

**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:** February 04, 2019  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

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**K'OMOKS FIRST NATION ACKNOWLEDGEMENT**

**1.00 ADOPTION OF MINUTES**

- 1 1. Adopt January 21<sup>st</sup>, 2019 Regular Council meeting minutes
- 9 2. Adopt January 28<sup>th</sup>, 2019 Committee of the Whole meeting minutes

**2.00 INTRODUCTION OF LATE ITEMS**

**3.00 DELEGATIONS**

- 1. Judith Conway, H.O.P.E. - Awareness/Memorial Display Request
- 2. Carl Tessmann, Comox Valley Canoe Racing Club

**4.00 STAFF REPORTS/PRESENTATIONS**

**(a) Presentation**

Dr. Charmaine Enns, Medical Health Officer, Comox Valley Community Drug Strategy Committee Presentation

**(b) Development Services**

- 13 1. Development Variance Permit No.1807 - 2200 Cliffe Avenue
- 31 2. Zoning Amendment Bylaw No. 2938 - 925 Braidwood Road
- 57 3. Zoning Amendment Bylaw No. 2944 - #1400 - 2701 Cliffe Avenue

**(c) Engineering Services**

- 75 4. Courtenay Cycling Network Plan and BikeBC Grant

**5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

81 1. Invitation - Community to Community Forum - February 26, 2019

**6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

83 1. Heritage Advisory Commission Meeting Minutes November 28, 2018

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

- Councillor Cole-Hamilton
- Councillor Frisch
- Councillor Hillian
- Councillor McCollum
- Councillor Morin
- Councillor Theos
- Mayor Wells

**8.00 RESOLUTIONS OF COUNCIL**

**1. Mayor Wells - Association of Vancouver Island and Coastal Communities (AVICC) Resolution**

WHEREAS the policing cost for City of Courtenay is one of the most significant expenditures in the City's financial plan;

AND WHEREAS the availability of alcohol under the jurisdiction of the B.C. Liquor & Cannabis Regulation Branch can have significant implications on local policing costs;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to provide a portion of the British Columbia Liquor Tax to communities to be used towards policing costs.

**2. In Camera Meeting**

That notice is hereby given that a Special In-Camera meeting closed to the public will be held February 4<sup>th</sup>, 2019 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

- 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.

**9.00 UNFINISHED BUSINESS**

**1. Delegation Request - Helen Boyd, Coordinator and Kate Moynihan, Comox Valley Nurses for Health & the Environment and Comox Valley Nurses and Nurse Practitioners of BC**

- Ban of single-use plastic bags and replace them with reusable bags at retailers and businesses in Courtenay
- Establish a bylaw to ban single-use plastic (excluding medical use)

**2. Delegation - Patrick McKenna, Executive Director, Habitat for Humanity Vancouver Island North**

That Council consider a land donation or a reduced price purchase of any City owned surplus lands between .25 and 1 acre (serviced, multi-family zoned) to allow Habitat to keep building affordable housing in the community.

**10.00 NOTICE OF MOTION**

**11.00 NEW BUSINESS**

85 1. 2019 Comox Valley Water Committee Voting Structure

**Staff Note:** In November 2018 Council passed the following resolution:

*“Moved by Hillian and seconded by Frisch that Council make the following City of Courtenay appointments for the period of November 05, 2018 to November 2019:*

**Comox Valley Regional District**

*Four Directors to Comox Valley Water Committee (Four Directors elected to Regional Board to serve):*

<i>Mayor Bob Wells</i>	<i>1 vote</i>
<i>Councillor Doug Hillian</i>	<i>2 votes</i>
<i>Councillor Wendy Morin</i>	<i>2 votes</i>
<i>Councillor David Frisch</i>	<i>2 votes</i>

*Alternates: Councillor Will Cole-Hamilton, Councillor Melanie McCollum and Councillor Manno Theos”*

**Suggested motion: that Council confirm the voting allocation from the November 5<sup>th</sup>, 2018 inaugural meeting.**

**Staff Note:** Confirmation of Council’s decision to be reported back to the Comox Valley Regional District prior to the Comox Valley Water Committee meeting the afternoon of Tuesday, February 05, 2019.

**12.00 BYLAWS**

**For First and Second Reading**

- 97 1. “Zoning Amendment Bylaw No. 2944, 2019”  
(A bylaw to amending Section 8.18.11 by adding “(8) notwithstanding any provision of this bylaw, a storefront cannabis retailer is a permitted use – Unit #1400 – 2701 Cliffe Avenue)

**For Third Reading**

- 99 1. “Zoning Amendment Bylaw No. 2942, 2019”  
(A bylaw to rezone property from Residential One Zone (R-1) to Residential One S Zone (R-1S) to permit a secondary suite at 1435 Griffin Drive)

**For Final Adoption**

- 99 1. “Zoning Amendment Bylaw No. 2942, 2019”  
(A bylaw to rezone property from Residential One Zone (R-1) to Residential One S Zone (R-1S) to permit a secondary suite at 1435 Griffin Drive)
- 101 2. “City of Courtenay Fees and Charges Amendment Bylaw No. 2954, 2019”  
(A bylaw to repeal Fees and Charges Bylaw No. 1673, 1992, Section III, Appendix IV “Garbage Collection Fees” and substitute with Section III, Appendix IV - “Solid Waste Collection Fees”)

**13.00 ADJOURNMENT**



**R2/2019 - January 21, 2019**

**Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, January 21, 2019 at 4:00 p.m.**

**Attending:**

**Mayor: B. Wells**  
**Councillors: W. Cole-Hamilton**  
**D. Frisch**  
**D. Hillian**  
**M. McCollum**  
**W. Morin**  
**M. Theos**

**Staff:**

**D. Allen, CAO**  
**J. Ward, Director of Legislative and Corporate Services/Deputy CAO**  
**W. Sorichta, Manager of Legislative & Corporate Administrative Services**  
**I. Buck, Director of Development Services**  
**T. Kushner, Director of Public Works Services/Assistant CAO**  
**J. Nelson, Director of Financial Services**  
**D. Snider, Director of Recreation and Cultural Services**  
**A. Guillo, Manager of Communications**  
**A. Berard, Manager of Business Performance**

**1.00 ADOPTION OF MINUTES**

**.01** Moved by Frisch and seconded by Cole-Hamilton that the January  
MINUTES 7<sup>th</sup>, 2019 Regular Council meeting minutes be adopted.  
**Carried**

**2.00 ADOPTION OF LATE ITEMS**

**3.00 DELEGATIONS**

Helen Boyd and Kate Moynihan, Comox Valley Nurses for Health & the Environment and Comox Valley Nurses and Nurse Practitioners of BC, presented information to Council on banning single-use plastic bags in the community and replace them with reusable bags at retailers and businesses in Courtenay. The delegation further spoke to the marine environmental impacts of plastic debris and resulting waste reduction of a plastics ban and asked Council to consider establishing a bylaw to ban single-use plastic excluding medical use.

Patrick McKenna, Executive Director, and Tom Beshr, Resource Development, Habitat for Humanity Vancouver Island North, made a presentation to Council requesting consideration for a land donation or a reduced price purchase of any City owned surplus lands between .25 and 1 acre (serviced, multi-family zoned) to allow Habitat to keep building affordable housing in the community.

Don Castleden, Comox Valley Project Watershed Society, made a presentation to Council regarding Project Watershed's Estuary Management Plan initiative to reinvigorate the K'omoks Estuary management plan and requested a letter of support from Council for their funding application to Vancouver Foundation Systems Change Grant.

**.01** Moved by Frisch and seconded by Theos that Council vary the January 21, 2019 Regular Council agenda and move item 7.00 VARY AGENDA *Reports/Updates from Council Members Including Reports from* SECTION 7.00 *Committees* ahead on the agenda to be addressed before items 4.00, 5.00 REPORTS/UPDATES and 6.00. FROM COUNCIL **Carried** MEMBERS INCLUDING REPORTS FROM COMMITTEES

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

COUNCILLOR Cole-HAMILTON reviewed his attendance at the following events:  
COLE-HAMILTON

- DCBIA meeting
- Comox Valley Community Drug Strategy Committee meeting
- Gladstone Brewery Co. 4<sup>th</sup> Anniversary celebration
- CVRD bio-solid compost facility tour
- Georges P. Vanier Secondary School Grad Exit Interviews
- Lake Trail Neighbourhood Connections AGM/Dinner
- City of Courtenay Council Orientation and Facilities Tour, Phase 2
- Women's March

COUNCILLOR Hillian reviewed his attendance at the following events:  
HILLIAN

- Comox Strathcona Waste Management Board meeting
- Comox Strathcona Regional Hospital District meeting
- Comox Valley Community Health Network transition meeting (transition team has now ended)
- Meeting with K'omoks First Nation & Project Watershed Re: Nature Fund Application
- Comox Valley Accessibility Committee meeting
- CVRD Sewage Commission meeting
- CVRD Committee of the Whole meeting
- Island Corridor Foundation meeting for elected officials
- City of Courtenay Council Orientation and Facilities Tour, Phase 2

COUNCILLOR McCOLLUM reviewed her attendance at the following events:  
MCCOLLUM

- Lake Trail Neighbourhood Connections AGM/Dinner
- City of Courtenay Council Orientation and Facilities Tour, Phase 2

COUNCILLOR  
MORIN

Councillor Morin reviewed her attendance at the following events:

- Comox Valley Social Planning Society meeting
- Celebration of Life for Judith Harder, former Courtenay Councillor
- CVRD Committee of the Whole meeting
- Lake Trail Neighbourhood Connections 2019 Community Dinner and AGM
- City of Courtenay Council Orientation and Facilities Tour, Phase 2
- Annual Women's March

MAYOR  
WELLS

Mayor Wells reviewed his attendance at the following events:

- Braidwood Affordable Housing Project (810 Braidwood) tour
- Meeting with MLA Ronna Rae Leonard Re: Municipal issues and opportunities
- Comox Valley Recovery Centre housing options meeting
- Comox Strathcona Waste Management Board meeting
- Comox Strathcona Regional Hospital District meeting
- Met with Chief Rempel, K'omoks First Nation to discuss issues and opportunities
- Celebration of Life for Judith Harder, former Courtenay Councillor
- CVRD Committee of the Whole meeting
- Georges P. Vanier Secondary School Grad exit interviews
- City of Courtenay Council Orientation and Facilities Tour, Phase 2
- Mayor's Cup hockey game with the Canucks Alumni team
- Musicfest Volunteer event

Mayor Wells mentioned the *Helping Hands Benefit Concert*, to be held February 7<sup>th</sup>, hosted at Native Sons Hall with music performances organized by Doug Cox, Musicfest. This fundraiser event is in support of displaced residents of the Mariner apartment complex in Comox which flooded January 10<sup>th</sup>, due to a burst water main.

**The council meeting recessed at 4:57 p.m. for the Public Hearing regarding Bylaw No. 2942. The meeting reconvened at 5:31 p.m.**

#### **4.00 STAFF REPORTS/PRESENTATIONS**

**.01**  
PARKS AND  
RECREATION MASTER  
PLAN AND  
PRESENTATION,  
URBAN SYSTEMS  
07710-20 P&R MP

Catherine Berris, Urban Systems, facilitated a workshop and update to Council on the process, engagement, and considerations of the draft Courtenay Parks and Recreation Master Plan, a guiding document that provides the framework for future decision making. The plan was developed based on community and stakeholder input and included evaluation of the City's parks, recreation land, facilities, amenities and services, and identified parks and recreation trends, future goals and objectives.

The January 21<sup>st</sup>, 2019 staff report "Parks and Recreation Master Plan", was received for information.

Moved by Hillian seconded by Frisch that Council accept the January 21, 2019 draft Parks and Recreation Master Plan in principle; and,  
That staff make the draft Parks and Recreation Master Plan available for public comment.

**Carried**

**.02**

STRUCTURAL  
CHANGE  
APPLICATION FOR  
MANUFACTURING  
FACILITY  
(GLADSTONE  
BREWING - 244 4<sup>TH</sup>  
STREET)  
4320-20

Moved by Frisch and seconded by Theos that based on the January 21<sup>st</sup>, 2019 staff report, “Structural Change Application for Manufacturing Facility (Gladstone Brewing) - 244 4<sup>th</sup> Street”, Council approve OPTION 1 as follows:

1. The Council of the City of Courtenay recommends the LCRB approve the application by Gladstone Brewing’s for structural change of the existing licence.
2. Council’s comments on the prescribed considerations are as follows:
  - a) If the amendment application is approved, it would not result in an increase of noise on the community in the immediate vicinity of the establishment;
  - b) If the application is approved, it would not negatively impact the community based on the submissions received from the public;
  - 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, the RCMP was contacted for comment.

**Carried**

**.03**

DEVELOPMENT  
VARIANCE PERMIT  
3420 RHYS RD. (THE  
RIDGE PHASE 3B)  
3060-20-1830

Moved by McCollum and seconded by Frisch that based on the January 21<sup>st</sup>, 2019 Staff report, “Development Variance Permit No. 1830 - 3420 Rhys Road”, Council approve OPTION 1 and issue Development Variance Permit No. 1830.

**Carried**

**.04**

NEW LOUNGE  
ENDORSEMENT FOR  
MANUFACTURER  
LICENCE  
APPLICATION (ACE  
BREWING COMPANY  
LIMITED) - 150  
MANSFIELD DRIVE  
4320-20

Moved by Frisch and seconded by McCollum that based on the January 21<sup>st</sup>, 2019 staff report, “New Lounge Endorsement for Liquor Manufacturer Licence Application (Ace Brewing Company Limited) - 150 Mansfield Drive”, Council approve OPTION 1 as follows:

1. The Council of the City of Courtenay recommends the LCRB approve the application for Ace Brewing Company Limited’s new manufacturer licence lounge endorsement.
2. Council’s comments on the prescribed considerations are as follows:
  - a) If the amendment application is approved, it would not result in an increase of noise in the area;
  - b) If the application is approved, it would not negatively impact the community based on the submissions received from the public;

- 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, the RCMP was contacted for comment.

**Amending motion**

Moved by Hillian and seconded by Frisch that the motion be amended to read Council consider prioritizing traffic calming or pedestrian crossing improvements at Cliffe Avenue and Mansfield Drive;

That Council's comments on the prescribed considerations are as follows:

- a) If the amendment application is approved, it would not result in an increase of noise in the area, although the response from some area residents suggests otherwise;
- b) If the application is approved, it would not negatively impact the community based on the submissions received from the public, although local area residents are concerned about noise and traffic issues related to this application;

**The amending motion was carried with Councillor Frisch opposed**

**6:43 p.m. Councillor Hillian and Councillor Morin recused themselves citing a possible conflict of interest as they each serve as one of the board of directors to an organization applying for funding through the City's grant-in-aid program.**

**.05**  
2019 GRANT-IN-AID  
REQUESTS  
1850-01

Moved by Frisch and seconded by McCollum that based on the January 21<sup>st</sup>, 2019 staff report, "2019 Grant-in-Aid Requests", Council receive the attached list of applicants and support OPTION 1 to direct Staff to remit Grant-in-Aid payment to the selected 18 applicants meeting 2 or more criteria, with a cap of \$15,000 per request; and

That staff include the disbursements in the draft 2019-2023 schedule of gaming funds distribution; and,

That staff be directed to review the Grant-in-Aid policy #1850.00.04 and clarify the eligibility criteria for future consideration.

**Carried**

**Councillors Hillian and Morin returned to Council Chambers at 6:58 p.m. and took their seats.**

**.06**  
2019 - 2023  
MUNICIPAL SOLID  
WASTE,  
RECYCLABLES, AND  
YARD WASTE  
BUDGETS  
1705-20 / 1830 - 05

Moved by Frisch and seconded by Morin that based on the January 21<sup>st</sup>, 2019 staff report “2019 - 2023 Municipal Solid Waste, Recyclables, and Yard Waste User Budgets” Council approve OPTION 1 and increase 2019 user fees by 2%, and;

That Bylaw Number 2954, 2019, a bylaw to amend the “City of Courtenay Fees and Charges Bylaw No. 1673, 1992”, proceed to first, second and third reading in order to revise the proposed 2019 Municipal Solid Waste, Recyclables and Yard Waste user fees.

**Carried**

## **5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

## **6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

**.01**  
BRIEFING NOTE  
2019 COUNCIL  
ORIENTATION SERIES  
- CAPITAL  
BORROWING; AIR  
QUALITY; LED  
STREETLIGHTS; AND  
SPEED AND SAFETY  
ISSUES  
0540-02

Moved by Hillian and seconded by Frisch that the January 11<sup>th</sup>, 2019 Briefing Note “2019 Council Orientation Series - Capital Borrowing; Air Quality; LED Streetlights; and Speed and Safety Issues”, be received for information.

**Carried**

## **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 January 21<sup>st</sup>, 2019 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) (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**

**.02**  
COUNCILLOR HILLIAN  
MOTION TO SUPPORT  
PROJECT  
WATERSHED'S  
ESTUARY  
MANAGEMENT PLAN  
AND FUNDING  
APPLICATION

Moved by Hillian and seconded by McCollum that  
Whereas the K'omoks Estuary is a significant natural asset with economic, environmental and cultural value to the City of Courtenay and the entire Comox Valley, yet it does not have a management plan to protect these values; and

Whereas Project Watershed has an opportunity to seek grant funding to develop, in collaboration with K'omoks First Nation and other local governments, a management plan for the estuary;

Therefore be it resolved that the City of Courtenay provide a letter in support of Project Watershed's application for funding from the Vancouver Foundation to establish an Estuary Management Plan in collaboration with K'omoks First Nation and other local partners, and that the City collaborate in the development of such a plan should Project Watershed's application be successful.

**Carried**

**9.00 UNFINISHED BUSINESS**

**10.00 NOTICE OF MOTION**

**11.00 NEW BUSINESS**

**12.00 BYLAWS**

**.01**  
BYLAW NO. 2954,  
2019  
CITY OF COURTENAY  
FEES AND CHARGES  
AMENDMENT  
(SOLID WASTE  
COLLECTION FEES)

Moved by Frisch and seconded by Theos that "City of Courtenay Fees and Charges Amendment Bylaw No. 2954, 2019" pass first, second and third reading.

**Carried**

**.02**  
BYLAW NO. 2930,  
2018  
ZONING AMENDMENT  
FOR A SECONDARY  
SUITE (446  
QUALICUM AVENUE)

Moved by McCollum and seconded by Frisch that "Zoning Amendment Bylaw No. 2930, 2018" pass third reading.

**Carried**

**.03**

BYLAW NO. 2930,  
2018  
ZONING AMENDMENT  
FOR A SECONDARY  
SUITE (446  
QUALICUM AVENUE)

Moved by Frisch and seconded by Hillian that “Zoning  
Amendment Bylaw No. 2930, 2018” be finally adopted.

**Carried**

**13.00 ADJOURNMENT**

**.01**

Moved by Frisch and seconded by Cole-Hamilton that the  
meeting now adjourn at 7:29 p.m.

**Carried**

**CERTIFIED CORRECT**

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**Corporate Officer**

**Adopted this 4<sup>th</sup> day of February, 2019**

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**Mayor**



**Minutes of a Committee of the Whole meeting held Monday, January 28, 2019 at 4:00 p.m. in the City Hall Council Chambers.**

**Attending:**

**Mayor:** B. Wells  
**Councillors:** W. Cole-Hamilton  
D. Frisch  
D. Hillian  
M. McCollum  
W. Morin  
M. Theos

**Staff:**

D. Allen, CAO  
J. Ward, Director of Legislative and Corporate Services/Deputy CAO  
W. Sorichta, Manager of Legislative & Corporate Administrative Services  
T. Kushner, Director of Public Works Services/Assistant CAO  
J. Nelson, Director of Financial Services  
R. O’Grady, Director of Engineering Services  
D. Snider, Director of Recreation and Cultural Services  
A. Guillo, Manager of Communications  
R. Wyka, Manager of Finance

**1.00 STAFF REPORTS/PRESENTATIONS**

**.01** Maurice Primeau presented information to Council regarding the BC Assessment Authority and provided an overview of BC Assessment’s services, the property assessment cycle and key dates, the relationship between property assessments and taxes and the inquiry and appeals process.  
MAURICE PRIMEAU,  
DEPUTY ASSESSOR,  
BC ASSESSMENT  
AUTHORITY

Additional information and resources may be accessed at the BC Assessment website [www.bcassessment.ca](http://www.bcassessment.ca)

**2.00 DELEGATIONS**

**.01** Kelly Mathews, Dogwood Group, and Andrew Gage, West Coast Environmental Law (WCEL), presented information to Council regarding the fossil fuel industry’s role in carbon outputs causing climate change and their accountability for local climate costs.  
KELLY MATHEWS,  
DOGWOOD GROUP,  
AND ANDREW GAGE,  
WEST COAST  
ENVIRONMENTAL  
LAW (WCEL)

The delegation requested Council consider sending a letter to the top 20 fossil fuel companies that are collectively responsible through their operations and products for climate costs to pay their fair share towards the cost of local climate change.

**The council meeting recessed at 5:03 p.m. to permit delegations to clear Council Chambers  
The meeting reconvened at 5:07 p.m.**



### **3.00 INTERNAL REPORTS AND CORRESPONDENCE**

**.01**  
MEMORANDUM -  
REGIONAL  
RECREATION PASS  
7900-01-REGIONAL

Moved by Frisch and seconded by Hillian that the January 28, 2019 Memorandum, "Regional Recreation Pass", be received for information.

**Carried**

Moved by Frisch and seconded by Morin that Council direct staff to prepare a report investigating options and implications of a regional recreation pass pilot program for the Comox Valley.

**Carried**

### **4.00 STAFF REPORTS/PRESENTATIONS**

**.01**  
INTEGRATED  
RAINWATER  
MANAGEMENT PLAN  
(IRMP)

Glen Shkurhan, Urban Systems, and Katie Hamilton, Tavola Strategy Group, presented information to Council regarding the City of Courtenay's Integrated Rainwater Management Plan (IRMP) followed by a workshop identifying rainwater management and the relationship between land use, infrastructure and the environment.

The Integrated Rainwater Management Plan (IRMP) presentation was received for information.

**Councillor Cole Hamilton left Council Chambers at 5:55 p.m.**

**Councillor Cole Hamilton returned to Council Chambers and took his seat at 5:58 p.m.**

**Councillor McCollum left Council Chambers at 6:05 p.m.**

**Councillor McCollum returned to Council Chambers and took her seat at 6:07 p.m.**

### **5.00 RESOLUTIONS OF COUNCIL**

**.01**  
IN CAMERA  
MEETING

Moved by Frisch and seconded by McCollum that a Special In-Camera meeting closed to the public will be held January 28<sup>th</sup>, 2019 at the conclusion of the Committee of the Whole Meeting pursuant to the following sub-sections of the *Community Charter*:

- 90 (c) labour relations or other employee relations
- 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**

**5.00 ADJOURNMENT**

**.01**

Moved by Hillian and seconded by Frisch that the meeting now adjourn at 6:25 p.m.

**Carried**

**CERTIFIED CORRECT**

\_\_\_\_\_  
**Corporate Officer**

**Adopted this 4<sup>th</sup> day of February, 2019**

\_\_\_\_\_  
**Mayor**



## STAFF REPORT

**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Development Variance Permit No.1807 – 2200 Cliffe Avenue

**File No.:** 3090-20-1807  
**Date:** February 4, 2019

### PURPOSE:

The purpose of this report is for Council to consider issuing a Development Variance Permit to allow the installation of four panel antennas and one microwave dish on the rooftop of an existing building situated on the land legally described as Lot 1, Section 66, Comox District, Plan VIP83758.

### CAO RECOMMENDATIONS:

That based on the February 4<sup>th</sup>, 2019 Staff report “Development Variance Permit No. 1807 – 2200 Cliffe Avenue” Council approve OPTION 1 and issue Development Variance Permit No. 1807.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The subject property is located at 2200 Cliffe Avenue between 21<sup>st</sup> Street and Mansfield Drive. The property is 6,590 m<sup>2</sup> (1.63 ac) in size, is zoned Commercial Two (C-2) and is serviced by City Services.

The property is developed with a Hotel, the Holiday Inn Express and Suites. The hotel is four storeys high, has 91 rooms and 28 suites and the site contains surface parking and landscaping. A map showing the location of the subject property is included in **Figure No. 1** and a view of the property from Cliffe Avenue is included as **Figure No. 2**.

Freedom Mobile, a telecommunications company, is proposing to install four mounted panel antennas and one microwave dish on the rooftop of the Holiday Inn Hotel.



Figure No. 1 Subject Property (outlined in red)

The proposal also includes a fenced equipment compound at the southeast corner of the building and a fixed cable tray mounted along a portion of the eastern building façade. The applicant's plans have been included in the Draft Development Variance Permit within **Attachment No. 1**.

The proposed rooftop antennas, dish and cable tray will be painted the same color as the existing building and the equipment compound will be screened with cedar fencing.



Figure No. 2 View of Property from Cliffe Avenue

The property owner has entered into an agreement with Freedom Mobile to facilitate the development. The site was chosen by Freedom Mobile because there is an existing structure on the property and the site's location is in an area deemed suitable for the operation of the equipment.

The applicant has indicated that the installation of the equipment will enhance Freedom Mobile's service coverage within a few kilometres of the property, will improve service into Downtown Comox and will work with other sites to provide continuous coverage throughout Courtenay and Comox. The applicant's letter of rationale is included in **Attachment No. 2**.

The City of Courtenay does not have a telecommunications policy; however, the rooftop equipment is subject to the height regulations within Section 8.19.7 of *Zoning Bylaw No. 2500, 2007*.

#### Official Community Plan Review

There is no direct reference in the OCP with respect to this application.

The proposed development does not result in an exterior design change of 25% or more on any one side of the building, therefore, the proposal is not subject to a commercial development permit.

#### Zoning Compliance

In 2007 the City approved a Development Permit with Variance for this property (file no. 3060-20-0708). This application included approval by Council to increase the mean height of the 91 unit hotel building from 9.5 metres to 11.94 metres. The height of the building when measured to the top of the roof is 15.24 metres.

The maximum height of the proposed equipment is 16.44 metres to the top of the highest antenna and 16.04 metres to the top of the microwave dish, representing a maximum increase of 1.2 metres or 4 feet above the existing roof line.

The four panel antennas and microwave dish are taller than what is permitted under the Zoning By-law. The antennas and dish have a slender design that will have little visual impact on the design of the existing building and existing views will not be impacted. Also, the proposed cable tray situated along the eastern building face will be painted to match the existing facade and the equipment compound proposed at the southeast corner of the building will be screened with cedar fencing. The compound is

situated in the southeast rear yard and is located approximately 2.0 metres from the southern property line, 34 metres from the eastern property line and 67 metres from the northern property line. **Staff consider the requested variance as minor and supportable.**

### **Summary of Regulatory Authority and Consultation Process**

The applicant has consulted with Innovation, Science and Economic Development Canada (ISED's), formally Industry Canada's Radio communication and Broadcasting Antenna Systems client procedures circular<sup>1</sup>. ISED has jurisdiction over the approval and placement of telecommunications installations within Canada.

Due to the proximity to the Courtenay Airpark and the Federal Aerodrome Regulation, Transport Canada and NavCanada were consulted on this application. The Senior Government has accepted the proposal and is not requiring additional lighting or painting for the rooftop equipment.

The application complies with Health Canada's Safety Code 6 regulations<sup>2</sup>. Safety Code 6 seeks to limit public exposure to radiofrequency electromagnetic fields and ensures public safety.

### **FINANCIAL IMPLICATIONS:**

There are no direct financial implications related to the processing of this development variance permit application as the fees are designed to offset the administrative costs. The fee for the development variance permit was \$1,500.

The property owner would also be required to apply for a Building Permit and subsequent inspections. Building permit fees are \$7.50 for every \$1,000.00 of construction value.

### **ADMINISTRATIVE IMPLICATIONS:**

Processing development variance permits is a statutory component of the work plan. Staff has spent approximately 18 hours processing this application to date. Should the proposed development variance permit be approved, an additional 2 hours of staff time will be required to register the permit and close the file. Additional staff time will be required to process the building permit application including inspections.

### **ASSET MANAGEMENT IMPLICATIONS:**

There are no Asset Management Implications associated with this application.

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<sup>1</sup>Radiocommunication and Broadcasting Antenna Systems Circular. <https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html>

<sup>2</sup>Safety Code 6: Health Canada's Radio Frequency Exposure Guidelines <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/radiation/safety-code-6-health-canada-radiofrequency-exposure-guidelines-environmental-workplace-health-health-canada.html>

**STRATEGIC PRIORITIES REFERENCE:**

Development applications fall within Council’s Area of Control and aligns with the strategic priority to support meeting the fundamental corporate and statutory obligations of the City and consultation with Senior Government’s falls within Council’s area of influence.



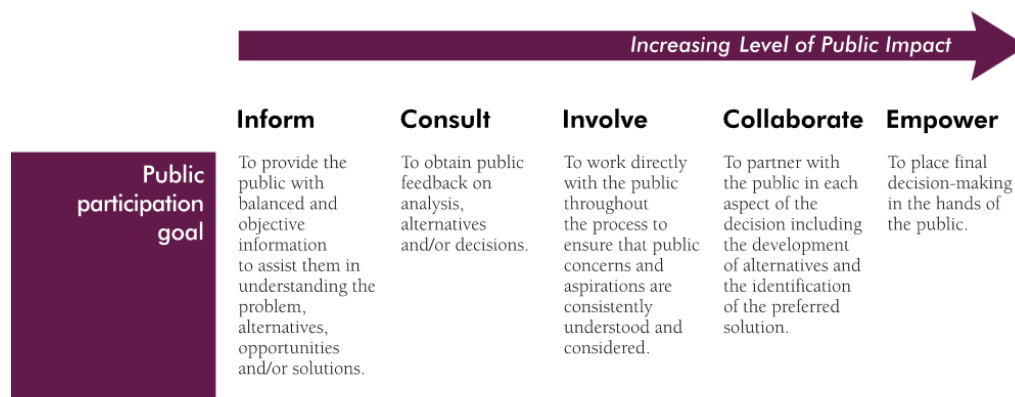
**OFFICIAL COMMUNITY PLAN REFERENCE:**

This application has no direct reference to the policies within the OCP.

**REGIONAL GROWTH STRATEGY REFERENCE:**

*4.4 (14) - Promote and support the overall economic viability of the municipal areas so that they can continue to provide primary base for residential, commercial and institutional activities.*

**CITIZEN/PUBLIC ENGAGEMENT:**



The applicant distributed a public information package to property owners and occupiers within 30 metres of the property on September 13, 2018 and solicited comments. The applicant’s public information package is referenced in **(Attachment No. 3)**. Neither the applicant nor City staff has received any public comments resulting from the distribution of the public information package.



In accordance with the Local Government Act, the City has notified property owners and occupants within 30 metres of the subject property of the requested variances and provided the opportunity to submit written feedback. To date, staff has received no responses.

**OPTIONS:**

**OPTION 1:** (Recommended) Approve Development Variance Permit No. 1807.

**OPTION 2:** Defer consideration of Development Variance Permit No. 1807 pending receipt of further information.

**OPTION 3:** Not approve Development Variance Permit No. 1807.

Prepared by:



Dana Beatson, MCIP, RPP  
Land Use Planner

Reviewed by:



Ian Buck, MCIP, RPP  
Director of Development Services

*Attachments:*

1. *Attachment No. 1: Draft Development Variance Permit and Associated Schedule No. 1*
2. *Attachment No. 2: Applicant's Letter of Rationale*
3. *Attachment No. 3: Public Information Meeting Package*

**THE CORPORATION OF THE CITY OF COURTENAY**

**Attachment No. 1:**  
*Draft Development  
Variance Permit*

**Permit No.** 3090-20-1807

**DEVELOPMENT VARIANCE PERMIT**

**To issue a Development Variance Permit**

**To:** Name: Bayview Hotel Group Ltd., Inc. No. BC0812426  
Address: 3000-1055 West Georgia Street  
Vancouver, British Columbia  
V6E 3R3

**Property to which permit refers:**

Legal: Lot 1, Section 66, Comox District Plan VIP83758  
Civic: 2200 Cliffe Avenue

**Conditions of Permit:**

Permit issued to the property legally described as Lot 1, Section 66, Comox District Plan VIP83758, allowing for the installation of four panel antennas and a microwave dish on the rooftop of existing building with the following variances to the City of Courtenay Zoning Bylaw No. 2500, 2007:

**8.19.7 Height of Buildings**

Increase the maximum height to the top of a panel antenna from 9.5 metres to 16.44 metres;  
Increase the maximum height to the top of a microwave dish from 9.5 metres to 16.04 metres.

Development Variance Permit No. 1807 is subject to the following conditions:

- That the development shall conform to the plan as shown in Schedule No. 1;
- A maximum of 4 panel antennas and 1 microwave dish a permitted; and
- That a formal amendment application is required if the plans change or additional variances are identified after the permit is issued.

**Time Schedule of Development and Lapse of Permit**

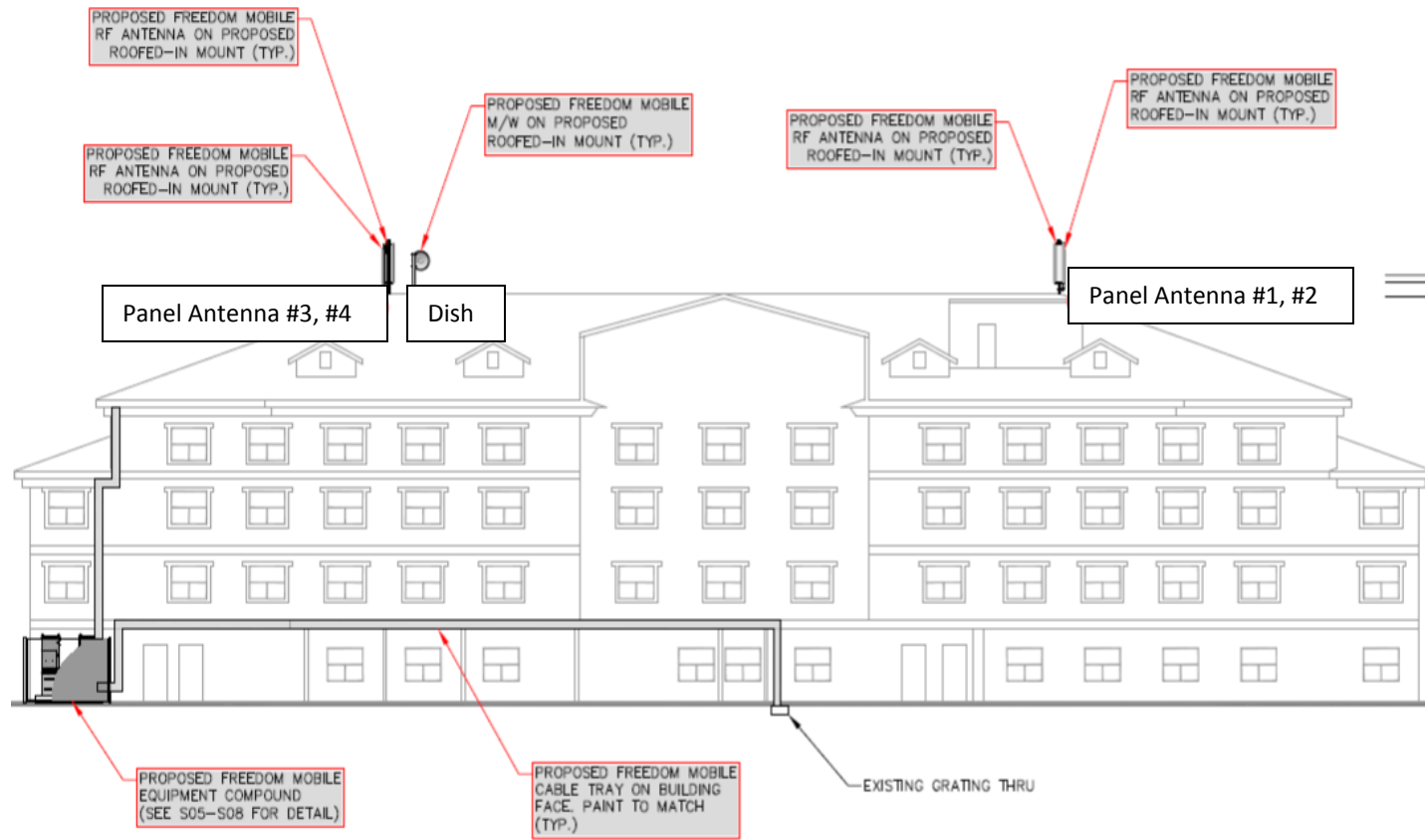
That if the permit holder has not substantially commenced the construction authorized by this permit within (12) months after the date it was issued, the permit lapses.

\_\_\_\_\_  
Date

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

Schedule No. 1

- T/O ANTENNA = 16.44m AGL
- T/O M/W = 16.04m AGL
- C/L OF M/W = 15.74m AGL
- C/L OF ANTENNA = 15.74m AGL
- T/O MAIN ROOF = 15.24m AGL



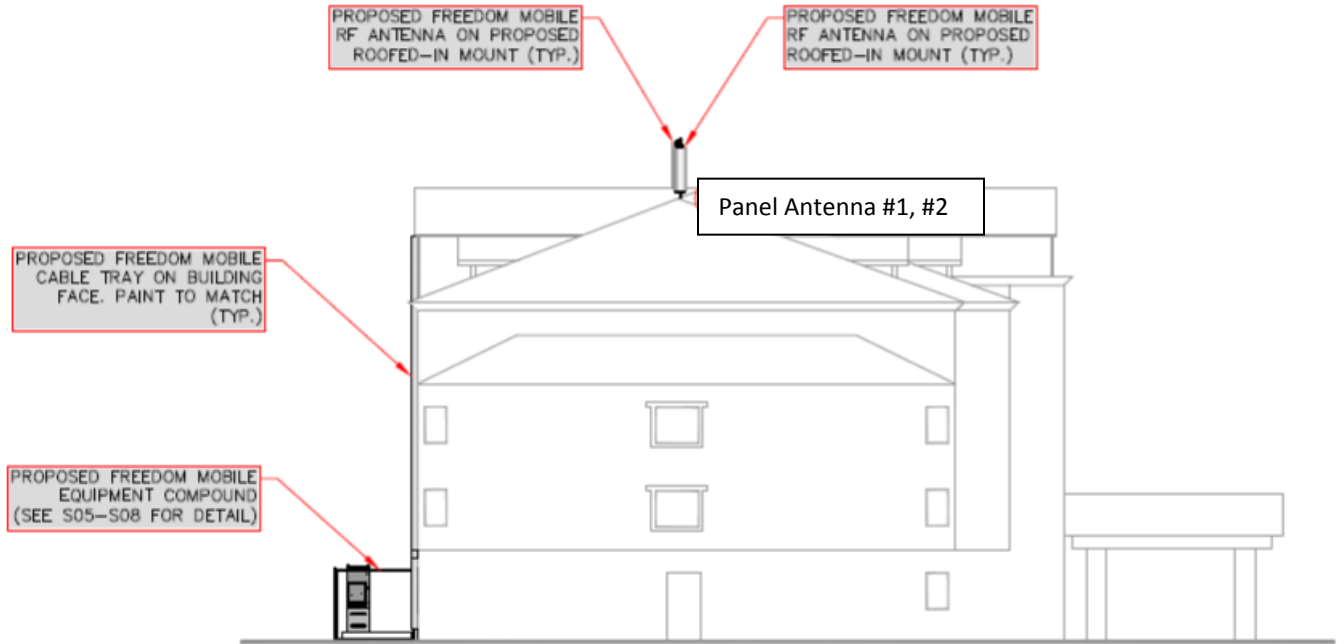
**East Building Elevation**

Schedule No. 1



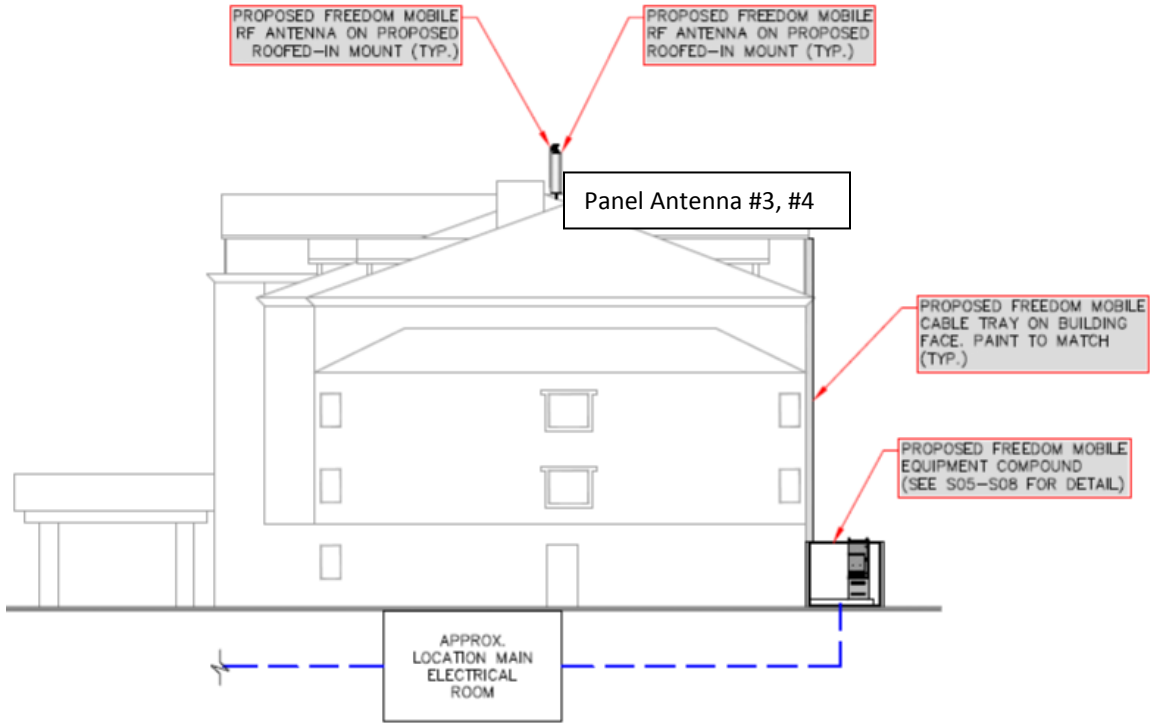
**West Building Elevation**

Schedule No. 1



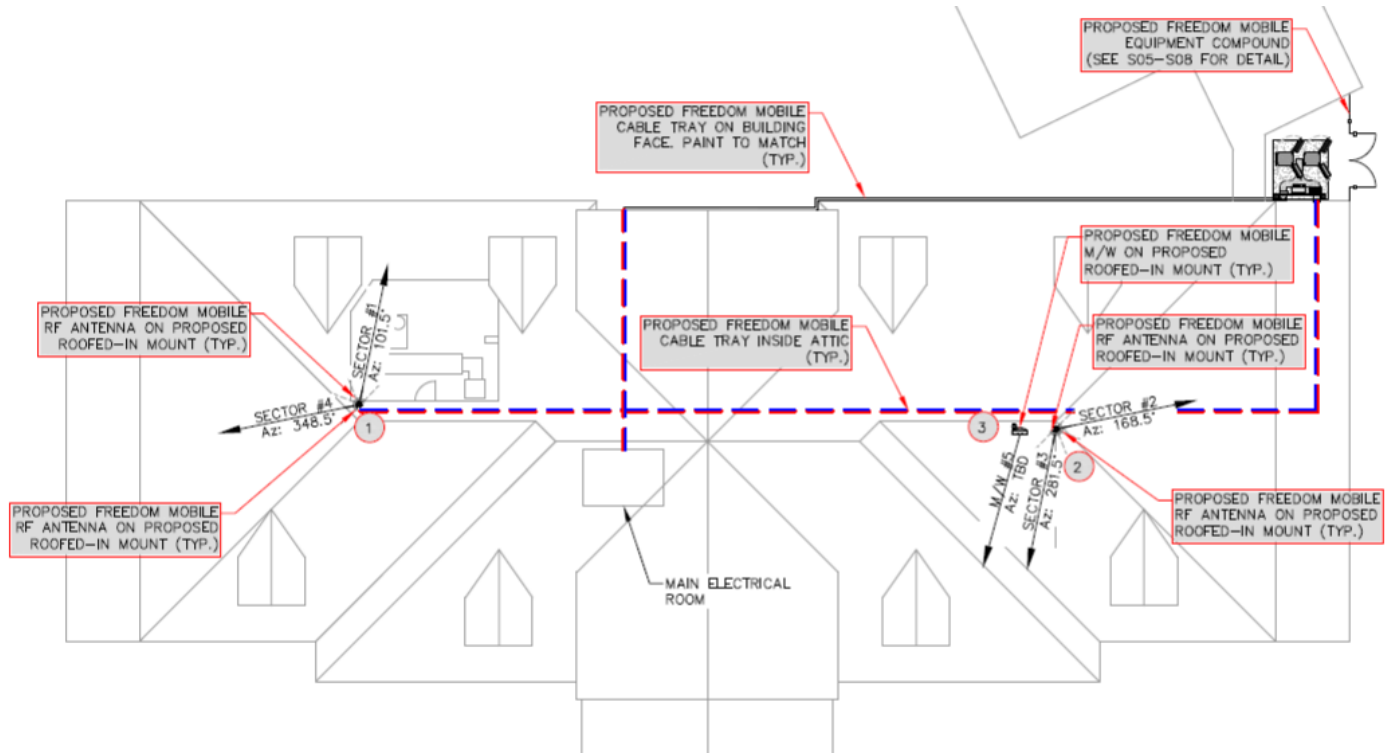
**North Building Elevation**

Schedule No. 1



**South Building Elevation**

Schedule No. 1



**Roof Plan**

Attachment No. 2:  
*Applicants' Letter of  
Rationale 1/3*

August 29, 2018

City of Courtenay  
Planning Department

**Subject:** Freedom Mobile Radiocommunications Facility Proposal  
Written Application Rationale  
**Address:** 2200 Cliffe Ave., Courtenay, BC (Holiday Inn)  
**Coordinates:** 49.679728° N, 124.983516° W  
**Freedom Mobile Site:** BCC0005B

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### Overview

Cypress Land Services Inc., in our capacity as agent to Freedom Mobile, is submitting this Written Application Rationale to as part of the Development Variance Permit (“DVP”) Application related to the installation and operation of a radiocommunications facility. We have been in preliminary consultation with the City of Courtenay Planning Staff to discuss the proposed installation in order to provide dependable wireless data and voice communication services.

### Proposed Site

The proposed site location is identified as 2200 Cliffe Ave, Courtenay, BC. It is proposed to place a roof top cell site on the existing rooftop. Cabinets are to be placed within a compound area at grade at the rear of the building. Freedom Mobile is proposing to add telecommunications equipment with Installation of 4 antennas, 1 microwave dish and ancillary radio equipment including 2 equipment cabinets and cabling.

Freedom Mobile has completed preliminary design plans which are included in the Development Permit Application package. These preliminary design plans are subject to final engineered design and land survey.

Freedom Mobile encourages comments from the City of Courtenay Planning staff regarding the proposed design.



Attachment No. 2:  
*Applicants' Letter of  
Rationale 2/3*

### **Rationale for Site Selection**

Freedom Mobile seeks to maintain and improve high quality, dependable network services. In order to improve network performance, Freedom Mobile is seeking to add the proposed radiocommunications installation.

The proposed site is a result of many considerations. The site is considered appropriate as it is an existing structure and is in an area that is suitable for the operations of Freedom Mobile's network equipment.

Freedom Mobile has entered into an agreement with the building owner. Freedom Mobile's radio frequency engineering has identified that the proposed installation will enhance service coverage for Freedom mobile's network which to downtown Comox.

### **Consultation Process with the City of Courtenay**

Innovation, Science and Economic Development Canada, (ISED), formerly Industry Canada, requires all proponents to consult with the local land use authority and public, notwithstanding that Industry Canada has exclusive jurisdiction in the licensing of telecommunication sites, such as the proposed rooftop installation. Following ISED's requirements, the proposed rooftop installation is excluded from consultation (as described in the Industry Canada circular, CPC-2-0-03, and commonly referred to as the "CPC"). Information on the "CPC" consultation process developed by ISED may be found on-line at:

<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html>

The City of Courtenay's policy on wireless installations is the Zoning Bylaw. A variance to the allowable building height limitation in this zone was granted in 2007 (9.6m-11.94m) when the building was constructed. Freedom Mobile is requesting a height variance to permit the antennas. Building permits are issued upon conformance with the zoning bylaw so carriers must comply with the towns zoning regulations.

### **Health and Safety**

Health Canada's Safety Code 6 regulations are applicable to this, and all, telecommunications sites. Safety Code 6 seeks to limit the public's exposure to radiofrequency electromagnetic fields and ensures public safety. Additional information on health and safety may be found on-line at:

Health Canada:

[http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio\\_guide-lignes\\_direct-eng.php](http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php)

Attachment No. 2:  
*Applicants' Letter of  
Rationale 3/3*

**Conclusion**

Freedom Mobile is committed to working with the City of Courtenay in determining an appropriate location and design for a radiocommunications tower that will improve wireless services.

We look forward to working together during this process. Please do not hesitate to contact us by phone at 604.620.0877 or by email at [tawny@cypresslandservices.com](mailto:tawny@cypresslandservices.com).

Thank you in advance for your assistance and consideration.

Sincerely,  
**CYPRESS LAND SERVICES**  
Agents for FREEDOM Mobile



Tawny Verigin  
Municipal Affairs Specialist

Attachment No. 3:  
Public Information Meeting  
Package 1/4

September 13, 2018

**Invitation for Public Input  
Proposed Freedom Mobile Rooftop Antenna Installation  
Located at 2200 Cliffe Avenue, Courtenay, BC**

Dear Neighbour,

Freedom Mobile ("Freedom") is striving to provide high quality wireless communications services to Canadians. Increasingly, Canadians depend on wireless voice, data and internet communications for business, personal enjoyment and personal security reasons. Freedom is actively planning its network build for the launch of Freedom wireless services in the CVRD/Courtenay/Comox areas. In order to launch its network Freedom requires the installation of new wireless communication facilities whether on existing infrastructure or purpose built. One of the new sites is proposed to be installed on the rooftop of the Holiday Inn Express & Suites, Comox Valley located at **2200 Cliffe Ave in Courtenay, BC** (PID: 027-215-989). Freedom has commenced consultation in accordance with Innovation, Science and Economic Development Canada (ISED's), formerly Industry Canada's, CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems client procedures circular.

**PROPOSAL DETAILS:**

Freedom is proposing to install four (4) panel antennas and one (1) microwave dish on the pitched roof. The equipment will be located within a cedar fenced equipment compound at grade on the south side of the building. The property is zoned C-2 and the building is operating as a Holiday Inn Express & Suites, Comox Valley hotel. The installation is required to support Freedom's antennas in order to provide wireless communication network service within a few kilometres of the proposed location.

**REGULATORY AUTHORITY:**

Telecommunication providers are required by Innovation, Science, and Economic Development Canada (ISED), formerly Industry Canada, to consult with the local municipality and the general public regarding new installations. ISED does have exclusive jurisdiction over the approval and placement of telecommunications installations. The City of Courtenay does not have a telecommunications policy; however, the City has indicated that the antenna installation is subject to the City's zoning bylaw. A variance to the allowable building height limitation in the C-2 zone was granted in 2007 (9.6m-11.94m) when the building was constructed. Subsequently, Freedom needs to apply for a variance to vary the current limitation in order to install additional structure (antenna) on the roof.

This letter is intended to provide an opportunity for residents, stakeholders and landowners to obtain detailed information regarding the proposal and to provide comments for consideration. Any inquiries that are received as a result of this notification will be logged by the CVRD.

This letter provides written notification to adjacent landowners and stakeholders within 30 metres of the subject property with an opportunity to engage in reasonable, relevant, and timely communication regarding this proposal. The closing period for written comments regarding the proposal is September 28, 2018. Any inquiries that are received as a result of this notification will be logged and submitted to the CVRD.

For additional and detailed information regarding CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems client procedures circular, please go on-line to: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html>

1 | Page



*Attachment No. 3:  
Public Information Meeting  
Package 2/4*

September 13, 2018

*Purpose*

The purpose of the proposed facility is to help Freedom provide wireless coverage in the Courtenay/Comox area. The building is existing feasible infrastructure that can be utilized as a new antenna support structure. An aerial photo of the proposed location and a photo-simulation of the proposed installation is included as part of this notification package.

*Location*

The installation is proposed to be located on the rooftop of the Holiday Inn Express & Suites, Comox Valley located at **2200 Cliffe Ave, Courtenay, BC**.

*Health & Safety of Wireless Facilities*

ISED manages the radio communications spectrum in Canada and requires cellular telecommunications facilities to comply within the guidelines set by Health Canada in order to protect people who live or work near these facilities. These Health Canada safety guidelines are outlined in their 'Safety Code 6' document and are among the most stringent in the world. All Freedom facilities adhere to and are generally well within these standards. Freedom attests that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6 for the protection of the general public including any combined effects of nearby installations within the local radio environment.

*Site Access*

Access is existing through the property. Construction is anticipated to take 30 to 45 days. Once complete, the site will only be accessed for routine maintenance visits which typically occur once or twice a month. To safeguard the site from the general public, the equipment cabinets located at grade will be enclosed by a cedar fence.

*Environment*

Freedom confirms that the installation is excluded from environmental assessment under the Canadian Environmental Assessment Act.

*Design*

This proposal is to install four (4) panel antennas and one (1) microwave dish on the pitched roof. The equipment will be located within a cedar fenced equipment compound at grade on the south side of the building. A preliminary design of the site plan, roof plan and elevations are included in this notification for your reference.

*Aerodrome Regulation*

The installation will in accordance with the Transportation Canada and NAV Canada requirements. Comments are pending.

*Structural Considerations*

Freedom confirms that the antenna structure described in this notification package will apply good engineering practices including, structural adequacy during construction. The facility will be built to the National Building Code as well as the BC Building Code.

*Local Municipality*

The City of Courtenay does not have a telecommunications policy. That said, City has indicated that the antenna installation is subject to the City's zoning bylaw. By Federal Regulation Freedom is required to

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*Attachment No. 3:  
Public Information Meeting  
Package 3/4*

September 13, 2018

BCC00038

follow the CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems client procedures circular, as mandated by ISED.

**General Information**

General information relating to antenna systems is available on ISED's Spectrum Management and Telecommunications website:

[http://www.ic.gc.ca/eic/site/smt-gst.nsf/en/h\\_sf01702e.html](http://www.ic.gc.ca/eic/site/smt-gst.nsf/en/h_sf01702e.html)

**Contacts**

**Freedom Mobile**

c/o Tawny Verigin of Cypress Land Services Inc.  
Agents for Freedom Mobile  
Suite 1051, 409 Granville Street  
Vancouver, BC V6C 1T2  
Telephone: 1-855-301-1520  
Fax: 604-620-0876  
Email: [publicconsultation@cypresslandservices.com](mailto:publicconsultation@cypresslandservices.com)

**City of Courtenay**

Tatsuyuki Setta RPP, MCIP, AICP  
Manager of Planning - Development Services  
City Hall - 830 Cliffe Avenue  
Courtenay, BC, V9N 2J7  
Telephone: 250-334-4441 (ext. 7234)  
Email: [tsetta@courtenay.ca](mailto:tsetta@courtenay.ca)

**ISED**

Vancouver Island Office  
1230 Government Street, Room 430  
Victoria BC V8W 3M4  
Telephone: 250-363-3803  
Fax: 250-363-0208  
Email: [ic.spectrumvictoria-victoriaspectre.ic@canada.ca](mailto:ic.spectrumvictoria-victoriaspectre.ic@canada.ca)  
(By appointment only)

*Attachment No. 3:  
Public Information Meeting  
Package 4/4*

September 13, 2018

**Photo Simulation**

BEFORE



AFTER



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## STAFF REPORT

**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Zoning Amendment Bylaw No. 2938 – 925 Braidwood Road

**File No.:** 3360-20-1813  
**Date:** February 4, 2019

### PURPOSE:

The purpose of this report is for Council to consider a Zoning Amendment application to rezone the property legally described as Lot 8, Section 16, Comox District, Plan 6065 Except Part in Plan 1149RW (925 Braidwood Road) from Commercial Two A (C-2A) to Residential Four A (R-4A) to allow construction of a senior care facility and associated services.

### CAO RECOMMENDATIONS:

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw 2938, 2018, based on the revised drawings submitted by the applicant, on February 19<sup>th</sup>, 2019 at 5:00 p.m. in City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The subject property is located on Braidwood Road between Old Island Highway and Back Road, legally described as Lot 8, Section 16, Comox District, Plan 6065 Except Part in Plan 1149RW (925 Braidwood Road). It is currently zoned Commercial Two A (C-2A). The applicant proposes to rezone the property to Residential Four A (R-4A) to construct a senior's facility consisting of a mix of independent living units, assisted living units and memory care units as well as associated facilities.

The application and associated bylaw was considered by Council at the December 17<sup>th</sup>



Figure 1. Location Map

2018 Council meeting. At that time Council gave Bylaw 2938 first and second readings, but postponed the statutory public hearing to allow staff to have further dialogue with the applicant regarding the possibility of providing “affordable” units within the development and a public pathway to connect Braidwood Road and Ryan Road. Over the last few weeks, staff and the applicant have had several discussions to consider possible options and implications for the project. The materials presented in this report are revised plans and the applicant’s position and request to proceed to the statutory public hearing.

## DISCUSSION:

### Public Pathway

Although the necessity of public pathway in this location was discussed at the beginning of the process, the applicant chose not to provide one. Through further discussions, the applicant was advised staff expected that Council would also request a walkway between Braidwood and Ryan Roads and that if they wanted to proceed without one, they should provide a letter of rationale for Council consideration. This letter was provided to Council at the time of first and second readings.

Following the December Council meeting, the applicant revisited the plan and explored options to add the walkway. Through a reduction of the building footprint and the addition of a fifth floor the applicant was able to incorporate a 10 foot wide public path. **(Figure 2. Revised Site Plan)**

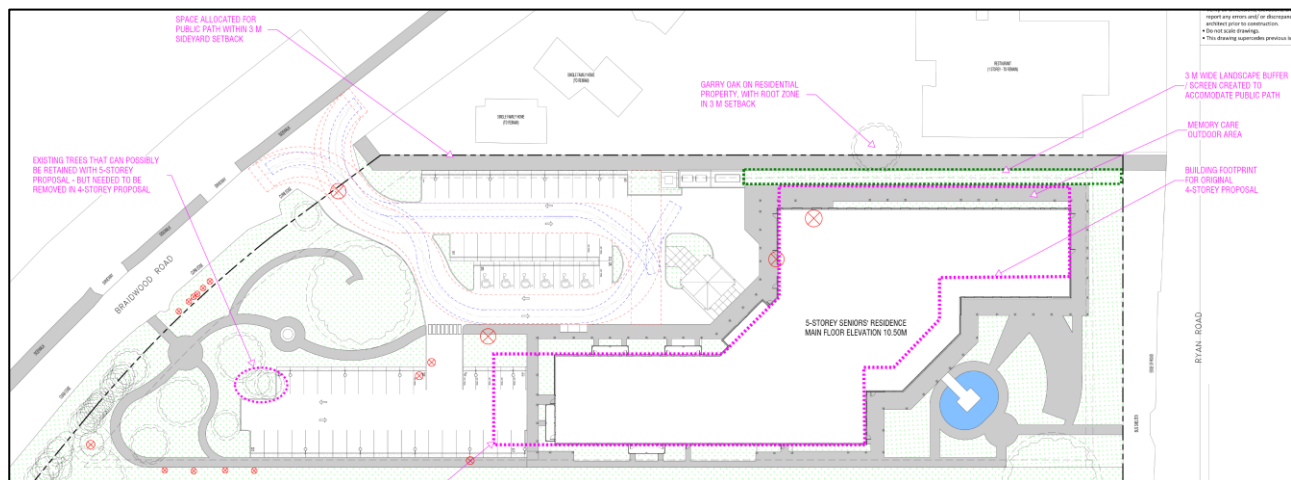


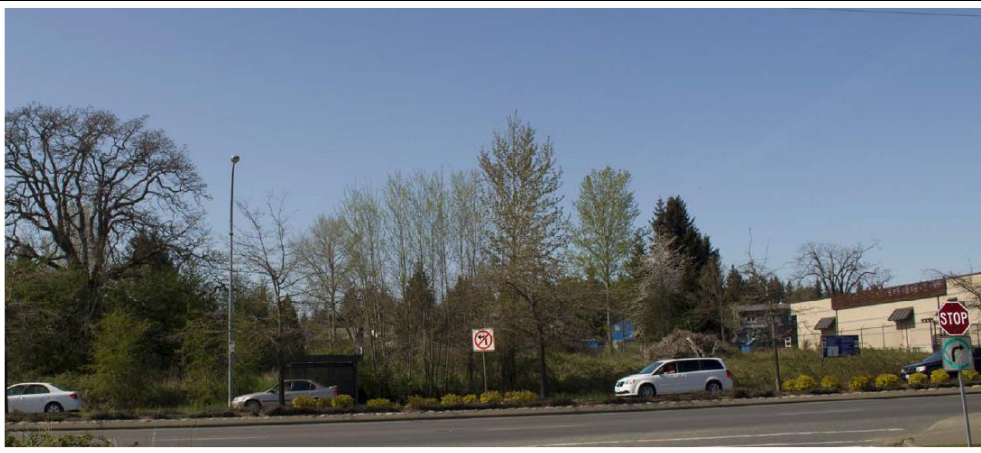
Figure 2. Revised Site Plan

To accommodate the additional floor, a variance to building height will be required at the time of Development Permit approval.

The renderings below demonstrate the difference between a 4 storey building and a 5 storey building on the site. While there is marginal change in terms of form and character from Ryan Road, the addition of a 5<sup>th</sup> floor may make a psychological difference to adjacent property owners compared to the original 4 storey concept. Staff anticipate this will be minimal as the building is sited on the lower end of the property closer to Ryan Road. The property most directly impacted to the west is the RCMP building and the majority of the building is adjacent to the restaurant to the east. Additionally, the setback has been increased from approximately 10 feet to 20 feet on the east side of the property. While the zoning bylaw measures building height in relation to “curb level”, from finished grade the five storey building is approximately 17.42m in height and the four storey building is approximately 14.17m in height. By



comparison the recently approved 5 storey apartment at 911 Braidwood Road is approximately 15.85m in height, a difference of 1.57m (5ft).

Present	
4-Storey	
5-Storey	

**Tree Retention**

Tree retention was another aspect that Council requested staff and the applicant to consider. The revised plan with a 5-storey building suggests that there will be an opportunity to increase the landscape area and useable open space in north western corner of the property where a few existing trees can be retained and some new trees can also be planted. This is due to reduction of building envelope and relocation of parking stalls. There will be no changes to all the trees that previously identified for retention candidates.

### **Affordable Housing Provision**

The applicant has considered Council’s request to explore incorporating affordable housing options in the development. Unlike a typical residential apartment or condominium, the proposed care facility offers variable services and levels of care for residents making it difficult to develop an affordable housing model for this development. The applicant has provided a letter (**Attachment No. 1**) including information on the services they provide and general details of their market analysis that led them to consider Courtenay. This market study and applicant expect that 70% of the residents will come from the local area known as the “Primary Market Area”. As outlined in their letter, the applicant has determined the “wealth levels” of seniors in the area are sufficient to fill at least 70% of the units.

It is also noted that affordable housing models based on income levels would be problematic for care facilities as most seniors’ no longer have income from employment. Additionally, while market data is readily available through CMHC related to apartment rents or through the Vancouver Island Real Estate Board and BC Assessment for fee simple unit sales, the variable services offered by care facilities makes market comparisons much more complex.

The OCP contains policy related to amenity contribution at the time of rezoning. While the policy preference is to include new non-market affordable housing units within proposed developments, it also specifies that failure to negotiate units will result in contributing to the affordable housing reserve fund. This is the most common amenity received by the City through rezoning and was recently applied to the residential apartment at 911 Braidwood road. This reserve fund is used to help create affordable housing in the City such as the M’Akola project at 810 Braidwood Road.

### **FINANCIAL IMPLICATIONS:**

The applicant has paid standard zoning amendment application fee. 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.

If the application is approved, 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. 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.

### **ADMINISTRATIVE IMPLICATIONS:**

Processing zoning bylaw amendments is a statutory component of the corporate work plan. Staff has spent at total of 50 hours processing and reviewing this application to date. Should the proposed bylaw proceed to the statutory public hearing, staff will spend an additional 10 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:**

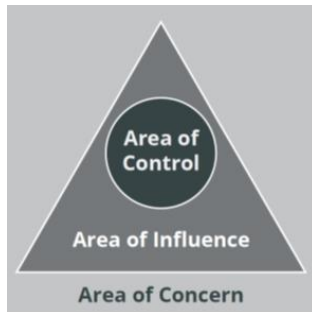
Development applications fall within Council’s area of control and specifically align with the strategic priorities to support meeting the fundamental corporate and statutory obligations of the City and to support densification aligned with community input and the regional growth strategy.

**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:**

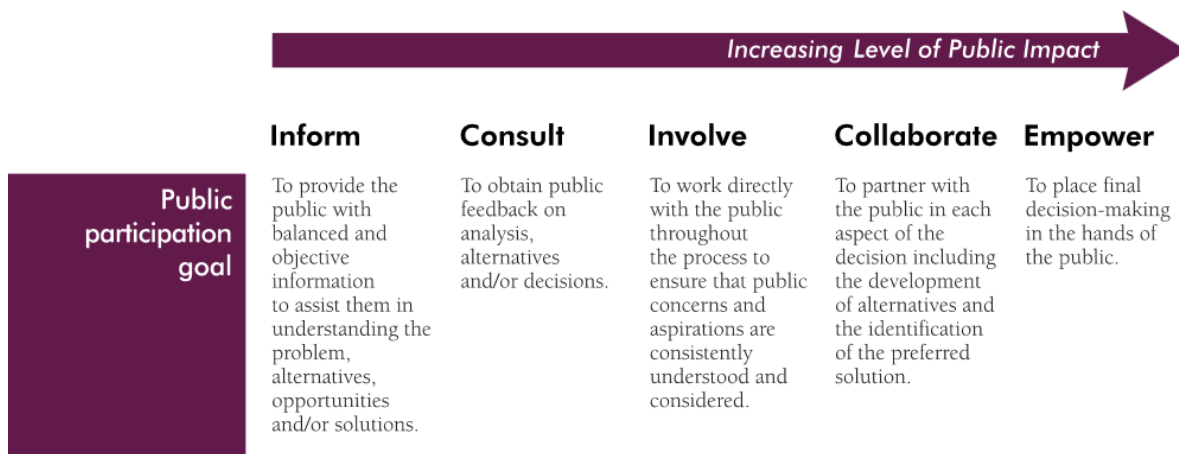
The proposed development is generally consistent with the intent and policies for the commercial and multi residential land use designation. It is also consistent with the surrounding land uses.

**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:



At the direction of Council a statutory public hearing will be held to obtain public opinion in accordance with the *Local Government Act*.

**OPTIONS:**

- OPTION 1:** THAT based on the February 4<sup>th</sup>, 2019 staff report ‘Zoning Amendment Bylaw No. 2938 – 925 Braidwood Road’, and the revised drawings submitted by the applicant, Council direct staff to schedule and advertise a statutory public hearing with respect to Bylaw 2938, 2018 on February 19<sup>th</sup>, 2019 at 5:00 p.m. in City Hall Council Chambers. **(Recommended)**
- OPTION 2:** THAT based on the February 4<sup>th</sup>, 2019 staff report ‘Zoning Amendment Bylaw No. 2938 – 925 Braidwood Road’, and the drawings submitted at 1st and 2nd readings, Council direct staff to schedule and advertise a statutory public hearing with respect to Bylaw 2938, 2018 on February 19<sup>th</sup>, 2019 at 5:00 p.m. in City Hall Council Chambers.
- OPTION 3:** That Council not proceed with Bylaw 2938, 2018.

Prepared by:



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Tatsuyuki Setta, MCIP, RPP  
Manager of Planning

Reviewed by:



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Ian Buck, MCIP, RPP  
Director of Development Services

*Attachments:*

- Attachment No. 1: Applicant’s Written rationale*  
*Attachment No. 2: Proposed Plans*

ATTACHMENT No. 1: Applicant's written rationale



#407, 158 Promenade Drive  
Nanaimo, BC  
V9R 6M7

January 23, 2019

The City of Courtenay  
Development Services  
City Hall – 830 Cliffe Avenue  
V9N 2J7

Re: Revised Plans for Zoning Amendment Application # 3360-20-1813 The Atrium at Braidwood

To Whom It May Concern:

I have prepared this letter in response to the questions and concerns raised by Councillors at the December 17 Council Meeting, regarding our Zoning Amendment Application. From the video of the meeting that was uploaded to the City's website, I have tried to transcribe verbatim what was said, and by who, so that I could accurately respond to those questions and concerns, and accurately describe how we might address them.

From the transcript, I have identified 4 topics that we need to address with a revised proposal, as I understand that our initial proposal has been rejected by Council. Not formally rejected, but essentially rejected, as Councillors repeatedly asked what options they had as a Council to "push" the applicant to address, in a revised proposal, whatever that particular Councillor identified as a concern that they had.

This "push" was framed as - planning staff having "further discussion" with the applicant. However, given the considerable amount of discussion that we had with planning staff, and the CAO, regarding the public path – and given the fact that the public path is the topic that necessitated a revised proposal from us – we now understand that "further discussion" actually means that we must have a public path going through our site.

At this point though, we also understand that Council has opened the door for planning staff to offer us "increased density" on the site, if that would help us arrive at a win-win scenario where everyone's objectives could be met. Although we had not maximized the density with our first proposal, and don't think we will need to increase the density in a revised proposal, I have had discussions with both Tatsuyuki Serra (Manager of Planning), and Ian Buck (Director of Development Services), and asked them a simple question – would we be allowed to build a 5-storey building if this allowed us to address Councillors concerns? They both said that they would be open to that option, and thought that Council would be open to that option as well. So a 5-storey building is the most significant aspect of the revised proposal that we have prepared for Council's consideration.

I have grouped the Councillors concerns that I identified, into 4 topics:

1. Public Path
2. Tree Retainage
3. Potentially set a quota on residents coming from outside of the Comox Valley
4. Affordable Housing



In addition, I have added a fifth topic, that was not discussed at the December 17 Council Meeting, but because a 5-storey building is the most significant aspect of our revised proposal, building height should be addressed during the Zoning Amendment discussions.

## 5. Building Height

Prior to my response on each topic below, I have inserted excerpts from the meeting transcript that I prepared.

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### 1. Public Path

**Councillor Will Cole-Hamilton:** *I was wondering at what point in the process, the path became a strong ask by the City? Because it seems that they have done all of their drawings with a complete (unintelligible). Their entire design process seems to take no account for a path, and obviously they would have to redraw and redesign everything if they were going to. At what stage was that first raised with them?*

**Ian Buck (Director of Development Services):** *I can't speak to the exact date that we brought it up, but it would have been during the planning review of the application – and I see the Manager nodding to me – so during our initial review process and meeting with the applicant, we would have discussed that.*

**Councillor Will Cole-Hamilton:** *So just because I'm new – when you say at this point in the process, would this be early on when the broad strokes of the project were being put together, Or is this later down the road, when money and time had already been invested in this specific design?*

**Ian Buck (Director of Development Services):** *I'll take a guess here, and maybe have the Manager come up, but I would guess that it was after the initial design drawings were done, and then following the internal review, and referral to other departments, that that discussion was initiated. Whether there was any dialogue prior to the application, I can't be sure.*

**Councillor Will Cole-Hamilton:** *I guess - just as a final statement – I'm guessing that later in the process, a request like that, which would have very strong bearing on the design of the building, and the use of the lot, I'm guessing that the later in the process, perhaps the less willingness there would be on the developer to incorporate that, and I'm just wondering if, you know, access between Braidwood and Ryan Road is fairly well-known, why if we wanted to increase that, we wouldn't have put that out right at the beginning before any planning had been done by the applicant, just so that they could put that into their plans from the very beginning, without needing to redesign, or start from scratch?*

**David Allen (Chief Administrative Officer):** *So, I'll certainly jump in, because I was at that meeting with Mr. Buck, and I don't think that that's germane to the issue for them. I think that they've had their own experiences in the past, where having a pathway resulted in a very unfavorable outcome from their experience, so it was pretty clear from the applicants when I was there at that meeting, that this was a hill that they were willing to die on, simply because that they believe that based on this previous experience, that that was an untenable option for them. I guess that it speaks to their model, it speaks to where the location – and how that would work in with their*

*design guidelines for their proposal, and at no point in time did I get the sense that it had anything to do with the timing of the discussion, or whether it took place or not. Designs are typically, especially at a conceptual level, go back-and-forth on sometimes numerous occasions, and that's just part of the process, so I would not read into this outcome with having anything to do with the timing of that discussion.*

Prior to specifically addressing the concerns or questions raised by Councillors with respect to the public path, I would like to make some general comments regarding the responses that the Director of Development Services, and the Chief Administrative Officer, gave on our behalf.

I found that most of their responses were generally accurate with respect to our position on the public path, and their responses were consistent with the position that I stated in my November 30 letter, that was provided to Council ahead of the Council Meeting. Below is an excerpt from that letter, although the letter itself went into more detail to support our position:

*In response to the City's request, we did allocate some resources to have our Architect and Landscape Architect draft the potential options for a public path, so that we could assess the impact of having a public path through our site. After consideration of the type of development we propose, and the health and safety needs of the seniors who will be living at the site, we must reject the provision of a public path through our site.*

Please note that I referred to the public path discussion as the City's "request". The Director of Development Services also referred to it during the Council Meeting as the City's "desire". The verbiage is important. We did not think that there was a requirement for us to provide a public path. Our understanding from planning staff (and it was a very "strong ask" from them, at the very beginning of discussions), was to try to make it work with our development. However, if we had a strong rationale for avoiding any potential conflict that there might be with a public path through our site, then the decision would be ours. Essentially – we thought that we had the power to reject the request, as it is not a bylaw-stipulated requirement.

Despite the fact that it appears the public path has now become a requirement, I would still like to make one more point regarding this topic. There is a path worn through the site because people have been trespassing on private property. They have been able to easily trespass because the land has been vacant, and there is no fencing or signage. If any of the previous owners had exercised their rights to try to stop people from trespassing on the property, we would likely not be having this discussion.

One other similar way to look at this (so I would consider it making the same point), is that it is quite typical in any municipality to have a commercially-zoned road, that backs onto a residential zone. And typically, pedestrians from the residential zone are expected to go to either end of that road in order to access establishments in the commercial zone. In fact – there is a safety aspect to this typical scenario as well - in that it encourages pedestrians to use controlled crosswalks at either end of the road, instead of being tempted to run across the middle of the road to get to establishments on the other side (especially when that road is comparable to the width of, and amount of traffic on, Ryan Road).

All that said, we understand now that we are at a roadblock, unless we present a revised proposal to Council that includes a public path through our site.



In our original proposal, we were able to:

- Layout a building that came relatively close to our target of 160-suites
- Meet the parking requirement without an underground parkade (which would have made the project cost-prohibitive)
- Preserve all of the protected tree species on the site (that an Arborist had identified as worthy of preservation), including 2 significant Garry oak specimens
- Provide 2 large landscaped areas (one a park-like setting of mature trees that we would retain, and one a south-facing plaza with a water-feature and the largest Garry oak specimen as a focal point).

In order to meet all of the above objectives, on a relatively narrow site, we had to take the building to the minimum sideyard setbacks that we were allowed to in the bylaws, along the northeast and southwest property lines. Given that the “best” location for a public path connecting Braidwood Road and Ryan Road through our site, would be within the 3 m sideyard setback along the northeast property line, and given that our secure, outdoor area for our Memory Care residents (those with dementia) would be up against the setback line, we felt that we were within our right to reject the public path.

As one Councillor questioned why we wouldn’t want to just construct a solid “privacy fence” along a dividing line between our outdoor area for Memory Care residents, and a potential public path within the 3 m setback along the northeast property line – I feel that I need to expand on the response given by the Director of Development Services below:

**Ian Buck (Director of Development Services):** *They would be fencing the complete site. It is something in particular that they discussed with us was the concerns they had around the Memory Care units, because they do want those residents to have access to outside space, so it needs to be a secure space...*

*We did discuss as well, the double-fenced area – and you know – have they given it a lot of thought? And it seems to me that they have in their letter. That opportunity was discussed with them. Their response as I recall, related to their Memory Care units being located on the ground floor, and just the window space – could that be covered off with privacy fencing as you say so you don’t see that public space - I think so, but it is pretty tight along that corridor to fit everything in there without some significant redesign. But again, if Council is interested in pursuing that, we would take that back to the applicant and work with them.*

To correct the Director of Development Services, we did not intend on fencing along the northeast property line, as there is already solid privacy fencing along the property line shared with the single-family homes, and a chain-link fence along the property line shared with the Prime Restaurant. Within the 3 m setback along this property line, we intended on planting trees and shrubs within this 3 m wide area to create a landscape screen (which we are allowed to do), so our residents had something nicer to look at than old wooden privacy fences in a state of disrepair, or a see-through chain-link fence that looked into service space behind and beside the restaurant. We intended to fence our outdoor Memory Care area, but in such a way that these residents could still look out into a landscaped area – so we did not intend to have a tall, solid fence between them and the landscaped area. Our intent could have possibly been determined by looking at the landscape plan that was originally submitted, but a standard plan drawing, of course, does not thoroughly explain our rationale behind wanting to plant trees and shrubs within the 3 m setback area.



All that said, the best way to illustrate why allowing us to construct a 5-storey building would address the new requirement for a public path – is to look at the revised site plan that supplements this letter. In short – we have taken an approximately 3.7 m section of space from our building in the northeast to southwest direction, in order to create a landscape buffer between our outdoor area for Memory Care residents, and a public path within the 3 m setback along the northeast property line.

If this is an acceptable physical solution that would satisfy Council, then this is what I propose we do to completely address this topic:

- The City acquire this strip of land from us, so they become responsible for its' construction (this should not be our responsibility)
- We would provide a construction quote based on the City's design requirements – if the City requested
- Part of the City's design should be a solid fence between the public path and the rest of our site
- I would expect that the City would receive pushback from the residents, or owners along the northeast property line, including the Prime Restaurant, but again – these potential issues should not be our responsibility
- There is a Garry oak in the backyard of one of the residences, whose root zone is within the 3 m setback
  - Our original landscape plan was conscious of this, but if there was to be a public path within the 3 m setback, then this issue should also be the City's responsibility to resolve
  - One suggestion that could possibly resolve this issue, is elevating a "boardwalk" through this area if this adequately protected the root zone

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## 2. Tree Retainage

**Ian Buck (Director of Development Services):** (responding to questions from Councillor Melanie McCollum): *With the exact number of trees, we'd have to do that analysis with the Development Permit to see where they end up, but with the tree bylaw, there is always the option of replanting, it's not always a strict requirement just to retain trees – it's either replanting, or paying into the City's reserve fund, that then gets used for planting in other locations.*

To clarify – the total tree count on our original landscape plan exceeded the required number of trees as per the tree bylaw – by a wide margin. From the bylaw calculation that Lanarc (our Landscape Architect) did, 27 replacement trees were required, and 67 replacement trees were proposed. Please see the table from our original application, on the following page.

TREE REQUIREMENTS		
	# OF TREES	COMMENTS
<b>TREE DENSITY TARGET</b>	<b>62</b>	
EXISTING TREES >20cm Cal.	48	
EXISTING TREES >20cm Cal. TO BE REMOVED BELOW DENSITY TARGET	9	Tree #: 35, 36, 37, 43, 44, 45, 46, 56, 57
EXISTING BYLAW-EXEMPT TREES TO BE REMOVED BELOW DENSITY TARGET	9	Tree #: 2, 3, 4, 5, 6, 7, 8, 26, 31
<b>REPLACEMENT TREES REQUIRED</b>	<b>27</b>	
<b>TOTAL PROPOSED REPLACEMENT TREES</b>	<b>67</b>	
NATIVE SPECIES	32	
NON-NATIVE SPECIES	35	
<b>TOTAL EXISTING TREES TO BE RETAINED</b>	<b>30</b>	
NATIVE SPECIES	23	
NON-NATIVE SPECIES	7	
<b>% OF RETAINED AND PROPOSED REPLACEMENT TREES THAT ARE NATIVE SPECIES</b>	<b>57%</b>	

Our revised plan may have fewer replacement trees because of the area that will become the public path, but will be offset (partially or totally) with trees planted in the landscape buffer area created by the reduction in the size of the building footprint. Also, once we are finished tweaking the parking area layout, we may be able to retain one or two more existing trees.

### 3. Potentially set a quota on residents coming from outside of the Comox Valley

**Councillor Doug Hillian:** ... *potentially ... a housing project that may be attractive to people from larger centres to come and live here, and really doesn't do anything for the housing needs for many of the seniors who already live here.*

**Councillor Manno Theos:** *I think that a part of that equation also could be the fact that having a percentage of the Courtenay area, or the Comox valley, as being part of these units – not just people from Vancouver, or Alberta, or other areas, that we actually can ask if there could be a percentage that comes from this area.*

On the following page are a couple of excerpts from a third-party Market Study that was prepared by one of the most well-respected firms in the industry – the Seniors' Housing and Healthcare Group at CBRE Limited.

## Primary Market Area Demographics

The PMA consists of the City Courtenay, Town of Comox, and Regional District of Courtenay-Strathcona B as shown in the map below:



### Ratio of Seniors from the PMA to Seniors from Outside the PMA

Prior to calculating the DSR, it is important to adjust the number of qualified seniors in the PMA by the number of qualified seniors we expect to elect to occupy the weighted supply in the PMA (i.e. to compare apples to apples). Typically, we expect that 70% of the residents of a retirement residence to have moved from within the PMA to the retirement residence. The other 30% will relocate to the PMA from outside of the PMA and possibly from outside of the Province. There may be many reasons for seniors to relocate to the PMA, such as to be closer to family members or if they have some historic relationship with the PMA (i.e. lived in the PMA in the past, had a vacation property in the PMA, worked in the PMA, etc.).

Hopefully, knowing that we expect that approximately 70% of residents would come from a “Primary Market Area” (PMA) that is very small (equivalent to a circle with a 5 km radius), will clear up a misconception that some Councillors might have - but I would like to add one more aspect to the above that is not explained by CBRE. Of the 30% that we expect would be relocating from outside the PMA, many of them would be coming from smaller cities, towns, or rural areas on Vancouver Island to be closer to the services provided in a larger centre with a regional hospital.

We are, of course, expecting some residents would be relocating from Vancouver, or Alberta, but we would not want to implement a quota mechanism that would essentially discriminate against them. Hopefully Council will accept our rationale for taking this position on this particular topic, and it does not become an issue preventing our project from moving ahead – as I do believe that our revised proposal will address other concerns expressed by Councillors.

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## 4. Affordable Housing

**Councillor Doug Hillian:** *I would like to ask staff what opportunity we might have if we approve this particular rezoning, to have this developer set aside some of the accommodation at affordable rates for people in a lower income bracket?*



*This seems to me to be a development that's primarily geared towards people with significantly high income – and I'm sure there's a market for that virtually anywhere – but I'm not sure if it that's the primary need that we have in the community at this time.*

*My question is, what options we may have as a Council, and a City, to push for inclusion for some type of affordability in what otherwise, potentially, is a housing project that may be attractive to people from larger centres to come and live here, and really doesn't do anything for the housing needs for many of the seniors who already live here.*

**Ian Buck (Director of Development Services):** *I can't speak for the applicant or operator's business model, but I think that it is probably fairly typical in this sector. But as far as Council's options, anytime we have a rezoning application that surrounds housing type developments, there's the opportunity to enter into a housing agreement. Within housing agreements, the Local Government Act allows municipalities to set all kinds of conditions which would include who can live in them, the tenure types of those units, and the rental rates of those units. I think that the question would then become with the applicant, is how does that balance with their overall business model to make the development work, and whether there's a trade-off of increasing the number of units that they provide at market rates to subsidize those lower ones, would be something that we would need further conversation with the applicant on. But that certainly is within Council's purview, and that would be the best mechanism to use to acquire lower-end units.*

**Councillor Doug Hillian:** *Thanks Mr. Mayor. In relation to the second part of the motion, I'd like to move that Council postpone consideration of a statutory Public Hearing, to allow time for staff to have further dialogue with the applicant in relation to the possibility of a housing covenant related to affordability, and other related items.*

**Mayor Bob Wells:** *Ok. And to staff – do we need to have a date for that, or does this give enough direction?*

**Ian Buck (Director of Development Services):** *A date wouldn't be critical. What may be more helpful in that discussion, is if there is a desire for a certain number of units, or a percentage of units, that would help in our discussion.*

**Councillor Doug Hillian:** *Well perhaps I could speak to the motion, and Mr. Mayor, I don't know what the options are, but I think we're getting a clear message from our community, that given the crisis in our housing situation, that we need to do something different, and to me, this is an opportunity – potentially – to do something different. I appreciate that it might not be this developer's style or approach, but I think at the very least, that we ask the question, and if in fact there is an increased density that we can offer in exchange for a certain number of affordable suites then I think that it is something that Council should consider. You know – I would reserve putting a specific number on it, until perhaps we've had time to have further discussions with staff about how a strategy like this may be something that we can adopt, moving forward with other, similar types of developments.*

**David Allen (Chief Administrative Officer):** *I know that we've been discussing Council's strategic priorities for the next four years, but without discussing the elements of this particular application, the whole notion of a policy on affordable housing on different options for addressing those policy concerns, I think that there's some opportunity to have a broader*

*discussion about this as we go forward, as this certainly won't be the only housing proposal of its' type that this Council will likely face.*

This topic, by far, is the most difficult topic to address. I provided a revised building and site design earlier in the week to the Director of Development Services, and the Manager of Planning. I also provided a written component that follows here. Yesterday, in speaking to the Director of Development Services, he agreed with me that the topic of providing Affordable Housing (more-specifically to our discussion - "more-affordable rental rates") in our particular building, would be a very complex undertaking for all parties, so we decided that we would not pursue the discussion on this topic any further. However, I have still left in the written component that I had prepared, so Councillors can better understand the complexities that I'm talking about, and why we arrived at this decision.

Before I delve into the complexities of the Affordable Housing topic, as it applies to the City and us - I would like to take the opportunity to try to clear up another potential misconception that some, or all, of the Councillors appear to have. It may appear to them that this proposed project, or our business model in general, is geared towards such a high income bracket that existing local seniors would not be able to afford to move into the residence - meaning that only seniors from other areas (presumably larger cities in BC and Alberta), with higher incomes than the locals, would be able to afford the rental rates that we would charge.

Without explaining further, the methodology behind the third-party Market Study done by CBRE that was referenced earlier – I will add that the 70% of potential residents that are expected to come from the "Primary Market Area" (an area even less than what would be considered the "Comox Valley"), are also "income-qualified" in the study. In other words, we (as well as lenders) use these studies to try to determine the feasibility of the local market to have income levels (actually "wealth levels" that take assets into account) sufficient to fill at least 70% of the residence at the rental rates that we propose (which are essentially the "market rates"). By the way – our proposed rental rates would be comparable to those at the Berwick in Comox.

Getting back to the Affordable Housing discussion, I have provided some excerpts on the topic as described within the City of Courtenay's bylaws and policy documents.

Applicable Excerpts From the Affordable Housing Policy – Adopted November 13, 2007:

## **2. Adopted Strategies**

The strategies presented recognize that the majority of the responsibility for providing direct financial support for adequate housing and programs rests with the federal and provincial governments and that the local government which relies on a very limited financial framework has a lesser but still important role. This strategy is based on the City's role as addressing regulatory mechanics and advocating for more program delivery from other sources in the provision of affordable housing.

### *A. Regulatory Framework*



2. *Examine the application of inclusionary zoning which will require the provision of affordable housing as part of residential developments.*
  1. *Density housing and/or comprehensive development zoning be used to increase densities which provides an opportunity to negotiate public amenities including affordable housing. It can also encourage a variety of housing types and more compact community.*
  2. *Engage in housing agreements entered into by the City and a corporation, either non-profit or profit to ensure a housing project is built and will remain affordable.*
  3. *Develop a framework for density bonuses to achieve a ratio that will be used by the private sector.*
9. *Consider the provision for affordable housing units/funds and/or staff housing on any future rezoning of property.*
10. *Review the height of buildings in selected sites.*
11. *Evaluate current zoning designations throughout the City that are vacant or underutilized in order to re-consider zoning only when a project is brought forward to Council.*

Applicable Excerpts From the Official Community Plan:

## 6. Affordable Housing Policy

Canada Mortgage and Housing Corporation (CMHC) defines affordable housing as adequate shelter that does not exceed 30% of household income; housing related costs that are less than this are considered affordable. For homeowners, CMHC uses a slightly higher gross debt service ratio of 32%, which includes the cost of servicing the mortgage, property taxes and heating costs. For tenants, housing costs include rent and the cost of utilities such as heating, electricity and water.

Applications for changes in zoning or amendments to the OCP are expected to include a contribution to non-market affordable housing. The follow section outlines the 3 options available for negotiation. Preference is given to the creation of new non-market affordable housing units within proposed developments. Failure to negotiate successfully for units or land contributions will result in a contribution to the “Affordable Housing Reserve Fund”.

### a) **Non-market affordable housing units**

Developers are encouraged to considered earmarking a percentage of proposed residential units to non-market affordable housing or for inclusion in a below market rental pool.

**c) Contributions to the “Affordable Housing Amenity Reserve Fund”**

When a proposed developed is in an area not suitable for affordable housing development (i.e. not serviced by public transit or near schools) a cash-in-lieu contribution will be appropriate. The following tables shall be used to calculate appropriate levels of contributions:

*Multi – Residential Development Contributions per m<sup>2</sup>  
(more than one residential dwelling unit in a building or a development)*

<b>Floor Area</b>	<b>Fee</b>
Up to 100m <sup>2</sup>	\$500
101 – 150m <sup>2</sup>	\$750

I mentioned at the very beginning of this section that the topic of Affordable Housing would be, by far, the most difficult topic for us to address. The primary reason for this is because there is no definition of “Affordable Housing” that applies to a seniors’ housing and care development. You could argue that the CMHC definition is not much help in determining what an affordable rental rate for a basic apartment is in any given market – as it is an individual calculation (unless you make some assumptions using average or median income) – but that’s beside the point in our case.

One of the problems with defining what an affordable rental rate would be for a seniors’ housing and care development, is the fact that most seniors’ no longer have income from employment – but they may in fact be quite “wealthy” with respect to their savings, equity in their homes, or other assets – so an affordability calculation based on income is not really applicable. But the most significant reason that there is no useful definition of “Affordable Housing” that applies to seniors’ housing and care developments in general (and ours in particular), is because our “rental rates” include much more than “housing”, heating, electricity, and water. Our rental rates include, but are not limited to, the following that would otherwise be additional costs to an individual:

- Phone, TV and internet
- Insurance beyond contents insurance
- Meals and snacks
- Security
- Emergency call system
- 24/7 staff – including nursing staff
- Housekeeping
- Concierge
- Transportation
- Fitness equipment and instruction
- Arts, crafts, and hobby supplies – and instruction
- Educational programs
- Mental health programs
- Entertainment
- Other intangibles – like the comfort in knowing that should their care needs change (or those of a spouse or partner), then additional care services can still be provided within

the building, so this situation may not necessitate a move, or the “splitting up” of a couple

I would like to note that these difficulties in defining what an “affordable rental rate” for a seniors’ housing and care development, let alone figuring out how to address this within a project such as ours, is the reason that we opted to pay into the “Affordable Housing Reserve Fund” when we prepared our original proposal, as the OCP states that – “failure to negotiate successfully for units or land contributions will result in a contribution to the “Affordable Housing Reserve Fund”.

The 5-storey solution that we feel successfully addresses the “public path” topic, would allow us to “physically” address the provision of some “more-affordable units”. You will note that I used the word “physically” because we can lay out the “more-affordable units” – which is relatively easy – but how to address the “cost” and “management” of them is not easy at all.

We are a for-profit enterprise that is offering to fill a need for private-pay seniors’ housing and care in the Comox Valley. Non-profit organizations, and government-subsidized developments, are not directly comparable to what we do, because they target a different need in the community. We are all part of the overall solution to the problem of housing and caring for a seniors’ population that is rapidly growing. We have a business model because many seniors are willing to pay to be in a congregate living arrangement that is “better” in many ways – compared to congregate living arrangements provided by non-profit organizations, or government-subsidized developments.

One other point to consider is the fact that, in addition to being a for-profit enterprise, we are also a private company. As a private company, we are not obligated to “open our books” to Council or to the public, to disclose our confidential financial information in order to try to determine the additional “costs” associated with asking us to build additional units, and discounting some of those units to make them “more affordable”.

Had we gotten to the Building Permit Application stage with our original proposal, the Building Permit Fee would be based on \$7.50 per \$1,000 of construction value. Therefore, at this stage, we would provide an estimate of the “construction value” to base the calculation of the fee on – and our estimate would become part of the public record at that time. In the City of Courtenay’s Building Bylaw, “construction value” is defined as follows:

***Construction value*** means the per square metre value of construction for the relevant part of the City and the relevant type of building as determined from time to time by the B.C. Assessment Authority, multiplied by the number of square metres proposed to be constructed.

On the B.C. Assessment Authority website, I attempted to find some direction on estimating “construction value” in our case – but couldn’t even find a general description of the term on their website. We have encountered this problem before in other provinces, as they all do things a little differently. I believe in this case, that there is somewhat of an “honour system”, in that we would enter on the BP application form, what our estimate would be, and unless the City of Courtenay challenged it, that is how the Building Permit Fee would be calculated. So had we gotten to the Building Permit Application stage with our original proposal, I would have used our estimated “hard cost” number of \$29,000,000. So at that point, this number would have become part of the public record. By the way – our budget is for a completely non-combustible, steel-frame building – even though the BC Building Code only requires the “care” component of our building to be non-combustible.



But for our purposes – in order to try to estimate the additional capital cost to build “more-affordable units”, and additional units to subsidize those units, and the associated financing costs for the additional capital cost – we would need to disclose our estimated total project cost. In addition to the hard costs, this number would include soft costs, land acquisition costs, site preparation costs, furniture, fixtures, equipment, lease-up costs, contingency allowances, and financing costs.

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## 5. Building Height

Although this topic was not raised at the Council Meeting on December 17, if the 5-storey option is acceptable to Council, in order for us to allow the City to put a public path through the 3 m setback line along our northeast property line – then building height should be a topic to be decided on during the Zoning Amendment stage. As we don't want to put more time and money into the 5-storey proposal, only to have this proposal rejected at the Development Permit stage.

With respect to the building height relaxation that we requested in our original application, we wanted to make the case that the only reason that we were requesting a height variance, is because of how the City of Courtenay calculates building height:

“**height of building**” means the vertical distance from the curb level to the highest point of the roof surface if a flat roof; the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. When a building is situated on ground above the curb level, such height shall be measured from the average elevation of the natural grade of the lot along the front of the building...

(b) *front lot line* means a *lot line* common to the *lot* and abutting highway excluding a lane, or where there is more than one such line, the shortest such line shall be considered as the front *lot line* and where it cannot be defined, then it will be determined by the City; for a *panhandle lot*, the line separating the body of the *lot* from a *panhandle* shall be considered the front *lot line*.

The way that the “height of building” and the “front lot line” definitions are written in the City's bylaws, Ryan Road is considered to be where the “front” of our building faces – because the lot line is shorter than the lot line along Braidwood Road. But we are not allowed direct access to Ryan Road from our site, so we need to access our site from Braidwood Road. Therefore our building entrance faces Braidwood Road, so we would consider that the front of our building faces Braidwood Road.

Such a distinction would have made a significant difference in the building height calculation, because there is a 5.21 m drop in elevation from Braidwood Road to Ryan Road. If our “argument” were accepted, to have Braidwood Road considered our front lot line, we would not have had to request a variance to the 14 m maximum building height in the R4A zone. In fact, a building would have to be no more than 2 storeys in order to avoid a variance, given that Ryan Road is considered to be where the “front” of the building faces.

Please refer to the “Site Section” supplement to see a composite of a Building Height Calculation drawing that we did for our original application, and a Building Height Calculation drawing that we have created for our revised application.

As can be seen, the building height in our revised 5-storey building proposal would be over the maximum 14 m building height, even if Braidwood Road was considered to be the front lot line – but by less than 2 m.

The remaining supplements should be self-explanatory.

---

In conclusion – I have provided as much detail as possible, in order to moved discussions ahead as quickly as possible. As I have mentioned, the outcome from the Council Meeting surprised us, but we want to do a seniors' housing and care project on this site – and we are optimistic that we can come up with a win-win solution for everyone.

We think that the benefits to the City would be as follows:

- A construction project costing over \$29,000,000 (hard costs only)
- In an area that needs a revitalization spark
- In a prominent location that has been vacant for many years
- A project that will employ 40 to 50 full-time and part-time staff
- From a team that is very experienced in the seniors' housing and care industry
- Willing to invest in a small city to address an obvious demand
- Primarily for local seniors who are independent, or require Assisted Living, or specialized Dementia Care

We look forward to the City's response as soon as possible.

Sincerely,

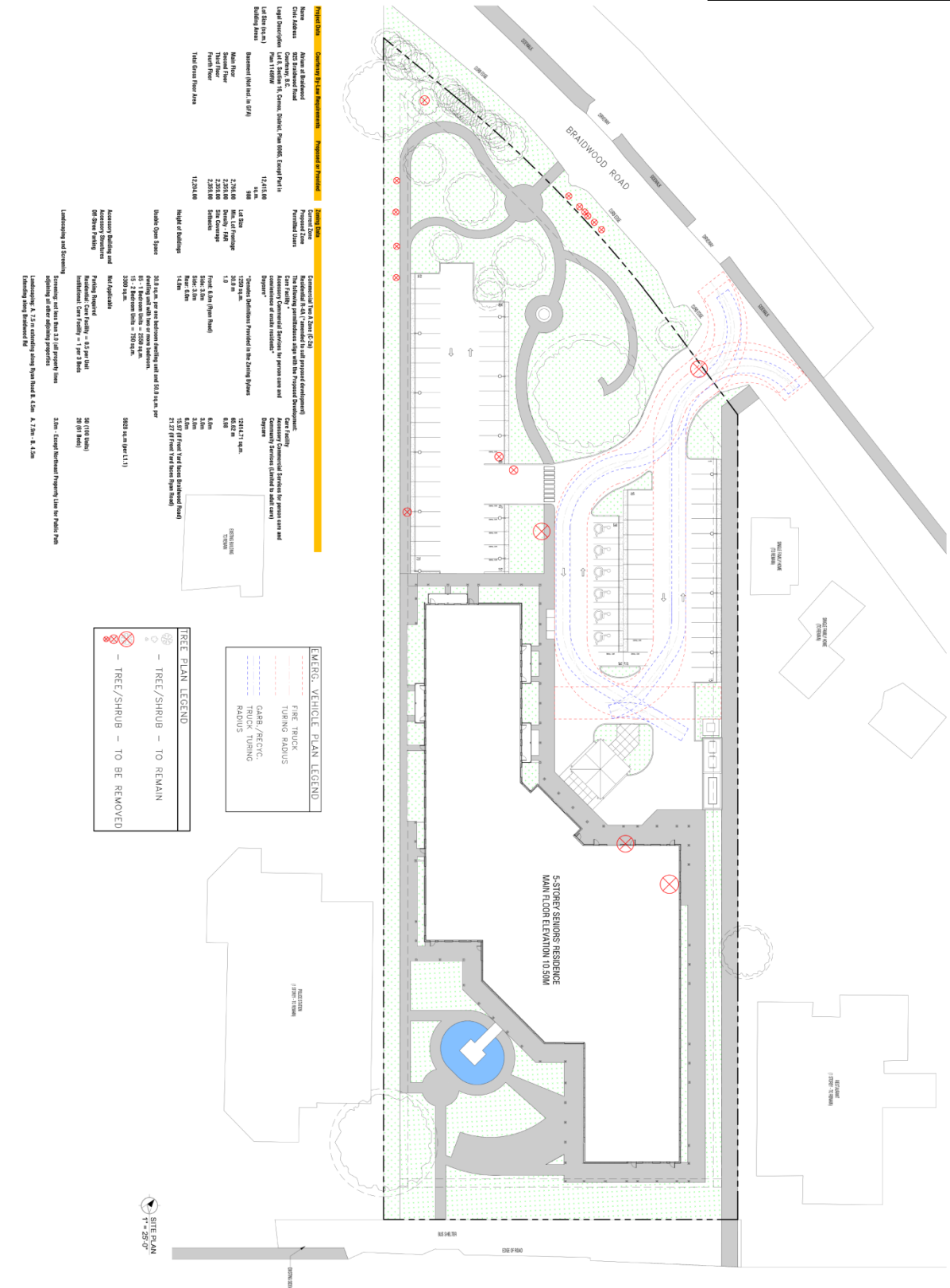


Bob Armeneau  
President – Courtenay Braidwood General Partnership Inc.  
Contact: bob.armeneau@altiveris.com

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Atrium at Braidwood (atrium.ca) is owned by Courtenay Braidwood General Partnership Inc., which is a joint-venture between Sussex Retirement Living (sussexrl.com) and Altiveris Developments (altiveris.com)

ATTACHMENT No. 2: Proposal Plans



Project Data		Proposed Use	
Name	925 Braidwood Road	Proposed Use	Residential - 5 store seniors residence
Client Address	925 Braidwood Road	Permitted Uses	Residential - 5 store seniors residence
Legal Description	Lot 5, Section 16, County, District, Plan 006, Group Part 1	Accessory Commercial Services for personal care and maintenance of motor vehicles	Accessory Commercial Services for personal care and maintenance of motor vehicles
Lot Area (sq.m)	12,242.00	Accessory Commercial Services (limited to adult care)	Accessory Commercial Services (limited to adult care)
Building Area	946	Other	Other
Basement (Net Int. in (ft))	0	Other	Other
Main Floor	2,200.00	Other	Other
Upper Floor	2,200.00	Other	Other
Third Floor	2,200.00	Other	Other
Fourth Floor	2,200.00	Other	Other
Total Gross Floor Area	12,242.00	Other	Other

EMERG. VEHICLE PLAN LEGEND	
---	FIRE TRUCK TURNING RADIUS
---	CAR/RESCUE RADIUS
---	EMERG. VEHICLE TURNING RADIUS

TREE PLAN LEGEND	
○	TREE/SHRUB - TO REMAIN
⊗	TREE/SHRUB - TO BE REMOVED

**Disclaimer:**

- This drawing is the property of the author.
- This design and drawing may not be reproduced without permission of the architect.
- The architect is not responsible for any errors or omissions in this drawing or for any consequences arising therefrom.
- External parties are advised to verify all information shown on this drawing with the relevant authorities.
- The architect is not responsible for any errors or omissions in this drawing or for any consequences arising therefrom.
- This drawing supersedes previous issues.

**Project Information:**

Project Name: 925 Braidwood Road  
 Project Location: 925 Braidwood Road  
 Project Number: 17-11-17-19-001  
 Date: 17-11-17-19-001

**Scale:** 1" = 25'-0"

**Project Description:** Issued For / Revisions

**Project Lead:** [Name]

**Project Number:** [Number]

**Date:** 17-11-17-19-001

**Project:** ATRIUM at Braidwood

**Legal Description:** [Text]

**Development Permit No.:** [Text]

**OSR No.:** [Text]

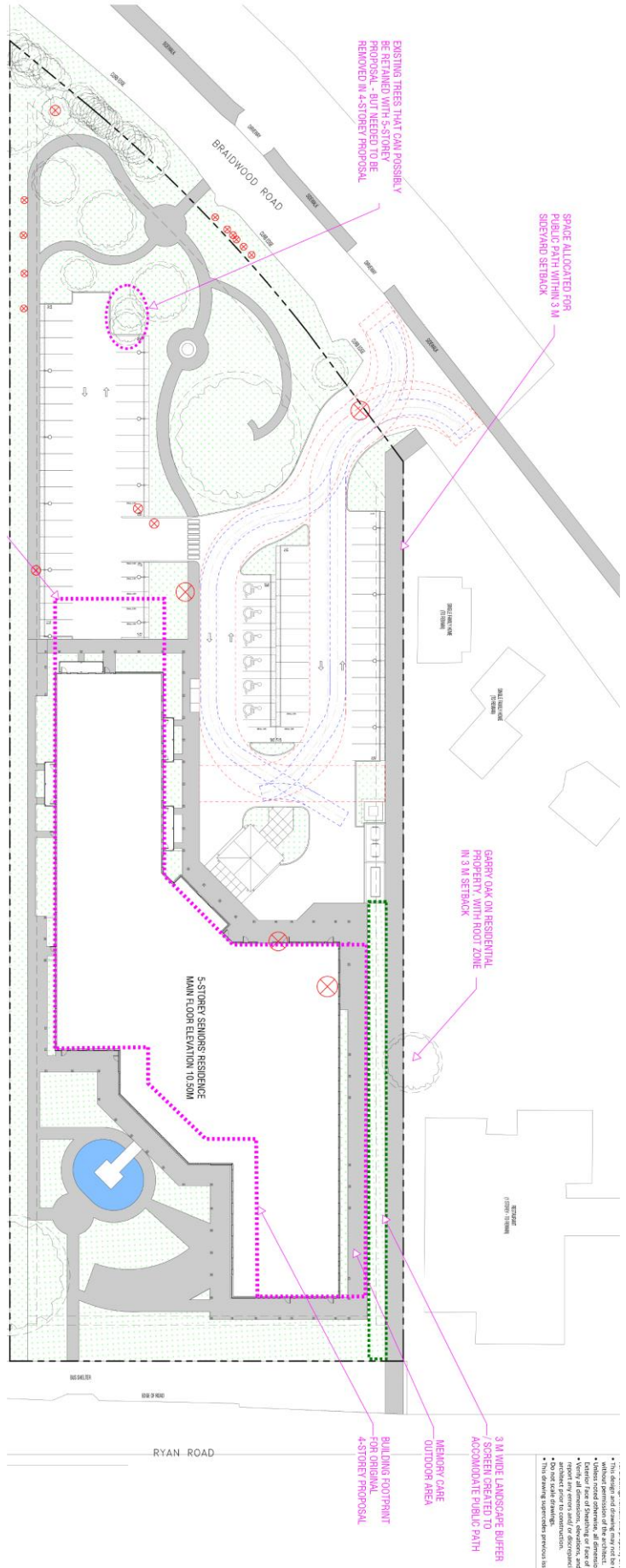
**Site Plan / EMERGENCY ACCESS / EXISTING TREE PLAN**

**Altiveris**

4007 14th Street SW  
 Calgary, Alberta T2C 1S3  
 403.506.3070  
 altiveris.com

**CC100**

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NOT TO SCALE  
 1:1000  
 DATE: FEBRUARY 2019  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]  
 WITHOUT PERMISSION OF THE ARCHITECT:  
 • UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN METERS  
 • VERTICAL DIMENSIONS, UNLESS NOTED OTHERWISE, ARE TO FINISH  
 • DO NOT SCALE DRAWINGS  
 • THIS DRAWING SUPERSEDES PREVIOUS ISSUES



# The Atrium at Braidwood

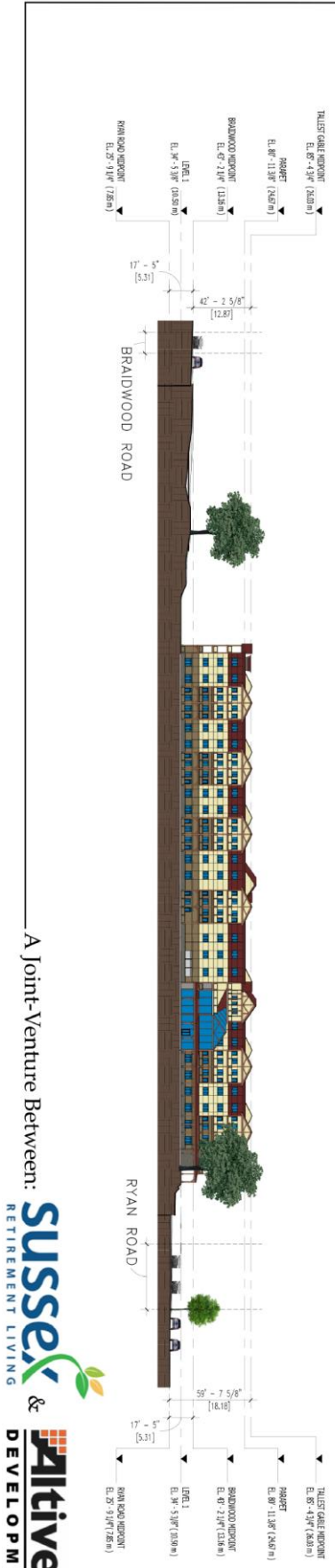
Drawing Prepared for October 25, 2018 Public Information Meeting - Showing 4-Storey Option

## Building Height Calculations

Building Height from Braidwood Road:  
 42'-2 5/8" (12.87m)

Elevation Difference between  
 Braidwood Road and Ryan Road:  
 17'-5" (5.31m)

Building Height from Ryan Road:  
 59'-7 5/8" (18.18m)



A Joint-Venture Between:



# ATRIVIUM at Braidwood

Drawing Prepared for January 24, 2019 Zoning Amendment Resubmission - Showing 5-Storey Option

## Building Height Calculations

Building Height from Braidwood Road:  
 52'-4 5/8" (15.97m)

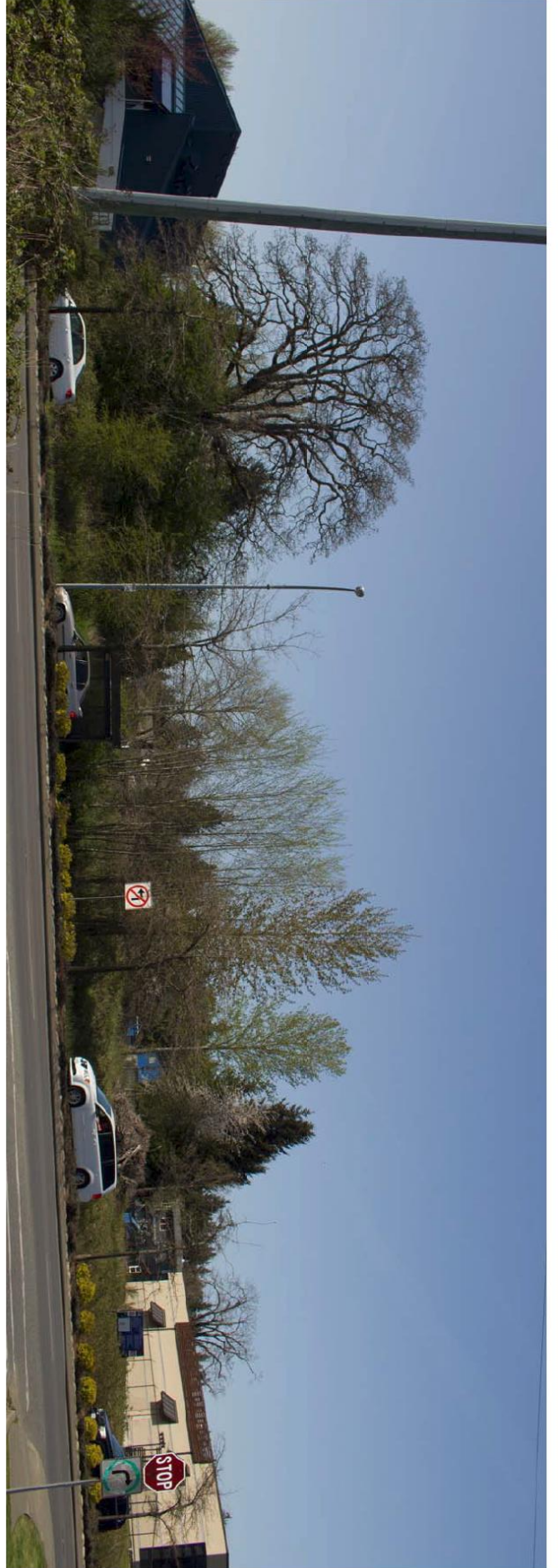
Elevation Difference between  
 Braidwood Road and Ryan Road:  
 17'-5" (5.31m)

Building Height from Ryan Road:  
 69'-9 5/8" (21.27m)



A Joint-Venture Between:





Photograph taken on April 26, 2018 looking across Ryan Road in a northwest direction towards the site







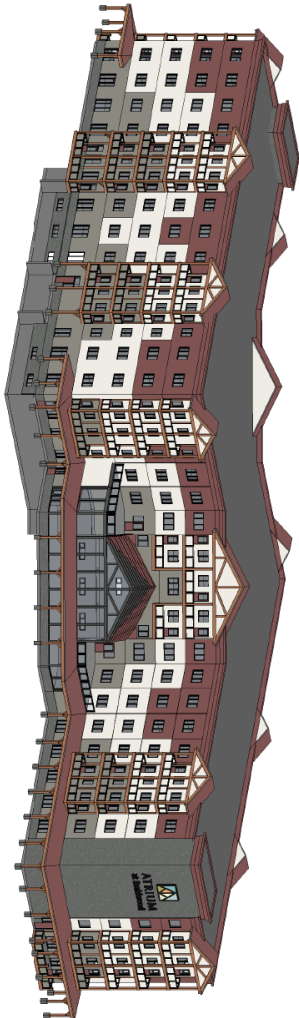
1 NORTH ISOMETRIC VIEW



2 EAST ISOMETRIC VIEW



3 WEST ISOMETRIC VIEW



4 SOUTH ISOMETRIC VIEW







## STAFF REPORT

**To:** Council

**File No.:** 3360-20-1815

**From:** Chief Administrative Officer

**Date:** February 4, 2019

**Subject:** Zoning Amendment Bylaw No. 2944 – 1400-2701 Cliffe Avenue

### PURPOSE:

The purpose of this report is for Council to consider a Zoning Amendment application to rezone the property legally described as Lot A, Section 66 & 67, Comox District, Plan 44811 Except Parts in Plans 49234, VIP668565 and VIP68598. The proposed amendment is to allow a storefront cannabis retailer in one of the commercial units within Driftwood Mall.

### CAO RECOMMENDATIONS:

THAT based on the February 4<sup>th</sup>, 2019 staff report 'Zoning Amendment Bylaw No. 2944 – 1400-2701 Cliffe Avenue' Council approve Option No. 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2944, 2019;

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to the above-referenced Bylaws on February 19<sup>th</sup>, 2019 at 5:00 p.m. in City Hall Council Chambers; and

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The proposed location is along Cliffe Avenue between 26<sup>th</sup> Street and 29<sup>th</sup> Street in one of the commercial retail units within the Driftwood Mall. The property is legally described as Lot A, Section 66 & 67, Comox District, Plan 44811 Except Parts in Plans 49234, VIP668565 and VIP68598.

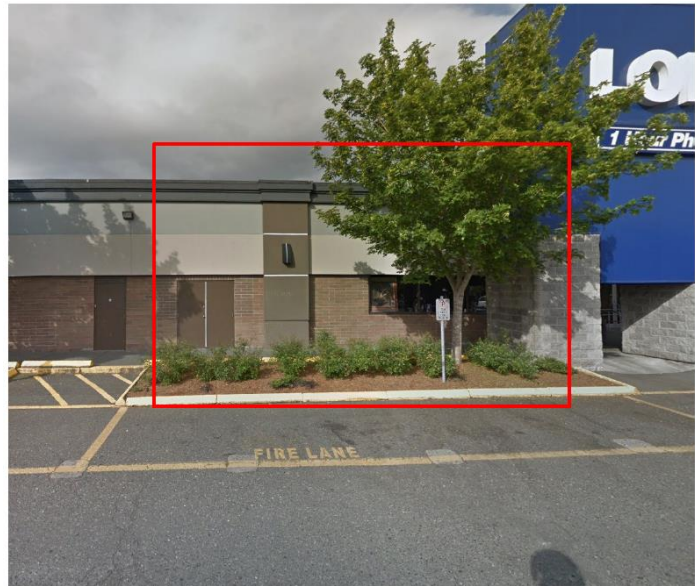
The property is zoned Commercial Two A (C-2A). The Official Community Plan's land designation is commercial shopping centre. The applicant has proposed with the property owner's consent to rezone to allow a storefront cannabis retailer at unit 1400



Figure 1. Location Map

**(Figure 1. Location Map; Figure 2. Proposed store frontage).**

Although the Federal *Cannabis Act* allows Canadians to lawfully cultivate, purchase, possess and consume limited quantities of cannabis, it is each Province responsibility to establish their own licence approval process. Accordingly, the BC provincial legislation provides local governments with the authority to regulate certain criteria such as zoning, business licencing (hours of operation, security requirements), public consumption (nuisance bylaws, smoking bylaws) and procedures for public consultation on licence applications. While the the Liquor and Cannabis Regulation Branch (LCRB) has the authority to issue licences for non-medical cannabis retails, the City will retain control over land use management criteria such as zoning. As such, the applicant has applied to LCRB, to obtain a non-medical cannabis retail store (CRS) licence. This application was the first official referral from the LCRB to the City for a non-medical cannabis retail licence application. The City is currently processing six rezoning applications, while having received a total of eight provincial referrals at this point in time.



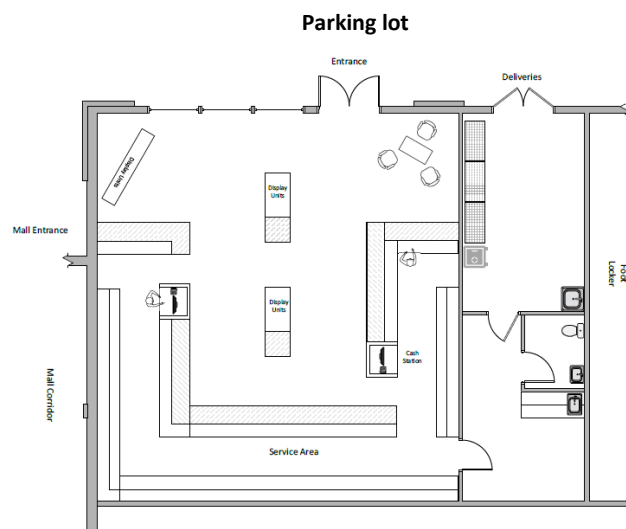
**Figure 2. Proposed store frontage (source: Google Street view)**

At the June 18, 2018 Council meeting, a zoning amendment bylaw (Bylaw 2935) was first presented to Council to define and restrict the retail sale of cannabis within the City of Courtenay, and subsequently the Bylaw was adopted at the July 16, 2018 Council meeting. Further to the official adoption of the Bylaw, Council requested public consultation with respect to a policy intended to provide guidance for both staff and applicants on zoning amendment applications. The Storefront Cannabis Retailers Policy was adopted on September 4, 2018. The subject zoning application is evaluated according to the policy as well as other rules and regulations that apply to standard zoning amendments. Pursuant to the Cannabis Control and Licensing Act (s.33), the LCRB will not issue a licence for non-medical cannabis retail store unless the City is supportive of the proposal.

**DISCUSSION:**

**Overview of the Proposal**

The proposed location is currently occupied by a retail store. The applicant, Muse Cannabis Store Inc. (MUSE), has secured a lease at Unit 1400-2701 Cliffe Avenue in the Driftwood Mall. The floor area of the store is 1,991 ft<sup>2</sup> (approximately 185 m<sup>2</sup>). The store would be open to the public from 9:00 a.m. to 11:00 p.m. seven days a week. This aligns with the provincial regulation.



**Figure 3. Floor Plan**

From a security perspective the proposed store will operate in accordance with standard operating procedures of the provincial government. There will be two employees on duty at any time, one of which is a designated responsible person in charge who takes the lead role in security matters. All patrons will pass through the entrance door that displays alarm stickers as well as notice that they will be under video surveillance. No access from inside of the mall. Required age restriction notice will also be displayed. In addition, the front door is visible to staff. There is no view of cannabis from outside and the display units will not have a line of sight between the cannabis and a store window. The delivery door located next to the main entrance is not accessible to the public (**Figure 3. Floor Plan**). Reference plans are also attached in this report.

**Official Community Plan and Zoning Review**

While there are no direct references in the Official Community Plan (OCP), in general land use terms, non-medical cannabis retail stores fall into the commercial land use designation. .

The Storefront Cannabis Retailers Policy (**Attachment No. 1**) states that the stores will only be considered in an established retail location where the current zoning permits retail sales. As mentioned earlier, the proposed location is designated as commercial shopping centre and zoned Commercial Two A zone (C-2A). Therefore, it is consistent with the policy. Since it is within an existing shopping mall and the proposed building alteration is minor (less than 25% of one side of the building), the proposal is exempted from obtaining a development permit. Should the licence is granted by the LCRB, the applicant is required to obtain a business licence from the City, and a building permit for tenant improvements.

**Policy Compliance**

The table below compares the policy to the proposed location..

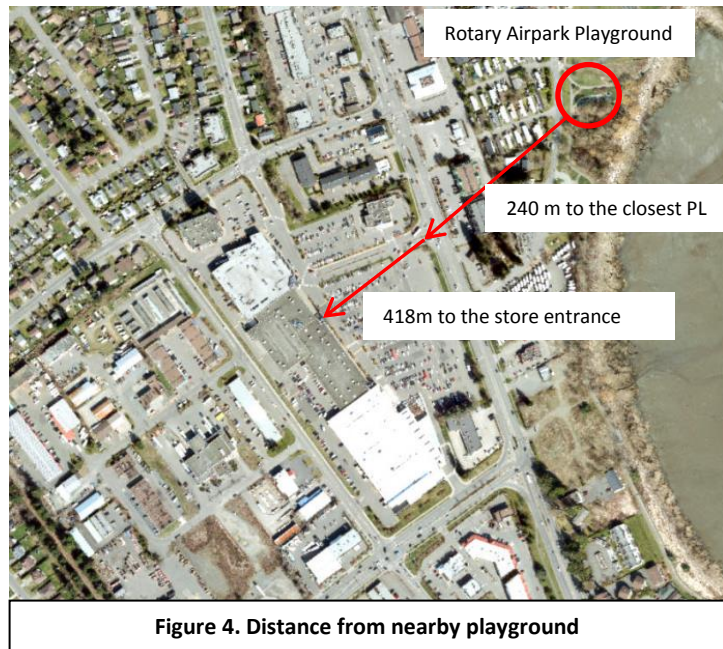
Table 1. Policy Compliance

Policy Statements	Policy	Proposal
General Location	Only be permitted in an established retail location where the current zoning permits retail sales	The property is zoned C-2, where retail sales is permitted
Distance	1. A storefront cannabis retailer should be: <ul style="list-style-type: none"> <li>a) At least 300 meters from public or independent elementary, middle or secondary school.</li> <li>b) At least 400 meters (in a straight line from closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active on that lot</li> <li>c) At least 300 meters from a City owned playground facility including the spray park and skateboard parks</li> </ul> 2. This policy does not limit Council from considering variances to the separation distances noted above based on circumstances related to a specific application.	a) Outside of the 300-meter buffer from any schools b) Outside of the 400-meter buffer from another cannabis retailer c) <b><i>Within 300 meters from the Airpark to the closest property line along Cliffe Avenue.</i></b>
Restricted at temporary events	Cannabis sales are not permitted at special events, public markets or farmers markets.	At a permanent location and scheduled to be open between 9 a.m. and 11 p.m. daily 7 days per week

Parking	Satisfactory to the off-street parking requirements outlined in Division 7 of Zoning Bylaw 2500, 2007	Parking stalls provided to the Mall meets the requirement
One store is permitted per lot	Only one storefront cannabis retailer will be allowed per lot.	No other applications are made at this location
The Maximum Number of Retailers Permitted in the City	Five (5) private retailers and one (1) Government operated store in the City	1 <sup>st</sup> rezoning application for storefront cannabis retailer made to the City  None considered or approved as of February 4 <sup>th</sup> , 2019

**Evaluation**

The proposal meets all the requirements established in the policy, except for the buffer distance to a playground. In this regard, the Airpark playground is located less than 300 meters from the closest property along Cliffe Avenue. Staff opinion in this particular application is that the impact will be minimal as there is sufficient physical buffers such Cliffe Avenue and the Mall parking lot between the proposed store and the playground. The liner distance between the playground and the proposed store is approximately 418 meters. Walking distance is even longer.



**Overall staff believe the proposed store is consistent with the intent of the policy and recommends the bylaw proceed to public hearing.**

**FINANCIAL IMPLICATIONS:**

The applicant has paid the standard zoning amendment application fee in the amount of \$3,000. The applicant will be required to obtain a business licence and pay a fee in the amount of \$2,500 upon final approval of the LCRB.

**ADMINISTRATIVE IMPLICATIONS:**

Processing zoning bylaw amendments is a statutory component of the corporate work plan. Staff have spent 20 hours processing and reviewing this application. Should the proposed bylaws receive First and Second Readings, staff will spend an additional 5 hours in preparation for the public hearing, final reading of the bylaw, and updating the bylaws and maps.

**ASSET MANAGEMENT IMPLICATIONS:**

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

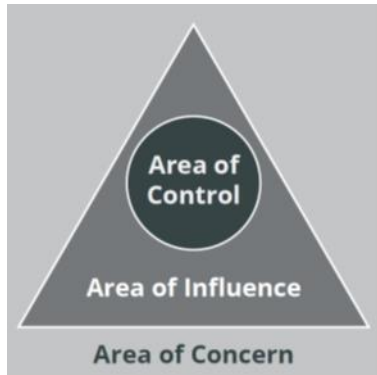


**STRATEGIC PRIORITIES REFERENCE:**

Development applications fall within Council’s area of control and specifically align with the strategic priority to support meeting the fundamental corporate and statutory obligations of the City.

**We focus on organizational and governance excellence**

- We support meeting the fundamental corporate and statutory obligations



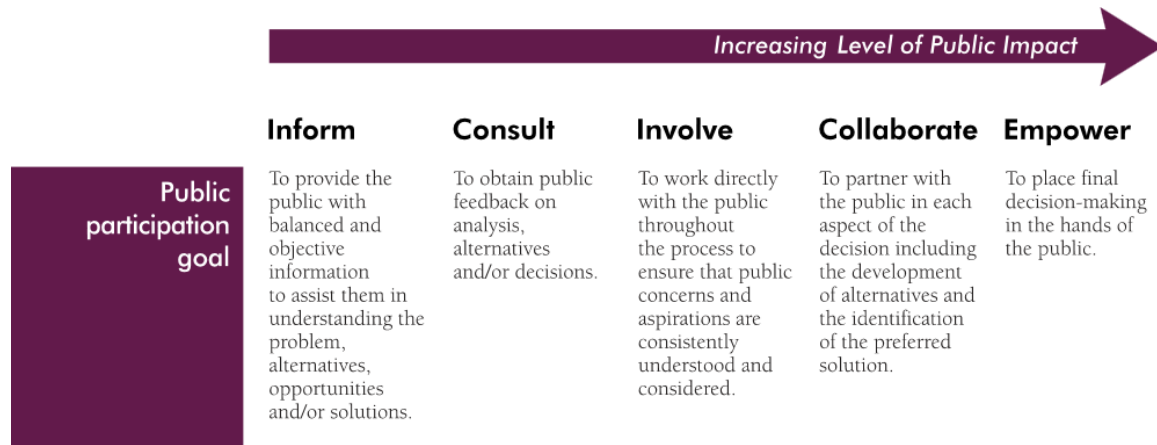
- **Area of Control**  
The policy, works and programming matters that fall within Council’s jurisdictional authority to act.
- ▲ **Area of Influence**  
Matters that fall within shared or agreed jurisdiction between Council and another government or party.
- **Area of Concern**  
Matters of interest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

**OFFICIAL COMMUNITY PLAN REFERENCE:**

There is no direct reference in the Official Community Plan to storefront cannabis retailers. The use is however, consistent with the commercial shopping centre land use designation of the subject property.

**CITIZEN/PUBLIC ENGAGEMENT:**

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



Should Zoning Amendment Bylaw No. 2944, 2019 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 January 15<sup>th</sup>, 2019 at the Florence Filberg Centre. 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, five people attended the

meeting and were generally supportive of the project. Separate from the public information meeting, staff has received an email message from a resident expressing a strong objection toward the proposal. The resident comments that the Mall is a family friendly shopping centre, containing stores catering to children and a children's play area. The nearby resident is also concerned with being impacted by purchasers who smoke in the vicinity.

**OPTIONS:**

**OPTION 1:** THAT based on the February 4<sup>th</sup>, 2019 staff report 'Zoning Amendment Bylaw No. 2944 – 1400-2701 Cliffe Avenue' Council approve Option No. 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2944, 2019; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Bylaw 2944, 2019 on February 19<sup>th</sup>, 2019 at 5:00 p.m. in City Hall Council Chambers;

**OPTION 2:** That Council postpone consideration of Bylaw 2944, 2019 with a request for more information; and

**OPTION 3:** That Council not proceed with Bylaw 2944, 2019

Prepared by:



Tatsuyuki Setta, MCIP, RPP  
Manager of Planning

Reviewed by:



Ian Buck, MCIP, RPP  
Director of Development Services

*Attachments:*

*Attachment No. 1: Storefront Cannabis Retailers Policy*

*Attachment No. 2: Applicant's Written Proposal*

*Attachment No. 3: Written Public Comment Received*

*Attachment No. 4: Public Information Meeting Summary*

ATTACHMENT No. 1 (1/2)  
Storefront Cannabis Retailer Policy

**City of Courtenay Policy** Page 1 of 2

<b>Section 13 - Planning and Development</b>	<b>Policy #</b>
<b>Subject: Storefront Cannabis Retailers</b>	<b>Revision # 1</b>

The purpose of this policy is to outline the criteria that may be considered by City Council as part of a rezoning application or temporary use permit application to allow for retail cannabis sales at a particular location. This policy is intended to guide applicants and City staff as part of the application process but it is not intended to fetter Council's discretion when dealing with individual applications, each of which will be evaluated on its own merits.

This policy was established in response to the legalization of cannabis by the federal government and the potential unregulated proliferation of storefront cannabis retailers. It is intended to address potentially adverse community impacts of storefront cannabis retailers, including inappropriate exposure of minors to cannabis and the undesirable concentration of storefront cannabis retailers.

**B. DEFINITIONS**

**Applicant** means an applicant for a rezoning that would allow for a storefront cannabis retailer at a particular location.

**Storefront Cannabis Retailer** means a premises where cannabis is sold or otherwise provided to a person who attends at the premises.

**C. POLICY STATEMENTS**

***Rezoning Considerations***

1. Storefront cannabis retailers will only be considered in an established retail location where the current zoning permits retail sales.
2. A storefront cannabis retailer should be:
  - a. at least 300 m (in a straight line from closest lot line to closest lot line) from a public or independent elementary, middle or secondary school.

<b>AUTHORIZATION:</b>	<b>DATE:</b>
-----------------------	--------------

ATTACHMENT No. 1 (2/2)  
Storefront Cannabis Retailer Policy

**City of Courtenay Policy** Page 2 of 2

<b>Section 13 - Planning and Development</b>	<b>Policy #</b>
<b>Subject: Storefront Cannabis Retailers</b>	<b>Revision # 1</b>

- b. at least 400 m (in a straight line from closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active on that lot.
  - c. at least 300m from a City owned playground facility including the spray park and skateboard parks.
3. Cannabis sales are not permitted at special events, public markets or farmers markets.
  4. This Policy does not limit Council from considering variances to the separation distances noted in (2) based on circumstances related to a specific application.
  5. The off-street parking requirements applicable to retail stores as outlined in Division 7 of Zoning Bylaw 2500, 2007 and amendments thereto will apply to storefront cannabis retailers.
  6. Only one storefront cannabis retailer will be allowed per lot.
  7. The maximum number of storefront cannabis retailers in the City is five (5) private retailers and one (1) Government run store.

***Application Process***

The applicant must undertake all of the standard processes required for a rezoning application pursuant to Development Application Procedures Bylaw No. 2790, 2014 and amendments thereto.

<b>AUTHORIZATION:</b>	<b>DATE:</b>
-----------------------	--------------



ATTACHMENT No. 2 (1/ )  
Applicant's Written Proposal

## MUSE CANNABIS STORES

### City of Courtenay Zoning Amendment Application – Written Summary

#### Opportunity

The retail Cannabis industry represents an exciting new retail concept. Recreational Cannabis sales are expected to top 1 billion dollars in the 4<sup>th</sup> quarter of 2018 and to double in 2019<sup>1</sup>. Local governments control the zoning for retail cannabis locations and have voiced and demonstrated concern over the number of stores operating in their municipalities. With strong demand and a limited number of locations, there is an excellent opportunity to grow a successful brand.

#### Experience

Muse Cannabis is owned and operated by a select group of shareholders that own and operate the JAK'S Beer Wine Spirits organization. As a family run, private liquor store retailer with 16 retail locations across British Columbia, JAK'S Beer Wine Spirits, are industry leaders with respect to compliance, enforcement and key public safety initiatives. The government's approach to retail Cannabis closely resembles their approach to liquor and with the company's depth of knowledge the Muse concept will surpass any other competitor and become a trusted source within the cannabis retail sector.

#### MUSE Cannabis

The MUSE Cannabis Store brand will be positioned similar to that of JAK'S Beer Wine Spirits. JAK'S brand promises a unique product selection, outstanding customer service and an unsurpassed in-store experience. At the start of the retail Cannabis industry all retailers will have access to the same products. However, over time we expect that there will be the same opportunities for exclusive products and private label in Cannabis that exist in liquor to allow for differentiation.

Muse Cannabis will hire people who are passionate about consumer education, and provincial compliance with respect to Cannabis. Muse will interact closely with our consumers to educate them on the variety of strains carried within the store including CBD and THC content percentages to allow the consumer to make an educated purchase. Muse will position itself as experts in the retail Cannabis industry.

Lastly, Muse will create the best in-store experience for its guests. This will include a well lit, comfortable and clean environment<sup>2</sup> where our guests will be able to browse the different sections of our store and learn more about Cannabis. Furthermore, Muse stores will have branded signage, common music, uniformed staff, and clean lines to enhance guests shopping

<sup>1</sup> <https://www.nsnews.com/legal-pot-sales-could-reach-1-billion-in-fourth-quarter-statcan-1.23438893>

<sup>2</sup> See attached MUSE Cannabis Retail Deck.

ATTACHMENT No. 2 (2/2)  
Applicant's Written Proposal

## MUSE CANNABIS STORES

### City of Courtenay Zoning Amendment Application – Written Summary

experience. All of these items combined will create an upmarket experience. The same type of experience our guests at JAKS Beer Wine Spirits have grown accustomed to.

#### Locations

We are selecting locations for MUSE stores the same way JAKS selects stores for liquor. We are looking for high traffic locations where consumers congregate to buy goods and services. Therefore Muse has chosen the Driftwood Mall in Courtenay, and over the coming months Muse intends to continue to secure other locations in either mall's or high pedestrian shopping locations.

#### City of Courtenay Development Proposal

The applicant is seeking to amend the zoning bylaw to permit a retail cannabis store. The above noted address is within the Driftwood Mall and the property is zoned C-1A. The applicant is seeking to amend this bylaw to incorporate language that will permit the cannabis retail store. The Commercial One zone permits 'retail stores'; however, 'cannabis retail stores' has not been clearly defined.

Based upon the City of Courtenay Shopping Center guidelines, the Driftwood Mall is currently compliant with the form and character, signage and landscaping as described within the development permit guidelines. The addition of the cannabis store, will not impact the landscaping, parking or surrounding area.

Signage is proposed for the exterior and will comply with sign bylaw 2042, 1998 and all of its amendments. A sample with respect to the proposed interior along with the proposed exterior signage renderings has been included within this application. <sup>3</sup>

It is with pleasure that the applicant submits the proposed application. Should you require any further details or information, we would be pleased to assist.

Warm Regards,

*Rebecca Hardin*

Rebecca Hardin,  
Applicant

---

<sup>3</sup> Referenced exterior and interior renderings are subject to change and will be changed to conform to all City requirements.

ATTACHMENT No. 3  
*Written Public Comment Received*

---

**From:** [REDACTED]  
**Sent:** January-07-19 11:21 AM  
**To:** PlanningAlias  
**Subject:** Cannabis Retail Store

To whom this may concern,

re: City of Courtenay Project No. 3360-20-1815

I have just received a letter regarding RH Hospitality Solutions' application to amend the zoning bylaw and facilitate the development of a retail cannabis store at the Driftwood Mall.

Please note that I strongly object to this application. The Driftwood Mall is a family friendly shopping centre, containing stores catering to children and a children's play area. It is also close to the Rialto movie theatre which is another family friendly business.

Also, I live in the immediate area and I would be concerned about anyone purchasing cannabis at the mall and then lighting up in the vicinity of my home.

[REDACTED]

Fitzgerald Ave  
Courtenay



ATTACHMENT No. 4 (1/6)  
*Public Information Meeting Summary*

**HOSPITALITY SOLUTIONS**

604.314.0176 | rebecca@rebeccahardin.ca

January 17, 2019

By Email

Attn: City of Courtenay Planning &  
Development Services  
City Hall - 830 Cliffe Avenue  
Courtenay, BC, V9N 2J7

To Whom it may concern,

**Re: Application for Cannabis Retail Store**  
**Proposed Address Driftwood Mall 1400-2701 Cliffe Ave, Courtenay BC**  
**Proposed Licensee: Muse Cannabis**  
**Property Owner: Driftwoods Mall Ltd.**

---

As per direction from the City of Courtenay, the applicant hosted a Public Information Meeting (PIM) on January 15, 2019 from 6pm – 8pm. Please accept this summary as an overview of the PIM.

**Location**

The applicant hosted the required PIM at the Courtenay Recreation Filberg Centre. Located at 411 Anderton Ave, Courtenay BC V9N 6C6.

**Notification**

The City of Courtenay supplied a list of addresses that the applicant made use of to conduct a mailout approximately ten days prior to the meeting. Surrounding property owners and tenants were notified and invited to attend the public information meeting. A copy of the mailout was supplied to the City prior to the event. Additionally, a copy has been included within this summary.

**Public Information Meeting**

The meeting space was set up to be open and inviting to attendees. Specifically, the layout was created to invite a dialogue and engage visitors both visually and through shared communications as soon as they entered the venue. Photos of the set-up have been included within this summary to provide the City of a frame of reference of what guests would have seen as they entered the meeting.

It was communicated to attendees that the Muse Cannabis Store is proposed to be a high-end retail store that focuses on consumer engagement and education. The layout of the retail store is proposed to be open plan, with large semi-circular cabinetry that will hold iPads along the countertop. Each iPad will describe and educate the consumer on a wide array of product choices that are carried in the stores. Shoppers can take time to read and learn and communicate questions to any of the Muse team members.



As guests walked through the PIM, large format, 2" x 3" renderings of the retail space were on display and display signs have been attached within this summary. This allowed visitors to further understand the operational design of the business. Additionally, and also attached for your review is a power point presentation that was on rotation via the large projection display to further define the Muse brand including staff and brand aesthetics. Detailed site plans and floor plans were also available for viewing at the PIM.

Guests were welcomed and invited to fill in the sign-in sheet that was on hand at the entrance. All guests who visited the PIM signed the Sign-in Sheet provided. A copy of the executed sign-in sheet has been included with this report.

As visitors made their way through the displays, the final table held the comment sheets. Guests were invited to take a form and fill it in for submission to the City. Or they could take a form and submit direct to the City on or before January 22, 2019. This date was noted on the comment form. A copy of the comment form has been provided within this summary as well as a copy of a comment of support received during the PIM.

### **Attendance**

There were five individuals who attended the PIM. Four attendees arrived together and were owners / staff of Smoke on the Water and Fire in the Sky, two local business that anticipate entering the cannabis retail sector.

The fifth attendee was a private citizen who had interest in learning about the proposal and where the retail store was to be specifically located within Driftwood Mall.

In addition to the five attendees, there were two representatives for Muse in attendance: Mr. Mike McKee, owner / operator of Muse and Rebecca Hardin formal Zoning Bylaw Amendment applicant to the City of Courtenay.

### **Questions / Comments**

Attendees had direct access to engage in a dialogue with the proposed owner, Mr. McKee. The major topic of discussion among all attendees was what the store would look like one constructed. One attendee wanted to know where the front door would be located and was informed it would be facing the parking lot to the exterior of the mall.

Additional positive comments were made that attendees liked that ample parking was available within the Driftwood Mall.

Mr. McKee was asked about his history within the cannabis industry and specifically retail. Mr. McKee informed the applicant of his long-standing history within the liquor retailing industry under the brand JAK's Beer, Wine Spirits. JAK's owns and operates sixteen retail locations throughout the province including three locations within Campbell River. JAK's and has been within the liquor hospitality industry for over thirty years as a family run business and has extensive experience with respect to compliance and enforcement and working with controlled substances. Cannabis retailing is a natural fit for the family business.

ATTACHMENT No. 4 (3/6)  
*Public Information Meeting Summary*

Page 3 of 3

**Summary**

We were pleased to have had the opportunity to host a PIM within the City of Courtenay and believe direct communication with the community is impactful to ensure the public have the information they require to thoroughly understand the proposal.

Thank you to the Development Services Department of the City of Courtenay for their assistance with respect to this application and clear guidelines that allowed us to clearly communicate our proposal to attendees. We look forward to continuing our dialogue within the community and with Council and are excited to become apart of the City of Courtenay.

Warm regards,

*Rebecca Hardin*

Rebecca Hardin,  
Consultant

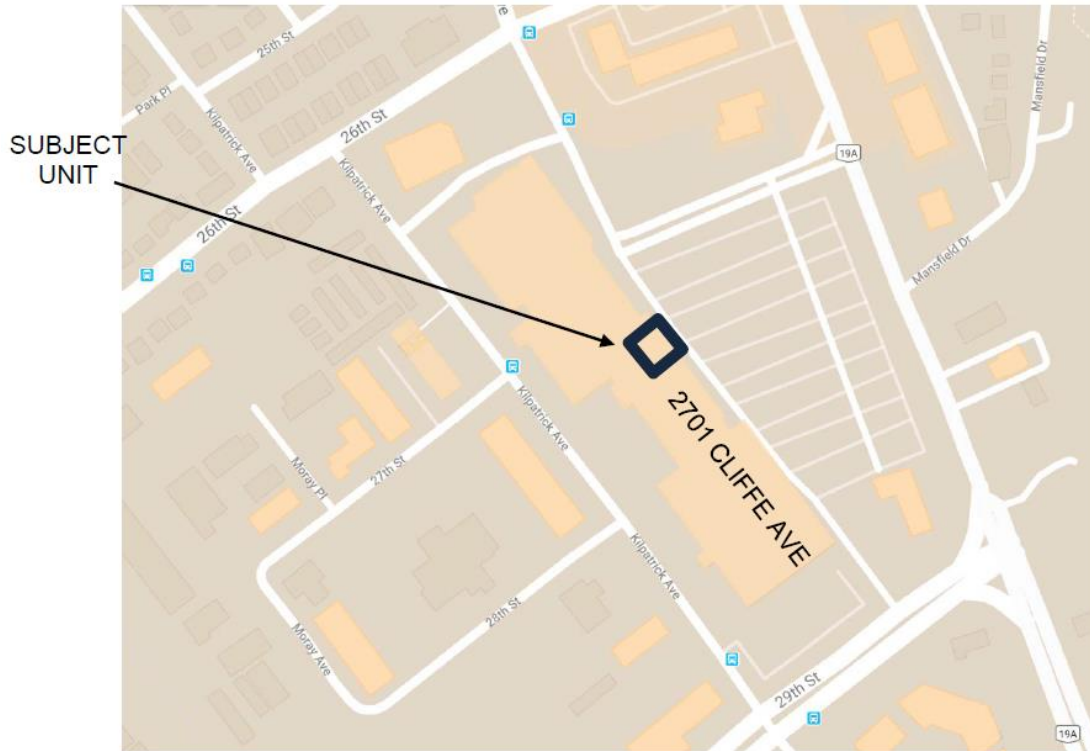
CC: Sue Blamire, Planning Clerk  
Tatsuyuki Setta, Manager of Planning

Encl/

ATTACHMENT No. 4 (4/6)  
Public Information Meeting Summary

Public Information Meeting  
City of Courtenay Project No. 3360-20-1815

*RH Hospitality Solutions Inc.* has applied to the City of Courtenay to amend the Zoning Bylaw to facilitate the development of a cannabis retail store to be located at #1400 - 2701 Cliffe Avenue.



You are invited to attend a public information meeting to view the zoning bylaw amendment proposal and provide comments and feedback prior to the City of Courtenay's consideration of this application.

**Tuesday January 15<sup>th</sup>, 2019**  
**6:00 to 8:00 pm**  
**Courtenay Recreation Filberg Centre**  
**411 Anderton Avenue, Courtenay BC V9N 6C6**

Project team members will be available at the meeting to answer any questions about the development and to receive your comments.

Written feedback can be submitted by one of the following methods: email: [planning@Courtenay.ca](mailto:planning@Courtenay.ca) by fax 250-334-4241 or drop off to Development Services, City of Courtenay 830 Cliffe Avenue.

For more information, contact:

*Rebecca Hardin*  
*RH Hospitality Solutions Inc.*  
604.314.0176 or [rebecca@rebeccahardin.ca](mailto:rebecca@rebeccahardin.ca)

ATTACHMENT No. 4 (5/6)  
Public Information Meeting Summary

### PUBLIC INFORMATION MEETING

JANUARY 15, 2017

(Zoning Bylaw Amendment #1400-2701 Cliffe Ave, Courtenay BC)

#### COMMENT SHEET

Name: [Redacted] Email: [Redacted]  
Address: [Redacted] Coleman Rd Phone: [Redacted]

RH Hospitality Solutions Inc. has applied to the City of Courtenay for an Application for Zoning Bylaw Amendment for the purposes of a non-medical cannabis retail store license. 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?

Great location, nice people and beautiful layout of store.

please approve this recreational Cannabis Retailer

**Please return your comments by:** January 22, 2019  
Comment sheets can be submitted by one of the following methods:  
1. Drop your comment sheet off at the Development Services Department, City of Courtenay  
830 Cliffe Avenue  
2. Email your comment sheet to [planning@courtenay.ca](mailto:planning@courtenay.ca)  
3. Fax your comment sheet to 250-334-4241



ATTACHMENT No. 3 (6/6)  
Public Information Meeting Summary

**PUBLIC INFORMATION MEET**  
January 15, 2019

**SIGN IN SHEET**

FOR

Muse Cannabis Store #1400-2701 Cliffe Ave, Courtenay

Comp  
smoke  
cal  
the i

NAME (Please Print)	ADDRESS
[REDACTED]	15 Breen Vols Ave, Cour, BC.
[REDACTED]	5 Browning PL.
[REDACTED]	7 Coleman Rd
[REDACTED]	5 Browning PL.
[REDACTED]	92 Royston
[REDACTED]	
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## STAFF REPORT

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**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Courtenay Cycling Network Plan and BikeBC Grant

**File No.:** 5335-20  
**Date:** February 4<sup>th</sup>, 2019

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### PURPOSE:

The purpose of this report is for Council to consider adoption of the Cycling Network Plan portion of Courtenay's Master Transportation Plan, and to provide approval to apply for grant funding through the Government of British Columbia's Ministry of Transportation and Infrastructure BikeBC program.

### CAO RECOMMENDATIONS:

That based on the February 4<sup>th</sup>, 2019 staff report "Courtenay Cycling Network Plan and BikeBC Grant" Council approve Option 1 and adopt the Cycling Network Plan portion of Courtenay's Master Transportation Plan and authorize the City to make an application for grant funding for two cycling network projects through the Provincial Government's BikeBC program.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The City is in the final stages of the development of Connecting Courtenay – Courtenay's Master Transportation Plan, with anticipated completion in mid-2019. In late 2018, a cycling infrastructure grant opportunity through the Provincial Government's BikeBC program was identified for possible project funding related to the cycling network component of the Master Transportation Plan. Eligibility for this funding opportunity requires an adopted Cycling Network Plan in advance of the February 18, 2019 grant application deadline.

The draft Cycling Network Plan is at the following website: [www.courtenay.ca/connectingcourtenay](http://www.courtenay.ca/connectingcourtenay)

The plan provides recommended medium and long-term cycling networks for the City, details regarding cycling support facilities and programs, implementation considerations, and approximate medium and long-term costs associated with projects identified in the plan. **It should be noted that the projects and costs presented in the Cycling Network Plan do not represent a financial plan, and are for future consideration only. Future cycling projects and initiatives will be determined as part of the ongoing annual budget processes.**

The BikeBC program was developed by the Ministry of Transportation and Infrastructure to encourage healthy living and help address climate change by cost-sharing cycling infrastructure projects with local government. BikeBC will provide up to 50% of the total eligible project costs for projects which form part of the City's adopted cycling network plan.

Eligible projects include those that encourage transportation cycling by accelerating the development of cycling infrastructure focusing on cycling for commuting purposes including cycling trips to and from school, work and errands. Applications must meet best practices for cycling infrastructure design and are evaluated on how they improve safety for cyclists.

Proposals are selected using a priority ranking systems to determine which applications best meet the program's goals of encouraging transportation cycling, creating healthy living environments, and reducing traffic congestion and greenhouse gas emissions through safe and effective cycling infrastructure.

Funding for projects is awarded based on the following:

- Community's support for healthy living and physical fitness
- Enhancing tourism cycling
- Cost effectiveness
- Ridership
- Facility Type
- Catchment population size
- Timing
- Multimodal connections
- Proponent's priority
- Endorsement letters

To maximize the City's chance of funding through applications to the BikeBC grant program, consultants considered a variety of projects for eligibility criteria, including previously identified and conceptual projects. The list of projects was originally identified through consultation with the Comox Valley Cycling Coalition. Since that consultation, two projects have been identified which are deemed to have the best possibility of success;

- 1) Improving the bike lanes along Fitzgerald Avenue – providing connectivity from 5<sup>th</sup> Street to 26<sup>th</sup> Street and along 19<sup>th</sup> Street to the existing Riverway Trail
- 2) Connecting Ryan Road to the trail network at Hawk Drive with a neighbourhood bike route along Hobson Avenue as a first step to developing the spine of the cycling network on the on the east side of the City.

#### **DISCUSSION:**

The first phases of the Master Transportation Plan included data collection, data review, and analysis of existing conditions. The focus of the initiative in 2018 included extensive public and stakeholder consultation, forecasting and assessment of future conditions, and development of medium and long-term plans for each mode of transportation.

In late 2018, a provincial cycling infrastructure grant opportunity through the BikeBC program was identified for possible project funding related to the cycling network component of the Master Transportation Plan. Eligibility for this funding opportunity required the City to accelerate and finalize the

Cycling Network Plan portion of the Master Transportation Plan in advance of the February 18, 2019 deadline for BikeBC grant applications.

On December 18<sup>th</sup> 2018 and January 8<sup>th</sup> 2019, meetings were held with City staff, consultants, and the Comox Valley Cycling Coalition, for review and feedback of components of the Cycling Network Plan portion of the Transportation Master Plan. Input from the Comox Valley Cycling Coalition was incorporated into the Cycling Network Plan, and was used to prioritize potential projects for the Bike BC grant program. The two projects described above were selected based on the Bike BC program's goals as outlined above and considered anticipated municipal resources.

The two proposed projects for submission to the BikeBC grant program are detailed below:

- Project 1: Fitzgerald Avenue (three sections) from 5th Street to 26th Street (maintaining existing surface treatments from 8th – 21st Street) and expanding the existing bike lanes to connect to 26th Street to the south, and along 19th Street to the east to connect to the existing Riverway Trail.
- Project 2: Hobson Neighbourhood Route (Ryan Road to east of Hawk Drive). This route is predominantly designated as a neighbourhood bikeway or bicycle boulevard with some painted lanes required. The Hobson Neighbourhood Route will connect Hobson Park, Hurford Hill Nature Park, Hawk Glen Park, to the existing 1.6 km Hawk Greenway (Sheraton Walkway – Hawk Drive – McDonald Road to Idiens Way).

The exact scope of these two projects is evolving in preparation for the funding deadline, the current Class D estimates are \$310k for Project 1, and \$150k for Project 2. These costs will be refined prior to the application deadline.

#### **FINANCIAL IMPLICATIONS:**

Funds are available within the 2019 general operating budget to support the grant applications. **It should be noted that the projects and costs presented in the Cycling Network Plan do not represent a financial plan, and are for future consideration only. Future cycling projects and initiatives will be determined as part of the ongoing annual budget processes.**

#### **ADMINISTRATIVE IMPLICATIONS:**

Grant applications are included in the Corporate Work Plan for 2019.

#### **ASSET MANAGEMENT IMPLICATIONS:**

The Cycling Network Plan component of Courtenay's Master Transportation Plan identifies medium and long-term priorities related to cycling infrastructure, programs, and policies, that will work towards the overall goal of asset management – achieving sustainable service delivery. The priorities identified in the Master Transportation Plan will help to ensure that future transportation related services and initiatives are delivered in a socially, economically, and environmentally responsible manner that does not compromise the ability of future generations to meet their own needs.

Future projects will be vetted through the Asset Management Working Group as part of the ongoing annual budget process.

### **STRATEGIC PLAN REFERENCE:**

The development of the Cycling Network Plan component of Courtenay's Master Transportation Plan is aligned with the third strategic theme from the City of Courtenay's Strategic Priorities 2016-2018.

#### **We value multi-modal transportation in our community**

- We support developing multi-modal transportation network plans
- As we build new or replace existing transportation infrastructure, we are consistent with what we learn from our Complete Streets Pilot Project
- ▲ Support our regional transit service while balancing service improvements with costs

### **OFFICIAL COMMUNITY PLAN REFERENCE:**

The development of the Cycling Network Plan component of Courtenay's Master Transportation Plan is aligned with the goals included in Section 5.2 of the Official Community Plan:

#### **5.2 Goals**

1. integrate land use changes with transportation planning to coordinate changes and increases to traffic patterns.
2. development of a transportation system that provides choices for different modes of travel including vehicle, transit, pedestrian, cycling and people with mobility impairments.
3. protect the integrity of the road classification system to facilitate the purpose and function of the specific road types.
4. support an integrated transportation system that works towards reducing travel distances and congestion.
5. support a transportation system that recognizes the importance of the character and overall appearance of the City.
6. provide an effective transportation system that facilitates the movement of vehicles throughout the community and the Comox Valley to major regional services such as the Little River Ferry System and the Comox Valley Airport.

### **REGIONAL GROWTH STRATEGY REFERENCE:**

The development of the Cycling Network Plan component of Courtenay's Master Transportation Plan is aligned with the transportation goal from the Regional Growth Strategy.

#### **Goal 4: Transportation:**

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

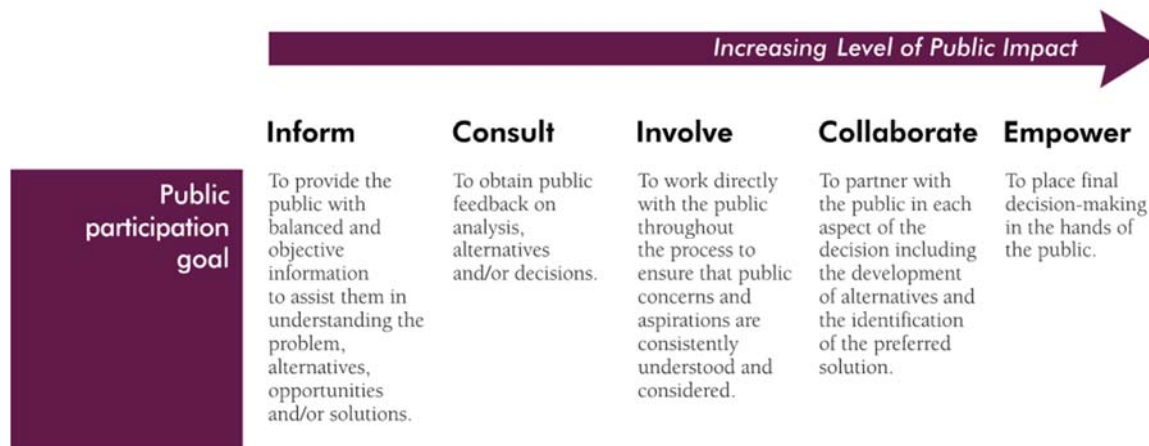


**CITIZEN/PUBLIC ENGAGEMENT:**

Citizen and public engagement has been a priority throughout the development of Courtenay’s Master Transportation Plan. On January 8, 2019, at a workshop with City staff and consultants components of the draft Cycling Network Plan were presented to the Comox Valley Cycling Coalition for review and comment. In addition, feedback from the Comox Valley Cycling Coalition was used to prioritize a list of projects to consider for the proposed projects for the BikeBC grant application.

Staff would **inform** and **consult** the public based on the IAP2 Spectrum of Public Participation:

[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum\\_vertical.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf)



**OPTIONS:**

- Option 1: That Council adopt the Cycling Network Plan, and authorize the application for grant funding for two cycling network projects through the Provincial Government’s BikeBC Program.
- Option 2: That Council not adopt the Cycling Network Plan portion of Courtenay’s Master Transportation Plan as presented, and proceed with the finalization of the Master Transportation Plan.

Prepared by:

Ryan O’Grady, P.Ag., P.Eng.  
Director of Engineering Services

Angela Spence, P.Ag.  
Engineering Technologist

Lisa Butler, P.Eng.  
Manager of Engineering Strategy



**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: 0485-20 / KFN

January 16, 2019

**Sent via email only:** [dallen@courtenay.ca](mailto:dallen@courtenay.ca)

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

Dear Mayor and Council:

**Re: Community to Community Forum – February 26, 2019**

You are invited to attend a Community to Community workshop, co-hosted by Chief and Council of the K'ómoks First Nation and the Comox Valley Regional District. This event will bring together Elected Officials and their Senior Staff to continue to develop a cooperative and collaborative government-to-government relationship that supports ongoing dialogue and partnerships now and in the future. The forum is confirmed for:

Date: February 26, 2019  
Time: 9:00 am to 3:00 pm (lunch will be provided)  
Location: K'ómoks First Nation Hall  
Agenda: Will be distributed in advance of the event

The forum will focus on inter-cultural training, with discussion on governance structures and information exchange. A guest speaker and dance performance will round out the day.

Teresa Warnes, Executive Assistant, will be accepting RSVPs from Elected Officials and Senior Staff for this event. Please send list of attendees via email to [teresawarnes@comoxvalleyrd.ca](mailto:teresawarnes@comoxvalleyrd.ca) and include any dietary considerations.

Sincerely,

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

Bob Wells  
Chair

cc: David Allen, Chief Administrative Officer  
John Ward, Director of Legislative Services / Deputy Chief Administrative Officer



**CITY OF COURTENAY HERITAGE ADVISORY COMMISSION  
MINUTES**

Meeting of the City of Courtenay Heritage Advisory Commission meeting held on November 28, 2018 at 10:00 a.m. in the Council Chamber of City Hall.

**Present:**

L. Burns	R. Dingwall	L. Grant	J. Hagen (Chair)
C. Piercy	J. Fortin	A. Ireson	T. Setta (staff)
W. Cole-Hamilton (Councillor)			

**Absent:**

D. Griffiths

**1. Introduction and Opening Remarks**

**2. Addition to Agenda**

None

**3. Review and Adoption of Minutes of the October 24<sup>th</sup> Meeting**

Delete J. Fortin from the October 24<sup>th</sup> meeting attendance

Moved by L. Burns and seconded by R. Dingwall that the October 24<sup>th</sup>, 2018 minutes be adopted.

*Carried*

**4. Old Business**

OLD CITY  
CLOCK

- A. Ireson summarized the past events including Council presentation made in October
- Council allocated a budget up to \$2,5000 for the clock refurbishment project
- City staff to meet and discuss project delivery. A. Ireson continues to involve in the work.

PIONEER  
GRAVES

- The project background was explained to Councillor Cole-Hamilton
- Work in progress

RESIDENTIAL  
INVENTORY

- Work in Progress
- T. Setta to format the new inventory sheet and distribute to A. Ireson and C. Piercy

TRAIN  
STATION

- A. Ireson attended the town meeting held on November 13<sup>th</sup> and reported contents of the discussion
- A. Ireson observed that the ICF has no interest in owning the building. Although the Commission has no authority to make any decision over the building, the Commission supports that building materials such as window to be restored
- The previously issued alteration permit has been expired. Renewal is straightforward as long as the plan has not changed. The owner or an applicant/agent may apply for renewal permit with the owners' consent.
- Moved by R. Dingwall and seconded by L. Grant, the Commission recommend Council to find the storage place for the window and support an alteration permit

resubmission

- All stakeholders to coordinate to create storage space and its design, finalizing the complete archive list and database
- J. Hagen and T. Setta to prepare a letter to Council

40 HOUSES

- Sample of new signage was presented to the members and supported
- Staff to proceed to ordering a sign and coordinate with other department for installation

IN KIND  
HOURS

- A total of 24 hours are spent:
  - J. Hagen provided 2 hours
  - J. Fortin provided 10 hours
  - L. Burns provided 6 hours
  - A. Ireson provided 6 hours

MUSEUM  
REPORT

- None due to Deb's absence

## 5. New Business

NEXT WORKSHOP

- January 9<sup>th</sup> at 9: 15 at the Museum
- Include new information on panels (Kus-kus-sum, Bevan, Lazo)
- Members were reminded that the 2019 Conference will be in Courtenay

BC HISTORICAL  
FEDERATION  
CONFERENCE

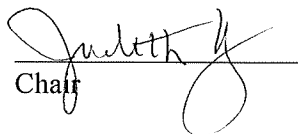
## 6. For Your Information

- Informed by R. Dingwall that Sandy Jordan to be invited to the meeting by invitation

## 7. Meeting Adjournment

Meeting Adjourned at 11: 15 a.m.

8. Next Meeting January 23, 2019

  
Chair



File: 0540-20/CV Water

January 23, 2019

Sent via email only: jward@courtenay.ca

John Ward  
 Director of Legislative Services  
 City of Courtenay  
 830 Cliffe Avenue  
 Courtenay, BC V9N 2J7

Dear John:

**Re: 2019 Comox Valley water committee voting structure**

The Comox Valley Regional District (CVRD) operates the Comox Valley water supply system under Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995” (attached as appendix ‘A’) and includes the Town of Comox, City of Courtenay and Electoral Areas ‘A’, ‘B’ and ‘C’ as participants. The bylaw, including subsequent policy direction by the committee, requires annual reporting based on the previous year’s water consumption to determine the assignment of weighted votes for water supply system decisions.

The bylaw and subsequent policy direction in March 2012 require that the per cent of water consumption in 2018 be compared against the per cent of water consumption in 1995 and that if any participant’s relative amount of consumption increases by 4.17% or more, then that participant shall receive an additional vote. Any increase in votes shall be added to the original 1995 assignment of votes. Table 1 below illustrates the consumption values and resulting votes for 2019.

Participant	2018 consumption	2018 %	1995 %	% change	baseline	2019 votes
City of Courtenay	5,029,326	62.28%	51.69%	10.59%	6	7
Town of Comox	2,204,812	27.30%	30.48%	-3.18%	3	3
Electoral Area 'A'	25,746	0.32%	2.74%	-2.42%	1	1
Electoral Area 'B'	565,667	7.01%	12.52%	-5.51%	1	1
Electoral Area 'C'	249,441	3.09%	0.44%	2.65%	1	1
						13

The City of Courtenay and the Town of Comox are both required to adopt resolutions that assign whole votes for the Water Committee to the City of Courtenay and Town of Comox regional district directors. As outlined in the above table, the consumption values provide for the City of Courtenay to receive a total of seven votes for 2019, this being the same value as 2018. In this regard, I am in receipt of the council resolution passed November 5, 2018 assigning two votes to Directors Hillian, Morin and Frisch and one vote to Director Wells for 2018/2019.

With the 2018 consumption values now being available for review, please have your council confirm the current allocation or an alternative assignment of weighted votes and provide the results to me at your earliest convenience. Please note that the first meeting of the Water Committee is scheduled for February 5, 2019. The current assignment of votes will be utilized at the committee until your further confirmation is received.

If you have any questions or concerns regarding this, please contact me.

Table 2 shows the historic consumption and per cent consumption values.

	City of Courtenay		Town of Comox		Area A		Area B		Area C		Total m3
	m3	%	m3	%	m3	%	m3	%	m3	%	
1995		51.69		30.48		2.74		12.52		0.44	
2000	4,326,535	54.46	2,428,098	30.56	50,439	0.63	797,858	10.04	341,928	4.30	7,944,858
2001	4,353,645	54.49	2,450,856	30.67	42,674	0.53	810,983	10.15	331,981	4.15	7,990,139
2002	4,643,105	54.44	2,569,743	30.13	46,908	0.55	956,084	11.21	313,008	3.67	8,528,848
2003	5,282,535	57.74	2,596,438	28.38	53,064	0.58	806,926	8.82	409,867	4.48	9,148,830
2004	5,284,562	57.62	2,639,371	28.78	54,608	0.60	806,965	8.80	385,201	4.20	9,170,707
2005	4,715,895	58.90	2,263,918	28.28	37,989	0.47	675,725	8.44	312,430	3.90	8,005,957
2006	5,297,371	57.23	2,719,867	29.39	47,147	0.51	789,429	8.53	402,014	4.34	9,255,828
2007	4,643,588	57.62	2,499,919	31.02	37,705	0.47	478,999	5.94	399,062	4.95	8,059,273
2008	4,757,131	58.40	2,531,740	31.08	39,485	0.48	557,952	6.85	258,883	3.18	8,145,191
2009	4,796,412	57.12	2,636,103	31.40	42,318	0.50	627,979	7.48	293,602	3.50	8,396,414
2010	4,667,929	59.30	2,348,114	29.83	42,012	0.53	548,175	6.96	265,720	3.38	7,871,950
2011	4,688,793	60.52	2,326,610	30.03	44,433	0.57	457,186	5.90	230,190	2.97	7,747,212
2012	4,850,901	60.39	2,439,895	30.37	48,683	0.61	458,181	5.70	235,253	2.93	8,032,913
2013	4,548,999	60.03	2,339,562	30.87	30,863	0.41	454,297	6.00	203,816	2.69	7,577,537
2014	4,739,429	60.78	2,377,421	30.49	31,723	0.41	460,102	5.90	189,068	2.42	7,797,743
2015	4,761,951	62.22	2,201,125	28.76	30,833	0.40	465,846	6.09	193,811	2.53	7,653,566
2016	4,978,973	61.65	2,282,252	28.26	33,458	0.41	555,434	6.88	226,478	2.80	8,076,595
2017	5,192,086	62.00	2,319,846	27.70	31,327	0.37	594,192	7.10	236,485	2.82	8,373,936
2018	5,029,326	62.28	2,204,812	27.30	25,746	0.32	565,667	7.01	249,441	3.09	8,074,992

Sincerely,

***J. Martens***

Jake Martens  
Manager of Legislative Services

cc. Russell Dyson, Chief Administrative Officer  
James Warren, General Manager of Corporate Services

Enclosure: Appendix 'A' – Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995”



**Water Local Service  
Establishment  
(Comox Valley)**

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

<b>Bylaw No.</b>	<b>Bylaw Name</b>	<b>Adopted</b>	<b>Purpose</b>
1783	Water Local Service Establishment Bylaw, 1995	December 12, 1996	A bylaw to convert the water supply service to a local service for that portion of the regional district located within the boundaries of the City of Courtenay, the Town of Comox and Electoral Areas 'A', 'B' and 'C' of the regional district.
2640	Water Local Service Establishment Bylaw 1995, Amendment Bylaw No. 1, 2004	May 31, 2004	Amends Bylaw No. 1783 to allow for the supply of water from a bulk water dispensing system and to allow the sale of water to the Sandwich waterworks district in the event of an emergency
2670	Water Local Service Establishment Bylaw 1995, Amendment Bylaw No. 2, 2004	August 30, 2004	Amends Bylaw No. 1783 to allow for the supply of water from the Comox Valley water supply system, by agreement, to the Comox Indian Band and to allow the redistribution of water supply by the Town of Comox to HMCS Quadra
418	Water Local Service Establishment Bylaw, 1995, Amendment No. 3	May 31, 2016	To amend the service establishing bylaw for the Comox Valley water supply system to allow the City of Courtenay to redistribute water to the K'ómoks First Nation Indian Reserve No. 2

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

**The following actions are the result of committee and board resolutions and meant to apply as policy directives for the Comox Valley water supply system and Comox Valley water committee:**

Date	Action
May 3, 2011	<p>At its May 3, 2011 the CVRD board endorsed the following statement from a service review that concluded in April 2011 and relates to this Bylaw No. 1783:</p> <p>“Following a full review of the concerns expressed at the outset of the Comox Valley water supply system service review, including receipt of the CVRD administrative and corporate staffing review by Performance Concepts, the service review members feel that those concerns have been addressed and that there will be an annual performance monitoring report. In addition, the service review members:</p> <ul style="list-style-type: none"> <li>- support that voting on all issues at the Comox Valley water committee including the selection of the chair and vice-chair will be done using the weighted method;</li> <li>- acknowledge that the allocation of votes to committee members remains unresolved; and</li> <li>- recognize that where a decision has been made and that one or more parties may want to revisit that decision, that the parties be sensitive to such a request.</li> </ul> <p>The service review members hereby conclude the Comox Valley water supply system service review and extend their appreciation to all staff at the Comox Valley local governments for their assistance through the process.”</p>
May 2011	<p>THAT the Comox Valley water committee authorize its chair to cancel committee meetings where no reports are available for the committee’s consideration and/or no committee business is required;</p> <p>AND FURTHER THAT the monthly meeting requirement in section 13(d) of Bylaw No. 1783 being “Water Local Service Establishment Bylaw 1995” be waived in such instances.</p>
May 2011	<p>THAT the Comox Valley water committee approve the non-voting members on the committee as being the administrators for the Comox Valley Regional District, City of Courtenay and the Town of Comox, the general manager of property services at the CVRD and the senior manager for operations City of Courtenay and the Town of Comox in accordance with section 13(b) of Bylaw No. 1783 being “Water Local Service Establishment Bylaw 1995.</p>
June 2011	<p>THAT the Comox Valley water committee approve that all references to ‘secretary’ in Bylaw No. 1783 being “Water Local Service Establishment Bylaw 1995” be interpreted as ‘corporate legislative officer or deputy corporate officer’.</p>
January 24, 2012	<p>The Comox Valley water committee defeated a proposal to divide evenly the assignment of votes to committee members at its January 24, 2012 meeting. Council resolutions required to divide weighted votes amongst committee members where equal division is not possible,</p>

<b>Date</b>	<b>Action</b>
<p>March 13, 2012</p>	<p>WHEREAS the Regional District of Comox-Strathcona enacted Bylaw 1783 in 1995 thereby establishing a “Water Local Service” for various areas in the Comox Valley;</p> <p>AND WHEREAS all policy related to the administration and operation of this local water service has been delegated to a standing committee of the regional board known as the “Water Committee”;</p> <p>AND WHEREAS for the purpose of voting on all matters related to the water local service, a voting structure was assigned to each participant from January 1, 1997 based on the percentage of the water consumed by each of the participants relative to the total of water provided by the water local service;</p> <p>AND WHEREAS the solicitor for the regional district has “interpreted Section 15(d) of the bylaw...as meaning that when a participant’s water consumption exceeds the base 1995 level by at least .50 of 8.33 per cent (or 4.17 per cent)-being one half of one vote – that particular participant is then entitled to an additional vote”;</p> <p>AND WHEREAS the solicitor for the regional district has further advised “that there is no explicit indication .in bylaw 1783 that the number of votes was inalterably fixed at twelve” and it was his “opinion Courtenay is therefore entitled to an additional vote in accordance with Section 15(d) of the bylaw”;</p> <p>AND WHEREAS it is the opinion of the solicitor for the regional district “that Courtenay is now entitled (i.e. 2010) to a 7th vote at the water committee and at the board in connection with the Comox Valley service in accordance with bylaw 1783; and, “must be added to the total in order to give effect to Section 15(d) of the bylaw, creating a new voting structure that involves thirteen votes;</p> <p>AND WHEREAS based on the historical development of bylaw 1783 in 1995, the Town of Comox should have been assigned four votes based on consumption and to correct that action, the Town of Comox be awarded an additional vote;</p> <p>THEREFORE to give effect to the advice from the regional district solicitor, that the water committee determine the voting structure not be limited to twelve votes; and that for determining each participant’s voting entitlement henceforth, the corporate officer interpret Section 15(d) of the bylaw as meaning when a participant’s water consumption exceeds the base 1995 level by at least 0.50 per cent of 8.33 per cent (or 4.17 per cent)-being one half of one vote – that particular participant will be entitled to an additional vote;</p> <p>FURTHERMORE the water committee agree that there be an increase in the number of votes commencing in January 2012, as follows:                      - City of Courtenay 7 votes; Town of Comox 4 votes; Electoral Area A 1 vote; Electoral Area B 1 vote; Electoral Area C 1 vote</p> <p>AND FURTHERMORE the water committee adopt a dispute resolution process that will assure fairness and equity when resolving differences.</p>

Date	Action																														
December 2012	<p>Comox Valley water committee resolution dated December 11, 2012:            THAT the Comox Valley water committee approve that the corporate officer shall:</p> <ul style="list-style-type: none"> <li>a) report the percentage of water consumed by the participants in the Comox Valley water supply system as early in each year as possible; and,</li> <li>b) apply weighted votes, in accordance with Bylaw No. 1783 being "Water Local Service Establishment Bylaw 1995" and subsequent policy direction approved by the committee on or before January 20 in each year;</li> </ul> <p>AND FURTHER THAT the Comox Valley water committee chair and vice-chair selection shall occur at the first meeting of the water committee in each year, rather than in January as required under section 13(g) of Bylaw No. 1783.</p>																														
January 2017	<p>Following council resolutions on weighted vote assignments, Comox Valley water committee weighted votes for 2017 are as follows:</p> <table border="1" data-bbox="289 730 1344 1098"> <tbody> <tr> <td>City of Courtenay</td> <td>Director Jangula</td> <td>1 vote</td> </tr> <tr> <td>City of Courtenay</td> <td>Director Eriksson</td> <td>2 votes</td> </tr> <tr> <td>City of Courtenay</td> <td>Director Theos</td> <td>2 votes</td> </tr> <tr> <td>City of Courtenay</td> <td>Director Wells</td> <td>2 vote</td> </tr> <tr> <td>Town of Comox</td> <td>Director Price</td> <td>1 vote</td> </tr> <tr> <td>Town of Comox</td> <td>Director Grant</td> <td>2 votes</td> </tr> <tr> <td>Electoral Area A</td> <td>Director Jolliffe</td> <td>1 vote</td> </tr> <tr> <td>Electoral Area B</td> <td>Director Nichol</td> <td>1 vote</td> </tr> <tr> <td>Electoral Area C</td> <td>Director Grieve</td> <td>1 vote</td> </tr> <tr> <td colspan="2">Totals</td> <td>13 votes</td> </tr> </tbody> </table>	City of Courtenay	Director Jangula	1 vote	City of Courtenay	Director Eriksson	2 votes	City of Courtenay	Director Theos	2 votes	City of Courtenay	Director Wells	2 vote	Town of Comox	Director Price	1 vote	Town of Comox	Director Grant	2 votes	Electoral Area A	Director Jolliffe	1 vote	Electoral Area B	Director Nichol	1 vote	Electoral Area C	Director Grieve	1 vote	Totals		13 votes
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**REGIONAL DISTRICT OF COMOX-STRATHCONA**

**BYLAW NO. 1783**

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

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

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

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

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

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

**Local Service**

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

### **Boundaries**

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

### **Participating Areas**

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

### **Cost Recovery**

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

### **Apportionment**

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

### **Metering**

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

### **Local Service Areas Within Electoral Areas**

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

### **Water Committee**

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

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

### **Voting**

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

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

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

### **Pressures and Flows**

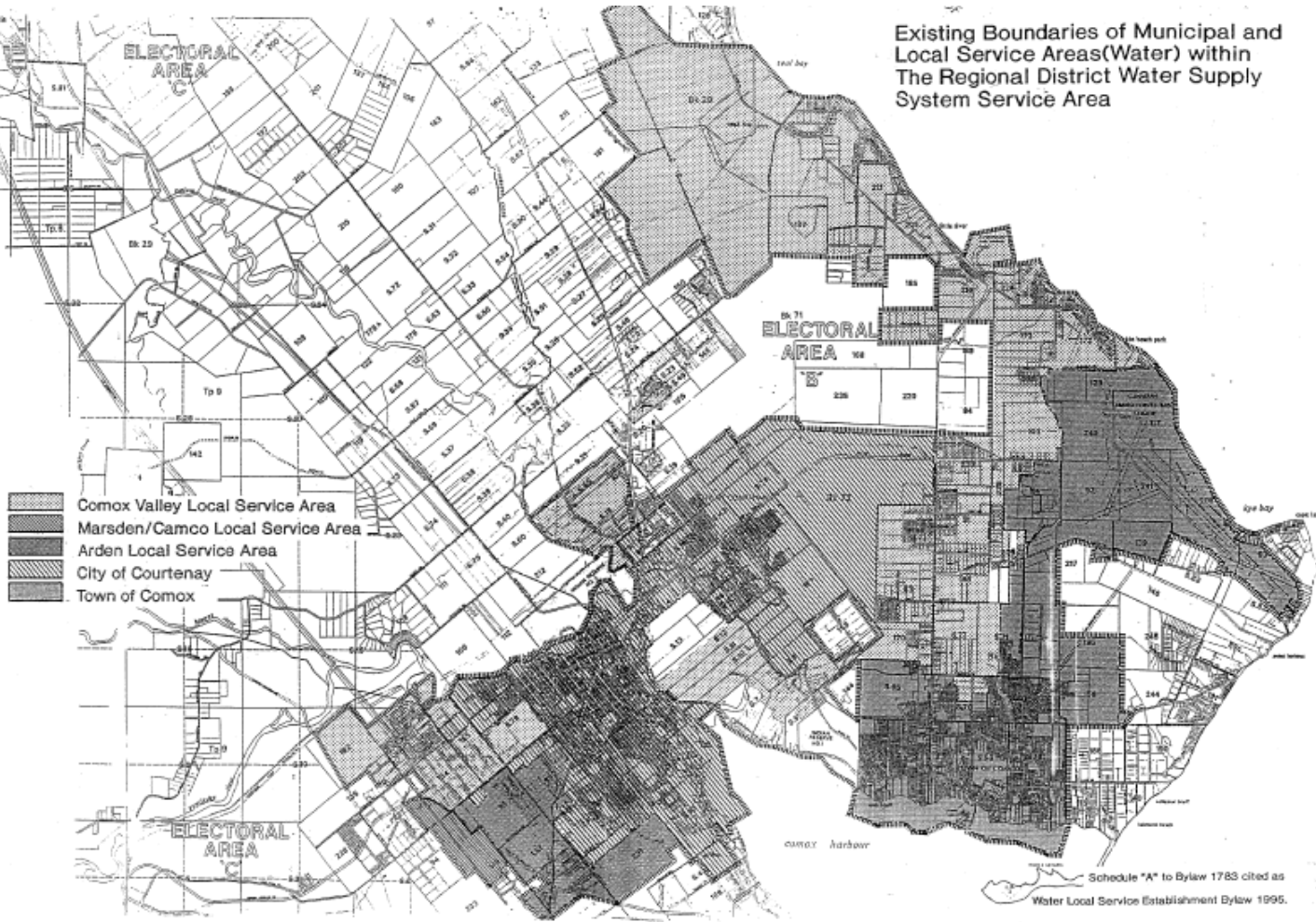
- 16. If a proposed expansion to the use of water from the local service system in any participating area would cause the pressure and flow of water to fall below 275 Kpa (40 psi) or 1800 litres/capita/day (400 imperial gallons/capita/day) or such other volume which may be determined by the Water Committee,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

### **Citation**

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

Schedule A

Existing Boundaries of Municipal and Local Service Areas(Water) within The Regional District Water Supply System Service Area



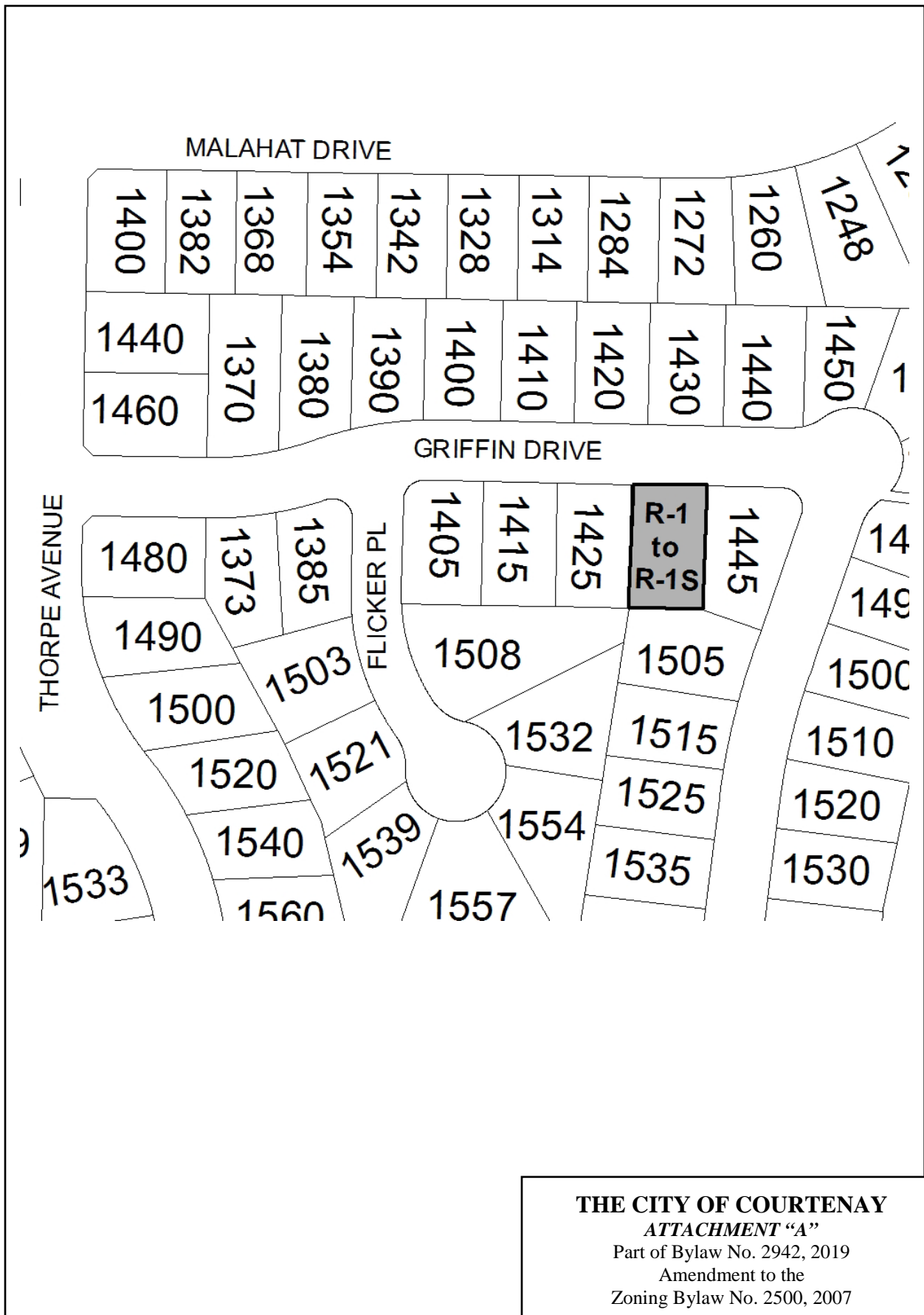












**THE CORPORATION OF THE CITY OF COURTENAY**

**BYLAW NO. 2954**

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

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

1. This bylaw may be cited for all purposes as **“City of Courtenay Fees and Charges Amendment Bylaw No. 2954, 2019.”**
2. That “City of Courtenay Fees and Charges Bylaw No. 1673, 1992” be amended as follows:
  - (a) That Schedule of Fees and Charges, Section III, Appendix IV “Garbage Collection Fees” be hereby repealed and substituted therefore by the following attached hereto and forming part of this bylaw:

“Schedule of Fees and Charges Section III, Appendix IV – Solid Waste Collection Fees”
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 21<sup>st</sup> day of January, 2019

Read a second time this 21<sup>st</sup> day of January, 2019

Read a third time this 21<sup>st</sup> day of January, 2019

Finally passed and adopted this            day of            , 2019

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

**SCHEDULE OF FEES AND CHARGES  
CITY OF COURTENAY FEES AND CHARGES AMENDMENT BYLAW NO. 2954  
SECTION III, APPENDIX IV  
SOLID WASTE COLLECTION FEES**

- A. Dwelling Basis Fee per unit per year  
-includes recyclables & yard waste pickup \$165.01
- Extra Bag Ticket (50 litre) - each \$2.50
- B. Residential Multifamily, Apartment, Strata per unit per year  
(Fee for yard waste, recyclables not included) \$144.97
- Additional service fee – yard waste pickup, per unit per year \$19.51
- C. Trade Premises

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

<b>Cans – mixed waste (contains no recyclable material)</b>	<b>Per Pickup</b>
1 can or equivalent (1 can = 121 litres)	\$2.87
Every additional can or equivalent 121 litres shall be charged at the rate of	\$2.87
DCBIA – per unit/premise per year (includes two cans per week plus recyclables/cardboard pickup – this fee is charged to those units that are constrained by space and cannot implement a mixed waste bin or cardboard bin service)	\$315.80

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

2 cubic yards	\$17.18
3 cubic yards	\$25.77
6 cubic yards	\$51.56
12 cubic yards	\$103.12
20 cubic yards	\$171.86
Rate per cubic yard for sizes other than those listed above	\$8.59



<b>Compactors – Mixed Waste (contains no recyclable material)</b>	<b>Per Pickup</b>
27 cubic yards	\$464.35
28 cubic yards	\$481.54
30 cubic yards	\$515.91
35 cubic yards	\$601.84
40 cubic yards	\$687.78
For sizes other than those listed above: \$464.35 (27 cubic yard base rate) + [(Y – 27) * \$17.18 (2 cubic yard base rate)]	

<b>Refuse to Recycling Centre (no tipping fees)</b>	
DCBIA Recycle Toter Bin	\$2.35 per bin
<i>Containers</i>	<b>Per Pickup</b>
2 cubic yards	\$9.40
3 cubic yards	\$14.10
6 cubic yards	\$28.19
Sizes other than listed above charged at a rate per cubic yard of	\$4.70

<i>Compactors</i>	<b>Per Pickup</b>
27 cubic yards	\$154.83
30 cubic yards	\$172.02
35 cubic yards	\$200.71
40 cubic yard	\$229.42
For sizes other than those listed above: \$154.83 (27 cubic yard base rate) + [(Y – 27) * \$5.73 (2 cubic yard base rate)]	

