

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

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

1.00 ADOPTION OF MINUTES

1. Adopt October 15, 2013 Regular Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

Page #

4.00 COMMITTEE/STAFF REPORTS

(a) Development Services

- 1 1. Zoning Amendment – 1968 Dogwood Drive (postponed from July 15, 2013)

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

- 25 1. Update on the Proposed Elections Legislation
- 31 2. Fitzgerald Bike Lane Project - Update

6.00 REPORTS FROM COUNCIL REPRESENTATIVES

7.00 RESOLUTIONS OF COUNCIL

1. In Camera Meeting

That notice is hereby given that a Special In-Camera meeting closed to the public will be held October 21, 2013 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (c) Labour relations or other employee relations.
- 90 (1) (k) Negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

8.00 UNFINISHED BUSINESS

9.00 NOTICE OF MOTION

10.00 NEW BUSINESS

11.00 BYLAWS

For Third Reading (Postponed from October 15, 2013 Council meeting)

- 33 1. "Zoning Amendment Bylaw No. 2761, 2013"
(To rezone 1648 Thorpe Ave. from R-1 to R-1S)

For Third Reading After Public Hearing

- 35 1. "Zoning Amendment Bylaw No. 2768, 2013"
(To rezone 3230-3260 Cliffe Avenue to R-4A)

12.00 COUNCIL MEMBER ROUND TABLE

13.00 ADJOURNMENT

Note: there is a public hearing at 5:00 p.m. in relation to Zoning Amendment Bylaw No. 2768



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Mayor and Council

File No.: 3360-20-1211

From: Chief Administrative Officer

Date: October 15, 2013

Subject: Zoning Amendment Application No.1211 to permit a secondary suite at 1968 Dogwood Drive.

PURPOSE:

The purpose of the application is to rezone the subject property to permit a secondary suite in an existing single residential dwelling.

C.A.O. RECOMMENDATIONS:

That Bylaw No. 2726 to rezone the property legally described as Lot 15, Block 5, Section 68, Comox District, Plan 16252 (1968 Dogwood Drive) from Residential One (R-1) to Residential One S (R-1S) be defeated.

Respectfully submitted,

David Allen
Chief Administrative Officer

BACKGROUND:

This application to rezone the subject property to permit a secondary suite was first presented to Council on July 15, 2013. At that meeting Council passed the following resolution:

"Moved by Leonard and seconded by Winchester that consideration of the application be postponed for three months to allow further neighbourhood consultation, including a second neighbourhood meeting, in order to address the neighbourhood concerns".

The applicant has since held a second neighbourhood meeting on Saturday, October 5, 2013. The applicant has provided a summary of the meeting included as Attachment No. 1 of this report and the application is now returning to Council for consideration.

DISCUSSION:

To-date, Council policy has been to consider rezoning to allow secondary suites within existing single residential dwellings on a case-by-case basis. Staff are generally supportive of secondary suites from a land-use perspective. However, as outlined in the initial staff report (Attachment No. 2), in this circumstance

staff has concerns regarding the ongoing use of staff and RCMP resources to address the situation occurring at this property.

FINANCIAL IMPLICATIONS:

Not applicable.

ADMINISTRATIVE IMPLICATIONS:

The processing of development applications falls within the core administrative duties of the Planning Services Division.

Should Council decide to proceed with First and Second Reading of Bylaw No. 2726, Staff would begin the notification process for the required Public Hearing. If the rezoning is approved the applicant will be required to obtain a Building Permit to ensure the suite meets the health and safety requirements of the BC Building Code.

Should the application be denied, the file will be closed and the applicant will be required to obtain a Building Permit to decommission the suite.

STRATEGIC PLAN REFERENCE:

See the attached staff report.

OFFICIAL COMMUNITY PLAN REFERENCE:

See the attached staff report.

REGIONAL GROWTH STRATEGY REFERENCE:

See the attached staff report.

CITIZEN/PUBLIC ENGAGEMENT:

The applicant held two public information meetings. A summary of the first meeting held on May 29, 2013, along with correspondence received from neighbouring residents, forms part of Attachment No. 2. A summary of the second public information meeting held on October 5, 2013 is included as Attachment No.1. No further correspondence has been received.

OPTIONS:

1. Give Bylaw 2726 First and Second Readings and proceed to Public Hearing.
2. Defer consideration of Bylaw 2726 pending receipt of further information.
3. Defeat Bylaw 2726. (Recommended)

Prepared by:



Erin Ferguson, MCP
Planning Technician



Peter Crawford, MCIP, RPP
Director of Development Services

Attachment No. 1

**PUBLIC INFORMATION MEETING
SUMMARY REPORT
1968 DOGWOOD DRIVE**

RECEIVED
OCT 17 2013
CITY OF COURTENAY

To Courtenay city council the public information meeting was held at the residence 1968 Dogwood drive October 5th from 6-7 pm, we hand delivered notices of the meeting to all required addresses and mailed a few to non-local owners, we had one person attend the meeting, she was very positive about the rezoning to allow for the legal suite, also commented on how our property lended itself well to the proposal. Major discussion points were parking, and about the process for rezoning, these points were discussed.

Thank you Mark Filipponi

Attachment No. 1

2000 Pine Place
Courtenay V9N 3C1
September 28, 2013

Dear Mark

Although I am unlikely to come to your meeting on October 5, I should like to go on record as having no objections to the rezoning of your property at 1968 Dogwood.

I believe that in your survey area, probably 1/4 to 1/3 of the residences have a second occupancy group, possibly related, possibly not. Your house is larger than some of these. What you offer that the majority of these properties do not is adequate parking for two family groups. It is unfortunate that the street near the corner is often overcrowded, presenting a hazard for careless motorists, but your two driveways should alleviate any trouble in your particular area.

I wish you good luck with your rezoning application.

Sincerely


Marjorie Kay

THE CORPORATION OF THE CITY OF COURTENAY

REPORT TO COUNCIL

FROM: Development Services Department

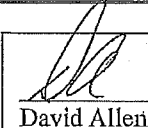
FILE #: 3360-20-1211

DATE: June 24, 2013

SUBJECT: Application No. 1211 to Amend Zoning Bylaw No. 2500, 2007
1968 Dogwood Drive
Lot 15, Block 5, Section 68, Comox District, Plan 16252

C.A.O. COMMENTS/RECOMMENDATIONS:

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


David Allen

RECOMMENDATION:

That the application to amend *Zoning Bylaw No. 2500, 2007* for the property legally described as Lot 15, Block 5, Section 68, Comox District, Plan 16252 (1968 Dogwood Drive) from Residential One (R-1) to Residential One S (R-1S) be denied.

PURPOSE:

To consider an application to rezone the subject property to allow a secondary suite within an existing single residential dwelling.

BACKGROUND:

The subject property is currently zoned Residential One (R-1) and contains an existing single residential dwelling with an illegal secondary suite. The City received a complaint related to an illegal suite on the subject property which was confirmed by the applicant. The applicant was given the option to decommission the secondary suite or to rezone the subject property to R-1S which would allow the secondary suite as a permitted use.

A location map and reference information is contained in *Attachment No. 1*. Information provided by the applicant is contained in *Attachment No. 2*. Public input is included as *Attachment No. 3*.

DISCUSSION:

The existing secondary suite complies with the floor area and parking requirements of the proposed R-1S zone. Should the rezoning application be successful, the applicant will be required to obtain a building permit to ensure that health and safety provisions have been met.

Staff are generally supportive of secondary suites from a land use perspective as they provide affordable housing options in established areas of the city which often have good access to schools, parks and community services. Secondary suites are also supported by Council adopted policy including the Affordable Housing Policy, and the Official Community Plan.

However, staff have concerns with this application. Several neighbours have contacted staff expressing opposition to the proposed rezoning due to ongoing disruption by the current tenants. Staff have contacted the RCMP who advised that they have received 8 calls for assistance to this address on noise and bylaw related complaints during 2012. Prior to 2012, there were no calls

COPY FOR REFERENCE

recorded for this address. The Certificate of Title shows that the applicant took ownership of this property in October 2011. Staff also note that the applicant has been difficult to contact and has not been forthcoming with information during the application process. Staff have concerns that if the rezoning is approved future complaints at the property will not be properly addressed.

The applicant has held a public information meeting and a summary report of the meeting is included in *Attachment No. 3*. Staff are recommending that the application be denied but should Council wish to advance this application to hear further public input, staff recommend the following resolution:

That Council consider the application to amend *Zoning Bylaw No. 2500, 2007* for the property legally described as Lot 15, Block 5, Section 68, Comox District, Plan 16252 (1968 Dogwood Drive);

That *Zoning Amendment Bylaw No. 2726, 2013* to rezone the lot shown in bold on Attachment No.1 from Residential One (R-1) to Residential One S (R-1S) proceed to 1st and 2nd reading; and

That Council direct staff to schedule and advertise a statutory public hearing with respect to *Zoning Amendment Bylaw No. 2726, 2013* on August 19, 2013 at 5:00 p.m. in City Hall Council Chambers.

FINANCIAL IMPLICATIONS:

Not Applicable.

STRATEGIC PLAN REFERENCE:

Value No. 2 - A progressive, diverse and sustainable City.

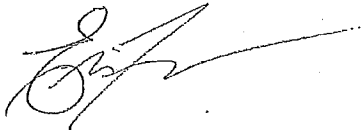
OCP SUSTAINABILITY REFERENCE:

Part 10 of the OCP, Planning for Climate Change, has policy encouraging infill development in single-residential neighbourhoods in the form of secondary suites and auxiliary buildings.

REGIONAL GROWTH STRATEGY REFERENCE:

The proposed zoning amendment addresses the Comox Valley Regional Growth Strategy goal to ensure a diversity of housing options to meet evolving demographics and needs, and to encourage the provision of alternative housing forms that provide housing at lower costs and with lower environmental impacts.

Respectfully submitted,



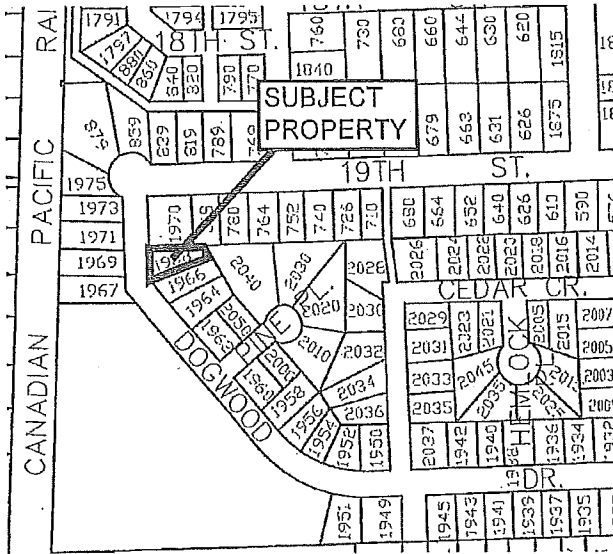
Erin Ferguson, MCP
Planning Technician



Peter Crawford, MCIP
Director of Development Services

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REFERENCE INFORMATION:



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Applicants/Owners: Mark Filipponi
Location: 1968 Dogwood Drive
Legal Description: Lot 15, Block 5, Section 68, Comox District, Plan 16252
OCP Designation: Urban Residential

Zoning:	<i>Required</i>	<i>Proposed</i>
	R-1	R-1S
Permitted Uses:	Single residential dwelling, accessory building, home occupation	Single residential dwelling, accessory building, home occupation, secondary suites
Secondary Suite Requirements:	>40% of habitable floorspace 90.0 m ² Maximum 3 parking spaces minimum	26% of habitable area 48 m ² 3 spaces

Adjacent land use: single residential

To the city of Courtenay

September 29 2012

Requirements for secondary suites

Address of proposed rezoning 1968 Dogwood drive

To the planning department city of Courtenay in regards to sustainability and affordable housing as per OCP.

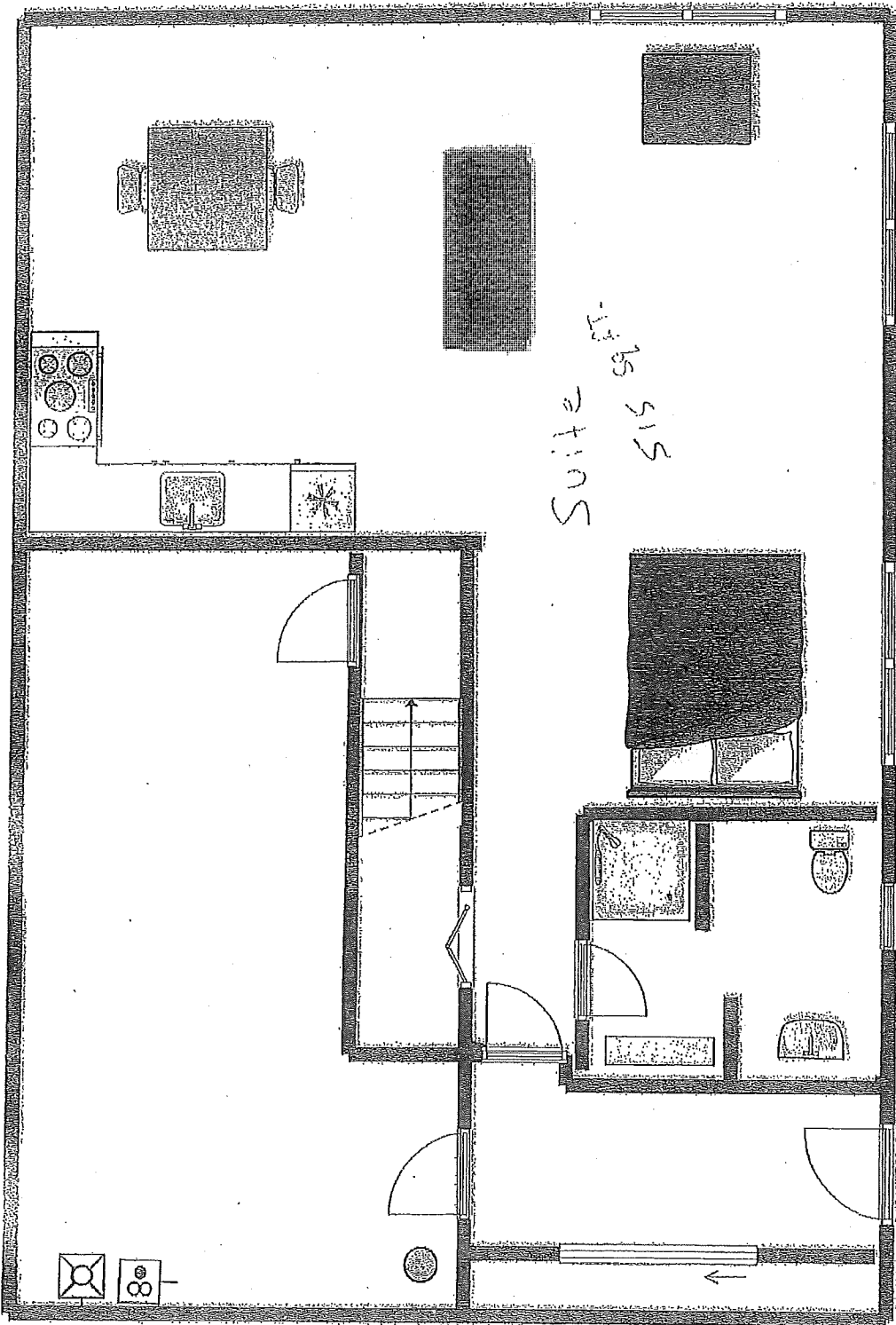
This rezoning would be a benefit to the city and neighbourhood by providing a mix of housing types; it does not in any way negatively impact the environment or infrastructure of the city, as this property is close to major shopping centres and parks it will promote walking in daily activities. The rezoning would also support a larger range of incomes, as the city is attempting to create ways to make affordable housing I believe this falls right in line with the city policy, it has come to my attention that we have had a rezoning allowed in my neighbourhood recently, and I believe a secondary suite at 1968 dogwood drive would be good for the area.

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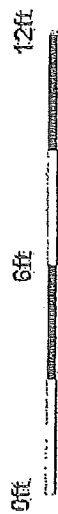
Thank you to the city for taking the time to consider this proposal

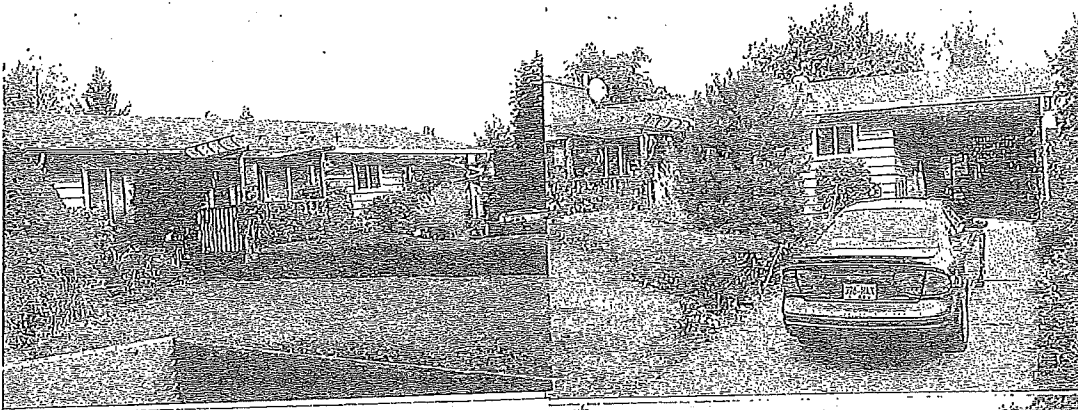
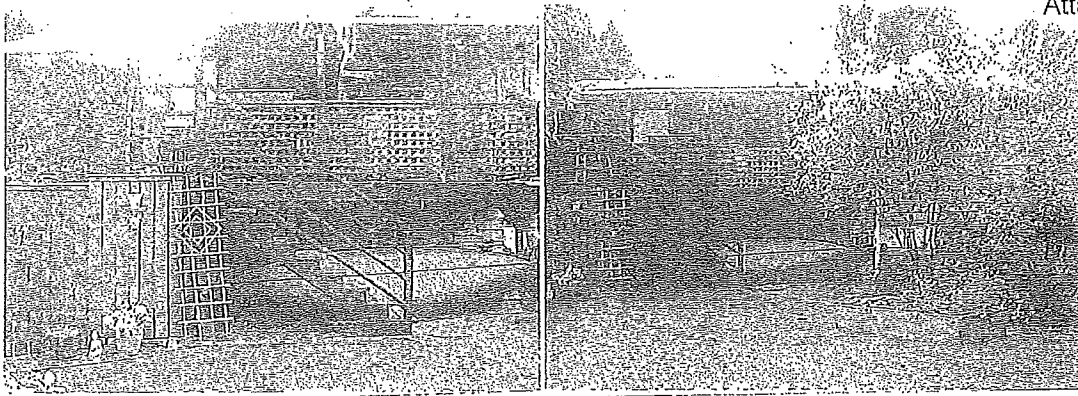
Mark Filippini

1968 Dogwood Drive Suite



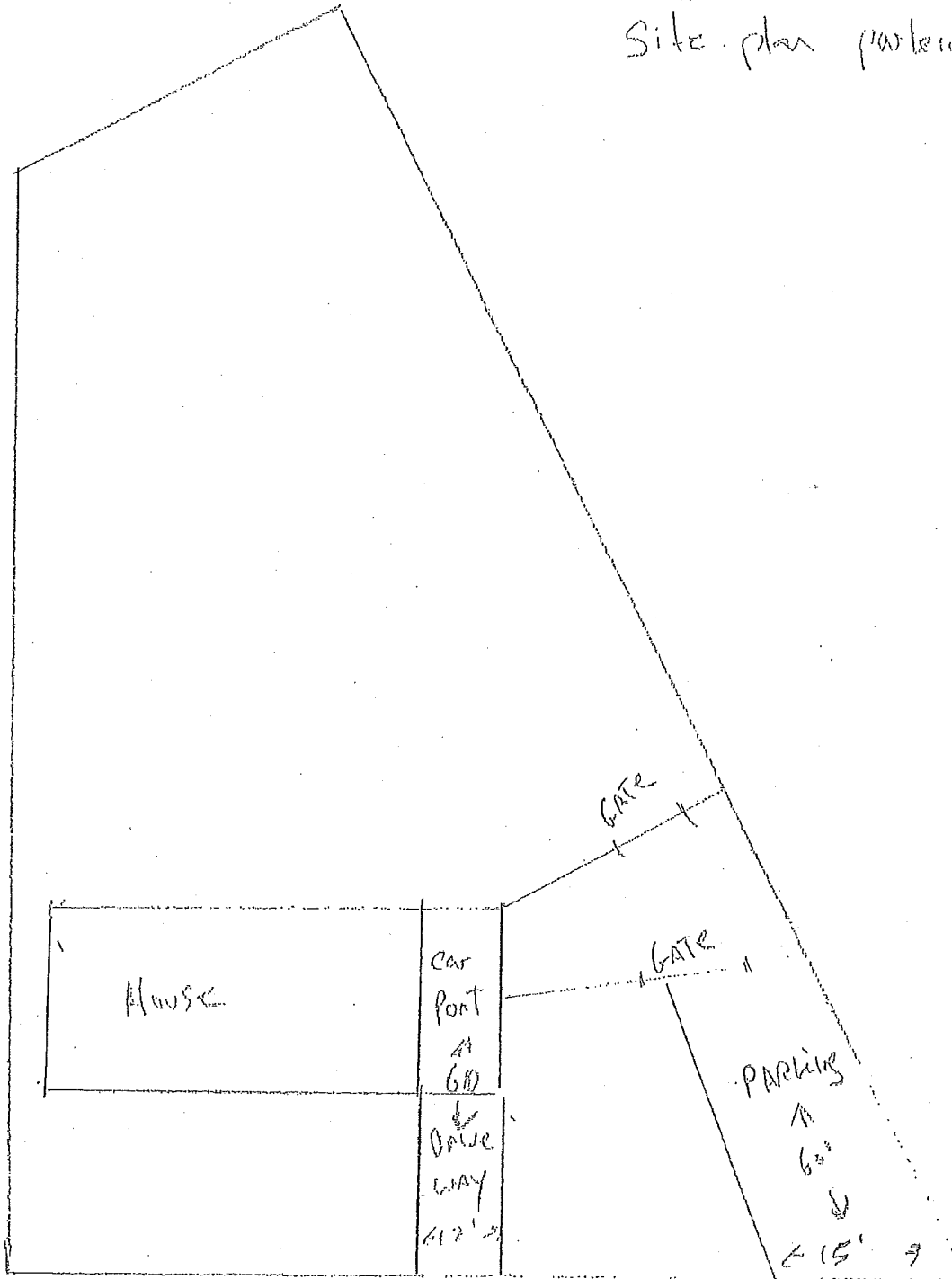
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1968 Dorwood Drive
Site plan parking



COPY FOR REFERENCE

Road

Hello neighbours my name is Mark filipponi I am the owner of the house at 1968 Dogwood drive here in Courtenay, I am writing you this letter to invite you to to a public information meeting regarding rezoning of my property from R1 to R1S wich would allow for a legal suite, the purpose of this meeting is to provide the public access to information and inquire about the proposal, and to help me gain feedback from you my neighbours regarding the proposal and to address any concerns prior to submitting this to city council for approval, this meeting is a requirement of the city of Courtenay, they have provided me with the addresses of all the owners that I am required to contact and you are on the list.

The meeting date is Wednesday May 25 7pm-8pm

Location 1968 Dogwood drive Courtenay BC

Map printed on the back Thank you Mark Filipponi

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WED MAY 22

SAT MAY 25

Summary report 1968 Dogwood Drive

The meeting was held at 1968 dogwood drive on Wednesday may 29th

From 7-8 .pm, we had 5 people attend the meeting, the meeting was advertised by hand delivered notice to all local addresses and by mail to non-local property owners, the information provided was in regard to the process for the zoning amendment at 1968 dogwood drive.

The concerns that were raised were mostly to do with the neighbourhood changing from single family to a more dense neighbourhood, therefore lowering the standard of the area..

All the people who attended the meeting took comment sheets but none were returned to me personally, I did receive to hand delivered comments which I have attached to this summary; I also received a positive verbal comment from two of the neighbours from directly across the street.

Thank you Mark Filipponi

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CITY OF COURTENAY

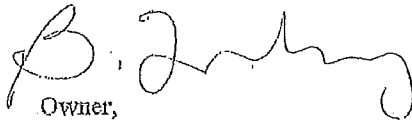
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Mark Filipponi
1968 Dogwood Dr.
Courtenay, B.C. V9N 3B5

May 21, 2013

Mark,
Regarding your letter of notice for application to rezone from R1 to R1S,
I have no objections or concerns in connection to your proposal.

Brian Tuskey



Owner,
2028 Cedar Cr.
Courtenay, B.C.

COPY FOR REFERENCE

1968 Dogwood Drive,
Request for Zoning Change
Owner Mark Filipponi

Comments:

1. Neighbourhood meeting held on front porch: 29 May 2013 with owner and two sons. The two sons live in the residence.
2. Adjacent neighbours in attendance, five altogether. No others attended.
3. Owner Filipponi unclear about reason for request.
4. In answer to questions posed, by attendees, no clear answer was given except to say he wanted stability for his sons in residence, one of whom has a pregnant partner.
5. Owner not interested in living in the house himself.

Problems:

1. Problems during the summer regarding late night noise and foul language for neighbour. Proximity of adjacent patios has prevented free use of their own patio.
2. Attendees to the meeting were unable to confirm adequacy of space for second suite. No attempt was made by the owner to show inside the house.

Personal objection:

1. Small space; lack of behaviour control by owner living separately at a distance.
2. Any change in zoning in this immediate area is unwelcome.

Conclusion:

Any change in zoning in this immediate area is undesirable.

Traffic buildup on Dogwood Drive, with no sidewalks, is an added factor.

Ian and Alice Potts
1975 Dogwood Drive.
Courtenay, B.C. V9N 3B1

Ian Potts
Alice M. Potts

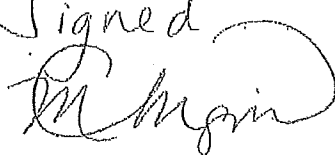
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CITY OF COURTENAY

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July 5, 2013

Hello,

My name is Marnie Marangoni. I live @ 737 19th St. in Courtenay. I have been the home owner for the past six years. I have recently become aware that Mark Filipponi is applying for rezoning in a near-by neighborhood (1968¹⁹⁶⁸ ^(pogward)) I'd like to have it known that I support the change in zoning to accommodate legal suites in the area. Please contact me for further information if necessary.

Signed


MARNIE MARANGONI.

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PUBLIC INFORMATION MEETING
May 29, 2013
Owner Mark Filippini 1968 Dogwood Drv

COMMENT SHEET

Name: Raymond Hill Email: rthill@live.ca
Address: 1970 Dogwood Dr Phone: 250 871 2452

Mark Filippini has applied to the City of Courtenay for a zoning amendment to allow for a legal suite at 1968 Dogwood Drv, This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

My wife and I are not in support of a zoning amendment. We purchased this house for a number of reasons. High on the list is the fact that the zoning is single family dwellings. We are very concerned about opening a 'can of worms' with regard to future suites, parking, density, type of people renting. We come from another area of Courtenay where this happened and the results were less than expected. We have nothing personal against Mark Filippini, but find it interesting that he rented out his 'illegal' suite with no worries about going legit, until he was turned in by a few neighbours who were upset by Mark's tenants disturbing the peace repeatedly. A small window into a future we are not interested in.

Thank You

Ray Hill

Please return your comments by June 5th 2013

Comment sheets can be submitted by one of the following methods:

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at 1968 dogwood drv
3. Email your comment sheet to nibnucks@gmail.com

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Courtenay City Council

Re: Rezoning application for 1968 Dogwood Drive, Courtenay B,C.

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JUL 03 2003

CITY OF COURTENAY

Concerns from homeowners in the area include:

- Ongoing noise issues
- RCMP callouts to the home due to noise, loud music, intoxication , and general disruption of what has up until now been a quiet family friendly neighborhood.
- Prior to the new home owners and illegal secondary suite RCMP had not been to the home
- Current owner was aware that the home was not zoned for a legal secondary suite at time of purchase but took no action to rectify this until noise complaints and legality of the secondary suite were brought to the forefront.
- Dogwood drive is currently zoned for single dwelling homes and the introduction of this secondary suite has changed the face of what has up until now been a quiet family friendly street
- The current owner does not live on the property and it is currently rented out to 3 young adults in the upstairs and 2 young adults in the secondary suite. This has added to the vehicle traffic and noise coming from the home. Unfortunately attempts to talk to the homeowner and renters one on one to resolve the issue have gone unheard and the problems with the home continue.
- Zoning on Dogwood Drive as it stands today is what holds appeal to homeowners and potential homeowners alike. Property values could certainly decrease in our area if secondary suites become the norm. There were many options open to purchase a home with the correct zoning in places and the owner made a conscious decision to purchase despite the knowledge that the home could not hold a legal secondary suite

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JUL 03 2013

CITY OF COURTENAY

City of Courtenay Council,

I am writing in regards to the rezoning application for 1968 Dogwood drive. My husband and I are the current owners of 1966 Dogwood drive and have several reservations re: the change in zoning for 1968 Dogwood drive.

We have lived in our current home since 1995 without any issues re: neighbors. Unfortunately when the home was sold in 2011 and an illegal secondary suite was occupied by the current renter our peace and quiet came to an abrupt end.

My initial response was to talk to the renters who live upstairs and ask them to try to resolve this amongst themselves. Give them time to get it out of there systems. Throughout the summer of 2012 however we were unable to come to any resolution and the noise levels, drinking and music made our backyard off limits for us. One weekend in particular I recall saying to my husband let's go camping just to get away from my own home. Several calls had already been made to the RCMP by this time. I believe last summer there were at least 6 calls to RCMP including one assault charge. By summers end I had contacted the city to see what could be done. By the end of summer 2012 it became clear that neither the renter in the illegal secondary suite nor the renters upstairs had any intention of making any changes.

For our home in particular the two homes do not lend themselves well to add a secondary suite. We are at a curve in the road and therefore our homes turn in towards one another. The illegal suite has an outdoor living area that runs along the fence line and is no more than 5 feet from our oil tank and no more than 7 feet from our own patio. Unfortunately add to this alcohol and the noise level increases twofold and our option has become to close our back doors to drown out the music and noise. Not a great option in the summer.

Numerous calls have been made to the RCMP by myself and other neighbors including one July 1st due to one of the young men being intoxicated and tossing outdoor furniture around while swearing about his missing beer. Unfortunately the home is not owner occupied so none of these things are dealt with unless the RCMP are called. This is just the beginning of summer and first nice weekend. We should all be able to enjoy our backyards in peace.

The home was purchased by the current owner with the full knowledge that the home did not have a legal secondary suite and he made the conscious decision to purchase the home and rent it out regardless. He has done nothing to change what happens at the home. He simply made an application for rezoning once he was forced to do so. So aside from applying to make this secondary suite legal the issues themselves have not been resolved. At the time of purchase there would have been many options available that were already zoned for secondary suites.

It is difficult to express how frustrating it is to have lived in our home for 18 years, managed to raise 2 great kids, have a mortgage that may actually be paid off in this lifetime, imagine retirement (although that seems like a long way off) and have all that we have worked for striped away by a homeowner who was just looking to make an easy buck.

Sincerely Mike and Tina Stevens



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Tina Stevens	J. Stevens	1966 Dogwood Drive
Mike Stevens	Mike Stevens	1966 Dogwood Drive
Jan Potts	Jan Potts	1975 Dogwood Dr
Alice Potts	Alice M. Potts	1975 Dogwood Dr
Sherry Howell	Chanelle	1969 Dogwood Dr
Ryan Orbell	Ryan Orbell	1967 Dogwood Dr.
Carol Schlosser	Carol Schlosser	1968 Dogwood Dr.
Nora Schlosser		1968 Dogwood Dr.

(Away at work but he would have signed)

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RECEIVED
 JUL 13 2013
 CITY OF COURTENAY

FOR
INFO

What's New in Proposed Elections Legislation

Purpose

The Ministry of Community, Sport and Cultural Development released a White Paper on Local Government Elections Reform in September 2013 that includes a draft proposed *Local Elections Campaign Financing Act* (LECFA). LECFA is intended to be brought forward in spring 2014 to implement most of the recommendations from the 2010 Local Government Elections Task Force, and to be effective for the November 2014 general local elections. Local government elections, by-elections and “assent voting” are to be administered under both the *Local Government Act* (LGA) and LECFA. The purpose of this document is to provide an overview of key changes expected to be introduced by LECFA that will impact the administration of local government elections, as well as to highlight provisions that remain unchanged. This document begins with a brief summary of the key changes introduced under LECFA, followed by a chronological overview of changes as they fall in the election cycle.

What will stay the same?

Local government elections and by-elections will continue to be administered by local governments, with the support of the Province. Administration is defined as preparation for and organization of elections, including passing election bylaws, covering costs of elections, and administering voting opportunities and vote counting. For example, the types of voting opportunities available to the public will not change. Despite adjustments related to campaign financing and election advertising, election campaigns will be conducted much the same as previous elections, and those participating in election campaigns (candidates, elector organizations, third-party advertisers, and financial agents) will need to meet requirements specified in the legislation, and may face penalties if they contravene these rules.

What will change?

An important change introduced by LECFA is a new role for Elections BC (EBC) in overseeing aspects of local elections related to campaign financing and third party election advertising. EBC will assume responsibility for managing campaign finance disclosure requirements, investigations, and enforcement of campaign financing and third party advertising provisions. This change will provide greater consistency in application of these provisions, centralized access to campaign financing and third party advertising information, and related investigation and enforcement mechanisms. EBC's role also extends to advertising related to by-elections and “assent voting opportunities” (referenda) held by local governments outside of the general local election cycle. Local governments will retain authority for all other aspects of the local election administration process.

The Election Cycle

1. Appointment of election officials:

Local governments retain responsibility for appointing a chief election officer and deputy chief election officer who are responsible for conducting the election in keeping with the local election bylaw, the LGA, LECFA, and other relevant election legislation. As in prior years, chief election officers and deputy chief election officers are empowered to:

- appoint other election officials;
- delegate their authorities as needed; and
- otherwise ensure the election is conducted in accordance with the legislation.

Local chief election officers will continue to be the key officials responsible for the administration of local elections. Their role in administering the nomination process, voter registration and voting opportunities will not change. EBC's key role in campaign finance enforcement means that EBC will work closely with local chief election officers to address incidents of non-compliant advertising. Similarly, where contraventions of elections legislation in relation to campaign financing are suspected or alleged, local chief election officers will work with EBC to ensure compliance and, where necessary, enforcement.

2. Election bylaw:

As in previous years, any local governments who wish to amend their elections bylaw must do so at least eight weeks prior to the first day of nominations for a general local election, or at least six weeks prior to the first day of nominations for a by-election. Local governments will continue to include key decisions about local election administration in their election bylaws, including:

- whether voting machines will be used, and if so, the procedures that will govern the use of voting machines;
- whether mail ballot voting will be used, and if so, what procedures will govern mail ballot voting;
- the date of additional advance voting opportunities, or, in communities of less than 5,000, whether additional advance voting opportunities will be waived;
- whether voter registration will be conducted both on voting day and in advance or on voting day only; and,
- whether nomination deposits will be required.

3. Elector registration:

Eligibility requirements for resident and non-resident property electors will not change, nor will processes or deadlines for registering to vote in local elections. Local governments retain the authority to determine whether to create their own voters list, use the provincial voters list, or limit registration to voting day only.

4. Nominations:

Changes to candidate nomination requirements primarily relate to the information that must be provided by the candidate (i.e. phone numbers, email addresses, and a solemn declaration attesting to their awareness of LECFA and their intention to comply with its requirements); however, key administrative aspects of nominations remain the same, including:

- candidate eligibility;
- the nomination process and the nomination period;
- advertising for and giving notice of nominations; and,
- the process for challenging nominations.

Significant changes to nominations relate largely to elector organizations, and include:

- eligibility to endorse candidates (elector organizations must have 50 members when making the endorsement, rather than for 60 days prior to making the endorsement);
- additional information that must be provided to the chief election officer; and,
- an enhanced solemn declaration, attesting to awareness of LECFA and intent to abide by its requirements, must be undertaken.

Following the close of nominations and the declaration of candidates, local chief election officers will be required to provide candidate and elector organization information to EBC to set the stage for the campaign financing disclosure and enforcement process. Procedures for information-sharing between local chief election officers and EBC are being developed in cooperation with LGMA and EBC.

5. Campaign period:

LECFA introduces a defined campaign period, which runs from 46 days prior to general voting day until the close of general voting day. For the 2014 general local elections, this period will run from September 30, 2014, to November 15, 2014. Election advertising rules during the campaign period have undergone significant changes, the most significant being:

- the elimination of “campaign organizers”;
- the introduction of third-party advertisers as election participants, including registration and financial disclosure requirements;
- the adoption of the provincial definition of election advertising (with changes to account for the context of local elections);
- the requirement that all election advertising include sponsorship information, such as the name and contact information of the sponsor; and,
- the authority of the Provincial Chief Electoral Officer to remove, destroy or obscure non-compliant election advertising, or to authorize another individual (such as the local chief election officer) to do so.

Third party advertisers, or individuals or organizations who conduct election advertising that is independent from the campaigns of any candidate or elector organization, are subject to registration and financial disclosure requirements under LECFA. Third party advertisers will be required to register with EBC, publish sponsorship information on advertising, and file disclosure statements with EBC. Although local chief election officers and EBC will work together to ensure third party advertisers comply with these requirements, primary responsibility for ensuring compliance and enforcement among third party advertisers rests with EBC.

6. Voting opportunities:

Arrangements for advance, special and general voting opportunities will not change. Voting opportunities may be described in the local government election bylaw; for example, the election bylaw specifies the date of additional advance voting and special voting opportunities. The election bylaw must also determine whether voting machines will be used; however, as in prior years, voting cannot be conducted by telephone or on the internet. Local chief election officers retain responsibility for:

- designing ballots;
- overseeing voting opportunities and vote counting;
- managing the presence and behaviour of both candidate representatives and election staff during voting opportunities and vote counting;
- declaring election results; and,
- seeking judicial recounts.

7. Campaign financing:

LECFA makes some significant changes to campaign financing rules. While many requirements remain the same, such as requirements for each campaign to have a financial agent and a campaign account, LECFA clarifies and expands campaign financing provisions. LECFA introduces a role for EBC in ensuring compliance with campaign financing regulations and conducting enforcement as needed. This new role includes:

- the accurate, timely disclosure of campaign financing and third party advertising information; and,
- where voluntary compliance is not possible, the authority to conduct audits and investigations of election participants.

Additional key changes to campaign financing requirements include:

- prohibition on anonymous contributions;
- requirements to file disclosure statements with EBC rather than the local government; and,
- shorter deadlines for filing campaign financing disclosure statements (90 days rather than 120 days).

Government has chosen a phased approach to implementing the Local Government Elections Task Force recommendations. As a result, expense limits will not be introduced for the 2014 general local elections, but targeted consultation is expected to lead to expense limits legislation for the following general local election.

8. Post-election:

The process for taking office—namely, how and when elected candidates must take the oath of office—remains the same.

9. Information management:

Local governments retain responsibility for administrative records made throughout the election process, including voting day materials. Changes to information management requirements under LECFA relate primarily to campaign financing disclosure documents:

- EBC will be responsible for managing the campaign finance disclosure process, including publication of campaign finance documents on a publically available internet site;
- local governments will be required to provide members of the public with access to these documents by either printing copies from online records, or by providing internet access to view these documents;
- local governments will not be responsible for retaining or maintaining these records.

All other records remain subject to current LGA requirements regarding retention, public inspection, and destruction, and local governments are responsible for complying with these requirements.

10. Offences, penalties, and enforcement:

LECFA divides campaign financing-related offences into two tiers (higher penalty offences and lower penalty offences) for the purposes of assigning penalties. *Higher penalty offences* include:

- failure to file disclosure statements or supplementary reports and,
- providing false or misleading information.

Penalties for higher penalty offences include fines of up to \$10,000 and/or imprisonment for up to two years for individuals, or fines of up to \$20,000 for organizations.

Lower penalty offences include all other offences under LECFA, such as failing to include sponsorship information on advertising. Penalties for these offences include fines of up to \$5,000 or imprisonment for up to one year for individuals, or fines of up to \$10,000 for organizations. Other general election offences described under the LGA, such as contravening voting-day advertising rules, vote buying, or intimidation, have penalties as specified under that legislation and remain unchanged.

EBC will assume primary responsibility for enforcing financing and disclosure rules under LECFA. This enforcement role will include:

- review and audit for compliance by election participants with campaign finance and disclosure rules;
- response to complaints from the public about campaign finance and third party advertising-related matters;
- management of investigations into incidents of non-compliance with LECFA; and,
- when necessary, referral of matters for prosecution.

In order to carry out its enforcement role, EBC will have a suite of powers that are similar to its powers under the *Election Act*, including authority to delegate certain powers to other individuals or offices, such as local chief election officers. It is anticipated that local chief election officers will work closely with EBC to determine the most effective approach to dealing with incidents of non-compliance with elections legislation. Under the proposed legislation, the time limit for starting a prosecution will be one year after the facts on which the information is based first come to the knowledge of the Provincial chief electoral officer.

As in previous years, local chief election officers have authority to do anything necessary to ensure elections are conducted in accordance with election legislation. Local chief election officers do not have the authority to investigate alleged election offences or to enforce compliance. In cases of general election offences under the LGA, the police continue to act as investigators and the courts as adjudicators.

11. Other issues:

a. Assent Voting Advertising

Assent voting (or referenda) is currently referred to as “other voting” in the LGA. Changes introduced by LECFA will now require individuals and organizations that sponsor assent voting advertising to:

- register with EBC;
- disclose sponsorship information on assent voting advertising; and,
- file disclosure statements.

LECFA proposes that local governments be required to include sponsorship information on assent voting advertising; however, they would be exempt from registration and disclosure requirements.

b. Technical Advisory Committee

LECFA establishes a Technical Advisory Committee (TAC), including representatives from UBCM, LGMA, the BC School Trustees Association, EBC, the Ministry responsible for LECFA, and others, as a forum for discussing matters related to the administration and application of LECFA and its regulations. This may include:

- the development and provision of public information, educational materials, training, and advice about LECFA;
- the mechanisms for information-sharing between election administration authorities;
- the processes for referring complaints to local authorities;
- the form of campaign financing disclosure statements and supplementary reports; and,
- the reports made by the Provincial Chief Electoral Officer in relation to local government elections.

TAC members will work together to deliver an educational program, including print- and web-based advisory materials and guides, in advance of the general local elections.

For more information, please contact:

Ministry of Community, Sport and Cultural Development
Governance and Structure Branch
PO Box 9847 STN PROV GOVT
Victoria BC, V8W 9T2
Phone: 250-387-4020

The White Paper on Local Government Elections Reform is available online at:
www.localgovelectionreform.gov.bc.ca



THE CORPORATION OF THE CITY OF COURTENAY

Briefing Note

FOR
Info

To: Mayor and Council
From: Chief Administrative Officer
Subject: Fitzgerald Bike Lane Project - Update

File No.: 5400-20 Fitzgerald
Date: October 17, 2013

On May 16, 2013 Council resolved:

"Moved by Hillian and seconded by Theos that Council request a staff report on the progress of the Fitzgerald Avenue bicycle lane proposals including the public engagement process."

This report is forthcoming. In the meantime, staff wishes to advise Council on the status of the project.

This project was conceived in February of 2011 with the objective of introducing a dedicated bike lane(s) along Fitzgerald Avenue from 8th Street to 26 Street. The project is supported by goals identified in the City's Official Community Plan for both improved multi-modal transportation (goal #5.2.2) and for the reduction of greenhouse gases by 2020 (goal #10.2.4); it supports the CVRD Regional Growth Strategy objective for improved bicycling infrastructure (Object 4-B) and is reflected in the Comox Valley Cycling Plan (2007) as a key north-south cycling link; it also embodies components of a complete street which is reflective of Council's current strategic goals for a complete streets pilot project and eventual complete streets strategy. The project is a significant step forward toward these goals and it is for these reasons that staff supports the project moving forward.

Staff's undertaking of this project has included two formal engagement meetings to obtain feedback from the public on the concept of dedicated bike lanes in this location and input on the design options for this infrastructure. These meetings were in:

- April 2011 (information boards and staff circulating to answer questions), and again in
- July 2012 (formal presentation and question/answer session, plus display boards and staff circulating to address questions)

Both meetings were reasonably attended with approximately 60 members of the public present each time. The general feedback provided was that the residents were:

- seeking traffic calming measures for this route,
- looking for a phased project approach, and
- favoured a project layout that had a balanced effect on both sides of the road as opposed to a "cycle track" design on one side of the street.

It was also in July of 2012 that Council conditionally endorsed staff's pursuit of 50/50 funding from the Provincial Cycling Infrastructure Partnership Program (CIPP).

Subsequent to these meetings, a petition was received by Council in August 2012 identifying that several (106) residents of Fitzgerald Avenue and adjacent streets were against the bicycling lanes on Fitzgerald; however, they supported the E&N Rails with Trails project. The petition indicates that the residents were asked: *"Are you for or against the bicycling lanes on Fitzgerald Avenue?"* Though, it's inconclusive if the petition informed the residents that they could have both Fitzgerald bike lanes and Rails with Trails, as almost all commented that they supported the E&N Rails with Trails project.

In spring 2013, staff was advised that the CIPP grant application was successful and that the City could undertake the project construction with up to \$44,000 (maximum 50% contribution) from the Province.

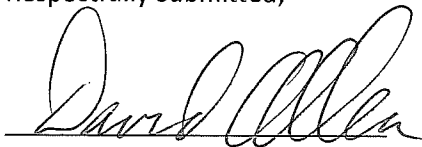
In May of this year, staff held a public engagement session for the Transportation Study project and again brought forward the Fitzgerald Avenue bike lane project concurrently for more feedback. No written responses to the bike lane presentation boards were received. The advertising for the engagement did not reflect that the bike lane project would also be presented and it's likely that the lack of advertising didn't capture the audience for this project, but only that for the greater Transportation Study.

To advance the project further and take advantage of the CIPP funding, staff has established the following project schedule:

- Weeks of **October 21 and 28, 2013**: Advertising for a Public Information Session
- Week of **October 28, 2013**: Public Information Session
This session will present the revised design for the project including improved sightlines approaching intersections, dedicated bike lanes on both sides of the road (from 8 Street to 21 Street), parking on both sides of the road (except as needed to improve sightlines), new signage and curb paint as warranted. Working with our consultants, McElhanney Consulting Services Ltd, the design has been refined based on the feedback provided from the previous public engagements.
- Week of **November 4 or 11, 2013**: Report to Council on the project and obtain a resolution to proceed (or not) with this project.
- Subject to Council's support for the project, complete the project construction prior to the CIPP deadline of **December 4, 2013**.

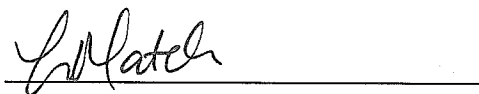
In completing the design for this project, staff has inquired with our line painting contractor as to the expense for this work. The line painting is approximately \$25,000; new signage is also approximately \$25,000; plus consulting expenses, the project will cost approximately \$60,000. Of the \$60,000, approximately \$50,000 is eligible expenses for 50% reimbursement from CIPP. Therefore, the cost incurred by the City for this project, is estimated at \$35,000 (the Capital Budget identifies \$50,000 budgeted for this work, funded by Reserves). The design has been simplified to incorporate mostly basic line paint and cycling symbols; the green thermoplastic paint and more expensive elements have been removed to maintain a reasonable project budget.

Respectfully submitted,



David Allen
Chief Administrative Officer

Prepared by:



Lesley Hatch, P.Eng.
Municipal Engineer

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2761

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. 2761, 2013**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) By rezoning Lot 5, District Lot 157, Comox District, Plan 46644, 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);
 - (b) That Schedule No. 8 be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 7th day of October, 2013

Read a second time this 7th day of October, 2013

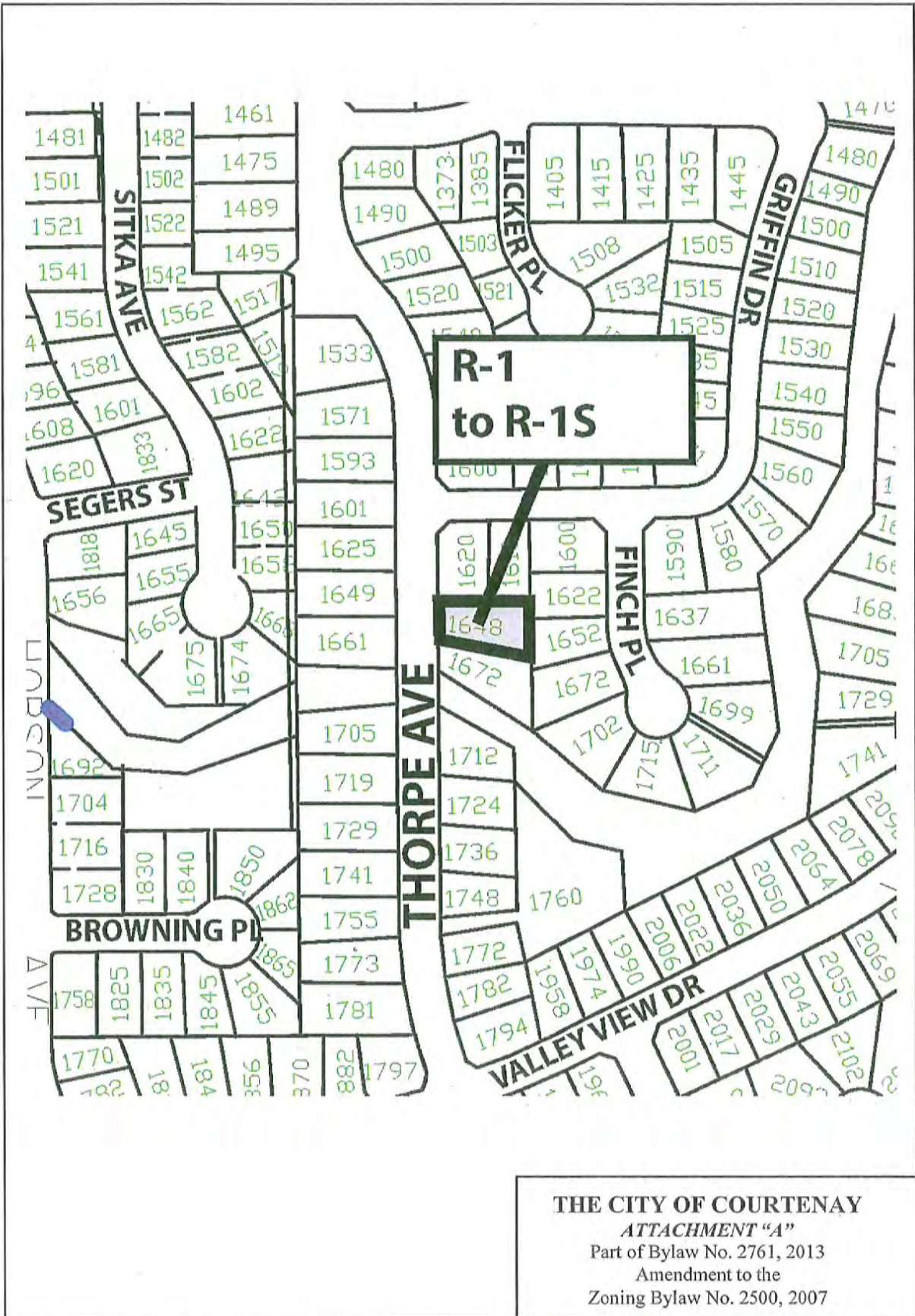
Considered at a Public Hearing this day of , 2013

Read a third time this day of , 2013

Finally passed and adopted this day of , 2013

Mayor

Director of Legislative Services



THE CITY OF COURTENAY
ATTACHMENT "A"
 Part of Bylaw No. 2761, 2013
 Amendment to the
 Zoning Bylaw No. 2500, 2007

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2768

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. 2768, 2013”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - a) by rezoning Lots 1 and 2, Block 1, Section 67, Comox District, Plan 9900 from Residential-Rural to Residential Four A (R-4A);
 - b) by rezoning Lot 3, Block 1, Section 67, Comox District from Residential One (R-1) to Residential Four A (R-4A); and
 - c) by rezoning Lot 4, Block 1, Section 67, Comox District, Plan 9900 from Country Residential One (CR-1) to Residential Four A (R-4A),

as shown on Attachment A which is attached hereto and forms part of this bylaw.

3. That Zoning Bylaw No. 2500, 2007, Schedule No. 8 be amended accordingly.
4. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 7th day of October, 2013

Read a second time this 7th day of October, 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

Attachment A to "Zoning Amendment Bylaw No. 2768, 2013"

