

**Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay BC, on Monday, June 7, 2004 at 4:00 p.m.**

**Attending:**

**Mayor:** S. L. Winchester  
**Councillors:** N. A. Ahmed @ 4:42 p.m.  
J. L. Harder @ 4:10 p.m.  
D. S. McRae  
G.T. Phelps  
J. M. Presley

**Staff:**

S. T. Gray, Administrator  
J. Ward, City Clerk  
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 McRae that the minutes of the Regular Council meeting held May 17, 2004 and Committee of the Whole held May 26, 2004 be adopted.  
**Carried**

**3.00 DELEGATIONS**

**Brian Hemingway, Somerset Lane Development Petition**

Brian Hemingway, representing property owners on Monarch Drive and Royal Boulevard in Crown Isle, presented a petition to Council objecting to the proposed “Somerset Lane” development. Mr. Hemingway expressed concerns regarding increased density, set-backs, traffic volume, and devaluation of surrounding properties.

Mr. Hemingway stated that Crown Isle should be required to comply with the original comprehensive development plan, and that stricter comprehensive development standards should be in place for the future. He also stated that the residents might be taking legal action against Crown Isle and certain realtors for misrepresentation.

**Tracy Windle and Diana Caldwell: Japanese Students**

Tracey Windle and Diana Caldwell reviewed that 42 students and 2 teachers from Yamanashi Christian High School will be visiting the Comox Valley from July 20<sup>th</sup> to August 9<sup>th</sup>. They reviewed that more host families are needed, and requested Council’s assistance in advising the community of this need.

**4.00 COMMITTEE/STAFF REPORTS**

**Councillor Presley declared a potential conflict of interest regarding DVP 0418 due to a business relationship with the applicant and vacated Council Chambers at 4:24 p.m.**

**.01**

DVP NO. 0418  
3L DEVELOPMENTS  
LTD  
3090-20-0418

Moved by Harder and seconded by McRae 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 21, 2004; and

That subject to public input, Development Variance Permit No. 0418 be issued to 3L Developments Ltd to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to allow an increase in the building height from 13.71 metres to 15.5 metres and roof overlay to 1.2 metres on Lot 1, Section 61, Plan VIP51713 and Lot C (DD ED87899), Section 61, Plan 49421 except part in Plan VIP51713 as outlined in Schedule No. 1 attached.

**Carried**

**Councillor Presley returned to Chambers and took his seat at 4:28 p.m.**

**.02**

COTTONWOOD  
COMMUNITY GARDEN  
6140-026-01

Moved by McRae and seconded by Harder that the report on the Cottonwood Community Garden be received for information.

**Carried**

Moved by McRae and seconded by Harder that a letter of appreciation be sent to Greta Webster and C.V. C.A.R.E. for their efforts.

**Carried**

**.03**

PARK NAMES  
5810-00

Moved by McRae and seconded by Harder that the report regarding park names be referred to the next In Camera Council meeting.

**Carried**

**.04**

FIRE REPORT  
650-20

Moved by Harder and seconded by Presley that the Fire Report for May 2004 be received for information.

**Carried**

**.05**

BY-ELECTION  
RESULTS  
4200-04

Moved by Presley and seconded by Harder that the report from the Chief Election Officer regarding the 2004 final by-election results be received for information.

**Carried**

**.06**

BYLAW NO. 2318  
3900-01

Moved by Presley and seconded by Harder that “Lerwick Road Extension Construction Bylaw No. 2318, 2003” be hereby abandoned.

**Carried**

**.07**

DVP NO. 0415  
SILVERADO LAND  
CORP  
3090-20-0415

Moved by Presley and seconded by Harder 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 21, 2004; and

That subject to public input, Development Variance Permit No. 0415 be issued to Silverado Land Corp. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to allow the subdivision of the Remainder of Block 72 to create proposed Lot A with 0% lot frontage.

**Carried**

**.08**

DVP NO. 0416  
KABUSH  
3090-20-0416

Moved by McRae 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 21, 2004; and

That subject to public input, Development Variance Permit No. 0416 be issued to Dennis and Margaret Kabush to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to permit a reduction in the lot frontage from 19.5m to 18.4m and 18.1m and to permit a reduction in the side yard setback from 4.5m to 3.6m and 3.2m for Lots 1 and 22 respectively as outlined in Schedule No. 1 attached, for the property legally described as Lot 3, District Lot 158, Comox District, Plan 1911.

**Carried**

**.09**

DVP NO. 0419  
MITCHELL  
3090-20-0419

Moved by Presley and seconded by McRae 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 21, 2004;

That subject to public input, Development Variance Permit No. 0419 be issued to Glenn and Jenny Mitchell to provide relief from the City of Courtenay Sign Bylaw No. 2042, 1998, and amendments thereto, for an increase in the allowable sign area for projecting signs from 2.5m<sup>2</sup> to 3.26m<sup>2</sup> on Lot 38, Section 61, Comox District, Plan 311 except the southerly 7 feet at 286-5<sup>th</sup> Street as shown on Schedule No. 1.

**Carried**

**.10**

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

Moved by Mc Rae and seconded by Presley that the application from Silverado Land Corp. for Development Permit No. 0413 to allow the construction of five multi-residential buildings within a strata subdivision as shown for the property legally described as Part of Lot A, Block 72, Comox District, Plan VIP73730 except that Part in Plans VIP73936 and VIP75898 at 366 Clubhouse Drive, including landscape materials and installation

valued at \$1000.00, be approved as outlined in Schedule Nos. 1, 2 and 3; 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**

**.11**  
DEVELOPMENT  
PERMIT  
TRUMPETER  
HOLDINGS  
3060-20-0414

Moved by Harder and seconded by Presley that the application from Trumpeter Holdings Ltd. for Development Permit No. 0414 to allow the construction of a 371.55 square metre addition to an existing 891.82 square metre commercial building on Lots 7 & 8, Section 20, Comox District, Plan 7161 at 4901 & 4907 North Island Highway, including landscape materials and installation valued at \$5,381.50, be approved as outlined in Schedule Nos. 1, 2 and 3; 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**

**.12**  
MTI AMENDMENT  
4020-20

Moved by Presley and seconded by McRae that Council approve an amendment to the City of Courtenay Ticket Information Bylaw to implement minor housekeeping changes.

**Carried**

**.13**  
STRATA CONVERSION  
1009-10<sup>TH</sup> ST  
3300-20

Moved by McRae and seconded by Presley that Council approve the application for the strata conversion of a 41-unit apartment building at 1009-10<sup>th</sup> Street and authorize the Mayor and Clerk to sign the strata plan mylars when complete.

**Carried**

**.14**  
BARELAND STRATA  
LOT A, VIP54549  
3320-20-03398

Moved by Harder and seconded by Presley that Council approve the Bareland Strata Servicing Agreement for the bareland strata of Lot A, Section 66, Comox District, Plan VIP54549;

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

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

**Carried**

**.15**  
POLICY NO. 5240-00  
LIGHTING POLICY  
5240-00

Moved by McRae and seconded by Presley that Policy No. 5240.00.01 – Road, Parking Lot and Exterior Building Lighting be amended by adding a new paragraph after paragraph 1 as follows:

“This policy does not apply to municipal roads where unique ornamental street lighting standards and luminaries have been approved by the City, i.e. Downtown-Fifth Street and adjacent side streets and the Crown Isle Development. However, the City will require that diffusers and refractors are used in these lights to reduce light pollution.”

**Carried**

**.16**  
OPERATIONAL  
SERVICES REPORT  
650-20

Moved by McRae and seconded by Presley that the Operational Services Month End Report for April 2004 be received for information.

**Carried**

**.17**  
SUBDIV. CONTROL  
BYLAW AMEND  
3320-10

Moved by Presley and seconded by McRae that Section 23 of the Subdivision Control Bylaw 1401, 1986 relating to the requirement for cul-de-sac streets, be amended to exclude temporary cul-de-sacs on streets built in phases, where the Road Network Plan shows these roads as being ultimately built as through streets; and that each phase of a temporary cul-de-sac street shall have a suitable temporary turn around area acceptable to the City.

**Carried**

## **5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION**

**.01**  
2005 BCSO SUMMER  
GAMES  
8100

Moved by Harder and seconded by Ahmed that the letter from 2005 BCSO C.V. Summer Games regarding organizational appointment be received for information; and

That Councillor Jangula and Randy Wiwchar be appointed as the City representatives.

**Carried**

## **7.00 UNFINISHED BUSINESS**

**Mayor Winchester inquired whether there were any members of the public wishing to make submissions regarding the following Development Variance Permits; there were none.**

**.01**

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

Moved by Harder and seconded by Presley that 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**

**.02**

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

Moved by Ahmed and seconded by Presley that 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; and
- 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**

## **9.00 NEW BUSINESS**

**.01**  
DRUG STRATEGY  
UPDATE  
4940-20

Moved by Ahmed and seconded by Harder that a letter of support be sent to the Vancouver Island Health Authority regarding a Women's Addiction Services Residence for the North Island;

That staff provide a report to Council regarding any potential resources or assistance available; and

That the draft letter from Councillor Ahmed be sent to local service clubs and Dr. Davidson at St. Joseph's Hospital.

**Carried**

**10.00 BYLAWS**

**.01**  
BYLAW NO. 2357

Moved by Harder and seconded by Presley that "City of Courtenay Ticket Information Amendment Bylaw No. 2357, 2004" pass first, second and third reading.

**Carried**

**.02**  
BYLAW NO. 2352

Moved by Presley and seconded by McRae that "Museum Refinancing Short Term Borrowing Bylaw No. 2352, 2004" pass first, second and third reading.

**Carried**

**.03**  
BYLAW NO. 2356

Moved by McRae and seconded by Presley that "City Hall Renovation Loan Authorization Bylaw No. 2356, 2004" pass first, second and third reading.

**Carried**

**.04**  
BYLAW NO. 2354

Moved by Ahmed and seconded by Harder that "Road Paving Loan Authorization Bylaw No. 2354, 2004" pass first, second and third reading.

**Carried**

**.05**  
BYLAW NO. 2353

Moved by Harder and seconded by Presley that "Sanitary Sewer Extensions Loan Authorization Bylaw No. 2353, 2004" pass first, second and third reading.

**Carried**

**.06**  
BYLAW NO. 2355

Moved by Presley and seconded by McRae that "Lerwick Road Extension Loan Authorization Bylaw No. 2355, 2004" pass first, second and third reading.

**Carried**

**.07**  
BYLAW NO. 2358

Moved by McRae and seconded by Presley that "Subdivision Control Amendment Bylaw No. 2358, 2004" pass first, second and third reading.

**Carried**

**.08** Moved by Harder and seconded by Presley that “Special Events  
BYLAW NO. 2312 Regulation Bylaw No. 2312, 2004” be finally passed and adopted.  
**Carried**

**11.00 COUNCIL MEMBER ROUND TABLE**

COUNCILLOR PRESLEY Councillor Presley reviewed his attendance at the following events:  
➤ Meeting with Minister Rick Thorpe, Minister of Provincial Revenue  
➤ Signing of the Courtenay/Comox Memorandum of Understanding

COUNCILLOR MCRAE Councillor McRae outlined his attendance at the following events:  
➤ Vanier Graduation Ceremony  
➤ Signing of the Courtenay/Comox Memorandum of Understanding  
➤ Unveiling of the Heritage Commemorative Plaques  
➤ Opening of the Comox Valley Midwifery Clinic  
➤ Opening of the Soccer Clubhouse at Valleyview Park  
➤ Cumberland Empire Days Parade

COUNCILLOR AHMED Councillor Ahmed outlined his attendance at the following events:  
➤ Opening of the Soccer Clubhouse at Valleyview Park  
➤ Courtenay Fish and Game Open House

COUNCILLOR PHELPS Councillor Phelps presented Mayor Winchester with a t-shirt for the Rick Hansen- Wheels in Motion fundraising event.

MAYOR WINCHESTER Mayor Winchester outlined her attendance at the following events:  
➤ Courtenay Rotary Club meeting  
➤ D.A.R.E. Graduation Ceremony at Arden School  
➤ Chinese Acrobat performance at the Sid Theatre  
➤ 10<sup>th</sup> Anniversary celebration of the Nurse’s Centre  
➤ Highland Games Opening Ceremony  
➤ Perfect Pages Contest Award Presentation  
➤ Puntledge Elementary Grade 3 City Hall Tour  
➤ Unveiling of the Heritage Commemorative Plaques  
➤ Opening of the Comox Valley Midwifery Clinic  
➤ Mark Isfeld High School Graduation Ceremony  
➤ Meeting with Minister Rick Thorpe, Minister of Provincial Revenue  
➤ Signing of the Courtenay/Comox Memorandum of Understanding  
➤ A.L.S. Fundraiser  
➤ Habitat for Humanity Kick-off  
➤ Opening of the North Island Jazz Festival  
➤ D-Day 60<sup>th</sup> Anniversary Ceremony at the Legion

Mayor Winchester reminded Council of the Mile of Flowers “Plant-in” on Tuesday, June 8<sup>th</sup>.

