

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

DATE: January 18, 2016
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt January 11, 2016 Regular Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

1. Representatives from Project Watershed re: Estuary Fuel Spill Update

STAFF REPORTS/PRESENTATIONS

Pg #

(a) CAO and Legislative Services

- 1 1. Development of a Food Truck Pilot Project

(b) Community Services

(c) Development Services

- 5 1. Zoning Amendment – 911 McPhee Avenue

(d) Financial Services

(e) Engineering and Operations

- 29 2. Sussex Drive – Road Closure Bylaw No. 2834 and Disposition of City owned land

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 35 1. Memorandum – Downtown Courtenay Design Charrette

- 37 2. Memorandum – Courtenay Third River Crossing review - Update

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

8.00 RESOLUTIONS OF COUNCIL

9.00 UNFINISHED BUSINESS

From Delegations to the January 11, 2016 Regular Council Meeting

1. CV Multicultural and Immigration Support Society – Financial Support
2. Habitat for Humanity – Donation of Land

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

- 39 1. 2016 Comox Valley Water Committee voting structure

Staff Note: In January 2015 Council passed the following resolution:

“That the letter from the Comox Valley Regional District be received and that the following distribution of weighted votes for City of Courtenay Directors on the Comox Valley Water Committee for 2015 be as follows:

<i>Mayor Jangula</i>	<i>1 vote</i>
<i>Councillor Theos</i>	<i>2 votes</i>
<i>Councillor Wells</i>	<i>2 votes</i>
<i>Councillor Eriksson</i>	<i>2 votes”</i>

12.00 BYLAWS

For First, second and Third Reading

- 51 1. Sussex Road Closure Bylaw No. 2834, 2016
(to close a 4.1 square metre portion of road for proper alignment)

13.00 ADJOURNMENT



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Development of a Food Truck Pilot Project

File No.: 3900-20
Date: January 18, 2016

PURPOSE:

The purpose of this report is to follow up on a Council resolution requesting a staff report regarding allowing Food Trucks to operate in the City of Courtenay.

CAO RECOMMENDATIONS:

That based on the January 18, 2016 staff report "Development of a Food Truck Pilot Project", Council approve OPTION 1 to allow staff to commence a consultation process with businesses, business and tourism organizations, and the general public seeking feedback for a food truck pilot project.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

On August 17, 2015 Council passed the following resolution:

"That staff provide a report to Council regarding the options and implications of amending the City of Courtenay Business Licence Bylaw to relax the current limitations on mobile restaurants (food trucks)."

The delay in presenting this report to Council was due to staff workload issues, other urgent priorities, as well as research into this evolving subject.

Food trucks have become increasingly popular in cities across North America, but there is no standard approach to local government food truck regulations. Options range from allowing food trucks only at specific times or in specific locations, unlimited access to any street, property or special event; or a combination of the above.

The City of Courtenay Business Licence Bylaw No. 2523 includes a variety of restrictions on mobile restaurants and mobile food carts. Currently Food Trucks are only permitted to operate on private property, and only for a maximum of 15 minutes. We have received feedback from businesses and community members requesting that more opportunities be provided for food trucks in Courtenay.

Other nearby Vancouver Island communities have taken steps to ease restrictions on food trucks:

Town of Comox

Comox approved a Mobile Vending Application for one food truck vendor at Marina Park from June 18 to September 30, 2015.

City of Parksville

Parksville installed two concrete pads for food trucks at Parksville Community Park. A rotating food truck schedule is coordinated by the Parksville and District Chamber of Commerce.

City of Nanaimo

Nanaimo is working on a new food truck licencing process. If approved, select Nanaimo streets would be open to food trucks, along with several parks and public spaces.

Lower Mainland

Several lower mainland municipalities have established food truck programs. The majority restrict food trucks to a specific area or zone, or private property. Vancouver allows food trucks on any street, private property, or special event.

Type of Street Food Program(s) Source: City of New Westminster					
Municipality	Unlimited	Limited by Location		Limited by Time	
	Any street, private property or special event	Specific area, or zone	Private property	Multiple special events	One time licence
Burnaby			Yes ¹		
Coquitlam		Yes	Yes		Yes
Langley City		Yes	Yes		
North Vancouver (City)		Yes			
Port Moody		Yes	Yes		
Port Coquitlam		Yes	Yes		
Richmond		Yes		Yes	Yes
Surrey		Yes		Yes ²	
Vancouver	Yes	Yes	Yes	Yes	

¹ Only allowed on institutionally zoned property

² Only allowed on City park land.

In order to assist Council in deciding how to proceed with permitting mobile Food Trucks direction within City boundaries, staff believe it is important to involve the community to determine options and implications, before making recommendations on this issue. Although taking this approach will delay a decision, Council will have better information on which to base its decisions.

Public consultation to determine potential location(s) and restrictions for a food truck pilot program would take the form of an online survey, accessible via the City website and social media channels. In addition, stakeholder groups such as Downtown Courtenay Business Improvement Association (DCBIA), Comox Valley Chamber of Commerce, and the Comox Valley Economic Development Society would be contacted to determine their interest in being involved in the consultation process and the pilot project. The consultation process is anticipated to take 6 weeks once Council approval is received.

Staff will summarize all the submissions from the various stakeholders, and request Council permission to proceed with a pilot project.

Depending on the outcome of the project, staff will then draft proposed amendments to the City’s bylaws to reflect the desired changes. Any amendments to the Business Licence Bylaw will require public notice and an opportunity for input pursuant to section 59 of the *Community Charter*.

FINANCIAL IMPLICATIONS:

The consultation process will result in additional staff time and advertising costs, estimated to be in the range of \$1500.

If approved by Council, implementing a food truck pilot project will require ongoing monitoring by City bylaw enforcement staff. Depending on participation by other agencies, staff time may also be required for program coordination.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications in this recommendation.

STRATEGIC PRIORITIES REFERENCE:

Downtown revitalization continues to be a Council Strategic Priority. Food trucks have the potential to encourage small local businesses in the form of food truck operators, as well as increase community vibrancy and pedestrian activity.

OCP SUSTAINABILITY REFERENCE:

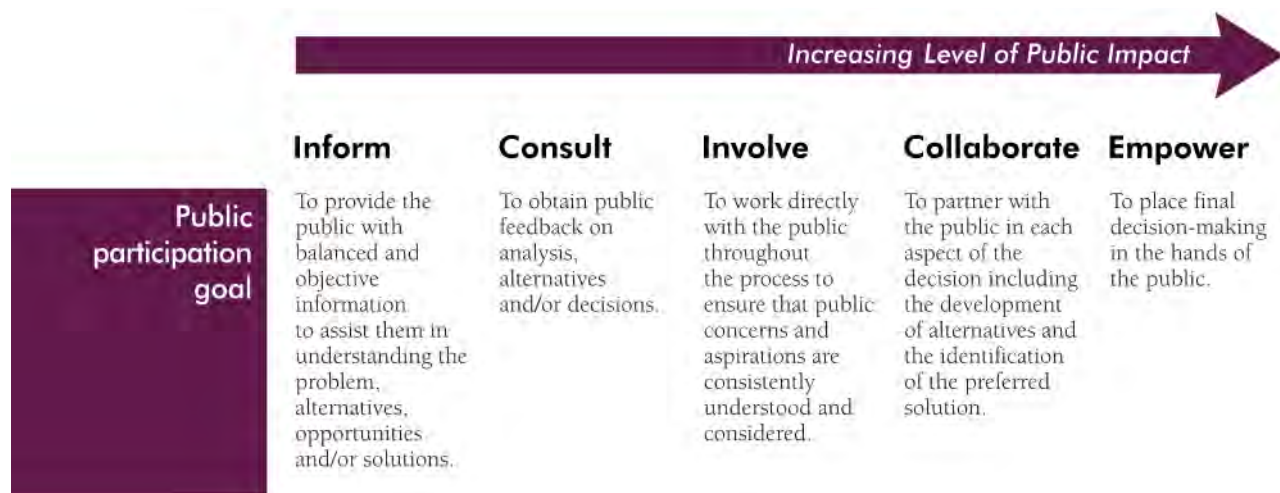
Not referenced.

REGIONAL GROWTH STRATEGY REFERENCE:

Not referenced.

CITIZEN/PUBLIC RELATIONS:

Staff would “involve” the public based on the IAP2 Spectrum of Public Participation:
http://c.yimcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

- OPTION 1: Commence a consultation process with businesses, business and tourism organizations, and the general public seeking feedback for a food truck pilot project (Recommended).
- OPTION 2: Not move forward with consultation for a food truck pilot project at this time.
- OPTION 3: Proceed with bylaw amendments without consultation as per the direction of Council.

Prepared by:



John Ward, CMC
Director of Legislative Services



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Zoning Amendment Bylaw 2836 – 911 McPhee Avenue

File No.: 3360-20-1506

Date: January 18, 2016

PURPOSE:

The purpose of this report is for Council to consider a Zoning Amendment to allow a tattoo studio on the property legally described as Lot 2, District lot 127, Comox District, Plan VIP53974, which is zoned Industrial Zone Two (I-2).

CAO RECOMMENDATIONS:

That based on the January 18th, 2016 staff report 'Application for Zoning Bylaw Amendment – 911 McPhee Avenue' Council approve Option No. 1 and proceed to First and Second readings of the City of Courtenay Zoning Amendment Bylaw No. 2836, 2016 (**Attachment No. 1**); and

That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2836, 2016 on February 1st, 2016 at 5:00 p.m. in the City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The applicant has submitted a request to amend the Zoning Bylaw to allow a tattoo studio on the above-referenced property. The property is located at 911 McPhee Avenue and currently zoned I-2. A tattoo studio is considered a personal service under *Zoning Bylaw 2500, 2007*, and this use is not permitted in the I-2 zone. The applicant owns both the property and the building, and also operates a company on the same property. There is an extra office space within the existing building, which can potentially be leased out. In recent months, the applicant was approached by a prospective tenant who wishes to operate a tattoo studio. The applicant is seeking ways to utilize the extra space.

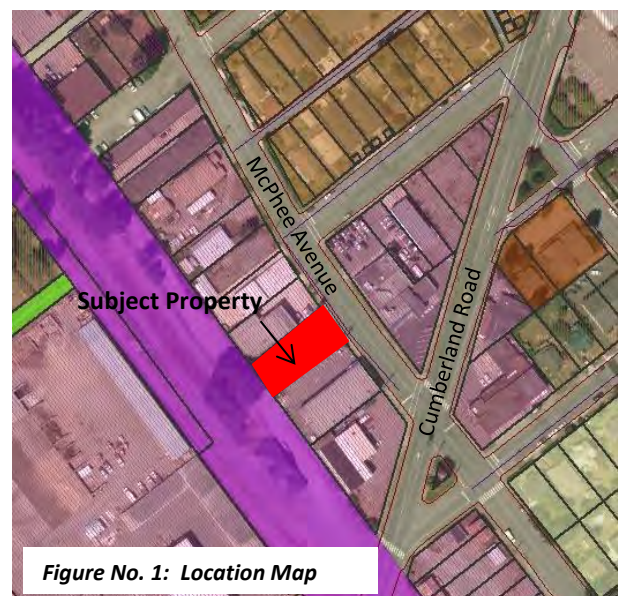


Figure No. 1: Location Map

The total building floor area is approximately 5,200 square feet. The applicant is currently operating a HVAC company/office on this location. The building has two separate accesses to McPhee Avenue and is able to accommodate two separate spaces for business. In order to create a rentable space for the tattoo studio, the owner would need to put a 30-foot inside wall between their sheet metal workshop and the studio, and to frame the existing door and a new door as shown in **Attachment No.2**. Upon completion, the proposed tattoo studio would have area of approximately 1,100 square feet with a small kitchen and bathroom.

According to the proposal, the owner of the studio employs a single staff person in addition to himself. The studio would be open between 12 p.m. to 6 p.m. from Monday through Friday. The studio takes appointment only, so that no walk-in customer is anticipated during regular business hours.

DISCUSSION:

The subject property is located near the corner of McPhee Avenue and Cumberland Road. Immediate adjacent properties are also zoned I-2 and at the rear side of the property is a railway track, which is zone I-3. Surrounding land uses also include R-1B to the north east across McPhee Avenue, and R-2 zone across Cumberland Road.

The proposed use is considered a customer-based personal service, which is generally compatible with the existing uses and no negative implications are anticipated in terms of use. No exterior renovations or additions are planned so that the building would look the same.

Official Community Plan (OCP)

The subject property is zoned industrial. The *OCP* recognizes that there is very little serviced industrial land so that it supports the continuation of existing industrial areas. Although the proposed tattoo studio does not require such intense use as typical industrial uses, staff believes that it is a suitable use in the zone than other zones.

The City requires that all industrial development be subject to the Development Permit Guidelines for industrial use outlined in *Section 8.0 of OCP* to ensure a high standard for landscaping, buffers, site and building design, parking, and circulation. Since the owner of the property is not planning to make any changes to the exterior of the building, no development permit is required. With regard to local area plan, the subject property is not in any of the Local Area Plan areas. Therefore, no site specific policies will apply.

Zoning

The existing building meets the all the requirements of the I-2 zone of *Zoning Bylaw 2500, 2007*. The proposed use is by and large consistent with the intent of the zone.

Transportation/Parking

Since the service is offered by appointment only, traffic congestion or conflict between industrial vehicles and residential traffic is not anticipated. The applicant possesses a total of 10 parking spaces in the rear side of the building for their employees and company vehicles. There is a sufficient amount of parking spaces including the prospective tenant and his employee as well as customers. There are some on-street parking spaces available in front of the building.

Building Alteration

The applicant is required to meet the appropriate requirements of the Building Codes for the planned interior alterations to ensure safety.

Other

Should the amendment be approved and the prospective tenant wishes to set up a sign outside of the building, the tenant or the applicant is required to comply with the *Sign Bylaw No. 2760, 2013*.

FINANCIAL IMPLICATIONS:

There are no direct financial implications related to the processing of development applications as the fees are designed to offset the administrative costs. Should the Zoning Amendment be adopted there may be tenant improvements required which would trigger a building permit. If that is the case, the applicant would be required to apply for a building permit and subsequent inspections. Building permit fees are \$7.50 for every \$1000.00 of construction value. In addition to property taxes, the City would continue to collect utility fees. Development Cost Charges will not be required at this time as there are no building additions.

ADMINISTRATIVE IMPLICATIONS:

Processing zoning bylaw amendments is a statutory component of the work plan. Two staff have spent a total of 12 hours to process and review this application. Should the proposed zoning amendment receive First and Second Readings, staff will spend an additional 2 hours in preparation for the public hearing and processing the Zoning Amendment. It is also estimated an additional 5 hours will be required at the building permit and subsequent inspections.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications with regard to this application.

STRATEGIC PLAN REFERENCE:

The City seeks the ways of maximizing the level of service and expediting the development process and this is part of the corporate strategic priority.

OFFICIAL COMMUNITY PLAN REFERENCE:

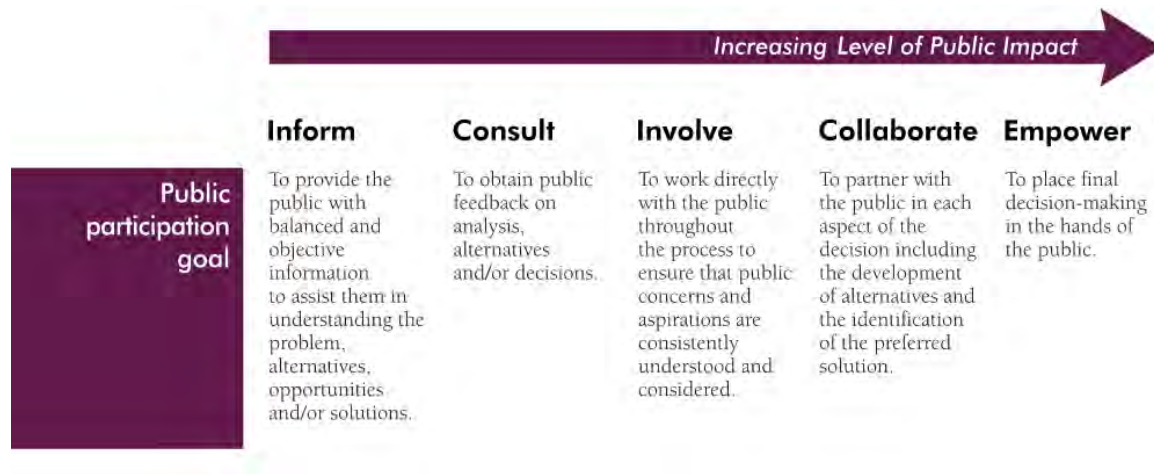
Part 4 of the OCP references industrial land use within the City. The proposed Zoning Bylaw amendment is generally consistent with the goals and policies of the OCP.

REGIONAL GROWTH STRATEGY REFERENCE:

There is no specific regional growth strategy reference with respect to this application.

CITIZEN/PUBLIC ENGAGEMENT:

The public has been engaged at the “Involve” level based on the IAP2 Spectrum of Public Participation:
http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



The applicant conducted a public information meeting on December 17 at 17:00 at the subject building. No one showed up at this meeting, however a total of 15 signed letters from the notified immediate neighbours were returned to the applicant in support of the proposal since the applicant contacted them at first time. Staff has not received any inquiries from members of the public regarding this application.

OPTIONS:

OPTION 1: (Recommended): Give Bylaw 2836 First and Second Readings and proceed to Public Hearing.

OPTION 2: Defer consideration of Bylaw 2836 with a request for more information.

OPTION 3: Defeat Bylaws 2836.

Prepared by:

Tatsuyuki Setta, MCIP, RPP
Senior Planner

Reviewed by:

Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Bylaw No. 2836 (draft)*
2. *Application letter from the applicant and the proposed plan*
3. *Copies of letter from neighbours*

Attachment No. 1

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2836

A bylaw to amend Zoning Bylaw No. 2500, 2007

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. 2836, 2016”**.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) Amending Section 8.24.1 by adding “(30) notwithstanding any provision of this bylaw, a Tattoo Studio is a *permitted use* of Lot 2, District lot 127, Comox District, Plan VIP53974 (911 McPhee Avenue)”; and renumbering accordingly
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this	day of	, 2016
Read a second time this	day of	, 2016
Considered at a Public Hearing this	day of	, 2016
Read a third time this	day of	, 2014
Finally passed and adopted this	day of	, 2016

Mayor

Director of Legislative Services

Attachment No. 2



Ph: (250) 334-7782 ♦ Toll Free 1-888-334-7782 ♦ Fax: (250) 334-7784
911 McPhee Avenue, Courtenay BC V9N 3A1
E-mail: info@thermotec.ca
www.thermotec.ca

October 19, 2015

Letter to Courtenay City Hall

Our company, Thermo Tec Mechanical Ltd., owns the shop at 911 McPhee Ave., Courtenay, from which we operate our business. We are an HVAC company, mainly installing and servicing heat pumps. The shop is 5200 square feet with 2 separate entrance doors off of McPhee. We also have access from the lane behind our building where we have a fenced, locked compound outside, a garage bay door and a man-door into the building.

We are requesting permission to take a corner of the front of our building to turn a 1250 square foot space into a rental unit. We would like to rent this unit to Island Tattooing who is currently operating out of a shop in Cumberland. They have been at that location for the past 7 years with no complaints from the neighbours but they would like to relocate to Courtenay. Apparently our location is not zoned for Tattoo Parlours so we are making this request to have the zoning changed to allow this use of space.

We have canvassed the neighbourhood to determine if any of our neighbours within 100 meters would object to having the tattoo business operating here. There are 2 empty commercial lots for which we were unable to find owners in order to contact them but all those we contacted were in favour or had no objections to the tattoo parlour being located here. We have provided the signed letters from all those affected.

The owner of the tattoo parlour currently has one employee and himself. His hours of operation are noon to 6 p.m., five days a week. Parking should not be an issue as we have sufficient parking in the rear for our staff so he and his staff and customers will be able to park in front of the building on McPhee. There is a 15 minute parking spot in front of our door so we can receive freight and customers can come in to make a payment. We have very little walk-in traffic here as most of our work is done at our customers' locations.

The renovations that we need to do to the space are minimal, there is no major structural or plumbing changes required. We need to put up a 30 foot inside wall to separate the area from our sheet metal workshop (which will be made fire-rated) and frame 2 doors. The existing wall between the 2 units is already fire-rated. There is a kitchen area with 2 sinks which will be divided in half so we will put a wall in the middle - there is already access from both sides. The rental unit has a wheelchair accessible washroom with 2 toilets and sink (we have a separate washroom for our staff as well). The access to the rental unit will be via the other front door. It is actually an ideal set up for separating this area for a rental unit. We will need to add some electrical outlets in the new 30 foot wall and the tenant will need to set up their own security system.

We feel that having the tattoo parlour in this location will be an asset to the downtown business community and that it will have a positive impact to this neighbourhood.

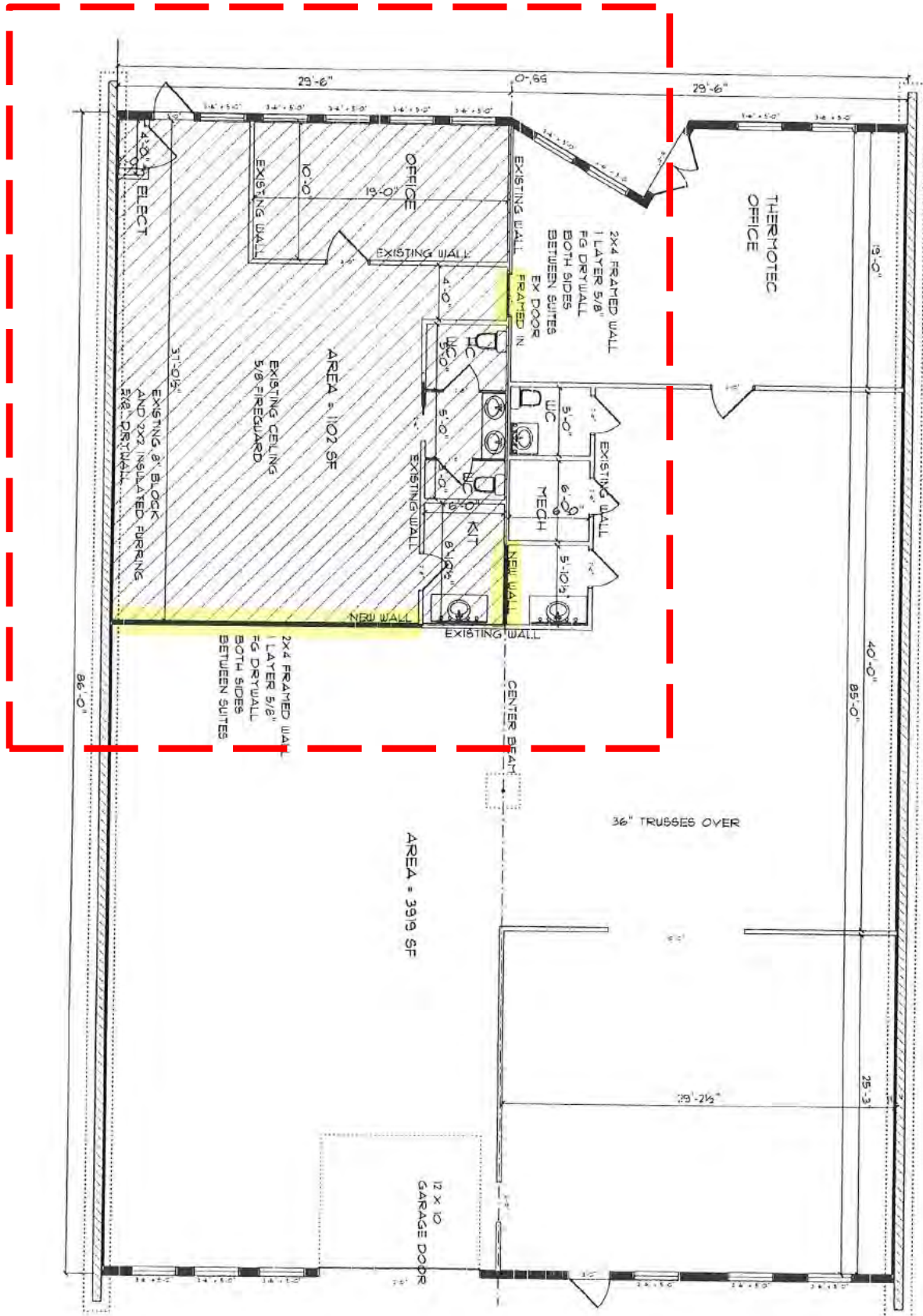
We appreciate your consideration of our proposal and await your decision.

Sincerely,

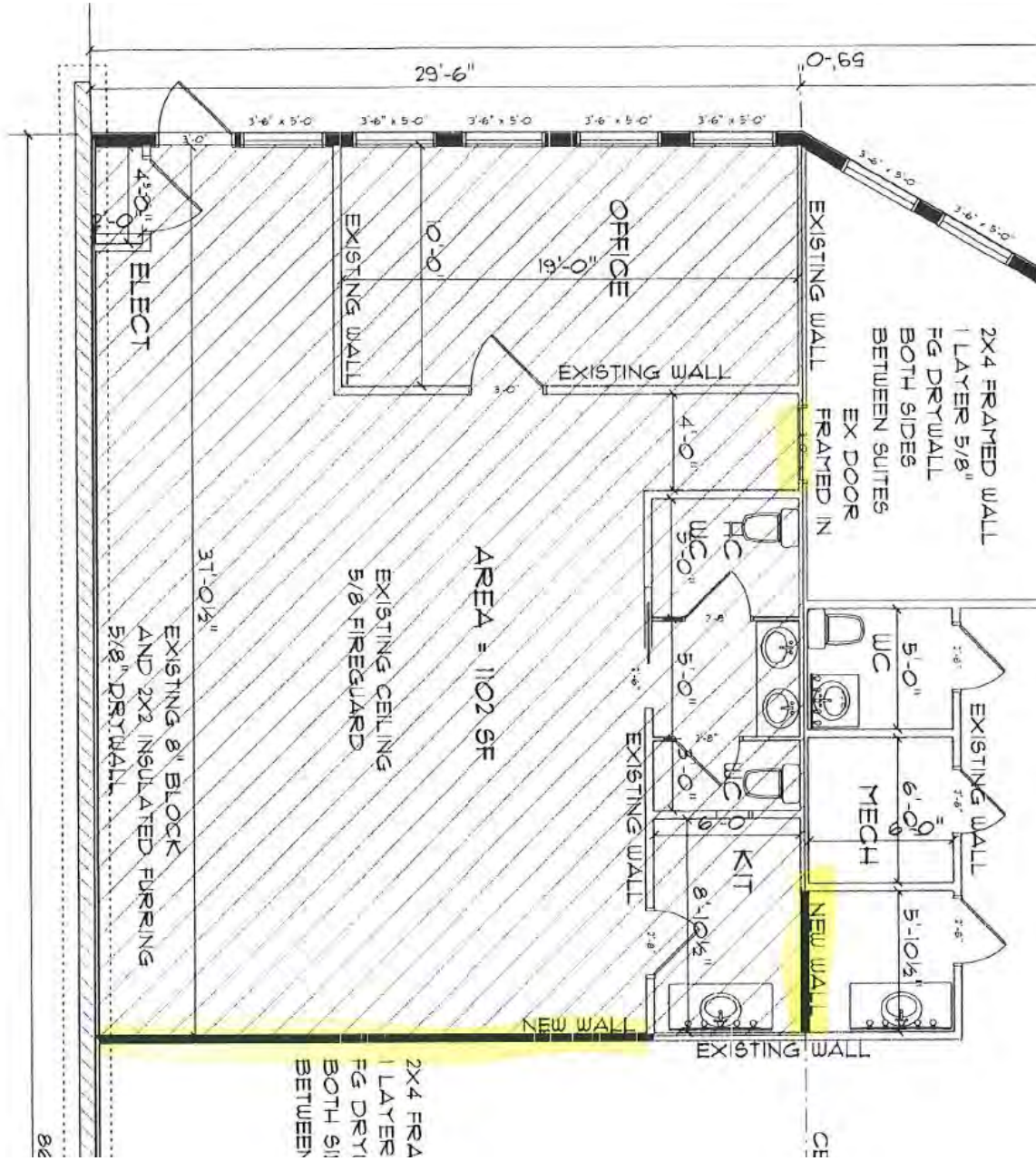
Mike Nelson and Shawn Dunn, owners

Two handwritten signatures in blue ink are shown below the typed names. The first signature appears to be "Mike Nelson" and the second appears to be "Shawn Dunn".

Attachment No. 2.1



Attachment No. 2.2



Attachment No. 3



Ph: (250) 334-7782 ♦ Toll Free 1-888-334-7782 ♦ Fax: (250) 334-7784
911 McPhee Avenue, Courtenay BC V9N 3A1
E-mail: info@thermotec.ca
www.thermotec.ca

December 8, 2015

Notice of Public Information Meeting

Date: December 17, 2015

Time: 5 p.m.

Location: 911 McPhee Ave., Courtenay

Thermo Tec Mechanical Ltd. has applied to the City of Courtenay for an Industrial-2 Zoning text amendment to allow for a Tattoo Parlour in a portion of their building at 911 McPhee Ave. This project is under review by staff in the Planning Department of the City.

We sent out a preliminary letter to our immediate neighbours in September and had a very positive response to our proposal. The next step in the process is to hold a public meeting so we are requesting your attendance or, if not able to attend, you may return this letter with your response checked off.

We look forward to explaining the details of this project at the meeting and will answer any questions you may have at that time.

If you will not be able to attend but wish to give us your approval or disapproval via email, phone or mail, please do so by **Dec. 23, 2015**.

I support a zoning text amendment to allow a Tattoo Parlour at 911 McPhee Ave., Courtenay.

I do NOT support a zoning text amendment to allow a Tattoo Parlour at 911 McPhee Ave., Courtenay.

Print your name &/or Company

Signature

907 McPhee

Property owned in immediate vicinity of 911 McPhee

Phone &/or email

Thank you,
Shawn Dunn and Mike Nelson
Owners, Thermo Tec Mechanical Ltd.



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Print your name &/or Company

759 B 9th Street

Property owned in immediate vicinity of 911 McPhee

Signature

Phone &/or email

Thank you,
Shawn Dunn and Mike Nelson
Owners, Thermo Tec Mechanical Ltd.



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Print your name &/or Company

Signature

751 A & B 9th St
Property owned in immediate vicinity of 911 McPhee

[Redacted Signature] 22
Phone &/or email

Thank you,
Shawn Dunn and Mike Nelson
Owners, Thermo Tec Mechanical Ltd.



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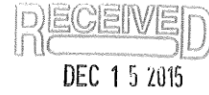
735 North Street

Property owned in immediate vicinity of 911 McPhee

250

Phone &/or email

Thank you,
Shawn Dunn and Mike Nelson
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Print your name &/or Company

Signature

835 McPhee (by the cider press)

Property owned in immediate vicinity of 911 McPhee

Phone &/or email

Thank you,
Shawn Dunn and Mike Nelson
Owners, Thermo Tec Mechanical Ltd.



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Print your name &/or Company

784- 8th St.

Signature

Property owned in immediate vicinity of 911 McPhee

Phone &/or email

Thank you,
Shawn Dunn and Mike Nelson
Owners, Thermo Tec Mechanical Ltd.



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Dear Home Owner,

September 18, 2015

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As Long as the clients don't
 [Redacted] *Street*
 Name and Address
 date *Thank you.*
 SHARON CRANE
 784- 8th ST

Sincerely Mike Nelson and Shawn Dunn



Ph: (250) 334-7782 ♦ Toll Free 1-888-334-7782 ♦ Fax: (250) 334-7784
911 McPhee Avenue, Courtenay BC V9N 3A1
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[Redacted Name and Address]

Name and Address

Sept 18th / 15

date

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Name and Address date



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[Redacted Name and Address]

SEPT 25/2015

Name and Address

date

[Redacted Address]

784 CUMBERLAND RD.

Sincerely Mike Nelson and Shawn Dunn



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 800-A 8TH ST Courtenay, 18 Sept 2015

Name and Address

date

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 800 B 8th St. Sep 18/15
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Ave

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767 - 9th St.

Name and Address

Sept 28/15

date

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Ave

A handwritten signature in black ink, appearing to be "J. H.", written over a dashed line.

09/21/15

date

780 Cumberland Rd
Courtenay BC V9N 2E2

Chelsea -



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3320-20-15721/5400-20-Sussex

From: Chief Administrative Officer

Date: January 18, 2016

Subject: Sussex Drive – Road Closure Bylaw No. 2834 and Disposition of City-Owned Land

PURPOSE:

The purpose of this report is to request that Council consider a partial road closure and the disposition of this City property along Sussex Drive.

CAO RECOMMENDATIONS:

That based on the January 18, 2016 staff report “Sussex Drive – Road Closure Bylaw No. 2834 and Disposition of City-owned Land” Council approve Option 1 to close a portion of Sussex Drive south of Norfolk Way, and

That “Road Closure Bylaw No. 2834, 2016” proceeds to 1st, 2nd, and 3rd reading, and

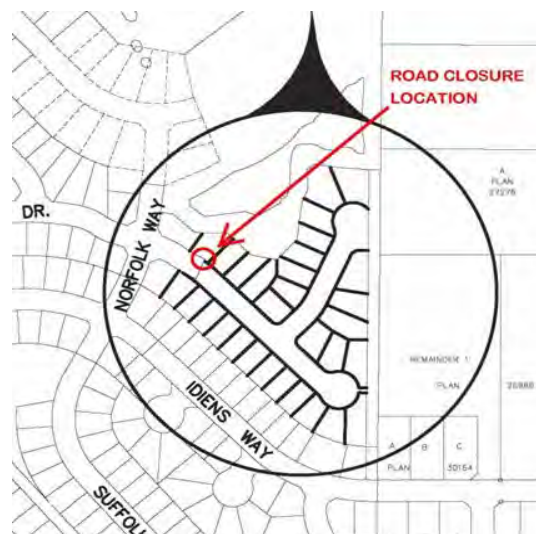
That subsequent to the publication of notice, Council approve the disposition of the 4.1 square meters of closed road as shown outlined on the survey Reference Plan EPP55242 prepared by Bruce Lewis, BCLS, to Silverado Land Corp. in exchange for the sum of \$234.51.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

In 2004, a portion of Sussex Drive (south of Norfolk Way) was established by subdivision in anticipation of the future extension of the road. This past year, Silverado Land Corp undertook a subdivision of the lands immediately adjacent to and south of this portion of Sussex Drive. The geometry of the new road extension did not align with original road layout, necessitating a request to close a small section of the existing road and sale of this land back for amalgamation with the adjacent single family lot.



DISCUSSION:

The integration of the new Sussex Drive road alignment with the pre-existing road dedication created a small triangular area (4.1 square metres) of road that carves into a private single family lot as shown on Plan EPP55242. Typically, the creation of new road through development results in clear delineated roadways of paralleling boundaries. In this instance the City has assumed an additional small section of property as a result of the new roadway alignment having to be modified from an older plan to meet the current development needs. This small piece of triangular roadway serves no purpose to the City in facilitating the provision of services to the neighbourhood. Therefore, staff recommends that, in accordance with section 40 of the Community Charter, Council consider the closure of this portion of Sussex Drive and direct staff to publish notice of this impending closure.

Subsequent to the closure of this section of Sussex Drive, Silverado Land Corp has requested to purchase the land for inclusion in the adjacent single family parcel (Lot 2, Block 72, Comox District, Plan EPP55238). Disposition of city-owned lands must be undertaken in accordance with Section 26 of the Community Charter. This requires public notice of the sale to be published including the intended purchaser and purchase price. This 4.1 square metres of land has an estimated value of \$235 based on BC Assessments' land values of the adjacent parcel.

FINANCIAL IMPLICATIONS:

In accordance with the Community Charter, the disposition of land must be at fair market value. It has been determined that the value of this section of road is \$243.51 and is revenue to the City through this process.

All fees for legal survey, solicitor services and taxes are being absorbed by the developer.

ADMINISTRATIVE IMPLICATIONS:

Activities relating to the closure of a road or the disposition of city-owned lands are considered statutory, unplanned work as they are typically generated from an external third party request. In this case, these processes will consume approximately 8 hours of staff time to complete.

ASSET MANAGEMENT IMPLICATIONS:

It is effective asset management to dispose of unnecessary property holdings.

STRATEGIC PRIORITIES REFERENCE:

None.

OFFICIAL COMMUNITY PLAN REFERENCE:

None.

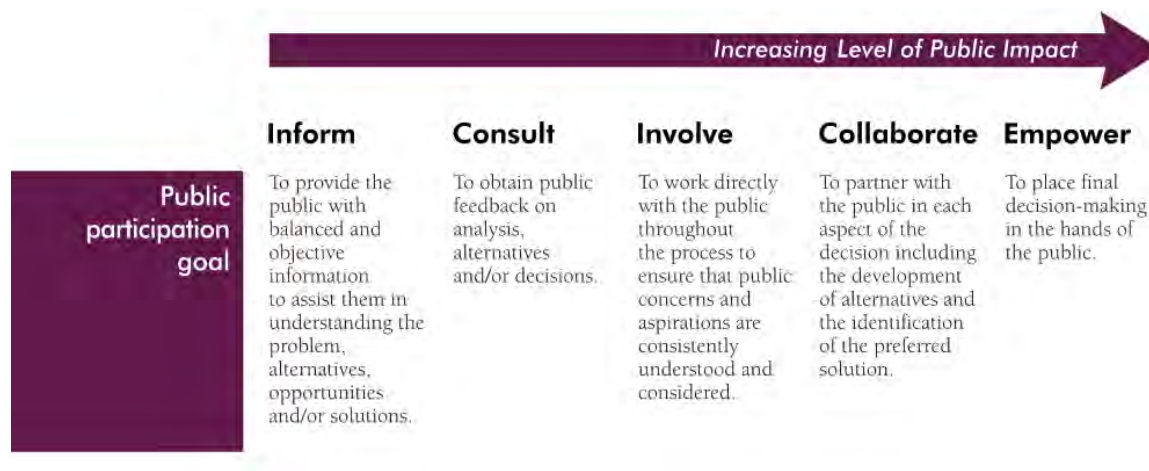
REGIONAL GROWTH STRATEGY REFERENCE:

None.

CITIZEN/PUBLIC ENGAGEMENT:

The Community Charter requires that staff publish notice to the public for both the road closure and disposition of land. Staff would consider this to be an informed level of engagement based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

- Option 1: That Council approve the closure a portion of Sussex Drive south of Norfolk Way, and That “Road Closure Bylaw No. 2834, 2015” proceeds to 1st, 2nd, and 3rd reading, and That subsequent to the publication of notice, Council approve the disposition of the 4.1 square meters of closed road as shown outlined on the survey Reference Plan EPP55242 prepared by Bruce Lewis, BCLS, to Silverado Land Corp.in exchange for the sum of \$234.51.
- Option 2: Council directs staff to do nothing with respect to closing a section of Sussex Drive and deny the request for the purchase of lands.

Prepared by:



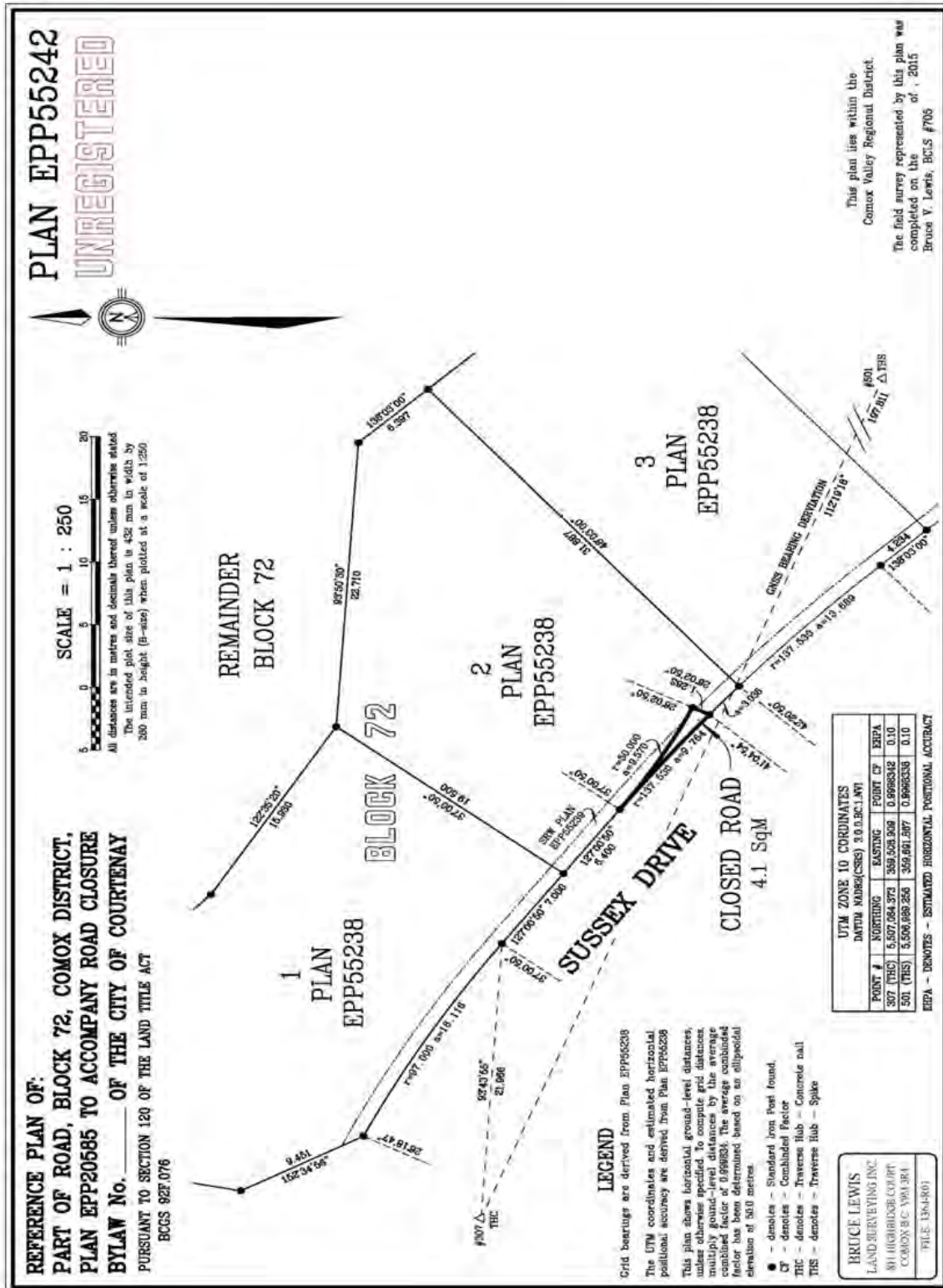
Lesley Hatch, P.Eng.

Director of Engineering & Public Works

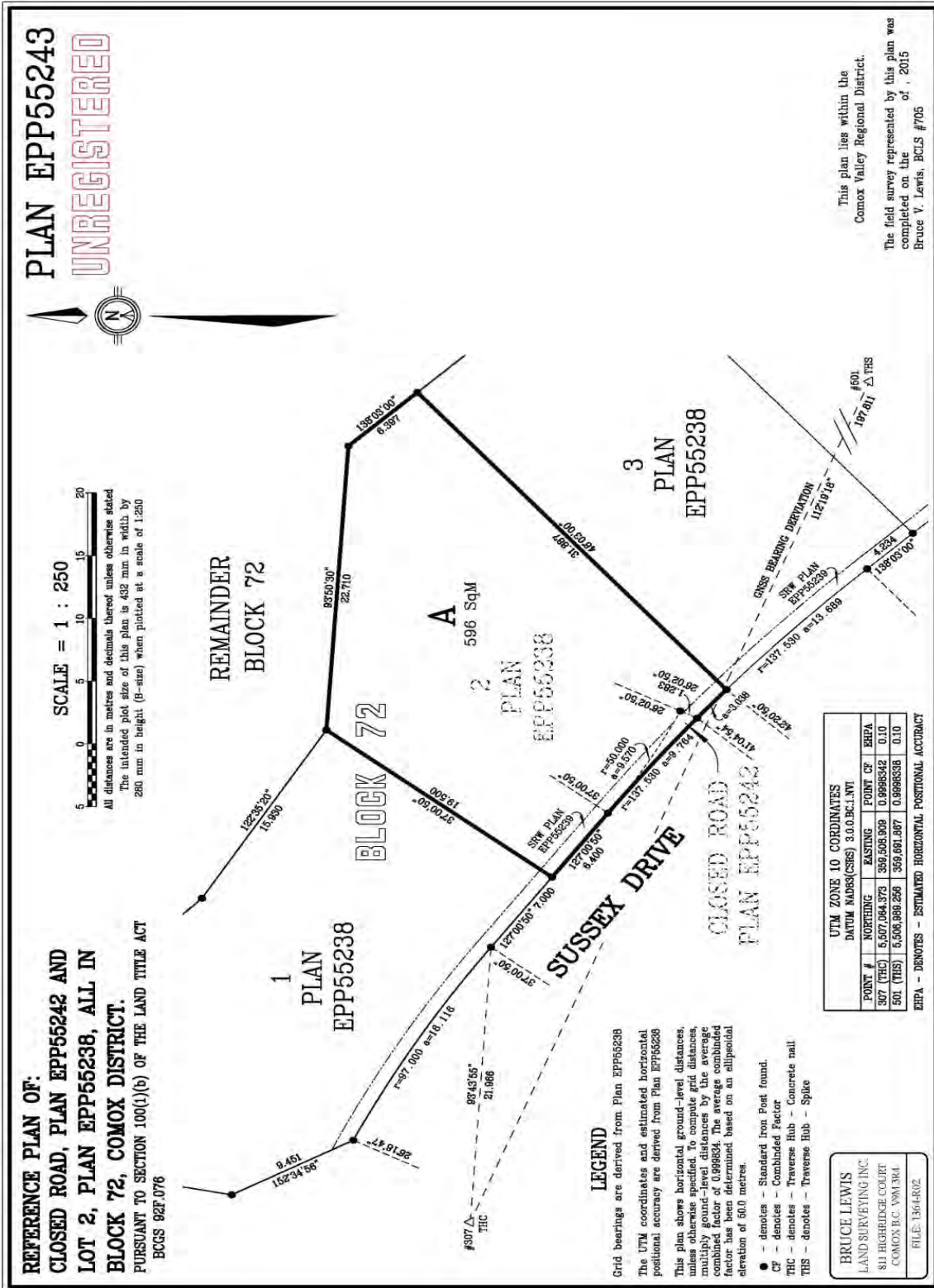
Attachments:

1. *Attachment No. 1 : Legal Survey Reference Plan EPP55242 (Sussex Drive Road Closure)*
2. *Attachment No. 2: Legal Survey Reference Plan EPP55243 (Consolidation Plan)*

Attachment No. 1 : Legal Survey Reference Plan EPP55242 (Sussex Drive Road Closure)



Attachment No. 2: Legal Survey Reference Plan EPP55243 (Consolidation Plan)





THE CORPORATION OF THE CITY OF COURTENAY

MEMORANDUM

To: Council
From: Chief Administrative Officer
Subject: Downtown Courtenay Design Charrette

File No.: N/A
Date: January 14, 2016

ISSUE:

To invite the Mayor and Members of Council to a series of Design Charrette events scheduled between March 7th (Monday) and 10th (Thursday) at Native Sons Hall.

BACKGROUND:

The Downtown Forum held last October was well attended and received, and brought significant momentum to the community in revitalizing Downtown Courtenay. Building on this momentum, the goal for 2016 is to articulate a vision and revitalization concepts, as well as to establish revitalization tools. Staff will be working with Michael von Hausen and his team to achieve these goals through a unique planning method called a "Design Charrette".

A Design Charrette is an intensive workshop where members of the community and design professionals work together on the vision and goals for future development. The Charrette will consist of a forum, discussion, and actual design work. It provides immediate feedback and allows all participants to be mutual authors of the outcomes. Michael and his team are a well-known consulting team who have delivered a number of successful design charrettes in Western Canada.

KEY CONSIDERATIONS:

Staff invite Council to the following events. For further information, please contact Ian Buck, Director of Development Services or Tatsuyuki Setta, Senior Planner.

Monday, March 7:

Community Downtown Design Ideas and Priorities Workshop (Native Sons Hall), 5:30 to 9:00 pm

Tuesday, March 8:

Council and Community drop-in session (Native Sons Hall), 6:30 pm to 8:30 pm

Thursday, March 10:

Community Presentation and Discussion (Native Sons Hall), 5:30 pm to 8 pm

Respectfully submitted,

Ian Buck MCIP, RPP
Director of Development Services



MEMORANDUM

To: Council

File No.: 8330-71792 (Planning)

From: Chief Administrative Officer

Date: January 14, 2016

Subject: Courtenay River Third Crossing Review - Update

ISSUE:

This memorandum is to update Council on the status of the review of existing studies identifying the need for a third river crossing of the Courtenay River to support traffic flow.

BACKGROUND:

At the November 16, 2015 Regular Open Council Meeting, Council resolved:

“Moved by Hillian and seconded by Theos that Council direct staff to provide a report to Council regarding the proposed 11th Street river crossing at the earliest possible date.”

KEY CONSIDERATIONS:

Staff have engaged a consultant to review past transportation studies related to the need and optional locations for a future third crossing of the Courtenay River with a particular focus on the 11th Street corridor recommendation. The initial scope of work for the City’s consultant includes the following:

- Review of past transportation planning studies:
 - *City of Courtenay Official Community Plan No. 2387, 2005*
 - *Traffic Operation at Seventeenth Street Corridor, 2005, Delcan*
 - *2005 Courtenay Transportation Study, 2005, Ward Engineering*
 - *City of Courtenay – Third Bridge Crossing Conceptual Options Study, 2008, McElhanney Consulting Services Ltd.*
 - *25 Year Vision for Multi-Modal Transportation, 2014, Morrison Hershfield*
- General overview of other supporting studies and documents:
 - *Various Environmental Impact Assessments on record*
 - *2008 Geotechnical Overview, Levelton Engineering.*
- General overview of other applicable government regulations and legislation require for advancing a crossing option for approvals, with a focus on any change in applicable legislation subsequent to the 2008 McElhanney study that could impact route/crossing selection.
- Preparation and submission of a technical memorandum summarizing past studies, and making recommendations for confirmation of Third Crossing need and location.

Staff has requested that the consultant submit his findings by February 4th, 2016 to allow for preparation of a Staff Report for the February 15, 2016, or March 1st, 2016 regular council meetings.

Prepared by:

Lesley Hatch, P.Eng.
Director of Engineering Services

File: 0540-20/CV Water

January 11, 2016

Sent via email only: jward@courtenay.ca

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

Dear John:

Re: 2016 Comox Valley water committee voting structure

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

The bylaw and subsequent policy direction in March 2012 require that the per cent of water consumption in 2015 be compared against the percent of water consumption in 1995 and that if any participant’s relative amount of consumption increases by 4.17% or more, then that participant shall receive an additional vote. Any increase in votes shall be added to the original 1995 assignment of votes. Table 1 below illustrates the consumption values and resulting votes for 2016.

Participant	2015 consumption	2015%	1995%	% change	baseline	2016 votes
City of Courtenay	4,761,951	62.22%	51.69%	10.53%	6	7
Town of Comox	2,201,125	28.76	30.48%	-1.72%	3	3
Electoral Area 'A'	30,833	0.40%	2.74%	-2.34%	1	1
Electoral Area 'B'	465,846	6.09%	12.52%	-6.43%	1	1
Electoral Area 'C'	193,811	2.53%	0.44%	2.09%	1	1
	7,653,566					13

At this time, the City of Courtenay and the Town of Comox are both required to adopt resolutions that assign whole votes for the water committee to the City of Courtenay and Town of Comox regional district directors. That is, three City of Courtenay directors are to receive two votes each and one City of Courtenay directors must be assigned one vote for 2016. Further, one Town of Comox director must be assigned two water committee votes and the other Town of Comox director must be assigned one water committee vote for 2016. Please have your councils consider the vote assignments as soon as possible and provide the results to me at your earliest convenience. The results of the council voting assignments will enable the water committee to conduct its first meeting, scheduled for Tuesday, January 26, 2016.

If you have any questions, please contact me.

Table 2 shows the historic consumption and per cent consumption values.

	City of Courtenay		Town of Comox		Area A		Area B		Area C		Total m3
	m3	%	m3	%	m3	%	m3	%	m3	%	
1995		51.69		30.48		2.74		12.52		0.44	
2000	4,326,535	54.46	2,428,098	30.56	50,439	0.63	797,858	10.04	341,928	4.30	7,944,858
2001	4,353,645	54.49	2,450,856	30.67	42,674	0.53	810,983	10.15	331,981	4.15	7,990,139
2002	4,643,105	54.44	2,569,743	30.13	46,908	0.55	956,084	11.21	313,008	3.67	8,528,848
2003	5,282,535	57.74	2,596,438	28.38	53,064	0.58	806,926	8.82	409,867	4.48	9,148,830
2004	5,284,562	57.62	2,639,371	28.78	54,608	0.60	806,965	8.80	385,201	4.20	9,170,707
2005	4,715,895	58.90	2,263,918	28.28	37,989	0.47	675,725	8.44	312,430	3.90	8,005,957
2006	5,297,371	57.23	2,719,867	29.39	47,147	0.51	789,429	8.53	402,014	4.34	9,255,828
2007	4,643,588	57.62	2,499,919	31.02	37,705	0.47	478,999	5.94	399,062	4.95	8,059,273
2008	4,757,131	58.40	2,531,740	31.08	39,485	0.48	557,952	6.85	258,883	3.18	8,145,191
2009	4,796,412	57.12	2,636,103	31.40	42,318	0.50	627,979	7.48	293,602	3.50	8,396,414
2010	4,667,929	59.30	2,348,114	29.83	42,012	0.53	548,175	6.96	265,720	3.38	7,871,950
2011	4,688,793	60.52	2,326,610	30.03	44,433	0.57	457,186	5.90	230,190	2.97	7,747,212
2012	4,850,901	60.39	2,439,895	30.37	48,683	0.61	458,181	5.70	235,253	2.93	8,032,913
2013	4,548,999	60.03	2,339,562	30.87	30,863	0.41	454,297	6.00	203,816	2.69	7,577,537
2014	4,739,429	60.78	2,377,421	30.49	31,723	0.41	460,102	5.90	189,068	2.42	7,797,743
2015	4,761,951	62.22	2,201,125	28.76	30,833	0.40	465,846	6.09	193,811	2.53	7,653,566

Sincerely,

J. Warren

James Warren
General Manager of Corporate Services

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



**Water Local Service
Establishment
(Comox Valley)**

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

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

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

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

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

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

Date	Action																														
December 2012	<p>Comox Valley water committee resolution dated December 11, 2012: THAT the Comox Valley water committee approve that the corporate officer shall:</p> <ul style="list-style-type: none"> a) report the percentage of water consumed by the participants in the Comox Valley water supply system as early in each year as possible; and, b) apply weighted votes, in accordance with Bylaw No. 1783 being "Water Local Service Establishment Bylaw 1995" and subsequent policy direction approved by the committee on or before January 20 in each year; <p>AND FURTHER THAT the Comox Valley water committee chair and vice-chair selection shall occur at the first meeting of the water committee in each year, rather than in January as required under section 13(g) of Bylaw No. 1783.</p>																														
January 2015	<p>Following council resolutions on weighted vote assignments, Comox Valley water committee weighted votes for 2015 are as follows:</p> <table border="1" data-bbox="289 730 1344 1098"> <tbody> <tr> <td>City of Courtenay</td> <td>Director Jangula</td> <td>1 vote</td> </tr> <tr> <td>City of Courtenay</td> <td>Director Eriksson</td> <td>2 votes</td> </tr> <tr> <td>City of Courtenay</td> <td>Director Theos</td> <td>2 votes</td> </tr> <tr> <td>City of Courtenay</td> <td>Director Wells</td> <td>2 vote</td> </tr> <tr> <td>Town of Comox</td> <td>Director Price</td> <td>1 vote</td> </tr> <tr> <td>Town of Comox</td> <td>Director Grant</td> <td>2 votes</td> </tr> <tr> <td>Electoral Area A</td> <td>Director Jolliffe</td> <td>1 vote</td> </tr> <tr> <td>Electoral Area B</td> <td>Director Nichol</td> <td>1 vote</td> </tr> <tr> <td>Electoral Area C</td> <td>Director Grieve</td> <td>1 vote</td> </tr> <tr> <td>Totals</td> <td></td> <td>13 votes</td> </tr> </tbody> </table>	City of Courtenay	Director Jangula	1 vote	City of Courtenay	Director Eriksson	2 votes	City of Courtenay	Director Theos	2 votes	City of Courtenay	Director Wells	2 vote	Town of Comox	Director Price	1 vote	Town of Comox	Director Grant	2 votes	Electoral Area A	Director Jolliffe	1 vote	Electoral Area B	Director Nichol	1 vote	Electoral Area C	Director Grieve	1 vote	Totals		13 votes
City of Courtenay	Director Jangula	1 vote																													
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Totals		13 votes																													

REGIONAL DISTRICT OF COMOX-STRATHCONA

BYLAW NO. 1783

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

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

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

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

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

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

Local Service

- 2670
1. The service hereby established is to design, construct, reconstruct, purchase, maintain and operate facilities for the supply, treatment, conveyance, storage and distribution of water,
 - (a) in bulk to the City of Courtenay and the Town of Comox for redistribution by those municipalities, including redistribution by the Town of Comox to HMCS Quadra;
 - (b) in bulk to water service areas in that part of the Regional District not within the boundaries of the City of Courtenay and the Town of Comox located within a participating area for this service;
 - (c) in bulk to the Comox Indian Band;
 - (d) in bulk to the Sandwick Waterworks District in the event of an emergency;
 - (e) in bulk from the bulk water dispensing system; and
 - (f) the service shall be known as "The Comox Valley Water System".

Boundaries

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

Participating Areas

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

Cost Recovery

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

Apportionment

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

Metering

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

Local Service Areas Within Electoral Areas

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

Water Committee

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

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

Voting

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

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

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

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

Pressures and Flows

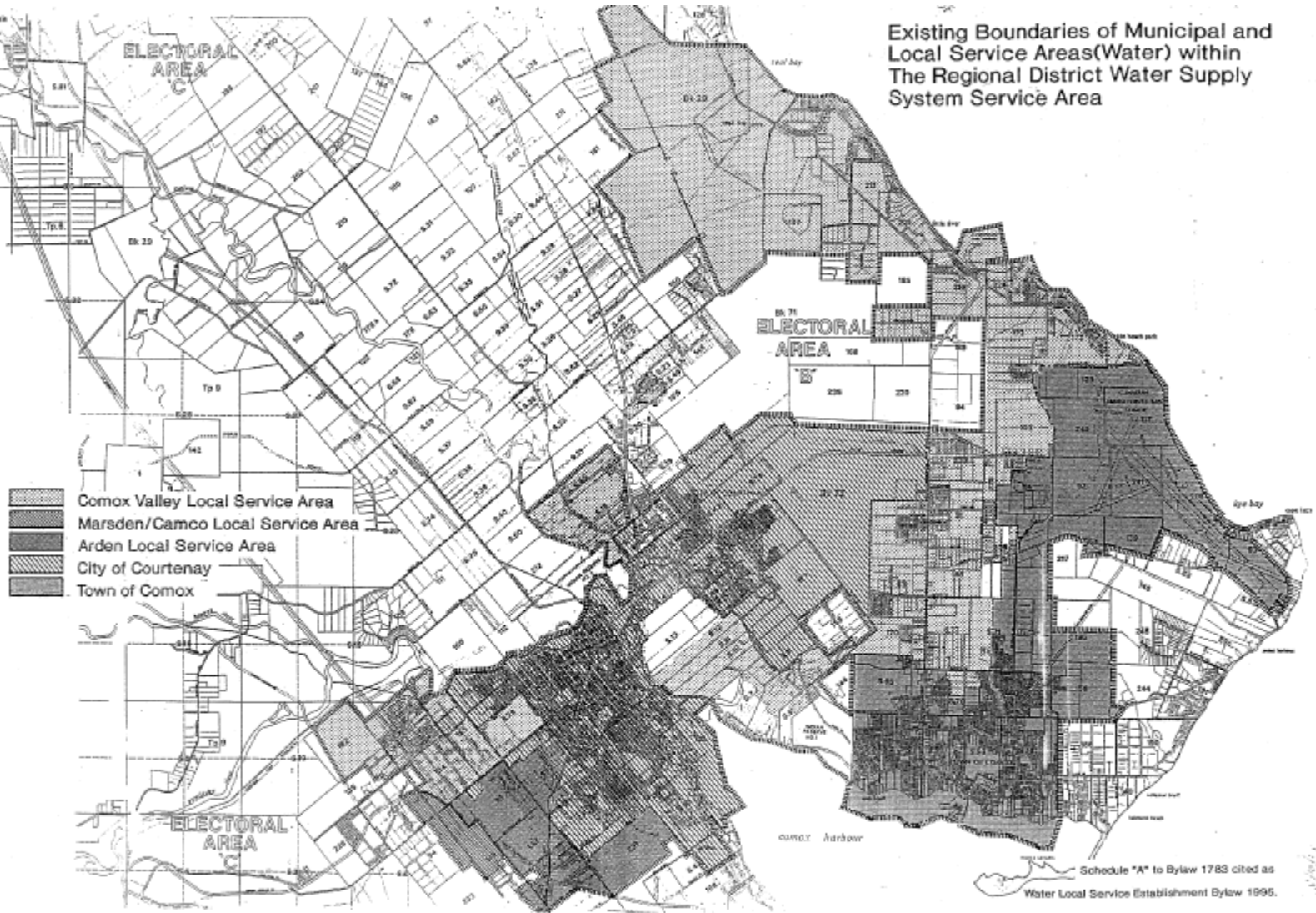
- 16. If a proposed expansion to the use of water from the local service system in any participating area would cause the pressure and flow of water to fall below 275 Kpa (40 psi) or 1800 litres/capita/day (400 imperial gallons/capita/day) or such other volume which may be determined by the Water Committee,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

Citation

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

Schedule A

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



THE CORPORATION OF THE CITY OF COURTENAY

SUSSEX ROAD CLOSURE BYLAW NO. 2834, 2016

WHEREAS, pursuant to Section 40 of the *Community Charter*, Council may, by bylaw, close a portion of a highway to traffic and remove the dedication of the highway, if prior to adopting the bylaw, Council publishes notices of its intention in a newspaper and provides an opportunity for persons who consider they are affected by the bylaw to make representations to Council;

AND WHEREAS the Council of the City of Courtenay deems it expedient to close to traffic and remove the dedication of highway of that portion of highway comprising of 4.1 square metres in size legally described as Part of Block 72, dedicated as road at the Victoria Land Title Office by Plan VIP76772, Comox District, outlined in bold black on the draft Reference Plan EPP55242 prepared by Bruce V. Lewis, B.C.L.S. #705 on the 8th day of January, 2016 a reduced copy of which is attached hereto as Schedule "A";

AND WHEREAS notices of Council's intention to close this portion of highway to traffic, to remove its dedication as highway, and to dispose of it were published in a newspaper and posted in the public notice posting place, and Council has provided an opportunity for persons who consider they are affected by the closure and disposition to make representations to Council;

AND WHEREAS the Council does not consider that the closure of that portion of highway will affect the transmission or distribution facilities or works of utility operators;

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

1. That portion of highway comprising of 4.1 square metres in size legally described as Part of Block 72, dedicated as road at the Victoria Land Title Office by Plan VIP76772, Comox District, outlined in bold black on the draft Reference Plan EPP55242 prepared by Bruce V. Lewis, B.C.L.S. #705 on the 8th day of January, 2016 a reduced copy of which is attached hereto as Schedule "A" (the Closed Road), is closed to all types of traffic, and its dedication as highway is removed.
2. On deposit of the reference plan attached hereto as Schedule "A" and all other documentation for the closure of the Closed Road in the Victoria Land Title Office, the Closed Road is closed to traffic, it shall cease to be public highway, and its dedication as highway is cancelled.
3. The Mayor and Director of Legislative Services are authorized to execute and deliver such transfers, deeds of land, plans and other documentation as may be necessary for the purposes aforesaid.
4. This Bylaw may be cited as "**Sussex Road Closure Bylaw No. 2834, 2016**".

Read a first time this 18th day of January, 2016

Read a second time this 18th day of January, 2016

Read a third time this 18th day of January, 2016

Published in two editions of the Comox Valley Echo on the day of , 2016 and on the
day of , 2016

Finally passed and adopted this day of , 2016

Mayor

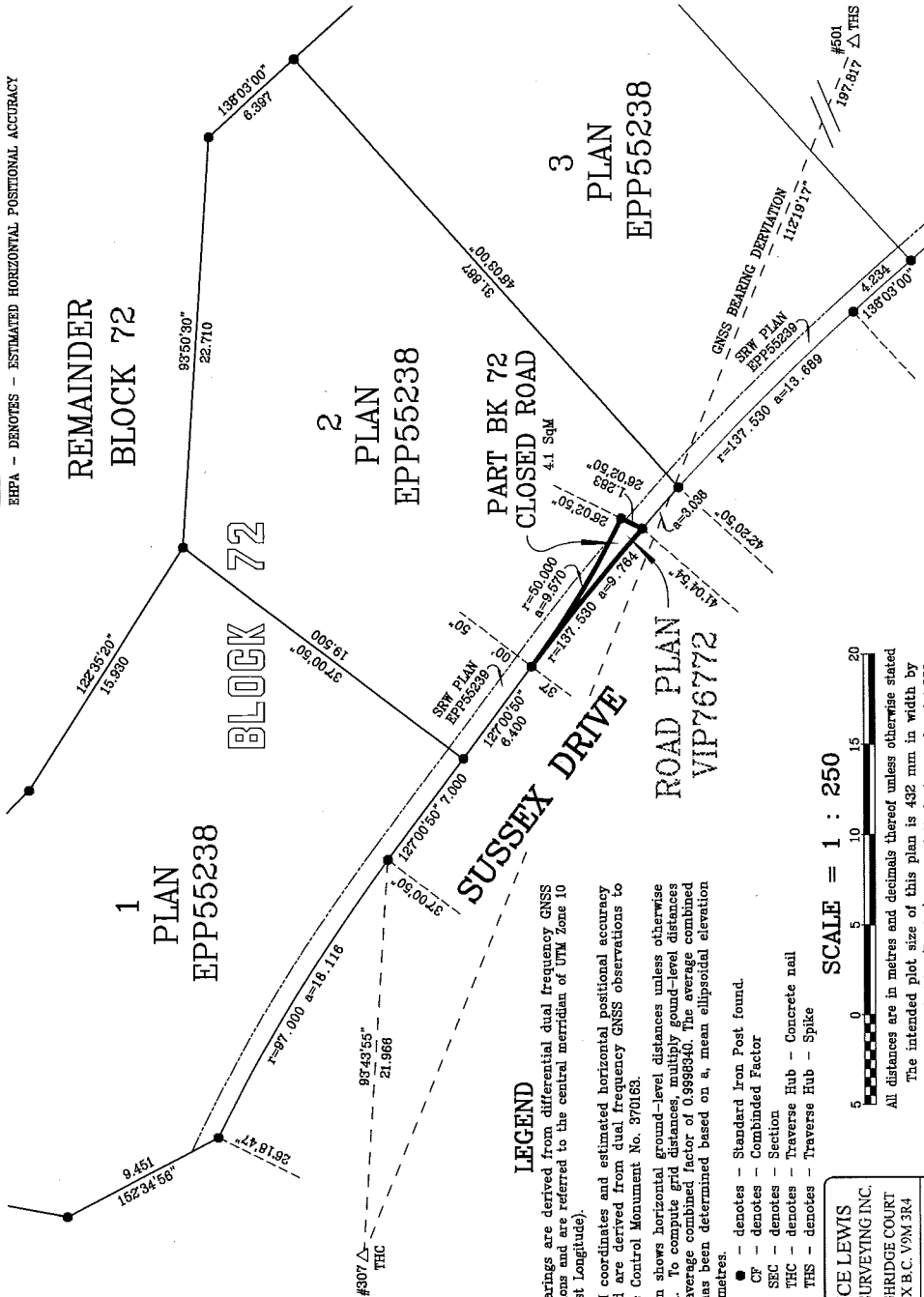
Director of Legislative Services

PLAN EPP55242

**REFERENCE PLAN TO ACCOMPANY:
THE CORPORATION OF THE CITY OF COURTENAY
BYLAW No. 2834 CLOSING ROAD DEDICATED BY
PLAN VIP76772, IN BLOCK 72, COMOX DISTRICT.
PURSUANT TO SEC 120, LAND TITLE ACT & SEC 40, COMMUNITY CHARTER
BCGS 92F.066**

UTM ZONE 10 COORDINATES			
POINT #	NORTHING	EASTING	POINT CF
307 (THC)	5,507,064.377	359,508.907	0.9998342
501 (THS)	5,506,989.258	359,691.870	0.9998338
			0.10

EHFA - DENOTES - ESTIMATED HORIZONTAL POSITIONAL ACCURACY



LEGEND

Grid bearings are derived from differential dual frequency GNSS observations and are referred to the central meridian of UTM Zone 10 (12E West longitude).
The UTM coordinates and estimated horizontal positional accuracy achieved are derived from dual frequency GNSS observations to Geodetic Control Monument No. 370163.
This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, apply ground-level distances by the average combined factor of 0.9998340. The average combined factor has been determined based on a mean ellipsoidal elevation of 52.0 metres.

- - denotes - Standard Iron Post found.
- CF - denotes - Combined Factor
- SEC - denotes - Section
- THC - denotes - Traverse Hub - Concrete nail
- THS - denotes - Traverse Hub - Spike

BRUCE LEWIS
LAND SURVEYING INC.
811 HIGHLAND COURT
COMOX B.C. V9M 3R4
FILE: 1364-R01

SCALE = 1 : 250

All distances are in metres and decimals thereof unless otherwise stated.
The intended plot size of this plan is 432 mm in width by 280 mm in height (B-size) when plotted at a scale of 1:250

This plan lies within the
Comox Valley Regional District.
The field survey represented by this plan was
completed on the 8th of January, 2016
Bruce V. Lewis, BCIS #705

