

**CORPORATION OF THE CITY OF COURTENAY  
COUNCIL MEETING AGENDA**

**DATE:** Monday, January 20, 2014  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

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**1.00 ADOPTION OF MINUTES**

1. Adopt January 13, 2014 Special Council and Regular Council Meeting Minutes

**2.00 INTRODUCTION OF LATE ITEMS**

**3.00 DELEGATIONS**

**4.00 STAFF REPORTS**

Pg #

**(a) Community Services**

**(b) CAO and Legislative Services**

- 1 1. Lane Closure and Property Disposal – 777 Fitzgerald Avenue

- 19 2. Notice on Title – #119-2787 First Street

**(c) Development Services**

- 27 3. Revision to Environmental Development Permit Fees

**(d) Financial Services**

**(e) Engineering and Operations**

**5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

**6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

- 29 1. Memorandum - Summary of Development Activity for 2013

- 33 2. Briefing note - Regional Indoor Tennis Courts

**7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES**

**8.00 RESOLUTIONS OF COUNCIL**

**9.00 UNFINISHED BUSINESS**

**10.00 NOTICE OF MOTION**

## **11.00 NEW BUSINESS**

- 37 1. Letter from the RDCS re: 2014 C.V. Water Committee Voting Structure

Recommended Resolution:

*“That the letter from the Comox Valley Regional District be received and that the following distribution of weighted votes for City of Courtenay Directors on the Comox Valley Water Committee for 2014 be as follows:*

<i>Councillor Winchester</i>	<i>2 votes</i>
<i>Councillor Ambler</i>	<i>2 votes</i>
<i>Councillor Theos</i>	<i>2 votes</i>
<i>Councillor Anglin</i>	<i>1 vote</i>

*And further that this information be provided to the Comox Valley Regional District.”*

## **12.00 BYLAWS**

### **For First, Second and Third Reading**

- 49 1. “Fitzgerald Lane Road Closure Bylaw No. 2775, 2014”  
(to consider the closure of a small portion of a lane behind 777 Fitzgerald Ave)
- 53 2. “City of Courtenay Fees and Charges Amendment Bylaw No. 2776, 2014”  
(to include development permit fee system for the Arden Corridor Local Area Plan)

### **For Final Adoption**

- 56 1. “Revenue Anticipation Borrowing Bylaw No. 2773, 2014”

## **13.00 ADJOURNMENT**



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Mayor and Council

**File No.:** 950-20

**From:** Chief Administrative Officer

**Date:** January 20, 2014

**Subject:** Lane Closure and Property Disposal – 777 Fitzgerald Avenue

### PURPOSE:

The purpose of this report is to consider the closure of a small portion of lane (defined as Highway) behind 777 Fitzgerald Avenue and to subsequently dispose of the closed lane.

### CAO RECOMMENDATIONS:

That based on the January 20, 2014 staff report "Lane Closure and Property Disposal – 777 Fitzgerald Avenue", Council approve OPTION 1 and approve in principle the closure of a portion of lane behind 777 Fitzgerald Avenue;

That subject to public input, Council approve the disposition of the closed lane to Robert Ash and Associates for the purchase price of \$43,000.00;

That "777 Fitzgerald Avenue Road Closure Bylaw No. 2775, 2014" proceed to first, second, and third reading; and

That statutory notice for the road closure and property disposition be published pursuant to section 94 of the *Community Charter*.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Allen", written over a horizontal line.

David Allen

Chief Administrative Officer

### BACKGROUND:

The City was approached by the owner of 777 Fitzgerald Avenue (Mr. Robert Ash) requesting to purchase the undeveloped lane adjacent to the property. Mr. Ash is currently undertaking a significant renovation of a commercial building on the property, and the acquisition of the lane would allow enhanced construction features to be incorporated into the building design.

### DISCUSSION:

The lane in question is currently undeveloped, and the City has no future plans for use of the lane. There are no services located in the lane.

Mr. Ash has taken extra efforts to consult with the other property owners in the area who may be affected by the lane closure. Copies of the consultation letters are attached for Council reference. To date there have been no objections raised by adjacent property owners.

**FINANCIAL IMPLICATIONS:**

A professional appraisal of the property was performed by Jackson & Associates. An excerpt from this appraisal is attached, and the full appraisal is available for public inspection.

Staff are recommending that Council accept the offer from Mr. Ash to purchase the closed lane for the appraised value of \$43,000.00, subject to the passage of Bylaw No. 2775 and raising title of the closed lane in the City's name.

**ADMINISTRATIVE IMPLICATIONS:**

General administration of the road closure bylaw and land sale is not specifically included in the Legislative Services work plan; however a significant portion of the work plan consistently includes this type of work.

The applicant arranged at his expense for the preparation of the necessary survey plan and property appraisal.

**STRATEGIC PLAN REFERENCE:**

Not referenced.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

Statutory in nature.

**REGIONAL GROWTH STRATEGY REFERENCE:**

Statutory in nature.

**CITIZEN/PUBLIC ENGAGEMENT:**

Pursuant to sections 26 and 40 of the *Community Charter*, publication of notice is required for the lane closure as well as the subsequent disposition of land. Notification will be published after third reading and before final adoption of Bylaw No. 2775 to allow public input regarding the lane closure.

**OPTIONS:**

OPTION 1: Approve road closure bylaw and sale of property for the appraised value (recommended).

OPTION 2: Not approve the road closure bylaw and sale of property.

OPTION 3: Refer back to staff to negotiate a different purchase price.

Prepared by:



John Ward, CMC  
Director of Legislative Services

G:\ADMIN\John Ward\REPORT\777 Fitzgerald Lane Closure.docx

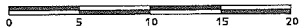
PROPOSED PLAN TO CLOSE PORTION  
OF LANE DEDICATED BY PLAN 472B  
SECTION 61, COMOX DISTRICT,  
TO ACCOMPANY CITY OF COURTENAY  
BYLAW 2775

PLAN EPP37481

PURSUANT TO SECTION 120 OF THE LAND TITLE ACT.

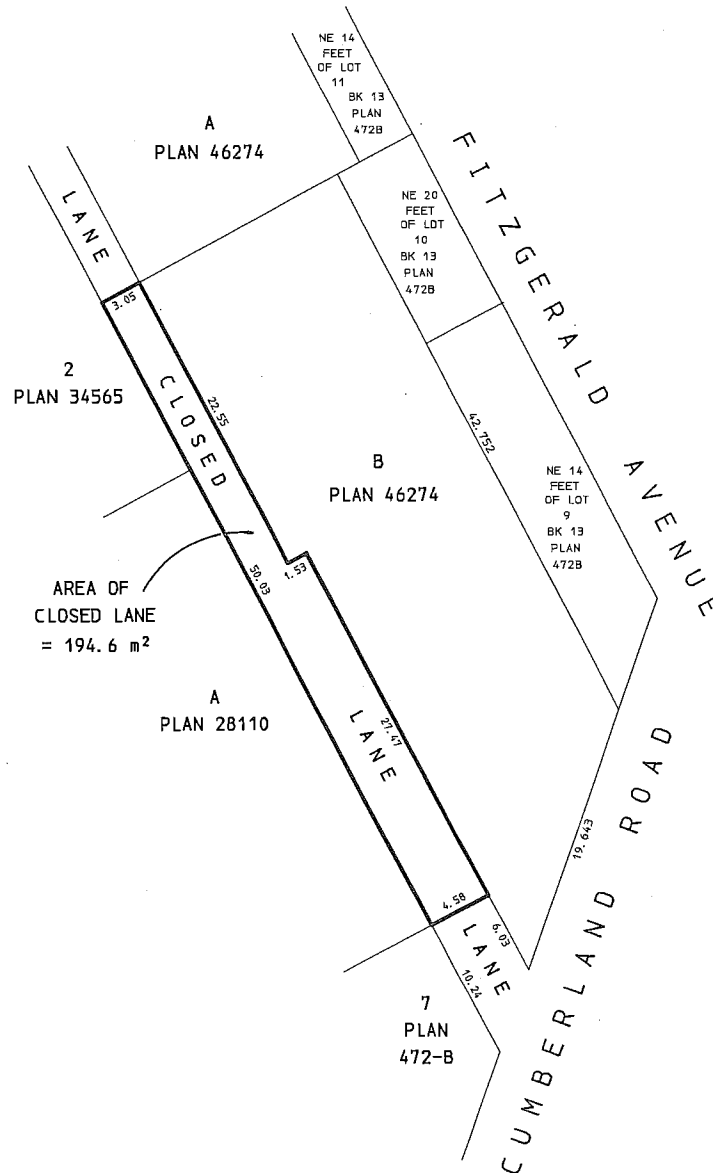
BCGS 92F.065

SCALE 1:250



All Dimensions shown are in Metres.

THE INTENDED PLOT SIZE OF THIS PLAN IS  
432 mm IN WIDTH BY 560 mm IN HEIGHT (C SIZE)  
WHEN PLOTTED AT A SCALE OF 1:250



THIS PLAN LIES WITHIN THE JURISDICTION OF  
THE APPROVING OFFICER FOR THE CITY OF  
COURTENAY

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS  
COMPLETED ON THE 14TH DAY OF 2014  
BY IAN W. ZAHARKO, BCLS NO. 680

THIS PLAN LIES WITHIN THE CITY OF COURTENAY

6 NOVEMBER, 2013

ZAHARKO LAND SURVEYING INC.  
BRITISH COLUMBIA LAND SURVEYORS

1-1841 COMOX AVENUE  
COMOX, B.C.  
V9M 3M3

T: 250.339.9711

FILE: 1881-2



## JACKSON & ASSOCIATES

REAL ESTATE APPRAISERS & CONSULTANTS

November 15, 2013

Re: F-3934

The Corporation of the City of Courtenay  
830 Cliffe Avenue,  
Courtenay, BC V9N 2J7

Attention: Les Doty

Re: 194.6 Square Metre Lane Adjoining 777 Fitzgerald Avenue, Courtenay, BC  
To Be Amalgamated With Lot B, Section 61, Comox District, Plan 46274

In accordance with your instructions, we have completed an appraisal report on the above-mentioned properties for the purpose of estimating the current market value of the fee simple interest in the property.

Based on our research and analysis, it is our opinion that the market value of the subject properties as described herein as of November 15, 2013 is about:

**\$43,000.00\***  
**(Forty Four Thousand Dollars)**

*\* We have been advised that survey and legal costs in the range of \$9,000.00 have been incurred in order to formalize the easement areas associated with encroachments of the adjoining buildings to the west side of lane. These costs have been incurred by the prospective purchaser. An adjustment has not been made for this factor. It is our opinion adjustments for these factors are more likely to be made as final adjustments to the purchase price through negotiations and we have not been able to quantify an adjustment factor for the encumbrances in the marketplace. The value estimate reflects the easements in place, but not the costs to develop or formalize the agreements.*

The subject property was inspected on November 15, 2013 and all necessary investigations and analyses were completed. The accompanying report, which forms the basis of our value opinion, subject to the assumptions and limiting conditions contained in the attachments, is enclosed.

This report was prepared exclusively for our client to assist in negotiation and acquisition purposes. It is intended only for this specified use. It may not be distributed to or relied upon by other persons or entities without written permission of the Appraiser. Unauthorized third party reliance is expressly denied.

Thank you for the opportunity of being of service to you.

Respectfully submitted,  
Wm. S. JACKSON & ASSOCIATES LTD.

Dan Wilson, B.Comm., R.I.(BC), AACI, P.App.

917A Fitzgerald Ave, Courtenay, BC V9N 2R6

(250) 338-7323 fax (250) 338-8779 [www.comoxvalleyappraisers.com](http://www.comoxvalleyappraisers.com)

VALUE IS MORE THAN A NUMBER



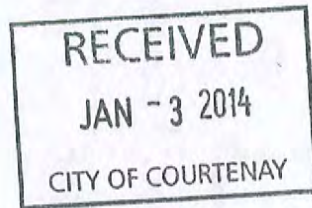
# **ROBERT H. ASH & Associates Ltd.**

P.O. Box 1240, Comox, B.C. V9M 7Z8

Tel : (250) 339-0490

Fax : (250) 339-1007

Email : rha@telus.net



November 25, 2013

City of Courtenay  
830 Cliffe Ave.  
Courtenay, B.C. V9N 2J7

Attention : Les Doty  
Engineering Technologist



Dear Les :

**RE : LANE CLOSURE & ACQUISITION AT 777 Fitzgerald Ave., Courtenay, B.C.**

Further to your letter of October 30, 2013 and our letter to you of November 7, 2013 we enclose the following :

1. Appraisal Report from Jackson & Associates dated November 15, 2013
2. Spatial calculations as prepared by Martin Hagarty, Architect.

This completes the requirements as set forth by you in your letter of October 30<sup>th</sup>. The other items (ie : survey documentation and letters to adjacent property owners) were included in our package delivered to you on November 8, 2013. We trust that the City will now be able to proceed with the "process" towards finalizing the lane closure and acquisition.

We also advise that we have received no response to our letters to adjacent property owners (dated November 4, 2013) and therefore conclude that they have no particular issues with this matter.

We anticipate that there will be some further discussion related to a final purchase price as well as the spatial separation issues (if any). Please keep in mind that subsequent to the lane acquisition, we will wish to shift our elevator addition back into the lane by a few feet (maximum of 7 feet) and that we may have to add a fire exit stairwell from the second floor on the lane side of our building.

Please feel free to contact us if you have any questions or further requirements.

Sincerely,

A handwritten signature in blue ink that reads "Bob Ash".

R. L. Ash  
ROBERT H. ASH & ASSOCIATES LTD.

ENCLS.







LANE CLOSURE PROJECT

22-11-13

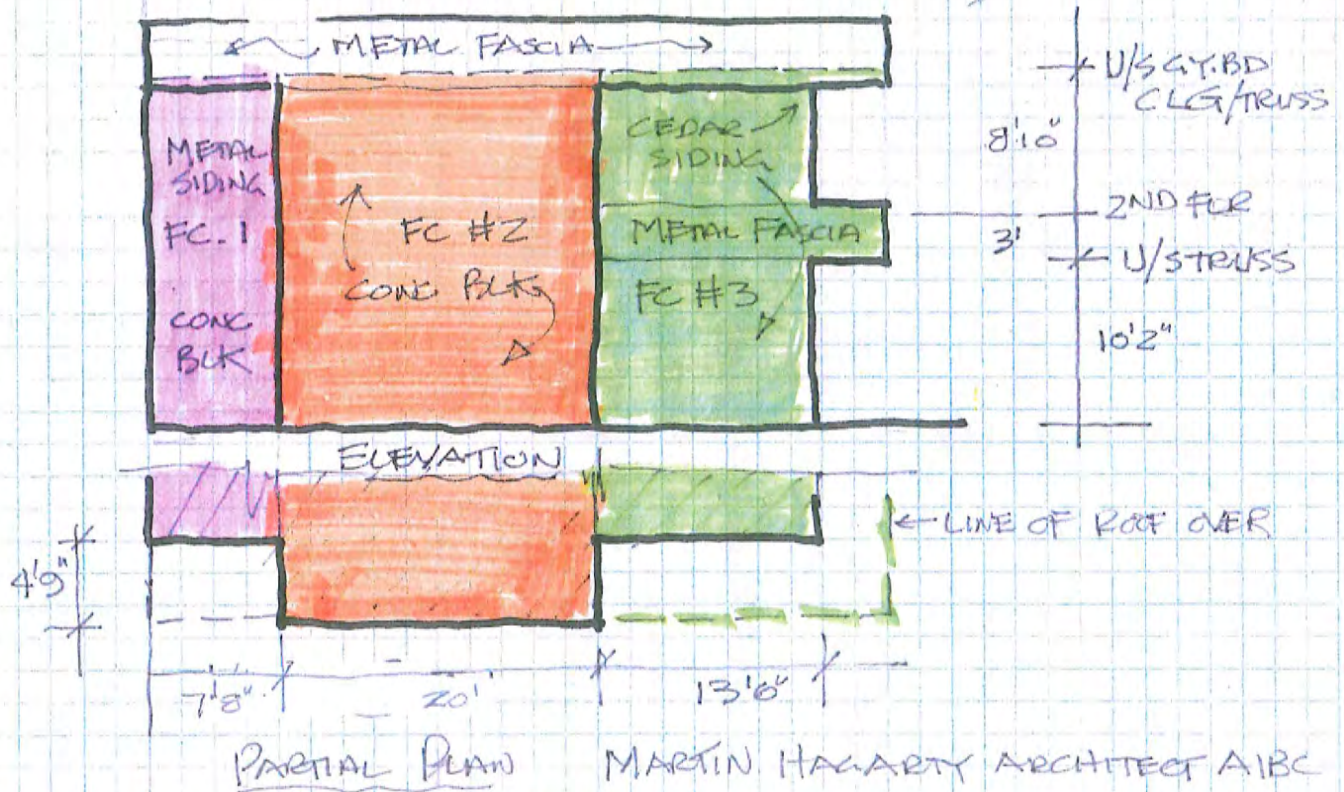
870 GRANT ST.

ELEVATION

P. 10F2

BLDG OCCUPANCY 'D' OFFICES/PERSONAL SERVICE PART

LIMITING DISTANCE = 7.5 FT (2.25M)



# LANE CLOSURE PROJECT

870 GRANT ST.

22.11.13

P.2 of 2

FIRE COMP.	AREA	UNPROTECTED OPENINGS	PERMITTED OPENING	EXISTING CONST	REQ'D CONST	CONFORMING
FC #1	15.75/m	NONE	33.6%	Non-Comb. CLADDING COMBUST. CONST	Non-Comb. CLADDING COMBUST. CONST	YES
FC #2	40.95/m	NONE	16.25%	Non-Comb. BUSTIBLE	"	YES
FC #3	28.65/m	NONE	18.75	COMBUSTIBLE CLADDING COMBUST. CONST	"	No

MARTIN HARTLEY ARCHITECT, AIBC



BRITISH COLUMBIA LAND SURVEYOR'S  
BUILDING LOCATION CERTIFICATE COVERING :

LOT B  
SECTION 61  
COMOX DISTRICT  
PLAN 46274

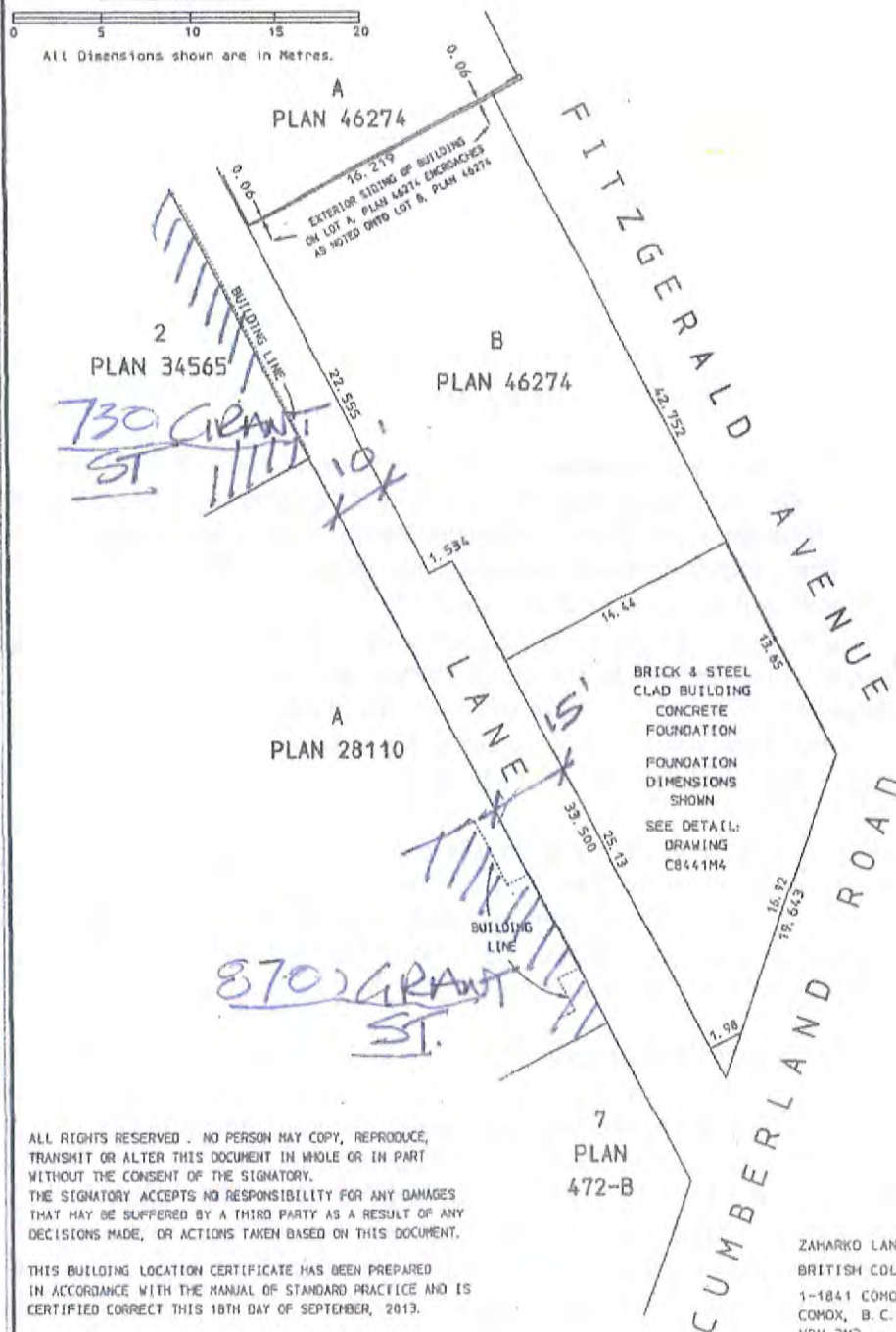
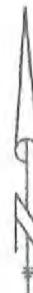
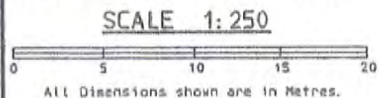
PARCEL IDENTIFIER NUMBER: 009-766-294

BOUNDARY DIMENSIONS ARE DERIVED FROM  
LAND TITLE OFFICE PLAN 46274

OFFSETS TO PROPERTY LINES ARE TO FOUNDATION WALLS UNLESS NOTED

THIS DOCUMENT SHOWS THE RELATIVE STRUCTURES  
AND FEATURES WITH RESPECT TO THE BOUNDARIES  
OF THE DESCRIBED PARCEL. THIS DOCUMENT SHALL  
NOT BE USED TO DEFINE PROPERTY LINES OR  
PROPERTY CORNERS.

CIVIC ADDRESS: 777 FITZGERALD AVENUE



ALL RIGHTS RESERVED. NO PERSON MAY COPY, REPRODUCE,  
TRANSMIT OR ALTER THIS DOCUMENT IN WHOLE OR IN PART  
WITHOUT THE CONSENT OF THE SIGNATORY.  
THE SIGNATORY ACCEPTS NO RESPONSIBILITY FOR ANY DAMAGES  
THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY  
DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED  
IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS  
CERTIFIED CORRECT THIS 18TH DAY OF SEPTEMBER, 2013.

B.C.L.S. ©

ZAHARKO LAND SURVEYING INC.  
BRITISH COLUMBIA LAND SURVEYORS  
1-1841 COMOX AVENUE  
COMOX, B.C.  
V9H 3M3  
T: 250.339.9711

FILE: C8441M3

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

# **ROBERT H. ASH & Associates Ltd.**

P.O. Box 1240, Comox, B.C. V9M 7Z8

Tel : (250) 339-0490

Fax : (250) 339-1007

Email : RHA@telus.net

November 4, 2013

0691819 BC Ltd.  
1006 Jutland Place  
Courtenay, B.C. V9N 9V6

Attention : Steve Playford  
Brent Armstrong

Dear Sirs :

**RE : Your property at 780 Grant Ave., Courtenay, B.C.**

Effective September 1, 2013, our firm acquired the property known as 777 Fitzgerald Ave. (RBC Dominion Building). We have recently received a development permit from the City of Courtenay to undertake significant improvements and renovations to the exterior of this building. The renovations will include replacement of all existing siding with a cedar and stone treatment as well as installation of new windows. The finished project will bear some resemblance to the recent Courtenay City Hall renovations and will represent a substantial improvement to the appearance and image of our building as well as to the neighbourhood in general. We will also be installing an elevator and lobby area at the rear (parking lot side) of the building. As you may have noticed, we have also landscaped approximately one half of the lane area adjacent to our property.

Our purpose in contacting you is to advise that we have applied to the City to acquire that portion of the lane as indicated in red hatching on the enclosed survey. Upon our acquiring this portion of the lane, we would then proceed to landscape the balance as per the landscaping we have already completed. This additional landscaping would be undertaken following completion of the exterior renovations as described above.

The impact on your property is twofold as follows :

1. You currently use a portion of the lane for the location of your garbage bin. As a result of this, our acquisition would include an easement granted to you for the purposes of locating such a bin. The easement area would be identified on title and on the final survey indicating an area one foot on all four sides of the garbage bin dimensions as an area for your use for locating a garbage bin. The area would thus approximate 8' x 6' bordering your existing property line with the lane.

.../2



2.

2. A portion of your building currently encroaches into the lane area by 0.07m or 3 inches as indicated on the attached survey. As with the garbage bin situation, we would grant a further easement recognizing this tiny encroachment as an area for your exclusive use.

Our solicitor (Mr. Azim Datoo of Swift Datoo) would be pleased to discuss the matter of these two easements with your solicitor with the goal of achieving a mutually satisfying wording, etc. for eventual registration on the title for the lane. All legal costs (including your solicitor) and registration costs associated with these two easements would be borne by ourselves. Your solicitor or yourselves may contact Mr. Datoo in this regard at any time.

Please feel free to contact us if you have any questions or concerns or if you wish to discuss the matter further. We would very much appreciate a communication from you indicating that you do not have serious or significant objections to our lane acquisition as outlined on the attached survey. If we do not hear further from you, we will assume that there are no objections on your part.

Thank you for your co-operation in this regard.

Yours truly,



R. L. Ash  
ROBERT H. ASH & ASSOCIATES LTD.

Encl.

# **ROBERT H. ASH & Associates Ltd.**

P.O. Box 1240, Comox, B.C. V9M 7Z8

Tel : (250) 339-0490

Fax : (250) 339-1007

Email : RHA@telus.net

November 4, 2013

GAD Holdings Ltd.  
224 8<sup>th</sup> Ave. West  
Vancouver, B.C. V5Y 1N5

Dear Sirs : :

**RE : Your property at 730 Grant Ave., Courtenay, B.C.**

Effective September 1, 2013, our firm acquired the property known as 777 Fitzgerald Ave. (RBC Dominion Building). We have recently received a development permit from the City of Courtenay to undertake significant improvements and renovations to the exterior of this building. The renovations will include replacement of all existing siding with a cedar and stone treatment as well as installation of new windows. The finished project will bear some resemblance to the recent Courtenay City Hall renovations and will represent a substantial improvement to the appearance and image of our building as well as to the neighbourhood in general. We will also be installing an elevator and lobby area at the rear (parking lot side) of the building. As you may have noticed, we have also landscaped approximately one half of the lane area adjacent to our property.

Our purpose in contacting you is to advise that we have applied to the City to acquire that portion of the lane as indicated in red hatching on the enclosed survey. Upon our acquiring this portion of the lane, we would then proceed to landscape the balance as per the landscaping we have already completed. This additional landscaping would be undertaken following completion of the exterior renovations as described above.

Please note that our proposed acquisition is limited to that portion of the lane from the northern boundary of our property southward towards Cumberland Rd. As such, we would only be acquiring a small portion of the lane which actually abuts the back wall your property/building. However, there is one issue which has surfaced as follows ...

- A portion of your building currently encroaches into the lane area by 0.11m or 4 inches as indicated on the attached survey. As a result of this, our acquisition of the lane would include our granting an easement recognizing this tiny encroachment as an area for your exclusive use.

.../2

2.

Our solicitor (Mr. Azim Datoos of Swift Datoos) would be pleased to discuss the matter of this easement with your solicitor with the goal of achieving a mutually satisfying wording, etc. for eventual registration on the title for the lane. All legal costs (including your solicitor) and registration costs associated with this easement would be borne by ourselves. Your solicitor or yourselves may contact Mr. Datoos in this regard at any time or, if you wish, you may provide your solicitor's name and contact information and we will arrange direct contact with him/her.

Please feel free to contact us if you have any questions or concerns or if you wish to discuss the matter further. We would very much appreciate a communication from you indicating that you do not have serious or significant objections to our lane acquisition as outlined on the attached survey. If we do not hear further from you, we will assume that there are no objections on your part.

Thank you for your co-operation in this regard.

Yours truly,

R. L. Ash  
ROBERT H. ASH & ASSOCIATES LTD.

Encl.

Nb : Contact information for our solicitor :

Mr. Azim Datoos  
Swift Datoos  
201 – 467 Cumberland Rd.  
Courtenay, B.C. V9N 2C5  
Tel : 334-4461  
Fax : 334-2335  
Email : [adatoos@swiftdatoos.com](mailto:adatoos@swiftdatoos.com)

# **ROBERT H. ASH & Associates Ltd.**

*P.O. Box 1240, Comox, B.C. V9M 7Z8*

*Tel : (250) 339-0490*

*Fax : (250) 339-1007*

*Email : RHA@telus.net*

November 4, 2013

Courtenay Medical Clinic  
788 Grant Ave.  
Courtenay, B.C. V9N 2T3

Attention : Tanis Wynn, Office Administrator

Dear Tanis :

Further to our recent telephone conversation, please pass on this letter to the owner(s) of 788 Grant Ave.

Effective September 1, 2013, our firm acquired the property known as 777 Fitzgerald Ave. (RBC Dominion Building). We have recently received a development permit from the City of Courtenay to undertake significant improvements and renovations to the exterior of this building. The renovations will include replacement of all existing siding with a cedar and stone treatment as well as installation of new windows. The finished project will bear some resemblance to the recent Courtenay City Hall renovations and will represent a substantial improvement to the appearance and image of our building as well as to the neighbourhood in general. We will also be installing an elevator and lobby area at the rear (parking lot side) of the building. As you may have noticed, we have also landscaped approximately one half of the lane area adjacent to our property.

Our purpose in contacting you is to advise that we have applied to the City to acquire that portion of the lane as indicated in red hatching on the enclosed survey. Upon our acquiring this portion of the lane, we would then proceed to landscape the balance as per the landscaping we have already completed. This additional landscaping would be undertaken following completion of the exterior renovations as described above.

Although our plans do not directly impact your property, we have been advised by the City to inform you of our intentions. You will note that the portion of the lane entering off Cumberland Rd. and currently used by yourselves as access for parking and garbage collection will remain as a City lane and is not a part of our proposed acquisition area.

.../2



2.

Please feel free to contact us if you have any questions or concerns. We would very much appreciate a communication from you indicating that you do not have serious or significant objections to our lane acquisition as outlined on the attached survey. If we do not hear further from you, we will assume that there are no objections on your part.

Thank you for your co-operation in this regard.

Yours truly,

R. L. Ash  
ROBERT H. ASH & ASSOCIATES LTD.

Encl.

# **ROBERT H. ASH & Associates Ltd.**

P.O. Box 1240, Comox, B.C. V9M 7Z8

Tel : (250) 339-0490

Fax : (250) 339-1007

Email : RHA@telus.net

November 4, 2013

Mr. Bob Koznvc  
751 Fitzgerald Ave.  
Courtenay, B.C. V9N 2R4

Dear Mr. Koznvc :

**RE : Property of 0719537 BC Ltd. at 747/755 Fitzgerald Ave., Courtenay, B.C.**

Effective September 1, 2013, our firm acquired the property known as 777 Fitzgerald Ave. (RBC Dominion Building). We have recently received a development permit from the City of Courtenay to undertake significant improvements and renovations to the exterior of this building. The renovations will include replacement of all existing siding with a cedar and stone treatment as well as installation of new windows. The finished project will bear some resemblance to the recent Courtenay City Hall renovations and will represent a substantial improvement to the appearance and image of our building as well as to the neighbourhood in general. We will also be installing an elevator and lobby area at the rear (parking lot side) of the building. As you may have noticed, we have also landscaped approximately one half of the lane area adjacent to our property.

Our purpose in contacting you is to advise that we have applied to the City to acquire that portion of the lane as indicated in red hatching on the enclosed survey. Upon our acquiring this portion of the lane, we would then proceed to landscape the balance as per the landscaping we have already completed. This additional landscaping would be undertaken following completion of the exterior renovations as described above.

Although our plans do not directly impact your property, we have been advised by the City to inform you of our intentions. You will note that the portion of the lane behind your property is not a part of our proposed acquisition area and will remain as a City lane.

For your information, we have actually been neighbours for some time inasmuch as we also own the office building at 635 Fitzgerald Ave. as well as the Swift Datto/MNP complex across the street from your building.

.../2

2.

Please feel free to contact us if you have any questions or concerns. We would very much appreciate a communication from you indicating that you do not have serious or significant objections to our lane acquisition as outlined on the attached survey. If we do not hear further from you, we will assume that there are no objections on your part.

Thank you for your co-operation in this regard.

Yours truly,

R. L. Ash  
ROBERT H. ASH & ASSOCIATES LTD.

Encl.







THE CORPORATION OF THE CITY OF COURTENAY  
**STAFF REPORT**

2

**To:** Mayor and Council  
**From:** Chief Administrative Officer  
**Subject:** Notice on Title - #119 – 2787 First Street

**File No.:** 3800-20  
**Date:** January 20, 2014

**PURPOSE:**

The purpose of this report is to consider directing the Corporate Officer to file a notice in the Land Title Office against the property located at #119- 2787 First Street.

**POLICY ANALYSIS:**

**EXECUTIVE SUMMARY:**

**CAO RECOMMENDATIONS:**

That based on the January 20, 2014 staff report "Notice on Title - #119 – 2787 First Street", Council approve OPTION 1 and pursuant to Section 57 (3) of the Community Charter direct the Corporate Officer to file a notice in the Land Title Office against #119-2787 First Street stating that:

- (a) a Council resolution relating to the land has been made under this section; and*
- (b) further information about it may be inspected at the offices of the municipality.*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Allen".

David Allen  
Chief Administrative Officer

**BACKGROUND:**

As outlined in the attached memo from the Chief Building Inspector, the building on the property has a number of deficiencies relating to alterations which remain outstanding.

Pursuant to section 57 of the *Community Charter*, upon request by a Building Inspector to place a notice on title, the Corporate Officer is required to give notice to the property owner and place the matter before Council.

**DISCUSSION:**

As per the memo from the Chief Building Inspector, staff have attempted to resolve the outstanding issues for some time. Placing a notice on title provides alerts potential future property owners of the deficiencies.

**FINANCIAL IMPLICATIONS:**

The financial implications include the actual cost of placing the notice on title, and the staff time related to attending the property and preparing the notifications and documentation.

**ADMINISTRATIVE IMPLICATIONS:**

Although not specifically in the Development Services and Legislative Services work plans, these statutory enforcement issues are common, and consume staff resources.

**STRATEGIC PLAN REFERENCE:**

Statutory bylaw enforcement in nature, and not specifically referenced in the Strategic Plan.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

Not referenced.

**REGIONAL GROWTH STRATEGY REFERENCE:**

Not referenced.

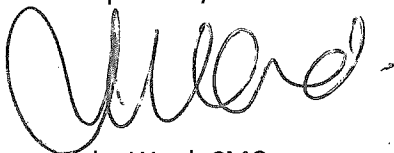
**CITIZEN/PUBLIC ENGAGEMENT:**

Notification was provided to the property owner pursuant to section 57 (2) of the *Community Charter* and is attached for Council's reference. The owner has the opportunity to address Council prior to Council considering the recommendation.

**OPTIONS:**

- Option #1 - That Council direct the Corporate Officer to file a notice in the Land Title Office against #119- 2787 First Street (recommended).
- Option #2 - That Council not direct the Corporate Officer to file a notice in the Land Title Office against #119- 2787 First Street.
- Option #3 - That Council refer the matter back to staff to continue attempts to resolve the issues.

Prepared by:

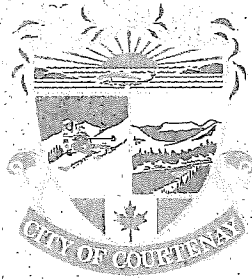


John Ward, CMC  
Director of Legislative Services  
Corporate Officer

# THE CORPORATION OF THE CITY OF COURTENAY

**Legislative Services Department**  
830 Cliffe Avenue  
Courtenay, B.C.  
V9N 2J7

Phone (250) 334-4441  
Fax (250) 334-4241  
jward@courtenay.ca



City File No.: 3800-20

January 8, 2014

Segphet Vilawood  
119- 2787 First Street  
Courtenay, B.C.  
V9N 9C8

**HAND DELIVERED**

## Re: Notice of Action

Please be advised that pursuant to section 57 of the *Community Charter*, Council will be considering a recommendation relating to your property legally described as P.I.D. 025-932-535, Strata Lot 1 District Lot 155, Comox District Strata Plan VIS5532 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, located at #119-2787 First Street, Courtenay B.C.

The recommendation Council will be considering is as follows:

*That pursuant to Section 57 (3) of the Community Charter, the Corporate Officer file a notice in the Land Title Office against #119-2787 First Street, Courtenay, B.C stating that:*

- (a) a Council resolution relating to that land has been made under this section; and*
- (b) further information about it may be inspected at the offices of the Municipality.*

This action is a result of outstanding deficiencies regarding building alterations.

Pursuant to section 57 (2) (a) of the *Community Charter* you are hereby notified of the recommendation, and advised that you have an opportunity to address Council on January 20<sup>th</sup>, 2014 at 4:00 p.m. prior to Council considering the recommendation. Alternatively you may make a submission in writing prior to Wednesday, January 15<sup>th</sup>, 2014 at 4:00 p.m. that will be presented to Council for consideration.

Please advise the undersigned at 250.334.4441 prior to Wednesday, January 15<sup>th</sup> at 4:00 p.m. if you wish to make a submission to Council.

Yours truly,

John Ward, CMC  
Director of Legislative Services  
Corporate Officer

Pc: D. Mirabelli, Chief Building Inspector

THE CORPORATION OF THE CITY OF COURTENAY

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MEMORANDUM

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**TO:** John Ward, Director of Legislative Services  
**FROM:** Dennis Mirabelli, Chief Building Inspector

**FILE #:** 3800-20  
**DATE:** December 17, 2013

**SUBJECT:** Notice Against Title - S.57 (1) (a) (i & ii) & (b) (i & ii) of the *Community Charter*  
#119 - 2787 1<sup>st</sup> Street

This memorandum is to inform the Director of Legislative Services that the Building Division is requesting that the City proceed with putting a Notice against Title pursuant to S.57(1) (a) (i & ii) & (b) (i & ii) of the *Community Charter*, for the property legally described as Lot 1, Section 155, Plan VIS5532.

A number of attempts have been made to have the owner address concerns related to building permit #11921. The building permit was for an alteration that included the extension of the front and rear decks along with the addition of two windows. The last report from the Building inspector noted a number of deficiencies that needed to be corrected.

The Notice on Title would ensure that any future purchasers of the property would be aware that work has been carried out without proper approvals.

Respectfully submitted,



Dennis Mirabelli, RBO  
Chief Building Inspector

DM/jk





THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Mayor and Council

**File No.:** 1810-01

**From:** Chief Administrative Officer

**Date:** January 20, 2014

**Subject:** Revision to Environmental Development Permit Fees

### PURPOSE:

The purpose of this report is to consider changes to the City of Courtenay Fees and Charges Bylaw to include a tiered Environmental Development Permit fee system for the Arden Corridor Local Area Plan area.

### CAO RECOMMENDATIONS:

That based on the January 20, 2014 staff report "Environmental Development Permit Fees", City of Courtenay Fees and Charges Amendment Bylaw 2776, 2014 Council approve OPTION 1 and proceed to first, second and third readings.

Respectfully submitted,

David Allen  
Chief Administrative Officer

### BACKGROUND:

One of the work items identified in the Arden Corridor Local Area Plan (LAP) process is to update the Environmental Development Permit (EDP) fee bylaw to reflect the tiered EDP approach as designated in the Arden Corridor LAP. The proposed bylaw amendment will fulfil this identified task.

### DISCUSSION:

A key regulatory feature of the Arden Corridor LAP is the designation of two tiers of EDPs – Minor and Regular – to ensure that developments with minimal risk are not required to provide the same level of detailed information as developments that are large and/or present higher environmental risk. The determination of risk will be based on a number of factors including: whether a previously known Environmentally Sensitive Area (ESA) is known to exist; size of the development footprint; how close the development footprint is to a target buffer distance of a known ESA and the findings from the Bio-Inventory assessment.

The current EDP permit fee (\$1000) does not allow for flexibility for different scales of development. For example, a development proposal on a single family lot requires the same fee as a major subdivision. The City recently adopted a minor process and associated fee for the Downtown Form and Character DP. Separating the EDP process into two tiers is the first time the City will be taking this approach in an environmental context. This tiered EDP approach will *only* be applicable to the Arden Corridor lands as

identified in the EDP area. The lessons from this tiered approach will be considered for other areas of the City if the approach proves to provide a high level of municipal service at a reasonable cost.

**FINANCIAL IMPLICATIONS:**

Best practice is that permit fees should not exceed the cost of administering a permit. Financial implications to the City are expected to be negligible as the proposed fee structure will better reflect the amount of work that staff dedicate to processing applications that are minor in nature. It should be noted that each permit application is inherently unique and therefore it is difficult to match exactly the amount of effort it takes to review and administer a permit to the fee charged.

**ADMINISTRATIVE IMPLICATIONS:**

Processing and administering permits is included as a statutory component of the Development Services annual work plan.

**STRATEGIC PLAN REFERENCE:**

Relates to Development Process Review, under the Planning and Development heading.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

N/A

**REGIONAL GROWTH STRATEGY REFERENCE:**

N/A

**CITIZEN/PUBLIC ENGAGEMENT:**

The Arden Corridor LAP received significant public input. This particular bylaw amendment has not received public comment to date.

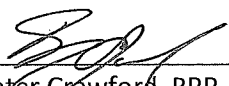
**OPTIONS:**

OPTION 1: Approve First, Second and Third readings of the Bylaw.

OPTION 2: Do not approve First, Second and Third readings of the Bylaw.

OPTION 3: Refer the Bylaw back to staff for further review, and/or revision.

Prepared by:

  
Peter Crawford, RPP, MCIP  
Director of Development Services

\_\_\_\_\_  
Nancy Hofer, MSc  
Environmental Planner



THE CORPORATION OF THE CITY OF COURTENAY  
**MEMORANDUM**

for info

**To:** Mayor and Council  
**From:** Chief Administrative Officer  
**Subject:** Summary of Development Activity for 2013

**File No.:** 3800-01  
**Date:** January 13, 2014

**PURPOSE:**

The purpose of this memorandum is to provide Council with a summary of the development activity for 2013 and projects under review and projected for 2014.

**DEVELOPMENT STATISTICS SUMMARY:**

In 2013, the City issued building permits with a construction value of \$30,438,319 as compared to \$49,944,210 in 2012. As established in *Attachment No. 1*, these values are down from the permits of 2010-2012, but closer to the values and numbers of 2008-2009. It reflects the significant commercial building that occurred in 2010-2012. We are also seeing much more activity and inquiries regarding both commercial and residential infill opportunities.

The most significant permits issued included:

- |   |             |
|---|-------------|
| • New Commercial Building – Thrifty's Retail Centre     | \$2,800,000 |
| • New Residential (Avril Homes) – 19 units on Muir Road | \$2,300,000 |

**Planning Division Approvals/Applications:**

- Zoning Bylaw and Development Permit Approval for Medical Clinic on Mission Road
- A 78 Lot Residential Development on Arden/Cumberland Roads
- Crown Isle for future residential development
- Zoning Bylaw nearing completion for 94 unit residential development on Cliffe Avenue
- Approximately 100 residential units on Arden/Ronson Roads
- Development Permit for Phase 2 of Thrifty's Retail Center
- Approval received for boundary extensions including Beaver Meadows Farms, Crown Isle (Lannon Road), Baptist Church on Lake Trail Road and South Royston area (100 properties)

**Projects under Review and Projected for 2014:**

*Commercial*

- ongoing involvement with Regional Hospital approval process
- commercial development in the vicinity of Ryan/Lerwick Roads and Crown Isle Drive
- commercial building on Cliffe Avenue between 19<sup>th</sup> and 20<sup>th</sup> Streets
- renovation of Vanier Senior Secondary School
- infill possibilities

*Residential*

- Arden Road – three projects under review and ongoing work with in-stream development
- South of 30<sup>th</sup> Street on Cliffe Avenue
- Crown Isle- review of several areas within the overall development
- Mission Road – further build out of remaining properties
- in-fill possibilities continue to be examined

Prepared by:

Peter Crawford, MCIP, RPP  
Director of Development Services

## DEPARTMENT OF PLANNING SERVICES

### Total Construction Values

Date: December 31, 2013

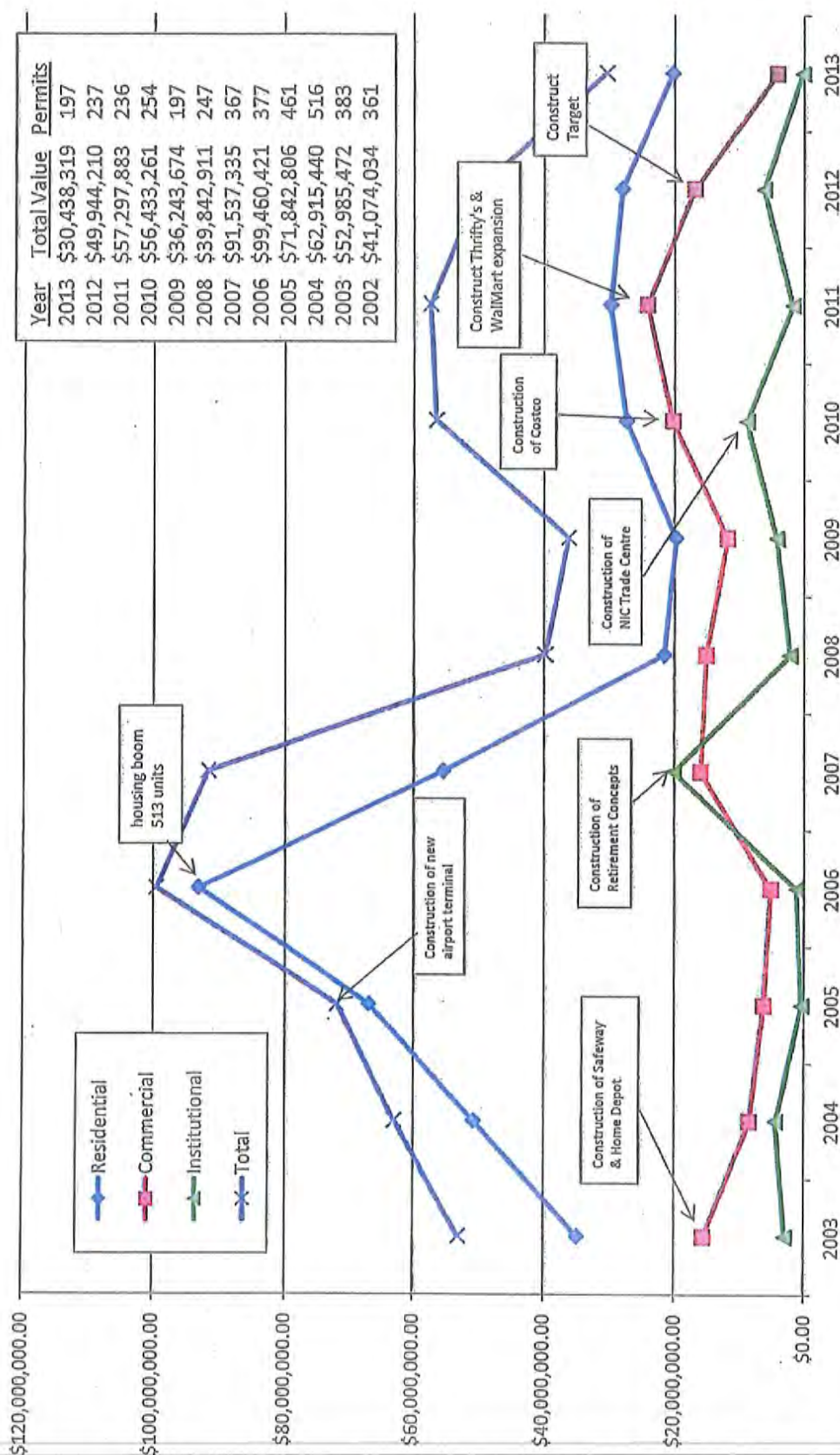
Year	Total Value	Permits
2013	\$30,438,319	197
2012	\$49,944,210	237
2011	\$57,297,883	236
2010	\$56,433,261	254
2009	\$36,243,674	190
2008	\$39,842,911	247
2007	\$91,537,335	367
2006	\$99,460,421	377
2005	\$71,842,806	461
2004	\$62,915,440	516
2003	\$52,985,472	383
2002	\$41,074,034	361
2001	\$28,874,874	256

Table 1: Total Construction

Year	Single Family	Duplex (Units)	Multi-Family (Units)	Mobile Home	Total # of Units	Residential New & Alts/Reps	Commercial New & Alt/Reps	Institutional & Industrial
2013	59	6	23	0	88	22,665,019	7,220,300	553,000
2012	70	6	50	6	132	26,930,633	15,087,423	7,926,154
2011	70	6	69	1	146	31,344,224	24,155,054	0
2010	62	10	51	2	125	27,399,870	20,230,606	8,802,785
2009	38	6	39	0	83	18,268,273	11,753,063	4,776,196
2008	81	8	0	0	89	21,576,049	16,105,600	2,095,000
2007	136	38	94	0	268	55,453,035	15,979,300	20,105,000
2006	147	10	347	9	513	93,198,321	5,135,675	1,126,425
2005	215	40	185	19	459	65,186,152	6,236,654	420,000
2004	203	22	124	10	359	50,073,640	8,459,800	4,382,000
2003	159	18	106	6	289	34,455,647	15,545,825	2,984,000
2002	159	38	48	6	251	27,949,034	12,046,000	1,079,000
2001	70	0	0	3	73	11,879,589	10,638,285	6,357,000

Table 2: Type of Construction

# BUILDING PERMIT VALUES (2003 - 2013)









THE CORPORATION OF THE CITY OF COURTENAY

## BRIEFING NOTE

For  
Info

**To:** Mayor and Council  
**From:** Chief Administrative Officer  
**Subject:** Regional Indoor Tennis Courts

**File No.:** 7710-01

**Date:** January 14, 2014

### ISSUE:

This memo is to provide an update to Council on the Indoor Tennis Court concept being proposed by Tennis Canada.

### BACKGROUND:

In November 2013 a meeting occurred with representatives from Tennis Canada, Comox Valley Regional District, Town of Comox, City of Courtenay, and School District 71 to discuss the interest in exploring the concept of developing an indoor tennis court facility. All parties agreed that looking at our long term tennis court needs was something to consider for future recreation facility planning and that GP Vanier would be a good potential site. School District 71 representatives indicated they would not have capital funding to contribute to the project, but like the running track and new turf field, would consider providing land.

All of the discussions were purely exploratory.

### KEY CONSIDERATIONS:

Any proposals or initiatives that are regional in nature should be forwarded to the Comox Valley Regional District for review and for inclusion in long term regional facility planning and prioritization. Successful projects such as the Regional Play Fields Strategy identified field priorities for the region and resulted in play fields at Vanier Secondary, Highland Secondary, Mission Field and the soon to be constructed artificial turf fields. The feasibility and need for more tennis courts is a question that needs to be discussed further on a regional basis and prioritized with the many other recreation facility projects that are also looking for funding.

Prepared by,

Randy Wiwchar

Director of Community Services

# School District No.71 (Comox Valley)

*Office of the Secretary Treasurer*

---

607 Cumberland Road  
Courtenay, B.C., V9N 7G5  
Fax: (250) 334-4472  
Telephone: (250) 334-5521

In November 2013 a meeting occurred at G. P. Vanier Secondary with Brenda Dean (representing Tennis Canada). The purpose on the meeting was to explore the concept of developing an indoor tennis court facility on the school site. Following that meeting, the district assisted Brenda to coordinate a meeting of community partners (Regional District, City, Town, Tennis Club) to discuss the interest / viability of such a facility. Attached to this Briefing Note is information specific to the concept. The community partner meeting demonstrated a very strong desire to pursue an indoor tennis court facility and everyone present agreed that the G.P. Vanier Secondary School was a good potential site.

Early on in the discussions, Administration representation was that the School District would not have capital funds available to contribute to the construction project, but like the running track and new turf field would consider providing land. Four potential locations exist on the school site, each with pros and cons. However, it is far too early to be working on site location as approval in concept is required from the community partners and funding options need to be explored. Ultimate ownership of the centre would depend on the location of the building – it could either be included in the Sport Centre site lease and owned by the Regional District or ownership transferred to the school district after construction and an operating agreement govern a partnership relationship.

## **Name of Project: Comox Valley Regional Tennis Centre**

### **Description of Project/Vision:**

- *Construct a 4 court indoor tennis facility on G.P. Vanier/Sports Centre location and implement School, recreational and public tennis programs. With the site at the Sports Centre, existing infrastructure make this site cost effective.*
- *Multi-purpose functions incorporate other sport programs, tradeshow and community events.*
- *To support continued growth of tennis and provide players of all ages and abilities the opportunity to play year-round.*
- *To host local, provincial and ITF tennis tournaments*

### Business Case/Needs:

- For many years Tennis Canada rates BC as the number one area for tennis growth in Canada. The United States Tennis Association also rates BC as the number one area in North America for growth in tennis based on its population.
- There are only 12 serviceable outdoor courts including (4) lit courts in the Comox Valley.
- Population of 63,538. 6.8% growth rate since 2006. National average is 5.9%
- There are inadequate numbers of outdoor lit tennis courts in the Comox Valley
- The Comox Valley lacks a public "Tennis Centre" which is often included in most urban communities' infrastructure in other parts of British Columbia, Canada and the world.
- Comox Valley residents are clearly underserved when it comes to tennis facilities North Island.
- Brenda Dean representing Tennis Canada as a Building Tennis Communities (BTC) Champion has developed and will continue to grow **sustainable** school and recreational programming.
- Since becoming the BTC (2012) for the Comox Valley, Brenda Dean has worked with SD71, Courtenay & Comox Recreation centres, the Comox Valley Tennis Club and CFB Comox. Participant numbers reached **2,675** as reported to Tennis Canada and Tennis BC in the 2013 annual BTC report.
- Focus of facility would be for students in the Comox Valley. Extending invitations to other North Island schools to use facility. Build strong intercommunity school league(s).
- Added value to G.P. Vanier and Sports Centre. Pool, ice rinks, soccer and rugby fields, track and field and artificial turf field.

### Funding:

- *Tennis Canada application \$20,000 feasibility study*
- *SD71 Donation of land*
- *Provincial Infrastructure Grants*
- *Recreational Infrastructure Grants (Federal)*
- *Commercial Sponsors*
- *Foundations*
- *Individual Donor Fundraising campaigns*
- *Municipal/Regional Capital Grants*

### Operational Model:

- *Jointly- Comox Valley Regional District in partnership with SD71-Recreation Centres-*
- *SD 71 children have priority access on courts*



## Karvalics, Susie

---

**From:** James Warren <jwarren@comoxvalleyrd.ca>  
**Sent:** January-13-14 9:40 AM  
**To:** Allen, David; Debra Oakman; Councillor Jon Ambler; Director Fletcher; 'Director Gillis'; 'Director Grant'; 'Director Grieve'; bjolliffe; Councillor Manno Theos; Councillor Starr Winchester; Ward, John; Usher, Kate; Kevin Lorette; 'Lo Lockhard'; Richard Kanigan; 'Shelley Ashfield'; Karvalics, Susie; Shelly Russwurm  
**Subject:** Comox Valley water committee 2013 consumption values and 2014 weighted vote assignment  
**Attachments:** 20140113\_Warren\_CVwater\_vote\_assignments\_to\_councils.pdf

Comox Valley water committee members;

Please find attached a letter regarding the 2013 consumption values and the 2014 weighted vote assignments for the Comox Valley water supply system and water committee.

John Ward and Shelley Russwurm, can I ask that you please include an item on your next council meetings to assign weighted votes to your council members, as per the detail in the attached letter?

If you have any questions, please let me know.

Regards,

James Warren  
Corporate Legislative Officer  
Executive Management Branch  
Comox Valley Regional District  
600 Comox Road  
Courtenay, B.C. V9N 3P6  
Tel: 250-334-6007; Fax: 250-334-4358  
Toll free: 1-800-331-6007



File: 0540-20/CV Water

January 13, 2014

**Sent via email only:** Comox Valley water committee members

Members

Comox Valley Water Committee

**Re: 2014 Comox Valley water committee voting structure**

The Comox Valley Regional District (CVRD) operates the Comox Valley water supply system under Bylaw No. 1783 being "Water Local Service Establishment Bylaw, 1995" (attached as appendix 'A') and includes the Town of Comox, City of Courtenay and Electoral Areas 'A', 'B' and 'C' as participants. The bylaw, including subsequent policy direction by the committee, requires annual reporting based on the previous year's water consumption to determine the assignment of weighted votes for water supply system decisions.

The bylaw and subsequent policy direction in March 2012 require that the percent of water consumption in 2013 be compared against the percent of water consumption in 1995 and that if any participant's relative amount of consumption increases by 4.17% or more, then that participant shall receive an additional vote. Any increase in votes shall be added to the original 1995 assignment of votes. Table 1 below illustrates the consumption values and resulting votes for 2014.

Participant	2013 consumption	2013%	1995%	% change	baseline	2014 votes
City of Courtenay	4,548,999	60.03%	51.69%	8.34%	6	7
Town of Comox	2,339,562	30.87%	30.48%	0.39%	3	3
Electoral Area 'A'	30,863	0.41%	2.74%	-2.33%	1	1
Electoral Area 'B'	454,397	6.00%	12.52%	-6.52%	1	1
Electoral Area 'C'	203,816	2.69%	0.44%	2.25%	1	1
						13

At this time, the City of Courtenay and the Town of Comox are both required to adopt resolutions that assign whole votes for the water committee to the City of Courtenay and Town of Comox regional district directors. That is, three City of Courtenay directors are to receive two votes each and one City of Courtenay directors must be assigned one vote for 2014. Further, one Town of Comox director must be assigned two water committee votes and the other Town of Comox director must be assigned one water committee vote for 2014. Please have your councils consider the vote assignments as soon as possible and provide the results to me at your earliest convenience. The results of the council voting assignments will enable the water committee to conduct its first meeting, scheduled for Tuesday, January 28, 2014.

If you have any questions, please contact me.



Table 2 shows the historic consumption and percent consumption values.

	City of Courtenay		Town of Comox		Area A		Area B		Area C		Total m3
	m3	%	m3	%	m3	%	m3	%	m3	%	
1995		51.69		30.48		2.74		12.52		0.44	
2000	4,326,535	54.46	2,428,098	30.56	50,439	0.63	797,858	10.04	341,928	4.30	7,944,858
2001	4,353,645	54.49	2,450,856	30.67	42,674	0.53	810,983	10.15	331,981	4.15	7,990,139
2002	4,643,105	54.44	2,569,743	30.13	46,908	0.55	956,084	11.21	313,008	3.67	8,528,848
2003	5,282,535	57.74	2,596,438	28.38	53,064	0.58	806,926	8.82	409,867	4.48	9,148,830
2004	5,284,562	57.62	2,639,371	28.78	54,608	0.60	806,965	8.80	385,201	4.20	9,170,707
2005	4,715,895	58.90	2,263,918	28.28	37,989	0.47	675,725	8.44	312,430	3.90	8,005,957
2006	5,297,371	57.23	2,719,867	29.39	47,147	0.51	789,429	8.53	402,014	4.34	9,255,828
2007	4,643,588	57.62	2,499,919	31.02	37,705	0.47	478,999	5.94	399,062	4.95	8,059,273
2008	4,757,131	58.40	2,531,740	31.08	39,485	0.48	557,952	6.85	258,883	3.18	8,145,191
2009	4,796,412	57.12	2,636,103	31.40	42,318	0.50	627,979	7.48	293,602	3.50	8,396,414
2010	4,667,929	59.30	2,348,114	29.83	42,012	0.53	548,175	6.96	265,720	3.38	7,871,950
2011	4,688,793	60.52	2,326,610	30.03	44,433	0.57	457,186	5.90	230,190	2.97	7,747,212
2012	4,850,901	60.39	2,439,895	30.37	48,683	0.61	458,181	5.70	235,253	2.93	8,032,913
2013	4,548,999	60.03	2,339,562	30.87	30,863	0.41	454,297	6.00	203,816	2.69	7,577,537

Sincerely,

*J. Warren*

James Warren  
Corporate Legislative Officer

Enclosure: Appendix 'A' – Bylaw No. 1783 being "Water Local Service Establishment Bylaw, 1995"

The following is a consolidated copy of the Comox Valley water local service establishment bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
1783	Water Local Service Establishment Bylaw, 1995	December 12, 1996	A bylaw to convert the water supply service to a local service for that portion of the regional district located within the boundaries of the City of Courtenay, the Town of Comox and Electoral Areas 'A', 'B' and 'C' of the regional district.
2640	Water Local Service Establishment Bylaw 1995, Amendment Bylaw No. 1, 2004	May 31, 2004	Amends Bylaw No. 1783 to allow for the supply of water from a bulk water dispensing system and to allow the sale of water to the Sandwich waterworks district in the event of an emergency
2670	Water Local Service Establishment Bylaw 1995, Amendment Bylaw No. 2, 2004	August 30, 2004	Amends Bylaw No. 1783 to allow for the supply of water from the Comox Valley water supply system, by agreement, to the Comox Indian Band and to allow the redistribution of water supply by the Town of Comox to HMCS Quadra

**The following actions are the result of committee and board resolutions and meant to apply as policy directives for the Comox Valley water supply system and Comox Valley water committee:**

Date	Action
May 3, 2011	<p>At its May 3, 2011 the CVRD board endorsed the following statement from a service review that concluded in April 2011 and relates to this Bylaw No. 1783:</p> <p>"Following a full review of the concerns expressed at the outset of the Comox Valley water supply system service review, including receipt of the CVRD administrative and corporate staffing review by Performance Concepts, the service review members feel that those concerns have been addressed and that there will be an annual performance monitoring report. In addition, the service review members:</p> <ul style="list-style-type: none"><li>- support that voting on all issues at the Comox Valley water committee including the selection of the chair and vice-chair will be done using the weighted method;</li><li>- acknowledge that the allocation of votes to committee members remains unresolved; and</li><li>- recognize that where a decision has been made and that one or more parties may want to revisit that decision, that the parties be sensitive to such a request.</li></ul> <p>The service review members hereby conclude the Comox Valley water supply system service review and extend their appreciation to all staff at the Comox Valley local governments for their assistance through the process."</p>
May 2011	<p>THAT the Comox Valley water committee authorize its chair to cancel committee meetings where no reports are available for the committee's consideration and/or no committee business is required;</p> <p>AND FURTHER THAT the monthly meeting requirement in section 13(d) of Bylaw No. 1783 being "Water Local Service Establishment Bylaw 1995" be waived in such instances.</p>
May 2011	<p>THAT the Comox Valley water committee approve the non-voting members on the committee as being the administrators for the Comox Valley Regional District, City of Courtenay and the Town of Comox, the general manager of property services at the CVRD and the senior manager for operations City of Courtenay and the Town of Comox in accordance with section 13(b) of Bylaw No. 1783 being "Water Local Service Establishment Bylaw 1995.</p>
June 2011	<p>THAT the Comox Valley water committee approve that all references to 'secretary' in Bylaw No. 1783 being "Water Local Service Establishment Bylaw 1995" be interpreted as 'corporate legislative officer or deputy corporate officer'.</p>
January 24, 2012	<p>The Comox Valley water committee defeated a proposal to divide evenly the assignment of votes to committee members at its January 24, 2012 meeting. Council resolutions required to divide weighted votes amongst committee members where equal division is not possible,</p>

Date	Action
March 13, 2012	<p>WHEREAS the Regional District of Comox-Strathcona enacted Bylaw 1783 in 1995 thereby establishing a "Water Local Service" for various areas in the Comox Valley;</p> <p>AND WHEREAS all policy related to the administration and operation of this local water service has been delegated to a standing committee of the regional board known as the "Water Committee";</p> <p>AND WHEREAS for the purpose of voting on all matters related to the water local service, a voting structure was assigned to each participant from January 1, 1997 based on the percentage of the water consumed by each of the participants relative to the total of water provided by the water local service;</p> <p>AND WHEREAS the solicitor for the regional district has "interpreted Section 15(d) of the bylaw...as meaning that when a participant's water consumption exceeds the base 1995 level by at least .50 of 8.33 per cent (or 4.17 per cent)-being one half of one vote – that particular participant is then entitled to an additional vote";</p> <p>AND WHEREAS the solicitor for the regional district has further advised "that there is no explicit indication in bylaw 1783 that the number of votes was inalterably fixed at twelve" and it was his "opinion Courtenay is therefore entitled to an additional vote in accordance with Section 15(d) of the bylaw";</p> <p>AND WHEREAS it is the opinion of the solicitor for the regional district "that Courtenay is now entitled (i.e. 2010) to a 7th vote at the water committee and at the board in connection with the Comox Valley service in accordance with bylaw 1783; and, "must be added to the total in order to give effect to Section 15(d) of the bylaw, creating a new voting structure that involves thirteen votes;</p> <p>AND WHEREAS based on the historical development of bylaw 1783 in 1995, the Town of Comox should have been assigned four votes based on consumption and to correct that action, the Town of Comox be awarded an additional vote;</p> <p>THEREFORE to give effect to the advice from the regional district solicitor, that the water committee determine the voting structure not be limited to twelve votes; and that for determining each participant's voting entitlement henceforth, the corporate officer interpret Section 15(d) of the bylaw as meaning when a participant's water consumption exceeds the base 1995 level by at least 0.50 per cent of 8.33 per cent (or 4.17 per cent)-being one half of one vote – that particular participant will be entitled to an additional vote;</p> <p>FURTHERMORE the water committee agree that there be an increase in the number of votes commencing in January 2012, as follows: - City of Courtenay 7 votes; Town of Comox 4 votes; Electoral Area A 1 vote; Electoral Area B 1 vote; Electoral Area C 1 vote</p> <p>AND FURTHERMORE the water committee adopt a dispute resolution process that will assure fairness and equity when resolving differences.</p>



Date	Action																														
December 2012	<p>Comox Valley water committee resolution dated December 11, 2012:</p> <p>THAT the Comox Valley water committee approve that the corporate officer shall:</p> <p>a) report the percentage of water consumed by the participants in the Comox Valley water supply system as early in each year as possible; and,</p> <p>b) apply weighted votes, in accordance with Bylaw No. 1783 being “Water Local Service Establishment Bylaw 1995” and subsequent policy direction approved by the committee on or before January 20 in each year;</p> <p>AND FURTHER THAT the Comox Valley water committee chair and vice-chair selection shall occur at the first meeting of the water committee in each year, rather than in January as required under section 13(g) of Bylaw No. 1783.</p>																														
February 2013	<p>Following council resolutions on weighted vote assignments, Comox Valley water committee weighted votes for 2013 are as follows:</p> <table><tr><td>City of Courtenay</td><td>Director Ambler</td><td>2 votes</td></tr><tr><td>City of Courtenay</td><td>Director Theos</td><td>2 votes</td></tr><tr><td>City of Courtenay</td><td>Director Winchester</td><td>2 votes</td></tr><tr><td>City of Courtenay</td><td>Director Anglin</td><td>1 vote</td></tr><tr><td>Town of Comox</td><td>Director Fletcher</td><td>2 votes</td></tr><tr><td>Town of Comox</td><td>Director Grant</td><td>1 votes</td></tr><tr><td>Electoral Area A</td><td>Director Jolliffe</td><td>1 vote</td></tr><tr><td>Electoral Area B</td><td>Director Gillis</td><td>1 vote</td></tr><tr><td>Electoral Area C</td><td>Director Grieve</td><td>1 vote</td></tr><tr><td>Totals</td><td></td><td>13 votes</td></tr></table>	City of Courtenay	Director Ambler	2 votes	City of Courtenay	Director Theos	2 votes	City of Courtenay	Director Winchester	2 votes	City of Courtenay	Director Anglin	1 vote	Town of Comox	Director Fletcher	2 votes	Town of Comox	Director Grant	1 votes	Electoral Area A	Director Jolliffe	1 vote	Electoral Area B	Director Gillis	1 vote	Electoral Area C	Director Grieve	1 vote	Totals		13 votes
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**This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.**



**REGIONAL DISTRICT OF COMOX-STRATHCONA**

**BYLAW NO. 1783**

**A bylaw to convert the water supply service to a local service  
for that portion of the regional district located within the  
boundaries of the City of Courtenay, the Town of Comox and  
Electoral Areas 'A', 'B' and 'C' of the regional district.**

**WHEREAS** by supplementary Letters Patent dated the 17th day of February, 1967, the Regional District under Division VI Water Supply was empowered to design, construct, reconstruct, purchase, maintain and operate facilities for the purpose of supplying water in bulk to the City of Courtenay and to the Town of Comox, for redistribution by them within their municipalities, and to individual customers not within the boundaries of a municipality or improvement district having water supply as an object, which Letters Patent were further amended on the 9th day of March, 1977 to provide for the establishment of debt limit by the Inspector and on the 14th day of July, 1977 to renumber subsections;

**AND WHEREAS** a recommendation was made by Order in Council approved the 6th day of April, 1978 for the alteration of the basis for apportionment of costs;

**AND WHEREAS** the Board of the Regional District now wishes to exercise the power granted to it by the Letters Patent in accordance with Part 24 of the *Municipal Act* subject to all the terms and conditions contained in the Letters Patent except where the powers are herein amended;

**AND WHEREAS** the Board of the Regional District wishes to proceed to convert the service to a local service exercised under the authority of a bylaw for a portion of the Regional District under sections 767(4), 794 and 802 of the *Municipal Act*.

**NOW THEREFORE** the Regional Board of the Regional District of Comox-Strathcona in open meeting assembled enacts as follows:

**Local Service**

- 2670
1. The service hereby established is to design, construct, reconstruct, purchase, maintain and operate facilities for the supply, treatment, conveyance, storage and distribution of water,
    - (a) in bulk to the City of Courtenay and the Town of Comox for redistribution by those municipalities, including redistribution by the Town of Comox to HMCS Quadra;
    - (b) in bulk to water service areas in that part of the Regional District not within the boundaries of the City of Courtenay and the Town of Comox located within a participating area for this service;
    - (c) in bulk to the Comox Indian Band;
    - (d) in bulk to the Sandwich Waterworks District in the event of an emergency;
    - (e) in bulk from the bulk water dispensing system; and
    - (f) the service shall be known as "The Comox Valley Water System".

### **Boundaries**

2. The boundaries of the local service area shall be the boundaries of the participating areas.

### **Participating Areas**

3. The participating areas for the service shall be the City of Courtenay, the Town of Comox and Electoral Areas 'A', 'B' and 'C' of the Regional District.

### **Cost Recovery**

4. The annual costs for the local service may be recovered by:
  - (a) the imposition of fees and other charges that may be fixed by separate bylaw for the purpose of recovering these costs.

### **Apportionment**

5. The annual debt costs and operating costs of operating and maintaining the water service shall be apportioned among the participating areas on the basis of the volume of water supplied by the local service consumed within each participating area each year as a percentage of the total water supplied in that year by the water service.

### **Metering**

6. Water supplied from the local service shall be metered at the point of delivery from the facility of the local service to the City of Courtenay, to the Town of Comox and to each local service area within each participating Electoral Area that receives water from the local service authorized by this Bylaw.
7. The Regional District is authorized to sell water in bulk to the City of Courtenay and to the Town of Comox at a rate sufficient to meet the cost of such supply.
8. The Regional District is authorized to sell water in bulk to water local service areas created in the participating Electoral Areas at a rate sufficient to meet the cost of the Regional District providing such water service.

### **Local Service Areas Within Electoral Areas**

9. The existing Specified Areas of Comox Valley, Arden and Marsden/Camco Road as defined in the bylaws converting those specified areas to local service areas will continue to be entitled to receive water in bulk as local service areas within the participating Electoral Areas as shown on Schedule 'A' attached hereto and forming part of this Bylaw.
10. No new water local service area may obtain water from the water local service area created by this Bylaw unless approved by a majority of the weighted votes of the Water Committee created by this Bylaw.
11. Notwithstanding section 10, if a water supply is required by the Medical Health Officer as a result of a failure of the water supply of persons outside municipal boundaries located within one of the participating Electoral Areas to supply potable water, the water local service area to be created for the purpose of obtaining water under this section shall be restricted to the area specified by the Medical Health Officer if supply to the new local service area is approved by the Water Committee.

### **Water Committee**

12. The local service created by this Bylaw shall be operated by a standing committee of the Regional Board to be known as the Water Committee.
13. The Water Committee:
  - (a) shall consist of the Regional Board members of the participating Municipalities and Electoral Areas as voting members;

- (b) shall consist of the Administrators of the Regional District, the City of Courtenay and the Town of Comox and the Engineer of the City of Courtenay, the Supervisor of Field Services of the Regional District and the Superintendent of Works of the Town of Comox as non-voting members;
- (c) shall have the exclusive authority to approve or refuse the connection of any municipality or local service area under the Municipal Act, to the water system other than the City of Courtenay, the Town of Comox, the Arden Local Service Area, the Comox Valley Local Service Area and the Marsden/Camco Road Local Service Area which are more particularly shown on the map annexed hereto as Schedule 'A'.
- (d) shall meet at least monthly to conduct its business;
- (e) shall conduct their meetings in accordance with the Procedure Bylaw of the Regional District as applicable;
- (f) where a member of the Regional Board cannot attend then his/her Alternate may attend as provided for attendance at the Regional Board;
- (g) shall, on adoption of this Bylaw, then in January of each year, select from amongst their voting members, a Chairman and Vice-Chairman who shall be responsible for preparing the agenda for each meeting and chairing the meeting;
- (h) shall determine all policy related to the administration and operation of this local water service.

#### Voting

14. For the purpose of voting on all matters related to the water local service including the creation or expansion of local service areas and notwithstanding the provisions of Part 24 of the *Municipal Act* and the Letters Patent of the Regional District, votes at the Water Committee and at the Regional Board under section 781(4) of the Municipal Act shall be as follows:
- (a) City of Courtenay                      6 votes
  - (b) Town of Comox                        3 votes
  - (c) Electoral Area 'A'                    1 vote
  - (d) Electoral Area 'B'                    1 vote
  - (e) Electoral Area 'C'                    1 vote
15. The number of votes assigned to each participant from January 1, 1997 will be determined as follows:
- (a) The percentage of the water consumed by each of Courtenay and Comox and through the water local service areas by each Electoral Area of the total of water provided by the Water Local Service created by this Bylaw, shall be determined by the Regional District and provided to the Secretary of the Regional District and each member of the Water Committee on or before January 5th of each year for the previous year.
  - (b) The Secretary of the Regional District shall, on or before January 10th of each year, apply the percentage of water consumed within each participant area to 12 votes.
  - (c) For the purpose of determining any change in percentage for the calculation of vote entitlement in 1997, consumption within the participating areas for January 1, 1995 and the 1995 entitlement is:

City of Courtenay	51.69%	6 votes
Town of Comox	30.48%	3 votes

Electoral Area 'A'	2.74% less the amount in Arden within Electoral Area 'C'	1 vote
Electoral Area 'B'	12.52%	1 vote
Electoral Area 'C'	.44% plus the amount of Arden not in Electoral Area 'A'	1 vote

- (d) Where the number determined for any participant includes a part of a vote if the percentage exceeds .50 of a vote, the participant will be assigned the whole vote.
- (e) In no event shall any participant be assigned less than one vote.
- (f) At the first Board Meeting in February, the Secretary will report the result of the assignment of votes as determined by this section and his/her assignment will be final and binding for that year.

#### **Pressures and Flows**

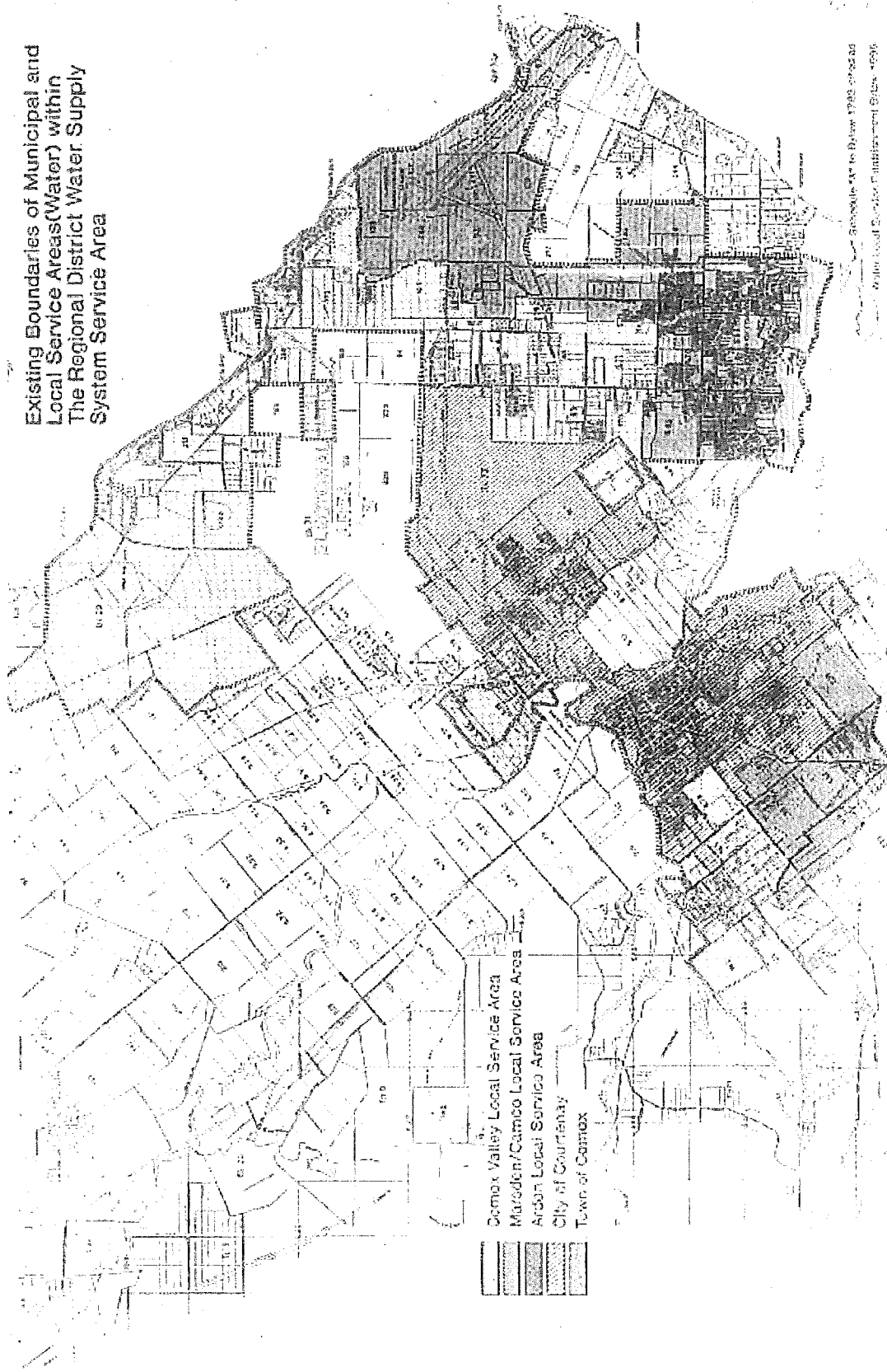
- 16. If a proposed expansion to the use of water from the local service system in any participating area would cause the pressure and flow of water to fall below 275 Kpa (40 psi) or 1800 litres/capita/day (400 imperial gallons/capita/day) or such other volume which may be determined by the Water Committee, the Water Committee shall refuse to approve such expansion until such time as the system can absorb the expansion and maintain the above specified pressures and flows.

#### **Citation**

- 17. This Bylaw may be cited for all purposes as "Water Local Service Establishment Bylaw, 1995".

# Schedule A

Existing Boundaries of Municipal and Local Service Areas (Water) within The Regional District Water Supply System Service Area



Schedule A is to be used in the 1995-96  
Water Local Service Contribution System - 1995



# THE CORPORATION OF THE CITY OF COURTENAY

## FITZGERALD LANE ROAD CLOSURE

### BYLAW NO. 2775, 2013

WHEREAS, pursuant to Section 40 of the *Community Charter*, Council may, by bylaw, close a portion of a highway to traffic and remove the dedication of the highway, if prior to adopting the bylaw, Council publishes notices of its intention in a newspaper and provides an opportunity for persons who consider they are affected by the bylaw to make representations to Council;

AND WHEREAS the Council of the City of Courtenay deems it expedient to close to traffic and remove the dedication of highway of that portion of highway comprising of 194.6 square metres in size dedicated as road at the Victoria Land Title Office by Plan 472B, Section 61, Comox District, outlined in bold black on the draft Reference Plan EPP37481 prepared by Ian W. Zaharko on the 6<sup>th</sup> day of November, 2013 a reduced copy of which is attached hereto as Schedule "A";

AND WHEREAS notices of Council's intention to close this portion of highway to traffic, to remove its dedication as highway, and to dispose of it were published in a newspaper and posted in the public notice posting place, and Council has provided an opportunity for persons who consider they are affected by the closure and disposition to make representations to Council;

AND WHEREAS the Council does not consider that the closure of that portion of highway will affect the transmission or distribution facilities or works of utility operators;

NOW THEREFORE the Council of the City of Courtenay in open meeting assembled, enacts as follows:

1. That portion of highway comprising of 194.6 square metres in size dedicated as road at the Victoria Land Title Office by Plan 472B, Section 61, Comox District, outlined in bold black on the draft Reference Plan EPP37481 prepared by Ian W. Zaharko on the 6<sup>th</sup> day of November, 2013 a reduced copy of which is attached hereto as Schedule "A" (the Closed Road), is closed to all types of traffic, and its dedication as highway is removed.
2. On deposit of the reference plan attached hereto as Schedule "A" and all other documentation for the closure of the Closed Road in the Victoria Land Title Office, the Closed Road is closed to traffic, it shall cease to be public highway, and its dedication as highway is cancelled.
3. The Mayor and Director of Legislative Services are authorized to execute and deliver such transfers, deeds of land, plans and other documentation as may be necessary for the purposes aforesaid.
4. This Bylaw may be cited as "Fitzgerald Lane Road Closure Bylaw No. 2775, 2014".

Read a first time this 20<sup>th</sup> day of January, 2014

Read a second time this 20<sup>th</sup> day of January, 2014

Read a third time this 20<sup>th</sup> day of January, 2014

Published in two editions of the Comox Valley Echo on the      day of      , 2014 and on the  
day of      , 2014

Finally passed and adopted this      day of      , 2014

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Mayor

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Director of Legislative Services

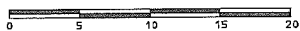
G:\ADMIN\BYLAWS\2775. Road Closure 777 Fitzgerald Lane January 2014.docx

PROPOSED PLAN TO CLOSE PORTION  
OF LANE DEDICATED BY PLAN 472B  
SECTION 61, COMOX DISTRICT,  
TO ACCOMPANY CITY OF COURTENAY  
BYLAW 2775

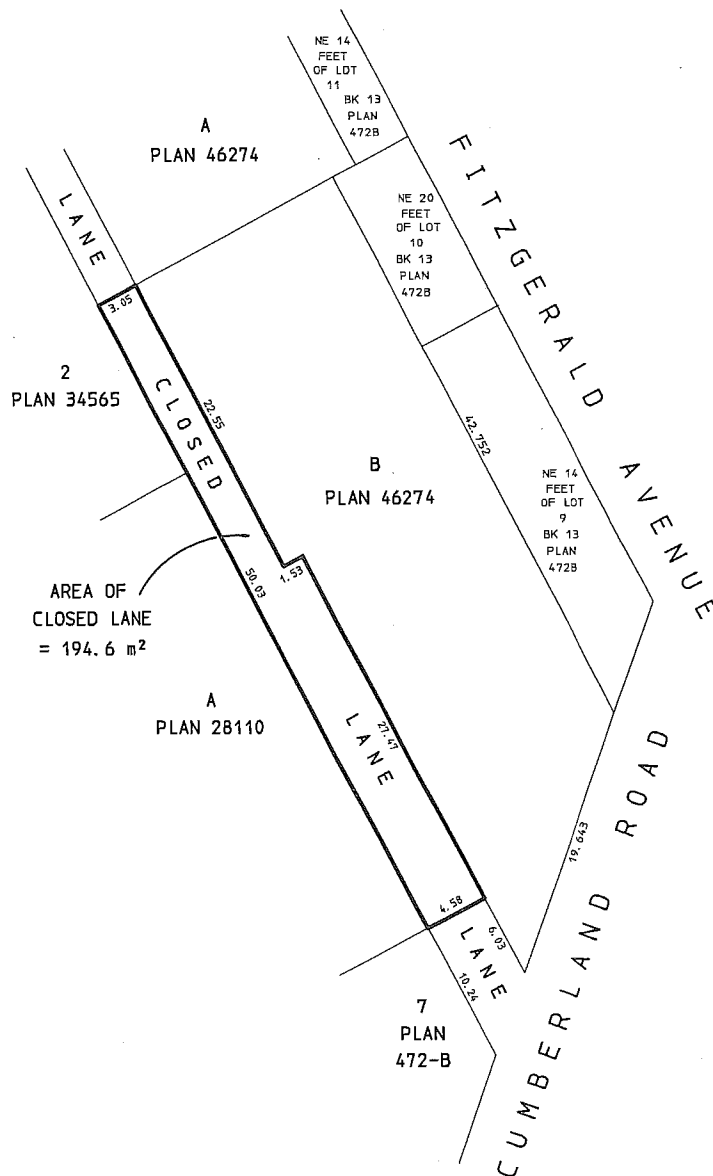
PURSUANT TO SECTION 120 OF THE LAND TITLE ACT.

BCGS 92F.065

SCALE 1:250



All Dimensions shown are in Metres.  
THE INTENDED PLOT SIZE OF THIS PLAN IS  
432 mm IN WIDTH BY 560 mm IN HEIGHT (C SIZE)  
WHEN PLOTTED AT A SCALE OF 1:250



THIS PLAN LIES WITHIN THE JURISDICTION OF  
THE APPROVING OFFICER FOR THE CITY OF  
COURTENAY.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS  
COMPLETED ON THE 14 TH DAY OF 2014  
BY IAN W. ZAHARKO, BCLS NO. 680

THIS PLAN LIES WITHIN THE CITY OF COURTENAY

6 NOVEMBER, 2013

ZAHARKO LAND SURVEYING INC.  
BRITISH COLUMBIA LAND SURVEYORS

1-1841 COMOX AVENUE  
COMOX, B. C.  
V9M 3M3  
T: 250.339.9711  
FILE: 1881-2



**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2776**

**A bylaw to amend City of Courtenay Fees and Charges Bylaw No. 1673, 1992**

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as **“City of Courtenay Fees and Charges Amendment Bylaw No. 2776, 2014.”**
2. That “City of Courtenay Fees and Charges Bylaw No. 1673, 1992” be amended as follows: That Schedule of Fees and Charges, Section II, Appendix I “Development Fees” be amended to include the following additions under Development Permit Applications:
  - (f) Application for an Environmental Development Permit .....\$1,000 (no GST)
  - (g) Application for a minor Environmental Development Permit in the Arden Corridor..... \$500 (no GST)
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 20<sup>th</sup> day of January, 2014

Read a second time this 20<sup>th</sup> day of January, 2014

Read a third time this 20<sup>th</sup> day of January, 2014

Finally passed and adopted this    day of                    , 2014

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Legislative Services





**CITY OF COURTENAY**  
**BYLAW REFERENCE FORM**

**BYLAW TITLE**

“Revenue Anticipation Borrowing Bylaw No. 2773, 2014”

**REASON FOR BYLAW**

To provide for borrowing to meet current lawful expenditures of the City.

**STATUTORY AUTHORITY FOR BYLAW**

Section 177 of the *Community Charter*

**OTHER APPROVALS REQUIRED**

None

**STAFF COMMENTS AND/OR REPORTS**

Required annually. Endorsed by Council in December 2013.

**OTHER PROCEDURES REQUIRED**

January 13, 2014

T. Manthey  
Staff Member

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2773

**A bylaw authorizing the Corporation of the City of Courtenay to borrow the sum of Three Million, Five Hundred Thousand Dollars (\$3,500,000.00) to meet the current lawful expenditures of the Corporation**

WHEREAS, pursuant to Section 177 of the *Community Charter*, Council may by bylaw, provide for the borrowing of money that may be necessary to meet current lawful expenditures of the municipality;

AND WHEREAS the debt outstanding under this section shall not exceed the sum of seventy-five percent (75%) of all taxes levied for all purposes in the preceding year and the money remaining due from other governments; such sum being Thirty Four Million, Nine Hundred Ninety Seven Thousand Dollars (\$34,997,000.00).

AND WHEREAS in order to borrow the said sum, the Corporation shall set aside as security the unpaid taxes for the years 2012 and 2013 and the whole of the taxes for the current year, and the money borrowed shall be a first charge thereon.

NOW THEREFORE, the Council of the Corporation of the City of Courtenay in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "**Revenue Anticipation Borrowing Bylaw No. 2773, 2014**"
2. It shall be lawful for the Corporation to borrow the sum of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) in such amounts and at such times as may be so required.
3. The monies so borrowed and the interest thereon shall be paid on or before the 31<sup>st</sup> of January, 2015.
4. The form of obligation to be given as an acknowledgment of such liability shall be a promissory note or notes for sums as may be required and advanced from time to time, signed by the Mayor and Director of Financial Services and bearing the seal of the Corporation or other agreements as required by the lender. These notes shall be payable with interest before the 31<sup>st</sup> of January, 2015.
5. There shall be set aside as security for the payment of such money, the whole of the unpaid taxes for the years of 2012 and 2013 and the whole of the taxes for the current year.

Read a first time this 13<sup>th</sup> day of January, 2014

Read a second time this 13<sup>th</sup> day of January, 2014

Read a third time this 13<sup>th</sup> day of January, 2014

Finally passed and adopted this     day of                     , 2014

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Director of Legislative Services