

**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: April 01, 2019
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

K'OMOKS FIRST NATION ACKNOWLEDGEMENT

1.00 ADOPTION OF MINUTES

- 1 1. Adopt March 18th, 2019 Regular Council meeting minutes
- 9 2. Adopt March 25th, 2019 Committee of the Whole meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

4.00 STAFF REPORTS/PRESENTATIONS

(a) Recreation and Cultural Services

- 13 1. Memorial Program and Presentation

(b) Development Services

- 23 2. Zoning Amendment Bylaw No. 2953 to Allow for a Secondary Residence at 2991 Chapman Road
- 47 3. Zoning Amendment Bylaw No. 2950 - 605 and 625 Cliffe Avenue

(c) Financial Services

- 65 4. Parcel Tax Review Panel - 2019

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 69 1. Courtenay and District Museum and Palaeontology Centre Board - Museum Expansion
- 71 2. Courtenay Immigrant Welcome Centre - Letter of Support - Settlement Program Core Services 2020 – 2025

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 73 1. Heritage Advisory Commission Meeting Minutes February 27, 2019
- 75 2. RCMP Annual Performance Plan - Acknowledgement of Consultation

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

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

8.00 RESOLUTIONS OF COUNCIL

9.00 UNFINISHED BUSINESS

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

12.00 BYLAWS

For First and Second Reading

- 77 1. "Zoning Amendment Bylaw No. 2950, 2019"
(A bylaw to add a new item to Section 8.18. "notwithstanding any provision of this bylaw, a storefront cannabis retailer is a permitted use" - 605/625 Cliffe Avenue)
- 79 2. "Zoning Amendment Bylaw No. 2953, 2019"
(A bylaw to allow for a secondary residence - 2991 Chapman Road)

For Third Reading

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

For Final Adoption

- 87 1. “Zoning Amendment Bylaw No. 2926, 2018”
 (A bylaw to permit a two-lot subdivision at 4697 Headquarters Road)
- 83 2. “Zoning Amendment Bylaw No. 2949, 2019”
 (A bylaw to allow storefront cannabis retailer as permitted use - 143 - 5th Street)
- 85 3. “Zoning Amendment Bylaw No. 2951, 2019”
 (A bylaw to allow for a secondary suite - 2031 Tamarack Drive)
- 89 4. “Housing Agreement, Bylaw No. 2956, 2019 (2310 - 20th Street)”
 (A bylaw to authorize a housing agreement - 2310 - 20th Street)

13.00 ADJOURNMENT

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, March 18, 2019 at 4:00 p.m.

Attending:

Mayor: B. Wells
Councillors: W. Cole-Hamilton
D. Frisch
D. Hillian via Teleconference (until 5:34 p.m.)
M. McCollum
W. Morin
M. Theos

Staff:

D. Allen, CAO
J. Ward, Director of Legislative & Corporate Services/Deputy CAO
W. Sorichta, Manager of Legislative & Corporate Administrative Services
I. Buck, Director of Development Services
J. Nelson, Director of Financial Services
D. Snider, Director of Recreation and Cultural Services
D. Bardonex, Fire Chief at
A. Guillo, Manager of Communications

1.00 ADOPTION OF MINUTES

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

2.00 ADOPTION OF LATE ITEMS

3.00 DELEGATIONS

Scott MacKenzie presented information to Council discouraging the adoption of zoning amendment Bylaw #2959 to restrict water bottling as a permitted use. Mr. MacKenzie presented data in support of his business model and provincial licence to extract and sell bottled water within Courtenay and the Comox Valley Regional District.

.01 Moved by McCollum and seconded by Morin that Council vary the
VARY AGENDA March 18, 2019 Regular Council agenda under section 4.00 *Staff*
SECTION 4.00 STAFF *Reports/Presentations* and proceed with item 3, "Zoning Amendment
REPORTS / Bylaw No. 2959 to restrict water bottling as a permitted use" before items
PRESENTATIONS 1 and 2 in this portion of the agenda.
Carried

4.00 STAFF REPORTS/PRESENTATIONS

.03
ZONING AMENDMENT
BYLAW NO. 2959 TO
RESTRICT WATER
BOTTLING AS A USE
IN ALL ZONES
3360-20-1905

Moved by McCollum and seconded by Morin that based on the March 18th, 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 1st, 2019 at 5:00 p.m. in the City Hall Council Chambers.

Carried

.01
ROAD CLOSURE &
PROPERTY
DISPOSITION, LANE
AT 356 - 14TH STREET
950-20

Moved by Frisch and seconded by Theos that based on the March 18th, 2019 staff report “Road Closure and Property Disposition of lane at 356 - 14th 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.

Carried

.02
RESOLUTION TO
ENDORSE AN
APPLICATION FOR A
CLEANBC
COMMUNITIES
GRANT, LEVEL 2
ELECTRIC VEHICLE
CHARGING STATIONS
8620-00

Moved by Cole-Hamilton and seconded by McCollum that based on the March 18th, 2019 staff report “Resolution to Endorse an Application for a CleanBC Communities Grant - Level 2 Electric Vehicle Charging Stations”, Council approve OPTION 1 as follows:

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.

Carried

Councillor Morin left Council Chambers at 4:57 p.m.

Councillor Morin returned to Council Chambers and took her seat at 4:59 p.m.

The council meeting recessed at 4:59 p.m. for the Public Hearing regarding Bylaw No. 2888, Bylaw No. 2949 and Bylaw No. 2949.

Councillor Hillian left the public hearing and the Council meeting at 5:34 p.m.

The meeting reconvened at 5:51 p.m.

.04
MEETING SCHEDULE
2019-2023
FINANCIAL PLAN
DISCUSSIONS AND
2019 PROPERTY TAX
RATES
1700-01

Moved by Frisch and seconded by Cole-Hamilton that based on the March 18th, 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 that the special meetings start at 4:00 p.m.
Carried

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

.01
ST. GEORGE’S
UNITED CHURCH
REQUEST FOR
FINANCIAL
ASSISTANCE

Moved by Frisch and seconded by McCollum that the correspondence dated February 21, 2019 from St. George’s United Church Property Committee requesting financial assistance in the amount of \$25,000 to facilitate renovations of their facility kitchen and washrooms, be received for information.
Carried

Moved by Frisch and seconded by Morin that Council direct staff to investigate options and implications to provide funding in the amount of \$25,000 to St. George’s United Church Property Committee and report back to Council at a future date.
The motion was withdrawn by unanimous consent.

New Motion:

Moved by McCollum and seconded by Frisch that Council direct staff to prepare a letter in response to St. George’s United Church’s request for financial assistance to facilitate renovations suggesting they also seek funding from our other local government and electoral area partners Town of Comox, Village of Cumberland and Comox Valley Regional District.
Carried

.02
CVRD REGIONAL
DISTRICT
AMENDMENT TO
BYLAW NO. 2262,
2000 CVRD
COMMUNITY JUSTICE
CONTRIBUTION

Moved by Frisch and seconded by McCollum 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.”
Carried

.03
PROVINCIAL
RESPONSE TO 2018
UNION OF BC
MUNICIPALITIES
(UBCM) RESOLUTION

Moved by Theos and seconded by Frisch that the correspondence dated March 7th, 2019 from the Union of BC Municipalities (UBCM) advising the province’s endorsement of Courtenay’s 2018 UBCM Strata Utility Billing Legislative Change resolution, be received for information.
Carried

.04

FEDERATION OF
CANADIAN
MUNICIPALITIES
(FCM) OPTIONAL
CONTRIBUTION TO
SMALL COMMUNITY
TRAVEL FUND

Moved by Cole-Hamilton and seconded by Frisch that the correspondence dated January 10th, 2019 from the Federation of Canadian Municipalities (FCM) requesting an optional contribution towards a travel fund that supports the participation of elected officials from small communities attending FCM’s Board and Standing Committee meetings, be received for information.

Carried

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

COUNCILLOR
COLE-HAMILTON

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

- Emcee at Community Drug Strategy Committee presentation “Let’s Talk About Alcohol” with author Harold Johnson
- Meeting with John Watson Doug Hillian and Andrea Cupelli re employee housing event
- Homelessness Coordination Meeting with Councillors, staff , Comox Valley Coalition to End Homelessness and RCMP to establish clearer channels of communication between agencies in relation to homelessness issues
- CVRD Committee of the Whole meeting
- CVRD Elected Officials Forum
- Downtown Courtenay Business Improvement Association mixer
- CVRD Elected Officials Media Relations Workshop
- BC government announcement - Provincial Nominee Program (PNP) Entrepreneur Immigration Regional Pilot project

COUNCILLOR
FRISCH

Councillor Frisch reviewed his attendance at the following events:

- CVRD Elected Officials Media Relations Workshop
- Development Industry Working Group inaugural meeting
- CVRD Communications Forum
- CVRD Water Committee meeting
- CVRD Sewage Commission meeting
- CVRD Committee of the Whole
- BC Government Active Travel Consultation Forum
- Comox Strathcona Waste Management Board meeting
- Comox Strathcona Regional Hospital District Board meeting
- CVRD Sports Centre Commission meeting

COUNCILLOR
MCCOLLUM

Councillor McCollum reviewed her attendance at the following events:

- CVRD Water Committee meeting
- CVRD Sports Centre Commission Strategic Planning Session
- Comox Valley Economic Development Society Board Meeting quarterly meeting
- Active Transportation Forum - Clean BC initiative by the Ministry of Transportation & Infrastructure; seeking public input around policy planning for active transportation investments
- CVRD Elected Officials Forum

COUNCILLOR
MORIN

Councillor Morin reviewed her attendance at the following events:

- CVRD Water Committee meeting
- CVRD Sports Centre Commission meeting
- Community Drug Strategy Committee presentation “Let’s Talk About Alcohol” with author Harold Johnson
- CVRD Sewage Commission meeting
- CVRD Committee of the Whole meeting
- CVRD Elected Officials Forum
- BC government announcement - Provincial Nominee Program (PNP) Entrepreneur Immigration Regional Pilot project
- CVRD Elected Officials Media Relations Workshop

MAYOR
WELLS

Mayor Wells reviewed his attendance at the following events:

- Comox Strathcona Waste Management Board and Facility Tour at Pidgeon Lake
- Comox Strathcona Waste Management Board meeting
- Comox Strathcona Regional Hospital District Board meeting
- Island Coastal Economic Trust Regional meeting and grant funding opportunity discussion
- Community Gaming Grant Workshop hosted by the Valley Charitable Gaming Society
- Active Transportation Forum - Clean BC Workshop
- Comox Valley Monarch Lions Club 25th Anniversary dinner
- CVRD Water Committee meeting
- CVRD Elected Officials Forum on Municipal Insurance Association and IAP2 engagement spectrum
- 97.3 The Eagle Radio customer appreciation event
- BC government announcement - Provincial Nominee Program (PNP) Entrepreneur Immigration Regional Pilot project
- Courtenay Volunteer Firefighters annual dinner
- CVRD Elected Officials Media Relations Workshop

8.00 RESOLUTIONS OF COUNCIL

9.00 UNFINISHED BUSINESS

10.00 NOTICE OF MOTION

.01
IN CAMERA
MEETING

Moved by Frisch and seconded by Morin that a Special In-Camera meeting closed to the public will be held March 18th, 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.

Carried

11.00 NEW BUSINESS

12.00 BYLAWS

.01
ZONING AMENDMENT
BYLAW NO. 2959,
2019 TO AMEND
ZONING BYLAW NO.
2500, 2007

Moved by Frisch and seconded by McCollum that “Zoning Amendment Bylaw No. 2959, 2019” pass first and second reading.

Carried

.02
BYLAW NO. 2966,
2019, TO CLOSE
APPROXIMATELY 552
SQUARE METRES OF
ROAD - 356 - 14TH
STREET

Moved by McCollum and seconded by Frisch that “Road Closure Bylaw No. 2966, 2019” pass first, second and third reading.

Carried

.03
ZONING AMENDMENT
BYLAW NO. 2946,
2019, TO ALLOW
STOREFRONT
CANNABIS RETAILER
AS PERMITTED USE -
#105 - 789
RYAN ROAD)

Moved by Frisch and seconded by Morin that “Zoning Amendment Bylaw No. 2946, 2019” pass third reading.

Carried

.04
ZONING AMENDMENT
BYLAW NO. 2946,
2019”, TO ALLOW
STOREFRONT
CANNABIS RETAILER
AS PERMITTED USE -
#105 - 789 RYAN
ROAD

Moved by McCollum and seconded by Frisch that “Zoning Amendment Bylaw No. 2946, 2019” be finally adopted.
Carried

.05
BYLAW NO. 2965,
2019, TO AMEND THE
WATER AND SEWER
UTILITY USER RATES
FOR 2019

Moved by Frisch and seconded by Cole-Hamilton that “City of Courtenay Fees and Charges Amendment Bylaw No. 2965, 2019” be finally adopted.

13.00 ADJOURNMENT

.01

Moved by Frisch and seconded by Cole-Hamilton that the meeting now adjourn at 6:38 p.m.
Carried

CERTIFIED CORRECT

Corporate Officer

Adopted this 1st day of April, 2019

Mayor

Minutes of a Committee of the Whole meeting held Monday, March 25, 2019 at 4:04 p.m. in the City Hall Council Chambers.

Attending:

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

Staff:

- D. Allen, CAO
W. Sorchta, Manager of Legislative & Corporate Administrative Services
R. O’Grady, Director of Engineering Services
D. Snider, Director of Recreation and Cultural Services
A. Guillo, Manager of Communications

1.00 STAFF REPORTS/PRESENTATIONS

.01
OPIOID AWARENESS
AND MEMORIAL
DISPLAY
JUDITH CONWAY
SERVICE PROVIDER
AGREEMENT
4900-20 OPIOID

Moved by Frisch and seconded by McCollum that based on the March 25th, 2019 staff report “Opioid Awareness and Memorial Display - Judith Conway Service Provider Agreement”, Council approve OPTION 1 and establish a Service Provider Agreement between the City of Courtenay and Judith Conway with the date as set out in the Service Provider Agreement; and,

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

Carried

.02
COMOX VALLEY ART
GALLERY SOCIETY -
CENTRE FOR THE
ARTS SECOND FLOOR
LEASE
2380-20 CVAGS

Moved by Cole-Hamilton and seconded by Hillian that based on the March 25th, 2019 staff report, “Comox Valley Art Gallery Society Centre For the Arts Second Floor Lease”, subsequent to the publication of notice, Council approve Option 1 and authorize the Mayor and the Director of Legislative and Corporate Services to execute the attached lease with respect to the municipally owned property located at 580 Duncan Avenue, Courtenay on lands having a legal description of P.I.D. 028-799-925 Lot B, Section 61, Comox District Plan EPP15696.

Carried

.03
MUNICIPAL NATURAL
ASSETS INITIATIVE
(MNAI)
5225-20

Roy Brooke, Municipal Natural Assets Initiative (MNAI), presented information to Council related to municipal natural asset management and provided an update on the Courtenay MNAI project, Comox Valley regional watershed project and Public Sector Accounting Board.

The Municipal Natural Assets Initiative (MNAI) presentation was received for information.

2.00 RESOLUTIONS OF COUNCIL

.01

COUNCILLOR
HILLIAN RESOLUTION
CORPORATE
BUSINESS
CONFERENCES AND
TRAINING
0390-01

Moved by Hillian and seconded by Frisch that
Whereas Council policy requires a resolution to support attendance at conferences and training events other than AVICC, FCM and UBCM, and, whereas there are budgetary limits on Councillor attendance at such events;

Therefore be it resolved that, subject to budget, Council endorses participation for those planning to attend the upcoming Columbia Institute Centre for Civic Governance Forum and the Vancouver Island Symposium on Water Stewardship in a Changing Climate.
<https://www.civicgovernance.ca/save-the-date-2019-high-ground-centre-for-civic-governance-forum/>
<https://www.civicinfo.bc.ca/event/2019/Parksville-Water-Stewardship-Symposium>.

Carried

.02

COUNCILLOR
HILLIAN
RESOLUTION
HOMELESSNESS DAY
CENTRE SUPPORT
PROGRAM

Moved by Hillian and seconded by Morin that
Whereas there continues to be need for a day centre to serve citizens who are homeless to facilitate their connection to services and shelter; and

Whereas the City of Courtenay may have an opportunity to partner with the agencies within the Coalition to End Homelessness, which has access to funding to operate such a centre;

Therefore be it resolved that staff explore this opportunity and provide a report to Council with the goal of facilitating the opening of a day centre program by September of 2019.

Carried

.03

IN-CAMERA
MEETING

Moved by Cole-Hamilton and seconded by Theos that a Special In-Camera meeting closed to the public will be held March 25th, 2019 at the conclusion of the Committee of the Whole Meeting pursuant to the following sub-sections of the *Community Charter*:

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

Carried

3.00 ADJOURNMENT

.01

Moved by Hillian and seconded by Frisch that the meeting now adjourn at 5:23 p.m.

Carried

CERTIFIED CORRECT

Corporate Officer

Adopted this 1st day of April, 2019

Mayor



THE CORPORATION OF THE CITY OF COURTENAY
STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Memorial Program

File No.: 6200-05
Date: April 1, 2019

PURPOSE:

The purpose of this report is to provide Council options on the future of the dormant memorial bench program.

EXECUTIVE SUMMARY:

The administrative impacts of memorial programs are often underestimated. The lifecycle cost of a regular park bench is approximately half of that of a memorial bench, and the associated subsidy benefits a select group of donors. Staff and the Parks and Recreation Advisory Commission ask Council to consider not reinstating the dormant memorial program.

CAO RECOMMENDATIONS:

That based on the March 25, 2019 staff report "Memorial Program", Council adopt OPTION 1 and direct staff to discontinue the existing memorial program.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer


BACKGROUND:

Across North America municipalities have had donor/memorial bench programs for the last 20 to 30 years. The Courtenay's formal memorial bench program was initiated in 1997 with the first bench donated by Stan and Judy Hagen. At that time it was anticipated that the City would be contributing 40% of the cost. The pricing was as follows:

- | | |
|--------------------|-----------------------------|
| Park bench - \$480 | Park/boulevard tree - \$180 |
| Street bench \$780 | Tree in a sidewalk - \$420 |

These fees were anticipated to be 60% of the total cost of the bench, pad and plaque including purchase, installation, and 10 years of maintenance. From this we can deduce that the total

THE CORPORATION OF THE CITY OF COURTENAY



The City of Courtenay Tree Donation Program and Bench Donation Program

Participant Information	Botanical Information
Name: _____	Tree Species: _____
Address: _____	Size: _____
Postal Code: _____	Other: _____
Telephone: _____	For Office Use Only
Donation Amount: \$1500.00 + 10% GST	Date of Application: _____
Income tax receipt will be mailed to the above address.	Approval of Inscription: _____
Location of Tree or Bench	Job Order No. _____
_____	Work Order No. _____
_____	Species of Tree or Bench: _____
_____	Tree or Bench Number: _____
_____	Supervisor: _____
_____	Other: _____
_____	Date of Completion: _____

Plaque Inscription for Bench _____

called in 2027 for inscription

Please limit wording to three lines. Wording must be approved by the City of Courtenay prior to ordering plaque. Brass plaque measures approximately 21" high by 12" long.

Commitment to Maintenance by City
All gifts to the City of Courtenay through the Tree Donation Program and Bench Donation Program are accepted on the basis that they will be maintained for 10 years in their original location or in an area near their original location, after which the disposition of the gift is at the sole discretion of the City of Courtenay.

Limits of Participation
Participation in the Tree Donation Program and Bench Donation Program in no way constitutes ownership of the item, the land upon which it is situated or the surrounding lands. The City of Courtenay retains the right to use lands adjacent to these donated items as it deems appropriate. In addition, the City of Courtenay may choose to not accept a gift through the Tree Donation Program and Bench Donation Program at its discretion.

I have read and agree to the above conditions.

Signature: _____ Date: *Oct 3/01*

anticipated cost of a park bench was \$800 over 10 years. This pricing was low but not unlike programs in other jurisdictions.

Each donor received a tax receipt for their participation in the program and was to sign an agreement identifying that the donation was for a 10 year term. The wording on the agreement is as follows:

“All gifts to the City of Courtenay through the Tree Donation Program and Bench Donation Program are accepted on the basis that they will be maintained for 10 years in their original location or in an area near their original location, after which the disposition of the gift is at the sole discretion of the City of Courtenay.”

The Courtenay memorial program was put on hold in 2008. Many other municipalities took similar action based on the expiration of the first benches, increased demand, and identification that the program was subsidized at a much higher rate than originally anticipated. Since then over 100 people have asked to be put on a waiting list in case the Courtenay memorial program is reinstated.

DISCUSSION:

Memorial programs were initiated with the optimistic but unrealistic view that the community was getting a free bench in exchange for a public memorial. Over the last 30 years it has become clear that the expectations attached to a memorial bench have caused the soft costs to rise far beyond the quoted ‘purchase price’ due to program administration and increasing requests for service. A memorial bench program has an unintended and inevitable higher service level than other similar services due to the personal expectations of donors for maintenance and upkeep of their specific asset. To some, these assets are used in place of a tomb stone and therefore seen as sacred. In contrast, some park users comment that the presence of public memorials add morbidity to public space and don’t add value to the experience for the common users.

Since the program’s inception, more residents are being cremated, thereby placing additional strain on memorial programs. Family members look for a public place to remember loved ones and commonly prefer settings outside of a cemetery with the vast majority of local inquiries requesting the Courtenay Airpark. 30 years ago only 62.3% of deaths in BC resulted in cremation. The BC cremation rate rose to 82% in 2011. However the statistic for Courtenay is 94.6% preferring cremation. (see appendix 1)

If the program were active and advertised, the demand would be expected to far exceed the available spaces. Many municipalities have parks with an excessive number of memorial benches in part to satisfy demand for memorials rather than the need for park benches. In Courtenay, limits were placed on memorial benches at the Air Park recognizing that if demand determined the location, the Air Park would have benches far exceeding actual need.

There is a general expectation by participants that memorials are maintained in perpetuity. The existing benches in Courtenay were installed under 10 year terms with the majority now expired. Since contracts



Daughter condemns \$2,000 extra for mom's memorial park bench in Sooke

KEVIN GRIFFIN Updated: December 10, 2017



may only have been witnessed by the signatory, other family members may not be fully informed of this contract term. In Courtenay there are 325 memorial items, most of which have expired contracts. Other municipalities have tried to resolve these completed contracts by removing the plaque and making the space available to other participants. There has been substantial backlash in other jurisdictions where poorly executed. Staff recommend that separate consideration is given to the existing memorials and addressed through future policy.

Although memorial programs are very common, Council is asked to consider if a public memorial outside of a cemetery is actually a core service to the citizenship of Courtenay. Effective City services benefit a large number of citizens or serve marginalized populations. If a service does not meet this threshold, it should be a full cost recovery service. In this model, the value of the service is calculated and pricing is established to fully recover the cost of participation. In most municipalities the value of participation is calculated considering the following factors:

Memorial Bench Valuation:

<i>Build/Install Concrete Pad</i>	
Labour	240
Materials	300
Installation of bench	80
Purchase of bench	1250
Plaque engraving	300
<i>Maintenance (10 yrs)</i>	
Pressure washing	400
Graffiti Removal	400
Administration fee	30
Total Value	\$3,000



Although this methodology is common, it fails to acknowledge the cost of the administration of the program itself. This includes bench/plaque replacements, removal of flowers/plantings, advertising, brochures, front desk meetings with the clients, point of sale, financial administration including receipting, record keeping and the ongoing service requests from the client. These costs are estimated at an additional \$500 per bench over a 10 year term.

Bench installation and lifecycle costs:
 Memorial program = \$3,500
 Regular bench = \$1,870
Note: A key consideration in the calculation of these costs is the expected service levels associated with these 2 scenarios.

If the service was priced at \$3,500 to be full cost recovery, there is \$1,870 in value to the community at large while \$1,630 in additional value to the donor family. Memorial bench programs seldom have staff dedicated to the service. The demands of the program bring office staff from their core responsibilities and field staff from regular maintenance resulting in lowered levels of service for core operations. For example, park and street benches are usually installed in a timing that fits the work plan of a crew. Normally with a memorial program the timing of bench installations is on the basis of customer orders and associated service level expectations. The demand-based nature of this work tends to be less efficient and therefore more costly.

'A shame': Richmond family to lose memorial bench bought in 1990s
Posted By: CBC News on January 22, 2019 for CBC

A family that bought a park bench to honour deceased loved ones in Richmond — before the city changed its fee structure in 2003 — hopes to hold on to the bench, and avoid paying \$3,000 for another ten years.

Typically the true costs are not reflected in the program fees. If the full value of the program were included in the cost of participation in the program, the pricing would appear to be an unfair burden on mourners. Many municipalities are increasing the cost of a memorial programs to reduce the burden on taxpayers that would be unwilling to bear this subsidy.

The price of participation in a memorial bench program varies substantially between municipalities. The Courtenay program was \$1,100 in 2008. If this price doubled to \$2,200 it would be close to the median of other municipal programs, but only 63% of the true costs. (see appendix 2)

Staff estimate that during the first year of reinstatement there could be a demand of over 100 benches and the years there after to level out closer to 30 benches annually. Provision would need to be made to satisfy this demand on staff capacity.

Council is regularly faced with the public desire to memorialize prominent citizens or the victims of tragic circumstances. If this is a priority for Council, a well-resourced program will be needed to provide clarity on memorial options.

A well designed memorial program can address efficiencies, limit available space to reasonable annual quantities and ensure that the memorial placement serves the community needs. However, dedicated staff resources, and clear program parameters are needed.

If reinitiated, a new program would involve the following elements:

Program Component

Departments Involved*

- | | |
|--|-------------------------|
| - A program policy with pricing and appropriate promotion | RCS, LS, Communications |
| - Clarity on the contractual term of participation | RCS, LS |
| - Contact with those on waitlist | RCS |
| - A mapped listing of available memorial locations | RCS, GIS, PWS |
| - Coordinated installation of assets and plaques | RCS, PWS |
| - Systems for tracking and maintaining contact with participants | RCS |
| - Renew available bench locations annually | RCS, PWS |

*RCS = Recreation and Cultural Service, LS= Legislative Services, PWS= Public Works Services, GIS=Geographic Information Systems



Key to a sustainable program is to establish the program service level through policy. One effective way to accomplish this is to clearly outline the number of memorial locations that will be available annually and when installations will occur.

Alternatives should be developed to satisfy community memorial requests. These alternatives may include:

Gifts program:

Through this program service clubs and individuals may gift cash or products to the City. The donor would be receipted for their donation. Common examples of gifts are, playgrounds, in-kind labour, signage, public art, lighting, trail improvements, facility equipment, room upgrades, etc. A gifts program should always be accompanied with a recognition policy that stipulates that the scale of

recognition is proportional to the size of the gift. All recognition should also have an expiry date specified.

A memorial wall, garden or other centralized opportunities for memorial. It is ideal if these are in a pleasant location and yet not on a main thoroughfare.

Cemetery recognition:

The Courtenay and District Cemetery currently offers various memorial options to clientele. This includes memorial walls, plaques, headstones, etc. The list of product options could be expanded at the cemetery.

Referrals to partners:

The City keeps a list of community partners that offer memorial options. These include cultural partners, adjacent municipalities, private gardens, businesses, institutions, etc.

Since the current memorial program is dormant and outdated, Council is at a crossroads. Staff and the Parks and Recreation Advisory Commission recommend discontinuing the service.

FINANCIAL IMPLICATIONS:

Discontinuing the service will not require an additional budget allocation.

Reinstituting the program will require just over \$100,000 additional budget in various departments. The first 2 years will require more funds than the subsequent years. Year 1 will include program development, communication with participants and waitlist, and mapping of available donations. Year 2 would be the first year of implementation (relieving the pent-up demand). Departmental increases are as follows:

Department	Year 1		Year 2		Ongoing	
	Hours	Budget	Hours	Budget	Hours	Budget
Recreation & Cultural Services (Administration)	1,000	0	500	0	500	0
Public Works Services (Installation & Maintenance)	200	100,000	200	100,000	200	100,000
Legislative Services (Policy, GIS & Communications)	35	2,000	21	1,000	14	0
Total	1,235	102,000	721	101,000	714	100,000

ADMINISTRATIVE IMPLICATIONS:

The administration of the memorial program is coordinated through the Recreation and Cultural Services Department. This includes, point of contact and point of sale with participants, program and policy development. The purchase, installation and maintenance of assets resides with the Public Works Department. The Legislative Services Department oversees policy, GIS and corporate public communication. The implications to staff capacity are noted above.

ASSET MANAGEMENT IMPLICATIONS:

The lifecycle costs of memorial assets are substantially increased based on customer driven service level expectations as noted above. The discontinuation of this program will not negatively impact the available seating or tree planting services offered to the community.

STRATEGIC PRIORITIES REFERENCE:

We focus on organizational and governance excellence

- Support and encourage initiatives to improve efficiencies
- Recognize staff capacity is a finite resource and support staff training and development
- Communicate appropriately with our community in all decisions we make
- Responsibly provide services at levels which the people we serve are willing to pay
- Focus on asset management for sustainable service delivery

- **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:

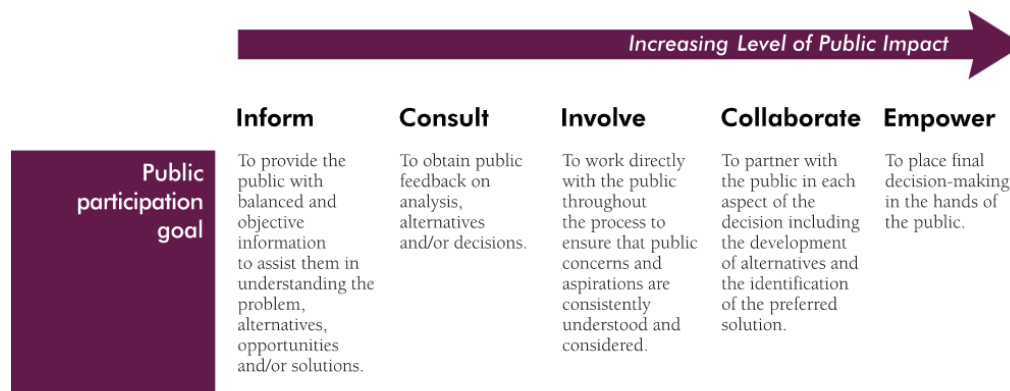
No specific reference

REGIONAL GROWTH STRATEGY REFERENCE:

No specific reference

CITIZEN/PUBLIC ENGAGEMENT:

Staff have **consulted** with the Parks and Recreation Advisory Commission in the development of this report as identified in the *IAP2 Spectrum of Public Participation*.



OPTIONS:

1. Council direct staff to formally discontinue the existing memorial program
2. Council direct staff to formally discontinue the existing memorial program; and
Direct staff to create centralized locations for public memorials
3. Council direct staff to create a new memorial program based on sustainable service levels
4. Council refer this item back to staff for further consideration
5. Council takes no action on this matter at this time.

Prepared by:



Dave Snider *BCSLA*

Director of Recreation and Cultural Services

Attachments:

1. Method of Disposition by Decedent's Local Health Area of Residence
2. Memorial Bench Pricing Comparison

Appendix 1

Vital Statistics Information Box						
METHOD OF DISPOSITION BY DECEDENT'S LOCAL HEALTH AREA OF RESIDENCE						
BRITISH COLUMBIA, 2011						
Local Health Area	Burial		Cremation		Other	Total
	Number	Percent	Number	Percent		
001 Fernie	18	18.9	77	81.1	-	95
002 Cranbrook	23	11.5	175	87.5	2	200
003 Kimberley	5	6.1	77	93.9	-	82
004 Windermere	6	8.1	68	91.9	-	74
005 Creston	40	25.2	119	74.8	-	159
006 Kootenay Lake	1	2.7	36	97.3	-	37
007 Nelson	38	20.7	143	77.7	3	184
009 Castlegar	40	31.0	88	68.2	1	129
010 Arrow Lakes	9	13.8	56	86.2	-	65
011 Trail	23	12.4	160	86.5	2	185
012 Grand Forks	28	25.7	81	74.3	-	109
013 Kettle Valley	1	3.1	31	96.9	-	32
014 Southern Okanagan	40	15.2	224	84.8	-	264
015 Penticton	61	11.8	456	88.2	-	517
016 Keremeos	9	15.3	50	84.7	-	59
017 Princeton	-	0.0	64	100.0	-	64
018 Golden	6	15.0	34	85.0	-	40
019 Revelstoke	10	15.4	55	84.6	-	65
020 Salmon Arm	55	18.0	251	82.0	-	306
021 Armstrong-Spallumcheen	10	13.9	62	86.1	-	72
022 Vernon	93	14.4	550	85.3	2	645
023 Central Okanagan	201	13.1	1,323	86.5	6	1,530
024 Kamloops	95	10.3	811	88.0	16	922
025 100 Mile House	15	11.6	114	88.4	-	129
026 North Thompson	3	10.7	25	89.3	-	28
027 Cariboo-Chilcotin	38	22.5	131	77.5	-	169
028 Quesnel	29	14.1	174	84.9	2	205
029 Lillooet	9	22.5	30	75.0	1	40
030 South Cariboo	11	15.9	58	84.1	-	69
031 Merritt	22	21.2	81	77.9	1	104
032 Hope	15	16.0	79	84.0	-	94
033 Chilliwack	126	18.3	560	81.2	4	690
034 Abbotsford	239	25.2	702	74.1	6	947
035 Langley	127	12.8	856	86.6	6	989
037 Delta	84	11.9	614	87.2	6	704
038 Richmond	216	23.4	692	75.1	14	922
040 New Westminster	72	15.6	387	83.6	4	463
041 Burnaby	325	24.7	958	72.9	31	1,314
042 Maple Ridge	60	9.9	542	89.7	2	604
043 Coquitlam	175	17.4	817	81.1	15	1,007
044 North Vancouver	115	14.4	676	84.4	10	801
045 West Vancouver-Bowen Is.	56	12.7	383	86.7	3	442
046 Sunshine Coast	23	8.2	258	91.8	-	281
047 Powell River	23	11.8	170	87.2	2	195
048 Howe Sound	18	14.4	107	85.6	-	125
049 Bella Coola Valley	9	60.0	6	40.0	-	15
050 Queen Charlotte	17	42.5	23	57.5	-	40
051 Snow Country	1	-	5	83.3	-	6
052 Prince Rupert	32	36.0	56	62.9	1	89
053 Upper Skeena	12	38.7	19	61.3	-	31
054 Smithers	33	26.6	91	73.4	-	124
055 Burns Lake/Eutsuk	20	39.2	30	58.8	1	51
056 Nechako	40	36.7	69	63.3	-	109
057 Prince George	101	17.6	473	82.3	1	575
059 Peace River South	42	19.7	171	80.3	-	213
060 Peace River North	38	25.9	109	74.1	-	147
061 Greater Victoria	251	11.8	1,852	87.4	17	2,120
062 Sooke	34	8.8	350	90.7	2	386
063 Saanich	65	9.4	618	89.6	7	690
064 Gulf Islands	8	5.8	130	94.2	-	138
065 Cowichan	66	13.9	409	85.9	1	476
066 Lake Cowichan	4	8.9	41	91.1	-	45
067 Ladysmith	23	10.5	197	89.5	-	220
068 Nanaimo	91	9.4	869	90.2	3	963
069 Qualicum	25	4.6	515	95.0	2	542
070 Alberni	48	14.0	294	86.0	-	342
071 Courtenay	30	5.2	546	94.6	1	577
072 Campbell River	16	4.8	319	94.9	1	336
075 Mission	41	13.9	253	86.1	-	294
076 Agassiz-Harrison	16	19.5	66	80.5	-	82
077 Summerland	17	11.0	137	89.0	-	154
078 Enderby	14	17.9	64	82.1	-	78
080 Kitimat	27	32.5	56	67.5	-	83
081 Fort Nelson	7	30.4	16	69.6	-	23
083 Central Coast	7	77.8	2	22.2	-	9
084 Vancouver Island West	1	16.7	5	83.3	-	6
085 Vancouver Island North	22	25.9	62	72.9	1	85
087 Stikine	2	50.0	2	50.0	-	4
088 Terrace	38	26.4	106	73.6	-	144
092 Nisga'a	6	60.0	4	40.0	-	10
094 Telegraph Creek	4	100.0	-	0.0	-	4
161 Vancouver - City Centre	126	19.4	519	79.7	6	651
162 Vancouver - Dwntrwn E.Side	140	28.0	357	71.4	3	500
163 Vancouver - North East	243	43.8	295	53.2	17	555
164 Vancouver - Westside	172	24.5	522	74.5	7	701
165 Vancouver - Midtown	135	34.7	240	61.7	14	389
166 Vancouver - South	261	31.8	546	66.4	15	822
201 Surrey	328	17.7	1,513	81.5	16	1,857
202 South Surrey/White Rock	133	14.4	789	85.2	4	926
PROVINCIAL TOTAL	5,362	16.9	26,155	82.3	259	31,776

Note: Total includes residents with unknown LHA.

Appendix 2

Memorial bench pricing comparison:

City	Price	Term	Notes
1. Colwood	1,000	5 years	
2. Metckosin	1,986	10 years	
3. Port Coquitlam	1,500 – 2,500	10 years	
4. Richmond	3,000	10 years	
5. Surrey	2,500 – 3,500	20 years	
6. Vancouver	4,000	10 years	
7. Esquimalt	3,000	20 years	
8. New York City	10,000	30 years	
9. BC Parks	3,000	10 years	
10. Oak Bay	3,000	15 years	may not be active
11. District of Sooke	2,000	10 years	
12. Whistler	3,000	15 years	Tribute program
13. Sidney	3,000	10 years	
14. Saanich	2,920	10 years	



STAFF REPORT

To: Council

File No.: 3360-20-1901

From: Deputy Chief Administrative Officer

Date: April 1, 2019

Subject: Zoning Amendment Bylaw No. 2953 to allow for a secondary residence at 2991 Chapman Road

PURPOSE:

The purpose of this report is for Council to consider a zoning amendment application to rezone the above referenced property legally described as Lot 2, Section 18, Comox District, Plan VIP77045 to permit a secondary residence.

DEPUTY CAO RECOMMENDATIONS:

THAT based on the April 1st, 2019 Staff report entitled "Zoning Amendment Bylaw No. 2953 to allow for a secondary residence at 2991 Chapman Road" Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2953, 2019; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2953, 2019 on April 15th, 2019 at 5:00 p.m. in the City Hall Council Chambers.

Respectfully submitted,

John Ward, CMC
Deputy Chief Administrative Officer

BACKGROUND:

The subject property is located within the Sandwick/Headquarters area. The immediate neighbourhood is comprised of single-family homes on large lots with a rural character.



Figure 1: Location of the Subject Property

The Official Community Plan (OCP) designates this neighbourhood “Suburban Residential”. The stated purpose of this designation is for single-family homes with lot sizes greater than 2,500m² and full urban services.

Further land use policy is established in the Sandwich/Headquarters Local Area Plan which describes the subject parcel and surrounding neighbourhood as a predominantly residential area with single family, detached dwellings as the primary housing form. Multi-family forms of housing, including two family or duplex development are not allowed on remaining vacant lots. The plan conditionally supports secondary suites but does not contain policy relative to secondary residences or comparable forms or housing such as carriage houses.

The subject property, and surrounding neighbourhood, are zoned Rural Residential Five (RR-5). The zone allows for single family houses on large lots.

The subject property is 4,063m² and contains a 70m² single storey house. The applicant proposes to construct a second dwelling should the proposed zoning amendment be successful. A key complexity of this proposal is that the existing house will be reclassified as the secondary residence once the new house is constructed. This differs from typical proposals where the secondary dwelling is added after the main house.



Figure 2: Proposal and context



Figure 3: Existing house proposed to be reclassified as a "secondary residence"

A secondary residence is a form of secondary or accessory housing. A key attribute is that it exists only when a primary or main dwelling is present and is secondary in appearance and function to the primary dwelling. Other similar forms of housing in the City include secondary suites, carriage houses and granny flats. A secondary residence is completely detached from the main dwelling and limited in floor area with the intent that it is smaller and functions with less intensity than the main house. Currently, secondary residences are only listed as a permitted use in the Residential Two (R-2) zone. Although “carriage houses” and “granny flats” are permitted in a few other zones.

This zoning bylaw amendment will add “secondary residence” as a permitted use exclusively on the subject property. It will also establish setback, and height restrictions for secondary dwellings.

The application and advertisement of this proposal state that a “carriage house” is proposed. Although “carriage houses” are secondary to principal dwellings, by definition “carriage houses” differ from “secondary residences” in that they must be located above a garage. As the existing house is not above a garage it cannot be classified under the zoning bylaw and a carriage house necessitating the use of the “secondary residence” definition.

DISCUSSION:

The proposal diverges from the established land uses in the immediate area but is generally supported by the OCP due to the provision of sanitary sewer and is consistent with the character of the neighbourhood.

Consistency with Land Use Policy

Central to Sandwick/Headquarters Local Area Plan is the notion that any type of subdivision or redevelopment must respect the existing character of the neighbourhood. In terms of built form, the proposed secondary residence will remain as it currently exists. The proposal will permit the construction of a new house which will be approximately 163m² and more consistent with the size of surrounding houses. In terms of lot size, the parcel is near the minimum size currently permitted by zoning at 4,063m²

(the zoning bylaw allows a minimum area of 4,000m²) but lot sizes on Chapman Road range from a low of 1,208m² to a high of 11,751m². Notably, the policy does allow for limited, sensitive densification once sewer services are provided. Both the proposed and existing dwellings will be connected to municipal sanitary sewer services.

Affordable Housing Policy

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

Zoning Review

As part of this proposal, zoning parameters will be added to the RR-5 zone to provide specific regulations for secondary dwellings. These regulations reflect the parameters which are currently listed for secondary residences in the R-2 zone. The proposal is consistent with these requirements as summarized below:

Zoning Parameter	Proposed Requirement	Existing Building
Floor Area (max.)	90m ²	70m ²
Front Yard (min.)	7.5m	14.6m
Rear Yard (min.)	10.0m	44.7m
Side Yard (min.)	3.5m	17.8m
Side Yard flanking a street (min.)	4.5m	n/a
Building Height (max.)	5.5m	5.2m

Additionally, the secondary dwelling is required to maintain at least one off-street parking space.

FINANCIAL IMPLICATIONS:

Application fees in the amount of \$3,000 have been collected in order to process the rezoning amendment application. Should the proposed Zoning Amendment Bylaw be adopted, Building Permit application fees will apply.

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

ADMINISTRATIVE IMPLICATIONS:

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

ASSET MANAGEMENT IMPLICATIONS:

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

2019 – 2022 STRATEGIC PRIORITIES REFERENCE:

▲■ Identify and support opportunities for lower cost housing and advocate for senior government support

●▲ Encourage and support housing diversity

OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed zoning amendment is generally consistent with the Suburban Residential land use designation of the Official Community Plan.

The subject property is within the Sandwick/Headquarters Local Area Plan. The plan conditionally supports secondary suites but does not contains specific policy relative to secondary residences or comparable forms or housing such as carriage houses.

REGIONAL GROWTH STRATEGY REFERENCE:

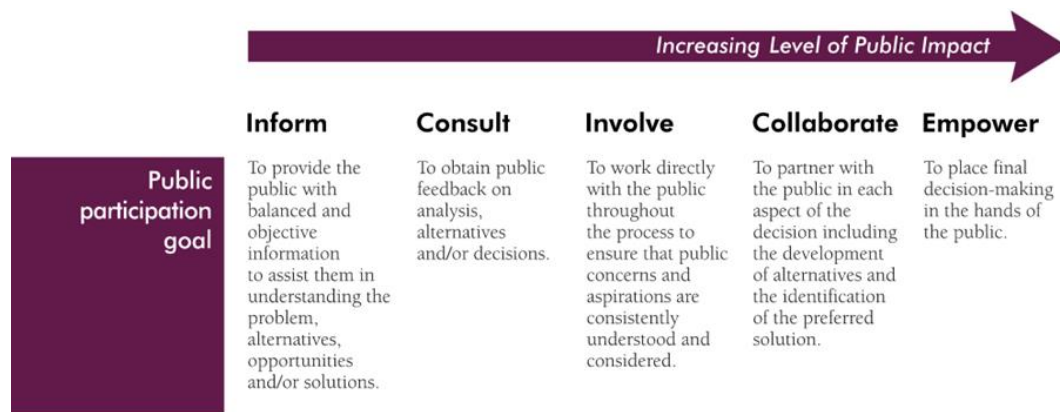
The development proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” including:

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

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

CITIZEN/PUBLIC ENGAGEMENT:

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



Should Zoning Amendment Bylaw No. 2953, 2019 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*.

Prior to this application proceeding to Council, the applicant held a public information meeting on January 24th, 2019 at a property immediate southwest to the subject property. According to the information provided by the applicant, one neighbour attended the meeting. The applicant also delivered a survey to 14 neighbours informing them of his intentions and asking for their input. 12 surveys were returned of the 14 distributed. All 12 were in favour of the proposal. All written comment sheets are included with the meeting summary in **Attachment No. 2**.

No additional correspondence has been received from neighbours regarding this proposal at the time of this report.

OPTIONS:

OPTION 1: (Recommended)

THAT based on the April 1st, 2019 Staff report, “Zoning Amendment Bylaw No. 2953 to allow for a secondary residence at 2991 Chapman Road” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Bylaw No. 2953, 2019; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2953, 2019 on April 15th, 2019 at 5:00 p.m. in the City Hall Council Chambers.

OPTION 2: Defer consideration of Bylaw No. 2953 with a request for more information.

OPTION 3: Defeat Bylaw No. 2953.

Prepared by:



Matthew Fitzgerald, MCIP, RPP
Planning Supervisor

Reviewed by:



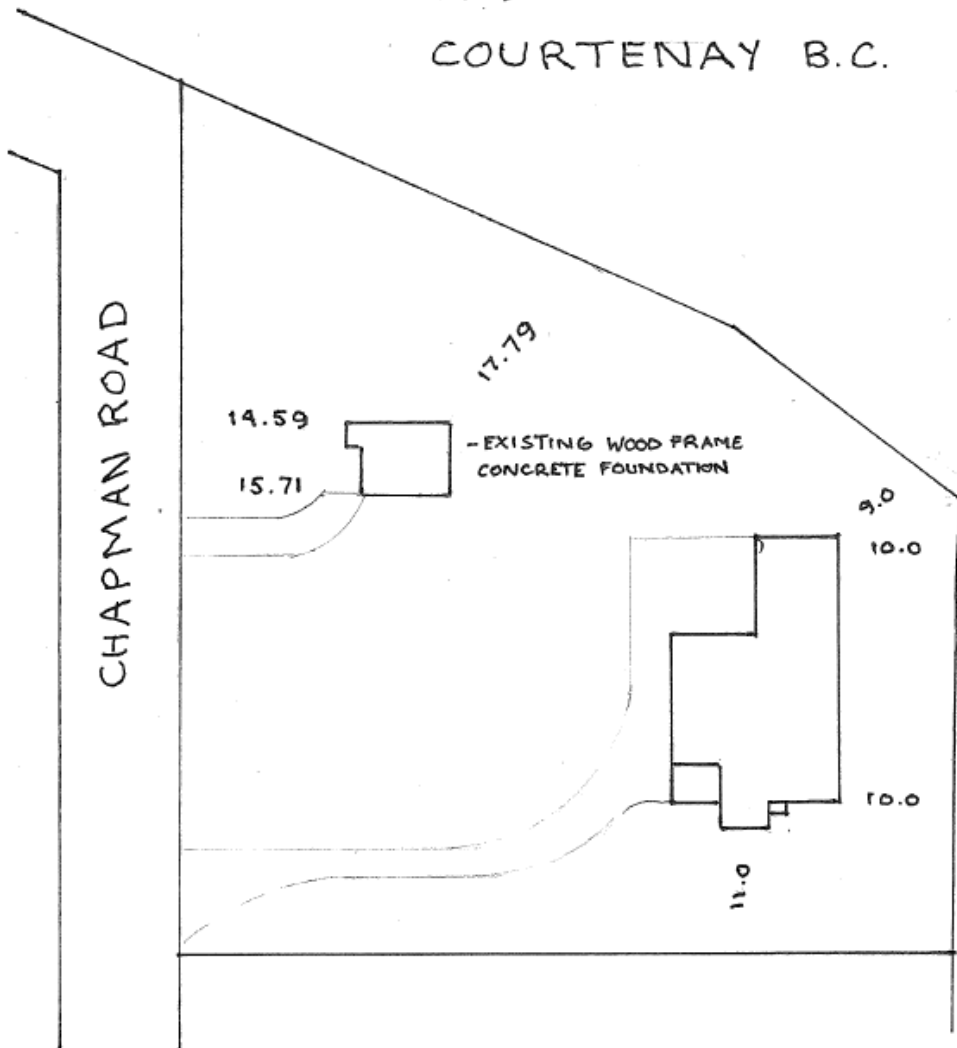
Ian Buck, MCIP, RPP
Director of Development Services

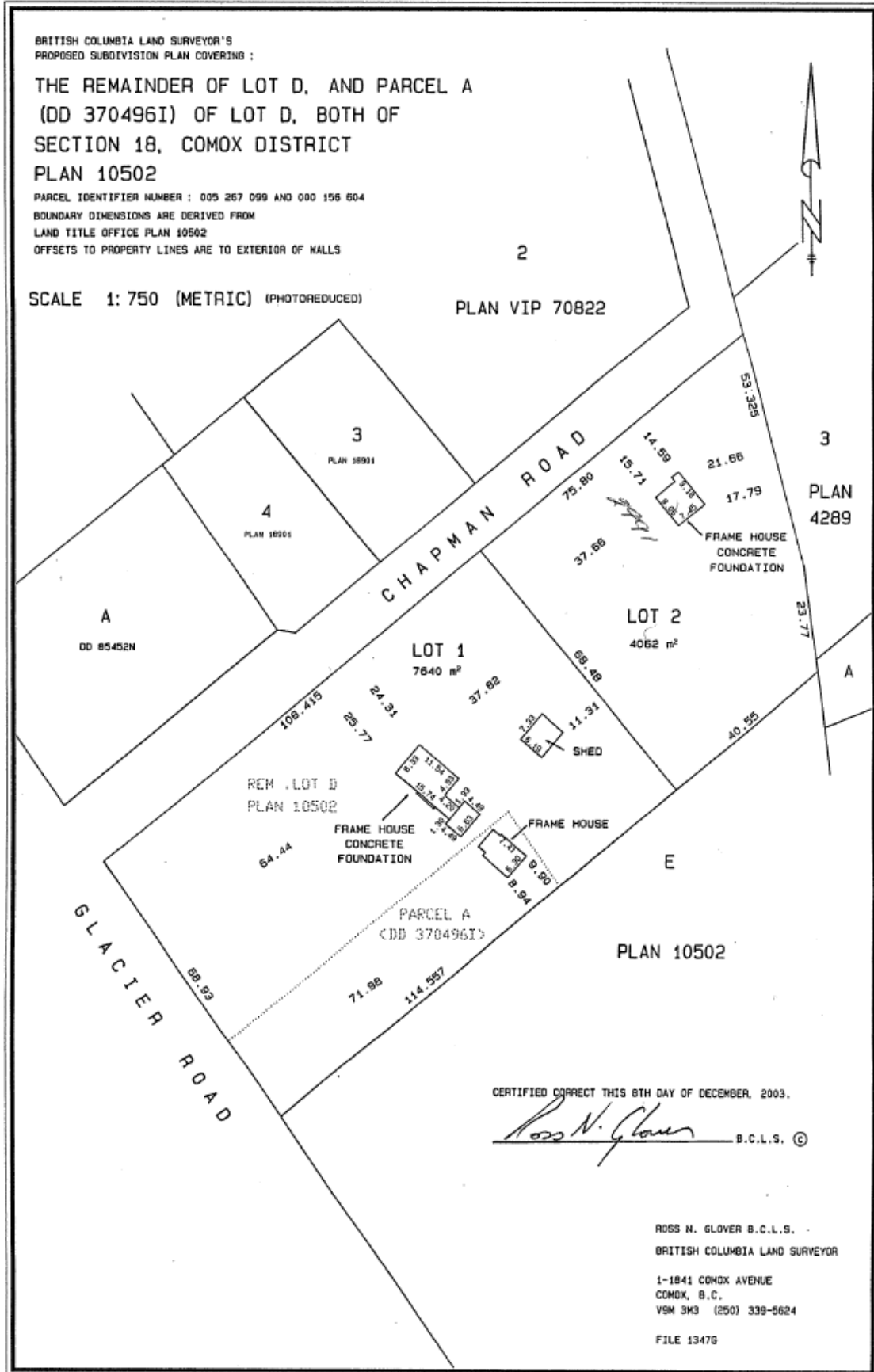
Attachments:

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

Attachment No. 1: Plans and Pictures

SECTION 18 COMOX DISTRICT
PLAN 10502 LOT 2
2991 CHAPMAN ROAD
COURTENAY B.C.





2991 CHAPMAN RD

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

AN INFORMATIONAL MEETING WAS HELD AT MY CURRENT RESIDENCE 2985 GLACIER ROAD ON THE EVENING OF JANUARY 24 2019 AT 7:30 PM. THE SURROUNDING PROPERTY OWNERS WERE NOTIFIED BY E-MAIL, PHONE OR IN PERSON. ONE RESIDENT SHOWED UP AND STAYED FOR APPROXIMATELY 2 HOURS. THE INFORMATION SUPPLIED INCLUDED BLUEPRINTS OF THE PROPOSED BUILDING, SITE PLAN, SIGN IN SHEET AND COMMENT SHEET.

THE LACK OF RESPONSE I FEEL WAS INPART TO THE FACT THIS WAS THE FOURTH NEIGHBOURHOOD MEETING IN LESS THAN A YEAR AND PEOPLE FELT THEY WERE ALREADY AWARE OF MY INTENTIONS. HOWEVER, REALIZING ONE RESIDENT IS NOT GOING TO MAKE A GOOD REPRESENTATION. I MADE PERSONAL VISITS TO ALL THE NEIGHBOURS EXPLAINING MY INTENTIONS AND ASKED THEM TO SIGN A COPY OF THE E-MAIL THAT WAS SENT OUT AND CHECK THE APPROPRIATE LINE. SOME OF THE RESIDENTS CHOSE TO THINK ABOUT IT AND RETURNED THE AFFIDAVITS AT A LATER DATE. I THEN DELIVERED THE AFFIDAVITS TO CITY HALL ON Jan. 31 2019 HAVING WAITED AS LONG AS I COULD. THERE WERE 12 OF 14 RETURNED, ALL IN APPROVAL OF MY REZONING REQUEST.

THE ONLY QUESTION OF NOTE WAS THE SIZE OF THE BUILDING.

TOM REVIE 2985 GLACIER ROAD

PUBLIC INFORMATION MEETING

JAN. 24 2019

SIGN IN SHEET

TOM REVIE 2985 GLACIER ROAD

NAME (Please Print)	ADDRESS
[REDACTED]	Glacier Rd, Courteney, BC

PUBLIC INFORMATION MEETING

JANUARY 15, 2017

(Enter Application Information and Address of Subject Property)

COMMENT SHEET

Name: Tom Revid Email: thwacker@yahoo.com
Address: 2985 Glacier Road Phone: 250-338-8992

(Insert Applicant Name) has applied to the City of Courtenay for an (INSERT APPLICATION TYPE ie. OCP/Zoning Amendment/Temporary Use Permit/Development Variance Permit). (Insert Project Description). This project is under review by staff in the Planning Department of the City.
Given the information you have received regarding this project do you have any comments or questions?

~~I~~ I have no problem with the proposed build & rezoning. It's already a cleared/leveled lot!

3011 Glacier Rd., Courtenay, BC

Please return your comments by: JAN. 30 2019

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

1. Drop your comment sheet off at the Development Services Department, City of Courtenay
830 Cliffe Avenue
2. Email your comment sheet to planning@courtenay.ca
3. Fax your comment sheet to 250-334-4241

----- Forwarded Message -----
From: [REDACTED]
To: tom revie <thwacker@yahoo.com>
Sent: Sunday, January 20, 2019 9:39 AM
Subject: Re: rezoning

Sorry
Unable to scan a reply at this time.
Please accept this as my approval for the rezoning.
[REDACTED]

On 2019-01-17 06:04, tom revie wrote:

Good morning all,

This is to inform you that I, Tom Revie have applied for a rezoning of Lot 2 Plan 70822, a 1 acre lot located at 2991 Chapman road Courtenay BC. My intent is to build a single family home for my personal residence. I will host a informational meeting at my current residence at 2985 Glacier road Courtenay BC on January 24 2019 at 7:30 pm.

For those of you with whom I discussed this over the phone or in person but stated you are unable are unable to attend, please sign, date and check the appropriate line.

Thanks for attention in this matter....Tom 250-338-8992

Name and address

.....

I approve.....

I disapprove.....

Good morning all,

This is to inform you that I, Tom Revie have applied for a rezoning of Lot 2 Plan 70822, a 1 acre lot located at 2991 Chapman road Courtenay BC. My intent is to build a single family home for my personal residence. I will host a informational meeting at my current residence at 2985 Glacier road Courtenay BC on January 24 2019 at 7:30 pm.

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Thanks for attention in this matter....Tom 250-338-8992

Name and address

[Redacted Name and Address] *Tom Revie*

I approve.....

I disapprove.....

Good morning all,

This is to inform you that I, Tom Revie have applied for a rezoning of Lot 2 Plan 70822, a 1 acre lot located at 2991 Chapman road Courtenay BC. My intent is to build a single family home for my personal residence. I will host a informational meeting at my current residence at 2985 Glacier road Courtenay BC on January 24 2019 at 7:30 pm.

For those of you with whom I discussed this over the phone or in person but stated you are unable to attend, please sign, date and check the appropriate line.

Thanks for attention in this matter....Tom 250-338-8992

Name and address

 484 4721 Island Hwy N

I approve.....

I disapprove.....



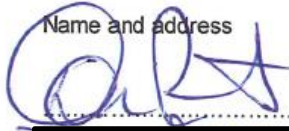
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For those of you with whom I discussed this over the phone or in person but stated you are unable to attend, please sign, date and check the appropriate line.

Thanks for attention in this matter....Tom 250-338-8992

Name and address



4717 N. Isl Hwy

I approve.....

I disapprove.....

Good morning all,

This is to inform you that I, Tom Revie have applied for a rezoning of Lot 2 Plan 70822, a 1 acre lot located at 2991 Chapman road Courtenay BC. My intent is to build a single family home for my personal residence. I will host a informational meeting at my current residence at 2985 Glacier road Courtenay BC on January 24 2019 at 7:30 pm.

For those of you with whom I discussed this over the phone or in person but stated you are unable to attend, please sign, date and check the appropriate line.

Thanks for attention in this matter....Tom 250-338-8992

Name and address

[Redacted Name and Address]

4725 N. Island Hwy
Courtenay V9N 5Y5

I approve.....

I disapprove.....



Good morning all,

This is to inform you that I, Tom Revie have applied for a rezoning of Lot 2 Plan 70822, a 1 acre lot located at 2991 Chapman road Courtenay BC. My intent is to build a single family home for my personal residence. I will host a informational meeting at my current residence at 2985 Glacier road Courtenay BC on January 24 2019 at 7:30 pm.

For those of you with whom I discussed this over the phone or in person but stated you are unable to attend, please sign, date and check the appropriate line.

Thanks for attention in this matter....Tom 250-338-8992

Name and address

 - NAUTECH INDUSTRIES LTD
467 N. ISLAND HWY., COURTENAY.
I approve..... ✓
I disapprove.....


Good morning all,

This is to inform you that I, Tom Revie have applied for a rezoning of Lot 2 Plan 70822, a 1 acre lot located at 2991 Chapman road Courtenay BC. My intent is to build a single family home for my personal residence. I will host a informational meeting at my current residence at 2985 Glacier road Courtenay BC on January 24 2019 at 7:30 pm.

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Thanks for attention in this matter....Tom 250-338-8992

Name and address

, 2986 CHAPMAN RD.

I approve.. Carol Skinkal. @ [Signature]

I disapprove.....


Good morning all,

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Thanks for attention in this matter....Tom 250-338-8992

Name and address

 M. Brian Carvillen
2980 Chapman Rd. 334-8951

I approve.....

I disapprove.....

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Thanks for attention in this matter....Tom 250-338-8992

Name and address

[Redacted Name and Address]

I approve.....X.....

I disapprove.....

Good morning all,

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For those of you with whom I discussed this over the phone or in person but stated you are unable to attend, please sign, date and check the appropriate line.

Thanks for attention in this matter....Tom 250-338-8992

Name and address

 3003 Glacier Rd

I approve.....

I disapprove.....

Good morning all,

This is to inform you that I, Tom Revie have applied for a rezoning of Lot 2 Plan 70822, a 1 acre lot located at 2991 Chapman road Courtenay BC. My intent is to build a single family home for my personal residence. I will host a informational meeting at my current residence at 2985 Glacier road Courtenay BC on January 24 2019 at 7:30 pm.

For those of you with whom I discussed this over the phone or in person but stated you are unable to attend, please sign, date and check the appropriate line.

Thanks for attention in this matter....Tom 250-338-8992

Name and address

 2991 Chapman Rd

I approve.....

I disapprove.....

Attachment No. 3: Applicant's Rationale

Written summary

My proposal is to build a 1757 sq. ft. Single family dwelling on a 1 acre lot at 2991 Chapman Road in the City of Courtenay. This dwelling will be become my personal residence. There is a 750 sq. ft. rental house on a concrete foundation on the property currently rented for \$800/month. The new dwelling will be located within all the legal setbacks and no trees will have to be removed to allow for construction. No neighbours views will be compromised and traffic will only increase by one vehicle.



STAFF REPORT

To: Council

File No.: 3360-20-1819

From: Chief Administrative Officer

Date: April 1, 2019

Subject: Zoning Amendment Bylaw No. 2950 – 605 and 625 Cliffe Avenue

PURPOSE:

The purpose of this report is for Council to consider a Zoning Amendment application to rezone the property legally described as Lots 1 and 2, Block 3, Section 61, Comox District, Plan 2068. The proposed amendment is to allow a storefront cannabis retailer within an existing commercial building in the C-1 zone.

CAO RECOMMENDATIONS:

THAT based on the April 1st, 2019 staff report 'Zoning Amendment Bylaw No. 2950 –605 and 625 Cliffe Avenue' Council approve Option No. 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2950, 2019; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to the above-referenced Bylaw on April 15th, 2019 at 5:00 p.m. in City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The property is zoned Commercial One (C-1), and is within the Downtown Courtenay Business Improvement Area (DCBIA) boundary. The Official Community Plan (OCP) land use designation is commercial. The applicant has applied to the City to rezone the property to allow a storefront cannabis retailer at the subject location, commonly known as Courtenay Mall at the corner of Cliffe Avenue and 6th Street. The proposed location is currently occupied by an art studio.



Figure 1. Location map

Similar to the previous applications, the zoning amendment application is evaluated according to the City's Storefront Cannabis Retailers policy as well as rules and regulations that apply to general zoning amendments. This is the fourth storefront cannabis rezoning application made to the City. To date a private store at the Driftwood Mall and the government store at the Washington Park Shopping Mall have been approved by the City. An application for 143 5th Street near the 5th Street bridge will be considered for approval on April 1, 2019.



Figure 2. Proposed store location at the Mall

DISCUSSION:

Overview of the Proposal

The applicant is an individual business operator who wishes to open a non-medical cannabis retail store in Courtenay. The total proposed floor area is approximately 882.6ft² (approximately 82 m²). According to the plan provided, there will be no change to the exterior of the building other than a new sign. The plan suggests that the applicant would occupy two retail units (one is dedicated to staff and storage, while another is fully designed as cannabis retail space). Both units are interconnected and each unit has access to the Mall corridor. The proposed plans are attached to the report (**Attachment No. 3**). Staff note that provincial regulations require the windows to be non-transparent.

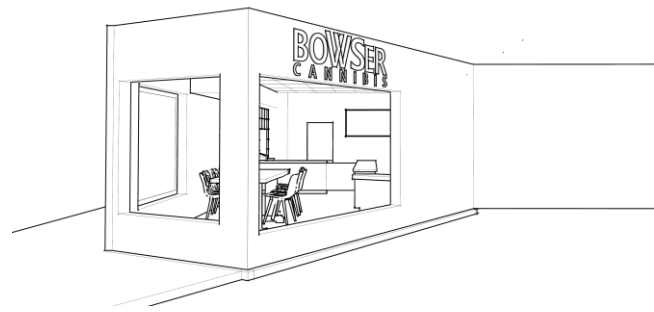


Figure 3. Proposed store frontage

The store would be open to the public between 10 a.m. and 10 p.m. daily Monday through Friday. The store will be staffed by 6-10 employees. The applicant has confirmed that smoking is restricted within the property and in the vicinity. All other operational requirements including security requirement are regulated by the provincial licencing regulations.

Official Community Plan and Zoning Review

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

Policy Compliance

The table below compares the policy to the proposed location. The proposal is generally consistent with the policy except for the distance limitation to playgrounds. Additionally, should the proposal for a retail cannabis store at 143 5th Street be approved, this location would be within approximately 150m of it.

Policy Statements	Policy	Proposal
General Location	Only be permitted in an established retail location where the current zoning permits retail sales	The property is zoned C-1, where retail sales is permitted
Distance	1. A storefront cannabis retailer should be: <ol style="list-style-type: none"> a) At least 300 meters from public or independent elementary, middle or secondary school. b) At least 400 meters (in a straight line from closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active on that lot c) At least 300 meters from a City owned playground facility including the spray park and skateboard parks 2. This policy does not limit Council from considering variances to the separation distances noted above based on circumstances related to a specific application.	a) Outside of the 300-meter buffer from any public or independent schools b) <u>Within</u> the 400-meter buffer from another proposed cannabis retailer at 143-5th Street (If approved). c) <u>Within</u> the 300-meter buffer from any parks or playgrounds.
Restricted at temporary events	Cannabis sales are not permitted at special events, public markets or farmers markets.	At a permanent location and scheduled to be open between 10 a.m. and 10 p.m. daily 7 days per week.
Parking	Satisfactory to the off-street parking requirements outlined in Division 7 of Zoning Bylaw 2500, 2007	Provision of parking not required for commercial uses in C-1 zone
One store is permitted per lot	Only one storefront cannabis retailer will be allowed per lot.	No other applications are made at this location
The Maximum Number of Retailers Permitted in the City	Five (5) private retailers and one (1) Government operated store in the City	<ul style="list-style-type: none"> • Overall the 4th rezoning application for storefront cannabis retailer made to the City • To date Council has approved one private store and the government store. Council will consider approval of a store at 143 5th Street at the April 1st meeting.

Evaluation

The proposal meets the requirements of the established policy with the exception of the distance to a playground. In this regard the 300m buffer to the Riverside Fit-Park bisects the subject property. While the front corner of the property is approximately 265m from the playground the southwest corner of the property is outside the buffer area. Staff believe the adult oriented fitness equipment in this park and the physical separation provided by 5th Street and Cliffe Avenue is sufficient to meet the intent of the policy.

It is important to note that the City’s Policy on retail cannabis sales is not a regulatory document. It is specifically designed as a guiding document that “is not intended to fetter Council’s discretion when dealing with individual applications, each of which will be evaluated on its own merits”. That is to say, a proposal may meet all of the policy objectives but still be rejected and conversely one may not meet the

objectives yet be approved. Item 4 of the policy also specifically states the policy “does not limit Council from considering variances to the separation distances noted in (2) based on the circumstances related to a specific application”.

As discussed during the development of the policy a survey conducted by the DCBIA supported up to three stores in the downtown area. It was noted during discussion with Council that the minimum distance of 400m between stores would make it difficult to locate three stores (the core downtown area is approximately 530m from Cliffe Avenue to Harmston Avenue and 530m from 4th Street to 11th Street). As noted this is a situation where Council may wish to vary from the specifics of the policy.

In regard to distances between stores, it is noted Council is currently considering an application for 143 5th Street approximately 150 metres away and additional applications are being processed for three other locations within 400m of this request. These are at 379 4th Street, 1025 Cliffe Avenue and 576 England Avenue. Staff are processing the applications in the order in which they were referred by the Provincial Government.

FINANCIAL IMPLICATIONS:

The applicant has paid the standard zoning amendment application fee in the amount of \$3,000. The applicant will be required to obtain a building permit, sign permit and an annual business licence. The business licence fee is \$2,500.

ADMINISTRATIVE IMPLICATIONS:

Processing zoning bylaw amendments is a statutory component of the corporate work plan. Staff have spent 15 hours processing and reviewing this application. Should the proposed bylaws receive First and Second Readings, staff will spend an additional 5 hours in preparation for the public hearing, final reading of the bylaw, and updating the bylaws and maps.

ASSET MANAGEMENT IMPLICATIONS:

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

STRATEGIC PRIORITIES REFERENCE:

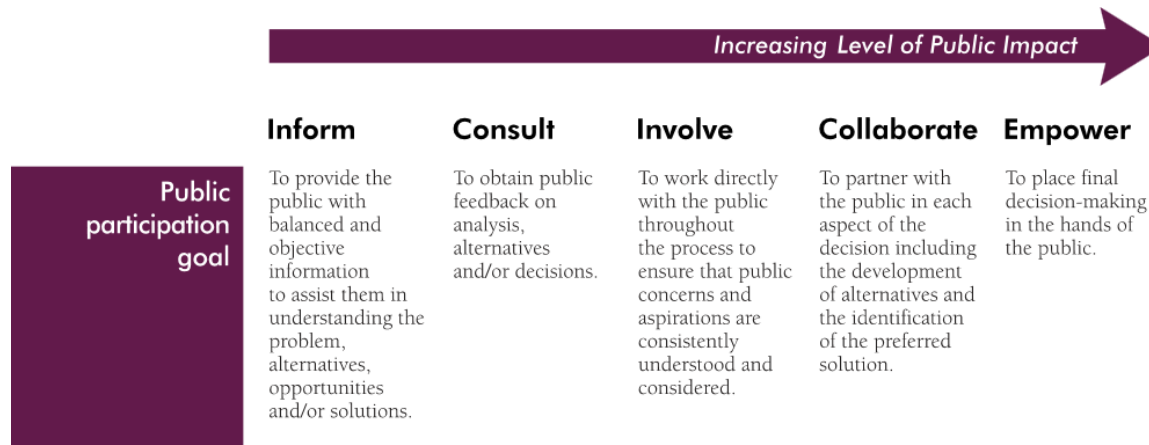
There are no associated references. However, processing development applications is the fundamental corporate and statutory obligations of the City.

OFFICIAL COMMUNITY PLAN REFERENCE:

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

CITIZEN/PUBLIC ENGAGEMENT:

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



Should Zoning Amendment Bylaw No. 2950, 2019 receive First and Second Readings, a statutory public hearing will be held to obtain public opinion in accordance with the *Local Government Act*.

Prior to this application proceeding to Council, the applicant held a public information meeting on January 9th, 2019 at the Public Library from 6 p.m. to 7:30 p.m. Property owners and occupiers within 100 metres from the subject property were invited to attend the meeting. According to the applicant, four persons attended. Questions raised at the meeting were related to safety, price and general business operation. A summary of the public information meeting is included as **Attachment No.4**. To date, staff has not received any written submissions or inquiries with respect to this application.

OPTIONS:

OPTION 1: THAT based on the April 1st, 2019 staff report 'Zoning Amendment Bylaw No. 2950 –605 and 625 Cliffe Avenue' Council approve Option No. 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2950, 2019; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Bylaw 2950, 2019 on April 18th, 2019 at 5:00 p.m. in City Hall Council Chambers.

OPTION 2: That Council postpone consideration of Bylaw 2950, 2019 with a request for more information; and

OPTION 3: That Council not proceed with Bylaw 2950, 2019

Prepared by:

Tatsuyuki Setta, MCIP, RPP
Manager of Planning

Reviewed by:

Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

Attachment No. 1: Storefront Cannabis Retailers Policy

Attachment No. 2: Applicant's Written Proposal

Attachment No. 3: Proposed Store Plans

Attachment No. 4: Public Information Meeting Summary

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

City of Courtenay Policy Page 1 of 2

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

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

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

B. DEFINITIONS

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

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

C. POLICY STATEMENTS

Rezoning Considerations

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

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

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

Application Process

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

AUTHORIZATION:	DATE:
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Development Summary
Suites 7 and 8
625 Cliffe Avenue
Courtenay, BC

Who We Are

Bowser Cannabis will be a boutique style, recreational cannabis retailer carrying cannabis products and accoutrements over a full price range. Our aim is to offer a secure source of dependable, quality products in an environment that, while meeting all provincial and municipal regulations and policies, is secure, sophisticated and inviting.

In Canada, we are in a transition, working to draw consumers away from black market sales of cannabis and into a safe, legal, and legitimate system. Offering quality products in an inviting and convenient location is an opportunity to establish the means to responsible enjoyment of this product. Bowser Cannabis in the Courtenay Mall will be a contributor to this positive transition.

The local community and its economic well-being is an important consideration in how Bowser Cannabis plans to operate our retail outlet. Our focus is local, legal and little. This means that, as the industry evolves, we will offer cannabis from local, legal micro-producers as they come online. Buy local, sell local is our plan. In addition, we are sourcing local artisans to create cannabis accoutrements as a high end offering for the discerning consumer.

The Proposed Development and Rationale

Bowser Cannabis wishes to establish a boutique style, cannabis retail outlet. We are requesting the existing C-1 zoned space at #7 and #8, 625 Cliffe Avenue be rezoned to include cannabis retail. 625 Cliffe Avenue, also known as Courtenay Mall, is squarely in the downtown area and currently houses a mix of businesses. In addition to retail sales, the downtown area is the centre

ATTACHMENT No. 2 (2/5)
Applicant's Written Proposal

for bars and pubs, eateries and restaurants, micro-breweries, and coffee shops. A retail cannabis outlet would be consistent with the general commerce, function and flavour of the downtown area and is consistent with the city's strategic goal of pursuing “vibrant economic growth”. Furthermore, the Downtown Courtenay Business Improvement Association has stated that it will allow for a maximum of 3 cannabis retail outlets in the downtown area.

Compliance with City Policy Section 13 - Planning and Development Policy # 3030.00.05

Rezoning Considerations

1. Storefront cannabis retailers will only be considered in an established retail location where the current zoning permits retail sales.

The proposed retail location, # 7 and 8, 625 Cliffe Avenue, is currently zoned C-1.

2. A storefront cannabis retailer should be: a. at least 300 m (in a straight line from closest lot line to closest lot line) from a public or independent elementary, middle or secondary school.

The proposed location is not within 300 m of a public or independent elementary, middle or secondary school.

b. at least 400 m (in a straight line from closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active on that lot.

At the time of writing, and to the best of my knowledge, there is no other legal cannabis outlet or application before the city for such, within 400 m of the proposed location.

c. at least 300m from a City owned playground facility including the spray

park and skateboard parks.

Our proposed location is on the 300 m border line south from Riverside Park on Anderton Ave. The park is border by the river to the east, apartments to the immediate south, west and north. R-2B residential areas lie beyond the immediate borders of the park to the north and west, on 1st through 3rd avenues. The entire C-1 downtown area is bordered to the west by R-2B and/or R-4B zoning.

We contend that :

1. Children who go to the park unattended most likely come from the immediate surrounding area and do not pass our store.
2. Children permitted to walk unattended to the park would most likely transit through the unbroken residential area to the north/north west of the park between 1st and 3rd Avenues. This does not pass by our location.
3. We expect that children going to Riverside Park from beyond the immediate area are taken by their parents and probably by car.
 4. A child going from Riverside Park to our location would cross two busy streets; 5th Avenue and Cliff Street. En route they would pass a smoke and vape shop, a tattoo parlour, a bar/eatery, and an erotic paraphernalia shop. It is unlikely that a child would have reason or parental permission to take this route unaccompanied.
3. *Cannabis sales are not permitted at special events, public markets or farmers markets.*

Bowser Cannabis will only operate and sell cannabis products from the approved retail location.

ATTACHMENT No. 2 (4/5)
Applicant's Written Proposal

4. This Policy does not limit Council from considering variances to the separation distances noted in (2) based on circumstances related to a specific application.

5. The off-street parking requirements applicable to retail stores as outlined in Division 7 of Zoning Bylaw 2500, 2007 and amendments thereto will apply to storefront cannabis retailers.

It is our understanding from policy 8.18.8 that off-street parking and loading requirements do not apply to properties zoned C-1.

Off-Street Parking and Loading Notwithstanding any other provision of this bylaw, parking and loading spaces as a requirement under Division 7, shall be deemed not to apply to properties zoned Commercial One (C-1) except that one parking space is required for each residential unit.”

6. Only one storefront cannabis retailer will be allowed per lot.

We are the only proposed retail cannabis outlet for this lot.

7. The maximum number of storefront cannabis retailers in the City is five (5) private retailers and one (1) Government run store.

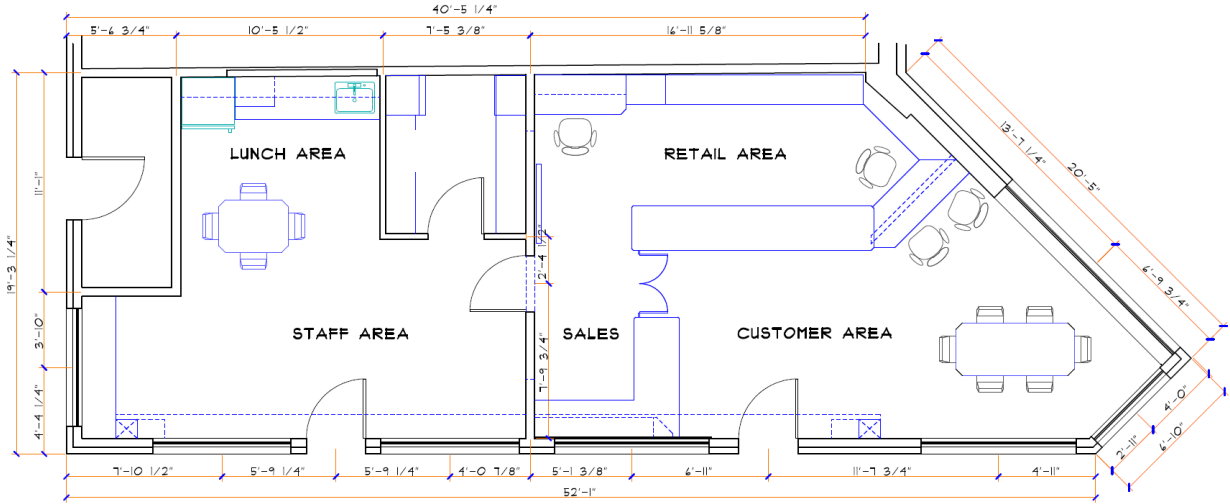
This rezoning application is made with the understanding that the City of Courtenay has not yet met its limit of 5 retail outlets.

ATTACHMENT No. 2 (5/5)
Applicant's Written Proposal

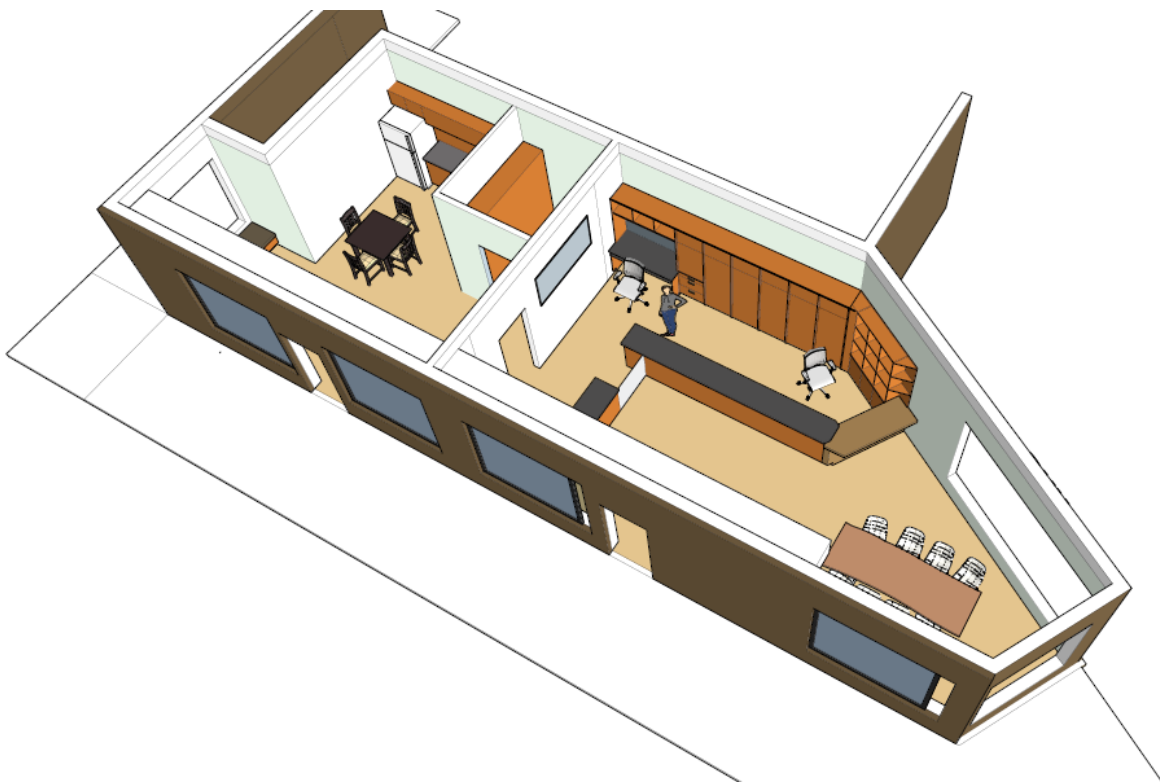
Summary

Bowser Cannabis aims to be an enhancement to the downtown Courtenay business area by providing reliable products and services in a safe and responsible manner.

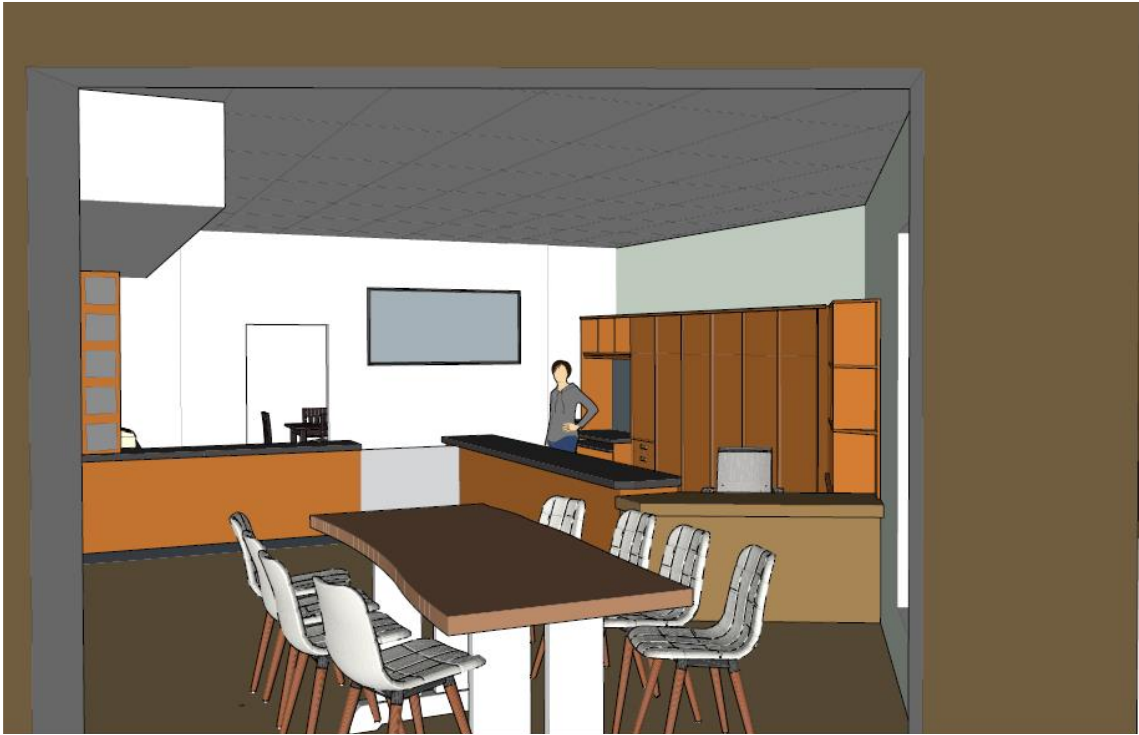
ATTACHMENT No. 3 (1/2)
Proposed Store Plans



FLOOR PLAN
SCALE: 1/4" = 1'-0"



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



Public Rezoning Meeting
for #8 625 Cliffe Ave
Bowser Cannabis recreational retail outlet
Summary Report

Time and Place:

Courtenay Library, 6PM-7:30PM, Wednesday, January 9, 2019

Advertising:

Letters of invitation were sent to all names and addresses provided by the City Planning Dept.
Letters were mailed December 23, 2018.

A public rezoning sign was hung as per The City Planning Department instructions.

Information Provided at the Meeting:

(see attached photographs)

Floor plan

Building diagram

zoning map

artist rendering of layout

Bowser Cannabis Development Summary

Sign in sheets and comment sheets were also available.

Attendees:

Four

Questions Raised:

How many people will you be employing?

Who would you hire?

How many customers are you expecting?

What are you going to sell? What varieties?

Discussions surrounding:

Application process

Pricing—Currently and in the future

Parking

Security, safety and storage

Background checks

Quotations:

“Good luck with it. Hope you make it. Quite a venture.”

“This will not have any negative effects for my businesses and tenants [on Fifth].”

“I have no complaints, just curious.”

“I came to give my support. Support is good, since most people just come in to complain.”

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


PUBLIC INFORMATION MEETING

January 9, 2019

SIGN IN SHEET

FOR

Bowser Cannabis, #s 7 and 8, 625 Cliffe Avenue, Courtenay

NAME (Please Print)	ADDRESS
	Corney
	Bowser
	Courtenay
	Courtenay



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Parcel Tax Review Panel - 2019

File No.: 1950-02
Date: April 1, 2019

PURPOSE:

The purpose of this report is to establish the time and place for the sitting of the 2019 Parcel Tax Review Panel.

POLICY ANALYSIS:

Section 208 of the *Community Charter* outlines the annual requirements for updating the parcel tax roll. Each year a municipality must publish notice in a newspaper that the parcel tax roll is available for inspection at City Hall and provide direction and a deadline for written complaints. If any complaints related to the addition or refusal to adjust a particular parcel tax are received, a Parcel Tax Review Panel must be established to consider the complaints. Council must appoint at least three people as members of the review panel, establish the time and place, and provide advance notice of the time and place.

EXECUTIVE SUMMARY:

The establishment of the Parcel Tax Review Panel and the time and place of sitting is an annual action of Council. The time and place of the 2019 Parcel Tax Review Panel is proposed to be May 1, 2019, at 4:00 pm in the City of Courtenay's Council chambers. Council members appointed to the Parcel Tax Review Panel include Councillors Morin, Cole-Hamilton, and McCollum.

CAO RECOMMENDATIONS:

That based on the April 1, 2019 staff report "Parcel Tax Review Panel-2019", Council approve OPTION 1 to establish the time and place of the Parcel Tax Review Panel as Wednesday, May 1, 2019 at 4:00 pm, City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

In accordance with Sections 208 of the *Community Charter*, a parcel tax roll review panel must be convened to consider and respond to any complaints regarding a new or refusal to amend an existing parcel tax. The Parcel Tax Review Panel must consider any complaints prior to the annual property tax levy.

DISCUSSION:

Each year parcel taxes are calculated and assessed on all new or newly subdivided properties added to the water and sewer distribution system within the City of Courtenay. The property owners are provided notice of the amount to be added to their annual property tax notice, and that they have an opportunity to make an appeal at the annual Parcel Tax Review Panel if written notice is received at City Hall 48 business hours prior to May 1, 2019 at 4:00pm. If no complaints are received, the parcel tax roll, as amended, is deemed to have been authenticated and the Parcel Tax Review Panel will be cancelled.

FINANCIAL IMPLICATIONS:

Parcel taxes for water and sewer are assessed in accordance with the water and sewer frontage tax bylaws, and for 2019 are anticipated to generate \$1.167 million for the water fund, and \$1.987 million for the sewer fund. These revenues assist in the funding required to carry out capital and operational works for the provision of these two utility services, and have been included in the respective 2019-2023 Financial Plans.

ADMINISTRATIVE IMPLICATIONS:

On Council approval of the time and place for the Parcel Tax Review Panel, staff will notify affected property owners by letter of both their assessment for 2019, as well as their opportunity to appeal the assessment with the review panel.

ASSET MANAGEMENT IMPLICATIONS:

Not Applicable

STRATEGIC PRIORITIES REFERENCE:

While not specifically referenced in the City's strategic plan or strategic priorities, this activity is a statutory requirement, and utilizes staff resources in carrying out the actions required.

OFFICIAL COMMUNITY PLAN REFERENCE:

There is no applicable reference in the Official Community Plan.

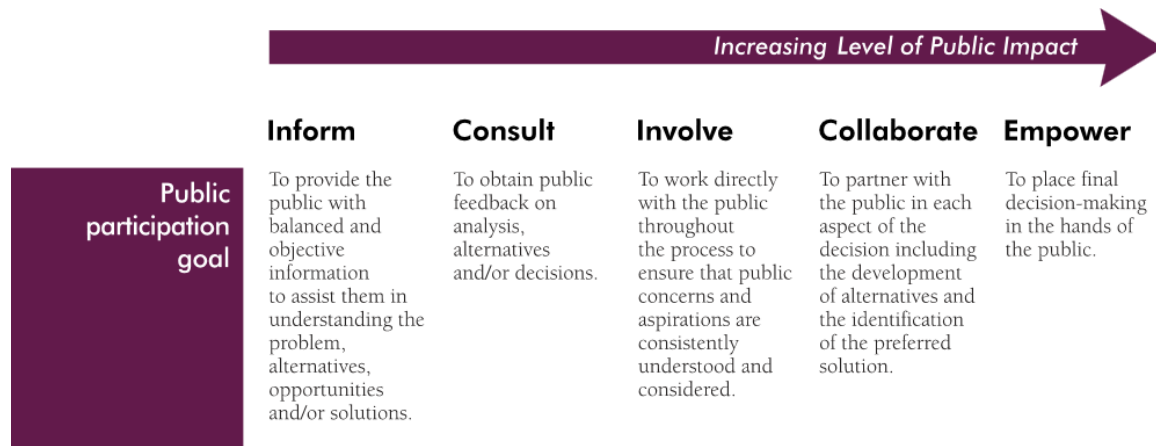
REGIONAL GROWTH STRATEGY REFERENCE:

There is no applicable reference in the Regional Growth Strategy.

CITIZEN/PUBLIC ENGAGEMENT:

Affected property owners are notified in writing of both the amount of the parcel tax assessed, and their opportunity to appeal the assessment. This will inform the public based on the IAP2 Spectrum of Public Participation:

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

OPTION 1: That Council approve the time and place for the sitting of the Parcel Tax Review Panel as Wednesday, May 1, 2019 at 4:00 pm, City Hall Council Chambers. [RECOMMENDED]

OPTION 2: That Council set another time and place for the sitting of the Parcel Tax Review Panel.

While Option 2 is offered, Council should be aware that sufficient time for mailing the notice letters to property owners, meeting the statutory advertising requirements, and meeting of the panel to review and authenticating the 2019 parcel tax roll must all be considered in setting the date.

Prepared by:

Jennifer Nelson, CPA, CGA
Director of Financial Services

To City of Courtenay Mayor and Council
Mayor Bob Wells
Councillor Will Cole-Hamilton
Councillor David Frisch
Councillor Doug Hillian
Councillor Melanie McCollum
Councillor Wendy Morin
Councillor Manno Theos



March 25, 2019

To Mayor and Council:

Thank you to the City of Courtenay Mayor, Council and Staff for ongoing support and for boosting the recent success of the provincial fossil vote. This voting process, through the Ministry of Forests Lands, Natural Resource Operations and Rural Development, identified the Puntledge elasmosaur as the most popular candidate to become a legislated provincial emblem. With legislation, the elasmosaur and the public's enjoyment of palaeontological discoveries will be a lasting legacy for the community and province.

With this in mind, the Courtenay and District Museum and Palaeontology Centre Board feels it is an appropriate time to request continuation of discussion of the museum's expansion goals with the city which began in 2010. There are a number of factors influencing the museum Board's request for moving forward at this time:

- The museum's mandate, includes both cultural and natural history. Paleontological programming is part of this mandate and provides excellent opportunities for knowledge and destination tourism and for welcoming diverse audiences,
- The city's partnership role in working with staff to create long-term funding agreements has provided a foundation upon which the museum can continue to build strong public programming,
- The provincial vote of forty-eight percent for the elasmosaur as a provincial emblem indicates strong public support,
- Steadily increased museum services, attendance and public engagement, new fossil discovery announcements pending, and the timeliness of these factors combined creates an excellent environment for public support and funding.

To provide a brief historic synopsis, the museum's expansion discussion with the city relates to the Pouss property, located directly west of the museum.

- In 2008, the museum society made a motion to explore the possibility of obtaining an option for purchase of the Pouss property, directly west of the museum, in consideration of future museum expansion. The Board asked Realtor, Phil Edgett, to make an inquiry with owner, Mr. Pouss. He was not interested in selling at that time.
- In March, 2010, Mr. Pouss let Mr. Edgett know that he was listing the property for \$300,000. The museum board signed a purchase agreement with Mr. Pouss, provided this information to

the city, and with the assistance of Mr. Randy Wiwchar, Director of Community Services, began discussion with the city as to which party should purchase the property for eventual museum expansion.

- On April 6, 2010, the city and the museum mutually agreed upon a letter from museum President John Wilson, to Chief Administrative Officer (CAO), Sandy Gray regarding the property:

“In regards to the purchase of the Pouss property, the museum names the City of Courtenay as its nominee as per the purchase agreement and the City of Courtenay will be the sole owner of title and will have full jurisdiction over the building and property.

This undertaking is given with the understanding that the acquisition of this property is for future purposes relating to the operation of the museum and/or ancillary purposes.”

- The city convened an In camera meeting and purchased the property in April, 2010.
- On October 14, 2014, the museum Board sent a letter to CAO David Allen regarding this history and asking for consideration of the Board’s intentions with the Pouss property in the asset and best-use management plan the city was embarking upon.
- On December 12, 2017, CAO David Allen, along with, Dave Snider, Director of Recreation and Cultural Services, met with the museum Board and conveyed that, although the ultimate decisions lie within the Council, the Board’s request would be, “seriously considered in asset inventories and city planning.”

At this time, it is the Board’s hope to continue this discussion and to take concrete and pragmatic steps with the city towards a much-needed extension of the existing historic building.

Thank you for consideration of this request.

Sincerely,

Deborah A. Griffiths

Deborah Griffiths M.A.
Executive Director

C.C. David Allen: Chief Administrative Officer
Dave Snider: Director of Recreation and Cultural Services
John Wilson: President, Courtenay and District Historical Society

From: Deborah Hall <deborah.hall@immigrantwelcome.ca>
Sent: Thursday, March 14, 2019 10:58 AM
Subject: Action Requested - Letter of Support for Proposal - April 1st
Attachments: Gen Ltr of Support Template.docx

We are currently working on the Call for Proposal for Settlement Program Core Services (2020-2025) and are seeking a letter of support from the Courtenay Mayor/City Council.

Core Services Include:

- Settlement Services
- Language Instruction for Newcomers to Canada (LINC)
- Local Immigration Partnerships (LIPS), also known as Welcoming Communities Coalition

For your convenience, I have attached a letter of support template. Please submit your letter of support to deborah.hall@immigrantwelcome.ca by no later than Tuesday, March 26, 2019.

If you have questions or require additional information, please contact me at 250-830-0171 or deborah.hall@immigrantwelcome.ca. Thank you in advance for your continued support.

Regards,

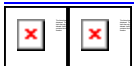
Deb



Serving Campbell River, Comox Valley and the North Island

Deborah Hall

Human Resources Manager
Immigrant Welcome Centre Campbell River Office
A114-740 Robron Road, Campbell River, BC, V9W 6J7
Tel: 250-830-0171 Fax: 250-830-1010
deborah.hall@immigrantwelcome.ca
www.ImmigrantWelcome.ca



Coast Salish, Kwakwaka'wakw and Nuu-chah-nulth Territory

Your Logo Here
Your Company Info. Here

Date

Immigration, Refugees and Citizenship Canada

Re: Letter of community support

To whom it may concern,

This letter is a confirmation of our long term organizational support for Multicultural and Immigrant Services Association of North Vancouver Island (MISA), known locally as the Immigrant Welcome Centre. We strongly support MISA's 2020-2025 proposal for delivery of Settlement services and programs.

MISA has been instrumental in assisting newcomers and their families adapt to our community and life in rural Canada. Local organizations also benefit from the support services that MISA provides to help us better understand, serve and connect with the immigrant population.

Paragraph description of why your organization is offering support and how your organization will collaborate with and support MISA. Name of your organization here is pleased to work with MISA. Immigrants can be a particularly vulnerable sector of our population and MISA helps us reach out and connect with these families to help them succeed and thrive in our community. We appreciate the opportunity to collaborate and support MISA on the following:

- e.g. interagency referrals

As a result of all our combined efforts, our communities grow into a more welcoming and inclusive environment that enriches all of our lives. We look forward to continuing our joint community development efforts with MISA.

Sincerely,

Your Name Here
Your Title Here
Your Organization Here

**CITY OF COURTENAY HERITAGE ADVISORY COMMISSION
MINUTES**

Meeting of the City of Courtenay Heritage Advisory Commission meeting held on February 27, 2019 at 10:00 a.m. in the Council Chamber of City Hall.

Present:

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

Absent:

D. Griffiths

1. Introduction and Opening Remarks

2. Addition to Agenda

Add Committee members' In-kind hours (by J. Fortin)

3. Review and Adoption of Minutes of the January 23 Meeting

OLD CITY
CLOCKS

- City's purchasing department is working on public tender process
- The City requires three official quotes from qualified venders to proceed

PIONEER
GRAVES

- R. Dingwall reported that work is pending due to winter weather. More work is expected once drier weather comes.

40 HOUSES

- L. Burns reported that the sign is completed and waiting for installation.
- He met with city staff at the site and discussed location
- T. Setta suggested that the installation date will be notified to the members

MUSEUM
REPORT

- R. Dingwall reported that the Museum's Elasmosaur has received the provincial fossil designation by receiving the highest number of votes through an online voting process.

<https://www.courtenaymuseum.ca/>

PANELS &
REVIEW OF
HERITAGE
FAIRE

- J. Hagen expressed an appreciation to the City's communication department staff for production of the display panels
- J. Hagen suggested to display the panels at the Library
- J. Fortin suggested that the Committee to reach out the Province for more information regarding the Conference

IN KIND HOURS

- A total of 32 hours are spent:
 - J. Hagen provided 18 hours
 - J. Fortin provided 4 hours
 - L. Burns provided 3 hours
 - C. Piercy provided 3 hours
 - L. Grant provided 2 hours
 - R. Dingwall provided 2 hours

4. New Business

NEXT WORKSHOP

- March 13th at 9:15 at the Museum.
- J. Hagen send a list of items to the members (5th street?)

NEW MEMBER

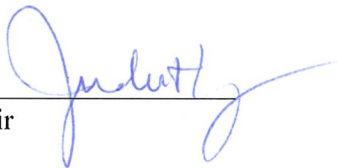
- The City commence recruitment for new members to fill vacancies
- The Committee suggest that general job description should be posted to provide better idea of what the Committee's roles and responsibilities as well as time to be committed

5. For Your Information

- None

6. Meeting Adjournment Moved by L. Grant second by L. Burns at 11.20am.

7. Next meeting March 27, 2019

Chair 



Acknowledgement of Consultation

Attestation de la consultation

District / Detachment Information - Renseignements sur le district ou le détachement

Fiscal Year - Année financière 2019 - 2020
 RCMP COST CENTRE STANDARD HIERARCHY
 C
 ISLAND DISTRICT
 COMOX VALLEY DETACHMENT
 COMOX VALLEY DETACHMENT P
 Comox Valley Detachment

Community Name(s) - Nom(s) de la(des) collectivité(s)

1. City of Courtenay

This letter acknowledges that the stakeholders of the above-noted detachment / district / unit area or community(ies) and the RCMP have consulted and discussed our progress against last year's priority issues. Further it has been agreed that over the coming year we will collectively focus on the following priority issues.

La présente lettre atteste que les responsables de la région du détachement/district/service ou de la ou des collectivités susmentionnées et de la GRC se sont consultés et ont discuté des progrès accomplis par rapport aux enjeux prioritaires de l'année dernière. Il a aussi été convenu que les enjeux suivants constituent les enjeux prioritaires sur lesquels nous concentrerons conjointement nos efforts au cours de l'année à venir.

Community Priority Issue(s) - Enjeu(x) prioritaire(s) pour la collectivité

1. Traffic - Road Safety
2. Crime Reduction - Prolific Offenders

District / Detachment Commander - Chef de district / détachement

Michael Kurvers

District / Detachment Commander

Signature - Signature

Date

Community Representative - Représentant(e) de la collectivité

Mayor Bob Wells

Name - Nom

Signature - Signature

Date

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2950

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. 2950, 2019**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) Amending Division 8 Classification of Zones - Section 8.18.1 by adding a new item “notwithstanding any provision of this bylaw, a storefront cannabis retailer is a permitted use on Lots 1 and 2 both of Block 3, Section 61, Comox District, Plan 2068 (605/625 Cliffe Avenue)” and renumbering the items accordingly.

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

Read a first time this	day of	, 2019
Read a second time this	day of	, 2019
Considered at a Public Hearing this	day of	, 2019
Read a third time this	day of	, 2019
Finally passed and adopted this	day of	, 2019

Mayor

Corporate Officer

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

Brendan Kelly, Development Technician
Ministry of Transportation and Infrastructure

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2953

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. 2953, 2019**”.

2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:

(a) Amending Division 3 - Interpretation, Part 1 Definitions by adding:

“**secondary residence**” means an additional *dwelling unit* which:

- (a) is accessory to a single residential dwelling
- (b) has a total *floor area* of not more than 90.0 m²
- (c) is located on a property of residential occupancy containing only one other *dwelling unit*
- (d) is located on a property which is a single real estate entity
- (e) is located on a property over 1,250 m² in *lot area*

(b) Amending Division 8 – Classification of Zones Section 8.10.1 by adding:

“(5) notwithstanding any provision of this bylaw, a *secondary residence* is a permitted use on Lot 2, Section 18, Comox District, Plan VIP77045 (2991 Chapman Road).”

(c) Amending Division 8 – Classification of Zones by deleting Section 8.10.6 and replacing it with:

“8.10.6 Setbacks

Except where otherwise specified in this bylaw the following minimum building setbacks shall apply:

(a) Single Family Residence

- (1) *Front yard*: 7.5 m
- (2) *Rear yard*: 10.0 m
- (3) *Side yard*: 3.5 m except where a *side yard* flanks a *street*, in which case, the minimum shall be 4.5 m.

(b) Secondary Residence

- (1) *Front yard*: 7.5 m
- (2) *Rear yard*: 10.0 m
- (3) *Side yard*: 3.5 m except where a *side yard* flanks a *street*, in which case, the minimum shall be 4.5 m.”

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2888

A bylaw to amend Zoning Bylaw No. 2500, 2007

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

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

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

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

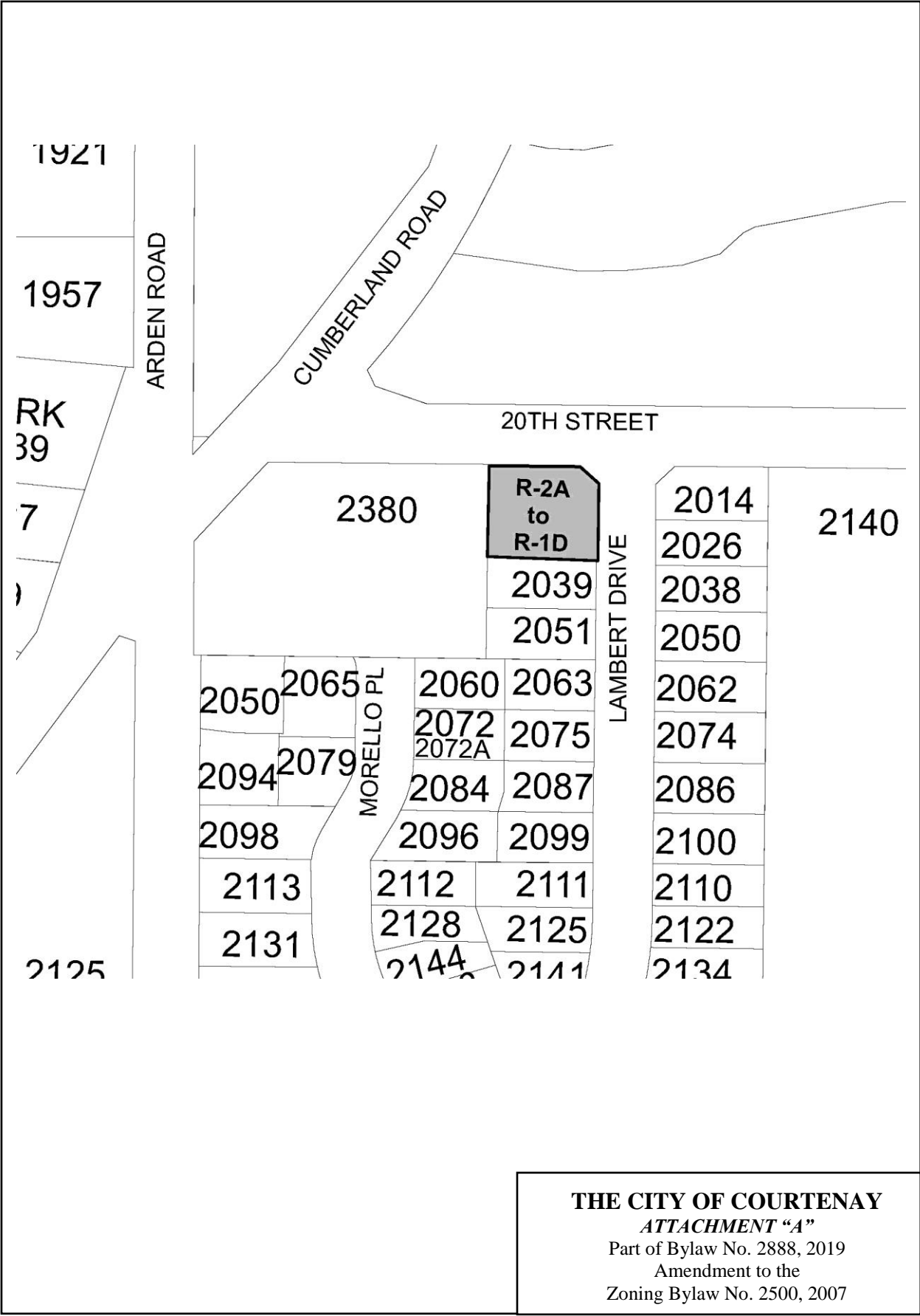
Considered at a Public Hearing this 18th day of March, 2019

Read a third time this day of , 2019

Finally passed and adopted this day of , 2019

Mayor

Corporate Officer



THE CITY OF COURTENAY
ATTACHMENT "A"
 Part of Bylaw No. 2888, 2019
 Amendment to the
 Zoning Bylaw No. 2500, 2007

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2949

A bylaw to amend Zoning Bylaw No. 2500, 2007

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

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

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

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

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

Considered at a Public Hearing this 18th 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, Development Technician
Ministry of Transportation and Infrastructure

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2951

A bylaw to amend Zoning Bylaw No. 2500, 2007

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

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

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

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

Considered at a Public Hearing this 18th day of March, 2019

Read a third time this day of , 2019

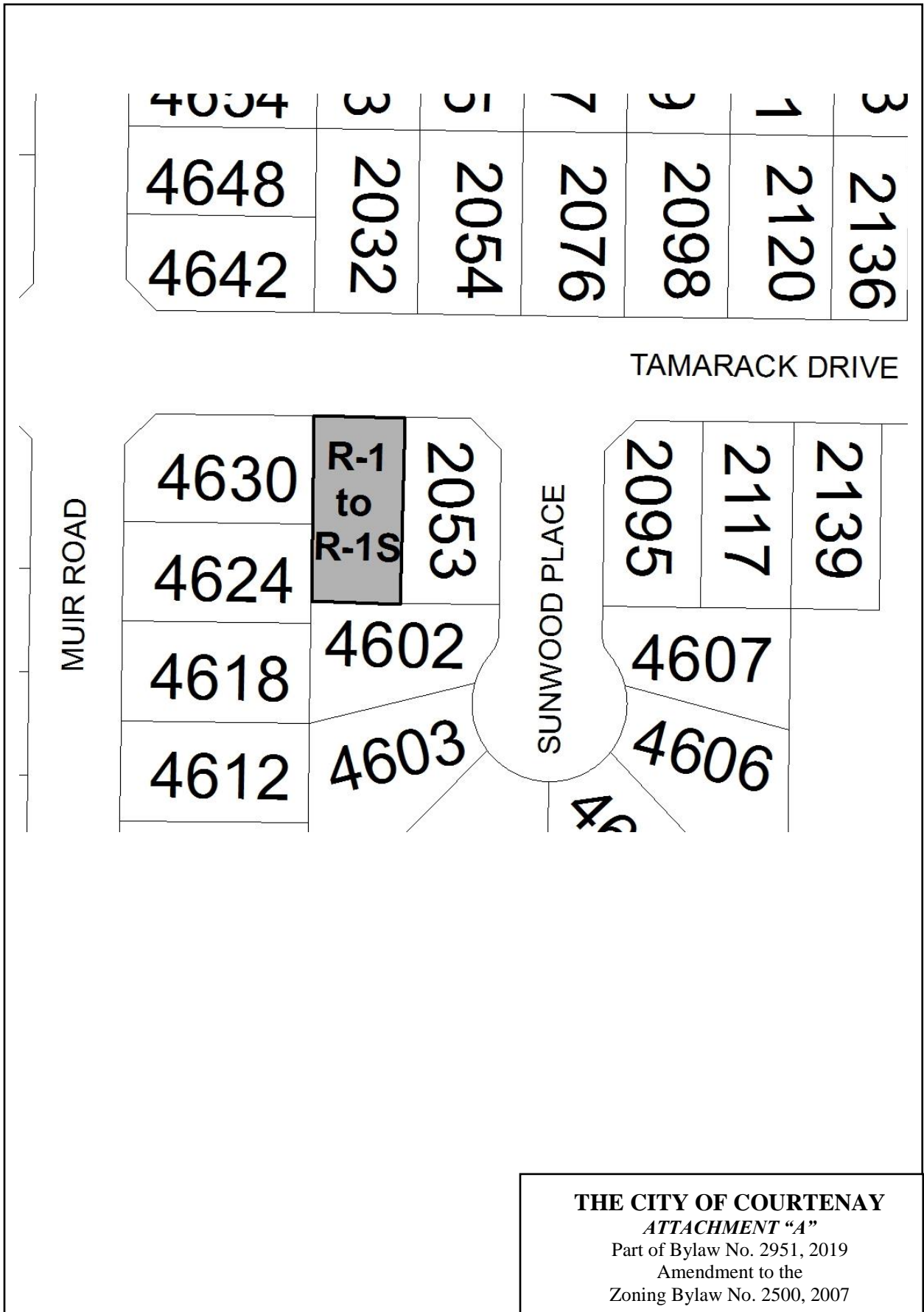
Finally passed and adopted this day of , 2019

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 CITY OF COURTENAY
ATTACHMENT "A"
 Part of Bylaw No. 2951, 2019
 Amendment to the
 Zoning Bylaw No. 2500, 2007

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2926

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. 2926, 2018**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) By rezoning Lot 12, Section 17, Comox District, Plan 2033 (4697 Headquarters Road), as shown in bold outline on **Attachment A** which is attached hereto and forms part of this bylaw, from Residential One A Zone (R-1A) to Rural Residential Five Zone (RR-5); and
 - (b) That Schedule No. 8, Zoning Map be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 4th day of September, 2018

Read a second time this 4th day of September, 2018

Considered at a Public Hearing this 17th day of September, 2018

Read a third time this 1st day of October, 2018

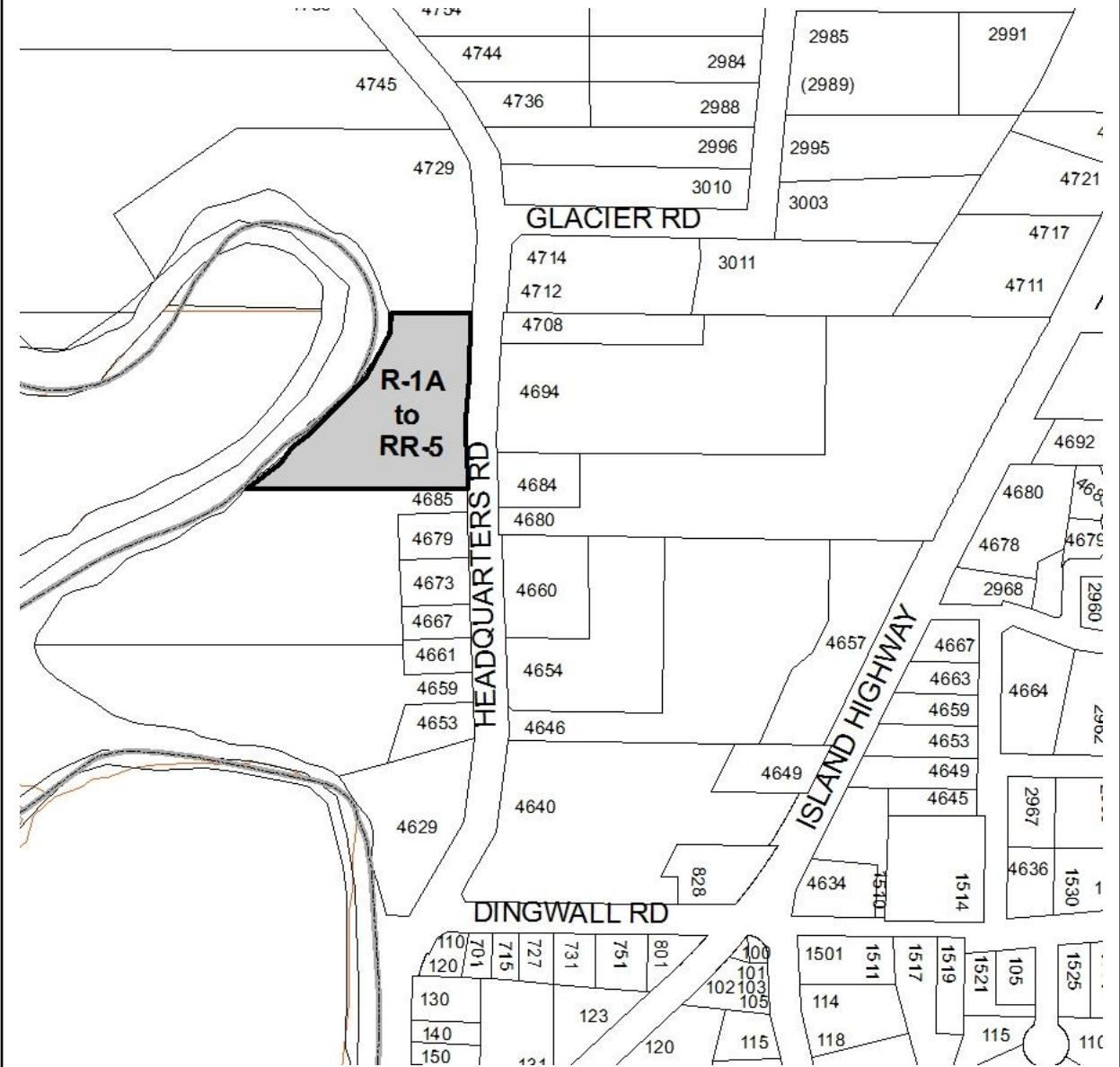
Finally passed and adopted this day of , 2018

Mayor

Corporate Officer

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

Brendan Kelly, Development Technician
Ministry of Transportation and Infrastructure

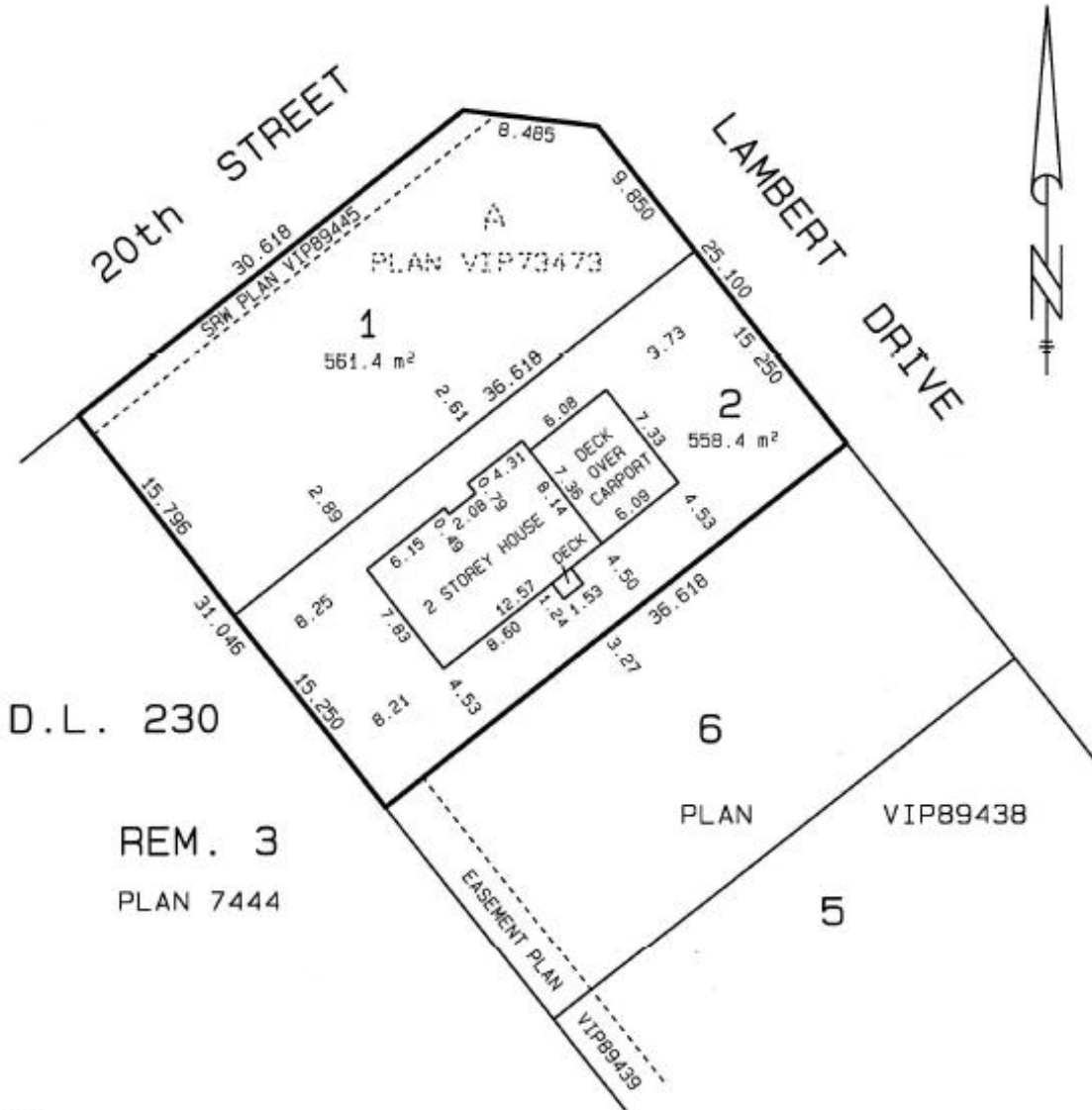


THE CITY OF COURTENAY
ATTACHMENT "A"
 Part of Bylaw No. 2926, 2018
 Amendment to the
 Zoning Bylaw No. 2500, 2007

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

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

SCALE 1 : 400 (METRIC)



NOTES:

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

MAY 18, 2017
ERIC HOERBURGER, BCLS

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

SCHEDULE “B” TO BYLAW NO. 2956

HOUSING AGREEMENT AND SECTION 219 COVENANT

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

BETWEEN:

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

(the “**Owner**”)

AND:

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

(the “**City**”)

WHEREAS:

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

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

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

ARTICLE 1 DEFINITIONS AND INTERPRETATION

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

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

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

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

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

 PID 025-270-529

 Lot A District Lot 230 Comox District Plan VIP73473

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

1.2 In this Agreement:

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

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

ARTICLE 2 OWNER'S COVENANTS

2.1 The Owner covenants and agrees with the City that:

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

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

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

ARTICLE 3 DEFAULT AND REMEDIES

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

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

ARTICLE 4SECTION 219 COVENANT

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

ARTICLE 5 MISCELLANEOUS

5.1 No Compensation

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

5.2 Fees

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

5.3 Modification

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

5.4 Nuisance

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

5.5 Management

The Owner covenants and agrees that:

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

5.6 Indemnity

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

5.7 **Survival**

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

5.8 **Priority**

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

5.9 **City's Powers Unaffected**

This Agreement does not:

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

5.10 **Agreement for Benefit of City Only**

The Owner and the City agree that:

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

5.11 **No Public Law Duty**

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

5.12 **Notice**

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

To: Director of Development Services

830 Cliffe Avenue

Courtenay, BC, V9N 2J7

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

5.13 **Enuring Effect**

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

5.14 **Severability**

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

5.15 **Waiver**

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

5.16 Sole Agreement

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

5.17 Further Assurance

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

5.18 Agreement Runs with the Lands

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

5.19 Applicable Law

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

5.20 Joint and Several

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

5.19 Limitation on Owner's Obligations

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

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

AMANDIO SANTOS

CITY OF COURTENAY

by its authorized signatory(ies):

Per: _____

Per: _____

PRIORITY AGREEMENT

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

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

END OF DOCUMENT