

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

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

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**1.00 ADOPTION OF MINUTES**

1. Adopt October 21, 2013 Regular Council & October 28, 2013 Committee of the Whole meeting minutes

**2.00 INTRODUCTION OF LATE ITEMS**

**3.00 DELEGATIONS**

Page #

- 1 1. Comox Valley Crime Stoppers

**4.00 COMMITTEE/STAFF REPORTS**

**(a) Legislative Services**

1. Braidwood Road Property – CAO - Verbal Update

**(b) Community Services**

- 7 2. Comox Valley Citizens on Patrol Lease Agreement

**(c) Development Services**

- 15 3. Zoning Amendment No. 1211 re: 1968 Dogwood Drive

- 17 4. Arden Corridor Local Area Plan

**(d) Operational Services**

- 25 5. Kowalsky Subdivision – 3096 Turnstall Road

- 31 6. Crown Isle Drive Extension Subdivision

- 45 7. Fitzgerald Bike Lanes Project

## **5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION**

- 51 1. Briefing Note: Ryan Road/Lerwick Road Intersection
- 53 2. Correspondence from the C.V. Chamber of Commerce re: business vote
- 55 3. Heritage Advisory Commission Minutes
- 57 4. Puntledge River Water License Application

## **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 November 4, 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) (g) Litigation or potential litigation affecting the municipality.

## **8.00 UNFINISHED BUSINESS**

## **9.00 NOTICE OF MOTION**

## **10.00 NEW BUSINESS**

- 61 1. FCM Update: Fixing Canada's Housing Crunch

## **11.00 BYLAWS**

### **For First and Second Reading**

- 63 1. "Zoning Amendment Bylaw No. 2726, 2013"  
(to rezone 1968 Dogwood Dr. from R-1 to R-1S)
- 65 2. "Official Community Plan Amendment Bylaw No. 2756, 2013"  
(Arden Corridor Local Area)

### **For Final Adoption**

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

## **12.00 COUNCIL MEMBER ROUND TABLE**

## **13.00 ADJOURNMENT**



*Delegated*

October 23, 2013

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

Dear Mayor & Councillors:

The Comox Valley Crime Stoppers program is a board run non-profit society formed in 1989. Since then it has partnered with the local media and police to combat criminal activity in the Comox Valley. Tips received by the Crime Stoppers program can contribute significantly to the success of police investigations. Crime Stoppers is a proven program with the full support of the RCMP.

Comox Valley Crime Stoppers has never received financial support from the regional district or the municipalities. Other Crime Stoppers programs in the province do receive substantial support from their regional districts and municipalities and some of those are listed on one of the attached schedules. Until recently our program received funding from the gaming branch of the provincial government but that ended in 2010. We do have some other sources of funding but they do not nearly cover our costs. Our program does not have any paid employees, our board carefully scrutinizes all expenses and, you will note, our expenditures are modest compared to what we achieve. We are now appealing to you and other local governments for funding assistance so that we can continue our work to make our community a safer place in which to live. Whatever funding help you can give us would be a great encouragement to our board of directors.

Thank you for giving us the privilege of this presentation to council. Should you require any further information please do not hesitate to contact me or any of the other board members. I can be contacted at (250)339-7828 or hil@shaw.ca.

Stuart Hartman  
President

Tom Gray  
Vice President

Grant Lawrence  
Treasurer

Susan Granberg  
Secretary

## **Purposes of the Comox Valley Crimestoppers Society**

1. To provide support to the local R.C.M.P. detachment in their efforts to prevent and solve crimes by advertising campaigns and the offering of rewards.
2. To encourage the public to volunteer information that might assist in solving crimes.
3. To heighten public awareness of the level and nature of criminal activity in the community.

## COMOX VALLEY CRIME STOPPERS

Financial Report for the period September 1, 2012 TO August 31, 2013

### INCOME:

Memberships	\$ 115.00
Fundraising	929.50
Web Advertising	0.00
Donations	250.00
Ministry of Justice Grant	<u>5,000.00</u>

TOTAL \$ 6,294.50

### EXPENSES:

Accounting	\$ 756.00
Advertising & Promotion	770.56
Awards	750.00
Bank Charges	24.00
Conventions & Seminars	750.75
Fundraising Costs	0.00
Liability Insurance	560.00
Legal	25.00
Membership Fees, Etc.	550.00
Mountie Camp	1,000.00
Office & Administration	425.36
Rent/Storage	1,560.52
Tipsoft	1,274.70
Van Insurance	1,312.00
Miscellaneous	<u>50.00</u>

TOTAL \$ 9,808.89

Deficit for the Period (\$ 3,514.39)

**COMOX VALLEY CRIMESTOPPERS SOCIETY**  
**Operating Budget for 2013/14**

**REVENUE**

Memberships	\$ 200.00
Fundraising/Donations	2,000.00
Web Advertising	1,000.00
Breakfast With Santa	900.00
Other	
<b>Total</b>	<u>\$ 4,100.00</u>

**EXPENSES**

Accounting	\$ 750.00
Advertising	3,000.00
Awards	2,500.00
Bank Charges	50.00
Computer Equip/Software	1000.00
Conv/Seminars	1,500.00
Fundraising	300.00
Insurance - Van	1,350.00
Insurance - Liability	600.00
Legal Fees	25.00
Memberships/Dues	550.00
Office & Administration	400.00
Storage Rental	1,800.00
Tipsoft	1,300.00
Website	100.00
<b>Total</b>	<b>\$ 15,225.00</b>
<b>Projected Deficit For TheYear</b>	<b>-\$ 11,125.00</b>

## **Government Funding For Crime Stoppers Organizations**

Other provincial crime stopper organizations that are known to be receiving municipal and/or regional district funding include:

- Greater Victoria Crime Stoppers has had two police officers acting as co-ordinators paid for by the City of Victoria with a small contribution from Oak Bay for a total cost of approximately \$180,000. That is being changed to two civilian co-ordinators paid for on a proportionate basis by the municipalities in the greater Victoria area.
- Campbell River Crime Stoppers has a civilian co-ordinator for 30 hours per week paid for by the municipality of Campbell River. They also cover the northern part of the island and plan to approach other municipalities for funding assistance.
- Kamloops District Crime Stoppers receives \$99,000 from the municipality and \$20,000 from the regional district.
- South Okanagan Similkameen have a full time co-ordinator paid for by the regional district and also receives money from the City of Penticton.

And North Okanagan/Shuswap Crime Stoppers is in the process of applying to all ten local governments in their area for funding assistance.







THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

2

**To:** Mayor and Council  
**From:** Chief Administrative Officer  
**Subject:** Comox Valley Citizens on Patrol Lease Agreement

**File No.:** 2380-20  
**Date:** November 4, 2013

**PURPOSE:**

The purpose of the report is to approve a lease agreement of municipal property for the use by the Comox Valley Citizens on Patrol Society (COPS).

**CAO RECOMMENDATIONS:**

That, based on the November 4<sup>th</sup> 2013 staff report, "Comox Valley Citizens on Patrol Lease Agreement", subsequent to publication of notice, Council approve the Lease Agreement for one dollar per year for a five year period, for the use of the municipally owned property located at Bill Moore Park with civic address 2375 Kilpatrick Avenue, Courtenay on lands being a portion of Lot A, Section 66, Comox District, Plan 29801, except Part Plan 45247.

Respectfully submitted,

David Allen  
Chief Administrative Officer

**BACKGROUND:**

The City has rented out the above mentioned property for a number of years to the Comox Valley Citizens on Patrol Society (COPS). The agreement will be for a five year term with an option to renew the agreement for three additional five year terms. However, both the City and COPS have the option to terminate the agreement with six months advance written notice.

**DISCUSSION:**

COPS have provided volunteer patrols for the City of Courtenay for many years. Their service has been a valuable one and has assisted both the City and RCMP in crime prevention. The volunteers put in hundreds of hours each year and are a service greatly appreciated and valued.

Prior to disposing of municipal property, including leasing, the City is required to publish notice outlining the details of such disposition in a newspaper for two consecutive weeks.

Council is also required to dispose of municipal property at market value however due to the non-for-profit status of COPS, the lease rate of one dollar per year is being suggested. The City currently rents the adjacent building to the Comox Valley Lawn Bowling Club at a rate of one dollar per year.

**FINANCIAL IMPLICATIONS:**

The costs for repair and maintenance of the building housing COPS are currently covered under the Property Management Division operating budget.

**ADMINISTRATIVE IMPLICATIONS:**

COPS is a Society which operates its program independently of the City. The City would be responsible for the maintenance of the facility through its Property Management Division.

**STRATEGIC PLAN & PRIORITIES REFERENCE:**

2012-2014 Strategic Plan - Goal 1: Ensure protective services meet community needs.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

Not applicable.

**REGIONAL GROWTH STRATEGY REFERENCE:**

Not applicable.

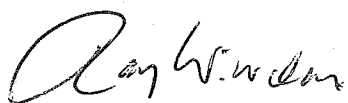
**CITIZEN/PUBLIC ENGAGEMENT:**

As per statutory requirements outlined in this report.

**OPTIONS:**

1. Enter into a five year lease agreement with COPS with the rental rate being one dollar per year.
2. Enter into a five year lease agreement with COPS with a rental rate at market value
3. Not renew the rental agreement with COPS

Prepared by:



Randy Wiwchar

Director of Community Services

**LEASE AGREEMENT**

THIS LEASE made \_\_\_\_\_, 2013 is

BETWEEN:

**THE CORPORATION OF THE CITY OF COURTENAY**, a municipal corporation incorporated pursuant to the *Community Charter* and having its offices at 830 Cliffe Avenue, Courtenay, B.C. V9N 2J7

(the "Landlord")

AND:

**COMOX VALLEY CITIZENS ON PATROL SOCIETY**, a non-for-profit corporation with its principle offices located at 2375 Kilpatrick Ave., PO Box 3075, Courtenay, BC, V9N 5N3.

(the "Tenant")

WHEREAS:

The Landlord owns the Premises having a civic address of 2375 Kilpatrick Avenue, Courtenay BC and the Landlord agrees to lease to the Tenant a portion of the Premises (the "Leased Premises") as indicated in the shaded area of "Schedule A", being a portion of Lot A, Section 66, Comox District , Plan 29801, Except Part Plan 45247.

NOW THEREFORE in consideration of the grants, rents, and mutual covenants hereinafter reserved and contained, the parties covenant and agree as follows:

1. **Term**

The term of this lease shall remain in force for a period of five (5) years from December 1, 2013, to November 30, , 2018 subject to termination by either the City or by the Tenant upon six (6) months prior written notice by either Landlord or Tenant.

2. **Renewal Options**

The Landlord hereby grants to the Tenant the right to renew this agreement for three (3) consecutive renewal terms of five (5) years. Written Notice to exercise each renewal term shall be provided to the Landlord by the Tenant no less than three (3) months in advance of the termination of this Lease.

3. **Rent**

The Tenant covenants and agrees to pay to the Landlord a rental rate of \$1.00 plus applicable taxes per lease year.

**4. Tenant Covenants**

- a. To pay for all telephone, internet and cable costs.
- b. To be responsible for the management of the Leased Premises and will pay for all internal improvements and internal maintenance for the Leased Premises, including painting, signage, (internal) light replacement, phone and heating systems, curtains, fixtures, furniture and routine cleaning and maintenance in the Leased Premises.
- c. The use of the Leased Premises is to provide facilities for Citizens On Patrol Program serving the Courtenay area, with other areas of the Leased Premises being used for purposes incidental there to and for no other purpose.
- d. To inspect and report to the Landlord or the RCMP any observations regarding the security and safety of Bill Moore Park facilities, as directed by the Landlord from time to time.
- e. To agree to open and lock the main gate to Bill Moore Park and the public washrooms situated in the Bill Moore Park Washroom/Change Room Building as directed by Landlord from time to time.

**5. Landlord Covenants**

The Landlord will be responsible for all exterior building maintenance and repairs, including painting, landscaping, and any major structural repairs. The Landlord shall also be responsible for the maintenance and repair of plumbing systems and interior and exterior electrical systems.

**6. Insurance**

Without limiting the foregoing, Tenant shall at its own expense, throughout the term of this agreement, secure and maintain in force during the term of this Lease Agreement or any renewal term thereafter:

- (i) a policy of comprehensive/commercial general liability insurance for the benefit of the Landlord and the Tenant providing coverage for death, bodily injury, property loss, property damage and other potential loss and damage arising out of the Tenant's use and occupation of the Leased Premises or the Lands;
- (ii) with an inclusive limit of not less than TWO MILLION DOLLARS (\$2,000,000.00) per occurrence for bodily injury and property damage;

Landlord Initials	Tenant Initials

- (iii) All insurance shall be underwritten by a responsible insurance company or companies licensed to do business in the Province of British Columbia and that meet with the reasonable approval of the Landlord, be upon the terms and conditions satisfactory to the Landlord, shall contain a waiver of segregation clause in favour of the Landlord, and shall contain a clause requiring the insurer not to cancel or change the insurance without first giving the Landlord thirty (30) days written notice thereof. Copies of all policies shall be delivered to the Landlord upon request; and
- (iv) Tenant shall provide the Landlord with satisfactory evidence of such insurance coverage on an annual basis.

7. **Enurement**

This Lease shall enure to the benefit of and be binding upon the parties and their respective successors and assigns.

8. **No Assignment**

This Agreement shall not be assigned by the Tenant without the prior written consent of the Landlord (which consent may be withheld at the Landlord's sole discretion).

9. **Indemnification**

The Tenant hereby do indemnify and save harmless the City, and its elected officials, offices, employees, contractors, agents, successors and assigns, from any and all liabilities, damages, costs, claims, suits, or actions, (including without limitation, the full amount of all legal fees, costs, charges and expenses whatsoever) directly or indirectly arising from:

- a) any breach, violation, or non-performance of any covenant, condition or agreement in this lease set forth and contained on the part of the Tenant to be fulfilled, kept, observed and performed;

Landlord Initials	Tenant Initials

- b) any act, omission, or negligence of the Tenant, its members, officers, directors, employees, agents, contractors, subcontractors, subtenants, licensees, invitees or others for whom it is responsible;
- c) any damage to property occasioned by the Tenant's use and occupation of the Lease Premises and Lands or any injury to person or persons, including death, resulting at any time from the Tenant's use of the Lease Premises and Lands.
- d) the granting of this Lease,

and this indemnity shall survive the expiry or sooner determination of this Lease.

**10. Notice**

Whenever in this Lease it is required or permitted that notice be given or served by either party to this Agreement to or on the other, the same shall be in writing and shall be sufficiently any notice required to be given to any party shall be deemed to have been sufficiently communicated if delivered in person, sent by Priority Post;

- a) to the City at the following address:

The City of Courtenay  
Attention: Property Management Coordinator  
830 Cliffe Avenue,  
Courtenay, B.C.  
V9N 2J7  
Fax: (250) 334-4241

- b) and to the Tenant at the following address:

Comox Valley Citizens On Patrol  
Attention: President  
2375 Kilpatrick Avenue,  
PO Box 3075  
Courtenay, BC  
V9N 5N3

and any such notice, if forwarded by Registered Mail, shall be deemed to have been served on the fifth business day next following the date it is mailed.

Landlord Initials	Tenant Initials

As evidence of their agreement to be bound by the above terms and conditions, the parties have executed this agreement below, on the respective dates written below.

**The Corporate Seal of THE CORPORATION OF THE CITY OF COURTENAY was hereunto affixed in the presence of:**

\_\_\_\_\_  
Mayor: Larry Jangula

\_\_\_\_\_  
Director of Legislative Services: John Ward

Date : \_\_\_\_\_, 2013.

**COMOX VALLEY CITIZENS ON PATROL SOCIETY** by its authorized signatories:

\_\_\_\_\_  
Name: Cindy von Kampen, President

Date : \_\_\_\_\_, 2013.

Signed, Sealed and Delivered in the presence of:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Occupation







THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

2

To: Mayor and Council

File No.: 3360-20-1211

From: Chief Administrative Officer

Date: November 4, 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.

**CAO RECOMMENDATIONS:**

That based on the November 4<sup>th</sup> 2013 staff report, "Zoning Amendment Application No.1211 to permit a secondary suite at 1968 Dogwood Drive", 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) proceed to First and Second Reading;

And That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2726, 2013 on November 18, 2013 at 5:00 p.m. in City Hall Council Chambers.

Respectfully submitted,

David Allen  
Chief Administrative Officer

**BACKGROUND:**

In accordance with Council's direction at the October 21, 2013 Council Meeting, staff are bringing forward Bylaw No. 2726 for consideration.

**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.

Prepared by:

Erin Ferguson, MCP  
Planning Technician

Peter Crawford, MCIP, RPP  
Director of Development Services





THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

4

**To:** Mayor and Council  
**From:** Chief Administrative Officer  
**Subject:** Arden Corridor Local Area Plan

**File No.:**6480-20-1205 SR  
**Date:** November 4, 2013

**PURPOSE:**

To approve first and second reading of the Arden Corridor Local Area Plan including statutory requirements regarding public hearing notice.

**CAO RECOMMENDATIONS:**

That based on the November 4, 2013 staff report, "Arden Corridor Local Area Plan, Council approve "Local Area Plan Amendment Bylaw No. 2756, 2013";

That "Official Community Plan Amendment Bylaw No. 2756, 2013" proceed to first and second readings; and

That Council direct staff to schedule and advertise a statutory public hearing with respect to Bylaw No.2756 on Monday, December 2<sup>nd</sup> at 5:00 p.m. in City Hall Council Chambers.

Respectfully submitted,

David Allen  
Chief Administrative Officer

**BACKGROUND:**

Council received an update on the Arden Corridor Local Area Plan (LAP) at the Committee of the Whole meeting on October 28, 2013. The following information is a summary of the Plan that was submitted at the Committee of the Whole meeting in the form of a staff report. This information is being re-presented here to accompany the bylaw and for public record.

Council identified the need for an Arden Corridor Local Area Plan (LAP) in January 2012 given the range of development proposals in the area and anticipation of future development proposals including boundary extension applications. The Plan area includes lands on or near the Arden Road corridor from Lake Trail Road to the Comox Valley Parkway as shown on the attached map (Attachment No. 1).

A consultant (James Tuer Architecture) was retained to conduct the public consultation and preliminary analysis of the Plan as well as provide an illustrated "preferred land use concept plan", informed by the analysis and consultation. Consultation was completed in December 2012. Staff have now completed the detailed policy language of the Plan which reflects the vision identified by this Plan.

## **DISCUSSION:**

LAPs are intended to provide more detailed planning policies for areas that are expected to experience significant development and change. Public participation in planning policies are of critical importance to ensure the Plan reflects the needs and vision of the existing and future community. LAPs are guided by the land use policy direction contained within the Official Community Plan (OCP) and Regional Growth Strategy (RGS). The OCP contains 5 LAPs for other neighbourhoods within the City:

- Mission Road
- South Lerwick
- Sandwich/Headquarters
- Old Orchard and Area
- South Courtenay

Each LAP will reflect the specific objectives of the individual neighbourhoods. The objective of the Arden Corridor LAP is to project and respond to anticipated growth in the Arden Corridor through regulation of land use and servicing that is in keeping with the values of the community, the identity of the City and the City's commitment to environmental protection.

The Plan addresses these objectives through a number of policies and identified action items organized within the following topic areas:

- Environment
- Land use
- Mobility
- Servicing

The Plan aims to incorporate the best available information within each of these topic areas.

### ***Plan audience and intended uses***

There are two formats for the Plan:

1. OCP LAP chapter (Attachment No.2)
2. Reference Plan (Attachment No.3 – under separate cover)

*The OCP chapter* on the Arden Corridor LAP is a summarized version of the Reference Plan. The OCP version of the LAP is formatted to provide clear policy direction with minimal supplementary and justification material, which can become distracting in a Bylaw. Anyone interested in developing within the Arden Corridor will be directed to both the OCP Bylaw material as well as the Reference Plan.

*The Reference Plan* is highly visual and contains 'explanatory' material which is not as prevalent in the other LAPs. This has been done in order to make the Plan attractive and accessible to a wide range of audiences including the public. From its conception, the Plan process has aimed to actively include the perspectives of the community through a variety of media. The public was largely receptive of the process and expressed a desire to 'take ownership' and 'steward' the Plan. This public engagement process is deemed by staff to have been successful and will be used to inform future LAP processes, as described below.

### ***Plan highlights***

This section provides some highlights from various sections of the Reference Plan as a way to provide an 'overview' of the flow of the Plan and its core strategies. Items 2 – 7 are also contained within the OCP chapter version:

1. *Policy context*

The Plan begins with an explanation of the LAP in the context of *other policy directives* (OCP, RGS). In particular the role of Settlement Expansion Areas, including reference to boundary extension, is included as this was a topic of much discussion throughout the consultation period.

2. *Plan objectives and process*

These are described on pages 7-8 of the Reference Plan. A full account of the consultation findings is included in the Appendices of the Reference Plan.

3. *Plan Strategies, Design Principles and Vision Statement*

These are included in order to capture the 'essence' of the Plan. The Vision Statement for the Plan is:

*"To maintain the rural character of the community while allowing environmentally responsible new developments that respond to the community's growth, that support a network of trails and rural roads, parks, cost-effective infrastructure systems and a diversity of housing and small home-based businesses."*

The 3 core Strategies for the Plan are:

- a. To adopt a precautionary approach to land use decision making by requiring comprehensive studies prior to development application approvals;
- b. To use the illustrative ideas as presented in the Plan as concepts for development applicants to follow in preparing their development proposal; and
- c. To be clear to the community on when further consultation will be initiated such as in the instances of boundary extension applications, re-zoning and OCP amendments, activities that may have significant environmental impact on public lands, and any major amendments to the Plan.

The design principles are described using an annotated illustration as shown on pages 9-11 of the Reference Plan.

4. *Topic area: Environmental protection*

A key policy is to expand the Environmental Development Permit (EDP) area and requirements to a greater number of properties within the Corridor. This is justified for two main reasons:

- a. This area of the City contains a high density of streams and wetlands, has a high water table and contains many mature trees. Map 4 within the Reference Plan highlights the prominence of environmental features in the neighbourhood compared to other areas of the City); and
- b. Existing mapping of Environmentally Sensitive Areas (ESAs) is not complete and therefore applicants and staff may be unaware of ESAs when processing development applications.

The EDP tool will function as follows:

- o Development proposals that result in a site disturbance of greater than 4000 square metres (approximately 1 acre) will be required to conduct a Bio-Inventory for their site using Ministry of Environment *Develop with Care Bio-Inventory Guidelines*. Development

proposals of any size that are within known ESA areas will also be required to conduct a Bio-Inventory. Sites smaller than 4000 square metres (approximately 1 acre) with no previously known ESA will not require a Bio-Inventory.

- If the Bio-Inventory indicates that no ESA will be impacted by the proposed development, the development proposal will be exempt from requiring the EDP.
- If the Bio-Inventory indicates that an ESA will be impacted by the proposed development, an EDP will be required in order for the application to proceed.
- Two tiers of Environmental Development Permit (Minor and Regular) have been designed to ensure that developments with minimal risk are not required to provide the same level of detailed information as developments that are large and/or present higher environmental risk.

The Two EDPs will be assigned different fees to ensure the fee does not rise above the level of effort to administer the permit. The current permit fee does not allow for flexibility for different scales of development. For example, a development proposal on a single family lot requires the same fee as a major subdivision. The City recently adopted a minor process and associated fee for the Downtown Form and Character DP. Separating the EDP process into two tiers is the first time the City will be taking this approach in an environmental context. This tiered EDP approach will *only* be applicable to the Arden Corridor lands as identified in the EDP. The lessons from this tiered approach will be considered for other areas of the City if the approach proves to provide a high level of municipal service at a reasonable cost. The work of assigning a separate fee is a separate piece of work that could follow the adoption of this Plan. See section below for more details on what other activities are required to occur to implement the Plan.

#### 5. *Topic area: Land use*

The maps on pages 11 and 43 of the Reference Plan show the preferred land use concept for the Arden Corridor. Residential use is deemed by the public and staff to be a suitable land use for the area and is the primary land use proposed, in addition to parks and greenways. A goal of accommodating new residences is to ensure that they don't detract from the current rural aesthetic of the neighbourhood. There are three residential land use approaches proposed in this Plan:

- On existing single family lots, infill development in the form of secondary suites, carriage homes and subdivision of lots will be permitted provided it meets other regulatory requirements such as servicing, minimum lot size and environmental protection. This type of infill development is expected to be gradual as home owners apply to the City for development on an individual basis.
- On the larger 'greenfield' sites such as D.L. 95 (currently not within the City) and D.L. 138 (both in the more central part of the study area), single family housing will be supported. The Plan contains many design ideas to encourage a single family form that is clustered, that minimizes the need for public servicing, that is Low Impact Development (LID) and that accommodates a range of demographics and affordability levels. Any development within these Greenfield sites will require an Environmental Development Permit given their known environmental sensitivity.
- Along portions of Arden and Cumberland Road and near the Arden Elementary School, multi-family housing will be supported as these areas provide the potential for transit supportive densities, are on better draining lands and are located on established major transportation routes. The public consultation indicated that multi-family housing in the form of ground oriented housing that looks more like a large home is accepted. Repetitive designs that give the appearance of 'tract' housing of any density (e.g. townhomes or single family homes) are not supported.

In addition to housing, this section in the Plan discusses the current level of service of public parks and what types of future parks are desirable in the area. The Plan does not pinpoint exactly where parks are to be located, as the Plan aims to remain flexible to the development opportunities that are the primary driver for the creation of new publically owned parks. Trail development connections have been identified in the area.

No institutional or industrial lands are designated for the area although home-occupation will be supported, including in the form of light industrial, subject to public process. The City will re-visit the need and appropriateness of small-scale neighbourhood oriented commercial uses in keeping with the neighbourhood character, as the area develops, and after further boundary extension is considered, in consultation with the community.

#### 6. *Topic area: Mobility*

The consultation revealed a strong desire by the participants to retain the 'look and feel' of the existing road network, recognizing that the ditches and lack of sidewalks is what lends the rural feel, currently a Ministry of Transportation and Infrastructure (MoTI) standard in the CVRD lands. As such the Plan contains policies to ensure that upon lands incorporating into the City, the road standard will respect this rural aesthetic. Other elements that reinforce the aesthetic are mature trees, which also will be covered under the City's Tree Protection Bylaw. The City's draft rural road cross section (contained within the Draft Transportation Master Plan) accommodates this aesthetic while also providing wider multi-use shoulders to accommodate cyclists and walkers. The option of a multi-modal separated path along Arden Rd, Lake Trail Rd, and/or Cumberland Rd will continue to be considered in areas where the road right of way permits.

The community also indicated the desire for roundabouts as a traffic calming measure and to serve as a visual cue of the neighbourhood's identity. The intersection of Cumberland and Arden Roads is currently under review for a suitable intersection upgrade to enhance safety and ameliorate traffic flow. Details are forthcoming.

The community also voiced a strong desire for more nature trails, noting that if a comprehensive system of trail networks was created as an outcome of this Plan they would use their car less and bike/walk more often.<sup>1</sup> This is an encouraging finding as the City continues to promote and provide alternative modes of transportation to the private automobile. Trail network development will be a core means of providing this form of mobility infrastructure, as well as serving the recreation and wildlife needs of the area.

#### 7. *Topic area: Servicing*

The City has maintained a position that municipal services will not be extended beyond the municipal boundaries. In order for services to be extended, boundary extension must first occur. The City's established OCP policy on boundary extension is that comprehensive studies of the servicing requirements will be conducted prior to extension being considered. This Plan does not attempt to address this level of detail, and will be addressed upon a boundary extension application. However, the Plan does provide guidance as to what types of servicing will be acceptable in the area, notably in the area of storm water management. Storm water management which will require source controls and where detention is necessary, dispersed detention ponds that are designed to function like wetlands and that maintain the hydrological regime of the area to ensure adequate base flow to the surrounding streams. Open channel forms of storm infrastructure will be adopted.

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<sup>1</sup>79% of the 158 respondents strongly agreed or agreed with this statement, as reported in the survey. See Appendix within the Reference Plan for responses to all the survey questions.

It should be noted that the extension of sanitary sewer services arose as a dominant theme by existing Electoral Area residents throughout the consultation process. There was initial concern by some that the Arden Corridor LAP was an annexation proposal and that not enough consultation on the servicing implications was provided. The issue of a 'lack of trust' towards the City was noted in the earlier consultation exercises. Over time, residents came to understand the role of the LAP as a visionary and guiding document, not a development proposal with servicing implications. This established positive working relationship with the existing residents, both in the City and the Electoral Lands, is viewed as a strength that should be built upon as considerations for annexation and servicing are explored in the future.

### **Future LAPs**

While the City has 5 existing LAPs, the Arden Corridor LAP is somewhat unique in the following aspects:

- It's the first LAP that has benefited from the City's new Geographical Information Systems (GIS) technology, and contains a level of analysis not found in other LAPs. Once all the data layers are assembled for the City, the GIS enables land use analyses to be conducted quickly and in-house. The GIS also allowed for data to be easily received from Ministry of Environment and Project Watershed.
- It's the first LAP that is explicitly illustrative, aiming to communicate abstract policy concepts into visual depictions that can more easily be understood.
- It's the first LAP that used an on-line questionnaire (in addition to a range of other consultation exercises). The response rate for this LAP process was higher than any other LAP process in the City's history, potentially due to the ease of access (on-line and hardcopy) and highly illustrative nature of the questionnaire.
- It's the first LAP that has a goal of public education. This is demonstrated in the layout and 'did you know?' elements contained within the Plan. A desire to contain education elements was added after staff experienced the strong desire by the community to engage with and steward this Plan.
- It's the first LAP that has been structured into two separate documents for two distinctive purposes: A) The Reference Plan contains all the background information and educative elements - It will not be included in this form in the OCP; and B) The OCP chapter contains the language required for regulatory inclusion in the OCP Bylaw.

A number of lessons have been learned in developing this Plan which will be used to inform future LAPs. Lessons include:

- Establishing a template approach to creating future LAPs so that they are part of a 'family' of plans will make it easier to compare neighbourhoods across each other and ensure all relevant forms of analysis are conducted in each area;
- Using the LAP process to achieve multiple objectives from other work plans will be attempted wherever feasible. For example, the Draft Transportation Master Plan identifies the need to understand the mobility patterns on a neighbourhood scale. Another example is Watershed Blueprints, in which more detailed information about a stream's health can be assembled at the neighbourhood scale in the absence of a watershed-scale plan.

The need for LAPs in other parts of the City has been identified through this process, through the Draft Transportation Master Plan and through public inquiry. The following areas have been identified:

- Downtown
- Raven Ridge
- Lake Trail neighbourhood
- Area around new hospital
- Infill opportunities throughout the City

The LAP process represents a potentially powerful consultation, education and regulatory tool that can connect the high level policies contained in Bylaws such as the OCP and RGS to where people live – their



streets, neighbourhood hubs, businesses, schools, parks and the places they call home. It is one of the few venues in which staff engages with residents in a creative and visionary process, which can help to nurture positive working relationships as staff and residents learn from each others' perspectives. As such, the LAP process provides a mechanism through which to connect people to the goals and 'issues' that the City is working through, thus potentially supporting further community and democratic engagement. The City might consider aiming to conduct new or renew existing LAPs at set frequencies to ensure that the City continues to maintain an 'ear to the ground' of the current needs and future aspirations of the community.

**FINANCIAL IMPLICATIONS:**

None at this time.

**ADMINISTRATIVE IMPLICATIONS: (work plan, etc.)**

The Plan identifies a number of complimentary activities that must take place in order to fully implement the Plan. The following items are for consideration into future work programs:

1. Update EDP fee bylaw to reflect the tiered EDP approach.
2. Update the Tree Protection Bylaw to include provisions pertaining to – minimizing wind throw, including on neighbouring properties; maintaining character; wildlife and watershed connectivity values; and role in storm water management. This review is currently underway.
3. Update the City's 20 year old Parks Plan so that long-term park needs in the Arden Corridor and other areas can be included in the DCC (Development Cost Charges) bylaw which is under review (2014).
4. Continue to work with the stream stewardship sector to ensure the City benefits from the best available environmental information, as it comes available.
5. Conduct at some point in the future a Watershed Blueprint for the Millard-Piercy and Arden-Morrison Creeks.

**STRATEGIC PLAN REFERENCE:**

Support community initiatives and distinct neighbourhoods.

**OFFICIAL COMMUNITY PLAN REFERENCE:(may include sustainability)**

**Applicable Policies Include:**

- Consider the long-term impacts of all land use decisions. Selecting the correct location for density is important as this will create the right balance to ensure new growth enhances the community and supports existing and new services.
- Enact performance-based bylaws to protect watersheds and riparian habitat areas, and to consider alternative stormwater management practices.
- Through regulations and incentives, encourage developers to produce a greater housing mix as well as commercial services.

## REGIONAL GROWTH STRATEGY REFERENCE:

### Applicable Principles/Policies

- Identify areas of existing development on the fringes of *Municipal Areas* that should eventually be incorporated through boundary extensions and provided with publicly owned water and sewer service in order to address existing public health and environmental issues.
- Identify areas for new development on the fringes of *Municipal Areas* that should eventually be incorporated through boundary extensions 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.
- Any growth in *Settlement Expansion Areas* will occur in phased and orderly manner and will undergo a public planning process in order to determine the appropriate scale and form of development.
- Given the number and density of private systems located on the fringe of *Municipal Areas*, there is a need to develop a long-term strategy to prevent public health concerns before they arise. Private wells, watercourses and the marine foreshore within the Comox Valley could be seriously compromised should a number of septic systems fail in the coming years prior to detection. As a result, it is the long-term intention of the growth management strategy that existing neighbourhoods within designated *Settlement Expansions Areas* will eventually be provided with publicly owned water and sewer services. Such provision of services will be coincident with a boundary extension that incorporates the settlement expansion area into a municipal area, or a satisfactory servicing agreement, as detailed in the corresponding official community plan.

## CITIZEN/PUBLIC ENGAGEMENT:

A summary of the public engagement strategy is provided on page 8 the Reference Plan. Highlights include:

1. Introductory workshop on site analysis, formulating plan opportunities and constraints
2. Series of 3 workshops to provide opportunity for community to participate in 'design charette' of the LAP
3. On-line and hard copy survey
4. Final public house to vet the findings from the survey and land use concept

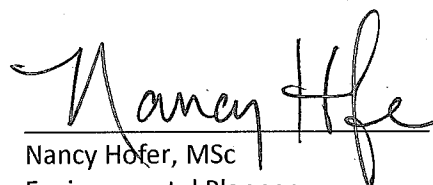
## OPTIONS:

1. Approve First and Second readings the Bylaw
2. Do not approve First and Second readings of the Bylaw
3. Refer the Bylaw back to staff for further review, and/or revision

Prepared by:



Peter Crawford, RPP, MCIP  
Director of Development Services



Nancy Hofer, MSc  
Environmental Planner



THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

5

**To:** Mayor and Council  
**From:** Chief Administrative Officer  
**Subject:** Kowalsky Subdivision – 3096 Turnstall Road

**File No.:** 3320-20-12637  
**Date:** November 4, 2013

**PURPOSE:**

The purpose of this report is to request the approval of Council to permit the officers of City of Courtenay to sign the Easement/Covenants between the City and Larry Mervin Kowalsky and Leslie Rowena Kowalsky for the access, servicing easement/covenants pertaining to the subdivision creating Lots A, B and C, Plan EPP31875.

**CAO RECOMMENDATIONS:**

That based on the November 4<sup>th</sup> 2013 staff report, “Kowalsky Subdivision – 3096 Turnstall Road”, and on the recommendation of the Approving Officer, Council adopt the resolution as contained in Option # 1.

Respectfully submitted,

David Allen  
 Chief Administrative Officer

**BACKGROUND:**

The City’s legal firm has advised that if an easement is required as a condition of the subdivision approval established by the Approving Officer, then the easement document must be prepared as an Easement/Covenant naming the City as a third party. This will prevent any cancelation of the easement at a later date without City authorization.

All legal documents are to be presented, on an individual basis, to Council, and the Mayor and Director of Legislative Services authorized to sign the documents. Subsequently, the Approving Officer can then sign this Subdivision Plan.

The Approving Officer has issued a Preliminary Layout Review to subdivide Lot B, District Lot 134, Comox District, Plan VIP53698, Except Part in Plan VIP88516 into three lots as Plan EPP31875. The developer has been granted Developing Variance Permit DVP1110 reducing the frontage of Lots B & C to zero. There are five easement/covenant documents relating to this subdivision that are available for viewing in the Engineering Division. A summary of the documents are outlined in the table below:

Document	Transferor	Transferee(s)	Purpose
Easement/Covenant	Lot A Plan EPP31875	Lots B & C Plan EPP31875 and Lot 1 Plan VIP88516	Water
Easement/Covenant	Lot B Plan EPP31875	Lot C Plan EPP31875 and Lot 1 Plan VIP88516	Water

Easement/Covenant	Lot C Plan EPP31875	Lot 1 Plan VIP88516	Water
Easement/Covenant	Lot B Plan EPP31875	Lot C Plan EPP31875 and Lot 1 Plan VIP88516	Access
Easement/Covenant	Lot C Plan EPP31875	Lot 1 Plan VIP88516	Access

**FINANCIAL IMPLICATIONS:**

No references.

**ADMINISTRATIVE IMPLICATIONS:**

Included in the Corporate Work Plan.

**STRATEGIC PLAN REFERENCE:**

Statutory in Nature.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

The subdivision is consistent with the OCP.

**REGIONAL GROWTH STRATEGY REFERENCE:**

No references.

**CITIZEN/PUBLIC ENGAGEMENT:**

Development Variance Permit DVP1110 was issued for Lot B and C to reduce the lot frontages to zero metres and to define the front lot line of the lots. Normal DVP notifications were provided to properties within 30 metres of the subject land.

**OPTIONS:**

Option # 1:

That Council approves the Easement/Covenants between The Corporation Of The City Of Courtenay and Larry Mervin Kowalsky and Leslie Rowena Kowalsky for the subdivision creating Lots A, B, and C, District Lot 134, Comox District, Plan EPP31875 for the subject land located between Turnstall Road and Lake Trail Road, east of Webb Road;

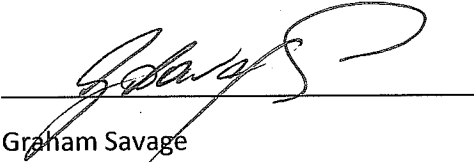
That a Letter of Undertaking be provided to register the Easement/Covenants concurrently with the Subdivision Plan; and

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

Option # 2:

That Council does not approve the Easement/Covenants nor permit the execution of any legal documents related thereto. Subsequently, the Approving Officer cannot approve the Subdivision Plan. Thereby, the proposed lots cannot be developed nor sold.

Prepared by:

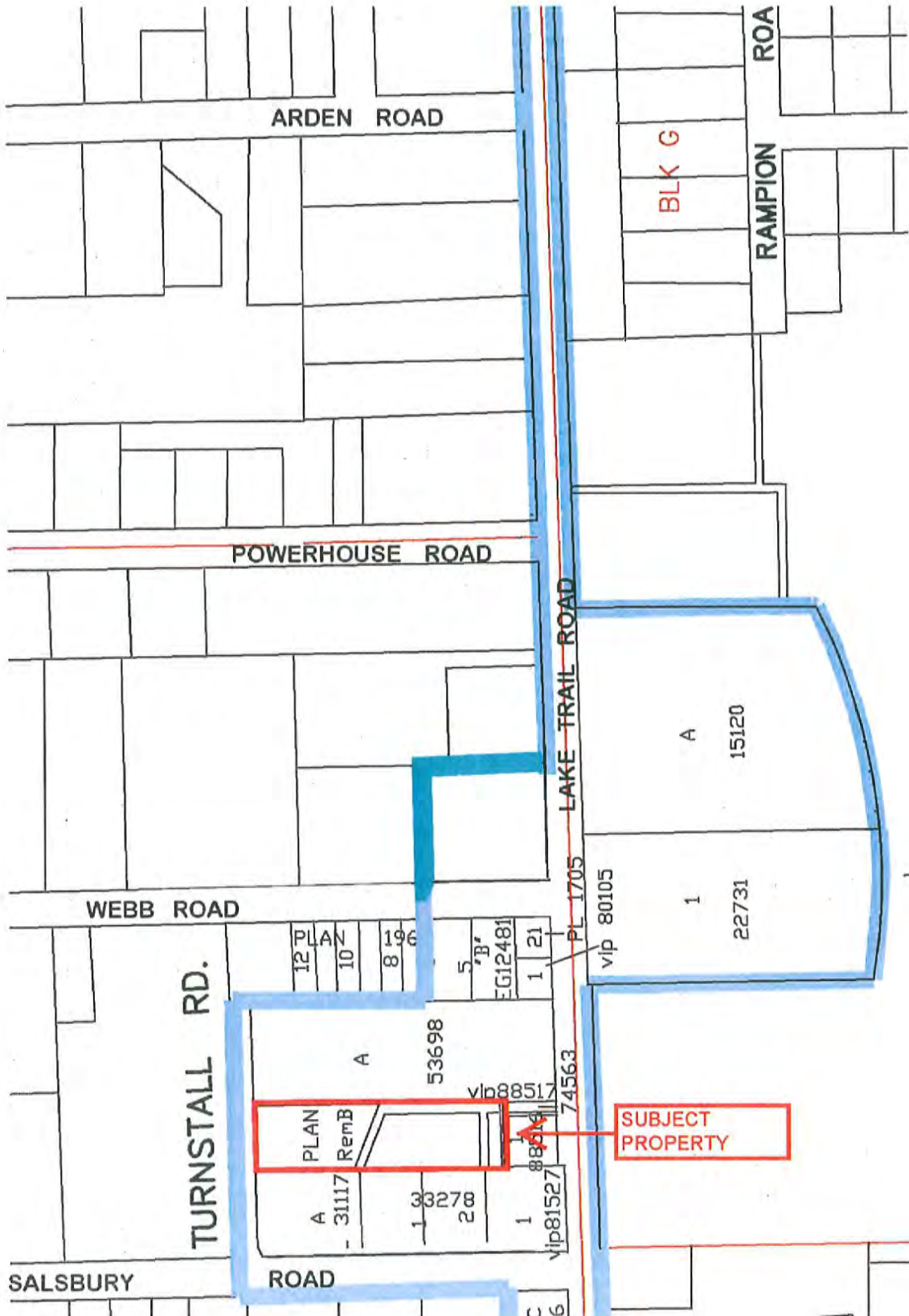


A handwritten signature in black ink, appearing to read 'Graham Savage', is written over a horizontal line.

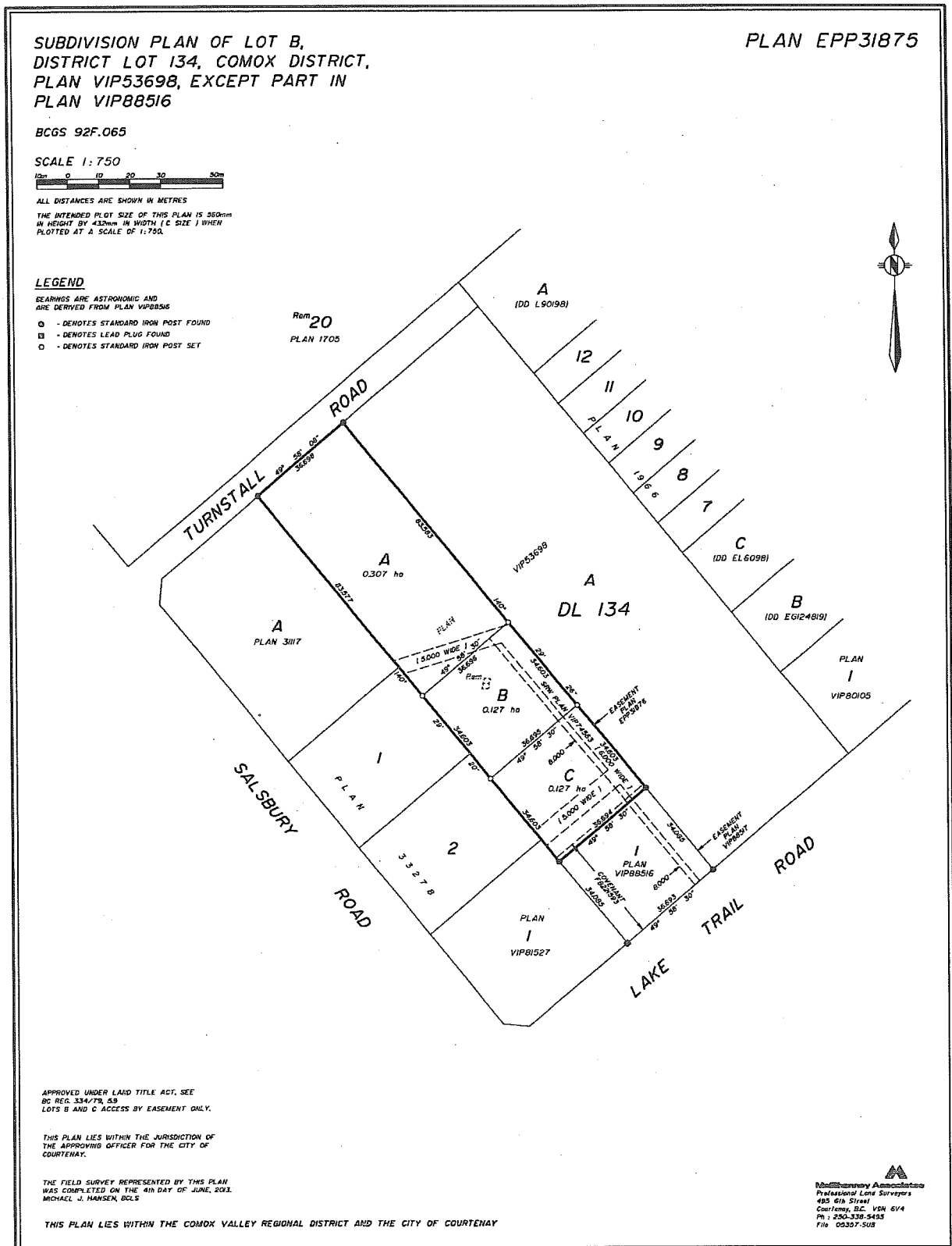
Graham Savage

Approving Officer

# Site Plan



# Subdivision Plan









THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

6

**To:** Mayor and Council

**File No.:** 3320-20-13648

**From:** Chief Administrative Officer

**Date:** November 4, 2013

**Subject:** Silverado Land Corp. – Crown Isle Drive Extension Subdivision

**PURPOSE:**

The purpose of this report is to request the approval of Council to permit the officers of The City of Courtenay to enter into a Subdivision Servicing Agreement with Silverado Land Corp., for the fee simple subdivision known as Crown Isle Drive Extension.

**POLICY ANALYSIS:**

N/A

**EXECUTIVE SUMMARY:**

N/A

**CAO RECOMMENDATIONS:**

That based on the November 4<sup>th</sup> staff report, "Silverado Land Corp. – Crown Isle Drive extension subdivision", and the recommendation of the Approving Officer, Council adopt the resolution as contained in Option # 1.

Respectfully submitted,

David Allen  
Chief Administrative Officer

**BACKGROUND:**

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

This phase of the Crown Isle Development consists of a 25-lot single-family residential Subdivision, located on the extension of Crown Isle Drive south of Sussex Drive. Most of the onsite works for this subdivision have been constructed. Any remaining offsite works and the one year maintenance bond will be secured by a Service Agreement and Cash Deposit. The City has agreed with the developer that the developer will provide the City with a cash contribution equal to the DCC's Highways, DCC's Storm Drainage and DCC's Parkland DCC's generated by the development within Crown Isle. These contributions will be used as security for the construction of the respective DCC Projects. These projects will either be constructed by the City or the developer at a future date. These projects consist of offsite highways work on Lerwick Road

located adjacent to Block 72, a storm water facility for the Lerwick Road drainage system within Block 72 and various future parkland projects within Block 72.

A copy of Service Agreement and a site reference map are attached.

**FINANCIAL IMPLICATIONS:**

DCC's resulting from the subdivision include:

Category	DCC's	Developer Contribution Or Security
Highway		\$ 94,225
Storm Drainage		\$ 26,775
Sanitary Sewer	\$19,100	
Water	\$10,825	
Parkland		\$ 17,450
Totals:	\$29,925	\$138,450

The Servicing Agreement captures the DCC's for projects immediately adjacent to or within Crown Isle as security works to be completed by Silverado Land Corp., or the City as a Capital Project. These DCC Projects are R34 (highway) Lerwick Rd. from McDonald to Ryan Rd.; 05D42 (storm drainage) Crown Isle - Block 72 Detention Pond - Adjacent to Lerwick Rd.; and (no assigned project number) (parkland) Neighbourhood Parks.

The balance of the DCC's are remitted directly to the applicable DCC account and for use in future Capital Budgets relating to their respective categories.

The time frames for the construction of the various DCC Projects are based on the respective DCC Project priority and are subject to Council adoption of the Capital Budget for each calendar year. The estimated cost of each DCC Project is determined based on the scope of the work to be completed within the appropriate budget cycle.

**ADMINISTRATIVE IMPLICATIONS:**

Included in the Corporate Work Plan.

**STRATEGIC PLAN REFERENCE:**

Statutory in Nature.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

The subdivision is consistent with the OCP.

**REGIONAL GROWTH STRATEGY REFERENCE:**

No references.

**CITIZEN/PUBLIC ENGAGEMENT:**

Not required nor recommended.

Not required nor recommended.

**OPTIONS:**

Option #1

That Council approve the Subdivision Servicing Agreement between The Corporation Of The City Of Courtenay and Silverado Land Corp., pertaining to the Subdivision of Part Block 72, Comox District, Except Parts Outlined in Red on Plans 1691R and 2117 RW, and Except Part in Plans 49168, VIP53544, VIP53936, VIP55887, VIP56345, VIP56997, VIP57216, VIP61372, VIP61373, VIP61374, VIP61375, VIP64932, VIP67278, VIP68539, VIP71399, VIP72239, VIP73546, VIP74891, VIP74892, VIP74893, VIP75389, VIP76675, VIP76772, VIP77537, VIP78213, VIP78293, VIP78614, VIP79916, VIP80521, VIP81206, VIP81881, VIP82174, VIP84549, EPP11548 and EPP20585, for the area in the Crown Isle Development located on the extension of Crown Isle Drive south of Sussex Drive;

That the calculated security be provided to The Corporation Of The City Of Courtenay prior to Subdivision approval;

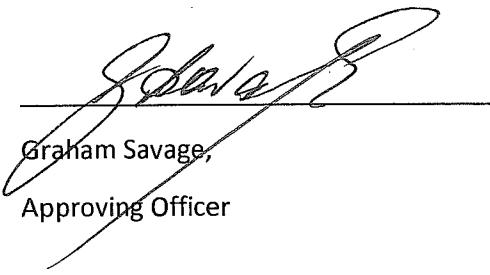
That a letter of undertaking be provided to register the legal documents with the subdivision plan; and

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

Option #2

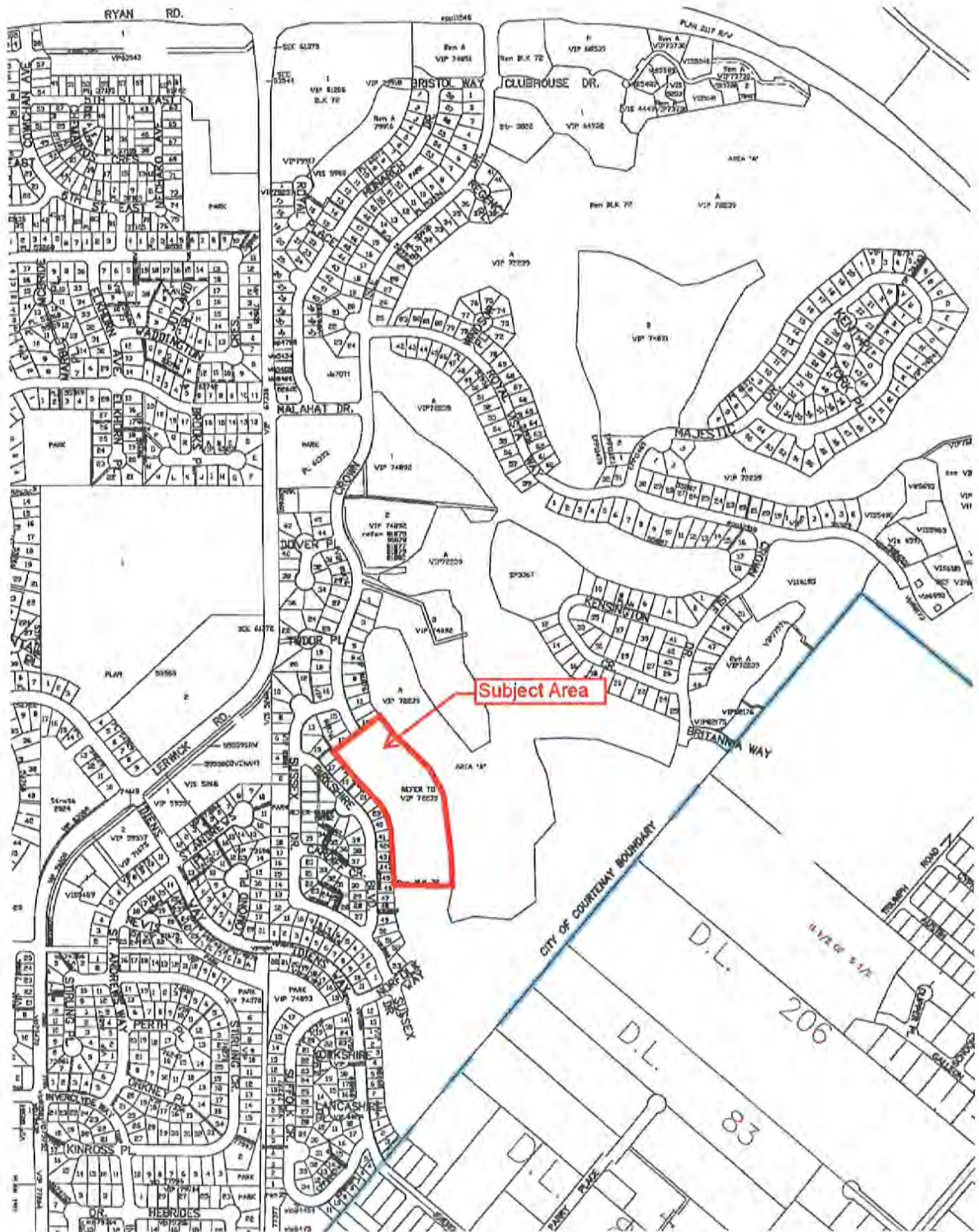
That Council not approve the Subdivision Servicing Agreement nor permit the execution of any legal documents related thereto. Subsequently, the Approving Officer cannot approve the Subdivision Plan. Thereby, the proposed lots cannot be developed nor sold.

Prepared by:



Graham Savage,  
Approving Officer

# Site Plan



# Service Agreement

Service Agreement No.: 1860-20-Silverado Land Corp.  
Subdivision File No.: 13648

## SUBDIVISION SERVICING AGREEMENT

THIS AGREEMENT is dated October 16, 2013, and is between

Silverado Land Corp. (Inc. 352,725)  
399 Clubhouse Drive  
Courtenay, B.C.  
V9N 9G3  
(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 Block 72, Comox District, Except Parts Outlined in Red on Plans 1691R and 2117 RW, and Except Part in Plans 49168, VIP53544, VIP53936, VIP55887, VIP56345, VIP56997, VIP57216, VIP61372, VIP61373, VIP61374, VIP61375, VIP64932, VIP67278, VIP68539, VIP71399, VIP72239, VIP73546, VIP74891, VIP74892, VIP74893, VIP75389, VIP76675, VIP76772, VIP77537, VIP78213, VIP78293, VIP78614, VIP79916, VIP80521, VIP81206, VIP81881, VIP82174, VIP84549, EPP11548 and EPP20585.  
**"Letter of Credit"** means an irrevocable letter of credit in the amount of N/A;

"Funds" means in the amount of \$721,378.00 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.

**DEVELOPMENT COST CHARGES**

- 2. The City and the Developer agree that the DCC's (Highway) collected for this subdivision will be applied to the construction of offsite works on Lerwick Road, adjacent to Block 72, Comox District, pursuant to Section 933(8)(a) of the Local Government Act.
- 3. The City and the Developer agree that the DCC's (Storm Drainage) collected for this subdivision will be applied to the construction of a storm water pond within Block 72, Comox District, to attenuate the Lerwick Road drainage system, pursuant to Section 933(8)(a) of the Local Government Act.
- 4. The City and the Developer agree that the DCC's (Parks) collected for this subdivision will be applied to the construction of onsite Parks within Block 72, Comox District, pursuant to Section 933(8)(a) of the Local Government Act.

**TIME FOR COMPLETION OF WORKS**

- 5. The Developer will complete the construction and installation of the Works to the satisfaction of the Municipal Engineer by October 16, 2014.

**SECURITY**

- 6. 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.

7. If the Developer does not complete the Works as required by section 5 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.
9. If the Letter of Credit or Funds are insufficient to pay the full cost of completing the Works in accordance with section 5 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.
10. If
  - (a) the Developer completes the Works as required by section 5 of this Agreement, or
  - (b) the City completes the Works in accordance with section 5 of this Agreement at a cost which is less than the amount of the Letter of Credit or Funds depositedthen 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.
11. 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**

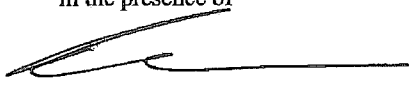
12. The Developer will construct and install the Works to the standard required by the Subdivision Control Bylaw and to the satisfaction of the Municipal Engineer.
13. Upon completion of the Works to the satisfaction of the Municipal Engineer, a certificate of substantial completion, signed by the Municipal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

#### **MISCELLANEOUS**

14. 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.
15. This Agreement will be binding upon and will enure to the benefit of the parties, their successors and assigns.
16. The headings in this Agreement are for convenience of reference only and do not define or limit the scope or intent of this Agreement.
17. 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 )  
signatory of )  
Silverado Land Corp. (Inc. 352,725) )  
in the presence of )



\_\_\_\_\_)  
Rick Waldhaus )  
% 399 Clubhouse Drive )  
Courtenay, B.C., V9N 2J7 )



\_\_\_\_\_)  
Ron Coulson

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

\_\_\_\_\_)  
Mayor

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



**SCHEDULE "A"**

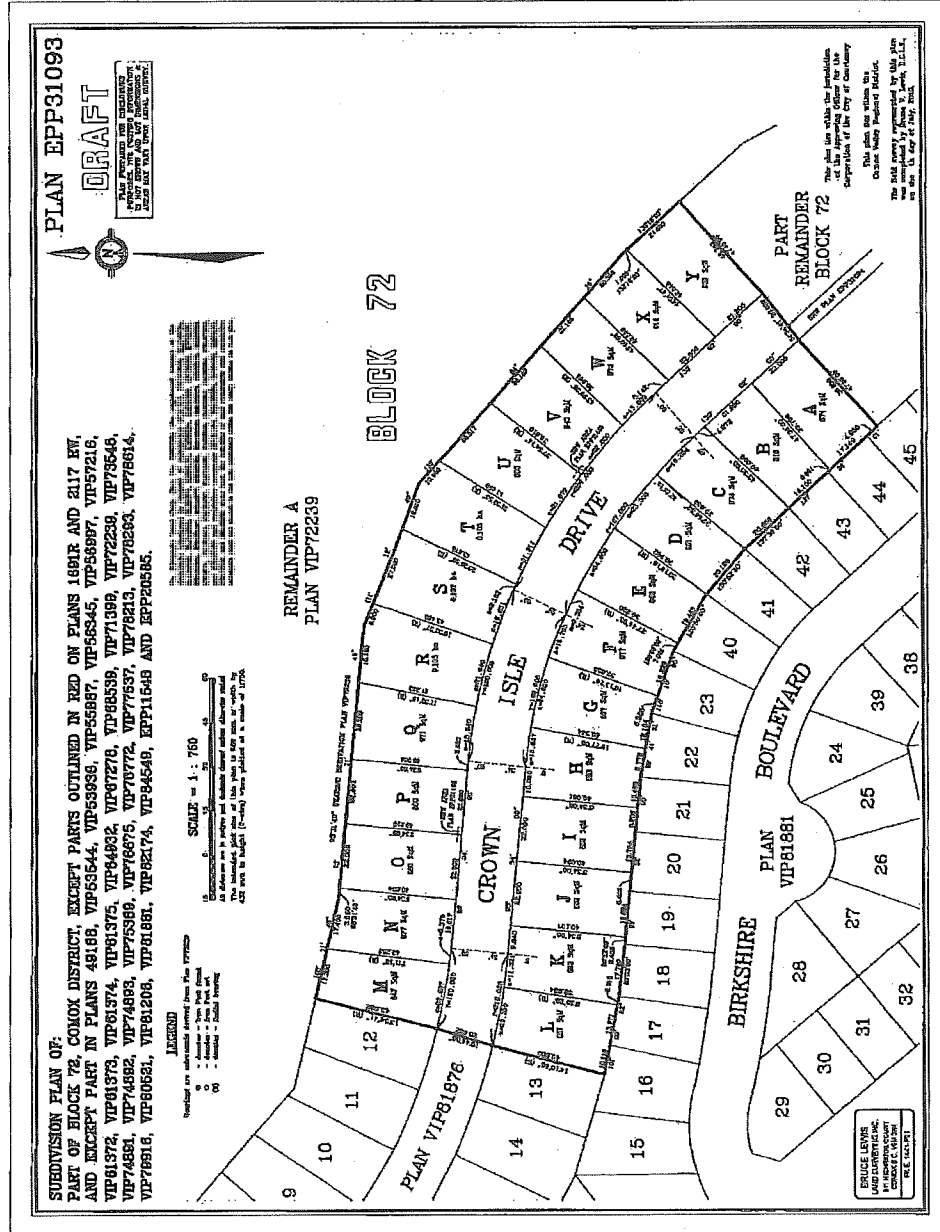
**Copy of Cash Receipt**

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**Copy of Cost Detail Sheet**

SCHEDULE "B"

Reduced Copy of Subdivision Plan



**SCHEDULE "C"**

**Security Calculation**

Description	Amount
Works and Services - Subdivision	\$670,593.00
Maintenance Bond Subdivision	\$40,785.00
Street Trees [25 @ (\$400 incl 15% Admin)]	\$10,000.00
DCC's by Instalments	\$0.00
<b>Total</b>	<b>\$721,378.00</b>

### Security Calculation Sheet

**CITY OF COURTENAY**  
**SECURITY CALCULATION SHEET**

Development Name: <b>Shawlands Road Corp</b> Development Name: <b>CDI Shaws Rd to Northway Pkwy</b> Engineering Firm: <b>Koon &amp; Associates</b> Engineer's File No: <b>1304-12</b> Date of Engineer's Project Estimate: <b>August 7, 2013 Current Value</b>		CITY FILE #: <b>1304-04284</b> Date of Security Reduction Request #2:	
Letter of Credit: <input type="checkbox"/> <b>REMAINING</b> Date of Security Reduction Request #1: <b>December 31, 2013</b>		Cash Deposit: <input checked="" type="checkbox"/> <b>REMAINING</b> Date of Security Reduction Request #1:	
% ESTIMATED 1. Contingency & Contingency 2. Materials 3. Labor 4. Utility Expenses 5. Excavation 6. Substructure & Backfill 7. Curb 8. Stormwater 9. Pavement 10. Street Lighting (Estimated) 11. Street Lighting 12. Signalized 13. Signalized 14. Drainage 15. Paved (Estimated from (14)) 16. Paved 17. (15) + (16) 18. (17) + (18) 19. Total (Estimated cost) 20. Value of completed work 21. Multiplier: Increase (5% of line 17 + cost) 22. Bond Amount		% REMAINING 23. 0.00% 24. 0.00% 25. 0.00% 26. 0.00% 27. 0.00% 28. 0.00% 29. 0.00% 30. 0.00% 31. 0.00% 32. 0.00% 33. 0.00% 34. 0.00% 35. 0.00% 36. 0.00% 37. 0.00% 38. 0.00% 39. 0.00% 40. 0.00% 41. 0.00% 42. 0.00% 43. 0.00% 44. 0.00% 45. 0.00% 46. 0.00% 47. 0.00% 48. 0.00% 49. 0.00% 50. 0.00% 51. 0.00% 52. 0.00% 53. 0.00% 54. 0.00% 55. 0.00% 56. 0.00% 57. 0.00% 58. 0.00% 59. 0.00% 60. 0.00% 61. 0.00% 62. 0.00% 63. 0.00% 64. 0.00% 65. 0.00% 66. 0.00% 67. 0.00% 68. 0.00% 69. 0.00% 70. 0.00% 71. 0.00% 72. 0.00% 73. 0.00% 74. 0.00% 75. 0.00% 76. 0.00% 77. 0.00% 78. 0.00% 79. 0.00% 80. 0.00% 81. 0.00% 82. 0.00% 83. 0.00% 84. 0.00% 85. 0.00% 86. 0.00% 87. 0.00% 88. 0.00% 89. 0.00% 90. 0.00% 91. 0.00% 92. 0.00% 93. 0.00% 94. 0.00% 95. 0.00% 96. 0.00% 97. 0.00% 98. 0.00% 99. 0.00% 100. 0.00%	
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DEVELOPER'S ESTIMATE APPROVALS Date: <b>Oct 11/2013</b> Signature: <i>[Signature]</i> Developer's Engineer:		LETTER OF CREDIT (REDUCTION) APPROVALS Date: <b>Oct 11/2013</b> Signature: <i>[Signature]</i> Developer's Engineer:	
DEVELOPER'S ESTIMATE Date: <b>Oct 11/2013</b> Signature: <i>[Signature]</i> City Engineer:		LETTER OF CREDIT (REDUCTION) APPROVALS Date: <b>Oct 11/2013</b> Signature: <i>[Signature]</i> City Engineer:	





THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

76

**To:** Mayor and Council  
**From:** Chief Administrative Officer  
**Subject:** Fitzgerald Bike Lanes Project

**File No.:** 5460-20  
**Date:** November 4, 2013

**PURPOSE:**

The purpose of this report is to fulfill Council's resolution from May 16, 2013 where it was 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."*

And outline for Council the options for the completion of this project and to obtain direction from Council on how to proceed.

**CAO RECOMMENDATIONS:**

That, based on the November 4<sup>th</sup>, 2013 staff report, "Fitzgerald Bike Lanes Project", Council determine whether to proceed with the project, and that if Council is in favour of proceeding, that staff be directed to undertake Option 1 as outlined in this report.

Respectfully submitted,

David Allen  
Chief Administrative Officer

**BACKGROUND:**

This project was conceived in 2011 with the objective of introducing a delineated bike lane(s) along Fitzgerald Avenue from 8<sup>th</sup> Street to 26<sup>th</sup> Street. Since its inception, the project has engaged a cycling infrastructure specialist, the local cycling coalition and the general public on several occasions. The design has seen several iterations as a result of this process with the final design incorporating the attached cross-sections. Staff has reduced the scope of work to 8<sup>th</sup> to 21<sup>st</sup> Street in order to maintain the approved project budget.

Retrofit projects are not always able to accommodate the ultimate desired outcome for all parties and require those parties to compromise to obtain the end goal. This proposed design reflects a balance of the needs of all of the users of this corridor whether that's as a driver, cyclist, pedestrian, transit rider or resident. Staff attempted to maintain safe traffic sightlines at intersections and provide as much space for cyclists as possible without drastically changing the existing functionality of the road for drivers and transit.

Parking has been reduced by approximately 25% along the overall length of the project (1,170m northbound and 1,141m southbound, for a total of 2,311m). This is equivalent to approximately 38 parking stalls out of 160. The majority of these spaces, 33, are eliminated for the purposes of protecting sightlines at intersections that are currently undesignated. Therefore, the impact of the proposed bike lanes on existing parking condition results in a reduction to parking of 5 parallel stalls.

#### **FINANCIAL IMPLICATIONS:**

The estimated construction cost for these works is approximately \$50,000. The overall project budget is estimated at approximately \$60,000 including consulting fees and other expenses, such as public engagement, advertising, etc. The approved Capital budget allocates \$50,000 from the Community Works Fund - Gas Tax Reserve in support of this project. If accepted, the Provincial Cycling Infrastructure Partnership Program will fund 50% of eligible expenses up to the maximum amount of \$44,161 which would reduce the City's overall cost of the project to approximately \$35,000.

The CIPP grant has a deadline for the construction of all the works by December 4, 2013. Staff has confirmed that the City is still in time to obtain the support of these grant funds for this project.

#### **ADMINISTRATIVE IMPLICATIONS:**

The project is part of the Engineering Department's 2013 work plan. There are no additional administrative implications for the completion of the project.

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

The project 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.

The previous version of this strategic plan included the following applicable references:

Value 4: An active community with cultural and recreational opportunities

Goal 3: Promote healthy lifestyles

- a) Develop a robust cycling infrastructure with a skeleton network to access all City within 3 years
- b) Reduce traffic congestion and delays and support traffic calming
- c) Develop plans to become one of Canada's "Most Bike-able Cities"

#### **OFFICIAL COMMUNITY PLAN REFERENCE:**

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).

*Goal 5.2.2 Transportation: Development of a transportation system that provides choices for different modes of travel including vehicle, transit, pedestrian, cycling and people with mobility impairments.*

*Goal 10.2.4 Greenhouse Gas Reduction: The City has committed to reducing community wide greenhouse gas emissions to 20% below 2007 levels by 2020. Transportation is the largest contributor to emissions, the*



*reduction from which is identified as the first objective in the chapter on Planning for Climate Change in the Official Community Plan.*

*The targets adopted for transportation modal split for commuting to work are as follows:*

<b>Mode</b>	<b>2006 Courtenay (most recent data)</b>	<b>2020 Courtenay target</b>
<i>Transit</i>	1.4%	5%
<i>Cycling</i>	4.6%	10%
<i>Walking</i>	9.8%	15%
<i>Carpool</i>	7.6%	15%
<i>Single occupancy vehicle</i>	74%	55%
<i>Other</i>	2.6%	n/a

**REGIONAL GROWTH STRATEGY REFERENCE:**

The project 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.

*Transportation Objective 4-B: Improve bicycle and pedestrian infrastructure to increase the use of active transportation options.*

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff's undertaking of this project has included two initial public consultation 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.

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 placing 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. Staff has

subsequently received correspondence from citizens that identified that they signed the petition under false pretences.

The final proposed design was completed this past fall and evolved from the previous version to include cycling and transportation design standards for lanes and sightlines. It was available for viewing and discussion at a Public Information Session held at City Hall on October 30, 2013. This meeting was also well-attended with 46 residents having signed-in and 52 survey responses provided. A head count taken midway through the event identified over 40 people in the room at that point in time. A summary of the survey responses is provided below:

25% of the comments indicated an emphatic: "just do it"

58% of the comments indicated that it is a great first step and they are looking towards less "shared" lanes and more fully dedicated bike lanes.

9% of the comments were an emphatic: "do not do it"

8% of the comments were from residents along Fitzgerald Avenue that are concerned of the potential impacts of subsequent phases of the project.

**OPTIONS:**

1. Proceed with the construction of the Fitzgerald Avenue bike lanes (8<sup>th</sup> to 21<sup>st</sup> Street) as presented at the October 30, 2013 Public Information Session and accept the funding to support this work as offered by the Provincial Cycling Infrastructure Partnership Program (CIPP).
2. Cancel the Fitzgerald Avenue bike lane project and decline CIPP funding in favour of considering this corridor for **Council's Strategic Priority** of a **Complete Streets** pilot project. And have staff report back to Council on this and other options to select from for this pilot project.
3. Cancel Fitzgerald bike lane project, relinquish balance of the budget funds and decline CIPP funding.

Prepared by:



Lesley Hatch, P.Eng.

Senior Manager of Engineering

To the Members of Courtenay City Council and Staff,

Thank you for the excellent proposal for Fitzgerald Avenue which incorporates bike lanes into the design.

As a cyclist, I appreciate the city taking seriously the need for cyclists to have safe, efficient routes for traversing the city. In conjunction with the rail trail, it offers improved options for cyclists over a wide geographical area. It is encouraging that the city is hearing our concerns and is willing to act on them.

It is particularly encouraging that this "win" for cyclists did not come at the expense of the citizens living along Fitzgerald. In fact these lanes may, to an extent, mitigate some of their concerns over the increasing problems associated with traffic exceeding the speed limit along this route.

We particularly appreciate the efforts of the planning and engineering staff to find solutions to issues which all too often pit citizens against each other.

Again, thank you for the opportunity to have input into this important project and we look forward to moving forward with a cooperative approach to future projects with the city.

James Taylor

President

The Comox Valley Cycling Coalition



For  
Info



THE CORPORATION OF THE CITY OF COURTENAY

## Briefing Note

To: Mayor and Council

File No.: 5460-05

From: Chief Administrative Officer

Date: October 25, 2013

Subject: Ryan Road/Lerwick Road Intersection – MoTI Traffic Signal Modifications

On July 2, 2013 Council resolved:

*“Moved by Leonard and seconded by Winchester that the report from the Municipal Engineer Ryan Road and Lerwick Road Intersection discussions be received; and*

*That Council endorse and direct staff to pursue Alternative 1: MoTI Proposed Upgrades*

*Proceed with proposed intersection upgrades, as recommended by the Ministry of Transportation and Infrastructure (MoTI), to install a protected left turn signal on Ryan Road (east and westbound) understanding that the signal modification may add 20 – 30 seconds to the intersection signal timing cycle (MoTI will undertake, administer and cover all costs of this upgrade project); and*

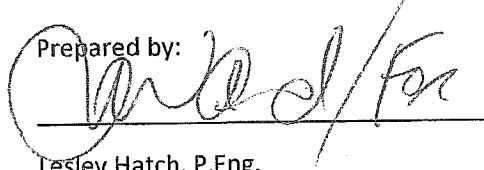
*Obtain a written commitment from MoTI to review the function of this modification and report back to the City within 1-year of the operational change, i.e. MoTI’s satisfaction of the operating levels of the intersection, and commentary on the need for any further intersection timing adjustments to optimize this turning movement and the associated Level of Service; and*

*Work with ICBC on an educational campaign to promote safe driving habits. ICBC has committed to provide promotional materials and support staff in coordinating public engagement opportunities.*

Staff wishes to advise Council on the status of the actions requested from the above resolution:

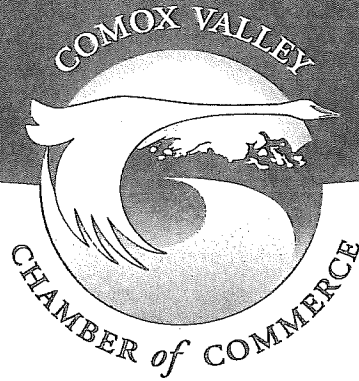
The Ministry of Transportation and Highway Infrastructure (MoTI) has modified the traffic signals at the intersection of Ryan Road and Lerwick Road, resulting in a protected left turn signal on Ryan Road for east and west bound traffic. MoTI have advised staff that this took effect on Sunday October 20, 2013. Staff has confirmed MoTI’s commitment to review the intersection changes and report out on their success and effect on the traffic flows, within a year of the modifications taking place. Next fall, staff will bring forward this information in a report to Council.

Finally, staff has been working with ICBC, to undertake a traffic safety awareness campaign. Starting the week of October 28, the City’s website will include driver safety topics (i.e. Intersections/high risk driving; driving in poor conditions; be a safe pedestrian and speed related conditions). A variety of traffic-related information will be made available to the public, with links to various other sources such as Ministry’s Drive Safe website and to the ICBC website. Each week for 4 weeks, the webpage will feature an ICBC fact sheet relating to one of the above specified topics. In addition, the website will identify the traffic safety improvement undertaken by the City over the past few years and on our current actions. Poster will be placed in all City public buildings, encouraging the public to check out our corporate website for more details. A media release has been prepared to bring awareness to this initiative.

Prepared by: 

Lesley Hatch, P.Eng.  
Municipal Engineer

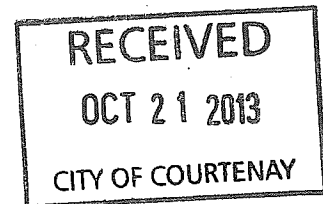




FOR  
INFO

October 8, 2013

Local Government Election Reform  
Ministry of Community, Sport and Cultural Development  
P.O. Box 9847 Stn Prov Govt  
Victoria, BC  
V8W 9T2



Dear Minister Oakes:

The Comox Valley Chamber of Commerce would like to recognize and commend your efforts in tackling local government election reform in British Columbia. We appreciate your hard work on this issue. This is a critical file for B.C. and one where you have the opportunity to make meaningful, positive change.

That is why I want to share with you the thoughts of the Comox Valley Chamber and our 600+ members regarding our key area of concern: B.C.'s lack of a business vote.

As our Chamber members are all too aware, local governments are being given significantly more authority today, under the Community Charter in B.C., than they had in the past but with no commensurate level of accountability. When this is combined with the fact that B.C. business owners and operators do not have any voting rights in municipal elections, we have seen significant inequities develop between business and residential property tax rates.

In 2012, B.C.'s small business owners paid an average of 2.70 times as much as residential taxpayers on property of equal value, according to a recent study. In worst-offending municipalities, the situation is dire: In North Saanich, businesses face a tax multiplier of 5.60; in Coquitlam, of 4.66; in Revelstoke, of 4.59; and in Burnaby, of 4.52.

This tax disparity has occurred because, since the business vote was ended in 1993, business owners have become silent taxpayers. Without a vote, they are the easiest group on which to increase taxes. Many business owners live outside their jurisdiction and cannot be part of the election process or vote in a referendum which may impact their business directly. This means that, while they are the most highly taxed taxpayers in a jurisdiction, they have no voice.

This is taxation without representation.

The principle of "no taxation without representation" is pivotal to elections equity. This is the principle that B.C. used, superseding the principle of "one person, one vote," to enable non-resident property owners to vote in a municipality where they own property. In the same way,

*Serving the business community since 1919*

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

through the lens of “no taxation of representation,” it is clear that taxpaying business owners should have a vote too – not only if they happen to be a resident in a community where they are doing business, but as a taxpaying business specifically.

Without a business vote, local governments are not accountable to their local businesses. This is already a significant problem for businesses. More generally, it allows municipalities to hide the true costs of their spending decisions from voting residential taxpayers by saddling businesses with even greater levels of property tax, irrespective of their ability to pay. Moreover, as municipalities face increased infrastructure costs, we fear this problem will only intensify.

Beyond the critical fairness issue, there are practical ramifications to a system that disenfranchises businesses. These businesses, much like B.C.’s provincial government, are looking to build a strong, prosperous B.C. and create jobs. However, without a voice in local government policy, businesses’ ability to drive those goals forward is severely undercut.

In closing, we would urge you to look closely at the issue of a business vote for B.C., which we believe is critical to local government accountability and to a system that reflects the pivotal democratic principle of “no taxation without representation.” We, and the network of Chambers throughout B.C., stand ready to provide any support we can to help you move this important issue forward.

We thank you again for your attention to the critical issue of local election reform.

Sincerely,



Dianne Hawkins  
President & CEO

cc: John Duncan, MP  
Don McRae, MLA  
City of Courtenay Council  
Town of Comox Council  
Cumberland Village Council  
Comox Valley Regional District Board of Directors  
British Columbia Chamber of Commerce



Minutes of a City of Courtenay Heritage Advisory Commission meeting held September 25, 2013 at 10:00 a.m. in the Council Chambers

*10/2/13*  
*10/2/13*

**Present:** L. Burns J. Hagen R. Smith H. Squire D. Levett M. Hobson  
L. Fortin L. Grant E. Ferguson, Planning Technician  
**Absent:** D. Griffith, C. Piercy

**ADDITIONS** Improvements to 5<sup>th</sup> Street, Rotary Trail

**MINUTES** Moved by R. Smith and seconded by M. Hobson that the May 22, 2013 and June 19, 2013 minutes be adopted.

**Carried**

---

**UNION BAY POST OFFICE** L. Burns reported on Union Bay Post Office 100<sup>th</sup> anniversary celebrations.

**CREAMERY** Draft is compiled and ready for re-circulation.

**40 HOUSES** Moved by J. Hagen and seconded by R. Smith that the statement of significance for the 40 houses be accepted and steps be taken to add it to the Heritage Register.

**Carried**

Options for the plaque on McPhee Ave/17<sup>th</sup> Street or Rotary Trail to be discussed at next meeting.

**MILES TITUS HEADSTONE** J. Hagen presented proposed wording for the headstone explaining that the headstone had been relocated to the St. Andrew's cemetery and that the gravesite remains in its original location. Wording to be adjusted and brought back the commission for consideration.

**RAIL STATION ROOF** No Further information.

**LAKE TRAIL NEIGHBOURHOOD CONNECTIONS** Have a grant to work on local history project and are developing an elective course. A key component of the course will be senior's mentoring youth.

**CENTENNIAL** J. Fortin and L. Burns provided an update on the first meeting of the City's Centennial Committee.

**RAIL INTERPRETIVE SIGNAGE** Workshop to be held on October 30<sup>th</sup>.

**FOR YOUR INFORMATION** Received inquiry on 102<sup>nd</sup> Battalion. L. Burns assembled and distributed an information package.

Received inquiry regarding the Lily Garden Café which was a Chinese

restaurant located in the Leung's Building.

Received inquiry regarding changes to the Puntledge River and whether there were people on the river at the time of the earthquake.

CORRESPONDENCE

Letter from Langley Heritage Society on supporting opposition to an approved development within a Heritage Conservation Area that isn't in keeping with the Heritage bylaws and guidelines.

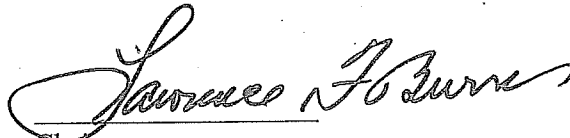
Rick Goodacre is retiring from Heritage BC. J.Hagen and J. Fortin to draft letter as part of the tribute to Rick.

The Heritage BC 2013 Conference is on October 18-19 at the Shadbolt Centre in Burnaby.

Moved by J. Hagen and seconded by R. Smith that L. Burns represent the Heritage Advisory Commission at the Annual Heritage BC Conference.

Carried.

Next Meeting: October 23, 2013 at 10 a.m.  
The meeting adjourned at 12:00 pm.

  
Chair

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



*FOR INFO*  
**Comox Valley**  
REGIONAL DISTRICT

File: 5610-01

October 21, 2013

Sent via email only: jward@courtenay.ca

Mr. John Ward  
Director of Legislative Services  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7

Dear John:

**Re: Water license application on the Puntledge River**

The Comox Valley water committee passed the following motion at its October 10, 2013 meeting:

*“THAT the letter from the province dated September 9, 2013 regarding the water license application on the Puntledge River be forwarded to the Town of Comox and the City of Courtenay”.*

Please find attached the letter dated September 9, 2013 received from the province.

Sincerely,

***J. Warren***

J. Warren  
Corporate Legislative Officer

Enclosure: (1)

\ab



September 9, 2013

File: 1002998

Tom Grant  
Comox Valley Regional District  
600 Comox Road  
Courtenay BC V9N 3P6

Dear Tom Grant:

Re: Water License Application on the Puntledge River

We have reviewed your application for an additional water license and are unable to approve the request as submitted as there is insufficient water available on the Puntledge River at your proposed point of diversion.

In order to secure an adequate volume of water to accommodate future growth in the Comox Valley Regional District you should consider the following options:

1. The implementation of an universal water metering system and a consumption based pricing system have been proven to reduce water consumption between 30 and 40 percent in most urban areas. The provincial government has established water consumption targets in their Living Water Smart document and encourages municipalities to actively pursue water conservation strategies to support future development.
2. Consider moving your point of diversion to a location downstream of the tailrace of the BC Hydro power plant. Below this location there is more water available for allocation.
3. Consider the development of additional storage in the Comox Lake reservoir to support your increased consumptive demand.
4. Persuade BC Hydro to transfer part of their existing water rights to the Comox Valley Regional District through a transfer of appurtenancy amendment to their existing water licenses.
5. Investigate the possibility of using another source of water (i.e. another stream or ground water).
6. Persuade BC Hydro to apply for a Section 34 order. This would enable them to supply the Comox Valley Regional District with water specifically allocated to them for power generation.

.../2

Ministry of  
Forests, Lands and  
Natural Resource Operations

West Coast Region  
Authorizations

Mailing Address:  
2080A Labieux Road  
Nanaimo BC V9T 6J9

Telephone: 250 751-3100  
Facsimile: 250 751-3103  
Website: www.env.gov.bc.ca/wsd

As indicated above, the province advocates option 1 as the permanent solution to your water supply issues but may be willing to entertain option 6 as an interim measure to address your short term demands.

To initiate either option 4 or 6, BC Hydro must submit an application to the Water Management Branch in Victoria as they are responsible for the administration for all BC Hydro water licenses.

If you have any questions concerning you application, please contact Dave Skarbo at 250 751-7311.

Yours truly,



Paul Marquis  
Assistant Regional Water Manager

cc Pieter Bekker, Resource Stewardship Division, Ministry of Forests, Lands and Natural Resource Operations, Victoria BC



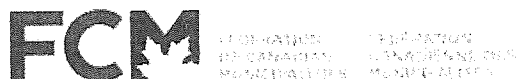
Ward, John

Subject: FW: How you can support the national housing campaign

*New  
Out.*

From: FCM Communiqué [mailto:communique@fcm.ca]  
Sent: October-28-13 12:09 PM  
To: Allen, David  
Subject: How you can support the national housing campaign

Voir la version française. | View email in your browser.



## FCM Update

October 28, 2013

### How you can support the national housing campaign

Dear Members,

Today, Mayor Gregor Robertson, chair of the Big City Mayors' Caucus, was joined by councillors McConnell and Bailão from Toronto, and Councillor Montreuil from Gatineau, to launch **Fixing Canada's Housing Crunch**, our national housing campaign. See our news release.

This is truly a national issue, affecting communities of all sizes in regions across the country. As our campaign clearly states, Canada's housing crunch must be fixed and all orders of government must work together on long-term solutions.

#### We need you to help promote the campaign

We will need help from every member to succeed with Fixing Canada's Housing Crunch. Here are some actions to get started:

- Pass this resolution at your local council.
- Issue this news release to your local news media.
- Send this letter to Jason Kenney, minister of social and economic development.
- Send this letter to the editor of your local newspaper.
- Talk about the campaign on Twitter using these ready-made tweets.
- Sign up for campaign updates and encourage your community to sign up, too.
- Promote and share the campaign website on your own site: [www.fcm.ca/housingcrunch](http://www.fcm.ca/housingcrunch).

If you have any suggestions or questions about this campaign, please contact me, or send them to the FCM housing campaign. I look forward to working with all of you to make this campaign a success.

## Municipal Leaders Launch New Campaign to Fix Canada's Housing Crunch (28/10/2013)

OTTAWA - The Federation of Canadian Municipalities (FCM) announced today that it is launching a campaign that calls on the federal government and all political parties to work with provincial, territorial and municipal leaders, as well as the private sector, to develop a credible long-term housing plan. This comes as new polling numbers were released that show one-third of families are struggling to pay for the growing costs of housing.

"Our cities and communities need a stable and secure housing market that creates jobs, attracts new workers, meets the needs of seniors and young families, and keeps our most vulnerable citizens off the streets," said Gregor Robertson, Mayor of Vancouver and Chair of the Big City Mayors Caucus, who launched the campaign on Monday.

FCM members will be taking the campaign, entitled "Fixing Canada's Housing Crunch", to decision makers in Ottawa in the coming months in advance of the 2014 budget. The first step in the process is that communities in every region will be passing a resolution calling for the federal government to take action. Joining Mayor Robertson at the campaign launch were Luc Montreuil, City Councillor for Gatineau, and Ana Bailão, Toronto City Councillor and Toronto's housing campaign lead. Toronto will be the first in the country to put forward the resolution.

The high cost of housing in Canada is the most urgent financial issue facing Canadians today. According to Statistics Canada and the Bank of Canada, rising housing costs have pushed Canadians' personal debts to record levels and are putting Canada's national economy at risk with Canadians carrying more than \$1.1 trillion worth of mortgage debt.

A growing number of Canadians are being priced out of the housing market, putting pressure on a crowded rental market and crumbling affordable housing units, and forcing the most vulnerable citizens onto the streets. Compounding these problems is the coming expiry of \$1.7 billion annually in federal affordable housing dollars with the greatest drop in funding, \$500 million a year, ending between 2014 and 2019. This will put 200,000 units at risk and could lead to a crisis unless all orders of government take action.

"We believe the government's commitment in Budget 2013 to evidence-based solutions such as the Housing First approach for homelessness is a promising start, but they need to back it up with real results and expand that action to other areas of our affordable housing problem. Canada's housing challenges are too big and too complex for any single order of government to solve on its own," added Mayor Robertson.

As part of the campaign, FCM is launching an interactive website at [www.fcm.ca/housingcrunch](http://www.fcm.ca/housingcrunch). The site also provides the results to the new housing survey, tools and information that illustrate why Canadians continue to struggle to pay for the costs of shelter.

Page Updated: 28/10/2013  
Federation of Canadian Municipalities  
24 Clarence Street  
Ottawa, Ontario



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2726

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. 2726, 2013”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
  - (a) By rezoning Lot 15, Block 5, Section 68, Comox District, Plan 16252, 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 4<sup>th</sup> day of November, 2013

Read a second time this 4<sup>th</sup> day of November, 2013

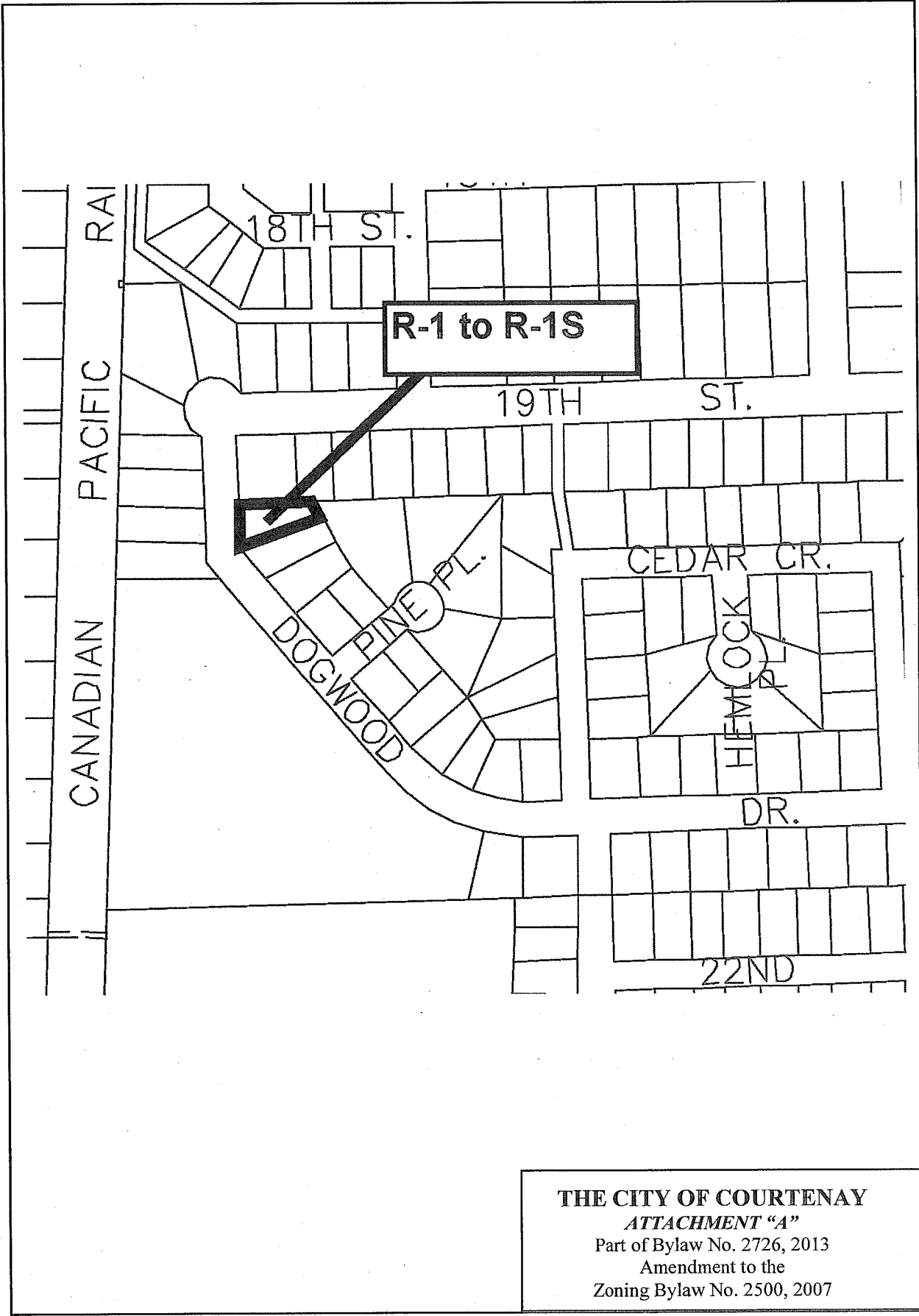
Considered at a Public Hearing this            day of            , 2013

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. 2726, 2013  
 Amendment to the  
 Zoning Bylaw No. 2500, 2007

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2756

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:

This bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 2756, 2013".

9.6 Arden Corridor Local Area

9.6.1 Project Objective

The overarching goal of the Local Area Plan (LAP) was to engage the community in conducting comprehensive planning along the City's western boundary in order to respond to development pressure and anticipated growth in the Settlement Expansion Area (SEA). See Map 1 for the boundaries of the LAP area. All reference material including consultation findings, additional maps and illustrations and all analysis can be found in the *Arden Corridor Local Area Plan – Reference Plan*.

The objective of the LAP is to project and respond to anticipated growth in the Arden Corridor through regulation of land use and servicing that is in keeping with the values of the community, the identity of the City and the City's commitment to environmental protection.

A foundational principle of the Plan is that development must not be permitted to compromise environmental features of high ecological value. This principle is reflected through the policies that are contained within the Plan. Recognizing that development necessarily has some degree of environmental impact, the goal of the Plan is to limit the extent that site disturbances have on:

- o Other properties
- o Critical habitats of rare and endangered species
- o Fish, the waters they inhabit and the riparian areas that support them
- o Nesting birds and the nests (whether occupied or not) of all raptors
- o Hydrological features and function
- o Watershed health at the site level and cumulatively over the entire Plan area including adjacent neighbourhoods

The Plan contains a strong emphasis on protecting environmental values in part due to the work of the Millard Piercy Watershed Stewards who for over 20 years have amassed biophysical data on the watershed. Their scientifically based work has concluded that there is increasing evidence that the declining health of elements of the Millard/Piercy Watershed can be linked to land use practices and related policy. The community consultation exercises also revealed strong support for environmental values, which are expanded upon further in the Plan.

### **9.6.2 Plan Process**

The Plan was created through the following five processes:

1. Site analysis and community vision
2. Concept options
3. Preferred land use plan development
4. Review of policy and implementation options
5. Council adoption

The public consultation strategy was designed to provide an opportunity for the entire community to participate directly in the formulation of the Arden Corridor Local Area Plan. The public consultation strategy contained the following elements:

1. Introductory workshop on site analysis, formulating plan opportunities and constraints.
2. Series of three workshops to provide opportunity for community to participate in 'design charette' of the LAP. A separate stakeholder workshop was held parallel to this process.
3. Survey
4. Final public open house to vet the findings from the survey and the final plan principles and land use concept plan to the community

Both the survey and workshops provided valuable information which has been the foundation of the Arden Corridor Local Area Plan.

### **9.6.3 Vision statement**

*To maintain the rural character of the community while allowing for environmentally responsible new developments that respond to the community's growth, that support a network of trails and rural roads, parks, cost-effective infrastructure systems and a diversity of housing and small home-based businesses.*

### **9.6.4 Plan Implementation**

The following sections provide the policies of the Plan, which will be used to implement the vision of the Arden Corridor LAP. The following section contains a number of overarching

strategies and design principles that inform the approach and layout to the Plan. In addition, a number of more specific policies, actions, and in some cases illustrative examples, are included for each of the topic areas:

- Environment
- Mobility
- Land use (Housing; Commercial, Industrial and Institutional; Parks and Greenways)
- Servicing

Maps are provided to illustrate the study area in context with the City and adjacent Settlement Expansion Area. Data used to create the maps have come from a variety of sources including the City, Project Watershed, the Comox Valley Regional District and the Ministry of Environment. The background information, analysis and consultation outcomes for each topic area are presented in a separate reference Plan entitled *Arden Corridor Local Area Plan – Reference Plan*.

#### **9.6.4.1 Plan strategies**

The Plan is founded on a number of strategies that inform the range of policies contained within the Plan. The strategies are meant to ground decision making about development in the core values and vision the Plan is intended to uphold. These strategies are:

- a) Use the Precautionary Principle as a basis upon which to make decisions about changes to land use, within reason. This means seeking out the best available, evidence-based information to inform a decision, particularly pertaining to the environmental impact of development proposals, recognizing that the protection of the environment and regulating for environmentally sensitive development is a key objective of this Plan.
- b) Use Low Impact Development site layout, patterning and building form to guide and evaluate development in the study area. This principle recognizes that the building and development form supported by this Plan should aim to understand the interrelationships between drainage, landforms, soils, habitat and land use and that there is an explicit desire to depart from the ‘conventional’ approach of stormwater servicing, road widths and layouts including single family ‘tract’ housing developments.
- c) Involve the community in decisions pertaining to the implementation of the Plan. While the community cannot be expected to be consulted on every change to take place in the neighbourhood the key changes that shall seek public consultation are:
  - Boundary extensions including servicing and taxation implications
  - Re-zoning and OCP amendments, as per standard land use amendment procedure (see boxes on Development Application Procedures Bylaw and Local Government Act public consultation requirements)

- Activities that may have significant environmental impact on public lands including culverts over fish bearing streams and in parks
- Any major amendments to this Plan

#### 9.6.4.2 Plan Design Principles

The Plan promotes a number of community design principles, which together enable a development pattern that supports the vision described in this Plan. These principles, and how they can be applied, are as follows. The drawing contained within Map 2 illustrates these principles.

	Design Principle	How addressed in the Plan
1	Where infill development is permitted, it is in keeping with existing neighbourhood character.	Design guidance is provided within this Plan to provide direction on desirable building character.
2	Public trail networks should be secured especially along Piercy and Morrison Creeks and connect to key destinations within and beyond the study area.	An identified trail network in the OCP can ensure that trail opportunities are identified early in a development application process. The City may also pursue land acquisitions and access agreements to secure public use. Environmental professionals must advise on the suitability of trail locations.
3	Multiple mobility modes are provided along major roads including Arden Road, Cumberland Road and Lake Trail Road.	Updated standards that provide provisions for walkers and cyclists are identified as priorities in this Plan, and are being further explored in a City-wide Transportation Master Plan.
4	Preserve contiguous parcels of green space to protect against forest and habitat fragmentation.	Development proposals will be required to provide environmental studies that include ground truthed mapping of environmentally sensitive features and recommendations on how to maintain connectivity of those features.
5	Provide trail access, but not vehicle access, from new development to existing local streets.	Vehicular road access will be reviewed upon each development application in which new roads are proposed to ensure that new roads adhere to the vision of this Plan and that traffic impacts to the existing neighbourhood is reduced.
6	Create clustered family oriented housing on sites close to Arden Elementary School.	The land use plan focuses growth around existing destinations and on lands that are likely to physically best support development, within the study area.
7	Require rehabilitation of creeks and wetlands as part of new developments.	Development proposals adjacent to environmentally sensitive areas will be required to identify restoration opportunities.
8	Preserve the hydrological function of the landscape by using Low Impact Design principles.	Development proposals will be required to demonstrate how the hydrological functions and features of the site will be protected.
9	In general, support clustered forms of development, not typical tract housing.	Design guidance is provided within this Plan to provide direction on desired site layout approaches.

	Design Principle	How addressed in the Plan
10	Limit crossings to streams. Where crossings are required, clear span bridge crossings are encouraged.	This is a stated policy of the Plan.

### 9.6.4.3 Environmental Protection

#### *Environmental protection objectives:*

- o Protect and restore watercourses
- o Protect surface and groundwater quality and quantity
- o Protect and restore fish and wildlife habitat
- o Protect and restore trees and understory vegetation
- o Maintain air quality
- o Promote environmental education and land stewardship

#### *Environmental protection policies:*

1. All lands equal to or greater than 4000 Square metres (1 acre) in size will be subject to the Environmental Development Permit Guidelines unless otherwise deemed exempt. More information on the Arden Corridor Environmental Development Permit Area justification and guidelines see Section 10.
2. All necessary studies required for development applications, and particularly environmental studies, should be conducted prior to site layout being designed to ensure that the information about the biophysical realities of the site may inform the development concept.
3. Tree removal along Arden Road, Cumberland Road and Lake Trail Road will be minimized to maintain the rural character elements of these rural roads
4. Retain an open-channel stormwater drainage system as the primary means of conveying water (rather than stormwater infrastructure pipes). The open-channel stormwater drainage system envisioned for the area does and will consist of natural watercourses and wetlands, ditches, and other water retention and detention opportunities to enhance water quality and environmental features including source controls where appropriate.
5. Minimize surface run-off into watercourses and encourage rain-water infiltration by limiting the amount of impervious cover and maintaining trees and other vegetation. Where infiltration is deemed to be unsuitable by a hydrological study, maintaining existing tree and vegetation cover on the site should be considered at a minimum.
6. Support studies that explore groundwater quality and quantity including recharge rates to the aquifer.
7. The City encourages and in some instances requires the dedication of Environmentally Sensitive Areas as part of development proposals, but ESAs shall not be considered part of the 5% subdivision parkland requirement, where this requirement is triggered.

8. When existing buildings and structures that are located within the 30m of the buffer of a stream (on either side) are decommissioned, restoration of the site under the direction of a Qualified Environmental Professional is encouraged.
9. Where public trails are permitted near streams, watercourses and other Environmentally Sensitive Areas, trail location must follow the following guidelines:
10. Where residential uses are adjacent to environmentally sensitive areas, public trails should be created between residential lots and the public properties in order to discourage encroachment into environmentally sensitive areas by private lots.
11. Trails must not be located within Streamside Protection and Enhancement Areas (SPEAs) as defined under the Riparian Area Regulations or any other critical buffer distance deemed necessary by a Registered Professional Biologist to maintain the habitat of endangered species or otherwise protected species.
12. Trail alignment must aim to follow the least environmentally intrusive path. For example trails should avoid locating within areas of poorly draining soils which may indicate the presence of ephemeral wetlands, should be located away from identified valuable habitat features such as wildlife trees, and should route around tree roots wherever possible, as determined by an ISA arborist or other environmental professional. Boardwalks may be required in some instances.
13. Both ecological and recreational greenways will be supported throughout the study area recognizing that each greenway type may provide different functions. For example, when designing ecological greenways special attention will be given to connectivity opportunities for wildlife where sufficient vegetation cover, connectivity and extent of native vegetation shall be maintained.
14. Should certain wildlife species become a nuisance (e.g. overabundance of deer, or increased bear activity), the City will work with appropriate partners such as local conservation groups, Provincial agencies and providers of programs such as "Bear Smart" to address nuisance wildlife.

***Environmental Protection Actions:***

1. Work with the nature stewardship sector to provide and compile all publically available environmental studies that have been conducted for individual properties within the study area.
2. Improve the effectiveness of the Tree Protection Bylaw to limit unnecessary tree removals within the study area to maintain character, nesting sites for raptors and wildlife habitat in general, while recognizing the right for personal enjoyment of one's yard including access to sunlight. The development of the bylaw shall:
  - a. Explore timing restrictions on land clearing at critical times of wildlife use (e.g. bird nesting;
  - b. Ensure that it includes policies regarding the affect of tree removal on neighbouring properties, including City properties;
  - c. Establish a tree canopy target for the area.



3. Develop a Watershed Blueprint in partnership with community associations, residents, environmental groups, neighbouring local governments and other governments and agencies to preserve the natural environment within each the Piercy Creek and Morrison Creek watersheds. The City supports the work of any data collection and compilation work on the watershed even in the absence of a work plan dedicated to a watershed blueprint, provided that the data collection follow scientifically defensible methods.

#### 9.6.4.4 Housing

##### *Housing Objectives:*

- o Strive for a housing form that maintains a 'rural aesthetic'
- o Maintain housing opportunities for a diversity of resident demographic profiles including young families, family members and seniors
- o Continue to allow for live-work or home occupation opportunities

##### *Housing policies:*

1. Adopt the accepted land use concept for the Arden Corridor as shown in Map 8 into the OCP (lands outside of the City's jurisdiction to be adopted at time of Boundary Extension).
2. Use the illustrative examples provided in Appendix B of this Plan to inspire and provide guidance on acceptable development patterning, building massing, housing densities and character.
3. Concentrate higher density housing along Arden Road, near the intersection of Arden and Cumberland and near the Arden Elementary school. Aim for 10 units/acre as desired density in these locations to support transit services
4. Promote a "clustering" form of development, including of single family housing developments, adjacent to roads to facilitate conservation of sensitive ecosystems, provision of open space and economical infrastructure costs. Support for this clustering form includes support for panhandle lots upon review, notwithstanding the policy regarding panhandle lots within the OCP.
5. Allow infill development on all lots. Infill development includes:
  - a. detached, one-story units (e.g. 'granny flats') or 'carriage house' units above detached garages.
  - b. secondary suites within the principal building.
6. Support rental and other special needs housing.
7. Appropriate lot sizes will designated upon re-zoning application. The following general guidance is provided to inform the range of acceptable lot sizes within the Arden Corridor:
  - a. Within the areas designated as Single Family Residential: 300-850 square metres
  - b. Within the areas designated as Infill Single Family Residential: 850-1250 square metres minimum lot size

8. Lot sizes are not designated for areas shown as multi-family, although a density of 10 units/acre is desired and shall be translated into the appropriate Floor Area Ratio for a given parcel.
9. Energy efficient housing construction including the use of passive design principles will be supported.
10. Sound attenuation treatments shall be accomplished within the architecture; the use of tall walls is not supported within the study area.

#### **9.6.4.5 Commercial, industrial and institutional land uses**

##### ***Commercial, industrial and institutional land use objectives:***

- Limit new commercial/heavy industrial development.
- Allow for some small scale home based businesses.
- Maintain local institutional uses as community assets to be retained (e.g. Arden Elementary School).
- Restrict new institutional uses that are not consistent with the rural character.

##### ***Commercial, industrial and institutional land use policies:***

1. Work with SD71 to promote Lake Trail community school as a centre for community interaction, recreation and learning.
2. The City will support the development of a community school at Arden Elementary should the SD71 choose to pursue this option.
3. Other private schools are permissible within the Arden Corridor, subject to community consultation and other site design and servicing considerations.
4. Support the establishment of home-based businesses in existing residential areas including light industry provided it conforms to neighbourhood character and good neighbour considerations (noise, odor, etc.), and all necessary zoning regulations.
5. Re-visit the need and appropriateness of commercial uses in keeping with the neighbourhood character, as the area develops, and further boundary extension is considered, in consultation with the community.

##### ***Commercial, industrial and institutional land use action:***

1. Review City's Zoning bylaw to consider allowing farm gate sales in all zones.

#### **9.6.4.6 Parks and Greenways**

##### ***Parks and Greenways Objectives:***

- Expand the network of greenways as part of the municipal and regional greenways system that is connected and accessible to multiple users.
- Ensure that all homes are within service distances as stated by the OCP (400m for neighbourhood parks and 1500m for community parks).

- Acquire natural parks to preserve and restore watercourses, wildlife habitat, rural landscapes, and viewscales.

***Parks and greenway policies:***

1. Develop the trail network in accordance with the general connections shown on Map 8.
2. The City will continue to provide future acquisition and development of park lands in a variety of ways including:
  - a. 5% dedication of land or cash-in-lieu at the time of subdivision. The City's OCP contains guidelines for when cash-in-lieu will be considered.
  - b. Dedication of environmentally sensitive areas to the City. ESAs are excluded from the 5% dedication.
  - c. Development cost charges.
  - d. Restrictive covenants.
  - e. Working with the SD71 on a conceptual parks plan for Arden Elementary.
  - f. Purchase where appropriate.
3. Large parcel nature parks and smaller neighbourhood parks (possibly with playgrounds) will be the park provisions in the Arden Corridors. The installation of community gardens will be considered if there is sufficient demand by residents. Sports fields are not supported.
4. Parks shall be designated within neighbourhoods in a manner that provides a highly visible presence from the public street system and connected to greenway and pedestrian routes. This includes ensuring that the majority of the park perimeter is open to the street.
5. The City will pursue securing public access to the Comox Logging Road right of way as a public trail, although first its relative priority in relation to community-wide greenway and parks needs, as identified in a Parks Master Plan, must be determined.
6. Maintain unused road right-of-ways as informal greenspaces with potential to be incorporated into a formal park or greenway.
7. All trails adjacent to ESAs must be on-leash.

***Parks and Greenways Actions:***

1. Develop a more refined understanding of park needs, approximate park locations and implications for Development Cost Charges through the creation of a Parks Master Plan for the City.
2. The Parks Master Plan should include a concerted effort to establish consistent Valley-wide greenway standards, and connected greenways between jurisdictions, as defined by the Regional Growth Strategy, in particular in relation to the form and function of ecological greenways as distinct from recreational greenways. Aim to develop consistent standards regarding greenways such as minimum buffer distances from environmentally sensitive areas, trail width and materials, and maintenance prescriptions. Ecological greenways will likely be wider than recreational greenways and will require intact vegetation cover. Human activity will be limited in ecological greenways.

3. Where road rights-of-way are to be retained for park, prepare a road closure bylaw and rezone to an appropriate park zone. The City will consider and may pursue a land swap where it is deemed in the public interest to do so including the protection of environmental values.
4. Work with landowners to acquire trail rights-of-way or easements as necessary to complete the trails network.
5. Establish a committee comprised of local residents to create management plans for any special use parks in the area including Tarling Park and any newly established special use parks.
6. The City will encourage and provide in-kind and where appropriate limited financial support to volunteer groups that identify and work towards key parks and greenway priorities such as signage, furnishings, revegetation and habitat enhancement goals. Guidelines for providing in-kind and financial support will be further refined in the Parks Master Plan.
7. The City will conduct a cost benefit analysis of adopting smaller trail and park maintenance equipment and of establishing less mechanized forms of trail and park maintenance.

#### **9.6.4.7 Mobility**

##### ***Mobility objectives:***

- Contribute to a multi-modal regional transportation network with an explicit goal of increasing cycling, walking, transit and carpooling mobility modes and decreasing single occupancy vehicle modes.
- Maintain the character of rural roads.
- Maintain safe mobility networks for all road users.

##### ***Mobility policies:***

1. The rural road character will be maintained where feasible for collector and residential roads within the study area. Variances to the engineering specifications for roads within the study area will be supported where they are necessary to maintain the rural character.
2. When local roads, that are currently within the CVRD/MOTI jurisdiction, become under the City's jurisdiction upon approved Boundary Extension, the local roads will primarily remain 'as is' and will not be developed to an urban standard, recognizing that the character of roads have impact on the overall character of the community.
3. Protect and promote the rural character of local roads by encouraging informal native landscaping, roadside ditches, narrow road widths and pervious surface treatments on public lands and private lands.
4. Require that large trees be maintained, wherever it is safe to do so as indicated by an ISA certified arborist, along Arden Rd, Lake Trail Rd and Cumberland Rd in order to preserve the rural character of these roads and provide a visual buffer between these roads and adjacent land uses.

5. Balance safety, 'dark skies', wildlife and aesthetic considerations when reviewing requests for the installation of street lights.
6. Ensure that safe provisions for walking and cycling are provided on Cumberland Rd, Arden Rd and Lake Trail Rd, recognizing that the primary strategy for accommodating walking and cycling in the Arden Corridor is through the development of a functional and safe greenway network that complies with Crime Prevention Through Environmental Design (CPTED) best practices.
7. Work with BC Transit to maximize access to transit by considering new routes, frequency and timing of service improvements, non-conventional transit service options, and/or park and ride facilities if there is sufficient demand from residents.
8. Should the opportunity arise to obtain right of ways along Cumberland Rd, Lake Trail Rd, Arden Rd and Comox Logging Rd to support a separated multi-path, this option shall be considered.
9. The City's preference for crossings over streams include clear spanned bridges. Such approaches to stream crossings shall be first explored before alternatives are considered.
10. A vehicular crossing over Morrison Creek along Arden Rd is not desired. A cycling/pedestrian bridge is supported.
11. Roundabouts will be considered for intersection treatments.

***Mobility Actions:***

1. Amend Subdivision Bylaw to include engineering specifications for rural collectors and rural residential roads that are in keeping with the character and use of these roads.
2. Review emergency routing, cycling and trucking routes upon review of the road network re-classification to follow adoption of the Transportation Master Plan.
3. Work with School District 71, the school principal and Parent Advisory Committees to designate safe walking/cycling routes to school plans to Arden Elementary and to address issues related to student drop-off/pick-up.

**9.6.4.8 Servicing**

***Servicing Objectives:***

- o Retain effective open channel stormwater management in order to promote natural hydrological functioning of the area, specifically stream health.
- o Ensure safe, environmentally responsible and cost effective methods of sewage waste management.
- o Ensure safe drinking water to all residents within the City's jurisdiction in the form of private wells and/or municipal servicing.

### *Servicing policies:*

#### *For all municipal services (Stormwater, Sanitary Sewer and Water)*

1. Prior to Boundary Extension within the Arden Corridor, conduct studies to ensure that the condition of servicing assets and need for new servicing commensurate with growth are understood. (This is established City of Courtenay OCP policy).
2. Any private servicing infrastructures (including, but not limited to, strata developments) are required to create and submit to the City maintenance manuals for the maintenance of said servicing infrastructures.
3. Municipal service and private service intrusion into Environmentally Sensitive Areas shall be minimized. The location of the necessary roads and other facilities required to maintain such services shall take into consideration environmental impact.

#### *Sanitary Sewer*

On lands within the study area, support the efforts of the Vancouver Island Health Authority (and the Comox Valley Regional District where septic systems are within their geographical boundaries) to:

1. Enforce regulations respecting approval, the correct operation, maintenance, and inspection of on-site sewage disposal systems; and
2. Provide ongoing public education program about the correct operation, maintenance, and inspection of on-site sewage disposal systems.

#### *Potable Water*

Maintain potable groundwater by:

1. Supporting the CVRD and the Province to monitor groundwater quality and quantity;
2. Supporting education campaigns about protecting groundwater quality, water conservation for private well and municipal water users.

#### *Electricity*

Work with BC Hydro to establish a road standard that accommodates underground electrical services as well as the open channel stormwater system.

#### *Stormwater Management*

1. Retain an open-channel stormwater drainage system comprised of watercourses, ditches, flood plains, storm ponds of varying designs (dry, wet, wetland, on-stream, off-stream) and other water quality and environmental features, some of which are privately owned while others are publically owned.
2. The stormwater management approach shall follow the follow 'hierarchy' on all sites:
  - a. Firstly, every attempt should be made to introduce source controls, and must be demonstrated by an engineering study that such an attempt has been made;
  - b. Introducing upstream detention facilities is a second preferred option;

- c. Enclosing stormwater in a piped, underground system should be considered only as a last resort.
3. Stormwater capacity studies must demonstrate that a site's stormwater approach will not result in added pressure on downstream stormwater infrastructure.
4. Where stormwater detention ponds are created the design of such ponds shall follow these guidelines:
  - a. Aim for a decentralized stormwater pond system of many ponds located suitably to service localized needs;
  - b. More and smaller ponds is preferred over few larger ponds, including on individual sites where such an approach is appropriate;
  - c. Ponds shall be designed to be 'natural' and aesthetic and should ensure that there is adequate topsoil and planting with a variety of native aquatic and riparian species under the guidance of a landscape architect and/or Registered Professional Biologist proficient in wetland landscaping practices;
  - d. Stormwater ponds and other stormwater facilities that service strata or commercial developments shall be privately owned.
5. Where the stormwater approach to a site contains non-standard practices such as bioswales, raingardens, added topsoil requirements, on private lots, a covenant may be required to be registered on title to ensure that property owners are aware of their stormwater features and how to properly maintain them. The City may consider an educational approach in some instances instead of a covenant.

***Servicing Actions:***

1. Complete area specific studies (in order of priority) on Stormwater, Sanitary Sewer and Water servicing.
2. Incorporate updated studies of Stormwater, Sanitary Sewer, Water as they are completed to ensure the Arden Corridor LAP remains current.

**9.6.5 Arden Area development checklist**

A list of questions is provided within the *Arden Corridor Local Area Plan – Reference Plan* to guide development applicants through the range of performance metrics that staff will be evaluating the development proposal on.

## 9.6.6 Arden Corridor Environmental Development Permit Area

### 1. Designation

Pursuant to Section 919.1 (1)(a) of the *Local Government Act* the Arden Corridor Environmental Development Permit Area (AC-EDP) applies to all properties within the Arden Corridor as shown on Map 1 unless otherwise exempted under Section 3 below.

For specific guidelines related to developing near freshwater *ecosystems*, *Raptor* and Great Blue Heron Nests and Hazardous Conditions; consult the Environmental Development Permit section of the OCP. All definitions pertaining to the AC-EDP are also contained in the EDP section of the OCP.

The following prohibitions apply to areas designated AC-EDP unless otherwise exempt under section 3 or the owner first obtains a development permit under this section:

- a. land within the area must not be subdivided;
- b. construction of addition to or alteration of a building or other structure must not be started;
- c. land within the area must not be altered.

### 2. Justification

The primary function of the Arden Corridor Environmental Development Permit (AC-EDP) area designations is to ensure that decision makers have the ability to secure the necessary information and are able to establish conditions on development that minimize as much as possible development impacts on *sensitive ecosystems*, rare or endangered plants and animals, and fisheries and wildlife resources.

Recognizing that not all the lands within the Arden Corridor have been inventoried for ESAs and recognizing that the area is known to contain high densities of drainage networks, natural streams, complex hydrological patterns, and mature stands of trees, a precautionary approach is taken to determining appropriate development within the Arden Corridor.

Recognizing that not all parcels will be equally environmentally sensitive, the Arden Corridor EDP is structured into two categories which reflect the relative environmental sensitivity of the site, size of the parcel and complexity of the proposed development application:

- **Minor AC-EDP** – will be required for sites less than 4000 square metres in size with known ESAs and for sites of any size in which the Environmental Impact Assessment indicates that the development application poses minimal risk to ESAs.
- **Regular AC-EDP** – will be required for sites equal to or greater than 4000 square metres in size in which the Environmental Impact Assessment identifies a number of potential risks the development application may pose to the ESAs.

Each category is governed by separate fee structures. Report requirements are described in Section 5.

### 3. Exemptions

1. Properties less than 4000 square metres in size that do not contain a previously identified ESA.
2. Properties greater than 4000 square metres in size, where the total development footprint does not exceed 100 square metres and does not impact any known or discovered ESA.



Note, a bio-inventory will be required on all properties greater than 4000 square metres, whether they contain a known ESA or not to prove the lack of presence of an ESA. See Section 4.4 for more detail on bio-inventory requirements.

3. If upon field review, staff conclude that no ESA is likely in the proposed development footprint.
4. Properties for which a report prepared by a *Registered Professional Biologist* (R.P. Bio), has been submitted and accepted by the City of Courtenay concluding that the land is not environmentally sensitive or the *ecosystem* or natural feature is no longer present. The report must also certify that the proposed project will have no impacts to existing groundwater or surface water conditions, and that there are no opportunities for *habitat* enhancement or restoration identified on site. The report must be based on the Ministry of Environment Bio-Inventory Terms of Reference contained within the *Develop with Care 2012* document, or updated version. The Preliminary Survey is sufficient for demonstrating that there are no ESAs on the property. See Section 4 for description of Application Requirements as presented in the AC-EDP Guidelines.
5. Pre-existing protection: Where a development permit of this type has already been issued or a conservation covenant under section 219 of the *Land Title Act* is registered against title, is granted to the City or a recognized conservancy and includes provisions which protect the environmentally sensitive area in a manner consistent with the current applicable EDP guidelines, to the satisfaction of the City of Courtenay.
6. Farm use: Any Farm use as defined under the *Farm Practices Protection (Right to Farm) Act* for lands zoned for agricultural uses and/or within the Agricultural Land Reserve (ALR). Note that individual agricultural buildings are subject to the Zoning Bylaw which regulate setbacks from *watercourses*. Note that non-farming activities and buildings on lands that may otherwise be used, designated, or zoned for agriculture are subject to *Riparian Area Regulations* (RAR).
7. Emergency procedures: to prevent, control, or reduce erosion, or other immediate threats to life and property, including:
  - a. Clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences.
  - b. The removal of trees deemed hazardous by an ISA (International Society of Arboriculture) Arborist that threaten the immediate safety of life and/or buildings. In such cases the ISA Arborist must submit documentation to the City following the tree removal; and
  - c. An activity that is conducted under direction of the Provincial Emergency Program including emergency flood or protection works.

Any emergency works are to be undertaken in accordance with the Provincial *Water Act*, *Water Protection Act* and *Wildlife Act* and the Federal *Fisheries Act*. Emergency actions by anyone other than City staff must be reported to the City of Courtenay Operational Services Department immediately.
8. Public infrastructure: including the repair, maintenance of and improvements to all existing public structures, facilities, open spaces, trails, roads, and utilities, meant to include: sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric and telephone as governed by:

- a. For public infrastructure works that are within the jurisdiction of the City of Courtenay: adopted Standard Operating Procedures and Tender agreements, including the provision of monitoring;
  - b. For other utilities including but not limited to natural gas, cable, hydro-electric and telephone: the submission of established procedures and/or the submission a report from an environmental professional confirming that Best Management Practices regarding impact to the environment are being followed.
9. Gardening and yard maintenance activities within an existing *landscaped area*, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land or cause erosion into adjacent *watercourses*.
10. Paths for personal use by the parcel owners, provided that the following conditions are met:
  - a. Only one trail is built
  - b. The trail is used for personal, non-vehicular use only
  - c. The trail is less than one metre in width
  - d. No *native* trees will be removed
  - e. The trail's surface will be pervious with no concrete, asphalt or pavers and no creosoted or otherwise treated wood
  - f. The trail does not involve structural stairs
  - g. The overall slope of the trail is less than 10%; where portions are greater than 10%, the trail is designed to prevent erosion
11. The construction of a small accessory building such as pump house, gazebo, garden shed or play house if all of the following apply:
  - a. The building is not located in a *Streamside Protection and Enhancement Area* (SPEA), or other ESA *Target Buffer Distance*, where these boundaries have been delineated;
  - b. The building is located within an existing *landscaped area*;
  - c. No *native* trees are removed;
  - d. The total area of small accessory buildings is less than 10m<sup>2</sup>;
  - e. The construction of the building follows Best Management Practices regarding Erosion and Sediment control.
12. Renovations, repair and maintenance to existing buildings, structures and utilities provided the structure remains on its existing foundation and is in compliance with the *Local Government Act*.
13. Additions to existing buildings and structures that do not encroach into the present setback between the existing building and the defined ecologically sensitive feature.
14. Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation or additional impervious surfacing, including paving, asphaltting or similar surfacing.
15. The removal of *invasive* plants or *noxious* weeds on a small scale. For more information on *invasive* plants and *noxious* weeds consult with the Invasive Species Council of British Columbia.
16. The planting and maintenance of *native* species trees, shrubs or groundcovers for the purpose of enhancing the *habitat* values and/or soil stability provided the planting is

carried out in accordance with the most recent B.C.S.L.A./ B.C.N.T.A landscape standards.

17. Works approved by the City of Courtenay, Department of Fisheries and Oceans, and/or the Ministry of Environment with respect to the installation of public utilities, sewer and water lines, trail construction, stream enhancement, and fish and wildlife *habitat* restoration or site inspection.
18. Ecological restoration and enhancement projects undertaken or approved by the City of Courtenay, Ministry of Environment or Department of Fisheries and Oceans.

#### 4. Guidelines

1. Prior to any *development* work on lands designated as AC-EDPA, including site preparation, an Environmental Impact Assessment (EIA) shall be prepared by a R.P. Bio and with input from other professionals of specific expertise where required. The EIA may be conducted by a Qualified Environmental Professional under the supervision, and signature, of an R.P. Bio. The applicant will undertake the review at his or her expense based on the required level of assessment described below.
2. The EIA shall be coordinated with the development proposal. A confirmation of what information shall be included in the EIA may be confirmed in a pre-submission meeting with planning staff based on the guidelines contained herein, and will be written into a Terms of Reference (TOR) between the applicant and the City.
3. Any and all of the following information may be required as part of the EIA:
  - a. Bio-inventory Assessment (details described in Section 4.4 below)
  - b. Tree Inventory and Assessment (details described in Section 4.5 below)
  - c. The hydrology of the site including the stormwater management approach in keeping with the guidelines established in the City's OCP and Arden Corridor Local Area Plan as described by a Professional Engineer with experience in the field of hydrology. Where stormwater is to be retained on site, the physical layout of the stormwater features shall be shown in the layout plan.
  - d. The EIA must contain geospatially referenced delineation and identification of any *sensitive ecosystems* for inclusion in the City's mapping system.
  - e. Recommendations on the optimal time for doing works based on least impact to the environment taking into account the timing windows of least impact for erosion and sediment control, bird nesting, fish and other identified species.
  - f. Recommendations on Tree and ESA protection during construction including communication protocols, by the appropriately qualified professional.
  - g. Recommendations on the control of *invasive* plant species and use of appropriate species in landscape/enhancement works.
  - h. Identification of restoration opportunities to ensure that the 30 metres within a stream is restored to its original condition.
  - i. Monitoring recommendations and anticipated cost of monitoring.
  - j. An implementation focused Construction Environmental Management Plan (CEMP), delineating the non-disturbance areas, erosion and sediment control measures, tree protection measures within the *development footprint*, and other pertinent recommendations from the EIA, to direct environmental management, including monitoring, during construction. The submission of the CEMP may be

deferred until a later date after details of zoning, development servicing, etc. have been determined, at the discretion of the Director of Development Services. The CEMP may also be submitted in a phased approach to reflect the phasing of works on the ground, at the discretion of the Director of Development Services. In all instances, however, the CEMP must be submitted and accepted by the City prior to site disturbance occurring, including any land clearing for any given phase.

- k. All other standard application material as listed in the application form.
4. The level of bio-inventory assessment required in conjunction with any development application on land designated AC-EDPA will be governed by the following criteria (this information also presented in the Table 1 below):
- a. For sites less than 4000 square metres in size with a **previously identified ESA**, a Detailed Assessment as described in the Develop with Care 2012 Bio-Inventory Terms of Reference is required. Where the R.P.Bio establishes that there is no longer an ESA on the site, or that it has been mapped incorrectly, a completed Preliminary Site Survey is sufficient documentation;
  - b. For sites equal to or greater than 4000 square metres in size with **no previously identified ESAs**, a Preliminary Site Survey must be conducted as described in the Develop with Care 2012 Bio-Inventory Terms of Reference. If the Preliminary Site Survey reveals that there are ESAs on or near the site, a Detailed Assessment is required, as described in the Develop with Care 2012 Bio-Inventory Terms of Reference.
  - c. For sites equal to or greater than 4000 square metres in size with a previously identified ESA, a Detailed Assessment as described in the Develop with Care 2012 Bio-Inventory Terms of Reference is required. Where the R.P.Bio establishes that there is no longer an ESA on the site, or that it has been mapped incorrectly, a completed Preliminary Site Survey is sufficient documentation.

Table 1: Comparison of what types of properties trigger types of bio-inventory assessment and tiers of EDP.

Size of lot	Is there a previously known ESA on the property?	Is <i>development footprint</i> greater than 75m <sup>2</sup> ?	Is <i>development proposed</i> within the <i>Target Buffer Distance</i> of a known ESA?	Is an EIA/Bio-Inventory required?	Is an EDP required? And is it Minor or Regular?
Less than 4000 square metres	No	N/A	N/A	No	No
Less than 4000 square metres	Yes	N/A	N/A	Yes – Detailed Bio Inventory. Preliminary Bio Inventory sufficient to demonstrate ESA	Yes – Minor, unless ESA is shown not to exist

Size of lot	Is there a previously known ESA on the property?	Is development footprint greater than 75m <sup>2</sup> ?	Is development proposed within the Target Buffer Distance of a known ESA?	Is an EIA/Bio-Inventory required?	Is an EDP required? And is it Minor or Regular?
				does not exist.	
Greater than or equal to 4000 square metres	No	No	N/A	No	No
Greater than or equal to 4000 square metres	No	Yes	Is determined in the Bio Inventory	Yes - Detailed Bio Inventory. Preliminary Bio Inventory sufficient to demonstrate ESA does not exist.	Yes -IF an ESA is shown to exist.  Minor or Regular EDP will be decided upon based on the complexity and extent of the development disturbance.
Greater than or equal to 4000 square metres	Yes	No	No	No	No
Greater than or equal to 4000 square metres	Yes	No	Yes	Yes - Detailed Bio Inventory required. Preliminary Bio Inventory sufficient to demonstrate ESA does not exist.	Yes - Minor
Greater than or equal to 4000 square metres	Yes	Yes	Is determined in the Bio Inventory	Yes - Detailed Bio Inventory. Preliminary Bio Inventory sufficient to demonstrate ESA does not exist.	Yes - Regular

5. For any application that must prepare an EIA, whether it be a Preliminary Site Survey or Detailed Assessment, a Tree Inventory and Assessment must be conducted for trees within the proposed *development footprint*. The tree inventory and assessment must conform to the following report requirements:
- a. On sites less than 4000 square metres in size, a tree inventory must be conducted for all trees over 20cm DBH (Diameter at Breast Height) that are within the proposed *development footprint* as well as those trees under 20cm DBH.

- b. On sites equal to or greater than 4000 square metres in size, the inventory may be conducted using an International Society of Arboriculture (ISA) industry accepted sampling methodology and therefore does not need to inventory every single tree on the property. Tree inventory need only be conducted for trees within the proposed *development footprint* as well as those trees over 20cm DBH that are within 10m of the *development footprint*.
  - c. For properties of any size, the inventory portion of the tree report may be conducted by a surveyor.
  - d. In addition to the inventory, an assessment of trees for retention potential must be conducted by an ISA Arborist. All trees that have retention potential within the proposed *development footprint* must be identified including smaller trees (less than 20cm DBH).
  - e. The Arborist shall comment on the impact that proposed removal of trees would have on the retention potential of remaining trees including trees on neighbouring properties.
  - f. The Arborist shall comment on any mitigation measures that may be conducted to reduce impacts on remaining trees.
  - g. A grading plan is required to address how grading may affect retention of trees. The Arborist must make comment on the plan and how it affects to-be-retained trees. Where grading changes are minimal a statement is sufficient, at the discretion of the Director of Development Services.
  - h. Special attention shall be paid to the presence and retention value of mature stands of trees when conducting the tree assessment where mature stands of trees means “a group of trees in which the contiguous canopy area is greater than 100 square metres and where at least 3 trees are at least 50 years old.”
  - i. A plan for connectivity of leavestrips and natural areas may be required. The Arborist is encouraged in any event to make comment on the opportunities for retaining connectivity through forested corridors.
6. For EIAs that identify *habitat* enhancement and/or compensation project opportunities, information on the specifics of those *habitat* enhancements (how many of the feature, how they will be installed, when etc.) must be submitted to the City. Examples may include:
- a. A planting plan including tree planting where appropriate, listing each species to be planted and each plant’s size;
  - b. Details on other proposed mitigation measures such as nesting boxes, wildlife snags or *habitat* piles;
  - c. A cost estimate of completing the *habitat* enhancement and/or compensation prescriptions. Securities for the *habitat* enhancement prescriptions will be taken before time of AC-EDP issuance, should *habitat* enhancement be a condition of the AC-EDP.
7. The applicant shall consider dedication of the environmentally sensitive feature, including a *watercourse* and surrounding areas to the City of Courtenay for the preservation of the area, prior to *development* or subdivision of land containing or within the *Target Buffer Distance* of an ESA on an adjacent property. These lands may not be donated in lieu of 5% parkland requirement for subdivision applications. The registration

of conservation covenants over areas requiring protection shall be required where dedication of land is not possible or unworkable. Dedicating the ESA eliminates the requirement for an EDP. Submission of an EIA however is still required.

8. The City may consider zoning bylaw variances such as setback reductions and parking requirement reductions to minimize overall *development* encroachment into the EDP area.
9. The following *Target Buffer Distances* will be accepted as a minimum, however, in extenuating circumstances consideration may be given to relaxing these setbacks subject to the recommendations of an R.P.Bio. and compensation/restoration works:
  - a. *Riparian areas* including *wetlands*: 30m setback regardless of the SPEA calculation and regardless of what setbacks may have been previously accepted by the City. Recognizing that the SPEA may be less than 30m, where trail development is part of the development proposal, the trail may not infringe within the SPEA unless otherwise justified by an R.P.Bio and subject to compensation/restoration works.
  - b. All other ESAs: 30m setbacks.
  - c. Ditches that are not channelized streams: 5m, whether they are *fish bearing* or not.
  - d. Species specific setback guidelines shall follow the *Target Buffer Distances* as identified in the Ministry of Environment's Develop With Care 2012 guidelines. A summary of the information provided in that document is provided here for reference only. Consult the Develop with Care 2012 for definitions and other details (note the Urban *Target Buffer Distance* for *Raptor* nests has been modified from the Develop with Care standards to read 60m instead of 1.5 tree lengths or 50m from cliff. Note that the undeveloped and rural designations have been removed):

Table 2: List of *Target Buffer Distances* for specific ESAs.

Environmentally Sensitive Resource	Measure buffer from:	<i>Target Buffer Distances</i>	
		Urban	Breeding season 'quiet' buffer
<i>Raptor</i> nests	The base of the tree, cliff top or base	60m	100m
Great Blue Heron nests	A line drawn around the outer perimeter of all nest trees	60m	200m
Amphibians	The outer perimeter of <i>wetlands</i> under fully saturated conditions	30m	n/a
Reptiles	Snake hibernacula; prime <i>habitats</i>	30m	n/a
<i>Wetlands</i>	The outer perimeter under fully saturated conditions (or at high water)	30m	n/a
Other Sensitive Ecosystem Inventory sites	The outer perimeter	30m	n/a

Species at risk	Follow the Recovery Plans or, where not available, an appropriately Qualified Professional's recommendation for each species
-----------------	--

10. Windfirming treatments to a buffer edge will be required where the R.P.Bio indicates it is required.
11. Plan, design and construct all *development* to avoid encroachment on *sensitive ecosystems* identified in the EIA. This includes *habitat* values for individual species, entire *ecosystem* communities, mature stands of trees, as well as connectivity between *habitats* including wildlife travel corridors.
12. Existing, *native* vegetation is to be retained as much as possible on the parcel(s).
13. Development standards for stormwater source controls, erosion and sediment control, and stormwater ponds shall be included in the development proposal and shall be in accordance with the City of Courtenay Subdivision Bylaw and where appropriate as directed by a P.Eng Geotechnical Engineer and/or Hydrologist. Erosion and sediment impacts must be managed during and after construction according to measures prescribed in provincial Best Management Practices and standards or guidelines used by the City of Courtenay.
14. Grades immediately outside the protected area (including the *Target Buffer Distances*) should be treated in such a way as to meet existing natural grades. Slopes adjacent to protected areas shall not exceed 3:1 for a distance of 5 metres from the setback boundary.
15. If a Development Permit is to be issued the to-be-retained trees and ESA boundaries shall be geospatially located and this information must be made available to the City.
16. The EIA is subject to appropriate City of Courtenay, Provincial and Federal agency review:
17. The Director of Development Services may require that the EIAs be peer-reviewed by a third body qualified professional, at the expense to the applicant.
18. If the nature of a proposed project within an AC-EDP area changes, the R.P.Bio and/or Arborist (depending on what environmental features are impacted) may be required to reassess changes to the proposal with respect to its impact on the ecologically sensitive area, at the expense of the permit holder.
19. The City will require monitoring reports prepared by the qualified environmental monitor, at the expense of the applicant, during and after construction, the purpose of which are to confirm the required conditions of the development permit have been met. The City will establish the length of the monitoring obligations for each proposed project based upon the nature of the site disturbance, proposed mitigation and/or maintenance.
20. The City may require security to ensure all required mitigation measures will be completed and furthermore continue to function properly as prescribed. The City requires securities for monitoring duties by a qualified environmental monitor. The City shall indicate what professional designation is required to oversee the monitoring work depending on the environmental values present on site and complexity of *development* works. Where financial security is required it shall be administered in accordance with Development Applications Procedures Bylaw No. 2699, 2012 as amended and replaced from time to time.



This bylaw shall come into effect upon final adoption hereof.

Read a first time this 4<sup>th</sup> day of November, 2013

Read a second time this 4<sup>th</sup> day of November, 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

21. All replanting shall be maintained by the property owner for a minimum of 2 years from the date of completion of the planting. Maintenance may require the removal of *invasive* plant species and irrigation. The permit holder must contact the City when the replanting has taken place.
22. Areas designated as non-disturbance zones, including individual trees, in the EIA must be identified on the property with flagging and/or protected with temporary and possibly permanent fencing during construction as recommended by the R.P.Bio and/or Arborist, and confirmed by the City.
  - a. Where temporary fencing is required it should be a minimum height of 1.2m and supported by poles placed at 2.5m intervals. The fence will remain in place throughout clearing, site preparation, construction, or any other form of disturbance.
  - b. Where wildlife corridors are known to exist, the fencing will allow appropriate opportunities for wildlife movement along the corridor.
  - c. Temporary fencing should be routinely inspected for its integrity with respect to the *development* activities.
23. Should damage occur to the identified ecologically sensitive area during construction, the City may require a professional assessment of the damage and a report on recommendations for rehabilitation to the satisfaction of the City, at the expense of the permit holder. The City will require the permit holder to conduct the rehabilitation works under the supervision of a QEP and/or Arborist.

## 5.0 Definitions

For a complete set of definitions that apply to all EDPs, consult the Definitions section in Section 8 of the OCP. Additional definitions specific to this EDP include:

*Breeding season quiet buffer*: is an additional buffer distance that should be used where land contouring, construction, or any unusual or sudden loud activities (e.g., blasting, tree felling, chain saws, concrete cutters, large trucks, whistles, fireworks or banging devices) is to take place during the active breeding season.

*Development footprint*: includes the total area of disturbance directly or indirectly affected by the development activity.

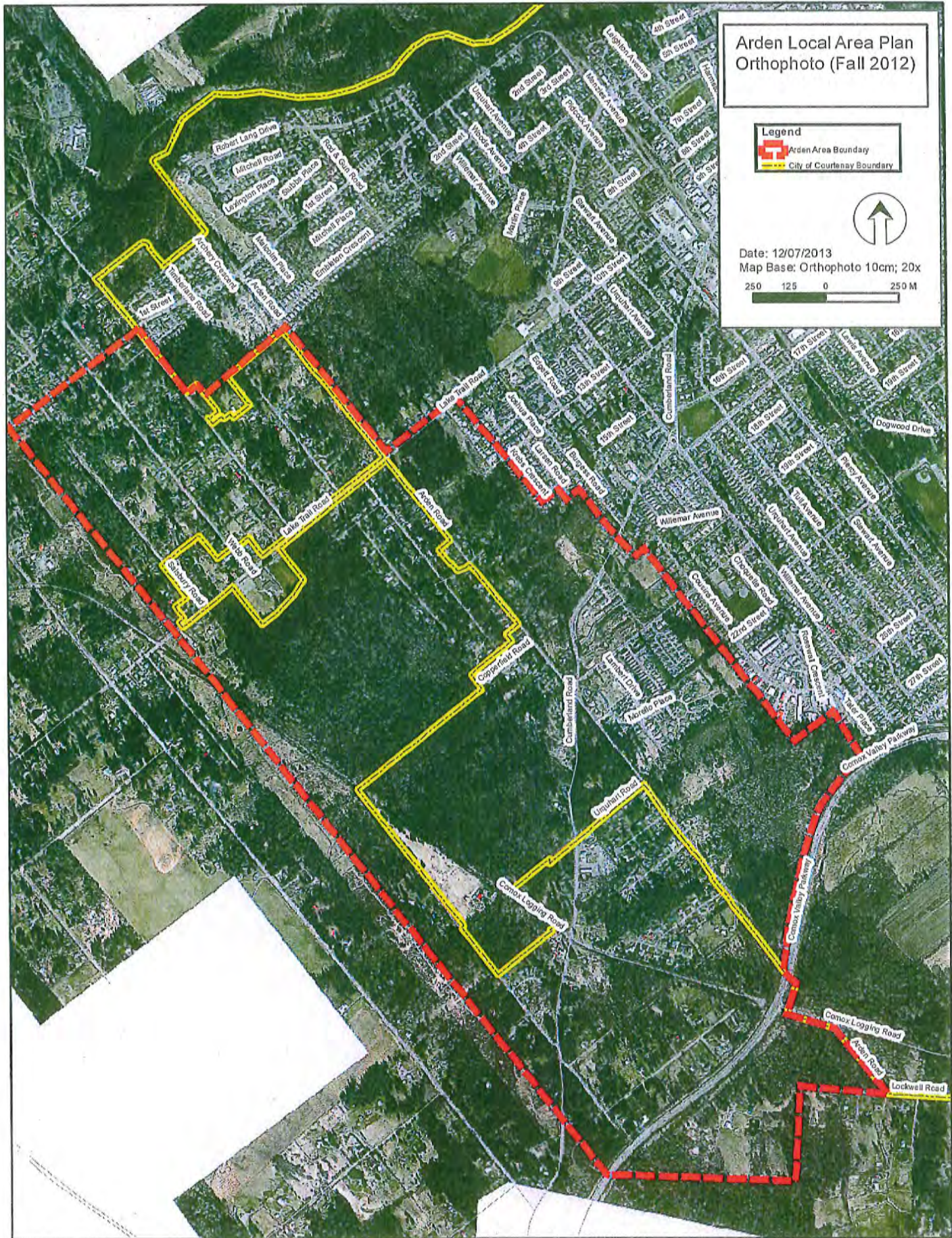
*Target buffer distance*: is the desired buffer distance for a specific Environmentally Sensitive Feature, as defined in Table 1 or otherwise by an R.P.Bio, regardless of what the current buffer may be.

## **Appendix A – Arden Corridor LAP Maps**

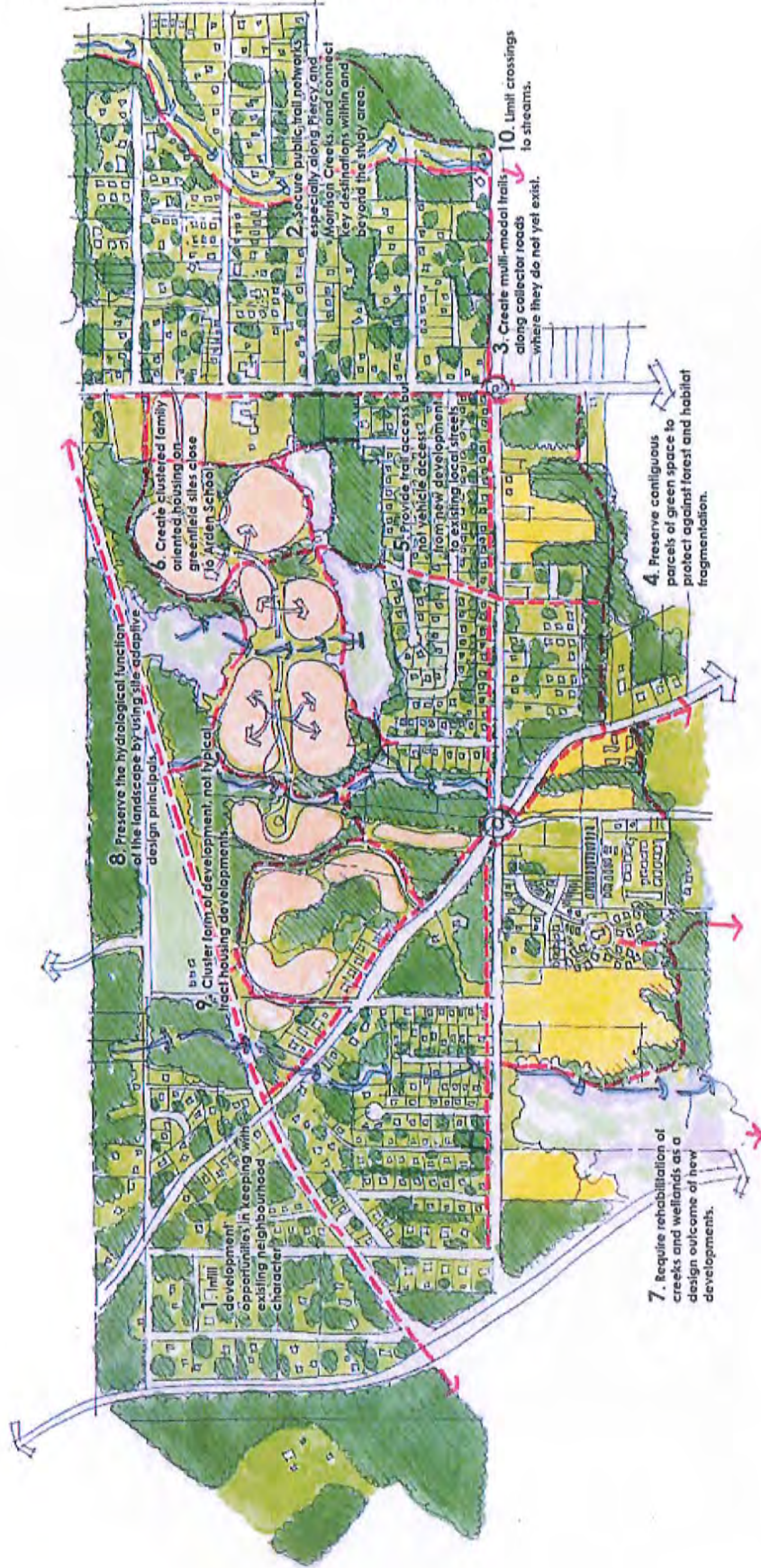
A note on the accuracy of mapping and its intended use:

In some cases information displayed on the maps is based on aerial photography and remote sensing data. Where data has not been ground-truthed, these maps provide a conceptual understanding of the information presented and may require further ground-truthing to determine accurate boundaries of features shown in the maps. The maps should be used as information only and not as basis for legal land survey.

# Map 1



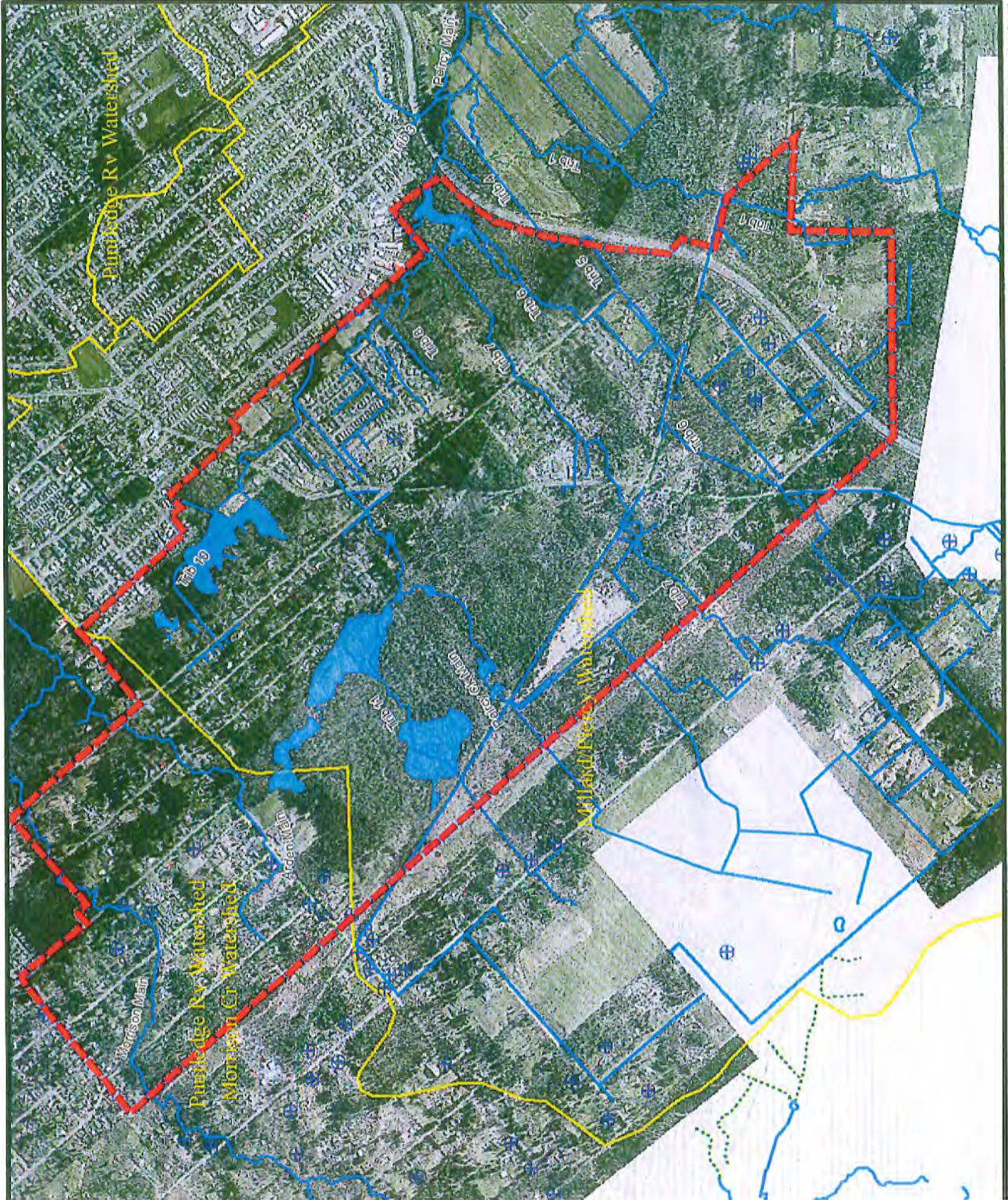
# Map 2 - Demonstration Plan and High Level Design Principles



Note: Areas coloured yellow represent properties already rezoned. Some of these areas are developed.

# Arden Local Area Plan Water Courses, Wells, and Aquifers

Map 3



	Arden Area Boundary
	Watershed Boundary
	Ground Water Wells
	Aquifer
	<b>Wetlands</b>
	Confirmed fish presence
	<b>Comox Valley Watercourses</b>
	Confirmed fish presence
	Unknown fish presence

A note on the accuracy of mapping and its intended use: In some cases information displayed on the maps is based on aerial photography and remote sensing data. Where data have not been ground truthed, these maps provide a conceptual understanding of the information presented and may require further ground truthing to determine accurate boundaries. The maps should be used as information only and not as basis for legal land survey.

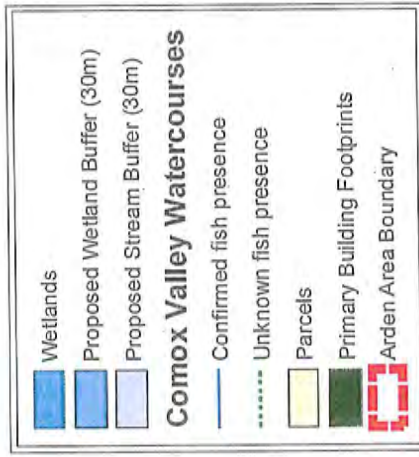
Date: 12/07/2013  
Map Base: Orthophoto 10cm; ProjectWatershed



Document Path: W:\proj\20130324\Arden\_ArdenWatershed\Information\Map\_3\ArdenWatershed

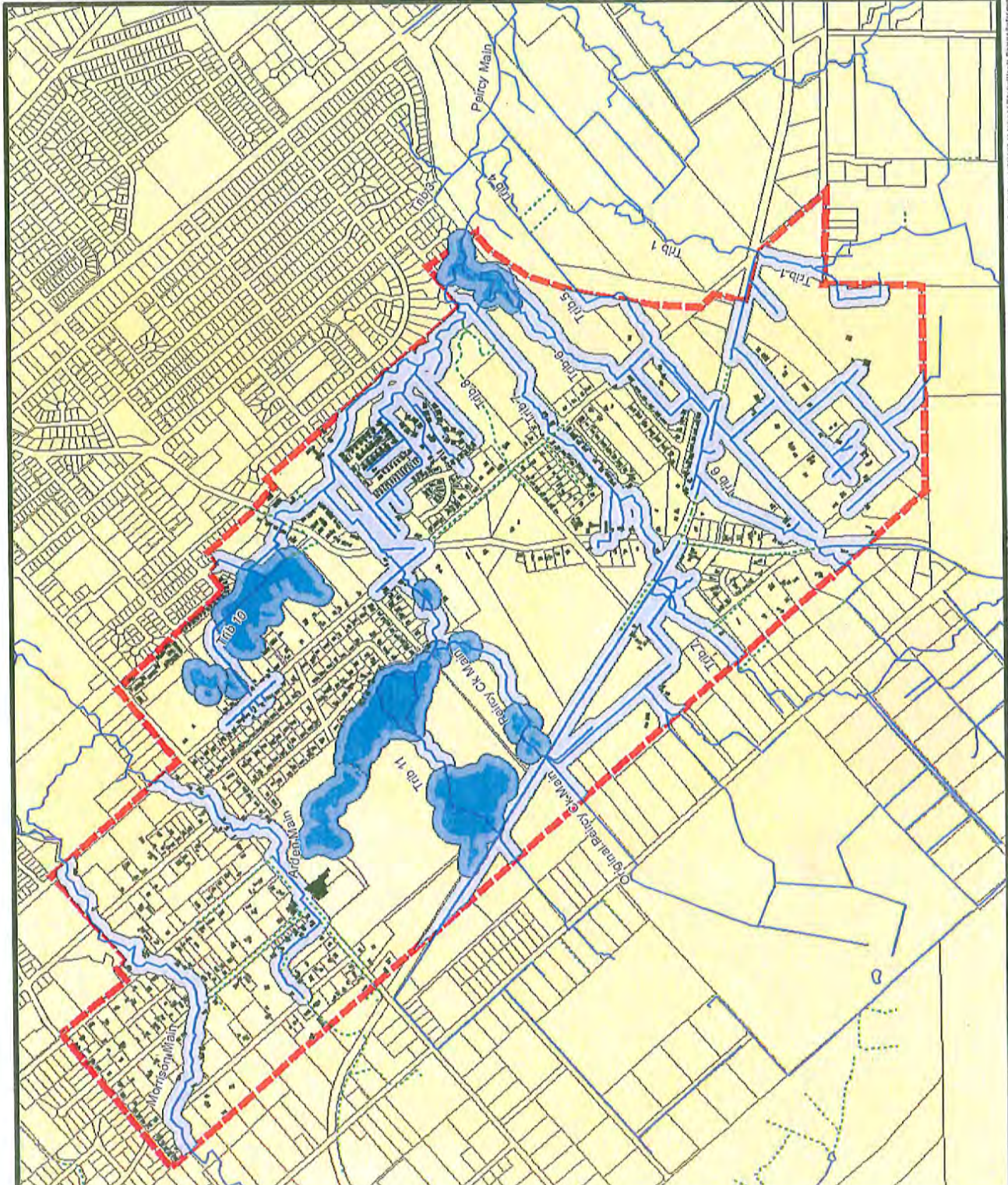
# Arden Local Area Plan Proposed 30m Riparian Buffer (30 m each side)

Map 4



A note on the accuracy of mapping and its intended use: In some cases information displayed on the maps is based on aerial photography and remote sensing data. Where data have not been ground truthed, these maps provide a conceptual understanding of the information presented and may require further ground truthing to determine accurate boundaries. The maps should be used as information only and not as basis for legal land survey.

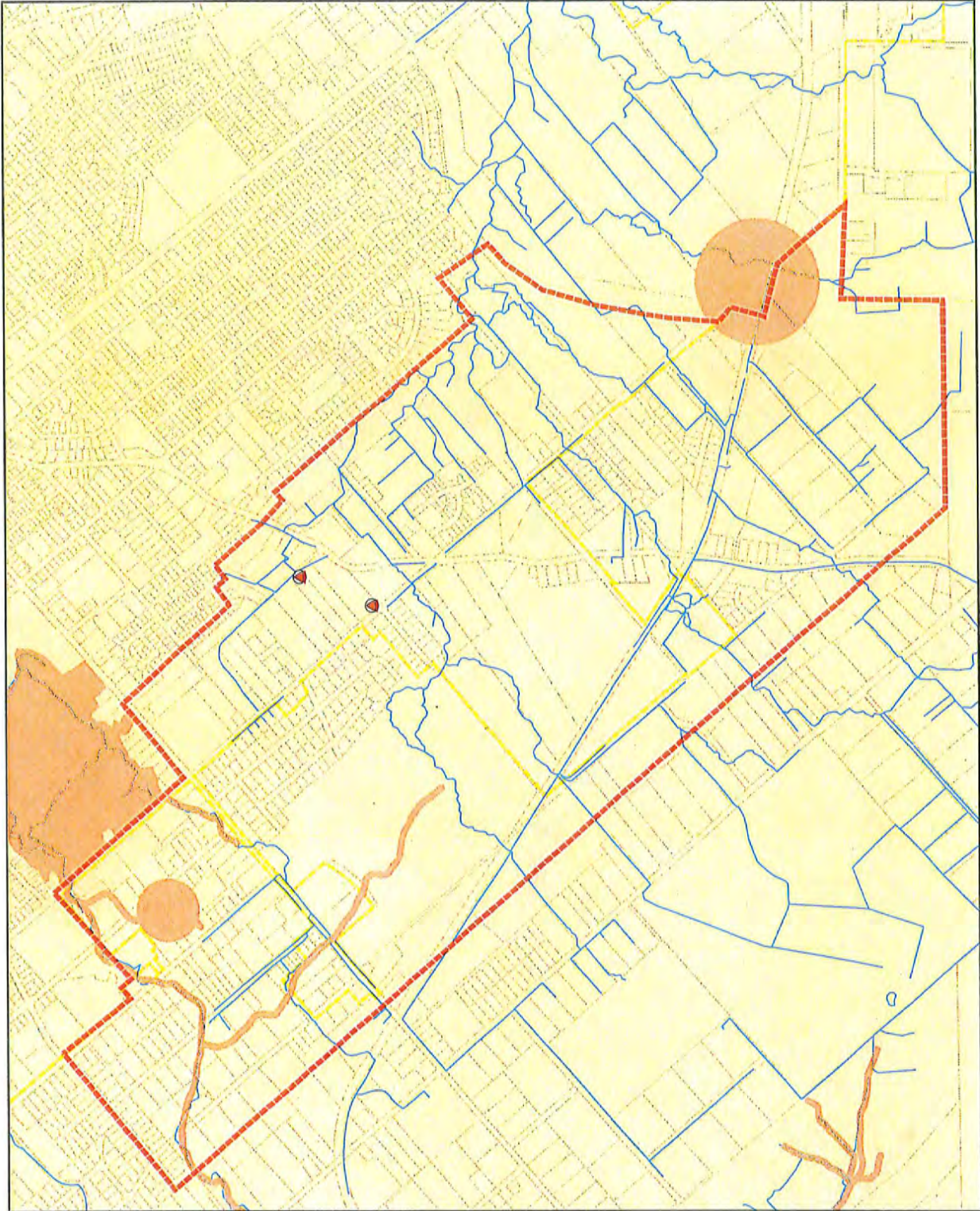
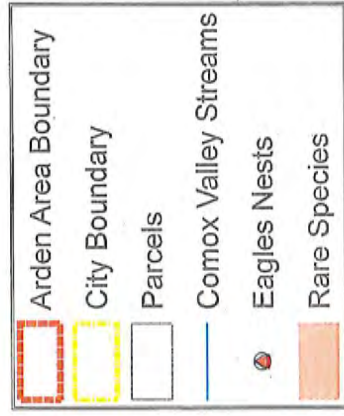
Date: 12/07/2013  
Map Base: CVRD and City of Courtenay Parcels, Project Watershed



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# Arden Local Area Plan Rare Species

Map 5



Date: 23/09/2013  
Map Base: CVRD and City of Courtenay Parcels



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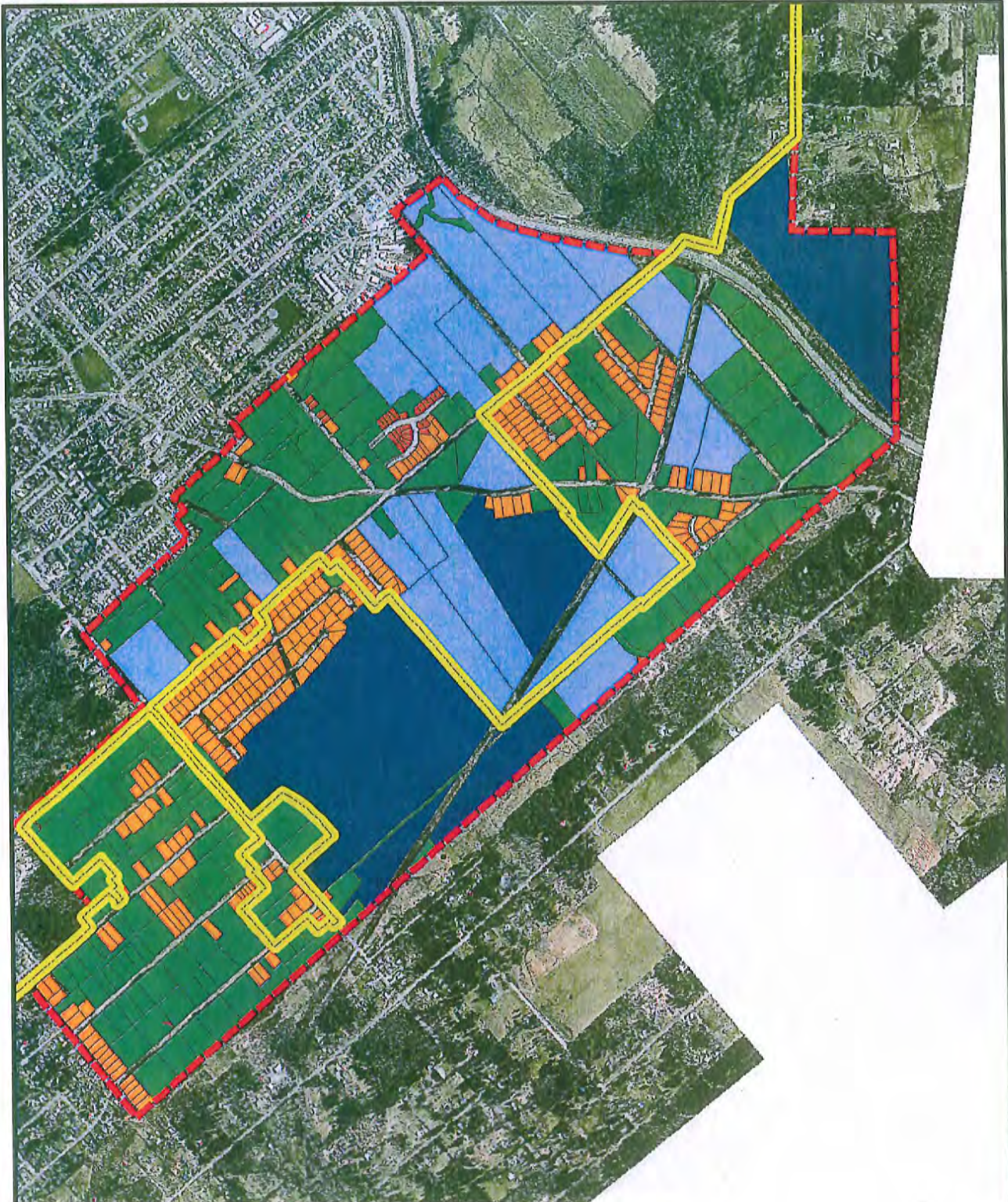
# ArdenLocal Area Plan Parcels by OCP Lot Size Definitions



Map 6

A note on the accuracy of mapping and its intended use: In some cases information displayed on the maps is based on aerial photography and remote sensing data. Where data have not been ground truthed, these maps provide a conceptual understanding of the information presented and may require further ground truthing to determine accurate boundaries. The maps should be used as information only and not as basis for legal land survey.

Date: 12/07/2013  
 Map Base: Orthophoto 10cm; City of Courtenay, CVRD



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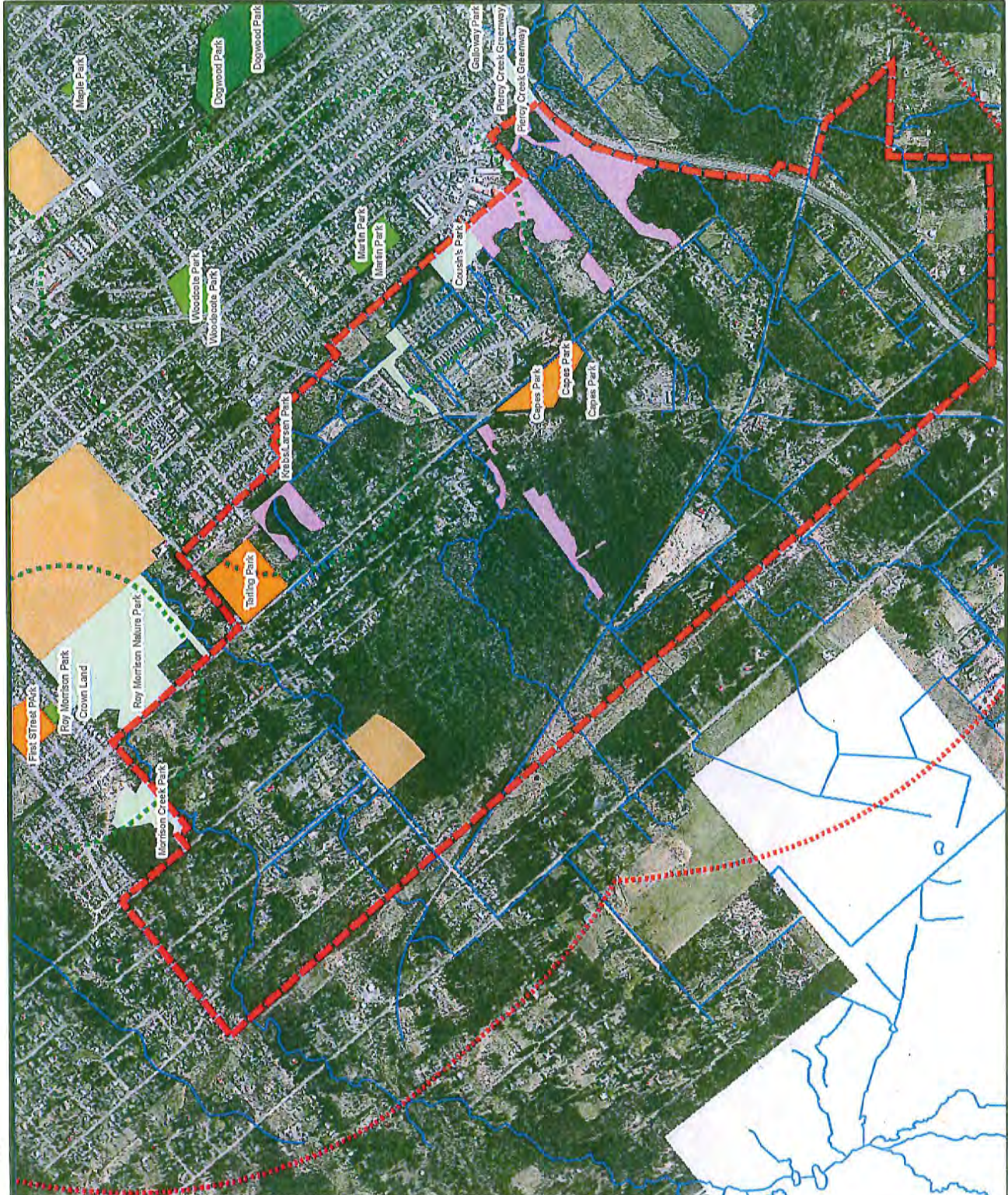
# Arden Local Area Plan Community and Neighbourhood Parks Level of Service Map 7

**Legend**

- Arden Area Boundary
- Neighbourhood Park Service Distance: 400m
- Community Park Service Distance: 1500m

**Parks Classification**

- Community Park
- Future Greenspace
- Neighbourhood Park
- Special Use Greenway
- Special Use Park
- School

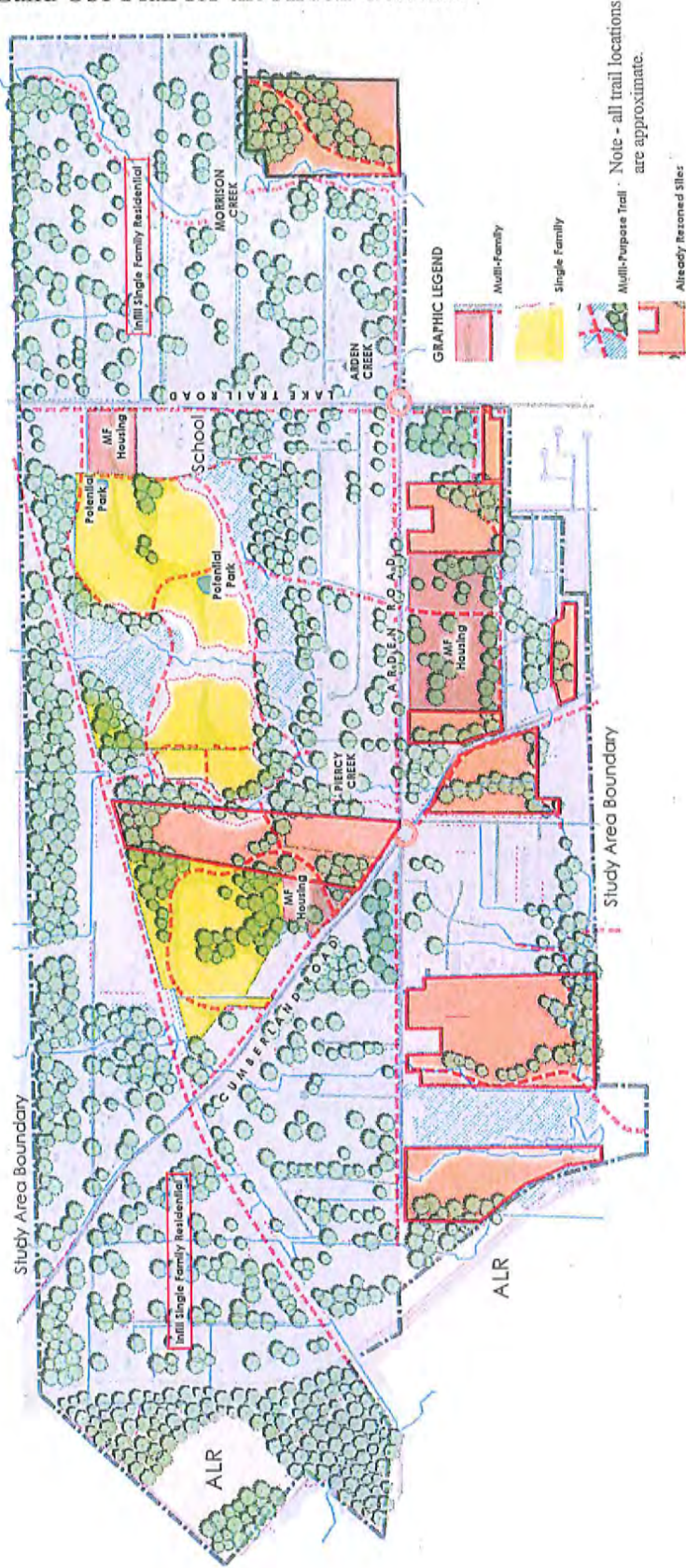


A note on the accuracy of mapping and its intended use: In some cases information displayed on the maps is based on aerial photography and remote sensing data. Where data have not been ground truthed, these maps provide a conceptual understanding of the information presented and may require further ground truthing to determine accurate boundaries. The maps should be used as information only and not as basis for legal land survey.

Date: 12/07/2013  
Map Base: Orthophoto 10cm: City of Courtenay

Download Path: W:\P\GIS\2012\2012-41\Assets\Map\Ortho\Map95 Community and Neighbourhood Parks Level of Service.mxd

Map 8 - Conceptual Land Use Plan for the Arden Corridor



## **Appendix B – Arden Corridor LAP Illustrations**

The illustrations on the following pages provide examples of the types of layout and building designs that are desired in the Arden Corridor.





Provide sidewalks or trails along side roads.

Front streets onto open spaces to create public 'park like' edges.

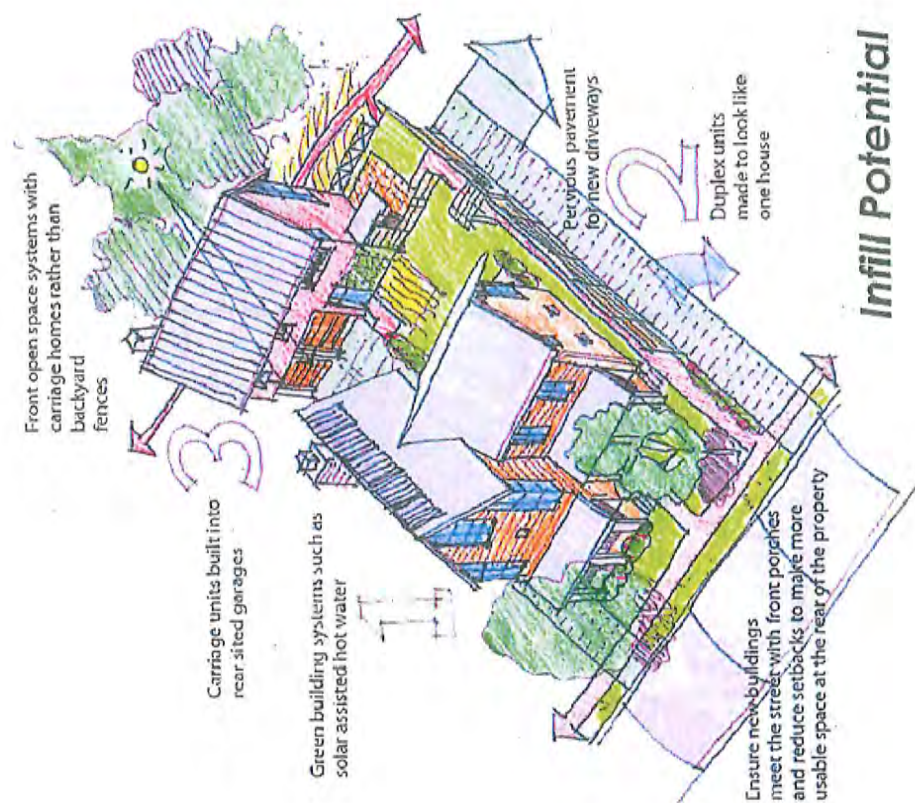
Cluster buildings around garden courts or mews (pedestrian walkways) and utilize the space between buildings.

Wrap building fronts rather than backs around trails and open space to create public and not private edges.

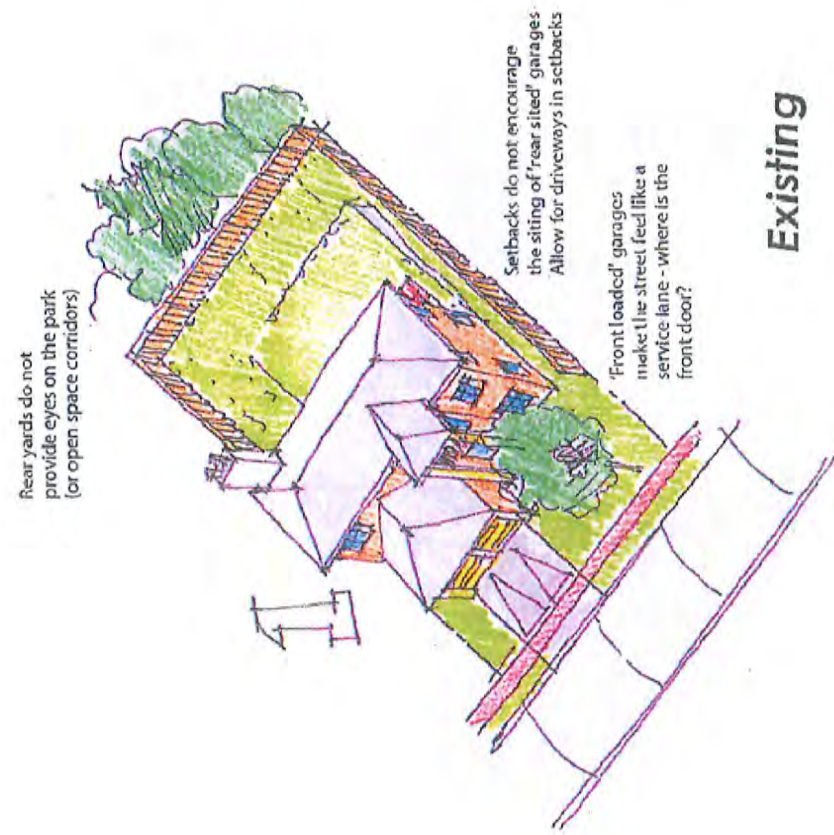
Provide car ports rather than attached garages to simplify site planning and promote pedestrian oriented streets. Cluster buildings around parking courts rather than cul-de-sacs.

Design each home with usable and functional social space at the exterior of living areas. Orient for privacy utilizing grade change or privacy screens.

Infill development is permitted in a large part of the study area (subject to public process). Infill development generally occurs at an incremental pace, resulting in slow changes to the neighbourhood. Where infill is proposed, it must be consistent with the direction of this Plan. These illustrations show examples of the types of elements that can be modified on a property to help achieve the Vision of this Plan.



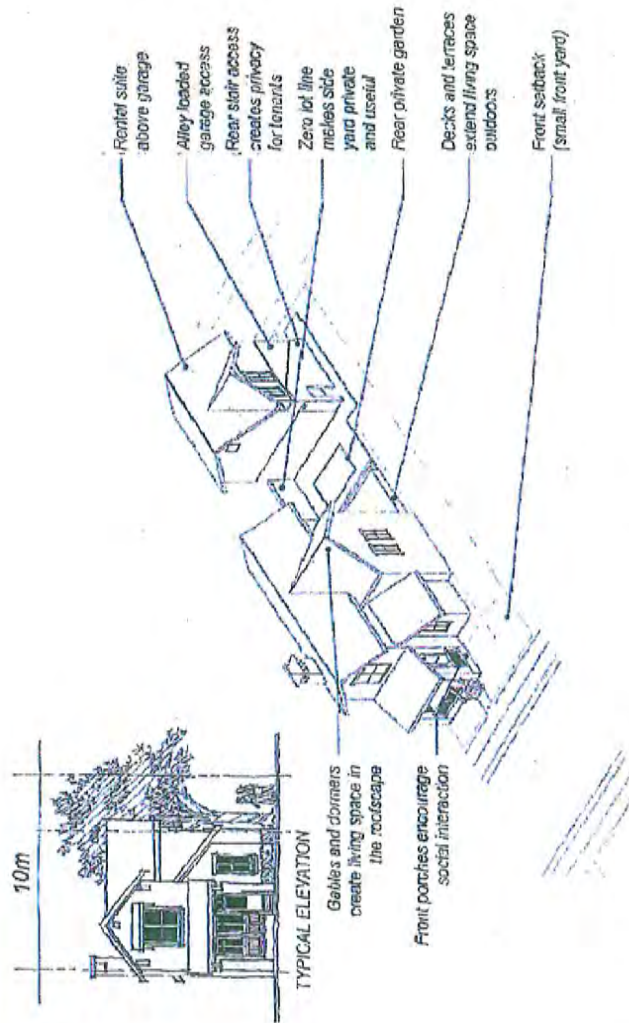
## Infill Potential



## Existing

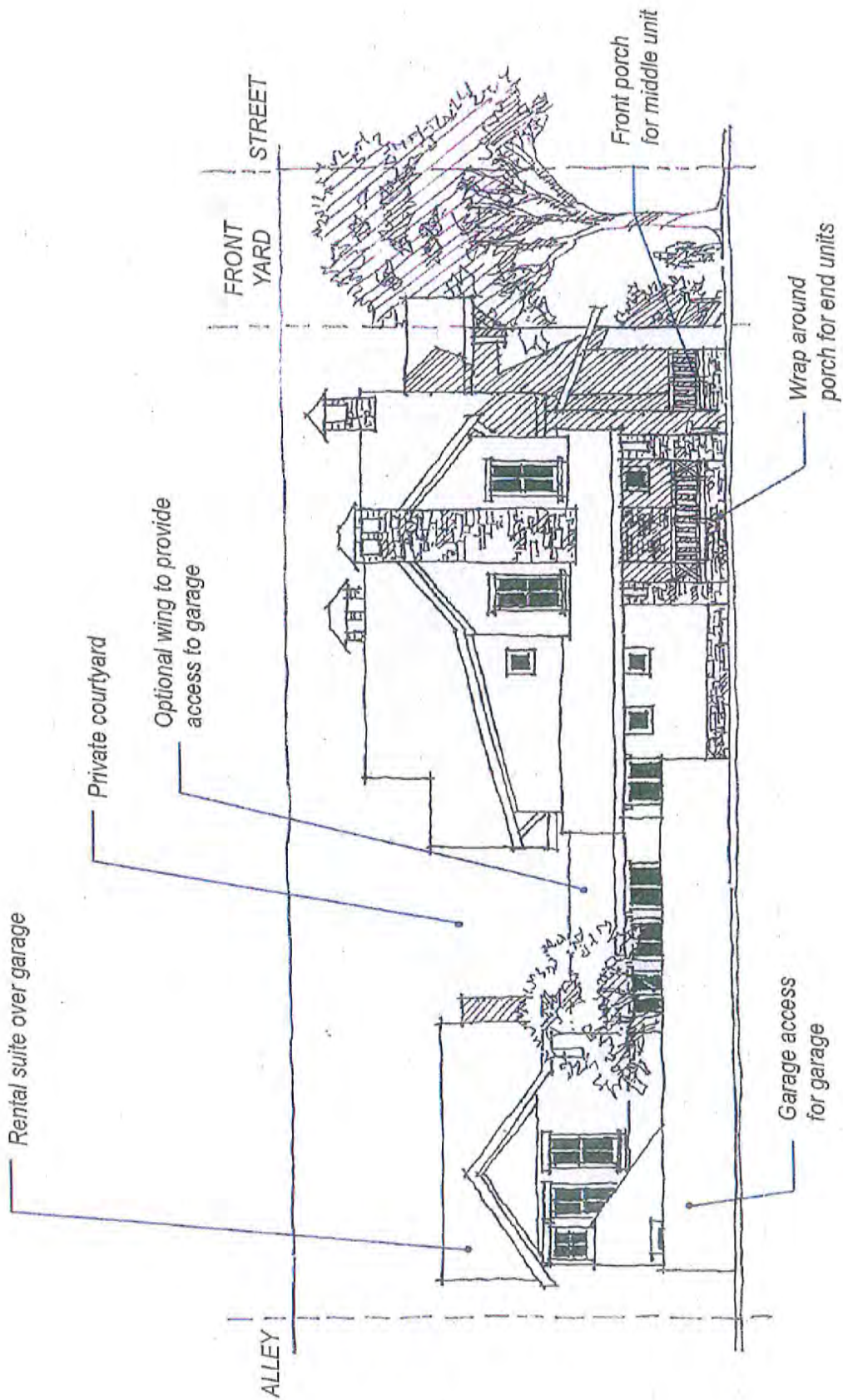


These images provide examples of building design that can help to achieve a suitable character for the neighbourhood.



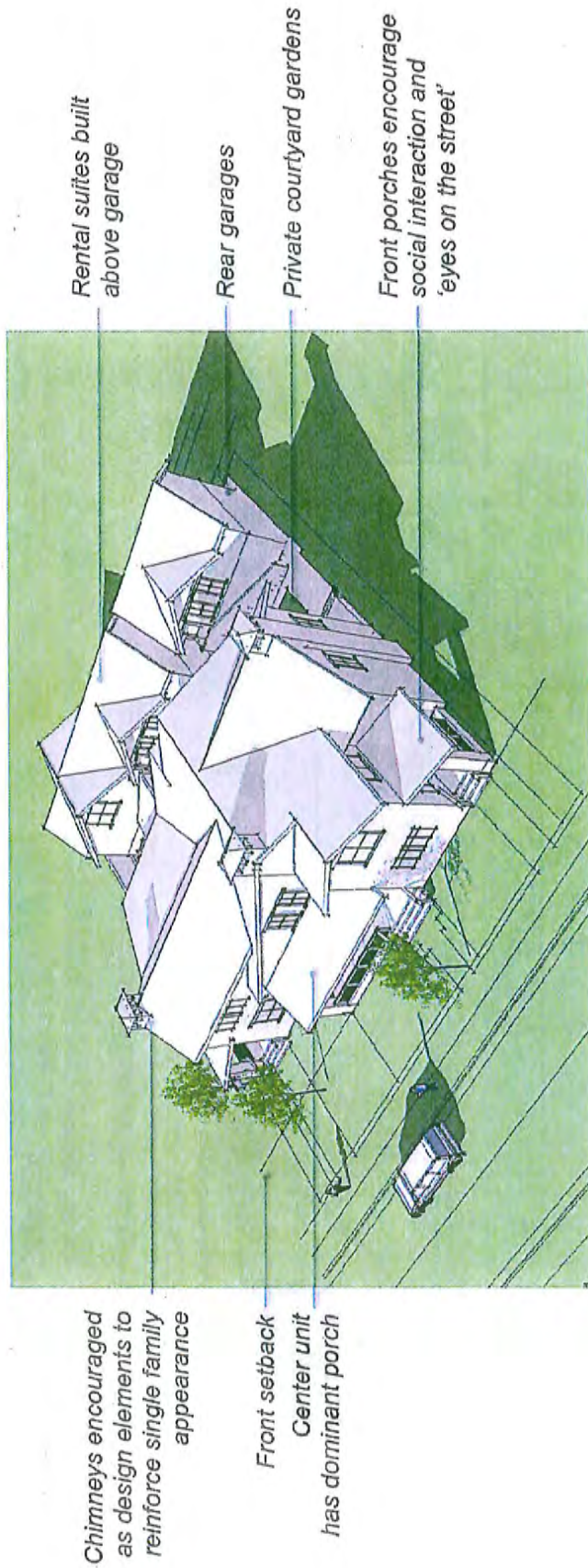
Typical Traditional Neighbourhood Small Lot Housing





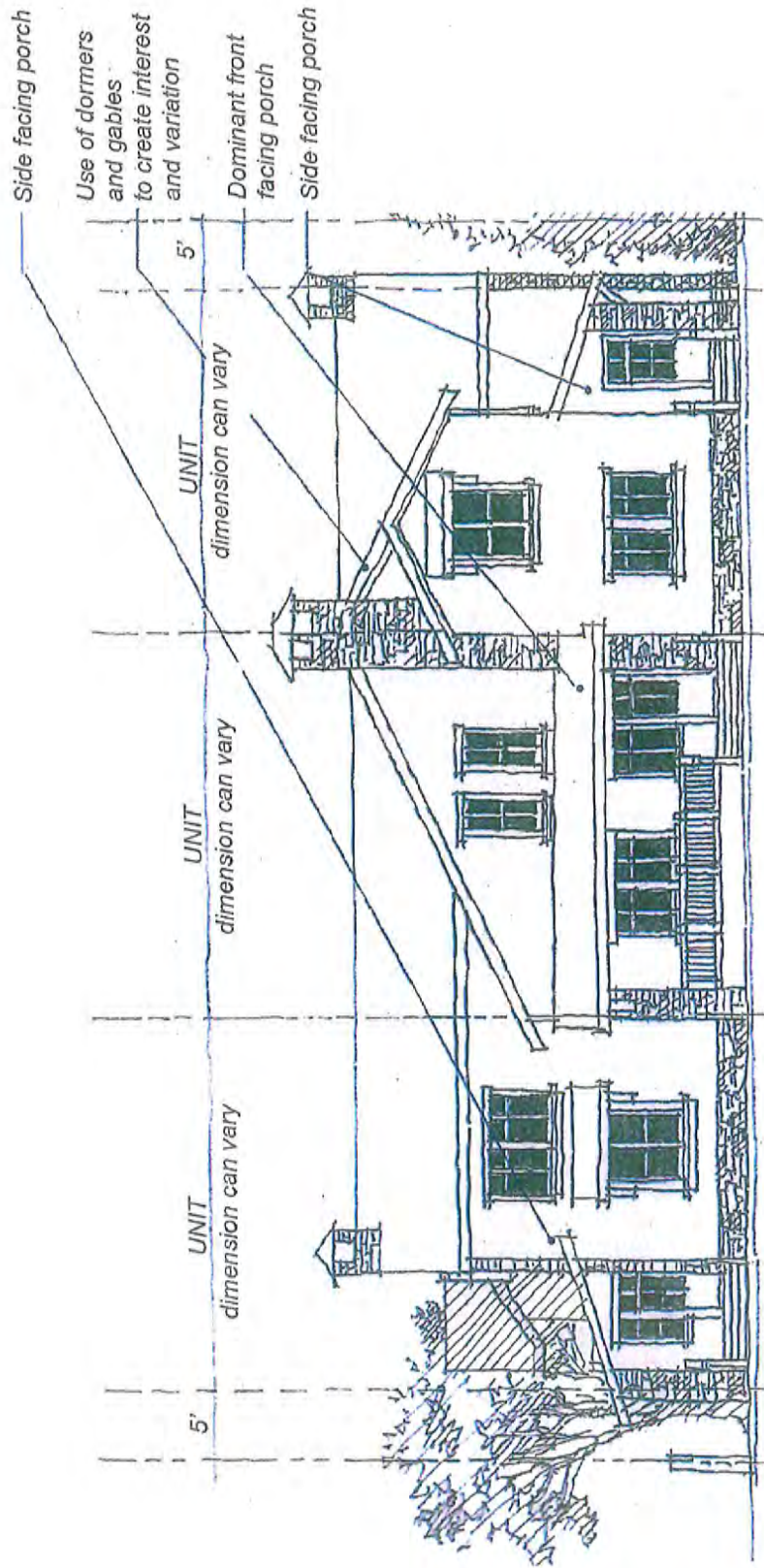
**TYPICAL TARDINESS NEIGHBOURHOOD HOME - SIDE ELEVATION**

12 units per acre in triplex configuration  
 Requires 90' frontage x 120' depth lot dimensions  
 Blends into single family neighbourhoods

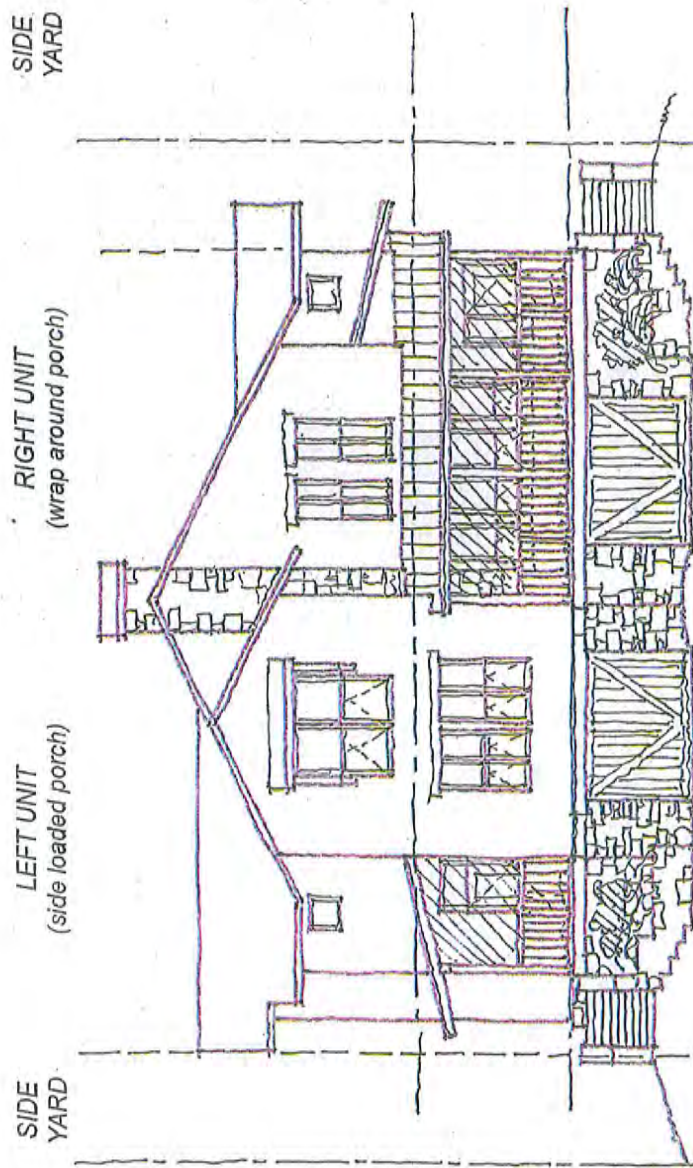


**TYPICAL TRADITIONAL NEIGHBOURHOOD HOME - TYPICAL FORM BASED ZONING DIAGRAM**

12 units per acre in triplex configuration  
Requires 70' frontage x 100' depth lot dimensions  
Blends into single family neighbourhoods

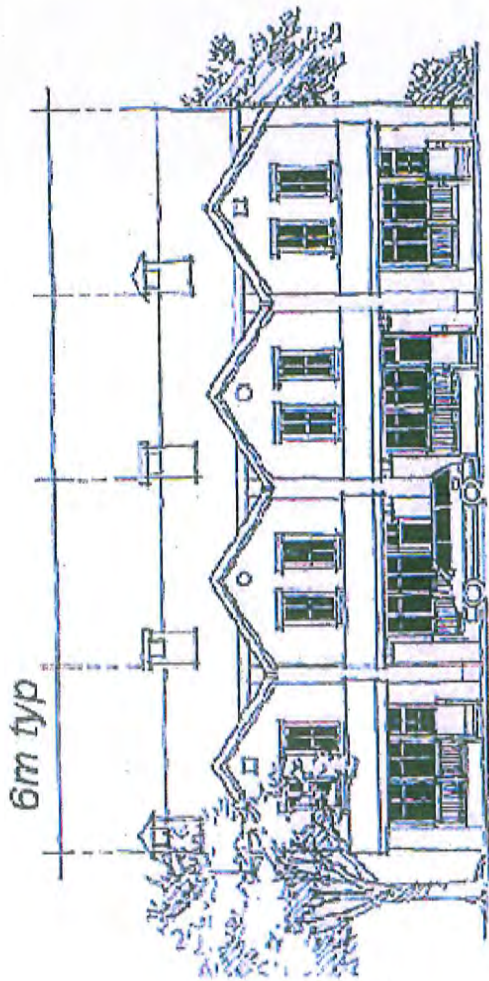


TYPICAL TRADITIONAL NEIGHBOURHOOD HOME - FRONT ELEVATION  
 12 units per acre in triplex configuration  
 Blends into single family neighbourhoods



TYPICAL TRADITIONAL NEIGHBOURHOOD HOME - FRONT ELEVATION - INFILL DUPLEX

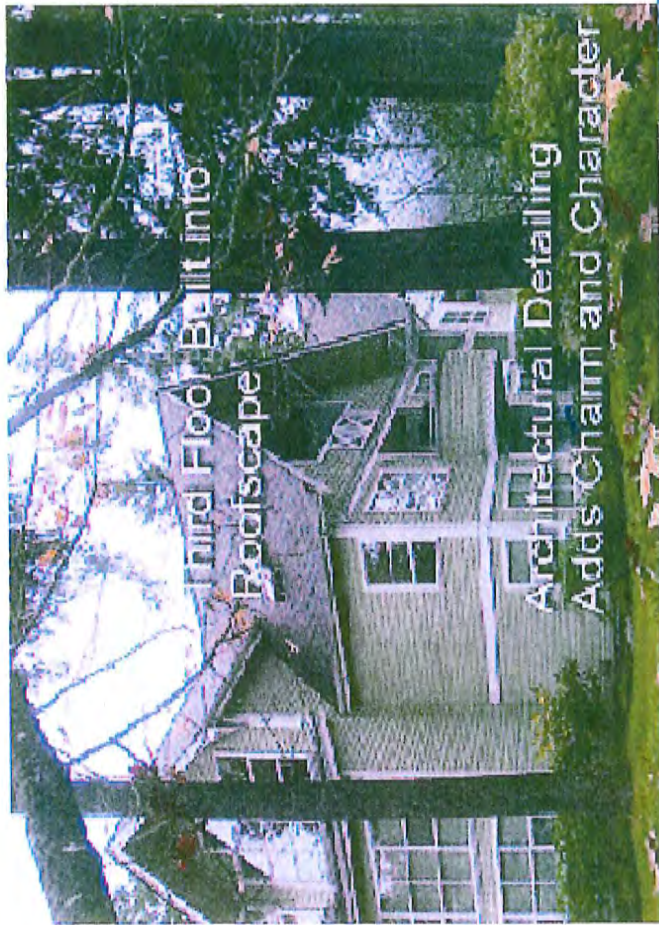
- 12 units per acre in duplex configuration
- Requires 70' frontage x 100' depth lot dimensions
- Blends into single family neighbourhoods
- Can be built without alley access



The images to the right show a more traditional form of density in the form of ground oriented row houses which are generally designed as a 'repeating pattern' of homes oriented in the same direction. The multiplexes on the previous pages may employ more creative designs to avoid the 'repetitious' look.



**6M WIDE ROWNHOMES**  
*Typical Elevation/ Volumetric*



Low Rise Multi Family Housing Options

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 7<sup>th</sup> day of October, 2013

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

Considered at a Public Hearing this 21<sup>st</sup> day of October, 2013

Read a third time this 21<sup>st</sup> day of October, 2013

Finally passed and adopted this                      day of                      , 2013

\_\_\_\_\_  
Mayor

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

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

