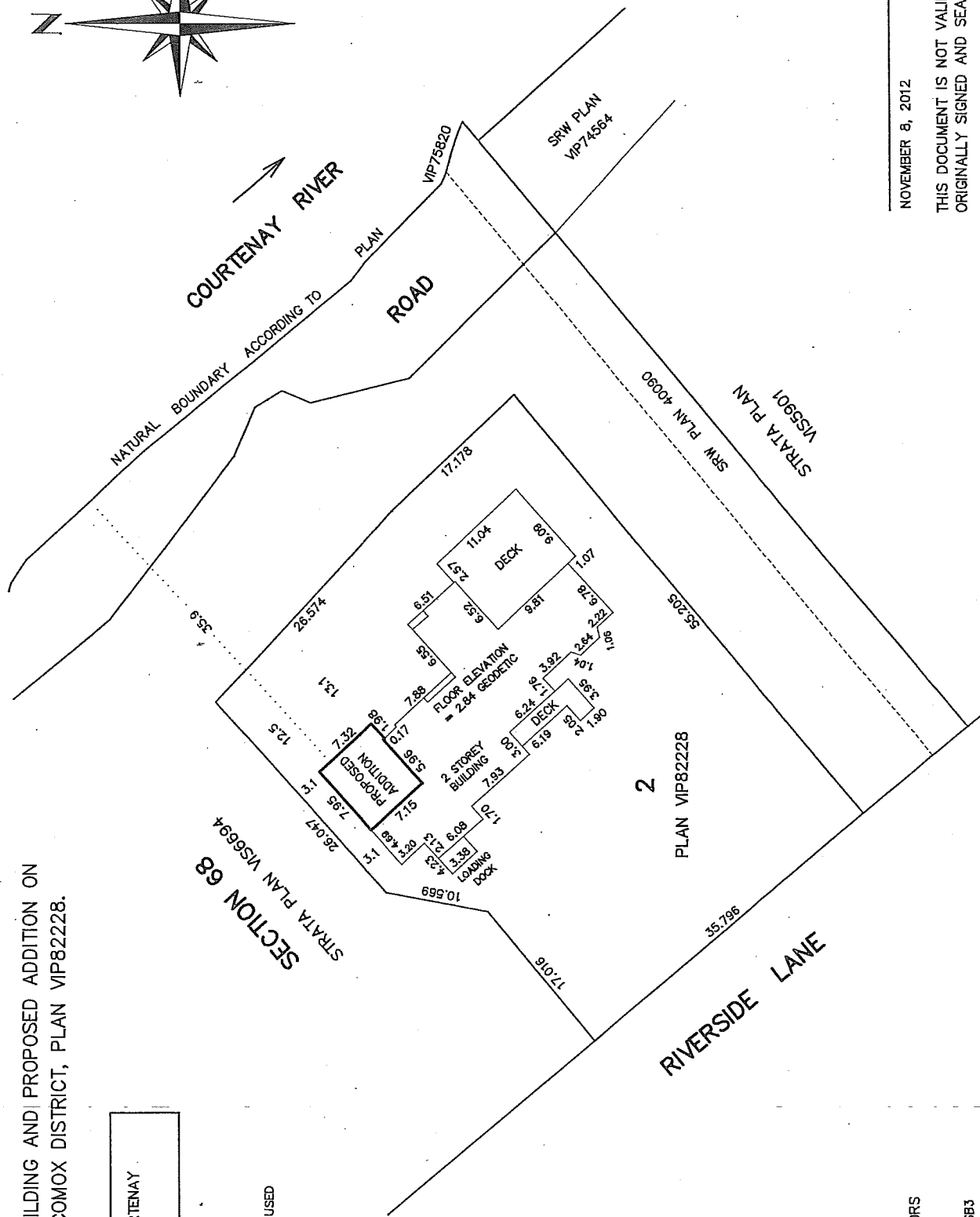
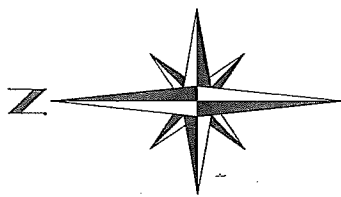
Director



PLAN OF EXISTING BUILDING AND PROPOSED ADDITION ON LOT 2, SECTION 68, COMOX DISTRICT, PLAN VP822228.

1760 RIVERSIDE LANE, COURTENAY  
SCALE 1 : 400 (METRIC)

NOTES:  
OFFSETS SHOWN ARE NOT TO BE USED FOR DEFINING LOT BOUNDARIES.



NOVEMBER 8, 2012 B.C.L.S.  
THIS DOCUMENT IS NOT VALID UNLESS  
ORIGINALLY SIGNED AND SEALED

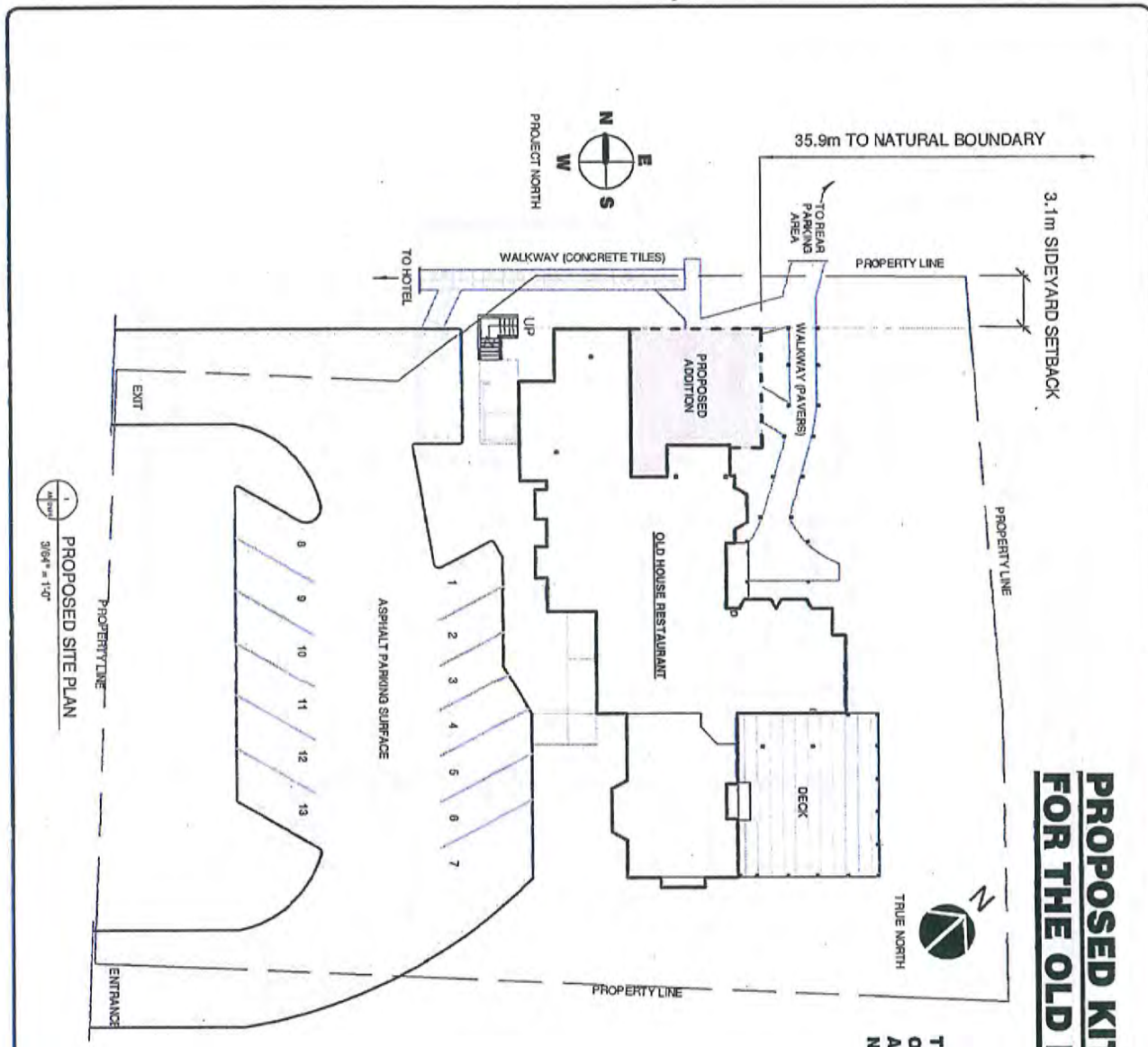
HOERBURGER LAND SURVEYORS  
COMOX, B.C.  
(250) 890-0100  
FILE: 1616CRT1 FB: 66/12 USB3

# CITY

## PROPOSED KITCHEN ADDITION FOR THE OLD HOUSE RESTAURANT

ISSUE FOR DVP DECEMBER 22, 2012

THESE DRAWINGS ARE ISSUED IN SUPPORT  
OF A DEVELOPMENT VARIANCE PERMIT  
APPLICATION TO REDUCE THE REQUIRED  
NORTH SIDE YARD TO 3.1:1m



PROPOSED SITE PLAN  
3/8" = 1'-0"

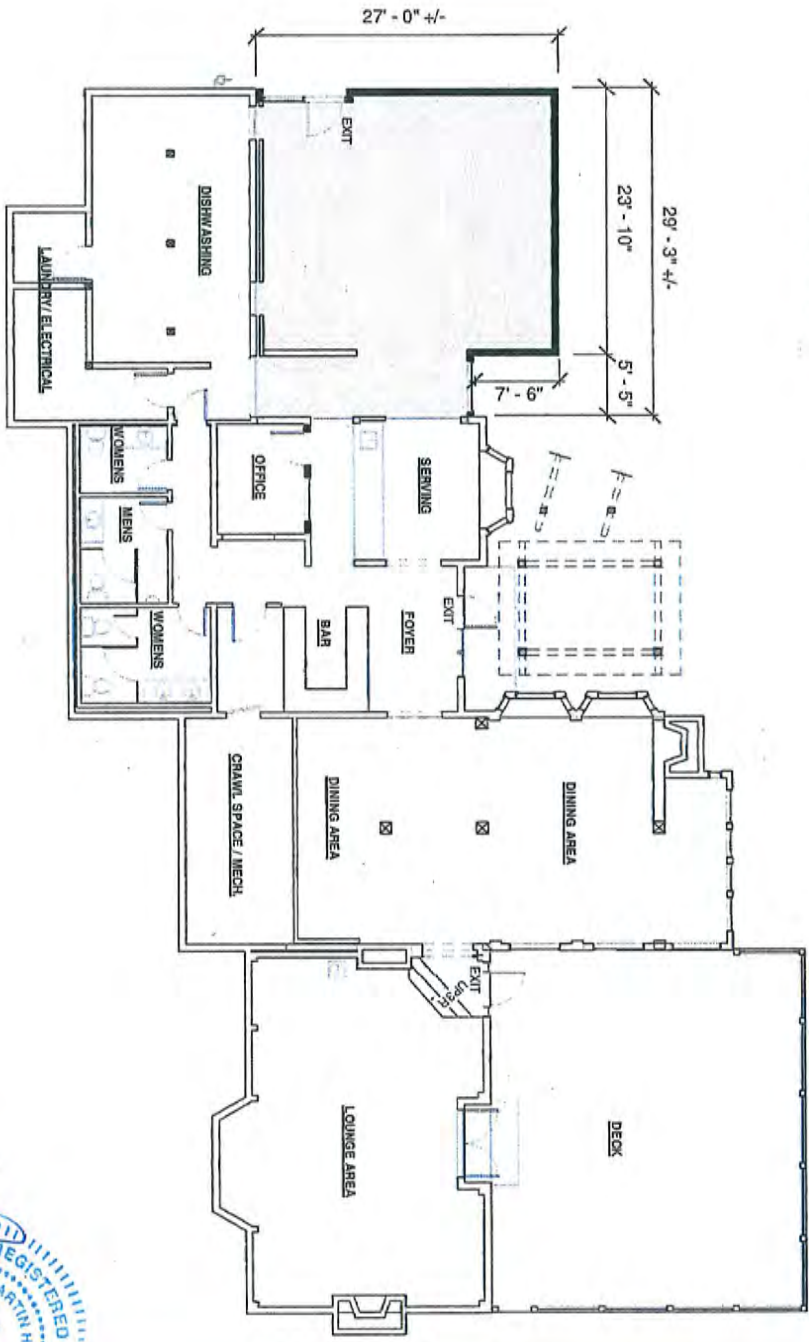


**GENERAL NOTES**

RECEIVED  
DEC 27 2012  
CITY OF COURTENAY

<b>PROJECT</b>	OLD HOUSE RESTAURANT
<b>CLIENT</b>	CONTRIVAN, BC
<b>DATE</b>	DEC. 23 2012
<b>SCALE</b>	AS NOTED
<b>DVP#</b>	DVP-1

PROPOSED KITCHEN ADDITION  
 AREA: 743SF (69SM)



EXISTING LOWER FLOOR PLAN & PROPOSED KITCHEN ADDITION  
 38'2" = 1" = 0'  
 3342SF (310sm)  
 PROPOSED KITCHEN ADDITION 743SF (69SM)  
 TOTAL FLOOR AREA 4085SF (379sm)



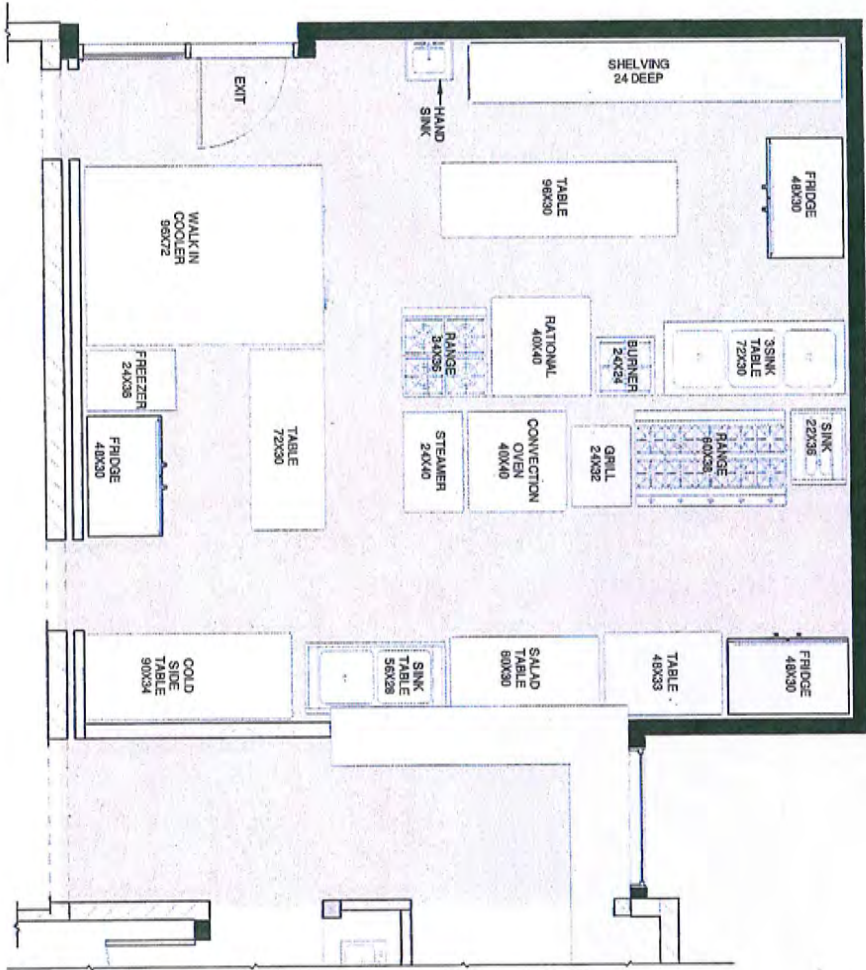
**GENERAL NOTES**

3.2024  
 Martin Haslam  
 Registered Architect  
 1000 West 10th Street  
 Vancouver, BC V6H 2G6  
 (604) 681-1111  
 www.martinhaslam.ca

NO.	DATE	REVISION

**COURTNEY, BC**  
**PROPOSED**  
**KITCHEN ADD.**  
**DVP2**





PROPOSED KITCHEN PLAN  
1/4" = 1'-0"



<b>GENERAL NOTES</b>	
<p>1. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BRITISH STANDARD BS 5625 PART 1 &amp; 2.</p> <p>2. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BRITISH STANDARD BS 5625 PART 1 &amp; 2.</p> <p>3. ALL WORK TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BRITISH STANDARD BS 5625 PART 1 &amp; 2.</p>	
<p><b>OLD HOUSE RESTAURANT</b> COUNTERTOP, BS</p> <p><b>PROPOSED KITCHEN PLAN</b></p> <p><b>DVP3</b></p>	
<p>DATE: 22.12.2015</p> <p>BY: [Signature]</p>	<p>DATE: 22.12.2015</p> <p>BY: [Signature]</p>

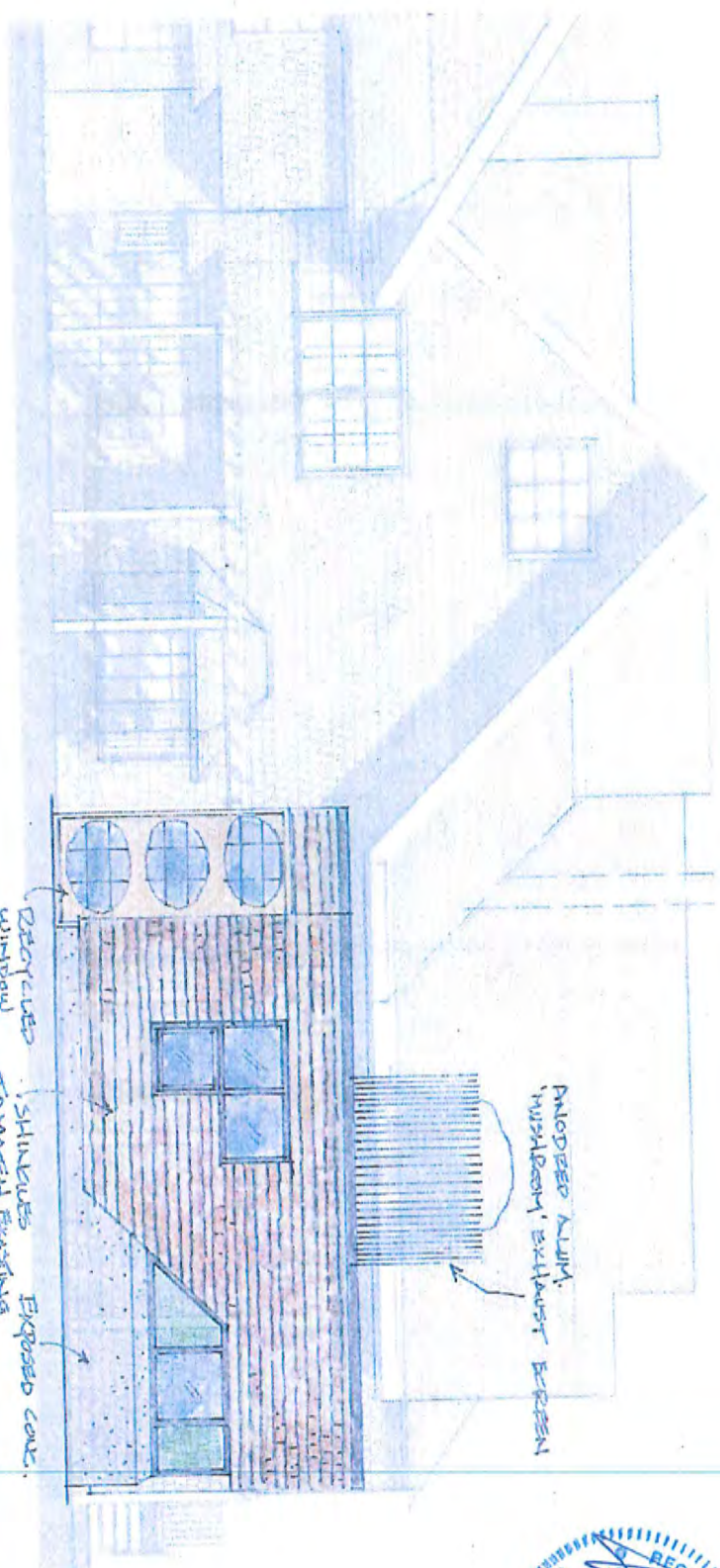
LOCALS AT THE OLD HOUSE - KITCHEN ADDITION

EAST ELEVATION  
24011012

MARTIN HAGARITY ARCHITECT AIBC

REMOVED SHINGLES TO MATCH EXISTING EXPOSED COR.

ANODIZED ALUM. 'HUSHBOOM' EXHAUST SCREEN



GENERAL NOTES

2024-10-10  
Martin Hagarty  
AIBC  
1000-1000  
1000-1000  
1000-1000

REGISTERED ARCHITECT  
MARTIN HAGARTY  
AIBC  
24012

OLD HOUSE RESTAURANT  
PROPOSED EAST ELEVATION  
DVP4  
DEC. 21 2018  
AS NOTED











GENERAL NOTES



Martin Hagarty, Registered Architect, Ltd.

12101 Main Street, Suite 100  
 Alexandria, Virginia 22304  
 (703) 835-8888

3G ARCHITECT & BUILD  
 ARCHITECTURAL & CONSTRUCTION SERVICES

OLD HOUSE RESTAURANT

COURTNEY, BO

EXISTING IMAGES

NO.	REVISION	DATE

2024.08.01  
 100%  
 4/19/24

**DVP7**



EXISTING PARTIAL WEST ELEVATION



EXISTING WEST ELEVATION





**Lewkovich Engineering Associates Ltd.**  
geotechnical • health, safety & environmental • materials testing

File No.: F0422.02

Date: December 13, 2012

Riverhouse Enterprises Ltd.  
1760 Riverside Drive  
Courtenay, BC  
V9N 8C7

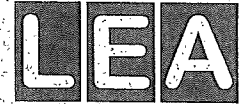
Attention: Mr. Dale Roberts

**PROJECT: 1760 RIVERSIDE DRIVE, COURTENAY, BC  
THE OLD HOUSE RESTAURANT**

**SUBJECT: FLOOD HAZARD ASSESSMENT**

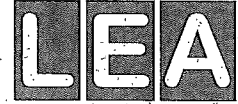
---

1. As requested, Lewkovich Engineering Associates Ltd. (LEA) has carried out a flood hazard assessment of the above noted property. The purposes of the assessment was to investigate and comment on the flood hazard potential at the above noted property, with respect to geotechnical concerns, and to provide comments and recommendations pertaining to the intended use of the property. The method of assessment utilized direct observations of the site, a review of BC Environment Floodplain Mapping and a review of a recent aerial photo.
2. Mr. Robert Dales, Senior Engineering Technician of LEA visited the site, on November 22, 2012. The following is a brief summary of the observations made during the site visits.
3. The property is located on the north side of Riverside Drive, in the city of Courtenay, BC, at civic address 1760. The site is located on a lot with slight general relief to the northeast. The building site is near the center of the property. It is understood that a light commercial type addition to the existing building is proposed for the site. The site is approximately 0.18 ha (0.44 ac.) in area and rectangular in shape. It is bound by the Courtenay River to the northeast, by Riverside Lane to the south and by developed commercial properties to the southeast and northwest. Other adjacent properties are occupied by residential / commercial buildings.
4. The site is located northeast of the southwest bank of the 1:200 yr. flood plain of the Courtenay River, which flows southeast towards the nearby Straight of Georgia. Taped measurements reveal that the Courtenay River is located approximately 30m to the northeast. It is LEA's



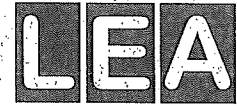
opinion that the distances to the active channel make channel relocation and soil erosion somewhat of a possibility. This possibility would best be addressed after erosion is observed to be reducing the distance from the building to the riverbank. The area to the northeast of the site, across the river, contains oxbows that not easily seen by personnel on the ground. Several dykes are present in the area. The dikes, it is understood, have been created during the region's history in order to control and prevent flooding of properties in specific areas. The structure is located close enough to the Strait of Georgia that tidal water levels will impact on the site's ground water levels.

5. The recent air photo (2011 Google Earth) revealed the local area to be flat, with the Courtenay River abutting the property to the west. Of note were several oxbows on the flat region to the north of the river. Several dykes are visible in the photos. The presence of former stream channels in the subject property remains a possibility due to the presence of wet sand and to the non-discovery of till in the test pit.
6. The diagrams reviewed during the assessment are entitled "Floodplain Mapping Courtenay, Puntledge, & Tsolum Rivers at Courtenay" Dwg. 89-13-1 & 89-13-2, Dated: Sept.30, 1991.
7. The existing structures floor level is shown to have a spot mean elevation of 2.84m. Interpolation of the 1: 200 year return period event floodplain contours gives a value of 3.7m geodetic, and a 1:20 yr. value of 3.2m, both values including 0.6m freeboard. Based on these values the site may be expected to experience a floodwater level 0.3m above the existing ground elevation every 200 years and the water to be flush with the ground every 20 years. It should be noted that the freeboard level, which accounts for uncertainties in calculations arising from wave action, surges, debris blockages, etc is twice the amount of the expected 1:200 year flood height over the site.
8. One test pit was advanced in the vicinity of the proposed new building addition. Free water was encountered 600mm below the existing ground surface. Significant sloughing occurred as the test pit was advanced into the soils due to the saturated conditions and the loose clean sand



comprising most of the test pit's depth. The bucket of the excavator was approximately 450mm in width. The total depth of the excavation was 1.55m deep and the length of excavation during sloughing was 1800mm across. The following points describe the soil stratum encountered in the test pit. All depths are referenced from existing ground.

- a. From 0-50mm loose, organic laden topsoil (PT), then
  - b. from 50-300mm very dense, 19mm imported crushed gravel (GW), then
  - c. from 300-350mm very dense, imported crushed oyster shells (FI), then
  - d. from 350-1550mm clean, loose sand (SW), wet below 0.5m.
  - e. The mini excavator could not excavate at a rate to match the sloughing at 1.55m depth. In addition high water levels, as well as the sloughing, obscured the test pit bottom.
  - f. Knowledge of the local area suggests that the sand layer overlays glacial till. The exact depth to glacial till in this immediate area is unknown at the present time
9. It is recommended that the building floor slab be founded at a minimum elevation of 3.7m geodetic if habitable space is required. In the event that the building floor slab is to be set lower than 3.7m geodetic, it must be acknowledged that there will be no habitable space, or permanent critical moisture sensitive systems, equipment or data storage below the 1:200year floodplain (3.7m geodetic elevation). In addition, all building cladding below the 1:200year floodplain should be resistant to damage by water. It would be prudent to extend the height of the concrete foundation wall and all electrical work to above the floodplain level. Foundation walls should be provided with some mechanism to resist or address exterior hydrostatic pressure. In the case of a flood event, remediative action such as removal of personnel and sensitive items may be required.



10. It is LEA's opinion that three options for the foundation support are possible, based on the above noted observations, conditions, considerations and recommendations. The three options include but are not limited to:
- a. A 900mm sub-cut for the area underneath the footings and slab and 2.0m beyond the exterior of the footings, followed by the placement of woven geotextile on the sides and floor of the excavation and then the placement of 900mm of approved structural fill. Well graded, 75mm minus, free draining aggregate is suggested for the structural fill material. This would have the effect of providing a raft like structure that would resist the potential liquefaction of the wet sand and also provide additional bearing capacity to the soil underlying the foundation. Special recommendations may be provided to deal with the potential undermining or loss of subjacent support of the existing building's foundation. A bearing capacity of 100 kPa may be used as a design value for continuous or spread footings. This value should be confirmed in the field by the undersigned during the excavation for the structural fill pad. The site may be considered to fall under Seismic Site Class 'D'. Or;
  - b. Pre-cast concrete or treated wooden piles, driven down into the glacial till stratum, at approximate 2400mm (8 feet) spacing, supporting a grade beam foundation. This foundation type would be coupled with either a structural floor slab or slab on grade depending on the stability requirements of the addition floor. Design pile load capacities may be supplied upon request. Or;
  - c. The excavation for the footings may be taken down to the anticipated glacial till stratum and the footings and foundation walls would bear directly on this stratum. Due to the high water table and slough conditions this option would likely be difficult to implement and would also pose a hazard to the existing structures. Sheet piles would likely be needed to retain the existing building's supporting soils as well as to prevent the excavation from sloughing in. Dewatering would also be required. In light of the fact that the depth to glacial till is not known at this location; this last foundation option is not recommended without further

ORLANDO CITY

Client: Riverside Enterprises Ltd.  
Project: Flood Hazard Assessment, 1760 Riverside Drive, Courtenay, BC  
File No: F0422.02  
Date: December 13, 2012  
Page: 5 of 5

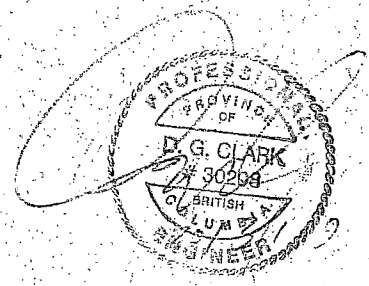


known at this location, this last foundation option is not recommended without further information or study.

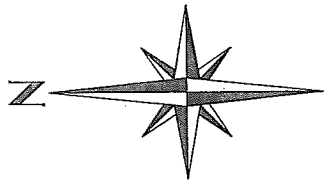
- 11. It is LEA's opinion that, based on the above noted observations, conditions, considerations and recommendations, that the proposed development is considered safe from a geotechnical perspective, pursuant to Section 56 of the Community Charter, for the use intended (commercial kitchen), considering a flood hazard design return period of 200 years, provided that the tenants accept the risk associated the loss of property due to water damage, as noted previously in Paragraph 8.
- 12. Lewkowich Engineering Associates Ltd. trusts that the information presented above meets your current requirements. If you have any questions, or have additional requirements, please contact our office.

Respectfully Submitted,  
**Lewkowich Engineering Associates Ltd.**

Robert Dales  
Senior Engineering Technician



Darron G. Clark, P. Eng.  
Geotechnical Engineer



COURTENAY RIVER

NATURAL BOUNDARY ACCORDING TO PLAN

ROAD

SRW PLAN  
VP74564

SRW PLAN 40090  
STRATA PLAN  
VMS5901

SECTION 68  
STRATA PLAN VMS694

PLAN VP82228  
2

RIVERSIDE LANE

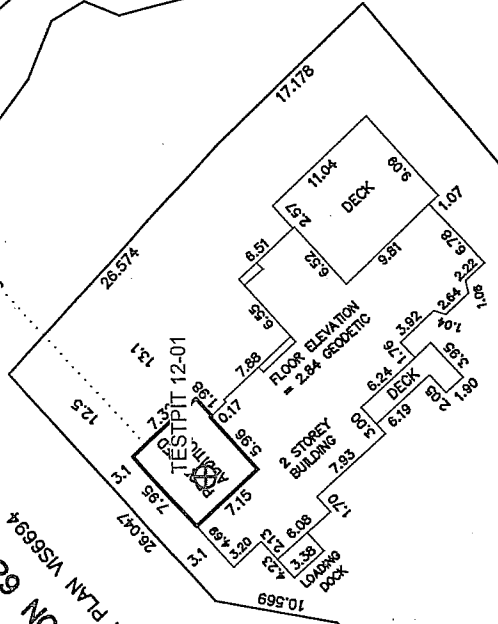
PLAN OF EXISTING BUILDING AND PROPOSED ADDITION ON  
LOT 2, SECTION 68, COMOX DISTRICT, PLAN VP82228.

1760 RIVERSIDE LANE, COURTENAY  
SCALE 1 : 400 (METRIC)

NOTES:  
OFFSETS SHOWN ARE NOT TO BE USED  
FOR DEFINING LOT BOUNDARIES.

TEST PIT LOCATION SITE PLAN  
OLD HOUSE ADDITION  
LEA JOB NO. F0422 DATE: NOV. 22, 2012

HOERBURGER LAND SURVEYORS  
COMOX, B.C.  
(250) 890-0100  
FILE: 1616CRT1 FB. 66/12 USB3



#### **4.5 Ancillary Buildings, Carports, Garages, Entryways and Renovations to Existing Buildings**

*FCL –*

Requirements for flood proofing through the use of elevation may be waived for:

- A renovation of an existing building or structure that does not involve an addition,
- That portion of a building or structure that is to be used as a carport, garage or entryway,
- Other minor buildings such as storage buildings, porches and domestic greenhouses.

#### **4.6 Additions to Existing Buildings**

Where a building or structure is legally non-conforming with the floodproofing requirements set out in any pertinent bylaw or covenant, it is acceptable to allow an addition, at the original non-conforming floor elevation, that would increase the size of the building or structure by less than 25 percent of the floor area existing at the time of enactment of such floodproofing requirements, provided that the degree of nonconformity regarding setback is not increased.

#### **4.7 Lots Existing Prior to Bylaw Adoption**

Where a lot existed prior to the date of adoption of a bylaw, and is protected by a standard dike, and where the difference between the Flood Construction Level and the ground elevation exceeds 2.5 metres, and where the owner has entered into a restrictive covenant with the local government [This covenant should be drawn up by the local government legal advisor], a building may be constructed, reconstructed, moved or extended and a manufactured home or unit, modular home or structure may be located with the underside of the floor system of any area used for habitation, business or storage of goods damageable by floodwaters to a minimum elevation of two point five (2.5) metres above the average ground elevation in the vicinity of the building site nor less than the minimum ponding elevation established for local drainage behind the dike, which ever elevation is higher.

*Note: The actual required building elevation referenced to geodetic datum will therefore vary from site to site, depending on ground elevation.*

## Riverside Enterprises Public Meeting

A public meeting was held on Wednesday, January 16<sup>th</sup>, 2013 in the meeting room at the Old House Village Hotel, 1800 Riverside Lane, Courtenay, BC

The meeting began at 7 p.m. and concluded at 7:45 p.m.

In attendance were three individuals: Beverly Skwerniuk and Ole Edliq, both owners of shares in the Old House Suites Hotel. Robert Fuller representing the interests of the Old House Hotel and shareholders.

Surrounding businesses and shareholders were notified of the public meeting by letter. They were given the opportunity to respond by email or mail if they were unable to attend in person.

Emails of support were received by both Riverside Enterprises and Robert Fuller of the Old House Hotel.

The attendees of the meeting were informed of the setback and height variance being requested to build the new addition to the Old House Restaurant building. The flood plain was explained. Copies of diagrams from the engineers were available for viewing.

Questions raised at the meeting were directed at the operation of the restaurant rather than the issue of the setback or variance. Full support was expressed for the addition.

The concerns expressed were in regard to noise and odour resulting from the new tenants, Locals Restaurant. The lease for the tenants is specific that no deep fryers will be allowed on premises, which will mean the odour problem associated with a restaurant decreases significantly. The tenant has an open concept kitchen and odour issues would be a priority to avoid as their customers would also be exposed while dining. We are confident the quality of operation of Locals' owners will ensure that odour is not an issue. The tenant will have a new makeup air system and proper ventilation so that kitchen windows and doors will not have to be open to the outdoors. The new makeup air system and venting are also smaller than those currently on the building.

The issues were addressed to the overall satisfaction of those in attendance.

Yours truly,



Maureen Fritz-Roberts

Director



Riverhouse Enterprises Ltd.  
c/o 7, 625 Cliffe Avenue, Courtenay, BC V9N 2J6

8 January 2013

To: All Property Owners within 30 metres of 1760 Riverside Lane, Courtenay, BC

Dear Sirs/Mesdames:

Re: Public Information Meeting, regarding setback and height variance

Riverhouse Enterprises Ltd. wish to receive relief from two bylaws in order to build an addition on to the north corner of our building at 1760 Riverside Lane, formerly known as the "Old House Restaurant". This will allow Locals Restaurant to lease the lower level of the building.

You are invited to a public information meeting on January 16, 2013 at the Old House Village Hotel, 1800 Riverside Lane, Courtenay, BC from 7 pm to 9 pm. The meeting will give affected property owners the opportunity to become acquainted with the project and to give feedback.

The two bylaw exemptions are for the side-yard setback and the floodplain bylaw.

MU2 zoning requires a side yard setback of 4.5 metres. The existing building became non-conforming in 2006 as a result of the subdivision that separated the Hotel and Spa building from the restaurant building. That left the restaurant building with a side yard setback of 3.1 metres. We are proposing to follow the line of the existing building and maintain the same 3.1 metre setback for the addition.

We are asking council to allow the addition, for the new kitchen, at the same elevation as the existing ground floor. The current building is 2.5 metres or so below the level required by the floodplain bylaw and the only feasible way to add the kitchen is at the same level as the existing building.

The Old House Village Hotel is strongly in support of the proposal.

You will be given an opportunity to provide written feedback at the meeting. If you are unable to attend and wish to give feedback, you can submit your feedback to the applicant at the address above, by fax to 250 871-7737 or by email to [mfr@robertsnotary.com](mailto:mfr@robertsnotary.com).

Yours truly,



Maureen Fritz-Roberts  
Director

*Please refer to the survey on the back of this page for the location of the proposed addition.*

**PUBLIC INFORMATION MEETING**

**January 16th, 2013**

Sign In Sheet

NAME	ADDRESS
1 <i>[Signature]</i>	
2 <i>[Signature]</i>	2266 Tamarack Dr.
3 <i>[Signature]</i> Rob Fuller	1730 Riverside Lane
4 " "	1800 Riverside Lane
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30 Bev Stwernick )	
31 ole Edlig )	In attendance as above
32 Robert Fuller )	
33	
34	

**Maureen Fritz-Roberts**

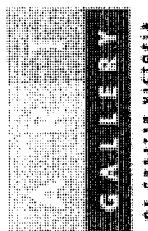
---

**From:** "Barb Lucas" <blucas@aggv.ca>  
**Date:** Monday, January 14, 2013 8:36 AM  
**To:** <mfr@robertsnotary.com>  
**Attach:** Barb Lucas.vcf  
**Subject:** 1760 Riverside Lane, Courtenay BC  
To whom it may concern:

The Art Gallery of Greater Victoria is the owner of a ¼ interest in #104-1800 Riverside Lane.

This email is to confirm that we have no objection to the City of Courtenay Development Variance Permit No. 1205, providing relief from Zoning Bylaw No. 2500, 2007 and amendments thereto.

Barb Lucas



**BARB LUCAS**  
Director of Finance and  
Administration  
**Art Gallery of Greater Victoria**  
**Phone: 250.384.4171 ext:236**  
Fax: 250.361.3995  
Add Creativity to your life

**Maureen Fritz-Roberts**

---

**From:** "Rob Evans" <characterbuilders@telus.net>  
**Date:** Saturday, January 12, 2013 9:34 AM  
**To:** <mfr@robertsnotary.com>  
**Subject:** Old House Support letter

Community prosperity is enhanced by heritage restoration. The city and citizenry of Courtenay should do what is necessary to ensure the financial viability of the Old House Restaurant Building.

This would ensure the building is preserved. The iconic building holds memory for many. It was a historic building when the Kirk Residence became The Old House Restaurant 40 years ago, and remains a cultural landmark. Every effort needs to be made to ensure its continuation. We are strong supporters of allowing the project to move forward and allowing the two bylaw exemptions requested.

Rob Evans & Jane Johnston  
characterbuilders@telus.net  
250-882-1911

**Maureen Fritz-Roberts**

---

**From:** "Ole" <edliq@shaw.ca>  
**Date:** Tuesday, January 15, 2013 3:50 PM  
**To:** "'Maureen Fritz-Roberts'" <mfr@robertsnotary.com>; "'Robert Fuller'" <robfuller@shaw.ca>  
**Cc:** "'Roger Mckinnon'" <roger-mckinnon@shaw.ca>; "'Kerry Pearce'" <kerry@oldhousevillage.com>; <alexbev@shaw.ca>  
**Subject:** RE: Letter from the City of Courtenay  
Thanks Maureen excellent response

Ole Edliq

---

**From:** Maureen Fritz-Roberts [mailto:mfr@robertsnotary.com]  
**Sent:** Tuesday, January 15, 2013 13:07  
**To:** edliq@shaw.ca; 'Robert Fuller'  
**Cc:** 'Roger Mckinnon'; 'Kerry Pearce'; alexbev@shaw.ca  
**Subject:** Re: Letter from the City of Courtenay

Good afternoon:

I appreciate your concerns regarding the new design for the kitchen. I believe the steps we are taking in this design will actually reduce noise and odour issues.

The lease signed with Locals Restaurant specifies that there is no deep-frying allowed. The majority of objectionable kitchen odours are related to deep frying in my experience. If you have had the opportunity to visit Locals Restaurant in Courtenay you will see the quality of the kitchen (it is open to the restaurant so any odour would be readily apparent upon entering their building). Chef Ronald and his partner Trish are very conscious of having a clean and pleasant operation.

The existing kitchen is located at the same level as the pool and, even though there is no doorway facing the pool, the windows from the kitchen were always open and the noise from the kitchen would have been quite apparent to the patrons by the pool.

On the new design the doorway is well below the level of the pool. The noise level should be less than what existed with the current kitchen location.

On the new design there are no opening windows on the north side of the kitchen addition and the exterior door is not designed to be left open (because it is a security issue). The door is not required for ventilation as the kitchen will have mechanical ventilation.

I feel the new location for the kitchen will be superior to its present location and hope I have helped to alleviate your concerns. If you wish further clarification or if I have missed answering a question please let me know.

Sincerely,  
Maureen

Maureen Fritz-Roberts  
Riverhouse Director

**From:** Ole  
**Sent:** Tuesday, January 15, 2013 11:52 AM  
**To:** 'Robert Fuller' ; [mfr@robertsnotary.com](mailto:mfr@robertsnotary.com)  
**Cc:** 'Roger Mckinnon' ; 'Kerry Pearce' ; [alexbev@shaw.ca](mailto:alexbev@shaw.ca)  
**Subject:** RE: Letter from the City of Courtenay

Thank you for the update Robert.

I am sure that serious thought to the significant concerns put forward is taking place, specifically regarding kitchen exhaust but also the proximity of opening of kitchen windows. It must be understood that the elevation differences between the proposed kitchen addition ( roof and exhaust system) and the upper balconies leads to an even more unpleasant view, as well as increasing the impact of the exhaust noise and food odors. Because The Old House Village Hotel & Spa building partly wraps around the Pool Deck facing southeast, and taking into account the frequent wind storms we receive, the inner portion of the building in effect becomes a catch all and takes the brunt of the wind and rain. Consequently those odors and sounds become magnified. The proposed screen will, in my view, do little to alleviate these problems.

Comment:

That a re-thinking of the current kitchen proposal addition location will take into account the concerns raised above. We support Riverside Enterprises Ltd (Locals Restaurant) moving into what was The Old House Restaurant.

Suggestion:

Perhaps there should be a serious look at renovating the existing kitchen location since this location creates a minimal impact on the enjoyment of The Old House Village Hotel & Spa. By so doing, there would be the additional benefit of retaining deliveries from Riverside Lane.

Ole Edliq  
Owner & strata council member

-----Original Message-----

**From:** Robert Fuller [<mailto:robfuller@shaw.ca>]  
**Sent:** Tuesday, January 15, 2013 09:58  
**To:** [mfr@robertsnotary.com](mailto:mfr@robertsnotary.com)  
**Cc:** Roger Mckinnon; Kerry Pearce  
**Subject:** Re: Letter from the City of Courtenay

Maureen

Thank you for the call back this morning and going over how you have planned to minimize the flow of kitchen exhaust over our property.

Would you mind sending me a quick email of your plans that we discussed so I can pass them onto our strata council advisers. I am sure it will provide some comfort to them knowing that you have already considered some of the issues.

The screen around the exhaust fan will help defuse the air flow and the lack of deep fryers and style of cooking will also help reduce the effluent particles in the air.

We will work with both of our staffs (Rest. & Hotel) to minimize people smoking or loitering in the area as well. We will have to find a designated smoking area somewhere on the properties and I will leave that up to our GM and the Rest Owner to finalize with their staff.

Thank you, Rob

----- Original Message -----

From: "Robert Fuller" <robfuller@shaw.ca>

To: mfr@robertsnotary.com

Cc: "Roger Mckinnon" <roger-mckinnon@shaw.ca>

Sent: Monday, 14 January, 2013 4:57:17 PM

Subject: Re: Letter from the City of Courtenay

Hello Maureen

I left a message for you today regarding our variance application. I have highlighted the major concerns from our strata council members for you. (see thread below) They have also received the same questions/concerns from some of the other Owners that received the letters last week from you and the City.

- You will need to address these issues at the meeting on Wednesday so I thought I would give you a heads up now.

The three main concerns raised are:

1. Smell of Kitchen exhaust finding its way into the hotel room and also bothering the guests in the pool
2. Actual grease from exhaust fans being blown into the air and spreading onto Pool and building property
3. Kitchen workers smoking or hanging around at the edge of the property, creating air or noise pollution for our guests at the pool.

Let me also add they are all still supportive of the addition and the Locals Rest. coming on board, but just need these concerns addressed. Maybe with proper ventilation filters, higher vent stacks, etc.??

All I know is that we will need to address this before Wednesday so if you could give me a call back to discuss that would be great.

Rob

----- Original Message -----

From: "Jordan Stanley" <jordanstanley@shaw.ca>  
To: robfuller@shaw.ca  
Sent: Monday, 14 January, 2013 2:25:27 PM  
Subject: Strata Council's concerns over OH Rest

Hi Rob,

Just got off the phone with a strata council member, and she has a few concerns about the renovations going on at the restaurant. Her concerns stem from the views capes of the new kitchen off of the pool deck, and from the rooms. Her concerns are not so much the actual kitchen, but the views of, say, the cook smoking out the back door; the kitchen staff peeling potatoes outside the door, those kind of eyesores.

Her other main concern is about the noise and smell of the kitchen on the pool deck area, and the hotel rooms. I am not sure if anyone has looked into this to date, but it would be something that would be a concern that could impact our business.

Jordan Stanley

----- Original Message -----

To: "Jordan Stanley" <jordanstanley@shaw.ca>  
Cc: "Robert Fuller" <robfuller@shaw.ca>  
Sent: Monday, 14 January, 2013 3:52:49 PM  
Subject: RE: Letter from the City of Courtenay

Thank you Jordan for your information.

We have received the above information from the developer and Courtenay City.

However, having looked at the current proposal and the location of the proposed new kitchen, something that must be taken into consideration, is that our predominant wind direction comes from the southeast.

I am very concerned that the proposed kitchen and exhaust that could have a big impact on the pool area and particularly the upper suites with balconies.

Name deleted



----- Original Message -----

From: Jordan Stanley [mailto:jordanstanley@shaw.ca]

Subject: Letter from the City of Courtenay

Hello,

By now you should have received a letter from the City of Courtenay and the restaurant building owners, Riverside Enterprises, regarding the development variance application. This email is to summarize that letter and to update you on what we are doing on your behalf. I have also attached a copy of the letters if you have not received them to date.

We have been working with the restaurant building owners to obtain a new tenant into the lower level of the Old House Restaurant building. We have been aware and are working with Riverside Enterprises to support this application for the development variance permits.

In essence, this variance is for the side setback on the phase two building, where the expansion of the Old House Restaurant building will happen. We are supportive of having a restaurant opening in the building next door.

In conclusion, as we are contracted to be the representatives for the Owners Associations, there is no need for you to attend this public information meeting, as we will be there on your behalf.

If there are any questions or concerns that you may have, please feel free to contact Rob Full at (250) 585-0307.

Thank you;

Jordan Stanley

Controller

Old House Village Hotel and Spa

[www.oldhousevillage.com](http://www.oldhousevillage.com)

[www.ohspa.ca](http://www.ohspa.ca)

250-585-0307 (tel.)

250-585-0310 (fax)



City of Courtenay  
830 Cliffe Avenue  
Courtenay, B.C. V9N-2J7

Attn: Planning Department

November 21, 2012

**Re: Additions to the Old House Restaurant – 1760 Riverside Lane**

Dear Sirs,

We have been requested to provide a letter to the City confirming we are in favour of an application to build an addition to the bottom floor of the building at the above location. We received a copy of the proposed building and its addition, which we enclose for confirmation.

We would like to confirm that we do support the new addition to the north wing of the bottom floor and will also support a variance application if needed for the setbacks under the current zoning.

If you require further clarification from us or any additional information, please contact us and I will get you the information as quickly as possible.

All the best,

Robert Fuller



THE CORPORATION OF THE CITY OF COURTENAY

4

REPORT TO COUNCIL

FROM: Development Services Department

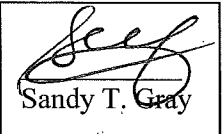
FILE #: 6480-20-1204/3360-20-1209

DATE: January 17, 2013

SUBJECT: Official Community Plan and Zoning Amendment for 2525 Mission Road

C.A.O. COMMENTS/RECOMMENDATIONS:

That the recommendation of the Director of Development Services be accepted.



RECOMMENDATION:

That Council receive the application to amend *City of Courtenay Official Community Plan No. 2387, 2005* and *City of Courtenay Zoning Bylaw No. 2500, 2007*, for Lot 2, District Lot 236, Comox District, Plan VIP70439 (2525 Mission Road) as shown in bold on Attachment No. 1;

That Bylaw No. 2722, 2012 to amend the Official Community Plan land use designation from Industrial to Commercial and to amend the development permit area designation from Industrial Area to Commercial Area for Lot 2, District Lot 236, Comox District, Plan VIP70439 proceed to First and Second Reading;

That Bylaw No. 2723, 2012 to create a new Comprehensive Development Twenty Four (CD-24) zone and to rezone Lot 2, District Lot 236, Comox District, Plan VIP70439 from Industrial Two (I-2) zone to CD-24 proceed to First and Second Reading;

That Council direct staff to schedule and advertise a statutory public hearing with respect to OCP Amendment Bylaw No. 2722, 2012 and Zoning Amendment Bylaw No. 2723, 2012 on February 4<sup>th</sup>, 2013 at 5:00 p.m. in City Hall Council Chambers; and

That Council authorize the Mayor and Director of Legislative Services to execute all legal documents necessary to affect the rezoning of the subject lands.

PURPOSE:

The purpose of this application is to amend the Official Community Plan designation and rezone the subject property to facilitate the development of a mixed use commercial project including professional services, offices and ancillary commercial uses.

BACKGROUND:

The subject property is currently designated Industrial in the Official Community Plan and zoned Industrial Two (I-2) in Zoning Bylaw 2500, 2007. The property is not presently developed, however, it is being used as a contractors equipment storage yard.

The property is adjacent to the Comox Valley Hospital site, Queneesh Elementary School and a Fortis office/operations building. The properties on the north side of Mission Road are single family residential. With the exception of the Fortis building the properties at the intersection of Mission and Lerwick are currently undeveloped. These properties are zoned for a mix of commercial/residential and light industrial uses.

## **DISCUSSION:**

### ***Official Community Plan Review:***

#### **4.2 Commercial**

The area in and around the intersections of Ryan and Lerwick Roads has seen considerable change over the last decade and will continue to see new development as the Comox Valley Hospital is constructed and the remaining commercial and residential lands at Crown Isle are built out. The OCP in section 4.2.1 identifies this area as a principal commercial node for the City.

The goals found in Section 4.2.2 of the OCP include encouraging the utilization of existing services and designated lands prior to consideration of new commercial areas, and directing all government and major offices to locate downtown. In the opinion of staff the first goal is intended to prevent the sprawl of commercial lands into new un-serviced areas on the fringe of the City. The subject property, however, is already serviced and zoned for light industrial/service commercial type development. Accordingly, the proposed change in land use designation will not extend urban development beyond what is already permitted and the proposed new zone is consistent with the zoning of other properties in the Lerwick/Mission area.

With regard to the goal of directing major offices to locate downtown, the proposed development includes a variety of uses in addition to offices. While it will create new office space outside downtown it is important to note that the area in and around Ryan and Lerwick is a principal commercial area and as such there are many properties already zoned for offices in the immediate area. Accordingly, approval of the application does not add to uses that are otherwise already permitted in the area. Office tenants/leasees will ultimately choose their locations according to competitive advantages such as lease rates, complementary uses, and ease of access for their clients and employees. For this property in particular, the synergies with the adjacent hospital site make the proposal a good fit.

#### **4.3 Industrial**

The subject site and adjacent Fortis property are currently designated industrial in the OCP. In general, industrial designated lands within the City cater to light industrial and service commercial type uses such as self storage, automobile service, building supply and contractor's yards. Intensive or heavy industrial uses such as mills and manufacturing are limited and are generally in decline in the North Island.

The industrial policies found in Section 4.3.3 of the OCP state the City will not support the location of major offices or encourage any significant retail uses within industrial designated areas. These policies are intended to protect lands for industrial development with the goal of adding diversity to Courtenay's economy.

With this policy in mind, changes to the land use designation must be carefully considered. To do this it's important to consider the current development potential of the subject property and the surrounding land use context. The property is currently zoned I-2 and supports similar light industrial uses to those noted above which are already well dispersed throughout the City. Adding another mini storage or contractor office/storage yard at this location will not add the economic diversity the policy seeks to encourage and protect. Alternatively, changing the zoning to permit a more intensive industrial use at this location would conflict with adjacent land uses and does not make good planning sense. Accordingly, staff feel amending the land use designation from industrial to commercial is reasonable.

Council should keep the above noted policies in mind in consideration of the requested amendment. As outlined, it is the opinion of staff that the proposal is justified in light of these policies and should Council agree it is recommended that the OCP and zoning amendment be

approved.

**Zoning Review:**

The new Comprehensive Development Twenty Four Zone is outlined in the attached bylaw. A copy of the existing Industrial Two Zone is also attached for reference. The most obvious change is the removal of the industrial uses such as manufacturing, heavy equipment storage, utility facility and truck loading from the list of permitted uses in the new zone. Other changes are noted in the table below and include an increase in the minimum required side and rear yard setbacks, a reduction in the maximum lot coverage and an increase in the maximum building height. Overall the reduced lot coverage and increased setbacks serve to reduce the building footprint when compared to what is currently permitted on the property.

	Current (I-2)	Proposed CD-24
Uses	Light industrial/service commercial	Commercial
Setbacks: Front	7.5m	7.5m
Rear	4.5m	7.5m
Side	0m	7.5m building/2.0m parking
Lot Coverage	60%	40%
Floor Area Ratio	N/A	0.7:1
Building Height	15m	16m/19m

With regard to building height, the maximum height in the proposed new zone is 19 meters. This height is intended to apply only to the “core area” of the building which houses the stairwell, elevator and electrical mechanical equipment. The bulk of the building at the roof of the 4<sup>th</sup> storey is 16 metres or 1 metre above the current 15 metre height limit. In an effort to reduce the visual impact and transition from the two storey single family homes on the north side of Mission Road the applicant is proposing a three storey building face on Mission Road with a height of 13.6 metres to the top of the patio railing. The building face steps back 3.5 metres to the roof overhang of the 4<sup>th</sup> floor which is 16 metres high.

A development permit application has been submitted and will be brought forward for Council consideration should the OCP and zoning amendments be approved. The development permit drawing package is consistent with the attached plans.

**Servicing:**

The applicant has provided a site servicing report to review the capacity of City storm drainage , sanitary sewer and water infrastructure. The report concludes that the proposed development can be accommodated with existing infrastructure. Storm drainage will require some onsite mitigation measures such as onsite storage and exfiltration areas to attenuate runoff to predevelopment flows. Water supply has been modelled to determine demand and the consulting engineer has indicated the existing water distribution is expected to meet peak demand plus fire fighting supply. The final analysis will be completed at the time of detailed building design. Any required upgrades will be at the expense of the applicant. Similarly, the consulting engineer does not believe the expected sanitary sewer loading will warrant any offsite upgrades.

**Traffic:**

The applicant retained a traffic consultant to review the anticipated impact of a 68,476 square foot medical support office and a 2,000 square foot coffee shop on the Mission and Lerwick intersection and site access when compared to the traffic that could be generated by maximum build out under the existing I-2 zone. It is important to note that during staff review of project the proposed floor area has been reduced by 11,615 square feet to 58,861 square feet. Accordingly, the anticipated impact will be reduced somewhat over the estimates in the traffic study. That said, even at the higher floor area the study concludes both the site access and the

Mission/Lerwick intersection operate at a Level of Service A (free flowing traffic) through to 2023.

The consultant also reviewed safety for the surrounding road network and did not find any major concerns in the area. However, following discussion with staff and concern expressed by the public at the applicant's open house, the traffic consultant has designed a few road modifications to increase pedestrian safety. These are shown on the attached plan and include a new raised centre median island and raised crosswalk just east of the school entrance, new speed humps just west of the site access and within the site to slow speeds and new street signage. The applicant has offered to construct these works as an amenity.

In response to concerns from the School District that people would begin to use the school property as a shortcut through to the hospital site, the applicant has agreed to install a linear pedestrian/bicycle connection through the site to take pressure off the school property. While this connection benefits the proposed professional centre, opening it to public use provides an added benefit and amenity for the area.

**FINANCIAL IMPLICATIONS:**

The applicant has offered a \$50,000 cash contribution to homelessness initiatives in the City.

**STRATEGIC PLAN REFERENCE:**

NA

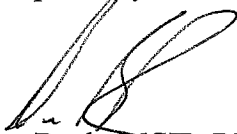
**OCP SUSTAINABILITY REFERENCE:**

Sheet A11-Sustainability in the application submission outlines the sustainable and environmental features of the project.

**REGIONAL GROWTH STRATEGY REFERENCE:**

The City of Courtenay is the largest urban area in the Comox Valley and, as such, is home to a number of major businesses, commercial/retail areas and cultural facilities. It is also the location for the North Island College Comox Valley campus and the majority of recreation facilities including the Comox Valley Sports Centre and exhibition grounds. The City of Courtenay should develop and grow consistent with its function as the Comox Valley's largest urban area.

Respectfully submitted,

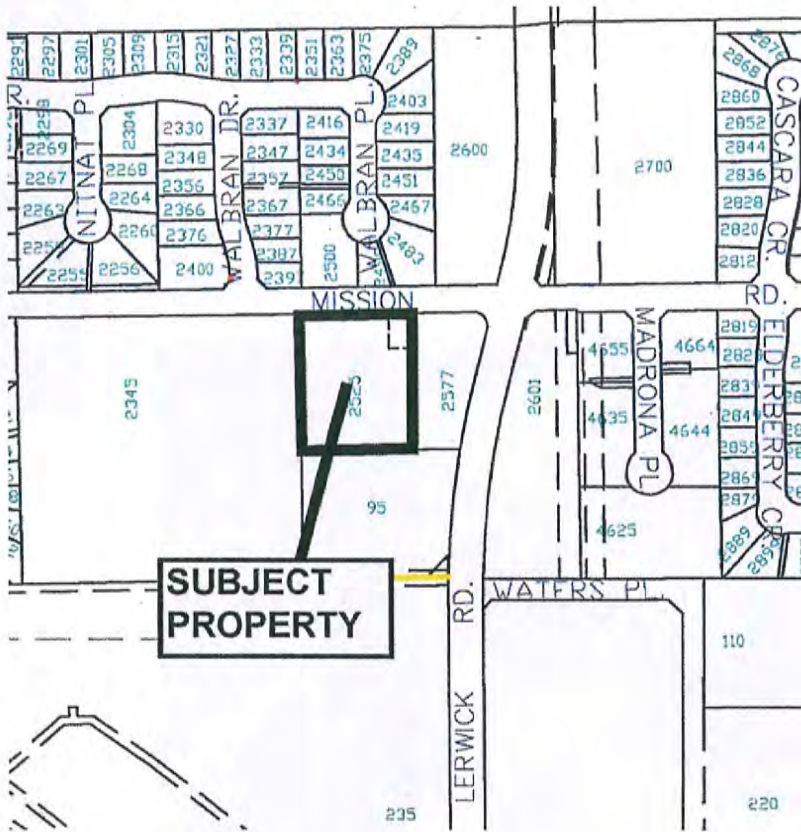
  
Ian Buck, MCIP, RPP  
Manager of Planning

  
Peter Crawford, MCIP, RPP  
Director of Development Services

Attachments: Reference Information  
Application Drawings  
Industrial Two Zone  
OCP Amendment Bylaw No. 2722, 2012  
Zoning Amendment Bylaw No. 2723, 2012

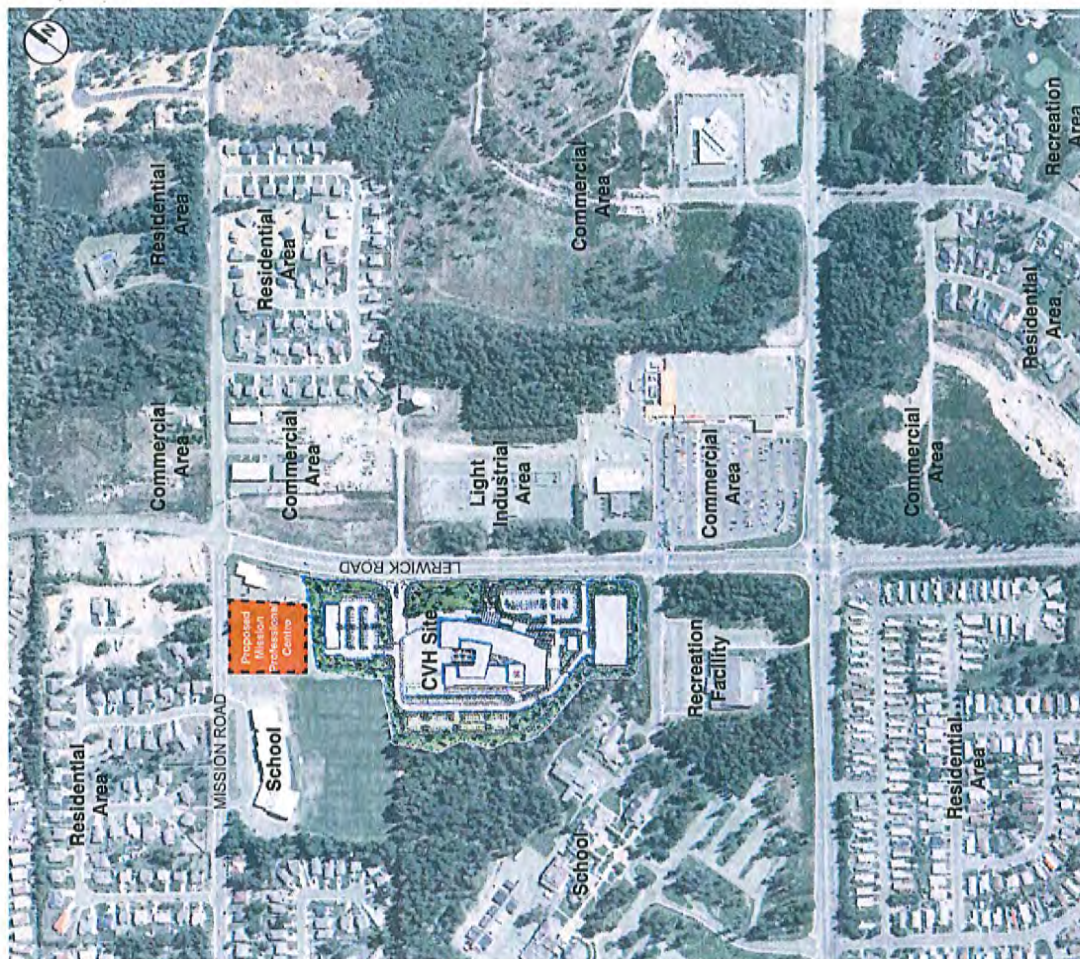
REFERENCE INFORMATION:

Attachment No. 1



- Applicant:** Tom Moore, Dark Horse Holdings Ltd.
- Owner:** Rideout Construction Ltd.
- Location:** 2525 Mission Road
- Legal Description:** Lot 2, District Lot 236, Comox District, Plan VIP70439
- Zoning Bylaw:** Current Zoning I-2  
Proposed Zoning CD-24
- Official Community Plan**  
Current Land Use – Institutional  
Proposed Land Use - Commercial
- Adjacent Land Uses:**
- Industrial to east (Fortis)
  - Institutional to west (Queeneesh School)
  - Public Areas to south (Hospital Site)
  - Residential to north





1 Site Context NTS



250 384 2131  
MOOREARCHITECTURE.COM

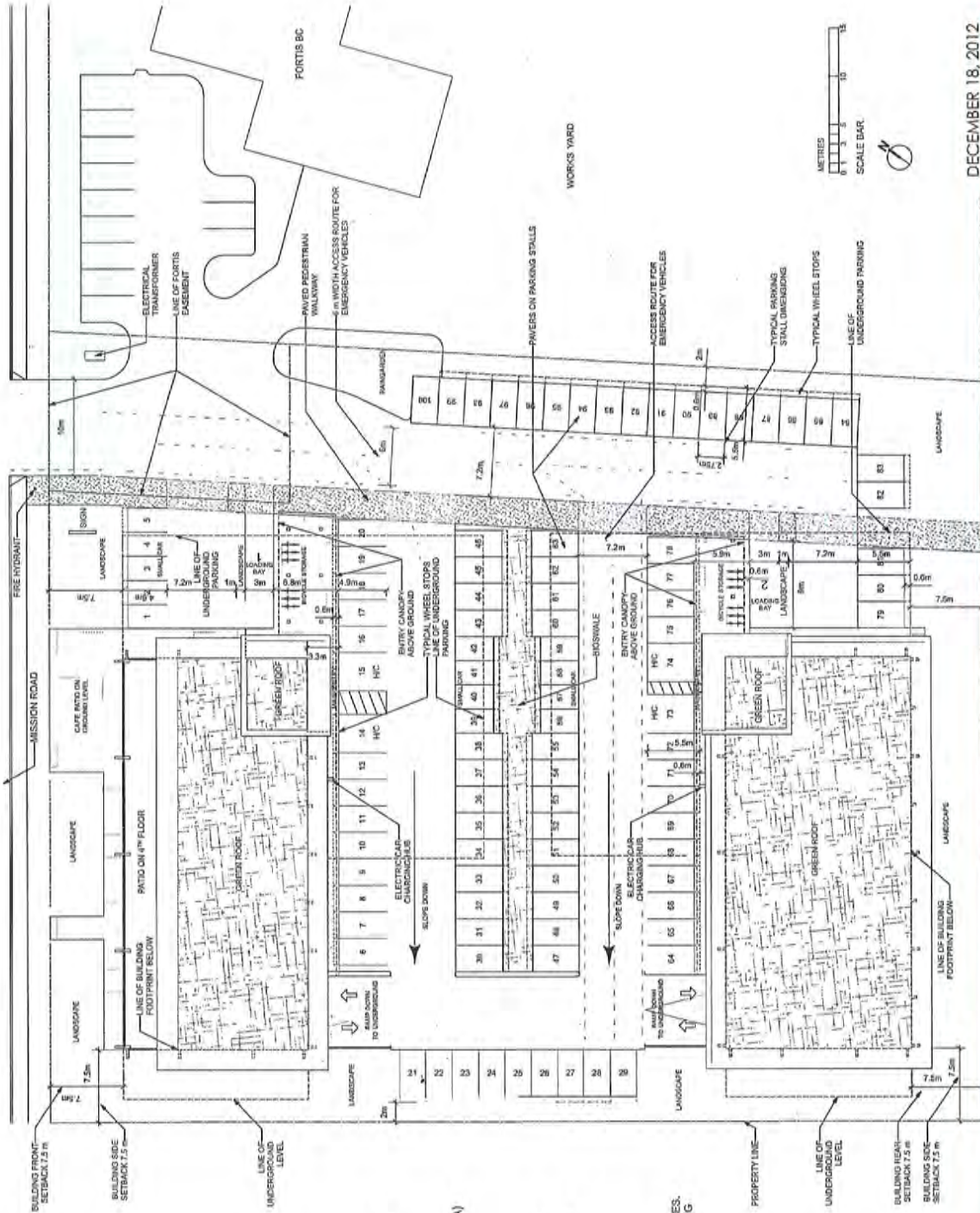
2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A1 - LOCATION MAP (SITE CONTEXT)

DECEMBER 18, 2012

Mission Professional Centre  
Wellness Sustainability







**PROJECT DATA**

LEGAL ADDRESS:  
 LOT 2, DISTRICT LOT 236,  
 COMOX DISTRICT,  
 PLAN VIP70439

SITE AREA:  
 7,722.7 m<sup>2</sup> (83,128 sq. ft.)

NORTH BUILDING  
 BUILDING FOOTPRINT:  
 FLOOR AREA:  
 788.8 m<sup>2</sup> (8,490 sq. ft.)  
 2,621.3 m<sup>2</sup> (28,219 sq. ft.)

SOUTH BUILDING  
 BUILDING FOOTPRINT:  
 FLOOR AREA:  
 789 m<sup>2</sup> (8,493 sq. ft.)  
 2,847 m<sup>2</sup> (30,645 sq. ft.)

TOTAL FLOOR AREA  
 FAR:  
 5,468.3 m<sup>2</sup> (58,861 sq. ft.)  
 5,468.3 m<sup>2</sup> / 7,722.7 m<sup>2</sup>  
 = 0.7 : 1

LOT COVERAGE:  
 788.8 m<sup>2</sup> + 789 m<sup>2</sup> = 1,577.8 m<sup>2</sup>  
 (8,490 ft<sup>2</sup> + 8,493 ft<sup>2</sup> = 16,983 sq. ft.)

% LOT COVERAGE:  
 20 %

BUILDING HEIGHT:  
 16 m (ROOF LEVEL) + 2.6 m  
 (EXTRA HEIGHT FOR CORE AREA)  
 = 18.6 m (TOTAL)

SURFACE PARKING:  
 UNDERGROUND PARKING:  
 100 STALLS  
 40 + 40 = 80 STALLS

REGULAR: 159 STALLS  
 HC: 4 STALLS  
 SMALL CAR: 17 STALLS

TOTAL PARKING:  
 LOADING BAY  
 180 STALLS\*  
 2

\* MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR OFFICE AS PER ZONING BY-LAW: 1 SPACE PER 37.5 m<sup>2</sup> = 145 SPACES. FINAL PARKING REQUIREMENTS WILL BE DETERMINED AT BUILDING PERMIT APPLICATION TO MEET THE CITY'S REQUIREMENTS.

1 SITE PLAN  
 1:200



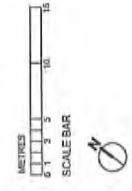
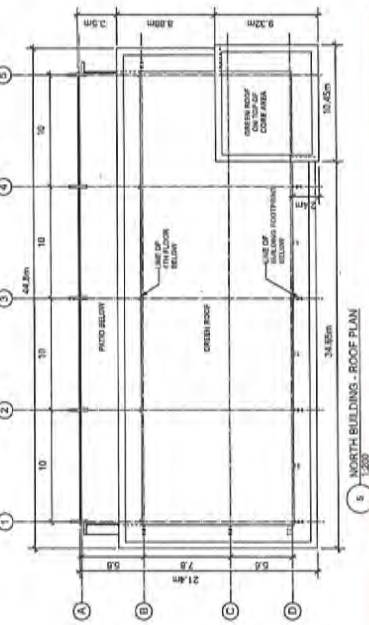
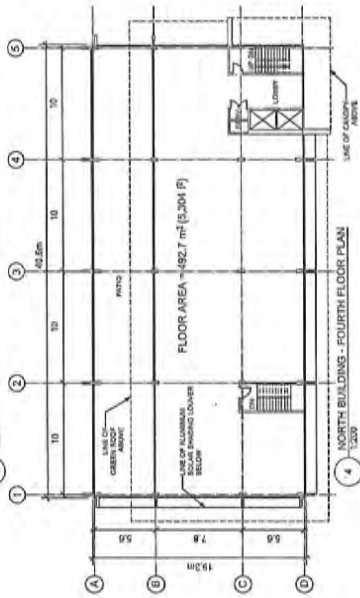
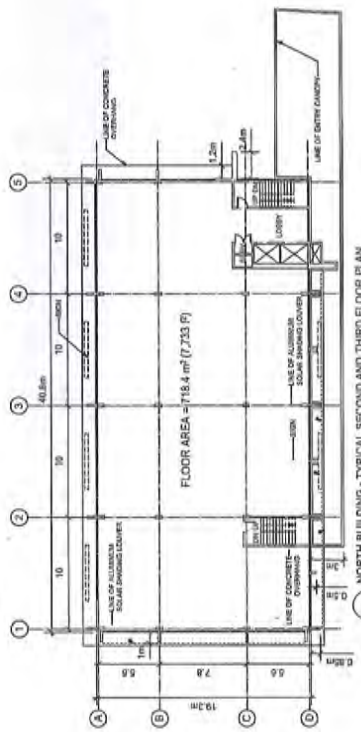
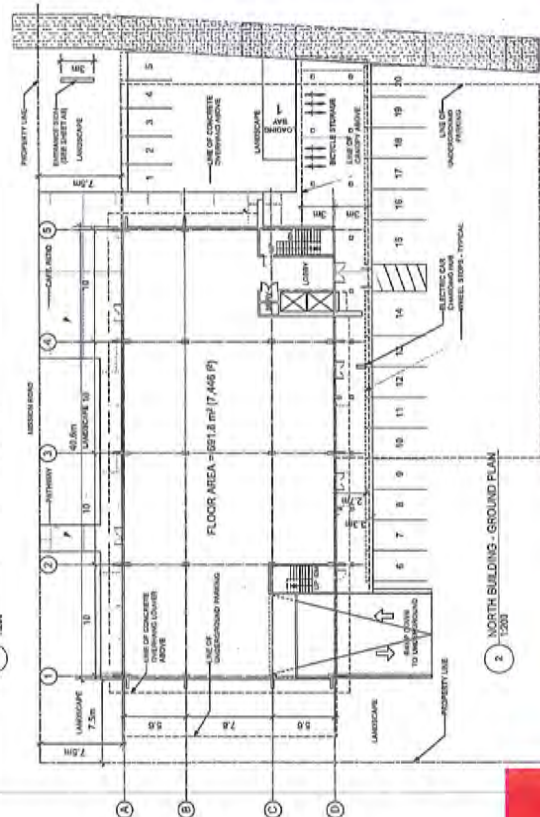
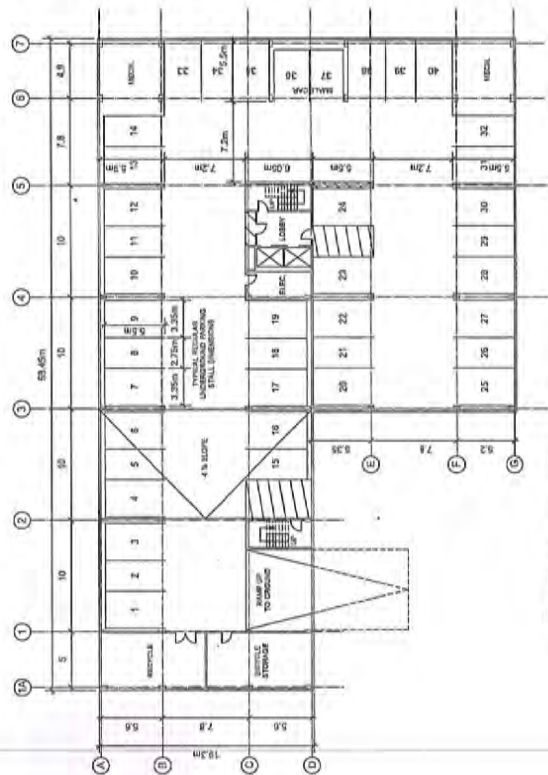
350 344 8191  
 MOOREARCHITECTURE.CA

MOORE ARCHITECTURE

2525 MISSION ROAD, COURTENAY, BC  
 APPLICATION FOR DEVELOPMENT PERMIT  
 SHEET A3 - SITE PLAN

Mission Professional Centre  
 Wellness - Sustainability

DECEMBER 18, 2012



2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A4 - FLOOR PLANS: NORTH BUILDING

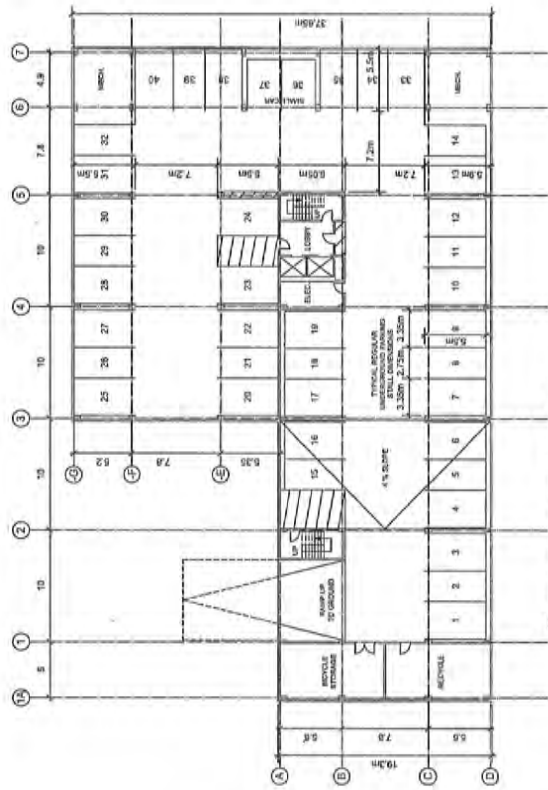
**MA**  
MOORE ARCHITECTURE

250 364 2151  
MOOREARCHITECTURE.CA

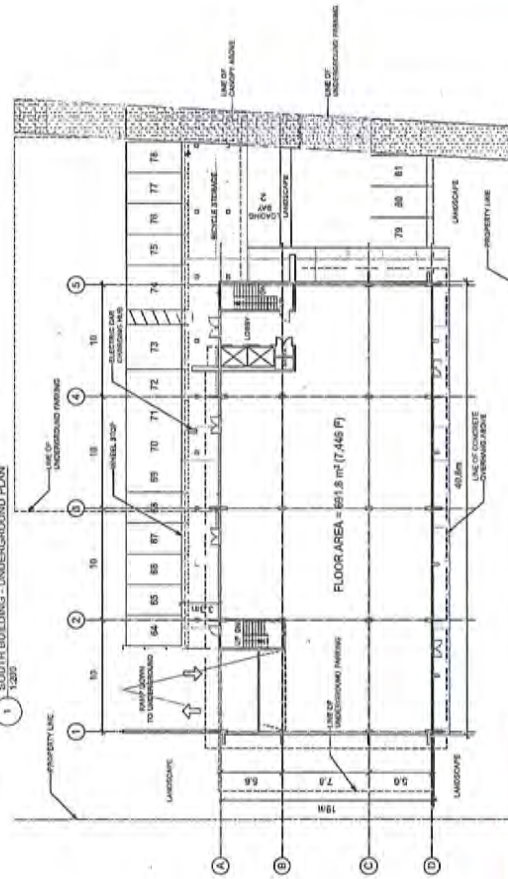
MISSION Professional Centre  
Wellness - Sustainability

DECEMBER 18, 2012

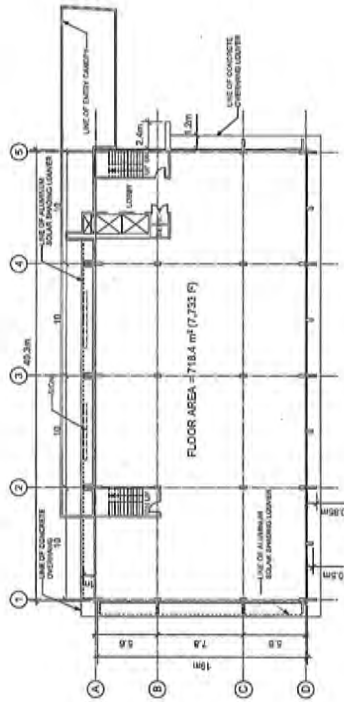




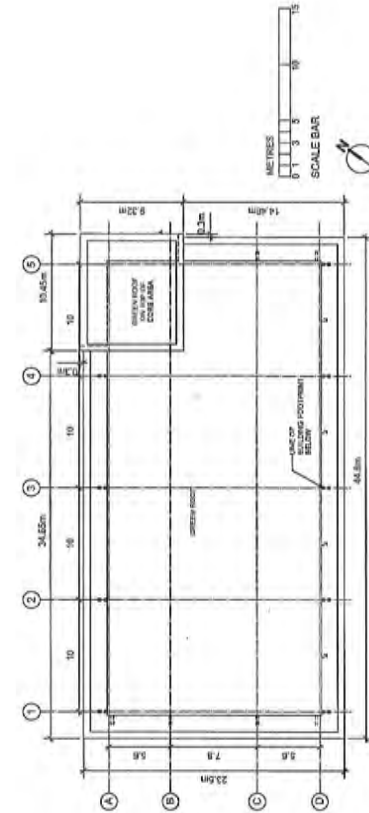
1 SOUTH BUILDING - UNDERGROUND PLAN  
1:200



2 SOUTH BUILDING - GROUND PLAN  
1:200



3 SOUTH BUILDING - TYPICAL SECOND, THIRD AND FOURTH FLOOR PLAN  
1:200



4 SOUTH BUILDING - ROOF PLAN  
1:200

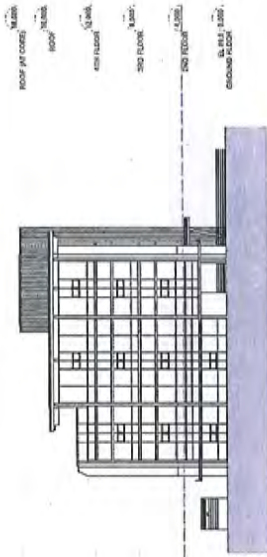
2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A5 - FLOOR PLANS: SOUTH BUILDING

250 384 2151  
MOOREARCHITECTURE.CA

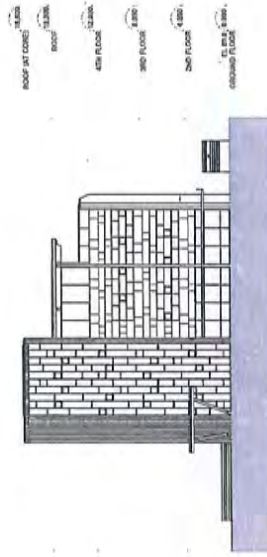


Mission Professional Centre  
Wellness - Sustainability

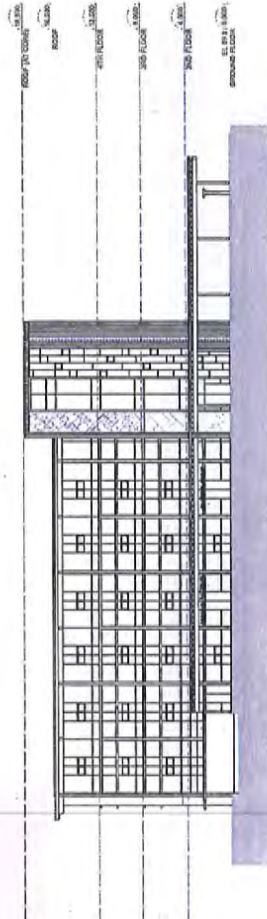
DECEMBER 18, 2012



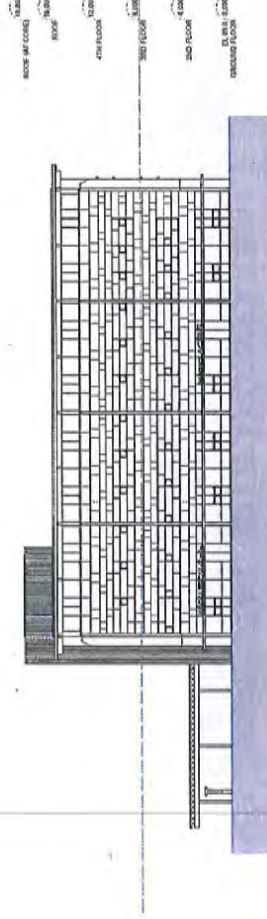
3 NORTH BUILDING - WEST ELEVATION  
1:200



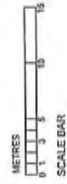
4 NORTH BUILDING - EAST ELEVATION  
1:200



1 NORTH BUILDING - SOUTH ELEVATION  
1:200



2 NORTH BUILDING - NORTH ELEVATION  
1:200



DECEMBER 18, 2012

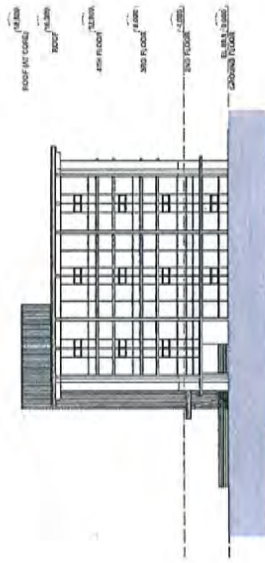
Mission Professional Centre  
Wellness - Sustainability

2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A6 - ELEVATIONS: NORTH BUILDING

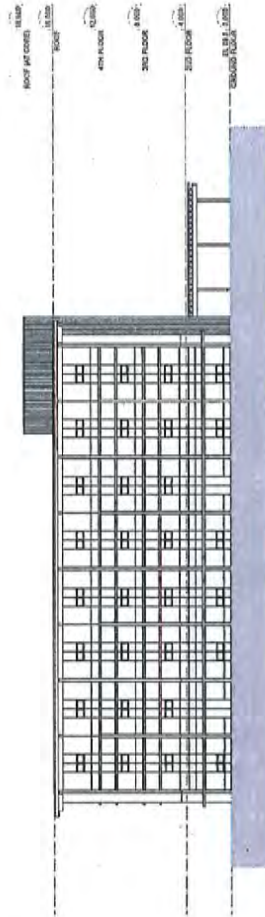
250 364 2131  
MOOREARCHITECTURE.CA



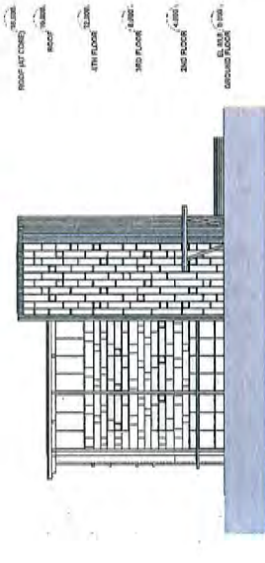
MOORE ARCHITECTURE



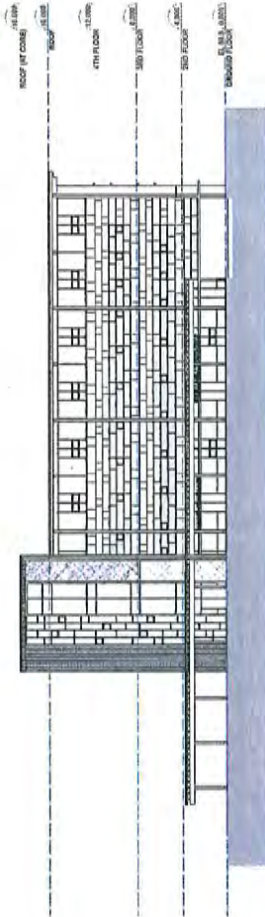
1 SOUTH BUILDING - SOUTH ELEVATION  
1:200



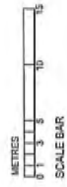
3 SOUTH BUILDING - WEST ELEVATION  
1:200



2 SOUTH BUILDING - NORTH ELEVATION  
1:200



4 SOUTH BUILDING - EAST ELEVATION  
1:200



DECEMBER 18, 2012

2525 MISSION ROAD, COURTENAY, BC  
 APPLICATION FOR DEVELOPMENT PERMIT  
 SHEET A7 - ELEVATIONS: SOUTH BUILDING

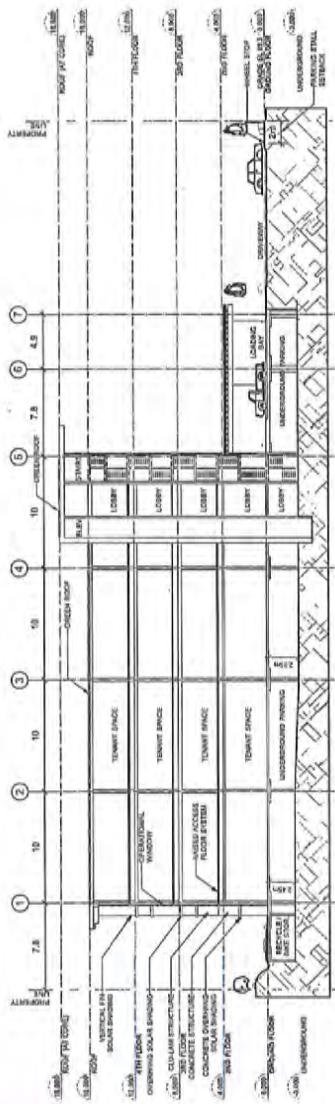
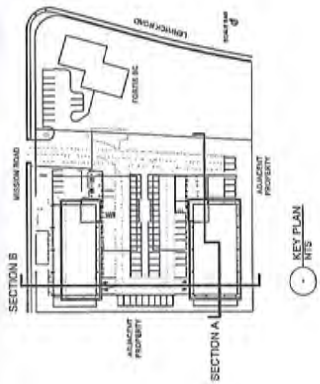
250 364 2131  
 MOOREARCHITECTURE.CA



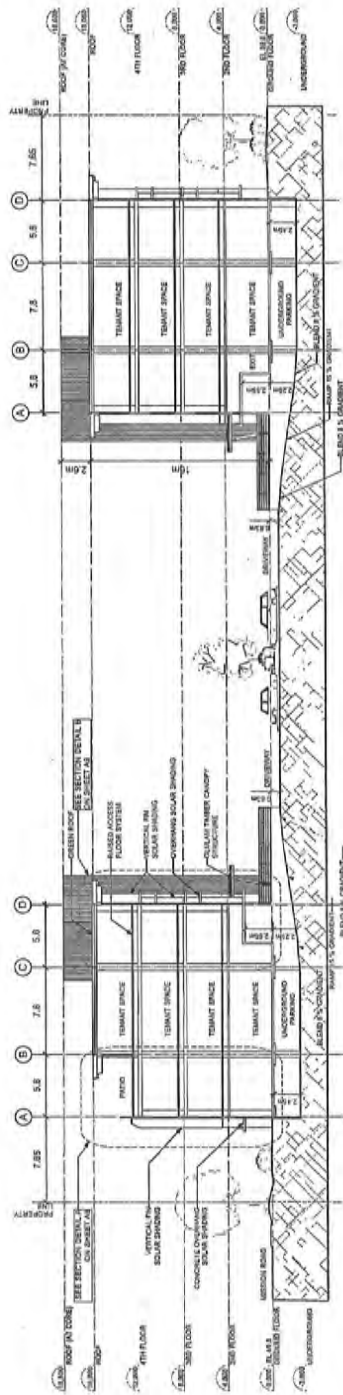
MOORE ARCHITECTURE

Mission Professional Centre  
 Wellness - Sustainability

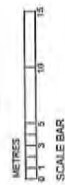




1 SECTION A  
1/200



2 SECTION B  
1/200



DECEMBER 18, 2012

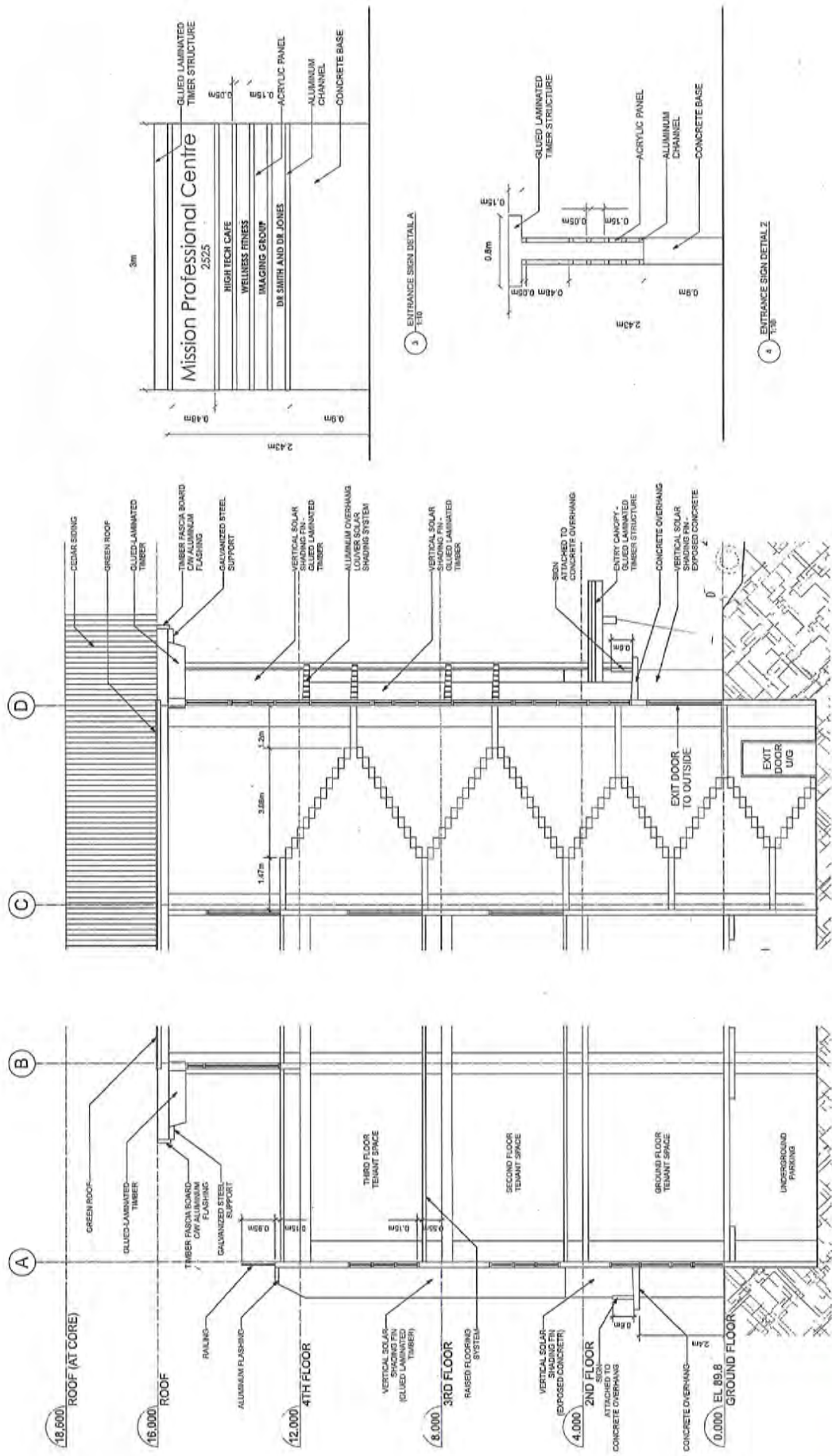
Mission Professional Centre  
Wellness - Sustainability

2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A8 - BUILDING SECTIONS

250 304 8131  
MOOREARCHITECTURE.CA







2 SECTION DETAIL 2

1 SECTION DETAIL 1

DECEMBER 18, 2012

Mission Professional Centre  
Wellness Sustainability

2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A9 - BUILDING DETAILS

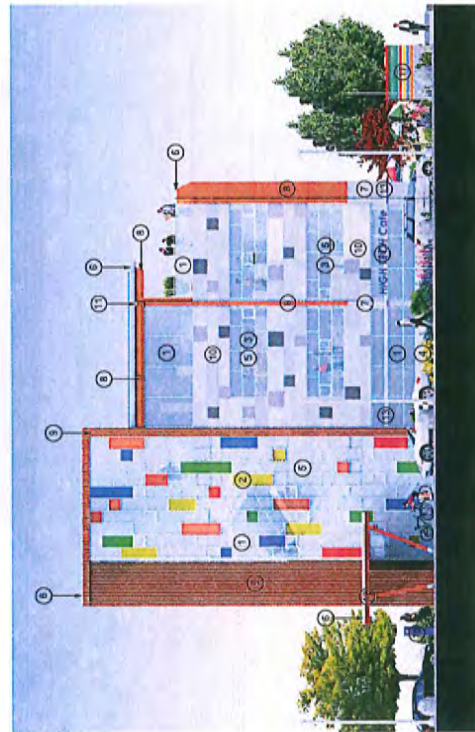


250 364 2131  
MOOREARCHITECTURE.CA

MOORE ARCHITECTURE



1 NORTH BUILDING - SOUTH ELEVATION  
N18



2 NORTH BUILDING - EAST ELEVATION  
N18

- |  |  |
|--|--|
| 1 GLAZING - CLEAR GLASS  | 10 COMPOSITE METAL PANELS  |
| 2 GLAZING - COLOR TINTED GLASS   | 11 GALVANIZED STEEL SUPPORT  |
| 3 GLAZING - HIGH PERFORMANCE ENERGY EFFICIENT / LOW-EMISSIVITY GLASS     | 12 CLUED LAMINATED TIMBER STRUCTURES (CLOVERDALE STAIN - SUNBURST) |
| 4 SPANDREL GLASS   | 13 EXPOSED CONCRETE OVERHANG SOLAR SHADES                          |
| 5 WINDOW FRAMES - CLEAR ANODIZED ALUMINUM                                | 14 ALUMINUM OVERHANG LOWER SOLAR SHADING SYSTEM                    |
| 6 FLASHINGS - CLEAR ANODIZED ALUMINUM                                    | 15 GREEN WALL  |
| 7 COLUMNS AND WALLS - EXPOSED CONCRETE                                   | 16 MOSAIC ART TILES  |
| 8 CLUED LAMINATED TIMBER COLUMNS AND BEAMS (CLOVERDALE STAIN - SUNBURST) | 17 SIGN - ALUMINUM AND ACRYLIC                                     |
| 9 CEDAR SOUP (CLOVERDALE STAIN - SUNBURST)                               | 18 ELECTRIC CAR CHARGING HUB                                       |

DECEMBER 18, 2012

2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A10 - MATERIALS AND COLORS

Mission Professional Centre  
Wellness - Sustainability



250 584 2131  
MOOREARCHITECTURE.CA











1 NORTH BUILDING - EAST ELEVATION  
E150



2 NORTH BUILDING - NORTH ELEVATION  
E150



DECEMBER 18, 2012

2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A13 - RENDERED ELEVATIONS

250 364 2131  
MOOREARCHITECTURE.CA



MOORE ARCHITECTURE

Mission Professional Centre  
Wellness - Sustainability





DECEMBER 18, 2012

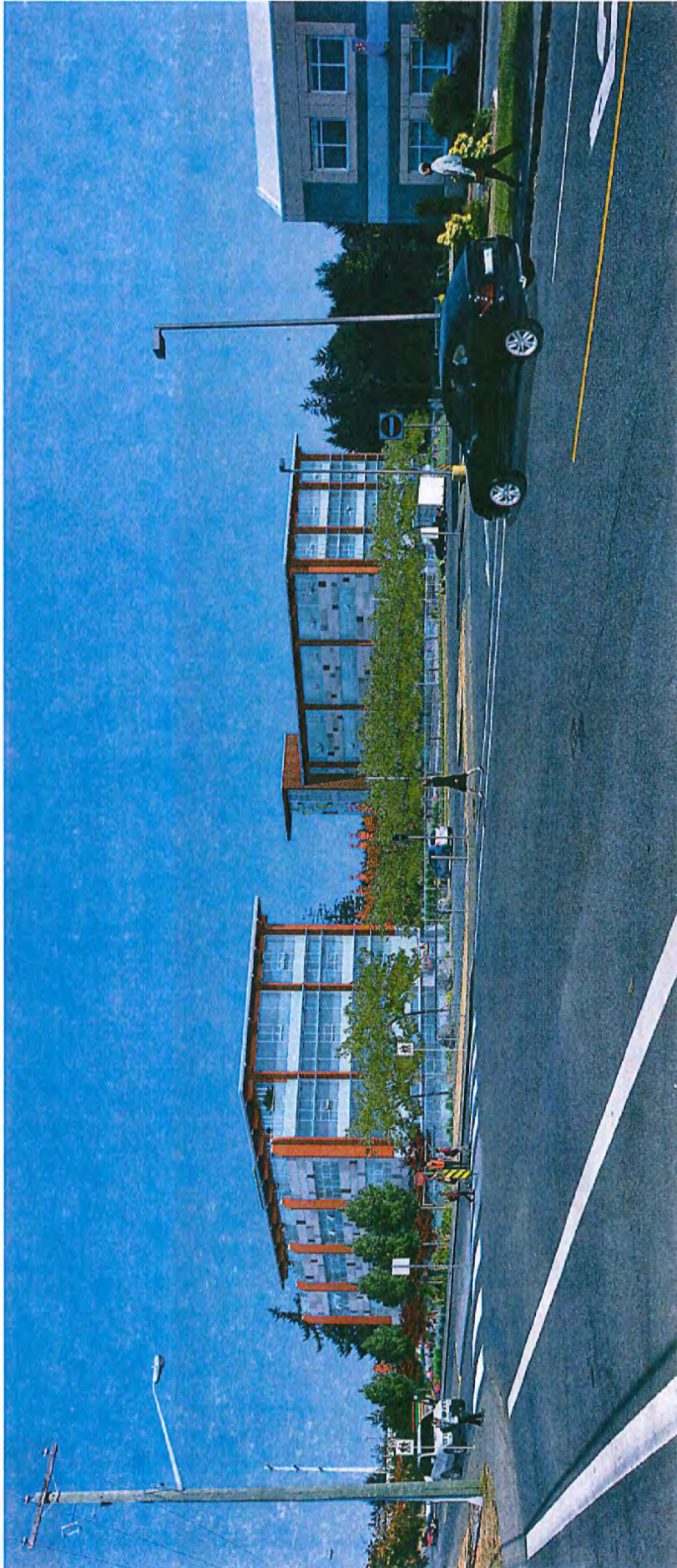
Mission Professional Centre  
Wellness - Sustainability

2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A14 - VIEW FROM LERWICK AND MISSION LOOKING WEST

250 264 2131  
MOOREARCHITECTURE.CA







MOORE ARCHITECTURE

250 364 2131  
MOOREARCHITECTURE.CA

2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A15 - VIEW FROM MISSION ROAD LOOKING EAST

DECEMBER 18, 2012

Mission Professional Centre  
Wellness - Sustainability





DECEMBER 18, 2012

# Mission Professional Centre

Wellness - Sustainability

2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A16 - VIEW FROM PLAYING FIELD LOOKING NORTH

250 384 2131  
MOOREARCHITECTURE.CA







DETAIL VIEW OF INTERNAL PEDESTRIAN WALKWAY



DETAIL VIEW OF ENTRANCE CANOPY AND EAST FACADE



DETAIL VIEW OF SOUTH FACING BUILDING ENTRANCE



MOORE ARCHITECTURE

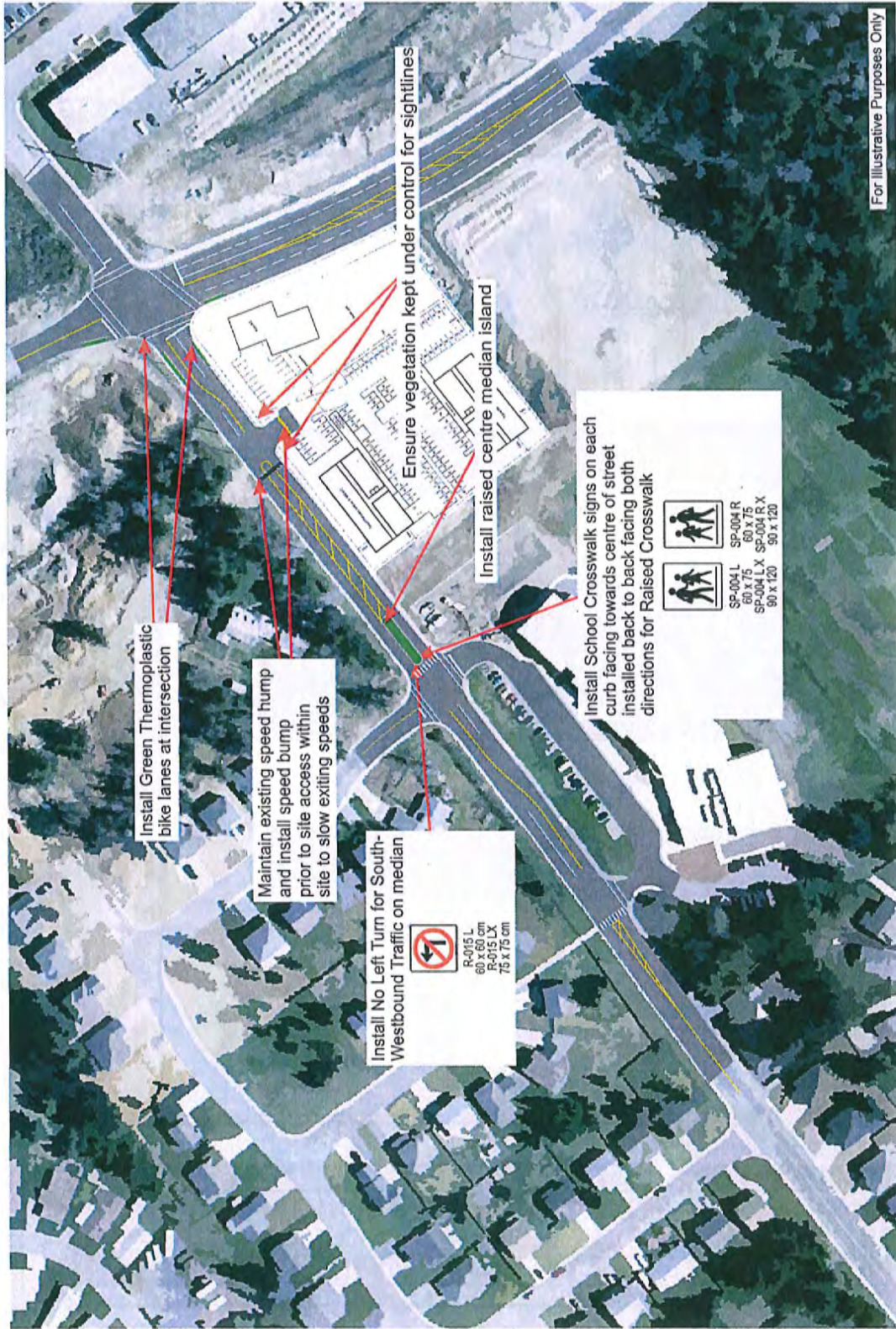
250 384 2191  
MOOREARCHITECTURE.CA

2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
SHEET A17 - DETAIL VIEWS

DECEMBER 18, 2012







Install Green Thermoplastic bike lanes at intersection

Maintain existing speed hump and install speed bump prior to site access within site to slow exiting speeds

Install No Left Turn for South-Westbound Traffic on median



Ensure vegetation kept under control for sightlines

Install raised centre median island

Install School Crosswalk signs on each curb facing towards centre of street installed back to back facing both directions for Raised Crosswalk



For Illustrative Purposes Only

1 TRAFFIC PLAN PREPARED BY OPUS INTERNATIONAL CONSULTANTS

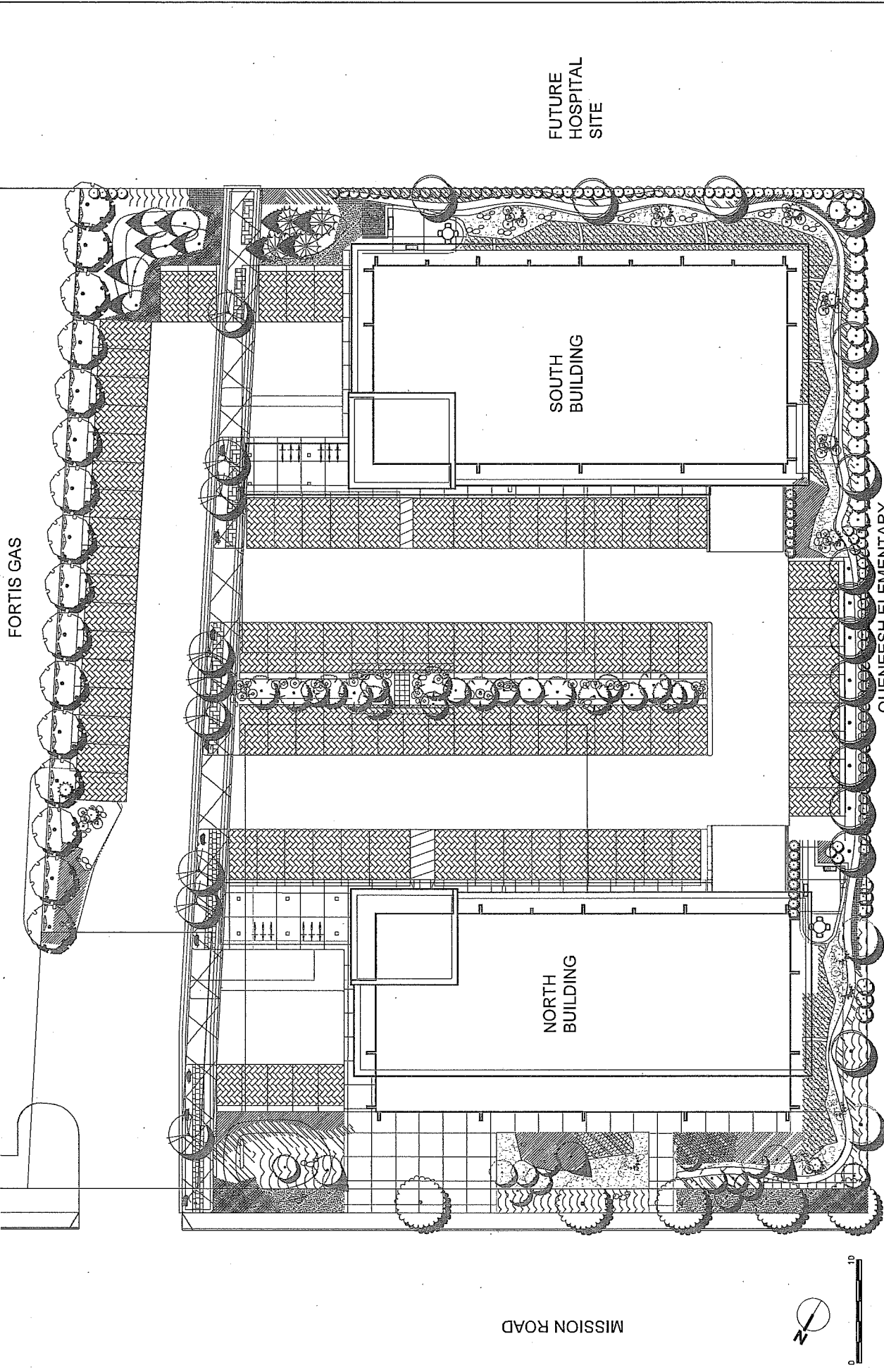
DECEMBER 18, 2012

Mission Professional Centre  
Wellness - Sustainability

2525 MISSION ROAD, COURTENAY, BC  
APPLICATION FOR DEVELOPMENT PERMIT  
TI - TRAFFIC PLAN

250 284 2131  
MOOREARCHITECTURE.CA

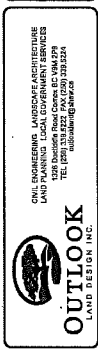




NOT FOR CONSTRUCTION

Project: MISSION PROFESSIONAL CENTRE LANDSCAPE PLAN  
 Scale: 1:250  
 Date: 10/1/13  
 Sheet: L01 of 3  
 Drawn Project: [Name]  
 Date: 10/1/13

CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE  
 AND INTERIOR DESIGN SERVICES  
 1001 Dundas Street West, Suite 100  
 Toronto, Ontario M5G 1R5  
 TEL: (416) 593-8888  
 WWW.OUTLOOKLANDSCAPE.COM



Drawn by: [Name]  
 Date: AUG 23, 12

NO.	DATE	BY	FOR DP	REVISIONS
1	JAN 7 2013	TOB	ENG	
2			CON	

Stamp

Notes

Reference Drawings

ISSUED FOR DP: JAN. 7, 2013



**PLANT SCHEDULE**

TREE	BOTANICAL NAME / COMMON NAME	CONT	QAL	SIZE	QTY
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	
	<i>Acacia saligna</i> / Black Wattle	1.75 m height	75mm Cal	22	

**NOT FOR CONSTRUCTION**

Project: MISSION PROFESSIONAL CENTRE PLANTING PLAN

Scale: 1:250

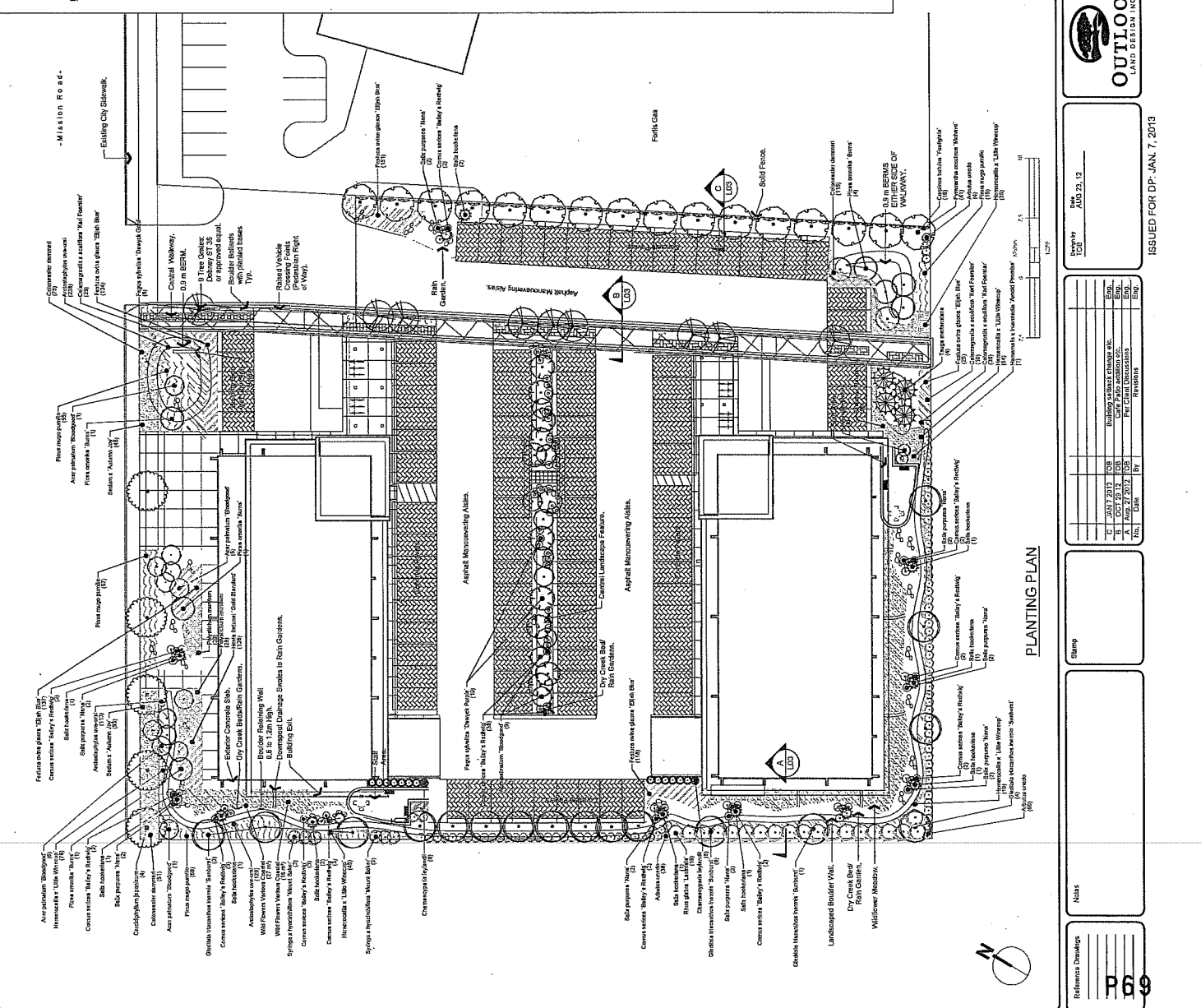
Sheet: L02 of 3

Client: CIVIL ENGINEERING ASSOCIATION OF SOUTH AFRICA

Drawn: [Name]

Checked: [Name]

Date: [Date]



**PLANTING PLAN**

Stamp: [ ]

Notes: [ ]

Reference Drawings: [ ]

Scale: 1:250

Sheet: L02 of 3

Client: CIVIL ENGINEERING ASSOCIATION OF SOUTH AFRICA

Drawn: [Name]

Checked: [Name]

Date: [Date]

ISSUED FOR DP: JAN. 7, 2013

OUTLOOK LAND DESIGN, INC.

MISSION PROFESSIONAL CENTRE PLANTING PLAN



## Part 24 - Industrial Two Zone (I-2)

### 8.24.1 Permitted Uses

In the I-2 zone, the following uses are permitted and other uses are prohibited except as otherwise noted in this bylaw;

- 2563
- (1) *Accessory buildings, including up to two unstacked containers*
  - (2) *Accessory office to an industrial use*
  - (3) *Automobile service and repairs including automobile storage of wrecked vehicles but excluding automobile wrecking or the use of a property as a wrecking yard*
  - (4) *Auction centre*
  - (5) *Building supply store*
  - (6) *Commercial laundry*
  - (7) *Contractor's offices and equipment storage yards*
  - (8) *Facility for adults with disabilities*
  - (9) *Fitness facility*
  - (10) *Heavy equipment sales and leasing*
  - (11) *Indoor entertainment facility*
  - (12) *Manufacturing*
  - (13) *Micro-brewing limited to 400 m<sup>2</sup> and including accessory retail sale of goods produced on site*
  - (14) *Pet Day Care*
  - (15) *Printers and publishers*
  - (16) *Radio station*
  - (17) *Restaurant*
  - (18) *Small item sales, service, rental and repair*
  - (19) *School*
  - (20) *Storage and sale of feed and fertilizer*
  - (21) *Truck and rail loading terminal*
  - (22) *Utility facility*
  - (23) *Veterinary clinic*
  - (24) *Two dwelling units for each lot provided that such dwelling(s) forms an integral part of the principal building and that residential units are located above stories used for industrial purposes and no storey can be used for both industrial and residential use.*
  - (25) *Notwithstanding any provisions of this bylaw, boat building, service, repair and accessory office is permitted on Lot 1, Section 18, Plan 4289 (4767 North Island Highway)*
  - (26) *Notwithstanding any provisions of this bylaw, a barber shop is a permitted use of Lot 1, D.L. 230, Plan 33435. (2260 Cousins Road).*
  - (27) *Notwithstanding any provisions of this bylaw, an office is a permitted use of Lot 23, Section 67, Comox District, Plan 35438. (801 30<sup>th</sup> Street).*
  - (28) *Notwithstanding any provisions of this bylaw, a warehouse is permitted use of Lot 1, Plan 34318. (4660 Western Road).*

2513

  - (29) *Enclosed Storage Facility*



#### 8.24.2 Condition of Use

Uses which are noxious or otherwise undesirable because of smoke, noise, vibration, dirt, glare, odour or electrical interference, or which are an offensive trade within the meaning of the Health Act shall not be permitted in this zone.

#### 8.24.3 Minimum Lot Size

A *lot* shall have an area of not less than 1250 m<sup>2</sup>.

#### 8.24.4 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 20.0 m.

#### 8.24.5 Lot Coverage

Lots shall not be covered by buildings and *accessory* buildings to a greater extent than sixty percent (60%) of the total area of the *lot*.

#### 8.24.6 Setbacks

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 4.5 m except where a *lot* adjoins a residential zone without the intervention of a *street* or lane, in which case the minimum *rear yard* shall be:
  - (i) 9.0 m in the case of a *one-storey building*
  - (ii) 10.0 m in the case of buildings exceeding *one-storey*
- (3) *Side yard:* No *side yard* shall be required except where a *lot* adjoins a residential zone in which case the following applies:
  - (i) 6.0 m - *one storey*
  - (ii) 7.5 m - *two storeys*

and further, where the *side yard* flanks a *street* a minimum *setback* of 7.5 m is required.

#### 8.24.7 Height of Buildings

No *building* shall exceed a *height* of 15.0 m.

#### 8.24.8 Useable Open Space

*Useable open space* shall be provided on a *lot* in the amount of 20.0 m<sup>2</sup> per *dwelling unit*.

#### 8.24.9 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 6.0 m in *height*
- (2) Shall have a *floor area* not exceeding 50.0 m<sup>2</sup>
- (3) Shall be permitted in the side and *rear yard* provided they shall conform to all relevant siting regulations of this bylaw
- (4) Shall not be permitted at the front of a *principal building*

#### 8.24.10 Off-Street Parking and Loading

Off-*street* parking and loading shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

#### 8.24.11 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 14 of this bylaw, the following landscape requirements shall be met:

- (1) A landscape area of 3.0 m shall be provided along the inside of all affected property lines. Where a *building* is greater than 4,500 m<sup>2</sup> a landscape area of 15.0 m shall be provided along the inside of all affected property lines.
- (2) Where a *lot* adjoins a residential or institutional use or adjoins 29<sup>th</sup> *Street*, Atlas Road, Anderton Road, Comox Road, Cumberland Road, Lerwick Road, Mission Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 6.0 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.
- (3) To separate all *storage yards* from adjacent properties, a landscaped buffer area of at least 3.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.
- (4) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2.0 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.



5

THE CORPORATION OF THE CITY OF COURTENAY

REPORT TO COUNCIL

FROM: Development Services Department

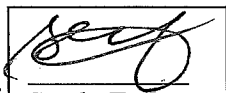
FILE #: 3030-01

DATE: January 15, 2013

SUBJECT: Proposed Telecommunications Tower  
2931 Moray Avenue  
Lot 15, Section 67, Comox District, Plan 35438

C.A.O. COMMENTS/RECOMMENDATIONS:

That the recommendation of the Director of Development Services be accepted.

  
Sandy T. Gray

RECOMMENDATION:

That Rogers Communications Inc. has satisfactorily completed its consultation with the City of Courtenay and its public consultation process and that no further consultation is required;

That City of Courtenay concurs with Rogers Communications Inc.'s proposal to construct a wireless telecommunications facility provided it is constructed substantially in accordance with the plans shown in *Attachment No. 2*; and

That Council direct staff to develop an Antenna Siting Protocol.

PURPOSE:

Rogers Communications Inc. is seeking concurrence from the City of Courtenay for Rogers' proposal to locate a new telecommunications tower at 2931 Moray Avenue.

BACKGROUND:

Rogers is proposing to install a 30 metre telecommunications tower and related electrical and mechanical equipment on private land within the Industrial Two (I-2) zone. The subject property currently contains an industrial building and storage yard. The proposed telecommunications tower will be located in the rear portion of the property adjacent to the railway corridor.

A map showing the subject property is contained in *Attachment No. 1*; the site plan and drawings showing the proposed tower are included as *Attachment No. 2*; a summary of the proposal and request for concurrence is included as *Attachment No. 3*; Public consultation information is included as *Attachment No. 4*.

DISCUSSION:

Rogers is proposing a new telecommunications tower to improve wireless coverage and service in the Courtenay area in response to the increasing usage of cellular phones and wireless devices. Planning staff have been working with representatives of Standard Land, agents for Rogers Communications, to find a suitable location for the proposed tower.

## **Regulatory Authority**

Telecommunications are regulated by the Federal government under the *Radiocommunication Act*. Industry Canada, the department responsible for administering the Act, authorizes radio apparatus and antenna systems including the installation of masts, towers, and other antenna-supporting structures. As such, local governments have little ability to regulate this type of land use; however, Industry Canada mandates that proponents of telecommunications towers consult with local land-use authorities prior to receiving approvals.

## **Consultation Process**

Industry Canada requires proponents of telecommunications towers to consult with the public and with the local land use authority. Industry Canada encourages local land-use authorities “to establish reasonable, relevant, and predictable consultation processes specific to antenna systems” and requires that proponents follow the local land-use authority’s process where one exists. As the City does not have a land-use consultation process specific to the siting of antenna systems, Standard Land has followed Industry Canada’s default public consultation process. A description of public consultation activities and copies of the input received are included in *Attachment Nos. 3 and 4*.

In addition to the public consultation process, the proponent is required to consult with the local land-use authority to:

- Discuss site options;
- Ensure local processes related to antenna systems are respected;
- Address reasonable and relevant concerns from the land-use authority and the community they represent; and
- Obtain land-use authority concurrence in writing.

Staff has met with the proponent’s agents on several occasions to discuss potential locations for the proposed cell tower and the appearance of the structure. As noted above, installation of cell towers is largely beyond municipal jurisdiction but staff have indicated a preference for locating cell towers within industrial areas and screening equipment areas consistent with the City’s zoning bylaw.

Rogers is proposing to locate the cell tower within an industrial area adjacent to the railway corridor. Surrounding property uses include industrial, railway, agricultural, and commercial uses. Residential use in the immediate area is limited to residential units above industrial uses, dwellings associated with agricultural lands, and residential properties north of 29<sup>th</sup> Street. As part of their consultation requirements, Rogers has prepared three options for the design of the tower: lattice self-support, shrouded monopole, and tri-pole with concealed antennas. Photo renderings for each of the three design options are included in *Attachment No. 4*. Staff has indicated support for either the shrouded monopole or tri-pole with concealed antennas.

The proposed tower will be adjacent to the future extension of the Rail with Trails greenway. In effort to minimize the visual impact of the equipment yard on users of the future greenway, staff have requested a landscaping screen consistent with the zoning bylaw. Rogers is proposing a 1.5 wide landscape buffer to the side and rear of the property as shown in *Attachment No. 2*. While this is less than the 3.0 m width required by the zoning bylaw, it is sufficient for the installation of a hedge which will provide adequate screening. Rogers is supportive of the Rail with Trails project and has offered to contribute \$20,000 towards the construction and landscaping of the trail segment between 29<sup>th</sup> Street and Anfield Road which will be adjacent to the proposed cell

tower site.

**FINANCIAL IMPLICATIONS:**

Not applicable.

**STRATEGIC PLAN REFERENCE:**

The proposed telecommunications tower is consistent with the Council goal of “ensuring protective services meet community needs” as emergency response efforts rely in part on cellular calls and wireless technologies.

**OCP SUSTAINABILITY REFERENCE:**

Not applicable.

**REGIONAL GROWTH STRATEGY REFERENCE:**

Not applicable.

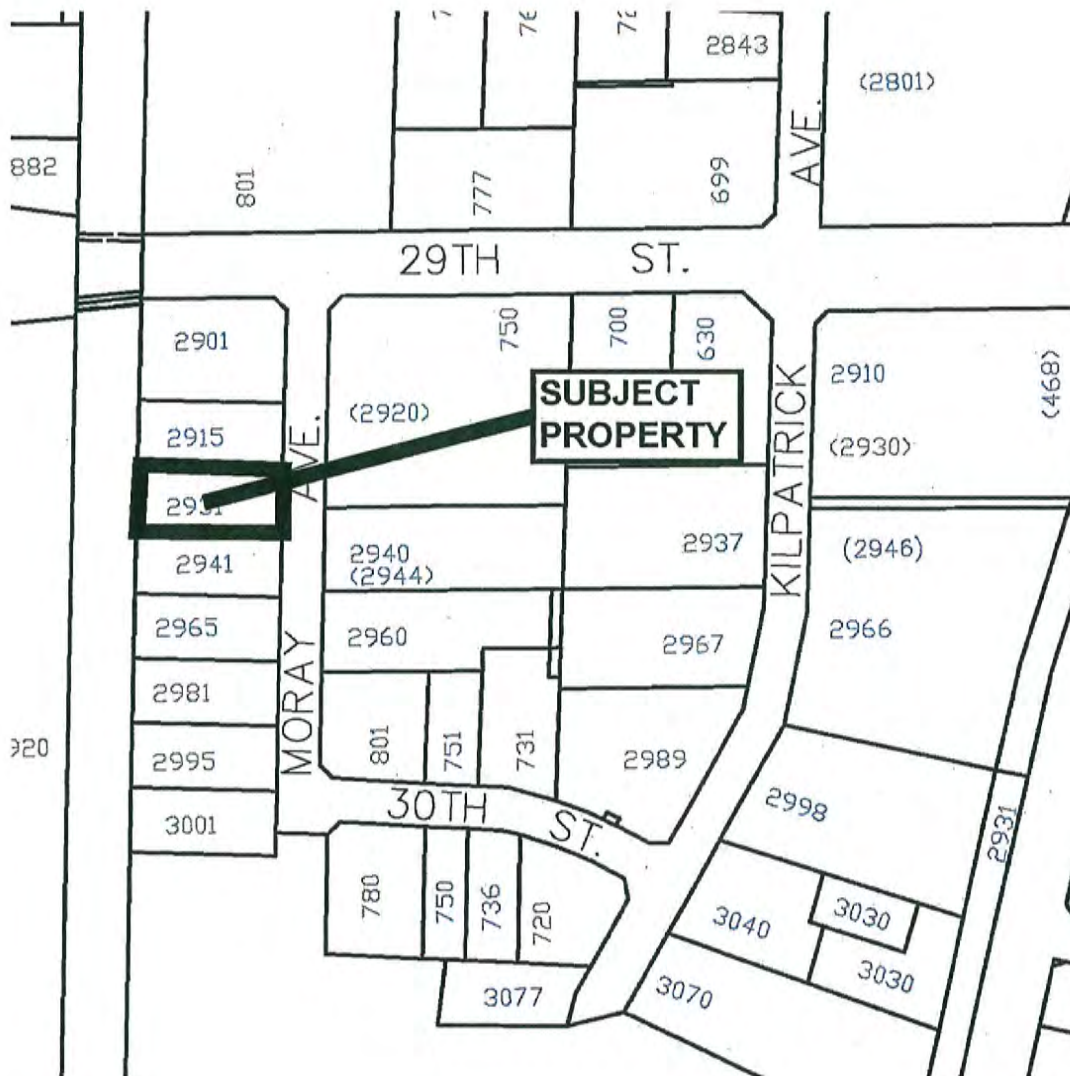
Respectfully submitted,



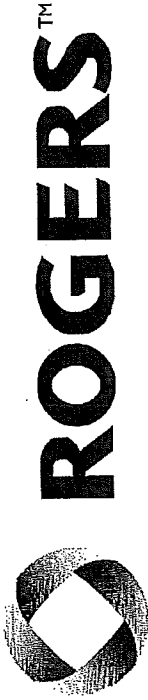
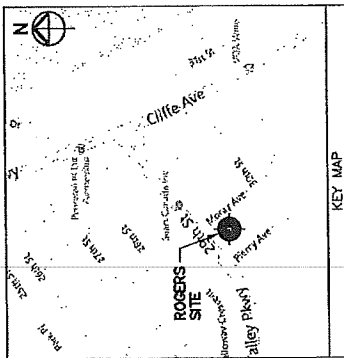
Erin Ferguson, MCP  
Planning Technician



Peter Crawford, MCIP  
Director of Development Services







**SITE NAME:** COURTENAY - WOODS

**SITE ID:** W3027

**LOCATION:** 2931 MORAY AVENUE  
COURTENAY, BC

**SITE TYPE:** 30m TRI-POLE - WIC ON GRADE

**LEGAL DESC.:** LOT 15, SECTION 67, COMOX DISTRICT, PLAN 35438

**DRAWING LIST:**  
S101 TITLE PAGE  
S301 SITE PLAN  
S302 ENLARGED SITE PLAN  
S303 COMPOUND PLAN  
S401 SOUTHEAST ELEVATION AND ANTENNA LAYOUT

No.:	Date:	Description:
2013.01.03		ISSUED FOR CLIENT REVIEW
2012.12.20		ISSUED FOR CLIENT REVIEW
2012.11.08		ISSUED FOR CLIENT REVIEW
2012.10.31		ISSUED FOR CLIENT REVIEW

Date:	001 2012	Drawing:	S101
Scale:	1/4"	Drawn:	SR
Checked:	CF	Project:	212367
		Of	

Project: **W3027**  
**COURTENAY - WOODS**  
2931 MORAY AVENUE, COURTENAY, BC

**GS-Sayers**  
ENGINEERING LTD.  
1881 West 6<sup>th</sup> Avenue  
Vancouver, BC V6L 4R6  
Tel: 604.734.8822  
www.gsdigitalinc.com

**ROGERS™**

**NOTES:**

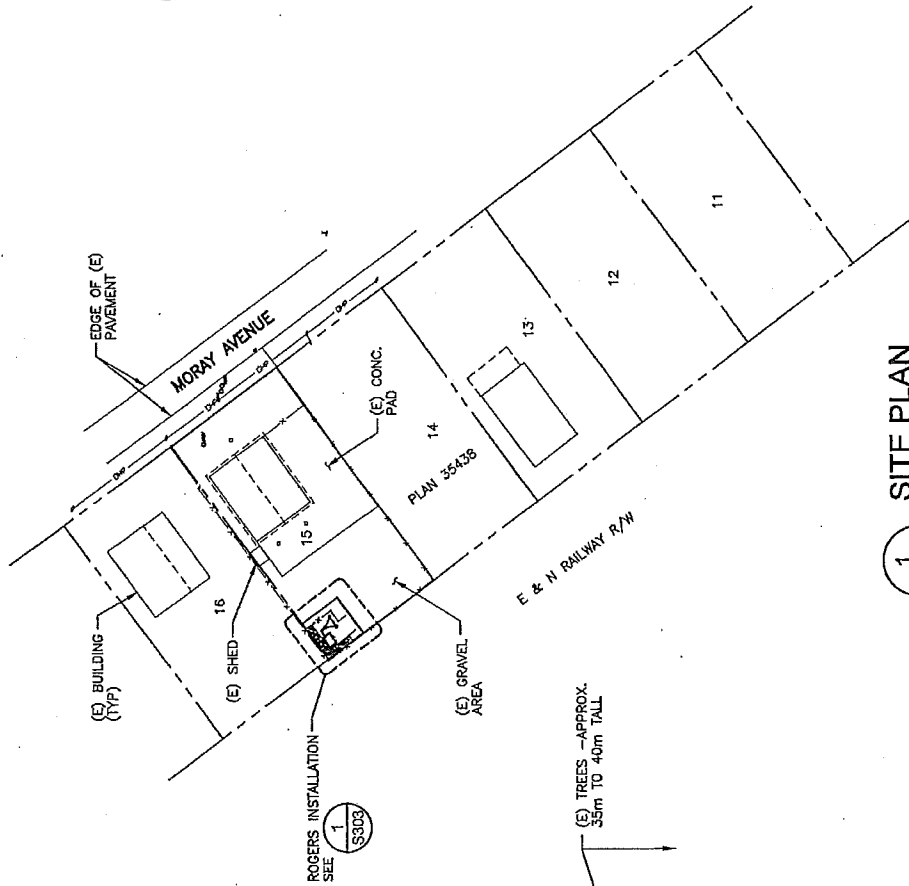
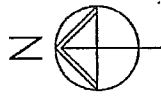
- SITE PLAN INFORMATION WAS OBTAINED FROM SURVEY PREPARED BY ALBERT AND SURVEYING INC. DATED APRIL 23, 2012

**LEGEND:**

- ★ -- INDICATES PARTICULAR ATTENTION SHOULD BE GIVEN TO WHAT IS NOTED ON THE DRAWING
- (E) -- DENOTES EXISTING
- (F) -- DENOTES FUTURE
- (TYP) -- DENOTES TYPICAL
- - - DENOTES (E) POWER UTILITY POLE
- - - DENOTES (E) STORM MAN HOLE
- - - DENOTES (E) SANITARY MANHOLE
- - - DENOTES SUBJECT PROPERTY LINE
- - - DENOTES ADJACENT PROPERTY LINE
- - - DENOTES (E) OVERHEAD POWER LINE
- - - DENOTES (E) DECIDUOUS TREE
- - - DENOTES (E) CONIFEROUS TREE

**LEGAL DESCRIPTION:**

LOT 15, SECTION 67, COMOX DISTRICT, PLAN 35438



1 SITE PLAN  
1:1000

No.:	Date:	Description:
2013.01.03		ISSUED FOR CLIENT REVIEW
2012.12.20		ISSUED FOR CLIENT REVIEW
2012.11.06		ISSUED FOR CLIENT REVIEW
2012.10.31		ISSUED FOR CLIENT REVIEW

Revisions:	Date:	oct 2012	Drawing:	S301
	Scale:	1:1000	Drawn:	SR
	Checked:	GF	Project:	213187
				Of

Project: **COURTENAY - WOODS**  
2931 MORAY AVENUE, COURTENAY, BC

Site ID: **W3027**

Sheet Title: **SITE PLAN**

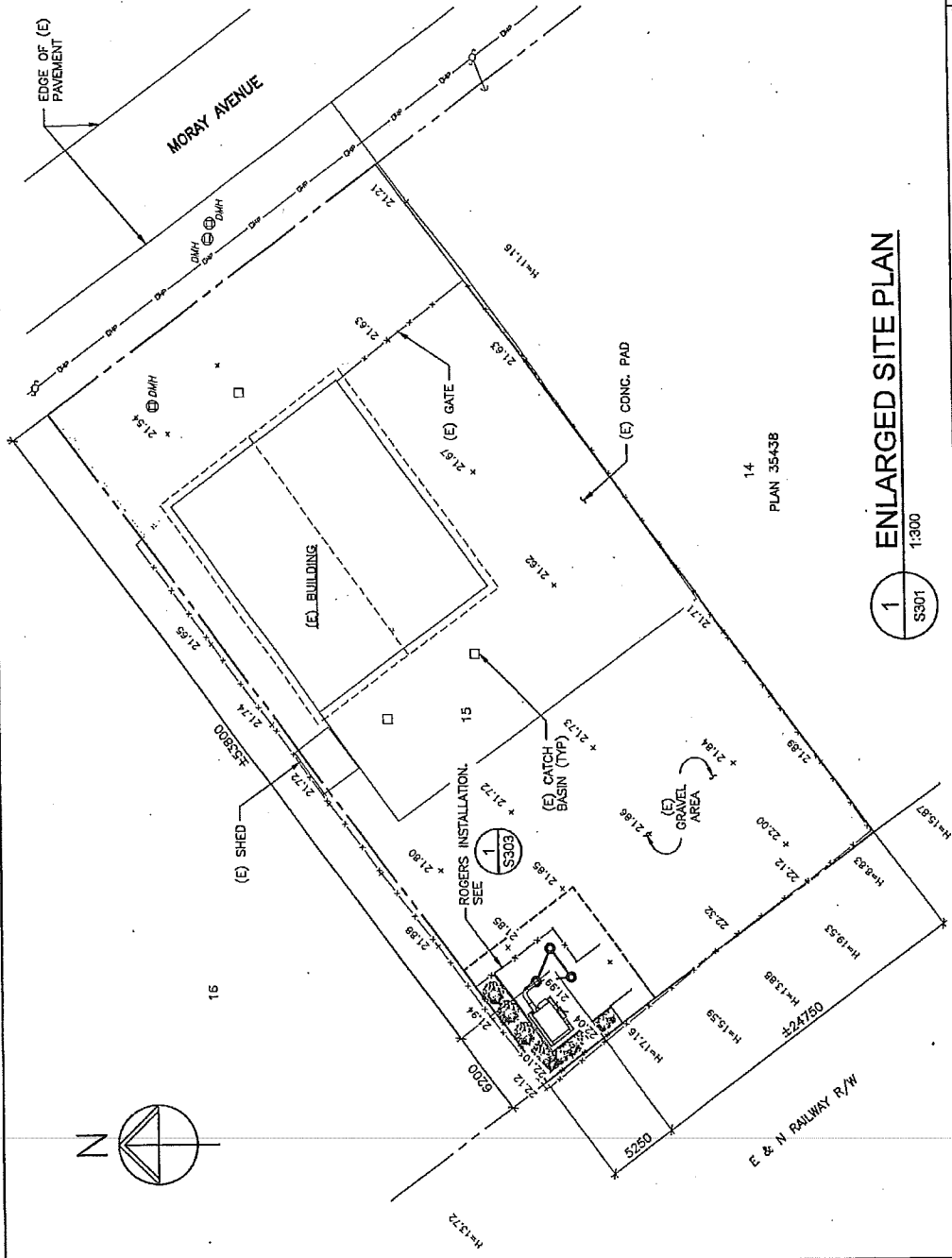
**GS-Sayers**  
ENGINEERING LTD.

1681 West 15<sup>th</sup> Avenue  
T: 804.734.8622  
F: 804.734.3622  
www.gssayers.com

This plan and any other information shown hereon are the property of GS-Sayers Engineering Ltd. and shall remain the property of GS-Sayers Engineering Ltd. No part of this plan or any other information shown hereon shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of GS-Sayers Engineering Ltd. The user of this plan and any other information shown hereon shall be deemed to have accepted the responsibility of any and all actions taken in reliance on the information shown hereon.

**LEGEND:**

- ★ INDICATES PARTICULAR ATTENTION SHOULD BE GIVEN TO WHAT IS NOTED ON THE DRAWING
- (E) -- DENOTES EXISTING
- (F) -- DENOTES FUTURE
- (TYP) -- DENOTES TYPICAL
- ⊙ -- DENOTES (E) POWER UTILITY POLE
- ⊕ DMH -- DENOTES (E) STORM MANHOLE
- ⊕ SMH -- DENOTES (E) SANITARY MANHOLE
- DENOTES SUBJECT PROPERTY LINE
- - - - DENOTES ROGERS LEASE LINE
- - - - DENOTES ADJACENT PROPERTY LINE
- DENOTES (E) OVERHEAD POWER LINE
- DENOTES (E) DECIDUOUS TREE
- DENOTES (E) CONIFEROUS TREE
- \* 21.84 -- DENOTES (E) SPOT ELEVATION



1 ENLARGED SITE PLAN  
S301 1:300

No.	Date	Description
1	2013.01.03	ISSUED FOR CLIENT REVIEW
2	2012.12.20	ISSUED FOR CLIENT REVIEW
3	2012.11.08	ISSUED FOR CLIENT REVIEW
4	2012.10.31	ISSUED FOR CLIENT REVIEW

Date:	Oct 2012	Drawing:	S302
Scale:	1:300	Drawn:	SR
Checked:	of	Project:	212367

Project: **W3027**  
 Site ID: **W3027**  
**COURTENAY - WOODS**  
 2931 MORAY AVENUE, COURTENAY, BC  
**ENLARGED SITE PLAN**

**GS-Sayers**  
 ENGINEERING LTD.  
 1888 West 15<sup>th</sup> Avenue  
 Victoria, BC V8M 1T5  
 T: 888.724.1822  
 www.gssayers.com

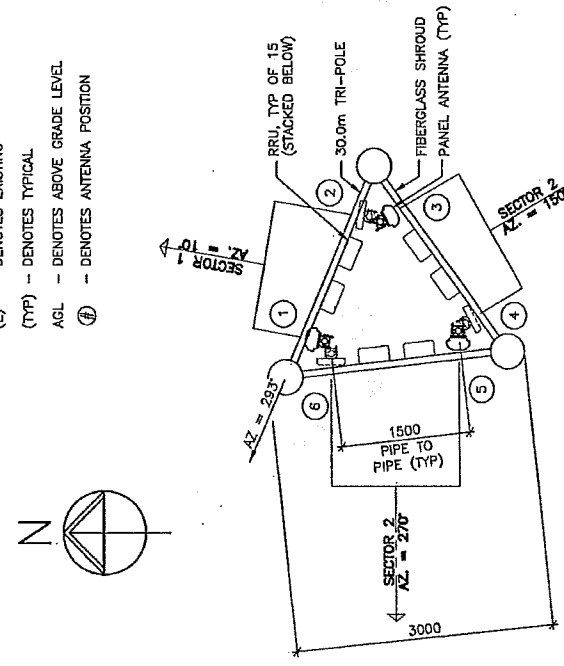
**ROGERS**  
 www.diamantir.com

Copyright Reserved. This plan and design are the work of all those who have contributed to its completion. It is not to be used for any other project without the written consent of GS-Sayers Engineering Ltd. The user assumes full responsibility for the accuracy of the information and data provided and for the results of any use of the information. The user agrees to indemnify and hold GS-Sayers Engineering Ltd. harmless from and against all claims, damages, losses and expenses, including reasonable attorneys' fees, that may be incurred by GS-Sayers Engineering Ltd. as a result of the use of this plan and design.

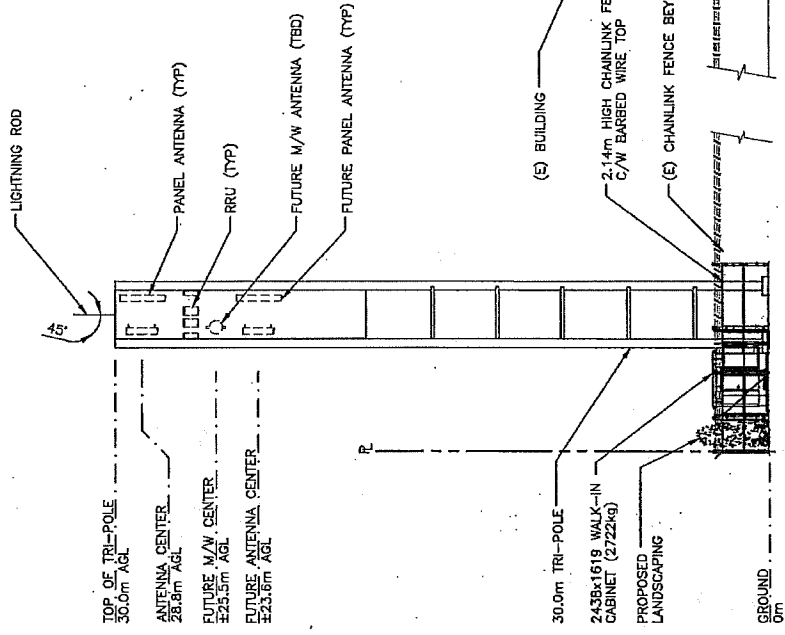


**LEGEND:**

- ★ -- INDICATES PARTICULAR ATTENTION SHOULD BE GIVEN TO WHAT IS NOTED ON THE DRAWING
- (E) -- DENOTES EXISTING
- (TYP) -- DENOTES TYPICAL
- AGL -- DENOTES ABOVE GRADE LEVEL
- Ⓜ -- DENOTES ANTENNA POSITION



**2 ANTENNA LAYOUT**  
1:50



**1 SOUTHEAST ELEVATION**  
1:200

No.	Date:	Description:
2013.01.03	ISSUED FOR CLIENT REVIEW	
2012.12.20	ISSUED FOR CLIENT REVIEW	
2012.11.08	ISSUED FOR CLIENT REVIEW	
2012.10.31	ISSUED FOR CLIENT REVIEW	

Date:	OCT 2012	Drawing:	<b>S401</b>
Scale:	AS NOTED	Drawn:	SR
Checked:	CF	Project:	212367
		Of:	

Project: **COURTENAY - WOODS**  
2931 MONAY AVENUE, COURTENAY, BC

Site ID: **W3027**

Sheet Title: **SOUTHEAST ELEVATION AND ANTENNA LAYOUT**

**GS-Sayers**  
ENGINEERING LTD.

1851 West 5<sup>th</sup> Avenue  
Vancouver, BC V6L 1N5  
F: 604-734-8652  
www.gssayers.com

This plan and details are, and all of them are, the property of GS-Sayers Engineering Ltd. and shall remain the property of GS-Sayers Engineering Ltd. No part of this plan or details may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of GS-Sayers Engineering Ltd. The user of this plan and details shall be deemed to have accepted the terms and conditions of this license. GS-Sayers Engineering Ltd. is not responsible for any errors or omissions in this plan and details. The user of this plan and details shall be deemed to have accepted the terms and conditions of this license. GS-Sayers Engineering Ltd. is not responsible for any errors or omissions in this plan and details.









**StandardLand**

*Standard Land Company Inc.  
Suite 610, 688 West Hastings Street  
Vancouver, British Columbia  
V6B 1P1*

*Telephone: 604.687.1119  
Facsimile: 604.687.1339  
Email: standard@standardland.com  
Website: www.standardland.com*

December 21, 2012

VIA COURIER

Erin Ferguson  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, British Columbia  
V9N 2J7

RECEIVED

DEC 31 2012

CITY OF COURTENAY

Dear Ms. Ferguson,

**SUBJECT: SUMMARY REPORT AND REQUEST FOR CONCURRENCE  
PROPOSED ROGERS TELECOMMUNICATIONS STRUCTURE**  
**LOCATION: 2931 MORAY AVENUE, COURTENAY, BC V9N 7S7**  
**PID: 000-346-471**  
**ROGERS SITE: W3027 - COURTENAY**

Please accept this letter in response to your October 2nd, 2012 e-mail request for a summary report of public comments regarding the above proposal and the public consultation that has been undertaken by Standard Land Company Inc. ("SLC") on behalf of Rogers Communications Inc. ("Rogers") at the request of the City of Courtenay ("City") and as required by Industry Canada.

Please also accept this letter as an official request for this matter to be considered by the Mayor and Council and that a Resolution in support of Concurrence be considered at the January 14, 2013, Council meeting.

Rogers' proposal is for a 30 metre telecommunications structure and the information provided in this letter concerns the following:

- a description of the proposal including information about the design of the structure and site;
- consultation with the City, which commenced in the Fall of 2010;
- written notification ("public notification") that was sent by mail to all residences and businesses within 100 metres of the proposed location, as identified by the City;
- a Community Consultation Event ("CCE") that was held between 5 and 7 p.m. on December 4, 2012 at the Holiday Inn Express. Information about the CCE was included in the public notification along with a comment sheet, which provided the recipients with the opportunity to comment without having to attend the CCE; and
- a request for Council to consider this proposal and to provide a resolution in support of it.

**Background Information**

In addition to the requests by the City to locate the structure within an I-2 zone, to limit the height of the structure to 30 metres, to extend the public notice beyond three times the height of the tower to 100 metres, and to host a CCE; a key additional Industry Canada requirement is for Rogers to request the City's concurrence for this structure.

In August 2011, City staff directed Rogers to focus their efforts on properties zoned Industrial Two (I-2), as telecommunication towers are permitted in this zone.

Rogers decision to propose a 30-metre telecommunications structure at 2931 Moray Avenue is based on the fact that it will meet its technical requirements, the property owner was willing to enter into a long-term agreement, and because of its I-2 zoning classification.

**Timeline**

The following is a summary of the efforts taken by Rogers with respect to this proposal:

October 2010	Initial area investigation undertaken to find a suitable location for a telecommunications tower, including discussions with the City.
March 2012	Long-term agreement reached with owner of property at 2931 Moray Avenue.
September 11, 2012	Information Package delivered to the City of Courtenay in order to initiate consultation with Staff. Please See <b>Appendix 1: Information Package to City.</b>
October 2, 2012	City of Courtenay responds to Information Package – requests summary report of public comments, offers support for shrouded monopole or tri-pole with concealed antennas, notes preference for tri-pole if future capacity included, and indicates additional drawing requirements. City proposes that matter should be heard by Council with SLC as a delegation with a request for a Resolution in support of the structure.  Please See <b>Appendix 2: Response - Telecommunications Tower on Moray Ave, Courtenay.</b>
November 14, 2012	Public notification packages were issued to businesses and residences within 100 metres of the proposed structure; a total of <u>sixty-one</u> properties. Please see <b>Appendix 3: Affidavit of Notification.</b>
November 16, 2012	Notice of proposed tower project and invitation to Open House placed in both the Comox Valley Echo and Comox Valley News. Please see <b>Appendix 4: Notices.</b>
December 4, 2012	Rogers hosted a Community Consultation Event at the Holiday Inn Express between 5:00 p.m. and 7:00 p.m. Other than those present on behalf of Rogers, the meeting was attended by a one (1) person. Please see <b>Appendix 5: Summary of Open House (including Open House Welcome Letter and Sign-in Sheet).</b>
December 17, 2012	Conclusion of 30 day public consultation period. One (1) written comment (in opposition) to the structure was received by mail and one (1) written comment sheet (in support) was provided at the CCE regarding the proposed telecommunications structure. Please see <b>Appendix 6: Comments and Responses.</b>

The two comments received regarding both the location and design of the tower were reviewed, and written responses were provided to each person, as follows:

#### Comments Tracking:

1. Public Comment received by fax on November 19, 2012	Phone conversation on November 29, 2012	Email response delivered from SLC on December 10, 2012.	Substantive response letter and enclosures provided on December 10, 2012
2. Public Comment received at CCE on December 4, 2012	Substantive response letter provided on December 12, 2012		

#### Location

The proposed location for the structure is designated under the City's Zoning Bylaw as Industrial Two Zone (I-2). This is also true for the adjacent properties on three sides. The land adjacent to the rear of the property is zoned Industrial Three Zone (I-3) and is a rail line. Under the City's Official Community Plan, The I-2 zoned properties remain the same and the I-3 land is designated as a greenway. We are aware of the City's plan for this portion of the I-3 land to be maintained as a rail line but to also include the multi-use Rotary Trail.

#### Purpose of Proposed Structure

Further to our September 11<sup>th</sup> letter, as residents, businesses, tourists, first responders, and others in Courtenay use wireless devices more and more, a quality network becomes even more important.

The rapid adoption of "smart" phones (iPhones, Android devices, Blackberries, etc.) and the growing popularity of other wireless devices like tablets and laptops, have placed greater demand for capacity and service on wireless networks. This increased demand requires additional network investment by Rogers to ensure the continued dependability of its service. In addition to meeting consumer needs, technological upgrades are critical to ensuring the accessibility of emergency services such as fire, police and ambulance. You may be aware that approximately 57% of all emergency calls are made via mobile phones.

The proposed tower site is required to address identified coverage issues and to upgrade the network to enable Rogers to meet this growing demand.

#### Design

In response to the public's demand for high quality wireless services, Rogers is proposing to construct a telecommunications structure, as follows:

- tri-pole structure with antennas concealed behind a fiberglass shroud. Please see **Appendix 7: Photo Simulations** and **Appendix 8: Drawings**<sup>1</sup>;

<sup>1</sup> Please note that although the drawings show a 3.0 metre rear yard setback and landscaping buffer, our request is for this to be reduced to 1.5 metres.

- designed to support Rogers current and future needs;
- able to accommodate the co-location of an additional wireless provider;
- without any aeronautical requirement for the structure to have any obstruction lighting or to be painted with obstruction markings (red and white stripes); and
- located such that existing mature coniferous trees will help to screen the structure and designed to be aesthetically attractive when compared to standard lattice tower structures. Additional landscaping measures will be taken to screen equipment located at ground level.

### **The Multi-use Rotary Trail Project ("Rotary Trail")**

We understand that the City's plan for the Rotary Trail includes the area adjacent to our site and will eventually extend from 29<sup>th</sup> Street to Fraser Road.

Rogers would be pleased to contribute to the construction of the Rotary Trail in the amount of Twenty Thousand Dollars (\$20,000.00) and believes there may be an opportunity to provide the City with a desirable amenity in exchange for a relaxation of the setback and landscaping buffer requirements.

The City's bylaw includes a setback requirement and/or landscaping buffer of 3.0 metres at the rear and sides of the property. While we appreciate the City's desire to screen the base of this proposed structure, we do not believe that these requirements are required to achieve that objective.

The industrial nature of the area, the significant width of the existing rail line right of way where the Rotary Trail will be located, and the desire for the property owner to maximize his use of the property, are such that we believe it would be appropriate to relax the setbacks to allow the telecommunications structure to be placed within 1.5 metres of the southwest and northwest property boundaries. This would provide enough space for a cedar hedge that would provide an attractive screen to the base of the structure and site so that it would not be visible from the trail or the adjacent property to the northwest. The additional space would be used by the property owner for industrial activities. It may be of interest to you to know that many municipalities consider telecommunications structures as exempt from setback requirements.

We believe the benefit associated with a contribution to the Rotary Trail would more than offset any impact related to the relaxation of the setback and landscaping buffer requirements.

### **Proposed Resolution**

Enclosed, please find **Appendix 9: Proposed Resolution** in Support of Rogers Proposal that we offer for consideration by Council.

### **Conclusion**

We hope you will agree that all efforts have been made by Rogers to select a location that meets its important technical requirements and provides an appropriate structure design that respects the City's desire to ensure that development in the area is appropriate for this entrance to the City.

We believe this proposal is both responsible and respectful and request that the Mayor and Council provide their concurrence for the proposal and as required by Industry Canada.

Rogers is committed to working with the community to find an acceptable location and infrastructure design. Should you require any additional information, please do not hesitate to contact us at (604) 687-1119 or by e-mail at [brocke@standardland.com](mailto:brocke@standardland.com).

Sincerely,

**Standard Land Company Inc.**  
Agents for Rogers Communication Inc.



Brock Enderton  
Municipal Affairs Consultant (BC)

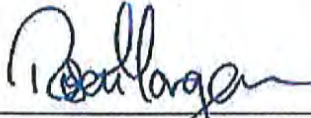
cc: Peter Leathley, Municipal Affairs Specialist, Rogers Communications Inc.

Enclosures

**Affidavit of Standard Land Company Inc.**

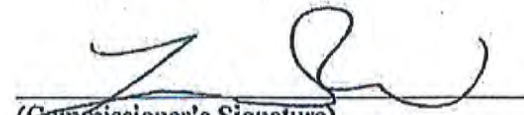
I, Rosa Morgan, Site Acquisition Administrator (BC) in the City of Vancouver in the Province of British Columbia, make an Oath and say:

1. THAT I caused to be sent by regular mail a notification letter, as included in Appendix A, to property owners, as listed in Appendix B, on Wednesday, November 14, 2012.



\_\_\_\_\_  
Rosa Morgan, Site Acquisition Administrator  
Standard Land Company Inc.

Sworn/Affirmed/Declared before me at the City of Vancouver, in the Province of British Columbia, this 15<sup>th</sup> day of November, 2012.

  
\_\_\_\_\_  
(Commissioner's Signature)

A Commissioner for Taking Affidavits for the Province of British Columbia

**James Thomas Shaw**  
A Commissioner for Taking Affidavits  
for British Columbia  
Standard Land Company Inc.  
610 - 688 West Hastings Street  
Vancouver, BC, V6B 1P1  
Tel: 604-687-1119  
Expires: November 30, 2013

\_\_\_\_\_  
(Commissioner's stamp or printed name and expiry date)





November 14, 2012

Dear Area Residents and Businesses:

Like many communities, Courtenay is experiencing a growing demand for wireless services as more and more people come to rely on smart phones, tablet computers and laptops, as part of their every day life. In response to this and in order to ensure that dependable wireless service is available throughout the City, Rogers is proposing the construction of a new telecommunications structure at 2931 Moray Avenue, Courtenay, BC.

As part of the public consultation process, you are invited to comment on the Rogers proposal before December 17, 2012. Following Industry Canada's Default Public Consultation Process, and at the request of the City of Courtenay, all residents and businesses within 100 metres of the proposed tower location will receive this Public Consultation Information Package. As well, a notice has been placed in both the Comox Valley Record and the Comox Valley Echo on November 16, 2012.

This package contains detailed information about the proposed structure, the consultation and approval process, as well as contact information available to you during the consultation process.

You are also welcome to attend a Public Information Meeting at the Holiday Inn Express at 2200 Cliffe Avenue, Courtenay, BC V9N 2L2 on December 4, 2012 between 5:00 and 7:00 PM to meet with Rogers representatives in order to learn more about the project and to have any questions or issues addressed.

Rogers is committed to working with the community to locate a telecommunications facility that takes into consideration the comments provided by the public, as well as meets Rogers technical requirements in order to provide the community with high quality service that can be depended on for personal, business and emergency services.

Thank you,

Rogers Communications Inc.

### **What is being proposed?**

Rogers is proposing to build a new 30 metre structure.

A robust and enhanced network is required if wireless customers are to be able to access advanced technologies for personal, business and emergency communications.

When a network weakness is identified, Rogers' radiofrequency engineers' first steps are to explore any and all opportunities to add additional equipment on nearby towers or mount antennas on existing buildings. Only when every alternative has been exhausted, does Rogers consider constructing a new wireless structure. Rogers engineers have determined that in this case there are no suitable existing structures in the area. As a result, a single structure of 30 metres is being proposed to meet Rogers' network requirements.

Three options are under consideration:

- 1) a lattice self-support tower;
- 2) a shrouded monopole;
- 3) a shrouded tri-pole.

A lattice, self-support tower provides the greatest flexibility while the monopole and tri-pole options are usually considered to be more aesthetically pleasing. The monopole option occupies the least amount of land but can only support a limited number of antennas. The tri-pole option is larger but allows for additional antennas and greater flexibility.

Rogers proposes that the monopole and tri-pole options be painted light grey as this is a colour that would blend in well with the local area and is considered to be a very good standard colour for installations of these types.

### **Where is the proposed tower site?**

The proposed location for the structure is within an industrial area is bordered on the southwest side by the Comox Valley Railway. This location was chosen as it meets Rogers' technical requirements for improved service and is within an I-2 Zone, which is preferred by the City of Courtenay.

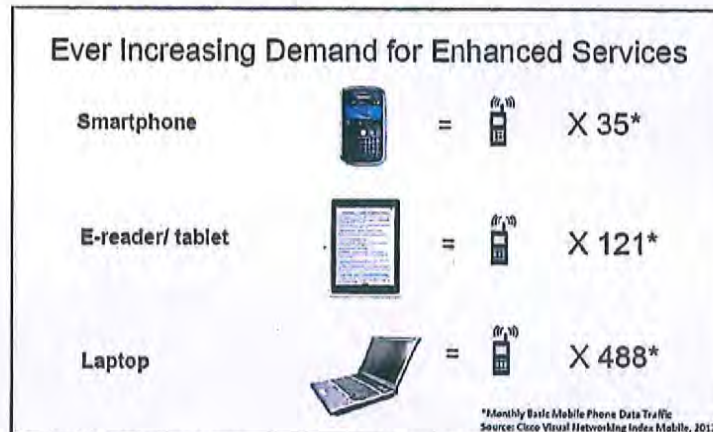
### Why is a new structure required?

A new structure is required to host telecommunications equipment that will provide improved wireless service to the community. Rogers is constantly working to improve coverage and network quality to our customers. We must respond to the growing demand for wireless voice and data services, particularly within existing service areas.

The customers using smartphones like iPhones and Blackberries, portable devices like iPads and tablets, computers and wireless laptops are demanding fast, reliable service. These "smart devices" place an increased demand on the wireless network which, in turn, requires ongoing investment and expansion in order to maintain service quality.

With the introduction of smartphones, tablets and other forms of mobile computing devices, customer demand for higher data speeds has become increasingly important. The amount of data that can be processed and/or the number of calls that can occur at the same time is limited by two key factors: the number of users at any one time and the distance between the device and the cell site. As network demand increases, denser radio networks (more sites that are closer together) are required. It is also the case that the amount of coverage provided by a single site is inversely proportional to the number of voice calls and/or data transactions that occur at a given time. This becomes important as cells sites begin to function at or above capacity and gaps in coverage develop during periods of overcapacity. While this is represented by slowed transactions times for internet use, applications, and e-mail, it is much more problematic for voice calls, which either cannot be made or are constantly dropped. Where once excellent coverage and high quality calls were the norm, as capacity is reached, calls can no longer be processed even though the device may show strong coverage.

The table below illustrates how devices that transmit and receive data information need much more network capacity than standard mobile phones. For example, one Smartphone uses a wireless network as much as 35 standard mobile phones.



To ensure continued reliable service, Rogers is proposing to enhance and restore a high quality network signal for the wireless network in the area by adding equipment on a proposed structure.



**What will the site look like?**

Below is a photo simulation where the proposed structure design has been transposed on a picture taken from Comox Valley Parkway, looking east at the proposed tower location.

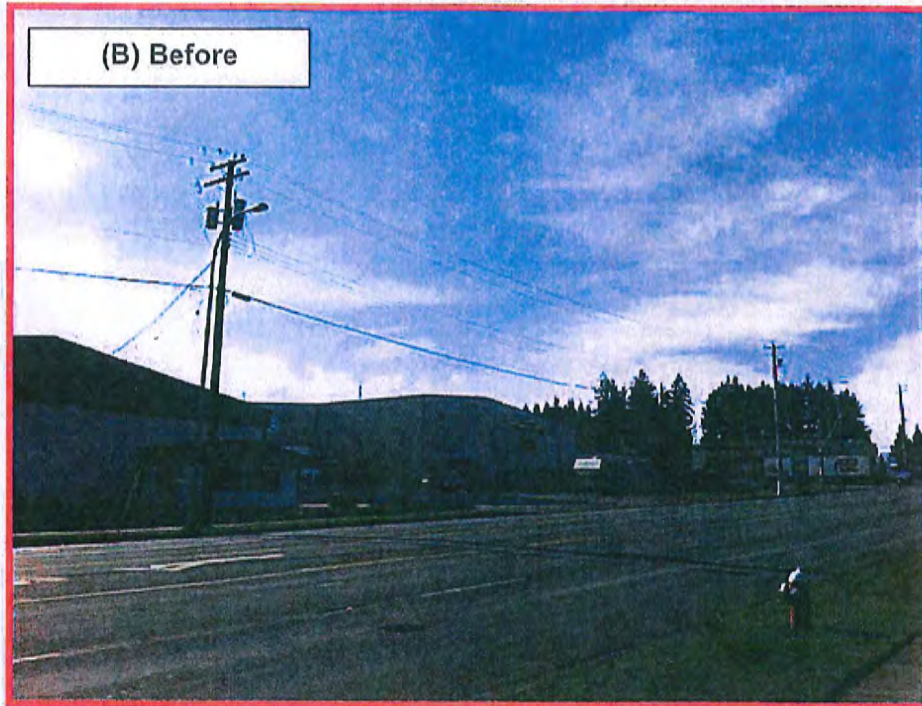


**(A) Before**



**(A) Lattice, Self-Support**

Below is a photo simulation where the proposed tower design has been transposed on a picture taken from Comox Valley Parkway, looking southwest at the proposed tower location.





Below is a photo simulation where the proposed tower design has been transposed on a picture taken from Piercy Avenue, looking southeast at the proposed tower location.



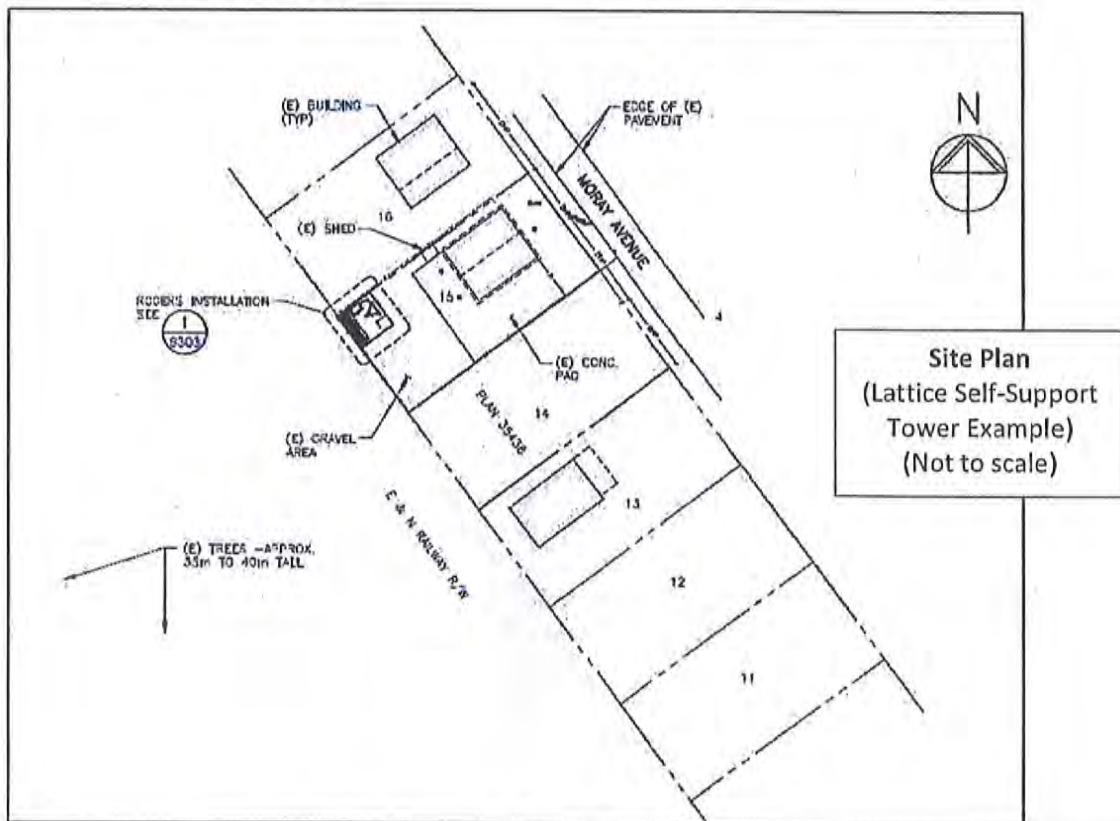
The radio equipment cabinets at the base of the towers have not been included in the photo simulations where they would not be visible. The proposed designs are subject to review and amendment by the appropriate authorities.

### What will the area look like when it is finished?

The site has been designed to accommodate the structure and radio equipment cabinets. The area for the structure is at the rear of the property and the fenced compound will be approximately 7.0 metres by 7.0 metres. As requested by the City, Rogers will landscape the rear area of the site to limit visibility of the cabinets. As a result, very little of the base of the structure will be visible.

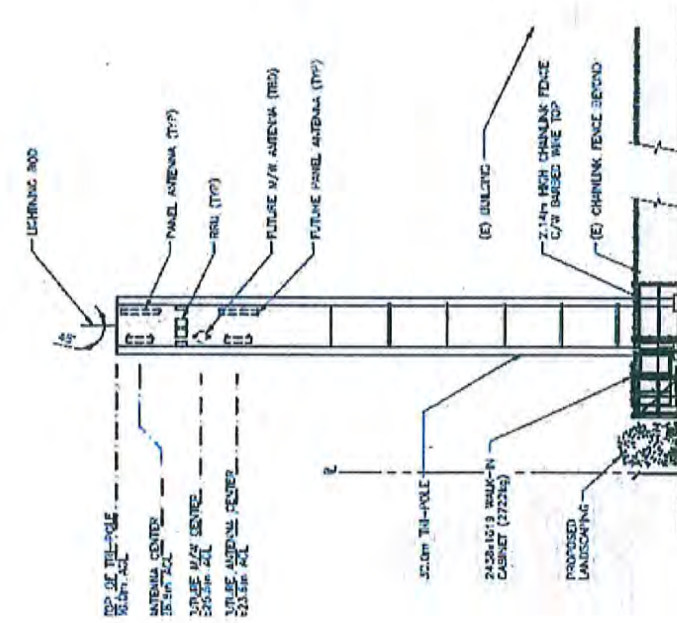
Access to the site will be from the front of the property on Moray Avenue. The property is already fenced and the Rogers compound will include an additional security fence that will be approximately 1.8 metres (6') in height. There will be a locked single access point and a silent alarm system. The shelter will contain radio equipment, back-up battery power, maintenance tools, manuals and a first aid kit. Specific dimensions and access to the site equipment will be determined following consultation, project review and potential approvals.

Rogers proposes to paint the structure light grey. This is considered to be a very good standard colour for installations of these types.



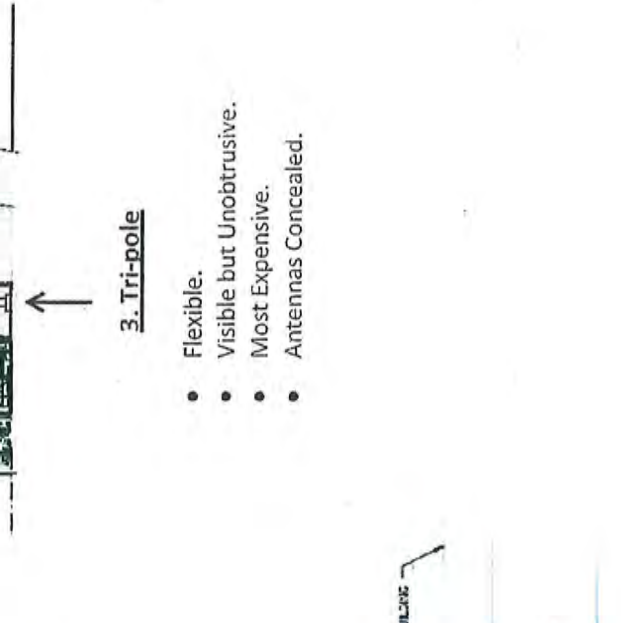


## Tower Elevation of Proposed Tower Options for W3027 - Courtenay



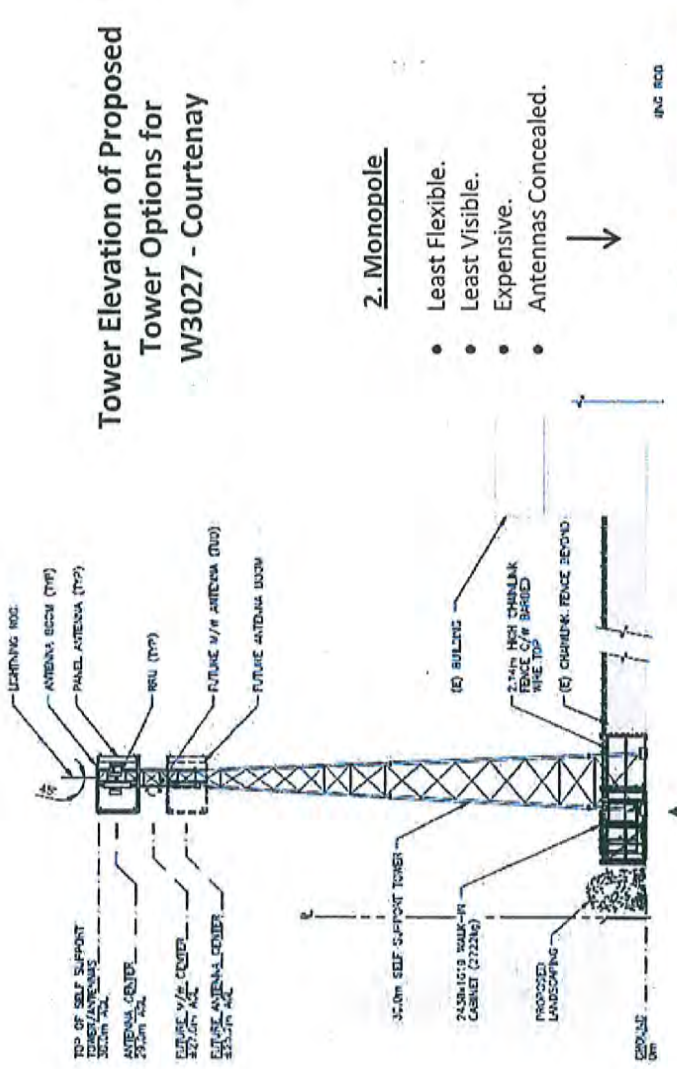
### 2. Monopole

- Least Flexible.
- Least Visible.
- Expensive.
- Antennas Concealed.



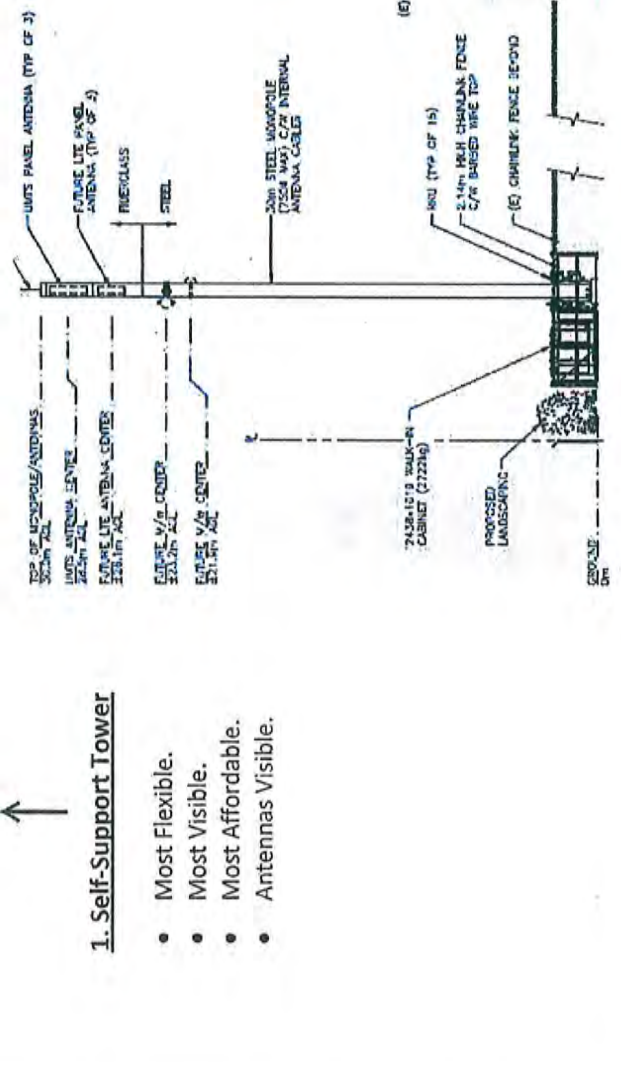
### 3. Tri-pole

- Flexible.
- Visible but Unobtrusive.
- Most Expensive.
- Antennas Concealed.



### 1. Self-Support Tower

- Most Flexible.
- Most Visible.
- Most Affordable.
- Antennas Visible.



**Engineering Practices**

Rogers attests that the radio antenna system proposed for this site will be constructed in compliance with all applicable safety and building standards and comply with good engineering practices including structural adequacy. Preliminary tower profile and equipment layout plans have been included in this notification package.

**Transport Canada's Aeronautical Obstruction Marking Requirements**

Rogers attests that the radio antenna system described in this notification package will comply with Transport Canada / NAV CANADA aeronautical safety requirements. Rogers made all necessary applications to Transport Canada and NAV CANADA and confirms no lighting or markings are required.

**Where can I go for more information?**

We have provided some additional resources for your information. We are also happy to answer any questions you may have:

Public Consultation Guidelines for Telecommunications  
[www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h\\_sf01702.html](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf01702.html)

Safety Code 6  
[www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08792.html](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08792.html)

Vancouver Coastal Health  
[http://www.vch.ca/media/CMHO\\_CellPhones-June2011.pdf](http://www.vch.ca/media/CMHO_CellPhones-June2011.pdf)

BC Centre for Disease Control  
<http://www.bccdc.ca/healthenv/Radiation/ElectromagRadiation/CellPCSTransSites.htm>

**Your role**

Rogers is seeking your input and comments on the proposed site to ensure we consider the needs of the community as well as our technical requirements. **As this is a formal consultation process, we require input in writing, either by email or posted letter within 30 days of the date of issuing notification, deemed to be December 17, 2012.**

**City of Courtenay**

Rogers is working with the City to identify appropriate site options and address any engineering challenges, such as gas lines, sewers, and upcoming projects, which could impact on the site positioning. Following consultation with the community, we will be sharing your feedback with the City of Courtenay.

**Industry Canada**

Industry Canada, as the regulator for all wireless providers across Canada, sets out the rules and policies for our business. In addition to Industry Canada, we work closely with municipal and provincial authorities to seek their support to identify appropriate site options and if needed, to obtain any necessary permits and approvals.



**Public Comment for Proposed Wireless Structure**

Location: 2931 Moray Avenue, Courtenay, British Columbia V9N 7S7  
Rogers Site: W3027

Please submit your comments by December 17, 2012 to:

Rogers Communications Inc.  
c/o Standard Land Company Inc.  
Attention: Brock Enderton, Municipal Affairs Consultant  
610 – 688 West Hastings Street  
Vancouver, British Columbia V6B 1P1  
Toll Free Tel: 1 (877) 687-1102  
Fax: 1 (604) 687-1339  
brocke@standardland.com

**COMMENTS**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Preferred Tower Option:**

- 1. Lattice Self-Support
- 2. Shrouded Monopole
- 3. Tri-Pole with Concealed Antennas

Do you agree that light grey is the most appropriate colour?

Yes

No

If no, what colour? \_\_\_\_\_

Please provide your comments, suggestions, or requests for additional information about the proposed wireless structure.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Thank you for your input. Your feedback is appreciated.*

## Summary of Open House



**StandardLand**

<b>Open House Meeting</b>		<b>Meeting Date:</b> Tuesday, December 4, 2012 <b>Location:</b> Holiday Inn Express & Suites 2200 Cliffe Avenue Courtenay, BC V9N 2L4
<b>Site ID:</b> W3027	<b>Site Name:</b> Courtenay	
<b>Address:</b> 2931 Moray Avenue, Courtenay, BC V9N 7S7		<b>Municipality:</b> City of Courtenay
<b>General Comments</b>		
<p>The Open House meeting was held at Holiday Inn Express &amp; Suites, 2200 Cliffe Avenue, Courtenay, BC V9N 2L4 on December 4, 2012 between 5.00pm and 7.00pm.</p> <p>One resident attended the open house, who happens to be the property owner for the tower. A summary of the issues / comments are listed below along with their action items.</p> <p>Representatives from Rogers (Peter Leathley and Yanfeng Zhu) and Standard Land Company Inc. (Brock Enderton – Consultant and Kiersten Enemark) attended the open house. Please find attached a sign-in sheet and comment sheets received at the Open House.</p>		
<b>List of Comments Received</b>		
<b>Comment / Issue</b>	<b>Action</b>	<b>Responsibility</b>
Build Tower for future improved service.	Acknowledge receipt of comment.	Standard Land
<b>Summary</b>		
<p>The majority of dialogue with a local resident related to the poor cell-phone coverage in the area.</p> <p>The resident was keen to hear that their community will be receiving improved service.</p> <p>The City requested a broader consultation to elicit comments from the community specific to the three site designs. Including the comment received at the Open House, SLC has only received two comments so far. The 30 day comments period is to close on December 17, 2012.</p>		

Please find attached:

- Photographs of Community Consultation;
- Welcome Letter provided;
- One copy of comment received;
- Sign-in sheet.



## Welcome to the Community Consultation Event

Rogers is currently following the public consultation process for a proposed telecommunications structure located at 2930 Moray Avenue, Courtenay, BC. We understand the community has an interest in understanding the proposal and in receiving answers to any questions or concerns about it. Below, please find information that may be of assistance. We welcome comments during the Open House on Tuesday, December 4, 2012 or email us with any questions and feedback at [commentsbc@standardland.com](mailto:commentsbc@standardland.com) before December 17, 2012.

### What is the purpose of the structure?

Rogers is proposing to upgrade and improve 3G and 4G high speed wireless service to the residential and commercial areas in and around Courtenay by mid-2013. To do so, Rogers needs to add radiocommunications equipment to the area requiring service. Since earlier in 2010, Rogers has been in communication with the City of Courtenay ("City") to determine an appropriate structure location to support the required radiocommunications equipment and provide advanced wireless service to the community.

### Why put the structure in this location?

The proposed location is an appropriate one as the land is zoned industrial and is setback from most of the residential areas. Rogers has entered into an agreement with the property owner that will be finalized after the receipt of all required approvals. The location is ideal, allowing Rogers to meet its objective to improve service to the area.

### Can the structure be placed somewhere else away from the community?

Possibly, yes. However, Rogers has canvassed this area of the community and determined, with information from the City, that this location is the most appropriate. Rogers must seek the formal approval of City Council before proceeding further. Information from this Open House will be part of the presentation that is made to Council. Rogers would like to have the site in operation in 2013.

### How has the community of Courtenay been consulted?

Since the City does not hold a telecommunications policy, Rogers is following Industry Canada's Default Public Consultation Process. In addition and at the request of the City, Rogers is pleased to host this Community Consultation Event.

### Consultation Process thus far:

October 2010	Site investigations commence.
November 2010	Pre-consultation with the City
April 2011	Alternative site rejected by City
June 2011	Railway site proposal rejected by City
April 2012	Real estate agreement reached for 2930 Moray Ave.
Spring/Summer 2012	Design options developed
September 2012	Proposal for site at 2930 Moray Ave. sent to City
October 2012	City staff support design subject to CCE
November 14, 2012	Notice provided to area residents and businesses
December 4, 2012	Community consultation event
December 17, 2012	Deadline for public comments
TBD	Concurrence considered by City
TBD	Construction commences if concurrence received



Community Consultation Event | December 4, 2012 | 5:00 pm – 7:00 pm  
Holiday Inn Express & Suites | 2200 Cliffe Avenue, Courtenay, BC V9N 2L4





### QUESTIONNAIRE & INPUT FORM PUBLIC OPEN HOUSE

We welcome your comments regarding the proposed Rogers telecommunications structure at 2930 Moray Avenue, Courtenay, BC. We would appreciate your time in completing this questionnaire. Rogers will respond to any questions or issues, and the correspondence will be shared with the City of Courtenay and Industry Canada as part of the consultation process. This information will not be used for marketing purposes.

1. Are you currently happy with the quality of wireless service in your community?  
 Yes  No If no, what areas require improved service? O.K.

2. Would you like to see improved wireless service?  
 Yes  No

3. Are you aware that the City of Courtenay prefers to see telecommunications installations located in areas that are zoned Industrial? Do you feel this industrial zoned land is an appropriate location for a telecommunications structure?  
 Yes  No If not, what change do you suggest? \_\_\_\_\_

4. Three (3) design options have been proposed. Are you satisfied with the proposed appearance / design of the proposed telecommunications structure?  
 Yes  No  
Which design do you prefer?  Lattice tower  Shrouded monopole  Shrouded tri-pole  
If you do not prefer any of the options, what change(s) would you suggest? \_\_\_\_\_

5. Other Comments: Build tower for future improved service.

Name: Ken Woods  
Address: 3575 Piercy Rd  
Court. BC  
Telephone: 250-334-2579  
Email: jkwwoods@telus.net



Thank you.

Open House | December 4, 2012 | 5:00 pm – 7:00 pm  
Holiday Inn Express & Suites | 2200 Cliffe Avenue, Courtenay, BC V9N 2L4





### Public Comment for Proposed Wireless Structure

Location: 2931 Moray Avenue, Courtenay, British Columbia V9N 7S7  
Rogers Site: W3027

Please submit your comments by December 17, 2012 to:

Rogers Communications Inc.  
c/o Standard Land Company Inc.  
Attention: Brock Enderton, Municipal Affairs Consultant  
610 - 688 West Hastings Street  
Vancouver, British Columbia V6B 1P1  
Toll Free Tel: 1 (877) 687-1102  
Fax: 1 (604) 687-1339  
brocke@standardland.com

#### COMMENTS

Name: MARK A. TARDIF  
Address: 7-2937 KILPATRICK AVE.  
Phone: 250-334-2626 Email: mtardif@shaw.ca

#### Preferred Tower Option:

- 1. Lattice Self-Support
- 2. Shrouded Monopole
- 3. Tri-Pole with Concealed Antennas
- 4. NONE

Do you agree that light grey is the most appropriate colour?

Yes

No

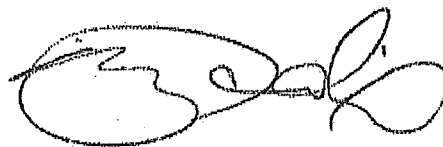
If no, what colour? NONE

Please provide your comments, suggestions, or requests for additional information about the proposed wireless structure.

I DON'T WANT ANY TOWER CLOSE TO MY HOME. I HAVE CHILDREN AND DO NOT WANT THEM EXPOSED TO ANY MORE WAVES THAN ARE CURRENTLY IN OUR AREA NOW. I DON'T CARE HOW SAFE CANADA HEALTH SAYS IT IS, IT IS NOT SAFE.

Thank you for your input. Your feedback is appreciated.

SINCERELY MARK A. TARDIF



---

**From:** Brock Enderton  
**Sent:** Monday, December 10, 2012 10:54 AM  
**To:** 'matardif@shaw.ca'  
**Subject:** W3027 | Courtenay - Acknowledgement of Communication Received by Standard Land as Agents for Rogers Communications Inc.

Dear Mr. Tardif:

Further to our conversation on November 29, 2012, please accept this email as our acknowledgement of the information you provided during our telephone call and in the comment sheet that you provided in advance by facsimile.

As discussed, we will provide a comprehensive response to your concerns in the near future. Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

**Brock Enderton**  
Municipal Affairs Consultant

Standard Land Company Inc. | Suite 610, 688 West Hastings Street | Vancouver, BC V6B 1P1 Canada  
604 687 1119 Phone | 604 789 4130 Mobile | Fax: 604 687 1339 Fax | 1 877 687 1102 Toll Free  
[brocke@standardland.com](mailto:brocke@standardland.com) / [www.standardland.com](http://www.standardland.com)

**Disclaimer:** The information transmitted is intended only for the addressee and may contain confidential, proprietary and/or privileged material. Any unauthorized review, distribution or other use of or the taking of any action in reliance upon this information is prohibited. If you received this in error, please contact the sender and delete or destroy this message and any copies.



**StandardLand**

*Standard Land Company Inc.  
Suite 610, 688 West Hastings Street  
Vancouver, British Columbia  
V6B 1P1*

*Telephone: 604.687.1119  
Facsimile: 604.687.1339  
Email: [standard@standardland.com](mailto:standard@standardland.com)  
Website: [www.standardland.com](http://www.standardland.com)*

December 10, 2012

Mark A. Tardif  
7 – 2937 Kilpatrick Avenue,  
Courtenay, British Columbia  
V9N 8P1

Dear Mr. Tardif:

**Re: Proposed Telecommunications Structure for Rogers Communications Inc.**  
**Rogers File: W3027 - Courtenay**  
**Address: 2931 Moray Avenue, Courtenay, British Columbia**

---

Thank you for the comments you provided by facsimile to our office on November 20, 2012, and for the information you provided during our telephone conversation on November 29, 2012. We confirmed receipt of your written comments by e.mail on December 10, 2012.

As we discussed, the purpose of the proposed structure is to improve wireless service capacity and coverage to the general area centred at 29<sup>th</sup> Street and the old Comox Valley Railway line.

As Canadians use wireless devices more and more, a quality network is becoming even more important. The rapid adoption of "smart" phones (iPhones, Android devices, Blackberries, etc.) and the growing popularity of other wireless devices like tablets and laptops, have placed greater demand for capacity and service on wireless networks. This increased demand requires additional network investment by Rogers to ensure the continued dependability of its service. The proposed tower site is required to address identified coverage issues and to upgrade the network to enable Rogers to meet this growing demand. In addition to meeting consumer needs, technological upgrades are critical to ensuring the accessibility of emergency services such as fire, police and ambulance. Today, approximately 57% of emergency calls are made on mobile phones.

You indicated that your concern is for health and safety and the proximity of your home to the tower. You noted that although the area is zoned Industrial, you reside in a caretaker

We trust that the above information is helpful. If you have any other issues or questions, or any concern about the manner in which your concerns are expressed in this letter, please do not hesitate to be in contact us by phone at 1-877-687-1102 (toll free) or by e-mail at [commentsbc@standardland.com](mailto:commentsbc@standardland.com).

**Please note that as required by Industry Canada policy, you have 21 days to respond to this letter with any additional issues or questions that you would like addressed.**

Yours truly,

STANDARD LAND COMPANY INC.  
Agents for Rogers Communications Inc.



Brock Enderton  
Municipal Affairs Consultant

Enclosures (6)





QUESTIONNAIRE & INPUT FORM  
PUBLIC OPEN HOUSE

We welcome your comments regarding the proposed Rogers telecommunications structure at 2930 Moray Avenue, Courtenay, BC. We would appreciate your time in completing this questionnaire. Rogers will respond to any questions or issues, and the correspondence will be shared with the City of Courtenay and Industry Canada as part of the consultation process. This information will not be used for marketing purposes.

1. Are you currently happy with the quality of wireless service in your community?  
 Yes       No      If no, what areas require improved service? O.K.

2. Would you like to see improved wireless service?  
 Yes       No

3. Are you aware that the City of Courtenay prefers to see telecommunications installations located in areas that are zoned Industrial? Do you feel this industrial zoned land is an appropriate location for a telecommunications structure?  
 Yes       No      If not, what change do you suggest? \_\_\_\_\_

4. Three (3) design options have been proposed. Are you satisfied with the proposed appearance / design of the proposed telecommunications structure?  
 Yes       No  
Which design do you prefer?       Lattice tower       Shrouded monopole       Shrouded tri-pole  
If you do not prefer any of the options, what change(s) would you suggest? : \_\_\_\_\_

5. Other Comments: Build tower for future improved service.

Name: KEN WOODS  
Address: 3375 PIERCY Rd  
COURT. BC.  
Telephone: 250-334-2579  
Email: jkwwoods@telus.net



Thank you.

Open House | December 4, 2012 | 5:00 pm – 7:00 pm  
Holiday Inn Express & Suites | 2200 Cliffie Avenue, Courtenay, BC V9N 2L4



---

**From:** Brock Enderton  
**Sent:** Wednesday, December 12, 2012 2:18 PM  
**To:** 'jkwoods@telus.net'  
**Subject:** W3027 | Courtenay - Acknowledgement of Comments Received  
**Attachments:** Letter of Response Ken Woods 12-Dec-12.pdf

Hi Ken:

Enclosed is a letter of response from Standard Land Company Inc. that acknowledges receipt of your comments. We are required to provide this to you under the Industry Canada policy.

If you have any concerns, please let me know.

Regards,  
Brock

**Brock Enderton**  
Municipal Affairs Consultant

Standard Land Company Inc. | Suite 610, 688 West Hastings Street | Vancouver, BC V6B 1P1 Canada  
604 687 1119 Phone | 604 789 4130 Mobile | Fax: 604 687 1339 Fax | 1 877 687 1102 Toll Free  
[brocke@standardland.com](mailto:brocke@standardland.com) / [www.standardland.com](http://www.standardland.com)

**Disclaimer:** The information transmitted is intended only for the addressee and may contain confidential, proprietary and/or privileged material. Any unauthorized review, distribution or other use of or the taking of any action in reliance upon this information is prohibited. If you received this in error, please contact the sender and delete or destroy this message and any copies.





**StandardLand**

*Standard Land Company Inc.  
Suite 610, 688 West Hastings Street  
Vancouver, British Columbia  
V6B 1P1*

*Telephone: 604.687.1119  
Facsimile: 604.687.1339  
Email: [standard@standardland.com](mailto:standard@standardland.com)  
Website: [www.standardland.com](http://www.standardland.com)*

December 12, 2012

Ken Woods  
3375 Piercy Road  
Courtenay, British Columbia  
V9N 1P7

**sent by e-mail**  
**jkwoods@telus.net**

Dear Mr. Woods:

**Re: Proposed Telecommunications Structure for Rogers Communications Inc.**  
**Rogers File: W3027 - Courtenay**  
**Address: 2931 Moray Avenue, Courtenay, British Columbia**

---

Thank you for the comments you provided to us at the Community Consultation Event concerning the above site, which was held at the Holiday Inn Express Hotel on December 4, 2012.

As required by Industry Canada policy, please accept this letter as an acknowledgement that we received your comments on December 4, 2012, regarding the proposed telecommunications structure. Specifically, that you:

1. are currently happy with your wireless service in your community;
2. would like to see improved wireless service;
3. support the proposed location for the telecommunications structure;
4. prefer the shrouded tri-pole design for the structure; and
5. would like the installation to ensure high quality service in the future.

We trust that the above information is helpful. If you have any other issues or questions, or any concern about the manner in which your concerns are expressed in this letter, please do not hesitate to be in contact us by phone at 1-877-687-1102 (toll free) or by e-mail at [commentsbc@standardland.com](mailto:commentsbc@standardland.com).

THE CORPORATION OF THE CITY OF COURTENAY

REPORT TO COUNCIL

**FROM:** Kevin Lagan, P.Eng.  
Approving Officer

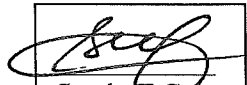
**FILE:** 3320-20-12646

**DATE:** January 15, 2013

**SUBJECT:** Proposed Subdivision of Parts of Lot A, Section 78, Comox District, Plan VIP75241.

**C.A.O. COMMENTS/RECOMMENDATIONS:**

That the recommendation of the Approving Officer be accepted.



Sandy T. Gray

**RECOMMENDATION:**

That Council approve the Subdivision Servicing Agreement for the subdivision of Parts of Lot A, Section 78, Comox District, Plan VIP75241;

That the required security be provided to the City prior to subdivision approval; and

That the Mayor and Director of Legislative Services be authorized to sign all documentation relating to this development.

**PURPOSE:**

To approve the Subdivision Servicing Agreement between the City and Staburn Courtenay Investments Ltd., and to authorize the Mayor and Director of Legislative Services to sign the Subdivision Servicing Agreement pertaining to the Subdivision of Parts of Lot A, Section 78, Comox District, Plan VIP75241, for the area in the Home Depot land located at 388 Lerwick Road.

**BACKGROUND:**

All Subdivision Servicing Agreements are to be presented, on an individual basis, to Council, and the Mayor and Director of Legislative Services authorized to sign the Agreements. Subsequently, the Approving Officer can then sign the subdivision plan.

This a 2-lot commercial subdivision located at 388 Lerwick Road. The onsite works for this subdivision have not been constructed and will be secured by a Letter of Credit.



**DISCUSSION:**

Prior to subdivision approval, Staburn Courtenay Investments Ltd., must enter into a Subdivision Servicing Agreement and provide the required security. The cash Deposit representing the security for the Subdivision Service Agreement must be presented to the City, prior to the Mayor and Director of Legislative Services signing the Subdivision Servicing Agreement, Covenants and Statutory Rights of Way and the Approving Officer signing the subdivision plan.

A copy of the Subdivision Servicing Agreement and a site reference plan are attached.

**FINANCIAL IMPLICATIONS:**

At this time there are no financial implications.

**STRATEGIC PLAN REFERENCE:**

At this time there are no strategic plan references.

**OCP SUSTAINABILITY REFERENCE:**

The subdivision is consistent with the OCP.

**REGIONAL GROWTH STRATEGY REFERENCE:**

No references.

Respectfully submitted,



Kevin Lagan, P.Eng.  
Approving Officer

LAD/ld

Service Agreement No.: 1860-20-  
Subdivision File No.: 3320-20-12646

### SUBDIVISION SERVICING AGREEMENT

THIS AGREEMENT is dated, January 15, 2013 and is between

Staburn Courtenay Investments Ltd.  
1100 – 100 Park Royal  
West Vancouver, B.C.  
V7T 1A2  
(the "Developer")

AND

**THE CORPORATION OF THE CITY OF COURTENAY**, a municipal corporation  
having an office at 830 Cliffe Avenue, Courtenay, British Columbia V9N 2J7  
(the "City")

WHEREAS

- A. The Developer wishes to develop the Land which is within the City.
- B. The Developer has applied to subdivide the Land according to the Subdivision Plan.
- C. The Subdivision Control Bylaw requires that the Developer construct and install the Works on the Land to the standards prescribed in that bylaw prior to the approval of the Subdivision Plan.
- D. The Developer has requested approval of the subdivision of the Land prior to the construction and installation of the Works and has agreed to enter into this Agreement with the City pursuant to Section 940 of the Local Government Act and to deposit the Letter of Credit or Funds specified by this Agreement.

In consideration of the City accepting the Letter of Credit or Funds and entering into this Agreement with the Developer prior to the construction and installation of the Works, the parties agree as follows:

DEFINITIONS

1. In this Agreement

"Land" means  
Subdivision of Parts of Lot A, Section 78, Comox District, Plan VIP75241.

**"Letter of Credit"** means an irrevocable letter of credit in the amount of N/A

**"Funds"** means in the amount of \$31,875.00 in a form acceptable to the City and in the form attached to this Agreement as Schedule "A";

**"Municipal Engineer"** means the City Engineer;

**"Subdivision Control Bylaw"** means bylaw No. 1401, 1986 and amendments thereto;

**"Subdivision Plan"** means the plan of subdivision of the Land which is attached to this Agreement as Schedule "B"; and

**"Works"** means the works and services described in Schedule "C" to this Agreement which are required to be constructed and installed by the Developer in accordance with the Subdivision Control Bylaw and as a condition precedent to the approval of the subdivision of the Land, as shown on the Subdivision Plan, under Section 940 of the Local Government Act.

#### **TIME FOR COMPLETION OF WORKS**

2. The Developer will complete the construction and installation of the Works to the satisfaction of the Municipal Engineer by January 15, 2014.

#### **SECURITY**

3. As security for the Developer's performance of all of its covenants and agreements contained in this Agreement, the Developer has deposited the Letter of Credit or Funds with the City.
4. If the Developer does not complete the Works as required by section 2 of the Agreement, the City may complete the Works at the cost of the Developer and for that purpose the City may draw down upon the Letter of Credit the full amount of the Letter of Credit or use all of the Funds deposited.
5. If the Letter of Credit or Funds are insufficient to pay the full cost of completing the Works in accordance with section 4 of this Agreement, the Developer will pay to the City the balance of the cost of completing the Works immediately upon demand by the City.

6. If
  - (a) the Developer completes the Works as required by section 2 of this Agreement, or
  - (b) the City completes the Works in accordance with section 4 of this Agreement at a cost which is less than the amount of the Letter of Credit or Funds deposited

then the Letter of Credit or a proportional amount of it, as the case may be, or the unused portion of Funds will be returned to the Developer by the City.

7. The cost of completing the Works includes the actual cost of the construction and installation of them, together with engineering, supervision and legal survey costs.

#### **STANDARD OF THE WORKS**

8. The Developer will construct and install the Works to the standard required by the Subdivision Control Bylaw and to the satisfaction of the Municipal Engineer.
9. Upon completion of the Works to the satisfaction of the Municipal Engineer, a certificate of substantial completion, signed by the Municipal Engineer, will be issued by the City.

#### **MISCELLANEOUS**

10. Where the singular or masculine is used in this Agreement it will be construed as the plural or feminine or neuter, as the case may be, and vice versa where the context or the parties so require.
11. This Agreement will be binding upon and will enure to the benefit of the parties, their successors and assigns.
12. The headings in this Agreement are for convenience of reference only and do not define or limit the scope or intent of this Agreement.
13. The Schedules to this Agreement form part of this Agreement.



IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

SIGNED by an authorized )  
signatories of )  
**Staburn Courtenay** )  
**Investments Ltd.** )

  
\_\_\_\_\_  
Authorized Signatory

  
\_\_\_\_\_  
Authorized Signatory

SIGNED by the authorized )  
signatories of **THE** )  
**CORPORATION OF THE CITY** )  
**OF COURTENAY** )

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Manager of Corporate Administration

**SCHEDULE "A"**

**Cash Deposit Receipt**

**SCHEDULE "B"**

**Reduced Copy of Subdivision Plan**





**SCHEDULE "C"**

**Letter of Credit Calculation**

Description	Amount
Subdivision Services*	\$31,875.00
Maintenance Bond Subdivision *	\$0.00
<b>Total</b>	<b>\$31,875.00</b>

\* As determined by the certified Engineer's Cost estimate attached

**CITY OF COURTENAY**

**McElhenney**

---

**SECURITY CALCULATION SHEET**

Developer Name: Sixturn Properties Ltd. Home Depot Outparcel  
 Engineering Firm: McElhenney  
 Engineer's File No.: 2211-47205

Date of Engineer's Project Estimate: <date>  
 Letter of Credit:  Cash Deposit:   
 Date of Security Reduction Request #1: <date> Date of Security Reduction Request #2: <date>  
 Date of Security Reduction Request #3: <date>

ITEM	ESTIMATED	REMARKS		REMARKS	REMARKS	
		\$	%		\$	%
1	Clearing & Grubbing	\$0	0.00%	\$0	0.00%	\$0
2	Walshman	\$20,700	0.00%	\$0	0.00%	\$0
3	Sanitary sewers	\$0	0.00%	\$0	0.00%	\$0
4	Storm sewers	\$0	0.00%	\$0	0.00%	\$0
5	Sub-grade & sub-base	\$0	0.00%	\$0	0.00%	\$0
6	Base	\$0	0.00%	\$0	0.00%	\$0
7	Cuts	\$0	0.00%	\$0	0.00%	\$0
8	Sidewalk	\$0	0.00%	\$0	0.00%	\$0
9	Pavement	\$0	0.00%	\$0	0.00%	\$0
10	Street lights/ Electrical	\$0	0.00%	\$0	0.00%	\$0
11	Signs & lines	\$0	100.00%	\$0	0.00%	\$0
12	Sub-total	\$20,700	0.00%	\$0	0.00%	\$0
13	Professional fees (10%)	\$2,270		\$0		\$0
14	Deficiencies	\$22,770		\$0		\$0
15	Sub-total	\$22,770		\$0		\$0
16	H.S.T. (12%)	\$2,730		\$0		\$0
17	Sub-total	\$25,500		\$0		\$0
18	plus 25 %	\$6,375		\$0		\$0
19	Total estimated cost	\$31,875		\$0		\$0
20	Value of outstanding work			\$1,169		\$0
21	Maintenance Amount (5 % of line 12 + HST)			\$1,169		\$0
22	Bond amount			\$1,169		\$0

**COST ESTIMATE APPROVALS**  
 Date: 15 JAN 2013  
 City Engineer: [Signature]  
 Developer's Engineer: [Signature]

**LETTER OF CREDIT REDUCTION APPROVALS**  
 Date: 13/01/15  
 City Engineer: [Signature]  
 Developer's Engineer: [Signature]

**LETTER OF CREDIT REDUCTION APPROVALS**  
 Date: [ ]  
 City Engineer: [ ]  
 Developer's Engineer: [ ]

G - 2211 Engineering 47000 - 47899M7205-Coat EstimateM7205 - LoC Security Calculation Sheet Jan 2013.rbx

Preliminary Estimate - Home Depot Subdivision  
OFFSITE WORK - Part 1 (CRU lot and all services)  
Tuesday, January 15, 2013

<u>Item</u>	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Sub total</u>	<u>Total</u>
<b>WATERWORKS</b>						
	100mm DR-18 PVC (water service)	lm	30	\$ 125.00	\$3 750.00	
	Tie-in to existing w/m	ls	1	\$ 700.00	\$700.00	
	75 dia. water meter w/w meter box	ea	2	\$ 8,000.00	\$16,000.00	
	Trench restoration	sqm	75	\$ 3.00	\$225.00	
	<b>Subtotal</b>					\$20,700.00
	<b>Engineering Fees (10%)</b>					\$2,070.00
	<b>TOTAL</b>					<b>\$22,770.00</b>

Important Notes

- Based on MCSL dwg. 47205-0, sheet CS-1 rev. 5
- Assumes no impact to existing block wall
- Does not include landscaping costs, apart from some trench restoration.



# THE CORPORATION OF THE CITY OF COURTENAY

## REPORT TO COUNCIL

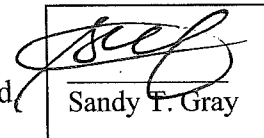
**FROM:** Kevin Lagan, P.Eng.  
Director of Operational Services

**FILE #:** 3150-01  
**DATE:** January 15, 2013

**SUBJECT:** Development Cost Charges Status Report

### C.A.O. COMMENTS/RECOMMENDATIONS:

That the recommendation of the Director of Operational Services be accepted.



Sandy F. Gray

### RECOMMENDATION:

That the report from the Director of Operational Services regarding the Development Cost Charges status be received for information.

### PURPOSE:

To provide Council with a status report on Development Cost Charge Bylaws.

### BACKGROUND:

Development Cost Charges (DCC's) are defined in the best practices guide as follows:

*'Is a means provided by sections 932 and 937 of the Local Government Act to assist local governments in paying the capital cost of installing certain municipal services, the installation of which is directly or indirectly affected by the development of lands and/or the alteration/extension of buildings...'*

[Municipal services include: highways, sewage, water, drainage and parkland acquisition and improvement. DCC's are payable by parties obtaining an approval of subdivision or a building permit].

The existing City DCC Bylaw No. 2426, 2005 was drafted in 2004 and received Council approval September 19, 2005. During the past eight years, the Bylaw has been applied to all development projects that comply with the requirements stated within the Bylaw. Many projects in the City have benefitted from the DCC's collected, which reflects the impact of development on existing infrastructure. These projects have also been funded from existing taxpayers and where applicable government grants. This has proven to be a fair and equitable method to provide new or upgraded infrastructure which, in turn, ensures that the major components of the City's surface and underground core services are reliable. The DCC amounts and the project list forming the 2005 Bylaw have not changed during the past eight years. The question of rewriting the DCC Bylaw has been raised several times during the past few years, both at a staff and Council level. However, economic factors have deferred the rewriting of the Bylaw to this point.

There are also two CVRD Bylaws in operation in the City; one for water (CVRD Bylaw No. 2342, 2001) and the other for sanitary sewer (CVRD Bylaw No. 2445, 2002). Where developments in the City meet the requirements in these Bylaws, DCC's are collected by the City and remitted to the CVRD on a monthly basis. In addition, the CVRD water supply system also had a second bylaw approved relating to Water Supply System Capital Improvement Cost Charge (CIC) Bylaw No. 3007, 2007. This amended the previous similar Bylaw No. 2350, 2001. This Bylaw allows for the collection of Capital Improvement Charges the same as the DCC



amount for any development connected to the Comox Valley Water Supply (CVWS). As an example, the recently serviced Cummings Road area paid \$3,702 per property to the CVRD for water supply connections to the CVWS system as a CIC. The CVRD DCC Water Bylaw is presently under review for amendment.

The CVRD Sanitary Sewer Bylaw is in the final stages of amendment with substantial changes to the amounts to be collected from development. In discussions with the CVRD, it is anticipated that the new bylaw will be approved by the Regional Board with an implementation date of April 2, 2013. Copies of the proposed CVRD Sanitary Sewer DCC's and the existing DCCs for the City and CVRD are attached to this report as 'Summary of DCC's'.

The recent Buckstone development in South Courtenay has added new infrastructure that will become vested in the City upon completion. None of this completed work is listed in the City DCC Bylaw. The developer is required under the existing Bylaw to pay DCC's; however, when the existing City Bylaw was adopted neither the South Courtenay Area (SCA) nor the Buckstone Development was under consideration and the projects were, therefore, not listed in the Bylaw. Several significant improvements to existing and new infrastructure projects will be required in the SCA, some of which were identified in the Buckstone Developments Site Servicing Report and the Traffic Impact Analysis. To ensure that some of the DCC funds collected from the Buckstone Development benefit the adjacent area, an SCA DCC Study and Bylaw RFP were issued and closed on January 11, 2013. It is anticipated that the new Bylaw will be in effect in June 2013: subject to completion of the study, approval by the Inspector of Municipalities and final adoption by City Council.

#### **DISCUSSION:**

The existing, amended and new DCC Bylaws will undoubtedly place an additional burden on development and the taxpayer. Balancing these charges, which are a necessary and fair method of assigning financial responsibility, is difficult and requires public, stakeholder, staff and Council input to reach a conclusion as to what is equitable. Once the new CVRD DCC's have been implemented and the new SCA DCC Bylaw has been approved the City should commence the task of rewriting the present City DCC Bylaw. This would include considering the downtown area within the proposed Bylaw and incorporating any outstanding projects from the existing and SCA Bylaw into one DCC Bylaw for the City.

#### **FINANCIAL IMPLICATIONS:**

The new SCA DCC Bylaw Study has been provided for in the 2013 Provisional City budget.

#### **STRATEGIC PLAN REFERENCE:**

Value Statement 2 – A progressive, diverse and sustainable City.

Goal 2: Provide proactive leadership for growth management – Objectives: c) Ensure all infrastructure planning studies are current and d) Develop an integrated management model for all development, subdivisions and building projects.

Goal 3: Objectives: g) Review development cost charges for the downtown area.

#### **OCP SUSTAINABILITY REFERENCE:**

The City has a Development Cost Charge Bylaw which requires new development to contribute to the cost of upgrading or construction of new services which are largely a result of new growth and are charged directly to the benefiting development.

#### Policy

1. The City will review the Development Cost Charges Bylaw on a regular basis to ensure

charges are kept up-to-date and that the Bylaw reflects the need to upgrade and add new municipal infrastructure.

**REGIONAL GROWTH STRATEGY REFERENCE:**

No specific reference.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Lagan', written in a cursive style.

Kevin Lagan, P.Eng.  
Director of Operational Services

**Lagan, Kevin**

---

**Subject:** FW: Comox Valley Regional District DCC's

**From:** Marc Rutten [<mailto:mrutten@comoxvalleyrd.ca>]  
**Sent:** January 2, 2013 10:32 AM  
**To:** Lagan, Kevin  
**Cc:** Doty, Les  
**Subject:** RE: Comox Valley Regional District DCC's

The following table shows the proposed new Sewer DCC rates. Please be aware that these rate are not yet in effect. The updated bylaw is currently under review by the inspector of municipalities. If approved by the inspector we plan to implement these new rates on April 2<sup>nd</sup>, 2013. Once the inspector approves the bylaw the CVRD board will still need to give final approval.

If you have any questions or need more information please let me know.

<b>Type of Development</b>	<b>Recommended DCC Charge</b>
Single Family Residential	\$5,980/unit
Multi-Family Residential	\$4,984/unit
Congregate Care Facility	\$2,492/unit
Commercial/Institutional	\$34.89/m <sup>2</sup>
Industrial & Public Utility	\$59,804/ha

Best regards,  
Marc

**SUMMARY OF DCC'S**

City of Courtenay Development Cost Charge Bylaw 2426, 2005	Regional District of Comox Strathcona Development Cost Charge - Water Bylaw 2342, 2001 & Amendments thereto	Regional District of Comox-Strathcona Development Cost Charge - Sanitary Sewer Bylaw 2445, 2002 & Amendments thereto	Total
<b>Residential - Single Family (per Unit)</b>	<b>Residential - Single Family (per Unit)</b>	<b>Residential - Single Family (per Unit)</b>	
Highways 3,769.00			
Storm Drainage 1,071.00			
Sanitary Sewer 764.00		2,470.00	
Water 433.00	3,702.00		
Parkland Acquisition 698.00			
<b>Total 6,735.00</b>	<b>3,702.00</b>	<b>2,470.00</b>	<b>12,907.00</b>

City of Courtenay Development Cost Charge Bylaw 2426, 2005	Regional District of Comox Strathcona Development Cost Charge - Water Bylaw 2342, 2001 & Amendments thereto	Regional District of Comox-Strathcona Development Cost Charge - Sanitary Sewer Bylaw 2445, 2002 & Amendments thereto	Total
<b>Residential - Multi-Family (per Unit)</b>	<b>Residential - Multi Family (per Unit)</b>	<b>Residential - Multi Family (per Unit)</b>	
Highways 2,313.00			
Storm Drainage 321.00			
Sanitary Sewer 605.00		2,058.00	
Water 343.00	3,086.00		
Parkland Acquisition 553.00			
<b>Total 4,135.00</b>	<b>3,086.00</b>	<b>2,058.00</b>	<b>9,279.00</b>

City of Courtenay Development Cost Charge Bylaw 2426, 2005	Regional District of Comox Strathcona Development Cost Charge - Water Bylaw 2342, 2001 & Amendments thereto	Regional District of Comox-Strathcona Development Cost Charge - Sanitary Sewer Bylaw 2445, 2002 & Amendments thereto	Total
<b>Commercial (per 1000 sq. ft.)</b>	<b>Commercial (*per 1000 sq. ft)</b>	<b>Commercial (*per 1000 sq. ft.)</b>	
Highways 5,036.00			
Storm Drainage 448.00			
Sanitary Sewer 207.00		668.90	
Water 117.00	1,003.35		
<b>Total 5,808.00</b>	<b>1,003.35</b>	<b>668.90</b>	<b>7,480.25</b>

City of Courtenay Development Cost Charge Bylaw 2426, 2005	Regional District of Comox Strathcona Development Cost Charge - Water Bylaw 2342, 2001 & Amendments thereto	Regional District of Comox-Strathcona Development Cost Charge - Sanitary Sewer Bylaw 2445, 2002 & Amendments thereto	Total
<b>Industrial (per acre)</b>	<b>Industrial (* per acre)</b>	<b>Industrial (* per acre)</b>	
Highways 17,893.00			
Storm Drainage 7,370.00			
Sanitary Sewer 5,793.00		9,993.75	
Water 3,285.00	14,984.36		
<b>Total 34,341.00</b>	<b>14,984.36</b>	<b>9,993.75</b>	<b>59,319.11</b>

Note:

- \* This is a Summary Sheet Only. Please review individual Bylaws for Actual Fees.
- All DCC's are payable at the time of application for a subdivision or application for a building permit as noted above.







Royal Canadian  
Mounted Police

Gendarmerie royale  
du Canada

Security Classification/Designation  
Classification/désignation sécuritaire

Unclassified

Officer in Charge  
Comox Valley Detachment  
800 Ryan Road  
Courtenay, BC V9N 7T1

Mayor and Council  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7

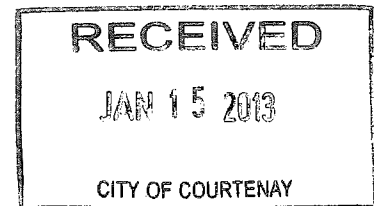
Your File - Votre référence

Our File - Notre référence

302-2

Date

January 7<sup>th</sup>, 2013



Dear Mayor and Council:

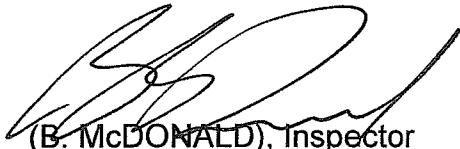
**Re: Comox Valley RCMP Monthly Policing Report - December, 2012**

The following is a brief overview of some of the more significant events and activities of the Comox Valley Detachment for the month of December, 2012.

- 2012 was a busy year for the Comox Valley RCMP. Members of the Detachment responded to a total of 16089 calls for service during 2012 and submitted 772 files to local Crown Counsel for charge consideration and approval.
- S/Sgt. Andrew Isles, Comox Valley Detachments Operations NCO has accepted a transfer to Victoria and will be departing at the beginning of February. Arriving at Comox Valley Detachment to replace S/Sgt. Isles will be S/Sgt. Roger Plamondon who is currently serving overseas.
- The Comox Valley RCMP attended to a large volume of motor vehicle incidents during the month of December. During a 5 day period in the middle of the month the detachment members responded to over 35 motor vehicle collisions. No serious injuries were reported at any of the collisions.
- Members of the Comox Valley RCMP were well prepared for this years New Years Eve celebrations. As a result there were no major incidents reported during the evening.

Should you wish to discuss this report or any other matter, please feel free to contact me.

Kindest Regards,

A handwritten signature in black ink, appearing to read 'B. McDonald', written in a cursive style.

(B. McDONALD), Inspector  
Officer in Charge  
Comox Valley RCMP Detachment

600 Comox Road, Courtenay, BC V9N 3P6  
Tel: 250-334-6000 Fax: 250-334-4358  
Toll free: 1-800-331-6007  
www.comoxvalleyrd.ca



*New Bylaw*  
**Comox Valley**  
REGIONAL DISTRICT

File: 0540-20/CV Water

January 14, 2013

**Sent via email only:** Comox Valley water committee members

Members  
Comox Valley Water Committee

**Re: 2013 Comox Valley water committee voting structure**

The Comox Valley Regional District (CVRD) operates the Comox Valley water supply system under Bylaw No. 1783 being "Water Local Service Establishment Bylaw, 1995" (attached as appendix 'A') and includes the Town of Comox, City of Courtenay and Electoral Areas 'A', 'B' and 'C' as participants. The bylaw, including subsequent policy direction by the committee, requires annual reporting based on the previous year's water consumption to determine the assignment of weighted votes for water supply system decisions.

The bylaw and subsequent policy direction in March 2012 require that the percent of water consumption in 2012 be compared against the percent of water consumption in 1995 and that if any participant's relative amount of consumption increases by 4.17% or more, then that participant shall receive an additional vote. Any increase in votes shall be added to the original 1995 assignment of votes. Table 1 below illustrates the consumption values and resulting votes for 2013.

Participant	2012 consumption	2012%	1995%	% change	baseline	2013 votes
City of Courtenay	4,850,901	60.39	51.69	8.7	6	7
Town of Comox	2,439,895	30.37	30.48	-0.11	3	3
Electoral Area 'A'	48,683	0.61	2.74	-2.13	1	1
Electoral Area 'B'	458,181	5.70	12.52	-6.82	1	1
Electoral Area 'C'	235,253	2.93	0.44	2.49	1	1
						13

At this time, the City of Courtenay and the Town of Comox are both required to adopt resolutions that assign whole votes for the water committee to the City of Courtenay and Town of Comox regional district directors. That is, three City of Courtenay directors must be assigned two water committee votes each and one City of Courtenay director must be assigned one water committee vote for 2013. Further, one Town of Comox director must be assigned two water committee votes and the other Town of Comox director must be assigned one water committee vote for 2013.

Please have your councils consider the vote assignments as soon as possible and provide the results to me at your earliest convenience. The results of the council voting assignments will enable the water committee to conduct its first meeting, scheduled for Tuesday, February 5, 2013.



If you have any questions, please contact me.

Sincerely,

***J. Warren***

James Warren  
Corporate Legislative Officer

Enclosure: Appendix 'A' – Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995”

The following is a consolidated copy of the Comox Valley water local service establishment bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
1783	Water Local Service Establishment Bylaw, 1995	December 12, 1996	A bylaw to convert the water supply service to a local service for that portion of the regional district located within the boundaries of the City of Courtenay, the Town of Comox and Electoral Areas 'A', 'B' and 'C' of the regional district.
2640	Water Local Service Establishment Bylaw 1995, Amendment Bylaw No. 1, 2004	May 31, 2004	Amends Bylaw No. 1783 to allow for the supply of water from a bulk water dispensing system and to allow the sale of water to the Sandwick waterworks district in the event of an emergency
2670	Water Local Service Establishment Bylaw 1995, Amendment Bylaw No. 2, 2004	August 30, 2004	Amends Bylaw No. 1783 to allow for the supply of water from the Comox Valley water supply system, by agreement, to the Comox Indian Band and to allow the redistribution of water supply by the Town of Comox to HMCS Quadra

The following actions are the result of committee and board resolutions and meant to apply as policy directives for the Comox Valley water supply system and Comox Valley water committee:

Date	Action
May 3, 2011	<p>At its May 3, 2011 the CVRD board endorsed the following statement from a service review that concluded in April 2011 and relates to this Bylaw No. 1783:</p> <p>"Following a full review of the concerns expressed at the outset of the Comox Valley water supply system service review, including receipt of the CVRD administrative and corporate staffing review by Performance Concepts, the service review members feel that those concerns have been addressed and that there will be an annual performance monitoring report. In addition, the service review members:</p> <ul style="list-style-type: none"> <li>- support that voting on all issues at the Comox Valley water committee including the selection of the chair and vice-chair will be done using the weighted method;</li> <li>- acknowledge that the allocation of votes to committee members remains unresolved; and</li> <li>- recognize that where a decision has been made and that one or more parties may want to revisit that decision, that the parties be sensitive to such a request.</li> </ul> <p>The service review members hereby conclude the Comox Valley water supply system service review and extend their appreciation to all staff at the Comox Valley local governments for their assistance through the process."</p>
May 2011	<p>THAT the Comox Valley water committee authorize its chair to cancel committee meetings where no reports are available for the committee's consideration and/or no committee business is required;</p> <p>AND FURTHER THAT the monthly meeting requirement in section 13(d) of Bylaw No. 1783 being "Water Local Service Establishment Bylaw 1995" be waived in such instances.</p>
May 2011	<p>THAT the Comox Valley water committee approve the non-voting members on the committee as being the administrators for the Comox Valley Regional District, City of Courtenay and the Town of Comox, the general manager of property services at the CVRD and the senior manager for operations City of Courtenay and the Town of Comox in accordance with section 13(b) of Bylaw No. 1783 being "Water Local Service Establishment Bylaw 1995.</p>
June 2011	<p>THAT the Comox Valley water committee approve that all references to 'secretary' in Bylaw No. 1783 being "Water Local Service Establishment Bylaw 1995" be interpreted as 'corporate legislative officer or deputy corporate officer'.</p>
January 24, 2012	<p>The Comox Valley water committee defeated a proposal to divide evenly the assignment of votes to committee members at its January 24, 2012 meeting. Council resolutions required to divide weighted votes amongst committee members where equal division is not possible,</p>

Date	Action
March 13, 2012	<p>WHEREAS the Regional District of Comox-Strathcona enacted Bylaw 1783 in 1995 thereby establishing a "Water Local Service" for various areas in the Comox Valley;</p> <p>AND WHEREAS all policy related to the administration and operation of this local water service has been delegated to a standing committee of the regional board known as the "Water Committee";</p> <p>AND WHEREAS for the purpose of voting on all matters related to the water local service, a voting structure was assigned to each participant from January 1, 1997 based on the percentage of the water consumed by each of the participants relative to the total of water provided by the water local service;</p> <p>AND WHEREAS the solicitor for the regional district has "interpreted Section 15(d) of the bylaw...as meaning that when a participant's water consumption exceeds the base 1995 level by at least .50 of 8.33 per cent (or 4.17 per cent)-being one half of one vote – that particular participant is then entitled to an additional vote";</p> <p>AND WHEREAS the solicitor for the regional district has further advised "that there is no explicit indication in bylaw 1783 that the number of votes was inalterably fixed at twelve" and it was his "opinion Courtenay is therefore entitled to an additional vote in accordance with Section 15(d) of the bylaw";</p> <p>AND WHEREAS it is the opinion of the solicitor for the regional district "that Courtenay is now entitled (i.e. 2010) to a 7th vote at the water committee and at the board in connection with the Comox Valley service in accordance with bylaw 1783; and, "must be added to the total in order to give effect to Section 15(d) of the bylaw, creating a new voting structure that involves thirteen votes;</p> <p>AND WHEREAS based on the historical development of bylaw 1783 in 1995, the Town of Comox should have been assigned four votes based on consumption and to correct that action, the Town of Comox be awarded an additional vote;</p> <p>THEREFORE to give effect to the advice from the regional district solicitor, that the water committee determine the voting structure not be limited to twelve votes; and that for determining each participant's voting entitlement henceforth, the corporate officer interpret Section 15(d) of the bylaw as meaning when a participant's water consumption exceeds the base 1995 level by at least 0.50 per cent of 8.33 per cent (or 4.17 per cent)-being one half of one vote – that particular participant will be entitled to an additional vote;</p> <p>FURTHERMORE the water committee agree that there be an increase in the number of votes commencing in January 2012, as follows: - City of Courtenay 7 votes; Town of Comox 4 votes; Electoral Area A 1 vote; Electoral Area B 1 vote; Electoral Area C 1 vote</p> <p>AND FURTHERMORE the water committee adopt a dispute resolution process that will assure fairness and equity when resolving differences.</p>

Date	Action																														
December 2012	Comox Valley water committee resolution dated December 11, 2012: THAT the Comox Valley water committee approve that the corporate officer shall: a) report the percentage of water consumed by the participants in the Comox Valley water supply system as early in each year as possible; and, b) apply weighted votes, in accordance with Bylaw No. 1783 being "Water Local Service Establishment Bylaw 1995" and subsequent policy direction approved by the committee on or before January 20 in each year; AND FURTHER THAT the Comox Valley water committee chair and vice-chair selection shall occur at the first meeting of the water committee in each year, rather than in January as required under section 13(g) of Bylaw No. 1783.																														
January 2013	Following council resolutions on weighted vote assignments, Comox Valley water committee weighted votes for 2013 are as follows: <table border="1" data-bbox="321 762 1320 1117"> <tbody> <tr> <td>City of Courtenay</td> <td>Director _____</td> <td>2 votes</td> </tr> <tr> <td>City of Courtenay</td> <td>Director _____</td> <td>2 votes</td> </tr> <tr> <td>City of Courtenay</td> <td>Director _____</td> <td>2 votes</td> </tr> <tr> <td>City of Courtenay</td> <td>Director _____</td> <td>1 vote</td> </tr> <tr> <td>Town of Comox</td> <td>Director _____</td> <td>2 votes</td> </tr> <tr> <td>Town of Comox</td> <td>Director _____</td> <td>1 votes</td> </tr> <tr> <td>Electoral Area A</td> <td>Director Jolliffe</td> <td>1 vote</td> </tr> <tr> <td>Electoral Area B</td> <td>Director Gillis</td> <td>1 vote</td> </tr> <tr> <td>Electoral Area C</td> <td>Director Grieve</td> <td>1 vote</td> </tr> <tr> <td colspan="2">Totals</td> <td>13 votes</td> </tr> </tbody> </table>	City of Courtenay	Director _____	2 votes	City of Courtenay	Director _____	2 votes	City of Courtenay	Director _____	2 votes	City of Courtenay	Director _____	1 vote	Town of Comox	Director _____	2 votes	Town of Comox	Director _____	1 votes	Electoral Area A	Director Jolliffe	1 vote	Electoral Area B	Director Gillis	1 vote	Electoral Area C	Director Grieve	1 vote	Totals		13 votes
City of Courtenay	Director _____	2 votes																													
City of Courtenay	Director _____	2 votes																													
City of Courtenay	Director _____	2 votes																													
City of Courtenay	Director _____	1 vote																													
Town of Comox	Director _____	2 votes																													
Town of Comox	Director _____	1 votes																													
Electoral Area A	Director Jolliffe	1 vote																													
Electoral Area B	Director Gillis	1 vote																													
Electoral Area C	Director Grieve	1 vote																													
Totals		13 votes																													

**This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.**



**REGIONAL DISTRICT OF COMOX-STRATHCONA**

**BYLAW NO. 1783**

**A bylaw to convert the water supply service to a local service for that portion of the regional district located within the boundaries of the City of Courtenay, the Town of Comox and Electoral Areas 'A', 'B' and 'C' of the regional district.**

**WHEREAS** by supplementary Letters Patent dated the 17th day of February, 1967, the Regional District under Division VI Water Supply was empowered to design, construct, reconstruct, purchase, maintain and operate facilities for the purpose of supplying water in bulk to the City of Courtenay and to the Town of Comox, for redistribution by them within their municipalities, and to individual customers not within the boundaries of a municipality or improvement district having water supply as an object, which Letters Patent were further amended on the 9th day of March, 1977 to provide for the establishment of debt limit by the Inspector and on the 14th day of July, 1977 to renumber subsections;

**AND WHEREAS** a recommendation was made by Order in Council approved the 6th day of April, 1978 for the alteration of the basis for apportionment of costs;

**AND WHEREAS** the Board of the Regional District now wishes to exercise the power granted to it by the Letters Patent in accordance with Part 24 of the *Municipal Act* subject to all the terms and conditions contained in the Letters Patent except where the powers are herein amended;

**AND WHEREAS** the Board of the Regional District wishes to proceed to convert the service to a local service exercised under the authority of a bylaw for a portion of the Regional District under sections 767(4), 794 and 802 of the *Municipal Act*.

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

**Local Service**

2670

1. The service hereby established is to design, construct, reconstruct, purchase, maintain and operate facilities for the supply, treatment, conveyance, storage and distribution of water,
  - (a) in bulk to the City of Courtenay and the Town of Comox for redistribution by those municipalities, including redistribution by the Town of Comox to HMCS Quadra;
  - (b) in bulk to water service areas in that part of the Regional District not within the boundaries of the City of Courtenay and the Town of Comox located within a participating area for this service;
  - (c) in bulk to the Comox Indian Band;
  - (d) in bulk to the Sandwick Waterworks District in the event of an emergency;
  - (e) in bulk from the bulk water dispensing system; and
  - (f) the service shall be known as "The Comox Valley Water System".

### **Boundaries**

2. The boundaries of the local service area shall be the boundaries of the participating areas.

### **Participating Areas**

3. The participating areas for the service shall be the City of Courtenay, the Town of Comox and Electoral Areas 'A', 'B' and 'C' of the Regional District.

### **Cost Recovery**

4. The annual costs for the local service may be recovered by:
  - (a) the imposition of fees and other charges that may be fixed by separate bylaw for the purpose of recovering these costs.

### **Apportionment**

5. The annual debt costs and operating costs of operating and maintaining the water service shall be apportioned among the participating areas on the basis of the volume of water supplied by the local service consumed within each participating area each year as a percentage of the total water supplied in that year by the water service.

### **Metering**

6. Water supplied from the local service shall be metered at the point of delivery from the facility of the local service to the City of Courtenay, to the Town of Comox and to each local service area within each participating Electoral Area that receives water from the local service authorized by this Bylaw.
7. The Regional District is authorized to sell water in bulk to the City of Courtenay and to the Town of Comox at a rate sufficient to meet the cost of such supply.
8. The Regional District is authorized to sell water in bulk to water local service areas created in the participating Electoral Areas at a rate sufficient to meet the cost of the Regional District providing such water service.

### **Local Service Areas Within Electoral Areas**

9. The existing Specified Areas of Comox Valley, Arden and Marsden/Camco Road as defined in the bylaws converting those specified areas to local service areas will continue to be entitled to receive water in bulk as local service areas within the participating Electoral Areas as shown on Schedule 'A' attached hereto and forming part of this Bylaw.
10. No new water local service area may obtain water from the water local service area created by this Bylaw unless approved by a majority of the weighted votes of the Water Committee created by this Bylaw.
11. Notwithstanding section 10, if a water supply is required by the Medical Health Officer as a result of a failure of the water supply of persons outside municipal boundaries located within one of the participating Electoral Areas to supply potable water, the water local service area to be created for the purpose of obtaining water under this section shall be restricted to the area specified by the Medical Health Officer if supply to the new local service area is approved by the Water Committee.

### **Water Committee**

12. The local service created by this Bylaw shall be operated by a standing committee of the Regional Board to be known as the Water Committee.
13. The Water Committee:
  - (a) shall consist of the Regional Board members of the participating Municipalities and Electoral Areas as voting members;

- (b) shall consist of the Administrators of the Regional District, the City of Courtenay and the Town of Comox and the Engineer of the City of Courtenay, the Supervisor of Field Services of the Regional District and the Superintendent of Works of the Town of Comox as non-voting members;
- (c) shall have the exclusive authority to approve or refuse the connection of any municipality or local service area under the Municipal Act, to the water system other than the City of Courtenay, the Town of Comox, the Arden Local Service Area, the Comox Valley Local Service Area and the Marsden/Camco Road Local Service Area which are more particularly shown on the map annexed hereto as Schedule 'A'.
- (d) shall meet at least monthly to conduct its business;
- (e) shall conduct their meetings in accordance with the Procedure Bylaw of the Regional District as applicable;
- (f) where a member of the Regional Board cannot attend then his/her Alternate may attend as provided for attendance at the Regional Board;
- (g) shall, on adoption of this Bylaw, then in January of each year, select from amongst their voting members, a Chairman and Vice-Chairman who shall be responsible for preparing the agenda for each meeting and chairing the meeting;
- (h) shall determine all policy related to the administration and operation of this local water service.

#### Voting

14. For the purpose of voting on all matters related to the water local service including the creation or expansion of local service areas and notwithstanding the provisions of Part 24 of the *Municipal Act* and the Letters Patent of the Regional District, votes at the Water Committee and at the Regional Board under section 781(4) of the Municipal Act shall be as follows:
- (a) City of Courtenay                      6 votes
  - (b) Town of Comox                         3 votes
  - (c) Electoral Area 'A'                      1 vote
  - (d) Electoral Area 'B'                      1 vote
  - (e) Electoral Area 'C'                      1 vote
15. The number of votes assigned to each participant from January 1, 1997 will be determined as follows:
- (a) The percentage of the water consumed by each of Courtenay and Comox and through the water local service areas by each Electoral Area of the total of water provided by the Water Local Service created by this Bylaw, shall be determined by the Regional District and provided to the Secretary of the Regional District and each member of the Water Committee on or before January 5th of each year for the previous year.
  - (b) The Secretary of the Regional District shall, on or before January 10th of each year, apply the percentage of water consumed within each participant area to 12 votes.
  - (c) For the purpose of determining any change in percentage for the calculation of vote entitlement in 1997, consumption within the participating areas for January 1, 1995 and the 1995 entitlement is:

City of Courtenay	51.69%	6 votes
Town of Comox	30.48%	3 votes

Electoral Area 'A'	2.74% less the amount in Arden within Electoral Area 'C'	1 vote
Electoral Area 'B'	12.52%	1 vote
Electoral Area 'C'	.44% plus the amount of Arden not in Electoral Area 'A'	1 vote

- (d) Where the number determined for any participant includes a part of a vote if the percentage exceeds .50 of a vote, the participant will be assigned the whole vote.
- (e) In no event shall any participant be assigned less than one vote.
- (f) At the first Board Meeting in February, the Secretary will report the result of the assignment of votes as determined by this section and his/her assignment will be final and binding for that year.

#### **Pressures and Flows**

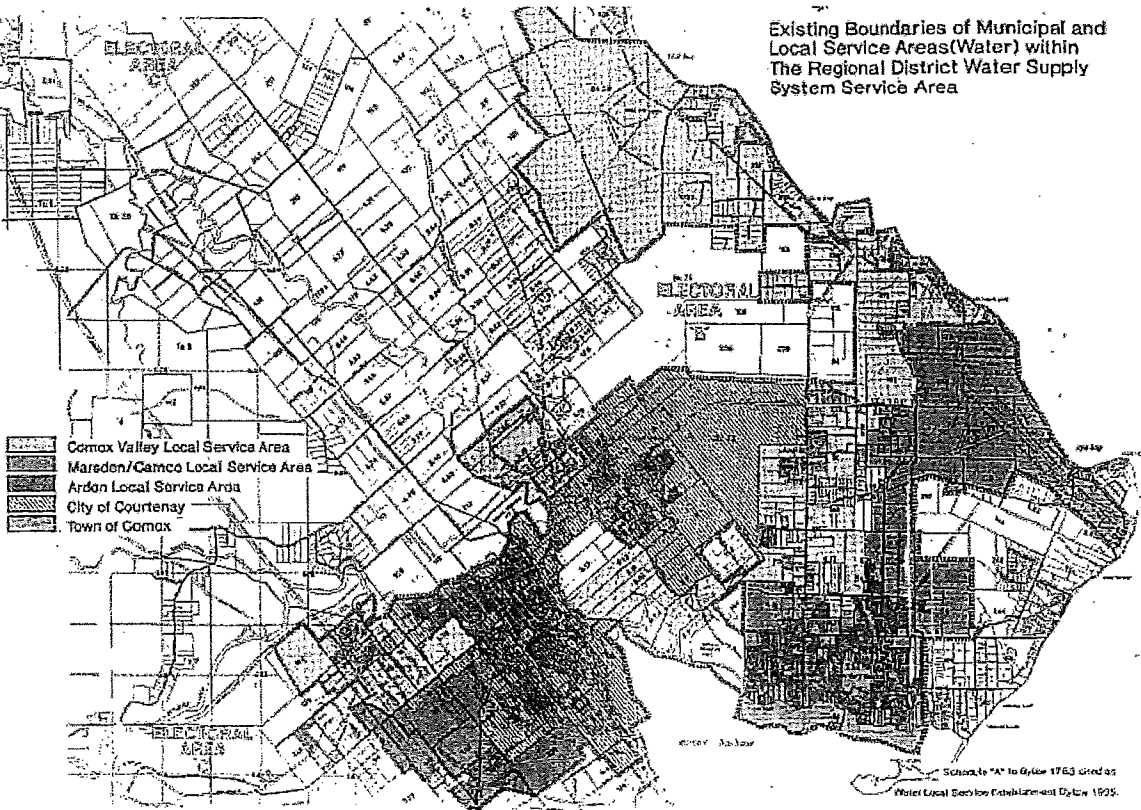
- 16. If a proposed expansion to the use of water from the local service system in any participating area would cause the pressure and flow of water to fall below 275 Kpa (40 psi) or 1800 litres/capita/day (400 imperial gallons/capita/day) or such other volume which may be determined by the Water Committee, the Water Committee shall refuse to approve such expansion until such time as the system can absorb the expansion and maintain the above specified pressures and flows.

#### **Citation**

- 17. This Bylaw may be cited for all purposes as "Water Local Service Establishment Bylaw, 1995".

Schedule A

Existing Boundaries of Municipal and Local Service Areas (Water) within The Regional District Water Supply System Service Area







**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2722**

**A bylaw to amend Official Community Plan Bylaw No. 2387, 2005**

WHEREAS the Council has adopted an Official Community Plan and a Zoning Bylaw;

AND WHEREAS, pursuant to Section 895 of the *Local Government Act*, the Council shall, by bylaw, establish procedures to amend a plan or bylaw or issue a permit;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as **“Official Community Plan Amendment Bylaw No. 2722, 2013”**.
2. That Official Community Plan Bylaw No. 2387, 2005 be amended as follows:
  - a) by changing the land use designation of Lot 2, District Lot 236, Comox District, Plan VIP70439, shown in bold outline on Attachment “A” which is attached hereto and forms part of this bylaw, from Industrial to Commercial;
  - b) That Map #2, Land Use Plan be amended accordingly;
  - c) by changing the development permit area designation of Lot 2, District Lot 236, Comox District, Plan VIP70439, shown in bold outline on Attachment “A” which is attached hereto and forms part of this bylaw, from Industrial Area to Commercial Area;
  - d) That Map #5, Development Permit Areas be amended accordingly;
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 21<sup>st</sup> day of January, 2013

Read a second time this 21<sup>st</sup> day of January, 2013

Considered at a Public Hearing this                    day of                    , 2013

Read a third time this                    day of                    , 2013

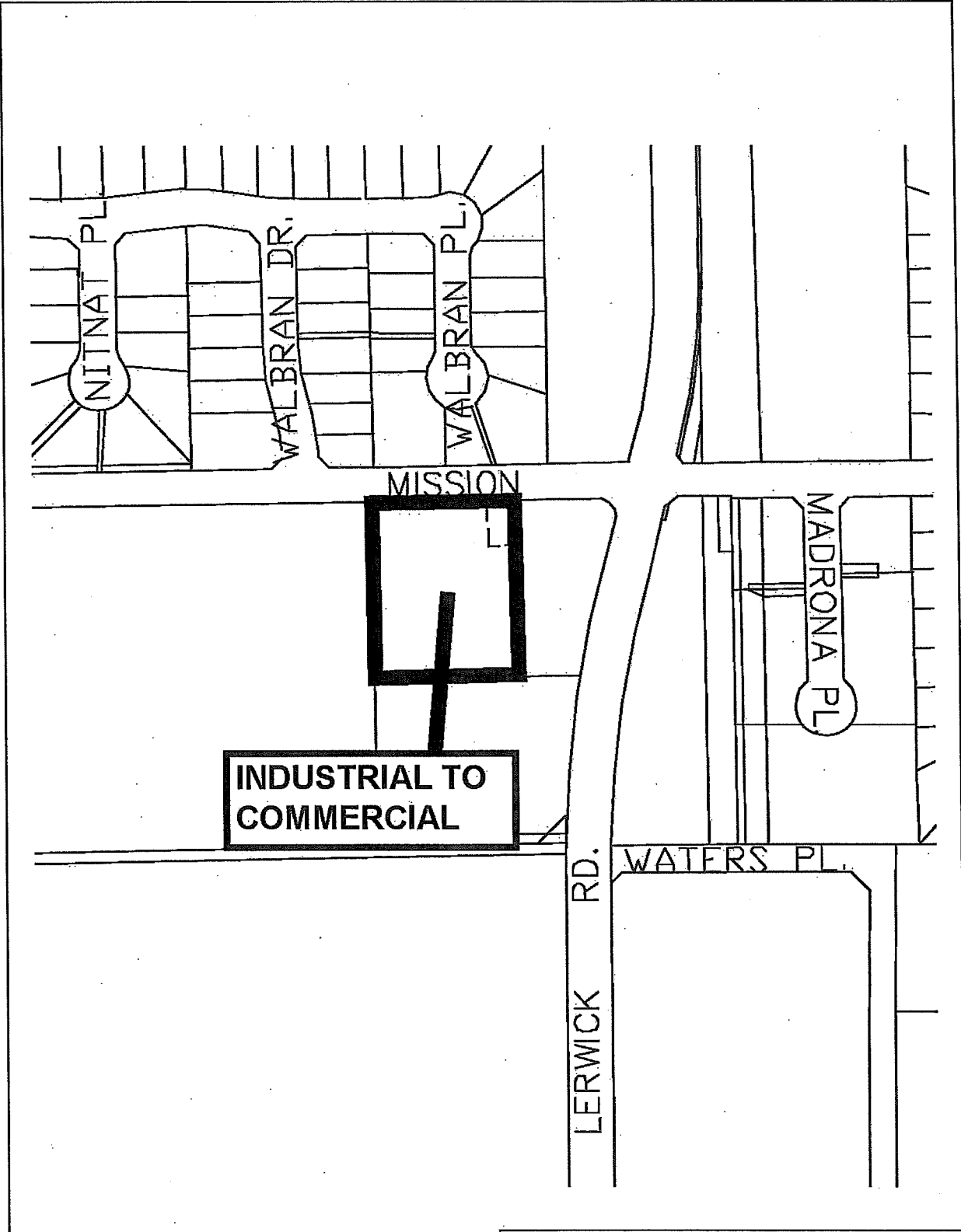
Finally passed and adopted this                    day of                    , 2013

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Legislative Services

142





**THE CITY OF COURTENAY**  
**ATTACHMENT "A"**  
 Part of Bylaw No. 2722, 2012  
 Amendment to the  
 Official Community Plan Bylaw No. 2387, 2005





**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2723**

**A bylaw to amend Zoning Bylaw No. 2500, 2007**

WHEREAS the Council has given due regard to the consideration given in Section 903 of the *Local Government Act*;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 2723, 2013**”.
2. That “Zoning Bylaw No. 2500, 2007, Division 8, Classification of Zones” be amended by adding Part 51 - Comprehensive Development Twenty-Four Zone (CD- 24) as follows and renumbering the remainder of the bylaw accordingly:

**Part 51 - Comprehensive Development Twenty-Four Zone (CD- 24)**  
**(2525 Mission Road)**

**8.51.1 Intent**

The CD-24 Zone is intended to accommodate the development of a professional commercial centre on the property legally described as Lot 2, District Lot 236, Comox District, Plan VIP70439.

**8.51.2 Permitted Uses**

The following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

1. *Accessory building and uses*
2. *Medical clinic*
3. *Laboratory*
4. *Educational facility*
5. *Office*
6. *Financial institution*
7. *Fitness facility*
8. *General service*
9. *Personal service*
- ~~10. *Community service*~~
11. *Retail stores limited to 2000 m2*



12. *Studio*
13. Seniors Housing and Care Facilities
14. *Assembly hall*
15. Bakery and deli
16. Barber shop and beauty salon
17. *Day care*
18. Florist
19. *Facility for adults with a disability*
20. *Laundromat and dry cleaning*
21. Printing and publishing
22. Restaurant
23. *Parking lot*
24. *Veterinary clinic*
25. Combined commercial-residential use subject to the commercial use being restricted to *retail*, restaurants, *offices* (including *financial institutions*) and *studios*. Residential units must be contained within a dual use building and shall be located above storeys used for commercial purposes, and no storey can be used for both commercial and residential purposes
26. For clarity the following uses are specifically not permitted:
  - a) Convenience store
  - b) Automobile service station
  - c) Automobile sales and repairs
  - d) Building supply store
  - e) Hotel/Motel
  - f) Grocery store
  - g) Enclosed storage building including warehouse and storage yard
  - h) Methadone clinic

### **8.51.3 Condition of Use**

- (1) Garbage containers, recycling containers, storage facilities, parking, and loading facilities shall not be located within any required *setback* as specified in Section 8.51.8.

### **8.51.4 Lot Coverage**

A *lot* shall not be covered by buildings and *accessory* buildings to a greater extent than 40% of the total area of the *lot*.

**8.51.5 Floor Area Ratio**

The maximum floor area ratio shall not exceed 0.7:1

**8.51.6 Minimum Lot Size**

A lot shall have an area of not less than 2000 m<sup>2</sup>

**8.51.7 Minimum Lot Frontage**

A lot shall have a frontage of not less than 30m

**8.51.8 Setbacks**

Except where otherwise specified in this bylaw the following minimum building setbacks shall apply:

- (1) Front Yard                      7.5m
- (2) Side Yard                        7.5m
- (3) Rear Yard                        7.5m

Support columns may project into the minimum required yards to a maximum projection of 1m

**8.51.9 Height of Building**

Maximum *height* of a *building* shall not exceed 16.0 m with the exception of the core area which may be 19.0m in *height*.

**8.51.10 Off-Street Parking and Loading**

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw unless otherwise specified.

No parking or loading area may be located within 2.0m of a property line.

A minimum of 2 loading bays are required on the site

**8.51.11 Landscaping and Screening**

In addition to the Landscape Requirements identified in Part 14 of this bylaw, the following landscape requirements shall be met:

- (1) A minimum 7.5m landscape area is required between all building faces and the adjacent property lines. Hard landscape features such as patios and staff seating areas are permitted within this landscape area.
- (2) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in *height* shall be provided along the inside of all property lines.
- (3) Loading areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

**8.51.12 Accessory Buildings and Accessory Structures**

- (1) Shall not exceed 4.5 m in *height*.

- (2) Shall have a total *building area* not exceeding 50 m<sup>2</sup> or 10% of the *rear yard*, whichever is greater.
  - (3) Shall be permitted in the *side* and *rear yard* provided they shall conform to all relevant siting regulations of this bylaw.
  - (4) Shall not be permitted at the front of a principal *building*.
3. That Lot 2, District Lot 236, Comox District, Plan VIP70439, as shown in bold outline on Attachment A which is attached hereto and forms part of this bylaw, from Industrial Two Zone (I-2) to Comprehensive Development Twenty Four Zone (CD-24);
  4. That Zoning Bylaw No. 2500, 2007, Schedule No. 8 be amended accordingly.
  5. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 21<sup>st</sup> day of January, 2013

Read a second time this 21<sup>st</sup> day of January, 2013

Considered at a Public Hearing this            day of            , 2013

Read a third time this            day of            , 2013

Finally passed and adopted this            day of            , 2012

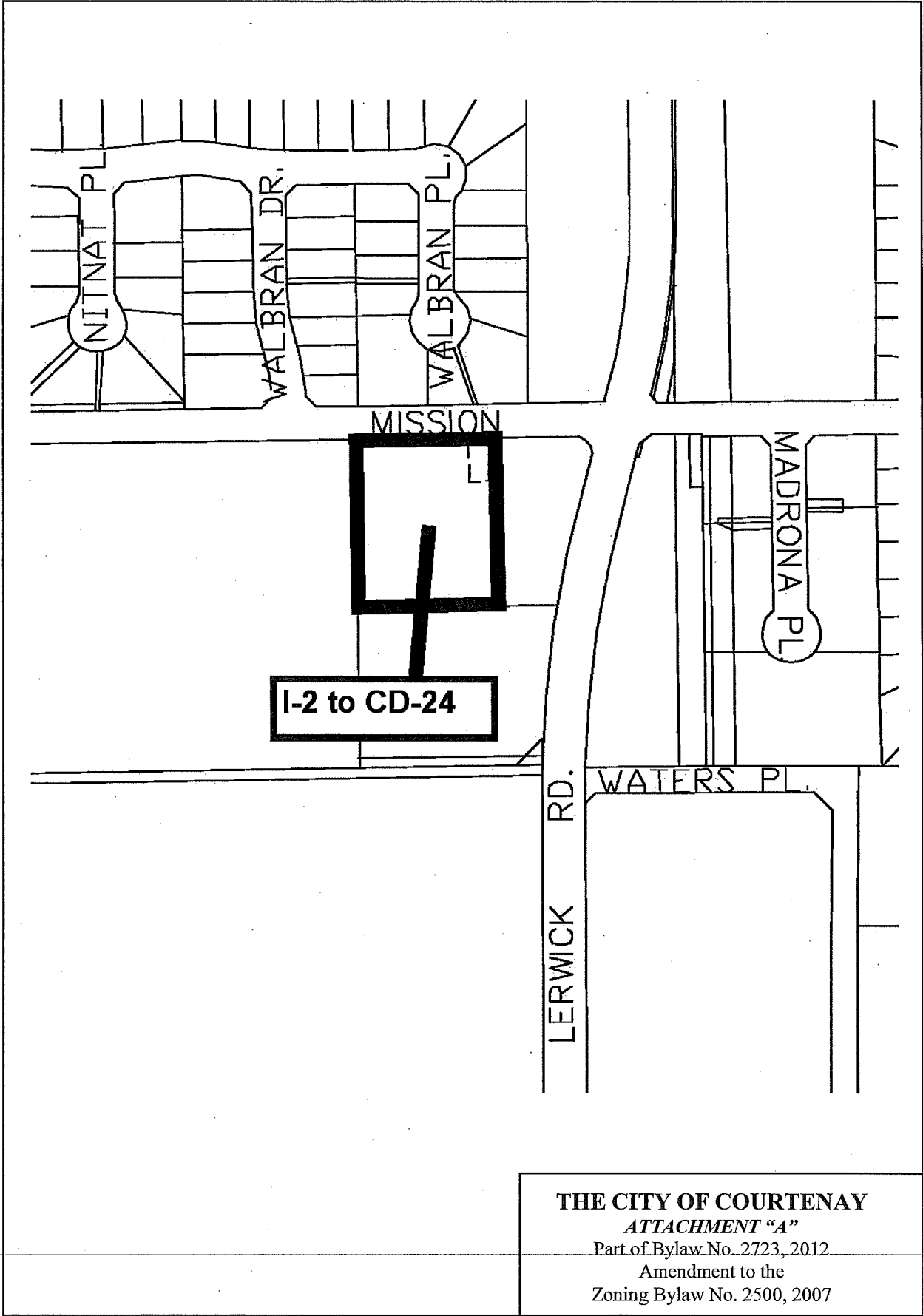
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Legislative Services

Approved under S.52(3)(a) of the *Transportation Act*

\_\_\_\_\_  
Larry Park





**THE CITY OF COURTENAY**  
*ATTACHMENT "A"*  
Part of Bylaw No. 2723, 2012  
Amendment to the  
Zoning Bylaw No. 2500, 2007

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2703

A bylaw to amend Corporation of the City of Courtenay Zoning Bylaw No. 2500, 2007

WHEREAS the Council has given due regard to the consideration given in Section 903 of the *Local Government Act*;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. 2703, 2012”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
  - (a) by deleting the following from Division 8, Classification of Zones, Part 19 - *Commercial Two Zone (C-2) Section 8.19.1 Permitted Uses*:
    - (37) Notwithstanding any provisions of this bylaw, a *building supply store* limited to a maximum *building area* of 10,915 m<sup>2</sup> and canopy and outdoor area of 696 m<sup>2</sup> with a minimum *lot area* not less than 4.24 hectares is permitted on *Lot A*, Section 78, Comox District, Plan VIP75241 (388 Lerwick Road).

3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 7<sup>th</sup> day of August, 2012

Read a second time this 7<sup>th</sup> day of August, 2012

Considered at a Public Hearing this 20<sup>th</sup> day of August, 2012

Read a third time this 20<sup>th</sup> day of August, 2012

Finally passed and adopted this day of , 2012

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Legislative Services

Approved under S.52(3)(a) of the *Transportation Act*

\_\_\_\_\_  
Michael Goodhelpsen



**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2735**

**A bylaw to amend Official Community Plan Bylaw No. 2387, 2005**

WHEREAS the Council has given due regard to the consideration given in Section 903 of the *Local Government Act*;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “**Official Community Plan Amendment Bylaw No. 2735, 2012**”.
2. That “Official Community Plan Bylaw No. 2387, 2005” be hereby amended as follows:
  - (a) That Part 3 Growth Management, of Official Community Plan Bylaw No. 2387, 2005 be hereby amended by deleting section 3.0 and replacing it with the following:

Section 3

**3. GROWTH MANAGEMENT**

**Section 3.0**

**3.1 Managing Growth**

**3.1.1 Introduction**

The City has faced the issues of boundary extension, amalgamations or future municipal boundaries for many years. Boundary changes have proceeded primarily on an individual basis; however, there is a need for a coordinated and consistent approach to considering the future boundaries of the City. Adopting Growth Management Policies as outlined in this section will establish a strategy for the City in moving towards a workable and preferred boundary which will allow for the development and environmental protection in a coordinated system.

Throughout adoption of the Regional Growth Strategy in March 2011, the City sought to have the concerns on urban fringe development addressed. Section 3.2, Regional Context Statement further outlines the City’s position on this topic.

Having a clear plan for the future expansion of the City remains one of the most effective land use management tools which will lead to the integration and seamless delivery of services in a more equitable manner in the Comox Valley. Municipal boundary extensions are a necessity in order to manage the future growth of the City and to solve existing urban fringe development problems. It will also help to prevent suburban sprawl that has consumed rural lands on the urban fringe, protect our natural environment and it will ensure urban growth occurs within urban boundaries. Rural sprawl comes at a considerable expense to the City and impacts on the services the City provides. The uncoordinated actions of the Regional District and provincial agencies with approving authority for subdivisions, septic systems, private wells, drainage, garbage, roads and taxes provides a regulatory system which has created the urbanization of the unincorporated areas around the City.

The City has maintained a position that municipal services will not be extended beyond the municipal boundaries.





3. work to harmonize the delivery of services, and the streamlining of uniform application procedures with the jurisdictions within the Comox Valley and the provincial agencies.
4. not support the further densification of residential, commercial, industrial or institutional uses in the non-municipal areas within a 5 km. radius of the City's boundaries. Support retaining large parcel sizes within this area greater than 4 hectares.
5. only allow municipal water and/or sewer services to areas within municipal boundaries.
6. seek ways to ensure areas on the urban fringe pay equitably for services received including police, recreation, transportation, cultural and the mitigation of environmental problems.
7. position itself as the regional commerce centre of the Comox Valley promoting new and existing industries to expand economic opportunities for growth and development within the municipal boundaries. As such, the City will oppose commercial, industrial or institutional developments on its fringes, and along the Comox Valley Parkway, the Inland Island Highway, the Island Highway, Comox Road, Ryan Road or Cumberland Road where it leads to urban sprawl and the undermining of the existing tax base.
8. continue to lead efforts in storm water management, erosion and sediment control, water supply, garbage and sewage disposal to protect the environment.
9. support Transportation Planning Initiatives designed to match population growth to major destinations and centres of importance.
10. seek methods to continue to protect the Comox Lake Watershed.

## Section 3.2

### 3.2 REGIONAL CONTEXT STATEMENT

### Section 3.2

#### 3.2.1 Introduction

On March 29, 2011, the Board of the Comox Valley Regional District adopted a Regional Growth Strategy being Bylaw No. 120, 2010.

The purpose of this document is to assist in guiding decisions on growth, change and development with the Regional District which includes the City of Courtenay.

The vision in the Regional Growth Strategy is that:

*"The Comox Valley will continue to evolve as a region of distinct, well-connected and well designed urban and rural communities. As stewards of the environment, local governments, the K'omoks First Nation, public agencies, residents, businesses and community and non-governmental organizations will work collaboratively to conserve and enhance land, water and energy resources and ensure a vibrant local economy and productive working landscapes."*

The RGS does support the principals and policies established in the City's OCP. The RGS is structured into five parts including:

1. Introduction
2. Context
3. Regional Policies

It is clearly evident that areas on the fringe of the City that have received a municipal service such as community water, results in creating residential areas that are too dense. This has led to environmental problems of failing septic systems and a lack of any stormwater management which impacts on the City.

In designing the City's transportation, water, sanitary sewer and storm drainage systems, the City follows good planning, financial and engineering practices and have provided for possible service extensions for areas presently outside the municipal boundaries, where applicable.

Growth management would be greatly enhanced if provincial regulations and approvals reflected the actual cost of development outside municipal boundaries.

### **3.1.2 Goals**

1. provide for managed growth
2. ensure equitable taxation for services provided and received
3. support efficient infrastructure development
4. protect environmentally sensitive areas
5. support sustainable development practices

### **3.1.3 Policies**

#### Council will:

1. in examining boundary extensions consider the following criteria:
  - continuity with existing boundary, topography, location of existing streams, parks, roads and forest land
  - proximity of existing municipal infrastructure and its capacity and elevation
  - condition of existing infrastructure in the area under consideration
  - effect of the change on any existing service areas
  - advising of any known issues within the existing area, i.e. failing septic system issues, stormwater
  - cost of servicing including any latecomer agreements, DCC's (City and CVRD), developer contributions to planned infrastructure, servicing costs and connection fees
  - subdivision opportunities and future infrastructure locations, i.e. sewage lift stations
  - advising of the phasing-in of City municipal taxes
  - frontage tax charges, when services are available to the property
  - utility user charges on tax notices only when services are connected
  - detailed servicing costs for potable water, sanitary sewer or storm drainage referencing to any grants, assist factors
  - method of payment of payment for proposed municipal services
    - payment in full prior to service connection being provided to property line
    - commuted payment by way of an annual parcel tax over and amortization period not greater than fifteen years
  - timing of the installation of municipal services
  - preparing a local area plan following the boundary extension
  - assessment/determination of potential capital works to be undertaken and to be considered in the future City budgets
2. ~~work cooperatively with Comox Valley jurisdictions regarding the cohesive and complimentary development of land use regulation plans and strategies on the provision of services.~~

4. Managing Growth
5. Implementation and Monitoring

Part 2 outlines the major trends that were the basis for the RGS. The City's OCP supports the importance of major trends and addresses those in the City's objectives, policies and land use designations. The RGS projects a population increase of approximately 19,800 between 2010 and 2030 representing an annual growth rate of 1.6% and 500 residential units per year.

The City's population in 2011 was 24,099 representing an annual increase of 1.88% from 2006.

Part 3 describes a vision for the region along with the eight principle policy areas. Part 4 establishes a strategy for managing growth and land use activities whereas Part 5 sets out the tools and partnerships to implement the RGS.

As such, the amendments to the City's OCP recommended in this report are minor in nature and do not change the principle of managing growth and infrastructure to protect the long term financial interests of the residents of the City.

Population projections can vary significantly given the numerous factors beyond the control of the greater area. The City's OCP provides for the consideration of a range of growth and the policies are established to address changes in growth rates. Part 2 of the City's OCP, Vision and Strategy, expresses the vision for the City and the goals that provide the foundation for the vision. Growth will occur through densification and the expansion of the City's boundaries which is supported in the RGS. The rate for both development and boundary expansions will be dependent on available, suitable lands and the provision of services through Council's approval.

The RGS states the City shall develop and grow consistent with its function as the Comox Valley's largest urban area. New development should provide for a wide diversity of housing and employment opportunities and allow for the highest densities within the Comox Valley.

The City is achieving this through many of the recently approved housing and commercial projects and will continue to follow this strategy. It is also important for the OCP to anticipate and plan well into the future for growth and to coordinate this growth with the demands on all City services. It is also important to ensure future amendments to the RGS remain consistent with the fundamental principles in the City's OCP.

### 3.2.2 Goals

The goals, objectives and policies of the RGS bylaw as contained in Section 3 are organized into the following eight sections which are outlined below for the consistency of the City's OCP.

#### **Goal 1: Housing:**

*Ensure a diversity of housing options to meet evolving demographics and needs.*

The OCP supports the development of housing options and contains policies that examine ways to increase densities and to provide a balance between new and existing developments.

These principles include:

1. balance land uses to create a vibrant and diverse neighbourhood and community;

2. create neighbourhoods that will offer a variety of transportation choices;
3. preserve and enhance open spaces, greenways and environmentally sensitive areas;
4. encourage green buildings and infrastructure; and
5. lead in creating inclusive neighbourhoods for housing.

**Goal 2: Ecosystems, Natural Areas and Parks:**

*Protect, steward and enhance the natural environment and ecological connections and systems.*

The OCP supports this goal beginning with a vision to have:

- an expanding parks, natural areas and greenways system, and
- a strategy to lead in environmental protection.

This is followed by goals and strategies to have:

- a system of Greenways to serve recreational needs
- parks and publicly accessible natural open space
- guidelines for sustainable development.

The City has and continues to put a great deal of effort into developing its parks and open space system. The OCP states the provision of parks and services as an essential contribution to the quality of life, environment and image of the City. The OCP contains extensive policy on the parks and greenways systems and environment. The Environmental Development Permit Area section of the OCP has been recently updated on the basis of new mapping and new information.

**Goal 3: Local Economic Development:**

*Achieve a sustainable, resilient and dynamic local economy that supports Comox Valley businesses and the region's entrepreneurial spirit.*

Courtenay has long served as the economic centre of the greater Comox Valley and this is recognized in the RGS. The OCP's vision includes the City as being the centre of commerce for the Comox Valley. This is supported by designating five principle commercial areas within the City and to support the densification of these areas. It recognizes the distinct role of the Downtown as an integral part of the community's social and cultural life, its identity and its economy. The mix of uses supported for the commercial nodes and corridors reflect the policies of the RGS.

**Goal 4: Transportation:**

*Develop an accessible, efficient and affordable multi-modal transportation network, that connects Core Settlement Areas and designated Town Centres, and links the Comox Valley to neighbouring communities and regions.*

The City's OCP sets out specific goals and policies on the development of a transportation system that provides choices for different modes of travel. This system works towards reducing travel distances and congestion through the consideration of the long term impacts of all land use decisions. Selecting the correct location for land uses will ensure the right balance of new and existing growth which support the City's infrastructure.

**Goal 5: Infrastructure:**

*Provide affordable, effective and efficient services and infrastructure that conserves land, water and energy resources.*

The vision established in the City's OCP supports the efficient development of all infrastructure following complete land use and engineering analysis. The City has identified a number of sustainable practices and policies for new development.

The City has maintained a position that municipal services will not be extended beyond the municipal boundaries and this is supported through policy in the OCP allowing for the best management of the City's infrastructure, financial health and delivery of City services.

**Goal 6: Food Systems:**

*Support a high quality of life through the protection and enhancement of community health, safety and well-being.*

This is achieved through the established vision for the City which includes the support for a viable agricultural economy through the protection of agricultural lands. The OCP recognizes the important role of agricultural lands and supports the principle of preserving farmland and farming activities. The goals and policies promote the expansion and protection of the agricultural industry. It is also acknowledged that the BC Agricultural Land Commission regulates the use and subdivision of all lands within the ALR.

**Goal 7: Public Health and Safety:**

*Support a high quality of life through the protection and enhancement of community health, safety and well-being.*

This is supported through the City's vision statement which includes being:

- an inclusive, open and caring community
- commitment to continued excellence
- a strategy to lead in environmental protection
- committed to youth and seniors

This is further expanded upon in the OCP with a strategy to develop a system of greenways, protect and provide publicly accessible natural open space, design for sustainable development and support social equality.

**Goal 8: Climate Change:**

*Minimize regional greenhouse gas emissions and plan for adaptation.*

The City's OCP was amended in 2010 to include a section on "Planning for Climate Change". The City has developed and adopted policies consistent with provincial directions and targets and supports the climate change goals in the RGS. The City also re-wrote the Environmental Development Permit Guidelines in 2011 which recognizes and strengthens the protection of ecosystems and development with respect to changes as a result of climate change.



### 3.2.3 Managing Growth

Part 4 of the RGS establishes a strategy for managing growth. This includes 16 growth management principles which support the goals identified in Part 3. It includes identifying areas of existing development on the fringe of the City that should eventually be incorporated through boundary extensions and provided with publicly owned water and sewer services in order to address existing health and environmental issues. The RGS also requires areas to be identified on the fringes of the City that should eventually be incorporated through boundary extension and provided with publicly owned water and sewer services in order to allow for new long term growth opportunities in a phased and orderly manner.

Traditionally urban boundaries have been extended in order to accommodate growth and urban forms of development and to provide services for failing infrastructure systems. It has also been considered to prevent urban uses and densities to continue and expand outside the City's boundaries. Boundary extensions will remain an effective tool for the management of land uses and infrastructure systems for the City. The City confirms its long term interest in extending municipal boundaries and supports the general areas for inclusion as identified as "Settlement Expansion Areas" in the RGS and the adjoining lands which would allow for logical expansion boundaries.

### 3.2.4 Implementation

Part 5 of the RGS addresses implementation measures, monitoring, and amendment procedures. The OCP establishes the principles and policies to be followed by Council in the implementation of the RGS and the sharing of information within the Comox Valley Regional District occurs on a regular basis. It is concluded that entering into an implementation agreement would be an unnecessary expense to the City and it would be redundant to the existing practices of the City.

2. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 3<sup>rd</sup> day of December, 2012

Read a second time this 3<sup>rd</sup> day of December, 2012

Considered at a Public Hearing this 14<sup>th</sup> day of January, 2013

Read a third time this 14<sup>th</sup> day of January, 2013

Finally passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Legislative Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2731

A bylaw to amend the Zoning Bylaw No. 2500, 2007

WHEREAS the Council has given due regard to the consideration given in Section 903 of the *Local Government Act*;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. 2731, 2013”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
  - (a) By rezoning Lot 8, District Lot 157, Comox District, Plan VIP54769, as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Residential One Zone (R-1) to Residential One S Zone (R-1S); and
  - (b) That Schedule No. 8 be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 7<sup>th</sup> day of January, 2013

Read a second time this 7<sup>th</sup> day of January, 2013

Considered at a Public Hearing this            day of            , 2013

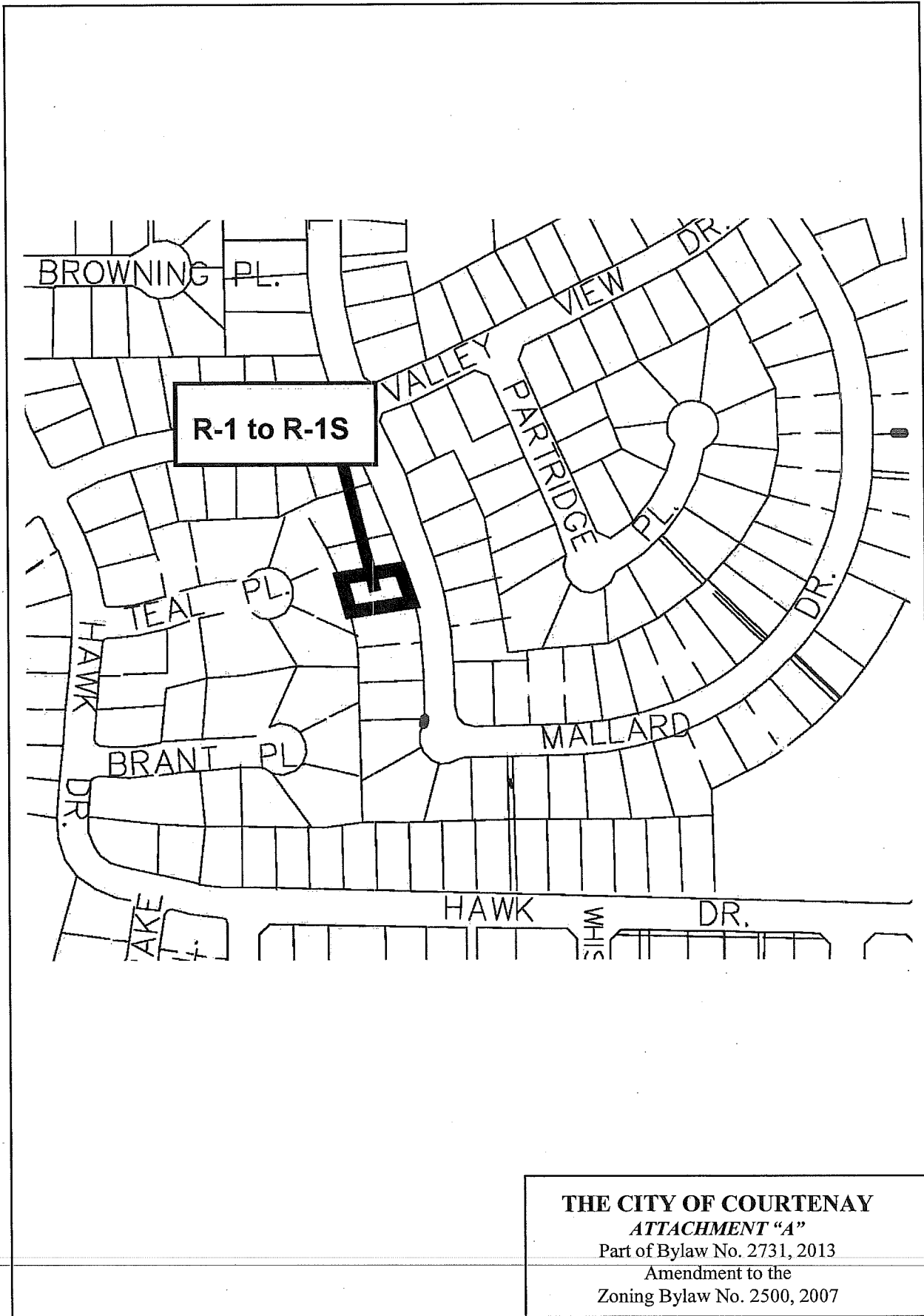
Read a third time this            day of            , 2013

Finally passed and adopted this            day of            , 2013

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Legislative Services





**R-1 to R-1S**

**THE CITY OF COURTENAY**  
*ATTACHMENT "A"*  
Part of Bylaw No. 2731, 2013  
Amendment to the  
Zoning Bylaw No. 2500, 2007

