

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

*We respectfully acknowledge that the land on which we gather is the
unceded traditional territory of the K'ómoks First Nation*

DATE: July 16, 2018
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

K'OMOKS FIRST NATION ACKNOWLEDGEMENT

1.00 ADOPTION OF MINUTES

- 1 1. Adopt July 3rd, 2018 Regular Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

4.00 STAFF REPORTS/PRESENTATIONS

((a) Recreation and Cultural Services

- 9 1. Sublease Agreement for Lot 4 100 - 20th Street

((b) Development Services

- 23 2. Downtown Revitalization Tax Exemption Bylaw
27 3. Development Variance Permit at 1290 10th Street East
41 4. Zoning Amendment Bylaw No. 2929 - 911 Braidwood Road

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 63 1. Correspondence Union of BC Municipalities (UBCM) Application for 2018
Community Excellence Awards - Excellence in Asset Management

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

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

8.00 RESOLUTIONS OF COUNCIL

1. In Camera Meeting

That notice is hereby given that a Special In-Camera meeting closed to the public will be held July 16th, 2018 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (c) labour relations or other employee relations;
- 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;

9.00 UNFINISHED BUSINESS

65 **1. Comox Valley Regional District - Representation on the Comox Valley Liquid Waste Management Plan Public Advisory Committee (PAC)**

Council to appoint one representative and one alternate to the Public Advisory Committee (PAC) being formed to advise the Comox Valley Liquid Waste Management Plan (LWMP) Steering Committee.

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

73 **1. Correspondence from Comox Valley Regional District Re: Non-Binding Community Opinion Question - Governance Restructure Study**

"Are you in favour of conducting a study, in partnership with the Province of BC, to review the governance structures and policies of <insert local government name here> and other local governments within the Comox Valley to consider the feasibility and implications of restructure?"

YES or NO

AND FINALLY THAT up to \$10,000 from the CVRD's member municipalities and electoral areas administration services be used to support the Comox Valley Chamber of Commerce in promoting awareness and a clear understanding about this referendum.

Staff Note: Council to consider referendum question for inclusion on the October 20, 2018 Local Government Election Ballot

12.00 BYLAWS

For First and Second Reading

77 **1. "Zoning Amendment Bylaw No. 2929, 2018"**
(A bylaw to rezone property from C-2A to R-4A to accommodate construction of an apartment building - 911 Braidwood Road)

- 79 2. “Downtown Courtenay Revitalization Tax Exemption Bylaw No. 2937, 2018”
(A bylaw to create a downtown revitalization tax exemption program to stimulate commercial and residential redevelopment and revitalization in the greater downtown area)

For Third Reading

- 93 1. “Zoning Amendment Bylaw No. 2933, 2018”
(A bylaw to rezone property to allow for a Secondary Suite - 4659 Western Road)
- 95 2. “Zoning Amendment Bylaw No. 2935 Storefront Cannabis Retailers”
(A bylaw to create zoning regulations for the retail sale of cannabis)

For Final Adoption

- 93 1. “Zoning Amendment Bylaw No. 2933, 2018”
(A bylaw to rezone property to allow for a Secondary Suite - 4659 Western Road)
- 95 2. “Zoning Amendment Bylaw No. 2935 Storefront Cannabis Retailers”
(A bylaw to create zoning regulations for the retail sale of cannabis)

13.00 ADJOURNMENT

R13/2018 – July 03, 2018

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Tuesday, July 03, 2018 at 4:00 p.m.

Attending:

Mayor: L. V. Jangula
Councillors: E. Eriksson
D. Frisch
D. Hillian
R. Lennox via Teleconference
B. Wells

Staff:

D. Allen, CAO
W. Sorichta, Manager of Corporate Administrative Services
I. Buck, Director of Development Services
T. Kushner, Director of Public Works Services
R. O’Grady, Director of Engineering Services
B. Parschauer, Director of Financial Services
D. Snider, Director of Recreation and Cultural Services
A. Guillo, Manager of Communications

1.00 ADOPTION OF MINUTES

.01
MINUTES

Moved by Frisch and seconded by Hillian that the June 11th, 2018 Regular Council meeting minutes be adopted.
Carried

Moved by Hillian and seconded by Frisch that the June 18th, 2018 Regular Council meeting minutes be adopted.
Carried

Moved by Wells and seconded by Hillian that the June 25th, 2018 Committee of the Whole meeting minutes be adopted.
Carried

2.00 ADOPTION OF LATE ITEMS

3.00 DELEGATIONS

1. Ken MacLeod and Terri Pierrero made a presentation to Council expressing concerns about increases to property taxes.

R13/2018 – July 03, 2018

2. Pamela Crowe, CVCDA Board Chairperson and Cale Lacasse, Lacasse Construction, Service Connections made a presentation to Council regarding development fees related to the Comox Valley Child Development Association development site located at 237 - 3rd Street and requested that Council and staff consider retaining the existing water service to the property’s main building and upgrade the existing water service to the second building.

Moved by Wells and seconded by Frisch that Council direct staff to continue discussions with the developer and stakeholders of the Comox Valley Child Development Association regarding the development of property located at 237 - 3rd Street,

That the request from the developer regarding water servicing options to 237 - 3rd Street be deferred back to staff; and,

That staff investigate the costs and implications to retain the existing water service to the main building and to upgrade the water service to the second building as identified on the construction drawing received from Lacasse Construction and report back to Council at a future date.

Carried

4.00 STAFF REPORTS/PRESENTATIONS

.01
STRUCTURAL
CHANGE TO LIQUOR
LICENCE (361 HUNT
ROAD)
4320-20

Moved by Frisch and seconded by Wells that based on the July 3rd, 2018 staff report, ‘Structural Change to the Licence (Match Eatery and Public House) - 361 Hunt Road’, Council approve OPTION 1 as follows:

- 1) The Council of the City of Courtenay recommends the LCLB approve the Playtime Gaming Group’s Structural Change Application.
- 2) Council’s comments on the prescribed considerations are as follows:
 - a. If the amendment application is approved there is a potential of increased noise in the area. To mitigate this noise Council’s approval is subject to:
 - The construction of a sound attenuation wall designed by an acoustical engineer to the satisfaction of the City between the patio area and the adjacent Washington Inn; and
 - The closing hours of the patio are limited to 10:00 p.m. Sunday to Thursday and 12:00 a.m. on Friday and Saturday;
 - b. If the application is approved, it would not negatively impact the community based on the submissions received from the public and the conditions outlined in item 2(a); and
 - c. In order to gather the views of residents, the City of Courtenay posted a notice on the City’s website outlining the application. Additionally, notice of the application was sent to all residents of the Washington Inn building, neighbouring businesses, a few residents of Williams Road and the RCMP. No comments were provided.

Amending motion:

Moved by Eriksson and seconded by Frisch that the closing hours of the outdoor patio at Match Eatery and Public House is limited to 10:00 p.m., Monday to Sunday, 7 days a week.

Defeated:

**In Favour Councillors Eriksson, Hillian and Lennox
Opposed Mayor Jangula, Councillors Frisch and Wells**

The main motion was carried with Councillor Eriksson opposed

.01

DEVELOPMENT
VARIANCE PERMIT
NO. 1803 (2310
ARDEN ROAD)
3090-20-1803

Moved by Hillian and seconded by Frisch that based on the July 3rd, 2018 staff report “Development Variance Permit No.1803 - 2310 Arden Road”, Council support approving OPTION 1 and direct staff to proceed with issuing Development Variance Permit No. 1803.

Amending Motion:

Moved by Eriksson and seconded by Frisch that Council permit the public to speak and accept verbal comments regarding development variance permit No. 1803 - 2310 Arden Road.

Jean and Frank Shepherd, 2320 Lambert Drive, Courtenay, live immediately across from the entrance of the proposed subdivision, attended original development meeting. There was discussion about the width of pavement at Lambert Drive that needed to be widened and doing so would probably further diminish the size of the available land. Ms. Shepherd stated it was her understanding that according to paperwork distributed to their neighbourhood, the lot size decreased in order to accommodate two more dwellings. What the residents of Lambert Drive are facing is at other end of Lambert Drive, where it joins 20th Street, there is an example of high level density housing going up currently. Where Ms. Shepherd is now, there are smaller dwellings and that seems to be what the City of Courtenay had in mind when the property area was originally designed. Smaller ranch style homes is what is needed there because where people will park their cars? Ms. Shepherd stated she is against increasing the property density at this location.

The main motion was carried as amended

The council meeting recessed at 5:00 p.m. for the Public Hearing regarding Bylaw No.’s 2933 and 2935.

The meeting reconvened at 5:25 p.m.

R13/2018 – July 03, 2018

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

.01 Moved by Wells and seconded by Frisch that the Letter of
LETTER OF SUPPORT Support from MP Gord Johns, Re: Project Watershed Kus-kus-sum
MP GORD JOHNS Project, be received for information.
PROJECT WATERSHED **Carried**
KUS-KUS-SUM
PROJECT

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

.01 Moved by Wells and seconded by Frisch that the July 3rd, 2018
DOWNTOWN Briefing Note, “Downtown Courtenay Business Area Upgrades - 4th
COURTENAY Street Project”, be received for information.
BUSINESS AREA **Carried**
UPGRADES - 4TH
STREET
0250-20/5400-01

**Mayor Jangula left Council Chambers at 5:37 p.m.; Acting Mayor Eriksson took the chair
Mayor Jangula returned to Council Chambers and took his seat at 5:40 p.m.**

.02 Moved by Hillian and seconded by Wells that the June 19, 2018
2019/2020 RCMP Memorandum, “2019/2020 RCMP Municipal Policing Contract:
MUNICIPAL POLICING Approval in Principle – Cost per Member”, be received for information.
CONTRACT **Carried**
APPROVAL IN
PRINCIPLE COST PER
MEMBER
1660-20

.03 Moved by Frisch and seconded by Wells that the Heritage
HERITAGE ADVISORY Advisory Commission meeting minutes for April 26, 2018, be received
COMMISSION for information.
MEETING MINUTES **Carried**
0360-20

.04 Moved by Wells and seconded by Frisch that the Heritage
HERITAGE ADVISORY Advisory Commission meeting minutes for May 23, 2018, be received
COMMISSION for information.
MEETING MINUTES **Carried**
0360-20

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

COUNCILLOR
FRISCH

Councillor Frisch reviewed his attendance at the following events:

- Transportation Master Plan open house
- Bursary Awards presentation Glacier View Secondary
- Sid Williams Theatre AGM
- Nomadic Tempest Tall Ship Show fundraising event hosted by Project Watershed for the Kus-kus-sum project
- Comox Valley Child Development Association dunk tank fundraising event

COUNCILLOR
HILLIAN

Councillor Hillian reviewed his attendance at the following events:

- Community Health Network Transition Team meeting
- Transportation Master Plan open house
- National Indigenous Peoples Day celebration
- Comox Valley Community Justice Centre meeting
- Opening address and welcome to delegations at BC Federation of Labour Regional Conference
- Urban Forest Strategy open house
- Lush Valley AGM
- World Community AGM
- Miners Memorial Community Choir as part of the Miners Memorial weekend event in Cumberland
- Nomadic Tempest Tall Ship Show fundraising event hosted by Project Watershed for the Kus-kus-sum project
- July 1st Canada Day event

Councillor Hillian thanked members of Council and community who participated in the Comox Valley Child Development Association dunk tank fundraising event, \$530 raised for CVCDA; and,

Councillor Hillian acknowledged the community volunteers and City staff who took part in the July 1st Canada Day community event and thanked them for the number of hours put in to make the event a success.

COUNCILLOR
LENNOX

Councillor Lennox reviewed her attendance at the following events:

- Nomadic Tempest Tall Ship Show fundraising event hosted by Project Watershed for the Kus-kus-sum project
- Erin Sandland, friend and well-known community member, passed away June 28th. On behalf of Councillor Lennox and the family, Councillor Lennox expressed thanks for the community's support and fundraising efforts for Erin's cancer treatment.

R13/2018 – July 03, 2018

COUNCILLOR
WELLS

Councillor Wells reviewed his attendance at the following events:

- Transportation Master Plan open house
- National Indigenous Peoples Day celebration
- Urban Forest Strategy workshop
- Lush Valley AGM
- Nomadic Tempest Tall Ship Show fundraising event hosted by Project Watershed for the Kus-kus-sum project
- July 1st Canada Day parade
- Comox Valley Child Development Association dunk tank fundraising event
- Comox Valley Rotary Club, Craig Gillis, Rotary District Governor speech

Councillor Wells mentioned a citizens comments in the Comox Valley Record Beefs and Bouquets that they have seen a lot of RCMP presence in the 8th Street area

MAYOR
JANGULA

Mayor Jangula reviewed his attendance at the following events:

- Courtenay Royal Canadian Legion Veteran's luncheon
- Mark R. Isfeld Secondary School 2018 Graduation ceremony and Graduation parade
- July 1st Canada Day parade and festivities

The Mayor thanked Councillor Hillian for all his work on the July 1st Committee and acknowledged the success of the Canada Day community event

8.00 RESOLUTIONS OF COUNCIL

.01
IN CAMERA
MEETING

Moved by Hillian and seconded by Frisch that a Special In-Camera meeting closed to the public will be held July 3rd, 2018 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (1) (c) labour relations or other employee relations;
- 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) (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- 90 (1) (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

Carried

9.00 UNFINISHED BUSINESS

.01
UBCM CONVENTION
SEPTEMBER 10 – 14,
2018 –
RECOMMENDED
PROVINCIAL
MINISTER MEETING
REQUESTS

Moved by Hillian and seconded by Wells that Council support staff to develop a request for ministerial meetings for the 2018 UBCM Convention September 10 – 14, 2018 with ministry staff as listed:

- Ministry of Transportation and Infrastructure; Ryan Road; storm water conveyance (culvert) through the bypass (Highway 19-A); 17th Street right hand turn lane, east bound onto Comox Road (travelling towards Comox); and other transportation issues
- Ministry of Indigenous Relations and Reconciliation; City of Courtenay / Project Watershed / K’omoks First Nation Joint Submission Re: Provincial funding in relation to the Kus-kus-sum site
- Ministry of Public Safety and Solicitor General; RCMP funding model discussion

Carried

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

.01
CVRD COMOX
VALLEY LIQUID
WASTE
MANAGEMENT PLAN
PUBLIC ADVISORY
COMMITTEE (PAC)
APPOINTMENT OF
TWO ELECTED
OFFICIALS

Moved by Hillian and seconded by Eriksson that Council postpone the appointment of one representative and one alternate to participate in the Comox Valley Liquid Waste Management Plan (LWMP) Steering Committee until a future Council meeting when all Council members are present.

Carried with Councillors Frisch and Wells opposed

12.00 BYLAWS

13.00 ADJOURNMENT

.01

Moved by Wells and seconded by Frisch that the meeting now adjourn at 6:15 p.m.

Carried

CERTIFIED CORRECT

Director of Legislative and Corporate Services

Adopted this 16th day of July, 2018

Mayor



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 2380-30 Lot 4

From: Chief Administrative Officer

Date: July 16, 2018

Subject: Sublease Agreement for Lot 4 100-20th Street

PURPOSE:

The purpose of this report is to request approval for Airspeed High Ultraflight School to enter into a sublease of Lot 4 in the Courtenay Airpark.

CAO RECOMMENDATIONS:

That based on the July 16, 2018 staff report "Sublease for Lot 4 100-20th Street", Council adopt OPTION 1 and authorize the attached sublease between Airspeed High Ultraflight School and Sealand Aviation Ltd for the property having a legal description of PID: 000-892-149, Lot 1, Plan 14942, Section 66, Comox Land District Plan 14942 except any portion of the bed of the Courtenay River and further identified as Lot 4 on Plan VIP64872; and

That the Mayor and the Director of Legislative and Corporate Services be authorized to approve the sublease on behalf of the City.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

Since 2015, Airspeed High Ultraflight School (the Tenant) has leased land from the City (herein referred to as the "master lease") for Lot 4 in the Courtenay Airpark as illustrated on the attached GIS image map. Airspeed High Ultraflight School, specializes in Ultralight Pilot Permit training to the community.

DISCUSSION:

In accordance with requirements contained in the master lease, Airspeed High Ultraflight School is requesting approval to sublease the Premises to Sealand Aviation Ltd. (the Subtenant) so the Subtenant may occupy an office, share common space and instruct out of the classroom in the Tenant's building. This will expand the scope of flight training available in the Courtenay Airpark which will include recreation pilot, private pilot and commercial pilot training.

The sublease term will commence on August 1st for one year and will continue on a year to year basis and would immediately terminate if the master lease with Airspeed High Ultraflight School is terminated. The master lease expires on December 31, 2019 but the Tenant has an option to renew the lease for a further term of five years.

As a condition of approval of the sublease, Airspeed High Ultraflight has included the City's indemnification and insurance requirements at the request of City Staff.

FINANCIAL IMPLICATIONS:

There are no additional financial resources required.

ADMINISTRATIVE IMPLICATIONS:

Approximately three hours of staff time has been dedicated to the review of the sublease, master lease and the creation of this staff report. Should Council approve the sublease, an addition half hour would be required to complete the approval process.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications as the sublease will not change any service levels within the Courtenay Airpark. The use conforms to existing airpark activities.

STRATEGIC PRIORITIES REFERENCE:

The approval of the lease will bring together council's strategic priorities:

We invest in our key relationships

- We will continue to engage and partner with service organizations for community benefit.



- **Area of Control**
The policy, works and programming matters that fall within Council's jurisdictional authority to act.
- ▲ **Area of Influence**
Matters that fall within shared or agreed jurisdiction between Council and another government or party.
- **Area of Concern**
Matters of interest outside Council's jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

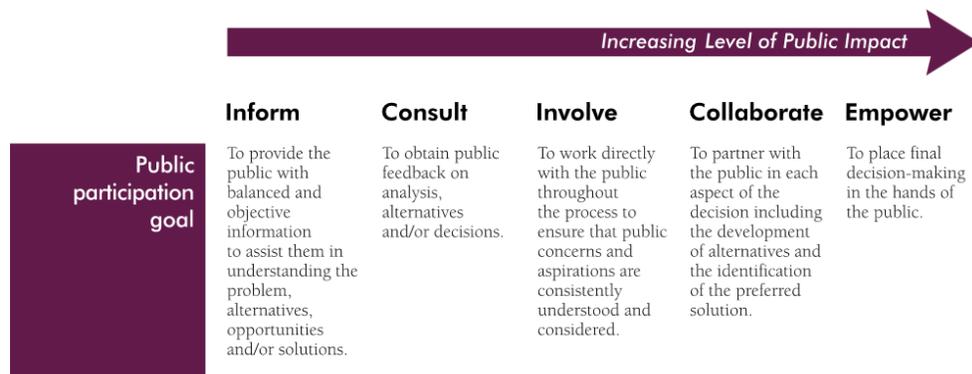
No specific reference

REGIONAL GROWTH STRATEGY REFERENCE:

No specific reference

CITIZEN/PUBLIC ENGAGEMENT:

Staff has informed and received letters of support from the Courtenay Airpark Association attached for the sublease as identified in the *IAP2 Spectrum of Public Participation*.



OPTIONS:

OPTION 1:

That based on the July 16, 2018 staff report “**Sublease for Lot 4 100-20th Street**”, Council adopt OPTION 1 and authorize the sublease between Airspeed High Ultraflight School and Sealand Aviation Ltd for the property having a legal description of PID: 000-892-149, Lot 1, Plan 14942, Section 66, Comox Land District Plan 14942 except any portion of the bed of the Courtenay River and further identified as Lot 4 on Plan VIP64872; and

That the Mayor and the Director of Legislative and Corporate Services be authorized to approve the sublease on behalf of the City.

OPTION 2: That Council deny the sublease.

OPTION 3: That Council refer this item back to staff for further consideration.

Prepared by:

Dave Snider *RLA*
Director of Recreation and Cultural Services

- Attachments:* A – Lot 4 – 100-20th Street GIS Map
B – Sublease Document
C – Letter of Support from the Courtenay Airpark Association

Attachment "A"

Lot 4 100-20th Street - GIS Map



COMMERCIAL SUBLEASE AGREEMENT

THIS SUBLEASE dated this _____, 2018

BETWEEN:

Andreas Walter Rutkiewicz, Businessman
D.B.A Airspeed High Ultralights
(the "Sublandlord")

OF THE FIRST PART

- AND -

Sealand Aviation Ltd.
(the "Subtenant")

OF THE SECOND PART

Background

- A. This is an agreement (the "Sublease") to sublet real property according to the terms specified below.
- B. The master lease (the "Master Lease"); as attached for reference in Schedule "A", is dated February 10, 2015 and is between The Corporation of the City of Courtenay (the "Landlord") and the Sublandlord with respect to the following lands and any improvements on those lands (the "Premises"): Lot 1 Section 66 Comox District Plan 14942 except any portion of the bed of the Courtenay River, as shown as "Lot 4" on the reference plan attached hereto as Schedule "B".
- C. The Subtenant is willing to undertake certain obligations of the Master Lease.

IN CONSIDERATION OF the Sublandlord subletting and the Subtenant renting the Subleased Premises, both parties agree to keep, perform and fulfill the promises, conditions and agreements below:

1. **Subleased Premises**

The Sublandlord leases to the Subtenant the portion of the Premises (the "Subleased Premises") described as follows: Parking for 1(one) aircraft and use of office space including 1(one) dedicated desk and lockable filing cabinets. Shared use of laser printer, briefing rooms and classroom, as well as common areas.

2. **Term**
The term (the "Term") of the Sublease is a periodic tenancy commencing at 12:00 noon on August 1, 2018 and continuing on a year-to-year basis until the Sublandlord or the Subtenant terminates the tenancy.
3. The provisions of this Sublease are subject to the terms and restrictions of the Master Lease.
4. **Rent**
Subject to the provisions of this Sublease, the rent for the Subleased Premises is \$800.00 (the "Rent") per month.
5. The Subtenant will pay the Rent to the Sublandlord at 2024 Cedar Cres. Courtenay BC V9N 3B6, or at such other place as the Sublandlord may later designate, on or before the first of each and every month.
6. **Use of Subleased Premises**
Except as otherwise provided in this Sublease, the Subtenant and the agents and employees of the Subtenant will only use the Subleased Premises for a purpose consistent with the permitted use allowed in the Master Lease. Further, the Subtenant agrees to comply with all other applicable provisions of the Master Lease, and will not do anything that would constitute a violation of any part or condition of the Master Lease.
7. **Utilities**
During the Term of this sublease, the Subtenant is responsible for the payment of the following utilities and other charges in relation to the Subleased Premises: Utilities are included except for telephone and internet service other than Shaw Go Wifi which is available at the premises.
8. **Maintenance and Repairs**
The Subtenant agrees to surrender and deliver to the Sublandlord the Subleased Premises and all furniture and decorations within the Subleased Premises in as good a condition as they were at the beginning of the Term, reasonable wear and tear excepted. The Subtenant will be liable to the Sublandlord and the Landlord for any damages occurring to the Subleased Premises or the contents of the Subleased Premises or to the building which are done by the Subtenant or the Subtenant's guests.
9. The Subtenant will immediately report all general maintenance issues and needed repairs to the Sublandlord and the Landlord.
10. **Insurance**
The Subtenant, at the expense of the Subtenant, will carry insurance and keep in force a policy of comprehensive or commercial liability insurance providing coverage for death, bodily injury, property loss, property damage, and other potential loss and damage arising out of the Subtenant's use and

occupation of the Subleased Premises in the amount of not less than FIVE MILLION (\$5,000,000) Dollars inclusive per occurrence and the Sublandlord, City of Courtenay, and its elected officials, officers, employees, agents and others, shall be named as additional insured under the policy.

11. The Subtenant will provide proof of such insurance to the Sublandlord and the Landlord upon the issuance or renewal of such insurance.

12. **Release**

The Subtenant hereby releases the City of Courtenay 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 Subtenant may have, now or in the future, in relation to this Sublease, the Premises where the Subtenant's use or occupancy of the Premises.

13. **Indemnity**

Save and except for the negligence of the City of Courtenay, and its elected officials, offices, employees, contractors, agents, successors and assigns, the Subtenant and the Indemnifier, jointly and severally, will and hereby do indemnify and save harmless the City of Courtenay from any and all liabilities, damages, costs, claims, suits, or actions, (including without limitation, the full amount of all legal fees, costs, charges and expenses whatsoever) directly or indirectly arising from:

- a. any breach, violation, or non-performance of any covenant, condition or agreement in this Sublease set forth and contained on the part of the Subtenant to be fulfilled, kept, observed and performed;
- b. any act, omission, or negligence of the Subtenant, its members, officers, directors, employees, agents, contractors, subcontractors, subtenants, licensees, invitees, or others for whom it is responsible;
- c. any gas, oil or other such spill or leak caused from the use of the Premises which may cause contamination to the environment or otherwise contravene the Waste Management Act;
- d. any damage to property occasioned by the Subtenant's use and occupation of the Premises and Building or any injury to person or persons, including death, resulting at any time from the Subtenant's use and occupation of the Premises and Building; or
- e. the granting of this Sublease,

and this indemnity shall survive the expiry or sooner determination of this Sublease.

14. **Alterations and Improvements**

The Subtenant may not make any alterations or improvements to the Subleased Premises.

15. **Taxes**

The Subtenant will pay any privilege, excise and other taxes duly assessed against the business of the Subtenant, the Subleased Premises and any personal property on or about the Subleased Premises. The Subtenant will avoid the assessment of any late fees or penalties.

16. **Event of Default**

The Subtenant will default under this Sublease if any one or more of the following events (the "Event of Default") occurs:

- a. The Subtenant fails to pay the Rent to the Sublandlord or any amount of it when due or within any grace period, if any.
- b. The Subtenant fails to perform any of its obligations under this Sublease or any applicable obligation under the Master Lease.
- c. The Subtenant becomes insolvent, commits an act of bankruptcy, becomes bankrupt, takes the benefit of any legislation that may be in force for bankrupt or insolvent debtors, becomes involved in a voluntary or involuntary winding up, dissolution or liquidation proceeding, or if a receiver will be appointed for the affairs of the Subtenant.
- d. The Subtenant abandons the Subleased Premises or any part of the Subleased Premises.
- e. The Subtenant uses the Subleased Premises for any unpermitted or illegal purposes.
- f. The Subtenant fails to commence, diligently pursue, and complete the Subtenant's work to be performed pursuant to this Sublease pertaining to the Subleased Premises.
- g. The Subleased Premises, or any part of the Subleased Premises is completely or partially damaged by fire or other casualty that is due to the Subtenant's negligence, wilful act, or that of the Subtenant's employee, family, agent, or guest.
- h. Any other event of default provided in the Master Lease or the Act.

17. **Remedies**

Upon the occurrence of any Event of Default, the Sublandlord has any or all of the following remedies:

- a. Terminate the Sublease upon the greater of any notice required in the Master Lease or the Act and the Term will then immediately become forfeited and void.
 - b. The Sublandlord may, but is not obligated to, perform on behalf of the Subtenant, any obligation of this Sublease or the Master Lease which the Subtenant has failed to perform. The Sublandlord may seek redress from the Subtenant for such performance.
 - c. The Sublandlord may reenter the Subleased Premises or any part of the Subleased Premises and in the name of the whole repossess and enjoy the same as of its former state anything contained within the Subleased Premises.
 - d. Any other remedy provided in the Master Lease or the Act.
18. No reference to or exercise of any specific right or remedy by the Sublandlord will prejudice or preclude the Sublandlord from any other remedy whether allowed at law or in equity or expressly provided for in this Sublease or the Master Lease. No such remedy will be exclusive or dependent upon any other such remedy, but the Sublandlord may from time to time exercise any one or more of such remedies independently or in combination.
19. Upon the expiration, termination or cancellation of the Master Lease or this Sublease, all obligations of the Sublandlord and the Subtenant under this Sublease will be extinguished, and the Sublease will immediately terminate, and the Subtenant will immediately vacate the Premises.
20. Any improvements remaining on the Subleased Premises upon termination will revert to the Sublandlord and will be free of any encumbrance at the time of such reversion.
21. **Surrender of Premises**
At the expiration of the Term of this Sublease, the Subtenant will quit and surrender the Premises in as good a state and condition as they were at the commencement of this Lease, reasonable use and wear and damages by the elements excepted.
22. **Governing Law**
It is the intention of the parties to this Sublease that the tenancy created by this Sublease and the performance under this Sublease, and all suits and special proceedings under this Sublease, be construed in accordance with and governed, to the exclusion of the law of any other forum, by the laws of British Columbia, without regard to the jurisdiction in which any action or special proceeding may be instituted.
23. **Severability**
If there is a conflict between any provision of this Sublease and the applicable legislation of British Columbia (the "Act"), the Act will prevail and such provisions of the Sublease will be amended or

deleted as necessary in order to comply with the Act. Further, any provisions that are required by the Act are incorporated into this Sublease.

24. In the event that any of the provisions of this Sublease will be held to be invalid or unenforceable in whole or in part, those provisions to the extent enforceable and all other provisions will nevertheless continue to be valid and enforceable as though the invalid or unenforceable parts had not been included in this Sublease and the remaining provisions had been executed by both parties subsequent to the expungement of the invalid provision.
25. **Assignment and Subletting**
The Subtenant will not assign, transfer or further sublet the Subleased Premises or any part of the Subleased Premises without the prior written consent of the Sublandlord and the Landlord.
26. **Notices**
Unless otherwise specifically provided in this Sublease, all notices from the Subtenant to the Sublandlord will be served or sent to the Sublandlord at the following address:
2024 Cedar Cres, Courtenay, BC V9N 3B6.
27. Unless otherwise specifically provided in this Sublease, all notices from the Sublandlord to the Subtenant will be served or sent to the Subtenant at the following address:
000 Jubilee Parkway, #17 Campbell River, B.C. V9H 1T5.
28. All notices to be given under this Sublease will be in writing and will be served personally or sent by certified or registered mail using the Canada Post corporation.
29. **Master Lease**
Except as otherwise expressly provided in this Sublease, the Subtenant will perform all applicable duties and obligations of the Sublandlord under the Master Lease from August 1, 2018 until the end of the Term of this Sublease.
30. Except as otherwise expressly provided in this Sublease, the Sublandlord will have, as to the Subtenant, all applicable rights and remedies that the Landlord has with respect to the Sublandlord in the Master Lease.
31. This Sublease contains all of the conditions and terms made between the parties to this Sublease, and may not be modified orally or in any other manner other than by agreement in writing signed by all parties to this Sublease or their respective successors in interest.
32. This Sublease incorporates the terms of and is subject to the Master Lease, a copy of which is attached to this Sublease, and which is incorporated as if it were set out in this Sublease.

33. **General Provisions**

In the event of any legal action concerning this Sublease, the losing party will pay to the prevailing party reasonable attorney's fees and court costs to be fixed by the court and such judgment will be entered.

34. The Sublandlord may enter the Subleased Premises upon 24 hours notice for any of the following reasons:

- a. to inspect the Subleased Premises;
- b. to maintain the Subleased Premises; or
- c. to make repairs that the Sublandlord is obligated to perform.

35. This Sublease will extend to and be binding upon and inure to the benefit of the respective heirs, executors, administrators, successors and assigns, as the case may be, of each party to this Sublease. All covenants are to be construed as conditions of this Sublease.

36. All sums payable by the Subtenant to the Sublandlord under any provision of this Sublease will be deemed to be Additional Rent and will be recovered by the Sublandlord as rental arrears.

37. Where there is more than one Subtenant executing this Sublease, all Subtenants are jointly and severally liable for each other's acts, omissions and liabilities under this Sublease.

38. The Subtenant will be charged an additional amount of \$25.00 for each N.S.F. cheque or cheque returned by the Subtenant's financial institution.

39. All schedules to this Sublease are incorporated into and form an integral part of this Sublease.

40. Headings are inserted for the convenience of the parties only and are not to be considered when interpreting this Sublease. Words in the singular mean and include the plural and vice versa. Words in the masculine include the feminine and vice versa. The words "Sublandlord" and "Subtenant" as used in this Sublease include the plural as well as the singular; no regard for gender is intended by the language in this Sublease.

41. This Sublease may be executed in counterparts.

42. Time is of the essence in this Sublease.

- 43. The Sublandlord and the Subtenant have no interest or other rights of ownership in each other. The parties to this Sublease are not agents for each other. Under no circumstances will this Sublease be construed as creating a partnership or joint venture between the parties to this Sublease.
- 44. Each signatory to this Sublease acknowledges receipt of an executed copy of this Sublease.
- 45. This Sublease will not be valid and binding on the Sublandlord and Subtenant unless and until it has been completely executed by and delivered to both parties and the Landlord has consented to this Sublease.

IN WITNESS WHEREOF the Sublandlord and the Subtenant have duly affixed their signatures under hand and seal on this _____, 2018.

Witness

Airspeed High Ultralights

Sealand Aviation Ltd.

Witness

per: _____ (SEAL)

Courtenay Airpark Association.
1-110 20th St.
Courtenay, BC V9N 8B1

June 1, 2018

Sealand Flight Ltd.
Attention: Nancy Marshall
2000 Jubilee Parkway, Box 17
Campbell River BC V9H 1T5

Re: Flight Training at the Courtenay Airpark

Dear Ms. Marshall,

The Courtenay Airpark Association has received your request to use the Courtenay Airpark for a flight training school. Please consider this correspondence as authorization for Sealand Flight Ltd. to use the Courtenay Airpark for this service.

It is expected that Sealand Flight Ltd. will meet all requirements for the business as per Transport Canada regulations. In addition, a business licence from the City of Courtenay is required. It is understood that office and aircraft parking has been secured with the Airspeedhigh Ultralights.

We look forward to having this school become available to the residents of the Comox Valley. If you have any further questions, please contact me at (250) 339-4555.

Yours truly,

Morris Perrey
President, Courtenay Airpark Association



STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Downtown Revitalization Tax Exemption Bylaw

File No.: 0250-20/3900-2937
Date: July 16, 2018

PURPOSE:

The purpose of this report is for Council to consider a downtown revitalization tax exemption bylaw to stimulate new commercial and residential development in the greater downtown area.

CAO RECOMMENDATIONS:

That based on the July 16, 2018 staff report, "Downtown Revitalization Tax Exemption Bylaw", Council proceed to First and Second Readings of Bylaw 2937, 2018; and

That statutory notice for the Downtown Revitalization Tax Exemption Bylaw be published pursuant to section 277 of the *Community Charter* prior to adoption of the bylaw.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

In August 2016 Council adopted the Downtown Courtenay Playbook: A Partnership Action Plan. This playbook was the result of extensive stakeholder engagement and community consultation. It outlines a number of initiatives the City and its partners can undertake to facilitate strengthening Downtown Courtenay as the heart of the Comox Valley.

The creation of a revitalization tax exemption program is one of the actions recommended in the plan to assist in stimulating redevelopment of existing buildings, and the development of new buildings.

DISCUSSION:

Revitalization tax exemption programs are widely used by local governments across the province as a means to incentivize development of certain types or within specified areas. One of the more common exemptions programs is for downtown development.

With regard to downtown Courtenay staff are proposing a bylaw with two distinct areas for tax exemption purposes. These are the core area (Area 1) of downtown generally bound by 3rd Street, the Courtenay

River, 8th Street and Harmston Avenue and the “Greater Downtown” (Area 2) extending south from the core area to 17th Street and west to the railway corridor.

Within the core area (Area 1), the program, as proposed, includes a 5 year 100% tax exemption on the increase in assessed value resulting from new improvements. This exemption will apply equally to commercial, residential and mixed use developments.

Within the greater downtown area (Area 2) the program includes a 5 year 50% tax exemption on the increase in assessed value resulting from commercial improvements. In an effort to support residential development on the periphery of the core a 5 year 100% exemption for residential development of 4 or more units is also proposed.

In an effort to encourage development of affordable housing units staff are proposing that within both Area 1 and Area 2 the program include an 8 year 100% exemption for residential development where the owner enters into a housing agreement to secure affordable housing units. In this regard, the housing agreement will require that at a minimum 10% of the units (but not less than 1 unit) be rented, leased, sold or share priced at 30% below market rates.

For commercial development staff are proposing a minimum building permit value of \$200,000 for the project to be eligible. This will encourage more significant investment and limit the number of exemptions granted for minor renovations. Council may wish to consider other incentive programs such as a façade improvement grant to stimulate more modest renovations.

The impact of the proposed exemptions based on 2018 tax rates are approximately:

- a) \$343 per year for every \$100,000 of increased assessed value for a 100% exemption on a residential project; and
- b) \$1,042 per year for every \$100,000 in increased assessed value for a 100% exemption on a commercial project; and
- c) \$521 per year for every \$100,000 in increased assessed value for a 50% exemption on a commercial project.

Some revitalization tax exemption bylaws require specific types of commercial or residential uses, or that projects are constructed to certain standards such as LEED (Leadership in Energy and Environmental Design) to meet eligibility requirements. These limiting criteria are more easily implemented in communities that are currently seeing significant development interest in their downtown area. While staff are working with a number of property owners in the Greater Downtown area who are considering projects, the interest in downtown development in the last few years has not been significant. To achieve the maximum impact in the shortest time frame staff are not recommending significant eligibility conditions at this time. Staff believe that applying the exemption with limited requirements will provide flexibility and clarity to industry making the program more appealing.

Council may wish to direct revisions to the bylaw to include specific eligibility criteria at this time, however, staff recommend considering revisions to the bylaw in the future after an initial period of review to measure the success of the program.

FINANCIAL IMPLICATIONS:

Implementing a revitalization tax exemption bylaw will not result in a loss of current tax revenue but will delay new tax revenue from the increased assessed value resulting from new development.

Staff are recommending a \$200 fee for processing the application and tax certificate.

ADMINISTRATIVE IMPLICATIONS:

Preparation of this report took approximately 25 hours. Should Council proceed with the bylaw, an additional 15 hours of staff time will be required to undertake the required notification process, prepare the application form and prepare educational material.

It is estimated that each application will take approximately 5 hours to process.

ASSET MANAGEMENT IMPLICATIONS:

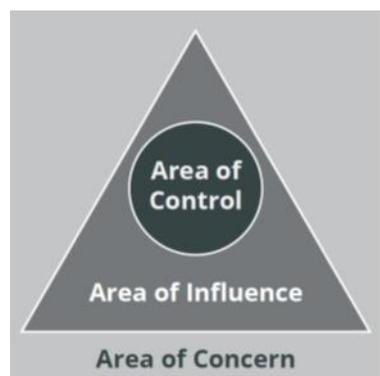
There are no direct asset management implications associated with this program.

STRATEGIC PRIORITIES REFERENCE:

The proposed revitalization tax exemption program aligns with Council’s strategic priority to actively pursue vibrant economic growth.

We actively pursue vibrant economic growth

- Revitalizing our downtown is critical to our economic future
- Continue to improve our relationship with business in our community



- **Area of Control**
The policy, works and programming matters that fall within Council’s jurisdictional authority to act.
- ▲ **Area of Influence**
Matters that fall within shared or agreed jurisdiction between Council and another government or party.
- **Area of Concern**
Matters of interest outside Council’s jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

Section 4.1.2

- To strengthen the role of the downtown as the primary business district and the centre for culture, entertainment, government and tourism;
- identify policies to encourage the development and redevelopment of the downtown
- promote a mix of multi residential with commercial uses

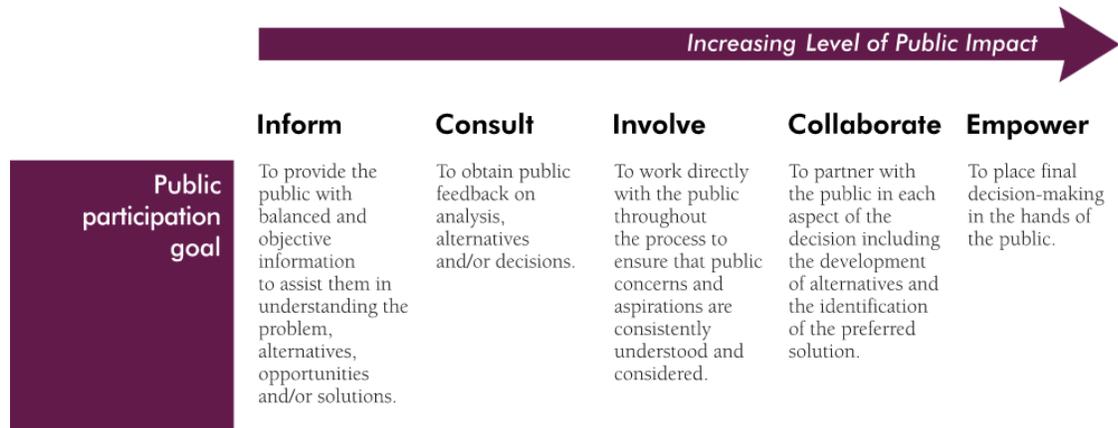
REGIONAL GROWTH STRATEGY REFERENCE:

The RGS generally supports infill development within Municipal Areas close to existing services and in particular supports the promotion of Town Centres as regional mixed use, compact and accessible employment nodes.

Additionally, one of the supporting policies (3D-3) for Goal 3: Local Economic Development encourages the examination of tax structures for Town Centres that result in reduced costs.

CITIZEN/PUBLIC ENGAGEMENT:

Pursuant to the requirements of the Community Charter the City is required to post notice in the newspaper prior to adoption of a tax exemption program. To this end, staff will **consult** with the public based on the IAP2 Spectrum of Public Participation:



OPTIONS:

- OPTION 1:** That Council proceed to First and Second Readings of Bylaw 2937, 2018 and direct staff to publish statutory notice of the City’s intention to adopt a revitalization tax exemption bylaw.
- OPTION 2:** That Council direct staff to make revisions to the bylaw prior to publishing notice.
- OPTION 3:** That Council direct staff not to proceed with any further work on a revitalization tax exemption bylaw.

Prepared by:

Ian Buck, MCIP, RPP
 Director of Development Services



STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Development Variance Permit at 1290 10th St. East

File No.: 3090-20-1709
Date: July 16th, 2018

PURPOSE:

The purpose of this report is for Council to consider an application to vary the side yard setback and maximum accessory building coverage in order to permit a two-lot subdivision.

CAO RECOMMENDATIONS:

THAT based on the July 16th, 2018 Staff report “Development Variance Permit at 1290 10th St. East”, Council support approving OPTION 1 and proceed with issuing Development Variance Permit No. 1709.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The subject property is an approximately 1730m² residential lot located at the intersection of Chaster Road and 10th Street East in East Courtenay, legally described as Lot 1, Section 14, Comox District, PLAN 20345 (**Figure 1.**). The property is currently developed with a single residential dwelling with a non-conforming basement suite that is occupied by the tenants of the principal dwelling. Figures 2 and 3 show images of the dwelling from the 10th Street East and Chaster Road frontages respectively.



Figure 1: Location Map



Figure 2. View from 10th St. East



Figure 3. View from Chaster Rd.

The property is zoned Residential One (R-1) which permits a single residential dwelling. The minimum parcel size for properties in this zone is 725m² for a corner lot and 650m² for an interior lot. Therefore, the 1730m² subject property has the potential to be subdivided into two separate R-1 properties.

As Council may recall, the applicant's original intention was to subdivide the property into two lots and legalize the existing suite. In order to bring the suite into compliance, the applicant made an application to rezone the entire property to the Residential One S (R-1S) zone prior to subdivision which, if approved, would have permitted secondary suites on both subdivided lots. This zoning amendment application was considered by Council and subsequently defeated at the November 6th, 2017 meeting. Strong neighbourhood opposition to permitting suites on two potential lots was voiced through the public consultation.

The applicant is now applying for two variances to facilitate the subdivision of the lot. The variances are required as subdivision approval would create a new instance of non-conformity in the form of accessory building coverage. One of the yard setbacks is also currently non-conforming.

The existing non-conforming suite is no longer occupied by a separate tenant and the owner will not be pursuing the legalization of the suite. In such instances of the City learning of an illegal suite, staff will work with the applicant to ensure the suite is decommissioned which includes removing the full kitchen facilities within the suite.

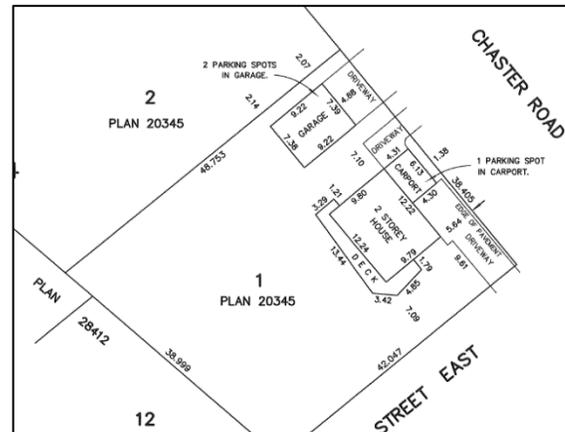


Figure 4. Current lot configuration

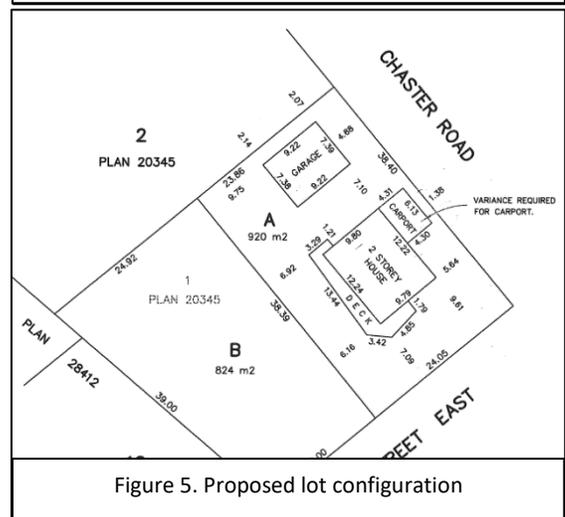


Figure 5. Proposed lot configuration

Figure 4 to the right shows the site plan of the existing building. Figure 5 shows the future subdivision lot layout proposal.

DISCUSSION:

OCP Review

The owner's intent underlying this application is to create an additional lot for a single family dwelling development. While granting the variances will not itself create infill development, it will facilitate subdivision of the lots thereby providing an infill development opportunity. Infill development within an established neighbourhood is supported by the Official Community Plan (OCP) and Affordable Housing Policy. In this instance, the only permitted use on the infill lot will be single family residential, which is the dominant surrounding land use. Therefore the new development is anticipated to maintain the character and scale of the neighbourhood. The property is not within a Local Area Plan area.

Zoning Review and Analysis

The principal and accessory structures as built do not currently conform to the front yard zoning setback. Section 529 of the *Local Government Act* stipulates that non-conforming setbacks of structures may continue provided they are not being altered or extended so as to increase the degree of non-conformity.

However, a subdivision may not be approved where it will create new, or extend the degree of existing, non-conforming siting. The subdivision will change the yard orientation of the lot and result in a smaller back yard, thus necessitating the accessory building size variance in order to render the subdivision lawful. As a variance application is already in place for the accessory building, the side yard should also be varied to bring the existing structure into conformity with zoning regulations. These variances will only be issued for the existing structures and any rebuilding on the site will need to comply with all zoning requirements. A summary of the variances is included below:

<u>Variance</u>	<u>Required</u>	<u>Existing</u>	<u>Variances following subdivision</u>
Side yard adjacent a street <ul style="list-style-type: none"> Side yard currently flanks 10th st. East. Following subdivision, the side yard will flank Chaster Rd. 	4.5m	Current side yard setback (10 th St. East) is 7.09m (is conforming)	Variance required. With subdivision, the new side yard setback (Chaster Rd.) will be 0.75m with a difference of 3.75m.
Maximum size of accessory buildings. Building is 68.1m ² at building walls, for an estimated 70m ² including roof overhang projections.	50m ² or 10% of the rear yard, whichever is greater	Rear yard coverage is currently 9%	Variance required. With subdivision, the building will cover 19% of the rear yard with a maximum total accessory building coverage of 70m ² .

Staff assess the requested variances are minor and supportable for the following reasons:

1. The side yard variance is to accommodate non-conforming siting of the principal building in the form of a covered carport (Chaster Rd). This structural encroachment is less imposing than the envelope of the principal building itself. Furthermore, it has been existing for a number of decades with no complaint or noticeable impact to the neighbourhood.
2. The purpose of a 4.5m minimum side yard setback adjacent to a street is to minimize the presence of building massing from adjacent public roads and support traffic safety. In this instance, the road is a low traffic dead end street with seven other properties accessing this short segment of road. Further, the grassed portion of the adjacent road boulevard is approximately 6.3m, lending the impression that the subject property's side yard is wider than it is, closer to 7.7m. This portion of Chaster Road is not expected to be upgraded to include sidewalks given the limited number of properties it services and its lack of connectivity, therefore this additional setback on public land is expected to continue to exist.
3. While the accessory building coverage is larger than normal, its presence on the streetscape and to neighbours will not result in change of form and character of the neighbourhood. The newly created lot A will include an interior side yard of 6.92m as measured from the principal building which greatly exceeds the required 1.5m minimum. The distance between the accessory building and the interior side yard lot line will be 9.75m which will also reduce the impression of crowding with newly created lot B, and will provide a functional back yard.

4. The two requested variances are required due to a proposed subdivision yard configuration adjustment. This is an administrative change and will not result in any changes to the existing structures as currently experienced by the owners or surrounding residents.

FINANCIAL IMPLICATIONS:

Application fees have been collected in order to process the Development Variance Permit and Subdivision applications. Development Cost Charges would be payable for the new lot at the time of subdivision approval, should the Development Variance Permit be granted.

ADMINISTRATIVE IMPLICATIONS:

Processing development applications is a statutory component of the work plan. Staff has spent approximately 10 hours processing the application to date. If approved, there will be an additional hour of staff time required to prepare the notice of permit, have it registered on title, and close the file. Additional staff time will be required for to ensure the existing secondary suite is deactivated.

ASSET MANAGEMENT IMPLICATIONS:

The proposed development utilizes existing infrastructure and is connected to City Water and City Sewer. There are no direct asset management implications associated with this application. The newly created lot will be required to pay connection fees to City Water, Sewer and Stormwater services.

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 indirectly supports 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:

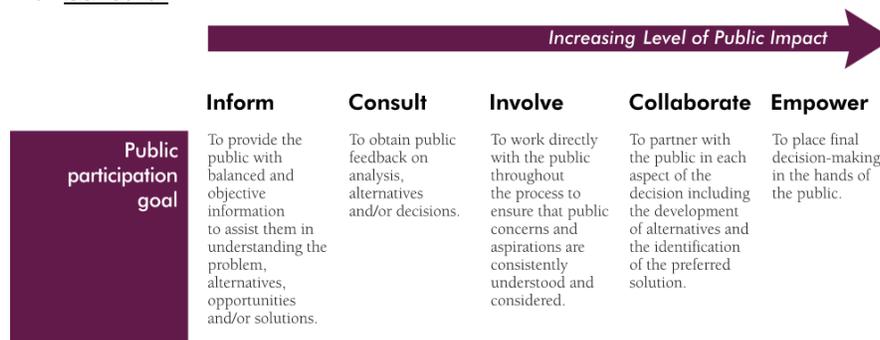
Not directly applicable.

REGIONAL GROWTH STRATEGY REFERENCE:

Not directly applicable.

CITIZEN/PUBLIC ENGAGEMENT:

As per Council’s direction, under the IAP2 Spectrum of Public Participation the level of public input that has been undertaken is “**Consult**”.



Property owners and occupants within 100 meters of the property were advised of the variance request and invited to a Public Information Meeting held by the applicant on June 13, 2018. Staff decided to extend the radius of notification from the standard 30 meters (for variances) to 100 meters (for zoning and other land use amendment applications), in order to ensure that all residents notified of the former rezoning application were informed of the current variance request.

A summary of the meeting is provided by the applicant in **Attachment No. 3**. Three people were in attendance at the meeting, one of which was also representing a neighbouring property owner. Two submitted comment sheets. The applicant indicates no public concerns and the two Public Information Meeting comment sheets submitted for this application are supportive. The applicant indicates one concern related to site drainage. Drainage is required to meet City standards through the subdivision site servicing and building permit processes.

Public notice was also sent to property owners and occupants who reside within 100 meters of the property lines as part of statutory public notice requirements. To date, Development Services has not received any responses or inquiries from this notice.

OPTIONS:

OPTION 1: (Recommended): Approve Development Variance Permit No. 1709.

OPTION 2: Defer consideration of Development Variance Permit No. 1709 with a request for additional information.

OPTION 3: Not approve Development Variance Permit No. 1709.

Prepared by:



Nancy Gothard, MCIP, RPP
Policy Planner

Approved by:



Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Attachment No. 1: Draft Development Variance Permit No. 1709*
2. *Attachment No. 2: Applicant's rationale for variance request*
3. *Attachment No. 3: Public Information Meeting documentation*

THE CORPORATION OF THE CITY OF COURTENAY

Permit No. DVP 1709

DEVELOPMENT VARIANCE PERMIT

July 17, 2018

To issue a Development Variance Permit

To:

Name: Gordon and Tracey Peter
Address: 8486B Island Highway
Courtenay, B.C. V9J 1H3

Property to which permit refers:

Legal: LOT 1, SECTION 14, COMOX DISTRICT, PLAN 20345
Civic: 1290 10th Street East

Conditions of Permit:

Permit issued to allow an existing carport attached to the principal dwelling, and permit an existing accessory building to exceed the maximum allowable size, including the following variances to the *City of Courtenay Zoning Bylaw No. 2500, 2007*:

- Section 8.1.6(3) - Despite the setback requirement in this Section, the minimum setback of the existing attached carport from the side yard property line adjacent a street may be reduced from 4.5m to 0.75m; and
- Section 8.1.8(2) – Despite the accessory building area coverage requirement in this Section, the maximum accessory building coverage for the existing building may not exceed 70m².

Development Variance Permit No. 1709 is subject to the following conditions:

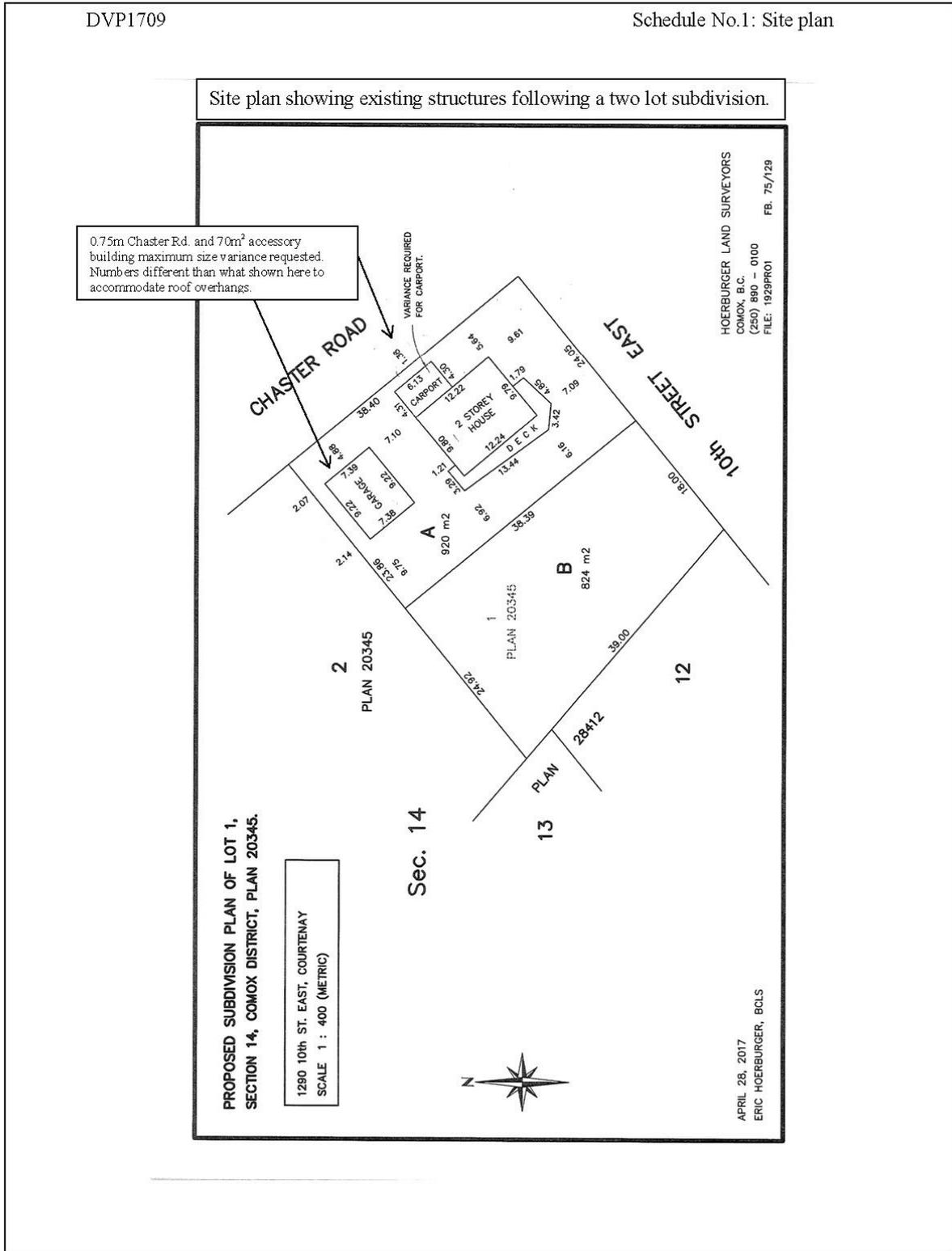
- a) Development must be in conformance with the site plan contained in *Schedule No.1*;
- b) The variances stated are for the existing structures as shown in *Schedule No.1* only and shall not apply to any new structures;
- c) No alterations or amendments shall be made without the City's permission. If any amendments are required the applicant shall apply for either an amendment to the development permit or a new development permit.

Time Schedule of Development and Lapse of Permit

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

Date

Director of Legislative Services



H. A. Martyn, P.Eng.
1080 Arrowsmith Ave.
Courtenay, BC V9N 8M8
Tel: 250-334-2338 / Cel: 250-898-7210

Gordon and Tracey Peter
Proposed Development Variance Permit
1290 10th Street East, Courtenay

Summary and Rationale

Land Use

Gordon and Tracey Peter are the Owners of the property addressed as 1290 10th St. East and legally described as Lot 1, Section 14, Comox District, Plan 20345. This property is located at the northwest corner of the intersection of 10th Street and Chaster Road in East Courtenay. The property is a larger lot with existing house and accessory building located closer to the Chaster Road frontage. The lot is currently zoned R-1 and is sufficiently large to permit subdivision to create a second R-1 zoned lot. The existing house has been in place for upwards of 50 years and very likely precedes the incorporation of the property into the City of Courtenay.

The Owners of the recently purchased property are interested in pursuing the subdivision of a single infill lot meeting the existing R-1 residential zoning parameters. In so doing, it appears that some minor variances with respect to setbacks for the existing house will be required to comply with the requirements of the Zoning Bylaw for a lot in the R-1 zone. The existing lot and building locations are illustrated on the BCLS Sketch Plan accompanying the application, which also illustrates the proposed Plan of Subdivision. A separate subdivision application is being submitted and processed concurrently with this Variance application.

Zoning and Variances

As currently configured, the existing lot frontage is defined as the Chaster Road side of the lot. Subdivision of the lot will alter the definition of frontage, and the definitions of 'yards' will change as a result. A review of the R-1 Zoning requirements, in relation to the existing buildings on proposed Lot A suggests the following variances are required:

1. Front yard setback (now 10th St. frontage) – reduce from 7.5m to 7.0m to accommodate the existing structural deck attached to the south and west sides of the house.
2. Exterior side yard setback (Chaster Rd.) – reduce from 4.5m to 1.2m to accommodate the existing attached carport structure. Due to the narrow pavement and lack of formal curbs and sidewalks on Chaster Road, the wider grassed boulevard gives a sense of greater setback than.
3. Accessory building area – increase the maximum area requirement from 50 sq.m to 70 sq.m to accommodate the existing separate garage structure.

.....2

1290 10th Street East, Courtenay
Proposed Development Variance Permit
Summary and Rationale (cont'd)

The requested zoning variances are, we believe, minor in nature and serve to facilitate the creation of a new infill housing lot utilizing existing City infrastructure in a sustainable way. It can be noted that, even prior to the proposed subdivision, the existing structures do not conform to two R-1 Zoning requirements, having been constructed prior to incorporation into the City. Approval of the requested variances will eliminate these non-conforming issues.

Prepared By:

H.A. Martyn, P.Eng.
Consulting Engineer

H. A. Martyn, P.Eng.
1080 Arrowsmith Ave.
Courtenay, BC V9N 8M8
Tel: 250-334-2338 / Cel: 250-898-7210

Gordon and Tracey Peter
Proposed Development Variance Permit
1290 10th Street East, Courtenay

Neighbourhood Information Meeting
Summary Report to City

The meeting was held on Wednesday, 13 June/18, outdoors, on the subject property at 1290 10th St. East. The meeting convened at approximately 7:05 pm and lasted approximately 20 minutes.

The attendance sheet was signed by 3 local residents representing 2 property addresses. The [REDACTED] noted that they are also representing [REDACTED], 1250 10th St. E., as they will be inheriting his property at some point in the future. The Applicant/Owner's Agent, Hal Martyn, P.Eng., was also present.

The meeting was advertised by way of hand-delivery of an information package. For a DVP, the extent of notification is 30m radius, which covered 12 addresses. At the suggestion of the City, the radius was voluntarily extended to 100m to capture all properties that were party to a previous, unsuccessful rezoning application. Based on a list provided by the City, a further 32 notices were hand delivered and one was mailed to an out-of-town owner. The initial hand delivery was done on 01 June; the broader notification was hand delivered on 06 June.

Mr. Martyn presented a verbal summary of the application indicating that, after the unsuccessful rezoning attempt (R-1 to R-1S), the Owners were proceeding with an application to subdivide the property to create a second R-1 lot. As a result of the proposed subdivision, the existing house would require three variances to conform to the existing R-1 zoning. The three variances were discussed.

Commentary

- All meeting attendees were supportive of the DVP application and do not object.
- The only concern expressed was that, during the subdivision and development process, care be taken to address drainage so as not to exacerbate existing drainage concerns in the low corner of the lot and down-gradient to the west.

Mr. Martyn encouraged the attendees to use the comment sheets provided to submit their responses regarding the proposed application to the City, and also to attend the Public Hearing.

Prepared By:

H.A. Martyn, P.Eng.
Consulting Engineer

HM/hm

File No. 1705

June 14, 2018

PUBLIC INFORMATION MEETING
June 13th, 2018
SIGN IN SHEET
FOR
Development Variance Permit - 1290 East 10th Street

NAME (Please Print)	ADDRESS
[REDACTED]	950 Williams Rd.
[REDACTED]	950 WILLIAMS RD.
[REDACTED]	1310 10th St East
[REDACTED]	
<i>NOTE: The [REDACTED] are also representing [REDACTED] of 1250 10th St. E.</i>	

PUBLIC INFORMATION MEETING

7 pm, Wednesday, June 13th, 2018

Development Variance Permit - 1290 East 10th Street

COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]
Address: 1350 10th Str East Courtway Phone: [REDACTED]

Hal Martyn, P.Eng. (on behalf of the Owners) has applied to the City of Courtenay for a Development Variance Permit to vary certain aspects of the R-1 zoning applied to the existing house, in the context of a subdivision of the lot into 2 R-1 single-family lots. 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 been to the first meeting and was surprised that such opposition was displayed from some neighbours. This neighbourhood is so positive so welcoming!!! Is it that some don't like any change!!!

I am very open for the second R-1.

let us support one another

no hindrance from me for the subdivision yours truly

PUBLIC INFORMATION MEETING

7 pm, Wednesday, June 13th, 2018

Development Variance Permit - 1290 East 10th Street

COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]
Address: 1045 Williams Road Phone: [REDACTED]

Hal Martyn, P.Eng. (on behalf of the Owners) has applied to the City of Courtenay for a Development Variance Permit to vary certain aspects of the R-1 zoning applied to the existing house, in the context of a subdivision of the lot into 2 R-1 single-family lots. 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 objection to the plan for Lot A, Section 14, Comox District Plan EPP...



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3360-20-1806

From: Chief Administrative Officer

Date: July 16th, 2018

Subject: Zoning Amendment Bylaw No. 2929 – 911 Braidwood Road

PURPOSE:

The purpose of this report is for Council to consider a Zoning Amendment application to rezone the property legally described as Lot 9, Section 16, Comox District, Plan 6065 (911 Braidwood Road). The proposed amendments will rezone the property from Commercial Two A (C-2A) to Residential Four A (R-4A) to allow construction of a multi-residential building consisting of 79 rental units.

CAO RECOMMENDATIONS:

THAT based on the July 16th, 2018 staff report 'Zoning Amendment Bylaw No. 2929 – 911 Braidwood Road' Council approve Option No. 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2929, 2018;

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to the above-referenced Bylaws on August 7th, 2018 at 5:00 p.m. in City Hall Council Chambers; and

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The subject property is located along Braidwood Road between Old Island Highway and Back Road, legally described as Lot 9, Section 16, Comox District, Plan 6065 and its civic address is 911 Braidwood Road. It is currently zoned Commercial Two A (C-2A). The property is currently vacant. The applicant proposes to rezone to Residential Four A (R-4A) with the intention of



Figure 1. Location Map

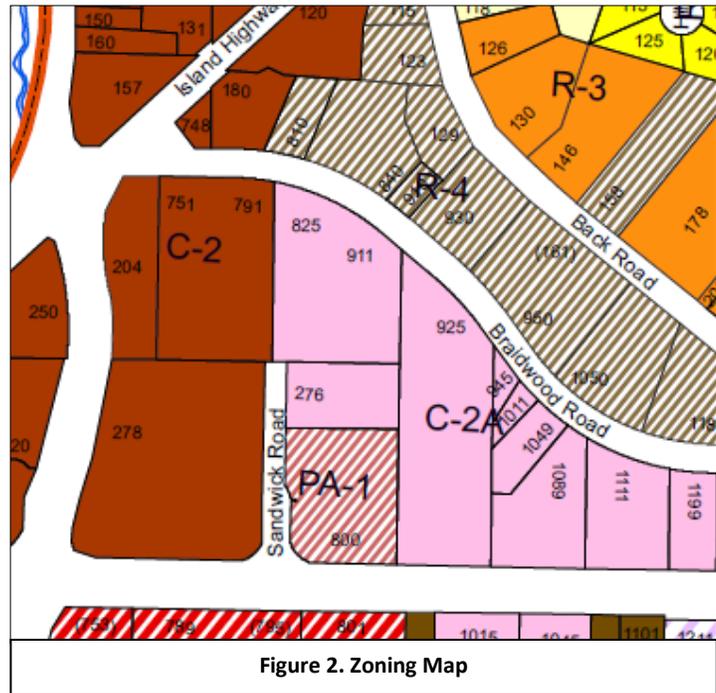
constructing a 5-storey multi-residential building with 79 rental units.
 The OCP land designation on the south side of Braidwood Road including the subject property is *Commercial Shopping Centres*.

In terms of zoning, the property immediately to the west is zoned C-2. Properties on the south side of Braidwood are zoned C-2A. Properties on the north side of Braidwood except a few properties frontage Old Island Highway are zoned R-4 (**Figure 2. Zoning Map**).

DISCUSSION:

Official Community Plan Review

The proposal is consistent with the OCP policy that supports residential use close to major shopping malls and considers it appropriate in commercial areas along major arterial roads where an association with major amenities and public services can be demonstrated. The subject property is in close proximity to major amenities such as parks and retail shops as well as walking distance to the downtown. Should the rezoning application be approved the subsequent development is subject to the Multi-Residential, and Multi-Residential Above 3 Storey Development Permit Guidelines.



Zoning Review and Analysis

The future development of the site will be subject to all the regulations in the Zoning Bylaw and applicable standards and regulations.

The proposed development outlined in **Attachment No. 2** is generally consistent with the regulations and the intent of the proposed R-4A zone, with the exception of the building height. In this regard, unless the applicant modifies the plan, a variance request to relax building height requirement is expected at the time of development permit application.

Staffs’ preliminary review of the proposal suggests that the variance request would not negatively impact on the surrounding properties and is considered minor from a neighbourhood character perspective.

Table 1 below provides a comparison of the current C-2A zoning of the property and the proposed R-4A zone.

Table 1. Zoning Requirement Comparison

Zoning Regulation	C-2A	R-4A
Permitted Uses	A range of commercial uses including combined commercial-residential use provided residential use is in a dual use building and located above commercial use	Single, duplex and multi residential as well as care facility, day care and home occupation

Minimum Lot Size	2,500m ²	1,250m ²
Minimum Lot Frontage	20.0m	30.0m
Lot Coverage	50%	Not applicable
Floor Area Ratio	0.6	Apartments – 1.33
Front Yard Building Setback	7.5 m 4.5 m if the area between a building and a front lot line is landscaped and lot used for off-street parking	6.0 m
Rear Yard Building Setback	4.5 m – one storey 7.5 m - two storey	6.0 m
Internal Side Yard Building Setback	0.0 m Where a building adjoins a residential zone: 4.5 m for one-storey 7.5 m for two storey	3.0 m or 4.5 m for fourth storey and above 6.0 m where the back of a building is adjacent to or faces a side lot line
Building Height	9.14 m	14.0 m for apartment
Useable Open Space		20.0 m ² per unit for apartment; or 30.0 m ² per one bedroom dwelling unit and 50.0 m per dwelling unit with two or more bedroom.
Parking	1.5 stalls per residential unit	1.5 stalls per residential unit
Landscaping	<ul style="list-style-type: none"> 4.5 m landscape width along street frontage Landscape buffer 2.0 m in width and height along property lines to screen parking, loading, internal roads and storage areas 	<ul style="list-style-type: none"> 4.5 m landscape width along street frontage Landscape screen 3.0 m in height and width inside all property lines

Landscape

A landscape plan was submitted by the applicant along with other rezoning application materials. The proposed landscape plan is consistent with the development guidelines. Some deficiencies such as lack of direct and functional pedestrian pathways or proper recreation and play areas were identified during plan review. The applicant agreed to modify the plan in accordance with the guidelines and submit a final landscaping plan with a cost estimate as part of the development permit application. Details of the plan will be reviewed at the time of development permit application.

The targeted tree density in the new development is 41. This is expected to be achieved through the new landscaping.

Emergency Access

The OCP road network map envisions Sandwich Road to be extended to the north and connected to Braidwood Road. However, due to topography within the subject land and potential traffic impact on the intersection at Ryan Road and Sandwich Road, staff have determined the proposed road is not in an ideal location. This proposed road was also removed from the 2005 Transportation Plan that was adopted after completion of the OCP. Since Braidwood Road does not go through to the Old Island Highway and in case of an emergency, there are still significant benefits of securing an emergency access connecting between Braidwood and Sandwich Roads. Through discussion with the applicant, it is agreed that an emergency

access route designed to the City's specification will be constructed by the developer through the proposed parking lot. This provision will be registered secured through registration of a statutory right of way.

Traffic Impact

While the incremental increase in traffic from any single development along Braidwood Road is not enough to significantly impact existing traffic patterns in the area, over time the cumulative increase in traffic from ongoing development warrants consideration. To this end, the City will be undertaking a traffic study to determine what network improvements are required to facilitate the anticipated increased traffic from currently zoned sites. Any significant upgrades such as intersection improvements or new road connections will be considered for inclusion in the Development Cost Charges program.

Affordable Housing Policy

The City's Affordable Housing Policy encourages providing a range of housing types throughout the City.

While the applicant is not intending to include any subsidized or below market rental units, it aligns with the affordable housing policy to support rental apartment development and increase in densities near major services as a means of expanding housing options. Should Council wish to secure affordable housing rental units in this development, or ensure the units remain rental, Council has an option to make rezoning approval conditional upon entering into a Housing Agreement pursuant to Section 483 of the Local Government Act.

FINANCIAL IMPLICATIONS:

The applicant has paid standard zoning amendment application fees. The new development is subject to Development Cost Charges for both the City and the Regional District. This will be collected at the time of building permit issuance based on the final unit count and design.

The applicant will be required to contribute to the "Affordable Housing Amenity Reserve Fund" and "Parks Recreation, Cultural and Senior Facilities Amenity Reserve Fund" in accordance with the policy set out in the Official Community Plan. The estimated total amount of contributions is \$79,000. In order to secure the contributions, a Section 219 Covenant will be executed by the applicant and the City prior to the final adoption of the zoning bylaw. The contributions will be provided for the City at the time of building permit issuance.

Staff also suggest the applicant be required to contribute \$5,000 toward the cost of conducting the neighbourhood traffic study. Similar contributions will be requested from any other proposed developments in the area.

ADMINISTRATIVE IMPLICATIONS:

Processing zoning bylaw amendments is a statutory component of the corporate work plan. Staff has spent 30 hours processing and reviewing this application. Should the proposed bylaws receive First and Second Readings, staff will spend an additional 8 hours in preparation for the public hearing, drafting and registration of a covenant, final reading of the bylaw, and updating the bylaws and maps.

ASSET MANAGEMENT IMPLICATIONS:

There is no direct asset management implications related to the processing of this rezoning application.

STRATEGIC PRIORITIES REFERENCE:

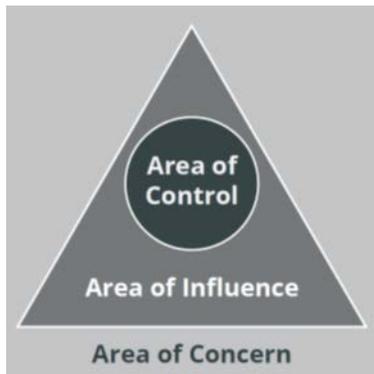
Development applications fall within Council’s area of control and specifically align with the strategic priorities to support meeting the fundamental corporate and statutory obligations of the City and to support densification aligned with community input and the regional growth strategy.

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



- **Area of Control**
The policy, works and programming matters that fall within Council’s jurisdictional authority to act.
- ▲ **Area of Influence**
Matters that fall within shared or agreed jurisdiction between Council and another government or party.
- **Area of Concern**
Matters of interest outside Council’s jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

Residential Goals and Policy:

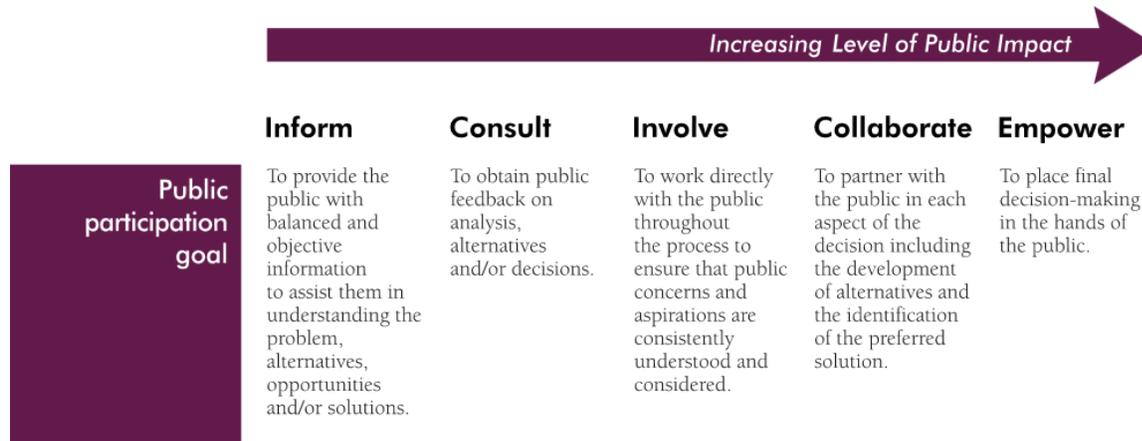
The propose development is generally consistent with the intent and policies for the multi residential land use designation. It is also consistent with the surrounding land uses.

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.

CITIZEN/PUBLIC ENGAGEMENT:

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



Should Zoning Amendment Bylaw No. 2929, 2018 receive First and Second Readings, a statutory public hearing will be held to obtain public opinion in accordance with the *Local Government Act*.

Prior to this application proceeding to Council, the applicant held a public information meeting on April 10, 2018 between 6:30 and 7:35 pm in the Comox Room at the Westerly Hotel, 1590 Cliffe Avenue. Property owners and occupiers within 100 metres of the subject property were invited to attend the meeting. A summary of the public information meeting and public comments have been included as **Attachment No.3**. According to the applicant, four people attended the meeting and were generally supportive of the project. Two property owners sent an email to the Planning department stating that they are in favour of the proposal with a condition of an 8-foot privacy fence between the adjacent property. However, the Zoning Bylaw limits the height of side and rear fence up to 2.0m (6'6"). Another property owner is concerned with increase traffic at the nearby intersection.

OPTIONS:

OPTION 1: THAT based on the July 16th, 2018 staff report 'Zoning Amendment Bylaw No. 2929 – 911 Braidwood Road' Council approve Option No. 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2929, 2018; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to the Bylaw 2929, 2018 on August 7th, 2018 at 5:00 p.m. in City Hall Council Chambers; and

OPTION 2: That Council postpone consideration of Bylaw 2929, 2018 with a request for more information.

OPTION 3: That Council not proceed with Bylaw 2929, 2018.

Prepared by:

Tatsuyuki Setta, MCIP, RPP
Manager of Planning

Reviewed by:

Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

Attachment No. 1: Applicant's Written Project Description

Attachment No. 2: Proposed Plans

Attachment No. 3: Public Information Meeting Summary Report & Public Correspondences



911 Braidwood Rd

PROJECT STATEMENT

8 March 2018

The proposed use of this property is a 5 storey multi-unit residential building comprised of 79 suites and 120 stalls of surface parking. The development responds to the affordable housing demands in Courtenay and will help meet the projected annual growth the City is expected to see over the next 5 years. The majority of this growth will be made up of retirees.

The moderate size of these units will cater to retirees downsizing from single-family homes to smaller dwellings as well as to young families. The project is located within easy walking distance to commercial amenities, schools, recreational facilities and parks. Additionally, the site is well serviced by public transit, with bus stops located within close proximity to the property. The site is surrounded by 2 storey town homes to the north-east, a 4 storey multi-unit residential building to the north, and extensive commercial development to the south. While the proposed building has more floors than those on neighbouring sites, the flat roof design makes the overall height lower than the 4-storey building with a pitched roof across the street. To further reduce the overall impact of the building we have cited it at the lowest point in the site which is 6m lower than the highest point of the property.

The building conforms to the Multi-Family Development Permit guidelines in the following ways:

- Each suite is provided with a private balcony or patio. In addition, the development will include amenity space and a secure bike room available for use by all residents.
- The design of the building uses strong architectural features to give the impression that the building steps back on the upper floors. In addition, floor area has been carved away at the north-east and south-west corners, reducing building mass and providing greater relief to the building elevations.
- The development has been designed to provide efficient on and off site circulation, generous interior day lighting, natural ventilation and ample outdoor space.
- Energy Star appliances will be used to reduce energy use and greenhouse gas emissions from the building.
- Low flow plumbing fixtures will be used to moderate urban water demand and to reduce demand on existing infrastructure.

ATTACHMENT No. 1 (1/2)
Project Description

Conformance to the City of Courtenay Affordable Housing Policy

This application aligns closely with the City of Courtenay's affordable housing policy. It will increase the availability of rental accommodations and provide a range of housing opportunities. The site meets the criteria of an underutilized site. It is an undeveloped, brownfield site which is currently zoned for commercial shopping center. Given the vast supply of commercial development within the immediate area with a relatively high vacancy rate adding a densified residential development will complement the desired mix of commercial and residential uses within this core area. The policy states that rezoning will be considered in cases where sites are underutilized which is evident in the case of this site.

Veyron Properties has proven track record of providing high quality, well managed, safe and affordable rental housing to residents of Courtenay. Adding this project to our professionally managed portfolio will diversify our offerings to the local market place and will add 1-bedroom suites which will offer an affordable price point not currently offered within our portfolio. We are committed to our mission of raising the bar for residential rental housing and offering an unmatched value within the marketplace. We look forward to working with the City of Courtenay to bring the renter population the housing they deserve.

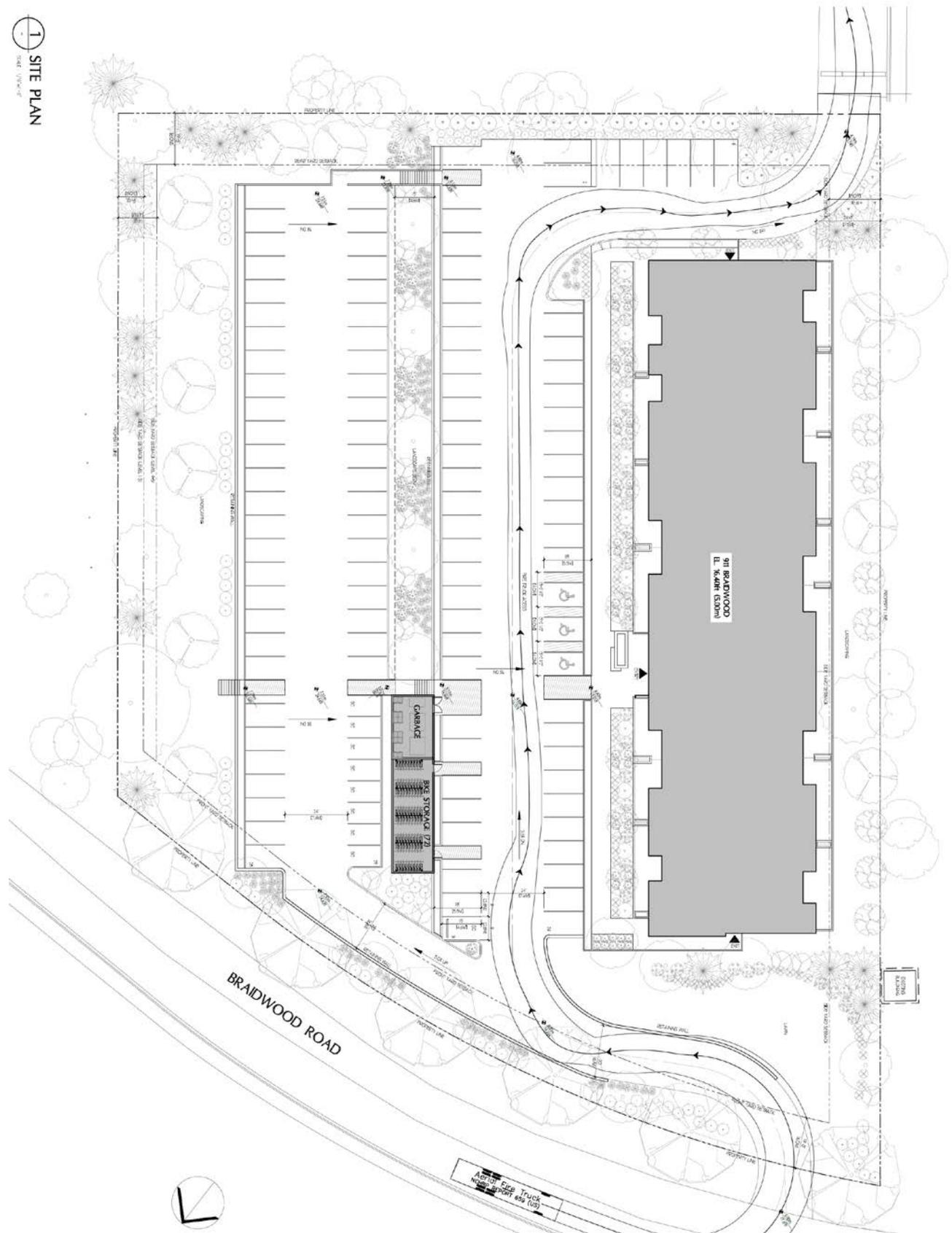
Thank you for your Consideration,

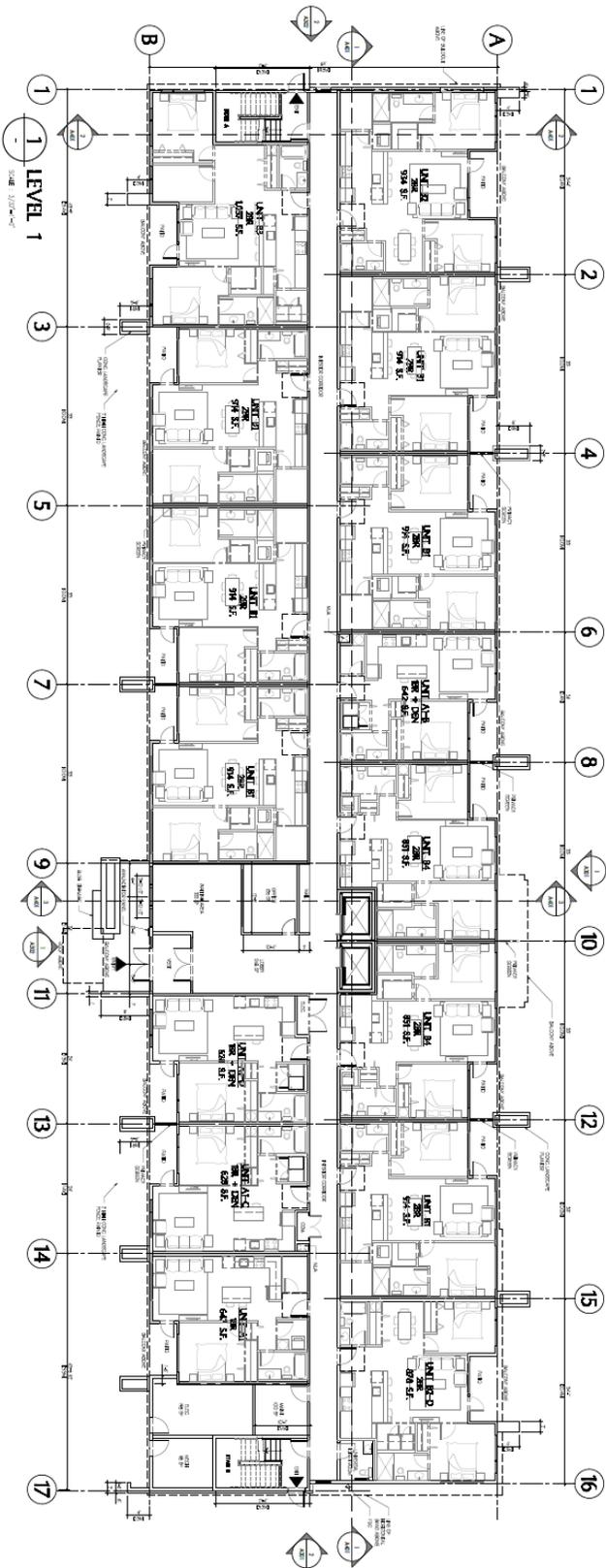
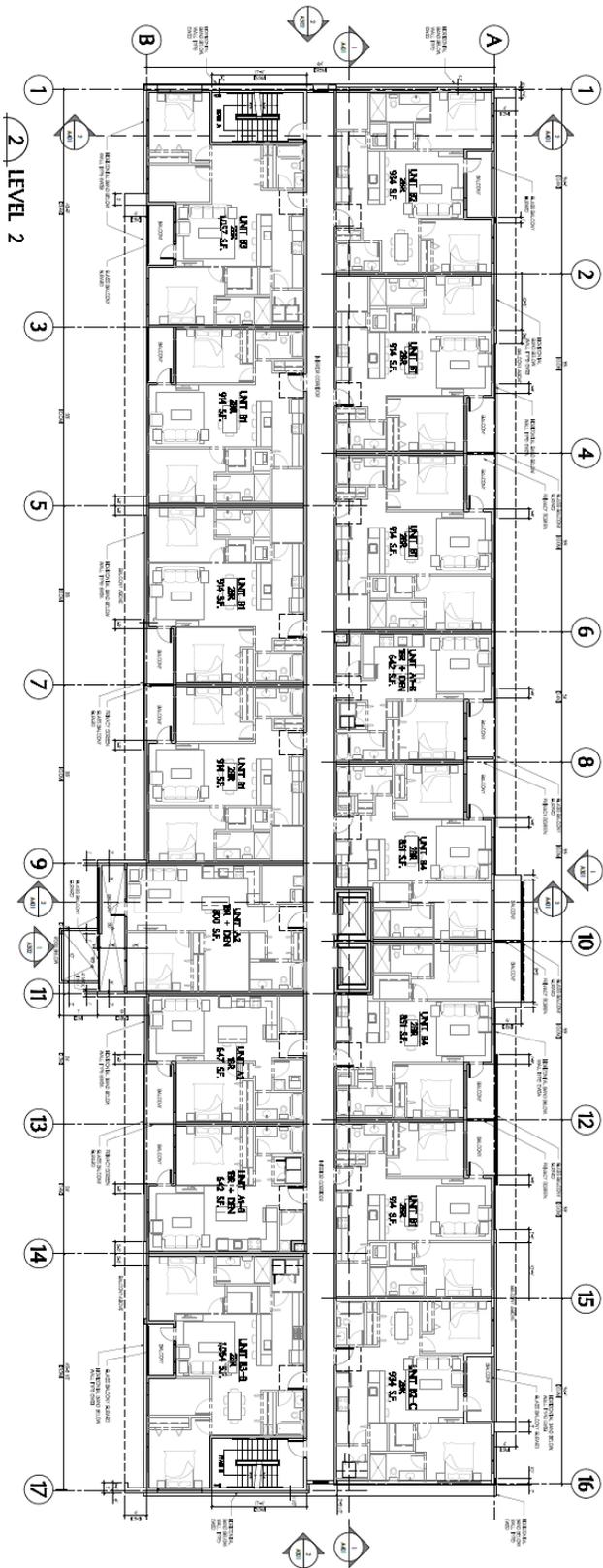
Sincerely,

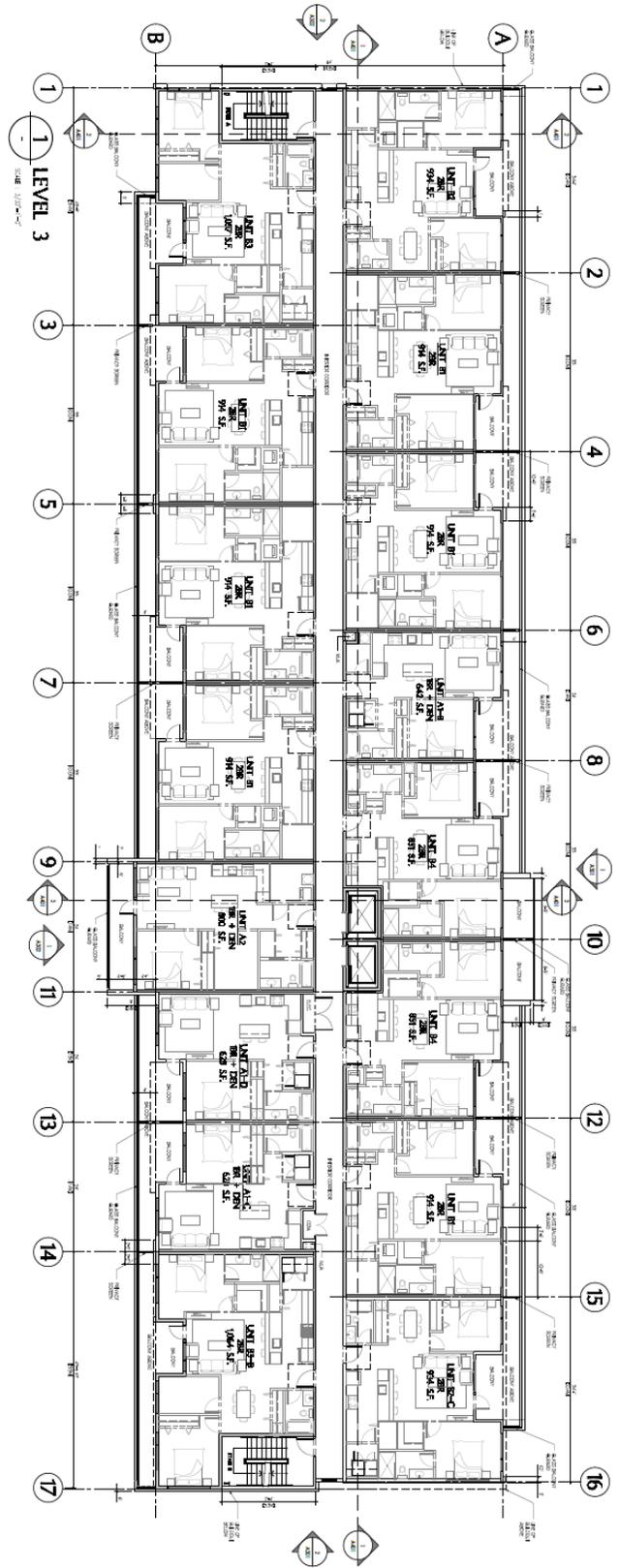
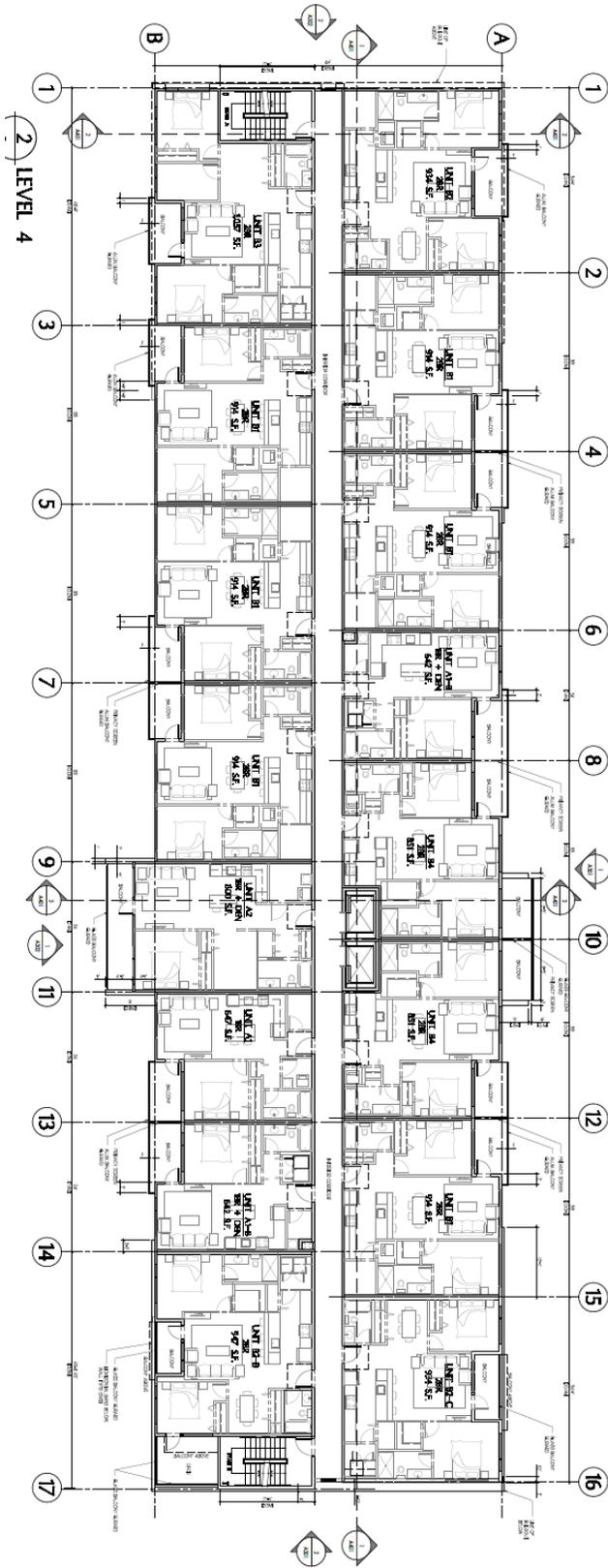
Brett Giese

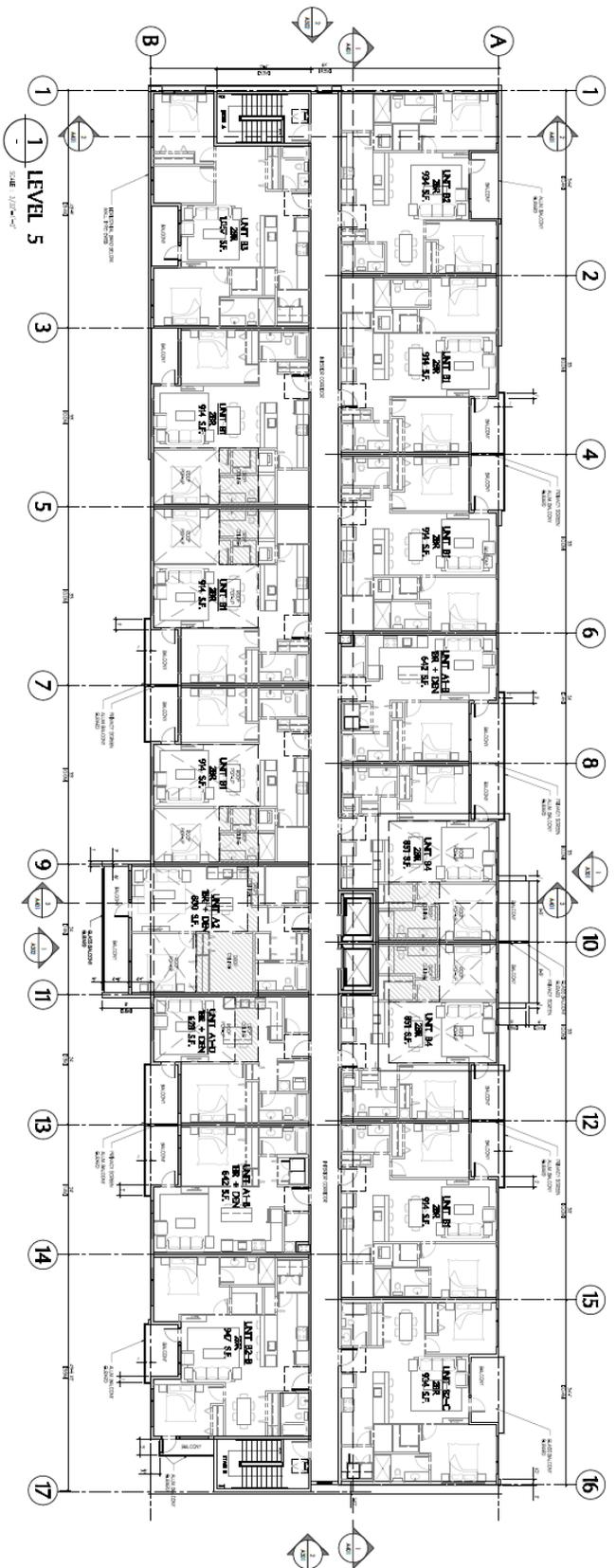
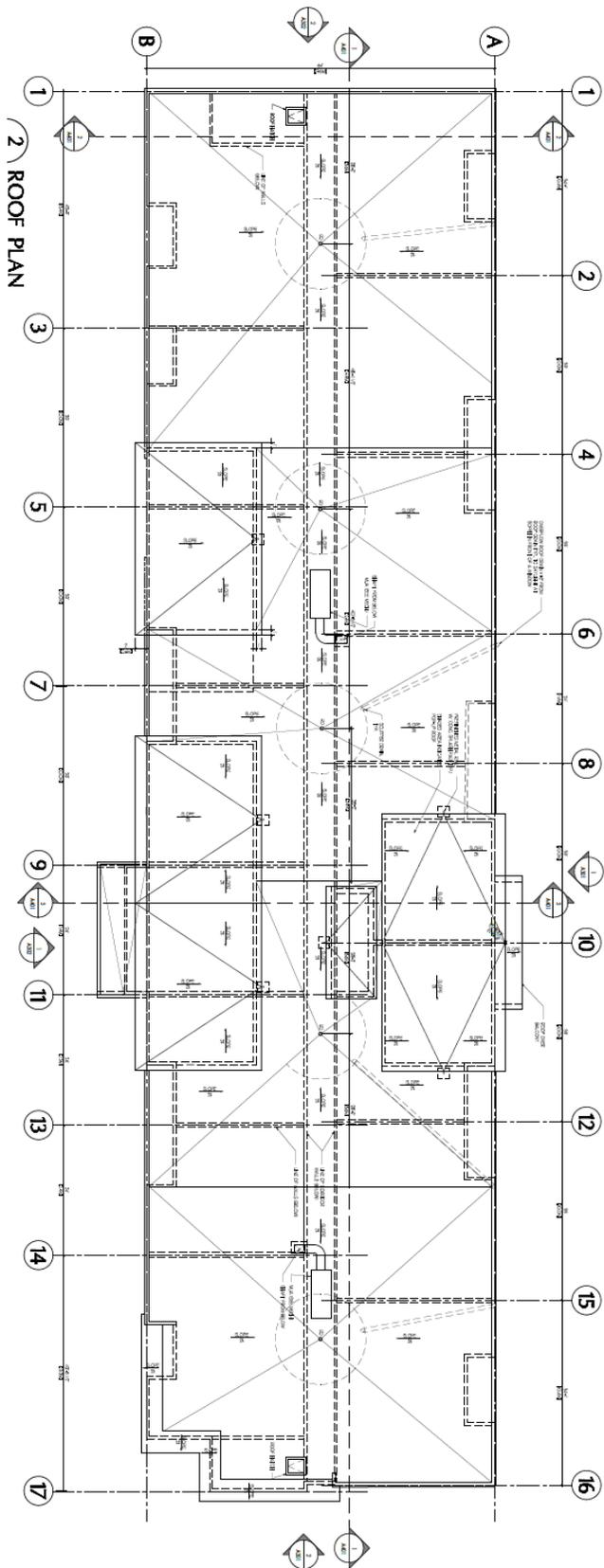
Owner/President

1 SITE PLAN
SCALE: 1/8"=1'-0"





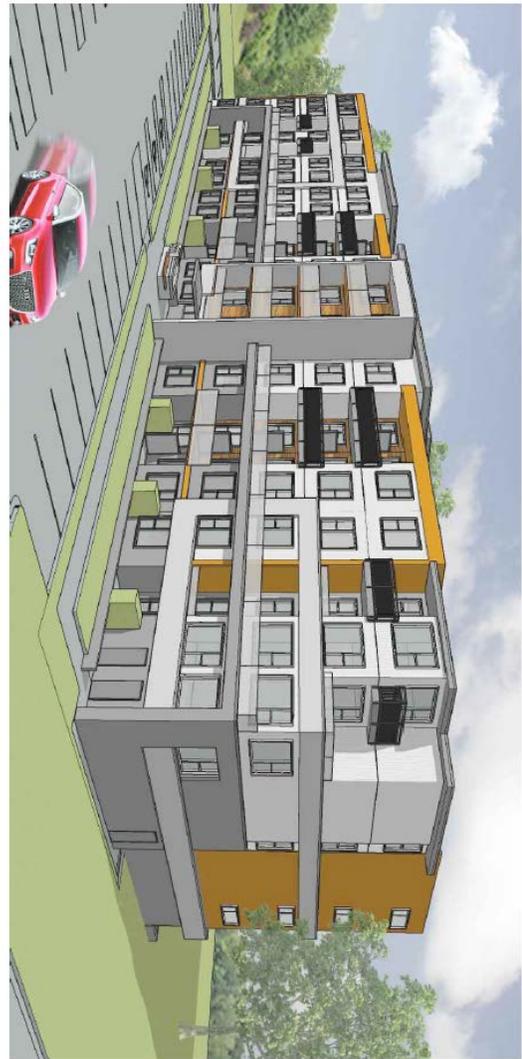






3 PERSPECTIVE RENDERING





3 PERSPECTIVE RENDERING





ATTACHMENT No. 3 (1/4)
Public Information Meeting Summary

NEIGHBOURHOOD MEETING

ENCLAVE APARTMENTS

Address of Project: 911 Braidwood Road, Courtenay, B.C.

MINUTES (summary format) of the Neighbourhood Meeting held April 10, 2018 at 6:30 p.m. in the Comox Room at the Westerly Hotel, 1590 Cliffe Avenue, Courtenay, B.C.

Present:

- Brett Giese (President, Crowne Pacific Development Corp.
- Allison Wood (Construction & Development Administrator)
- Kim Sleno & Spouse
- David Buckland
- Brooke Croucher
- Phil Edget
- Anonymous gentleman who declined signing in

Meeting convened at 6:30 p.m.

Brett Giese and Allison Wood attended the meeting on behalf of the applicant, Crowne Pacific Development Corporation to conduct a presentation relating to the proposed development.

This meeting was advertised by the signage on proposed site and 167 mailouts.

A detailed explanation of the development was provided to all present in attendance at the meeting.

Blueprints, landscaping plans and coloured renderings were available for viewing.

The attendees present engaged in the following discussion relating to this application:

- Support that the connection at Sandwick Road is for Fire Department access only;
- Neighboring property owner of the land expressed they would like the removal of all cottonwoods;
- Neighboring property owner would like to see a fence on the south side of the property;
- Happy that the low line area was filled, and proper drainage installed;
- Quality of the build would add to their property value;
- Area has transitioned from an undesirable area and the proposed project compliments that transition;
- Good looking property and much needed rentals for the area; and
- Supported the project, indicating that it would be a great improvement to the area.

The meeting adjourned at 7:35 p.m.



Brett Giese

ATTACHMENT No. 3 (2/4)
Public Information Meeting Summary

PUBLIC INFORMATION MEETING
April 10th, 2018
SIGN IN SHEET
FOR
Veyron Properties Group Ltd. and 911 Braidwood Road

NAME (Please Print)	ADDRESS
[REDACTED]	276 Sandwich Rd Ctny BC
[REDACTED]	129 Back Rd Ctny BC
[REDACTED]	#405 848 Braidwood Rd Courtenay BC
[REDACTED]	2550 STEWART AVE Courtenay BC
[REDACTED]	

ATTACHMENT No. 3 (3/4)
Public Information Meeting Summary
Public Comment

[REDACTED]
Sent: April-16-18 12:42 PM

To: PlanningAlias

Subject: Public Information Meeting Apr 10 Veyron Properties Group and 911 Braidwood Rd

I [REDACTED] attended the Public information Meeting on April 10, 2018 put on by Veyron Properties Group Ltd and 911 Braidwood Road.

Re: Veyron Properties Group Ltd. has applied to the City of Courtenay for a RESIDENTIAL FOUR A ZONE (R-4a), 79 Unity Multi Residential Development. This project is under review by staff in the Planning Department of the City

Our comments are as follows;

1. We like the development and would be in favour of it with the condition that a 8 ft privacy fence be erected and maintained between our property and the requested development.

Most of the area will be parking lot and we wish to mitigate any sounds, views, odours such as cigarette smoking that is typically done in parking lots as well as trespassers that look for short cuts to Ryan Rd.

2. It was mentioned in the meeting that there was a tree study done on the property and that Trembling Aspen were found. I personally (Kim Sleno) planted the Trembling Aspen as part of a hedge on my property (and also put some in 911 Braidwood Rd, as I was a co-owner at the time) in either 1985 or 1986. These trees were dug up from a property near Torrence and Noel in Comox. They certainly are not indigenous to the property.

Thank you so much.

[REDACTED]
[REDACTED]
276 Sandwick Rd
Courtenay BC V9N 9H2

[REDACTED]

ATTACHMENT No. 3 (4/4)
Public Information Meeting Summary
Public Comment

From: [REDACTED]
Sent: April-10-18 7:06 PM
To: PlanningAlias
Subject: 911 Braidwood

I was at the Public Info meeting this evening for Veyron Properties project @ 911 Braidwood Rd.

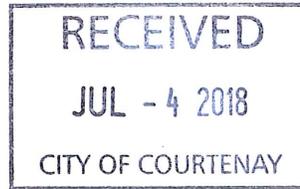
I live @ 129 Back Rd, behind the building across the street from this site. I support the project as there is a great need for more rentals. The site is quite suitable for a 5 story structure, given it's low point down Braidwood and the slope from the properties to the north, including my own.

My only concern is added traffic at the Ryan/Back/Centennial intersection.

[REDACTED]
104 - 129 Back Rd
Courtenay

June 27, 2018

Mayor Jangula and Council
City of Courtenay
830 Cliffe Avenue
Courtenay, BC, V9N 2J7



RE: Application for 2018 Community Excellence Awards

Dear Mayor Jangula and Council,

Thank you for submitting the following application(s) for the 2018 Community Excellence Awards:

- Excellence in Asset Management: Operationalizing the City of Courtenay Asset Management Policy

The Selection Committee will review all applications and the winners will be announced at the Community Excellence Awards reception held during UBCM's 2018 Convention.

This year, the award presentation and reception will take place from 5:00 to 6:00 pm on the evening of Tuesday, September 11, in the Emerald Ballroom of the Westin Hotel in Whistler, BC.

The award presentation and reception will be open to all UBCM delegates. There will be reserved seating for five representatives from each applicant community, however no RSVP is required.

We look forward to seeing you at the awards presentation and reception. If you have any questions, please contact 250 356-5193 or awards@ubcm.ca.

Sincerely,

Danyta Welch
Manager, Local Government Program Service

cc: *David Allen, Chief Administrative Officer*

Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 5340-01

June 22, 2018

Sent via email only to: dallen@courtenay.ca

City of Courtenay
David Allen, CAO
830 Cliffe Avenue
Courtenay, BC V9N 2J7

Dear: Mr. Allen

Re: Representation on the Comox Valley Sewerage System Liquid Waste Management Planning Technical and Public Advisory Committees

We are contacting you today to invite the City of Courtenay to take part in the Comox Valley Sewerage System (CVSS) Liquid Waste Management Planning (LWMP) process being undertaken by the Comox Valley Regional District (CVRD).

As a municipal participant on the CVSS, City of Courtenay representation on the advisory committees is crucial. To this end, and in line with the June 12, 2018 Comox Valley Sewage Commission motion supporting the proposed LWMP advisory committee terms of reference, we ask that you appoint one municipal staff representative from your engineering department and one alternate to sit on the Technical Advisory Committee (TAC) being formed to advise the LWMP Steering Committee.

In addition we would request this letter be presented to the City of Courtenay Mayor and Council to appoint one elected official and one alternate to sit on the Public Advisory Committee (PAC) being formed to advise the LWMP Steering Committee.

Here is a brief overview of the project and the role of the TAC and the PAC:

PROJECT OVERVIEW

The City of Courtenay, Town of Comox, Department of National Defence and the K'ómoks First Nation are served by the CVSS, which provides conveyance (pump stations and trunk mains), treatment and effluent discharge functions.

Near term upgrades are required for the conveyance infrastructure, particularly to allow decommissioning of the Willemar Bluffs forcemain which has an elevated risk of failure due to being installed within the intertidal zone along an exposed section of coastline. Medium term upgrades are also required at the Comox Valley Water Pollution Control Centre (Brent Road treatment plant) for both capacity and treatment quality.

The CVRD has elected to follow the BC Ministry of Environment and Climate Change's LWMP process for planning the conveyance and treatment upgrades.

We are currently recruiting 10-12 representatives from various local government and agency stakeholders groups to form a TAC. We are also creating the similarly sized PAC, with representation from community, environmental and business stakeholders and local residents.

ROLE of TAC and PAC MEMBERS

The role of TAC and PAC members are to develop and maintain a broad understanding of the issues and implications for stakeholders, residents and the environment that are served and potentially impacted by the CVSS in order to make appropriate recommendations to the Steering Committee. This is a volunteer (non-paid) role that will take part in approximately 5-10 meetings for each the TAC and the PAC over the planning process. Members are responsible for attending all meetings. If a member is unable to participate in person, their appointed alternate should attend on their behalf. Members are responsible for coming prepared to meetings and to liaise with the organizations or communities they have been selected to represent.

FOR MORE INFORMATION

We have prepared and attached the TAC and PAC terms of reference for you to consider. Please contact Kris La Rose, Senior Manager of Water/ Wastewater Services at 250-334-6083 if you have any questions.

Ideally, we are hoping to confirm members of the TAC and the PAC by July 6, 2018; we request your reply before that date.

Respectfully,

R. Dyson

Russell Dyson
Chief Administrative Officer

Enclosure: CVRD Terms of Reference- CVSS LWMP TAC (2018)
CVRD Terms of Reference- CVSS LWMP PAC (2018)

\zb

Terms of Reference

COMOX VALLEY SEWERAGE SYSTEM LIQUID WASTE MANAGEMENT PLAN - PUBLIC ADVISORY COMMITTEE

Background

Long term planning of wastewater infrastructure is a critical function for any community. The City of Courtenay and the Town of Comox are jointly served by the Comox Valley Sewerage System, which provides conveyance (pump stations and trunk mains), treatment and effluent discharge functions.

Near term upgrades are required for the conveyance infrastructure, particularly to allow decommissioning of the Willemar Bluffs forcemain which has an elevated risk of failure due to being installed within the intertidal zone along an exposed section of coastline. Medium term upgrades are also required at the Comox Valley Water Pollution Control Centre (Brent Road treatment plant) for both capacity and treatment quality.

The Comox Valley Regional District (CVRD) has elected to follow the BC Ministry of Environment and Climate Change's liquid waste management plan (LWMP) process for planning these upgrades. This is a comprehensive planning process involving extensive public consultation, engineering study, financial analysis and provincial regulatory review.

The LWMP requires consideration of both current circumstances and longer term population growth. It also allows for consideration and planning of water conservation, infiltration reduction, stormwater management and resource recovery. These subject areas can be addressed during initial plan development, or during a subsequent plan update, expected approximately every five years. The initial plan development is not expected to address storm water management.

Once completed, and approved by the Minister of Environment and Climate Change, the LWMP provides the regulatory authorization for proceeding with the planned works, and also confers borrowing authority to the CVRD to finance the works. Kept current with regular updates, the approved LWMP will set the strategic directions for the Comox Valley Sewerage System (CVSS) for the next twenty years.

The LWMP process calls for the establishment of four committees. A guiding steering committee will advise the CVRD Board throughout the development of the LWMP, and two advisory committees will advise the steering committee. The Comox Valley Sewage Commission will act as the LWMP Steering Committee, and a Technical Advisory Committee (TAC) and Public Advisory Committee (PAC) are being created to gather relevant input and provide recommendations to the Steering Committee. The fourth committee is the plan monitoring committee, which will oversee the implementation of the completed LWMP.

The CVRD will retain an engineering consulting firm (the Consultant) to provide services related to the LWMP process.

Role of the Committees and the PAC

While the responsibility for the management of the LWMP ultimately rests with the CVRD Board of Directors, the Steering Committee, TAC and PAC will assist in this responsibility by providing input, perspective, specific expertise and recommendations. Members of the committees are expected to participate in meetings and assist with:

- Identifying goals and challenges;
- Generating and reviewing ideas to meet them; and
- Working towards consensus solutions.

To assist with communication and understanding of the process, committee members will be sent the meeting agenda packages and meeting notes for all three committees. Members of one committee are encouraged to attend the other committee meetings as observers.

There may also be several joint TAC-PAC meetings, and the CVRD may combine the two committees into one if it proves advantageous to do so.

The PAC is an advisory group whose primary role is to represent “community interests” – the people, areas and environments that are served, and potentially impacted by the CVSS, and advise the Steering Committee accordingly.

The PAC will:

- Consider community goals as represented by major planning documents (OCP’s, Sustainability Plans, etc);
- Consider public opinion and feedback related to the LWMP on behalf of the Steering Committee;
- Provide feedback on documents provided by the CVRD Project Staff and/or the Consultant;
- Have the authority to provide input and recommendations to the Steering Committee on matters pertaining to the LWMP.

Role and Responsibilities of PAC Members

The role of PAC members is to develop and maintain a broad understanding of the issues and implications for stakeholders, residents and the environment in order to make appropriate recommendations to the Steering Committee. It is also the responsibility of the PAC members to review and become familiar with the CVRD’s LWMP process and the function of the CVSS itself.

Participating in the PAC is both a privilege and an obligation. Members have an important liaison role with the responsibility to represent and inform the organizations or communities they have been selected to represent. They are expected to bring their own perspectives to the table, but must be prepared to provide to, and disseminate from the committee, the full range of perspectives, including those with which they may disagree.

It is intended that recommendations to the Steering Committee will be made by consensus, though there may be some that are recorded as non-consensus. A consensus recommendation may include the identification of a specific interest or concern to be noted in the record but not as a limiting factor. A non-consensus recommendation will be made if, after adequate deliberation, the member(s) is/are still not in accord with other members. The non-consensus party must provide a written submission for the record, outlining the rationale for the non-consensus recommendation, within one week of the distribution of the draft meeting notes.

Membership

The CVRD will seek and invite representation from key public, community, business, and stewardship stakeholders with interests in the project area (see attached list of invited public, community, business, and stewardship stakeholders). The total number of representatives will be at the discretion of the CVRD. Appointment of local resident representatives will be performed by the Municipal and Lazo North (Electoral Area B) Directors to ensure the accountability of the process.

Members will submit one alternate for approval of the whole at the first meeting or immediately to CVRD Project Staff upon resignation of the primary or alternate.

Termination of a member that is falling short of his/her obligations, not considered to be actively participating, or is not abiding by the code of conduct (below) will be at the discretion of the CVRD.

The PAC will stand for the duration of the LWMP process, which is expected to be two to three years. At the completion of the LWMP, the PAC will be dissolved and the plan monitoring committee will be struck, and some PAC members will be encouraged to stand, to ensure continuity. A list of representatives will be attached once committee membership is finalized.

PAC Representatives to the TAC

The LWMP guidelines require that the PAC also be represented on the TAC, with one governmental and one non-governmental representative. The committee shall elect the non-governmental representative and alternate from amongst its members at the inaugural meeting. The role of the representatives is to represent the PAC in discussions with the TAC, the Steering Committee, the CVRD Board and Project Staff, as needed. From time-to-time, the representatives may also be responsible for in responding to media requests on behalf of the PAC.

Code of Conduct

During meetings, public events, and other activities related to the LWMP project, all participants of the committee will endeavour to conduct themselves as follows:

- Support an open and inclusive process;
- Disclose any potential conflicts of interest;
- Treat others with courtesy and respect;
- Listen attentively with an aim to understand;
- Speak in terms of interests versus positions;
- Where a member is espousing a favored position or course of action, they must fully and honestly disclose the reasons for their positions;
- Be open to outcomes, not attached to outcomes;
- Focus on service provision; and
- Share and discuss ideas from a professional perspective.

Members are responsible for coming prepared to meetings and to liaise with groups or organizations to which they are accountable or have a fiduciary responsibility.

Members are responsible for attending all meetings. If an occasion arises in which members are unable to participate in person, their appointed alternate should attend on their behalf.

Communications with the General Public

PAC members may find themselves from time liaising with the general public, and must do so in accordance with the code of conduct outlined above.

The committee meetings will be closed to the public, however the meeting notes will be made available to the public unless it was agreed to in advance that a particular discussion was to be confidential, in which case, the meeting notes will not be made widely available. Confidential topics at committee meetings may fall under Section 90 of the *Community Charter*.

The responsibility to respond to public comment rests with CVRD Project Staff and the CVRD Board, unless otherwise indicated.

Contact with the Media

Any contact with the media regarding issues related to the work of this committee shall be handled by the CVRD Project Staff or the committee representative. The latter only applies if there is agreement by the CVRD Project Staff and committee. If the matter under questioning by the media deals with CVRD Board policy around issues related to the work of this committee, the matter shall be referred to the CVRD Board Chair. The CVRD Chief Administrative Officer and the communication department will provide assistance and/or guidance to those persons responding to the media.

Frequency of Meetings

Meetings will be expected to occur both on an ongoing basis (for example, monthly, quarterly or at key milestones) and as required to address pressing LWMP process issues that arise. It is expected that at least five to ten committee meetings will be held over the course of the LWMP process. PAC meetings will normally be held at the CVRD offices during business hours. The committee members will also be expected to participate in public consultation activities, which may include separate meetings, open houses or less formal gatherings.

Committee Administration

CVRD Project Staff and the Consultant will be responsible for managing, scheduling and facilitating all meetings, with the assistance of a professional facilitator, and for providing administrative support.

CVRD Staff will ensure the agenda and all material are provided to the members prior to the meeting. Items of new business should be brought to the attention of CVRD Staff prior to the meeting, for consideration and distribution to group members in advance of the meeting; the inclusion of such items will be at the discretion of CVRD Project Staff.

The CVRD Project Staff will appoint a recording secretary for the purposes of preparing meeting notes. The record shall reflect the meeting purpose, key points from the discussion of agenda items, and the ensuing recommendations or action items.

The draft meeting notes will be distributed to committee members for review prior to being finalized. The final meeting notes will be provided to the CVRD Board, the CVRD Project Staff, and the Steering Committee, the TAC and the PAC. Where the Board feels it is necessary, the PAC representative may be asked to meet with and brief the Board on particular items or issues.

Resources

Direct meeting expenses, such as costs related to the provision of a meeting facility, snacks, beverages, photocopying and other related activities will be covered and coordinated by CVRD Project Staff. Committee members will be responsible for their own travel expenses. There will be no remuneration provided to members for participation.

Liquid Waste Management Plan Public Advisory Committee (PAC) - Invitation List

- Councillor from City of Courtenay
- Councillor from Town of Comox
- Area B Director
- Local residents
 - Croteau area
 - Brent Road area
 - Town of Comox (2)
 - City of Courtenay (2)
- K'omoks First Nation
- Comox Valley Conservation Strategy Community Partnership
- BC Shellfish Growers Association
- Comox Valley Chamber of Commerce
- CVRD Engineering Staff
- CVRD Planning Staff
- Municipal Engineering Staff
- Lead Technical Consultant
- Facilitator (acting as the Chair)

Office of the Chair

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 0115-01

June 29, 2018

Sent via email: jward@courtenay.ca

Mayor and Council
City of Courtenay
830 Cliffe Avenue
Courtenay BC V9N 2J7

Dear Mayor and Council:

Re: Non-Binding Community Opinion Question – Governance Restructure Study

The Comox Valley Regional District Board adopted the following resolution at its June 26, 2018 meeting:

THAT the councils for the City of Courtenay, Town of Comox and the Village of Cumberland and the Electoral Areas Services Committee be requested to consider including the following non-binding question on their ballots on October 20, 2018:

"Are you in favour of conducting a study, in partnership with the Province of BC, to review the governance structures and policies of <insert local government name here> and other local governments within the Comox Valley to consider the feasibility and implications of restructure?"

YES or NO

AND FINALLY THAT up to \$10,000 from the CVRD's member municipalities and electoral areas administration services be used to support the Comox Valley Chamber of Commerce in promoting awareness and a clear understanding about this referendum.

As way of background information, please find attached a copy of the correspondence from Director Jangula regarding this matter that was submitted to the Comox Valley Regional District Board at its June 26, 2018 meeting.

Please consider including the above noted non-binding community opinion question on your local government's ballot for the 2018 general local elections. In order to assist with the planned public awareness campaign, I respectfully request written confirmation of your council's decision at your soonest convenience.

Sincerely,

B. Jolliffe

Bruce Jolliffe
Chair

Enclosure

cc: David Allen, Chief Administrative Officer

File:

June 19, 2018

Chair and Directors
Committee of the Whole

I would respectfully request your consideration of the following:

THAT the councils for the City of Courtenay, Town of Comox and the Village of Cumberland and the Electoral Areas Services Committee be requested to consider including the following non-binding question on their ballots on October 20, 2018:

“Are you in favour of conducting a study, in partnership with the Province of BC, to review the governance structures and policies of <insert your local government name here> and other local governments within the Comox Valley to consider the feasibility and implications of restructure?”

YES or NO

AND FINALLY THAT up to \$10,000.00 from the Comox Valley Regional District’s member municipalities and electoral areas administration services be used to support the Comox Valley Chamber of Commerce in promoting awareness and a clear understanding about this referendum.”

Background

The reason I put this question to you, as the Comox Valley Regional District (CVRD) Committee of the Whole, is that I feel we should be polling the entire Comox Valley as to the general opinion for conducting a restructure study on the City of Courtenay, Village of Cumberland, Town of Comox and the CVRD. By using October 20, 2018, which is the general voting day for local governments in BC, we would be seeking voter interest in this important topic while not also costing taxpayers more to hold a referendum on a different date. Also, the CVRD is best positioned to consider this matter and then refer it to its member municipalities to consider adding the same question to their own ballots. That referral could be done over July and August, with a firm commitment by each council and the CVRD electoral area directors occurring by the end of August, in time for including the question on each ballot. It would make the most sense to have one common question to ask all of the members of the public in the Comox Valley, and that is why I’ve proposed the referendum question noted above. I also feel the choice of words in the referendum question above is important because it promotes an independent and comprehensive review of the Comox Valley local governments and seeks to find a better system that is effective and responsible to the taxpayer. Lastly, it should be clear that any changes to local governments would only come after the comprehensive review delivers its findings and all parties can consider the matter further.

You'll also note the recommendation includes some funding from the CVRD's general administration service to support an awareness campaign so that the public at large can understand the referendum question and the implications for a 'YES' or 'NO' vote are clear. Because of the extensive work that the Comox Valley Chamber of Commerce has undertaken over the past couple of years on the governance review, the dedicated funds would be used to support the Chamber to meet with the Committee of the Whole and/or member municipality councils, as needed, to ensure direction and purpose from the elected officials is clear and also develop materials to:

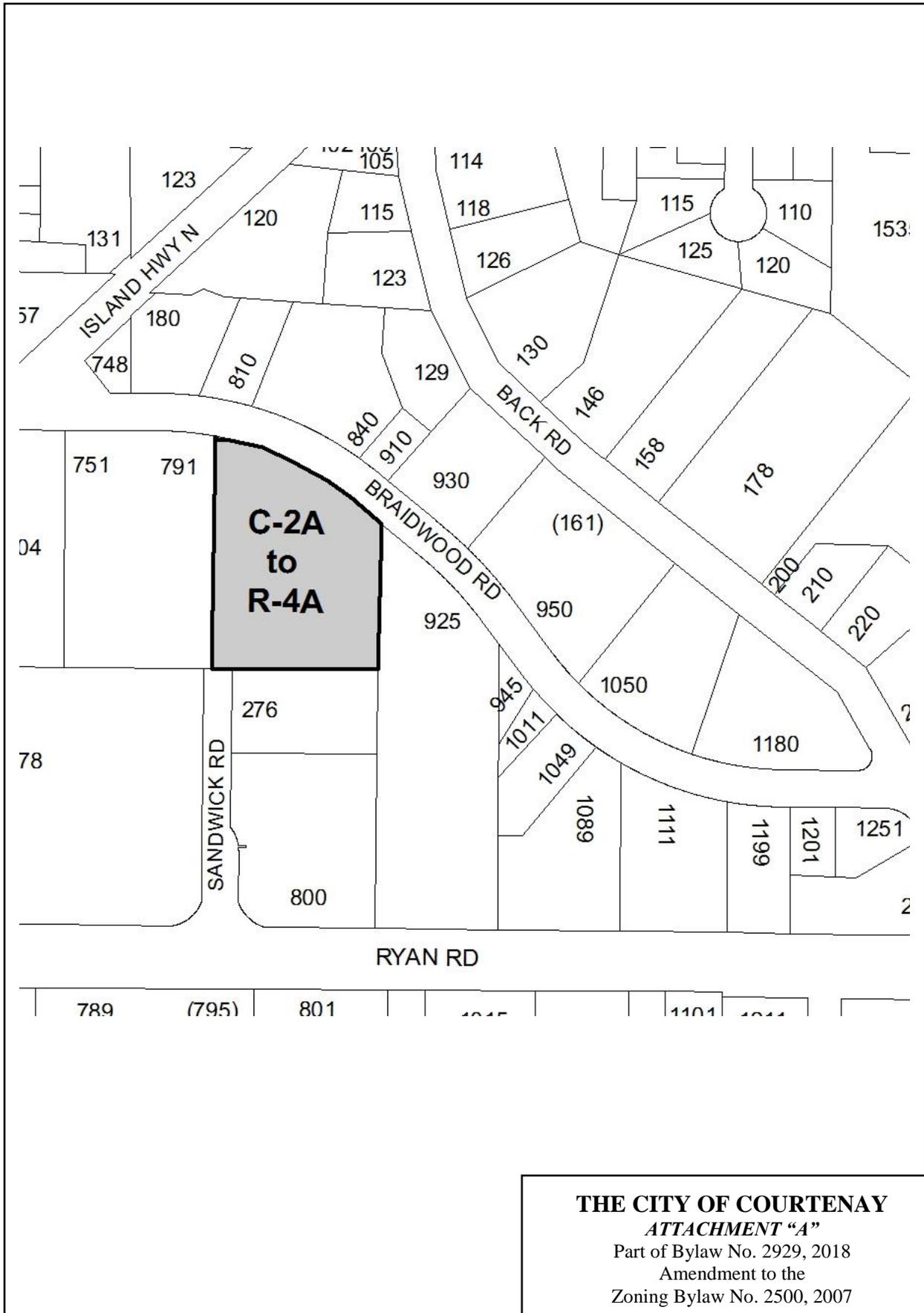
- Explain the importance of the question
- Identify the impact of voting yes or no
- Describe the next steps associated with a study if the resulting vote is a yes
- Describe how a study would be conducted if one or more jurisdictions does not participate or vote yes.

I would anticipate that each local government would link from their individual websites to the Chamber's website to promote awareness about this topic.

Respectfully,

L. Jangula

Larry Jangula
Director



THE CITY OF COURTENAY
ATTACHMENT "A"
 Part of Bylaw No. 2929, 2018
 Amendment to the
 Zoning Bylaw No. 2500, 2007

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO.2937

Downtown Courtenay Revitalization Tax Exemption Bylaw

WHEREAS Council may by bylaw establish a revitalization tax exemption program under section 226 [revitalization tax exemption] of the *Community Charter*;

AND WHEREAS Council wishes to establish a revitalization tax exemption program in order to encourage redevelopment and revitalization of those areas, identified in Schedule "A";

AND WHEREAS Council has identified in its strategic priorities that revitalizing downtown is critical to the City's economic future;

AND WHEREAS the City has adopted a "Downtown Courtenay Playbook" that specifically identified the establishment of a Revitalization Tax Exemption Bylaw as a means to stimulate downtown development projects;

AND WHEREAS Council has given notice of its intention to adopt this bylaw in accordance with section 227 of the *Community Charter* and considered this bylaw in conjunction with the objectives and policies set out in section 165(3.1)(c) of the *Community Charter* in the City's financial plan.

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

1. CITATION

1.1. This bylaw may be cited for all purposes as "**Downtown Courtenay Revitalization Tax Exemption Bylaw No. 2937, 2018**".

2. DEFINITIONS

2.1. In this bylaw:

"Agreement" means a Revitalization Tax Exemption Agreement between the owner of a Parcel and the City, substantially in the format of and with the content of Schedule "B" which is attached to and forms part of this bylaw;

"Assessed Value" means the BC Assessment Authority land and improvements assessed value of the parcel subject to an Agreement for the purposes of calculating property taxes;

“City” means the City of Courtenay;

“Council” means the Council of the City of Courtenay;

"Municipal property taxes" means the property taxes imposed on new buildings or eligible improvements on eligible lands shown on Schedule "A" and as prescribed in the *Community Charter*, this does not include taxes levied by the City on behalf of Schools, Library, MFA, Regional Districts, Hospital or BC Assessment Authority;

"Owner" means the owner as registered on the Certificate of Title as of the tax exemption application date;

“Project” means a revitalization project on a Parcel involving the construction of a new improvement or alteration of an existing improvement, which meets the requirements of this bylaw, and the construction of which is begun after an application for a Tax Exemption has been submitted to, and approved by, Council;

“Property” means the legally described land and improvements to which a Revitalization Tax Exemption is applied for and as legally described in the Agreement;

“Revitalization Amount” means the municipal portion of property tax calculated in relation to the increase in the assessed value of improvements on the property resulting from the construction or alterations of a project;

“Revitalization Area” means one of the areas outlined on Schedule “A”, which is attached to and forms part of this Bylaw;

“Revitalization tax exemption agreement" means an agreement between the owner of a property and the City, substantially in the format of and with the content of Schedule “B” which is attached to and forms part of this bylaw;

“Tax Exemption” means a revitalization tax exemption pursuant to this bylaw;

“Tax Exemption Certificate” means a revitalization tax exemption certificate issue by the City pursuant to this bylaw, the relevant Agreement, and the provisions of section 226 of the Community Charter, in the form of Schedule “C”, which is attached to and forms part of this bylaw.

3. DOWNTOWN REVITALIZATION TAX EXEMPTION PROGRAM

3.1 There is hereby established a revitalization tax exemption program under section 226 of the Community Charter for the granting of *Tax Exemptions* and the issuance of *Tax*

Exemption Certificates.

3.2 The terms and conditions upon which a *Tax Exemption* may be granted and a *Tax Exemption Certificate* may be issued are as set out in this Bylaw, in the Agreement and in the *Tax Exemption Certificate*.

3.3 The downtown revitalization tax exemption program is established under this Bylaw in order to promote the revitalization of Downtown Courtenay through:

- a) The development and redevelopment of buildings used for residential purposes to increase the population density in downtown Courtenay to support commercial success;
- b) The development and redevelopment of commercial buildings to create a vibrant downtown that attracts new investment opportunities and supports increased residential viability;
- c) To reinforce and strengthen downtown Courtenay as the commercial heart of the Comox Valley.

3.4 The revitalization tax exemption program is intended to accomplish the objectives referred to in Section 3.3 by providing Owners with an economic incentive in the form of a tax exemption to undertake the development of new improvements.

4. ELIGIBILITY CRITERIA

4.1 In order for a *project* to be considered by Council for a *Tax Exemption* it must meet the following criteria:

- a) For commercial *projects*, the *project* must involve construction that results in floor space being added to an existing building or in a new building being constructed on the *property*;
- b) The construction value for commercial *projects*, as determined based on the building permit(s) issued, must be \$200,000.00 or greater;
- c) Residential *projects* in Downtown Revitalization Area 2 must include four (4) residential units or more;
- d) the land use into which the *project* is intended to fit must be one of the uses permitted in the applicable zone for the *property*, as set out in City of

Courtenay Zoning Bylaw 2500, 2007, as amended from time to time, and the *project* must meet all other applicable City policies and bylaws;

- e) the *owner* of the *property* must enter into an Agreement with the City;
- f) the *property* must be located in one of the Revitalization Areas shown on Schedule “A” attached hereto and forming part of the Bylaw;
- g) Any construction of a *project* undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration;
- h) *Properties* currently receiving a municipal tax exemption shall not be considered by Council for a Tax Exemption.
- i) *Projects* involving *properties* with any unpaid property taxes in arrears shall not be considered by Council for a Tax Exemption.
- j) The maximum Revitalization Tax Exemption authorized under this Bylaw must not exceed the increase in the *assessed value* of the improvements on the property between;
 - i. The calendar year before the *project* began; and
 - ii. The calendar year in which the *project* is completed.

5. DOWNTOWN REVITALIZATION AREA 1

5.1 The amount of the tax exemption is:

- a) 100% of the *Revitalization Amount* on the *property* for Commercial, Residential or Mixed-Use development.

5.2 The term of the tax exemption is

- a) 5 years for a *project* that is a commercial, residential or mixed-use building
- b) 8 years for a *project* that is a residential, or mixed-use building where the Owner enters into a Housing Agreement pursuant to s. 483 of the *Local Government Act* to:
 - i) Secure 10% of the residential units (minimum 1 unit) as affordable housing units; and
 - ii) Restricts the rents, lease, sale or share prices that may be charged for the units at 30% below market rates.

6. DOWNTOWN REVITALIZATION AREA 2

6.1 The amount of the tax exemption is:

- a) 100% of the *Revitalization Amount* on the *property* for Residential Development containing four (4) or more dwelling units;
- b) 50% of the *Revitalization Amount* on the *property* for Commercial developments

6.2 The term of the tax exemption is:

- a) 5 Years for a *project* that is a commercial, residential or mixed-use development
- b) 8 years for a *project* that is a residential, or mixed-use building where the Owner enters into a Housing Agreement pursuant to s. 483 of the *Local Government Act* to:
 - i) Secure 10% of the residential units (minimum 1 unit) as affordable housing units; and
 - ii) Restricts the rents, lease, sale or share prices that may be charged for the units at 30% below market rates.

7. APPLICATION PROCESS

Council may, by resolution, authorize a municipal property tax exemption pursuant to this bylaw in the manner prescribed herein:

- a) An Owner shall submit a completed application form provided by the City as amended from time to time (with all supporting documentation and the \$200 application fee) to the City concurrently with a building permit application.
- b) Upon issuance of an authorizing resolution by Council, the Owner and the City shall enter into a *revitalization tax exemption agreement* in a form provided by the City as amended from time to time.
- c) Upon execution of the *revitalization tax exemption agreement* between the owner and the City, a *tax exemption certificate* shall be issued and applied to the subject property.

8. RECAPTURE OF EXEMPTED TAXES

If a *property* that has benefited from a *tax exemption* under the Revitalization Tax Exemption Program established by this bylaw ceases to meet all the conditions of the *Tax Exemption Certificate*, then the *Tax Exemption Certificate* shall be cancelled and all the taxes which were exempted in respect of that *property* shall be repaid, plus interest, as if the taxes had never been exempted, and the City shall add those taxes to the roll for that property.

Read a first time this day of, 2018

Read a second time this day of, 2018

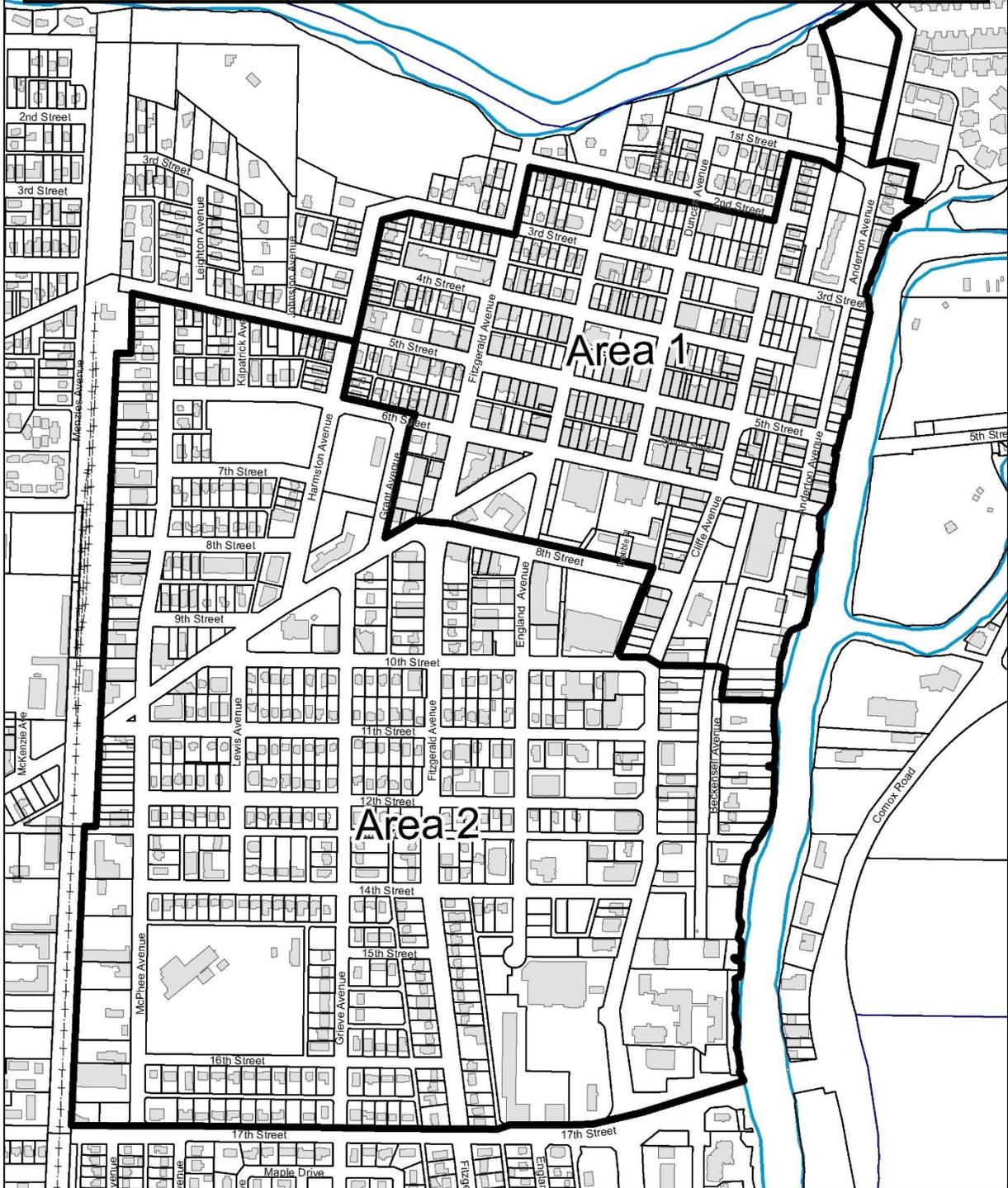
Read a third time this day of, 2018

Finally passed and adopted this day of, 2018

Mayor

Corporate Officer

Downtown Courtenay Revitalization Tax Exemption Areas Schedule A to Bylaw 2937



SCHEDULE "B"

Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the ___ day of _____, 20__ is

BETWEEN:

XXXX
(the "Owner")

AND:

THE CITY OF COURTENAY
830 Cliffe Avenue
Courtenay, B.C.
V9N 2J7
(the "City")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of lands in the City of Courtenay at [*civic address*] legally described as [*legal description*] (the "Parcel");
- B. Council has established a revitalization tax exemption program and has included within the Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937 the designation of areas which include the Parcel as a revitalization area; and
- C. The Owner proposes to construct new improvements [*or alter existing improvements*] on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Owner and the City covenant and agree each with the other as follows:

- 1. **The Project** – the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:
 - a)
 - b)
- 2. **Operation and Maintenance of the Project** – throughout the term of this agreement, the

Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.

3. **Revitalization Amount** – In this agreement, “**Revitalization Amount**” means the municipal portion of property tax calculated in relation to the increase in the assessed value of improvements on the Parcel resulting from the construction of the Project as described in section 1;
4. **Revitalization Tax Exemption** – subject to fulfilment of the conditions set out in this agreement and in “Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937”, the City shall issue a revitalization tax exemption certificate (the “Tax Exemption Certificate”) to the British Columbia Assessment Authority entitling the Owner to a property tax exemption in respect of the property taxes due (not including local service taxes) in relation to the Revitalization Amount on the Parcel (the “Tax Exemption”) for the calendar year(s) set out in this agreement.
5. **Conditions** – the following conditions shall be fulfilled before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:
 - a) The Owner must obtain a building permit from the City for the Project on or before _____, 20__;
 - b) The Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix “A”.
 - c) The Owner must submit a copy of the Occupancy Permit and Revitalization Tax Exemption Agreement to the City of Courtenay’s Finance Department before the City will issue the Tax Exemption Certificate.
 - d) The completed Project must substantially satisfy the performance criteria set out in Appendix “B” hereto, as determined by the City’s Urban Planning Manager or designate, in their sole discretion, acting reasonably.
6. **Calculation of Calculation of Revitalization Tax Exemption** – the amount of the Tax Exemption shall be equal to *[choose one from below and insert applicable wording]*:
 - a) For “Downtown Revitalization Area 1”, 100% of the Revitalization Amount on the Parcel;
 - b) For “Downtown Revitalization Area 2,”
 - i. 100% of the Revitalization Amount on the parcel for Residential Development containing four (4) or more dwelling units;

- ii. 50% of the Revitalization Amount on the parcel for Commercial developments
7. **Term of Tax Exemption** – provided the requirements of this agreement, and of the Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937, are met the Tax Exemption shall be for the taxation years _____ to _____, inclusive.
8. **Compliance with Laws** – the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.
9. **Effect of Stratification** – if the Owner stratifies the Parcel under the Strata Property Act, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
- a. the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or
 - b. for the next calendar year and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office after May 1.
10. **Cancellation** – the City may in its sole discretion cancel the Tax Exemption Certificate at any time:
- a. on the written request of the Owner; or
 - b. effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.
 - c. If the Owner is subject to a housing agreement with the City and is not in compliance with the operating agreement.

If such cancellation occurs, the Owner of the Parcel for which the Tax Exemption Certificate was issued will remit to the City an amount equal to the value of any Tax Exemption received after the cancellation of the Tax Exemption Certificate.

11. **No Refund** – for greater certainty, under no circumstances will the Owner be entitled under the City’s revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.

12. **Notices** – any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

a. in the case of a notice to the City, at:

THE CITY OF COURTENAY
830 Cliffe Avenue
Courtenay, B.C.
V9N 2J7

Attention:

Fax:

b. in the case of a notice to the Owner, at:

[Insert name and address of owner]

Attention:

Fax:

Or at such other address as the party to whom such notice or other writing is to be given shall have last notified the party giving the same.

13. **No Assignment** – the Owner shall not assign its interest in this agreement except to a subsequent owner in fee simple of the Parcel.

14. **Severance** – if any portion of this agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this agreement.

15. **Interpretation** – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.

16. **Further Assurances** – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this agreement.

17. **Waiver** – waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.

18. **Powers Preserved** – this agreement does not:

- a. Affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
 - b. Affect or limit any enactment relating to the use or subdivision of the Parcel; or
 - c. Relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.
19. **Reference** – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.
20. **Enurement** – this agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.
21. Any construction of a new improvement or alteration of an existing improvement as of this bylaw undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration
22. The maximum Revitalization Tax Exemption authorized under this Bylaw must not exceed the Revitalization Amount on the Property between:
- a. the calendar year before the construction or alteration began, as outlined under Section 1 of this agreement; and
 - b. the calendar year in which the construction or alteration, as outlined under Section 1 of this agreement, is completed.
23. The Property’s assessed value of improvements must not be reduced below the amount assessed in the calendar year prior to construction or alteration, as a result of the Revitalization Tax Exemption.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Executed by the CITY OF COURTENAY by

Its authorized signatories:

 Mayor

City Clerk

Executed by _____ by its

Authorized signatories:

Name:

Name:

Appendix "A": Plans and Specifications

Appendix "B": Performance Criteria

SCHEDULE "C"
Tax Exemption Certificate

Date of Issuance: _____ Certificate Number: _____

Term: _____ Date of Expiry: _____

Legal Description: _____

Property Address: _____

Property Roll Number: _____

Increase in Assessed Value: The increase in assessed value the property tax exemption is based on is: **[insert amount of increase resulting from improvements]**

This certificate certifies that the property is subject to a Revitalization Tax Exemption, for each of the taxation years 20__ to 20__ inclusive, equal to **[enter percent of reduction]**% of the Increase in Assessed Value multiplied by the municipal rate of tax in effect for **[enter tax class]**.

1. This Certificate is subject to the condition that:

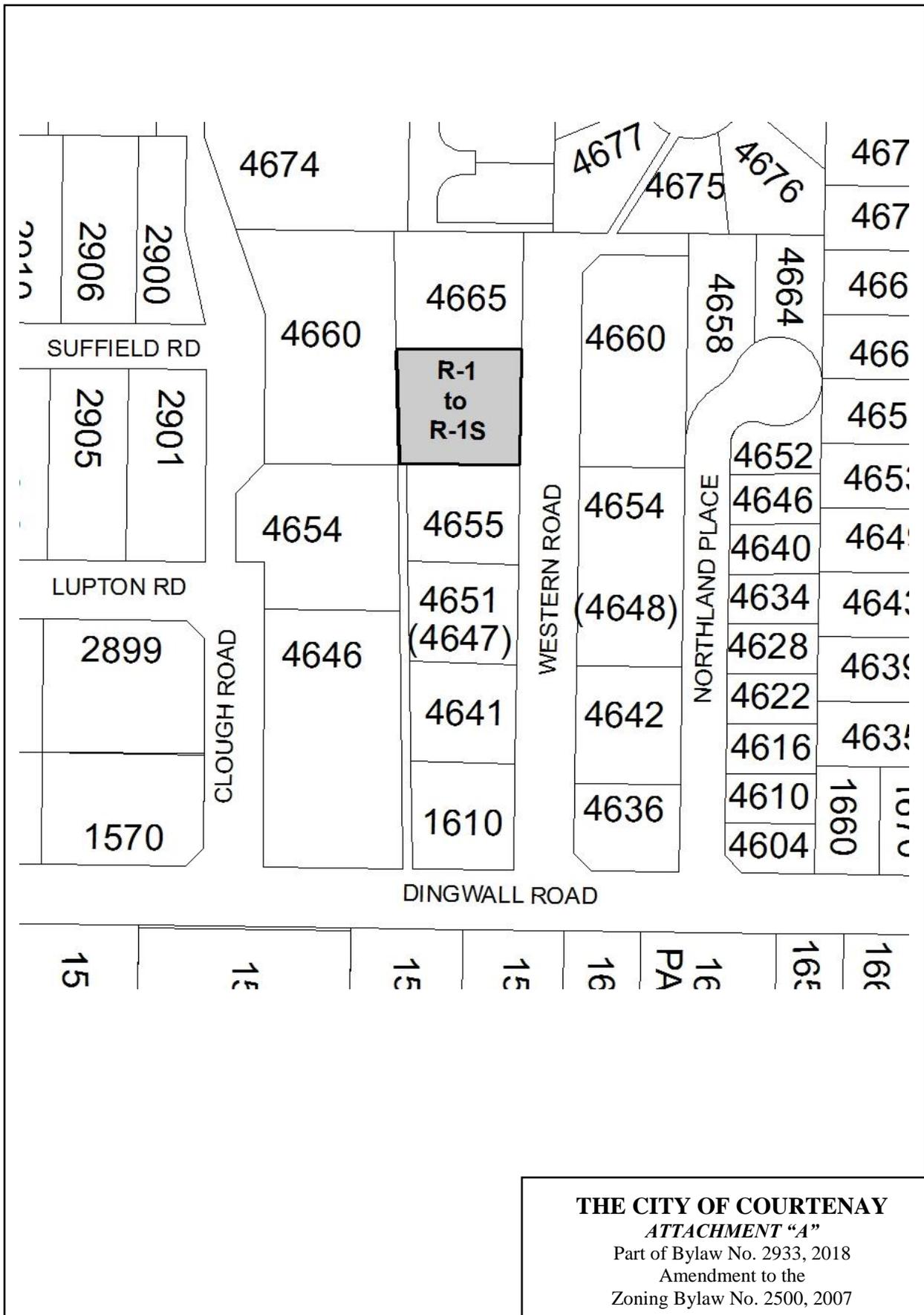
- a) The Owner continuously meet all of its covenants and obligations under the Revitalization Tax Exemption Agreement between the Owner and the City dated _____
- b) All of the conditions under the Agreement for receipt of a tax exemption continue to be met; and
- c) The Agreement is not subject to early termination.

2. If the Certificate is cancelled during a year in which the Owner has received an exemption from taxes, a recapture amount is payable calculated as equal to a percentage of the amount of the exemption with the percentage derived from the period of the taxation year remaining from the date of cancellation.

Effective Date: This certificate does not apply to taxation in a calendar year unless it is issued on or before October 31 of the preceding year.

Issued by: _____

Chief Financial Officer



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2935

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. 2935, 2018**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) by inserting the following definitions to Division 3 Interpretation – Part 1 Definitions in alphabetical order:

“cannabis” has the same meaning as in the *Cannabis Act* (Canada), subject to any prescribed modifications;

“storefront cannabis retailer” means a premises where *cannabis* is sold or otherwise provided to a person who attends at the premises.
 - (b) By deleting the definition of “medical marihuana production facility” from Division 3 Interpretation – Part 1 Definitions and replacing it with the following:

“Medical Marihuana Production Facility” means a building or part thereof used by a licensed producer, as defined in the *Access to Cannabis for Medical Purposes Regulations* (ACMPR) under the *Controlled Drugs and Substances Act*, and any subsequent regulations or Acts, to produce marihuana for medical use, including cultivation, drying, testing and research laboratory, storage, destroying, packaging and shipping and includes the sale of marihuana only to customers who are not present on the same premises.
 - (c) by deleting the definition of “retail store” from Division 3 Interpretation – Part 1 Definitions and replacing it with the following:

“retail store” means the business of selling goods or merchandise to the ultimate consumer for personal consumption or household use and not for resale purposes and includes convenience stores, video rental, household equipment rental, retail warehouses and flea markets which are wholly enclosed within a building but excludes the sale of liquor and liquor products and the sale of *cannabis*.
 - (d) By replacing section 6.17.1 (b)(i) with the following: “the operation of medical marihuana is contained wholly within licensed facilities permitted by the *Access to Cannabis for Medical Purposes Regulations* (ACMPR).

