

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

DATE: March 21, 2016
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt March 14, 2016 Regular Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

STAFF REPORTS/PRESENTATIONS

Pg #

(a) CAO and Legislative Services

(b) Community Services

(c) Development Services

- 1 1. Rivers Edge Phase 4 Street Name
- 7 2. Development Permit No. 1603 – 1016-5th Street
- 33 3. Development Variance Permit No. 1602 – 2594 Copperfield Road

(d) Financial Services

(e) Engineering and Operations

- 43 4. Development Cost Charges Bylaw No. 2840, 2016

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

8.00 RESOLUTIONS OF COUNCIL

In Camera Meeting:

That notice is hereby given that a Special In-Camera meeting closed to the public will be held March 21, 2016 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- 90 (1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

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

9.00 UNFINISHED BUSINESS

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

12.00 BYLAWS

For Second and Third Reading

- 49 1. "Development Cost Charges Bylaw No. 2840, 2016"

Recommendation:

That "Development Cost Charges Bylaw No. 2840, 2016" be amended to revise Section 8 (effective date), and to replace "Schedule A";

That "Development Cost Charges Bylaw No. 2840, 2016" pass second reading as amended; and

That "Development Cost Charges Bylaw No. 2840, 2016" pass third reading.

For Third Reading and Final Adoption

- 55 1. "Zoning Amendment Bylaw No. 2839, 2016"

For Final Adoption

- 57 1. "Council Procedure Amendment Bylaw No. 2846, 2016"

13.00 ADJOURNMENT



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: The Rivers Edge Phase 4 Development – Street Name

File No.: 3320-20-14693 / 5450-01
Date: March 21, 2016

PURPOSE:

The purpose of this report is for Council to consider the proposed street name for the future road within the lands being developed by Southwind Development Corporation. Additionally, staff is recommending an amendment to the “Naming of City Streets’ policy (Policy 5450.00.01) to remove the requirement for City Council to approve future street names.

CAO RECOMMENDATIONS:

That based on the March 21, 2016 staff report “The Rivers Edge Phase 4 Development - Street Name”, Council approve option 1 and assign the name Grayhawk Place to the new road within the proposed subdivision off of 1st Street; and

That Council amend City Policy 5450.00.01 to remove the requirement of acquiring City Council approval for street naming.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

Policy No. 5400.00.01, “Naming of City Streets” established a reserve list of street names to be used within the City of Courtenay in the creation of new roadways and requires Council to approve their application. Southwind Development Corporation is requesting to employ a street name outside the list of reserve names and have requested that Council consider their proposal.

The policy requires that prior to any new street being named a report is prepared on street naming for presentation and approval by City Council.

DISCUSSION:

The plan in Schedule No. 1 demonstrates the proposed subdivision development roadway layout and the street naming proposal of Grayhawk Place. Staff has confirmed that the proposed street name conforms

with the City policy as the name currently does not exist in either the City’s inventory of street names or within other areas within the Comox Valley.

Policy 5450.00.01 currently requires staff time be used in the preparation of reports for submitting for approval to City Council. It further requires time within City Council meetings to review and accept the street name. Removing the requirement for approval from City Council will reduce the time it takes to complete development applications.

City staff will continue to inventory and track street names and work with developers to ensure that any street names recommended do not conflict with existing local street names with the Comox Valley area.

FINANCIAL IMPLICATIONS:

This proposed subdivision application remitted \$3,450.00 in fees to the City.

ADMINISTRATIVE IMPLICATIONS:

The process of subdivision application review is considered statutory work. Establishing street names for the development is a component of that process. Staff has spent approximately 4 hours to date on this aspect of the file.

Preparation and presentation of staff reports for street naming requires approximately 2 hours of staff time.

ASSET MANAGEMENT IMPLICATIONS:

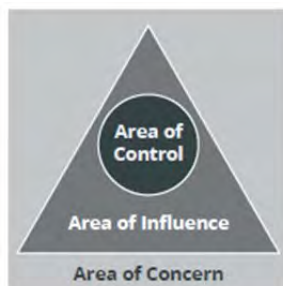
There are no direct asset management implications with this request.

STRATEGIC PRIORITIES REFERENCE:

Development applications fall within Council’s area of control and specifically align with the City’s 2016-2018 strategic priorities to support meeting the fundamental corporate and statutory obligations of the City.

We focus on organizational and governance excellence

We support meeting the fundamental corporate and statutory obligations



- Area of Control**
The policy, works and programming matters that fall within Council’s jurisdictional authority to act.
- ▲ Area of Influence**
Matters that fall within shared or agreed jurisdiction between Council and another government or party.
- Area of Concern**
Matters of interest outside Council’s jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

Not referenced.

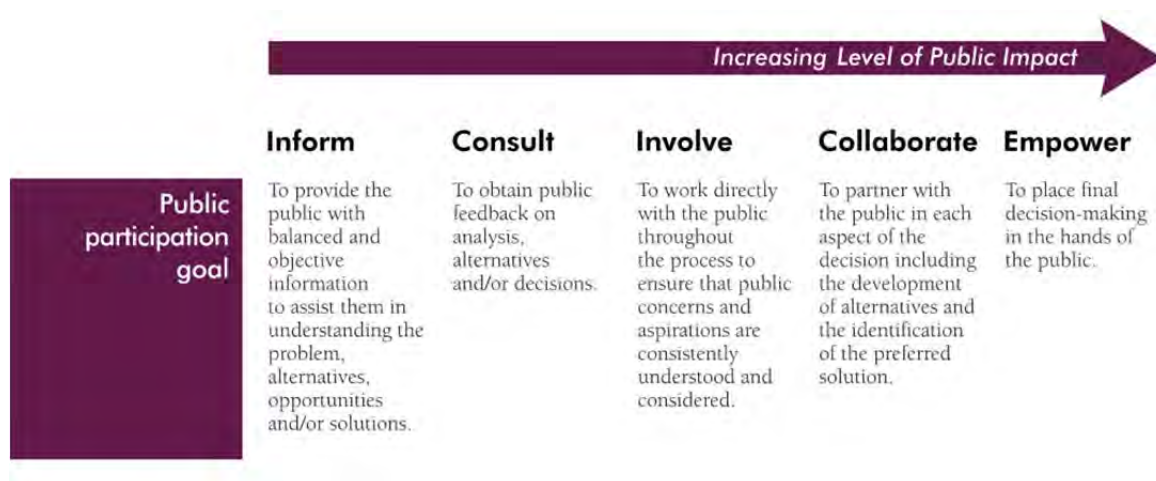
REGIONAL GROWTH STRATEGY REFERENCE:

Not referenced.

CITIZEN/PUBLIC ENGAGEMENT:

Staff worked directly with the developer to establish the street name. This is considered to be an involved 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 assign the street name of Grayhawk Place to the Rivers Edge Phase 4 development off 1st Street, as shown in Schedule No. 1; and

That Council amend City Policy 5450.00.01 to remove the requirement for developers to acquire City Council approval for street names.

OPTION 2: That Council direct staff to work with the Developer on alternate street names for consideration and

The City Policy 5450.00.01 continues to require City Council approval for all new street names.

Prepared by:



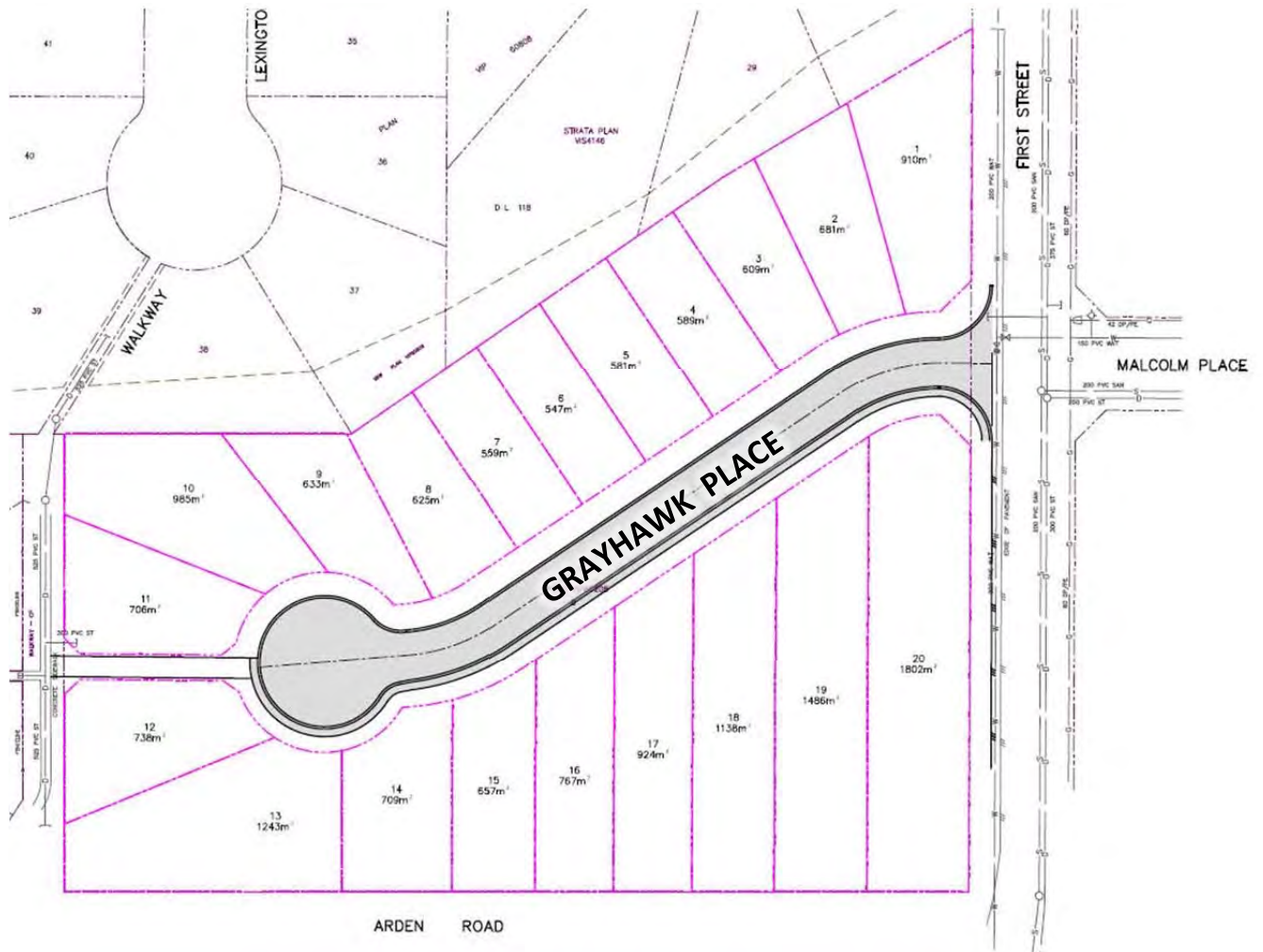
Rich Feucht, P.Eng.
Development Engineer

Reviewed by:



Ian Buck, MCIP, RPP
Director of Development Services

Schedule No. 1



Schedule No. 2

City of Courtenay	Policy	Page 1 of 1
Section: 11 – Engineering Public Works	Policy #	5450.00.01
Subject: Naming of City Streets	Revision #	

Scope:

This statement outlines the policy on the selection and inclusion of names to be used in the naming of City Streets.

Policy:

The City will establish a reserve list of names to be used in the naming of streets. This list will be compiled from the names on the reserve list and the following:

- a) Pioneers as provided by the Courtenay and District Historical Society
- b) Names on the memorial cairn of local armed forces personnel who died for our country
- c) Names of deserving citizens as recommended by City Council and
- d) The proposal of names from developer who wish to have a naming theme in their subdivision or developments.

Requests from the public for street names may be submitted to the City for consideration.

Staff will review any name to be proposed for a street and ensure that it not duplicated in the Comox Valley

Prior to any street being named a report on street naming will be prepared and approved by City Council.



STAFF REPORT

To: Council
From: Development Services Department
Subject: Development Variance Permit No. 1603 – 1016 5th Street

File No.: 3090-20-1603
Date: March 21, 2016

PURPOSE:

The purpose of this report is to consider a Development Variance Permit to reduce the rear yard setback to accommodate a 487 ft² addition to a single family dwelling. Variances to the front and side yard setbacks are also being sought in order to recognize the siting of an existing non-conforming dwelling.

CAO RECOMMENDATIONS:

That based on the March 21, 2016 staff report “Development Variance Permit No. 1603 – 1016 5th Street” Council approve Development Variance Permit No. 1603 (OPTION 1).

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The subject property is at 1016 5th Street at the intersection of 5th Street and Pidcock Avenue. The property is occupied by a single family dwelling with an attached garage and a small garden shed. The applicant is proposing to construct a 487 ft² addition to the existing dwelling, relocate the garden shed from the rear yard to the front yard and build a new deck on the east side of the dwelling.

This property is approximately 680 m², is zoned R-2 (Residential 2 Zone) and has a 812 ft² single residential dwelling located on it. A review of the City’s building files suggests that single family home was constructed in its existing location on the property in 1947 after the subdivision of the lands occurred in the early 1940’s.



Figure 1. Subject Property (outlined in orange)



Figure 2. Street view of subject property

The applicant purchased the property in 2007 and has made several improvements to the home and property including the installation of: new windows, a heat pump, a hot water tank, a new roof and fencing around the perimeter of the property. Improvements were also made to the foundation in 2008. The existing dwelling is serviced by City water and sewer and is accessed by a driveway off of Pidcock Avenue. Regarding topography, the site is generally level and mature landscaping exists in both the side and rear yards of the property.

The applicant is proposing to construct a 487 ft² addition to the dwelling in the rear yard. The applicant has plans to add two bedrooms and a bathroom to the dwelling. There reasons the applicant is proposing the addition include: creating more functional living space in the dining room and kitchen area; increasing the amount of natural light within the home and increasing the level of privacy for family members living within the home. The addition also has the benefit of adding value to the home and is a less expensive option than moving to a larger home in the same neighbourhood.

Prior to this application being submitted to Development Services, Staff spent considerable time with the applicant exploring options for where to place the addition onsite. The applicant decided that a main level addition as opposed to a second storey addition was a preferred option because it was structurally simpler, less disruptive, and more cost effective. Second storey additions can be very costly and often involve structural retrofitting, distributing interior walls and removing siding. After exploring all options the applicant decided that the best option was to construct the addition by extending the main level of the home into the rear yard. In order to accommodate this addition the applicant requires a variance to the rear yard setback.

During a review of the variance permit application Staff noted that the siting of the existing single family dwelling does not conform to building setbacks in the R-2 Zone. The two decks located at the northwest corner of the dwelling are non-conforming to the front yard setback and the foundation at the northeast corner of the dwelling is non-conforming to the side yard setback. Staff recommended the applicant also request variances to the side and front yard setbacks to legitimize the siting of the existing dwelling.

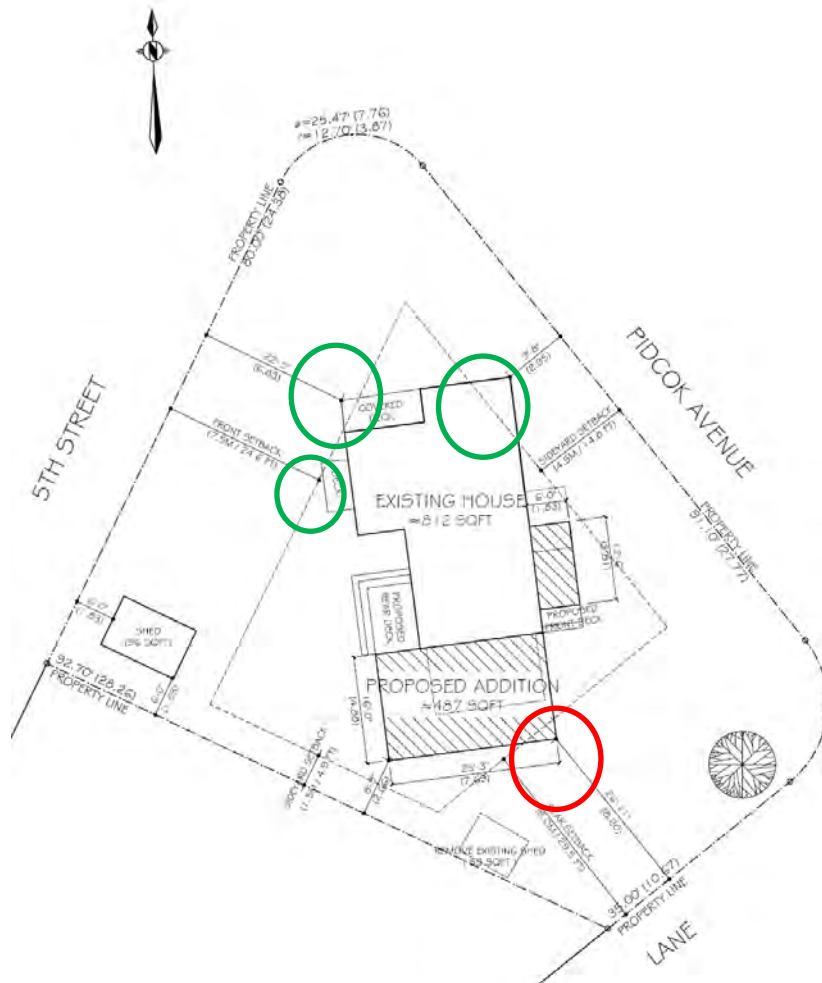
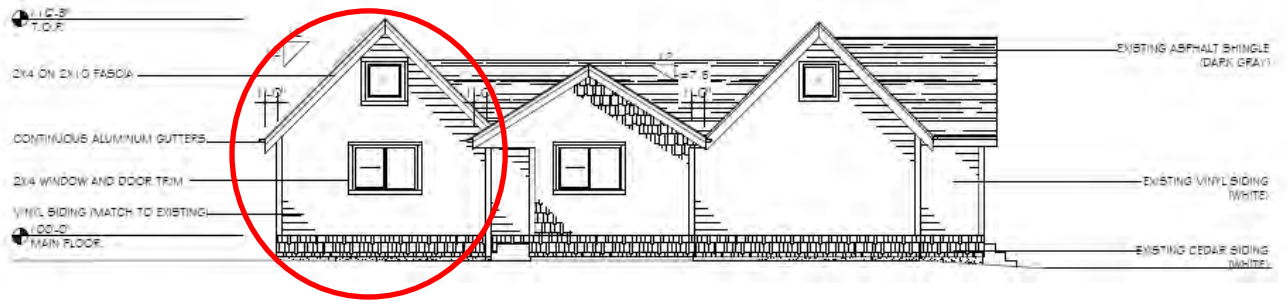
DISCUSSION:

Within residential neighbourhoods the intent of regulating building setbacks is to minimize the impact that building or structures have on the surrounding neighbourhood including visual character and the use and enjoyment of outdoor space for adjacent properties. The table below summarizes the required setbacks within the R-2 zone and the variances sought by the applicant.

Summary of Requested Variances

Yard	Required	Requested	Variance Sought	Status
Front yard	7.5 m	6.83 m	0.67 m	Existing Legal Non-conforming
Side Yard	4.5 m (East Side Yard -Pidcock Avenue) 1.5 m (West Side Yard)	2.95 m N/A	1.55 m	Existing Legal Non-conforming
Rear Yard	9.0 m	8.20	0.8 m	New Addition

The applicant has applied for three separate variances. The first variance is to section 8.2.27 (1) of Zoning Bylaw No. 2500, 2007 to reduce the front yard setback from 7.5 m to 6.83 m, the second variance is to reduce the eastern side yard setback from 4.5 m to 2.95 m and the third variance is being requested to accommodate the proposed addition. The purpose of these variances is twofold: (1) to legitimize the non-conforming siting of the existing dwelling and to create more functional living space in the small dwelling.



OCP Review

The applicant's development plan is consistent with several goals and objectives of the Official Community Plan (OCP) including: the provision of housing options to meet evolving demographic needs; creating inclusive neighbourhoods for housing; supporting aging in place; encouraging housing opportunities in close proximity to services, public facilities, shopping and employment opportunities and ensuring redevelopment proposals preserve the character of existing residential neighbourhoods.

The applicant is proposing a 487 ft² addition to the existing single family dwelling. A review of the applicant's building design plans shows that the addition is in keeping with the character and scale of the existing dwelling. The exterior of the existing dwelling is comprised of white vinyl and painted white shingles and blue trim around the windows, the roofline and doorways. The dwelling has black gutters and a grey asphalt roof. The addition will be comprised of identical white paint and white painted shingles, blue trim around the new windows and grey asphalt roofing materials. A new entrance way will be constructed with beams and posts that will be stained a cedar colour. By coordinating the addition with building materials that match the existing dwelling the development helps to preserve and maintain the character of the existing neighbourhood.

Zoning Review

A review of the redevelopment plan for the properties suggests that the proposed addition meets the requirements in the R-2 zone with regards to land use, parcel coverage, lot frontage, and building height. The applicant also meets the parking requirements for single family residential use.

FINANCIAL IMPLICATIONS:

Should Development Variance Permit No. 1603 be approved, 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. Development Cost Charges (DCC's) are not applicable because this application involves an existing single family dwelling.

ADMINISTRATIVE IMPLICATIONS:

The processing of development applications is included in the current work plan as a statutory component. Staff has spent 15 hours reviewing the application, conducting a site visit and meeting with the applicant to request additional information. The application fee of \$1,500 is slightly more than the staff cost of approximately \$1200. The City incurs costs related to mailing out notices and registering the notice of the permit with land titles.

If approved, there will be approximately one additional hour of staff time required to prepare the notice of permit, have it registered on title and close the file. Additional staff time will be required for review building permit applications and to perform the required building inspections.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications related to this application.

STRATEGIC PRIORITIES REFERENCE:

Development applications fall within Council's area of control and specifically align with the strategic priority to support meeting the fundamental corporate and statutory obligations of the City. This

application also meets the goal to support densification aligned with community input and the regional growth strategy.

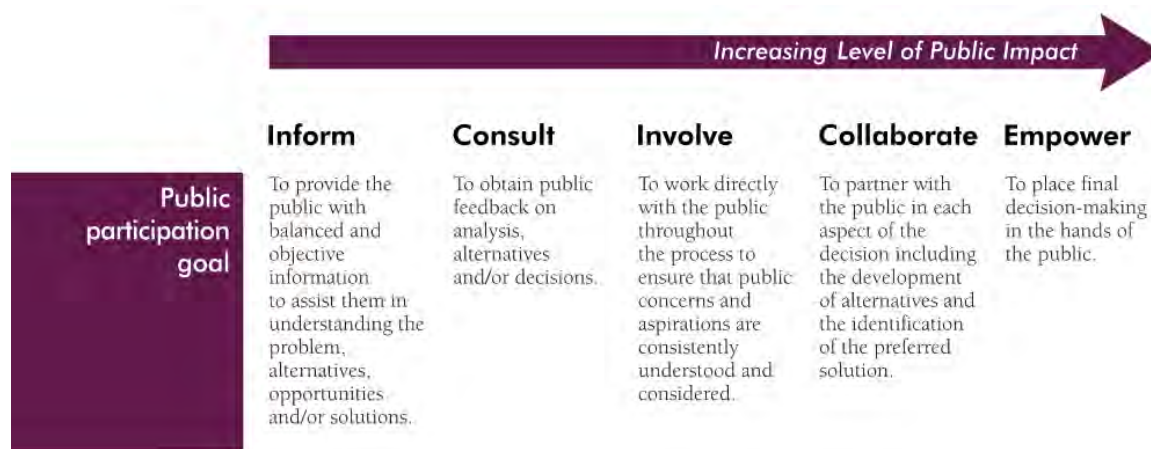
OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed development is consistent with OCP policies regarding: providing housing options to meet evolving demographic needs; creating inclusive neighbourhoods for housing and ensuring redevelopment proposals preserve the integrity and character of existing residential areas.

REGIONAL GROWTH STRATEGY REFERENCE:

The subject property is located within a Core Settlement Area. As mandated by the Regional Growth Strategy, the majority of growth and development should be concentrated in these areas to provide the efficient use of land. The Regional Growth Strategy also mandates increasing housing opportunities in existing residential areas and promoting housing diversity that meets evolving demographic needs.

CITIZEN/PUBLIC ENGAGEMENT:



The level of public input is Consult. The applicant held a public information meeting on March 3, 2016 at 1016 5th Street. According to the record three people signed the sign in sheet and a total of six people filled out comment sheets.

Overall attendees provided positive feedback on the development proposal and made the following comments: the addition will serve to enhance the character of the neighbourhood and the addition will not impact neighbouring properties. A copy of the public information summary report and copies of the comment sheets are attached to this report as **Attachment No. 3**.

In accordance with the *Local Government Act*, the City has notified property owners and occupants within 30m of the subject property with regard to the proposed amendment. To-date, staff has received no responses.

OPTIONS:

OPTION 1 (Recommended): Approve Development Variance Permit No. 1603.

OPTION 2: Defer consideration of Development Variance Permit No. 1603 pending receipt of further information.

OPTION 3: Not approve Development Variance Permit No. 1603.

Prepared by:

Reviewed by:



Dana Leitch, MCIP, RPP
Land Use Planner



Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Attachment No. 1: Development Variance Permit and Associated Schedules*
2. *Attachment No. 2: Applicant's Rationale and Written Submissions*
3. *Attachment No. 3: Summary of Public Information Meeting, March 3, 2016*

THE CORPORATION OF THE CITY OF COURTENAY

Attachment No. 1:
*Development Variance
Permit*

Permit No. 3060-20-1603

DEVELOPMENT VARIANCE PERMIT

March 21, 2016

To issue a Development Permit

To: Name: Angela Holmes
Address: 1016 – 5th Street
Courtenay, British Columbia
V9N 1L4

Property to which permit refers:

Legal: Lot 3, District Lot 127, Comox District, Plan 4941
Civic: 1016 – 5th Street

Conditions of Permit:

Permit issued to allow the siting of an single family residential dwelling with the following variances to the City of Courtenay Zoning Bylaw No. 2500, 2007:

- *Section 8.2.27 (1)* – reduce the required front yard building setback from 7.5m to 6.83 m for the existing porches and wood supports;
- *Section 8.2.27 (2)* – reduce the required rear yard building setback from 9.0 m to 8.20 m for a new addition to the existing single family dwelling; and
- *Section 8.2.27 (3)* – reduce the required side yard building setback from 4.5 m to 2.95 m for the existing house foundation.

Development Variance Permit No. 1603 is subject to the following conditions:

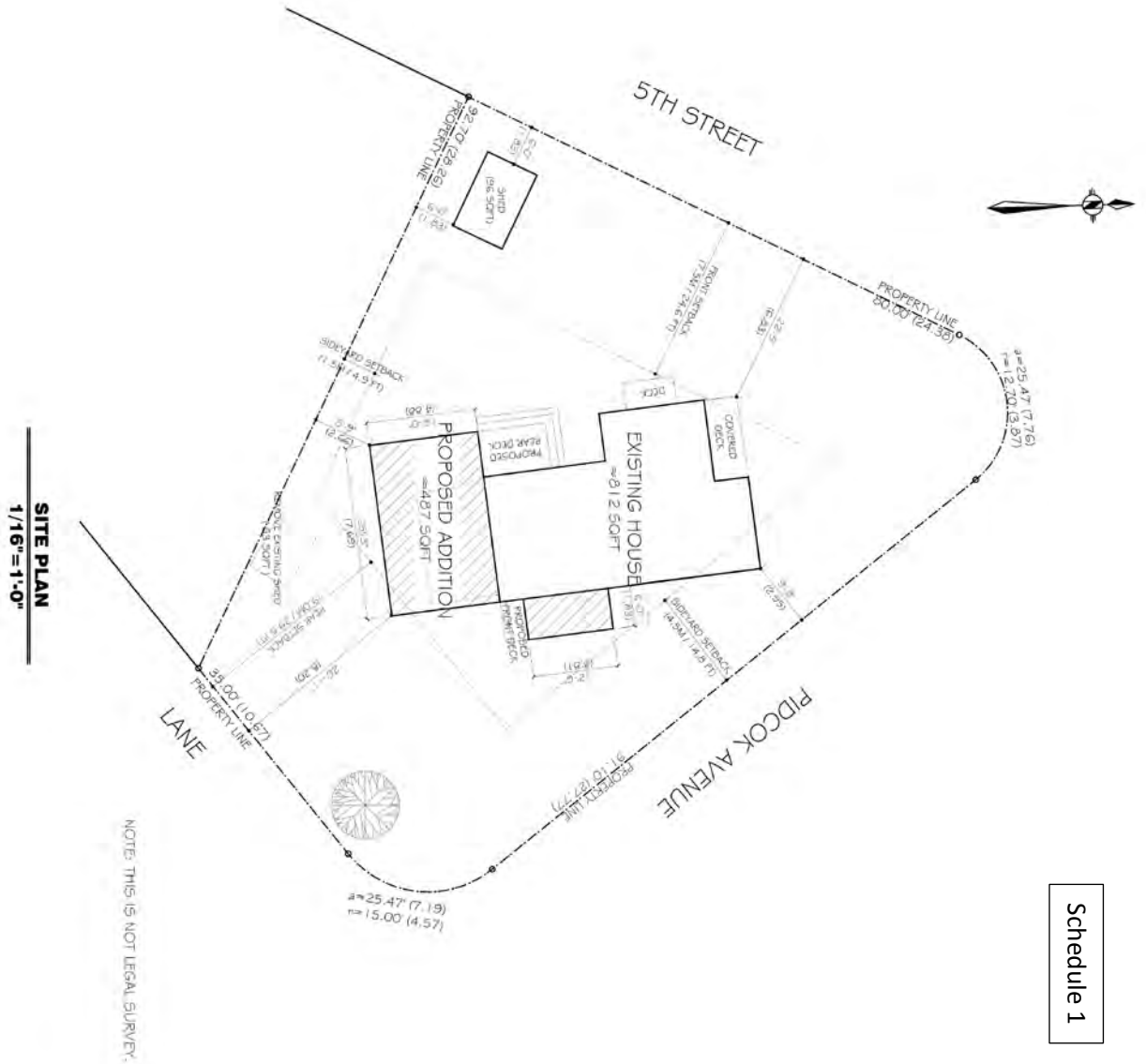
- a) Development must be in conformance with the plans and elevations contained in **Schedule No. 1**;
- b) Parking areas must be developed in accordance with *Zoning Bylaw No. 2500, 2007*, Division 7, Off-Street Parking and Loading Spaces.

Time Schedule of Development and Lapse of Permit

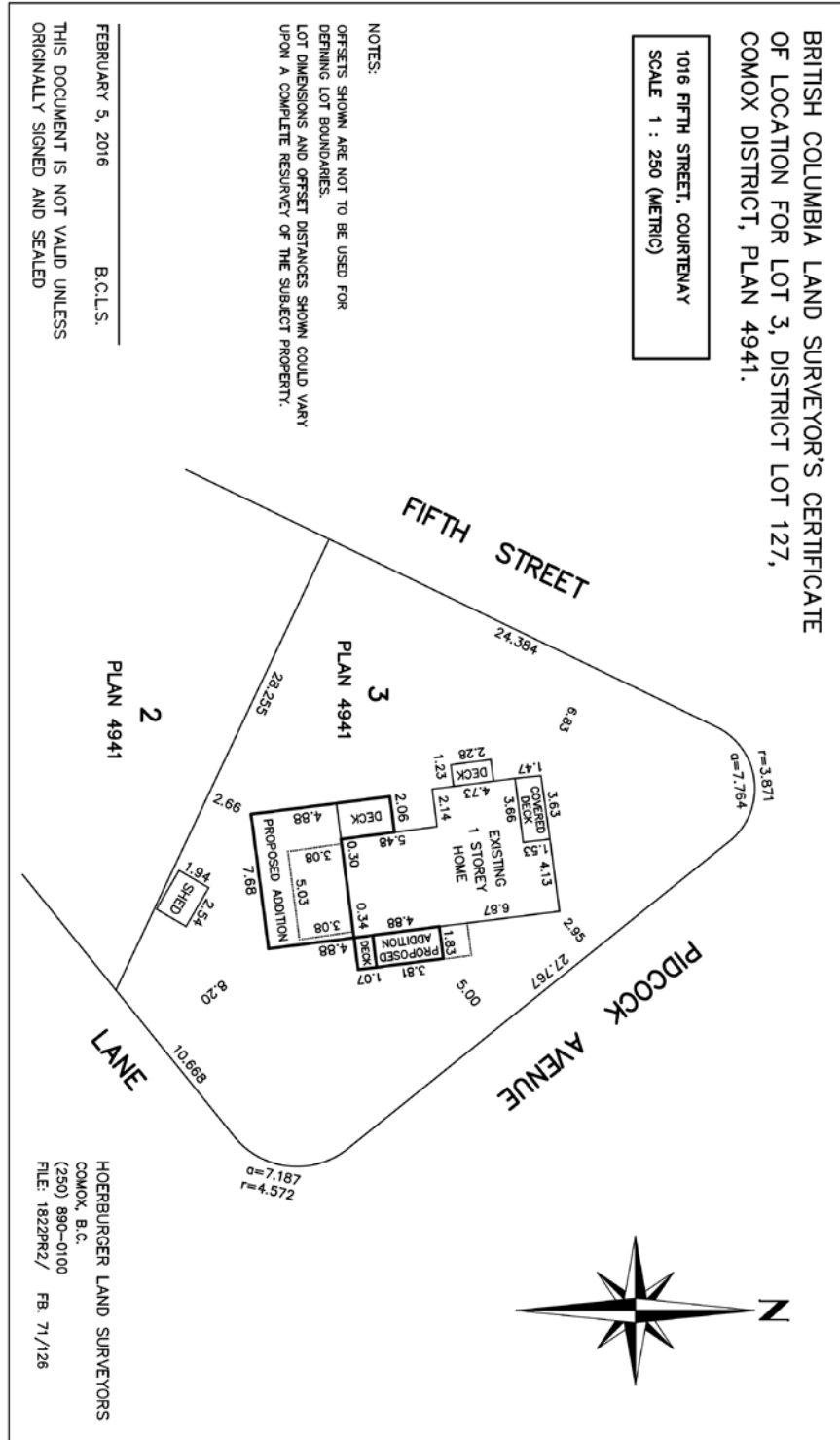
That if the permit holder has not substantially commenced the construction authorized by this permit within (12) months after the date it was issued, the permit lapses.

Date

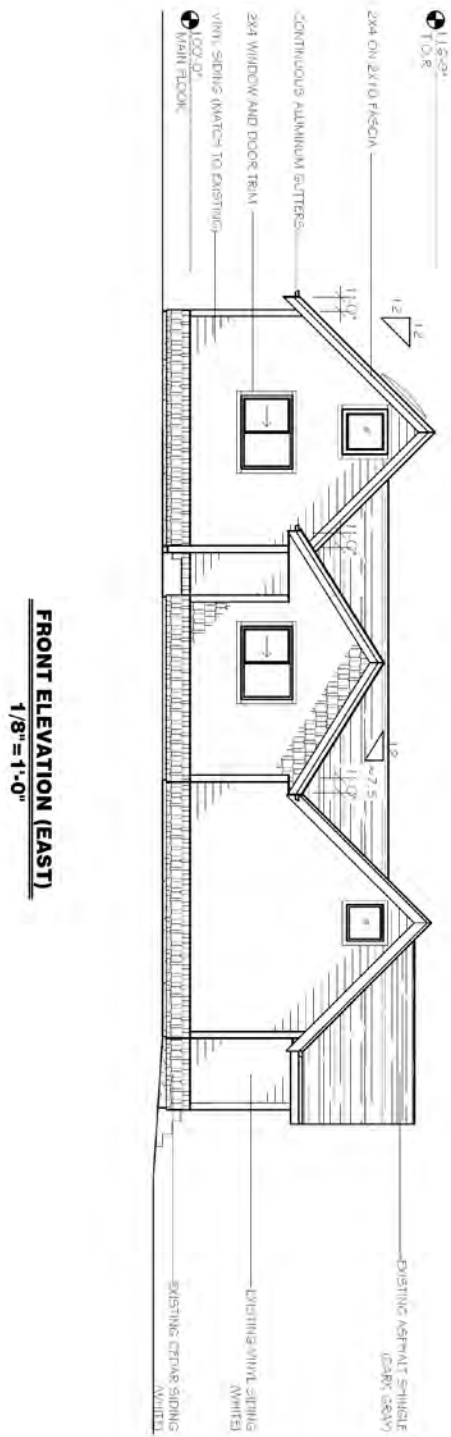
Director of Legislative Services

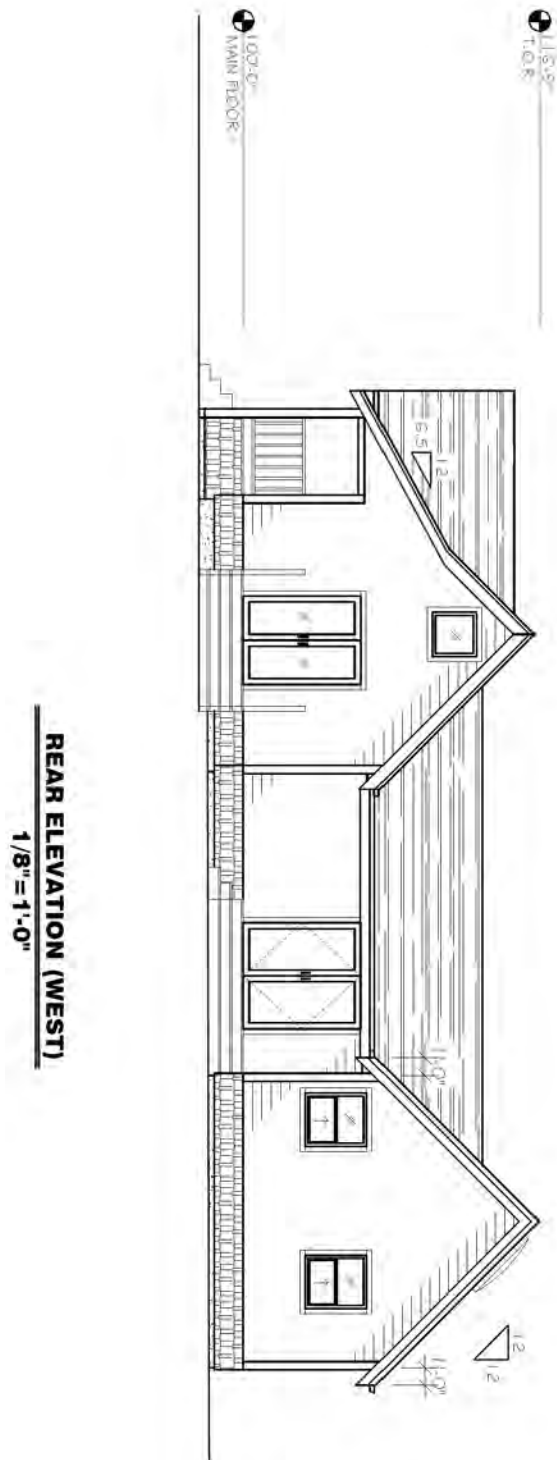


Schedule 1

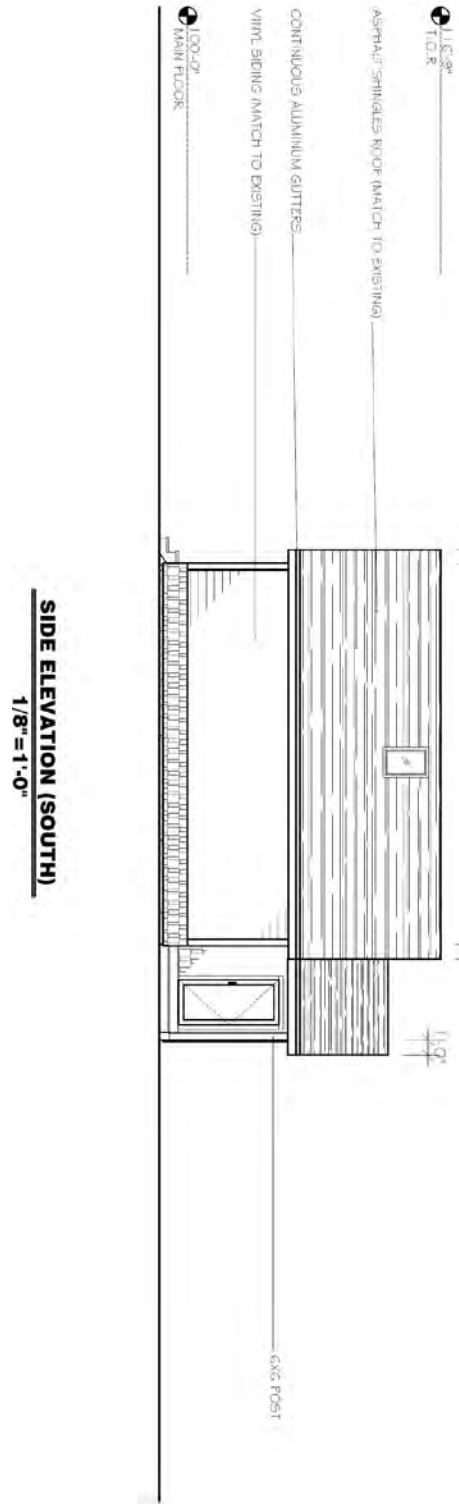


Schedule 1





Schedule 1





Attachment No. 2:
*Applicants' Rationale and
Submissions*

Jan 19th, 2016

To: Department of Planning Services
City of Courtenay

From: Angela Holmes
1016 5th Street
Courtenay, BC
V9N 1L4

Re: PROPOSED DEVELOPMENT **SUMMARY** – HOLMES RESIDENCE

As my family grows and our needs change, I started looking into selling and buying a new home.

I quickly realized that a new home in the same part of town, close to my son's school and walking and biking distance to where we needed to be, was not the affordable choice. I have made considerable improvements – windows, heat-pump, new roof, fencing and hot water tank to my current house so why bail on that investment when we still enjoy living there. Plus when I mentioned the idea of us moving, to my neighbours, they voiced that they did not want us to move as they loved having us as neighbours.

My proposed home addition will involve adding 400 sq ft to create more living space in the house. This addition will be two bedrooms and a bathroom - thus freeing up the existing bedroom and small kitchen eating area to become more living area. The only way to expand was to the side which currently has an attached garage. The attached structure will be removed and the addition built onto the house and extending into the rear yard. After exploring the option of going up or out into side yard this plan was determined to be the best for safety, sun exposure, privacy and livability in all parts of the yard. I am excited about the prospect of staying in this neighbourhood. We are close to school and work. But most importantly many of our close friends are within walking distance from our house.

One element of the proposed addition does not meet City of Courtenay development guidelines. The south corner of the addition from the south end of the existing building will not comply with setbacks for Single Family Residence of Duplex Requirements (8.2.7) – Rear yard.

Secondly, the current siting of the home is nonconforming to the City of Courtenay setbacks for Single Family Residence of Duplex Requirements (8.2.7)- Front yard and Side yard. As part of this process, it was recommended that I bring the existing home into compliance with (8.2.7).

When considering this addition, I believe it is supporting the City of Courtenay's downtown revitalization efforts. It keeps a family with in shopping, eating and recreational opportunities of the downtown. In addition the Holmes residence project is reflective of the City of Courtenay OCP. In that the city wants to encourage a pedestrian orientation and integrated transportation in the downtown. By keeping the residence and not moving we will be able to continue to support the walkability and bikeability of the City of Courtenay. When considering the addition design, I kept it in keeping with the "character home"

style of the original house. Often people walking past often comment on how much they like the house and how cute it is. It has great street appeal and adds to the architectural flavour of Courtenay.

Please accept my proposal for the Holmes Residence addition.

Thank-you,

Sincerely,



Angela Holmes

Owner

1016 5th Street

Courtenay, BC

V9N 1L4

January 10th, 2016

To: Department of Planning Services
City of Courtenay

From: Angela Holmes
1016 5th Street
Courtenay, BC
V9N 1L4

RE: Written Statement on conformance to **Sustainability Evaluation Checklist**

Dear Variance Permit Committee,

Please accept this as my written statement of my knowledge and conformance with the City of Courtenay's Vision and Strategy and Growth Management Policies outlined in the Sustainability Evaluation Checklist.

Project Description:

In the spring of 2016 I intend to add 400 sq. ft. to my single family residence in Courtenay. This allows my growing son and I to stay in a neighbourhood we love and know. The house's proximity means we can actively commute to school, work and grocery stores. In considering the potential addition layouts, the most accommodating design means that the new addition will exceed the minimum property set-backs for Lot 3 District Lot 127 Comox District 4941.

Sustainability Evaluation Checklist:

I have reviewed policies 1 to 6 in relation to my proposed home addition. My addition will complement the existing building features of the 1947 character home. I have involved an architect, Kana Yamada of Shizen Home Design in the design process and have hired a contractor with experience in character home builds. Even though this addition is not a large scale new development, much of the policy is already conformed to by the existing home such as policies 3 and 4. While under construction and once completed the home addition project will not impact riparian or environmentally sensitive areas.

I state that the proposed project: *Addition to Holmes Residence* conforms to the Sustainability Evaluation Checklist.

Sincerely,



Angela Holmes
Owner
1016 5th Street, Courtenay, BC
V9N 1L4

January 10th, 2016

To: Department of Planning Services
City of Courtenay

From: Angela Holmes
1016 5th Street
Courtenay, BC
V9N 1L4

RE: Written Statement on conformance to **Affordable Housing Policy**

Dear Variance Permit Committee,

Please accept this as my written statement of my knowledge of the City of Courtenay's Affordable Housing Policy.

Project Description:

In the spring of 2016 I intend to add 400 sq. ft. to my currently 800 sq.ft. single family residence in Courtenay. This allows my growing son and I to stay in the home and neighbourhood we love and know. In considering the potential addition layouts, the most accommodating design means that the new addition will exceed the minimum property set-backs for Lot 3 District Lot 127 Comox District 4941.

Affordable Housing Policy:

I have reviewed the Adopted Strategies A – Regulatory Framework and B – Advocacy and Engagement. Although the *Addition to Holmes Residence* project is not going to result in a community affordable housing building, it will result in affordable housing for the next 10+ years for my son and I.

I believe my addition that the proposed project: *Addition to Holmes Residence* conforms to the Affordable Housing Policy

Sincerely,



Angela Holmes
Owner
1016 5th Street, Courtenay, BC
V9N 1L4

2/15/2016

20150928_171545.jpg



1016 5th St. Courtenay BC

EXTERIOR BUILDING - MATERIALS +
COLOURS

SIDING - vinyl siding
- white
- same width
- SHINGLES painted white

New entrance way - will be fir stained
"cedar" colouring.

gutter - black
roof - asphalt.

2/15/2016

20150928_171413.jpg



1016 5th St, Courtenay BC

EXTERIOR BUILDING - materials
+ colour.

siding - vinyl to match existing
white, same width
- shingles - painted white.

TRIM - to match existing.

Attachment No. 3:
*Summary of Public Information
Meeting, March 3, 2016*

Summary Report

Public Information Meeting

Re: Holmes Residence Addition of 1016 5th Street, Courtenay BC V9N 1L4

Application for DVP File No: 3090-20-1603

- a) Location: 1016 5th Street Courtenay BC V9N 1L4 and Duration: 1 ½ hours
- b) Number of attendees:
- c) How meeting was advertised: I did not advertise.
- d) How surrounding property owners notified was: In-person delivery of meeting invitation, and invitation mailed to list supplied by City of Courtenay. Some people are owners and do not live in the homes, in the case of one person I was able to email her the complete set of drawings and survey and requested comments back by March 6th. Other neighbours are away for an extended time, so I shared with them the items listed in e) and have comments from them which are supplied as part of this report.
- e) Information provided at meeting: Set of Architectural drawings including site plan, floor plans, elevations, and landscape plan of Holmes Residence Project, Comment sheet, Sign in Sheet, and Site Survey.

PUBLIC INFORMATION MEETING

Thursday March 3rd, 2016

Angela Holmes of 1016 5th Street Courtenay BC V9N 1L4

COMMENT SHEET

Angela Holmes has applied to the City of Courtenay for a Development/Variance Permit. Project: Renovate existing house to add approximately 480 sq feet. This extension will infringe on the rear setback by .8 meter. This project is under review by staff in the Planning Department of the City.

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

I fully support ANGEAL'S
APPLICATION / PROJECT TO
RENOVATE / ADD ON TO HER
EXISTING HOUSE. I BELIEVE
IT WILL ONLY SERVE TO ENHANCE
THE BEAUTY & VALUE OF THE
NEIGHBORHOOD.
Bolan

Please return your comments by March 6th, 2016

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

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at 1016 5th Street
3. Email your comment sheet to holmesishome@gmail.com

PUBLIC INFORMATION MEETING

Thursday March 3rd, 2016

Angela Holmes of 1016 5th Street Courtenay BC V9N 1L4

COMMENT SHEET

Angela Holmes has applied to the City of Courtenay for a Development Variance Permit. Project: Renovate existing house to add approximately 480 sq feet. This extension will infringe on the rear setback by .8 meter. This project is under review by staff in the Planning Department of the City.

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

There will be no impact on our property with the house extension on the subject property.

Please return your comments by March 6th, 2016
Comment sheets can be submitted by one of the following methods:

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at 1016 5th Street
3. Email your comment sheet to holmesishome@gmail.com

PUBLIC INFORMATION MEETING

Thursday March 3rd, 2016

Angela Holmes of 1016 5th Street Courtenay BC V9N 1L4

COMMENT SHEET

Angela Holmes has applied to the City of Courtenay for a Development Variance Permit. Project: Renovate existing house to add approximately 480 sq feet. This extension will infringe on the rear setback by .8 meter. This project is under review by staff in the Planning Department of the City.

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

This is a great idea.

Please return your comments by March 6th, 2016

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

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at 1016 5th Street
3. Email your comment sheet to holmesishome@gmail.com

**PUBLIC INFORMATION MEETING
(Date of Meeting)**

(Application Information and Address of Subject Property)

COMMENT SHEET

[INSERT APPLICANT] has applied to the City of Courtenay for an [INSERT APPLICATION TYPE ie. OCP/Zoning Amendment/Temporary Use Permit/Development Variance Permit]. [INSERT PROJECT DESCRIPTION]. This project is under review by staff in the Planning Department of the City.

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

*The plans look awesome! Looking forward to your beautiful new home that will make our neighbourhood look so inviting. Congratulations
Bernie & Jen.*

Please return your comments by [DATE].

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

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at [insert location for drop off]
3. Email your comment sheet to [insert email address]



STAFF REPORT

To: Council
From: Development Services Department
Subject: Development Variance Permit No. 1602 – 2594 Copperfield Rd.

File No.: 3090-20-1602
Date: March 21, 2016

PURPOSE:

The purpose of this report is for Council to consider a Development Variance Permit to reduce the side yard setback to allow for the construction of a single family dwelling.

CAO RECOMMENDATIONS:

That based on the March 21, 2016 staff report “Development Variance Permit No. 1602 – 2594 Copperfield Rd” Council approve Development Variance Permit No. 1602 (OPTION 1).

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The subject property is located near the end of Copperfield Road in the Arden Corridor Local Area Plan area. The site has no current structures and is dominated by red alder trees near the property frontage, with more second growth coniferous species near the rear. The Piercy Creek mainstem is located immediately south of the subject property. An Environmental Development Permit will be required to conduct any land clearing and construction on the property. The applicant has begun the process of securing the necessary reporting requirements for the Environmental Development Permit.

The applicant is proposing to construct a 342m² single family home on a 224m² building footprint on the R1-A (Residential One A Zone) zoned property which is 1,108 m² (0.28 acres) in size. The purpose of the R1-A zone is to permit residential use, home occupation and agricultural use (on lots over 4,000m²) on larger lots within semi-rural areas. A number of properties along Arden Road between Laketrail Road and Cumberland Rd are zoned R1-A, as well as properties along the Tsolum River south of the exhibition grounds.



Figure 1. Aerial view of subject property outlined in red



Figure 2. Street view of subject property

The properties along this road were subdivided prior to being included within the City's boundaries.

DISCUSSION:

Within residential neighbourhoods the intent of regulating building setbacks is to minimize the impact that buildings or structures have on the surrounding neighbourhood including visual character, privacy and the use and enjoyment of outdoor space for adjacent properties. The table below summarizes the required setbacks within the R1-A zone and the variance requested by the applicant.

Summary of yard setbacks and requested variance:

Yard	Required	Requested
Front yard	7.5 m	N/A
Side Yard	3.5m	1.75m
Rear Yard	9.0 m	N/A

The requested variance is to section 8.1.15 (3) of Zoning Bylaw No. 2500, 2007 to reduce the left side yard setback from 3.5m to 1.75m. The applicant has requested this variance to allow for a home design that concentrates the building footprint near the front of the property to distance the home from the Piercy Creek, and to provide for a larger yard for the young family.

Staff support the variance request on the following basis:

- Distancing structures and impervious surfaces from Piercy Creek;
- The lot is smaller and has a narrower frontage than the zoning designation requires, therefore the applicant has a more constrained building footprint to work within than would normally be the case in this zone;
- The house on the property adjacent to the proposed side yard variance is approximately 7m from the affected property line, therefore creating a possible setback of approximately 9m between the two buildings. This distance between buildings minimizes the aesthetic impact of structures to the street and adjacent neighbour, minimizes potential manoeuvring challenges of constrained spaces between proximate structures, and is not likely to affect the use and enjoyment of the adjacent neighbour, or the subject property;
- A number of other properties in the area have comparable side yard setbacks given that the homes were built before the current zoning was designated for the area (they are therefore legally non-conforming);
- Five properties on the street (closer to the intersection with Arden Road) have RR-1 zoning (Rural Residential One Zoning) which permits side yards of 1.75m (unless flanking a street, in which case they must be wider);
- The property is one property away from the end of the dead-end road and therefore will have minimal impact on the overall street scape;
- The Official Community Plan designation for the property is Urban Residential land use category. Zones that reflect this land use category generally contain side yard setback requirements as low as 1.5m.

FINANCIAL IMPLICATIONS:

Should Development Permit with Variance No. 1601 be approved, 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. Development Cost Charges (DCC's) are not required to be paid as it is an existing single family lot.

ADMINISTRATIVE IMPLICATIONS:

The processing of development applications is included in the current work plan as a statutory component. Staff has spent 8 hours reviewing the application, conducting a site visit and liaising with the applicant.

If approved, there will be approximately one additional hour of staff time required to prepare the notice of permit, have it registered on title and close the file. Additional staff time will be required for review building permit applications and to perform the required building inspections.

ASSET MANAGEMENT IMPLICATIONS:

No specific reference.

STRATEGIC PRIORITIES REFERENCE:

Development applications fall within Council's area of control and specifically align with the City's 2016-2018 strategic priority to support meeting the fundamental corporate and statutory obligations of the City. This application also meets the goal to support densification aligned with community input and the regional growth strategy.

We focus on organizational and governance excellence

We support meeting the fundamental corporate and statutory obligations



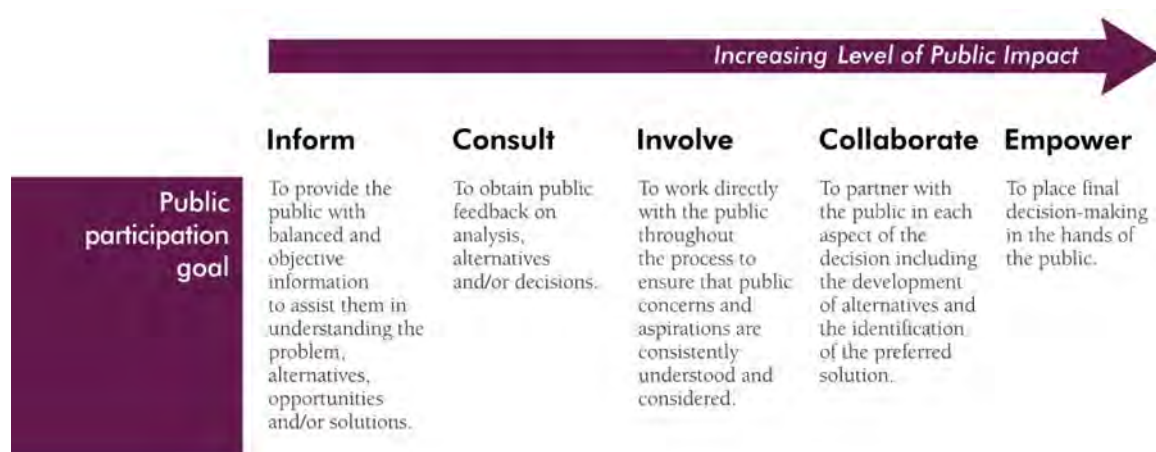
OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed development is consistent with OCP and Arden Local Area Plan policies regarding: providing housing options to meet evolving demographic needs; ensuring development proposals preserve the integrity and character of existing residential areas.

REGIONAL GROWTH STRATEGY REFERENCE:

The subject property is located within a Core Settlement Area. As mandated by the Regional Growth Strategy, the majority of growth and development should be concentrated in these areas to provide the efficient use of land.

CITIZEN/PUBLIC ENGAGEMENT:



The level of consultation that has been undertaken is “Consult”. The applicant held a neighbourhood public information meeting with respect to the proposed variance on March 3, 2016. One neighbour on the street attended and two from the street provided email support for the application. Eight properties were notified of this application, as per statutory requirements. A copy of the public information notice report is attached for reference.

As required by the *Local Government Act*, the City has also notified surrounding property owners and tenants of this Development Variance Permit application prior to Council's consideration. To date, no correspondence has been received.

OPTIONS:

OPTION 1 (Recommended): Approve Development Variance Permit No. 1602.

OPTION 2: Defer consideration of Development Variance Permit No. 1602 pending receipt of further information.

OPTION 3: Not approve Development Variance Permit No. 1602.

Prepared by:

Nancy Gothard
Environmental Planner

Reviewed by:

Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Applicant's Project Description*
2. *Draft Permit*

ATTACHMENT NO. 1
Applicant's Project Description

Feb 12/2016

Dear City Of Courtenay Council

We are requesting a variance to the north east side yard setback on lot C Copperfield Rd. PID 001-351-486

Lot C Copperfield rd is nonconforming to its current zoning of R-1A. Zoning R-1A states that no lot shall have a frontage of less than 30m where as lot c only has a width/frontage of 24.4m.

This Narrow lot also has a 12-15m setback in the rear of the property to ensure the preservation of Piercy Creek. (still to be determined by biologist report)

Our intention is to construct a 2400 sq ft single family two story home with an attached double garage on this property. In an effort to gain as much backyard grass area as possible for our children to enjoy we had designed our house with the garage on the side to keep the overall depth to a minimum. This in turn pushed the north east side of the house over the setback by 1.75m

We are applying for this variance because we feel that a 1.75m setback will not conflict with the neighbouring property and a 1.75m setback on side yards is acceptable within other areas within the City of Courtenay when narrower lots like lot C are present.

Tara and I really appreciate your consideration of this matter.

Sincerely Lance Petty and Tara Davenport



ATTACHMENT NO. 2
DRAFT PERMIT

THE CORPORATION OF THE CITY OF COURTENAY

Permit No. DVP No. 1602

DEVELOPMENT VARIANCE PERMIT

March 21, 2016

To issue a Development Variance Permit

To: Name: Lance Petty and Tara Davenport
Address: 2594 Copperfield Rd., Courtenay BC

Property to which permit refers:

Legal: Lot C, District Lot 138, Comox District, Plan 29833
Civic: 2594 Copperfield Rd.

Conditions of Permit:

Permit issued to vary *Section 8.1.15 (3) of Zoning Bylaw No. 2500, 2007* to reduce the side yard setback from 3.5m to 1.75m, subject to the following conditions:

1. Development must be in conformance with the plans and drawings contained in Schedule No.1;
2. An Environmental Development Permit must be issued prior to any development activities occur on site.

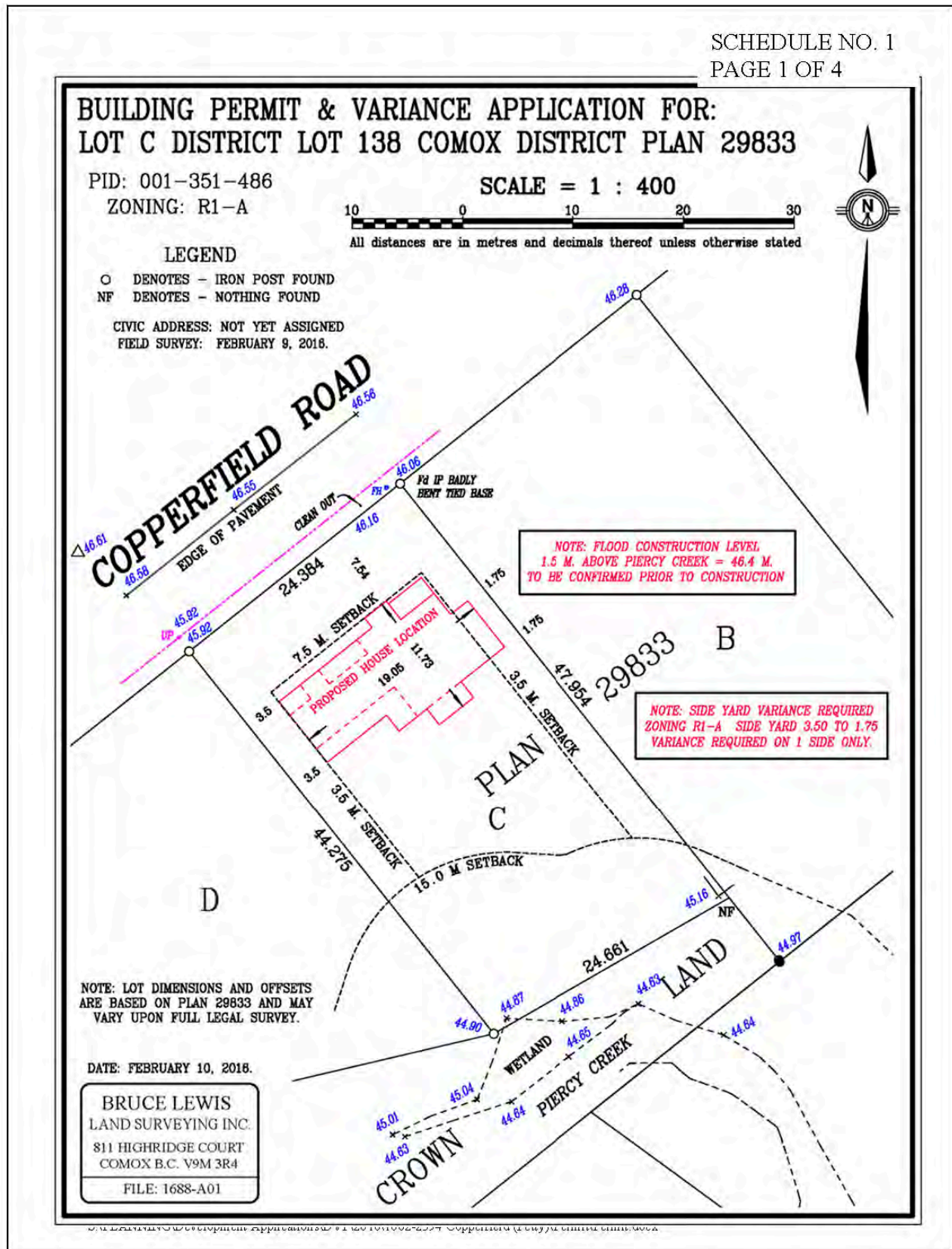
Time Schedule of Development and Lapse of Permit

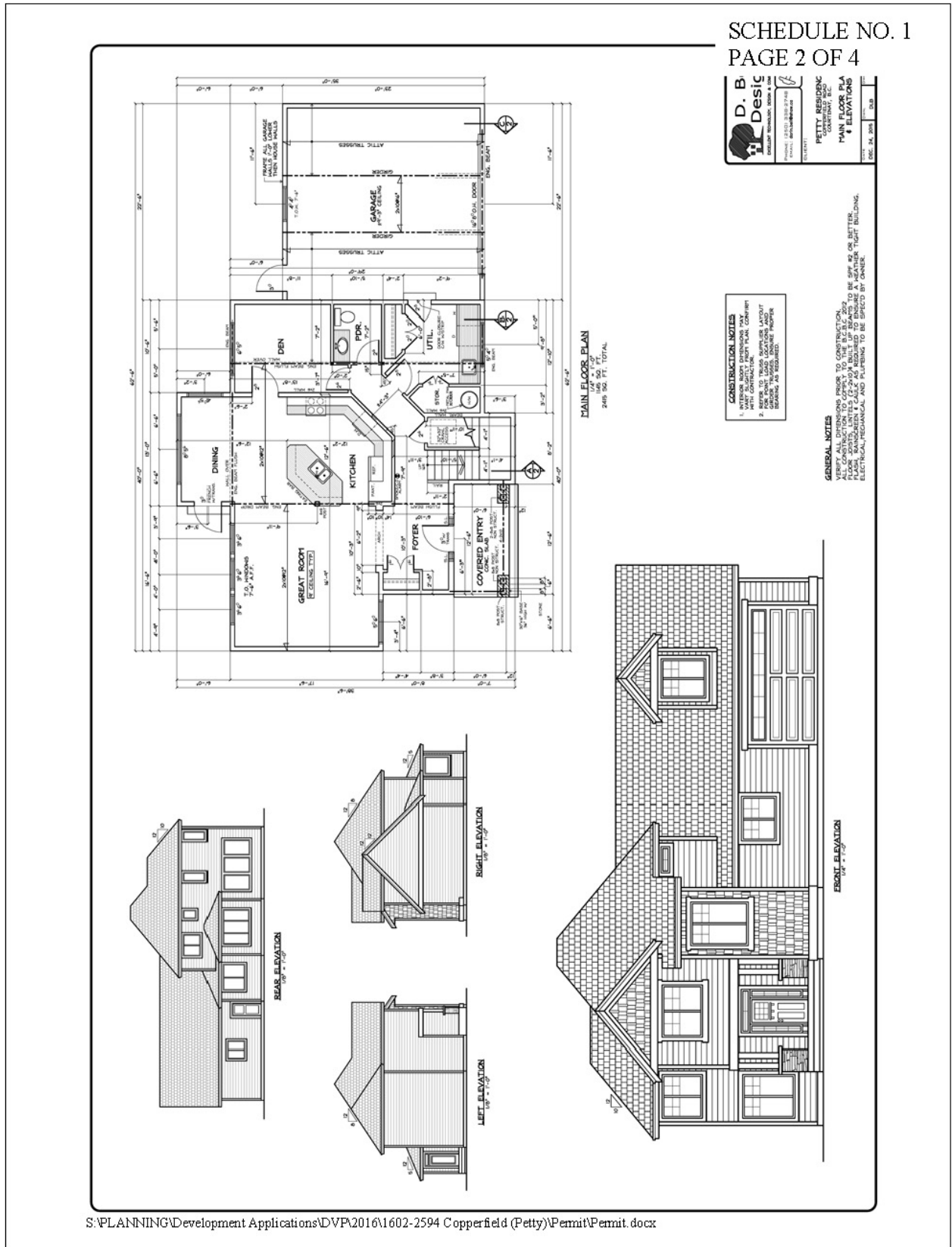
That if the permit holder has not substantially commenced the construction authorized by this permit within (12) months after the date it was issued, the permit lapses.

Date

Director of Legislative Services

S:\PLANNING\Development Applications\DVP\2016\1602-2594 Copperfield (Petty)\Permit\Permit.docx







THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3150-34436

From: Chief Administrative Officer

Date: March 21, 2016

Subject: Development Cost Charges Bylaw No. 2840, 2016 – Engagement Summary and Revised Rates

PURPOSE:

The purpose of this report is for Council to consider the proposed revisions to the City's Development Cost Charges bylaw subsequent to first reading and to obtain Council approval for "Development Cost Charges Bylaw No. 2840, 2016" to proceed to 2nd and 3rd readings.

CAO RECOMMENDATIONS:

That based on the March 21st, 2016 staff report entitled "*Development Cost Charges Bylaw No. 2840, 2016 – Engagement Summary and Revised Rates*", Council approve option 1 and that Bylaw No. 2840, 2016 proceeds to 2nd and 3rd readings.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

Since the spring of 2015, City staff has been working on an interim update to the DCC Bylaw, which is eleven years old and out of date. On February 1, 2016 City of Courtenay Council approved the Development Cost Charges Bylaw No. 2840 for first reading. The draft Bylaw, background report and staff report were subsequently posted on the City's website and provided to key stakeholders and the development sector requesting feedback until February 24th, 2016. This consultation opportunity was in addition to the public and stakeholder consultation that took place in summer of 2015.

This report provides a summary of the most recently received comments and staff response to the questions that have been raised, as well as a summary of the final revisions to the bylaw in support of Council's consideration of 2nd and 3rd readings of Bylaw No. 2840, 2016.

DISCUSSION:

Subsequent to the first reading of Bylaw No. 2840, 2016, staff circulated the draft DCC bylaw and final background report directly to the development community, as well as posted the information on the City website for public comment. During the two week period for feedback, the City received one letter on the proposed bylaw from the Comox Valley Development and Construction Association. This group raised a number of questions in relation to the bylaw update. Their questions and comments focused on:

- projects included in the DCC program;
- benefit allocations;
- the application of infrastructure master plans and the Official Community Plan; and,
- the Municipal Assist Factor.

The current update to the Development Cost Charge bylaw is an interim update, which was initiated to incorporate projects added to the City through boundary extensions. The DCC program was updated by identifying projects that were completed, partially completed, or not completed. New projects identified in local area development plans were also incorporated into the program. The project cost estimates were also updated to reflect inflation. The benefit allocations used were predominantly carried forward from the previous DCC bylaw when projects were individually reviewed by City staff and percentage benefits to existing and new users were estimated using the logic that new development only contributes to capacity increases.

As the City completes infrastructure master plans for each of the infrastructure classes, the Development Cost Charge Bylaw will be updated to reflect the new information available. This process will ensure the DCC Bylaw incorporates the City's current understanding of infrastructure needs and the costs associated with increasing infrastructure capacity to support new growth.

The letter from the Comox Valley Development and Construction Association raised some concerns about the relationship between the DCC program and the Official Community Plan (OCP). In the development of the DCC program the OCP was used to identify the expected population growth rate for the City over the course of the program (20 years). The projects in the DCC program support growth for the whole city.

The Comox Valley Development and Construction Association also raised concerns regarding Council's decision to reduce the municipal assist factor from 5% to 1%. As this is exclusively a Council policy decision, this concern was considered along with the previous research on comparisons of municipal assist factors that were provided to Council.

Based on public input and additional analysis, staff recommends that the DCC program be adjusted based on the removal of infrastructure projects completed in 2015. Staff also recommends that the street tree program be removed from the Parks program as funds are paid directly by the Developer in support of this program.

Based on these adjustments, the updated rates are provided in Table 1 for Council's consideration. Table 2 provides a comparison of the current 2005 bylaw rates to those from first reading and the final rates proposed in this staff report.

Table 1 – DCC Bylaw No 2840, 2016 – Revised Rates for 2nd & 3rd Readings

	Transportation	Water	Sanitary Sewer	Storm drainage	Parks	Total Development Unit Cost Charge
Residential (Single Family) Per unit	\$2,744	\$456.08	\$1,427.30	\$1,439.01	\$875.48	\$6,942.07
Residential (Multi-Family) Per sq metre total floor area	\$15.42	\$3.22	\$10.08	\$4.32	\$6.18	\$39.22
Commercial/Institutional Per sq metre total floor area	\$36.14	\$1.19	\$3.71	\$6.47		\$47.51
Congregate Care Per sq metre total floor area	\$7.71	\$1.61	\$5.04	\$2.16		\$16.52
Industrial Per hectare	\$29,480.62	\$7,625.05	\$23,862.45	\$24,464.43		\$85,432.56

Table 2 – Comparison of City of Courtenay DCC Rates

	2005 Bylaw Rates	Proposed 2016 Bylaw Rates (1 st Reading)	Revised 2016 Bylaw Rates - Final (2 nd & 3 rd Readings)	Difference 2005 to 2016 Final, \$ (%)
Residential (Single Family) Per unit	\$6,735.00	\$7,071.17	\$6,942.07	+\$207.07 (+3%)
Multi-family Residential Per sq metre total floor area	\$41.35	\$40.07	\$39.22	-\$2.13 (-5%)
Commercial/Institutional Per sq metre total floor area	\$62.52	\$47.88	\$47.51	-\$15.01 (-24%)
Industrial Per hectare	\$84,858.38	\$85,814.14	\$85,432.56	+\$574.18 (+1%)

The project has substantially advanced to a point where staff has identified an anticipated effective date for the bylaw (section 8) of June 1st, 2016.

Staff recommends that Council support the effective date of June 1st, 2016 (barring any unforeseen delays from the Ministry review), the modified rates in Schedule A, and advance the bylaw for second and third readings.

FINANCIAL IMPLICATIONS:

DCC programs are funded by both developers and local governments. Therefore, the City of Courtenay is responsible to fund a portion of the program. DCC program costs are calculated and the portion related to existing development is removed as well as the portion related to the Municipal Assist Factor. The remaining costs are recoverable through the DCC program.

The following table is a summary of total DCC related costs projected to the year 2035.

Proposed DCC Recoverable Costs and City Responsibility

Service	Municipal Costs	DCC Recoverable Program Costs	Total Capital Costs
Transportation	\$29,825,113	\$12,336,591	\$42,161,704
Water	\$2,646,485	\$2,016,933	\$4,663,418
Sanitary Sewer	\$5,041,549	\$5,210,741	\$10,252,290
Storm Drainage	\$5,889,162	\$4,939,778	\$10,828,940
Park and Open Space	\$5,442,460	\$2,735,643	\$8,178,103

Provincial legislation requires that all collected DCCs must be kept in a separate statutory reserve fund. A local government may only spend DCC monies, and the interest earned on them, for the category of projects for which they were originally collected. For example, DCCs collected for sewer may only be spent on new sewer infrastructure included in the DCC program.

ADMINISTRATIVE IMPLICATIONS:

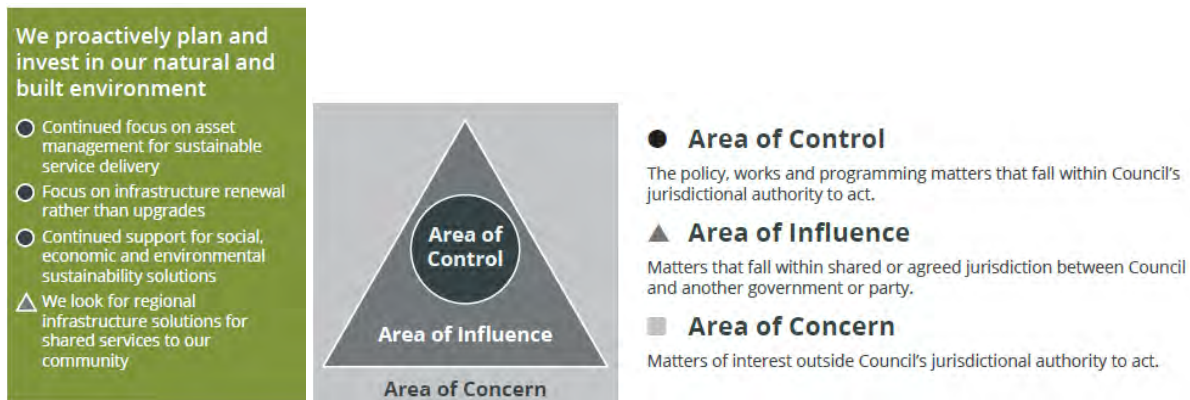
This project is a 2015 department operational strategic priority and part of staff’s Work Plan. Staff has spent approximately 55 hours to date implementing this project.

ASSET MANAGEMENT IMPLICATIONS:

The DCC program supports funding infrastructure renewal and new infrastructure assets required to facilitate growth.

STRATEGIC PRIORITIES REFERENCE:

City of Courtenay Strategic Priorities 2016-2018: “We proactively plan and invest in our natural and built environment”.



OFFICIAL COMMUNITY PLAN REFERENCE:

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

Policy

1. The City will review the Development Cost Charge Bylaw on a regular basis to ensure charges are kept up-to-date and that the bylaw reflects the need to upgrade and add new municipal infrastructure.

REGIONAL GROWTH STRATEGY REFERENCE:

GOAL 5: INFRASTRUCTURE

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

Sewer

5D-2 New development will replace and/or upgrade aging sewer infrastructure or provide cash-in-lieu contributions for such upgrades through Development Cost Charges or similar financial contributions.

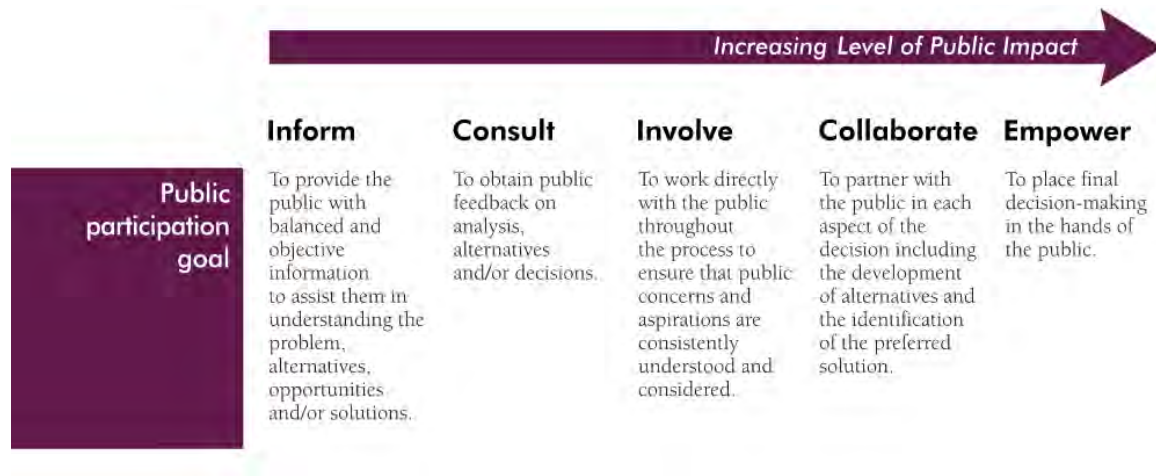
CITIZEN/PUBLIC ENGAGEMENT:

The City of Courtenay's consultation process consisted of information on the City's website and a public open house. The public open house attended by over 40 people was held on June 9, 2015 to discuss the proposed Courtenay DCC rates and background information. Written feedback related to the open house presentation materials was accepted by the Engineering Division from June 1 to July 3, 2015.

Subsequent to the first reading of the draft bylaw, staff circulated the information to the development community as well as posted it on the City's website for general public comment over a 2 week period.

Staff has consulted the community 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 Development Cost Charges Bylaw No. 2840, 2016 proceed to 2nd and 3rd Readings.
- Option 2 That Council directs staff to conduct further modifications to the proposed DCC rates for Council's consideration at a subsequent meeting.
- Option 3 That Council directs staff to not proceed with revising the DCC Bylaw.

Prepared by:

Lesley Hatch, P.Eng.

Director of Engineering Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2840

A bylaw to impose Development Cost Charges

WHEREAS pursuant to the *Local Government Act*, the Council of The Corporation of City of Courtenay may, by Bylaw, impose development cost charges;

AND WHEREAS development cost charges may be imposed for the sole purpose of providing funds to assist the City of Courtenay to pay the capital costs of

- (a) providing, constructing, altering or expanding sewage, water, drainage and highway facilities, other than off-street parking facilities; and
- (b) providing and improving park land to service, directly or indirectly, the development for which the charge is being imposed;

AND WHEREAS the Council has deemed the charges imposed by this Bylaw:

- (a) are not excessive in relation to the capital cost of prevailing standards of service in the municipality;
- (b) will not deter development in the municipality; and,
- (c) will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the municipality.

AND WHEREAS in fixing development cost charges imposed by this Bylaw, Council has taken into consideration future land use patterns and development, the phasing of the works and services, the provision and improvement of parkland, and considers the charges will

- (a) not be excessive in relation to the capital cost of prevailing standards of service in the City,
- (b) not deter development;
- (c) not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land in the City; or
- (d) not discourage the development or redevelopment of commercial or industrial properties, which would otherwise provide employment and economic diversity and stability in the community;

THEREFORE BE IT RESOLVED, that 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 “Development Cost Charges Bylaw No. 2840, 2016”.
2. In this Bylaw:

“**Building permit**” means any permit required by the City that authorizes the construction, alteration or extension of a building or structure.

“**City**” means the Corporation of the City of Courtenay.

“**Commercial**” means any commercial use as permitted under the authority of the City’s Zoning Bylaw.

“**Congregate Care**” means an institutional use of a building with four or more sleeping units where permanent residential accommodation is provided and has a common living area, common kitchen and dining area where meals are provided, and common area where health care, cultural and social services may be provided.

“**Council**” means the Council of the Corporation of the City of Courtenay.

“**Dwelling Unit**” means a self-contained residential unit including a cooking facility and consisting of one or more habitable rooms designed and used for the accommodation of only one person or family.

“**Total Floor Area**” means the sum of the floor areas, as defined in the City’s Zoning Bylaw, of a building or structure.

“**Industrial**” means any industrial use as permitted under the authority of the City’s Zoning Bylaw.

“**Institutional**” means a building or structure used or intended to be used only on a non-profit basis for cultural, recreational, social, religious, governmental, health or educational purposes.

“**Multi-Family Residential**” means a development that results in two or more dwelling units on a single property.

“**Per hectare**” means the area specified for development as stated in a Development Permit application pursuant to the City of Courtenay Official Community Plan Bylaw No. 2387, 2005 as amended.

“**Single Family Residential**” means any detached building with the principal use of a dwelling unit, or a detached building consisting of a combination of one principal dwelling unit and one secondary suite.

“**Subdivision**” means a subdivision of land into two or more parcels, whether by plan, apt descriptive words or otherwise, under the *Land Title Act* or the *Strata Property Act*.

“**Zoning Bylaw**” means the City of Courtenay Zoning Bylaw No. 2500, 2007 as amended.

3. Every person who obtains:

- (a) approval of a subdivision of a parcel of land under the *Land Title Act* or the *Strata Property Act*;
or
- (b) a building permit authorizing the construction or alteration of a building or structure; including a building permit that authorizes the construction or alteration of a building or part of a building that will, after the construction or alteration, contain one or more self-contained dwelling units;

shall pay to the City, prior to the approval of the subdivision or the issuance of the building permit, as the case may be, the applicable development cost charges as set out in Schedule “A” hereto attached.

4. The amount of development cost charges payable in relation to a mixed use type of development shall be calculated separately for each portion of the development, according to the separate use types, which are included in the building permit application and shall be the sum of the

charges payable for each type.

5. Where Development Cost Charges are payable in accordance with paragraph 3 above and are in excess of \$50,000.00, the developer may elect to pay them by installments, subject to the terms and conditions set out below:

- (a) one third (1/3) of the total Development Cost Charges owing in accordance with this Bylaw shall be paid at the time of subdivision or building permit issuance;
- (b) one half (1/2) of the remaining balance shall be paid within one year after the date of approval of subdivision or the granting of the building permit;
- (c) the remaining balance shall be paid in full within 2 years after the time of approval of subdivision or building permit issuance;
- (d) where a developer elects to pay the charge by installments and fails to pay an installment within any time required for payment herein, the total balance of the charge becomes due and payable immediately;
- (e) no interest is payable on the unpaid balance of a charge until it becomes due and payable, but when it does, it is a condition of election under this section that interest is payable from that date until payment at the rate or rates prescribed under section 11(3) of the *Taxation (Rural Area) Act*, for the period of non-payment;
- (f) a developer electing to pay a charge by installments must deposit with the City at the same time as the payment of the first installment:
 - I. an irrevocable letter of credit or undertaking from a bank, credit union or trust company registered under the *Financial Institutions Act*;
 - II. a bond or surety licensed under the *Insurance Act*; or
 - III. a security duly assigned

which ensures to the satisfaction of the City that upon default the balance of the unpaid charge will be recoverable from the person, the bank, the surety or from the proceeds of the realization of the security, as the case may be.

6. No development cost charge is payable where:

- (a) the building permit authorizes the construction, alteration or extension of a building or part of a building that is, or will be, after the construction, alteration or extension, exempt from taxation under section 220 (1) (h) or 224 (2) (f) of the *Community Charter*;
- (b) The building permit authorizes the construction or alteration of a building where the value of the work authorized by permit does not exceed \$50,000;
- (c) The size of the dwelling unit is 29 square metres or less; or
- (d) a development cost charge has previously been paid for the same development unless, as a result of further development, new capital cost burdens will be imposed on the City.

7. Notwithstanding S.933(4)(b) of the *Local Government Act*, a Development Cost Charge is payable for construction, alteration or extension of a building that will, after the construction, alteration or extension, contain fewer than 4 self-contained dwelling units.
8. This bylaw shall come into full force and effect and be binding on persons upon final adoption hereof.
9. "Development Cost Charges Bylaw No. 2426, 2005" and any and all amendments thereto is hereby repealed.
10. This Bylaw may be cited for all purposes as "Development Cost Charges Bylaw No. 2840, 2016."

Read a first time this 1st day of February, 2016.

Read a second time this 21st day of March, 2016.

Read a third time this 21st day of March, 2016.

Approved by the Inspector of Municipalities on the _____ day of _____, 2016.

Reconsidered, finally passed and adopted this _____ day of _____, 2016.

Mayor

Director of Legislative Services

Schedule "A"

(Revised March 21, 2016)

City of Courtenay Development Cost Charge Bylaw 2840, 2016

Development Cost Charge Schedule

	Collection basis	Transportation	Water	Sanitary Sewer	Drainage	Park Acquisition and Development	Total
Single Family Residential	Per lot or per dwelling unit	\$2,744.20	\$456.08	\$1,427.30	\$1,439.01	\$875.48	\$6,942.07
Multi-Family Residential	Per m ² of total floor area	\$15.42	\$3.22	\$10.08	\$4.32	\$6.18	\$39.22
Commercial	Per m ² of total floor area	\$36.14	\$1.19	\$3.71	\$6.47	n/a	\$47.51
Institutional	Per m ² of total floor area	\$36.14	\$1.19	\$3.71	\$6.47	n/a	\$47.51
Congregate Care	Per m ² of total floor area	\$7.71	\$1.61	\$5.04	\$2.16	n/a	\$16.52
Industrial	Per hectare	\$29,480.62	\$7,625.05	\$23,862.45	\$24,464.43	n/a	\$85,432.56

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2846

A bylaw to amend Council Procedure Bylaw No. 2730, 2013

WHEREAS the *Community Charter* requires that a council must, by bylaw, establish the general procedures to be followed by council and committees in conducting their business.

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 “**Council Procedure Amendment Bylaw No. 2846, 2016**”.
2. **Council Procedure Bylaw No. 2730, 2013** is hereby amended as follows:
 - (a) By deleting **Section 7 (2)** and substituting the following:

Regular Council Meetings

7. (2) *Regular meetings of Council must take place on the first and third Monday of each month commencing at 4:00 p.m. except when*
 - (a) *the said Monday is a holiday, in which case Council must meet at the regularly scheduled time on the next day following the holiday;*
 - (b) *Council resolves to meet on subsequent days; or*
 - (c) *a quorum is not present within 15 minutes after the time appointed for commencement of the meeting.*

- (b) By deleting **Section 10 (1) (e) and (h)** and substituting the following:

Order of Business at Regular Meetings

10. (1) (e) *Staff reports in the following order where applicable:*
 - (i) *Recreation and Cultural Services*
 - (ii) *CAO and Legislative Services*
 - (iii) *Development Services*

- (iv) *Financial Services*
- (v) *Engineering Services*
- (vi) *Public Works Services*

(h) *Reports from Council members regarding City related activities including reports from Council and External committees;*

(c) By deleting **Section 13 (4)** and substituting the following:

Delegations to Council meetings

(4) *The Corporate Officer may refuse to place a delegation or petition on the Council meeting agenda if the subject matter is not considered to fall within the jurisdiction of Council or does not relate to Council’s areas of control, influence, or concern. If the delegation wishes to appeal the decision of the Corporate Officer, the appeal must be in writing, and must be presented to Council for consideration at the next available Council meeting.*

3. If any section or subsection of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

Read a first time this 7th day of March, 2016.

Read a second time this 7th day of March, 2016.

Read a third time this 7th day of March, 2016.

Notice published pursuant to section 94 of the *Community Charter* on the 10th and 15th day of March, 2016.

Finally passed and adopted this day of , 2016.

Mayor

Director of Legislative Services