

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

DATE: May 15, 2017
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt May 1, 2017 Regular Council meeting and May 8, 2017 Special Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

1. Comox Valley Arts Council – Request from Council to present
2. Comox Valley Economic Development Society – Request from Council to present
3. Comox Valley Land Trust – Former Field Sawmill Site

4.00 STAFF REPORTS/PRESENTATIONS

(a) CAO and Legislative Services

- 1 1. Boys and Girls Club Lease Renewal – 243 4th Street

(b) Development Services

- 9 1. Zoning Amendment and Road Closure – Seniors Housing at Cliffe Avenue and 29th Street
- 47 2. Amendments to Fees and Charges Bylaw and MTI Bylaw relating to Tree Protection and Management Bylaw
- 51 3. Zoning Amendment – 1986 4th Street East
- 73 4. Authorization for a Second Public Hearing – OCP & Zoning Amendment 1375 Piercy Avenue

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 117 1. Boomer's Legacy Ride Fundraiser June 10 & 11, 2017

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 119 1. Briefing Note - Crosswalk Request at Back Road and Tunner Drive
- 121 2. Briefing Note - 5th Street Complete Streets – Project Update
- 127 3. Heritage Advisory Minutes March 22, 2017
- 129 4. Appreciation Letter to Mayor, Council and Staff Re: Streetscape Improvements Old Orchard Heritage Neighbourhood – Heritage Advisory Commission

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

8.00 RESOLUTIONS OF COUNCIL

1. Councillor Frisch Proposed Resolution

“Whereas Comox Road is under construction and the shoulders are no longer safely passable for people travelling by bicycle;

Therefore be it resolved that the City of Courtenay display signs to remind people travelling by car to share the road with cyclists.”

2. In Camera Meeting

That notice is hereby given that a Special In-Camera meeting closed to the public will be held May 15, 2017 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 90 (1) (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment; and
- 90 (1) (g) litigation or potential litigation affecting the municipality.

9.00 UNFINISHED BUSINESS

1. Delegation from the May 1, 2017 Regular Council meeting

Lush Valley - How can we continue to explore urban agriculture opportunities with the City of Courtenay?

Possibilities

- Facilitate further investigation on the topic
- Define a pilot project
- Apply for additional funding
- Request Letters of Support from City

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

12.00 BYLAWS

For First and Second Reading

- 135 1. Zoning Amendment Bylaw No. 2870, 2017
(To amend Zoning Bylaw No. 2500, 2007)
- 137 2. “Zoning Amendment Bylaw No. 2872, 2017”
(To allow a secondary suite at 1986 4th Street East)

For First, Second and Third Readings

- 139 3. “City of Courtenay Fees and Charges Amendment Bylaw No. 2883, 2017”.
(To amend the fees and charges relating to development fees)
- 143 4. “Municipal Ticket Information Amendment Bylaw No. 2884, 2017”.
(To update municipal fines relating to the Tree Protection and Management Bylaw)
- 145 5. “Road Closure Bylaw No. 2876, 2017”
(To close a portion of road near 29th Street and Cliffe Avenue)

For Third Reading and Final Adoption

- 149 6. “Zoning Amendment Bylaw No. 2867, 2017”
(To allow a liquor store at 1599 Cliffe Avenue)

For Final Adoption

- 151 7. “Tree Protection and Management Bylaw No. 2850, 2016”

13.00 ADJOURNMENT

NOTE: There is a Public Hearing scheduled for 5:00 p.m. regarding Bylaw No. 2871 a text amendment to Zoning Bylaw No. 2500, 2007 to allow “Medical Clinic” as permitted use to properties located at 308, 320 and 332 3rd Street.



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Boys and Girls Clubs Lease Renewal – 243 4th Street

File No.: 2380-20 243-4th

Date: May 15, 2017

PURPOSE:

The purpose of the report is to request approval for the renewal of lease of municipal property for use by the Boys and Girls Clubs of Central Vancouver Island.

POLICY ANALYSIS:

The *Community Charter*, section 26 authorizes the City to lease any real property held or owned by the City. Council is responsible for approving and authorizing the execution of such leases.

CAO RECOMMENDATIONS:

That based on the May 15, 2017 staff report, “Boys and Girls Clubs Lease Renewal – 243 4th Street”, subsequent to the publication of notice, Council approve Option 1 and authorize the Mayor and the Director of Legislative Services to execute the attached lease renewal agreement for a term of two years, with respect to the municipally owned property located at 243-4th Street on lands having a legal description of PID: 004-863-682 Parcel A, Plan 472A, Section 61, Comox Land District, OF LOT 124 & 125 DD 80170N.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The property was purchased by the City in 2010 and its long term use is currently under review. The property has two suites, one suite is office space and the other suite is currently being utilized as storage as the space is not in leasable condition without significant capital upgrades. Since May 2015, the City has leased the office space portion of the property to the Boys and Girls Clubs of Central Vancouver Island. The club is utilizing the space for administrative offices and meeting space.

The Boys and Girls Club of Central Vancouver is a non-for-profit community group that provides learning and life skills development through core social programming for children, youth and families.

Their mission statement is as follows: "To provide a safe supportive place where children and youth can experience new opportunities, overcome barriers, build positive relationships and develop the confidence and skills for life".

DISCUSSION:

The Club has made a written request to the City to exercise their option to renew the lease for an additional two year term.

Council is required to dispose of municipal property at market value pursuant to section 25 of the *Community Charter*. The fair market rent is \$7.57 per square foot base rent plus the recovery of operating and maintenance expenses with a four percent increase on the base rent for each year of the lease term.

FINANCIAL IMPLICATIONS:

Should Council approve the lease, the annual rental revenue will be \$8,786 per year increasing by 4% thereafter. The 2016 unaudited actual repairs and maintenance expense for the property was \$7,989 and the proposed operating repairs and maintenance budget expense for 2017 is \$12,500 or \$9,700 if the property continues to qualify for tax exemption from taxation for land and improvements. The leased space has been deemed tax exempt by Council for 2017 under bylaw No. 2858.

ADMINISTRATIVE IMPLICATIONS:

The lease will be administered through the Department of Legislative Services. There will be minimal staff time required to oversee the lease.

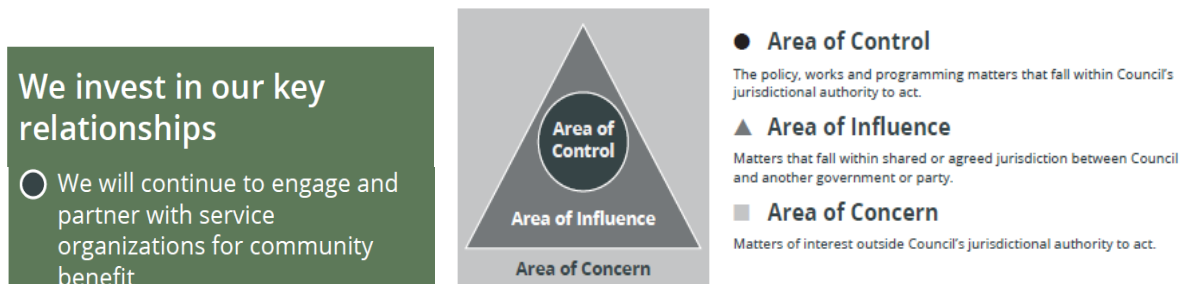
ASSET MANAGEMENT IMPLICATIONS:

The building is currently on the City's building asset registry and its condition is currently being assessed as part of the Asset Management Process.

After the assessment, should the Asset Management Working Group identify to Council the recommendation to dispose of this asset, a termination clause has been included as part of the renewal agreement that will permit Council to approve the capital disposition and remove the asset from service.

STRATEGIC PRIORITIES REFERENCE:

The following section of the City of Courtenay 2016-2018 Strategic Priorities applies:



OFFICIAL COMMUNITY PLAN REFERENCE:

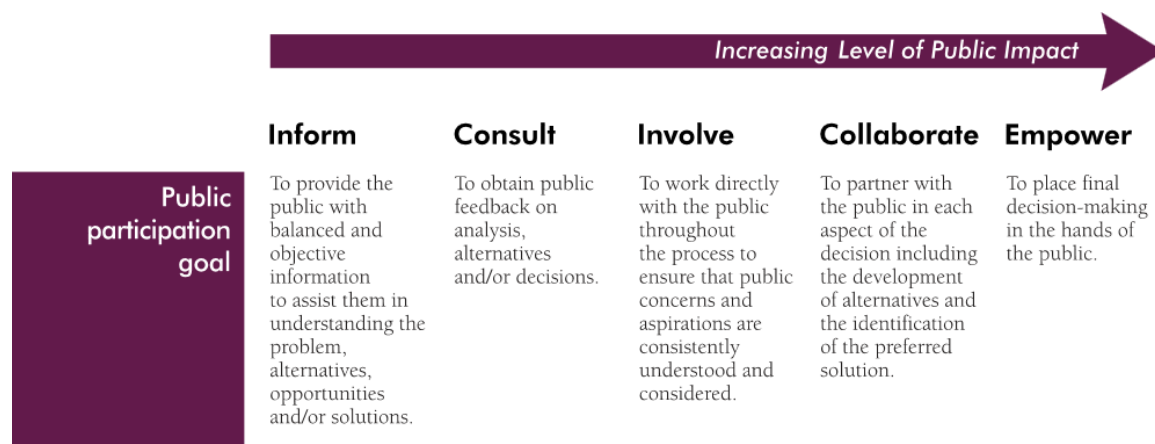
Not referenced.

REGIONAL GROWTH STRATEGY REFERENCE:

Not referenced.

CITIZEN/PUBLIC ENGAGEMENT:

With the disposition of land, council is required to post notice in local newspapers pursuant to section 26 of the *Community Charter*. This notice will inform the public as identified in the *IAP2 Spectrum of Public Participation*.



OPTIONS:

- Option 1: That subsequent to the publication of notice, Council approve Option 1 and authorize the Mayor and the Director of Legislative Services to execute the attached lease renewal agreement for a term of two years, with respect to the municipally owned property located at 243-4th Street on lands having a legal description of PID: 004-863-682 Parcel A, Plan 472A, Section 61, Comox Land District, OF LOT 124 & 125 DD 80170N.
- Option 2: That Council not approve the lease, request the Club vacate the building and keep the asset vacant.

Prepared by:

A handwritten signature in black ink, appearing to read "John Ward", with a stylized flourish at the end.

John Ward, CMC
Director of Legislative Services/Deputy CAO

Attachments:

A – Lease Renewal Agreement

LEASE RENEWAL AGREEMENT

THIS RENEWAL LEASE made _____, 2017 is

BETWEEN:

THE CORPORATION OF THE CITY OF COURTENAY, a municipal corporation incorporated pursuant to the *Community Charter* and having its offices at 830 Cliffe Avenue, Courtenay, B.C. V9N 2J7.

(the "Landlord")

AND:

BOYS AND GIRLS CLUBS OF CENTRAL VANCOUVER ISLAND, a non-profit society with administrative office located at 243-4th Street, Courtenay, BC V9N 1G7.

(the "Tenant")

WHEREAS:

- A. By a lease made dated for reference June 1, 2015 for a term commencing May 15, 2015 and ending May 14, 2017 (the "Term") collectively herein referred to as (the "Original Lease"), the Landlord leased to Tenant the premises (the "Leased Premises"), with civic address of 243-4th Street, Courtenay, British Columbia, PID: 004-863-682 Parcel A, Plan 472A, Section 61, Comox Land District, OF LOT 124 & 125 DD 80170N.
- B. Under the terms of the Original Lease, the Tenant was granted the right to renew the Original Lease for a further term (the "Renewal Term") of Two (2) years, on the terms and conditions provided in the Original Lease.
- C. The Tenant has requested that the Landlord grant to the Tenant the Renewal Term under the terms of this renewal lease ("Renewal Lease").

NOW THEREFORE THIS AGREEMENT witnesses that in consideration of the leased premises and other good and valuable consideration (the sufficiency and receipt of which are hereby specifically acknowledged), the parties hereto covenant and agree as follows:

- 1. The Landlord hereby confirms that notice to renew the Original Lease has been given by the Tenant in accordance with the terms of the Original Lease.
- 2. Under the right of renewal contained in the Original Lease, and in consideration of the rents, covenants, conditions, and agreements hereinafter respectively reserved and contained, the Landlord hereby grants the Tenant a lease of the Leased Premises for a Renewal Term commencing May 15, 2017 and ending on May 14, 2019 subject to early termination as set out in this Agreement.

3. The Parties hereby grant one another the right to early termination of this Lease Agreement without penalty; however, notice of termination shall be given in writing three (3) months prior to the date of vacating the Premises.
4. The Tenant covenants and agrees to pay Rent for the Leased Premises to the Landlord at the municipal office of the Landlord in lawful money of Canada, without any set-off, compensation, or deduction whatsoever, on the days and at the times hereinafter specified. Monthly Base Rent for the Leased Premises for the Renewal Term shall be calculated and paid to the Landlord based on the rental rates shown in Schedule "A" (Monthly Base Rent Payments) for each Lease Year and the Tenant shall pay to Landlord, from time to time upon demand, all other sums payable to the Landlord pursuant to clause 8 of the Original Lease.
5. The Tenant hereby releases the Landlord and its elected officials, officers, employees, contractors, agents, successors and assigns from and against any and all liabilities, damages, costs, claims, suits, or actions, which the Tenant may have, now or in the future, in relation to this Lease, the Premises or the Tenant's use or occupancy of the Premises.
6. This Renewal Lease is expressly made a part of the Original Lease to the same extent as if incorporated in the Original Lease, and the parties agree that all agreements, covenants, conditions, and provisos contained in the Original Lease, except as amended or altered in this Renewal Lease, will be and remain unaltered and in full force and effect during the Renewal Term. The Landlord and the Tenant acknowledge and agree to perform and observe, respectively, the obligations of the Landlord and the Tenant under the Original Lease as renewed and modified hereby. The Landlord and the Tenant hereby confirm and ratify the Original Lease and renewal of it as hereby further renewed and amended.
7. All terms capitalized in this Renewal Lease and not otherwise defined in this Renewal Lease will have the same meaning as in the Original Lease.
8. This Renewal Lease will enure to the benefit of and be binding upon the parties and their respective successors and assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the reference date above.

THE CORPORATION OF THE CITY OF
COURTENAY by its authorized signatories:

BOYS AND GIRLS CLUBS OF CENTRAL VANCOUVER
ISLAND, by its authorized signatories:

Larry Jangula, Mayor

Ian Kalina, Executive Director

John Ward, Director of Legislative Services

Schedule "A"

Monthly Base Rent

All monthly rental payments are subject to applicable taxes.

1. Rent for the period of May 15, 2017 to May 14, 2018.

Base Monthly Rent: \$732.16 plus applicable taxes.

2. Rent for the period of May 15, 2018 to May 14, 2019.

Base Monthly Rent: \$761.45 plus applicable taxes.



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3360-20-1701

From: Chief Administrative Officer

Date: May 15, 2017

Subject: Zoning Amendment Bylaw 2870 and Road Closure Bylaw 2876— Seniors Housing Complex at Cliffe Avenue & 29th Street

PURPOSE:

The purpose of this report is for Council to consider a Zoning Amendment to rezone the properties legally described as Lot 3, Section 67, Comox District, Plan VIP55151 (2850 Cliffe Avenue) and Lot 7, Section 67, Comox District, Plan VIP55151 (2924 Cliffe Avenue) from Commercial Two (C-2) to Residential Four A (R-4A), and to amend the R-4A zone to include care facility, accessory commercial services for the personal care and convenience of onsite residents, and community service limited to adult daycare as permitted uses. The proposed zoning amendment will also add a Maximum Floor Area Ratio of 1.0 for a care facility into the R-4A zone.

This report also includes a road closure and land exchange request to relocate a 6 meter wide road dedication.

CAO RECOMMENDATIONS:

That based on the May 15, 2017 staff report "Zoning Amendment Bylaw 2870 and Road Closure Bylaw 2876 – Seniors Housing Complex at Cliffe Avenue and 29th Street" Council approve Option No. 1 and proceed to First and Second Readings of City of Courtenay Zoning Amendment Bylaw No. 2870, 2017;

That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2870, 2017 following receipt of a traffic study approved by the Ministry of Transportation;

That "Road Closure Bylaw No. 2876, 2017" proceed to 1st, 2nd and 3rd reading;

That subsequent to the publication of notice, Council approve the disposition of the closed road 477.9 square meters in size in exchange for a road dedication 6m wide and 514.7 square meters in size over Part of Lot 3, Section 67, Comox District, Plan VIP55151; and

That Council direct staff to publish notice of the road closure and disposition pursuant to sections 26(1) and 40(3) of the *Community Charter*.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The applicants are proposing to construct a seniors housing complex on five contiguous properties located near the intersection of Cliffe Avenue and 29th Street. Each of the properties fronts onto Cliffe Avenue and the Courtenay Riverway. Surrounding land use is primarily commercial with single and multi-residential uses located to the south. In order to facilitate the development of the seniors housing complex, the applicants are proposing to rezone two properties currently zoned commercial (C-2) to multi-residential (R-4A) and to add care facility and complementary uses as a permitted uses in the R-4A zone.

The proposed seniors housing complex is comprised of approximately 78 independent living units in a four storey building, and a two storey building with a 76 bed assisted care facility. A single storey connection will allow residents in each building to access shared amenities. The main access to the development will be provided at the intersection of 29th and Cliffe Avenue with a secondary access further north which is restricted to vehicles turning right to enter the property or turning right to exit the property. Access requirements are still under review by the Ministry of Transportation and Infrastructure as 29th Street and Cliffe Avenue north of 29th Street are under the Ministry's jurisdiction. The Ministry's approval is required prior to proceeding to Public Hearing.

As part of the development proposal the 6.0 m undeveloped City Road Right-of-Way located between Lot 3 and Lot A will be closed and consolidated with the five subject properties (**Attachment 8**). In exchange, the developer will dedicate a new 6.0 m Road Right-of-Way (Figure 1). The new Road Right-of-Way will be located along the north side of Lot 3, adjacent to what is currently the A&W restaurant, and will contain City services and provide a walkway connection from Cliffe Avenue to the Riverway.

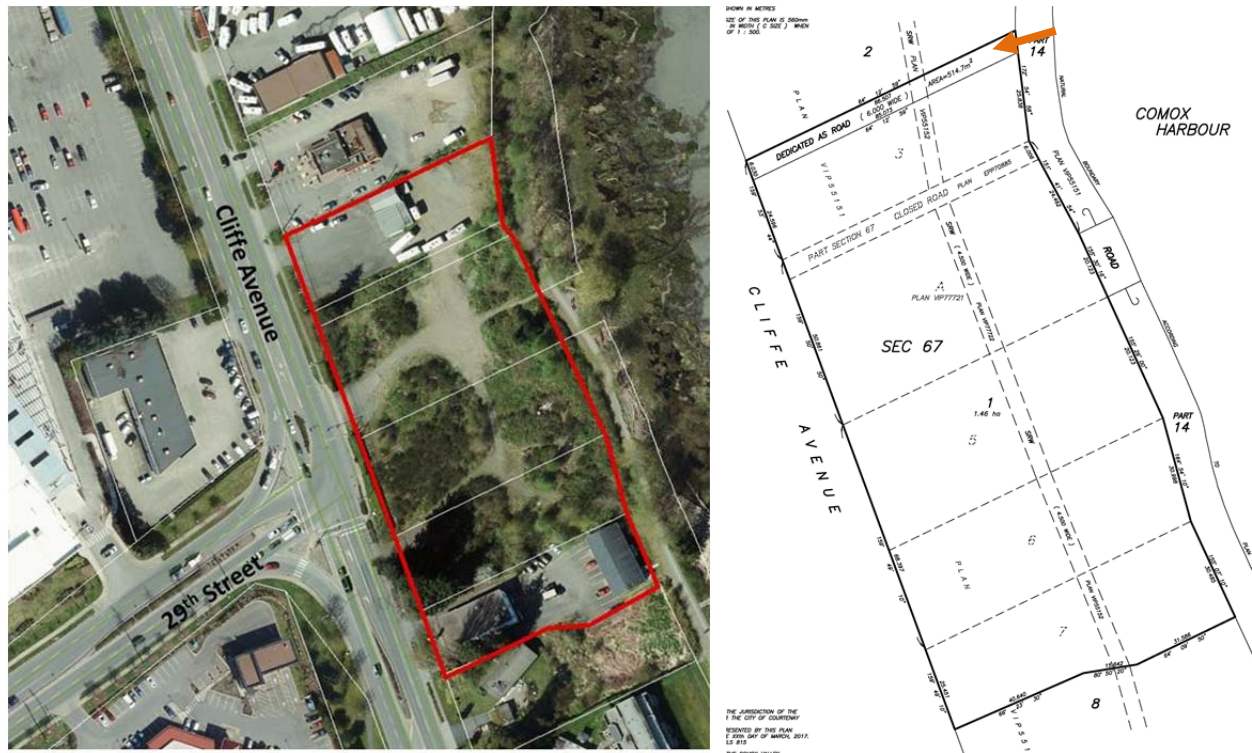


Figure 1. Subject properties shown in red. Proposed road dedication indicated by orange arrow.

DISCUSSION:**Official Community Plan Review**

The subject properties are designated Multi Residential in the Official Community Plan (OCP). Consistent with OCP multi residential policy, the proposed development has access to parks, walkways, transit and complementary commercial uses, and provides adequate buffer areas from major roads and adjacent land uses.

The development site is located at the northern extent of an established multi-family area offering a diverse range of housing types including condominiums, patio homes, small lot single detached homes, and rental apartments. The development proposal adds to this diversity by introducing purpose built seniors housing offering both independent living and assisted care options. Compatible private outdoor amenity spaces have been provided including patio areas, secured courtyards with walking paths, and a pathway connecting the development to the Courtenay Riverway. A new walkway connection from Cliffe Avenue to the Riverway will be constructed as part of this development which will improve public access to the waterfront and connections with local City greenways (Figure 2). The construction of the walkway will be secured through a covenant registered on title prior to adoption of the zoning amendment bylaw.



Figure 2. Green lines represent existing greenways. Red dashed line is the planned walkway connection that is part of the development proposal.

The Riverway is an important recreational asset located in an ecologically sensitive area. The City has recently completed foreshore work in the vicinity of the project to reduce shoreline erosion and enhance the ecological function of this area. The landscape design for the proposed development complements this work by providing a naturalized buffer adjacent to the Riverway to increase the habitat value. This is consistent with OCP policy to preserve, protect, retain and replace native vegetation in greenway areas, and for the foreshore, to respect foreshore habitat features.

In addition to providing a physical connection to the waterfront, the building has been designed to provide a visual connection to the Comox Harbour. The subject property is located at the primary entrance into Courtenay from Highway 19. Currently, the vacant lands provide a view corridor to the waterfront for vehicles travelling east on 29th Street. The proposed building has been designed to retain a view corridor for motorists by reducing the central portion of the building to one storey (Figure 3). Pedestrians travelling along Cliffe Avenue will also be provided views to the estuary by incorporating a significant amount of glazing in the central lobby (Figure 4). The view corridor will be secured through a covenant registered on title should the development proposal not proceed as planned.



Figure 3. Rendering showing the proposed building as one would view it travelling down 29th towards the estuary. Image at left shows the current view.



Figure 4. Rendering showing the proposed building as one would view it from the sidewalk.

The building design will have a significant impact on the character of the area due to the prominent location. Aside from the provision of the view corridor and the building entrance feature, no building design elements have been considered through the rezoning process. However, the proposed development is subject to the Multi Residential, Multi Residential above 3 Storeys, and Environmental Development Permit Guidelines. Details related to the form and character, building massing, site design, landscaping and environmental protection for the project will be finalized through the Development Permit process.

Zoning Review

As noted above, two of the subject properties are currently zoned Commercial Two (C-2) and the remaining three properties are zoned Residential Four A (R-4A). Part of this application is to rezone the C-2 properties to R-4A. This is consistent with the OCP designation of the properties which is Multi Residential.

The proposed seniors housing project contains independent living units and an assisted care facility. The independent living units are considered as multi residential dwellings and are a permitted use in the R-4A zone. The assisted living units are considered as a care facility which is not a permitted use in the R-4A zone. The applicants have applied to amend the R-4A zone to allow a care facility.

Often seniors housing projects include additional uses to support residents such as communal dining facilities, personal services such as hair salons, and small retail uses such as convenience stores. The applicant intends to provide similar services in the proposed development and the zoning amendment includes the addition of accessory commercial uses for the use of residents as well as an adult daycare.

The development proposal meets the building setbacks, height, and useable open space requirements of the R-4A zone but will require minor variances to landscaping setbacks, fence height and a reduction in the parking requirement of about 29 stalls. Variances will be discussed in detail as part of the Development Permit Application. The site plan included as **Attachment 2** shows the location and magnitude of anticipated variance requests and **Attachment 6** provides parking demand ratios for similar projects in support of the requested parking variance.

Servicing

At present, the City has sanitary and storm sewers running east-west through one of the subject properties (Lot A of Plan VIP77721). These services have not been secured through a Statutory Right-of-Way. The development proposal includes the relocation of these services into a new road dedication that will be located along the northern edge of the subject properties. Moving the services into the new road right-of-way will secure access to the relocated services for maintenance purposes and will also provide a community access point for the Riverway.

The City also has a statutory right-of-way running north-south through the middle of all five properties for sanitary and storm services. These services will be relocated into a new statutory right-of-way adjacent to Cliffe Avenue to facilitate the proposed development.

Attachment 5 provides the location of the existing services and the proposed relocation.

Floodplain

The subject properties are located within the floodplain and are subject to the *City of Courtenay Floodplain Management Bylaw No.1743, 1994*. The buildings are located outside of the required floodplain setback and the main floor elevation is above the flood construction level. A detailed geotechnical report will be required prior to the issuance of a Building Permit pursuant to *Section 56* of the *Community Charter*.

FINANCIAL IMPLICATIONS:

There are no direct financial implications related to the processing of this rezoning application as the fees are designed to offset the administrative costs. The City will incur advertising costs for the road closure application.

Should the Zoning Amendment Bylaw be adopted, the applicant will be required to apply for a Development Permit with Variances. The estimated fee for a Development Permit with Variance for the proposed project is \$7,950. Following the issuance of a Development Permit with Variances, the applicant would be required to apply for a Building Permit and subsequent inspections. Building permit fees are \$7.50 for every \$1,000.00 of construction value. The development will also be subject to development cost charges which will be determined at time of Building Permit dependent on final building design.

The proposed development will also contribute community amenity contributions for each of the independent living units.

ADMINISTRATIVE IMPLICATIONS:

Processing zoning bylaw amendments is a statutory component of the corporate work plan. Staff have spent more than 125 hours processing and reviewing this application. Should the proposed zoning amendment receive First and Second Readings, staff will spend an additional 5 hours in preparation for the public hearing, preparation of the covenants to be registered on title, and processing the Zoning Amendment. If the Zoning amendment is adopted, additional staff time will be required to process the Development Permit with Variances and the Building Permit applications.

ASSET MANAGEMENT IMPLICATIONS:

As previously discussed the proposal includes relocating existing City assets (storm and sanitary sewer). The sanitary and storm sewers running east and west were previously unsecured and will be relocated to a new road dedication as part of this proposal which will provide adequate access for maintenance purposes. The developer will also be constructing the new public walkway from Cliffe Avenue to the Courtenay Riverway at no cost to the City, but the City will be responsible for the ongoing maintenance of the walkway.

STRATEGIC PRIORITIES REFERENCE:

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

**We focus on
organizational and
governance excellence**

- We support meeting the fundamental corporate and statutory obligations

**We support diversity in
housing and reasoned
land use planning**

- Support densification aligned with community input and regional growth strategy



OFFICIAL COMMUNITY PLAN REFERENCE:

Residential Policy:

4.4.2 (3) Support the development of housing options for seniors.

4.4.2 (5) Ensure the provision and integration of special needs and affordable housing.

4.4.2 (8) Ensure all new development includes the provision of amenities including buffer areas along major roads, neighbourhood parks, sidewalks and trails, and public facilities.

4.4.3 City supports the designation of multi residential housing in a variety of locations to avoid large concentrations of the same type of housing in one area and to help provide more diversity within neighbourhoods. In this regard,

(a) Multi residential limited in size and scale outside of downtown

(b) the multi residential description is subject to the following criteria:

- should include sufficient amenity space for the recreational needs of the development
- have access to schools, parks, walkways, transit and complementary commercial/ service uses
- provide adequate buffer areas from major roads and adjacent land uses

Parks Policy:

4.6.5 (6) Native vegetation should be preserved, protected and retained within the greenway areas and replaced where feasible. Where Greenways include estuarial, foreshore and riparian habitat areas, care will be taken to respect the foreshore and habitat features and to respond to the sensitivity of these areas

4.6.5 (12) The City will review the parks and greenways implications before any City owned lands are sold or leased.

4.6.6.2 (2) to provide public access to the waterfront of the Puntledge River, Tsolum River, Courtenay River, slough, Millard Creek and estuary where the integrity of these areas is considered and designed to ensure adequate buffers and habitat protection is provided.

4.6.6.3 (6) Where developments are created along the riverfront, they shall be linked to the Riverway system by walkway and bikeway.

Environmental Policy:

As noted above, the proposed development is subject to the Environmental Development Permit Guidelines.

Climate Change Policy:

Objective 1 (4): The City will reduce the ratio of parking for new developments within its jurisdiction.

Objective 5 (4): The City will review and amend all landscaping policies for all land uses to promote naturoscaping principles to screen and protect sensitive ecosystems, control and direct surface run-off and ensure that only plant species native or non-invasive to Courtenay are used.

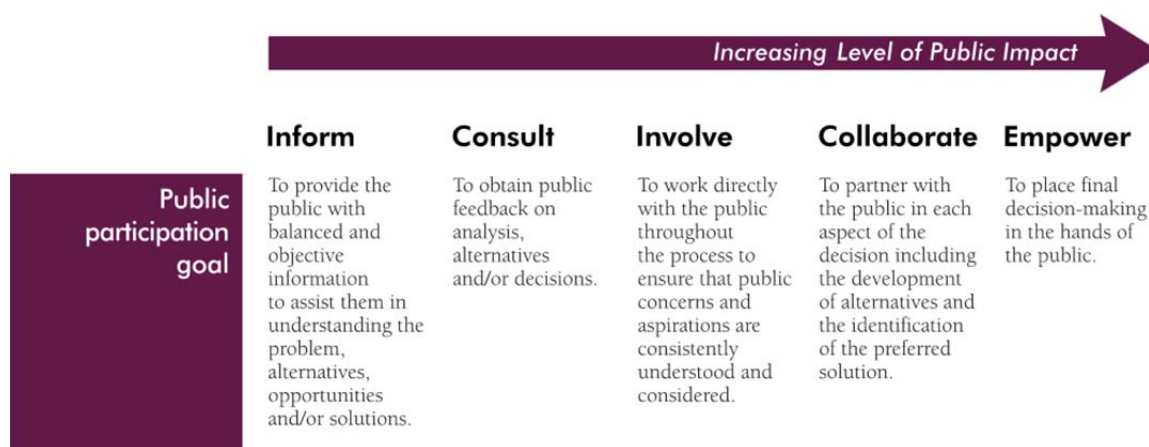
REGIONAL GROWTH STRATEGY REFERENCE:

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 would consult 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



Should Zoning Amendment Bylaw No. 2870, 2017 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act* and the road closure and disposition will be advertised in accordance with Sections 26 and 40 of the *Community Charter*.

Prior to this application proceeding to Council, the applicant held a public information meeting on April 28, 2017 at 6:00 pm at the Holiday Inn Express. Property owners and occupiers within 100 metres of the subject site were invited to attend the meeting. A summary of the public information meeting and public comments have been included as **Attachment No.7**. According to the meeting summary report 10 people attended the meeting. Most attendees expressed support for the project but there were concerns regarding the need for a left hand turn to enter the property and about the proposed walkway access.

OPTIONS:

OPTION 1: That based on the May 15, 2017 staff report ‘Zoning Amendment Bylaw 2870 and Road Closure Bylaw 2876 – Seniors Housing Complex at Cliffe Avenue and 29th Street’ Council approve Option No. 1 and proceed to First and Second Readings of City of Courtenay Zoning Amendment Bylaw No. 2870, 2017; and

That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2870, 2017 following receipt of a traffic study approved by the Ministry of Transportation; and

That “Road Closure Bylaw No. 2876, 2017” proceed to 1st, 2nd and 3rd reading; and

That Council approve the disposition of the closed road 477.9 square meters in size in exchange for a road dedication 6m wide and 514.7 square meters in size over Part of Lot 3, Section 67, Comox District, Plan VIP55151; and

That Council direct staff to publish notice of the road closure and disposition pursuant to sections 26(1) and 40(3) of the *Community Charter*. (Recommended)

OPTION 2: Postpone consideration of Bylaws 2870 and 2876 with a request for more information.

OPTION 3: Not proceed with Bylaws 2870 and 2876.

Prepared by:



Erin Ferguson, MCP
Land Use Planner

Approved by:



Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Applicant's Written Project Description*
2. *Site Plan*
3. *Building Elevations*
4. *Landscape Plan*
5. *Existing and Proposed Services*
6. *Parking Demand at Similar Facilities*
7. *Public Information Meeting Summary Report & Public Correspondence*
8. *Road Closure Proposal*

ATTACHMENT NO. 1
Applicant's Written
Project Description

521 Industrial Road G ♦ Cranbrook, BC V1C 7G5

Phone: (250) 489-0667 ♦ Fax: (250) 489-2673

Website: www.goldenlife.ca

December 12, 2016

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

RECEIVED
DEC 14 2016
CITY OF COURTENAY

RE:

- 1) Re zoning application for 2850 and 2924 Cliffe Avenue
- 2) Add a site specific use for senior housing to 2910, 2920 and 2890 Cliffe Avenue.

Golden Life is a leading provider of seniors living communities. Golden Life's goal is to support seniors of all ages and abilities in their efforts to live the best possible life. We provide innovative buildings, impeccable hospitality services and compassionate personal care. Our housing portfolio encompasses the full range of housing and service options, including life leases, independent living, assisted living and long term care contracts. Our extensive experience in design, construction and operation of senior housing and care communities allows our residents to maximize their physical, social and emotional independence. We ensure all our projects not only meet the needs of the local senior but also focus on the needs of the community and health authorities.

Our proposed development will be situated on 3.61 acres located on the water of the Comox Harbor. Offering a unique setting to the future residents and staff this much needed development will not only help fulfill a need within the City of Courtenay but also provide the seniors of Courtenay additional housing options and choices.

Golden Life feels the location for a successful senior housing development is crucial. A site that offers local amenities within walking distance, a residential setting and water front living is ideal for senior housing. Many of the residents will enjoy living within the site boundaries, so having a site that has

ample outdoor space and walking paths is also important. Adjacent to the Riverway Heritage walkway further connects the seniors with the Comox Harbor and local amenities. The site is recognized by the City as an important development site and correspondence thus far has created the development proposal presented. There are many items associated to this land, all of which is itemized below.

Re zoning.

Golden Life proposes to re designate the present zoning of C2 to R4A with a site specific use for senior housing for 2850 and 2924 Cliffe Avenue and add a site specific use to 2850, 2924, 2910, 2920 and 2890 Cliffe Avenue. The OCP for these lands is designated as Multi Residential therefore there is no need to amend the OCP.

6 meter road dedication.

Presently there is a 6 meter wide City road dedication located between Lot A and Lot 3. Golden Life proposes to move the road North by approximately 15 meters and change the road to an Access Statutory R/W. This R/W would be the drive aisle of our North parking. Golden Life will also provide parking stalls, allocated to the City, adjacent to the Riverway Heritage Walk.

Consolidation.

Golden Life plans to consolidate 2850, 2924, 2910, 2920 and 2890 Cliffe Avenue into one lot. When consolidation is complete the parcel size will be 3.61 acres. Please refer to letter dated December 13, 2016 from McElhanney Engineering stating no approvals are required from the City of Courtenay to consolidate the lots.

City Utilities.

Presently there are City Utilities running East/ West through 2890 Cliffe Avenue which have no registered City R/W. There are also utilities running North / South through all the 5 lots. We propose to re route the services around the perimeter of our site to ensure a proper development area. The location of the existing utilities is not practical. The Utilities running North / South have been proposed to run outside our East boundary between the Riverway Heritage Walk and our East property line. The utilities running East / West have been proposed to run in the new 6 meter road R/W within our North parking area.

Riparian.

Please refer to Riparian report from Aquaparian Environmental Consulting dated December 5th, 2016. This report provides professional assessment on the lands and proposed development that states the developable setback from Comox Harbor is 15 meters.

Development Summary.

The form and character of both the Landscape Site Plan and Building Rendering of Ocean Front Village is designed to capture the west coast feel of Courtenay with consideration of an important view corridor from 29th Street to the Comox Harbor. An additional view corridor was created with the parking area on the North side of our property.

Ocean Front Village is presently proposed at 76 units of Residential Care and 78 units of Independent Living with on site amenities for the use residents only. Should Golden Life receive funding for 70 units of Residential Care the project will proceed to be developed all as one phase. In the event the project only has Independent Living, the project will be phased. Phase 1 will consist of Independent Living with an area to the south allocated for a future phase 2.

The landscape plan has been planned to create several different settings and areas within our site. The thoughtful landscape plan will feel organic and transitions softly from building to the Comox Harbor. Several walking paths, ample green space, raised gardens, gazebos with outdoor activity spaces increase both staff and residents well being.

The different building heights, variations to the building facade and setbacks create a visually appealing development from any angle. Our design captures important operations requirements, water front living, curb appeal expectations from both Cliffe Avenue and 29th Street and has proper vehicle circulation for visitors, staff, emergency vehicles, waste collection and deliveries.

Municipal requirements.

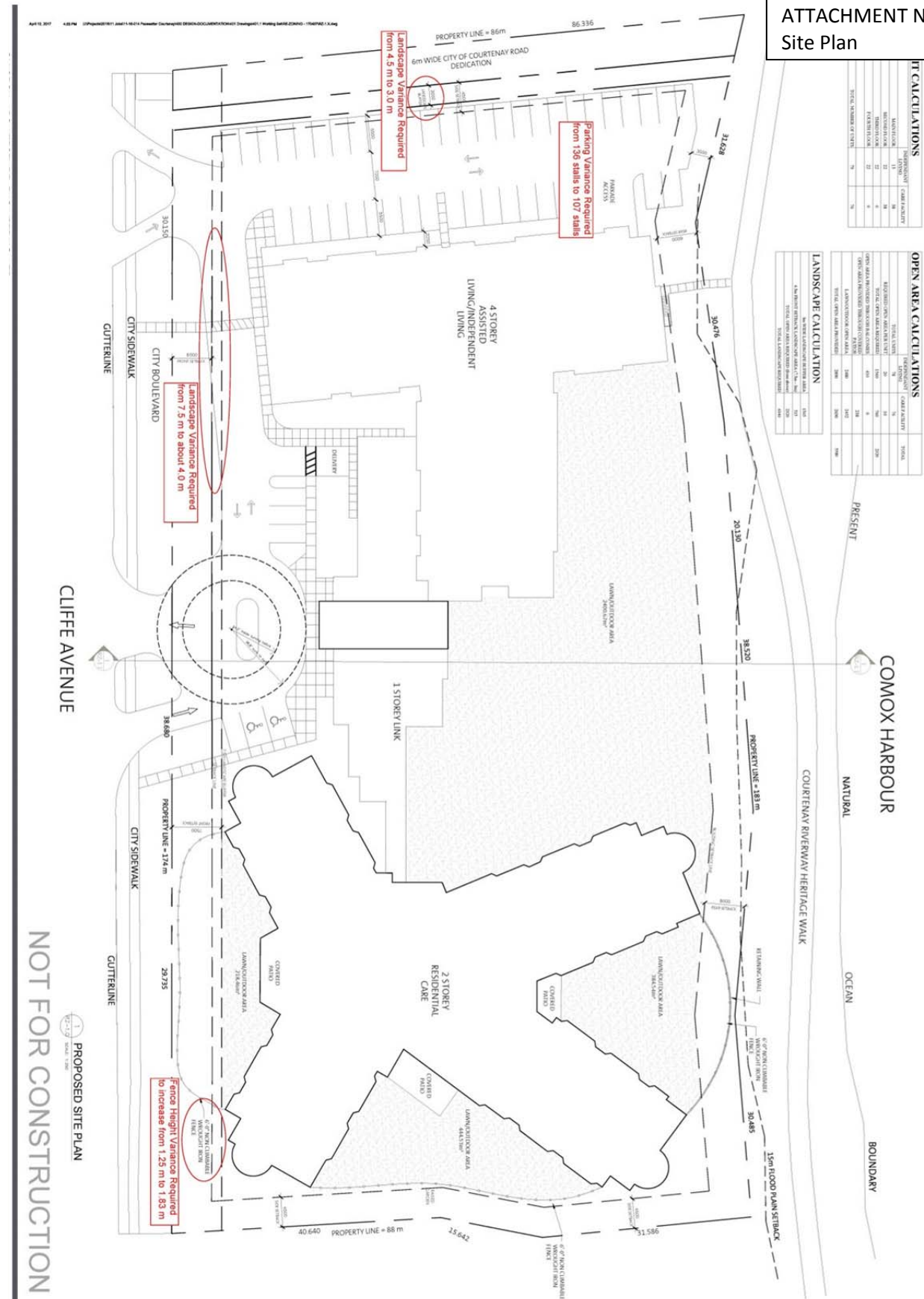
Please refer to Architectural Site Plan breaking out the municipal zoning requirements for R4A and comparing those to our proposed design. The proposed design complies with all municipal requirements with the exception of 10 stalls deficient.

In conclusion we propose to re designate the existing land use of C2 on 2850 and 2924 to R4A and add a site specific use to the entire 3.61 acre site. In addition to the zoning, relocate the 6 meter road northward and relocate City utilities accordingly. This development will fill a community need and provide seniors of Courtenay additional senior housing options and choices. We feel this development is a great attribute to this area of Courtenay and will be visually appealing when entering from the old highway.

Sincerely

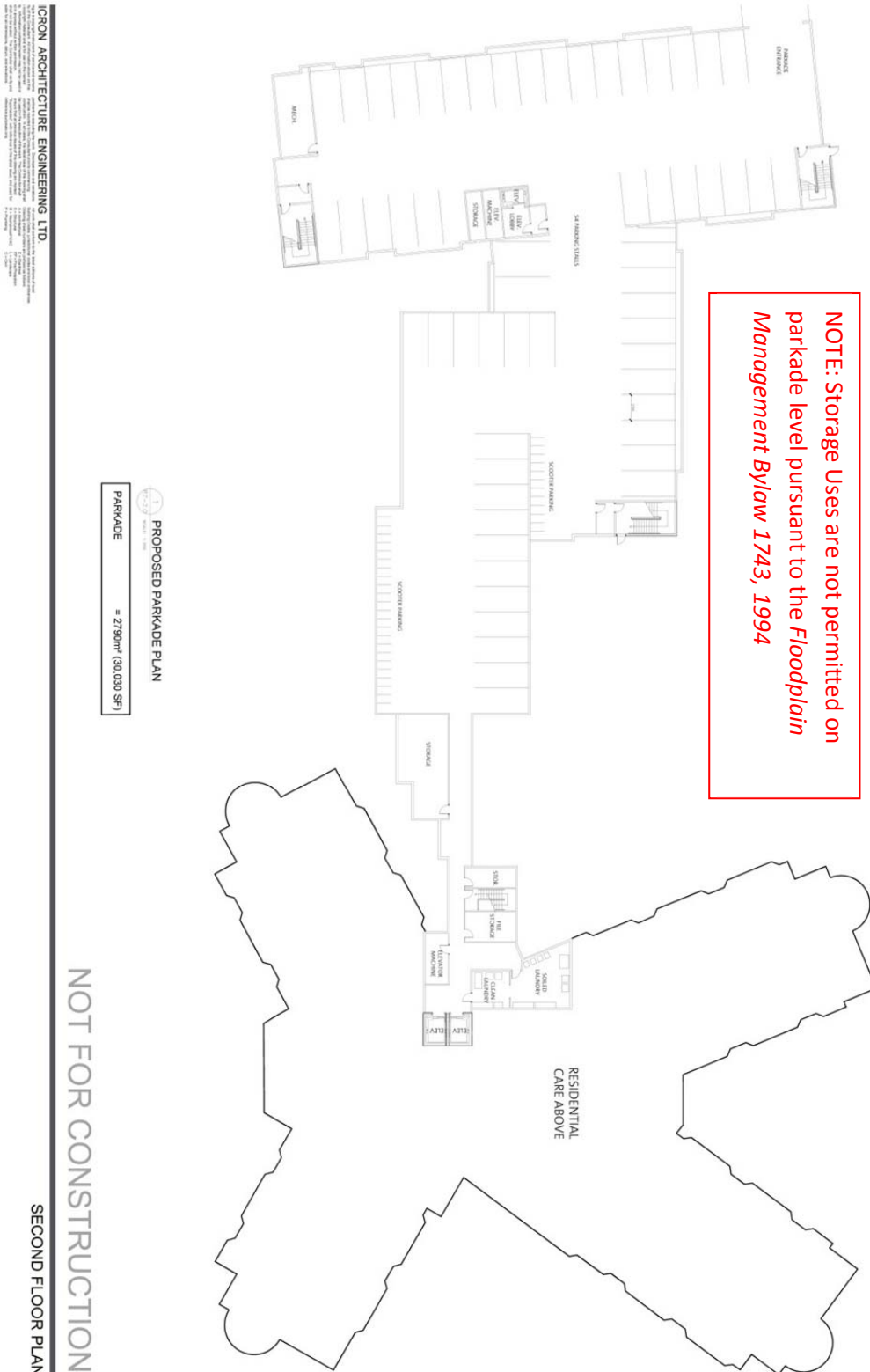

Adam Lillejord

ATTACHMENT NO. 2
Site Plan



ATTACHMENT NO. 3
Floor Plans &
Elevations

NOTE: Storage Uses are not permitted on
parkade level pursuant to the Floodplain
Management Bylaw 1743, 1994



OMICRON
Project: Seniors Housing Complex
Drawing: 11-15-014
Scale: 1/8" = 1'-0"

GoldenLife

Golden Life Management Corp.

COURTENAY

RZ-2.0

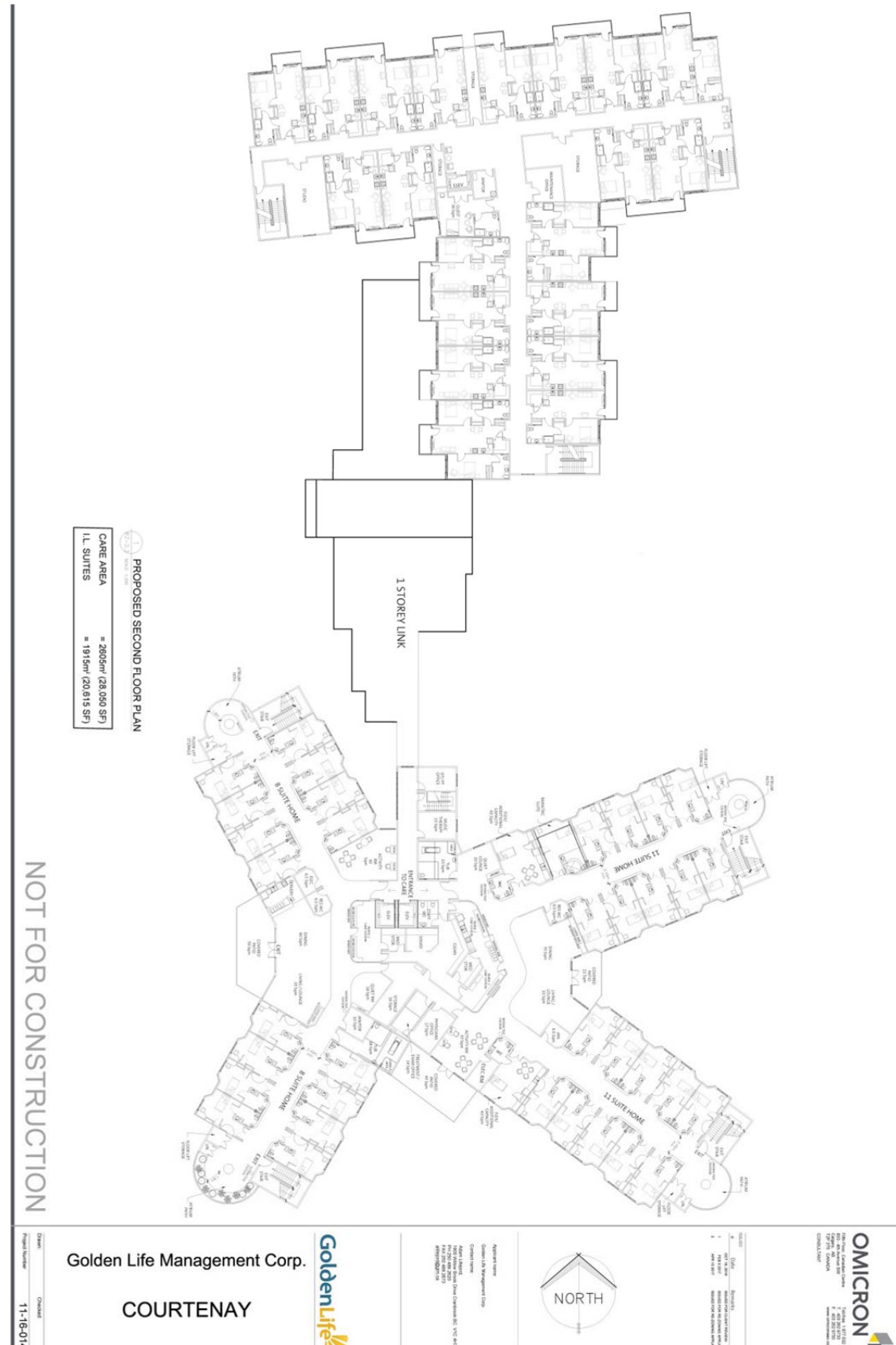
Project Number: 11-15-014

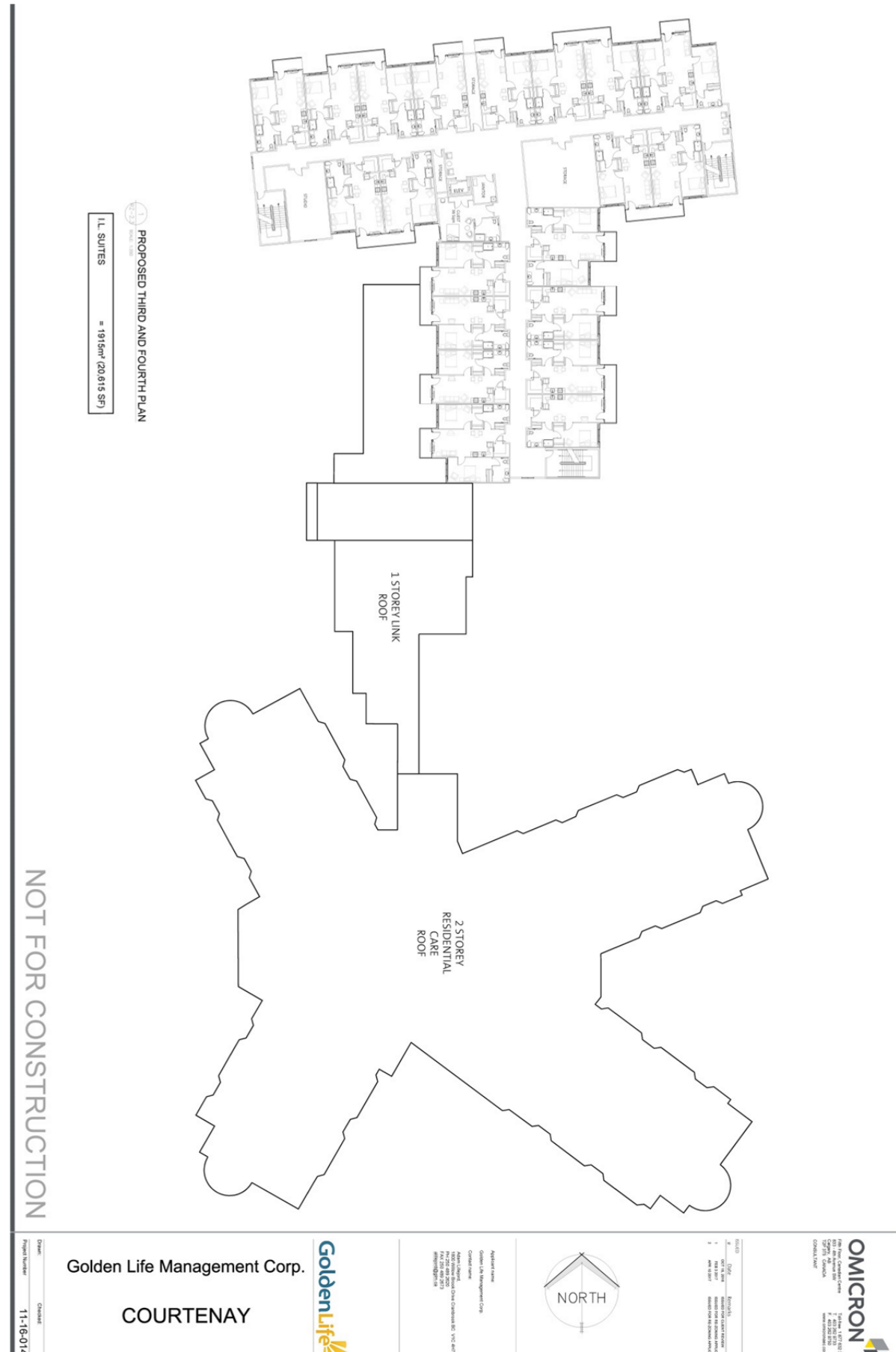
Author: [Name]
Checked: [Name]
Date: [Date]

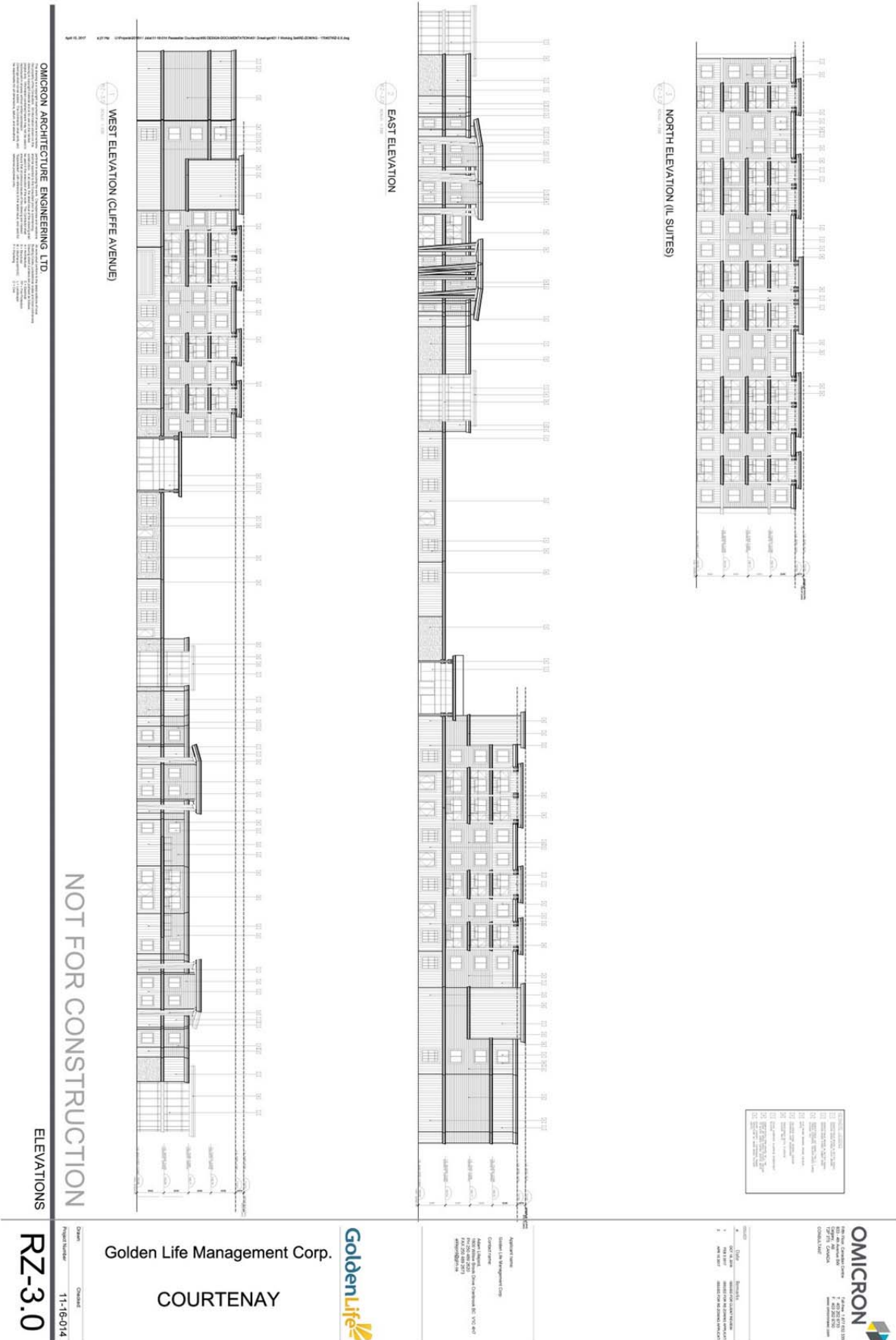
NORTH

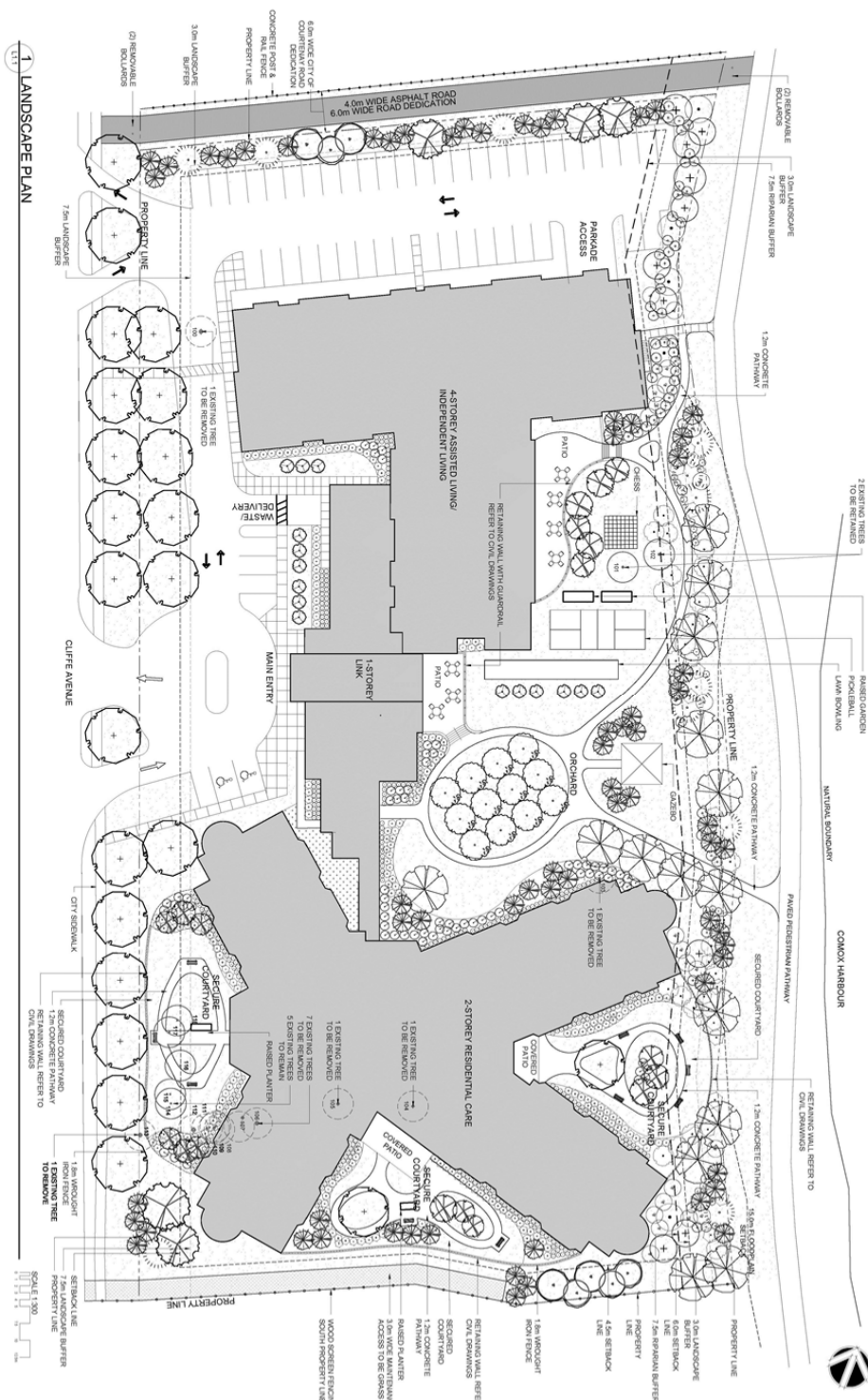
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















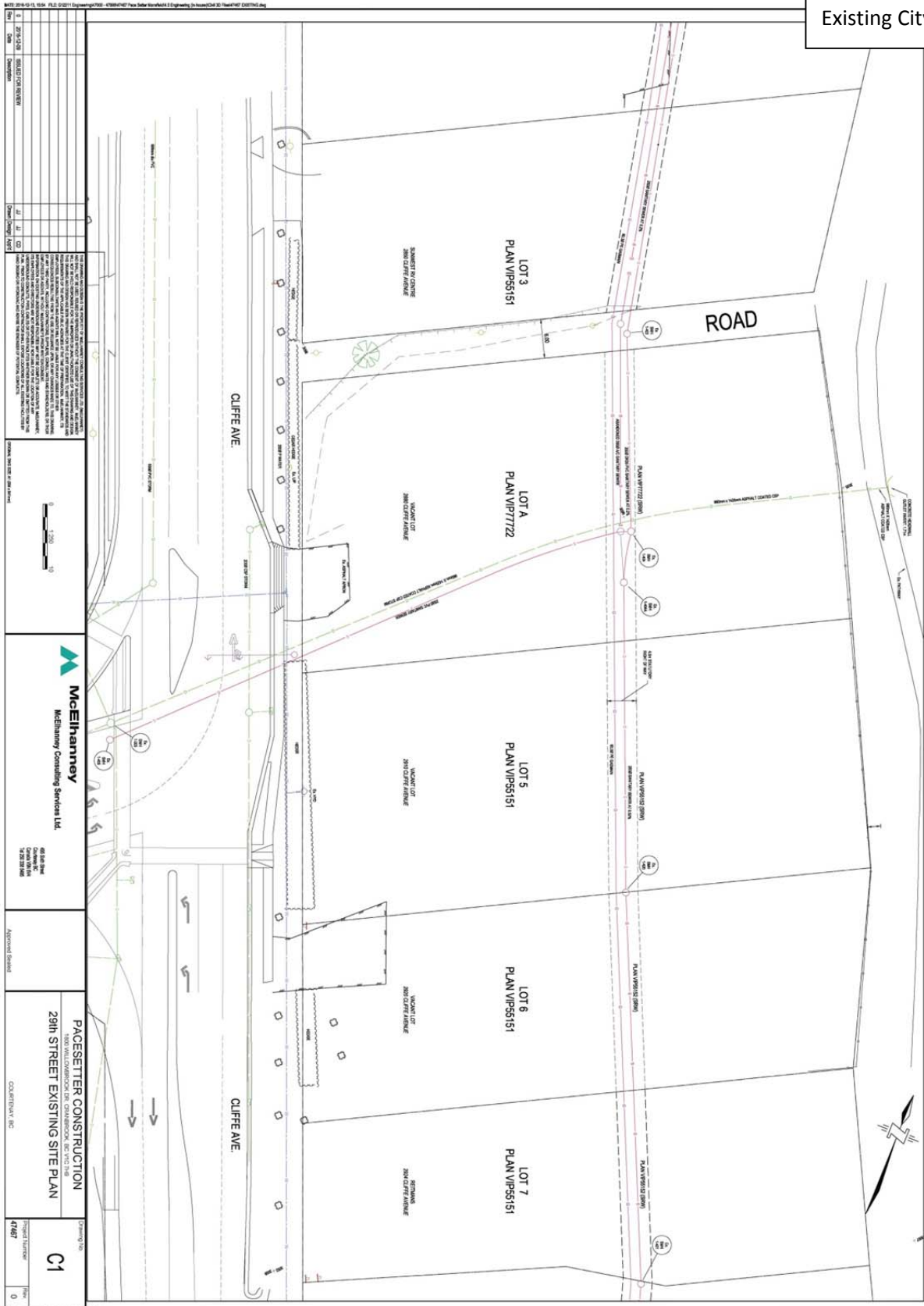
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KEY	SCIENTIFIC NAME	COMMON NAME	PLANTING NOTES
	<i>Picea canadensis</i> (Norway Spruce)	LOGGED & FINE (SHADE PREFERRED)	3.5m H. 8.8m DIA. 1200mm DIA. ROOT BALL, SHADE EXPOSER
	<i>Thuja occidentalis</i>	SPRUE SERVICE	3.5m H. 8.8m DIA. 1200mm DIA. ROOT BALL, SHADE EXPOSER
	<i>Pinus strobus</i>	DOUGLASS PINE	3.5m H. 8.8m DIA. 1200mm DIA. ROOT BALL, SHADE EXPOSER
	<i>Pinus resinosa</i> (Mill.) (Red Pine)	DOUGLASS PINE SERVICE	3.5m H. 8.8m DIA. 1200mm DIA. ROOT BALL, SHADE EXPOSER
	<i>Pinus strobus</i> (Mill.) (Red Pine)	DOUGLASS PINE SERVICE	3.5m H. 8.8m DIA. 1200mm DIA. ROOT BALL, SHADE EXPOSER
	<i>Pinus strobus</i> (Mill.) (Red Pine)	DOUGLASS PINE SERVICE	3.5m H. 8.8m DIA. 1200mm DIA. ROOT BALL, SHADE EXPOSER
	<i>Pinus strobus</i> (Mill.) (Red Pine)	DOUGLASS PINE SERVICE	3.5m H. 8.8m DIA. 1200mm DIA. ROOT BALL, SHADE EXPOSER
	<i>Pinus strobus</i> (Mill.) (Red Pine)	DOUGLASS PINE SERVICE	3.5m H. 8.8m DIA. 1200mm DIA. ROOT BALL, SHADE EXPOSER

KEY	ACADEMIC NAME	COMMON NAME	PLANTING NOTES
•	<i>Scabiosa arvensis</i>	SCABIOUS	15' TO 20' WIDE IN WINDY, MOIST SOILS, STEEP SLOPES
•	Belgian Tursney	REMY OAKSOL STEEL BARKER	15' TO 20' WIDE IN WINDY, MOIST SOILS, STEEP SLOPES
•	Parviflora fasciculata var. <i>discolorata</i>	ABSORBANT POTENTIAL	15' TO 20' WIDE IN WINDY, MOIST SOILS, STEEP SLOPES
•	Redstart Aster	OCCASIONAL	15' TO 20' WIDE IN WINDY, MOIST SOILS, STEEP SLOPES
•	Century's candelabra	NOCTURNAL	15' TO 20' WIDE IN WINDY, MOIST SOILS, STEEP SLOPES
•	Rose hedges	NOCTURNAL	15' TO 20' WIDE IN WINDY, MOIST SOILS, STEEP SLOPES
•	Synanthropus blattae	COMMON SMOKEBERRY	15' TO 20' WIDE IN WINDY, MOIST SOILS, STEEP SLOPES

[illegible]

ATTACHMENT NO. 5
Existing City Services



ATTACHMENT NO. 6
Parking Demand at
Similar Facilities

Golden Life parking counts based on existing operations of Independent Living / Assisted Living units only. Parking counts for residents of a Residential Care facility is not applicable due to 0 residents drive.

Please see below information regarding our actual Village parking details:

<i>Location</i>	<i>Number of IL</i>	<i>Number of AL</i>	<i>Total</i>	<i>Total stalls Provided</i>	<i>Total stalls used by Residents</i>	<i>Stalls per Resident</i>
<i>Cranbrook, BC</i>	93	28	121	45	27	.22/resident
<i>Castlegar, BC</i>	95	15	110	81	26	.23/resident
<i>Trail, BC</i>	14	26	40	12	1	.025/resident
<i>Fernie, BC</i>	12	12	24	22	5	.20/resident
<i>*Calgary, AB</i>	50	0	50	32	23	.46/resident
<i>Invermere, BC</i>	55	8	63	43	18	.28/resident
<i>Grand Forks, BC</i>	48	0	48	26	19	.39/resident
<i>Fruitvale, BC</i>	53	0	53	35	18	.33/resident
<i>Kimberley, BC</i>	61	13	74	50	12	.16/resident
<i>Pincher Creek, AB</i>	27	0	77	47	30	.39/resident
<i>Creston, BC</i>	51	23	74	36	28	.37/resident
<i>Nelson, BC</i>	90	0	90	37	23	.25/resident

Total average stalls/resident = .28

*Please note Calgary is our newest site.

When we open a new site the parking counts initially (not always) could be slightly higher than our average. This is due to the fact that some residents move in are fairly active and mobile, as they age, circumstances and health change, therefore decreasing the initial parking count ratio (age in place). As the years move on from the date of opening our parking counts level out and will fall within our averages.



Golden Life Management Corp.

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ATTACHMENT NO. 7
Public Information Meeting
Summary & Public Correspondence

Public Information Meeting Report

A: Location and duration of meeting

Location

Holiday Inn Express
2200 Cliffe Ave
Courtenay, BC V9N 2L4

Duration

6:00PM – 8:00PM
Friday, April 28th

B: Number of attendees

There were a total of 10 Attendees, please see photo of sign in sheet below:

[illegible]



C: How the meeting was advertised and how surrounding property owners were notified

Please Join Us

Golden Life is pleased to invite you to a Public Information Session for 2850, 2890, 2910, 2924 & 2920 Cliffe Avenue.

Golden Life has applied to amend the subject properties located at 2850, 2890, 2910, 2924 & 2920 Cliffe Avenue to allow for a seniors housing development. We welcome you to join us in a conversation about our proposed 154 unit seniors housing development.

Project Description:

- 154 suites of senior housing
- Surface and Underground Parking
- Lots will be consolidated to 1 lot
- Building from 1 to 4 storey max. height
- Site access will be signed off by MOH
- Site plan includes landscaping & open space requirements

For more information, please contact:
Adam Liljeord, Golden Life Management
 (250) 489-0667 | aliljeord@gln.ca

Public Information Session Details

Date: April 28th, 2017
Time: 6:00 - 8:00 pm (drop-in)
Place: Holiday Inn Express - Great Room
 2200 Cliffe Ave.
 Courtenay, BC

If you cannot make it to the session, we invite you to contact us via phone or email or by mailing in the attached feedback form.

GoldenLife

Meeting was advertised with these posters.
 These were mailed to surrounding property owners.



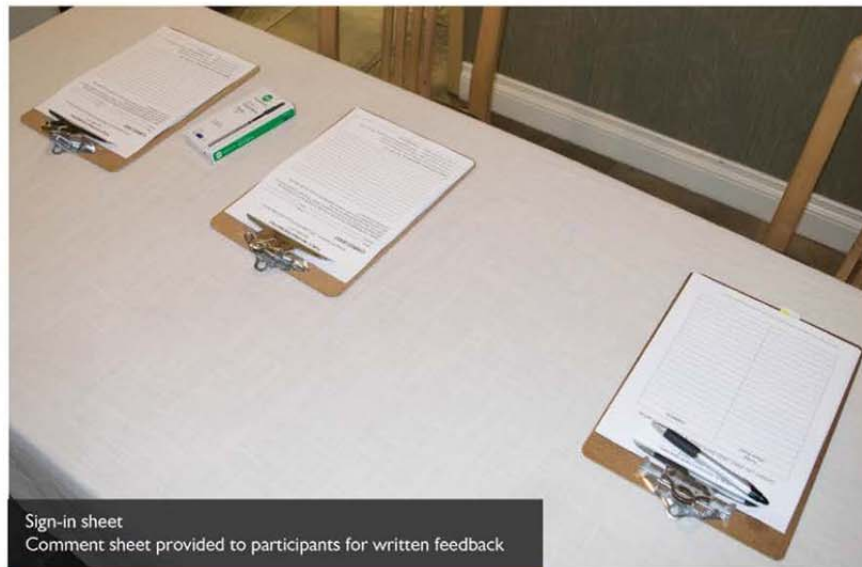
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D: Information provided at the meeting



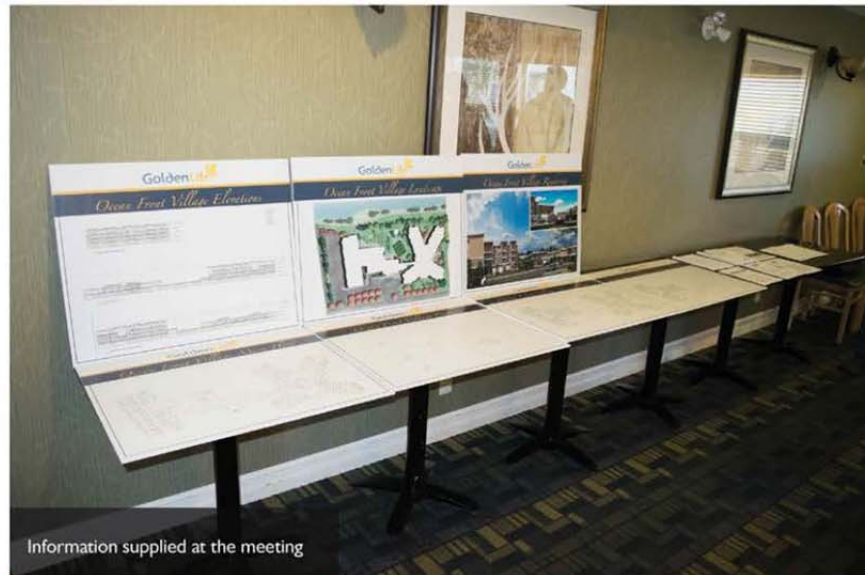
Holiday Inn Express
2200 Cliffe Ave
Courtenay, BC V9N 2L4



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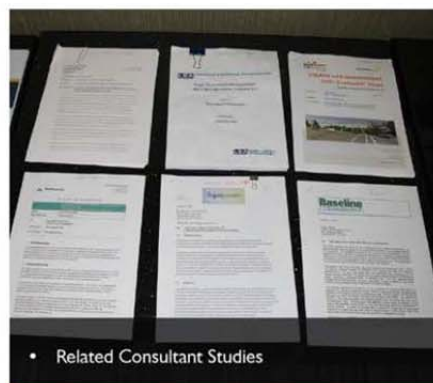
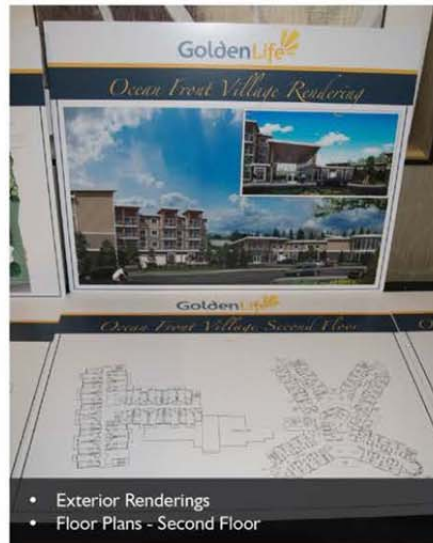
Information supplied at the meeting



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E: Summation of questions raised and major discussion points

Major Discussion Points (Multiple Comments)

- Support for project.
- Road Access – Residents commented that the site would need a left hand turn access from south bound traffic.
- Trail Access – Residents did not want our site to be another access point for the walking trail for the public and had some friendly tips to forward to potential residents about dogs, bicycles, etc.

Minor Discussion Points (Mentioned Once)

- Exterior – Hopes it will blend in with surrounding environment.
- Parking Concerns – Resident raised these on comment sheet and did not see the underground parking plan which we believe would address his concerns
- One resident mentioned setbacks but did not submit a comment sheet.

Comment Specifics

[REDACTED]

Did not attend, had a friend drop off the sheet. 7 comments were made, 6 seemed like neighborly advice, and one welcomed the project.

- 1.) Hopefully the passageway from Cliffe St. to the walkway isn't too inviting through your property.
- 2.) Stress pet owners respect the leash and pick up waste from dogs and their own disposable products etc.
- 3.) Bicycles – should there be a side lane for them? Bells? Being senior – more walkers, canes, slow pace, hearing, etc.
- 4.) After nearly 20 years my experience of walkway people become "walkway" friends, quiet, friendly to all and respect for residence privacy, noise, and individual space "mentally & physically."
- 5.) There are much much less airplane traffic re: noise, but it depends on business of lessons for pilots in AM
- 6.) Watching the water in winter storms is more entertaining than low tides during summer.
- 7.) WELCOME INDEED

[REDACTED]

Attended the meeting, one comment of support, one comment regarding the walkway, and one comment about access.

- 1.) I have no concerns about the concept and prefer it to a rental or condo operation. However, site access from Cliffe is critical. A left turn signal for traffic heading south is vital, especially for emergency vehicles. Remove the barrier and create a left-turn land for this project.



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2.) Access to the seaside walkway should be gated because of the number of unleashed dogs on the path.

3.) Otherwise, I think it's a great idea!

██████████
Attended the meeting, four comments of support, one regarding the exterior:

- 1.) I am thrilled to learn that your company is planning a seniors residents.
- 2.) I am in support of this project as it meets a need for the elderly (and those who will need this facility in 15 or 20 years)
- 3.) This is an ideal location for such a facility.
- 4.) I would like to see the exterior blend in with the environment to make it appealing
- 5.) Happy to see a Canadian owned company involved.

██████████
Attended the meeting, comments regarded, walkway, parking, and the turn signal.

- 1.) I think there needs to be a left hand turn into this facility
- 2.) It is so important that there is sufficient visitor parking so there is no overflow into city streets or the mall parking.
- 3.) The walkway is really beautiful. So special care needs to be given to landscaping and the architectural look of the facility.
- 4.) Need additional handicap parking for independent living apartments.
- 5.) Need access on North side of building so residents do not need to walk all the way around from parking lot to front entrance.

*Note: Barry made the comments regarding parking on the comment sheet, our team was not able to show him that there was full underground parking which we believe would have addressed all of his concerns.

██████████
Did not hand in comment sheets. Paula commented that the setbacks were a concern to her.

██████████
Attended the meeting, one comment of support:

- 1.) Delighted to have you come and build us these care-facilities here!! I fully support you in this!

██████████
Attended the meeting, two comments, one of support, one regarding road access:

- 1.) Looks Good – Probably needed in the Valley
- 2.) Access from Cliffe should allow for both a left and right turn from Cliffe Ave.

██████████
Attended the meeting, two comments, one of support, one regarding road access:

- 1.) Everything looks and sounds good
- 2.) The only concern is the lights at 29th – How this would be changed. Turning lanes?



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**PUBLIC INFORMATION MEETING**

April 28th, 2017

Zoning Amendment - 2850, 2890, 2910, 2924 & 2920 Cliffe Avenue

COMMENT SHEET

Name: [REDACTED]

Email: [REDACTED]

Address: #105-2920 Cliffe Ave, Courtenay, BC V9N 6H9

Phone: [REDACTED]

Golden Life Management has applied to the City of Courtenay for an OCP/Zoning Amendment to build a 154 unit seniors housing Village. 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?

Everything looks and sounds great.

The only concern is the lights at 29th - How this would be changed. Turning lanes?

Please return your comments by April 28th, 2017

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

1. Hand your comment sheet in at the public meeting on April 28th.
2. Mail your comment sheet to 521 Industrial Road G, Cranbrook, BC V1C 7G5
3. Email your comment sheet to alillejord@glm.ca



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**PUBLIC INFORMATION MEETING**

April 28th, 2017

Zoning Amendment - 2850, 2890, 2910, 2924 & 2920 Cliffe Avenue

COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]
 Address: 103 - 2970 Cliffe Phone: [REDACTED]

Golden Life Management has applied to the City of Courtenay for an OCP/Zoning Amendment to build a 154 unit seniors housing Village. 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?

Looks Good

Probably needed in the Valley

*Access from Cliffe should allow for
 both Left & Right Turn From
 Cliffe Ave.*

Please return your comments by April 28th, 2017

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**PUBLIC INFORMATION MEETING**

April 28th, 2017

Zoning Amendment - 2850, 2890, 2910, 2924 & 2920 Cliffe Avenue

COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]

Address: 106-2970 Cliffe Ave, Courtenay, BC V9N 2L7 Phone: [REDACTED]

Golden Life Management has applied to the City of Courtenay for an OCP/Zoning Amendment to build a 154 unit seniors housing Village. 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?

Delighted to have you come and build us these care - facilities here!! I fully support you in this!

[REDACTED]

Please return your comments by April 28th, 2017

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

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**PUBLIC INFORMATION MEETING**

April 28th, 2017

Zoning Amendment - 2850,2890,2910,2924 & 2920 Cliffe Avenue

COMMENT SHEET

Name: [REDACTED]

Email: [REDACTED]

Address: 285-2920 Cliffe Ave

Phone: [REDACTED]

Golden Life Management has applied to the City of Courtenay for an OCP/Zoning Amendment to build a 154 unit seniors housing Village. 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 think there needs to be a left hand turn into the facility.

It is important that there is sufficient visitor parking, so there is no overflow onto city streets or the main parking lot.

The walkway is really beautiful, so special care needs to be given to landscaping and the architectural look of the facility.

Need additional handicapped parking for independent living apartment. Need access on north side of building so residents do not need to walk all the way around from parking lot to front entrance.

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**PUBLIC INFORMATION MEETING**

April 28th, 2017

Zoning Amendment - 2850, 2890, 2910, 2924 & 2920 Cliffe Avenue

COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]
 Address: #203-2970 CLIFFE AVE Phone: [REDACTED]

Golden Life Management has applied to the City of Courtenay for an OCP/Zoning Amendment to build a 154 unit seniors housing Village. 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 thrilled to learn that your company is planning a seniors residents.

I am in support of this project as it meets a need for the elderly (and those who will need this facility in 15 or 20 years).

This is an ideal location for such a facility.

I would like to see the exterior blend in with the environment to make it appealing.

Happy to see a Canadian owned company involved.

Please return your comments by April 28th, 2017

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

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**PUBLIC INFORMATION MEETING**

April 28th, 2017

Zoning Amendment - 2850,2890,2910,2924 & 2920 Cliffe Avenue

COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]
 Address: #202-2970 Cliffe V9N 2L7 Phone: [REDACTED]

Golden Life Management has applied to the City of Courtenay for an OCP/Zoning Amendment to build a 154 unit seniors housing Village. This project is under review by staff in the Planning Department of the City.

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

I have no concerns about the concept, and prefer it to a rental or condo operation. However, site access from Cliffe is critical. A left turn signal for traffic heading south is vital, especially for emergency vehicles. Remove the barrier and create a left turn lane for this project.

Access to the seaside walkway should be gated because of the number of unleashed dogs on the path.

Otherwise, I think it's a great idea!

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**PUBLIC INFORMATION MEETING**

April 28th, 2017

Zoning Amendment - 2850, 2890, 2910, 2924 & 2920 Cliffe Avenue

COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]
 Address: 101-2970 Cliffe Ave. Courtenay Phone: [REDACTED]

Golden Life Management has applied to the City of Courtenay for an OCP/Zoning Amendment to build a 154 unit seniors housing Village. 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?

1. Hopefully the passageway from Cliffe St. to the walkway isn't too inviting through your property.
2. Stress pet owners respect the leash & pick-up of waste from dogs & their own disposable products etc.
3. Bicycles - should there be a side lane for them? Bells? - Being Sr. - more walkers, canes, slow pace, hearing etc.
4. After nearly 20 yrs. my experience of walkway people become "walkway" friends, quiet, friendly to all and respect for residence privacy, noise, and individual space "mentally & physically".
5. There are much, much less airplane traffic re: noise, but it depends on business of lessons for pilots in A.M.
6. Watching the water in winter storms is more entertaining than low tides during summer.
7. WELCOME INDEED.

Please return your comments by April 28th, 2017

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

1. Hand your comment sheet in at the public meeting on April 28th.
2. Mail your comment sheet to 521 Industrial Road G, Cranbrook, BC V1C 7G5
3. Email your comment sheet to alillejord@glm.ca



Golden Life Management Corp.

521 Industrial Road G Cranbrook, BC V1C 7G5 P (250) 489-0667 F (250) 489-2673

GOLDENLIFE.CA

ATTACHMENT NO. 8
Road Closure Proposal



1800 Willowbrook Drive ♦ Cranbrook, BC V1C 7H9
Phone: (250) 489-0667 ♦ Fax: (250) 489-2673
Website: www.goldenlife.ca

January 18, 2017

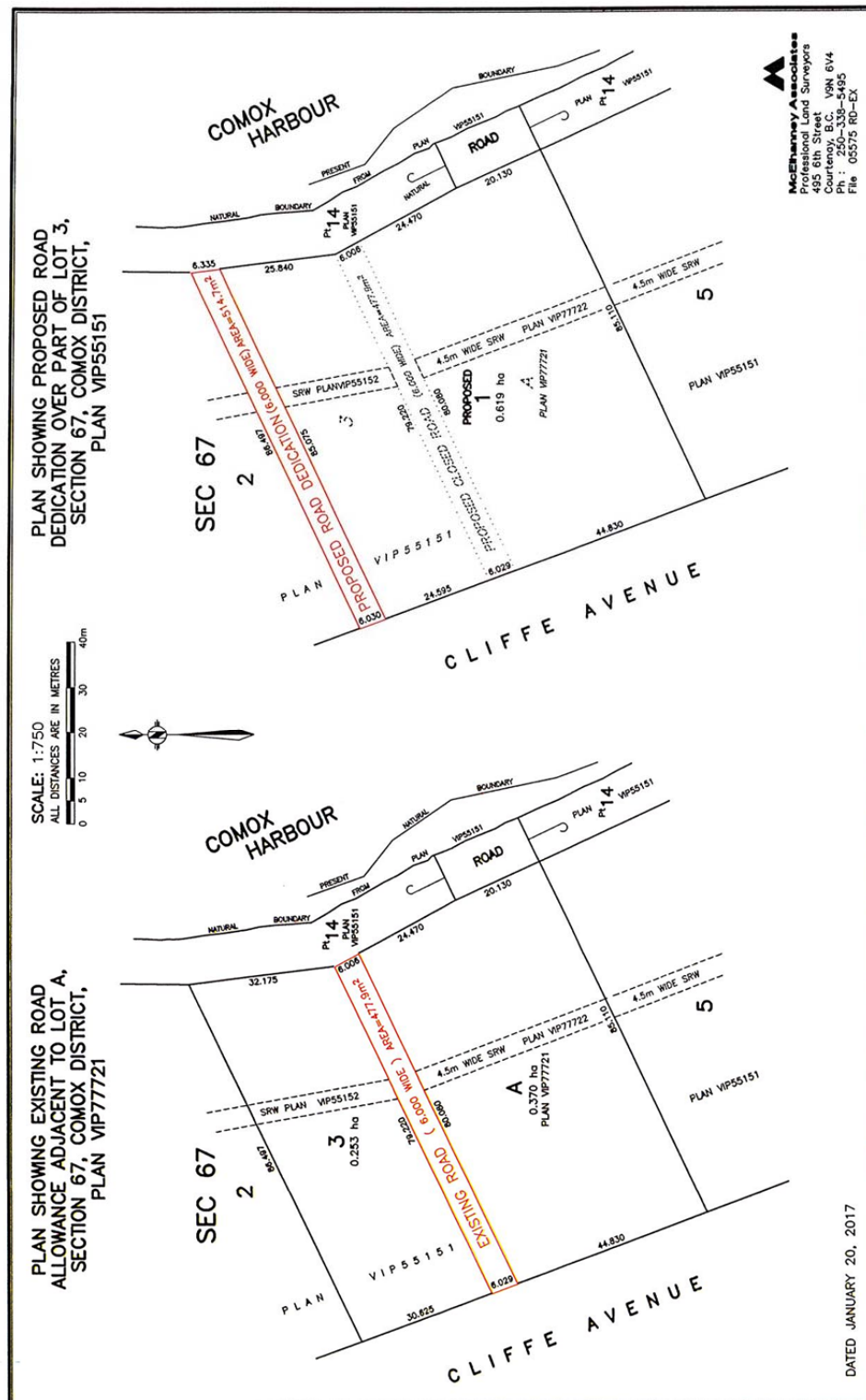
Erin Ferguson
Land Use Planner
City of Courtenay
830 Cliffe Avenue,
Courtenay, B.C.
V9N 2J7

Re: Relocation of a 6m wide City of Courtenay road dedication.

To whom it may concern,

Golden Life is proposing to move the existing City of Courtenay 6 meter wide road dedication from its current location between Lot 3 Section 67 Comox District Plan VIP55151 and Lot A Section 67 Comox District Plan VIP77721 to the Northern boundary of Lot 3 Section 67 Comox District Plan VIP55151.

Please refer to McElhanney reference drawing dated January 20, 2017.





THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 4530-01

From: Chief Administrative Officer

Date: May 15, 2017

Subject: Amendments to Fees and Charges Bylaw and Municipal Ticket Information Bylaw

PURPOSE:

The purpose of this report is for Council to consider amendments to the City of Courtenay Fees and Charges Bylaw No. 1673, 1992 and the City of Courtenay Municipal Ticket Information Bylaw No. 2435, 2006 in order to include updated information consistent with the Tree Protection and Management Bylaw No. 2850, to include a fee amendment to Environmental Development Permits that are minor in nature and to include Fees and Charges Bylaw housekeeping items.

CAO RECOMMENDATIONS:

That based on the May 15, 2017 staff report "Amendments to Fees and Charges Bylaw and Municipal Ticket Information Bylaw", Council approve OPTION 1 and proceed to First, Second and Third Readings of City of Courtenay Fees and Charges Amendment Bylaw No. 2883, 2017, and City of Courtenay Municipal Ticket Information Amendment Bylaw No. 2884, 2017.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The Tree Protection and Management Bylaw No. 2850 received Third Reading at the May 1st 2017 Regular Open Council meeting. In order to implement this bylaw, an amended fee structure, an additional offence classification, and new bylaw citations are proposed, thus requiring amendments to the Fees and Charges Bylaw and the Municipal Ticket Information Bylaw.

Staff also propose that at this time the Environmental Development Permit (EDP) fee structure be amended to provide for a reduced fee for a "minor EDP" in all areas of the City, similar to in the Arden Corridor Local Area Plan area; and that a few housekeeping amendments be made to the Fees and Charges Bylaw to be consistent with current fees and charges administration.

DISCUSSION:

Fees and Charges Bylaw amendments

The current Tree Bylaw has a tree cutting permit application fee structure of \$250 fee plus \$5 per tree removed. The proposed fee structure is a sliding scale based on size of property to reflect more accurately the range of administrative effort required for different tree cutting permit applications:

Single family lots up to 2000m ² (approximately 1/2 acre) or only two trees removed on any sized lot:	\$50
Single family lots between 2000m ² and 4000m ² (between 1/2 and 1 acre):	\$100
Larger lots, and new multi-lot subdivisions:	\$250/4000m ²
Hazardous tree removal:	No fee

This information was previously presented in the September 19, 2016 Tree Bylaw report.

Regarding Environmental Development Permit fees, staff recommend that the Fees and Charges Bylaw be amended in order to also provide for two tiers of fees that better reflect the staff time required to administer these permits: \$1,000 for a standard EDP and \$500 for a minor EDP. Currently all EDPs outside the Arden Corridor Local Area Plan area are \$1,000.

The Arden Corridor Local Area Plan Environmental Development Area already has this tiered structure. Development Procedures Bylaw No. 2790 contains language that would allow for minor EDPs to be issued City-wide. The Development Procedures Bylaw describes a Minor EDP as “developments of brownfield sites where there is significant existing disturbance or in cases which only involve an assessment pursuant to the *Riparian Area Regulation*, at the discretion of staff.” The standard EDP fee would continue to apply for large greenfield sites.

The other Fees and Charges Bylaw amendments proposed are required to clarify the collection of GST and to reflect the delegation of all development permits to the Director of Development Services.

Municipal Ticket Information Bylaw amendments

Given that the Tree Bylaw citation will change, the Municipal Ticket Bylaw must also be amended to reflect this administrative change. Consistent with the new Tree Bylaw, the Municipal Ticket Information Bylaw will include an additional ‘offence’ category for the removal of tree remains prior to investigation by a Bylaw Enforcement Officer. Currently, this offence category does not exist. Staff are recommending it to deter the removal of tree remains prior to investigation. Such removal prior to investigation can make it difficult to determine whether a tree posed an imminent hazard and thus is exempt from the bylaw, and can make it difficult to ascertain size or even species of the tree removed, and therefore ascertain bylaw applicability.

The Municipal Ticket Information Bylaw already includes the following offences, which will remain the same:

- Cutting or removal of a tree without a permit
- Carrying out tree damaging activities
- Failure to comply with terms of a permit

The fine for committing an offence is proposed to remain at \$1,000 for each offence category.

FINANCIAL IMPLICATIONS:

Fees are required for the administration of tree permits in order to cover staff costs. The proposed changes to the Fees and Charges Bylaw will more accurately reflect administrative effort and therefore should have limited financial implications. Staff note that the new Tree Bylaw will apply City-wide and therefore there is expected to be an increase in tree cutting permit applications, most of which will be of single family lots which are largely not subject to the existing Tree Bylaw.

Municipal tickets are used as a penalty measure and are circulated into bylaw enforcement administration. The addition of an additional offence class is not expected to result in a significant change to municipal ticket revenue.

ADMINISTRATIVE IMPLICATIONS:

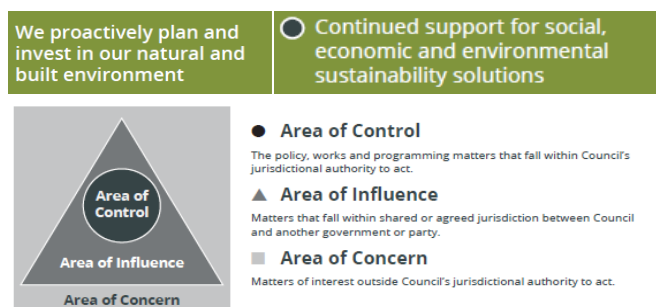
The proposed changes will not impact administrative resources.

ASSET MANAGEMENT IMPLICATIONS:

The proposed amendments do not have asset management implications.

STRATEGIC PRIORITIES REFERENCE:

Effective tree management and protection is consistent with the Strategic Priority of “Continued support for social, economic and environmental sustainability solutions” (area of control).



OFFICIAL COMMUNITY PLAN REFERENCE:

Not applicable.

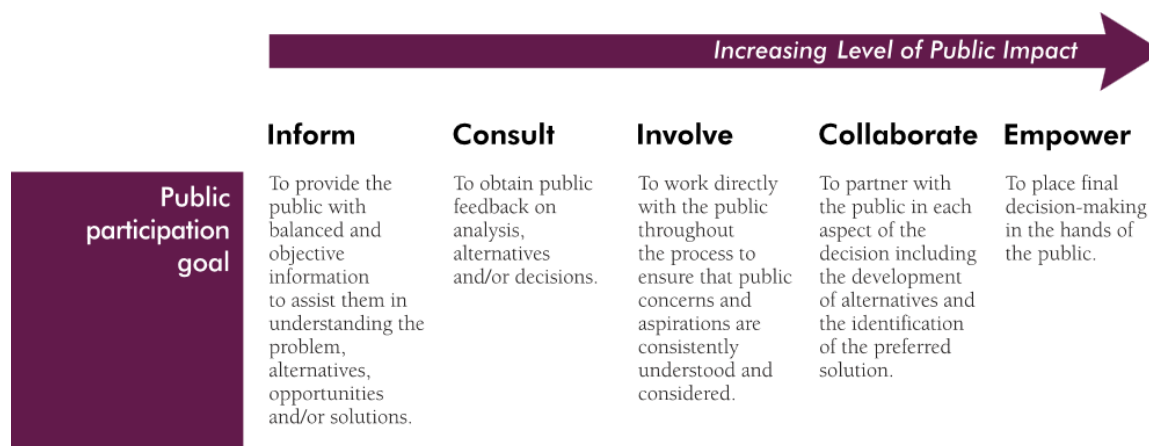
REGIONAL GROWTH STRATEGY REFERENCE:

Not applicable.

CITIZEN/PUBLIC ENGAGEMENT:

Throughout the consultation efforts for Tree Protection and Management Bylaw No. 2850, staff provided information on changes in fee structure and ticketing fines and have therefore “involved” 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



Staff note that the public has not been consulted on changes to the EDP fee structure, however there is existing precedence and Development Procedure Bylaw support to provide support for this amendment.

OPTIONS:

1. That City of Courtenay Fees and Charges Amendment Bylaw No. 2883, 2017, and City of Courtenay Municipal Ticket Information Amendment Bylaw No. 2884, 2017 proceed to First, Second and Third Readings (Recommended).
2. That Council defers consideration of the City of Courtenay Fees and Charges Amendment Bylaw No. 2883, 2017, and City of Courtenay Municipal Ticket Information Amendment Bylaw No. 2884, 2017, and provides direction to staff on how to proceed.

Prepared by:

Nancy Gothard, MCIP, RPP
 Environmental Planner

Reviewed by:

Ian Buck, MCIP, RPP
 Director of Development Services



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Zoning Amendment of 1986 4th Street East

File No.: 3360-20-1703

Date: May 15, 2017

PURPOSE:

The purpose of this report is for Council to consider an application to rezone the property located at 1986 4th Street East from Residential One Zone (R-1) to Residential One S Zone (R-1S) to permit a secondary suite.

CAO RECOMMENDATIONS:

THAT based on the May 15th 2017 Staff report, "Zoning Amendment of 1986 4th Street East" Council support approving OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2872, 2017; and

That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2872, 2017 on June 12, 2017 at 5:00 p.m. in the City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

An application has been received to rezone a property in East Courtenay to permit a secondary suite. The property is located at 1986 4th Street East, is a 1600 m² semi-rural lot containing a single storey house and an attached garage/shop in addition to a detached shop in the rear yard. The remainder of the lot is landscaped with lawn, mature conifers and shrubs. The surrounding land use is predominantly single family residential. There are two driveways in the front yard that are used to access the lot from 4th Street East.

The proposed secondary suite is intended to be an addition to the single family home. A review of the site and floor plans (**Attachment No. 1**) indicate that the proposed suite is 68.14 m² (734ft²) in size and includes one bedroom, one bathroom, a combined living room and dining area and a kitchen. The suite will also contain an outdoor patio and storage space. The future tenant will have access to private green space in the side and rear yard and a parking space in the front yard.

The current R-1 zone does not permit secondary suites so the applicant is applying to rezone the property from the Residential One Zone (R-1) to the Residential One S Zone (R-1S) to permit the suite.

The applicant has designed the suite as an addition to the back of existing dwelling and has stated that upon completion the cottage-like character of the dwelling will be retained. The applicant plans on utilizing the same exterior siding, trim and window detailing. From the streetscape the addition will have a minimal visual impact because only the suite's front entryway will be seen from 4th Street. The applicant plans to carefully place windows to face southwest in order to facilitate natural light, solar heating and to provide privacy for both the tenant and the homeowner. Privacy for neighbours to the north will be maintained through the existing cedar hedge and other landscaping. Neighbours to the south will have the benefit of additional privacy with the installation of a new fence.



Figure 1. Context map. The subject property is shown in red outline.



Figure 2. Street View of the property from 4th Street East

DISCUSSION:

The proposed suite will add an additional rental dwelling in an established residential neighbourhood. The applicants intend for the suite to be a market rental suite for either a family member, an employee of the college, hospital or any the retail outlets in close proximity to the property.

The owner/applicant's intent is to continue to own the property and reside in the principal dwelling unit.

Official Community Plan Review

The site is designated Urban Residential in the Official Community Plan (OCP). The OCP supports infill development within existing urban residential areas provided it is in keeping with the character and scale of the surrounding neighbourhood. This neighbourhood has some infill potential, and such residential development is encouraged through the goals and policies in the OCP and the City's Affordable Housing Policy.

The OCP includes a policy objective to "lead in creating inclusive neighbourhoods for housing" and states that "secondary suites will be considered as part of a principal single-family residence subject to zoning approval" (Policy 4.4.3(d)). Secondary suites are also supported in Section 10.3 of the OCP Planning for Climate Change where infill development within existing single family residential neighbourhoods is encouraged.

Council's practice to-date has been to consider secondary suite rezoning applications on a case-by-case basis taking into account land use planning policy, the site's proximity to services including community facilities, schools and parks as well as neighbourhood interests.

The subject property is located within 1.0 km of destinations such as Crown Isle Shopping Centre, Pinegrove Park, North Island College, the new hospital, and the Comox Valley Aquatic Centre. These destinations are most easily accessible by car or transit however some residents may choose to cycle or walk from this location.

Affordable Housing Policy

The City of Courtenay adopted its affordable housing policy in November 2007, to enable housing diversity and affordability for residents.

The provision of affordable housing plays an important role in supporting the retention of working families within the community; promoting spending within the local economy and stimulating employment opportunities within the construction industry and related trades.

An examination of the City's affordable housing strategy suggests that the City encourages infill development in the form of secondary suites when it complies with land use policies in the OCP and other criteria.

Zoning Review

If this application is approved and a secondary suite is placed on the property, the development will comply with all applicable zoning regulations including: building height, lot coverage, building setbacks and parking requirements.

Requirements	Proposal
Total Floor Area not more than 90.0 m ²	68.14 m ² (includes 1 bedrooms,1 bathroom, kitchen living room/dining area)
Floor Area Less than 40% of the habitable floor space of the building	36%
Located within a building of residential occupancy containing only one other dwelling unit	Yes
Located within a building which is a single real estate entity	Yes
Three Parking Spaces (2 spaces for the principal dwelling unit and 1 additional space for the secondary suite)	Three (3) parking spaces

FINANCIAL IMPLICATIONS:

The application fee for secondary suites is \$500. This fee is intended to cover the cost of application administration. Should this application be successful, a building permit is required. Building Permit Fees are calculated at rates set out in the bylaw. At present it is \$7.50 for every \$1,000 of construction value with a minimum fee of \$50.

Properties with secondary suites are currently charged a second utility fee (sewer, water, garbage) for the additional dwelling unit. Secondary suites are exempt from paying Development Cost Charges to the City and the Regional District.

ADMINISTRATIVE IMPLICATIONS:

Processing Zoning Bylaw amendments is a statutory component of the corporate work plan. Staff has spent approximately 10 hours processing this application to date. Should the proposed zoning amendment proceed to public hearing, an additional 2 hours of staff time will be required to prepare notification for public hearing and to process the bylaw. Additional staff time will be required to process the subsequent building permit application including plan checking and building inspections.

ASSET MANAGEMENT IMPLICATIONS:

The proposed development utilizes existing City infrastructure therefore there are no direct asset management implications identified with this application.

STRATEGIC PRIORITIES REFERENCE:

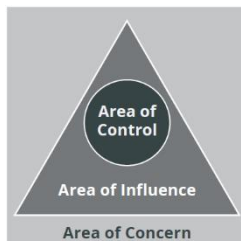
Development applications fall within Council's area of control and specifically align with the strategic priority to support meeting the fundamental corporate and statutory obligations of the City. This application also meets the goal to support densification aligned with the regional growth strategy.

We support diversity in housing and reasoned land use planning

- Support densification aligned with community input and regional growth strategy

We focus on organizational and governance excellence

- We support meeting the fundamental corporate and statutory obligations



● Area of Control

The policy, works and programming matters that fall within Council's jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

Policies in section 4.4 of the Official Community Plan (OCP) refer to residential land uses including the support of secondary suites as a way of increasing density and providing a range of housing choice. It also indicates that a careful attention needs to be paid to maintain the character and scale of an existing neighbourhood.

REGIONAL GROWTH STRATEGY REFERENCE:

The development proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” including:

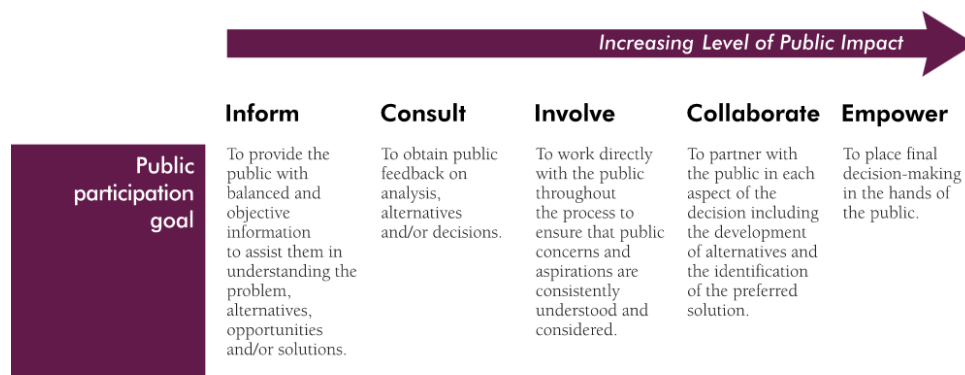
Objective 1-A: Locate housing close to existing services; and

Objective 1-C: Develop and maintain a diverse, flexible housing stock.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will “**Consult**” 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



Should Zoning Amendment Bylaw No. 2872, 2017 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*.

Prior to this application proceeding to Council, the applicant held a public information meeting on March 15, 2017 at 1986 4th Street East. The applicant provided notices to all property owners and occupiers within a 100 metre radius of the property. A detailed summary of the public information meeting has been included as **Attachment No. 2**.

According to the meeting summary report five people attended and signed into the meeting. The attendees expressed concerns that permitting a legal secondary suite would bring undesirable tenants to the neighborhood, that parking may become a problem for neighboring residents and that the applicant/owner may move off the property resulting in two rental units on the property. All comment sheets have been included with the meeting summary report in **Attachment No. 2**. No additional comments on this application have been received by City Staff outside of the Public Information Meeting held by the applicant in March 2017.

OPTIONS:

OPTION 1:

THAT based on the May 15th 2017 Staff report, "Zoning Amendment of 1986 4th Street East" Council support approving OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2872, 2017; and

That Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2872, 2017 on June 12, 2017 at 5:00 p.m. in the City Hall Council Chambers. (Recommended)

OPTION 2: Defer consideration of Bylaw No. 2872 with a request for more information.

OPTION 3: Defeat Bylaw No. 2872.

Prepared by:



Dana Leitch, MCIP, RPP
Land Use Planner

Approved by:



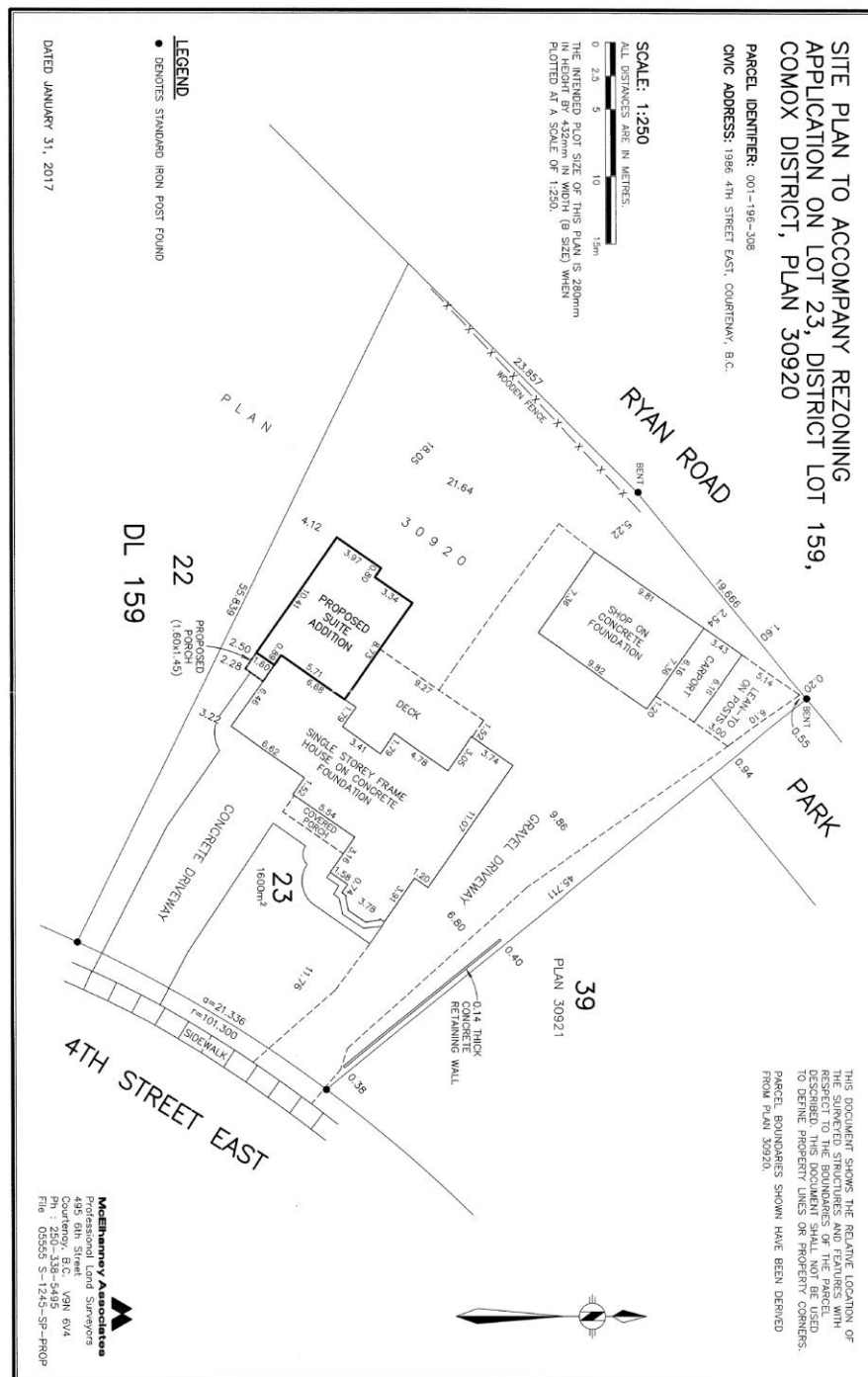
Ian Buck, MCIP, RPP
Director of Development Services

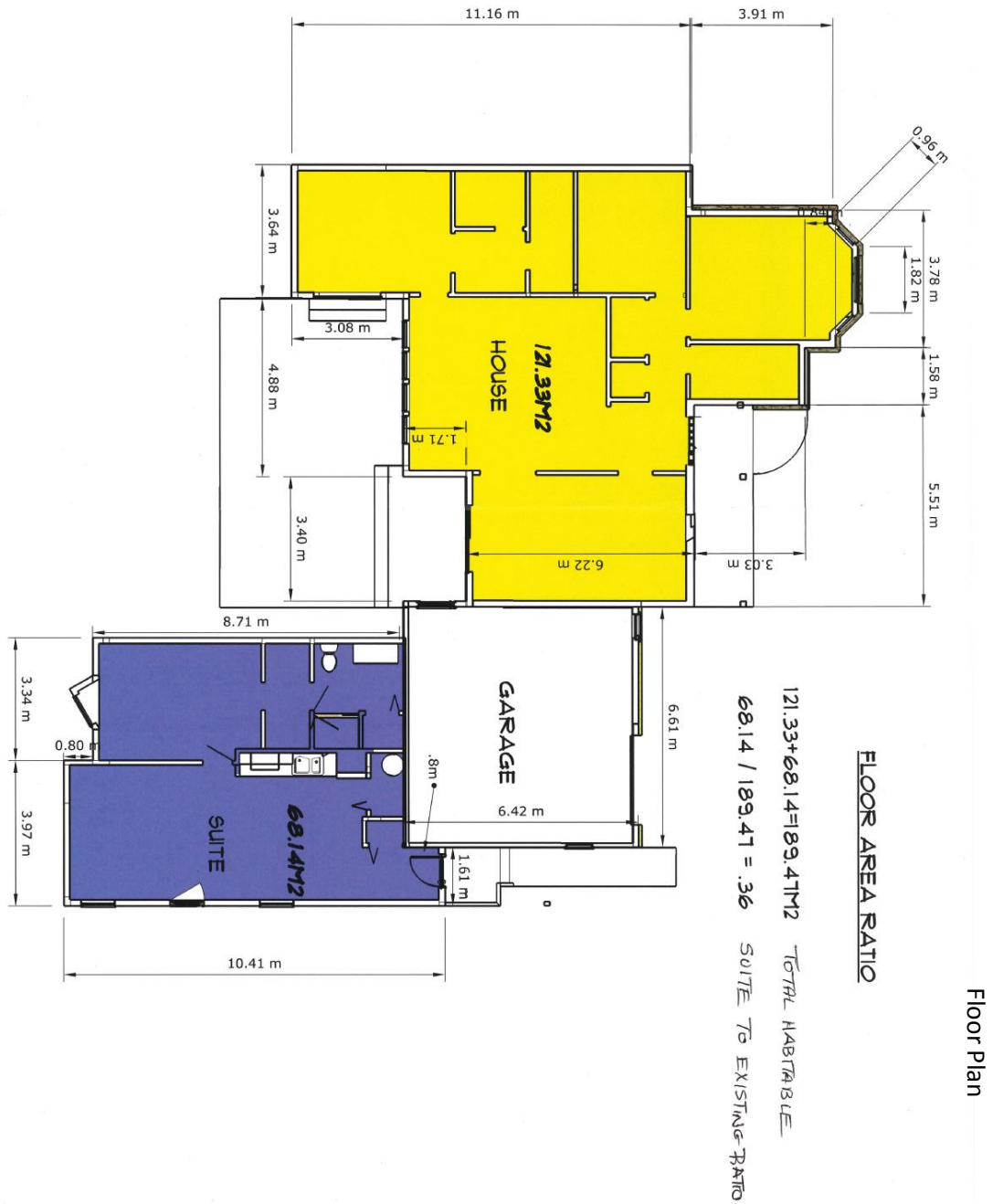
Attachments:

1. *Attachment No. 1: Site Plan, Floor Plan and Parking Plan*
2. *Attachment No. 2: Public Information Meeting Summary and Public Comments*
3. *Attachment No. 3: Applicant's Written Submissions*

Attachment No. 1:
Plans

Site Plan







Parking Plan

Summary of Public Meeting
March 15, 2017
Rezoning of 1986 4th Street East, Courtenay

Attachment No. 2:
*Public Information
Meeting Summary Report
& Comments*

Forty two addresses were provided by the City. Of those approximately 34 were identified as resident or occupant and they were hand delivered their notice. The remainder were owners living outside the 100 m area and their notices were mailed 11 days prior to the meeting.

The meeting was hosted in our home at 1986 4th Street East, Courtenay.

The meeting was attended by 5 people representing 4 of the affected addresses including the owners of the properties adjacent to the subject property. The meeting took place at the subject property.

Images of the planned suite, its location, its siting impact on neighbouring properties, parking and landscaping plans were presented digitally in large format on the flat screen tv. Positive comments were made regarding the detailed "architectural drawings" giving viewers 2D and 3D views of the proposal. Two attendees stepped outside to view the physical location.

Questions:

- Parking on what is a main traffic artery serving the Washington Heights/Uplands area.
- Were we planning to sell?
- Type of tenants?
- Side setback to nearest neighbour?

There was no resistance to the proposal, only minor concerns. The concern expressed regarding street parking was addressed by revisiting the filed parking plan, pointing out the 2 substantially sized driveways, and the fact that it is a one bedroom suite designed for one person.

On the question of selling our response was we are attached to the home, a good design for aging in place, we like the location and need the extra space and shop to work from. We expressed that it is not our goal to develop this and flip the property but to add a mortgage helper and property tax offset for what is a large and underutilized piece of land.

On the tenant issue, and a concern that the suite would be rented to a bunch of teenagers with lots of cars, we pointed out that the suite is designed for a single person, and that with our experience of raising teenagers and hosting foreign students we will be seeking a mature, long term tenant who "will respect our neighbours and our quiet enjoyment of our properties".

The nearest neighbour was comforted by the setback, having had a friend look at the survey prior to the meeting and assuring her it was within the requirements, seeing that our fencing plan would aid privacy and that the building was not a two story structure looking over her yard.

Respectfully Submitted



David Regehr

PUBLIC INFORMATION MEETING
March 15, 2017
SIGN IN SHEET
FOR
David Regehr, 1986 4th Street East, Courtenay

NAME (Please Print)	ADDRESS
[REDACTED]	1961- 4th ST. EAST.
[REDACTED]	1990-6 th ST EAST
[REDACTED]	561 4 th ST E
[REDACTED]	2000 4TH STREET EAST
[REDACTED]	1974 4TH ST. E.

PUBLIC INFORMATION MEETING

March 15, 2017

David Regehr, 1986 4th Street East, CourtenayM

COMMENT SHEET

Name: [REDACTED]

Email:

N/A

Address: 1974 4TH ST. E. - CTNY

Phone:

V9N6V8 MAR 16 2017

David Regehr has applied to the City of Courtenay for a Zoning Amendment to rezone the property from R1 to R1-S for the purpose of building a secondary suite.

This project is under review by staff in the Planning Department of the City.

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

I have no objections to this project as Mr. Regehr has assured me that it should not affect me or my property.

[REDACTED]

Please return your comments by March 22, 2017

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

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at 1986 4th Street East
3. Email your comment sheet to dcregehr@gmail.com

PUBLIC INFORMATION MEETING

March 15, 2017

David Regehr, 1986 4th Street East, CourtenayM

COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]
Address: 1961-4th St. East, Courtenay Phone: [REDACTED]

David Regehr has applied to the City of Courtenay for a Zoning Amendment to rezone the property from R1 to R1-S for the purpose of building a secondary suite. 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?

Our reason for attending the info session @ 1986-4th St East, was to assure ourselves that by having a rental suite added to the above address, we should not be seeing a dramatic increase in the number of vehicles parked on 4th Street East, Courtenay.

We feel that the road already has issues with folks who have too many vehicles for their driveway and have to use the roadway for parking.

We came away from the meeting with the feeling that the homeowners are being very honest about their plans and that they do not want to see the traffic increase on our road anymore than the neighbours do.

Please return your comments by March 22, 2017

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

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at 1986 4th Street East
3. Email your comment sheet to dcregehr@gmail.com

PUBLIC INFORMATION MEETING

March 15, 2017

David Regehr, 1986 4th Street East, CourtenayM

COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]

Address: 2000 4TH STREET EAST Phone: [REDACTED]

David Regehr has applied to the City of Courtenay for a Zoning Amendment to rezone the property from R1 to R1-S for the purpose of building a secondary suite. 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?

NO OBJECTIONS
WISH THEM LUCK.

Please return your comments by March 22, 2017

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

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at 1986 4th Street East
3. Email your comment sheet to dcregehr@gmail.com

PUBLIC INFORMATION MEETING

06 Dec 2016

Rezoning R-1 to R-1S (Legal Suite) - 1066 Evergreen Ave. Courtenay

COMMENT SHEET

Name: [REDACTED]

Email: [REDACTED] *ca,*

Address: *1000 THORPE AVE, CTNY*

Phone: [REDACTED]

[REDACTED] Suzie Leroux & Mark Boice have applied to the City of Courtenay for a Zoning Secondary Suite. 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?

We chose to live in this area because it was zoned single family dwelling. We are not happy to have a legal suite so close to us, we feel it could possibly have a domino effect in this area of fairly large dwellings.

Please return your comments by (8 Dec 2016)

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

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at 1066 Evergreen Ave. Courtenay
3. Email your comment sheet to herbology@shaw.ca

PUBLIC INFORMATION MEETING

March 15, 2017

David Regehr, 1986 4th Street East, CourtenayM

COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]
Address: [REDACTED] Phone: [REDACTED]

David Regehr has applied to the City of Courtenay for a Zoning Amendment to rezone the property from R1 to R1-S for the purpose of building a secondary suite. 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 believe this application should go forward.
Our community has a great need for affordable places and by allowing more legal suites on properties that can do it without huge impact on the neighbourhood should be allowed... even encouraged. Parking issue was addressed, there is room. The suite is in the allowable bldg/land ratio.
I see no problems with Mr. Regehr wanting to pursue this rezoning.

Please return your comments by March 22, 2017

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

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at 1986 4th Street East
3. Email your comment sheet to dcregehr@gmail.com

Attachment No. 3
Applicant's Written
Submissions

Rezoning Application Summary

**Owner: David Regehr
1986 4th Street East
Courtenay, BC V9N 6V8**

I am making application to rezone my property from R1 to R1-S for the purpose of constructing a secondary suite. The suite will be an attached addition to the present structure in the back yard and not constructed inside the existing home.

The existing lot is large, at 1600 m², and is presently developed with a single story home and shop in the rear yard. The total footprint for these two buildings, including the attached two car garage, is currently 235 m², a 14.7% site coverage.

Constructed will be a one bedroom unit 68.14 m² in size. The maximum permissible is approximately 80 m², due to the smaller living area of the existing residence. Where the allowable habitable floor space ratio is 40% this suite's ratio will be 36%.

Sustainability

- The subject property is 1600 m² in size and is developed with 120 m² home with attached two car garage and a 42 m² shop, with a site coverage of +/- 15%. Where a typical lot in Courtenay is under 800 m² in size and site coverage is up to 40% this represents an underutilization of a suburban lot. Given the intention of the City to limit urban sprawl, densification within the existing boundaries of the City is necessary to meet the housing needs of the populace, and where better to do it than on an existing, serviced, low density city lot. If approved the addition of the suite would increase site coverage to 19%.
- The location of the property lends itself to sustainability goals. Immediately adjacent to higher density mobile home development, where lots are less than a third of the subject properties size, there is a public transit stop within two blocks, and approximately two blocks further is the transit hub at NIC. The location also lends itself to walking, with the college, the new hospital and retail services at Ryan and Lerwick, all within an approximate 800 m radius. There are many students billeted in the surrounding neighbourhood and they are often seen carrying their groceries on foot. For recreation there are the popular walking trails on the NIC forested reserve area and the Aquatic center is within the aforementioned 800 m radius.
- The property is landscaped with mature shrubs and trees and will be further improved with landscaping over time. The suite will have a patio and will include plantings with flowering vines that will grow over the fence creating a green screen. Also adjacent to the suite is a green space for use by the tenant. If they do not wish to garden it will be landscaped. Underground irrigation is employed to maintain the health of the landscaping and lawns. No trees will need removal to construct the suite.
- *Building Design:* The addition will retain the cottage-like character of the existing home utilizing the same siding, trim and window details. The addition profile is low to reduce the visual impact, to minimize mass imposing on the adjacent neighbour, and to preserve the natural light to the existing home and outdoor living area. The windows on the addition are facing southwest in aid of natural light and solar heating in the winter and to provide privacy for both tenant and homeowner. Exterior shades will be added to prevent excessive summer heating.

Affordability

- This suite is designed with the semi-professional in mind, ideal for an employee of the college, the new hospital or any of the retail/service outlets within the 800 meter radius. The proximity to services/employment contributes to affordability through the opportunity to reduce one's carbon footprint.
- The suite has been designed by and will be constructed by the owner. Utilizing the existing services and careful integration of the existing development of the property, many efficiencies are being utilized to keep costs down and keep the rent affordable.
- Approval of secondary suites adds to the inventory of rentable units. Increased inventory of units not requiring substantial infrastructure outlay addresses the small inventory of affordable market units thus creating competition for tenants resulting in downward pressure on rental rates.

Neighbourhood impact:

- The neighbour to the north maintains their substantial privacy via the applicant's existing 3 m tall x 25 m long cedar hedge.
- The neighbour to the south, adjacent to the build, will have greater privacy than presently with the installation of a 1.8 m fence.
- The rear yard backs onto Ryan Road.
- No relaxation of the setback requirements is requested. While the build will close the sideyard setback to the property line by approximately 1 meter the setback will still be 2.28 metres at its nearest point, .78 m greater than the 1.5m minimum setback. The adjacent owner's home is +/- 3.5 m from the property line.
- The location of the suite hides the build from 4th Street E with only the entry to the suite visible from the street.
- *Parking:* The main exposed aggregate driveway is 117 m² exclusive of the 1.5m street setback. This allows the applicants use of the garage with the tenant parking in a dedicated space with no conflicts for vehicle maneuvering. The third space is in the applicant's second driveway, approximately 200 m² in size. This is where the applicant parks his truck and work trailer.

Thank you for consideration of this proposal. The applicant may be reached at 250-338-3543 or by email at dcregehr@gmail.com.

Sincerely



David Regehr



Side Yard



Rear Yard



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3360-20-1603

From: Chief Administrative Officer

Date: May 15, 2017

Subject: Authorization for a Second Public Hearing for a OCP & Zoning Amendment at 1375 Piercy Ave

PURPOSE:

The purpose of this report is for Council to consider authorizing staff to advertise for a second public hearing for an application to amend the Official Community Plan (OCP) and Zoning Bylaw to permit a multi residential development at 1375 Piercy Avenue. The proposed amendments will change the OCP land use designation of the subject property from Urban Residential to Multi Residential and rezone the property from Residential Two (R-2) to Residential Four A (R-4A).

CAO RECOMMENDATIONS:

THAT based on the May 15th 2017 Staff report, "Authorization for a Second Public Hearing for a OCP & Zoning Amendment at 1375 Piercy Ave", Council approve OPTION 1 and direct staff to schedule and advertise a statutory public hearing with respect to OCP Amendment Bylaw No. 2854, 2016 and Zoning Amendment Bylaw No.2855, 2016 on June 12, 2017 at 5:00 p.m. in City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

As stated above, the purpose of this report is to authorize staff to schedule and advertise a second public hearing for an OCP and Zoning Amendment application for the construction of a 16 unit multi-residential development located at 1375 Piercy Avenue.

Council gave Bylaw Nos. 2854 and 2855, 2016 First and Second Readings December 19, 2016. The public hearing was held on January 16, 2017. At the public hearing, attendees stated concerns with the development proposal including tree removal, the proposed increase in density, and increased traffic in the area. **Attachment No. 2** provides a full record of public comments including the public hearing minutes and written correspondence received prior to the public hearing. Following the public hearing, Council deferred Third Reading and passed a motion "that staff be directed to work with the applicant to bring a revised development proposal to Council for the 1375 Piercy Avenue property" on February 6, 2017.

Subsequent to the February 6, 2017 meeting, Staff advised the applicant to consider revising the development proposal to respond to public concerns by reducing the number of units to allow for

increased open space or additional tree cover. The applicant held a second public information meeting with the neighbourhood to clarify some of the information presented at the public hearing. Minutes from this meeting are included in **Attachment No. 1**. Following the public information meeting, the applicant has elected to proceed with the original development proposal and has requested a second public hearing. The development proposal is outlined in the December 19, 2016 staff report which is included as **Attachment No. 3**.

As there is now new information with respect to the two bylaws, Council is required to hold another public hearing prior to consideration of the bylaws.

OPTIONS:

- OPTION 1:** Direct staff to schedule and advertise a statutory public hearing with respect to OCP Amendment Bylaw No. 2854, 2016 and Zoning Amendment Bylaw No.2855, 2016 on June 12, 2017 at 5:00 p.m. in City Hall Council Chambers (Recommended).
- OPTION 2:** Direct staff to schedule and advertise a statutory public hearing on an alternate date chosen by Council.

Prepared by:



Erin Ferguson, MCP
Land Use Planner

Approved by:



Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Public Information Summary from April 22, 2017 Meeting*
2. *Minutes from Public Hearing held on January 16, 2017 and Written Correspondence*
3. *Original Staff Report dated December 19, 2017*

<p>ATTACHMENT 1 Public Information Meeting Summary</p>



May 3, 2017

Our File: 2211-47434-00

City Files: OCP 6480-20-1602 / Zoning 3360-20-1603 / DP and Variances 3060-20-1612

Ms. Erin Ferguson
 Land Use Planner
 City of Courtenay
 830 Cliffe Avenue
 Courtenay, BC V9N 2J7

Dear Ms. Ferguson:

**LOT 7, DISTRICT LOT 104, COMOX DISTRICT, PLAN 5659-
 PROPOSED MULTI-FAMILY DEVELOPMENT OF 1375 PIERCY AVENUE
 PUBLIC OPEN HOUSE SUMMARY**

As discussed with City of Courtenay staff, McElhanney (MCSL) and Copperfield Rentals Ltd. hosted an on-site public open house for the above noted development on April 22, 2017 from 11am to 1pm. The purpose of this open house was two-fold:

1. Provide an opportunity for the public to discuss and confirm the validity of the information contained within Copperfield Rental Properties Ltd.'s March 31, 2017 resident letter distributed in response to Mr. Fred Muzin's letter.
2. Provide an additional opportunity for residents to review the development proposal and ask either the consultant or ownership group any pertinent questions.

To assist in the above discussions, MCSL had the following materials available during the open house:

- Poster boards depicting the development site plan, building renderings, building floor plans, and landscape plans.
- Copperfield Rental Properties Ltd.'s March 31, 2017 letter.
- Surveyed location of the subject property's lane frontage to demonstrate the proposed finished lane width.

A total of 15 residents completed the sign in sheet and five comment sheets were received. Further, two residents phoned Leighton Contracting to voice their support of the proposal. Copies of all correspondence provided is enclosed for City reference.

In general, the topics of discussion and subsequent comment sheets included the following:

1. The project is too dense for the neighborhood/community.

Page 1 of 3

495 Sixth St
 Courtenay BC
 Canada V9N 6V4

Tel 250 338 5495
www.mcelhanney.com



May 3, 2017
City of Courtenay
47434 – 1375 Piercy Avenue Public Open House Summary

We note that the development proposal is supported by both the Official Community Plan and Regional Growth Strategy in terms of infill development, sustainability principles, continuity (size & scale) with the existing neighborhood, proximity to the downtown core, and daily destinations within walking distance of neighborhood amenities, leisure activities, supports a range of family incomes.

The proposal includes four duplex buildings and a total of 16 units. This proposed density represents a relaxation from many of the existing developments within the immediate area.

2. The development will increase vehicle traffic and parking pressure.

- The development site is serviced by Cumberland Road (arterial) and Piercy Avenue (collector), both of which are currently operating under capacity.
- All required vehicle parking spaces (per existing City Bylaws) have been provided on-site.
- The proposal includes widening, asphalt surfacing, and storm drainage improvements of the lane to mitigate the potential for local vehicle traffic issues.
- The location of the subject property encourages alternate transportation modes. All daily destinations (schools, shopping, parks) are within walking distance via concrete sidewalks. Cumberland Road is a designated cycling route, and the subject property is located within 30 meters of a major BC Transit route.

3. The proposal does not address the existing drug, violence, homelessness, noisy parties, vandalism, or theft in the community.

We suggest existing community social issues brought forward in response to this request for public input are more appropriately directed to the City of Courtenay, RCMP, and provincial social agencies.

With respect to this development proposal, Copperfield Rental Properties Ltd is comprised of three local businessmen acting as the long-term owner, developer, and property manager. This group prides itself on providing quality rental units to pre-qualified tenants. Being local, the owners can regularly monitor site activities and react quickly if/when necessary. Having said that, and towards minimizing potential problems before they occur, the ownership group has an established applicant screening process.

4. General support for the project. Specifically, that the views of Mr. Muzin and/or the absence of neighbourhood support (at the public open house/meeting) do not reflect the opinion of most of the local residents who are in favour and support the project.



May 3, 2017
City of Courtenay
47434 – 1375 Piercy Avenue Public Open House Summary

We request City staff advertise and schedule a public hearing regarding this proposal at their earliest convenience.

Yours truly,

MCELHANNEY CONSULTING SERVICES LTD.



Derek Jensen, ASCT
Project Manager



Bob Hudson, P.Eng
Branch Manager

Enclosures

DJ:njg

Cc: Copperfield Rental Properties Ltd., Rob Leighton
Drewry Electrical, Dave Drewry
McQueen Construction, Ryan McQueen
City of Courtenay, Ian Buck

PUBLIC INFORMATION MEETING

April 22, 2017

SIGN IN SHEET

FOR

Copperfield Rental Properties-1375 Piercy Avenue

NAME (Please Print)	ADDRESS
	1575 Piercy Ave. Courtenay BC
	1031 16 St Street Courtenay BC
	1675 - Piercy Ave. Courtenay
	1580 + JILL RD, COURTENAY
	1545 PIERCY AVE CTNY,
	1485 PIERCY AVE
	1546 Scheldeneup Place CTNY
	1546 - Scheldeneup Pl CTNY
	203-1155 Stewart Ave.
	1031-16TH COURTENAY VAN/1X8
	1518-16TH STREET EAST, COURTENAY
	1045 CUMBERLAND RD
	1050-A CUMBERLAND RD
	4-1580 Piercy Ave Courtenay
	1040 CUMBERLAND RD

Public Information meeting April 22, 2017 Copperfield Rental Properties - 1375 Piercy Ave

Comment Sheet

[REDACTED]
1031 16th Street Courtenay, BC.
[REDACTED]

As a resident of this neighborhood I feel this development is too large for the area. While we need more affordable housing in Courtenay that housing also needs to be a good fit for the neighborhood and have a less negative impact than I feel this one would. 16 units would put too great a stress on this neighborhood.

This area already has huge problems with rental housing. Drugs, petty theft, vandalism, and family violence. With the property managers already deciding they would not have onsite management I can see this being an increasing problem.

I would like to see this developer downscale thier plans. I think 8 units and more off street storage and parking would be a better fit and have less impact on the neighborhood while still providing the developers with profit.

I also think the developers have shown complete disregard for the concerns of the neighborhood. By blaming one person because they informed the neighborhood about a development that affects their quality of life you have been disrespectful to all the people who took time to come to the public hearing and voice their concerns.

Your written notice to the April 22nd public information meeting was disrespectful and dismissive! I think you have also been disrespectful of the council and staff who have meade several recommendations to you about this property such as; adding storage space and meeting with the community to discuss an alternative proposal.

Given this attitude of "we know better" why would this community trust you as property managers?

I know also that you will dismiss this feed back as I happen to live in the same residence as the person who you blamed for your ealier problem at the public hearing, but I would like you to keep in mind that I never attended that meeting and did not give any input until after I had heard all sides and read the material.

PUBLIC INFORMATION MEETING

April 22, 2017

Copperfield Rental Properties-1375 Piercy Avenue

COMMENT SHEET

Name: [REDACTED]

Email: [REDACTED]

Address: 203-1155 Stewart Ave

Phone: [REDACTED]

(Copperfield Rental Properties) has applied to the City of Courtenay for a Official Community Plan Amendment, Zoning Amendment & Development Permit with Variances at 1375 Piercy Avenue. 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 not against development but this particular project is too big for the area and community. The public open house was more marketing of project not about feedback or views of the community.

Please return your comments by May 1, 2017

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

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at MCSL at 495 Sixth Street, Courtenay, BC V9N 6V4
3. Email your comment sheet to djensen@mcelhanney.com

PUBLIC INFORMATION MEETING

April 22, 2017

Copperfield Rental Properties-1375 Piercy Avenue

COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]
 Address: 1031 - 16TH ST. Phone: [REDACTED]

(Copperfield Rental Properties) has applied to the City of Courtenay for a Official Community Plan Amendment, Zoning Amendment & Development Permit with Variances at 1375 Piercy Avenue. 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 IS TOO LARGE FOR THIS COMMUNITY.
 I WAS LOOKING FORWARD TO DISCUSSING A REVISED PROPOSAL, BUT THIS WAS EVIDENTLY NOT ON THE DEVELOPERS' AGENDA.
 THIS PROPOSAL DOES NOT ADDRESS SECURITY CONCERNS IN A AREA THAT HAS DRUG + VIOLENCE PROBLEMS ALREADY.
 THE DEVELOPER IGNORES THE INCREASED TRAFFIC AND PARKING PRESSURES THAT WILL RESULT.
 THERE IS NO IMPROVEMENT IN SOCIAL AMENITIES IN THIS COMMUNITY BUT THE DEVELOPERS ABSOLVE THEMSELVES OF ANY RESPONSIBILITY BY PAYING A \$10K FINE.
 WE NEED A SCALED DOWN PROPOSAL THAT MESHES WITH THE NATURE OF THE COMMUNITY AND SERIOUSLY CONSIDERS THE CONCERNS + COMMENTS OF THE RESIDENTS.

Please return your comments by May 1, 2017

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

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at MCSL at 495 Sixth Street, Courtenay, BC V9N 6V4
3. Email your comment sheet to djensen@mcelhanney.com

PUBLIC INFORMATION MEETING

April 22, 2017

Copperfield Rental Properties-1375 Piercy Avenue

COMMENT SHEET

Name: _____ Email: _____
 Address: 1580 Tull Avenue Phone: _____

(Copperfield Rental Properties) has applied to the City of Courtenay for a Official Community Plan Amendment, Zoning Amendment & Development Permit with Variances at 1375 Piercy Avenue. 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'm against this proposal as it stands. Too many units on such a small
piece of property will cause untold misery for present homeowners and the
new residents, in my opinion. A community is interdependent, living
together in a specific habitat, with a common attitude. Quality of life
is a precious commodity, and we must keep this concept in the forefront
with our changing community. An overly dense project for residents will
NOT contribute to quality of life, and I believe may even contribute to
people looking for other escapes from the resultant stress because of
noise, crowding--lack of space--and privacy in drugs, noisy parties, etc.
My conclusion is that 8 units would be the maximum for 1375 Piercy.

Please return your comments by May 1, 2017

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

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at MCSL at 495 Sixth Street, Courtenay, BC V9N 6V4
3. Email your comment sheet to djensen@mcelhanney.com

Derek Jensen

From: Rob Leighton [REDACTED]
Sent: Tuesday, May 02, 2017 10:01 AM
To: Derek Jensen
Cc: Ryan McQueen; Dave Drewry
Subject: FW: 1375 Piercy ave comments

Hi Derek,

See below comments taken from Clay, these two residents called the office to verbally voice their support of the project.

Thanks,

Rob Leighton
Leighton Contracting (2009) Ltd.
[REDACTED]

**CONFIDENTIALITY NOTICE**

The information transmitted is intended only for the person or entity to which it is addressed to and may contain information and or privileged material. Any review, transmission, dissemination or other use or taking any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you receive this in error please contact the sender immediately by return electronic transmission or call 250-338-6460 and then immediately delete or destroy this transmission including all attachments without copying, distributing or disclosing any information.

From: Dispatch ~ Leighton Contracting [REDACTED]
Sent: Thursday, April 27, 2017 3:31 PM
To: RL
Subject: 1375 Piercy ave comments

1. [REDACTED] – Said she would be a good supporter for the project – Said she would fill out a comment form at a later date, she was sick and couldn't attend the information session.
2. [REDACTED] Resident @ 1250 Stewart – said – Don't take the lack of people at the meeting as a lack of support for the project, most of the local residents in the area, are in favor and support the project.

--

This email was checked by Sophos for known Malware. Be on guard for new exploits. Protect your credentials.

Derek Jensen

From: [REDACTED]
Sent: Tuesday, May 02, 2017 2:01 PM
To: Derek Jensen
Subject: The Development at 1375 Piercy Avenue

Dear Mr. Jensen,

I couldn't attend your April 22nd open house because of my work schedule. However, Mr. Muzin's comments do not reflect the attitude of all your neighbours, nor is his reality the same as mine.

I live in Pacific Court, a 52 unit apartment complex half a block away from your proposed development, and I'd like to see it built. Although I received all the notices of public meetings about your project, I have been unable to attend and state my opinion.

Courtenay desperately needs more rental units. With the number of homeless people and people who are stuck in precarious living situations, it is unconscionable for anybody to complain about how such a development might "change the nature of the neighbourhood."

If anything, providing more places to live would improve the flavour of the area around the Piercy Avenue/Cumberland Road junction. Right now homeless people go through our garbage receptacles looking for bottles, and camp in the parks and vacant lots nearby. There is also at least one drug dealer and flophouse for those people who are trying to escape the grim circumstances of their lives.

Thank you for taking the time to read this letter. Please feel free to share it with Courtenay City council at your next hearing.

[REDACTED]
Pacific Court
Courtenay, B.C.
[REDACTED]

PS The only thing I that don't like about your development is that one of your client's contractors took a bulldozer and mangled the two once-

beautiful fruit trees standing in the front of their property.

--
This email was checked by Sophos for known Malware. Be on guard for new exploits. Protect your credentials.

ATTACHMENT 2
Public Information
Meeting Summary

Notes of a Public Hearing held Monday, January 16, 2017 at 5:00 p.m. in City Hall Council Chambers for the purpose of receiving representations in connection with Official Community Plan Amendment Bylaw No. 2854, 2016 and Zoning Amendment Bylaw No. 2855, 2016.

Present:

Chair: L. Jangula
Councillors: E. Eriksson
D. Frisch
D. Hillian
R. Lennox
M. Theos

Staff:

D. Allen, CAO
J. Ward, Director of Legislative Services/Deputy CAO
I. Buck, Director of Development Services

Mayor Jangula opened the public hearing at 5:00 p.m. There were 24 members of the public in attendance.

Laurel Smith Dow, 1546 Schjeldrup Place, stated her opposition to Bylaws 2854 and 2855. She expressed concerns that the neighbourhood has been changed, and listed 7 multi-family developments currently located in the area. Ms. Dow stated that the developer bulldozed the property and removed all the trees, and expressed concerns regarding traffic, noise, and pollution as well as the narrow lane and parking on the property.

Fred Muzin, 1031 16th Street, stated his opposition to Bylaws 2854 and 2855, and provided a written submission (attached).

Richard Allen, 1521 Tull Avenue, stated his opposition to Bylaws 2854 and 2855. He expressed concerns regarding access to the alley near the development and inadequate notification for the neighbourhood. Mr. Allen stated that he is vehemently opposed to the bylaws, and that the development would change the neighbourhood. He stated that his lot is within 50 feet of the development, and it would affect his living conditions and lower his property value. Mr. Allen felt that there are too many multi-family developments in the area, and Piercy Avenue provides a boundary between multi-family and single family properties. He expressed concerns regarding the effect of 16 units jammed onto one lot, and the potential for 32 cars, as well as boats, trailers, etc. Mr. Allen stated that the alley is already well used, and it is an accident waiting to happen. He indicated that there is potential for creating a nice little ghetto, and creating water and sewage issues. Mr. Allen stated that the development would be a huge profit for the developer and more tax dollars for the City, and more housing, and there is nothing wrong with that; however there is a negative social impact that needs to be considered. He expressed concerns for the quality of life of the people who already live in the area.

Joanne Boettger, 1040 Cumberland Road, stated her opposition to Bylaws 2854 and 2855, and expressed concerns regarding the loss of trees on the property, noise, wind, traffic noise, woodstove smoke and light pollution. She also expressed concerns regarding garbage collection; traffic in the alley, snow removal and automobile pollution. Mrs. Boettger stated that the

property is a devastation zone, doesn't want the buildings in her back yard, and the developer should build in another area. She stated that there was no notification when the trees were taken down, and this has disrupted the neighbourhood.

Natasha Dow, 1546 Schjeldrup Place, stated her opposition to Bylaws 2854 and 2855, and expressed concerns regarding traffic, and in particular the lack of traffic infrastructure at intersections in the area Piercy Avenue/17th Street. She questioned if the developers build new parks for the neighbourhood, or have offered to build anything recreational.

Wendy Alexander, 1050A Cumberland Road, stated her opposition to Bylaws 2854 and 2855 and provided a written submission (attached).

Des Lambkin, 1030 Cumberland Road, stated his opposition to Bylaws 2854 and 2855 and indicated that his property will be right beside the proposed development. He stated that he did not receive any notifications of previous hearings, and that 16 units won't fit. Mr. Lambkin expressed concerns regarding parking and traffic in the alley, and questioned how the buildings would be heated since there is no natural gas near. He also suggested that 8 or 10 nicer units would be better.

Jessy Acheson, 1952 Dogwood Drive, stated his opposition to Bylaws 2854 and 2855, and stated that he works at Wachiay Friendship Centre and his main concern is providing appropriate housing. He expressed the challenges of being a renter in the valley, the lack of available housing, and that people need single occupancy spaces. Mr. Acheson stated that people may not necessarily have two vehicles per household, and that he is in favour of humble affordable housing, and struggles with everything being fancy. He expressed concerns regarding rent increases, that Council needs a rent control mechanism, and to give guidance to developers to provide benefits for the entire community. Mr. Acheson stated that Council should aim to have development benefit the largest group possible, and that a smaller number of more affordable housing would be more appropriate.

Derek Jensen, representing the applicant, expressed his support for Bylaws 2854 and 2855, stating that the site is well suited to the proposed development with a higher density. He stated that the development is within walking distance to many amenities, is supported by Piercy Avenue and Cumberland Road for vehicle capacity, a network of existing sidewalks, the pedestrian signal on Cumberland Road, and near a bus route. Mr. Jensen stated that the developer collaborated on the building design with city staff, and that the project would suit a wide variety of family needs and incomes. He stated that resident and visitor parking would be accommodated on site, and the 6 metre wide alley will be constructed and paved. He indicated that the developer will contribute \$20,000 to the City's housing and parks amenity funds, and that he appreciates the concerns of the neighbourhood. Mr. Jensen stated that all consultation was properly done, including notifications, a sign on the property, and public information meeting. He stated that the development should be approved based on its merits.

Councillor Hillian clarified the Public Hearing process.

Bob Wright, 1142 Cumberland Road, stated his opposition to Bylaws 2854 and 2855, and stated that he lives around the corner and wasn't aware of the project. He expressed concerns regarding the alley and traffic, the size of the property and the proposed development. Mr. Wright stated that he was shocked at the level of density, and felt sorry for the neighbours.

Des Lambkin, 1030 Cumberland Road, expressed concerns regarding the potential of vehicles parking in front of his property, asked if Council members had actually viewed the property and if not, suggested they do so.

Sandy Wright, 1142 Cumberland Road, stated her opposition to Bylaws 2854 and 2855 and that she was shocked by the plans and the size of the property.

Natasha Dow, 1546 Schjeldrup Place, questioned what Council was going to do about the traffic problems in the area.

Ian Buck, Director of Development Services, explained that Council can require traffic studies relating to development proposals.

Sandra Allen, 1521 Tull Avenue, stated her opposition to Bylaws 2854 and 2855 and questioned how the lane was going to be widened, and where the additional width would come from.

Ian Buck, Director of Development Services, clarified that the lane is currently 6 metres in width and would be developed. He reminded Council that the purpose of the Public Hearing is to hear representations from the public.

Fred Muzin, 1031 16th Street questioned where the developer is located.

Wendy Alexander, 1050A Cumberland Road expressed concerns regarding the surface runoff from the lane.

Des Lambkin, 1030 Cumberland Road where the additional property is coming from to make the lane 6 metres wide.

Martin Julien, 2151A Urquhart Avenue, stated his opposition to Bylaws 2854 and 2855, and reviewed traffic patterns in the area.

Monica Hofer, 1261 14th Street, stated her opposition to Bylaws 2854 and 2855 and that she has spent a lot of years reviewing development. She stated that there doesn't seem to be any greenspace or public amenities, and it appears these would not be possible on this property. Ms. Hofer stated that Council would be setting a precedent if this development is allowed, and that the city should pursue green development and planning. She stated that she is in favour of increased density, but certainly there are better places than the subject property.

Mayor Jangula declared the public hearing closed at 6:15 p.m.

PUBLIC HEARING SUMMARY OF REPRESENTATIONS

There were 13 representations at the Public Hearing opposed to Bylaws 2854 and 2855.

There was one representation (the applicant) at the Public Hearing in favour of Bylaws 2854 and 2855.

There were two written submissions presented at the Public Hearing, and they are attached.



John Ward, CMC
Director of Legislative Services/Deputy CAO
Corporate Officer

From: JCPAINY
To: [PlanningAlias](#)
Subject: Regarding 1375 Piercy Ave public hearing for rezoning - written submission
Date: January-03-17 6:04:46 PM
Importance: High

Hello, I would appreciate my written submission being included in the public hearing.

I very much support the amendment to designate this property from urban residential to Multi.

Myself and my husband live in an apartment building in Courtenay quite near this property being discussed.

Affordable rental choices continue to be extremely limited in this community.

Courtenay NEEDS much more affordable multi-person dwellings.

Examples of use:

- Dense, attractive, affordable housing is integral for seniors for a few reasons. It enables walkability (which helps with physical fitness and staves off medical needs)
- And also allows for "incidental interactions" with other people that helps foster a sense of community and helps with mental health.
- It also allows for increased effectiveness for home care workers, who would have to travel much shorter distances to visit clients..

With the aging population downsizing and the continuous talk of revitalizing the downtown, I very much support and hope to see more affordable multi-person dwellings being built in and near the downtown area.

Thank you. Please confirm that this message has been received and will be included.

[REDACTED]

1045 Cumberland Rd, Courtenay BC

Blamire, Susan

From: [REDACTED]
Sent: January-16-17 12:37 PM
To: Buck, Ian
Cc: PlanningAlias
Subject: Zoning Amendment - 1375 Piercy Avenue

Good Afternoon,

I am a new home owner in Courtenay living at 1541 Tull Avenue, and have read the Public Hearing notice concerning the above mentioned zoning amendment in the Comox Valley Record publication.

As this is just at the corner of our street and approximately four homes down, this new proposed development has us concerned.

This is a single family residence street and since moving here in November, we have discovered that several homes around us all have rental units in their homes. This has created several cars for on street parking for all of these tenants. Now with this new development proposed, we are concerned that it will create even more on-street parking for these new tenants when the project is completed. Besides our concern for this influx of more vehicles and probably parking in front of our home, we are also concerned that this could have a negative impact on our property values!

When purchasing a home, we were most careful to only look at single family residence areas, as we do not want to live on a high-density street or be concerned with cars racing in front of our home to connect with 17th Avenue. Most renters do not have the same concern as to take care and maintain their properties as they do not own them. We however as homeowners and tax payers do!

I was surprised to read about this re-zoning application, as we did not receive any prior written information about it when we bought our property nor since moving here in November have not received any notification from the Municipality. What is in place to protect us homeowners if you can change the zoning at any time?

I am unable to attend your public hearing this evening, but would like a response as to what happens at this meeting.

I may be reached by email or my home number is [REDACTED]

Signed

A concerned homeowner!

[REDACTED]

[REDACTED]
1050-A Cumberland Road
Courtenay, BC V9N 2E6
[REDACTED]

January 16, 2017

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

Dear Sir or Madam:

Re: Proposed rezoning/development of property at 1375 Piercy

While I respectfully acknowledge The City's goal to increase affordable housing numbers, I am concerned that adding more low-income rentals in an area that already struggling with vandalism and drug-sales will exacerbate these problems and decrease property values. The following buildings, all considered affordable housing, are all within a few blocks of the property in question:

- 1520 Piercy, "Pacific Court"
- 1580 Piercy, "Piercy Place" (Habitat for Humanity development)
- 1835 Piercy, "Taylan Court"
- 1015 Cumberland Road, "Arran House"
- 1009 – 10th Street, "Bellevue Place"
- 1055 – 10th Street, "The Pines"
- 635 Pidcock, "Kiwanis Village".

While the area may never attract a "high-end" development, the neighbourhood should certainly not be written off as being "the" place to build low income housing, even though it seems headed in that direction.

I have lived at 1050 Cumberland Road for over 10 years, longer than anyone else in the immediate vicinity of the property in question, save for its neighbors at 1485 Piercy. You will hear no objections from me about the loss of the trees from the lot, as they helped shelter the alley for the local criminal element. The unlit alley, which runs from Piercy through to Tull, is a haven for ne'er-do-wells. In the past few years, I've called the police several times to report purses and luggage found in the alley (stolen from local homes) and also to address the drug dealing that happens there.

So you see, I did not shed a tear when the trees were removed – I actually looked forward to seeing a nice townhouse or condo development erected on the lot which would help 'uplift' our neighborhood – something similar to the Railside townhouse development at 1620 Piercy or the Habitat Humanity housing at 1580 Piercy, which are excellent examples of increasing density without detrimentally affecting the local neighbourhood.

That bubble quickly burst when I discovered that the developer was proposing 16 rental units with primary access via the lane. While it is not being advertised as low-income per se, what other sector of the market could they hope to attract in such a high-density development? As mentioned at the outset, we already have our share of low income dwellings within a few blocks of 1375 Piercy. Why not build something more suitable to middle-class families/retirees – something that would help boost the property values and aesthetics of the neighbourhood?

Of equal concern to me is that the design relies heavily on access to the narrow alley that runs between Piercy and Tull. This alley is the only access to driveways for residents of 1020 (vacant at present, but a duplex will likely be built soon), 1030, 1040 and 1050 Cumberland Road and the house at 1521 Tull. Parking in the alley is already a problem, and as there are not enough spaces for the 16-units in this development, its residents and guests will likely want to use the alley for overflow parking. Despite what the developer and The City may plan/hope for, every home has at least two vehicles. This means a 16-unit development needs 32 spaces, plus visitor parking.

To clarify the current problem, visitors to 1030, 1040 and 1050 Cumberland Road have very limited parking options. The few street parking spots in front of 1040 and 1050 are generally utilized by residents of the condo building at 1045 Cumberland Road. There is no street parking from 1030 to 1000 Cumberland (bus stop and 'no parking' by the daycare at 1000/1100). So visitors to those addresses often use the alley for parking, which is a hazard for those trying to navigate around them in snowy/icy conditions and a danger if emergency vehicle access is blocked. As already mentioned, the alley is very narrow – not wide enough for two vehicles to pass each other – and needs to be kept clear for emergency vehicles, garbage trucks, moving trucks, service vehicles, etc.

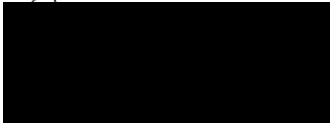
Another problem with most of the units having alley-only access is the increased likelihood of its residents cutting through the yards of 1020, 1030, 1040 and 1050 Cumberland Road to access the bus stop and as a short-cut to Lake Trail School. As a 10-year resident of the area, I can tell you this is an ongoing problem – pedestrians coming from Tull like to cut through our yards to access Cumberland Road. I don't think it's a stretch to say that trespassers make homeowners upset and anxious, particularly in the wee hours of the morning.

A resolution to all of these concerns would be a redesign of the development as follows:

- 1) Extend a long driveway from Piercy to the buildings at the back of the property, making this the only access to/from the development. (A good example of this design is the Habitat for Humanity Development just down the road.)
- 2) Erect a six-foot fence along the alley, all of the way from the entrance to the corner of 1485 Piercy, to block off the alley in its entirety and to prevent trespassing onto nearby properties.
- 3) Install "no parking" signage on the outside of the fence to ensure the alley is kept clear for emergency/service vehicles.
- 4) Create enough parking spaces within the development to allow for two vehicles per unit, plus visitor parking.

This redesign would direct all vehicle and foot traffic to/from Piercy, a wide street with plenty of parking and easy access to Cumberland Road and 17th Street. It also ensures that the development's residents have enough places to park, keeps the alley clear for emergency/service vehicles, prevents trespassers cutting through property of existing neighbors, and, most importantly, would be a gesture of goodwill to the existing residents of 1020-1050 Cumberland and 1521 Tull – the citizens who will have to live with the decision you make today, long after the developer had moved on to new projects.

Sincerely,

A large black rectangular redaction box covering the signature of the author.

To: Council
From: Chief Administrative Officer
Subject: OCP & Zoning Amendment for 1375 Piercy Ave

File No.: 3360-20-1603
Date: December 19, 2016

PURPOSE:

The purpose of this report is for Council to consider an application to amend the Official Community Plan (OCP) and Zoning Bylaw to permit a multi residential development at 1375 Piercy Avenue. The proposed amendments will change the OCP land use designation of the subject property from Urban Residential to Multi Residential and rezone the property from Residential Two (R-2) to Residential Four A (R-4A).

CAO RECOMMENDATIONS:

THAT based on the December 5th 2016 Staff report, "OCP & Zoning Amendment for 1375 Piercy Ave", Council approve OPTION 1 and proceed to First and Second Readings of OCP Amendment Bylaw No. 2854, 2016; and

THAT Zoning Amendment Bylaw No. 2855, 2016 as outlined in OPTION 1 proceed to First and Second Readings; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to OCP Amendment Bylaw No. 2854, 2016 and Zoning Amendment Bylaw No. 2855, 2016 on January 16th 2017 at 5:00 p.m. in City Hall Council Chambers.

Respectfully submitted,



David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The subject property is a large residential lot, approximately 2,270 m² in area, located near the intersection of Piercy Avenue and Cumberland Road. The property owners purchased the site in 2015. The property is currently zoned R-2 which permits a single residential home, duplex, secondary suite, carriage house or secondary residence. At the time of purchase, the property was developed with a single residential home constructed in 1948, and detached accessory building. The remainder of the site consisted of a circular drive, and landscaping including lawn, street trees, and a stand of mature coniferous trees located in the rear yard. The site has since been cleared and the property owners intend to demolish the existing home and garage prior to redevelopment.

The property owners are proposing to change the Official Community Plan land use designation to Multi Residential and to rezone the property to R-4A to allow the construction of 4 four-plexes for a total of 16 rental apartments. Each of the buildings will contain 4 dwellings: a 1-bedroom unit and 2-bedroom unit on the basement level; and 2 three-bedroom units above. Each of the upper units is two-storeys with the bedrooms located above the main floor living space. The unit sizes range from 58 m² (624 sq.ft) to 121 m²

(1,302 sq ft). All required parking will be provided onsite in garages, driveways and in a central surface parking lot. The adjacent lane will be paved as part of this development to comply with current City standards. The proposed site plan, building and landscaping design are illustrated in Attachments 1 - 4.



Top Left: Site in 2014 (treed) and 2016 (cleared).
Top Right: Site from the rear lane looking towards Piercy Ave. **Bottom Left:** Site with older character home as seen from Piercy Ave.
Bottom Right: Site from side lane looking towards the rear lane.

DISCUSSION:

The proposed development aligns with many City policies contained in the Official Community Plan, Affordable Housing Strategy, and the Downtown Playbook but similar to many infill projects, the proposed project does not meet all of the requirements of the zoning bylaw. This application is to consider changing the land use to allow multi residential development on this property. If the OCP and Zoning amendments are approved, the property owners will also need to apply for variances to the zoning bylaw to relax setback and open space requirements as well a Development Permit for the form and character of the development.

Official Community Plan Review

The proposal to re-designate the development site from Urban Residential to Multi Residential is supported by OCP policy which requires that multi residential development has access to schools, parks, walkways, transit and complementary commercial uses and services.

The proposed development site is located in a residential neighbourhood close to downtown and is well situated to provide a variety of transportation options. Future residents will have easy access by foot, cycling or transit to the many shops, services and cultural facilities available in the downtown core. Cumberland Road, which is 30 m north of the development site, is a designated cycling route and offers transit access to downtown, Puntledge Park and Driftwood Mall. The Rotary Trail Along the Rails, a multi-use recreational trail extending from 5th Street to 26th Street, is located just to the east of the proposed

development. By locating in an area that provides a variety of transportation options, residents will have the flexibility to choose the transportation mode which meets their household needs and can encourage a shift towards active transportation modes reducing community greenhouse gas emissions.

The OCP also contains residential policy goals to create inclusive neighbourhoods for housing. The proposed development increases housing choice in the neighbourhood by adding 16 rental apartments with one-bedroom, two-bedroom and three-bedroom options which accommodates different household sizes and needs (Attachment 4). Half of the proposed rental units consist of three-bedroom apartments which are desirable units for families with children. The current vacancy rate for 3-bedroom apartments in Courtenay remains at 0% according to information provided by Canadian Mortgage and Housing Corporation¹.

While the development proposal provides very limited outdoor recreational space, it is located within walking distance of Courtenay Elementary, Puntledge Park Elementary and Lake Trail Middle School and is in close proximity to Woodcote Park. Infill development faces many constraints and residential intensification often involves trade-offs. Successful multi-family infill projects often rely on community amenity space as development sites are typically much smaller than their more suburban counterparts. The increased reliance on community amenities is supported by planning rationale that acknowledges that increasing residential density should be accompanied with increased community amenities such as high quality parks and public open space. As part of this development proposal, the property owners will be required to contribute to the Parks, Recreation, Cultural and Seniors Facilities amenity fund.

Increasing residential density in neighbourhoods near the downtown accomplishes many OCP objectives by creating diverse and inclusive neighbourhoods, supporting the economic and cultural vibrancy of downtown, and creating a more sustainable growth pattern. However, high quality design is important in preserving the integrity and character of residential areas and in gaining community support for infill projects. In order to ensure that multi residential projects are well integrated with the surrounding neighbourhoods, these developments are subject to development permit guidelines for form and character contained in the OCP. A detailed evaluation of this development proposal in relation to the development permit guidelines will be presented at the time of Development Permit; however, the applicant has demonstrated that the development proposal meets the intent of the guidelines (Attachment 2 and 3). The massing of the proposed project, with 4 smaller buildings rather than a single larger apartment building, is sensitive to the neighbourhood context and provides an appropriate transition from the surrounding larger scale multi-residential projects and industrial uses to the north and east and the largely single residential homes to the south and west. The building design gives the appearance of a single residential home and is complimentary to adjacent properties. While the two buildings facing Piercy Avenue are set much closer to the street than the neighbouring house, this situation could occur with a building constructed under the existing R-2 zone as the neighbouring house is set back quite far from the street. The proposed development presents an attractive streetscape through the building design, front entrances, residential landscaping scheme and the provision of street trees.

Zoning

The developer is proposing to rezone the property from R-2 to R-4A. The R-4A zone is intended for infill development and permits single residential, duplex and multi residential dwellings as well as home occupations and daycare uses.

¹ Canadian Housing and Mortgage Corporation. Fall 2016. Rental Market Report: BC Highlights. Available at https://www.cmhc-schl.gc.ca/odpub/esub/64487/64487_2016_A01.pdf. Note this information is based on purpose built rental units.

The proposed development meets the use, density, height and parking requirements but requires variances to building setback, landscaping, and open space requirements. The proposed variances are summarized in the table below and are illustrated in Attachment No. 5. A detailed discussion of the proposed variances will occur at time of development variance permit application should the OCP and zoning amendments be approved.

Provision	Minimum Requirement	Proposed	Description
Side yard setback	4.5 m adjacent to the lane	2.8 m	Applies to the rear corner of building 2, remainder of development complies
	3.0 m from adjacent property	1.0 m, 1.7 m	Applies to garbage and covered entry to basement units, remainder of development complies
	6.0 m where back of building faces a side lot line	4.0 m	Applies to one side of building 3
Useable Open Space	20.0 m ² per unit	minimal	Amount to be determined once landscaping plan is finalized but not every unit has access to private open space and a common open space has not been provided
Landscaping	3.0 m	1.0 m, 1.7 m	Applies to garbage and covered entry to basement units, remainder of development complies

The proposed variances are consistent with other infill developments in Courtenay and will be discussed in greater detail as part of the Development Permit with Variance application. The City often receives requests to reduce one or more aspects of the zoning requirements for higher density residential redevelopment. The most common variance requests in the areas with an urban development pattern relate to useable open space, landscaping and parking requirements. These aspects will be considered as part of the infill study that the City will be conducting.

While building a single apartment building might be more easily accommodated on the site given the zoning regulations, staff strongly believe that the proposed development with several small buildings is a more appropriate form of development for this site and will have a positive impact on the neighbourhood.

Staff has suggested that the developer consider removal of two of the basement units in the central building in order to provide a secure storage area for tenants. This change would reduce the required number of parking stalls. Reducing the number of parking stalls would provide more flexibility in the site design and could: eliminate the potential conflict point at the walkway and driveway for unit 3; reduce the need for the side yard variance for building 3 by removing the garage and adjusting the layout; offer an alternative location for garbage further away from the adjacent property; or create a small outdoor common space. However, on balance, staff is of the opinion that the proposed development is consistent with the residential policies in the OCP, provides a much needed housing type in this community, and offers an appropriate design which preserves the residential character of the neighbourhood.

FINANCIAL IMPLICATIONS:

The OCP and rezoning application fees for this application total \$6,000. Should this application be approved, a Development Permit with Variances and a Building Permit will be required. The Development Permit with Variances application fee is \$4,000 and Building Permit fees are calculated at rates set out in the bylaw. At present it is \$7.50 for every \$1,000 of construction value with a minimum fee of \$50.

City and Regional District Development Cost Charges (DCCs) will be collected for this development. The current DCC rate is \$12,205 per unit. The City portion of the DCCs is \$4,135 and the Comox Valley Regional District portion is \$8,070.

Should this application receive Third Reading, amenity contributions will be collected at the rates set out in the Official Community Plan prior to Fourth Reading of the Zoning Amendment Bylaw. Amenity contributions are based on floor area for units in a multi residential building. For units up to 100 m² in area, \$500 will be collected for each of the two amenity funds: the Affordable Housing Amenity Reserve Fund and the Parks, Recreation, Cultural and Seniors Facilities Reserve Fund. For the larger units, \$750 amenity contribution will be collected for each of the two funds.

ADMINISTRATIVE IMPLICATIONS:

Processing OCP and Zoning Bylaw amendments is a statutory component of the corporate work plan. Staff has spent approximately 50 hours processing this application to date. Should the proposed OCP and Zoning amendments proceed to Public Hearing, an additional 2 hours of staff time will be required to prepare notification and respond to public inquiries. Following Public Hearing, if the proposed amendments receive third reading, approximately 4 hours of additional staff time will be required to process the sightline covenant, collect amenity contributions and to process the bylaws. Following adoption of the bylaw, additional staff time will be required to process the subsequent Development Permit and Building Permit applications including plan checking and building inspections.

ASSET MANAGEMENT IMPLICATIONS:

There are no immediate asset management implications identified with this application as the existing infrastructure has the capacity required to accommodate the proposed development. The property owners will be required to upgrade the lane as they are substantially increasing the volume of traffic accessing the lane. Frontage improvements will also be required along Piercy Avenue to reflect current City development standards. The developer's project engineer had identified a potential sight line hazard for a small portion of the front yard (Attachment 6). This would be addressed through a covenant to be registered on title prior to Fourth Reading of the Zoning Amendment Bylaw should this application proceed to Public Hearing and receive Third Reading.

STRATEGIC PRIORITIES REFERENCE:

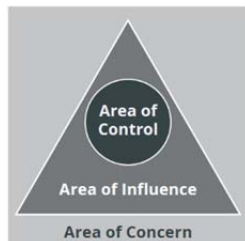
Development applications fall within Council's area of control and specifically align with the strategic priority to support meeting the fundamental corporate and statutory obligations of the City. This application also meets the goal to support densification aligned with the regional growth strategy.

We focus on
organizational and
governance excellence

● We support meeting the
fundamental corporate and
statutory obligations

We support diversity in housing and reasoned land use planning

- Support densification aligned with community input and regional growth strategy



● Area of Control

The policy, works and programming matters that fall within Council's jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

The development proposal is consistent with the following OCP policies guiding residential development:

- Balance land uses to create a vibrant and diverse neighbourhood and community
- Create neighbourhoods that offer a variety of transportation choices
- Preserve and enhance open spaces, greenways and environmentally sensitive areas
- Lead in creating inclusive neighbourhoods for housing
- Locate multi residential development where there is access to schools, parks, walkways, transit and complementary commercial/service uses

It is also consistent with the OCP climate change policy encouraging incremental infill development in core settlement areas.

REGIONAL GROWTH STRATEGY REFERENCE:

The development proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” including:

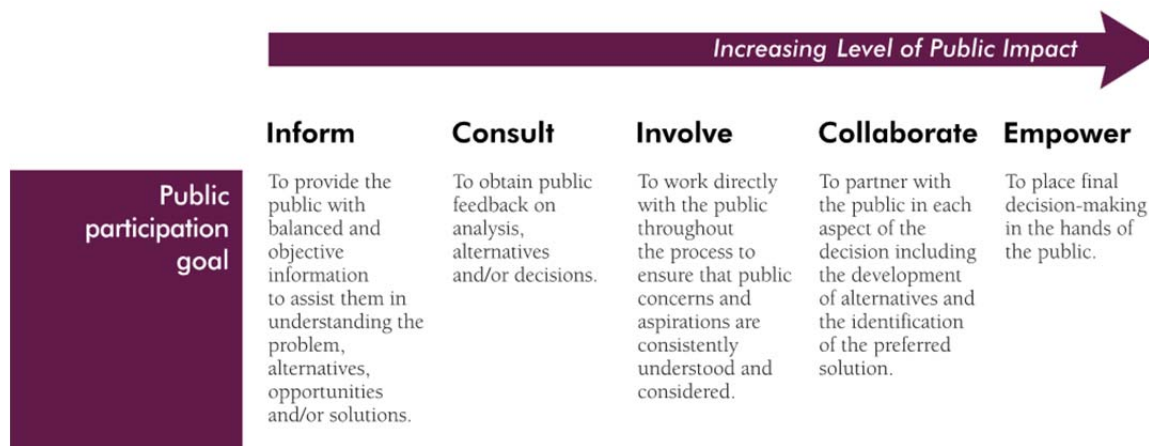
Objective 1-A: Locate housing close to existing services; and

Objective 1-C: Develop and maintain a diverse, flexible housing stock.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will **consult** 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



Should OCP Amendment Bylaw No. 2854 and Zoning Amendment Bylaw No. 2855, 2016 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*.

Prior to this application proceeding to Council, the applicant held a public information meeting on August 4, 2016. A summary of the public information meeting has been included as Attachment 7. According to the meeting summary report, two local residents attended the meeting. One of the residents had concerns that future residents or visitors would be parking in the lane and is concerned with the speed of traffic in the lane. The applicants have revised the plans to include a barrier curb to prevent vehicles from parking partially in the lane and partially on private property. City staff has advised the applicant that the installation of "No Parking" signs may be required at time of Building Permit at both entrances to the lane. With respect to the concern about speeding and traffic using the lane to short cut, the City has not received complaints related to travel speeds in this lane and staff are of the opinion that the narrow pavement width and sharp angle in lane design discourage high speed travel.

OPTIONS:

OPTION 1 (Recommended): Give Bylaws 2854 and 2855 First and Second Readings and proceed to Public Hearing.

OPTION 2: Defer consideration of Bylaws 2854 and 2855 with a request for more information.

OPTION 3: Do not approve Bylaws 2854 and 2855.

Prepared by:

Erin Ferguson, MCP
 Land Use Planner

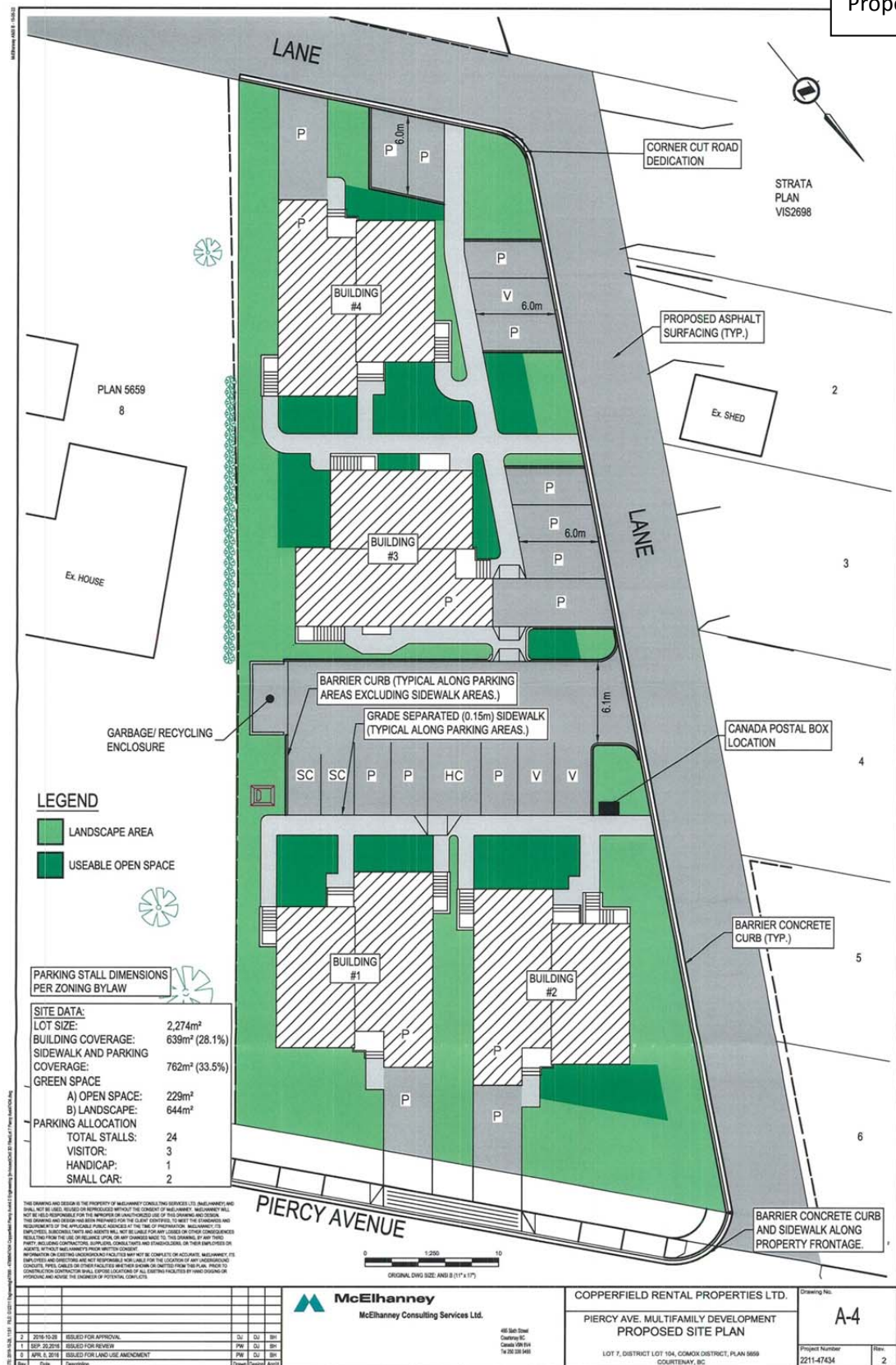
Approved by:

Ian Buck, MCIP, RPP
 Director of Development Services

Attachments:

4. *Proposed Site Plan, October 26, 2016*
5. *Renderings & Building Elevations*
6. *Landscape Plan*
7. *Floor Plan*
8. *Variances Site Plan*
9. *Sight line Covenant Drawing*
10. *Public Information Meeting Summary & Public Submissions*

ATTACHMENT 1
 Proposed Site Plan



ATTACHMENT 2
Project Rendering &
Building Elevations



1375 PIERCY AVENUE



1375 PIERCY AVENUE





1375 PIERCY AVENUE



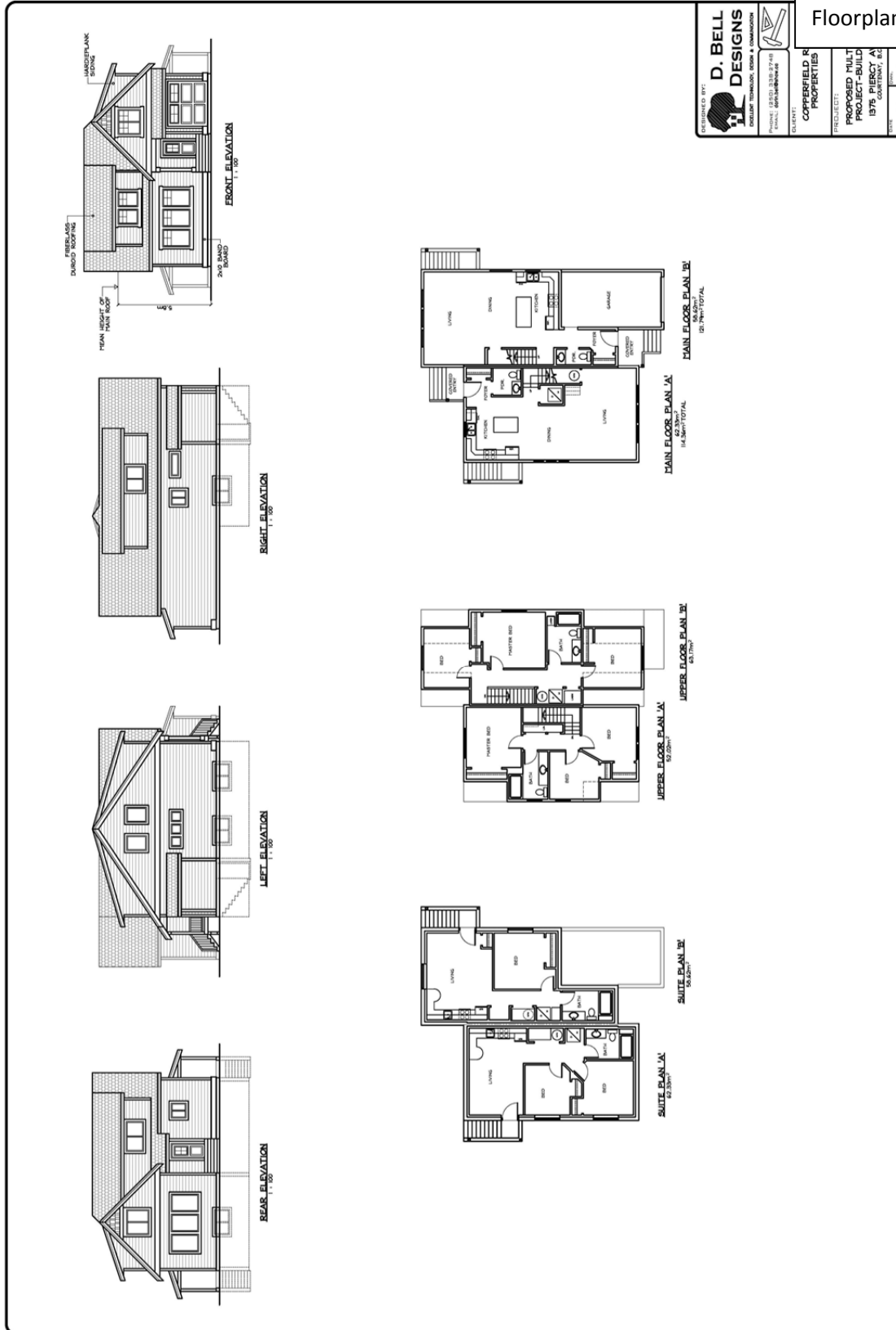
1375 PIERCY AVENUE

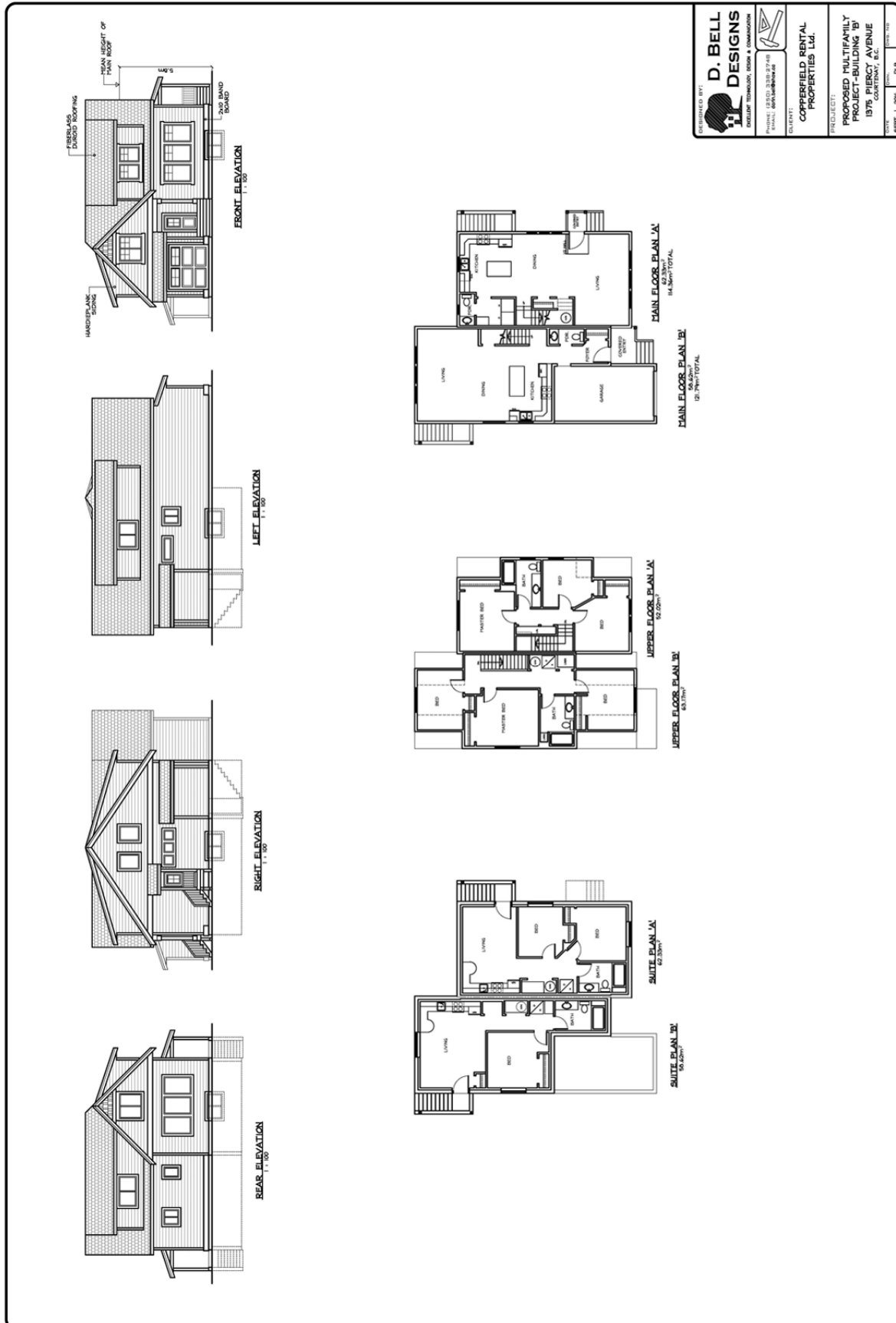


ATTACHMENT 3
Proposed Landscape
Plan

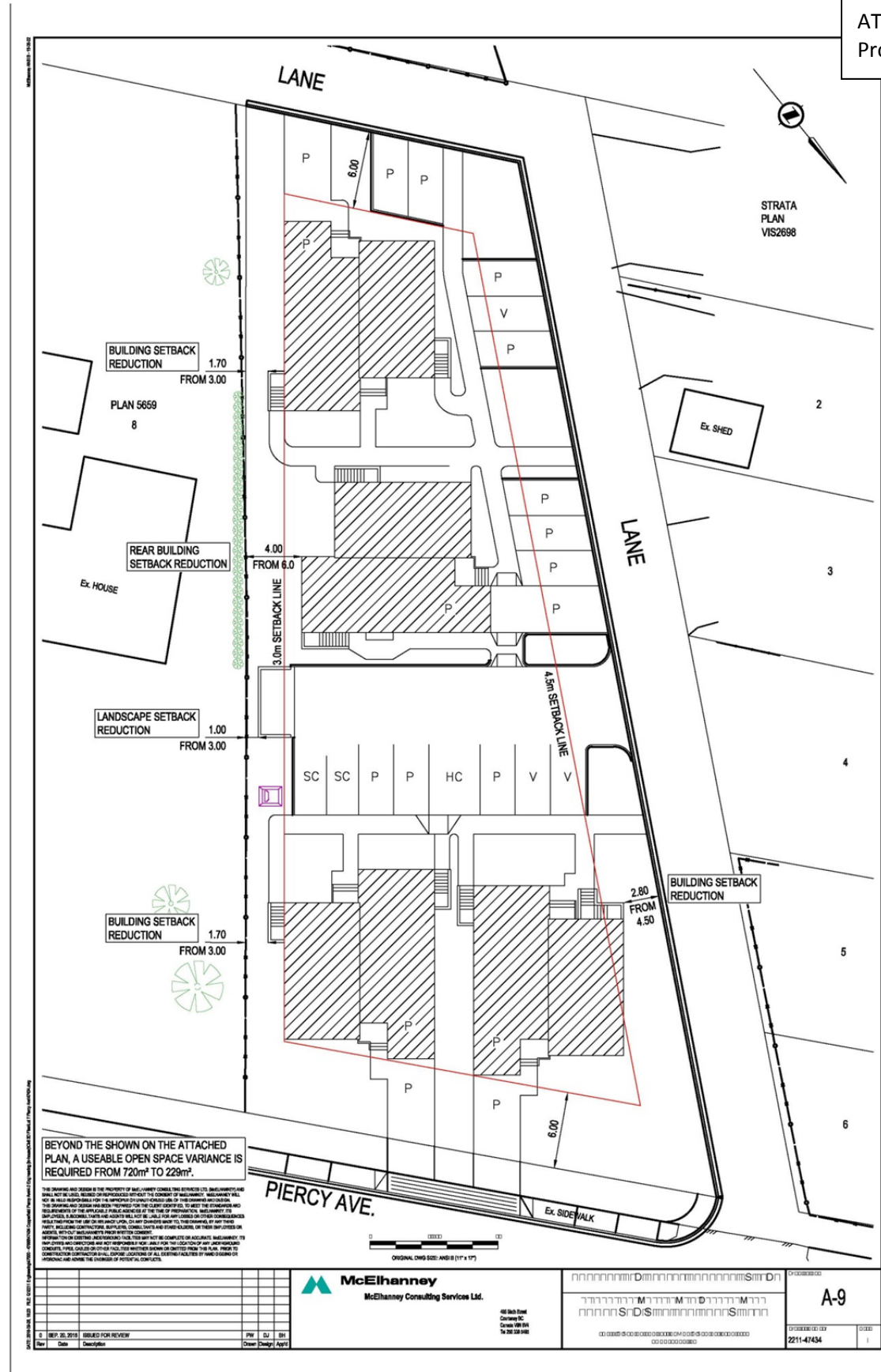


ATTACHMENT 4
 Floorplans

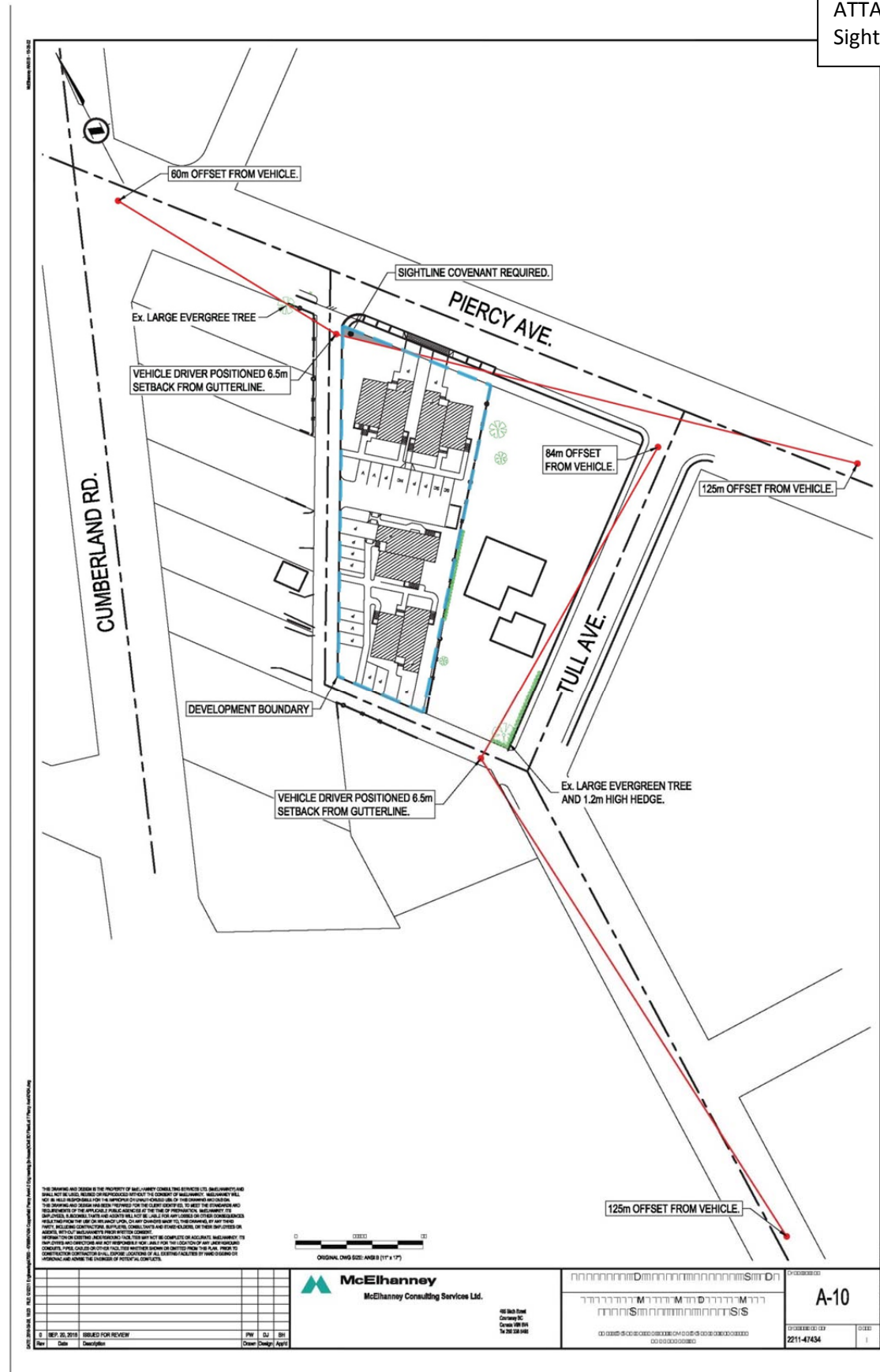




ATTACHMENT 5
 Proposed Variances



ATTACHMENT 6
 Sightline Covenant Area





ATTACHMENT 7
Public Information Meeting &
Public Correspondence

September 29, 2016

Our File: 2211-47434-0

Erin Ferguson
Planning Department
City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7

Dear Ms. Ferguson,

**LOT 7, DISTRICT LOT 104, COMOX DISTRICT, PLAN 5659-
PROPOSED MULTI-FAMILY DEVELOPMENT OF 1375 PIERCY AVENUE
NEIGHBOURHOOD MEETING SUMMARY**

A neighbourhood meeting regarding the above application was hosted by Copperfield Rentals Ltd. on August 4, 2016:

- a) Meeting was located in Lower Rotary Hall at the Florence Filberg Centre, beginning at 5:30 and finishing at 7:00pm.
- b) We have record of 2 residents in attendance (attached).
- c) Meeting notification details were hand delivered to all properties as per the list provided by the City of Courtenay, and mailed to all owners listed (not within 100m of the development).
- d) Information provided during the meeting: Architectural drawings; colour renderings; landscaping drawings; and proposed MCSL site plan A-4.
- e) Generally, topics of discussion included:
 - Property ownership.
 - Vehicle parking within laneway.
 - Local social issues.
 - Vehicle speeds within the local neighbourhood.
- f) Receipt of one comment sheet (attached).

Page 1 of 2

495 Sixth St
Courtenay BC
Canada V9N 6V4

Tel 250 338 5495
Fax 855 407 3895
mcelhanney.com



We trust you find the above information in order. Please don't hesitate to contact the undersigned should any additional information or clarification be required.

Yours truly,

McELHANNEY CONSULTING SERVICES LTD.

Derek Jensen, ASCT
Project Manager

Reviewed by:

Bob Hudson, P.Eng
Branch Manager

Enclosures

DJ:ldg

Cc: Copperfield Rental Properties Ltd., Rob Leighton

PUBLIC INFORMATION MEETING

August 4, 2016

Copperfield Rental Properties-1375 Piercy Avenue

COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]
Address: [REDACTED] Phone: [REDACTED]

(Copperfield Rental Properties) has applied to the City of Courtenay for a Official Community Plan Amendment, Zoning Amendment & Development Permit with Variances at 1375 Piercy Avenue. 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?

- VAN ZEL*
- Would have preferred to see owner-occupied units but happy to know developer will maintain landscaping. I would appreciate rental contracts to include provision for keeping exterior junk-free, and advising there is no parking in the lane.
 - I want deep curbs or fencing all down the lane and "NO PARKING" signage throughout. Lane is very narrow + parking in lane by visitors to residents is an ongoing problem. This is a fire-lane + the only access to my driveway + some of my neighbours
 - Speed bumps in lane (x4) as speeding to cut through to Tull from Piercy is an ongoing problem.
 - Happy that you are paving lane + putting in ~~the~~ drainage - we need a drain on the "L" as rain runs down my driveway :-

Please return your comments by August 18, 2016

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

1. Hand your comment sheet in tonight.
2. Drop your comment sheet off at MCSL at 495 Sixth Street, Courtenay, BC V9N 6V4
3. Email your comment sheet to djensen@mcelhanney.com

June 1, 2016

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

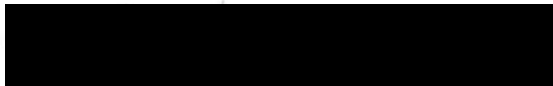
Dear Mr. Buck

Re: PROPOSED MULTIFAMILY DEVELOPMENT OF 1375 PIERCY AVENUE

After meeting with the developers and reviewing with them the proposed drawings, please accept this letter as our support for the proposal. The proposed buildings and landscaping plans have taken into account our privacy and shown respect for our treed hedge. We appreciate the height of the proposed buildings also taking into account our privacy.

We would however, like to request a 6' high solid cedar fence be installed on the property line, to provide additional privacy and screening. The developers in our meeting agreed to providing such a fence.

Sincerely,

A black rectangular redaction box covering the signature of the sender.A black rectangular redaction box covering the address of the sender.



1800 Noel Avenue
Comox, British Columbia
V9M 2L1
Telephone: (250) 339-3033
Fax: (250) 339-7072
admin@cvcdds.com

November 24, 2016

To Whom it May Concern,

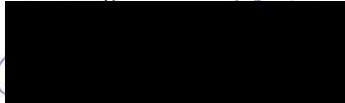
The Comox Valley Children's Day Care Society operates Lighthouse Early Learning Centre at 1000 Cumberland Rd in Courtenay. This child care program serves up to 30 families per day.

The purpose of this letter is to formally offer our support for the proposed housing project on the lot located at 1375 Piercy Ave, located directly behind our building. We know that this type of development only serves to enhance the neighbourhood.

We are confident that the project will have a positive effect on our business and we look forward to the excitement that a construction site will bring to the children who attend our program.

If you require any further information, please do not hesitate to contact me.

Sincerely,



Comox Valley Children's Day Care Society

Blamire, Susan

From: [REDACTED]
Sent: January-06-17 12:50 PM
To: PlanningAlias
Subject: re: 1375 piercy avenue public hearing for zoning amendment

Hello, my name is [REDACTED] and I live just around the corner from the proposed development and I am in complete agreement with it.

The city in general very much needs *far *more dense housing in and near the downtown area of Courtenay if this city is to grow and be vibrant.

Beyond this particular project, I am very much in favour of far more much higher density apartments within easy walking distance to the center of town.

I'm hoping more unit availability will result in more rental affordability and a more vibrant growing downtown community.

Thank you.

- John

10 May 2017

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


Dear Mayor and Council

The Boomer's Legacy BC Ride 2016 fundraising event held last June was once again most successful in raising funds that "help our soldiers to help others". The success of an endeavour of this magnitude relies upon the generosity and giving spirit of organizations and personnel alike. Cooperation and coordination with individual municipalities and their councils in particular are absolutely critical to the ride's success.

Please find the included information about what Boomers Legacy is and what we do. The Coordination between the foundation and the City allows upwards of 100 cyclists to start their journey from 19 Wing Comox, through Courtenay, and on to Victoria.

We are currently planning the 2017 ride, with dates set for June 10 and 11, 2017.

Thank-you for taking your time to learn about our organization. We encourage you to come out and watch the ride and cheer on the riders, and would appreciate any and all assistance to spread word of the ride through available media outlets. For more information please contact me at any time.



Andrew Gower
Captain
Chair Friends of Boomer's Legacy Ride Committee 2016/17
bikeride.boomerslegacy@gmail.com

FRIENDS OF BOOMERS LEGACY

Boomer's Legacy empowers all members of the Canadian Armed Forces to provide humanitarian assistance in the communities they serve or on deployed operations.



Corporal Andrew "Boomer" Eykelenboom is a Canadian Armed Forces medic who was killed by a suicide bomber on August 11, 2006 while serving in Afghanistan.

Andrew was committed to saving lives and helping the Afghan people realize freedom; his death was the catalyst to creating a foundation that allows Canadian men and women in uniform make a positive difference in the lives of others.

Service on deployed operations



Boomer's caps in Afghanistan



Boomer's caps and Izzy dolls



Democratic Republic of the Congo

Service to Canadians



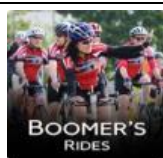
\$20,000 to the HeroWork Program to refurbish the Rainbow Kitchen in Esquimalt



\$10,000 to the Rankin Inlet Breakfast Program - support for up to 600 students



\$2,490 to the Comox Valley Salvation Army Christmas Hamper Program



10th anniversary

Boomer's Legacy BC bike ride
240 km | Comox Valley to Victoria
June 10 and 11, 2017

A fully supported two-day road-cycling trip that raises funds for Boomer's Legacy while increasing awareness as each cyclist rides in memory of a fallen soldier, displaying their photo and biography on their bike.

Register @ boomerslegacybc.ca.



BRIEFING NOTE

To: Council
From: Chief Administrative Officer
Subject: Crosswalk Request at Back Road and Tunner Drive

File No.: 5210-02 (2017)
Date: May 10, 2017

ISSUE:

The purpose of this Briefing Note is to provide Council with staff's response to a request received from a resident requesting a crosswalk on Back Road at Tunner Drive.

BACKGROUND:

In response to correspondence from a resident requesting a crosswalk on Back Road at Tunner Drive, a comprehensive traffic study was undertaken by Engineering Services staff. The outcomes are provided below.

KEY CONSIDERATIONS:

Crosswalk Warrant Analysis

The City uses Transportation Association of Canada (TAC) criteria to assess crosswalk requests. The criteria set out in TAC's *Pedestrian Crossing Control Guide* include traffic volume, the width of road to be crossed, pedestrian volume, and the distance to the next available marked crossing.

Staff counted vehicle and pedestrian traffic in November 2014 to complete TAC's crosswalk warrant. In the peak hour of the week the highest vehicle volume recorded was 713 vehicles in a one hour period. This number is used to calculate the gaps in traffic which represent a crossing opportunity for pedestrians. An acceptable gap is the time needed to cross the traveled lanes of a roadway at a walking speed of 1.2 metres per second, plus three seconds of perception and reaction time. This number is used to calculate the number of times a pedestrian can cross the roadway over a given time period. In the peak hour of vehicle traffic on Back Road, there were ample opportunities for pedestrians to cross Back Road without needing a marked pedestrian crossing based on TAC standards.

To collect pedestrian data, staff corresponded with the nearby church to determine when the highest volumes of pedestrians crossing Back Road might be, and counted pedestrian movements in the area after a mass at the church. In the peak hour there were 11 pedestrians crossing at this location. TAC requires a minimum average hourly pedestrian volume of 15 pedestrians per hour in order to warrant a marked crossing. This criteria was not met.

The third criteria is the proximity to the next available marked crossing, which is at the intersection of Back Road and Ryan Road. TAC requires that pedestrian crossings be a minimum of 200 metres apart. The crossing at Back and Ryan Roads is only 135 metres away. Having traffic control devices in close proximity to each other can result in incorrect driver decisions which, in turn, may lead to collisions with pedestrians and other road users. Close proximity of various devices can also result in traffic flow disruptions and hence, low level of service along a corridor. In addition, the signalized crossing is a much safer crossing

than a simple painted crosswalk would be, because vehicles are controlled by the signal. At a painted crossing, the pedestrian has to try to catch the driver's eye and hope the driver will choose to stop. The crossing at Ryan Road is a safer choice, and within a reasonable walking distance.

While incidents involving pedestrians are not included as a direct component of TAC's warrant model, staff included a review of the incident history as part of the study of pedestrian crossing needs at this location. There have been only 5 incidents at this location since 2000, and none of them involved pedestrians trying to cross Back Road.

None of TAC's criteria for a marked pedestrian crossing are met at this location, and so staff does not recommend the installation of a crosswalk at this time.

Moving Forward

Staff has committed to recounting vehicles and pedestrians in the spring of 2017, in order to reassess this request. If the warrant criteria are met, staff will recommend the installation of a crosswalk through the Asset Management Department's risk register for future consideration by the Asset Management Working Group.

Respectfully submitted,



David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

Prepared by



Craig Perry, P.Eng.
Manager of Transportation & Utilities - Engineering



THE CORPORATION OF THE CITY OF COURTENAY

BRIEFING NOTE

To: Council
From: Chief Administrative Officer
Subject: 5th Street Complete Streets – Project Update

File No.: 8520-01; 16009
Date: May 9, 2017

ISSUE:

This Briefing Note is to present Council with the Functional Design for the Complete Streets Pilot Project.

BACKGROUND:

Throughout 2016, City staff and project team members from Urban Systems worked with key stakeholders and the community to identify the priorities surrounding the Complete Streets Pilot Project, and to review the issues and opportunities specific to the study area. The priorities identified by the public through this engagement process were used to inform the Functional Design of 5th Street between Fitzgerald Avenue and Menzies Avenue.

Based on the initial public engagement process, five surface treatment options were prepared for Council's consideration and further public engagement. Both Council and the community reviewed the opportunities and trade-offs presented with each option.

At the December 5, 2016 Regular Council Meeting, Council resolved that:

Moved by Frisch and seconded by Wells that based on the December 5, 2016 staff report entitled "5th Street Complete Streets Pilot Project – Presentation by Urban Systems and Concept Options Selection," Council approve Option 1 and direct staff to proceed to detailed design based on the Option 4 (raised) cross section, with parking provided between Fitzgerald and Harmston, and alternating parking and raingardens provided throughout the remainder of the corridor.

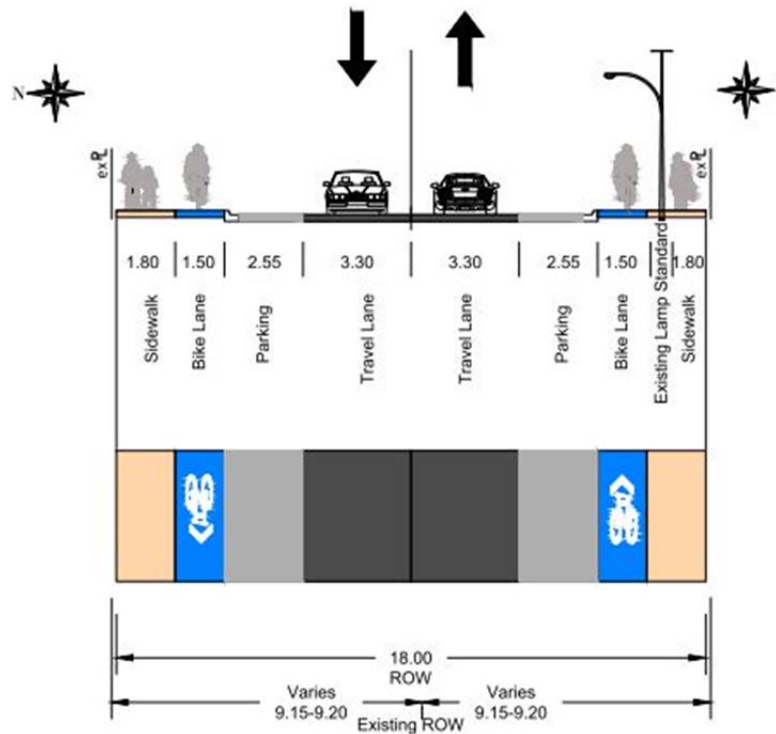
At the same Council meeting, a timeline was presented which envisioned Functional Design in Spring 2017, Detailed Design through to Summer 2017, and Final Design and Tender by the end of 2017. We are on schedule to meet these stated timelines.

KEY CONSIDERATIONS:

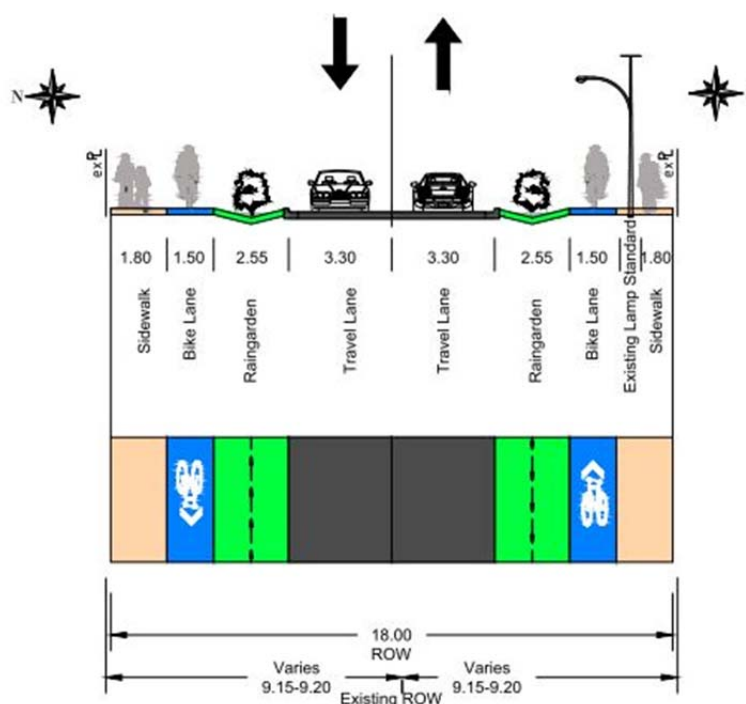
Based on the feedback provided to date, Urban Systems has prepared the attached Functional Design for the 5th Street complete streets corridor from Fitzgerald to Menzies. The design incorporates the required components of the selected option while taking existing conditions into consideration (e.g. right-of-way width, utilities, transit, parking requirements), as well as comments provided by stakeholders, residents and businesses within the corridor.

The various cross-section elements have been incorporated into the Functional Design as illustrated in the following:

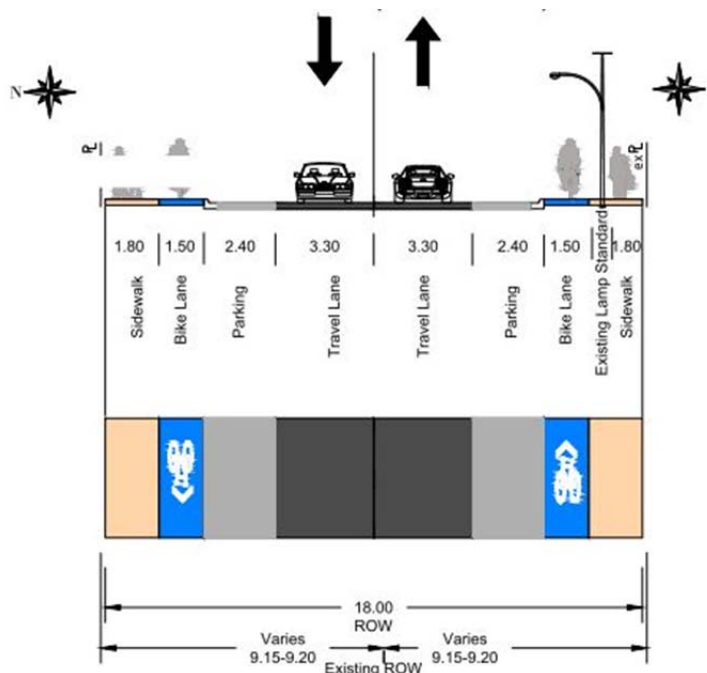
1 - Fitzgerald to Harmston – protected bike lane with parking on both sides



2(a) - Harmston to Menzies – protected bike lane with rain garden



2(b) – Harmston to Menzies – protected bike lane with intermittent parking



Stakeholder feedback:

The initial Functional Design was provided to all adjacent residents and business owners along the study area corridor, as well as other key stakeholder agencies (e.g. Transit, cycling coalition, DCBIA) with feedback requested by March 31, 2017. Comments were received which have been addressed in the revised Functional Design as attached. Further work will be required during Detailed Design. Comments included:

- Drainage considerations at 5th and Johnson – to be reviewed / addressed during Detailed Design.
- Relocation of the westbound transit stop further west in light of future bus exchange at Fitzgerald (comment from the Comox Valley Regional District) – transit stop relocated further west to Leighton Avenue.
- Relocation of pedestrian crosswalk at Leighton Avenue to the east side – not possible due to lane location, and relocation of transit stop.
- Additional parking spaces in front of residential properties – addressed in revised Functional Design where appropriate.
- The location of the bike lane between parked cars and sidewalk between Fitzgerald and Harmston is felt to be dangerous by some adjacent residents – no change was made to the Functional Design to reflect these comments as this was part of the cross-section approved by Council, identified throughout the community discussions as a trade-off to Option 4 (raised). Urban Systems will look for ways to improve safety concerns during detailed design (e.g. dooring from the passenger side), through potential signage, paint colour and bicycle markings, and educational opportunities.

Finally, as part of the Functional Design review, Urban Systems assessed the potential to relocate the existing power poles from the inside of the sidewalk to the back of the sidewalk (i.e. against property lines). While this approach would be more cost effective than providing underground hydro and new street lights, it would still entail a number of design and budget implications which would put the project beyond the current grant allocation. The preference is to design to accommodate the existing location of the poles, however individual pole locations will be considered as part of detailed design moving forward.

Prepared by:

A handwritten signature in black ink, appearing to read 'Craig Perry', with a stylized flourish at the end.

Craig Perry, P.Eng.,
Manager of Transportation and Utilities – Engineering



Minutes of a City of Courtenay Heritage Advisory Commission meeting held March 22, 2017 at 10:00 a.m. at the City of Courtenay.

Present: L. Burns C. Piercy J. Hagen J. Fortin A. Ireson
R. Dingwall L. Grant Staff: E. Ferguson

Absent: D. Griffiths R. Smith

ADDITIONS

J. Fortin requested thank you be sent to City.

MINUTES

Moved by R. Dingwall and seconded by J. Fortin that the January 11, 2017 minutes be adopted as corrected.

Carried

OLD BUSINESS

40 HOUSES

L. Burns has been liaising with Parks staff regarding the installation of the plaque and has been trying to contact the adjacent property owner.

STEWART BLOCK

L. Burns and A. Ireson are meeting with property owner to discuss the signage proposal.

HERITAGE BC WEBINARS

Next webinar is schedule for April 14 on how to use the Standards and Guidelines for the Conservation of Historic Places in Canada.

**REPORT ON HERITAGE
CLOCKS**

No further update.

**HARMSTON GRAVESITE
TREES**

R. Dingwall and L. Burns met onsite with the site facilities manager who will follow-up with the property owner and review the situation with their arborist. In support, the HAC will send letter formally outlining the request.

Carried

2017 BUDGET

10.5 hrs on the inventory update (March)
2 hours on Harmston Gravesite (March to-date)

**ANNUAL REPORT TO
COUNCIL**

Annual Report to be done in May/June. L. Burns is preparing draft report.

APPRECIATION CARDS

J. Fortin took photos of renovated properties and the inventory will be updated with this information.

NEW BUSINESS

MUSEUM REPORT

No update given.

LETTER OF APPRECIATION

Moved by J. Fortin and seconded by A. Ireson that a letter of appreciation be forwarded to the City for the recently installed streetscape improvements which enhance

Courtenay's heritage neighbourhood.

CONFERENCE

Moved by J. Hagen and seconded by R. Dingwall that L. Burns attend the 2017 Heritage BC conference on behalf of the Heritage Advisory Commission.

Carried

HERITAGE STORAGE

L. Burns provided linear footage calculation for storage needs. L. Burns and E. Ferguson to do a walk through City Hall to inventory heritage assets.

L. Burns, E. Ferguson to meet with Museum staff to discuss creating a City Heritage Archive.

CORRESPONDENCE

Letter of thanks sent to Cumberland Heritage Faire organizers.

Letter of thanks sent to Anne Guillo for preparing the Stewart Block panel.


FOR YOUR INFORMATION

Inquiry on history of Comox/Dike road
Inquiry regarding history of the house on 10th street which is now operating as notary business for Kate Greening. This should be updated in the housing inventory.

NEXT MEETING

April 26, 2017 at 10am.

ADJOURNMENT at 11:45 am.


Chair

302 - 199 - 31st St.,
Courtenay, B.C.,
V9N 8X1

April 24, 2017

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

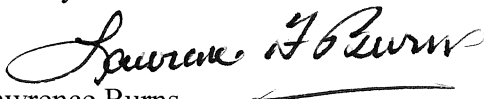
Attention: Mayor & Council &
Engineering & Public Works Dept.

On behalf of the City of Courtenay Heritage Advisory Commission, I would like to express our appreciation to each one of you for your part in initiating and carrying out the recently installed streetscape improvements, which enhance the "Old Orchard" Heritage Neighbourhood. Another example of your interest in the Heritage of our beautiful City.

Also, we are looking forward to the "Complete Street" Project (5th St. from Fitzgerald Ave to Menzies Ave), in the planning stage and soon to be commenced. As stated previously, this will be a tremendous improvement to the "5th St. Corridor", identified in the Heritage Register as one of our Heritage Areas.

There is a lot of history in these two areas, particularly. Thank you for your interest and support and we look forward to working with you in identifying and maintaining the long history we enjoy.

Thank you.

A handwritten signature in black ink, appearing to read "Lawrence Burns", with a horizontal line underneath.

Lawrence Burns,
Chairman,
City of Courtenay Heritage Advisory Commission.

THE CORPORATION OF THE CITY OF COURTENAY

ROAD CLOSURE BYLAW NO. 2876, 2017

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

AND WHEREAS the Council of the City of Courtenay deems it expedient to close to traffic and remove the dedication of highway of that portion of highway comprising of four hundred seventy seven (477) square metres in area in Part of Section 67, Comox District, Dedicated as Road on Plan VIP77721 which is shown outlined in bold black on the reference plan prepared by Michael J. Hansen, B.C.L.S. 815 on the 16th day of March 2017, a reduced copy of which is attached hereto as Schedule “A”;

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

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

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

1. That portion of highway comprising of four hundred seventy seven (477) square metres in area in Part of Section 67, Comox District, Dedicated as Road on Plan VIP77721 which is shown outlined in bold black on the reference plan prepared by Michael J. Hansen, B.C.L.S. 815 on the 16th day of March 2017, attached hereto as Schedule “A” (the Closed Road), is closed to all types of traffic, and its dedication as highway is removed.
2. On deposit of the reference plan attached hereto as Schedule “A” and all other documentation for the closure of the Closed Road in the Victoria Land Title Office, the Closed Road is closed to traffic, it shall cease to be public highway, and its dedication as highway is cancelled.
3. The Mayor and Director of Legislative Services are authorized to execute and deliver such transfers, deeds of land, plans and other documentation as may be necessary for the purposes aforesaid.
4. This Bylaw may be cited as “**Road Closure Bylaw No. 2876, 2017**”.

Read a first time this day of , 2017

Read a second time this day of , 2017

Read a third time this day of , 2017

Approved under S. 52 (3) (a) of the *Transportation Act* this day of , 2017

Published in two editions of the Comox Valley Record on the and day of , 2017

Finally passed and adopted this day of , 2017

Mayor

Director of Legislative Services

REFERENCE PLAN OF PART OF SECTION 67,
COMOX DISTRICT, SHOWN DEDICATED AS ROAD
ON PLAN VIP7772I, TO ACCOMPANY ROAD
CLOSURE AND DISPOSTION BYLAW No. 2876, 2017,
OF THE CITY OF COURTENAY

SCHEDULE A

PLAN EPP70885

DRAFT

PURSUANT TO SECTION 120 OF THE LAND TITLE ACT
AND SECTION 40 OF THE COMMUNITY CHARTER

BCGS 92F.066

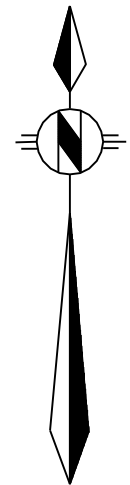
SCALE 1 : 600



ALL DISTANCES ARE SHOWN IN METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm
IN HEIGHT BY 432mm IN WIDTH (C SIZE) WHEN
PLOTTED AT A SCALE OF 1:600

NAD83 (CSRS) 3.0.0.BC.I.NVI, UTM ZONE 10				
TH	NORTHING	EASTING	CSF	HPA
MAG 59	5504058.56	357244.16	0.99985226181	0.05
MAG 61	5504238.84	357126.53	0.99985251117	0.05



LEGEND

GRID BEARINGS ARE DERIVED FROM DIFFERENTIAL
CARRIER PHASE GNSS OBSERVATIONS AND ARE
REFERRED TO THE CENTRAL MERIDIAN OF ZONE 10.

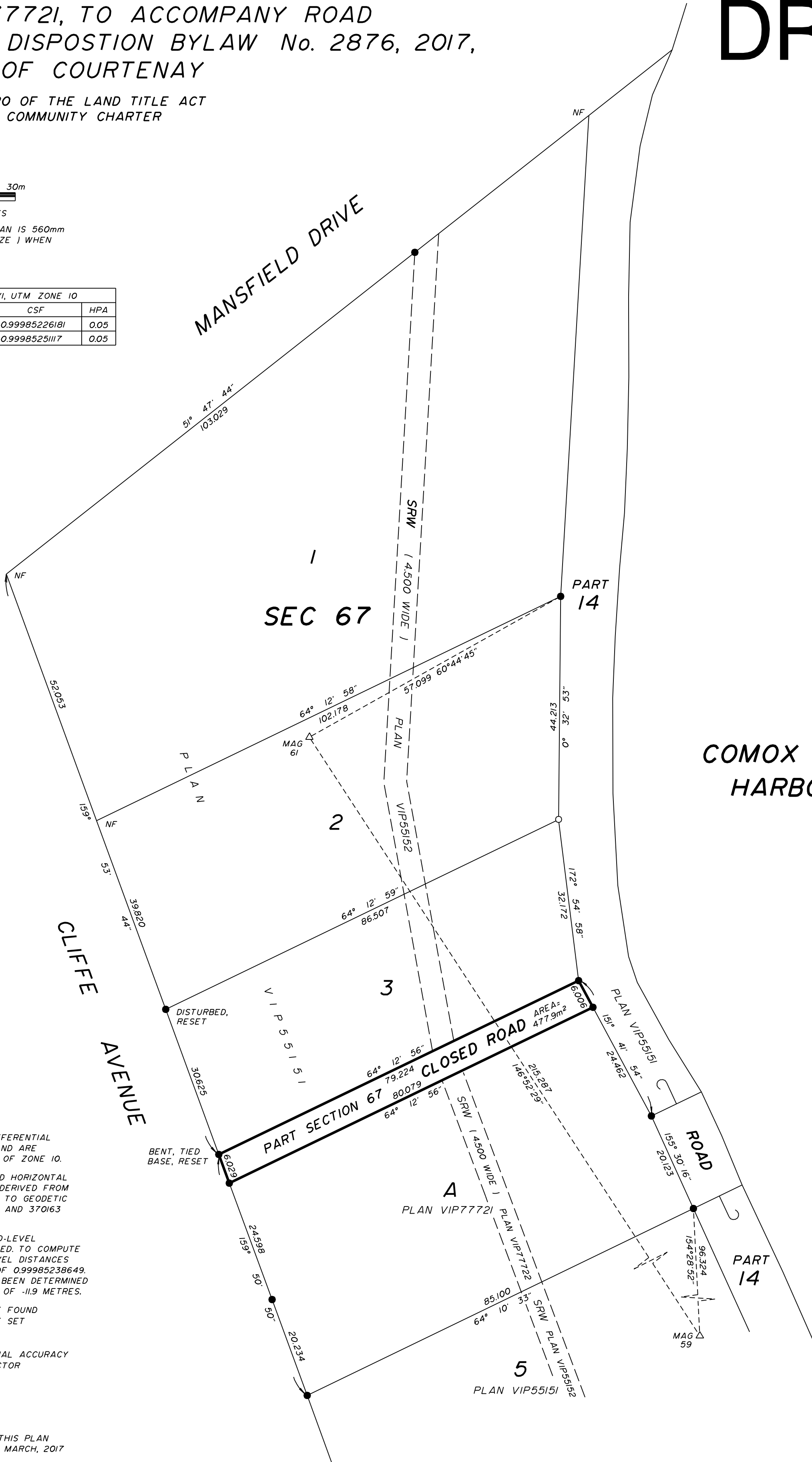
THE UTM COORDINATES AND ESTIMATED HORIZONTAL
POSITIONAL ACCURACY ACHIEVED ARE DERIVED FROM
DUAL FREQUENCY GNSS BASELINE TIES TO GEODETIC
CONTROL MARKERS 496919 (90H6255) AND 370163
(90H6253).

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL
DISTANCES, UNLESS OTHERWISE SPECIFIED. TO COMPUTE
GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES
BY THE AVERAGE COMBINED FACTOR OF 0.99985238649.
THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED
BASED ON AN ELLIPSOIDAL ELEVATION OF -11.9 METRES.

- - DENOTES STANDARD IRON POST FOUND
- - DENOTES STANDARD IRON POST SET
- △ - DENOTES TRAVERSE HUB SET
- MAG - DENOTES MAG NAIL
- HPA - DENOTES HORIZONTAL POSITIONAL ACCURACY
- CSF - DENOTES COMBINED SCALE FACTOR

THE FIELD SURVEY REPRESENTED BY THIS PLAN
WAS COMPLETED ON THE 16th DAY OF MARCH, 2017
MICHAEL J. HANSEN, BCLS 815

THIS PLAN LIES WITHIN THE COMOX VALLEY
REGIONAL DISTRICT AND THE CITY OF COURTENAY



McElhanney Associates
Professional Land Surveyors
495 6th Street
Courtenay, B.C. V9N 6V4
Ph : 250-338-5495
File 05575-RD-CLS

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2870

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. 2870, 2017**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) By rezoning Lot 3 and Lot 7, Section 67, Comox District, Plan VIP55151, as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Commercial Two (C-2) to Residential Four A (R-4A);
 - (b) By amending Section 8.4.11 to add “(7) *Care facility*”;
 - (c) By amending Section 8.4.11 to add “(8) Accessory commercial services for the personal care and convenience of onsite residents”;
 - (d) By amending Section 8.4.11 to add “(9) *Community Service* limited to adult daycare”;
 - (e) By amending Section 8.4.14 to add “(3) *Care facility* – 1.0 floor area ratio”;
 - (f) That Schedule No. 8 be amended accordingly.

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

Read a first time this _____ day of _____, 2017

Read a second time this _____ day of _____, 2017

Considered at a Public Hearing this day of , 2017

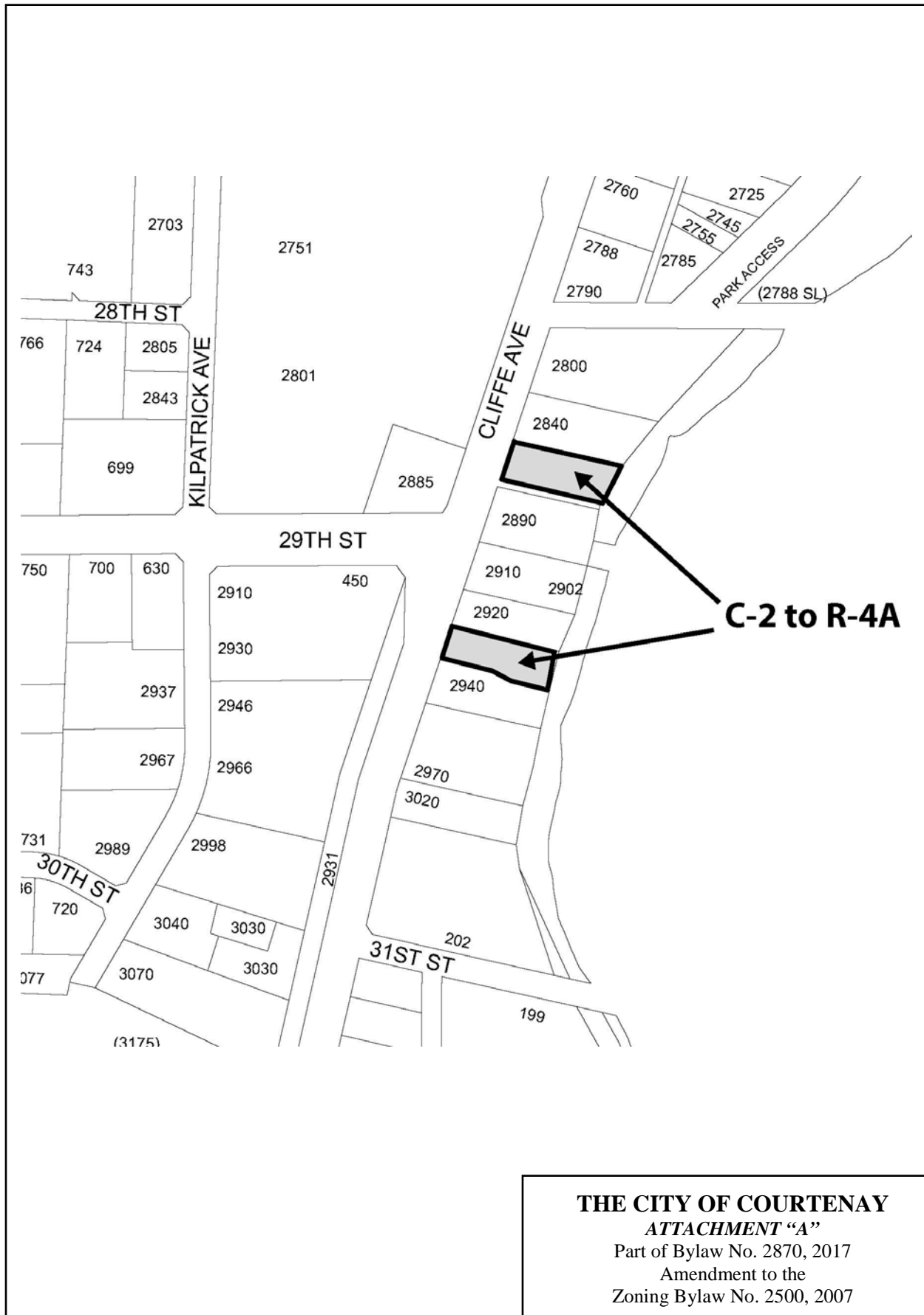
Read a third time this _____ day of _____, 2017

Finally passed and adopted this day of , 2017

Mayor

Director of Legislative Services

Approved under S.52(3)(a) of the *Transportation Act*



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2872

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. 2872, 2017**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) by rezoning Lot 23, District Lot 159, Comox District, Plan 30920 (1986 4th Street East), as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Residential One Zone (R-1) to Residential One S Zone (R-1S); and
 - (b) That Schedule No. 8, Zoning Map be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this _____ day of _____, 2017

Read a second time this _____ day of _____, 2017

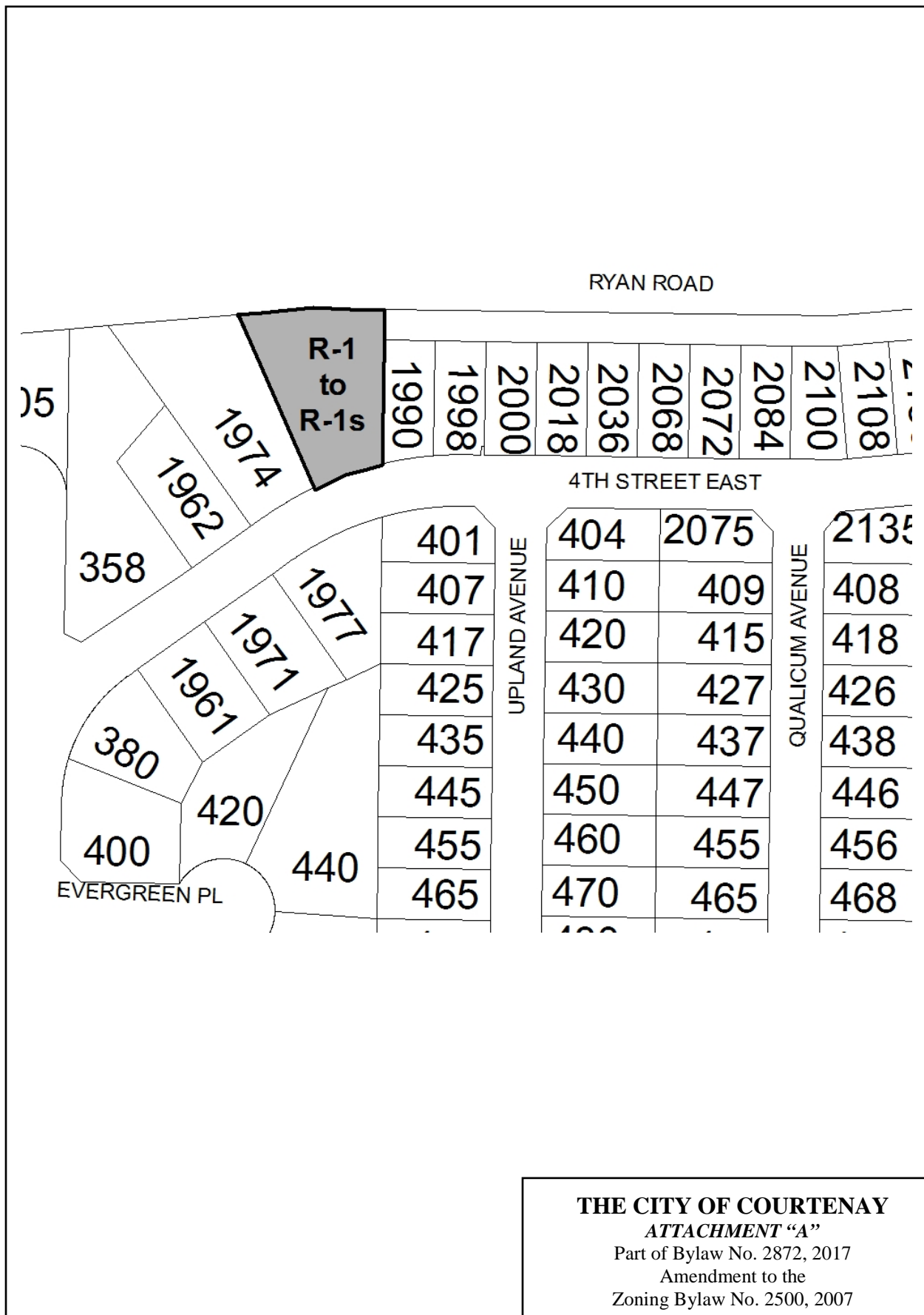
Considered at a Public Hearing this day of , 2017

Read a third time this _____ day of _____, 2017

Finally passed and adopted this day of , 2017

Mayor

Director of Legislative Services



THE CITY OF COURTENAY

ATTACHMENT "A"

Part of Bylaw No. 2872, 2017

Amendment to the

Zoning Bylaw No. 2500, 2007

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2883, 2017

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

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

1. This bylaw may be cited for all purposes as **“City of Courtenay Fees and Charges Amendment Bylaw No. 2883, 2017.”**
2. That “City of Courtenay Fees and Charges Bylaw No. 1673, 1992” be amended as follows:
 - (a) That Schedule of Fees and Charges, Section II, Appendix I, “Development Fees”, be hereby repealed and substituted therefore by the following attached hereto and forming part of this bylaw:

Schedule of Fees and Charges Section II, Appendix I – Development Fees

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

Read a first time this day of , 2017

Read a second time this day of , 2017

Read a third time this day of , 2017

Finally passed and adopted this day of , 2017

Mayor

Director of Legislative Services

**SCHEDULE OF FEES AND CHARGES
CITY OF COURTENAY FEES AND CHARGES AMENDMENT BYLAW
NO. 2883, 2017**

**SECTION II
APPENDIX I
DEVELOPMENT FEES**

SCHEDULE OF FEES AND CHARGES - DEVELOPMENT APPLICATIONS

APPLICATION	TOTAL
<i>Official Community Plan (OCP) Amendment</i>	
Application Fee.....	\$3,000.00
Small projects (less than 4 residential units or less than 465 m ² of commercial floor area)	\$2,500.00
<i>Temporary Commercial or Industrial Use Permit</i>	
Application fee	\$2,500.00
<i>Zoning Bylaw or Land Use Contract Amendment</i>	
1. Application fee	\$3,000.00
a. For existing developed residential property to allow for a secondary suite.....	\$500.00
2. Large projects - if application is for a parcel with a site area:	
a. Site area over 2 ha or if floor area exceeds 4500 m ²	\$5,000.00
*Plus:	
i. \$100 per residential unit for multi-family developments (to a max of \$10,000)	
ii. \$1.00 per m ² for commercial developments (to a max of (\$10,000)	
b. Site area over 8 ha or if floor area exceeds 9000 m ²	\$6,500.00
*Plus:	
i. \$100 per residential unit for multi-family developments (to a max of \$10,000)	
ii. \$1.00 per m ² for commercial developments (to a max of \$10,000)	
3. Comprehensive Development zone (other than 2b)	\$7,500.00
*Plus:	
i. \$100 per residential unit for multi-family developments (to a max of \$10,000)	
ii. \$1.00 per m ² for commercial developments (to a max of \$10,000)	
4. For each additional public hearing or public information meeting	\$2,000.00
If, at the discretion of the Director of Planning, a Peer Review is required for any technical documentation submitted in conjunction with an application, the applicant shall be required to cover the costs of such a review	
<i>Development Permit Applications</i>	
1. Application fee	\$2,500.00
a. For residential projects, add \$50 per residential unit or parcel over 25 units or parcels	
b. For commercial/industrial projects, add \$100 per 100 m ² of gross floor area over 500 m ² or add \$50 per 0.1 ha of site area over 0.4 ha whichever results in the greater fee (round up to nearest \$100.00)	
2. Application for a residential unit in an intensive residential zone	\$500.00/unit
3. For the Exterior renovation of existing commercial properties within the Downtown Courtenay Business Improvement Area.....	\$100.00
4. Environmental Development Permit.....	\$1,000.00
5. Minor Environmental Development Permit	\$500.00
6. Application to extend the period of validity for an existing permit	\$750.00
7. Application to amend an existing permit.....	\$750.00

Development Variance Permit Applications		
1. Application fee for commercial, industrial and multi-residential		\$1,500.00
2. Application for single residential or duplex		\$1,000.00
3. Application for variance of the Sign Bylaw		\$400.00
4. Application to extend the period of validity for an existing permit		\$500.00
Application for a phased strata development		\$1,500.00
Applications to the ALC		
1. Application to include or exclude land in the ALR		\$1000.00
2. Application to subdivide land within the ALR		\$600.00
3. Application to use land in the ALR for non-farm purposes		\$600.00
4. Application to place fill or remove soil for non-farm purposes		\$600.00
5. For each additional public hearing or public information meeting		\$1000.00
ALC Application Refunds		
1. If an application which requires a public hearing is withdrawn or rejected by Council prior to public notification, a partial refund will be issued.....		\$600.00
2. If an application to the ALC is withdrawn by the applicant prior to Council's consideration, a partial refund will be issued.....		\$300.00
Board of Variance		
Application to the Board of Variance		\$250.00
Building Permits		
1. Building permit (\$7.50 per \$1000 of construction value)	Minimum \$50	
2. Plumbing permit (\$8 per fixture).....	Minimum \$50	
3. Damage deposit. If value of construction is:		
a. Up to \$30,000		\$200.00
b. \$30,001 to \$80,000		\$500.00
c. \$80,001 to \$200,000		\$700.00
d. \$200,001 to \$2,000,000		\$1,000.00
e. Over \$2,000,000		\$1,500.00
Liquor License Applications		
1. Application fee, or	\$500 + GST	\$525.00
2. If a public hearing is to be held	\$1,250 + GST	\$1,312.50
Landscaping Inspections		
1. After 3 landscaping inspections, fee for each additional inspection	\$100 + GST	\$105.00
Sign Permits		
1. Freestanding Sign over 2.5 m in height		\$100.00
2. Freestanding Signs under 2.5 m in height		\$45.00
3. Fascia Signs, Canopy Signs, Projecting Signs		\$45.00
4. Portable Signs, Under Canopy Signs.....		\$10.00
Site Profile		
1. Administration Fee	\$150 + GST	\$157.50
Soil Removal or Replacement Fee		\$600.00

Strata Conversion

- | | | |
|--|-------------|----------|
| 1. Application for a strata conversion of a previously occupied building | | |
| a. Inspection fee | \$100 + GST | \$105.00 |
| b. Application fee | | \$500.00 |
| c. For each additional unit/parcel | | \$100.00 |

Subdivision Application Fees

- | | |
|-------------------------------------|----------|
| 1. First parcel | \$600.00 |
| Each additional parcel | \$150.00 |

Tree Cutting & Removal Permit

- | | |
|---|---|
| 1. Single family lots equal to or under 2000m ² in size, or when only two trees are removed on any sized lot..... | \$50.00 |
| 2. Single family lots between 2000m ² and 4000m ² in size..... | \$100.00 |
| 3. Lots of a land use other than single family residential, lots larger than 4000m ² and multi-lot subdivisions..... | \$250/4000m ²
of lot area |
| 4. Hazardous tree removal..... | No fee |

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2884, 2017

A bylaw to amend Municipal Ticket Information Bylaw No. 2435, 2006

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 **“Municipal Ticket Information Amendment Bylaw No. 2884, 2017.”**
2. That “City of Courtenay Municipal Ticket Information Bylaw No. 2435, 2006” be amended as follows:
 - a) That Schedule 1, Column 1 “Designated Bylaws” line item No. 12 “Tree Management and Protection Bylaw No. 2422, 2005”, be hereby repealed and substituted therefore by the following: “Tree Protection and Management Bylaw No. 2850, 2017”.
 - b) That Appendix 12 to Schedule 1, “Offence, Bylaw Section No. and Fine” be hereby repealed and substituted therefore by the following attached hereto and forming part of this bylaw.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this day of , 2017

Read a second time this day of , 2017

Read a third time this day of , 2017

Finally passed and adopted this day of , 2017

Mayor

Director of Legislative Services

APPENDIX 12 TO SCHEDULE 1

Tree Protection and Management Bylaw No. 2850, 2017

Column 1	Column 2	Column 3
OFFENCE	BYLAW SECTION NO.	FINE
Cutting or removal of tree without permit	6.1	\$1000.00
Carrying out tree damaging activities	6.1	\$1000.00
Failure to comply with terms of permit	6.1	\$1000.00
Removal of remains of a tree subject to this bylaw, prior to completion of investigation by a Designated Bylaw Enforcement Officer	6.2	\$1000.00

THE CORPORATION OF THE CITY OF COURTENAY

ROAD CLOSURE BYLAW NO. 2876, 2017

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

AND WHEREAS the Council of the City of Courtenay deems it expedient to close to traffic and remove the dedication of highway of that portion of highway comprising of four hundred seventy seven (477) square metres in area in Part of Section 67, Comox District, Dedicated as Road on Plan VIP77721 which is shown outlined in bold black on the reference plan prepared by Michael J. Hansen, B.C.L.S. 815 on the 16th day of March 2017, a reduced copy of which is attached hereto as Schedule “A”;

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

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

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

1. That portion of highway comprising of four hundred seventy seven (477) square metres in area in Part of Section 67, Comox District, Dedicated as Road on Plan VIP77721 which is shown outlined in bold black on the reference plan prepared by Michael J. Hansen, B.C.L.S. 815 on the 16th day of March 2017, attached hereto as Schedule “A” (the Closed Road), is closed to all types of traffic, and its dedication as highway is removed.
2. On deposit of the reference plan attached hereto as Schedule “A” and all other documentation for the closure of the Closed Road in the Victoria Land Title Office, the Closed Road is closed to traffic, it shall cease to be public highway, and its dedication as highway is cancelled.
3. The Mayor and Director of Legislative Services are authorized to execute and deliver such transfers, deeds of land, plans and other documentation as may be necessary for the purposes aforesaid.
4. This Bylaw may be cited as “**Road Closure Bylaw No. 2876, 2017**”.

Read a first time this day of , 2017

Read a second time this day of , 2017

Read a third time this day of , 2017

Approved under S. 52 (3) (a) of the *Transportation Act* this day of , 2017

Published in two editions of the Comox Valley Record on the and day of , 2017

Finally passed and adopted this day of , 2017

Mayor

Director of Legislative Services

REFERENCE PLAN OF PART OF SECTION 67,
COMOX DISTRICT, SHOWN DEDICATED AS ROAD
ON PLAN VIP7772I, TO ACCOMPANY ROAD
CLOSURE AND DISPOSTION BYLAW No. 2876, 2017,
OF THE CITY OF COURTENAY

SCHEDULE A

PLAN EPP70885

DRAFT

PURSUANT TO SECTION 120 OF THE LAND TITLE ACT
AND SECTION 40 OF THE COMMUNITY CHARTER

BCGS 92F.066

SCALE 1 : 600



ALL DISTANCES ARE SHOWN IN METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm
IN HEIGHT BY 432mm IN WIDTH (C SIZE) WHEN
PLOTTED AT A SCALE OF 1:600

NAD83 (CSRS) 3.0.0.BC.I.NVI, UTM ZONE 10				
TH	NORTHING	EASTING	CSF	HPA
MAG 59	5504058.56	357244.16	0.99985226181	0.05
MAG 61	5504238.84	357126.53	0.99985251117	0.05



LEGEND

GRID BEARINGS ARE DERIVED FROM DIFFERENTIAL
CARRIER PHASE GNSS OBSERVATIONS AND ARE
REFERRED TO THE CENTRAL MERIDIAN OF ZONE 10.

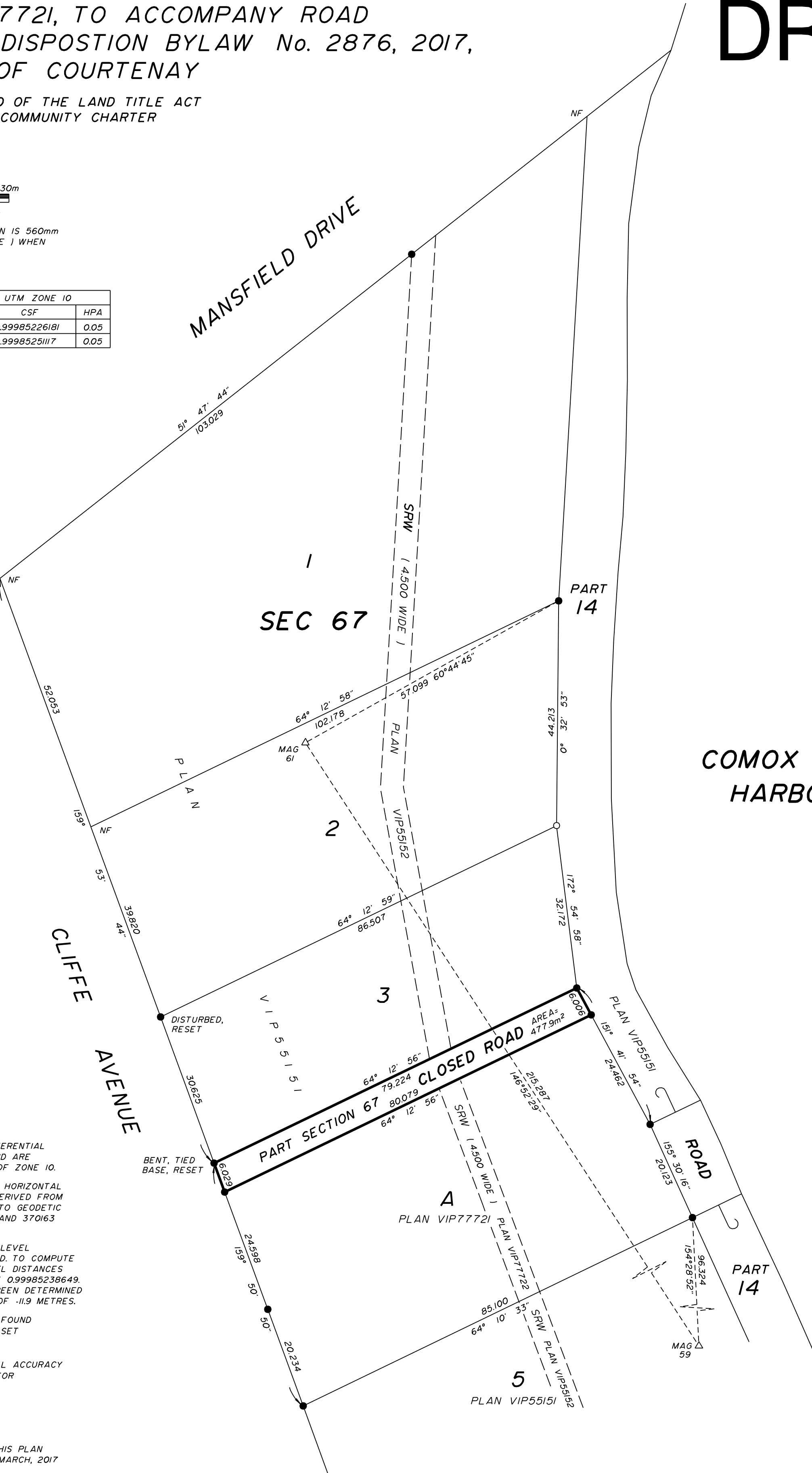
THE UTM COORDINATES AND ESTIMATED HORIZONTAL
POSITIONAL ACCURACY ACHIEVED ARE DERIVED FROM
DUAL FREQUENCY GNSS BASELINE TIES TO GEODETIC
CONTROL MARKERS 496919 (90H6255) AND 370163
(90H6253).

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL
DISTANCES, UNLESS OTHERWISE SPECIFIED. TO COMPUTE
GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES
BY THE AVERAGE COMBINED FACTOR OF 0.99985238649.
THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED
BASED ON AN ELLIPSOIDAL ELEVATION OF -11.9 METRES.

- - DENOTES STANDARD IRON POST FOUND
- - DENOTES STANDARD IRON POST SET
- △ - DENOTES TRAVERSE HUB SET
- MAG - DENOTES MAG NAIL
- HPA - DENOTES HORIZONTAL POSITIONAL ACCURACY
- CSF - DENOTES COMBINED SCALE FACTOR

THE FIELD SURVEY REPRESENTED BY THIS PLAN
WAS COMPLETED ON THE 16th DAY OF MARCH, 2017
MICHAEL J. HANSEN, BCLS 815

THIS PLAN LIES WITHIN THE COMOX VALLEY
REGIONAL DISTRICT AND THE CITY OF COURTENAY



McElhanney Associates
Professional Land Surveyors
495 6th Street
Courtenay, B.C. V9N 6V4
Ph : 250-338-5495
File 05575-RD-CLS

THE CORPORATION OF THE CITY OF COURTENA

BYLAW NO. 2867

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. 2867, 2017”**.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - a. Amending Subsection 8.19.1 by permitting a liquor store on Lot 2, Section 41, Comox District, Plan VIP75100 (1599 Cliffe Avenue).

This bylaw shall come into effect upon final adoption hereof.

Read a first time this 18th day of April, 2017

Read a second time this 18th day of April, 2017

Considered at a Public Hearing this 1st day of May, 2017

Approved under S. 52 (3)(a) of the Transportation Act this 8th day of May, 2017

Read a third time this _____ day of _____, 2017

Finally passed and adopted this day of , 2017

Mayor

Director of Legislative Services

THE CORPORATION OF THE CITY OF COURTENAY
BYLAW NO. 2850
A bylaw to regulate injury and removal of protected trees and
to require trees associated with private developments within
the City of Courtenay

WHEREAS the City Council may, by Bylaw, exercise certain powers within the City, to require planting of trees, to regulate cutting and removal of trees and to require their replacement;

AND WHEREAS trees provide a variety of individual and community wide benefits such as: stormwater and rainwater management, carbon absorption, air quality, heating and cooling benefits, aesthetic, quality of life and health benefits;

AND WHEREAS the City considers it in the public interest to provide for the protection, preservation, regulation and replacement of a target density of trees on all properties;

AND WHEREAS the City considers it in the public interest to provide for the protection of protected species;

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

1. CITATION

This Bylaw may be cited for all purposes as “Tree Protection and Management Bylaw No. 2850, 2016”

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3. DEFINITIONS

“**Arborist**” means

- a) a person certified as an arborist by the International Society of Arboriculture (ISA); or
- b) a person certified as a Tree Care Specialist by the Tree Care Industry Association (TCIA);
- c) a person certified under subsections (a) and (b) and advising on a ***hazard tree*** that is a ***protected species*** or is growing within a ***Riparian Assessment Area*** or other ***Environmentally Sensitive Area***, who holds the “Certified Tree Risk Assessor Qualification” as defined by the ISA;

"**Barrier**" means a device including a fence, guard, frame or any other conspicuous marker which is placed on, around, or near a tree to indicate that the tree trunk, roots or branches are not to be cut, removed or damaged;

"**City**" means, as the context requires, the Corporation of the City of Courtenay or the area within the boundaries of the City of Courtenay;

"**Council**" means the Council of the Corporation of the City of Courtenay;

“**Crown**” means the foliage bearing section of a ***tree*** formed by its branches but does not include the stem or trunk of a ***tree***;

“**Damage**” means to take any action that may impact or result in damaging the health or structural integrity of a ***tree***;

“**Decline**” means a tree that exhibits signs of a lack of vitality such as reduced leaf size, colour or density;

“**Development**” includes the following activities:

- a) Removal, alteration, disruption, or destruction of vegetation;
- b) Removal, deposit or disturbance of soils;
- c) Construction, erection, or alteration of buildings and structures;
- d) Creation of non-structural impervious or semi-pervious surfaces;
- e) Preparation for or construction of roads, trails, docks and bridges;
- f) Provision and maintenance of sewer and water services;
- g) Development of drainage systems;
- h) Development of utility corridors;
- i) Flood protection; and
- j) Subdivision.

“Development application” means an application to the City for approval to conduct any *development* including but not limited to applications for rezoning, development permit, development variance permit, demolition and building permits;

“Diameter at Breast Height (D.B.H.)” means:

- a) for a single-stemmed tree:
 - i. the diameter of a *tree* measured at 1.4 meters above the highest point of the natural *grade* of the ground from the base of a *tree*;
- b) for a multi-stemmed tree:
 - i. the *D.B.H.* is equal to the cumulative total of the *D.B.H.* of each stem;

“Director” means the City’s Director of Development Services or Manager of Planning;

“Drip line” means the small roots of a *tree* located within a circle on the ground around a *tree* directly under the tips of the outermost branches of the canopy of the *tree*;

“Emergency tree removal” means a tree that is dead, diseased, damaged or otherwise constitutes an imminent physical hazard to persons or property;

“Environmentally Sensitive Area (ESA)” includes:

- a) Watercourses including the sea, ponds, lakes, rivers, streams, natural drainage courses and wetlands;
- b) Riparian and wildlife habitat;
- c) Significant geographical features outlined in the Environmental Development Permit Areas Map #6 and ESA descriptions contained within the City of Courtenay’s Official Community Plan;

“Fill” means earth, sand, gravel, rubble, rubbish, garbage or any other material whether similar to or different from any of these materials, originating on the site or elsewhere, used or capable of being used to raise, lower, or in any way affect the contours of the ground;

“Grade” means a defined elevation of land that has been established as a result of geologic, hydrologic, or other natural processes or by human alteration;

“Greenfield” means undeveloped real property that is greater than 4000 meters in size (approximately 1 acre) and contains vegetation that has been left to evolve naturally;

“Hazardous or hazard” means a *tree* with a structural defect or changed stand conditions, which may result in property damage, personal injury or death;

“Infill” means real property that is less than 4000 square meters in size (approximately 1 acre);

“Invasive species” means non-native plants, animals and micro-organisms that colonize and take over the habitats of native species;

“Maintenance” means the care and maintenance of trees in accordance with *sound arboricultural practice* and includes planting, inspection, pruning, cabling and bracing, treatments for insect and disease problems, watering and fertilization including mulching;

“Native” means a *tree* species that occurs naturally in the *City*, and occurred prior to European contact;

“Net developable hectare” means the land area, measured in hectares, available for *development* but does not include public highways, utilities or structures and the allocation of lands for public parks, landscaping and *ESAs*, and other public works required to service lands;

“Photo documentation” means three photos of a *tree* including a picture of the whole *tree*, a picture of the defective part, and a picture of the area at a distance, including if possible, any nearby structures;

“Protected species” means:

- a) Garry Oak (*Quercus garryana*);
- b) Pacific Dogwood (*Cornus nuttallii*);
- c) Western White Pine (*Pinus monticola*);
- d) Pacific Yew (*Taxus brevifolia*);
- e) Trembling Aspen (*Populus tremuloides*);
- f) Arbutus (*Arbutus menziesii*).

“Protected tree” means

- a) a *public tree*;
- b) a *tree* of any size within a:
 - i. *Riparian Assessment Area*; or
 - ii. *Environmentally Sensitive Area (ESA)*.
- c) a *tree* of any size on sloping terrain having a *grade* equal to or greater than 30%;
- d) a tree planted or *retained* as a requirement of a subdivision application, development permit, development variance permit, building permit demolition permit, or *Tree Cutting Permit*;
- e) a *protected species* over 0.5 meters in height;
- f) *trees* protected by a restrictive covenant registered on title pursuant to section 219 of the *Land Title Act*;

“Prune” means the removal of not more than one-third of the live branches or limbs of a tree or not more than one-third of the live branches or limbs on a tree as part of a consistent annual pruning program and in accordance with *sound arboricultural practice*;

“Public tree” means a *tree* of any size on land owned by or in the possession of the *City*, including, without limitation, a *tree* in a park or on a highway, boulevard, road or lane allowance;

“Ravine” means a narrow, steep-sided valley that is commonly eroded by running water and has a slope *grade* greater than 3:1;

“Remove” means to entirely sever the main stem of a *tree* or to fell a *tree*;

“Replacement tree” means a *tree* planted on a parcel in accordance with section 10 of this bylaw to replace *trees* cut, *removed* or *damaged* on the same parcel or to achieve the *tree density target* including in instances where there are no or few trees on a parcel

“Retained tree” means a tree not to be cut, *removed* or *damaged*;

“Riparian Assessment Area” means:

- a) for a *stream*, the 30 meter strip on both sides of the stream, measured from the riparian area high water mark;
- b) for a *ravine* less than 60 meters wide, a strip on both sides of the stream measured from the riparian area high water mark to a point that is 30 meters beyond the top of the *ravine* bank; and

- c) for a *ravine* 60 meters wide or greater, a strip on both sides of the stream measured from the riparian area high water mark to a point that is 10 meters beyond the top of the *ravine* bank;

“Root protection area” means the area of land surrounding the trunk of a *tree* that contains the bulk of the critical root system of the *tree*, as defined on a plan prepared by an *Arborist* approved by the *Director*;

“Sound arboricultural practice” means in accordance with American National Standards Institute (ANSI) Publication, A300-Tree Care Operations and the companion Best Management Practices Series of the International Society of Arboriculture (ISA);

“Stream” means any of the following that provides fish habitat:

- a) a watercourse, whether it contains water or not;
- b) a pond, lake, river, creek or brook; or
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in subsection (a) or (b);

“Top” or “Topping” means the removal of large portions of the *crown* of a *tree*, including, but not limited to the making of horizontal cuts through the stems of a *tree*;

“Tree” means any species of woody perennial plant having one dominant trunk and a mature height greater than five (5) meters;

“Tree Cutting Permit” means the written authority granted by the *Director* pursuant to this Bylaw to cut or remove a *tree*;

“Tree damaging activities” means to take any action that may cause a *tree* to die or *decline*, including:

- a) cutting or damaging the roots of a *tree* growing inside the *root protection area*;
- b) placing *fill*, building materials, asphalt or a building or structure upon land inside the *root protection area* of a *tree*;
- c) operating or parking vehicles including trucks, backhoes, excavators or other heavy equipment over the roots of a *tree* growing inside the *root protection area*;
- d) denting, defacing, gouging or damaging the trunk of a *tree*;
- e) removing bark from a *tree*;
- f) depositing concrete washout or other toxins, liquid or chemical substances harmful to the health of a *tree* on land inside the *root protection area* of the *tree*;
- g) removing soil and/or native understory vegetation from land inside the *root protection area* of a *tree* or compacting soil within the *root protection area*;
- h) blasting inside the *root protection area* of a tree or outside the *root protection area* so as to *damage* roots or disturb soil inside the *root protection area*;
- i) undermining the roots of a *tree* growing inside the *root protection area*;
- j) altering the ground water or surface water level within the *root protection area* of a *tree*;
- k) *topping* a tree or *pruning* the *crown* in excess of one-third of the *tree*;
- l) affix or hang materials from a *tree* that may harm the *tree*; or
- m) girdling, ringing, poisoning, or burning a *tree*.

“**Tree density target**” means 50 *trees* per *net developable hectare*;

“**Tree Planting and Replacement Reserve Fund**” means the fund set aside for the purpose of planting *trees* in locations within the City of Courtenay other than where the lot where the tree has been injured or destroyed by *tree damaging activities*.

4. BYLAW PURPOSE

4.1 This Bylaw is enacted for the purposes of:

- a. regulating the cutting and *removal* of *trees*;
- b. regulating the protection of *retained trees* during *development*;
- c. setting forth expectations regarding the treatment of *trees* that are regulated under this Bylaw;
- d. requiring that *tree* retention and/or planting targets (measured as a *tree density target*) be achieved.

4.2 The Bylaw is not contemplated nor intended, nor does the purpose of this Bylaw extend:

- a. to the protection of any person from injury or damage to property or economic loss as a result of the cutting or *removal* of *trees*;
- b. to the assumption by the *City* or any employee of any responsibility or duty of care for ensuring that the cutting of one or more *trees* will not result in injury to any person or danger to any property from erosion, flooding, landslip or other damage;
- c. to assuming liability of a property owner for any damage arising from nuisance or negligence arising from *tree* cutting carried out on the owner’s property.

5. BYLAW APPLICATION

5.1 This Bylaw applies to all properties within the *City* and to all *protected trees*.

5.2 A *Tree Cutting Permit* is required to be obtained prior to any *tree* over 20cm *Diameter at Breast Height* or *protected tree* being *removed* in the following circumstances:

- a. on any *greenfield property*;
- b. on any *infill* property where the *removal* of said *trees* will result in the *tree density target* not being achieved for that property;

5.3 A *Tree Cutting Permit* is required to be obtained prior to any limb or branch that is equal to or greater than 10 centimeter diameter being cut from any *protected species*;

5.4 For *emergency tree removal* a person must submit an application for a *Tree Cutting Permit* within 24 hours of the date of removal, or in the case of a *removal* which takes place on a weekend or statutory holiday, on the next business day after *removal*, and provide *photo documentation* of the *tree* prior to its *removal* with the application.

5.5 When a *Tree Cutting Permit* application is submitted in relation to a *development application*, the *Tree Cutting Permit* shall not be issued until approval has been obtained from the City for the *development application*, unless the *Director* otherwise waives this requirement.

6. PROHIBITED ACTIVITIES

- 6.1 No person shall cut, **remove** or carry out any **tree damaging activities** on a **protected tree** or any **tree** required to be retained to achieve the **tree density target** prior to obtaining a **Tree Cutting Permit** or contrary to the terms and conditions of a **Tree Cutting Permit** issued under this Bylaw.
- 6.2 When the **City** is investigating a bylaw infraction under this Bylaw, no person shall remove the remains of a **tree** until after the investigation by the **City** is complete.

7. BYLAW EXEMPTIONS AND TREE CUTTING PERMIT EXEMPTIONS

- 7.1 This Bylaw does not apply to:
- a. **pruning** of **trees** other than **protected species** in accordance with **good arboricultural practice**;
 - b. regular landscape maintenance such as lawn mowing providing such activities are not **tree damaging activities**;
 - c. where the **Director** or an **Arborist** certifies in writing to the **City** prior to removal that in his or her opinion a **tree** is impairing, interfering with, or presents a risk or hazard to the operation of sewers, drains, water lines, septic fields, electrical lines, poles or other similar equipment and appurtenances and that the impairment, interference or risk cannot be reduced or removed in any way other than the **removal** of the **tree**;
 - d. **trees** that are part of plantations for the purposes of an orchard, nursery, or tree farm;
 - e. the cutting and **removal** of **trees** by a British Columbia Land Surveyor when cutting survey lines of a width of less than 2 meters, unless the **tree** is a **protected tree**;
 - f. **tree** cutting or **removal** that is undertaken by a utility, on land owned or held by the utility, and done for the purpose of safety, maintenance or operation of the utility's infrastructure;
 - g. land and the **trees** on it if forestry practices on the land are governed by a tree farm licence, permit, or other authority or tenure under the *Forest Act*; or
 - h. land and **trees** on it if section 21 of the *Private Managed Forest Land Act* applies to the land.
- 7.2 A **Tree Cutting Permit** is not required on an **infill** property when **tree removal** will not result in the number of **trees** retained on the property falling below the required **tree density target** for that property, provided that the **trees** being **removed** are not:
- a. a **protected tree**; and
 - b. the landowner ensures that **retained trees** are protected from **tree damaging activities**.

8. TREE REMOVAL, PROTECTION AND MANAGEMENT CONDITIONS

- 8.1 A person performing **development** on lands containing one or more **retained trees**, where a **Tree Cutting Permit** is required, shall:
- a. ensure that no **development** occurs within the **root protection area**;
 - b. place and maintain a temporary tree protection **barrier** around any **retained tree** or group of **retained trees** in accordance with Schedule B;

- c. provide the **City** with proof of the **barrier** prior to disturbance occurring around the **retained tree** in the form of a photo, **Arborist** statement, or as otherwise stated in a **Tree Cutting Permit**;
 - d. ensure that no **development** occurs within the **root protection area** except in accordance with the terms and conditions of a **Tree Cutting Permit**;
 - e. display the **Tree Cutting Permit** in an accessible, visible location on the parcel to which it pertains;
 - f. comply with all other local, provincial and federal laws.
- 8.2 In connection with the issuance of a **Tree Cutting Permit**, the **Director** may impose additional conditions to those listed in Section 8.1, including, without limitation, any or all of the following:
- a. identify with a flag, paint, survey tape or other adequate means each **tree** to be **removed or retained**;
 - b. retain an **Arborist** to supervise, monitor or report on any **development**, including site visit requirements:
 - i at critical phases of construction and/or at regular intervals in the construction schedule;
 - ii at the time of **tree replacement**;
 - iii to monitor tree adaptations to changes in their environment caused by the **development**;
 - iv to advise on the creation of **hazardous** conditions;
 - v to advise on **maintenance** requirements where such a condition is stipulated; and
 - vi to confirm the successful establishment of a replanted **tree** prior to release of securities held for that **tree**;
 - c. provide monitoring securities for an **Arborist** or Registered Professional Biologist as determined by the **Director**, in the amount of 125% of an estimate or quote of the cost of monitoring works required to ensure that the mitigation conditions of the **Tree Cutting Permit** are completed;
 - d. ensure that no sediments migrate off site or into watercourses or drainage ditches;
 - e. confirmation that the proposed **development** is consistent with **City** bylaws, and provincial and federal laws;
 - f. treat diseased **trees** and those in **decline**, in accordance with **good arboricultural practice**;
 - g. salvage and use small **trees** as part of a replanting plan, or to achieve the **tree density target**;
 - h. remove and dispose of **invasive species** growing on the tree or within the **dripline** in a responsible manner;
 - i. plant **replacement trees** in accordance with Schedule A, maintain **replacement trees**, for a stipulated length of time, and implement **maintenance** measures such as watering, fertilization, or mulching in accordance with the specified frequency;

- j. remit a protection security of \$1000 per *protected species* when constructing works that may cause *tree damaging activities* to a *protected species*;
 - k. notify adjacent properties of a *tree* removal;
 - l. provide a written statement from an *Arborist* stating that the scheduled *tree* removal is unlikely to create *hazardous* conditions to adjacent *trees*, including on adjacent properties;
 - m. submit a post-construction *Arborist* report following construction activities;
 - n. submit a communication plan to ensure that all parties working on the site are aware of the *Tree Cutting Permit* requirements;
 - o. restrictions on timing of removal given sensitivities to bird nesting, fish or sediment and erosion control;
 - p. keep stumps and roots of cut *trees* in place to ensure slope stability or mitigation against erosion where recommended by a geotechnical engineer;
 - q. cut or modify a *tree* so as to retain wildlife habitat, subject to written confirmation from the *Arborist* that doing so will not create a *hazard*;
 - r. where recommended by the *Arborist*, require that *crown* clearing occur prior to construction to reduce risk of branch failures and risk to workers.
- 8.3 The authorization to cut or *remove trees* shall expire within one year after the date of issuance of a *Tree Cutting Permit*, after which time a new application must be submitted.

9. TREE DENSITY TARGET

9.1 The *tree density target* may be achieved:

- a. for an *infill* property,
 - i. by counting any *tree* that is larger than 2 centimeters *D.B.H.* and 2 meters in height, that is already growing on the *infill property* and is not an *invasive species*;
 - ii. by planting a *replacement tree*; or
 - iii. by paying \$300 into the *Tree Planting and Replacement Reserve Fund* for each *tree* that is to contribute towards the *tree density target*;
- b. for a *greenfield* property,
 - i. by retaining *native trees* that are each a minimum of 20 centimeters *D.B.H.*; or
 - ii. by replanting *replacement trees* at a ratio of 3:1 for each *tree* removed below the *tree density target* of 50 trees per *net developable hectare*;
 - a. where this subsection applies, up to a maximum of half of the number of *trees* required to achieve the *tree density target* may be achieved with *replacement trees* which may also include retaining naturally growing *trees* smaller than 20 centimeters *D.B.H.* provided said *trees* are not an *invasive* species, red alder or cottonwood trees;
 - b. where this subsection applies, up to a maximum of half of the *replacement trees* may be achieved by paying \$300 into the *Tree*

Planting and Replacement Reserve Fund for each *tree* that is to contribute to the *tree density target*;

- c. under extenuating circumstances where retention of *trees* required under this section prevents development to permitted densities, the *Director* shall have discretion in determining the number of *retained* and *replacement trees*.
 - iii. where *trees* described in subsection (b)(i) do not exist, the *tree density target* may be achieved by planting *replacement trees* or retaining naturally growing trees smaller than 20 centimeters *D.B.H.* provided said *trees* are not an *invasive species*, red alder or cottonwood trees;
 - c. *retained trees* shall be achieved in clusters and/or corridor configurations where practical with consideration given to adjacency to publically owned lands;
- 9.2 A *tree* must be in good health and must not be dead, *hazardous* or in *decline* in order to be counted towards the *tree density target*. Red alder and cottonwood *trees* shall not be counted towards the *tree density target*.

10. REPLACEMENT TREES, SECURITY BONDS AND TREE PLANTING AND REPLACEMENT RESERVE FUNDS

- 10.1 Where the *Director* has issued a *Tree Cutting Permit*, the following replacement formulas shall be followed, subject to subsections (b) through (d):
- a. the *net developable area* shall achieve the *tree density target*;
 - b. if the *tree removed* is *hazardous*, one *replacement tree* shall be required for every *tree removed*;
 - c. notwithstanding section 10.1.b, if the *tree removed* is *hazardous* and is growing within *Environmentally Sensitive Areas*, three replacements of *native* species shall be required for every *tree removed*;
 - d. for the removal of a *protected species* three replacements of the same species shall be required for every *tree removed*, including *hazardous trees*.
- 10.2 Subject to section 10.1, where the planting and *maintenance* of a *replacement tree* is required pursuant to this Bylaw, the owner shall provide to the *City* security in the amount of \$300 for each *tree* to be planted and maintained.
- 10.3 Where the *replacement trees* are part of the overall private landscaping program required under a development permit, development variance permit, subdivision, or other development agreement, the security is to be in the amount specified in the approved landscape cost estimate associated with said permit, and only that amount.
- 10.4 The security in section 10.2 may be submitted in the form of cash, cheque or irrevocable letter of credit, bank draft or in a form satisfactory to the *Director*.
- 10.5 *Replacement trees* must be planted in accordance with the condition and planting criteria set out in Schedule A.
- 10.6 Where a person is required by this Bylaw to plant a *replacement tree* on a parcel and the parcel has been subdivided since the act giving rise to the requirement was committed or the *Tree Cutting Permit* was issued, as the case may be, the *replacement tree* may be planted on either parcel.

- 10.7 Full security for each **replacement tree** held by the **City** will, upon application by the owner, be returned to the permit holder one year from the date of planting, upon approval by the **Director** that each **replacement tree** remains in a healthy condition and subject to a written report by an **Arborist** statement to confirm the health of the **tree** as may be reasonably required from the **Director**.
- 10.8 If the owner fails to or refuses to plant the required number, size and type of **replacement trees** in the specified locations within one year after receiving written direction from the **Director** to do so or after a planting date as otherwise agreed upon, the **City** may deposit the securities in the **Tree Planting and Replacement Reserve Fund**.
- 10.9 **Tree replacement** fees paid into the **Tree Planting and Replacement Reserve Fund** are to be held and used by the **City** for replanting on other lands to be determined in accordance with City policies.
- 10.10 Where a protection security is required, the protection security shall not be released until all works that may cause **tree damaging activities** have ceased and an **Arborist** confirms in writing that the **tree** has not experienced any **tree damaging activities**.

11. TREE PERMIT APPLICATION AND FEES

- 11.1 An application for a **Tree Cutting Permit** shall include the following information:
 - a. completed application for **Tree Cutting Permit** on the form approved by the **Director**, signed by the registered owner(s) or by the owner's agent who is authorized in writing to act on behalf of the owner in relation to the application;
 - b. written consent from the adjacent property owner where the stem of a **tree** at ground level is growing over the applicant's property line;
 - c. title search dated no more than five business days prior to the date of the application;
 - d. site plan showing all of the following, where applicable:
 - i. **Environmentally Sensitive Areas** (ESAs);
 - ii. property lines;
 - iii. location of the **tree(s)** on site to be **removed** and **retained**, including the **root protection areas** for **retained trees**;
 - iv. existing and proposed buildings, structures, septic fields, servicing including power poles;
 - v. topographic and hydrological features including drainage patterns;
 - vi. on-site access points for vehicles, including sufficient access for tree removal equipment;
 - vii. vehicle parking area and washout areas for concrete trucks;
 - viii. existing and proposed landscaped areas;
 - ix. existing and proposed utility corridors;
 - e. description of the proposed **development** and rationale for **development**, including steps taken to preserve existing **trees** as part of the overall **development** plan of the site;
 - f. an **Arborist** report including the following information:

- i. statement of number of **protected trees** and **trees** over 20 centimeters **D.B.H.** on the property to be described by outlining the:
- ii. inventoried number of stems, species and size where there are fewer than 100 **trees** on the property; or
- iii. approximate number of stems per hectare and species composition based on ISA accepted standards.
- iv. statement of number of **retained trees** on the property following the requested removal;
- v. narrative describing why the proposed **retained trees** are selected, and if management actions are required to promote their long term health;
- vi. confirmation that the **retained trees** are not **hazardous**;
- vii. description of the cutting and/or removal methods to be used, how the site will be accessed and the tree protection measures that shall be used to protect any retained **trees**;
- g. statement that topographic, grading and/or hydrological changes will not negatively impact the retained **trees** with input provided by an appropriate qualified professional;
- h. a detailed tree survey prepared by a registered BC Land Surveyor to indicate proposed **tree retention** and **replacement** areas that require restrictive covenants; and
- i. application fee as determined by the *City of Courtenay Fees and Charges Bylaw No. 1673, 1992*.

11.2 In addition to section 11.1, the following information may also be required by the **Director**:

- a. for **greenfield** sites, a statement of the number of **retained trees** for **trees** greater than 20 cm **DBH** following the proposed **development**;
- b. for **development applications** and **greenfield sites**:
 - i. grading changes including existing topographic elevations and proposed conceptual elevations for major **development** components;
 - ii. proposed final site grading within 10 meters of all proposed **retained trees**.
- c. a proposed replanting plan prepared by a landscape architect or **Arborist** indicating the location, species, size, and class of **trees(s)** or vegetation to be planted including any pertinent establishment requirements such as watering, fertilizing, and soil preparation;
- d. a copy of applicable federal or provincial approval, if required;
- e. a report by a geotechnical engineer or hydrologist to certify that the proposed cutting or removal will not create an adverse impact on slope stability or the drainage network;
- f. when removing trees in **Environmentally Sensitive Areas**, a report from a Registered Professional Biologist may be required to confirm that **tree** removal activities will not negatively impact the **Environmentally Sensitive Area**, including wildlife.

11.3 The following conditions apply to the **Arborist** report provided pursuant to section 11.1(f):

- a. the report shall be valid for a maximum of one year from the date of authorship;

- b. a report older than one year will require a covering letter from the original author stating that the conditions and recommendations contained in the original report remain valid;
- c. in the reasonable discretion of the **Director**, an existing **Arborist** report that is less than one year may be required to be reviewed and re-submitted in instances where changes to the **trees** are deemed significant, including any changes to adjacent land uses, adjacent **tree removal**, changes in grading or hydrological changes, or any other changes to or around the **tree**;
- d. where the original **Arborist** report submitted to the **City** is incomplete or inaccurate, the **Director** may retain the services of an independent **Arborist**, or other professional to review an **Arborist** report, or other professional report, and the cost of the independent **Arborist** report shall be paid by the owner prior to the adoption of the related rezoning, subdivision approval, development permit, development variance permit, demolition or building permit approval or the issuance of the related **Tree Cutting Permit**, whichever comes first.

12. REFUSAL TO ISSUE A TREE CUTTING PERMIT

12.1 A **Tree Cutting Permit** shall not be issued by the **Director** where:

- a. an application required under this Bylaw has not been submitted in full or the required fee has not been paid;
- b. information as required by section 11 (Tree Permit Application and Fees) has not been submitted or in the opinion of the **Director** is not satisfactory;
- c. the proposed work would adversely affect slope stability;
- d. the **tree density target** is not achieved; or
- e. the proposed **tree** work would contravene other terms and conditions of a restrictive covenant.

13. INSPECTIONS, ASSESSMENTS AND ORDERS TO COMPLY

- 13.1 The **Director** or person authorized by the **Director** may assess, inspect or cause an inspection to be made of any **tree** to which this Bylaw applies.
- 13.2 For the purposes of any inspection or assessment herein the **Director** may enter onto any land at all reasonable times in accordance with the **Community Charter**.
- 13.3 Where the **Director** is satisfied that a person has contravened any provision of this Bylaw, the **Director** may serve an Order to Comply requiring the person to stop the **tree damaging activities** or removal of **trees** and shall set out the particulars of the contravention including requiring the person to remedy the non-compliance within 30 days or by such other date as deemed reasonable in the circumstances by the **Director**.
- 13.4 The **Director** may revoke a **Tree Cutting Permit** if the terms and conditions of the **Tree Cutting Permit** have been breached or the information supplied by the applicant in support of the **Tree Cutting Permit** is determined to have been inaccurate, incomplete, misleading or erroneous.

14. POST CONSTRUCTION ARBORIST REPORT

- 14.1 The **Director** may require a post-construction **Arborist** report following all construction activities in which the following information may be required:
- assessment of **damage** to **retained trees** caused by initial site grading and clearing;
 - identify and provide a dollar value of the **retained trees** that have been **damaged** or **removed** using an industry standard tree appraisal method;
 - propose a replacement plan indicating the proposed number and type of **replacement trees** of equal or greater dollar value and tree planting locations for the rehabilitation of the disturbed areas. Payment into the **Tree Planting and Replacement Reserve Fund** may be accepted by the **City**. No fewer than four replacement trees for every tree **removed** without a **Tree Cutting Permit** will be accepted; and
 - recommend management methods to care for an injured **tree**.
- 14.2 Securities to implement the replacement plan in section 14.1 (c) will be required at 125% of the cost of each **replacement tree**.

15. AUTHORITY

- 15.1 The **Director** may:
- issue, revoke, place conditions upon, and refuse to issue a **Tree Cutting Permit** in accordance with this Bylaw;
 - retain the services of an independent **Arborist**, or other professional, to review an **Arborist** report, or other professional report, submitted to the **City** under the provisions of this Bylaw, in support of an application for a **Tree Cutting Permit**, in instances where the completeness or accuracy of the report are brought into question through review of the report and field inspection by the **Director**.
 - require security under section 8 of this Bylaw prior to issuing a **Tree Cutting Permit**;
 - exempt an applicant for the **Tree Cutting Permit** from any the requirements of section 11 (Tree Permit Application and Fees) if the information to be submitted has been otherwise provided to the **City**;
 - require the provision of **replacement trees** as set forth in section 10 of this Bylaw, and the **maintenance** of said **trees**;
 - charge and collect those fees prescribed in the *City of Courtenay Fees and Charges Bylaw, 1673, 1992* or this Bylaw;
 - serve on any person who has not complied with a **Tree Cutting Permit** or a provision of this Bylaw an Order to Comply;
 - enforce this Bylaw and issue penalties in accordance with sections 18 and 19 of this Bylaw; and

- i. authorize another member of staff to act on their behalf.

16. APPLICATION FOR RECONSIDERATION

- 16.1 Within 30 days of being notified in writing of the decision of the **Director** under this Bylaw, the applicant may, at no charge, request **Council** to reconsider the decision.
- 16.2 The applicant must give written notice to the Director of Legislative Services and include the following information:
 - a. the applicant's address for receiving correspondence related to the request for reconsideration;
 - b. a copy of the written decision or direction from the **Director**;
 - c. reasons to explain why the decision should be amended or set aside; and
 - d. a copy of any documents which support the applicant's request for reconsideration by **Council**.
- 16.3 The Director of Legislative Services will notify the **Director** of the request(s) for reconsideration and staff shall, prior to the date of the meeting at which the reconsideration will occur, provide a written report to **Council** setting out the rationale for the decision.
- 16.4 The Director of Legislative Services will place the request(s) for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible.
- 16.5 The Director of Legislative Services will notify the applicant of the date of the meeting at which reconsideration will occur.
- 16.6 **Council** will review the information provided by the applicant and staff, and either confirm the decision made by staff, vary, or substitute its own decision including terms and conditions as set forth by this Bylaw.
- 16.7 The decision of **Council** on reconsideration is final.

17. DESIGNATION OF BYLAW

- 17.1 This Bylaw is designated under Section 264 of the Community Charter as a bylaw that may be enforced by means of a Municipal Ticket Information in the form prescribed.

18. OFFENCE

- 18.1 Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done or omits to do anything required to be done in contravention or in violation of any of the provisions of this Bylaw, is guilty of an offence against this Bylaw and is liable to the penalties hereby imposed, and each day that a violation is permitted to exist or continues shall constitute a separate offence.
- 18.2 When more than one **tree** is cut, **removed** or **damaged** by **tree damaging activities**, or more than one **tree** is not replaced or maintained in accordance with a **Tree Cutting Permit** issued pursuant to this Bylaw, a separate offence is committed in respect of each such **tree**.

19. PENALTY

19.1 A person who commits an offence under this Bylaw is liable to pay a fine of:

- a. up to \$1,000 as established per the City's *Municipal Ticket Information Bylaw 2435, 2006*;
- b. up to \$10,000 as determined by the court pursuant to an *Offence Act* proceeding.

20. GENERAL PROVISIONS

20.1 All Schedules referred to herein form part of this Bylaw:

- a. Replacement Tree Stock and Planting Requirements
- b. Tree Protection Barrier and Signage Specifications
- c. Erosion and Sediment Control Guidelines

21. SEVERANCE

21.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed portion.

22. EFFECTIVE DATE

22.1 This Bylaw will come into force on the date of its adoption.

23. REPEAL

23.1 "City of Courtenay Tree Management and Protection Bylaw No. 2461, 2006" and all amendments thereto are hereby repealed.

Read a first time this 19th day of September, 2016

Read a second time this 19th day of September, 2016

Read a third time this 1st day of May, 2017

Finally passed and adopted this day of , 2017

Mayor

Director of Legislative Services

SCHEDULE A

TREE PROTECTION AND MANAGEMENT BYLAW NO. 2850, 2016

REPLACEMENT TREE STOCK AND PLANTING REQUIREMENTS

The *City* maintains a list of acceptable ***replacement tree*** species. Where ***replacement trees*** are required to be provided pursuant to section 10 of this Bylaw, such ***replacement trees*** shall be provided and planted as follows:

- (a) ***Replacement trees*** may be the same or different species, with the exception of ***protected tree species***.
- (b) At least half of the total number of ***trees*** on the property, including existing ***retained and replacement trees***, must be ***native*** species, unless the ***trees*** being replaced are located within an ***Environmentally Sensitive Area***, in which case all of the ***replacement trees*** shall be ***native***.
- (c) ***Replacement trees*** must be of a five gallon pot size with the following exceptions:
 - a. Arbutus (*Arbutus menziesii*) may be one gallon pot size;
 - b. Garry Oak (*Quercus garryana*) may be three gallon pot size.
- (d) ***Replacement trees*** shall not be planted:
 - a. within 3 metres of a building foundation wall and within 1 metre of any property line of a lot;
 - b. within 5 metres of an overhead utility line for trees that are a maximum of 5 metres in height, and within 10 metres of an overhead utility line for trees that are a maximum of 12 metres in height;
 - c. within an easement or statutory right of way.
- (e) Every ***replacement tree*** shall be spaced from existing trees and other ***replacement trees*** in accordance with ***good arboriculture practices*** so as to best ensure survival of the replacement and existing trees.
- (f) ***Replacement trees*** must meet the plant condition and structure requirements set out in the latest edition of the BCSLA/BCLNA “B.C. Landscape Standard” and the CNTA “Canadian Standards for Nursery Stock” to be considered acceptable by the ***Director***.
- (g) ***Replacement trees*** shall be planted and maintained in accordance with the requirements set out in the latest edition of the BCSLA/BCLNA “B.C. Landscape Standard”.
- (h) Tree caging will be required in areas prone to deer browsing until the ***tree*** is 6 feet in height.
- (i) ***Replacement trees*** shall be planted during the suitable local planting seasons generally defined as fall (September – November) and spring (February - April). Where planting must occur outside of these time periods, then a strategy for ensuring the ***trees*** are watered (in the summer) or protected from cold weather (in the winter) must be included as part of the ***Tree Cutting Permit*** application.

- (j) The following minimum specifications for topsoil or amended organic soil are required for replanting on a property unless otherwise advised against by the *Arborist*:
- i. organic matter content of 15% dry weight in planting beds and 8% in turf areas;
 - ii. depth of 300 mm for turf;
 - iii. depth of 450 mm for shrubs/trees;
 - iv. depth of 300 mm around and below the root ball of all trees;
 - v. pH from 6.0 to 8.0 or matching that of the original undisturbed soil;
 - vi. subsoils scarified to a depth of minimum 100 mm with some topsoil being incorporated into the subsoil; and
 - vii. planting beds mulched with a minimum of 50 mm of organic materials.

SCHEDULE B

TREE PROTECTION AND MANAGEMENT BYLAW NO. 2850, 2016

TREE PROTECTION BARRIER AND SIGNAGE SPECIFICATIONS

Barrier structure and material:

Tree protection *barriers* should generally be a minimum of 1.2 meters high, and consist of snow fencing or an equivalent, supported by poles at sufficiently close intervals to ensure the integrity of the fence, or supported by wooden frames.

In instances where *development* is not expected to occur near the *root protection area*, poles strung with multiple bands of flagging tape may be sufficient, subject to approval by an *Arborist* and/or the *Director*.

Barrier distance from tree(s):

Tree protection *barriers* must be of a sufficient size to protect the *root protection area* of the tree. The *root protection area* refers to the area of land surrounding the trunk of the tree that contains the bulk of the critical root system of the tree, as defined on a plan prepared by an *Arborist*, that the *Director* reasonably approves.

Barrier protection sign:

Where *retained trees* require protection barriers, a tree protection informational sign in the format provided in this Schedule, must be affixed to the *barrier* at intervals of every 30 metres unless waived as a requirement by the *Director*. The sign must be able to withstand weather conditions for prolonged periods of time.

Barrier duration:

The *barrier* must be in place throughout the entire duration of the *development* activities that are taking place around the *tree* and until written approval of its removal is obtained from the *City*.



Tree Protection Zone (TPZ)

No grade changes, trenching, storage of materials or equipment, liquid disposal, hard surfacing or vehicular traffic are permitted within this area.

The tree protection barrier and sign must not be removed, without authorization of City of Courtenay, Development Services Department. Failure to comply may result in fines.

If you see this sign or protection barriers being tampered with, please report to the number listed below.

For more information call the Development Services Department at 250 334 4441

SCHEDULE C

TREE PROTECTION AND MANAGEMENT BYLAW NO. 2850, 2016

EROSION AND SEDIMENT CONTROL GUIDELINES

Tree Cutting Permit holders are expected to adhere to best management practices (BMPs) including but not limited to the ones outlined below:

- (a) Retain existing vegetation and ground cover where possible;
- (b) Construct ***development site*** access pads 4.5 meters wide at all accesses to site;
- (c) Restrict vehicle access and utilize wheel wash pads at access points;
- (d) Install silt fencing around stockpiles and at the toe of disturbed slopes;
- (e) Completely cover temporary stockpiles or spoiled material with polyethylene or tarps and surround with silt fence;
- (f) Install and maintain filter fabric bags around any catch basins, lawn basins, exposed manholes or any other open storm sewer access points collecting runoff from the ***development site***;
- (g) Divert runoff away from cleared areas by use of low berms;
- (h) Convey surface runoff through swales designed to minimize flow velocity and erosion while maximizing settling;
- (i) As a priority, collect runoff into suitable sediment settling facility or facilities prior to discharge off-site;
- (j) Unless deemed unnecessary by the ***Director***, a sediment pond should be designed, installed and maintained according to the *Land Development Guidelines for the Protection of Aquatic Habitat*;
- (k) Keep all sand, gravel, spoiled material and concrete mix off of all hard and paved surfaces;
- (l) During excavation, holes requiring dewatering should be pumped to a vegetated area or suitable settling facility which will prevent sediment-laden water from accessing the drainage system;
- (m) Regularly sweep roads; and
- (n) Re-vegetate, cover or mulch disturbed areas as soon as practically possible.

