

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

K'OMOKS FIRST NATION ACKNOWLEDGEMENT

1.00 ADOPTION OF MINUTES

- 1 1. Adopt February 11th, 2019 Special Council meeting minutes
- 3 2. Adopt February 19th, 2019 Regular Council meeting minutes
- 9 3. Adopt February 25th, 2019 Committee of the Whole meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

- 1. Jody Macdonald and Matt Beckett, Comox Valley Community Foundation,
 2018 Vital Signs Report

4.00 STAFF REPORTS/PRESENTATIONS

(a) Development Services

- 11 1. Zoning Amendment Bylaw No. 2888 - 2310 - 20th Street
- 31 2. Revitalization Tax Exemption for 344 and 356 - 12th Street
- 47 3. Zoning Amendment Bylaw No. 2949 - 143 - 5th Street
- 71 4. Zoning Amendment Bylaw No. 2951 to allow for a secondary suite at 2031
 Tamarack Drive

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 91 1. Briefing Note - Elasmosaur Provincial Fossil Designation
- 95 2. Heritage Advisory Commission Meeting Minutes January 23, 2019

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. Councillor Cole-Hamilton - Asset Management Life-cycle Considerations

Whereas the City of Courtenay practices Asset Management in order to ensure that it provides services in a financially sustainable manner; and

Whereas a Bylaw which requires consideration of the full life-cycle costs of all asset renewals, upgrades and acquisitions would serve to consolidate and strengthen the City's Asset Management policy and practice;

Therefore be it resolved that Council direct staff to draft an Asset Management Bylaw which incorporates the existing Asset Management Policy and which would require taking into account full life-cycle costs when making decisions regarding renewal, upgrade and acquisition of Tangible Capital Assets.

AND that, full life-cycle costs are considered to include the planning, procurement, creation, operation, maintenance, renewal and decommissioning of Tangible Capital Assets.

2. Councillor Cole-Hamilton - CleanBC Community Fund Grant - Electric Vehicle Chargers

That staff engage with their regional counterparts and report back to Council on options for a joint application to the CleanBC Community Fund for a grant toward acquiring multiple Level 2 Electric Vehicle chargers; and,

That staff also explore and report back on prospective locations that would provide the widest benefit to our residents and visitors to the City and region.

3. Councillor Hillian - Climate Change

Staff Note: *Reference Unfinished Business - Agenda Item 9.2 - Delegation West Coast Environmental Law*

Whereas the City of Courtenay has a legislated responsibility to respond to climate change by including greenhouse gas reduction targets, actions and polices in our Official Community Plan (OCP); and

Whereas the City Council has a responsibility to explore funding options to address the impacts of climate change to mitigate the anticipated burden on our municipal taxpayers;

Therefore be it resolved that the City send the following letter to twenty of the world's largest fossil fuel companies to initiate dialogue on our common response to climate change including financial accountability.

Dear _____

We are writing in response to a delegation from the West Coast Environmental Law organization which has requested that we contact you as part of a climate change accountability campaign.

In considering this request, we are mindful of our community's legislated responsibility to respond to climate change by including greenhouse gas reduction targets, actions and polices in our Official Community Plan (OCP). Our OCP focusses those reduction efforts on the transportation sector as "Courtenay's greatest source of community-wide emissions as determined by the provincial Community Energy and Emissions Inventory" (*City of Courtenay OCP*). You will also appreciate our concern about the costs related to the impacts of climate change, impacts that are acknowledged by federal and provincial governments across the political spectrum to include a significant increase in more severe climate events that damage municipal infrastructure.

We are therefore contacting you with the intent to begin a discussion about the impacts of climate change and accountability for the related costs. We recognize that adaptation, mitigation and the repair of damages related to climate change will be a major expense for communities like ours. While taxpayers are currently paying the full cost of such impacts, we believe that we owe it to our citizens to explore other long-term funding options.

We certainly recognize that our community and residents have benefitted from the use of fossil fuels and that many of our citizens work in related industries. As such, we are responsible for part of the financial burden of the resulting climate changes. We also recognize that companies such as yours have profited from the sale of fossil fuels and continue to do so. It would therefore seem reasonable to expect that, in the coming years, all parties benefitting from the use of fossil fuels come to the table to discuss our common response to climate change including our financial accountability.

We hope that this letter may open a constructive dialogue with your company and look forward to hearing your response on how we address this shared challenge.

9.00 UNFINISHED BUSINESS

97 1. Draft Courtenay Strategic Priorities 2019 - 2022

That staff to finalize the Strategic Priorities 2019 - 2022 document based on Council's feedback from the February 25th Committee of the Whole meeting, and bring forward at the March 4th, 2019 regular Council meeting for final approval.

2. Delegation - Kelly Mathews, Dogwood Group and Andrew Gage, West Coast Environmental Law, WCEL

Climate accountability for the fossil fuel industry's role in carbon outputs causing climate change. Council to consider sending a letter to the top 20 fossil fuel companies to pay their fair share towards the cost of local climate change as a result of their operations and products.

3. 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.

4. Delegation - Judith Conway, H.O.P.E. - Awareness/Memorial Display Request

That Council approve Ms. Conway's request to erect a memorial display at the Courtenay Airpark in order to bring awareness of the drug overdose crisis in Canada to Comox Valley residents.

5. Delegation - Carl Tessmann, Comox Valley Canoe Racing Club

That Council consider exploring options, in partnership, to expand the club's space and secure storage compound at its existing location off 20th Street by the Courtenay Airpark Marina.

10.00 NOTICE OF MOTION

1. In Camera Meeting

That notice is hereby given that a Special In-Camera meeting closed to the public will be held March 4th, 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;

11.00 NEW BUSINESS

12.00 BYLAWS

For First and Second Reading

- 101 1. "Zoning Amendment Bylaw No. 2888, 2019"
(A bylaw to permit a two lot subdivision on the property - 2310 - 20th Street)
- 103 2. "Zoning Amendment Bylaw No. 2949, 2019"
(A bylaw to allow storefront cannabis retailer as permitted use - 143 - 5th Street)
- 105 3. "Zoning Amendment Bylaw No. 2951, 2019"
(A bylaw to allow for a secondary suite - 2031 Tamarack Drive)

For First, Second and Third Reading

- 107 1. "Housing Agreement, Bylaw No. 2956, 2019 (2310 20th Street)"
(A bylaw to authorize a housing agreement - 2310 - 20th Street)
- 121 2. "City of Courtenay Fees and Charges Amendment Bylaw No. 2965, 2019"
(A bylaw to amend the water and sewer utility user rates for 2019)

For Third Reading

- 133 1. "Zoning Amendment Bylaw No. 2938, 2018"
(A bylaw to rezone property from Commercial Two A Zone (C-2A) to Residential Four A Zone (R-4A) to allow a care facility and associated services - 925 Braidwood Road)
- 135 2. "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 Final Adoption

- 137 1. "Zoning Amendment Bylaw No. 2931, 2018"
(A bylaw to permit a 26 lot residential subdivision - 4100 Fraser Road)
- 133 2. "Zoning Amendment Bylaw No. 2938, 2018"
(A bylaw to rezone property from Commercial Two A Zone (C-2A) to Residential Four A Zone (R-4A) to allow a care facility and associated services - 925 Braidwood Road)
- 135 3. "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)

13.00 ADJOURNMENT

NOTE: There is a Public Hearing scheduled for 5:00 p.m. in relation to:

Bylaw No. 2946 - Zoning Amendment to allow a storefront cannabis retailer in one of the commercial units in Washington Park Shopping Centre (#105-789 Ryan Road)

S1/19 - February 11, 2019

Minutes of a Special Council Meeting held in the City Hall Council Chambers, Courtenay BC, on Monday, February 11, 2019 at 1:00 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
I. Buck, Director of Development Services
T. Kushner, Director of Public Works Services/Assistant CAO
D. Love, Senior Advisor - Strategic Initiatives
J. Nelson, Director of Financial Services
R. O'Grady, Director of Engineering Services
D. Snider, Director of Recreation and Cultural Services

1.00 COUNCIL STRATEGIC PLANNING SESSION

.01

COUNCIL STRATEGIC
PLANNING SESSION

“THE JOY OF
GOVERNING”
WORKSHOP AND
CITY STRATEGIC
PRIORITIES
2019 - 2022

Council participated in a strategic planning session “The Joy of Governing” Optimal Governance Workshop facilitated by Christina Benty and Caleb Moss.

General discussion followed to map-out initiatives for the development of a draft Council strategic priorities worksheet for 2019 - 2022.

J. Ward, I. Buck, T. Kushner, D. Love, J. Nelson, R. O'Grady and D. Snider left the meeting at 4:30 p.m.

The meeting recessed at 4:30 p.m., Monday, February 11, 2019.

The meeting reconvened at 9:00 a.m., Tuesday, February 12, 2019.

1.00 COUNCIL STRATEGIC PLANNING SESSION CONTINUED

.01

COUNCIL STRATEGIC
PLANNING SESSION

“THE JOY OF
GOVERNING”
WORKSHOP AND
CITY STRATEGIC
PRIORITIES
2019 - 2022

General discussion to review the draft Strategic Priorities 2019 - 2022 worksheet and summarize key themes and initiatives for future consideration and adoption.

Council directed Mr. David Allen, CAO, to prepare a draft document of the City of Courtenay Strategic Priorities 2019 - 2022 to bring forward for Council consideration at the February 25, 2019 Committee of the Whole meeting.

2.00 ADJOURNMENT

.01

The meeting adjourned at 12:15 p.m.

ADJOURNMENT

CERTIFIED CORRECT

Corporate Officer

Adopted this 4th day of March, 2019

Mayor

R4/2019 - February 19, 2019

**Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C.,
on Monday, February 19, 2019 at 4:08 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
R. O'Grady, Director of Engineering Services
D. Snider, Director of Recreation and Cultural Services
A. Guillo, Manager of Communications

1.00 ADOPTION OF MINUTES

.01 Moved by Cole-Hamilton and seconded by Frisch that the February
MINUTES 4th, 2019 Regular Council meeting be adopted.
Carried

2.00 ADOPTION OF LATE ITEMS

3.00 DELEGATIONS

Dr. David Parkinson made a presentation to Council about the effects that climate change, caused by fossil fuel pollution, is having on our community. Through statistics in weather and sea level data gathered from the Climate Canada website and National Oceanic and Atmosphere Administration, Dr. Parkinson's view concluded there is no discernible trend in climate change in the Comox Valley and therefore no need for a climate reparations letter as proposed by West Coast Environmental Law.

4.00 STAFF REPORTS/PRESENTATIONS

.01

LUSH VALLEY FOOD
ACTION SOCIETY
COMMUNITY GARDEN
AGREEMENT
2380-20 LUSH

Moved by Hillian and seconded by Frisch that based on the February 19th, 2019 staff report, “Lush Valley Food Action Society Community Garden Agreement”, Council approve OPTION 1 and approve the attached Community Garden Agreement with Lush Valley Food Action Society for a term of five years with an option to renew for a further term of five years for the municipal owned property, subsequent to the publishing of notice;

That the Mayor and the Director of Legislative and Corporate Services be authorized to execute the licence agreement on behalf of the City.

Carried

.02

ZONING AMENDMENT
BYLAW NO. 2946 -
#105-789 RYAN
ROAD
3360-20-1816

Moved by Cole-Hamilton and seconded by McCollum that based on the February 19th, 2019 staff report ‘Zoning Amendment Bylaw No. 2946 - #105-789 Ryan Road’ Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2946, 2019; and,

That Council direct staff to schedule and advertise a statutory public hearing with respect to the above-referenced Bylaw on March 4th, 2019 at 5:00 p.m. in City Hall Council Chambers.

Carried

.03

GRANT APPLICATION
- UBCM FLOOD
MODELLING
5335-20

Moved by Frisch and seconded by Theos that based on the February 19th, 2019 staff report “Grant Application - UBCM Flood Modelling”, Council approve OPTION 1 and authorize the application for grant funding through the Union of BC Municipalities (UBCM) Community Emergency Preparedness Fund (CEPF) Flood Risk Assessment, Flood Mapping & Flood Mitigation Planning funding stream.

Carried

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

.01

CORRESPONDENCE
COMOX VALLEY
REGIONAL DISTRICT
CVRD, INVITATION TO
ELECTED OFFICIALS
FORUM MARCH 12,
2019

Moved by Frisch and seconded by Cole-Hamilton that the correspondence dated February 13, 2019 from the Comox Valley Regional District inviting staff and Council to participate in the Elected Officials Forum March 12, 2019, be received for information.

Carried

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

.01

PARKS AND
RECREATION
ADVISORY
COMMISSION
MEETING MINUTES
0360-20

Moved by Frisch and seconded by Cole-Hamilton that the Parks and Recreation Advisory Commission meeting minutes for December 6th, 2018, be received for information.

Carried

The council meeting recessed at 4:59 p.m. for the Public Hearing regarding Bylaw Numbers 2938 & 2944.

The meeting reconvened at 6:02 p.m.

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

COUNCILLOR
COLE-HAMILTON

Councillor Cole-Hamilton reviewed his attendance at the following events:

- DCBIA Board meeting
- Comox Strathcona Waste Management Board meeting
- Comox Strathcona Regional Hospital District Board meeting
- Comox Valley Sewerage System Liquid Waste Management Plan joint TAC and PAC
- City of Courtenay Strategic Planning “Joy of Governing” workshop
- Local Government Leadership Academy (LGLA) Elected Officials seminar
- School District No. 71 pro D Reconciliation in Action and Indigenous Cultural Exchange

COUNCILLOR
FRISCH

Councillor Frisch reviewed his attendance at the following events:

- CVRD Sewage Commission meeting
- CVRD Water Committee meeting
- CVRD Committee of the Whole meeting
- Comox Strathcona Waste Management Board meeting
- Comox Strathcona Regional Hospital District Board meeting
- City of Courtenay Strategic Planning “Joy of Governing” workshop

COUNCILLOR
HILLIAN

Councillor Hillian reviewed his attendance at the following events:

- Comox Valley Coalition to End Homelessness meeting;
- Presentation to CVRD staff re: Kus-kus-sum project
- Comox Strathcona Waste Management Board meeting
- Comox Strathcona Regional Hospital District Board meeting; opening of The grove medical centre
- Helping Hands Benefit Concert fundraiser for Mariner Apartments
- City of Courtenay Strategic Planning “Joy of Governing” workshop
- School District No. 71 Professional Development Day event on Reconciliation

- COUNCILLOR
MCCOLLUM
- Councillor McCollum reviewed her attendance at the following events:
- CBC Radio Victoria municipal panel
 - Helping Hands Benefit Concert fundraiser for Mariner Apartments
 - City of Courtenay Strategic Planning “Joy of Governing” workshop
 - Local Government Leadership Academy (LGLA) Elected Officials seminar
- COUNCILLOR
MORIN
- Councillor Morin reviewed her attendance at the following events:
- CVRD Sewage Commission meeting
 - CVRD Water Committee meeting
 - CVRD Committee of the Whole meeting
 - Helping Hands Benefit Concert fundraiser for Mariner Apartments
 - Local Government Leadership Academy (LGLA) Elected Officials seminar
 - LUSH Valley Food Action Society Housing / Local Food meeting
- COUNCILLOR
THEOS
- Councillor Theos reviewed his attendance at the following events:
- Parks and Recreation Advisory Commission meeting
 - Vancouver Island Regional Library Board meeting
- MAYOR
WELLS
- Mayor Wells reviewed his attendance at the following events:
- CVRD Water Committee meeting
 - CVRD Committee of the Whole meeting
 - Comox Strathcona Waste Management Board meeting
 - Comox Strathcona Regional Hospital District Board meeting
 - Helping Hands Benefit Concert fundraiser for Mariner Apartments
 - Local Government Leadership Academy (LGLA) Elected Officials seminar
 - City of Courtenay Strategic Planning “Joy of Governing” workshop

Councillor Frisch left Council Chambers at 6:07 p.m.

Councillor Frisch returned to Council Chambers and took his seat at 6:09 p.m.

8.00 RESOLUTIONS OF COUNCIL

9.00 UNFINISHED BUSINESS

- .01**
- DELEGATION
REQUEST - KELLY
MATHEWS,
DOGWOOD GROUP
AND ANDREW GAGE,
WEST COAST
ENVIRONMENTAL
LAW, WCEL CLIMATE
ACCOUNTABILITY
- Moved by Hillian and seconded by Frisch that in response to West Coast Environmental Law’s request for Council to send a climate accountability letter to the top 20 fossil fuel companies to take financial responsibility for their share of costs related to local climate change;
- That Councillors Hillian and Cole-Hamilton prepare a draft climate accountability response letter for Council’s consideration at its next regular meeting Monday, March 4th, 2019.
- Carried**

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

.01
WOUNDED WARRIOR
RUN BC -
FEBRUARY 25 TO
MARCH 03, 2019

Moved by Hillian and seconded by Frisch that the correspondence dated January 26, 2019 from Wounded Warrior Run BC inviting Council's support of the Wounded Warrior Run BC campaign February 25th - March 3rd, 2019, be received for information.
Carried

.02
COMOX VALLEY
AIRPORT
COMMISSION'S
(CVAC)
CONCURRENCE OF
DIRECTOR
REAPPOINTMENT

Moved by Hillian and seconded by Morin that Council direct staff to send a letter to the Comox Valley Airport Commission Board advising the City of Courtenay's concurrence with the Director reappointment of Mr. Andy Frost to the Comox Valley Airport Commission.
Carried

.03
MAYORS CALL FOR
ACTION ON
TRANSPORTATION -
FUTURE OF
VANCOUVER ISLAND
E & N CORRIDOR

Moved by Hillian and seconded by Frisch that the correspondence dated February 07, 2019 supporting the Mayor's call for action on transportation related to the future of the Vancouver Island E & N corridor and reinstatement of the rail service, be received for information.
Carried

12.00 BYLAWS

.01
BYLAW NO. 2946,
2019, ZONING
AMENDMENT TO
ALLOW FOR A
STOREFRONT
CANNIBAS RETAILER
AS PERMITTED USE
(#105 - 789 RYAN
ROAD)

Moved by Frisch and seconded by McCollum that "Zoning Amendment Bylaw No. 2946, 2019" pass first and second reading.
Carried

13.00 ADJOURNMENT

.01

Moved by Hillian and seconded by Frisch that the meeting now adjourn at 6:36 p.m.

Carried

CERTIFIED CORRECT

Corporate Officer

Adopted this 4th day of March, 2019

Mayor

Minutes of a Committee of the Whole meeting held Monday, February 25, 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
W. Sorchta, 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

1.00 STAFF REPORTS/PRESENTATIONS

.01 Patricia Huntsman, Culture + Communication Consultants, facilitated a
PATRICIA cultural study workshop on the sustainability of cultural funding and
HUNTSMAN, creative economy within our community.
CULTURAL STUDY
WORKSHOP

2.00 RESOLUTIONS OF COUNCIL

. 01 Moved by Hillian and seconded by McCollum that Council now
IN-CAMERA MEETING adjourn to a Special In-Camera meeting closed to the public pursuant to
the following sub-sections of the *Community Charter*:

- 90 (1) (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

Carried

The Council meeting recessed at 5:32 p.m. to go into a Special In Camera meeting closed to the public.

The meeting reconvened at 7:19 p.m.

1.00 STAFF REPORTS/PRESENTATIONS CONTINUED

.02

COUNCIL STRATEGIC
PRIORITIES 2019 -
2022 DRAFT

Moved by Hillian and seconded by Cole-Hamilton that the DRAFT City of Courtenay Strategic Priorities 2019 -2022 be received for information; and,

That Council direct staff to finalize the Strategic Priorities 2019 -2022 document based on Council's feedback from the February 25th Committee of the Whole meeting, and bring forward at the March 4th, 2019 regular Council meeting for final approval.

Carried

.03

2019-2023 WATER
FUND FINANCIAL
PLAN
1705-20/1715-20

Moved by Hillian and seconded by Morin that based on the February 25, 2019 staff report "2019 - 2023 Water Fund Financial Plan," Council approve the 2019 - 2023 Water Fund Financial Plan, and that water user fee revenue be increased by 6.5% for 2019; and

That Council direct staff to amend the "City of Courtenay Fees and Charges Bylaw No. 1673, 1992" to reflect this increase.

Carried

.04

2019-2023 SEWER
FUND FINANCIAL
PLAN
1705-20/1715-20

Moved by Hillian and seconded by Frisch that based on the February 25, 2019 staff report "2019-2023 Sewer Fund Financial Plan," Council approve OPTION 1, and proceed with the proposed 2019-2023 Sewer Fund Financial Plan; and, that sewer user fee revenue be increased by 5% for 2019; and

That Council direct staff to amend the "City of Courtenay Fees and Charges Bylaw No. 1673, 1992" to reflect the proposed increase.

Carried

3.00 ADJOURNMENT

.01

Moved by Hillian and seconded by Cole-Hamilton that the meeting now adjourn at 8:44 p.m.

Carried

CERTIFIED CORRECT

Corporate Officer

Adopted this 4th day of March, 2019

Mayor



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer

File No: 3360-20-1707
Date: March 4, 2019

Subject: Zoning Amendment Bylaw No. 2888 – 2310 20th Street

PURPOSE:

The purpose of this report is for Council to consider a Zoning Amendment to permit a two lot subdivision of the property located at 2310 20th Street legally described as Lot A, District Lot 230, Comox District Plan VIP73473.

CAO RECOMMENDATIONS:

That based on the March 4th, 2019 staff report 'Zoning Amendment Bylaw No. 2888 – 2310 20th Street' Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2888, 2019;

That Council direct staff to schedule and advertise a statutory public hearing with respect to the above-referenced Bylaw on March 18th, 2019 at 5:00 p.m. in City Hall Council Chambers;

That Council proceed to First, Second and Third Readings of Housing Agreement Bylaw No. 2956, 2019 (2310 20th Street) requiring that the owner of lands occupy the dwellings, restricts the use to single family residential and prohibit the lease, licence or rental of the lands or any dwellings placed on the lands;

That prior to final reading of Zoning Amendment Bylaw No. 2888, a covenant be registered on title to ensure the existing single family dwelling is renovated in accordance with the plan submitted by HS Design dated January 10, 2018; to prohibit driveway access onto 20th Street; and to register housing agreement as a restriction on the lands.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The applicant is proposing to rezone a 0.12 hectare lot from Residential Two A Zone (R-2A) to Residential One D Zone (R-1D) to facilitate a two lot subdivision. The



Figure No. 1: Subject Property (outlined in red) 1

property is located at the southwest corner of 20th Street and Lambert Drive in West Courtenay.

In 2012 the property was subdivided off a larger parcel which was subsequently rezoned to R-1D and subdivided into six lots. The applicant purchased the property after the subdivision was complete. The property is located within an established residential neighbourhood. Adjacent land uses include single family uses to the east, west, and south and a residential townhome development to the north.

The applicant plans on retaining the existing dwelling on proposed lot 2. The applicant is expected to undertake a re-design to the exterior façade so that the dwelling can be updated to current standards and be orientated to front onto Lambert Drive (**Attachment No. 2**).

The applicant has also submitted a Development Variance Permit (DVP) application that includes a request to reduce the required minimum lot frontages on the both proposed lots and the rear yard building setback on Lot 2 so that the existing single family dwelling can be retained. The proposed subdivision application (**Attachment No. 1**) will be processed should the proposed zoning amendment and variance request be supported by Council. Approval of the subdivision is at the discretion of the City's Approving Officer.

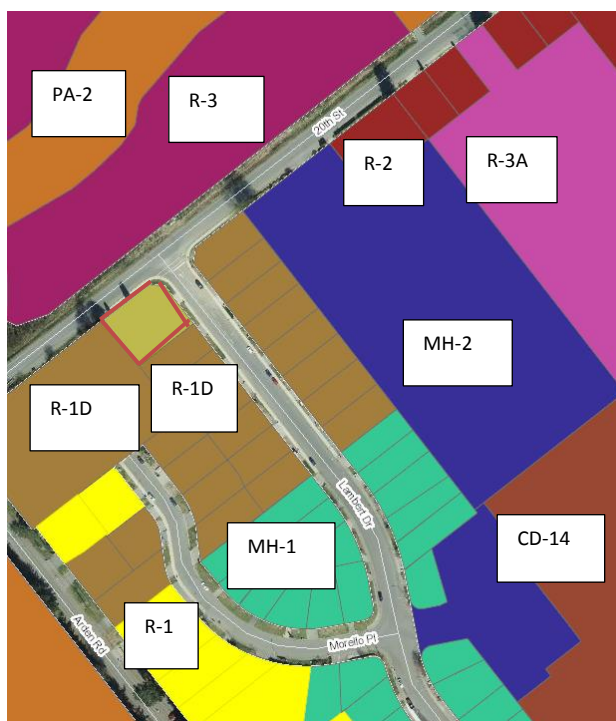


Figure No. 2: Zoning Map (subject property outlined in red)

DISCUSSION:

Official Community Plan Review

The subject property is designated Urban Residential in the Official Community Plan (OCP) and is within the Arden Corridor Local Area Plan (ACLAP).

The development proposal is consistent with the Urban Residential designation in the OCP which supports the development of serviced single family lots ranging in size from 650 m² to 2500 m² that keep with the scale and character of the neighbourhood. The OCP gives consideration to the creation of smaller lots with the City's approval of an overall design concept.

The proposed development is also consistent with policies in the Arden Corridor Local Area Plan (ACLAP). including: supporting single family infill development with lot sizes between 300m² and 800 m² designated through a rezoning process.

The main transportation connections between the site and local amenities are Cumberland Road and Willemar Avenue. The development site is within walking and/or cycling distance to City Parks including Cousins, Martin, Krebs and Woodcote Parks and is within comfortable walking distance to public transit routes along Willemar Avenue. Also, Arden Road Elementary School and Lake Trail Middle School are located within 5 km of the property.

Zoning Bylaw

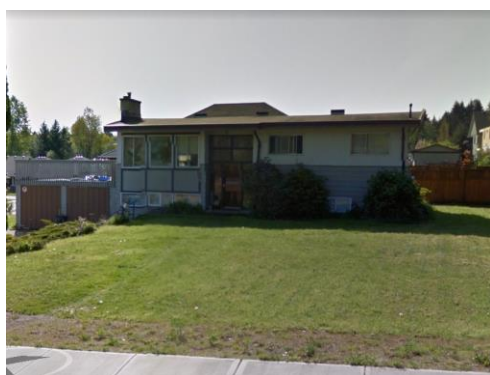
This application is for a zoning amendment to change the zoning of the subject property from R-2A to R-1D. A separate DVP will consider modifications to the required minimum lot frontages on both parcels and the required rear yard building setback on Lot 2 to facilitate the retention of the existing single family dwelling.

The proposed R-1D zone has slightly different development requirements than the existing R-2A zone. The most notable difference is the minimum lot size. The R-2A zone requires that slightly larger parcels be created during subdivision. In the R-2A zone the minimum lot size is 750 m² for single family dwellings and 800m² for corner lots whereas the R-1D zone permits lots of 500 m² for single family dwellings and 550 m² for corner lots. Additionally, the required lot frontage and lot depth in the R-2A zone is larger than what is required in the R-1D zone. Building height, lot coverage and parking requirements are the same in both zones.

If approved the zoning amendment would result in one more lot than what could be developed under the current R-2A zone. While the R-1D zone would permit a secondary suite on each lot, the use is restricted to single family homes only. An existing covenant registered in 2002 and the proposed housing agreement restrict the use to single family homes only.

The proposed zoning is consistent with the OCP policy objectives. While it will result in a modest increase in residential density, it fits within the broader neighbourhood context. The R-1D zone is already established along Lambert Drive with lots ranging in size from 511 m² to 632 m².

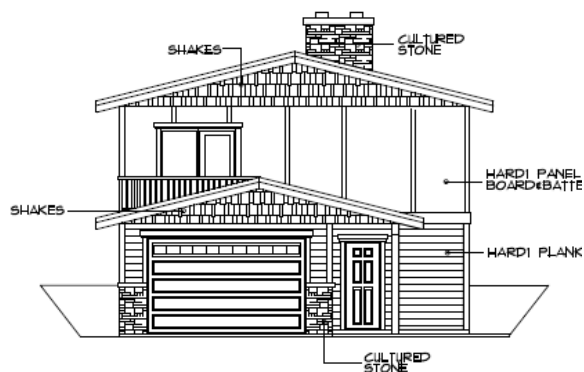
In an effort to retain the existing single family dwelling on Lot 2, the applicant is pursuing a reduced rear yard building setback. The modified building setback is considered minor and is needed to accommodate the re-design of the existing single family dwelling to ensure the dwelling fronts onto Lambert Drive. The main entrance of the dwelling is being relocated to the east facade and the carport is being replaced with an attached garage. Also, the exterior of the dwelling is being re-cladded with hardi-plank siding, hardi-panel board and batten, cedar shakes and cultured stone. From a form and character perspective, the applicant's design will result in the dwelling being better integrated into the neighbourhood.



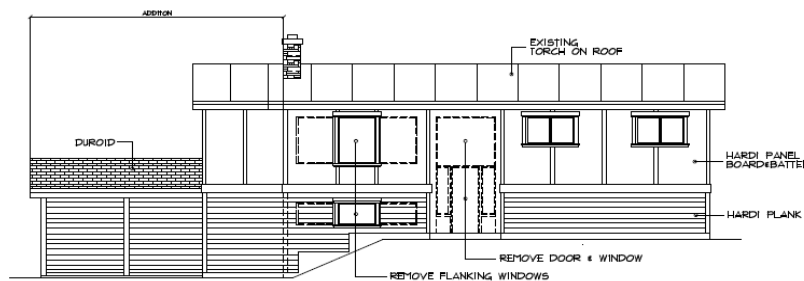
Street View of Existing Dwelling from 20th Street



Street View of Existing Dwelling from Lambert Drive



Street View of Proposed Dwelling from Lambert Drive



Street View of Proposed Dwelling from 20th Street

The proposed subdivision plan also requires variances to reduce the required minimum frontage of lots 1 and 2. These variances are minor in nature and do not impede reasonable development of the lots. Should this rezoning application be successful, these proposed variances will be considered under a separate DVP application in advance of subdivision approval. The remainder of the proposed development meets the requirements of the R-1D zone for lot coverage, minimum lot size, lot depth, front and side yard setbacks and building height. Off-street parking is accommodated on each lot through garages and driveways.

Conditions of Rezoning

Prior to adoption of the Zoning Amendment bylaw, legal agreements including a Housing Agreement and a Covenant are required to be registered on the lands. The covenant will ensure the existing single family dwelling on Lot 2 is renovated in accordance with the plan submitted by HS Design dated January 10, 2018 and will prohibit Lot 1, District Lot 230 from having road access onto 20th Street. The Housing Agreement restricts the use of the land to single family use, requires the owner to occupy the lands and any dwellings on the lands and prohibits the lease, licence or rental of the lands or any dwellings placed on the lands.

All legal agreements are to be registered on the land title prior to adoption of the Zoning Amendment bylaw and the applicant is required to pay all associated legal fees.

FINANCIAL IMPLICATIONS:

There are no direct financial implications related to the processing of this rezoning application as the fees are intended to offset the administrative costs. The application fee for the proposed zoning amendment is \$3,000.

The applicant will be contributing towards the affordable housing and the parks, recreation, cultural, and seniors amenity reserve funds for the additional lot created through the rezoning process. The total amenity contribution is \$2,000 in accordance with the formula is set out in the OCP.

Should the Zoning Amendment Bylaw be adopted, the applicant will be required to apply for subdivision approval and a Development Variance Permit. Subdivision fees are currently \$600 for the first parcel plus \$150 for each additional lot. The fee for a Development Variance Permit for single residential development is \$1,500.

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

ADMINISTRATIVE IMPLICATIONS:

Processing zoning bylaw amendments is a statutory component of the corporate work plan. Staff have spent approximately 45 hours processing and reviewing this application, meeting with the applicant and coordinating the required legal documents. Should the proposed zoning amendment receive First and Second Readings, staff will spend an additional 5 hours in preparation for the public hearing, preparation of the covenants to be registered on title, and processing the Zoning Amendment. If the Zoning Amendment is adopted, additional staff time will be required to process the Development Variance Permit, Subdivision and the Building Permit application.

ASSET MANAGEMENT IMPLICATIONS:

The proposal includes the installation of new infrastructure including water, storm and sanitary services for the proposed lot. Installation of this infrastructure is funded by the developer, however the City will assume ownership of the portion of these assets within the City road right of way and is responsible for the ongoing maintenance and replacement costs.

2016-2018 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 diversity in housing.



OFFICIAL COMMUNITY PLAN REFERENCE:

Residential

4.4.2 Goals

- (6) *Ensure new housing projects introduce innovative and creative design and streetscapes.*
- (7) *Preserve the integrity and character of existing residential areas with any redevelopment proposal.*

4.4.3 Policies

- (1) *Balance land uses to create vibrant and diverse neighbourhoods and community.*
- (2). *Create neighbourhoods that will offer a variety of transportation choices.*
- (5) *Lead in creating inclusive neighbourhoods for housing.*

4.4.3 Density

- (4) Urban residential designation is for single and duplex residential development with a broad range of fully serviced subdivisions and provision of a variety of lot sizes in a neighborhood. Lot sizes may range from 650 m2 to 2500 m2 with consideration of smaller lots only after review and approval

of an overall design concept. In this regard, limited infill will be considered only in keeping with the character and scale of an existing neighbourhood.

c) New development will take into account:

- neighbourhood interests
- pedestrian linkages
- urban standard municipal roads and services
- proximity to services, community facilities, schools, parks and shopping
- traffic pattern and overall site design
- form of housing

Arden Corridor Local Area Plan

9.6.4.4 Housing

Policies:

(5b) Allow infill development on all lots.

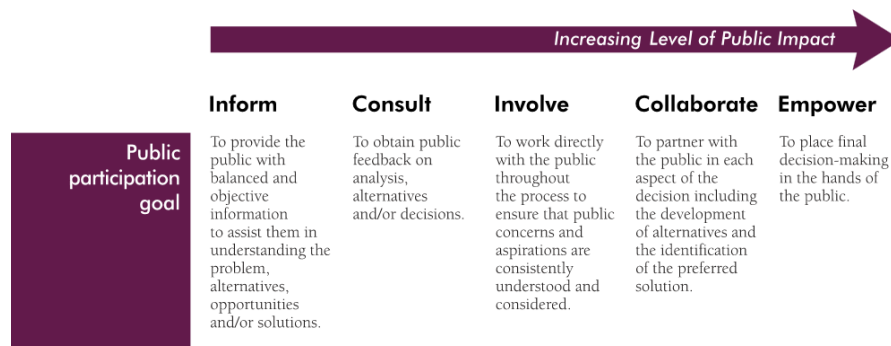
(7) Appropriate lot sizes will be designated upon re-zoning application. The following general guidance is provided to inform the range of acceptable lot sizes within the Arden Corridor: Within the areas designated as Single Family Residential: 300-850 square metres.

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 and developing and maintaining a diverse, flexible housing stock.

CITIZEN/PUBLIC ENGAGEMENT:

The level of public engagement is “**Consult**” based on the IAP2 Spectrum of Public Participation:



Should Zoning Amendment Bylaw No. 2888, 2019 receive First and Second Readings, a statutory public hearing will be held to obtain public opinion in accordance with the *Local Government Act*.

The applicant held a public information meeting on April 16, 2018 at the Best Western Hotel at 1590 Cliffe Avenue. Property owners and occupiers within 100 metres of the subject property were invited to attend the meeting. A summary of the public information meeting and related public comments have been included as **Attachment No. 3**.

According to the applicant's report, seven attended the meeting and the primary concern expressed among residents was the desire to have the current tenancy arrangement at 2310 20th Street terminated.

There was a consensus among residents that the proposed development is the best course of action to achieving resolution of the current tenancy issue on the property.

OPTIONS:

OPTION 1: (Recommended)

That based on the March 4th, 2019 staff report 'Zoning Amendment Bylaw No. 2888 – 2310 20th Street' Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2888, 2019;

That Council direct staff to schedule and advertise a statutory public hearing with respect to the above-referenced Bylaw on March 18th, 2019 at 5:00 p.m. in City Hall Council Chambers;

That Council proceed to First, Second and Third Readings of Housing Agreement Bylaw No. 2956, 2019 (2310 20th Street) requiring that the owner of lands occupy the dwellings, restricts the use to single family residential and prohibit the lease, licence or rental of the lands or any dwellings placed on the lands;

That prior to final reading of Zoning Amendment Bylaw No. 2888, a covenant be registered on title to ensure the existing single family dwelling is renovated in accordance with the plan submitted by HS Design dated January 10, 2018; to prohibit driveway access onto 20th Street; and to register housing agreement as a restriction on the lands.

OPTION 2: That Council postpone consideration of Zoning Amendment Bylaw No. 2888 with a request for more information.

OPTION 3: That Council not proceed with Zoning Amendment Bylaw No. 2888.

Prepared by:

Approved by:



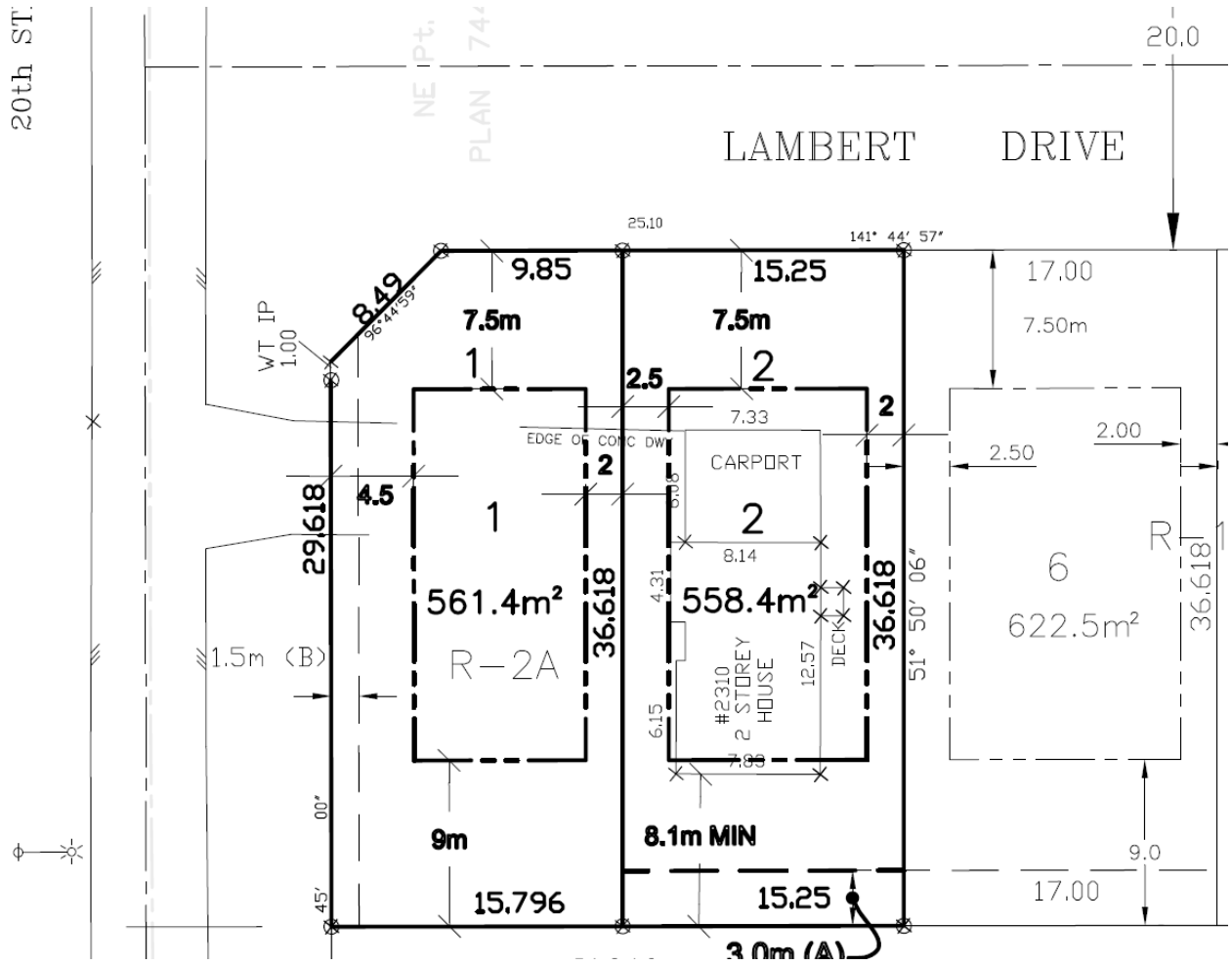

Dana Beatson, MCIP, RPP
Planner II, Development Planning

Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Conceptual Subdivision Plan*
2. *Plan by HS Design dated January 10, 2018*
3. *Public Information Meeting Summary & Public Comments*
4. *Applicant's Submissions*

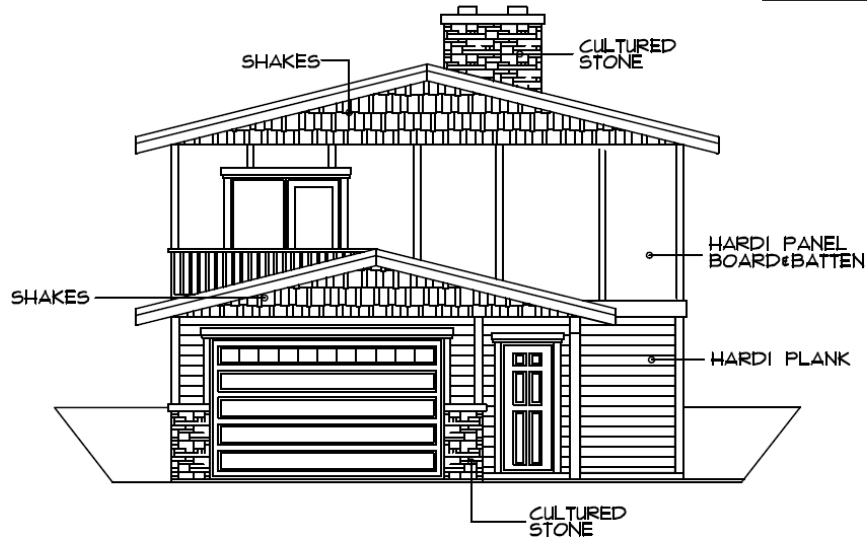
ATTACHMENT No. 1
Conceptual Subdivision Plan



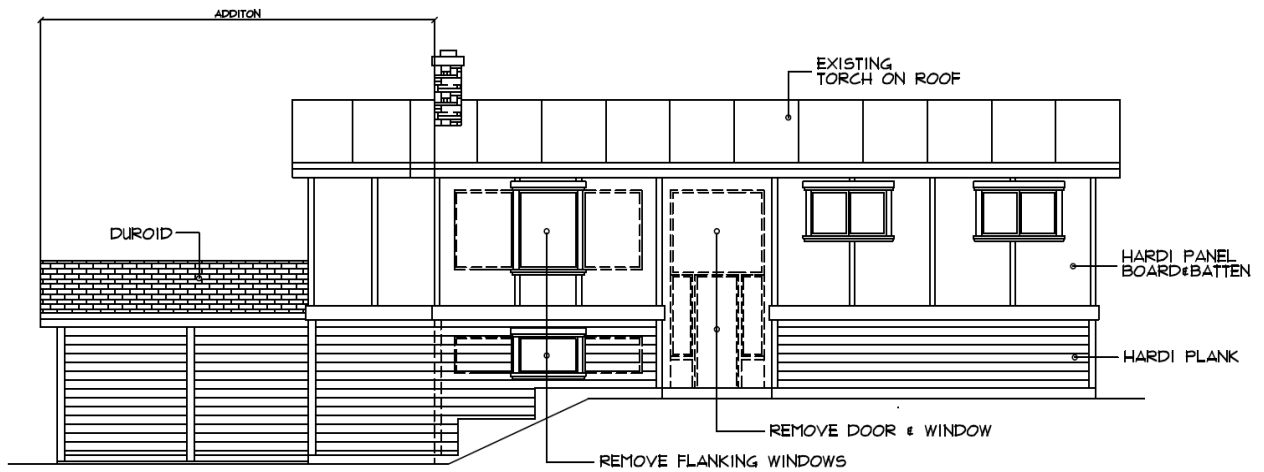
MAIN FLOOR PLAN
1/4" = 1'-0"

ATTACHMENT No. 2

Plan by HS Design dated January 10, 2018



LEFT ELEVATION (LAMBERT)
1/8" = 1'-0"



FRONT ELEVATION (20TH ST)
1/8" = 1'-0"

ATTACHMENT No. 3
Public Information Meeting Summary
and Public Comments

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

Amandio Santos
Proposed Zoning Amendment and Variance
2310 20th Street, Courtenay

Neighbourhood Information Meeting #2
Summary Report to City

The meeting was held on Monday, 16 April/18, in a meeting room at the Best Western Westerly Hotel. The meeting convened at approximately 7:10 pm and lasted approximately 45 minutes.

The attendance sheet was signed by 7 local residents representing 5 property addresses. The property owner, Amandio Santos, and the Applicant/Owner's Agent, Hal Martyn, P.Eng., were also present.

The meeting was advertised by way of hand delivery where possible, as well as some mailing, of an information package to all residents/properties within a 100 m radius of the site, based on a list of names and addresses provided by the City of Courtenay. Sixty-seven information packages were mailed or hand delivered. The sign-in sheet, blank comment sheets and additional copies of the information package were available at the meeting.

Mr. Martyn noted that the broad intent of the applications, to rezone to R-1D with variances to facilitate a future subdivision to create one additional lot, was unchanged. The key changes in the proposal are:

1. Retain the existing house in current location and renovate extensively to create new entrance facade, including 1.5 car wide garage, fronting Lambert Drive
2. Seek a variance of the rear yard setback for proposed Lot 2 from 9.0m to 8.1m, to accommodate the location of the existing house on the property. Lot frontage variances are still required as per the original proposal.

Primary Discussion Points

1. Renovation of Existing House – Mr. Martyn outlined the proposed changes which include:
 - Removal of the existing carport
 - Remove and infill existing main entry on the north wall and reduce glazed opening sizes in the north wall, to meet spatial separation requirements for unprotected openings in the Building Code, in relation to a future house on Lot 1.
 - Addition to east side of house to create a new main front entrance
 - Construct new 1.5 car wide garage with partially hidden deck on roof
 - Completely re-side the house with Hardi-plank, Hardi-board and batten and decorative stone facing

.....2

Amandio Santos

Proposed Zoning Amendment and Development Variance

2310 20th Street, Courtenay

2. Current Use of Property – those present remain concerned about problems with noise and disturbances associated with the current tenants in the house, although there have been somewhat fewer issues since the last meeting in July, 2017. The Property Owner has, with great difficulty due to the Residential Tenancy Act requirements, managed to remove one of the more problematic tenants. It remains the opinion of the Proponents that the fastest way to eliminating all of the tenancy problems is to achieve the Zoning and DVP approvals, which will give the Owner confidence to start removal of the tenants and renovation of the house.

3. Tenure of New Lots – what is the intent of the Owner with respect to redevelopment of the subdivided lots? Mr. Santos stated that it was his intention to renovate the existing house as outlined at this meeting and to sell it as a single-family occupancy dwelling, i.e. no suite, no duplex. The vacant lot, when subdivided, would, if built by Mr. Santos, be another single-family home without suite, even though permitted by Zoning. If the vacant lot is sold to another Builder, it is possible that a secondary suite could be included, much like some other lots already existing in the neighbourhood, however the requirements for such suites are strictly regulated by the City. One attendee noted that Mr. Santos had said at the last meeting that he would provide a written commitment of intent to sell the lots for owner-occupancy, but no such written assurance has been provided. Mr. Santos reiterated his verbal intent to build/renovate for owner-occupancy without a rental component. Mr. Martyn noted that this intent would be recorded in the Summary Notes of the meeting, prepared for the City. He also noted that Mr. Santos cannot control what others may do in future when he no longer owns the property.

4. Timeline for Development – how quickly can the residents expect termination of the current occupancy/use? The expectation is, with the support of the neighbourhood, the Zoning and DVP processes could be completed in approximately 2 months from now. As soon as those approvals are granted, the Property Owner will prepare and submit a Subdivision Application. It is hoped that the subdivision process would be complete to lot registration in 6 to 9 months. In the interest of removing the neighbourhood irritants, Mr. Santos will commit to initiating termination of the current tenancies and commencing the process to renovate the existing house as soon as the zoning is amended and DVP approved. One resident took exception to the “veiled threat” implication that the existing house tenancy issues would not be addressed unless the neighbourhood supported the zoning change. The Proponents noted that the house would likely be renovated and improved, in any event, for resale, as the Owner wishes to divest the property moving forward. The resident wanted to know why the renovation process could not be commenced immediately regardless of the zoning disposition. It was pointed out that, while this might be logistically possible, the Owner needs to know whether the current applications will succeed to determine the direction and extent of the renovations on the existing house.

Amandio Santos
Proposed Zoning Amendment and Development Variance
2310 20th Street, Courtenay

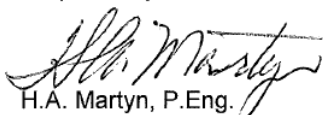
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Summary

- The Property Owner has no interest in being an on-going landlord and building/renovating for future rental tenure. The intent is to renovate and build for sale as owner-occupied homes.
- Primary neighbourhood concern is the termination of the current rental tenancy arrangement on the property. This is also the Owner's desire, through the City's Zoning and Subdivision processes.
- There was a majority consensus among those residents present that support of the Applications, through positive comment sheets and support at the Public Hearing, was the best route forward to achieving resolution of the current tenancy issues.

Mr. Martyn thanked those present for taking the time to attend this second meeting and requested that comment sheets, positive or negative, be returned to the City. Notice of the Public Hearing will likely be provided to the residents and will be advertised in the local paper in due course.

Prepared By:


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

HM/hm

[illegible]

PUBLIC INFORMATION MEETING

7:00 p.m., Monday, April 16th, 2018.

(Zoning Amendment and Variance - 2310 20th Street)

COMMENT SHEET

Name: _____

Address: #16- 2140- 20th St. Courtenay P. _____

Hal Martyn, P.Eng. (on behalf of Amandio Santos) has applied to the City of Courtenay for a Zoning Amendment/Development Variance Permit to permit a two lot subdivision with frontage variances and one rear yard variance for the property at 2310 20th St. This project is under review by staff in the Planning Department of the City. Given the information you have received regarding this project do you have any comments or questions?

Yes, the above support and agree to application of the above project.

We are of the opinion that the above project will be a benefit to our community.

April 11/18.

Please return your comments by April 20th, 2018

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

1. Drop off or mail your comments to: Development Services Dept. City of Courtenay, 830 Cliffe Ave, Courtenay, BC V9N 2J7
2. Email your comments to planning@courtenay.ca
3. Fax your comments to: 250-334-4241

Beatson, Dana

From:

Sent:

To:

Subject:

zoning 2310 20th Street

As a neighbour, I have concerns about the zoning amendment and variance at 2310 20th Street. My concern is if this amendment gets approved, are we opening ourselves up to two problem rental units instead of one that now exists?

If the lots will be put up for sale after the amendment so that people that want a family home can buy them and build or move into the existing home then you have my vote of approval.

However if in subdividing the existing lot into two lots, we are going to have two rental properties with possible problem tenants such as those that are in the existing property then I am strongly opposed to the amendment as I don't feel that the owners can guarantee that decent renters will occupy the homes.

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

Amandio Santos
Proposed Zoning Amendment and Variance
2310 20th Street, Courtenay

Summary and Rationale - Revised

Proposed Zoning Amendment

Mr. Amandio Santos is the Owner of the property addressed as 2310 20th Street and legally described as Lot A, District Lot 230, Comox District, Plan VIP73473. This property is located at the southwest corner of 20th Street and Lambert Drive in West Courtenay. The property was subdivided from a larger parcel, the remainder of which was subsequently rezoned and developed for 6 single-family (SF) residential lots by another Developer. Mr. Santos purchased the subject property after the adjacent 6-lot subdivision was substantially completed.

The subject property is considerably larger than the surrounding newer SF residential lots, and is well situated to be subdivided for an additional SF residential lot, of a size and zone compatible with the other newer SF lots in the area, on Lambert Drive and Morello Place. Accordingly, a change in Zoning from R-2A to R-1D is requested to match the adjacent zoning.

Proposed Development Variances

Due to the configuration and dimensions of the existing lot, the proposed subdivision can comfortably meet all of the R-1D zoning requirements save for the lot frontage minima on Lambert Drive. A similar issue was encountered when the property opposite on Lambert Dr. was zoned R-1D and a variance of minimum frontage was granted for Lots 2 & 3, Plan VIP89438. The reduced minimum frontage for those lots is 15.25m. Accordingly, a variance of minimum frontage to 15.25m is requested for the proposed interior lot on the subject property.

Similarly, a frontage variance is required for the proposed corner lot. A reduction in minimum frontage from 18.0m to 15.8m is requested. While the reduction appears significant (12%), please note that the proposed lot depth is 36.618m, 22% more than the minimum. Even while maintaining the minimum yard setbacks, the proposed lot will have an available building envelope, which is more than 20% larger than a standard minimum-size R-1D corner lot (197 sq.m vs. 162 sq.m).

Additionally, with reference to the Existing House section following on Page 2, retention of the existing house on proposed Lot 2 will necessitate a variance of the rear yard setback on Lot 2 from 9.0m to 8.1m.

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2310 20th Street, Courtenay
Proposed Zoning Amendment and Variance
Summary and Rationale - Revised (cont'd)

Existing House

As shown on the plans accompanying this application, there is an existing house on the property, which will be within the boundaries of proposed Lot 2, albeit within the rear yard setback. The City has expressed concern that the house in its current configuration on proposed Lot 2 would not present an acceptable street façade to the Lambert Drive frontage. Extensive reconfiguration and renovation is required.

After careful consideration, the Owner has decided to retain the existing house in its current location and to undertake the necessary renovations to reconfigure the house to present a suitable front façade to Lambert Drive. This would include reducing some window sizes on the north side of the house, relocating the main entry from the north side to the east side, removal of the former carport and replacement with a proper attached garage, establishment of a new façade fronting Lambert including a small addition, and a complete recladding of the house using more modern building materials. The concept is illustrated on a plan accompanying this application.

Consultation to date with the neighbourhood residents suggests that the main point of contention with this property and, by extension the development proposal, relates to the current use and tenancy of the existing house. There have been numerous police and bylaw enforcement calls to the house to address issues with problem tenants and behaviour. The Owner has taken steps to clean up the exterior of the property. He has also taken steps to evict at least one of the more troublesome tenants, although this is a very tedious and involved process when dealing through the provincial Residential Tenancy Branch with uncooperative tenants.

As has been stated to the neighbours, we believe the fastest way to full resolution of current tenancy issues is to expedite the Zoning Amendment and DVP approval, to facilitate the subdivision, and the renovation and sale of the existing house, all in a timely manner. In fact, Mr. Santos is prepared to commit to initiating termination of the current tenancies and preparation of a Building Permit Application for the renovations to the existing house as soon as the zoning is amended and the DVP is approved. We hope that this commitment will go some distance to alleviate the concerns of the neighbourhood.

Prepared By:

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

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

Amandio Santos
Proposed Zoning Amendment and Variance
2310 20th Street, Courtenay

Sustainability Evaluation - Revised

It is proposed to amend the current zoning (R-2A) for the single-family (SF) designated property at 2310 20th Street to be R-1D with lot frontage variances to permit subdivision of the property into two SF lots.

Land Use

The proposal complements the neighbouring land use designations and zoning. The proposed zoning will match the immediately adjacent lands and will be complementary to the CD Zone for Piercy Creek Estates opposite across 20th Street. The site is linked to recreational walking trails nearby and provides good walking routes towards commercial and retail nodes in West and South Courtenay.

Building Design

Pedestrian amenities are already in place. Individual SF home designs will achieve exterior design diversity. Retention and renovation of the existing house will permit the house to be better integrated into the neighbourhood. Proposed and renovated buildings will meet Building Code standards for energy efficiency and environmental sensitivity.

Transportation

The site is within comfortable walking distance of the existing public bus route on Willemar Avenue and is relatively close to both downtown Courtenay, via Cumberland Road, and to the Driftwood Mall and Anfield Centre commercial hubs. Links to the Piercy Creek greenway are nearby, for pedestrian and cycling opportunities. Public sidewalks already exist on both frontages of the property. Lambert Drive was built with additional width and sidewalks on both sides, offering a multi-functional street for pedestrians, cyclists and vehicles.

Infrastructure

This property currently has a sub-surface perforated drain system in place along the west property line, which connects across the property to the south, to intercept and exchange both surface and groundwater from the upland property to the west. The site is otherwise too small and soil conditions are such that other storm water management techniques are impractical. The site is within the serviced area of the City and the existing house is connected to services.

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2310 20th Street, Courtenay
Proposed Zoning Amendment and Variance
Sustainability Evaluation - Revised (cont'd)

Character and Identity

Being a two lot subdivision, there is little opportunity to address character and identity issues. Retention of the existing house on proposed Lot 2 and renovation thereof, will provide a significant enhancement of the character of the house to better fit into the existing neighbourhood. Private amenity space will be provided individually with the houses on each lot.

Environmental Protection and Enhancement

The site is not affected directly by environmentally sensitive areas. A tree-lined streetscape along the street frontages was provided for during the previous development of the parent parcel, through street tree payments to the City.

In addition, the retention of the existing house, rather than demolition and disposal, will reduce the broader environmental impact of the project.

Prepared By:

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



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Revitalization Tax Exemption for 344 and 356 - 12th Street

File No.: 1960-20
Date: March 4, 2019

PURPOSE:

The purpose of this report is to consider entering into a revitalization tax exemption agreement pursuant to Bylaw 2937, 2018 for the properties at 344 and 356 12th Street.

CAO RECOMMENDATIONS:

That Council authorize the Mayor and Director of Legislative Services to enter into a Revitalization Tax Exemption Agreement on behalf of the City with Four Paws Investments Ltd. for the properties legally described as Lots 5 and 6, Block 3, Section 69, Comox District, Plan 480 (344 and 356 12th Street); and That Council authorize staff for issue a Tax Exemption Certificate to Four Paws Investments Ltd. for the properties legally described as Lots 5 and 6, Block 3, Section 69, Comox District, Plan 480 (344 and 356 12th Street) for a period of 5 years from the date of building occupancy.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

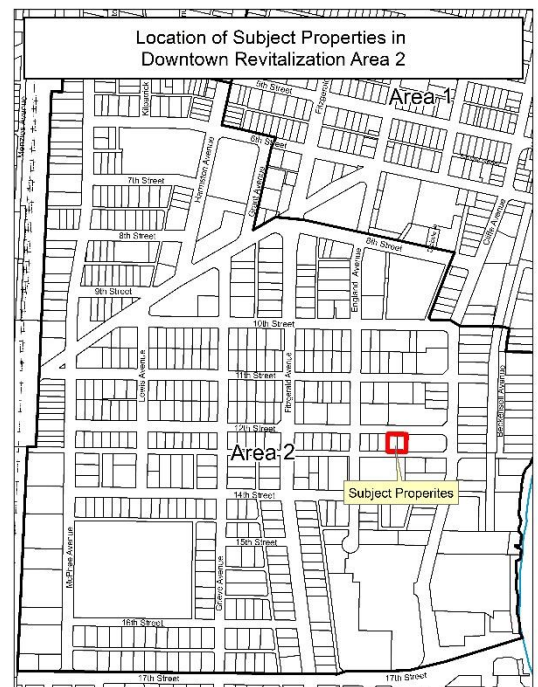
BACKGROUND:

The applicant has been issued a development permit and building permits for the construction of a fourplex building on each of the subject properties located at 344 and 356 12th Street for a total of 8 units.

Council adopted Downtown Courtenay Revitalization Tax Exemption Bylaw No. 2937 on September 4th, 2018. The subject properties fall within the boundaries of Downtown Revitalization Area 2 of the bylaw and are eligible for a 100% municipal tax exemption for 5 years.

DISCUSSION:

The applicant has satisfied the criteria for a tax exemption as outlined in Section 4.1 of the bylaw and pursuant to Section 6



is eligible for a 100% exemption of the municipal portion of property tax calculated in relation of the increase in the assessed value of improvements on the properties resulting from the new construction. The exemption is for a period of 5 years.

FINANCIAL IMPLICATIONS:

The subject properties were assessed as a single folio in 2018 with an assessed value of \$253,800 (land and improvements) and paid \$870.25 in municipal taxes (note this excludes user fees, and taxes levied on behalf of SD 71, the Hospital Authority, Library, MFA and CVRD). The municipal taxes on the improvements alone (valued at \$65,800) were \$225.62.

Because the properties are now being developed as separate parcels, for the purposes of the tax exemption program the pre-development taxes will be apportioned evenly between the two properties. Accordingly, the applicant will continue to pay at minimum \$112.81 in municipal taxes for the improvements on each property, based on 2018 tax rates. Over the five year term this is \$564.05.

Based on the 2019 assessed values of similar fourplex buildings in Courtenay it is estimated the assessed value of each building when completed will be approximately \$600,000. Using the 2018 residential tax rate as an example, the estimated forgone municipal tax on the improvements only will be \$2,057.34 per year for each property. Over the five year term this is a tax exemption of approximately \$10,286 per property, resulting a total estimated tax exemption for the two properties of approximately \$20,572. The actual exemption will be determined following BC Assessments valuation of the new improvements.

Estimated Tax Summary For Each Property

	2020	2021	2022	2023	2024	Total
Pre development municipal taxes on improvements.	\$112.81	\$112.81	\$112.81	\$112.81	\$112.81	\$564.05
Post Development estimated municipal tax on improvements.	\$2,057.34	\$2,057.34	\$2,057.34	\$2,057.34	\$2,057.34	\$10,286.70

ADMINISTRATIVE IMPLICATIONS:

Staff have spent approximately 5 hours reviewing the application material and preparing this report and the associated agreement.

ASSET MANAGEMENT IMPLICATIONS:

Based on this being an in-fill development, there are no significant asset management implications with this tax exemption agreement.

2016-2018 STRATEGIC PRIORITIES REFERENCE:

We actively pursue vibrant economic growth

- Revitalizing our downtown is critical to our economic future



- **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:

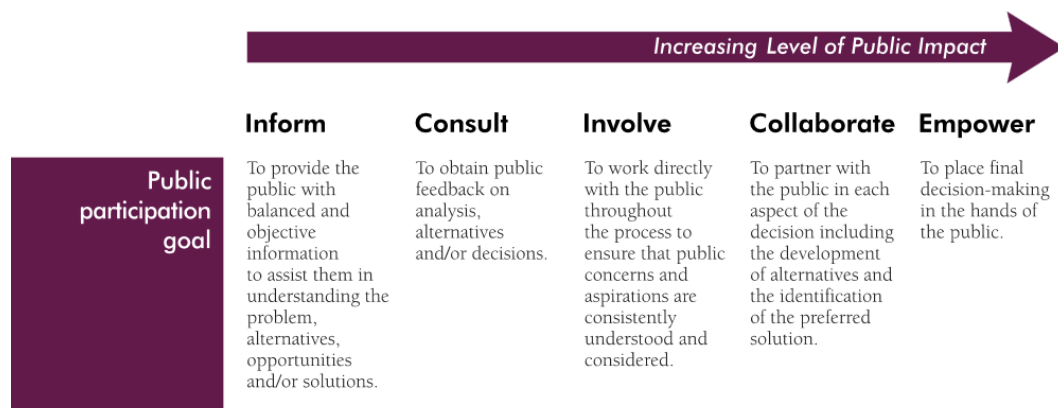
There are no OCP references related to the tax exemption agreement.

REGIONAL GROWTH STRATEGY REFERENCE:

There are no RGS references related to the tax exemption agreement.

CITIZEN/PUBLIC ENGAGEMENT:

Public consultation took place during the development of the Downtown Courtenay Revitalization Tax Exemption Bylaw. No further consultation is required for entering into individual agreement. Accordingly, staff will **inform** the public based on the IAP2 Spectrum of Public Participation.



OPTIONS:

- OPTION 1:**
- That Council authorize the Mayor and Director of Legislative Services to enter into a Revitalization Tax Exemption Agreement on behalf of the City with Four Paws Investments Ltd. for the properties legally described as Lots 5 and 6, Block 3, Section 69, Comox District, Plan 480 (344 and 356 12th Street); and
- That Council authorize staff for issue a Tax Exemption Certificate to Four Paws Investments Ltd. For the properties legally described as Lots 5 and 6, Block 3,

Section 69, Comox District, Plan 480 (344 and 356 12th Street) for a period of 5 years from the date of building occupancy.

OPTION 2: That Council defer consideration and request additional information.

Attachment No. 1 – Draft Revitalization Tax Exemption Agreement

Prepared by:



Ian Buck, MCIP, RPP
Director of Development Services

Attachment No 1.

Draft Revitalization Tax Exemption Agreement

THIS AGREEMENT dated for reference the ____ day of March, 2019 is

BETWEEN:

Four Paws Investments Ltd.

2280 Sea Lion Way
Courtenay, B.C.
V9J 1Y2
(the "Owner")

AND:

THE CITY OF COURTENAY

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

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of lands in the City of Courtenay at 344 and 356 12th Street legally described as Lots 5 and 6, Block 3, Section 69 Comox District Plan 480 (the "Parcels");
- B. Council has established a revitalization tax exemption program and has included within the Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937 the designation of areas which include the Parcel as a revitalization area; and
- C. The Owner proposes to construct new improvements on the Parcels as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

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

- 1. **The Project** – the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:
 - a) Provide eight units of residential housing consisting of two fourplex buildings in the

downtown area; and

b) Be Completed by the end of 2019.

2. **Operation and Maintenance of the Project** – throughout the term of this agreement, the Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.
3. **Revitalization Amount** – In this agreement, “**Revitalization Amount**” means the municipal portion of property tax calculated in relation to the increase in the assessed value of improvements on the Parcel resulting from the construction of the Project as described in section 1;
4. **Revitalization Tax Exemption** – subject to fulfilment of the conditions set out in this agreement and in “Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937”, the City shall issue a revitalization tax exemption certificate (the “Tax Exemption Certificate”) to the British Columbia Assessment Authority entitling the Owner to a property tax exemption in respect of the property taxes due (not including local service taxes) in relation to the Revitalization Amount on the Parcel (the “Tax Exemption”) for the calendar year(s) set out in this agreement.
5. **Conditions** – the following conditions shall be fulfilled before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:
 - a) The Owner must obtain a building permit from the City for the Project on or before March 31, 2019;
 - b) The Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the development permit, building permit and the plans and specifications attached hereto as Appendix “A”.
 - c) The City must have received from the British Columbia Assessment Authority confirmation of the increase in the assessed value of improvements on the property resulting from the new development.
 - d) The Owner must submit a copy of the Occupancy Permit and Revitalization Tax Exemption Agreement to the City of Courtenay’s Finance Department before the City will issue the Tax Exemption Certificate.
6. **Calculation of Calculation of Revitalization Tax Exemption** – the amount of the Tax Exemption shall be equal to:
 - i. 100% of the Revitalization Amount related to the construction of a fourplex on each parcel.

7. **Term of Tax Exemption** – provided the requirements of this agreement, and of the Downtown Courtenay Revitalization Tax Exemption Program Bylaw No. 2937, are met the Tax Exemption shall be for the taxation years **2020 to 2024, inclusive**.
8. **Compliance with Laws** – the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.
9. **Effect of Stratification** – if the Owner stratifies the Parcel under the Strata Property Act, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:
 - a) the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or
 - b) for the next calendar year and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office after May 1.
10. **Cancellation** – the City may in its sole discretion cancel the Tax Exemption Certificate at any time:
 - a) on the written request of the Owner; or
 - b) effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.
 - c) If the Owner is subject to a housing agreement with the City and is not in compliance with the operating agreement.

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

11. **No Refund** – for greater certainty, under no circumstances will the Owner be entitled under the City's revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.
12. **Notices** – any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted

on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

- a) in the case of a notice to the City, at:

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

Attention: Director of Development Services
Fax: 250-334-4241

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

Four Paws Investments Ltd.
2280 Sea Lion Way
Courtenay, B.C.
V9J 1Y2

Attention: Peter Croonen

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

13. **No Assignment** – the Owner shall not assign its interest in this agreement except to a subsequent owner in fee simple of the Parcel.
14. **Severance** – if any portion of this agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this agreement.
15. **Interpretation** – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.
16. **Further Assurances** – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this agreement.
17. **Waiver** – waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.

18. Powers Preserved – this agreement does not:

- a) Affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;
- b) Affect or limit any enactment relating to the use or subdivision of the Parcel; or
- c) Relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.

19. Reference – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.

20. Enurement – this agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

21. Any construction of a new improvement or alteration of an existing improvement as of this bylaw undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration

22. The maximum Revitalization Tax Exemption authorized under this Bylaw must not exceed the Revitalization Amount on the Property between:

- a) the calendar year before the construction or alteration began, as outlined under Section 1 of this agreement; and
- b) the calendar year in which the construction or alteration, as outlined under Section 1 of this agreement, is completed.

23. The Property's assessed value of improvements must not be reduced below the amount assessed in the calendar year prior to construction or alteration, as a result of the Revitalization Tax Exemption.

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

Executed by the CITY OF COURTENAY by

Its authorized signatories:

Mayor

Director of Legislative Services

Executed by Four Paws Investments Ltd. by its

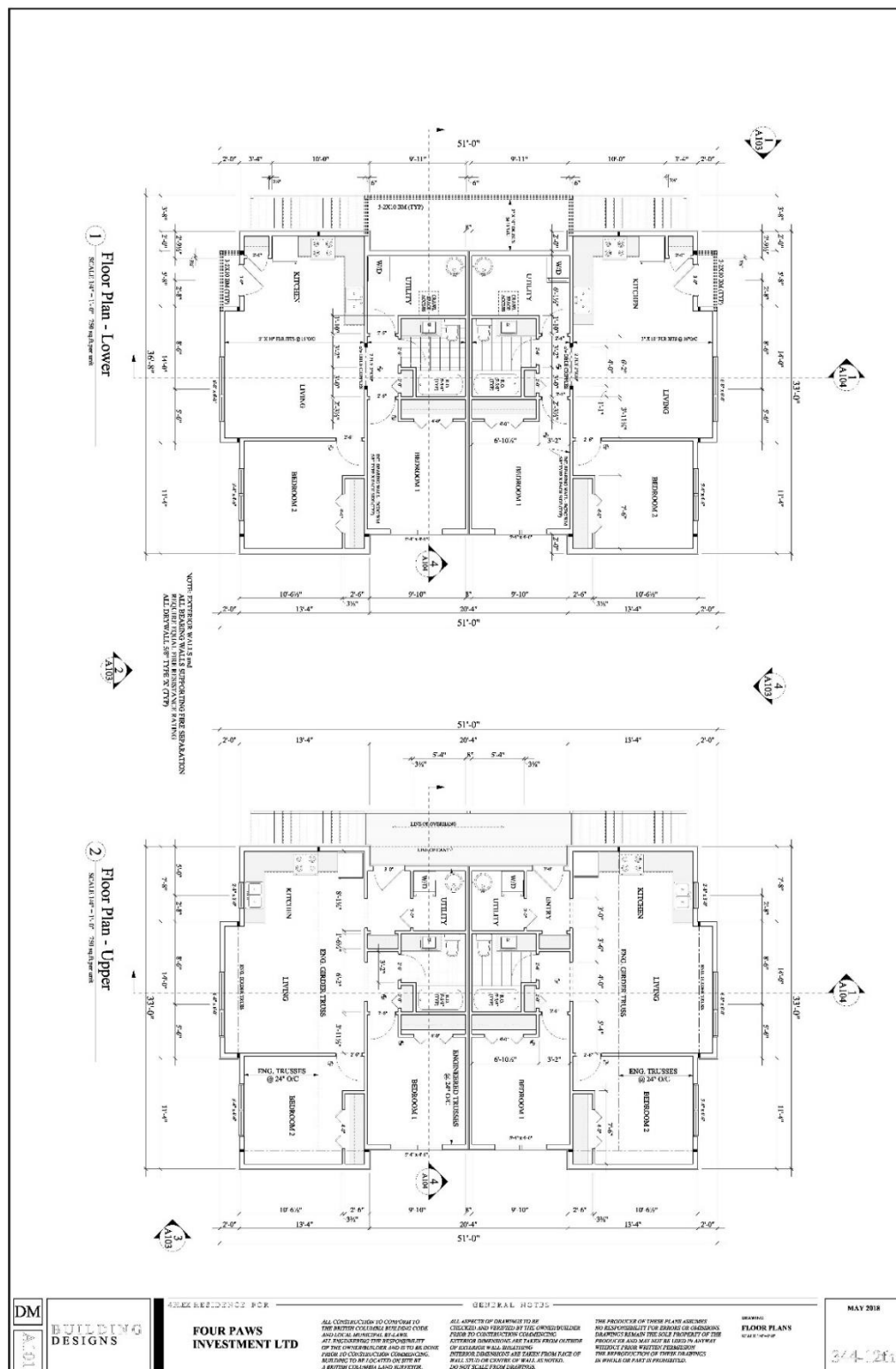
Authorized signatories:

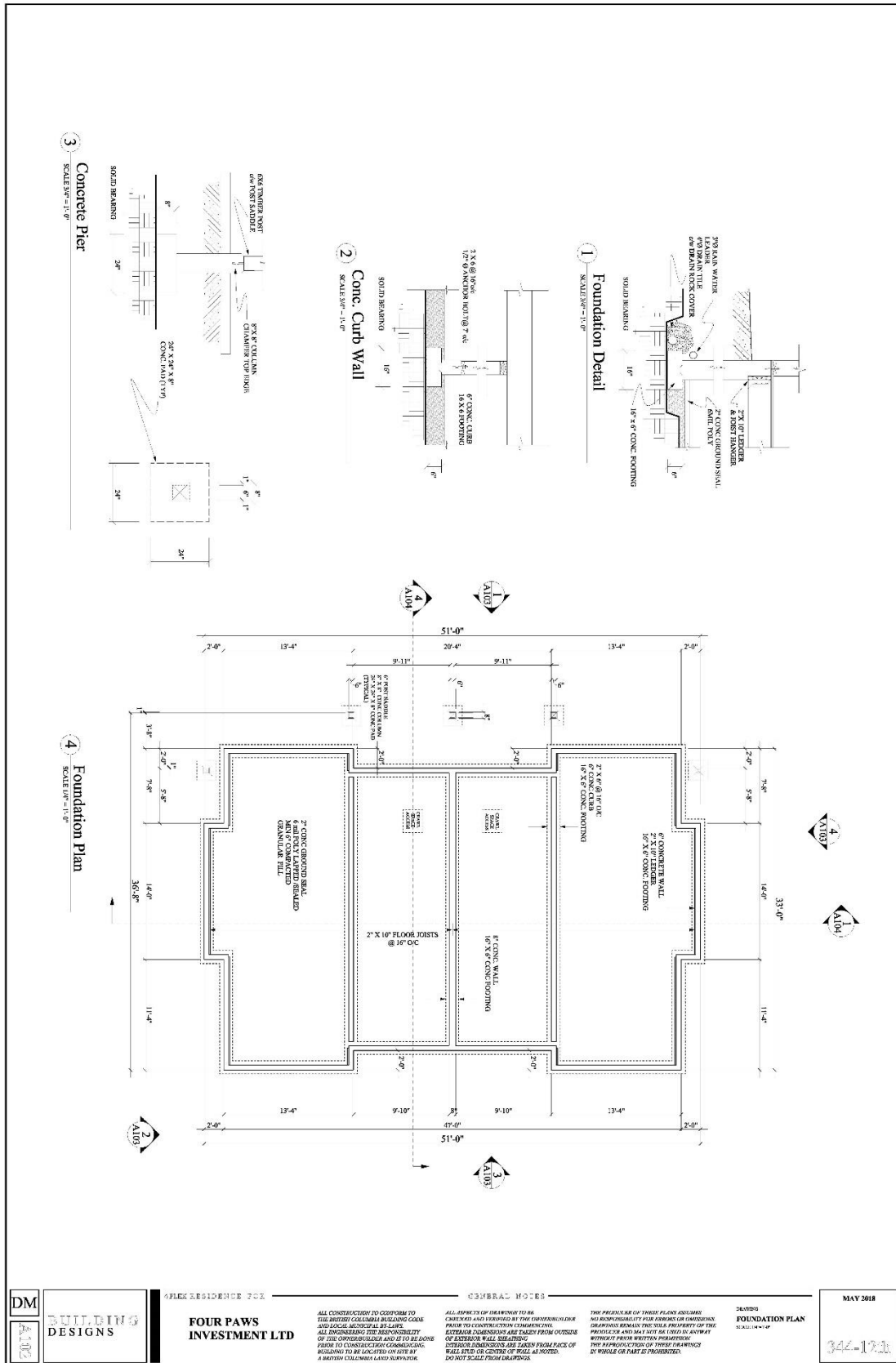
Name: Peter Croonen

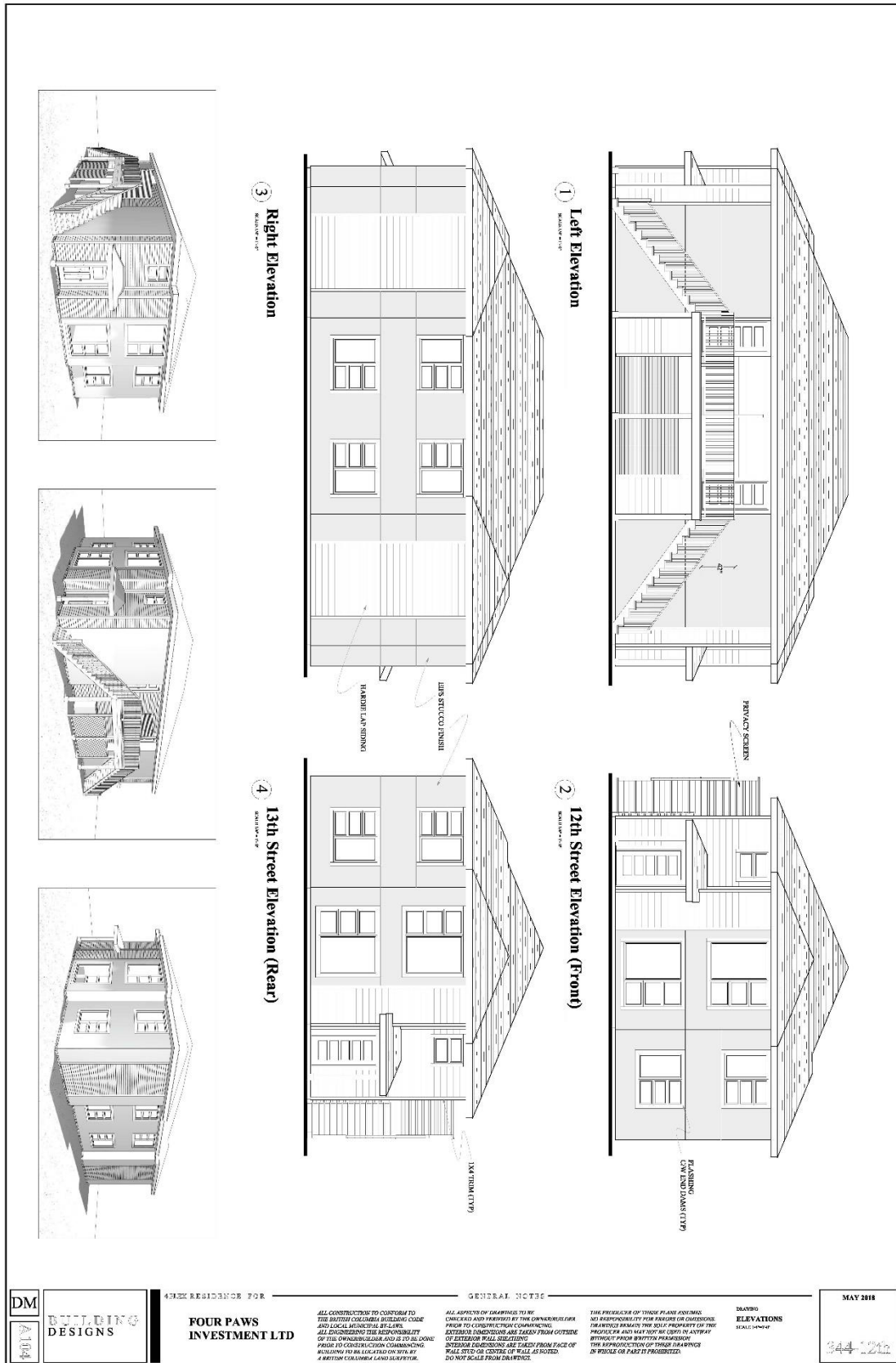
Name:

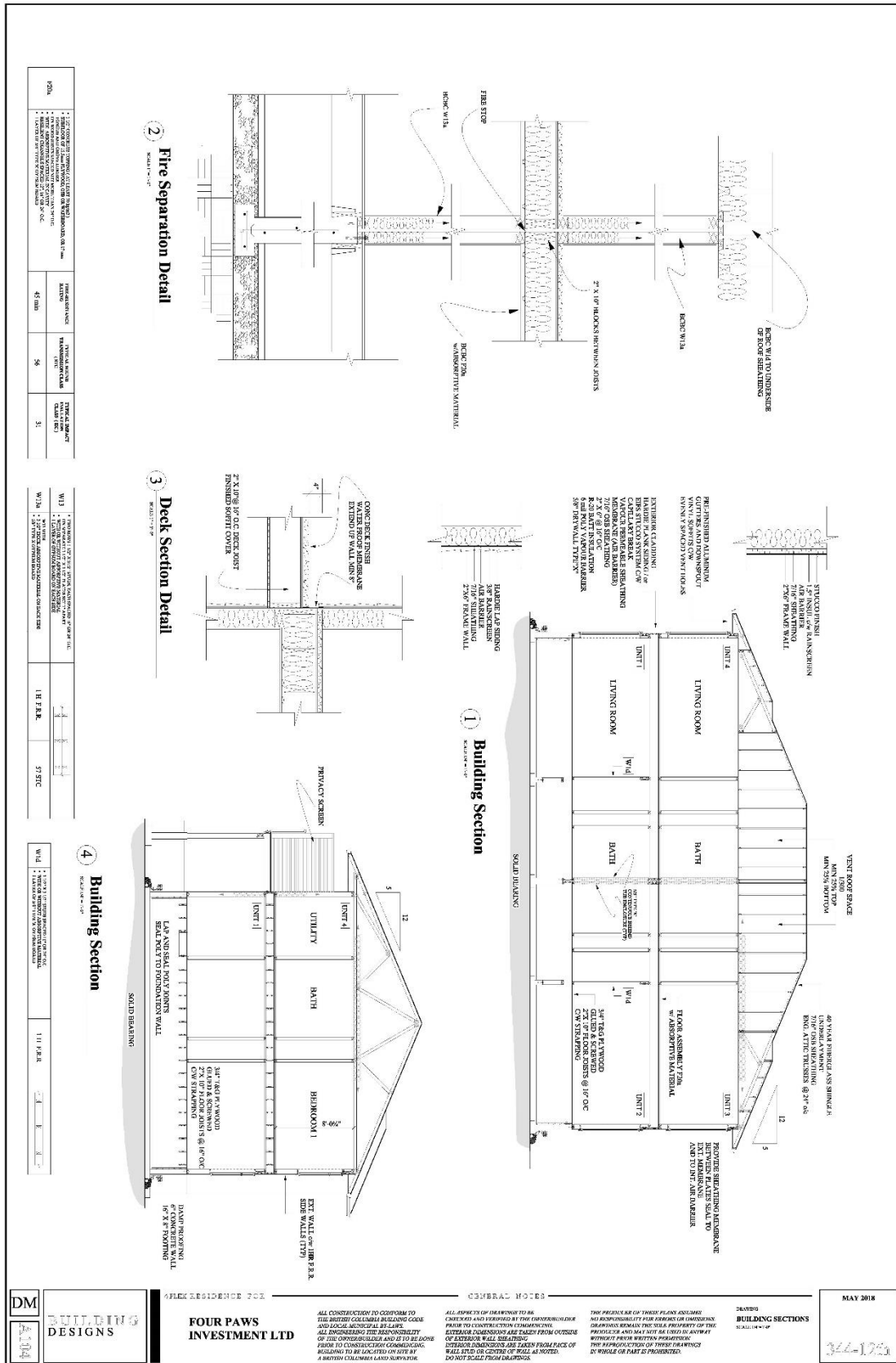
Appendix "A": Plans and Specifications

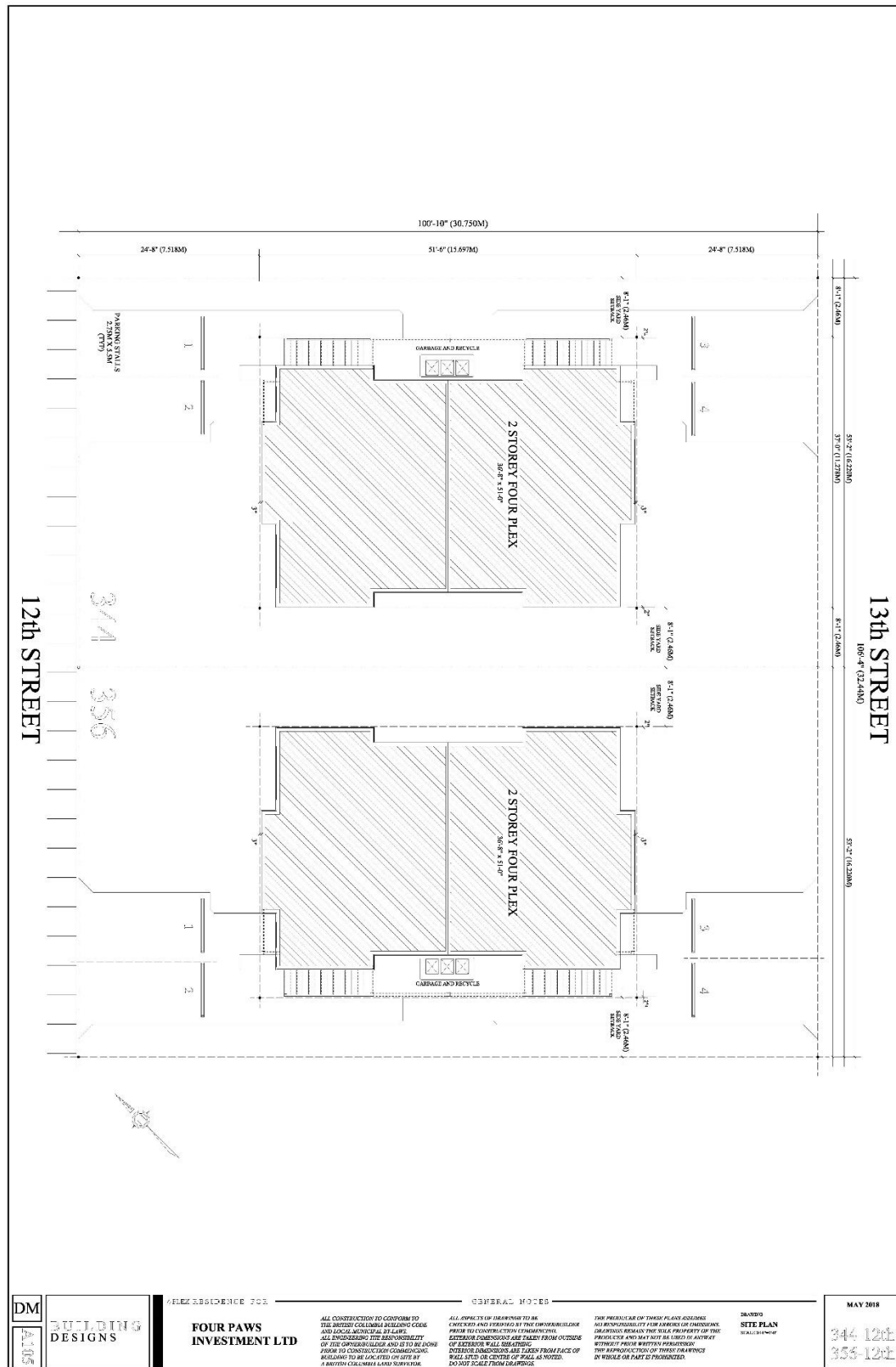
APPENDIX “A” – Plans and Specifications

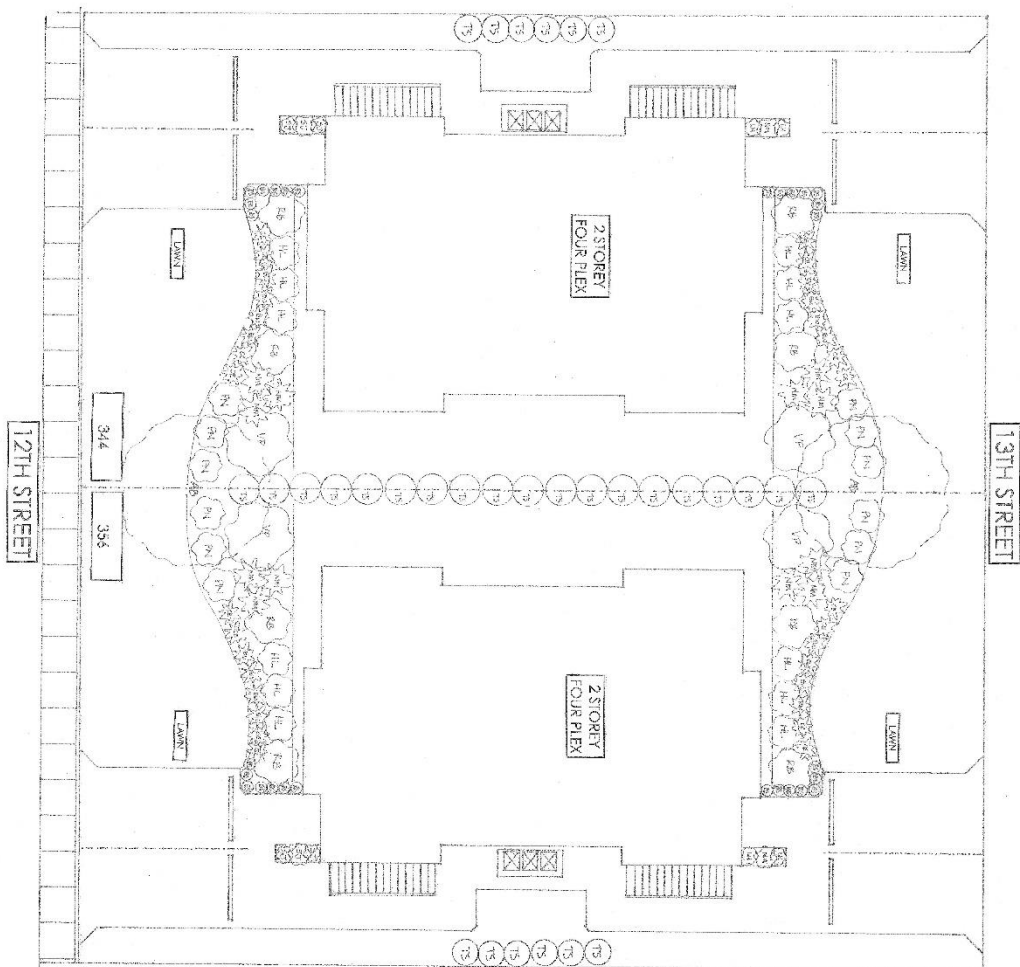












**344 - 12th Street
356 - 12th Street**
Landscape Design

Owner: City of Chicago
 2400 North Dearborn Street
 Chicago, IL 60642
 Phone: 312-744-2000
 Email: 312-744-2000

Scale: 1/8" = 1'-0"

North Arrow

Legend

Blue Crush Stone

Plant List by Common Name

Plant Code	Size	Quantity
A1	1.75M	2
A2	2.0M	2
A3	1.0M	2
A4	1.0M	2
A5	1.0M	2
A6	1.0M	2
A7	1.0M	2
A8	1.0M	2
A9	1.0M	2
A10	1.0M	2
A11	1.0M	2
A12	1.0M	2
A13	1.0M	2
A14	1.0M	2
A15	1.0M	2
A16	1.0M	2
A17	1.0M	2
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A19	1.0M	2
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A21	1.0M	2
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A23	1.0M	2
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A25	1.0M	2
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A36	1.0M	2
A37	1.0M	2
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A91	1.0M	2
A92	1.0M	2
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A94	1.0M	2
A95	1.0M	2
A96	1.0M	2
A97	1.0M	2
A98	1.0M	2
A99	1.0M	2
A100	1.0M	2

Plant List by Latin Name

Plant Code	Latin Name
A1	Acacia saligna
A2	Acacia saligna
A3	Acacia saligna
A4	Acacia saligna
A5	Acacia saligna
A6	Acacia saligna
A7	Acacia saligna
A8	Acacia saligna
A9	Acacia saligna
A10	Acacia saligna
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A92	Acacia saligna
A93	Acacia saligna
A94	Acacia saligna
A95	Acacia saligna
A96	Acacia saligna
A97	Acacia saligna
A98	Acacia saligna
A99	Acacia saligna
A100	Acacia saligna



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Zoning Amendment Bylaw No. 2949 – 143 5th Street

File No.: 3360-20-1818

Date: March 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 63, Section 61, Comox District, Plan 311. The proposed amendment is to allow a storefront cannabis retailer at an existing commercial retail unit of a building in the C-1 zone.

CAO RECOMMENDATIONS:

THAT based on the March 4th, 2019 staff report “Zoning Amendment Bylaw No. 2949 – 143 5th Street” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2949, 2019;

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to the above-referenced Bylaw on March 18th, 2019 at 5:00 p.m. in City Hall Council Chambers; and

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The property is zoned Commercial One (C-1), but is outside of the Downtown Courtenay Business Improvement Area (DCBIA) boundary. The Official Community Plan (OCP) land designation is commercial. The applicant, Urban Smoke Shop Inc., has applied to the City to rezone the property to allow a storefront cannabis retailer at the subject location. The applicant is currently operating a retail business that sells speciality items such as tobacco and pipes at the subject location. If a licence is granted by the provincial government, the applicant’s intent is to convert the shop into a non-medical cannabis retail.



Figure 1. Location Map

The BC provincial legislation provides local governments with the authority to regulate certain criteria in terms of land use management with respect to a non-medical cannabis retailers. Similar to the previous applications, the zoning amendment application is to be evaluated according to the City's Storefront Cannabis Retailers policy as well as rules and regulations that apply to general zoning amendments. This is the third storefront cannabis rezoning application made to the City, following one at the Driftwood Mall and the proposed government store at the Washington Park Shopping Mall.

The Planning department is currently processing nine (9) rezoning applications for storefront cannabis retailers within the City on a first come first served basis. The final approval of licencing non-medical cannabis retail sales is subject to the Liquor and Cannabis Regulation Branch (LCRB) decision. Local government support is required for the LCRB's final decision.

DISCUSSION:

Overview of the Proposal

The applicant is currently operating a retail shop at this location under a tenancy agreement with the registered property owner. The floor area of the store is approximately 1,187ft² (approximately 110 m²). Upon final approval by the provincial government, there will be no increase in floor area, but extensive interior renovation is anticipated. The proposed plans are attached to the report (**Attachment No. 3**). The applicant also intends to paint the exterior of the building at the time of renovation.



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

The store would be open to the public between 10 a.m. and 5 p.m. Monday through Thursday; 10 a.m. and 6 p.m. Friday and Saturday; and 12 p.m. and 4 p.m. on Sundays. The store will be managed by 3 staff all time (one on a full-time basis and 2 are on a part-time basis). There will be additional employees as required. All other operational requirements including security requirements are regulated by the provincial licencing regulations.

Official Community Plan and Zoning Review

There are no direct references in the Official Community Plan (OCP) with respect to storefront cannabis retailer. The City's Storefront Cannabis Retailers Policy states that storefront cannabis retailers will only be considered in an established retail location where the current zoning permits retail sales. Since the land use designation of the subject property is commercial, the proposed location is consistent with the policy. No building alterations are proposed except façade improvement. Provision of parking is not required in the C-1 zone.

Policy Compliance

The table below compares the policy to the proposed location. The proposal is generally meets the policy statements except for the distance limitation to playgrounds.

Policy Statements	Policy	Proposal
General Location	Only be permitted in an established retail location where the current zoning permits retail sales.	The proposal meets the requirement as the property is zoned C-1, where retail sales is permitted.
Distance	<ol style="list-style-type: none"> 1. A storefront cannabis retailer should be: <ol style="list-style-type: none"> a) At least 300 meters from public or independent elementary, middle or secondary school. 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 c) At least 300 meters from a City owned playground facility including the spray park and skateboard parks 2. This policy does not limit Council from considering variances to the separation distances noted above based on circumstances related to a specific application. 	<ol style="list-style-type: none"> a) Outside of the 300-meter buffer from any public or independent schools b) Outside of the 400-meter buffer from another cannabis retailer c) <u>Within</u> the 300-meter buffer from any parks or playgrounds
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 10 a.m. and 5 p.m. (Mon-Thurs); 10 a.m. and 6 p.m. (Fri- Sat); and 12 p.m. and 4 p.m. (Sun).
Parking	Satisfactory to the off-street parking requirements outlined in Division 7 of Zoning Bylaw 2500, 2007	Provision of parking not required for commercial uses in C-1 zone
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	<ul style="list-style-type: none"> • Overall the 3rd rezoning application for storefront cannabis retailer made to the City • Two (2) related rezoning applications have been presented to Council as of March 4th, 2019

Evaluation

The proposal generally meets the requirements established in the policy except for the 300 meter distance requirement from parks in the vicinity. The closest park is Riverside Park on Anderton Avenue, which is just over 70 meters in a straight line from the property line to playground structures. Additionally, there is a small playground area in Simms Park across the river, approximately 240 meters away.

Staff have no concerns with respect to the proximity to the playground in Simms Park given the separation provided by the river. While the equipment in Riverside Park is classified as a playground in the City's asset management database it is actually a "fit park" with outdoor fitness equipment designed for cardio, upper and lower body workouts. Since it is not designed as a children's playground staff support the proposed retail location.

Staff do note however that the public survey results on retail cannabis indicate a strong support for limiting the distance from playgrounds (74%). However, the policy does not limit Council from

considering variances to the separation distances based on circumstances related to a specific application, if Council finds the proposal is reasonable.

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 building permit, sign permit and an annual business licence. The business licence fee is \$2,500.

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.

2016-2018 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



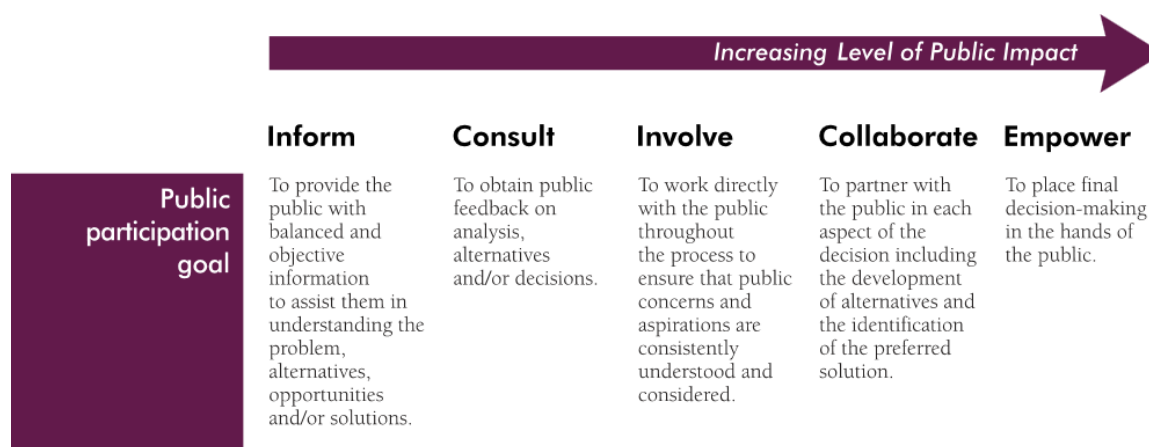
- **Area of Control**
The policy, works and programming matters that fall within Council's jurisdictional authority to act.
- ▲ **Area of Influence**
Matters that fall within shared or agreed jurisdiction between Council and another government or party.
- **Area of Concern**
Matters of interest outside 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. 2949, 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 8th, 2019 at the Florence Filberg Centre Rotary Hall from 6 p.m. to 7:45 p.m. 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 comments from the neighbours have been included as **Attachment No.4**. According to the applicant, seven persons signed-in. Questions raised at the meeting were related to safety as well as general business operation. To date, staff has not received any written submissions or inquiries with respect to this application.

OPTIONS:

OPTION 1: THAT based on the March 4th, 2019 staff report 'Zoning Amendment Bylaw No. 2949 –143 5th Street' Council approve Option No. 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2949, 2019; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Bylaw 2949, 2019 on March 18th, 2019 at 5:00 p.m. in City Hall Council Chambers;

OPTION 2: That Council postpone consideration of Bylaw 2949, 2019 with a request for more information; and

OPTION 3: That Council not proceed with Bylaw 2949, 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: Proposed Store Plans

Attachment No. 4: Public Information Meeting Summary

Attachment No. 5: Public Comment

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

City of Courtenay Policy		Page 1 of 2
Section 13 - Planning and Development	Policy #	
Subject: Storefront Cannabis Retailers	Revision # 1	

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.

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

City of Courtenay Policy Page 2 of 2

Section 13 - Planning and Development	Policy #
Subject: Storefront Cannabis Retailers	Revision # 1

- 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.

AUTHORIZATION:	DATE:
-----------------------	--------------

Urban Smoke Shop Inc.

Urban Smoke Shop Inc. should be approved to sell recreational cannabis because we are an already established business that has proven to be a good and respected business in town. We have developed a vast and diverse client/customer base that trust us and our judgment in the products we sell. I know for a fact that people want to continue to buy from us and want to see us take this next step in growth. We have always focused on educating our customers and creating a very positive shopping experience.

We also have a very good relationship with our neighbours and they also support us in this next phase of growth. We have a very close knit relationship with all the businesses at the bottom of 5th street.

If we did not get the approval by the city it would also put our business in jeopardy because there is a lot more competition now moving into town, that is also why an already established business should get priority.

We have 2 staff at the moment and have just hired a 3rd to start after the holidays, with the approval of the license from the city we would aim to hire another 3-4 staff. Providing more work for locals. Our current staff have been with us for years and enjoy the work environment and consider ourselves a family.

We are also huge advocates for supporting local glass artists and carry mainly locally blown glass as well as other Canadian made products. We try to carry Canadian products as much as possible.

At Urban Smoke we educate our customers as much as possible. Whether it is on our products or safety that is something we take pride in. We want individuals to have a good safe experience and a good understanding of the products they are using from vaporizer to pipe. We want people to have a good stress free experience. This practise will extend to the potential future of us selling Cannabis. Educating our customers will remain to be one of the most important aspects of our business including educating our customers on the new laws and

ATTACHMENT No. 2 (2/3)
Applicant's Written Proposal

regulations.

We will post the new cannabis laws and regulations in our shop and remind all of our customers of them to ensure our customers do not unknowingly break any of them. We will also print the laws off and put them in with any purchase from the store as well as an extra reminder for the first few months.

Urban Smoke will also have an individual as security for the first month to ensure that no issues happen in the local area including the old folks gym park which is close by. This will also include making sure customers are following the rules and regulations from the government. After the first month we will reevaluate the need for security and decide if there are certain hrs or days it is necessary or not.

Urban Smoke also has a camera system. We currently have 8 but will have 16 very soon to help with the security. The cameras also hook up to my phone. We also are with prices alarms and have an alarm system. All of the windows of the business are also barred. There will also be a secure storage room that will have a metal door that locks and the containers that store the product will also be locked in either a safe metal containers that can be locked.

95% of Urban Smoke Shops products are also located in glass cabinets that are locked. There are not many products that customers are able to grab and touch or look at without the help of staff.

We have also been 19 + since opening 7 years ago so there will be no change in who we allow in the store. We also have been selling tobacco (which will discontinue with selling cannabis) and have had no issues with selling it and have not ever sold to anyone underage. Showing that we are responsible and mature enough to take on this new venture in our business.

When hiring new staff we will take the time to thoroughly educate them as well as do what we need to do to ensure we have a happy and safe work environment.

Urban Smoke Shop carries mainly pipes, bongs and vaporizers and

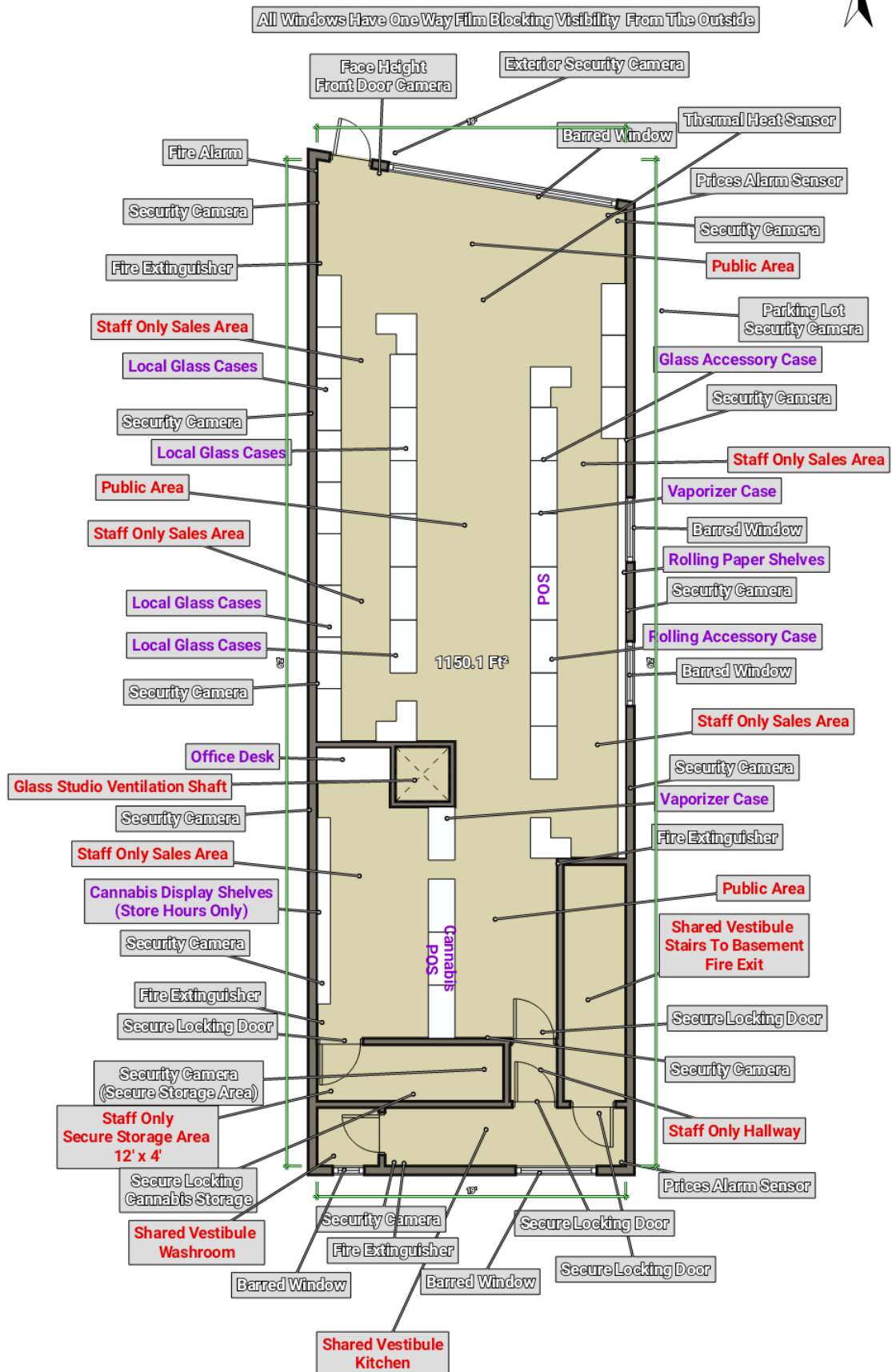
ATTACHMENT No. 2 (3/3) Applicant's Written Proposal
--

papers. We also carry things such as lighters and cleaning products for devices, glass, wooden and metal pipes, bongs and vaporizers.

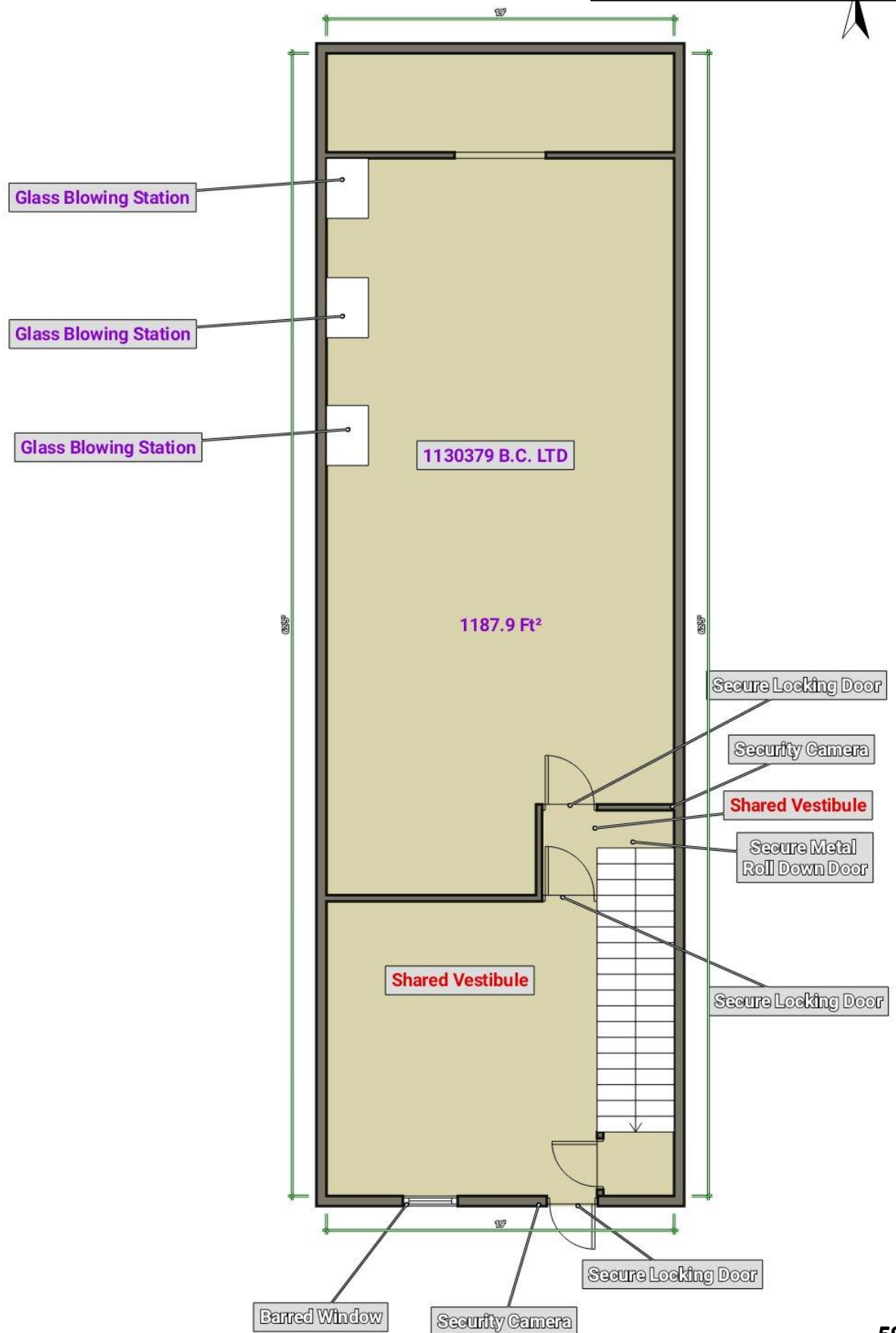
Thank you,

Angela van den Hooven
CEO of Urban Smoke Shop

ATTACHMENT No. 3 (1/2)
Proposed Store Plans



ATTACHMENT No. 3 (2/2)
Proposed Store Plans



ATTACHMENT No. 4 (1/2)
Public Information Meeting Summary

Setta, Tatsuyuki

From: Angela van den Hooven/ Jake Carson [REDACTED]
Sent: January-16-19 7:41 PM
To: Setta, Tatsuyuki
Subject: Public Information Meeting
Attachments: Site Map.pdf; second site plan.pdf; Exterior Security Camera (Ground floor) 181128221707.png; Exterior Security Camera (1st floor) 181128221722.jpeg; IMG_20190109_0010.pdf

Hey Tatsuyuki,

Info on the public information meeting:

- a) Duration: 1 hr and 40 minutes. (unfortunately it was the night of the snow storm so I think that really effected our attendance)
- b) 7 attendees and 8 including myself
- c) Letters were sent out to all the address given to me by the city. We also posted a poster in our shop as well as word of mouth and social media. I hand delivered the letter to as many businesses as possible. Some were closed but most got a personal delivery, because of the weather the day of the meeting I have continued to connect with all stores and businesses in the neighborhood by talking to as many owners and managers as possible to inform them and answer any questions.
- d) I printed multiple posters to display that I have also attached to this email. I also brought my lab top so I had all the information available about the application.
- e) Major discussion points were about sharing a little bit about my self, partner and staff. We discussed the importance of safety and security and how we are taking all the steps possible to make a smooth safe transition. Educating our customers on the laws and how to use safely and properly will be a big part of what we do. We also talked about how we love supporting local glass artists and other local businesses and how it is important to us. We also discussed how we would like to update the exterior of the building by painting and just making it look nicer.

Most of the questions raised were on how they were interested in purchasing cannabis and the type of products that would be available if approved. There was questions about quality and the process the store would go through. I explained how all of our cannabis products if approved would be purchased through the government. That if approved we would try our best to have a wide variety and good quality but we would have to work with whats available as the supply and demand gets worked out through the government over the next year or two! I also talked about how we wanted to work well with the city and government and would try to provide polite feedback with the government if any quality issues do arise.(hopefully not).

We have been getting a very supportive response from the neighborhood! After the public information meeting I have continued to check in with individuals and businesses in the neighborhood to make sure everyone is well informed.

Thanks,

Urban Smoke Shop Inc.- 143 5th street, Courtenay

[illegible]

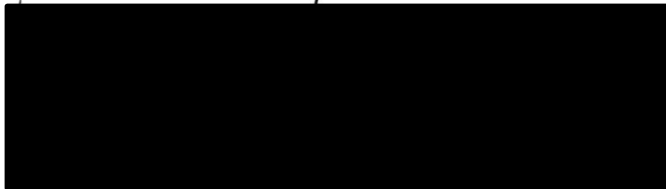
ATTACHMENT No. 5 (1/8)
Public Comments

January 1/19.

To Whom It May
Concern:

I Support the application
by Urban Smoke to Sell
Cannabis in their Store.

Sincerely

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

Contaver PC V9N 3mb

ATTACHMENT No. 5 (2/8)
Public Comments

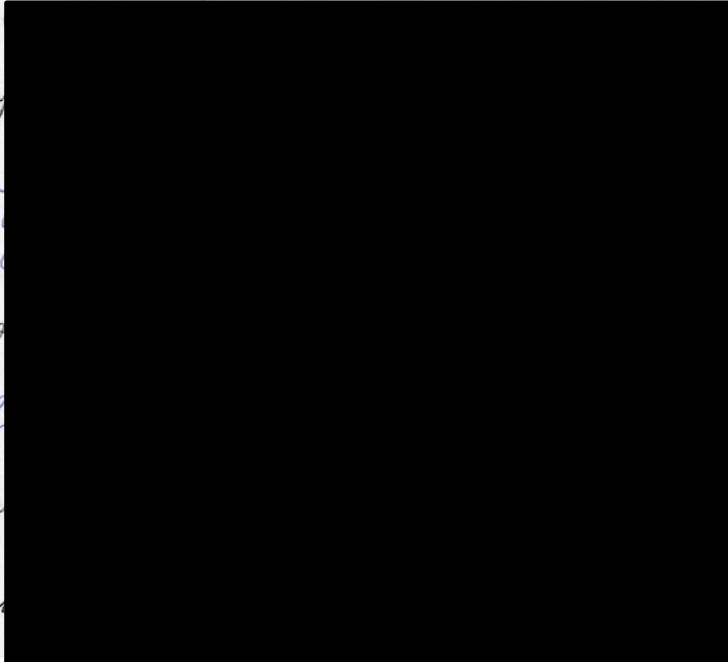
To whom this may concern,

We are the neighbors of 143 5th Street of Courtenay, BC. We are in support of Urban Smoke Shop Inc. growing their business and selling recreational cannabis. We do not have a problem with them being in our neighborhood and support this new opportunity for them.

Thank you,

Holy

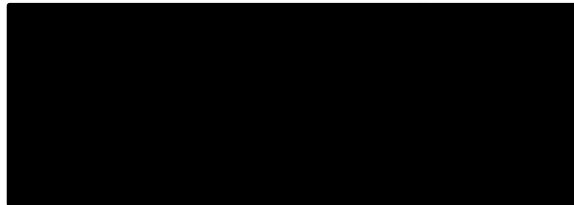
Lucy
Pam
Lore
Loe
She
Cym
Hue



ATTACHMENT No. 5 (3/8)
Public Comments

Jan. 1, 2019

I Support the
application of
Urban Smoke to sell
Cannabis in Courtenay, BC.
Thank you.



Courtenay, BC

ATTACHMENT No. 5 (4/8)
Public Comments

January 1, 2019

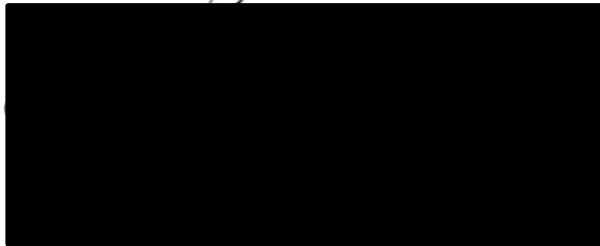
To Whom It May Concern:

Re: Urban Smoke Application

I support the application by
Urban Smoke to sell cannabis
in their store.

This is a family run operation
and is worthy of support.

Sincerely,



Courtenay, B.C.
V9J 1N4

ATTACHMENT No. 5 (5/8)
Public Comments

[REDACTED]
Courtenay V9J1N4
B.C.
Jan 1 2019

To Whom it May Concern,

I support UrbanSmoke's
application to sell cannabis
at their current location
in Courtenay.

I believe that this
business is good for the
community.

Yours truly,

[REDACTED]
[REDACTED]

ATTACHMENT No. 5 (6/8)
Public Comments

PUBLIC INFORMATION MEETING

JANUARY 08th, 2019

Urban Smoke Shop Inc. (Angela v.d.H.)- 143 5th street, Courtenay

COMMENT SHEET

Urban Smoke Shop Inc. has applied to the City of Courtenay for an Proposed Zoning Amendment for commercial one zone to allow "Storefront Cannabis Retailer" as a permitted use at this particular location. This project is under review by staff in the Planning Department of the City.

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

I am in support of Urban Smoke Shop's application. They are a long standing member of downtown Courtenay's business community. They have been supplying a valuable service to the comox valley for years and I believe they will continue to do so if they transition into a storefront Cannabis retailer. I believe its important to have this service as it mitigates a lot of the dangers of the black market and will generate valuable tax income that will benefit our country as a whole.

Please return your comments by: January 16th, 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
3. Fax your comment sheet to 250-334-4241

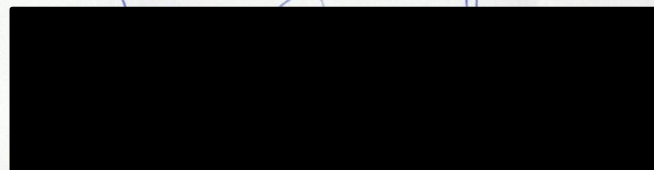
ATTACHMENT No. 5 (7/8)
Public Comments

Re: Urban Smoke application

I have lived within 2 blocks of Urban Smoke for almost 6 years and have been a customer since before then. I also often walk by on my way to & from other places.

I support the their application to sell Cannabis. Their current location is in business area appropriate for such a store. It has always been a safe & friendly place. The variety of products they sell is great (and it's fun to shop there). It would be great if they added cannabis sales.

Yours Truly



Cathy B.C.

ATTACHMENT No. 5 (8/8)
Public Comments

PUBLIC INFORMATION MEETING

JANUARY 08th, 2019

Urban Smoke Shop Inc. (Angela v.d.H.)- 143 5th street, Courtenay

COMMENT SHEET

Urban Smoke Shop Inc. has applied to the City of Courtenay for an proposed Zoning Amendment for commercial one zone to allow "Storefront Cannabis Retailer" as a permitted use at this particular location. This project is under review by staff in the Planning Department of the City.

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

This shop is an ideal location. Right downtown but tucked away with no street parking in front to worry about in any respect. It's an established business in the area that is a known quantity with other established businesses that have been in the area long term. I think it's going to be fine & can't see why or how there could be a community problem with the location. The shop seems to be compliant with the wishes of "the town" & is willing to be open to queries & issues raised in my question of what it will look like once the dust settles & the process is fulfilled & the shop opens this area of its business.

Please return your comments by: January 16th, 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
3. Fax your comment sheet to 250-334-4241



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3360-20-1820

From: Chief Administrative Officer

Date: March 4, 2019

Subject: Zoning Amendment Bylaw No. 2951 to allow for a secondary suite at 2031 Tamarack Drive

PURPOSE:

The purpose of this report is for Council to consider an application to rezone the property located at 2031 Tamarack Drive from Residential One Zone (R-1) to Residential One S Zone (R-1S) to permit a secondary suite.

CAO RECOMMENDATIONS:

THAT based on the March 4th, 2019 Staff report, "Zoning Amendment Bylaw No. 2951 to allow for a secondary suite at 2031 Tamarack Drive" Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2951, 2019; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2951, 2019 on March 18th, 2019 at 5:00 p.m. in the City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The subject property is an approximately 629m² residential lot located at 2031 Tamarack Drive in East Courtenay, legally described as Lot 11 District Lot 236 Comox District Plan VIP61892 (**Figure 1**). The property is currently zoned Residential One (R-1) and developed with a 196m² (2,115ft²) two-storey single family house (**Figure 2**) with a 2-car garage. The suite layout and parking are shown along with photos in **Attachment No. 1**. The surrounding land use is predominantly single family residential, R-1, with some duplexes (zoned R-2) and townhouses (R-3) also within 200m.



Figure 1: Context map with Subject Property outlined

The proposed secondary suite would occupy a portion of the ground floor with no changes to the existing building footprint. Access would be through a renovated ground-level entrance to a private outdoor space in the back and southwest side of the property, with front and back gates; parking would be on the existing front driveway. The proposed suite is 59m² (636ft²) in size and includes two bedrooms, one bathroom, a laundry room, a living room and a kitchen (**Attachment No. 1**).



Figure 2: View of house from Tamarack Drive

DISCUSSION:

The subject property is located within 1km of North Island Hospital, Queneesh Elementary School, North Island College, Crown Isle Plaza, the Comox Valley Aquatic Centre, and several parks. These destinations are most easily accessible by car or transit (with 2 bus routes stopping about 200m away) but some residents may choose to cycle or walk.

Many of the properties on this side of Ryan Road are zoned R-2 which allows for secondary suites as well as duplexes, including two lots bordering the subject property.

OCP Review

The proposed application represents infill development within an established neighbourhood designated Urban Residential in the Official Community Plan (OCP). The property is not within a Local Area Plan area.

The OCP and the Affordable Housing Policy support infill development within existing Urban Residential areas provided it is in keeping with the character and scale of the surrounding neighbourhood. Infill housing provides more rental housing stock and diversity of housing types, and promotes more efficient use of land that is already serviced.

Affordable Housing Policy

The City's Affordable Housing Policy sets out a number of strategies that support increasing the provision of affordable housing, including secondary suites, within the community. When zoning does not permit secondary suites, Council's practice to-date has been to consider such rezoning applications on a case-by-case basis taking into account land use planning policy, servicing capacity and neighbourhood interests.

Zoning Review

This application meets zoning requirements, including building height, lot coverage, building setbacks and parking for both R-1 and R-1S zones. It also meets all R-1S zoning requirements for secondary suites specifically, summarized in the table below.

<u>Requirements</u>	<u>Proposal</u>
Total not more than 90.0 m ²	59m ² (includes 2 bedrooms,1 bathroom, laundry room, living room, kitchen)
Floor Area Less than 40% of the total habitable floor space of the building	30%
Located within a building of residential occupancy containing only one other dwelling unit	Yes
Located within a building which is a single real estate entity	Yes
Three Parking Spaces (2 spaces for the principal dwelling unit and 1 additional space for the secondary suite)	4 parking spaces: 2-car garage, 2 full-sized driveway spaces; additional space on driveway might fit 4 more vehicles (Attachment No. 1)

FINANCIAL IMPLICATIONS:

Application fees in the amount of \$500 have been collected in order to process the rezoning amendment application. Should the proposed Zoning Amendment Bylaw be adopted, Building Permit application fees will apply.

Properties with a secondary residence are charged a second utility fee (sewer, water, garbage) for the additional dwelling unit. Should the rezoning application be approved, the additional utility fees will be charged to the property at the time of occupancy permit. Secondary residences are exempt from paying Development Cost Charges to the City and Regional District.

ADMINISTRATIVE IMPLICATIONS:

Processing Zoning Bylaw amendments is a statutory component of the corporate work plan. Staff has spent approximately 15 hours processing this application to date. Should the proposed zoning amendment proceed to public hearing, an additional 2 hours of staff time will be required to prepare notification for public hearing and to process the bylaw. Additional staff time will be required to process the subsequent building permit application including plan checking and building inspections.

ASSET MANAGEMENT IMPLICATIONS:

The proposed development utilizes existing infrastructure and is connected to City Water and City Sewer. There are no direct asset management implications associated with this application.

2016 – 2018 STRATEGIC PRIORITIES REFERENCE:

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



OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed zoning amendment is consistent with the Urban Residential land use designation of the Official Community Plan. It represents infill residential development near existing amenities and services, providing a range of housing choice, while fulfilling OCP Section 4.4.3 4 a) – limited infill will be considered only in keeping with the character and scale of an existing neighbourhood and 4.4.3.4 d) – secondary suites will be considered as part of a principle single family residential building subject to zoning approval.

REGIONAL GROWTH STRATEGY REFERENCE:

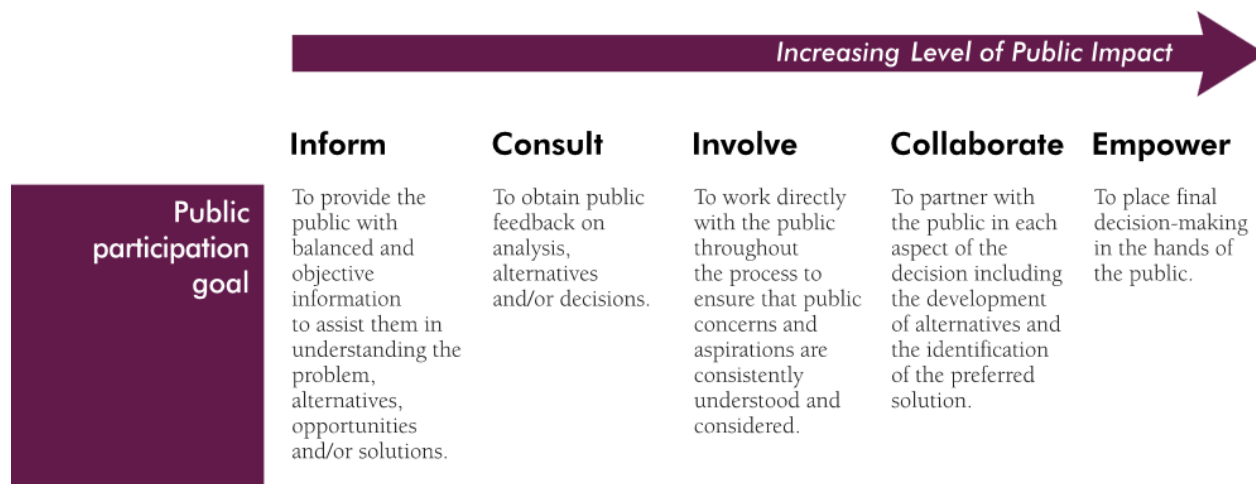
The development proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” including:

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

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

CITIZEN/PUBLIC ENGAGEMENT:

Staff will “Consult” the public based on the IAP2 Spectrum of Public Participation:



Should Zoning Amendment Bylaw No. 2951, 2019 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*.

Prior to this application proceeding to Council, the applicant held a public information meeting on January 19th, 2019 at the subject property. According to the information provided by the applicant, 5 people attended the meeting, and 4 signed the Sign In sheet, representing 4 property addresses. Four comments

were submitted to the City representing 4 nearby property addresses: 1 supportive and 3 opposed. Opponents all mentioned concerns about precedents, the present owner, a previous illegal suite in the house or its renters, and noise (especially barking dogs). Two had concerns about future owners and renters and one about property value impacts. The letter of support commended the owner's character and challenged noise and parking complaints. Staff understand that there have been no formal parking-related complaints about 2031 Tamarack Drive prior to this application. Barking dog complaints were investigated with two site visits and a community noise log survey in November 2018 – to date no logs have been returned suggesting that barking is now under control. All written comment sheets are included with the meeting summary in **Attachment No. 2**.

OPTIONS:

OPTION 1: (Recommended)

THAT based on the March 4th 2019 Staff report, "Zoning Amendment Bylaw No. 2951 to allow for a secondary suite at 2031 Tamarack Drive" Council approve OPTION 1 and proceed to First and Second Readings of Zoning Bylaw No. 2951, 2019; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2951, 2019 on March 18th, 2019 at 5:00 p.m. in the City Hall Council Chambers.

OPTION 2: Defer consideration of Bylaw No. 2951 with a request for more information.

OPTION 3: Defeat Bylaw No. 2951.

Prepared by:



Mike Grimsrud,
Planner 1

Reviewed by:

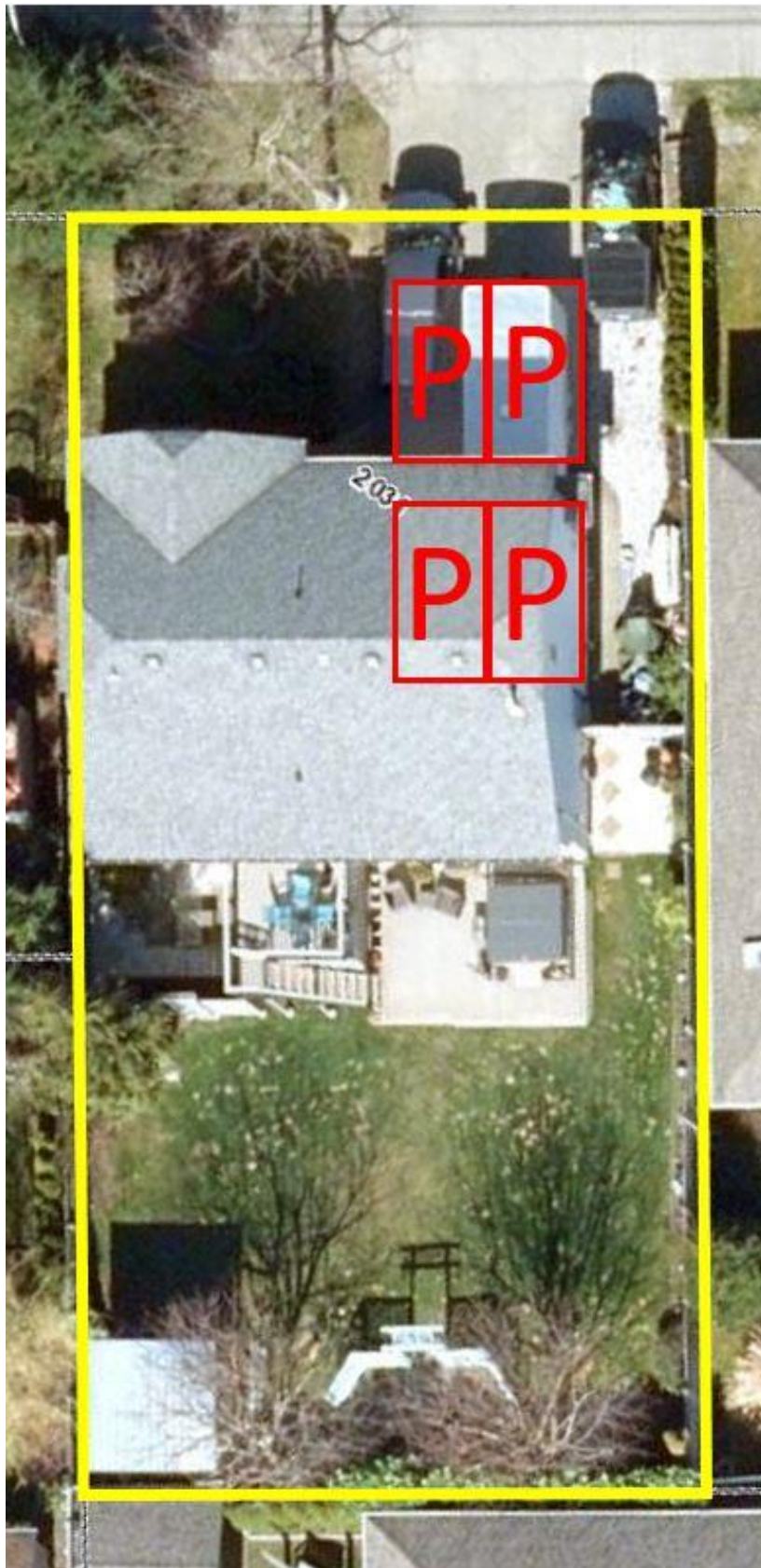


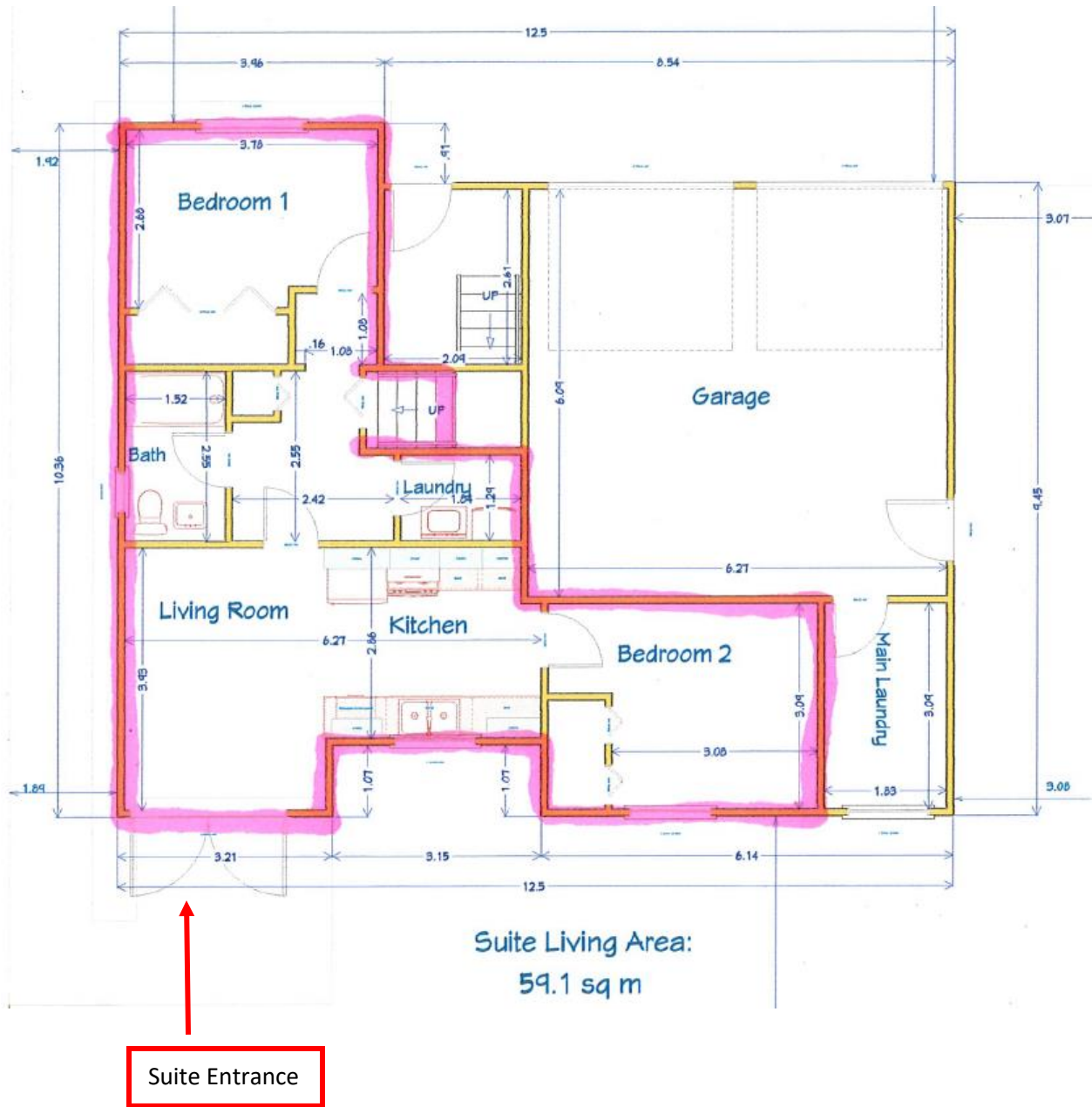
Ian Buck, MCIP, RPP
Director of Development Services

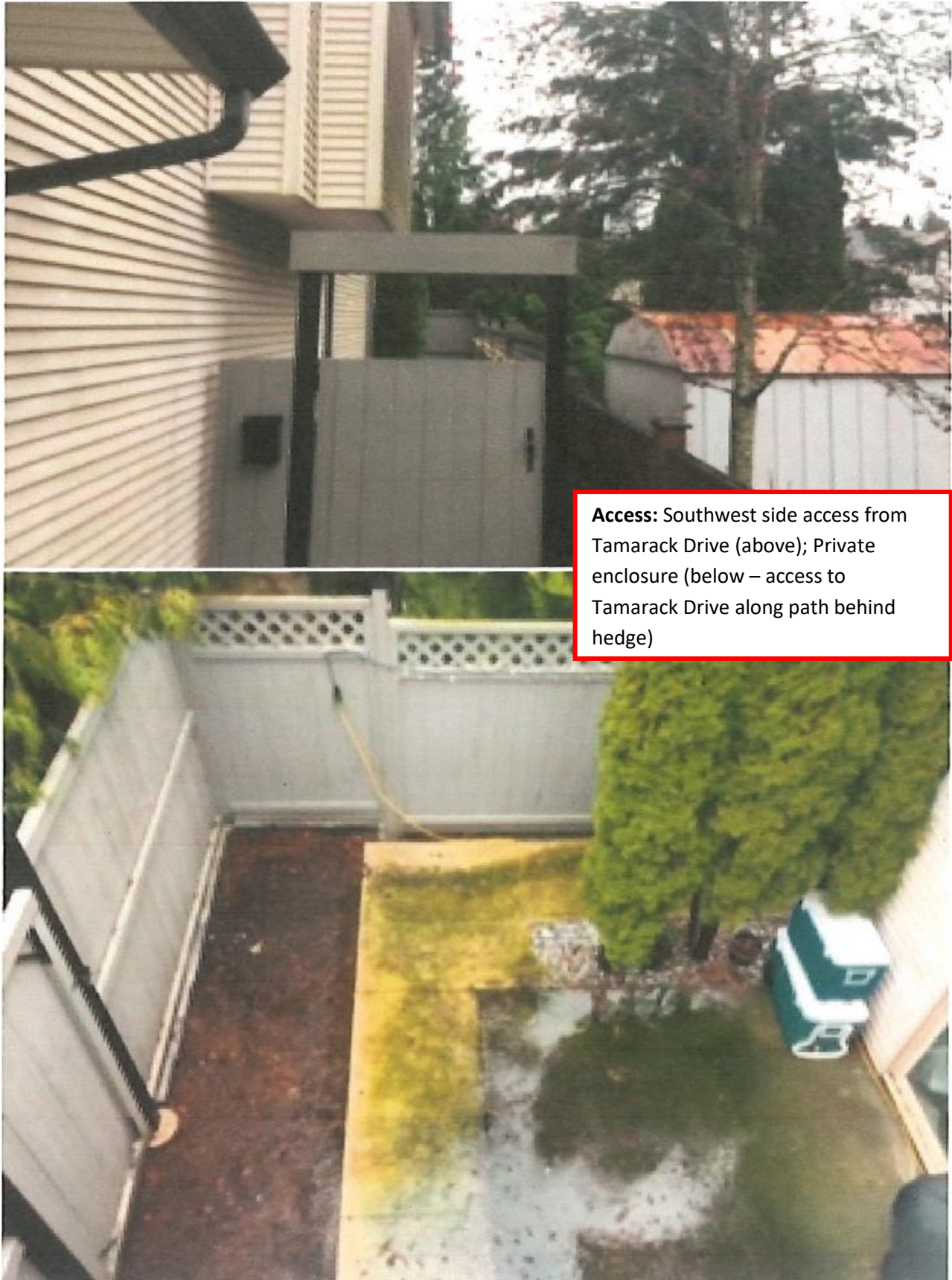
Attachments:

1. *Attachment No. 1: Plans and Pictures*
2. *Attachment No. 2: Public Information Meeting Summary and Public Comments*
3. *Attachment No. 3: Rationale*

Attachment No. 1: Plans and Pictures







Access: Southwest side access from Tamarack Drive (above); Private enclosure (below – access to Tamarack Drive along path behind hedge)

Front of the house



Left Side of the House



Back of the House





Attachment No. 2: Public Information Meeting Summary and Public Comments

2031 Tamarack Dr Rezoning Meeting 19 January 2019

Location: 2031 Tamarack Dr, Courtenay, BC

Time: 4pm to 445pm

Attendance: 5 people

Notification: Letters were sent to addresses provided by the City notifying owners and tenants of the area.

Provided Information: Plans and tenancy information

Major Points Discussed:

- Parking was the main point brought to the top of the agenda. Parking seemed to be the largest issue, it was explained how much parking was required and how much parking would be provided. It was also mentioned that street parking is legal on that section of street.
- Taxes were raised as a minor point but it was clarified that only the property being rezoned would have its taxes changed.
- Rentals in the area were talked about and how many others may attempt this type of rezoning.
- What would happen if zoning was denied. Information was provided about decommissioning a suite.

Minutes Taken By:

Tim Thomas and Chantael Bordman

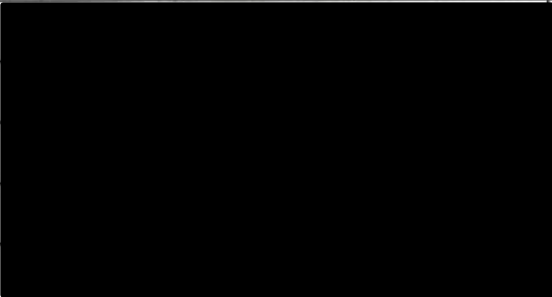
PUBLIC INFORMATION MEETING

19 January 2019

SIGN IN SHEET

FOR

Tim Thomas 2031 Tamarack Drive, Courtenay BC

NAME (Please Print)	ADDRESS
	4630-A MJIR ROAD
	2136 Tamarack Drive
	2139 Tamarack Dr
	4602 SUNVED PL.

██████████ 4602 Sunwood ~~Place~~ ██████████
Courtney BC. V9N9A9 ██████████

The concerns we have in regards to re-zoning the property at 2031 Tamarack Drive, Courtney are feeling this could set a precedent for future re-zoning in this area.

We retired in this area eleven and one half years ago because of the single family established neighborhood.

We feel there is not adequate parking for that property other than single family. The previous renters that vacated at the end of December each had a pickup truck. The owners of this property each have a vehicle, plus a large work cargo trailer. At times Mr. Thomas has parked his truck and trailer in our cul de sac. He also has a very large travel trailer that he parked in our cul de sac for a short time but now has it in a neighbour's yard across from his property at 2031 Tamarack the neighborhood mailboxes are near this property. There have been times that the sidewalk has been blocked and we have had to walk on the street to get by. Obviously guests visiting.

Mr. Thomas and Mrs. Bordman have shown total disregard and ^{dis}respect for their neighbours since moving into this area and have caused distress to many of the neighbours. due to their barking dog which has finally been addressed recently.

Concerns are
We ~~worry~~ that any agreements made might not be honored and if this property is sold the next owners do not honor any of the agreements.
This property was listed for rent ^{by Chantail Bordman} (islandlivingrentalproperties@gmail.com) on Facebook around the end of November - December 2018 for \$1,500.00 per month. It has since been removed from the page.
We are opposed to the rezoning.

RECEIVED

JAN 14 2019

CITY OF COURTENAY

RECEIVED

JAN 15 2019

CITY OF COURTENAY

PUBLIC INFORMATION MEETING

★ (Enter Date of Meeting) ★

★ (Enter Application Information and Address of Subject Property) ★

COMMENT SHEET

Name: [REDACTED] Email: [REDACTED]

Address: 4624 A MUIR RD V9N 9A9 Phone: [REDACTED]

(Insert Applicant Name) has applied to the City of Courtenay for an (INSERT APPLICATION TYPE ie. OCP/Zoning Amendment/Temporary Use Permit/Development Variance Permit). (Insert Project Description). 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?

THOMAS
IN REGARDS ZONE CHANGE TIM THOMPSON, 2031 TAMARACK RD
COURT APPLICATION 3360-20-1820 FROM R.1 TO R.15- THE SUITE
WAS BUILT ILLEGALLY, NO PERMIT, AND RENTED OUT. HE GOT CAUGHT AND
NOW WANTS IT CHANGED TO R.15. WE ARE 100% AGAINST CHANGING IT. IF IT
DOES CHANGE OTHERS WILL TRY THE SAME THING. THERE IS
INADQUATE PARKING, VEHICLES WERE BLOCKING THE MAIL BOX, NOISE WAS
ANOTHER CONCERN, THIS NEIGHBOUR HAS NO CONCERN ABOUT
BEING IN A SUBDIVISION OR PEOPLE. WE ALSO THINK THIS WILL
BRING PROPERTY VALUES DOWN. THE CITY HAD THIS ZONED
R.1 FOR A REASON AND PEOPLE BOUGHT HERE FOR A REASON QUIET,
GOOD FOR KIDS. WE DONT WANT 5 OR 6 VEHICLES OR
PARKED IN THE DRIVEWAY OR ON THE STREET. COUNCIL WAS
VOTED IN BY THE PEOPLE AND WILL HOPEFULLY SUPPORT US.

VOTE NO

THANKS-

Please return your comments by (insert Date)

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

1. Drop off or mail your comments to: Development Services Dept. City of Courtenay, 830 Cliffe Ave, Courtenay, BC V9N 2J7
2. Email your comments to planning@courtenay.ca ★
3. Fax your comments to: 250-334-4241

[REDACTED]
4607 Sunwood Place
Courtenay, BC V9N 9A9
Phone: [REDACTED]
Email: [REDACTED]

RECEIVED
JAN 15 2019
CITY OF COURTENAY

January 15, 2019

RE: Proposal for re-zoning of property at 2031 Tamarack Drive,
Courtenay being presented by Tim Thomas & Chantael Bordman

We are unable to be at the meeting scheduled for January 19, 2019 as we will be out of town so we would like our concerns with this addressed.

We have concerns with the re-zoning of this property based on previous experience with this situation in the past. We have found that many promises can/are being made by the present owner that will not be kept as soon as the re-zoning is granted.

Also, in our previous experience, if the property is sold to new owners the promises initially made are then completely out the window and anything could (and in our past experience) and DOES happen. This owner could sell this property anytime.

We moved to this area because it was/is a quiet single-family established neighborhood because we are retiring. There would be more traffic and parking problems and potential noise from tenant situations...pet noise...

These neighbors have not shown respect for others in the neighborhood in the past with respect to their constantly barking dogs. Several people tried to talk to them about it and they were not listened to or treated well. There is also potential for problems with increased parking on the street for days, including a cargo trailer that their previous tenants had. Sometimes the tenants would park right in front of the mailboxes blocking the parking there for people to access their mail. So, we don't have much faith that these people would be respectful or honoring of the neighbors, neighborhood, or would keep promises made.

We wouldn't want to see a precedent set for re-zoning to allow secondary suites in this area and really feel it would be a mistake.

So, we say NO to the re-zoning proposal for this property.

[REDACTED]

Grimsrud, Michael

From: [REDACTED]
Sent: February 11, 2019 5:45 PM
To: Grimsrud, Michael
Subject: 2031 Tamarack Drive Rezoning

Dear Mr. Grimsrud;

It is with great pleasure that I email you in regards to our neighbours Tim Thomas and Chantael Bordman of 2031 Tamarack Drive.

My partner, [REDACTED] and I live directly across the street from Tim and Chantael at 2032 Tamarack Drive. We both believe that we are most directly affected by the rezoning of 2031 Tamarack Drive and would like you to know that we have no issues at all with the rezoning which allows 2031 Tamarack Drive to have a suite on the first floor of the house.

Recently, I was telling my mother-in-law how lucky we are to have such kind and considerate neighbours in Tim and Chantael. Tim shovels the snow from our driveway, and he also shovels the sidewalk down to Muir Road for his Muir Road neighbour. They are nothing but respectful and considerate and would do anything for our community should an issue arise. This is why it brings me such sadness in knowing that someone from our community, who has not taken the time to know our dear friends, would report them, and subsequently, have an issue with their request to rezone.

Tim and Chantael have also mentioned a couple other points of concern from this member of our community, which I would like to touch on. First off, I believe one of the complaints is about their dogs. I have not heard their dogs bark at all, however, we do have a dog behind our property that tends to bark more often than I would like. The sound in this neighborhood travels, therefore, could this person be hearing the dog behind our property? (I would like to note that as a citizen of this community, I have not found any reason to report any of the dogs barking - dogs bark, but none incessantly.) Secondly, yes, they do have their trailer parked in our yard, but why that is of concern to anyone else does not make sense to me. The trailer is in our yard and obviously, does not bother us.

I cannot stress to you enough how much we support the rezoning of 2031 Tamarack Drive. If you have any questions or would like to have a conversation, both Andy and I are more than happy to discuss the issue further with you.

Thank you for your time and we look forward to speaking with you should you have any questions.

Sincerely,

[REDACTED]
iP
E: [REDACTED]

Attachment No. 3: Rationale

To Whom It May Concern;

Moving to Vancouver Island, from Ontario, was an easy decision. But finding a rental house to live in was another story.

We had to search high and low for a place to call home that would also accept our pets. After renting for several years, we knew that it was time to buy a house of our own. To afford a home, renovate it, and have a rental suite within it, was our goal. We have been able to help people in our situation by doing just that.

As a serving Military member I am often away from home. This has put the burden of maintenance and yard work on my spouse. I keep my home new and up to date on all building codes and requirements.

There is not enough housing for everyone in the Comox Valley, and we want to be apart of the communities solution, not the problem. We are proud to provide someone with a place to call home, and not discriminate against people having pets, who are also cherished family members.

Living within walking distance of the North Island Hospital, North Island College, and multiple bus routes, is a huge benefit for people who are looking to rent. No one should feel like somewhere to live is unattainable.

,



THE CORPORATION OF THE CITY OF COURTENAY

BRIEFING NOTE

To: Mayor and Council
From: Director of Recreation and Cultural Services
Subject: Elasmosaur Provincial Fossil Designation

File No.: 7800-20
Date: Feb. 26, 2019

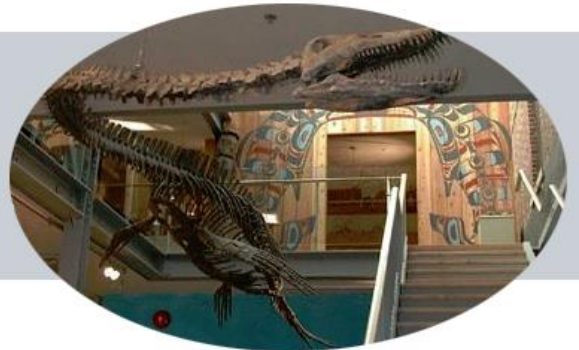
ISSUE:

Staff and the Courtenay and District Museum and Palaeontology Centre are pleased to announce the Comox Valley's own Elasmosaur has received the provincial fossil designation by receiving the highest number of votes through an online voting process. This win means that the Elasmosaur will be added to the official Provincial Symbols of British Columbia.

**The results are in and the
Elasmosaur Won!**

Your favorite local marine reptile fossil has received the most votes and will soon be BC's official fossil!

(Source: www.courtenaymuseum.ca website)



BACKGROUND:

The Elasmosaur was discovered in 1988 by the Pat Trask, Curator of Natural History at the Museum and his then 12-year old daughter as they were searching for fossils along the Puntledge River. The discovery was the first Elasmosaur recorded in the province of British Columbia and has received international attention. A replica of the fossil is currently on display in the main exhibit area of the Museum.

In 2018, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development in partnership with the British Columbia Paleontological Alliance shortlisted seven fossil candidates.







Through a public process, the following criteria was identified to select the final candidates:

- Be well known and easily recognizable;
- be more or less unique to British Columbia;
- reflect the unique geography of British Columbia;
- have wide appeal to a general audience;
- serve as an educational vehicle through which the biology, ecology, and geology of the time it represents can be made clear; and
- be amenable to designs for posters, displays and logos.

(Source: Government of BC website)

The six other fossil candidates included the Salmon, marine reptile, Lace rab, Trilobite, one-cell animal and Ammonite.

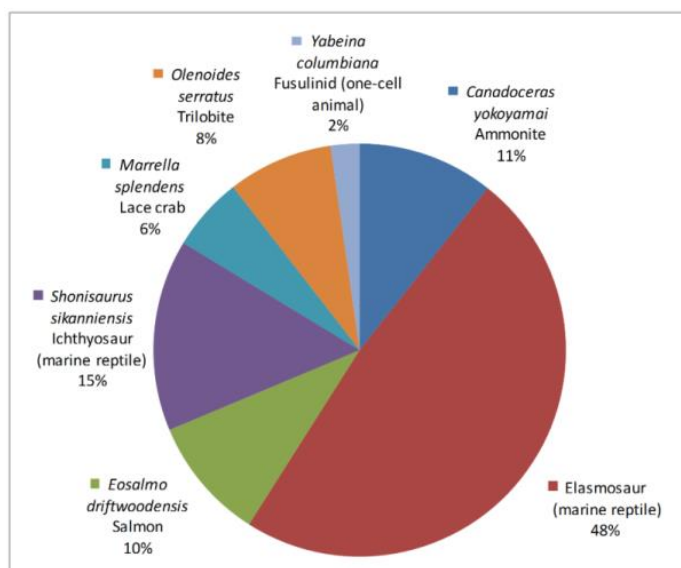
British Columbia Provincial Fossil Candidates (August 2018)

#	Scientific Name	Image of Fossil	Non-scientific Name	Period and Era	Fossil Age (million years ago)	Geological Names
1	<i>Marrella splendens</i>		Lace crab	Cambrian Period, Paleozoic Era	508 mya	Burgess Shale; Stephen Fm.
2	<i>Canadoceras yokoyamai</i>		Ammonite	Cretaceous Period, Mesozoic Era	80–84 mya	Nanaimo Group, Haslam Fm.
3	Elasmosaur		Elasmosaur Marine reptile	Cretaceous Period, Mesozoic Era	80–85 mya	Nanaimo Group, Haslam Fm.
4	<i>Yabeina columbiana</i>		Fusulinid foraminifera one-celled animal	Permian Period, Paleozoic Era	260–268 mya	Pravilion Group, Marble Canyon Fm.
5	<i>Shonisaurus sikanniensis</i>		Ichthyosaur Marine reptile	Triassic Period, Mesozoic Era	210–220 mya	Pardonet Fm.
6	<i>Eosalmo driftwoodensis</i>		Salmon	Paleogene Period, Cenozoic Era	52–53 mya	Kamloops Group, Tranquille Fm.
7	<i>Olenoides serratus</i>		Trilobite	Cambrian Period, Paleozoic Era	508 mya	Burgess Shale; Stephen Fm.

(Source: Government of BC website)

KEY CONSIDERATIONS:

The online voting period ended on Friday, November 23, 2018 and the following results were recently announced on the provincial website with the Elasmosaur fossil beating the competition by a significant margin in votes.



To officially add the Elasmosaur to the official symbol of British Columbia, the provincial government will consider making an amendment to the *Provincial Symbols and Honours Act*. Next steps for this process are underway.

RCS staff will be working with the Museum to determine the impacts of this announcement and anticipate direct benefits to local tourism, economic development and carries significant educational value. Staff will report back to Council to provide options which Council may consider in support of this momentous designation.

Prepared by:

A handwritten signature in black ink, appearing to read 'DSE', is positioned below the 'Prepared by:' text.

Dave Snider *RLA*

Director of Recreation and Cultural Services

CITY OF COURTENAY HERITAGE ADVISORY COMMISSION MINUTES

Meeting of the City of Courtenay Heritage Advisory Commission meeting held on January 23 2019 at 10:00 a.m. in the Council Chamber of City Hall.

Present:

L. Burns
C. Piercy

R. Dingwall
J. Fortin

L. Grant

J. Hagen (Chair)

Absent:

D. Griffiths

T. Setta (staff)

W. Cole-Hamilton (Council)

1. Introduction and Opening Remarks

2. Addition to Agenda

None

3. Review and Adoption of Minutes of the November 28 Meeting

4.

i. Amendments:

City clocks: budget \$25,000

Train station: 5 members attended Nov 13 meeting

(adoption of minutes motion? Or straight to the city clocks motion?)

OLD CITY CLOCKS

- Discussion of repair expenses
- Moved by L. Burns, seconded by R. Dingwall: To receive the verbal progress report on the city clocks with thanks. **Carried**

PIONEER GRAVES

- R. Dingwall reported getting wedges from the trees at the site. The rings are countable. He can conserve two to display, the installation location to be investigated.

RESIDENTIAL INVENTORY

- Work in Progress

TRAIN STATION

- The station's windows are being stored in the station building.
- Moved by J. Fortin and seconded by C. Piercy, that the Commission recommends that an interested entity be found to give a new use for this National Heritage Site.
- **Carried**

40 HOUSES

- T. Setta reported that the raw materials for the sign are now available – L. Burns will follow up.

IN KIND HOURS

- A total of 17 hours are spent:
 - J. Hagen provided 7 hours
 - J. Fortin provided 2 hours
 - L. Burns provided 4 hours

- L. Grant provided 2 hours
- R. Dingwall provided 2 hours

MUSEUM
REPORT

- D. Griffiths is away, but J. Hagen reported that Commission heritage panels may be used for the upcoming Historical Federation conference.

HAC STORAGE

- In the museum, some shelf space has been found in Catherine's office. Panel storage is still being investigated. The materials are inventoried. Some materials will not all be in the same location.

5. New Business

NEXT WORKSHOP

- January 30th at 9:15 at the Museum, to work on Cumberland Heritage Fair display. At the fair, L. Burns and C. Piercy will set up and J. Fortin will take down the display.

RESIGNATION

- The resignation of Andrew Ireson from the Commission was noted.

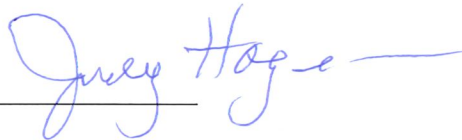
6. For Your Information

- None

7. Meeting Adjournment Moved by R. Dingwall at 11.40am.

8. Next meeting February 27 2019

Chair



DRAFT STRATEGIC PRIORITIES 2019 – 2022

We focus on organizational & governance excellence	We proactively plan & invest in our natural & built environment	We actively pursue vibrant economic development	We plan & invest in methods of multi-modal transportation	We support diversity in housing & reasoned land use planning	We continually invest in our key relationships
<ul style="list-style-type: none"> Support and encourage initiatives to improve efficiencies Recognize staff capacity is a finite resource and support staff training and development Communicate appropriately with our community in all decisions we make Responsibly provide services at levels which the people we serve are willing to pay Value community safety and support our protective services 	<ul style="list-style-type: none"> Focus on asset management for sustainable service delivery Look for regional infrastructure solutions for shared services Support actions to address Climate Change mitigation & adaptation Make progress on the objectives of the BC Climate Action Charter Advocate, collaborate and act to reduce air quality contaminants Support social, economic & environmental sustainability solutions 	<ul style="list-style-type: none"> Engage with businesses and the public to revitalize our downtown Continue to support Arts and Culture Work with the business and development sectors to mutually improve efficiencies Continue to explore innovative and effective economic development opportunities 	<ul style="list-style-type: none"> Move forward with implementing the City's Transportation Master Plan Collaborate with regional and senior government partners to provide cost-effective transportation solutions Explore opportunities for Electric Vehicle Charging Stations 	<ul style="list-style-type: none"> Complete an update of the City's OCP and Zoning Bylaws Assess how city-owned lands can support our strategic land purchases and sales Identify and support opportunities for lower cost housing and advocate for senior government support Encourage and support housing diversity Continue to develop and revisit all infrastructure master plans 	<ul style="list-style-type: none"> Build on our good relations with K'ómoks First Nation and practice Reconciliation Value and recognize the importance of our volunteers Consider effective ways to engage with and partner for the health and safety of the community Advocate and cooperate with local and senior governments on regional issues affecting our community Support improving accessibility to all City services



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DRAFT STRATEGIC PRIORITIES 2019 – 2022



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2888

A bylaw to amend Zoning Bylaw No. 2500, 2007

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

1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 2888, 2019**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) by rezoning Lot A, District Lot 230, Comox District, Plan VIP73473 (2310 20th Street), as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Residential Two A Zone (R-2A) to Residential One D Zone (R-1D); and
 - (b) That Schedule No. 8, Zoning Map be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this _____ day of _____, 2019

Read a second time this _____ day of _____, 2019

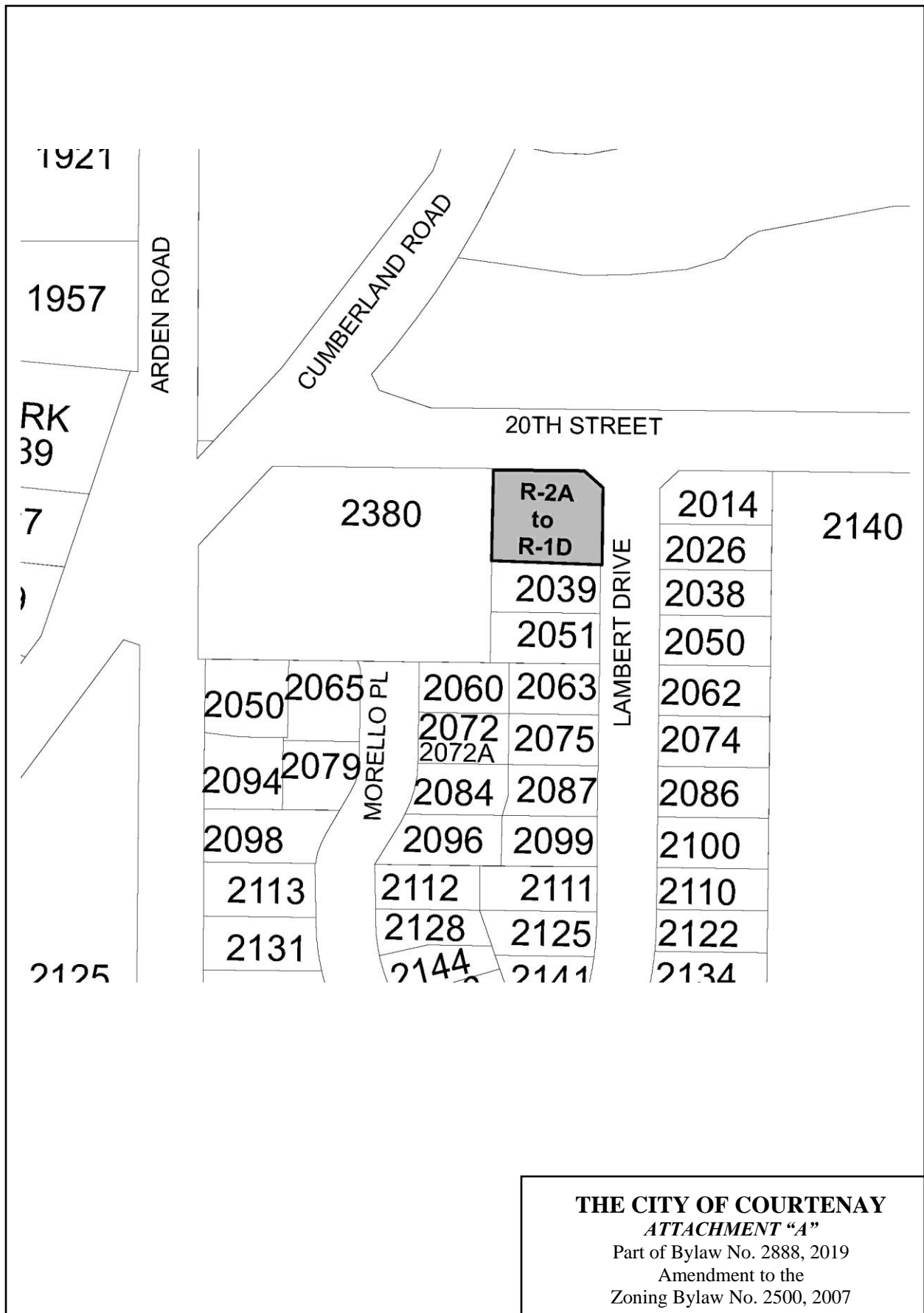
Considered at a Public Hearing this day of , 2019

Read a third time this _____ day of _____, 2019

Finally passed and adopted this _____ day of _____, 2019

Mayor

Corporate Officer



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2949

A bylaw to amend Zoning Bylaw No. 2500, 2007

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

1. This bylaw may be cited for all purposes as **“Zoning Amendment Bylaw No. 2949, 2019”**.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) Amending Section 8.18.1 by adding “notwithstanding any provision of this bylaw, a storefront cannabis retailer is a permitted use on Lot 63, Section 61, Comox District, Plan 311 (143 5th Street) and renumbering accordingly.

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

Read a first time this _____ day of _____, 2019

Read a second time this _____ day of _____, 2019

Considered at a Public Hearing this day of , 2019

Read a third time this _____ day of _____, 2019

Finally passed and adopted this day of , 2019

Mayor

Corporate Officer

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

Brendan Kelly, Development Technician
Ministry of Transportation and Infrastructure

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2951

A bylaw to amend Zoning Bylaw No. 2500, 2007

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

1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 2951, 2019**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) by rezoning Lot 11, District Lot 236, Comox District, Plan VIP61892 (2031 Tamarack Drive), as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Residential One Zone (R-1) to Residential One S Zone (R-1S); and
 - (b) That Schedule No. 8, Zoning Map be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this _____ day of _____, 2019

Read a second time this _____ day of _____, 2019

Considered at a Public Hearing this day of , 2019

Read a third time this _____ day of _____, 2019

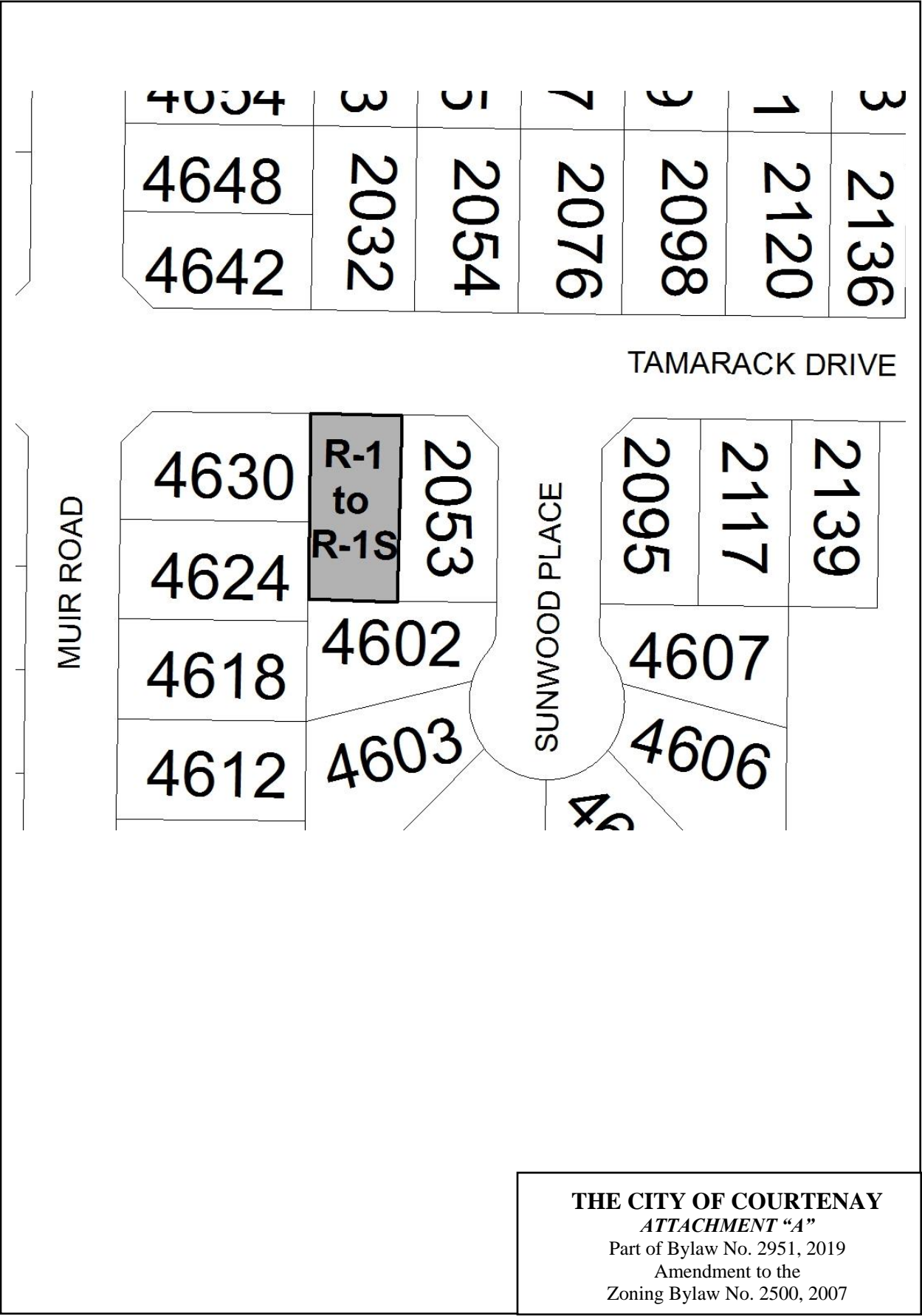
Finally passed and adopted this _____ day of _____, 2019

Mayor

Corporate Officer

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

Brendan Kelly, Senior District Development Technician
Ministry of Transportation and Infrastructure
Vancouver Island District



THE CITY OF COURTENAY
ATTACHMENT "A"

Part of Bylaw No. 2951, 2019
Amendment to the
Zoning Bylaw No. 2500, 2007

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2956

A bylaw to authorize a Housing Agreement

WHEREAS the owner of land in the City has applied to rezone the property legally described as Lot A, District Lot 230, Comox District Plan VIP73473 (PID No. 025-370-529) (the "Lands") to permit the subdivision of the Lands into two single family residential lots; and

WHEREAS the owner has agreed to restrictions on the occupancy of the lands and any dwelling units on the Lands as more particularly set out in Schedule "B" of this Bylaw.

The Council of the City of Courtenay, in open meeting assembled, enacts as a bylaw under s.483 of the *Local Government Act* as follows:

1. Council hereby authorizes the City to enter into a housing agreement with the owner of the Lands, shown on Schedule "A", in the form set out as Schedule "B" to this Bylaw.
2. The Mayor and Director of Legislative Services of the City are authorized to execute the Form C housing agreement and the Director of Legislative Services is authorized to sign and file in the Land Title Office a notice of the housing agreement, as required by the *Local Government Act*.
3. All schedules attached to this Bylaw are incorporated into and form a part of this Bylaw.
4. This Bylaw may be cited as "**Housing Agreement, Bylaw No. 2956, 2019 (2310 20th Street)**".

READ A FIRST TIME this day of , 2019

READ A SECOND TIME this day of , 2019

READ A THIRD TIME this day of 2019

ADOPTED this day of , 2019

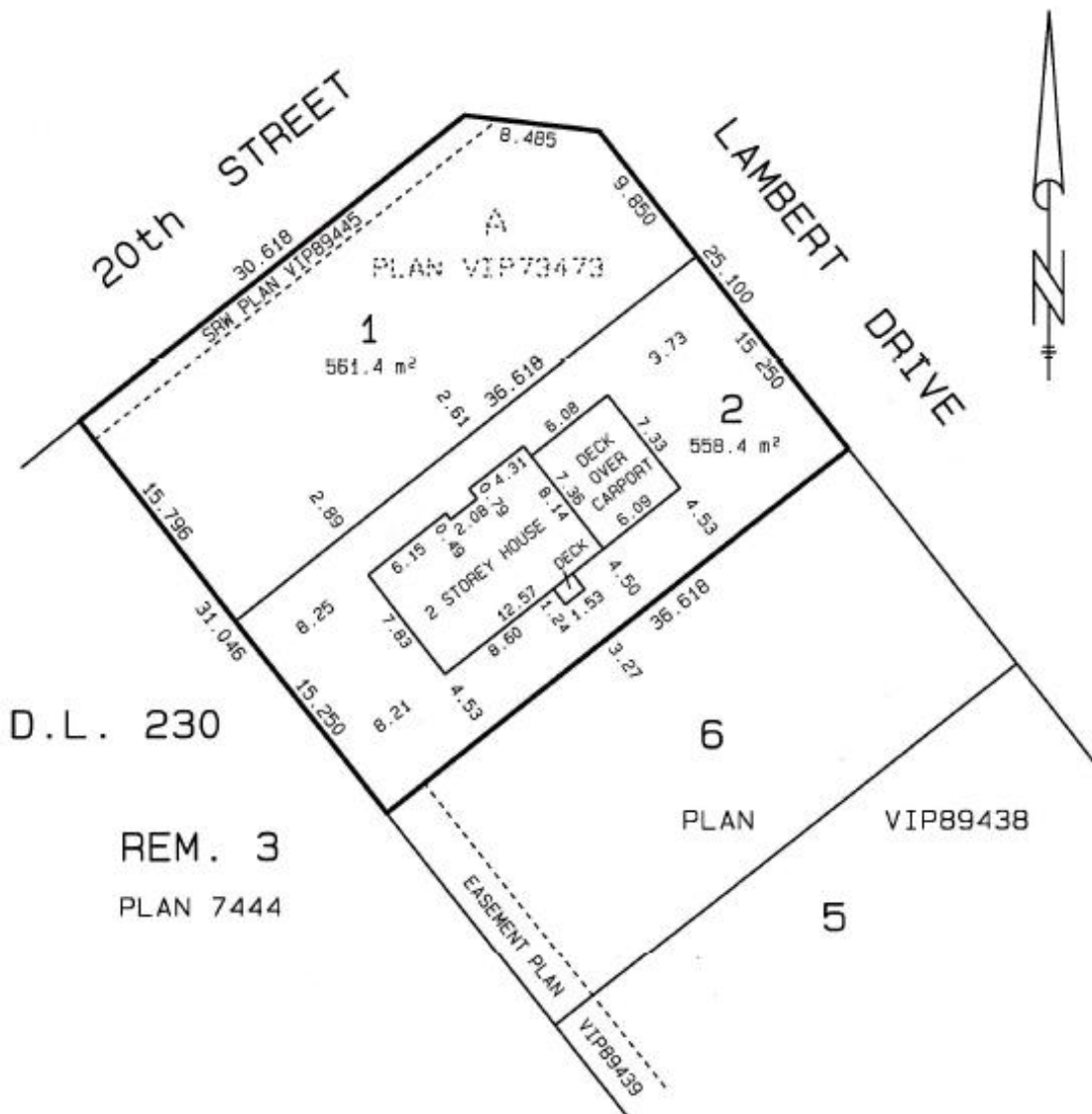
MAYOR

CORPORATE OFFICER

SCHEDULE "A" BYLAW NO. 2956 – SKETCH PLAN OF DEVELOPMENT

PLAN OF PROPOSED SUBDIVISION OF LOT A,
DISTRICT LOT 230, COMOX DISTRICT, PLAN VIP73473.

SCALE 1 : 400 (METRIC)



NOTES:

OFFSETS SHOWN ARE NOT TO BE USED FOR DEFINING LOT BOUNDARIES.

MAY 18, 2017
ERIC HOERBURGER, BCLS

HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890 - 0100
FILE: 1950PR01 FB. 63/43

SCHEDULE “B” TO BYLAW NO. 2956

HOUSING AGREEMENT AND SECTION 219 COVENANT

THIS AGREEMENT is dated for reference the _____ day of _____, 2019.

BETWEEN:

AMANDIO SANTOS, of 2310 – 20th Street, Courtenay, British Columbia, V9N 9J8

(the “**Owner**”)

AND:

CITY OF COURTENAY, a municipal corporation incorporated under the *Community Charter* and having an address of 830 Cliffe Avenue, Courtenay, British Columbia, V9N 2J7

(the “**City**”)

WHEREAS:

- A. The Owner is the registered owner of the Lands (hereinafter defined);
- B. The City has received many complaints regarding nuisance on the Lands caused by the current use and tenancy of the Lands and the Owner acknowledges that the nuisance is an on-going issue impacting surrounding properties and the neighbourhood;
- C. The Owner has applied to the City to rezone the Lands and then proposes to subdivide the Lands to permit two lots, each of which will be used for single-family residential use;
- D. Following rezoning, the Owner proposes to substantially renovate the existing dwelling on the Lands and construct a new dwelling on the newly-created lot, which the Owner states will address the nuisance issues on the Lands;
- E. One of the conditions of the proposed rezoning requires registration of a housing agreement and section 219 covenant on title that:
 - (a) requires the Lands and any dwelling on the Lands to be occupied by the Owner;
 - (b) limits the use of the Lands to single-family residential use only; and
 - (c) prohibits the lease, licence or rental of the Lands or any dwelling on the Lands;

- F. Section 483 of the *Local Government Act* permits the City to enter into and note on title to land, housing agreements which may include, without limitation, conditions respecting the form of tenure of housing units and the availability of housing units to classes of persons;
- G. Section 219 of the *Land Title Act* provides, *inter alia*, that a covenant, whether of a negative or positive nature, in respect of the use of land or the use of a building on or to be erected on land, which provides that land is or is not to be built on or that land may be restricted in use in accordance with a covenant in favour of a municipality or the Crown, may be registered as a charge against the title to that land; and
- H. The Owner and the City wish to enter into this Agreement on the terms and conditions set out in this Agreement,

NOW THEREFORE in consideration of the sum of Ten Dollars (\$10.00) now paid by the City to the Owner and for other good and valuable consideration (the receipt and sufficiency of which the Owner hereby acknowledges), the Owner grants, covenants and agrees with the City as follows:

ARTICLE 1 DEFINITIONS AND INTERPRETATION

1.1 In this Agreement the following words have the following meanings:

- (a) **“Agreement”** means this agreement together with all schedules, attachments and priority agreements attached hereto;
- (b) **“City”** means the City of Courtenay;
- (c) **“Dwelling Unit”** means any room or suite of rooms used or intended to be used by one Family exclusively for the purpose of providing a place of residence;
- (d) **“Family”** means:
 - (i) one or more persons related by blood, marriage, or adoption, or associated through foster care, all living together as a single household; or
 - (ii) a maximum of three unrelated individuals living together as a single household,

and for the purposes of this definition, two people living together in a common-law relationship shall be deemed to be in a marriage relationship and each of the blood relatives of the parties to a common-law relationship are deemed to be related to the partners and to the other blood relatives thereof;

- (e) **“Interpretation Act”** means the *Interpretation Act*, R.S.B.C. 1996, Chapter 238, together with all amendments thereto and replacements thereof;

- (f) **“Land Title Act”** means the *Land Title Act*, R.S.B.C. 1996, Chapter 250, together with all amendments thereto and replacements thereof;
- (g) **“Lands”** means certain lands and premises legally described as:

PID 025-270-529

Lot A District Lot 230 Comox District Plan VIP73473

as may be subdivided or consolidated from time to time, and including a building or a portion of a building;
- (h) **“Local Government Act”** means the *Local Government Act*, R.S.B.C. 2015, Chapter 1, together with all amendments thereto and replacements thereof;
- (i) **“Lot”** means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the LTO;
- (j) **“LTO”** means the Victoria Land Title Office or its successor;
- (k) **“Owner”** means the party described on page 1 of this Agreement as the Owner and any subsequent owner of the Lands or of any part into which the Lands are subdivided;
- (l) **“Real Estate Development Marketing Act”** means the *Real Estate Development Marketing Act*, S.B.C. 2004, Chapter 41, together with all amendments thereto and replacements thereof;
- (m) **“Single Detached Residential Use”** means the use of a Lot for a single detached building containing only one Dwelling Unit which is used and occupied by a single Family;
- (n) **“Strata Property Act”** means the *Strata Property Act*, S.B.C. 1998, Chapter 43, together with all amendments thereto and replacements thereof; and

1.2 In this Agreement:

- (a) reference to the singular includes a reference to the plural, and *vice versa*, unless the context requires otherwise;
- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (c) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;

- (e) any reference to any enactment is to the enactment in force on the date the Owner signs this Agreement, and to subsequent amendments to or replacements of the enactment;
- (f) the provisions of section 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (g) time is of the essence;
- (h) all provisions are to be interpreted as always speaking;
- (i) reference to a "party" is a reference to a party to this Agreement and to that party's respective successors, assigns, trustees, administrators and receivers. Wherever the context so requires, reference to a "party" also includes an Eligible Tenant, agent, officer and invitee of the party;
- (j) reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided; and
- (k) where the word "including" is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word "including".

ARTICLE 2 OWNER'S COVENANTS

2.1 The Owner covenants and agrees with the City that:

- (a) this Agreement is both a covenant under section 219 of the *Land Title Act* and a housing agreement under section 483 of the *Local Government Act*;
- (b) the Lands shall not be used, occupied, or built upon in any manner whatsoever except in accordance with the terms of this Agreement;
- (c) the Lands may only be used for Single Detached Residential Use and must not be used for any other residential use, including a secondary suite, notwithstanding the City's zoning and land use bylaws;
- (d) the Lands and any Dwelling Unit on the Lands will not be subdivided pursuant to the *Strata Property Act*, or by means of a leasehold subdivision, and will not be organized as "cooperative interests" or "shared interest in land" as defined in the *Real Estate Development Marketing Act*;
- (e) the Owner of the Lands must occupy the Dwelling Unit on the Lands;
- (f) the Owner must not rent, lease, license, assign or otherwise permit occupancy of any Dwelling Unit on the Lands other than by the Owner or a member of the

Owner's Family without the prior written consent of the Council for the City, which may be withheld in the absolute unfettered discretion of the Council;

- (g) the City may refuse, but shall in no case be obligated to refuse, to issue a building permit or occupancy permit or approve a final inspection of any building on the Lands if any of the restrictions or conditions contained herein have not been complied with by the Owner; and
 - (h) the City has made no representations covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Owner other than those contained in this Agreement.
- 2.2 Within 30 days after receiving notice from the City, the Owner must, in respect of each Dwelling Unit, provide to the City a statutory declaration, in the form requested by the City, confirming that the Owner is in compliance with this Agreement. The City may request such statutory declaration in respect to each Dwelling Unit no more than once in any calendar year; provided, however, notwithstanding that the Owner may have already provided such statutory declaration in the particular calendar year, the City may request and the Owner shall provide to the City such further statutory declarations as requested by the City in respect to an Dwelling Unit if, in the City's absolute determination, the City believes that the Owner is in breach of any of its obligations under this Agreement.
- 2.3 The Owner hereby irrevocably authorizes the City to make such inquiries as it considers necessary in order to confirm that the Owner is complying with this Agreement.
- 2.4 The Owner must notify purchasers or transferees of the Lands of the existence of this Agreement.

ARTICLE 3 DEFAULT AND REMEDIES

- 3.1 The Owner agrees that the City may provide written notice to the Owner of any matter involving a failure by the Owner to comply with this Agreement and upon receipt of such notice, the Owner shall take all necessary steps at its own expense to bring itself back into compliance with this Agreement. Any failure or inability by the Owner to comply with this Agreement within thirty (30) days of receiving notice from the City shall constitute a default of this Agreement and shall entitle the City to exercise any of its rights in respect such default under this Agreement.
- 3.2 The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for any breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 3.3 **Daily Penalty and Rent Charge**

- (a) In addition to any other remedies available to the City under this Agreement, or at or in equity, if the Owner is in default of this Agreement, the Owner shall pay to the City as a rent charge under section 3.3(b), the amount of \$50.00 per day for every day that the breach continues after a written notice from the City to the Owner stating the particulars of the breach (the “**Daily Penalty**”). The Daily Penalty is due and payable 5 business days following receipt by the Owner of an invoice from the City for the same.
- (b) The Owner hereby grants to the City a rent charge under section 3.3(a) and this section 3.3(b) and under Section 219 of the Land Title Act, and at common law, securing payment by the Owner to the City of any amount payable by the Owner pursuant to this Agreement. The Owner agrees that the City, at its option, may enforce payment of such outstanding amount in a court of competent jurisdiction as a contract debt, by an action for and order for sale, by proceedings for the appointment of a receiver, or in any other method available to the City at law or in equity.
- (c) At the City’s direction, the Rent Charge will be filed for registration in the LTO under a separate registration number from this Agreement.

ARTICLE 4SECTION 219 COVENANT

- 4.1 The Owner agrees, pursuant to section 219 of the *Land Title Act*, that:
- (a) the terms and conditions of this Agreement constitute a covenant in respect of the use of the Lands and buildings on or to be erected on the Lands annexed to and running with the Lands; and
 - (b) the City may register this Agreement in the LTO against title to the Lands and any Dwelling Unit as a covenant pursuant to section 219 of the *Land Title Act*.

ARTICLE 5 MISCELLANEOUS

5.1 No Compensation

The Owner acknowledges and agrees that no compensation is payable, and the Owner is not entitled to and will not claim any compensation from the City, for any decrease in the market value of the Lands or for any obligations on the part of the Owner and its successors in title which at any time may result directly or indirectly from the operation of this Agreement.

5.2 Fees

- (a) Within 10 days of receiving a written request from the City, the Owner will reimburse the City for all reasonable legal costs including fees, disbursements and taxes incurred by the City with respect to the negotiation, preparation, administration and enforcement of this Agreement.
- (b) The Owner will pay or, if paid by the City, reimburse the City for all fees and expenses incurred in connection with registration of this Agreement in the LTO.

5.3 Modification

This Agreement may be modified or amended from time to time, by consent of the Owner and a bylaw duly passed by the Council of the City and thereafter if it is signed by the City and the Owner.

5.4 Nuisance

The Owner covenants and agrees that it will not carry on, or suffer or permit to be carried on, upon the Lands anything which would constitute a nuisance to any neighbouring properties or their owners or occupants.

5.5 Management

The Owner covenants and agrees that:

- (a) it will furnish good and efficient management of any Dwelling Unit on the Lands;
- (b) it will permit representatives of the City to inspect the Dwelling Units at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*, S.B.C. 2002, Chapter 78;
- (c) it will maintain the Dwelling Units in a good state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Lands;

5.6 Indemnity

The Owner releases, and must indemnify and save harmless, the City, its elected and appointed officials, employees, officers, directors, and agents, and its and their heirs, executors, administrators, personal representatives, successors and assigns, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owner of this Agreement, or any default of the Owner under or in respect of this Agreement.

5.7 Survival

The obligations of the Owner set out in this Agreement will survive termination or discharge of this Agreement.

5.8 Priority

The Owner will do everything necessary, at the Owner's expense, to ensure that this Agreement will be noted against title to the Lands in priority to all financial charges and encumbrances which may have been registered or are pending registration against title to the Lands save and except those specifically approved in advance in writing by the City or in favour of the City.

5.9 City's Powers Unaffected

This Agreement does not:

- (a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Lands;
- (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement;
- (c) constitute or be construed as any permit or approval required by any bylaw or any public or private statute, order or regulation;
- (d) affect or limit any enactment relating to the use or subdivision of the Lands; or
- (e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Lands.

5.10 Agreement for Benefit of City Only

The Owner and the City agree that:

- (a) this Agreement is entered into only for the benefit of the City;
- (b) this Agreement is not intended to protect the interests of the Owner or any future owner, lessee, occupier or user of the Lands or the building or any portion thereof; and
- (c) the City may at any time execute a release and discharge of this Agreement, without liability to anyone for doing so, and without obtaining the consent of the Owner.

5.11 No Public Law Duty

Where the City is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the City is under no public law duty of fairness or natural justice in that regard and agrees that the City may do any of those things in the same manner as if it were a private party and not a public body.

5.12 Notice

Any notice required to be served or given to a party herein pursuant to this Agreement will be sufficiently served or given if delivered, to the postal address of the Owner set out in the records at the LTO, and in the case of the City addressed:

To: Director of Development Services

830 Cliffe Avenue

Courtenay, BC, V9N 2J7

or to any other address as any party may in writing advise. Any notice or communication will be deemed to have been given when delivered, if delivered by hand, two business days following mailing if sent by prepaid mail, and on the following business day after transmission if sent by facsimile or e-mail.

5.13 Enuring Effect

This Agreement will extend to and be binding upon and enure to the benefit of the parties hereto and their respective successors and permitted assigns.

5.14 Severability

If any provision of this Agreement is found to be invalid or unenforceable, such provision or any part thereof will be severed from this Agreement and the resultant remainder of this Agreement will remain in full force and effect.

5.15 Waiver

All remedies of the City will be cumulative and may be exercised by the City in any order or concurrently in case of any breach and each remedy may be exercised any number of times with respect to each breach. Waiver of or delay in the City exercising any or all remedies will not prevent the later exercise of any remedy for the same breach or any similar or different breach.

5.16 Sole Agreement

This Agreement represents the whole agreement between the City and the Owner respecting the use and occupation of the Lands, and there are no warranties, representations, conditions or collateral agreements made by the City except as set forth in this Agreement. In the event of any conflict between this Agreement and the City's bylaws this Agreement shall, to the extent necessary to resolve such conflict, prevail.

5.17 Further Assurance

Upon request by the City the Owner will forthwith do such acts and execute such documents as may be reasonably necessary in the opinion of the City to give effect to this Agreement.

5.18 Agreement Runs with the Lands

This Agreement burdens and runs with the Lands and every parcel into which it is Subdivided in perpetuity. All of the covenants and agreements contained in this Agreement are made by the Owner for itself, its personal administrators, successors and assigns, and all persons who after the date of this Agreement acquire an interest in the Lands.

5.19 Applicable Law

Unless the context otherwise requires, the laws of British Columbia will apply to this Agreement and all statutes referred to herein are enactments of the Province of British Columbia.

5.20 Joint and Several

If the Owner is comprised of more than one person, firm or body corporate, then the covenants, agreements and obligations of the Owner shall be joint and several.

5.19 Limitation on Owner's Obligations

The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands provided however that notwithstanding that the Owner is no longer the registered owner of the Lands, the Owner will remain liable for breaches of this Agreement that occurred while the Owner was the registered owner of the Lands.

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

AMANDIO SANTOS

CITY OF COURTENAY

by its authorized signatory(ies):

Per: _____

Per: _____

PRIORITY AGREEMENT

BRIAN JOHN NOREN and GAIL DIANE NOREN, as joint tenants, (the “Chargeholders”), are the holders of a mortgage encumbering the Lands which mortgage is registered in the Victoria LTO under number CA5270336 (the “Charge”).

The Chargeholders, being the holders of the Charge, by signing the Form C General Instrument attached hereto as Part I, in consideration of the payment of Ten Dollars (\$10.00) and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged and agreed to by the Chargeholders) hereby consent to the granting of this Housing Agreement, Section 219 Covenant and Rent Charge and hereby covenant that this Housing Agreement, Section 219 Covenant and Rent Charge shall bind the Charge in the Lands and shall rank in priority upon the Lands over the Charge as if the Housing Agreement, Section 219 Covenant and Rent Charge had been registered prior to the Charge and prior to the advance of any monies pursuant to the Charge. The grant of priority is irrevocable, unqualified and without reservation or limitation.

END OF DOCUMENT

<p align="center">CITY OF COURTENAY</p> <p align="center">BYLAW REFERENCE FORM</p>	
<p align="center">BYLAW TITLE</p>	
<p>"City of Courtenay Fees and Charges Amendment Bylaw No. 2965, 2019"</p>	
<p align="center">REASON FOR BYLAW</p>	
<p>To amend the water and sewer utility user rates for 2019 in accordance with Council resolutions of February 25, 2019.</p>	
<p align="center">STATUTORY AUTHORITY FOR BYLAW</p>	
<p>Section 194 of the <i>Community Charter</i> allows Council to charge a user fee to cover the cost of delivery of a service.</p>	
<p align="center">OTHER APPROVALS REQUIRED</p>	
<p> </p>	
<p align="center">STAFF COMMENTS AND/OR REPORTS</p>	
<p>The "2019-2023 Water Fund Financial Plan" report was presented to Council on February 25, 2019 and Council approved OPTION 1 and endorsed the proposed increase of 6.5% to water user fees for 2019.</p> <p>The "2019-2023 Sewer Fund Financial Plan" report was presented to Council on February 25, 2019 and Council approved OPTION 1 and endorsed the proposed increase of 5% to sewer user fees for 2019.</p> <p>Staff prepared the appropriate bylaw incorporating the above rate increases and are presenting it to Council for three readings. The bylaws will come back for final adoption on March 18, 2019.</p> <p>Since the rates in the attached bylaw are projected to be finally adopted on March 18, 2019 they have been adjusted to reflect the appropriate blended user fees for 2019.</p>	
<p align="center">OTHER PROCEDURES REQUIRED</p>	
<p>March 4, 2019</p>	<p align="right">J. Nelson Staff Member</p>

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2965, 2019

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. 2965, 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 I, “Waterworks Distribution System”, and Appendix II “Sanitary Sewer System” 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 I – Waterworks Distribution System
Schedule of Fees and Charges Section III, Appendix II – Sanitary Sewer System

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

Read a first time this day of , 2019

Read a second time this day of , 2019

Read a third time this day of , 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. 2965, 2019
SECTION III, APPENDIX I**

WATERWORKS DISTRIBUTION SYSTEM

1. CONNECTION FEES

- (a) Pursuant to Section 3.2 of Water Regulations and Rates Bylaw No. 1700, 1994, and amendments thereto, every applicant shall pay to the City before any work is done on the connection, a connection fee as follows:

Connection		Connection Fee
Size	Within the City	
	Connection from either side of road to property line	
	20 millimetres (3/4 inch)	\$2,500.00
	25 millimetres (1 inch)	\$3,500.00
	Outside the City	
	20 millimetres (3/4 inch) with a minimum charge of \$3,500.00	Actual City cost plus 25%
(b) Where a larger connection than those listed above is required, the connection will be installed at City cost plus 25%.		
(c) Water Turn On and Turn Off		
If turn on or turn off is for a purpose other than maintenance or the commissioning of a new service the following fees will apply:		
	Inside the City	\$35.00 for each water turn on or turn off
	Outside the City	\$55.00 for each water turn on or turn off
(d) Abandonment Fee		
	Fee for disconnecting an abandoned service connection at the water main irrespective of the size of the connection	Actual City cost plus 25%, with a minimum charge of \$500.00

2. WATER UTILITY USER RATES

(a) **Unmetered Water**

The minimum user rate per year or portion thereof for unmetered accounts shall be as follows:

Bylaw Rates (per annum)	
Effective Date	
January 1, 2019	
Single Family Dwelling	506.05
Multiple Family Dwelling -per unit	427.45
Commercial	483.60
Outside Commercial Users	873.12
Outside Residential Users	873.12

(b) **Metered Water**

All metered accounts for the quantity of water used each quarter shall be calculated at the following rates:

	Bylaw Rates Effective Date January 1, 2019
Multi-Family Metered	
0 - 48.0 cubic metres	68.47
48.1 - 566.0 cubic metres	1.66
Greater than 566.0 cubic meters	1.33
Commercial Metered	
0 - 48.0 cubic metres	72.36
48.1 - 566.0 cubic metres	1.66
Greater than 566.0 cubic meters	1.33
Regional Standpipe, Regional Playfields	Bulk Water Rate plus 30%
Outside City - Multi-Family Metered	
0 - 48.0 cubic metres	147.36
48.1 - 566.0 cubic metres	2.16
Greater than 566.0 cubic meters	1.72
Outside users - Commercial Metered	
0 - 48.0 cubic metres	148.11
48.1 - 566.0 cubic metres	2.16
Greater than 566.0 cubic meters	1.72
Regional District bulk	1.09
Sandwich - summer only	506.05

- (c) Where a meter is found not to register, the charge shall be computed on the basis of the amount of water used during the time the meter was working, or from any other information or source which can be obtained, and such amount so composed shall be paid by the consumer.
- (d) Where a commercial or industrial consumer has not been connected to a water meter through non-availability of the water meter or because of special exemption being granted by the City, water charges to the consumer will be computed on the basis of consumption recorded for other similar purposes in the City, or from any other information or source which can be obtained, and such amount so computed shall be paid by the consumer.
- (e) Where it has been determined that a water leak has occurred during the last billing period on the buried portion of the service between the water meter and the point where the service pipe enters the building, a maximum one time rebate of 40% of the metered water utility fee to compensate for the water leak will be made at the discretion of the Finance Officer based on the following:

- i. The leak occurred on the buried water service;
- ii. That a leak of that nature would have caused the volume of excess water usage;
- iii. The leak did not occur as a result of negligence of the owner;
- iv. The owner has provided satisfactory evidence that the leak has been permanently repaired.

WATER METER RENTALS

- a) Water meter fee shall be as follows:

Bylaw Rates Effective Date January 1, 2019	
Monthly Rates	
Up to 3/4"	1.65
1"	4.58
1 1/4" - 1 1/2"	9.13
2"	13.68
3"	22.77
4"	45.06
6"	68.16
8"	90.93
10"	113.70

The above meter fee shall be added to the monthly water rates and will apply both inside and outside the City.

METER READING CHARGE

Each call after the first one of each month if access has not been provided or if readings extra to the quarterly reading are requested

\$35.00 per call

3. SUPPLY OF WATER FROM FIRE HYDRANTS OR OTHER SOURCE

- (a) Water may be supplied from a fire hydrant or other for the use of developers during the course of construction of multi-family, industrial, and commercial developments. The charge for such water usage shall be:

For buildings with a gross floor area up to and including 250 square meters	\$250.00
For buildings greater than a gross floor area of 250 square meters	Minimum charge of \$250.00, plus \$0.10 per square meter for floor area in excess of 250 square meters.

- (b) Where water is supplied from a fire hydrant or other non-metered source for other uses, the amount of water supplied will be invoiced in accordance with Section 2 – Water Utility Users Rates – Metered Water.
- (c) Charge to service fire hydrant after use:

\$95.00 and/or any service costs that may arise from servicing a hydrant in respect of its use.

4. UTILITY BILLING ADJUSTMENTS AND COLLECTION

- a) Where a billing error is suspected by the consumer, notification in writing must be made to the City of Courtenay Finance Department within one year of the original billing date for review and consideration. Upon investigation, if it is determined by the City that an error occurred and the consumer has been overcharged, an adjustment will be made to the utility bill in question in an amount to be determined by the City. The City will not provide refunds or adjustments to billing errors made more than two years prior to the date of the notification being received by the City.
- b) The rates and charges, enumerated in this Bylaw, are hereby imposed and levied for water supplied or ready to be supplied by the City and for the provision of the service and other water related services. All such rates and charges which are imposed for work done or services provided to lands or improvements shall form a charge on those lands which may be recovered from the Owner of the lands in the same manner and by the same means as unpaid taxes.

**SCHEDULE OF FEES AND CHARGES
CITY OF COURTENAY FEES AND CHARGES AMENDMENT
BYLAW NO. 2965, 2019
SECTION III, APPENDIX II
SANITARY SEWER SYSTEM**

1. CONNECTION FEES

(a) Connection Fees

Connection from either side of road to property line

10.16 centimetres (4" inch) \$3,000.00

Where a larger connection than the one listed above is required, the connection will be installed at City cost plus 25%.

(b) Abandonment Fee

Fee for disconnecting an abandoned service connection at the sanitary sewer main irrespective of the size of the connection	Actual City cost plus 25%, min charge \$500.00
---	--

(c) Connection Charges for Annexed Areas

For owners where commitment letters were issued between 1997 and 2006 quoting a sewer connection bylaw fee of \$1,500 (plus a capital contribution fee of \$5,000), this bylaw fee amount shall be in effect until October 31, 2007, after which the following schedule of connection fees will apply.

Property Use	Connection Charge		
	Capital Contribution		Connection Fee
	Existing Building	New Development	
Single Family Home OR Duplex	\$5,000.00	\$5,000.00	Either side of road from main - \$3,000.00

Multifamily, Strata OR Apartment OR Mobile Homes	\$5,000.00	\$5,000.00 for first unit, \$2,500.00 per unit for the next five units, \$2,000.00 per unit for the next five units, \$1,500.00 per unit for the next five units and \$1,000.00 per unit for all units thereafter	For a 100 mm diameter connection or the Bylaw rate for larger pipe sizes: Either side of road from main \$3,000.00
Industrial OR Commercial OR Public Assembly	\$5,000.00	\$5,000.00 minimum or the greater amount calculated based on the design sewage flows from the development.	For a 100 mm diameter connection or the Bylaw rate for larger pipe sizes: Either side of road from main \$3,000.00

Note: Under the heading of 'Capital Contribution' an 'Existing Building' is defined as a building that existed or a property that had a building permit application in place on or before April 14, 2004. 'New Development' is defined as a property on which a building permit application was made on or after April 15, 2004.

2. SANITARY SEWER USER RATES – APPLIED ON A PER-UNIT/SPACE BASIS

- The minimum user rate per year or portion thereof shall be as follows:

Bylaw Rates (per annum) Effective Date January 1, 2019	
Part 1 - Residential Users	
1 Single Family Dwelling	344.71
2 Multiple Family Dwelling -per unit	344.71
3 Mobile Home Park -per space	344.71
4 Kiwanis Village -per unit	344.71

		Bylaw Rates (per annum) Effective Date January 1, 2019
Part 2 - Commercial Users		
1	Hotels and Motels -per unit	138.80
2	Trailer Park and Campsite -per serviced site	71.62
3	Wholesale and Retail Stores	344.71
4	Car Wash	344.71
5	Bus Depot	344.71
6	Funeral Parlour	344.71
7	Garage	344.71
8	Machine Shop and Repair Shop	344.71
9	Bakery	344.71
10	Photographer	344.71
11	Business Office - per office	345.25
12	Professional Office -per office	344.71
13	Barber and Hairdresser	344.71
14	Pool Room and Recreation Facility	344.71
15	Theatre	689.40
16	Department Store	689.40
17	Supermarket	689.40
18	Bowling Alley	689.40
19	Bank	689.40
20	Nursing Home	689.40
21	Cafe and Restaurant (including drive-in or take-out)	689.40
22	Dry Cleaner	689.40
23	Beverage Room	689.40
24	Laundry and Coin Laundry	2,755.32
25	Sawmill	3,434.10
26	Dairy Product Processing Plant	25,573.77
27	Other Commercial Users not enumerated in this schedule	689.40
28	Cheese Processing Plant	5,714.07
Part 3 - Institutional Users		
1	Church	344.71
2	Public Hall	344.71
3	Utility Office	689.40
4	School -per classroom	617.81
5	Regional Recreation Complex	27,431.48
6	Regional District Administrative Office	7,370.08

3. UTILITY BILLING ADJUSTMENTS AND COLLECTION

- a) Where a billing error is suspected by the consumer, notification in writing must be made to the City of Courtenay Finance Department within one year of the original billing date for review and consideration. Upon investigation, if it is determined by the City that an error occurred and the consumer has been overcharged, an adjustment will be made to the utility bill in question in an amount to be determined by the City. The City will not provide refunds or adjustments to billing errors made more than two years prior to the date of the notification being received by the City.
- b) The rates and charges, enumerated in this Bylaw, are hereby imposed and levied for sewer utility services supplied or ready to be supplied by the City. All such rates and charges which are imposed for work done or services provided to lands or improvements shall form a charge on those lands which may be recovered from the Owner of the lands in the same manner and by the same means as unpaid taxes.

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2938

A bylaw to amend Zoning Bylaw No. 2500, 2007

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

1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 2938, 2018**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) by rezoning Lot 8, Section 16, Comox District, Plan 6065 Except Part in Plan 1149RW (925 Braidwood Road), as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Commercial Two A Zone (C-2A) to Residential Four A Zone (R-4A); and
 - (b) That Schedule No. 8, Zoning Map be amended accordingly.

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

Read a first time this 17th day of December, 2018

Read a second time this 17th day of December, 2018

Considered at a Public Hearing this 19th day of February, 2019

Read a third time this _____ day of _____, 2019

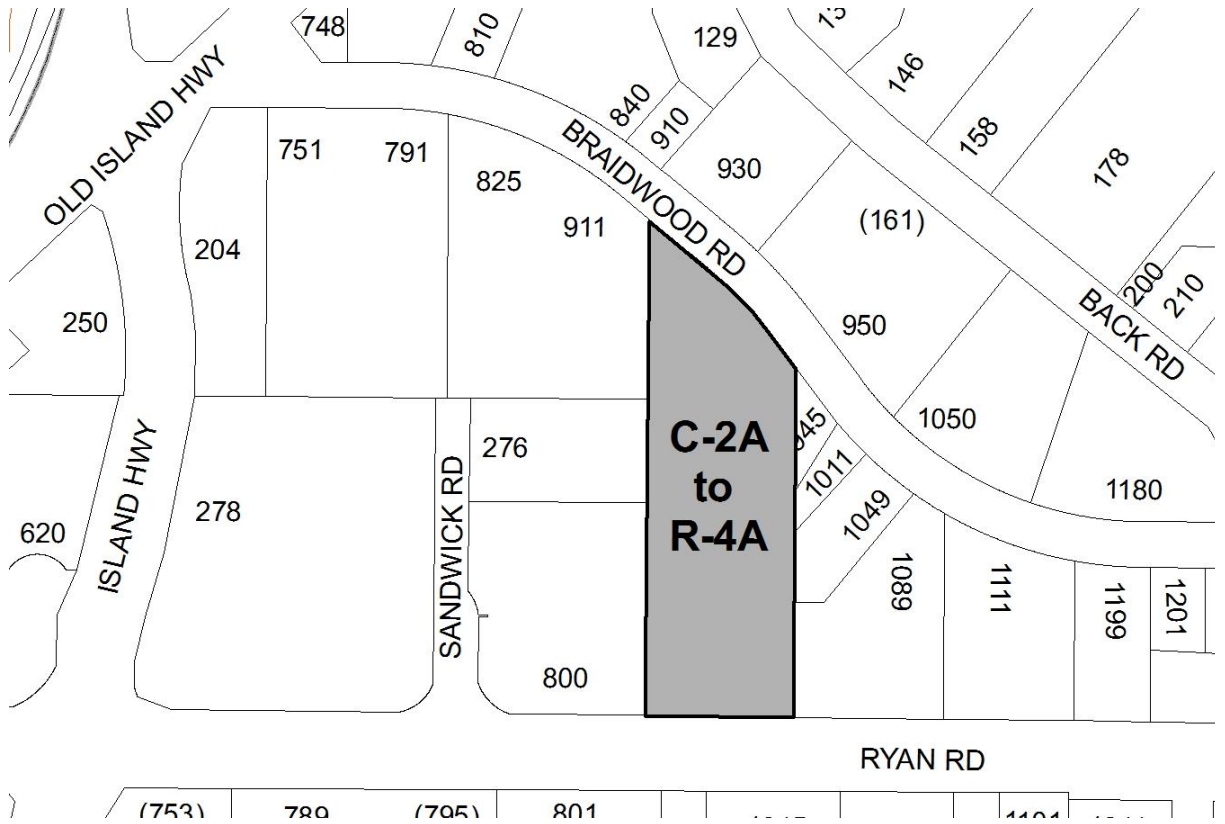
Finally passed and adopted this _____ day of _____, 2019

Mayor

Corporate Officer

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

Brendan Kelly, Development Technician
Ministry of Transportation and Infrastructure



THE CITY OF COURTENAY

ATTACHMENT "A"

Part of Bylaw No. 2938, 2018
Amendment to the
Zoning Bylaw No. 2500, 2007

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2944

A bylaw to amend Zoning Bylaw No. 2500, 2007

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

1. This bylaw may be cited for all purposes as **“Zoning Amendment Bylaw No. 2944, 2019”**.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) Amending Section 8.18.11 by adding “(8) notwithstanding any provision of this bylaw, a storefront cannabis retailer is a permitted use on Lot A, Section 66 & 67, Comox District, Plan 44811 Except Parts in Plans 49234, VIP66865 and VIP68598 (Unit #1400 - 2701 Cliffe Avenue).
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 4th day of February, 2019

Read a second time this 4th day of February, 2019

Considered at a Public Hearing this 19th day of February, 2019

Read a third time this _____ day of _____, 2019

Finally passed and adopted this day of , 2019

Mayor

Corporate Officer

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

Brendan Kelly, Development Technician
Ministry of Transportation and Infrastructure

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2931

A bylaw to amend Zoning Bylaw No. 2500, 2007

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

1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 2931, 2018**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) By rezoning Lot 6, District Lot 153, Comox District, Plan 1887 (4100 Fraser Road) as shown in bold outlined on Attachment A which is attached hereto and forms part of this bylaw, from Rural 8 Zone (RU-8) RU-8 to Comprehensive Development Twenty-One Zone (CD-21) and as shown in bold outline on Schedule A; and
 - (b) That Schedule No. 8, Zoning Map be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 15th day of October, 2018

Read a second time this 15th day of October, 2018

Considered at a Public Hearing this 19th day of November, 2018

Read a third time this 3rd day of December, 2018

Finally passed and adopted this day of , 2019

Mayor

Corporate Officer

