

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

**Attending:**

**Mayor: S. L. Winchester, Mayor**

**Councillors: N. A. Ahmed**

**L. V. Jangula**

**D. S. McRae**

**G. T. Phelps**

**J. M. Presley**

**Staff: S. T. Gray, Administrator**

**S. Karvalics, Executive Assistant**

**I. Farquharson, Deputy Municipal Engineer**

**R. Wiwchar, Director of Community Services**

**P. Crawford, Director of Planning Services**

**G. Garbutt, Planner**

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

**1.00 MINUTES**

- .01** Moved by McRae and seconded by Presley that the minutes of the Regular Council meeting held June 20, 2005 be adopted.  
**Carried**

**2.00 INTRODUCTION OF LATE ITEMS**

Councillor Ahmed to bring up an item under New Business regarding fence maintenance.

**3.00 DELEGATIONS**

**Judy Hagen and Julie Fortin, Heritage Advisory Commission**

Julie Fortin and Judy Hagen from the Heritage Advisory Commission thanked Council for allowing them to attend the annual Heritage Conference held in New Westminster.

They found the conference very informative and useful in learning what other communities are doing in relation to heritage conservation not only old structures but in designing new buildings. Council was pleased to hear that Courtenay is doing the right thing.

**4.00 COMMITTEE/STAFF REPORTS**

- .01** Moved by McRae and seconded by Presley that the report on the BURSARY PROGRAM City's Bursary Program be received for information.  
**Carried**  
5120-20

**.02**  
MULTI USE YOUTH  
CENTRE  
890-01

Moved by Presley and seconded by Phelps that the report on the Multi-Use Youth Centre be received for information.

**Carried**

**.03**  
JOINT SKATEBOARD  
PARK  
890-01

Moved by Ahmed and seconded by Phelps that the report on the Joint Comox-Courtenay Skateboard park be received for information.

**Carried**

**.04**  
COMMUNITY  
FUTURES LOAN  
BYLAW  
6120-01

Moved by Presley and seconded by McRae that “Community Futures Loan Authorization Bylaw No. 2405, 2005” proceed to final adoption.

**Carried**

**.05**  
PROVISION OF  
AMENITIES  
3030-00

Moved by McRae and seconded by Presley that Council approve the following amenity fund contribution policies:

**1. Residential**

For residential units approved through the rezoning process outside the Designated Downtown District as defined by the Official Community Plan, each single residential dwelling will require a \$1,000.00 contribution payable at the time of subdivision and each multi-residential unit will require a \$500.00 contribution payable at the time of building permit. The contributions shall be deposited in a “Parks, Recreation, Cultural and Seniors Facilities Amenity Reserve Fund” to be used for capital projects and upgrades.

**2. Commercial/Industrial**

For commercial/industrial projects approved through the rezoning process outside the Designated Downtown District as defined in the Official Community Plan each rezoning shall be individually considered and negotiated giving consideration to the details of the specific rezoning. The contributions shall be deposited in a “Parks, Recreation, Cultural and Seniors Facilities Amenity Reserve Fund” to be used for capital projects and upgrades.

**Carried**

**.06**

DVP NO. 0508  
HANNAFORD &  
LORIMER  
3090-20-0508

Moved by Ahmed and seconded by Phelps that notice be given to the adjacent property owners of the proposed development variance outlined below and that the application be returned to Council at a meeting on July 18, 2005;

That subject to public input, Development Variance Permit No. 0508 be issued to Robert Hannaford and Bea Lorimer to provide relief from S.8.11(31) of the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to allow for a commercial office and residential use on the same floor as shown on Schedule Nos. 1-2 for the property legally described as Lot A, Section 67, Comox District, Plan 21234 at 2745 Mansfield Drive.

**Carried**

**.07**

DVP NO. 0511  
PUNTLEDGE HOMES  
3090-20-0511

Moved by McRae and seconded by Jangula that notice be given to the adjacent property owners of the proposed development variance outlined below and that the application be returned to Council at a meeting on July 18, 2005;

That subject to public input, Development Variance Permit No. 0511 be issued to Puntledge Homes Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to:

- decrease the minimum required Side Yard Setback from 4.5m to 1.5m for Strata Lot 6 and Rear Yard Setback from 7.5m to 4.1m for Strata Lot 7;
- decrease the minimum required Side Yard Setback from 4.5m to 1.5m for Strata Lot 12 and Rear Yard Setback from 7.5m to 6.0m for Strata Lots 12-21; and
- decrease the minimum required Rear Yard Setback from 7.5m to 5.4m for Strata Lot 22

to allow for the Phased Strata Subdivision of a multi residential development as outlined on Schedule No. 1 for the property legally described as Lot 6, District Lot 55, Comox District, Plan VIP63007 at 2728 First Street.

**Carried with Councillor Jangula opposed**

**.08**

TREE MANAGEMENT  
& PROT BYLAW  
4530-01

Moved by Ahmed and seconded by McRae that Council approve the following amendments to the Tree Management and Protection Bylaw:

- include provisions in the application process to provide a tree inventory, analysis and development plan
- include Pacific Dogwood as a “protected tree” species in addition to Garry Oaks
- include the following areas within a Tree Permit Designation:
  - all areas within 30 metres of Courtenay River, Puntledge River, Tsolum River, Piercy Creek, Millard Creek, Little River, all stream estuaries and Comox Harbour and 15 metres from all other streams, lakes and wetlands
  - all properties greater than 1 hectare

**Carried**

**.09**

OCP & ZONING  
AMEND  
3360-20-0410  
6480-20-0403

Moved by Ahmed and seconded by Phelps that Council approve third reading of Bylaw No. 2413 which would amend the Official Community Plan Bylaw No. 2387 from “Suburban Residential” to “Residential” and “Parks and Recreation” and approve third reading of Bylaw No. 2414 which would amend the City of Courtenay Zoning Bylaw No. 1427, 1986 from RU-1 (RDCS) to Residential One (R-1) Zone, Comprehensive Development Twelve (CD-12) Zone and Public Use and Assembly Two (PA-2) Zone for the property legally described as Lot B, Section 19, Comox District, Plan 25085 as outlined in Schedule No. 1;

That the area of the R-1 Zone be limited to a maximum of 49 lots as outlined in Schedule No. 2 and that this Plan be part of the development servicing agreement applicable to this property; and further,

That the following motion approved by Council on May 2, 2005 be completed prior to consideration of final reading:

“That a servicing agreement and Department of Fisheries authorization be finalized prior to consideration of final reading.”

**Carried with Councillor Jangula opposed**

**.10**

KEEPING OF POULTRY  
4020-20  
2430-01

Moved by McRae and seconded by Phelps that Council not amend the current Residential Two (R-2) Zone for the property at 1805 Cumberland Road to permit the keeping of poultry (chickens).

**Carried**

**.11**  
SUB SERV AGREE  
BRENWIN DEV  
3320-20-04404  
PHASE 2

Moved by Presley and seconded by Ahmed that Council approve the Subdivision Servicing Agreement for the Subdivision of Lot 21, District Lot 158, Comox District, Plan VIP78844;

That the required security be provided to the City prior to subdivision approval; and

That the Mayor and Clerk be authorized to sign all documentation relating to this development.

**Carried**

**5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION**

**.01**  
OPER SERVICES  
MONTHLY REPORT  
650-20

Moved by Ahmed and seconded by Presley that the Operational Services Monthly Report for March and April 2005 be received for information.

**Carried**

**7.00 UNFINISHED BUSINESS**

**.01**  
DVP NO. 0510  
3739 INVESTMENTS  
3090-20-0510

Moved by McRae and seconded by Ahmed that Development Variance Permit No. 0510 be issued to 3739 Investments Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to

- decrease the minimum required Frontage from 9.146m to 0.0m from Strata Phases 1 and 2, and
- decrease the minimum required Front Yard Setback from 6.0m to 4.9m for Strata Phase 2

to allow for the Phase Strata Subdivision of a multi residential development as outlined on Schedule No. 1 for the property legally described as Lot A, Section 66, Plan VIP58397 and Lot 1, Section 66, Plan VIP58398 at 105 & 145 Mansfield Drive.

**Carried**

**.02**  
DVP NO. 0505  
MIKE CODE  
3090-20-0505

Moved by Ahmed and seconded by Jangula that Development Variance Permit No. 0505 be issued to Mike Code to provide relief from S.8.2.8 of the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to increase the permitted height of a dwelling from 1 storey to 2 storeys with a maximum total building height of 8.3m to allow for the construction of a duplex as shown on Schedule Nos. 1-2 for the property legally described as Lot A, District Lot 96, Comox District, Plan VIP58506 at 1440-15<sup>th</sup> Street.

**Motion Defeated**

**.03**

DVP NO. 0509  
CROSSMAN HOMES  
LTD  
3090-20-0509

**Councillor Presley declared a potential conflict of interest regarding the next item due to a client relationship and vacated the Chambers at 4:52 p.m.**

Moved by Ahmed and seconded by McRae that Development Variance Permit No. 0509 be issued to Crossman Homes Ltd. to provide relief from S.8.1.24 of the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to reduce the required total side yard from 4.5m to 4.37m as shown on Schedule Nos. 1 and 2 for property legally described as Lot B, District Lot 236, Comox District, Plan 77636 at 2961 Huckleberry Place.

**Carried**

**Councillor Presley returned to the Chambers and took his seat at 4:54 p.m.**

**.04**

DVP NO. 0507  
PODETZ  
3090-20-0507

Moved by McRae and seconded by Phelps that Development Variance Permit No. 0507 be issued to Ed and Joy Podetz to provide relief from S.8.1.6 of the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to reduce the required rear yard from 9m to 7.4m to allow a 3.6m x 4.2m sunroom as shown on Schedule Nos. 1-3 for the property legally described as Lot 5, DL159, Comox District, Plan VIP59686 at 2403-9<sup>th</sup> Street East.

**Carried**

.05

DP NO. 0422  
CONSULPRO  
RIVERGLEN  
3060-20-0422

Moved by Ahmed and seconded by Presley that Development Permit No. 0422 be issued to Consulpro Inc. to allow the construction of a 72 unit multi residential strata development including 15 Duplex Townhouses and 42 units within a 4 storey building on Lot 7, Section 61, Comox District, Plan 4308 Except That Part in Plan 18861 and 51091 at 40 Anderton Avenue, including landscape materials and installation valued at \$128,400.00 as outlined in *Schedule Nos. 1-6* including the following variance to the City of Courtenay Zoning Bylaw No. 1427, 1986;

- *Section 7.1.6(8), Specifications* be relaxed to decrease the distance from the face of a garage to private road from 6 m to 5.3 m for Strata Units 1, 2, 13, and 14;
- *Section 8.4.3, Minimum Lot Frontage* be relaxed to decrease the required Frontage from 30 m to 0.0 m for Strata Phase 6; and
- *Section 8.4.7 Height of Buildings* be relaxed to increase the maximum height from 13.71 m to 16 m for Strata Phase 6; and

That the owner enters into a covenant pursuant to Section 219 of the *Land Titles Act* to “save harmless” the City of Courtenay regarding any future flooding prior to the issuance of Development Permit; 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**

RECESS

Moved by Presley and seconded by Ahmed that the meeting now recess at 4:59 p.m. to conduct the Public Hearing in relation to Bylaw No.’s 2397 and 2419.

**Carried**

The meeting reconvened at 5:10 p.m.

## **9.00 NEW BUSINESS**

.01

FENCE MAINTENANCE

Councillor Ahmed expresses his concerns regarding maintenance of fencing along arterial roads such as Lerwick Road.

Moved by Ahmed and seconded by McRae that staff investigate and provide a report to Council regarding the maintenance and safety of fences along arterial roads.

**Carried**

**10.00 BYLAWS**

**.01**  
BYLAW NO. 2423  
Moved by Ahmed and seconded by Presley that “Lerwick Road Sewer Loan Authorization Bylaw No. 2423, 2005” pass first, second and third reading.

**Carried**

**.02**  
BYLAW NO. 2424  
Moved by Presley and seconded by McRae that “Lerwick Road Water Loan Authorization Bylaw No. 2424, 2005” pass first, second and third reading.

**Carried**

**.03**  
BYLAW NO. 2425  
Moved by McRae and seconded by Phelps that “Lerwick Road Extension Construction Authorization Bylaw No. 2425, 2005” pass first, second and third reading.

**Carried**

**.04**  
BYLAW NO. 2422  
Moved by Ahmed and seconded by McRae that “Tree Management and Protection Bylaw No. 2422, 2005” pass first, second and third reading.

**Carried**

**.05**  
BYLAW NO. 2413  
Moved by Ahmed and seconded by Phelps that “Official Community Plan Amendment Bylaw No. 2413, 2005” pass third reading.

**Carried with Councillor Jangula opposed**

**.06**  
BYLAW NO. 2414  
Moved by Presley and seconded by Ahmed that “City of Courtenay Zoning Amendment Bylaw No. 2414, 2005” pass third reading.

**Carried**

**.07**  
BYLAW NO. 2405  
Moved by Presley and seconded by Ahmed that “Community Futures Loan Authorization Bylaw No. 2405, 2005” be finally passed and adopted.

**Carried**

**.08**  
BYLAW NO. 2415  
Moved by McRae and seconded by Presley that “Election Procedures and Automated Voting Bylaw No. 2415, 2005” be finally passed and adopted.

**Carried**

**.09**  
BYLAW NO. 2401  
**Councillor Presley declared a potential conflict of interest regarding the next item due to a client relationship and vacated the Chambers at 5:16 p.m.**

Moved by McRae and seconded by Phelps that “City of Courtenay Zoning Amendment Bylaw No. 2401, 2005” be finally passed and adopted.

**Carried with Councillor Jangula opposed**

**Councillor Presley returned to Chambers and took his seat at 5:17 p.m.**

**FOR THIRD READING & FINAL ADOPTION AFTER PUBLIC HEARING**

**.10** Moved by Ahmed and seconded by Phelps that “City of Courtenay  
BYLAW NO. 2397 Zoning Amendment bylaw No. 2397, 2005” pass third reading.

**Carried**

Moved by Ahmed and seconded by Phelps that “City of Courtenay Zoning Amendment Bylaw No. 2397, 2005” be finally passed and adopted.

**Carried**

**.11** Moved by McRae and seconded by Presley that “Official  
BYLAW NO. 2419 Community Plan Amendment Bylaw No. 2419, 2005” pass third reading.

**Carried**

Moved by McRae and seconded by Presley that “Official Community Plan Amendment Bylaw No. 2419, 2005” be finally passed and adopted.

**Carried**

**11.00 COUNCIL MEMBER ROUNDTABLE**

COUNCILLOR MCRAE Councillor McRae advised how he and his daughter enjoyed being part of the July 1<sup>st</sup> parade. He thanked Councillor Jangula and staff for doing a great job in coordinating the parade

COUNCILLOR AHMED AND PRESLEY Councillors Ahmed and Presley outlined their attendance at the opening of the Simms Parks Pavilion opening.

Councillor Presley thanked Rotary and City staff for their hard work.

COUNCILLOR JANGULA Councillor Jangula expressed his heartfelt thanks to everyone that was involved in making the July 1<sup>st</sup> celebrations a success. Extra special gratitude to Edwin Grieve and Skip Blain for their dedication and always going that extra mile.

MAYOR WINCHESTER Mayor Winchester outlined her attendance at the following events:

- RCMP Auxiliary Graduation
- July 1<sup>st</sup> festivities

Mayor Winchester thanked Councillor Jangula for his hard work in coordinating the July 1<sup>st</sup> parade.

**12.00 ADJOURNMENT**

**.01** Moved by Phelps and seconded by Jangula that the meeting now adjourn at 5:30 p.m.

**Carried**

**CERTIFIED CORRECT**

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**Manager of Corporate Administration**

**Adopted this 18<sup>th</sup> day of July, 2005**

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**Mayor**