

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

DATE: February 15, 2016
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt February 9, 2016 Regular Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

1. Hans Peter Meyer re: Downtown/small business collaborative marketing and #WeAreYQQ series
2. Dave Mills, Courtenay based Dogwood Initiative re: climate change

STAFF REPORTS/PRESENTATIONS

Pg #

(a) CAO and Legislative Services

- 3 1. Go Smart Integrated Transportation Committee-Draft Terms of Reference

(b) Community Services

(c) Development Services

- 23 2. Zoning Bylaw Amendment - Medical Marihuana Production Facilities ALR

- 31 3. Downtown Design Charrette Update

- 37 4. Development Permit with Variances 430 Leighton Avenue

- 55 5. Development Variance Permit Swanson Street

- 61 6. Development Permit with Variances 330 Lerwick Road

(d) Financial Services

- 83 7. Solid Waste Management Capital Program

(e) Engineering and Operations

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 93 1. Heritage Advisory Commission Minutes of November 25, 2015

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

8.00 RESOLUTIONS OF COUNCIL

1. Councillor Eriksson – CVEDS

Proposed resolution:

That Council request the Comox Valley Economic Development Society to investigate the development of an ancillary Medical- Technological Services park in the area of the new Comox Valley Hospital.

9.00 UNFINISHED BUSINESS

1. From a delegation to the February 9, 2016 Regular Council meeting

Request from the 100 Year Celebration Committee for a \$7500 contribution towards a Legacy Fund for Youth.

Recommendation:

That Council contribute \$7500 towards the 100 Year Celebration Committee Legacy Fund, with the source of funds being Gaming Funds – Council Initiatives.

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

- 95 1. Comox Valley Detachment 2016 Annual Performance Plan Consultation

12.00 BYLAWS

For First and Second Reading

- 97 1. “Zoning Amendment Bylaw No. 2839, 2016”
(production of medical marihuana within agricultural land reserve)

13.00 ADJOURNMENT

Dogwood Initiative & Allies: Options for immediate climate change mitigation and adaptation

Post COP21 the obligation rests with us all to to reduce local emissions that contribute to global warming. Due to the near total failure of leadership amongst this country's elected officials to date, reducing or emissions is simultaneously much more urgent, vastly more expensive, and more disruptive to our lifestyles had elected people listened to the scientists and those of us who have been raising the alarm about this for the past 25 years.



The topic of climate change and how to handle it is in front of many of us. The various communities in the Comox Valley are figuring out the best way to find consensus. In the gallery today are members of the CVCS, the Fish and Game Club, the council of Canadians as well as Dogwood volunteers. Martin Luther King said we don't need to see the stairway in front of us, we just need to take the first step. What we are wondering is whether or not the City of Courtenay is willing to start doing its part, right now? That's what today is about.

Three win/win areas where local governments can show leadership and have an immediate, positive impact on the community

1. CO2 Absorption - Tree Bylaw
2. Property tax and by-law changes that encourage new and support existing local food production
3. Carbon tax at the district level to fund non-motorized transportation networks

Carbon sequestration through tree preservation and promotion

Increasing our absorption of CO2 through protecting existing tree cover, and seeking opportunities to increase urban tree canopies. The planning department is considering bylaw changes as we speak. We are asking council to direct them to create by-laws that lead

British Columbia in both the protection and propagation of tree cover and set a 45% canopy target for Courtenay

Quick Links:

[Why urban trees solve so many of our problems](#)

[More trees in cities: Federal gov't to set national goals](#)

[Natural infrastructure is good for the climate and communities](#)

[Traditional infrastructure funding throws money down the sewer](#)

[Urban Forestry: The benefits and drawbacks of urban trees](#)



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 8620-00

From: Chief Administrative Officer

Date: Feb. 15, 2016

Subject: Go Smart Integrated Transportation Committee – Draft Terms of Reference (ToR)

PURPOSE:

The purpose of this report is to present outcomes of a review of this subject by the regional CAOs and obtain Council direction for a City response to the submission.

POLICY ANALYSIS:

Forming a multi-modal transportation advisory body with the objectives outlined in the draft Terms of Reference (ToR) is not a current policy or strategic priority shared by CVRD, Courtenay, Comox and Cumberland. In contrast, the draft ToR document (attached) suggests an extra-governmental body be created to pursue, on a region-wide basis, self-assigned transportation policy and strategic priority objectives. Additionally, the suggested structure and processes contain legal, financial, administrative and policy difficulties that would expose elected officials and the City to inevitable risk. Therefore, the proposal as written cannot be supported.

It is acknowledged that some form of high level inter-government liaison on multi-modal transportation matters might prove beneficial, so several alternative structures are discussed below and a Recommendation made.

RECOMMENDATION:

THAT based on the February 15, 2016 CAO staff report “Go Smart Integrated Transportation Committee – Draft Terms of Reference (ToR)”, Council proceed with OPTION 1,

THAT a copy of the February 15th 2016 staff report “Go Smart – Integrated Transportation Committee, Terms of Reference”, be forwarded to the CVRD for review; and

THAT the CVRD consider the option of creating a regional Integrated Transportation standing or select committee that, where possible, incorporates the purpose and objectives of the proposed “Go Smart Advisory Committee”.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

At the Regular Open Council Meeting on October 14, 2014, the previous City Council passed the following resolution:

Council support the motion from the Cycling Task Force September 9 meeting which reads as follows: To change the name of the proposed Integrated Transportation Advisory Committee to the Go Smart Comox Valley – Integrated Transportation Committee, and to extend the Cycling Task Force term for one year to develop the Terms of Reference for the Go Smart Comox Valley – Integrated Transportation Committee, to be approved by each participating jurisdiction. Carried

At the Regular Open Council Meeting on September 14, 2015, Council passed the following resolutions:

Moved by Wells and seconded by Frisch that Staff Briefing Note “Go Smart – Integrated Transportation Committee, Terms of Reference” be received for information. Carried

Moved by Frisch and seconded by Wells that the Staff Briefing Note “Go Smart – Integrated Transportation Committee, Terms of Reference” be referred to the next meeting of the regional CAO’s. Carried

The draft ToR submitted by the prospective Go Smart Advisory Committee was reviewed by the regional CAOs. A number of shared concerns were identified and discussed.

DISCUSSION:

Jurisdiction

The proposal is to create a regional advisory body (text contains over 30 references to “regional”). However, what is described is a body with pan-jurisdiction to promote a singular, broadly stated policy purpose: “To increase the safety, convenience, affordability and health benefits for all people to travel by walking, by bus, by cycling and other alternative and accessible modes to the private automobile”.

1. The forum for a regional advisory body is the Regional District Board table. Were this a CVRD policy initiative, the statutory rules and processes that define funding, scope, jurisdiction, approvals and protections for the other local governments would apply. This is not what has been proposed.
2. This is not a Strategic Priority adopted by any of the local government elected bodies within the Comox Valley (CVRD, Courtenay, Comox and Cumberland). Even if this initiative were adopted by one or several area elected bodies, the Strategic Priorities of one elected body cannot be imposed upon the remainder – in particular anything of a bylaw or capital works nature.
3. The objective in the draft ToR is to give policy preference to particular modes of travel at the expense of another (walking, transit, cycling versus vehicles). This contradicts Council’s 2016-

2018 Multi-modal Strategic Priority¹ and is contrary to the principles of “Asset Management for Sustainable Service Delivery” (disregarding these latter principles will very likely eliminate any eligibility for senior government capital granting opportunities to implement such a scheme).

4. Validation of the proposal cannot rest upon references to the targets and objectives of the respective Official Community Plans’ (OCPs). It remains a statutory fact that ‘an official community plan **does not commit or authorize** a municipality, regional district or improvement district to proceed with any project that is specified in the plan². The respective elected bodies decide which policies to pursue within their jurisdictional boundaries and what of their finite capacity and financial resources should be applied to achieve them. The proposal advocates such responsibilities be devolved to the Go Smart Advisory Committee.

Statutory Authority

The draft ToR contains numerous proposals that would be statutory violations.

1. Under **Resources Required** it is proposed “The Committee may apply for funds from its representative agencies or other sources”. Council may delegate its powers, duties and functions to apply for, accept and expend public funds. However, Council must only delegate its powers by bylaw and may only delegate those powers to a council member or council committee (established under Community Charter Part 5, Division 4); to an officer or employee of the municipality; or another body established by council³ (i.e. Council may not delegate its powers to a body outside its statutory authority or one created by another local government). This has not been considered.
2. There are numerous references to the need for staff technical support and that the associated tasks be represented in the respective corporate work plans. The competencies and capacities of the desired staff support are not specified. Furthermore, overall management of the operations of the municipality is a statutory duty assigned to the CAO⁴. So, Council must be cautious about a proposal containing an open-ended commitment to allocate operational resources that clearly fall within the responsibilities of their CAO.
3. The proposal stipulates that only elected officials from the participating jurisdictions vote on decision-making (i.e. expenditure of the requested public funds). This is indicative of a policy body rather than advisory body and raises the concern of pecuniary conflict of interest or

¹Courtenay City Council recently adopted a Multi-modal Strategic Priority is to complete an integrated transportation plan for all modes of travel; use the outcomes of the Complete Streets capital initiative (detailed Engineering to be completed in 2016); and to employ the Complete Streets experiences to implement the integrated transportation plan during renewal of existing capital infrastructure.

² *Local Government Act*, s. 478.

³ *Community Charter* s. 154.

⁴ *Community Charter* s. 146.

outside influence issues addressed in the *Schlenker v. Torgrimson* decision⁵. This is problematic because the stated policy purpose is to explicitly favour several modes of travel rather than promote the coexistence of all modes. As noted above, this conflicts with the Multi-model Strategic Priority adopted by Council (penalty for a finding of conflict of interest or outside influence is dismissal from office). Furthermore, Courtenay's OCP clearly supports "development of a transportation system that provides **choices** for different modes of travel **including vehicle**, transit, pedestrian, cycling and people with mobility impairments." Note that: once an OCP has been adopted, 'all bylaws enacted or works undertaken must be consistent with the plan'⁶.

4. It is proposed that the Go Smart Committee and its sub-committee (Go Smart Public Advisory Committee) be constituted as an "Advisory Body" and **not** a Standing or Select Committee of either a municipality or a regional district. Regardless how it is constituted, local government procedure rules must indeed apply⁷ to its functioning. It is troublesome that the proposal contains inconsistencies or is silent on mandatory governance matters that are the statutory responsibility of the Corporate Officer to ensure⁸.
5. The proposal includes that a School Board Trustee hold a voting position on this body which, as above, has the characteristics of a policy rather than advisory body. Policy consultations between local governments and boards of education are mandated to occur during an OCP adoption and amendment process⁹. Also, these policy consultations must take place in addition to the mandatory public hearings required by the OCP adoption and amendment processes. While Council is entitled to delegate these responsibilities, doing so is conditional and may only be delegated by bylaw. The means to meet these requirements – for one or all of the suggested voting participants – is not contained in the proposal.

Summary

This is not a definitive analysis. However, overall staff believes that the draft ToR as submitted has sufficient difficulties and inherent risks that endorsing it would be contrary to the City's best interests.

PROSPECTIVE ALTERNATIVES

What follow are not comprehensive. They are offered for discussion in the event that forming a **region-wide multi-modal transportation advisory body** were chosen as a shared policy and strategic priority of CVRD, Courtenay, Comox and Cumberland.

- 1) Create a Standing Committee of the CVRD Board:

⁵The penalties for pecuniary conflict of interest or outside influence are disqualification from office until the next election – *Community Charter* ss. 102 and 103. See *Schlenker v. Torgrimson*, 2013 BCCA:

<http://www.canlii.org/en/bc/bcca/doc/2013/2013bcc9/2013bcc9.html?autocompleteStr=Schlen&autocompletePos=3>

⁶ *Local Government Act*, s. 478.

⁷ *Community Charter* s. 145 and Part 4, Division 3 (open/closed meetings, agenda, minutes, public access to records/decisions, etc.) and the Procedure Bylaws of the participating local governments.

⁸ *Community Charter* s. 148

⁹ *Local Government Act* ss. 475 and 476

- a) A permanent body established by the CVRD Chair for matters the Chair considers would be better dealt with by a continuing committee;
- b) Would comply with applicable statutes and the CVRD Procedure Bylaw;
- c) At least one member must be a CVRD Director and other voting members may be appointed by the CVRD Chair;
- d) Could be assigned Terms of Reference within the jurisdiction and powers of the CVRD Board that would not violate the jurisdiction of other local governments, elected bodies or government agencies;
- e) Would normally report its findings and opinions on policy matters (i.e. would not decide, act or spend on behalf of the Board nor may it enter into external agreements);
- f) Could be delegated powers by bylaw with an affirmative vote of two-thirds of the CVRD Board (but cannot be assigned powers that interfere with the jurisdiction of other local government; and
- g) May be assigned administrative support from 'home' government subject to normal input from the CVRD CAO.

2) Create a Select Committee of the CVRD Board:

- a) Similar to a Standing Committee, but a *temporary* body appointed by the CVRD Board rather than by the CVRD Chair;
- b) May be assigned Term of Reference by the Board, but must function within the bounds of CVRD Board jurisdiction;
- c) Select Committee statutory purpose is to 'consider or inquire into any matter and to report its findings and opinion to the board'; and
- d) Once a Select Committee has reported, it would normally be disbanded.

The essential difference between the two bodies is the duration covered by the Terms of Reference.

FINANCIAL IMPLICATIONS:

The City would not incur costs in support of a CVRD Standing or Select Committee operations.

ADMINISTRATIVE IMPLICATIONS:

Minimal liaison duties would be necessary between the City and such a CVRD body to provide awareness of the City's long-term transportation plans. As this is not anticipated to be a form of shared service, no on-going staff commitment is expected.

ASSET MANAGEMENT IMPLICATIONS:

Nil. A CVRD Standing or Select Committee would not have jurisdiction over the City's Asset Management Planning or the long-term financial planning necessary to support it.

STRATEGIC PLAN REFERENCE:

As discussed above.

OFFICIAL COMMUNITY PLAN REFERENCE:

As discussed above.

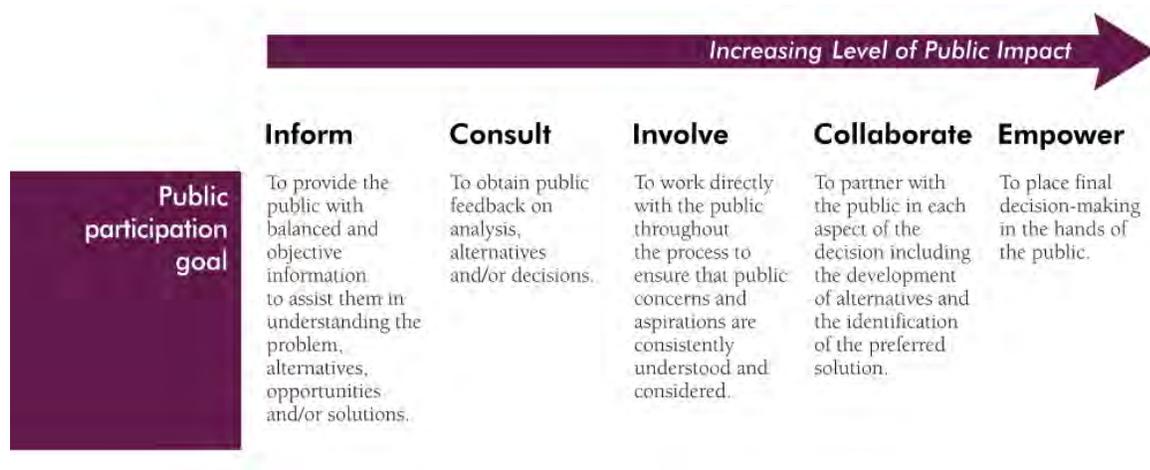
REGIONAL GROWTH STRATEGY REFERENCE:

As discussed above

PUBLIC ENGAGEMENT:

Staff would Inform the public of any CVRD Committee activities impacting City capacity or funds, based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

OPTION 1 –

THAT Council direct staff to forward a copy of the February 15th 2016 staff report “Go Smart – Integrated Transportation Committee, Terms of Reference”, to the CVRD for review; and

THAT the CVRD consider the option of creating a regional Integrated Transportation standing or select committee that, where possible, incorporates the purpose and objectives of the proposed “Go Smart Advisory Committee”.

OPTION 2 –

THAT Council receive receive the “Go Smart – Integrated Transportation Committee draft Terms of Reference” for information; and

THAT Council directs staff to take no further action at this time.

Prepared by,

A handwritten signature in black ink, appearing to read "David Allen". The signature is fluid and cursive, with the first name "David" and last name "Allen" clearly distinguishable.

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

Attachment:

Proposed "Go Smart – Integrated Transportation Committee, Terms of Reference"



Go Smart Advisory Committee

Represented by:

Town of Comox

City of Courtenay

Village of Cumberland

Comox Valley Regional District

School District 71

WHEREAS, most people use a combination of different modes of transportation, including car, public transit, walking, cycling, and scooters or wheelchairs; and

WHEREAS, studies show that people who travel by walking and by bike are healthier, more productive, and require less time off work whilst over-reliance on cars contributes to traffic congestion and climate change; and

WHEREAS, walking and cycling infrastructure is less costly to taxpayers than infrastructure for private automobiles and provides a growing tourist attraction; and

WHEREAS, many people consider the Comox Valley has insufficient safe and efficient alternative transportation routes, especially for children; therefore be it

RESOLVED, that we, the (City of Courtenay, Town of Comox, Village of Cumberland, Comox Valley Electoral Area Services Committee, Board), sign on to and support the Terms of Reference for the Go Smart Integrated Transportation Advisory Committee.

Go Smart Advisory Committee: safe, healthy, affordable transportation for all

Terms of Reference

Committee Purpose:

To increase the safety, convenience, affordability and health benefits for all people to travel by walking, by bus, by cycling and other alternative and accessible modes to the private automobile.

Committee Objectives:

- ∴ To help participating jurisdictions reach their respective greenhouse gas reduction targets as pertains to the transportation sector through a partnership-based approach;¹

¹ The Official Community Plans of each jurisdiction and the Comox Valley Regional Growth Strategy each contain policies on reducing automobile use and increasing other modes of transportation to meet a variety of objectives, one of which is Greenhouse Gas reduction targets as contained within respective OCPs and the RGS. Each jurisdiction, however, has different Greenhouse Gas emission targets and some communities contain 'modal share' targets as well. City of

Go Smart Advisory Committee

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Town of Comox

City of Courtenay

Village of Cumberland

Comox Valley Regional District

School District 71



- To help participating jurisdictions achieve respective accessible mobility objectives;
- To provide consistent messaging and public education across all participating jurisdictions on how to and the benefits (health, cost, greenhouse gases) of 'Go Smart';
- To identify regionally significant transportation links and work towards co-ordinated implementation where possible.

Tasks:

1. Regional education to promote regional Greenhouse Gas emission targets and modal share targets
2. Two-way public engagement – 'ear to the ground' (in) and education (out)
3. Technical referral for staff
4. Identifying Regional Active and Accessible Travel priorities
5. Mapping and data collection assistance
6. Search for funding opportunities including grants and through partnerships
7. Assess regional opportunities as they arise, and learn from each other
8. Receiving delegations

Authority: Serves as a resource, a vehicle for cross-agency collaboration and makes recommendations to the Local Governments represented, including the School District 71. Type: Advisory body and working group.

Participants and Committee Composition:

1. Representatives of the public (Public Advisory Committee)
2. Local Government staff
3. Elected officials, including from SD71
4. Other agencies (RCMP, ICBC, MoTI, Island Health etc.)

All meetings are open to the public and shall be advertised on the participating agency websites.

Decision-making approach: Matters that require a vote to reflect a decision, position or resolution of the Committee will be voted upon by the represented Elected Officials. One Elected Official from each of the following agencies is invited to participate in the Committee:

- o City of Courtenay

Courtenay's OCP contains modal share targets. The Village of Cumberland's OCP references targets (including mode share target) set forth in the Comox Valley Sustainability Strategy (CVSS). The Town of Comox's OCP acknowledges the expected Greenhouse Gas emission results from more compact development and reduced automobile use. The CVRD's OCP includes the Greenhouse Gas reduction targets from the CVSS. And the Comox Valley Regional Growth Strategy contains modal share targets.



Go Smart Advisory Committee

Represented by:

Town of Comox
 City of Courtenay
 Village of Cumberland
 Comox Valley Regional District
 School District 71

- Town of Comox
- Village of Cumberland
- One Comox Valley Electoral Area Director
- School Board Trustee

All other decisions will be made by consensus.

Chairperson: to be elected by the committee.

Timeframes, reporting and deadlines:

- Will meet every 2 months for a total of 6 times a year: January, March, May, July, September, November.
- Will provide annual reports to represented Local Governments or more often as required by issues.
- The committee term will correspond to the Local Government elected official term, with the committee to be reviewed shortly after elections.
- The committee will conduct the following general duties in the following months (approximate), at a minimum and in addition to any other tasks identified by the committee, consistent with its mandate:
 - January: Debrief on annual reports submitted to the four local governments and School District Board. Discuss new ideas or feedback from elected officials discussion. Plan for data collection cycle for the year. Solicit capital project lists from City, Town, Village and MoTI.
 - March: Confirm regional priority projects. Plan for Bike to Work Week and summer-oriented public education.
 - May: Report back on discussions of regional priority projects with respective jurisdictions. Implement public education.
 - July: Prepare Plan for Active School Travel planning, new schools. Implement public education.
 - September: Confirm if regional transportation priorities have been included for respective budget-proposal inclusion.
 - November: Prepare annual report for respective Councils and Boards. Set goals for next year.

Resources Required:

- Website hosting on Local Government websites
- Other agencies that do not have voting rights but that may be consulted from time to time include RCMP, ICBC, MoTI, Island Health
- The Committee may apply for funds from its representative agencies or other sources



Go Smart Advisory Committee

Represented by:

Town of Comox

City of Courtenay

Village of Cumberland

Comox Valley Regional District

School District 71

- Participants are expected to engage actively in the committee by fulfilling committee functions (e.g. Chair, secretary, organizer), conducting research and action items in between meetings. These functions shall be determined by the committee.
- Funding will be required to fulfill the public education mandate and may be required for individual activities on a case by case basis.



Go Smart Advisory Committee

Represented by:

Town of Comox

City of Courtenay

Village of Cumberland

Comox Valley Regional District

School District 71

Backgrounder document to the Committee Terms of Reference

Participants and Committee Composition:

It is expected that by participating in the Regional Go Smart Committee that each participating jurisdiction will also set up processes within their organizations to ensure that jurisdiction-specific tasks (e.g. infrastructure projects) are considered. The tasks will principally include: advising on priority transportation projects that align with Greenhouse Gas emission and modal share targets and accessibility objectives for the upcoming budget cycle and providing technical referral support to staff.

All regional meetings are open to the public and shall be advertised on the participating agency websites. The general public may participate as observers to the Committee who will officially be comprised of four groups of people, each of which will participate in the committee in different ways depending on their strengths and roles:

1. Representatives of the public (Public Advisory Committee)
2. Local Government staff
3. Elected officials, including from SD71
4. Other agencies (RCMP, ICBC, MoTI, Island Health etc.)

Representatives of the Public: The Go Smart *Public* Advisory Committee (Go Smart PAC) shall be governed by its own Terms of Reference (to be approved by the Go Smart Advisory Committee, the “Parent” Committee) and shall ensure public representation of a variety of mobility needs. Anyone may apply to serve on the Go Smart Public Advisory Committee and must demonstrate a commitment to the objective of the Parent Committee. The Parent Committee shall approve all applications based on application criteria that will be determined as part of the Public Advisory Committee TOR. A seat for organized mobility organizations (e.g. Cycling Coalition and Accessibility Committee) will be ensured on the Go Smart PAC. Members may serve for two, 2 year terms after which the position must be opened for new applicants. The Public Committee will send a maximum of 2 members to each Go Smart meeting as participants.

Staff: Staff from each Local Government and Ministry of Transportation and Infrastructure is encouraged to attend as many of the meetings as possible to provide technical support, and may choose their attendance based on agenda-relevance. Staff must work within their identified corporate work plans and are also encouraged to seek effective communication means within their own organizations to ensure that ideas and decisions from the Committee are incorporated into their representative organizations where appropriate. No one staff member shall be assigned to the Committee, but rather agenda-relevance shall inform which departmental staff attend. The committee has no authority to direct staff to conduct works outside of



Go Smart Advisory Committee

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School District 71

meetings. Staff direction to do committee work must be confirmed through their respective corporate work plans.

Elected Officials: As the committee is a Local Government and School Board Committee, matters that require a vote to reflect a decision, position or resolution of the Committee will be voted upon by the represented Elected Officials. Staff or other members of the committee will not have voting privileges. For other discussion, the committee will strive for consensus. One Elected Official from each of the following agencies is invited to participate in the Committee:

1. City of Courtenay
2. Town of Comox
3. Village of Cumberland
4. One Comox Valley Electoral Area Director
5. School Board Trustee

Other Agencies: Other agencies are invited to attend all meetings and especially on agenda-specific items.

Regional Committee Activities:

Go Smart Comox Valley will have eight core functions, the rationale, participation and logistics of each of which is discussed:

1. Regional Education to promote modal share targets

a) Rationale: Achieving modal share targets will require the active participation of a significant percentage of the population, and there is reason to believe that the public is interested in having more transportation options. For instance, in any North American community it is estimated that there are approximately two-thirds of the population who would consider riding a bike for transportation if safe and convenient cycling infrastructure was provided.² Getting information to this 'interested but concerned' segment of the population would be the focus of education efforts that would focus on not just cycling, but transit, walking and carpooling as well.

b) Participation by: All participants.

c) How it will work: This task will require funds or dedicated staff resources to fulfill. The Go Smart would identify an educational campaign, or objectives of an educational campaign, to consider for further implementation subject to allocated resources. Identifying partnerships for resource leveraging and

² Four Types of Cyclists article by Roger Geller, <https://www.portlandoregon.gov/transportation/article/237507>



existing venues and educational programs to include a 'Go Smart' message will be critical to the success of a Regional Education approach.

2. Two-way public engagement - 'ear to the ground'(in) and education (out)

a) *Rationale:* Transportation affects everyone and many residents have opinions that they wish to share, but may not know how to do so. And while each Local Government (and possibly other agencies) undertake public consultation processes related to transportation, regular 'check ins' with the public to get a 'pulse' of public opinion is not an on-going activity. Having a sense of public opinion can be valuable to raise flags for further investigation and to give a sense of public acceptance. In emphasizing a two-way communication, the Committee can also help to *disseminate* information about the changing face of transportation, as well as listen to the public.

b) *Participation by:* All participants.

c) *How it will work:* The Public Advisory Committee would serve to provide regular (quarterly) regional venues for anyone to come forward and voice a transportation related concern and to promote community dialogue on mobility topics. Staff may attend, but are not required to. Public advisory body reps would facilitate the event and take minutes which would be circulated to all bodies on the Committee, for their information. Local Government staff may use the information as they see fit. It will be very important to convey to the public during the meetings that while this is an opportunity to have one's say, it does not guarantee that all items raised will be attended to. The meetings shall be held in different parts of the community to make accessible to as many of the public as possible.

3. Technical referral for staff

a) *Rationale:* The committee will provide a forum for dialogue and preliminary consultation on proposed transportation projects of regional significance. This has been identified as a useful 'vetting' forum. Projects of regional significance include any route that is part of the cycling, transit or greenway network plan of any jurisdiction that directly abuts and links with a neighbouring jurisdiction and/or is critical to the functioning of the mobility network of the adjacent jurisdiction.

b) *Participation by:* All Participants.

c) *How it will work:* When Local Government staff or other agencies have a regionally significant project that requires public review, the project should be referred to the Committee unless timelines make such a referral untenable. Staff is not bound to any comments through this process, but will take comments under advisement, similar to other referral and public consultation procedures.



Go Smart Advisory Committee

Represented by:

Town of Comox

City of Courtenay

Village of Cumberland

Comox Valley Regional District

School District 71

4. Identifying Regional Active and Accessibility Travel priorities

a) *Rationale:* While the committee is committed to working with and accommodating all road users, priority transportation projects will inevitably be cycling, walking, transit and accessibility oriented given the modal share targets for each Local Government. As such, the committee will identify Regional Active and Accessibility Travel priorities to ensure that regionally core links in the transportation system are identified and worked towards by the respective appropriate jurisdictions.

b) *Participation by:* All participants.

c) *How it will work:* In conjunction with activity 5 identified below (Mapping and data collection assistance), a list of priority regional cycling, walking and transit routes and accessibility concerns will be identified. Each year the list of priority projects will be reviewed to ensure they remain current and will distributed to the participant jurisdictions for information and consideration in budget cycles.

5. Mapping and data collection assistance

a) *Rationale:* Local Governments and other organizations require accurate up to date transportation data to inform decision-making about transportation investments. Currently the CV Cycling Coalition provides annual traffic counts free of charge, makes the data available to anyone and has provided the only survey on cycling behaviour in the Valley to date. Data collection initiatives need to be expanded to include:

- More traffic sampling dates and locations in order to be even more helpful to staff, and to compliment the more comprehensive (although to date generally car-oriented) data collection efforts that happen at less regular transportation planning cycles.
- Evaluation of new projects to determine their impact.
- Community surveys of preferred mobility routes, behaviours and interest in mobility choices.
- Cycling and walking community assessments/audits (which include assessment of engineering, education, enforcement, encouragement and evaluation programs) to target gaps and strengths.

Accurate mapping of the current and desired transportation routes is also required to ensure that new road projects are accommodating the desired balance of road users. Mapping is a critical tool to identify where priority designation should be allocated to the various modes. All these activities require the help of volunteers in order to be feasible to the various organizations.

b) *Participation by:* Primarily representatives of the public (e.g. volunteers), the Public Advisory Committee, other agencies and staff and under the supervision of staff. Maps will be produced in house by staff in those jurisdictions with sufficient in-house mapping capabilities. Where funds are



Go Smart Advisory Committee

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Town of Comox

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required to hire consultants to assist in producing maps, a budget request will be made individually or jointly to the four Local Governments at the appropriate time in their budget cycle, depending on what area of the Valley is being mapped.

- c) **How it will work:** Data collecting and mapping projects will be communicated to representative Councils/Board to inform staff work plan, and possibly funding, arrangements. Once approved, staff will work with selected volunteers to train them in traffic data collection methods. Staff will use data to inform decisions and evaluate past projects. Staff will work with the public advisory committee to review and refine mapping.

6. Search for funding opportunities including grants and through partnerships

- a) **Rationale:** Staff often do not have the time to actively search out funding opportunities; a wider ‘net’ of people looking for funding arrangements can bring opportunities to attention to be acted upon. The Cycling Task Force proved a valuable vehicle for initiating creative collaborative funding arrangements: by applying for and receiving grants (e.g. Fitzgerald Avenue cycling lane project), securing partnership funding (e.g. Active School Travel planning), writing letters of support for other complementary initiatives (e.g. CV Cycling Coalition “New Horizons” school-rodeos grant) and engaging the non-profit sector to champion projects (e.g. Rotary Rail-Trail leadership).

- b) **Participation by:** All: Elected Officials, the Public, Public Advisory Committee, other agencies and staff.

- c) **How it will work:** All committee participants (and wider public) are invited to share funding opportunities with the larger committee for discussion and follow-up where appropriate.

7. Assess regional opportunities as they arise, and learn from each other

- a) **Rationale:** This includes working on projects that have regional implications (e.g. highway expansions, projects that occur at jurisdictional boundaries) as well as exploring regional *approaches* to initiatives. In multi-agency forums, many times opportunities for projects and partnerships are not immediately apparent. Through relationship building with various organizations, and a forum to engage in cross-agency discussion, opportunities to collaborate can be identified. This opportunity to keep the door open for these opportunities is critical to ensuring that all the participating bodies can work together, more efficiently, within their own scope of work, towards common goals. One of the key areas the Committee can assist with is ensuring that evolving Best Practices regarding transportation trends, tools and strategies are shared. An example of this is in the area of Active School Travel planning (a Best Practice) which originated through the Cycling Task Force from group discussion. The initiative would not have been able to germinate without the individual contributions of each participating



Go Smart Advisory Committee

Represented by:

Town of Comox
City of Courtenay
Village of Cumberland
Comox Valley Regional District
School District 71

agency. The project has been considered very successful by parents, School Board and Local Government elected officials and is now expanding under the leadership of the School Board. This project however was not identified in the CTF's original Terms of Reference, because it emerged as an opportunity *during* the Committee's process.

- b) **Participation by:** Elected officials, Public Advisory Committee, other agencies and staff.

 - c) **How it will work:** On regional projects, the affected agencies will work closely together. When a new idea is presented, the Committee will consider it for further dialogue and action, where appropriate. The Committee will report promising ideas to the bodies they represent through the annual reporting process, or more frequent as needed.
- 8. Receiving delegations**
- a) **Rationale:** Members of the public, groups or even other agencies may wish to present information or an idea in a regional transportation forum, without the formality of presenting before municipal Councils and the regional Board.

 - b) **Participation by:** All in attendance at the meeting, and who are on the circulation list for minutes, would receive the delegation.

 - c) **How it will work:** The opportunity and procedure for presenting as a delegation before the Go Smart Advisory Committee will be outlined on the participating agency websites. Delegation requests will be forwarded to the Chair of the Go Smart Advisory Committee.



Go Smart Advisory Committee

Represented by:

Town of Comox
City of Courtenay
Village of Cumberland
Comox Valley Regional District
School District 71

Go Smart PUBLIC Advisory Committee Terms of Reference

Committee Objective: To work with the public and provide advice and recommendations into the Go Smart regional Advisory Committee, as related to their mandate.

Tasks:

1. Review the current state of transportation in the Comox Valley and identify priorities for improvement to achieve modal share targets and accessibility policies.
2. Provide consultation both at the initial stages of planning, and during the design process, where transportation changes and developments are proposed that will affect transit, cycling and pedestrian road users.
3. Advocate for transit, cycling and pedestrian universally accessible transportation infrastructure improvements in the Comox Valley.
4. Provide a process for the general public, stakeholders and organizations to communicate issues, concerns and suggestions.
5. May also contact or coordinate meetings as required with each jurisdiction, including MOTI, to deal with specific jurisdictional issues.

Authority: Serves as a resource and makes recommendations to the Go Smart regional Advisory Committee.

Participants and Committee Composition:

The Committee shall be comprised of no more than 8 members. Members shall be sufficiently 'broad minded' regarding transportation modes, and be able to effectively represent a variety of transportation perspectives, with a goal of achieving modal split targets. The Go Smart Advisory Committee shall create a set of criteria for selection of Public Advisory Committee members, and will post this information in the media and websites, along with a deadline for submissions. The elected officials of the Go Smart Advisory Committee shall select the Public Advisory Committee members based on received submissions.

All meetings are open to the public and shall be advertised on the participating agency websites.

Decision-making approach: The group will work by consensus.

Chairperson: to be elected by the Public Advisory Committee.

Timeframes, reporting and deadlines:



Go Smart Advisory Committee

Represented by:

Town of Comox

City of Courtenay

Village of Cumberland

Comox Valley Regional District

School District 71

- The Public Advisory Committee will be in place for the same time frame as the Go Smart Advisory Committee.
- Will meet every 2 months for a total of 6 times a year. The meetings will be open to the general public and will be advertised on the participating agency websites.
- Two representatives of the Public Advisory Committee will attend the Go Smart Advisory Committee meetings and provide a report each time.



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3360-20-1601

From: Chief Administrative Officer

Date: February 15, 2016

Subject: Medical Marihuana Production Facilities on Lands in the Agricultural Land Reserve

PURPOSE:

The purpose of this report is to obtain Council approval to amend Zoning Bylaw No. 2500 to permit Medical Marihuana Production Facilities (MMPFs) on lands located in the Agricultural Land Reserve (ALR).

CAO RECOMMENDATIONS:

THAT based on the February 15, 2016 staff report "Zoning Amendment Bylaw No. 2839 to amend Section 6.17.1 to permit Medical Marihuana Production Facilities on lands within the Agricultural Land Reserve" that Council approve Option No. 1 and proceed to First and Second readings of the City of Courtenay Zoning Amendment Bylaw No. 2839, 2016; and

That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2839, 2016 on March 7, 2016 at 5:00 p.m. in the City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The Agricultural Land Commission (ALC) has made recent legislative changes regarding the production of medical marihuana on agricultural lands and has issued an updated information bulletin on this topic. The bulletin states "if a land owner is lawfully sanctioned to produce marihuana for medical purposes, the farming of said plant in the Agricultural Land Reserve (ALR) is allowed and would be interpreted by the ALC as being consistent with the definition of "farm use" under the *Agriculture Land Commission Act*".

The ALC considers the production of marihuana for medical purposes a "farm use" under the ALC Act and Part 2 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* now designates the production of marihuana in accordance with the Marihuana for Medical Purposes Regulations (MMPR) as a "farm use".

The bulletin goes on to state that "Proponents of MMPFs should contact their local government to determine the applicability of zoning bylaws, approval processes and to determine building permit requirements that may apply".

DISCUSSION:

ALR Land Inventory

Attachment No. 2 contains the existing ALR lands within municipal boundaries. An examination of this map illustrates that parcels located in the ALR range in size from 5 acres to 200 acres and that a majority of ALR land is adjacent to residential neighborhoods. In 2002 the larger ALR parcels in Northeast Courtenay were annexed into the City through a boundary extension and the ALR lands located in the in South Courtenay area were annexed into the City in 2005.

Zoning Amendment Bylaw No. 2779

In April 2014 the City approved Zoning Amendment Bylaw No. 2779 which amended Division 3 of Zoning Bylaw No. 2500 by including a definition of Medical Marihuana Production Facility, amended Division 6, General Regulations for Home Occupations by prohibiting a Medical Marihuana Production Facility as a use and added Part 17, regulation 6.17.1 which prohibits Medical Marihuana Production Facilities on all lands within municipal boundaries.

Specifically, zoning regulation 6.17.1 states “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*”

The current Zoning Bylaw that prohibits medical marihuana production on ALR lands is out of compliance with the recent legislative changes to the *ALC Act* and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

In order to bring the City’s Zoning Bylaw No. 2500 in compliance with provincial legislative changes, Staff is recommending a text amendment to Part 17, 6.17.1 (a) in Zoning Bylaw No. 2500. This amendment will include an exception clause to the regulation which will exempt lands that are located in the ALR.

The Siting of Medical Marihuana Production Facilities

Staff spent considerable time discussing the siting of MMPFs on ALR lands with Staff from adjacent municipalities and Regional Districts including: the Comox Valley Regional District, the Town of Comox, the City of Nanaimo and the Regional District of Nanaimo. A majority of local governments are utilizing the Bylaw and siting standards contained within the Ministry of Agriculture’s discussion paper on *Regulating Medical Marihuana Production Facilities in the Agricultural Land Reserve*. The Ministry of Agriculture recommends a 30 metre maximum building setback from all property lines for MMPFs.

In order to remain consistent with the land use bylaws of neighboring local governments, the City of Courtenay’s Staff is recommending a 30 metre setback for MMPFs from all property lines and is recommending that all MMPFs be wholly contained within a licensed facility permitted by the MMPR. These amendments are captured in Zoning Amendment Bylaw No. 2839 attached to this report.

MMPFs on Non ALR Lands

The recommended zoning amendment does not apply to lands outside of the ALR. On non-ALR lands the commercial production of medical marihuana is authorized under federal legislation but local government does retain the power to prohibit these operations through zoning regulation. Zoning Bylaw No. 2500 will

continue to prohibit the establishment of MMPFs on non-ALR lands unless an application for a Zoning Amendment is made for that use and approved by the City.

FINANCIAL IMPLICATIONS:

There are no direct financial implications related to the processing of this Zoning Amendment. Accordingly, the proposed amendments will not have an effect on the City's financial plan.

ADMINISTRATIVE IMPLICATIONS:

Processing zoning bylaw amendments is a statutory component of the work plan. Staff has spent a total of 20 hours to process this amendment and conduct research on the subject matter. Should the proposed zoning amendment receive First and Second Readings, staff will spend an additional 2 hours in preparation for the public hearing and processing the Zoning Amendment. There is no cost recovery for this as this zoning amendment is required to ensure compliance with BC Provincial legislation.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications associated proposed Zoning Amendment No. 2839.

STRATEGIC PRIORITIES REFERENCE:

The proposed amendment is statutory in nature.

OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed zoning amendment is consistent with OCP policies regarding: the preservation of agricultural lands; protecting the viability of agricultural activities within the City; promoting the expansion of the agriculture industry in the Comox Valley and supporting the role of the Agricultural Land Commissions and its efforts to protect and enhance agriculture.

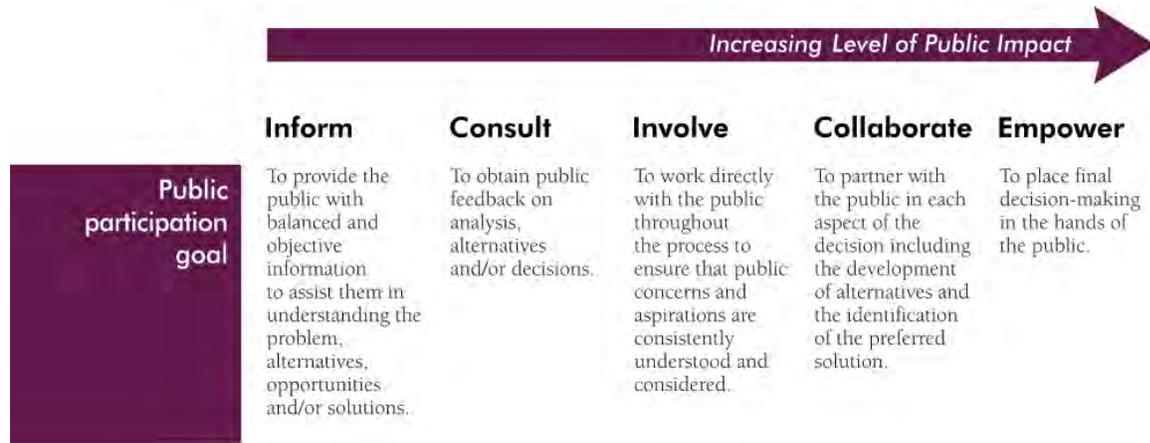
REGIONAL GROWTH STRATEGY REFERENCE:

It is the intent of the RGS to recognize the policies and procedures within the ALR in order to support agricultural practices.

CITIZEN/PUBLIC ENGAGEMENT:

The public has been engaged at the "Consult" level based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



The changes to the Provincial Regulation on regulating marihuana growing and the position of the Agricultural Land Commission have been widely published. Any amendments to the zoning bylaw would require a public hearing and applicable advertising.

OPTIONS:

OPTION 1: (Recommended) That Council give Bylaw No. 2839 First and Second readings and proceed to Public Hearing;

OPTION 2: That Council defer consideration of Bylaw No. 2839 pending receipt of further information.

OPTION 3: That Council defeat Bylaw No. 2839

Prepared by:

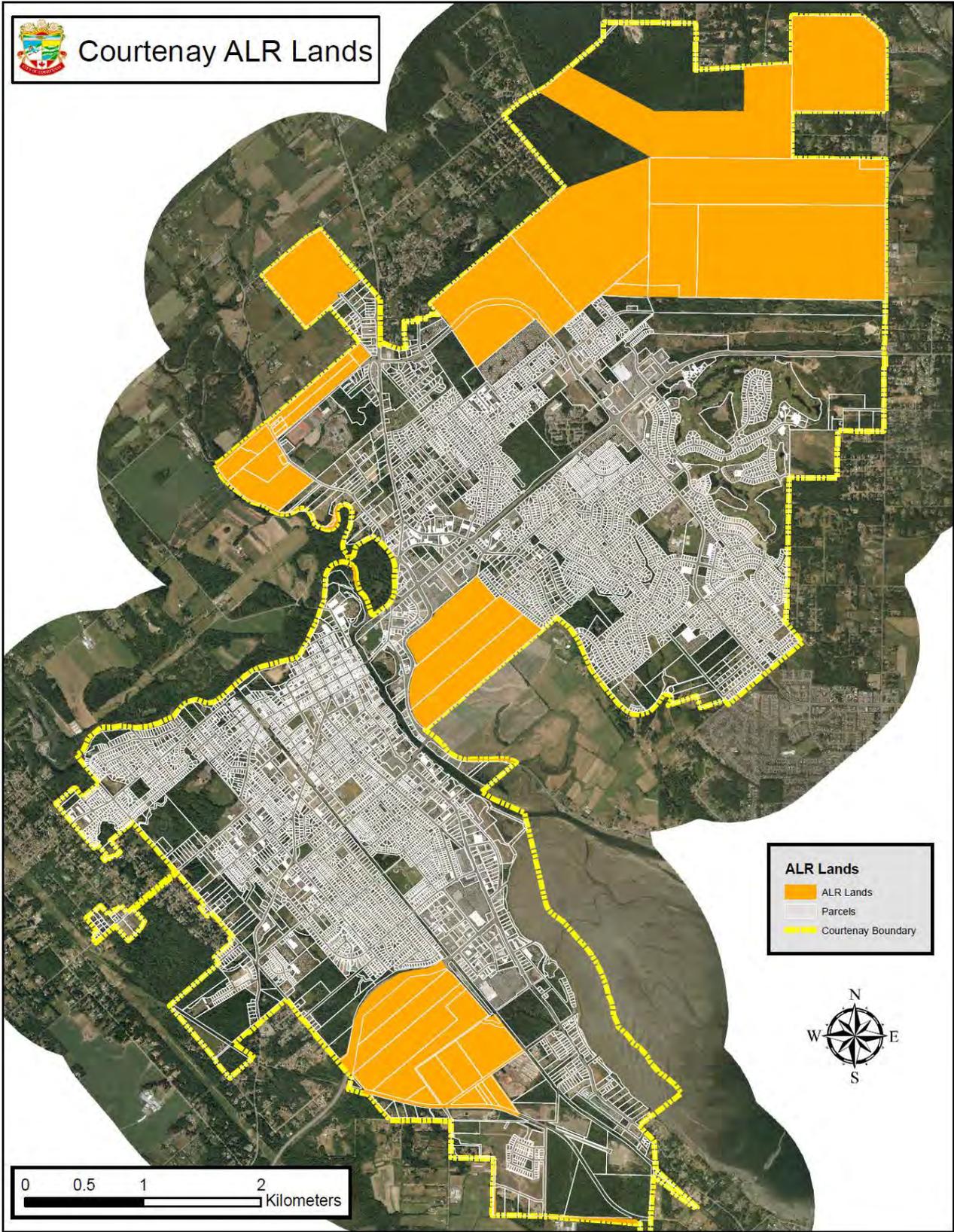
Dana Leitch, MCIP, RPP
Land Use Planner

Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Map of Existing Lands within the Agricultural Land Reserve*
2. *Zoning Regulation 6.17.1 (Current)*
3. *ALC Information Bulletin Updated January 2014*

Attachment No.1 – Map of Existing Lands within the Agricultural Land Reserve within Municipal Boundaries



Part 15 Bed and Breakfast Accommodation

6.15.1 Bed and breakfast accommodation are permitted in any single residential dwelling located in any residential or multi residential zone, subject to the following requirements:

- (a) Not more than two bedrooms are used for transient accommodation.
- (b) Principle use of the *building* shall be *single residential*.
- (c) That the residents of the dwelling shall be alone engaged in the operation of the transient accommodation business.
- (d) No meals shall be provided to the customers of the operation other than breakfast.
- (e) No liquor shall be supplied to customers.

6.15.2 At least one automobile parking space shall be provided on the same lot for each room available for transient accommodation, in addition to the parking requirements for the residence, but parking spaces may be behind other parking spaces on the same lot.

Part 16 Lot Size and Lot Frontage Exceptions

2551 6.16.1 Despite the requirements in respect of minimum lot frontage and minimum lot size set out in this Bylaw, a lot may be created if:

- (a) the existing lot is lawfully non-complying with respect to the lot size or lot frontage or both; and
- (b) the lot thereby created improves the existing situation and has a lot size and lot frontage greater than that of the existing non-conforming size and frontage of the existing parcel; and
- (c) the creation of the non-conforming parcel thereby does not cause to create non-conforming siting, size, or frontage of the adjacent lots; and
- (d) no additional lots are being created.

Part 17 Prohibited Uses in All Zones

2779 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*



INFORMATION BULLETIN
MEDICAL MARIHUANA PRODUCTION IN THE AGRICULTURAL LAND RESERVE
Updated January 2014

Health Canada's Marihuana for Medical Purposes Regulation (MMPR) <http://www.laws-lois.justice.gc.ca/eng/regulations/SOR-2013-119/> has changed the parameters for the production of medical marihuana in Canada. The current system of personal use licenses and designated person licenses will be phased out by April 1, 2014. In its place, new Federal licenses are geared to larger scale production/distribution facilities. For further information about the changes see the following website <http://www.hc-sc.gc.ca/dhp-mps/marihuana/index-eng.php>.

Various local governments in British Columbia are looking at their zoning bylaws to determine where these larger scale commercial production facilities should be directed. A number of local governments are considering industrial, commercial and agricultural zones, within purpose built structures and with siting regulations from property lines and residential uses. Others are looking to restrict this land use or direct to particular areas of their community.

The Agricultural Land Commission Act and regulations determine land use in the Agricultural Land Reserve (ALR). Due to the number of inquiries from local governments and Medical Marihuana production proponents, the ALC provides the following for clarification purposes with regard to Medical Marihuana production in the ALR.

Section 1 of the *Agricultural Land Commission Act* defines "farm use" as:

An occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*.

Based on the above definition, if a land owner is lawfully sanctioned to produce marihuana for medical purposes, the farming of said plant in the Agricultural Land Reserve (ALR) is allowed and would be interpreted by the Agricultural Land Commission as being consistent with the definition of "farm use" under the *ALC Act*.

Notwithstanding the farming of land for the production of medical marihuana, not all activities associated with its production would necessarily be given the same "farm use" consideration. Accessory uses associated with the farm use include a small business office, testing lab, processing and drying, packaging shipping areas, cloning room and anything else directly related to the growing and processing of the plant. Determining an accessory use is contingent on the use being necessary and commensurate with the primary function of the property/building to produce an agricultural product. If a land use activity is proposed that is not specifically related to the growing of an agricultural product including a stand-alone research and development facility, an application to the ALC for non-farm use would be required.

Municipalities are responsible for governing the use of land within the respective municipality's jurisdiction. Zoning bylaws enacted by municipalities may set out restrictions on land use, including but not limited to the use of land for medical marihuana production. Where such restrictions may apply to land within the ALR, such restrictions with respect to the particular land use of lawfully sanctioned medical marihuana production would not in and of themselves be considered as inconsistent with the *ALC Act*.

Proponents of medical marihuana production facilities should contact their local government to determine the applicability of zoning bylaws, approval processes and to determine building permit requirements that may apply.



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Downtown Design Charrette Update

File No.: 6520-20
Date: February 15, 2016

PURPOSE:

The purpose of this report is to update Council on the upcoming Design Charrette process and request authorization for spending in advance of the 2016 budget adoption.

CAO RECOMMENDATIONS:

THAT based on the February 15, 2016 staff report "Downtown Design Charrette Update", Council authorize a 2016 budget of \$100,000 for Downtown contract planning.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

As outlined in a January 13th Council memo, the Development Services Department will be hosting a Design Charrette between March 7th and March 10th at Native Sons Hall as part of the Downtown Revitalization project. The Design Charrette will be led by Michael von Hausen, the president of MVH Urban Planning and Design Inc. who facilitated the Downtown Forum last year. Michael will be joined by his design team which include a landscape architect, designer, and architect. A Design Charrette is an intensive workshop where community members and design professionals work together on vision and goals for future development. All members of the community, as well as key community stakeholders such as landowners, members of the BIA and the Chambers of Commerce, are invited. The charrette will consist of a presentation, discussion, and design work. It will provide immediate feedback and allow all participants to be a mutual author of the outcomes.

On 26th and 27th of October last year, the Downtown Forum was well attended by over 120 people and a wide range of ideas and initiatives were collected. Some highlights included an interest in downtown mixed-use development, a well-connected pedestrian oriented downtown and a vision for the riverfront as an urban open space amenity.

In the upcoming Design Charrette, participants will be asked to articulate these ideas through group discussion and drawing exercises. The design team will visualize these ideas over the course of the charrette to provide a better understanding of revitalization alternatives.

The Development Services Department is concurrently undertaking a Commercial and Residential Market Demand and Opportunity Analysis in consultation with a land economic consulting firm. This study is expected to identify how the residential market in and around the downtown is likely to evolve in the foreseeable future. The result of this study will be utilized to provide more realistic scenarios to the Design Charrette and inform future policy and regulatory options.

Subsequent to the Design Charrette, staff will carefully analyze all the outcomes and prioritize future revitalization projects. Staff believes that implementing key action items is critical in order to meet the community expectations as well as to accomplish Council strategic priority in a timely manner.

DISCUSSION:

Vision Statement

Having a clear vision statement is critical to begin meaningful discussions. Staff and the Consultant have worked on drafting a preliminary vision. The following draft is based on the result of the Downtown Forum last year. It will be further reviewed and vetted by the community at the upcoming Design Charrette.

Downtown Courtenay will be the connected, diverse, and vibrant heart for the City and the Comox Valley.

As the social and cultural heart of the greater Courtenay community, the downtown will be the centre of special events and gatherings as well as inviting to tourists.

The downtown will be pedestrian and bicycle friendly with easy and safe ways of moving around, convenient parking, and access to transit.

The downtown will include a diversity of housing types and lifestyles for all ages that will contribute to its vitality both during the day and the evenings.

Improvements will focus on the downtown core area but will also include the "Greater" downtown area to create the opportunity for further commercial and residential development that supports the vibrancy and expansion of retail, commercial, residential, and institutional uses in the downtown core area.

Charrette Plan

Day 1, Monday, March 7:

AM: Design Team traveling to Courtenay

PM: Design Brief discussion with staff and walkabout

Evening: Community Downtown Design Ideas and Priorities Workshop at Native Sons Hall at 6:30

Format for the Evening:

Participants will choose *one of six themes* and join discussion group table:

1. Street Improvements for enhancing pedestrian experience
2. Gathering Places including Duncan Commons
3. Redevelopment Opportunities and Program

4. Park and Trail Connections including Bridge Crossing
5. Riverlands Development Opportunity
6. Neighbourhood Residential Intensification around the Core

Expected Outcomes:

- Develop specific downtown vitalization design ideas through six themes
- Artists will visualize these ideas and express them in a way more people can understand
- Visual graphics will provide the design team with specific ideas that they can develop and evolve further

Day 2, Tuesday, March 8:

AM: Design team work

PM: Community drop-in at Native Sons Hall between 6:30 pm to 8:30 pm

- The Community drop-in will have a number of displays for discussion with the designers:

Day 3, Wednesday, March 9:

AM: Design team work

PM: Design team final illustrations and scanning

Day 4, Thursday, March 10:

AM: Design team refinement and presentation preparation

PM: Community Presentation and Discussion at Native Sons Hall between 5:30 and 8:30

- Community discussion provides an opportunity for participants to have open discussion on ideas and directions, next steps with a comment sheet

Community Partnership

The Design Charrette will take an inclusive approach. Staff is partnering with the Downtown Courtenay Business Improvement Association (DCBIA) to evolve a concept for a public plaza on Duncan Avenue between 5th and 6th Street through the Charrette process.

Staff has also been approached by the 6th Street Bridge group. This group has been invited to display their concept for public feedback during the Charrette. The concept will be further explored and inspire ideas for connecting the park to the downtown.

Sharon Karsten, the Executive Director of Comox Valley Art Gallery, is conducting an extensive research project on cultural mapping. One of the case study locations is Downtown Courtenay. Community members will have a brief opportunity to be introduced to this interesting project during charrette process. Vancouver Island University's newly established graduate program in community planning will assign two students to the Design Charrette as part of their practice-based learning and provide support for city staff. A few local artists have expressed interests in offering technical support at the workshop.

Proposed future projects

Although current internal resources are fairly limited, staff and the consultant have explored options that the City might wish to lead for progressive redevelopment and improvements downtown. Below is a list of proposed projects. Details still need to be well-planned according to budget and resource availability as well as the results of the Design Charrette.

- Downtown Playbook (a critical piece of this Action-Oriented Plan that indicates roles and responsibilities of all stakeholders, possible funding sources, and schedule)
- Public Realm Toolkit (sidewalk, furnishings, planting, lighting);
- Wayfinding Strategies
- Downtown Parks and Greenways Connector Plan;
- Core Area Intensification Plan
- Building Guidelines (including facade, building form and massing, and materials)
- Policy and regulatory review to implement the vision for downtown (zoning changes, incentive program and new policy development)

FINANCIAL IMPLICATIONS:

The consulting service fees for the Design Charrette and the Commercial and Residential Market Demand and Opportunity Analysis combined are approximately \$64,000. Additional costs of approximately \$6,000 are budgeted for advertising, event food and drink, honorariums for local artists and students, child reminder and for event materials.

An additional \$30,000 being requested for the 2016 budget is to assist with the work required following the Charrette. It is anticipated the policy work required to implement the vision will require resources beyond the current staff capacity.

Of the \$100,000 total budget request for 2016, \$33,289 will be carried over from unspent funds included in the 2015 budget. The City has also received a project grant of \$20,000 from the Real Estate Foundation BC to financially assist with the downtown revitalization project. Accordingly, only \$46,711 of new money is being requested for 2016. This is less than the \$50,000 budget allocated to downtown planning in 2015.

ADMINISTRATIVE IMPLICATIONS:

The Senior Planner manages Downtown Revitalization related projects under the Director's supervision. In addition, the Environmental Planner and some managerial staff from other departments will provide assistance during the Design Charrette as well as at several internal meetings. A total of 300 hours of staff time is anticipated to complete the Design Charrette. Approximately 40 hours are required for subsequent meetings, project closing (including planning next steps) and to report out to the Real Estate Foundation, which is due by the end of May 2016.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications at this stage.

STRATEGIC PRIORITIES REFERENCE:

Downtown revitalization aligns with the strategic priority to actively pursue vibrant economic growth.

OFFICIAL COMMUNITY PLAN REFERENCE:

Downtown is one of the defined land use designations within the jurisdiction. Section 4.1 of the Official Community Plan constitutes goals and policies of land use for downtown:

The City of Courtenay is committed to a healthy vibrant downtown, and will continue to ensure this area remains viable.

REGIONAL GROWTH STRATEGY REFERENCE:

A policy under GOAL 3: LOCAL ECONOMIC DEVELOPMENT of Regional Growth Strategy encourages downtown to be a town centre-based employment area.

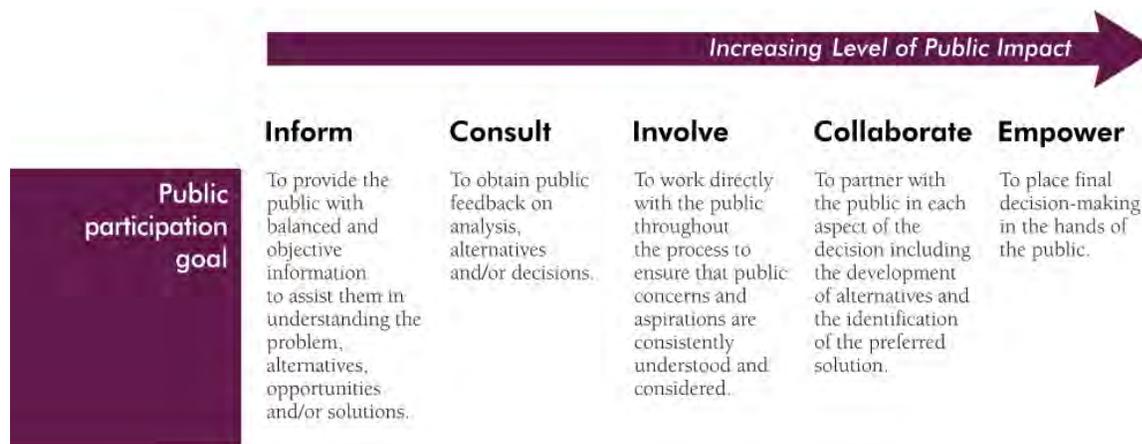
3-D: Promote designated Town Centres as regional employment centres.

Mixed-use, compact and accessible employment centres (i.e. accessible by foot, transit, bike and car) tend to retain, attract and encourage new business development better than a more dispersed and scattered local job base, single use downtowns, or office parks. Town centre-based employment areas also tend to be less expensive to service and maintain.

CITIZEN/PUBLIC ENGAGEMENT:

Staff would involve and collaborate with the community based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



Staff has developed a designated project website on the City's homepage (www.courtenay.ca/downtown) which will be used as a primary source of information. Through assistance from the Communication Department, staff will also utilize the City's social media tools (Facebook and Twitter) as means of approaching community members and promoting upcoming downtown revitalization projects.

Staff will contact key stakeholders such as BIA by mail, and these organizations will send an invitation out to their members. Staff will also use a local bike courier to send an invitation letter to all landowners within the study area. Detailed information on the Design Charrette will be published in the local newspapers one week prior to the event.

OPTIONS:

- 1) That Council authorize a 2016 budget of \$100,000 for downtown contract planning.
- 2) That Council not authorize a 2016 budget of \$100,000 for downtown contract planning.

Prepared by:



Tatsuyuki Setta, MCIP, RPP
Senior Planner



Ian Buck, MCIP, RPP
Director of Development Services



STAFF REPORT

To: Council

File No.: 3060-20-1601

From: Chief Administrative Officer

Date: February 15, 2016

Subject: Development Permit with Variances for 430 Leighton Avenue

PURPOSE:

The purpose of this report is for Council to consider the issuance of development permit No. 1601 for the form and character of an approximate 1350 ft² single family residential dwelling including variances to the front and side yard building setbacks.

CAO RECOMMENDATIONS:

That based on the February 15th, 2016 staff report "Development Permit with Variances for 430 Leighton Avenue", Council support OPTION 1 and approve the proposed Development Permit with Variances No. 1601 as shown in Schedule No. 1.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The subject property is located at 430 Leighton Avenue between 5th street and 3rd street and is currently occupied by a single family residential dwelling and a detached garage. The property is located within the Old Orchard neighbourhood and the applicant is proposing to construct a new 1350 ft² single family residential dwelling. The applicant also has plans to redevelop the existing garage in the rear yard. No variance is required for the garage because it will be relocated on the property and will comply with building setbacks.



The subject property is 540 m² and was recently purchased by the new owners in the summer of 2015. The property is zoned R-2B (Residential Two B Zone) and permits residential uses including a single residential dwelling and accessory uses. As part of their redevelopment plan for the property the owners have applied

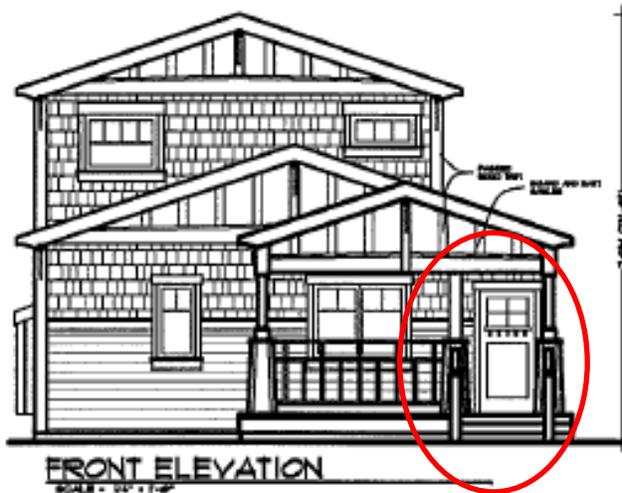
for a form and character development permit with variances to both the front and side yard building setbacks.

Summary of Requested Variances

Setbacks are established in zoning for a number of reasons: to achieve privacy between neighbours, to prevent landowners from crowding the property of others, to allow for safe placement of utilities and services and to establish appropriate distances between buildings and structures for fire separation purposes. The table below summarizes the required setbacks within the R-2B zone and the variances requested by the applicant.

Yard	Required	Requested
Front yard	7.5 m	4.75 m
Side Yard	4.5 m with the minimum on one side of 1.5 m	1.0.0 m (in east side yard)

The applicant has applied for two variances. The first variance is to section 8.2.27 (1) of Zoning Bylaw No. 2500, 2007 to reduce the front yard setback from 7.5 m to 4.75 m and the second variance is to reduce the side yard setback from 3.0 m to 1.0 m. The variance is being requested in order to accommodate a covered front porch on the east side of the dwelling.



The dwelling is proposed within an existing residential subdivision where lands are zoned R-2B with typical lot sizes ranging from 540 m² to 780 m². The housing stock within this particular neighbourhood is old with a majority of the homes being built between 1910 and 1960. Densities permitted in the neighbourhood have increased over time and have transitioned from a single family residential neighbourhood to a one that permits alternative forms of housing including duplex dwellings, granny flats and carriage homes and secondary suites.

DISCUSSION:

OCP Review

The proposed development is consistent with several goals of the Official Community Plan (OCP) including creating compact communities; maintaining the character of existing neighbourhoods; the maintenance of heritage values and the promotion of pedestrian oriented neighbourhoods.

The proposed development is within the Old Orchard Neighbourhood and is subject to the Old Orchard Development Permit Area guidelines. The intent of the guidelines is to ensure that redevelopment in this neighbourhood respects historic patterns of development and contributes positively to the heritage character and strong sense of neighbourhood.

The applicant is proposing a two storey heritage style single family residential dwelling on an existing residential parcel. The redevelopment concept requires the existing single family home on the property to be redesigned and rebuilt. The proposed dwelling is similar in scale to other homes in the immediate neighbourhood and is orientated towards Leighton Avenue making it accessible from the street level. The principle entrance to the residence is at the front of the dwelling and is defined by a covered open porch with supporting columns.

Staff have identified a number of design features that reflect the heritage character in the neighbourhood including an articulated gable roofline with a pitch of 4:12, multiple gables including board and batten gables, crown detailing along the roofline, traditional double hung sash windows at the front and sides of the dwelling, accented window frames, horizontal siding on the body of the dwelling, a bay window at the front of the dwelling, exposed and decorative rafter brackets adjacent to the gable roofs and a large covered porch at the front and rear of the dwelling. Architectural components including wood trim and decorative shingles have been incorporated into all facades of the dwelling.

Staff note that the development offers exterior finishes that are both durable and have a common theme. The dwelling will be finished with cement hardie plank siding accented with wood trim and a new colour palette of seafoam, wheatgrass and grey. The colour scheme provides rhythm where one colour flows to the next and captures interest without being overbearing. The dwelling contains multiple windows located at each elevation of the dwelling and includes a number of multi-pane windows. All windows and doors are articulated with wood trim. Regarding massing, the proposed dwelling is stepped away from the streetscape and transitions from one storey to two storeys.

With this application the primary design consideration was how to site the dwelling on the property without disturbing the mature landscaping. This property is fully fenced and contains a diverse mix of landscaping in the front and rear yards of the property as well as along all property lines. During a site visit to the property staff identified mature cedar hedging, fir, fruit and maple trees, large rhododendrons, ferns, Japanese maples, boxwood shrubs, big leaf hydrangea, ornamental grasses and junipers. The applicant is proposing to retain all existing landscaping on the property to ensure that privacy is maintained between the proposed dwelling and adjacent neighbors. The landscaping also preserves the natural look and feel of the Old Orchard neighborhood.

The property is accessed by a laneway at the rear of the property. The dwelling is required to have two parking spaces available which are also located at the rear of the property. The applicant is proposing to rebuild the existing one car garage and site it on the property so it complies with side and rear yard

setbacks. Because the property is accessed from a laneway at the rear of the property there is little or no driveway intrusion into the parcel.

Based on the result of the review, staff has concluded that the development is generally consistent with the guidelines and policies supporting residential development in the Old Orchard neighbourhood.

Regarding the variances requested by the applicant, the variances are required to accommodate a covered entry porch. The porch contributes positively to the heritage character of the neighbourhood and is supported by OCP policy. Additionally, the property poses some challenges with regards to parcel width and parcel shape. When the property was subdivided it was allocated 10.3 metres of road frontage along Leighton Avenue, this smaller than the required 12 metres of frontage required for single family homes in the R-2B zone. The parcel also has an irregular shaped western property line and is wider at in the front yard and narrows towards the rear yard. This reduction in parcel width presents spatial challenges for siting a dwelling.

Despite the need for variances, staff believes that the redevelopment plan for this property is consistent with OCP Policy, Development Permit Guidelines and the planning objectives outlined within the Old Orchard Local Area Plan. Staff recommends approval of the Develop Permit with Variance application.

FINANCIAL IMPLICATIONS:

Should Development Permit with Variance No. 1601 be approved, the applicant would be required to apply for a building permit and subsequent inspections. Building permit fees are \$7.50 for every \$1000.00 of construction value. Development Cost Charges (DCC's) are not applicable because this application involves an existing single family dwelling.

ADMINISTRATIVE IMPLICATIONS:

The processing of development applications is included in the current work plan as a statutory component. Staff has spent 22 hours reviewing the application, conducting a site visit and meeting with the applicant to request additional information. The application fee of \$1,500 is slightly more than the staff cost of approximately \$1200.

If approved, there will be approximately one additional hour of staff time required to prepare the notice of permit, have it registered on title and close the file. Additional staff time will be required for review building permit applications and to perform the required building inspections.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications related to this application.

STRATEGIC PRIORITIES REFERENCE:

The processing of development applications fall under the statutory requirements of the Development Services Department.

OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed development is consistent with OCP policies regarding: ensuring redevelopment proposals preserve the integrity and character of existing residential areas and ensuring housing is located in close proximity to services, community facilities, schools, parks and shopping.

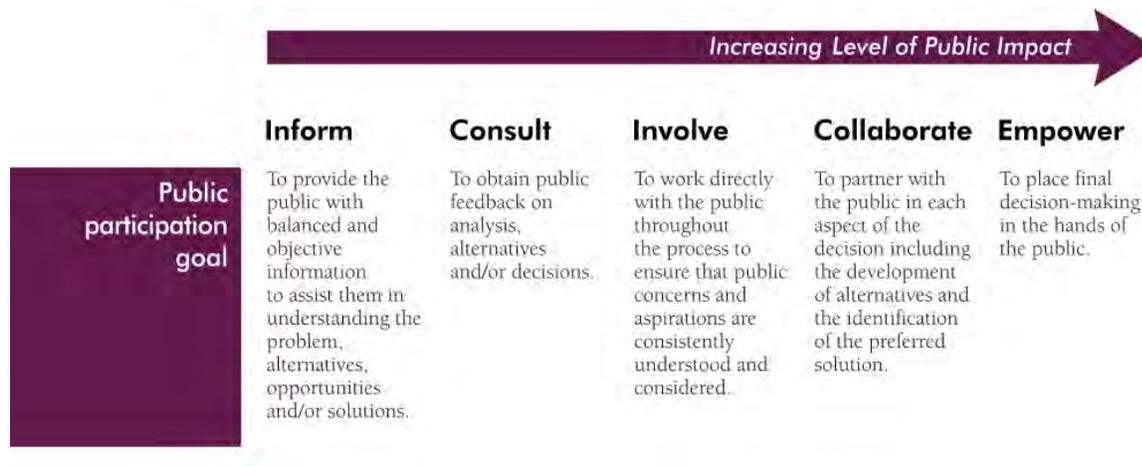
REGIONAL GROWTH STRATEGY REFERENCE:

The subject property is located within a Core Settlement Area. As mandated by the Regional Growth Strategy, the majority of growth and development should be concentrated in these areas to provide the efficient use of land. The Regional Growth Strategy also mandates that housing be located in close proximity to existing services which limits encroachment into resource lands and rural areas on the fringes of the City.

CITIZEN/PUBLIC ENGAGEMENT:

The public has been involved through the Neighbourhood Public Meeting based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



The applicant held a public information meeting on January 27, 2016 at 4:00 pm at 430 Leighton Avenue. According to the record four people attended. Attendees raised concerns regarding the height and size of the proposed dwelling. The adjacent neighbour to the east also expressed concerns with potential privacy loss due to the proposed variances.

The proposed development will not require a height variance and the height of the proposed dwelling will be the same as the existing dwelling. The size of the proposed dwelling is 1350 ft² which is similar in size to a majority of homes in the neighbourhood. The requested variance is required for the construction of the entry porch which is not considered habitable floor space. The porch will not be utilized all year round and the landscaping along the eastern property line provides an ample privacy screen for the neighbours to the east. The minutes of the meeting are included with this report as **Attachment No. 3**.

In accordance with the *Local Government Act*, the City has notified property owners and occupants within 30m of the subject property with regard to the proposed amendment. To-date, staff has received no responses.

OPTIONS:

- OPTION 1: Approve the proposed amendment of Development Permit with Variances No. 1601 as attached (Recommended).
- OPTION 2: Defer consideration of the proposed amendment of Development Permit with Variances No. 1601 pending receipt of additional information.
- OPTION 3: Do not approve the proposed amendment of Development Permit with Variances No. 1601.

Prepared by:

Reviewed by:



Dana Leitch, MCIP, RPP
Land Use Planner



Ian Buck, MCIP, RPP
Director of Development Services

ATTACHMENT NO. 1

THE CORPORATION OF THE CITY OF COURTENAY

Permit No. DPwV 1601

DEVELOPMENT PERMIT with VARIANCES

February 15, 2015

To issue a Development Permit with Variances

To: Name: Mario St. Pierre and Virginia Simpson
Address: 11 Dominion Way
St. Albert, Alberta
T8N 6L3

Property to which permit refers:

Legal: Lot B, District Lot 127, Comox District Plan VIP55175
Civic: 430 Leighton Avenue

Conditions of Permit:

Permit issued to allow the development of a single family residential dwelling with the following variances to the City of Courtenay Zoning Bylaw No. 2500, 2007:

- *Section 8.2.27 (1)* – reduce the required front yard building setback from 7.5m to 4.75m for the covered entry porch and wood supports;
- *Section 8.2.27 (3)* – reduce the required side yard building setback from 3.0 m to 1.0 m for the covered entry porch and wood supports.

Development Permit with Variances No. 1601 is subject to the following conditions:

- a) Development must be in conformance with the plans and elevations contained in **Schedule No. 1**;
- b) Parking areas must be developed in accordance with *Zoning Bylaw No. 2500, 2007*, Division 7, Off-Street Parking and Loading Spaces.

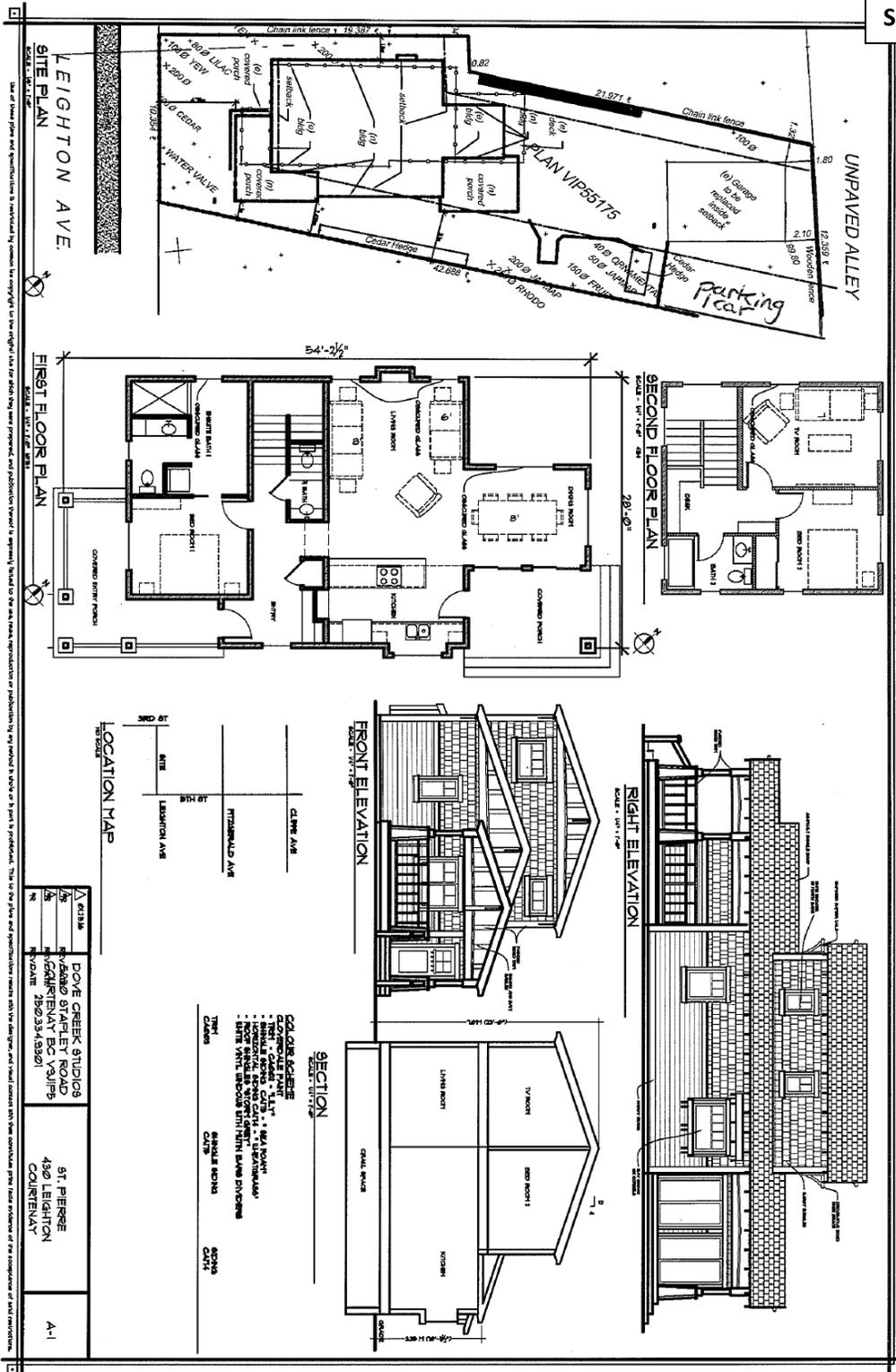
Time Schedule of Development and Lapse of Permit

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

Schedule No. 1



Schedule No. 1



ATTACHMENT NO. 2

Dove Creek Studios
Custom Building Design
5230 Stapley Road Courtenay B.C. V9J 1P5 Canada
telephone 250 - 334 -9301 fax 250 334 9359
email paul@dovecreekstudios.com

430 Leighton Project Description

Proposal is for a two story approx 1350 sq. ft. Single family dwelling and to replace in place an existing one car garage. Current garage location encroaches on the set back. Proposed garage will be shifted to comply with setbacks.

Property is a narrow, pie shaped lot with a sharp dogleg in the middle of one side property line, with mature landscaping along much of the border of the property.

One of the primary design considerations of this proposal was to locate the building in such a way as to minimise disturbing this landscaping, while providing a human scaled entry feature to both front and rear of the building, in keeping with the scale and intent of the Old Orchard District design guidelines. Windows facing the side yard setback are either obscured glass or are located facing existing screening hedges. The covered entry porch is located so as to take advantage of an existing - opening in the front property landscaping.

The proposed footprint is largely over the existing building footprint and the original driveway thru the property.

The proposed design encroaches on the front set back as well as one of the side yard setbacks. Most of the encroachment is for covered entry porch, with a small portion of the encroachment being habitable space. At the side yard, the amount of encroachment lessens as the lot widens towards the rear of the property.

At the front yard the proposed buildings front part is approximately the same distance to the street as the existing home.

ATTACHMENT NO. 3

Leitch, Dana

From: paul keim <paul@dovecreekstudios.com>
Sent: Thursday, January 28, 2016 8:43 AM
To: Leitch, Dana
Subject: 430 Leighton Public meeting

Hello Dana

4 people came to the meeting, the two couples that live immediately beside. We were there from 4 – 5:15.

The questions we relative to the existing build

Biggest questions were where is it. We walked them thru where the front door will be where some of the more important windows are where the wall of the hose is vis vis the porch extent. Pointed out that all the current encroachemnts (house and garage) are being addressed.

- Height was the other question. Pointed out that the entry element is the same height as the existing element and that the current house while only one story is only aprox 5 feet shorter at the ridge than the proposed. Also explained how the 75% of the two story element is behind a one story element.

- character of the home. Less detail was gone into here.

I found out how that awkward dog leg in the lot was created. The house at 430 was built over the property line along that area. The current owners of the lot next door sold that funny triangle to the previous owners of 430 so that the title could go through.

At the end of the meeting I gave the neighbors at 450 Leighton a set of plans to take home.

I'm going to forward email comment from the co-owner of 450 Leighton. She's the mother / mother in law of the couple who live there. The couple apologised for his mother saying "I hope she didn't bother you too much".

Ill drop the signin sheet by later today.

Anything else I can do to help – let me know.

Thanks

pk

ATTACHMENT NO. 3

Subject: Neighbourhood Meeting January 27

Hello Mr. Keim

Thank you for your letter with regards to the meeting for a proposed development at 430 Leighton Avenue recently purchased by a Calgary couple.

I am on shared title for 450 Leighton Avenue, just beside the proposed development. My son and DIL live in the property with their 2 year old son and 1 month old baby girl.

I do have some questions:

1. What is the purpose of your meeting? Is the development a "done deal" and this meeting is just part of the process of development per the City of Courtenay? Were all the neighbours invited?
2. Does the square footage include both floors or just the main floor?
3. As I am out of the city, please forward me a copy of the site plan elevations and floor plans and distances to the lot lines.
4. Does the proposed development comply with Courtenay's Old Orchard District permit?
5. On what side of the house does the design "encroach" on? My son's? What exactly do you mean by encroach?

Playing the devils advocate, suppose I don't agree with your proposed development? My biggest concern is a monstrosity of a house, designed cookie-cutter style to emulate an older, character house close enough to my son and DILs house to feel as if the neighbours are peering into or over their wee house. Alberta sub-divisions are full of such houses. Kettle Valley sub-division in Kelowna is the same. "Cute" but way too close for comfort. These are small lots.

Sincerely,
Jill Almond
250 718-7166

ATTACHMENT NO. 3

Leitch, Dana

From: paul keim <paul@dovecreekstudios.com>
Sent: Thursday, January 28, 2016 8:45 AM
To: Leitch, Dana
Subject: FW: Neighbourhood Meeting January 27

-----Original Message-----

From: JILL ALMOND [mailto:almondlady@shaw.ca]
Sent: January-26-16 11:17 AM
To: paul keim
Subject: Re: Neighbourhood Meeting January 27

5. Why is it necessary to encroach at all? Why would anyone want to be breathing down their neighbours neck?

Sent from my iPhone

On Jan 26, 2016, at 9:45 AM, paul keim <paul@dovecreekstudios.com> wrote:

Hello Jill

Answers to your questions

- 1 - To provide an opportunity for the neighbors within 30m to ask questions about the project. This is a part of the variance / development permit process with city of Courtenay. It is not a "done deal".
- 2 - Square footage is both the second and first floor.
- 3- please see attached
- 4 - yes in fact the design goes well beyond the minimum required in terms of architectural character and in efforts made to preserve the existing mature landscaping.
- 5 - I'm assuming your property is the yellow house next door? Encroachment is into the setback (distance away from the property line) between my clients property and your property. As you will see on the site plan , the encroachment lessens substantially as the it moves towards the rear of the property.

I will take all public comments from this meeting to the city. At less than 1400 sq ft with no basement, it is not a monster of a house. The direction from my client has been to make a very modest house that fits into the neighborhood. Regardless of the size or cost of the home, every design I do is site specific, a true character / custom home. Part of the design intent was to locate the building and windows to take advantage of as much of the side yard landscaping as a screening element as was possible. Windows on the opposite site of your property are all opaque glass designed to let in light but provide privacy.

Please feel free to call or write if you'd like further clarification.

Regards
Paul Keim

ATTACHMENT NO. 3

Leitch, Dana

From: paul keim <paul@dovecreekstudios.com>
Sent: Thursday, January 28, 2016 8:44 AM
To: Leitch, Dana
Subject: FW: Neighbourhood Meeting January 27

-----Original Message-----

From: JILL ALMOND [mailto:almondlady@shaw.ca]
Sent: January-26-16 12:15 PM
To: paul keim
Subject: Re: Neighbourhood Meeting January 27

Yes because all the houses from his down the street are encroaching on the lot line on the far side of the houses headir towards the river? If that's the correct term. And now you are asking for a variance to encroach on the side close to his house so it will be really close. Not very neighbourly which I believe is at the basis of the Old Orchard plan. Old is the ke word. You need to phone me we could go back and forth all day. Give me 15.

Sent from my iPhone

On Jan 26, 2016, at 11:17 AM, paul keim <paul@dovecreekstudios.com> wrote:

Hi

Variance - asking for something other than what is in the current zoning bylaws. Most of the current more restrictive bylaws were not in place when the smaller lots in the old orchard district were created. So in situations like this with extremely small and odd shaped lots we ask for variances from those bylaws. It's a common practice. I believe your son was going to ask for one for his property at some point in the past?

Paul

-----Original Message-----

From: JILL ALMOND [mailto:almondlady@shaw.ca]
Sent: January-26-16 11:10 AM
To: paul keim
Subject: Re: Neighbourhood Meeting January 27

Thanks Paul. What exactly does "variance" mean?

Sent from my iPhone

On Jan 26, 2016, at 9:45 AM, paul keim <paul@dovecreekstudios.com> wrote:

Hello Jill

Answers to your questions

- 1 - To provide an opportunity for the neighbors within 30m to ask questions about the project. This is a part of the variance / development permit process with city of Courtenay. It is not a "done deal".
- 2 - Square footage is both the second and first floor.
- 3- please see attached

ATTACHMENT NO. 3

4 - yes in fact the design goes well beyond the minimum required in terms of architectural character and in efforts made to preserve the existing mature landscaping.

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I will take all public comments from this meeting to the city. At less than 1400 sq ft with no basement, it is not a monster of a house. The direction from my client has been to make a very modest house that fits into the neighborhood. Regardless of the size or cost of the home, every design I do is site specific, a true character / custom home. Part of the design intent was to locate the building and windows to take advantage of as much of the side yard landscaping as a screening element as was possible. Windows on the opposite site of your property are all opaque glass designed to let in light but provide privacy.

Please feel free to call or write if you'd like further clarification.

Regards

Paul Keim



STAFF REPORT

To: Council

File No.: 3320-20-1601

From: Chief Administrative Officer

Date: February 15, 2016

Subject: Development Variance Permit No. 1601 for 3000 Swanson Street (Cul-de-sac Length)

PURPOSE:

The purpose of this report is for Council to consider a variance to Subdivision Control Bylaw No.1401 (1986), to increase the limit of a cul-de-sac length. In order for the Approving Officer to consider subdivision approval of the application layout as proposed, Council must first approve the variance to the Subdivision Control Bylaw.

CAO RECOMMENDATIONS:

That based on the February 15th, 2016 staff report, "*Development Variance Permit No 1601 for 3000 Swanson Street (Cul-de-sac Length)*," Council approves option 1 to vary Section 23.1 of Subdivision Control Bylaw No. 1401 (1986), to increase the maximum cul-de-sac length from 152.4 metres to 173 metres for the proposed development at 3000 Swanson Street.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

Arden Projects Ltd. has made application to the City for a 20 lot single family, fee simple subdivision at the current western end of Swanson Street in the Copperfield Ridge Development lands. The subject piece of property is zoned "Comprehensive Development Twenty Three A (CD-23A)" under the City's zoning regulations and permits the development of single family, multi-family and multi-residential dwellings. The subdivision application is consistent with the permitted uses, minimum lot area and minimum lot frontage requirements of the CD-23A zone.

DISCUSSION:

Arden Projects Ltd has made a Development Variance Permit application to the City to vary section 23.1 of the Subdivision Control Bylaw No. 1401 which states:

"The length of any such cul-de-sac shall not exceed 152.4 metres (500 feet) to the end of the turnaround, and shall permit a direct line of vision from the point of entry to the closed end, except in special circumstances."

Arden Project Ltd.'s proposed subdivision layout (attached in Schedule 'A') includes the dead end extension of Swanson Street westward by approximately 173 metres from the nearest intersecting street – Bickle

Street. The proposed net cul-de-sac length increase is 20.6 meters beyond the provision of the bylaw and it will maintain a clear line of sight from beginning to end. The proposed cul-de-sac location was established at the direction of the City towards providing a pedestrian gateway to a future planned Comox Logging Road ROW community trail. There are no future plans to connect Swanson Street to the Comox Logging Road ROW.

As part of this subdivision, Bickle Street will be built as a temporary dead end road of 39 metres in length that will eventually provide connectivity following development of the lot to the south. Bickle Street's location was derived through a coordinated effort between the developer's engineer, City staff and the property owner to the south. Until the lot to the south is developed the total length of Swanson Street to the intersection of Steele is approximately 448 metres.

Council's approval of a variance to the bylaw is required for the application to proceed in the subdivision process and is a condition of the Approving Officer's Preliminary Layout Review letter for final subdivision approval.

The cul-de-sac requirements imposed by the City's bylaw likely relate to the maximum length of hose that is typically carried by a fire truck (i.e. 500 ft or 152.4 metres) to connect to a fire hydrant at the entrance to the subdivision. Other communities on Vancouver Island permit cul-de-sac lengths of up to 1000 feet (304.8 metres) more likely based on the desired traffic volume threshold and lot frontage distance. This cul-de-sac specification is subject to review through the update to the Subdivision Control Bylaw currently underway.

Staff believes the variance requested is minor in nature; that the proposed layout is compatible with the surrounding neighbourhood and is consistent with the Overall Development Plan for Copperfield Ridge. Fire hydrants are spaced throughout the subdivision according to City design standards.

FINANCIAL IMPLICATIONS:

Arden Projects Ltd. has remitted fees to the City in the amount of \$3,600 for the subdivision application and \$1,500 for the Development Variance Permit application.

The City will collect from Arden Projects Ltd. \$134,700 in Development Cost Charges (DCCs) and forward \$193,640 in Comox Valley Regional District DCCs.

ADMINISTRATIVE IMPLICATIONS:

Staff time to support subdivision applications is considered statutory. It is estimated that a combined effort of approximately 10 hours has been spent on this variance application and council report. If approved, an additional hour of staff time will be required to prepare the notice on title and close out this portion of the application.

ASSET MANAGEMENT IMPLICATIONS:

As a result of the subdivision approval, the City will inherit new water, sewer, storm and roadway assets. These assets will be incorporated into the City's Asset Registers and become part of the City's overall Operating and Maintenance program for these asset classes. Future repair and replacement costs of these assets will be borne by the taxpayer as part of the City's Corporate Asset Management Plan.

STRATEGIC PRIORITIES REFERENCE:

Not specifically referenced.

OFFICIAL COMMUNITY PLAN REFERENCE:

Not specifically referenced.

REGIONAL GROWTH STRATEGY REFERENCE:

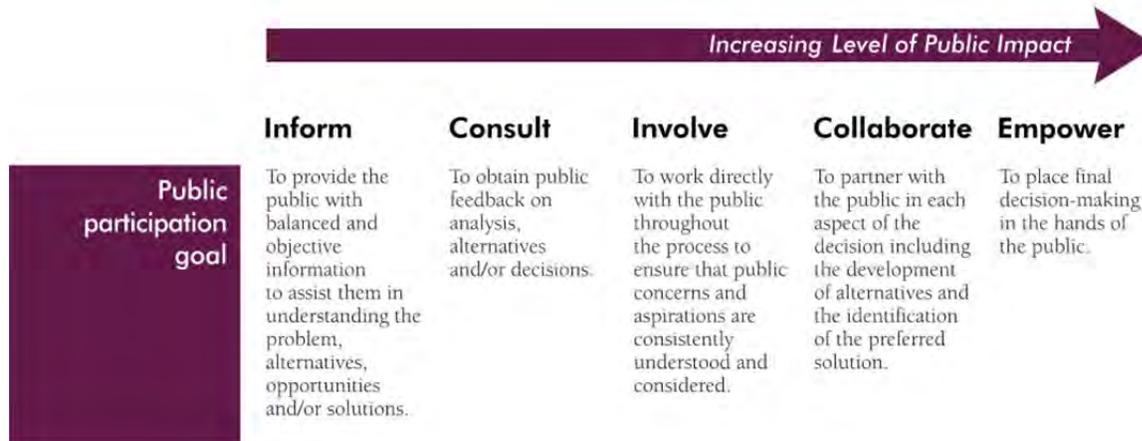
Not specifically referenced.

CITIZEN/PUBLIC ENGAGEMENT:

Pursuant to the requirements of the *Local Government Act*, the City has provided notification of the proposed variances to property owners within 30 metres of the subject property. No comments have been received to date.

This service is considered to be an “involve” level of engagement based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

Option 1: That Council approve Development Variance No.1601 to vary the requirements in Subdivision Control Bylaw No. 1401 (1986), for maximum cul-de-sac length from 152.4 metres to 173 metres.

Option 2: That Council deny Development Variance Permit No. 1601 and require the applicant to reconsider the subdivision configuration to meet the requirements established by the City's Subdivision Control Bylaw.

Prepared by:

Rich Feucht, P.Eng.
Development Engineer

Reviewed by:

Ian Buck, MCIP, RPP
Director of Development Services

THE CORPORATION OF THE CITY OF COURTENAY

Permit No. 3090-20-1601

DEVELOPMENT VARIANCE PERMIT

February 15, 2016

To issue a Development Variance Permit

To: Name: Arden Projects Inc., INC.NO. BC0914232
Address: 4635A Madrona Place, Courtenay, BC V9N 9E7

Property to which permit refers:

Legal: LOT 14 District Lot 138 Comox District Plan EPP39088 Except Parts in Plans EPP49945 and EPP54141 (PID: 029-377-102)

Civic: 3000 Swanson Street, Courtenay, BC

Conditions of Permit:

Permit issued to vary:

- 1) *Section 23.1 of Subdivision Control Bylaw No. 1401, 1986* by increasing the length of cul-de-sac from 152.4 meters to 173 meters subject to conformance with the plan 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.

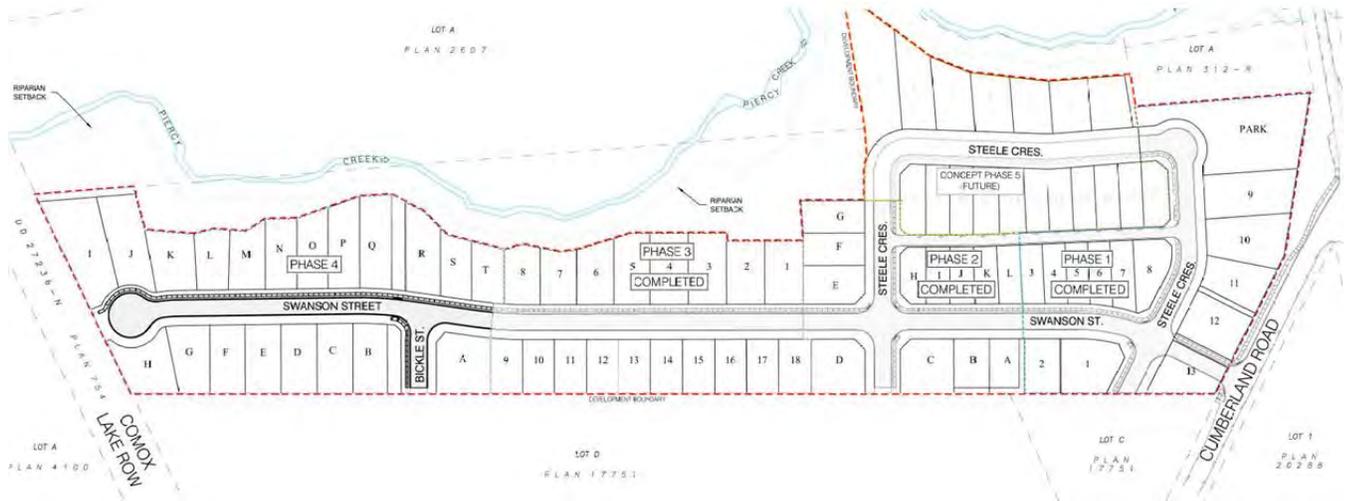
Date

Director of Legislative Services

Schedule No. 1 to DVP 1601



Subject Property Map



Site Plan



STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Development Permit with Variances – 330 Lerwick Rd.

File No.: 3060-20-1518
Date: February 15, 2016

PURPOSE:

The purpose of this report is for Council to consider the issuance of a Development Permit with Variances for additional storage structures on the BC Hydro electrical operation and maintenance facility.

CAO RECOMMENDATIONS:

That based on the February 15, 2016 staff report “Development Permit with variance – 330 Lerwick Rd” Council support OPTION 1 and approve Development Permit with Variance No. 1518.

Respectfully submitted,

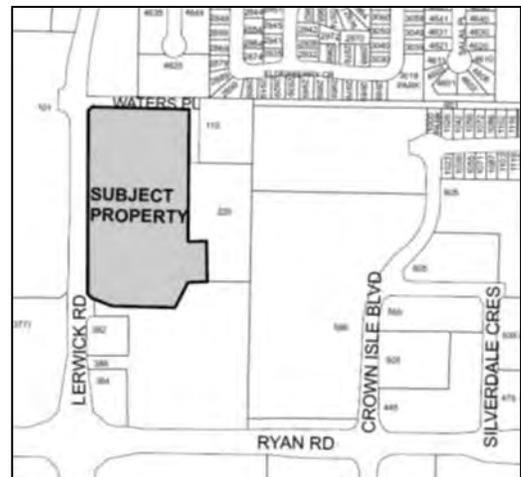
David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The subject property is located in east Courtenay on Lerwick Road across from the new hospital site. The property is approximately 4 hectares in size, is zoned Public Assembly 2 (PA-2), and currently contains a BC Hydro electrical operation and maintenance facility as well as a transmission station. The Zoning Bylaw states that for this zone, where a property is 2 hectares or larger, a minimum 7.5 meter landscaped area shall be provided on all property lines, including the retention of mature trees where possible.

The applicant is proposing site changes to address a number of operational constraints:

1. To formalize a Waters Place access for BC Hydro vehicles. Currently they use the entrance at the BC Hydro/Home Depot Lerwick Road entrance, which is contributing to congestion, including of utility vehicles as they exit the BC Hydro site.



2. To add more formal storage in the form of seven Pole Bunk low profile open air structures (for utility poles), a L-shed storage rack shed, vehicle storage shed and to formalize the surfacing (gravel and asphalt) in high traffic locations.
3. To add 11 permeable pavement vehicle parking stalls near the office building for added parking for staff and visitors.
4. Stormwater servicing upgrades to support the proposed changes including re-contouring an existing ditch, re-locating an existing ditch and formalizing both to better serve as drainage swales.

To achieve these goals a number of variances are required:

1. To vary the landscaping setbacks along the side (Fire Training facility) yard from 7.5 meters to 3 meters and from 7.5 meters to 1.5 meters on the interior, side and rear yard panhandle portion of the lot.
2. To vary the building setbacks from 10 meters to 1.5 meters on the rear yard, and from 9 meters to 1.5 meters on the side yard panhandle portions of the lot.

These changes in setbacks are shown in **Attachment No.1**. The property is subject to the Tree Protection Bylaw and therefore a Tree Cutting Permit must be issued, including a tree replacement plan.

Written submissions as well as plans for the proposed development are shown in **Schedule No.1** to the attached Permit.

DISCUSSION:

The proposed development falls under the Commercial Development Permit Area, and as such is subject to the Development Permit guidelines. The intent of the Commercial Development Permit Area guidelines is to ensure that aesthetic considerations are taken into account for new developments.

The applicant intends to build the following structures of the approximate dimensions:

1. L-shed storage rack, (footprint: 135 feet X 20 feet = 2700 Square Feet -250 square metres, height: 20 feet)
2. Covered vehicle storage shed at a future date
3. 7 Pole bunks of 8 foot in width and ranging from 45-60 meters in length, 4 foot height

The proposed structures are in support of the principal use and are required to have open air functionally to allow for easy access of large equipment. The DP building guidelines therefore do not generally apply, and instead a strong screening and landscaping component in areas of high public traffic is recommended to provide the aesthetic intention of the guidelines.

A landscaping setback of 12 meters will be installed along Waters Place and will be comprised of a mix of native trees, shrubs and meadow plantings that are suitable under overhead power utilities. A landscaping setback of 3 meters will be installed along the Firehall Training facility side with similar plants. BC Hydro requires that privacy board screens be installed on their chain-link fencing which will be located outside of the landscaping beds along the Firehall Training facility side, and on the inside of the landscaping beds along Waters Place.



Photo above – example of an ‘L-shed’ storage rack

Photo above – example of Pole bunk structures

The variances proposed (reduced landscape width along the Fire Training site and storage structures within yard setbacks) are considered acceptable given that the impact is limited to the adjacent Fire Training facility. A strong landscape buffer in this location is not deemed as critical as in other high traffic, publically visible areas.

Thirty-five trees larger than 20 centimetres Diameter at Breast Height, and a number of smaller trees, are proposed to be removed to accommodate the proposed changes on site. The landscaping plan submitted satisfies the tree replacement requirements of the Tree Management and Protection Bylaw.

FINANCIAL IMPLICATIONS:

Should Development Permit with Variances No. 1518 be approved, the applicant would be required to apply for a building permit and subsequent inspections. Building permit fees are \$7.50 for every \$1000.00 of construction value. The fees associated with the Development Permit with Variances are \$2500. The fees associated with the Tree Cutting permit are \$425. No Development Cost Charges (DCC's) are applicable. Landscaping requirements will be secured via a letter of agreement between the City and BC Hydro.

ADMINISTRATIVE IMPLICATIONS:

The processing of development applications is included in the current work plan as a statutory component. To date staff has spent approximately 15 hours reviewing the application and preparing the report. An additional hour of staff time will be required to prepare the notice of permit, register the notice on title and close the file.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct or indirect asset management implications associated with the proposed Development Permit with Variances as all the works are privately owned and no upgrades or burdens on public infrastructure are anticipated.

STRATEGIC PRIORITIES REFERENCE:

The proposed Development Permit with Variances supports Council's goals and objectives to support a complete community including utility providers.

OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed Development Permit with Variances is consistent with OCP policy to screen utility services.

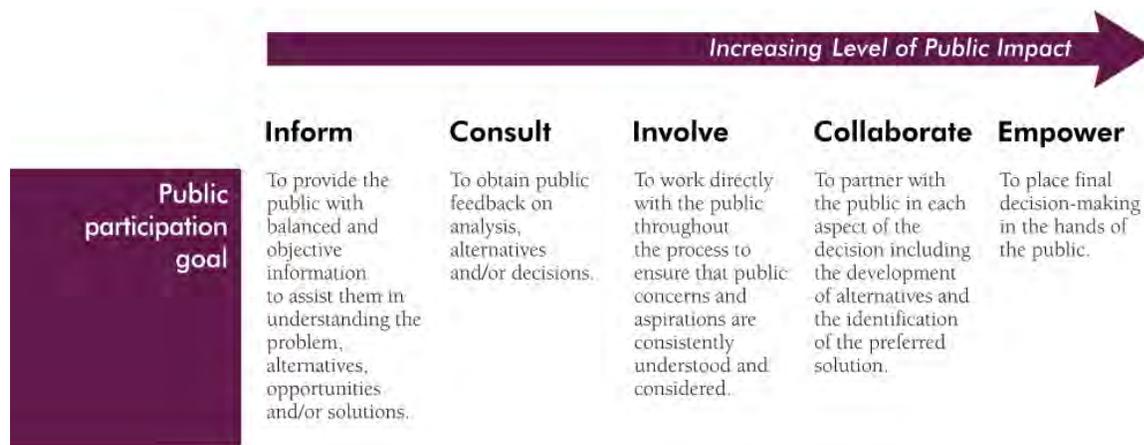
REGIONAL GROWTH STRATEGY REFERENCE:

The proposed Development Permit with Variances is consistent with RGS goals and objectives to support a complete community including utility providers.

CITIZEN/PUBLIC ENGAGEMENT:

Staff would “involve” based on the IAP2 Spectrum of Public Participation, through the notification mail out to property owners within 30 meters of the subject property, as per statutory requirements:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

- OPTION 1: Approve the Development Permit with Variances No. 1518 as attached (Recommended)
- OPTION 2: Defer consideration of Development Permit No. 1518 pending receipt of addition information.
- OPTION 3: Do not approve Development Permit with Variances No.1518 and outline the guidelines that have not been satisfied.

Prepared by:

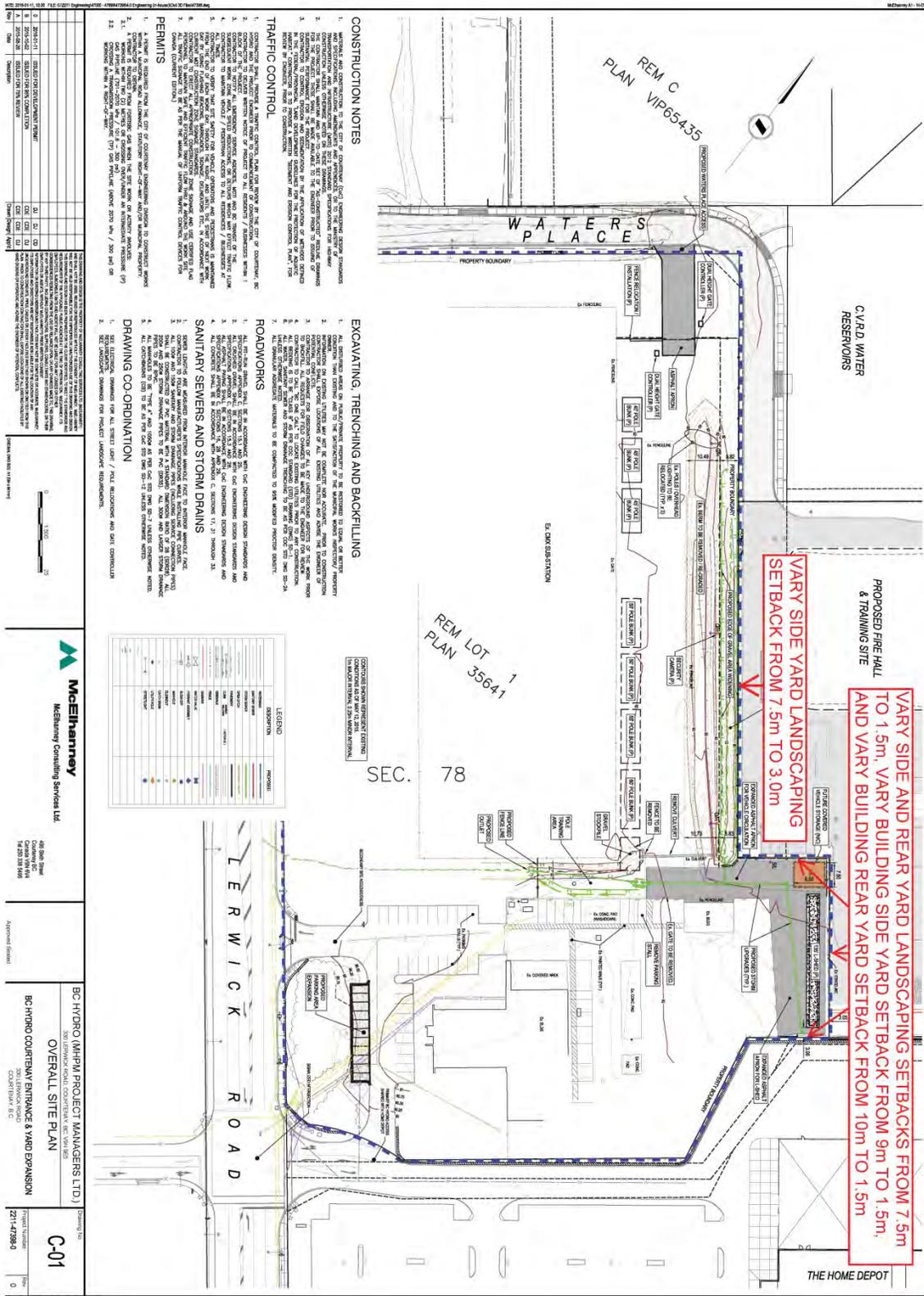
Reviewed by:

Nancy Gothard, MSc, BSc
Environmental Planner

Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Attachment No. 1 : Site plan showing locations of setback variances*
2. *Attachment No. 2: Information provided by the applicant, October 6, 2015*
3. *Attachment No. 3: Draft Development Permit with Variances 1518*





October 6, 2015

Our File: 2211-47398-0

Mr. Ian Buck
Director of Development Services
City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7

Dear Mr. Buck,

**BC HYDRO (COURTENAY) OPERATIONS YARD AND ENTRANCE EXPANSION PROJECT-
335 LERWICK ROAD, COURTENAY**

The following development synopsis has been prepared on behalf of BC Hydro, in support of development permit, development variance permit, and tree cutting permit applications for the above-noted property.

1.0 GENERAL

The subject property is legally described as Rem Lot 1, Comox District, Plan 35641, and is located at 330 Lerwick Road. The 4.12ha property lies within the area bounded by Lerwick Road (west), Waters Place (north), Courtenay Fire Hall training facility (east), and Home Depot (south). BC Hydro operates both an electrical operation/maintenance facility as well as a transmission station on the property.

The development proposal seeks to address three (3) site operational constraints:

1. *The addition of the Tim Hortons restaurant to the Home Depot development site has resulted in significant vehicle traffic congestion/ safety concerns at the cooperative BC Hydro /Home Depot Lerwick Road entrance (Main Entrance).*

The proposal formalizes a Waters Place access for BC Hydro vehicles, facilitating an alternate site access/egress location to this secondary road and reducing overall congestion at the Main Entrance.

2. *Expanded operation and maintenance service requirements at the BC Hydro facility have resulted in inefficient site programming, a lack of materials storage areas, and an overall lack of necessary space.*

Proposed site programming improvements include:

- Expanded gravel laydown area and drivable surfacing.
- The installation of Pole Bunk storage facilities to formalize utility pole storage.
- The installation of an 'L-Shed' storage rack to improve materials storage efficiency.

Page 1 of 4

495 Sixth St
Courtenay BC
Canada V9N 6V4
Tel 250 338 5495
www.mcelhanney.com



- The addition of an access fronting Waters Place and expanded asphalt surfacing will increase material loading efficiency and overall BC Hydro response times.

3. *Insufficient staff & visitor vehicle parking.*

11 additional vehicle parking stalls are proposed, adjacent to the BC Hydro office main entrance.

2.0 DEVELOPMENT PERMIT

The proposal is in general compliance with the Commercial Development Permit (CDP) Guidelines; noting that the application is limited to expanding existing gravel & asphalt surfacing, installation of storage facilities, and a minor parking expansion. This proposal does not add any 'new' site uses.

The application is in compliance with the following CDP guidelines, as applicable:

- A sediment and erosion control design to preclude sediment transfer to downstream environments is included in application.
- An oil/water separator is proposed to improve stormwater quality prior to discharge to the municipal system.
- Landscape plans have been prepared by a BCSLA.
- Land use remains compatible with adjacent development, these being Home Depot and the Courtenay Fire Training Facility (Fire Training).
- The operations expansion area is adjacent to the Fire Training facility. As such, BC Hydro operations will continue to be screened from Lerwick Road.
- No signage is proposed.
- A Development Variance permit application has been filed requesting a landscape setback reduction along the north property line (adjacent to Fire Training).

Typical 'L-Shed' storage apparatus





Typical 'Pole Bunk' storage apparatus



3.0 DEVELOPMENT VARIANCE PERMIT RATIONALE

A Development Variance Permit (DVP) to Zoning Bylaw #2500 8.26.10(3) has been filed to reduce the landscape setback requirement along the north property line from 7.5m to a minimum of 1.2m. This request is necessary to facilitate expansion of the operations yard and provide the area necessary to effectively store requisite materials.

The impact of this variance proposal is limited to the adjacent Fire Training facility, which previously was granted a similar landscape setback variance, in concert with that proposal.

The following additional landscape measures are proposed towards off-setting the potential impacts resulting from this DVP:

- Extensive landscape treatment is proposed along the Waters Place frontage to provide both screening from operational activities as well as enhance the overall aesthetics of the Waters Place corridor.
- It is understood that Waters Place is a designated pedestrian walking corridor, and our landscape efforts are focused on improving the Waters Place streetscape as opposed to the interface with the Fire Training Facility. As such, a continuous landscape area of not less than 12m in width has been proposed along Waters Place (7.5m minimum).
- The property has provided a landscape buffer/ mature tree retention width of 20-40m along the Lerwick Road frontage. This is well in excess of the 7.5m minimum bylaw requirement.



4.0 SUSTAINABILITY & AFFORDABLE HOUSING

As the proposal does not include either a subdivision application or a change in land use, the City's affordable housing and sustainability policies do not apply.

Yours truly,

MCELHANNEY CONSULTING SERVICES LTD.

A handwritten signature in blue ink, appearing to read "D Jensen".

Derek Jensen, ASCT

DJ/njg

Enclosures

cc. MHPM, Cameron Dodd

Reviewed by:

A handwritten signature in blue ink, appearing to read "Chris Durupt".

Chris Durupt, P.Eng.

THE CORPORATION OF THE CITY OF COURTENAY
DEVELOPMENT PERMIT WITH VARIANCE

Permit No. 3060-20-1518

February 15th, 2016

To issue a Development Permit with Variance

To: Name: BC Hydro
Address: 333 Dunsmuir Street
Vancouver, B.C.
V6B 5R3

Property to which permit refers:

Legal: Rem Lot 1 Plan 35641 Comox District
Civic: 330 Lerwick Road

Conditions of Permit:

Permit issued to allow the development of additional storage structures on the BC Hydro electrical operation and maintenance facility, with the following variances to the *City of Courtenay Zoning Bylaw No. 2500, 2007*:

- *Section 8.26.5 (2 and 3) – Setbacks (rear and side yards)*, decrease the minimum rear yard building setback from 10 meters to 1.5 meters and decrease the minimum side yard building setbacks from 9 meters to 1.5 meters as shown in *Schedule No. 1*.
- *Section 8.26.10 (3) – Setbacks (landscaping setbacks)*, decrease the minimum landscaping setbacks from 7.5 meters to 3 meters on the side yard as shown in *Schedule No. 1*.

Development Permit with Variances No. 1518 is subject to the following conditions:

- a) Development must be in conformance with the plans contained in ***Schedule No. 1***, including the implementation of the suggested Sediment and Erosion control plan;
- b) Installation of landscaping in conformance with the plans contained in ***Schedule No. 1***;
- c) Permeable pavers shall be installed within the 11 parking spaces parking expansion area as per the design shown in ***Schedule No. 1***;
- d) Minimum depth of topsoil or amended organic soil on all landscaped areas as follows: shrubs – 450 mm; groundcover and grass – 300 mm; trees – 300 mm around and below the root ball;
- e) The applicant is required to remove any invasive species on site;
- f) That in lieu of landscaping securities, a letter of understanding be submitted from BC Hydro confirming that the landscaping plan will be fulfilled as per ***Schedule No. 1***;

- g) Sediment and Erosion control measures required to be installed, monitored and maintained for the site to ensure no sediment laden waters exit the property and that flooding does not occur on neighbouring properties and/or downstream;
- h) All building and site lighting must be full cut-off, flat lens in accordance with the City's Dark Skies Policy (#5240.00.01);
- i) All servicing connections and work within the City Right of Way requires the approval of the City prior to the commencement of construction;
- j) Curb let downs off Waters Place are to be coordinated with City and may be subject to a Road 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

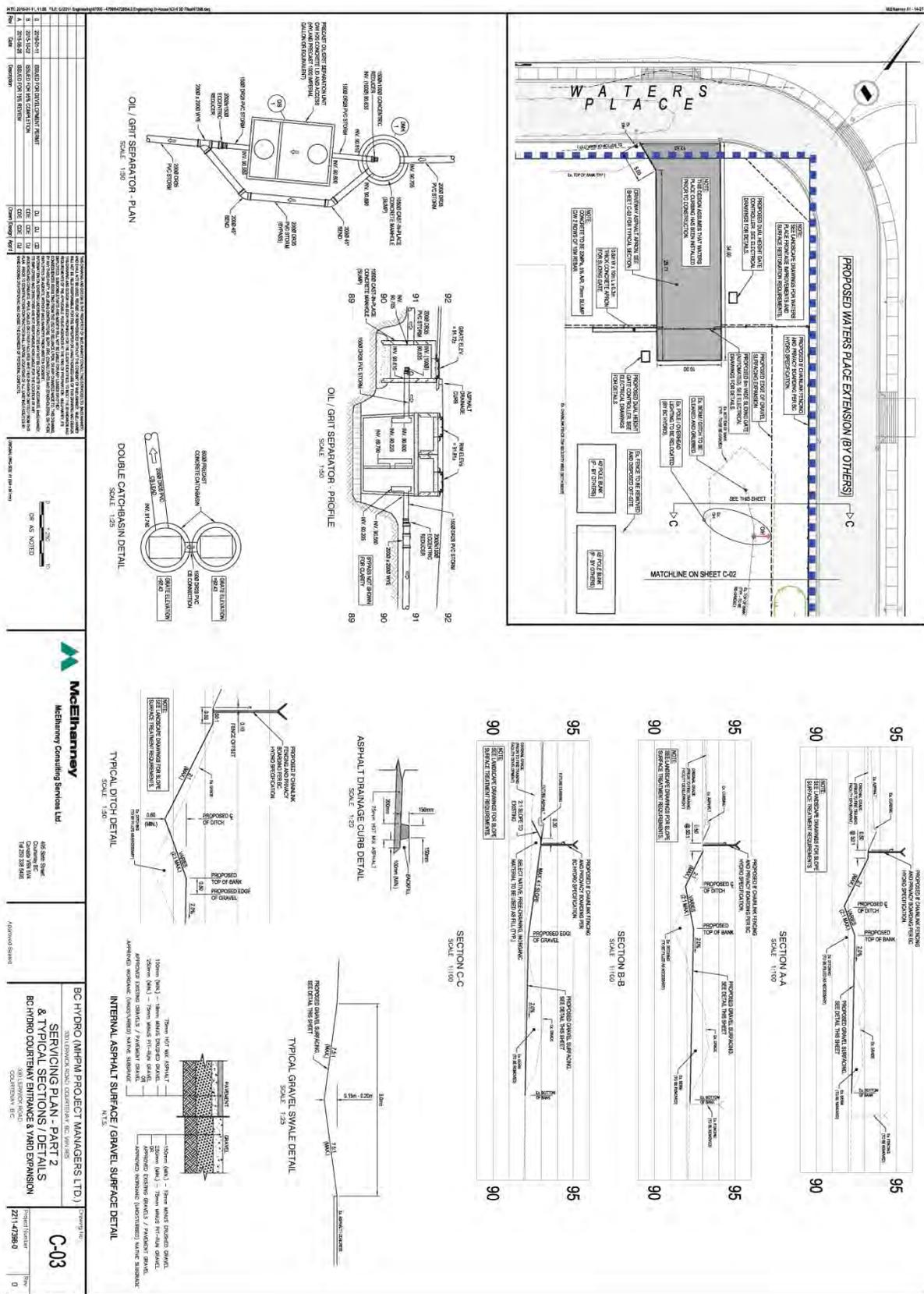
Director of Legislative Services



McElhatney
 McElhatney Consulting Services Ltd.
 485 GARDEN STREET
 VANCOUVER, BC V6C 1G7
 TEL: 604-278-3848

BC HYDRO (MWHM PROJECT MANAGERS LTD)
 SERVISING PLAN - PART 1
 BC HYDRO COURTNEY ENTRANCE & YARD EXPANSION
 COURTNEY, BC

C-02
 2771-42398-0



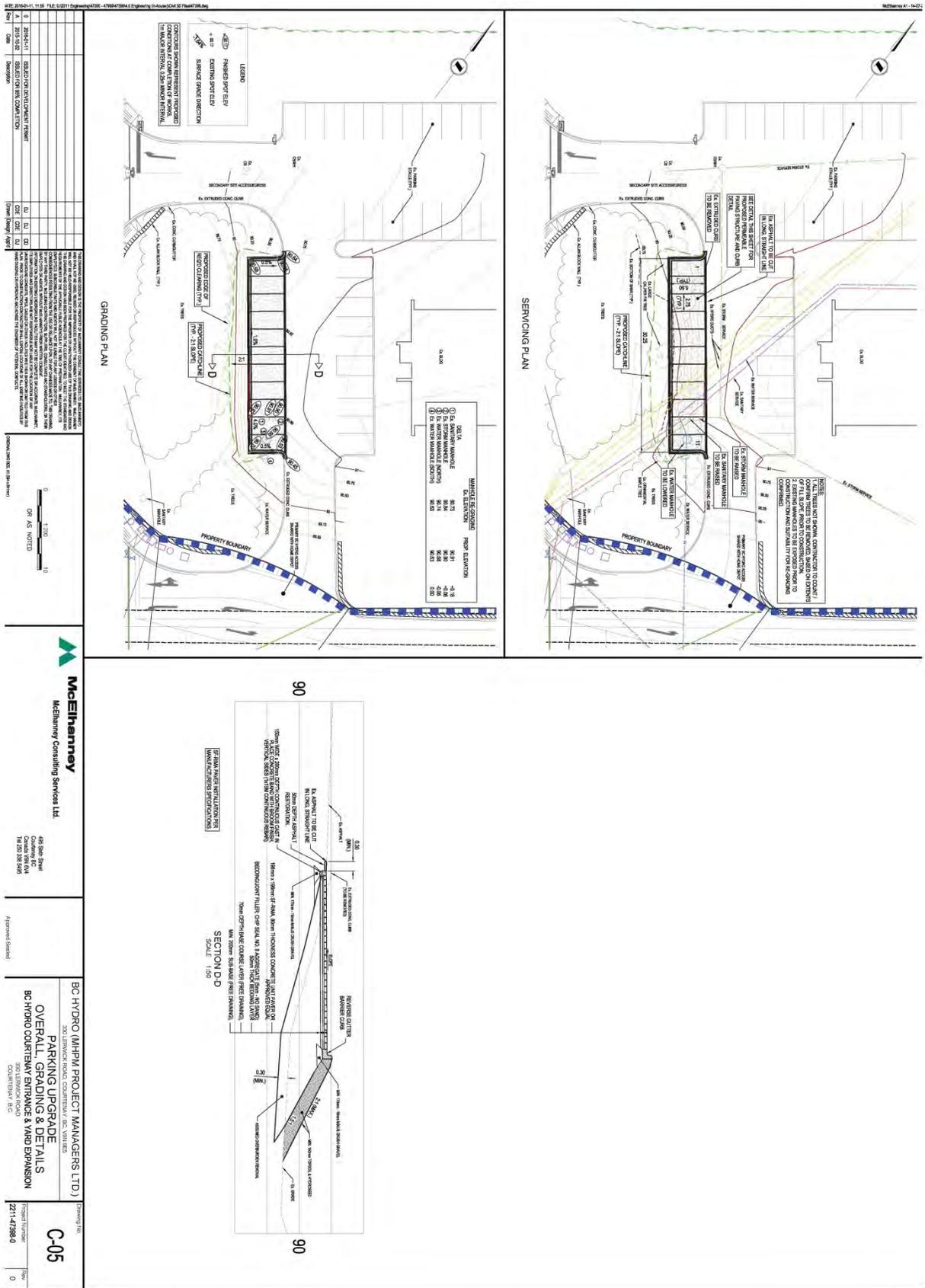
Rev	Date	Description
1	2015-02-11	ISSUED FOR DEVELOPMENT PERMIT
2	2015-02-11	REVISION FOR THE REVIEW
3	2015-02-11	REVISION FOR THE REVIEW
4	2015-02-11	REVISION FOR THE REVIEW
5	2015-02-11	REVISION FOR THE REVIEW

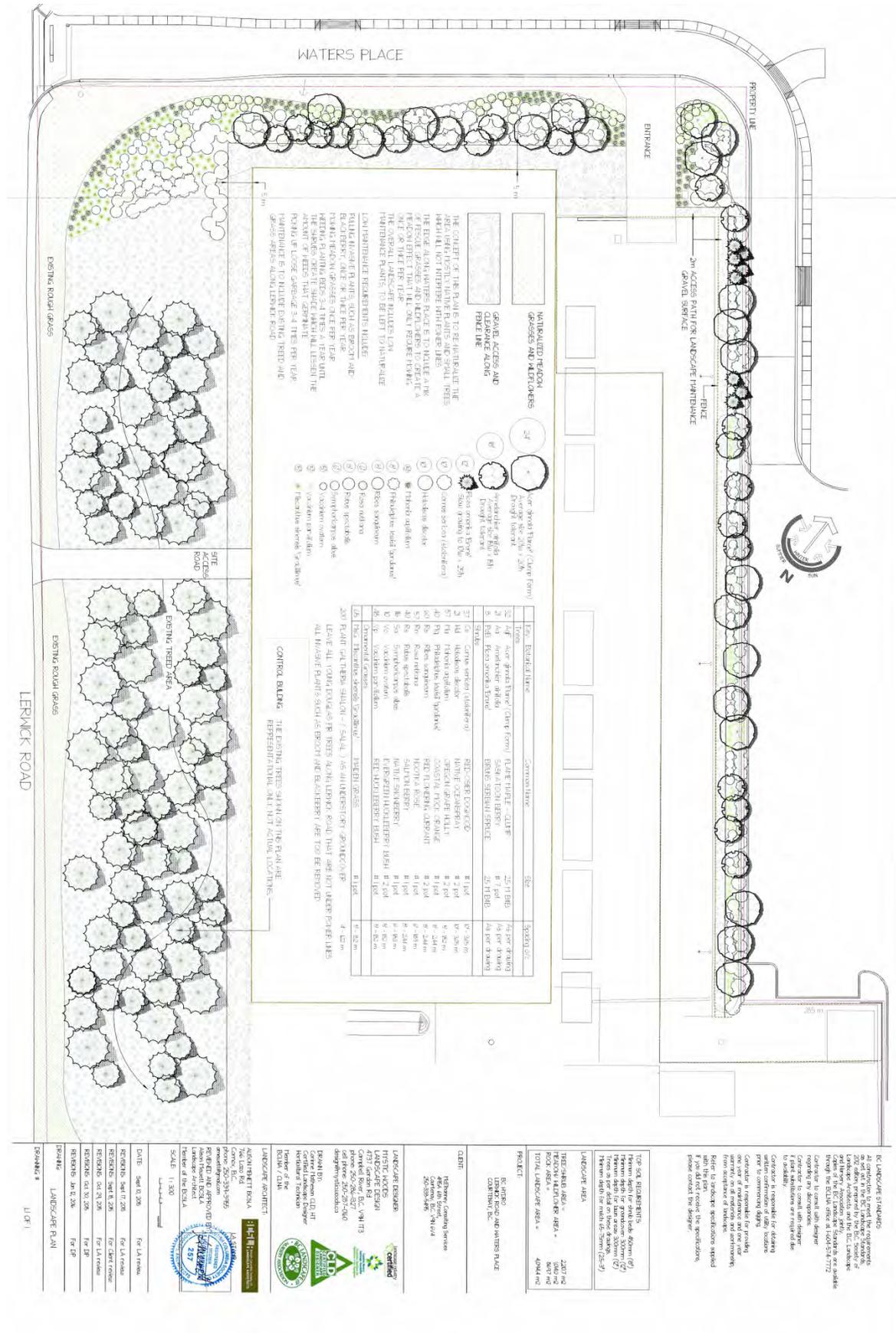
Scale: 1:30
 Scale: 1:25
 Scale: 1:100

McElhinney
 McElhinney Consulting Services Ltd.
 465 Sand Street
 Victoria, BC V8S 2B8
 250.683.8888

BC HYDRO (MHRP) PROJECT MANAGERS (LTD.)
 2000 WESTERN AVENUE, SUITE 100
 VANCOUVER, BC V6V 1W6
 604.271.4286

C-03





LANDSCAPE INSTALLATION ESTIMATE

January 21, 2016

LANDSCAPE

CONSULTANT: **Mystic Woods Landscape Design and Alison Mewett LA**

Corinne Matheson, CLD, HT

4737 Gordon Rd.

Campbell River, B.C.

V9H 1T3

250-286-1327

PROJECT:

BC Hydro

Lerwick Road Site

Courtenay, B.C.

Plant area = 2,210.7 m² (23,796 sqft), Grass/Meadow area = 1,014m² (10,914 sqft),

Rock area = 869.7 m² (9,361 sqft)

Road crush rock delivered 140 cu/yds	\$1,350.00
Trees and Shrubs approximately	\$15,000.00
Topsoil delivered shrub area- 500 cu.yds @ 12" depth @ \$30	\$17,310.00
(Note: not all areas need soil, there will be some existing soil that is suitable)	
Meadow area- existing topsoil is suitable	\$0.00
Bark mulch for shrubs – 240 yds @ 3" depth @ \$25	\$7,200.00
Machine work / Bobcat to move materials and prep ground	\$9,750.00
Soil amendments / fertilizers	\$550.00
Labour to install plant materials and other work to complete	\$8,000.00
Hydroseed Grass/Meadow area	\$1,210.00
Temporary irrigation system installed	\$4,500.00

Sub Total **\$64,870.00**

Estimate not including taxes.



Materials estimated at cost. This estimate is an approximation only and may not reflect the actual cost to install.



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Solid Waste Management Capital Program

File No.: 5360-06
Date: February 15, 2016

PURPOSE:

The purpose of this report is to inform Council of the CVRD's plan to introduce a solid waste requisition fee in 2016 based on property assessments within the Comox Strathcona Solid Waste Management service area.

POLICY ANALYSIS:

Not applicable.

EXECUTIVE SUMMARY:

The Comox Strathcona Waste Management Committee is considering a report from the Comox Valley Regional District that is asking for additional capital funding as a means to generate \$69.2 million dollars over the next 15 years. The CVRD is suggesting that this funding come from the property tax base via property assessment. This has a significant impact to larger municipalities such as Cities and Towns where the property assessments are typically higher than in rural areas. In order to promote a more equitable financial perspective, Staff are suggesting that the CVRD should consider a different funding model that looks at raising capital revenues via a per-capita levy issued to every municipal body located within the service area.

CAO RECOMMENDATIONS:

That Council request the CVRD to consider an alternate approach when attempting to raise additional revenues for future Comox Strathcona Waste Management capital spending.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

On January 28th, 2016 the City's Director of Financial Services and Director of Engineering Services attended the Comox Strathcona Waste Management Advisory Committee meeting. At that meeting, a report was prepared by the CVRD Chief Administrative Officer on the long-term financial planning update for the waste management service (see Appendix A). The report presented the CVRD's option to raise \$69.2 million dollars of funding over the next 15 years for capital requirements for the waste management service. The suggested proposal is that residential property assessment values be used to quantify a dollar value per household in all cities, towns, villages and rural areas benefiting from this service.

DISCUSSION:

The key premise of the CVRD report is that higher assessed properties should be paying a greater portion of the capital costs versus those properties that are in lower assessed areas. Essentially residents in cities and larger municipal entities would be charged more than residents living in villages or rural areas. The underlying assumption of the report is its idea that the ability to pay is higher in cities and towns than the ability to pay in villages and rural areas. Cities and larger towns would be charged a larger annual residential tax value based on their property tax assessment values which are higher than the assessed values of properties located in the outlying villages, smaller towns or rural areas.

Unlike income or consumptive taxes, assessed values have no direct connection to the ability to pay (i.e. a retiree on a fixed income who has lived in the same house for decades). Furthermore, what is inherently incorrect with the CVRD assumption is the inference that someone who lives in a City with a higher assessed property somehow produces more garbage than someone who resides in a rural location in a lower assessed property. If an individual living in the same style and quality of home received the same level of solid waste service in both an urban versus a rural setting, it would be found that their solid waste production would, by virtue of their lifestyle, be identical. Location would have nothing to do with the amount of solid waste being produced. The CVRD report shows that the cost to this person living in the urban centre would be close to 3 times higher than if they lived in a small village or rural area (Courtenay versus Zeballos). Consequently, the argument that the assessed value of a property is somehow a reflection of the amount of garbage a person produces is incorrect. The treatment of garbage and recycling materials is the same whether a person lives in a high assessed property or a low assessed property.

As well, the underlying concept that people in larger municipalities should be taxed differently suggests that they receive a greater service than those who reside in rural areas of the region. This is not the case and it can be argued that transportation costs in rural areas are higher than in urban areas since those costs would not be as significant due to demographic congestion in larger communities.

FINANCIAL IMPLICATIONS:

What should be considered is a flat fee combined with a bag limit that is applied to all people benefitting from the solid waste service and that all people should be contributing equally across the boundaries of the service area. The CVRD already knows the capital dollar amount that it requires for the next 15 years. In the table below, BC census data from 2011 was used to quantify the number of people benefitting from the service. While this list may not include all entities, or includes some that don't belong, the concept behind the idea is what is being presented for consideration.

Municipality		2011	Total	CVRD
		Census Data	Capital Spending	Suggested Requisition
			(over next 15 years)	(annual)
Courtenay	City	24,099		\$ 77.59
Comox	Town	13,627		\$ 84.32
Cumberland	Village	3,398		\$ 65.81
Campbell River	City	31,186		\$ 68.49
Comox Valley A	Rural Areas	6,899		\$ 86.20
Comox Valley B		6,939		
Comox Valley C		8,325		
Sayward	Village	317		\$ 26.95
Tahsis	village	316		\$ 13.45
zeballos	Village	125		\$ 20.23
Gold River	Village	1,267		\$ 32.93
Strathcona A	Rural Areas	807		\$ 70.16
Strathcona B		1,007		
Strathcona C		2,601		
Strathcona D		4,037		
	Total population	104,950	\$ 69,200,000	
	per person	\$ 659.36		
	Over 15 year term-pp requirement	\$ 43.96		

Taking the total capital dollars required and dividing it by the number of people benefitting from the service will provide a per-capita dollar amount that is the same for anyone living within the boundaries of the service area. This rate can be adjusted every five years or whenever the next complete census is revised. In this way, all people share equally versus the larger centres being allocated the larger portion of the costs.

As mentioned earlier, based on the information from the CVRD, the annual requisition being proposed would see residents located in a larger entity such as the City of Courtenay, paying \$77.59 for the same service as a resident located in the Village of Zeballos who would only have to pay \$20.23.

For the City of Courtenay, the long-term financial impact of using a per-capita rate versus a property assessment rate is significant. As mentioned above, the per-capita proposal would see the average person saving approximately \$33.63 annually (\$77.59 - \$43.96) in comparison to the CVRD's proposal. Over a period of 15 years, the savings would be \$504.45. This is significant when extended throughout Courtenay.

ADMINISTRATIVE IMPLICATIONS:

The impact to Courtenay staff is not significant unless Council requests staff to complete additional research and provide those alternatives to the Regional District (RD). It is suggested that RD staff should be spending more time looking at other funding alternatives to facilitate the generation of this large capital request. To-date Courtenay staff have spent approximately 3 hours compiling this information.

ASSET MANAGEMENT IMPLICATIONS:

Not applicable

STRATEGIC PRIORITIES REFERENCE:

In order to promote organizational and governance excellence for the City of Courtenay, Staff feel that this information must be provided to Council so that they can present the City’s position while offering an alternative funding model for the CVRD to consider.

OFFICIAL COMMUNITY PLAN REFERENCE:

Not applicable

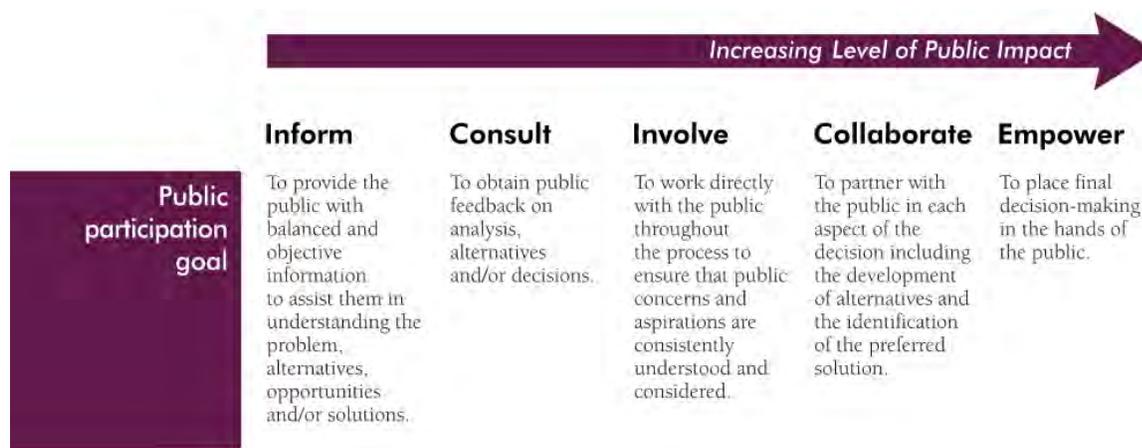
REGIONAL GROWTH STRATEGY REFERENCE:

A regional solid waste facility is beneficial to all parties specifically when it comes to applying a unified approach to the handling of solid waste materials generated by the public. If it is to be equitable, the capital costs, and even the operating costs, should be handled on a per-capita basis. This would promote regional growth and sustainability by eliminating any potential economic posturing that could develop between municipal bodies within the region.

CITIZEN/PUBLIC ENGAGEMENT:

Staff would inform the public at this point in time based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

Option 1:

That Council request the CVRD to consider an alternate funding model when attempting to raise additional revenues for the future Comox Strathcona Waste Management capital spending program. (Recommended)

Option 2:

That Council receive this report as information.

Option 3:

That Council accept the CVRD's funding model to use property tax assessment values to generate revenues for the 15 year capital costs related to the solid waste program.

Prepared by:



Brian Parschauer, CPA-CMA, BA
Director of Finance

Attachments:

Appendix A – CVRD – Long-term financial planning update, from CVRD CAO, January 28, 2016 agenda item

DATE:

FILE: 1700-02/391

TO: Chair and Directors
Comox Valley Regional District (Comox Strathcona Waste Management) Board

FROM: Debra Oakman, CPA, CMA
Chief Administrative Officer

RE: Long term financial planning – update

Purpose

To present additional information related to long term financial planning for the Comox Strathcona waste management (CSWM) service.

Policy analysis

The regional solid waste service area covers the Comox Valley Regional District (CVRD) and the Strathcona Regional Districts' geographical areas and is operated by the CVRD under letters patent and branded as CSWM. The service was established under Bylaw No. 1822 being the "Regional Solid Waste Plan Local Service Area Establishment Bylaw No. 1822, 1996" in 1996 to establish and operate a local service for the collection, removal and disposal of waste and noxious, offensive or unwholesome substances and the fees for this service are provided for under Bylaw No. 170 being the "Solid Waste Fees and Charges Bylaw No. 170, 2011" so that annual costs may be recovered by the imposition of fees and other charges.

Bylaw No. 351 being the "Comox Strathcona Waste Management Service (Capital Projects) Loan Authorization Bylaw No. 351, 2014" authorizes the borrowing of forty-five million, two hundred ninety-five thousand dollars (\$45,295,000) for capital projects in the CSWM service.

The maximum amount that may be requisitioned for this service is the greater of \$7,000,000 or \$1.00 per \$1,000 of a property's assessed value through property value tax, parcel tax or frontage tax. The current maximum requisition is approximately \$17.4 million. The CSWM board adopted the CSWM regional solid waste service financial planning policy on November 3, 2011.

At its January 14, 2016 CSWM board meeting the following recommendation was approved:

THAT the board refer the long-term financial planning report to staff to bring back to the February 11, 2016 CSWM meeting scenarios that include the smoothing of the tax requisition for the next five years.

Executive summary

Long term financial planning highlights those opportunities that might be available to reduce future service costs and identify a sustainable revenue rate at which the service can remain financially viable over the long term. At its January 14, 2016 meeting the board considered options for increasing the CSWM service requisition at a more rapid rate in order to reduce debt payments by \$13.1 million and increase reserve contributions by \$9.2 million (see Appendix A). At the January 2016 meeting the board directed staff to investigate scenarios that include the smoothing of the tax requisition for the next five years so that a single increase could be implemented now and held constant for a minimum five year period.

The following table summarizes three possible scenarios for tax requisition. The first two scenarios are presented in detail in the previous staff report while the third is considered a “smoothing” of scenario two.

Table No. 1: Requisition requirements (scenario one to three)

Scenario	2016	2017	2018	2019	2020	2021	2022	2023	2024-30
1	\$1 M	2	3	4	4	4.5	5	5.5	6
2	2	4	6	6	6	6	6	6	6
3	4.8	4.8	4.8	4.8	4.8	6	6	6	6

It can be seen that by year 2024 all scenarios require the requisition to be at \$6 million. Both scenarios two and three provide the same benefit in terms of reduced debt costs (\$13.1 million) and increased reserve contributions (\$9.2 million) by year 2030. Scenario three smooths and holds the requisition constant at \$4.8 million for five years before another increase is required in year 2021 to \$6 million.

The analysis completed to determine the required requisition summarized in the above table is based on capital spending requirements of \$69.2 million over the next 15 years. If additional capital works projects like organics composting or end use landfill gas systems, are added to the project list revenue requirements will likely be affected. A more detailed analysis showing the impact of these projects would be completed in the future once project certainty improves.

Based on the analysis completed and the current capital project list, \$4.8 million to year 2020 and \$6 million from years 2021 to 2030 represents a sustainable long term requisition for the CSWM service to year 2030.

The following table provides the residential taxpayer impact of \$4.8 million requisition based on the average assessment for the areas shown:

Table No. 2: Residential tax impact

Area	2016 Assessment	Annual Residential Tax (based on \$4.8 million)
City of Courtenay	\$329,900	\$77.59
Town of Comox	\$358,500	\$84.32
Village of Cumberland	\$279,800	\$65.81
Comox Valley Regional District- Rural Areas	\$366,500	\$86.20
City of Campbell River	\$291,200	\$68.49
Strathcona Regional District - Rural Areas	\$298,300	\$70.16
Village of Gold River	\$140,000	\$32.93
Village of Tahsis	\$57,200	\$13.45
Village of Sayward	\$114,600	\$26.95
Village of Zeballos	\$86,000	\$20.23

Recommendation from the chief administrative officer:

THAT the total annual requisition amount for the 2016-2020 proposed financial plan for the Comox Strathcona waste management solid waste service, function 391, be set at \$4.8 million for all years 2016 to 2020 inclusive.

Respectfully:

Debra Oakman, CPA, CMA
Chief Administrative Officer

Prepared by:

M. Rutten

Marc Rutten, P. Eng.
General Manager of
Engineering Services

Attachments: Appendix A – “Staff report dated January 8, 2016”

Minutes of a City of Courtenay Heritage Advisory Commission meeting held November 25, 2015 at 10:00 a.m. at the City of Courtenay

Present: L. Burns L. Grant J. Fortin C. Piercy
Absent: J. Hagen R. Dingwall A. Ireson

FOR
INFO

**OPENING
REMARKS**

Lawrence paid tribute to the contribution made to the work of the Commission by Harry Squire, member from 2007, who passed away on October 31. He also spoke in appreciation of the work of City staff member Randy Wiwchar who is retiring. He introduced two new members of the Commission, Ross Dingwall and Andrew Ireson, who spoke on their heritage interests and background.

MINUTES

Moved by C. Piercy, seconded by L. Grant that the October 28 2015 minutes Be adopted.

Carried

OLD BUSINESS

40 HOUSES

Placing of plaque at the entrance still pending.

**REPORT OF
CENTENNIAL
COMMITTEE**

L. Burns reported that at 3pm on November 25, a tree donated by the Town of Comox will be planted in Simms Park, and that on December 1 there will be an appreciation event for the Centennial Committee and its volunteers. The Commission's Centennial panels are still in use.

**1085 5th ST
PRESENTATION**

Tabled.

PIDCOCK MILL SITE

The possible residential development of the Central Builders site sparked further discussion of its heritage values.

Moved by J. Hagen, seconded by R. Dingwall that heritage be included in the planning approval process for new developments.

Carried

Moved by L. Grant, seconded by C. Piercy that the original Pidcock Mill site be considered for the Commission's 2016 heritage commemoration.

Carried

**DOWNTOWN
REVITALISATION**

No further information – consultant's report not yet available.

NEW BUSINESS

HERITAGE WEEK 2016

Theme: "Distinctive Destinations".

CUMBERLAND HERITAGE FAIR

The Commission will attend with a display. Ideas for the display can be sent to Lawrence. Using the Heritage Walking Tour brochure was suggested.

5th STREET

As 5th Street is on the City's Heritage Register, Lawrence has emailed the Engineering Department for information on a) the status of the "Complete Street" project, b) the condition of the freight depot in the 800 block and c) the status of the "parklet" proposal by the Rotary rail/trail.

CORRESPONDENCE

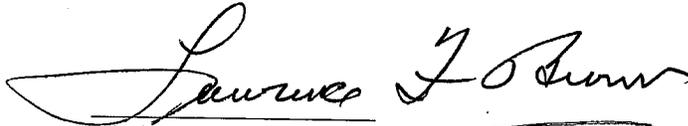
None this month.

FYI

Lawrence reported on the City Hall Centennial event of a luncheon and quiz, which we tried ourselves as a grand finale to the meeting.

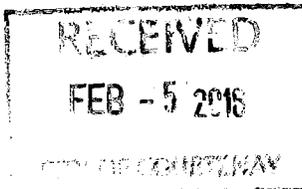
Next Meeting: January 27 2016 at 10 a.m.

The meeting adjourned at 11.55am.


Chair



Royal Canadian Mounted Police Gendarmerie royale du Canada



Security Classification/Designation

NB

Officer in Charge
Comox Valley Detachment
800 Ryan Road
Courtenay, B.C.
V9N 7T1

Your File

Mayor and Council
City of Courtenay
830 Cliffe Avenue
Courtenay, B.C.
V9N 2J7

Our File

2016-02-01

Dear Mayor and Council

Comox Valley Detachment 2016 Annual Performance Plan Consultation

As in previous years, beginning in April, RCMP detachments begin a new cycle of the Annual Performance Plan (APP). The APP provides a mechanism for planning and tracking of issues that are of importance to communities within each distinctive detachment area.

As in past years we are writing to a variety of stakeholders and partners within the Comox Valley to solicit ongoing input on what is of importance to each community or organization. As in past years, myself or my designate have met with a variety of stakeholders from the Comox Valley. These meetings and/or informal discussions offered the Detachment an opportunity to gather feedback on what issues were of the greatest importance to the community.

Last year these consultations led to the identification of four issues as being of greatest importance to the community. Those issues were: Road Safety (Intersections), Organized Crime, Crime Reduction (Prolific Offenders and Drugs), Vandalism (Mischief) and Traffic Law Enforcement.

The community's priorities, once identified, will be used in the Detachment's APP decision making process and will help ensure that the community's priorities are taken into account along with the Provincial and National priorities. Some of the initiatives that affected you were in line with last years Provincial Priorities which were Road Safety, Organized Crime and Crime Reduction.

I welcome your feedback on this years community priorities prior to February 29, 2016. Once finalized, you will be provided with a copy of the 2016 Annual Performance Plan and its identified priorities.

Should you have any questions or concerns regarding this years community priorities, I welcome and encourage you to contact me at any time.

Sincerely



Tim Walton, Inspector
OIC, Comox Valley RCMP
250-338-1321

