

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

**DATE:** December 5, 2016  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

---

**1.00 ADOPTION OF MINUTES**

1. Adopt November 21, 2016 Regular Council and November 28, 2016 Committee of the Whole meeting minutes

**2.00 INTRODUCTION OF LATE ITEMS**

**3.00 DELEGATIONS**

Pg #

1. Representatives from the C.V. Art Gallery
2. Representatives from the C.V. Farmers Institute re: Agriplex Project

**4.00 COUNCIL APPOINTMENTS FOR 2017**

NOTE: The following Council committee appointments were made at the 2014 Inaugural Council meeting and expire this year.

Recommended motion to adopt Council Appointments:

**Recommendation:**

That Council make the following City of Courtenay appointments for the period December 5, 2016 to November 2017:

**Court of Revision (Frontage Taxes):** Councillor David Frisch, Councillor Rebecca Lennox, Councillor Erik Eriksson (*alternate Councillor Bob Wells*).

**Heritage Advisory Commission:** Lawrence Burns, Julie Fortin, Judy Hagen, Roberts Smith, Linda Grant, Cliffe Piercy, Debra Griffiths, Ross Dingwall, Andrew Ireson

**Board of Variance:** Joe Schommer, John Wilson, Mike Meyer

**Comox Valley Economic Development Society:** Mayor Larry Jangula (*alternate: Councillor Bob Wells*)

**Comox Valley Community Justice Society:** Councillor Doug Hillian (*alternate: Councillor David Frisch*)

**Downtown Courtenay Business Improvement Association:** Councillor David Frisch

**Puntledge River Restoration Committee:** Roy Fussell

**Sid Williams Theatre Society:** Neil Havers, Heather McFetridge

**Drug Strategy Committee:** Councillor Doug Hillian

**Comox Valley Environmental Council:** Councillor Rebecca Lennox

**Comox Valley Social Planning Society:** Councillor Doug Hillian

**Comox Valley Harbour Authority:** John Ward, Director of Legislative Services

**Integrated Transportation Advisory Committee:** Councillor David Frisch (*alternate: Councillor Rebecca Lennox*)

**Agricultural Land Review Committee:** Andrea Burch, John Grayson, George Hamilton, Gerry McClintock, Wendy Prothero

**4.00 Vancouver Island Regional Library Board:** (One year appointment required pursuant to the *Library Act*)

**Recommendation:**

“That Councillor \_\_\_\_\_ be appointed to the Vancouver Island Regional Library Board for a one year appointment January 1 to December 31, 2015 with Councillor \_\_\_\_\_ as alternate.”

**5.00 Schedule of Acting Mayors**

**Recommendation:**

That Council adopt the following monthly schedule of Acting Mayors for the period December 5, 2016 to November 30, 2017 pursuant to *Council Procedure Bylaw No. 2730, 2013*:

June and December	Councillor Theos
May and November	Councillor Frisch
March and September	Councillor Hillian
April and October	Councillor Wells
July and August	Councillor Lennox
January and February	Councillor Eriksson

**6.00 Signing Authorities**

That the following individuals be authorized as signing authorities for the City of Courtenay:

Larry Jangula – Mayor

David Frisch – Councillor  
Rebecca Lennox – Councillor  
Emmanuel Theos – Councillor  
Bob Wells – Councillor  
Doug Hillian – Councillor  
Erik Eriksson – Councillor

David Allen – Chief Administrative Officer  
Brian Parschauer – Director of Financial Services  
John Ward – Director of Legislative Services  
Cathie Collins - Manager of Finance

## **5.00 STAFF REPORTS/PRESENTATIONS**

### **(a) CAO and Legislative Services**

- 1 1. Council Select Committee on Tree Protection and Management Bylaw No. 2850

### **(b) Development Services**

- 33 2. Chances Courtenay Structural Change Final Approval  
37 3. Development Permit No. 1614 – 3420 Rhys Road  
63 4. Development Variance Permit No. 1607 – 489 Old Island Highway  
77 5. Development Variance Permit No. 1608 – 1978 Cliffe Avenue

### **(c) Financial Services**

- 95 6. C.V. Pregnancy Care Centre-Permissive Tax Exemption  
99 7. User Fee Rates – Suites in Single Family Dwellings

### **(d) Engineering Services**

- 113 8. 5<sup>th</sup> Street Complete Streets Pilot Project – Presentation by Urban Systems and Concept Options Selection

## **6.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

## **7.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

- 125 1. Heritage Advisory Minutes  
127 2. Briefing Note: Flood Mitigation – Tall Wall Barrier Project

## **8.00 REPORTS FROM COUNCIL MEMBERS REGARDING CITY RELATED ACTIVITIES INCLUDING REPORTS FROM COUNCIL AND EXTERNAL COMMITTEES**

## **9.00 RESOLUTIONS OF COUNCIL**

**10.00 UNFINISHED BUSINESS**

**11.00 NOTICE OF MOTION**

**12.00 NEW BUSINESS**

129 1. Mayor Jangula: Letter re: texting during Council Meetings

131 2. Mayor Jangula: CVRD Staff Report – Air Quality Update

**13.00 BYLAWS**

**For First, Second and Third Reading**

139 1. “Council Remuneration Amendment Repeal Bylaw No. 2863, 2016”  
(to repeal Council Remuneration Amendment Bylaw No. 2562, 2009”)

**For Third Reading and Final Adoption**

143 1. “Zoning Amendment Bylaw No. 2860, 2016”  
(to permit a secondary suite at 560 Pidcock Avenue)

**14.00 ADJOURNMENT**

**NOTE: there will be a Public Hearing scheduled at 5:00 p.m. in relation to Zoning Amendment Bylaw No. 2861 for 2945 Muir Road and Zoning Amendment Bylaw No. 2862 for 1235 Hornby Place**



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

---

**To:** Council

**File No.:** 4530.01

**From:** Chief Administrative Officer

**Date:** December 5, 2016

**Subject:** Assignment of Terms of Reference (ToR) – “Council Select Committee on Tree Protection and Management Bylaw No. 2850”

---

### PURPOSE:

To provide Council draft ToR to “Council Select Committee on Tree Protection and Management Bylaw No. 2850” for discussion and adoption.

### CAO RECOMMENDATIONS:

That based on the December 5th 2016 staff report “Assignment of Terms of Reference (ToR) – “Council Select Committee on Tree Protection and Management Bylaw No. 2850”, Council approve OPTION 1 and hereby create the Council Select Committee on Tree Protection and Management Bylaw No. 2850;

That the attached Terms of Reference apply to the functioning of the Committee; and

That committee membership will be assigned by Resolution as per the Terms of Reference.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

Council considered third reading of Tree Protection and Management Bylaw No. 2850 on November 7, 2016. At that meeting Council passed the following resolution.

*Moved by Wells and seconded by Theos that the Tree Protection and Management Bylaw be referred to staff to investigate the creation of a Select Committee of Council relating to tree protection and management.*

**Carried with Councillors Frisch, Hillian and Lennox opposed**

### DISCUSSION:

Staff have conducted a thorough consultation process over the last year in preparation of a new tree bylaw. The process included consultation with the development industry, environmental interest groups, arborist industry, and the general public. The proposed bylaw was given first and second reading on September 19, 2016. Following the September 19<sup>th</sup> Council meeting, the development sector took interest in the bylaw and lobbied Council to have the bylaw deferred until an Urban Forest Management Strategy

was undertaken. As a result Council requested the creation of a Select Committee of Council to make recommendations on the bylaw.

#### **FINANCIAL IMPLICATIONS:**

None anticipated.

#### **ADMINISTRATIVE IMPLICATIONS:**

Staff time will be required to support the select committee, prepare agendas and minutes, and undertake research on issues of concern. Depending on the number of meetings, it estimated that between 20 and 40 hours of staff time will be required.

#### **ASSET MANAGEMENT IMPLICATIONS:**

None

#### **STRATEGIC PRIORITIES REFERENCE:**

Effective tree management and protection is consistent with the Strategic Priority of “Continued support for social, economic and environmental sustainability solutions” (area of control).



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

The OCP contains numerous references to the objective of preserving trees and ensuring tree replanting as a mechanism of beautification, parks and boulevard development and environmental restoration. Within the Vision chapter, the following policy is included: “Review and update the tree management bylaw to protect wildlife habitat and undertake a tree planting program” (page 13). Within the Planning for Climate Change chapter, the following policy is included: “The City will increase the absorption opportunities for carbon throughout the municipality through the conservation and restoration of forested areas and stands of trees and other urban ecological systems throughout the municipality” (page 145).

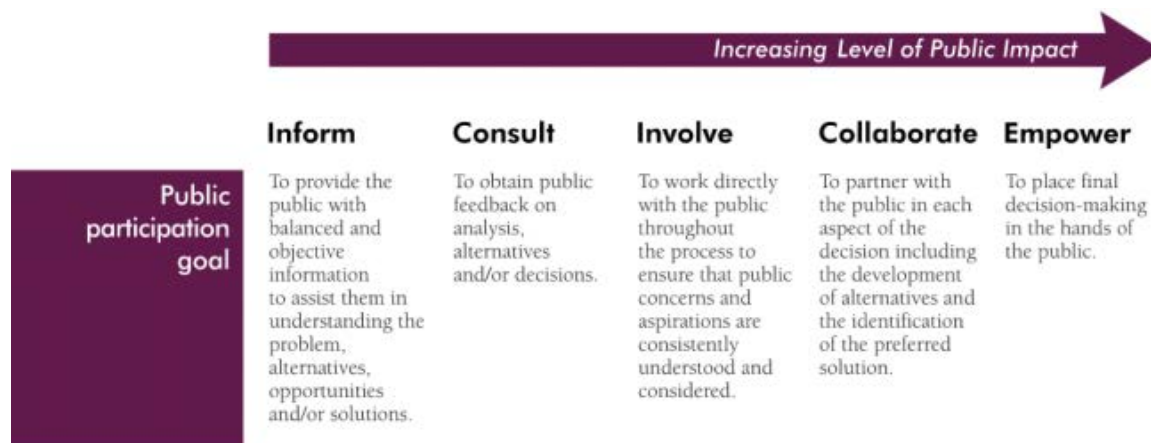
#### **REGIONAL GROWTH STRATEGY REFERENCE:**

The RGS also contains numerous references to the objective of preserving trees and ensuring tree replanting. For example, Objective 2-B: Frame environmental protection and policies around the principles of precaution, connectivity and restoration ... where cost effective, consider the restoration or creation of natural systems to provide sustainable environmental services (e.g. stormwater ponds for improving water quality; tree cover for capturing carbon and reducing GHG emission) (page 36).

#### **CITIZEN/PUBLIC ENGAGEMENT:**

Staff would inform the public based on the IAP2 Spectrum of Public Participation:

[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)



**OPTIONS:**

1. (Recommended) Hereby create the Council Select Committee on Tree Protection and Management Bylaw No. 2850; and  
  
That the attached Terms of Reference apply to the functioning of the Committee; and  
  
That committee membership will be assigned by Resolution as per the Terms of Reference.
2. That Council defers consideration of creating “Council Select Committee on Tree Protection and Management Bylaw No. 2850, 2016” to a future meeting;
3. That Council amend as it sees fit the Terms of Reference to the proposed “Council Select Committee on Tree Protection and Management Bylaw No. 2850, 2016”.

Attachment: 1

Assignment of Terms of Reference (ToR) – “Council Select Committee on Tree Protection and Management Bylaw No. 2850”



## TERMS OF REFERENCE

---

**To:** Chairperson and Committee Membership **File No.:** 4530-01  
**From:** Chief Administrative Officer **Date:** December 5, 2016  
**Subject:** **Assignment of Terms of Reference (ToR) – “Council Select Committee on Tree Protection and Management Bylaw No. 2850”**

---

### 1. PURPOSE:

Section 8(3)(c) of the *Community Charter* allows Council to regulate in relation to trees. This enabling legislation is broad in that it is not limited only to protecting existing trees, but also allows for the requirement of new trees to be planted, even on lands where trees did not previously exist.

The City’s OCP contains a number of references to updating the Tree Bylaw to support community environmental, climate and neighbourhood goals. If approved, the “Tree Protection and Management Bylaw No. 2850, 2016” would be the second update to the bylaw since the OCP was adopted in 2005.

At the Regular Council Meeting of November 7, 2016 the following Resolution was made:

#### **.01**

TREE BYLAW NO.c 2850

4530-01

Moved by Wells and seconded by Theos that the Tree Protection and Management Bylaw be referred to staff to investigate the creation of a Select Committee of Council relating to tree protection and management.

**Carried with Councillors Frisch, Hillian and Lennox opposed**

This document provides Council direction (ToR) to the Chairperson and members of this select committee as required by the *Community Charter* and *Council Procedure Bylaw No. 2730*.

### 2. ROLE:

This committee is created under the authority of s. 142 of the *Community Charter* (excerpt of applicable sections is attached for convenience). This provides that a council may “establish and appoint a select committee to consider or inquire into any matter and to report its findings and opinion to the council”. It will function in accordance with *Council Procedure Bylaw No. 2730* (attached for convenience).

The Council “Select Committee on Tree Protection and Management Bylaw No. 2850” is created to inquire into the views of the City’s environmental and development communities on the application of the bylaw. The committee will ascertain the existence of any gaps in the respective views of these two communities of interest and provide recommendations to Council on ways or means to reconcile any such gaps.



**3. MEMBERSHIP AND STRUCTURE:**

Council will appoint all members and they will serve at the pleasure of Council.

The committee will consist of five members:

- Chairperson
- Deputy Chairperson
- Councillor
- Representative of the City environmental community
- Representative of the City development community

The Chairperson, Deputy Chairperson and Councillor will be sitting City council members. The remaining two members will be appointed by Council from nominees made by the environmental and development communities to represent their respective views. Names of nominees should be provided in writing to the City’s Director of Legislative Services no later than noon on Friday December 9, 2016.

**4. COMMITTEE PROCEDURE:**

Coordination of administrative and technical support to the committee will be provided as appropriate by the Director of Legislative Services and Director of Development Services as directed by the CAO.

The Chairperson, or in his or her absence the Deputy Chairperson, is responsible to ensure procedural compliance in accordance with the *Community Charter* and *Council Procedure Bylaw No. 2730*.

**5. TIME, PLACE AND NOTIFICATION OF MEETINGS:**

At the first meeting after its establishment, the select committee will establish a regular schedule of meetings and provide notice to Council and the public in accordance with the *Council Procedure Bylaw No. 2730*. Meetings will comply with “Part 4, Division 3 – Open Meetings” of the *Community Charter* and will be held at the City of Courtenay Council Chambers.

**6. REPORTING:**

The Chairperson may report to Council at any regular meeting or must report if directed by Council. In any case, the Committee will submit its findings in a report to Council no later than February 10, 2017.

Prepared by:



---

David W. Love, CD, BA, LGM(Dip), PCAMP  
Senior Advisor, Strategic Initiatives

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Allen". The signature is fluid and cursive, with the first name "David" and last name "Allen" clearly distinguishable.

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

Attachments – 3:

1. Excerpts - “Part 4, Division 3 – Open Meetings” of the *Community Charter*
2. City of Courtenay *Council Procedure Bylaw No. 2730*
3. City of Courtenay “Committee Meeting Agenda or Minute Procedure”

## **Excerpt: Community Charter**

### **[SBC 2003] CHAPTER 26**

#### **Part 4 — Public Participation and Council Accountability**

Reference: [http://www.bclaws.ca/civix/document/id/complete/statreg/03026\\_00](http://www.bclaws.ca/civix/document/id/complete/statreg/03026_00)

##### **Division 3 — Open Meetings**

###### **General rule that meetings must be open to the public**

**89** (1) A meeting of a council must be open to the public, except as provided in this Division.

(2) A council must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

###### **Meetings that may or must be closed to the public**

**90** (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(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;

(b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;

(c) labour relations or other employee relations;

(d) the security of the property of the municipality;

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

(g) litigation or potential litigation affecting the municipality;

(h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

## Excerpt: Community Charter

### [SBC 2003] CHAPTER 26

#### Part 4 — Public Participation and Council Accountability

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the [Freedom of Information and Protection of Privacy Act](#);

(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;

(l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];

(m) a matter that, under another enactment, is such that the public may be excluded from the meeting;

(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

(o) the consideration of whether the authority under section 91 [*other persons attending closed meetings*] should be exercised in relation to a council meeting.

(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

(a) a request under the [Freedom of Information and Protection of Privacy Act](#), if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;

(c) a matter that is being investigated under the [Ombudsperson Act](#) of which the municipality has been notified under section 14 [*Ombudsperson to notify authority*] of that Act;

(d) a matter that, under another enactment, is such that the public must be excluded from the meeting;

(e) a review of a proposed final performance audit report for the purpose of providing comments to the auditor general on the proposed report under section 23 (2) of the [Auditor General for Local Government Act](#).

(3) If the only subject matter being considered at a council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

## **Excerpt: Community Charter**

### **[SBC 2003] CHAPTER 26**

#### **Part 4 — Public Participation and Council Accountability**

##### **Other persons attending closed meetings**

**91** (1) If all or part of a meeting is closed to the public, the council may allow one or more municipal officers and employees to attend or exclude them from attending, as it considers appropriate.

(2) If all or part of a meeting is closed to the public, the council may allow a person other than municipal officers and employees to attend,

(a) in the case of a meeting that must be closed under section 90 (2), if the council considers this necessary and the person

(i) already has knowledge of the confidential information, or

(ii) is a lawyer attending to provide legal advice in relation to the matter, and

(b) in other cases, if the council considers this necessary.

(3) The minutes of a meeting or part of a meeting that is closed to the public must record the names of all persons in attendance.

##### **Requirements before meeting is closed**

**92** Before holding a meeting or part of a meeting that is to be closed to the public, a council must state, by resolution passed in a public meeting,

(a) the fact that the meeting or part is to be closed, and

(b) the basis under the applicable subsection of section 90 on which the meeting or part is to be closed.

##### **Application of rules to other bodies**

**93** In addition to its application to council meetings, this Division and section 133 [*expulsion from meetings*] also applies to meetings of the following:

(a) council committees;

(b) a municipal commission established under section 143;

(c) a parcel tax roll review panel established under section 204;

(d) a board of variance established under Division 15 of Part 14 of the [\*Local Government Act\*](#) ;

## **Excerpt: Community Charter**

### **[SBC 2003] CHAPTER 26**

#### **Part 4 — Public Participation and Council Accountability**

- (e) an advisory body established by a council;
- (f) a body that under this or another Act may exercise the powers of a municipality or council;
- (g) a body prescribed by regulation.

#### Division 4 — Committees, Commissions and Other Bodies

##### **Select committees of council**

**142** (1) A council may establish and appoint a select committee to consider or inquire into any matter and to report its findings and opinion to the council.

(2) At least one member of a select committee must be a council member.

(3) Subject to subsection (2), persons who are not council members may be appointed to a select committee.

**CONSOLIDATED VERSION  
THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAWNO. 2730**

**A bylaw establishing rules of procedures for the Council and  
Committees of the City of Courtenay**

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 City of Courtenay in open meeting assembled enacts as follows:

**PART 1 – INTRODUCTION**

**Title**

1. This bylaw shall be cited for all purposes as "**Council Procedure Bylaw No. 2730, 2013**".

**Definitions**

2. In this bylaw:

“Corporate Officer” means the Corporate Officer appointed pursuant to Section 148 of the *Community Charter* and includes his or her Deputy or Delegate;

“Commission” means a municipal commission established under Section 143 of the *Community Charter*;

“Committee” means a standing, select, or other Committee of Council, but does not include Committee of the Whole;

“Inaugural Meeting” means the first Council meeting following a General Local Election;

“Member” means any member of Council and includes the Mayor;

“Notice Board” means the notice board located at City Hall, 830 Cliffe Avenue, Courtenay, B.C.

**Application of Rules of Procedure**

3.
  - (1) The provisions of this Bylaw govern the proceedings of Council, Committee of the Whole, Commissions, and all standing and select committees of Council, as applicable.
  - (2) In cases not provided for under this Bylaw, the current edition of *Robert's Rules of Order* apply to the proceedings of Council, Committee of the Whole, and Council committees to the extent that those rules are

- (a) applicable in the circumstances; and
- (b) not inconsistent with provisions of this Bylaw or the *Community Charter*.

## **PART 2 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR**

- 4. (1) At the Inaugural Meeting, Council must from amongst its members designate Councillors to serve on a rotating basis as the member responsible for acting in the place of the Mayor (Acting Mayor) when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (2) Each Acting Mayor designated under section 4 (1) must fulfil the responsibilities of the Mayor in his or her absence.

## **PART 3 - COUNCIL PROCEEDINGS**

### **Inaugural Meeting**

- 5. Following a general local election, the first council meeting must be held on the first Monday after December 1 in the year of the election.

### **Annual Meeting Schedule**

- 6. (1) Council must prepare annually on or before December 31, a schedule of the dates, times and places of regular Council meetings and must make the schedule available to the public by posting the schedule on the notice board.
- (2) Council must give notice annually on or before January 15 of the availability of the annual meeting schedule.
- (3) Where revisions are necessary to the annual meeting schedule, the Corporate Officer must, as soon as possible, post a notice on the notice board indicating any revisions to the date, time and place or cancellation of a regular Council meeting.

### **Regular Council Meetings**

- 7. (1) Regular meetings of Council must take place within City Hall, 830 Cliffe Avenue, Courtenay, B.C. or in a location established by Council resolution.
- (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

BL2846



- (c) a quorum is not present within 15 minutes after the time appointed for commencement of the meeting.

### **Notice of Special Council Meetings**

- 8. (1) Except where notice of a special meeting is waived by a unanimous vote of all council members at least 24 hours before a special meeting of Council, the Corporate Officer must
  - (a) give advance public notice of the time, place and date of the meeting by way of a notice posted on the notice board at City Hall;
  - (b) posting a copy of the notice in the Council Chambers;
  - (c) leaving one copy for each council member at the place to which the member has directed notices be sent.
- (2) The notice under section 8 (a) must include the date, time and place of the meeting, describe in general terms the purpose of meeting and be signed by the Mayor or the Corporate Officer.
- (3) Where a special meeting is called and where notice may be waived by a unanimous vote of all Council members, the Corporate Officer must use reasonable efforts to give advance public notice of the proposed special meeting by posting a notice of the proposed meeting on the notice board at City Hall.

### **Electronic Meetings**

- 9. (1) Provided the conditions set out in subsection 128 (2) of the *Community Charter* are met:
  - (a) A special meeting may be conducted by means of electronic or other communication facilities;
  - (b) A member of Council or a Committee member who is unable to attend at a Regular or Special Council or Committee of the Whole meeting due to unavoidable circumstances, may participate in the meeting by means of electronic or other communication facilities.
- (2) The member presiding at a Regular Council, Special Council, or Council Committee meeting must not participate electronically.

### **Order of Business at Regular Meetings**

- 10. (1) Except as Council otherwise resolves, and in any event only to the extent that business exists at a particular meeting under each of these subject headings, the usual order of business at a regular meeting is as follows:
  - (a) Call to order;

- (b) Adoption of minutes as read or circulated, only if each member has received the minutes at least 24 hours before the meeting at which they are to be considered, and, if necessary, amendment of minutes;
- (c) Introduction of late items;
- (d) Reception of delegations, including presentation of petitions;
- (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;
- (f) External reports and correspondence presented for information;
- (g) Internal reports and correspondence presented for information;
- (h) Reports from Council members regarding City related activities including reports from Council and External committees;
- (i) Resolutions of Council;
- (j) Unfinished business;
- (k) Notice of motion;
- (l) New business;
- (m) Bylaws;
- (n) Adjournment.

BL2846

### **Council Meeting Agendas**

- 11.(1)** Prior to each Council meeting, the Corporate Officer must prepare an agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.

- (2) The agenda of Council meetings and Committee of the Whole meetings must be available to Council and the public as follows:
  - (a) Regular Council and Committee of the Whole Meetings – 3:00 p.m. on the Thursday of the week preceding each meeting;
  - (b) Special Council Meetings – at the discretion of the Corporate Officer.
- (3) All reports, including those items or resolutions submitted by a member, for the agenda of
  - (a) a regular Council meeting;
  - (b) a Committee of the Whole meeting;
  - (c) a Public Hearing

must be submitted to the Corporate Officer by noon on the Tuesday preceding such meetings, except that when a holiday falls on the intervening Friday, such reports must be submitted by noon on the Monday preceding such meeting.
- (4) Notwithstanding the requirements of section 11 (2), the Corporate Officer has the discretion where practical to include on an agenda a report that is not provided by the date and time specified.

### **Additional Agenda Items**

- 12.(1) An item of business not included on the agenda must not be considered at a Council meeting unless introduction of the late item is approved by a majority vote of Council at the time allocated on the agenda for such matters.

### **Delegations to Council Meetings**

- 13.(1) A delegation may address Council at a regular Council meeting or Committee of the Whole meeting providing
  - (a) a request has been submitted to the Corporate Officer in writing at least (4) working days prior to the day of the meeting including the name and address of the spokesperson and the specific written details of each delegation;
  - (b) in the case of a petition, the petition must be an original copy and include the printed name and address of each petitioner; and the petition must deal with an issue or matter that falls within Council's jurisdiction; and
  - (c) all materials to be presented relevant to the petition or delegation are received by the Corporate Officer at least (4) working days prior to the day of the meeting.

- (2) The presiding member may waive compliance with section 13 (1) on the unanimously approved motion of the members in attendance.
- (3) Under extraordinary occasions so declared by the Mayor, the Mayor may waive compliance with section 13 (1).

BL2846

- (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 area 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.
- (5) A delegation is allowed a maximum of 10 minutes to make its' presentation to Council, unless Council unanimously consents to extend the time limit.
- (6) The number of delegations at any Council meeting will be limited to three (3) except under extraordinary circumstances approved by the Mayor prior to the Council meeting.
- (7) Council will not act on a request from a delegation at a Council meeting until the next regular Council meeting. Under extraordinary circumstances, Council may resolve, by a two-thirds affirmative vote of Council members present at the meeting, to consider the request immediately.
- (8) Council must not permit a delegation to address Council at a meeting regarding a bylaw in respect of which a public hearing has been held.

### **Public Attendance at Meetings**

- 14.** (1) Except where the provisions of section 90 of the *Community Charter* apply, all meetings of Council must be open to the public.
- (2) Where Council wishes to close a meeting or a portion of a meeting to the public, it may do so by adopting a resolution in a public meeting in accordance with Section 92 of the *Community Charter*.
- (3) This section applies to all meetings of the bodies referred to in Section 93 of the *Community Charter* including Council committees, commissions, a parcel tax review panel, a board of variance, or advisory bodies.

### **Minutes of Meetings**

- 15.** (1) Minutes of Council meetings must be
  - (a) legibly recorded;
  - (b) certified as correct by the Corporate Officer;

- (c) signed by the Mayor or other presiding member at or after the meeting at which they are adopted; and
- (d) open for public inspection at City Hall during regular office hours.

### **Adjournment**

- 16. (1) Council may by resolution adjourn any meeting to a specified time and place.
- (2) Every regular meeting of Council is adjourned at 12:00 midnight unless a two-thirds majority of Council members present resolves to continue the meeting.

### **Cancellation of Meetings**

- 17. Council may by resolution cancel any meeting and the Corporate Officer must provide members 24 hours notice of cancellation.

### **Calling Meeting to Order**

- 18.(1) In the event the Mayor does not attend within 15 minutes after the time appointed for a meeting, the Acting Mayor must take the chair.
- (2) In the absence of the Acting Mayor the Corporate Officer must call the members to order and if a quorum is present, the members must appoint a member to preside during the meeting or until the arrival of the Mayor or Acting Mayor.
- (3) In the event the Mayor is required to leave a meeting, the Acting Mayor must take the chair; or in the absence of the Acting Mayor the members must appoint a member to preside during the meeting until the return of the Mayor.
- (4) The member appointed under section 18 (2) and 18 (3) has the same powers and duties as the Mayor in relation to the particular matter.

### **Quorum**

- 19. Should there be no quorum present within 15 minutes after the time appointed for the meeting, the Corporate Officer must record the names of the members present at the expiration of the 15 minutes and the meeting of Council is deemed to have been cancelled.

### **Proposed Bylaws**

- 20.(1) Before Council considers any proposed bylaw, the Corporate Officer must provide each member with a copy of the proposed bylaw.
- (2) Council is deemed to have passed a proposed bylaw when all approvals and procedures required by statute prior to adoption have been followed and Council has given the following readings to the bylaw:

- (a) first reading, which is by title only;
  - (b) second reading, which is by title only unless Council resolved to read the proposed bylaw;
  - (c) third reading, which is by title only; and
  - (d) final adoption.
- (3) A bylaw may be read one, two, or three times at a meeting of Council unless otherwise required by an enactment.
  - (4) A zoning or official community plan bylaw or amendment bylaw may be adopted at the same meeting at which third reading was given.
  - (5) Council may reconsider any clause of a proposed bylaw before the bylaw is adopted, subject to section 894 of the *Local Government Act* regarding Public Hearings.
  - (6) After either second or third reading, Council may amend, strike out or add clauses.
  - (7) Every bylaw adopted by Council must be signed by the Mayor or other member of Council presiding at the meeting at which the bylaw has been adopted, and must be signed by the Corporate Officer.
  - (8) The Corporate Officer must affix to every bylaw adopted by Council the Corporate Seal of the Corporation of the City of Courtenay.

#### **PART 4 - RESOLUTIONS**

##### **Copies of Resolutions to Council Members**

- 21. A resolution not included on a Council meeting agenda may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least 24 hours before the Council meeting, or if all Council members unanimously agree to waive this requirement at a Council meeting.

##### **Form of Resolution**

- 22. (1) A resolution introduced at a Council meeting must be in printed form.
- (2) The presiding member may
  - (a) have the Corporate Officer read the resolution; and
  - (b) request a motion that the resolution be introduced.

## **PART 5 - MEETING RULES OF CONDUCT AND DEBATE**

### **Recognition**

23. (1) A member may speak in a meeting after
- (a) the member has raised his or her hand; and
  - (b) the member has been recognized by the presiding member.

### **Presiding Member Powers**

- 24.(1) The presiding member must preserve order and decide all points of order which may arise, subject to an appeal by other members of Council present.
- (2) If an appeal is taken by a member from the decision of the presiding member, the question "*Shall the Chair be sustained?*" must be immediately put and decided without debate and the presiding member will be governed by the majority of the votes of the members then present (exclusive of the presiding member), and in the event of the votes being equal the question will pass in the affirmative.
  - (3) If the presiding member refuses to put the question "*Shall the Chair be sustained?*" Council must appoint the Acting Mayor, or if absent, one of the members to preside temporarily in lieu of the presiding member, and the Acting Mayor or member so temporarily appointed must proceed in accordance with the previous section.

### **Title of Members**

25. Members must address the Mayor as "Mr. Mayor" or "Madam Mayor", whichever is appropriate, or as "Your Worship", and must refer to another member as "Councillor".

### **Conduct of Speaker**

26. (1) A member may not speak
- (a) unless in relation to the matter in debate;
  - (b) to a matter already decided upon at the meeting;
  - (a) for more than five (5) minutes at a time.
- (2) A member may not speak more than once to the same matter, except with the permission of the majority of Council; or to
- (a) explain a material part of the member's speech which may have been misconceived, but then only to correct the matter; or
  - (b) ask a question for purposes of clarification.

## **General Conduct**

### **27.**

- (1) A member must not interrupt a member who is speaking except to raise a point of order and must not make any disturbance during the meeting.
- (2) When two or more members desire to speak, the presiding member must name the member who is to have the floor.
- (3) A member may require the question or motion under discussion to be read at any time during debate, but not so as to interrupt a member when speaking.
- (4) After a question is finally put by the presiding member, no member may speak to the question, nor may any other motion be made until after the result of the vote has been declared; and the decision of the presiding member as to whether the question has been finally put will be conclusive and not open to challenge.
- (5) Council must vote separately on each distinct part of a question that is under consideration if requested by a member.

## **Improper Conduct**

### **28.**

- (1) If the presiding member considers that another person at a meeting is acting improperly, the presiding member may order that the person be expelled from the meeting.
- (2) If the person who is expelled does not leave the meeting, a peace officer may enforce the order under as if it were a court order.

## **Matter Open to Debate**

### **29.** Members may debate any motion except the following:

- (a) to lay on the table;
- (b) to give first reading to a bylaw;
- (d) to postpone indefinitely;
- (e) to postpone to a certain time;
- (f) to move that the motion be put to a vote; and
- (g) to adjourn.



## **Verbal Enquiries by the Public**

- 30.** A verbal enquiry by a member of the public may only relate to an item on the agenda and may only be heard when Council so resolves.

## **Privilege**

- 31.** (1) Every member may
- (a) at any time during the debate require that the matter under discussion be read for the member's information, but must not exercise this right in order to interrupt a member speaking without the acquiescence of that member;
  - (b) require the presiding member to state the rule applicable to a point of practice or order and the presiding member must then state the rule without argument or comment but subject to appeal to a vote of the members present; or
  - (c) by means of a question to the presiding member, seek information relating to any matter connected with the business of Council or the affairs of the municipality and the question must be in writing if so required by the presiding member.

## **PART 6 - MOTIONS AND AMENDMENTS**

### **Motions Generally**

- 32.**
- (1) All resolutions and bylaw readings must be by motion duly moved and seconded by members.
  - (2) A motion other than a motion to adopt minutes, to receive reports, to refer to a committee or staff, to introduce or pass a bylaw or to adjourn must, if required by the presiding member, be put in writing before being debated or put from the Chair.
  - (3) When a main motion is under consideration no other motion may be received except to
    - (a) refer to a Committee of Council;
    - (b) amend;
    - (c) lay on the table;
    - (d) postpone indefinitely;
    - (e) postpone to a certain time;

- (f) move that the motion be put to a vote; and
  - (g) adjourn.
- (4) The seven motions referred to in Section 32(3) have precedence in the order in which they are named, and the last five are not subject to amendment or debate.
  - (5) A motion to refer the subject matter to a committee, until it is decided, precludes all amendments to the main question.
  - (6) The Corporate Officer must record any motion other than a procedural motion in writing and, after a member has seconded a motion, the Corporate Officer may read it aloud prior to the members debating it or the presiding member putting it.
  - (7) Once the Corporate Officer has read aloud a motion, no member may withdraw it without permission of the members and no member may withdraw a motion once passed.

### **Motion to Adjourn**

- 33. A member at any time may make a motion to adjourn and if seconded, the members must promptly decide the motion without debate and no member may make a second adjournment motion if the first is defeated unless other proceedings intervene.

### **Motion to Lay on the Table**

- 34. Except when a motion to adjourn has been made, a member may make a motion to lay a pending question(s) on the table, and this motion is not debatable or amendable.

### **Motion to Put Question**

- 35.
  - (1) If a member moves to put the main question, or the main question as amended to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question.
  - (2) If the motion for the main question, or for the main question as amended is decided in the negative, Council may again debate the question or proceed to other business.

### **Inadmissible Motion**

- 36. When the presiding member is of the opinion that a motion offered is contrary to this bylaw or relates to matters beyond the powers of the members, the presiding member may inform the members immediately, giving reasons for his or her opinion, and may refuse to put the question.

## **Amendment of a Motion**

### **37.**

- (1) No member may move any motion to amend that negates the purpose of the main motion.
- (2) Members must withdraw or decide any amendment to a motion before the main question is put to a vote.
- (3) If an amendment to a motion is:
  - (a) carried, the previous motion is then voted on as amended; or
  - (b) defeated, the previous motion is again before the members.

## **Defeated Resolution**

- 38.** Unless specifically provided by statute or bylaw, a defeated resolution or a substantially similar resolution must not be considered within 12 months of the date of the defeat of the resolution. This time limit may be waived by an affirmative vote of at least two thirds of the Council members eligible to vote on the resolution.

## **Reconsideration of Matter by Mayor**

### **39.**

- (1) The Mayor may require Council to reconsider and vote again on a matter that was the subject of a vote at the same council meeting as the vote took place, or within the 30 days following that meeting.
- (2) A matter may not be reconsidered under section 39 (1) if
  - (a) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the council; or
  - (b) there has already been a reconsideration in relation to the matter.

## **Reconsideration of Matter by Council Member**

- 40.**
- (1) Subject to subsection (5) a member may, at the next Council meeting
    - (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken; and
    - (b) move to reconsider an adopted bylaw (with the exception of a land use bylaw) after an interval of at least 24 hours following its adoption.
  - (2) A member who voted in the affirmative for a resolution adopted by Council may at any time move to rescind that resolution. In order to be passed, a motion to rescind requires

- (a) a two-thirds affirmative vote; or
  - (b) a majority affirmative vote when notice of motion has been given at the previous meeting or the call to order of the present meeting.
- (3) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter has been adopted.
  - (4) A vote to reconsider must not be reconsidered.
  - (5) Council may only reconsider a matter that has not
    - (a) received the approval or assent of the electors and been adopted;
    - (b) been reconsidered under subsection (1) or section 39;
    - (c) been acted on by an officer, employee or agent of the City.
  - (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
  - (7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 39 is as valid and has the same effect as it had before reconsideration.

## **PART 7 - VOTING**

### **Putting of the Question**

#### **41.**

- (1) When debate on a question is closed the presiding member must immediately put the question to a vote.
- (2) Members must signify their votes on every question openly and individually by the raising of hands and members must not vote by ballot or any method of secret voting.

### **Recording of Votes**

#### **42.**

- (1) Any member may call for his or her vote on any issue to be recorded and each time this request is made, the Corporate Officer must record in the minutes the name of the members and the way in which the member voted.
- (2) Immediately upon the announcement of the result of a vote by the presiding member, any member may call for a division whereupon each member present must orally announce his or her vote.

- (3) Should any member not indicate his or her vote when any question is put, the member will be regarded as having voted in the affirmative and his or her vote must be counted accordingly.
- (4) The Corporate Officer must record in the minutes of a meeting the name of any member who voted in the negative on any question.

## **PART 8 - COMMITTEES OF COUNCIL**

### **Committee of the Whole**

- 43.** Meetings of the Committee of the Whole must be held in City Hall Council Chambers on the last Monday of each month, with the exception of December, at 4:00 p.m. unless the meeting day falls on a holiday, in which case the meeting would be held the following day.

### **Presiding Members at Committee of the Whole**

- 44.** (1) The Mayor must preside at Committee of the Whole meetings if he or she is in attendance.
- (2) The presiding member of the Committee of the Whole must maintain order in the committee and subject to appeal from the members present, decide points of order that may arise and must attest to the correctness of the proceedings thereof.

### **Notice of Committee of the Whole Meetings**

- 45.**
- (1) At least 72 hours before a meeting of the Committee of the Whole, the Corporate Officer must give public notice of the time, place and date of the meeting by
- (a) posting a copy of the agenda on the notice board;
  - (b) leaving copies of the agenda at the reception counter at City Hall for the purpose of making them available to members of the public; and
  - (c) delivering a copy of the agenda to each member of Council at the place to which the Council member has directed notices to be sent.
- (2) At any time during a Council meeting, Council may by resolution go into Committee of the Whole.

### **Minutes of Meetings**

- 46.** (1) Minutes of Committee of the Whole meetings must be
- (a) legibly recorded;

- (b) signed by the chair or member presiding at the meeting or at the next meeting at which the minutes are adopted; and
- (c) open for public inspection at City Hall during regular office hours.

### **Rules of Procedure**

#### **47.**

- (1) The Committee of the Whole members must observe the rules of procedure of Council in any meeting, except:
  - (a) the number of times members are permitted to speak is at the discretion of the presiding Member;
  - (b) Members may hear a verbal enquiry from a member of the public on any matter taken up at the meeting whenever a majority of the members present so wish.

### **Select Committees**

#### **48.**

- (1) Council may from time to time appoint a Select Committee to enquire into any matter and to report its findings and opinions to Council.
- (2) A Select Committee may report to Council at any regular meeting or must report if directed by Council.
- (3) The Chairman and the Deputy Chairman of a Select Committee must be appointed from the members of the Select Committee by resolution of Council.
- (4) A meeting of a Select Committee must be called by a resolution of the Select Committee which specifies the day, hour and place of the meeting, except for the first meeting which must be called by resolution of Council which specifies the day, hour and place of the meeting.
- (5) A Select Committee must, on completion of its assignment or on submitting its report to Council, dissolve.

### **Procedure for Committees**

- 49.** Members of Council may attend the meetings and participate in the discussion of committees of which they are not members but only those members of Council who are members of the committee may vote on deliberations of that committee.

**50.**

- (1) The committee members must observe the rules of procedure of Council in any meeting, except that in a Select Committee
  - (a) the number of times members are permitted to speak is at the discretion of the presiding Member;
  - (b) members may hear a verbal enquiry from a member of the public on any matter taken up at the meeting whenever a majority of the members present so wish;
  - (c) a request to present a petition or to appear before the committee as a delegation is handled in the same manner as delegations or petitions to Council;
  - (d) a delegation is allowed one speaker and a maximum of ten minutes to make its presentation to the committee;
  - (e) the Mayor is a member of all committees and is entitled to vote at all committee meetings;
  - (f) each committee may meet at the discretion of its presiding member and must also meet when directed to do so by council, the Mayor, or a majority of the members of that committee;
  - (g) the Corporate Officer must convene a meeting of a committee when requested in writing to do so by the Mayor, the presiding member of the committee or majority of the members of that committee;
  - (h) when a committee desires to submit a written report to Council, the presiding member of the committee must deliver the report to the Corporate Officer not later than 4 working days prior to the date of the next regular meeting of Council and the Corporate Officer must have the report delivered to each member of Council not less than 72 hours prior to the convening of the regular meeting of Council which next follows the committee meeting from which the written report arose.

**Standing Committees**

**51.**

- (1) In his/her address at the Inaugural Meeting, the Mayor must appoint the Chairman and members of Standing Committees of Council.
- (2) Standing Committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
  - (a) matters that are related to the general subject indicated by the name of the committee;

- (b) matters that are assigned by Council;
  - (c) matters that are assigned by the Mayor
- (3) Standing committees must report and make recommendations to Council at all of the following times:
- (a) in accordance with the schedule of the committee's meetings;
  - (b) on matters that are assigned by Council or the Mayor
    - (i) as required by Council or the Mayor, or
    - (ii) at the next Council meeting if the Council or Mayor does not specify a time.

### **Minutes of Committee Meetings**

52. (1) Minutes of Committee meetings must be
- (a) legibly recorded;
  - (b) signed by the chair or member presiding at the meeting; and
  - (c) open for public inspection at City Hall during regular office hours.

### **Quorum**

53. The quorum for a committee is a majority of all its members.

### **Schedule of Committee Meetings**

54. (1) At its first meeting after its establishment, a standing or select committee must establish a regular schedule of meetings.
- (2) The Chair of a committee may call a meeting of the committee in addition to the scheduled meetings or may cancel a meeting.

### **Notice of Committee Meetings**

55. (1) Subject to section 54 (2), after the committee has established the regular schedule of committee meetings, including the times, dates and places of the committee meetings, notice of the schedule must be given by
- (a) posting a copy of the schedule on the notice board; and
  - (b) providing a copy of the schedule to each member of the committee.



- (2) Where revisions are necessary to the annual schedule of committee meetings, the Corporate Officer must as soon as possible post a notice on the notice board which indicates any revisions to the date, time, and place or cancellation of a committee meeting.
- (3) The Chair of a committee must cause a notice of the day, time and place of a meeting called under section 54 (2) to be given to all members of the committee at least 24 hours before the time of the meeting.

## **PART 9 - COMMISSIONS**

### **Schedule of Commission Meetings**

- 56.** (1) At its first meeting after its establishment, a commission must establish a regular schedule of meetings.
- (2) The Chair of a commission may call a meeting of the commission in addition to the scheduled meetings or may cancel a meeting.

### **Notice of Commission Meetings**

- 57.** (1) Subject to subsection (2), after the commission has established the regular schedule of commission meetings, including the times, dates and places of the commission meetings, notice of the schedule must be given by
- (a) posting a copy of the schedule on the notice board at City Hall; and
  - (b) providing a copy of the schedule to each member of the commission.
- (2) Where revisions are necessary to the annual schedule of the commission meetings, the Corporate Officer must, as soon as possible, post a notice on the notice board at City Hall which indicates any revisions to the date, time and place or cancellation of a commission meeting.
- (3) The Chair of a commission must cause a notice of the day, time and place of a meeting called under section 56 (2) to be given to all members of the commission at least 24 hours before the time of the meeting.

### **Minutes of Commission Meetings**

- 58.** (1) Minutes of the proceedings of a commission must be
- (a) legibly recorded;
  - (b) certified by the Corporate Officer; and
  - (c) open for public inspection at City Hall during regular office hours.

### **Quorum**

- 59.** The quorum for a commission is a majority of all its members.

**PART 10 - GENERAL**

60. 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.

61. This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.

62. "Procedure Bylaw No. 2492, 2007" and amendments thereto is hereby repealed.

Read a first time this 2<sup>nd</sup> day of December, 2013

Read a second time this 2<sup>nd</sup> day of December, 2013

Read a third time this 2<sup>nd</sup> day of December, 2013

Notice published pursuant to section 94 of the *Community Charter* on the 6<sup>th</sup> and 10<sup>th</sup> of December, 2013

Finally passed and adopted this 16<sup>th</sup> day of December, 2013

\_\_\_\_\_  
Mayor

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

<b>Section – 1 - Administration</b>	<b>Procedure # 0540-00(d)</b>
<b>Subject: Committee Meeting Agenda or Minute Procedure</b>	<b>Revision #</b>

**PURPOSE:**

An internal communications instrument for use by persons designated as 'staff support' to a Standing or Select Committee intended to coordinate, record and convey information in a timely fashion between Committees and Council.

**Authority:**

Committee Chair

**Author:**

Staff Support person to a Committee

**Recipients:**

Committee Chair, Committee members and, for Minutes of a Meeting only, Council

**Distribution:**

1. Originated in the T:\Corporate Reports\Communication Procedures\Active Communications folder with file# applicable to the role of the Committee;
2. Author emails draft Word file to Committee Chair;
3. Chair amends and/or approves for distribution to recipients approved by the Chair;
4. Author ensures Chair signs approved Word doc. and scans to .pdf.;
5. Author deletes Word doc from the T Drive;
6. Author attaches .pdf doc to email message to Committee members and ensures DLS posts Agenda on Public Notice Board at least 24 hours prior to a Committee Meeting (process for Agenda then ceases);
7. Author copies .pdf doc of a Minutes of a Meeting file to the Regular Open Council Meeting Agenda for the next Council meeting for which the agenda has not yet been distributed – info DLS for posting on notice board; and
8. The Minutes will thusly be formally received as a "Committee Report" at the next Council Meeting.

<b>AUTHORIZATION:</b> 	<b>DATE: October 3, 2013</b>
-----------------------------------------------------------------------------------------------------------	------------------------------

Section – 1 - Administration	Procedure # 0540-00(d)
Subject: Committee Meeting Agenda or Minute Procedure	Revision #

**Characteristics:**

1. **Non-confidential content only;**
2. Shall always be in compliance with the Council Procedure Bylaw; and
3. When in doubt, seek the advice of the DLS;

AUTHORIZATION: 	DATE: October 3, 2013
----------------------------------------------------------------------------------------------------	-----------------------



**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Chances Courtenay Structural Change Final Approval

**File No.:** 4320-20  
**Date:** December 5, 2016

**PURPOSE:**

The purpose of the report is to provide a Council resolution to the Liquor Control and Licencing Board (LCLB) regarding the application by Chances Courtenay to increase their occupant load from 419 persons to 735 persons.

**CAO RECOMMENDATIONS:**

That, based on the December 5, 2016 staff report, "Chances Courtenay Structural Change Final Approval, Council adopt the prescribed resolution as shown in Option 1 recommending approval of the structural change application by Chances Courtenay to increase their occupant load from 419 persons to 735 persons.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David Allen".

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

**BACKGROUND:**

As Council is aware, Chances Courtenay has applied to the LCLB for a structural change to increase their occupant load to 735 persons. At the regular meeting held November 21, 2016 Council approved the following resolution:

*"That based on the November 21, 2016 staff report, "Chances Courtenay Structural Change Application", Council approve Option 1 and direct staff to post notice on the City's website requesting input on the proposed structural change for Council consideration at the regular meeting scheduled on December 5, 2016."*

In accordance with Council's direction, notice was placed on the City's website. In addition, the RCMP has been contacted for input.

**DISCUSSION:**

In considering this request it is important to note that there are two different occupant load calculations at work. The first is an occupant load permitted in a building in accordance with the BC Building Code. This is a technical calculation performed by a building official of how many people the building is designed for. The second type is the liquor licensing occupant load which is the number of people permitted in a licensed establishment as determined in their liquor license. Currently design occupant load of the building is 735 people and the licensed occupant load is 419 people.

As the changes are proposed to take place entirely within the existing building the impacts from a land use perspective are negligible. The parking currently provided on site is 248 regular spaces. The zoning bylaw does not specifically include a casino as a use but does include a bingo hall requiring 1 space for every 10m2 of floor area (casino is 1858m2) or a nightclub which requires 1 space for every 4 seats of capacity. Using either of these ratios the results are 185 spaces or 184 spaces respectively. This is well below the 248 spaces provided.

With regard to noise the City has not had any noise complaints from this establishment in the past and staff does not expect the increase liquor license capacity inside the existing structure to increase noise in the area. Accordingly staff also do not anticipate any negative impacts on the community should the increase be approved.

**FINANCIAL IMPLICATIONS:**

There is no direct financial implication related to this application.

**ADMINISTRATIVE IMPLICATIONS:**

Administration of liquor licencing amendments is included in the City’s general statutory duties. The Development Services Department has recently taken over the function from Legislative Services. To date, staff has spent five hours to process and review the liquor licensing amendment application.

**ASSET MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC PRIORITIES REFERENCE:**

<p><b>We actively pursue vibrant economic growth</b></p> <ul style="list-style-type: none"> <li>● Revitalizing our downtown is critical to our economic future</li> <li>● Continue to improve our relationship with business in our community</li> </ul>	<p><b>We focus on organizational and governance excellence</b></p> <ul style="list-style-type: none"> <li>● We support and encourage initiatives to improve efficiencies</li> <li>● We support meeting the fundamental corporate and statutory obligations</li> </ul>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



● **Area of Control**  
 The policy, works and programming matters that fall within Council's jurisdictional authority to act.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

There is no direct reference related to this application.

**REGIONAL GROWTH STRATEGY REFERENCE:**

There is no direct reference related to this application.

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff consulted members of the public based on the IAP2 Spectrum of Public Participation:

[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)

The method used to gather the input was a public notice on the City's website requesting feedback. To date no feedback has been received. The comment period is open until Friday December 2<sup>nd</sup> at 4:00pm. Any comments received from the public or the RCMP will be forwarded to Council prior to the Council meeting on December 5<sup>th</sup>.

**OPTIONS:**

Option 1:

- 1) Be it resolved that the Council of the City of Courtenay recommends the approval of the application by Chances Courtenay for a structural change to increase the occupant load to 735 persons.
- 2) Council's comments on the prescribed considerations are as follows:
  - (a) If the amendment application is approved, it would not result in an increase of noise in the area;
  - (b) If the application is approved, it would not negatively impact the community based on the submissions received from the public; and
  - (c) In order to gather the views of residents, the City of Courtenay posted a notice on the City's website outlining the Chances Courtenay application. Additionally, the RCMP was contacted for comment.

(Recommended)

Option 2: Council does not recommend approval of the application.

Option 3: Postpone the application to a future date.

A handwritten signature in black ink, appearing to be 'I. Buck', written above a horizontal line.

---

Ian Buck, MCIP, RPP  
Director of Development Services





THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.:** 3060-20-1614

**From:** Chief Administrative Officer

**Date:** December 5, 2016

**Subject:** Development Permit with Variances for 3420 Rhys Rd (The Ridge Phase 2)

### PURPOSE:

The purpose of this report is for Council to consider approving a Development Permit with Variances to allow the subdivision and subsequent development of 44 residential lots in phase 2 of The Ridge. As part of this application, the applicant is requesting to vary the minimum frontage requirement for two of the proposed lots.

### CAO RECOMMENDATIONS:

THAT based on the December 5<sup>th</sup> 2016 Staff report, "Development Permit with Variances for 3420 Rhys Rd", Council approve OPTION 1 and issue Development Permit with Variances No. 1614.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The subject property is a previously cleared site located in South Courtenay in a residential development known as The Ridge (Figure 1). Land within The Ridge was rezoned to a mix of multi-residential, single residential and park uses in September 2011, and a Development Permit was issued for the first phase of development in August 2012.

This application is for a Development Permit to allow the next phase of subdivision. The proposed subdivision will create 44 residential lots located north of the previous phase, and provide new trail connections to the park in the north east corner. The lots are zoned Comprehensive Development Zone 21 (CD-21) which allows for single residential homes and secondary suites on all lots, and duplex and carriage houses on larger corner lots.

In addition to the Development Permit, this application also includes a request for a variance to reduce the minimum frontage requirements for two of the lots, Lot 4 and Lot 5. Drawings of the proposed subdivision layout are included in the Draft Development Permit enclosed with this report (Attachment No.1).



**Figure 1.** (Left) The Ridge shown outlined in yellow.

**Figure 2.** Zoned land use. Approximate boundary of phase 2 is shown with a dashed line.

### **DISCUSSION:**

The subject properties are designated as Master Planned Residential in the OCP and are within the South Courtenay Local Area Plan (SCLAP). The South Courtenay Local Area Plan contains a series of principles, policies and actions to guide development in this area. Creating a comfortable pedestrian environment, protection and enhancement of natural features, and taking action on climate change are cornerstones of the SCLAP and informed the development concept at the time of rezoning.

The South Courtenay Local Area Plan also designates the subject properties as a Development Permit Area to promote energy and water conservation, to promote the reduction of greenhouse gas emissions, and to shape the form and character of intensive residential development. A copy of the South Courtenay Development Permit Area design guidelines is included as Attachment 2. This application for Development Permit for Phase 2 is consistent with the Development Permit issued for Phase 1.

### Energy and Water Conservation

Solar orientation and passive solar techniques were one of the considerations in determining the lot layout. Many of the streets are oriented along the east-west axis resulting in better solar exposure. Consistent with Phase 1, an empty electrical duct will be constructed in each of the homes in Phase 2 to facilitate the future installation of solar panels. While the decision to install solar collectors is left up to individual homeowners, the presence of the conduit will make installation easier and less costly. The applicant has also prepared a construction waste management plan. A signed copy of the waste management plan will be submitted as part of each building permit application.

The Development Permit guidelines encourage the use of pervious surfaces, rain gardens, and reduced pavement widths as part of the stormwater management plan. Infiltration galleries have been installed in parks and open space, and a large detention pond was constructed with the first phase in the park located at north eastern corner of the development. This pond will service the entire development. Plans submitted at the time of zoning referenced rain gardens in boulevard areas, but it has since been determined that the soil conditions are not suitable for this technique. Consistent with Phase 1, storm water management techniques aimed at providing infiltration on private lots are required where the soil conditions are suitable. This will be identified for each lot through the subdivision application process.

### Reduction of Greenhouse Gas Emissions

Creating an interconnected street network with short block lengths is a key strategy in reducing transportation related greenhouse gas emissions and can assist in traffic calming. The transportation network was designed as a modified grid which promotes walking and cycling by providing more direct routes to destinations and offering more choice in travel routes. The road network has been slightly modified from the original concept by straightening Harbourview Boulevard (Figure 3). This will not significantly impact connectivity but may affect traffic speeds along this roadway.



**Figure 3.** Road network presented with phase 1 (left). Revised road network presented with application for phase 2 (right).

To further promote active transportation, a 2.5 metre wide multi-use path was constructed along Buckstone Road and Harbourview Road as part of Phase 1. The multi-use path along Harbourview Road will be extended as part of Phase 2. This application also includes an extension of the pedestrian network with a trail through dedicated park space adjacent to proposed lots 11-13 and a walkway connection between lots 3 and 4. The new segments of trail and walkway will provide connections between lots developed in phase 2 and existing parkland.

Providing pedestrian and cycling connections to destinations and areas outside of the development has a greater impact in encouraging active transportation and it also expands the recreation network. As part of the next phase of development (Phase 3), a trail will be constructed from The Ridge and tying into other cycling and greenways networks through one of two options. The first option is to construct a Trail from The Ridge through the undeveloped Beachwood Road right-of-way, and along the E& N corridor to Fraser

Road. The second is to construct a trail from The Ridge down Beachwood Road Right-of-way towards the waterfront and along the City owned railway corridor up to Millard Road to connect with the Courtenay Riverway.

Creating a pedestrian friendly, walkable community also depends on the quality of the transportation routes. The DP guidelines require tree lined streets, as well as safe pedestrian and bike access. Staff in the Parks department are working with the applicant to finalize a street tree plan as part of the subdivision process.

#### Form and Character

The applicant has drafted design guidelines, "The Ridge Design Guidelines" included in Attachment No. 1, which are largely consistent with the Council approved form and character development permit guides. One exception is related to parking. The SCLAP development permit guidelines state that the visual prominence of parking and garages should be reduced, that garages should be stepped back from the front plane of the house and that parking should be located in the side or rear yards. The applicant wants to retain the flexibility to allow attached garages located at the front of the home but will require windows in the garages to add design interest to the front elevation.

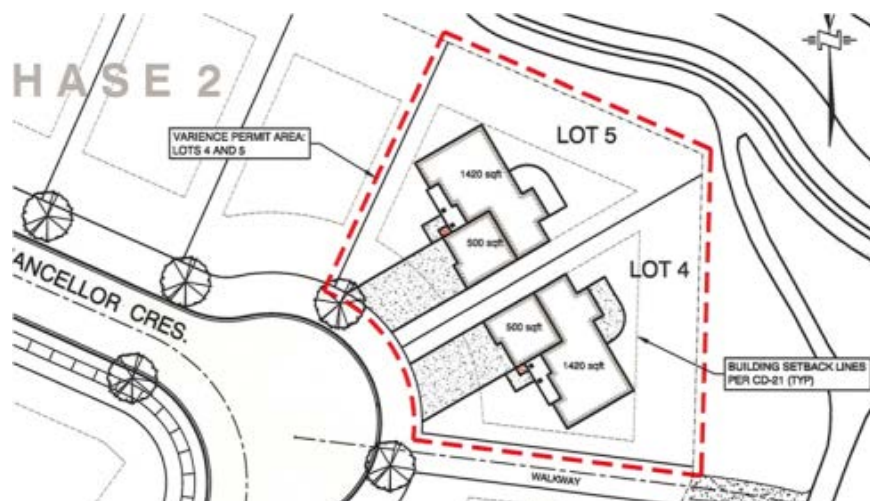
The development permit guidelines also require fencing to be designed and constructed to reflect the character of the development, and to separate private property from greenways, ALR, different land uses, public areas and riparian setbacks. The applicant has prepared a fencing plan which complements the uses and character of the development and is consistent with Phase 1.

#### Zoning Compliance

The proposed subdivision plan requires a variance to the minimum frontage requirements of the CD-21 zone for two of the forty-four lots. The applicants are requesting to vary the frontage from 16.0 m to 11.1 m for Lot 4 and from 16.0 m to 11.4 m for Lot 5 (Attachment No. 1).

Lots 4 and 5 are located in a bulb-out section of road. While the frontage measured at the property line is less than required, if it is measured at the front building setback line it meets the required 16.0 m minimum. The rationale to measuring the frontage at the required front building setback is consistent with other single residential zones in the City. As an example, the Residential One (R-1) zone has a stated exception for lots fronting the bulb of a cul-de-sac allowing the frontage to be measured at the front yard setback line rather than at the property line. The applicants wish to extend this rationale to the proposed subdivision and have demonstrated that the variance will still result in lots with a size and shape that adequately accommodates the construction of a single residential dwelling (Figure 4).

The proposed subdivision plan is consistent with the remaining CD-21 regulations related to subdivision including minimum lot size and lot depth.



**Figure 4.** Demonstration that the proposed variance will accommodate the construction of a single residential home.

### Tree Retention

The proposed development site is within a Tree Cutting Permit Area however the site was previously cleared prior to purchase by the developers and annexation into the City of Courtenay. There is a stand of trees along the northern property boundary comprised of Douglas Fir, Western Red Cedar, Hemlock, Bitter Cherry and Big Leaf Maple. A Tree Cutting Permit will be issued authorizing the removal of hazardous trees and trees located within the building envelope. Healthy trees located outside of the building envelope are to be retained.

### **FINANCIAL IMPLICATIONS:**

The application fee for this application is \$4,950 including the Development Permit fee and the variance fee. Development Permit Fees are calculated at a stepped rate based on the number of parcels created. Development Cost Charges will be collected at the time of subdivision at the rate set out in the DCC Bylaw. The current rate is \$16,470 per single residential lot; however, there may be Development Cost Charge credits for infrastructure improvements constructed by the developer which extend beyond the development to service a broader area.

Amenity fee contributions for the Affordable Housing Reserve Funds and the Parks, Recreation, Cultural and Seniors Facilities Reserve Fund were secured through the rezoning process and will be collected for each lot at the time of Building Permit. Amenity fee contributions are based on lot size. Based on the proposed subdivision plan, total amenity fees will vary from \$2,000 to \$5,000 per lot divided equally into the two reserve funds.

### **ADMINISTRATIVE IMPLICATIONS:**

Processing development permits is a statutory component of the work plan. Staff has spent approximately 30 hours processing this application to date. Should the proposed development permit with variances be approved, an additional 2 hours of staff time will be required to register the permit and close the file. Additional staff time will be required to process subsequent subdivision and building permit applications including inspections.

### **ASSET MANAGEMENT IMPLICATIONS:**

There are no immediate asset management implications related to the proposed development. The developer is responsible for the design and installation of all required infrastructure. However, once the public infrastructure is installed, including parks, trails, roads, sidewalks, street trees, and stormwater, water and sewer systems, the City will assume ownership and maintenance of this infrastructure. Staff

works closely with the applicants through the subdivision and building phases to ensure that the infrastructure design and installation satisfies City requirements.

#### STRATEGIC PRIORITIES REFERENCE:



● **Area of Control**  
The policy, works and programming matters that fall within Council's jurisdictional authority to act.

#### OFFICIAL COMMUNITY PLAN REFERENCE:

The subject property is designated as Mater Planned Residential and is generally consistent with the residential policies in the OCP which include:

- 1) Balance land uses to create a vibrant and diverse neighbourhood and community. *This development is primarily residential consistent with the OCP designation but it is within a few kilometers of an existing commercial corridor. Future land use in this area of the City is expected to more diverse as the South Courtenay Local Area Plan designates land located directly across Comox Logging Road from the stormwater pond as mixed use.*
- 2) Create neighbourhoods that will offer a variety of transportation choices  
*The development proposal will extend the street network, trail, and greenway system constructed with the first phase of the development.*
- 3) Encourage green buildings and infrastructure  
*Refer to discussion of the South Courtenay Development Permit Guidelines above.*
- 4) Lead in creating inclusive neighbourhoods for housing  
*The Ridge includes lands zoned for a variety of residential uses including multi-family, single residential, secondary suites, duplexes and carriage houses.*

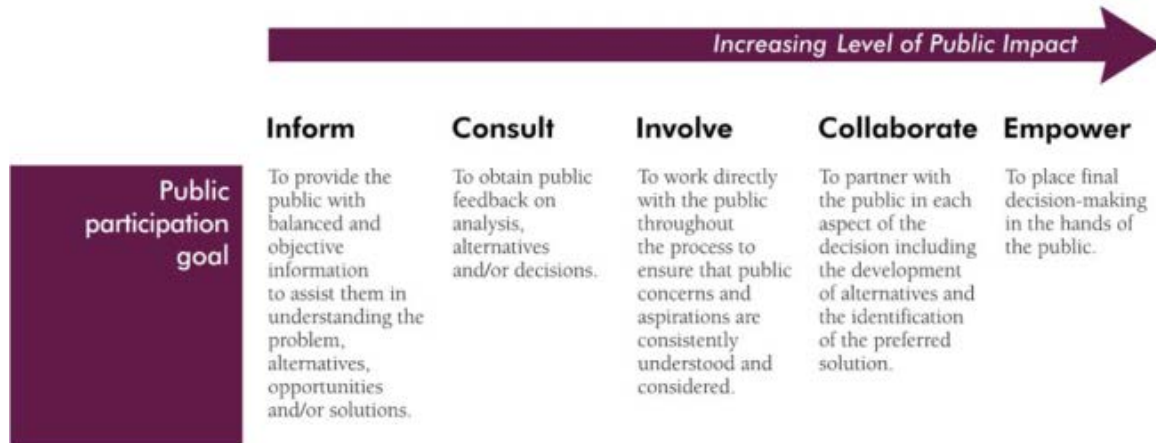
Although Part 10 of the OCP, "Planning for Climate Change", expresses a preference for infill and intensification of existing serviced properties before further development of greenfield properties such as this site, the land use designation and zoning allow the proposed use. The proposed development is consistent with several climate change policies related to transportation, energy and water efficiency.

#### REGIONAL GROWTH STRATEGY REFERENCE:

The proposed development is located within the core settlement area outlined in the Comox Valley Regional Growth Strategy. The Regional Growth Strategy states that at least 90% of growth in the Comox Valley should be directed to Core Settlement Areas.

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff has **consulted** based on the public based on the IAP2 Spectrum of Public Participation:  
[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)



Typically applicants are required to hold a public information meeting for development variance permit applications. However, pursuant to section 8.4 of the *Development Application Procedures Bylaw No. 2790, 2014*, the Director of Development Services waived the requirement to hold a public information meeting for this proposal as it relates to a new subdivision and will have little impact on neighbouring properties.

In accordance with the *Local Government Act*, the City has notified surrounding property owners and occupants of the proposed variance. No correspondence has been received to date.

**OPTIONS:**

**OPTION 1:** (Recommended) Approve Development Permit with Variances No. 1614.

**OPTION 2:** Defer consideration of Development Variance Permit with Variances No. 1614 pending receipt of further information.

**OPTION 3:** Not approve Development Variance Permit with Variances No. 1614 and direct the applicant to reconfigure the subdivision to meet the Zoning Bylaw Requirements.

Prepared by:

Erin Ferguson, MCP  
Land Use Planner

Ian Buck, MCIP, RPP  
Director of Development Services

### *Attachments*

*Attachment No.1: Draft Development Permit with Variances No. 1614*

- *Proposed Subdivision Plan Showing Variances (Schedule 1)*
- *The Ridge Design Guidelines (Schedule 2)*
- *Overall Development Concept for The Ridge (Schedule 3)*
- *Fencing Plan (Schedule 4)*
- *Tree Retention Plan (Schedule 5)*
- *Construction Waste Management Plan (Schedule 6)*

*Attachment No.2: South Courtenay Local Area Plan Development Permit Guidelines*



**DRAFT**

**ATTACHMENT NO. 1**  
Draft Development Permit

**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2392**

**SCHEDULE "2E"**

**Permit No. DPwV1614**

**DEVELOPMENT PERMIT WITH VARIANCE**

December 6, 2016

**To issue a Development Permit with Variance**

**To:** Name: Buckstone Investments Ltd., Inc. No BC0822663  
Address: 1984 Comox Avenue, Comox BC, V9M 3M7

**Property to which permit refers:**

Legal: Lot B, District Lot 153, Comox District Plan, EPP19353  
Civic: 3420 Rhys Road

**Conditions of Permit:**

Permit issued to for the property legally described as Lot B, District Lot 153, Comox District Plan, EPP19353, allowing for future subdivision creating 44 residential lots with the following variances to the *City Of Courtenay Zoning Bylaw No. 2500, 2007*:

- *Section 8.48.4* – Reduce the minimum lot frontage from 16.0 m to 11.1 m for proposed Lot 4 and to 11.4 m for proposed Lot 5 as shown in *Schedule No.1*.

Development Permit with Variances No. 1614 is subject to the following conditions:

1. Development must be in conformance with the following:
  - a) Form and character guidelines contained in *Schedule No. 2*;
  - b) Concept plan and transportation network including roads, multi-use trails, and pathways shown in *Schedule No. 3*. Sidewalk locations must be approved by the City's Development Engineer prior to subdivision;
  - c) Fencing plan shown in *Schedule No. 4*;
  - d) Tree Retention Plan included as *Schedule No. 5*
2. Submission of a revised street tree planting plan and cost estimate to the satisfaction of the Parks Manager and the Director of Development Services prior to subdivision;
3. Submission of a trail specification, planting plan and associated cost estimate prior to subdivision;
4. Submission of a copy of the construction waste management plan (*Schedule No. 6*) signed by the builder prior to issuance of Building Permit;
5. Submission of contributions for the Affordable Housing Amenity Reserve Fund and the Parks, Recreation, Cultural and Seniors Facilities Amenity Reserve Fund at the time of Building Permit at the rates set out in the Phased Development Agreement;
6. Landscaping must be completed within six months of the date of issuance of the occupancy permit by the City;
7. Submission of a storm water management plan which has been approved by the City's Development Engineer prior to subdivision approval;
8. Subdivision identification signage must meet the requirements of the Sign Bylaw and a sign permit is required in advance of any signage installation;
9. All street lighting to be Full Cut Off/Flat Lens luminaries, consistent with City policy # 5240.00.01 and lighting must be approved by the City prior to installation;
10. That if the permit holder has not substantially commenced any construction to which the permit was issued within twelve (12) months after the date it was issued, the permit lapses.

### **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 No.1

Requested Variances  
 for Lot 4 and 5

McIntyre & Associates  
 Professional Land Surveyors  
 455 6th Street  
 Courtenay, BC V9N 1C5  
 Tel: 250-335-2525  
 Fax: 250-335-2527

PROPOSED SUBDIVISION PLAN OF PART  
 OF LOT B, PLAN EPP19353, AND  
 LOT 12, PLAN EPP22329, BOTH OF  
 DISTRICT LOT 153, COMOX DISTRICT

BCGS 92F.066

SCALE 1 : 900



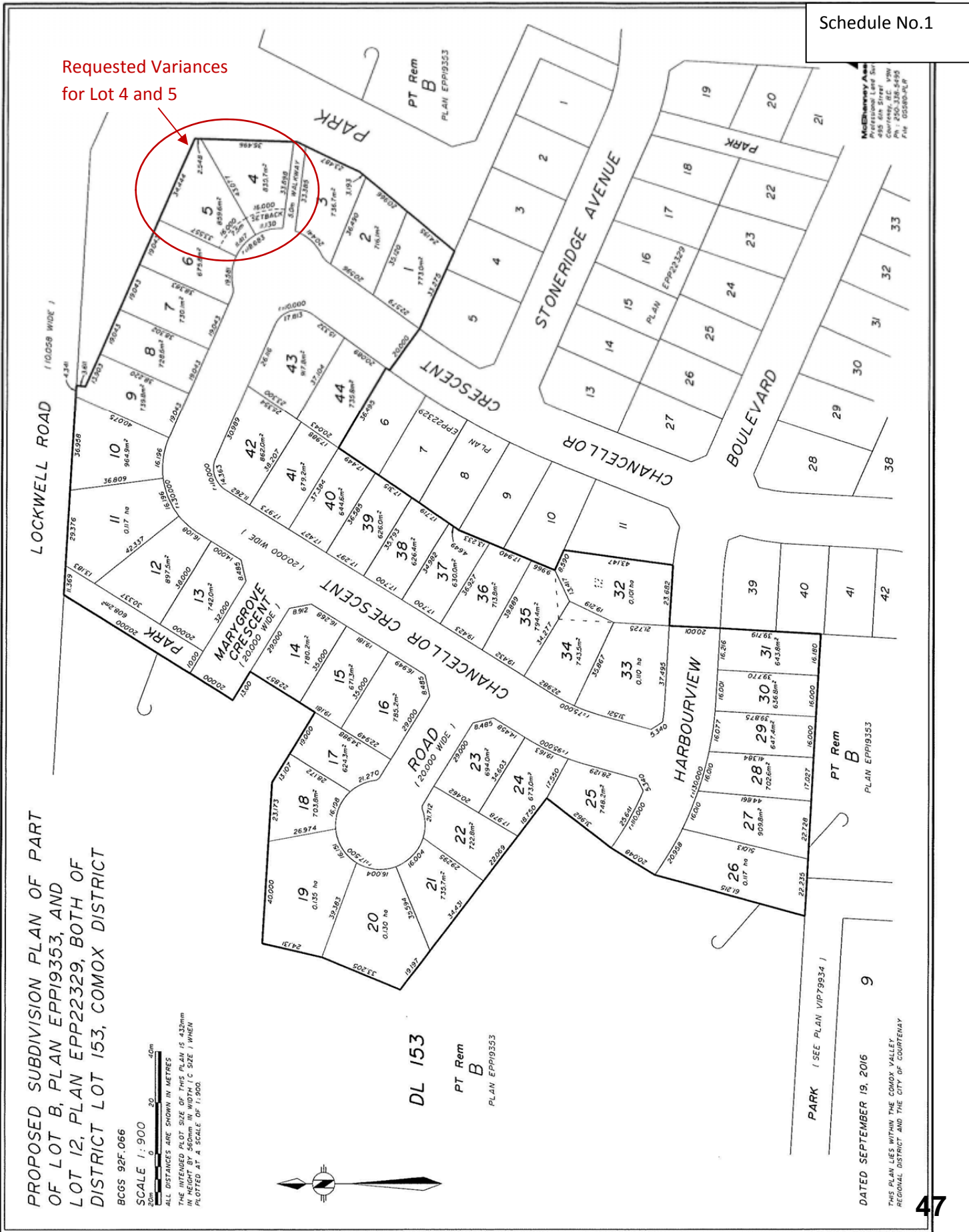
ALL DISTANCES ARE SHOWN IN METRES  
 THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm  
 IN HEIGHT BY 560mm IN WIDTH. THIS SIZE, WHEN  
 PLOTTED AT A SCALE OF 1:900.



DL 153  
 PT Rem  
 B  
 PLAN EPP19353

DATED SEPTEMBER 19, 2016

THIS PLAN LIES WITHIN THE COMOX VALLEY  
 REGIONAL DISTRICT AND THE CITY OF COURTENAY



## The RIDGE – PHASE 2

### DESIGN GUIDELINES

It is Buckstone Investment's intent to develop a modern concise energy efficient urban residential community emphasizing pedestrian activity. Diversity in housing design is encouraged and zoning is provided to allow diversity in housing form.

#### 1 Single Family Home Form and Character

No house plan shall be repeated within three lots of another.

Lot purchasers are encouraged to design housing units with varied massing in consideration of the street scape. Designs should encourage strong roof lines (use of dormers, gables, etc.), and should use a variety of exterior finish materials using wood, cement fiber boards, horizontal siding, acrylic stucco, brick or stone. Vinyl siding will not be permitted.

Designs that have facades with large planes of single uniform materials will not be allowed. Elevations shall include detail of trim on facades and around windows.

Front entrances are to be prominent from the street.

House designs shall include the following elements:

- Gable and/or hip roof forms
- Architectural detailing including porches, verandas and porticos will be encouraged. The inclusion of accent finishing including stone, masonry work, timber framing etc. is encouraged.
- Corner boards, if horizontal siding is used.
- Multi-pane windows and vertical double-hung window openings are encouraged. One opening (door or window) per story of each elevation is required to break up large expanses of exterior walls.
- Asymmetrical front facades are required.
- All garage doors must include windows.
- All houses shall include an empty electrical duct for future installation of solar panels.
- Roofing materials must have a minimum 30 year warranty and be approved by Buckstone.

- Roof pitches less than 5:12 are not allowed, unless it is a house of unique architectural design allowed in special circumstance as approved by Buckstone Investments, Ltd.

Chimney and vent stacks if visible from the street shall be clad in materials consistent with the front elevation.

Where full gable roof lines are used, the gable must be in contrast to the lower wall finish.

## **2 Review of Plans**

No improvements shall be constructed on a Lot unless and until plans and specifications for the proposed construction have been submitted to and approved in writing by Buckstone Investments. All plans and specifications must be in accordance with this Schedule and the Design Guidelines established by Buckstone Investments from time to time.

This process does not preclude the Owner of any Lot from complying with the building permit requirements of the City of Courtenay.

The refusal of Buckstone Investments to give approval for construction will not be actionable by any person under any circumstance, it being in the sole discretion of Buckstone Investments to give or withhold such approval.

Buckstone Investments will communicate in writing its approval or reasons for not giving approval to the Owner and will also, where appropriate, make recommendations in writing as to how the siting, design or finishes might be amended to fit more harmoniously with the Design Guidelines and intent of Buckstone Investments.

## **3 Lot Grading**

The finish grade of the Lots is designed as part of the subdivision engineering plans and is approved by the City of Courtenay. The existing ground elevations before house construction may not be at the finish grade (design grade), but it will be the Owner's responsibility to establish the lot elevations to the design grade as shown on the engineering drawings. All costs to establish the design grade of the Lot will be that of the Owner.

## **5 Building Location**

No building shall be erected on any residential building lot unless side lot clearances and front line setbacks are more fully in compliance with the city zoning bylaw for CD - 21 zoning district. Eaves, window wells, overhangs and steps shall also be constructed in such a way so as to comply with such zoning bylaw, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

## **6 Fencing**

All fencing provided by the Owner, or anyone other than Buckstone Investments, shall require the approval of Buckstone Investments prior to installation. No fencing shall be permitted to extend beyond the front of the primary structure facing the front of the lot, except on corner lots as approved by Buckstone Investments.

No fence shall exceed two (2) meters in height.

Buckstone Investments shall install fencing along the rear lot line of Lots 1 through 9 inclusive and along the side lot lines abutting the walkway to the park. Fencing provided along the rear lot lines adjacent to the park as described herein shall not be screened off with parallel barrier fences to create rear yard privacy. Rear yard privacy will only be allowed by using natural landscaping elements within the rear yards along this park. The fencing provided by Buckstone Investments shall be owned, maintained, repaired and replaced as necessary by the Owner of the abutting Lot.

All other side and rear lot fencing, and where permitted, is to be constructed at the Owners' expense.

## **7 Construction Waste Management**

During construction of the home on the Lot, the Owner/Builder will sign a construction waste management document prepared by Buckstone Investments, and will submit it to the City as part of his building permit application. The Owner/Builder will use Best Management Practices (BMP's) for waste management during construction of the home.

## **8 Signs**

No billboards or advertising signs of any kind or character shall be erected, placed, permitted or maintained on any Lot except as herein expressly permitted. A name and address sign used solely for the purpose of identification of the dwelling house occupants may be placed on the property by its occupants provided the design of the sign is approved by Buckstone Investments prior to installation. The provisions of this paragraph may be waived by Buckstone Investments only when in its discretion the same is necessary to promote the sale of the property in the area or promotion of the premises. Buckstone Investments may erect, place and maintain such sign structure or structures as it deems necessary for the operation or identification of the subdivision.

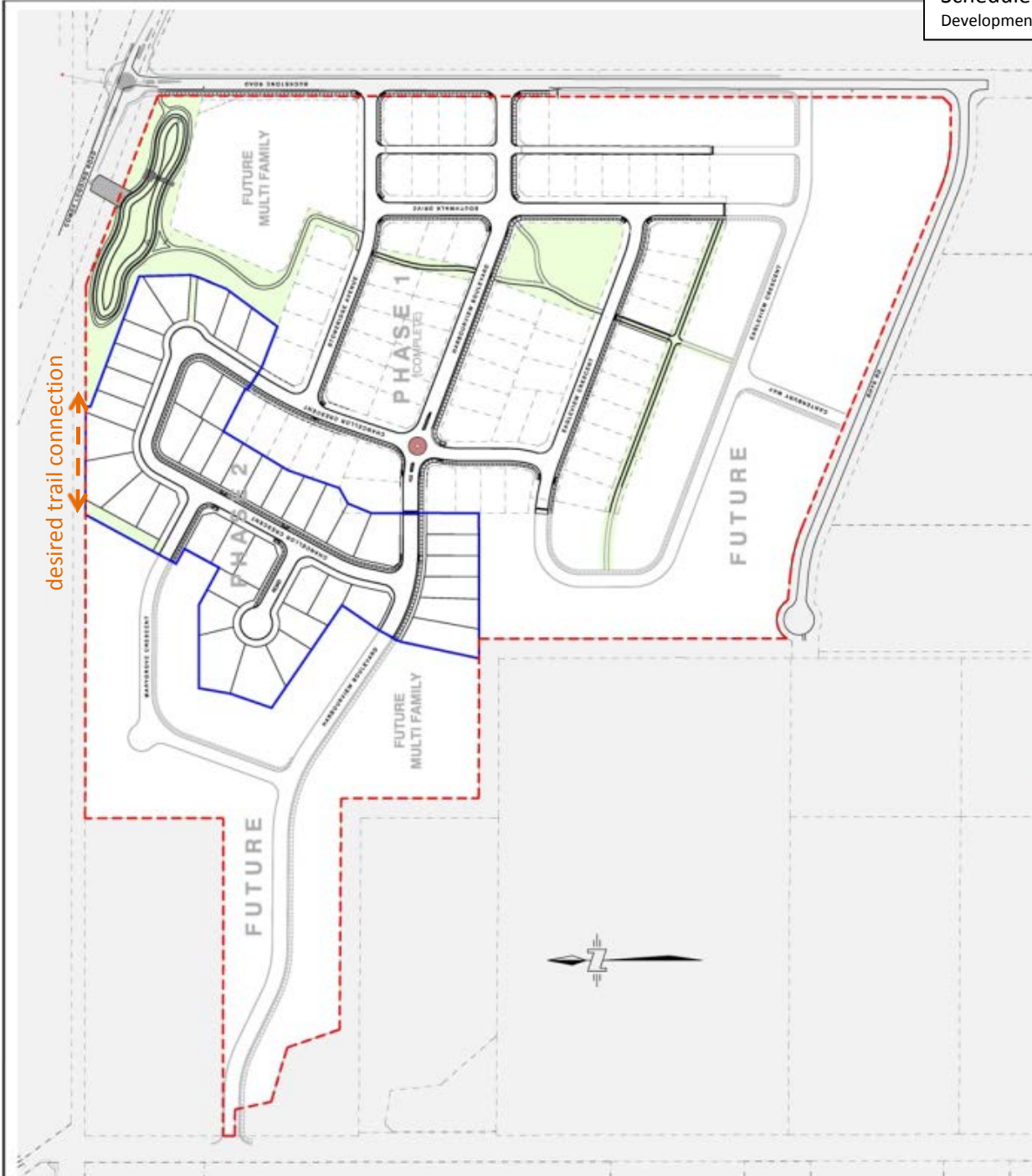
## **9 Storm Water Management**

The Owner/Builder agrees that a minimum of 300mm of amended topsoil is to be placed over all pervious (landscaping) areas.

Each home constructed in this Phase is required to install one of the following storm water management features on the Lot, provided that the geotechnical subsurface conditions of the lot are suitable for infiltration potential based on the assessment of the geotechnical engineer:

- Rock pit, suitable sized to accommodate driveway drainage and roof drain water, complete with overflow to the piped storm sewer drainage system. See Dwg #SK-01.
- A suitable alternative to the above, as approved by the City of Courtenay building Department.

Schedule No.3  
 Development Concept Plan



Note: Sidewalk location and design to be finalized at time of subdivision and is subject to the approval of the City's Development Engineer.

Drawing No. <b>C-10</b> Project Number 2011-48952	<b>BUCKSTONE INVESTMENTS</b> 5198 STREET, COURTNEY, BC, V9A 1G2 <b>THE RIDGE - PHASE 2</b> <b>OVERALL DEVELOPMENT PLAN</b> CHANCELLOR CRESCENT COURTNEY, BC	Approval Status  400 Oak Street Courtenay BC V9A 1G2 Phone: 250-338-1885	<b>McElhanney</b> McElhanney Consulting Services Ltd.  0 1000 20 0 1000 20	THIS PLAN AND ALL INFORMATION HEREON IS THE PROPERTY OF MCELHANNNEY CONSULTING SERVICES LTD. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MCELHANNNEY CONSULTING SERVICES LTD. THE USER OF THIS PLAN AND ALL INFORMATION HEREON IS TO BE LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON AND IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE. THE USER OF THIS PLAN AND ALL INFORMATION HEREON IS TO BE LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON AND IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE. THE USER OF THIS PLAN AND ALL INFORMATION HEREON IS TO BE LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON AND IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE.
Date: 2016/12/05 Drawn: [Name] Checked: [Name]	<b>51</b>			

Schedule No.4  
 Fencing Plan





Schedule No.5  
 Tree Retention Plan



Trees outside of building envelopes are to be retained with the exception of those identified as danger trees

The RIDGE – FIRST PHASE  
CONSTRUCTION WASTE MANAGEMENT

Dated: March 3, 2012.

**1 Statement of Intent**

Buckstone Investments, Ltd., the developer of "the Ridge" has made a commitment to be good stewards of the environment, and has pledged to make every effort to adhere to principals of sustainability.

To that end Buckstone encourages builders at the Ridge to acknowledge principals of construction waste management during home building operations. A "Waste Management Plan" makes construction activity more environmentally friendly by reducing the amount of waste sent to the landfill. The environmental and economic advantages that occur when waste is diverted from the landfill include:

- conservation of energy and raw materials,
- reduction in the cost of waste disposal,
- positive increase in public relation value for a "cleaner" site when wastes are managed in a sound way.

**2 Local Condition**

Virtually all construction waste generated on a site can be recycled, however, because of local conditions and location, there is a limited market at this time for the recycled materials in Courtenay/Comox. Builders shall separate on site materials that are accepted at the local landfill for recycling.

**3. Builder Cooperation**

A builder should examine his home designs in terms of environmentally friendly design and waste generation, considering:

- designs that use standardized sizes,

- designs that use materials that are made from recycled materials and are recyclable,
- favour durable materials that are energy efficient,
- look for opportunities to reuse materials on the job site.

**4. Builder Action**

A builder should identify how materials are wasted on site. Investigate storage methods in terms of preventing damage from careless handling and weather.

Estimate the amount and types of recyclable and non recyclable wastes that are on site. It has been estimated that 3000kg of waste is generated from the building of an average 140 square meter home. Compare the actual amounts of waste produced, by category in producing a home at "the Ridge".

Burial of construction waste on site is strictly prohibited.

Burning of construction waste on site is prohibited.

Hazardous waste such as paints and solvents shall be disposed of properly by licenced hazardous waste contractors.

Wherever possible Habitat for Humanity Restore, or similar organizations shall be given preference for recycled and reusable materials.

**Receipt of document acknowledged:**

Builder

\_\_\_\_\_

Date: \_\_\_\_\_

Lot # \_\_\_\_\_

**APPENDIX 'A'**  
**Development and Design Guidelines**  
**for**  
**South Courtenay Local Area**

**1. DESIGNATION**

Pursuant to Section 919.1 (1) of the *Local Government Act*, the City of Courtenay Official Community Plan designates the South Courtenay Local Area as a development permit area for the following enumerated purposes:

- protection of the natural environment, its ecosystems and biological diversity;
- protection of development from hazardous conditions;
- establishment of objectives for the form and character of intensive residential development;
- establishment of objectives for the form and character of commercial, industrial or multi-family residential development;
- establishment of objectives to promote energy conservation;
- establishment of objectives to promote water conservation;
- establishment of objectives to promote the reduction of greenhouse gas emissions.

**2. JUSTIFICATION**

The South Courtenay Local Area Plan, adopted in 2009, anticipates far more intensive residential development than what is currently in place. In fact, the Area is largely undeveloped. In order to ensure that the form and character of new residential development is compatible with the existing and evolving development, the Area is designated by the Official Community Plan (OCP) as an intensive residential development area and as the Master Plans are prepared and approved by Council the Development Permit Guidelines will be refined and expanded where necessary. In addition, the community priorities are to protect the natural environment and to promote energy and water conservation and the reduction of greenhouse gas emissions. This is to ensure that urban developments are attractive, inviting and enhance the community.

Therefore, these development permit guidelines include objectives to protect the natural environment, guide the form and character of future development, promote energy and water conservation, and reduce greenhouse gases.

**3. APPLICATION OF GUIDELINES**

The following Development Permit Areas, as designated in the OCP, are applicable to South Courtenay where designated:

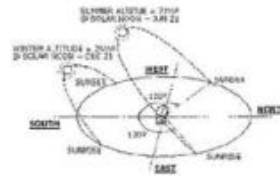
- Commercial,
- Industrial,
- Multi Residential Guidelines, including Intensive-Residential,
- Environmental.

In addition, all development in the South Courtenay Area will be considered in accordance with the “Policy Recommendations” and “Recommended Actions” listed in the South Courtenay Local Area Plan, as well as the following Development and Design Guidelines.

#### 4. GUIDELINES FOR ENERGY AND WATER CONSERVATION

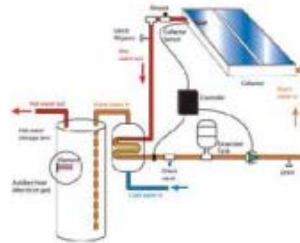
For purposes of energy conservation,<sup>27</sup> applicants should consider and address the following concepts:

- Solar orientation and passive solar techniques, including diagrams to demonstrate solar angle and solar access at windows and roofs in summer and winter months,<sup>28</sup>
- Renewable energy, with features such as solar thermal panels to reduce hot water tank energy use,<sup>29</sup>
- Shower and bath drain water heat recovery systems,<sup>30</sup>
- Energy star appliances and heating systems,
- Motion detectors and appropriate indoor lighting,
- Street lighting with full cut-off fixtures, and alternative street light designs including a program for light dimming.
- Geo-thermal, biomass or other district energy systems,
- Waste reduction and recycling practices for the construction process.<sup>31</sup>

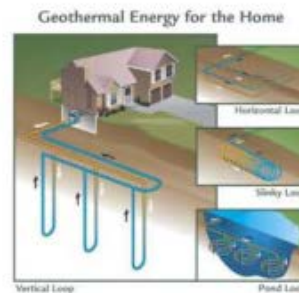


15 Solar Path

Active Indirect System



16 Solar Thermal System



<sup>27</sup> Reference: Sustainable Building Design: Principles Practices Systems © 2003

<http://www.metrovancouver.org/about/publications/Publications/sustainablebldgdesign08.pdf>

<sup>28</sup> Reference: Tap The Sun: Passive Solar Techniques and Home Designs; CMHC; <http://www.cmhc-schl.gc.ca/en/corp/>

<sup>29</sup> Reference: SolarBC <http://www.solarbc.ca/>

<sup>30</sup> i.e. a sealed coil that removes the heat from waste hot water for reuse in preheating hot water

<sup>31</sup> Reference: Construction Waste Recycling Guide; <http://www.metrovancouver.org/buildsmart/Pages/Construction.aspx>

For purposes of water management and conservation, applicants should consider and address the following objectives:

#### Storm Water Management

- Use pervious surfaces like permeable paving for multi-use paths, sidewalks, driveways.
- Design and develop key roads with multi-use trails, swale drainage and narrower pavement widths.
- Increase areas of ground water recharge through use of vegetated swales and on-site storm water management.<sup>32</sup>
- Manage sediment and erosion on site.<sup>33</sup>
- Follow Water Balance Method of BC practices.
- Build storm detention ponds to the most current storm event design requirements per the City's Engineering Design Standards and Specifications to be contiguous with parks or greenways.

#### Landscape Irrigation

- Landscape with drought resistant planting schemes.<sup>34</sup>
- Install water-saving drip irrigation systems with moisture sensors.<sup>35</sup>
- Include rainwater collection schemes for landscape irrigation.
- Support grey water reuse systems in buildings for landscape irrigation.

#### Water Saving Features

- Install low water usage plumbing fixtures.
- Provide Energy Star water-consuming appliances.

## 5. GUIDELINES TO REDUCE GREENHOUSE GAS EMISSIONS

For purposes of greenhouse gas emission reduction, applicants should consider and address the need for the following features:

#### Networks for Walking and Cycling

- Provide greenways network to promote walking and cycling for recreation and commuting.



<sup>32</sup> Reference Water Balance Model;  
[http://bc.waterbalance.ca/index.asp?type=summary&section=About\\_the\\_Model&sid=6](http://bc.waterbalance.ca/index.asp?type=summary&section=About_the_Model&sid=6)

<sup>33</sup> Reference Erosion and Sedimentation Control:  
<http://www.metrovancouver.org/buildsmart/design/Pages/SiteSelectionDesign.aspx>

<sup>34</sup> Reference: Naturescape BC <http://www.hctf.ca/naturescape/about.htm>

<sup>35</sup> Reference: BC Trickle Irrigation Manual  
<http://www.irrigationbc.com/index.cfm?method=pages.showPage&pageid=22>

- Design streets to calm traffic and provide safe pedestrian and bike access.
- Provide interconnected streets and cul-de-sacs.
- Promote a pedestrian streetscape.
- Cluster development around greenways and parks.
- Connect greenways to Courtenay Riverway and E&N rail corridor trail systems.



#### Trees and Landscaping

- Plant trees and restore natural areas.
- Plant street trees.
- Design greenways with generous widths adjacent to roads, to separate different land uses, and to connect cul-de-sac to streets.



## 6. GUIDELINES FOR INTENSIVE RESIDENTIAL DEVELOPMENT

In addition to the Intensive Residential Guidelines in Section 8.6 of the OCP, applicants should submit a master plan for all lands designated by the South Courtenay Local Area Plan as Master Planned Residential and for any subdivision or consolidation of land areas equal to or greater than one hectare (2.5 acres).

All residential developments to consider and address the following which can be included in a land development covenant or similar means:

A. Housing Form and Character

- Design houses with varied massing, strong roof lines, (use of dormers, gables, etc.) and a variety of exterior materials, using wood, cement fiber board, acrylic stucco or stone.
- Design facades without large planes of any single uniform material.
- Include trim and detailing on facades and around windows.
- Main entrances to be prominent from the street.
- Design to follow an architectural theme which includes:
  - Gable and hip roof forms
  - Decorated soffit and brackets
  - Porches, verandahs, and porticos
  - Horizontal wood siding and corner boards
  - Multiple pane windows and vertical double-hung window openings
  - Asymmetrical front facades
  - Side or rear yard parking
  - Avoid grade or split entry homes



B. Site, Landscaping and Screening

- Design and construct fencing to reflect the character of the development, and to separate greenways, ALR, different land uses, and public areas like parks or riparian setbacks from private property.







- Landscape with drought resistant planting, with an emphasis on native plants and habitat restoration.<sup>36</sup>
- Resolve site grading for sloped sites with minimal cut and fill, and design such slopes to avoid erosion and allow for restoration of vegetation.
- Avoid use of retaining walls.
- Design landscaped buffers and tree protection areas between properties to provide visual privacy and separation.
- Design and construct greenways and buffers with a preference for low maintenance, drought-resistant materials.



#### C. Parking

- Reduce visual prominence of parking and garages.
- Set back garages from the front plane of the house.
- Integrate driveway paving with landscape design of site.

<sup>36</sup> Reference: Naturescape BC <http://www.hctf.ca/naturescape/about.htm>





## STAFF REPORT

**To:** Council

**File No.:** 3090-20-1607

**From:** Development Services Department

**Date:** December 5, 2016

**Subject:** Development Variance Permit No. 1607 – 489 Old Island Highway

### PURPOSE:

The purpose of this report is to consider a Development Variance Permit to permit a freestanding sign with a height of 2.28 m and to permit the sign to have an electronic message board 1.37 m<sup>2</sup> in size.

### CAO RECOMMENDATIONS:

That based on the December 5<sup>th</sup>, 2016 staff report “Development Variance Permit No. 1607 – 489 Old Island Highway”, Council support approving OPTION 1 and proceed with issuing Development Variance Permit No. 1607.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The subject property is located at 489 Old Island Highway, is zoned PA-2 (Public Use and Assembly Zone) and is occupied by the Lewis Recreation Centre.



The City of Courtenay Recreation and Cultural Services department (the “applicant”) is proposing to replace the Lewis Centre’s existing freestanding sign with a new freestanding sign containing an electronic message board. The electronic message board will be used to advertise programs, events and activities occurring on the property.

The City of Courtenay's Sign Bylaw No. 2760 defines a free standing as "a permanent sign standing apart from a building that is affixed to the ground." The proposed sign will have a total sign area of 2.09 m<sup>2</sup>, an electronic message board that represents 65.5 percent of the sign area (1.37 m<sup>2</sup>) and a height of 2.28 m. Regarding location, the proposed sign will be setback 3.04 m from the property line adjacent to the Old Island Highway.

The freestanding sign will be monument style which is defined as a low profile free standing sign supported by a base that extends the entire length of the sign. A review of the applicant’s submissions indicates that

the applicant is proposing a custom masonry one sided monument sign with a core made of aluminium composite overlaid with coloured stone veneer that will match the existing brick façade of the Lewis Centre.

Regarding landscaping, the sign will be situated within a landscaped area of approximately 5 m<sup>2</sup>. The landscaped area will act to enhance the aesthetics of the sign and will screen the sign’s base. An examination of the landscape plan submitted by the applicant indicates that the shrubs and groundcovers the applicant will be installing include landscaped boulders and a mix of evergreens, ornamental grasses, flowering perennials and dwarf shrubs.



Figure 1: Existing Sign (to be replaced)



Figure 2: New Freestanding Sign with Electronic Message Board

**DISCUSSION:**

The City of Courtenay regulates the number, size, type, form, appearance and location of signs within City boundaries. The City’s Sign Bylaw is intended to encourage aesthetically pleasing and harmonious streetscapes throughout the community. This creates long-term benefits to community character, identity, and overall sense of place which benefits both citizens and businesses.

The sign bylaw is intended to minimize any possibility of signs being erected that could be a safety or hazard to life or property, or could create a traffic hazard or interfere with traffic control devices. The table below summarizes the Sign Bylaw’s regulations applicable to sign area and electronic messaging and sign height as well as the variances being sought by the applicant.

Summary of Relevant Regulations and Requested Variances

Freestanding Signs for Parcels With an Institutional Use Section 5.4	Required	Variance Sought
Sign Height	5.4.2 (a) –The height of a freestanding sign shall not exceed 2.0 m (6.56 ft.).	The applicant is requesting that the proposed sign height be 2.28m (7.49 ft.).
Sign Area/Electronic Message Board	5.4.2 (g)(i) Freestanding signs may include an electronic message	The applicant is requesting that the

	board provided that the message board is no more than 40% of the sign area.	electronic message board be increased from 40% (0.83 m <sup>2</sup> ) of the sign area to 65.5% (1.37 m <sup>2</sup> ) of the sign area.
--	-----------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------

The applicant has applied to vary two Sections of the City of Courtenay Sign Bylaw No. 2760 to permit a one sided freestanding sign to be 2.28 m in height and to increase the maximum size of an electronic message board from 0.83 m<sup>2</sup> to 1.37 m<sup>2</sup>. An in depth review of applicant’s submissions indicates the applicant meets all other sign bylaw requirements in Part 2, General Provisions, Section 2.4, Sign illumination and Part 5.4.2 respecting sign design, the number of signs permitted on the parcel, sign location, electronic message boards and landscaping requirements.

During the application review process staff worked with the applicant exploring options with regards to height and establishing a rationale for why an increase in sign height and the area for the electronic message board was necessary. The applicant requested to vary the height of the sign and the area occupied by the electronic message in order to increase community awareness of the services, activities and programs offered at the Lewis Centre as well as to increase the sign’s visibility during periods of seasonal darkness and poor weather conditions.

OCP Review

The subject property is designated as Parks and Recreation within the Official Community Plan (OCP). OCP Policy 4.6.3(1) states that the City supports the development of a strong system of community services. The City also recognizes the importance of providing recreation and leisure services to the community (OCP Policy 4.7.1) and supports the provision of quality recreation services that meet the changing needs of the community (OCP Policy (4.7.2(3)).

Zoning Review

The subject property is zoned PA-2 which permits a number public and assembly uses such as recreation facilities; parks; playgrounds; assembly halls and drop-in activity space. Regarding signage, Zoning Bylaw No. 2500 states that signs are only permitted in accordance with Sign Bylaw and any amendments the City makes to the Sign Bylaw.

Sign Bylaw No. 2760

The City of Courtney's Sign Bylaw was adopted in 2013 and it gives Council the authority to regulate the number, size, type, form, appearance and location of signs for different uses and in different zones. With regards to public and assembly uses the Sign Bylaw permits freestanding monument signs and regulates sign location, height, area and design. For freestanding signs the bylaw contains specific regulations for electronic message boards.

Staff recognizes that variances are sometimes necessary to achieve the intent of the Sign Bylaw which are: to enable local businesses, institutions, and community organizations to clearly identify themselves and the products or services available; to enhance or protect the appearance and visual character of the community and to ensure the safety of pedestrians, cyclists and motorists. Staff also recognizes that sign

regulations are put in place to ensure the size, colours, design and placement of signs are consistent with the character of the surrounding area.

***It is staff's opinion that the proposed signage would enable the Lewis Centre to more clearly identify themselves and the activities and programs they provide. Staff believes that the proposed sign enhances the visual character of the property; is in keeping with the scale and character with existing buildings onsite and it does not interfere with the safe movement of pedestrians, cyclists or motorists. Further, staff believes the sign has an attractive design and compliments the landscape plan.***

**FINANCIAL IMPLICATIONS:**

Should Development Variance Permit No. 1608 be approved, the applicant would be required to apply for a sign permit. Sign permit fees are \$100 for freestanding sign over 2.5 m in height. The applicant is also proposing two new fascia signs that meet all sign regulations and the application fees collected for the two additional signs will be \$90.00. The Development Permit Variance application fee paid by the applicant for the sign was \$400.00. There are no other financial implications related to this application.

**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 meeting with the applicant to request additional information. The City incurs costs related to mailing out notices and registering the notice of the permit with the land titles office.

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 processing and issuing the sign permit.


**ASSET MANAGEMENT IMPLICATIONS:**

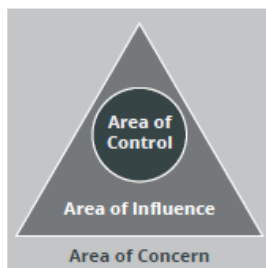
There are no direct asset management implications related to this application.

**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.

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:**

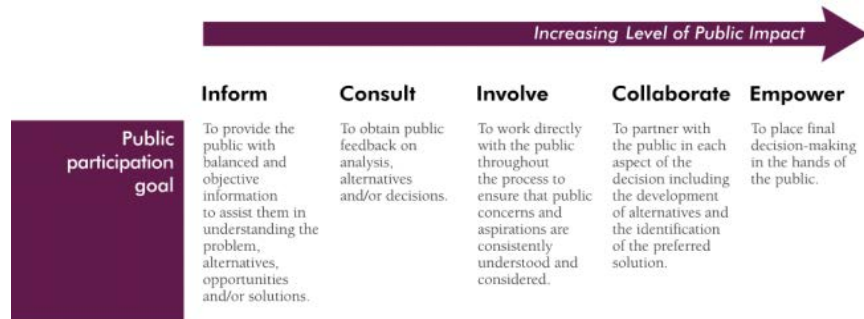
Not directly applicable.

**REGIONAL GROWTH STRATEGY REFERENCE:**

There are no Regional Growth management implications related to this application.

**CITIZEN/PUBLIC ENGAGEMENT:**

The level of public input staff is undertaking is to **Consult**. 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. 1607

**OPTION 2:** Defer consideration of Development Variance Permit No. 1607 pending receipt of further information.

**OPTION 3:** Not approve Development Variance Permit No. 1607.

Prepared by:

Dana Leitch, MCIP, RPP  
Planner 1

Reviewed by:

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

**THE CORPORATION OF THE CITY OF COURTENAY**

Attachment No. 1:  
*Development*

**Permit No. 3090-20-1607**

**DEVELOPMENT VARIANCE PERMIT**

December 5, 2016

**To issue a Development Permit**

**To:** The Corporation of the City of Courtenay

**Property to which permit refers:**

Legal: Lot 15, Section 61, Comox District, Plan 311  
Civic: 489 Old Island Highway

**Conditions of Permit:**

Permit issued to allow one freestanding sign with the following variances to the City of Courtenay Zoning Sign Bylaw No. 2760, 2013:

*Section 5.4.2 (a)* – to permit a freestanding sign with a maximum height of 2.28 m; and

*Section 5.4.2 (g)(i)* – to permit a freestanding sign with an electronic message board 137 m<sup>2</sup> in size.

Development Variance Permit No. 1607 is subject to the following conditions:

1. Sign graphics and dimensions must be in accordance with the renderings contained in *Schedule No. 1*, which is attached to and forms part of this permit;
2. Sign location must be in accordance with the renderings contained in *Schedule No. 1*, which is attached to and forms part of this permit;
3. Freestanding sign must be located within a landscaped area of at least 5.0 m<sup>2</sup>.
4. The operation of the electronic message board must be in conformance with all regulations contained within Section 5.4.2(g)(i) of Sign Bylaw No. 2760.

**Time Schedule of Development and Lapse of Permit**

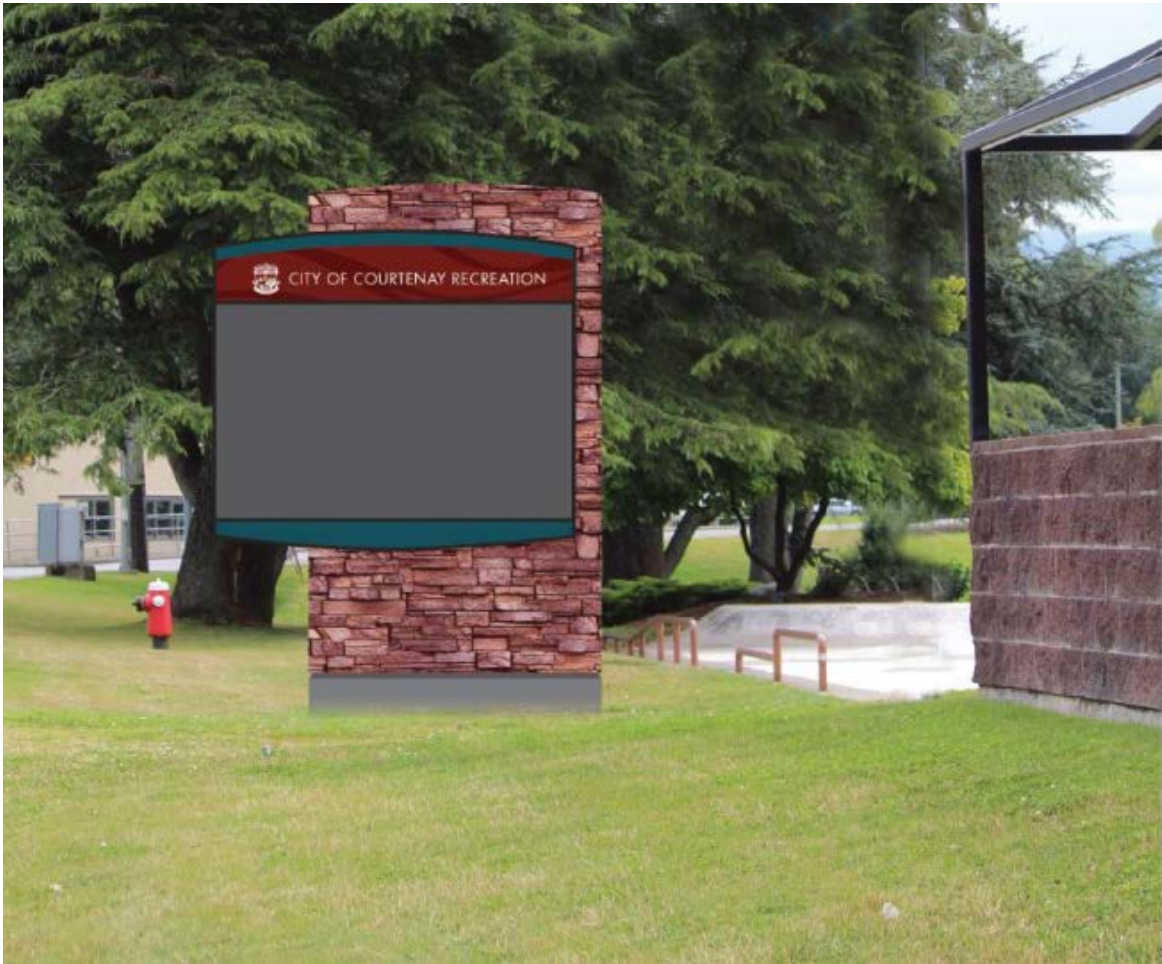
That if the permit holder has not substantially commenced the construction authorized by this permit within (12) months after the date it was issued, the permit lapses.

\_\_\_\_\_  
Date

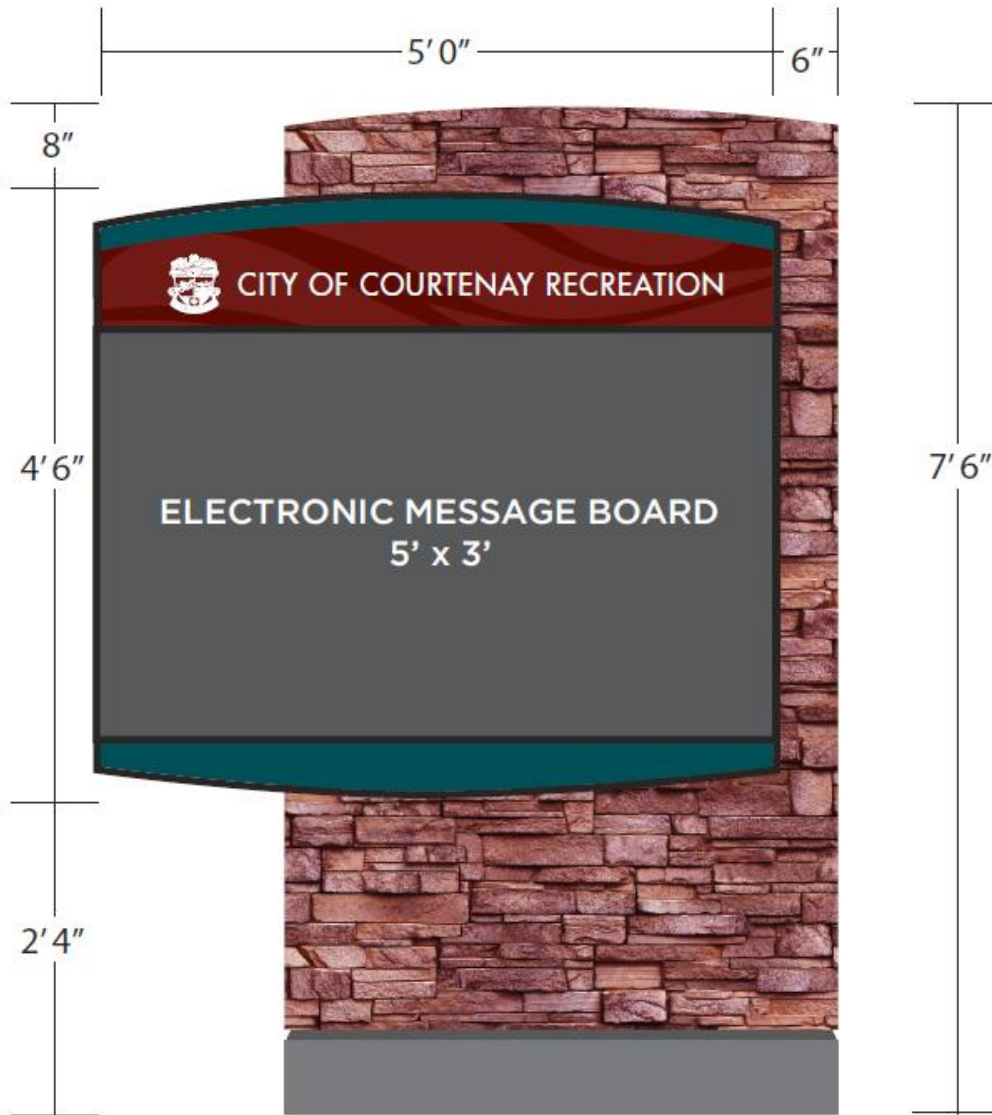
\_\_\_\_\_  
Director of Legislative Services



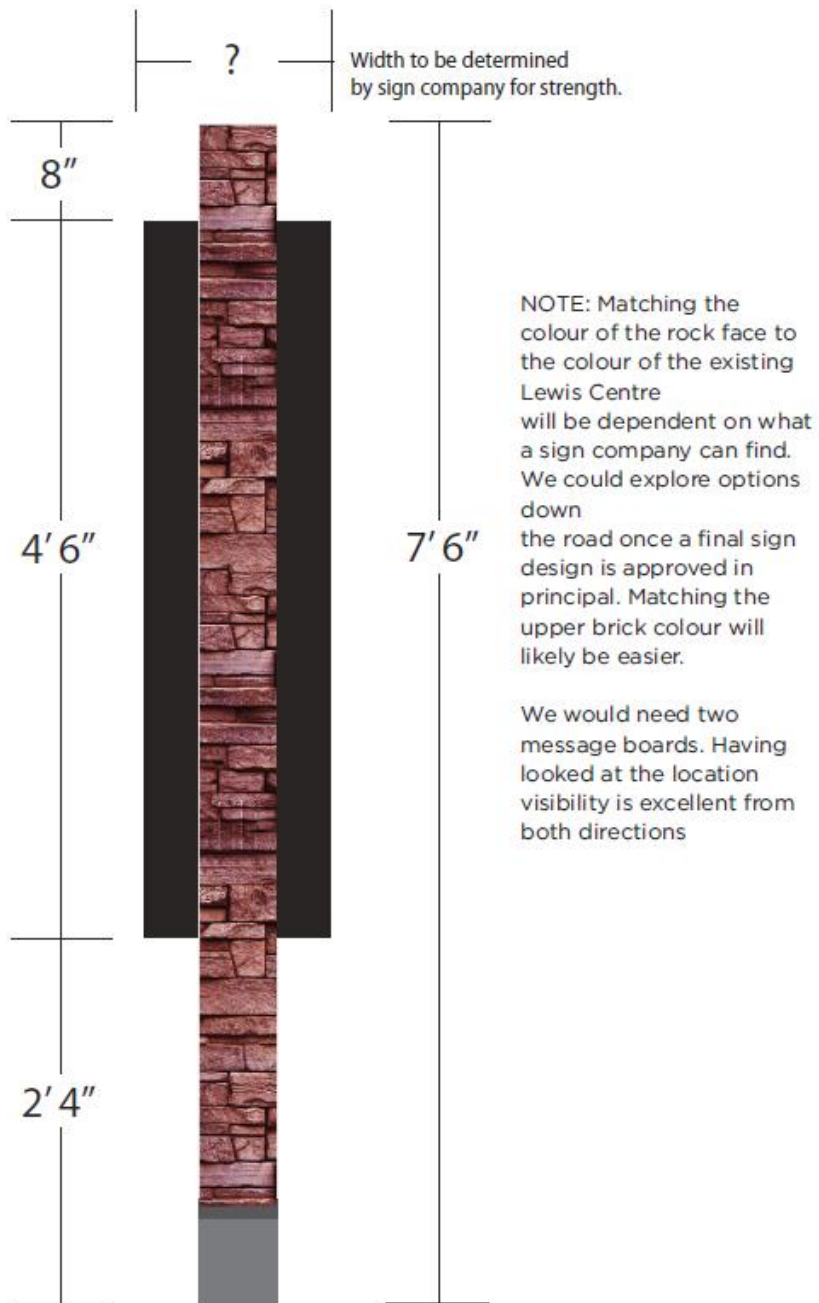
*Schedule 1*  
*1 of 5*



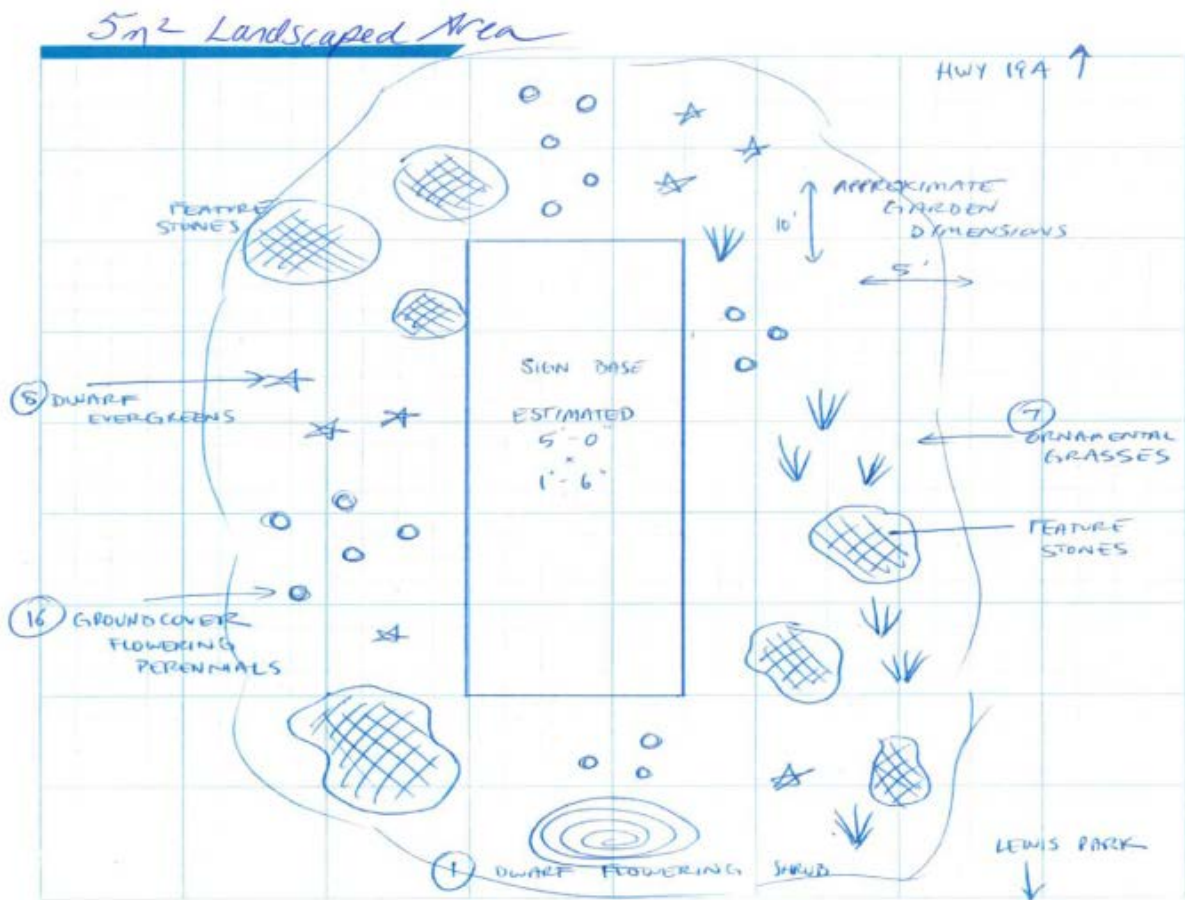
*Schedule 1*  
*2 of 5*



Schedule 1  
3 of 5



Schedule 1  
4 of 5



Schedule 1  
5 of 5



THE CORPORATION OF THE CITY OF COURTENAY  
Recreation & Cultural Services Department  
**MEMORANDUM**

TO: Dana Leitch, Planner

FROM: Joy Chan

DATE: Wednesday, 26 October 2016

SUBJECT: Lewis Centre Sign Permit Application 489 Old Island Highway

Dear Dana,

Please find attached the Sign Permit Application for the replacement freestanding sign and new fascia sign for the Lewis Centre. Below is a summary of the sign features:

- The new freestanding sign will be composed of Aluminum Composite Material on a stone veneer cladded monumental style base matching as closely as possible to the color of the brick on the building.
- The sign will include a 1.5m x 0.91m Electronic Message Board. The electronic message board will meet all of the following requirements:
  1. Will only be used to advertise uses, events and activities occurring at the property.
  2. Display messages that will remain static for a minimum of 10 seconds.
  3. Will not use scrolling, fading, flashing or animated displays.
  4. Have a monochromatic display with automatic dimming features.
- The sign will be internally lit so the letters on the sign will be illuminated at night.
- We have also been working with the Tyler John's on the City's Horticulture crew to develop a landscape plan. Tyler has been given the parameters of a 5.0 square meter base and he has proposed plant material to be under 0.5m.

We are requesting a development variance permit, increasing the maximum size of the Electronic Message Board from 0.83 square metres to 1.37 square metres and the maximum sign height from 2.0 metres to 2.28 metres.

The Lewis Centre is one of the key municipal buildings owned by the City of Courtenay and houses core recreational programs and services for our community. We are requesting a small variance to the sign bylaw to ensure the facility has visible signage and staff will be able to continue to notify the community of important events and programs.

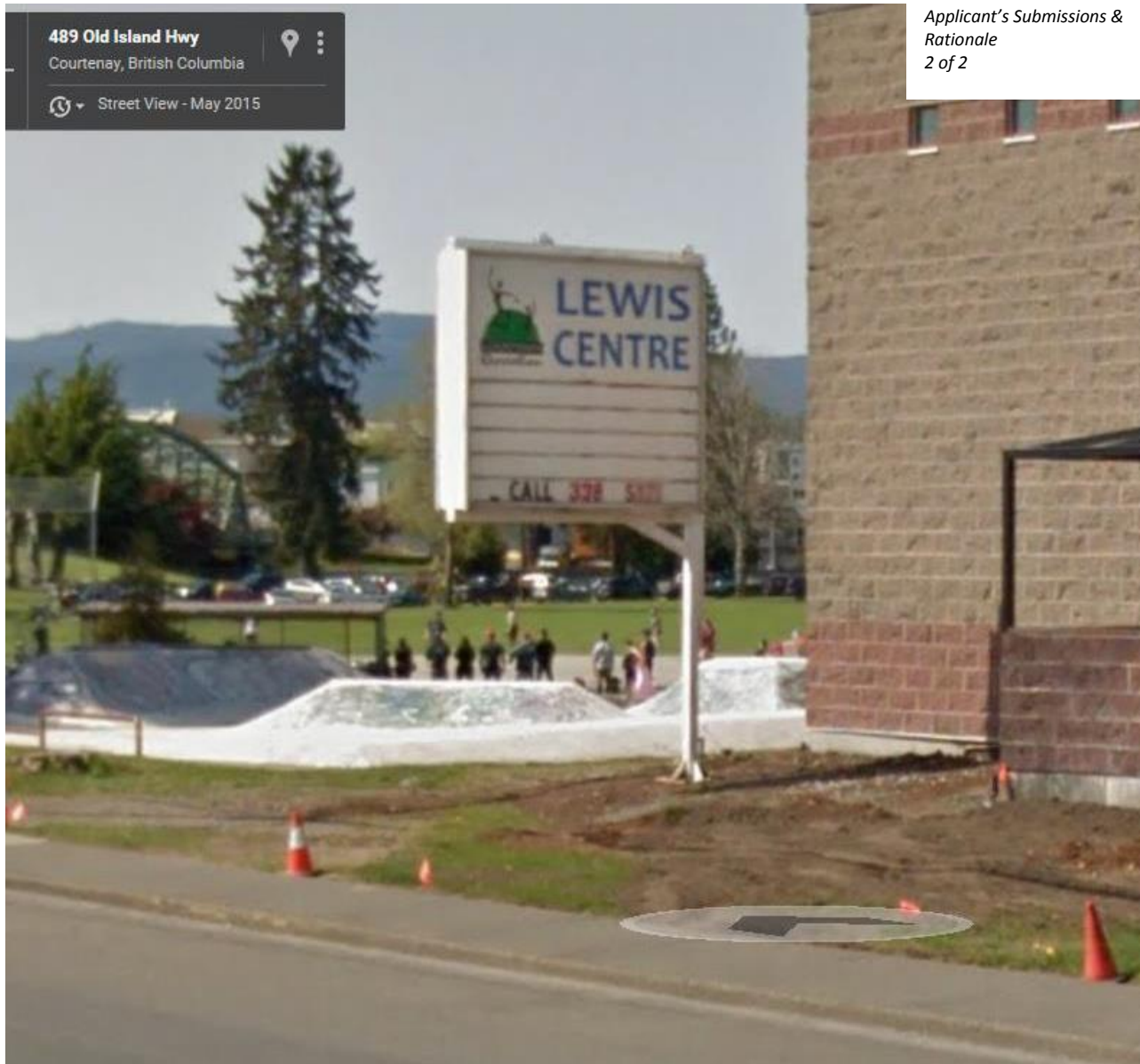
Sincerely,



Joy Chan

Existing Sign

Attachment No. 2  
Applicant's Submissions &  
Rationale  
2 of 2









## STAFF REPORT

**To:** Council  
**From:** Development Services Department  
**Subject:** Development Variance Permit No. 1608 – 1978 Cliffe Avenue

**File No.:** 3090-20-1608  
**Date:** December 5, 2016

### PURPOSE:

The purpose of this report is to consider a Development Variance Permit to permit a freestanding sign to be setback 0.19 m from a property line facing a street and to permit the sign area to be 6.59 m<sup>2</sup>.

### CAO RECOMMENDATIONS:

That based on the December 5<sup>th</sup>, 2016 staff report "Development Variance Permit No. 1608 – 1978 Cliffe Avenue" Council support approving OPTION 1 and proceed with issuing Development Variance Permit No. 1608.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The subject property is located at 1978 Cliffe Avenue and is zoned MU-2 (Multiple Use Two Zone). The property is currently being developed to accommodate the Riverwalk Centre, a 2,716 m<sup>2</sup> (29,235 ft<sup>2</sup>) mixed use commercial building consisting of office and retail space as well as sixteen residential units and associated parking.

The applicant is proposing to construct a new freestanding monument sign within the south-west front yard of the property at the corner of Cliffe Avenue and 20<sup>th</sup> Street.

The City of Courtenay's Sign Bylaw No. 2760 defines a free standing as "a permanent sign standing apart from a building that is affixed to the ground." The proposed sign will have a sign area of 6.59 m<sup>2</sup>, a height of 2.44 m, and will be set back 0.19 m from the property line adjacent to Cliffe Avenue.





## STAFF REPORT

**To:** Council  
**From:** Development Services Department  
**Subject:** Development Variance Permit No. 1608 – 1978 Cliffe Avenue

**File No.:** 3090-20-1608  
**Date:** December 5, 2016

### PURPOSE:

The purpose of this report is to consider a Development Variance Permit to permit a freestanding sign to be setback 0.19 m from a property line facing a street and to permit the sign area to be 6.59 m<sup>2</sup>.

### CAO RECOMMENDATIONS:

That based on the December 5<sup>th</sup>, 2016 staff report "Development Variance Permit No. 1608 – 1978 Cliffe Avenue" Council support approving OPTION 1 and proceed with issuing Development Variance Permit No. 1608.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The subject property is located at 1978 Cliffe Avenue and is zoned MU-2 (Multiple Use Two Zone). The property is currently being developed to accommodate the Riverwalk Centre, a 2,716 m<sup>2</sup> (29,235 ft<sup>2</sup>) mixed use commercial building consisting of office and retail space as well as sixteen residential units and associated parking.

The applicant is proposing to construct a new freestanding monument sign within the south-west front yard of the property at the corner of Cliffe Avenue and 20<sup>th</sup> Street.

The City of Courtenay's Sign Bylaw No. 2760 defines a free standing as "a permanent sign standing apart from a building that is affixed to the ground." The proposed sign will have a sign area of 6.59 m<sup>2</sup>, a height of 2.44 m, and will be set back 0.19 m from the property line adjacent to Cliffe Avenue.



The freestanding sign will be monument style which is defined as a low profile free standing sign supported by a base that extends the entire length of the sign. A review of the applicant’s submissions indicates the proposed sign is a custom masonry one-sided monument sign with a solid core made of poured natural concrete and white concrete. The sign will contain brick cladding on its sides and black stainless steel letters and face plates on its front.

Regarding landscaping, the sign will be situated within a large landscaped area of approximately 64 m<sup>2</sup> that is bordered by three decorative garden walls comprised of coloured angular blast rock (i.e. cultured stone). The garden walls will act to enhance the aesthetics of the sign and will screen the sign’s concrete base. An examination of the landscape plan submitted by the applicant indicates that the shrubs and groundcovers the applicant will be installing include a mix of boxwood, dwarf strawberry trees, dogwood, smoke tree, compact burning brush, ivy, dwarf pine, rhododendrons, Japanese Spirea and David Viburnum.



Figure 1: Proposed Freestanding Sign



**DISCUSSION:**

The City of Courtenay regulates the number, size, type, form, appearance and location of signs within City boundaries. The City’s Sign Bylaw is intended to encourage aesthetically pleasing and harmonious streetscapes throughout the community. This creates long-term benefits to community character, identity, and overall sense of place which benefits both citizens and businesses.

Additionally, the sign bylaw is intended to minimize any possibility of signs being erected that could be a safety or hazard to life or property or could create a traffic hazard or interfere with traffic control devices. The table below summarizes the Sign Bylaw’s regulations applicable to sign area and sign location and the variance being sought by the applicant.

Summary of Relevant Regulations and Requested Variances

Freestanding Signs for Parcels With a Commercial Use Section 5.3.5	Required	Variance Sought
Sign Location	5.3.5 (c) –No sign shall be located within 3.0 m (9.8 ft.) of an adjoining property line or within 2.0 m (6.56 ft.) of a property line facing a street.	The applicant is requesting that the proposed sign be located 0.19 m from a property line facing a street.

<b>Sign Area</b>	<b>5.3.5 (b)(i)</b> Sign area for a one sided sign shall not exceed 4.0 m <sup>2</sup> (43.1 sq. ft.).	The applicant is requesting that the sign area for a one sided sign be increased to 6.59 m <sup>2</sup> .
------------------	--------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------

The applicant has applied to vary two Sections of the City of Courtenay Sign Bylaw No. 2760 to permit a one sided freestanding monument style sign to be setback 0.19 m from the property line facing Cliffe Avenue and for the sign area to be increased from 4.0 m<sup>2</sup> to 6.59 m<sup>2</sup>. An in depth review of applicant’s submissions indicates the applicant meets all other sign bylaw requirements in both Part 2, General Provisions and Part 5.3.5 respecting sign height, design, number of signs and landscaping requirements.

During the application review process staff worked with the applicant on exploring options for where to place the sign on the property and worked on establishing a rationale for why an increase in sign area was necessary. The applicant requested that the sign be located closer to the property line at Cliffe Avenue, further away from the entrance of the Riverwalk Centre, so that the sign will not impede the flow of pedestrian traffic utilizing the sidewalk adjacent to the front entrance of Riverwalk Centre. The applicant proposed an increase in sign area in order to allow sufficient multi-tenant signage and to increase the visibility of commercial services offered on the property.

OCP Review

The subject property is designated as commercial within the Official Community Plan (OCP). OCP Policy 4.2.1 recognizes the establishment of commercial areas along parts of Cliffe Avenue and supports a strong, diversified commercial base that provides both employment and service opportunities. Council also recognizes the importance of having smaller scale neighbourhood level commercial centres that provide services to the local neighbourhood (OCP Policy 4.2.3(4)).

A review of the Commercial Policies within the OCP state that with high visibility mixed used developments such as the Riverwalk Centre particular attention needs to be paid to the appearance of ground oriented signage (OCP Policy 4.2.3(2)). Staff believes the sign has an attractive design and compliments the landscape plan.

Zoning Review

The subject property is zoned MU-2 which permits a combination of commercial and residential uses within in a dual use building. The MU-2 zone also permits standalone residential and commercial uses such as single family dwellings, multiple family residential dwellings, duplexes, bakery and deli's, hotels, motels, fitness facilities, day cares, ambulance services and medical clinics. Zoning Bylaw No. 2500 states that signs are only permitted in accordance with Sign Bylaw and any amendments the City makes to the Sign Bylaw.

Sign Bylaw No. 2760

The City of Courtney's Sign Bylaw was adopted in 2013 and it gives Council the authority to regulate the number, size, type, form, appearance and location of signs for different uses and in different zones.

With regards to commercial uses including multiple use zones, the Sign Bylaw permits freestanding monument signs and regulates sign location, size and design. Similar to the subject property located at 1978 Cliffe Avenue many commercial areas are located along key corridors through the city and staff recognize that variances are sometimes necessary to achieve the intent of the Sign Bylaw, which is to: enable local businesses to clearly identify themselves and the products and services available to consumers; enhance the overall appearance of commercial areas including the visual character of the community and ensure the safety of pedestrians, cyclists and motorists by locating signs in such a way that they minimize distraction and do not interfere with traffic control devices.

***The proposed sign for the Riverwalk Centre is consistent with the intent of Sign Bylaw No. 2760 and it is staff's opinion that the proposed sign enhances the appearance and visual character of the surrounding neighborhood. The proposed sign is consistent with the character of the surrounding area including the Riverwalk Centre building and landscape treatments onsite. The sign's proposed location ensures the safety of pedestrian's movement onsite adjacent to the front of the Centre. The proposed increase in sign area assists in accommodating sufficient multi-tenant signage for businesses locating in the Centre.***

Council should be made aware that a form and character development permit with variances was approved by Council for this property in December 2015.

#### **FINANCIAL IMPLICATIONS:**

Should Development Variance Permit No. 1608 be approved, the applicant would be required to apply for a sign permit. Sign permit fees are \$100 for freestanding signs over 2.5 m in height. The Development Permit Variance application fee paid by the applicant for the sign was \$400.00. There are no other financial implications related to this application.

#### **ADMINISTRATIVE IMPLICATIONS:**

The processing of development applications is included in the current work plan as a statutory component. Staff has spent 10 hours reviewing the application, conducting a site visit and meeting with the applicant to request additional information. The City incurs costs related to mailing out notices and registering the notice of the permit with the land titles office.

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 processing and issuing the sign permit.

#### **ASSET MANAGEMENT IMPLICATIONS:**

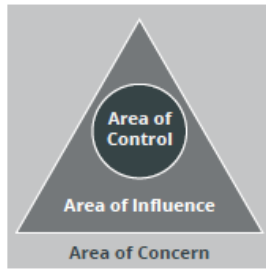
There are no direct asset management implications related to this application.

#### **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.

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:**

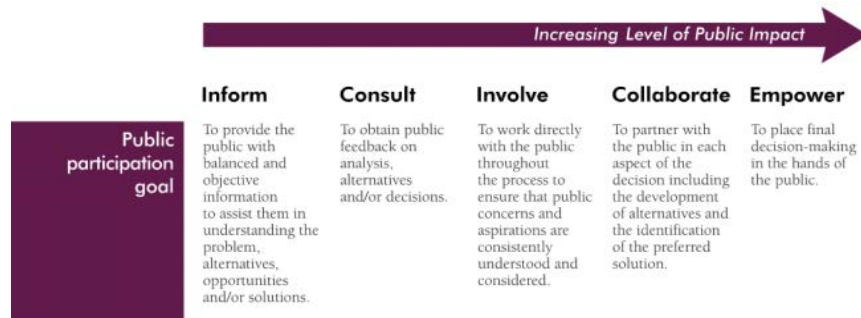
Not directly applicable.

**REGIONAL GROWTH STRATEGY REFERENCE:**

There are no Regional Growth management implications related to this application.

**CITIZEN/PUBLIC ENGAGEMENT:**

The level of public input staff are undertaking is **Consult**. 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. 1608

**OPTION 2:** Defer consideration of Development Variance Permit No. 1608 pending receipt of further information.

**OPTION 3:** Not approve Development Variance Permit No. 1608.

Prepared by:



---

Dana Leitch, MCIP, RPP  
Land Use Planner

Reviewed by:



---

Ian Buck, MCIP, RPP  
Director of Development Services

*Attachments:*

1. *Attachment No. 1: Development Variance Permit and Associated Schedule*
2. *Attachment No. 2: Applicant's Rationale and Written Submissions*

**THE CORPORATION OF THE CITY OF COURTENAY**

**Permit No.** 3090-20-1608

**DEVELOPMENT VARIANCE PERMIT**

December 5, 2016

**To issue a Development Permit**

**To:** Name: Highstreet Riverwalk Centre Developments Ltd., INC. No. BC0987204  
Address: 702-1708 Dolphin Avenue  
Kelowna BC V1Y 9S4

**Property to which permit refers:**

Legal: Lot A, Section 68, Comox District, Plan EPP15940  
Civic: 1978 Cliffe Avenue

**Conditions of Permit:**

Permit issued to allow one freestanding sign with the following variances to the City of Courtenay Zoning Sign Bylaw No. 2760, 2013:

*Section 5.3.5 (c)* – to permit a freestanding sign 0.19 m from the property line facing a street; and

*Section 5.3.5 (b)(i)* – to permit a freestanding sign with a sign area of 6.59 m<sup>2</sup>.

Development Variance Permit No. 1608 is subject to the following conditions:

1. Sign graphics and dimensions must be in accordance with the renderings contained in *Schedule No. 1*, which is attached to and forms part of this permit;
2. Sign location must be in accordance with the renderings contained in *Schedule No. 1*, which is attached to and forms part of this permit;
3. Freestanding sign must be located within a landscaped area of at least 5.0 m<sup>2</sup>.

**Time Schedule of Development and Lapse of Permit**

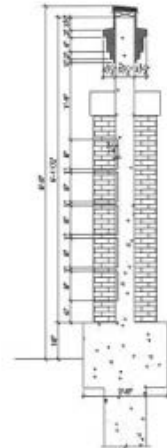
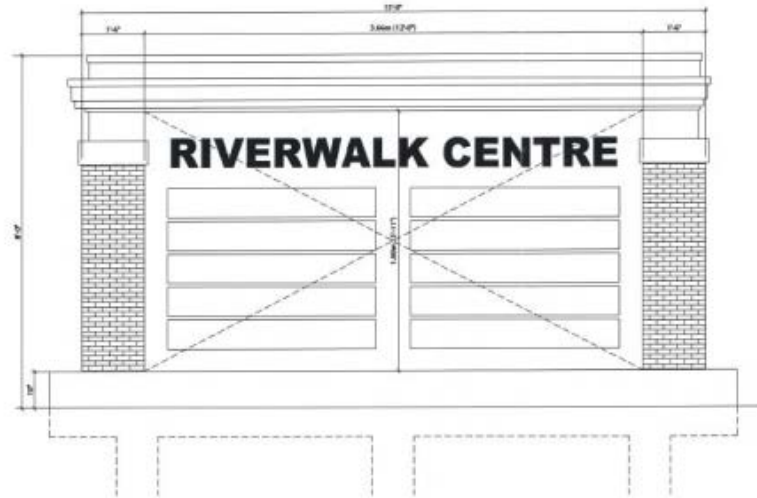
That if the permit holder has not substantially commenced the construction authorized by this permit within (12) months after the date it was issued, the permit lapses.

\_\_\_\_\_  
Date

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

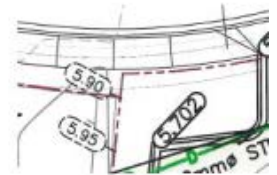
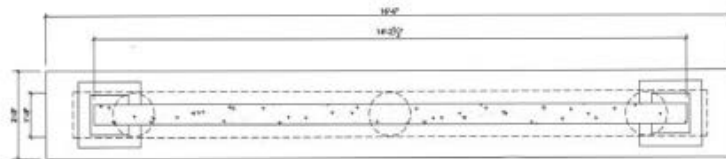


Schedule 1  
1 of 6



Sign Materials:  
Cast in place concrete- natural and white  
Brick cladding  
Stainless steel face plates  
Stainless steel- Black Tile

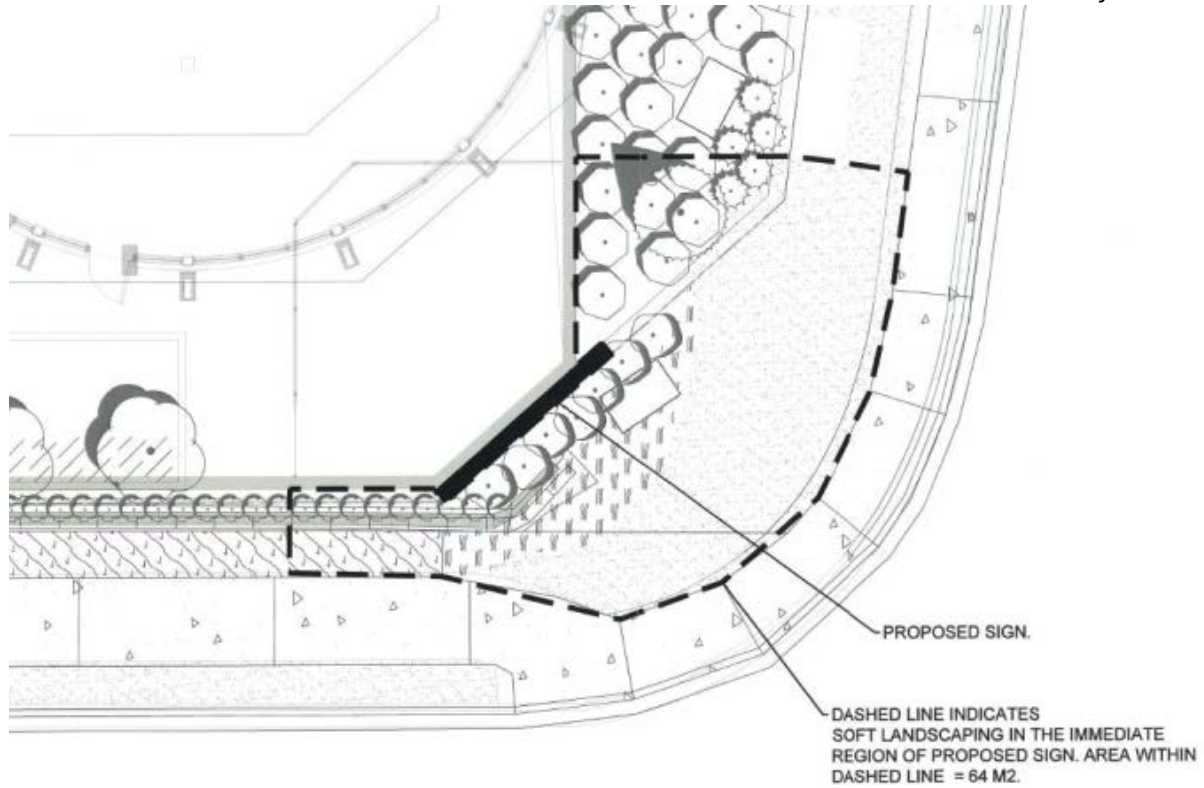
TOTAL SIGN AREA: 1.8m x 3.66m = 6.59 sq.m. (70.9 sq.ft.)



*Schedule 1*  
*2 of 6*



Schedule 1  
3 of 6



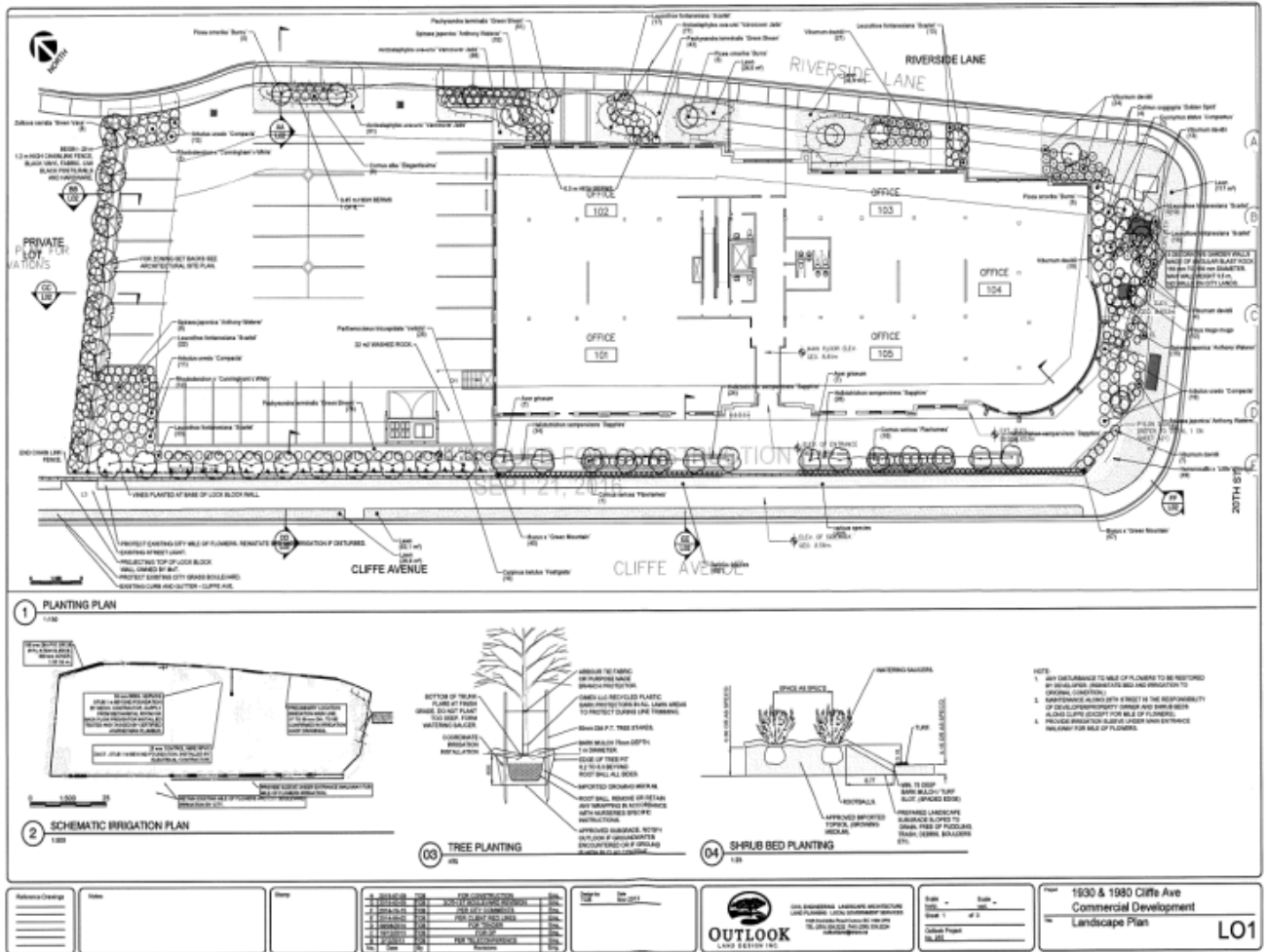
(250) 338-0232  
outlook@shaw.ca  
1130 Clifflands Road  
Comox BC  
V8M 3P9  
outlook.com

Part of: SEE FULL DRAWING  
SUBMISSION FOR PLANTING  
DETAILS.

Scale 1:100 Date -  
2016-10-13  
Sheet 01  
Outlook Project 255

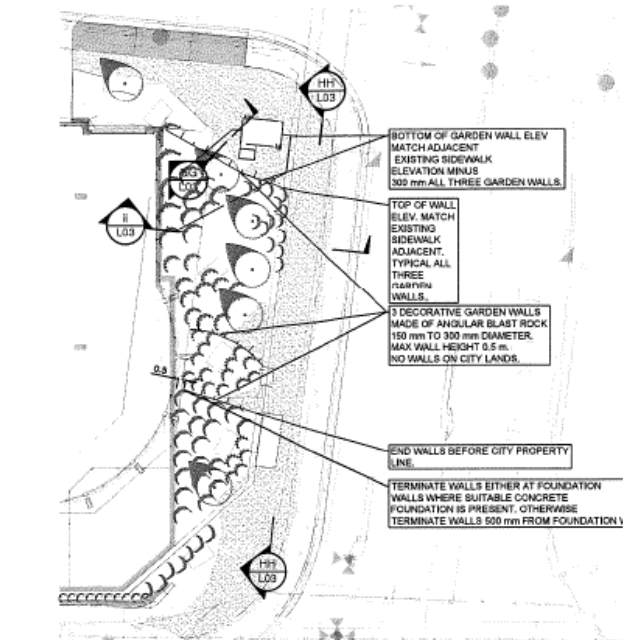
Project RIVERWALK  
Title LANDSCAPING NEAR SIGN  
Date 2016-10-13

Schedule 1  
 4 of 6



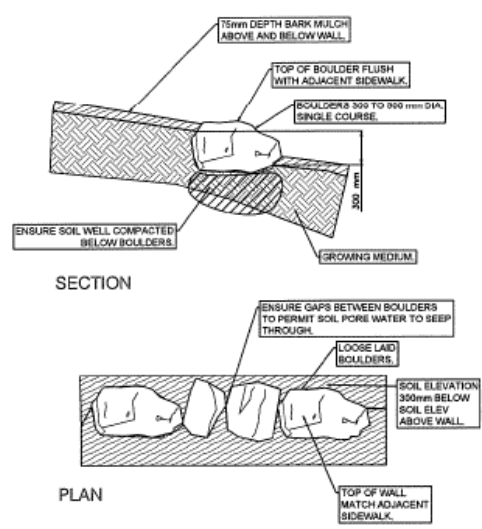


Schedule 1  
 6 of 6

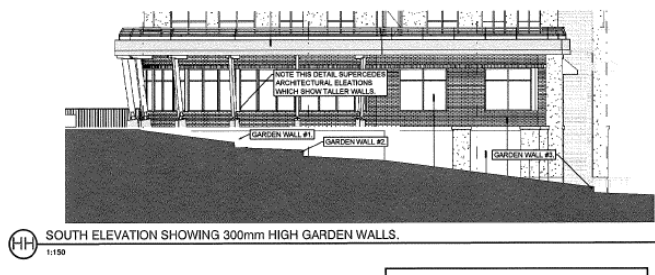


ISSUED FOR CONSTRUCTION  
 SEPT 21, 2016

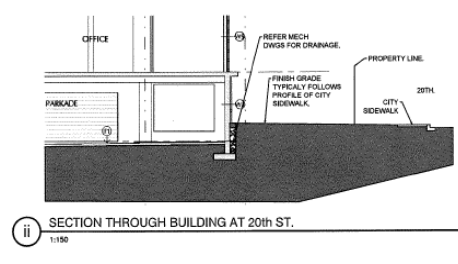
5 BOULDER WALLS  
 1:150



GG BOULDER WALL DETAILS ON 20th ST.  
 1:150



HH SOUTH ELEVATION SHOWING 300mm HIGH GARDEN WALLS.  
 1:150



ii SECTION THROUGH BUILDING AT 20th ST.  
 1:150

# HIGH STREET

#702-1708 Dolphin Avenue Kelowna, BC V1Y 9S4 P. 778-484-5567 F. 778-484-5571

October 20, 2016

City of Courtenay  
830 Cliffe Ave  
Courtenay, BC  
V9N 2J7

**Attention: Ian Buck, MCIP, RPP, Director of Development Services**

**Subject: Letter of Rationale:  
Development Permit with Variances for DVP #1401  
1978 Cliffe Ave – Signage “Riverwalk Centre” Development**

**Re:**  
**Bylaw 2760 Section 5.1.5c- 1.0m from property line or**  
**Bylaw 2760 Section 5.3.5 Location- c- 2.0m from property line and**  
**Bylaw 2760 Section 5.3.5 Design a.i. –sign area 4m<sup>2</sup>**

As discussed with Dave Slobodan on October 5, 2016, Highstreet Ventures Inc. requests approval to construct a sign on 1978 Cliffe Avenue with variances for location and size as noted below.

Our Riverwalk Project consists of a mixed use building with office, retail, residential and parkade. A variance is requested for the sign to be constructed 0.81m from the property line, to allow for pedestrian traffic and not impede the sidewalk. The signage has also been incorporated into the suspended slab plan as a structural element. As well a variance is requested to increase the sign area from 4m<sup>2</sup> to 6.59m<sup>2</sup> for commercial visibility and sufficient tenant signage.

Our freestanding sign conforms to the character of the exterior façade of the building and incorporated into the landscaped area, and meets the criteria of design set out in 5.3.5 – Design.

Thank you for your consideration on this matter. Please contact me if you require anything further.

Regards,  
*Alice Arsenault*  
Alice Arsenault, CCCA  
Development Manager

CC: Scott Butler, President Highstreet Ventures  
Jeff Gallant, Director of Development

Attachment No. 2  
Applicant's Submissions &  
Rationale  
2 of 4



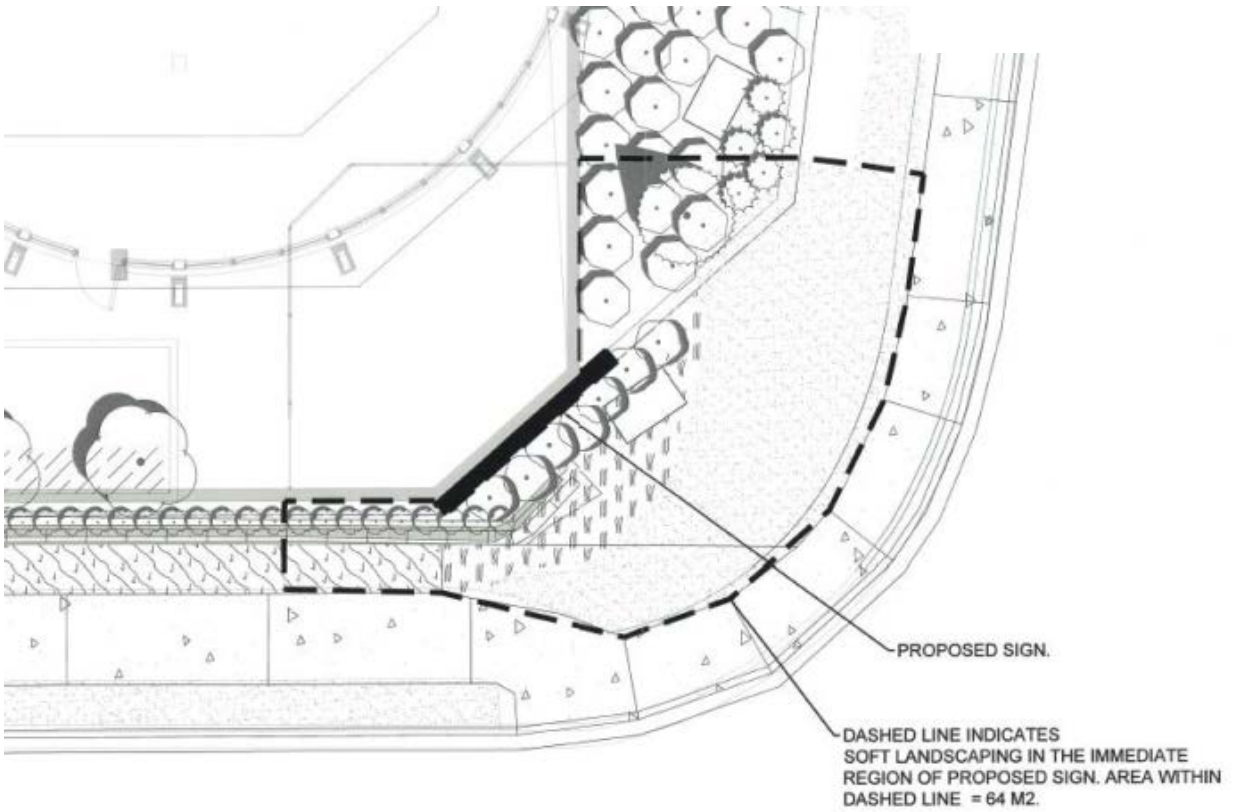
**Sign Materials:**


- Cast in place concrete- natural and white
- Brick cladding
- Stainless steel face plates
- Stainless steel- Black Tile

**TOTAL SIGN AREA: 1.8m x 3.66m = 6.59 sq.m. (70.9 sq.ft.)**

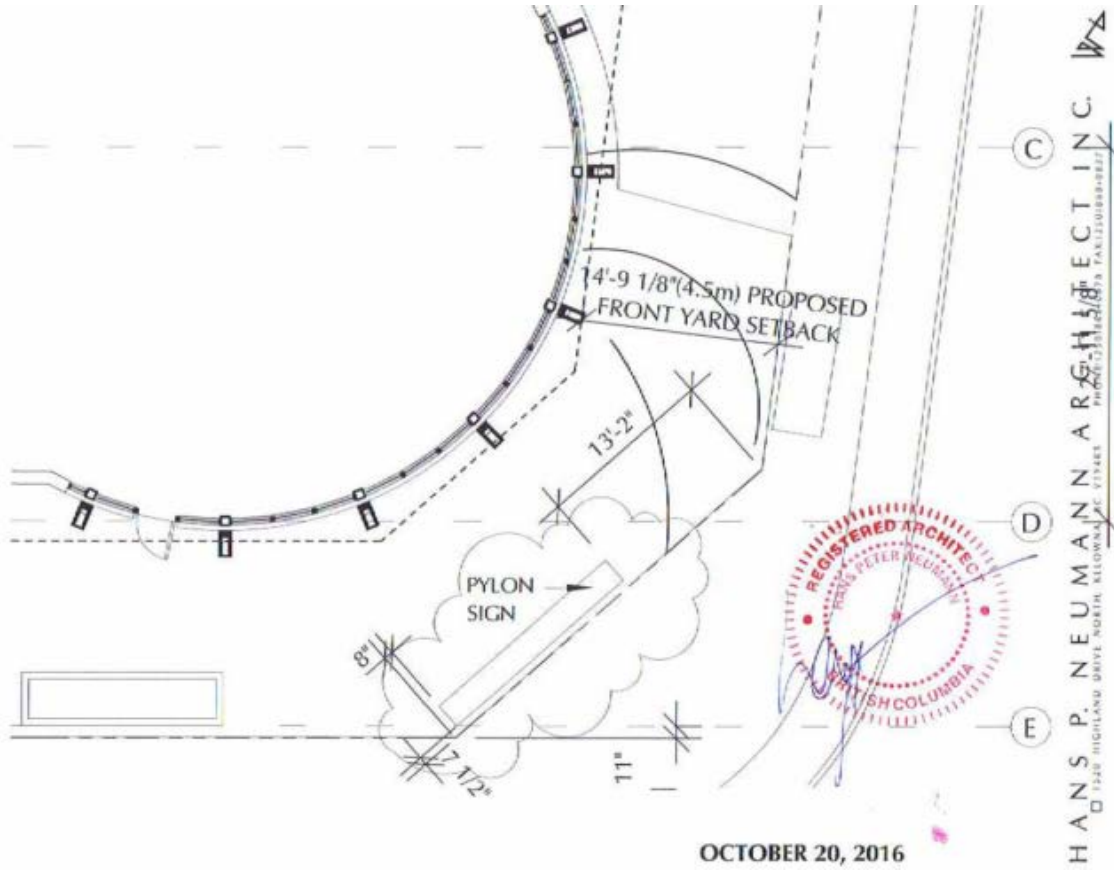


Attachment No. 2  
Applicant's Submissions &  
Rationale  
3 of 4



 <b>OUTLOOK</b> ENGINEERING AND LANDSCAPE ARCHITECTURE <i>Placet Penite Inua</i>	(708) 330-8232 outlook@shaw.ca 1335 Deschênes Road Cornwall ON K6H 2P6 outlook.ca	Part of: SEE FJLL DRAWING SUBMISSION FOR PLANTING DETAILS.	Scale: 1:100 Date: _____ Sheet: _____	Project: RIVERWALK
		Outlook Project No: 255	Title: LANDSCAPING NEAR SIGN	
			Date: 2016-10-13	

Attachment No. 2  
Applicant's Submissions &  
Rationale  
4 of 4







**To:** Council

**File No.:** 1970-04

**From:** Chief Administrative Officer

**Date:** December 5<sup>th</sup>, 2016

**Subject:** Comox Valley Pregnancy Care Centre - Permissive Tax Exemption

---

**PURPOSE:**

The purpose of this report is to inform Council of the permissive tax exemption calculation for the Comox Valley Pregnancy Care Centre and to address the concern conveyed to Mayor Jangula regarding the reduction of the 2017 Permissive Tax Exemption for this organization.

**POLICY ANALYSIS:**

The City's Permissive Property Tax Exemption Policy 1960.00.01, section 5 states the following:

*"Council has designated a maximum exemption of 40% for regional service organizations. This policy will not be applied retroactively, and regional service organizations that have previously been approved by bylaw will be grandfathered into the exemption bylaw at those prescribed percentages."*

**EXECUTIVE SUMMARY:**

At the July 18<sup>th</sup>, 2016 Regular Council meeting, Council approved the 2017 Permissive Tax Exemptions. The report that accompanied the 2017 Permissive Exemption Bylaws identified a change from 100% to 40% tax exemption for the Comox Valley Pregnancy Care Centre due to the organization changing its location. Since 2005, this organization was granted a 100% exemption. They are asking the City to review the 2017 exemption of 40% and to revert the exemption percentage back to 100% regardless of the location change.

**CAO RECOMMENDATIONS:**

That based on the December 05<sup>th</sup>, 2016 staff report "Comox Valley Pregnancy Care Centre - Permissive Tax Exemption", Council approve Option 1 to maintain the permissive tax exemption at 40% for the Comox Valley Pregnancy Care Centre.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David Allen".

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

**BACKGROUND:**

The Comox Valley Pregnancy Care Centre provides services in the Comox Valley and has applied for a property tax exemption on their new property located at #4 204 Island Highway North. The Comox Valley Pregnancy Care Centre estimates that 65% of those they service are City of Courtenay residents. Since 2005, they have received a 100% property tax exemption. The organization was previously located at 785 - 6th Street and moved to its new location in January 2016.

**DISCUSSION:**

The Comox Valley Pregnancy Care Centre is requesting the City to maintain a Permissive Tax Exemption of 100% to help them operate within a tight budget. Council should be aware that given the timing of this report, there is insufficient time to make changes to the 2017 Permissive Tax Exemption bylaws since the Permissive Tax Exemption program has a deadline of October 31<sup>st</sup> of each year.

Section 5 of the Permissive Property Tax Exemption Policy No. 1960.01 is unclear about whether the level of property tax exemption remains the same when entities change their property location or their level of service. As a result, the 2017 Permissive Tax Exemption report presented to Council on July 18<sup>th</sup>, 2016 indicated that this organization should receive a 40% permissive tax exemption for this property for 2017 in keeping with Section 5 of the Policy.

If Council entertains providing a higher tax exemption to this organization in 2017, staff suggests that Council consider using Gaming Funds under the category of 'Council Initiatives and Projects' to provide the additional funding for the remaining 60% not covered by the Permissive Tax Exemption. This would be similar to the approach utilized when addressing taxes covered for Amethyst House.

Adjusting tax exemptions for organizations after the Permissive Tax Exemptions process is complete will result in undermining the credibility of the City's policy and may result in numerous requests for higher exemption percentages.

**FINANCIAL IMPLICATIONS:**

In accordance with Policy 1960.01, the exemption value limit for 2017 has been calculated as 2% of the value of the 2016 municipal property tax levy which equates to \$417,156. The estimated cumulative value of the municipal portion of the new and grandfathered exemptions for the 2017 taxation year totals \$334,336.

The estimated 2017 property taxes for the Comox Valley Pregnancy Care Centre total \$1,289. With the recommended 2017 permissive tax exemption of 40%, the Comox Valley Pregnancy Care Centre will receive a total exemption of \$515, leaving a balance owing of \$774 to be paid by the Centre.

**ADMINISTRATIVE IMPLICATIONS:**

There is minimal impact to staff for the processing of this request.

**STRATEGIC PRIORITIES REFERENCE:**

We support diversity in housing and reasoned land use planning

- Support densification aligned with community input and regional growth strategy
- Assess how city-owned lands can support our strategic land acquisitions and disposals
- ▲ Support initiatives and incentives to encourage lower cost housing
- Proactively pursue housing diversity and advocate for senior government support



- **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.

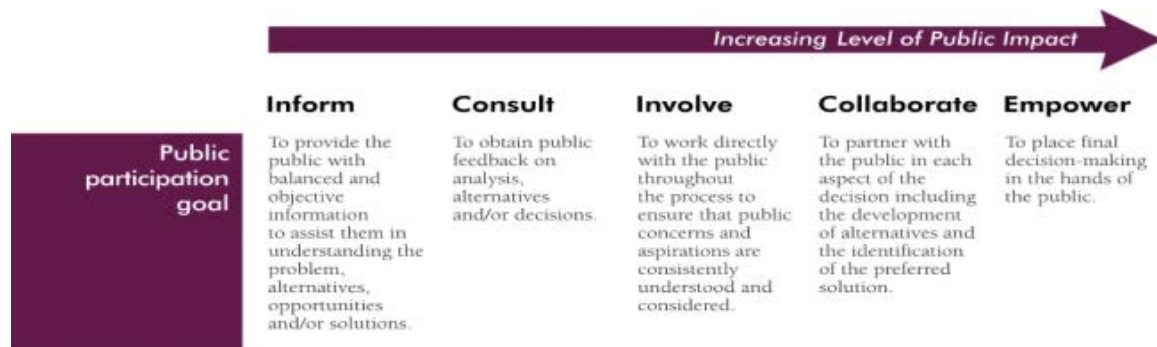
**REGIONAL GROWTH STRATEGY REFERENCE:**

Not referenced.

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff would inform through adoption of policy based on the IAP2 Spectrum of Public Participation:

[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)



**OPTIONS:**

**Option 1:** That Council maintain the permissive tax exemption of 40% for the Comox Valley Pregnancy Care Centre as identified in the Council report of July 18<sup>th</sup>, 2016 (status quo).  
**RECOMMENDED**

**Option 2:** That Council approve the use of Gaming Funds to cover the remaining 60% of 2017 property taxes in the estimated amount of \$774 for the Comox Valley Pregnancy Care Centre.

**Option 3:** That Council review and clarify the Permissive Property Tax Exemption Policy prior to the 2018 permissive tax exemption preparation.

Prepared by:

*Annie Bérard*

Annie Bérard, CPA, MBA  
Financial Analyst

Concurrence:

*Brian Parschauer*

Brian Parschauer, BA, CPA, CMA  
Director of Financial Services

**From:** Lisa Tukker [mailto:ljtukker@gmail.com]  
**Sent:** Thursday, September 22, 2016 5:41 PM  
**To:** Jangula, Larry  
**Subject:** Fwd:

Hi Mr. Jangula,

Thanks for returning my call yesterday. I've attached a copy of the letter from the city. It looks like the Pregnancy Center used to be exempt 100% for property tax and that this has now been changed to only a 40% exemption. At our last board meeting (Monday night) we talked about the expenses that the center faces and this letter has certainly caused some concern for our very tight budget.

Since the move to the new location at Braidwood Center, the CVPPC has seen a huge increase in clients - there is such a need in this community for this organization. So many more women already this summer have been helped and counselled since the move. You and I both know that it is critical for the center to be serving (at its maximum potential) the young women in the Comox Valley who face unplanned pregnancy.

As a non-profit organization operating on a very tight budget, a financial change like this is huge. Is there a way we can continue with the 100% exemption, Larry? We would appreciate so much any effort you can make in order to make this happen.

I can be reached at work (you know how to find me :) ) or via my cell (250) 897-3887.

Thanks so much Larry and blessings to you as you care for this amazing place we live!

Lisa Tukker



**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** User Fee Rates – Suites in Single Family Dwellings

**File No.:** 1705-20 / 1830-05  
**Date:** December 05, 2016

**PURPOSE:**

The purpose of this report is to provide a response to the Council resolution of May 2, 2016.

**.04** Moved by Wells and seconded by Frisch that Staff Memo User  
**USER FEE SUITES** Fee Rates – Suites in Single Family Dwellings be received for  
1705-20 information.  
1830-05 **Carried**

Moved by Frisch and seconded by Wells that staff review user fee  
rates for suites in single family dwellings for the 2017 budget.  
**Carried**

**POLICY ANALYSIS:**

Current City policy is to charge twice the amount of utility rates for any single family dwelling with a legal suite. This is based on the premise that suites in single family dwellings have additional occupancy which causes higher utilization of municipal solid waste, sewer and water.

**EXECUTIVE SUMMARY:**

As per Council’s request from May 2<sup>nd</sup>, 2016, this report presents the potential impacts of a reduction of the Water, Sewer and Garbage fee rates for legal suites in single family dwellings. Staff is requesting clarification of Council’s position on this matter prior to the preparation of the 2017 budget.

**CAO RECOMMENDATIONS:**

That based on the December 05, 2016 staff report “User Fee Rates – Suites in Single Family Dwellings”, Council select Option 1 to maintain the status quo with respect to utility rates charged for any single family dwelling with a legal suite in it.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer



**BACKGROUND:**

Historically, the perspective of the City has been that a legal suite is another “occupier of real property” as defined in the Community Charter schedule and under the Assessment Act. The City’s standard approach when applying utility rates on any single family dwelling with a legal suite is to double utility rates on these single family dwellings based on the premise that suites add an additional occupancy to the residence and therefore utilize double the amount of municipal solid waste, sewer and water services.

**DISCUSSION:**

On March 31, 2014 Development Services staff presented a report to Council commenting on legal secondary suites in single family dwellings. It noted:

*“Secondary suites place an additional demand on municipal services. Accordingly, properties with legal secondary suites are currently charged a second utility fee for sewer, water and garbage collection... there is documentation that shows secondary suites use approximately 40% more services than homes without suites.”*

In the same report, staff acknowledged that secondary suites help to meet the demand for affordable housing. The report also identified other incentives in place to promote the legalization of secondary suites:

- Reduced rezoning application fee for suites (regularly \$3,000 vs \$500)
- No development cost charge for suites

Reducing utility rates for suites would represent another incentive to promote legal suites and increase densification of residential neighbourhoods.

Any decision to lower utility rates to the percentage identified by the March 31, 2014 report has the potential to cause other higher density residential neighbourhoods to request revision to the rates applied to them, specifically rates charged to multifamily dwellings such as stratas and apartments. Many of those properties are charged a flat water and sewer fee comparable to the fee charged to a single family dwelling regardless of the number of units in the residence or service utilization. If multifamily dwellings and apartments are given discounted rates similar to legal secondary suites, the impact on the utility funds will be significant and will require increases to the remaining users of the service. Reducing revenues will require the City to re-consider the level of service it provides to residents and this will impact the City’s ability to complete asset renewal or upgrades.

**FINANCIAL IMPLICATIONS:**

A reduction in the user fee rates for legal suites would ensure the cost to the resident is further aligned with the use of services. However, it would mean a revenue loss for the City. If the Planning percentage of 40% is applied to legal secondary suites in single family dwellings and if the adjustment is to be revenue neutral for each respective utility service, the Utility revenue foregone for water, sewer and garbage collection (\$132,523) will need to shift to other users of the system. Attachment #1 identifies the specific implications on those rates.

Below is a summary of the data found in Attachment # 1:

Summary	Difference offset by other residential users				
	25%	50%	60%	75%	100%
Rate reduction for suites					
Water	\$ 21,621	\$ 43,242	\$ 51,890	\$ 64,863	\$ 86,484
Sewer	21,969	43,937	52,725	65,906	87,874
Garbage collection	11,628	23,256	27,908	34,884	46,513
<b>Difference offset by other residential users</b>	<b>\$ 55,218</b>	<b>\$ 110,436</b>	<b>\$ 132,523</b>	<b>\$ 165,653</b>	<b>\$ 220,871</b>

**ADMINISTRATIVE IMPLICATIONS:**

Should Council decide to reduce the utility rates for single family dwellings, Staff will need to amend the utility rates and billing processes for 2017. This is expected to take approximately 15 hours of staff time.

**STRATEGIC PLAN REFERENCE:**

The decision to reduce the user fee rates for legal suites would be aligned with the City Strategic Priorities as it would represent an incentive to support densification of the community. It would however, be in competition with the plan to provide services at a level which people are willing to pay.

**We support diversity in housing and reasoned land use planning**

- Support densification aligned with community input and regional growth strategy
- Assess how city-owned lands can support our strategic land acquisitions and disposals
- ▲ Support initiatives and incentives to encourage lower cost housing
- Proactively pursue housing diversity and advocate for senior government support

**We focus on organizational and governance excellence**

- We support and encourage initiatives to improve efficiencies
- We support meeting the fundamental corporate and statutory obligations
- We recognize staff capacity is a finite resource
- Communication with our community is a priority, and is considered in all decisions we make
- We responsibly provide services at a level which the people we serve are willing to pay



- **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.

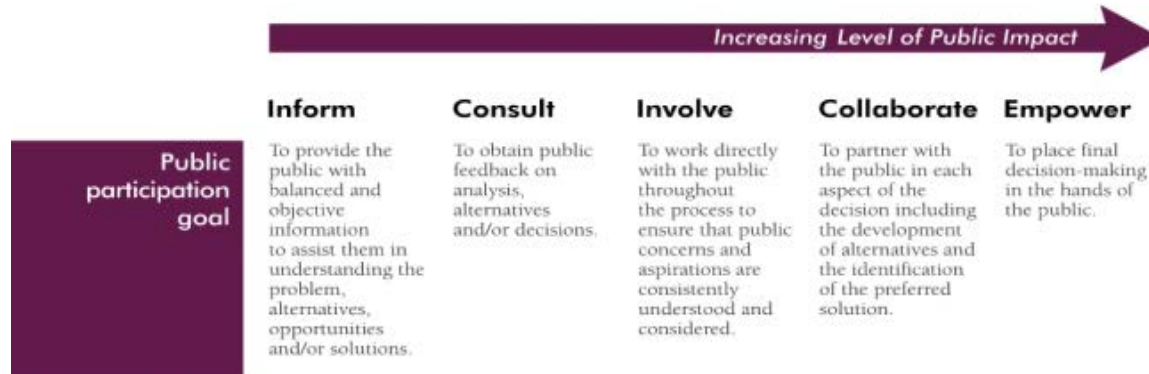
**REGIONAL GROWTH STRATEGY REFERENCE:**

One of the goals of the Comox Valley Regional Growth Strategy is to ensure a diversity of housing options to meet evolving demographical needs, and to encourage the provision of alternative housing forms that provide housing at lower costs and with lower environmental impacts.

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff would inform through adoption of policy based on the IAP2 Spectrum of Public Participation:

[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)



**OPTIONS:**

**Option 1:** That Council maintain the status quo with respect to utility rates charged for any single family dwelling with a legal suite in it. (Recommended).

**Option 2:** That Council direct staff to implement a rate reduction to user fees for legal suites in single family dwellings, and to adjust rates for all other users to offset any revenue losses caused by the rate amendment.

**Option 3:** That Council direct staff to determine the implications of performing a comprehensive review of all utility rate charges for all users of utility services, and report back to Council.

Prepared by:

Annie Bérard, CPA, MBA  
Financial Analyst

Concurrence:

Brian Parschauer, BA, CPA, CMA  
Director of Financial Services

**Attachments:**

1. Detailed financial impacts of reducing the water, sewer and garbage rate
2. Water and Sewer Fees and Charges Bylaw No. 2845, 2016

## Attachment # 1 - Detailed financial impacts of reducing to various levels the water, sewer and garbage rate

<u>Water rates</u>				Revised rates to maintain same revenues				
Rate reduction for suites				25%	50%	60%	75%	100%
Residential users	Units	2016 rate	Revenues					
Single Family Dwelling	7,035	\$ 369.59	\$ 2,600,066	\$ 372.66	\$ 375.74	\$ 376.97	\$ 378.81	\$ 381.88
Legal suite	234	369.59	86,484	277.19	184.80	147.84	92.40	-
Multiple Family Dwelling - per unit	591	312.19	184,504	312.19	312.19	312.19	312.19	312.19
Commercial	452	353.20	159,646	353.20	353.20	353.20	353.20	353.20
Outside Commercial Users	1	430.85	431	430.85	430.85	430.85	430.85	430.85
Outside Residential Users	34	637.69	21,681	637.69	637.69	637.69	637.69	637.69
	8,347		\$ 3,052,813					
<b>Difference offset by other residential users</b>				<b>\$ 21,621</b>	<b>\$ 43,242</b>	<b>\$ 51,890</b>	<b>\$ 64,863</b>	<b>\$ 86,484</b>

If Council provides a 60% reduction of water rates for legal suites in Single Family Dwellings and still wishes to generate the same amount of revenue for the Utility as in the past, the result would be a fee reduction from \$369.59 to \$147.84 for legal suites but a rate increase for single family dwellings from \$369.59 to \$376.97.

<u>Sewer rates</u>				Revised rate to maintain same revenues				
Rate reduction for suites				25%	50%	60%	75%	100%
Residential users	Units	2016 rate	Revenues					
Legal Suite	328	\$267.91	\$ 87,874	\$ 200.93	\$ 133.96	\$ 107.16	\$ 66.98	\$ -
Single Family Dwelling	7,234	267.91	1,938,061	269.86	271.81	272.59	273.76	275.70
Multiple Family Dwelling - per unit	3,598	267.91	963,940	269.86	271.81	272.59	273.76	275.70
Mobile Home Park - per space	427	267.91	114,398	269.86	271.81	272.59	273.76	275.70
Kiwanis Village - per unit	65	267.91	17,414	269.86	271.81	272.59	273.76	275.70
	11,652		\$ 3,121,687					
<b>Difference offset by other residential users</b>				<b>\$ 21,969</b>	<b>\$ 43,937</b>	<b>\$ 52,725</b>	<b>\$ 65,906</b>	<b>\$ 87,874</b>

If Council provides a 60% reduction of sewer rates for legal suites in Single Family Dwellings and wishes to generate the same amount of revenue for the Utility as in the past, the result would be a fee reduction from \$267.91 to \$107.16 for legal suites but a rate increase for all other users of the system from \$267.91 to \$272.59.

<u>Garbage collection</u>				Revised rate to maintain same revenues				
Rate reduction for suites				25%	50%	60%	75%	100%
Residential users	Units	2016 Rate	Revenues					
Residential users	7,809	\$ 152.50	\$ 1,190,888	\$ 153.99	\$ 155.48	\$ 156.07	\$ 156.97	\$ 158.46
Legal suite	305	152.50	46,513	114.38	76.25	61.00	38.13	-
	8,114		\$ 1,237,400					
<b>Difference offset by other residential users</b>				<b>\$ 11,628</b>	<b>\$ 23,256</b>	<b>\$ 27,908</b>	<b>\$ 34,884</b>	<b>\$ 46,513</b>

If Council provides a 60% reduction of municipal solid waste rates for legal suites in Single Family Dwellings and wishes to generate the same amount of revenue for the Utility as in the past, the result would be a fee reduction from \$152.50 to \$61.00 for legal suites but a rate increase for single family dwellings from \$152.50 to \$156.07.

**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2845, 2016**

**A bylaw to amend City of Courtenay Fees and Charges Bylaw No. 1673, 1992**

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 **“City of Courtenay Fees and Charges Amendment Bylaw No. 2845, 2016.”**
2. That “City of Courtenay Fees and Charges Bylaw No. 1673, 1992” be amended as follows:
  - (a) That Schedule of Fees and Charges, Section III, Appendix I, “Waterworks Distribution System”, and Appendix II “Sanitary Sewer System” be hereby repealed and substituted therefore by the following attached hereto and forming part of this bylaw:

*Schedule of Fees and Charges Section III, Appendix I – Waterworks Distribution System*  
*Schedule of Fees and Charges Section III, Appendix II – Sanitary Sewer System*

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

Read a first time this 18<sup>th</sup> day of April, 2016

Read a second time this 18<sup>th</sup> day of April, 2016

Read a third time this 18<sup>th</sup> day of April, 2016

Finally passed and adopted this 9<sup>th</sup> day of May, 2016

\_\_\_\_\_  
Mayor 

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

**SCHEDULE OF FEES AND CHARGES  
CITY OF COURTENAY FEES AND CHARGES  
AMENDMENT BYLAW NO. 2845, 2016  
SECTION III, APPENDIX I**

**WATERWORKS DISTRIBUTION SYSTEM**

**1. CONNECTION FEES**

- (a) Pursuant to Section 3.2 of Water Regulations and Rates Bylaw No. 1700, 1994, and amendments thereto, every applicant shall pay to the City before any work is done on the connection, a connection fee as follows:

**Connection Size**

Within the City

Connection from either side of road to property line	
20 millimetres (3/4 inch)	\$2,500.00
25 millimetres (1 inch)	\$3,500.00

Outside the City

20 millimetres (3/4 inch)	Actual City cost plus 25%
with a minimum charge of \$3,500.00	

- (b) Where a larger connection than those listed above is required, the connection will be installed at City cost plus 25%.

(c) **Water Turn On and Turn Off**

If turn on or turn off is for a purpose other than maintenance or the commissioning of a new service the following fees will apply:

Inside the City	\$35.00 for each water turn on or turn off
Outside the City	\$55.00 for each water turn on or turn off

(d) **Abandonment Fee**

Fee for disconnecting an abandoned service connection at the water main irrespective of the size of the connection	Actual City cost plus 25%, with a minimum charge of \$500.00
--------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------

## 2. WATER UTILITY USER RATES

### (a) Unmetered Water

The minimum user rate per year or portion thereof for unmetered accounts shall be as follows:

	Bylaw Rates		
	Effective Dates		
	July 1, 2016	January 1, 2017	January 1, 2018
Single Family Dwelling	378.84	380.68	392.10
Multiple Family Dwelling -per unit	320.01	321.56	331.21
Commercial	362.05	363.80	374.71
Ouside Commercial Users	653.66	656.82	676.52
Ouside Residential Users	653.66	656.82	676.52

### (b) Metered Water

All metered accounts for the quantity of water used each quarter shall be calculated at the following rates:

	Bylaw Rates		
	Effective Dates		
	July 1, 2016	January 1, 2017	January 1, 2018
<b>Multi-Family Metered</b>			
0 - 48.0 cubic metres	51.47	51.51	53.06
48.1 - 566.0 cubic metres	1.35	1.35	1.35
Greater than 566.0 cubic meters	1.08	1.08	1.08
<b>Commercial Metered</b>			
0 - 48.0 cubic metres	54.38	54.43	56.06
48.1 - 566.0 cubic metres	1.35	1.35	1.35
Greater than 566.0 cubic meters	1.08	1.08	1.08
<b>Regional Standpipe, Regional Playfields</b>			
	Bulk Water Rate plus 30%		
<b>Outside City - Multi-Family Metered</b>			
0 - 48.0 cubic metres	107.53	107.62	110.85
48.1 - 566.0 cubic metres	1.76	1.76	1.76
Greater than 566.0 cubic meters	1.40	1.40	1.40
<b>Outside users - Commercial Metered</b>			
0 - 48.0 cubic metres	111.32	111.42	114.76
48.1 - 566.0 cubic metres	1.76	1.76	1.76
Greater than 566.0 cubic meters	1.40	1.40	1.40
<b>Regional District bulk</b>	0.81	0.81	0.83
<b>Sandwich - summer only</b>	380.35	380.68	392.10

- (c) Where a meter is found not to register, the charge shall be computed on the basis of the amount of water used during the time the meter was working, or from any other information or source which can be obtained, and such amount so composed shall be paid by the consumer.
- (d) Where a commercial or industrial consumer has not been connected to a water meter through non-availability of the water meter or because of special exemption being granted by the City, water charges to the consumer will be computed on the basis of consumption recorded for other similar purposes in the City, or from any other information or source which can be obtained, and such amount so computed shall be paid by the consumer.
- (e) Where it has been determined that a water leak has occurred during the last billing period on the buried portion of the service between the water meter and the point where the service pipe enters the building, a maximum one time rebate of 40% of the metered water utility fee to compensate for the water leak will be made at the discretion of the Finance Officer based on the following:
  - i. The leak occurred on the buried water service;
  - ii. That a leak of that nature would have caused the volume of excess water usage;
  - iii. The leak did not occur as a result of negligence of the owner;
  - iv. The owner has provided satisfactory evidence that the leak has been permanently repaired.

**WATER METER RENTALS**

a) Water meter fee shall be as follows:

Meter Size	Bylaw Rates		
	Effective Dates		
	July 1, 2016	January 1, 2017	January 1, 2018
	Monthly Rates		
Up to 3/4"	1.30	1.30	1.40
1"	2.70	2.70	2.70
1 1/4" - 1 1/2"	5.40	5.40	5.60
2"	8.10	8.10	8.30
3"	13.50	13.50	13.90
4"	26.70	26.70	27.50
6"	40.40	40.40	41.60
8"	53.80	53.90	55.50
10"	67.40	67.40	69.40

The above meter fee shall be added to the monthly water rates and will apply both inside and outside the City.

**METER READING CHARGE**

Each call after the first one of each month if access has not been provided or if readings extra to the quarterly reading are requested

\$35.00 per call



**3. SUPPLY OF WATER FROM FIRE HYDRANTS OR OTHER SOURCE**

- (a) Water may be supplied from a fire hydrant or other for the use of developers during the course of construction of multi-family, industrial, and commercial developments. The charge for such water usage shall be:

For buildings with a gross floor area up to and including 250 square meters	\$250.00
For buildings greater than a gross floor area of 250 square meters	Minimum charge of \$250.00, plus \$0.10 per square meter for floor area in excess of 250 square meters.

- (b) Where water is supplied from a fire hydrant or other non-metered source for other uses, the amount of water supplied will be invoiced in accordance with Section 2 – Water Utility Users Rates – Metered Water.

- (c) Charge to service fire hydrant after use:

\$95.00 and/or any service costs that may arise from servicing a hydrant in respect of its use.

**4. UTILITY BILLING ADJUSTMENTS AND COLLECTION**

- a) Where a billing error is suspected by the consumer, notification in writing must be made to the City of Courtenay Finance Department within one year of the original billing date for review and consideration. Upon investigation, if it is determined by the City that an error occurred and the consumer has been overcharged, an adjustment will be made to the utility bill in question in an amount to be determined by the City. The City will not provide refunds or adjustments to billing errors made more than two years prior to the date of the notification being received by the City.
- b) The rates and charges, enumerated in this Bylaw, are hereby imposed and levied for water supplied or ready to be supplied by the City and for the provision of the service and other water related services. All such rates and charges which are imposed for work done or services provided to lands or improvements shall form a charge on those lands which may be recovered from the Owner of the lands in the same manner and by the same means as unpaid taxes.

**SCHEDULE OF FEES AND CHARGES  
CITY OF COURTENAY FEES AND CHARGES AMENDMENT  
BYLAW NO. 2845, 2016  
SECTION III, APPENDIX II  
SANITARY SEWER SYSTEM**

**1. CONNECTION FEES**

**(a) Connection Fees**

Connection from either side of road to property line

10.16 centimetres (4" inch) \$3,000.00

Where a larger connection than the one listed above is required, the connection will be installed at City cost plus 25%.

**(b) Abandonment Fee**

Fee for disconnecting an abandoned service connection at the sanitary sewer main irrespective of the size of the connection	Actual City cost plus 25%, min charge \$500.00
-----------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------

**(c) Connection Charges for Annexed Areas**

For owners where commitment letters were issued between 1997 and 2006 quoting a sewer connection bylaw fee of \$1,500 (plus a capital contribution fee of \$5,000), this bylaw fee amount shall be in effect until October 31, 2007, after which the following schedule of connection fees will apply.

Property Use	Connection Charge		
	Capital Contribution		Connection Fee
	Existing Building	New Development	
Single Family Home OR Duplex	\$5,000.00	\$5,000.00	Either side of road from main - \$3,000.00
Multifamily, Strata OR Apartment OR Mobile Homes	\$5,000.00	\$5,000.00 for first unit, \$2,500.00 per unit for the next five units, \$2,000.00 per unit for the next five units, \$1,500.00 per unit for the next five units and \$1,000.00 per unit for all units thereafter	For a 100 mm diameter connection or the Bylaw rate for larger pipe sizes:  Either side of road from main \$3,000.00

Industrial OR Commercial OR Public Assembly	\$5,000.00	\$5,000.00 minimum or the greater amount calculated based on the design sewage flows from the development.	For a 100 mm diameter connection or the Bylaw rate for larger pipe sizes:  Either side of road from main \$3,000.00
---------------------------------------------------------	------------	------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------

Note: Under the heading of 'Capital Contribution' an 'Existing Building' is defined as a building that existed or a property that had a building permit application in place on or before April 14, 2004. 'New Development' is defined as a property on which a building permit application was made on or after April 15, 2004.

**2. SANITARY SEWER USER RATES – APPLIED ON A PER-UNIT/SPACE BASIS**

- The minimum user rate per year or portion thereof shall be as follows:

		Bylaw Rates (per Annum)		
		Effective Dates		
		July 1, 2016	January 1, 2017	January 1, 2018
<b>Part 1 - Residential Users</b>				
1	Single Family Dwelling	289.15	294.70	324.17
		289.15	294.70	324.17
2	Multiple Family Dwelling -per unit	289.15	294.70	324.17
3	Mobile Home Park -per space	289.15	294.70	324.17
4	Kiwanis Village -per unit	289.15	294.70	324.17

		<b>Bylaw Rates (per Annum)</b>		
		<b>Effective Dates</b>		
		<b>July 1, 2016</b>	<b>January 1, 2017</b>	<b>January 1, 2018</b>
<b>Part 2 - Commercial Users</b>				
1	Hotels and Motels -per unit	116.41	118.65	130.52
2	Trailer Park and Campsite -per serviced site	60.08	61.23	67.35
3	Wholesale and Retail Stores	289.15	294.70	324.17
4	Car Wash	289.15	294.70	324.17
5	Bus Depot	289.15	294.70	324.17
6	Funeral Parlour	289.15	294.70	324.17
7	Garage	289.15	294.70	324.17
8	Machine Shop and Repair Shop	289.15	294.70	324.17
9	Bakery	289.15	294.70	324.17
10	Photographer	289.15	294.70	324.17
11	Business Office - per office	289.15	295.16	324.68
12	Professional Office -per office	289.15	294.69	324.16
13	Barber and Hairdresser	289.15	294.70	324.17
14	Pool Room and Recreation Facility	289.15	294.70	324.17
15	Theatre	578.27	589.37	648.31
16	Department Store	578.27	589.37	648.31
17	Supermarket	578.27	589.37	648.31
18	Bowling Alley	578.27	589.37	648.31
19	Bank	578.27	589.37	648.31
20	Nursing Home	578.27	589.37	648.31
21	Cafe and Restaurant (including drive-in or take-out)	578.27	589.37	648.31
22	Dry Cleaner	578.27	589.37	648.31
23	Beverage Room	578.27	589.37	648.31
24	Laundry and Coin Laundry	2,311.18	2,355.56	2,591.11
25	Sawmill	2,880.55	2,935.86	3,229.46
26	Dairy Product Processing Plant	21,451.66	21,863.44	24,049.78
27	Other Commercial Users not enumerated in this schedule	578.27	589.37	648.31
28	Cheese Processing Plant	4,793.04	4,885.05	5,373.56
<b>Part 3 - Institutional Users</b>				
1	Church	289.15	294.70	324.17
2	Public Hall	289.15	294.70	324.17
3	Utility Office	578.27	589.37	648.31
4	School -per classroom	518.22	528.17	580.99
5	Regional Recreation Complex	23,009.93	23,451.63	25,796.79
6	Regional District Administrative Office	6,182.14	6,300.81	6,930.89

### **3. UTILITY BILLING ADJUSTMENTS AND COLLECTION**

- a) Where a billing error is suspected by the consumer, notification in writing must be made to the City of Courtenay Finance Department within one year of the original billing date for review and consideration. Upon investigation, if it is determined by the City that an error occurred and the consumer has been overcharged, an adjustment will be made to the utility bill in question in an amount to be determined by the City. The City will not provide refunds or adjustments to billing errors made more than two years prior to the date of the notification being received by the City.
  
- b) The rates and charges, enumerated in this Bylaw, are hereby imposed and levied for sewer utility services supplied or ready to be supplied by the City. All such rates and charges which are imposed for work done or services provided to lands or improvements shall form a charge on those lands which may be recovered from the Owner of the lands in the same manner and by the same means as unpaid taxes.



**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** 5<sup>th</sup> Street Complete Streets Pilot Project – Presentation by Urban Systems and Concept Options Selection

**File No.:** 8620-01; ES 16009  
**Date:** December 5, 2016

---

**PURPOSE:**

The purpose of this report is to present Council with a summary of the second phase of public engagement for the 5<sup>th</sup> Street Complete Streets Pilot Project and for Council to consider selecting one or more of the road cross-section options to proceed to engineering design.

**CAO RECOMMENDATIONS:**

That based on the December 5, 2016 staff report entitled “5<sup>th</sup> Street Complete Streets Pilot Project – Presentation by Urban Systems and Concept Options Selection,” Council approve option 1 and direct staff to proceed to detailed design based on the Option 4 (raised) cross section, with parking provided between Fitzgerald and Harmston, and alternating parking and raingardens provided throughout the remainder of the corridor.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

**BACKGROUND:**

The City of Courtenay, through the Multi-modal Transportation Strategy (2014), adopted the following vision:

*“The City of Courtenay supports a transportation network that prioritizes connectivity and access to daily destinations and, through a balanced approach to transportation planning, provides all road users safe choices in their mode of transportation.”*

At the April 4 2016 Regular Council Meeting, Council resolved that:

*Moved by Hillian and seconded by Wells that based on the April 4, 2016 staff report entitled “5<sup>th</sup> Street Complete Streets Pilot Project – Update and Presentation from Urban Systems Ltd,” and presentation, Council approve Option 1 and direct staff to proceed with public engagement as described in this report.*

City staff and project team members from Urban Systems Ltd met with key stakeholders groups over the course of May 5 and 6, 2016 to identify interests and aspirations for the project area. Comments were collected from the following key stakeholders:

- Comox Valley Cycling Coalition
- Comox Valley Accessibility Committee
- School District #71 (Active Travel)
- Comox Valley Regional District (Transit), and Watson & Ash
- Comox Valley Conservation Strategy Community Partnership

A Public Information Session was held in the evening of Thursday May 5<sup>th</sup>, and an online public survey was available from May 5<sup>th</sup> and 31<sup>st</sup> for information and feedback. The Public Information Session was attended by approximately 60 people, and the survey received 560 responses, 408 of which were fully completed.

The priorities identified by the public through this engagement process have been used to inform the design of five surface treatment options for 5<sup>th</sup> Street between Fitzgerald Avenue and Menzies Avenue. The most common theme expressed by the public for the future look/feel of 5<sup>th</sup> Street was “greener/lush”; the top ranked priority out of a score of 7 for the use of the roadway was “walking” (6.5/7) followed by “cycling” (4.9/7) and “landscaping” (4.5/7).

Based on the May 2016 public engagement process, five surface treatment options were prepared for Council’s consideration and further public engagement.

At the Oct 3, 2016 Regular Council Meeting, Council resolved that:

*Moved by Hillian and seconded by Frisch that That Council initially endorse Option 4 with parking on both sides of 5<sup>th</sup> street in the commercial block; and*

*That staff continue with the second phase of public engagement based on all presented design options.*

Staff’s objective in the second phase of public engagement was to gather the public’s feedback on the proposed surface treatment options. This was done by meeting with the public at the evening information session on October 26<sup>th</sup>, and through a community survey in the weeks following. In order to ensure a successful public information session, static display boards, hand out materials and the survey were developed. These materials were also posted on the City website for those who were unable to attend the information session. In addition, City staff and the consultant were available for questions and comments at each step in the engagement process. Finally, individual surveys were hand delivered to property owners directly fronting the project on 5<sup>th</sup> Street, as they would be most affected by potential upgrades to the current cross-section.

Representatives of Urban Systems Ltd will be attending the December 5<sup>th</sup> council meeting to present a summary of the most recent public engagement process and to support Council in a discussion to select one (or more) preferred options for proceeding to detailed engineering design.

#### **DISCUSSION:**

The October 26, 2016 Public Information Session was attended by approximately 40 people, with approximately 80 surveys completed (both hard copy and online). Most of the attendees (85%) found the information on the panels helpful. A summary of the survey results is attached to this report.

### Preferred Elements

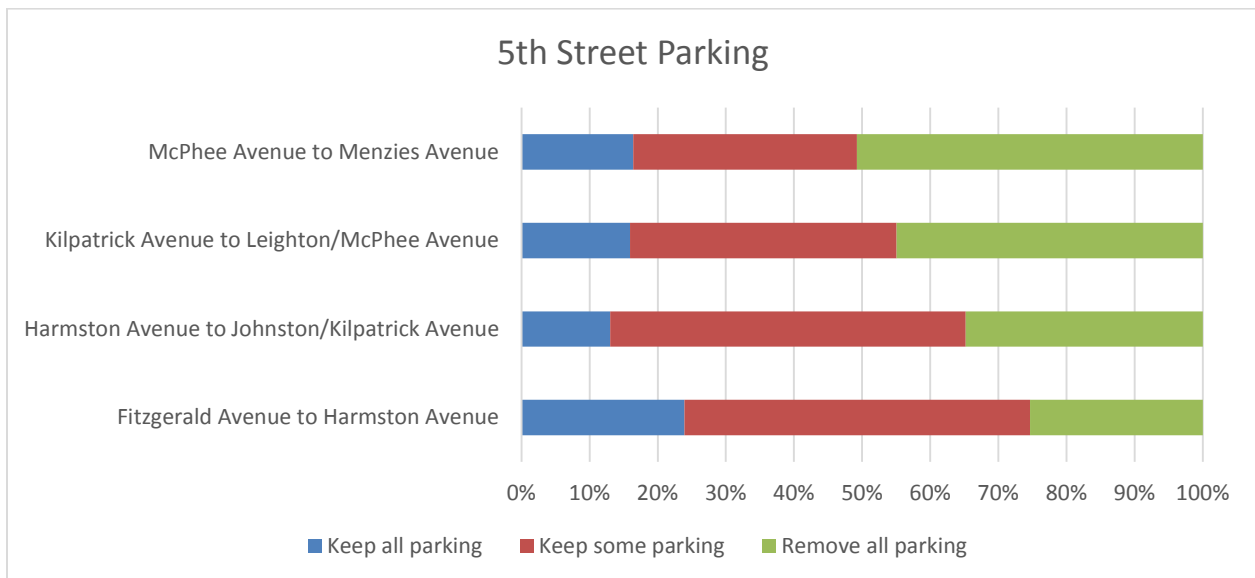
A total of 6 cross-section options were provided, with two versions of Option 4 (separated bike lane) being shown, one with a raised bike lane option. In all options, respondents liked the approach with respect to wide sidewalks and dedicated bike lanes, with additional preference to the rain gardens.

Respondents were asked to indicate which road cross-section option they prefer for the future of 5th Street based on the concepts provided on the display panels. In total, six options were presented. Based on the comments provided, Option 4 (raised) had the most responses. The following table provides the breakdown on respondents preferred options and a summary of each option has been provided below.

Option 1	3
Option 2	5
Option 3	5
Option 4	10
Option 4 (raised)	28
Option 5	10

### Parking

Respondents were then asked to provide their preferences for parking along 5th Street including priority of parking by section of 5<sup>th</sup> Street. The below table breaks out respondents' responses for each section of 5th Street and whether they want to retain, remove or keep some parking along that segment of 5th Street.



The responses are consistent with staff's previous observation and analysis of the corridor, in that parking is most important within the first block of 5<sup>th</sup> Street (Fitzgerald to Harmston), with parking becoming less of an issue proceeding further along 5<sup>th</sup> Street towards Menzies Avenue. The preferred cross-section at the Information Session, Option 4 (raised), does allow the potential flexibility to provide parking along the entire stretch as well as interspersed parking and rain gardens.



## **Trade-offs**

Due to the width of the current road right-of-way (approximately 18 to 19 metres) and existing conditions (e.g. hydro poles, driveways, vegetation), each of the cross-section options presented brings with it a number of trade-offs, as discussed with Council and the community. Some of these include: parking, buffering for bike lanes, vegetation, and sidewalk width. A complete street tries to balance all modes of travel in the safest manner possible, whilst allowing space for other components such as trees, rainwater management and street furniture.

Based on the feedback from the October 3<sup>rd</sup> discussion with Council, the October 26<sup>th</sup> Public Information Session, and public survey, staff believe that the Option 4 (raised) cross-section provides the most balanced approach for the complete streets pilot project. This option provides a separated bike path which is raised to match the sidewalk, providing more efficient operations and maintenance. One of the trade-offs will be the lack of a buffer between the parked cars and the bike lane (i.e. a “dooring zone”), although the raised cycle lane and appropriate signage and community education will help to mitigate potential conflicts.

## **FINANCIAL IMPLICATIONS:**

On February 12, 2016 the City of Courtenay was awarded \$3.253 million in funding to construct a Complete Streets Pilot Project on a section of 5<sup>th</sup> Street. This funding is from the Strategic Priorities fund under the Federal Gas Tax Fund. This grant provides 100% funding for all eligible costs related to the infrastructure project. The grant requires that the project be completed by the end of 2018.

At this conceptual level of design, the options presented in this report are variations on the same components of infrastructure and therefore their relative costs are similar. Variations to the cost will occur with buffered bike lanes (i.e. more paint); extent of raingardens (i.e. planting requirements) or “enhanced” sidewalks where more concrete is necessary. Staff will work with whichever option Council selects to manage the project budget within the funding provided.

## **ADMINISTRATIVE IMPLICATIONS:**

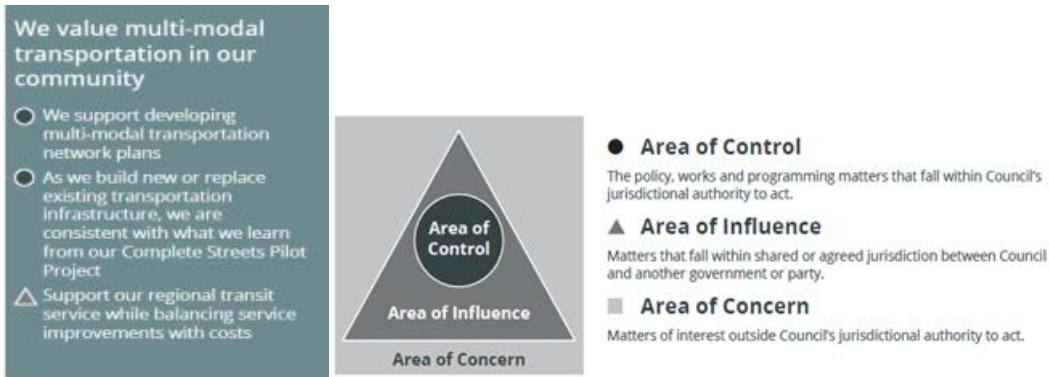
This project is part of Staff’s 2016 work plan, and as such the project work is already accounted for.

## **ASSET MANAGEMENT IMPLICATIONS:**

This project will result in the renewal of infrastructure assets including 530 metres of road, sidewalk, drainage system, sewer system and watermain. Condition assessments and a risk analysis workshop have been completed with Urban Systems and City representatives from Engineering and Public Works Departments for the underground utilities. This process has determined that the existing underground assets are near their end of life and/or have capacity constraints necessitating replacement. The existing sidewalk infrastructure has remaining life, however it does not meet current City standards; the asphalt road surface is several years old and considered in satisfactory condition.

## **STRATEGIC PRIORITIES REFERENCE:**

The Complete Streets Pilot Project is a Council priority and supports the 2016-2018 Strategic Priority. Specifically, *“As we build new or replace existing transportation infrastructure, we are consistent with what we learn from our Complete Streets Pilot Project”*.



**OFFICIAL COMMUNITY PLAN REFERENCE:**

1. The Downtown

Maintain a pedestrian orientation in downtown and integrated transportation planning (i.e., taking all modes of movement into account). (pg. 11)

Work with School District 71 to encourage more walking and biking to school, through proper siting and planning of new facilities, provision of necessary facilities on school sites, and through educational efforts. (pg 13)

Transportation

5.2 Goals

2. Development of a transportation system that provides choices for different modes of travel including vehicle, transit, pedestrian, cycling and people with mobility impairments. (pg. 59)

5.3 Policies

7. The City will continue to pursue the development of a continuous, integrated bicycle network in order to promote and encourage cycling as a commuting alternative to the automobile and as a means of active recreation. (pg. 60)

**REGIONAL GROWTH STRATEGY REFERENCE:**

Goal 4 – Transportation (pg. 49, 50)

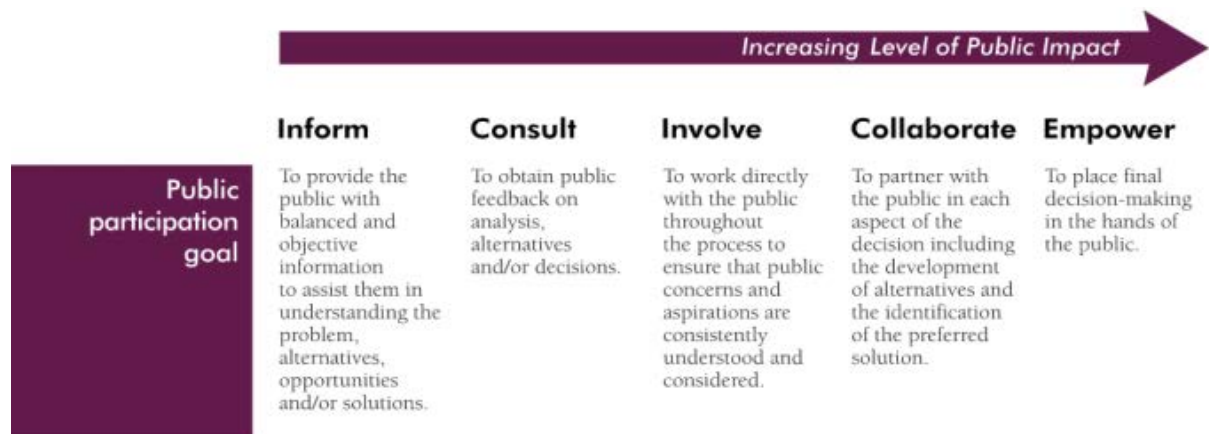
Objective 4-B: Improve bicycle and pedestrian infrastructure to increase the use of active transportation options.

Targets: 20% bicycle and pedestrian commuters by 2030

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff held a public information session and provided an online survey for the public to comment on the design options for the Complete Street Pilot Project. Staff has consulted the public based on the IAP2 Spectrum of Public Participation:

[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)



**OPTIONS:**

- Option 1: That Council direct staff to proceed to detailed design based on the Option 4 (raised) cross section, with parking provided between Fitzgerald and Harmston, and alternating parking and raingarden provided throughout the remainder of the corridor. **(Recommended)**
- Option 2: That Council direct staff to proceed to detailed design based on an alternate proposed cross-section of their choosing.

Prepared by:

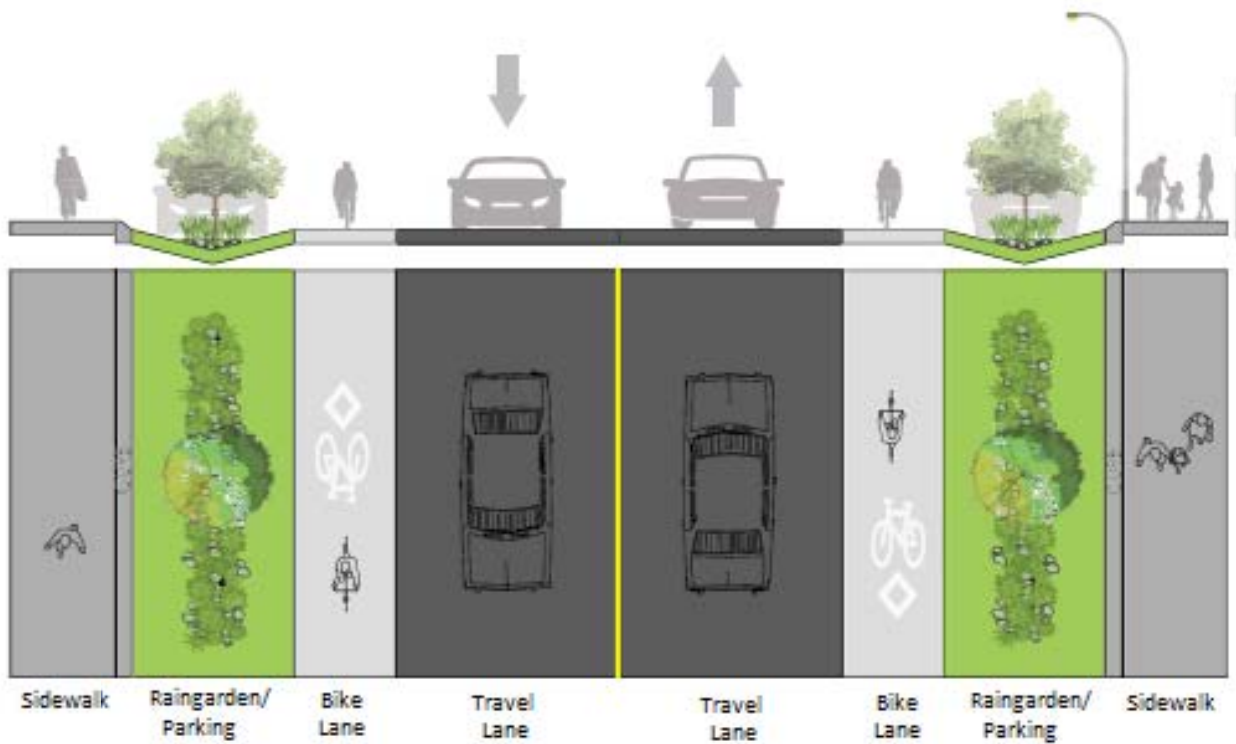
Lesley Hatch, P.Eng.,  
Director of Engineering Services

Attachments:

1. Summary of October/November 2016 Survey (separate hand-out)
2. Drawings of Options 1 through 5 and 4 (Raised)

# 5th Street Complete Streets Pilot Project

## Option 1 Design Concept



### OPTION 1:

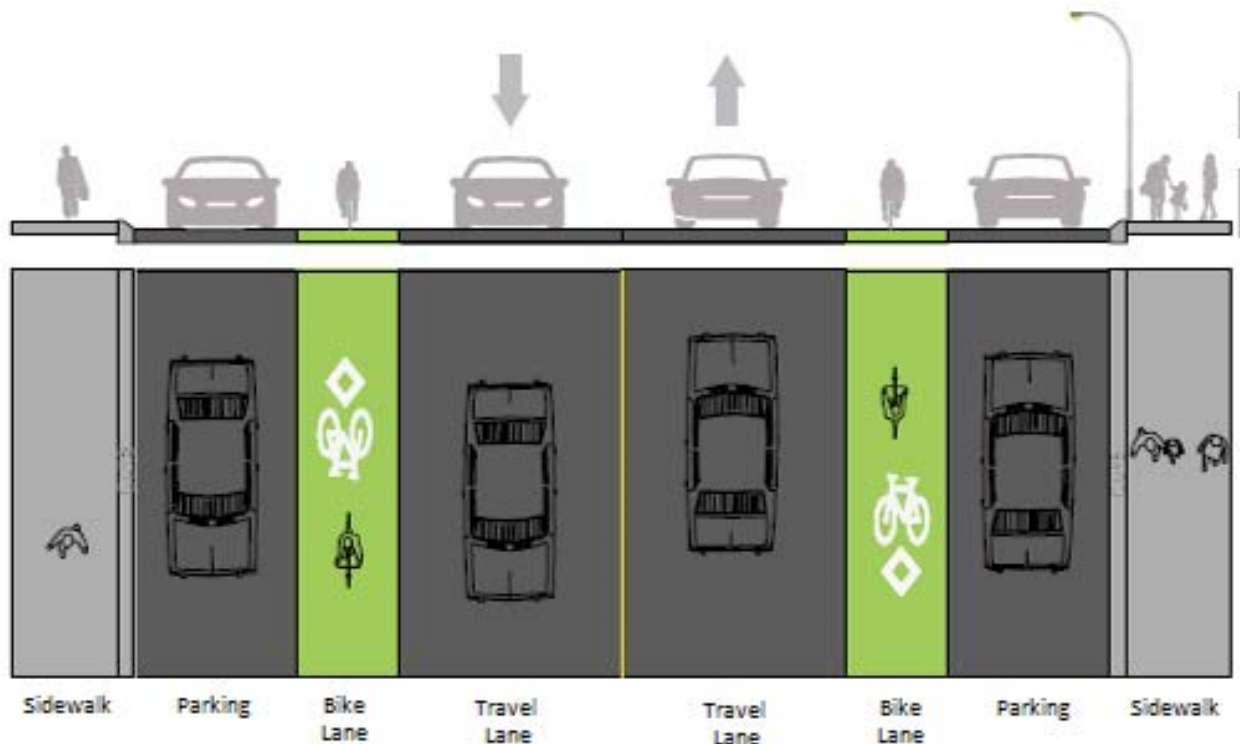
- Two vehicle travel lanes
- Dedicated bike lanes
- Parking on both sides alternating with rain gardens



SAMPLE PHOTO NOT EXACTLY AS SHOWN

# 5th Street Complete Streets Pilot Project

## Option 2 Design Concept

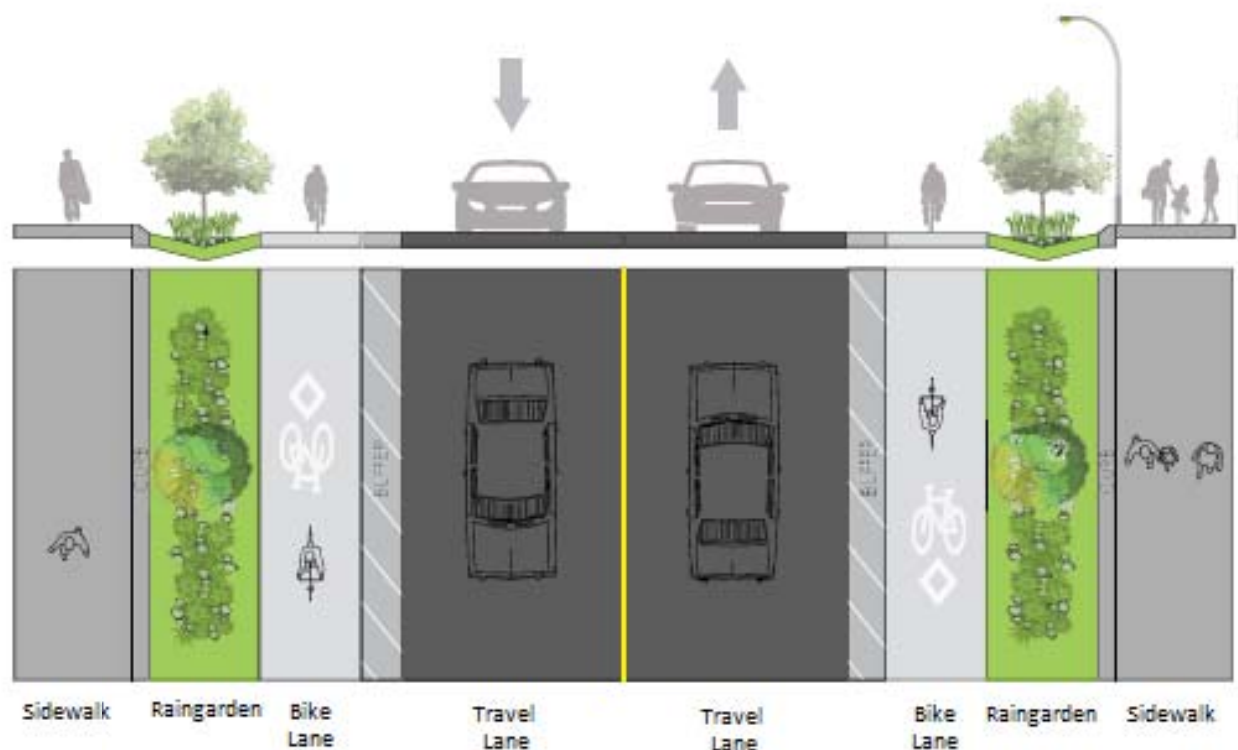


### OPTION 2:

- Similar to Option 1, but incorporates parking through the entire section (i.e. no alternating raingarden & no boulevard)
- Could be utilized where the public and Council deems parking to be an important service (i.e. fronting commercial properties in the block between Fitzgerald and Harmston - there are approximately 15 to 20 parking stalls on each side of the road on this block)

# 5th Street Complete Streets Pilot Project

## Option 3 Design Concept



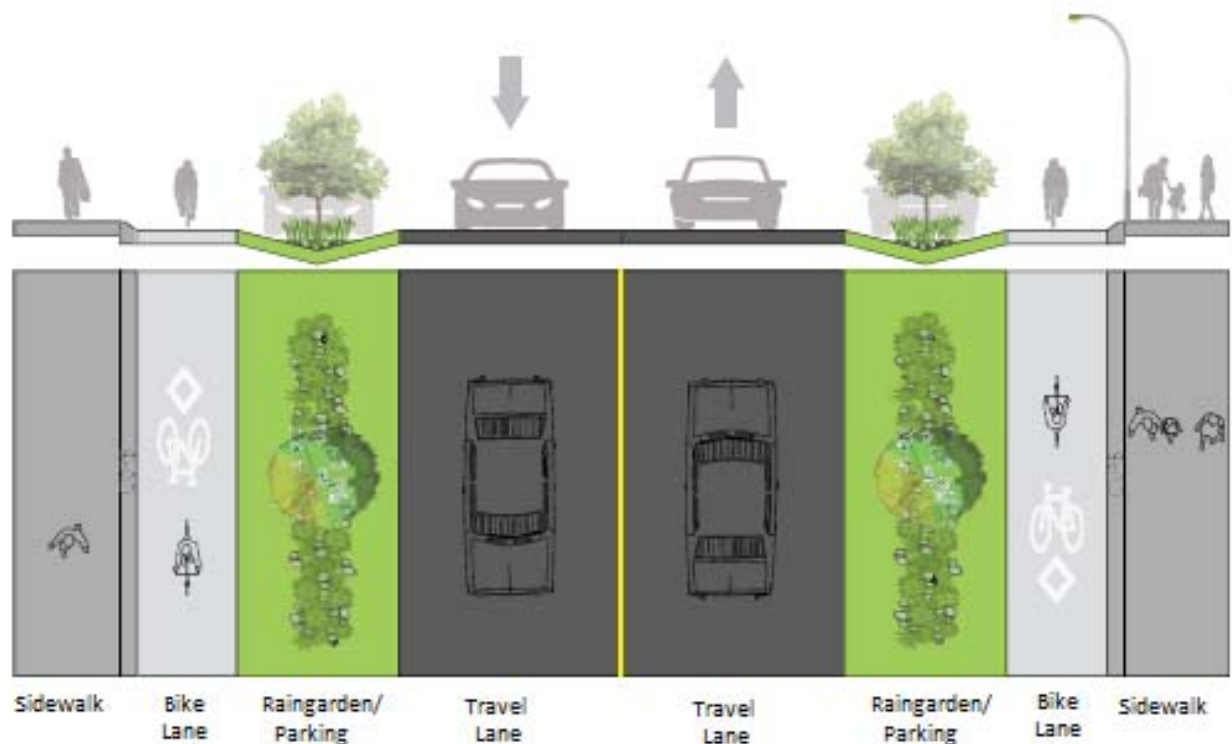
### OPTION 3:

- Similar to Option 1, but reduces the width of the raingarden / boulevard to permit enhanced bike lanes
- Two vehicle travel lanes with no parking on either side
- Buffered bike lanes & enhanced wider sidewalks
- Could be used between Harmston and Menzies, if the public and Council chooses to prioritize active modes in the corridor over parking
- Back alley access on side street - parking still available for most residents



# 5th Street Complete Streets Pilot Project

## Option 4 Design Concept



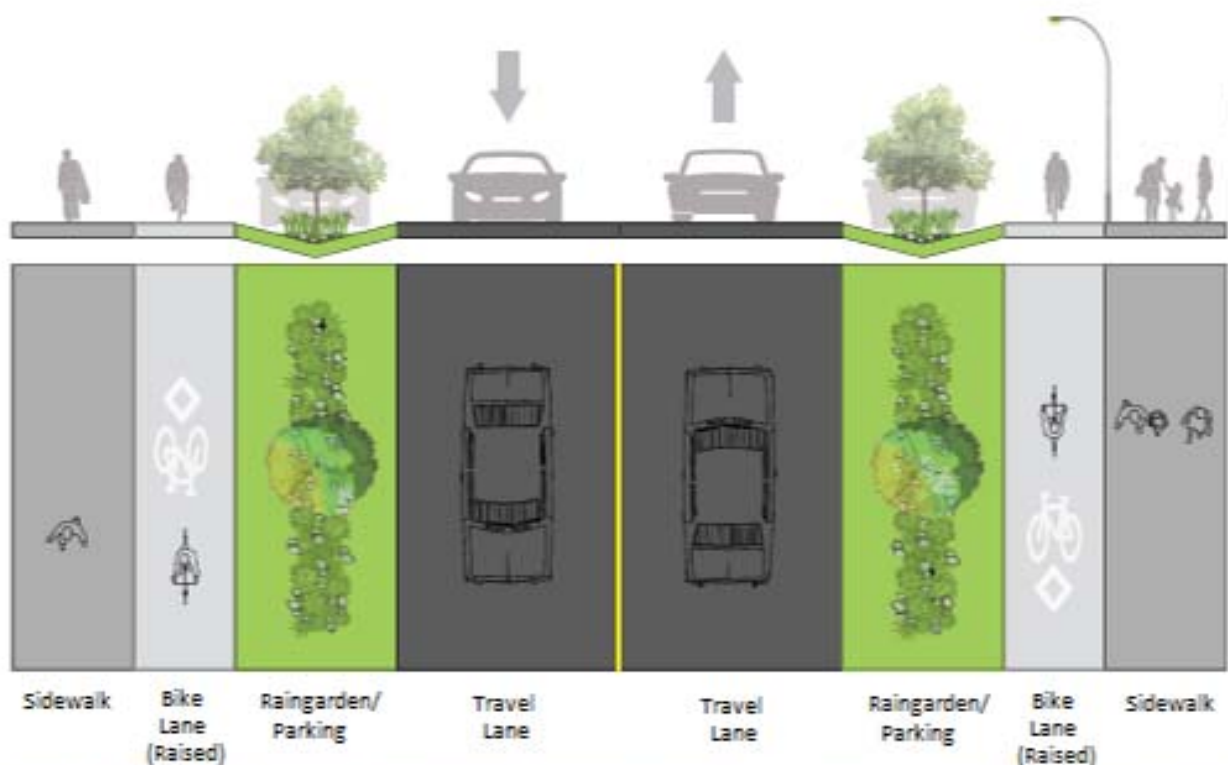
### OPTION 4:

- Two vehicle travel lanes
- Parking on both sides with alternating raingarden
- Bike lanes physically separated from vehicle traffic (although potential dooring issue from passenger side to bike lane)
- Design considerations at intersections for cyclists wanting to turn left
- Operations and maintenance considerations for separated bike lanes (may require specialized maintenance equipment)



# 5th Street Complete Streets Pilot Project

## Option 4 (Raised) Design Concept



### OPTION 4 (Raised):

- Same cross-section as option 4, but raises the bike lane to the elevation of the sidewalk
- Improves operations and maintenance considerations as bike lane / sidewalk is at the same elevation
- No physical separation between pedestrians and cyclists

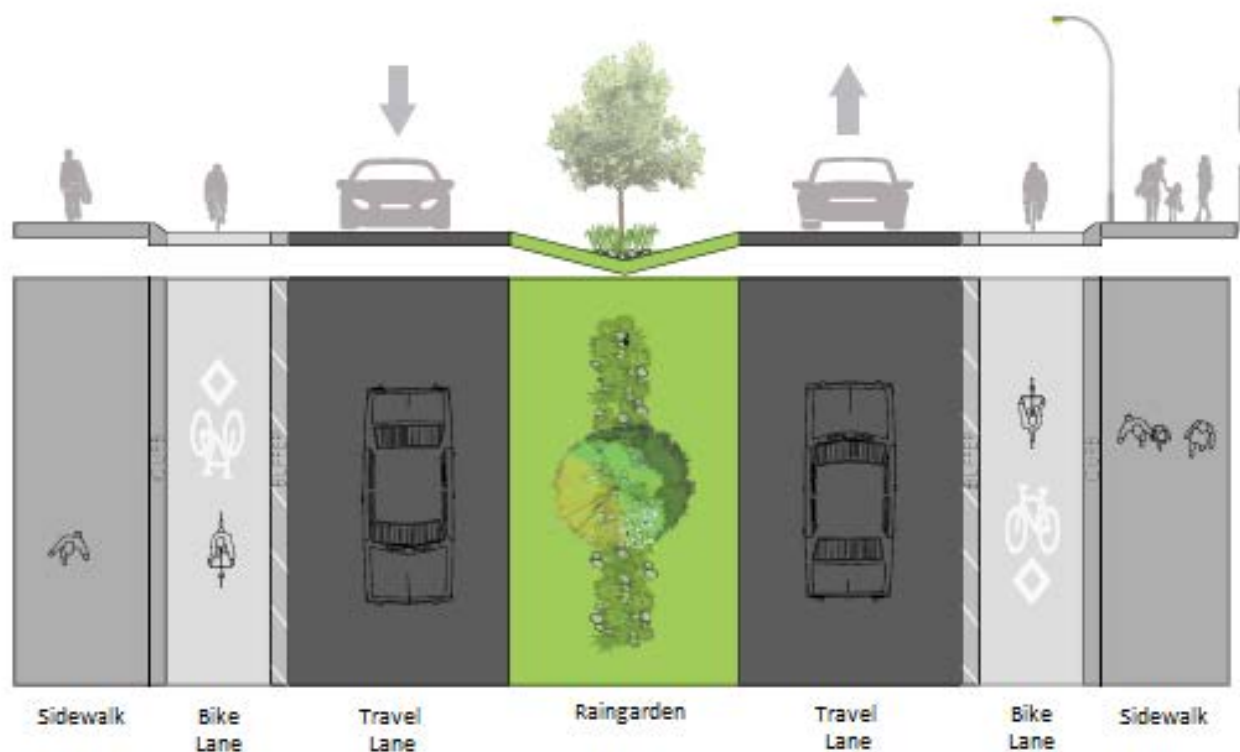


SAMPLE PHOTO (NOT EXACTLY AS SHOWN)



# 5th Street Complete Streets Pilot Project

## Option 5 Design Concept



### OPTION 5:

- Rain garden centre median
- Two vehicle travel lanes with no parking on either side
- Dedicated bike lanes with painted buffer
- Enhanced wider sidewalks
- Centre median could accommodate largest trees (compared to side boulevards)



SAMPLE PHOTO NOT EXACTLY AS SHOWN

**Minutes of a City of Courtenay Heritage Advisory Commission meeting held October 26, 2016 at 10:00 a.m. at the City of Courtenay.**

**Present:** L. Burns L. Grant C. Piercy J. Hagen J. FortinD.  
Griffiths R. Dingwall. A. Ireson R. Smith  
Staff: E. Ferguson

**Absent:**

MINUTES

Moved by J. Hagen and seconded by R. Dingwall that the September 28, 2016 minutes be adopted.

**Carried**

**OLD BUSINESS**

40 HOUSES

L. Burns to obtain quote for bronze plaque using approved wording which is to be revised to 2017. Subcommittee to meet with Parks Manager to discuss location.

DOWNTOWN

No further discussion at this time.

COMMERCIAL BUILDING  
INVENTORY WORKSHOPS

J. Hagen provided an update of the workshops. Discussed approach to completing the inventory and potential end product. Discussed that inventory serves as the foundation for the Heritage Register which is often the first step in Heritage Planning efforts and that information gathered may inform City downtown plans.

McCONOCHIE'S BUILDING

No further update

RAILWAY STATION

No further update at this time.

WORK PLAN 2016 – 2017

See attached work plan for the 2016-2017 year

HERITAGE BC WEBINARS

E. Ferguson provided information on two upcoming Heritage Webinars open to members of the HAC. The first on Heritage Legislation October 28 and the second on Heritage Conservation Areas on December 2.

MUSEUM REPORT

Museum is currently renting storage space offsite and is looking at other options. Work underway on the Capes roof after a successful crowd funding campaign. Museum is working with the City on design solutions for the area next to the bus stop. Watershed Moments book is on its second print run. Film was found in the archives of an interview with Sid Williams while constructing the tow rope.

NEXT MEETING

October 26, 2016 at 10am.

ADJOURNMENT at 12:05pm.



Chairman





**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Flood Mitigation – Tall Wall Barrier Project

**File No.:** LGMA #  
**Date:** 18 November 2016

---

**ISSUE:**

The Purpose of this briefing note is to update Council on the new flood mitigation initiative currently underway in the City of Courtenay. Concrete Tall-Wall barriers will be installed along the Old Island Highway from Headquarters Road to Lewis Park. These new robust barriers will replace the old Ministry of Transportation barriers and will provide enhanced flood protection for the Puntledge Commercial area and Lewis Centre.

**BACKGROUND:**

The Aqua Dams have proven to be a great temporary measure to prevent flooding. However, one significant drawback is that they are not designed to be erected and taken down multiple times a year. Because of this constant maneuvering and handling we have had to repair tears and rips in the dams numerous times.

The new Tall-Wall barriers are essentially a larger version of the MoTI barrier except for one important feature; when grouted they form a complete water-tight seal. Each barrier weighs almost 10,000lbs and when locked together forms a robust flood wall.

This new configuration will now allow Public Works to erect the Aqua Dam beginning at the entrance to Lewis Park (end of Tall Wall barriers) and finish at the Lewis Center building itself resulting in complete flood protection for the facility and parking lot.

**KEY CONSIDERATIONS:**

1. Operational Budget
  - Erecting the Aqua Dam on the Old Island Highway requires five (5) employees for six (6) hours each time. Once installed the new permanent barriers will allow Public Works crews to focus their efforts on other localized flooding issues (i.e. catch basins, culverts).
  - The project cost to remove the existing barriers and replace with Tall-Wall barriers is 110,000. This project is funded in the 2016 budget.
2. Safety
  - The new barriers will not impact traffic patterns or pedestrian movement once installed. There will no longer be the need for road closures along the Old Island Highway to erect the Aqua Dam therefore reducing impacts to local area businesses.
3. Increased Flood Protection
  - The new barriers are 1.25m in height and weigh 10,000lbs each. Unlike the old style MoTI barriers, they interlock resulting in an incredibly strong wall that will provide superior flood protection.

- During flood events, the Aqua Dam can now be erected within Lewis Park to protect the outdoor pool, stage and parking lot. Additionally the Aqua Dam can stay erected in this location for greater periods of time thus reducing the wear and tear on the aqua dam further increasing its useful life.

Prepared by:



---

Trevor Kushner, BA, DLGM, CLGA  
Director of Public Works Services

Approved by:



---

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

Mr. David Allen, CAO  
City of Courtenay  
830 Cliffe Ave.,  
Courtenay, B.C. V9N 2J7

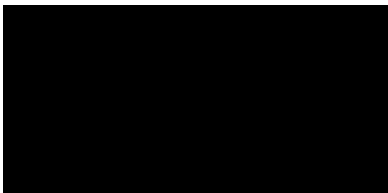
November 15, 2016

Dear Mr. Allen,

I was one of the many individuals who attended the City of Courtenay November 7, 2016, Council Meeting. At that meeting a number of the attendees were shocked to observe what we believe were texting communications being exchanged between a member of the audience and one or two of the councilors. The activity took place during the meeting, but after Mr. Cook's presentation and after open dialogue between the floor and council had been closed.

The incident was reported to the Governance and Structure Department of the Ministry in Victoria which advised us to direct this matter to the City of Courtenay as well as the Office of the B.C. Ombudsperson for investigation. Therefore, we hereby request that the City investigate this matter to determine if a breach of the Community Charter/ or City policy/ or procedures/protocol has taken place. Furthermore we wish to know what steps the City of Courtenay will be taking to ensure that this type of interference does not occur again.

Thank you,



C.C. John Ward  
B.C. Ombudsperson's Office

**From:** Don Lidstone  
**Sent:** November-24-16 1:34 AM  
**To:** Allen, David  
**Subject:** Letter from [REDACTED] dated November 15, 2016

Hi David

I have reviewed the letter from [REDACTED]. This confirms my advice today that there is no legal ground for preventing a member of the public from texting or emailing a Council member (or vice versa) during a Council meeting. Nothing in the legislation, case law or City Council meeting procedure bylaw would prohibit such conduct. Indeed, it is my view that a prohibition might be construed as an unlawful constraint on freedom of expression, contrary to the Charter of Rights and Freedoms.

Traditionally, members of a gallery could pass notes to elected officials (whether in Parliament, the Legislature or Council Chambers). The difference with texting or emailing it is digital and electronic rather than on a piece of paper.

- Don

Don Lidstone, Q.C.  
**LIDSTONE & COMPANY**  
Barristers and Solicitors  
Suite 1300 - Sun Tower  
128 Pender Street West  
Vancouver, BC V6B 1R8  
604.899.2269 P  
604.899.2281 F  
604.999.1131 C  
[www.lidstone.info](http://www.lidstone.info)

*Please consider the environment before printing this email and any attachments.*

**DATE:** November 7, 2016

**FILE:** 5280-02

**TO:** Chair and directors  
Committee of the whole

**FROM:** Debra Oakman, CPA, CMA  
Chief Administrative Officer

**RE:** Air quality update

---

### **Purpose**

The purpose of this report is to provide an update on current and upcoming air quality initiatives in the Comox Valley.

### **Policy analysis**

At the September 29, 2015 meeting of the Comox Valley Regional District (CVRD) board, the following motion was carried:

THAT the Comox Valley Regional District investigate with the Ministry of Environment the formation of a Comox Valley air quality working group and report results and recommended next steps back to the board in early 2016.

At the June 28, 2016 meeting of the CVRD board, the following motions were carried:

THAT the BC Ministry of Environment be requested to undertake an emissions inventory, focused on determining significant sources of fine particulate matter in the Comox Valley, with the Comox Valley Regional District (CVRD) contributing 50 per cent of the study cost up to a maximum CVRD cost of \$15,000 to be funded from the 2016 community wellness grant received from Island Health.

THAT Comox Valley Regional District staff be directed to monitor and report on the provincial government process to update the Open Burning Smoke Control Regulation.

### **Executive summary**

Managing air quality is a multi-jurisdictional challenge and is vital to protecting public and environmental health. The latest Georgia Strait air zone reporting for 2011-2013 ([link](#)) identified local exceedances of annual and 24-hour CAAQS for fine particulate matter (PM<sub>2.5</sub>), suggesting management actions are needed to improve local air quality in order to achieve the national standards.

A variety of initiatives are underway to better understand and mitigate the air quality challenges in the Comox Valley. The wood stove exchange program has been operating since early 2016, resulting in over 20 wood stove exchanges to date and a variety of community outreach efforts to educate and inform the public about the impacts of heating with wood burning appliances. The CVRD has partnered with the BC Ministry of Environment (MOE) to prepare an emissions inventory for the Comox Valley to provide supportive information in identifying which pollutants and/or industrial sectors/sub-sectors are most likely to require management actions. The MOE is also working on an ambient air quality report for the Comox Valley, has installed an additional air quality monitoring



station in Cumberland, and is making arrangements for mobile PM<sub>2.5</sub> monitoring to occur in early 2017. On the regulatory front, the province has brought into force an updated *solid fuel burning domestic appliance regulation*, and is in the process of updating the *open burning smoke control regulation*.

A Health Canada study investigating linkages between PM<sub>2.5</sub> pollution and heart complications in the affected populations that has been underway for the past several years in three BC communities, including the Comox Valley, has also been completed. Results of this study associated periods of increased ambient PM<sub>2.5</sub> levels to a higher risk of heart attack amongst the elderly.

**Recommendation from the chief administrative officer:**

THAT the results of the emissions inventory, Ministry of Environment ambient air quality study and additional winter 2016-17 monitoring of fine particulate matter be presented at an early 2017 elected officials forum, focused on air quality management;

AND FURTHER THAT staff be directed to work with the Ministry of Environment to invite Dr. Scott Weichenthal to the elected officials forum to present the results of the Health Canada study “Biomass Burning as a Source of Ambient Fine Particulate Air Pollution and Hospital Admissions for Acute Myocardial Infarction”, as they pertain to the Comox Valley;

AND FINALLY THAT representatives from the Cowichan regional airshed roundtable and Port Alberni air quality council be invited to the elected officials forum to discuss air quality management in their communities.

Respectfully:

***D. Oakman***

Debra Oakman, CPA, CMA  
Chief Administrative Officer

**Background/current situation**

Managing air quality is a multi-jurisdictional challenge and is vital to protecting public and environmental health. Under the provincial air quality management system, BC is divided into seven air zones, which are the basis for monitoring, reporting and taking action on air quality. The Comox Valley is part of the Georgia Strait air zone; the latest air zone reporting for 2011-2013 ([link](#)) identified local exceedances of annual and 24-hour CAAQS for PM<sub>2.5</sub>, suggesting further management actions are needed to improve local air quality in order to achieve the national standards. An update of air quality actions underway is included below.

*Woodstove exchange program*

In early 2016, the CVRD started a woodstove exchange program, with program funding provided by the Province of BC. All tracking numbers available for the 2016 program have been allocated, and 25 rebate cheques have been issued. In October, a series of “smart burning tips” was locally broadcast through radio and social media, generating an online discussion regarding smart burning practices. An application for funding to continue the wood stove exchange program into 2017 was submitted in September, and staff anticipate learning the outcome of this application before the end of November.

*Air quality monitoring efforts*

The existing air quality monitoring station in Courtenay, located at Courtenay Elementary, has been operational since 2011. Data from this station has indicated that PM<sub>2.5</sub> levels tend to be elevated during the winter months and tend to follow a diurnal pattern that is reflective of residential wood heating activity. To supplement the data from this station, the MOE began a short-term monitoring campaign for PM<sub>2.5</sub> in Cumberland in late August 2016. The MOE installed an environmental beta-attenuation monitor (E-BAM) on the roof-top of the Cumberland Firehall. The E-BAM is a surveillance instrument that is meant for short-term deployments, and is capable of measuring PM<sub>2.5</sub> and meteorological parameters on a continuous basis and reporting hourly averages. The data is being collected over the cold-season to see how PM<sub>2.5</sub> concentrations compare with those recorded in Courtenay and other communities on the Island, and to also look for source signatures in the data. This information will help inform local stakeholders on local air quality and could be used to help support future management actions.

The MOE has also made arrangements for University of BC researchers to measure spatial differences in PM<sub>2.5</sub> throughout the Comox Valley in early 2017. This work would be similar in scope to the mobile nephelometer study completed by Island Health in 2009, which showed that areas with higher wood smoke impacts tended to be in older neighborhoods where higher numbers of non-certified wood burning appliances would be in use.

*Emissions inventory*

An emissions inventory to compile and analyze data on the various sources of particulate matter emissions in the Comox Valley commenced in September. The inventory encompasses emission estimates for industrial point sources, diverse area sources (such as open burning and residential wood heating), as well as on-road and non-road mobile sources. The inventory will provide supportive information in identifying which pollutants and/or industrial sectors/sub-sectors are most likely to require management actions. The consultant hired to complete the inventory is currently in the information gathering and analysis phase of the project. A draft study report is anticipated in early December, and will be circulated to local government stakeholders for review and comment. The final study results are expected to be complete by early January, and will be brought forward at that time.

*Ambient air quality report*

The MOE is currently working on an ambient air quality report for the Comox Valley that will summarize ambient air quality and meteorological data since monitoring commenced in the valley in 2010/11. The report will discuss trends of gathered pollutant data at different time scales, examine relationships with meteorological parameters, and link sources to pollutant levels based on activity and ambient concentration patterns.

*Health Canada study results*

Health Canada has funded a study to examine the links between particulate matter air pollution and heart complications in affected populations. This research study was led by Dr. Scott Weichenthal of McGill University, and was conducted in three communities in BC – Kamloops, Prince George and the Comox Valley. The full results of the study, titled “Biomass Burning as a Source of Ambient Fine Particulate Air Pollution and Hospital Admissions for Acute Myocardial Infarction”, will be published in the medical journal “Epidemiology” in the coming months. The findings of this study have associated short term increases in ambient PM<sub>2.5</sub> with an increased risk of heart attack in the elderly, and this risk became greater when the primary source of PM<sub>2.5</sub> was from biomass burning. Should the board desire, staff will work with MOE to invite Dr. Weichenthal to present the results of this study as they pertain to the Comox Valley in early 2017.

*Provincial legislation changes*

On September 19, 2019, the province approved amendments to the *Solid Fuel Burning Domestic Appliance Regulation*, (SFBDAR) which came into force on November 1, 2016, replacing the prior regulation which had been in place since 1994. The purpose of the amended regulation is to require most wood burning appliances sold in BC to meet PM emissions standards established by the US EPA in 2015, or equivalent standards set by CSA in 2010. These standards are 40% lower than what was allowed under the previous standards.

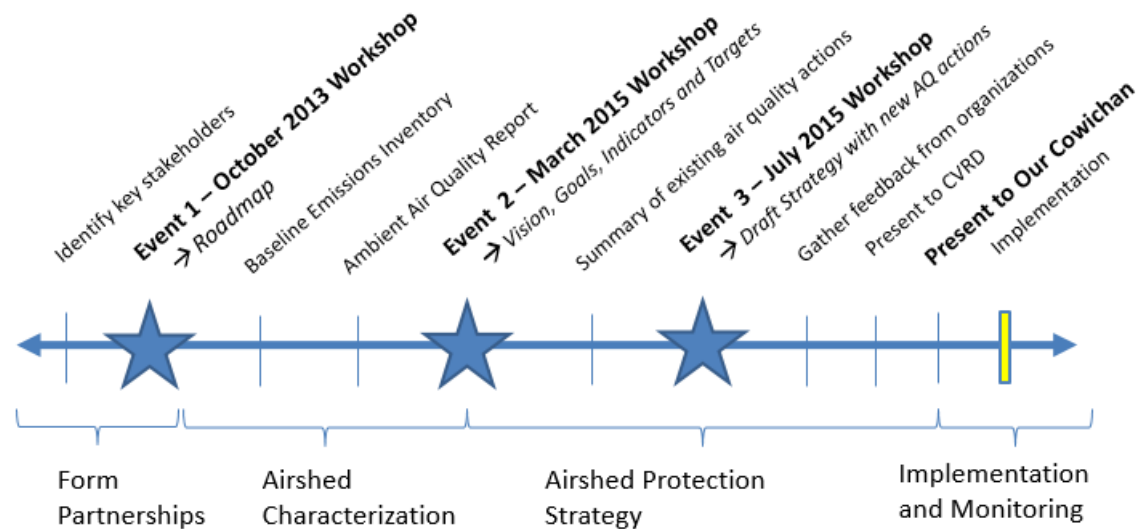
The biggest change to the SFBDAR is the inclusion of provisions for outdoor wood boilers, which were not included in the previous regulation. Outdoor wood boilers emit up to 10x the amount of wood smoke of a regular wood stove, and can be very problematic in neighborhoods where one is installed. Starting in May 2017, only certified outdoor wood boilers are allowed to be installed anywhere in BC, and must be installed at least 40 metres from property lines. Until that time, uncertified boilers can be installed, but must be at least 80 metres from property lines.

The amended regulation does not affect existing installations of wood burning appliances, though it does now stipulate materials that are legal for use as fuel, including untreated seasoned wood products, wood pellets and manufactured fire logs. The amended regulation also defines materials that are not legal to burn in a solid fuel burning appliance, including garbage, unseasoned wood products, plastics, and treated or painted wood.

The province is working to amend the *open burning smoke control regulation*, and in April 2016, an intentions paper on the proposed revisions was made available for public comment. Staff have been engaged with the ministry on these updates, and have been advised that the process to update this regulation will resume in 2017.

*Airshed planning approaches – Cowichan Valley Regional District*

The Cowichan Valley airshed protection strategy was completed by the Cowichan Valley Regional District between 2013 & 2015. The strategy was authored in-house by the environmental services division, and was reviewed and edited by many participating stakeholders. The Cowichan Valley airshed planning process unfolded as shown in the flowchart shown below (Figure 1). Burning bylaws and educational initiatives were developed and put in place prior to commencing the airshed planning process. Our Cowichan communities health network is currently stewarding a Cowichan Regional airshed roundtable to support the implementation phase of the Cowichan Valley airshed protection strategy.



*Airshed planning approaches – Port Alberni air quality council*

The Port Alberni air quality council (AQC, [link](#)) began in 2003 as a citizens group concerned that industrial activities were being added to the community with no consideration of their impact on local air quality. Representation on the ACQ now includes the City of Port Alberni, the Alberni-Clayoquot Regional District, the Ministry of Environment, Environment Canada, Catalyst Port Alberni, the Alberni Environmental Coalition, First Nations, and the medical community; however, the AQC has no formal board or city council relationship. Projects undertaken by the ACQ since its inception include public awareness/education, scientific research and offering the woodstove exchange program.

The AQC receives support from the ACRD, including meeting space, website information hosting and a grant-in-aid (\$5,000 for 2016). The AQC works closely with the City of Port Alberni's fire department, who have included Burn-It-Smart education as part of their mandate. The Port Alberni AQC has thus far worked without the guidance of an emissions inventory or airshed management plan, though both these items are considered necessary going forward.

*Air quality education*

The MOE recommends a combination of regulatory, voluntary and educational strategies as part of a successful campaign to reduce emissions from wood smoke. As part of the wood stove exchange program, the CVRD has implemented a variety of engagement activities to generate awareness of the impacts of wood heating activity. Development of a more comprehensive public awareness campaign would provide continued benefits during future winter seasons.

*Next steps*

The emissions inventory, in combination with prior research, analysis of existing monitoring data, and ongoing studies due to be released soon, will portray a clearer picture of local PM<sub>2.5</sub> sources, and help to prioritize efforts to reduce PM<sub>2.5</sub> emissions. The results of the emissions inventory will be ready by early 2017, and will be brought forward at that time. Formation of an air quality working group to prioritize next steps for air quality management may be required at a later date.

**Options**

The following options have been listed by staff for the board's consideration:

1. Host an air quality focused elected officials forum in early 2017, which may include the following agenda items:
  - Dr. Scott Weichenthal to present results of the Health Canada study, as they pertain to the Comox Valley;
  - BC MOE to present results of emissions inventory, ambient air quality study and 2016-2017 Courtenay, Cumberland and mobile air quality monitoring results;
  - Representatives from Cowichan Valley and/or Port Alberni to discuss air quality management in their communities.
2. Invite Dr. Weichenthal to present the results of the Health Canada study at the January or February 2017 meeting of the CVRD committee of the whole.
3. Not proceed with any further air quality initiatives at this time and await the results of the emissions inventory.

In light of the multiple study reports nearing completion, and the potential availability of Dr. Weichenthal to present the results of the Health Canada study as they pertain to the Comox Valley, an early 2017 elected officials' forum focussed on air quality has been identified by staff as a viable

next step for air quality management in the Comox Valley. Therefore, option 1 is preferred by staff at this time.

### **Financial factors**

Currently, the CVRD has no function or service dedicated to managing local air quality. The emissions inventory for the Comox Valley has an approximate cost of \$28,000, 50% of which the CVRD will contribute from some grant funding from Island Health. The purpose of this grant funding is to address public health issues and thus addressing air quality is a good fit.

### **Legal factors**

Local governments are granted the authority to protect local air quality through various sections of the *Local Government Act* and *Community Charter*. A full summary of the provincial legislative framework for air quality was included as appendix 'A' to an air quality report delivered to the June 2016 meeting of the CVRD committee of the whole ([link](#)).

### **Regional growth strategy implications**

The activities proposed in this report would work towards the following objectives of the regional growth strategy:

- Ecosystems, natural areas and parks: poor air quality could adversely impact the ability of residents to recreate in natural areas and parks;
- Local economic development: poor air quality could adversely impact the desirability of the Comox Valley as a tourism and retirement destination;
- Transportation: multi-modal transportation networks that reduce single occupancy vehicle travel will help reduce the impact of vehicle emissions on local air quality;
- Public health and safety: exposure to the pollutants in wood smoke has been linked to negative health outcomes including impaired lung function in children, increased severity and frequency of symptoms of asthma and chronic obstructive pulmonary disease and increased risk of heart attack or stroke for those with risk factors for heart disease; and
- Climate change: diverting material that is open burned to energy recovery (ie as fuel for a biomass boiler) is a form of renewable energy that could reduce the local need for fossil fuels.

### **Intergovernmental factors**

Many communities in British Columbia address local air quality challenges through air quality working groups, which typically include local governments, first nations, health authorities, Ministry of Environment and local citizens amongst their membership. Due to air quality concerns resulting from PM<sub>2.5</sub> levels in exceedance of provincial objectives, the Ministry of Environment and Island Health have a strong interest in assisting with the development of a Comox Valley air quality working group. Staff from Comox Valley local governments will be involved in the review of the emissions inventory and discussion of next steps for Comox Valley air quality management.

### **Interdepartmental involvement**

The following CVRD departments have been involved in the CVRD's response to citizen concerns regarding local air quality:

- Transit and sustainability;
- Fire services;
- Building services;
- Bylaw enforcement;
- Public affairs; and
- Legislative services.

The majority of the air quality work thus far has been led by staff in the community services branch.

**Citizen/public relations**

In the Comox Valley, air quality has been a recent citizen concern due to temperature inversions and wood smoke in the winters and smoke from open burning activity in the area. A citizens group known as Breathe Clean Air Comox Valley has been formed, and appeared as a delegation at the May 2016 meeting of the CVRD committee of the whole. Air quality was also one of the strongest themes cited by respondents in the recent Comox Valley Community Foundation’s Vital Signs survey.

Prepared by:

***V. Van Tongeren***

---

Vince Van Tongeren, B. Sc  
Policy and Sustainability  
analyst

Concurrence:

***M. Zbarsky***

---

Michael Zbarsky, B.Sc. AScT  
Manager of Transit and  
Sustainability

Concurrence:

***D. DeMarzo***

---

Doug Demarzo  
Acting General Manager of  
Community Services



**CITY OF COURTENAY**  
**BYLAW REFERENCE FORM**

**BYLAW TITLE**

Council Remuneration Amendment Repeal Bylaw No. 2863, 2016

**REASON FOR BYLAW**

To repeal Council Remuneration Amendment Bylaw No. 2562, 2009

**STATUTORY AUTHORITY FOR BYLAW**

Community Charter

**OTHER APPROVALS REQUIRED**

None

**STAFF COMMENTS AND/OR REPORTS**

As per Council resolution October 31, 2016 - That based on the October 31, 2016 staff report "Corporate Travel and Expense Policy", Council approve and adopt Option 1, the Corporate Travel and Expense Policy 1650.00.02 Revision# R-7, for the City of Courtenay as presented in the attached documentation; and further that Bylaw No. 2562, 2009 be rescinded at a future Council meeting.

**OTHER PROCEDURES REQUIRED**

November 17, 2016

J. Ward  
Staff Member



**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2863**

**A bylaw to repeal Council Remuneration Amendment Bylaw No. 2562, 2009**

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 Remuneration Amendment Repeal Bylaw No. 2863, 2016”**.
2. That Council Remuneration Amendment Bylaw No. 2562, 2009 be hereby repealed.

Read a first time this    day of

Read a second time this    day of

Read a third time this    day of

Finally passed and adopted this    day of

\_\_\_\_\_  
Mayor

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

THE CORPORATION OF THE CITY OF COURTENAY

COPY FOR REFERENCE  
BYLAW NO. 2562

A bylaw to amend Council Remuneration Bylaw No. 2548, 2009

COPY FOR REFERENCE

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 Remuneration Amendment Bylaw No. 2562, 2009**”.
2. That Council Remuneration Bylaw No. 2548, 2008 be amended by adding the following section:
  7. *Each Councillor shall be provided with remuneration for attending meetings as outlined in Schedule ‘A’ attached hereto and forming part of this Bylaw.*

Read a first time this 5<sup>th</sup> day of January, 2009

Read a second time this 5<sup>th</sup> day of January, 2009

Read a third time this 5<sup>th</sup> day of January, 2009

Finally passed and adopted this 12<sup>th</sup> day of January, 2009

\_\_\_\_\_  
Mayor

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

COPY FOR REFERENCE



**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2860**

**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. 2860, 2016**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
  - (a) by amending Section 8.2.1(6) adding “(g) notwithstanding the required lot size stated in (e), a secondary residence is permitted on Lots 9 and 10, District Lot 127, Comox District, Plan 1951”, as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw;
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                                              , 2016

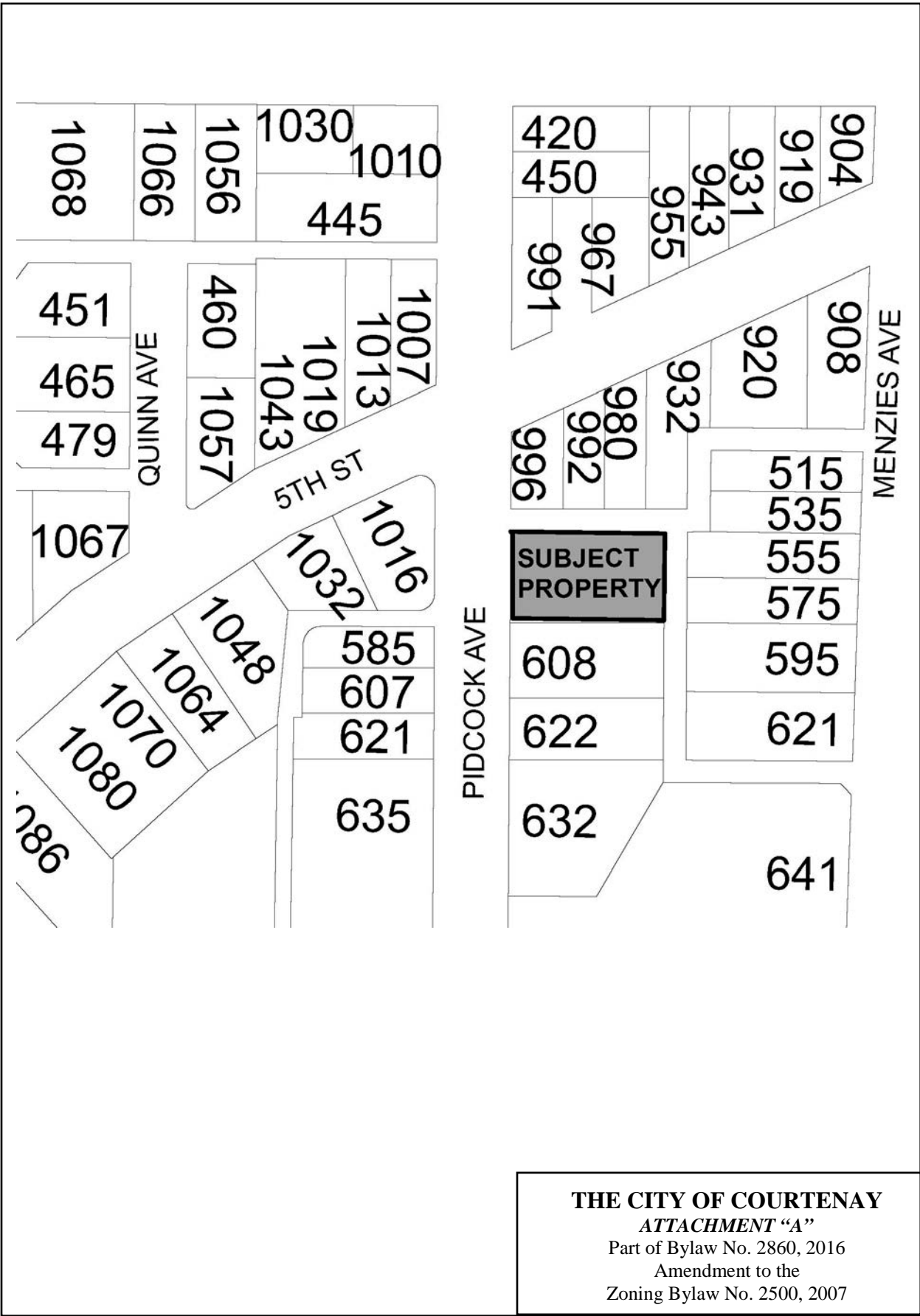
Finally passed and adopted this                                              day of                                              , 2016

---

Mayor

---

Director of Legislative Services



**THE CITY OF COURTENAY**  
**ATTACHMENT "A"**  
 Part of Bylaw No. 2860, 2016  
 Amendment to the  
 Zoning Bylaw No. 2500, 2007

**STRATEGIC PRIORITIES REFERENCE:**

We support diversity in housing and reasoned land use planning

- Support densification aligned with community input and regional growth strategy
- Assess how city-owned lands can support our strategic land acquisitions and disposals
- ▲ Support initiatives and incentives to encourage lower cost housing
- Proactively pursue housing diversity and advocate for senior government support



- **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.

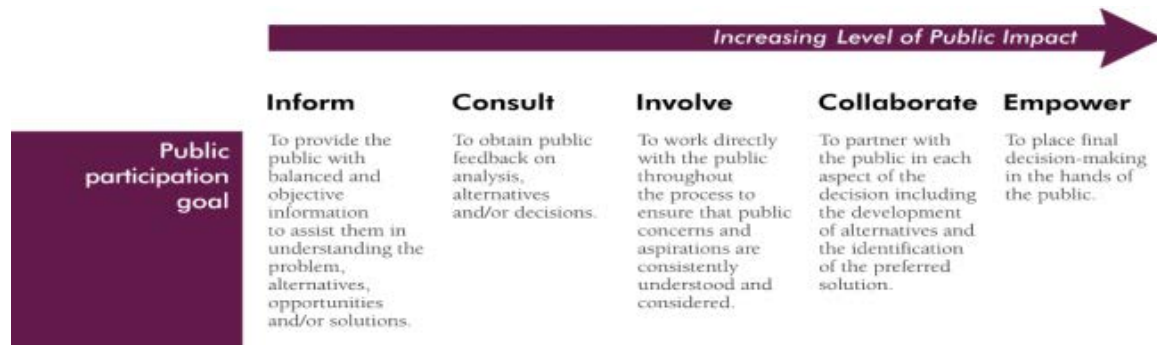
**REGIONAL GROWTH STRATEGY REFERENCE:**

Not referenced.

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff would inform through adoption of policy based on the IAP2 Spectrum of Public Participation:

[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)



**OPTIONS:**

**Option 1:** That Council maintain the permissive tax exemption of 40% for the Comox Valley Pregnancy Care Centre as identified in the Council report of July 18<sup>th</sup>, 2016 (status quo).  
**RECOMMENDED**

**Option 2:** That Council approve the use of Gaming Funds to cover the remaining 60% of 2017 property taxes in the estimated amount of \$774 for the Comox Valley Pregnancy Care Centre.

**Option 3:** That Council review and clarify the Permissive Property Tax Exemption Policy prior to the 2018 permissive tax exemption preparation.

Prepared by:

*Annie Bérard*

Annie Bérard, CPA, MBA  
Financial Analyst

Concurrence:

*Brian Parschauer*

Brian Parschauer, BA, CPA, CMA  
Director of Financial Services

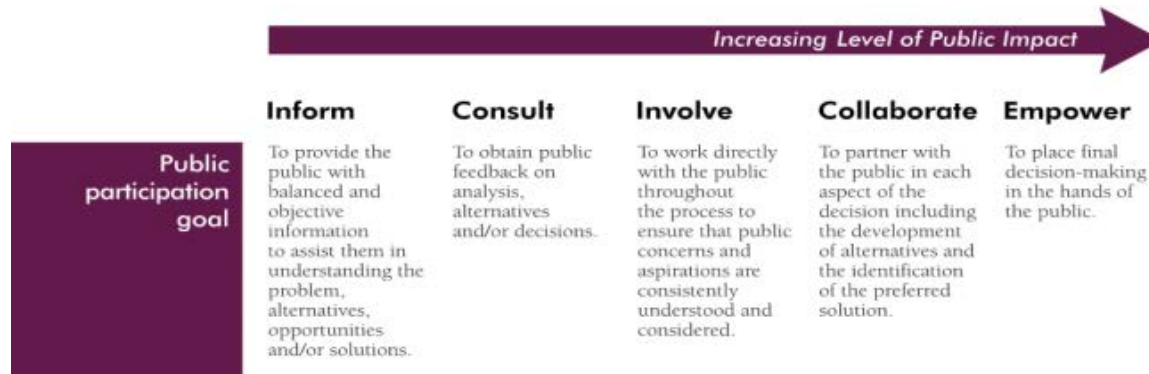
**REGIONAL GROWTH STRATEGY REFERENCE:**

One of the goals of the Comox Valley Regional Growth Strategy is to ensure a diversity of housing options to meet evolving demographical needs, and to encourage the provision of alternative housing forms that provide housing at lower costs and with lower environmental impacts.

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff would inform through adoption of policy based on the IAP2 Spectrum of Public Participation:

[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)



**OPTIONS:**

**Option 1:** That Council maintain the status quo with respect to utility rates charged for any single family dwelling with a legal suite in it. (Recommended).

**Option 2:** That Council direct staff to implement a rate reduction to user fees for legal suites in single family dwellings, and to adjust rates for all other users to offset any revenue losses caused by the rate amendment.

**Option 3:** That Council direct staff to determine the implications of performing a comprehensive review of all utility rate charges for all users of utility services, and report back to Council.

Prepared by:

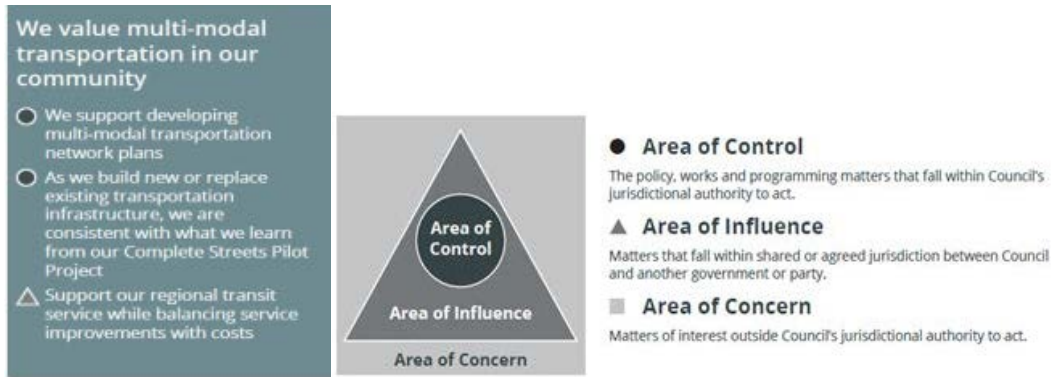
Annie Bérard, CPA, MBA  
Financial Analyst

Concurrence:

Brian Parschauer, BA, CPA, CMA  
Director of Financial Services

**Attachments:**

1. Detailed financial impacts of reducing the water, sewer and garbage rate
2. Water and Sewer Fees and Charges Bylaw No. 2845, 2016



**OFFICIAL COMMUNITY PLAN REFERENCE:**

1. The Downtown

Maintain a pedestrian orientation in downtown and integrated transportation planning (i.e., taking all modes of movement into account). (pg. 11)

Work with School District 71 to encourage more walking and biking to school, through proper siting and planning of new facilities, provision of necessary facilities on school sites, and through educational efforts. (pg 13)

Transportation

5.2 Goals

2. Development of a transportation system that provides choices for different modes of travel including vehicle, transit, pedestrian, cycling and people with mobility impairments. (pg. 59)

5.3 Policies

7. The City will continue to pursue the development of a continuous, integrated bicycle network in order to promote and encourage cycling as a commuting alternative to the automobile and as a means of active recreation. (pg. 60)

**REGIONAL GROWTH STRATEGY REFERENCE:**

Goal 4 – Transportation (pg. 49, 50)

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

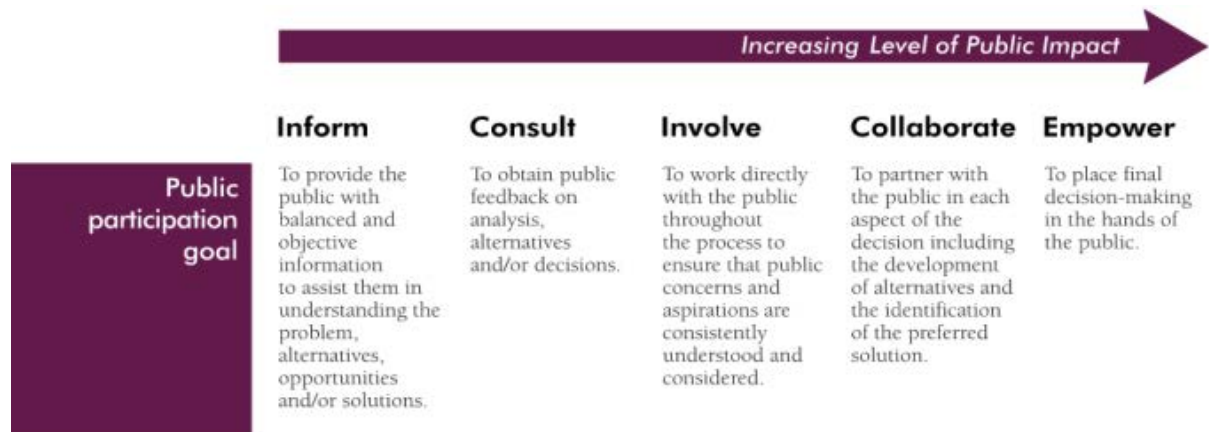
Targets: 20% bicycle and pedestrian commuters by 2030

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff held a public information session and provided an online survey for the public to comment on the design options for the Complete Street Pilot Project. Staff has consulted the public based on the IAP2 Spectrum of Public Participation:

[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)





**OPTIONS:**

- Option 1: That Council direct staff to proceed to detailed design based on the Option 4 (raised) cross section, with parking provided between Fitzgerald and Harmston, and alternating parking and raingarden provided throughout the remainder of the corridor. **(Recommended)**
- Option 2: That Council direct staff to proceed to detailed design based on an alternate proposed cross-section of their choosing.

Prepared by:

Lesley Hatch, P.Eng.,  
Director of Engineering Services

Attachments:

1. Summary of October/November 2016 Survey (separate hand-out)
2. Drawings of Options 1 through 5 and 4 (Raised)