

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, August 8, 2005 at 4:00 p.m.

Attending:

Mayor: S. L. Winchester, Mayor

Councillors: N. A. Ahmed

J. L. Harder

L. V. Jangula

D. S. McRae

G. T. Phelps

J. M. Presley

Staff:

T. Manthey, Acting Administrator

J. Ward, Manager of Corporate Administration

K. Lagan, Director of Operational Services

P. Crawford, Director of Planning Services

R. Wiwchar, Director of Community Services

T. Towle, Fire Chief

The meeting was called to order at 4:00 p.m.

1.00 MINUTES

.01

Moved by Presley and seconded by Harder that the minutes of the Regular Council meeting held August 2, 2005 be adopted.

Carried

2.00 INTRODUCTION OF LATE ITEMS

The Mayor approved the addition of 3 late items to the agenda.

3.00 DELEGATIONS

.01

GIL DICESARE
PACIFIC SALMON
FOUNDATION

Gil DiCesare reviewed the upcoming Pacific Salmon Foundation Comox Valley Gala Dinner to be held on September 10th, 2005. He also provided details regarding the foundation, and the funding of projects in the area. Mr. Dicesare introduced Dave Durrant, who invited the Mayor and Councillors to attend the dinner as volunteers.

.02

MARTIN HAVRDA
20TH STREET ROAD
CLOSURE PETITION

Martin Havrda made a presentation to Council and presented a petition requesting the closure of 20th Street at Cumberland Road. He stated that it was planned that 20th Street was to be closed years ago after the 29th Street Connector was built. Mr. Havrda cited safety concerns for 20th Street including pedestrians and speeding traffic. He also stated that he was opposed to the requested variance for rear yard setbacks contained in Development Permit No. 0507 (3L Developments).

PETITION AND
STAFF REPORT
950-20

Moved by Harder and seconded by Presley that the petition from the 20th Street residents requesting the closure of 20th Street at Cumberland Road be received; and

That staff prepare a report to Council regarding the road closure for the next regular Council meeting.

Carried

4.00 COMMITTEE/STAFF REPORTS

.01

ROAD CLOSURE AND
DISPOSITION – 40
ANDERTON AVENUE
950-20

Moved by Ahmed and seconded by McRae that Council approve the closure of a portion of road allowance between 40 Anderton Avenue and 50 Anderton Avenue;

That “Road Closure and Disposition Bylaw No. 2421, 2005” proceed to 1st, 2nd, and 3rd reading; and

That Council approve the disposition of the closed road legally described as Part of Section 61, Comox District, dedicated at the Victoria Land Title Office by Plan 18861 being approximately 1856 m² in area to 6277316 BC Ltd. in exchange for Part of Lot 7, Section 61, Comox District, Plan 4308, Except Part in Plan 18861 and 51091 being approximately 17,567 m² in area, as outlined on Schedule Nos. 1 and 2 attached to this report.

Carried

.02

ALTERNATIVE
APPROVAL PROCESS
LERWICK ROAD LOAN
AUTHORIZATION
BYLAWS
6120-01

Moved by McRae and seconded by Phelps that Council seek the approval of the electors for each of the following loan authorization bylaws individually through alternative approval processes:

1. Lerwick Road Sewer Loan Authorization Bylaw No. 2423, 2005;
2. Lerwick Road Water Loan Authorization Bylaw No. 2424, 2005;
3. Lerwick Road Extension Construction Bylaw No. 2425, 2005;

That Council establish elector response forms as attached to this report;

That Council determine 13,000 as the total number of electors to which the approval process applies; and

That Council establish the deadline for receiving responses for this alternative approval process as September 19th, 2005 at 4:30 p.m.

Carried

.03
MUIR ROAD
DEVELOPMENT
FINAL ADOPTION OF
BYLAWS
3360-20-0410

Moved by Ahmed and seconded by McRae that Council approve an amendment to the Official Community Plan and an amendment to the Zoning Bylaw which would allow a 65 lot single residential dwelling development on Lot B, Section 19, Plan 25085 on Muir Road as outlined in *Schedule No. 1*; and

That Official Community Plan Amendment Bylaw No. 2413, 2005 and City of Courtenay Zoning Amendment Bylaw No. 2414, 2005 proceed to final adoption.

Carried with Councillor Jangula opposed

.04
INGLEWOOD/
WENTWORTH ROAD
CLOSURE AND
DISPOSITION
950-20

Moved by Presley and seconded by Ahmed that Council approve the closure of portions of Inglewood Drive and Wentworth Road adjacent to the Lerwick Road Extension and Highway 19A;

That “Inglewood/Wentworth Road Closure Bylaw No. 2428, 2005” proceed to 1st, 2nd, and 3rd reading; and

That Council approve the disposition of the closed roads with an appraised value of \$208, 500.00 legally described as Parts of Sections 18 and 20, dedicated as roads at the Victoria Land Title Office by Plans 30685, 38365, and 41867, Comox District, which are shown outlined in bold black on the reference plan prepared by M. R. Kuss, B.C.L.S. on the 13th day of July, 2005, a reduced copy of which is attached to this report as Schedule “A” to Van Hage Nursery Ltd. (Inc. No. 414,107), in exchange for land required for the Lerwick Road Extension, as shown on the reference plan attached to this report as Schedule “B”.

Carried

.05
SIGNING AUTHORITY
REVISION
1690-01

Moved by Ahmed and seconded by McRae that Council approve the addition of the Accounting Supervisor as an authorized signatory for the City of Courtenay.

Carried

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

.01
FIRE REPORT
JULY 2005
650-20

Moved by Harder and seconded by Presley that the Fire Report for July 2005 be received for information.

Carried

Chief Towle reviewed the campfire ban currently in place, and the cooperation show between the BC Forest Service, Timberwest, and the Courtenay Fire Department at a recent incident on the Strathcona Parkway.

.02
POLICE REPORT –
MAY/JUNE 2005

Moved by Ahmed and seconded by Presley that the Monthly Policing Report for May/June 2005 be received for information.

Carried

.03 Moved by Presley and seconded by Phelps that the letter of appreciation from Community Futures Development Corporation be received for information.
LETTER OF APPRECIATION COMMUNITY FUTURES **Carried**

7.00 UNFINISHED BUSINESS

Mayor Winchester inquired if there were any members of the public wishing to make a submission regarding Development Permit No. 0505, and there were none.

.01 Moved by McRae and seconded by Ahmed that Development Permit No. 0505 be issued to Brenwin Developments to allow the construction of 8 Duplex Style Patio Homes (16 units) on Lots A & B, District Lot 158, Comox District, Plan 39690 and Lot 15, District Lot 158, Comox District, Plan 1911 at 2351 Lerwick Road, including landscape materials and installation valued at \$37,326 as outlined in *Schedule Nos. 1-4* including the following variances to the City of Courtenay Zoning Bylaw No. 1427, 1986;
FINAL DECISION DP NO. 0505 BREWIN DEVELOPMENTS 3060-20-0505
Section 8.3.3, Minimum Lot Frontage be relaxed to decrease the required Frontage from 30 m to 25 m for Strata Phase 1; and
▪ *Section 8.3.6 (2), Rear Yard Setbacks* be relaxed to decrease the required rear yard setback from 7.5 m to 2.2 m for Duplex Unit 8; and
▪ *Section 7.1.6 (8), Driveway Length* be relaxed to decrease the required driveway length from 6 m to 5.75 m for Duplex Units 1 and 2; and

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

Carried

Mayor Winchester inquired if there were any members of the public wishing to make a submission regarding Development Variance Permit No. 0506, and there were none.

.02 Moved by Presley and seconded by McRae that Development Variance Permit No. 0506 be issued to Truepenny Holdings/Norco Holdings to provide relief from Section 8.11.6 of the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to reduce the required total side yard from 4.5m to 1.45m and 1.37m as shown on *Schedule No. 1* for property legally described as Lot A, Section 61, Comox District, Plan 41414 at 610 Anderton Avenue.
FINAL DECISION DVP NO. 0506 TRUEPENNY/NORCO HOLDINGS 3090-20-0506
Carried

Councillor Presley declared a potential conflict of interest due to a business client relationship

with the applicant, and vacated Council Chambers at 4:44 p.m.

Mayor Winchester inquired if there were any members of the public wishing to make a submission regarding Development Permit No. 0507.

Ronna-Rae Leonard representing the Millard/Piercy Watershed Stewards expressed several concerns regarding Development Permit No. 0507 including stormwater management, public ownership of Piercy Creek, 20th Street curb and gutter, and the impervious layer in the proposed development. (written submission received). She stated that the Stewards had four requests as follows:

- Accept public ownership of Piercy Creek and the streamside setbacks between Tributary #10 and Cumberland Road.
- Require a covenant for the on-site rainwater management plan.
- Require an approved rainwater management plan that complies with the Water Balance Model as a condition of variance approvals.
- Apply the Water Balance Model for rainwater management of 20th Street roadway.

Danielle Lambert, representing the applicant, stated that the owner has agreed to City ownership of the entire setback corridor on the property. She reviewed that the trails on the property were planned in conjunction with the City, DFO, and the Millard/Piercy Watershed Stewards, and that some of the plans were actually based on suggestions from the Stewards. Ms. Lambert also stated that under the current zoning, the owner would be able to build townhouses on the property (27.5 units per hectare) and essentially cover the entire site with buildings, and that the proposed development contains over 50% of non impervious layer, and 10.5 units per hectare of property coverage.

.03

FINAL DECISION
DVP NO. 0507
3L DEVELOPMENTS
3060-20-0507

Moved by McRae and seconded by Harder that Development Permit No. 0507 be issued to 3L Developments Inc. to allow the construction of a 17 unit bare land strata residential development on Lot B, District Lot 230, Comox District, Plan 25619 at 20th Street, including landscaping valued at \$68,321.00 as outlined in *Schedule Nos. 1-4* including the following variances to the City of Courtenay Zoning Bylaw No. 1427, 1986;

Bare Land Strata Plan

Section 8.3.2 Minimum Bare Land Strata Lot Size be reduced from 1110 m² to 325 m²;

Section 8.3.6. Strata Lot Front Yard be reduced from 7.5 m to 4.5 m, *Strata Lot Rear Yard* be reduced from 7.5 m to 6 m, *Strata Lot Side Yard* be reduced from 4.5 m to 1.2 m;

Development Variance

Section 8.3.6. Front Yard be reduced from 7.5 m to 4.5 m for Strata Lots 1-9 (20th Street); and

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

Carried

- .04** Moved by McRae and seconded by Ahmed that staff provide a report to Council regarding the four requests made by the Millard/Piercy Watershed Stewards and investigate the Piercy Creek tributaries and the possible effects these tributaries may be having on Piercy Creek.
DVP NO. 0507
3L DEVELOPMENTS
3060-20-0507
Carried

Councillor Presley returned to Council Chambers and took his seat at 5:11 p.m.

9.00 NEW BUSINESS

- .01** Kevin Lagan provided an update regarding the progress of the Lerwick Road Extension construction.
LERWICK ROAD
CONSTRUCTION

- .02** Moved by Ahmed and seconded by Presley that a letter be sent to the residents of the Royston Improvement District regarding the information contained in the Royston Improvement District Newsletter dated July 1, 2005; and
ROYSTON
IMPROVEMENT
DISTRICT
NEWSLETTER
That the Chair and Board of the Royston Improvement District be invited to meet with Council.
Carried

- .03** Councillor Phelps reviewed that an ad hoc Affordable Housing Committee has been established, and that he has been attending the meetings in a publicity capacity. He outlined that a community forum is scheduled for September 22, 2005. Staff were instructed to provide affordable housing information to Councillor Phelps and investigate statistics regarding affordable housing in the City.
AFFORDABLE
HOUSING

- .04** Moved by Harder and seconded by Ahmed that Council approve the attached encroachment agreement between the City of Courtenay and Page & Howard Securities.
ENCROACHMENT
AGREEMENT PAGE &
HOWARD 362 10TH ST
2250-20
Carried

10.00 BYLAWS

- .01** Moved by Harder and seconded by Presley that “Road Closure Bylaw No. 2421, 2005” pass first, second, and third readings.
ROAD CLOSURE
BYLAW NO. 2421
Carried

- .02** Moved by McRae and seconded by Harder that “Inglewood/Wentworth Road Closure Bylaw No. 2428, 2005” pass first, second, and third readings.
INGLEWOOD/
WENTWORTH ROAD
CLOSURE BYLAW
NO.2428
Carried

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.03 Moved by Presley and seconded by Harder that “Development Cost Charges Bylaw No. 2426, 2005” pass first, second, and third readings.
DEVELOPMENT COST CHARGES BYLAW NO. 2426 **Carried**

.04 Moved by McRae and seconded by Phelps that “Official Community Plan Amendment Bylaw No. 2413, 2005” be finally passed and adopted.
OCP AMENDMENT BYLAW NO. 2413 **Carried with Councillor Jangula opposed**

.05 Moved by Ahmed and seconded by McRae that “City of Courtenay Zoning Amendment Bylaw No. 2414, 2005” be finally passed and adopted.
CITY OF COURTENAY ZONING AMENDMENT BYLAW NO. 2414 **Carried with Councillor Jangula opposed**

11.00 COUNCIL MEMBER ROUNDTABLE

COUNCILLOR PRESLEY Councillor Presley commented that the landscaping in the City Boulevards and on the City properties is absolutely outstanding this year, and that many compliments have been received. Staff were instructed to relay the Mayor and Council’s appreciation to Nadine Boudreau for her efforts.

MAYOR WINCHESTER Mayor Winchester outlined her attendance at the following events:
➤ Comox Nautical Days Parade and flag ceremony
➤ Cadet inspection at HMCS Quadra
➤ Armed Forces Day Airshow
➤ “On a Roll for ALS” event at Bill Moore Park

COUNCILLOR PHELPS Councillor Phelps outlined his attendance at Armed Forces Day and suggested that a letter of appreciation be forwarded to CFB Comox.

12.00 ADJOURNMENT

.01 Moved by Presley and seconded by Phelps that the meeting now adjourn at 5:54 p.m.
Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 6th day of September, 2005

Mayor