

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

**DATE:** Monday, April 14, 2014  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

---

**1.00 ADOPTION OF MINUTES**

1. Adopt April 7, 2014 Regular Council Meeting Minutes and April 9, 2014 Special Council Meeting Minutes

**2.00 INTRODUCTION OF LATE ITEMS**

**3.00 DELEGATIONS**

1. Linda Safford, C.V. Chapter, Council of Canadians re: Blue Community

**4.00 STAFF REPORTS**

Pg #

**(a) Community Services**

**(b) CAO and Legislative Services**

**(c) Development Services**

- 15 1. Development Variance Permit No. 1403 – 699-29<sup>th</sup> Street

- 21 2. Zoning Amendment Bylaw No. 2789 – Christie Parkway

**(d) Financial Services**

**(e) Engineering and Operations**

- 27 3. Street Names – Copperfield Development

- 31 4. Dedication of Fitzgerald Avenue

**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**

**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**

- 35     1. “Zoning Amendment Bylaw No. 2789, 2014”  
      ( to rezone property along the west side of Christie Parkway from light industrial to Industrial Two Zone)

### **For Third Reading and Final Adoption**

- 37     2. “Zoning Amendment Bylaw No. 2779, 2014”  
      (medical marihuana production)
- 39     3. “Official Community Plan Amendment Bylaw No. 2783, 2014”  
      (to change the designation to Mixed Use for 1465 Grieve Avenue)
- 41     4. “Zoning Amendment Bylaw No. 2784, 2014”  
      (to rezone 1465 Grieve Avenue to MU-1)

### **For Final Adoption**

- 43     5. “City of Courtenay Fees and Charges Amendment Bylaw No. 2788, 2014”  
      (to set garbage collections fees)

## **13.00 ADJOURNMENT**

**Ward, John**

---

**From:** linda safford <lindasafford@shaw.ca>  
**Sent:** March-19-14 9:44 AM  
**To:** Ward, John  
**Subject:** Re: Delegation

*Delegation*

Yes John, we would be very happy to attend Council on April 14. Thank you for the opportunity.  
Sincerely, Linda Safford for the Comox Valley Chapter, Council of Canadians

**From:** Ward, John  
**Sent:** Wednesday, March 19, 2014 8:20 AM  
**To:** 'linda safford'  
**Subject:** RE: Delegation

Linda, April 7 is a very busy meeting. April 14 would work better. Would you be able to attend on that day?

Thanks

*John Ward, CMC  
Director of Legislative Services  
City of Courtenay  
(250) 703-4853*

---

**From:** linda safford [<mailto:lindasafford@shaw.ca>]  
**Sent:** March-18-14 7:33 PM  
**To:** Ward, John  
**Subject:** Re: Delegation

Thank you for your prompt reply. We made a presentation in June 2012 requesting that the City of Courtenay consider becoming a Blue Community. We would ask that Mayor and Council reconsider our request. Considering that several Island communities have already experienced water distress, and that an Island-wide conference (titled Our Water Our Future), sponsored by the Vancouver Island Water Watch Coalition, will be held May 23 & 24 at the Florence Filberg Centre in Courtenay, we consider this a timely issue. We will also present a petition signed by citizens of Courtenay, requesting your consideration of this matter.

If the agenda for the April 7 meeting is already set, please consider this request for us to present a delegation at your earliest possible opportunity. We look forward to your reply.

Sincerely, Linda Safford for the Comox Valley Chapter, Council of Canadians.

**From:** Ward, John  
**Sent:** Tuesday, March 18, 2014 8:28 AM  
**To:** 'linda safford'  
**Subject:** RE: Delegation

Hi Linda, could you please advise the specific nature of your request?

Thanks

John

*John Ward, CMC  
Director of Legislative Services  
City of Courtenay  
(250) 703-4853*

---

**From:** linda safford [<mailto:lindasafford@shaw.ca>]  
**Sent:** March-17-14 10:43 PM  
**To:** Ward, John  
**Subject:** Delegation

To Mayor and Council, City of Courtenay  
from Comox Valley Chapter, Council of Canadians  
re: Delegation

We would like to have a delegation on the agenda of your April 7 regular meeting, regarding Blue Communities. Please reply to me whether some time on this date is available. Thanks for your attention to this matter.

Sincerely, Linda Safford [lindasafford@shaw.ca](mailto:lindasafford@shaw.ca)

DISCLAIMER- This e-mail and any attachments may contain confidential and privileged information. Any use, disclosure, copying or dissemination of this information by a person other than an intended recipient is not authorized and may be illegal. If you are not an intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Further, opinions expressed are strictly the author's own and are not necessarily those of the City of Courtenay.

DISCLAIMER- This e-mail and any attachments may contain confidential and privileged information. Any use, disclosure, copying or dissemination of this information by a person other than an intended recipient is not authorized and may be illegal. If you are not an intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Further, opinions expressed are strictly the author's own and are not necessarily those of the City of Courtenay.



## *BLUE COMMUNITIES PRESENTATION*

*April 14, 2014*

## **Resolutions for Consideration**

### **RECOGNIZE WATER AS A HUMAN RIGHT**

#### **RESOLUTION**

WHEREAS one in six people around the world does not have access to clean drinking water; and,

WHEREAS over a quarter of Canadian municipalities have faced water shortages; and,

WHEREAS the Canadian Medical Association reported 1,766 boil water advisories in Canadian communities in 2008 leading to thousands of waterborne illnesses every year; and

WHEREAS Indigenous communities in Canada have been disproportionately affected by lack of access to clean safe drinking water; and,

WHEREAS On July 28, 2010, United Nations General Assembly passed a resolution recognizing the human right to water and sanitation. On September 23, 2011, the United Nations Human Rights Council (HRC) passed a resolution on the human right to safe drinking water and sanitation and called upon governments to take concrete action by developing plans of action, establishing monitoring and accountability mechanisms and ensuring affordable services for everyone.

WHEREAS the Canadian Union of Public Employees and the Council of Canadians have asked Canadian municipalities to assist in their effort to have the federal government to protect drinking water as a human right;

THEREFORE BE IT RESOLVED that this Council recognizes and affirms that access to clean water is a fundamental human right.

BE IT FURTHER RESOLVED that this Council will call on the federal and provincial to enshrine water as a human right in federal and provincial law.

BE IT FURTHER RESOLVED that this Council will call on the government of Canada to develop a national plan of action to implement the human right to water."

## **PROMOTE PUBLICLY OWNED AND OPERATED WATER AND WASTE WATER INFRASTRUCTURE**

### **RESOLUTION**

WHEREAS public health depends on equitable access to clean water supplies; and

WHEREAS public ownership and operation of drinking water and wastewater treatment systems have improved access and quality over the past century; and

WHEREAS our community is committed to protecting water and wastewater systems from the consequences of privatization through “public-private partnerships” or P3s, including:

- Lack of transparency and accountability to the public
- Increased costs and higher user fees
- Project delays and cancellations, leaving governments to deal with the consequences;

And

WHEREAS the privatization of municipal water and wastewater treatment services through P3s or contracting out turns water into a commodity to be sold for profit;

THEREFORE BE IT RESOLVED that the City of Courtenay oppose privatization in any form of water and wastewater treatment services, including through P3s, retaining these services in the public domain; and

BE IT FURTHER RESOLVED that Council lobby the federal government to fulfill its responsibility to support municipal infrastructure by investing in a national water infrastructure fund that would address the growing need to renew existing water and wastewater infrastructure and build new systems; and

BE IT FURTHER RESOLVED that the Council forward this resolution to the Federation of Canadian Municipalities for circulation to all of its members.

# **BAN THE SALE OF BOTTLED WATER IN REGIONAL DISTRICT FACILITIES AND AT REGIONAL DISTRICT EVENTS**

## **RESOLUTION**

WHEREAS the City of Courtenay operates and maintains a regulated and sophisticated water system that meets some of the most stringent water quality requirements in the world; and

WHEREAS the regulatory requirements for monitoring water quality contained in bottled water are not as stringent as those that must be met by the City of Courtenay; and

WHEREAS the City of Courtenay delivers very affordable water to its residents and businesses; and.

WHEREAS single-use bottled water sold in the City of Courtenay can be thousands of times more expensive than water from the tap, even though estimates suggest that very large percentage of bottled water originates from municipal water systems; and

WHEREAS resource extraction, packaging and distribution of single-use bottled water creates unnecessary environmental impacts; and

WHEREAS despite the fact that single-use plastic bottles are currently recycled through ratepayer funded recycling programs, a large percentage of these bottles wind up in our streets, parks and public spaces as litter and also end up in our landfills that are costly to operate and are quickly filling; and

WHEREAS recycling programs, litter control programs and landfill costs are paid by ratepayers and not the bottled water industry; and

WHEREAS Courtenay tap water is safe, healthy and substantially more sustainable than single use bottled water; and

WHEREAS Courtenay tap water is readily available at most indoor public facilities, either in the form of a faucet in a bathroom or drinking fountain; and

WHEREAS the City of Courtenay wishes to set a positive example to the community on environmental matters;



THEREFORE BE IT RESOLVED THAT

- a) Single-use bottled water will no longer be sold in any City of Courtenay owned or administered concessions or vending machines or public facilities where access to municipal tap water exists;
- b) Single-use bottled water will no longer be purchased and provided at meetings where easy access to municipal water exists;
- c) The availability of water jugs with municipal water will be increased as required;
- d) Where municipal water is not readily available, a plan be put in motion to increase access to municipal water subject to safety requirements, budget and other considerations;
- d) City of Courtenay staff develop a public awareness campaign to support the rationale for these important changes.

## Background Information

### 1. Recognizing water as a human right.

Water is essential to life – no one should be able to control it or expropriate it for profit. The human right to water entitles everyone to sufficient, safe, accessible water for personal and domestic uses.

On July 28, 2010, United Nations General Assembly passed a resolution recognizing the human right to water and sanitation. On September 23, 2011, the United Nations Human Rights Council also passed a resolution on the human right to safe drinking water and sanitation and called upon governments to take concrete action by developing plans of action, establishing monitoring and accountability mechanisms and ensuring affordable services for everyone.

After years of denying that the human right to water and sanitation existed, in 2012, the Canadian government finally conceded that the human right to water not only exists, but that it is integral to the right to an adequate standard of living under the International Covenant on Economic, Social, and Cultural Rights.

Enshrining the human right to water and sanitation in Canadian law would ensure that people living in indigenous and Canadian communities are legally entitled to sufficient quantities of safe, clean drinking water and water for sanitation, and would require that access inequalities be addressed immediately. The lack of safe, clean drinking water in Indigenous communities is one of the gravest violations of the human right to water and sanitation.

On the other hand, the rights of corporations, whose activities drain, contaminate and destroy watersheds, are protected in the North American Free Trade Agreement (NAFTA) and other international trade and investment agreements.

In the current global water crisis, billions of people still lack access to basic water and sanitation services. Every day, thousands of people die from preventable diseases contracted because they do not have access to clean water. The recognition of water as a human right in international law allows for the means and mechanisms of the UN to be employed to hold governments accountable for ensuring that their populations have access to safe clean drinking water and water for sanitation purposes. The Canadian government must do its part to ensure implementation of the human right to water and sanitation in this country.

### **Canadian municipalities and the right to water**

Responsibility for water is shared between provincial, municipal and federal governments. It is therefore crucial that the right to water be enshrined at every level of government.

A municipal recognition of the right to water would:

- Safeguard against a pricing scheme that would limit access to drinking water
- Ensure all residents have equal access to adequate supplies of safe, clean water
- Provide citizens with information on their water supply and the operation of their water services
- Promote water conservation, treatment, reuse and source protection to enhance water quality and quantity

Most Canadian municipalities already meet these criteria. However, official recognition of the right to water at the municipal level would cement these principles. It would also create much-needed momentum to apply pressure on other orders of government to play their role in implementing water as a human right.

## **2. Promoting publicly financed, owned and operated water and waste-water services.**

Local communities directly own and operate the vast majority of Canadian drinking water and sewage treatment facilities. But as the need for reinvestment grows, our cities and towns are strapped with little new funding or revenue to pay for upgrading existing systems and building new ones. Local governments are considering privatizing through public-private partnerships (P3s), but they should be cautioned.

A P3 is a form of privatization. P3s are multi-decade contracts for private management of public services or infrastructure. They can include private financing, ownership and/or operation. P3s result in higher costs, lower quality and loss of public control.

Very few communities in Canada have experimented with P3s for drinking water or sewer services, but there are lessons we can learn from those that have. Experience shows that privatization means water rates go up and accountability goes down.

P3s are more expensive than public ownership and operation because of higher private-sector borrowing costs, transaction fees, and the need to generate a profit. The costs of lawyers and consultants alone can set municipal governments back by millions of dollars before projects even get off the ground. Corporations charge a premium for so-called "risk transfer." But despite the cost, governments have not been successful in transferring risk to the private sector.

Companies can walk away if a project is not profitable for them, but governments cannot. Taxpayers absorb the costs of failed P3 deals, since the public "partner" is ultimately responsible for delivering services and infrastructure.

The credit crisis has made this abundantly clear as daily news stories tell of private financiers that are unable to finance privatized infrastructure projects. Projects are being delayed or even cancelled, leaving governments scrambling to find ways out of expensive messes.

Drinking water services have important public health and environmental implications. Protecting the public interest requires public control and autonomy. Public water utilities are responsive and accountable to communities.



### **3. Banning the sale of bottled water in public facilities and at municipal events.**

Bottled water represents an “enclosure” or private takeover of the water commons. Corporations take free flowing water from its natural state— or treated municipal water — put it in plastic bottles and sell it at exorbitant rates.

While twenty years ago, bottled water was considered a luxury product consumed by a niche market, today one-third of Canadian households rely on bottled water to meet their hydration needs, according to a 2006 Statistics Canada report. Agriculture and Agrifoods Canada reports that Canadians consume two billion litres of bottled water per year.

Canada is a net exporter of bottled water, selling its ancient glacier waters all over the world, mostly for the profit of big foreign-owned water companies like Nestlé, Coca-Cola and Pepsi. Most provinces charge these companies next to nothing to extract this water from springs and aquifers. It also takes a lot of water to bottle water. The production process also requires three to five litres of water to produce a one litre bottle of bottled water. Whole watersheds are now under threat from these practices.

Finally, in an era when the world is dealing with the impacts of climate change, the bottled water industry requires massive amounts of fossil fuels to manufacture and transport its product.

Increasingly, Canadians are moving back to the tap, rejecting bottled water. A growing number of Canadian municipalities, school boards and other institutions are banning the sale and purchase of bottled water in their facilities and at their events. We are requesting that you also ban the sale and purchase of bottled water in City of Courtenay facilities. We are fortunate to have excellent drinking water in the Comox Valley. Promoting its use over corporate bottle water would be an excellent example for the City of Courtenay to set.

# The Impact of Bottled Water

## Do You Know?

*There is much more to a single-use plastic water bottle than meets the lips*

**Bottled water** requires 2000 times more energy to produce than tap water

**The enormous energy** required to pump, process, transport and refrigerate every plastic bottle of water generates a true ecological and economic disaster

**The production** process contributes to greenhouse gas emissions; land, air and water pollution; the depletion of fresh water supplies and Earth's oil reserve

**Over 2.6 million tons** of global warming gas carbon dioxide is released into the atmosphere

**Bottled water** is a huge factor in contributing to climate change and environmental pollution

**Water bottles** are made from natural gas and petroleum - both nonrenewable resources

**In BC** bottled water production uses 64,000 barrels of oil annually (and it's increasing)

**Enough** to fuel 12,268 Ford Explorers driving from Vancouver to St. John's Newfoundland

**It takes** 3-5 litres of water to produce one litre of bottled water

**Bottled water** is from 200 to 10,000 times more expensive than tap water

**Bottled water** is NOT safer or healthier than tap water

**As much as 40%** of all bottled water in Canada is reprocessed tap water

**Tap water** you've already paid for in your municipal taxes

**Bottled water companies** drain the water from underground aquifers - the fresh water source for streams, wells, farms and our communities - even during droughts

**Multinational** companies can drain as much of BC's fresh drinking water as they want for free

**75%** of all plastic bottles end up in landfills, waterways and oceans - they are NOT RECYCLED.

**The Great Pacific Garbage Patch** - a *growing* island of plastic floating in the Northern Pacific Ocean - located between California and Hawaii is twice the size of Alberta

***Essentially there is no way for bottled water to be as environmentally responsible as tap water!***



# Take Action



# Your Action

## Tap Into Water - Become a Blue Community

**Drink** tap water - it's fresh, clean, healthy and runs close to home

**Make** reusable water bottles your first choice for portable drinking water

**Encourage** family, friends and clubs to stop their bottled water use - it's healthier and cheaper

**Offer** pitchers of water at work, board and council meetings

**You'll save** money when you drink tap water:

**Drinking** 8 glasses a day from your tap costs about 48 cents a year

**Drinking** 8 glasses a day from bottled water can cost up to \$1,400 a year (or more)

**Bottled** water is NOT safer or healthier than tap water

**Bottled** water can be distributed even when it doesn't meet the quality standards of tap water

**Bottled** water is not tested for e.coli

**Contaminants** such as arsenic, bromide and lead have been found in bottled water samples

**The plastic** water bottle can leach chemicals into the bottled water

**Reusing** plastic bottles is discouraged because of the bacteria that can breed inside them

**Let's be clear** - drinking tap water is safe!

**Our taxes** go to maintain the very stringent standards on our municipal drinking water

**Rigorous and frequent** testing is performed on our municipal drinking water

**Strict** monitoring is required of municipal drinking water

**No monitoring** standards or reports are required from bottled water facilities

**Less than 10%** of water bottling factories are tested for health standards

### By Choosing Tap water - One Person Will Save

**1,825 liters** of water every year - nearly 7,700 cups of water we can drink instead

**26 lbs (12 kg)** of plastic from going into the landfill, waterways and oceans every year

**854 kWh** of energy every year - that's enough power to run a light bulb for 8,541 hours







THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Development Variance Permit No. 1403 – 699 29<sup>th</sup> St

**File No.:** 3090-20-1403

**Date:** April 14<sup>th</sup>, 2014

### PURPOSE:

The purpose of this report is to consider a Development Variance Permit to decrease the minimum setback requirements of a freestanding sign located on a property with a commercial use.

### CAO RECOMMENDATIONS:

That based on the April 14<sup>th</sup>, 2014 staff report "Development Variance Permit No. 1403 – 699 29<sup>th</sup> St" Council approve Development Variance Permit No. 1403 (OPTION 1).

Respectfully submitted,

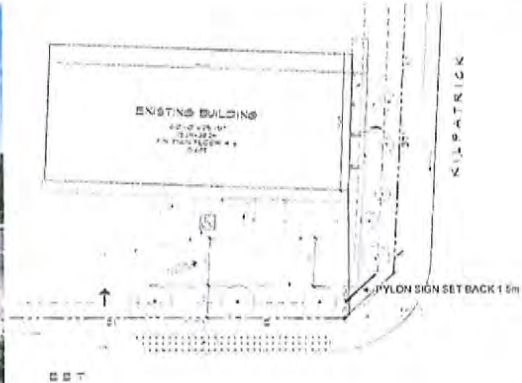
David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The subject property is Andrew Sheret Limited. The applicant would like a variance for the siting of the existing freestanding sign located at the corner of 29<sup>th</sup> Street and Kilpatrick Avenue. The sign is architecturally integrated with the building design but requires a variance for the setback to the adjacent property line. Drawings showing the existing sign and location are included in this report.

### DISCUSSION:

Andrew Sheret Courtenay moved to their current location at 699 29<sup>th</sup> St. after an extensive renovation in 2013. In accordance with the requirements of the sign bylaw in effect at the time, the owner applied for a Development Permit (DP) for the installation of their freestanding sign. However, prior to issuing the DP, the City adopted a new sign bylaw that removed the requirement to obtain a DP and the applicant installed the new sign. Unfortunately, following installation of the sign and associated landscaping, it was found to be located with a 1.5m setback rather than the required 2m. Accordingly, a 0.5m variance is required.



The existing sign meets all other provisions of the Sign Bylaw with the exception of the setback requirement.

The requested variance is minor in nature, is not likely to have a significant impact on surrounding properties and does not interfere with sightlines at the intersection. Accordingly, staff supports the request.

#### FINANCIAL IMPLICATIONS:

There are no direct costs to the City associated with this request as the application fee covers the cost of processing the application.

#### ADMINISTRATIVE IMPLICATIONS:

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

#### STRATEGIC PLAN REFERENCE:

Updating the Sign Bylaw was previously included as part of Council's strategic plan. The update is now complete with the adoption of the new Sign Bylaw in October 2013.

#### OFFICIAL COMMUNITY PLAN REFERENCE:

No specific reference.

#### REGIONAL GROWTH STRATEGY REFERENCE:

No specific reference.

**CITIZEN/PUBLIC ENGAGEMENT:**

Pursuant to the requirements of the *Local Government Act*, surrounding property owners and tenants were notified of this Development Variance Permit application prior to Council's consideration. To date, no correspondence has been received.

**OPTIONS:**

OPTION 1: Approve Development Variance Permit No. 1403. (Recommended)

OPTION 2: Defer consideration of Development Variance Permit No. 1403 pending receipt of further information.

OPTION 3: Not approve Development Variance Permit No. 1403.

Prepared by:

---

Allan Gornall, B.Sc  
Planning Technician



---

Peter Crawford, MCIP  
Director of Development Services

**THE CORPORATION OF THE CITY OF COURTENAY  
BYLAW NO. 2699**

**Permit No. DVP 1403**

**DEVELOPMENT VARIANCE PERMIT**

April 7, 2014

**To issue a Development Variance Permit**

**To:**   Name:       Andrew Sheret Limited  
         Address:     721 Kings Road  
                      Victoria, BC   V8T 1W4

**Property to which permit refers:**

Legal: Lot 1, Section 67, Comox District, Plan EPP18827  
Civic: 699 29<sup>th</sup> St.

**Conditions of Permit:**

Permit issued to vary *Section 5.3.5* of the *City of Courtenay Sign Bylaw No. 2760, 2013* to decrease the setback requirements for a freestanding sign from a property line facing the street subject to the following conditions:

- 1) conformance with the plans and drawings contained in **Schedule No. 1**;
- 2) The freestanding sign must be located within a landscaped area of at least 5.0 m<sup>2</sup>.

**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.

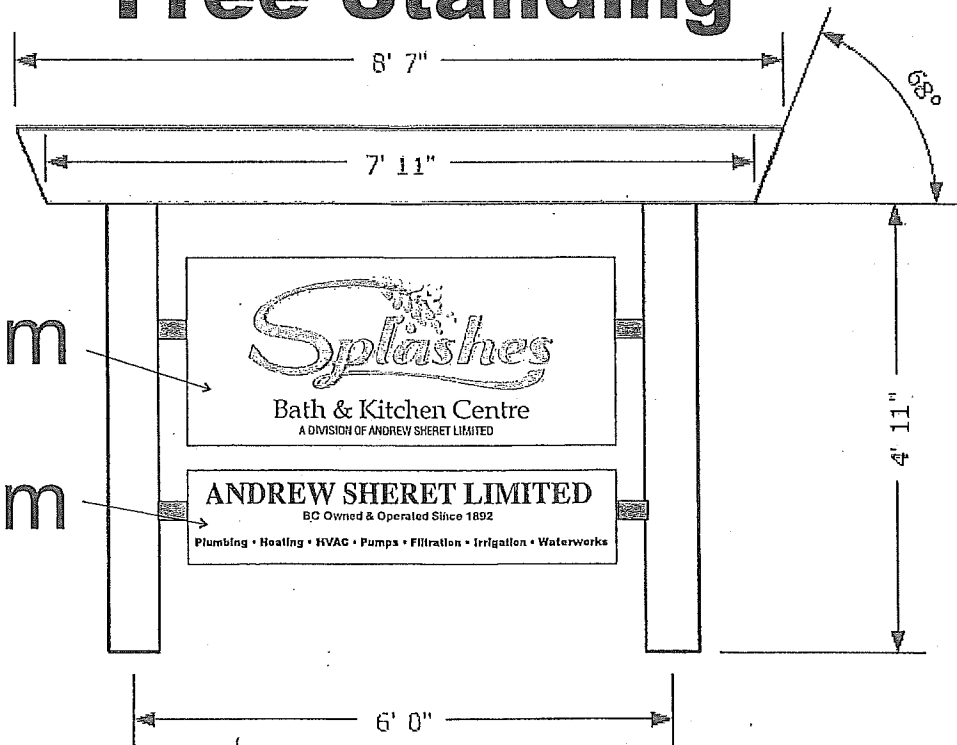
\_\_\_\_\_  
Date

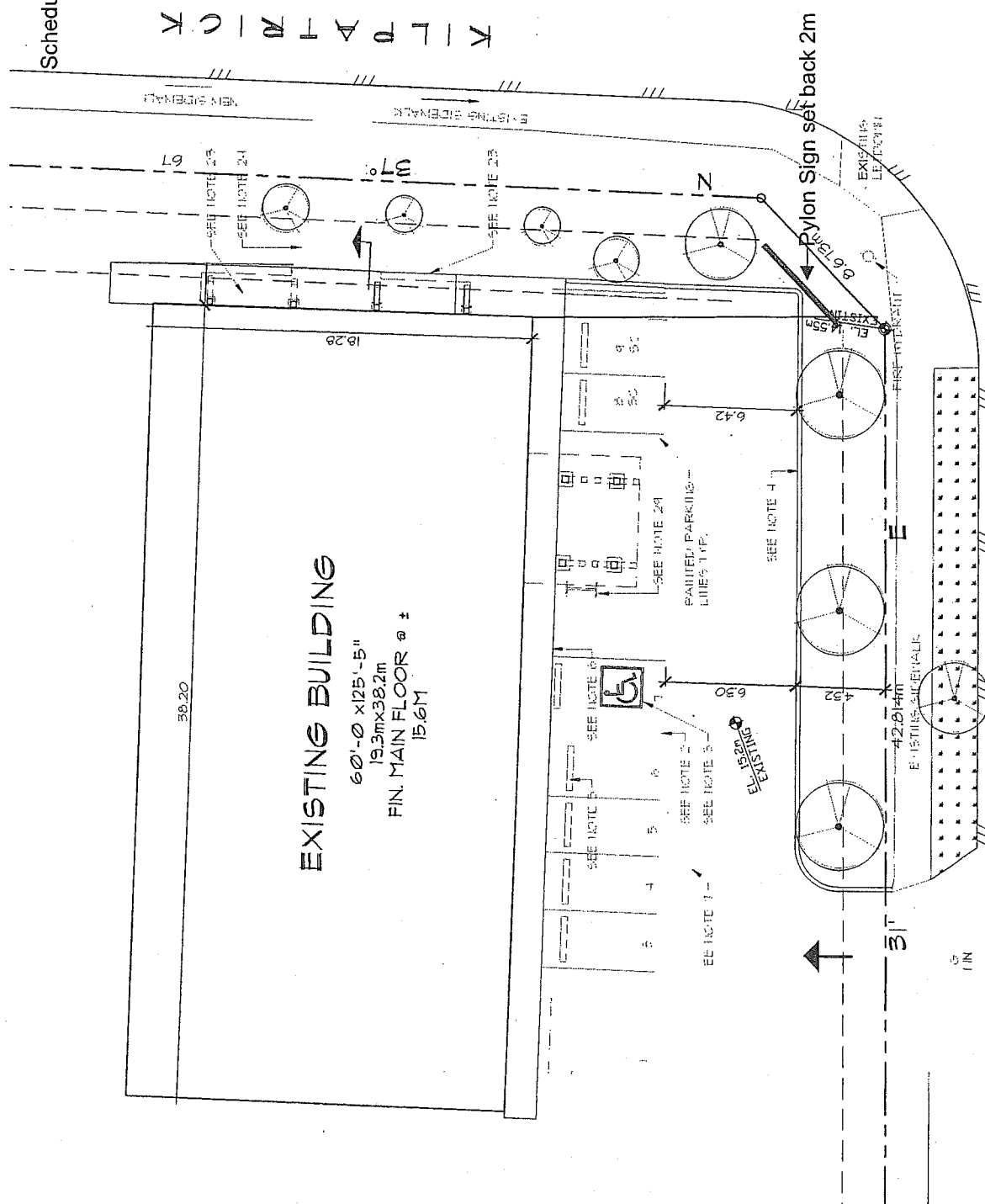
\_\_\_\_\_  
Director of Legislative Services

# Free Standing

.6m x 1.46m

.3m x 1.46m





11





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

To: Council

File No.: 3360-20-1401

From: Chief Administrative Officer

Date: April 14<sup>th</sup> 2014

Subject: Zoning Amendment Bylaw 2789, 2014 for Lot A, District Lot 82, Comox District, Plan VIP57837

**PURPOSE:**

The purpose of this report is to consider an application to rezone the property legally described as Lot A, District Lot 82, Comox District, Plan VIP57837 from Industrial Light (Regional District Zoning) to Industrial Two Zone (I-2).

**CAO RECOMMENDATIONS:**

That based on the April 14<sup>th</sup>, 2014 staff report "Zoning Amendment Bylaw 2789, 2014 for Lot A, District Lot 82, Comox District, Plan VIP57837" Zoning Amendment Bylaw 2789, 2014 proceed to First and Second Readings.

That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2789, 2014 on May 5<sup>th</sup> 2014 at 5:00 p.m. in City Hall Council Chambers.

Respectfully submitted,

David Allen  
Chief Administrative Officer

**BACKGROUND:**

The subject property is a 3.2 hectare vacant industrial property located on the west side of Christie Parkway. The property was part of the 2007 South Courtenay boundary extension that included the Christie Parkway area and properties south of the Comox Valley Parkway and west of the E&N railway corridor.



**DISCUSSION:**

When a property is annexed into the City it retains the Regional District zoning that was in effect at the time of the annexation, until such time as the City adopts a bylaw to give it a City of Courtenay zone. In most cases this follows the adoption of a Local Area Plan and is done on either an individual basis or as part of a complete neighbourhood rezoning.



In 2009 following the South Courtenay annexation, the City prepared a local area plan that included the subject property. As shown in the land use plan for South Courtenay on the right, the continuation of existing industrial uses is supported. The plan suggests that the industrial lands be protected from encroachment of non-compatible uses.

The intent of the proposed zoning amendment is to bring the property into conformance with the City of Courtenay zoning bylaw with the ultimate goal of further subdividing the land into marketable industrial lots. A conceptual plan of the subdivision is attached (Attachment 1).



The proposed I-2 zone is the closest City zone to the existing Regional District "Industrial Light" zone. In general, compared to the IL zone, the I-2 zone will add a number of light industrial/service commercial type uses to the property and reduce the minimum lot size from 2000 square metres (with community water and sewer) to 1250 square metres. The table below compares the permitted uses in the two zones. The items that are in **bold** under the I-2 list indicate uses that will be added to the property if the zoning amendment is approved.

#### **INDUSTRIAL LIGHT (IL) – CURRENT ZONING**

- Light industrial;
- Wood processing; **Not permitted in I-2**
- Retail and wholesale use; **with limitations**
- Offices; **with limitations**
- Restaurants;
- Warehousing;
- Industrial equipment, sales and service;
- Automobile body shop;
- Water and beverage bottling;
- Garden nursery and commercial greenhouse use including processing; **Not permitted in I-2**
- Veterinary clinics;
- Animal hospital.
- PERMITTED ACCESSORY USES On any lot:
- Residential use;
- Home occupation;
- Bed and breakfast; **Not permitted in I-2**
- Accessory buildings;
- Pet crematorium. **Not permitted in I-2**

#### **INDUSTRIAL TWO (I-2) PROPOSED ZONING**

- Accessory buildings, including up to two unstacked containers
- Accessory office to an industrial use
- Automobile service and repairs including automobile storage of wrecked vehicles but excluding automobile wrecking or the use of a property as a wrecking yard
- **Auction centre**
- Building supply store
- **Commercial laundry**
- Contractor's offices and equipment storage yards
- **Facility for adults with disabilities**
- **Fitness facility**
- Heavy equipment sales and leasing
- **Indoor entertainment facility**
- Manufacturing
- Micro-brewing limited to 400 m<sup>2</sup> and including accessory retail sale of goods produced on site
- **Pet Day Care**
- **Printers and publishers**
- **Radio station**
- Restaurant
- Small item sales, service, rental and repair
- **School**
- Storage and sale of feed and fertilizer
- Truck and rail loading terminal
- Utility facility
- Veterinary clinic
- Two dwelling units for each lot provided that such dwelling(s) forms an integral part of the principal building and that residential units are located above stories used for industrial purposes and no storey can be used for both industrial and residential use.
- Enclosed Storage Facility



**FINANCIAL IMPLICATIONS:**

There are no direct financial implications associated with this rezoning. However, at the time of subdivision the applicant will be required to undertake off-site works and services to upgrade the road to City standards and to extend sewer and water mains to service the lots. The City will incur additional long term maintenance costs associated with these new municipal services. Development Cost Charges will be collected when building permits are issued for the development of the lots.

Financial implications for future development proposals will be analysed and identified once specific applications are made.

**ADMINISTRATIVE IMPLICATIONS:**

The processing of development applications falls within the core administrative duties of the Planning Services Division.

**STRATEGIC PLAN REFERENCE:**

Not referenced.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

The proposed zoning amendment is consistent with the land use designations of the South Courtenay Local Area Plan and Map#2 Land Use Plan of the Official Community Plan.

**REGIONAL GROWTH STRATEGY REFERENCE:**

Policy 3B-5 Monitor the supply of readily serviced industrial land in the region with the objective of maintaining sufficient capacity to meet the needs of the regional economy.

**CITIZEN/PUBLIC ENGAGEMENT:**

The applicant held a neighbourhood information meeting on February 26<sup>th</sup> at the Royston Elementary School. The meeting was attended by 5 residents and there were no concerns expressed at the meeting. The minutes of the meeting are attached for information.

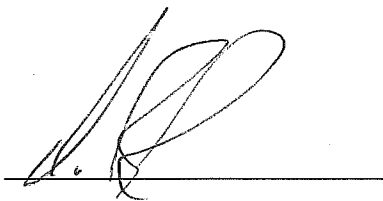
**OPTIONS:**

**OPTION 1 (Recommended):** Give Bylaw 2789 First and Second Readings and proceed to Public Hearing.

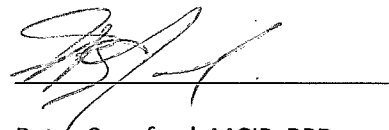
**OPTION 2:** Defer consideration of Bylaws 2789 with a request for more information.

**OPTION 3:** Defeat Bylaws 2789.

Prepared by:

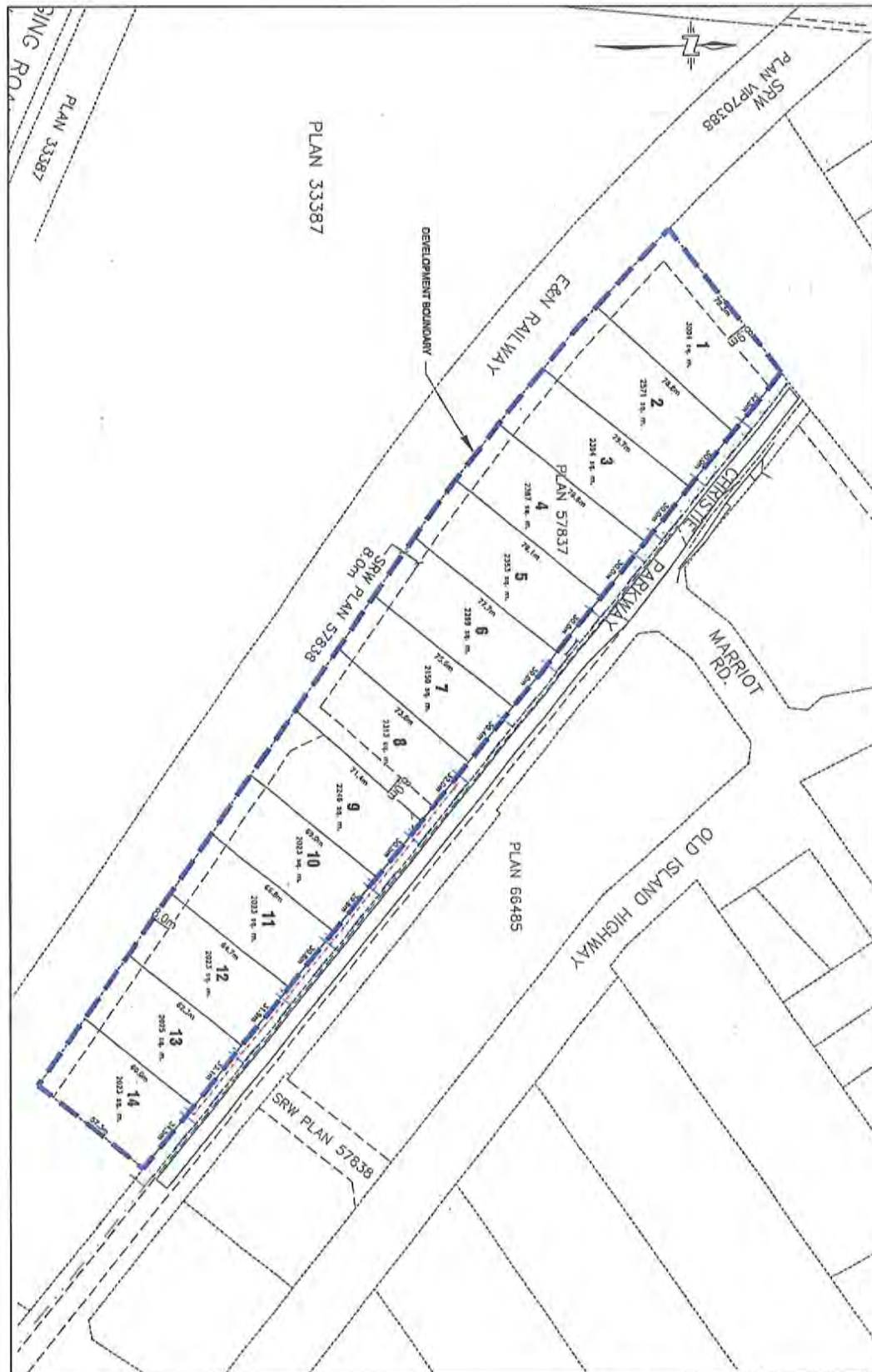
A handwritten signature in black ink, appearing to be 'Ian Buck', written over a horizontal line.

Ian Buck, MCIP, RPP  
Manager of Planning

A handwritten signature in black ink, appearing to be 'Peter Crawford', written over a horizontal line.

Peter Crawford, MCIP, RPP  
Director of Development Services

Attachment No. 1



## Attachment No. 2



March 3, 2014

Our File number: 2211-47298-0  
City File: 3360-20-1401

City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7

Attention: Ian Buck, Manager of Planning

Dear Sir,

**ZONING AMENDMENT APPLICATION - NEIGHBOURHOOD MEETING – SUMMARY REPORT  
REM A, PLAN 57837, DL 82, COMOX DISTRICT - UPPER ISLAND DEVELOPMENTS LTD.**

A neighbourhood meeting regarding the above application was hosted on Wednesday, February 26, 2014:

- a) Meeting was located in the Royston Elementary School Multipurpose room, beginning at 5:30 and finishing at 7:00 pm.
- b) We have record of 5 residents in attendance (as attached).
- c) Meeting notification details were hand delivered to all properties as per the list provided by the City of Courtenay, and mailed to all owners listed.
- d) Information provided: General overview of the development proposal, and rationale for the amendment.
- e) Comment sheets were provided but none were returned. In addition, no issues regarding the zoning amendment application were verbally relayed.
- f) Generally, topics of discussion included:
  - Clarification of purpose of zoning amendment application (previously CVRD zoning, annexation of area).
  - Potential development plans.
  - Particulars of proposed zone compared to existing zone.

Yours truly,

McELHANNEY CONSULTING SERVICES LTD.

A handwritten signature in blue ink, appearing to read 'Chris Durupt', is written over the printed name and title.

Chris Durupt, P. Eng.  
Project Manager

cc: Upper Island Developments, Andrew Saxton

495 Sixth St  
Courtenay BC  
Canada V9N 6V4

Tel 250 338 5495  
www.mcelhanney.com

**SIGN IN SHEET FOR  
NEIGHBOURHOOD MEETING  
Wednesday, February 26, 2014  
For**

**Zoning Amendment Christie Parkway  
Lot A, Plan VIP57837, Comox District**

Name (Printed Please)	Address
Tracy Clair	4660 Western R.d
LINDA RITCHIE	3667 ISLAND HWY. S.
JOSH COENWIG	3671 PARK LANE
Dennis Phye	3610 S. D Hwy.
Dina Phye	3640 Island Hwy S

February 26, 2014 (MCSL FILE: 2211-47298-0)



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Street Names – Copperfield Development

**File No.:** 3320-20-13669/ 5450-01

**Date:** April 14, 2014

### PURPOSE:

The purpose of this report is to name the future roads within the lands being developed by Arden Projects Ltd.

### CAO RECOMMENDATIONS:

That based on the April 14<sup>th</sup>, 2014 staff report "Street Names – Copperfield Developments", Council approve Option 1 and remove the street name Bickle from the reserve list of 'Names of Deserving Citizens', and remove the names Swanson and Steel from the reserve list of 'Memorial Cairn Names' and assign them to the Copperfield Development as outlined on attached Schedule No. 1.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

Policy No. 5400.00.01, "Naming of City Streets" established a "Reserve List" of street names to be used within the City of Courtenay. Arden Projects Ltd., have chosen street names from the 'List of Deserving Citizens' and the list of "Names on Memorial Cairn" for their Copperfield Development.

The Engineering Division requires that the street names for the proposed roads in the City conform to the City of Courtenay Policy No. 5450.00.01 'Naming of City Streets' and Procedure No. 5450-00-02 'Street Names & Numbering in Subdivisions'.

The City and Arden Projects Ltd., entered into a Phased Development Agreement on April 29, 2013 for the land(s) located west of Cumberland Road south west of Arden Road.

### FINANCIAL IMPLICATIONS:

No Implications.

### ADMINISTRATIVE IMPLICATIONS:

Included in the Corporate Work Plan.

### STRATEGIC PLAN REFERENCE:

3

Statutory in Nature.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

No references.

**REGIONAL GROWTH STRATEGY REFERENCE:**

No references.

**CITIZEN/PUBLIC ENGAGEMENT:**

Not required or recommended.

**OPTIONS:**

- Option 1: That Council pursuant to Policy No. 5400.00.01 remove the street name Bickle from the reserve list of 'Names of Deserving citizens', and remove the names Swanson and Steel from the reserve list of 'Memorial Cairn Names' and assign them to the Copperfield Development as outlined on attached Schedule No. 1. (Recommended)
- Option 2: That Council pursuant to Policy 5400.00.01 request the developer to submit a list of street names for consideration by City staff and subsequent approval by Council for assignment to the Copperfield Development.
- Option 3: That Council, pursuant to Policy 5400.00.01, request the Courtenay and District Historical Society to submit a list of names for consideration by City staff and subsequent approval by Council for assignment to the Copperfield Development.

Prepared by:

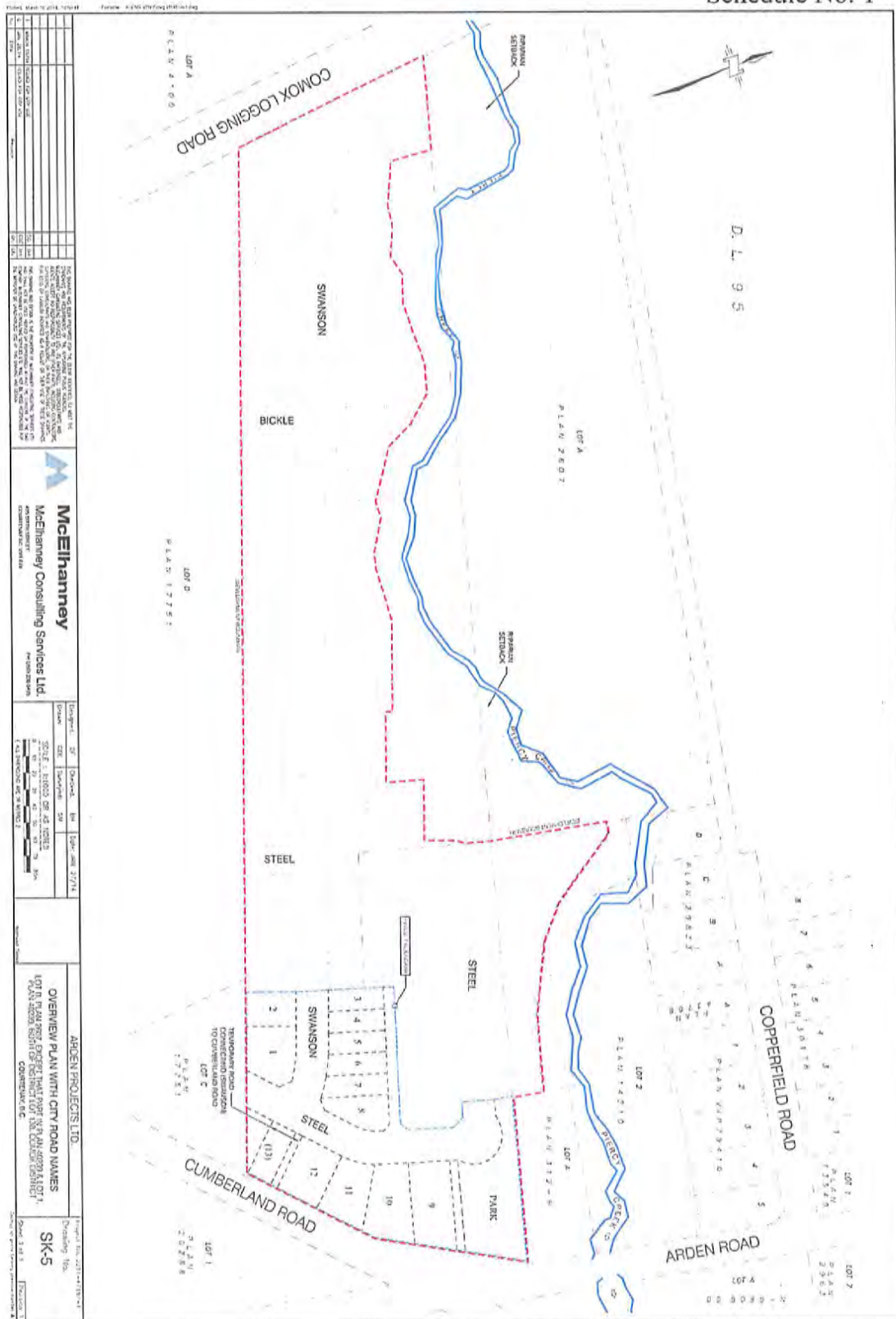


---

Lesley Hatch  
Senior Manager of Engineering



Schedule No. 1









THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Dedication of Fitzgerald Avenue

**File No.:** 3320-20-13680/5450-01

**Date:** April 14, 2014

### PURPOSE:

The purpose of this report is to approve the reference plan pertaining to the dedication of city owned property as ROAD adjacent to 745 & 777 Fitzgerald Avenue, attached as Reference Plan EPP38470.

### CAO RECOMMENDATIONS:

That based on the April 7<sup>th</sup>, 2014 staff report, "Dedication of Fitzgerald Avenue" Council approve OPTION 1 and the REFERENCE PLAN OF ROAD DEDICATION OVER THE NORTH EASTERLY 20 FEET OF LOTS 9 AND 10 AND THE NORTH EASTERLY 14 FEET OF LOT 11, ALL OF BLOCK 13, SECTION 61, COMOX DISTRICT, PLAN 472B; and

That the Mayor and Director of Legislative Services be authorized to sign the documentation relating to this road dedication.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

All matters pertaining to City owned land are to be presented, on an individual basis, to Council, and the Mayor and Director of Legislative Services authorized to sign the Reference Plan and legal documents. Subsequently, the Approving Officer can sign the Reference Plan.

In 1987 when 777 Fitzgerald Avenue was created, properties were found at the Land Title Office in Victoria (now Land Title and Survey Authority – LTSA), that were subsequently deeded to the City including the segment along the western side of Fitzgerald Avenue between Cumberland Road and 6<sup>th</sup> Street.

Although, this area is City owned properties, it is used as part of the sidewalk and roadway. This was a common practice within cities for land required for lanes and street widening. There are many similar instances within the City whereas a roadway or a lane is titled City property. The new LTSA requires that a check be performed by the BC land Surveyor upon the registration of any Subdivision or Reference Plan of property adjacent to a roadway to ensure that the road/lane has been dedicated as such.

**FINANCIAL IMPLICATIONS:**

Cost to complete the survey plan and registration thereof is accounted for under Engineering Services - Surveying in the 2014 Operating Budget.

**ADMINISTRATIVE IMPLICATIONS:**

Included in the Corporate Work Plan.

**STRATEGIC PLAN REFERENCE:**

Statutory in Nature.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

No references.

**REGIONAL GROWTH STRATEGY REFERENCE:**

No references.

**CITIZEN/PUBLIC ENGAGEMENT:**

Not required nor recommended.

**OPTIONS:**

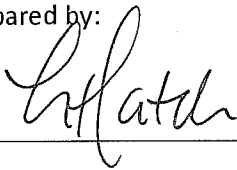
Option 1: That Council approve the REFERENCE PLAN OF ROAD DEDICATION OVER THE NORTH EASTERLY 20 FEET OF LOTS 9 AND 10 AND THE NORTH EASTERLY 14 FEET OF LOT 11, ALL OF BLOCK 13, SECTION 61, COMOX DISTRICT, PLAN 472B: and

That the Mayor and Director of Legislative Services be authorized to sign the documentation relating to this road dedication.

Option 2: That Council not approve the REFERENCE PLAN OF ROAD DEDICATION OVER THE NORTH EASTERLY 20 FEET OF LOTS 9 AND 10 AND THE NORTH EASTERLY 14 FEET OF LOT 11, ALL OF BLOCK 13, SECTION 61, COMOX DISTRICT, PLAN 472B: and

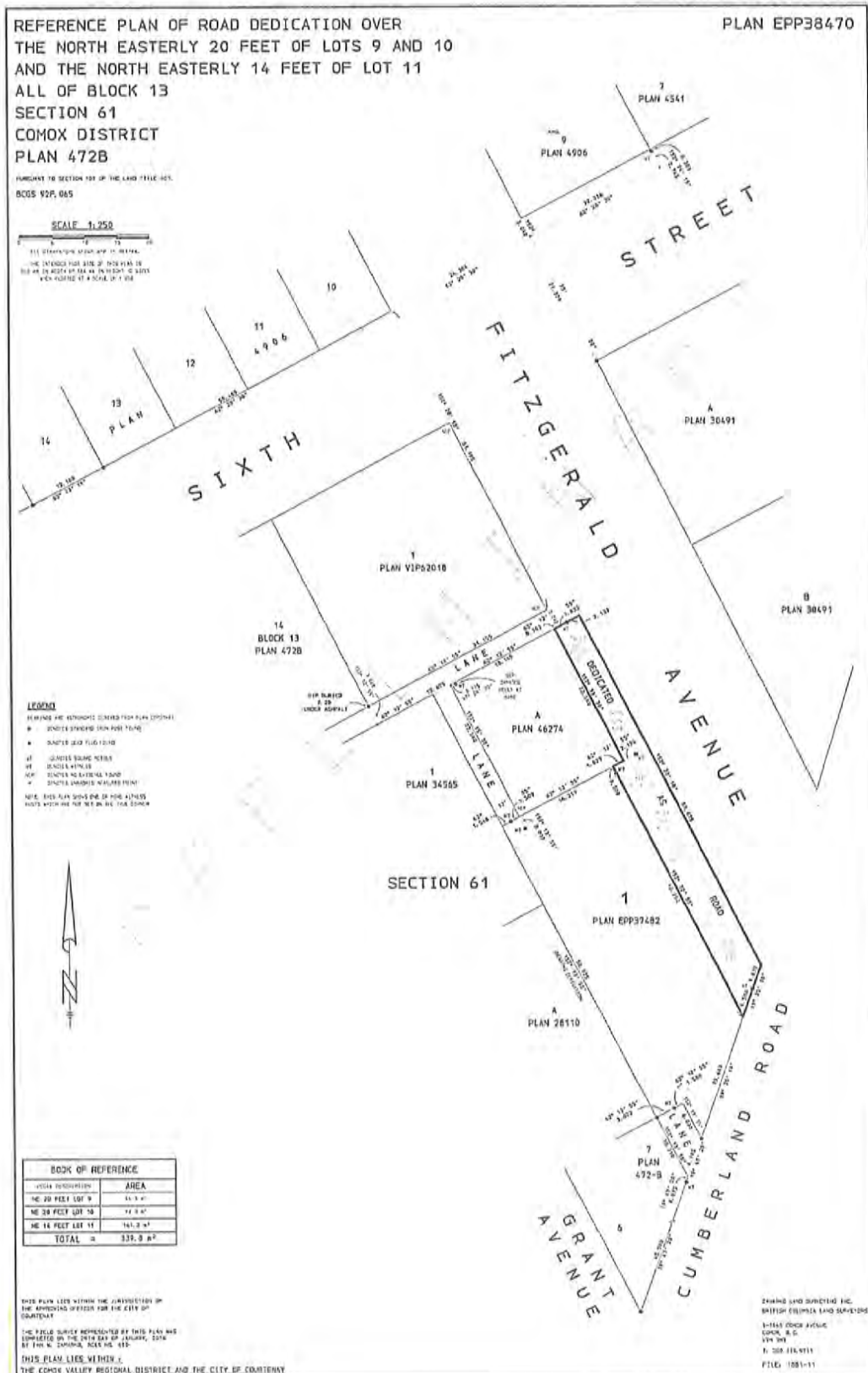
That the Mayor and Director of Legislative Services not be authorized to sign the documentation relating to this road dedication, thereby the property will remain titled lands in the name of the Corporation of the City of Courtenay.

Prepared by:



---

Lesley Hatch, P.Eng.  
Senior Manager of Engineering





**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2789**

**A bylaw to amend Zoning Bylaw No. 2500, 2007**

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. 2789, 2014”**.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
  - (a) by rezoning Lot A, District Lot 82, Comox District, Plan VIP57837 as shown in bold outline on Attachment A which is attached hereto and forms part of this bylaw, from Industrial Light (IL) to Industrial Two Zone (I-2).
  - (b) That Zoning Bylaw No. 2500, 2007, Schedule No. 8 be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 14<sup>th</sup> day of April, 2014

Read a second time this 14<sup>th</sup> day of April, 2014

Considered at a Public Hearing this                      day of                      , 2014

Read a third time this                      day of                      , 2014

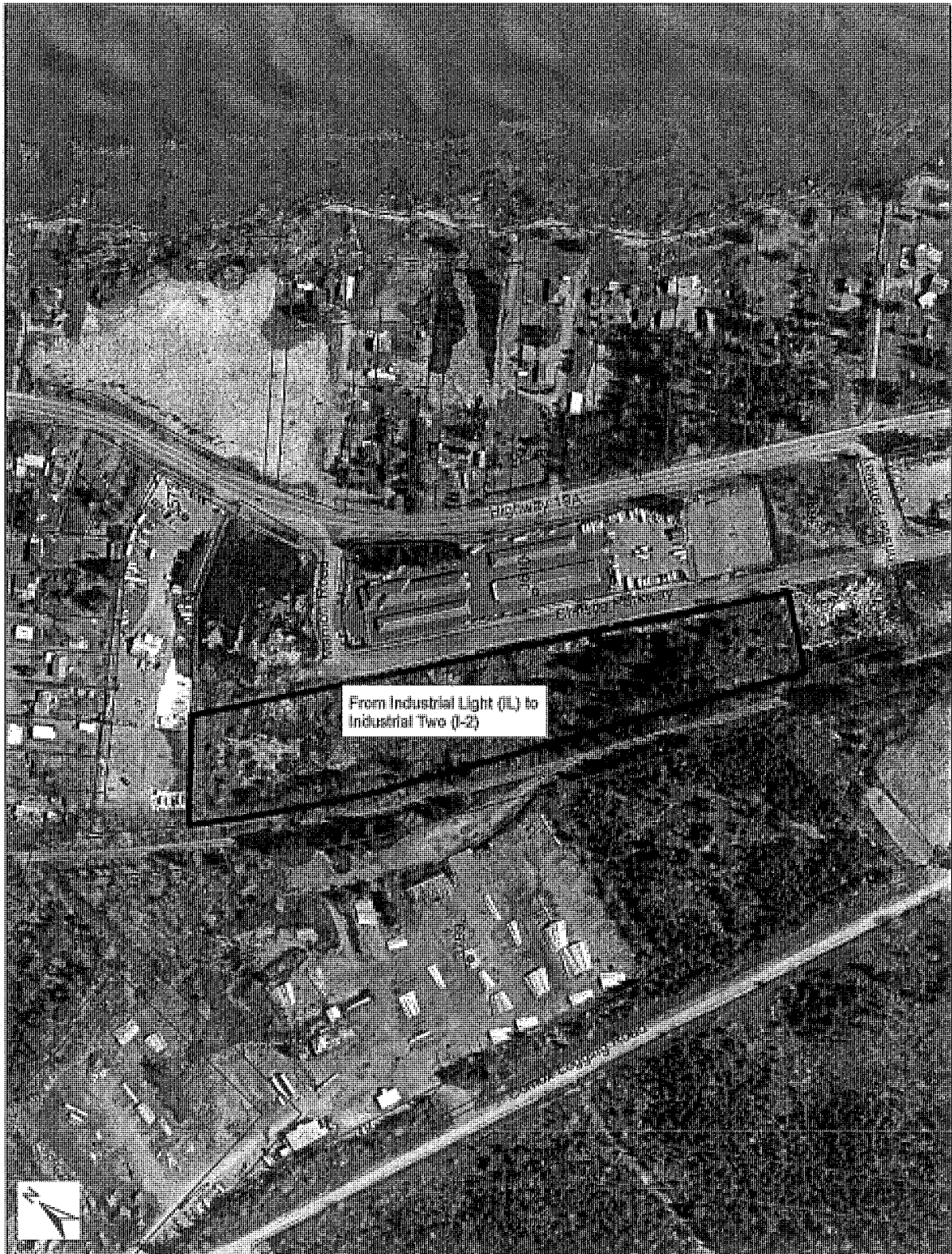
Finally passed and adopted this                      day of                      , 2014

---

Mayor

---

Director of Legislative Services



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2779

A bylaw to amend Zoning Bylaw No. 2500, 2007

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. 2779, 2014”.

2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:

(a) by amending Division 3 Interpretation - Part 1 Definitions by adding the following:

*“Medical Marihuana Production Facility”* means a building or part thereof used by a licensed producer, as defined in the *Marihuana for Medical Purpose Regulations* under the *Controlled Drugs and Substances Act*, and any subsequent regulations or Acts, to produce marihuana for medical use, including cultivation, drying, testing and research laboratory, storage, destroying, packaging and shipping and includes the sale of marihuana only to customers who are not present on the same premises.

(b) by amending Division 6 General Regulations – Part 3 Home Occupations by adding the following:

6.3.14 *Medical Marihuana Production Facility* is prohibited as a home occupation.

(c) by amending Division 6, General Regulations, by adding the following:

Part 17 Prohibited Uses in All Zones

6.17.1 Unless specifically permitted in this Bylaw, the use of land, water, buildings or structures for the following purpose is prohibited:

(a) *Medical Marihuana Production Facility*

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

Read a first time this 17<sup>th</sup> day of March, 2014

Read a second time this 17<sup>th</sup> day of March, 2014

Considered at a Public Hearing this 7<sup>th</sup> day of April, 2014

Read a third time this 14<sup>th</sup> day of April, 2014

Finally passed and adopted this                      day of                      , 2014

\_\_\_\_\_  
Mayor

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





**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2783**

**A bylaw to amend Official Community Plan Bylaw No. 2387, 2005**

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 **“Official Community Plan Amendment Bylaw No. 2783, 2014”**.
2. That “Official Community Plan Bylaw No. 2387, 2005” be hereby amended as follows:
  - (a) by changing the land use designation of Lot 19, Section 41, Comox District, Plan 9230, as shown in bold outline on Attachment A which is attached hereto and forms part of this bylaw, from Urban Residential to Mixed Use;
  - (b) That Map #2 Land Use Plan be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 17<sup>th</sup> day of March, 2014

Read a second time this 17<sup>th</sup> day of March, 2014

Considered at a Public Hearing this 7<sup>th</sup> day of April , 2014

Read a third time this 14<sup>th</sup> day of April, 2014

Finally passed and adopted this                      day of                      , 2014

\_\_\_\_\_  
Mayor

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



**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2784**

**A bylaw to amend Zoning Bylaw No. 2500, 2007**

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. 2784, 2014”**.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
  - (a) by rezoning Lot 19, Section 41, Comox District, Plan 9230, as shown in bold outline on Attachment A which is attached hereto and forms part of this bylaw, from Residential Two Zone (R-2) to Multiple Use One Zone (MU-1);
  - (b) By amending Division 8, Part 13, Section 8.13.1 to add “(4) Notwithstanding items 1-3 a mixed use building containing multi-family residential dwelling units is permitted and medical clinic, parking lot and school are prohibited on the property legally described as Lot 19, Section 41, Comox District, Plan 9230 (1465 Grieve Ave.)”;
  - (c) That Schedule No. 8 be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 17<sup>th</sup> day of March, 2014

Read a second time this 17<sup>th</sup> day of March, 2014

Considered at a Public Hearing this 7<sup>th</sup> day of April , 2014

Read a third time this 14<sup>th</sup> day of April, 2014

Finally passed and adopted this                      day of                      , 2014

---

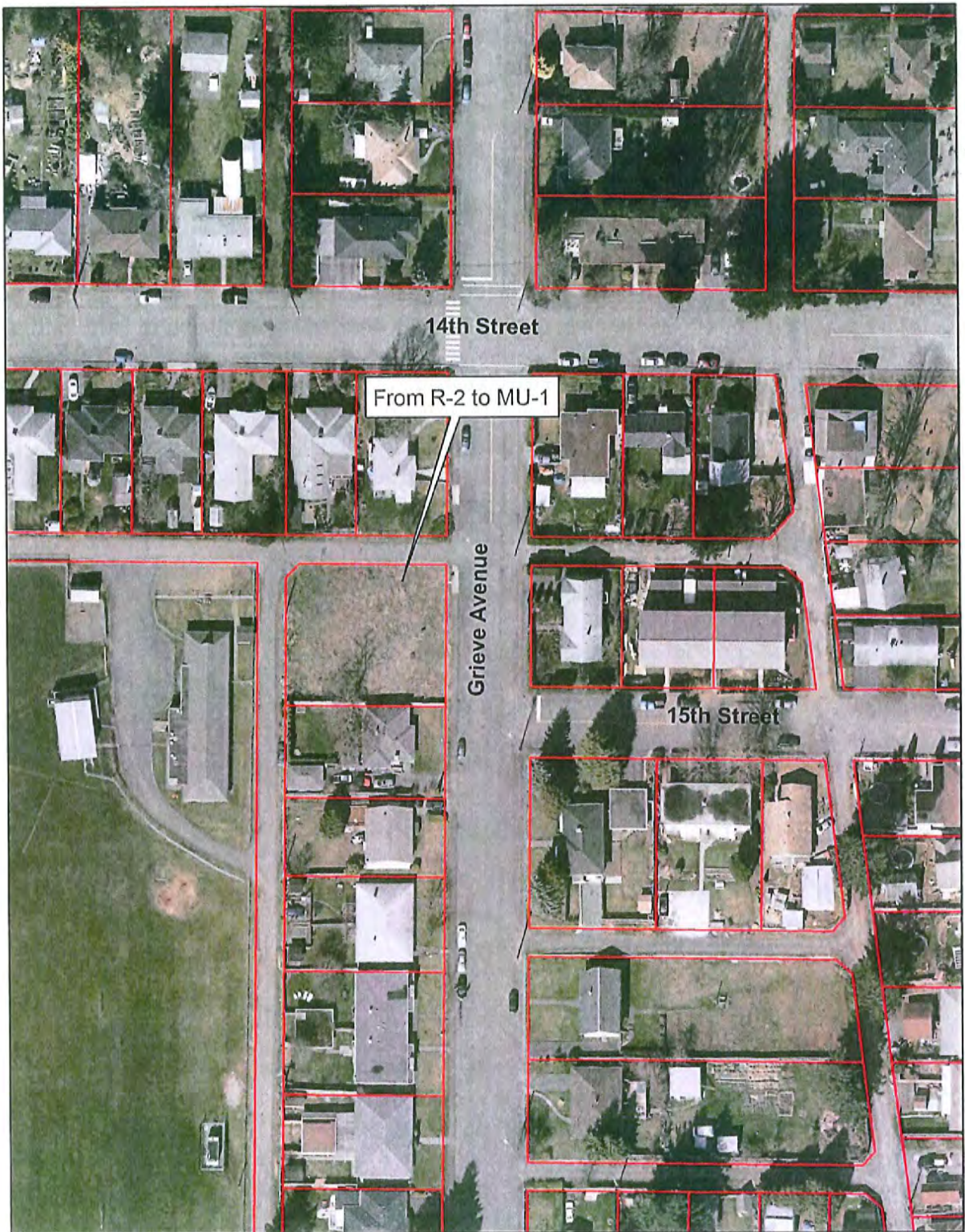
Mayor

---

Director of Legislative Services



ATTACHMENT A TO BYLAW 2784



**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2788**

**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. 2788, 2014.”**
2. That “City of Courtenay Fees and Charges Bylaw No. 1673, 1992” be amended as follows:
  - (a) That Schedule of Fees and Charges, Section III, Appendix IV “Garbage Collection Fees” be hereby repealed and substituted therefore by the following attached hereto and forming part of this bylaw:

“Schedule of Fees and Charges Section III, Appendix IV – Garbage Collection Fees”

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

Read a first time this 7<sup>th</sup> day of April, 2014

Read a second time this 7<sup>th</sup> day of April, 2014

Read a third time this 7<sup>th</sup> day of April, 2014

Finally passed and adopted this       day of       , 2014

\_\_\_\_\_  
Mayor

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

**SCHEDULE OF FEES AND CHARGES**  
**CITY OF COURTENAY FEES AND CHARGES AMENDMENT BYLAW NO.2788**  
**SECTION III, APPENDIX IV**  
**GARBAGE COLLECTION FEES**

- A. Dwelling Basis Fee per unit per year  
     -includes recyclables & yard waste pickup \$152.20

Extra Bag Ticket (50 litre) - each \$ 2.00

- B. Residential Multifamily, Apartment, Strata per unit per year  
     (Fee for yard waste, recyclables not included) \$129.00

Additional service fee:

- (a) Recyclables pickup (all container types)  
     per unit per year \$ 6.55

- (b) Yard waste pickup, per unit per year \$ 17.35

- C. Trade Premises

Where mixed waste containers are determined to include recyclable materials, the fee imposed shall be two times the regular pickup fee.

<b>Cans – mixed waste (contains no recyclable material)</b>	<b>Per Pickup</b>
1 can or equivalent (1 can = 121 litres)	\$2.50
Every additional can or equivalent 121 litres shall be charged at the rate of	\$2.50
DCBIA – per unit/premise per year (includes two cans per week plus recyclables/cardboard pickup – this fee is charged to those units that are constrained by space and cannot implement a mixed waste bin or cardboard bin service)	\$280.50
DCBIA - Recycle Toter Bin, per bin	\$ 2.05

**Containers - Mixed, Non-compacted (contains no recyclable material)**

2 cubic yard	\$15.30
3 cubic yard	\$22.95
Sizes other than listed above charged at a rate per cubic yard per pickup of	\$7.65



<b>Compactors – Mixed Waste (contains no recyclable material)</b>	<b>Per Pickup</b>
27 cubic yard	\$407.00
40 cubic yard	\$552.00
Sizes other than listed above charged at a rate per cubic yard per pickup of	\$13.80

<b>Refuse to Recycling Centre (no tipping fees)</b>	<b>Per Pickup</b>
<b>Containers</b>	
2 cubic yard	\$8.40
3 cubic yard	\$12.60
Sizes other than listed above charged at a rate per cubic yard per pickup of	\$4.20
<b>Compactors</b>	<b>Per Pickup</b>
40 cubic yard	\$204.00
Sizes other than listed above charged at a rate per cubic yard per pickup of	\$ 5.10

