

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

DATE: March 14, 2016
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt March 7, 2016 Regular Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

STAFF REPORTS/PRESENTATIONS

Pg #

(a) CAO and Legislative Services

(b) Community Services

(c) Development Services

- 1 1. Encroachment Agreement – 308 and 320 5th Street

- 17 2. OCP and Zoning Amendment 344 and 356 3rd Street

(d) Financial Services

- 51 3. Parcel Tax Review Panel – 2016

(e) Engineering and Operations

- 55 4. CVRD Amended Water and Sewer Establishment Bylaws

- 81 5. Third Bridge Crossing Review and Summary

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

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

8.00 RESOLUTIONS OF COUNCIL

In Camera Meeting:

That notice is hereby given that a Special In-Camera meeting closed to the public will be held March 14, 2016 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that,

in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

9.00 UNFINISHED BUSINESS

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

1. Councillor Frisch: discussion on climate action plan priorities

12.00 BYLAWS

For First and Second Reading

- 89 1. "Official Community Plan Amendment Bylaw No. 2841, 2016"
(344 and 356 3rd Street)
- 91 2. "Zoning Amendment bylaw No. 2842, 2016"
(344 and 356 3rd Street)

For Final Adoption

- 95 3. "Official Community Plan Amendment Bylaw No. 2832, 2015"
(Crown Isle lands near Costco)
- 97 4. "Zoning Amendment Bylaw No. 2833, 2016"
(Crown Isle lands near Costco)
- 102 5. "Revenue Anticipation Borrowing Bylaw No. 2843, 2016"

13.00 ADJOURNMENT

Note: there is a public hearing at 5:00 p.m. in relation to Zoning Amendment Bylaw No. 2839



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Encroachment Agreement - 308 and 320 - 5th Street

File No.: 3060-20-1603

Date: March 14, 2016

PURPOSE:

The purpose of this report is for Council to authorize an encroachment agreement for two awnings on the properties located at 308 and 320 - 5th Street.

CAO RECOMMENDATIONS:

That based on the March 7, 2016 staff report "Encroachment Agreement for 308 and 320 - 5th Street", Council support OPTION 1 and authorize the encroachment agreement as shown in Schedule No. 1.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The subject properties are located at 308 and 320 5th Street. The properties are zoned Commercial One Zone (C-1), legally described as lot 78 and 79, Section 61, Comox District, Plan 311, except the southerly 7 feet.

Renkema Investments, Ltd., Inc., recently acquired a number of commercial buildings at the southwest corner of 5th and Duncan Avenue. They have applied for a development permit to allow improvements to the exterior façade of several of the buildings, which includes the addition of new awnings to be installed on two commercial spaces within their property. The proposed awnings encroach 48 inches from the property line into the City's sidewalk as described in Attachment No. 2.

DISCUSSION:

The City's policies support positive improvements on buildings, façade, and signs in the downtown. The proposed awning is consistent with the Form and Character Guidelines in the OCP and is expected to contribute a positive design influence to Courtenay's downtown core.

The City enters into an encroachment agreement with property owners when portion(s) of a sign or building encroach onto the City's property. An encroachment agreement will be registered on land title once approved by Council.

In terms of design and structure, Renkema Investments is replacing the existing awning at Francis Jeweller and adding new one at The Hub. The proposed awning structure is similar to other awnings that can be seen in the downtown area. For safety and liability, the agreement requires that the property owner purchase liability insurance insuring both the owner and the City against any loss arising from the circumstances mentioned in the Agreement.

FINANCIAL IMPLICATIONS:

There is no financial implication for the City with respect to the proposed encroachment agreement. Renkema Investments Ltd., Inc. is fully responsible for all the associated costs. Staff review costs are included in the associated development permit application.

ADMINISTRATIVE IMPLICATIONS:

The coordination of the agreement and associated development permit is included in the current work plan as a statutory component. To date staff has spent approximately 4 hours reviewing the application, requesting additional information from the applicant, preparing the encroachment agreement, and writing the report.

ASSET MANAGEMENT IMPLICATIONS:

There is no asset management implication with respect to the proposed encroachment agreement.

STRATEGIC PRIORITIES REFERENCE:

Council has established strategic priorities for 2016 until 2018. Within the priorities Council recognises that "Revitalizing our downtown is critical to our economic future." This is an area of control, which is Council's jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed encroachment agreement is for an improvement to the façades of the existing buildings. The plans provided by the applicant generally conform to the Downtown DPA "form and character" and "sign" guidelines. Section 4.1 of the Official Community Plan constitutes goals and policies of land use for downtown as follows:

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

REGIONAL GROWTH STRATEGY REFERENCE:

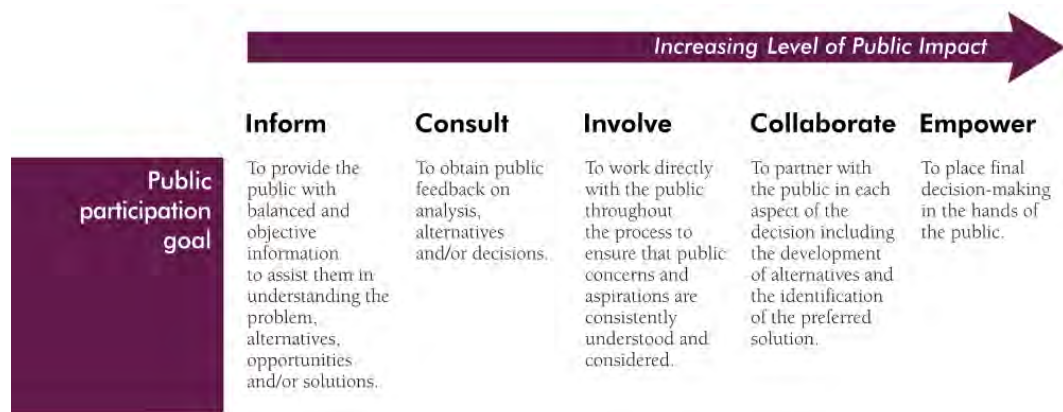
The proposal is generally consistent with Comox Valley Regional Growth Strategy (RGS) GOAL 3: LOCAL ECONOMIC DEVELOPMENT. The RGS encourages downtown to be a town centre based employment area.

3D-2 Retain and attract new businesses, investment and employment in designated Town Centres located within Core Settlement Areas. Revitalization tools and policies should be linked to RGS environmental and green development/building objectives

CITIZEN/PUBLIC ENGAGEMENT:

Staff would inform 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: (Recommended)**

1. That Council approve the attached encroachment agreement between the City of Courtenay and Renkema Investments Ltd., Inc.; and
2. That the agreement be registered on title at the expense of the property owner; and
3. That the Mayor and Manager of Corporate Administration be authorized to execute all documentation relating to this agreement.

Option 2:

Do not approve the encroachment agreement between the City of Courtenay and Renkema Investments Ltd., Inc.

Prepared by:

Tatsuyuki Setta, MCIP, RPP
Senior Planner

Approved by:

Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Schedule No. 1 : Encroachment Agreement*
2. *Attachment No. 1: Proposed Plan*

PART 2 – TERMS OF INSTRUMENT

Schedule No. 1**ENCROACHMENT AGREEMENT**

Made this day of ,

BETWEEN:

RENKEMA INVESTMENTS LTD., INC. NO. BC0992358

Box 3734

Courtenay, BC

V9N 7P1

(hereinafter called the "Owner")

AND:

THE CORPORATION OF THE CITY OF COURTENAY, a municipal corporation incorporated under the *Community Charter* and having an address of 830 Cliffe Avenue, Courtenay B.C. V9N 2J7

(hereinafter called the "Municipality")

WHEREAS the Owner is the owner in fee simple of land in the Municipality legally described as Lot 78, Section 61, Comox District, Plan 311, Except the Southerly 7 Feet and Lot 79, Section 61, Comox District, Plan 311, Except the Southerly 7 Feet (the "Land"), located at 308 and 320 – 5th Street, Courtenay B.C., which land abuts a highway in the possession and control of the Municipality; and

WHEREAS the Owner has requested and the Municipality has agreed to grant permission to erect and maintain a glass canopy over a portion of the highway (the "Encroachment Area").

NOW THEREFORE, in consideration of the premises and the covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties covenant and agree each with the other as follows:

ENCROACHMENT

1. The Municipality so far as it legally can, but not otherwise, and subject to this Agreement and to its bylaws, grants to the Owner a non-exclusive right to erect and maintain over the Encroachment Area an awning ("the Works"). The location and extent of the Encroachment Area and the Works are described in Schedule "A" attached hereto and forming part of this agreement.

USE

2. The Owner shall not use the Encroachment Area for any purpose other than the erection and maintenance of the awnings and shall not construct on or over the Encroachment Area any works or improvements other than those depicted in Schedule "A".

NO RELIEF

3. It is understood, covenanted and agreed by and between the parties that no provision of this Agreement, no act or omission of the Municipality and no finding of negligence, whether joint or several, as against the Municipality in favour of any third party, shall operate to relieve the Owner in any manner whatsoever from any liability to the Municipality under these presents, or under the provisions of the Community Charter, Local Government Act or any other statute, or any bylaw of the Municipality.
4. The Owner covenants and agrees:

FEE

- (a) to pay to the Municipality the fee of ten dollars on the execution of this Agreement; and also for the permission hereby granted the annual sum of \$1.00, the first such payment to be payable upon the execution of this Agreement and the ensuing annual payments to be paid on the first day of January in each and every year during the continuance of this Agreement.

SAVE HARMLESS

- (b) to release, indemnify and save harmless the Municipality from any and all liability whatsoever arising out of:
 - (i) the Works encroaching upon or over the highway of the Municipality, or
 - (ii) the Owner's construction of anything upon or over the highway, or
 - (iii) the Owner's maintenance of anything upon or over the highway, or
 - (iv) the Owner's occupation of use of the highway or the air space above the highway for the purpose of such encroachment by the Works.

INSURANCE

- (c) to purchase, maintain in full and deposit with the Municipality a copy of a policy of third party liability insurance in a form acceptable to the City of Courtenay Director of Financial Services, insuring both the Owner and the Municipality against any loss arising from the circumstances mentioned in subsection (b) above, in the amount of at least two million dollars (\$2,000,000.00) and contain a Cross Liability clause. The Owner shall give the Municipality 30 days notice prior to cancellation of the insurance. Cancellation of such insurance will serve to immediately terminate this Agreement and any right the Owner derives hereunder, and the Municipality may then demand the immediate removal of the Works according to Section 7(b) of this Agreement.

ENTRY

- (d) that the Municipality reserves the right for itself, its servants or agents, at any and all reasonable times, to enter into and upon the Encroachment Area and the Land for the purpose of inspecting the Works and constructing, maintaining, inspecting or removing any public structure, service or utility running on, over or under the highway of the Municipality in the vicinity of the Works.

MUNICIPAL WORKS

- (e) that in the event that the construction, maintenance, use or removal of the Works necessitates any alteration or change to any public works or utility in the vicinity of the Works, the Owner will reimburse the Municipality for whatever sums may be incurred by the Municipality in making such alterations or changes as may be deemed necessary by the City Director of Public Works.

DEFAULT

- (f) at all times to observe and perform the provisions of the bylaws of the Municipality, and this Agreement shall be at all times be subject thereto, including, without limiting the generality of the foregoing, the sign bylaw of the Municipality, and in case the Owner shall fail to comply with the provisions of the said bylaws, or any of them or of this Agreement, all rights of the Owner hereunder shall thereupon terminate and be at an end.

ASSIGNMENT

5. This Agreement and the right to encroach that it grants may not be assigned by the Owner without the prior written consent of the Municipality.

ALTERATION OF MUNICIPAL WORKS

6. This Agreement shall not in any way operate to restrict the right of the Municipality at any time to
- (a) alter the road, curb, gutter, sidewalk or boulevard abutting or adjoining the Land, notwithstanding that the effect of such alteration in width or elevation may be to render the Works useless or of less value for the purposes of the Owner;
 - (b) construct or maintain any form of structure or utility on, over or under any portion of the highway on or in which the Works encroach and for such purpose require that the Works be removed in part or in whole;

and the Owner covenants that, in the event of the Municipality effecting any such alteration or construction or in requiring removal of all or part of the Works, the Owner will release and forever discharge, and hereby releases and forever discharges, the Municipality from all manner of claims of any nature whatsoever, which may arise by reason of such alteration in width or elevation, or by reason of the discontinuance and removal of the Works.

TERMINATION

7. It is understood and agreed that:
- (a) this agreement may be terminated by either party upon giving 120 days written notice of termination to the other;
 - (b) in the event of the termination of this agreement by the Owner, the Owner shall, within a period of two months from the date of such termination, or such further or shorter period as may be specified by the City Director of Public Works, remove the Works to the satisfaction of the City Director of Public Works and at the expense of the Owner; and
 - (c) in the event of the termination of this agreement by the Municipality, the Owner shall, within the period specified in paragraph 7(b), remove the Works to the satisfaction of the City Director of Public Works and at the expense of the Owner.

MAINTENANCE

8. The Owner will at all times, and at its own expense, keep and maintain the Works in good and sufficient repair to the satisfaction of the City Director of Public Works acting reasonably in accordance with prudent local government risk management principles.
9. Should the Owner:
- (a) fail to keep the Works in good and sufficient repair, to the satisfaction of the City Director of Public Works; or

- (b) fail to remove the Works when required under this Agreement then the City Director of Operational Services may:
 - (c) make such repairs when deemed necessary by him; or
 - (d) remove the Works, as the case may require, in the opinion of the City Director of Public Works.
10. The Owner shall pay the costs of such work to the Municipality forthwith; and in default of payment, the amount of such costs, together with interest at the rate established by the Municipality for taxes in arrears, may be recovered in a Court of competent jurisdiction.

MISCELLANEOUS

11. Time shall be of the essence of this Agreement.
12. This Agreement shall ensure to the benefit of and be binding upon the successors of the Municipality and the permitted assigns of the Owners.
13. The Owner acknowledges that the area over which the Works encroach is a public highway and that this Agreement is a contractual licence only and grants no leasehold or other property right or interest in the area over which the Works encroach.
14. Where the context so requires, words importing the singular number shall include the plural and vice versa and words importing the masculine gender shall include the feminine and neuter genders and vice versa.
15. Any notice required or permitted to be given hereunder shall be in writing and shall be given by personal service or prepaid registered mail addressed to the parties at the addresses set forth on page 1 of this Agreement. Notice by mail shall be deemed to have been given and received five (5) business days (excluding Saturdays, Sundays and statutory holidays), following, but not including, the day on which it is mailed.
16. This Agreement terminates and supersedes all other Agreements and arrangements between the Municipality and the Owner regarding its subject.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED

By Renkema Investments Ltd.,

Inc. No. BC0992358

in the presence of:

)

)

Witness)

)

)

)

Address)

Authorized Signature

)

)

)

Occupation)

THE COMMON SEAL OF THE)

CORPORATION OF THE)

CITY OF COURTENAY was hereunto)

affixed in the presence of:)

)

)

)

Mayor

)

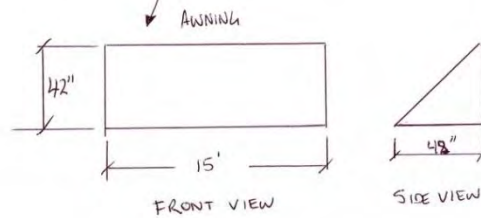
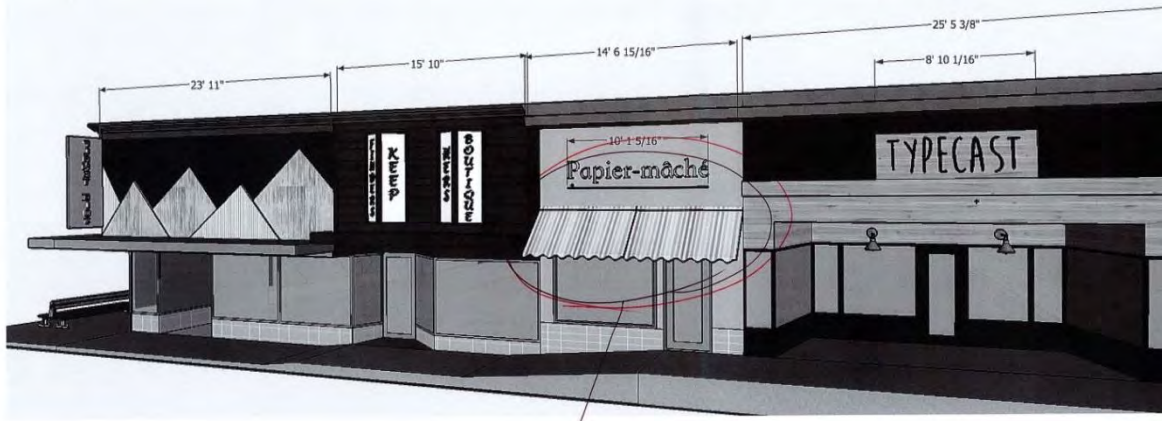
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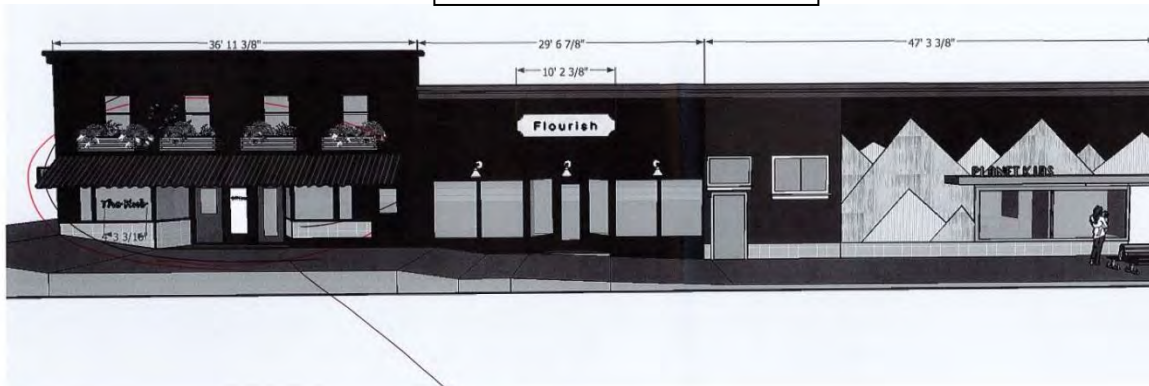
Corporate Officer)

SCHEDULE A PLAN OF ENCROACHMENT

View along 5th Street



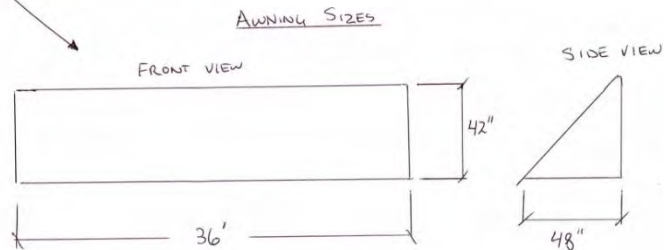
View along Duncan Avenue



For the depth of the business spaces I do not have that information, just the face of the buildings.
Let me know if I can help with anything else.

--
Linzie Heffernan, AIA

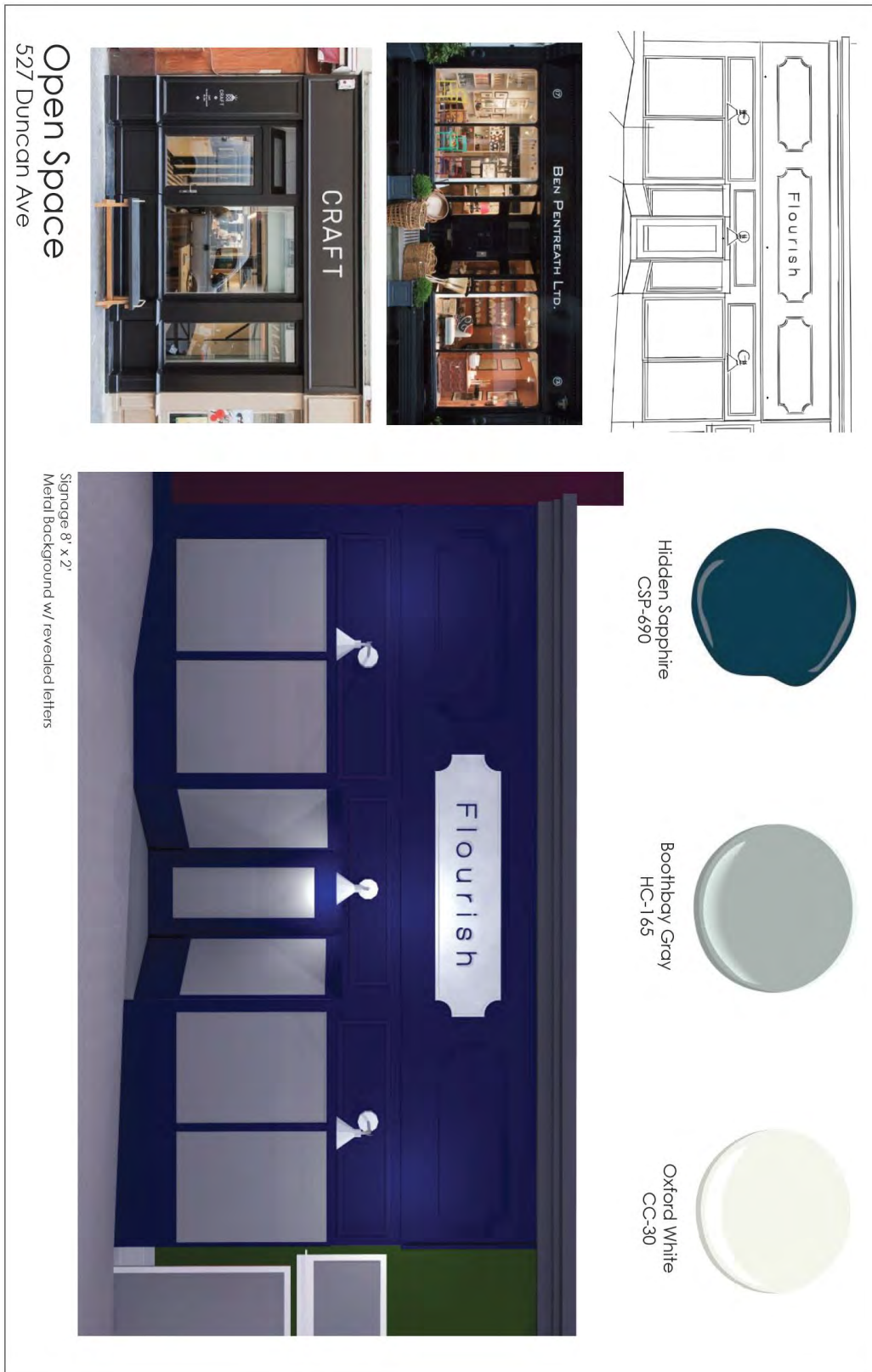
LH Interior Design
Comox Valley
604.345.6620
www.lhinteriors.com



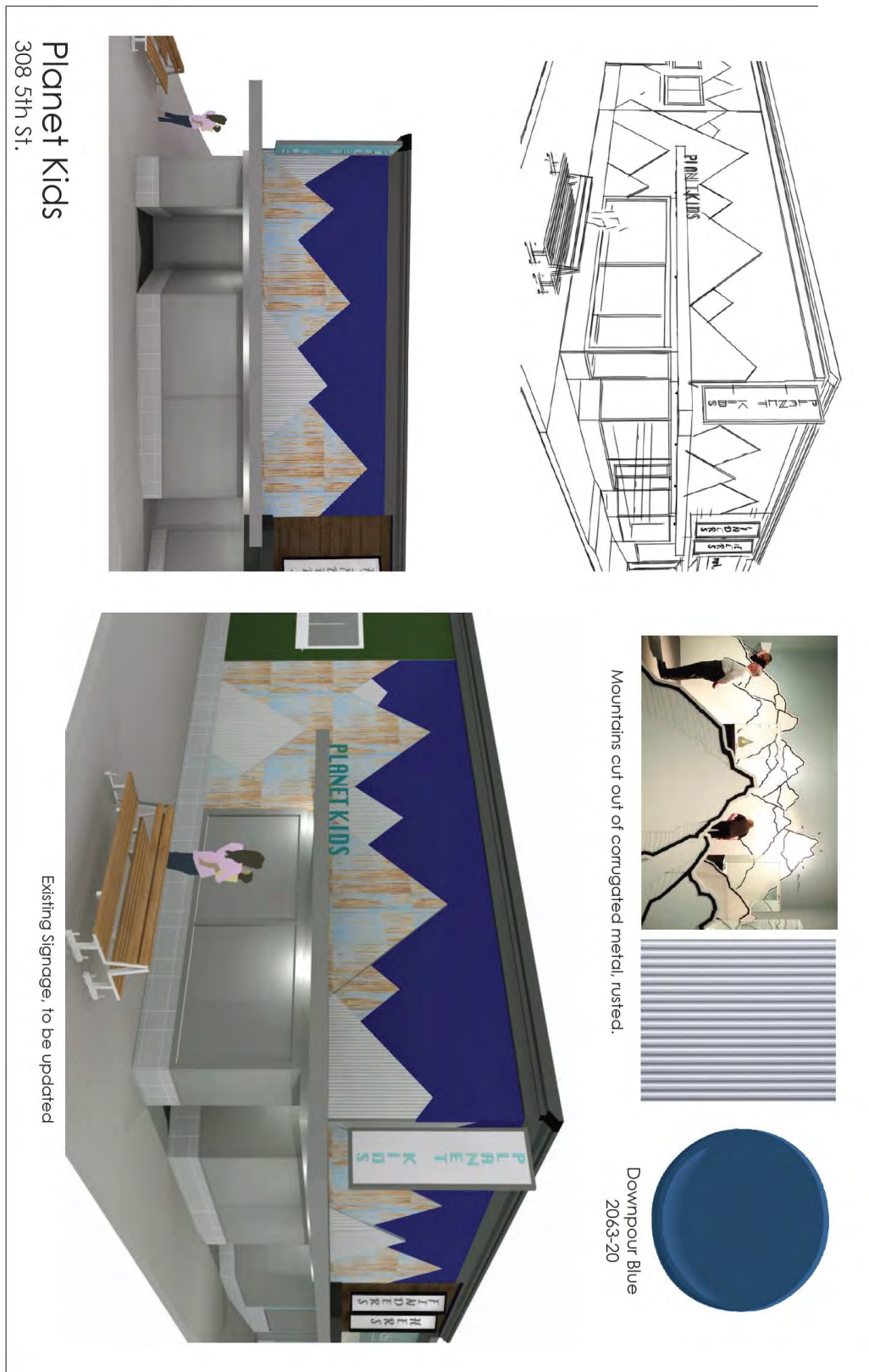
Attachment No. 1
1 of 6



Attachment No. 1
2 of 6



Attachment No. 1
3 of 6



Attachment No. 2
4 of 6







Open Space (Francis Jewellers)
320 5th St.





Antique Glass
CSP-695



Granny Smith
CSP-860



Yellow Roses
353

Signage 10' x 1'6"
White individual letters over painted stucco

Attachment No. 1
5 of 6



Attachment No. 1
6 of 6





THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3360-20-1602

From: Chief Administrative Officer

Date: March 14, 2016

Subject: OCP and Zoning Amendment of 344 3rd Street and 356 3rd Street

PURPOSE:

The purpose of this report is for Council to consider an Official Community Plan and Zoning Amendment to allow the construction of a fourplex apartment building at 356 3rd Street. The proposed Zoning Amendment will involve rezoning two properties from C-5 (Commercial 5 Zone) to R-4B (Residential Four B Zone) and the OCP Amendment will redesignate the properties from Commercial to Multi Residential.

CAO RECOMMENDATIONS:

THAT Based on the March 14th 2016 Staff Report, "OCP and Zoning Amendment of 344 3rd Street and 356 3rd Street", Council approve OPTION 1 and proceed to First and Second Readings of OCP Amendment Bylaw No. 2841, 2016; and

THAT Zoning Amendment Bylaw No. 2842, 2016 as outlined in OPTION 1 proceed to First and Second Reading; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to OCP Amendment Bylaw No. 2841, 2016 and Zoning Amendment Bylaw No. 2842, 2016 on April 4th, 2016 at 5:00 p.m. in City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The subject properties are located on 3rd Street between England and Duncan Avenue within the Old Orchard neighbourhood. The Old Orchard neighbourhood has a historic character and provides for a variety of housing types within close proximity to Courtenay's Core Downtown area, commercial and civic amenities.

Over the past decade densities in the Old Orchard neighbourhood have increased and many of the original single family residential lots now permit secondary suites, carriage homes and granny flats. These housing types are important in providing affordable rental housing close to the City's Core Downtown area. The neighbourhood has also seen the development of affordable rental housing in the form of multi residential development. A majority of the existing multi residential development is located along Anderton Avenue

but the City has also seen the development of multiple residential housing with the mixed use building at the corner of 4th Street and Fitzgerald Avenue and the two storey apartment building located immediately adjacent to the subject property located at 374 3rd Street.

The subject properties are located at 344 and 356 3rd Street and the properties are approximately 307 m² and 391 m² in size. There is an existing single family residential dwelling located at 344 3rd Street and 356 3rd Street is vacant. The properties are surrounded by residential lands to the north, commercial properties to the east, commercial properties to the south and a mix of residential and commercial properties to the west.

The overall redevelopment plan for the properties involves the construction of a two storey fourplex at 356 3rd Street and the retention of the existing single family home located at 344 3rd Street. In order to facilitate this development an application for subdivision has been made (i.e. to adjust the parcel lines boundaries between the two properties) to accommodate the construction of the fourplex. The City provides water and sewer servicing to the existing single family home at 344 3rd Street and new services will be required for 356 3rd Street. During a site visit to the properties staff noted that the topography of the properties were generally level, with a grade change of approximately 6 feet from the front to the rear yard, both properties are landscaped with a large hedge that runs along the boundaries of the properties and both properties are fenced around the perimeter of the parcels.

Figure 1: Location Map



DISCUSSION:

Official Community Plan (OCP)

The OCP suggests that the majority of new housing in the Old Orchard neighbourhood will occur through the subdivision of vacant lots and the OCP encourages multiple family housing to be located in neighbourhoods that are in close proximity to services, shopping, employment and public facilities. The Old Orchard neighbourhood is one such neighbourhood where multiple family housing is contemplated. Policies within the OCP and Old Orchard LAP reinforce the need for infill development on vacant lands, increases in housing diversity and the creation of affordable housing. The OCP also identifies increasing residential densities within existing neighbourhoods as a strategy to reduce urban sprawl and provide support to the existing service and transportation network.

An examination of the development application within the context of the OCP indicates that the development application is consistent with many objectives and policies including: infilling vacant lands in existing residential neighbourhoods to reduce urban sprawl; the promotion of housing diversity and the creation of affordable rental housing in close proximity to services and transit. The additional units also fit well with the community desire to increase the number of residential units within the Greater Downtown area.

The applicant is proposing the development of a fourplex on an existing vacant parcel within an established residential neighbourhood. The applicant is offering an alternative housing option in this neighbourhood by providing multiple residential units with small floor areas. A review of the floor plans submitted by the applicant indicates that each of the residential units will be on average 653 ft.² in size, will contain an open floor space concept living room off the kitchen and dining area, a bathroom and two bedrooms. Although the applicant is not offering non-market housing, the smaller dwelling units will provide an affordable housing option for students, single occupants, seniors and small families.

Within the building design the applicant has made many efforts to ensure that the fourplex will fit into the existing character of the Old Orchard neighbourhood. From street level the fourplex is designed to be one storey which will transition into two storeys at the rear of the building. This massing is an important design feature because visually the fourplex will be similar in scale from the street level to other single family homes in the immediate area. Staff has also identified additional design features that reflect the heritage character in the neighbourhood. A review of the conceptual drawings submitted by the applicant depicts an articulated gable roofline with a pitch of 5:12, a multiple gabled roofline, windows with casements, decorative knee braces, accented window frames, horizontal band boards on the body of the dwelling and a covered porch at the front and rear of the dwelling. Staff notes that the development offers exterior finishes that are durable and have a common theme. The dwelling will be finished with a new colour palette of red brick, charred coal and drifting snow. 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 fourplex and includes a number of multi-pane windows. All windows and doors will be articulated with wood trim.

Landscaping

The properties are fully fenced and contain a diverse mix of mature landscaping in the front, rear and side yards of the properties. During a site visit to the property staff identified evergreen hedging along all of the property lines, maples, holly trees, cedars and ornamental shrubs and grass. The applicant has

indicated that a majority of the landscaping on the vacant parcel will be removed during the construction phase. A review of the conceptual site plan submitted by the applicant illustrates that a 2.6 foot landscape buffer is being provided along the western and eastern property lines and a 4.5 metre landscaped buffer is being provided in the front yard adjacent to 3rd Street. The applicant has informed staff that he will be planting new landscape materials and will be removing any invasive species on the properties. The proposed landscape plan will act to ensure privacy is enhanced between the residents living in the fourplex and on adjacent properties, will increase the aesthetic value of the property from the streetscape and will preserve the natural look and feel of the Old Orchard neighborhood. A detailed review of the applicant's landscaping plan will take place during the development permit review.

Zoning

A review of the redevelopment plan for the properties suggests that the proposed fourplex will meet the requirements in the R-4B zone with regards to land use, building setbacks, parcel coverage and building height. It has been noted by Planning staff that both of the subject properties do not meet the required frontage or minimum parcel size as prescribed in the R-4B zone.

Transportation & Parking

The properties have the benefit of being located within close proximity to public transportation services and are within walking distance of a number of amenities such as parks, the River and commercial services. A review of the applicant's parking plan indicates that parking for the residential units will be accessed at the rear of the property from the laneway. The applicant is providing four 90 degree off-street parking spaces, one per each residential unit with a width of 2.75 m and a length of 5.5 m. The applicant has indicated that the parking area will utilize permeable materials graded in a manner that encourages ground water recharging. The applicant will also be providing two parking spaces for the single family residential dwelling located at 344 3rd Street in the rear laneway. A review of the City's Parking Bylaw states that access to the parking area is subject to the approval of the City's Engineer and Approving Officer during the subdivision approval process.

Waste Management

The applicant has informed City staff that the waste management strategy for this development is that each unit will have their own garbage can and recycling bin that they can remove from their unit and place in an enclosed garbage container adjacent to the parking area in the southwest corner of the rear yard. Each tenant will be responsible for bringing their bins to the curb for collection. The occupants currently residing at 344 3rd Street will continue to bring their waste to the laneway for collection.

Subdivision Process

It should be noted that if Council approves the redevelopment plan for these properties and both the Zoning Amendment Bylaw and OCP Amendment Bylaw are adopted, the applicant will need to obtain subdivision approval and development permit approval from the City prior to the issuance of a building permit for these properties.

Staff is of the opinion that the proposed development is consistent with residential policies outlined within the OCP and Old Orchard LAP. The proposed development is an infill development on a vacant parcel in the Old Orchard neighbourhood and redevelopment of the lands plays an important role in the provision of affordable rental housing in this neighbourhood. Through its design the development preserves the character of the existing neighbourhood while creating housing diversity and maintaining heritage values.

FINANCIAL IMPLICATIONS:

Should Council approve Zoning Amendment Bylaw No. 2842 and Official Community Plan Amendment Bylaw No. 2841, 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. In addition to property taxes, the City would continue to collect utility fees on the existing residential dwelling located at 344 3rd Street and would collect additional utility fees on the new residential units constructed at 356 3rd Street.

When a building permit is issued to authorize the construction of the fourplex, Development Cost Charges will be collected for the multiple family residential units at a current rate of \$12,205.00 per unit. The City of Courtenay's portion of these DCC charges is \$4,135 per unit and the Comox Valley Regional District's portion is \$8,070 per unit.

It should be noted that the assessed DCC rate for the City of Courtenay will likely change by the time the building permit is issued because the City of Courtenay is amending its existing DCC Bylaw.

ADMINISTRATIVE IMPLICATIONS:

Processing zoning bylaw amendments is a statutory component of the work plan. Staff has spent a total of 20 hours processing and reviewing this application. Should the proposed zoning amendment receive First and Second Readings, staff estimate an additional 2 hours preparing for the public hearing and to process the Zoning Amendment. It is also estimated an additional 5 hours will be required for the building permit and subsequent inspections.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications with regard to this application.

STRATEGIC PLAN REFERENCE:

Development applications fall within Council's area of control and specifically align with the strategic priority to support meeting the fundamental corporate and statutory obligations of the City. This application also meets the goal to support densification aligned with community input and the regional growth strategy.

OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed project is consistent with the following OCP Policies: ensure a diversity of housing options to meet evolving demographic needs (Policy 3.2.2(1)); encourage multi residential development in areas identified in the Local Area Planning Process (Policy 4.2.2(2)); ensure redevelopment projects preserve the character of existing residential areas (Policy 4.4.2 (7)) and encourage housing diversity through the provision of multi residential housing (Policy 4.4.3(5)).

REGIONAL GROWTH STRATEGY REFERENCE:

The proposed development is consistent with the following Regional Growth Strategy policies: locating housing close to existing services, directing new residential development to Core Settlement Areas; directing higher density developments to Municipal Areas and increasing housing opportunities within existing residential areas in Core Settlement Areas by encouraging multi-family infill developments.

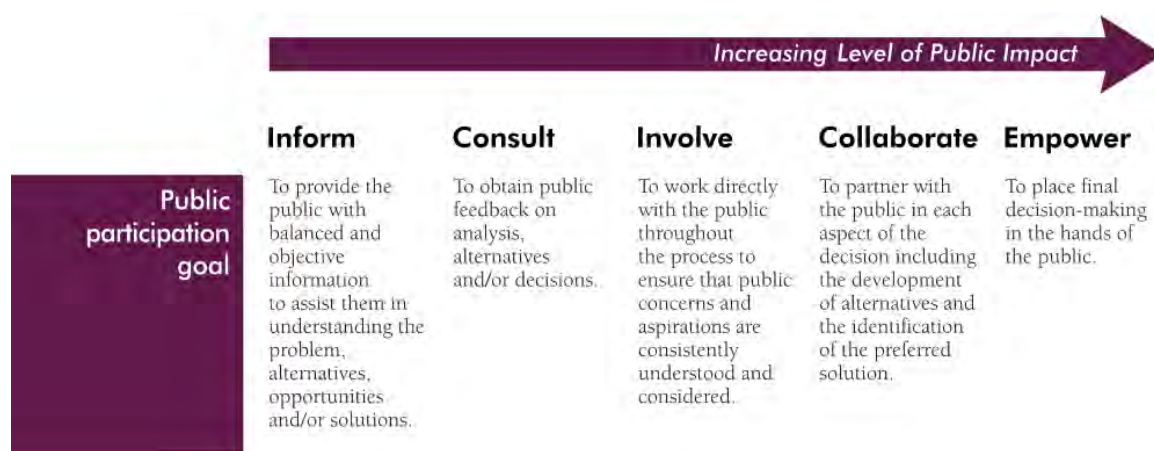
CITIZEN/PUBLIC ENGAGEMENT:

Staff will consult based on the IAP2 Spectrum of Public Participation:

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

Should Official Community Plan Amendment Bylaw No. 2841 and Zoning Amendment Bylaw No. 2842, 2016 receive First and Second Reading, a statutory public hearing will be held to obtain public feedback.

Prior to this application proceeding to Council, the applicant held a public information meeting on February 18, 2016. A summary of the public information meeting is included in Attachment No. 4.



The applicant held a public information meeting on February 18, 2016 at 4:30 pm at the Serious Coffee located at #5 – 2760 Cliffe Avenue. According to the record two people signed the sign in sheet and a total of five people filled out comment sheets.

Overall attendees provided positive feedback on the development proposal and made the following comments: increasing the number of persons living in the neighbourhood will help to increase safety in the immediate community; the fourplex is a good opportunity to provide affordable housing in the neighbourhood; the provision of reasonable rental accommodation will be a benefit to the neighbourhood; the fourplex is designed well and will fit into the character of the Old Orchard neighbourhood and the development will help to increase density in close proximity to the Downtown core and may assist in enhancing economic development of the Downtown Area.

OPTIONS:

OPTION 1 (Recommended): Give Bylaws 2841 and 2842 First and Second Readings and proceed to Public Hearing.

OPTION 2: Defer consideration of Bylaws 2841 and 2842 with a request for more information.

OPTION 3: Do not approve Bylaws 2841 and 2842.

Prepared by:



Dana Leitch, MCIP, RPP
Land Use Planner

Reviewed by:



Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Attachment No. 1: Applicant's Rationale and Written Submissions*
2. *Attachment No. 2: Conceptual Building Design, Elevation and Floor Plans*
3. *Attachment No. 3: Existing Survey Plan for 344 and 356 3rd Street*
4. *Attachment No. 4: Summary of Public Information Meeting, February 18, 2016*
5. *Attachment No. 5: C-5 and R-4B Zoning Excerpt, Zoning Bylaw No. 2500*

Attachment No. 1:
*Applicants' Rationale and
Submissions*

Written Summary


To: City of Courtenay

Attn: Planning Department

In reference to development permit for 356 3rd St.

My intention for this application is to construct a new 4 plex multi family unit at the above address that blends into the Old Orchard area creating heritage 'looking' housing on a site that is currently vacant. I feel my design will be a complement to the neighbourhood and city. I believe I have captured every aspect of the Old Orchard OCP and have proven my present and past company's ability to enhance the neighbourhoods in which I work. I look forward to have the ability to take a presently non-conforming situation and turn it into a much needed asset to the downtown core. Thank you for your consideration.

Peter Croonen / Four Paws Investments LTD.

 · JAN 15TH 2016


Affordable Housing Policy

Attn: Planning Department

In reference to: 356 3rd St Courtenay

My intention for this application is to construct four new residences (four plex) at the above address that blend into the Old Orchard area, constructing a heritage '*looking*' building on a currently vacant site. I feel my design will be a complement to the neighbourhood and city. I believe I have captured every aspect of the Old Orchard OCP, and with a successful rezoning from C-5 to R4-B, I can build much needed affordable housing in a highly desirable area. This area, with its proximity to every amenity, is ideal for this situation. A person with limited income could easily live there with no need for a vehicle, being able to walk or cycle into town or to catch a bus from less than a block away. I also think this project could be great for seniors as it is so close to the Evergreen Centre, Native Sons Hall, Legion, grocery stores, restaurants, etc.

Peter Croonen /Four Paws Investments LTD.

 JAN 15TH 2016

Sustainability Evaluation Checklist

To: City of Courtenay

Attn: Planning Department

Re: 356 3RD St. Courtenay

Land Use

- The proposed multifamily building (four plex) will blend in with the character of the neighbourhood while adding a mix of colours and depths adding to the desired Old Orchard charm.
- Having affordable housing so close to downtown and parks will reduce the need for vehicle traffic and will promote greener ways of transportation.

Building Design

- Designed to fit into the Old Orchard, this four plex will appear to be 'heritage' but will be built with modern materials and practices to ensure longevity, low maintenance and energy efficiency.
- Two sided access, attractive roof lines, low maintenance and a refreshing colour scheme are just some of the treatments proposed.
- Off street parking will be provided according to City standards.

Transportation

- Located steps away from the public transit hub
- Constructed inside the commercial border of the downtown core, short walks or cycles make vehicles a non-necessity
- Easy access to parks and rivers

Infrastructure

- Make use of existing city services by developing an infill lot.
- Yard space will be landscaped with drought tolerant plants and decorative landscaping.
- Parking areas will be developed using porous materials or graded in a manner to encourage ground water recharging.


Character and Identity

- This four plex will be situated on its own lot within the city's setbacks while retaining a pleasant view corridor.
- Sloped lot will allow for lower floor to be 'walk out basement style' construction while allowing the second floor to be accessed from 3rd Street and the lower floor from the lane. This will keep the overall height of the building in line with existing development.

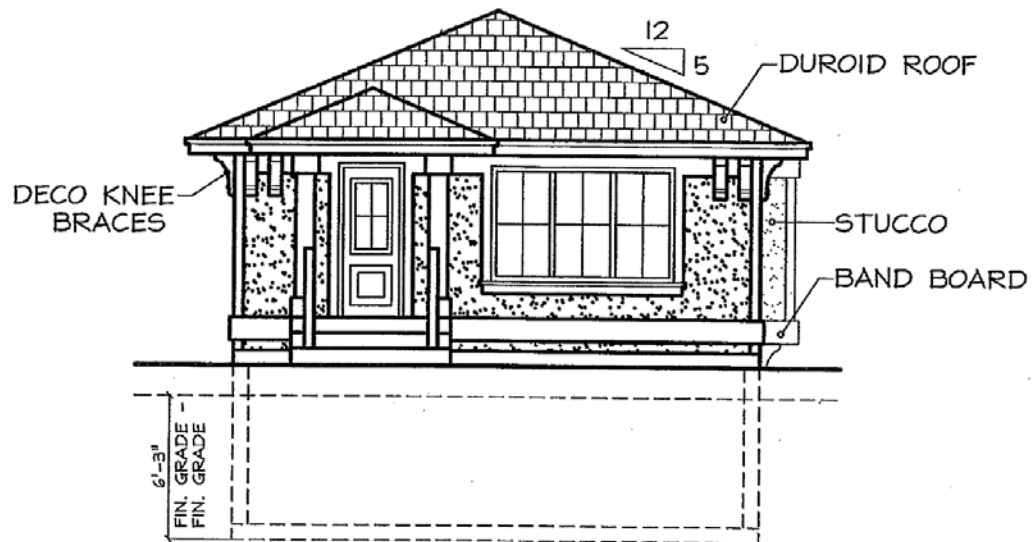
Environmental Protection and Enhancement

- My intention is to install drought tolerant plants and have low maintenance landscaping to discourage the use of water.
- Invasive species will be removed from site if they exist.

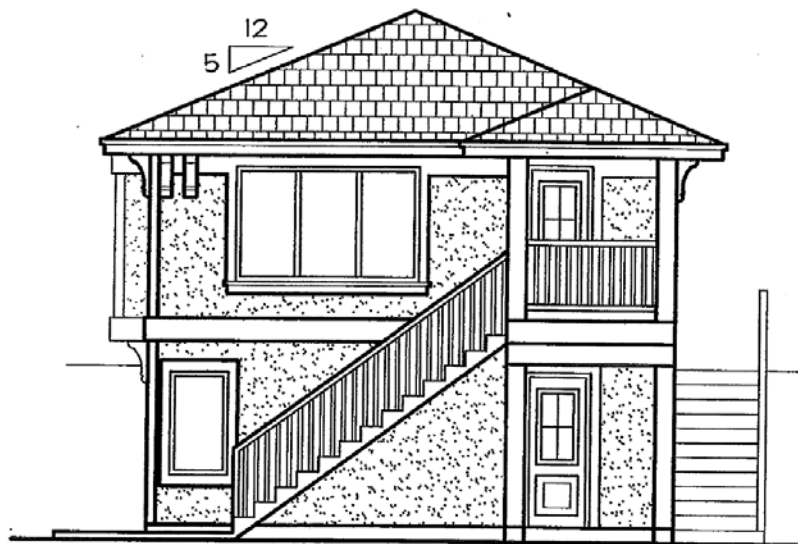
Peter Croonen / Four Paws Investments LTD.

 JAN 15TH / 2016

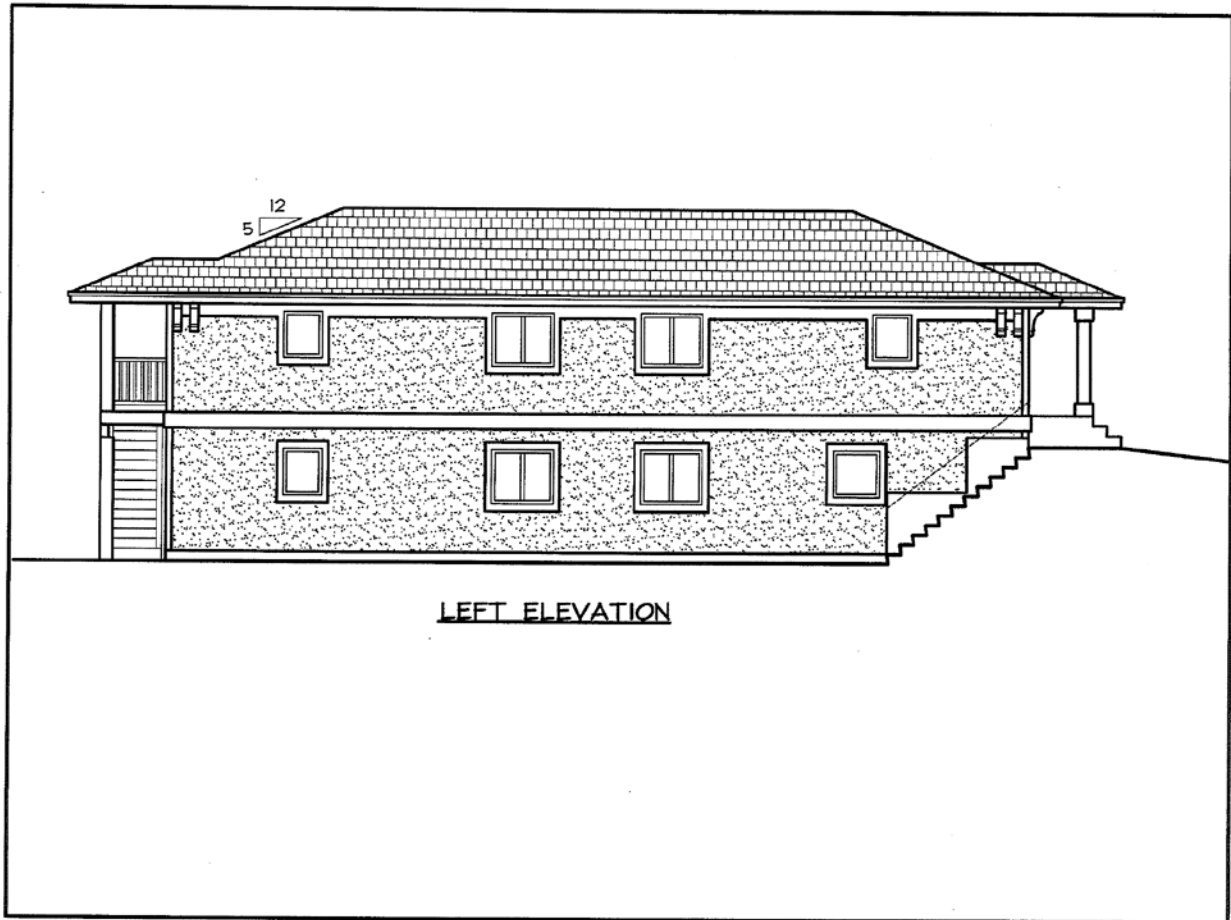
Attachment No. 2:
*Conceptual Building Design, Elevation
and Floor Plans*

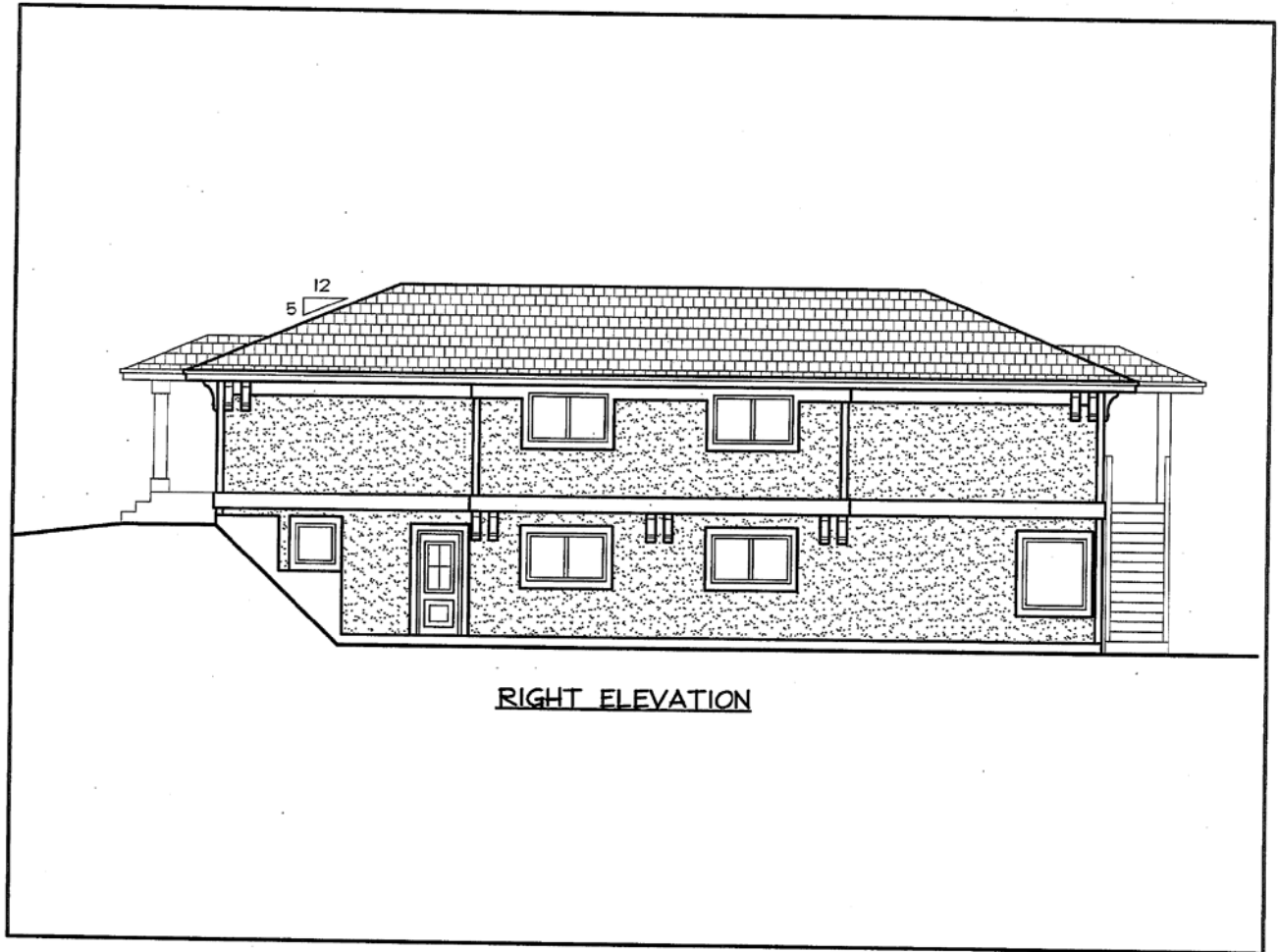


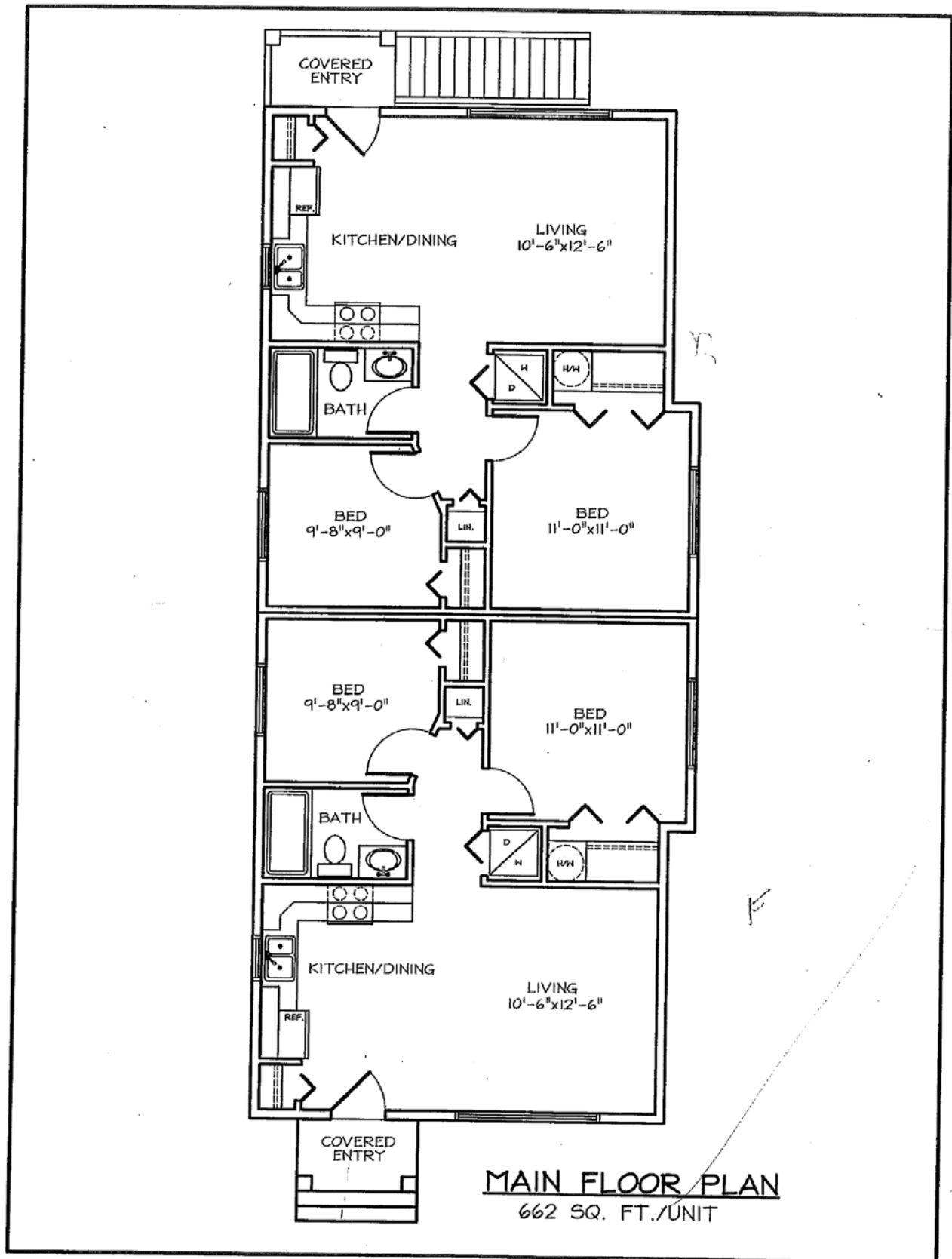
FRONT ELEVATION

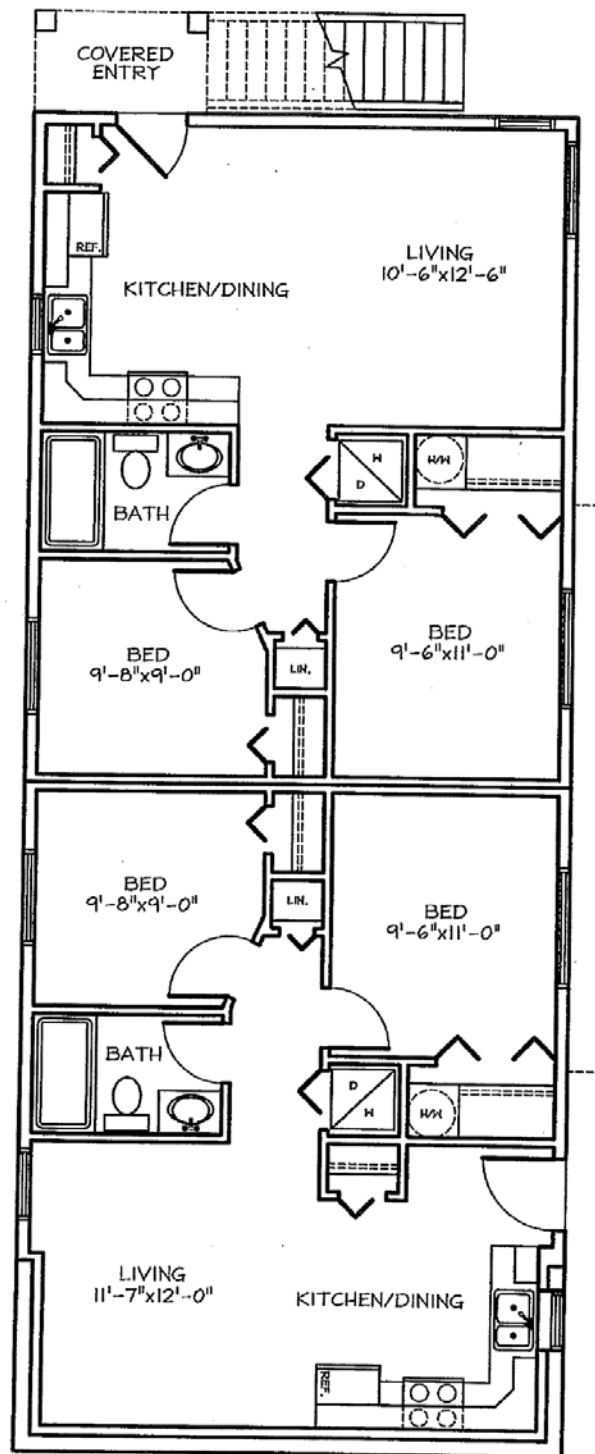


REAR ELEVATION









BASEMENT PLAN
644 SQ. FT./UNIT

Exterior building materials and colours

To: City of Courtenay

Attn: Planning Department

356 3rd St Courtenay



EX025 Charred Coal



EX030 Red Brick

EX041 Drifting Snow

Plans completed by D. Bell Designs 250-338-2748

Exterior Colours:

Facia and window/ door trim = Drifting Snow EX 041

Stucco = Charred Coal, EX 025

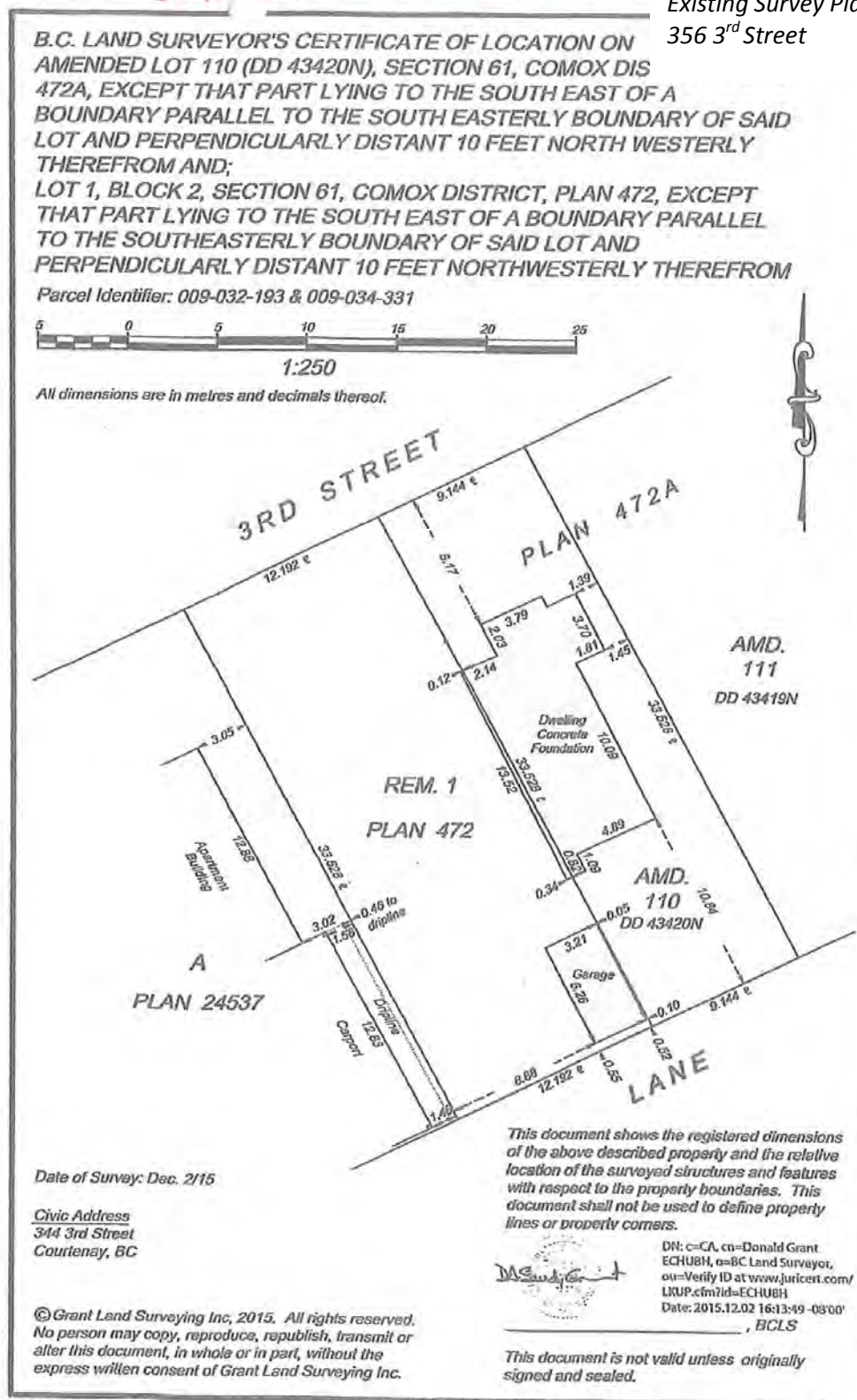
Doors = Red Brick EX 030

(From Cloverdale's exterior colour planner)

Peter Croonen / Four Paws Investments LTD.

344 + 356 3RD ST. EXISTING SW

Attachment No. 3:
Existing Survey Plan for 344 and
356 3rd Street





Attachment No. 4:
*Summary of Public Information
Meeting, February 18, 2016*

Questions Asked to Date

Public Meeting 356 3rd Street

- Where will parking be?
- Size of setbacks
- Height of building from 3rd Street, winter shading
- Size and number of bedrooms of apartments
- When will they be available to rent?
- Lots of compliments on design
- Compliments on colour scheme

All answers to questions seemed to be received well.

P.S. I HAD 5 VERBAL COMMENTS ALL IN FAVOR
OF PROPOSED DEVELOPMENT.

Public Information Meeting

**Location: Serious Coffee #5 2760 Cliffe Ave., (upper level),
Located across from the Driftwood Mall**

Time: 4:30pm to 6:00 pm

Date: February 18th, 2016

Four Paws Investments LTD has applied to the City of Courtenay for an OCP amendment from **Commercial** to a **Residential** designation and to rezone the properties from **Commercial Five Zone (C-5)** to **Residential Four B Zone (R-4B)** to allow for the construction of a multi residential building (four plex). This project is currently under review by staff in the planning department at the City of Courtenay.

Four Paws Investments LTD is planning to build a multi residential building (four plex) on the vacant land (356 3rd St.) currently neighbouring the home at 344 3rd St. I would like to change the OCP designation from Commercial to Residential and the zoning from C-5 to R-4B. My intention is to construct residential building that fits the character and charm of the Old Orchard. The housing I intend to build will have a heritage feel and appear as if it has always been there. The four plex is my way of providing affordable housing for people wanting to live in the Old Orchard, hopefully promoting a pedestrian/cyclist friendly lifestyle. Considering the potential possibilities for these properties in their current commercial zoning, I strongly feel this is the best choice for the neighbourhood and City. I hope you agree and will support my efforts to improve our neighbourhood.

Peter Croonen
Four Paws Investments LTD.

PUBLIC INFORMATION MEETING
Thursday February 18th, 2016
OCP and Zoning Amendment at
344 and 356 3rd St.

COMMENT SHEET



Four Paws Investments LTD. has applied to the City of Courtenay for an OCP and Zoning Amendment to 344 and 356 3rd St. This project is under review by staff in the Planning Department of the City.

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

I would like to make the following constructive remarks. I have lived at 344 3rd Street since 2014. I have witnessed a great deal of nighttime activities - wildlife and human. In my considered opinion this development would make a great contribution to the general security of the whole block. And most importantly, I would also like to say that having affordable housing in this area is a wonderful opportunity for more people to be able to share in the delights and ambience of the downtown core we all love so much. Having more people in closer proximity to the shops lends itself nicely to the balance and liveliness of our city center. This multi residential building (fourplex) seems a fine solution to a few things I have mentioned. I would be very happy to see more complexes like this in Courtenay. Thank You.

Please return your comments by February 23rd, 2016.

PUBLIC INFORMATION MEETING
Thursday February 18th, 2016
OCP and Zoning Amendment at
344 and 356 3rd St.

COMMENT SHEET



Four Paws Investments LTD. has applied to the City of Courtenay for an OCP and Zoning Amendment to 344 and 356 3rd St. This project is under review by staff in the Planning Department of the City.

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

This project will be a welcome addition to the neighborhood.

PUBLIC INFORMATION MEETING
Thursday February 18th, 2016
OCP and Zoning Amendment at
344 and 356 3rd St.

COMMENT SHEET



Four Paws Investments LTD. has applied to the City of Courtenay for an OCP and Zoning Amendment to 344 and 356 3rd St. This project is under review by staff in the Planning Department of the City.

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

THIS PROJECT WILL BE AN APPROPRIATE ADDITION TO 3RD STREET. AS AN OLD ORCHARD RESIDENT, I WELCOME INCREASED DENSITY CLOSE TO DOWNTOWN. PROVIDING REASONABLY-PRICED RENTAL SUITES IS A BONUS, AS IS ADDITIONAL PARKING ACCESSIBLE FROM THE LANE. THE PROJECT MAINTAINS 3RD STREET'S LOW-RISE RESIDENTIAL FEEL IN A FOUR-UNIT BUILDING.

THIS COMPANY HAS A REPUTATION FOR WELL-CONSTRUCTED AND HANDSOME BUILDINGS, AND THIS ONE APPEARS TO BE IN THE SAME VEIN.

PUBLIC INFORMATION MEETING
Thursday February 18th, 2016
OCP and Zoning Amendment at
344 and 356 3rd St.

COMMENT SHEET



Four Paws Investments LTD. has applied to the City of Courtenay for an OCP and Zoning Amendment to 344 and 356 3rd St. This project is under review by staff in the Planning Department of the City.

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

*I am the current owner of 374 3rd St and
I am strongly in favor of this project being
approved.*

[Signature]

PUBLIC INFORMATION MEETING
Thursday February 18th, 2016
OCP and Zoning Amendment at
344 and 356 3rd St.

COMMENT SHEET



Four Paws Investments LTD. has applied to the City of Courtenay for an OCP and Zoning Amendment to 344 and 356 3rd St. This project is under review by staff in the Planning Department of the City.

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

I am in favor of the development, there are no other single family homes in that block and a few more people living in the downtown core will enhance the business there.

Sent: February 24, 2016 11:30 AM
To: Peter Croonen
Subject: Re: 344/356 3rd

Response to Public Information Meeting on February 18.

What I liked most about your proposal is the scale of the building, or the apparent scale when viewed from 3rd street. While a four unit building could be much more of a presence, the proposal fits in with the smaller homes that make up a large part of the Old Orchard. I like the parking in the alley and the smallness of the units.

One concern I might raise is the style of the proposed building, which appears similar to the other homes you have built in the neighborhood. While these are attractive buildings and much better than the Comox box, they are more of a Vancouver suburb style of home than an Old Orchard. The Old Orchard is varied. Some on 1st that are larger wood homes like those in Vancouver or Victoria proper. There are smaller wood homes on 2nd and 3rd, with a few stucco that have a distinct working class feel (including a few that have very little charm). I guess what I'm saying is that your homes have a more of a modern, suburban feel that is not really a part of what makes the Old Orchard the Old Orchard.

Thanks for the opportunity to give feedback.

Sent: Monday, February 15, 2016 2:53:35 PM
Subject: Re: 344/356 3rd

These are the elevations and site plan. You will be looking at the 3rd St./front elevation from your house.

Peter Croonen

Sent: February 6, 2016 2:30 PM
To: Peter Croonen
Subject: Re: 344/356 3rd

Thanks Peter,
I'll watch for the plans. One concern is about height. Will the building put my home in a winter shadow? I look forward to the info meeting on the 18th.
Steve

Sent: Friday, February 5, 2016 5:18:33 PM

Subject: Re: 344/356 3rd

Hi Steve, the designer started on preliminary plans today. I will have some before the info meeting on the 18th. I am hoping they will not take long as I gave him lots of info to put it together quickly. I will forward them when I receive them so you can have a look. What I do know is the building will be close to level entry (maybe a step or two) from third St. And only one door will be accessed from Third St., the others will be accessed from the lane. All designated parking will be on the lane side as well. My goal is for it to appear as a single home from third St. Hope this helps.

Peter Croonen

Sent: February 5, 2016 1:50 PM

To: peterandshelly@live.ca

Subject: 344/356 3rd

Hello Peter,

I live across the street from the proposed development. Would you have a picture of what you have in mind?

Thanks,

Feb. 22/16

I co-own the duplex at the corner of 3rd St. And England in Courtenay - the units which have a leaded-glass screen on the corner.* I received notice of the Public Information Meeting which happened a few days ago. I didn't attend, as I'm happy with the proposal for developing this property into affordable housing units. Having inspected the property, it occurs to me that the units might want privacy screens around the doorways - I'm enclosing a copy of my brochure, which features the residential screen in your new neighborhood*. I hope you will keep it on file - I hope you will call to discuss this idea.

Attachment No. 5:
C-5 and R-4B Zoning Excerpts,
Zoning Bylaw No. 2500

2551

Part 22 - Commercial Five Zone (C-5)

8.22.1 Intent

This zone is intended to provide appropriate zoning for commercial uses in a heritage character neighbourhood.

8.22.2 Permitted Uses

In the C-5 zone, the following uses are permitted and all other uses are prohibited within the area identified on Schedule 8, Zoning Map, except as otherwise noted in this bylaw:

- (1) *Accessory* buildings and uses
- (2) Bed and Breakfast
- (3) *Day care*
- (4) *Home Occupation*
- (5) *Office*
- (6) *Personal Service*
- (7) *Retail* limited to 200 square metres
- (8) School
- (9) *Studio*
- (10) Combined commercial-residential uses provided that residential units are contained within a dual use building, and no storey can be used for both commercial and residential purposes.

8.22.3 Density

Providing all other conditions are met the maximum *floor area ratio* shall not exceed 0.50.

8.22.4 Lot Coverage

Maximum *lot coverage* shall not exceed 40%.

8.22.5 Minimum Lot Sizes

The minimum lot size is 420 square metres.

8.22.6 Frontages

A *lot* shall have a frontage of not less than 12 metres except for a *corner lot* where the frontage shall be not less than 13.5 metres.

8.22.7 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 6.0 m
- (2) *Rear yard:* 6.0 m
- (3) *Side yard:* The *side yard setbacks* shall total 4.5 m with a minimum *side yard setback* on one side of 1.5 m except where a *side yard* flanks a *street* in which case the minimum distance shall be 4.5 m.

8.22.8 Maximum Height

The *height* of a *principal building* shall not exceed 10.0 m.

8.22.9 Accessory Buildings and Structures

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *building area* not exceeding 50.0 m² or 10% of the *rear yard*, whichever is greater
- (3) Shall be permitted in the *side* and *rear yard* provided they shall conform to all relevant siting regulations of this bylaw
- (4) Shall not be located within 1.5 m from the side and rear *lot line* except where the side or *rear yard* flanks a *street*, excluding a lane, in which case the minimum *yard distance* shall be 4.5 m

8.22.10 Off-Street Parking and Driveways

Except as provided in this section, off street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

8.22.11 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 14 of this bylaw, the following landscape requirements shall be met:

Where a *lot* in this zone adjoins a street, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the street shall be provided inside the property line.

Loading areas, garbage and recycling containers, utilities, service kiosks, metres, exhaust elements, satellite dishes, etc., shall be screened to a minimum *height* of 2.0 m by a landscape screen or solid decorative *fence* or a combination thereof.

Part 4 - Residential Four B Zone (R-4B)

8.4.21 Permitted Uses

In the R-4B Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Single residential dwellings*
- (2) *Duplex dwellings*
- (3) *Multi residential dwellings*
- (4) *Accessory buildings and structures*
- (5) *Day care*
- (6) "Secondary suites" means an additional *dwelling unit*:
 - (a) having a total floor space of not more than 90 .0 m² in area
 - (b) having a floor space less than 40% of the habitable floor space of the *building*
 - (c) located within a *building* of residential occupancy containing only one other *dwelling unit*
 - (d) located in a *building* or on a property which is a single real estate entity
- (7) *Home Occupation*

2513

8.4.22 Minimum Lot Size

A *lot* shall have an area of not less than 650 m².

8.4.23 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 12.0 m.

8.4.24 Floor Area Ratio

Providing all other applicable size, shape and siting conditions are met the maximum floor are ratio for multi residential shall not exceed:

- (1) Apartments - 1.0 *floor area ratio* except where parking is provided within a principle *building* in which case an amount may be added to the floor space ratio equal to 0.2 multiplied by the percentage of the total *parking spaces* which are provided in this manner.
- (2) All other residential - 0.7 *floor area ratio*

8.4.25 Setbacks

Except where otherwise specified in this bylaw, the following requirements shall apply:

- (1) *Front yard:* 15% of *lot* depth*
- (2) *Rear yard:* 20% of *lot* depth*
- (3) *Side yard:* 12% of *lot* width for each side except where the *side yard* flanks a *street*, in which case the minimum shall be 3.5 m along the subject property line*

*all *setbacks* are based on averages with the following minimum:

- (1) *Front yard:* 3.5 m
- (2) *Rear yard:* 6.0 m
- (3) *Side yard:* 2.0 m (3.5 m where it flanks a *street*)

8.4.26 Height

- (1) 13.71 m for apartments with *underground parking*
- (2) 10.0 m for apartments otherwise
- (3) 9.15 m for all other buildings

8.4.27 Useable Open Space

Usable open space shall be provided on a *lot* in the amount of :

- (1) 20.0 m² per *dwelling unit* within an *apartment building*; or
- (2) 30.0 m² per one bedroom *dwelling unit* and 50.0 m² per *dwelling unit* with two or more bedroom.

8.4.28 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a *building area* not exceeding 50.0 m², except where the *structure* is used to cover parking, in which case, the *floor area* shall not exceed 50% of the *rear yard*, and shall not extend for more than 2/3 the length of any property line or 30.0 m, whichever is less
- (3) Shall be permitted in the side and *rear yard* provided they shall conform to all relevant siting regulations of this bylaw
- (4) Shall not be permitted at the front of a principal *residence*
- (5) Shall not be located within 1.5 m from the side and rear *lot line* except where the side or *rear yard* flanks a *street*, excluding a lane, in which case the minimum *yard* distance shall be 4.5 m

8.4.29 Off-Street Parking

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7.

2685 Off-street parking shall be provided at the rate of one space per residential unit within the Residential Four B Zone (R-4B).

A lane may be used as the required aisle width a set out in Schedule 7B of Division 7 of this bylaw provided that the developer constructs the lane to meet all *City* standards regarding paving and drainage.

8.4.30 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 14 of this bylaw, the following landscape requirements shall be met:

- 2720 (1) Where a *lot* adjoins 17th *Street*, 29th *Street*, Cliffe Avenue, Cumberland Road, Island Highway, Lerwick Road or Ryan Road a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line. Where a *lot* in this zone adjoins any other *street*, a landscaped area of at least 4.5 m in width extending along the entire frontage of the property on the *street* shall be provided inside the property line.



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Parcel Tax Review Panel - 2016

File No.: 1950-02
Date: March 14, 2016

PURPOSE:

The purpose of this report is to establish the time and place for the sitting of the 2016 Parcel Tax Review Panel.

POLICY ANALYSIS:

Section 204(2) of the *Community Charter* states that, before a parcel tax is imposed for the first time, a Parcel Tax Review Panel must consider any complaints respecting the parcel tax roll and must authenticate the roll in accordance with this Division of the *Community Charter*. Council must appoint at least three people as members of the review panel, establish the time and place, and provide advance notice of the time and place.

EXECUTIVE SUMMARY:

The establishment of the Parcel Tax Review Panel and the time and place of sitting is an annual action of Council. The time and place of the 2016 Parcel Tax Review Panel is proposed to be April 19, 2016, at 4:00 pm in the City of Courtenay's Council chambers. Council members appointed to the Parcel Tax Review Panel include Councillors Frisch, Lennox, and Eriksson, with Councillor Wells as an alternate.

CAO RECOMMENDATIONS:

That based on the March 14, 2016 staff report "Parcel Tax Review Panel-2016", Council approve OPTION 1 to establish the time and place of the Parcel Tax Review Panel as Tuesday, April 19, 2016 at 4:00 pm, City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

In accordance with Sections 204-206 of the *Community Charter*, prior to a parcel tax being imposed for the first time, a Parcel Tax Review Panel must consider any complaints respecting the parcel tax roll, and must authenticate the roll so that it may be added to the annual property tax levy.

DISCUSSION:

Each year parcel taxes are calculated and assessed on all new or newly subdivided properties added to the water and sewer distribution system within the City of Courtenay. The property owners are provided notice of the amount to be added to their annual property tax notice, and that they have an opportunity to make an appeal at the annual Parcel Tax Review Panel. The panel reviews the complaints, makes a decision, and authenticates the final parcel tax roll for the year. The parcel tax roll must be authenticated in advance of its addition as a levy on the 2016 property tax notice.

FINANCIAL IMPLICATIONS:

Parcel taxes for water and sewer are assessed in accordance with the water and sewer frontage tax bylaws, and for 2016 are anticipated to generate \$709,000 for the water fund, and \$1.946 million for the sewer fund. These revenues assist in the funding required to carry out capital and operational works for the provision of these two utility services, and have been included in the respective 2016-2020 Financial Plans.

ADMINISTRATIVE IMPLICATIONS:

On Council approval of the time and place for the Parcel Tax Review Panel, staff will notify affected property owners by letter of both their assessment for 2016, as well as their opportunity to appeal the assessment with the review panel.

ASSET MANAGEMENT IMPLICATIONS:

None

STRATEGIC PRIORITIES REFERENCE:

While not specifically referenced in the City's strategic plan or strategic priorities, this activity is a statutory requirement, and utilizes staff resources in carrying out the actions required.

OFFICIAL COMMUNITY PLAN REFERENCE:

There is no applicable reference in the Official Community Plan.

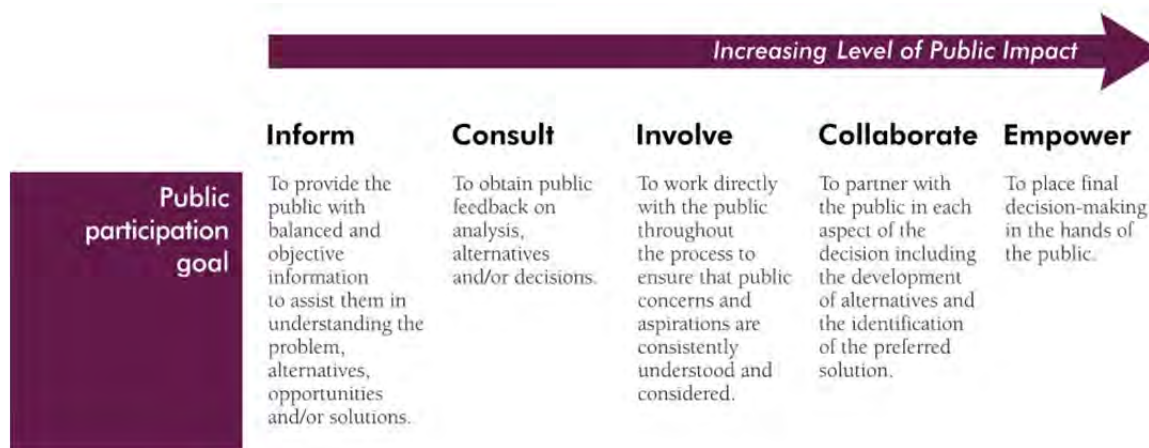
REGIONAL GROWTH STRATEGY REFERENCE:

There is no applicable reference in the Regional Growth Strategy.

CITIZEN/PUBLIC ENGAGEMENT:

Affected property owners are notified in writing of both the amount of the parcel tax assessed, and their opportunity to appeal the assessment. This will inform the public 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 the time and place for the sitting of the Parcel Tax Review Panel as Tuesday, April 19, 2016 at 4:00 pm, City Hall Council Chambers. [RECOMMENDED]

OPTION 2: That Council set another time and place for the sitting of the Parcel Tax Review Panel.

>>Please note the following:

While Option 2 is offered, Council should be aware that sufficient time for mailing the notice letters to property owners, meeting the statutory advertising requirements, and meeting of the panel to review and authenticating the 2016 parcel tax roll must all be considered in setting the date. April 1st provides staff with the sufficient time required.

Prepared by:

Brian Parschauer, BA, CPA CMA
Director of Finance



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 0400-60-01

From: Chief Administrative Officer

Date: March 14, 2016

Subject: CVRD Request for Approval to Amend Water and Sewer Establishment Bylaws

PURPOSE:

The purpose of this report is for Council to consider the requests and resolutions of the Comox Valley Regional District board of directors relating to revisions to Sewer Service and Water Local Service Establishment Bylaws.

CAO RECOMMENDATIONS:

That based on the March 14th 2016 staff report "CVRD Approval to Amend Water and Sewer Establishment Bylaws", Council approve Option 1 and resolve:

That City of Courtenay consent to the adoption of the Comox Valley Regional Bylaw No. 408 being "Comox Valley Sewage Service Establishment Bylaw No 2541, 2003, Amendment No. 1" under section 346 of the Local Government Act, AND

That City of Courtenay consent to the adoption of the Comox Valley Regional Bylaw No. 418 being "Comox Valley Water Local Service Establishment Bylaw No 1783, 1995, Amendment No. 1" under section 346 of the Local Government Act (RSBC, 2015, c.1).1.

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The City of Courtenay is preparing to enter into an agreement in principle with the K'omoks First Nations (KFN) for the provision of water and sewer service to their Indian Reserve #2 (IR#2) lands.

DISCUSSION:

In order to facilitate the provision of water and sewer service to KFN IR#2, the Comox Valley Regional District Water Local Service and Sewer Service Establishment bylaw must be amended for the redistribution of water by the City of Courtenay to KFN IR#2 and the addition of sewage conveyance and disposal (by agreement) from lands beyond the City limits to the regional sewage system.

These Establishment Bylaws were recently considered by the CVRD board of directors. Subsequently, both the Town of Comox and City of Courtenay Councils have been requested to review and consent to the

changes to these bylaws. Council's endorsement of the changes to the bylaws is required for the City to advance the servicing agreement to provide water and sewer services to KFN IR#2.

FINANCIAL IMPLICATIONS:

None.

ADMINISTRATIVE IMPLICATIONS:

None.

ASSET MANAGEMENT IMPLICATIONS:

None.

STRATEGIC PRIORITIES REFERENCE:

"We look for regional infrastructure solutions for shared services to our community."

(Area of Influence)

"We actively engage with our K'omoks First Nation neighbours on issues of mutual interest and concern."

(Area of Influence)

OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed project is consistent with OCP policy regarding working towards a more regional approach to planning, working collaboratively with neighbouring governments to ensure a vibrant local economy and fostering the economic growth and development of communities.

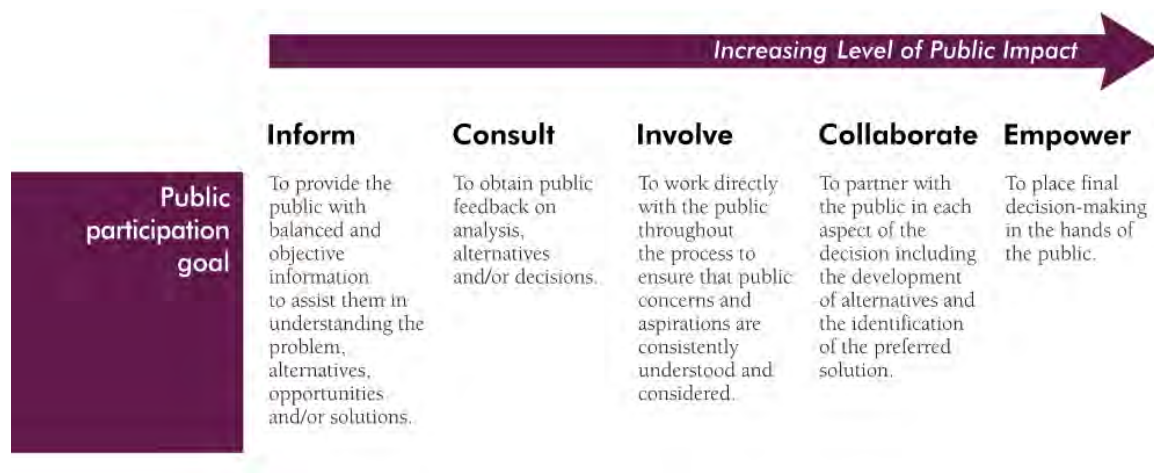
REGIONAL GROWTH STRATEGY REFERENCE:

The proposed amendments are consistent with the Regional Growth Strategy objective to support economic development opportunities for the K'omoks First Nation.

CITIZEN/PUBLIC ENGAGEMENT:

This staff report represents an inform level of public engagement with respect to this topic, 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 City of Courtenay consent to the adoption of the Comox Valley Regional Bylaw No. 408 being "Comox Valley Sewage Service Establishment Bylaw No 2541, 2003, Amendment No. 1" under section 346 of the *Local Government Act*, AND

That City of Courtenay consent to the adoption of the Comox Valley Regional Bylaw No. 418 being "Comox Valley Water Local Service Establishment Bylaw No 1783, 1995, Amendment No. 1" under section 346 of the *Local Government Act (RSBC, 2015, c.1)*.1.

Prepared by:

Lesley Hatch, P.Eng.

Director of Engineering Services

Attachments:

1. CVRD letter dated February 1, 2016 and attachments thereto (10 pages)
2. CVRD letter dated February 24, 2016 and attachments thereto (12 pages)

File: 3900-01

February 1, 2016

Via e-mail: jward@courtenay.ca

City of Courtenay
1809 Beaufort Avenue
Courtenay, BC V9N 2J7

Attention: Mr. John Ward, Director of Legislative Services

Dear Mr. Ward:

Re: Bylaw 408 being “Comox Valley Sewage Service Establishment Bylaw

The Comox Valley Regional District board of directors approved the following motion at its January 26, 2016 meeting:

THAT Bylaw No. 2541 being the “Comox Valley Sewerage Service Establishment Bylaw No. 2541, 2003” be updated to specifically include the provision of sewer services to K’ómoks First Nation Indian Reserve No. 1 and 2 and to HMCS Quadra;

AND FINALLY THAT consent on behalf of the electors for amending Bylaw No. 2541 being the “Comox Valley Sewerage Service Establishment Bylaw No. 2541, 2003” be sought from the City of Courtenay and Town of Comox.

As way of background information, please find attached a staff report dated January 8, 2016, that was presented to the January 19, 2016 sewage commission. Also attached is Bylaw 408 being “Comox Valley Sewage Service Establishment Bylaw No. 2541, 2003, Amendment No. 1” at third reading.

In light of the above, the board requests your council to consent to the bylaw amendment under section 346 of the *Local Government Act* by considering the following resolution:

THAT the City of Courtenay consent to the adoption of Comox Valley Regional District Bylaw No. 408 being “Comox Valley Sewage Service Establishment Bylaw No. 2541, 2003, Amendment No. 1” under section 346 of the *Local Government Act*.

If you have any questions, please contact me by telephone at 250-334-6007 or via email at jwarren@comoxvalleyrd.ca.

We look forward to hearing from you at your earliest convenience.
Sincerely,

J. Warren

James Warren
General Manager of Corporate Services

Attachments: Staff report dated January 8, 2016
Bylaw 408 Comox Valley Sewage Service Establishment Bylaw No. 2541, 2003, Amendment No. 1” at third reading

DATE: January 8, 2016**FILE:** 5340.01**TO:** Chair and Directors
Comox Valley sewage commission**FROM:** Debra Oakman, CPA, CMA
Chief Administrative Officer**RE:** Amendments to Bylaw No. 2541 being “Comox Valley Sewerage Service Establishment Bylaw No. 2541, 2003”

Purpose

The purpose of this report is to recommend procedural and legislative actions be undertaken in order that Bylaw No. 2541 being “Comox Valley Sewerage Service Establishment Bylaw No. 2541, 2003” can be updated to enable the sewage commission to authorize the supply of services under agreement. These changes will formally authorize sewer services to be provided to K’ómoks First Nation Indian Reserve No. 1 and 2 and to HMCS Quadra.

Policy analysis

Bylaw No. 2541, being “Comox Valley Sewerage Service Establishment Bylaw No. 2541, 2003” converts the supplementary letters patent into the sewerage service. The sewerage service identifies that the City of Courtenay and the Town of Comox are the only participants in the sewerage service. Sewer services are also provided to the K’ómoks First Nation Indian Reserve No. 1 and to the HMCS Quadra.

Executive summary

Working in partnership with staff from the City of Courtenay and the Town of Comox, Comox Valley Regional District staff have identified that the sewerage service establishment bylaw requires updating to enable sewer services to be provided to K’ómoks First Nation Indian Reserve No. 1 and 2 and to HMCS Quadra. The proposed amendment is in response to an agreement in principle between the City of Courtenay and the K’ómoks First Nation to enter into a detailed servicing agreement to provide water and sanitary sewer services to K’ómoks First Nation property on Condensory Road (Appendix B).

Amending a service establishment bylaw requires board, elector and inspector approval. Board approval can be achieved by way of three readings and adoption of an amending bylaw. Elector approval can be obtained through assent voting (referendum), an alternative approval process, a petition or by way of the participants consenting on behalf of the electors. In the case of municipalities, that consent would be in the form of a council resolution. Inspector approval is considered by the inspector of municipalities and typically can take between four and ten weeks. Staff are recommending that the board approve elector approval for this bylaw with the participants consenting on behalf of the electors.

Amending the service establishment bylaw creates a minimal financial impact on the existing service participants. As sewer services are already provided to Indian Reserve No. 1 and HMCS Quadra and as the City of Courtenay is working directly with the K’ómoks First Nation to identify an agreement that would see sewer services provided to Indian Reserve No. 2, the financial interests of the sewage commission are protected.

With respect to amending the sewerage service establishment bylaw, the process proposed includes the following steps:

- a) The CVRD board
 - a. gives three readings to the amending bylaw, and
 - b. directs that the amending bylaw receives elector approval by way of participant consent;
- b) the City of Courtenay and the Town of Comox councils each provide resolutions of consent on behalf of the electors to the adoption of the proposed amending bylaw;
- c) the inspector of municipalities provides approval for the amending bylaw; and,
- d) the CVRD board adopts the amending bylaw.

Recommendation from the chief administrative officer:

THAT Bylaw No. 2541 being the “Comox Valley Sewerage Service Establishment Bylaw No. 2541, 2003” be updated to specifically include the provision of sewer services to K’ómoks First Nation Indian Reserve No. 1 and 2 and to HMCS Quadra;

AND FINALLY THAT consent on behalf of the electors for amending Bylaw No. 2541 being the “Comox Valley Sewerage Service Establishment Bylaw No. 2541, 2003” be sought from the City of Courtenay and Town of Comox.

Respectfully:

D. Oakman

Debra Oakman, CPA, CMA
Chief Administrative Officer

Prepared by:

J. Warren

James Warren
General Manager of Corporate Services

Attachments: Appendix A – Consolidated Bylaw No. 2541 being “Comox Valley Sewerage Service Establishment Bylaw No. 2541, 2003” with proposed updates
Appendix B – News release and backgrounder regarding the agreement in principle between the City of Courtenay and the K’ómoks First Nation

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

Bylaw No.	Bylaw Name	Adopted	Purpose
2541	Comox Valley Sewage Service Establishment Bylaw No. 2541, 2003	May 26, 2003	A bylaw to convert the function of sewage interception, treatment and disposal to a service
<u>XXX</u>	<u>Comox Valley Sewage Service Establishment Bylaw No. 2541, 2003, Amendment No. 1</u>	<u>TBD</u>	<u>A bylaw to amend the Comox Valley sewerage service to include ability to provide service by agreement</u>

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 2541

A Bylaw to Convert the Function of Sewage Interception, Treatment and Disposal to a Service

WHEREAS by Supplementary Letters Patent (Division XXXV) dated the 11th day of January, 1979, the Regional District was given the power to establish the function of acquiring, construction, equipping, upgrading and maintaining sewage interception, treatment and disposal facilities within the City of Courtenay and the Town of Comox;

AND WHEREAS by an amendment to the Supplementary Letters Patent dated January 14, 1982, defined areas of Electoral Areas 'A', 'B' and 'C' were included within the sewage interception, treatment and disposal function for the purpose of permitting the Board impose development cost charges within those defined areas;

AND WHEREAS the Regional Board has never adopted a bylaw defining any areas of Electoral Areas 'A', 'B' or 'C' for the purpose of participation in this service;

AND WHEREAS the Regional Board has, by resolution passed the 29th day of January, 2002, agreed to accept septage generated from within Electoral Areas 'A' 'B', 'C' and 'K';

AND WHEREAS the Regional Board wishes to convert the supplementary Letters Patent to a Service under Section 774(3) of the Local Government Act and to amend the Service to include provisions for cost-sharing between the Participating Areas;

AND WHEREAS Councils of the Town of Comox and the Corporation of the City of Courtenay have consented to the adoption of this Bylaw;

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

1. Service

(a) The function of sewage interception, treatment and disposal established by Supplementary Letters Patent dated the 11th day of January, 1979 (Division XXXV – Sewage Interception, Treatment and Disposal) as amended by Supplementary Letters Patent dated the 14th day of January 1982 is converted to a service to include septage disposal and biosolids composting facilities and shall be known as the "Comox Valley Sewerage Service" (the "Service").

(b) The service includes the supply of sewage interception, treatment and disposal by way of agreement between the regional district or a participating area and a third party. Any such agreements between a participating area and a third party must be approved by the regional district.

2. Boundaries

The boundaries of the Service Area shall be coterminous with the boundaries of the Town of Comox and the Corporation of the City of Courtenay.

3. Participating Areas

The participating areas for the service are the Town of Comox and the City of Courtenay.

4. Cost Recovery

- a) property value taxes imposed in accordance with Division 4.3 of Part 24 of the Local Government Act;
- b) fees and charges imposed under section 797.2 of the Local Government Act;

- c) revenues raised by other means authorized by the Local Government Act or another Act; and
- d) revenues received by way of agreement, enterprise, gift, grant or otherwise.

5. Maximum Requisition

In accordance with section 800.1(1)(e) of the Local Government Act, the maximum amount that may be requisitioned annually for the cost of the Service is the amount that may be raised by a property value tax rate of Three Dollars (\$3.00) per one thousand (\$1,000) dollars applied to the net taxable value of lands and improvements for general purposes.

6. Apportionment

The costs of the Service shall be apportioned between the Participating Areas on the basis of the metered volume of sewage flows from each municipality relative to the total volume of combined sewage flows at the Comox Valley Water Pollution Control Centre during the previous calendar year.

7. Repeal

Bylaw No. 666 being "Sewage Interception, Treatment and Disposal Cost Apportionment Bylaw 1983" is hereby repealed.

8. Citation

This Bylaw may be cited for all purposes as "Comox Valley Sewerage Service Establishment Bylaw No. 2541, 2003".

K'ómoks First Nation and City of Courtenay Agreement in Principle

May 25, 2015

The City of Courtenay and the K'ómoks First Nation have reached an Agreement in Principle allowing the city to provide water and sanitary sewer services to K'ómoks First Nation property on Condensory Road. The property is the site of the Puntledge RV Campground. This is a non-binding agreement which sets the stage for entering into a detailed servicing agreement.

Once the servicing agreement is finalized – potentially by the end of 2015 – it would allow the K'ómoks First Nation to expand the campground and consider other economic development opportunities. The K'ómoks First Nation has also expressed interest in building a residential housing complex on Condensory Road. Total development would accommodate up to 500 people.

Mayor Larry Jangula said the city is pleased to be working with the K'ómoks First Nation on the initiative. “We have a strong working relationship with the K'ómoks First Nation, and we support their desire for economic development,” said Jangula. “This is also a mutually beneficial agreement, since the proximity of their land to downtown Courtenay could lead to more economic activity in our downtown core.”

Chief Rob Everson said he was elated about the agreement for the Puntledge Reserve land, and indicated a formal signing ceremony would be taking place. “The collaboration on the Agreement in Principle between the K'ómoks First Nation and the City of Courtenay demonstrates that we are ready to move forward with our neighbours. The expansion will build capacity within our Nation and generate an economic benefit for the Comox Valley.

As the City of Courtenay is a participant in the Comox Valley Regional District (CVRD) water and sewage services, the CVRD was consulted. The Town of Comox was also consulted.

The City of Courtenay typically does not provide municipal services outside of their boundary, and the agreement is not a precedent for providing municipal services to any other rural areas outside the city boundary. The agreement stipulates that the K'ómoks First Nation must restrict development to land uses that are compatible with the surrounding area.

[Retrieved from <http://www.courtenay.ca/EN/meta/news/news-archives/2015-archives/k-moks-first-nation-and-city-of-courtenay-agreement-in-principle.html> October 22, 2015]

- Backgrounder attached.



BACKGROUNDER

May 25, 2015

Agreement in Principle between K'ómoks First Nation and City of Courtenay

The non-binding agreement is the first step in a process for the City of Courtenay to provide municipal services (including water and sanitary sewer) to the K'ómoks First Nation property on Condensory Road, along the Puntledge River.

The K'ómoks First Nation wishes to expand the existing Puntledge RV Campground at 4624 Condensory Road as well as other economic development projects.

Guiding Principles

The agreement will be based on cost-recovery for the municipal services. Neither the City of Courtenay nor the K'ómoks First Nation will subsidize the services for others' benefit.

K'ómoks First Nation will reimburse the City of Courtenay for the capital costs incurred by the city for the service.

The agreement is not a precedent for providing municipal services to other rural areas outside the City of Courtenay, and the services intended for the K'ómoks First Nation property must not be used outside their property boundary. An official community plan (OCP) amendment to provide water and sewer services outside the City boundary will be required.

Details of how water and sewer services will be provided will be outlined in a future servicing agreement between K'ómoks First Nation and City of Courtenay which is expected to be finalized in the Fall of 2015.

Land Use

The agreement stipulates that the K'ómoks First Nation must restrict development to land uses that are compatible with the surrounding area.

- No heavy industrial uses will be permitted.

No land uses that produce offensive odors will be permitted.

- the existing campground would be expanded to include additional camping sites, recreational vehicle sites, serviced cabins, and accessory uses

K'ómoks First Nation will address to the city's satisfaction:

- the potential impacts of a one-in-200 year flood on the Condensory Bridge
- the protection of water and sanitary sewer services during flooding
- ensure that development on the fringe of the flood plain will not negatively impact the city during a flood

K'ómoks First Nation will keep the city informed of land uses as they are approved.

Other Conditions

The Comox Valley Regional District (CVRD) is responsible for the City of Courtenay and this extended use agreement in principle will need to be considered by the Comox Valley water committee and sewage commission.

The Province of B.C. must approve the use of the Condensory Bridge to carry the infrastructure for the services.

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 408

A bylaw to amend the service establishing bylaw for the Comox Valley sewage service to enable the provision of sewer services to K'ómoks First Nation Indian Reserve No. 1 and 2 and to HMCS Quadra

WHEREAS the Comox Valley sewage service was created by the adoption of Bylaw No. 2541 being “Comox Valley Sewage Service Establishment Bylaw No. 2541, 2003” on the 26th day of May 2003;

AND WHEREAS the board wishes to enable the provision of sewer services to K'ómoks First Nation Indian Reserve No. 1 and 2 and to HMCS Quadra;

AND WHEREAS pursuant to section 346 of the *Local Government Act* (SBC, 2015, c. 1) the councils of the Town of Comox and the Corporation of the City of Courtenay have consented to the adoption of this bylaw;

AND WHEREAS the approval of the inspector of municipalities has been obtained under section 349(3) of the *Local Government Act* (SBC, 2015, c. 1);

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Amendment

1. Bylaw No. 2541 being “Comox Valley Sewage Service Establishment Bylaw No. 2541, 2003” is hereby amended by inserting a new subsection 1(b) (service) as follows:

“(b) The service includes the supply of sewage interception, treatment and disposal by way of agreement between the regional district or a participating area and a third party. Any such agreements between a participating area and a third party must be approved by the regional district.”

Citation

This Bylaw No. 408 may be cited as “Comox Valley Sewage Service Establishment Bylaw No. 2541, 2003, Amendment No. 1”.

Read a first and second time this **26th** **day of** **January** **2016.**

Read a third time this **26th** **day of** **January** **2016.**

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 408 being “Comox Valley Sewage Service Establishment Bylaw No. 2541, 2003, Amendment No. 1” as read a third time by the board of the Comox Valley Regional District on the 26th day of January 2016.

J. Warren

Corporate Legislative Officer

Approved by the
Inspector of Municipalities this **day of** **2016.**

Adopted this **day of** **2016.**

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 408 being “Comox Valley Sewage Service Establishment Bylaw No. 2541, 2003, Amendment No. 1” as adopted by the board of the Comox Valley Regional District on the day of 2016.

Corporate Legislative Officer

File: 3900-01

February 24, 2016

Via e-mail: jward@courtenay.ca

City of Courtenay
1809 Beaufort Avenue
Courtenay, BC V9N 2J7

Attention: Mr. John Ward, Director of Legislative Services

Dear Mr. Ward:

Re: Bylaw 418 being “Water Local Service Establishment Bylaw, 1995, Amendment No. 3”

The Comox Valley Regional District board of directors approved the following motion at its February 23, 2016 meeting:

“THAT Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995” be updated to specifically include a provision to allow the City of Courtenay to redistribute water to the K’ómoks First Nation Indian Reserve No. 2;

AND FINALLY THAT consent on behalf of the electors for amending Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995” be sought from the City of Courtenay, Town of Comox and directors for Electoral Areas ‘A’, ‘B’ and ‘C’.”

As way of background information, please find attached the following material:

- Staff report dated January 8, 2016, which was presented at the February 16, 2016 water committee.
- Bylaw 418 being “Comox Valley Water Local Service Establishment Bylaw No. 1783, 1995, Amendment No. 1” at third reading.

In light of the above, the board requests your council to consent to the bylaw amendment under section 346 of the *Local Government Act* by considering the following resolution:

“THAT the City of Courtenay consent to the adoption of Comox Valley Regional District Bylaw No. 418 being “Comox Valley Water Local Service Establishment Bylaw No. 1783, 1995, Amendment No. 1” under section 346 of the *Local Government Act* (RSBC, 2015, c.1).1.”

If you have any questions, please contact me by telephone at 250-334-6007 or via email at jwarren@comoxvalleyrd.ca.

We look forward to hearing from you at your earliest convenience.

Sincerely,

J. Warren

James Warren
General Manager of Corporate Services

Attachments: Staff report dated January 8, 2016
Bylaw 418

DATE: January 8, 2016**FILE:** 5610.01**TO:** Chair and Directors
Comox Valley water committee**FROM:** Debra Oakman, CPA, CMA
Chief Administrative Officer**RE:** Proposed amendments to Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995”

Purpose

The purpose of this report is to recommend procedural and legislative actions be undertaken in order that Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995” can be updated to specifically include a provision to allow the City of Courtenay to redistribute water to the K’ómoks First Nation Indian Reserve No. 2.

Policy analysis

Bylaw No. 1783, being “Water Local Service Establishment Bylaw, 1995”, provides for the supply of water from the Comox Valley water supply system, by agreement to the K’ómoks First Nation. The bylaw also identifies that the City of Courtenay, the Town of Comox and Electoral Areas ‘A’, ‘B’ and ‘C’ are the participants in the water supply service.

Executive summary

Working in partnership with staff from the City of Courtenay and the Town of Comox, Comox Valley Regional District staff have identified that the water supply service establishment bylaw requires updating to enable water services to be provided to K’ómoks First Nation Indian Reserve No. 2. The proposed amendment is in response to an agreement in principle between the City of Courtenay and the K’ómoks First Nation to enter into a detailed servicing agreement to provide water and sanitary sewer services to K’ómoks First Nation property on Condensory Road (Appendix B).

Amending a service establishment bylaw requires board, elector and inspector approval. Board approval can be achieved by way of three readings and adoption of an amending bylaw. Elector approval can be obtained through assent voting (referendum), an alternative approval process, a petition or by way of the participants consenting on behalf of the electors. In the case of municipalities, that consent would be in the form of a council resolution. For electoral areas, that consent is in written form. Inspector approval is considered by the inspector of municipalities and typically can take between four and ten weeks. Staff are recommending that the board approve elector approval for this bylaw with the participants consenting on behalf of the electors.

Amending the service establishment bylaw creates a minimal financial impact on the existing service participants. The City of Courtenay is working directly with the K’ómoks First Nation to identify an agreement that would see water services provided to Indian Reserve No. 2; therefore, the financial interests of the water committee are protected. Rather, expanding the service boundary broadens the scope of participating properties and creates a more comprehensive service area.

With respect to amending the water service establishment bylaw, the process proposed includes the following steps:

- a) The CVRD board
 - a. gives three readings to the amending bylaw, and
 - b. directs that the amending bylaw receives elector approval by way of participant consent;
- b) the City of Courtenay and the Town of Comox councils each provide resolutions of consent on behalf of the electors to the adoption of the proposed amending bylaw and the electoral area directors provide written consent;
- c) the inspector of municipalities provides approval for the amending bylaw; and,
- d) the CVRD board adopts the amending bylaw.

Recommendation from the chief administrative officer:

THAT Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995” be updated to specifically include a provision to allow the City of Courtenay to redistribute water to the K’ómoks First Nation Indian Reserve No. 2;

AND FINALLY THAT consent on behalf of the electors for amending Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995” be sought from the City of Courtenay, Town of Comox and directors for Electoral Areas ‘A’, ‘B’ and ‘C’.

Respectfully:

D. Oakman

Debra Oakman, CPA, CMA
Chief Administrative Officer

Prepared by:

J. Warren

James Warren
General Manager of Corporate Services

Attachments: Appendix A – Draft consolidated Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995”
Appendix B – News release and backgrounder regarding the agreement in principle between the City of Courtenay and the K’ómoks First Nation

REGIONAL DISTRICT OF COMOX-STRATHCONA

BYLAW NO. 1783

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

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

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

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

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

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

Local Service

1. The service hereby established is to design, construct, reconstruct, purchase, maintain and operate facilities for the supply, treatment, conveyance, storage and distribution of water,
 - (a) in bulk to the City of Courtenay and the Town of Comox for redistribution by those municipalities, including redistribution by the City of Courtenay to K'ómoks First Nation Indian Reserve No. 2 and by the Town of Comox to HMCS Quadra;
 - (b) in bulk to water service areas in that part of the Regional District not within the boundaries of the City of Courtenay and the Town of Comox located within a participating area for this service;
 - (c) in bulk to the K'ómoks First Nation~~Comox Indian Band~~;
 - (d) in bulk to the Sandwich Waterworks District in the event of an emergency;
 - (e) in bulk from the bulk water dispensing system; and
 - (f) the service shall be known as “The Comox Valley Water System”.

Boundaries

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

Participating Areas

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

Cost Recovery

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

Apportionment

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

Metering

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

Local Service Areas Within Electoral Areas

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

Water Committee

12. The local service created by this Bylaw shall be operated by a standing committee of the Regional Board to be known as the Water Committee.
13. The Water Committee:

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

Voting

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

City of Courtenay	51.69%	6 votes
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Town of Comox	30.48%	3 votes
Electoral Area 'A'	2.74% less the amount in Arden within Electoral Area 'C'	1 vote
Electoral Area 'B'	12.52%	1 vote
Electoral Area 'C'	.44% plus the amount of Arden not in Electoral Area 'A'	1 vote

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

Pressures and Flows

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

Citation

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

K'ómoks First Nation and City of Courtenay Agreement in Principle

May 25, 2015

The City of Courtenay and the K'ómoks First Nation have reached an Agreement in Principle allowing the city to provide water and sanitary sewer services to K'ómoks First Nation property on Condensory Road. The property is the site of the Puntledge RV Campground. This is a non-binding agreement which sets the stage for entering into a detailed servicing agreement.

Once the servicing agreement is finalized – potentially by the end of 2015 – it would allow the K'ómoks First Nation to expand the campground and consider other economic development opportunities. The K'ómoks First Nation has also expressed interest in building a residential housing complex on Condensory Road. Total development would accommodate up to 500 people.

Mayor Larry Jangula said the city is pleased to be working with the K'ómoks First Nation on the initiative. “We have a strong working relationship with the K'ómoks First Nation, and we support their desire for economic development,” said Jangula. “This is also a mutually beneficial agreement, since the proximity of their land to downtown Courtenay could lead to more economic activity in our downtown core.”

Chief Rob Everson said he was elated about the agreement for the Puntledge Reserve land, and indicated a formal signing ceremony would be taking place. “The collaboration on the Agreement in Principle between the K'ómoks First Nation and the City of Courtenay demonstrates that we are ready to move forward with our neighbours. The expansion will build capacity within our Nation and generate an economic benefit for the Comox Valley.

As the City of Courtenay is a participant in the Comox Valley Regional District (CVRD) water and sewage services, the CVRD was consulted. The Town of Comox was also consulted.

The City of Courtenay typically does not provide municipal services outside of their boundary, and the agreement is not a precedent for providing municipal services to any other rural areas outside the city boundary. The agreement stipulates that the K'ómoks First Nation must restrict development to land uses that are compatible with the surrounding area.

[Retrieved from <http://www.courtenay.ca/EN/meta/news/news-archives/2015-archives/k-moks-first-nation-and-city-of-courtenay-agreement-in-principle.html> October 22, 2015]

- Backgrounder attached.



BACKGROUNDER

May 25, 2015

Agreement in Principle between K'ómoks First Nation and City of Courtenay

The non-binding agreement is the first step in a process for the City of Courtenay to provide municipal services (including water and sanitary sewer) to the K'ómoks First Nation property on Condensory Road, along the Puntledge River.

The K'ómoks First Nation wishes to expand the existing Puntledge RV Campground at 4624 Condensory Road as well as other economic development projects.

Guiding Principles

The agreement will be based on cost-recovery for the municipal services. Neither the City of Courtenay nor the K'ómoks First Nation will subsidize the services for others' benefit.

K'ómoks First Nation will reimburse the City of Courtenay for the capital costs incurred by the city for the service.

The agreement is not a precedent for providing municipal services to other rural areas outside the City of Courtenay, and the services intended for the K'ómoks First Nation property must not be used outside their property boundary. An official community plan (OCP) amendment to provide water and sewer services outside the City boundary will be required.

Details of how water and sewer services will be provided will be outlined in a future servicing agreement between K'ómoks First Nation and City of Courtenay which is expected to be finalized in the Fall of 2015.

Land Use

The agreement stipulates that the K'ómoks First Nation must restrict development to land uses that are compatible with the surrounding area.

- No heavy industrial uses will be permitted.

No land uses that produce offensive odors will be permitted.

- the existing campground would be expanded to include additional camping sites, recreational vehicle sites, serviced cabins, and accessory uses

K'ómoks First Nation will address to the city's satisfaction:

- the potential impacts of a one-in-200 year flood on the Condensory Bridge
- the protection of water and sanitary sewer services during flooding
- ensure that development on the fringe of the flood plain will not negatively impact the city during a flood

K'ómoks First Nation will keep the city informed of land uses as they are approved.

Other Conditions

The Comox Valley Regional District (CVRD) is responsible for the City of Courtenay and this extended use agreement in principle will need to be considered by the Comox Valley water committee and sewage commission.

The Province of B.C. must approve the use of the Condensory Bridge to carry the infrastructure for the services.

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 418

A bylaw to amend the service establishing bylaw for the Comox Valley water supply system to allow the City of Courtenay to redistribute water to the K'ómoks First Nation Indian Reserve No. 2

WHEREAS the Comox Valley water supply system was created by the adoption of Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995” on the 12th day of December 1996;

AND WHEREAS the board wishes to allow the City of Courtenay to redistribute water to the K'ómoks First Nation Indian Reserve No. 2;

AND WHEREAS participating area approval has been obtained by writing from the directors of Electoral Areas ‘A’ (Baynes Sound – Denman / Hornby Islands), ‘B’ (Lazo North) and ‘C’ (Puntledge – Black Creek) under section 347 of the *Local Government Act [RSBC 2015] c.1*;

AND WHEREAS pursuant to section 346 of the *Local Government Act [RSBC 2015] c.1* the councils of the Town of Comox and the Corporation of the City of Courtenay have consented to the adoption of this bylaw;

AND WHEREAS the approval of the inspector of municipalities has been obtained under section 342 (a) of the *Local Government Act [RSBC 2015] c.1*;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Amendment

1. Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995” is hereby amended by:

a) Replacing section 1(a) which reads as follows:

1. The service hereby established is to design, construct, reconstruct, purchase, maintain and operate facilities for the supply, treatment, conveyance, storage and distribution of water,
 - (a) in bulk to the City of Courtenay and the Town of Comox for redistribution by those municipalities, including redistribution by the Town of Comox to HMCS Quadra;

with the following section 1(a) which reads as follows:

1. The service hereby established is to design, construct, reconstruct, purchase, maintain and operate facilities for the supply, treatment, conveyance, storage and distribution of water,
 - (a) in bulk to the City of Courtenay and the Town of Comox for redistribution by those municipalities, including redistribution by the City of Courtenay to

K'ómoks First Nation Indian Reserve No. 2 and by the Town of Comox to HMCS Quadra;

b) Replacing section 1(c) which reads as follows:

1. The service hereby established is to design, construct, reconstruct, purchase, maintain and operate facilities for the supply, treatment, conveyance, storage and distribution of water,
(c) in bulk to the Comox Indian Band;

with the following section 1(c) which reads as follows:

1. The service hereby established is to design, construct, reconstruct, purchase, maintain and operate facilities for the supply, treatment, conveyance, storage and distribution of water,
(c) in bulk to the K'ómoks First Nation;

Citation

This Bylaw No. 418 may be cited as “Water Local Service Establishment Bylaw, 1995, Amendment No. 3”.

Read a first and second time this 23rd day of February 2016.

Read a third time this 23rd day of February 2016.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 418 being “Water Local Service Establishment Bylaw, 1995, Amendment No. 3” as read a third time by the board of the Comox Valley Regional District on the 23rd day of February 2016.

Corporate Legislative Officer

**Approved by the
Inspector of Municipalities this day of 2016.**

Adopted this day of 2026.

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 418 being “Water Local Service Establishment Bylaw, 1995, Amendment No. 3” as adopted by the board of the Comox Valley Regional District on the day of 2016.

Corporate Legislative Officer



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 5400-02

From: Chief Administrative Officer

Date: March 14, 2016

Subject: Third Bridge Crossing – City of Courtenay Transportation Studies Review & Summary

PURPOSE:

The purpose of this report is to provide Council an analysis of past Transportation studies related to a third bridge crossing of the Courtney River with a particular focus on the 11th Street corridor option.

EXECUTIVE SUMMARY:

The City has been party to five transportation studies in the past 20 years. In the past 10 years, three engineering consulting firms (Ward Consulting Group, McElhanney Consulting Services Ltd., and Morrison Hershfield) have independently, and as part of a greater scope of work, reviewed several potential Courtenay River crossing locations from 3rd Street to 29th Street. All three studies identified the 11th Street location as the leading candidate for a third river crossing.

The need for a third crossing was recently reconsidered and confirmed by McElhanney Consulting Services Ltd. through a review of the 2005 transportation modelling data calibrated to new (February 2016) traffic counts from the 5th Street and 17th Street bridges. This updated analysis determined that continued traffic growth will lead to both bridges operating well over capacity by 2025 and additional travel lanes (i.e. new bridge) will be required to facilitate traffic movement across the river.

CAO RECOMMENDATIONS:

That based on the March 14, 2016 staff report entitled "*Third Bridge Crossing – City of Courtenay Transportation Studies Review & Summary*", Council approve option 1 and retain 11th Street as a third crossing location option, and direct staff to work with the Ministry of Transportation and Infrastructure on identifying a mutually beneficial site for the third river crossing.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

At the November 16, 2015 regular meeting, Council received a delegation representing the Riverway Square Seniors Housing project expressing concern that a third bridge crossing at 11th Street would have a negative impact on their proposed development. They urged Council to make a timely decision on whether this is the correct location for a third river crossing. Subsequently, at the December 7, 2015 regular meeting, Council resolved:

“Moved by Hillian and seconded by Theos that Council direct staff to provide a report to Council regarding the proposed 11th Street river crossing at the earliest possible date. Carried”

Staff subsequently engaged McElhanney Consulting Services Ltd. (MCSL) to conduct a review of all existing City transportation plans related to the need for a third river crossing and summarize the information with a focus on the recommendation for the 11th Street corridor option, in support of this staff report.

DISCUSSION:

The City has undertaken or been party to five regional transportation network studies over the preceding 20 year period. These studies have provided both operational analyses of the existing transportation network, and served as planning tools to ensure that future transportation needs are identified, planned for, and funded within the horizon of need. The completed studies are listed in Attachment No.1.

Third River Crossing – Need and Timing

MCSL’s recent review identified a consistent need for increased east-west connectivity across the Courtenay River. This need was based in large part on the understanding that traffic flow across the existing Courtenay River bridges could be predominantly classified into two specific origin/destination groupings:

- Southwest Courtenay to Northeast Courtenay, and
- Northeast Courtenay to Northwest Courtenay (i.e., downtown).

The attached figure from the 2008 MCSL study graphically indicates the modelled traffic volumes by origin/destination as determined by Ward Consulting Group in the 2005 Courtenay Transportation Study. This graphical representation demonstrates the volume of peak hourly vehicle trips across the Courtenay River by the width of the black bands. The blue bands are indicative of the anticipated traffic growth to 2025 based on the study analysis. Though dated in 2008, this graphic still accurately indicates vehicle origins and destinations which are key factors in evaluating the most effective location for a third river crossing.

In addition to reviewing the studies, MCSL recently undertook a series of afternoon peak hour traffic counts at intersections on either side of the 5th Street and 17th Street bridges. Analysis of the new data concluded that at present:

- Intersections on either side of the 17th Street Bridge have turning movements that are operating above capacity, hindering the intersections’ ability to move traffic onto the bridge.
- Intersections on either side of the 5th Street Bridge are operating within their available capacities, however, the bridge itself is at capacity and restricting traffic flow with only one lane in either direction.
- Vehicle traffic across the two existing bridges has remained stable between 2005 and 2016. This relatively neutral traffic growth is likely a result of capacity constraints at the intersections on each side of the bridge delaying traffic from reaching the bridge any faster, capacity constraints of the 5th Street Bridge, and unrealized population growth rates due to changes in the economy in the past decade.

Third River Crossing – Proposed 11 Street Location

The examined options for a third river crossing location concluded that 11th Street is the leading candidate. Some of the attributes for the 11th Street crossing include:

- Reduction in travel (distance) under congested conditions;
- Performs reasonably well at reducing network-wide travel time;
- Situated between the other 2 existing crossings alleviating pressure at the other 2 locations;
- Least property impact;
- Lowest construction cost;
- Most favourable geotechnical condition (based on desktop study).

In 2009, the City purchased land on the east side of the river in support of the concept of an 11th Street river crossing.

Third River Crossing – Ministry Support & Current Projects

The Ministry of Transportation and Infrastructure provided a letter to Council (dated March 3, 2016) indicating their support for Council's efforts to plan for a third river crossing.

The Ministry is actively undertaking engineering design for improvements to Comox Road from 17th Street to Ryan Road. Should Council support retaining the 11th Street crossing location, City staff would pursue inclusion of the intersection design of 11th Street and Comox Road in the current Ministry project.

City staff is finalizing the project scope for the update to the City multi-modal Transportation Network Study (currently circa 2005). This project will undertake a detailed traffic analysis of the City's major transportation corridors with an emphasis on establishing updated network improvements and priorities, including additional capacity across the Courtenay River. The final report is anticipated for delivery in the spring of 2017 and will be consistent with Council's adopted Strategic Priorities 2016-2018.

Conclusions

Based on analysis of the transportation studies conducted to date on behalf of the City, a third river crossing of the Courtenay River is warranted to support east-west traffic movements prior to 2025. While it is acknowledged that over the coming decade social, environmental and economic circumstances may evolve, assuming a continuation of the present circumstances the leading candidate site for this crossing is the 11th Street corridor.

Recommendations

Based on the available information and identified assumptions, the 11th Street corridor is the only viable location for a third river crossing of the Courtenay River. Therefore, it is recommended that Council retain this corridor opportunity until another equal or better option has been identified in lieu.

FINANCIAL IMPLICATIONS:

The external technical services to provide this report to Council cost approximately \$15,000. As this was unplanned work, funds were expended from the Engineering Consulting Services budget in the General Operating Fund sourced directly from taxation and direct staff costs were not calculated.

This work was a consequence of a request from a potential Developer that has not yet provided the City with an application or any fees in support of their prospective project. Typically, all project due diligence and associated costs (i.e. engineering analyses, etc.) are undertaken by the applicant.

ADMINISTRATIVE IMPLICATIONS:

Staff has spent approximately 35 hours to review the additional traffic engineering analysis and complete the staff report. Although not directly included in the corporate workplan, staff time was drawn from the “Zinger” time bank. “Zingers” are important but unplanned for initiatives that allow Council to direct staff time to emerging issues of interest or concern.

ASSET MANAGEMENT IMPLICATIONS:

This would be a ‘New’ capital project that will compete with the scarce Capacity and Financial resource necessary for renewal of the City’s existing assets.

STRATEGIC PRIORITIES REFERENCE:

Area of Influence: We look for regional infrastructure solutions for shared services to our community

OFFICIAL COMMUNITY PLAN REFERENCE:**5.2 Goals**

5.2.1 integrate land use changes with transportation planning to coordinate changes and increases to traffic patterns.

5.2.4 support an integrated transportation system that works towards reducing travel distances and congestion.

5.2.6 provide an effective transportation system that facilitates the movement of vehicles throughout the community and the Comox Valley to major regional services such as Little River Ferry System and the Comox Valley Airport.

Road Network - Map No. 3 shows potential third crossing location at 11th Street.

REGIONAL GROWTH STRATEGY REFERENCE:

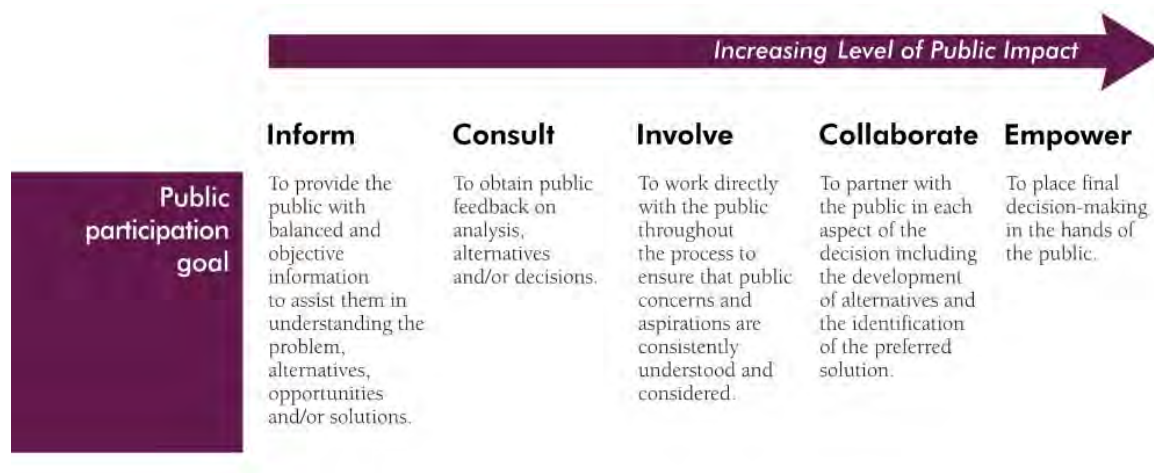
RGS Goal 4: Transportation:

Develop an accessible, efficient and affordable multi-modal transportation network that connects Core Settlement Areas and designated Town Centres, and links the Comox Valley to neighbouring communities and regions.

CITIZEN/PUBLIC ENGAGEMENT:

Previous studies have incorporated a “consult” and “involve” level of engagement. For the analysis contained within this report, staff would inform 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 retain 11th Street as a third crossing location option, and
- Direct staff to work with the Ministry of Transportation and Infrastructure on identifying a mutually beneficial site for the third river crossing. (Recommended)
- Option 2:** That Council eliminate 11th Street as a third crossing location option and
- Direct staff to investigate alternative third crossing locations as part of the upcoming City Transportation Network Plan project.
- Option 3:** That Council do nothing with respect to the 11th Street option for a third river crossing.

Prepared by:

Lesley Hatch, P.Eng.
Director of Engineering Services

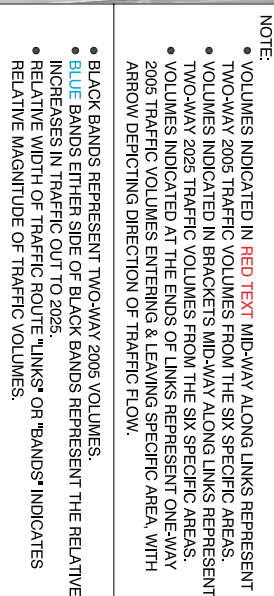
Attachments:

No.1 – Summary of Transportation Reports Reviewed by MCSL

No. 2 – MCSL Drawing No. TR-2: Courtenay River Bridge Study – PM Peak Hour Origin/Destination Volumes

Attachment No. 1 – Summary of Transportation Reports Reviewed by MCSL

1. **Comox Valley Transportation Study, 1995, Reid Crowther** – identified potential points of connectivity to the Inland Island Hwy, and outlined City and regional transportation network improvements to a planning horizon of 2012. The study was funded jointly by the Ministry of Transportation, and the City of Courtenay.
2. **Traffic Operation at Seventeenth Street Corridor, 2005, Delcan** – investigated and recommended network improvements to increase safety within the 17th Street corridor, specifically at the Comox Road and Cliffe Ave. intersections. The study was funded by the Ministry of Transportation and Highways, and the Insurance Corporation of British Columbia (ICBC).
3. **Courtenay Transportation Study, 2005, Ward Consulting Group** – established a 20 year Master Multi-Modal Transportation Plan for the City, including an operational review of the existing road network, and assessed the need for a third river crossing. The study was funded by the City of Courtenay.
4. **City of Courtenay – Third Bridge Crossing Conceptual Options Study, 2008, McElhanney Consulting Services Ltd.** – provided a qualitative evaluation of potential third crossing locations, sought out stakeholder and public feedback, and recommended a preferred crossing location based on the agreed evaluation criteria. This study was funded by the City of Courtenay.
5. **25 Year Vision for Multi-Modal Transportation, 2014, Morrison Hershfield** – the study is a long range planning tool that provides a strategy for developing a multi-modal transportation network of the next 25 years. This study was funded by the City of Courtenay.



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2841

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

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

1. This bylaw may be cited for all purposes as **“Official Community Plan Amendment Bylaw No. 2841, 2016”**.
2. That Official Community Plan Bylaw No. 2387, 2005 be amended as follows:
 - a) By changing the land use designation of Amended Lot 110 (DD43420N), Section 61, Comox District, Plan 472A, Except that Part Lying to the South East of a Boundary Parallel to the South Easterly Boundary of Said Lot and Perpendicularly Distant 10 Feet North Westerly Therefrom (344 3rd Street) from Commercial to Multi Residential as shown in Schedule A;
 - b) By changing the land use designation of and Lot 1, Block 72, Section 61, Comox District, Plan 472 Except that Part Lying to the South East of a Boundary Parallel to the South Easterly Boundary of Said Lot and Perpendicularly Distant 10 Feet North Westerly Therefrom (356 3rd Street) from Commercial to Multi Residential as shown in Schedule A; and
 - c) That Map #2, Land Use Plan be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 14th day of March, 2016

Read a second time this 14th day of March, 2016

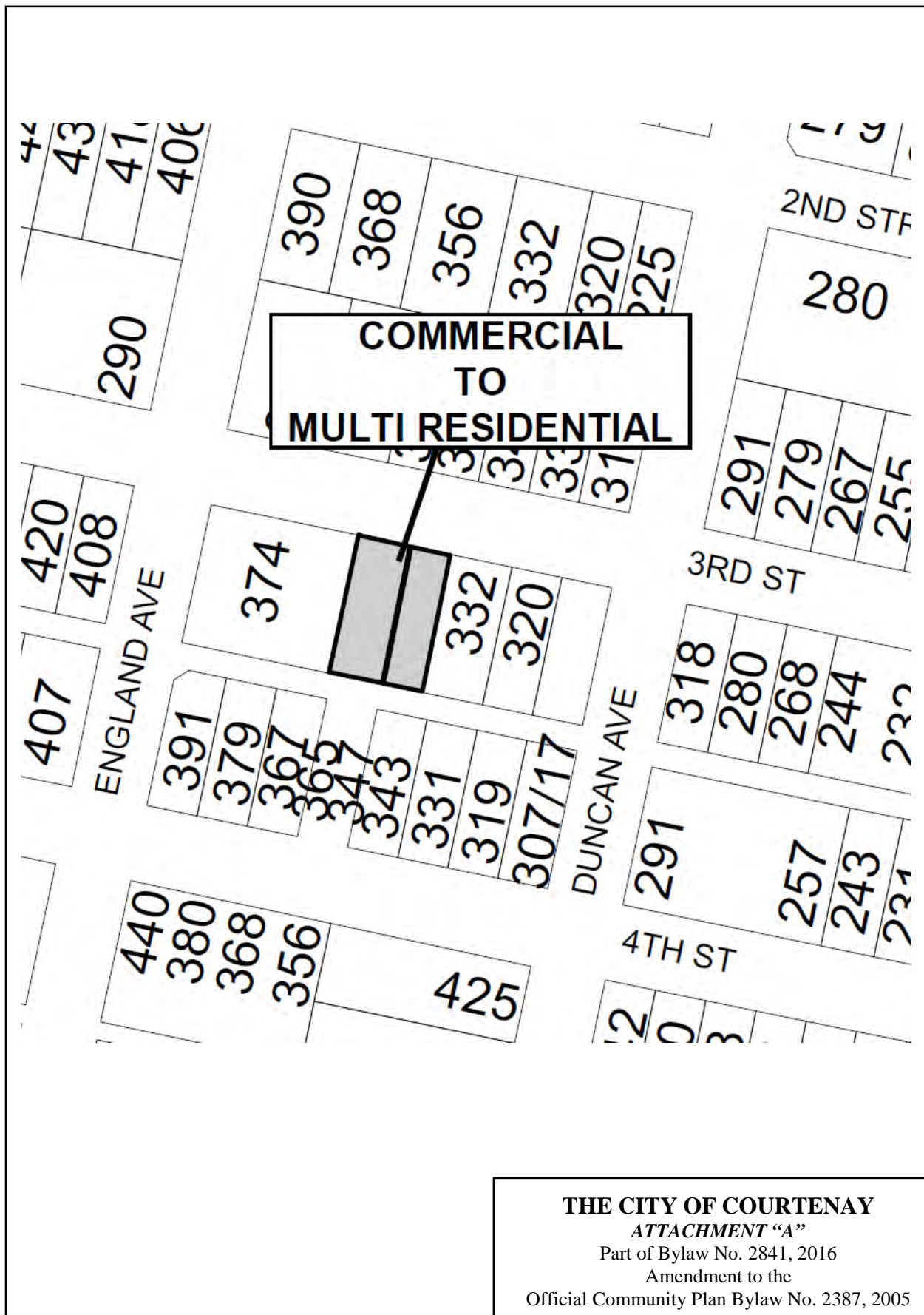
Considered at a Public Hearing this day of , 2016

Read a third time this day of , 2016

Finally passed and adopted this day of , 2016

Mayor

Director of Legislative Services



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2842

A bylaw to amend Zoning Bylaw No. 2500, 2007

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

1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 2842, 2016**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) By rezoning Amended Lot 110 (DD43420N), Section 61, Comox District, Plan 472A, Except that Part Lying to the South East of a Boundary Parallel to the South Easterly Boundary of Said Lot and Perpendicularly Distant 10 Feet North Westerly Therefrom (344 3rd Street), as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Commercial Five Zone (C-5) to Residential Four B Zone (R-4B);
 - (b) By rezoning Lot 1, Block 72, Section 61, Comox District, Plan 472 Except that Part Lying to the South East of a Boundary Parallel to the South Easterly Boundary of Said Lot and Perpendicularly Distant 10 Feet North Westerly Therefrom (356 3rd Street) as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Commercial Five Zone (C-5) to Residential Four B Zone (R-4B);
 - (c) By adding Section 8.4.22 “(a) notwithstanding the above, a minimum lot size of 300 m² is permitted on Amended Lot 110 (DD43420N), Section 61, Comox District, Plan 472A, Except that Part Lying to the South East of a Boundary Parallel to the South Easterly Boundary of Said Lot and Perpendicularly Distant 10 Feet North Westerly Therefrom (344 3rd Street) and Lot 1, Block 72, Section 61, Comox District, Plan 472 Except that Part Lying to the South East of a Boundary Parallel to the South Easterly Boundary of Said Lot and Perpendicularly Distant 10 Feet North Westerly Therefrom (356 3rd Street) as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw;
 - (d) By adding Section 8.4.23“(a) notwithstanding the above, a minimum frontage of 10 metres is permitted on Amended Lot 110 (DD43420N), Section 61, Comox District, Plan 472A, Except that Part Lying to the South East of a Boundary Parallel to the South Easterly Boundary of Said Lot and Perpendicularly Distant 10 Feet North Westerly Therefrom (344 3rd Street), as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw;
 - (e) By adding Section 8.4.23“(b) notwithstanding the above, a minimum frontage of 11 metres is permitted on Lot 1, Block 72, Section 61, Comox District, Plan 472 Except that Part Lying to the South East of a Boundary Parallel to the South Easterly Boundary of

Said Lot and Perpendicularly Distant 10 Feet North Westerly Therefrom (356 3rd Street) as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw; and

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

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

Read a first time this 14th day of March, 2016

Read a second time this 14th day of March, 2016

Considered at a Public Hearing this day of , 2016

Read a third time this day of , 2016

Finally passed and adopted this day of , 2016

Mayor

Director of Legislative Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2832

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

WHEREAS the Council has adopted an Official Community Plan and a Zoning Bylaw;

AND WHEREAS, pursuant to Section 895 of the *Local Government Act*, the Council shall, by bylaw, establish procedures to amend a plan or bylaw or issue a permit;

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

1. This bylaw may be cited for all purposes as “**Official Community Plan Amendment Bylaw No. 2832, 2015**”.
2. That Official Community Plan Bylaw No. 2387, 2005 be amended as follows:
 - a) By changing the land use designation of part of Lot 2, Block 72, Comox District, Plan EPP10850, Except Part in Plan EPP19657 and EPP39615 from Commercial and Commercial Shopping Centre to Mixed Use as shown in Schedule A;
 - b) By changing the land use designation of part of Lot A, Block 72, Comox District, Plan 49168, Except Parts in Plans VIP72302, VIP78220, VIP80915, VIP82077, VIP82902, VIP87389, VIP88342 and EPP10850 from Mixed Use to Commercial as shown in Schedule A; and
 - c) That Map #2, Land Use Plan be amended accordingly;
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 2nd day of November, 2015

Read a second time this 2nd day of November, 2015

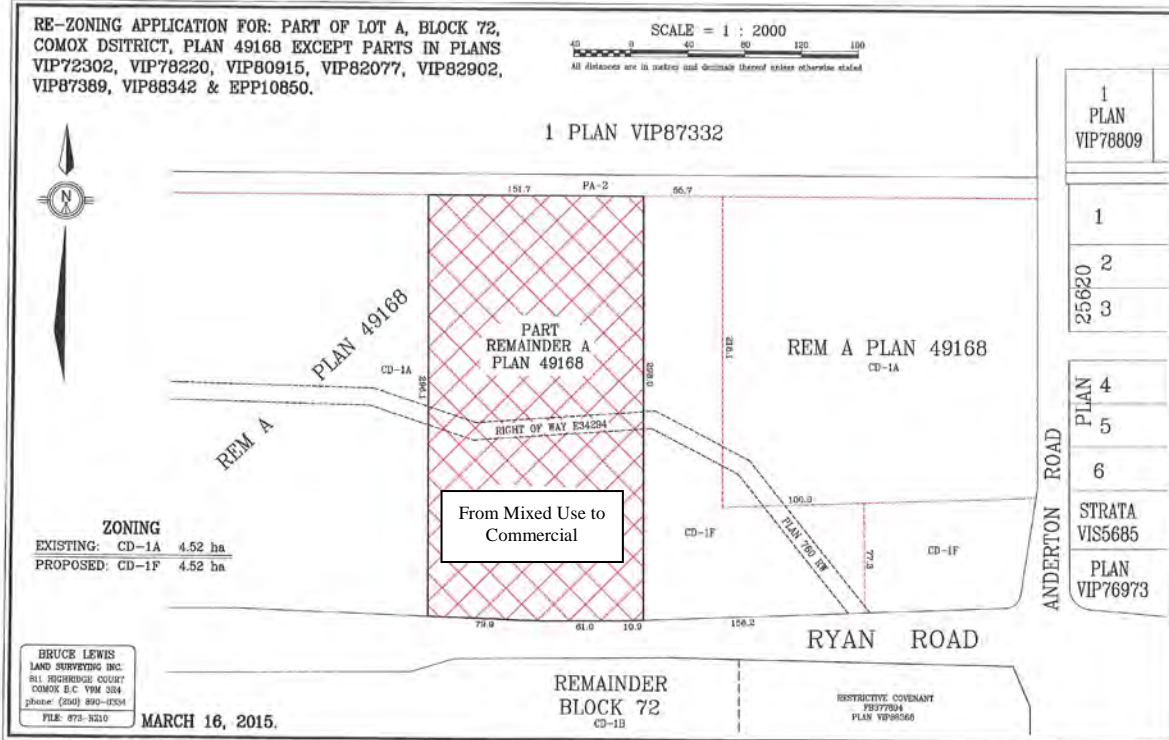
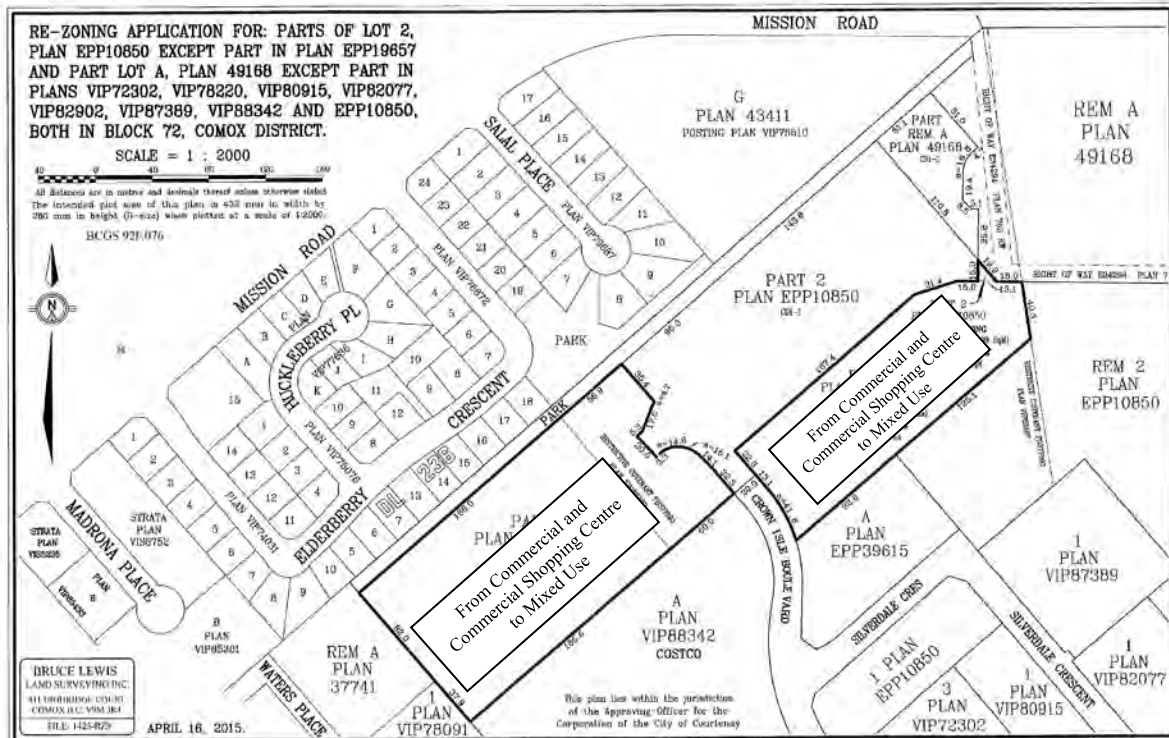
Considered at a Public Hearing this day of , 2015

Read a third time this day of , 2015

Finally passed and adopted this day of , 2015

Mayor

Director of Legislative Services



THE CITY OF COURTENAY
ATTACHMENT "A"
 Part of Bylaw No. 2832, 2015
 Amendment to the
 Official Community Plan Bylaw No. 2387, 2005

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2833

A bylaw to amend Zoning Bylaw No. 2500, 2007

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

1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 2833, 2015**”.

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

- a) By rezoning part of Lot 2, Block 72, Comox District, Plan EPP10850, Except Part in Plan EPP19657 and EPP39615 from Comprehensive Development One F (CD-1F) zone to Comprehensive Development One A (CD-1A) zone, as shown in Attachment A;
- b) By rezoning part of Lot A, Block 72, Comox District, Plan 49168, Except Parts in Plans VIP72302, VIP78220, VIP80915, VIP82077, VIP82902, VIP87389, VIP88342 and EPP10850 from CD-1A zone to CD-1F zone, as shown in Attachment A;
- c) By adding to Section 8.32.4(3) “(d) properties within Area A”;
- d) By adding the following to the table in Section 8.32.9 (1)

Type of Building	Front yard	Rear yard	Side yard	Exterior Side yard
AREA A				
Multi Residential adjacent to Residential Use	See 8.32.9(2)	See 8.32.9(2)	See 8.32.9(2)	See 8.32.9(2)
Multi Residential adjacent to Commercial Use	7.5 m	7.5 m	4.5 m	4.5 m

- e) By adding the following to Section 8.32.9 (2) and renumbering the remaining items:
“(a) Where a multi residential building in Area A is adjacent to a residential use the setbacks to the adjoining property line are:

- i) *Front yard:* 7.5 m
- ii) *Rear yard:* 7.5 m – 2 or less storeys
10.0 m - 3rd storey
13.5 m - 4th storey
- iii) *Side yard:* 4.5 m - 2 or less storeys
6.0 m - 3rd storey
7.5 m - 4th storey

- f) That Zoning Bylaw No. 2500, 2007, Schedule No. 8 be amended accordingly.

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

Read a first time this 2nd day of November, 2015

Read a second time this 2nd day of November, 2015

Considered at a Public Hearing this day of , 2015

Read a third time this day of , 2015

Finally passed and adopted this day of , 2015

Mayor

Director of Legislative Services

<p align="center">CITY OF COURTENAY</p> <p align="center">BYLAW REFERENCE FORM</p>	
<p align="center">BYLAW TITLE</p>	
<p>Revenue Anticipation Borrowing Bylaw No. 2843, 2016</p>	
<p align="center">REASON FOR BYLAW</p>	
<p>To provide for borrowing to meet current lawful expenditures of the City</p>	
<p align="center">STATUTORY AUTHORITY FOR BYLAW</p>	
<p>Section 177 of the <i>Community Charter</i></p>	
<p align="center">OTHER APPROVALS REQUIRED</p>	
<p>None</p>	
<p align="center">STAFF COMMENTS AND/OR REPORTS</p>	
<p>Required Annually</p>	
<p align="center">OTHER PROCEDURES REQUIRED</p>	
<p>February 22, 2016</p>	<p align="right">B. Parschauer Staff Member</p>

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2843

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

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

AND WHEREAS the debt outstanding under this section shall not exceed the sum of seventy-five percent (75%) of all taxes levied for all purposes in the preceding year and the money remaining due from other governments; such sum being Forty Million, One Hundred and Forty-Six Thousand Dollars (\$40,146,000).

AND WHEREAS in order to borrow the said sum, the Corporation shall set aside as security the unpaid taxes for the years 2014 and 2015 and the whole of the taxes for the current year, and the money borrowed shall be a first charge thereon.

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

1. This bylaw may be cited as **"Revenue Anticipation Borrowing Bylaw No. 2843, 2016"**
2. It shall be lawful for the Corporation to borrow the sum of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) in such amounts and at such times as may be so required.
3. The monies so borrowed and the interest thereon shall be paid on or before the 31st of January, 2017.
4. The form of obligation to be given as an acknowledgment of such liability shall be a promissory note or notes for sums as may be required and advanced from time to time, signed by the Mayor and Director of Financial Services and bearing the seal of the Corporation or other agreements as required by the lender. These notes shall be payable with interest before the 31st of January, 2017.
5. There shall be set aside as security for the payment of such money, the whole of the unpaid taxes for the years of 2014 and 2015 and the whole of the taxes for the current year.

Read a first time this 7th day of March, 2016

Read a second time this 7th day of March, 2016

Read a third time this 7th day of March, 2016

Finally passed and adopted this day of , 2016

Mayor

Director of Legislative Services