

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

Date: November 16, 2020
Time: 4:00 p.m.
Location: City Hall Council Chambers

AMENDED AGENDA

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

Due to the Coronavirus COVID-19 emergency, the City of Courtenay with the authority of Ministerial Order No. M192 Local Government Meetings & Bylaw Process (COVID-19) Order No. 3 implemented changes to its open Council meetings.

In the interest of public health and safety, and in accordance with section 3(1) of Ministerial Order No. 3 M192, in-person attendance by members of the public at Council meetings will not be permitted until further notice. Council meetings are presided over by the Mayor or Acting Mayor with electronic participation by Council and staff via live web streaming.

K'OMOKS FIRST NATION ACKNOWLEDGEMENT

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1. ADOPTION OF MINUTES

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| 1.1. | Adopt November 2nd, 2020 Regular Council meeting minutes | 7 |
| 1.2. | Adopt November 9th, 2020 Special Council meeting minutes | 17 |

2. INTRODUCTION OF LATE ITEMS

- 2.1. New Procedures for Electronic Public Hearings - COVID-19 Pandemic

To be addressed Under **Section 4.1 Staff Reports/Presentations**, 4.1.1 "New Procedures for Electronic Public Hearings - COVID-19 Pandemic"

3. DELEGATIONS

- 3.1. Dave Mellin - Stotan Falls Legacy Project Presentation

4. STAFF REPORTS/PRESENTATIONS

4.1. CAO / Legislative Services

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5. EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

Director Appointments to CVRD Board and Comox Valley Sewage Commission; assigned weighted votes for the Comox Valley Water Committee and appointment to Integrated Regional Transportation Select Committee.

Staff Note: Council to appoint:

- Four directors and alternate directors from its Mayor and Council to the **CVRD Board**;

Voting Strength for City Directors on Regional District Board (City has eighteen votes); current assignment of weighted votes at the Board are as follows:

Councillor Will Cole-Hamilton 4 votes; Councillor David Frisch 5 votes; Councillor Doug Hillian 5 votes; Councillor Wendy Morin 4 votes

- Three members and at least Three alternate members from its Mayor and Council to the **Comox Valley Sewage Commission**;
- One member and alternate member from its Mayor and Council to the **Integrated Regional Transportation Select Committee**
- Assignment of weighted votes for the **Comox Valley Water Committee**; current assignment of weighted votes at the Water Committee are as follows:

Councillor Will Cole-Hamilton 1 vote; Councillor David Frisch 2 votes; Councillor Doug Hillian 2 votes; Councillor Wendy Morin 2 votes

The effective date for all such appointments being November 24, 2020.

Suggested motion: That Council make the following City of Courtenay appointments for the period of November 24, 2020 to November 2021:

6. INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

7. REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

7.1. Councillor Cole-Hamilton

7.2. Councillor Frisch

7.3. Councillor Hillian

7.4. Councillor McCollum

7.5. Councillor Morin

7.6. Councillor Theos

7.7. Mayor Wells

8. RESOLUTIONS OF COUNCIL

8.1. In Camera Meeting

That a Special In-Camera meeting closed to the public will be held November 16th, 2020 at the conclusion of the Regular Council meeting pursuant to the following sub-section(s) of the *Community Charter*:

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

8.2. Rise and Report - Kus-kus-sum Extension of Memorandum of Understanding (MOU)

From the November 9th, 2020 Closed (In Camera) meeting - Council Rises and Reports as follows:

"That based on the November 9th, 2020 confidential staff report "Kus-kus-sum Extension of Memorandum of Understanding (MOU) between the City of Courtenay, Project Watershed, and K'ómoks First Nation", Council proceed with OPTION 1 and approve signing the revised MOU dated October 26th, 2020 that includes entering into a binding agreement on or before December 30th, 2020, and;

That pending Council decision and final agreement among the Parties, that Council rise and report regarding the MOU at a future open Council meeting and communicate the accepted agreement through a joint media release."

9. UNFINISHED BUSINESS

10. NOTICE OF MOTION

11. NEW BUSINESS

- 11.1. Correspondence - Letter of Request - Comox Valley Project Watershed Society - Application for Funding - Kus-kus-sum Restoration Project 49

Staff Note: Letter of Support is requested by Friday, November 20th, 2020

12. BYLAWS

12.1. For Third Reading

- 12.1.1. Zoning Amendment Bylaw No. 3016, 2020 (540 - 17th Street) 51

(A bylaw to amend Zoning Bylaw No. 2500, 2007 to rezone property from Residential One Zone (R-1) to Residential One S Zone (R-1S); and, amend Schedule No. 8, Zoning Map to permit the addition of a secondary suite - 540 - 17th Street)

12.2. For Final Adoption

- 12.2.1. Zoning Amendment Bylaw No. 3016, 2020 (540 - 17th Street)

See Page 41

13. ADJOURNMENT

Minutes of a Regular Council Meeting

Meeting #: R26/2020
Date: November 02, 2020
Time: 4:00 pm
Location: City Hall, Courtenay, BC, via video/audio conference

Attending:

Mayor: B. Wells, via video/audio conference
Councillors: W. Cole-Hamilton, via video/audio conference
D. Frisch, via video/audio conference
D. Hillian, via video/audio conference
M. McCollum, via video/audio conference
W. Morin, via video/audio conference
M. Theos, via video/audio conference

Staff: T. Kushner, Interim CAO, via video/audio conference
W. Sorichta, Corporate Officer, via video/audio conference
I. Buck, Director of Development Services, via video/audio conference
J. Nelson, Director of Financial Services, via video/audio conference
M. Fitzgerald, Manager of Development Planning, via video/audio conference
E. Gavelin, Network Technician, via video/audio conference
R. Matthews, Executive Assistant/Deputy Corporate Officer, via video/audio conference

Due to the Coronavirus COVID-19 emergency, the City of Courtenay with the authority of Ministerial Order No. M192 Local Government Meetings & Bylaw Process (COVID-19) Order No. 3 implemented changes to its open Council meetings.

In the interest of public health and safety, and in accordance with section 3(1) of Ministerial Order No. 3 M192, in-person attendance by members of the public at Council meetings will not be permitted until further notice. Council meetings are presided over by the Mayor or Acting Mayor with electronic participation by Council and staff via live web streaming.

1. ADOPTION OF MINUTES

1.1 Adopt October 19th, 2020 Regular Council meeting minutes (0570-03)

Moved By McCollum

Seconded By Frisch

That the October 19th, 2020 Regular Council meeting minutes be adopted.

Carried

1.2 Adopt October 26th, 2020 Committee of the Whole meeting minutes (0570-03)

Moved By McCollum

Seconded By Frisch

That the October 26th, 2020 Committee of the Whole meeting minutes be adopted.

Carried

1.3 Adopt October 28th, 2020 Special Council meeting minutes (0570-03)

Moved By McCollum

Seconded By Frisch

That the October 28th, 2020 Special Council meeting minutes be adopted.

Carried

2. INTRODUCTION OF LATE ITEMS

3. DELEGATIONS

4. STAFF REPORTS/PRESENTATIONS

4.1 Development Services

**4.1.1 Updated Proposal - Official Community Plan (OCP) Amendment
Bylaw No. 3014 and Zoning Amendment Bylaw No. 3005 - 1375 Piercy
Avenue (3360-20-2006/6480-20-2002)**

Moved By Frisch

Seconded By McCollum

That based on the November 2nd, 2020 staff report "Updated Proposal - Official Community Plan (OCP) Amendment Bylaw No. 3014 and Zoning Amendment Bylaw No. 3005 - 1375 Piercy Avenue" Council approve OPTION 1 and complete the following steps:

1. That Council give First and Second Reading of "Official Community Plan Amendment Bylaw No. 3014" to designate the subject property as "Multi-Residential";
2. That Council give First and Second Reading of "Zoning Amendment Bylaw No. 3005" to create a new CD-29 Zone and rezone the subject property to CD-29;
3. That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaws following the resumption of regular Council meetings or upon approval of an alternative process.

Carried

5. EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

6. INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

7. REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS FROM COMMITTEES

7.1 Councillor Frisch

Councillor Frisch reviewed his participation at the following event:

- Public Transit On-Demand Webinar

7.2 Councillor Hillian

Councillor Hillian reviewed his attendance at the following events:

- Watershed Resilience: Climate Change, Collaboration and Landscape Restoration Webinar as part of the Wilderness Committee - Stitching Together Altered Landscapes - Conservation, Community and Resilience webinar series
- 2020 Comox Valley Child Development Association Telethon fundraising event

Councillor Hillian expressed his appreciation of:

- The City's Planning staff for their innovations in engaging the community as part of the City of Courtenay Official Community Plan review and public consultation process
- Tremendous community effort in hosting the 2020 Comox Valley Child Development Association Telethon annual fundraising event
- Councillor Cole-Hamilton's participation as a presenter in the Wilderness Committee - Stitching Together Altered Landscapes - Conservation, Community and Resilience webinar series
- Staff for making on-line service request forms available on the City of Courtenay website to permit reporting of public inquiries and/or concerns electronically; and, acknowledged Public Works and Bylaw staff for their timely and efficient response to on-line request forms received by their departments

7.3 Councillor McCollum

Councillor McCollum reviewed her attendance at the following event:

- City of Courtenay Official Community Plan (OCP) Review Walk-shops (2 Total)
Councillor McCollum commended City staff for doing a great job providing information, engaging walk-shop participants and for making the OCP walk-shops an enjoyable experience

7.4 Councillor Morin

Councillor Morin participated in the following events for the period of October 20th to November 2nd:

- Comox Valley Elected Officials COVID-19 teleconference briefing with Dr. Charmaine Enns, Medical Health Officer
- Wilderness Committee - Stitching Together Altered Landscapes - Conservation, Community and Resilience webinar series (3 Sessions Total)
- CVRD Board meeting
- City of Courtenay Official Community Plan (OCP) Review Walk-shops (2 Total)

7.5 Councillor Theos

Councillor Theos provided comments in response to Councillor Frisch's report on the Public Transit On-Demand webinar and expressed his support of this initiative to meet public demand for transit

7.6 Mayor Wells

Mayor Wells reviewed his attendance at the following events:

- City of Courtenay Official Community Plan (OCP) Review Walk-shops (2 Total)
- Unveiling of new Veteran's Memorial Parkway commemorative signage
- Opening of the 2020 Fall/Winter Comox Valley Farmer's Market
- 2020 Comox Valley Child Development Association Telethon fundraising event; Mayor Wells mentioned that the telethon raised over \$96,000 and praised Councillor Hillian for singing Canada's national anthem, along with Edwin Grieve, signaling the start of the telethon
- Island Coast Economic Trust (ICET) meeting

Mayor Wells mentioned:

- His participation in the Economic Recovery Task Force (ERTF) committee and advised that the ERTF Recommendations Summary Report has been distributed to area local governments for their consideration
- Concerns about the discharge and use of fireworks throughout the Comox Valley over the 2020 Halloween season and the differences in policy or bylaws amongst our regional local governments; Mayor Wells spoke with various local government leaders to discuss future policy around fireworks use in the Comox Valley to make it more consistent throughout our region

8. RESOLUTIONS OF COUNCIL

8.1 Mayor Wells - Resolution - Comox Valley RCMP Funding

Moved By Cole-Hamilton

Seconded By Frisch

Whereas the City of Courtenay has for years used annual Gaming Fund revenues to pay for two full-time RCMP officers;

Whereas the COVID-19 Pandemic has reduced the 2020 Gaming Fund revenues by 75% with future years' revenues unknown;

Whereas the City of Courtenay has applied a very conservative method of spending Gaming Funds by waiting at least one year after receiving them;

Therefore, be it resolved, that the City of Courtenay Financial Plan consider the reduction of annual Gaming Funds used to pay for two RCMP Officers by transitioning these costs to the general operating budget where the balance of Courtenay's contribution to annual policing services is funded.

Carried

8.2 Councillor Hillian - Resolution - COVID-19 Voluntary Preventative Measures

Moved By Hillian

Seconded By Cole-Hamilton

Whereas the City of Courtenay has continued to adhere to provincial Ministry of Health and WorksafeBC guidelines to maintain essential services and promote the safety of City staff and citizens during the COVID-19 global pandemic;

Whereas guidance from the World Health Organization, the BC Centre for Disease Control and Island Health identifies the most effective ways to prevent the spread of COVID-19 as frequent hand washing, maintaining physical distancing and staying home when sick;

Whereas each of these authorities recommends that masks be used as part of a comprehensive strategy to prevent COVID-19 transmission;

Therefore, to help prevent the spread of COVID-19, be it resolved that the City strongly encourages all citizens to follow provincial health guidelines, including the recommendation of wearing face masks when in indoor public spaces and especially if physical distancing is not possible, and that this information be prominently displayed on the City website along with links to relevant provincial sites.

Carried

8.3 Councillor Cole-Hamilton - Resolution - United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) - Indigenous Peoples Reconciliation (AMENDED: remove stricken text and add new text in bold)

Moved By Cole-Hamilton

Seconded By Hillian

That the October 26th, 2020 Council resolution be amended to read as follows:

Whereas, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the United Nations General Assembly in 2007;

Whereas, the Truth and Reconciliation Commission listed in 2015 as the first principle for reconciliation that the UNDRIP, "is the framework for reconciliation at all levels and across all sectors of Canadian Society" and ~~UNDRIP was officially adopted by the Government of Canada in 2016~~ **the Government of Canada announced their commitment to adopt and implement UNDRIP in 2016;**

Whereas, the Government of British Columbia passed the Declaration on the Rights of Indigenous Peoples Act unanimously in November 2019;

And whereas, the City of Courtenay has identified "Build[ing] on our good relations with K'ómoks First Nation and practic[ing] Reconciliation" as a strategic priority for 2019-2022;

Be it resolved that the City of Courtenay adopt the United Nations Declaration on the Rights of Indigenous Peoples as its framework for indigenous reconciliation.

Carried

9. UNFINISHED BUSINESS

10. NOTICE OF MOTION

11. NEW BUSINESS

11.1 Vancouver Island Regional Library Board (VIRL) 2021 Appointments (7960-02)

Moved By Hillian

Seconded By Morin

That Councillor Theos be appointed to the Vancouver Island Regional Library (VIRL) Board for a one year term, January 1 to December 31, 2021, with Councillor McCollum appointed as alternate.

Carried

12. BYLAWS

12.1 For First and Second Reading

12.1.1 Official Community Plan Amendment Bylaw No. 3014, 2020 (1375 Piercy Avenue)

Moved By Cole-Hamilton

Seconded By Morin

That "Official Community Plan Amendment Bylaw No. 3014, 2020" pass first and second reading.

Carried

12.1.2 Zoning Amendment Bylaw No. 3005, 2020 (1375 Piercy Avenue)

Moved By Frisch

Seconded By Hillian

That "Zoning Amendment Bylaw No. 3005, 2020" pass first and second reading.

Carried

12.2 For Final Adoption

12.2.1 City of Courtenay Fees and Charges Amendment Bylaw No. 3022, 2020 (Solid Waste Collection Fees)

Moved By Cole-Hamilton

Seconded By McCollum

That "City of Courtenay Fees and Charges Amendment Bylaw No. 3022, 2020" be finally adopted.

Carried

13. ADJOURNMENT

Moved By Cole-Hamilton

Seconded By McCollum

That the meeting now adjourn at 5:20 p.m.

Carried

CERTIFIED CORRECT

Corporate Officer

Adopted this 16th day of November, 2020

Mayor

Minutes of a Special Council Meeting

Meeting #: S4/2020
Date: November 09, 2020
Time: 4:00 pm
Location: City Hall Council Chambers, Courtenay, BC, via live web streaming

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

Staff: T. Kushner, Interim CAO
W. Sorchta, Corporate Officer

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1.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

.01

CORRESPONDENCE
DEPUTY MINISTER,
MUNICIPAL AFFAIRS
AND HOUSING -
COVID-19 SAFE
RESTART GRANT FOR
LOCAL
GOVERNMENTS
0410-20/1845-01

Moved by Frisch and seconded by Hillian that the correspondence dated November 2nd, 2020 from Kaye Krishna, Deputy Minister, Municipal Affairs and Housing, advising that the City of Courtenay is the recipient of \$4,149,000 in grant monies through the province's COVID-19 Safe Restart Grant for Local Governments, be received for information.

Carried

.02

CORRESPONDENCE
DEPUTY MINISTER,
MINISTRY OF
FINANCE
RE: 2020 UBCM
MINISTER MEETING
DELEGATION
0410-20

Moved by Frisch and seconded by Hillian that the letter dated October 14th, 2020, from Tara Richards, Assistant Deputy Minister, Ministry of Finance, in response to the City's 2020 Union of BC Municipalities (UBCM) Minister meeting delegation to discuss Property Transfer Tax (PTT), Provincial Sales Tax (PST) and Liquor Tax (LT) revenues redistribution, be received for information.

Carried

.03

CORRESPONDENCE
DEPUTY MINISTER,
MINISTRY OF
FINANCE
RE: 2020 UBCM
MINISTER MEETING
DELEGATION
0410-20

Moved by Frisch and seconded by Hillian that the letter dated October 27th, 2020, from Kaye Krishna, Deputy Minister, Municipal Affairs and Housing, in response to the City's 2020 Union of BC Municipalities (UBCM) Minister meeting delegation to discuss Affordable and Co-Op Housing Initiatives, and Supports for People Experiencing Homelessness, be received for information.

Carried

2.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

.01

BRIEFING NOTE -
COVID-19 SAFE
RESTART GRANTS
FOR LOCAL
GOVERNMENTS
1845-01

Moved by Frisch and seconded by Cole-Hamilton that the November 9th, 2020 Briefing Note, "COVID-19 Safe Restart Grants for Local Governments", be received for information.

Carried

3.00 RESOLUTIONS OF COUNCIL

.01

IN-CAMERA
MEETING

Moved by Hillian and seconded by Cole-Hamilton that a Special In-Camera meeting closed to the public will be held November 9th, 2020 at the conclusion of the Special Council meeting pursuant to the following sub-sections of the *Community Charter*:

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

Carried

4.00 NEW BUSINESS

.01

NOTICE OF SERVICE
REVIEW - TOWN OF
COMOX
RE: COMOX VALLEY
REGIONAL DISTRICT
(CVRD) ECONOMIC
DEVELOPMENT
SERVICE
0470-20

Moved by Hillian and seconded by Morin that the correspondence dated October 30th, 2020 from the Town of Comox requesting a service review of the Comox Valley Regional District (CVRD) Economic Development Service, be received for information.

Carried

.02

ROYAL LEPAGE -
REQUEST FOR USE OF
CITY FACILITY AS A
TEMPORARY SITE FOR
THE 2020 SHARING
THE CHRISTMAS
SPIRIT HAMPER
PROGRAM
0250-01

Moved by Hillian and seconded by Theos that the correspondence dated October 30th, 2020 from Royal LePage requesting use of a City of Courtenay facility as a temporary site for the “2020 Sharing the Christmas Spirit Hamper Program”, be received for information.

Carried

5.00 ADJOURNMENT

.01

ADJOURNMENT

Moved by Morin and seconded by Frisch that the meeting now adjourn at 4:16 p.m.

Carried

CERTIFIED CORRECT

Corporate Officer

Adopted this 16th day of November, 2020

Mayor



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 0590-01

From: Chief Administrative Officer

Date: November 16, 2020

Subject: New Procedures for Electronic Public Hearings - COVID-19 Pandemic

PURPOSE:

To propose new procedures to allow public hearings to be conducted electronically as authorized under Ministerial Order M192/2020 (the Order) and in accordance with Section 465(3) of the *Local Government Act*; to enable the City of Courtenay to conduct business in compliance with public health Orders and BCCDC advisories to reduce the health and safety threat of COVID-19.

POLICY ANALYSIS:

It is recognized that public participation in local government is an essential part of a free and democratic society and is important to local governments' purpose of providing good government to communities. A public hearing is required for matters related to the official community plan, zoning, land use, development agreements, heritage revitalization agreements or heritage designation bylaws to allow those affected an opportunity to convey their views to their elected officials pursuant to Section 464 of the *Local Government Act*.

Under the authority of the *Emergency Program Act*, Ministerial Order M192/2020 – Division 5 – Public Hearings, authorizes the City to conduct a public hearing by means of electronic or other communication facilities.

Local Government Act, Section 465(3) (public hearing procedures) authorizes the chair of the public hearing may establish procedural rules for the conduct of the hearing

City of Courtenay Public Hearing Policy No. 0590.00.01;

"Any person who believes their interest in property will be affected by a proposed bylaw has an opportunity to address Council at a public hearing in a timely and orderly fashion. Individuals are encouraged to submit written submissions to City Hall to the attention of the City Clerk, prior to the hearing, for inclusion as part of the record."

This report aligns with the following goals to meet statutory public engagement and health and safety requirements including:

- Maintaining a high level of safety in City buildings and facilities for the public and City staff in accordance with site-specific COVID-19 Safety Plans
- Align with industry guidelines including Orders issued by the public health officer, the Minister of Public Safety and Solicitor General, and WorkSafe BC regulations
- Provide online and digital access to core City services and information
- Provide open and transparent communication among staff, Council and the community

EXECUTIVE SUMMARY:

The granted authority under the Order allows for the City to safely resume this integral process in support of construction and development activity. This staff report outlines the procedure for which the City will conduct public hearings electronically/virtually.

CAO RECOMMENDATIONS:

That based on the November 16th, 2020 staff report "New Procedures for Electronic Public Hearings", Council approve OPTION 1 as follows:

Whereas it is recognized that public participation in local government is an essential part of a free and democratic society and is important to local governments' purpose of providing good government to communities;

Whereas to protect the health and safety of the public, Council and staff during the COVID-19 pandemic, and in consideration of the Provincial Class Order (mass gatherings) and BC Centre for Disease Control (BCCDC) physical distancing guidelines, new procedures are required;

Therefore be it resolved, that Council authorize staff to proceed with electronic public hearings as authorized under Ministerial Order M192/2020 and in accordance with Section 465(3) of *The Local Government Act* with the following conditions:

- a) That statutory public notice requirements are satisfied in accordance with Section 466 of *The Local Government Act*
- b) That staff commence scheduling public hearings in priority sequence; starting with public hearings previously approved by Council prior to November 16th, 2020
- c) That electronic public hearings be conducted by phone and electronic/virtual participation via webinar
- d) That electronic public hearings are broadcasted for public viewing via live web streaming on the City of Courtenay website www.courtenay.ca; and,

That the City of Courtenay electronic public hearing process in the course of the COVID-19 pandemic be effective immediately; and, may be subject to change:

- a) As directed under the authority of the provincial or federal governments through the Emergency Program Act, the Covid-19 Related Measures Act, or Emergencies Act Canada;
- b) Until such time as the health orders restricting mass gathering and physical distancing have been lifted;
- c) Until such time as the provincial state of emergency for the COVID-19 pandemic has been rescinded and local governments may resume regular operations; or
- d) By resolution of Council.

Respectfully submitted,



Trevor Kushner, BA, DLGM, CLGA, PCAMP
Interim Chief Administrative Officer

BACKGROUND:

On March 18th, 2020 the Provincial Government declared a Provincial State of Emergency to support the province-wide response to the novel coronavirus (COVID-19) pandemic. The declaration was made based on a recommendation from B.C.'s health and emergency management officials, after Dr. Bonnie Henry, B.C.'s Provincial Health Officer, declared a Public Health Emergency on March 17th, 2020. Under authority of the Emergency Program Act B.C.'s Provincial Health Officer issued a Class Order (mass gatherings) re: COVID-19, prohibiting public gatherings in excess of 50 people. In addition to the limitations on mass gatherings set under the Class Order, the BC Centre for Disease Control released guidelines for "physical distancing" to reduce the spread of COVID-19. Physical distancing means limiting close contact with others by keeping two meters (six feet) away from one another. Upon the release of the Class Order (mass gatherings) and physical distancing measures, the City cancelled public hearings to protect the health and safety of its residents, Council and staff.

On March 26th, 2020 Ministerial Order M083/2020 authorizing electronic Local Government Meetings (Council and committee meetings) ; on May 1st, 2020 M083/2020 was repealed and replaced by Ministerial Order M139/2020 which included new authorities for local governments to conduct public hearings electronically or by other communication facilities. Electronic public hearings were not authorized under Ministerial Order M083/2020 but was expressly permitted upon the issuing of Ministerial Order M139/2020 and subsequently M192/2020 which replaced Ministerial Order M139/2020 on June 17, 2020. Based on Ministerial Order M192/2020, and in accordance with section 465(3) (public hearing procedures) of the *Local Government Act*, the Chair of the public hearing is permitted to establish procedural rules for the conduct of the hearing. On June 17, 2020 M139 was repealed and replaced by Ministerial Order M192.

OPTION 1: ELECTRONIC/VIRTUAL PUBLIC HEARINGS (RECOMMENDED)

Procedure:

Under the Ministerial Order M192/2020, instructions regarding public access to the electronic/virtual meeting must be included in the statutory advertisements; this will be supported by a clear communication plan to ensure our ability to meet the public's participation expectations and enhanced legislative advertising requirements.

Written Submissions: The public may provide written submissions regarding public hearing items via email, fax or Canada Post. This existing procedure will not change as a result of transitioning to electronic/virtual meetings.

Electronic/Virtual Participation: The public may participate in the electronic/virtual meeting via webinar. A meeting link and access instructions will be outlined in all advertising including: newspaper, social media, and the City's webpage. Through the webinar platform, the public will be able to provide verbal comments to Council live during the electronic/virtual public hearing.

Technology requirements to join the webinar format includes using a smartphone, a tablet, or a computer with speakers and a microphone. Participants will also require an internet connection (broadband wired or wireless).

Webinar participants are not required to register in advance however will need to provide their first name, last name and home address when called upon to speak.

Phone Participation (audio only): Recognizing that there may be a portion of the public that do not have access to the technology needed to join a virtual meeting, staff have explored options with TELUS to provide conference calling; the teleconference service agreement includes TELUS support staff to help facilitate the session. Participants will be required to provide their first name and last name when they call into the teleconference line and will be required to provide their home address when prompted to speak. Phone participants are able to listen to the meeting in its entirety while waiting for their opportunity to comment. Conference call participants may stay on the line to hear follow-up comments until such time as they end the call or the public hearing concludes.

Phone conferencing may be scheduled with TELUS a minimum of one week in advance via a "Special Event Request" form; the "Special Event Request" form can be submitted as far ahead of time as desired allowing the City flexibility to schedule public hearing dates well into the New Year. Due to the global pandemic, the City qualifies for a special rate per user, per minute:

- Including TELUS Support Staff, our rate will be \$0.12 per user per minute. For example, if we were to have 40 participants on the call, per minute that will cost the City \$4.80 (40 x \$0.12); so for an hour-long public hearing with an average of 20 participants (including the City) the call will cost \$216.00 (20 users x 60 minutes x \$0.12)
- There are no additional fees for set-up (no monthly costs or activation costs)

Speakers Limits (Teleconference and Webinar): Members of the public expressing their views will be offered **5 minutes** to speak; after everyone has been offered an opportunity to speak, participants wishing to speak for a second time will be provided an opportunity to do so. Presentations by an owner/applicant are limited to **15 minutes**; the owner/applicant will be given the opportunity to clarify points raised, or respond to questions after members of the public have spoken.

Written Submissions: Written submissions will be collated and made available for public viewing on the City of Courtenay website prior to the start of the public hearing; written submissions received after the submission deadline but before the termination of the public hearing will be posted on the City's website the next business day.

Live Streaming: As the electronic/virtual meeting is conducted in the absence of a physical location, to ensure transparency of the public hearing procedure, staff are recommending the public hearing be live streamed on the City's website. Live streaming the public hearing will reproduce as closely as possible a physical attendance experience and also allows interested persons to watch the public hearing even if they choose not to provide comment.

The public should expect that comments provided in writing or verbally will be broadcast live and are a matter of public record.

Location: As the public hearing will take place electronically/virtually, there will be no designated physical location for the meeting.

Backlog and Demand:

Staff are working diligently to set up and test the technology selected to facilitate electronic/virtual public hearings prior to scheduling the first public hearing date. Although we are confident the selected systems will work, staff propose that the first electronic/virtual public hearing consist of agenda items that staff anticipate will impact the least amount of people this approach will allow staff and Council to familiarize themselves with the new electronic public hearing process before conducting a more vigorously attended public hearing.

The following is a list of Public Hearings approved by Council prior to November 16th, 2020:

1. Zoning Bylaw Amendment No. 2998 - 2466 Walbran Place
2. Development Permit with Variances No. 1908 - 2800 Arden Road - modification to Covenant
3. Zoning Bylaw Amendment No. 2977 -2355 Mansfield Drive
4. OCP Amendment Bylaw 2996 and Zoning Bylaw Amendment 2997 -2700 Mission Road
5. Bylaw No. 2989 - Zoning Amendment -4070 Fraser Road
6. Zoning Bylaw Amendment No. 3024 -Updates to the Home Occupation Regulations
7. Zoning Bylaw Amendment No. 3009 -1550 Willemar Avenue
8. Zoning Bylaw Amendment No. 3010 - #222 - 444 Lerwick Road
9. OCP Amendment Bylaw No. 3014 and Zoning Bylaw Amendment No. 3005 - 1375 Piercy Avenue

These meetings may be scheduled in groupings to expedite the process.

If physical distancing recommendations end before a pre-scheduled electronic public hearing has transpired; the scheduled Public Hearing will still be held electronically as the Class Order (mass gatherings) will likely still be in effect.

OPTION 2: IN-PERSON AND ELECTRONIC PARTICIPATION:

Procedure:

Option 2 would consist of historical in-person public hearing procedures in addition to electronic participation procedures outlined in Option 1.

Procedural Considerations:

Should Council wish to consider Option 2, which includes both in-person and electronic participation, aside from known health and safety risks, procedural risks may include the potential violation of the Class Order (mass gatherings). Under the Class Order (mass gatherings) no more than 50 people will be permitted to attend the Public Hearing. For example, should there be three items on the agenda and 50 people show up for item 1 and an additional 50 people show up for items 2 and 3 – a **total** of 50 people will be permitted to attend the hearing in-person. This does not mean 50 people can attend each item. In this example 50 participants (those wishing to speak to items 2 and 3) would be refused entry to the public hearing. Should any member of the public not be able to exercise their right to participate in the public hearing, the validity of the public hearing could be called into question.

Risk Mitigation:

To mitigate the risk of violating the Class Order (mass gatherings) the City could limit public hearing agendas to items that are unlikely to result in 50 or more attendees, while public hearing items with a greater impact would continue to be suspended. Additionally, it is likely that public hearing agendas would need to be limited to one item per agenda to ensure the City does not create a circumstance that may violate the Class Order. Of note, division of agendas will negatively impact the City’s ability to address backlogs and/or would require additional public hearings to be held.

Operational/Financial/Administrative Considerations: In the event that Option 2 is selected, financial and operational impacts will be more significant than those outlined under the Administrative Implications section of this report. Additional operational impacts for Option 2 include: off-site facility bookings, coordination and rental fees, site specific safety planning, IT site specific planning, impact of additional meetings should Council wish to expedite addressing back log.

FINANCIAL IMPLICATIONS:

The cost to facilitate teleconferencing under Option 1 and Option 2 will be absorbed in the Corporate Services operating budget. Additional expenditures for off-site facility use and support staff to provide in-person with electronic participation will require further analysis under Option 2.

ADMINISTRATIVE IMPLICATIONS:

Staff have spent approximately 20 hours researching information, reviewing Orders and legal requirements and drafting the report. Additional administrative time is required to finalize the electronic public hearing procedure, draft scripts, PowerPoint slide template relevant to each public hearing item and participation instructions; and provide training to Council and staff.

Legislative Services staff will administer the electronic public hearings with support from IT personnel to provide live streaming and technical support.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications.

STRATEGIC PRIORITIES REFERENCE:

We focus on organizational & governance excellence.

- 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

We actively pursue vibrant economic development

- ▲ Work with the business and development sectors to mutually improve efficiencies

We support diversity in housing & reasoned land use planning.

- ▲ Encourage and support housing diversity

- **AREA OF CONTROL:** The policy, works and programming matters that fall within Council's jurisdictional authority to act
- ▲ **AREA OF INFLUENCE:** Matters that fall within shared or agreed jurisdiction between Council and another government or party
- **AREA OF CONCERN:** Matters of interest that are outside Council's jurisdictional authority to act

OFFICIAL COMMUNITY PLAN REFERENCE:

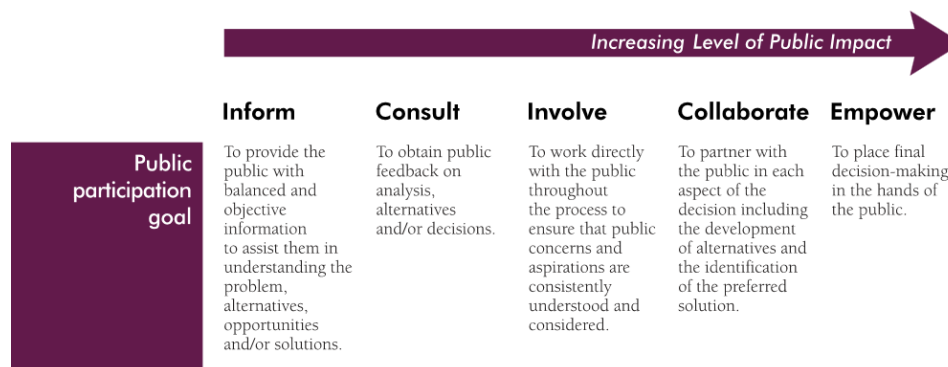
Not applicable.

REGIONAL GROWTH STRATEGY REFERENCE:

Not applicable.

CITIZEN/PUBLIC ENGAGEMENT:

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



© International Association for Public Participation www.iap2.org

OPTIONS:

Option 1: That based on the November 16th, 2020 staff report “New Procedures for Electronic Public Hearings”, Council approve OPTION 1 as follows:

Whereas it is recognized that public participation in local government is an essential part of a free and democratic society and is important to local governments’ purpose of providing good government to communities;

Whereas to protect the health and safety of the public, Council and staff during the COVID-19 pandemic, and in consideration of the Provincial Class Order (mass gatherings) and BC Centre for Disease Control (BCCDC) physical distancing guidelines, new procedures are required;

Therefore be it resolved, that Council authorize staff to proceed with electronic public hearings as authorized under Ministerial Order M192/2020 and in accordance with Section 465(3) of *The Local Government Act* with the following conditions:

- e) That statutory public notice requirements are satisfied in accordance with Section 466 of *The Local Government Act*
- f) That staff commence scheduling public hearings in priority sequence; starting with public hearings previously approved by Council prior to November 16th, 2020
- g) That electronic public hearings be conducted by phone and electronic/virtual participation via webinar
- h) That electronic public hearings are broadcasted for public viewing via live web streaming on the City of Courtenay website www.courtenay.ca; and,

That the City of Courtenay electronic public hearing process in the course of the COVID-19 pandemic be effective immediately; and, may be subject to change:

- e) As directed under the authority of the provincial or federal governments through the Emergency Program Act, the Covid-19 Related Measures Act, or Emergencies Act Canada;
- f) Until such time as the health orders restricting mass gathering and physical distancing have been lifted;
- g) Until such time as the provincial state of emergency for the COVID-19 pandemic has been rescinded and local governments may resume regular operations; or

By resolution of Council.

[Recommended]

Option 2: That Council approve OPTION 2 and direct staff to proceed with Public Hearings held in-person with electronic participation.

Option 3: That Council continues to suspend public hearings until the Order restricting mass gatherings has been lifted.

Prepared by,



Wendy Sorichta
Corporate Officer

Prepared by:



Kate O'Connell, BA, MPP
Director of Corporate Support Services

Concurrence by,



Trevor Kushner, BA, DLGM, CLGA, PCAMP
Interim Chief Administrative Officer



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 4530-20

From: Chief Administrative Officer

Date: November 16, 2020

Subject: Structural Change to Liquor Licence Application (Gladstone Brewing Company) - 244 - 4th Street

PURPOSE:

The purpose of the report is to obtain Council direction to request public input with respect to Gladstone Brewing Company's application made to the Liquor & Cannabis Regulation Branch (LCRB) for a structural change to their liquor licence at the above referenced location.

CAO RECOMMENDATIONS:

That based on the November 16th, 2020 staff report "Structural Change to Liquor Licence Application (Gladstone Brewing Company) - 244 - 4th Street", Council approve OPTION 1 and direct staff to publish notice on the City's website requesting public input on Gladstone Brewing Company's proposed structural change to a liquor primary licence application.

Respectfully submitted,

Trevor Kushner, BA, DLGM, CLGA, PCAMP
Interim Chief Administrative Officer

BACKGROUND:

The applicant is making an application for a structural change to their existing liquor licence to the LCRB for the property at 244 - 4th Street. The subject brewery and patio are located at the corner of 4th Street and Cliffe Avenue, in downtown Courtenay and is surrounded by other commercial properties and cultural buildings, including the Sid Williams Theatre and the Native Sons Hall. The proposed change is to incorporate the approved Liquor Licence area with the existing patio, and to add an extension to the patio. The increase in permanent seating capacity requested is 162 for a total of 310 persons, with the majority of the seating outside.

The hours of operation for the liquor primary licensed area will remain the same, 9:00am to midnight, seven days a week.

The proposal is the most recent of a series of proposed and approved changes to the brewery as illustrated in **Figure No. 1** and detailed below.



Figure 1: Subject property and Phases of Development

As shown above the brewery occupies part of a commercial building. Patio Area 1 is part of the existing patio area which has been operational since the outdoor patio was endorsed by Council in April, 2015 with a total occupancy limit of 148 patrons (including 30 patrons within the brewery). Patio Area 2 was added in May 2020, as part of the LCRB's response to COVID 19 and the need for additional space due to physical distancing guidelines. As a result of this expansion, the total patio occupancy limit of 148 patrons did not increase; rather, the patio area was allowed to temporarily increase to allow for physical distancing. In March 2020 a development permit was issued by staff for an addition to the existing brewery building. To date, no building permit has been submitted for this addition. Patio Area 3 is a proposed patio addition. It extends over existing parking stalls in front of the proposed addition.

Staff note that in January 2019, Council endorsed an increase in the interior capacity from 30 to 49. However, Staff has verified with the LCRB that because of changes made to the floor plans following the Council resolution, the structural change application was cancelled by the LCRB. Therefore, the current endorsed interior capacity remains at 30 persons. The interior increase requested is again from 30 to 49 persons.

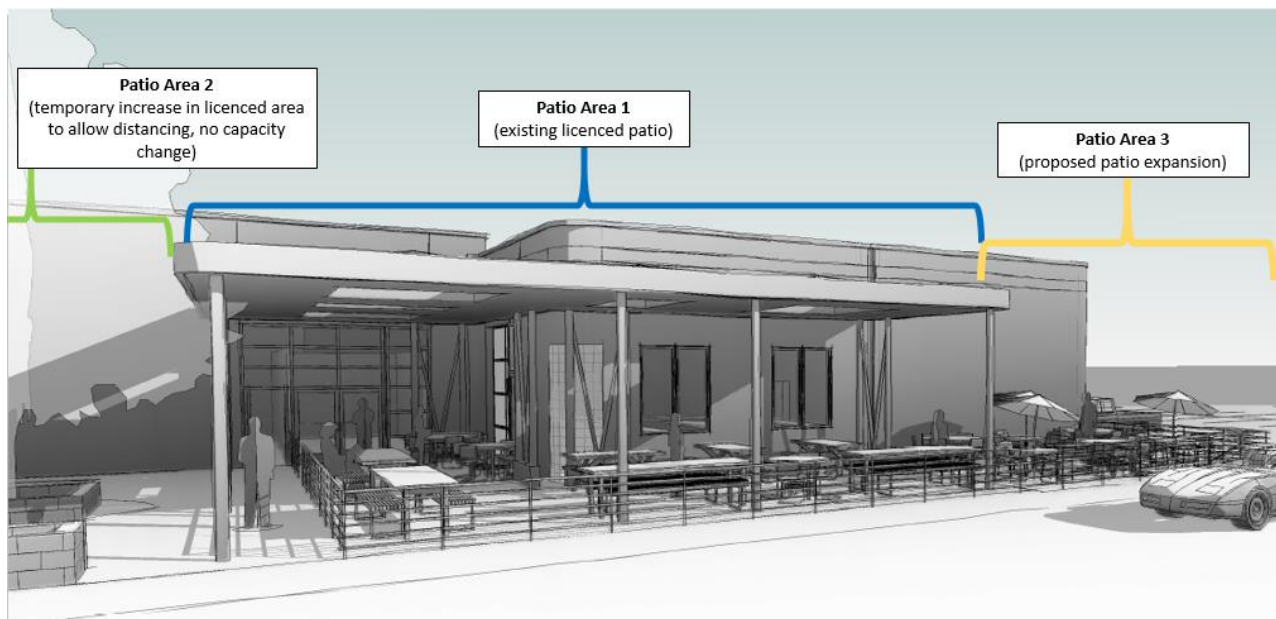


Figure 2. Rendering from the Form and Character Development Permit, approved March 2020. Rendering illustrates the proposed and existing licenced areas.

The proposal is summarized as follows:

1. The permanent incorporation of the existing Patio Area 2 into the endorsed Liquor Licence area.
2. The permanent addition of the proposed Patio Area 3.
3. The permanent increase in the occupancy limit for Patio Areas 1, 2, and 3 from 118 to 261.
4. The permanent increase of the interior occupancy limit from 30 to 49.
5. The permanent increase in the total occupancy (inside and outside) from 148 currently to 310 patrons

Pursuant to Section 38 (3)(c) of the *Liquor Control and Licensing Act*, the local government must gather the views of residents when the applicant has given the local government notice of the application. In order to gather the views of residents, the City will post notice of the application on the City's main website for two weeks.

DISCUSSION:

The subject location is zoned Commercial One (C-1) which permits the intended use. A downtown commercial development permit was approved by the City in March 2020 for an addition in order to accommodate more serving tanks and for an expansion to the patio. The majority of the patio has been contemplated with past development permits. The patios (proposed and existing) run the length of the frontage of the subject property along 4th - Street.

Section 71 (9) of the *Liquor Control and Licensing Regulation* states that a local government or first nation that wishes to provide comments and recommendations for the LCRB under section 38 (3) of the Act must do so in accordance with the following requirements:

- (a) the comments and recommendations must be in writing;
- (b) the comments must include the views of the local government or first nation on

- (i) the impact of noise on the community in the immediate vicinity of the establishment unless subparagraph (ii) or (iii) apply,
- (ii) in the case of an application that involves a temporary use area endorsement, the impact of noise on the community in the immediate vicinity of the proposed locations of event sites under corresponding temporary use area authorizations,
- (iii) in the case of an application that involves a lounge or special event area endorsement, the impact of noise on the community in the immediate vicinity of the location of the service area under the endorsement,
- (iv) the general impact on the community,
- (c) if the local government or first nation has gathered the views of residents under section 38 (3) (c) of the Act, the comments must include
 - (i) the views of the residents, and
 - (ii) a description of the method used to gather those views;
- (d) the recommendations must include whether the application should be approved or rejected; and
- (e) the recommendations must include the reasons on which they are based.

With respect to the requirement in section 38 (3) (c) of the *Liquor Control and Licensing Act*, the current practice is to advertise a notice on the City's website. Staff consider that it will satisfy the requirements of the LCRB. Once Council receives public input on the application, a resolution addressing these points will be forwarded to the LCRB for final consideration.

FINANCIAL IMPLICATIONS:

There is no direct financial implication related to this application. The application fee for all types of liquor licence applications is \$500 plus GST.

ADMINISTRATIVE IMPLICATIONS:

Administration of liquor licencing is included in the City's general statutory duties. To date, staff has spent fifteen hours processing the application. It is anticipated an additional four hours will be required to complete the notification requirements, work with the applicant on the neighbours' concerns and bring a report back to Council.

ASSET MANAGEMENT IMPLICATIONS:

There is no direct asset management implication related to this application.

2019 – 2022 STRATEGIC PRIORITIES REFERENCE:

We focus on organizational & governance excellence

- Communicate appropriately with our community in all decisions we make
- Responsibly provide services at levels which the people we serve are willing to pay

OFFICIAL COMMUNITY PLAN REFERENCE:

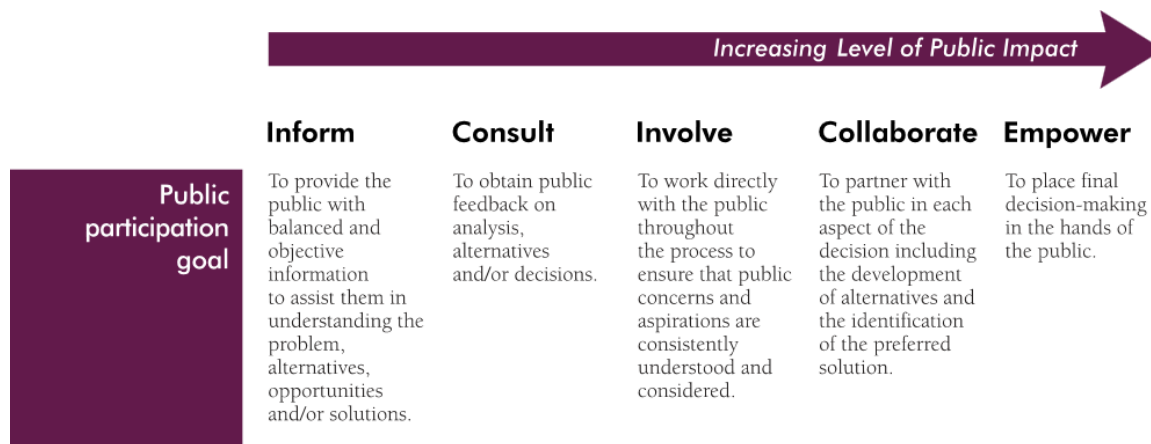
There is no direct reference related to this application.

REGIONAL GROWTH STRATEGY REFERENCE:

There is no direct reference related to this application.

CITIZEN/PUBLIC ENGAGEMENT:

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



The public comment gathering period will be open between November 17th and December 7th 2020 on the City's website. Any comments received from the public and the standard referral procedure will be attached to the staff report for Council's final consideration at a future Council meeting.

OPTIONS:

- Option 1: Direct staff to publish notice on the City's website requesting public input on the proposed structural change to a liquor primary licence for Council consideration at a future meeting. **(Recommended)**
- Option 2: Direct staff to obtain public input through an alternative method.
- Option 3: Direct staff not to proceed with the application and advise the LCRB that the City does not support the request.

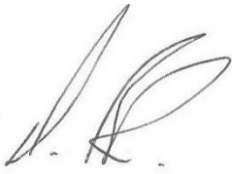
Prepared by:

Cassandra Marsh,
Planner I

Reviewed by:

Matthew Fitzgerald, RPP, MCIP
Manager of Development Planning

Concurrence by:



Ian Buck, RPP, MCIP
Director of Development Services

Concurrence by:



Trevor Kushner, BA, DLGM, CLGA, PCAMP
Interim Chief Administrative Officer

Attachments: Attachment No. 1: Letter of Intent
Attachment No. 2: Stamped occupant load
Attachment No. 3: Plans demonstrating areas of proposed licence area
Attachment No. 4: Public Comments

Attachment No. 1: Letter of Intent

To whom it may concern,

Gladstone Brewing Company in Downtown Courtenay is apply to expand the liquor licence area of their currently licensed patio.

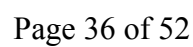
Gladstone currently has a permanent patio and a temporary extension that the City previously approved. We would like to make the temporary area permanent and also extend the patio into a section of the parking lot. The extension will be 30' x 21', as can be seen in the drawings.

This extension will eliminate one parking space in our private parking lot bringing our parking spaces from 38 to 37 stalls.

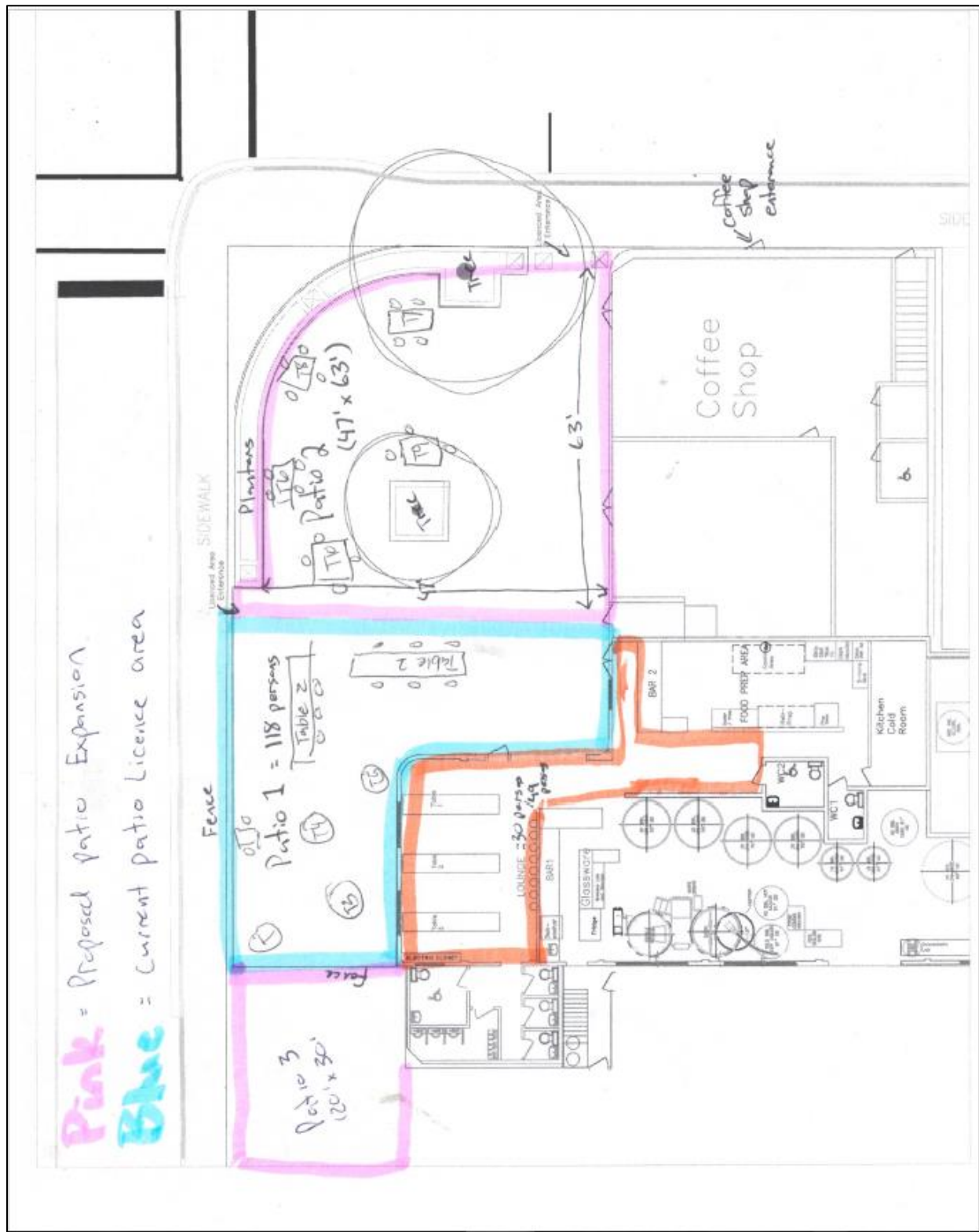
We are also applying to increase our capacity to 310 patrons. This is reflected in the Architecturally Stamped drawing that was submitted with this application.

Thanks

-Daniel Sharratt



Attachment No. 3: Plans demonstrating areas of proposed licence area



Attachment No. 4: Public Comments

From: Courtenay Website [<mailto:thirdpartyhosting@courtenay.city>]

Sent: Thursday, September 3, 2020 5:07 PM

To: InfoAlias <info@courtenay.ca>

Subject: General

Topic General

Name [REDACTED]

E-mail Address [REDACTED]

Phone Number [REDACTED]

Address [REDACTED]

Message

Please convey this to whomever is responsible for expanded patio permissions.

I was never so pleasantly surprised as a few months ago when I discovered Gladstone Brewery customers enjoying cool ones in the beautiful, piazza-like courtyard beyond their traditional, limited, fenced-off corral. The last time I witnessed and enjoyed such common sense was during my NATO tour in Germany in the early '80's (40 yrs ago!).

I was unpleasantly surprised to discover that this was intended as a temporary Covid-related relaxation of – what I would consider – antiquated, puerile, and condescending regulations.

I saw no rioting, no depravity, no debauchery. Not surprisingly, everyone appeared to be enjoying not only that excellent Gladstone beer, but their new-found liberation.

So first of all I must thank whomever was/ is responsible for that foresight, insight and wisdom. Secondly, I must plead that this latest permission be considered, like Covid, the new normal, and made permanent.

Cheers,

[REDACTED]



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3010-01

From: Chief Administrative Officer

Date: November 16, 2020

Subject: Release of Covenant Restricting Secondary Suite – 2977 Cascara Crescent

PURPOSE:

To consider the release of a restrictive covenant limiting development to single family dwellings only.

CAO RECOMMENDATIONS:

That based on the November 16th, 2020 staff report “Release of Covenant Restricting Secondary Suite - 2977 Cascara Crescent”, Council approve OPTION 1 and direct staff to notify owners subject to the same covenant of the request for feedback prior to final consideration of the release.

Trevor Kushner, BA, DLGM, CLGA, PCAMP
Interim Chief Administrative Officer

BACKGROUND:

The subject property is located at 2977 Cascara Crescent. In 2010 an application was made by the original developer to rezone the land from R-1B to R-1S to facilitate an 18 lot single family subdivision with the option of secondary suites. Under the R-1B zone there was potential for subdivision of approximately 16 single family lots. The council of the day approved the rezoning.

Subsequent to the rezoning approval the developer was issued a Preliminary Approval Letter from the City's Approving Officer that detailed the requirements to obtain subdivision approval, including payment of Development Cost Charges (DCCs). At that time the City's practice was to require payment of DCCs at the single family rate for all lots and an additional DCC was charged at the multi-family rate for all lots that were zoned for secondary suites. To avoid the collection of the additional DCC related to secondary suites, applicants were given the option of registering a covenant on title that would limit the development to single family dwellings only. The developer of the Cascara subdivision chose to register the covenant.

DISCUSSION:

The first phase of the Cascara Crescent subdivision contains 18 lots, 17 of which are zoned R-1B and one that is zoned R-1. Both the R-1B and R-1 zone restrict the use to single family dwellings without secondary suites. The subject property is within the second phase of the subdivision. As noted above it contains 18 lots all of which are zoned R-1S which permits single family homes with secondary suites, however all lots are encumbered by the covenant preventing secondary suites. Of the 18 lots in the second phase 16 of them have been built with single family homes and two remain vacant.

As the covenant was registered for the sole benefit of the City and was not registered as part of a public rezoning process it may be released at the sole discretion of the City. That said it is recognized that there may be owners of adjacent lots that expressly bought in the neighbourhood because of the restriction. Conversely, there may be owners who would have built a suite if they knew releasing the covenant was possible. These concerns however would not be subject to legal claims.

In the interest of the neighbourhood staff recommend that a notice be delivered to neighbouring owners who are subject to the same covenant seeking input prior to Councils final consideration to release the covenant.

FINANCIAL IMPLICATIONS:

The City does not currently have a fee for the consideration of removal or amendment to covenants registered as part of a subdivision. There is a fee of \$300 for the release of covenants related to building permits.

ADMINISTRATIVE IMPLICATIONS:

Staff have spent approximately 1.5 hours researching and preparing this report. An additional hour is anticipated to process the mail out and follow up report to Council, if council decides to proceed with the request.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications with this request.

2019 – 2022 STRATEGIC PRIORITIES REFERENCE:

- Communicate appropriately with our community in all decisions we make
- ▲ Encourage and support housing diversity

OFFICIAL COMMUNITY PLAN REFERENCE:

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

REGIONAL GROWTH STRATEGY REFERENCE:

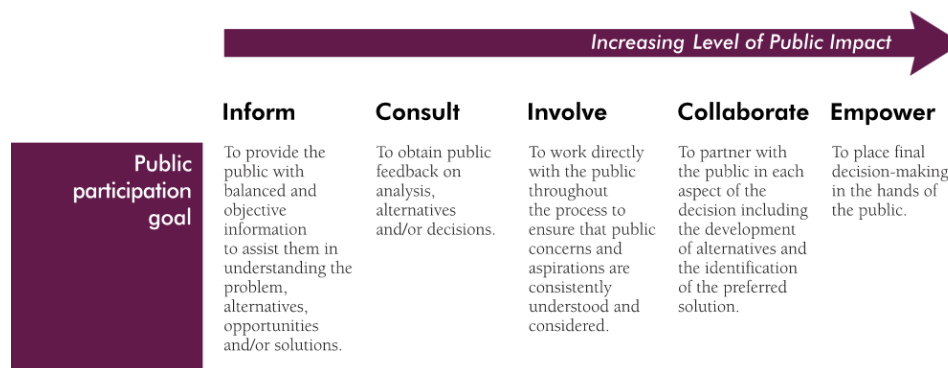
The proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” including:

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 suggest consulting with the public by mail out based on the IAP2 Spectrum of Public Participation:



© International Association for Public Participation www.iap2.org

OPTIONS:

- OPTION 1: Direct staff to send a mail out with a 2 week response period to all owners of properties subject to the same covenant for feedback prior to consideration of the release.
- OPTION 2: Support the release of the covenant for 2977 Cascara Crescent to allow the construction of a secondary suite.
- OPTION 3: Direct staff to advise the applicant the City does not support the release of the covenant.

Prepared by,

Ian Buck, RPP, MCIP
Director of Development Services

Concurrence by,

Trevor Kushner, BA, DLGM, CLGA, PCAMP
Interim Chief Administrative Officer

Attachments: Attachment No 1: Letter Requesting Release

Attachment No. 1

MCQUEEN

CONSTRUCTION LTD

Unit D – 4644 Madrona Place Courtenay, BC V9N 9E7 (250) 871 - 8886
E-Mail: info@mcqueenconstruction.ca

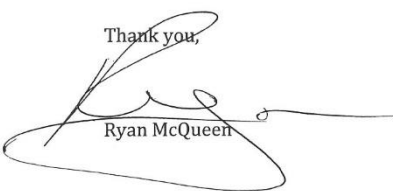
Sept 25, 2020

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

Attn: Ian Buck
Director of Development Services

I have a client that would like a house with suite built on Lot 10 Cascara Crescent to allow her mother to live with them. I noticed that the zoning allows for suites but there is covenant in favour of the City of Courtenay that restricts anything but single family homes. I would like to request the City of Courtenay remove the covenant to allow a legal suite on this property.

Thank you,


Ryan McQueen

File: 530.01

October 29, 2020

Sent via email only: wsorichta@courtenay.ca

Wendy Sorichta
Corporate Officer
City of Courtenay
Courtenay, BC V9N 2J7

Dear Ms. Sorichta:

Re: Notice of Inaugural CVRD Board Meeting

Please note that the Comox Valley Regional District (CVRD) inaugural board meeting will take place as follows:

Date: Tuesday, November 24, 2020

Time: 4:00 pm

Location: CVRD Civic Room, 770 Harmston Avenue, Courtenay, BC

This correspondence serves as a reminder that the City of Courtenay Council must make the following appointments:

- Four directors and alternate directors from its mayor and council to the CVRD Board; and
- three members and at least three alternate members from its mayor and council to the CVRD Sewage Commission.

Please bring this matter forward to your council in advance of the inaugural meeting with an effective date for such appointments being November 24, 2020.

As directors to the CVRD Board, the City of Courtenay appointments are automatically members of the Comox Strathcona Waste Management Board, the Comox Strathcona Regional Hospital District Board, the Comox Valley Water Committee and the Comox Valley Sports Centre Commission (note: Sewage Commission appointments are made separately as identified above). Further, the council appointments to the board may also be named to any standing or select committees, such as the Committee of the Whole.

Please note that the Integrated Regional Transportation Select Committee (IRTSC) includes one voting position and alternate from the City of Courtenay so please also make this appointment with the others noted above.

If the City of Courtenay appoints more than one alternate director, please advise of the system established to determine which alternate director is to act in the place of the absent director.

Weighted Voting

Under the *Local Government Act*, regional districts follow Part 6 - Regional Districts: Governance and Procedures to determine voting entitlements and procedures for most matters at board meetings. The voting unit in the Comox Valley Regional District is 1500 and based on the 2016 census, two City of Courtenay directors have four votes on weighted matters, and two have five votes on weighted matters. Please ensure your council appointments identify which directors have four votes and five votes.

In addition, voting at the Water Committee follows CVRD Bylaw No. 1783 being the "Water Local Service Establishment Bylaw, 1995" and related committee policy statements. The current assignment of weighted votes at the committee is as follows:

- Director Cole-Hamilton 1
- Director Hillian 2
- Director Morin 2
- Director Frisch 2

Please confirm the assignment of directors and weighted votes for the Water Committee effective November 24, 2020 to ensure the committee meetings in November and December can be conducted in accordance with the above-mentioned bylaw and policies.

Weighted voting for the water committee in 2021 will be determined early in the new year based on the previous year's consumption values. A follow-up letter will be sent to the City advising if any further action is required to assign weighted votes to committee members.

Please forward this information to your mayor and council as you see fit. I have attached a suggested resolution for your consideration. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

L. Dennis

Lisa Dennis
Manager of Legislative Services

Encl.

cc: R. Dyson, Chief Administrative Officer

/ab

SAMPLE Resolution

THAT the following appointments be made to the Comox Valley Regional District effective November 24, 2020:

Comox Valley Regional District Board of Directors and Comox Valley Water Committee:

NAME	CVRD Board Votes	Water Committee Votes
	5 Votes	2 Votes
	5 Votes	2 Votes
	4 Votes	2 Votes
	4 Votes	1 Vote

Alternate Regional District Directors:

Councillors _____

Sewage Commission:

Councillors _____, _____ and _____;

Alternates: _____, _____ and _____

Integrated Transportation Advisory Committee:

Councillor _____ Alternate: _____

Office of the Chair

770 Harmston Avenue, Courtenay, BC V9N 0G8
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 1700-02 / Renewal

October 30, 2020

Sent via email only: tkushner@courtenay.ca

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

Dear Mayor Wells:

Re: Rethink Comox Valley

This past summer, the board asked staff to consider how the Comox Valley Regional District (CVRD) should adapt to better respond to priorities of residents and aid in community recovery. Following a thoughtful review of its services, the CVRD board has approved the **Rethink Comox Valley** plan which outlines the key actions the CVRD will undertake to aid in community recovery during the pandemic.

I am pleased to share with you some highlights of this plan which include:

- Supporting vulnerable populations through funding and grants
- Reducing spending by more than \$750,000 on CVRD services this year
- Planning to save \$800,000 in solid waste operating costs over the next two years
- Implementing innovative recreation programs
- Improving community collaboration on Emergency Response
- Implementing protocols to keep staff and the public safe at CVRD facilities
- Moving some services online

I would like to emphasize that all of these actions are driven by the CVRD's **key drivers** of fiscal responsibility community and social wellbeing, indigenous relations and climate crisis, environmental stewardship and protection. These drivers remain consistent and help to guide us whether we are responding to an emergency or planning for our future.

If you are interested in learning more about all of the actions planned or underway, please visit www.comoxvalleyrd.ca/rethink to review the plan or to watch and share a short video that explains our approach to the community. The success of this plan will depend on cooperation and dialogue between the CVRD, its committees, commissions and our partners.

I look forward to your feedback and learning about your experiences during this pandemic. As community leaders, I am confident in our ability to work together to support Comox Valley residents during these challenging times.

Sincerely,

J. Ketler

Jesse Ketler
Chair



November 13, 2020

City of Courtenay
830 Cliffe Ave.
Courtenay, BC
V9N-2J7

Re: Letters of Support for Kus-kus-sum Restoration

To Mayor Wells and Council,

Project Watershed is excited to be moving forward with plans to acquire and restore the Kus-kus-sum (Field Sawmill) property in partnership with the City of Courtenay and the K'omoks First Nation. While we anticipate a successful conclusion to the acquisition of the property, Project Watershed is also turning its attention to raising sufficient funds to restore the site. We have significantly advanced the details of the proposed restoration plans over the past number of months and look forward to sharing those details with you for your consideration and feedback in the near future.

In the meantime, Project Watershed has, and continues to prepare funding proposals to several key funding agencies that we feel are a good fit to support the restoration of the site. These include the Pacific Salmon Foundation (PSF), the Fish and Wildlife Compensation Program (FWCP), the Habitat Conservation Trust Foundation (HCTF) and the BC Salmon Habitat Restoration and Innovation Fund (BCSRIF). If successful, these four funding applications would bring well in excess of \$1M into our community to begin the hard work of "un-paving paradise".

Each of these funding applications would be significantly bolstered by letters of support from the City of Courtenay. Towards that end, *Project Watershed requests that the City of Courtenay write letters of support to those funders on behalf of our partnership project.* Project Watershed has provided sample letters to your staff, including the pertinent details.

Thank you for consideration of this request.

Yours in Conservation,

Project Watershed
Tim Ennis, Sr. Project Manager
Kus-kus-sum



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3016

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. 3016, 2020**”.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) by rezoning Lot A, Section 68, Comox District, Plan 17818 (540 17th Street), 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 19th day of October, 2020

Read a second time this 19th day of October, 2020

Public Hearing waived this 19th day of October, 2020 (pursuant to Section 464 (2) of the *Local Government Act*)

Public Hearing notice of waiver published in two editions of the Comox Valley Record on the 4th day of November, 2020 and the 11th day of November, 2020 (pursuant to Section 467 of the *Local Government Act*)

Read a third time this _____ day of _____, 2020

Finally passed and adopted this day of , 2020

Mayor

Corporate Officer

