

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

*We respectfully acknowledge that the land on which we gather is the
unceded traditional territory of the K'ómoks First Nation*

DATE: August 20, 2018
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

K'OMOKS FIRST NATION ACKNOWLEDGEMENT

1.00 ADOPTION OF MINUTES

- 1 1. Adopt August 7th, 2018 Regular Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

- 7 1. Patricia Foster, Vivien Adams, Julie Fortin and Joe Ziner,
West Orchard Neighbourhood—Respectful
Densification and Heritage
Recognition

4.00 STAFF REPORTS/PRESENTATIONS

(a) Recreation and Cultural Services

- 15 1. Comox Valley Exhibition RCMP Musical Ride Reception Grant Request

(b) CAO and Legislative Services

2. CST. Donna Collins, Comox Valley RCMP, Safe Housing
3. Inspector Tim Walton, Comox Valley RCMP – RCMP Second Quarter
Statistics
19 4. Elected Officials Remuneration Review

(c) Development Services

- 23 5. New Liquor Primary Licence Application (Carlos O'Bryan Neighbourhood
Pub) - 2910 Kilpatrick Avenue
27 6. Development Permit with Variances No. 1707 - 2485 Idiens Way

(d) Financial Services

- 55 7. Consideration of 2019 Permissive Property Tax Exemptions

(e) Engineering Services

- 73 8. Woods Outfall Upgrade Project Funding and Investing in Canada Infrastructure Program (ICIP) Grant

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

8.00 RESOLUTIONS OF COUNCIL

9.00 UNFINISHED BUSINESS

Delegation from the August 20, 2018 Regular Council meeting:

Courtenay Airpark Association request: That the option of a 3rd river crossing at 21st Street be abandoned, and that Council approve long term leases for the Courtenay Airpark Association and all Airpark tenants.

Mayor Jangula recommended Motion:

That the location of a potential 3rd river crossing at 21st Street be abandoned; and

That staff prepare long term leases for the Courtenay Airpark Association and tenants in the Courtenay Airpark for Council approval in the range of 20 to 40 years.

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

12.00 BYLAWS

For Third Reading

- 79 1. “Downtown Courtenay Revitalization Tax Exemption Bylaw No. 2937, 2018”
(A bylaw to create a downtown revitalization tax exemption program to stimulate commercial and residential redevelopment and revitalization in the greater downtown area)

- 93 2. “Zoning Amendment Bylaw No. 2929, 2018”
 (A bylaw to rezone property from C-2A to R-4A to accommodate
 construction of an apartment building - 911 Braidwood Road)

13.00 ADJOURNMENT

R15/2018 - August 07, 2018

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Tuesday, August 07, 2018 at 4:00 p.m.

Attending:

Mayor: L. V. Jangula
Councillors: E. Eriksson
D. Frisch
D. Hillian
R. Lennox @ 4:29 p.m. via teleconference
B. Wells

Staff:

J. Ward, Director of Legislative and Corporate Services/Deputy CAO
T. Kushner, Director of Public Works Services
I. Buck, Director of Development Services
R. O’Grady, Director of Engineering Services
D. Snider, Director of Recreation and Cultural Services
J. Nelson, Acting Director of Financial Services
A. Guillo, Manager of Communications
T. Setta, Manager of Planning

1.00 ADOPTION OF MINUTES

.01 Moved by Frisch and seconded by Wells that the July 16th, 2018
MINUTES Regular Council meeting minutes be adopted.
Carried

2.00 ADOPTION OF LATE ITEMS

3.00 DELEGATIONS

Dave Mellin, Courtenay Airpark Association, made a presentation to Council regarding future land use considerations for the Courtenay Airpark. He requested that the option of a third river crossing at 21st Street be abandoned, and that Council approve long term leases for the Courtenay Airpark Association and all airpark tenants.

**The council meeting recessed at 4:25 p.m. to permit the delegation to clear Council Chambers
The meeting reconvened at 4:29 p.m.**

4.00 STAFF REPORTS/PRESENTATIONS

.01 Moved by Frisch and seconded by Wells that based on the August
ART INSTALLATION 7th, 2018 staff report “Art Installation at the Centre For the Arts Plaza”
AT THE CENTRE FOR Council approve OPTION 1 and authorize the attached art installation
THE ARTS PLAZA agreement between the City of Courtenay and Comox Valley Art Gallery
2240-20 (CVAG) for a period of five (5) years less a day as set out in the
Agreement; and

That the Mayor and the Director of Legislative and Corporate Services be authorized to approve the sublease on behalf of the City.
Carried

R15/2018 - August 07, 2018

.02
NEW LIQUOR
PRIMARY LICENCE
APPLICATION
(CARLOS O'BRYAN'S
PUB) - 2910
KILPATRICK AVENUE
4320-20

Moved by Wells and seconded by Frisch that based on the August 7th, 2018 staff report, "New Liquor Primary Licence Application (Carlos O'Bryan's Neighbourhood Pub) - 2910 Kilpatrick Avenue", Council approve OPTION 1 and direct staff to post notice on the City's website requesting public input on their new liquor primary licence application for Council consideration at the regular meeting scheduled for August 20th, 2018.

Carried

.03
DEVELOPMENT
VARIANCE PERMIT
NO. 1802 - 1902
ROBERT LANG DRIVE
3090-20-1802

Moved by Hillian and seconded by Frisch that based on the August 7th, 2018 staff report "Development Variance Permit No. 1802 - 1902 Robert Lang Drive," Council approve Development Variance Permit No. 1802 (OPTION 1).

Carried

.04
DEVELOPMENT
VARIANCE PERMIT
NO.1805 - 4737
OAKRIDGE DRIVE
3090-20-1805

Moved by Wells and seconded by Hillian that based on the August 7th, 2018 staff report "Development Variance Permit No.1805 - 4737 Oakridge Drive", Council support approving OPTION 1 and approve Development Variance Permit No. 1805.

Carried

.05
DEVELOPMENT
VARIANCE PERMIT
NO. 1806 - 4952
TOPLAND ROAD
3090-20-1806

Moved by Frisch and seconded by Wells that based on the August 7th, 2018 staff report "Development Variance Permit No. 1806 - 4952 Topland Road", Council approve OPTION 1 and proceed with issuing Development Variance Permit No. 1806.

Carried

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

.01
CITY OF PITT
MEADOWS
MORATORIUM ON
CANNABIS
CULTIVATION ON ALR
LAND

Moved by Frisch and seconded by Wells that the correspondence dated July 17, 2018 from the City of Pitt Meadows regarding a Moratorium on Cannabis Cultivation on ALR Land, be received for information.

Carried

.02
CITY OF PITT
MEADOWS
MORATORIUM ON
CANNABIS
CULTIVATION

Moved by Wells and seconded by Frisch that the correspondence dated July 17, 2018 from the City of Pitt Meadows regarding a Letter of Support for a Moratorium on Cannabis Cultivation, be received for information.

Carried

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

COUNCILLOR
ERIKSSON Councillor Eriksson reviewed his attendance at the following events:
 ➤ Comox Nautical Days
 ➤ Walk of Achievement honours for valley musicians

COUNCILLOR
WELLS Councillor Wells reviewed his attendance at the following events:
 ➤ Classic Car Cruise
 ➤ CVRD meetings
 ➤ CYMC Festival of Sounds

COUNCILLOR
HILLIAN Councillor Hillian reviewed his attendance at the following events:
 ➤ Modular housing announcement with Minister of Municipal
 Affairs and Housing, and Minister of Indigenous Relations and
 Reconciliation

MAYOR
JANGULA Mayor Jangula reviewed his attendance at the following events:
 ➤ Meeting with new RCMP Inspector Mike Kurvers
 ➤ CVRD Board meetings
 ➤ HMCS Quadra graduation ceremony
 ➤ Comox Nautical Days
 ➤ Ceremony of the flags

The meeting recessed at 4:59 p.m. to conduct the Public Hearing in relation to Bylaw No. 2929.

The meeting reconvened at 5:34 p.m.

8.00 RESOLUTIONS OF COUNCIL

.01

MAYOR JANGULA
RESOLUTION –
RECREATIONAL USE
AND SALE OF
CANNABIS

Moved by Frisch and seconded by Wells

“WHEREAS

- 1) in consideration of the proposed Federal and Provincial changes to allow the recreational use of cannabis; and
- 2) that to date, neither the Federal or Provincial Governments have provided municipalities with information concerning the additional impact and costs to local governments associated with administration and policing; and
- 3) the Provincial Government’s confirmation that Municipal Governments will continue to have jurisdiction over the use and distribution of Cannabis within their jurisdiction; and
- 4) the recent actions by B.C. Municipalities including neighbouring Comox Valley governments recognizing the benefits of adopting “precautionary” zoning bylaws to prohibit the sale of recreational cannabis until such time that the Federal and Provincial Governments establish their regulations; and
- 5) that once those regulations and information become available, the City and our community will have the opportunity to revisit this matter and decide if, how and where recreational cannabis will be sold within the City of Courtenay; and,

THEREFORE BE IT RESOLVED THAT Council direct staff to implement the following measures concerning the recreational use and sale of cannabis in the City of Courtenay, including:

- 1) creation and adoption of a bylaw to ban the production of, warehousing, wholesale and retail sales of Cannabis within the City of Courtenay and
- 2) instruct staff to provide council with the proposed steps and considerations for cannabis regulation once federal and provincial laws have been enacted and clearly communicated to the city and

instruct staff to provide council with anticipated additional costs associated with the cultivation, sales and use of cannabis in our city and how to mitigate those associated costs.

Mayor Jangula vacated the Chair in order to speak to the motion, and Councillor Eriksson assumed the Chair at 5:35 p.m.

Mayor Jangula returned to the Chair at 5:40 p.m.

The motion was withdrawn by unanimous consent.

CANNABIS
CULTIVATION ON ALR
LAND

Moved by Hillian and seconded by Frisch that staff provide a report to Council regarding the tools available and options to regulate the industrial production of cannabis on ALR lands within the City.
Carried

9.00 UNFINISHED BUSINESS

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

.01

VANCOUVER ISLAND
NORTH FILM
COMMISSION –
LETTER OF SUPPORT
FILMING LOCATION
SEPTEMBER 10 - 14,
2018

Moved by Frisch and seconded by Lennox that Council support the request from the Vancouver Island North Film Commission for filming on Highway 19 September 10 to 14, 2018 subject to the receipt of an approved Traffic Management Plan and valid Ministry of Transportation and Infrastructure permitting.
Carried

12.00 BYLAWS

13.00 ADJOURNMENT

.01

Moved by Wells and seconded by Frisch that the meeting now adjourn at 6:04 p.m.
Carried

CERTIFIED CORRECT

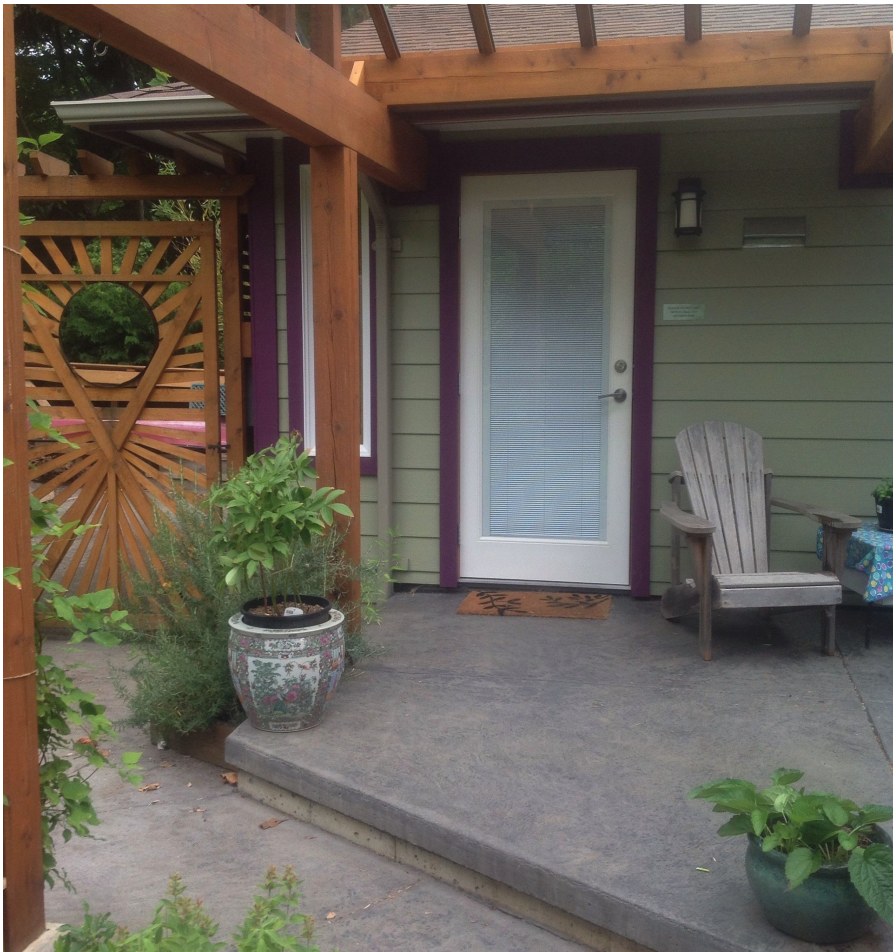
Corporate Officer

Adopted this 20th day of August, 2018

Mayor

WEST ORCHARD

RESPECTFUL DENSIFICATION AND HERITAGE RECOGNITION





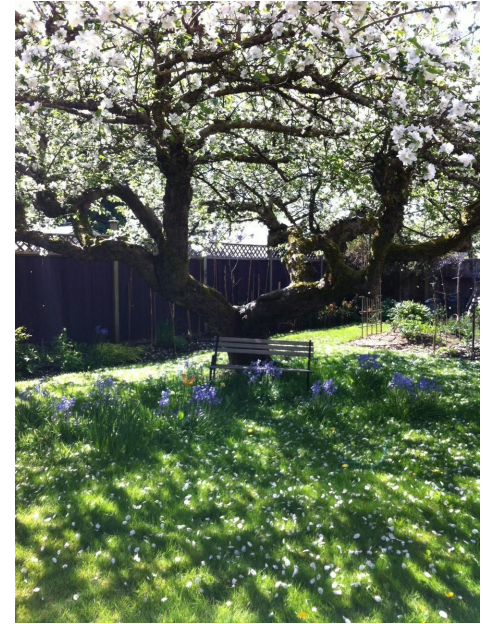
HISTORY: *WHY ARE WE HERE?*

- **2008 Old Orchard Plan page 8 (Future intention for West Orchard plan)**
- **2018 proposed development on 900 block of 2nd Street (8 plex)**
- **2018 community meeting – creating a vision for our neighbourhood that balances development with respectful densification and heritage preservation**
- **History of heritage recognition (homes and trees)**
- **Courtenay OCP**
 - Goal 4.9.2 To preserve & promote the City's heritage**
 - Policies 4.9.3 To support actions to increase the awareness of heritage features & buildings**

HERITAGE AREA WITHIN WEST ORCHARD (7.14 H) Properties pre- 1939 on the City of Courtenay's Heritage Inventory



BENEFITS OF HERITAGE RECOGNITION



- **Heritage conservation – an important economic driver**
- **A society that preserves its history is socially stable and attracts investments**
- **Heritage is a “bank of knowledge” that requires protection**
- **Room for both old and new**
- **Build a future on the past – those who went before us**

Source: BBC TV, Heritage Heroes, 2013

PRINCIPLES



- Lot size determines building options (R-2B zoning)

“this zone is intended to provide appropriate zoning for low density residential in a heritage character neighbourhood”

- Development should not automatically override heritage recognition
- Improve green space or at least preserve heritage trees whenever possible
- Principles need to *“carry some weight”* : be included in consideration of variance requests; inform developers before they draw up plans

Going Forward



- Council to be **PROACTIVE** so citizens not **REACTIVE**
- Establish guidelines **BEFORE** developers request variances
- Consider designating this area as a **Heritage Conservation Area** e.g. Kelowna
- Continue consultation with neighbourhood
- **Menzies Rail Corridor** – When city is finished with current use, plant a tree or two and “temporarily” create green space as a link between Old Orchard and West Orchard; include trailhead to enhance link to rail history

QUESTIONS ?

Contacts in the West Orchard:

Vivian Adams vivienadams1@hotmail.com

Barb Drew drew.barbj@gmail.com

Julie Fortin jufo@shaw.ca

Patricia Foster patricia.foster365@gmail.com



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 07800-20

From: Deputy Chief Administrative Officer

Date: August 20, 2018

Subject: Comox Valley Exhibition RCMP Musical Ride Reception Grant Request

PURPOSE:

The purpose of the report is for Council to consider the Comox Valley Exhibition's request for funding of a reception to be held on August 23rd to honour the arrival of the RCMP Musical Ride.

CAO RECOMMENDATIONS:

Based on the August 20, 2018 staff report, "Comox Valley Exhibition RCMP Musical Ride Reception Grant Request," Council approve Option 1 and grant \$2,500 as a onetime financial contribution to the event with the source of funds being Gaming Funds – Council Initiatives.

Respectfully submitted,

John Ward, CMC
Deputy Chief Administrative Officer

BACKGROUND:

Comox Valley Exhibition is a long standing annual three day event held on at the Comox Valley Exhibition Grounds which showcases the agricultural heritage of the Comox Valley. This year is the 144th year for the event. According to CVEX, community attendance for the three day event is on average 12,000 persons.

The non-profit organization is run by a group of volunteers who contribute their time year round to organize the event.

The organizations purpose is to:

- Educate and entertain the public with the diversity of agriculture within the Comox Valley by having displays of antique and modern methods and products, including value added products.
- Provide a venue for the Comox Valley 4-H Clubs to hold their Achievement Day in view of a Comox Valley audience.
- Provide a public showplace for all growing sectors; agriculture, silviculture and aquaculture, as well as for the hobbyist, home gardener and household to have their products evaluated against provincial standards.

- Promote awareness of the Comox Valley agricultural products.
- Provide affordable family oriented entertainment.
- Educate the public in the matter of environmental protection as related to agriculture.

This year CVEX will be showcasing the RCMP Musical Ride in during this year's exhibition.



According to information posted on the Royal Canadian Mounted Police website:

“The Musical Ride provides the opportunity for the community to experience the heritage and traditions of the RCMP. The riders act as ambassadors of goodwill who promote the RCMP's image throughout Canada and all over the world. They also help raise thousands of dollars for local community charities and non-profit organizations.”

In January of this year, CVEX submitted a Grant-In-Aid application for \$10,000 to fund the RCMP Musical Ride show itself, however since the application was submitted past the August 1, 2017 deadline for 2018 Grant-In-Aid requests the application could not be considered. CVEX has made other provisions for funding the RCMP Musical Ride event.

DISCUSSION:

CVEX has made a recent request for grant funding in the amount of \$2,500 to support the cost of holding a reception to mark the arrival and honor the RCMP Musical Ride participants.

Normally such a request would be processed and considered through the Grant-in-Aid program. However, since the reception is planned for August 24th, 2018 this request would need to be considered outside the 2019 Grant-In-Aid program.

This year the City received four grant requests outside the Grant-in-Aid program deadline. Each request requires an individual staff report to describe and present it to Council for approval. In order to improve service efficiencies and add flexibility, city staff recommend Council consider altering the Grant-in-Aid policy to increase the frequency of intakes and to address other concerns previously voiced by Council.

FINANCIAL IMPLICATIONS:

The total financial request is \$2,500 to cover the cost of the welcoming reception.

There will be no impact to the 2018 gaming budget as Staff will utilize the 2018 gaming funds under the category of Council Initiatives that were budgeted and not expected to be used this year.

ADMINISTRATIVE IMPLICATIONS:

4 hours of staff time were used to support this initiative. This includes staff time to ascertain the needs of the organization, develop the staff report and process the grant.

ASSET MANAGEMENT IMPLICATIONS:

None.

STRATEGIC PRIORITIES REFERENCE:

We invest in our key relationships

- We value and recognize the importance of our volunteers
- We will continue to engage and partner with service organizations for community benefit



- **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:

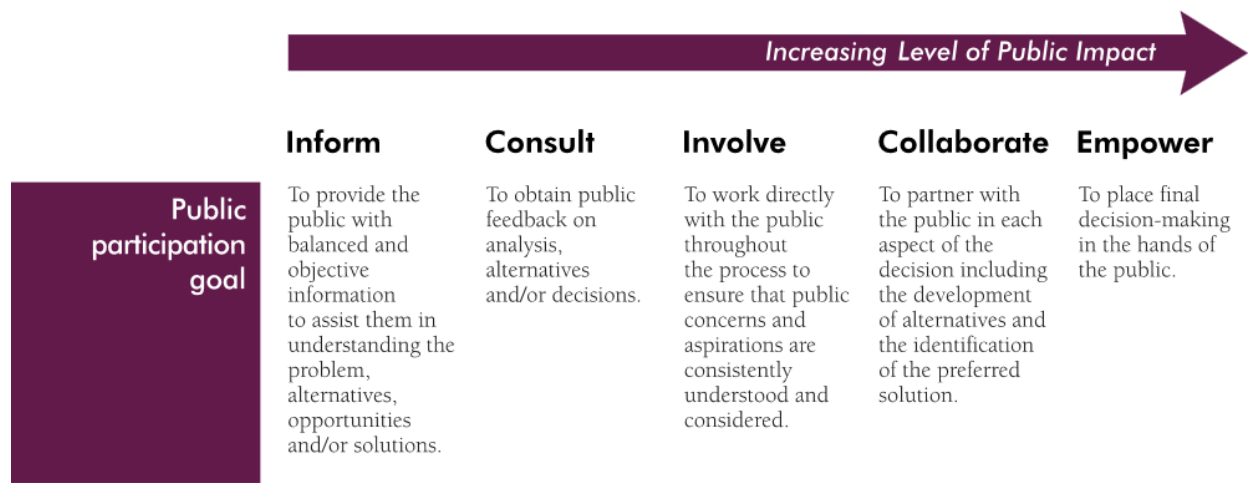
Not applicable

REGIONAL GROWTH STRATEGY REFERENCE:

Not applicable

CITIZEN/PUBLIC ENGAGEMENT:

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



OPTIONS:

Option 1:

Based on the August 20, 2018 staff report, "Comox Valley Exhibition RCMP Musical Ride Reception Grant Request," Council approve Option 1 and grant \$2,500 as a one-time financial contribution to the event with the source of funds being Gaming Funds – Council Initiatives.

Option 2:

That Council not approve the Comox Valley Exhibition RCMP Musical Ride Reception Grant Request.

Option 3:

That Council refer the matter back to staff for further consideration.

Prepared by:

Dave Snider RLA
Director of Recreation and Cultural Services



STAFF REPORT

To: Council
From: Deputy Chief Administrative Officer
Subject: Elected Officials Remuneration Review

File No.: 570-04
Date: August 20, 2018

PURPOSE:

The purpose of this report is to consider information presented in a market survey relating to the remuneration of elected officials for 2018 and how to address the Canada Revenue Agency's decision to eliminate the tax-free portion of remuneration for elected officials.

POLICY ANALYSIS:

City of Courtenay Bylaw 2878 requires "That for the calendar year 2018, and for each calendar year of a local government election, the annual remuneration for Mayor and Councillors will be reviewed through a market review process to be completed in January of that year."

CAO RECOMMENDATIONS:

That based on the August 20th, 2018 staff report "Elected Officials Remuneration Review" Council approve Option 1 and an adjustment to the remuneration paid to the Mayor to \$64,500 annually, to be effective January 1, 2019;

That Council approve increasing the annual salaries of the Mayor and Councillors to maintain the net remuneration for elected officials whole as a result of the loss of the income tax exemption and any other changes made by the Canada Revenue Agency effective January 1, 2019;

That staff prepare the necessary amendments to Council Remuneration Bylaw No. 2878, 2017 to affect the above increases.

Respectfully submitted,

John Ward, CMC
Deputy Chief Administrative Officer

BACKGROUND:

In accordance with City of Courtenay Bylaw 2878, a market review of remuneration for elected officials is to be completed in January of an election year. As 2018 is an election year, in January of 2018 Julie Case of Dillon & Associates was engaged to complete this market review, gathering data from comparable municipalities in British Columbia and submitting a report of her findings and recommendations.

Another matter requiring consideration is how Council wishes to react to upcoming changes (effective January 1, 2019) from the Canada Revenue Agency which will no longer permit elected officials to receive one-third of their base salary tax-free. Currently this exemption could be claimed in lieu of claiming expenses incurred relating to their duties.

Although the review of 2018 elected officials remuneration was completed earlier in 2018, this report was delayed while we assessed the potential impact of the CRA changes and attempted to see if any trends emerged on how other municipalities were addressing the matter.

DISCUSSION:

The City of Courtenay targets the market median (50th percentile) of remuneration paid to elected officials and staff at comparably sized municipalities in British Columbia. The municipalities included in this review were:

- Campbell River
- Cranbrook
- Esquimalt
- Mission
- Oak Bay
- Penticton
- Port Moody
- Vernon
- White Rock

Based on the information gathered from these municipalities, the market median annual salary for mayor positions was identified as \$64,500. In 2018, the City of Courtenay's annual salary for Mayor is currently \$61,807 or 96% of the market median.

Based on the information gathered from these municipalities, the market median annual salary for councillor positions was identified as \$22,200. In 2018, the City of Courtenay's annual salary for Councillor is currently \$22,732 or 102% of the market median.

The survey also reviewed various allowances and benefits provided to elected officials and the City of Courtenay appears to have practices and amounts consistent with most of the municipalities surveyed.

With respect to the upcoming changes with the Canada Revenue Agency, at the time of the survey most municipalities had not yet decided on a course of action but identified that they were considering options. We have since received information that Council at least one City from the survey group has approved adjusting elected official salaries to off-set this loss of the non-taxable allowance.

If the City of Courtenay were to adjust the remuneration of elected officials to fully compensate for the loss of the taxable benefit and preserve current net earnings, the salary for the Mayor would need to be adjusted by approximately \$7,800 and for Councillors by approximately \$2,600 annually for a total increase of approximately \$23,400 for 2019.

Staff are recommending amending the Council remuneration bylaw to adjust these earnings to compensate for the loss of the taxable benefit.

FINANCIAL IMPLICATIONS:

Elected Officials Remuneration Review

A consultant (Julie Case) was engaged to conduct the review at a total cost of \$5,775.

2019 Elected Officials Remuneration

If only an adjustment were made to the salary of the Mayor position, this will result in an incremental cost to the City of \$2,693 annually.

2019 Elected Officials Remuneration – Including Tax Benefit

If OPTION 1 is approved and salaries for the Mayor and Councillors in 2019 are adjusted to fully compensate for the loss of the tax benefit, the total incremental annual cost to the City is estimated to be approximately \$23,400.

In the event that the Canada Revenue Agency was to reintroduce a non-taxable allowance, it is recommended that the remuneration of elected officials be reviewed.

ADMINISTRATIVE IMPLICATIONS:

Should Council approve the recommendations, an amendment to Bylaw No. 2878 will be required.

Other than drafting the bylaw amendment, minimal staff time is required to further implement any approved course of action.

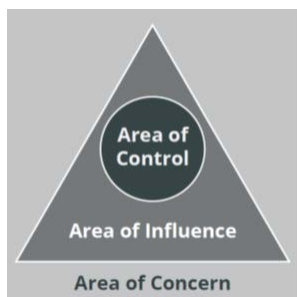
ASSET MANAGEMENT IMPLICATIONS:

None identified.

STRATEGIC PRIORITIES REFERENCE:

We focus on organizational and governance excellence

- We support meeting the fundamental corporate and statutory obligations
- Communication with our community is a priority, and is considered in all decisions we make



- **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:

N/A

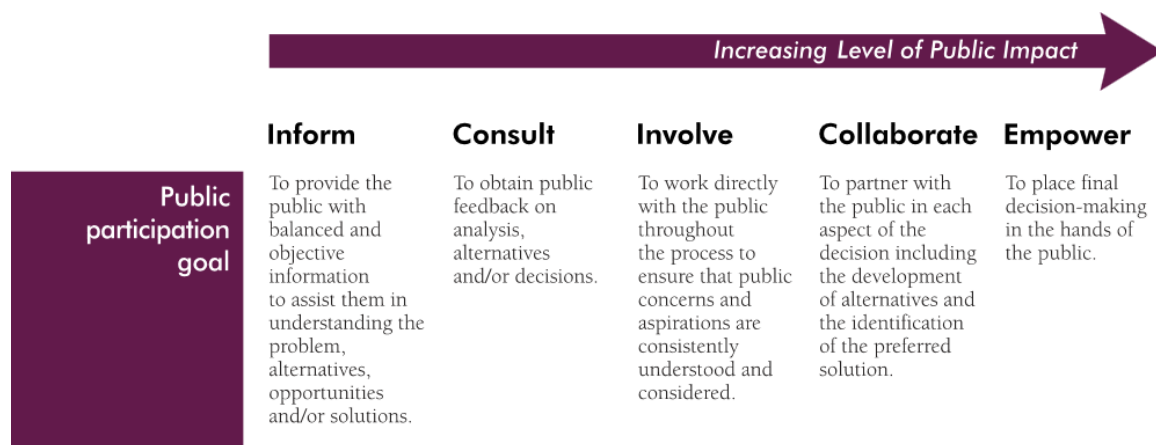
REGIONAL GROWTH STRATEGY REFERENCE:

N/A

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



OPTIONS:

OPTION 1: That Council approve an adjustment to the remuneration paid to the Mayor to \$64,500 annually, to be effective January 1, 2019;

That Council approve increasing the annual salaries of the Mayor and Councillors to maintain the net remuneration for elected officials whole as a result of the loss of the income tax exemption and any other changes made by the Canada Revenue Agency effective January 1, 2019; and

That staff prepare the necessary amendments to Council Remuneration Bylaw No. 2878, 2017 to affect the above adjustments.

OPTION 2: That Council not approve adjustments to the annual salaries of the Mayor and Councillor positions for 2019 as a result of the loss of the income tax exemption.

OPTION 3: That Council not approve adjustments to the remuneration of any elected officials in 2019.

Prepared by:

Rick Reid
Manager of Human Resources



STAFF REPORT

To: Council **File No.:** 4320-20
From: Deputy Chief Administrative Officer **Date:** August 20th, 2018
Subject: **New Liquor Primary Licence Application (Carlos O'Bryan Neighbourhood Pub) – 2910 Kilpatrick Avenue**

PURPOSE:

The purpose of the report is to provide Council with the results of public notification of Carlos O'Bryan Neighbourhood Pub's application made to the Liquor & Cannabis Regulation Branch (LCRB) for their new liquor licence at the above referenced location.

CAO RECOMMENDATIONS:

THAT, based on the August 20th, 2018 staff report, 'New Liquor Primary Licence Application (Carlos O'Bryan's Neighbourhood Pub) – 2910 Kilpatrick Avenue', Council approve OPTION 1 as follows:

- 1) The Council of the City of Courtenay recommends the LCRB approve the application by Carlos O'Bryan Neighbourhood Pub's new liquor primary licence.
- 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;
 - (c) In order to gather the views of residents, the City of Courtenay posted a notice on the City's website outlining the application. Additionally, the RCMP was contacted for comment.

Respectfully submitted,

John Ward, CMC
Deputy Chief Administrative Officer

BACKGROUND:

The applicant, a Kelowna-based company, is in the process of making application for a new liquor primary licence to the Liquor & Cannabis Regulation Branch (LCRB) for the property at 2910 Kilpatrick Avenue. The Comox Valley RCMP responded during the standard referral period and has no concern with the application.

DISCUSSION:

Staff has also reviewed the application and concluded that there will be no negative impacts in terms of land use as the subject property is zoned Commercial Two (C-2), which already permits the proposed use. The existing building has been vacant for the past several years. It was previously occupied by a similar type of premise. The applicant is not proposing to make any major changes or alterations to the exterior of the building except new signage and façade painting, which is not subject to development permit requirement.

The proposed hours of service are from 9:00 a.m. to 1:00 a.m. all week except Sunday (closes at 12 a.m.). The proposed liquor primary licenced area is a section of the premise and the remaining areas including the patio will be regulated under a food primary licence. Food primary licences allow liquor to be consumed on-site when food is served. **Staff is in support of this application.**

FINANCIAL IMPLICATIONS:

There is no direct financial implication related to this application.

ADMINISTRATIVE IMPLICATIONS:

Administration of liquor licencing is included in the City's general statutory duties. To date, staff has spent three hours to process the application.

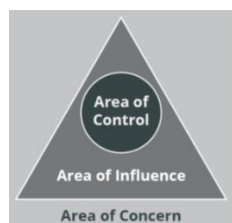
ASSET MANAGEMENT IMPLICATIONS:

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

STRATEGIC PRIORITIES REFERENCE:

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.

OFFICIAL COMMUNITY PLAN REFERENCE:

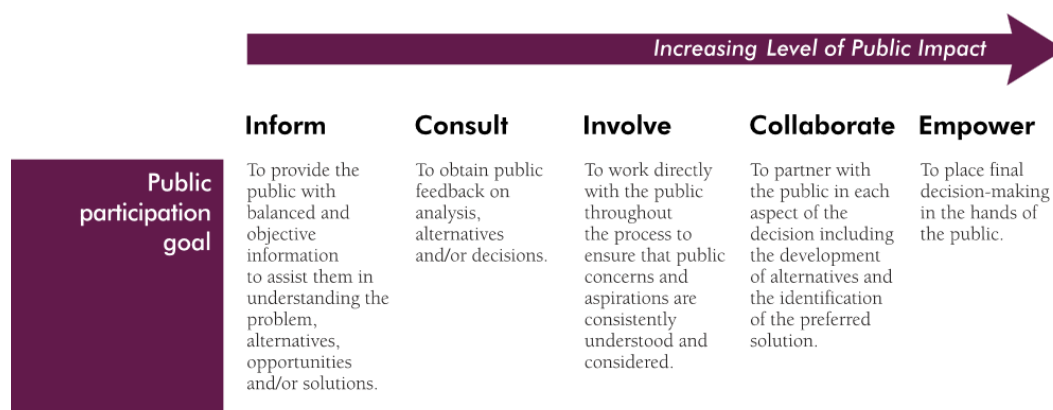
There is no direct reference related to this application.

REGIONAL GROWTH STRATEGY REFERENCE:

There is no direct reference related to this application.

CITIZEN/PUBLIC ENGAGEMENT:

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



Public comment gathering period is open on the City's web page from August 8th to 20th, 2018. The City has not received any comments at the time this report was written. Any comments received prior to the Council meeting will be forwarded to Council for their consideration.

OPTIONS:

- Option 1:
- 1) The Council of the City of Courtenay recommends the LCRB approve the application by Carlos O'Bryan Neighbourhood Pub for their new liquor primary licence.
 - 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;
 - (c) In order to gather the views of residents, the City of Courtenay posted a notice on the City's website outlining the application. Additionally, the RCMP was contacted for comment. **(Recommended)**
- Option 2: That Council not recommend approval of the application.

Prepared by:

Tatsuyuki Setta, MCIP, RPP
Manager of Planning

Reviewed by:

Ian Buck, MCIP, RPP
Director of Development Services



STAFF REPORT

To: Council

File No.: 3060-20-1707

From: Deputy Chief Administrative Officer

Date: August 20, 2018

Subject: **Development Permit with Variances No. 1707 – 2485 Idiens Way**

PURPOSE:

The purpose of this report is for Council to consider issuing a Development Permit with Variances for the construction of six four-plex buildings containing a total of twenty-four multi-residential units. The application includes requests to vary the width of the landscape area along the property's frontage (Idiens Way), the width of the landscape area along the eastern property boundary, the required usable open space and the rear yard building setback.

CAO RECOMMENDATIONS:

That based on the August 20, 2018 staff report "Development Permit with Variances No. 1707 – 2485 Idiens Way", Council approve OPTION 1 and proceed with issuing Development Permit with Variances No. 1707.

Respectfully submitted,

John Ward, CMC
Deputy Chief Administrative Officer

BACKGROUND:

The subject property is located in East Courtenay at 2485 Idiens Way, legally described as **Lot 2, District Lot 157, Comox District, Plan VIP59557** (Figure No. 1). The property is zoned Comprehensive Development Sixteen (CD-16) and permits the proposed use.

The development site is approximately 1.68 acres (.67 ha) in size and is serviced with City services. Private utilities including power, communication and gas services have been installed to the property line.

The land uses surrounding the property are primarily residential with the exception of the Commercial Four Zone (C-4) property to the north across Idiens Way where the BC Assessment Office is located.



Figure No. 1: Location Map

Properties to the north, east and south are zoned Comprehensive Development Three (CD-3) and include single family dwellings and townhouses. There are established single family residential and multi-family neighborhoods to the west along Lerwick Road and Valley View Drive.

The proposed development involves the construction of six four-plex buildings containing twenty-four residential units, associated parking and landscaping. The proposal offers three distinctive dwelling types including two and three bedroom units with attached garages and three bedroom one level units without garages. A majority of the units are two storey's and the units vary in size from 98 m² (1,050 ft²) to 129 m² (1,390 ft²). All units have direct outdoor access provided through private patios. Vehicle and pedestrian access is being provided from Idiens Way.

The property has the benefit of being located within close proximity to major transportation routes and services along Lerwick Road. The site is within walking distance to amenities such as Mark Isfeld Secondary School, Valley View Elementary and Idiens Park and is within a short distance to other destinations including Crown Isle Shopping Centre, the new hospital and North Island College.

The CD-16 zone was developed by the City in 2006 following consultation with the neighborhood. At that time three options were proposed including: a congregate care facility; a mixed use building; and a multi-family project. The preferred neighborhood option was a 28 unit multi-family development. The project proposed at that time included a 11.9 metre high building on the Lerwick side of the property and a second 7.9 metre high building on the east side of the site. The CD-16 zone was designed for that specific development proposal.

Planning staff has spent several months working with the applicant with the goal of facilitating a multi-family development similar to what the neighborhood envisioned in 2006. However, the applicant has chosen to implement a different design that involves varying the width of the landscape area along the properties frontage, the width of the landscape area along the eastern property boundary, the required usable open space and the rear yard building setback. Table No. 1 compares the applicant's proposal with the regulations contained within the CD-16 zone in *Zoning Bylaw No. 2500, 2007*.

Table No. 1:
 Summary of Zoning
 Criteria and
 Proposal

Zoning Requirements	Proposal
Section 8.44.7 (3) Rear Yard Setback - 12 m	5.2 metres
Section 8.44.10 Width of Landscape Area along property frontage (Idiens Way) – 4.5 m	0 metres
Width of Landscape Area eastern interior parcel line – 4.5 m	0.9 metres
Section 8.44.11 Usable Open Space - 50%	42.4%

The purpose of this report is to evaluate the form and character of the proposed development based on the Development Permit Guidelines in the OCP and whether the variances requested are acceptable based on the conditions of the site and greater community interests.

DISCUSSION:

Official Community Plan Review

The OCP designates the property as multi-residential and contains site specific development guidelines for this property. The development is required to meet both the Multi-Residential Development Permit Guidelines and the site specific guidelines that were established through rezoning. The intent of these guidelines is to achieve a development that is of high aesthetic quality, that respects adjacent uses, ensures livability for occupants and improves the design, layout, and landscaping of multi-residential projects.

Form and Character

The proposed development is generally consistent with the form and character guidelines. The plans suggest each building is two storeys in height and have been broken into modules. Building facades have a contemporary modern design with earth tone colours (blue, taupe, gray and white) and have been articulated with wood, columns, gabled roof-lines, decorative shingles, ornamental wood detailing and knee braces.

The primary entrances for individual units are defined by porches or covered entryways. The development offers outdoor amenity space for residents including: a central courtyard with benches, a play area with benches and tables and designated pedestrian pathways and walkways. Amenity space for residents has been designed to be accessible and encourage social interaction.

Design consideration has been given to reduce building mass. The site is being developed with six two storey buildings that have been broken up into modules of four. Additionally, all buildings have varied rooflines and stepped and alternating facades. The development's architectural design creates visual interest and is similar in character to other developments in this East Courtenay neighborhood.

The overall design lends continuity to the neighborhood and maintains the visual character of the neighbourhood. Livability for residents is enhanced through the provision of outdoor amenity space including a central courtyard, a designated play area and private amenity spaces including porches and patios.

Siting, Landscape & Screening

To screen the development from adjacent roadways and to maximize privacy for neighbours, the development is landscaped along property lines. The perimeter of the property is landscaped with a combination of coniferous and deciduous tree and shrub species. All landscaped areas are serviced with an irrigation system as required by the guidelines.

The main entrance to the site is well landscaped and includes a low natural rock wall and development signage. To ensure privacy is maintained for occupants and adjacent neighbours, fencing is being installed along the western and eastern property line and fencing exists along the southern property line. Open space for occupants has been screened from major roadways with a combination of fencing and landscaping.

The OCP requires multi-family developments to provide perimeter landscaping 4.5 metres in width inside of all property lines adjacent to roads. Also, the OCP requires developments to provide a 3.0 metre landscaped buffer to separate internal roads from adjacent properties. The project provides a 4.5 metre landscape buffer along a majority of the property's frontage and most of the site's internal eastern property boundary, with the exception of the areas occupied by the site's access and internal road.

The landscape design is generally consistent with the guidelines in the OCP and is appropriately screened and landscaped from adjacent roadways and properties. The applicant has placed landscaping treatments along the eastern side yard and rear yard in order to mitigate potential privacy impacts for adjacent users.

Within the site design careful consideration was given to the provision of pathways and walkways that encourage pedestrian activity within and throughout the development.

Site Circulation and Parking

The dimensions and location of parking spaces meet City requirements. Parking areas have been broken down and are evenly dispersed throughout the site. A combination of landscaping and fencing screens parking stalls from adjacent properties and from Idiens Way and Lerwick Road.

The development has separate entrances for vehicles and pedestrians. Pedestrians directly access the development by pathways off of Idiens Way. To limit the conflict between vehicular and pedestrian activity onsite, vehicular access is limited to a single access point.

Overall, the proposed parking is accessible to occupants, is appropriately screened from adjacent properties and streets and is sufficiently landscaped.

Zoning Review

Multi-residential is permitted in CD-16 zone. However, as mentioned earlier, the project requires variances to the width of the landscaped area along the property’s frontage and eastern property boundary, the usable open space requirement and the rear yard building setback. Below is an evaluation of the proposed variances.

- **Landscaping**

Where a lot adjoins a street, the CD-16 zone requires a continuous landscaped area of 4.5 metres in width along the property’s frontage and where a lot adjoins residentially zoned property a landscape screen, fence or combination measuring 2.0 metres in height and 4.5 metres in width is required.

The development requires variances to the landscape area from 4.5 metres to 0 metres along Idiens Way (frontage) and from 4.5 metres to 0.9 metres along the property’s eastern boundary. These variances are being sought to accommodate vehicular access to the development site and to accommodate the construction of the internal access road.

The subject site is a corner lot with two road frontages, Lerwick Road and Idiens Way. The applicant’s request to reduce the landscape buffer is reasonable given that for safety reasons the site access needs to be located as far as practical from the intersection of Lerwick Road and Idiens Way and generally aligned with the access to BC Assessment across Idiens Way.

- **Usable Open Space**

The CD-16 zone requires developments to provide 50 percent usable open space. Usable open space is recreational and leisure space for use by the development’s occupants. With this development, the usable open space includes outdoor lawn areas, pedestrian pathways and private space for each unit in the form of patios.

The applicant has requested to reduce the usable open space from 50 percent to 42.4 percent. The applicant feels that a reduction in this requirement is reasonable considering occupants; due to the climate in the Comox Valley; do not utilize outdoor space on a regular basis for more than five months in a calendar year. This has been included in the applicant's rationale which is referenced in Attachment No. 4.

The requirement for 50% useable open space in this zone is the result of the original design plans for the property. In that instance, the residential buildings were centered on the site providing significant perimeter open space. To put this requirement in the context of typical multi-family zones in the City it is significant. In this regard other zones that would permit this development require 20m² of useable open space per unit. For the 24 units proposed this equates to 480m². The proposed 42.4 percent useable open space for this project equates to 2929m². Accordingly, staff support the request.

- Rear Yard Setback

The bylaw requires the buildings to be setback 12 metres from the rear property line and the proposed setback is 5.2 metres. Because the development site sits slightly higher than the development to the south there could be potential privacy issues for a few of the multi-residential dwellings that front Nevis Place. In response to potential privacy issues, the applicant has limited both the number and the size of windows along the development's rear elevation. A large hedge is also proposed along the rear property line.

In order to come closer to meeting the rear yard building setback the two rear buildings could be modified by reducing a unit from each four plex. This has been discussed with the applicant who has determined he would rather apply for a variance. When compared to the larger three storey buildings originally envisioned for this site in 2006 the reduced massing of the proposed two storey buildings will have less visual impact on the adjacent rear yard properties making the requested variance more acceptable. However, Council may wish to direct the applicant to undertake this revision prior to approval of the variance should there be significant neighbourhood concern.

Although variances are being sought for the development, the development is still consistent with the OCP policies. Additionally the proposed density of 24 units is well within the range of densities permitted under the zoning and OCP designation.

Tree Management

The proposed development meets the tree density targets prescribed in the City Tree Bylaw.

FINANCIAL IMPLICATIONS:

There are no direct financial implications related to the processing of this development permit application as the fees are designed to offset the administrative costs. The application fee for the development permit with variance application was \$4,000.

Following the issuance of a Development Permit with Variances, the applicant will be required to apply for a Building Permit and subsequent inspections. Building permit fees are \$7.50 for every \$1,000.00 of construction value. The development will also be subject to Development Cost Charges which will be determined at time of Building Permit application.

Pursuant to a covenant registered on title in 2006 the City will collect amenity contributions of \$500 per unit for this development at the time of building permit.

ADMINISTRATIVE IMPLICATIONS:

The processing of development applications is included in the current work plan as a statutory component. Staff has spent 150 hours reviewing the application, conducting a site visit and meeting with the applicant to request additional information.

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 a sign and a building permit, and related inspections.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications related to this application. This is an in-fill development that will utilize existing City infrastructure.

STRATEGIC PRIORITIES REFERENCE:

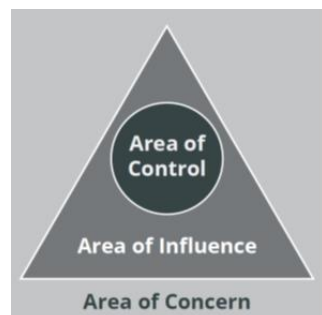
Development applications fall within Council’s area of control and specifically align with the strategic priorities to support meeting the fundamental corporate and statutory obligations of the City and to support densification aligned with community input and the regional growth strategy.

We focus on organizational and governance excellence

- We support meeting the fundamental corporate and statutory obligations

We support diversity in housing and reasoned land-use planning

- Support densification aligned with community input and regional growth strategy



- **Area of Control**
The policy, works and programming matters that falls within Council’s jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

Residential Policies:

- 4.4.2 (6) Ensure new housing projects introduce innovative and creative design and streetscapes.
- 4.4.2(7) Preserve the integrity and character of existing residential areas with any redevelopment proposal.
- 4.4.3 (1) Balance land uses to create a vibrant and diverse neighbourhood and community.
- 4.4.3 (2) Create neighbourhoods that will offer a variety of transportation choices.
- 4.4.3 (5) Lead in creating inclusive neighbourhoods for housing.

8.5.3.G - 2485 Idiens Way

2). *Development Permits are considered in accordance with the policies contained in Sections A through J listed in this section of the bylaw.*

Density Policies:

(5) The City supports the designation of multi-residential housing in a variety of locations to avoid large concentrations of the same type of housing in one area and to help provide more diversity within neighbourhoods. In this regard,

(a) Multi residential limited in size and scale outside of downtown; and

(b) The multi residential description is subject to the following criteria:

- should include sufficient amenity space for the recreational needs of the development.*
- have access to schools, parks, walkways, transit and complementary commercial/ service uses.*
- provide adequate buffer areas from major roads and adjacent land uses.*

Climate Change Policies

Objective 1, Policy (5) Promote walking as an important transportation mode.

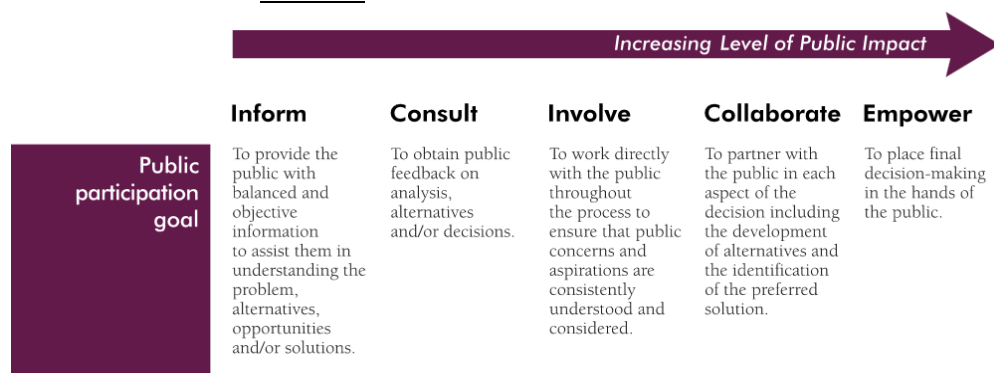
Objective 2, Policy (3) To encourage incremental infill development in core and suburban settlement areas, the City will: a. Encourage compact developments within 400 m of service corridors.

REGIONAL GROWTH STRATEGY REFERENCE:

The proposed development is consistent with the following Regional Growth Strategy policies: locating housing close to existing services, directing new residential development to Core Settlement Areas; directing higher density developments to Municipal Areas and increasing housing opportunities within existing residential areas in Core Settlement Areas by encouraging multi-family infill developments.

CITIZEN/PUBLIC ENGAGEMENT:

As per Council’s direction, under the IAP2 Spectrum of Public Participation the level of public input that has been undertaken is **“Consult”**.



The applicant held a public information meeting on May 10, 2017 and 8 people attended, 4 of which were representatives of the applicant. At this meeting the applicant made a presentation on the proposal and provided a binder that included all written submissions including building and landscape plans. The applicant’s meeting summary is referenced in *Attachment No. 3*. The meeting summary provided by the applicant is in error and contains a typo in the date (this typo has been confirmed by the applicant). The date of the public information meeting was May 10, 2017, not May 10, 2016. The meeting summary suggests neighbours were supportive of the development concept with their most common concerns and

questions being: the screening of parked vehicles, tree retention, stormwater management, window size and the location of waste receptacles.

In accordance with the City’s Development Application Procedures Bylaw, the City also has notified property owners and occupants within 30 metres of the subject property.

To date, staff has received one letter of opposition. On April 18, 2018 a resident sent a letter of opposition to the City noting that the proposed development will be three stories high and is concerned about the elevation of the building and the shadowing that may result on her property. Staff contacted the resident on August 3, 2018 to clarify that the proposed buildings will be two stories high and advised the resident if there are still concerns to please provide further comment to City staff. The resident indicated that her concerns have been minimized and indicated that she was supportive of the proposed residential land use.

OPTIONS:

OPTION 1: That Council approve Development Permit with Variances No. 1707. (Recommended)

OPTION 2: Defer issuance of Development Permit with Variances No. 1707 pending receipt of further information.

OPTION 3: Not approve Development Permit with Variances No. 1707.

Prepared by:



Dana Beatson, MCIP, RPP
Land Use Planner

Reviewed by:



Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Attachment No. 1: Draft Development Permit No. 1707 and Associated Schedules*
2. *Attachment No. 2: Applicant’s Written Summary*
3. *Attachment No. 3: Public Information Meeting Summary and Public Comments*
4. *Attachment No. 4: Applicant’s Written Rationales*

THE CORPORATION OF THE CITY OF COURTENAY

**Attachment
No. 1
Draft Permit**

Permit No. 3060-20-1707

DEVELOPMENT PERMIT WITH VARIANCES

August 20, 2018

To issue a Development Permit

To: Name: Benco Ventures (B.C.) LTD., Inc. No. BC0647370
Address: 1963 Sea Terrace Road,
Courtenay BC V9J 1X3

Property to which permit refers:

Legal: Lot 2, District Lot 157, Comox District, Plan VIP59557
Civic: 2485 Idiens Way, Courtenay BC

Conditions of Permit:

Permit issued to allow the construction of twenty-four multi-residential units with the following variances to the City of Courtenay Zoning Bylaw No. 2500, 2007

8.44.7 (3) Rear Yard

Reduce the required rear yard building setback from 12 metres to 5.2 metres.

8.44.10 Landscaping and Screening

Reduce the width of the landscaped area along the property's frontage (Idiens Way) from 4.5 metres to 0 metres to accommodate site access and an internal access road; and

Reduce the width of the landscaped area along the internal eastern property boundary from 4.5 metres to 0.9 metres to accommodate site access and an internal access road.

8.44.11 Usable Open Space

Reduce the usable open space from 50% to 42.4% of the site area.

Development Permit with Variances No. 1707 is subject to the following conditions:

1. That development shall be in conformance with the plan contained in **Schedule No. 1**, as designed by D. Bell Designs on November 1, 2017;
2. That landscaping be in general conformance with the plans and specifications contained in **Schedule No. 2**, as designed by Corinne Matheson and approved by Alison Mewett (BCSLA) dated January 10, 2017);
3. Submission of landscape security in the amount of \$140,998.19 (\$112,798.55 x 125%);

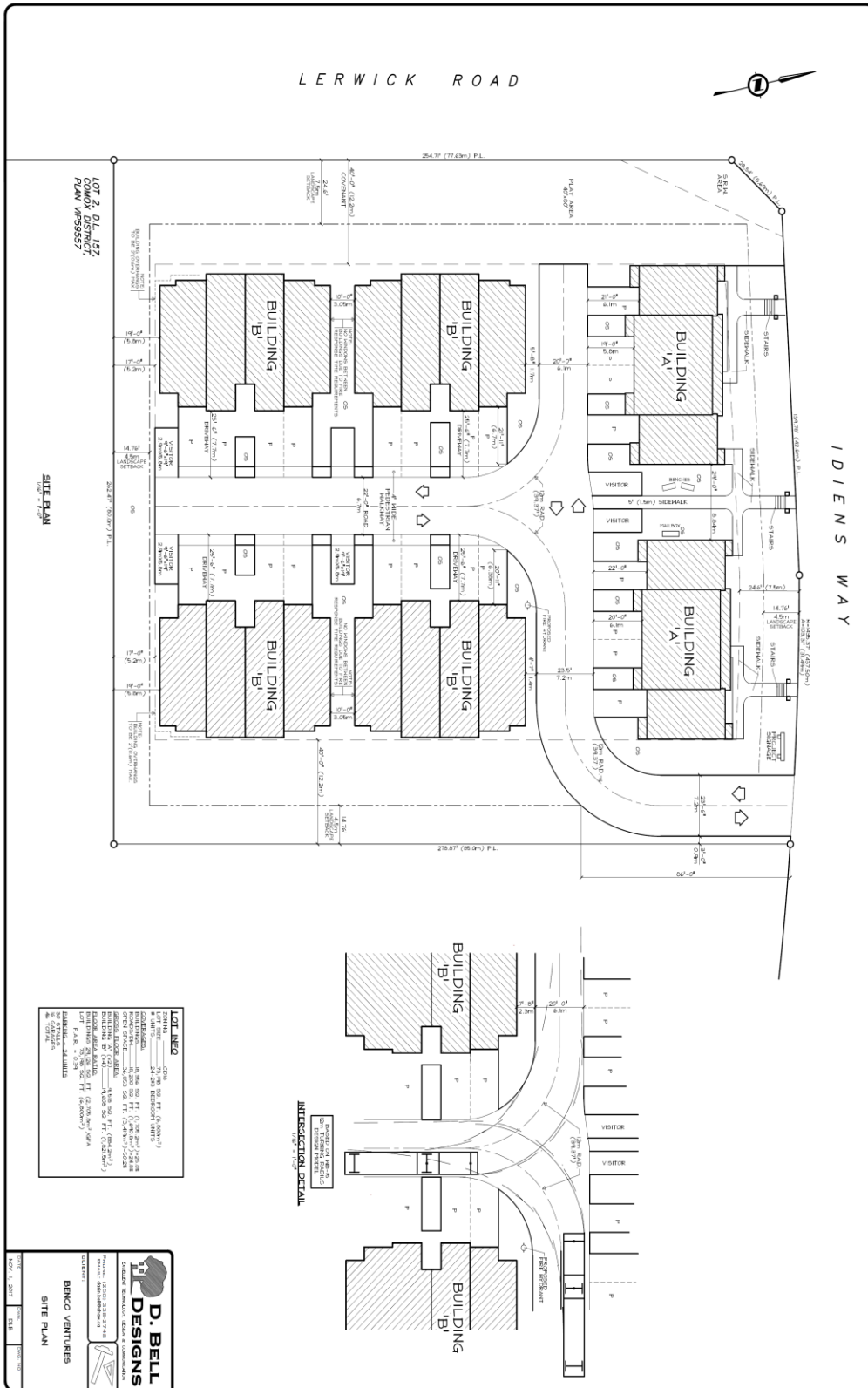
4. Landscaping must be completed within one year of the date of issuance of the occupancy permit by the City;
5. The minimum depth of topsoil or amended organic soil on all landscaped areas is to be as follows: shrubs – 450mm, groundcover and grass – 300 mm and trees -300 mm around and below the rootball;
6. All new street lighting in the proposed development must use Full Cut Off/Flat Lens (FCO/FL) luminaries to light roads, parking, loading and pedestrian areas. Exterior building lighting must have FCO lighting fixtures;
7. A sign permit shall be obtained prior to any signage being installed on the property;
8. All parking must be developed in accordance with Zoning Bylaw No. 2500, 2007, Off-Street Parking and Loading Spaces; and
9. All parking lots that accommodate two or more vehicles must be surfaced with a bituminous or other dust free surface.

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



LOT INFO

ZONING	CR-3
AREA	10,520 SQ. FT. (0.24 AC)
PERMITTED USES	RESIDENTIAL SINGLE-FAMILY
PERMITTED HEIGHT	35 FT. (SEE ZONING ORDINANCE)
PERMITTED SETBACKS	FRONT: 25 FT. SIDE: 5 FT. REAR: 10 FT.
PERMITTED LOT COVERAGE	35%
PERMITTED OPEN SPACE	30,000 SQ. FT. (0.69 AC)
PERMITTED BUILDING AREA	3,680 SQ. FT. (0.08 AC)
PERMITTED UNIT COUNT	10 UNITS
PERMITTED PARKING	10 SPACES
PERMITTED SIGNAGE	SEE ZONING ORDINANCE
PERMITTED UTILITIES	SEE ZONING ORDINANCE
PERMITTED ACCESSORIES	SEE ZONING ORDINANCE
PERMITTED FENCES	SEE ZONING ORDINANCE
PERMITTED LANDSCAPING	SEE ZONING ORDINANCE
PERMITTED OTHER	SEE ZONING ORDINANCE

D. BELL
DESIGNS

ARCHITECT

PROJECT: 2485 IDIENS WAY
 CLIENT: BIRNCO VENTURES
 DATE: NOV. 1, 2017

Schedule No. 1

Schedule No. 1

"A" Building



VIEW FROM IDIENS WAY

"B" Building



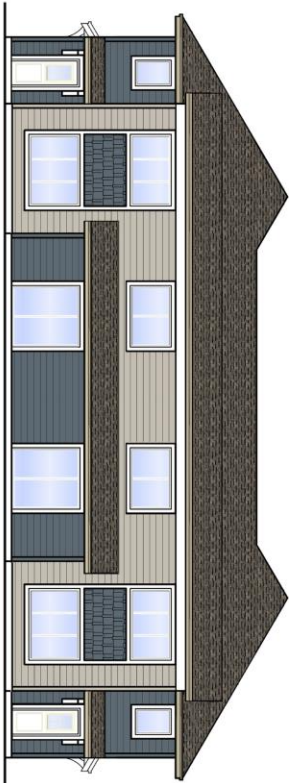
TYP. FRONT ELEVATION

"A" Building



TYP. REAR ELEVATION

"B" Building



TYP. REAR ELEVATION

BENCO VENTURES
"A" & "B" Building Colors
2485 Idiens Way

DATE:	SCALE:	PROJECT NO.:
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BENCO VENTURES

2485 Idiens Way - Material and Color List

Roofing

IKO Cambridge Dual Black Color

Gutters & Downspouts

6" Aluminium Seamless co-ordinated to siding color

Details & Trim

Combiace Spruce around windows & door painted Designer White

Soffit & Siding

Perforated Weather Lock white vinyl soffit; mix of exterior siding vinyl &/Hardi; horizontal vinyl Monogram Deluxe siding in Pacific Blue & Woodland Mist; Hardi Shakes & Hardi Board & Batten detail or vinyl equivalent; color match similar to Cloverdale Artisan "Distinctive Canadian Colours & Combinations" - Blue Jay and Smoky

Exterior Doors & Windows

Craftsman Fibreglass style white 6 Lite door with dentil shelf; White vinyl Sliders with Low-E and argon gas filled units

Garage Doors

Northwest Therna Tech Classic 2 Panel with glass on top

Patios & Driveways

A mix of brushed and exposed concrete hardscape throughout

Stone/Site Details

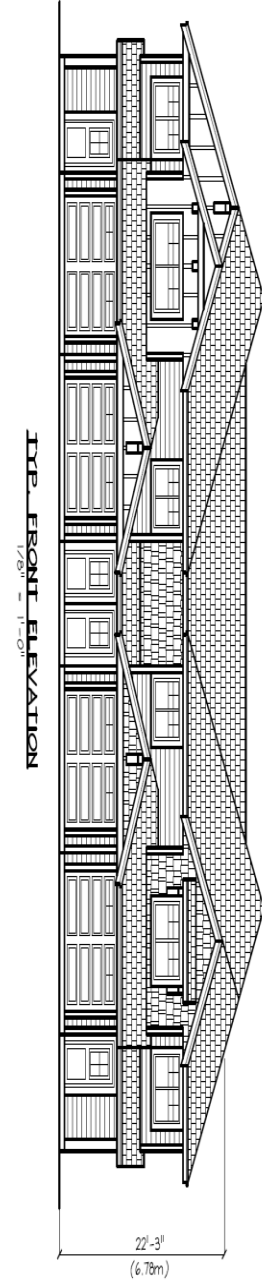
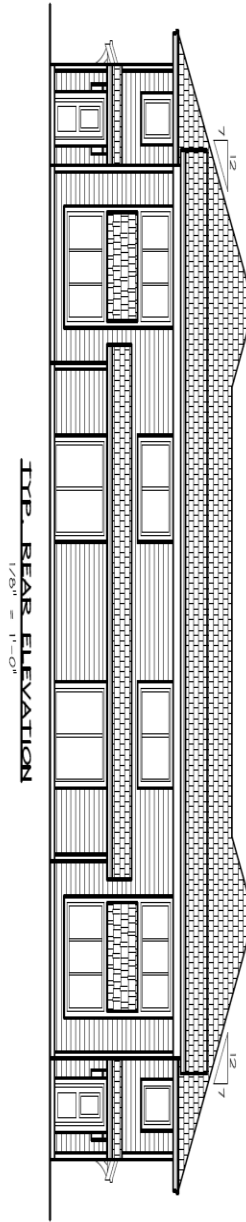
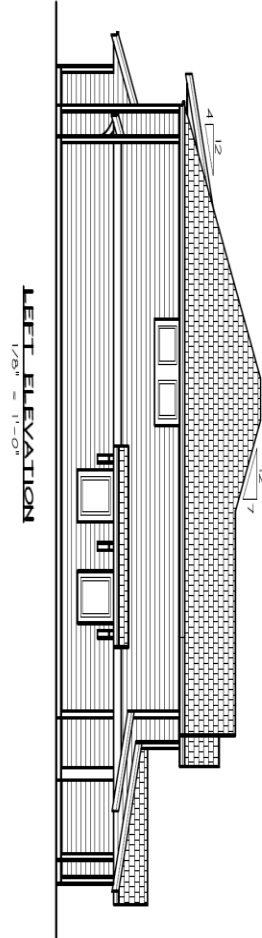
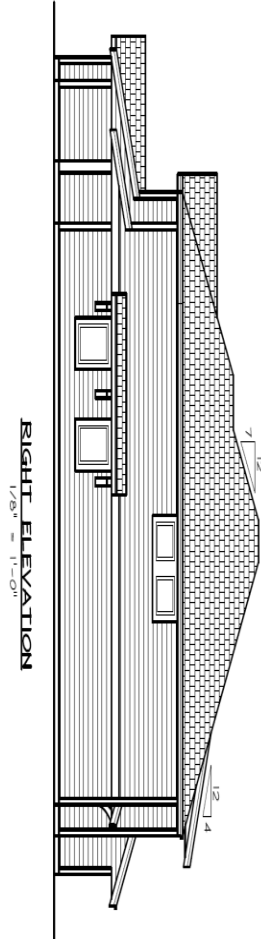
Naturalized rock retaining wall with decorative entrances/gates



** See Inspiration Development Below



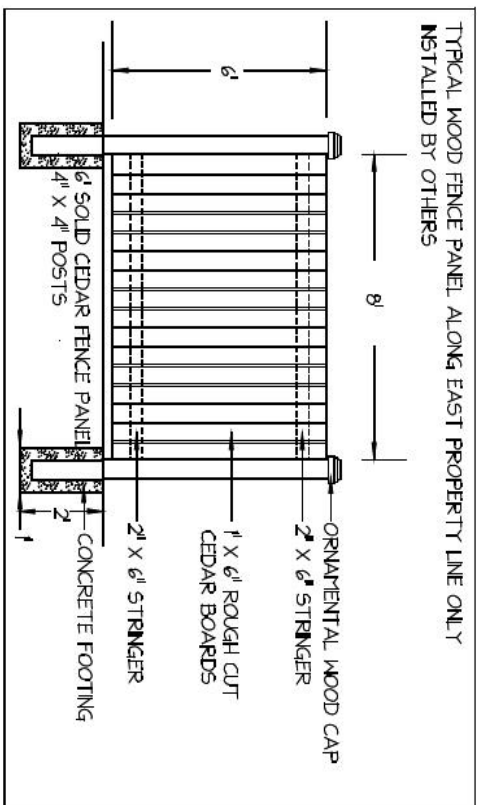
Schedule No. 1



Schedule No. 1



FRONT ENTRANCE GATE



TYPICAL WOOD FENCE PANEL ALONG EAST PROPERTY LINE ONLY
 INSTALLED BY OTHERS

ESTABLISHMENT MAINTENANCE

The intent of establishment maintenance is to provide sufficient care to newly installed plant material for a period of one year from acceptance to ensure or increase the long-term success of the planting. The objective is the adaptation of plants to a new site in order to obtain the desired effect, from the planting until the rate of failure and unnecessary work associated with improper establishment. Establishment maintenance procedures apply to all vegetation, including:

- 1. Cultivated turf-grass
- 2. New trees, shrubs, and groundcovers.

Maintenance during the one-year guarantee period is essential to ensure the validity of any guarantee.

GUARANTEE

The customary one year guarantee period for the construction industry is accepted as the standard for landscape work. The contractor should guarantee all materials and

Schedule No. 1



PLANT SPECIFICATIONS

- 1.08' SP. BIRD GARDEN... (details about plant size, quantity, and spacing)
- 1.08' SP. BIRD GARDEN... (details about plant size, quantity, and spacing)

PROJECT: REDWOOD, TOWNHOUSE DEVELOPMENT
CLIENT: ENDO VENTURES, 2485 Idiens Way, Columbia, SC 29913
ARCHITECT: D. BEL. RESERVE ARCHITECTS, 2000 PARKWAY, COLUMBIA, SC 29908

LANDSCAPE RESOURCES:
PLANTING SCHEDULE: 10/15/18 (Fall), 11/15/18 (Winter), 12/15/18 (Spring)

LANDSCAPE ARCHITECT: HEY RAY ARCHITECTS, 11401 UNIVERSITY BLVD., COLUMBIA, SC 29912
 PHONE: 202.304.5955
 ADDRESS: 11401 UNIVERSITY BLVD., COLUMBIA, SC 29912
 LICENSE NO: 11401-10-00000010

DATE: April 22, 2018
REVISIONS: April 27, 2018 (For LA review), April 30, 2018 (For City review), November 8, 2018 (For City review), December 5, 2018 (For City review), March 20, 2019 (Final)

SCALE: 1" = 8' HET

DATE: 4/22/18
 DESIGNER: M. J. J. J.

Schedule No. 2

LANDSCAPE INSTALLATION ESTIMATE

November 29, 2016

LANDSCAPE ARCHITECT

Alison Mewett, BCSLA
766 Lazo Road
Comox, BC V9M 3V6
(250)339-3955
amewett@gmail.com

PROJECT

Benco Ventures
Townhouse Project
Idiens Way / Lerwick Road
Courtenay, BC

Planting beds: 640 m² (6,916 ft²)
Lawn: 1,735m² (18,664 ft²)
Rock: 230m² (2,468 ft²)

Plant material	\$ 14,500.00
Topsoil @ 450mm for shrubs – 384 cuyd @ \$30	11,520.00
Sand/topsoil @ 300mm for lawn – 690 cuyd @ \$20	13,800.00
Soil delivery	5,280.00
Mulch, delivered @ 100mm – 85 cuyds @ \$40	3,400.00
Fertilizers, landscape fabric and miscellaneous	1,000.00
1 1/2" washed rock, delivered @ 150mm – 48 cuyd @ \$20	960.00
Large rock boulders delivered – 60 cuyd	1,770.00
Hydroseed lawn – 18,664 sqft @ \$0.12	2,244.00
Machine work to grade and move materials	9,500.00
Labour to install plant materials and other work to complete	18,000.00
Irrigation system installed	15,000.00
Total (not including taxes)	\$ 96,974.00

Materials estimated at cost.

This estimate is approximate and may not reflect actual cost to install.

Corinne Matheson, CLD, QP
Mystic Woods Landscape Design

Alison Mewett, BCSLA
Landscape Architect



Schedule No. 2

ADDENDUM TO NOV 29, 2016 LANDSCAPE INSTALLATION ESTIMATE

July 19, 2018

PROJECT:

Benco Ventures
Townhouse Project
Idiens Way/Lerwick Road
Courtenay, BC

ADDITIONAL HARDSCAPES

Retaining walls material	\$ 2,600.00
Retaining wall Labour with Machine Time	2,400.00
Fencing Labour & Material	8,824.55
Benches x 2	800.00
Decorative Gates	1,200.00
	<hr/>
	\$ 15,824.55
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Attention: Department of Planning Services

2485 Idiens Way: Written Summary: (Sustainability, Affordability Housing & Description)

Benco Ventures is proud to be applying for a development permit for the property located in a Courtenay East location on the corner of Idiens & Lerwick Road. With a site specific zoning, Benco is introducing a compliant product to help meet the needs of the City in a picturesque & sustainable package that harmonizes with the existing neighborhood. Building on the Benco reputation for quality & longstanding value, this development will be a continuation to the aesthetic & design success of their homes & this desirable area.

This development will provide substantial landscaped open space and attractive housing for the visual enjoyment of both the community & development as a whole, while providing quality housing for moderate income homeowners, as part of the affordable housing strategy. This community has been designed with non-market home potential. (factors of the AH)

We thank you for your consideration of the following and look forward to the completion & success of this sustainable Courtenay Community:

Land Use

- A limited collection of 24 townhomes in 6 – 4 plex type buildings, this proposed community in general will offer three distinctive home types with eight of each. Providing 2 & 3 bedroom homes with garages & 3 bedrooms without garages, including innovative single level units. Ideal for the active downsizer, starting out & growing family with its desirable school catchment location.
- With expansive open space and substantial greenspace the siting of the homes on this 1.68 acre property will create individual private spaces to invite outdoor living, along with generous buffer type screening for the occupants & the existing neighboring homes.
- With a corner location, careful consideration has been given to the siting, with the potential for Mountain views for passive enjoyment in your home or outside. And, with building design to balance the scale with use of varying rooflines, stepped facades & different exterior beautification treatments. Welcoming entrances & charming streetscape will be viewed from

Idiens Way to harmonize & enhance the area, while on Lerwick a continuation of the durable & secure (CPTED) stone fencing. Bus routes & convenient location to shopping, all levels of schools, college, recreation & hospital amenities & motivators for the homeowner and consideration & enjoyment of this development.

- With unparalleled recreational pursuits associated with the Comox Valley including but not limited to Mt. Washington, nature parks, walking paths & trails system along with schools, Aquatic Center, golf courses & ocean, the promotion of physical activity with easy access to the sidewalks, as well as that of storage needs with garages & additional storage for bicycles and recreational equipment will be incorporated.
- A superb location for a low density multifamily residential development, this project meets and complies with the current zoning and planned use for the site including the needs of the affordable housing strategy required in the community & Provincial wide.

Building Design

- Benco recognizes, and has built a reputation for the highest standard of building requirements providing quality homes in the Comox Valley for the last 20 years. With the latest years concentrating on building executive & luxury homes in Crown Isle, Benco is cognizant to the area & the needs, and has the experience to ensure building practices & materials are carefully chosen for climate, building code and durability.
- Appealing architectural details & styling features will enhance the building façade, while various roof lines & stepped walls will create interest & visual relief. Welcoming entries, large windows, a mix of materials & textures will be showcased. The use of durable materials with careful attention to color will harmoniously blend and enhance the development and neighborhood.
- Built to the current high standards these homes will make use of various Green principles focusing on resource efficiency with water efficiency options like water saving & low flows plumbing as part of the construction, while mindful of outdoor water use consumption by keeping natural & existing trees & shrubs, that established, require less watering. Electrical options will include LED lighting & timers for common areas, while energy efficiency is found with more airtight construction methods, Low-E & Argon gas filled windows & mechanical ventilation for less temperature variation, promoting healthy and comfortable living. Along with one of the most overlooked aspects of sustainable homes, construction will include the use of durable materials that minimize the adverse effects on the environment in terms of minimizing waste generated & energy consumed in the process.
- Creating a single family dwelling experience, homes will enjoy their own parking, and private patios inviting outdoor living and socializing, along with porches or similar elements. Entryways will be bright & open with site-lines that promote a secure, safe & healthy environment.
- The development as a whole will incorporate CPTED practices including minimizing the entry & exit points into the development, provide & encourage residents the use of common public

spaces outfitted with appropriate lighting, open space & site lines within the development & building windows to maximize residents ability to overlook & watch out for one another in community areas, reducing the opportunity for crime with the deterrent & security offered from the stone fence along Lerwick Road while limited pedestrian & vehicular access points onto development will be brightly lit & conform to City of Courtenay Lighting requirements. Additionally, each unit will retain and enjoy delineated private property from public space and entranceways are overlooked by windows within the individual units or achieved by neighbors across; methods to create a safer neighborhood & community.

Transportation

- With public transportation routes along the Lerwick corridor this development enjoys immediate access to bus routes for service to amenities in close proximity, as well as access to further destinations including downtown, recreation, schools with North Island College & hospital.
- For foot an inner Common courtyard with walkway will provide occupants street access from within the developments to Idiens Road and sidewalks encourage walking & biking with bicycle parking facilities available onsite or by way of personal garage storage.
- With just 24 units the roadway and access has been thoughtfully planned to best assimilate into the neighborhood

Infrastructure

- The subject site is currently fully serviced. All required underground municipal services (storm and sanitary sewers and potable water supply) and underground private utilities (power, communications services and gas supply) are installed to the property line, with adequate capacity for the proposed project.
- An on-site storm water management concept, in the context of matching post-development flows to pre-development conditions has been provided for this property. In summary, the development lies within the contributing drainage area to the community storm water detention facility within Hawk Park, on Hawk Drive. This facility was designed to provide the required flow detention for all contributing areas which included The Highlands subdivision to the east as well as the Assessment Authority office and the subject property, which were part of the same Crown-owned parent parcel.
- For full details see Engineer’s Conceptual Storm Water Management Report (Please see attached)

Character & Identity

- A corner location this development is fronted by high traffic Lerwick Road & residential neighborhood on Idiens Way. Substantial greenspace and with the low density of 24 units this development will provide a non-market style product to help achieve the needs of Affordable housing in the community with a modern, healthy and sustainable product.
- Minimizing the impact on the area with appealing streetscapes & a residential type feel, and substantial open space with a low floor to area ratio these building are nestled amongst expansive greenspace with inner common courtyard area designed for the use of all occupants inviting & encouraging a social atmosphere with park benches, walkways & bicycle facilities, while the perimeter open landscaped space is enjoyed individually by the occupants and visually by the neighboring properties.
- With CPTED principals lighting will meet with City requirements along with Resource efficiency standards (LED/CFL timers etc.). Sustainable & durables materials will be utilized for curb treatments/walkways, furniture & signage while the preservation of natural features will be encouraged and incorporated within the development.

Environmental Protection & Enhancement

- Due to the size of the property, substantial openspace and desirable location within Courtenay East this development will be sensitive to the low density residential area and existing landscape. Use of native species and the established shrubs & fauna is incorporated and promoted for a natural overall appeal.

Thank you for your consideration of the proposed project for 2485 Idiens Way. We look forward to your response & the successful completion of this development.

Sincerely,

Ben Christensen

President

**Attachment No. 3
Public Meeting Summary and
Public Comments**

2485 Idiens Way Public Information Meeting – Summary Report

Location: 1768 Crown Isle Drive – Benco Ventures Show Home

Time & duration: May 10, 2016 starting at 6:30 ending 7:45pm

Attendees: 8 total (of which included 4 developer employees/representatives)

Notification: Meeting was advertised via personally addressed envelopes (City of Courtenay supplied notification labels), mailed out April 21, 2017. Envelope package included the City supplied Comment Sheet and Developer description of the proposed development with site plan & variances requested identified.

Summary

At the meeting 2 full large sets (24x36”) of the Landscaping Plans, Building Elevations with floorplans and Comprehensive Site Plan were displayed. A binder with all reports & DP inclusions was supplied, while additional bound booklets were passed around hosting site plan, buildings with floorplans & material list - supplied for ease of use. These, along with an oral presentation on the proposal, was given by Ben Christensen. Note recording was provided by Karlene Snyder of Benco Ventures. The presentation was open to Q&A. Additionally all 120 invited homeowners received, by mail, comment sheets to return with an overview of the development including siting of the development and neighboring homes shown with both Variance requests highlighted on it. As a result, the developer received two comment sheets back prior to the meeting. One returned comment sheet, being from the adjoining multi-residential site (Highland) closest to the development. Upon seeing the setback distance in relation to their home, was satisfied, and despite expressing the possibility of attending the meeting, did not attend. The other comment sheet returned, commented on the “great housing offering” for families & asking for some thought given to children crossing, with a suggestion to the City to provide a bridge. This individual however, was not available at the meeting for further discussion.

Overall the developer felt the meeting was very positive. The attendees consisted of only homeowners living in the Single family dwellings on St. Andrews Way, adjacent to the Subject Property in addition to Developer (& developer representatives). In summation, the developer and homeowners discussed keeping healthy existing mature trees as determined by a qualified professional, while homeowners expressed that they did not want any of the “weed” trees to remain. Screening from vehicle lights was discussed and will be utilized by the developer for the one impacted home, and a fence upgrade with a 6’ fence between the development and St. Andrew’s homes was desired by homeowners. Potential water run-off was brought up with homeowners but due to the slope of the property & gravity they would not be impacted. An overview of the storm water management was too, given and available by the developer. The entrance into the development was discussed with the reasoning behind the

location made sense to the homeowners. The cleanup of the site was of importance & brought up by attendees, with the developer keen on doing this as soon as the weather is favorable & can do so. Benco’s experience was discussed, and individual homeowners expressed gratitude that a reputable builder known for quality, with extensive building knowledge of the area, was developing the site. The buildings & more specifically the windows (size & glazing) was discussed as per the CD-16 zoning bylaw and possible effect on their homes. All glad that there would be no 2nd level, 3rd level or rooftop decks with the potential of “looking down” minimized, with the 40’ plus rear yard setbacks. Some of the original homeowners residing in the location prior to the rezoning, were happy to see that there were not three level buildings, and instead a product with a lower density feel keeping with the area. Conversation around a “strata” began and was discussed with the logic that the units will attract families based on the majority of homes being two levels, &/or 3 bedroom units. Visitor parking was brought up & addressed. There was question as to whether the strata would care for all landscaping or whether the individual units would have their own yards to care for. The developer said that that is unknown at this time. The homeowners came to the realization that the developer would be responsible for determining the strata bylaws etc., however there were few questions around this, suffice to say, that despite an “adult” oriented preference, they understood that this wasn’t something they could expect. The garbage location was also discussed & the homeowners were thankful that the developer had considered minimizing the impact on them by locating it opposite, and away from them.

In conclusion, the attendees were content; each in turn expressed their satisfaction & happiness with the development, with Benco Ventures building out the development, and were happy to convey this. Additionally, an open invitation was given to the attendees to contact Benco before & throughout the process for more information.

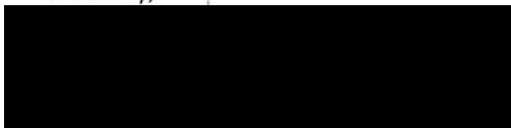
April 12, 2018
#122 2077 St. Andrews Way
Courtenay, BC
V9N 9J4

City of Courtenay Planning Department

Dear Sir or Madam,

I am writing to express my opposition to the proposed variance for the new development located at 2485 Idiens Way. My unit within this strata complex is located directly adjacent to the new development and as such this variance will have the greatest impact on my home and that of the home across the street from me. The proposed development will be located at a higher elevation than our homes already. It is my understanding that the units in the proposed development will be 3 stories high. Given the existing difference in elevation, these units will in essence be close to 4 stories higher than my home. With the proposed variance, I will then have essentially a high rise looming over my home. I cannot imagine how this will further block the limited sunlight that reaches my home now, along with the planting of a shade tree indicated at the corner of the proposed development plan. I understand the need to increase density in order to provide more affordable units, but a 5.2 meter set back is too close to my existing home given the height of the units and the existing elevation. The regulation 12 meter set back would make this proposed development more tolerable.

Sincerely,

A large black rectangular redaction box covering the signature of the sender.

Attachment No. 4:

***Applicant's Written
Rationales (1 of 2)***



Hello Tats,

May 17, 2018

I appreciate that this piece of property has had some challenges and I am encouraged that we are so close on moving forward on this project. Some reasons for proceeding with the plan we submitted and the approval of the building variance in question are as follows:

#1. The over all aesthetic and vision of the project will be maintained.

#2. There will be no negative impact on the neighbouring properties.

Even though this is a rear set back it is the side of the building on this proposed development and the side of the building of the existing patio home development. There are no windows on the sides of these buildings that will have negative impact to residences. There is also the tall hedge proposed along the existing fence and the landscape buffer, this is to add complete privacy to both developments. Also, it should be considered that having a 2-storey building a little closer to the setback will be less obstructive than a 3-storey building that is allowed on the setback.

#3. It will make the rentals or sale of the units more affordable.

The property was zoned for 28 Units and it was bought with that in mind. With this well received type of product, we were only able to maximize at 24 Units, making it barely feasible. Cutting out 2 more units do not make the numbers work.

#4. There were no formal objections from the public that was educated on the development

#5. There were no objections from any one from the public meeting.

#6. The City needs more units to be built, not less.

There is a shortage of units on the market and record low vacancy rates.

#7. I was told by staff over the last 18 months, reasonable variances are approved all the time.

This is a prime example of a reasonable variance, and I strongly feel it shall proceed and be supported by staff and council

Regards Ben Christensen

A handwritten signature in blue ink, appearing to read 'Ben Christensen', with a small '1' written below it.

www.bencohomes.com - www.golfhomesbc.com
1963 Sea Terrace Rd, Courtenay, BC V9J 1X3 OFFICE 250.338.9521 SALES & DESIGN 250.334.0882 FAX 250.334.0883

Attachment No. 4:

***Applicant’s Written
Rationales (2 of 2)***

Beatson, Dana

From: Beatson, Dana
Sent: July-27-18 10:45 AM
To: Beatson, Dana
Subject: FW: Benco - 2485 Idiens Way



Just wanted to follow up on the calculations I gave you. I noticed when I reread your email, you were looking for rationale for the open space variance. I was just going to put. As I’ve made you aware that I thought we were at the 50% for the open space. Didn’t think it was an issue but now that it has come up the rational will be.

We live in a climate where we live outside for only 4 months of year & 50% is a huge amount for outdoor open space.

Most municipalities are cutting down on grass as its not environmentally kosher.

With this particular design, we are not just giving people patios on second & third floors with small questionable useable space, but rather giving each occupant their own private useable main floor open space... safer, too.

Ben

Benco Ventures Admin: 250-338-9521 | Sales: 250-334-0882 | Fax: 250-334-0883
bencohomes.com



STAFF REPORT

To: Council

File No.: 1960-20 [2019]

From: Deputy Chief Administrative Officer

Date: August 20, 2018

Subject: Consideration of 2019 Permissive Property Tax Exemptions

PURPOSE:

To consider the 2019 permissive property tax exemptions.

POLICY ANALYSIS:

Section 224 of the *Community Charter* provides Council with the authority to exempt certain properties from property taxation. Policy 1960.01 (Rev #2) – Permissive Property Tax Exemption was prepared in accordance with Section 224 of the *Community Charter* and approved by Council in August, 2017.

EXECUTIVE SUMMARY:

The permissive property tax exemption bylaws are considered by Council on an annual basis and must be adopted before October 31st each year in order to take effect for the following taxation year. Staff have compiled and reviewed all applications received for the 2019 taxation year and have prepared a summary report for Council consideration.

CAO RECOMMENDATIONS:

That based on the August 20, 2018 staff report “2019 Permissive Property Tax Exemptions”, Council approve OPTION 1 as follows:

1. That Council consider the list of new applications for permissive tax exemption for 2019 as detailed on Schedule A attached;
2. That Council approve exemptions for new applications as recommended in Schedule A;
3. That Council direct staff to prepare the applicable bylaws for permissive tax exemption in 2019 based on the attached schedules A, B, C, D and E; and
4. That statutory notice of the proposed permissive exemption bylaws pursuant to Section 227 of the *Community Charter* be published for two consecutive weeks prior to final adoption of the bylaws.

Respectfully submitted,

John Ward, CMC
Deputy Chief Administrative Officer

BACKGROUND:

Section 224 of the *Community Charter* provides Council with the authority to grant permissive exemption to land and improvements owned, or held by, certain other organizations that meet legislatively prescribed conditions.

Permissive Property Tax Exemption Policy 1960.01 (Rev #2) contains three provisions to note when considering new applications going forward:

1. The total value of all permissive exemptions must not exceed 2% of the total municipal portion of the property tax levy.
2. When the activities of an organization are not confined to the City of Courtenay, a maximum exemption of 40% applies.
3. Prescribed grandfathered permissive exemption percentages will not change in the event an organization re-locates within the municipality. However, a reduction of the exemption shall apply if the nature of the services provided by the organization changes at its new location.

DISCUSSION:

A permissive property tax exemption is a means for Council to support not-for-profit organizations within the community which furthers Council's objectives of enhancing quality of life for the citizens of the City while being responsible with municipal funding. Approval of an exemption or partial exemption is entirely within Council's discretion.

Each year there are requests from local organizations for funding assistance, either by way of requests for grants, or by way of requests for exemption from property taxation. While it is noted that the applicants all provide worthy services, provision of an exemption from taxation results in an increase of the tax burden for the remaining taxable property owners in the City and can become cost prohibitive.

The following schedules and information are provided for Council consideration.

Permissive Exemptions – Schedule Summary:

In accordance with Policy 1960.01, the exemption value limit for 2019 has been calculated as 2% of the value of the 2018 municipal property tax levy. The cumulative exemption value for 2019 is \$458,025.

Schedule A: New Applications

The City received six new applications for exemption from taxation in 2019. These are as follows:

Tax Roll # 88.000 – AVI Health & Community Services (AIDS Vancouver Island) – 355 – 6th Street

AVI Health and Community Services operating as AIDS Vancouver Island provides free services to those living with HIV and/or Hepatitis C, as well as education for populations with greater exposure to HIV and HVC. They also provide support and education to social service and other community organizations in the community. They estimate 85% of services are used by City of Courtenay residents, although they do also offer educational programming to surrounding communities. They are requesting a 100% exemption on office space leased at 355 6th Street.

Staff recommend approval of a 40% exemption in keeping with the Permissive Property Tax Exemption policy.

Tax Roll # 89.000 – Comox Valley Transition Society – Thrift Shop – 367 – 6th Street

The Comox Valley Transition Society supports women and children affected by violence and addiction. They are requesting a 100% tax exemption on 367 6th Street from which they operate the “Too Good to be Threw” thrift shop. Funding from the Thrift shop assists Society activities. Over the past eight years, Council has reviewed and denied this application as it is one of many for-profit used goods stores within Courtenay. The City’s Permissive Property Tax Exemption Policy 1960.01 (Rev #2) requires confirmation that an organization’s activities does not compete with any other duly licensed business in the municipality. Providing a permissive property tax exemption would contradict the City’s policy.

Staff continues to recommend denial of an exemption for this property.

Tax Roll # 750.100 – John Howard Society of North Island – Youth Housing – 994 – 8th Street

The John Howard Society of North Island was gifted this property by the Saint John the Divine Abbeyfield House Society in early 2018. The property received a 75% exemption in previous years while under previous ownership and operating as supportive housing for seniors. The building is currently under renovation and once complete will provide supportive housing for up to ten youth. The John Howard Society of North Island provides services to youth, children, and families with diverse needs and also receives a 40% exemption on their office at 1455 Cliffe Avenue. It is expected that 66% of those utilizing this property will be City of Courtenay residents.

Staff recommend approval of a 40% exemption in keeping with the Permissive Property Tax Exemption policy.

Tax Roll #1171.005 & 1171.006 – Wachiay Friendship Centre Society – 1625 & 1679 McPhee Avenue

The Wachiay Friendship Centre Society recently purchased the property at 1625 McPhee Avenue where they provide accessible services for the provision of counselling, information, guidance, employment, referrals, programs and services for children, youth, men, women, elders and families. The Society currently occupies 53% of the gross floor space of the building and the remaining space is leased to two other organizations which will be vacating effective October 1, 2018, at which time the society will occupy 100% of the space.

In addition, the society owns and operates the Wachiay Studio and Wachiay Multimedia programs from this location. The programs provide structured courses to community members interested in multimedia technology and industrial-commercial functional printing. The intent is to create education, training and employment opportunities that improve Aboriginal wellbeing via increased presence in the economy. The Wachiay Studio is a revenue generating business with primary social objectives whose surplus funds are invested in the Wachiay Friendship Centre Society. The studio occupies 10% of the space utilized by the society.

1679 McPhee Avenue is used as parking for the society.

Staff recommend approval of a 40% exemption on the portion of the property used for non-profit activities only. The revenue generating business may compete with other duly licensed businesses in the City, therefore that portion would not qualify for exemption according to the policy.

Tax Roll #1224.080 & 1288.060 – Dawn to Dawn Action on Homelessness Society – Affordable/Supportive Housing – #17 375 21st Street, #311 1015 Cumberland Road

Dawn to Dawn Action on Homelessness Society is a local not-for-profit that houses Comox Valley residents who would otherwise be homeless. Their approach is to use a scattered housing model to house clients around the Comox Valley from Union Bay to Comox. Dawn to Dawn provides the accommodation, the

clients contribute what they can and Dawn to Dawn covers the remaining costs for rent and utilities. The society recently purchased two condos within the City of Courtenay and are requesting a 100% permissive tax exemption on both properties. It is estimated that 70% of Dawn to Dawn clients are Courtenay residents.

Staff recommend approval of a 40% exemption in keeping with the Permissive Property Tax Exemption policy.

Tax Roll # 1566.000 – M’akola Housing Society – Affordable/Supportive Housing – 810 – Braidwood Road

This facility is currently under construction and will provide safe, subsidized housing, affordable rentals, and assisted living for those at risk of homelessness, including those who are Aboriginal. This housing project has been identified as the top strategic priority for Council and the City has been working with the M’akola Housing Society and BC Housing over the last few years to bring it to fruition. M’akola Housing Society expects 100% of their clients to be Courtenay residents and have requested that Council consider approving a 10 year exemption on this property.

Staff recommend approval of a 100% exemption on this property for 2019. The current 10 year bylaw expires in 2021 at which time Council may want to consider this property for a 10 year exemption in 2021 for 2022.

Schedule B: Annual Bylaw – Not for Profit Organizations

Schedule B exemption recipients are those who have been previously approved in the annual permissive exemption bylaw. Updated applications, financial statements and other relevant documentation have been reviewed and verified by staff.

Schedule B provides a detailed list of the 2018 exemption recipients along with the estimated 2019 value of the approved exemptions.

Tax Roll # 1700.332 – Canadian Red Cross Society – #10-12 2683 – Moray Avenue

The Canadian Red Cross Society offers basic and advanced medical equipment loans as well as operates the Comox Valley Disaster Management Team. The society recently moved to this new location from 464 Puntledge Road where they received a 40% tax exemption in the past.

Staff recommend that the society continue to receive a 40% exemption on their new location and the exemption on the 464 Puntledge Road property be removed.

Schedule C: Annual Bylaw – Churches

While Church buildings and the footprint of the buildings receive a statutory exemption from taxation, all of the area surrounding the buildings would be taxable unless it is provided with a permissive exemption from taxation by Council. The portion of church property used in commercial activities or as a manse/residence is not eligible for exemption from taxes.

Schedule C details the church properties within the City, and the estimated value of the permissive exemption for 2019 on the lands surrounding the building.

Schedule D: Five Year Bylaw – City owned properties managed by Societies

This Schedule lists properties provided a five-year property tax exemption expiring in 2019.

Schedule E: Ten Year Bylaw – Island Corridor Foundation

The properties owned by the Island Corridor Foundation have been provided with a ten year exemption from taxation which expires in 2021. Schedule E provides a detailed list of the properties along with the estimated value of the exemptions for the 2019 year.

FINANCIAL IMPLICATIONS:

The estimated cumulative value of the municipal portions of the new and grandfathered exemptions for the 2019 taxation year totals \$359,453. This is within the calculated 2019 limit of \$458,025 as prescribed in Policy 1960.01 – Permissive Exemption from Property Taxation.

	<u>2019 City Only</u>	<u>2019 Other Authorities</u>	<u>2019 Total Exemption</u>
Schedule A: new applicants, as per recommendations	\$26,670	\$26,581	\$53,250
Schedule B: Annual Bylaw, Not-for-Profit Organizations	138,845	133,363	272,208
Schedule C: Annual Bylaw, Churches – land surrounding the building	14,888	18,315	33,203
Schedule D: Five Year Bylaw, City owned facilities - Managed by Societies (bylaw expires 2019)	157,207	135,243	292,450
Schedule E: Ten Year Bylaw, Island Corridor Foundation (ten-year bylaw – expires 2021)	<u>21,843</u>	<u>19,632</u>	<u>41,475</u>
Total	<u>\$ 359,453</u>	<u>\$333,134</u>	<u>\$692,586</u>

It is important to note that any organizations added to the list or any additional percentages provided to applicants results in a reduction of revenue available for City operations.

ADMINISTRATIVE IMPLICATIONS:

Preparation of the annual tax exemption bylaws for consideration by Council is an annual task undertaken by staff in the Financial Services Department.

Subsequent to Council approval of the above recommended property tax exemptions, the next steps to complete include:

- a) Preparation of the required bylaws and providing them to Council for three readings
- b) Arranging for the statutory advertising of the proposed bylaws
- c) Returning the bylaws to Council for final adoption
- d) Preparation of letters of notification to the applicants
- e) Forwarding the bylaws to the BC Assessment Authority no later than October 31, 2018

ASSET MANAGEMENT IMPLICATIONS:

Any increase to the value of permissive property tax exemptions, decreases the amount of funding available for asset management initiatives.

STRATEGIC PLAN REFERENCE:

We focus on organizational and governance excellence

- We responsibly provide services at a level which the people we serve are willing to pay

We invest in our key relationships

- We will continue to engage and partner with service organizations for community benefit



- **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 applicable

REGIONAL GROWTH STRATEGY REFERENCE:

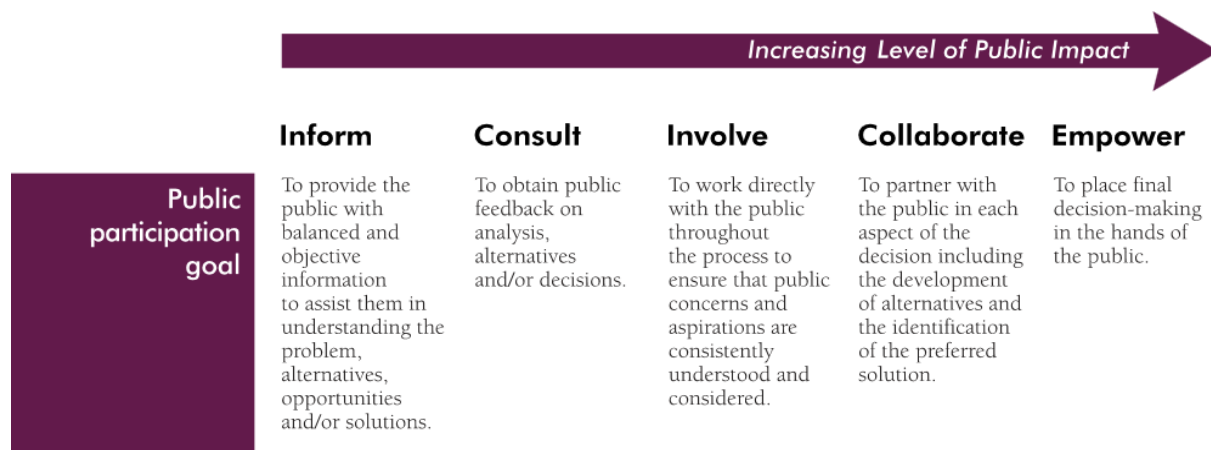
Not applicable

CITIZEN/PUBLIC ENGAGEMENT:

Pursuant to Section 227 of the *Community Charter*, statutory notice of the proposed permissive exemption bylaws must be published for two consecutive weeks prior to final adoption.

This is based on the “inform” level of the IAP2 Spectrum of Public Participation adopted as an element of Sound Project Design for the Corporate Workplan.

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



OPTIONS:

OPTION 1: That Council approve exemptions for new applicants as recommended in Schedule A;
That Council direct staff to prepare the applicable bylaws for permissive tax exemption in 2019 based on the attached schedules A, B, C, D and E; and
That statutory notice of the proposed permissive exemption bylaws pursuant to Section 227 of the *Community Charter* be published for two consecutive weeks prior to final adoption of the bylaws (recommended).

OPTION 2: That Council defer endorsing the proposed 2019 permissive tax exemptions for further discussion at a later Council meeting.

(While Option 2 provides time for further discussion, it also impacts the schedule required for the 2019 permissive tax exemption process. There is a statutory requirement to have the bylaws adopted by October 31st each year in order to take effect for the following taxation year.)

Prepared by:



Jennifer Nelson, CPA, CGA
Acting Director of Financial Services

Attachments:

1. Policy #1960.00.01
2. Schedules A-E

City of Courtenay Policy Page 1 of 4

Section 5 - Finance	Policy #	1960.00.01
Subject: Permissive Property Tax Exemption	Revision #	2

SCOPE:

A permissive tax exemption is a means for Council to support not-for-profit organizations within the community which further Council's objectives of enhancing quality of life (economic, social, cultural) and delivering services economically. A permissive tax exemption is strictly at the discretion of the City of Courtenay Council. After careful consideration of all applications Council may approve a full, a partial, or no tax exemption. The tax exemption may vary for the different applicants. This policy guides identification of organizations meeting Council's objectives.

POLICY

1. Overall Amount

A projected amount of revenue to be foregone by Permissive Tax Exemptions will be set by Council annually during the development of the Financial Plan. This amount will be used to calculate the following year's tax exemption for approved organizations based on the current year's assessment and tax rates. The actual amount of the exemption may vary according to the following year's assessment and tax rates.

The cumulative estimated value of the exemptions may not exceed 2% of the total tax levy in the previous year. The bylaw for exemptions for any given year must be adopted and submitted before any assessment or tax rate information is available for that year. The 2% amount will therefore be calculated based on the previous year's assessment and tax rate information.

2. Process

Council will consider applications for permissive tax exemptions annually. Reminder letters to re-apply will be mailed annually or as the term of the exemption expires to current tax exemption recipients. In addition, application packages will be available at any time from the Municipal Office or on our website at www.courtenay.ca.

Applications must be submitted to the Director of Financial Services, using the prescribed application form. The Director will review the applications for completeness, and arrange contact with applicants for additional information as necessary.

Application submissions must include:

- Copies of audited financial statements for last three (3) years for first time applicants, and for the last year for current tax exemption recipients.

AUTHORIZATION: Council R16.06/2017	DATE: August 21, 2017
-------------------------------------------	------------------------------

Section 5 - Finance	Policy #	1960.00.01
Subject: Permissive Property Tax Exemption	Revision #	2

- Copy of state of title certificate or lease agreement, as applicable.
- In the case of a lease agreement for premises rather than ownership, documents are required which indicate that the applicant will benefit by the exemption. Documents should demonstrate that the lease is currently, or will, on approval of the exemption, be reduced by the amount of the exemption, or that other considerations will be provided by the landlord equivalent to the value of the exemption.
- Description of programs/services/benefits delivered from the subject lands/improvements including participant numbers, volunteer hours, benefiting groups/individuals/special needs populations, fees charged for participation
- Description of any 3rd party use of the subject land/improvements including user group names, fees charged conditions of use.
- Information as to the extent to which the activities of the applicant are regional or local (within the City of Courtenay) in nature.
- Financial information on how the tax exemption amount is put back into the community through charitable means or reduced fees paid by the general population of the City of Courtenay.
- Confirmation that the organization’s activities do not compete with any other duly licensed business in the Municipality.

The Director of Financial Services will present a summary report of the applications, relative to the eligibility criteria, to Council and arrange for delegations to Council by applicants as necessary.

3. Criteria

- a) Subject Property must be one of:
 - Land and/or improvements owned by the applicant
 - Land and/or improvements leased under an agreement
 - Land and/or improvements ancillary to a statutory exemption under section 220 of the *Community Charter (Statutory Exemptions)*

- b) Nature of Organization must meet the requirements of *Division 7* of the *Community Charter (Permissive Exemptions)* which includes:
 - Non-profit organization
 - Charitable/philanthropic organization
 - Athletic or Service Club/Association
 - Care facility/licensed private hospital

AUTHORIZATION: Council R16.06/2017	DATE: August 21,2017
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Section 5 - Finance	Policy #	1960.00.01
Subject: Permissive Property Tax Exemption	Revision #	2

- Partner of the municipality by agreement under s. 225 (Partnering, heritage, riparian and other special exemption authority) of the *Community Charter*
- Other local authority
- Organization eligible under *Section 220 of the Community Charter* statutory exemption (e.g. place of public worship, cemetery, library, Indian land, senior’s homes, hospital, etc.)

c) The applicant organization’s use of the land/improvements must benefit the community in one or more of the following ways:

- provides recreational facilities for public use
- provides recreation programs to the public
- provides programs to and/or facilities used by youth, seniors or other special needs groups
- preserves heritage important to the community character
- preserves an environmentally, ecologically significant area of the community
- offers cultural or educational programs to the public which promote community spirit, cohesiveness and/or tolerance
- offers services to the public in formal partnership with the municipality
- [other]

d) All accounts for fees and charges levied by the City of Courtenay to the applicant must be current.

4. Duration of Exemption

Eligible organizations may be considered for tax exemptions exceeding one year (to a maximum of 10 years) where it is demonstrated that the services/benefits they offer to the community are of a duration exceeding one year (i.e. for the period of the tax exemption).

5. Extent, Conditions, and Penalties

a) The following activities and circumstances will be not be considered as eligible for exemption by Council. Exemptions will exclude the portion of land/improvements where the following circumstances exist:

- land/improvements used by the private sector and/or organizations not meeting Council’s exemption criteria
- land/improvements used for commercial or for-profit activities by the not-for-profit organization

AUTHORIZATION: Council R16.06/2017	DATE: August 21,2017
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Section 5 - Finance	Policy #	1960.00.01
Subject: Permissive Property Tax Exemption	Revision #	2

- the activities of the organization are not confined to the City of Courtenay. 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.
 - **prescribed grandfathered permissive exemption percentages will not change in the event an organization re-locates within the municipality. However, a reduction of the exemption shall apply if the nature of the services provided by the organization changes at its new location.**
 - The applicant already receives grant-in-aid from the municipality and/or other sources
- b) Council may impose conditions on the exempted land/improvements with the applicant organization, including but not limited to:
- registration of a covenant restricting use of the property
 - an agreement committing the organization to continue a specific service/program
 - an agreement committing the organization to have field/facilities open for public use for certain times or a total amount of time
 - an agreement committing the organization to offer use of the field/facility to certain groups free of charge or at reduced rates
 - an agreement committing the organization to immediately disclose any substantial increase in the organization’s revenue or anticipated revenue or any change in the status of the property
 - [other]
- c) Council may impose **penalties** on an exempted organization for knowing breach of conditions of exemption, including but not limited to:
- revoking exemption with notice
 - disqualifying any future application for exemption for specific time period
 - requiring repayment of monies equal to the foregone tax revenue
 - [other]

AUTHORIZATION: Council R16.06/2017	DATE: August 21,2017
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City of Courtenay

New Applications for 2019 consideration

Calculation of Amounts based on 2018 Assessments and 2018 Rates

2018 Tax Rates			
	City	Other Auth.	Total
1	3.4289	3.5774	7.0063
2	24.0020	22.0223	46.0243
6	10.4232	8.8379	19.2611
8	3.4289	4.2313	7.6602

Roll #	Registered Owner	Leasee/Society Applying for Exemption	Civic Address	Use of Property	Requested Exemption	% of services - Courtenay residents	Comm Charter	Class	2018 Assessed Value	Other Use	Net Taxable Assess	2018 Property Tax with 100 % Exemption			Recommended 2019 Exemption			
												City	Other Authorities	Total	%	City	Other Authorities	Total
88.000	Ernst Von Schilling, Chiroprator	AVI Health & Community Services (AIDS Vancouver Island)	355 6th Street	Office space for AIDS Vancouver Island, a non-profit providing harm reduction services, services for people living with HIV and/or Hepatitis C, and education for populations with greater exposure to HIV and HVC, social service organizations and other community organizations	100%	85%	224(2)(a)	6	180,900		180,900	1,886	1,599	3,484	40%	754	640	1,394
89.000	Sea Mountain Investments Ltd	Comox Valley Transition Society	367 6th Street	Has been denied exemption in prior years as this is one of several for-profit and not-for-profit thrift stores within Courtenay	100%	75%	224(2)(a)	6	1,113,000		1,113,000	11,601	9,837	21,438	0%	-	-	-
750.100	John Howard Society of North Island	John Howard Society of North Island	994 - 8th Street	Property gifted to John Howard Society from St. John the Divine Abbeyfield House Society. Now supportive transitional youth housing. Property received 75% exemption in 2018 when seniors supported living	100%		224(2)(a)	1	1,214,100		1,214,100	4,163	4,343	8,506	40%	1,665	1,737	3,403
1171.005	Wachiay Friendship Centre Society	Wachiay Friendship Centre Society	1625 McPhee Avenue	Provides over 40 free social programs to those living in poverty. Examples include legal aid, homeless outreach, literacy programs, food bank, senior and elder programs, children support. 10% of space is utilized for Wachiay Studio and MultiMedia program which is run as a revenue generating business with the surplus funds invested into the Society. This is excluded from exemption as it could compete with local business	100%	85%	224(2)(a)	6	1,248,000	124,800	1,123,200	11,707	9,927	21,634	40%	4,682.94	3,971	8,654
1171.006	Wachiay Friendship Centre Society	Wachiay Friendship Centre Society	1679 McPhee Avenue	Parking lot used by Wachiay Friendship Centre Society members and staff	100%	85%	224(2)(a)	6	247,500	24,750	222,750	2,322	1,969	4,290	40%	929	787	1,716
1224.080	Dawn to Dawn Action on Homelessness Society	Dawn to Dawn Action on Homelessness Society	#17 375 21st Street	Affordable/Supportive Housing	100%	70%	224(2)(a)	1	119,000		119,000	408	426	834	40%	163	170	333
1288.060	Dawn to Dawn Action on Homelessness Society	Dawn to Dawn Action on Homelessness Society	#311 1015 Cumberland Road	Affordable/Supportive Housing	100%	70%	224(2)(a)	1	123,100		123,100	422	440	862	40%	169	176	345
1566.000	Makola Housing Society	Makola Housing Society	810 Braidwood Road	Affordable/Supportive Housing	100%	100%	224(2)(a)	1	5,338,900		5,338,900	18,307	19,099	37,406	100%	18,307	19,099	37,406
												\$ 50,815	\$ 47,640	\$ 98,455	\$ 26,670	\$ 26,581	\$ 53,250	

City of Courtenay

2019 Annual Bylaw, based on 2018 exemptions approved

Calculation of Amounts based on 2018 Assessments and 2018 Rates

	2018 Tax Rates		
	City	Other Auth.	Total
1	3.4289	3.5774	7.0063
2	24.0020	22.0223	46.0243
6	10.4232	8.8379	19.2611
8	3.4289	4.2313	7.6602

Roll #	Registered Owner	Civic Address	Use of Property	% of services - Courtenay residents	Comm Charter	Class	Net Assess before Exempt	% exempt	Exempt Assessment	PROPERTY TAXES		
										City	Other Authorities	2019 Est Tax Levy
100% Exemption												
49.000	Eureka Support Society	280-4th st	community facility for adults with mental illness)	95%	224(2)(a)	6	250,000	100%	250,000	2,606	2,209	4,815
122.000	Royal Canadian Legion, Courtenay Branch (Pacific) No. 17	367 Cliffe Ave	facility to support veterans, promote remembrance, act in service of the community	90%	224(2)(a)	6	485,000	100%	485,000	5,055	4,286	9,342
						8	599,000	100%	599,000	2,054	2,535	4,588
1650.000	Royal Canadian Legion, Courtenay Branch (Pacific) No. 17	101 Island Highway	Cenotaph		224(2)(a)	8	37,500	100%	37,500	129	159	287
169.000	Comox Valley Child Development Association	237 - 3rd St	Office to serve children with special needs (consolidation in 2018 of lot 14, 17, 18, 21)	60%	224(2)(a)	6	1,077,000	100%	1,077,000	11,226	9,518	20,744
348.000	Alano Club of Courtenay	543 - 6th St	community facility assisting recovering alcoholics and addicts	90%	224(2)(a)	6	253,000	100%	253,000	2,637	2,236	4,873
400.000	West Island Capital Corp	A1-310 8th Street	leased to City of Courtenay for IT Office Space	100%	224(2)(a)	6	314,000	100%	314,000	3,273	2,775	6,048
513.000	Old Church Theatre Society	755 Harmston Ave	Community theatre	majority	224(2)(a)	6	550,000	100%	550,000	5,733	4,861	10,594
750.020	Comox Valley Recovery Centre Society (City of Courtenay)	641 Menzies Ave	Residential drug/alcohol recovery facility	75%	224(2)(a)	1	1,161,000	100%	1,161,000	3,981	4,153	8,134
1037.000	Comox Valley Family Services Association	1415 Cliffe Ave	Child, youth & family community and victim services	90%	224(2)(a)	6	433,100	100%	433,100	4,514	3,828	8,342
1494.000	Glacier View Lodge Society	2470 Back Road	Seniors long-term care		224(2)(j)	1	1,403,000	100%	1,403,000	4,811	5,019	9,830
1494.010	Glacier View Lodge Society	2470 Back Road	Seniors long-term care		224(2)(j)	1	1,400,000	100%	1,400,000	4,800	5,008	9,809
1494.050	Glacier View Lodge Society	2450 Back Road	Seniors long-term care		224(2)(j)	1	9,062,000	100%	9,062,000	31,073	32,418	63,491
1960.300	The Nature Trust of British Columbia	Sandpiper Drive	Parkland - Was exempt in past years as ownership was incorrectly coded as Provincial lands by BCAA, corrected and recategorized by BCAA for 2013 and no longer receives "statutory exemption"	unknown	224(2)(a)	8	1,560,000	100%	1,560,000	5,349	6,601	11,950
2016.007	Stepping Stones Recovery House for Women Society (Richard Pizzey)	1571 Burgess Rd	Leased by Stepping Stones Recovery House for Women Society	60%	224(2)(a)	1	339,000	100%	339,000	1,162	1,213	2,375
2200.044	Courtenay & District Historical Society In Trust	2564 Cumberland Rd	Heritage Property	50%	224(2)(a)	1	577,000	100%	577,000	1,978	2,064	4,043
3200.072	Comox Valley Curling Club (CVRD)	4835 Headquarters Rd	Curling Club Recreation facility	60%	224(2)(i)	6	1,121,000	100%	1,121,000	11,684	9,907	21,592
112.002	Boys and Girls Club (City of Courtenay)	243-4th Street	Youth Program Facilitator	65%	224(2)(a)	6	129,700	100%	129,700	1,352	1,146	2,498
170.002	Comox Valley Transition Society (Four Paws Investments LTD)	280 2nd Street	"Amethyst House", Residential stabilization and supportive recovery program for women.	75%	224(2)(a)	1	534,000	100%	534,000	1,831	1,910	3,741
1577.018	Comox Valley Pregnancy Care Centre	#4 - 204 Island Hwy N	Women's crisis pregnancy services	97%	224(2)(a)	6	156,100	100%	156,100	1,627	1,380	3,007
75% Exemption												

City of Courtenay

2019 Annual Bylaw, based on 2018 exemptions approved

Calculation of Amounts based on 2018 Assessments and 2018 Rates

	2018 Tax Rates		
	City	Other Auth.	Total
1	3.4289	3.5774	7.0063
2	24.0020	22.0223	46.0243
6	10.4232	8.8379	19.2611
8	3.4289	4.2313	7.6602

Roll #	Registered Owner	Civic Address	Use of Property	% of services - Courtenay residents	Comm Charter	Class	Net Assess before Exempt	% exempt	Exempt Assessment	PROPERTY TAXES		
										City	Other Authorities	2019 Est Tax Levy
757.000	Comox Valley Kiwanis Village Society	1061 8th Street	housing for low-income seniors	70%	224(2)(a)	1	975,500	75%	732,000	2,510	2,619	5,129
757.001	Comox Valley Kiwanis Village Society	1051 8th Street	housing for low-income seniors	70%	224(2)(a)	1	2,624,700	75%	1,969,000	6,752	7,044	13,795
758.000	Comox Valley Kiwanis Village Society	635 Pidcock Ave	housing for low-income seniors	70%	224(2)(a)	1	442,667	75%	332,000	1,138	1,188	2,326
1286.045	L'Arche Comox Valley	534 - 19th Street	Supported group home for adults with developmental disabilities	100%	224(2)(a)	1	411,100	75%	308,000	1,056	1,102	2,158
40% Exemption												
34.000	Courtenay Elks' Lodge No. 60 of the Benevolent and Protective Order of Elks Canada Inc. No. S4640	231 6th Street	Facility to promote and support community. Raises funds for several children and community charities	95%	224(2)(e)	6	394,800	40%	157,900	1,646	1,396	3,041
						8	263,300	40%	105,400	361	446	807
166.000	Comox Valley Child Development Association	267 - 3rd Street	1/3 Child play area, 2/3 handicap park for families (purch in 2011)	60%	224(2)(a)	1	195,600	40%	78,600	270	281	551
459.000	Upper Island Women of Native Ancestry	956 Grieve Ave	office; support worker; early childhood development and cultural awareness programs	95%	224(2)(a)	1	505,000	40%	202,000	693	723	1,415
1700.332	The Canadian Red Cross Society (leased from 670431 BC LTD)	2683 Moray Avenue	Moved from 464 Puntledge Road. Received 40% exemption on previous location.	75%	224(2)(a)	6	363,750	40%	145,500	1,517	1,286	2,802
1960.006	Aaron House Ministries (Leased from Fernco Development Ltd)	2946 Kilpatrick Ave	christian worship/teaching centre - occupy 12.7% of property	75%	224(2)(a)	6	498,250	40%	199,300	2,077	1,761	3,839
2024.009	Habitat for Humanity Vancouver Island North Society	1755 - 13th Street	Restore (5,000 sf) and Administration (2,000 sf)	(29% of space for Admin office x 40% exemption = 12% net exemption) - 100% serves City of Courtenay	224(2)(a)	6	75,250	40%	30,100	314	266	580
3200.032	Youth for Christ Comox Valley	4729 Headquarters Rd	occupy 97.5% of property	95%	224(2)(a)	1	486,500	40%	194,600	667	696	1,363
1960.004	Salvation Army Cornerstone Community and Family Services (Fernco Development LTD)	Unit 9, 468 29th Street	Emergency services to community members (Excludes thrift store operations)	80%	224(2)(a)	6	690,750	40%	276,300	2,880	2,442	5,322
2091.136	Saltwater Education Society (Spacial Holdings Inc)	2398 Rosewall Crescent	Kindergarten to Grade 2 Certification by Ministry of Ed.	56%	224(2)(a)	6	393,750	40%	157,500	1,642	1,392	3,034
409.000	Comox Valley Transition Society	625 England Ave	Community Offices. Secret Venture Holdings Ltd owned by CVTS	75%	224(2)(a)	6	483,300	40%	193,500	2,017	1,710	3,727

City of Courtenay

2019 Annual Bylaw, based on 2018 exemptions approved

Calculation of Amounts based on 2018 Assessments and 2018 Rates

	2018 Tax Rates		
	City	Other Auth.	Total
1	3.4289	3.5774	7.0063
2	24.0020	22.0223	46.0243
6	10.4232	8.8379	19.2611
8	3.4289	4.2313	7.6602

Roll #	Registered Owner	Civic Address	Use of Property	% of services - Courtenay residents	Comm Charter	Class	Net Assess before Exempt	% exempt	Exempt Assessment	PROPERTY TAXES		
										City	Other Authorities	2019 Est Tax Levy
131.002	Comox Valley Transition Society	356 3rd Street	Fourplex - rental housing at rental rates geared to income (property bought with assistance of BC Housing, Town of Comox and mortgage). Target client group is single women and women with children fleeing violence and / or recovering from substance use issues.	75%	224(2)(a)	1	702,500	40%	283,200	971	1,013	1,984
1038.000	John Howard Society of North Island (Luck's Dental Laboratory Ltd.)	1455 Cliffe Avenue	New application for 2017. 100% occupied by the John Howard Society. Social Services Building.	66%	224(2)(a)	6	489,700	40%	196,100	2,044	1,733	3,777
1113.000	L'Arche Comox Valley	1465 Grieve Avenue	Additional location. The property will be used for the I Belong Centre which will hold L'Arche Office, the Outreach Centre (day programs for adults with disabilities) and 6 semi-independent community living residential suites. Used 100% by the L'Arche community however the day programs are offered to the public.	95%	224(2)(a)	1	519,000	40%	211,400	725	756	1,481
1113.000	L'Arche Comox Valley	1465 Grieve Avenue	Additional location. The property will be used for the I Belong Centre which will hold L'Arche Office, the Outreach Centre (day programs for adults with disabilities) and 6 semi-independent community living residential suites. Used 100% by the L'Arche community however the day programs are offered to the public.	95%	224(2)(a)	6	646,500	40%	258,200	2,691	2,282	4,973
Total							32,603,317		27,472,000	\$ 138,845	\$ 133,363	\$ 272,208

City of Courtenay

Annual Bylaw - Church Properties

Calculation of Amounts based on 2018 Assessments and 2018 Rates

2018 Tax Rates			
	City	Other Auth.	Total
1	3.4289	3.5774	7.0063
6	10.4232	8.8379	19.2611
8	3.4289	4.2313	7.6602

Roll #	Registered Owner	Civic Address	Class	2018 Assessed Value	Sec 220 Statutory Exemption	Taxable Residence	Net Remain Assess	% exempt	Sec.224 Permiss Ex Value (Est)	PROPERTY TAXES		
										City	Other Auth.	2019 Est Tax Levy
143.000	GRACE BAPTIST CHURCH	467 - 4th Street	8	219,200	(182,800)		36,400	100%	36,400	125	154	279
313.100	ANGLICAN SYNOD DIOCESE OF B.C.	591 - 5th Street	8	987,000	(737,000)		250,000	100%	250,000	857	1,058	1,915
341.000	ELIM GOSPEL HALL	566 - 5th Street	8	369,100	(227,100)		142,000	100%	142,000	487	601	1,088
342.000	ELIM GOSPEL HALL	576 - 5th Street	1	217,800		(131,200)	86,600	100%	86,600	297	310	607
346.000	ST. GEORGE'S CHURCH	505 - 6th Street	8	1,883,000	(1,702,000)		181,000	100%	181,000	621	766	1,386
568.000	CENTRAL EVANGELICAL FREE CHURCH	765 McPhee Ave	8	578,000	(375,700)		202,300	100%	202,300	694	856	1,550
618.220	RIVER HEIGHTS CHURCH SOCIETY	2201 Robert Lang Drive	8	616,400	(256,300)	(115,100)	245,000	100%	245,000	840	1,037	1,877
1074.050	SALVATION ARMY CANADA WEST	1580,1590 Fitzgerald Ave	8	565,500	(479,000)		86,500	100%	86,500	297	366	663
1166.000	LUTHERAN CHURCH	771 - 17th Street	8	567,700	(390,700)		177,000	100%	177,000	607	749	1,356
1211.004	VALLEY UNITED PENTACOSTAL CHURCH OF BC	1814 Fitzgerald Avenue	8	430,300	(298,300)		132,000	100%	132,000	453	559	1,011
1524.102	BISHOP OF VICTORIA - CATHOLIC CHURCH	1599 Tunner Drive	8	3,894,400	(3,653,400)		241,000	100%	241,000	826	1,020	1,846
1594.000	KINGDOM HALL OF JEHOVAH WITNESSES	1581 Dingwall Road	8	932,800	(659,500)	(103,300)	170,000	100%	170,000	583	719	1,302
1691.030	SEVENTH DAY ADVENTIST CHURCH	4660 Headquarters	8	365,000	(212,000)		153,000	100%	153,000	525	647	1,172
1691.044	ANGLICAN SYNOD DIOCESE OF B.C.	4634 Island Hwy	8	204,500	(96,500)		108,000	100%	108,000	370	457	827
1691.046	ANGLICAN SYNOD DIOCESE OF B.C.	1514 Dingwall Road	8	158,000		Cemetery	158,000	100%	158,000	542	669	1,210
2005.000	LDS CHURCH	1901 - 20th Street	8	761,700	(367,700)		394,000	100%	394,000	1,351	1,667	3,018
2005.000	LDS CHURCH-PRIVATE SCHOOL	1901 - 20th Street	6	913,000	(913,000)	private school	0	100%	0	-	-	-
2017.034	FOURSQUARE GOSPEL CHURCH OF CANADA	1640 Burgess Road	8	2,699,000	(1,349,000)		1,350,000	100%	1,350,000	4,629	5,712	10,341
2200.088	COURTENAY FELLOWSHIP BAPTIST CHURCH	2963 Lake Trail Rd	8	1,136,600	(907,600)		229,000	100%	229,000	785	969	1,754
				\$ 17,499,000	\$ (12,807,600)	\$ (349,600)	\$ 4,341,800		4,341,800	\$ 14,888	\$ 18,315	\$ 33,202

SCHEDULE D

City of Courtenay

5 Year Bylaw - City Owned Properties

Calculation of Amounts based on 2018 Assessments and 2018 Rates

Current Bylaw in effect 2015-2019. Bylaw No. 2801, 2014

2018 Tax Rates			
	City	Other Auth.	Total
1	3.4289	3.5774	7.0063
6	10.4232	8.8379	19.2611
8	3.4289	4.2313	7.6602

Roll #	Registered Owner	Civic Address	Use of Property	Comm Charter	Cl.	Net 2018 Assessed Value	% exempt	Permiss Ex. Assess. Value	PROPERTY TAXES		
									City	Other Authorities	Est 2019 Tax Levy
29.002	City of Courtenay	580 Duncan Ave	Arts Centre/Gallery	224(2)(b)	6	2,446,000	100%	2,446,000	25,495	21,618	47,113
63.000	City of Courtenay	442 Cliffe Avenue	Sid Williams Theatre	224(2)(b)	6	1,631,000	100%	1,631,000	17,000	14,415	31,415
113.000	City of Courtenay	207 - 4th St	Courtenay & District Museum	224(2)(b)	6	1,674,000	100%	1,674,000	17,448	14,795	32,243
				224(2)(b)	8	333,000	100%	333,000	1,142	1,409	2,551
261.006	City of Courtenay/ Nature Trust of BC	3rd Street	McPhee Meadows	224(2)(b)	1	553,000	100%	553,000	1,896	1,978	3,874
1200.000	City of Courtenay	2040 Cliffe Ave	Marina	224(2)(b)	6	854,000	100%	854,000	8,901	7,548	16,449
					8	114,000	100%	114,000	391	482	873
1941.000	City of Courtenay	100 - 20th St	Airpark	224(2)(b)	6	7,904,000	100%	7,904,000	82,385	69,855	152,240
2023.014	City of Courtenay/ Nature Trust of BC	656 Arden Road	Morrison Nature Park	224(2)(b)	8	743,000	100%	743,000	2,548	3,144	5,692
						\$ 16,252,000		\$ 16,252,000	\$ 157,207	\$ 135,243	\$ 292,449

City of Courtenay

10 Year Bylaw - Island Corridor Foundation

Calculation of Amounts based on 2018 Assessments and 2018 Rates

2018 Tax Rates			
City	Other Auth.	Total	
2	24.0020	22.0223	46.0243
6	10.4232	8.8379	19.2611

Current Bylaw in effect 2012-2021. Bylaw No. 2802, 2014

Roll #	Registered Owner	Civic Address	Use of Property	Comm Charter	Cl.	2018 Assessed Value	% exempt	Assessed Value of Exemption	PROPERTY TAXES		
									City	Other Authorities	2019 Est Tax Levy
467.000	Island Corridor Foundation		railway corridor	224(2)(a)	2	39,000	100%	39,000	936	859	1,795
467.100	Island Corridor Foundation		railway corridor	224(2)(a)	2	8,300	100%	8,300	199	183	382
613.100	Island Corridor Foundation		railway corridor	224(2)(a)	2	6,800	100%	6,800	163	150	313
1012.205	Island Corridor Foundation	South Courtenay Boundary Extension 2013	railway corridor	224(2)(a)	2	277,900	100%	277,900	6,670	6,120	12,790
2154.000	Island Corridor Foundation	Cumberland Road	railway corridor	224(2)(a)	2	329,800	100%	329,800	7,916	7,263	15,179
2154.001	Island Corridor Foundation		railway corridor	224(2)(a)	6	7,100	100%	7,100	74	63	137
2154.003	Island Corridor Foundation		railway corridor	224(2)(a)	6	222,000	100%	222,000	2,314	1,962	4,276
2154.013	Island Corridor Foundation	Island Corridor Foundation	railway corridor / Train Station	224(2)(a)	2	3,200	100%	3,200	77	70	147
				224(2)(a)	6	335,200	100%	335,200	3,494	2,962	6,456
						\$ 1,229,300		\$1,229,300	\$ 21,843	\$ 19,632	\$ 41,475



STAFF REPORT

To: Council

File No.: 1845-20; 5335-20

From: Deputy Chief Administrative Officer

Date: August 20, 2018

Subject: Woods Outfall Upgrade Project Funding and ICIP Grant

PURPOSE:

The purpose of this report is for Council to provide approval to apply for grant funding through the Canada-British Columbia Investing in Canada Infrastructure Program - "Green Infrastructure – Environmental Quality Sub-Stream (ICIP) and allocate funding from previously approved transfers from reserves.

CAO RECOMMENDATIONS:

That based on the August 20, 2018 staff report "Woods Outfall Upgrade Project Funding and ICIP Grant" Council approve Option 1 and authorize the application for grant funding for the Woods Outfall Upgrade project through the Canada-British Columbia Investing in Canada Infrastructure Program - "Green Infrastructure – Environmental Quality Sub-Stream" (ICIP); and

That Council commit the City of Courtenay's share of the project up to \$287,000 to be funded by previously approved transfers from reserves.

Respectfully submitted,

John Ward, CMC
Deputy Chief Administrative Officer

BACKGROUND:

The Investing in Canada Infrastructure Program (ICIP) is a joint effort between the Federal and Provincial governments to provide local governments grant funding to assist with infrastructure development. The Canadian government will invest \$3.917 billion in B.C. infrastructure over 4 years and this year the fund has released \$243 million under the 'Green Infrastructure – Environmental Quality' stream.

Eligible projects will support public infrastructure, defined as a tangible capital asset primarily for public use and benefit. To be eligible, projects must meet at least one of the following outcomes:

- Increased capacity to treat and/or manage wastewater and stormwater
- Increased access to potable water
- increased capacity to reduce and/or remediate soil and/or air pollutants

Funding is available up to 73.33% of eligible project costs. The City would be responsible for the remaining 26.67% of the project costs.

DISCUSSION:

Staff screened six priority projects against the ICIP program criteria including water system upgrades, sewer system upgrades and sewer system rehabilitation, and found that the Woods Outfall upgrade aligned strongest with the grant program's requirements. The Woods Outfall Upgrade Project also presents the most realistic scale of project to suit available senior government funds.

Located at the north end of Woods Avenue, the outfall receives runoff from a catchment approximately 41 ha in size. The existing outfall discharges into Morrison Creek, which is a recognized sensitive habitat for the Morrison Creek Lamprey and is an important community feature. During intense storm events, flow velocities and volumes can be very high causing safety and erosion concerns on the slope and within the creek. The existing outfall consists of a wood structure that is in poor condition. Holes in the side of the wooden structure have resulted in erosion of the bank. The steep slope of the structure directs storm flows against the opposite bank of Morrison Creek, resulting in erosion.

Staff worked with Associated Engineering in early 2018 to develop and analyze options for the replacement of the Woods Avenue Outfall. The 'Woods Outfall Conceptual Design & Option Analysis' report proposed four replacement options including in-situ replacement, re-routing and new outfall locations to minimize cost and reduce environmental impact. The report has provided a recommended approach; however this has not been confirmed with staff or the Asset Management Working Group. In order to meet the grant application deadlines, staff require Council support prior to submitting the application. Staff understand that this area is an important community feature and will consult with key stakeholders as the project evolves in order to finalize the scope of work. Class D cost estimates for the recommended option identify the project to cost \$1,075,000 including engineering costs and contingencies.



The 'Woods Outfall Upgrade Project' aligns with the ICIP's Green Infrastructure – Environmental Quality stream by increasing the City's capacity to manage stormwater. The ICIP grant fund provides an opportunity for the City to replace the Woods Outfall which is in poor repair. The Woods Outfall Upgrade project is grant-ready and sufficiently scoped for construction in 2019-2020.

FINANCIAL IMPLICATIONS:

Professional fees to support the City's application to the grant program are estimated at \$5,000. Funds are available within the existing Engineering Operating budget to support this expenditure.

The ICIP grant program is for up to 73.33% funding of eligible project costs. The City would be responsible for the remaining 26.67% of the project costs and any funds needed to complete the works above the estimated amounts.

ADMINISTRATIVE IMPLICATIONS:

The grant application undertaking is statutory in nature and is included in the Corporate Work Plan for 2018.

ASSET MANAGEMENT IMPLICATIONS:

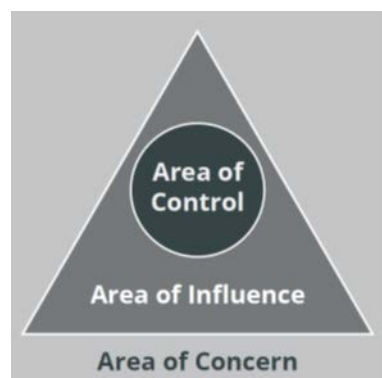
The replacement of the Woods Outfall was included in the 2018 5 year Capital Budget Plan for design in 2019 and construction in 2020.

This outfall is listed within the City's risk register.

STRATEGIC PRIORITIES REFERENCE:

We proactively plan and invest in our natural and built environment

- Continued focus on asset management for sustainable service delivery
- Focus on infrastructure renewal rather than upgrades
- Continued support for social, economic and environmental sustainability solutions



- **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:

6.4 (Utility Services) Storm Drainage

4. The City will continue to work towards reducing or mitigating the impacts of development on the drainage system to protect the quality of the river systems.

REGIONAL GROWTH STRATEGY REFERENCE:

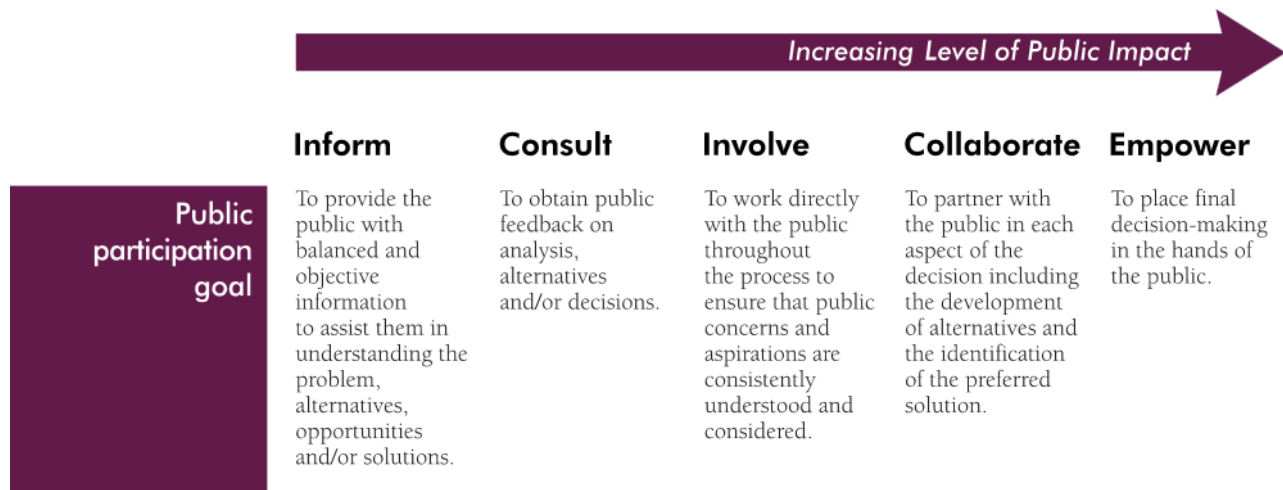
Goal 5 – Infrastructure

Objective 5-C: Stormwater is managed to preserve ecosystem and watershed health.

CITIZEN/PUBLIC ENGAGEMENT:

Staff would consult with key stakeholder groups during the design stage and inform the public following the completion of the design based on the IAP2 Spectrum of Public Participation:

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



OPTIONS:

Option 1: That based on the August 20, 2018 staff report “Woods Outfall Upgrade Project Funding and ICIP Grant”, Council approve Option 1 and authorize the application for grant funding for the Woods Outfall Upgrade project through the Canada-British Columbia Investing in Canada Infrastructure Program - “Green Infrastructure – Environmental Quality Sub-Stream” (ICIP); and

That Council commit the City of Courtenay’s share of the project up to \$287,000 to be funded by previously approved transfers from reserves.

Option 2: THAT council not support proceeding with the application to the ICIP grant.

Prepared by:



Craig Perry, P.Eng.
Manager of Engineering Projects



Ryan O’Grady, P.Ag., P.Eng.
Director of Engineering Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO.2937

Downtown Courtenay Revitalization Tax Exemption Bylaw

WHEREAS Council may by bylaw establish a revitalization tax exemption program under section 226 [revitalization tax exemption] of the *Community Charter*;

AND WHEREAS Council wishes to establish a revitalization tax exemption program in order to encourage redevelopment and revitalization of those areas, identified in Schedule "A";

AND WHEREAS Council has identified in its strategic priorities that revitalizing downtown is critical to the City's economic future;

AND WHEREAS the City has adopted a "Downtown Courtenay Playbook" that specifically identified the establishment of a Revitalization Tax Exemption Bylaw as a means to stimulate downtown development projects;

AND WHEREAS Council has given notice of its intention to adopt this bylaw in accordance with section 227 of the *Community Charter* and considered this bylaw in conjunction with the objectives and policies set out in section 165(3.1)(c) of the *Community Charter* in the City's financial plan.

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

1. CITATION

1.1. This bylaw may be cited for all purposes as "**Downtown Courtenay Revitalization Tax Exemption Bylaw No. 2937, 2018**".

2. DEFINITIONS

2.1. In this bylaw:

"Agreement" means a Revitalization Tax Exemption Agreement between the owner of a Parcel and the City, substantially in the format of and with the content of Schedule "B" which is attached to and forms part of this bylaw;

"Assessed Value" means the BC Assessment Authority land and improvements assessed value of the parcel subject to an Agreement for the purposes of calculating property taxes;

"City" means the City of Courtenay;

“Council” means the Council of the City of Courtenay;

"Municipal property taxes" means the property taxes imposed on new buildings or eligible improvements on eligible lands shown on Schedule "A" and as prescribed in the *Community Charter*, this does not include taxes levied by the City on behalf of Schools, Library, MFA, Regional Districts, Hospital or BC Assessment Authority;

"Owner" means the owner as registered on the Certificate of Title as of the tax exemption application date;

“Project” means a revitalization project on a Parcel involving the construction of a new improvement or alteration of an existing improvement, which meets the requirements of this bylaw, and the construction of which is begun after an application for a Tax Exemption has been submitted to, and approved by, Council;

“Property” means the legally described land and improvements to which a Revitalization Tax Exemption is applied for and as legally described in the Agreement;

“Revitalization Amount” means the municipal portion of property tax calculated in relation to the increase in the assessed value of improvements on the property resulting from the construction or alterations of a project;

“Revitalization Area” means one of the areas outlined on Schedule “A”, which is attached to and forms part of this Bylaw;

“Revitalization tax exemption agreement” means an agreement between the owner of a property and the City, substantially in the format of and with the content of Schedule “B” which is attached to and forms part of this bylaw;

“Tax Exemption” means a revitalization tax exemption pursuant to this bylaw;

“Tax Exemption Certificate” means a revitalization tax exemption certificate issue by the City pursuant to this bylaw, the relevant Agreement, and the provisions of section 226 of the Community Charter, in the form of Schedule “C”, which is attached to and forms part of this bylaw.

3. DOWNTOWN REVITALIZATION TAX EXEMPTION PROGRAM

3.1 There is hereby established a revitalization tax exemption program under section 226 of the Community Charter for the granting of *Tax Exemptions* and the issuance of *Tax Exemption Certificates*.

3.2 The terms and conditions upon which a *Tax Exemption* may be granted and a *Tax Exemption Certificate* may be issued are as set out in this Bylaw, in the Agreement and in the *Tax Exemption Certificate*.

3.3 The downtown revitalization tax exemption program is established under this Bylaw in order to promote the revitalization of Downtown Courtenay through:

- a) The development and redevelopment of buildings used for residential purposes to increase the population density in downtown Courtenay to support commercial success;
- b) The development and redevelopment of commercial buildings to create a vibrant downtown that attracts new investment opportunities and supports increased residential viability;
- c) To reinforce and strengthen downtown Courtenay as the commercial heart of the Comox Valley.

3.4 The revitalization tax exemption program is intended to accomplish the objectives referred to in Section 3.3 by providing Owners with an economic incentive in the form of a tax exemption to undertake the development of new improvements.

4. ELIGIBILITY CRITERIA

4.1 In order for a *project* to be considered by Council for a *Tax Exemption* it must meet the following criteria:

- a) For commercial *projects*, the *project* must involve construction that results in floor space being added to an existing building or in a new building being constructed on the *property*;
- b) The construction value for commercial *projects*, as determined based on the building permit(s) issued, must be \$200,000.00 or greater;
- c) Residential *projects* in Downtown Revitalization Area 2 must include four (4) residential units or more;
- d) the land use into which the *project* is intended to fit must be one of the uses permitted in the applicable zone for the *property*, as set out in City of Courtenay Zoning Bylaw 2500, 2007, as amended from time to time, and the *project* must meet all other applicable City policies and bylaws;
- e) the *owner* of the *property* must enter into an Agreement with the City;

- f) the *property* must be located in one of the Revitalization Areas shown on Schedule “A” attached hereto and forming part of the Bylaw;
- g) Any construction of a *project* undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration;
- h) *Properties* currently receiving a municipal tax exemption shall not be considered by Council for a Tax Exemption.
- i) *Projects* involving *properties* with any unpaid property taxes in arrears shall not be considered by Council for a Tax Exemption.
- j) The maximum Revitalization Tax Exemption authorized under this Bylaw must not exceed the increase in the *assessed value* of the improvements on the property between;
 - i. The calendar year before the *project* began; and
 - ii. The calendar year in which the *project* is completed.

5. DOWNTOWN REVITALIZATION AREA 1

5.1 The amount of the tax exemption is:

- a) 100% of the *Revitalization Amount* on the *property* for Commercial, Residential or Mixed-Use development.

5.2 The term of the tax exemption is

- a) 5 years for a *project* that is a commercial, residential or mixed-use building
- b) 8 years for a *project* that is a residential, or mixed-use building where the Owner enters into a Housing Agreement pursuant to s. 483 of the *Local Government Act* to:
 - i) Secure 10% of the residential units (minimum 1 unit) as affordable housing units; and
 - ii) Restricts the rents, lease, sale or share prices that may be charged for the units at 30% below market rates.

6. DOWNTOWN REVITALIZATION AREA 2

6.1 The amount of the tax exemption is:

- a) 100% of the *Revitalization Amount* on the *property* for Residential Development containing four (4) or more dwelling units;
- b) 50% of the *Revitalization Amount* on the *property* for Commercial developments

6.2 The term of the tax exemption is:

- a) 5 Years for a *project* that is a commercial, residential or mixed-use development
- b) 8 years for a *project* that is a residential, or mixed-use building where the Owner enters into a Housing Agreement pursuant to s. 483 of the *Local Government Act* to:
 - i) Secure 10% of the residential units (minimum 1 unit) as affordable housing units; and
 - ii) Restricts the rents, lease, sale or share prices that may be charged for the units at 30% below market rates.

7. APPLICATION PROCESS

Council may, by resolution, authorize a municipal property tax exemption pursuant to this bylaw in the manner prescribed herein:

- a) An Owner shall submit a completed application form provided by the City as amended from time to time (with all supporting documentation and the \$200 application fee) to the City concurrently with a building permit application.
- b) Upon issuance of an authorizing resolution by Council, the Owner and the City shall enter into a *revitalization tax exemption agreement* in a form provided by the City as amended from time to time.
- c) Upon execution of the *revitalization tax exemption agreement* between the owner and the City, a *tax exemption certificate* shall be issued and applied to the subject property.

8. RECAPTURE OF EXEMPTED TAXES

If a *property* that has benefited from a *tax exemption* under the Revitalization Tax Exemption Program established by this bylaw ceases to meet all the conditions of the *Tax Exemption Certificate*, then the *Tax Exemption Certificate* shall be cancelled and all the taxes which were exempted in respect of that *property* shall be repaid, plus interest, as if the taxes had never been exempted, and the City shall add those taxes to the roll for that property.

Read a first time this 16th day of July, 2018

Read a second time this 16th day of July, 2018

Notice published pursuant to Section 227 of the *Community Charter* on the 7th day of August and the 9th day of August, 2018.

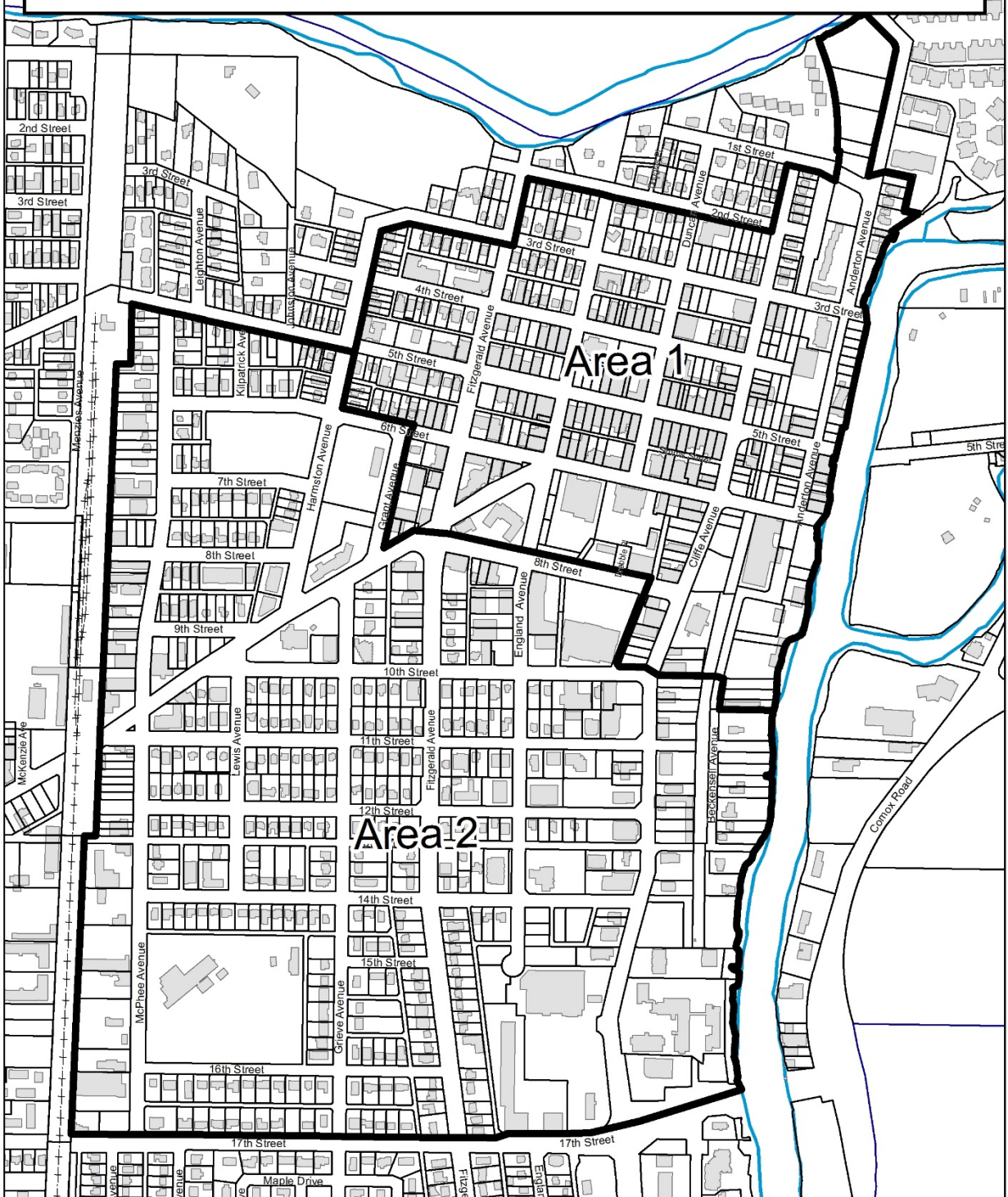
Read a third time this day of, 2018

Finally passed and adopted this day of, 2018

Mayor

Corporate Officer

Downtown Courtenay Revitalization Tax Exemption Areas Schedule A to Bylaw 2937



SCHEDULE "B"

Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the ___ day of _____, 20__ is

BETWEEN:

XXXX
(the "Owner")

AND:

THE CITY OF COURTENAY
830 Cliffe Avenue
Courtenay, B.C.
V9N 2J7
(the "City")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of lands in the City of Courtenay at [*civic address*] legally described as [*legal description*] (the "Parcel");
- B. Council has established a revitalization tax exemption program and has included within the Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937 the designation of areas which include the Parcel as a revitalization area; and
- C. The Owner proposes to construct new improvements [*or alter existing improvements*] on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Owner and the City covenant and agree each with the other as follows:

- 1. **The Project** – the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:
 - a)
 - b)
- 2. **Operation and Maintenance of the Project** – throughout the term of this agreement, the

Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.

3. **Revitalization Amount** – In this agreement, “**Revitalization Amount**” means the municipal portion of property tax calculated in relation to the increase in the assessed value of improvements on the Parcel resulting from the construction of the Project as described in section 1;
4. **Revitalization Tax Exemption** – subject to fulfilment of the conditions set out in this agreement and in “Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937”, the City shall issue a revitalization tax exemption certificate (the “Tax Exemption Certificate”) to the British Columbia Assessment Authority entitling the Owner to a property tax exemption in respect of the property taxes due (not including local service taxes) in relation to the Revitalization Amount on the Parcel (the “Tax Exemption”) for the calendar year(s) set out in this agreement.
5. **Conditions** – the following conditions shall be fulfilled before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:
 - a) The Owner must obtain a building permit from the City for the Project on or before _____, 20__;
 - b) The Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix “A”.
 - c) The Owner must submit a copy of the Occupancy Permit and Revitalization Tax Exemption Agreement to the City of Courtenay’s Finance Department before the City will issue the Tax Exemption Certificate.
 - d) The completed Project must substantially satisfy the performance criteria set out in Appendix “B” hereto, as determined by the City’s Urban Planning Manager or designate, in their sole discretion, acting reasonably.
6. **Calculation of Calculation of Revitalization Tax Exemption** – the amount of the Tax Exemption shall be equal to *[choose one from below and insert applicable wording]*:
 - a) For “Downtown Revitalization Area 1”, 100% of the Revitalization Amount on the Parcel;
 - b) For “Downtown Revitalization Area 2,”
 - i. 100% of the Revitalization Amount on the parcel for Residential Development containing four (4) or more dwelling units;

- ii. 50% of the Revitalization Amount on the parcel for Commercial developments
7. **Term of Tax Exemption** – provided the requirements of this agreement, and of the Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937, are met the Tax Exemption shall be for the taxation years _____ to _____, inclusive.
8. **Compliance with Laws** – the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.
9. **Effect of Stratification** – if the Owner stratifies the Parcel under the Strata Property Act, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
- a. the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or
 - b. for the next calendar year and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office after May 1.
10. **Cancellation** – the City may in its sole discretion cancel the Tax Exemption Certificate at any time:
- a. on the written request of the Owner; or
 - b. effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.
 - c. If the Owner is subject to a housing agreement with the City and is not in compliance with the operating agreement.

If such cancellation occurs, the Owner of the Parcel for which the Tax Exemption Certificate was issued will remit to the City an amount equal to the value of any Tax Exemption received after the cancellation of the Tax Exemption Certificate.

11. **No Refund** – for greater certainty, under no circumstances will the Owner be entitled under the City’s revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.

12. **Notices** – any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

a. in the case of a notice to the City, at:

THE CITY OF COURTENAY
830 Cliffe Avenue
Courtenay, B.C.
V9N 2J7

Attention:

Fax:

b. in the case of a notice to the Owner, at:

[Insert name and address of owner]

Attention:

Fax:

Or at such other address as the party to whom such notice or other writing is to be given shall have last notified the party giving the same.

13. **No Assignment** – the Owner shall not assign its interest in this agreement except to a subsequent owner in fee simple of the Parcel.

14. **Severance** – if any portion of this agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this agreement.

15. **Interpretation** – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.

16. **Further Assurances** – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this agreement.

17. **Waiver** – waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.

18. **Powers Preserved** – this agreement does not:

- a. Affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
 - b. Affect or limit any enactment relating to the use or subdivision of the Parcel; or
 - c. Relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.
19. **Reference** – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.
20. **Enurement** – this agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.
21. Any construction of a new improvement or alteration of an existing improvement as of this bylaw undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration
22. The maximum Revitalization Tax Exemption authorized under this Bylaw must not exceed the Revitalization Amount on the Property between:
- a. the calendar year before the construction or alteration began, as outlined under Section 1 of this agreement; and
 - b. the calendar year in which the construction or alteration, as outlined under Section 1 of this agreement, is completed.
23. The Property’s assessed value of improvements must not be reduced below the amount assessed in the calendar year prior to construction or alteration, as a result of the Revitalization Tax Exemption.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Executed by the CITY OF COURTENAY by

Its authorized signatories:

 Mayor

City Clerk

Executed by _____ by its

Authorized signatories:

Name:

Name:

Appendix "A": Plans and Specifications

Appendix "B": Performance Criteria

SCHEDULE "C"
Tax Exemption Certificate

Date of Issuance: _____ Certificate Number: _____

Term: _____ Date of Expiry: _____

Legal Description: _____

Property Address: _____

Property Roll Number: _____

Increase in Assessed Value: The increase in assessed value the property tax exemption is based on is: **[insert amount of increase resulting from improvements]**

This certificate certifies that the property is subject to a Revitalization Tax Exemption, for each of the taxation years 20__ to 20__ inclusive, equal to **[enter percent of reduction]**% of the Increase in Assessed Value multiplied by the municipal rate of tax in effect for **[enter tax class]**.

1. This Certificate is subject to the condition that:

- a) The Owner continuously meet all of its covenants and obligations under the Revitalization Tax Exemption Agreement between the Owner and the City dated _____
- b) All of the conditions under the Agreement for receipt of a tax exemption continue to be met; and
- c) The Agreement is not subject to early termination.

2. If the Certificate is cancelled during a year in which the Owner has received an exemption from taxes, a recapture amount is payable calculated as equal to a percentage of the amount of the exemption with the percentage derived from the period of the taxation year remaining from the date of cancellation.

Effective Date: This certificate does not apply to taxation in a calendar year unless it is issued on or before October 31 of the preceding year.

Issued by: _____

Chief Financial Officer

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2929

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. 2929, 2018**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) by rezoning Lot 9, Section 16, Comox District, Plan VIP6065 (911 Braidwood Road), as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Commercial Two A Zone (C-2A) to Residential Four A Zone (R-4A); and
 - (b) That Schedule No. 8, Zoning Map be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 16th day of July, 2018

Read a second time this 16th day of July, 2018

Considered at a Public Hearing this 7th day of August, 2018

Read a third time this _____ day of _____, 2018

Finally passed and adopted this _____ day of _____, 2018

Mayor

Corporate Officer

