

**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 18, 2019  
**PLACE:** City Hall Council Chambers  
**TIME:** 4:00 p.m.

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**K'OMOKS FIRST NATION ACKNOWLEDGEMENT**

**1.00 ADOPTION OF MINUTES**

1. Adopt March 4<sup>th</sup>, 2019 Regular Council meeting minutes

**2.00 INTRODUCTION OF LATE ITEMS**

**3.00 DELEGATIONS**

- 1 1. Scott MacKenzie Re: Zoning Amendment to Restrict Water Bottling as a Permitted Use

**4.00 STAFF REPORTS/PRESENTATIONS**

**(a) Recreation and Cultural Services**

- 13 1. Road Closure and Property Disposition of Lane at 356 - 14<sup>th</sup> Street

**(b) CAO/Legislative Services**

- 25 2. Resolution to Endorse an Application for a CleanBC Communities Grant - Level 2 Electric Vehicle Charging Stations

**(c) Development Services**

- 31 3. Zoning Amendment Bylaw No. 2959 to Restrict Water Bottling as a Permitted Use

**(d) Financial Services**

- 37 4. Meeting Schedule - 2019 - 2023 Financial Plan Discussions and 2019 Property Tax Rates

**5.00           EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

- 41           1.   St. George's United Church - Request for Financial Assistance
- 43           2.   Comox Valley Regional District - Amendment to Bylaw No. 2262, 2000  
Comox Valley Community Justice Contribution
- 56                 •   CVRD Bylaw No. 34 to amend Comox Valley Community Justice  
Contribution Extended Service Bylaw No. 2262, 2000  
(a bylaw to amend the Community Justice Centre service establishment  
bylaw by including as participants the City of Courtenay, the Town of  
Comox and the Village of Cumberland)
- 58                 •   CVRD Consolidated Bylaw 2262 Community Justice Contribution  
Extended Service Bylaw  
(a bylaw to establish an extended service in electoral areas 'a', 'b', 'c'  
and 'k' to provide for a contribution to the Comox Valley Community  
Justice Society)

**Suggested motion:** that the City of Courtenay consent to the adoption of Comox Valley Regional District Bylaw No. 576 being "Comox Valley Community Justice Contribution Extended Service Bylaw No. 2262, 2000, Amendment No. 2.

- 61           3.   Provincial Response to 2018 UBCM Resolutions
- 63           4.   Federation of Canadian Municipalities (FCM ) - Optional Contribution to  
Small Community Travel Fund

**6.00           INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION**

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

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

**8.00           RESOLUTIONS OF COUNCIL**

**9.00           UNFINISHED BUSINESS**

## **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 18<sup>th</sup>, 2019 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

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

## **11.00 NEW BUSINESS**

## **12.00 BYLAWS**

### **For First, Second and Third Reading**

- 65 1. "Zoning Amendment Bylaw No. 2959, 2019"  
(A bylaw to restrict water bottling as prohibited use in all zones)
- 67 2. "Road Closure Bylaw No. 2966, 2019"  
(A bylaw to close approximately 552 square metres of road - 356 - 14<sup>th</sup> Street)

### **For Third Reading**

- 71 1. "Zoning Amendment Bylaw No. 2946, 2019"  
(A bylaw to allow storefront cannabis retailer as permitted use - #105 - 789 Ryan Road)

### **For Final Adoption**

- 71 1. "Zoning Amendment Bylaw No. 2946, 2019"  
(A bylaw to allow storefront cannabis retailer as permitted use - #105 - 789 Ryan Road)
- 73 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)

## **13.00 ADJOURNMENT**

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

Bylaw No. 2988 - Zoning Amendment from Residential Two A Zone (R-2A) to  
Residential One D Zone (R-1D) (2310 - 20<sup>th</sup> Street)

Bylaw No. 2949 - Text Amendment to *Zoning Bylaw No. 2500, 2007* to allow  
storefront cannabis retailer as permitted use (143 - 5<sup>th</sup> Street)

Bylaw No. 2951 - Zoning Amendment to allow for a secondary suite (2031 Tamarack Drive)



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

**Attending:**

**Mayor: B. Wells**

**Councillors: W. Cole-Hamilton via Teleconference  
D. Frisch  
D. Hillian  
M. McCollum  
W. Morin  
M. Theos**

**Staff: D. Allen, CAO**

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

**1.00 ADOPTION OF MINUTES**

**.01**

MINUTES

Moved by McCollum and seconded by Frisch that the February  
11<sup>th</sup>, 2019 Special Council meeting minutes be adopted.  
**Carried**

Moved by McCollum and seconded by Frisch that the February  
19<sup>th</sup>, 2019 Regular Council meeting minutes be adopted.  
**Carried**

Moved by McCollum and seconded by Frisch that the February  
25<sup>th</sup>, 2019 Committee of the Whole meeting minutes be adopted.  
**Carried**

**2.00 ADOPTION OF LATE ITEMS**

**3.00 DELEGATIONS**

Jody MacDonald and Matt Beckett of the Comox Valley Community Foundation presented the foundation's 2018 Vital Signs Report to Council. The report gathers and publishes data on significant social and economic trends in areas critical to quality of life, and has been aligned with new census data for a stronger baseline on the Comox Valley.

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

**.01**

ZONING AMENDMENT  
BYLAW NO. 2888 -  
2310 - 20<sup>TH</sup> STREET  
3360-20-1707

Moved by Hillian and seconded by McCollum that based on the March 4<sup>th</sup>, 2019 staff report “Zoning Amendment Bylaw No. 2888 - 2310<sup>th</sup> Street” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2888, 2019; and

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

That Council proceed to First, Second and Third Readings of Housing Agreement Bylaw No. 2956, 2019 (2310 - 20<sup>th</sup> 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; and,

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 20<sup>th</sup> Street; and to register housing agreement as a restriction on the lands.

**Carried**

**.02**

REVITALIZATION TAX  
EXEMPTION FOR 344  
AND 356 - 12<sup>TH</sup>  
STREET  
1960-20

Moved by Hillian and seconded by Morin 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 - 12<sup>th</sup> Street); and,

That Council authorize staff to 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 - 12<sup>th</sup> Street) for a period of 5 years from the date of building occupancy.

**Carried**

**The council meeting recessed at 4:54 p.m. for the Public Hearing regarding Bylaw No. 2946.  
The meeting reconvened at 5:03 p.m.**

**.03**

ZONING AMENDMENT  
BYLAW NO. 2949 -  
143 - 5<sup>TH</sup> STREET  
3360-20-1818

Moved by McCollum and seconded by Hillian that based on the March 4<sup>th</sup>, 2019 staff report “Zoning Amendment Bylaw No. 2949 - 143 - 5<sup>th</sup> Street” Council approve OPTION 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 the above referenced Bylaw on March 18<sup>th</sup>, 2019 at 5:00 p.m. in City Hall Council Chambers.

**Carried with Councillor Cole-Hamilton opposed**

**.04**

ZONING AMENDMENT  
BYLAW NO. 2951 TO  
ALLOW FOR A  
SECONDARY SUITE AT  
2031 TAMARACK  
DRIVE  
3360-20-1820

Moved by Frisch and seconded by Morin that based on the March 4<sup>th</sup>, 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 18<sup>th</sup>, 2019 at 5:00 p.m. in the City Hall Council Chambers.

**Carried**

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

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

**.01**

ELASMOSAUR  
PROVINCIAL FOSSIL  
DESIGNATION  
7800-20

Moved by Frisch and seconded by Morin that the February 26<sup>th</sup>, 2019 briefing note “Elasmosaur Provincial Fossil Designation”, be received for information.

**Carried**

**.02**

HERITAGE ADVISORY  
COMMISSION  
MEETING MINUTES  
0360-20

Moved by Frisch and seconded by Theos that the Heritage Advisory Commission meeting minutes for January 23<sup>rd</sup>, 2019, be received for information.

**Carried**

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

COUNCILLOR  
COLE-HAMILTON

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

- Comox Valley Child and Youth Mental Health Action Team Presentation on Community and Health Impacts of Adverse Childhood Events
- Dawn to Dawn and Comox Valley Transition Society, Coldest Night of the Year walk and fundraiser event
- K’omoks First Nation and Comox Valley Regional District Community to Community forum
- Heritage Advisory Commission meeting
- Comox Valley Cycling Coalition AGM
- BC Economic Development Association Economic Summit 2019

COUNCILLOR  
FRISCH

Councillor Frisch reviewed his attendance at the following events:

- CVRD Liquid Waste Management Plan Joint Technical Advisory Committee and Public Advisory Committee consultation with K’omoks First Nation
- Integrated Regional Transportation Select Committee meeting
- CVRD Sewage Commission meeting
- CVRD Water Committee meeting
- K’omoks First Nation and Comox Valley Regional District Community to Community forum
- Visit to Mr. Beck’s grade 5 class at Brooklyn Elementary School re: Municipal politics discussion
- Comox Strathcona Solid Waste Management strategic planning

COUNCILLOR  
HILLIAN

Councillor Hillian reviewed his attendance at the following events:

- CVRD Liquid Waste Management Plan Joint Technical Advisory Committee and Public Advisory Committee consultation with K’omoks First Nation
- Comox Valley Community Justice Centre meeting
- Youth Ecological Restoration Program Presentation facilitated by Wendy Kotilla
- Dawn to Dawn and Comox Valley Transition Society, Coldest Night of the Year walk and fundraiser event
- CVRD Sewage Commission meeting
- K’omoks First Nation and Comox Valley Regional District Community to Community forum
- CVRD Board meeting
- Comox Strathcona Solid Waste Management strategic planning

COUNCILLOR  
MCCOLLUM

Councillor McCollum reviewed her attendance at the following events:

- Comox Valley Child and Youth Mental Health Action Team Presentation on Community and Health Impacts of Adverse Childhood Events
- Dawn to Dawn and Comox Valley Transition Society, Coldest Night of the Year walk and fundraiser event
- K’omoks First Nation and Comox Valley Regional District Community to Community forum

COUNCILLOR  
MORIN

Councillor Morin reviewed her attendance at the following events:

- Youth Ecological Restoration Program Presentation facilitated by Wendy Kotilla
- Dawn to Dawn and Comox Valley Transition Society, Coldest Night of the Year walk and fundraiser event
- CVRD Sewage Commission meeting
- K’omoks First Nation and Comox Valley Regional District Community to Community forum
- CVRD Board meeting

MAYOR  
WELLS

Mayor Wells reviewed his attendance at the following events:

- Rotary Club of Comox Valley, Rotary Rendezvous Youth Exchange Dinner
- Regional Leader's Lunch
- YANA Big Love Benefit fundraising dinner
- Dawn to Dawn and Comox Valley Transition Society, Coldest Night of the Year walk and fundraiser event
- Courtenay and District Fish and Game Protection fundraiser banquet - Won Best Costume
- City Council participated in Pink Shirt Day 2019
- K'omoks First Nation and Comox Valley Regional District Community to Community forum
- Wounded Warrior Run BC fundraiser event
- Comox Strathcona Solid Waste Management strategic planning
- Mt. Washington Adaptive Winter Snow Sports Demo Day fundraiser event
- Ocean Waves Square Dancing 65<sup>th</sup> Anniversary event

## **8.00 RESOLUTIONS OF COUNCIL**

**.01**

COUNCILLOR  
COLE-HAMILTON -  
ASSET MANAGEMENT  
LIFE-CYCLE  
CONSIDERATIONS

Moved by Cole-Hamilton and seconded by Morin that

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.

**Carried**

**.02**

COUNCILLOR  
COLE-HAMILTON -  
CLEANBC  
COMMUNITY FUND  
GRANT - ELECTRIC  
VEHICLE CHARGERS

Moved by Cole-Hamilton and seconded by Frisch 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.

**Amending Motion:**

Moved by Frisch and seconded by McCollum that the main motion be amended to add that staff engage with their regional counterparts *and the Community Energy Association* 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.

**Carried**

**The main motion was carried as amended**

**.03**

COUNCILLOR HILLIAN  
MOTION CLIMATE  
CHANGE

Moved by Hillian and seconded by McCollum that  
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.

**Amending motion**

Moved by Theos and seconded by McCollum that the letter be amended to remove the first paragraph that reads; *“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.”* And, strike the first line of paragraph two that reads; *“In considering this request”*, from the proposed draft fossil fuel climate change letter.

**Carried**

**The main motion was carried as amended**

**9.00 UNFINISHED BUSINESS**

**.01**

DRAFT COURTENAY  
STRATEGIC  
PRIORITIES  
2019 - 2022

Moved by Frisch and seconded by Hillian that Council adopt the “Courtenay Strategic Priorities 2019 - 2022” as presented in the March 4<sup>th</sup>, 2019 agenda.

**Amending motion:**

Moved by Hillian and seconded by McCollum that staff take into account the comments made during the March 4<sup>th</sup>, 2019 regular Council meeting discussion and move forward with Version 2 of the Courtenay Strategic Priorities 2019 - 2022 for this term.

**Carried**

**The main motion was carried as amended**

**.02**

DELEGATION - KELLY  
MATHEWS,  
DOGWOOD GROUP  
AND ANDREW GAGE,  
WEST COAST  
ENVIRONMENTAL  
LAW, WCEL

The request from Kelly Mathews, Dogwood Group and Andrew Gage, West Coast Environmental Law asking 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 industry's role in carbon outputs was addressed through the March 4<sup>th</sup>, 2019 Council agenda item 8.3 *Councillor Hillian Climate Change resolution.*

**.03**

DELEGATION -  
PATRICK MCKENNA,  
EXECUTIVE  
DIRECTOR, HABITAT  
FOR HUMANITY  
VANCOUVER ISLAND  
NORTH

Moved by Hillian and seconded by Frisch that Council direct staff to communicate to Patrick McKenna, Executive Director, Habitat for Humanity, that his request for a land donation is under consideration as part of a larger future land strategy discussion; and,

That Council will communicate the outcome to Mr. McKenna in due course.

**Carried**

**.04**

DELEGATION -  
JUDITH CONWAY,  
H.O.P.E. -  
AWARENESS -  
MEMORIAL DISPLAY  
REQUEST

Moved by Morin and seconded by Frisch that Council approve Ms. Judith 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; and,

That further the memorial display commence in May 2019.  
**Carried**

**.05**

DELEGATION - CARL  
TESSMANN, COMOX  
VALLEY CANOE  
RACING CLUB

Moved by Frisch and seconded by McCollum that Council direct staff to work with the delegate, Carl Tessman, Comox Valley Canoe Racing Club, to explore options, in partnership, to expand the club's space and secure storage compound.

**Carried**

## **10.00 NOTICE OF MOTION**

**.01**

IN CAMERA  
MEETING

Moved by Theos and seconded by Frisch that a Special In-Camera meeting closed to the public will be held March 4<sup>th</sup>, 2019 at the conclusion of the Regular Council Meeting pursuant to the following sub-sections of the *Community Charter*:

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

**Carried**



**11.00 NEW BUSINESS**

**12.00 BYLAWS**

**.01** Moved by Frisch and seconded by Hillian that “Zoning  
BYLAW NO. 2888, Amendment Bylaw No. 2888, 2019” pass first and second reading.  
2019, ZONING **Carried**  
AMENDMENT TO

PERMIT A TWO LOT  
SUBDIVISION ON THE  
PROPERTY, 2310-  
20<sup>TH</sup> STREET

**.02** Moved by McCollum and seconded by Frisch that “Zoning  
BYLAW NO. 2949, Amendment Bylaw No. 2949, 2019” pass first and second reading.  
2019, ZONING **Carried with Councillor Cole-Hamilton opposed**  
AMENDMENT TO

ALLOW STOREFRONT  
CANNABIS RETAILER  
AS PERMITTED USE,  
143-5<sup>TH</sup> STREET

**.03** Moved by Frisch and seconded by McCollum that “Zoning  
BYLAW NO. 2951, Amendment Bylaw No. 2951, 2019” pass first and second reading.  
2019, ZONING **Carried**  
AMENDMENT TO

ALLOW FOR A  
SECONDARY SUITE,  
2031 TAMARACK  
DRIVE

**.04** Moved by McCollum and seconded by Frisch that “Housing  
BYLAW NO. 2956, Agreement Bylaw No. 2956, 2019” pass first, second and third reading.  
2019, TO AUTHORIZE **Carried**  
A HOUSING

AGREEMENT, 2310-  
20<sup>TH</sup> STREET

**Councillor McCollum left Council Chambers at 7:04 p.m.**

**Councillor McCollum returned to Council Chambers and took her seat at 7:05 p.m.**

**.05** Moved by Frisch and seconded by Hillian that “City of Courtenay  
BYLAW NO. 2965, Fees and Charges Amendment Bylaw No. 2965, 2019” pass first, second  
2019, TO AMEND THE and third reading.  
WATER AND SEWER **Carried**  
UTILITY USER RATES

FOR 2019

**.06**

BYLAW 2938, 2018,  
ZONING AMENDMENT  
TO REZONE  
PROPERTY FROM C-  
2A TO R-4A, TO  
ALLOW SENIORS  
CARE FACILITY, 925  
BRAIDWOOD ROAD

Moved by Frisch and seconded by Hillian that “Zoning Amendment Bylaw No. 2938, 2018” pass third reading.  
**Carried**

**.07**

BYLAW NO. 2944,  
2019, ZONING  
AMENDMENT TO  
ALLOW STOREFRONT  
CANNABIS RETAILER  
AS PERMITTED USE

Moved by Hillian and seconded by McCollum that “Zoning Amendment Bylaw No. 2944, 2019” pass third reading.  
**Carried**

**.08**

BYLAW NO. 2931,  
2018, ZONING  
AMENDMENT TO  
PERMIT A 26 LOT  
RESIDENTIAL  
SUBDIVISION, 4100  
FRASER ROAD

Moved by Theos and seconded by McCollum that “Zoning Bylaw No. 2931, 2018” be finally adopted.  
**Carried**

**.09**

BYLAW NO. 2938,  
2018, ZONING  
AMENDMENT TO  
REZONE PROPERTY  
FROM C-2A TO R-4A  
TO ALLOW SENIORS  
CARE FACILITY, 925  
BRAIDWOOD ROAD

Final adoption of “Zoning Amendment Bylaw No. 2938, 2018” was deferred to a future Council meeting.

**.10**

BYLAW NO. 2944,  
2019, TO ALLOW A  
STOREFRONT  
CANNABIS RETAILER,  
#1400-2701 CLIFFE  
AVENUE

Moved by McCollum and seconded by Morin that “Zoning Amendment Bylaw No. 2944, 2019” be finally adopted.  
**Carried**

**13.00 ADJOURNMENT**

**.01**

Moved by Hillian and seconded by Theos that the meeting now adjourn at 7:34 p.m.

**Carried**

**CERTIFIED CORRECT**

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**Corporate Officer**

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

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**Mayor**





THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.:** 950-20

**From:** Chief Administrative Officer

**Date:** March 18, 2019

**Subject:** Road Closure and Property Disposition of lane at 356 14<sup>th</sup> Street

### PURPOSE:

The purpose of this report is for Council to consider a request from Lotus Estates Inc., No. BC 1109682 (the Applicant) to close approximately 552 square metres of road (the Subject Property), authorize staff to negotiate the required road dedications and statutory rights of way required for the pending development, and subsequently dispose the Subject Property to the Applicant.

### POLICY:

Sections 40, 26, and 94 of the *Community Charter* provide for the municipal authority and notification process for road closures and disposition.

### CAO RECOMMENDATIONS:

That based on the March 18, 2019 staff report "Road Closure and Property Disposition of lane at 356 14<sup>th</sup> Street", Council approve OPTION 1 and proceed to First, Second and Third Readings of "Road Closure Bylaw No. 2966, 2019; and

That Council direct staff to publish notice of the road closure and disposition pursuant to sections 26 and 40 of the *Community Charter*; and

That subsequent to the publication of notice, Council approve the disposition of the portion of closed road to Lotus Estates Inc., No. BC 1109682 for the appraised value of \$130,316 less the cost for any required road dedications and statutory right of ways at fair market value of \$236.08 per square meter, subject to public input.

Respectfully submitted,

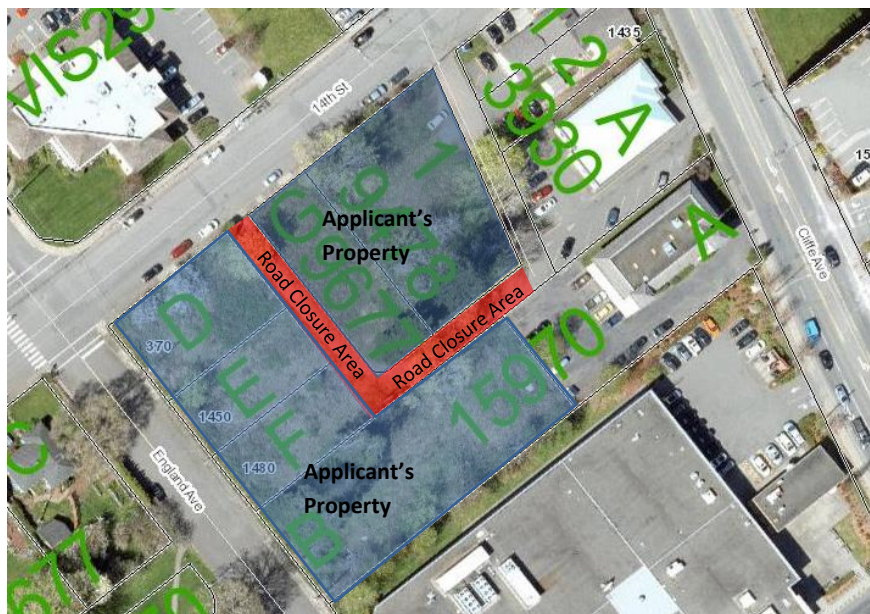
David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

The City has been approached by the Applicant to close a portion of road off 14<sup>th</sup> Street which abuts the Applicant's property (See Figure 1) in conjunction with their application for a Development Permit (DPwV1824). Subsequent to the proposed road closure and disposition of the Subject Property to the

Applicant, the Applicant's plan is to consolidate the surrounding lots and create a single site for the development of sixteen townhouses and a three story apartment building.

**Figure 1: Subject Property – Road Closure Area (in red)**



In order for the City to proceed with the review of the applicant's development permit application, the road closure and disposition of the property to the applicant must first be addressed.

## **DISCUSSION:**

### **Road Closure and Land Disposition Process**

Should Council wish to proceed with selling the land to the Applicant, the following steps are required:

1. Council passes three readings of road closure and removal of highway dedication bylaw pursuant to Section 40 of the *Community Charter*.
2. The City post notice in the newspaper for two consecutive weeks in accordance with Section 94 of the *Community Charter* calling for public input with respect to the road closure and the City's intent to sell the land to the adjacent owner.
3. The City deliver notice of intention to operators of utilities whose transmission or distribution facilities or works will be affected by the closure.
4. Council consider final adoption of the bylaw.
5. Title to the property may be registered once the road closure bylaw is filed with the Land Title Office creating a fee simple property. This property can then be consolidated with the adjacent lots owned by the Applicant.

### **Utility Operator Implications**

Shaw, Telus, Fortis BC and BC Hydro have been consulted on the request. There are no Shaw, Telus or BC Hydro services running through the Subject Property. There is an existing Fortis BC owned gas main which runs down the subject property. The main is currently not in service. Two options were provided to the applicant:

- 1) A statutory right of way will be required for Fortis to continue access to the gas main however this may impact the property development around the main.
- 2) Fortis BC will abandon the main 1 metre outside of the proposed property. The cost of abandonment will be determined at the time the abandonment is requested and will be at the full responsibility of the Applicant.

The Applicant has chosen option 2.

An existing subsurface asbestos cement sanitary sewer main runs within the Subject Property. The ownership and liability of the section of asbestos cement sewer main located within the Subject Property would transfer to the Applicant. The Applicant will be responsible for the full cost of the City's disconnection and removal of the asbestos cement pipe between the City main to the property line in accordance with City Bylaw No. 1327.

#### **Restrictions in highway closure under the Community Charter:**

Section 41 (3) As a restriction on the authority under section 40 (1), if the highway or part of a highway to be closed or reopened is within 800 metres of an arterial highway, the bylaw under that section may only be adopted if it is approved by the minister responsible for the *Transportation Act*.

The road closure bylaw will require Ministry of Transportation approval before the final adoption.

#### **Development Permit Implications**

An initial internal staff review of the associated Development Permit Application (DPwV1824) has brought forth two design requirements related to this disposition. The first is the need for additional road dedication to improve safety at the intersection of the remaining portion of the lane and 14<sup>th</sup> street. Additionally, a statutory right of way will be required to facilitate a public turn around within the development site. These requirements can be addressed at the time of disposition and would reduce the disposition cost of the Subject Property by \$236.06 per square meter of area required for road dedication. This area is estimated to be approximately 40 square metres.

#### **FINANCIAL IMPLICATIONS:**

Should Council proceed with the road closure and disposition, all costs associated with the closure and preparation of the necessary surveys, statutory advertising and legal documents will be paid by the Applicant.

The value of the Subject Property is based on an appraised fair market value as determined by a qualified appraiser at the expense of the Applicant.

After the adoption of the road closure bylaw, the fair market value of the resulting property will be \$130,308. This amount will be reduced by the cost of land currently owned by the Applicant that will be transferred to the City for road dedication in anticipation of the Development Permit for the abutting property, which is estimated at \$9,442. The proceeds of disposition will be placed into a statutory reserve that can only be used for the purchase of land and improvements as per Section 188 (2)(e) of the *Community Charter*. **The net proceeds are estimated to be \$120,866.**

There is no application fee required for permanent road closure applications through the existing Fees and Charges Bylaw. In order to recover the City's administration costs, staff recommend Council direct staff to include a fee for future permanent road closure applications.

#### **ADMINISTRATIVE IMPLICATIONS:**

General administration of the road closure bylaw and land sale has required approximately 25 hours of staff time for corresponding with the Applicant, Applicant's design and survey professionals, conducting external and internal referrals, conducting research and preparing the staff report. Staff anticipate an additional 15 hours will be required for administration of the disposition.

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

The existing road is not in active service. Once the abutting property is developed, there will be ongoing operations and maintenance costs required for the road servicing the future development. However, this will be offset with the future annual property tax revenue associated with the disposition of the property.

#### **STRATEGIC PRIORITIES REFERENCE:**

- Assess how city-owned lands can support our strategic land purchases and sales
- ▲ Work with the business and development sectors to mutually improve efficiencies
- Communicate appropriately with our community in all decisions we make

- **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 that are outside Council's jurisdictional authority to act

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

Not referenced.

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

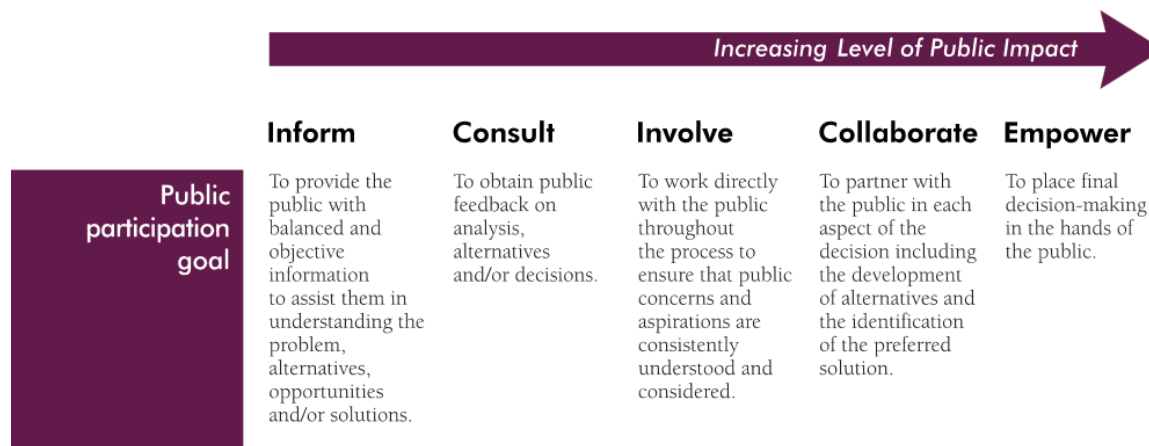
Not referenced.

#### **CITIZEN/PUBLIC ENGAGEMENT:**

Pursuant to sections 26 and 40 of the *Community Charter*, publication of notice is required for the road closure and the subsequent disposition of land.

Staff would **"Consult"** the public based on the IAP2 Spectrum of Public Participation:





#### OPTIONS:

- OPTION 1:** Proceed to First, Second and Third Readings of "Road Closure Bylaw No. 2966, 2019; and
- That Council direct staff to publish notice of the road closure and disposition pursuant to sections 26 and 40 of the *Community Charter*; and
- That subsequent to the publication of notice, Council approve the disposition of the portion of closed road to Lotus Estates Inc., No. BC 1109682 for the appraised value of \$130,316 less the cost for any required road dedications and statutory right of ways at fair market value of \$236.08 per square meter, subject to public input.
- OPTION 2:** That Council not approve the road closure bylaw and disposition of property.
- OPTION3:** That Council refer the report back to staff to negotiate a different arrangement.

Prepared by:

Dave Snider, BCSLA  
Director of Recreation and Cultural Services

Ian Buck, MCIP, RPP  
Director of Development Services

#### Attachments:

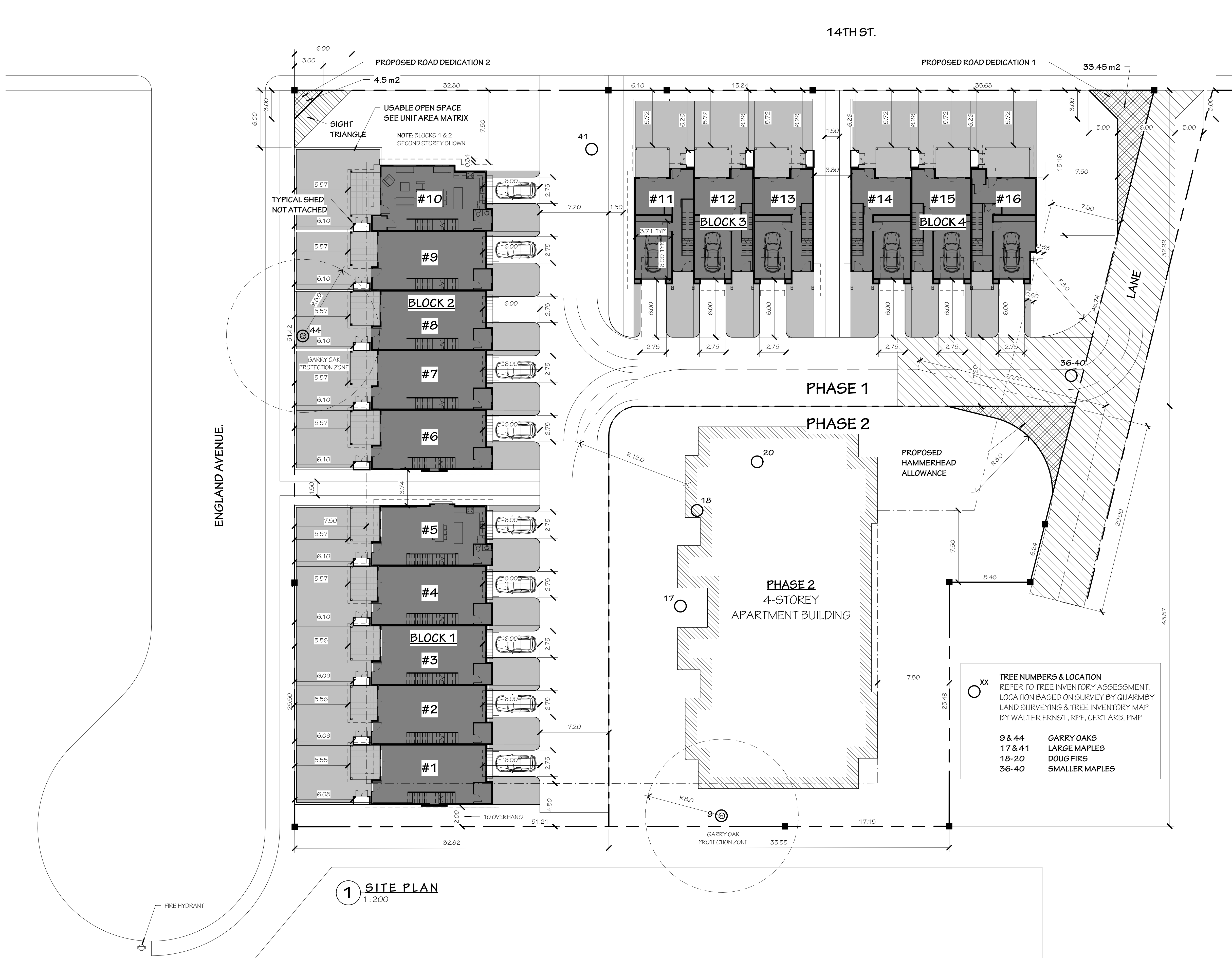
1. Site plan – 356 & 370 14<sup>th</sup> Street Proposed Development
2. Draft Reference Plan EPP 83690 Proposed Partial Road Closure and Disposition
3. Draft Reference plan EPP 87058 Proposed Lot Consolidation for Development
4. Jackson & Associates Current Market Valuation of Road Allowance

"ENGLAND OAKS"

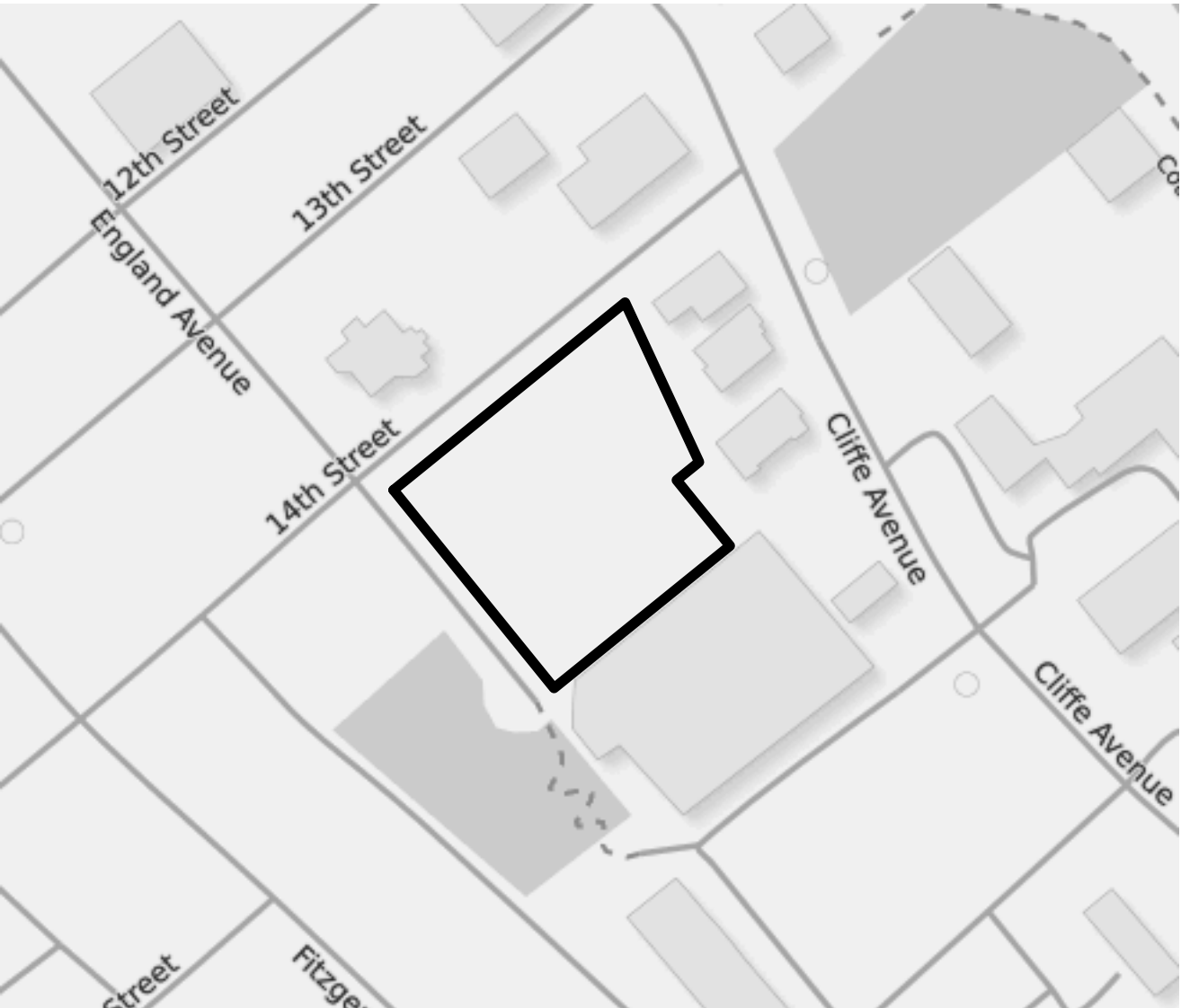
SITE PLAN

JAN. 31, 2019

Scale: As Indicated



LOCATION MAP



SITE & PLANNING SUMMARY

CIVIC ADDRESS: 1721 ENGLAND AVENUE

PID:

LEGAL DESCRIPTION:

ZONING: NO. 2500, 2007, MU-2

PRIMARY USE: MULTI RESIDENTIAL DWELLING

SITING	BYLAW	PROPOSED
LOT SIZE:		
PHASE 1:		4,029.4 m <sup>2</sup>
PHASE 2:		1,997.2 m <sup>2</sup>
TOTAL:		6,026.6 m <sup>2</sup>
COVERAGE [max]:		
PHASE 1 AREA	40%	1,105.2 m <sup>2</sup> , 27.4%
PHASE 2 AREA	40%	715.8 m <sup>2</sup> , 35.8%
SETBACKS [min]:		
FRONT YARD:	7.5m	7.5m
REAR YARD:	7.5m	7.5m
SIDE YARD:	4.5m	2.0m
FLANKING SIDE YARD:	7.5m	7.5m
*VARIANCE OF 2.5m		
HEIGHT [max]:	10m	10m
DENSITY		
TOWNHOUSE UNITS:		16
PARKING		
COVERED:		16
SURFACE:		16
TOTAL:	24	32

UNIT AREA MATRIX

BLOCK/UNIT	MAIN FLOOR AREA	SECOND FLOOR AREA	THIRD FLOOR AREA	LIVING AREA TOTAL	GARAGE AREA	GRAND TOTAL AREA	USABLE OPEN SPACE
BLOCK 1							
UNIT 1 - 2 BR	40.8 m <sup>2</sup>	74.5 m <sup>2</sup>	74.5 m <sup>2</sup>	189.8 m <sup>2</sup>	27.4 m <sup>2</sup>	217.2 m <sup>2</sup>	66.1 m <sup>2</sup>
UNIT 2 - 3 BR	41.6 m <sup>2</sup>	74.5 m <sup>2</sup>	74.5 m <sup>2</sup>	190.6 m <sup>2</sup>	27.1 m <sup>2</sup>	217.7 m <sup>2</sup>	66.6 m <sup>2</sup>
UNIT 3 - 2 BR	40.6 m <sup>2</sup>	73.4 m <sup>2</sup>	73.4 m <sup>2</sup>	187.4 m <sup>2</sup>	27.1 m <sup>2</sup>	214.2 m <sup>2</sup>	67.7 m <sup>2</sup>
UNIT 4 - 3 BR	41.6 m <sup>2</sup>	74.5 m <sup>2</sup>	74.5 m <sup>2</sup>	190.6 m <sup>2</sup>	27.1 m <sup>2</sup>	217.7 m <sup>2</sup>	66.6 m <sup>2</sup>
UNIT 5 - 2 BR	40.9 m <sup>2</sup>	74.0 m <sup>2</sup>	74.0 m <sup>2</sup>	188.9 m <sup>2</sup>	27.1 m <sup>2</sup>	216.0 m <sup>2</sup>	67.8 m <sup>2</sup>
BLOCK 2							
UNIT 6 - 2 BR	40.8 m <sup>2</sup>	74.5 m <sup>2</sup>	74.5 m <sup>2</sup>	189.8 m <sup>2</sup>	27.4 m <sup>2</sup>	217.2 m <sup>2</sup>	66.1 m <sup>2</sup>
UNIT 7 - 3 BR	41.6 m <sup>2</sup>	74.5 m <sup>2</sup>	74.5 m <sup>2</sup>	190.6 m <sup>2</sup>	27.1 m <sup>2</sup>	217.7 m <sup>2</sup>	66.6 m <sup>2</sup>
UNIT 8 - 2 BR	40.6 m <sup>2</sup>	73.4 m <sup>2</sup>	73.4 m <sup>2</sup>	187.4 m <sup>2</sup>	27.1 m <sup>2</sup>	214.2 m <sup>2</sup>	66.5 m <sup>2</sup>
UNIT 9 - 3 BR	41.6 m <sup>2</sup>	74.5 m <sup>2</sup>	74.5 m <sup>2</sup>	190.6 m <sup>2</sup>	27.1 m <sup>2</sup>	217.7 m <sup>2</sup>	64.4 m <sup>2</sup>
UNIT 10 - 2 BR	42.5 m <sup>2</sup>	78.0 m <sup>2</sup>	74.0 m <sup>2</sup>	194.5 m <sup>2</sup>	29.8 m <sup>2</sup>	224.3 m <sup>2</sup>	88.6 m <sup>2</sup>
BLOCK 3							
UNIT 11 - 2 BR	40.8 m <sup>2</sup>	73.4 m <sup>2</sup>	73.4 m <sup>2</sup>	187.6 m <sup>2</sup>	27.1 m <sup>2</sup>	214.7 m <sup>2</sup>	66.7 m <sup>2</sup>
UNIT 12 - 2 BR	40.5 m <sup>2</sup>	73.4 m <sup>2</sup>	73.4 m <sup>2</sup>	187.3 m <sup>2</sup>	27.1 m <sup>2</sup>	214.4 m <sup>2</sup>	68.1 m <sup>2</sup>
UNIT 13 - 2 BR	40.7 m <sup>2</sup>	74.5 m <sup>2</sup>	74.5 m <sup>2</sup>	189.7 m <sup>2</sup>	27.4 m <sup>2</sup>	217.1 m <sup>2</sup>	66.9 m <sup>2</sup>
BLOCK 4							
UNIT 14 - 2 BR	40.8 m <sup>2</sup>	73.4 m <sup>2</sup>	73.4 m <sup>2</sup>	187.6 m <sup>2</sup>	27.1 m <sup>2</sup>	214.7 m <sup>2</sup>	66.9 m <sup>2</sup>
UNIT 15 - 2 BR	40.5 m <sup>2</sup>	73.4 m <sup>2</sup>	73.4 m <sup>2</sup>	187.3 m <sup>2</sup>	27.1 m <sup>2</sup>	214.4 m <sup>2</sup>	68.1 m <sup>2</sup>
UNIT 16 - 2 BR	41.7 m <sup>2</sup>	78.8 m <sup>2</sup>	74.0 m <sup>2</sup>	194.5 m <sup>2</sup>	29.8 m <sup>2</sup>	224.3 m <sup>2</sup>	74.0 m <sup>2</sup>

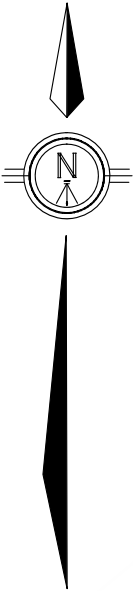
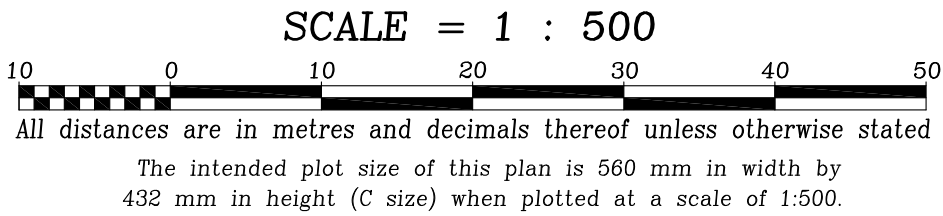
Carsten Jensen Architect

t. 250-752 0292 | www.carstenjensenarchitect.com

REFERENCE PLAN TO ACCOMPANY: THE CORPORATION OF THE CITY OF COURTENAY BYLAW No. \_\_\_\_ CLOSING ROAD DEDICATED BY PLANS 9478 AND 9677, SECTION 41, COMOX DISTRICT. PURSUANT TO SECTION 120, LAND TITLE ACT and SECTION 40, COMMUNITY CHARTER B.C.G.S. 92F.066

PLAN EPP83690

DRAFT



LEGEND

Grid bearings are derived from differential dual frequency GNSS observations and are referred to the central meridian of UTM Zone 10 (123° West Longitude).

The UTM coordinates and estimated horizontal positional accuracy achieved are derived from dual frequency GNSS observations to Geodetic Control Monument No. 157461 (Stamped 867010)

This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.9998544. The average combined factor has been determined based on a mean ellipsoidal elevation of 0.0 metres.

- - denotes - Standard Iron Post found.
- △ - denotes - Traverse Hub placed.
- Fd - denotes - Found
- IP - denotes - Iron Post
- NF - denotes - Nothing Found.
- REM - denotes - Remainder
- THC - denotes - Traverse Hub, Concrete Nail

GNSS Control Traverse Hub #1810709

Datum NAD83(CSRS) 3.0.0.BC.1.NVI  
UTM Zone 10  
UTM Northing 5,505,577.298  
UTM Easting 356,110.715  
Point Combined Factor 0.9998541  
Estimated Network Horizontal  
Positional Accuracy 0.05 M.

STRATA PLAN  
VIS3562  
(POSTING PLAN VIP59585)

3  
PLAN  
8140  
B  
PLAN  
VIP68457

AMENDED 1  
(DD 67952N)

BRUCE LEWIS  
LAND SURVEYING INC.  
811 HIGHRIDGE COURT  
COMOX B.C. V9M 3R4  
FILE: 1973-P01

STRATA PLAN VIS2998  
(PLAN VIP57501)

14th STREET

SEC 41

ENGLAND AVENUE

LANE

CLIFFE AVENUE

ROAD CLOSURE  
TOTAL AREA=582 SqM

REM C  
PLAN  
36857

3  
PLAN  
2292  
(POSTING PLAN 3151PP)

1  
PLAN  
3930  
2

A  
PLAN  
VIP60527

A  
PLAN  
15970

B  
PLAN  
15970

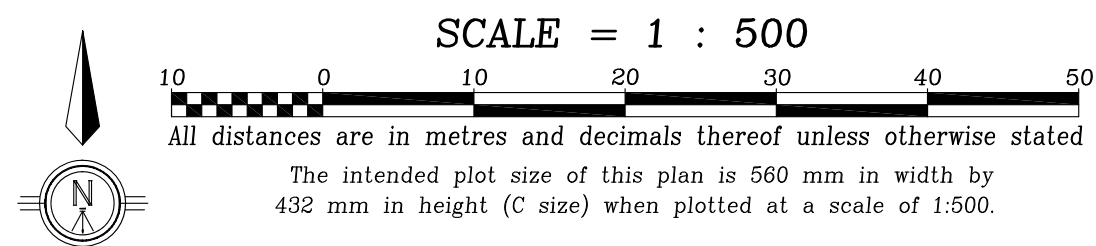
1  
PLAN  
VIP75100  
(POSTING PLAN VIP76416)

This plan lies within the  
Comox Valley Regional District

The field survey represented by this plan was  
completed on the \_\_\_\_th day of October, 2018.  
Bruce V. Lewis, BCLS #705



PURSUANT TO SECTIONS 100(1)(b) AND 107 OF THE LAND TITLE ACT  
B.C.G.S. 92F.066



Datum NAD83(CSRS) 3.0.0.BC.1.NVI  
UTM Zone 10  
UTM Northing 5,505,577.298  
UTM Easting 356,110.715  
Point Combined Factor 0.9998541  
Estimated Network Horizontal  
Positional Accuracy 0.05 M.

STRATA PLAN  
VIS3562  
(POSTING PLAN VIP59585)

3  
PLAN  
8140  
B  
PLAN  
VIP68457

AMENDED 1  
(DD 67952N)

**BRUCE LEWIS**  
LAND SURVEYING INC.  
811 HIGHRIDGE COURT  
COMOX B.C. V9M 3R4  
FILE: 1973-P02

STRATA PLAN VIS2998  
(PLAN VIP57501)

3  
PLAN  
2292  
(POSTING PLAN 3151PP)

PLAN 1 3930 2

A  
PLAN  
VIP60527

A  
PLAN  
15970

1  
PLAN  
VIP75100  
(POSTING PLAN VIP76416)

REM C  
PLAN  
36857

This plan lies within the  
Comox Valley Regional District

### LEGEND

Grid bearings are derived from differential dual frequency GNSS observations and are referred to the central meridian of UTM Zone 10 (123° West Longitude).

The UTM coordinates and estimated horizontal positional accuracy achieved are derived from dual frequency GNSS observations to Geodetic Control Monument No. 157461 (Stamped 867010)

This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.9998544. The average combined factor has been determined based on a mean ellipsoidal elevation of 0.0 metres.

● - denotes - Standard Iron Post found.  
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 Fd - denotes - Found  
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 IP - denotes - Iron Post  
 NF - denotes - Nothing Found.  
 REM - denotes - Remainder  
 THC - denotes - Traverse Hub, Concrete Nail

This plan lies within the jurisdiction  
of the Approving Officer for the  
Corporation of the City of Courtenay

The field survey represented by this plan was completed on the \_\_\_th day of October, 2018.  
Bruce V. Lewis, BCLS #705



**JACKSON & ASSOCIATES**  
Affiliate **VERRAGROUP** Valuation

**Current Market Valuation of:**

551 Square Metre Road Allowance  
14th Street and England Avenue,  
Courtenay, BC

**Prepared for:**

Lotusland Estates Inc.  
c/o 712-3030 Kilpatrick Avenue,  
Courtenay, BC  
V9N 8P1

Attention: Shawn Vincent

**Effective Date of Appraisal:**

June 29, 2018

July 4, 2018  
Re: F-4778

Lotusland Estates Inc.  
c/o 712-3030 Kilpatrick Avenue,  
Courtenay, BC V9N 8P1

Attention: Shawn Vincent

Dear Sir:

Re: 551 Square Metre Road Allowance  
Situating at 14th Street and England Avenue, Courtenay, BC  
To Be Amalgamated With Lots D, E, F & G, Section 41, Comox District, Plan 9677;  
Lot 1, Section 41, Comox District, Plan 9478; and  
Lot B, Section 41, Comox District, Plan 15970

In accordance with your instructions, we have prepared an appraisal report indicating our opinion of the current market value of the fee simple interest in the subject property, as at the effective date of our site visit, being June 29, 2018.

Our client is Lotusland Estates Inc. The intended use of this report is to assist with purchase negotiations with the City of Courtenay. The intended user of the report is Lotusland Estates Inc. and the City of Courtenay and no other users. Unauthorized third-party reliance to anyone or any organization, other than Lotusland Estates Inc. and the City of Courtenay, is strictly and expressly denied.

The subject property comprises an 'L' shaped lane/road allowance measuring 6.1 to 6.2 metres in width (20') and extending a total length of 95.5 metres (313.24'). Total area is 551 square metres or 5,929 square feet. The lane is to be closed and amalgamated with the adjoining six parcels as part of a larger lot consolidation to facilitate a re-development of the site.

In estimating the current market value of the subject property, we have employed the Direct Comparison Approach utilizing the 'across the fence' methodology. Based on our research and analysis, it is our opinion that the market value of the subject property as described herein as of June 29, 2018 is about:

<b>(1) Value of the Site as though Consolidated:</b>	<b>\$1,425,000.00</b>
<b>(2) Value of 551 Square Metre Road Allowance:</b>	<b>\$130,082.00</b>

Our opinion of current market value is subject to Scope of Appraisal found in the report addendum and the Limiting Conditions and Critical Assumptions beginning on page #42 of the report. The current market value estimate is based on an exposure period of 4-8 months.

The value estimates contained herein are based on the extraordinary assumption and hypothetical condition that the title to the lane has been raised and the parcel has been amalgamated/consolidated with the adjoining properties. It is noted, as title to the road allowance has not yet been raised, it is assumed that there are no underground utility lines or unregistered Statutory Rights of Way or easements which would impair the utility of the subject property.

917A Fitzgerald Avenue, Courtenay, BC V9N 2R6  
(250) 338-7323 fax (250) 338-8778  
[www.comoxvalleyappraisers.com](http://www.comoxvalleyappraisers.com)

Affiliate VERRAGROUP Valuation  
**Local Expertise - National Perspective**  
[www.VERRAGROUPvaluation.com](http://www.VERRAGROUPvaluation.com)

The following report sets forth a summary of the most pertinent data gathered, the techniques employed and the reasoning leading to the opinion of value. The report, in its entirety, including all assumptions and limiting conditions, is an integral part of, and inseparable from, this letter.

The analyses, opinions and conclusions summarized herein were developed based on, and this report has been prepared in accordance with, our interpretation of the guidelines and recommendations set forth in the Canadian Standards of Professional Appraisal Practice (CUSPAP).

Thank you for the opportunity of being of service to you.

Respectfully submitted,

**Wm. S. Jackson & Associates Ltd.**



---

Dan Wilson  
B.Comm., R.I.(BC), AACI (Fellow), CRP







THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

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**To:** Council  
**From:** Chief Administrative Officer  
**Subject:** Resolution to Endorse an Application for a CleanBC Communities Grant – Level 2 Electric Vehicle Charging Stations

**File No.:** 8620-00  
**Date:** March 18, 2019

---

### PURPOSE:

To provide a Resolution of Council as part of the application package for a CleanBC Communities Grant of 73.33% of the project cost to install multiple Level 2 Electric Vehicle Charging Stations for public use.

### POLICY ANALYSIS:

Council recently adopted the City's 2019 2022 Strategic Priorities which include six themes and 28 priorities. Supporting the availability and public use of electric vehicle charging stations meets four of these priorities as outlined below.

- ▲ Explore opportunities for Electric Vehicle Charging Stations
- ▲ Advocate, collaborate and act to reduce air quality contaminants
- ▲ ■ Support actions to address Climate Change mitigation and adaptation
- ▲ Engage with businesses and the public to continue revitalizing our downtown

● **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 that are outside Council's jurisdictional authority to act

### CAO RECOMMENDATIONS:

That, based on the March 18, 2019 staff report "Resolution to Endorse an Application for a CleanBC Communities Grant – Level 2 Electric Vehicle Charging Stations", Council approve Option 1:

#### OPTION 1:

That the City participate in the Mid-Island EV Network project and associated CleanBC Communities Fund application with Regional District of Nanaimo as the lead applicant and dedicate a total of up to \$25,000 to be funded from Host Local Government Gaming Tax Revenue for the City's portion of the cost of four public electric vehicle charging stations (2 X dual port) at a City-owned site within the community, and that the location of the charging station be referred to staff. (Recommended)

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

## BACKGROUND:

At the regular open council meeting of March 4, 2019, Council adopted the following Resolution:

### Amending Motion:

Moved by Frisch and seconded by McCollum that the main motion be amended to add that staff engage with their regional counterparts *and the Community Energy Association* 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.

Carried

The main motion was carried as amended

## DISCUSSION:

Since January 2019 the Regional District of Nanaimo (RDN) has been acting as a lead regional applicant for a CleanBC Communities Fund grant under the “Increased access to clean energy transportation” category. This category supports installation of Level 2 electric vehicle charging infrastructure and RDN has engaged the Community Energy Association of BC (CEA) to develop a region-wide joint application for this purpose. The submission is due prior to March 27, 2019.

Staff has engaged with the Executive Director of CEA and tentatively arranged to include Courtenay, Comox and the Comox Valley Regional District to participate as co-applicants to the RDN application. Comox and CVRD are in contact with CEA to discuss their particular participation. A project overview attached.

Concurrently, staff instructed one of the City’s Engineering contractors to develop technical and financial estimates in support of Courtenay’s potential participation. Detailed design and devising the necessary five-year full life-cycle commitments are ongoing. Tentatively, CEA estimates a single installation would cost ~\$25K with the City paying ~\$6K. Multiple installations co-located would reduce the per station cost, so it is plausible that four stations could be installed for less than \$100K with the City portion being ~\$25K.

To that end, and in consideration of the urgency of this process, staff has presumed to include sufficient expenditures in the 2020 portion of the coming five-year financial plan with the funding sources of CleanBC grant and the Host Local Government Gambling Revenue for the City’s portion. All other life-cycle costs are presumed to be added to future Public Works operating budgets. Incurring these expenditures will be assumed to be subject to successful CleanBC granting approval.

Staff has worked directly with CEA to survey City-owned lands and identify a suitable local site for multiple installations that are best suited to meet the granting authority objectives. **Tentatively, CEA staff have assessed as, “Awesome” (e.g. meets the necessary senior government objectives) the idea of co-locating up to four Level 2 stations adjacent to the north wall of the Sid Williams Theatre in four existing parking stalls facing Cliffe Avenue. See attached photos.**

A CEA recommended Resolution is sufficiently general but considered to meet the application requirements is provided below as OPTION 1.

## FINANCIAL IMPLICATIONS:

Capital funding from granting sources: CleanBC and Gaming fund. On-going life-cycle costs to be added to the out-years of Public Works Services operating budgets. All financial commitments are subject to a successful CleanBC grant application.

## ADMINISTRATIVE IMPLICATIONS:

If granting is approved, the construction project will be led by the Engineering Services Department and would consume in excess of 10 hours in 2020. Grant following and reporting will consume approximately 5 hours of Financial Services time. On-going operations and maintenance would be led by Public Works Services and should incur several dozen hours annually. Senior staff capacity of 14 hours expended in developing the grant application – whether successful or unsuccessful – is not recoverable under the grant criteria.

## ASSET MANAGEMENT IMPLICATIONS:

This is an unplanned, unfunded new tangible capital asset that will incur previously unanticipated capacity and life-cycle costs.

## STRATEGIC PRIORITIES REFERENCE:

- ▲ Explore opportunities for Electric Vehicle Charging Stations
- ▲ Advocate, collaborate and act to reduce air quality contaminants
- ▲■ Support actions to address Climate Change mitigation and adaptation
- ▲ Engage with businesses and the public to continue revitalizing our downtown

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## OFFICIAL COMMUNITY PLAN REFERENCE:

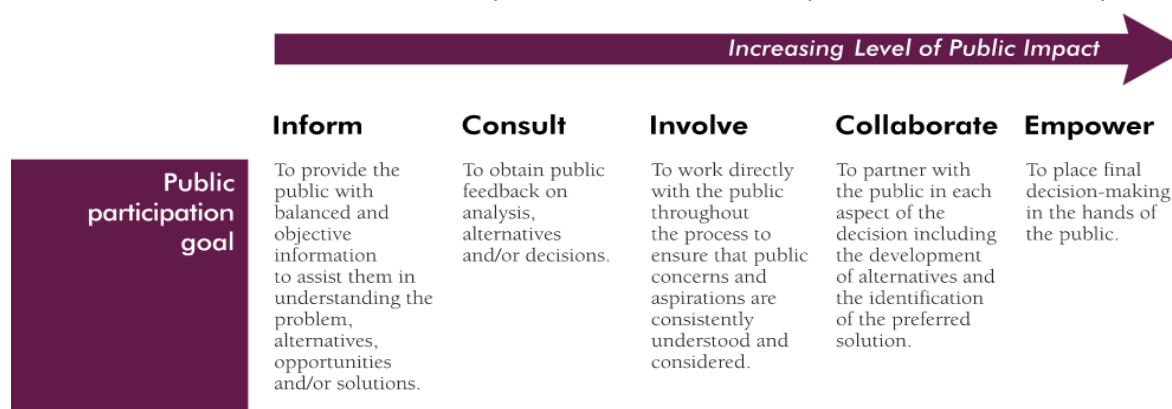
Section 10.1 – “The City of Courtenay will engage the community by raising awareness respecting climate change and promote community wide emission reductions and carbon neutral initiatives.”

## REGIONAL GROWTH STRATEGY REFERENCE:

Nil

## CITIZEN/PUBLIC ENGAGEMENT:

Staff recommends Council “**Inform**” the public based on the IAP2 Spectrum of Public Participation:



© International Association for Public Participation [www.iap2.org](http://www.iap2.org)

## OPTIONS:

### OPTION 1:

That, based on the March 18, 2019 staff report “Resolution to Endorse an Application for a CleanBC Communities Grant – Level 2 Electric Vehicle Charging Stations”, Council approve Option 1:

That the City participate in the Mid-Island EV Network project and associated CleanBC Communities Fund application with Regional District of Nanaimo as the lead applicant and dedicate a total of up to \$25,000 to be funded from Host Local Government Gaming Tax Revenue for the City’s portion of the cost of four public electric vehicle charging stations (2 X dual port) at a City-owned site within the community, and that the location of the charging station be referred to staff. **(Recommended)**

### OPTION 2:

That Council defer participation in the Mid-Island EV Network project with a request of staff for additional information.

### OPTION 3:

That Council not proceed with participation in the Mid-Island EV Network project.

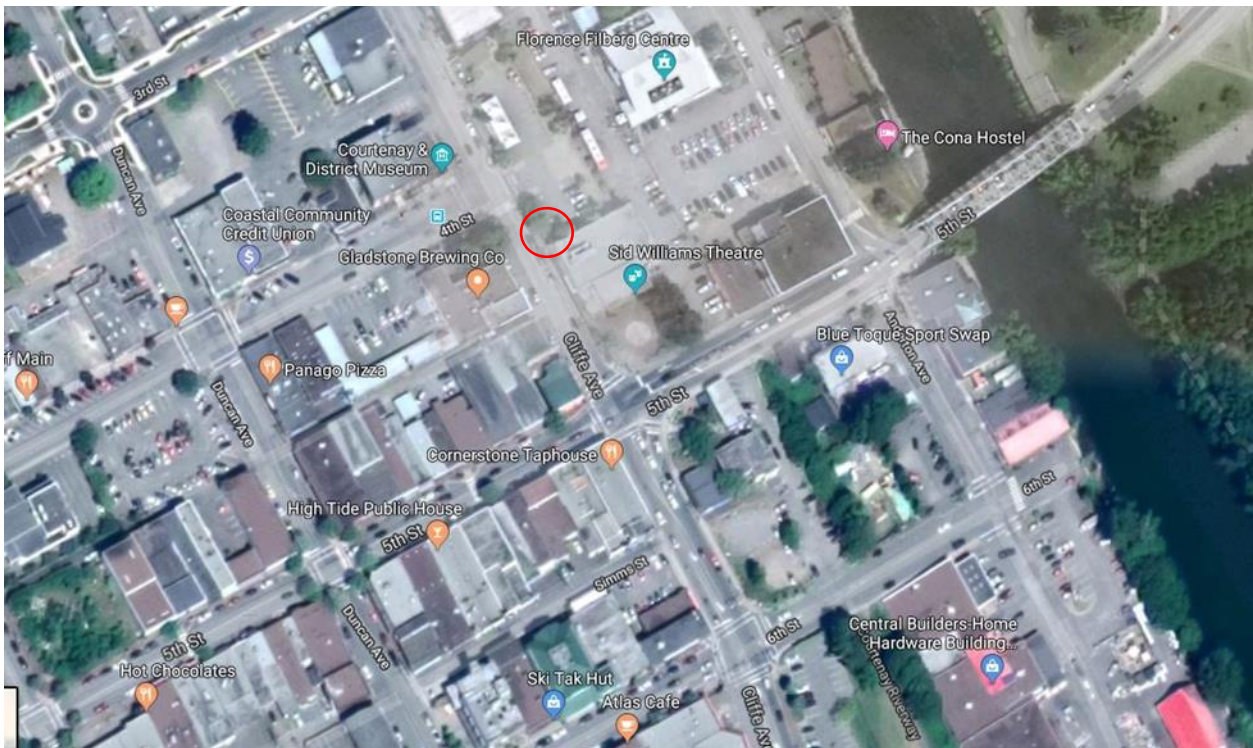
Prepared by:

A handwritten signature in black ink, appearing to read 'David Love', with a long horizontal flourish extending to the right.

David W. Love, CD, BA, LGM(Dip), MM, PE, PCAMP  
Senior Advisor, Strategic Initiatives

### Attachments:

1. Map and Street View: CEA endorsed Level 2 Charging Stations locations.
2. Community Energy Association Mid-Island EV Charging Financial Model





# Mid-Island EV Charging

## Estimated per station costs:

- \$4000 charging station
- \$2000 site design cost
- \$7000 installation cost
- \$500 parking stall painting (optional)
- \$4000 add-on for dual port station (optional)
- Variable (up to \$5000) additional cost for complex installs (across parking lot from building or other complicating factors)

## Project Management (per station)

- \$1,500

## Total project cost at 40 stations:

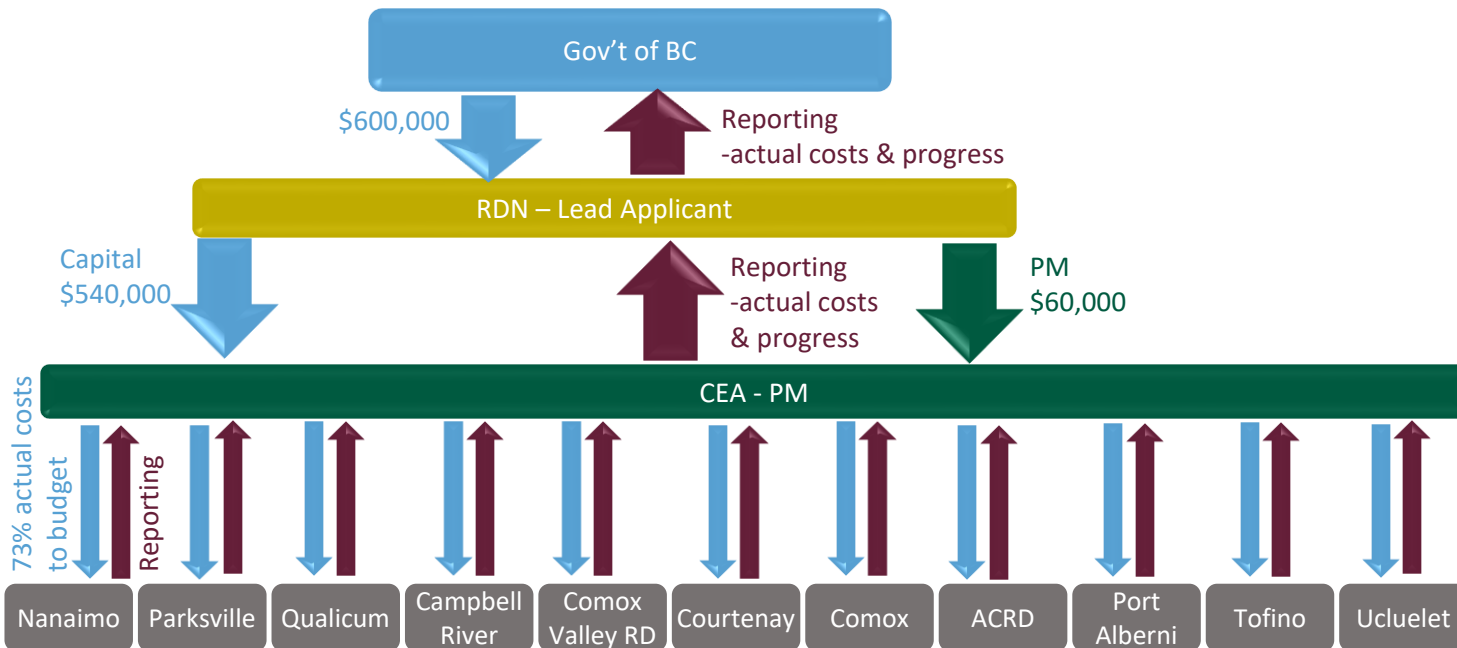
- **\$600,000 - \$800,000**

## Total estimated per station costs with painting:

- \$15,000 (single port, simple install) - \$22,500 (dual port, complex install)
- 27% portion: **\$4,050 - \$6,075**

\* Costs are based on averages from previous experience.

## Financial Flows



## Role of CEA as PM

- Advice on site positioning finalization
- RFP & selection of equipment and installation services
- Contracting negotiation with vendors
- Facilitation of local government contracts with equipment and install vendors
- Coordination of installations to minimize costs
- Reporting management
- Collaboration with RDN on financial management
- Intro to EV charging management to all communities
- Draft operations and maintenance plan for each community



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.:** 3360-20-1905

**From:** Chief Administrative Officer

**Date:** March 18, 2019

**Subject:** Zoning Amendment Bylaw No. 2959 to restrict water bottling as a permitted use.

### PURPOSE:

The purpose of this report is to consider an amendment to Zoning Bylaw 2700, 2007 to restrict water bottling as a use in all zones.

### CAO RECOMMENDATIONS:

THAT based on the March 18, 2019 staff report "Zoning Amendment Bylaw No. 2959 to restrict water bottling as a permitted use", Council approve Option 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2959, 2019; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2959, 2019 on April 1, 2019 at 5:00 p.m. in the City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

### BACKGROUND:

On December 3, 2018 Council received a delegation from an individual representing a group called the Merville Water Guardians. The delegation requested, among other things, that the City consider implementing a bylaw to prohibit water bottling in any zone in Courtenay.

The impetus for the request was that the Provincial Government had issued a licence to a Merville resident to extract groundwater for the purpose of bottling it to sell for home use. The Comox Valley Regional District subsequently rejected a zoning amendment for the Merville property that would have permitted the water to be bottled on site. As a result, the owner of the licence has indicated to the neighbours he intends to truck the water off site to bottle it in another location.

On January 7, 2019 Council passed a resolution directing staff to prepare a bylaw to amend Zoning Bylaw 2500, 2007 to remove water bottling as a permitted use in all zones.

## **DISCUSSION:**

In general, the delegation that presented to Council late last year was concerned with two issues:

- 1) the *Water Sustainability Act* and in particular the licensing process as it relates to the security of access to water by those who share the same source for which an extraction licence has been granted; and
- 2) curtailing commercial groundwater extraction.

To support these concerns the delegation requested that the City adopt a zoning regulation to prohibit the bottling of water in Courtenay.

### **Current Situation**

Water bottling is currently considered as a “manufacturing” use in the City and is a permitted use in a handful of zones. At the present time there is one company operating a bottling plant in Courtenay. This business is located on Rosewell Crescent and uses a multi-staged process to purify the municipal water supply. The water is metered and sold at commercial water rates.

### **Zoning Considerations**

Zoning bylaws are intended to regulate: the use of land and buildings; the density of uses and buildings on the land; the siting, size and dimension of buildings and uses on the land; and the location of uses on the land and within buildings.

The planning legislation in BC, supported by a number of court decisions, provides for broad authority in relation to zoning and does not bind decisions to permit or restrict uses to furthering a broader planning policy or purpose. That said, it is considered good practice to consider land use regulations in terms of the impact a use has on residents, infrastructure services, the local environment, and to a lesser degree with broader environmental or social concerns.

As it relates to water bottling, staff have considered the land use implications of this use and its impacts on Courtenay citizens and City infrastructure. To this end, staff believe there is a distinction that can be drawn between treating, purifying and bottling municipal water and the import and bottling of groundwater. While both uses rely on transporting the end product to consumers, the transportation impacts are magnified where the source water is imported for processing and then delivered to the end consumer. While determining the actual impact of transporting water from outside the City would require a full life cycle assessment, the additional transportation requirements raise two potential impacts Council may wish to consider:

1. Increased traffic congestion; and
2. More rapid degradation of the road surface leading to increased lifecycle costs.

Considering the increased transportation related impacts of bottling imported water, staff recommend that should Council wish to restrict water bottling, the bylaw be drafted to prohibit bottling water from imported sources of water (e.g. groundwater, glacier water) and continue to allow the treatment and bottling of municipal water through appropriate City approvals. The proposed bylaw would also restrict bottling municipal water if it were not supplied directly to the property on which the bottling was occurring.



Should Council wish to restrict all water bottling as a use in the City it is important to note that the existing business will be considered non-conforming. Subject to the limitations of sections 528, 530 and 531 of the *Local Government Act*, non-conforming uses may continue in perpetuity providing they are not discontinued for more than 6 continuous months, not expanded in scale, and that structural alterations or additions are not made to the building housing the use.

### **Context**

Although the delegation requested Council consider this restriction on the basis of a single operator, the staff analysis considered the broader implications of the use. It is acknowledged that there will be varying impacts on traffic and road infrastructure depending on the scale of the operator. However, staff believe that if Council wishes to restrict bottling imported water it would be wise to consider the varied and long term impacts of the use. The scale of operations could range from a small producer bottling a few million litres per year to the large multinational that could transport and bottle hundreds of millions of litres of water in a year.

### **Other Considerations**

The staff recommendation is based on the direct impacts to the City from bottling groundwater. However, it is also recognized that depending on the extraction location, volumes, and other hydrological and hydrogeological factors, there are potential environmental and social impacts related to groundwater extraction. These may include salt-water intrusion, quality degradation, dry wells, reduced flows in nearby streams and wetlands, increased pumping costs as the water table lowers and land subsidence.

### **FINANCIAL IMPLICATIONS:**

As a City initiated bylaw amendment there were no fees collected to offset the cost of preparing this report. The cost of staff time to research, consult with external sources and prepare this report is estimated to be \$6,000. Should the bylaw proceed to adoption there will be additional costs to advertise for the public hearing, respond to public enquiries and perform final administrative costs. Staff estimate this will be another \$3,000.

### **ADMINISTRATIVE IMPLICATIONS:**

Staff have spent approximately 25 hours discussing, researching and preparing this report.

### **ASSET MANAGEMENT IMPLICATIONS:**

As outlined in the discussion above, when compared to bottling water from the municipal water supply, the bottling of imported water will result in increased costs to the City by reducing the lifecycle of municipal roadways from increased truck traffic.

### **STRATEGIC PRIORITIES REFERENCE:**

The preparation of zoning bylaws is a core administrative function of the City. A bylaw to restrict water bottling from imported sources aligns with Council's 2019-2022 Strategic Priorities related to proactively planning and investing in our natural and built environment and, specifically the focus on asset management for sustainable service delivery.

Supporting the Strathcona Regional District in their effort to encourage the provincial government to curtail commercial water extraction from our aquifers aligns with the strategic priority to invest in key relationships and, specifically to advocate and cooperate with local and senior governments on issues affecting our community.

**We proactively plan and invest in our natural and built environment**

- Focus on asset management for sustainable service delivery

**We continually invest in our key relationships**

- ▲ ■ Advocate and cooperate with local and senior governments on regional issues affecting our community

● **AREA OF CONTROL:** The policy, works and programming matters that fall within Council's jurisdictional authority to act

▲ **AREA OF INFLUENCE:** Matters that fall within shared or agreed jurisdiction between Council and another government or party

■ **AREA OF CONCERN:** Matters of interest that are outside Council's jurisdictional authority to act

**OFFICIAL COMMUNITY PLAN REFERENCE:**

**4.5 Agriculture**

**4.5.3 (5)(3)**

The City supports the protection of groundwater sources and surface water supplies.

**10 Planning for Climate Change**

**10.3 Objective 7**

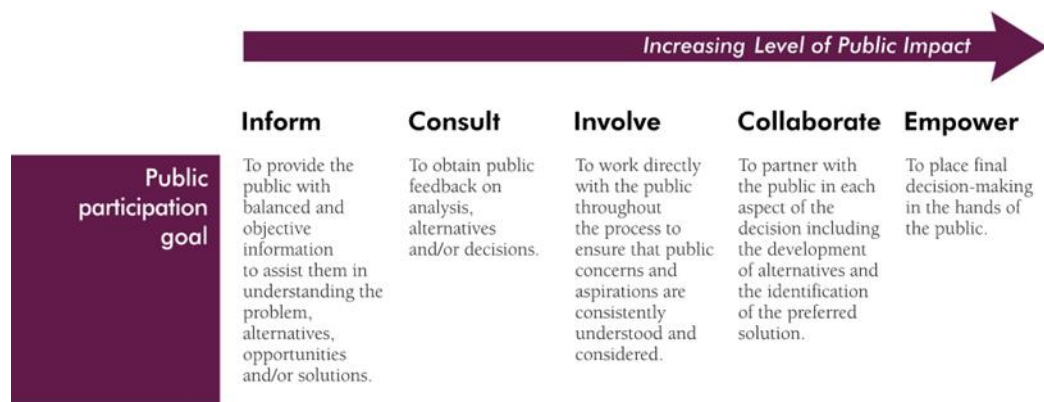
To strengthen community resiliency to changing resource supplies – food, energy, groundwater security – as an adaptation measure to future uncertainty around these commodities.

**REGIONAL GROWTH STRATEGY REFERENCE:**

The RGS does not have specific policy related to the commercial bottling of groundwater. There is a general statement in Objective 5-B to protect the quality of water sources.

**CITIZEN/PUBLIC ENGAGEMENT:**

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



Should Zoning Amendment Bylaw 2959, 2019 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback.

**OPTIONS:**

**OPTION 1:** THAT based on the March 18, 2019 staff report "Zoning Amendment Bylaw No. 2959 to restrict water bottling as a permitted use", Council approve Option 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2959, 2019; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2959, 2019 on April 1, 2019 at 5:00 p.m. in the City Hall Council Chambers. **(Recommended)**

**OPTION 2:** That Council defer consideration of Zoning Amendment Bylaw 2959, 2019 with a request for additional information.

**OPTION 3:** That Council not proceed with Zoning Amendment Bylaw 2959, 2019

**OPTION 4:** That Council not proceed with Zoning Amendment Bylaw 2959, 2019 and continue to support the Strathcona Regional District by lobbying the Provincial Government to curtail commercial groundwater extraction.

Prepared by:

Ian Buck, MCIP, RPP  
Director of Development Services





THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.:** 1700-01

**From:** Chief Administrative Officer

**Date:** March 18, 2019

**Subject:** Meeting Schedule – 2019-2023 Financial Plan Discussions and 2019 Property Tax Rates

### PURPOSE:

The purpose of this report is for Council consideration and set meeting dates and times for discussion and approval of the 2019-2023 General Operating and Capital Financial Plan.

### POLICY ANALYSIS:

Sections 165 and 197 of the *Community Charter* requires the adoption of the 2019-2023 five year financial plan and the 2019 annual tax rates bylaws by May 15, 2019.

### EXECUTIVE SUMMARY:

To ensure statutory deadlines are met and to facilitate adequate time for Council review and opportunity for feedback from the public, Staff have developed a schedule of regular and special meetings for the discussion of the 2019-2023 financial plan and 2019 property tax rates. Both of these bylaws must be fully adopted by mid-May.

### CAO RECOMMENDATIONS:

That based on the March 18, 2019 staff report “Meeting Schedule – 2019-2023 Financial Plan Discussions and 2019 Property Tax Rates”, Council approve OPTION 1 to approve the meeting schedule as proposed in Table 1 on Page 2 of this report and provide staff with direction on the preferred time for the special meetings.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM  
Chief Administrative Officer

## BACKGROUND:

Adoption by May 15, 2019 of the five year financial plan and the annual tax rates bylaws is required under Sections 165 and 197 of the *Community Charter*.

## DISCUSSION:

To facilitate adequate time for Council discussion and opportunity for feedback from the public, the following schedule of budget discussion meetings is proposed.

Feedback provided by the public will be reported back to Council for their consideration prior to final approval of the financial plan.

**TABLE 1: 2019-2023 FINANCIAL PLAN MEETING SCHEDULE**

Date and Time		Financial Plan Component
Regular Council Meetings	Special Council Meetings	
	Wednesday, April 3, 2019	General Capital Fund (capital projects)  General Operating Fund (city operations, proposed level of taxation)
	Wednesday, April 10, 2019	General Capital and Operating Fund (2nd discussion meeting – if required)
Monday, April 15, 2019		First Reading of Financial Plan Bylaw Tax Rate Multiplier Discussion (property class distribution)
	Monday, April 29, 2019 (Scheduled COW, change to a regular meeting for bylaw reading)	Report – feedback from the public Two Readings of Financial Plan Bylaw Three Readings of 2019 Tax Rate Bylaw
Monday, May 6, 2019		Final Adoption of Bylaws: 2019-2023 Financial Plan Bylaw 2019 Tax Rates Bylaw

## ADMINISTRATIVE IMPLICATIONS:

Preparation of the 2019-2023 financial plan and 2019 property tax rates are significant statutory work tasks for the financial services department and the majority of staff time over the next several weeks will be dedicated to this work.

## ASSET MANAGEMENT IMPLICATIONS:

Not applicable.

**STRATEGIC PLAN REFERENCE:**

While not currently detailed in the City's Strategic Plan, preparation of the five year financial plan and the annual property tax rates is a required statutory component of the Corporate Work Plan.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

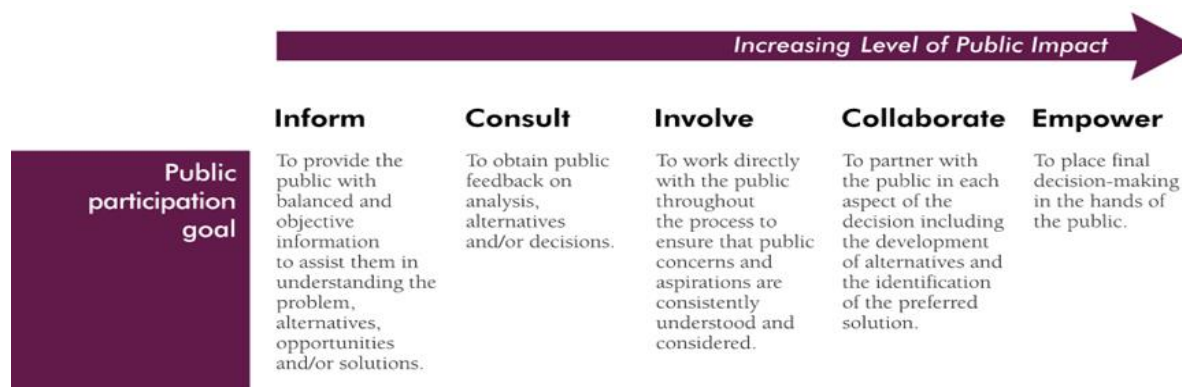
Not applicable.

**REGIONAL GROWTH STRATEGY REFERENCE:**

Not applicable.

**CITIZEN/PUBLIC ENGAGEMENT:**

The public is notified about the 2019-2023 Financial Plan through regular and special council meetings, media webcasts, and information posted on the City's website. In addition, further public consultation will occur prior to final adoption of 2019-2023 Financial Plan Bylaw.



**OPTIONS:**

**OPTION 1:** That Council approves the financial plan meeting schedule as proposed in Table 1 on Page 2 of this report and provide staff with direction on the preferred time for the special meetings. [Recommended]

**OPTION 2:** That Council provides alternative meeting dates and times.

Prepared by:

Jennifer Nelson, CPA, CGA  
Director of Financial Services







February 21, 2019

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

Attention: Mayor Bob Wells and  
Councillors Will Cole-Hamilton, David Frisch,  
Doug Hillian, Melanie McCollum,  
Wendy Morin and Manno Theos

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**RE: APPEAL FOR FINANCIAL ASSISTANCE**

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The Property Committee of St. George's United Church wishes to appeal to the Mayor and Council of the City of Courtenay to consider our current need for funding assistance toward the renovation of our kitchen and 2 adjacent washrooms. We are making an "extraordinary" appeal for funding of \$25,000 at this time as our renovation project does not fit the timeline of the City's normal grant process. We did not have our plans or final quote in place until the Fall of 2018 and our renovation start date is early May of this year. As you see, our renovation does not "fit" with the City's timeline of application and award of grants.

The Sonshine Lunch Club, consisting of volunteers from 5 local churches, has been serving hot meals 5 days a week out of the kitchen of St. George's for 23 years. Recently, we are welcoming 100 to 130 of the Comox Valley's homeless and marginalized citizens per day to a hot meal and a chance to warm up and dry out. It was recently calculated that the cost of each meal is \$1.99 and that this program involves 600 volunteer hours per month. All in all, this represents a huge contribution to the wellbeing of those less fortunate in our community.

Our kitchen dates back to the 1960's and no longer meets all the requirements of the Environmental Health and Safety Authority who issue our permit to operate. Our 2 washrooms are not accessible to people in wheelchairs or otherwise challenged with mobility issues. In early May of this year our contractor who has given us a quote of \$124,500 is available to start work on our renovation and finish in 10 to 12 weeks. Thus far, we have raised \$82,800 thanks to the congregation at St. George's, The Sonshine Lunch Club and the Comox Valley Community Foundation. We will very shortly have a response on a \$20,000 grant from the Rick Hansen Foundation to contribute towards making our washrooms wheelchair accessible which leaves us short \$21,700 short of our contractor's quote.

In summary, we strongly believe in the very significant contribution that the Sonshine Lunch Club program makes to the health, both physical and mental, of the less fortunate citizens of the Comox Valley. Aside from providing people with a hot, nutritious meal, the venue facilitates weekly visit from the CareAVan, opportunities for other volunteer organizations to provide free haircuts, warm clothing and personal hygiene products. All these services are provided with a respectful and caring attitude by many, many volunteers. We strongly feel that this program deserves the exceptional consideration we are now asking the City of Courtenay for. We look forward to your response to this request, would be happy to provide more information and have further discussion.

Yours respectfully,



Nancy Milliken, Chair  
Property Committee, St. George's United Church

File: 3900-02

March 1, 2019

Via e-mail: jward@courtenay.ca

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

Attention: Mr. John Ward, Director of Legislative Services

Dear Mr. Ward:

**Re: Comox Valley Community Justice Contribution Extended Service Bylaw No. 2262, 2000,  
Amendment No. 2**

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The Comox Valley Regional District board of directors approved the following motion at its February 26, 2019 meeting:

*THAT the board consider three readings and subsequent adoption of an amendment to Bylaw No. 2262, being "Comox Valley Community Justice Contribution Extended Service Area Establishment Bylaw No. 2262, 2000", to increase the maximum requisition by 25 per cent, to be available for the 2020 fiscal year, in accordance with the Local Government Act and the Regional Districts Establishing Bylaw Approval Exemption Regulation;*

*AND FURTHER THAT written consent to the amendment of Bylaw No. 2262, on behalf of the electors, be sought from the City of Courtenay, Town of Comox, Village of Cumberland and the Directors for Electoral Areas A, B and C, being the participants in the service*

As way of background information, please find attached a staff report dated January 31, 2019 that was presented to the February 5, 2019 Committee of the Whole meeting. Also attached is Bylaw No. 576 being "Comox Valley Community Justice Contribution Extended Service Bylaw No. 2262, 2000, Amendment No. 2" at third reading.

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

THAT the City of Courtenay consent to the adoption of Comox Valley Regional District Bylaw No. 576 being "Comox Valley Community Justice Contribution Extended Service Bylaw No. 2262, 2000, Amendment No. 2.

If you have any questions, please contact me by telephone at 250-334-6029 or via email at [J. martens@comoxvalleyrd.ca](mailto:j.martens@comoxvalleyrd.ca).

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

Sincerely,  
**J. Martens**  
Jake Martens  
Manager of Legislative Services

Enc.

**DATE:** January 31, 2019**FILE:** 1700-02/2019/205**TO:** Chair and Directors  
Committee of the Whole**FROM:** Russell Dyson  
Chief Administrative Officer

Supported by Russell Dyson  
Chief Administrative Officer  
***R. Dyson***

**RE: 2019 - 2023 Financial Plan – CV Community Justice Service – Function 205**

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**Purpose**

To provide the committee of the whole with the proposed 2019 - 2023 financial plan and work plan highlights for the Comox Valley Community Justice Service, function 205.

**Recommendations from the Chief Administrative Officer:**

1. THAT the proposed 2019 - 2023 financial plan for Comox Valley Community Justice Service, function 205 be approved.
2. THAT the board consider three readings and subsequent adoption of an amendment to Bylaw No. 2262, being “Comox Valley Community Justice Contribution Extended Service Area Establishment Bylaw No. 2262, 2000”, to increase the maximum requisition by 25 per cent, to be available for the 2020 fiscal year, in accordance with the Local Government Act and the Comox Valley Regional District’s establishing bylaw approval exemption regulation;  
  
AND FURTHER THAT written consent to the amendment of Bylaw No. 2262, on behalf of the electors, be sought from the City of Courtenay, Town of Comox, Village of Cumberland and the Directors for Electoral Areas A, B and C, being the participants in the service.

**Executive Summary**

The proposed 2019–2023 financial plan for the CV Community Justice Service has the following key highlights:

- The main source of revenue in this service is tax requisition. The proposed 2019 – 2023 financial plan shows a \$9,055 increase in requisition for 2019 and a subsequent further rise commencing in 2020 that will require an increase to the maximum requisition by 25 per cent to the greater of \$62,500 or \$0.00377 per \$1,000 of assessed value.
- The operating budget mainly consists of payment of an operational grant to the Community Justice Centre of the Comox Valley Society which is proposed at \$50,000 in 2019, an increase of \$10,000 over 2018.
- The service’s future expenditure reserve had a balance as at December 31<sup>st</sup>, 2018 of \$17,011.
- The 2019 estimated residential tax rate in the 2019-2023 proposed financial plan is \$0.0025 per \$1,000 of assessed value. For a property valued at \$400,000, the tax levy would be \$1.00.

Prepared by:

***K. Douville***

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Kevin Douville  
Manager of Financial Planning

Concurrence:

***B. Dunlop***

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Beth Dunlop, CPPB, CPA, CGA  
Corporate Financial Officer



**Stakeholder Distribution (Upon Agenda Publication)**

Community Justice Centre of the Comox Valley Society	✓
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**Policy Analysis**

The Comox Valley Community Justice Service was established by adoption of Bylaw No. 2262 being the “Comox Valley Community Justice Contribution Extended Service Area Establishment Bylaw No. 2262, 2000” on August 28, 2000 for the purpose of providing a contribution to the operation of the Comox Valley Community Justice Centre. The service was amended January 27, 2009 to include the City of Courtenay, Town of Comox and Village of Cumberland as participants as well as to increase the maximum requisition for the service. Previously the municipalities contributed by way of contract. The last increase to the annual operational grant contribution to the Society was also approved in 2009.

The current maximum tax requisition for this service is \$50,000 and is apportioned to each participant on the basis of the converted values of land and improvements for hospital purposes. The participants of the service are all of Electoral Areas A, B and C, City of Courtenay, Town of Comox and Village of Cumberland.

There are no direct linkages to the strategic plan.


**Financial Plan Overview**

The Community Justice Centre of the Comox Valley Society has been providing community justice services on behalf of the regional district for the past eighteen years. The previous five-year contract expired on December 31, 2018 and a renewal contract is now required. The 2019-2023 financial plan has a provision for a \$50,000 operating grant contribution in 2019, an increase of \$10,000 over 2018, and annual contributions of \$60,000 thereafter, towards the operating costs of maintaining and equipping the Comox Valley Community Justice Centre.

Given the operating grant contributions proposed in 2020 and later will require an increase to the service’s maximum requisition, provisions have been included in section 1.2 of the draft renewal agreement (attached) indicating any such increases are subject to the Comox Valley Regional District (CVRD) receiving the required approvals to increase the maximum requisition by 25 per cent.

Table 1 summarizes the 2019 proposed budget as compared to the 2018 adopted budget. Significant variances from 2018 will be discussed in the financial plan highlights section below.

**Table 1: Financial Plan Highlights**

 <b>2019 Proposed Budget</b>				
<b>#205 Comox Valley Community Justice</b>				
<b>Operating</b>	<b>2018 Budget</b>	<b>2019 Proposed Budget</b>	<b>Increase (Decrease)</b>	
<b>Revenue</b>				
Requisition	38,945	48,000		9,055
Transfer from Reserve	2,363	2,883		520
Prior Years Surplus	89			(89)
	<b>\$ 41,397</b>	<b>\$ 50,883</b>	<b>\$</b>	<b>9,486</b>
<b>Expenditures</b>				
Operating	41,397	50,883		9,486
	<b>\$ 41,397</b>	<b>\$ 50,883</b>	<b>\$</b>	<b>9,486</b>

The 2019 - 2023 proposed five-year financial plan for the CV Community Justice Service, including the requisition summary and operating budget, is available within the full proposed budget binder, provided in both searchable PDF and e-reader formats, located on the CVRD financial plan web page at [www.comoxvalleyrd.ca/currentbudget](http://www.comoxvalleyrd.ca/currentbudget).

Highlights of the 2019 - 2023 proposed financial plan for function 205 include:

#### Revenue Sources

The main revenue source for this service is taxation. The total 2019 tax requisition is proposed to be \$48,000, an increase of \$9,055 from 2018 to accommodate the 2019 increased operating grant request. A further increase commencing in 2020 of \$10,000, to \$60,000 annually, is also proposed within the five-year financial plan. The 2019 estimated residential tax rate is \$0.0025, a \$0.0001 increase from 2018. Other revenue sources consist of a draw from the operating reserve in the amount of \$2,883.

#### Personnel

There are no regional district personnel costs associated with this service.

#### Operations

Operational expenditures are proposed to increase by \$9,486 from 2018, almost exclusively to accommodate the rising operational costs as outlined in the 2019 – 2023 budget submission provided by the Community Justice Centre of the Comox Valley Society. Staff are recommending the contract with the Community Justice Centre of the Comox Valley Society be renewed for another five years at an annual contribution level of \$50,000 in 2019 and \$60,000 annually thereafter commencing in 2020. The last increase to the annual operational grant contribution to the Society was approved in 2009.

#### Capital

There are no capital costs associated with this service.

#### Reserves

There is a future expenditure (operating) reserve established for this service. Withdrawals from this reserve are used over the 2019-2023 financial plan to keep the taxation level relatively stable. If these reserves were to be depleted, a tax increase would be required to continue at the current service levels. The reserve balance as of December 31, 2018 was estimated to be \$17,011.

#### Citizen/Public Relations

The proposed estimated residential tax rate would increase by \$0.0001 from 2018 to \$0.0025 per \$1,000 of assessed value. For a property assessed at \$400,000, the annual tax levy would be \$1.00. The Community Justice Centre continues to provide restorative justice services to the citizens of the Comox Valley.

Attachments: Appendix A – “Community Justice Centre of the Comox Valley 2019 – 2023 budget submission”  
Appendix B – “Draft Agreement between the Comox Valley Regional District and the Community Justice Centre of the Comox Valley Society”

**THIS AGREEMENT** made this \_\_\_\_ day of \_\_\_\_\_, 2019

**BETWEEN:**

**COMOX VALLEY REGIONAL DISTRICT**

600 Comox Road  
Courtenay, BC V9N 3P6

(the "CVRD")  
OF THE FIRST PART

**AND:**

**COMMUNITY JUSTICE CENTRE OF THE COMOX VALLEY SOCIETY**

Suite C-2 – 450 Eighth Street  
Courtenay, BC 9N 1N5

(the "Society")  
OF THE SECOND PART

This agreement provides for an annual contribution towards the operations of the Comox Valley Community Justice Centre.

**WHEREAS:**

- A. The Comox Strathcona Regional District did by Bylaw No. 2262 being "Comox Strathcona Community Justice Contribution Extended Service Bylaw No. 2262, 2000", establish a service for the purpose of contributing to the cost of the Comox Valley Community Justice Centre;
- B. The CVRD is the successor organization to the Comox Strathcona Regional District;
- C. The CVRD has the authority, under section 176(1) of the Local Government Act to make agreements respecting the provision of services;
- D. The CVRD has agreed to provide annual funding to the Society.

**NOW** in consideration of the premises, the terms and conditions hereinafter contained, and other good and valuable consideration, the CVRD and the Society covenant and agree each with the other as follows:

**1. FUNDING**

- 1.1. Subject to the terms and conditions of this agreement, the CVRD will provide funds to the Society not exceeding \$50,000.00 for each calendar year during the term of this agreement.
- 1.2. Subject to the CVRD receiving the required approvals to increase the maximum requisition by a maximum of 25 per cent, the yearly contract amount referenced in section 1.1 shall be increased to a maximum of \$60,000 in each calendar year of the Term starting in the year the increase is included in the CVRD approved five year financial plan.

**2. AMOUNT OF FUNDING**

- 2.1. The actual amount to be paid by the CVRD under subsection 1.1 shall be based upon the budget to be provided by the Society under Article 7 of this agreement.

**3. PAYMENT OF FUNDING**

- 3.1. The annual contribution to be paid by the CVRD will be paid to the Society by August 15<sup>th</sup> in each year of the Term, commencing August 15<sup>th</sup>, 2019.

#### **4. TERM OF AGREEMENT**

- 4.1. The term of this agreement is from the 1<sup>st</sup> day of January 2019 to the 31<sup>st</sup> day of December 2023 (the “Term”) unless sooner terminated in accordance with the provisions of this agreement.

#### **5. ELIGIBLE EXPENDITURES**

- 5.1. The amount of the contribution shall only be applied in respect of expenditures directly related to the maintaining, equipping and operating of the Comox Valley Community Justice Centre located at Suite C-2 - 450 8th Street, Courtenay, BC V9N 1N5 and the operation of programs through the Comox Valley Community Justice Centre.

#### **6. ACCOUNTING RECORDS**

- 6.1. The Society must:
- a) maintain, at all times, accurate books, records and accounts, including all receipts and invoices supporting any expenditures in accordance with generally accepted accounting principles applied on a consistent basis from year to year to enable the CVRD to determine the purpose for which the contribution is being spent;
  - b) permit the CVRD to inspect the same at all reasonable times and to make copies thereof.

#### **7. BUDGETING**

- 7.1. The Society must:
- a) prepare a five year financial plan prior to September 1<sup>st</sup> of each year;
  - b) present the five year financial plan for approval at an open Comox Valley Community Justice Centre board meeting prior to September 1<sup>st</sup> of each year;
  - c) forward the financial plan document complete with recommendations based on the content of the Comox Valley Community Justice Centre board meeting, to the CVRD by October 15<sup>th</sup> in each year of the Term of this Agreement; and
  - d) meet with staff of the CVRD as required, and no less than on an annual basis, to discuss the provision of the service.
- 7.2. The financial plan shall outline in detail the funds required for annual operation of the service, and clearly differential between operational and capital expenditures. No expenditures shall be made unless provision has been made for them within the five year financial plan as adopted by the board of the CVRD, by March 31<sup>st</sup> each year.
- 7.3. The CVRD may pay all or part of the amount set out in the CVRD's financial plan, as determined by the CVRD board.

#### **8. FINANCIAL STATEMENTS**

- 8.1. The Society must provide the CVRD on or before January 15<sup>th</sup> in each year of the term, financial statements, prepared by an independent accountant, for revenue and expenditures, balance sheet and changes in equity, for the operation of the Comox Valley Community Justice Centre for the preceding fiscal period, ending August 31<sup>st</sup>.



## **9. CODE OF CONDUCT**

9.1. The Society agrees to comply with the following code of conduct:

### Professionalism

Applicable to all employees, volunteers, agents, and contractors who are required to:

- Carry out their responsibilities in a professional and competent manner.
- Continue to improve their knowledge, competence, skills, and professional ability.
- Be aware of and abide by the British Columbia *Human Rights Code*.
- Not engage in any action or conduct or make any comment, gesture, or contact which a reasonable person would regard as likely to cause offence or humiliation to anyone, whether in the workplace or any other location.
- Act, and be perceived by the public to act, in a fair and impartial manner in the performance of their duties or provision of services.
- Not make any public comments that denigrate, disparage, or are disrespectful of the CVRD, employees, and elected officials, and refrain from making negative comments about the credibility of the CVRD, employees, and elected officials.
- Conduct themselves in a friendly, courteous, and professional manner when dealing with the public.
- Refrain from engaging in any other practice that could unfavorably reflect upon the CVRD as identified solely by the CVRD.

## **10. INSURANCE**

10.1. The Society shall insure and keep insured, the Comox Valley Community Justice Centre and any and all chattels and equipment owned by the Society and used to provide services and programs of the Comox Valley Community Justice Centre and shall take out and maintain general comprehensive liability insurance in the amount of not less than \$2,000,000 per occurrence. The CVRD is to be added as an additional insured to that policy of insurance and the Society will provide the CVRD with a certificate of insurance each year upon renewal showing the CVRD so added.

## **11. NO PARTNERSHIP, JOINT VENTURE OR AGENCY**

11.1. This agreement shall not be construed as creating any partnership, principal-agent, joint venture or other similar relationship between the parties. All rights, duties, obligations and liabilities of the parties hereunder shall be separate, individual and several and not joint or joint and several. No party shall have any authority to act for or to assume any obligations or responsibilities on behalf of the other.

## **12. INDEMNITY**

12.1. The Society agrees to indemnify, release and save harmless the CVRD for any liability that the CVRD incurs or may incur by virtue of any contribution paid by the CVRD under this agreement or by virtue of being found to be liable with the Society as a partner, joint venture, principal or agent of the Society.

### **13. DEFAULT**

13.1. If during the term of this agreement, the Society:

- a) is in default of any provision of this agreement and such default shall continue for a period of 30 days after notice by the CVRD to the Society specifying the nature of the default and requiring the default to be remedied;
- b) becomes bankrupt or insolvent, goes into receivership or takes the benefit of any statute from time to time relating to bankrupt or insolvent debtors, or is required to wind up or dissolves by any order or resolution, or is unable to meet its liabilities as they become due; or
- c) fails to comply with any provision of any enactment applicable to the operation of the Community Justice Centre

this shall constitute default and the CVRD may, in addition to any other remedies available to the CVRD, take any one or more of the following actions:

- d) terminate any obligation of the CVRD under this agreement by giving 30 days' notice in writing to the Society; and
- e) require the Society to repay the CVRD immediately on demand all or any portion of the amount of the contribution already paid for that calendar year that
  - 1) has not yet been spent; and
  - 2) have been spent for improper purposes.

### **14. SURVIVAL**

14.1. The rights and obligations of the parties in articles 6, 7, 8, 11 and 12 shall survive the expiration or earlier termination of this agreement.

### **15. NOTICE**

15.1. It is hereby mutually agreed that any notice required to be given under this agreement will be deemed to be sufficient given:

- a) if delivered at the time of delivery; and
- b) if mailed from any government post office in the Province of British Columbia by prepaid registered mail addressed as follows:

if to the CVRD:  
600 Comox Road, Courtenay, B.C. V9N 3P6

if to the Society:  
Suite C-2 - 450 8th Street, Courtenay, BC V9N 1N5

### **16. STATUTORY POWERS**

16.1. Nothing in this agreement is to be interpreted as affecting or restricting the exercise by the CVRD of any statutory power, duty or function, which may be fully exercised as if this agreement had not been executed by the parties.

### **17. TIME**

17.1. Time is to be the essence of this agreement.

## **19. BINDING EFFECT**

- 19.1. This agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors and permitted assignees.

## **20. WAIVER**

- 20.1. The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this agreement is not to be constructed as a waiver of any future or continuing failure, whether similar or dissimilar.

## **21. MODIFICATION**

- 21.1. No waiver, modification or amendment of any of the provisions of this agreement shall be binding unless it is in writing and signed by the duly authorized representatives of both parties.

## **22. HEADINGS**

- 22.1. Section and paragraph headings are inserted for identification purposes only and do not form a part of the agreement.

## **23. LANGUAGE**

- 23.1. Wherever the singular, masculine and neuter are used throughout this agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

## **24. CUMULATIVE REMEDIES**

- 24.1. No remedy under this agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

## **25. LAW APPLICABLE**

- 25.1. This agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

The parties hereto agree to the terms and conditions of this agreement as of the day and year first above written.

**COMOX VALLEY REGIONAL DISTRICT**

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Russell Dyson  
Chief Administrative Officer

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Beth Dunlop  
Corporate Financial Officer

**COMMUNITY JUSTIC CENTRE  
OF THE COMOX VALLEY SOCIETY**

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Name/Title

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Name/Title

**Community Justice Centre of the Comox Valley**  
**Five year budget**  
**for years ending August 31**

	2019	2020	2021	2022	2023
<b>CAPITAL expenditures</b>					
Computer & software upgrades	2,500				
Furniture & equipment	2,500				
	5,000	-	-	-	-
<b>SURPLUS funds</b>					
<b>Restricted funds:</b>					
Capital asset reserve	5,000	5,000	5,000	5,000	5,000
School-based RJ initiative/teacher training	0	0	0	0	0
Retiring Allowance & Employee payments	0	0	0	0	0
	5,000	5,000	5,000	5,000	5,000
<b>REVENUE</b>					
Comox Valley Regional District	50,000	60,000	60,000	60,000	60,000
Grant revenue	80,000	80,000	80,000	80,000	80,000
Direct Access Grant	50,000	50,000	50,000	50,000	50,000
CAP grant	2,500	2,500	2,500	2,500	2,500
Donations	7,000	7,000	7,000	7,000	7,000
Interest income	250	250	250	250	250
Fundraising	1,500	2,000	2,000	2,000	2,000
Membership	250	250	250	250	250
Rental income	0	0	0	0	0
	191,500	202,000	202,000	202,000	202,000
<b>EXPENSES</b>					
Advertising	5,000	5,000	5,000	5,000	5,000
Bank charges	500	500	500	500	500
Donations paid	500	500	500	500	500
Insurance	2,350	2,400	2,450	2,500	2,600
Meeting expense	4,300	4,500	4,700	4,700	4,850
Office	6,000	6,000	6,000	6,000	6,000
Professional fees	7,000	7,000	7,000	7,000	7,000
Rent	27,750	27,750	27,750	29,100	29,100
Programs	42,000	44,100	44,100	46,200	46,200
Repairs & maintenance	2,000	2,000	2,000	2,000	2,000
Telephone & communications	4,350	4,400	4,450	4,500	4,600
Utilities	3,725	3,800	3,875	3,950	4,000
Wage	87,500	78,000	78,000	80,000	81,000
Volunteer	22,000	22,000	22,000	22,000	22,000
	214,975	207,950	208,325	213,950	215,350
<b>NET RECEIPTS OVER (UNDER) EXPENDITURES</b>	<b>-23,475</b>	<b>-5,950</b>	<b>-6,325</b>	<b>-11,950</b>	<b>-13,350</b>
<b>NET ASSETS BEGINNING OF YEAR</b>					
Unrestricted funds	21,687	-1,788	-7,738	-14,063	-26,013
Restricted funds	22,500	5,000	5,000	5,000	5,000
Invested in Capital assets	4,984	3,987	3,190	2,552	2,041
Total	49,171	7,199	452	-6,511	-18,972
<b>NET ASSETS END OF YEAR</b>					
Unrestricted funds	-1,788	-7,738	-14,063	-26,013	-39,363
Restricted funds	5,000	5,000	5,000	5,000	5,000
Invested in Capital assets	3,987	3,190	2,552	2,041	1,633
Total	<b>7,199</b>	<b>452</b>	<b>-6,511</b>	<b>-18,972</b>	<b>-32,730</b>

## **COMOX VALLEY REGIONAL DISTRICT**

### **BYLAW NO. 576**

#### **A bylaw to amend the service establishing bylaw for the Comox Valley Community Justice Service to increase the maximum requisition by 25 percent**

**WHEREAS** the Comox Valley Community Justice Service was created by the adoption of Bylaw No. 2262, being “Comox Valley Community Justice Contribution Extended Service Area Establishment Bylaw No. 2262, 2000” on August 28, 2000;

**AND WHEREAS** the board wishes to amend the bylaw to increase the maximum requisition by 25 percent;

**AND WHEREAS** this amendment is exempt from inspector of municipalities’ approval under regulation where the amendment increases the maximum amount that may be requisitioned under the bylaw by an amount less than or equal to 25% of the baseline value;

**AND WHEREAS** participating area approval has been obtained in writing from the councils of the Village of Cumberland, City of Courtenay, Town of Comox and the directors of Electoral Areas ‘A’ (Baynes Sound – Denman / Hornby Islands), ‘B’ (Lazo North) and ‘C’ (Puntledge – Black Creek) under section 349 of the Local Government Act (RSBC, 2015, c.1);

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

#### **Amendment**

1. Bylaw No. 2262, being “Comox Valley Community Justice Contribution Extended Service Area Establishment Bylaw No. 2262, 2000” is hereby amended by
  - a) Replace section 5 (maximum requisition), which reads:

“In accordance with section 800.1(1)(e) of the Local Government Act, the maximum amount that may be requisitioned annually for the cost of the service established by this bylaw is \$50,000.”

with the following:

“In accordance with section 339(1)(e) of the *Local Government Act* (RSBC, 2015, c. 1), the maximum amount that may be requisitioned annually for the cost of the service is the greater of \$62,500 or \$0.00377 per \$1,000 applied to the net taxable value of land and improvements for regional hospital district purposes.”

#### **Citation**

This Bylaw No. 576 may be cited as “Comox Valley Community Justice Contribution Extended Service Bylaw No. 2262, 2000, Amendment No. 2”.

<b>Read a first and second time this</b>	<b>26<sup>th</sup></b>	<b>day of February</b>	<b>2019.</b>
<b>Read a third time this</b>	<b>26<sup>th</sup></b>	<b>day of February</b>	<b>2019.</b>
<b>Adopted this</b>		<b>day of</b>	<b>2019.</b>

---

Chair

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Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 576 being “Comox Valley Community Justice Contribution Extended Service Bylaw No. 2262, 2000, Amendment No. 2” as adopted by the board of the Comox Valley Regional District on the            day of            2019.

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Corporate Legislative Officer

## **COMOX VALLEY REGIONAL DISTRICT**

### **BYLAW NO. 34**

**A bylaw to amend the community justice centre service establishment bylaw  
by including as participants the City of Courtenay, the Town of Comox  
and the Village of Cumberland**

**WHEREAS** the Comox Valley community justice service was created by the adoption of Bylaw No. 2262 being “Comox Valley Community Justice Contribution Extended Service Bylaw No. 2262, 2000” on the 28<sup>th</sup> day of August 2000;

**AND WHEREAS** the Comox Valley Regional District board of directors has determined to amend the service by including as participants the City of Courtenay, the Town of Comox and the Village of Cumberland;

**AND WHEREAS** the municipal councils of the City of Courtenay, the Town of Comox and the Village of Cumberland have by resolutions given participating area approval to the amendment of Bylaw No. 2262 under section 801.4 of the *Local Government Act*;

**AND WHEREAS** the electoral area directors have, in writing, given participating area approval to the amendment of Bylaw No. 2262 under section 801.5 (2) to (4) of the *Local Government Act*;

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

#### **Amendment**

1. Bylaw No. 2262 being “Comox Valley Community Justice Contribution Extended Service Bylaw No. 2262, 2000” is hereby amended by:
  - a. Replacing section 2 with the following section 2 (boundaries of the service area):

“The boundaries of the Comox Valley community justice service shall be the boundaries of the Town of Comox, the City of Courtenay, the Village of Cumberland and Electoral Areas ‘A’, ‘B’ and ‘C’ of the Comox Valley Regional District.”;
  - b. Replacing section 3 with the following section 3 (participating area):

“The Town of Comox, the City of Courtenay, the Village of Cumberland and Electoral Areas ‘A’, ‘B’ and ‘C’ are the participating areas in the service.”;
  - c. Replacing section 4 with the following section 4 (cost recovery):

“As provided in section 803 of the *Local Government Act*, the annual cost of providing the service shall be recovered by property value taxes.” and



- ## Citation

The following is a consolidated copy of the regional district community justice contribution extended service bylaw and includes the following amending bylaws:

BYLAW No.	BYLAW NAME	ADOPTED	PURPOSE
34	Comox Valley Community Justice Contribution Extended Service Bylaw No. 2262, 2000, Amendment No. 1	April 2, 2009	A bylaw to include as participants the City of Courtenay, the Town of Comox and the Village of Cumberland

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

## **REGIONAL DISTRICT OF COMOX-STRATHCONA**

### **BYLAW NO. 2262**

#### **A BYLAW TO ESTABLISH AN EXTENDED SERVICE IN ELECTORAL AREAS 'A', 'B', 'C' AND 'K' TO PROVIDE FOR A CONTRIBUTION TO THE COMOX VALLEY COMMUNITY JUSTICE SOCIETY.**

WHEREAS by Order in Council No. 674 dated May 4, 2000, the Regional District of Comox-Strathcona was granted the additional power to establish an extended service to make contributions towards the operation of a Community Justice Centre;

AND WHEREAS the Regional Board wishes to establish an extended service to make contributions towards the operation of the Comox Valley Community Justice Centre with Electoral Areas 'A', 'B', 'C' and 'K' as participants;

AND WHEREAS the Directors of Electoral Areas 'A', 'B', 'C' and 'K' have consented, in writing, to the adoption of this Bylaw.

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

#### **Extended Service Established**

1. The service of providing for a contribution towards the operation of the Comox Valley Community Justice Centre is hereby established and shall be referred to as the "Comox Valley Community Justice Service"

#### **Boundaries of the Service Area**

#34

2. The boundaries of the Comox Valley community justice service shall be the boundaries of the Town of Comox, the City of Courtenay, the Village of Cumberland and Electoral Areas 'A', 'B' and 'C' of the Comox Valley Regional District.

#### **Participating Area**

#34

3. The Town of Comox, the City of Courtenay, the Village of Cumberland and Electoral Areas 'A', 'B' and 'C' are the participating areas in the service.

#### **Cost Recovery**

#34

4. As provided in section 803 of the *Local Government Act*, the annual cost of providing the service shall be recovered by property value taxes.

#### **Maximum Requisition**

5. In accordance with section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the service established by this bylaw is \$50,000.

#### **Apportionment**

#34

6. The annual costs of the service shall be apportioned to each participant on the basis of the converted values of land and improvements for hospital purposes in those areas.

## Citation

6. This bylaw may be cited for all purposes as **"COMOX VALLEY COMMUNITY JUSTICE CONTRIBUTION EXTENDED SERVICE BYLAW No. 2262, 2000."**

READ A FIRST AND SECOND TIME THIS      26<sup>TH</sup>      DAY OF      JUNE      , 2000

READ A THIRD TIME THIS      26<sup>TH</sup>      DAY OF      JUNE      , 2000

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2262 being "Comox Valley Community Justice Contribution Extended Service Area Establishment Bylaw No. 2262, 2000", as read a third time by the Board of the Regional District of Comox-Strathcona on the 26<sup>th</sup> day of June, 2000.

***"B. Randall"***

\_\_\_\_\_  
Manager of Corporate Administration

APPROVED BY THE  
INSPECTOR OF MUNICIPALITIES THIS      25<sup>TH</sup>      DAY OF      JULY      2000.

ADOPTED THIS      28<sup>TH</sup>      DAY OF      AUGUST      2000.

***"D.M. Andrews"***

\_\_\_\_\_  
Chair

***"B. Randall"***

\_\_\_\_\_  
Manager of Corporate Administration

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2262, being "Comox Valley Community Justice Contribution Extended Service Area Establishment Bylaw No. 2262, 2000", as adopted by the Board of the Regional District of Comox-Strathcona on the 28<sup>th</sup> day of August, 2000.

***"B. Randall"***

\_\_\_\_\_  
Manager of Corporate Administration

March 7, 2019

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



Dear Mayor and Council:

**Re: Provincial Response to 2018 Resolutions**

UBCM has received the Province's response to your Council resolution(s) from 2018. Please find the enclosed resolution(s) and their provincial response(s).

All responses from the Province have been posted to the UBCM web site under Resolutions & Policy.

Please feel free to contact Jamee Justason, Resolutions and Policy Analyst, if you have any questions about this process.

Tel: 604.270.8226 ext. 100 Email: [jjustason@ubcm.ca](mailto:jjustason@ubcm.ca)

Very Best Wishes,

Arjun Singh  
UBCM President

*Enclosure*

Whereas many British Columbia municipalities invoice strata corporations directly for the collection of utility services fees;

And whereas billing individual strata property owners directly for utility services fees would have significant financial administrative implications for these municipalities:

Therefore be it resolved that the Minister of Municipal Affairs and Housing be respectfully requested to take forward to the Legislative Assembly amendments to the *Community Charter* and *Strata Property Act* to afford municipalities the option of imposing utility services fees on either strata councils or on individual strata lot owners.

**Convention Decision:**                      **Endorsed**

#### Provincial Response

##### ***Ministry of Municipal Affairs and Housing***

*User-fees are based on a fee for service transaction. In these transactions, form follows function. That is, the party that receives the service directly from the municipality (e.g. a utility service), is usually the party that pays the fee.*

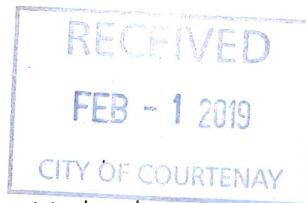
*Some utility services are provided to the building as a whole, for example water through a single meter, which is then distributed to the individual units. In this example, it makes most sense for the municipality to levy a bulk fee on the building as a whole (e.g. billed to a strata corporation). The strata corporation may then allocate the costs (in an equitable manner) to the individual units in the building as part of its normal strata fees.*

*Other utility services may be provided directly to individual units within a building, for example, some strata properties are constructed with utility meters for each unit. In these cases, the municipality may bill each unit directly for usage.*

*Therefore, if form follows function, a municipality should set the form of its billing (including who is the billing party) based on the function of service delivery (i.e. direct service to an entire building or to an individual unit).*



## A message from FCM and UBCM



**Dear elected officials and members of UBCM,**

The UBCM-FCM Small Communities Fund provides financial support to local government elected officials from BC attending the Federation of Canadian Municipalities (FCM) Board and Standing Committee meetings. This fund is intended to ensure that smaller communities are represented at FCM and have the financial means to participate.

The voluntary dues contribution is collected from BC local governments by FCM and is remitted annually to the Union of BC Municipalities. UBCM holds the fund in "trust" and administers the program to recipients.

In order to be eligible for reimbursement of travel expenses, recipients must meet the following criteria:

- A local government elected official;
- From a community with a population of 55,000 or less;
- From a community that contributes to the fund; and
- Elected to FCM's Board OR appointed to an FCM Standing Committee.

The long-term financial sustainability of the UBCM-FCM Small Communities Fund is reliant on the voluntary contributions from BC local governments and ensures that local governments of all sizes and locations in BC have an equal opportunity to be represented at FCM.

The UBCM Executive asks that each member give consideration to the voluntary contribution and the positive benefit that results from a united and inclusive voice from local governments large and small.

Thank you.

**ARJUN SINGH**  
UBCM President

**VICKI-MAY HAMM**  
FCM President



FEDERATION  
OF CANADIAN  
MUNICIPALITIES

FÉDÉRATION  
CANADIENNE DES  
MUNICIPALITÉS

## Invoice / Facture

24, rue Clarence Street, Ottawa,  
Ontario, K1N 5P3  
T. 613-241-5221 F. 613-241-7440

Allen, David

City of Courtenay

830 Cliffe Avenue

Courtenay, British Columbia /  
Colombie-Britannique V9N 2J7

**Invoice / Facture:** ORD-25485-F7Y4Q3

**DATE:** 2019-01-10

**ACCOUNT/COMPTE:** 27

**DUE DATE/DATE LIMITE:** 2019-07-01

ITEM/DESCRIPTION	QTY/QTE	RATE/TAUX	TAX/TAXE	TOTAL
OPTIONAL contribution towards a travel fund that supports the participation of elected officials from small communities in FCM's National Board of Directors	25,599	\$0.0100	\$12.80	\$268.79
<b>GST/TPS (5%):</b>				\$12.80
<b>TOTAL:</b>				\$268.79

### PAYMENT/PAIEMENT

**By cheque payable to:**

**Federation of Canadian Municipalities**

**Par chèque à l'ordre de:**

**Fédération canadienne des municipalités**

24, rue Clarence Street  
Ottawa, Ontario K1N 5P3

HST # / No. de TVH: 11891 3938 RT0001  
QST # / No. de TVQ: 1202728231DQ0001

### By Electronic Funds Transfer/Par transfert électronique de fonds

Royal Bank of Canada (RBC)

90 Sparks St, Ottawa, ON K1P 5T7

**Transit Number/Numéro de transit:** 00006

**Account Number/Numéro de compte:** 1006063

accountsreceivable@fcm.ca/comptesrecevables@fcm.ca

**Ref No. / No. de référence :** 27



# THE CORPORATION OF THE CITY OF COURTENAY

## BYLAW NO. 2959

## **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. 2959, 2018”**.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended by adding to Division 6 - General Regulations, Part 17 Prohibited Uses in All Zones Section 6.17.1 a new subsection (d) as follows:

“The bottling of water except where the source of the water is the municipal water supply, supplied directly to the property on which the bottling is taking place.”

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

### ROAD CLOSURE OF LANE AT 356 - 14<sup>TH</sup> STREET BYLAW NO. 2966, 2019

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

AND WHEREAS the Council of the City of Courtenay deems it expedient to close to traffic and remove the dedication of highway of that portion of highway comprising of .055 hectares in size legally described as Part of Section 41, Comox District dedicated as road at the Victoria Land Title Office by Plan 9478 AND 9677, outlined in bold black on the draft Reference Plan prepared by Bruce Lewis, BCLS #705 on the 7<sup>th</sup> day of March, 2019 a reduced copy of which is attached hereto as Schedule “A”;

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

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

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

1. That portion of highway comprising of .055 hectares in size legally described as Part of Section 41, Comox District dedicated as road at the Victoria Land Title Office by Plan 9478 and 9677, outlined in bold black on the draft Reference Plan prepared by Bruce Lewis, BCLS #705 on the 7<sup>th</sup> day of March, 2019 a reduced copy of which is attached hereto as Schedule “A”; (the Closed Road), is closed to all types of traffic, and its dedication as highway is removed.
2. On deposit of the reference plan attached hereto as Schedule “A” and all other documentation for the closure of the Closed Road in the Victoria Land Title Office, the Closed Road is closed to traffic, it shall cease to be public highway, and its dedication as highway is cancelled.
3. The Mayor and Corporate Officer are hereby authorized to execute and deliver such transfers, deeds of land, plans and other documentation as may be necessary for the purposes aforesaid.
4. This Bylaw may be cited as “**Road Closure of Lane at 356 - 14<sup>th</sup> Street Bylaw No. 2966, 2019**”.

Read a first time this    day of                    , 2019

Read a second time this                    day of                    , 2019

Read a third time this    day of                    , 2019

Published in two editions of the Comox Valley Record on the                    day of                    , 2019 and  
on the                    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

**REFERENCE PLAN TO ACCOMPANY: THE CORPORATION OF THE CITY OF COURTENAY BYLAW No. 2966, 2019 CLOSING ROAD DEDICATED BY PLANS 9478 AND 9677, SECTION 41, COMOX DISTRICT.**

PURSUANT TO SECTION 120, LAND TITLE ACT and SECTION 40, COMMUNITY CHARTER  
B.C.G.S. 92F.066

**Schedule A to Bylaw No. 2966, 2019**

**PLAN EPP83690**

ASSIGNED PLAN NUMBER EPP83690  
SUBJECT TO LEGAL SURVEY, POSTING,  
APPROVALS AND REGISTRATION  
DATED: MARCH 7th 2019.

SCALE = 1 : 500  
All distances are in metres and decimals thereof unless otherwise stated  
The intended plot size of this plan is 560 mm in width by 432 mm in height (C size) when plotted at a scale of 1:500.

**LEGEND**  
Grid bearings are derived from differential dual frequency GNSS observations and are referred to the central meridian of UTM Zone 10 (123° West Longitude).  
The UTM coordinates and estimated horizontal positional accuracy achieved are derived from dual frequency GNSS observations to Geodetic Control Monument No. 157461 (Stamped 867010).  
This plan shows horizontal ground-level distances unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.9998544. The average combined factor has been determined based on a mean ellipsoidal elevation of 0.0 metres.

- denotes - Standard Iron Post found.
- △ denotes - Traverse Hub placed.
- Fd denotes - Found.
- IP denotes - Iron Post.
- NF denotes - Nothing Found.
- REM denotes - Remainder.
- THC denotes - Traverse Hub, Concrete Nail.

GNSS Control Traverse Hub #1810709  
Datum NAD83(CSRS) 3.0.0.BC1.NVT  
UTM Zone 10  
UTM Northing 5,505,577.298  
UTM Easting 356,110.715  
Point Combined Factor 0.9998541  
Estimated Network Horizontal Positional Accuracy 0.05 M.

STRATA PLAN  
VIS3562  
(POSTING PLAN VIP59585)

3  
PLAN  
8140  
B  
PLAN  
VIP68457

AMENDED 1  
(DD 67952N)

BRUCE LEWIS  
LAND SURVEYING INC.  
811 HIGHRIDGE COURT  
COMOX B.C. V9M 3R4  
FILE: 1973-P01

STRATA PLAN VIS2998  
(PLAN VIP57501)

14th STREET

ENGLAND AVENUE

LANE

REM C  
PLAN  
36857

3  
PLAN  
2292  
(POSTING PLAN 3151PP)

SEC 41  
G

ROAD CLOSURE

B  
PLAN  
15970

1  
PLAN  
3930  
2  
PLAN  
VIP60527  
A  
PLAN  
15970

1  
PLAN  
VIP75100  
(POSTING PLAN VIP76416)

#1810705  
THC  
GNSS Control Traverse Hub #1810705  
Datum NAD83(CSRS) 3.0.0.BC1.NVT  
UTM Zone 10  
UTM Northing 5,505,679.201  
UTM Easting 356,258.053  
Point Combined Factor 0.9998548  
Estimated Network Horizontal Positional Accuracy 0.05 M.

CLIFFE AVENUE

This plan lies within the  
Comox Valley Regional District

The field survey represented by this plan was  
completed on the 14th day of March 2019.  
Bruce V. Lewis, BCLS #705



# THE CORPORATION OF THE CITY OF COURTENAY

## BYLAW NO. 2946

## 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. 2946, 2019”**.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
  - (a) Amending Section 8.18.11 by adding “notwithstanding any provision of this bylaw, a storefront cannabis retailer is a permitted use on Lot 2, Section 14, Comox District, Plan VIP53727 (#105-789 Ryan Road)” and renumbering accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 19<sup>th</sup> day of February, 2019

Read a second time this 19<sup>th</sup> day of February, 2019

Considered at a Public Hearing this 4<sup>th</sup> day of March, 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 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 4<sup>th</sup> day of March, 2019

Read a second time this 4<sup>th</sup> day of March, 2019

Read a third time this 4<sup>th</sup> day of March, 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 Size	Connection Fee	
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)		Actual City cost plus 25%
with a minimum charge of \$3,500.00		
(b)	Where a larger connection than those listed above is required, the connection will be installed at City cost plus 25%.	
(c)	<b>Water Turn On and Turn Off</b>	
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)	<b>Abandonment Fee</b>	
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:

<b>Bylaw Rates (per annum)</b>	
<b>Effective Date</b>	
<b>January 1, 2019</b>	
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:

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

<b>Bylaw Rates Effective Date January 1, 2019</b>	
<b>Monthly Rates</b>	
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
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**(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	
<b>Part 1 - Residential Users</b>	
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
<b>Part 2 - Commercial Users</b>		
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
<b>Part 3 - Institutional Users</b>		
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.