

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, October 16, 2006 at 4:00 p.m.

Attending:

Mayor: S. L. Winchester (until 4:55 p.m.)

**Councillors: L. V. Jangula
R-R. Leonard
D. S. McRae
G.T. Phelps
J. M. Presley
M. Theos**

Staff:

**K. Lagan, Acting Administrator
J. Ward, Manager of Corporate Administration
D. Slobodan, Director of Regulatory and Property Services
T. Manthey, Director of Financial Services
P. Crawford, Director of Planning Services
R. Wiwchar, Director of Community Services
G. Garbutt, Planner**

The meeting was called to order at 4:06 p.m.

1.00 MINUTES

.01 Moved by Presley and seconded by McRae that the minutes of the regular Council meeting held October 10, 2006 be adopted.
Carried

2.00 INTRODUCTION OF LATE ITEMS

Mayor Winchester approved the addition of one late item to the agenda.

3.00 DELEGATIONS

Councillor Presley declared a potential conflict of interest regarding the next two items due to a business relationship with the applicants, and vacated Council Chamber at 4:08 p.m.

Zeidler Partnership re: Development Permit No. 0609

Kristina Zalite and Miroslaw Paprotny of Ziedler Partnership reviewed the application for Development Permit No. 0609 for the construction of a boutique hotel consisting of 45 units, a spa and meeting room facilities at 1760 Riverside Lane.

4.00 COMMITTEE/STAFF REPORTS

.01

DVP NO. 0609
RIVERHOUSE ENT
3060-20-0609

Moved by McRae and seconded by Jangula that notice be given to the adjacent property owners of the proposed Development Permit with variances outlined below and that the application be returned to Council at a meeting on November 6, 2006;

That subject to public input, Development Permit No. 0609 be issued to Riverhouse Enterprises Ltd. to allow the construction of a 45 unit hotel on Lot A, Section 41 and 68, Comox District, Plan VIP75820 at 1760 Riverhouse Lane, including landscape materials and installation, irrigation and fencing valued at \$76,060.00, as outlined in Schedule Nos. 1-4 including the following variances to the City of Courtenay Zoning Bylaw No. 1427, 2986:

- To increase the mean height from 10.0m to 12.96m;
- To reduce the front yard setback from 4.5m to 2.82m to allow columnades within the front yard setback; and

That is the permit holder has not substantially commenced any construction to which the permit was issued within twelve (12) months after the date it was issued, the permit lapses.

Carried

.02

REZONING APP
HALL/VAN DYCK
3360-20-0614

Moved by Leonard and seconded by Theos that Council approve the application from Candice Hall and Tom Van Dyck to amend the City of Courtenay Zoning Bylaw No. 1427, 1986 to include “veterinary clinic” as a permitted use in the MU-2 zone;

That City of Courtenay Zoning Amendment Bylaw No. 2483, 2006 proceed to 1st and 2nd reading; and

That a Public Hearing be held on November 6, 2006 at 5:00 p.m. in City Hall Council Chambers in relation to Bylaw No. 2483.

Carried

Councillor Presley returned to Council Chambers and took his seat at 4:20 p.m.

.03

OCP & ZONING APP
BROOKMERE INVEST
3360-20-0606

Moved by Theos and seconded by Presley that Council approve the application from Brookmere Investments Ltd. to amend the City of Courtenay Zoning Bylaw No. 1427, 1986 and the Official Community Plan Bylaw No. 2387, 2005 for the property legally described as Lot A, District Lot 158, Comox District, Plan VIP54182 from Residential One C (R-1C) to Residential One B (R-1B) to allow for a 31 lot subdivision as shown on Schedule No. 1;

That City of Courtenay Zoning Amendment Bylaw No. 2484, 2006 and Official Community Plan Amendment Bylaw No. 2485, 2006 proceed to 1st and 2nd reading;

That a Public Hearing be held on November 6, 2006 at 5:00 p.m. in City Hall Council Chambers in relation to Bylaw Nos. 2484 and 2485; and

That prior to adopting City of Courtenay Zoning Amendment Bylaw No. 2484 a covenant be registered on the subject property securing an amenity contribution pursuant to S.7.5 Provision of Amenities, Residential of the Official Community Plan.

Carried

Councillor Presley declared a potential conflict of interest regarding the next item due to a business relationship with Habitat for Humanity and vacated Council Chambers at 4:23 p.m.

Councillor Phelps declared a potential conflict of interest regarding the next item due to the fact he is an employee of Habitat for Humanity and vacated Council Chambers at 4:23 p.m.

.04

MATCHING GRANT
HABITAT FOR
HUMANITY
1650-01
1850-03

Moved by Jangula and seconded by McRae that Council approve a 2006 matching grant, pursuant to Policy No. 1850-03 “Affordable Housing Initiatives”, in the amount of \$2,500.00 to Habitat for Humanity.

Carried

Councillors Presley and Phelps returned to Council Chambers and took their seats at 4:28 p.m.

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.05 Moved by Presley and seconded by Phelps that Council approve the
STAT RIGHTS OF WAY Statutory Right of Way over Part of Lot 1, Block 72, Comox District, Plan
SILVER SAND LAND VIP-----;

CORP
3320-20-05486 That Council approve the Statutory Right of Way over Lot A, Block 72,
Comox District, Plan 49168, Except Part in Plans VIP72302, VIP78220,
VIP80915 and VIP-----; and

That the Mayor and Manager of Corporate Administration be authorized to
sign all documentation relating to this development.

Carried

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

.01 Moved by Jangula and seconded by Phelps that the City of
AFFORDABLE Courtenay Affordable Housing Task Committee minutes of September 13,
HOUSING 2006 be received for information.

COMMITTEE MINUTES **Carried**

.02 Moved by Phelps and seconded by Theos that the Fire Report for
FIRE REPORT September 2006 be received for information.

650-20 **Carried**

7.00 UNFINISHED BUSINESS

Mayor Winchester inquired whether there were any members of the public wishing to make a
submission regarding Development Variance Permit No. 0628.

Wendy Clairmont, 4680B Muir Road requested details about the proposed development of the
subject property, and stated that the notification from the City was not clear in this regard.

Peter Crawford, Director of Planning Services reviewed that the reason for the development
variance was to permit an existing building to have a reduced frontage on Muir Road, thereby
permitting the property to be subdivided for future development.

.01 Moved by Presley and seconded by Theos that Development
DVP NO. 0628 Variance Permit No. 0628 be issued to A.H. Winter & Son Construction
A.H. WINTER & SON Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427,
3090-20-0628 1986, and amendments thereto, to reduce the frontage from 30m to 15m to
allow subdivision of the property, as detailed in Schedule No. 1, for the
property legally described as Strata Lots 1-12, Section 17, Comox District,
Strata Plan VIS3658 at 4693 Muir Road.

Carried

Mayor Winchester inquired whether there were ⁴any members of the public wishing to make a

submission regarding Development Variance Permit No. 0627 and there were none.

.02

DVP NO. 0627
DOWKER/MOOSE
3090-20-0627

Moved by McRae and seconded by Leonard that Development Variance Permit No. 0627 be issued to Deborah Dowker and Marcel Moose to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to increase the mean height from 4.68m to 5.60m to allow the construction of a 11.13m by 7.52m single residential dwelling, as detailed in Schedule Nos. 1-2, for the property legally described as Lot 1, District Lot 127, Comox District, Plan VIP79599 on 5th Street.

Carried

9.00 NEW BUSINESS

.01

VIRL BUDGET UPDATE

Councillor Leonard provided an update regarding the Vancouver Island Regional Library budget process, and reviewed that the proposed budget increase for 2007 is 3.19%.

.02

PROPERTY TRANSFER
TAX – AFFORDABLE
HOUSING
5040-20

Moved by Leonard and seconded by Phelps that

WHEREAS housing prices are rising to levels that challenge the market to provide affordable housing;

AND WHEREAS affordable housing and homelessness are increasing challenges that affect the health of the community of Courtenay and its citizens;

AND WHEREAS the Property Transfer Tax adds to the cost of housing and, by being assessed as a proportion of the sale price, contributes to the lack of affordable housing;

AND WHEREAS the BC Real Estate Association (BCREA) has identified that the provincial government has had an unanticipated increase in revenues this past year, in the magnitude of over \$100 million, from increased Property Transfer Tax revenues, due to an unexpected rise in the housing market;

AND WHEREAS these unforeseen revenues were not incorporated into the provincial budget;

AND WHEREAS the BCREA has proposed to the provincial government that the unexpected property transfer tax revenues be directed toward affordable housing initiatives;

NOW THEREFORE BE IT RESOLVED that the City of Courtenay write to the provincial government in support of the BCREA recommendation to direct excess Property Transfer Tax revenues to address the affordable housing infrastructure deficit, and further, that the Union of British Columbia Municipalities be requested to provide a unified supporting voice.

Subsidiary Motion

Moved by Leonard and seconded by Phelps that the Property Transfer Tax resolution be forwarded to the City of Courtenay Affordable Housing Task Committee.

Carried

10.00 BYLAWS

Councillor Presley declared a potential conflict of interest regarding Bylaw 2483 due to a business relationship and vacated Council Chambers at 4:50 p.m.

.01

BYLAW NO. 2483

Moved by Theos and seconded by McRae that “City of Courtenay Zoning Amendment Bylaw No. 2483, 2006” pass first and second reading.

Carried

Councillor Presley returned to Council and took his seat at 4:51 p.m.

.02 Moved by McRae and seconded by Theos that “Official Community
BYLAW NO. 2485 Plan Amendment Bylaw No. 2485, 2006” pass first and second reading.
Carried

.03 Moved by Theos and seconded by Jangula that “City of Courtenay
BYLAW NO. 2484 Zoning Amendment Bylaw No. 2484, 2006” pass first and second reading.
Carried

.04 Moved by Presley and seconded by Theos that “Development
BYLAW NO. 2478 Application Procedures Amendment Bylaw No. 2478, 2006” be finally
passed and adopted.
Carried

.05 Moved by McRae and seconded by Presley that “City of Courtenay
BYLAW NO. 2480 Fees and Charges Amendment Bylaw No. 2480, 2006” be finally passed and
adopted.
Carried

11.00 COUNCIL MEMBER ROUNDTABLE

COUNCILLOR LEONARD	Councillor Leonard outlined her attendance at the official opening of Idiens Park
COUNCILLOR THEOS	Councillor Theos outlined his attendance at the official opening of Idiens Park
COUNCILLOR PHELPS	Councillor Phelps reviewed his attendance at the Cumberland Rotary Italian Fundraising Dinner
COUNCILLOR JANGULA	Councillor Jangula reviewed his attendance at the Regional District Sports Commission Long Range Planning meeting
COUNCILLOR PRESLEY	Councillor Presley reviewed his attendance at various meetings with a delegation visiting from Taiwan
MAYOR WINCHESTER	Mayor Winchester outlined her attendance at the following events: <ul style="list-style-type: none">➤ Regional District Sports Commission Long Range Planning meeting➤ Official opening of Idiens Park

The meeting recessed at 4:55 p.m. to conduct the Public Hearing in relation to Bylaws 2481 and 2482.

Mayor Winchester left the meeting at 4:55 p.m.

The meeting reconvened at 6:11 p.m. with Acting Mayor Theos as Chair.

.01 Moved by McRae and seconded by Jangula that “Official
BYLAW NO. 2481 Community Plan Amendment Bylaw No. 2481, 2006” pass third reading.
Carried with Councillor Jangula and Acting Mayor Theos opposed

.02 Moved by McRae and seconded by Presley that “City of Courtenay
BYLAW NO. 2482 Zoning Amendment Bylaw No. 2482, 2006” pass third reading.
Carried with Acting Mayor Theos opposed

13.00 ADJOURNMENT

.01 Moved by Phelps and seconded by Presley that the meeting now
adjourn at 6:38 p.m.
Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 6th day of November, 2006

Mayor