

**Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay BC, on Monday, May 17, 2004 at 4:00 p.m.**

**Attending:**

**Mayor: S. L. Winchester**

**Councillors: N. A. Ahmed**

**J. L. Harder**

**L.V. Jangula**

**D. S. McRae**

**J. M. Presley**

**Staff:**

**S. T. Gray, Administrator**

**J. Ward, City Clerk**

**T. Manthey, Director of Financial Services**

**D. Slobodan, Director of Development Services**

**K. Lagan, Director of Operational Services**

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

**P. Crawford, Senior Planner**

**G. Garbutt, Planner**

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 May 3, 2004 be adopted.  
**Carried**

**3.00 DELEGATIONS**

**Mark Stefanson and Tony Monaghan, B.C. Ferries**

Mark Stephanson, Vice President of Communications for B.C. Ferries made a presentation to Council regarding the current structure of the organization, plans for terminal capital improvements, marketing initiatives, as well as the purchase of new vessels.

**Representatives from Fairview Mobile Home Park**

Dave Boland representing the Fairview Mobile Home Park residents expressed the opposition of the residents to 29<sup>th</sup> Street Road Closure and Exchange Bylaw No. 2339, 2004. Many of the Fairview residents were in attendance. Mr. Boland urged Council not to proceed with the road closure, and stated that the proposal to move some mobile homes has traumatized many of the residents, who are primarily seniors. He cited concerns regarding potential damage to homes when they are being moved, as well as concerns of reduced access for emergency vehicles if the portion of 29<sup>th</sup> were closed.

**Peter Gerritsen, Quest Homes re: 29<sup>th</sup> St. Road Exchange**

Peter Gerritsen reviewed the request for a road exchange on 29<sup>th</sup> Street, the current location of the Fairview Mobile Home Park. He stated that the road exchange was being requested in order to consolidate the properties owned by Quest Homes, purchased in April of 2004.

Mr. Gerritsen reviewed that the Mobile Home Park land was purchased for \$7.80 per square foot, and that Quest Homes would be paying \$9.59 per square foot for the road allowance. He also stated that there is an opportunity in the future to build a hotel on the property similar to the hotel built in Fernie, and that the highest and best use of the property is not a mobile home park.

Mr. Gerritsen reviewed that the residents would receive 12 months notice and 12 months rent in advance if the mobile home park were to be closed, and that Quest Homes would actively assist residents in relocating.

**4.00 COMMITTEE/STAFF REPORTS**

**.01** Moved by McRae and seconded by Presley that third reading of “Art  
ART GALLERY LOAN Gallery Renovation Loan Authorization Bylaw No. 2349, 2004” be  
AUTH BYLAW reconsidered;  
1760-02

That “Art Gallery Renovation Loan Authorization Bylaw No. 2349, 2004”  
be amended; and

That “Art Gallery Renovation Loan Authorization Bylaw No. 2349, 2004”  
pass third reading as amended.

**Carried**

**.02** Moved by Ahmed and seconded by Presley that Policy No.  
POLICY NO. 0530.00.02 “Council Meeting Agendas” be adopted.  
0530.00.02  
530-00

**Carried**

**.03** Moved by Harder and seconded by Presley that “Special Events  
SPECIAL EVENTS Regulation Bylaw No. 2312, 2004” proceed to first, second and third  
BYLAW reading.  
8100-01

**Carried**

**.04** Moved by Harder and seconded by Jangula that Council receive the  
29<sup>TH</sup> STREET petition from the residents of the Fairview Mobile Home Park regarding the  
ROAD CLOSURE & proposed 29<sup>th</sup> Street road closure.  
EXCHANGE  
950-20

**Carried**

Moved by Ahmed and seconded by Jangula that consideration of 29<sup>th</sup>  
Street Road Closure and Exchange Bylaw No. 2339, 2004 be postponed  
pending a further report from staff.

**Carried**

**.05**  
CEMETERY MAINT.  
& GRAVE  
MODIFICATIONS  
4100-01

Moved by Harder and seconded by McRae that notification be sent to all non-conforming cemetery grave plots requesting that modifications be removed or that an agreement be entered into with the City;

That notification be sent to all non-conforming cremated remains plots requesting that modifications be removed;

That staff be authorized to remove modifications and decorations if the requirements are not met within 90 days of notification; and

That additional signage outlining City policy on modification of grave spaces be installed at the cemetery.

**Carried**

**.06**  
DP NO. 0406  
SILVERADO LAND  
CORP  
3060-20-0406

Moved by Harder and seconded by Presley that the application from Silverado Land Corp. for Development Permit No. 0406 to allow the development of a thirty-four lot subdivision located at Lots 1-34, Block 72, Comox District, Plan VIP--- at (addresses pending) Suffolk Crescent, be approved as outlined in Schedule No. 1; 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**

**.07**  
DVP NO. 0410  
EAU CLAIRE PROP  
3090-20-0410

Moved by Ahmed 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 June 7, 2004; and

That subject to public input, Development Variance Permit No. 0410 be issued to Eau Claire Properties Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to reduce the required rear yard setback from 9.14m to 7.31m for the construction of a single residential dwelling as shown on Schedule Nos. 1 and 2 for the property legally described as Lot N, Block 72, Comox District, Plan VIP76744 at 3356 Majestic Drive.

**Carried**

**Councillor Presley declared a conflict of interest regarding the next item due to the fact he is a partner in Casa Loma Ventures and vacated Council Chambers at 5:05 p.m.**

**.08**  
REZONING  
CASA LOMA  
VENTURES  
3360-20-0407

Moved by McRae and seconded by Harder that Council approve the application to amend the City of Courtenay Zoning Bylaw to adjust the zone boundary for the property legally described as Lot A, Section 17, Comox District, Plan VIP53667 Except Part in Plan VIP57937 from PA-1 to R-3 at 4660 Headquarters Road as outlined in Schedule No. 1 attached;

That the City of Courtenay Zoning Amendment Bylaw No. 2350, 2004 proceed to 1<sup>st</sup> and 2<sup>nd</sup> readings; and

That a Public Hearing be held on June 21, 2004 at 5:00 p.m. in the City Hall Council Chambers in relation to Bylaw No. 2350, 2004.

**Carried**

**Councillor Presley returned to Council Chambers and took his seat at 5:07 p.m.**

**.09**

DVP NO. 0413  
SILVERADO LAND  
CORP  
3090-20-0413

Moved by Harder and seconded by Presley 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 June 7, 2004.

That subject to public input, Development Variance Permit No. 0413 be issued to Silverado Land Corp. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to reduce the required:

- Rear yard setback from 10.0m to 2.0m for proposed lot 1;
- Lot frontage from 10% to 0% and rear yard setback from 10.0m to 5.0m and side yard setback from 4.5m to 1.5m (west side) and 2.2m (east side) for proposed Lot 2;
- Lot frontage from 10% to 0% and rear yard setback from 10.0m to 2.5m and side yard setback from 4.5m to 2.2m (west side) and 1.95m (east side) for proposed Lot 3;
- Lot frontage from 10% to 0% and rear yard setback from 10.0m to 3.0m and side yard setback from 4.5m to 1.95m (west side) and 2.2m (east side) for proposed Lot 4;
- Lot frontage from 10% to 0% and rear yard setback from 10.0m to 1.5m and side yard setback from 4.5m to 2.2m (west side) and 2.4m (east side) for proposed Lot 5;

for the construction of five multi-residential buildings within a strata subdivision as shown on Schedule Nos. 1,2, 3 for the property legally described as Part of Lot A, Block 72, Comox District, VIP73730 Except That Part in Plans VIP73936 and VIP75898 at 336 Clubhouse Drive.

**Carried**

**.10**

AGRICULTURE  
ONE ZONE  
3360-20-0409

Moved by Jangula and seconded by Presley that Council approve the application to amend the City of Courtenay Zoning Bylaw No. 1427, 1986 to create the Agriculture One (A-1) Zone for properties located within the Agricultural Land Reserve as outlined in Schedule No. 1 attached;

That the City of Courtenay Zoning Amendment Bylaw No. 2351, 2004

proceed to 1<sup>st</sup> and 2<sup>nd</sup> readings; and

That the requirement for a public hearing be waived pursuant to Section 890(4) of the *Local Government Act*.

**Carried**

**.11**

PARKING LOT  
685 CLIFFE AVE  
5460-08

Moved by Ahmed and seconded by Jangula that Council approve the request by Sneakers Computers to use part of the City parking lot located beside 685 Cliffe Avenue on May 29, 2004 for a charitable event; and

That the necessary insurance be arranged by Sneakers Computers at least five days prior to the event.

**Carried**

**.12**

PHASED STRATA OF  
L21, PLAN 7471  
3300-20-2475

Moved by McRae and seconded by Presley that Council approve the Covenant for the phased strata of Lot 21, Section 66, Comox District, Plan 7475;

That the required document be provided to the City prior to approval of the first phase of the strata;

That the developer's solicitor provide a letter of undertaking to register the easement document and covenant concurrently with the phased strata plan; and

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

**Carried**

**.13**

FARMER'S MARKET  
5460-08

Moved by Presley and seconded by Harder that Council approve the request by the Comox Valley Farmer's Market Association to use the municipal parking lot at 4<sup>th</sup> St/Duncan Ave. on Wednesday mornings from 9:00 a.m. to Noon, June 2 to September 29, 2004;

That the Farmer's Market vendors park their vehicles outside of the downtown core so as not to reduce parking; and

That the necessary insurance be arranged by the Farmer's Market at least five days prior to commencing the market.

**Carried**

**5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION**

**R10/2004 – May 17, 2004**

**.01** Moved by Harder and seconded by Presley that the letter from the Village of Cumberland regarding animal control services be received for information.  
CUMBERLAND  
ANIMAL CONTROL  
4020-20  
**Carried**

**.02** Moved by Harder and seconded by Presley that the Police Report for March 2004 be received for information.  
POLICE REPORT  
7550-01  
**Carried**

**.03** Moved by Presley and seconded by Harder that the CRA Advisory Board meeting minutes of May 6, 2004 be received for information.  
CRA MINUTES  
250-20  
**Carried**

**7.00 UNFINISHED BUSINESS**

**.01** Moved by Harder and seconded by Presley that Development Variance Permit No. 0409 be issued to Silverado Land Corp. to provide relief from the City of Courtenay Subdivision Control Bylaw No. 1401, 1986 and amendments thereto, to allow construction of Suffolk Crescent as a dead-end roadway that is longer than 152.4 metres in length and not having a direct sightline, as shown in Attached Schedule No. 1 for the property legally described as Part of Lot A, Block 72, Comox District, Plan VIP74893, Except part in Plan VIP----.  
DVP NO. 0409  
SILVERADO LAND  
CORP  
3090-20-0409  
**Carried**

**.02** Moved by Presley and seconded by Harder that Development Variance Permit No. 0412 be issued to Ravenrock Construction Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to allow for zero property frontage for a phased strata development as outlined in Schedule No. 1 for the property legally described as Lot 21, Section 66, Comox District, Plan 7471.  
DVP NO. 0412  
RAVENROCK  
CONSTRUCTION LTD  
3090-20-0412  
**Carried**

**10.00 BYLAWS**

**.01** Moved by Harder and seconded by Presley that “Special Events Regulation Bylaw No. 2312, 2004” pass first, second and third reading.  
BYLAW NO. 2312  
**Carried**

**Councillor Presley declared a conflict of interest regarding the next bylaw due to the fact he is a partner in Casa Loma Ventures and vacated Council Chambers at 5:23 p.m.**

**.02** Moved by Harder and seconded by Ahmed that “City of Courtenay Zoning Amendment Bylaw No. 2350, 2004” pass first and second reading.  
BYLAW NO. 2350

**Carried**

**Councillor Presley returned to Council Chambers and took his seat at 5:25 p.m.**

**.03**

BYLAW NO. 2351

Moved by McRae and seconded by Ahmed that “City of Courtenay Zoning Amendment Bylaw No. 2351, 2004” pass first and second reading.

**Carried**

**.04**

BYLAW NO. 2344

Moved by Harder and seconded by Presley that “City of Courtenay Zoning Amendment Bylaw No. 2344, 2004” pass third reading.

**Carried**

Moved by Harder and seconded by Presley that “City of Courtenay Zoning Amendment Bylaw No. 2344, 2004” be finally passed and adopted.

**Carried**

## **11.00 COUNCIL MEMBER ROUND TABLE**

COUNCILLOR PRESLEY Councillor Presley outlined his attendance at the Comox Valley Economic Development Society Retreat.

COUNCILLOR MCRAE Councillor McRae reviewed his attendance at the following events:

- Meeting of the Old Orchard Residents Association, where concerns were raised regarding the building design of the new Laurel Lodge facility.
- Eureka Club House Open House
- DCBIA Annual General Meeting

COUNCILLOR AHMED Councillor Ahmed reviewed his attendance at the recent Strategic Planning Session

COUNCILLOR HARDER Councillor Harder reviewed her attendance at the Vancouver Foundation Annual General Meeting

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

- Meeting with representative from B.C. Lottery Corporation
- City Hall tour with a grade 3 class from Courtenay Elementary
- Lake Trail School unveiling of totem project
- Economic Development Society Retreat

