

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

DATE: Tuesday, February 11, 2014
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt February 3, 2014 Regular Council Meeting

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

1. Ken Nielsen re: Zoning Amendment – 130 Centennial Drive (see pg#11)
2. Steven Hoerbarger re: Development Variance Permit No. 1311 (see pg#3)

4.00 STAFF REPORTS

Pg #

(a) Community Services

(b) CAO and Legislative Services

- 1 1. Appointment of Election Officials

(c) Development Services

- 3 2. Development Variance Permit No. 1311 – 1350 England Avenue
- 11 3. Zoning Amendment – 130 Centennial Drive
- 21 4. Development Variance Permit No. 1310 – 2934 Cascara Crescent

(d) Financial Services

- 27 5. 2014-2018 Sewer Fund Financial Plan and User Fee Revenue

(e) Engineering and Operations

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

1. CVRD budget process – update from CVRD Directors and City staff

8.00 RESOLUTIONS OF COUNCIL

9.00 UNFINISHED BUSINESS

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

12.00 BYLAWS

For First and Second Reading

- 37 1. "Zoning Amendment Bylaw No. 2778, 2014"
(to amend permitted uses in the MU-3 zone)

For Final Adoption

- 39 1. "Cemetery Management Amendment Bylaw No. 2772, 2014"
(to establish a new section at the cemetery and minor housekeeping items)
- 44 2. "Housing Agreement Housing Agreement (3230, 3240, 3250 and 3260 Cliffe Avenue)
Bylaw No. 2777, 2014"
(to enter into a housing agreement maintaining rental units for 10 years)

13.00 ADJOURNMENT



THE CORPORATION OF THE CITY OF COURTENAY
STAFF REPORT

To: Mayor and Council
From: Chief Administrative Officer
Subject: Appointment of Election Officials

File No.: 4200-07
Date: February 11, 2014

PURPOSE:

The purpose of this report is to appoint the election officials for the 2014 General Local Election as required by section 41(1) of the *Local Government Act*.

CAO RECOMMENDATIONS:

That based on the February 11, 2014 staff report "Appointment of Election Officials", Council approve OPTION 1 and make the following statutory appointments to conduct the 2014 General Local Election:

1. Chief Election Officer - John Ward, Director of Legislative Services; and
2. Deputy Chief Election Officer - Susan Karvalics, Executive Assistant

Respectfully submitted,

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

David Allen
Chief Administrative Officer

BACKGROUND:

Section 41 (1) of the *Local Government Act* requires that Council appoint a Chief Election Officer and Deputy Chief Election Officer to conduct the General Local Election.

Typically the statutory officer responsible for corporate administration (Corporate Officer) under the *Community Charter* also takes responsibility for local government elections. The recommended appointments should be made early in the year of the general local election in order to prepare for general voting day on November 15, 2014 as well as other advance and special voting opportunities.

Once appointed, the Chief Election Officer is responsible for the entire administration of the election, and is a statutory official independent of Council.

The Chief Election Officer and Deputy Chief Election Officer hold important and responsible positions. The recommended staff members are very experienced and have proven to be very capable of conducting the election.

FINANCIAL IMPLICATIONS:

There are no financial implications to the City.

ADMINISTRATIVE IMPLICATIONS:

Election administration is included in the Work Plan for the Legislative Services Department.

STRATEGIC PLAN REFERENCE:

No reference. Statutory in nature.

OFFICIAL COMMUNITY PLAN REFERENCE:

No references.

REGIONAL GROWTH STRATEGY REFERENCE:

No references.

CITIZEN/PUBLIC ENGAGEMENT:

No citizen or public engagement is required.

OPTIONS:

- OPTION #1- Appoint John Ward as Chief Election Officer and Susan Karvalics as Deputy Chief Election Officer (recommended).
- OPTION #2 - Do not appoint John Ward as Chief Election Officer and Susan Karvalics as Deputy Chief Election Officer.
- OPTION #3 - Refer back to staff for further options.



THE CORPORATION OF THE CITY OF COURTENAY
STAFF REPORT

To: Mayor and Council
From: Chief Administrative Officer
Subject: Development Variance Permit No. 1311 – 1350 England Ave

File No.: 3090-20-1311
Date: February 11, 2014

PURPOSE:

The purpose of this report is to consider a Development Variance Permit to authorize minor variances to the Zoning, Sign and Subdivision Control Bylaws to accommodate the subdivision of a commercial property in downtown Courtenay.

CAO RECOMMENDATIONS:

That based on the February 11th 2014 staff report "Development Variance Permit No. 1311 – 1350 England Avenue" Development Variance Permit No. 1311, Council approve Development Variance Permit No. 1311 (OPTION 1).

Respectfully submitted,

David Allen
Chief Administrative Officer

BACKGROUND:

The subject property is located at the intersection of 14th Street and England Avenue in downtown Courtenay. The property currently contains one commercial building (Courtenay Health Sciences Centre) and associated parking areas. The applicant is proposing to subdivide the property, creating a new lot on the unused portion. In order for the subdivision to occur, minor variances to the Zoning Bylaw, Sign Bylaw, and Subdivision Control Bylaw are required.

DISCUSSION:

The proposal to subdivide the property is generally consistent with land use policy in the Official Community Plan and regulations of the Zoning



Bylaw. The subject property is designated as Downtown District in the Official Community Plan and is zoned Multiple Use Two (MU-2). The proposed subdivision offers an opportunity for infill development in the downtown and the current mixed use zoning provides potential for a wide range of residential and commercial uses. Subsequent development of the new lot would be subject to the Downtown Development Permit guidelines ensuring that development would add architectural interest and positively contribute to the character and appearance of the downtown.

The proposed subdivision aligns with the intent of the downtown land use policy but requires the following minor variances to proceed:

- *Section 8.14.10 of Zoning Bylaw No. 2500, 2007* to reduce the required landscape buffer separating the existing parking area from the adjacent property from 2.0 m to 0.65 m;
- *Section 5.3.5 of Sign Bylaw No. 2760, 2013* to reduce the minimum distance required between the existing sign and the side property line from 3.0 m to 1.0 m; and
- *Section 34 of Subdivision Control Bylaw No. 1401, 1986* to defer the required off-site works and services until the proposed new lot undergoes development.

In order to meet the minimum frontage requirements for the new lot (shown in the attached plans as Lot A), the proposed adjoining property line is located in close proximity to the existing parking lot. This does not leave enough room to meet the required landscaping setback therefore the applicant is seeking a reduction in the minimum landscaping width from 2.0 m to 0.65 m. In order to achieve the intent of the landscaping setbacks which is to provide separation and screen the existing parking area from proposed Lot A, the proposal is to install new landscaping along the eastern property line as shown in the attached drawings. This will include an enhanced landscaped node around the base of the existing sign.

The Sign Bylaw requires freestanding signs to be located at least 3.0 m back from adjoining property lines to minimize the impact on neighbouring properties including the obstruction of adjacent signs. With respect to the subject property, there will be little impact on the adjacent lot. Proposed Lot A is currently undeveloped and future property owners would be aware of the sign's location and design. Any changes to the sign will require authorization through a new sign permit.

The future use of proposed Lot A is unknown at this time as the owners' intent is to subdivide and sell the property. As mentioned above, the MU-2 zone permits a wide variety of commercial and residential uses including, but not limited to, single residential dwellings, multi residential dwellings, restaurant and bakery, office, fitness facility, parking lot, school and day care, and combined use buildings. Different uses have different servicing requirements therefore the applicant is requesting that off-site works and services be deferred until the newly created lot is developed. A covenant will be registered on the title of proposed Lot A at time of subdivision detailing that the subsequent owner of Lot A is responsible for the costs of the design and installation of the required off-site works.

FINANCIAL IMPLICATIONS:

NA

ADMINISTRATIVE IMPLICATIONS:

The processing of development applications is included in the current work plan as a statutory component.

STRATEGIC PLAN REFERENCE:

Goal 2: Support community initiatives and distinct neighbourhoods which includes the objective to support downtown by encouraging the development of mixed use buildings.

2013 Strategic Priorities: Downtown Viability

OFFICIAL COMMUNITY PLAN REFERENCE:

As outlined above, the proposed development is consistent with the goals of the downtown designation which promote a mix of multi residential with commercial uses and encourage improvements to the visual character of the downtown.

REGIONAL GROWTH STRATEGY REFERENCE:

This application for Development Variance Permit to facilitate the subdivision of a property within the downtown is consistent with the Regional Growth Strategy Managing Growth Policy 1.2 – Development within Core Settlement Areas.

CITIZEN/PUBLIC ENGAGEMENT:

The applicant held a public information meeting with regard to the proposed variance on January 10, 2014. One neighbouring property owner attended the meeting and had no concerns with the information presented. The minutes of the meeting are attached for reference. As required by the *Local Government Act*, the City has also provided notification of the proposed variances to property owners within 30 metres of the subject property. No comments have been received to date.

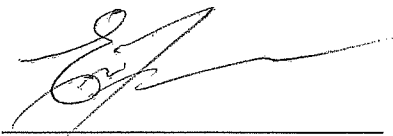
OPTIONS:

OPTION 1: Approve Development Variance Permit No. 1311. (Recommended)

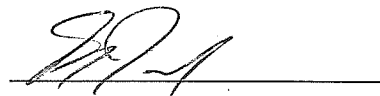
OPTION 2: Defer consideration of Development Variance Permit No. 1311 pending receipt of further information.

OPTION 3: Not approve Development Variance Permit No. 1311.

Prepared by:



Erin Ferguson, MCP
Land Use Planner



Peter Crawford, MCIP, RPP
Director of Development Services

ATTACHMENT NO. 1

HOERBURGER LAND SURVEYORS

280A Anderton Road, Comox, B.C. V9M 1Y2
Ph. (250) 890 - 0100 Fax: (250) 890 - 0210

January 10, 2014

Summary of Public Meeting for Development Variance Permit application

The Public Information Meeting as required by the Development Procedures Bylaw No. 2699, 2012, was held January 9th, 2014, in Suite 101, 1350 England Avenue, Courtenay. The meeting was held from 5:00 PM to 6:45 PM, and was adjourned when no one had attended for over an hour.

The meeting was attended by 3 people representing the DVP application:

Dr. James Chartrand	Representing Strata Corporation VIS2998
Guy O'Byrne	Manager of Strata Corporation VIS2998
Steven Hoerbuerger	Agent and Surveyor for Strata Corporation VIS2998

The meeting was attended by one member of the public, a Mr. Shawn Kwasnitza, the owner of Lots B and C, Plan 9677 which are on the southern corner of the intersection of 14th Street and England Avenue opposite the subject property. His comment sheet and contact information are included with this report.

The meeting was advertised and surrounding owners were notified by individual letters mailed to each address specified by the City in their email of November 4, 2013.

The following was displayed at the meeting:

1. Sign-in sheet
2. Comment sheets
3. Topographic site plan
4. Proposed landscape plan for the DVP area
5. Proposed plan of subdivision
6. Current MU-2 zoning bylaw

Reduced size handouts of all the above were made available as well.

The single attendee asked for an explanation for the need for a Development Variance, which was provided. The proposed landscape plan which will mitigate the variance was shown to the attendee as well. He also enquired whether there was a Development Permit application underway and was advised that there are no present plans to develop the new lot beyond the subdivision currently underway, and the new lot will be marketed to potential developers who will determine their best use for the land. He said he had no objections to our proposal, and filled out the included comment sheet.

ATTACHMENT NO. 1

PUBLIC INFORMATION MEETING

(Date of Meeting) January 9, 2014

(Application Information and Address of Subject Property)

COMMENT SHEET

Name: Shawn Kwasnitza

Email: Kwasnitza@shaw.ca

Address: 420 14th st

Phone: 250-703-6504

(Insert Applicant Name) has applied to the City of Courtenay for an (INSERT APPLICATION TYPE ie. OCP/Zoning Amendment/Temporary Use Permit/Development Variance Permit). (Insert Project Description). This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

I have no objections to this subdivision

Please return your comments by (insert Date)

Comment sheets can be submitted by one of the following methods:

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at (insert location address for drop off)
3. Email your comment sheet to (insert email address)

**THE CORPORATION OF THE CITY OF COURTENAY
BYLAW NO. 2392
SCHEDULE "2E"**

Permit No. DVP 1311

DEVELOPMENT VARIANCE PERMIT

February 11, 2014

To issue a Development Variance Permit

To: Name: Strata VIS2998
 Address: 1350 England Avenue
 Courtenay, BC
 V9N 8X6

Property to which permit refers:

Legal: Strata Plan VIS2998
Civic: 1350 England Avenue

Conditions of Permit:

Permit issued to vary:

- *Section 8.14.10 of Zoning Bylaw No. 2500, 2007* to reduce the required landscape buffer separating the existing parking area from the adjacent property from 2.0 m to 0.65 m;
- *Section 5.3.5 of Sign Bylaw No. 2760, 2013* to reduce the minimum distance required between the existing sign and an adjoining property line from 3.0 m to 1.0 m; and
- *Section 34 of Subdivision Control Bylaw No. 1401, 1986* to defer the required off-site works and services until proposed Lot A undergoes development.

Development Variance Permit No. 1311 is issued subject to the following conditions:

1. Development must be in conformance with the plans and drawings contained in *Schedule No.1*;
2. Submission of landscape security in the amount of (125% x \$6,343.00) \$7,928.75;
3. Registration of a covenant on the title of proposed Lot A at the time of subdivision detailing that the owner of Lot A is responsible for the costs of the design and installation of the required offsite works at time of building permit.

Time Schedule of Development and Lapse of Permit

That if the permit holder has not substantially commenced the construction authorized by this permit within (12) months after the date it was issued, the permit lapses.

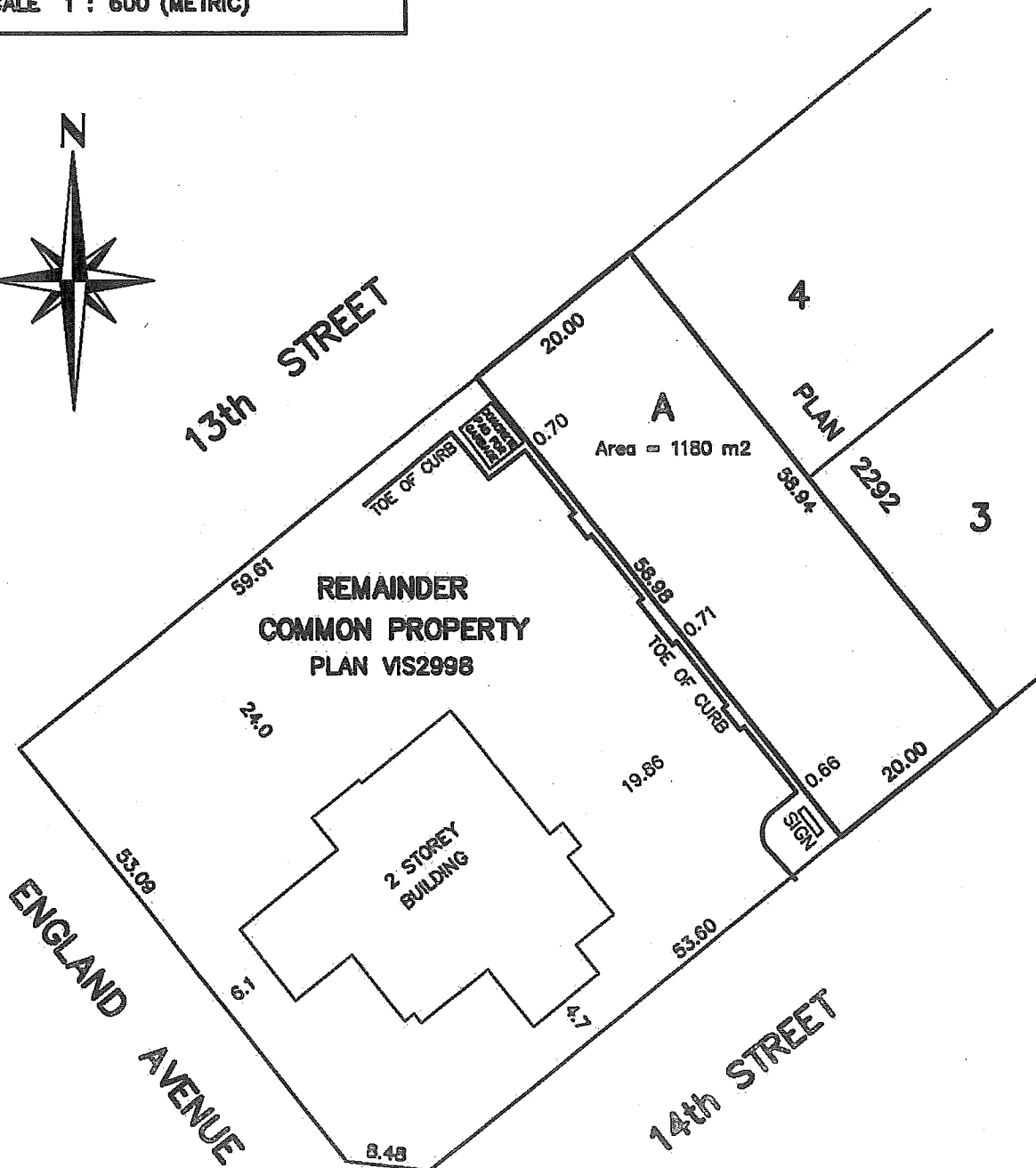
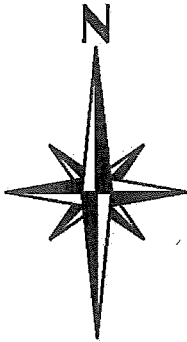
Date

Director of Legislative Services

PLAN OF PROPOSED SUBDIVISION OF PART OF THE
COMMON PROPERTY OF STRATA PLAN VIS2998,
SECTION 41, COMOX DISTRICT.

Schedule No. 1
1 of 2

1350 ENGLAND ROAD, COURTENAY
SCALE 1 : 600 (METRIC)



HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890-0100
FILE: 1657PR2 USB-3
OCTOBER 11, 2013



RETAINDER
COMMON PROPERTY
PLAN V552998

2 STOREY
BUILDING

14th STREET

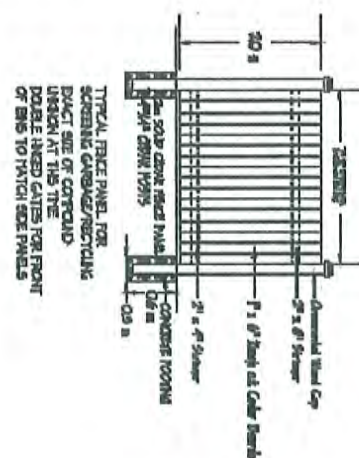
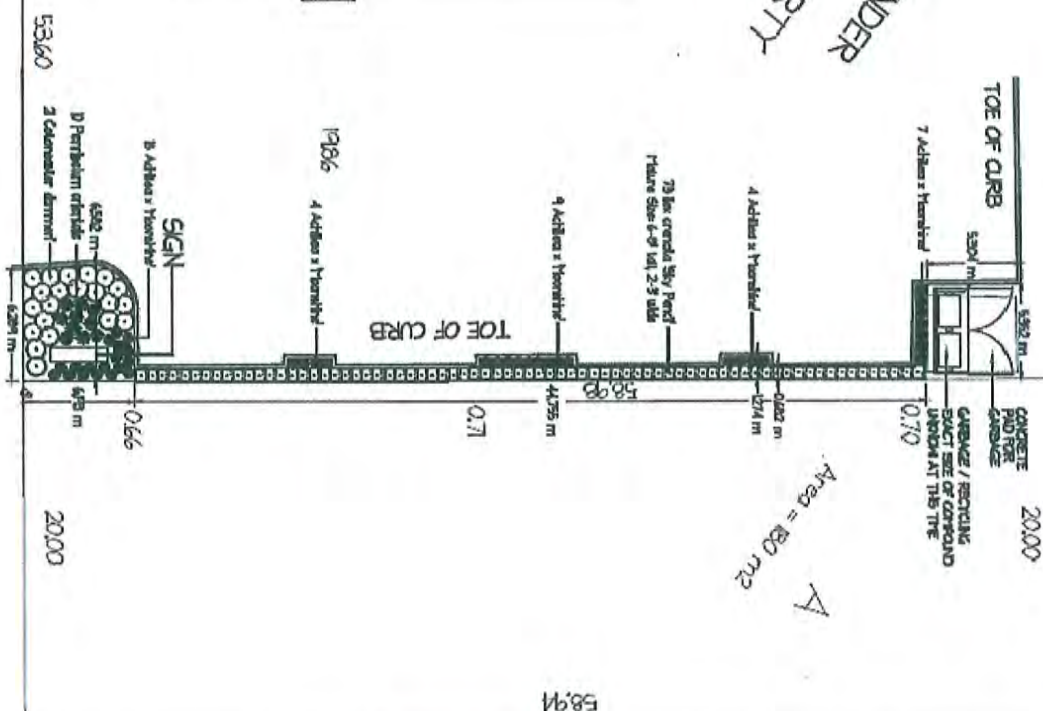
TESTS
In supply of all related parts and
all operations necessary to complete the
work with the drawings and
to send drawings of the following
nature:

The question of the adequacy and timing of public funding of grading remains critical, especially as states reduce state aid to local governments. The authors call on EPA to continue policy development,

At adding and multiplying, the workers, crying, pulled outwards, if they and all other workers who for practical aspects struggle during the work. Demands that is repeated (see 2nd of BC Lamsbore 5th entry) and that is completely repeated in the subsection of the Authority / Inspector.

QUALIFIER: The ordinary one-year guarantee period for life insurance policies is waived on the standard for business plans. The contract shall guarantee all members and beneficiaries for a period of one life year from the date of Standard Life Policy's inception. Beneficiaries must be added for benefit to others.

San Francisco) after he advised his friends, friends are too to remember. But neither will be punished with much under will be required every second day for the first year only. After the second year, including friends etc. he will be under a single. Both sectors are permanent.



Shrub	Key Qty	Common Name	Site/Condition
15	10	Arundo Donax	Wetland
16	10	Arundo Donax	Wetland
17	10	Arundo Donax	Wetland
18	10	Arundo Donax	Wetland
19	10	Arundo Donax	Wetland
20	10	Arundo Donax	Wetland
21	10	Arundo Donax	Wetland
22	10	Arundo Donax	Wetland
23	10	Arundo Donax	Wetland
24	10	Arundo Donax	Wetland
25	10	Arundo Donax	Wetland
26	10	Arundo Donax	Wetland
27	10	Arundo Donax	Wetland
28	10	Arundo Donax	Wetland
29	10	Arundo Donax	Wetland
30	10	Arundo Donax	Wetland
31	10	Arundo Donax	Wetland
32	10	Arundo Donax	Wetland
33	10	Arundo Donax	Wetland
34	10	Arundo Donax	Wetland
35	10	Arundo Donax	Wetland
36	10	Arundo Donax	Wetland
37	10	Arundo Donax	Wetland
38	10	Arundo Donax	Wetland
39	10	Arundo Donax	Wetland
40	10	Arundo Donax	Wetland
41	10	Arundo Donax	Wetland
42	10	Arundo Donax	Wetland
43	10	Arundo Donax	Wetland
44	10	Arundo Donax	Wetland
45	10	Arundo Donax	Wetland
46	10	Arundo Donax	Wetland
47	10	Arundo Donax	Wetland
48	10	Arundo Donax	Wetland
49	10	Arundo Donax	Wetland
50	10	Arundo Donax	Wetland
51	10	Arundo Donax	Wetland
52	10	Arundo Donax	Wetland
53	10	Arundo Donax	Wetland
54	10	Arundo Donax	Wetland
55	10	Arundo Donax	Wetland
56	10	Arundo Donax	Wetland
57	10	Arundo Donax	Wetland
58	10	Arundo Donax	Wetland
59	10	Arundo Donax	Wetland
60	10	Arundo Donax	Wetland
61	10	Arundo Donax	Wetland
62	10	Arundo Donax	Wetland
63	10	Arundo Donax	Wetland
64	10	Arundo Donax	Wetland
65	10	Arundo Donax	Wetland
66	10	Arundo Donax	Wetland
67	10	Arundo Donax	Wetland
68	10	Arundo Donax	Wetland
69	10	Arundo Donax	Wetland
70	10	Arundo Donax	Wetland
71	10	Arundo Donax	Wetland
72	10	Arundo Donax	Wetland
73	10	Arundo Donax	Wetland
74	10	Arundo Donax	Wetland
75	10	Arundo Donax	Wetland
76	10	Arundo Donax	Wetland
77	10	Arundo Donax	Wetland
78	10	Arundo Donax	Wetland
79	10	Arundo Donax	Wetland
80	10	Arundo Donax	Wetland
81	10	Arundo Donax	Wetland
82	10	Arundo Donax	Wetland
83	10	Arundo Donax	Wetland
84	10	Arundo Donax	Wetland
85	10	Arundo Donax	Wetland
86	10	Arundo Donax	Wetland
87	10	Arundo Donax	Wetland
88	10	Arundo Donax	Wetland
89	10	Arundo Donax	Wetland
90	10	Arundo Donax	Wetland
91	10	Arundo Donax	Wetland
92	10	Arundo Donax	Wetland
93	10	Arundo Donax	Wetland
94	10	Arundo Donax	Wetland
95	10	Arundo Donax	Wetland
96	10	Arundo Donax	Wetland
97	10	Arundo Donax	Wetland
98	10	Arundo Donax	Wetland
99	10	Arundo Donax	Wetland
100	10	Arundo Donax	Wetland

[illegible]



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Mayor and Council
From: Chief Administrative Officer
Subject: Zoning Amendment Bylaw No. 2778 – 130 Centennial Drive

File No.: 3360-20-1310

Date: February 11, 2014

PURPOSE:

The purpose of this report is to consider a zoning amendment to allow additional commercial uses within the Multiple Use Three (MU-3) zone and to remove the floor area restrictions on the permitted retail and personal service uses.

CAO RECOMMENDATIONS:

That based on the February 11th, 2014 staff report "Zoning Amendment Bylaw No. 2778 – 130 Centennial Drive", Zoning Amendment Bylaw No. 2778, 2014 Council consider proceeding to First and Second Reading; and

That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2778, 2014 on March 3rd, 2014 at 5:00 p.m. in City Hall Council Chambers.

Respectfully submitted,

A handwritten signature in black ink, reading "David Allen".

David Allen
Chief Administrative Officer

BACKGROUND:

The subject property is located on the north east corner of the intersection of Ryan Road and Back Road and is accessed from Centennial Drive. There are currently three buildings on the property. Two combined use buildings with commercial uses on the ground floor and residential units above and one single storey building occupied by a convenience store. Surrounding land uses include multi residential buildings to the north and east, day care to the west and residential uses to the south.

The property is currently zoned MU-3 and the applicant would like to amend the MU-3 zone to allow more flexibility in leasing to potential tenants. No alterations to the existing buildings are proposed.

DISCUSSION:

Official Community Plan Review:

The subject property is designated Commercial Shopping Centre in the Official Community Plan (OCP). According to policy 4.2.1 (1) of the OCP, a wide range of commercial uses including retail, limited office, personal service, and restaurants are supported within the Commercial Shopping Centre designation. The City also supports more intensive utilization of existing serviced land and commercial space prior to outward expansion.

The commercial and climate change policies of the OCP also encourage commercial and multi residential areas to be located in close proximity. The location of multi residential and commercial developments close together provides better access to local services and amenities and allows residents to meet some of their daily needs through active transportation options. The proposed zoning amendment assists in achieving this goal as it will allow a broader range of commercial uses to serve the surrounding neighbourhood.



Zoning Bylaw Review:

The MU-3 zone allows a variety of residential and commercial uses as well as combined residential and commercial use. A copy of the current MU-3 zone is attached to this report for reference. The existing MU-3 zone allows retail and personal service uses but restricts these to specific types of retail or personal service and further restricts the combined total floor area for these uses to 400 m² or less. The applicant has requested to remove the floor area restriction, to allow general retail and personal services uses, and to add additional commercial uses into the MU-3 zone as the current use restrictions are contributing to difficulties in leasing the commercial space.

The proposed commercial uses are listed below. New uses that are not currently permitted in the MU-3 zone are indicated by an asterisk. Other uses explicitly listed in the current MU-3 zone are covered by broader categories in the proposed amendment. For example “florist” is permitted as a specific use in the current MU-3 zone but is considered under “retail store” in the proposed amendment.

- Accessory buildings and uses
- Bakery and Deli
- Care facility
- Community service
- Day care
- Facility for adults with a disability*
- Fitness facility*
- Financial institution
- Laundromat
- Medical clinic
- Micro-brewing limited to 400 m² and including the accessory retail sale of goods produced on site
- Office
- Personal Service
- Printing and Publishing*
- Restaurant*
- Retail store
- Second hand store*
- School and studio
- Small item sales, service, repair and rental*
- Veterinary clinic*

There are two properties in the city with MU-3 zoning: the subject property, and the adjacent townhouse development. Staff understand that the intent of the MU-3 zone is to provide a commercial area that complements the surrounding neighbourhood without detracting from the downtown through the type of permitted use as well as limitations on the size of commercial units.

The types of additional uses being proposed with this amendment are reflective of a neighbourhood commercial node. Removing the floor area restriction could allow larger retail units however restricting access to Centennial drive and the layout of the complex with several smaller combined use buildings is more conducive to a neighbourhood commercial centre rather than a large retailer. Tenants looking for larger units are more likely to seek space in nearby commercial centres such as the Crown Isle Shopping centre to the north and the Superstore Plaza to the south.

The proposed zoning amendment provides an opportunity to better utilize existing commercially zoned lands while still keeping with the current neighbourhood commercial function. There are no proposed changes to the residential use or to the buildings or structures on the property. The existing uses conform to the parking requirements. Parking will be assessed at time of application for any proposed changes in use or occupancy.

FINANCIAL IMPLICATIONS:

NA

ADMINISTRATIVE IMPLICATIONS:

The processing of development applications is included in the current work plan as a statutory component.

STRATEGIC PLAN REFERENCE:

Not referenced.

OFFICIAL COMMUNITY PLAN REFERENCE:

The City supports more intensive utilization of existing serviced land and existing commercial space prior to outward expansion and supports the location of commercial services and multi residential development in close proximity.

REGIONAL GROWTH STRATEGY REFERENCE:

The proposal is consistent with the Regional Growth Strategy policy to direct growth towards core settlement areas.

CITIZEN/PUBLIC ENGAGEMENT:

The applicant held a public information meeting on January 21, 2014 in a vacant commercial unit on the subject property. Five people attended the meeting. The primary concern related to retail sales and allowing the sale of drug paraphernalia or pornographic materials as reference in the attachment meeting minutes. Accordingly, staff has added a statement prohibiting the sales of drug paraphernalia in this zone.

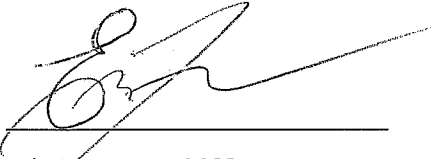
OPTIONS:

OPTION 1: Give Bylaw 2778 First and Second Readings and proceed to Public Hearing. (Recommended)

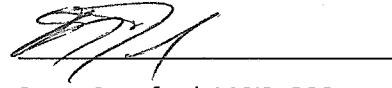
OPTION 2: Defer consideration of Bylaw 2778 pending receipt of further information.

OPTION 3: Defeat Bylaw 2778.

Prepared by:



Erin Ferguson, MCP
Land Use Planner



Peter Crawford, MCIP, RPP
Director of Development Services

ATTACHMENT 1 - Existing MU-3 Zone

Part 15 - Multiple Use Three Zone (MU-3)

8.15.1 Permitted Uses

In the MU-3 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- | | | |
|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Residential | (2) Commercial | (3) Combined Commercial Residential Uses |
| (a) <i>Single residential dwelling</i> | (a) <i>Accessory buildings and uses</i> | Residential units contained within a dual-use <i>building</i> shall be located above <i>storeys</i> used for commercial purposes and no <i>storey</i> can be used for both commercial and residential purposes. |
| (b) <i>Duplex dwellings</i> | (b) <i>Care facility</i> | |
| (c) <i>Multi residential dwellings</i> | (c) <i>Community service</i> | |
| (d) <i>Accessory buildings and structures</i> | (d) <i>Day care</i> | |
| (e) <i>Boarding</i> | (e) <i>Financial institution</i> | |
| (f) <i>Home occupation</i> | (f) <i>Medical clinic</i> | |
| | (g) <i>Micro-brewing limited to 400 m² and including the accessory retail sale of goods produced on site</i> | |
| | (h) <i>Office</i> | |
| | (i) <i>School and studio</i> | |

Notwithstanding the above the following uses are permitted, provided that the total *floor area* does not exceed 400 m².

- | | |
|--------------------------------------|-----------------------------------------|
| (1) Retail stores limited to: | (2) Personal service limited to: |
| (a) Bakery and deli | (a) Barbershop and beauty salon |
| (b) Convenience store | (b) Cleaning and repair of clothing |
| (c) Florist | |
| (d) Post <i>office</i> | |
| (e) Restaurant | |
| (f) Video rental | |

**ATTACHMENT 2 – Public Information
Meeting**

Summary of the public information meeting held for proposed zoning amendment for #130 Centennial Dr, Courtenay BC, Glacierview Plaza, #3360-20-1310

255 letters were sent out to the neighborhood addresses provided by the planning dept. The mailout is included as an attachment. The information meeting was held at the currently vacant space at

Glacierview Plaza
#311 130 Centennial Dr
(beside The Wine Cottage)

on Tuesday, Jan 21st at 2:00 pm. Attendees left at 2:35 pm, meeting was declared ended at 2:45 pm with only myself remaining.

Provided at the meeting was a copy of the letter mailed out, a survey plan of the property including sketch of the existing buildings and landscaping, a sign in sheet (included) and comment sheets (none were filled out). There was also a sign posted in the front window of the vacant space indicating the meeting to be held there as well.

There were 5 attendees plus myself and one of the attendees brought a letter from their elderly mother who received one of the mailouts about the meeting. A copy of her letter is included as an attachment and is reflective of the comments of her representatives.

Summation of questions raised and major discussion points.

All of the attendees began their comments by stating that their main concern was that a business such as a dope shop or porn shop would be detrimental to the neighborhood. There was little resistance to the notion of second hand stores in general and pawn shops were not even mentioned, although eventually I brought the subject up. It was generally agreed that a thrift shop or used book store would be welcome additions to the neighborhood.

Most of the attendees seemed relatively active in the policing and awareness of the neighborhood. In particular, June and Gordon Cawthorpe who manage the apartment building at 125 Centennial seemed to be very involved and related to all that the past year seems to have been very trouble free in the area compared to previous years and most were optimistic about the direction it is heading, although one attendee (Neil Garvie) liken the neighborhood to a crack in the dyke that is getting bigger. Much credit was given to police as well new principal of the local school for being responsive to neighborhood complaints. Also, the efforts of Beaver Convenience owner, Scott Atkinson, was noted for helping to identify unwelcome drug dealers and such. There was some concern raised about a low income project being built on Braidwood.

The attendees began brainstorming as to the types of business that would do well in the vacant space we were in and that would also be welcome in the neighborhood. A

**ATTACHMENT 2 – Public Information
Meeting**

photocopying shop, flower shop and laundromat were agreed upon, and in a later email I received from Carol Garvie, HR Block was suggested.

One question which was brought up was how a list of businesses I was happy to avoid (dope shops, pawn shops, tattoo parlors, porn shops) would be enforced and how that would apply to a new owner if I sold the building. I told them I was not sure how that would be handled although the city may be able to separate between uses within the retail category and may be applied to the property itself.

Further retrospection on the area continued and I was told that the empty lot used to be party central and a popular drug dealing area. I was told of a driver who was pelted with snowballs and then had a knife pulled on him in the past. The general consensus was that Glacierview Plaza is a good and well kept complex that helps brings the neighborhood up. I was encouraged by a couple of people in renting out the empty spaces and wished good luck with the rezoning.

**ATTACHMENT 2 – Public Information
Meeting**

Neil & Carol Garvie (on behalf of)
Vivian Kierstead
#408-175 Centennial Drive
Courtenay, BC

Ken Nielsen
1570 Kitchener St
Vancouver, BC
V5L 2V9

January 18, 2014

Dear Mr. Nielsen:

Thank you for your letter announcing your proposed land use amendment for your property at Glacierview Plaza. Our understanding is you are now designated as Multiple Use Three. It's not clear what designation you are hoping for ie. Multiple Use (MU1, MU2, etc.) or Commercial Use (C1, C2, etc.). Not knowing this leaves us concerned that (despite your stating *no pawn shops*) you might still include retail stores (now or in the future) which might include drug paraphernalia shops, tattoo shops, night clubs, etc. We're concerned the neighbourhood doesn't deteriorate by attracting objectionable trade.

Your sincerely,



Neil & Carol Garvie (on behalf of)
Vivian Kierstead

See next page for enclosure

**ATTACHMENT 2 – Public Information
Meeting**

MULTIPLE USE: COMMERCIAL

- (a) Accessory buildings
- (b) Ambulance service
- (c) Bakery and deli
- (d) Barber shop and beauty salon
- (e) Day care
- (f) Facility for adults with a disability
- (g) Funeral home
- (h) Fitness facility
- (i) Hotel and motel
- (j) Laundromat and drycleaner
- (k) Licensed premise**
- (l) Medical clinic
- (m) Micro-brewing limited
- (n) Nightclub**
- (o) Office
- (p) Parking lot, school and studio
- (q) Restaurant
- (r) Retail stores**
- (s) Theatre
- (t) Veterinary clinic

COMMERCIAL USE

- (1) Assembly hall
- (2) Bakery and deli
- (3) Barber shop and beauty salon
- (4) Church
- (5) Community service
- (6) Day care
- (7) Facility for adults with a disability
- (8) Fitness facility
- (9) Funeral home
- (10) General service
- (11) Grocery store and shopping centre
- (12) Hotel
- (13) Indoor entertainment facility**
- (14) Laundromat and dry cleaning
- (15) Licensed premises**
- (16) Liquor store**
- (17) Meat and fish market
- (18) Medical clinic
- (19) Micro-brewing
- (20) Museum
- (21) Nightclub**, provided that in this **C-1**
Zone live entertainment, shows and
exhibitions
are excluded unless the performers are
clothed in opaque garments covering breast,
buttocks and genitalia
- (22) Office, financial institution, and
personal service



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Mayor and Council

File No.: 3090-20-1310

From: Chief Administrative Officer

Date: February 11, 2014

Subject: Development Variance Permit No. 1310 – 2934 Cascara Crescent

PURPOSE:

The purpose of the application is to relax the rear yard setback to accommodate the construction of a deck on a single residential dwelling.

CAO RECOMMENDATIONS:

That based on the February 11th 2014 staff report "Development Variance Permit No. 1310 – 2934 Cascara Crescent" Council approve Development Variance Permit No. 1310 (OPTION 1).

Respectfully submitted,

David Allen
Chief Administrative Officer

BACKGROUND:

The subject property is a vacant serviced lot located in East Courtenay north of Mission Road. The surrounding land use includes single residential dwellings to the north and west which are currently under construction, vacant serviced lots to the south and undeveloped land to the east which is zoned for the future development of single residential dwellings. The applicant is requesting a variance to the Zoning Bylaw to accommodate a proposed deck that will extend 1.7 metres into the required rear yard setback.

DISCUSSION:

The attached plans represent the property owners' preferred house design and site layout including the deck. The proposed deck will extend 1.7 metres into the required rear yard setback along the central portion of the rear building face as shown on the site plan. The proposed development complies with the remaining provisions of the *Zoning Bylaw* including building height, lot coverage, and front and side setbacks.

The subject property slopes towards the rear of the lot and there is a significant grade change between



the subject property and the undeveloped land to the east. This will result in the proposed deck being substantially higher than the property to the east however a 1.7 metre extension into the setback is a relatively minor variance that will result in little additional impact to the property below. As noted in the public engagement section of this report, neighbouring property owners have been notified of this variance request and no concerns have been raised. Staff note that the retention of large trees along the slope during development of the adjacent property may help to mitigate future privacy concerns as well as providing slope stabilization benefits.

FINANCIAL IMPLICATIONS:

NA

ADMINISTRATIVE IMPLICATIONS:

The processing of development applications is included in the current work plan as a statutory component.

STRATEGIC PLAN REFERENCE:

NA

OFFICIAL COMMUNITY PLAN REFERENCE:

NA

REGIONAL GROWTH STRATEGY REFERENCE:

NA

CITIZEN/PUBLIC ENGAGEMENT:

The applicant held a public information meeting with regard to the proposed variance on January 17, 2014. One neighbouring property owner attended the meeting. The minutes of the meeting (Attachment No. 2) indicate that the attendee sought clarification on the variance request. The applicant provided this information and no further concerns were raised. As required by the *Local Government Act*, the City has also provided notification of the proposed variance to property owners within 30 metres of the subject property. No comments have been received to date.

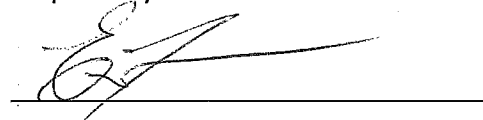
OPTIONS:

OPTION 1: Approve Development Variance Permit No. 1310. (Recommended)

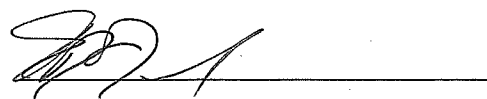
OPTION 2: Defer consideration of Development Variance Permit No. 1310 pending receipt of further information.

OPTION 3: Not approve Development Variance Permit No. 1310.

Prepared by:



Erin Ferguson, MCP
Land Use Planner



Peter Crawford, MCIP, RPP
Director of Development Services

Attachment No.1



To: City of Courtenay

Attn: Planning Department c/o Erin Ferguson

Re: Deck Variance

2934 Casacara Crescent

Deck variance permit application for Lot 5, District Lot 236.

Letter of Rationale,

To whom it may concern,

Please accept my letter of rationale in regards to the variance for the deck projection I am requesting for the new homeowner. This variance would have little impact on surrounding neighbors as this lot backs onto a fairly steep sloped piece of land slated for future lots. Lots in this area slope with this home having a walk out basement to add an architectural edge. The proposed deck also jogs back into the allowed building pocket as to need only an approximate variance of 1.7 meters shown on the attached plan.

Thank you again for considering my application for a deck variance, I look forward to your reply

Garry Renkema

Monterra Builders Ltd.

MONTERRA BUILDERS LTD.

PO BOX 3734 Courtenay, B.C. V9N 7P1 T: 250.338.2414 F: 250.334.8212

E: msin@monterrabuilders.ca W: www.monterrabuilders.ca

Attachment No. 2



January 20, 2014

City of Courtenay
Attn: Planning Department

2934 Cascara
Public Information Meeting
Re: Deck Variance

The meeting was held on January 17, 2014 at 4:30pm and ended at 4:50pm. The number of attendees was 1 representative from Monterra and Kathleen Choiniere.

Property owners were notified by mail from an attendee list provided by the City of Courtenay.

The information provided at the meeting was a sign in sheet, comment sheet, site plan of the above address, elevations and a floor plan of the proposed deck.

Questions raised were a clearer explanation of the distance the deck came out of the building pocket. Mrs. Choiniere was satisfied with all explanations provided at the meeting.

Sincerely,

Garry Renkema

MONTERRA BUILDERS LTD.

PO BOX 3734 Courtenay, B.C. V9N 7P1 T: 250.338.2414 F: 250.334.8212

E: info@monterrabuilders.ca W: www.monterrabuilders.ca

**THE CORPORATION OF THE CITY OF COURTENAY
BYLAW NO. 2392
SCHEDULE "2E"**

Permit No. DVP 1310

DEVELOPMENT VARIANCE PERMIT

February 11, 2014

To issue a Development Variance Permit

To: Name: Robert and Patricia Chalmers
 Address: 2934 Cascara Crescent
 Courtenay, BC
 V9N 4B8

Property to which permit refers:

Legal: Lot 5, District Lot 236, Comox District, Plan EPP17584
Civic: 2934 Cascara Crescent

Conditions of Permit:

Permit issued to vary *Section 8.1.51 (2)* of the *City of Courtenay* by reducing the rear yard setback from 9.0 m to 7.3 m to accommodate the construction of a deck on a single residential dwelling subject to the following condition:

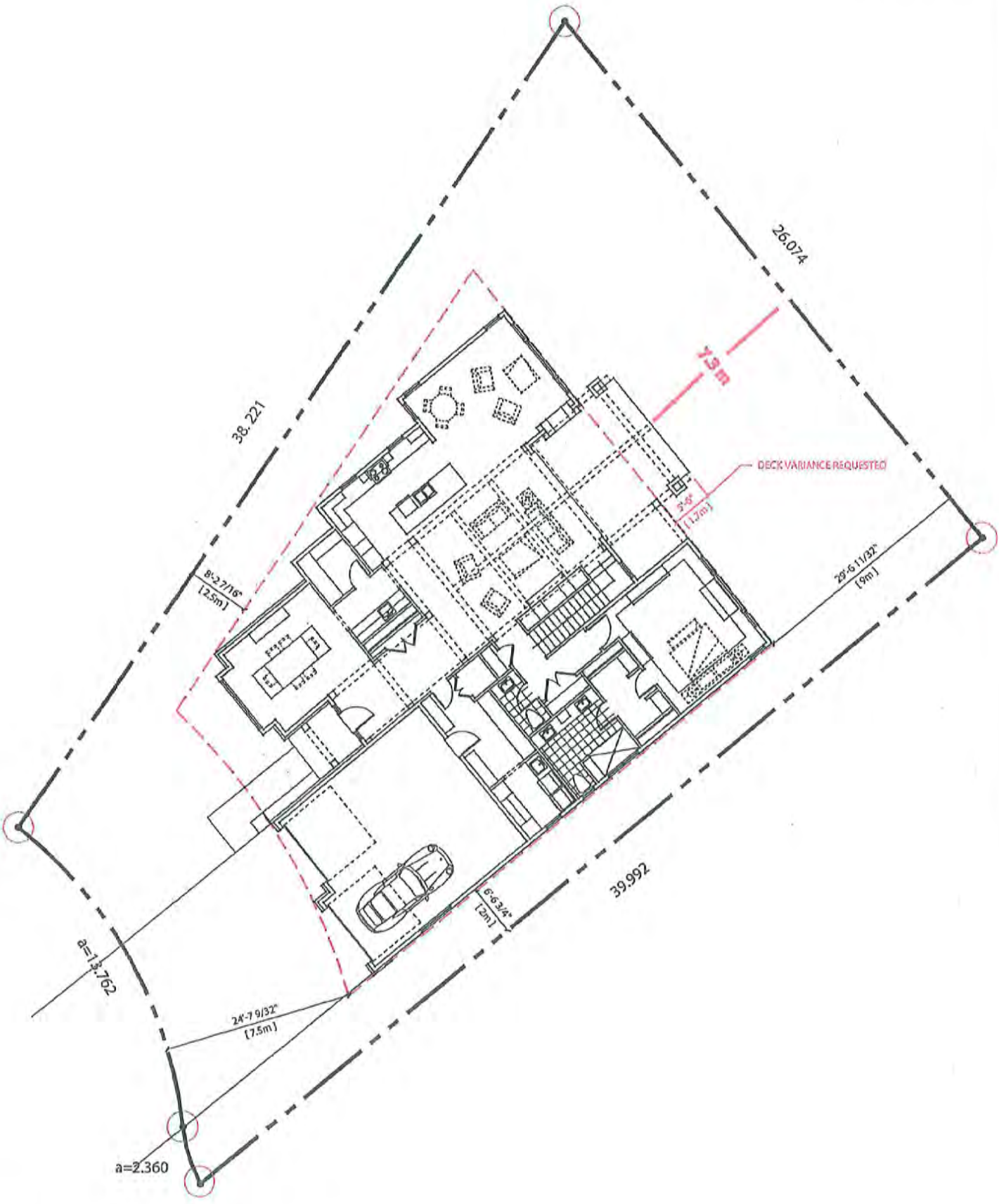
1. Development must be in conformance with the plans and drawings contained in *Schedule No.1*.

Time Schedule of Development and Lapse of Permit

That if the permit holder has not substantially commenced the construction authorized by this permit within (12) months after the date it was issued, the permit lapses.

Date

Director of Legislative Services





THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Mayor and Council

File No.: 1705-20 / 1830-05

From: Chief Administrative Officer

Date: February 11, 2014

Subject: 2014 – 2018 Sewer Fund Financial Plan and User Fee Revenue

PURPOSE:

The purpose of this report is to consider the 2014-2018 Sewer Fund Financial Plan as well as the proposed increase in sewer user fee revenue for 2014.

POLICY ANALYSIS:

Section 165 of the *Community Charter* requires a municipality to have a five year financial plan. The 2014-2018 Sewer Fund Financial Plan is a component of the annual City of Courtenay five year financial plan.

Section 194 of the *Community Charter* allows Council to charge a user fee to cover the cost of delivery of a service.

The current year financial plan proposes a 12% user fee increase in 2014 to fund the regional portion of the sewer system, and a 0% increase to fund our municipal portion of the sewer system. While a 0% increase is not felt to be sustainable over time, staff advise that future sewer utility rate adjustments for the municipal portion of the system will be supported through the development and implementation of Asset Management Planning, based on condition assessments, life cycle analysis, and risk management.

EXECUTIVE SUMMARY:

The five year sewer fund financial plan is prepared annually and user fees are established to cover the projected net cost of service delivery for the upcoming year. The sewer service is not funded from general property taxation.

Both the regional and the local municipal components of the sewerage system are integral in the delivery of the sewer utility service to users. While the planned fee increases in the regional five year plan are significant, these increases provide essential funding for capital works that are required to ensure the sustainability, capacity and integrity of the system's infrastructure.

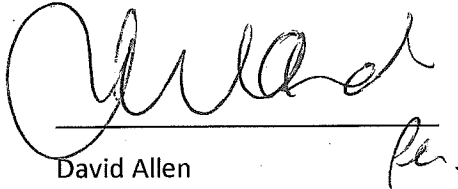
As the City operates on a calendar year, it is generally preferred that user rates be set in December so that revised rates can be in effect for the 1st of January. However, as the 2014-2018 regional sewerage financial plan will significantly affect costs in the next five years (with a 12% increase proposed for 2014), staff have postponed detailed sewer budget discussion with Councils until the 2014-2018 regional plan details were available and had been reviewed. This proposed increase for a single family unit is \$24.00 for 2014.

CAO RECOMMENDATIONS:

That based on the February 11, 2014 staff report "2014-2018 Sewer Fund Financial Plan and 2014 User Fee Revenue" Council approve OPTION 1, and proceed with the recommended 2014-2018 Sewer Fund Financial Plan, and that sewer user fee revenue be increased by 12% for 2014; and

That Council direct staff to amend the "City of Courtenay Fees and Charges Bylaw No. 1673, 1992", to reflect the proposed increase.

Respectfully submitted,


David Allen
Chief Administrative Officer

BACKGROUND:

Consideration and approval of a five year financial plan is an annual requirement under the *Community Charter*. The recommended Financial Plan for the sewer fund presented today provides detail for the 2014 year, as well as projections for the four years following. With Council's approval, the corresponding rates bylaws will then be drafted and presented to Council for adoption.

The sewer utility service is self funding and is not assisted with funding from the general property taxation levy.

DISCUSSION:

The sewer utility service is provided to property owners utilizing municipal sewer collection infrastructure which is owned and operated by the City, as well as by regional infrastructure comprised of sewer force mains, pumping stations, and a wastewater treatment plant that is owned, operated, and managed by the Comox Valley Regional District. The City of Courtenay and the Town of Comox share proportionately in the costs associated with the regional infrastructure based on their relative sewer flows to the wastewater treatment plant.

Comox Valley Regional Sewerage 2014-2018 Financial Plan

The regional "Comox Valley Sewerage System" was constructed in the early 1980's and was designed to provide for a 25 year capacity. The system is now over thirty years old, and in 2011 a sanitary sewer master plan was completed which identified the capital works required to ensure continued viability and the sustainability of this core infrastructure.

A prioritized 10 year capital plan for the regional system was comprehensively debated by regional and municipal staff, as well as the members of the Sewer Commission, and was approved in 2012 by the Sewer Commission. This 10 year capital plan is a key driver in the cost of delivering sewer service in both Courtenay and Comox and is reflected in the five year financial plans.

In last year's 2013-2017 Comox Valley Sewerage System Financial Plan, the Sewer Commission approved annual 12% increases to the municipal requisition. In the proposed 2014-2018 Comox Valley Sewerage System Financial Plan, the proposed sewer requisition for 2014 remains at 12%, as previously forecasted. In subsequent years, the requisition declines by 1% per year. Requisitions increases are anticipated to reduce to normal levels in 2019/2020.

In this year's regional budget process, the year of actual need for future regional capital works has been reviewed (reflecting lower than previously forecast growth projections), and a phased budget provision for the approved priority projects has been incorporated. This has resulted in a reduction in the both immediate capital funding required in the next five years, a reduction in requisition funds required, and has assisted in reducing the projected debt financing required over the next fifteen years. It is felt by both regional and municipal finance staff that this is more financially sustainable in the long term for the service.

Tables 1 and 2 below detail the regionally budgeted requisitions for the prior year versus the proposed requisitions planned for the current 2014-2018 regional five year financial plan.

TABLE 1 – Prior Year 2013-2017 Comox Valley Sewerage System, Total Courtenay/Comox Requisition

YEAR	TOTAL REQUISITION	% INCREASE IN REQUISITION
2013	\$3,842,000	10%
2014	4,303,482	12%
2015	4,819,796	12%
2016	5,398,073	12%
2017	6,045,882	12%

TABLE 2 – 2014-2018 Comox Valley Sewerage System, proposed requisition and estimate of Courtenay's percentage share

YEAR	TOTAL REQUISITION	% INCREASE IN REQUISITION	COURTENAY % (BASED ON PROPORTIONAL CTNY/CMX SEWER FLOWS)	COURTENAY REQUISITION
2013	\$3,842,000		63.44%	\$2,437,365
2014	4,303,482	12%	64.93%	2,794,251
2015	4,776,865	11%	65.00% (est)	3,104,962
2016	5,254,552	10%	65.00% (est)	3,415,458
2017	5,727,461	9%	66.00% (est)	3,722,850
2018	6,185,658	8%	66.00% (est)	4,082,534

City of Courtenay 2014-2018 Sewer Financial Plan

The proposed 2014-2018 Sewer Fund Financial Plan is detailed in the attached Schedules:

Schedule 1: Sewer Operating Fund

Schedule 2: Sewer Capital Fund

For the 2014 financial year, an increase of 12% to the user fee revenues is required to ensure that funding for the City's share of regional system costs can be funded. The overall costs of maintaining the City's sewer operations and carrying out the planned municipal sewer capital works has been funded primarily from the 2013 operating surplus. As a result, staff recommend that a 0% increase is required for the City's operations and capital works.

Of note in this financial plan is a new provision of \$50,000 per year, specifically to begin the process of compiling detailed condition assessments of the existing sewer infrastructure. This is key data for the development of a sewer asset management plan, which will assist the City in making informed decisions on future capital infrastructure priorities. As asset management/condition assessment work is eligible work under the Gas Tax Fund, a transfer of funds from the Gas Tax Reserve sufficient to cover the 2014 condition assessment initiative has been provided for in the financial plan.

Of priority in 2014 are the following capital projects:

- | | |
|---------------------------------------------------------------------------|------------|
| • Headquarters Road Sewer replacement | \$ 900,000 |
| • Extension of sewer into Glacier Road | \$ 10,000 |
| • Sewer Line Repair – 1 st Street & Morrison Creek | \$ 155,000 |
| • 1 st Street and Anderton Avenue Lift Stations – design/scope | \$ 185,000 |

FINANCIAL IMPLICATIONS:

To cover the projected 2014 cost of delivering the sewer utility operating and capital activities, a revenue increase of 12% is required. The anticipated increase for a single family unit is \$24.00 for 2014.

ADMINISTRATIVE IMPLICATIONS:

Subsequent to Council endorsing the proposed increase to the 2014-2018 Sewer Utility Financial Plan and user fees, staff will prepare the user fees amendment bylaw, and return it to Council for adoption.

On adoption for the user fee amendment bylaw, staff will update the financial system for the 2014 utility billing.

STRATEGIC PLAN REFERENCE:

Value Statement 2: A progressive, diverse and sustainable City

Goal 1: Ensure infrastructure is sustainable

Objective c) Complete an inventory and assessment of City roads, buildings, and utilities, and report on works required.

OFFICIAL COMMUNITY PLAN REFERENCE:

Section 6.3 Sanitary Sewer Treatment

REGIONAL GROWTH STRATEGY REFERENCE:

5-D Sewer – Encourage sewer management approaches and technologies that respond to public health needs and maximize existing infrastructure

CITIZEN/PUBLIC ENGAGEMENT:

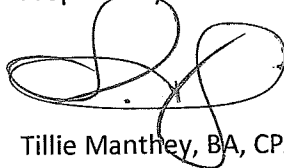
The public is notified of the upcoming changes to sewer user fees through regular council meetings, media webcasts, and information posted on the City's website.

OPTIONS:

OPTION 1: That Council approves the 2014-2018 Sewer Fund Financial Plan, and that sewer user fee revenue be increased by 12% for 2014, and further that staff are directed to amend the user fee bylaws to incorporate the fee increase.

OPTION 2: That Council defer the endorsement of the proposed 2014-2018 Sewer Utility Financial Plan and the proposed increase to the 2014 sewer user fees for further discussion at a later Council meeting.

Prepared by:



Tillie Manthey, BA, CPA, CGA
Director, Financial Services/Deputy CAO

Attachments:

Schedule 1 – Sewer Operating Fund 2014-2018
Schedule 2 – Sewer Capital Fund 2014-2018

City of Courtenay
SEWER OPERATING FUND
Proposed 2014 - 2018 FINANCIAL PLAN

SCHEDULE 1

DESC	2013 FINAL BUDGET	2013 Projected	2014 PROV BUDGET	2015 PROJ BUDGET	2016 PROJ BUDGET	2017 PROJ BUDGET	2018 PROJ BUDGET
Percentage Increase - Regional System			12%	11%	10%	9%	8%
Percentage Increase - City Operations			0%	2%	2%	2%	2%
			12%	13%	12%	11%	10%
Bylaw User Fee (Annual) - Single Family Unit	\$ 201		\$ 225	\$ 254	\$ 285	\$ 316	\$ 348
Increase			\$ 24	\$ 29	\$ 31	\$ 31	\$ 32
REVENUE							
Frontage Tax Levy	1,832,708	1,945,198	1,835,000	1,835,000	1,835,000	1,835,000	1,835,000
Sale of Services	2,702,234	2,748,927	3,076,245	3,472,775	3,886,388	4,311,031	4,739,534
Connection charges and rentals	36,000	74,913	36,000	36,000	36,000	36,000	36,000
Interest earnings	225	75	225	225	225	225	225
MFA Earnings	1,500	2,001	1,500	1,500	1,500	1,500	1,500
From Reserve for Future Expenditure	917,040	917,040	1,057,976	0	0	0	0
From Sewer Reserve Fund	50,000	0	50,000	40,000	35,000	30,000	30,000
From Gas Tax Fund	0	0	40,000	0	0	0	0
From Prior Year Surplus	412,073	0	116,919	146,961	69,203	0	38,434
TOTAL REVENUE	5,951,780	5,688,155	6,213,865	5,532,461	5,863,316	6,213,756	6,680,693
EXPENSE							
CVRD requisition - regional sewer costs	2,457,727	2,437,365	2,794,252	3,104,962	3,415,458	3,722,850	4,082,534
Administration costs	216,000	201,136	188,370	191,083	193,836	196,632	199,468
Interfund allocations	669,415	528,717	728,529	731,277	735,340	740,413	747,818
Operation and maintenance	695,600	389,779	515,600	519,850	523,393	526,970	530,584
NEW: Asset Condition Assessments	0	0	50,000	50,000	50,000	50,000	50,000
Debt Interest Charges	144,547	144,547	144,547	144,547	144,547	144,547	144,547
Debt Principle Payments	75,242	75,242	75,242	75,242	75,242	75,242	75,242
To General Operating Fund	50,000	52,025	50,000	50,000	50,000	50,000	50,000
To Sewer Machinery & Equipment Reserve	75,000	75,000	75,000	75,000	75,000	75,000	75,000
To Sewer Connection Reserve	20,000	68,913	20,000	20,000	20,000	20,000	20,000
To Reserve for Future Expenditure	0	1,057,976	300,000	0	0	0	0
To Sewer Capital Fund	1,544,501	412,428	1,266,825	565,000	575,000	600,000	700,000
To Carbon Offsets Reserve	3,750	3,750	5,500	5,500	5,500	5,500	5,500
Contingency Reserve	0	0	0	0	0	6,602	0
	5,951,780	5,446,877	6,213,865	5,532,461	5,863,316	6,213,756	6,680,693
INCREASE (DECREASE) IN SEWER FUND	0	241,277	0	0	0	0	0

SEWER CAPITAL FUND
Proposed 2014 - 2018 Financial Plan

BUDGETED SOURCE OF FUNDS														
DESCRIPTION OF WORK	GL ACCT #	2014 Provisional	USER FEES	RESERVE FUNDS		RESERVE FOR F.E.	GOVT GRANT	DCC RESERVE		OTHER REVENUE	TOTAL			
				AMOUNT	NAME			AMOUNT	NAME			AMOUNT		
CAPITAL Projects - 2014														
Headquarters Road from Glacier to Vanier-replacement Design	040-80-6-350-0000-88052	900,000	264,454			201,503		400,000	571.25	34,043	Dev Contr	900,000		
Glacier Road - San Sewer	040-80-6-350-0000-88053	10,000	-			10,000						10,000		
1st Street @ Morrison Creek - Sewer Repairs	040-80-6-350-0000-88034	155,000	60,546			94,454						155,000		
1st Street Lift Station - Design/Scope	040-80-6-350-0000-88055	85,000	85,000									85,000		
Anderton Lift Station - Design	040-80-6-350-0000-88055	100,000	100,000									100,000		
Carmanah & Valcourt Cres - replacement	040-80-6-350-0000-88040	180,000	40,000			66,285		42,750	52375	30,965	(Unexpended) Costco DCC 005-11-4-055-0550-06668	180,000		
City wide sewer study	040-80-6-350-0000-88050	40,000	-			30,500		9,500	52375			40,000		
South Courtenay Sewer planning/Capacity Provisions	040-80-6-350-0000-88042	15,208	-			15,208						15,208		
Mansfield Lift Station - New generator	040-80-6-350-0000-88047	50,000	-			50,000						50,000		
Sewer Flush Truck	040-80-6-350-0000-97061	350,000	-		350,000 Swr M & E							350,000		
Scada System	040-80-6-350-0000-88049	75,000	-			75,000						75,000		
(1) Arden Central Trunk MH 2-506 13th St to Lake Trail Rd or 13th St to Arden (2) Arden Trunk Sewer - Lake Trail to Embleton (3) Arden Trunk Sewer- Cumberland to Krebs (4) Arden South Trunk - Cumberland Road to north boundary of Arden Rd	040-80-6-350-0000-88057	40,000	-			21,000		19,000	5475			40,000		
Sandpiper Dr Sewer- Design Only	040-80-6-350-0000-88054	60,000	-			60,000					Conn fees	60,000		
Lift Stations - contingency amount for major repair/equip replacement	040-80-6-350-0000-83001	60,000	-			60,000						60,000		

SEWER CAPITAL FUND
Proposed 2014 - 2018 Financial Plan

BUDGETED SOURCE OF FUNDS												
DESCRIPTION OF WORK	GL ACCT #	2014 Provisional	USER FEES	RESERVE FUNDS		NAME	RESERVE FOR F.E.	GOVT GRANT	DCC RESERVE		OTHER REVENUE	TOTAL
				AMOUNT	AMOUNT				AMOUNT	NAME		
10th Street East & Sitka Ave - MH Improvements PHASE 1	040-80-6-350-0000-88035	30,000	-				22,875		7,125	S2375		30,000
Sewer Equipment > \$5,000	040-80-6-350-0000-88058	10,000	10,000									10,000
Projected Costs 2014		2,160,208	560,000	350,000		-	706,825	-	478,375	-	65,008	2,160,208
CAPITAL Projects - 2015 Forward												
(1) Arden Central Trunk MH 2-506 13th St to Lake Trail Rd or 13th St to Arden (2) Arden Trunk Sewer - Lake Trail to Embleton (3) Arden Trunk Sewer- Cumberland to Krebs (4) Arden South Trunk - Cumberland Road to north boundary of Arden Rd		500,000	262,500						237,500	S475		500,000
Olh/Comox Rd. Replace	040-80-6-350-0000-88018	75,000	75,000									75,000
10th Street East & Sitka Ave - MH Improvements	040-80-6-350-0000-88035	75,000	45,750	11,438		Reserve "Sew Util 1382" S of			17,813	S2375		75,000
Main Replacement 26th St - Cliffe to Fitzgerald	040-80-6-350-0000-88038	94,500	72,056						22,444	S2375		94,500
1st Street Up Stream of Lift Station MH 3-501 to 3-504	040-80-6-350-0000-88044	100,000	52,500						47,500	S4750		100,000
Replace AC Pressure Force Main on all Lift Sta - Phase 1 Design 1st Sta to discharge	040-80-6-350-0000-88046	75,000	57,188						17,813	S2375		75,000
Asset Management - List of priority Capital Sewer Projects to be determined following condition assessment work	to be determined											

SEWER CAPITAL FUND
Proposed 2014 - 2018 Financial Plan

[illegible]

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2778

A bylaw to amend Zoning Bylaw No. 2500, 2007

WHEREAS the Council has given due regard to the consideration given in Section 903 of the *Local Government Act*;

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 for all purposes as “Zoning Amendment Bylaw No. 2778, 2014”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:

(a) By replacing Section 8.15.1 in its entirety with the following:

8.15.1 Permitted Uses

In the MU-3 zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Residential
(a) <i>Single residential dwelling</i>
(b) <i>Duplex dwellings</i>
(c) <i>Multi residential dwellings</i>
(d) <i>Accessory buildings and structures</i>
(e) <i>Boarding</i>
(f) <i>Home occupation</i> | (2) Commercial
(a) <i>Accessory buildings and uses</i>
(b) <i>Bakery and Deli</i>
(c) <i>Care facility</i>
(d) <i>Community service</i>
(e) <i>Day care</i>
(f) <i>Facility for adults with a disability</i>
(g) <i>Fitness facility</i>
(h) <i>Financial institution</i>
(i) <i>Laundromat</i>
(j) <i>Medical clinic</i>
(k) <i>Micro-brewing limited to 400 m² and including the accessory retail sale of goods produced on site</i>
(l) <i>Office</i>
(m) <i>Personal Service</i>
(n) <i>Printing and Publishing</i>
(o) <i>Restaurant</i>
(p) <i>Retail store</i>
(q) <i>Second hand store</i>
(r) <i>School and studio</i> | (3) Combined Commercial Residential Uses
Residential units contained within a dual-use <i>building</i> shall be located above storeys used for commercial purposes and no storey can be used for both commercial and residential purposes. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- (s) *Small item sales, service,
repair and rental*
- (t) *Veterinary clinic*

The sale of drug paraphernalia is expressly prohibited in this zone.

(b) That Schedule No. 8 be amended accordingly.

3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 11th day of February, 2014

Read a second time this 11th day of February, 2014

Considered at a Public Hearing this day of , 2014

Read a third time this day of , 2014

Finally passed and adopted this day of , 2014

Mayor

Director of Legislative Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2772

A bylaw to amend Cemetery Management Bylaw No. 2569, 2009

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

This bylaw may be cited for all purposes as the “Cemetery Management Amendment Bylaw No. 2772, 2014”.

1. That “Cemetery Management Bylaw No. 2569, 2009” be amended as follows:
 - (a) That *Section 9 size of grave spaces* be amended by adding the following:

Q – Section Child/Infant: 0.584m x 1.625m (1.92' x 5.33')
 - (b) That *Section 19, Subsection (2)* be deleted in its entirety and replaced with the following:

19(2)

 - (a) Two casket interments shall be allowed in each grave space, except in a child/infant grave space and grave spaces in the ‘Q’ and ‘S’ sections, where only one casket interment is allowed. No more than four (4) cremated remains may be permitted on any full size plot.
 - (b) One casket up to a maximum size of 1.55m x 0.52m x 0.39m (61” x 20.5” x 15.5”) for the interment of a child or infant shall be allowed in each grave space in the ‘Q’ section. An additional two (2) cremated remains may be interred over the casket. Where the child or infant was cremated, an additional two (2) cremated remains for a total of three (3) cremated remains are permitted.
 - (c) No casket burial is permitted in a full size or child plot after cremated remains have been interred in the plot, unless it can be determined that the existing cremated remains were interred after June 2009 and encased in a proper commercial grade cremation vault that can be removed without disturbing the cremated remains.

- (c) That *Section 33, Subsection (4)* be deleted in its entirety and replaced with the following:

33(4)

- (a) Markers shall measure as follows:

On single graves: maximum 40.64cm x 71.12cm (16" x 28")

On child/infant graves: maximum to 30.48cm x 50.80cm (12" x 20")

On cremation graves: maximum to 30.48cm x 55.80cm (12" x 20")

- (b) Where two related persons are buried side by side in adjacent graves, excluding cremation graves, one marker up to 45.72cm x 76.20 cm (18" x 30") which provides for the memorialization of both persons may be used instead of two markers, provided the single marker is set evenly between the two graves.

- (d) That *Section 37, Subsection (3)* be deleted in its entirety and replaced with the following:

37(3) Cut flowers must be placed in the containers supplied by the City. A second flower container is permitted upon request. A second flower container is not permitted on cremation plots.

- (e) That Schedule "B" 'Cemetery Fees' be hereby repealed and substituted by the Schedule "B" 'Cemetery Fees' attached hereto and forming part of this bylaw.

2. This bylaw will come into force upon final adoption.

Read a first time this 3rd day of February, 2014

Read a second time this 3rd day of February, 2014

Read a third time this 3rd day of February, 2014

Finally passed and adopted this day of, 2014

Mayor

Director of Legislative Services

830 Cliffe Avenue
 Courtenay BC, V9N 2J7
 250-334-4441
 250-334-4241 Fax

CITY OF COURTENAY
CEMETERY MANAGEMENT AMENDMENT BYLAW NO. 2772
SCHEDULE 'B'

RESIDENT FEES (\$)

Ground Burial	Grave Space	Care Fund Contribution	Preparation & Placement	TOTAL	Grave Space Only
Casket Lot	474.00	158.00	1215.00	1847.00	632.00
Casket Lot Section 'U'	549.00	183.00	1215.00	1947.00	732.00
Child Lot Section 'Q'	225.00	75.00	700.00	1000.00	300.00
Infant Lot Section 'Q'	131.25	43.75	285.00	460.00	175.00
Cremation Lot	225.00	75.00	285.00	585.00	300.00
Additional Cremated Remains Interment Right into an existing casket burial		75.00	285.00	360.00	
Scattering			120.00	120.00	
Columbarium	Niche Space	Care Fund Contribution	Preparation & Placement	TOTAL	Niche Space Only
Double Niche 1st Interment	900.00	100.00	100.00	1100.00	1000.00
Double Niche 2nd Interment			100.00	100.00	
Bottom Row	720.00	80.00	100.00	900.00	800.00

NON-RESIDENT FEES (\$)

Ground Burial	Grave Space	Care Fund Contribution	Preparation & Placement	TOTAL	Grave Space Only
Casket Lot	780.00	260.00	1215.00	2255.00	1040.00
Casket Lot Section 'U'	855.00	285.00	1215.00	2355.00	1140.00
Child Lot Section 'Q'	315.00	105.00	700.00	1120.00	420.00
Infant Lot Section 'Q'	246.00	82.00	285.00	585.00	300.00
Cremation Lot	315.00	105.00	285.00	705.00	420.00
Additional Cremated Remains Interment Right into an existing casket burial		105.00	285.00	390.00	
Scattering			220.00	220.00	

Columbarium	Niche Space	Care Fund Contribution	Preparation & Placement	TOTAL	Niche Space Only
Double Niche 1st Interment	1620.00	180.00	100.00	1900.00	1800.00
Double Niche 2nd Interment			100.00	100.00	
Bottom Row	1440.00	160.00	100.00	1700.00	1600.00

Memorials

Ground Marker Setting Fee	Setting Fee	Maintenance Care Fund	TOTAL
Initial Placement	140.00	10.00	150.00
Resetting Fee	40.00	10.00	50.00

Columbarium Bronze Memorials (includes installation)	Memorial	Maintenance Care Fund	TOTAL
Columbaria Bronze Niche Plate	465.00	10.00	475.00
Columbaria Bronze Second Name Scroll	115.00	10.00	125.00

3" x 4" Bronze Memorial on Scattering Board	240.00	10.00	250.00
---------------------------------------------	--------	-------	--------

Memorial Boulder includes 4" x 6" bronze plaque	RESIDENT	790.00	10.00	800.00
	NON RESIDENT	1590.00	10.00	1600.00
➤ Second plaque		290.00	10.00	300.00

Administration Fees

Late Arrivals at Cemetery (to be charged to funeral home for each half hour, or part thereof, after scheduled arrival time)	50.00
Licence Transfer Fee	20.00

Monday-Friday after 3:30 p.m. Add \$250.00 to the Preparation and Placement Fee

Saturday, Sunday and Statutory Holidays	Full Burial	Preparation and Placement Fee \$1,500.00
	Child Burial	Preparation and Placement Fee \$892.00
	Infant Burial	Preparation and Placement Fee \$427.00
	Cremation	Preparation and Placement Fee \$427.00
	Niche	Preparation and Placement Fee \$150.00

Exhumation Casket Lot	1600.00
Exhumation Cremation Lot	425.00
Exhumation Infant	425.00
Exhumation Child Lot	1000.00
Exhumation Niche Space	125.00
Tent Set-up	125.00
Second Flower Container	34.00
Other Fees:	Cost + 50%
Cemetery products not listed	

All fees are subject to applicable taxes.

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2777

A bylaw to authorize a Housing Agreement

WHEREAS the owner of land in the City has applied to rezone the four properties legally described as Lots 1-4, Block 1, Section 67, Comox District, Plan 9900 (PID No. 005-421-276, 001-818-481, 005-421-322, 005-421-365) (the "Lands") to permit the construction of 94 rental apartment units in two buildings; and

WHEREAS the Council has determined that the rezoning should be permitted and the affordable housing amenity contribution policy satisfied, if the dwelling units are maintained as rental units for a period of not less than 10 years; and

WHEREAS the owner has agreed to restrictions on the occupancy of any dwelling units to be constructed on the Lands as more particularly set out in Schedule "B" to this Bylaw;

The Council of the City of Courtenay, in open meeting assembled, enacts as a bylaw under s. 905 of the *Local Government Act* as follows:

1. Council hereby authorizes the City to enter into a housing agreement with the owner of the Lands, shown on Schedule "A", in the form set out as Schedule "B" to this Bylaw.
2. The Mayor and Director of Legislative Services of the City are authorized to execute the Form C housing agreement and the Director of Legislative Services is authorized to sign and file in the Land Title Office a notice of the housing agreement, as required by the *Local Government Act*.
3. All schedules attached to this Bylaw are incorporated into and form a part of this Bylaw.
4. This Bylaw may be cited as "Housing Agreement (3230, 3240, 3250 and 3260 Cliffe Avenue), Bylaw No. 2777, 2014".

READ A FIRST TIME this 3rd day of February, 2014

READ A SECOND TIME this 3rd day of February, 2014

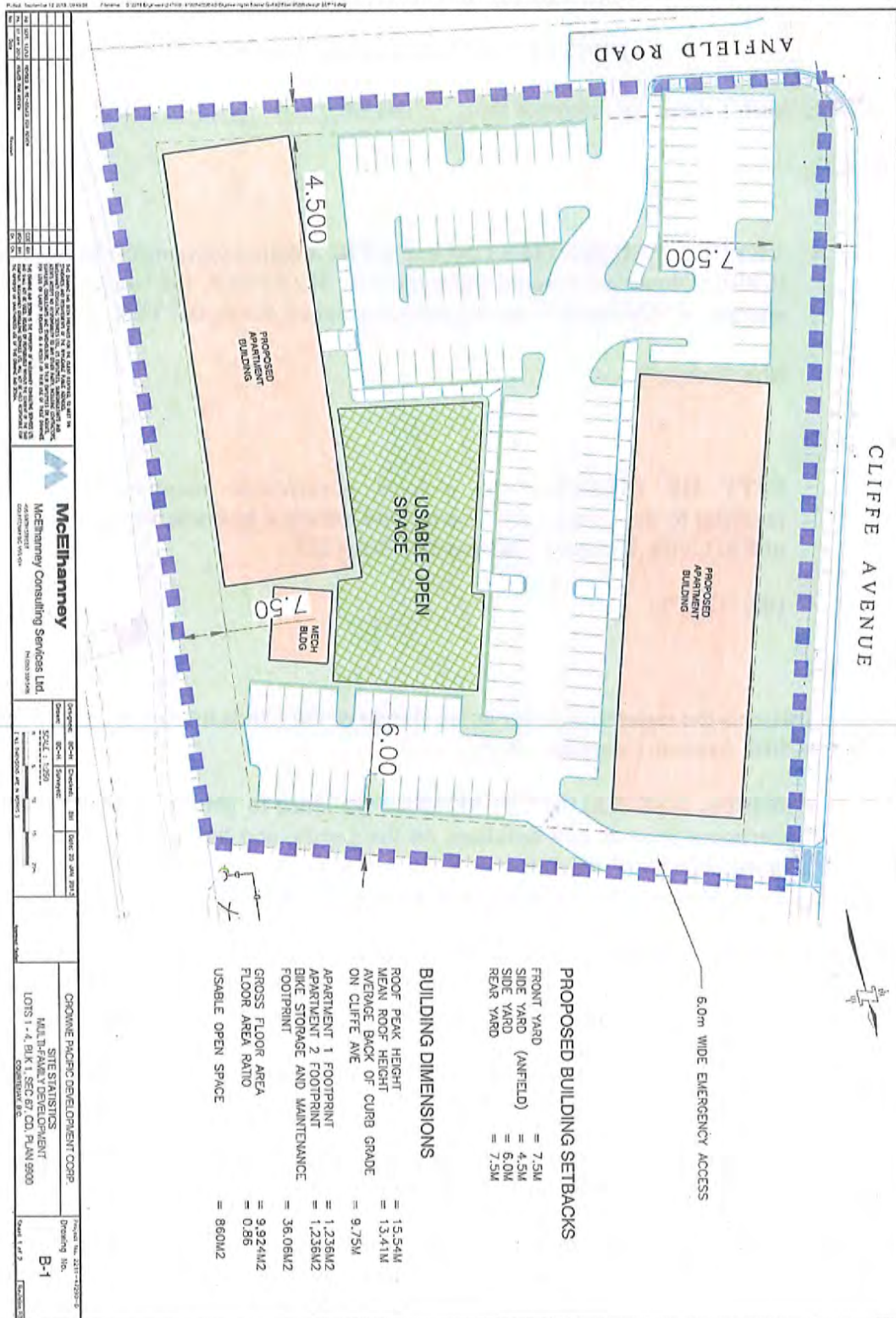
READ A THIRD TIME this 3rd day of February, 2014

ADOPTED this day of , 2014.

MAYOR

DIRECTOR OF LEGISLATIVE SERVICES

SCHEDULE "A" BYLAW 2777 – SKETCH PLAN OF DEVELOPMENT



SCHEDULE "B" TO BYLAW 2777

RENTAL HOUSING AGREEMENT

THIS AGREEMENT dated for reference the ____ day of _____, 2014 is

BETWEEN:

VEYRON PROPERTIES GROUP LTD., a corporation under the laws of British Columbia registered under Inc. No. BC0924064, and having a business address of 7120 Gold River Highway, Campbell River, BC V9H 1P1,

(the "Owner")

AND:

CITY OF COURTENAY, a local government incorporated pursuant to the *Community Charter* and having a business address of 830 Cliffe Avenue, Courtenay BC V9N 2J7,

(the "City")

WHEREAS:

- A. The Owner is the registered owner in fee simple of the Lands located at 3230, 3240, 3250 3260 Cliffe Avenue, Courtenay, B.C.;
- B. The Owner has applied to the City to rezone the lands to permit the construction of 94 rental apartment units in two buildings on the Lands, and has consented that, the units will be used only for rental purposes for a period not less than ten (10) years following issuance of occupancy for the units, more particularly described in this Agreement;
- C. The City may, pursuant to section 905(1) of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability of dwelling units located on the lands of the Owner;
- D. The Owner and the City wish to enter into this Agreement, and agree that this Agreement is a housing agreement under Section 905 of the *Local Government Act*; and
- E. The City has, by bylaw, authorized the execution of this Agreement and the Owners have duly authorized the execution of this Agreement.

THIS AGREEMENT is evidence that in consideration of \$2.00 paid by the City to the Owner (the receipt of which is acknowledged by the Owner), and in consideration of the promises

exchanged below, the City and the Owner agree, as a housing agreement between the Owner and the City under s. 905(1) of the *Local Government Act*, as follows:

1. **Definitions** – In this Agreement:

“Non-owner” means a person who occupies a Residential Unit other than the Owner of that Residential Unit.

“Residential Unit” means a residential dwelling unit constructed on the Lands whether the dwelling unit is a strata lot or not;

“Lands” means the lands in the City of Courtenay legally described as:

- a) PID: 005-421-276, Lot 1, Block 1, Section 67, Comox District, Plan 9900;
- b) PID: 001-818-481, Lot 2, Block 1, Section 67, Comox District, Plan 9900;
- c) PID: 005-421-322, Lot 3, Block 1, Section 67, Comox District, Plan 9900;
- d) PID: 005-421-365, Lot 4, Block 1, Section 67, Comox District, Plan 9900;

- 2. **Occupation** – The Owner agrees that any Residential Units constructed on the Lands shall only be used as rental housing for a period of 10 years following granting of occupancy by the City, and for that purpose shall only be occupied by a Non-owner under the terms of a Tenancy Agreement between the Owner and the Non-owner who occupies the Residential Unit..
- 3. **Order to Comply** – If the Owner is in default of the performance or observance of this Agreement, the City may give the Owner a notice of default requiring the Owner to comply with this Agreement within the time stated in the notice.
- 4. **Specific Performance of Agreement** – The Owner agrees that the City is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement. Further, the Owner agrees that the foregoing provision is reasonable given the public interest in restricting the occupancy of each Residential Unit on the Lands in accordance with this Agreement.
- 5. **No Public Law Duty** – Wherever in this Agreement an act, determination, consent, approval or agreement of the City is provided for, such act, determination, consent, approval or agreement may be done or made in accordance with the terms of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, shall have any application.
- 6. **No Waiver** – No condoning, excusing or overlooking by the City of any default under this Agreement, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the City of any subsequent default or of the necessity for further consent, approval or agreement in respect of a subsequent matter requiring it under this Agreement, or in any way to defeat or affect the rights or remedies of the City.

7. **Notice on Title** – The Owner acknowledges and agrees that this Agreement constitutes a housing agreement under Section 905 of the *Local Government Act*, and agrees that the City must file in the Land Title Office a notice that the Lands are subject to this Agreement, and that, once the notice is filed, this Agreement is binding on all persons who acquire an interest in the Lands.
8. **Limitation on Owner's Obligations** – The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.
9. **Amendment and Termination** – This Agreement may not be modified or amended except by bylaw of the City, upon an agreement in writing between City and the Owner. This Agreement may be terminated or discharged by the City without the consent or agreement of the Owner.
10. **Notices** – Any notice required to be given pursuant to this Agreement shall be in writing and shall be given to the Owner or the City, as the case may be, at the address first above written, or to any other address of which either the Owner or the City may advise the others in writing in accordance with this paragraph. If given in person or by facsimile transmission, such notice will be deemed to be received when delivered and, if mailed, such notice will be deemed to have been received on the tenth business day after the date of mailing except in the event of an interruption in mail service, when such notice will be deemed to be received only when actually received by the party to whom it is addressed.
11. **Enurement** - This Agreement shall enure to the benefit of and be binding on the City and its successors and on the Owner and its heirs, successors, personal representatives, administrators, assignees, and successors in title.
12. **Remedies Cumulative** – The remedies of the City specified in this Agreement are cumulative and are in addition to any remedies of the City at law or in equity. No remedy shall be deemed to be exclusive, and the City may from time to time have recourse to one or more or all of the available remedies specified herein or at law or in equity.
13. **Severability** – Each covenant and agreement contained in this Agreement is, and shall be construed to be, a separate and independent covenant or agreement and the breach of any such covenant or agreement by the Owner shall not discharge or relieve the Owner from its obligations to perform. If any term or provision of this Agreement, or its application to any person or circumstance shall to any extent be invalid and unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.
14. **Joint and Several** – In the case of more than one Owner, the grants, covenants, conditions, provisions, agreements, rights, powers, privileges and liabilities of the Owner shall be construed and held to be several as well as joint.

15. **Included Words** – Wherever the singular or the masculine is used in this Agreement, it shall be deemed to include the plural or the feminine, or the body politic or corporate, where the context or the parties so require.
16. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the province of British Columbia.
17. **Joint Venture** – Nothing in this Agreement shall constitute the Owner as an agent, joint venturer or partner of the City or give the Owner any authority or power to bind the City in any way.
18. **Time of Essence** – Time is of the essence in this Agreement.
19. **Further Assurances** – The parties shall execute and do all such further deeds, acts, things and assurances as they reasonably require to carry out the intent of this Agreement.
20. **No Fettering of Statutory Discretion** – No consent or approval given by the City under this Agreement shall derogate from or bind the City in the exercise of any statutory duty, power or discretion.
21. **Deed and Contract** – By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

IN WITNESS WHEREOF the parties hereunto have executed this Agreement on the date and year first above written.

SIGNED, SEALED & DELIVERED)

in the presence of:)

Signature of Witness)

Print Name)

Address)

Occupation)

VEYRON PROPERTIES GROUP LTD.

by its authorized signatories:

Print Name:

Print Name:

SIGNED, SEALED & DELIVERED)
in the presence of:)

Signature of Witness)

Print Name)

Address)

Occupation)

CITY OF COURTENAY
by its authorized signatories:

Mayor: Larry Jangula

Director of Legislative Services: John Ward