



The Corporation of the City of Courtenay

Council Agenda

Meeting #: R22/2023
Date: December 6, 2023
Time: 4:00 p.m.
Location: CVRD Civic Room, 770 Harmston Ave, Courtenay

We respectfully acknowledge that the land we gather on is Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

	Pages
1. CALL TO ORDER	
2. INTRODUCTION OF LATE ITEMS	
3. ADOPTION OF MINUTES	
3.1 Regular Council Minutes - November 22, 2023	4
4. DELEGATIONS	
4.1 Proposed Regional Electric Bike Share Program Presentation by:	14
• Michael Zbarsky, Manager of Transit and Facilities, CVRD	
• David Holzer, BCAA	
4.2 Comox Valley Farmers' Market Presentation by Twila Skinner, General Manager	23
5. STAFF REPORTS	
5.1 Corporate Services	
5.1.1 Bylaw Policy and Strategic Plan for Bylaw Compliance	47
5.2 Development Services	
5.2.1 Permanent Change to Liquor Licence Application (Kelly/Carlos O'Bryan's) Hours of Service – 2910 Kilpatrick Avenue	84
5.3 Recreation, Culture and Community Services	
5.3.1 Recreation Program and Admission Fees	92
5.3.2 Warming Centre and Extreme Weather Response Shelter Update	103
6. EXTERNAL REPORTS AND CORRESPONDENCE	
6.1 Letter from Minister of Energy, Mines and Low Carbon Innovation - Development Covenants Affecting Home Solar Installations	106

6.2	Association of Vancouver Island and Coastal Communities (AVICC) 2024 Call for Resolutions	108
7.	INTERNAL REPORTS AND CORRESPONDENCE	
7.1	Snow and Ice Control Program 2023-2024	113
7.2	Heritage Advisory Commission Meeting Minutes - June 28, 2023 & October 31, 2023	125
8.	BYLAWS	
8.1	For First, Second and Third Readings	
8.1.1	Zoning Amendment Bylaw No. 3094 (1560 Grieve Ave)	130
8.1.2	Development Cost Charges (DCC) Waiver (Affordable Housing) Bylaw No. 3118	200
8.1.3	Mansfield Lift Station Latecomer Agreement Bylaw No. 3119	204
8.2	For Adoption	
8.2.1	Downtown Courtenay Business Improvement Association (DCBIA) Bylaw No. 3105 - Counter Petition Results	234
8.2.2	Development Procedures Bylaw No. 3106	318
8.2.3	City of Courtenay Fees and Charges Amendment Bylaw No. 3107	356
8.2.4	Solid Waste Management Bylaw No. 3113	362
8.2.5	Consumer Price Index (CPI) Increase to Development Cost Charge (DCC) Bylaw No. 2840, 2016 and Development Cost Charges Amendment Bylaw No. 3116	383
9.	COUNCIL REPORTS	
9.1	Councillor Cole-Hamilton	
9.2	Councillor Frisch	
9.3	Councillor Hillian	385
9.4	Councillor Jolicoeur	
9.5	Councillor McCollum	
9.6	Councillor Morin	387
9.7	Mayor Wells	
10.	IN CAMERA RESOLUTION	
	THAT Council close the meeting to the public pursuant to the following subsections of the <i>Community Charter</i> :	
	90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:	
	(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;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

11. ADJOURNMENT



THE CORPORATION OF THE CITY OF COURTENAY
COUNCIL MINUTES

Meeting #: R21/2023
Date: November 22, 2023
Time: 4:00 pm
Location: CVRD Civic Room, 770 Harmston Ave, Courtenay

Council Present: B. Wells
D. Frisch
D. Hillian
E. Jolicoeur (electronic)
M. McCollum
W. Morin

Regrets: W. Cole-Hamilton

Staff Present: G. Garbutt, City Manager (CAO)
C. Davidson, Director of Engineering Services
A. Langenmaier, Director of Financial Services (electronic)
K. Macdonald, Fire Chief
K. O'Connell, Director of Corporate Services
S. Saunders, Director of Recreation, Culture & Community Services
K. Shaw, Director of Public Works Services
M. Wade, Director of Development Services
A. Proton, Manager of Legislative Services
C. Thompson, Manager of Solid Waste Services
R. Matthews, Deputy Corporate Officer

1. CALL TO ORDER

- Mayor Wells called the meeting to order at 4:01 pm and respectfully acknowledged that the land on which the meeting was conducted is the Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.
- Mayor Wells acknowledged that November 22 is National Housing Day, an opportunity to reflect on the importance of housing and the stability it provides to participate fully in society.

2. INTRODUCTION OF LATE ITEMS

With no late items or objections, Council proceeded with the agenda as presented.

3. ADOPTION OF MINUTES

3.1 Committee of the Whole Minutes - November 2, 2023

3.2 Regular Council Minutes - November 8, 2023

Moved By Hillian

Seconded By McCollum

THAT Council adopt the November 2, 2023 Committee of the Whole minutes and the November 8, 2023 Regular Council minutes.

CARRIED

4. STAFF REPORTS

4.1 Development Services

4.1.1 276 Sandwich Road Heritage Protection Update

Moved By Hillian

Seconded By Frisch

THAT Council receive the 276 Sandwich Road Heritage Protection Update report for information and direct staff to work with the property owner to address the statement of significance in any proposed development application.

CARRIED

4.1.2 City Hall Clock Project Update

Moved By Hillian

Seconded By Morin

THAT Council support a stand-alone option for the City Hall Clock at the location of the old City Hall or Flag Pole location and include interpretative signage;

AND THAT staff report back to Council on the location recommendation for the stand-alone option, along with costs;

AND THAT staff bring the report to the Heritage Advisory Commission to receive comments.

CARRIED

4.2 Fire Department

4.2.1 2023 Disaster Risk Reduction – Climate Adaptation Grant

Moved By Frisch

Seconded By McCollum

THAT Council approve an application to the 2023 Disaster Risk Reduction – Climate Adaptation fund to be submitted jointly on behalf of the City of Courtenay and K’ómoks First Nation; and,

THAT Council delegate authority to the City Manager, on behalf of the City of Courtenay, to approve a formal Municipal Service Agreement with K’ómoks First Nation for the provision of emergency planning and disaster reduction measures.

CARRIED

5. EXTERNAL REPORTS AND CORRESPONDENCE

5.1 Letter from Minister of Housing - New Legislation to Support Local Government Housing Initiatives

Moved By McCollum

Seconded By Hillian

THAT Council receive the letter from Ravi Kahlon, Minister of Housing regarding new legislation to support local government housing initiatives.

CARRIED

5.2 Thank You from City of West Kelowna - McDougall Creek Wildfire

Moved By McCollum

Seconded By Hillian

THAT Council receive the thank you letter from the City of West Kelowna for the support received during the McDougall Creek wildfire.

CARRIED

6. INTERNAL REPORTS AND CORRESPONDENCE

6.1 Management Reports

Moved By Hillian

Seconded By Frisch

THAT Council receive the Engineering Services, Corporate Services, Recreation, Culture and Community Services, and City Manager (CAO) management reports.

CARRIED

6.2 Parks and Recreation Advisory Commission (PRAC) Meeting Minutes - September 14, 2023

Moved By Frisch

Seconded By Morin

THAT Council receive the September 14, 2023 Parks and Recreation Advisory Commission minutes.

CARRIED

7. COUNCIL RESOLUTIONS

7.1 Activating Downtown - Duncan Avenue Pilot Project - Councillor Jolicoeur

Moved By Jolicoeur

Seconded By Morin

WHEREAS Downtown Courtenay serves as a commercial, cultural, social, artistic, and culinary hub of the Comox Valley; and

WHEREAS the Downtown Playbook 2016 seeks to support the revitalization of Downtown by supporting the creation of spaces and amenities for people to enjoy; and

WHEREAS the Playbook prioritizes “Create the Heart - Duncan Commons/Mews” where special events can occur and people can gather anchoring downtown for social & cultural events; and

WHEREAS the Downtown Courtenay Business Improvement Association, Comox Valley Arts Council, Comox Valley Art Gallery, Comox Valley Farmer’s Market, Comox Valley Chamber of Commerce have been working towards supporting the temporary summer closure of Duncan Avenue from 5th to 6th street,

BE IT RESOLVED THAT Council direct staff bring forward a report on the Duncan Avenue Summer Pilot project outlining considerations and financial implications for implementation in 2024;

AND FURTHER BE IT RESOLVED THAT Council direct staff to collaborate with the Duncan Avenue working group to review options for the design, implementation and evaluation of the pilot and include in the report back to Council.

CARRIED

8. BYLAWS

8.1 First, Second, and Third Readings

8.1.1 Puntledge Sanitary Catchment Replacement Budget Amendment and Loan Authorization Bylaw No. 3067

Moved By Frisch

Seconded By Hillian

THAT Council increase the Puntledge Sanitary Catchment Replacement project budget to \$4,000,000 funded from \$3,500,000 in debt and \$500,000 from Sewer Asset Management Reserves.

CARRIED

Moved By Frisch

Seconded By McCollum

THAT Council give first, second and third readings to “Puntledge Sanitary Catchment Replacement Loan Authorization Bylaw No. 3067, 2024”.

CARRIED

Moved By Frisch
Seconded By Morin

THAT Council proceed with adoption of “Puntledge Sanitary Catchment Replacement Loan Authorization Bylaw No. 3067, 2024” through the Approval-Free Liability Zone granted by the *Municipal Liabilities Regulation section 7*.

CARRIED

8.1.2 Development Procedures Bylaw No. 3106

Moved By Morin
Seconded By Hillian

THAT Council give first, second, and third readings to Development Procedures Bylaw No. 3106.

CARRIED

8.1.3 Fees and Charges Amendment Bylaw No. 3107

Moved By Frisch
Seconded By Hillian

THAT Council give first, second and third readings to Fees and Charges Amendment Bylaw No. 3107.

CARRIED

8.1.4 Solid Waste Management Bylaw No. 3113

Moved By Hillian
Seconded By McCollum

THAT Council give first, second and third readings to "Solid Waste Management Bylaw No. 3113, 2023".

CARRIED

Moved By Hillian
Seconded By Frisch

THAT Council direct staff to update the "Municipal Ticket Information Bylaw No. 2435, 2006", to include a section for infractions related to "Solid Waste Management Bylaw No. 3113, 2023"; and,

THAT Council direct staff to draft a bylaw to repeal the "Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002" and update the "Municipal Ticket Information Bylaw No. 2435, 2006" to remove the section related to infractions related to the "Refuse Materials Collection, Removal and Regulation Bylaw No. 2244, 2002".

CARRIED

Moved By Hillian

Seconded By Jolicoeur

THAT Council adopt the Solid Waste Contamination Policy.

CARRIED

8.1.5 Consumer Price Index (CPI) Increase to Development Cost Charge (DCC) Bylaw No. 2840, 2016 and Development Cost Charges Amendment Bylaw No. 3116

Moved By Frisch

Seconded By Hillian

THAT Council give first, second and third readings to Development Cost Charge Amendment Bylaw No. 3116.

CARRIED

8.2 Third Reading

8.2.1 Zoning Amendment Bylaw No. 2973 - Lannan Road

Councillor Jolicoeur declared a conflict of interest as he is an Advisor to the Board of the Dawn to Dawn Action on Homelessness Society, and left the meeting at 6:05 pm.

Moved By Hillian

Seconded By Frisch

THAT Council give third reading to Zoning Amendment Bylaw No. 2973 and that prior to adoption of the bylaw the following conditions be met:

1. Dawn to Dawn Modular Home- commitment to provide a modular home either through security or provision.
2. Lannan Park Master Plan finalized to satisfaction of the Director of Development Services.
3. Environmental Master Plan finalized to satisfaction of the Director of Development Services.
4. Preliminary Infrastructure Master Plan finalized to satisfaction of the Director of Development Services.
5. Preliminary Stormwater Management Master Plan finalized to satisfaction of the Director of Development Services.
6. Street hierarchy/active transportation Preliminary Master Plan finalized to satisfaction of the Director of Development Services.
7. Development Agreement be finalized to the satisfaction of the Director of Development Services and executed by the applicant.

CARRIED

Councillor Jolicoeur returned to the meeting at 6:15 pm.

8.3 Adoption

8.3.1 Building Bylaw No. 3114 and Municipal Ticket Information Amendment Bylaw No. 3115

Moved By Frisch

Seconded By McCollum

THAT Council adopt "Building Bylaw No. 3114".

CARRIED

Moved By Frisch

Seconded By Hillian

THAT Council adopt “Municipal Ticket Information Amendment Bylaw No. 3115”.

CARRIED

9. COUNCIL REPORTS

9.1 Councillor Frisch

Councillor Frisch submitted a report of activities and advised that he is participating in Movember this year, an annual event during the month of November to raise awareness of men’s health issues, such as prostate cancer, testicular cancer, and men’s suicide.

9.2 Councillor Hillian

Councillor Hillian reviewed his attendance at the following events:

- Nov 20 - Transgender Day of Remembrance Flag Raising ceremony as Acting Mayor (about 40 people attended)
- Nov 18 - Celebration of Life for Stewart Hardy, long-time K’ómoks First Nation elected Band Councillor, commercial fisherman, logger, and knowledge-keeper

9.3 Councillor Jolicoeur

Councillor Jolicoeur reviewed his attendance at the following events:

- Nov 17 - Downtown Courtenay Business Improvement Association’s (DCBIA) Moonlight & Magic 2023 event
- Nov 19 - International Men's Day online meeting to remember the men lost to suicide in the past year in BC

9.4 Councillor McCollum

Councillor McCollum reviewed her attendance at the following events:

- Comox Valley Recreation Commission meeting:
 - Funding approved for a grant for City staff to initiate a regional approach to field bookings and charges

- Advancement of a proposed artificial turf field meant to accommodate baseball, soccer, rugby and football, including funding to put in a facility for cricket pitch

9.5 Councillor Morin

No report provided.

9.6 Mayor Wells

Mayor Wells reviewed his attendance at the following events:

- Nov 20-22 - 2023 Housing Central Conference
- Nov 8 - Comox Valley Dodge's Community Champions Gala (over \$30,000 raised for Dawn to Dawn Action on Homelessness Society, Healing Hearts and Sunday Station)
- Nov 11 - Remembrance Day ceremony
- Nov 14 - Métis Week Flag Raising ceremony
- Nov 17 - Downtown Courtenay Business Improvement Association's (DCBIA) Moonlight & Magic 2023 event
- Nov 21 - Phone meeting with Katrine Conroy, Minister of Finance regarding speculation tax and vacancy tax

10. ADJOURNMENT

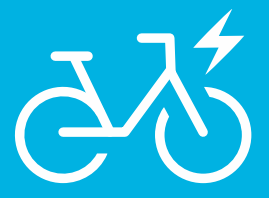
Mayor Wells terminated the meeting at 6:23 pm.

CERTIFIED CORRECT

Adopted by Council December 6, 2023

Mayor Bob Wells

Adriana Proton, Corporate Officer



Mobility services made in B.C.

- ▷ [British Columbian Automobile Association \(BCAA\)](#) with 117 years of transportation services and 1 million Members in B.C.
- ▷ 9 years of experience in shared mobility in British Columbia with consistent and sustainable growth with [Evo Car Share](#)
- ▷ [Evolve](#) launched Whistler in 2022, expanded to SFU Burnaby Burnaby Campus and New Westminster





Evolve overview



E-bike fleet stationed throughout the city and made available to anyone over 18 years old



\$0.35/min or \$12.99/hr + \$1.25 unlock fee

Monthly subscription: \$9.99/mo, reducing per-min rate to \$0.10

Community program: \$0.10/min



Riders have 24/7 access to Evolve E-Bikes and our customer service team through our app



The app can lock the bike during a rental stopover anytime, anywhere – no need for a separate bike lock





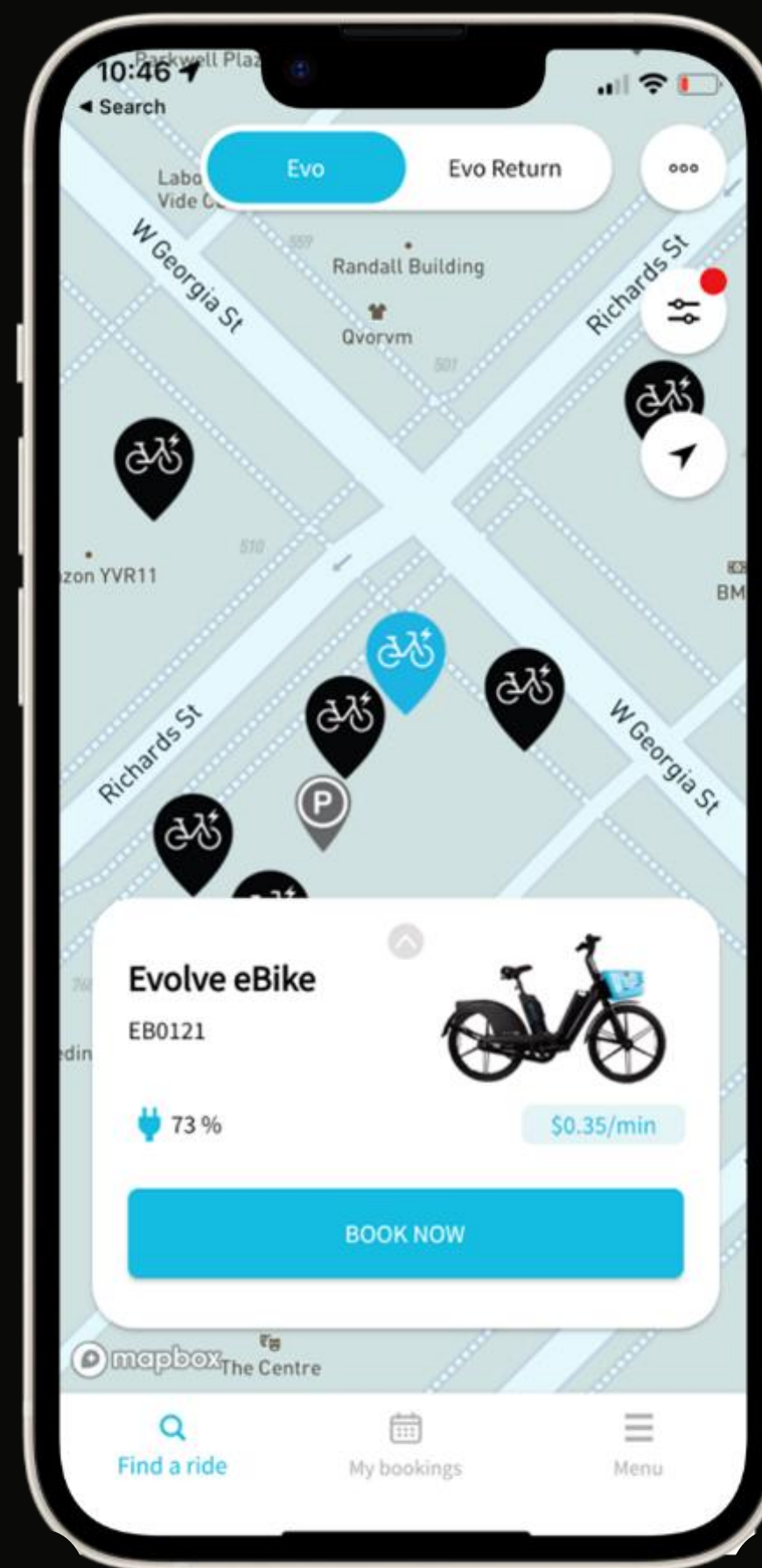
Evolve E-Bike features



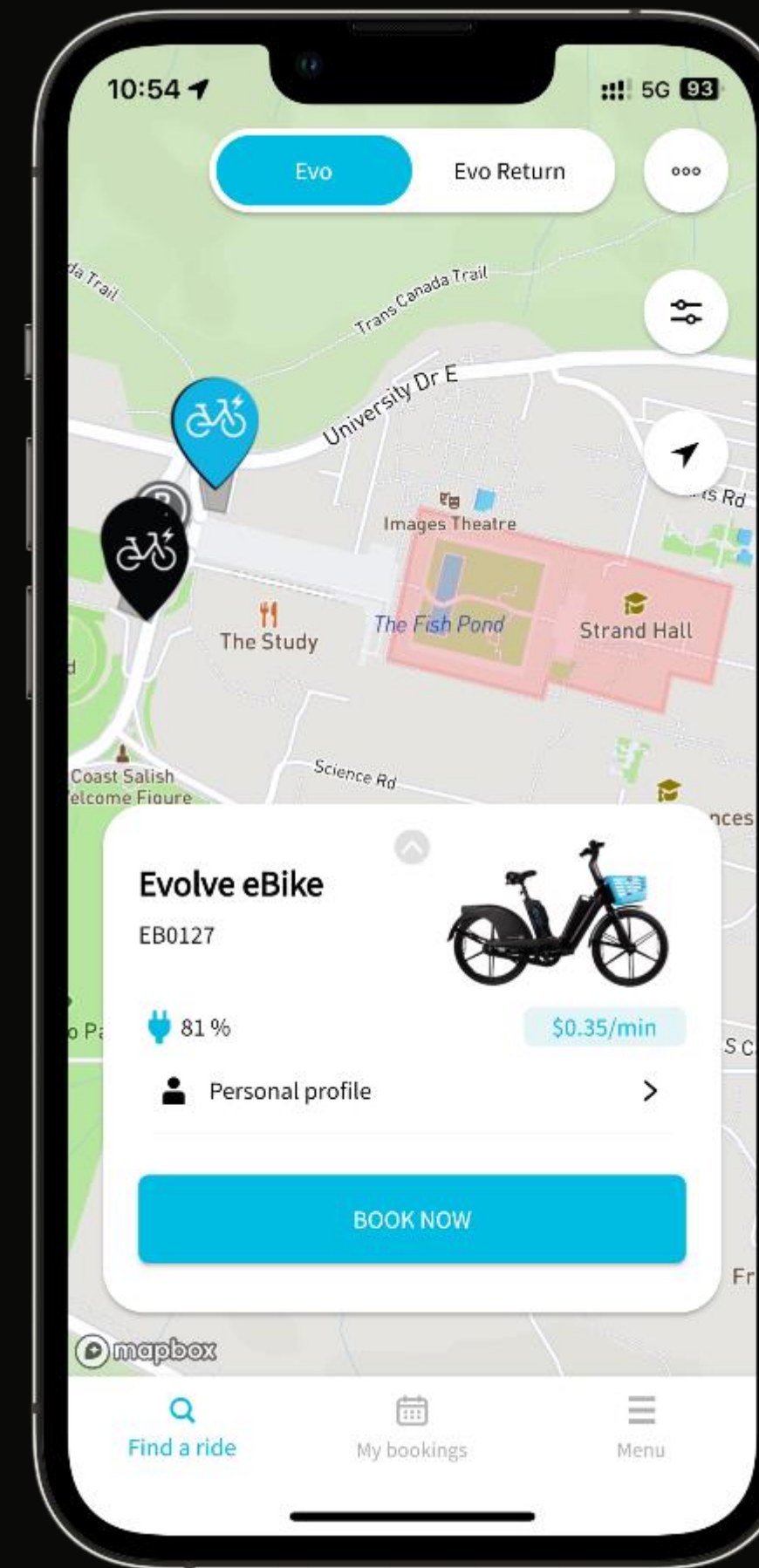


The Evo App

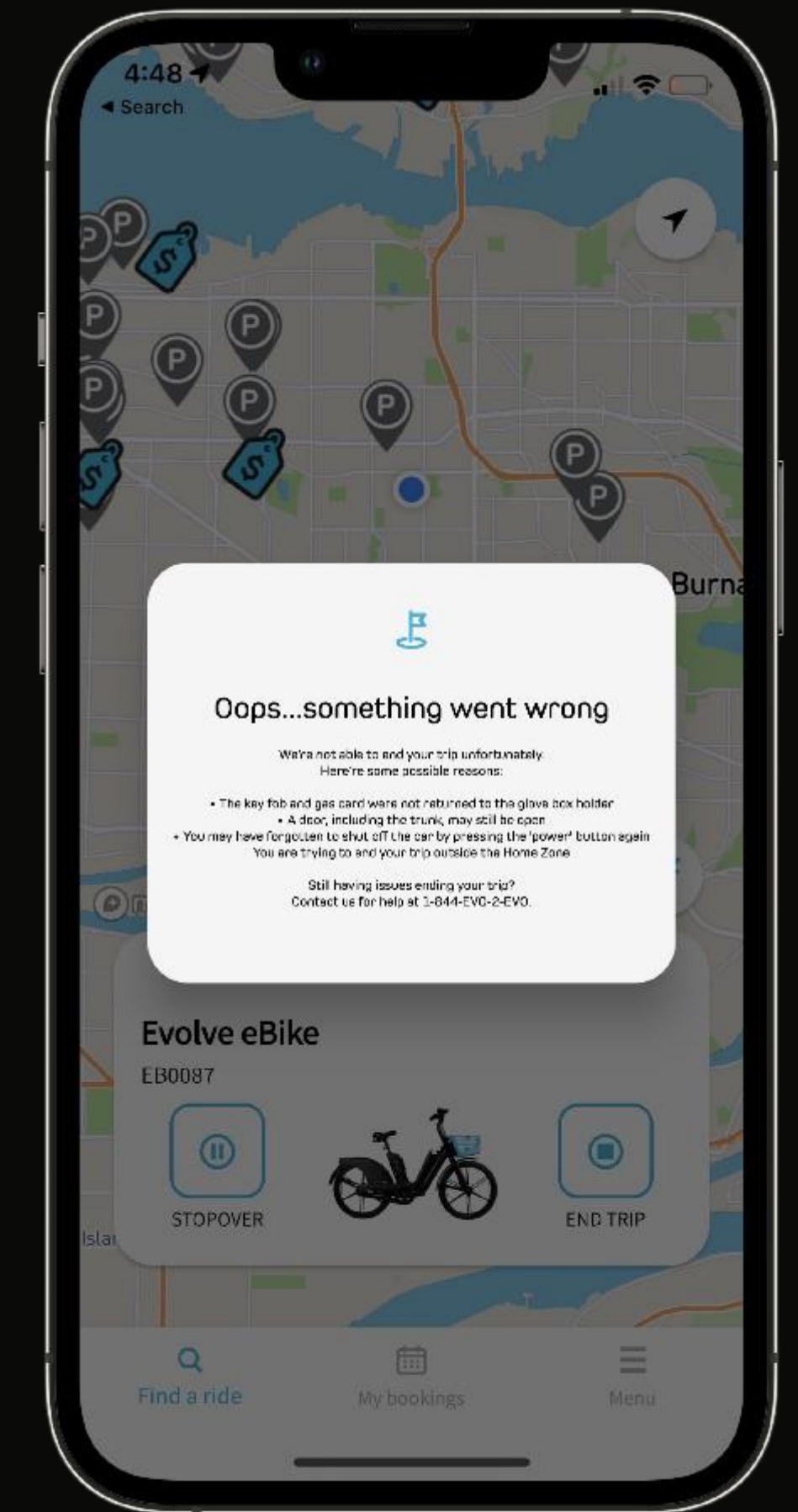
- ▶ Registration & instant approval
- ▶ Start, end & pause trips
- ▶ Access to your trip history
- ▶ Integrated with Evo Car Share



Find an e-bike or a parking zone in the app



Identify slow and no-riding zones within the app to ensure safety of all road users.

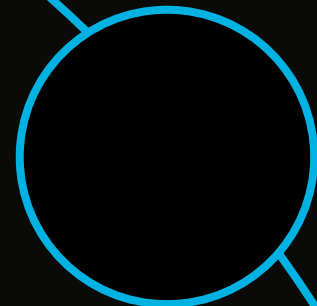


Error message if the Evo is not parked correctly within the designated parking zone.



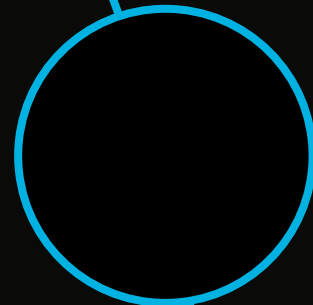


Evolve E-Bike Share in the CVRD



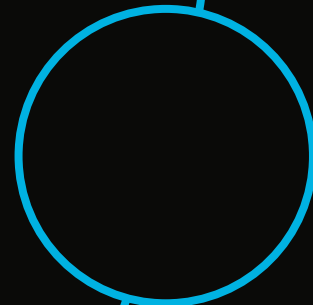
Dockless Fleet

BCAA recommends piloting ~75 e-bikes for both Courtenay and Comox.
Operating year round, 24/7



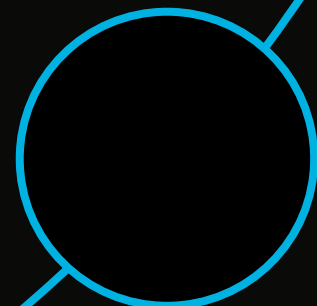
Program Scope

Create a network of geo-fenced parking zones in the commercial and residential areas of Courtenay and Comox. Parking zones only require wayfinding signage



Sustainability Data & Surveys

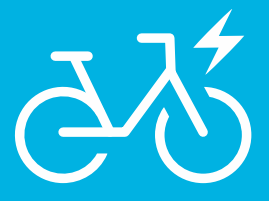
Monthly reports and surveys share insights with the cities and CVRD with aggregated information about the program



Community Engagement

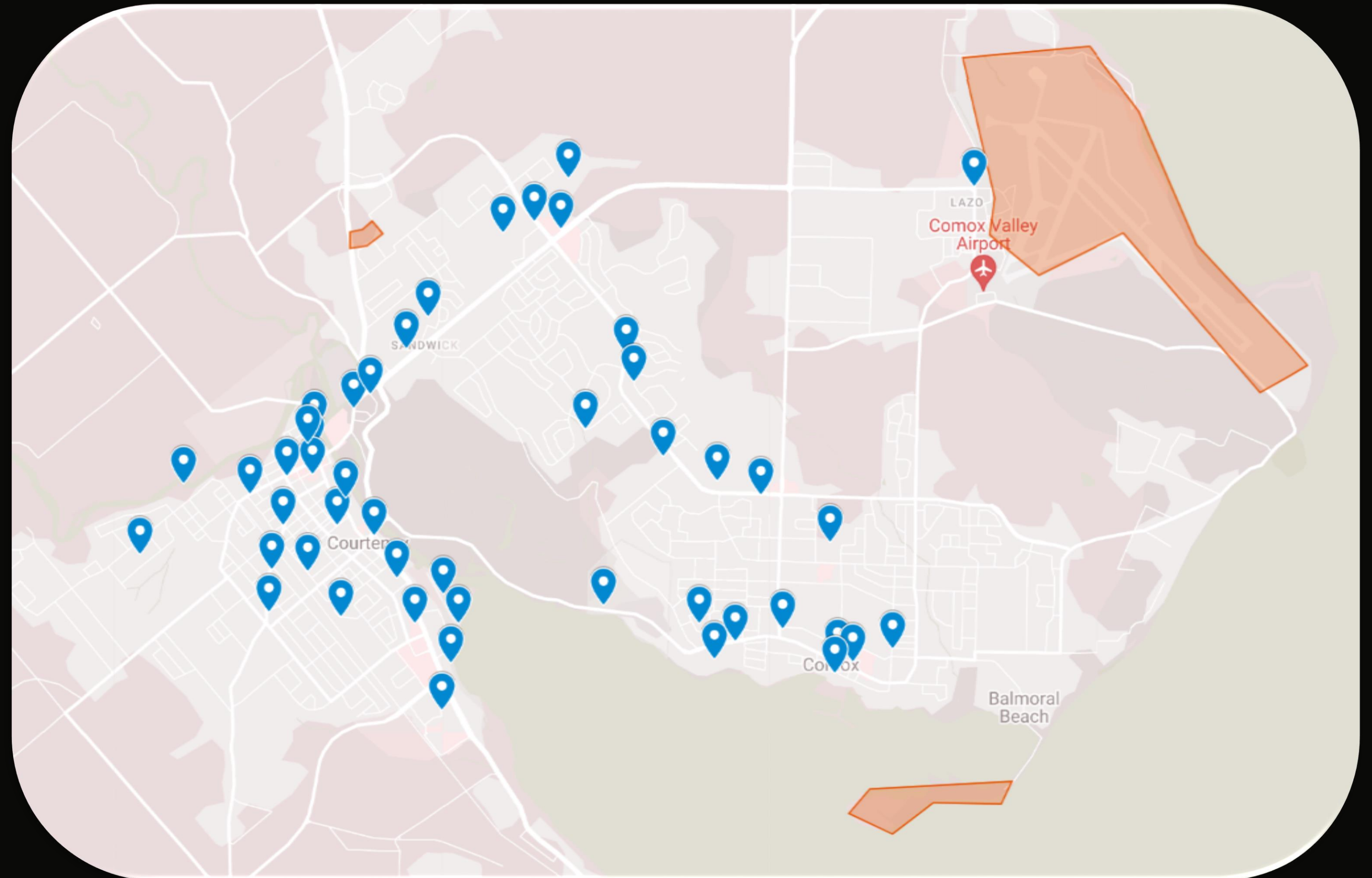
Evolve loves working with local partners, and attending local community events to engage businesses and residents





Possible Parking Zones

- ▶ Designated no-riding zones in areas that are unsafe to ride
- ▶ Slow ride zones are created in areas of high pedestrian traffic

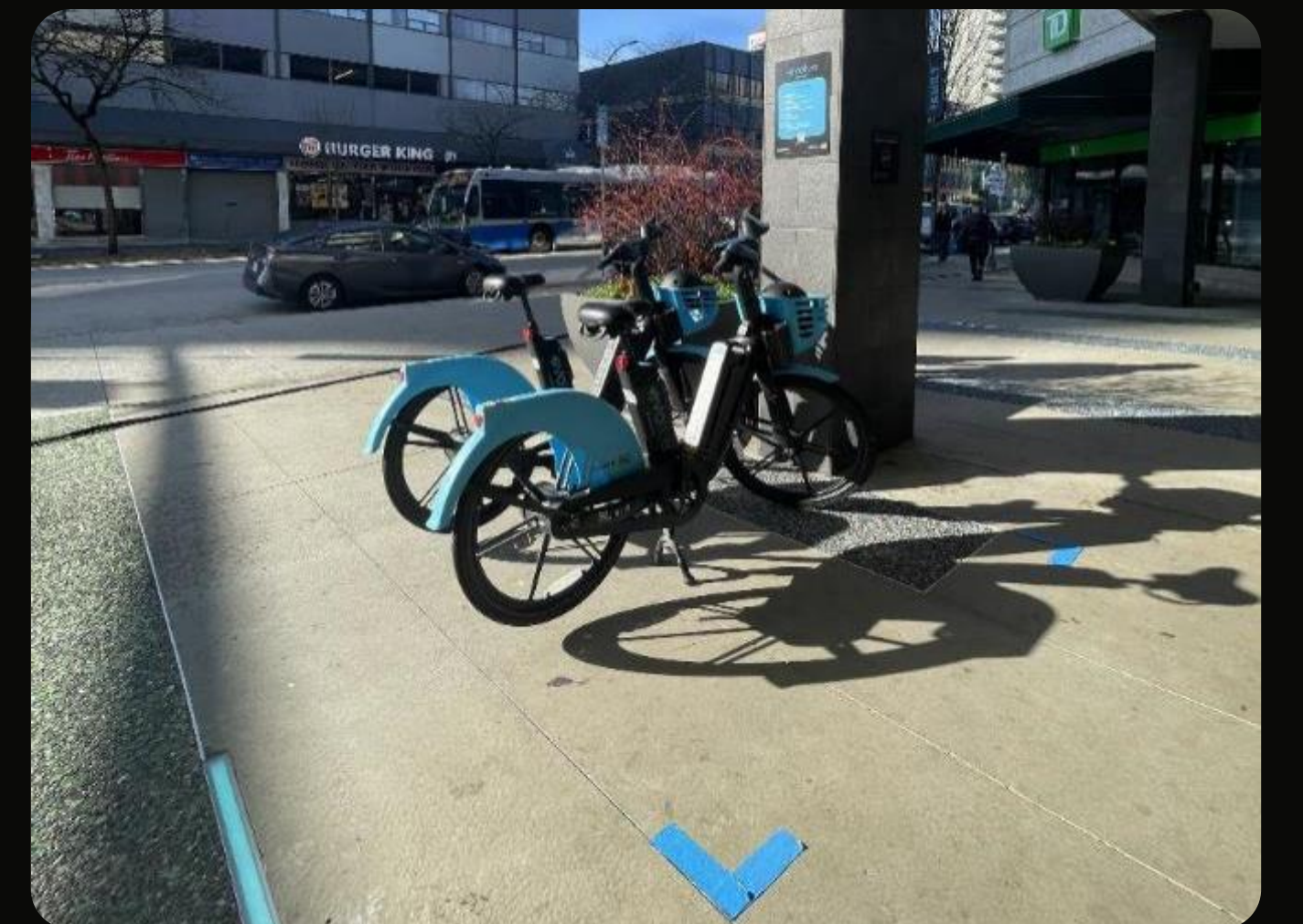
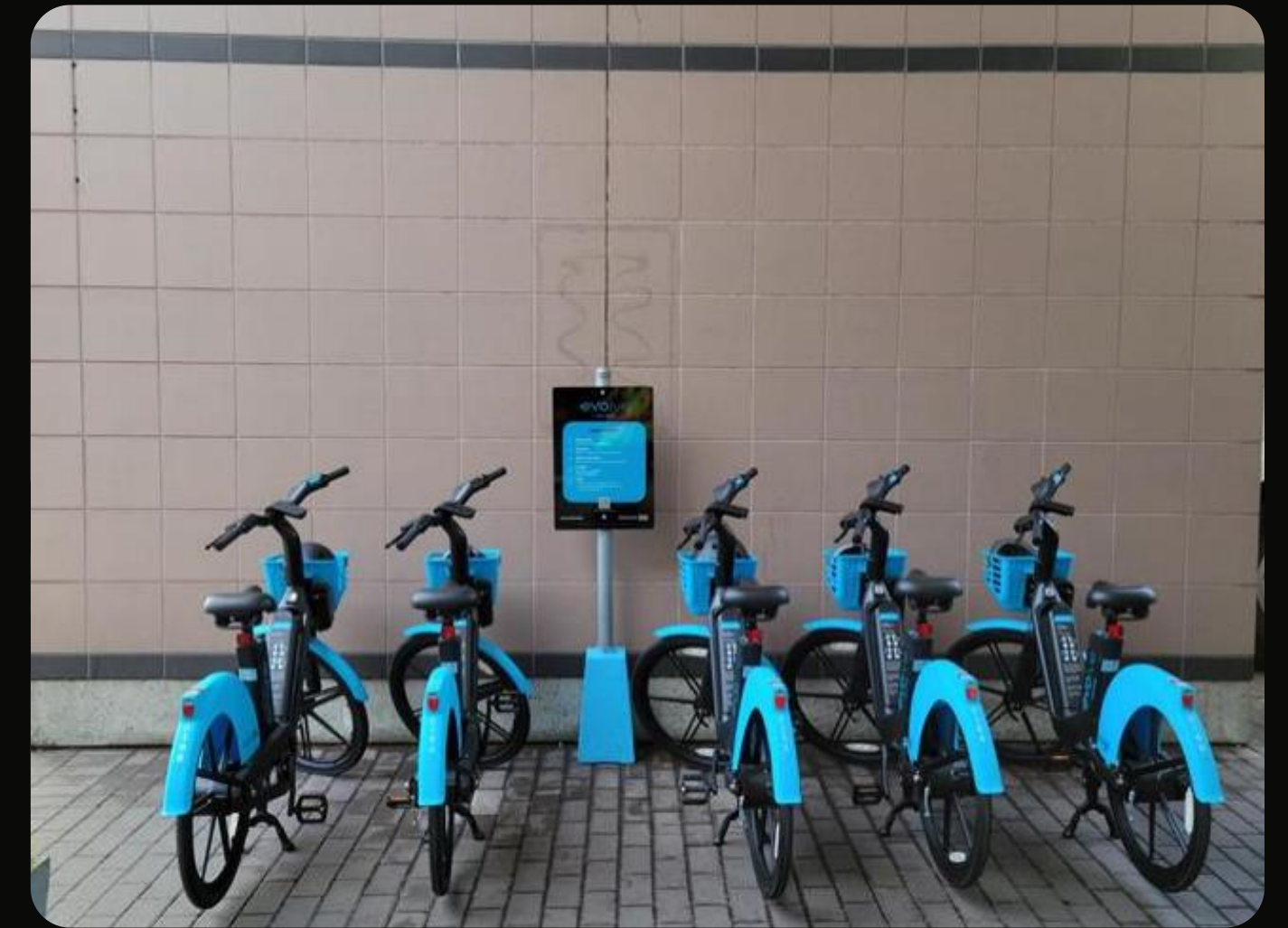
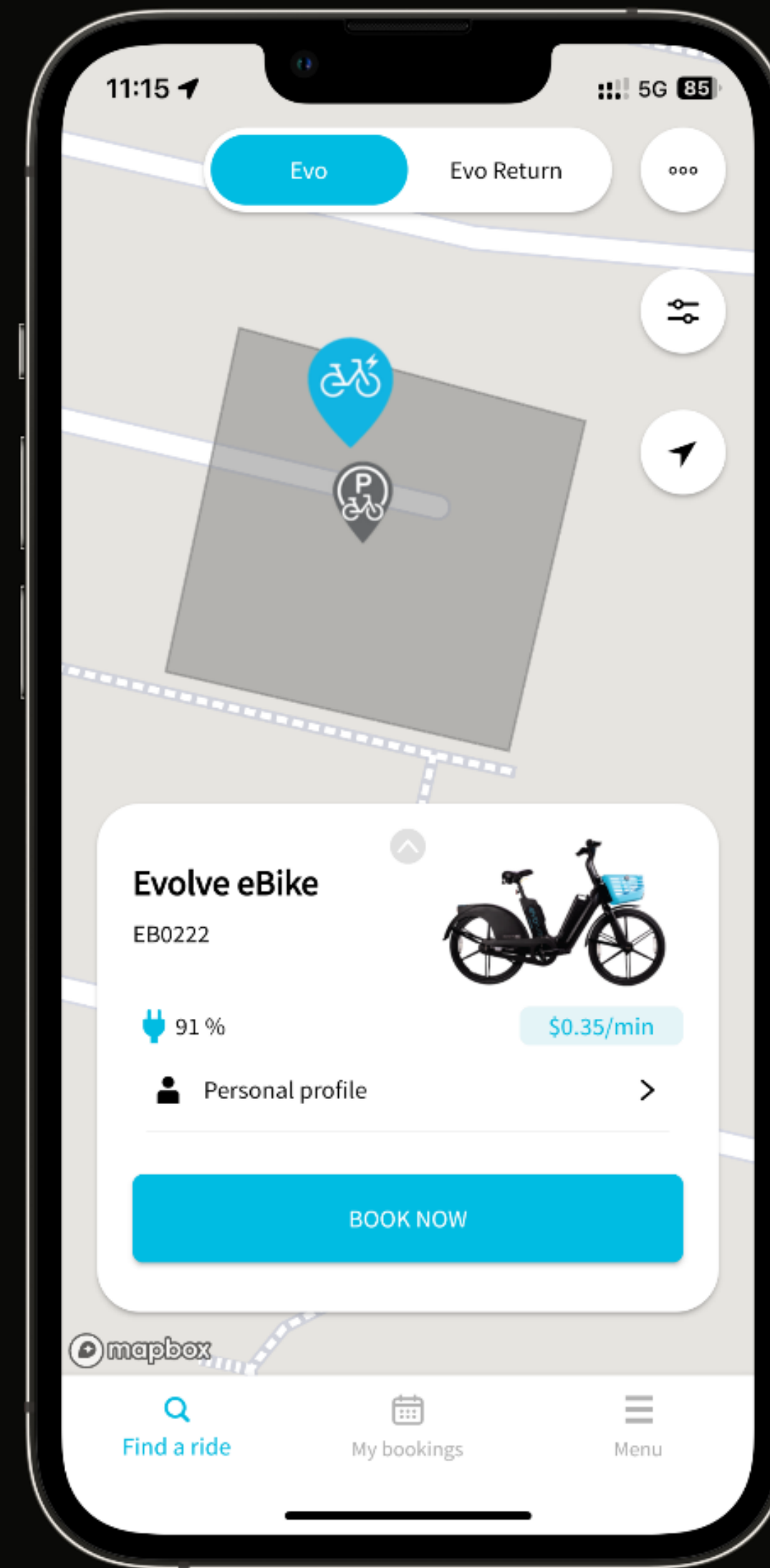


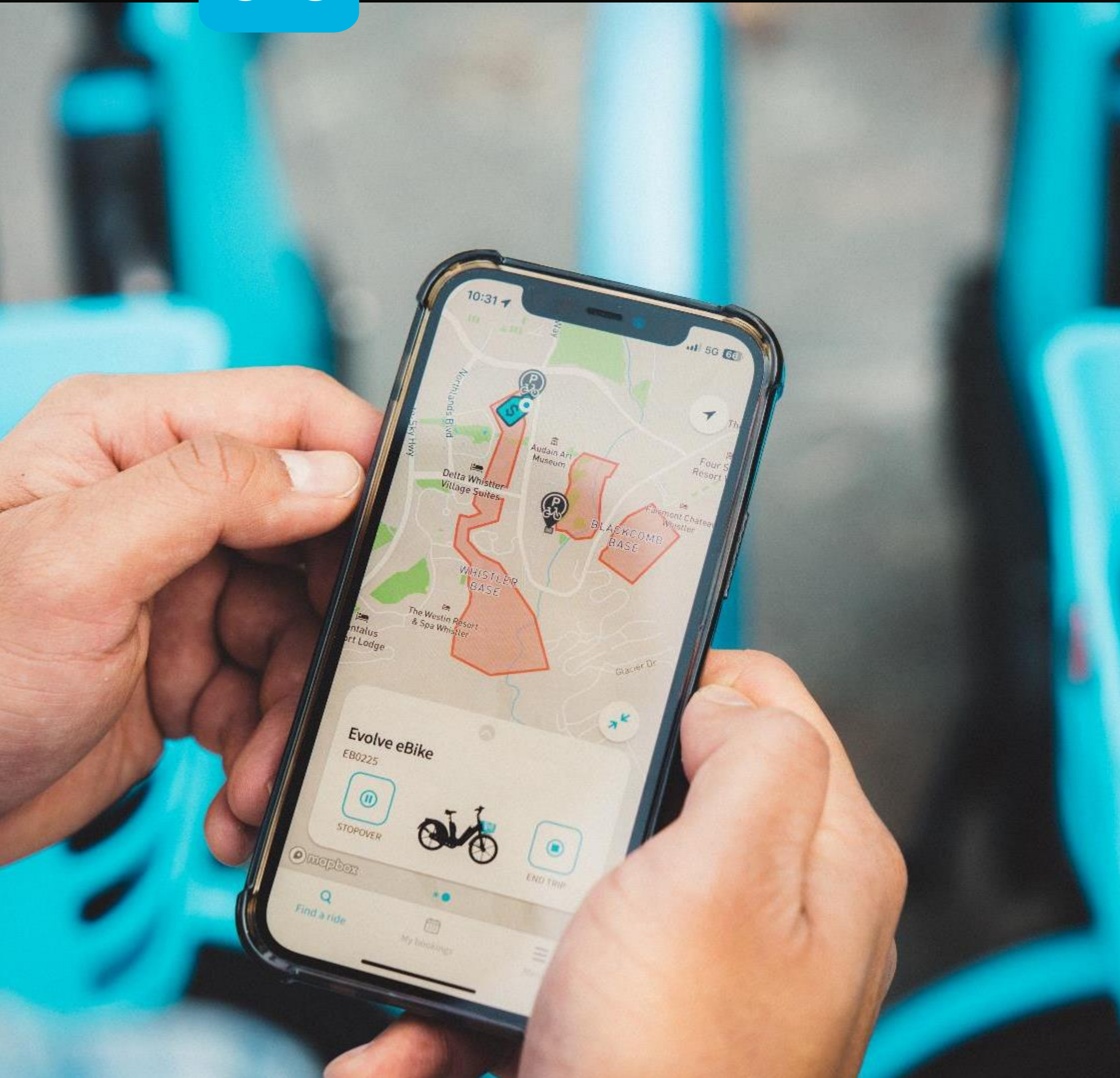
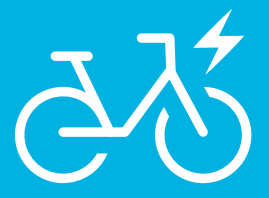


Parking Management

To prevent issues and ensure safe use of the Evolve E-Bike Share service. We propose the following:

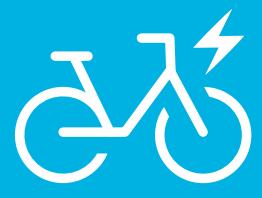
- ▶ Trips will only begin and end in geofenced area. Ensuring bikes are organized
- ▶ No bike racks required
- ▶ Wayfinding signage helps ensure orderly parking





Operations Management

- ▷ Combination of internal staff and external local contractors
- ▷ Evolve monitors all devices in real-time, tracking location and device health:
 - ▷ helmet present
 - ▷ battery health
 - ▷ electric motor health etc.
- ▷ Daily routine consists of:
 - ▷ Battery swaps
 - ▷ Cleaning and sanitation, helmet and damage checks
 - ▷ Organize bike parking
 - ▷ Retrieval of mis-parked or abandoned bikes
- ▷ Evolve can respond to issues within 24 hours, faster if issues appear during the day



Marketing & Communications

Media communications

- ▶ Collaborate with the CVRD to announce the program to key media in the region and boost tourism

Community engagement

- ▶ Active participation in local community events to raise awareness towards the program
- ▶ Explore opportunities to partner with community groups including non-profit organizations and first nations to provide tailored programs

Safety education

- ▶ Distribution of safety materials including educational booklets and videos for first-time riders
- ▶ Safety courses to enhance riders' comfort when riding with traffic



**City of Courtenay
Council Meeting**

December 6, 2023

**Comox Valley Regional District Civic Room
770 Harmston Avenue Courtenay BC**



Who/What/When/Where/Why of the Comox Valley Farmers Market:

We have been growing, making, baking, raising and wild harvesting fresh local and nutritionally dense food for the Comox Valley and beyond since 1992

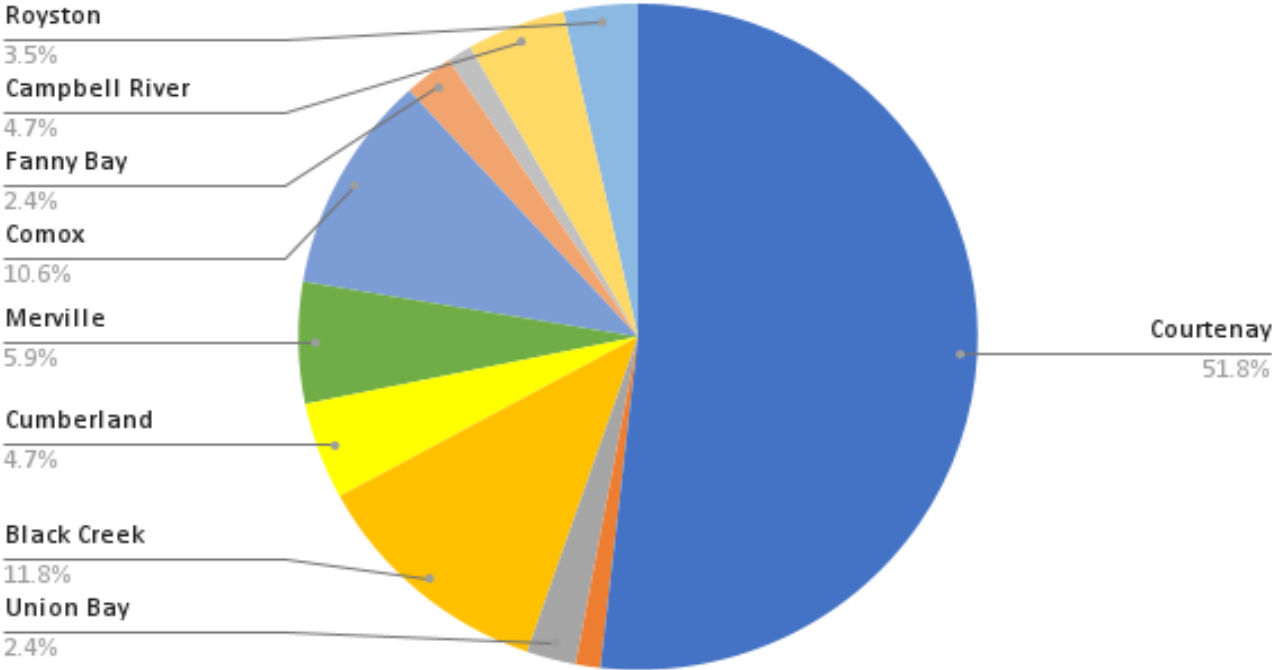
Our mandate is to:

- To Promote the economic health of the local farm and food community
- To provide quality locally grown farm products
- To educate the community on agriculture issues
- To promote and support local agriculture



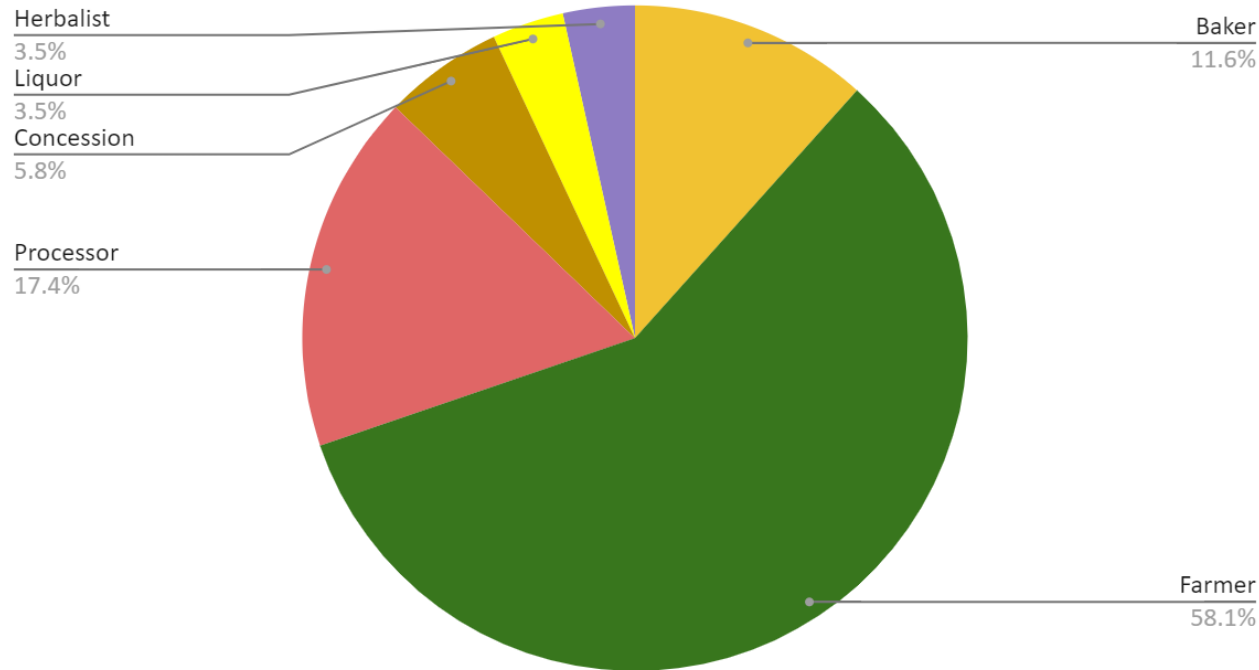
Although our catchment area (CVRD/SRD) goes from Sayward in the North, Fanny Bay in the South, Cortes Island in the East and Kyuquot to the West, the bulk of our vendors (~90%) are within a ~20 Km radius of the CV Exhibition Grounds while the remaining ~10% are within less than a ~50km radius

Vendor Locations



We are a food only (outside of a couple of soap/body care products and value-added agriculture products (ex: bees wax, candles)) Farmers' Market with an emphasis on farmers and fishers (~ 60% farmers/fishers)

Vending Category



There are currently 3 markets operated by the CVFMA including:

- Saturdays Year Round
- Sundays in Cumberland
- Wednesdays in Downtown Courtenay



Sundays: June –September in Cumberland



Wednesdays: June –September in Downtown Courtenay



Saturdays: Oct –April at Natives Sons Hall



Saturdays: April to Oct at CV Exhibition Grounds





We participate in the BC Association of Farmers' Markets Nutrition Coupon Program which feeds more than 200 families and seniors over a 16-week period and provides them with access to fresh locally produced vegetables, fruit, nuts, dairy, eggs and meat and fish.

Our Community Partners, Healthy Families, MIKI'SIW Métis Association, Upper Island Women of Native Ancestry and Cumberland Community School Society focus on supporting pregnant individuals and families with children under 6 years of age as well as some seniors.

In addition, Healthy Families also partner with School District 71, Immigrant Welcome Centre, the Wachiay Friendship Centre's and Maple Pool Campground.





In 2023 this program has provided ~\$80 000 in coupons to residents of :

- Courtenay,
- Comox
- Cumberland
- Other regions across Vancouver Island





Since 2018 we have partnered with Lush Valley on their Farm Gleaning Program.

The purpose of this program is to increase the impact of local growers by supporting members of our community who often lack access to fresh healthy food, while promoting local food production, and reducing food waste.

Through this program **~5000 lbs** of fresh fruit and vegetables that would have otherwise been composted or thrown out was redistributed.

This food used in their Hot Meal Program, Good Food Box and various meal kits that were then distributed to 15 social service agency partners including tenants at BC Housings Washington Inn, members of the Komoks First Nation, Students and Food Bank Recipients.



2023 Economic Impact Study



A provincial wide assessment of the “**Economic and Community Impacts of Farmers Markets in British Columbia**” completed in 2006 and 2012

The Comox Valley Farmers’ Market Saturday and Wednesday markets participated in both surveys





In 2023 another provincial wide assessment was completed.

All three of the Comox Valley Farmers' Market participated.

Sunday (Cumberland)- July 1, 2023

Wednesday (Downtown Courtenay)- August 23, 2023

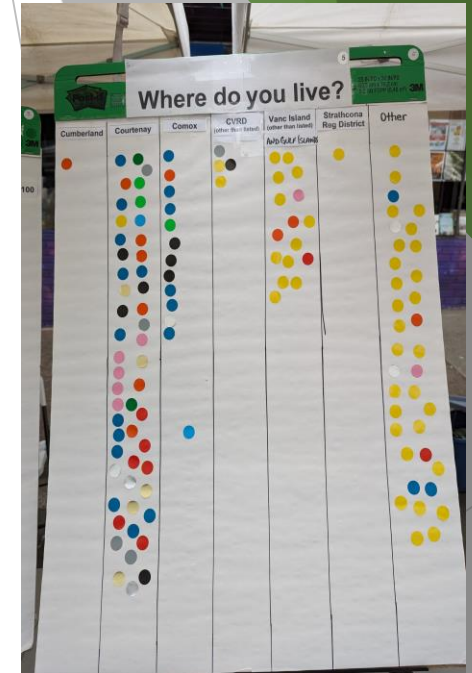
Saturday (Courtenay- CV Exhibition Grounds)- September 16, 2023



The method used to assess individual markets in BC consists of four parts:

1. flip-chart survey
2. customer survey
3. crowd count
4. environmental observations

These are the same methods used for the BC study in 2006 and 2012.



Dot/Flip
Chart
Survey



What are Economic and Community Benefits?

Economic Benefits=Direct Benefits

The **amount of money spent by market shoppers** (referred to as direct benefits) is an effective way to measure economic benefits of a farmers' market. This benefit is the measure of total annual sales of a farmers' market. Annual sales are calculated as follows:

Average expenditure by customer X Number of spending customers per session X Number of sessions per year X Seasonal factor

Multiplier effect: Another measure of economic benefits of farmers markets is to measure the ripple effect of people spending dollars at the market. The **ripple effect includes** both the **profit to the market vendor** and the **monies the vendor spent on inputs to get to the market** (e.g., seeds, feed, ingredients, etc.). Economic benefits, which can include direct, indirect, and some induced effects, are **measured in terms of revenue (\$), output (\$), and employment (jobs)**.

In this study revenue benefits are calculated using a **conservative multiplier of 1.5** .



Community Benefits

Community Benefits are the ‘**spillover**’ effect that the Comox Valley Farmers’ Market has on its neighbouring businesses. Based on survey results, it can be estimated the impact of market customers spending additional dollars at local businesses on the day of the market.

Using the same formula (**multiplier effect**) as above, the annual economic impact of additional spending at other neighbouring businesses is an estimated



Preliminary Results (Combined)

- The combined estimated economic and community benefit of the Comox Valley Farmers' Market on the local economy is approximately **\$9 million annually**

2023 BC Farmers' Market Economic Impact Study*

Market	Economic Benefit (\$)	Community Benefit (\$)	Total Benefits (\$)
Saturday	\$4,200,000.00	\$3,400,000.00	\$7,600,000.00
Sunday	\$268,000.00	\$332,600.00	\$600,600.00
Wednesday	\$260,000.00	\$587,000.00	\$847,000.00
Total (All Markets Combined)			\$9,047,600.00

* Preliminary Results

- The estimated combined number of market customers on assessment days: 4,086 customers
- 19% of survey participants identified as tourists or day-trippers
- Average customer spending per visit – Sunday: \$27.05
Average customer spending per visit – Wednesday: \$17.61
Average customer spending per visit – Saturday: \$50.35
- 39% of all survey respondents visit a Comox Valley Farmers' Market either 'regularly' (almost weekly) or 'frequently' (2-3 times per month)

Preliminary Results (Saturday Only*)

2023 BC Farmers' Market Economic Impact Study*

Market	Economic Benefit (\$)	Community Benefit (\$)	Total Benefits (\$)
Saturday	\$4,200,000.00	\$3,400,000.00	\$7,600,000.00
Sunday	\$268,000.00	\$332,600.00	\$600,600.00
Wednesday	\$260,000.00	\$587,000.00	\$847,000.00
Total (All Markets Combined)			\$9,047,600.00



* Preliminary Results

- The estimated combined economic and community benefit of the Comox Valley Farmers' Market – Saturday on the local economy is approximately **\$7.6 million annually**
- The estimated number of market customers on assessment day: 2,346 customers
- Over 382 market visitors participated in the study
- Average customer spending per visit: \$50.35



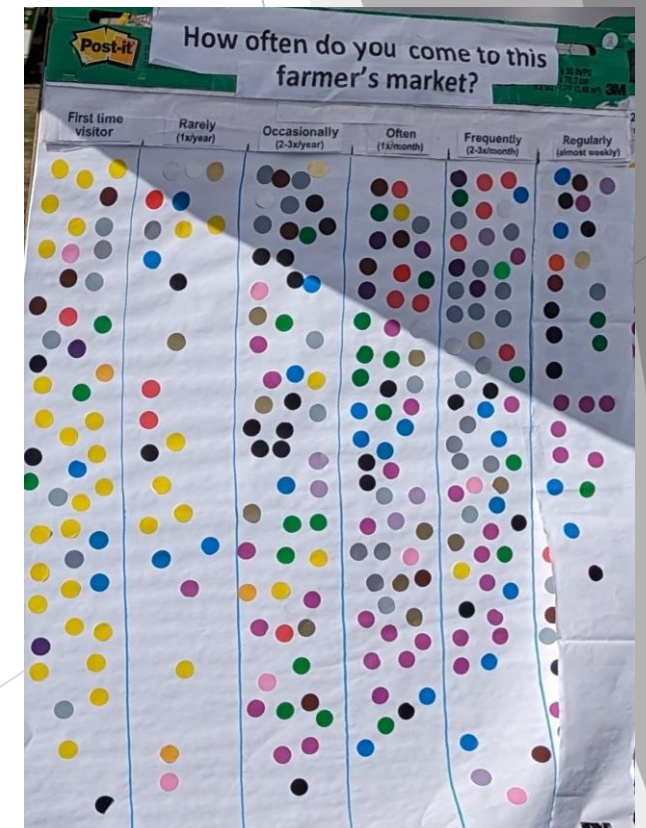
Saturday Highlights continued:

47% of the survey respondents visit the market either ‘**regularly**’ (almost weekly) or ‘**frequently**’ (2-3 times per month)

27% of respondents are long-time, loyal customers who have been attending the market for more than **10 years** while **22%** of survey participants said that they have been shopping at the market for **five to nine years**. **21%** began attending the market this year, in **2023**.

Where do Customers Live (who attend the Saturday Market):

Courtenay	46.3%
Comox	19.4%
Cumberland	3.7%
Comox Valley Regional District	11.8%
Strathcona Regional District	2.9%
Vancouver Island/Gulf Islands (outside of CVRD/SRD)	3.1%
Other	12.8%



Preliminary Results (Wednesday Only*)

2023 BC Farmers' Market Economic Impact Study*

Market	Economic Benefit (\$)	Community Benefit (\$)	Total Benefits (\$)
Saturday	\$4,200,000.00	\$3,400,000.00	\$7,600,000.00
Sunday	\$268,000.00	\$332,600.00	\$600,600.00
Wednesday	\$260,000.00	\$587,000.00	\$847,000.00
Total (All Markets Combined)			\$9,047,600.00



* Preliminary Results

- The estimated combined economic and community benefit of the Comox Valley Farmers' Market – Wednesday on the local economy is approximately **\$847,000 annually**
- The estimated number of market customers on assessment day: 1,194 customers
- Over 121 market visitors participated in the study
- 36% of the survey participants were tourists or day-trippers in Courtenay



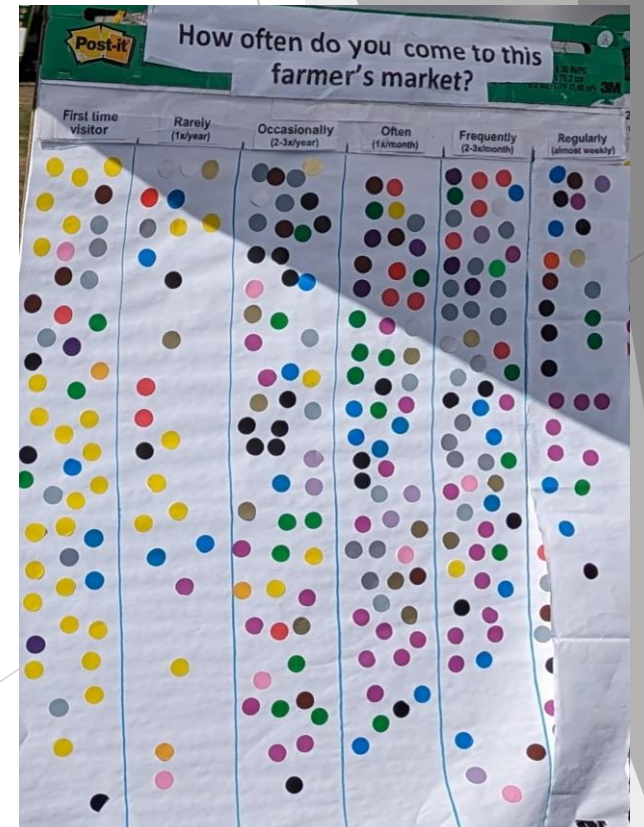
Wednesday Highlights continued:

14% of the survey respondents visit the market either '**regularly**' (almost weekly) or '**frequently**' (2-3 times per month)

4.1% of respondents are long-time, loyal customers who have been attending the market for more than **10 years** while **8.2%** of survey participants said that they have been shopping at the market for **five to nine years**. **69.7%** began attending the market this year, in **2023**.

Where do Customers Live (who attend the Saturday Market):

Courtenay	41.8%
Comox	10.7%
Cumberland	0.8%
Comox Valley Regional District	3.3%
Strathcona Regional District	0.8%
Vancouver Island/Gulf Islands (outside of CVRD/SRD)	13.1%
Other	29.5%



Total Impact to City of Courtenay: **\$8,447,000**

Notes:

Saturday Market is held at the CV Exhibition Ground and the Native Sons Hall

~20-25% of market sales occur at the Native Sons Hall

Approximate impact on downtown Courtenay:

(25% of Sat) (Wednesday)

$\$1,900,000 + \$847,000 = \mathbf{\$2,747,000}$



The Farmers' Market at the Native Son Hall

In a 2022 Membership Survey completed by the BC Association of Farmers' Markets, on average markets pay \$4,902.22 (with the range from \$0-\$30,000) for venue rentals. **Our fees** for just the one venue, the Native Sons Hall, for less than half of our market days are approximately **double this average**.

5 markets we operate, a total of 73 market days throughout the year (Saturday Summer, Saturday Winter, Saturday Fall, Wednesday and Sunday). We spend on average 22 market days (or 30% of the total yearly market days) between October and April at the Native Sons Hall for our Fall and Winter Markets. These 22 market days account for 72% of our yearly venue rental costs.

Since the 2008/2009 Fall/Winter season we been renting the Native Sons Hall weekly for approximately 6 months out of the year. For the past 15 years we have been a consistent long-term renter.

For other venues that we use in the Comox Valley, including CV Exhibition Grounds and Cumberland Village Square, we pay a significantly rates or no fee at all. This aligns with other markets on Vancouver Island and throughout BC.



Keeping costs down has become increasingly difficult as the cost of many things has increased significantly over the last several years. We have worked hard to reduce and eliminate expenses, as well as optimizing our paid employees and numerous volunteers.

Our Board is looking for ways to reduce market expenses without reducing programming, markets or staff. One way is to reduce the cost of venue rentals; the other is to re-visit our Wednesday market which has been underperforming over the last several years. Our preference is to have a reduction in fees so that we can continue to support a Wednesday downtown market.

Our Ask

Given the benefits of the Farmers' Market to the Comox Valley, in particular the City of Courtenay, with respect to small business incubation, stimulating the local economy, food security, advocacy for the local farm and food community and community connections:

We are asking the City of Courtenay to provide support in the form of reducing rental fees, providing a Fee for Service Agreement or other arrangement related to reducing the fees the market pays for rental of the Native Sons Hall for its fall and winter markets





**Thank
you!**



We are grateful to City of Courtenay, Mayor and Council and staff for their continued support for the market



Thank you

Questions?



buy local · Comox Valley · eat local
Page 46 of 391
FARMERS' MARKET



STAFF REPORT

To: Council

File No.: 4000-00

From: Director of Corporate Services

Date: December 6, 2023

Subject: **Bylaw Policy and Strategic Plan for Bylaw Compliance**

PURPOSE: To seek Council approval of the City of Courtenay Bylaw Policy, and the City of Courtenay Strategic Plan for Compliance Strategy.

BACKGROUND:

The current Bylaw Enforcement Policy was adopted by Council at the August 8, 2017 Council meeting. The intent of the Policy was to ensure a consistent, fair, and transparent approach to bylaw enforcement. The policy was developed based on the *Bylaw Enforcement Best Practices Guide for Local Governments* (The Office of the Ombudsperson, 2016), and did not include community engagement on policy priorities, consider division capacity and service levels, or include a strategy for achieving the policy objectives. As the community and its bylaw service needs have evolved rapidly over the past six years, a more comprehensive and fulsome review of the Bylaw Enforcement Policy was needed to ensure the City is able to meet current and future service expectations. The Bylaw Policy (the Policy) and Strategic Plan for Bylaw Compliance (the Strategy) were identified by Council as a strategic priority for 2023.

DISCUSSION:

To develop both the Policy and the Strategy, the City focused on reviewing the current bylaw services enforcement policy, processes, and procedures. The City sought input on priorities, expectations and operational capacity through engagement activities including: interviews with external contributors and internal City departments, an online public survey, and pop up engagement events.

Key contributors included Island Health, the Comox Valley Coalition to End Homelessness, the Downtown Courtenay Business Improvement Association, RCMP, the Community Justice Centre, the Department of Fisheries and Oceans, and BC Forestry. The cross-sectional dialogue with these interested parties provided a wide perspective on community principles, needs, opportunities, and challenges. The information gathered resulted in the following themes that significantly informed the Policy and Strategy:

- **Collaboration and Partnership:** Recognize that a collective effort is necessary to tackle complex problems.
- **Balancing Enforcement and Trust Building:** Build trust and positive relationships within the community while maintaining order through enforcement actions.
- **Balanced Resource Allocation:** Apply a client-focused model when determining resource allocation to better address and balance response to both social challenges and other priority issues identified by the community.
- **Siloed Departments:** Address barriers to effective communication, collaboration, and coordination between departments to ensure the provision of a high level of service.
- **Process Streamlining:** Increase service and compliance efficiency through technology, and the development of cross-departmental procedures.

- **Leveraging Existing Resources:** Identify and utilize the strengths and capabilities already present within the organization to achieve efficient outcomes and address challenges effectively.

City of Courtenay’s Bylaw Compliance Strategic Plan

The City of Courtenay’s Strategic Plan for Bylaw Compliance (Attachment 1) is dedicated to reinforcing adherence, fostering awareness, and streamlining enforcement to the benefit of all community members, providing a clear roadmap to effectively implement the following six objectives:

Objective 1: Collaboration and Partnership	2024	2025	2026
Enhance relationships with key contributors including outreach support services, health services and the RCMP by participating in roundtables and identifying communications channels to facilitate collaboration.	Start	Ongoing	Ongoing
Share appropriate resources and data to enhance the collective approach to problem-solving complex compliance issues.		Start	Ongoing

Objective 2: Balancing Enforcement and Trust Building	2024	2025	2026
Create awareness about the purpose and benefits of bylaw enforcement through the development of a Good Neighbour Guide.	Start	Ongoing	Ongoing
Develop and update staff policies and procedures to create consistency in processes with handling resident complaints.		Start	Ongoing
Provide conflict resolution training to bylaw enforcement officers to enhance communication.	Yes		Yes

Objective 3: Build Cross-Departmental Teams	2024	2025	2026
Form a cross-departmental working group to coordinate bylaw enforcement responses.	Start	Ongoing	Ongoing
Leverage technology to facilitate efficient information sharing between departments to enhance coordination and service delivery.	Start	Ongoing	Ongoing
Protect personal information by developing policies and practices that ensure information shared between departments is compliant with the Freedom of Information and Protection of Privacy Act.	Start	Ongoing	Ongoing

Objective 4: Process Streamlining	2024	2025	2026
Create standardized workflows and procedures cross-departmentally.		Start	Ongoing

Identify and implement complaint management tools that will enhance service and efficiency.		Start	Ongoing
Identify and implement efficient ticket dispute and adjudication processes.	Start	Ongoing	Ongoing
Provide training and support to staff to adapt to new procedures and investigative approaches, leveraging digital solutions.	Start	Ongoing	Ongoing

Objective 5: Leveraging Existing Resources	2024	2025	2026
Allocate staff resources to align with identified priorities as outlined in the Bylaw Policy.	Start	Ongoing	Ongoing
Develop a talent management strategy to retain and develop personnel.			Start
Enhance and promote digital platforms for residents to access bylaw services.			Start

Objective 6: Trauma and Culture Informed Practice	2024	2025	2026
Identify training opportunities for bylaw enforcement staff that focus on culture-informed practice, trauma-informed practice, mental health, violence de-escalation and prevention, and addiction.	Start	Ongoing	Ongoing
Review and update bylaw compliance procedures to reflect the principles of trauma and culture-informed practice.		Start	
Collaborate with internal and external agencies to create approaches to responding to bylaw matters related to the unhoused to ensure enforcement activities do not lead to re-traumatization.		Start	Ongoing

The City of Courtenay Bylaw Policy

The Bylaw Policy (Attachment 2) serves as a foundation upon which our shared spaces and interactions are built and provides essential guidelines for protecting public health, safety, and welfare, while also addressing various community needs and aspirations. Through the principles of compliance, and in alignment with the City’s commitment to inclusivity and respect for human rights, the City will foster a more connected, safer, and stronger community.

Principles of Compliance	
A Balanced Approach	Considering the potential for safety, liability, impact of the infraction, and resource availability, the City will operate on both a proactive and reactive basis. Calls for service will be prioritized in accordance with the priority levels defined in the policy.

Trauma-Informed Response	The City prioritizes a trauma-informed response and acknowledges the diversity in its community. Grounded in an understanding of and responsiveness to the impact of trauma, Bylaw Services will embed trauma-informed response into its policies, procedures, and practices, seeing to resist re-traumatization actively. By blending cultural awareness with trauma-informed practices, enforcement becomes effective, empathetic, and considerate of diverse experiences. A trauma-informed response will help build trust, foster better community relations, and contribute to the overall well-being and safety of the community.
Engagement with Curiosity	Bylaw staff will engage with curiosity when interacting with those involved in bylaw infractions, fostering understanding and empathy.
Commitment to Safety	To ensure fairness and proportionality, the City will conduct risk assessments based on the severity of the impact on individuals or those around them, recognizing that less urgent situations may have response delays due to response priorities.
Commensurate Intervention	The intervention will be commensurate with the assessed risk, avoiding both overreaction and underreaction to ensure a just and equitable approach.
Confidentiality	To ensure all information provided related to requests for service details remains confidential in line with the Freedom of Information and Protection of Privacy Act protocols will be in place.

Using a CARE (Communicate, Advise, Reinforce and Enforce) model to facilitate compliance will ensure adherence to regulations, encouraging changes in behaviour that will prevent reoccurring violations. Additionally, providing clarity and defining priority levels (1 = high, 2 = medium, 3=low) for requests for service will ensure matters are address in a logical order based on risk factors such as safety and environmental impact. To clarify bylaw priority levels, the Good Neighbour Guide (outlined below) and the corresponding brochures will indicate the priority level of common complaints e.g. dog at large, parking violation, unauthorized tree cutting etc.

Enhancing Community Awareness: Introducing the "Good Neighbor Guide"

Through our public engagement process, it became clear that there is a significant gap in public knowledge regarding the City’s bylaw services and the roles of community members regarding compliance and compliant processes. With the current state analysis, survey insights, and contributor feedback in mind, the development of the “Good Neighbour Guide” will serve as a comprehensive educational tool designed to demystify bylaws by outlining how “being neighbourly” can make for a more peaceful community. The City anticipates the release of the “Good Neighbour Guide”, persona-based brochures (e.g. Bylaws for Pet and Animal Owners, Bylaws for Business Owners, Bylaws for Parks Users etc.), and a video awareness raising campaign to take place throughout 2024. Brochures and corresponding video promotions will be released throughout the year empowering responsible behaviour through education and awareness.

FINANCIAL IMPLICATIONS:

Costs for the production and printing of the Good Neighbour Guide and corresponding brochures will be covered under the Corporate Services 2024 operating budget. Video production will be provided inhouse.

Initiatives identified in the Strategic Plan for Bylaw Compliance requiring funding will be put forward in the appropriate budget year for Council’s consideration.

ADMINISTRATIVE IMPLICATIONS:

The distribution of promotional and awareness raising materials will become part of the bylaw services compliance approach. The Communication Division will share materials via the City’s website and social media channels as part of their regular operational workplan.

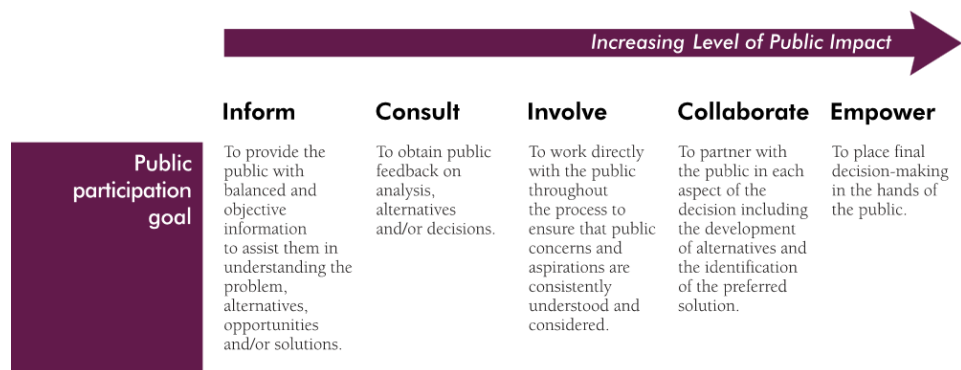
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Streets and Transportation - Review City’s approach to parking standards downtown: Bylaw Enforcement Policy review and update

PUBLIC ENGAGEMENT:

Staff have informed, consulted, involved and collaborated with the public based on the IAP2 Spectrum of Public Participation:



© International Association for Public Participation www.iap2.org

OPTIONS:

1. THAT Council approve the City of Courtenay Strategic Plan for Bylaw Compliance and the City of Courtenay Bylaw Policy.
2. THAT Council refer the City of Coutenay Strategic Plan for Bylaw Compliance and the City of Courtenay Bylaw Policy back to staff and provide further direction.

ATTACHMENTS:

1. City of Courtenay Bylaw Compliance Strategic Plan
2. City of Courtenay Bylaw Policy

Prepared by: Kate O’Connell, Director of Corporate Services
Reviewed by: Mike Kurvers, Manager of Bylaw Services
Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)



City of
Courtenay

ZOOM Window Space

Final Report

Bylaw Compliance Policy & Strategy

Presented by:
Kate O'Connell, Director of Corporate Services
December 6, 2023, Council Meeting

How We Got Here

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Developing the Bylaw Policy and Strategic Plan

- 2023 Council Strategic Priority
- Engagement: Residents, Island Health, Comox Valley Coalition to End Homelessness, DCBIA, RCMP, Community Justice Centre, Dept. Fisheries and Oceans, and BC Forestry
- Interviews, surveys and pop up events



What We Heard

Themes

- Collaboration and Partnership
- Balancing Enforcement and Trust Building
- Balanced Resource Allocation
- Siloed Departments
- Process Streamlining
- Leveraging Existing Resources

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Compliance Policy

ZOOM Window Space

Purpose

The purpose of this Policy is dual:

- Provide understanding of our approach
- Encourage compliance

The City prioritizes a safe and harmonious environment for everyone. The City's Bylaw Services division follows a balanced approach, blending education and enforcement.

Compliance Policy

ZOOM Window Space

Principles of Compliance

- Balanced approach
- Trauma-Informed Response
- Engagement with curiosity
- Commitment to safety
- Commensurate intervention
- Confidentiality

By implementing these principles, the City will aim to create a community where compliance is not only a legal obligation but a shared responsibility rooted in respect for all, regardless of background or circumstance. Together, we will build a stronger, more connected, and safer community.

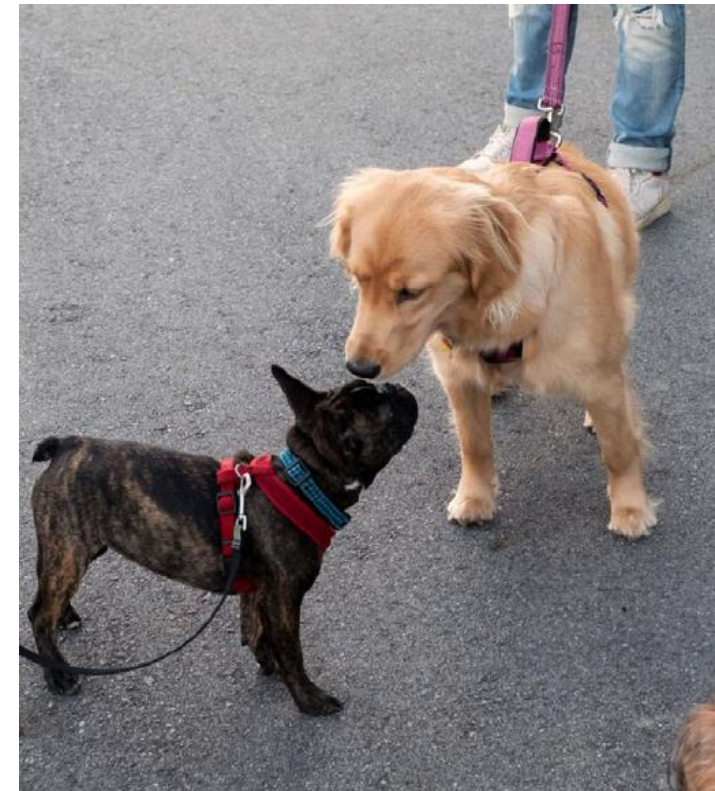


Compliance Policy

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New!

- Proactive
- Communication continuity with complainant
- Number of people directly impacted
- Anonymous complaints
- Clarify discretion & address frivolous complaints



Compliance Policy

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Priority Levels

ONE: Have the potential to cause adverse impacts on the environment, public safety or City infrastructure

TWO: Multiple individuals directly impacted

THREE: All other complaints

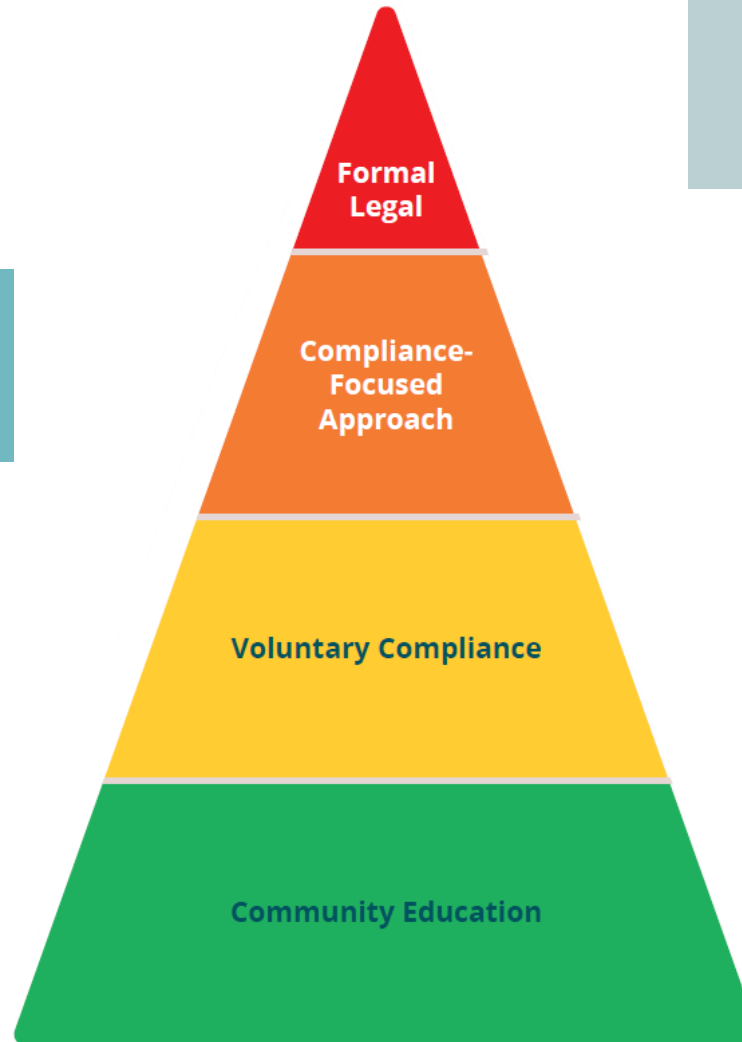


Compliance Policy

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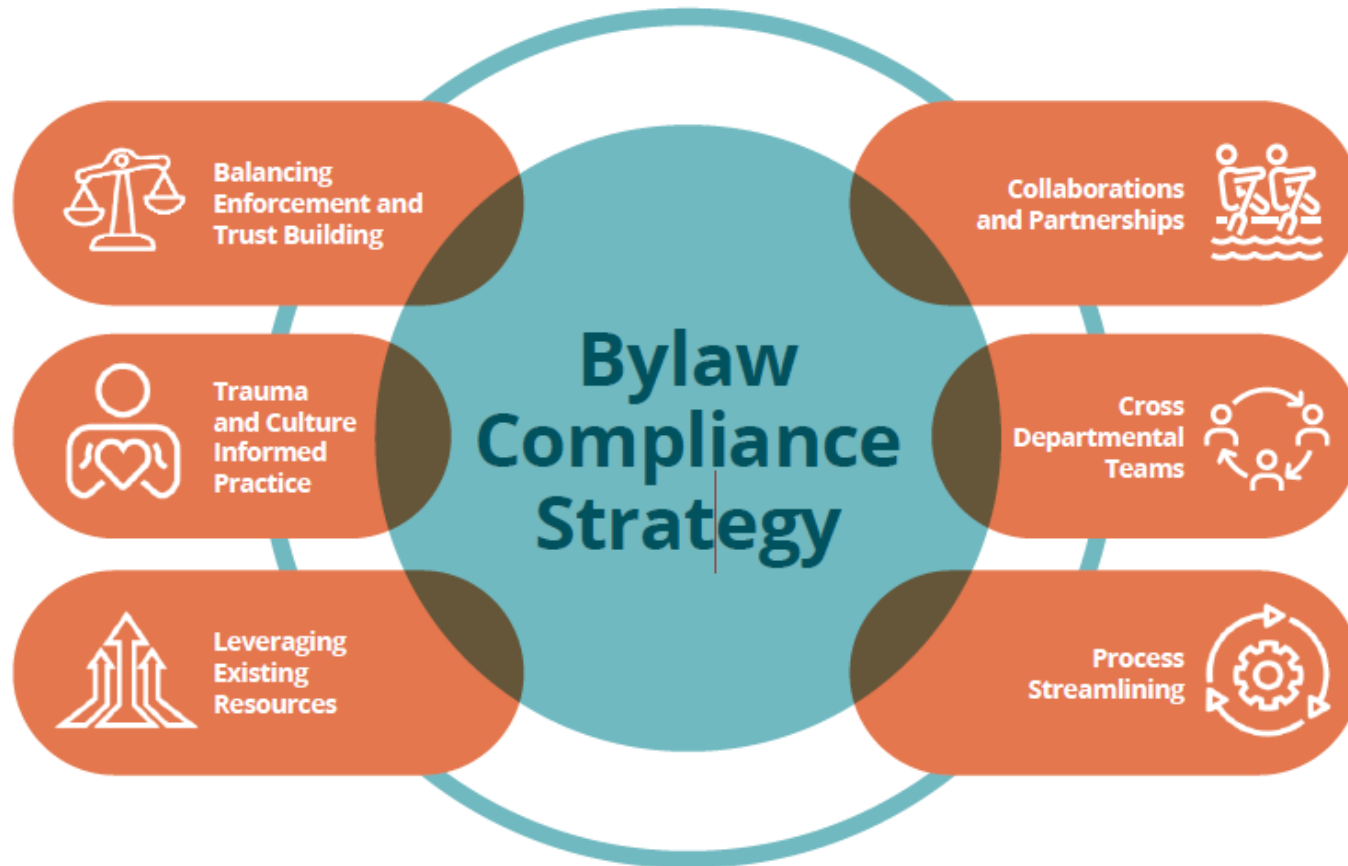


- Proactive Communication
- Clear guidance
- Educational materials
- Enforcement



Strategic Plan for Bylaw Compliance

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Strategic Plan for Bylaw Compliance

Objectives

1) Collaboration and Partnership

- Enhance relationships and communication
- Share resources and data

2) Balancing Enforcement and Trust Building

- Awareness
- Consistency



Strategic Plan for Bylaw Compliance

Objectives

3) Build Cross-Departmental Teams

- Working group – coordination
- Technology

4) Process Streamlining

- Standardization of procedures & complaint management
- Ticket disputes

ZOOM Window Space



Strategic Plan for Bylaw Compliance

Objectives

5) Leveraging Existing Resources

- Align resources with priorities
- Talent management
- Digital platforms

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Strategic Plan for Bylaw Compliance

ZOOM Window Space

Objectives

6) Trauma and Culture Informed Practice

- Identify training opportunities: culture, trauma, mental health, violence de-escalation, addiction
- Trauma and culture informed lens
- Collaborate to create effective approaches



Strategic Plan for Bylaw Compliance

ZOOM Window Space

Monitoring and Evaluation

- Regularly **assess the impact** of each strategy and analyze progress
- **Solicit feedback** from community partners and residents
- **Annual report** on strategic initiatives and their impacts

Bylaw Compliance Policy

Bylaw compliance is essential for maintaining a peaceful community while ensuring public safety, and upholding the quality of life for all residents.



**City of
Courtenay**

courtenay.ca

1. PURPOSE

The City of Courtenay (“City”) prioritizes a safe and harmonious environment for everyone. The City’s Bylaw Services division follows a balanced approach, blending education and enforcement.

The purpose of this Policy is dual: firstly, to provide an understanding of our approach to activities that may negatively impact the environment, public health, safety, and well-being; and secondly, to encourage compliance and promote accountability within our community through responsible enforcement. This is achieved by ensuring fairness, promoting education, and fostering community involvement.

2. OBJECTIVE

Bylaws serve as the foundation upon which our shared spaces and interactions are built. They provide essential guidelines for protecting public health, safety, and welfare, while also addressing various community needs and aspirations. This Policy guides all City enforcement activities complimenting existing protocols, emphasizing regulatory compliance and a customer-centric, problem-solving approach. At the heart of this policy lies our commitment to preserving the unique character and quality of life that defines our community.

3. PRINCIPLES OF COMPLIANCE

The City will strive to foster a community where compliance is a shared responsibility to build a more connected, safer, and stronger community. In line with our commitment to inclusivity and respect for human rights, this policy embraces the following additional principles:

A Balanced Approach:

Considering the potential safety, liability, impact of the infraction, and resource availability, the City will operate on both a proactive and reactive basis. Calls for service will be prioritized in accordance with the priority levels as defined in this policy.

Trauma-Informed Response:

The City prioritizes a trauma-informed response and acknowledges diversity in our community. Grounded in an understanding of and responsiveness to the impact of trauma, Bylaw Services will embed a trauma-informed response into its policies, procedures, and practices, seeking to resist re-traumatization actively. By blending cultural awareness with trauma-informed practices, enforcement becomes effective, empathetic, and considerate of diverse experiences. A trauma-informed response will help build trust, foster better community relations, and contribute to the overall well-being and safety of the community.

Engagement with Curiosity:

Bylaw staff will engage with curiosity when interacting with those involved in bylaw infractions, fostering understanding and empathy.

Commitment to Safety:

To ensure fairness and proportionality, the City will conduct risk assessments based on the severity of the impact on individuals or those around them, recognizing that less urgent situations may have response delays due to response priorities.

Commensurate Intervention:

The intervention will be commensurate with the assessed risk, avoiding both overreaction and underreaction to ensure a just and equitable approach.

Confidentiality:

To ensure all information provided related to the Request for Service details remains confidential in line with the Freedom of Information and Protection of Privacy Act (FOIPPA), the following confidentiality protocols will be in place:

1. **Non-Disclosure:** Complainant identities and provided personal data will not be disclosed to the implicated party or the public.
2. **Response Limitation:** Feedback from the accused will not be relayed to the complainant. Both will be informed of this confidentiality.
3. **Legal Exceptions:** If legal proceedings arise from an investigation, confidentiality may not be guaranteed as courts may require access to personal details.
4. **Duty to Report:** There are circumstances where the City is obligated to report criminal activities or situations involving harm to youth or individuals. The City is committed to adhering to our duty to report any witnessed or reasonably suspected criminal activities to the appropriate authorities or jurisdiction.

By implementing these principles, the City will aim to create a community where compliance is not only a legal obligation but a shared responsibility rooted in respect for all, regardless of background or circumstance. Together, we will build a stronger, more connected, and safer community.



4. RESPONSIBLE SERVICE DELIVERY

Requests for Service

The Request for Service often begins with investigations, typically initiated by written or in-person requests from residents, observations made during routine patrols, or information from external agencies and partners including, but not limited to, RCMP, Island Health, provincial or federal enforcement officers. All such requests for service are received by Bylaw Services. They are then recorded in the City's record management system and responded to in alignment with the City's Strategic Plan for Bylaw Compliance.

How to File a Request for Service

To report a suspected bylaw violation, individuals must submit their request through email, letter, phone, or an official complaint form. This request should include the full name, address, and contact details of the reporting individual, along with a detailed account of the suspected infraction and its location.

Frivolous Complaints

Frivolous complaints will be addressed based on their alignment with the priorities established in this policy. The Manager reserves the right to exercise discretion when evaluating such complaints. In instances of repeat frivolous complaints, the Manager will consider the complaint history and assess whether there is a pattern of misuse.

Anonymous Complaints

Anonymous complaints will also be evaluated, and the Manager will assess their merits in terms of safety, liability, and impact. This approach ensures that resources are allocated to address genuine concerns, discourages the submission of unfounded or repetitive complaints, and upholds the integrity of the complaint resolution process.

Responding to Requests for Service

In the evaluation and addressing of service calls, staff consider various factors such as the type and duration of the violation, past incidents or recurring breaches, immediate and future implications of the violation, implications for setting a precedent, and available resources for resolution.

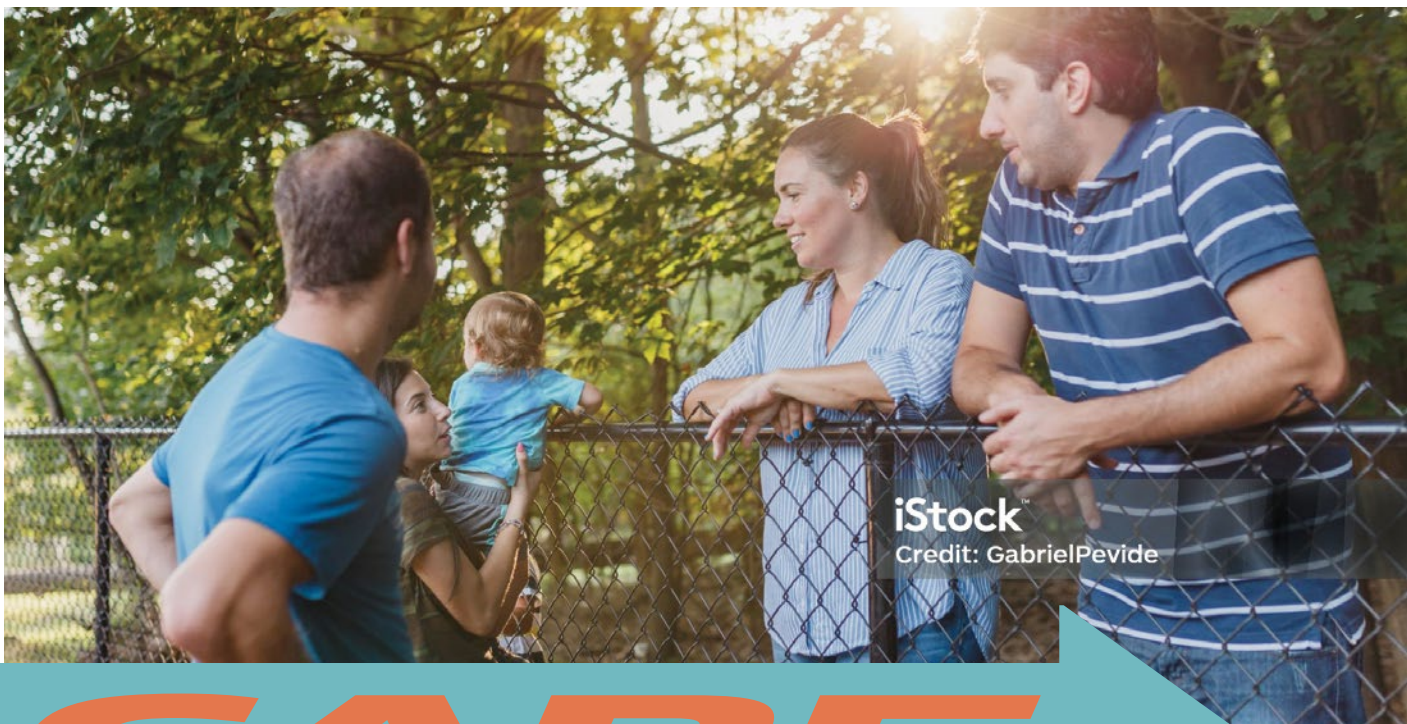
Reporting Outcomes

The City encourages open dialogue and we request that individuals making requests should inform the Bylaw Enforcement Officer of any changes in the situation, whether improvement or deterioration. Staff at the City are committed to communicating with service requesters, however ongoing updates on enforcement approaches will not be provided. While respecting confidentiality constraints, staff will accommodate specific inquiries for details when feasible, in accordance with FOIPPA. Once a situation is resolved, the individual who made the request will be notified.

5. FACILITATING COMPLIANCE

The City aims to ensure adherence to regulations by raising awareness and encouraging changes in behavior that will prevent reoccurring violations.

The City will utilize a CARE approach as outlined in this policy when facilitating compliance.



CARE

Communicate — *Advise* — *Reinforce* — *Enforce*

Communicate:

Proactively interact with community members to keep them informed and educate them about bylaws and regulations.

Advise:

Offer clear and concise guidance that will assist in understanding compliance requirements to ensure the community is well-informed about what aligns with the regulations.

Reinforce:

Provide essential information about best practices and regulations through good neighbour guides and other educational forums.

Enforce:

Deploy various enforcement strategies when non-compliance is detected to assure adherence to standards and encourage positive adjustments.

6. ASSESSMENT IN PRIORITY LEVELS

Each Request for Service undergoes careful assessment, ensuring a prioritized and systematic response. The following are the levels of priority for each Request for Service:

Priority One:

The safety of residents or potential liability to the City stands paramount. Calls for service that have the potential to cause adverse impacts on the environment, public safety, or City infrastructure will necessitate immediate response and fall under Priority One. Examples of Priority One include but are not limited to aggressive dogs, parking in front of fire hydrants, parking too close to an intersection, hazardous trees, unauthorized encampments, garbage leachate, buildings without permits, and accessibility obstructions.

Priority Two:

If there are calls for service where multiple individuals have raised similar concerns about the same issue and it directly impacts them, these cases will be given second priority.

Priority Three:

All other calls that do not fall within the top two priority levels are addressed thereafter.



Discretion:

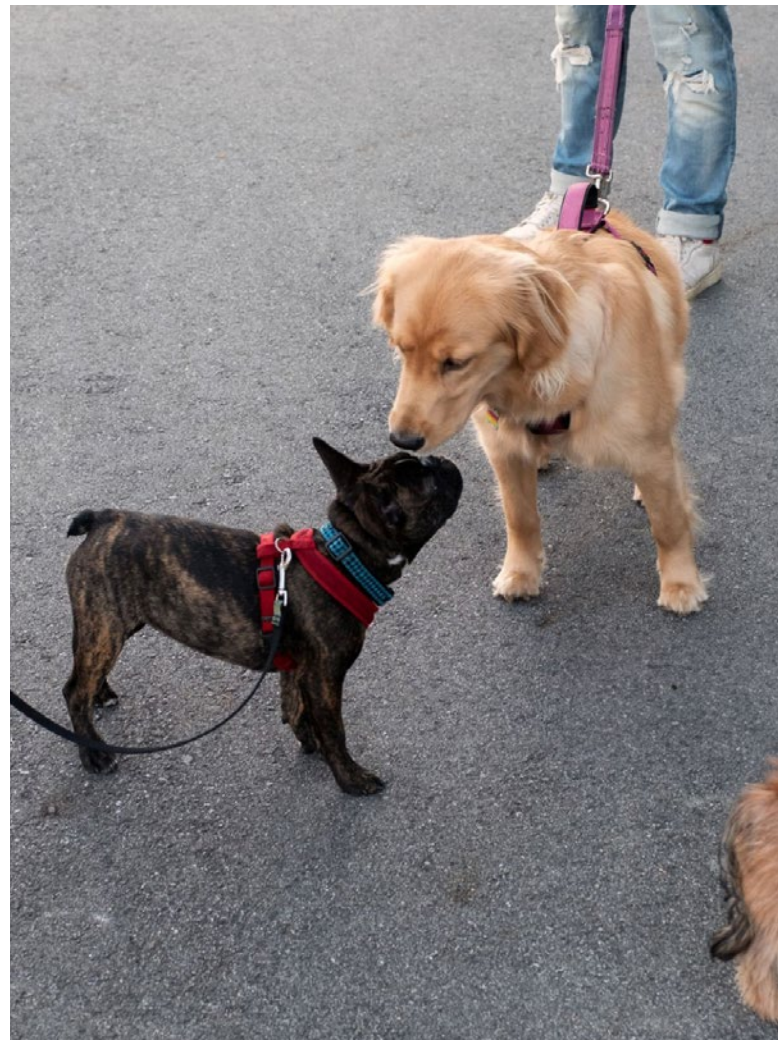
The City recognizes that it is not mandatory to enforce every bylaw violation. The exercise of enforcement discretion is guided by established policy frameworks. The Manager evaluates each complaint in instances where an Enforcement Officer proposes exercising discretion. Situations characterized as retaliatory, frivolous, or minor may be pursued or not, depending on the circumstances and resource availability. This approach ensures a balanced and reasonable application of bylaw enforcement and compliance. In cases where discretion is considered, collaboration with the Manager may be sought for additional input.

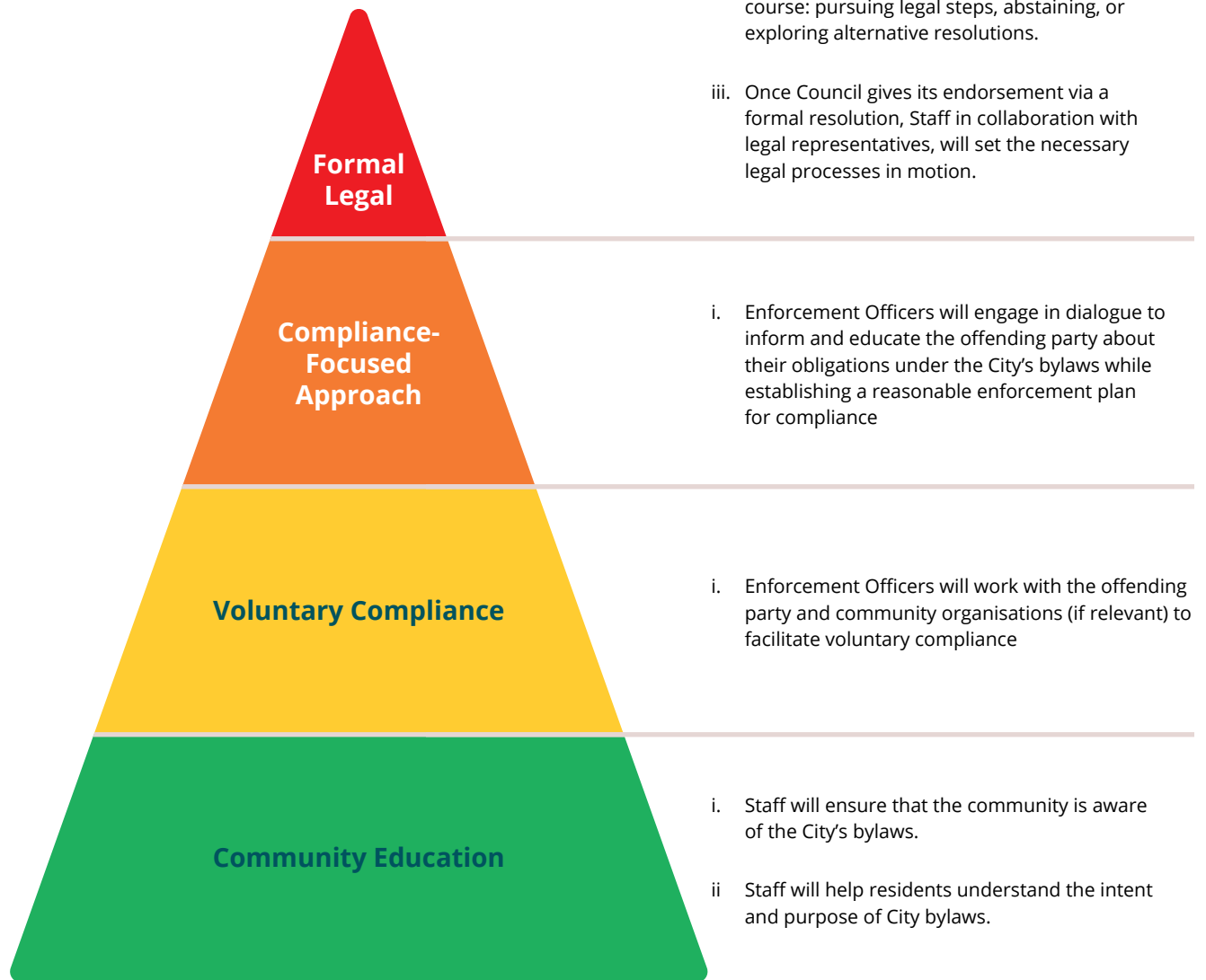
7. ENFORCEMENT

The City will utilize its CARE enforcement approach which includes a blend of education and enforcement. The primary goal of this approach is to promote voluntary adherence to bylaws. Voluntary adherence is shown by the immediate undertaking of corrective actions and the resolution of non-compliant behavior, thereby ensuring a community that abides by the established regulations for the welfare of all its members.

Staff will proactively provide communication and education about bylaws (Communicate), offering clear guidance (Advise), providing information through educational materials (Reinforce), and use enforcement strategies for non-compliance (Enforce) to ensure community adherence to regulations. Enforcement of City Bylaws will operate on a continuum, ensuring a balanced and considerate approach in every situation, allowing for flexibility while upholding the rule of law within the community.

Depending on the nature and severity of the situation, enforcement actions may be expedited through the continuum based on the priority levels as identified in this policy.





Collaborative Solutions: Maximizing Community Partnerships to Expand Bylaw Services

In order to provide a comprehensive range of services, the City acknowledges its resource limitations and strategically collaborates with community partners. The City will work with community organizations such as outreach support services, restorative justice, health services, and the RCMP to address bylaw violations through collaborative efforts, when appropriate.

Additionally, the City promotes mediation as an effective mechanism for resolving minor bylaw disputes. This non-confrontational approach encourages voluntary participation from both parties involved—the offender and the service requestor. By referring cases to mediation/ restorative justice services, the City seeks to minimize the need for further interventions while empowering residents to actively contribute to the resolution of issues within our community.

This collaborative approach not only optimizes the utilization of available resources but also fosters a stronger and more resilient community network, ultimately enhancing the overall quality and accessibility of services for our residents.

8. POLICY EXCEPTIONS

If an exception is deemed justifiable and in alignment with provincial and federal regulations, it may not warrant enforcement action.

9. DEFINITIONS

“City” means the City of Courtenay

“Enforcement Officer” means any person acting on behalf of the City for the purpose of processing Requests for Service related to bylaw contraventions

“FOIPPA” means Freedom of Information and Protection of Privacy Act

“Manager” means the exempt staff member accountable for bylaw compliance.

“Requests for Service” means a concern brought forward to the City related to a bylaw infraction

“Staff” means a City employee.

Strategic Plan for Bylaw Compliance

Bylaw compliance is essential for maintaining a peaceful community while ensuring public safety, and upholding the quality of life for all residents.

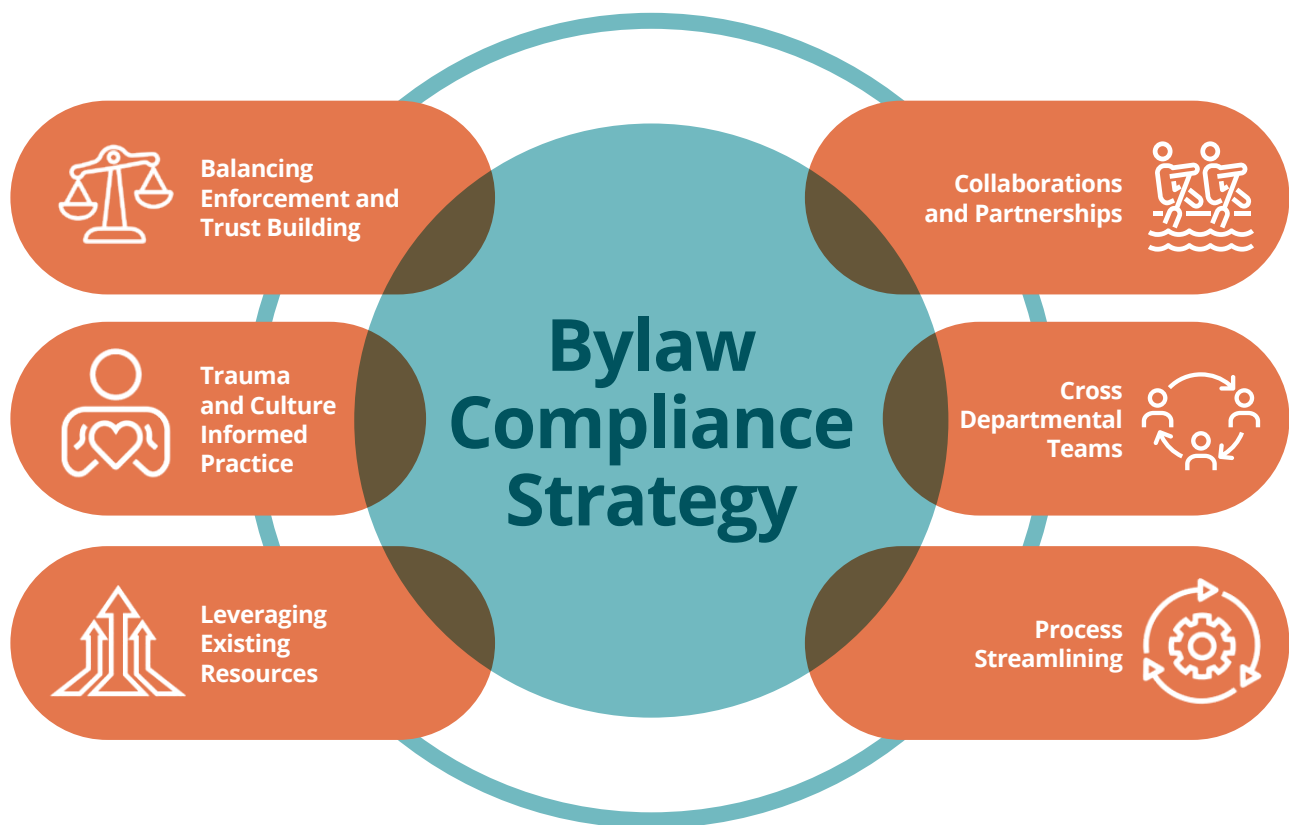


**City of
Courtenay**

courtenay.ca

Thinking Strategically

To develop a customer-centric bylaw compliance strategy that reflects the communities' strengths, challenges, and opportunities, the City engaged and sought input from residents, businesses, community organizations, and internal departments. Through this engagement process, six priority themes were identified, resulting in the following six objectives:



The City of Courtenay's Strategic Plan for Bylaw Compliance is dedicated to reinforcing adherence, fostering awareness, and streamlining enforcement to benefit all community members, providing a clear roadmap for implementing these six objectives effectively.

GOAL

Our goal is to establish a comprehensive and responsive bylaw compliance framework that addresses social challenges, fosters collaboration, builds trust, streamlines processes, and optimizes resource utilization, all while upholding the integrity of our community.



Objective 1: Collaboration and Partnerships

The City of Courtenay is committed to nurturing partnerships to build a stronger, more peaceful community.

Objective one focuses on working collaboratively with community partners, including outreach support services, health services, and the RCMP. Strong relationships, communication, and collaboration will help to enhance service capacity in resolving bylaw issues. The strategies for objective one will focus on the importance of unity and the impact of combined efforts.

STRATEGIES	2024	2025	2026
Enhance relationships with key contributors including outreach support services, health services and the RCMP by participating in roundtables and identifying communications channels to facilitate collaboration.			
Share appropriate resources and data to enhance the collective approach to problem-solving complex compliance issues.			



Objective 2: Balancing Enforcement and Trust Building

The significance of bylaws in preserving the community's aesthetic appeal, and increasing community safety is widely agreed upon by Courtenay residents. Enforcing bylaws consistently encourages accountability and responsibility among residents.

Enhancing public awareness and transparency of Bylaw Services policies and procedures will help build trust within our community.

Objective two focuses on promoting clear policies to enhance transparency while striving to build community relations.

STRATEGIES	2024	2025	2026
Create awareness about the purpose and benefits of bylaw enforcement through the development of a Good Neighbour Guide.			
Develop and update staff policies and procedures to create consistency in processes with handling resident complaints.			
Provide conflict resolution training to bylaw enforcement officers to enhance communication.	YES		YES



Objective 3: Cross-Departmental Teams

The City of Courtenay is committed to creating an interconnected approach that enhances problem-solving and decision-making in order to provide an efficient and transparent staff experience throughout the organization.

Objective three embraces the opportunity to strengthen communication, enhance collaboration, and ensure coordination amongst internal departments.

STRATEGIES	2024	2025	2026
Form a cross-departmental working group to coordinate bylaw enforcement responses.			
Leverage technology to facilitate efficient information sharing between departments to enhance coordination and service delivery.			
Protect personal information by developing policies and practices that ensure information shared between departments is compliant with the Freedom of Information and Protection of Privacy Act.			



Objective 4: Process Streamlining

Streamlined systems and processes for staff will improve the resident experience when engaging with Bylaw Services. By streamlining operational workflows, staff will be able to increase operational efficiencies and ensure a more effective interaction for customers.

Objective four focuses on increasing operational efficiencies by implementing standardized workflows to enhance the resident experience.

STRATEGIES	2024	2025	2026
Create standardized workflows and procedures cross-departmentally.			
Identify and implement complaint management tools that will enhance service and efficiency.			
Identify and implement efficient ticket dispute and adjudication processes.			
Provide training and support to staff to adapt to new procedures and investigative approaches, leveraging digital solutions.			



Objective 5: Leveraging Existing Resources

Transitioning to digital platforms where appropriate, and analyzing resource (human and technology) allocation will expand capacity through increased efficiency.

The strategies for objective five focus on identifying and utilizing the strengths and capabilities already present within the organization to achieve efficient outcomes and address challenges effectively.

STRATEGIES	2024	2025	2026
Allocate staff resources to align with identified priorities as outlined in the Bylaw Policy.			
Develop a talent management strategy to retain and develop personnel.			
Enhance and promote digital platforms for residents to access bylaw services.			



Objective 6: Trauma and Culture Informed Practice

The City of Courtenay puts emphasis on the importance of taking a trauma-informed approach and recognizes the diverse cultural experiences of our community members. By combining culturally informed practice and trauma-informed practice, the City can ensure that the enforcement process is not only effective but also an empathetic and considerate of the diverse backgrounds and experiences of community members. These approaches help build trust, foster better community relations, and contribute to the overall well-being and safety of the community. Ensuring Bylaw staff are trained in trauma and culture-informed practice is particularly important when responding to issues related to homelessness in our community.

The strategies for objective six will focus on building the City's understanding of the diverse experiences of our community members, and how those experiences shape our compliance approach.

STRATEGIES	2024	2025	2026
Identify training opportunities for bylaw enforcement staff that focus on culture-informed practice, trauma-informed practice, mental health, violence de-escalation and prevention, and addiction.			
Review and update bylaw compliance procedures to reflect the principles of trauma and culture-informed practice.			
Collaborate with internal and external agencies to create approaches to responding to bylaw matters related to the unhoused to ensure enforcement activities do not lead to re-traumatization.			

Monitoring and Evaluation

To ensure effective monitoring and evaluation of our Strategic Plan, the City of Courtenay will:

- Regularly assess the impact of each strategy and analyze progress to date based on the pre-identified timeline.
- Solicit feedback from community partners and residents, adjusting strategies where appropriate.
- On an annual basis, report on strategic initiatives and their impacts.

Conclusion

This strategic plan is a roadmap for achieving effective bylaw compliance within our community. By focusing on the six primary objectives and implementing the outlined strategies over the next three years, we are committed to creating a safer, more harmonious, and peaceful environment that promotes collaboration, trust, and efficiency. Together, we will uphold the values of our organization and positively impact our community.



STAFF REPORT

To: Council

File No.: 4530-20/LL000018

From: Director of Development Services

Date: December 6, 2023

Subject: Permanent Change to Liquor Licence Application (Kelly/Carlos O'Bryan's) hours of service –
2910 Kilpatrick Avenue

PURPOSE:

The purpose of the report is to seek Council's support for a Liquor Licence Application to extend liquor sale hours for Kelly O'Bryan's from midnight to 1:00 am Monday to Saturday and to provide a resolution to the LCRB as required under the legislation.

BACKGROUND:

Kelly/Carlos O'Bryan's pub and bar are seeking to obtain a permanent change to expanded hours of service for a food primary licence (Kelly O'Bryan's) at the above referenced business location, allowing both sides of the business (pub and bar) and its patio to remain open until 1:00am Monday to Saturday, an hour later than currently permitted for the pub and patio portion of the business. The applicant is making an application to the LCRB for the following changes to their existing liquor licence for the property at 2910 Kilpatrick Avenue:

A change in hours of liquor sales for the pub and patio portion of the business from 9:00am – 00:00am Monday – Saturday to 09:00am – 01:00am

The property has two operations Kelly O'Bryan's which currently closes at 00:00 and Carlos which closes at 1:00am. The request to the LCRB is for Kelly O'Bryan's to extend the liquor sales hours from midnight (00:00) to 1:00 am to align with Carlos' liquor sales hours. The applicant's rationale, which discusses the request and the project, can be found in **Attachment No. 1**.

DISCUSSION

Pursuant to Section 38 (1) of the *Liquor Control and Licencing Act*, such a liquor licence must not be issued or amended unless the applicant has given the local government notice of application in accordance with the regulations. The City's responsibility is outlined in the Public Engagement section of this report.

The subject property is located approximately 44m from the intersection of 29th Street and Kilpatrick Avenue, and approximately 120m from the intersection of 29th Street and Cliffe Avenue. The property is surrounded by other commercial properties, and is near the Driftwood Mall (**Figure No. 1**).



Figure 1. Subject Property Map.

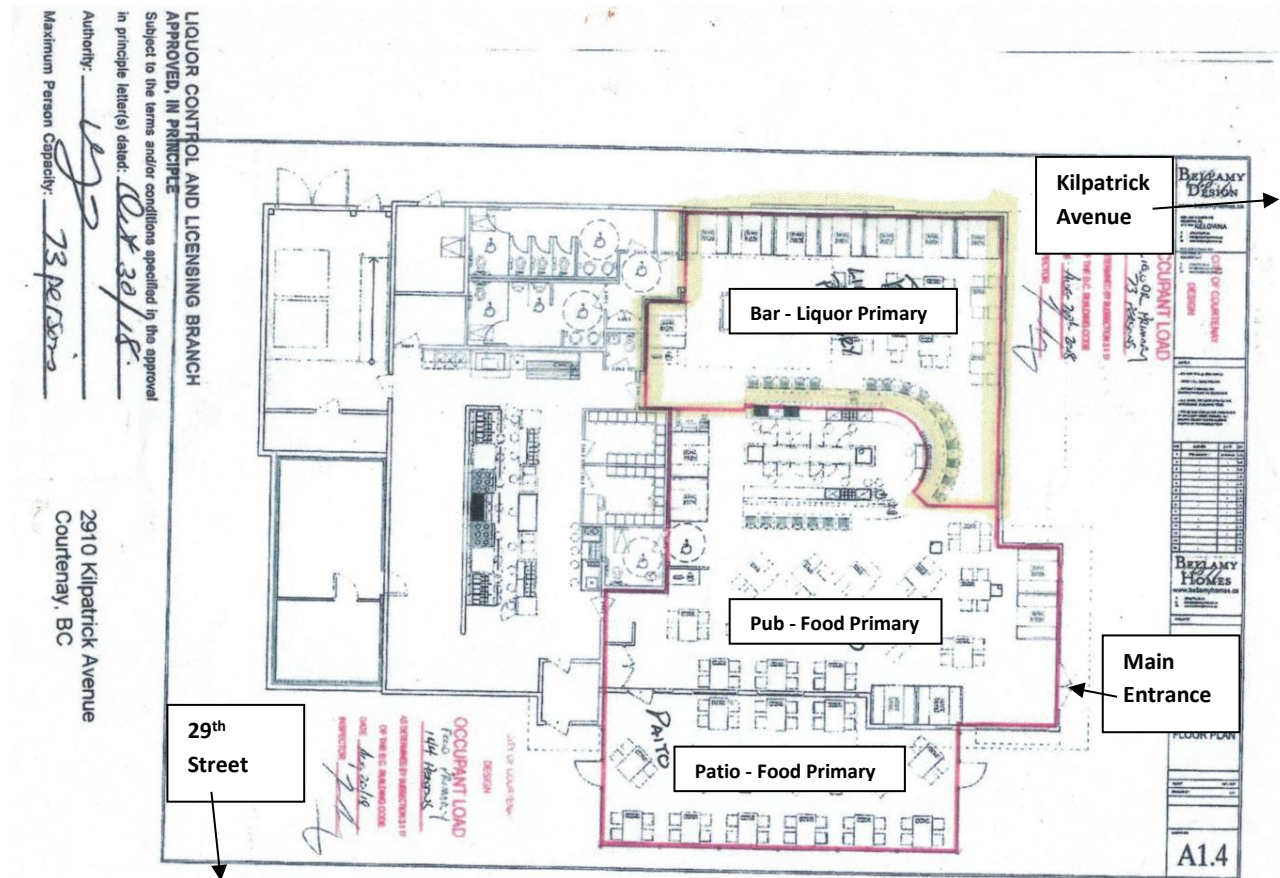
Kelly and Carlos O'Bryan's occupy the entirety of a commercial building at 2910 Kilpatrick Avenue. The establishment currently has a total occupancy limit of 217 patrons (73 patrons in the Liquor Primary licensed area (Carlos O'Bryan's) and 144 in the Food Primary licensed area (Kelly O'Bryan's) which includes the patio area in the occupancy load (**Figure No. 2 illustrates the division between liquor and food primary areas**).

The current hours of sales for the Food Primary Area are:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End	00:00	00:00	00:00	00:00	00:00	00:00	00:00

The proposed hours of sale for the Food Primary Area are:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End	01:00	01:00	01:00	01:00	01:00	01:00	00:00



The subject location is zoned Commercial Two (C-2) which permits the intended use. There is no proposed increase in capacity, and therefore no change to the required off-street parking on site.

The change in hours of liquor sales may increase noise nuisance; however, the business is surrounded by commercial businesses and is located approximately 135 metres away from the nearest residential use located at 2900 Cliffe Avenue. Additionally, permission to sell liquor with extended hours does not mean that the applicant will opt to have the premise open 09:00am - 01:00am each of the permitted days; the permission for extended hours allows for operational flexibility depending on such circumstances as scheduled events.

Among other referral bodies, staff has referred the application to enforcement branches of the RCMP, City departments, and other external agencies and received the following responses of note:

RCMP – Recommend that the City engage the Liquor Control and Licensing branch to have Liquor Inspector do inspections on hours of service. Otherwise, request is supported.

Staff recommendation is to support the application. A recommendation not to support the requested liquor licence amendments should include the specific considerations and reasoning of the Council, including public comments.

POLICY ANALYSIS:

The City of Courtenay has no established policy to direct the recommendations of Liquor Licences. Some communities have adopted such policies that guide decisions based on location within the community and in proximity to particular uses, the density and proximity of licenced establishments to each other, acceptable occupancy thresholds for different types of licenced facilities, and enforcement history. Such policies also may contain procedural policy such as public notification requirements. Some communities also enshrine operating hours for patios within bylaws as an enforcement tool to mitigate the impact of noise to neighbours.

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. Staff are working on a Liquor Licencing Policy that will establish a process for the referrals received from the LCRB.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Local Economy - Identify appropriate roles and responsibilities for the City in the delivery of economic development services in the region

PUBLIC ENGAGEMENT:

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

- 38 (3)** A local government or first nation that receives notice under subsection (1) must, if it wishes to provide comments and recommendations under this section with respect to the application,
- (a) take into account the prescribed criteria before providing the comments and recommendations,
 - (b) provide the comments and recommendations to the general manager
 - (i) in accordance with the regulations, and
 - (ii) within the prescribed time period, or any further period authorized by the general manager, and
 - (c) in the prescribed circumstances, gather the views of residents of an area determined by the local government or first nation in respect of the application by
 - (i) receiving written comments in response to a public notice of the application,
 - (ii) conducting a public hearing in respect of the application,

- (iii) holding a referendum, or
- (iv) using another method the local government or first nation considers appropriate.

With respect to the requirement in section 38 (3) (c) of the Liquor Control and Licensing Act, precedent City of Courtenay practice is to advertise a notice on the City's main webpage for two weeks, and additionally provide a mail out notice to neighbours on a case by case basis.

As of the date of this report, staff have received 0 responses and the public has until 1:00pm on December 6th, 2023 to respond. Staff will update Council with any additional comments provided by the public.

OPTIONS:

1. THAT Council direct staff to provide a response to the LCRB recommending approval of the change of hours citing no objections to the application by Kelly/Carlos O'Bryan's for a change in hours of foof primary liquor sales from 9:00am – 00:00am seven days a week (Monday – Sunday) to 09:00am – 01:00am Monday – Saturday and that all public comments be shared with the LCRB and encourages the LCRB to consult with the local community and work with the applicant to address public concerns, should the LCRB decide to approve the application. **(Recommended)**
2. THAT Council recommend that the LCRB not approve the application by Kelly/Carlos O'Bryan's and include the specific considerations and reasoning of the Council.

ATTACHMENTS:

1. *Attachment No. 1: Applicant's Rationale*

Prepared by: Corey Cooper, Planning Technician

Reviewed by: Nancy Gothard, Manager of Long-Range Planning
Marianne Wade, Director of Development Services

Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)

Good Afternoon Corey

Attached are Documents Requested

We Currently have two License's for our establishment. 308191 Kelly O'Bryan's) , 308192 (Carlos O'Bryan's)

We would like both License's to match close time's, this is why we are requesting an extension on 308191-2

During late night service we are having to close bills and transfer people from one side (Kelly O'Bryan's) to the Pub side (Carlos) 12:00 am. Carlos is until 1:00 am

If the pub is at full capacity we are having to turn away customers and losing revenue, This is a challenge for our staff as you can imagine dealing with multiple people at once.

Also when we have special events like St Patrick's day it becomes very complicated for us to preform great service

I hope you can understand our dilemma.

If you need any further information please let me know. My personal Cell Number is below

Warmly,

Shaun Spooner



Owner/Operator

Kelly/Carlos O'Bryan's Courtenay, B.C.

Business Contact: 250-338-2308 Cell Phone: [REDACTED]

Email: shauns@kellyobryans.com

'Eat Drink and Be Irish'

Powered By Pachos Since 1987



December 3, 2023

Corey Cooper
Planning Technician
City of Courtenay
830 Cliffe Avenue,
Courtenay, BC, V9N 2J7

RE: Kelly & Carlos O’Bryan’s Pub and Bar Application to Change Liquor License

We are writing you on behalf of the Comox Valley Substance Use Collaborative (Collaborative) to provide feedback on the above Liquor License application.

The Collaborative is overseeing the work towards implementation of recommendations in the recently released Phase Two Substance Use Strategy. Recommendation # 18 in the Strategy Report is directed towards local governments and states” *Develop or review existing municipal bylaws and policies related to alcohol and cannabis sales and selling establishments to reduce negative impacts to community health, safety, and livability*”.

A quick search of Liquor License hours of operation for businesses in Courtenay found 15 establishments with licenses to open past 12AM and all of them are closed by 10PM as evidenced by their posted opening and closing hours. The only establishment that advertises operating hours until midnight is Kelly and Carlos O’Bryan’s Pub and Restaurant during the weekdays and advertises until 1AM on Fridays and Saturdays.

While the Provincial Government approves liquor license changes, municipalities can set local by-laws and policies to guide such things as hours of operation, size of establishments and proximity to other liquor-related businesses in consideration of community health. We suggest that the City of Courtenay not approve liquor license approvals or changes on a one-off basis but in alignment with the recommendation and develop by-laws and policies related to liquor and cannabis that apply across the municipality.

Some questions from the Strategy Report that might be asked in developing local by-laws or policies are:

- How many liquor selling or serving establishments need to be in any area?
- How close should liquor and cannabis establishments be to each other?
- What are consistent, reasonable hours for selling and serving liquor?

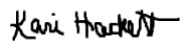
- Are there areas of the region that should not have liquor or cannabis establishments nearby?

In addition, the Province of BC has published a [Local Government Guide to Creating Municipal Alcohol Policy](#) that might be useful for this work.

We also suggest that developing local government alcohol policies could be done through a collaborative approach with the other local governments in the Comox Valley so there is consistency across the region. The Collaborative would be very willing to work with the local governments and businesses to develop policies that are fair to businesses and reduce potential negative effects to health, safety, and livability in our community.

Thank you very much for your consideration of this strategy recommendation.

Kind Regards,



Kari Hackett
Coordinator
CV Substance Use Strategy



Betty Tate
Leadership Team Member
Comox valley Community Health Network

Cc: Councillor Evan Jolicoeur, City of Courtenay Representative, Comox Valley Substance Use Collaborative.



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 8000-00

From: Director of Recreation, Culture, and Community Services

Date: December 6, 2023

Subject: Recreation Program and Admission Fees

PURPOSE: To inform Council of adjustments to recreation program and admission fees and charges.

BACKGROUND:

Courtenay Recreation programs and services are provided through a combination of admission (membership and drop-in), and registered program fees paid by individuals to participate in services such as registered and drop-in recreation programs, drop-in fitness and sport, access to the Wellness Centre and outdoor pool, and drop-in at the LINC youth centre. Program and admission fees are not covered by City of Courtenay Fees and Charges Bylaw No. 1673, 1992 unlike recreation facility rental fees which are outlined in the Recreation Facility Rental and User section of the bylaw. This is due to the nature of program fees which are driven by fluctuating operating expenses and diverse program models.

The City of Courtenay adopted a Recreation Fees and Charges Framework in 2022 which outlines the department's approach to setting both rental and program fees. The Framework is based on a benefits continuum whereby increasing levels of subsidy are applied based on community benefit. While the framework focuses on setting rental fees through an evaluation of unit costs and application of subsidy levels, it also articulates the application of the benefits-based approach to program, drop-in, and membership fees.

Recreation fees and charges play an important role in the financial performance of Courtenay Recreation by reducing the proportion of the departmental budget that is reliant on tax funded subsidy. The 2023 operating expense budget for Recreation is \$5.6M. With a budget of \$2.2M revenue expected to be recovered through fees and charges (including approximately \$350,000 in grants), this reduces the tax funded subsidy of recreation to \$3.4M in 2023.

Fees and charges were historically adjusted on an annual and seasonal basis to ensure revenues keep pace with rising costs associated with delivering recreation programs and services. Due to the COVID-19 pandemic and the financial impact it had on many people in the community, fees and charges were held at pre-pandemic rates, with the exception of the Courtenay and District Memorial Outdoor Pool where rates were increased in 2021 upon reopening. With a return to pre-pandemic activity levels and the increasing impacts of rising operating expenses, recreation staff have re-initiated the practice of reviewing and adjusting admission and registered program fees to ensure Courtenay Recreation can continue to operate within an established cost recovery framework and in line with the market where applicable.

Historically recreation departments and municipalities have applied a two percent annual inflationary increase as a general guideline however this benchmark value does not always adequately cover the rising

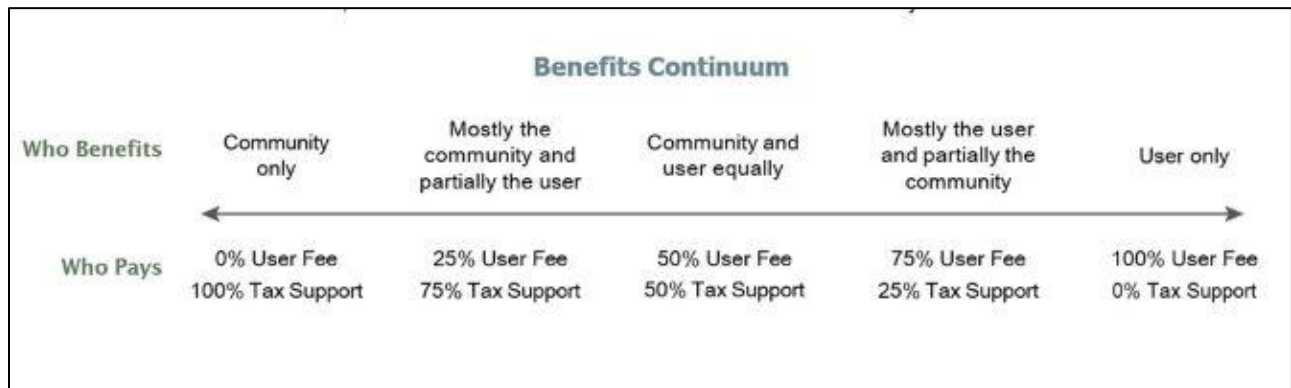
costs of program and service delivery and must be reviewed in line with operating expenses and market scans. Since 2019, minimum wage increases of approximately 25% and supply and material cost inflation has put significant pressure on Recreation’s financial structure without corresponding fee increases. An evaluation of neighbouring municipalities and private sector facilities fees also demonstrates that increases are appropriate and timely as both registered program and drop-in fees are generally below market value.

DISCUSSION:

Recreation Fees and Charges Framework

The Recreation Fees and Charges Framework, adopted in 2022, outlines the application of a benefits-based approach to setting fees and charges in recreation (see Table 1: Benefits Continuum). The framework articulates that the greater the level of community benefit, the greater the level of subsidy that should be applied to fees and charges.

Table 1: Benefits Continuum



In line with the benefits-based continuum and Fees and Charges Framework, Courtenay Recreation looks to provide a greater subsidy to programs and services for children and youth, people with disabilities, and seniors. Additionally, market comparisons are completed to identify where programs and services have the ability to drive increased revenues from select in-demand programs to help offset other highly beneficial programming. The goal of the fee setting process is to achieve overall cost recovery targets while recognizing that achieving these targets will occur through an overall averaging process.

Courtenay Recreation adheres to the philosophy that everyone in the community should have access to recreation services regardless of their ability to pay. Strategies such as the regional Leisure for Everyone Access Program (LEAP), Recreation Access Program, and applying for grants are all tools used to help ensure that recreational opportunities are affordable and accessible (in particular for those groups who face greater barriers to accessing recreation). Another strategy used to help reduce the tax subsidy required to keep targeted program offerings affordable or at low to no cost, is to have higher cost recovery rates for those recreational programs and services which generate positive revenues to offset those that are offered at low or no cost.

Recreation Programs and Fees

Due to rising costs associated with the provision of recreation programs (both registered and drop-in) that have occurred since 2019 and through completion of a market review of recreation programming, staff

have determined that Courtenay Recreation’s recreation program offerings are operating below market value and are out of alignment with the cost recovery frameworks. As a result, program fees are being reviewed and gradual fee increases have been implemented starting with some registered programs in fall 2023. For those registered programs which are significantly below market value and cost recovery targets, a slow measured increase is occurring each new session until fees return to cost recovery targets and are in alignment with market values. All registered recreation program fees are consistent with the framework outlined in the Recreation Fees and Charges Framework, “Steps to Setting Program Fees” cost recovery model.

For market based registered recreation programs, fees are set by ensuring that the minimum number of registered participants required for a program to run is set at a cost recovery fee. The registered recreation fee is set to recover wages, supplies and equipment maintenance and replacement, and administration overhead. A registered program fee for one particular program may vary from season to season due to several factors: number of classes offered, price of supplies, and wages based on qualifications required to run the program. Registered program fees are regularly evaluated and adjusted accordingly to ensure fees remain at cost recovery targets.

Children, youth, and adapted programs have been identified as those programming areas requiring greater subsidy in order to reduce financial barriers to recreation and to encourage and increase participation, as per the Recreation Fees and Charges Framework. The benefits-based approach supports that an activity which not only benefits an individual, but also the community is justified to have an increased level of subsidization as compared to other programs that mostly benefit the individual or that are more market based.

Recreation registered program fees are listed for each respective program in the seasonal Recreation Program Guide produced collectively by the local recreation departments in the Comox Valley. Examples of program fee adjustments is provided in Table 2: Registered Program Fee Comparison Fall 2023 vs. Winter 2024.

Table 2: Registered Program Fee Comparison Fall 2023 vs. Winter 2024

Program	Fall 2023 Fee	# of classes offered Fall 2023	Cost / Class (Fall)	Winter 2024 Fee	# of Classes offered Winter 2024	Cost / Class (Winter)	Notes influencing pricing
Snack Attack	\$75	6	\$12.50	\$99	6	\$16.50	Increase due to cost of food and increased wages.
Chair Yoga	\$165	15	\$11.00	\$149	9	\$16.56	Increase due to wage increases. Overall pricing also changes due to total number of classes offered.
Adapted Chair Fit	\$40	10	\$4	\$65	10	\$6.50	Increased wage costs

In addition to fees and charges reviews, registered recreation program offerings are regularly monitored and adjusted each season. Courtenay Recreation applies the Learning Resources Network (LERN) approach to programming. This approach follows an 80/20 principle where 80% of registered programs are considered CORE programs and 20% should be new each season. CORE programs are programs which consistently operate season after season at above minimum registration numbers. These CORE programs serve as the basis for each new season with the 20% new programs being built around them to address trends and respond to community demand. Both the 80% CORE and 20% new registered program offerings are monitored each session; if a program does not meet minimum cost recovery target numbers a total of two sessions in a row, it will no longer be offered as part of registered programs offerings. However, if a new program consistently runs more than two consecutive sessions it will be considered part of CORE program offerings. This ensures Courtenay Recreations registered programs remain responsive, adaptable and continue to meet community needs and changing demographics.

Admission Fees

In addition to program fees, Courtenay Recreation charges drop-in and membership fees for access to drop-in programs and facilities such as the Wellness Center, group fitness, squash courts, and adult sport, the LINC, and the Courtenay and District Memorial Outdoor Pool. These programs and services provide a flexible alternative to registered programs.

Similar to program fees, admission fees have been held since before the COVID-19 pandemic, with the exception of the Courtenay and District Memorial Outdoor Pool where admissions were adjusted upon re-opening in 2021 to align with pool admission fees at the Comox Valley Regional District. Rising operating costs including wages and benefits, equipment and supplies, and facility expenses such as utilities have put increased pressure on Courtenay Recreation's cost recovery rates. As such, staff initiated a review of admission rates to inform increases to drop-in and membership rates effective April 1, 2024.

While fee comparisons with other recreation and fitness centres is a factor in fee setting due to the market nature of some of the services, greater consideration is being given to the benefits-based approach as outlined in the Recreation Fees and Charges Framework and the City's operating costs and cost-recovery goals of the various facilities and services.

Courtenay Recreation currently charges a range of admission fees that are set based on a variety of factors including:

- Facility or service accessed (Wellness Centre, Drop-in Fitness Classes, Squash, Pool)
- Age (Child, Youth, Adult, Older Adult)
- Status (Evergreen Member, Student)
- Person with Disabilities
- Time of use (Prime Time, Non-Prime Time)
- Number of Visits (Drop-In, 10 Pass, 11 Pass)
- Membership (unlimited access for 1/3/6 Month, 1 Year, Season)

Individuals can choose the admission fee product (drop-in, pass, or membership) that best suits their needs for the service offered and based on the category they fall into (age, status, etc.). Memberships are not

considered a separate fee classification; rather, they provide an opportunity to incentivize more frequent participation by offering discounts to frequent visitors. Additionally, they can help reduce administrative costs and congestion at entry points by streamlining the admission process.

In order to determine new admission fee rates staff reviewed a Vancouver Island market analysis as well as conducted a review of current offerings; all in light of the fact that a fee increase has not occurred in over five years for most programs and services. The market analysis produced an average fee representative of comparable fees from 20 Vancouver Island local governments (including CVRD, Comox, and Cumberland).

It is important to note the following related to the comparable analysis:

- Most municipalities indicated they too have not been regularly adjusting admission fees due to the COVID-19 pandemic and as a result many fees are artificially deflated.
- Courtenay is one of the only Vancouver Island municipalities that has adopted the benefits-based approach to fees and charges, and therefore the comparable fees do not necessarily represent a similar approach.
- Categories and products of fees and charges differ between municipalities, so staff selected the most comparable average fee for the purposes of this report.

Table 3 outlines the proposed adjustments to admission rates for the Wellness Centre and drop-in Group Fitness fees. Comparable rates for drop-in group fitness are not available due to the unique structure of Courtenay Recreation’s group fitness admission and membership rates. For information, the Wellness Centre requires individuals to be 16 years old to access the facility independently, or if 13 years to 15 years old a young person can access it with an adult. Staff are proposing the elimination of the six-month Family membership as only six family memberships were sold in 2023 and it has significant administrative process requirements. The average increase to drop-in admission and 11 passes is 11% while the average increase to membership passes is 22% with the greatest increases occurring for six-month (34%) and one-year memberships (25%) as a result of applying a consistent fee formula to calculate monthly pass rates.

Table 3: Wellness Centre and Drop-In Group Fitness - Current and Proposed Admission Fees

Wellness Centre & Group Fitness	Drop-in		11 Pass		1 Month		3 Month		6 month		1 year	
	Current	Average	Current	Average	Current	Average	Current	Average	Current	Average	Current	Average
Student⁵	\$3.50	\$4.40	\$35.00*	\$44.00	\$35.00	\$43.00	\$75.00	\$91.00	\$115.00	N/A	\$180.00	\$235.00
<i>Proposed</i>	\$4.00		\$40.00*		\$40.00		\$96.00		\$180.00		\$240.00	
Adult	\$6.50	\$6.44	\$65.00*	\$64.40	\$65.00	\$64.41	\$150.00	\$141.26	\$250.00	N/A	\$360.00	\$432.96
<i>Proposed</i>	\$6.75		\$67.50*		\$67.50		\$162.00		\$270.50		\$405.00	
Evergreen⁺	\$5.00 ⁺	\$5.13	\$50.00 ⁺ *	\$51.30	\$50.00 ⁺	\$52.09	\$115.00 ⁺	\$120.60	\$190.00 ⁺	N/A	\$270.00 ⁺	\$365.21
<i>Proposed</i>	\$5.50		\$55.00⁺*		\$55.00⁺		\$132.00⁺		\$219.00		\$330.00⁺	
PWD	\$3.50	\$4.40	\$35.00*	\$44.00	\$35.00	\$43.00	\$75.00	\$91.00	\$115.00	N/A	\$180.00	\$235.00
<i>Proposed</i>	\$4.00		\$40.00*		\$40.00		\$96.00		\$180.00		\$240.00	
Family	N/A	N/A	N/A	N/A	\$95.00	N/A	\$240.00	N/A	\$430.00	N/A	\$695.00	N/A
<i>Proposed</i>	N/A		N/A		Eliminate		Eliminate		Eliminate		Eliminate	
⁵ FT student	[*] Senior - Requires Evergreen Membership (55+)						[*] Valid for Drop-in Fitness Classes as well					

The following provides further information on Table 3:

- Current: provides admission rates currently charged
- Average: provides the average of comparable fees from 20 Vancouver Island local governments
- Proposed: provides the new rate to take effect April 1, 2024

The drop-in admission fee forms the basis of calculating pass and membership fees. To calculate admission punch pass and membership fees the following standardized formulas are being applied:**Error! Not a valid link.**

Please see Attachment 1 for a comparison of Courtenay Recreation’s proposed admission fees with Comox, CVRD, and the Vancouver Island average.

Table 4 outlines current and proposed fees for squash admissions.

Table 4: Squash Admission Fees

SQUASH	Drop-in				10 Pass				6 month		1 year	
	Prime Time		Non-Prime		Prime Time		Non-Prime		Current	Proposed	Current	Proposed
	Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed				
Adult	\$6.00	\$6.25	\$4.00	\$5.00	\$55.00	\$56.25	\$35.00	\$45.00	\$275.00	Eliminate	\$450.00	\$375.00
Student	\$4.00	\$4.50	\$3.00	\$3.75	\$35.00	\$40.50	\$21.00	\$33.75	\$125.00	Eliminate	\$200.00	\$270.00
PWD	N/A		N/A		N/A		N/A		\$125.00	Eliminate	\$200.00	\$270.00
Family	N/A		N/A		N/A		N/A		\$585.00	Eliminate	\$925.00	Eliminate

For information, all court bookings are 45 minutes in duration with Prime Time rates being charged Monday to Friday 11:15am – 1:30pm & 4:30-8:30pm. Staff are proposing the elimination of both the six month and family squash membership as none have been sold in 2023 and only five have been sold since 2021. The average increase to drop-in rates is 14%. It should be noted that the Adult one-year squash membership fee will be reduced by 17% as a result of consistent application of the membership fee formula as per above.

Table 5 outlines current and proposed fees for admission to the Courtenay and District Memorial Outdoor Pool.

Table 5: Outdoor Pool Admission Fees

POOL	Drop-in			10 Pass			Season Pass		
	Current	Proposed	CVRD	Current	Proposed	CVRD	Current	Proposed	CVRD 3mos
Child	\$3.25	\$3.30	\$3.25	\$30.00	\$29.70	\$31.50	\$100.00	\$102.00	\$99.45
Youth	\$4.00	\$4.10	\$3.80	\$35.00	\$36.90	\$36.75	\$117.00	\$119.30	\$116.60
Adult	\$6.25	\$6.40	\$6.10	\$55.00	\$57.60	\$57.75	\$187.00	\$190.70	\$186.65
Older Adult	\$5.25	\$5.40	\$5.15	\$46.50	\$48.60	\$48.75	\$158.00	\$161.20	\$157.60
PWD	\$3.25	\$3.30	\$3.25	\$30.00	\$29.70	\$31.50	\$100.00	\$102.00	\$99.45

Courtenay and District Memorial Outdoor Pool fees were most recently updated in 2021 to better align with pool fees charged by the CVRD. Staff are proposing a two percent increase to all fees rounded to the nearest \$0.10. The ten visit pass has been adjusted to reflect the inclusion of one free admission that has been applied consistently across our facilities in the ten or eleven visit passes.

The proposed adjustments to recreation program and admission fees have been done to address rising operational expenses, keep pace with industry and market averages, and most importantly begin the work of aligning fees with the Recreation Fees and Charges Framework adopted in 2022. Additionally, a few underutilized admission products will be eliminated. Through this thorough review staff have also identified further opportunities for refining program and admission fees and charges which will simplify the overall fee structure and further align with the Recreation Fees and Charges Framework. Completing this work will be a priority in 2024.

Financial Access

When discussing fees and charges increases to recreation programs and services, it is critical to ensure that adequate programs are in place to support community members who face financial barriers to participation. While the Recreation Fees and Charges Framework provides direction for enhancing subsidy levels to particular groups (i.e. children, youth, seniors, people with disabilities), it is important to also offer financial assistance to those who cannot otherwise afford to participated in recreation programs and services.

Courtenay Recreation currently provides the Recreation Access Program (RAP) to City of Courtenay residents in conjunction with the regional LEAP program, both of which use Statistic Canada’s Low Income Measure (LIM)¹ to determine eligibility. Courtenay’s RAP provides annual subsidy amounts and 52 free drop-ins to eligible City of Courtenay residents. RAP annual subsidy amounts are allocated based on the age demographic categories of “child”, “youth”, and “adult” and are applied towards discounts on registered programs and memberships.² The 52 free drop-ins provide access to a variety of recreation opportunities such as the LINC Youth Centre, drop-in group fitness programs, Wellness Centre, and

¹ Statistics Canada. [Table 11-10-0232-01 Low income measure \(LIM\) thresholds by income source and household size](#)

² Courtenay Residents receive the following subsidies: Adults: 50% up to the annual amount of \$350, Youth: 75% up to the annual amount of \$400, Children: 75% up to the annual amount of \$450.

outdoor pool. LEAP provides low income Comox Valley residents with 52 free admissions to drop-in programs at each regional jurisdiction regardless of which municipality they reside in.

POLICY ANALYSIS:

Recreation program and admission fees are not covered by the City of Courtenay Fees and Charges Bylaw No. 1673, 1992.

Parks and Recreation Master Plan

A structured and transparent approach to setting drop-in and membership fees is a critical component in meeting goals and objectives of the Parks and Recreation Master Plan including:

- Foster a Healthy and Active Community
- Provide Access for All
- Practice Sound Financial Management

Recommendation 4.2.1: Prepare a comprehensive policy to guide decision-making in setting fees and charges for all programs and services in parks, recreation, and culture. This was completed with the adoption of the Recreation Fees and Charges Framework.

Recreation Fees and Charges Framework

Adopted in 2022, the Recreation Fees and Charges Framework guides the City's approach to fee setting through the application of a benefits-based continuum which articulates that increasing levels of subsidy should be applied to programs and services with the greatest community benefit. The Framework provides a six step process to setting fees which includes:

- Calculating unit / operating costs
- Assigning subsidy levels
- Calculating preliminary fees
- Applying implementation strategies
- Adjusting for practicality
- Ensuring Financial Access

As per the Framework, this process can be modified and applied to assist with program and admission fee setting and development to ensure market alignment while also capturing revenue potential through in demand programs to help offset the subsidy level required for other programs and services.

FINANCIAL IMPLICATIONS:

Increasing operating expenses and the impact of the COVID-19 pandemic on recreation participation rates, combined with static fees and charges, has placed significant pressure on the Recreation operating budget since 2019. Increases to program and admission fees and charges are required in order to address this gap and ensure that fees keep pace with rising operating expenses and enable continued provision of high community benefit programs that require increased subsidy rates due to lower cost recovery targets.

The 2023 operating budget includes approximately \$1.5m in recreation program and admission fee revenue. While fee increases will occur in 2024, revenue budgets will not be adjusted according to these fee increases at this time. This is due in part to the impact of the COVID-19 pandemic on Courtenay Recreation's overall operating budget, making increased revenue projections due to fee increases difficult to predict as participation rates continue to change post-pandemic. 2023 will be the first full post-pandemic year for Courtenay Recreation programs and operations and as such will be the first year upon which base budgets can be built post-pandemic. It is expected that revenue projections will be adjusted for the impacts of fees and charges increases in 2025.

ADMINISTRATIVE IMPLICATIONS:

Recreation staff will make the necessary program and admission fee adjustments within the ActiveNet recreation software program, which also populates the recreation program guide. While fee changes require additional administrative work, this is part of Courtenay Recreation's core work and staff have sufficient capacity and time to implement these changes prior to the April 2024 implementation.

Recreation staff will continue to review and monitor fees on an annual and seasonal basis and consider making adjustments as needed.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

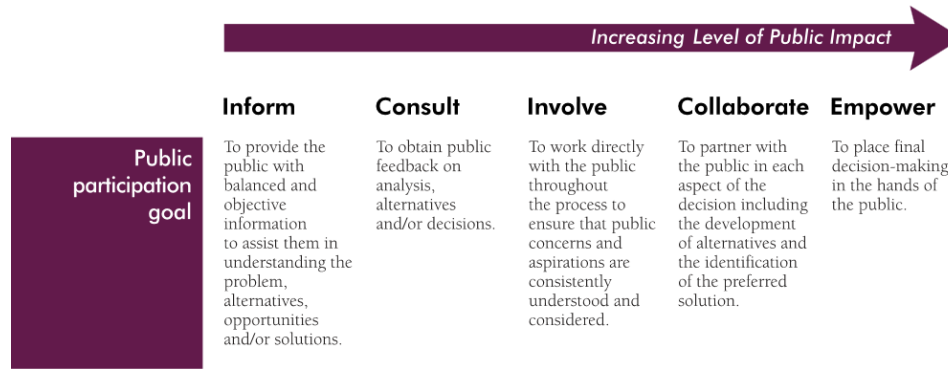
- Financial Sustainability - Review City Financial processes: Review fees, charges, and fines
- Parks and Recreation - Review recreation programs and engage with community on current and future needs, changing demographics

PUBLIC ENGAGEMENT:

The public will be informed of the increase in fees through the seasonal recreation program guide and the City website, as well as other City communication channels. These are the most common places that individuals look for information on programs and services offered by Courtenay Recreation.

The public was consulted during the development of the Recreation Fees and Charges Framework and indicated significant support for enhancing subsidies to those programs and services with the greatest community benefit.

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



© International Association for Public Participation www.iap2.org

OPTIONS:

1. THAT Council receive the report "Recreation Program and Admission Fees" for information.
2. THAT Council provide alternative direction to staff.

Prepared by: Kathy Collins, Manager of Recreation Programming
Carol Millar, Manager of Recreation Facility Operations
Ryan Coltura, Assistant Manager of Recreation Facility Operations

Reviewed by: Susie Saunders, Director of Recreation, Culture, and Community Services

Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)

ATTACHMENT 1: Courtenay Proposed Admission Fee Comparison

Wellness Centre

DROP-IN	Courtenay*	Comox	CVRD	VI Average
Student	\$4.00	\$4.75	\$3.95	\$4.40
Adult	\$6.75	\$6.85	\$6.25	\$6.44
Evergreen / Senior	\$5.50	\$5.80	\$5.30	\$5.13
PWD	\$4.00	N/A	\$3.35	\$4.40

1 MONTH	Courtenay*	Comox	CVRD	VI Average
Student	\$40.00	\$51.00	\$47.40	\$43.00
Adult	\$67.50	\$73.00	\$75.00	\$64.41
Evergreen / Senior	\$55.00	\$61.00	\$63.60	\$52.09
PWD	\$40.00	N/A	\$40.20	\$43.00

3 MONTH	Courtenay*	Comox	CVRD	VI Average
Student	\$96.00	\$99.00	\$120.90	\$91.00
Adult	\$162.00	\$149.00	\$191.25	\$141.26
Evergreen / Senior	\$132.00	\$119.00	\$162.20	\$120.60
PWD	\$96.00	\$75.00	\$102.50	\$91.00

6 MONTH	Courtenay*	Comox	CVRD	VI Average
Student	\$180.00	\$154.00	\$199.10	N/A
Adult	\$270.50	\$249.00	\$315.00	N/A
Evergreen / Senior	\$219.00	\$197.00	\$267.10	N/A
PWD	\$180.00	\$115.00	\$265.30	N/A

1 YEAR	Courtenay*	Comox	CVRD	VI Average
Student	\$240.00	\$240.00	\$312.85	\$235.00
Adult	\$405.00	\$389.00	\$495.00	\$432.96
Evergreen / Senior	\$330.00	\$310.00	\$419.75	\$365.21
PWD	\$240.00	\$179.00	\$265.30	\$235.00

*Proposed admission fees as of April 1, 2024



STAFF REPORT

To: Council

File No.: 5020-01

From: Director of Recreation, Culture, and Community Services

Date: December 6, 2023

Subject: Warming Centre and Extreme Weather Response Shelter Update

PURPOSE: To provide Council an update on City of Courtenay's response and role in Warming Centre and Extreme Weather Response shelter activities and for Council to authorize the City Manager to enter into agreements with service providers as required.

DISCUSSION:

City of Courtenay staff have been involved in recent discussions regarding the support for and location of Warming Centres and Extreme Weather Response (EWR) shelters.

Warming Centres

In response to extreme cold, warming centres may be opened for the public at the discretion of local governments and First Nations in affected areas. In the Comox Valley, warming centres are activated by the Comox Valley Emergency Program (CVEP) as authorized and funded by Emergency Management & Climate Readiness (EMCR) (formerly EMBC). Warming centre operations are coordinated by CVEP staff in partnership with regional emergency program liaisons and associated facility management staff.

Warming centres are temporary low-barrier drop-in spaces activated as a life safety measure during periods of extreme cold (based on temperature thresholds of -4 or feels like -4 and or during active winter warnings). Services are delivered by local service providers to offer a safe, warm, dry place of refuge with access to washroom facilities, a seating area, snacks, and refreshments. No sleeping accommodations are provided. While discussions to date have focused around the provision of warming centres overnight, they can be provided in daytime as well.

CVEP is coordinating the selection and activation of potential facilities for warming centres with each of the local governments in the Comox Valley. The City of Courtenay has offered the following facilities for warming centre activation:

- 1) Preferred option: Lower Native Sons Hall – Dining Room
- 2) Alternative option: Lewis Centre – Meeting Room

The Lower Native Sons Hall Dining room is preferred due to the facility amenities available (washroom and kitchen), ease of facility access, and facility safety and security; it is 900 square feet. If activated as a warming centre, the hours would likely be 10:00pm to 7:00am due to pre-existing rental and programming bookings in the space. Additional costs associated with activating a warming centre will be reimbursed through CVEP and EMCRC.

CVEP has selected Community Cares as the operator for warming centres in the Comox Valley. Before warming centre activation, staff will enter into agreement with the CVRD and or the service provider for the use of City of Courtenay facilities for the purpose of providing a Warming Centre. Staff will also confirm items related to roles, responsibilities, and risk management prior to entering into an agreement.

Extreme Weather Response Shelters

Extreme Weather Response (EWR) shelters are one of three types of emergency shelter that BC Housing funds¹:

- Year-round shelters (open year-round and generally running 24 hours a day, seven days a week)
- Temporary shelters (time bound shelter, i.e. temporary winter shelters that run every night from November 1 to April 30, regardless of weather)
- Extreme weather winter shelters (EWRs which are weather activated when sleeping outside could threaten health and safety, during the period of November 1 to March 31 annually)

EWRs are governed by BC Housing's EWR Program Framework² and the Assistance to Shelter Act³. The program is administered through community agencies and based on a community led extreme weather response plan. For the Comox Valley it is the Coalition to End Homelessness and Community Cares that are leading the community extreme weather response plan for individuals who are experiencing homelessness this Winter season. BC Housing provides time-limited funding to communities where there is not sufficient emergency shelter capacity. It also activates the Assistance to Shelter Act Assistance to Shelter Act (gov.bc.ca) which enables RCMP to bring people to shelter.

The terms of the activation (i.e. weather triggers) are outlined in the agreement between the operator and BC Housing. While activation triggers are locally determined, typical weather thresholds for EWRs are 0 or feels like 0, and or extreme weather alerts including but not limited to heavy rain, snow, and or wind.

Staff have been working collectively with other local governments and the Coalition to End Homelessness to identify suitable locations for a potential EWR location. Through this process staff have identified the Tsolum building as an available location. It is a separate building with a kitchen and washrooms, however it would only allow for ten sleeping beds due to size. While it would have minimal program or rental impacts, it is located in an area prone to flooding. Should this location be selected for an EWR clear policies would be put in place regarding relocating the shelter during periods of flooding where access might be impacted by flooding. In these situations, EWR operations would be relocated to the lower Native Sons Hall Dining room.

Before EWR activation could occur in a Courtenay facility, staff would work with Community Cares to ensure adequate and appropriate risk management and liability requirements are on place as per current practices. A facility use agreement would be required between the City and the service provider before the activation of an EWR.

¹ [Emergency Shelter Program | BC Housing](#)

² [Extreme Weather Response - Program Framework \(bchousing.org\)](#)

³ [Assistance to Shelter Act \(gov.bc.ca\)](#)

FINANCIAL IMPLICATIONS:

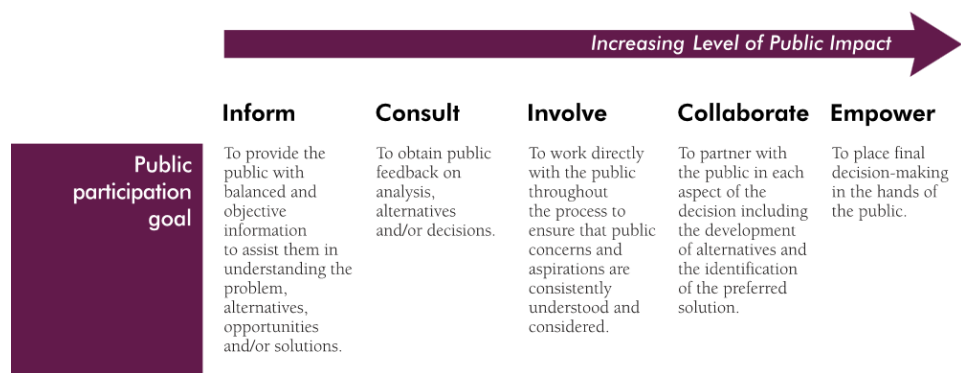
Incremental costs associated with providing space for the operation of a warming centre are reimbursable by EMCR through CVEP and will be approved in advance through preauthorization expense forms.

It is expected that incremental costs associated with providing a space for the operation of an EWR would be reimbursable through either a) the BC Housing EWR operating agreement or b) the funding provided by the CVRD towards the operation of an EWR for non-eligible BC Housing expenses.

Administrative and management oversight of these types of operations will be absorbed within the Recreation, Culture, and Community Services, as well as Fire Services, departments. However incremental costs will likely be incurred related to custodial and facility support which staff expect will be eligible for reimbursement through both programs.

PUBLIC ENGAGEMENT:

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



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OPTIONS:

1. THAT Council approve the use of City facilities for the purpose of providing an Extreme Weather Response Shelter and/or Warming Centre in accordance with the Comox Valley Emergency Program and/or the Extreme Weather Response - Program Framework; and, THAT Council delegate authority to the City Manager to determine the terms and conditions of a facility use agreement as deemed necessary to facilitate the provision of the Extreme Weather Response Shelter and/or Warming Center; and, THAT the City Manager, Director of Recreation Culture, and Community Services, and the Director of Corporate Services be authorized to execute the agreement(s) on behalf of the City.
2. THAT Council provide alternative direction to staff.

Prepared by: Susie Saunders, Director of Recreation, Culture, and Community Services
Reviewed by: Kurt MacDonald, Courtenay Fire Chief
Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)



November 20, 2023

Ref: 119447

Mayor Bob Wells
830 Cliffe Ave
Courtenay, BC V9N 2J7

Email: mayor@courtenay.ca
council@courtenay.ca

Dear Mayor Wells:

The Honourable George Heyman, Minister of Environment and Climate Change Strategy, forwarded to my office a copy of the City of Courtenay's July 12, 2023, letter from Acting Mayor McCollum regarding development covenants affecting home solar installations.

As you note, the Province is committed to reaching its net-zero greenhouse gas emissions targets by 2050. To support our 2050 goals, we are investing in new technology, adopting new policies, and improving energy systems. As part of the CleanBC Roadmap to 2030, the Province and BC Hydro are undertaking numerous programs to promote electrification and reduce emissions.

BC Hydro's Integrated Resource Plan (IRP), Clean Power 2040, looks at a 20-year time horizon and outlines specific actions that will support customers growing demand for clean electricity. To meet forecast increases in electricity demand, BC Hydro plans to enhance energy efficiency programs, renew existing clean energy purchasing agreements, upgrade existing BC Hydro infrastructure, and develop new clean energy resources. Preliminary analysis of the IRP indicates that near term utility-scale wind and solar generation are likely to be the most cost-effective clean energy sources when compared to alternatives such as distributed or rooftop solar.

Beginning last year, BC Hydro implemented a voluntary Clean Electricity Standard. This requires the utility to generate and acquire enough clean energy to meet their customers' electricity needs. As a result, all BC Hydro customers have access to a clean, renewable energy supply whether they get their electricity from BC Hydro or generate it through alternatives such as rooftop solar.

As you know, BC Hydro offers a net metering rate so that its customers can offset their electricity consumption with their own generation. Most of BC Hydro's net metering customers generate electricity using solar panels. BC Hydro has engaged with its customers this year and is preparing an application updating their net metering program, to be submitted to the

... /2

British Columbia Utilities Commission by the end of 2023.

More information on BC Hydro's IRP can be found at:

https://www.bchydro.com/toolbar/about/planning-for-our-future/clean-power-2040.html?WT.mc_id=rd_cleanpower2040

Information on the British Columbia Utility Commission IRP proceedings can be found at:

<https://www.bcuc.com/OurWork/ViewProceeding?applicationid=965>.

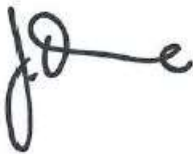
Information on BC Hydro's current rate design activities, including those affecting net metering, can be found at: <https://www.bchydro.com/toolbar/about/strategies-plans-regulatory/rate-design/current-activities.html>

The Ministry of Attorney General is responsible for the *Property Law Act* and restrictive covenants that prohibit the installation of rooftop solar. Any changes to this would require engagement with the Ministries of Environment and Climate Change Strategy, Forests, and Municipal Affairs. Your letter has been shared with staff at these Ministries.

The City of Courtenay's proposal that the Province pass legislation to void development covenants which prevent/restrict the use of solar panels is currently not being considered. I encourage you to reach out to the Ministry of Attorney General to discuss an assessment of a legislative response to this issue.

Thank you, again, for writing.

Sincerely,



Josie Osborne
Minister



2024 AGM & CONVENTION

RESOLUTIONS NOTICE REQUEST FOR SUBMISSIONS

The AVICC Executive is calling for resolutions to be considered at the 2024 AGM and Convention that, subject to public health order restrictions, will be held in Victoria at the Victoria Conference Centre as an in-person event from April 12-14, 2024.

Members are asked to submit resolutions that meet the requirements outlined in the following pages.

DEADLINE FOR RESOLUTIONS

AVICC must receive all resolutions by: **4:30 pm, Thursday, February 7, 2024**

IMPORTANT SUBMISSION REQUIREMENTS

To submit a resolution to the AVICC for consideration please send a copy of the resolution as a **word document** by email to info@avicc.ca by the deadline. AVICC staff will confirm receipt of the submission via email. If confirmation is not received within 3 business days, the resolution sponsor should follow up by phone at 236-237-1202. A mailed hard copy of the resolution is no longer required.

AVICC's goal is to have resolutions that can be clearly understood and that have specific actions. If a resolution is endorsed, its "therefore clause" will form the basis for advocacy work with other levels of government and agencies. Detailed guidelines for preparing a resolution follow, but the basic requirements are:

- Resolutions are only accepted from AVICC member local governments and must have been endorsed by the Board or Council.
- Members are responsible for submitting accurate resolutions. AVICC recommends that local government staff assist in drafting the resolutions, in checking the accuracy of legislative references, and be able to answer questions from AVICC & UBCM about each resolution. If necessary, please contact AVICC staff for assistance in drafting the resolution.
- Each resolution **must include a separate backgrounder** that is a maximum of 3 pages and specific to a **single** resolution. Each resolution submitted must have a separate backgrounder; do not combine backgrounders into a single document. The backgrounder may include links to other information sources and reports.
- Sponsors should be prepared to speak to their resolutions at the Convention.
- Resolutions must be relevant to other local governments within AVICC rather than specific to a single member government.
- The resolution must have at least one "whereas" clause and should not contain more than two "whereas" clauses. Each whereas clause must have only **one sentence**.

LATE AND OFF THE FLOOR RESOLUTIONS

- a. A resolution submitted after the regular deadline is treated as a "Late Resolution". Late Resolutions must be received by AVICC by noon on **Wednesday, April 10th, 2024**.
- b. Late Resolutions are not included in the Resolutions Package sent out to members before the Convention. They are included in the Report on Late Resolutions that is distributed on-site.
- c. The Resolutions Committee only recommends Late Resolutions for debate if the topic was not known prior to the regular deadline date, or if it is emergency in nature.
- d. Off the Floor Resolutions are considered after all resolutions in the Resolutions Book and all Late Resolutions have been considered. Off the Floor Resolutions must be submitted in writing to the Chair of the Resolutions Session as soon as practicable, and copies must be made available to all delegates no later than 9:00am on Sunday morning. Contact AVICC staff for more information about how to organize an Off the Floor Resolution for consideration.
- e. The full Convention Rules, including detailed information about the process for Late and Off the Floor Resolutions, will be published and distributed to members in advance of the Convention.

AVICC RESOLUTIONS PROCEDURES

UBCM urges members to submit resolutions to their Area Association for consideration. Resolutions endorsed at the AVICC annual meeting, except those that are considered to be regional in nature by UBCM (see below) are submitted automatically to UBCM for consideration.

A resolution deemed by UBCM to be specific to the AVICC region is considered a Regional Resolution and will not be automatically submitted to UBCM for consideration at the UBCM annual meeting, and instead will remain with AVICC, where it may be actioned.

UBCM has observed that submitting resolutions first to an Area Association results in better quality resolutions overall. Local governments may submit Council- or Board-endorsed resolutions directly to UBCM prior to June 15th, 2024. Detailed instructions are available on the UBCM website.

RESOLUTIONS PROCESS

1. Members submit resolutions to AVICC for debate. All resolutions submitted to AVICC are forwarded to UBCM staff for analysis, comment, and recommendations.
2. For some resolutions, which focus on issues specific to the AVICC region, UBCM will indicate that they are considered a Regional Resolution and that it won't be admitted to UBCM for debate should it be endorsed. AVICC will work with local governments to address issues identified by UBCM staff to ensure the resolution reflects the intention of the local government.

3. The AVICC Resolutions Committee reviews and finalizes the recommendations, and the Resolutions Book is published and sent to members in advance of the annual meeting.
4. AVICC conveys any Regional Resolutions endorsed at their annual meeting to the appropriate level of government, or takes other action as determined by the AVICC Executive.
5. AVICC submits all other resolutions endorsed at its Convention to UBCM.
6. The UBCM Resolutions Committee reviews the resolutions for submission to its Convention.
7. Resolutions endorsed at the UBCM Convention are submitted by UBCM to the appropriate level of government for response.
8. UBCM will forward the response to the resolution sponsor for review.

AVICC & UBCM RESOLUTIONS GUIDELINES

The Construction of a Resolution:

All resolutions contain a preamble – the whereas clause(s) – and an enactment clause. The preamble describes *the issue* and the enactment clause outlines *the action being* requested of AVICC and/or UBCM. A resolution should answer the following three questions:

- a) **What is the problem?**
- b) **What is causing the problem?**
- c) **What is the best way to solve the problem?**

Preamble:

The preamble begins with "WHEREAS" and is a concise sentence about the nature of the problem or the reason for the request. It answers questions (a) and (b) above, stating the problem and its cause, and should explain, clearly and briefly, the reasons for the resolution.

The preamble should contain no more than two "WHEREAS" clauses. Supporting background documents can describe the problem more fully if necessary. Do not add extra clauses.

Only one sentence per WHEREAS clause.

Enactment Clause:

The enactment clause begins with the phrase "Therefore be it resolved" and is a concise sentence that answers question (c) above, suggesting the best way to solve the problem. **The enactment should propose a specific action by AVICC and/or UBCM.**

Keep the enactment clause as short as possible, and clearly describe the action being requested. The wording should leave no doubt about the proposed action.

HOW TO DRAFT A RESOLUTION

1. Address one specific subject in the text of the resolution.

Because your community seeks to influence attitudes and inspire action, limit the scope of a resolution to one specific subject or issue. If there are multiple topics in a resolution, the resolution may be sent back to the sponsor to rework and resubmit.

2. For resolutions to be debated at UBCM, focus on issues that are province-wide.

The issue identified in the resolution should be relevant to other local governments across BC. This will support productive debate and assist UBCM to represent your concern effectively to the provincial or federal government on behalf of all BC municipalities and regional districts. Local governments are welcome to submit resolutions that address issues specific to the AVICC region. A resolution that addresses a topic specific to the AVICC region may not be entered for debate during the UBCM Convention but may be actioned by the AVICC Executive if endorsed.

3. Use simple, action-oriented language.

Explain the background briefly and state the desired action clearly. Delegates can then debate the resolution. Resolutions that are unclear or that address multiple topics may end up with amendments at the Convention.

4. Check legislative references for accuracy.

Research the legislation on the subject so the resolution is accurate. Where necessary, identify:

- the correct jurisdictional responsibility (responsible ministry or department, and whether provincial or federal government); and
- the correct legislation, including the title of the *Act* or regulation.

5. Provide factual background information.

Even a carefully written resolution may not be able to convey the full scope of the problem or the action being requested. Provide factual background information to ensure that the intent of the resolution is fully understood for the purpose of debate and UBCM (or AVICC for Regional Resolutions) can advocate effectively with other levels of government and agencies.

Each resolution **must include a separate background** that is a maximum of 3 pages and specific to a single resolution. Do not submit a single background relating to multiple resolutions. The background may include links to other information sources and reports.

Resolutions submitted without background information **will not be considered** until the sponsor has provided adequate background information. This could result in the resolution being returned and having to be resubmitted.

6. Construct a brief, descriptive title.

A title identifies the intent of the resolution. It is usually drawn from the "enactment clause" of the resolution. For ease of printing in the Annual Report and Resolutions Book and for clarity, a title should be no more than three or four words.

TEMPLATE FOR A RESOLUTION

Whereas << *this is the area to include an issue statement that outlines the nature of the problem or the reason for the request* >> ;

And whereas << *if more information is useful to answer the questions - what is the problem? what is causing the problem?>> :*

Therefore be it resolved that AVICC & UBCM << *specify here the action(s) that AVICC & UBCM are being asked to take on, and what government agency the associations should be contacting to solve the problem identified in the whereas clauses* >>.

If absolutely necessary, there can be a second enactment clause (the “therefore” clause that specifies the action requested) with the following format:

And be it further resolved that << *specify any additional actions needed to address the problem identified in the whereas clauses* >>.



BRIEFING NOTE

To: Council
From: Director of Public Works Services
Subject: Snow and Ice Control 2023-2024

File No.: 5400-11
Date: December 6, 2023

PURPOSE:

This note summarizes the City's Snow and Ice Control Program from November 16, 2023 to March 1, 2024.

BACKGROUND:

During snow and ice conditions, the City of Courtenay's Public Works Services Department is prepared and ready to respond 24 hours a day, seven days a week for the snow season from November 20, 2023 to March 1, 2024.

City Crews maintain over 341 lane-kilometres of roads throughout the City with crews working up to 16 hour shifts during snow events to provide the most effective program possible. Crews are also dispatched to clear high priority sidewalks, and the City's catch basins (e.g., storm drains) to prevent flooding. Additional maintenance activities include pothole patching, winter road patrols, health and safety training, and repairs to property, tools and equipment.

DISCUSSION:

Whether it's reducing ice or removing snow on roads or clearing it from paths, sidewalks and bike lanes, the City's crews strive to ensure residents and visitors can connect to and access spaces, services, facilities and transportation networks no matter how they travel, despite the weather.

The City's winter maintenance operations include salting and brining, plowing and snow removal. As capacity is limited, crews work in order of priority. On local roads, cul-de-sacs and lanes, residents should expect a single plow pass to accommodate emergency access for police, fire and ambulance. Snow removal includes activities such as bus stop clearing, snow removal with loaders, snow dump operations, and snowbank removal in the downtown core.

The priorities for roads are as follows, as illustrated on the City's website:

1. Arterial and major collector roads, emergency services facilities, bus routes and the downtown core.
2. Minor collector roads, streets with steep hills, school zones.
3. Local roads.
4. Cul-de-sacs and lanes.

The City also clears snow from sidewalks and walkways on high volume pedestrian routes where mechanical clearing is possible. This includes arterial roads, the downtown core, park frontages, transit areas, sidewalks adjacent to emergency and municipal facilities and prioritized paved walking trails. Snow is also cleared from sidewalks on collector roads without residential homes where mechanical clearing is possible and on fully separated bike lanes.

The priorities for sidewalks are as follows, as illustrated on the City's website¹:

1. Arterials and the downtown core, prioritized multi-use pathways and walking trails, and separated bike lanes.
2. Collectors, secondary neighbourhood multi-use pathways.
3. Connecting walkways, prioritized residential neighbourhoods, and park frontages.
4. Transit areas, intersection letdowns, and catch basins.

RECOMMENDATION: THAT Council receive the "Snow and Ice Control 2023-2024" briefing note.

ATTACHMENTS:

1. Snow and Ice Control Presentation

Prepared by: Michael Wright, P.Eng, MPA, Manager of Transportation and Fleet

Reviewed by: Michael Kearns, Manager of Parks Maintenance

Kyle Shaw, ASCT, CPWI, CWP, CWWP, Director of Public Works Services

Concurrence: Geoff Garbutt, M.P.I., MCIP, RPP, City Manager (CAO)

¹ <https://www.courtenay.ca/EN/main/departments/public-works/snow-and-ice-control.html>



City of
Courtenay

ZOOM Window Space

Snow & Ice Control

Snow & Ice Control Program

ZOOM Window Space

Program Overview

The Snow and Ice Control Program maintains a safe transportation network that is efficient for vehicle road users during the winter months and strives to ensure the City meets its legislative requirements in addition to Council's mandated levels of service.

Preventing the accumulation of snow and ice or quickly removing it (as is reasonably practical) increases safety, mobility, and improves commerce. As such, operational priorities are established for all of the City's roads, laneways, separated bike lanes, parking lots, sidewalks and paved trail networks, as defined in the Official Community Plan.

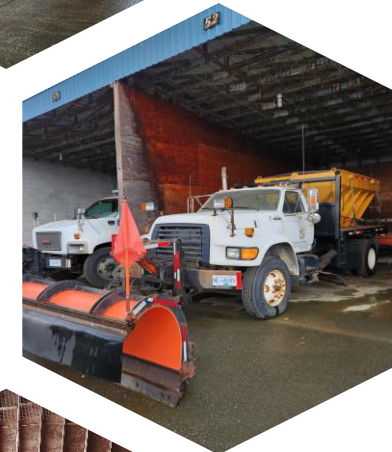
Snow & Ice management along provincial highways is managed by the BC Ministry of Transportation and Infrastructure (MoTI) and their contracted services.

Assets

ZOOM Window Space

Existing:

- Heavy Equipment: 14 Units
- Medium Equipment: 2 Units
- Small Equipment: 9 Units
- Salt and Sand Spreaders: 7 Units
- Truck Mounted Brine Units: 2 Units



New for 2023:

- 1 Salt and Sand Spreader

Awaiting Delivery:

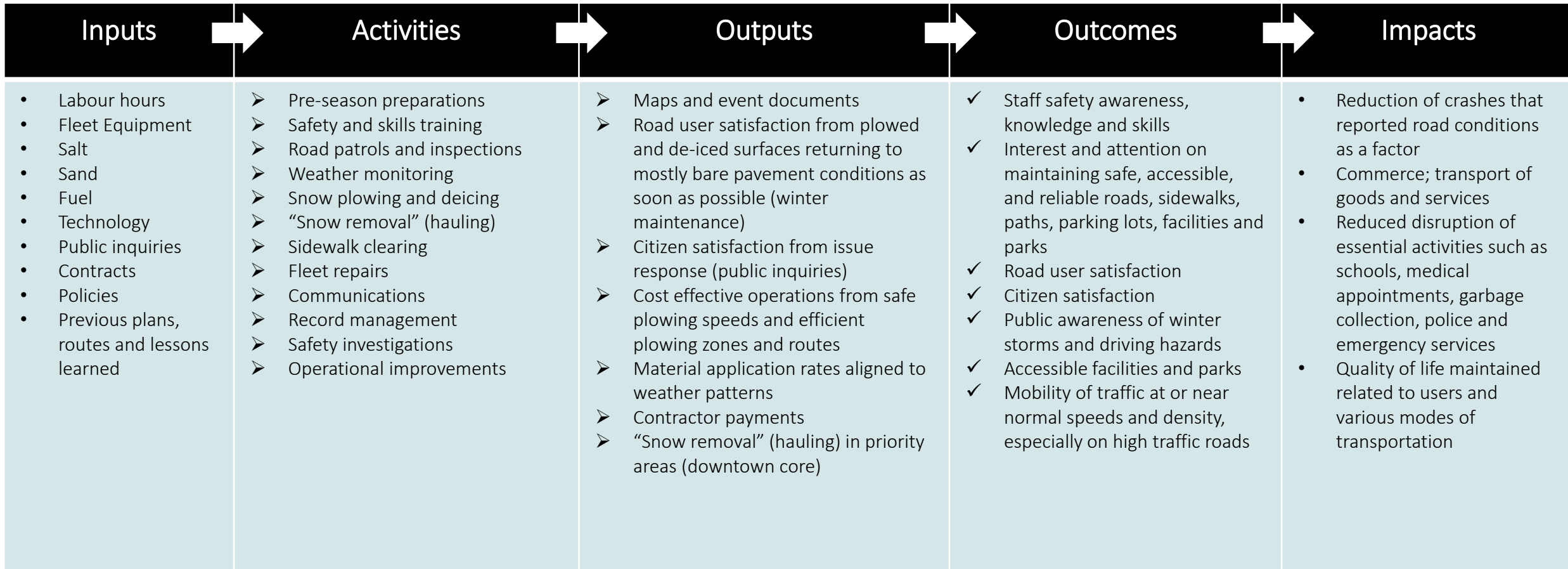
- 2 Heavy Equipment Units



Logic Model

A visual illustration of a program's resources, activities and expected outcomes

ZOOM Window Space



When to Salt & Plow

ZOOM Window Space

The City clears 341 lane-km of roads, 64 linear-km of sidewalks, walkways and paved trails, and 25 parking lots

Asset Class	When does the City start to apply product (brine, or salt, or sand)?	How many hours does it take to apply product each round?*	When does the City start plowing?	How many hours does it take to plow each round?*	Required Outcome
Arterial roads	Before snow accumulates if temps are forecasted below 0°C without rain	3 hours (4 fleet vehicles)	Based on road conditions. Typically 2.5cm of snow accumulation	6-8 hours (6 fleet vehicles)	Bare pavement or centre bare
Major roads, transit routes and streets with hills	Before snow accumulates if temps are forecasted below 0°C without rain	3 hours (4 fleet vehicles)	Based on road conditions. Typically 2.5cm of snow accumulation	6-8 hours (6 fleet vehicles)	Bare pavement or centre bare
Local roads	By request	n/a	10cm of snow accumulation	14-20 hours (12 fleet vehicles)	Passable
Cul-de-sacs and lanes	By request	n/a	10cm of snow accumulation	24-36 hours from end of snowfall	Passable
Sidewalks	Before snow accumulates if temps are forecasted below 0°C without rain (DCBIA only)	3 hours	5cm if more than 10cm of snow accumulation is forecasted	48 hours from end of snowfall	Passable
Paved trails & paved multi-use paths	Before snow accumulates if temps are forecasted below 0°C without rain	3 hours	5cm if more than 10cm of snow accumulation is forecasted	48 hours from end of snowfall	Passable
Separated cycle tracks	Before snow accumulates if temps are forecasted below 0°C without rain	3 hours	5cm if more than 10cm of snow accumulation is forecasted	24 hours from end of snowfall	Bare pavement
Civic properties and public facilities	Before snow accumulates if temps are forecasted below 0°C without rain	3 hours	5cm if more than 10cm of snow accumulation is forecasted	24 hours from end of snowfall	Passable
Parking lots	Before snow accumulates if temps are forecasted below 0°C without rain	3 hours	5cm of snow accumulation	12 hours (2 fleet vehicles)	Bare pavement

*It may take multiple rounds to clear a road due to ongoing snowfall

Street Clearing

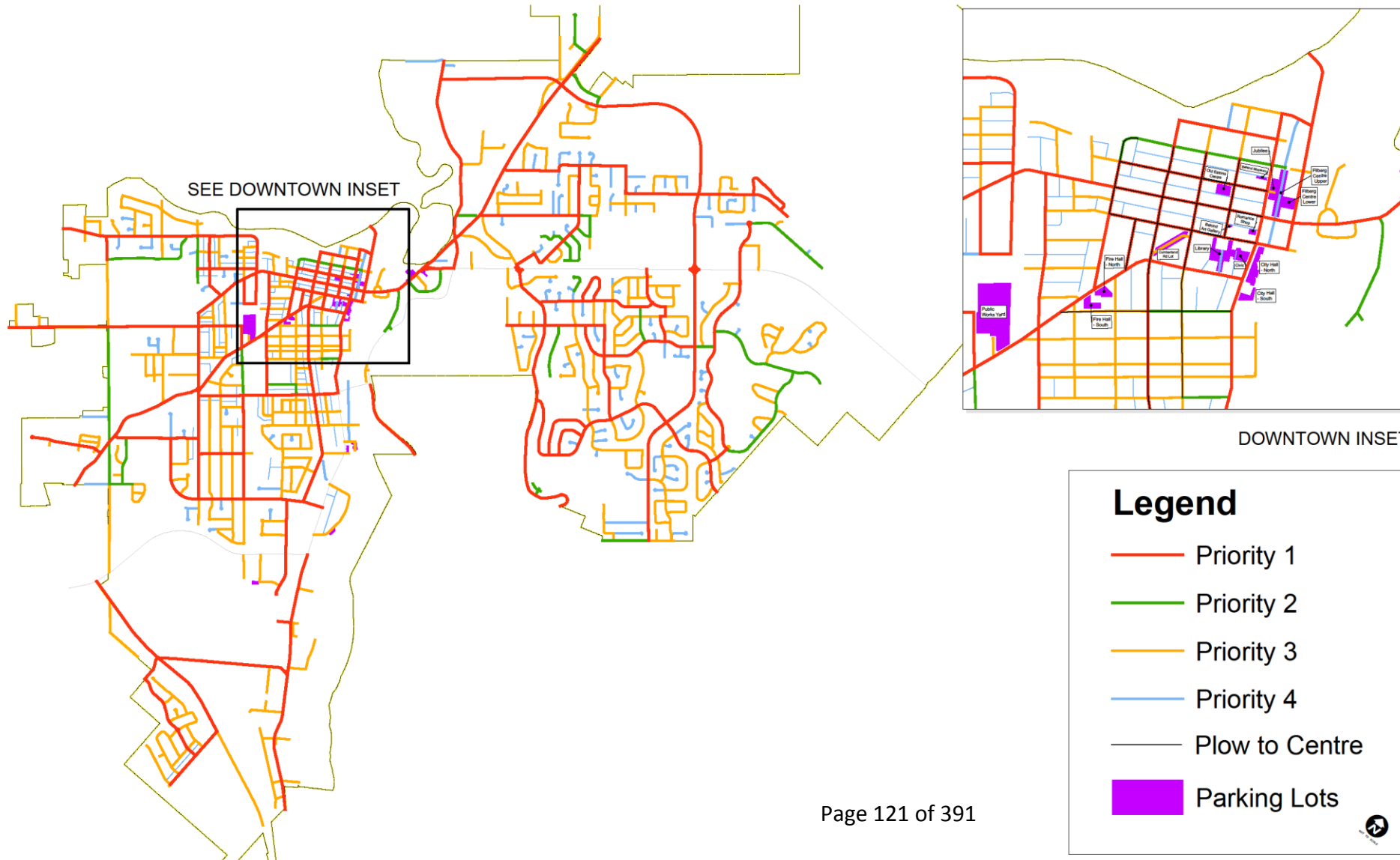
ZOOM Window Space

The City clears snow from roads in order of priority:

1. Arterial and major collector roads, emergency services facilities, bus routes and the downtown core commercial area
2. Minor collector roads, streets with steep hills, school zones
3. Local roads
4. Cul-de-sacs and lanes

Street Clearing Map

ZOOM Window Space



Sidewalk Clearing

ZOOM Window Space

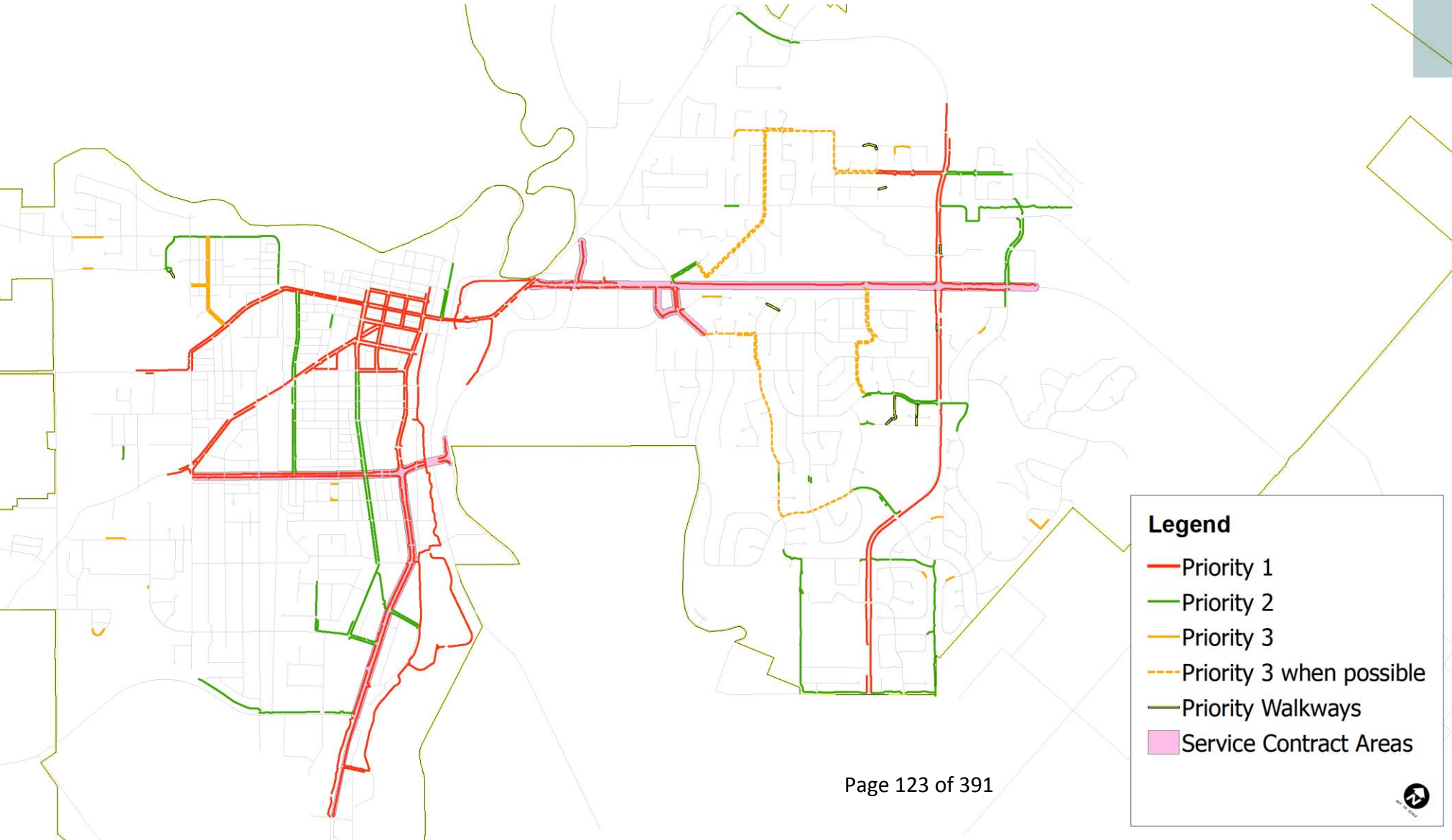
The City clears snow from sidewalks on high volume pedestrian routes where mechanical clearing is possible.

This includes arterial roads, the downtown core, park frontages, transit areas, sidewalks adjacent to emergency and municipal facilities, separated bike lanes and prioritized paved walking trails.

Snow is also cleared from sidewalks on collector roads without residential homes where mechanical clearing is possible.

Sidewalk Clearing Map

ZOOM Window Space



Legend

- Priority 1
- Priority 2
- Priority 3
- Priority 3 when possible
- Priority Walkways
- Service Contract Areas



Snow & Ice Control Program

Next Steps

- Snow & Ice Control Policy Update: 2024

ZOOM Window Space

Minutes from Heritage Advisory Commission Meeting - June 28, 2023

Attendance: Judy, Lawrence, Julie, Ross, Glen, Linda, Dana, Councillor Hilian
Regrets: Cliff

Glen accepted the agenda and it was seconded by Linda

City Clocks

(Dana)

No formal update is available on the City Clocks project.

The HAC reminded the staff liaison that they made a previous request with Council to have the clock placed on the front of the City Hall building. Further that the funds were previously approved and this was discussed in the Council meeting in November 2022.

Councillor Hilian noted he would be making a motion at Council regarding the City Clock project.

Sandwick Manor (aka Duncan House)

(Dana)

No formal application has been submitted to the City. Once a formal application is made to the City for the development, Council will formally refer it to the HAC.

Signage for River and Bridge

(Judy)

The HAC met on May 31, 2023 at Simms Park to discuss the location of the signage for the river and bridge. The HAC offered to provide recommendations to the City Parks Department on the location of the signage and the proposed wording for the signage. Ross has drafted wording for the signage and gathering input from HAC members.

Recreation Boards at The Lewis Centre

(Ross)

Ross will contact Carol Millar at the Lewis Centre to determine if she has located the recreation boards and will report back to the HAC at the next meeting.

Wedge of Wood from Pioneer Grave

(Ross)

The Wedge of Wood is from a historic tree located on Mission Hill and has ties to the original Harmston family in the Comox Valley. Ross has the Wedge of Wood and will be looking at placing it in the library or the museum.

HAC Annual Report

(Dana)

No formal update is available at this time. Dana will coordinate internally with senior staff on the timing of this report.

New HAC Membership

(Judy)

The recruiting of new membership for the HAC was discussed. The HAC requested that the City advertise for new members in the fall of 2023.

New HAC Meeting Time/Day

The HAC passed the following motion

“The monthly HAC meetings will now be held on the 4th Tuesday of the month”
Moved by Linda and Seconded by Ross

In-Kind Hours

- * Judy 5 hours
- * Ross 3 Hours
- * Lawrence 10 hours
- * Linda 2 hours
- * Julie 2 hours

Adjournment

Next Meeting

September 26th, 2023



Chair

Minutes from Heritage Advisory Commission Meeting - October 31, 2023

Attendance: Judy, Lawrence, Julie, Ross, Linda, Dana, Mayor Bob Wells

Regrets: Cliff, Glen

Ross accepted the agenda and it was seconded by Linda.

City Clocks

(Dana)

City Staff are preparing a report to Council for the November 22, 2023 Council meeting on an update to the City Hall Clock Project. Dana will send the link to the HAC.

Wedge of Wood from Pioneer Grave

(Ross)

Nothing new to report. Ross noted that he was exploring locations on where the wedge could be located including the Courtenay Museum and Library. The wedge has historical significance related to Harmston Avenue and the Harmston family name.

Signage for River and Bridge

(Judy)

In May 2023 the HAC met at Simms Park to discuss the location of the signage for the river and bridge. Ross drafted wording for the signage after gathering input from HAC members. This information is being kept electronically on record at City Hall. Dana will ensure that the records are updated with the recent wording from Ross.

Mayor Wells noted that the Public Works Division has a sign shop that could assist the HAC with making the signage.

Judy noted the location of the signage should be finalized in consultation with Public Works staff. Dana will reach out to Public Works staff regarding the sign shop and the types of signs that can be accommodated by their shop.

Recreation Boards at the Lewis Centre

(Ross)

In consultation with Carol Millar at the Lewis Centre Ross was able locate one of the old recreation boards with historical significance. Ross will continue with work with Carol on locating the boards and placing the boards on the wall with associated signage outlining their historical significance.

HAC Appreciation Cards

(Dana)

Dana reviewed the previous HAC motion and the revised quote provided by ABC printing. HAC agreed to utilize the budget from 2023 to purchase a hundred (100) cards and a hundred (100) envelopes from ABC printing based on the revised quote.

The HAC passed the following revised motion: That 100 appreciate cards and 100 envelopes be purchased using the HAC budget from 2023. Moved by Judy seconded by Lawrence.

New HAC Membership

(Judy)

The recruiting of new membership for the HAC was briefly discussed. The HAC requested that the City advertise for new members. Dana indicated that a number of Council Committees are being revised at the City, therefore, the timing of advertising will be associated with this broader process taking place. Dana will continue to update the HAC on this broader review.

HAC Annual Report

(Dana)

No formal update is available from staff at this time.

Sandwick Manor (aka Duncan House)

(Dana)

City Staff are preparing a report for the November 22, 2023 Council meeting on the property located at 276 Sandwick Road in Courtenay. Dana will send the link to the HAC.

Dana noted that no formal development application has been submitted to the City. Staff are expecting a complete and formal application to be made to the City within the next couple of months.

Heritage Homes in Courtenay

The HAC previously worked on an inventory of heritage homes (prior to 1939) in the City and placed the information in binders and worksheets.

Judy suggested a project to the HAC related to the forty houses project utilizing the work the HAC has done to date and display them at the Courtenay library.

Judy indicated it is available subdivision in the city. The HAC has previously placed the forty 40 houses on display boards. The project could be displayed at the library for little or no cost.

The Mayor offered to take a photo of the recent newly renovated façade on 1723 McPhee Avenue. Dana to confirm the address with the Mayor from City files.

Ross said the Dingwall Stairs project may be an option for an additional heritage week project.

UBC Library Book

Judy requested that the UBC Library Book the Station sub-division of town of Courtenay - item in Rare Books & Special Collections – and wants to see if this can be borrowed utilizing the HAC Budget. Dana will contact Library to see what the options may be to obtain this book and what the associated cost may be.

In-Kind Hours

- * Judy 25 hours
- * Ross 3 Hours
- * Lawrence 10 hours

Adjournment

Next Meeting: To be determined

Chair

A handwritten signature in cursive script, appearing to read "Judy H.", is written over a horizontal line.



STAFF REPORT

To: Council
From: Director of Development Services
Subject: Zoning Amendment Bylaw No. 3094 (1560 Grieve Ave)

File No.: 3360-20-2301/ RZ000074

Date: December 6 2023

PURPOSE:

For Council to consider first, second and third reading of Zoning Amendment Bylaw No. 3094 to permit 16-unit multi-residential rental development with amenity building for the property legally described as Lot 14, Section 41, Comox District, Plan 9456.

BACKGROUND:

Council passed a resolution at the regular meeting of November 8, 2023 to not hold a public hearing as per section 464(2)(b) of the *Local Government Act (LGA)* and directed staff to send notices as per section 467 of the *Local Government Act (LGA)*. The staff report from the regular council meeting held on November 8th which outlines the application to amend Zoning Bylaw No. 2500, 2007 from R-2 to Comprehensive Development Thirty-Eight Zone (CD-38), to permit a 16-unit multi-residential rental development containing in six buildings on a 1,630 m² property for people with diverse abilities to be operated by a non-profit charitable organization is attached to this report. Staff support the proposed Zoning Amendment Bylaw No. 3094.

The subject property is designated Urban Residential and is consistent with the OCP land use policies and is located at 1560 Grieve Avenue as illustrated in **Figure 1**. The site contains an existing single-residential building and vegetation including a variety of mature trees and within 200 metres of the site contains many services including a community hub run by the L'Arche Organization who are the operators of this proposed development. It is zoned Residential Two (R-2) zone and has a single-family dwelling on the lot.



Figure 1: Subject Property Location and Context

DISCUSSION:

Zoning Review

The subject property is zoned R-2 which does not permit multi-residential development, a Comprehensive Development Zone CD-38 has been developed (Zoning Bylaw Amendment No. 3094) which is consistent with the OCP (draft bylaw **Attachment 1**). The staff report dated November 8, 2023 has the detailed zoning analysis.

Zoning Analysis

The proposed CD-38 is based upon the R-3 zone and seeks to:

- reduce building and landscape setbacks;
- reduce frontage width;
- reduce vehicular and bicycle parking requirements to suit target resident needs;
- and proposes significantly lower height than R-3 more in line with R-2 massing.
- The zone includes propose-built rental and will secure below-market rents to a priority equity group of people with diverse intellectual abilities through a housing agreement.

Figure 2 Site Plan indicates the two phases of the proposed development, number of units, parking, and access. Figure 3 illustrates the proposed massing of the development.

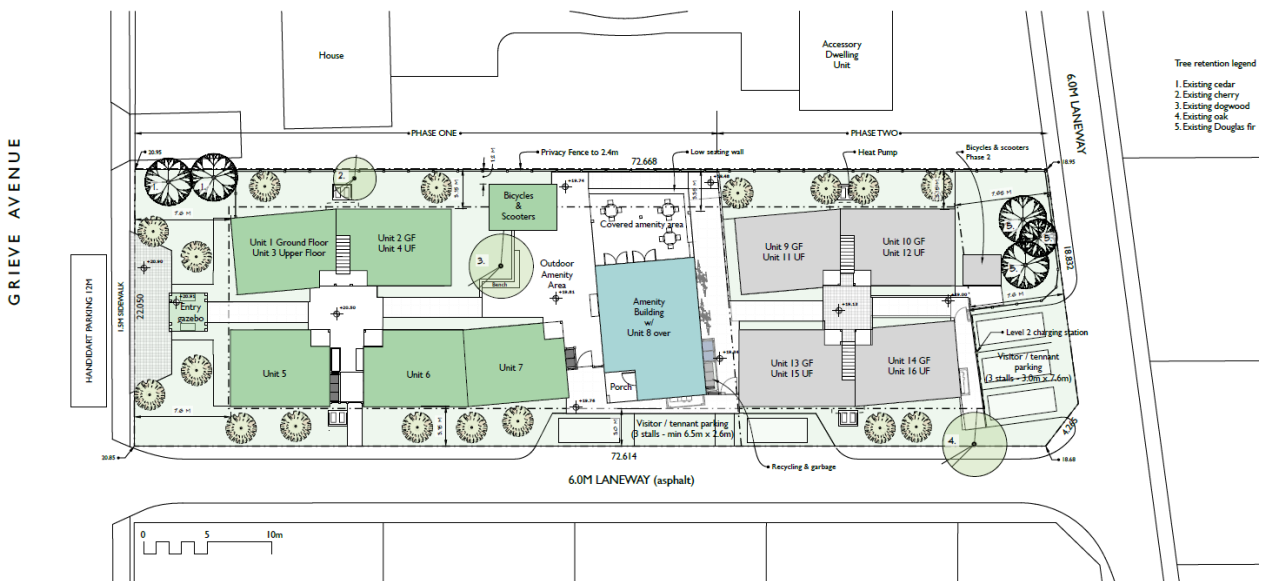


Figure 2 Site Plan



Figure 3: Rendering

Infrastructure

Staff have received an engineer report on the condition of the laneway and are working through the required upgrades with public works which will be brought back with the next council report along with the frontage improvements associated with removing and replacing the driveway letdown along Grieve Avenue. Fire has confirmed that they do not need to have the lane upgraded for the fire truck as they can utilize the fire hydrant on 16th street. Any requirements for off-site servicing will be secured by a Section 219 covenant prior to final reading.

POLICY ANALYSIS:

This proposal meets the objectives detailed in Official Community Plan Bylaw 3070, 2022 as outlined in the staff reported dated November 8, 2023 (**Attachment 2**).

Community Amenity Contribution

A housing agreement for this property has been drafted that considers that 15 units will have rents that are 30% below the CMHC average market rent for a one-bedroom unit. As per section 483 of the *Local Government Act*, this housing agreement will form a Housing Agreement Bylaw to be considered by Council at the next regular council meeting. The draft housing agreement is in **Attachment 3**.

REGIONAL GROWTH STRATEGY REFERENCE:

The Comox Valley Regional Growth Strategy (RGS) is a framework for future land use, and sets basic direction for planning, policies, and action for all member municipalities, including Courtenay. The RGS is guided by a number of growth management principles that are incorporated by this proposed application. This 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:

- Promote the efficient use of land, provide greater transportation choices, reduce public servicing costs, and achieve environmental benefits through compact growth.

- Promote intensification, compact growth and supportive public transit services throughout designated Municipal Areas as the primary means of accommodating population and employment growth.

FINANCIAL IMPLICATIONS:

The applicant has provided a letter (Attachment 8 of the **Attachment 2** – November 8th Council Report) requesting consideration of reduction of DCCs and off-site services. The City does not have policy for reductions of off-site servicing costs but staff have confirmed that the development will not be required to repair and upgrade the lane, which would have been a significant cost given that the lane spans two property lines.

The development would incur District and City DCCs. District DCCs would be \$67,672 for each phase, at current per-unit rates. The District would have to pass a resolution to reduce the fees and identify a source of funding to cover the fees.

Estimated City DCC charges would be \$19,633.53 for Phase 1 and \$14,069.78 for Phase 2 based on floor areas in plans provided. The city does not have a DCC exemption bylaw for the reduction of DCC fees for affordable housing and staff is working on this bylaw for Council’s consideration. To date Council has passed a resolution to pay for DCC fees from the Affordable Housing Reserve fund.

No housing agreement fee is required because this file was opened prior to adoption of Fees and Charges Amendment Bylaw No. 3107. The owner will be required to reimburse the City for any legal costs occurred.

ADMINISTRATIVE IMPLICATIONS:

Processing Zoning Bylaw amendments is a statutory component of the corporate work plan and a core duty of the Department of Development Services. Work to date has primarily been carried out by Development Services staff, although other departments have provided referral comments.

ASSET MANAGEMENT IMPLICATIONS:

The applicant submitted engineered civil plans for water, sewer, and stormwater to service the development. The submissions are adequate to confirm the site can be serviced. Final engineering plans will be required as part of the building permit application.

STRATEGIC PRIORITIES REFERENCE:

Explore approaches to develop affordable housing

- A housing agreement to ensure affordability for tenants will be presented to Council with the development proposal for first reading.

Social Infrastructure: Identify roles for the City in the delivery of social infrastructure outlined in the OCP

- The OCP’s Equity cardinal direction details that equitable cities are those in which all people can participate, prosper, and reach their full potential, and specifically includes persons with disabilities as an equity-priority group. This is echoed in Goals #2 – Housing Choices for All and #7 – A City for Everyone.

PUBLIC ENGAGEMENT:

Notice as per Section 467 of the *Local Government Act* to not hold a public hearing per Section 464(2)(b) of the *Local Government Act* as “Zoning Amendment Bylaw No. 3094” (1560 Grieve Avenue) is consistent with the City’s Official Community Plan has been done. The opportunity to comment on the application, with written submissions to be received no later than 1:00 pm Wednesday December 6th 2023, was given in two editions of the Comox Valley Record on November 22nd and November 29th 2023, and 88 notices were mailed to residents and owners of properties within 100 m of the subject property on November 21st. No responses have been received by staff at time of writing; any responses received prior to the Council meeting will be forwarded to Mayor and Council.

The subject property is located within 800 m of the Cliffe Avenue intersection with 17th Street, a controlled intersection. In accordance with Section 52(3) of the *Transportation Act* the Ministry of Transportation must grant its approval prior to adoption of the bylaw.

As noted in the November 8th staff report, the applicant held a community open house and there was no requirement for a public information meeting. The applicant provided a summary of the open house for the November 8th 2023 staff report and is attached to it.

OPTIONS:

1. THAT Council give First, Second and Third readings of “Zoning Amendment Bylaw No. 3094” (1560 Grieve Avenue); and
THAT prior to Council consideration of the adoption of “Zoning Amendment Bylaw No. 3094”, the owner execute the Housing Agreement to form “Housing Agreement Bylaw No. 3117” for Council’s consideration.
2. THAT Council request additional information from staff through a resolution.
3. THAT Council not proceed with “Zoning Amendment Bylaw No. 3094”.

ATTACHMENTS:

1. Bylaw 3094 and CD-38 Zone
2. November 8th 2023 Council Report with Attachments
3. Draft Housing Agreement

Prepared by: Mike Grimsrud, Planner II, RPP, MCIP
Reviewed by: Marianne Wade, Director of Development Services, RPP, MCIP
Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3094

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. 3094”**.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:

(b) Amending Division 8 – Classification of Zones through the addition of:

[Part 64] – Comprehensive Development Thirty-Eight Zone (CD-38) 1560 Grieve Avenue as attached in **Attachment A**.

(c) by rezoning Lot 14, Section 41, Comox District, Plan 9456 (1560 Grieve Avenue) as shown in bold outline on **Attachment B** which is attached hereto and forms part of this bylaw, from Residential Two Zone (R-2) to Comprehensive Development Thirty-Eight Zone (CD-38).

(d) That Schedule No. 8, Zoning Map be amended accordingly.

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

A decision not to hold a Public Hearing was made on November 8, 2023 pursuant to Section 464(2)(b) of the Local Government Act and notice of this decision was given in accordance with Section 467 of the Local Government Act in two editions of the Comox Valley Record on the 22nd day of November, 2023 and the 29th day of November, 2023.

Read a first time this	day of	, 2023
Read a second time this	day of	, 2023
Read a third time this	day of	, 2023
Finally passed and adopted this	day of	, 2024

Mayor

Corporate Officer

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

Tallina McRae, Development Services Officer
Ministry of Transportation and Infrastructure
Vancouver Island District

Attachment A

Part 63 – Comprehensive Development Thirty-Eight Zone (CD-38) (1560 Grieve Ave)

8.64.1 Intent

The CD-38 Zone is intended to accommodate a supportive rental cluster housing development on the property legally described as Lot 14, Section 41, Comox District, Plan 9456. The property shall be developed substantially in accordance with Schedule A which form part of this zone, any contrary requirements of Zoning Bylaw No. 2500 notwithstanding.

8.64.2 Permitted Uses

The following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

1. Rental residential in *single, duplex and apartment dwelling units*
2. One amenity building for shared resident use that may have a second-floor dwelling unit for a support person
3. One *dwelling unit* for a support person located above a shared indoor resident amenity space
4. *Accessory buildings* and structures

8.64.3 Lot Coverage

A *lot* shall not be covered by buildings to a greater extent than 40% of the total area of the lot.

8.64.4 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 0.55.

8.64.5 Minimum Lot Size

A lot shall have an area of not less than 1,600 m².

8.64.6 Setbacks

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

- (1) Front Yard: 7.5 m
- (2) Rear Yard: 7.5 m
- (3) Side Yard (interpreted as the yard adjacent to the northwest property line): 3.0 m except 1.5 m for the seating wall of the amenity building
- (4) Side Yard (interpreted as the yard adjacent to the southeast property line): 3.0 m

For clarity, heat pumps are permitted to project into setbacks.

8.64.7 Height of Buildings

Maximum *building height* shall be 8.5 m.

8.64.9 Usable Open Space

A minimum of 450 m² of useable open space must be provided plus a minimum of 50 m² of indoor amenity space.

8.64.10 Accessory Structures

Shall not be permitted except for bike and scooter storage structures and entry gazebo.

- (1) The front and southeast side yard setbacks for accessory buildings shall be 2.5 m
- (2) The rear yard setback for accessory buildings shall be 4.0 m
- (3) The northwest side yard setback for accessory buildings shall be 1.0 m
- (4) The maximum height for accessory buildings shall be 3.5 m

8.64.11 Off-Street Parking and Loading

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw except:

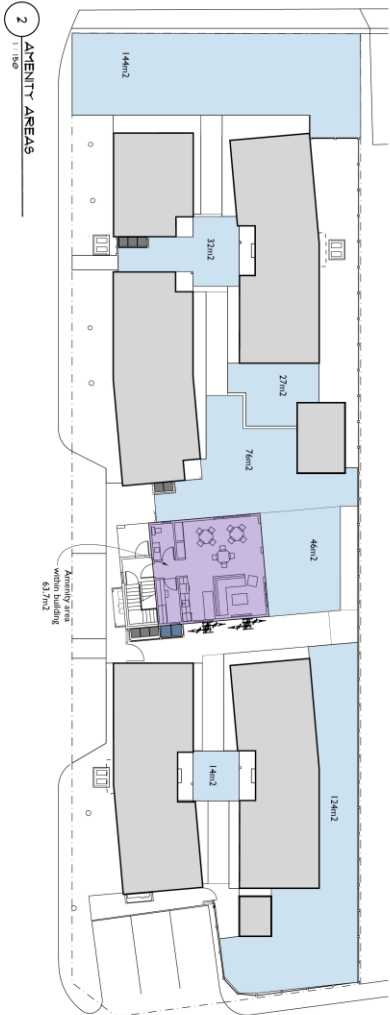
- (1) A total of six (6) vehicle parking spaces shall be provided, including a minimum of three (3) visitor spaces;
- (2) Bicycle parking facilities shall be provided at a minimum rate of 0.875 Class II covered, secure stall per unit plus 0.25 Class I stalls per unit; and
- (3) Bicycle parking specification Sections 7.3.2 2,3,7,8,12 and 14g and h do not apply

8.64.12 Fencing

- (1) The maximum height of side and rear fencing is 2.5 m.
- (2) The minimum height of landscaping or fencing on all property lines adjoining all other adjoining properties is 2.0 m.

SCHEDULE A

GRIEVE AVENUE



Amenity areas calculations:
Patio, plaza and lawn: 312m²
Accessible garden areas: 151m²
Total: 463m²

john gover design
ARCHITECTS & PLANNERS

SCALE: AS NOTED
PROJECT: 2023
DRAWN: JGG
CHECKED: JGG
ISSUED: June 21, 2023
REFERENCE: REZONING & OP

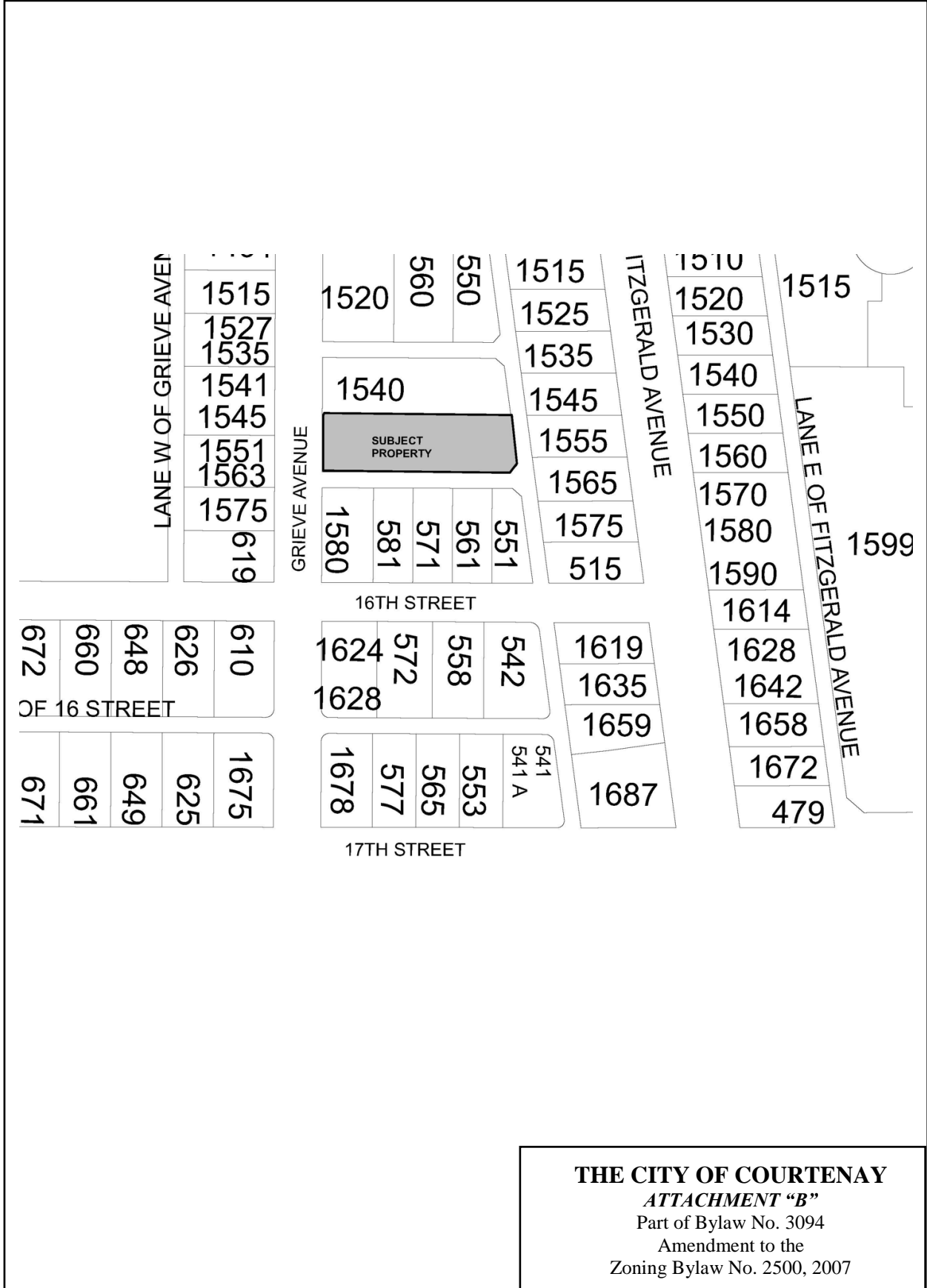
DATE: 2023
DRAWING NO: A-4

8125 COX COURT, COURTENAY BC
V8N 2N2
TEL: 250.734.2222
www.johngoverdesign.com

L'Arche Comox Valley "The Anchorage"

1560 Grieve Avenue, Courtenay BC

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THE CITY OF COURTENAY
ATTACHMENT "B"
 Part of Bylaw No. 3094
 Amendment to the
 Zoning Bylaw No. 2500, 2007



STAFF REPORT

To: Council
From: Director of Development Services
Subject: Zoning Amendment Bylaw No. 3094 – 1560 Grieve Ave

File No.: 3360-20-2301/ RZ000074

Date: November 8 2023

PURPOSE:

Staff are recommending that Council not hold a public hearing as per section 464(2)(B) of the *Local Government Act*, as the proposal is consistent with the City's Official Community Plan, and issue public notice as per Section 467 of the *Local Government Act* that a public hearing will not be held for Zoning Amendment Bylaw No. 3094 for the property legal described as Lot 14, Section 41, Comox District.

EXECUTIVE SUMMARY:

Staff have received an application to amend Zoning Bylaw No. 2500, 2007 from R-2 to Comprehensive Development Thirty-Eight Zone (CD-38), which will permit 16-unit multi-residential development contained in six buildings on a 1,630 m² property for diverse abilities to be operated by a non-profit charitable organization. The subject property is designated Urban Residential and is consistent with the OCP land use policies. Staff support the proposed Zoning Amendment Bylaw 3094 which is detailed in this report.

BACKGROUND:

The subject property is approximately 0.163 ha in size and is located at 1560 Grieve Avenue as illustrated in **Figure 1**. The site contains an existing single-residential building and vegetation including a variety of mature trees and within 200 metres of the site contains many services including a community hub run by the L'Arche Organization who are the operators of this proposed development. It is zoned Residential Two (R-2) zone and has a single-family dwelling on the lot.



Figure 1: Subject Property Location and Context

The Official Community Plan (OCP) designates this subject property as Urban Residential and DPA-1 Development Permit Area for Commercial, Industrial, Mixed-Use Developments, and Multi-Residential Dwellings with Three or More Units as illustrated in **Figure 2**. A development permit application has been submitted and is being processed concurrently with the Zoning Amendment Bylaw No. 3094 application.



Figure 2: OCP Land Use Designations

The applicant is proposing to construct a residential community for 15 adults with diverse abilities who meet specific criteria:

- Have an existing funding agreement with Community Living British Columbia [CLBC is a Crown Corporation that supports adults who have developmental disability and helps adults who have autism or FASD and need support with daily tasks];
- Desire to live independently of family, and are supported in their choice by family and friends;
- Possess, or are able to readily acquire the necessary skills for daily living and are able to live alone safely with some supports;
- Have ability to access transportation [residents are unlikely to have cars or drivers' licences]; and
- Desire to be part of an intentional community, developing friendships and participating in group activities.

The proposed Development will be phased and the phases are outlined in Figure 3 below. The first phase would include 7 units that are identifies in green which includes three single-storey units and a two-storey four-unit apartment building along with the central amenity building with caretaker suite. The second phase in grey will have 8 units in two, two-storey buildings at the rear of the lot. **Figure 4** is development rendering of the proposed development. The applicant's proposal is summarized in **Attachment 2**. The proposed development plans and elevations are found in **Attachment 3**.

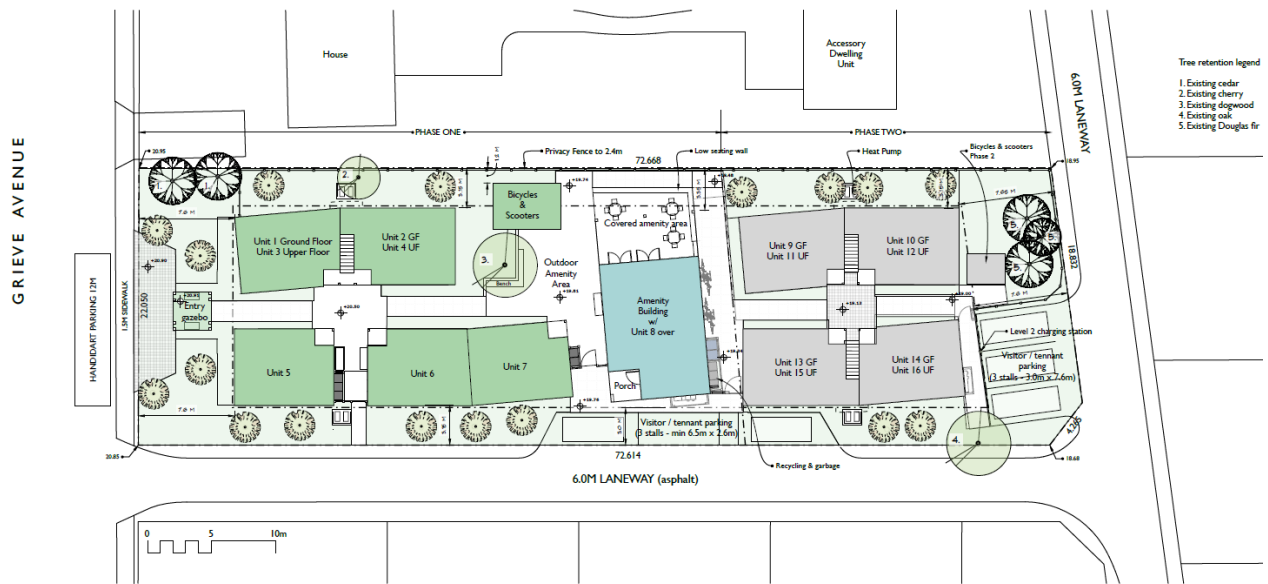


Figure 3: Site Plan



Figure 4: Rendering

DISCUSSION:

Zoning Review

The subject property is zoned R-2 which does not permit multi-residential development, a Comprehensive Development Zone CD-38 has been developed (Zoning Bylaw Amendment No. 3094) which is consistent with the OCP (draft bylaw Attachment **1**).

Zoning Analysis

The proposed CD-38 is based upon the R-3 zone; **Table 1** below compares the proposed CD-38 zone to the R-3 zone and the existing R-2 zone to demonstrate the variations required to support this residential development for diverse disabilities which has program considerations. This CD-38 zone relative to R-3 zone generally seeks:

- reduced building and landscape setbacks;
- reduce frontage width;
- reduced vehicular and bicycle parking requirements to suit target resident needs;
- and proposes significantly lower height than R-3 more in line with R-2 massing.
- The zone includes propose-built rental and will secure below-market rents to a priority equity group of people with diverse intellectual abilities through a housing agreement.

Table 1: Zoning Analysis

Attribute	Existing R-2 Zone	R-3 Zone	Proposed CD-38 Zone
Permitted Use	1. Max. 2 residential units, types depend on lot size 2. Accessory buildings and structures 3. Home occupation	Single residential, secondary suite duplex, multi residential, accessory buildings and structures, <i>facility for adults with a disability</i> , home occupation, <i>care facility</i>	1. Rental residential in <i>single, duplex and apartment dwelling units</i> ; 2. One amenity building for shared resident use that may have a second-floor dwelling unit for a support person; 3. One <i>dwelling unit</i> for a support person located above a shared indoor resident amenity space 4. Accessory buildings and structures
Density (min. lot size)	750 m ² + depends on buildings	1,250 m ²	1,600 m ²
Density (max. Floor Area Ratio)	N/A	.60 (apartments) .40 (all other residential)	0.55
Lot Frontage (min.)	20.0 m; 21.5 m if corner	30.0 m	N/A (22.1 m)
Lot Depth (min.)	35.0 m	N/A	N/A (>35.0 m)
Lot Coverage (max.)	40%	N/A	40%
Front Setback (min.)	7.5 m	7.5 m	7.5 m
Rear Setback (min.)	9.0 m	7.5 m except for apartments: 9.0 m 2nd storey; 10.0 m 3 rd storey	7.5 m
Side Setbacks (min.)	1.5 m and total 4.5 m both sides;	1.5 m and total 4.5 m both sides; 4.5 m any one side that flanks street;	3.0 m except 1.5 m for seating wall of amenity building (NW); 3.0 m (SE);

Attribute	Existing R-2 Zone	R-3 Zone	Proposed CD-38 Zone
	4.5 m any one side that flanks street;	6.0 m where back of bldg. adjacent or facing side lot line	
Principal Bldg. Height (max.)	8.0 m	10.0 m	8.5 m
Accessory Bldg.	50.0 m ² / 10% rear yard max. size; 4.5 m max. height; 1.5 m min. side/rear setbacks; Permitted in front	50.0 m ² / 10% rear yard max. size; 4.5 m max. height; 1.5 m min. side/rear setbacks; Not permitted in front	Only bike/scooter storage and entry gazebo; 3.5 m max. height; 4.0 m rear setback; 1.0 m NW side setback; 2.5 m SE side setback; 2.5 m front setback
Usable Open Space (min.)	N/A	30.0 m ² per 1-br unit; 50.0 m ² per 2+br unit; 10.0 m ² per care facility unit	450 m ² + 50 m ² indoor amenity (total 31.25 m ² per unit)
Frontage Landscape Width (min.)	N/A	4.5 m	N/A (varies 0-7.5 m)
Landscape/Fence Screening Height (min.); Width (min.);	N/A	3.0 m (h.); 3.0 m (w.) on all property lines adjoining properties	2.0 m (h.) landscape or fence on property lines adjoining properties; N/A (w.)
Side/Rear Yard Fence Height (max) (Division 6)	2.0 m	2.0 m	2.5 m
Vehicular Parking Stalls (min.) (Division 7)	2 per single residential unit	1.2 per dwelling unit , including 10% (0.12 per unit) visitor	6 total (0.33 per dwelling unit), including 3 visitor (0.17 per unit)
Bicycle Parking Count (min.) (Division 7)	N/A	2 Class II per unit; 0.2 Class I per unit	0.875 Class II per unit; 0.25 Class I per unit
Bicycle Parking Details (min.) (Division 7)	N/A	1.8 m (l.); 0.6 m (w.); 2.1 m (h.) (standard) 10% oversized - 3.0 m (l.), 0.9 m (w.) Additional rack, entrance distance, outdoor shelter, door and lighting specifications	N/A – plan shows standard 1.8 m (l.), 0.6 m (w.), 2.1+ m (h.); N/A – None 3.0 m long, 3 0.9 m wide N/A – See discussion

Outdoor Amenity Space, Landscaping and Trees

The total outdoor amenity space is 463 m² which includes patios, plazas, lawn and accessible garden areas, with benches under a front gazebo and about other paving stone plazas; an additional 64 m² of indoor amenity area features a full kitchen, activity area and lounge. Yards for individual units are not provided as there is a strong focus on community interaction programming. These high-quality amenity spaces together exceed the 30 m² per unit R-3 zone requirement.

Three garbage/recycling enclosures are all located just inside gates of fences along the lane, confirmed by a waste removal company as easily accessible. Corrugated metal side and rear fences will be up to 2.5 m in height, for safety and security of the potentially vulnerable resident population.

Landscaping is to include 8 retained trees, meeting the Tree Density Target, including a Garry Oak and a Pacific Dogwood which are protected species. Another Garry Oak, growing alongside the fence line, will be retained if possible. One Pacific Dogwood in poor health will need to be removed with a tree cutting permit, along with additional trees as required for construction. Landscaping will add 16 trees, numerous shrubs and groundcover, with a focus on native and low-maintenance species offering screening/softening around the site's perimeter. Refer to **Attachment 4** for the landscape plan.

Access, Parking and Bikes

Pedestrian and handyDART access are along Grieve Avenue, vehicular through laneways. Parking for this project is located in two areas noted on the site plan in **Figure 3**. Level-2 EV charging will be available for three spaces along the laneway to the east of the property. The applicant, L'Arche is open to formally restricting vehicle use through zoning text or covenant to the support person and one other resident, with the balance for visitors given their experience in resident's use of vehicles. The City's zoning bylaw requires two visitor spaces be required for a 16-unit multi-residential development, regardless of bedroom count; here a minimum of six stalls are being provided for 4 visitors, one for the support person and one for a resident. The applicant is requested a decrease in parking requirements to meet resident's needs.

Secured bicycle / scooter parking is housed in two buildings; the Phase 1 building has 8 bike stalls and 2 scooters stalls and the Phase 2 building has 3 bike stalls and 1 scooter stall for a total of 14 stalls for 16 units. L'Arche finds that only about half of the residents in their other residential properties ride bikes and are proposing not providing a space for each residential unit.

Infrastructure

Staff have received an engineer report on the condition of the laneway and are working through the required upgrades with public works which will be brought back with the next council report along with the frontage improvements associated with removing and replacing the driveway letdown along Grieve Avenue. Any requirements for off-site servicing will be secured by a Section 219 covenant prior to final reading.

POLICY ANALYSIS:

This proposal meets the following objectives detailed in Official Community Plan Bylaw 3070, 2022.

Land Use:

- **Objective 1:** Community growth is located away from hazardous lands, agricultural lands and environmentally sensitive areas.
 - The subject property contains no environmentally sensitive areas.

- *Objective 2:* The majority of community growth is strategically guided into growth centres to create more 10-minute neighbourhoods
 - The subject property is not located in a growth centre but is within 200 m of the Urban Corridor and within 150 m of major bus routes and bike routes along Fitzgerald Avenue.
- *Objective 3:* Moderate infill development occurs across the entire city outside growth centres
 - The development proposes a floor area ratio of .55, consistent with apartments in the R-3 zone, the most similar low-density multi-residential zone.
 - The single-bedroom units are located in house-sized buildings with a maximum of four units and two storeys.

Streets and Transportation:

- *Objective 6:* The amount of land dedicated to parking is minimized
 - Only six parking spaces are proposed for 16 units, all accessed directly from the lane.
- *Objective 7:* Parking standards reflect electric vehicle and cycling needs
 - The proposal includes Type 1 and 2 bike parking exceeding expected need and there is a Level 2 EV charging station to service three parking stalls used for visitors and maybe residents.

Buildings and Landscape:

- *Objective 2:* New buildings are highly energy and water efficient, perform at net-zero emissions standard and produce renewable energy
 - These Part 9 buildings will be constructed to the BCBC Step 3 high energy performance standards.
 - Units will be climate-controlled with energy-efficient heat pumps and buildings will feature extensive use of grid-tied rooftop solar panels
 - Low-flow plumbing features will be used throughout
- *Objective 4:* The designs of new buildings complement neighbourhood character
 - The proposed design and layout add density through building forms approximating the massing of nearby homes and tapering down to the lane and the project features high-quality cladding and landscaping.

Affordable Housing:

- *Objective 1:* A variety of housing options are permitted and positively integrated in all neighbourhoods
 - *Policy AH 1:* Support higher housing densities, including amending the Zoning Bylaw to permit two dwelling units per single residential lot, in all residential land use designations, as described in the Managing Growth Policy section of this Plan, and in accordance with protection of Environmentally Sensitive Areas policies.
 - The proposed development increases the number of permitted units from two to sixteen.
- *Objective 2:* No net loss of rental housing
 - *Policy AH 10:* Implement Residential Rental Tenure Zoning to protect existing and proposed rental housing stock.

- The proposed CD zone specifies that 15 of the 16 units must be rental tenure (the other being caretaker / support person housing) which will be further secured through a housing agreement.
- **Objective 4:** The City provides incentives to create below-market housing
 - **Policy AH 15:** Develop and adopt a tiered below-market incentive program in which more incentives are offered to those projects in which more units are offered at deeper levels of below-market affordability. Incentives may include but not be limited to application processing timeline targets, parking, zoning, and servicing variances, and waiving or reducing fees and charges.
 - In the spirit of incentivizing below-market housing, which may include waiving or reducing fees, the applicant requests relief from Development Cost Charges and assistance with off-site services as detailed under Financial Implications below.
 - **Exempt from Community Amenity Contributions exceeds the exemption target of 15% of the units be below 30% of market rent.**

Natural Environment:

- **Objective 3:** Courtenay's air, water, and soil are clean
 - **Policy NE 16:** Limit the extent of impervious surfaces on private and public land.
 - The percent of impervious surfaces for paved areas and buildings is 50% in total, including buildings and some of the outdoor amenity areas and walkways.

Community Amenity Contribution

The OCP exempts housing developments consisting of or including a sufficient number of dedicated price-restricted units operated by a non-profit organization. Per OCP CAC Policy 5a, the preference for multi-unit rental developments is a provision of below-market units at a minimum of 15% of units at 30% below market rental rates. The housing agreement for this property is intended to consider all units except the caretaker unit and proposes 80% approximately will be below 30% of the market rent for a one-bedroom unit.

Prior to final adoption of Bylaw No. 3094, a housing agreement will secure affordable rental rates. L'Arche Comox Valley (LCV) has submitted a letter indicating intent to produce below-market rental (**Attachment 5**).

PUBLIC ENGAGEMENT:

The Public Information Meeting requirements for this development have been waived at the discretion of the Director of Development Services, per *Section 8.4 of Development Application Procedures Bylaw No. 2699, 2012*.

L'Arche Comox Valley (LCV) has submitted a summary of public engagement (**Attachment 6**), which details that a project information session was held August 26, 2022 outside the I Belong Centre at 1465 Grieve Avenue and an open house was held inside the Centre June 8th 2023. The former event was advertised with flyers to the surrounding neighbourhood using an address list provided by the City and featured prominently displayed project information. The latter was advertised on social media and to strategic partners and public figures. LCV reports that both events were well-attended and received only positive

feedback and provided a written statement from the adjacent neighbour supporting the development (**Attachment 7**).

If Council supports not holding a public hearing for the proposed Zoning Amendment No. 3094, an advertisement will be posted in the newspaper and a notice will be mailed out to residents within 100 metres informing them that the public hearing will not be held. The advertisement and mailout provide an opportunity for the public to comment. Any comments received will be brought forward to Council by staff.

Alternatively, Council has the discretion to direct staff to schedule a public hearing and provide statutory notice. This would have to be done through a resolution.

The subject property is located within 800 m of the Cliffe Avenue intersection with 17th Street, a controlled intersection. In accordance with Section 52(3) of the *Transportation Act* the Ministry of Transportation must grant its approval prior to adoption of the bylaw.

REGIONAL GROWTH STRATEGY REFERENCE:

The Comox Valley Regional Growth Strategy (RGS) is a framework for future land use, and sets basic direction for planning, policies, and action for all member municipalities, including Courtenay. The RGS is guided by a number of growth management principles that are incorporated by this proposed application.

This 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:

- Promote the efficient use of land, provide greater transportation choices, reduce public servicing costs, and achieve environmental benefits through compact growth.
- Promote intensification, compact growth and supportive public transit services throughout designated Municipal Areas as the primary means of accommodating population and employment growth.

FINANCIAL IMPLICATIONS:

The applicant has provided a letter (see **Attachment 8**) requesting consideration of reduction of DCCs and off-site services. Once the costs of the offsite services are determined, Staff can provide this information in the next Council report for their consideration. Non-profit organizations providing affordable housing through a council resolution, have had these costs paid through the Affordable Housing Reserve fund. This would form part of the Council report for first readings of the bylaw at a future council meeting.

ADMINISTRATIVE IMPLICATIONS:

Processing Zoning Bylaw amendments is a statutory component of the corporate work plan and a core duty of the Department of Development Services. Work to date has primarily been carried out by Development Services staff, although other departments have provided referral comments.

ASSET MANAGEMENT IMPLICATIONS:

The applicant submitted engineered civil plans for water, sewer, and stormwater to service the development. The submissions are adequate to confirm the site can be serviced. Final engineering plans will be required as part of the building permit application.

STRATEGIC PRIORITIES REFERENCE:

Explore approaches to develop affordable housing

- A housing agreement to ensure affordability for tenants will be presented to Council with the development proposal for first reading.

Social Infrastructure: Identify roles for the City in the delivery of social infrastructure outlined in the OCP

- The OCP’s Equity cardinal direction details that equitable cities are those in which all people can participate, prosper, and reach their full potential, and specifically includes persons with disabilities as an equity-priority group. This is echoed in Goals #2 – Housing Choices for All and #7 – A City for Everyone

OPTIONS:

1. THAT Council not hold a public hearing per Section 464(2)(b) of the *Local Government Act* as “Zoning Amendment Bylaw No. 3094” (1560 Grieve Avenue) is consistent with the City’s Official Community Plan; and
THAT Council direct staff to issue public notice per Section 467 of the *Local Government Act* that a public hearing will not be held for “Zoning Amendment Bylaw No. 3094” (1560 Grieve Avenue);
2. THAT Council request additional information from staff through a resolution.
3. THAT Council direct staff to hold a public hearing under section 464(1)(b) and to give notice under section 466.
4. THAT Council not proceed with the application.

ATTACHMENTS:

- Attachment 1 – Bylaw 3094 and CD-38 Zone
- Attachment 2 – Applicant Rationale
- Attachment 3 – Plans and Elevations
- Attachment 4 – Landscape Plans
- Attachment 5 – Below Market Rental Intent Letter
- Attachment 6 – Public Engagement Summary
- Attachment 7 – Public Comment
- Attachment 8 – Financial Assistance Request Letter to Council

Prepared by: Mike Grimsrud, Planner II
Reviewed by: Marianne Wade, Director of Development Services, RPP, MCIP
Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)

Attachment 1 – Bylaw 3094 and CD-38 Zone (1560 Grieve)

Attachment A

Part 63 – Comprehensive Development Thirty-Eight Zone (CD-38) (1560 Grieve Ave)

8.64.1 Intent

The CD-38 Zone is intended to accommodate a supportive rental cluster housing development on the property legally described as Lot 14, Section 41, Comox District, Plan 9456. The property shall be developed substantially in accordance with Schedule A which form part of this zone, any contrary requirements of Zoning Bylaw No. 2500 notwithstanding.

8.64.2 Permitted Uses

The following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

1. Rental residential in *single, duplex* and *apartment dwelling units*
2. One amenity building for shared resident use that may have a second-floor dwelling unit for a support person
3. One *dwelling unit* for a support person located above a shared indoor resident amenity space
4. *Accessory buildings* and structures

8.64.3 Lot Coverage

A *lot* shall not be covered by buildings to a greater extent than 40% of the total area of the lot.

8.64.4 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 0.55.

8.64.5 Minimum Lot Size

A lot shall have an area of not less than 1,600 m².

8.64.6 Setbacks

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

- (1) Front Yard: 7.5 m
- (2) Rear Yard: 7.5 m
- (3) Side Yard (interpreted as the yard adjacent to the northwest property line): 3.0 m except 1.5 m for the seating wall of the amenity building
- (4) Side Yard (interpreted as the yard adjacent to the southeast property line): 3.0 m

For clarity, heat pumps are permitted to project into setbacks.

8.64.7 Height of Buildings

Maximum *building height* shall be 8.5 m.

8.64.9 Usable Open Space

A minimum of 450 m² of useable open space must be provided plus a minimum of 50 m² of indoor amenity space.

8.64.10 Accessory Structures

Shall not be permitted except for bike and scooter storage structures and entry gazebo.

- (1) The front and southeast side yard setbacks for accessory buildings shall be 2.5 m
- (2) The rear yard setback for accessory buildings shall be 4.0 m
- (3) The northwest side yard setback for accessory buildings shall be 1.0 m
- (4) The maximum height for accessory buildings shall be 3.5 m

8.64.11 Off-Street Parking and Loading

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw except:

- (1) A total of six (6) vehicle parking spaces shall be provided, including a minimum of three (3) visitor spaces;
- (2) Bicycle parking facilities shall be provided at a minimum rate of 0.875 Class II covered, secure stall per unit plus 0.25 Class I stalls per unit; and
- (3) Bicycle parking specification Sections 7.3.2 2,3,7,8,12 and 14g and h do not apply

8.64.12 Fencing

- (1) The maximum height of side and rear fencing is 2.5 m.
- (2) The minimum height of landscaping or fencing on all property lines adjoining all other adjoining properties is 2.0 m.

SCHEDULE A

GRIEVE AVENUE



john gover design
ARCHITECTS

SCALE: AS NOTED
PROJECT: 2023
DRAWN: JGG
CHECKED: JGG
ISSUED: June 21, 2023
REFERENCE: REZC001A & B

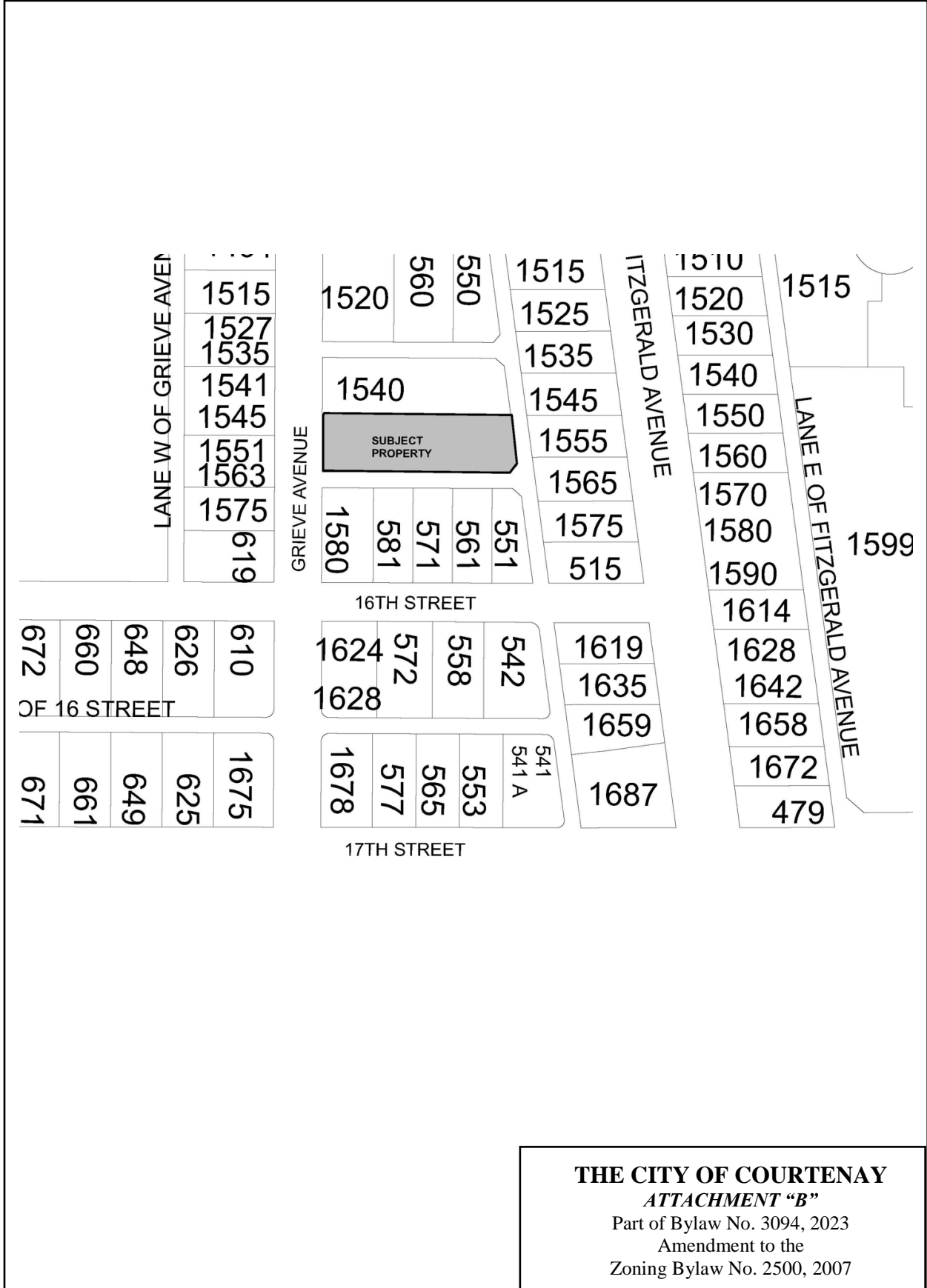
DRAWING NUMBER
A-A-4



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L'Arche Comox Valley "The Anchorage"
1560 Grieve Avenue, Courtenay BC

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THE CITY OF COURTENAY
ATTACHMENT "B"
 Part of Bylaw No. 3094, 2023
 Amendment to the
 Zoning Bylaw No. 2500, 2007

Attachment 2 – Applicant Rationale

Application for Development Permit

Project location: 1560 Grieve Avenue, Courtenay BC

Present use: Single family residence

Project description

This is an application for a rezoning and Development Permit to allow L'Arche Comox Valley to build *The Anchorage*, a development which will provide safe and affordable housing for adults with diverse abilities. The proposed development will consist of stand-alone, duplex and four-plex structures, plus an amenity building that includes a suite for an on-site resource and support person, set in an extensively landscaped site. The project will be constructed in two phases. The initial phase comprises the amenity building and eight suites; phase two, expected to be built within the next six to eight years, will have an additional eight suites in two buildings.

Project Background and Objectives

L'Arche Comox Valley, the project proponent, is a member of a national and international non-profit organization (L'Arche Canada, L'Arche International) that works to create homes, programs and support networks for people with diverse disabilities. L'Arche communities exist in 38 countries around the world. In the Comox Valley, L'Arche operates the IBC Suites at 1465 Grieve Avenue and Jubilee House, a shared residence on 19th Street. They also operate the I Belong Centre, a community hub that offers social and recreational activities.

The Anchorage is a response to the need for additional housing options for adults with diverse abilities who are not well-served by the rental market. It is also intended to function as a community, where residents know each other, socialize together, but still live independently. Each one-bedroom unit has a full kitchen and laundry facilities, storage, and ample bedroom and living/dining areas. In addition, residents have the use of a common amenity building where they may gather socially, for entertainment, meals or other activities. Located in this same building, the 'Good Friend and Neighbour' acts as an on-site support person, assisting tenants with a wide variety of tasks including cooking, household maintenance, medical or personal care.

Response to OCP objectives

The project meets many of the goals, policies and guidelines of the Courtenay Official Community Plan's Section 4 "Land Use Designations" as well as Section 8 "Development Permit Areas – Residential":

- Optimizes the use of existing lands in the City;
- Encourages multi residential development in the Downtown area of the City;
- Ensures the provision and integration of special needs and affordable housing;
- Encourages housing opportunities and convenient community services for individuals with special housing requirements;
- Ensures new housing projects introduce innovative and creative design and streetscapes;
- Preserves the integrity and character of existing residential areas with its redevelopment proposal;
- Increases the supply of affordable rental housing;
- Disperses affordable and social housing, while creating a walkable “campus” between the three LCV locations;
- Includes a comprehensive design concept giving attention to the overall architectural style, detailing, two storey pedestrian scale, representative natural materials, character of fenestration, articulation of shingled roofs, distinctive treatment of entrances, stepping of building heights that follow the natural topography, relationship of indoor and outdoor spaces, design and placement of common areas, parking arrangement and circulation exploiting the existing lanes, and a verdant and functional landscape character and design;
- The proposed arrangement of buildings on the site creates an enclosing walkway and courtyard spaces that provide a level of security and sense of safety that is of paramount importance to the prospective tenant group. The project seeks to achieve a balance of exterior privacy and neighbourly interaction amongst residents, encouraging interactions and casual surveillance while defining boundaries between units;
- Many of the existing trees on site will be retained

Site Location and Characteristics

The site chosen for The Anchorage is located at 1560 Grieve Avenue, a street of primarily single-family bungalows with a few storey and a half homes, dating from the 1950’s and 1960’s. The 22m wide by 72.7m deep lot is bounded on the SW side by Grieve Avenue, and on the SE and NE sides by 6m laneways. There is a gentle slope totalling 1.8m from the front to the rear. Numerous mature trees, both confers and deciduous, are found on the property, as is a one-storey dwelling and outbuilding, which will be removed. The property is currently fenced on three sides. The site location is within walking distance of shopping, services, and close to major bus routes.

Site Design Concept

The site concept chosen for this project – detached structures arrayed around a central courtyard and shared amenity building - reflects the desire to create a safe and welcoming intentional community for the residents. Design principles such as those found in Cohousing communities - such as: windows facing the commons, vehicles at the periphery, a good balance of public and private spaces - are employed to foster a sense of belonging and connection between residents.

At the same time, there is a desire to fit into both the social and the built fabric of the street. Socially, a precedent has previously been set in the neighbourhood with the construction of the I Belong Centre at 1465 Grieve Ave.

Building Design

As it is the strong desire of L'Arche Comox Valley to fit this new residential community into the neighbourhood, the proposed construction will use forms based on vernacular examples existing in the neighbourhood, retaining the same sense of scale by using a number of smaller structures instead of one large block. Lower roofs on south and east sides will allow light into the central courtyard area and soften the visual impact at the Grieve Avenue corner. A gazebo over the main entryway provides a neighbourhood amenity that enhances pedestrian experience on Grieve and delineates the transition from the public to the private realm.

All dwelling units are to be one-bedroom, single occupancy and are fully self-contained with complete kitchens, in-suite laundry, 3-piece bathrooms, generous entry halls, living/dining and bedroom areas. Principles of Universal Design are followed, which will allow residents to remain independent despite any physical disabilities which may arise. All units are designed with ample weather protection at each entrance, large doorways, with turning clearances for those with limited mobility that will facilitate aging in place. Kitchen windows are oriented to the central "street" for community connection and security. Interior finishes will be low-VOC, durable and aesthetically pleasing choices such as Marmoleum flooring, wood doors and trim.

Exterior cladding will be HardieBoard bevel and Board & Batten siding, with a playful and strong colour palette, except around entry doors where horizontal clear cedar siding highlights will create welcoming warmth and visual interest. Roofs will have laminated architectural shingles in middle grey tones with fascia and trim flashings in dark greys to match the shingles; soffits will be beaded vinyl. The overall intention is to convey the impression of quality construction by using good materials and darker colours, ample fascia boards and trim, with careful attention to detailing.

Landscape Design

The project landscaping has been designed to achieve the following objectives:

- Creation of an inviting entrance to the site for visitors and residents at each point of entry;
- Site design offers a 'homey' feel and a clear designation of private lands. Low fencing aids in the identification of private to public land making the site more defensible;
- Low maintenance, low water consumption and manpower needed;
- A gently sloping grade to each internal pathway to ensure that accessibility is achieved creating an inclusive approach;
- Retention of existing trees where possible, including mature fir, oak and dogwood trees;
- Visual improvements to the abutting lanes along with greening to contribute to the aesthetics of the neighbourhood.
- An open plaza along Grieve to allow for handyDART pickup and an open interaction with the neighbourhood;
- Native species utilized in plantings for reduced maintenance, water consumption and a natural aesthetic;
- Vegetative screening along site edges to soften the impact of structures
- Courtyard offers open gathering spaces for residents to interact in a pleasant environment;
- Private outdoor living spaces for some units in the form of rear patios large enough for table and chairs;
- A bicycle friendly site with secure bike and scooter storage;
- All planted areas will be constructed with the following minimum depth of soil:
 - Shrubs – 450 mm;
 - Ground cover & grasses – 300 mm;
 - Trees – 300 mm around and below the root ball.

Sustainability Design

- The project hopes to exceed BC Step Code Level 3 as mandated by the City of Courtenay for residential buildings;
- The site use complements surrounding land uses and is contoured to respond to site topography;
- The project demonstrates high walkability, and is transit-oriented. As residents will be largely car-free, there will be a HandiDart stop at the curb on Grieve Avenue as well as convenient and secure storage for bicycles and scooters on-site;
- Level-2 electric vehicle charging will be provided in the rear parking area;
- Many of the larger existing trees on the lot will be maintained;
- Roofs are asymmetrical to provide more roof area for solar PV panels. Up to 24 kW of PV generation is possible on south-facing roofs in Phase 1. Units will be pre-wired for grid-

tied solar. The actual amount of installed capacity will be determined at time of construction;

- Modern, low flow plumbing fixtures will be used throughout the project;
- Where possible, construction materials and finishes are to be locally produced and non-toxic;
- Runoff generated on the site will be returned to the water table via porous paving and a rainwater detention system;
- Air source heat pumps will provide heating and cooling. With a low energy use and air tight building, air quality will be handled with the installation of HRVs (heat recovery ventilators). These ventilators will bring fresh air continuously into the building while exhausting the stale, used air. The combination of minimal heat loss through the building envelope, air tightness, and HRV fresh air supply will create comfortable, healthy and low-operating cost dwellings.

Safety and Security

Safety and security are of key importance to the potentially vulnerable population that will be housed in this project.

- The presence of the 'Good Friend and Neighbour' is the single most important factor: an individual living centrally within the development, with eyes to the life in the outdoor spaces;
- Additional 'eyes' will be provided by interior-facing kitchen windows;
- Controlled lights on motion sensors for night-time safety will be included;
- There will be clearly marked transitions from public to private space at entry points, with the option for additional access control (i.e. entry keypads) should it prove necessary;
- Fences will be installed between buildings and along laneways to provide a continuous perimeter;
- Benches in gazebo will not be built large enough to permit sleeping.
- Secure storage for bicycles and scooters will be provided.

Neighbourhood Impacts

The existing house and property were developed in the 1950's, and the site has seen minimal improvement or maintenance in the past ten years. While tidy, the house and yard are not a cheerful addition to the streetscape. Neighbours who attended an early Open House on the project expressed excitement at the site plans. Additionally, the project will include:

- Fence and planting to maintain privacy for neighbours at 1540 Grieve;
- Controlled lighting to minimize night sky pollution;
- Modest but attractive landscaping, including perennial beds and new trees;
- A friendly gazebo seating space at the project's street-facing entrance;

- 6 off-street parking stalls, which will be adequate for the mostly non-driving residents.

Project Phasing

This project will be completed in two phases. Phase One will include eight units of resident housing in four separate structures in addition to the entry gazebo, the common amenity building, bicycle and scooter storage building, fencing, internal and external landscaping, pathways, garbage and recycling station, and gravel-surfaced parking areas. The rear part of the site will be fenced at the property line and the site remnant will be maintained in lawn until the commencement of construction in Phase Two.

Phase Two will add eight more suites in two, two-level quad-plex structures and complete the hard-surface walkway to the rear of the site. One or two of these suites will be equipped for full accessibility with the implementation of Universal Design features including dropped countertops, adjustable cabinets, floating vanities, lever door hardware and wide doorways.

Summary

We believe the project shows a high level of design refinement in both buildings and landscaping, while being strongly respectful of the scale and texture of the surrounding urban fabric. The scale of the buildings will be in accordance with adjacent homes and the improvements to buildings and landscape will have a positive impact on the surrounding streetscape. The Anchorage will provide affordable housing for an underserved segment of the Comox Valley population and allow its residents to live in safety and community. It is expected that impacts on the surrounding neighbourhood will be minimal, and that project phasing will allow for integration and adjustment to occur over time.

Rezoning Request

The unique attributes of this project mean that it does not fit the requirements of the current R-2 zoning. As such we request the site be rezoned to a CD designation. Thank you for your consideration of this proposal.

Attachment 3 – Plans and Elevations



john gower design

SCALE: AS NOTED
PROJECTED START DATE: 2023
DRAWN: JGG
CHECKED: JGG
ISSUED: June 21, 2023
REFERENCE: REZONING & DP

DRAWING PAGE#
A-1



PROJECT DATA

CIVIC ADDRESS: 1560 Grieve Avenue, Courtenay BC
LEGAL DESCRIPTION: Lot 14, Section 41, Comox District, Plan 9456
PROJECT DESCRIPTION: 16 units of long-term affordable housing for adults with diverse abilities on a large residential lot, consisting of duplex and quadplex structures plus an amenity building containing storage and a suite for an on-site resource and support person. To be constructed in two phases.
ZONING:
 Existing zoning: R-2
 Proposed zoning: CD (TBD)
 OCP Designation: Urban Residential
 Development Permit Area: n/a
 Local Area Plan: n/a
SITE AREA:
 Total gross site area: 1,630.15m² 17,546 SF 0.403 acres
 Dedications: None
 Net site area: 1,630.15m² 17,546 SF 0.403 acres
 Proposed lot coverage:
 Phase 1: 406.81m² 4378.9 SF 0.25
 Phase 1+ 2: 627.3m² 6752.0 SF 0.385
FLOOR AREA RATIO:
 Gross floor area (Phase 1&2): 787.24m² 8473.84 SF 0.48
 Useable open space required: 16 units @ 20m² per unit = 320m²
 Useable open space provided: 463m²

Indoor amenity space provided: 63.7m² 685.9 SF
 Net floor areas - suites (all units one bedroom)

PHASE 1				PHASE 2			
1	Ground level	45.19m ²	486.5 SF	9	Ground level	45.19m ²	486.5 SF
2	Ground level	44.70m ²	481.2 SF	10	Ground level	44.70m ²	481.2 SF
3	Second level	45.47m ²	489.4 SF	11	Upper level	45.47m ²	489.4 SF
4	Second level	44.01m ²	473.8 SF	12	Upper level	44.01m ²	473.8 SF
5	Ground level	41.44m ²	4449.6 SF	13	Ground level	45.19m ²	486.5 SF
6	Ground level	43.3m ²	460.1 SF	14	Ground level	44.70m ²	481.2 SF
7	Ground level	41.78m ²	459.9 SF	15	Upper level	45.47m ²	489.4 SF
8	Upper level in amenity building	46.58m ²	501.58 SF	16	Upper level	44.01m ²	473.8 SF
Total PHASE 1 units:		352.14m ²	3790.4 SF	Total PHASE 2 units:		358.74m ²	3861.44 SF
Amenity building basement level:		72.1m ²	776 SF				
Amenity building main level:		76.4m ²	822 SF				
Total PHASE 1:		500.6m²	5388.4 SF				
Total both phases:		859.34m²	9249.8 SF				

OFF-STREET PARKING
 Residential parking - non-market rental: 1.2 spaces/unit 20 spaces required 4 spaces provided
 Visitor parking: .1 of parking spaces 2 spaces required 2 spaces provided
 Disabled parking: 1 space required 0 spaces provided
 Parking space Dimensions: Rear lane: Width: 3.0m Length: 7.6m
 Side lane: Width: 2.6m Length: 6.5m

BICYCLE PARKING
 Bicycle spaces required: 16 units x 2.0 = 32 spaces (per Zoning bylaw 7.3.1)
 Bicycle/scooter spaces provided: 14 .6m x 1.8m horizontal spaces in secure indoor facility (10 in Phase 1; 4 in Phase 2)
 4 exterior spaces
 18 spaces total
 All indoor stalls have access to 120v bicycle charging

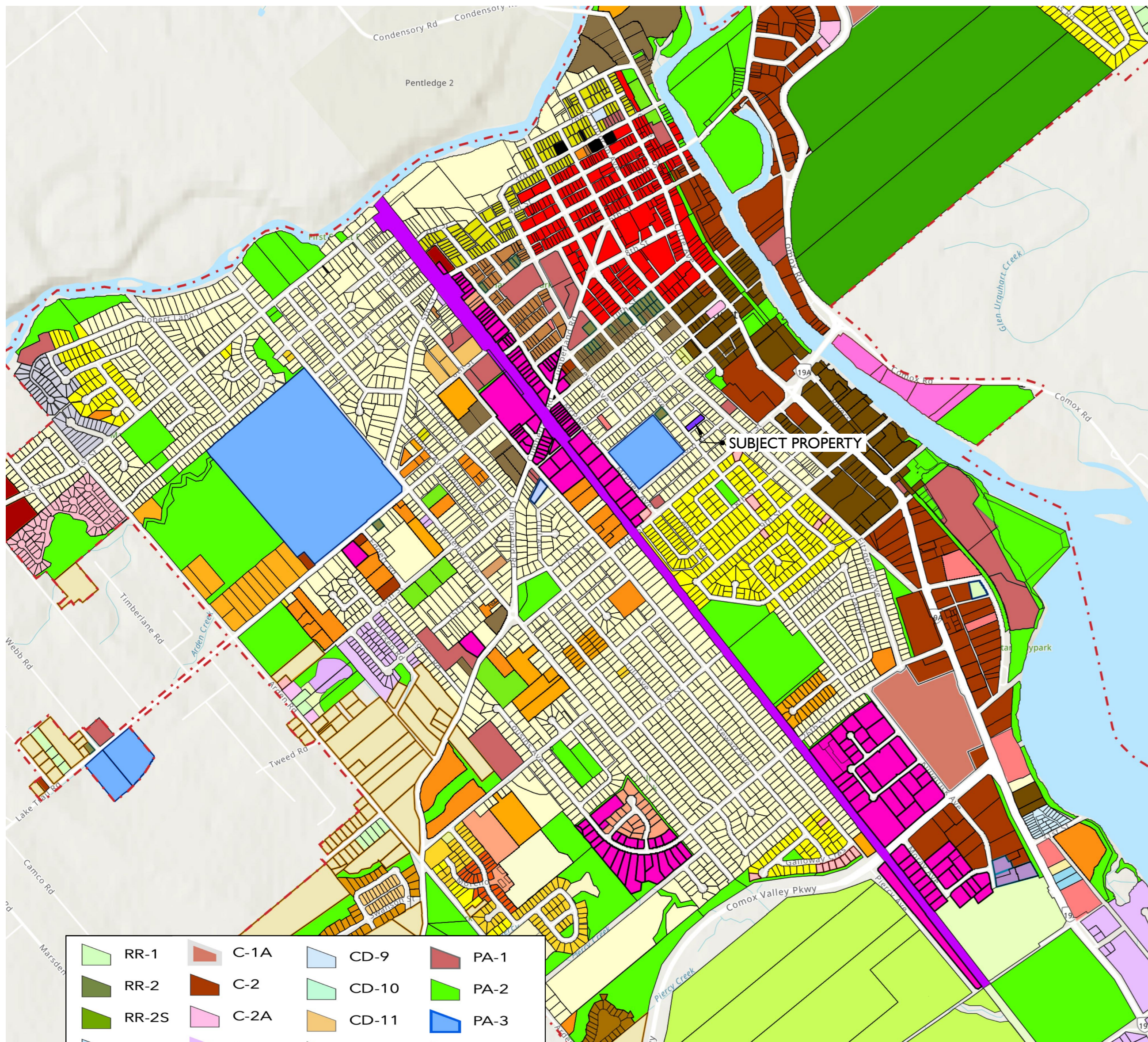
SOLID WASTE AND RECYCLING
 Residential garbage - minimum waste and recycling storage area: the greater of 5.0m² or 16 units @ .44m² per unit = 7.04m²
 Total waste and recycling area provided: 6.6m² (outside, bins weather protected)
 Household garbage: 8 295 litre totes (1 per 2 households)
 Cardboard: in recycling totes
 Total recycling/waste containers: 8 x 295 litre waste (.7m x .7m x 1.1m) | 2 x 431 litre recycling (.76m x .86m x 1.1m)

BUILDING SETBACKS
 Front (Grieve Avenue) Required: 6.0m Proposed: 7.64m Accessory building: 2.5m
 Rear (lane) Required: 6.0m Proposed: 7.64m Accessory building: 4.5m
 Side yard (interior) Required: 3.0m Proposed: 3.15m
 Side yard (lane) Required: 3.0m Proposed: 3.0m

BUILDING HEIGHT (From average existing natural grade)
 Maximum allowed (R-2 Zoning): 8.0m
 Maximum proposed (amenity building): 8.14m
 Proposed height of bicycle shed: 3.8m

PROJECT CONTACTS AND CONSULTANTS

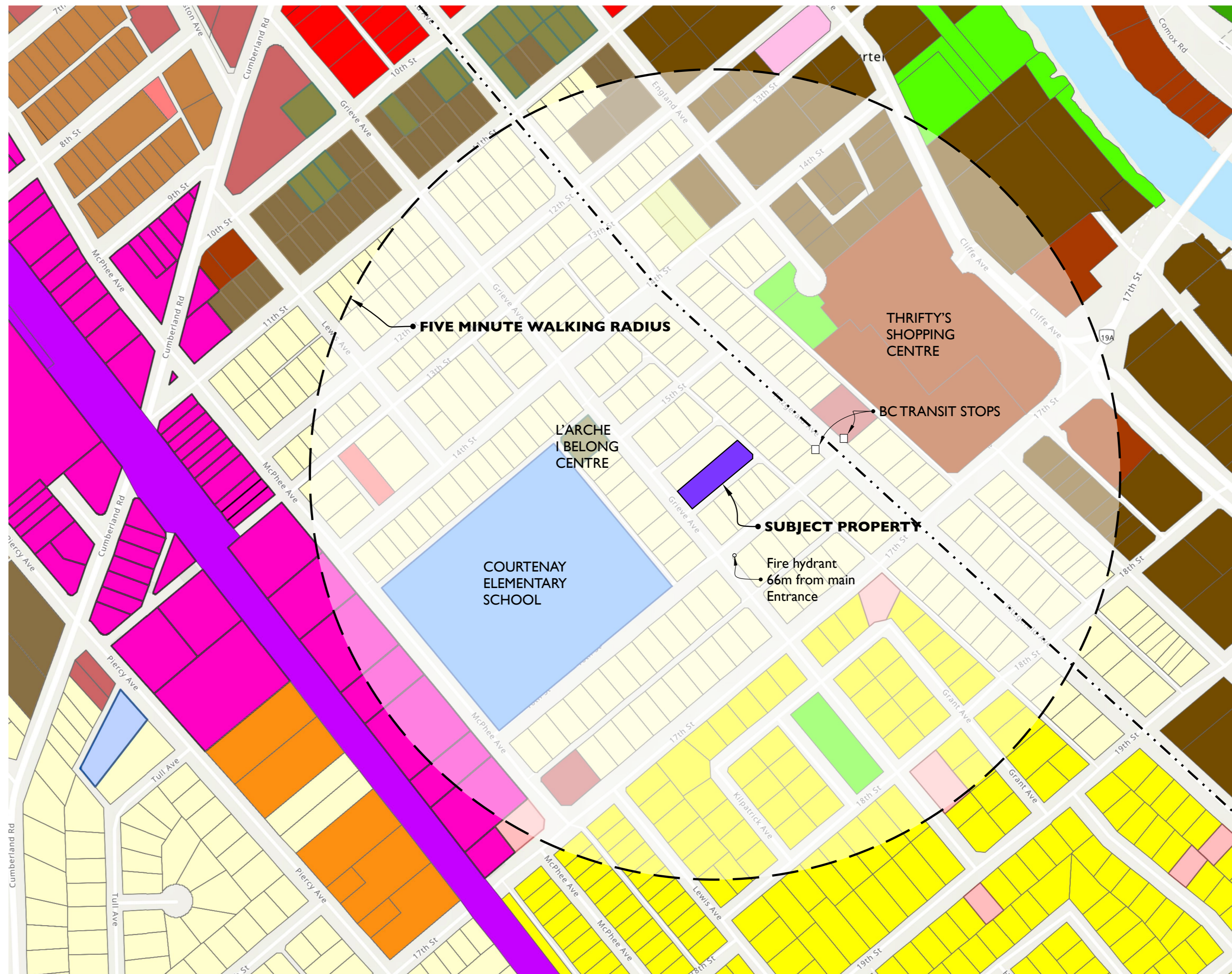
Client:
 L'Arche Comox Valley
 100-1465 Grieve Avenue
 Courtenay BC V9N2W1
 Wendy Dyck (250)334-8320 wendy@larchecomoxvalley.org
Design:
 John Gower Design
 212-2459 Cousins Avenue,
 Courtenay V9V3N6
 John Gower (250)871-8765 design@gowdesigngroup.com
Landscape:
 Pathways Landscape Group
 Dave Snider (250)703-6489 info@pathwayslandscapegroup.com
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 Nanaimo, BC V9T 0H2
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 UNIT E 1822 Comox Avenue,
 Comox BC V9M 3M
 Brian Muir (250)890-0870 brian@muireng.ca
Authority:
 City of Courtenay
 Development Services
 830 Cliffe Avenue,
 Courtenay BC V9N2J7
 Michael Grimsrud (250)334-4441 mgrimsrud@courtenay.ca



RR-1	C-1A	CD-9	PA-1
RR-2	C-2	CD-10	PA-2
RR-2S	C-2A	CD-11	PA-3
RR-3	C-3	CD-12	PA-4
RR-4	C-4	CD-14	I-1
RR-5	C-5	CD-15	I-2
R-1	MU-1	CD-16	I-3
R-1A	MU-2	CD-17	A-1
R-1B	MU-3	CD-19A	A-2
R-1C	MU-4	CD-19B	RU-1
R-1D	MU-5	CD-19C	TU-1
R-1E	CD-1A	CD-20	RU-8
R-1S	CD-1B	CD-21	RU-20
R-2	CD-1C	CD-22	RU-ALR
R-2A	CD-1F	CD-23A	R-RU
R-2B	CD-1H	CD-23B	CR-1
R-3	CD-1I	CD-24	IH
R-3A	CD-1G	CD-25	IL
R-3B	CD-3	CD-26	
R-4	CD-4	CD-27	
R-4A	CD-6	CD-28	
R-4B	CD-7A	CD-29	
R-5	CD-7B	CD-31	
MH-1	CD-7C	CD-34	
MH-2	CD-7D	LUC	
C-1	CD-8	PA-1	

CITY OF COURTENAY
LAND USE ZONES LEGEND

1 COURTENAY ZONING MAP
NTS



2 DETAILED ZONING MAP
NTS



3 LOCAL CONTEXT PLAN
NTS



4 LOCAL SERVICES PLAN
NTS

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L'Arche Comox Valley "The Anchorage"

1560 Grievé Avenue, Courtenay BC

#212-2459 COUSINS AVENUE
COURTENAY, BC
V9N 3N6
T: 250 871 8765
TF: 1 877 366 2502
design@gowdesigngroup.com



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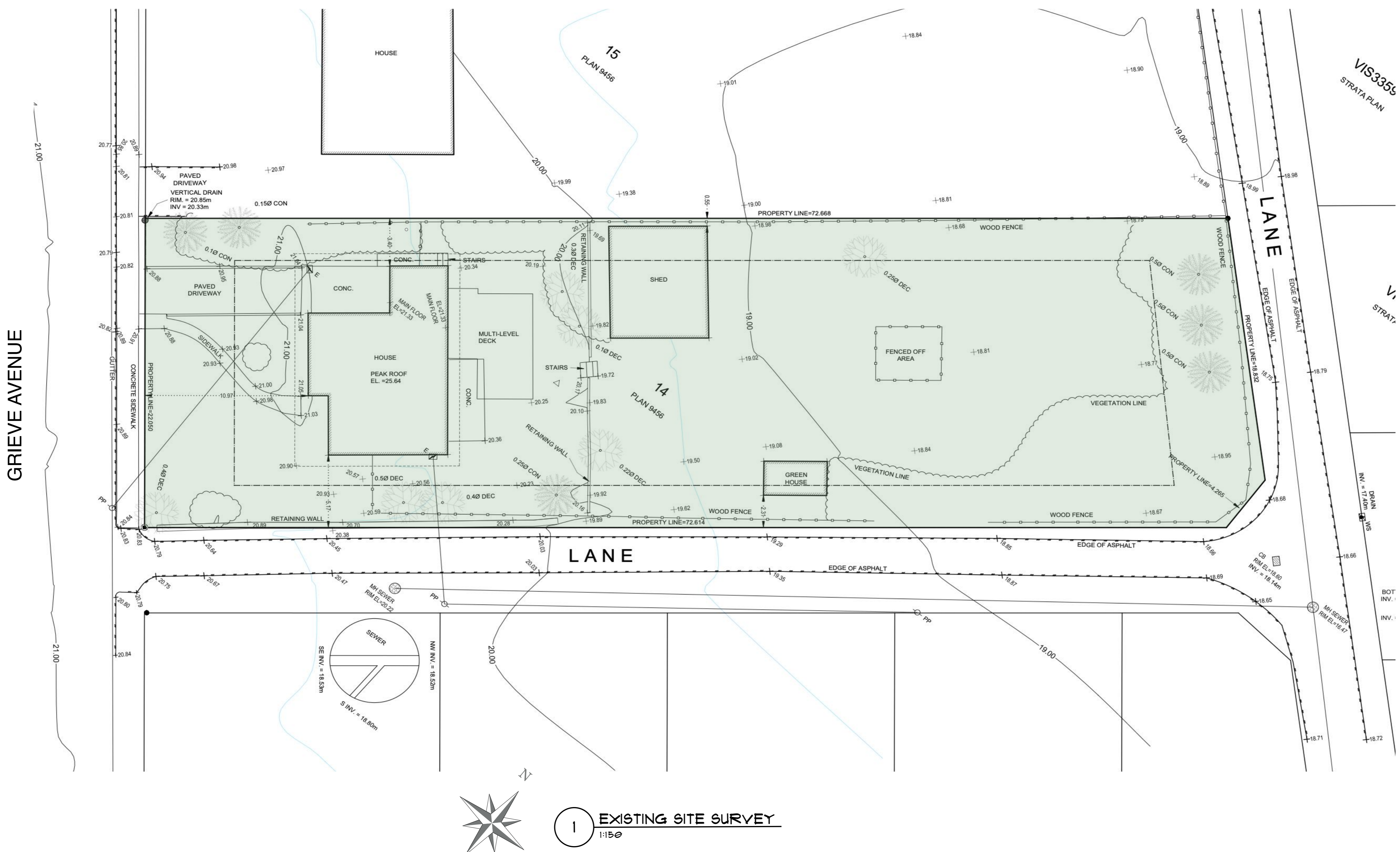
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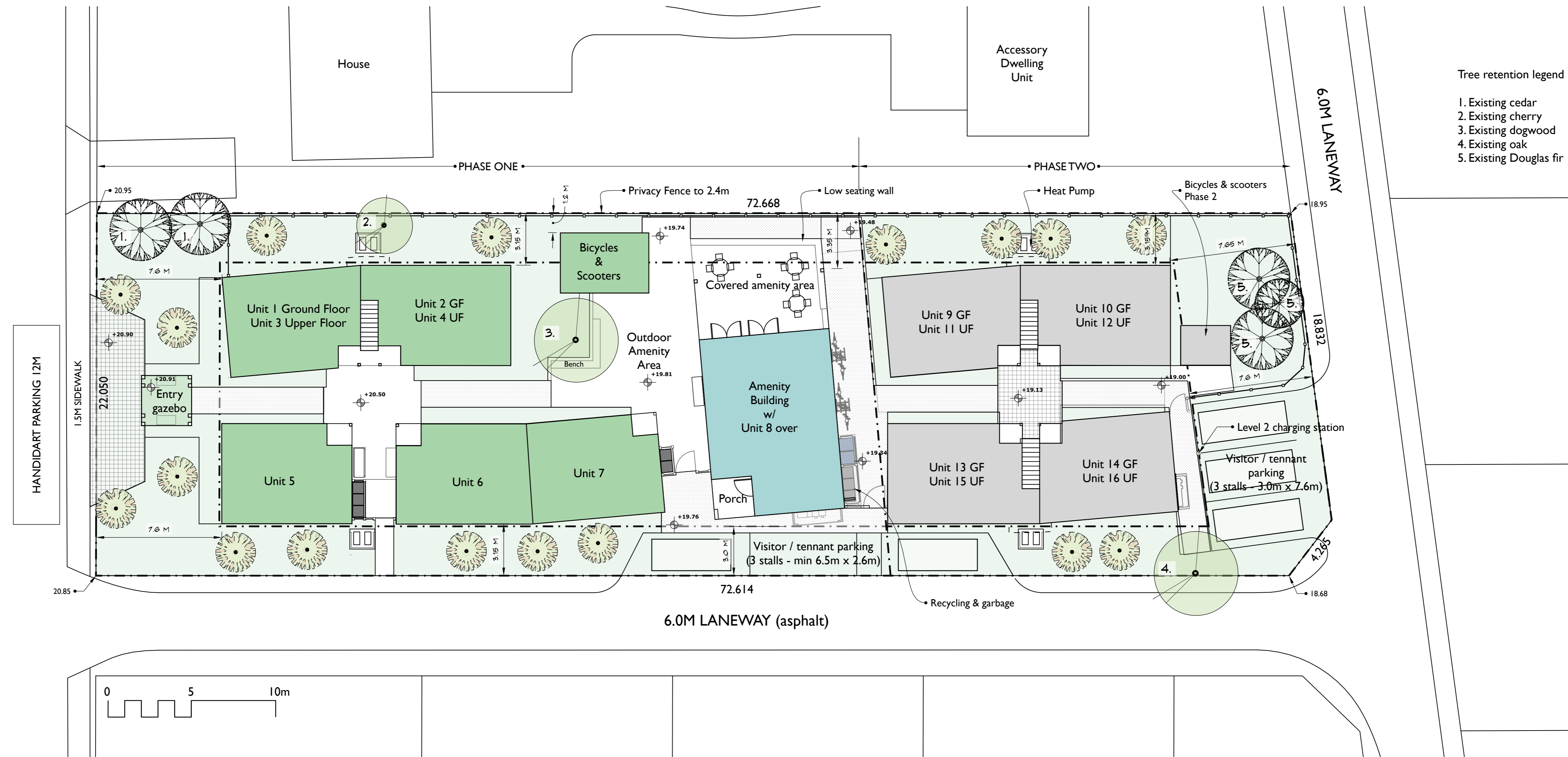
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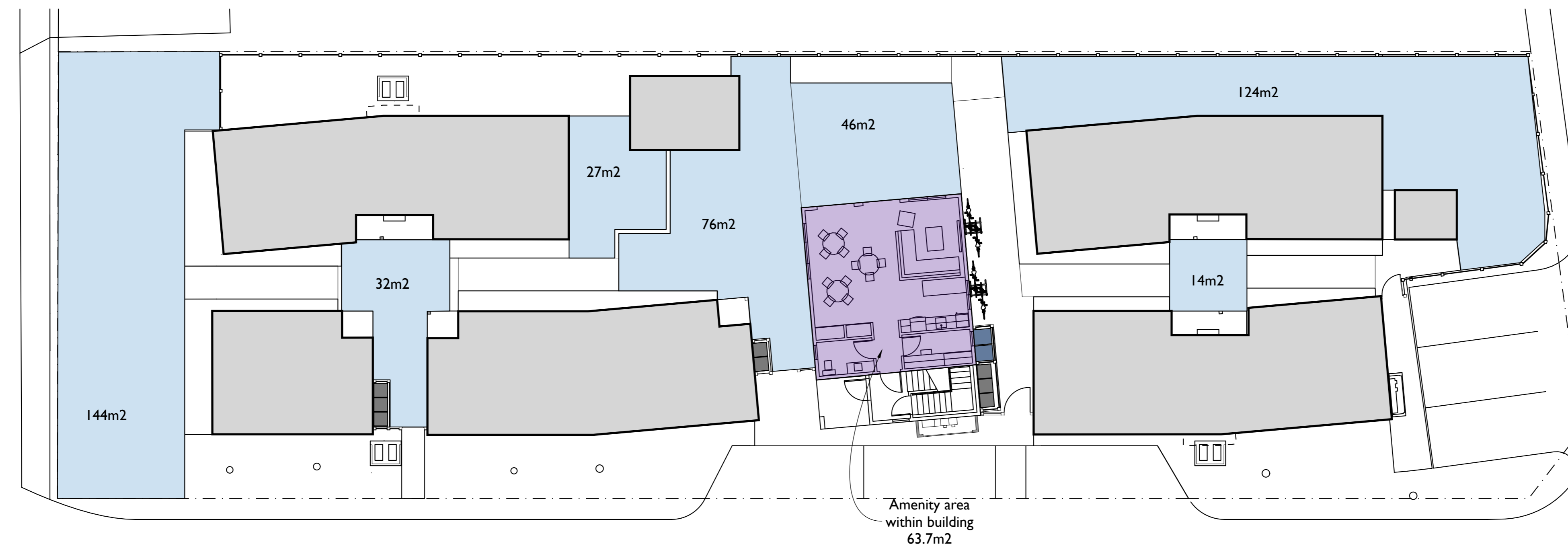
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A-3



GRIEVE AVENUE



1 SITE PLAN
1:150



Amenity areas calculation:
 Patios, plazas and lawn: 312m²
 Accessible garden areas: 151m²
 Total: 463m²

2 AMENITY AREAS
1:150

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A-4



EXTERIOR FINISHES LEGEND

1. ROOFING.
25 YEAR ARCHITECTURAL SHINGLES EG IKO DYNASTY
COLOUR: GRANITE BLACK
2. FACIA BOARDS.
PAINTED 2X8 COMBED FACE OR CEDAR
COLOUR: BENJAMIN MOORE "IRON MOUNTAIN" DARK CHARCOAL
3. EAVESTROUGH AND DOWNSPOUTS.
GENTEK ALUMINUM "SLATE" DARK GREY
4. SOFFITS.
GENTEK ALUMINUM OXFORD PREMIUM "GRAPHITE" DARK GREY
5. UPPER WALLS.
SMOOTH HARDIBOARD & 1 1/2" BATTENS @ 12" O/C
COLOURS: VARIOUS, AS SHOWN
6. LOWER WALLS.
HARDIBOARD BEVEL SIDING 1" EXPOSURE SMOOTH
7. CLADDING AT ENTRANCES.
1X4 CLEAR HORIZONTAL CEDAR, NATURAL FINISH
8. WINDOWS.
WHITE VINYL, BALANCED SASH
9. WINDOW & DOOR TRIM.
4" WIDE CEDAR OR COMBED FACE, JOINTS BUTTED, WHITE FINISH
10. BALCONY RAILINGS.
FACE-MOUNTED ALUMINUM BALUSTERS, ALUMINUM TOP RAIL, DARK GREY



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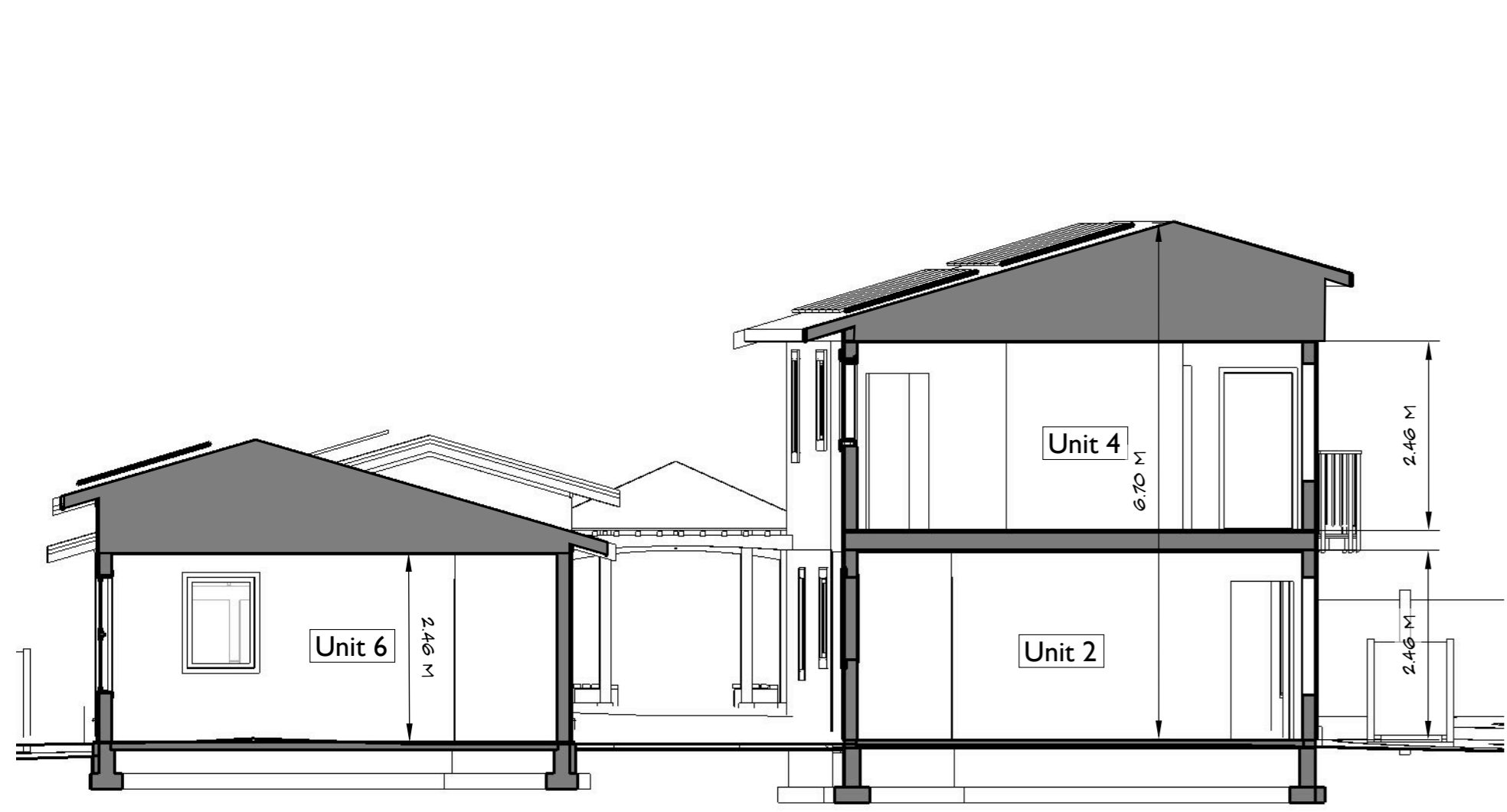
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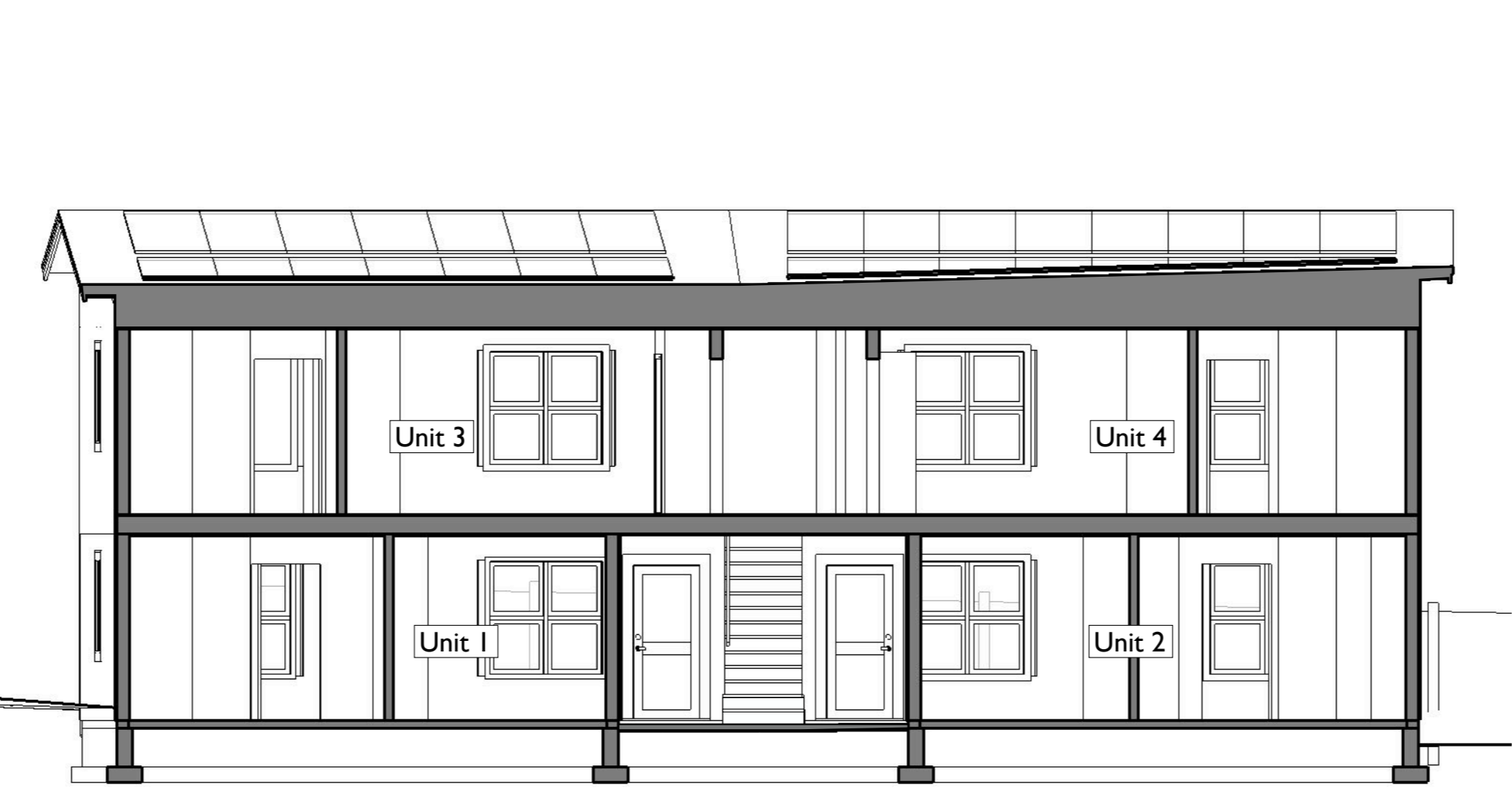
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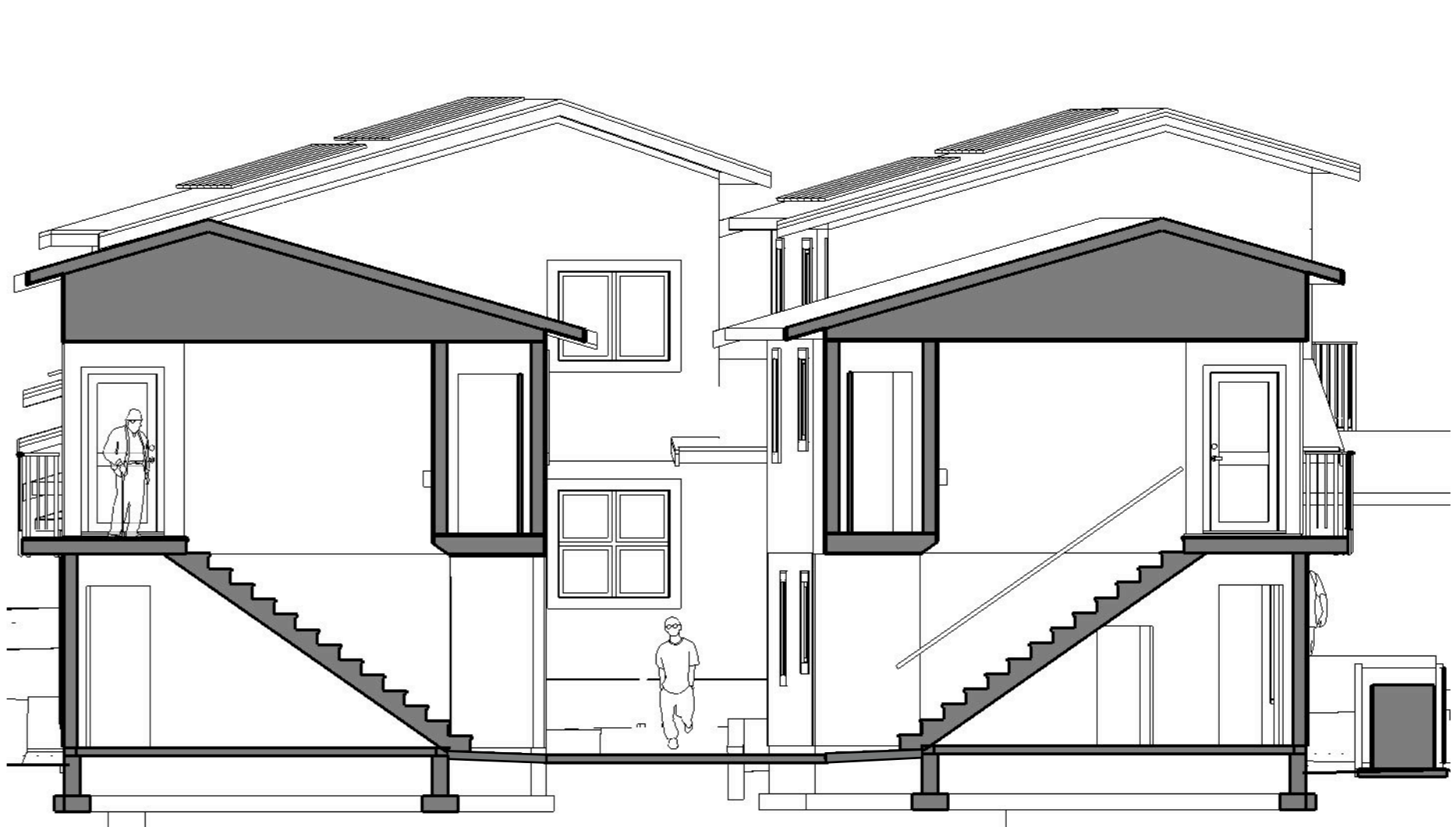
1 COURTYARD VIEW LOOKING NORTH
1:100



2 CROSS SECTION - UNITS 2, 4 & 6
1:15



3 LONG SECTION - UNITS 1-4
1:15



4 CROSS SECTION - STAIR UNITS 11-12 & 15/16
1:15



4 COURTYARD VIEW LOOKING SOUTH
1:100

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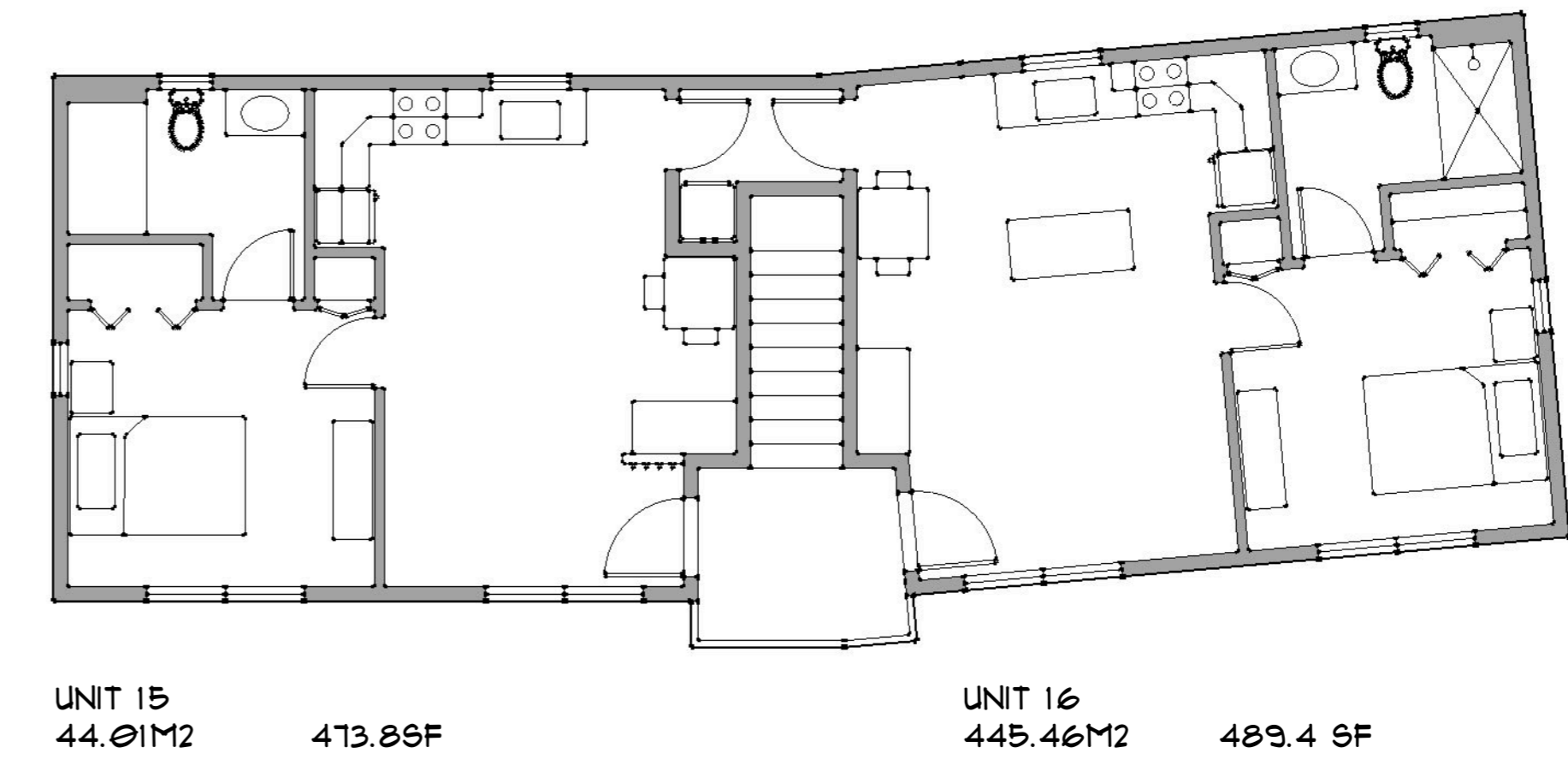
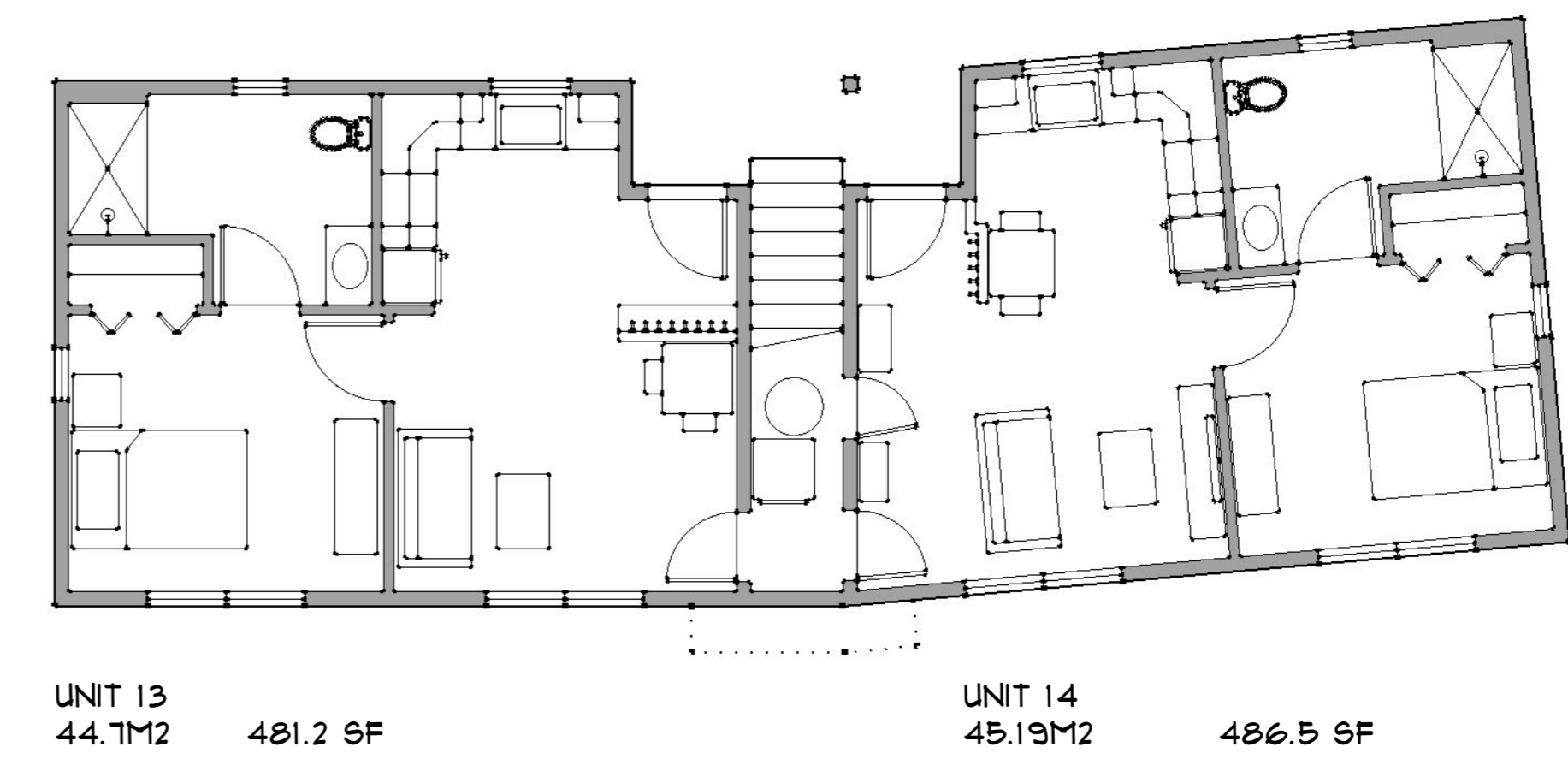
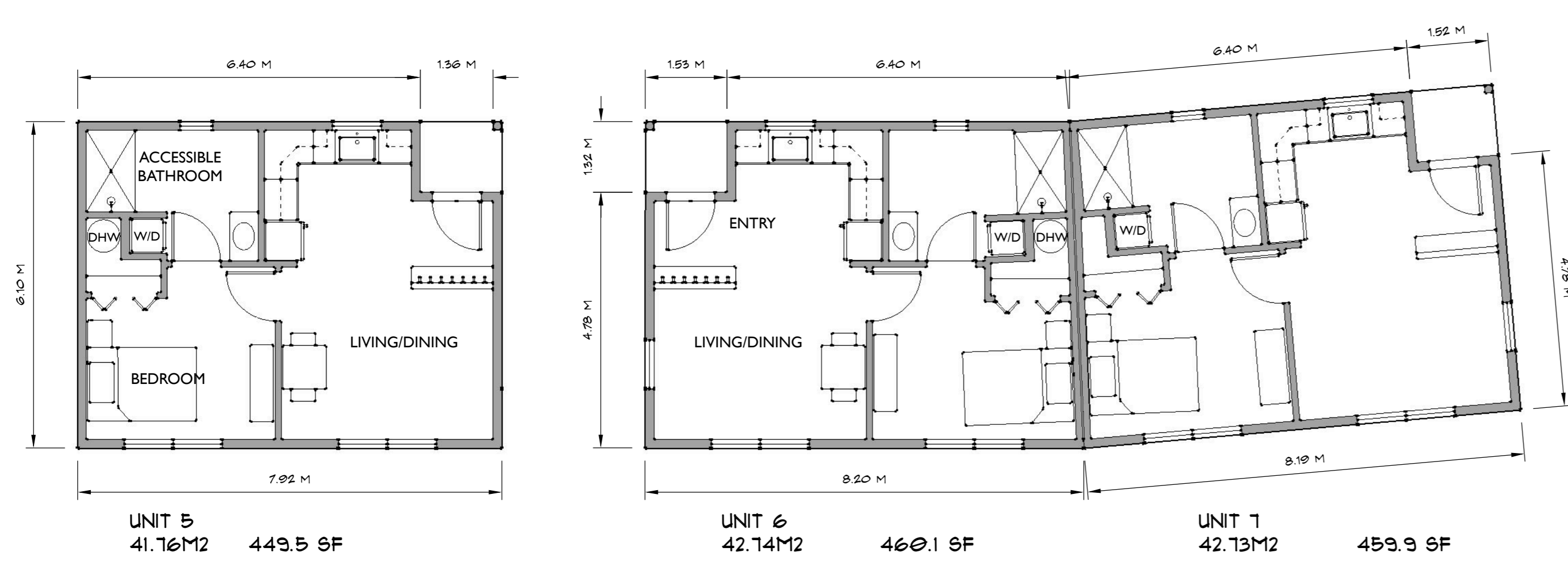
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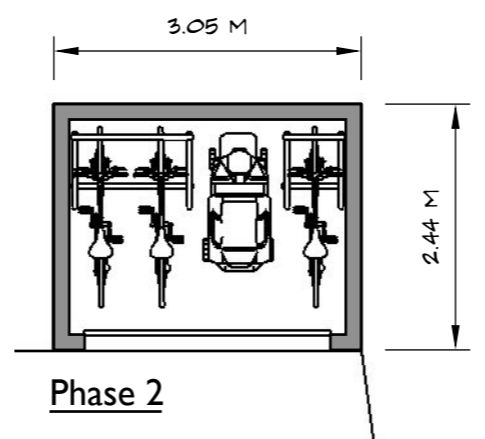
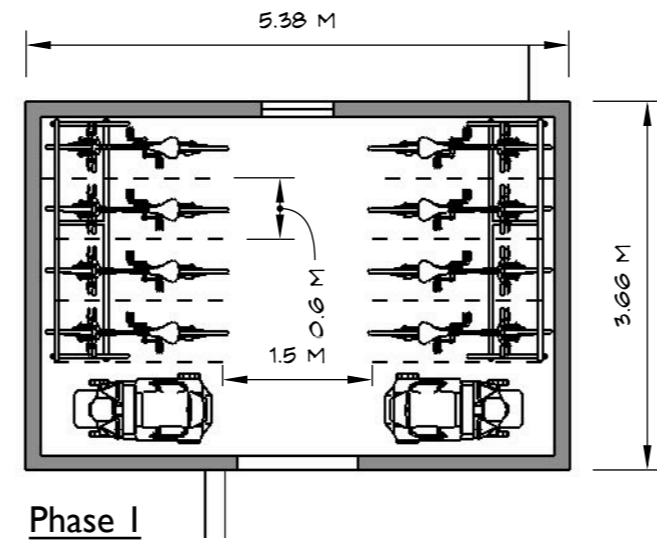
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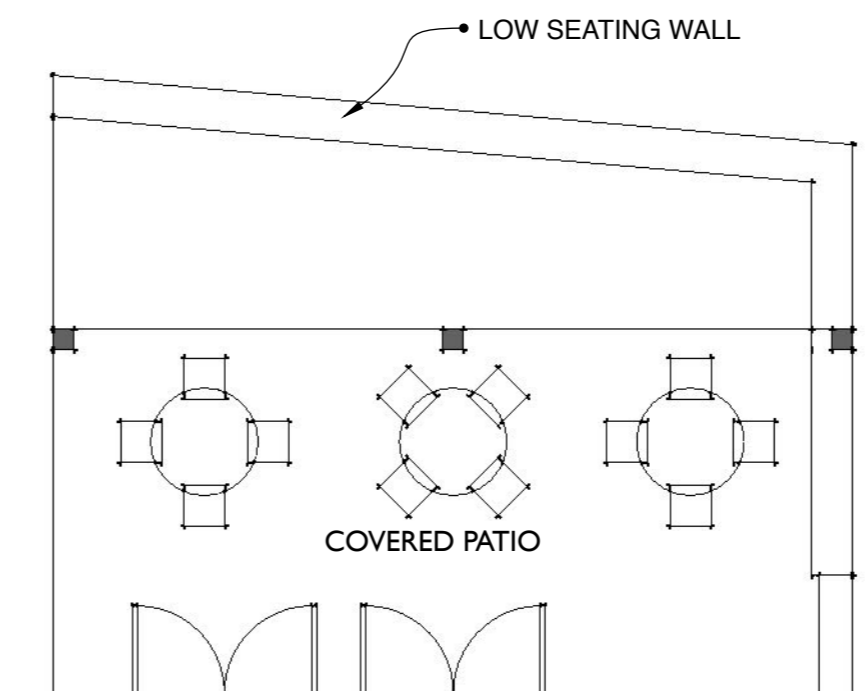
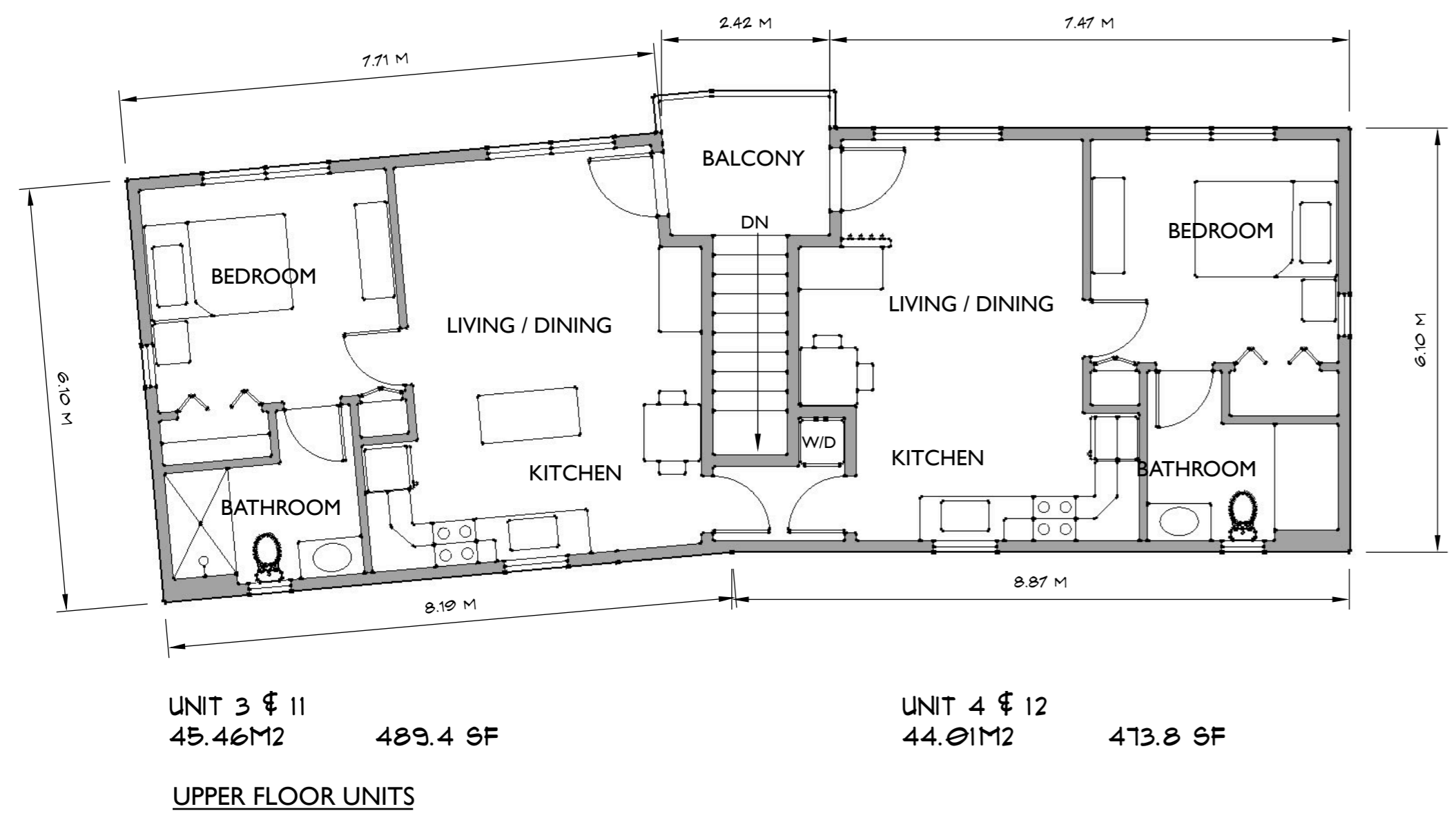
1 DWELLING UNIT FLOOR PLANS

1:75



3 BIKE/SCOOTER SHEDS

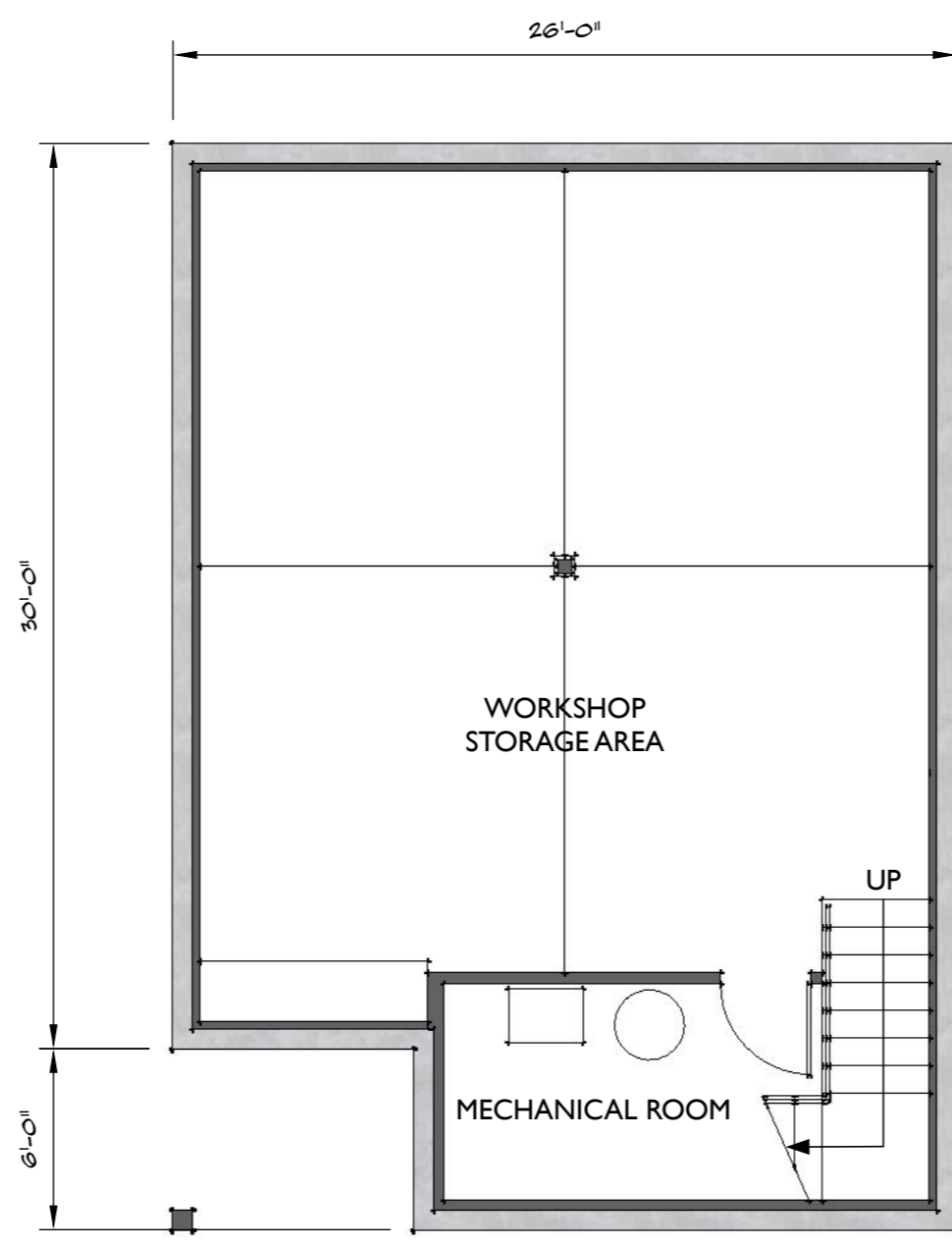
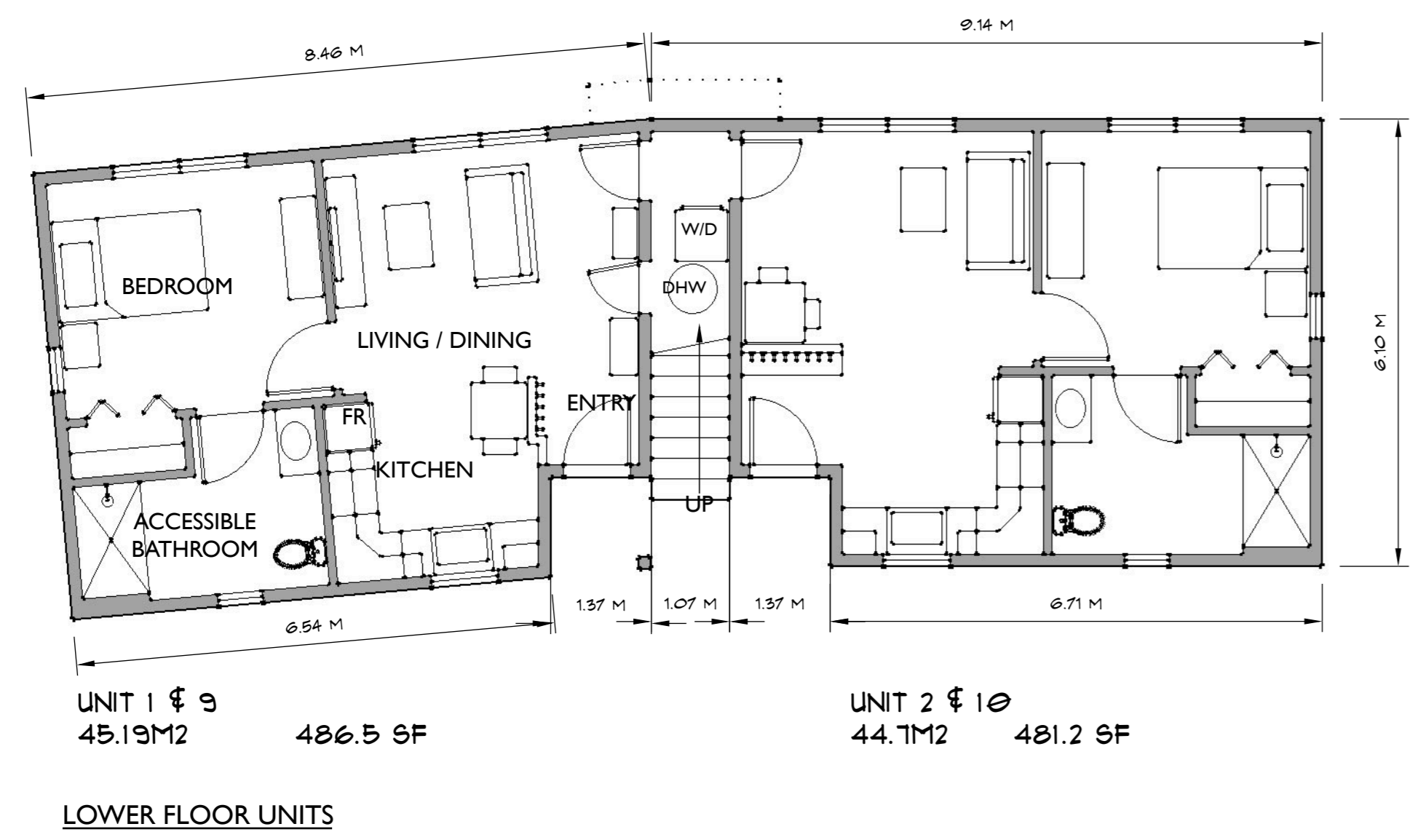
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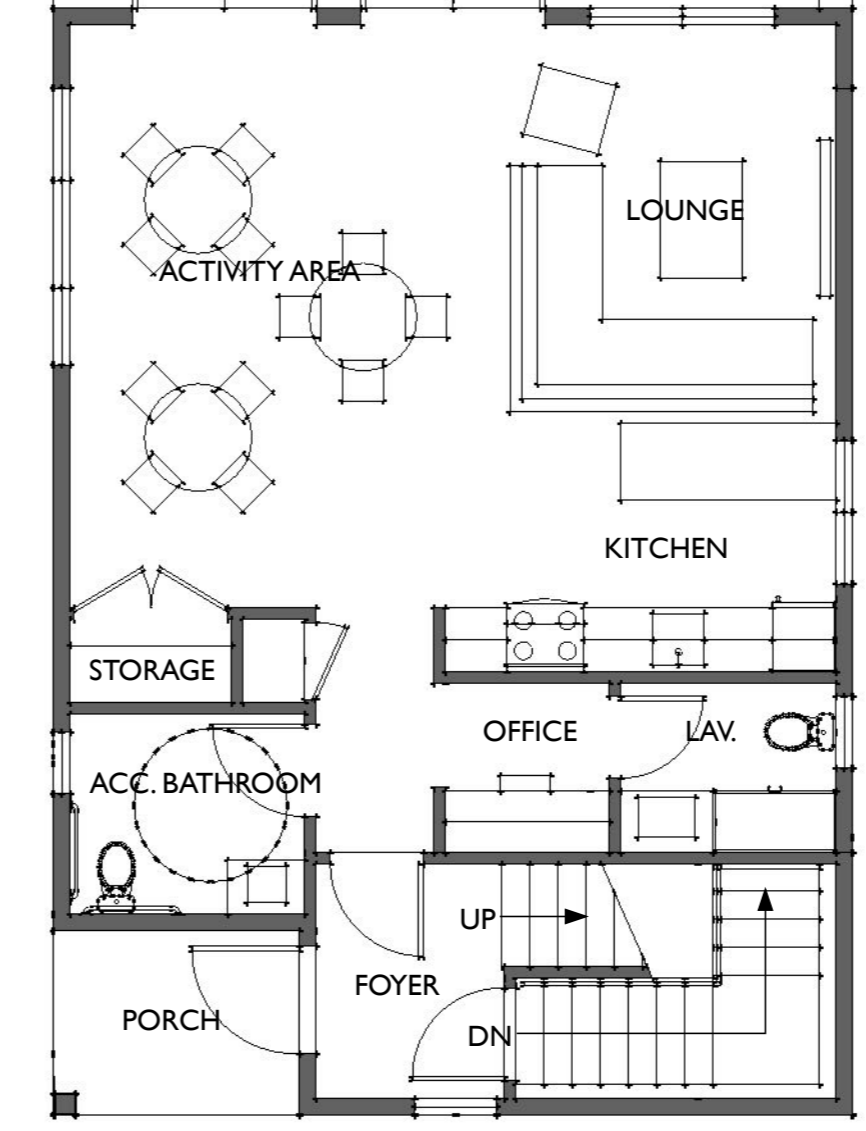
Amenity Building

Lounge:	14.1m ²
Dining/activities	23.8m ²
Kitchen	9.4m ²
Bathroom 1	3.6m ²
Accessible Bathroom	4.6m ²
Office nook	2.7m ²
Foyer	4.3m ²

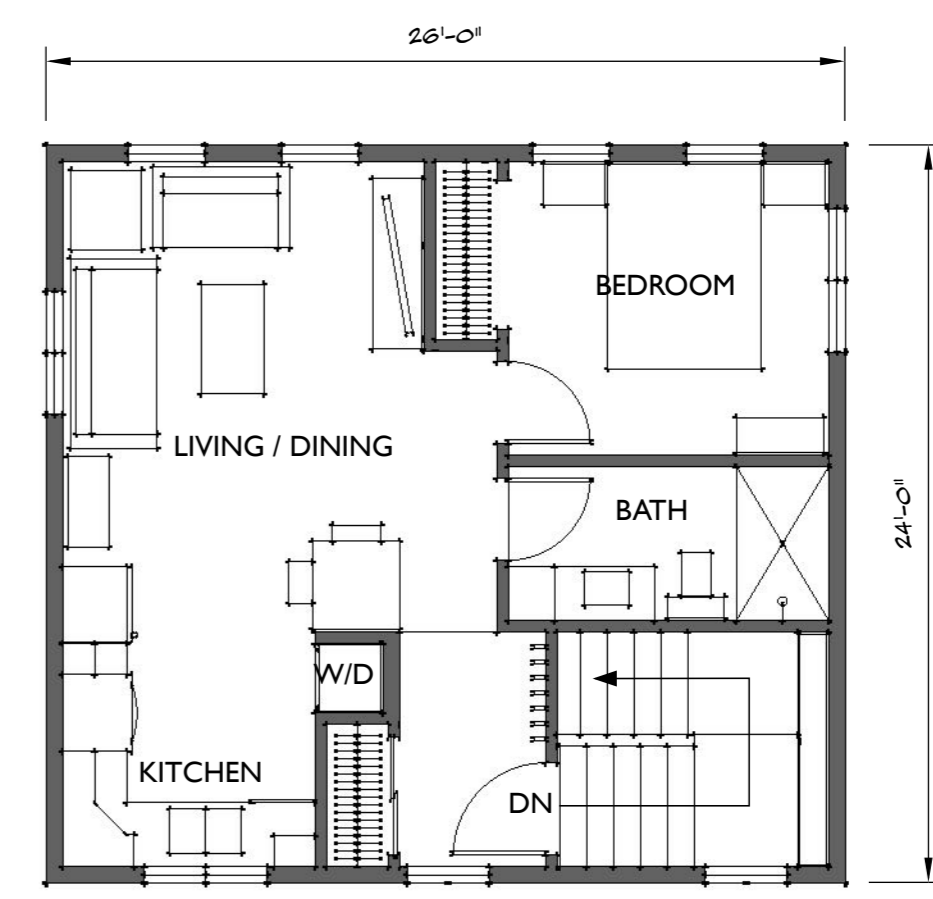
Max travel distance to exit: 5.2m (main floor)
6.8m (upper suite)



BASEMENT PLAN
12.1M² 176 SF



MAIN FLOOR PLAN
76.4M² 822 SF



UPPER FLOOR PLAN - UNIT 8
46.58M² 501.58 SF

2 AMENITY BUILDING FLOOR PLANS

1:75

Attachment 4 – Landscape Plans






Tree List

Common Name



Botanical Name

Quantity

Retained:

-  Dogwood
-  Oak
-  Cedar
-  Fir
-  Cherry

New:

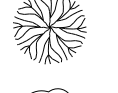






-  Bowhall Maple *Acer rubrum* 'Bowhall' 10
-  Columnar Beech *Fagus sylvatica* 'Dawyck Gold' 6

Shrub List

Common Name

Botanical Name

Quantity








-  Little Heath Pieris *Pieris japonica* 'Little Heath' 35
-  Rhododendron *Rhododendron* 'Rosamundi' 2
-  Flaming Silver Japanese Pieris *Pieris japonica* 'Flaming Silver' 5
-  Spirea *Spiraea betulifolia* 'Tor' 7
-  Lavender *Lavandula angustifolia* 'hidcote blue' 25
-  Tall Oregon Grape *Mahonia aquifolium* 14
-  Barberry *Berberis thunbergii* 'Bailone' 'Ruby Carousel' 9

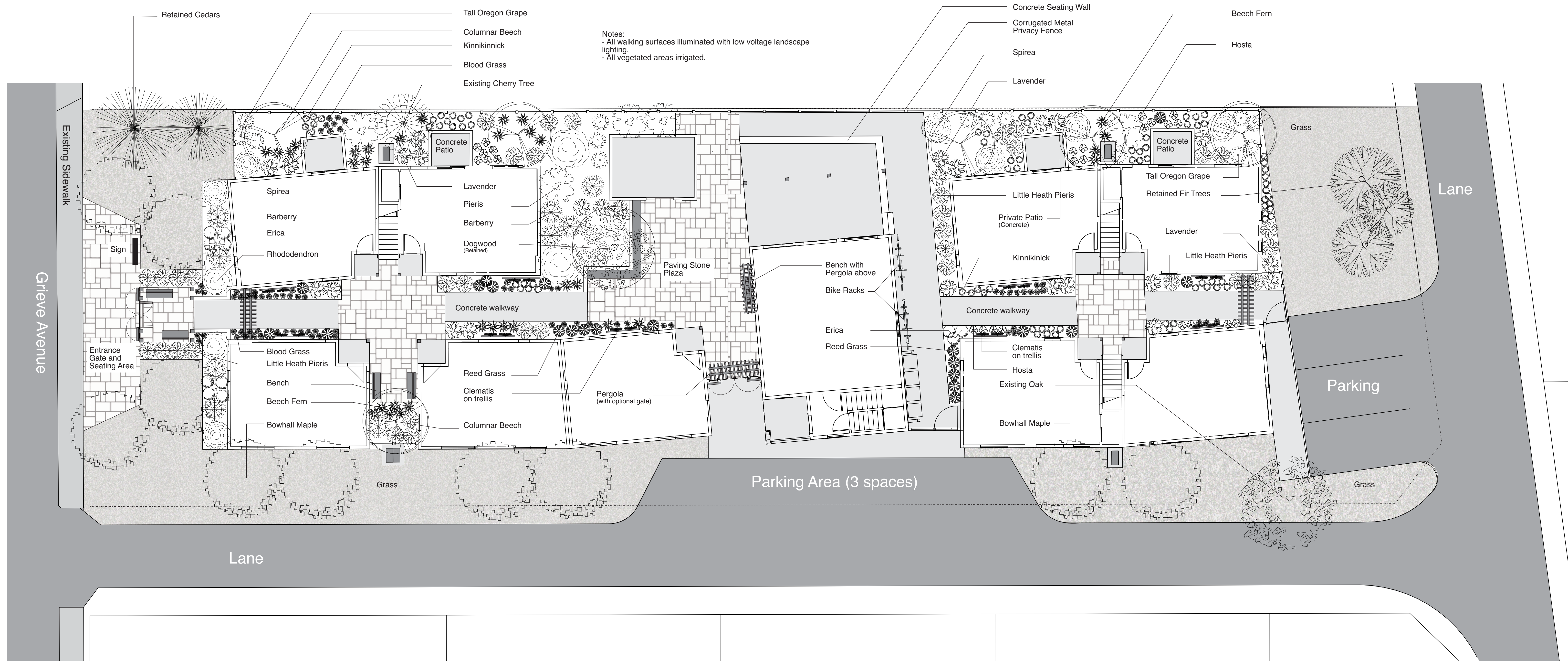
Ground Cover and Climber List

Common Name

Botanical Name

Quantity

-  Erica *Erica carnea* 'Kramer's Red' 11
-  Beech Fern *Thelypteris decursive-pinnata* 32
-  Red Baron Japanese Blood Grass *Imperata cylindrica* 'Red Baron' 75
-  Variegated Reed Grass *Calanagrostis x acutiflora* 'Over Dam' 21
-  Clematis *Clematis armandii* 'Snowdrift' 18
-  Kinnikinnick *Arctostaphylos uva-ursi* 83
-  Hosta *Hosta* 'Frosted Mouse Ears' 26



Notes:
 - All walking surfaces illuminated with low voltage landscape lighting.
 - All vegetated areas irrigated.



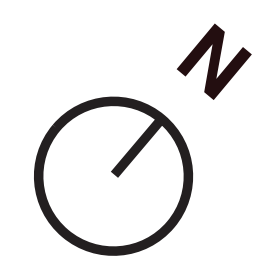
Pathways Landscape Group
 845 Evergreen Avenue,
 Courtenay, BC
 V9N 6Y1

Date: November 10, 2022
 Drawn By: DS
 Drawing #: 2212
 Revision: 08

The Anchorage - Landscape Plan

Site:
 1560 Grieve Ave, Courtenay, BC

Client:
 L'Arche CV



L1

Legend

- Utilities:**
- Sanitary Sewer Line
 - Sanitary Sewer Manhole
 - Storm Sewer Line
 - Storm Sewer Catchbasin
 - Storm Sewer Manhole
 - Water Line

Please see Civil Plan for more detail

Irrigation:

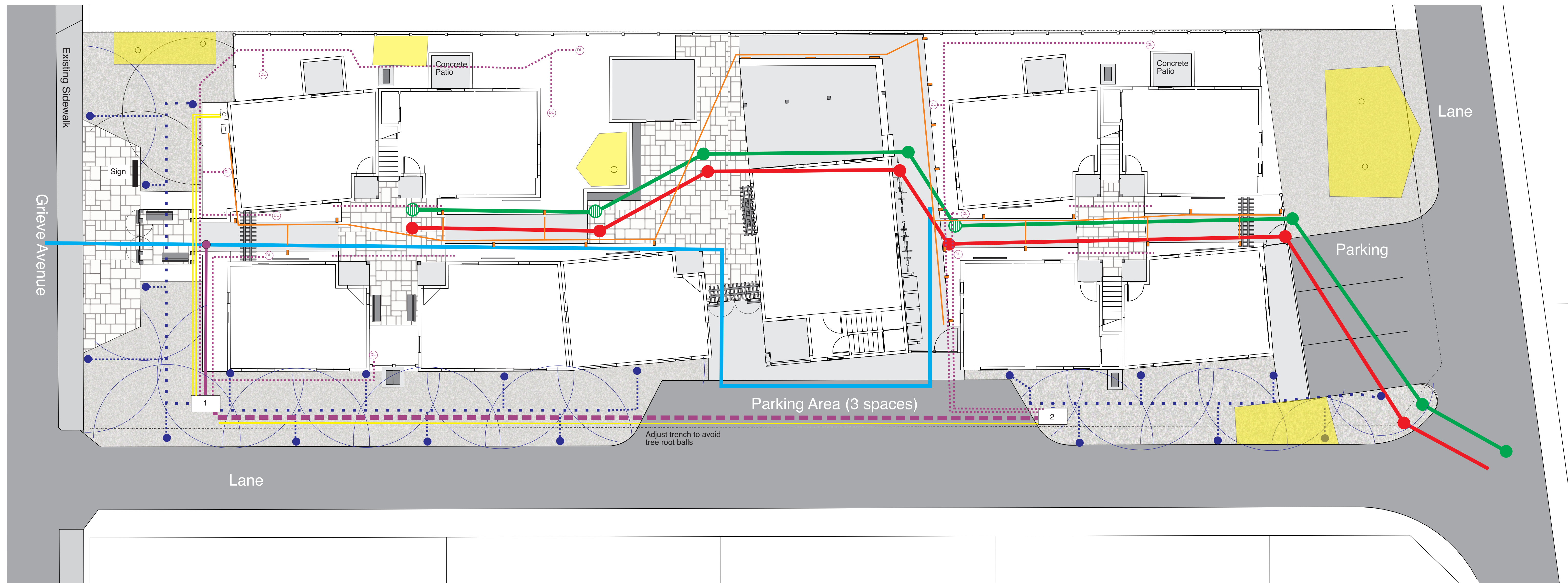
Item	Notes	Quantity
● Irrigation Connection Point	Brass Compression T	1
— Irrigation Feed Line	1" PEX mainline	1
— Mainline	1" PVC mainline	1
1 Main Junction Box	- 1" shut off ball valve	1
	- Backflow prevention valve	1
	- Blowout hose bib	1
	- 1" control valves	4
	- 3/4" PRV to 40 PSI	2
	- Irrigation valve box	1
2 Secondary Valve Box	- 1" control valves	3
	- Blowout hose bib	1
	- 1" control valves	3
	- 3/4" PRV to 40 PSI	2
	- Irrigation valve box	1
- - - Drip Distribution Line	3/4" PVC	4
- - - Spray Distribution Line	1" PVC	3
- - - Spray Head Feed Line	3/4" PVC or Poly	20
● Irrigation Head	R-van variable head	20
R Convert to drip location	Fittings PVC to Poly drip	10
C Irrigation Controller	8 zone controller	1
— Wire	5 strand wire to each valve box	1

Lighting:

Item	Notes	Quantity
— Bollard Light	3m spacing	23
— Wall Light	3m spacing under cap	3
T Transformer	150 watt, 12 volt	1
— Wire	Low Voltage, 12 gauge	



Notes:
- All landscape preparation and construction to conform to latest edition of the Canadian Landscape Standard (formerly the BCSLA/BCNTA Landscape Standards)



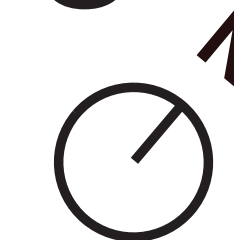
Pathways Landscape Group
845 Evergreen Avenue,
Courtenay, BC
V9N 6Y1

Date: November 16, 2022
Drawn By: DS
Drawing #: 2212
Revision: 01

The Anchorage - Landscape Servicing Plan

Site:
1560 Grieve Ave, Courtenay, BC

Client:
L'Arche CV



L2

Attachment 5 – Below Market Rental Intent Letter

June 21, 2023

Dear Mike:

This letter is to follow up from the phone call that we had on Friday June 9th. The request was to have in writing the purpose of The Anchorage housing and to state the rental policy.

L'Arche Comox Valley is a member of the International Federation of L'Arche Communities. L'Arche's mission is to provide support to people with intellectual disabilities so that they might achieve their full potential and live a full life. This L'Arche Community was founded in 2000.

The Anchorage housing project is a two-phase project of eight suites in both phases. In Phase 1, there will be seven suites available for people with an intellectual disability and one suite above the amenity space for the Good Friend and Neighbour who is there to provide security and support. All the underground work for Phase 2 will be done during the construction of Phase 1.

As with the rents at the IBC Suites, they will be below Comox Valley market rates. Utilities are also included in the rent. The building will be solar ready which over time will have an impact on the cost of utilities.

As stated above, L'Arche Comox Valley has as its sole mission to support people with intellectual disabilities by creating spaces where they can grow, develop relationships and become contributing members of Comox Valley. As long as L'Arche Comox Valley owns the property and based on our best intentions, the only use for this property and these buildings is to provide housing for people with intellectual disabilities along with the support they require.

CLBC (Community Living BC) is the Crown Corporation that provides the funding to support individuals with intellectual disabilities; they support people but they do not provide funding for housing.

Should you have any other questions, Mike, please do not hesitate to contact me.

Sincerely,

Hollee Card

100-1465 Grieve Avenue
Courtenay, BC, V9N 2W1

Tel: 250-334-8320
Fax: 250-334-8321

office@larchecomoxvalley.org
larchecomoxvalley.org/

Registered Charitable No. 899957351RR001

Attachment 6 – Public Engagement Summary

27 June 2023

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

Attn: Mike Grimsrud, Planner II

Dear Mr. Grimsrud,

In response to our call yesterday, please find our public engagement process to date for the redevelopment of the 1560 Grieve Ave. property.

Ongoing Online presentation. The 1560 project has a sub-site on LCV's website (daily hits 200+), and updates on the project are regularly posted to our Facebook (500+ followers) and Instagram sites. LCV also sends out a monthly newsletter to our core supporters (300+) that often feature the project.

Ongoing Site signage. The rezoning signage posted on the front lawn of the property clearly directs those interested to the City's development tracker app, where all relevant information has been uploaded.

8 June 2023 - Open House. This event, held at the *I Belong Centre* (1465 Grieve Ave) was open to the public and widely advertised on social media. Additionally, LCV reached out to strategic partners and public figures. The event was well-attended, and in addition to tours of the building and explanations of what happens there, the 1560 project was prominently displayed with pictures of the building and floor plans. Board and Project Development Team members were on hand, tasked with providing further information and answering questions. All the feedback we received at this event was overwhelmingly positive.

26 August 2022 - Project Information Session. This event was held outside the *I Belong Centre*, and was advertised with flyers to the surrounding neighbourhood using an address list provided by the City. Drawings and plans were on display and many neighbours came by - possibly drawn by the free hotdogs? Architectural Designer John Gower was present, as were all members of the Project Development Team. All the feedback we received at this event was positive.

LCV is also a member of the Coalition to End Homelessness, providing updates as requested to keep the housing/not-for-profit sector informed.

In summation, we have received no negative feedback with regards to the proposed project, and feel that our neighbourhood has been given ample opportunity both to inform themselves and express their concerns, but if you feel additional opportunities should be provided, we will be happy to do so.

Thanks for working with us to realize this vital housing project.

Sincerely,



Hollie Card
Executive Director
L'Arche Comox Valley

Attachment 7 – Public Comment

From: [REDACTED]

Subject: L'Arche Grieve Ave Development

Date: June 27, 2023 at 3:12:54 PM PDT

To: [REDACTED]

To Whom it May Concern,

I am writing in support of the new L'Arche development on Grieve Avenue. My [REDACTED] and I live at 1540 Grieve Avenue and will be the immediate neighbours of the project. We are delighted that L'Arche will be developing the property and look forward to being their neighbours. L'Arche has done a fantastic job in keeping the community in the loop with their plans. We find the design to be thoughtful, intuitive, and we have no concerns at all. We feel like this will be a great benefit to our neighbourhood and look forward to the positive gains it will bring.

Thank you,

[REDACTED]

Attachment 8 – Financial Assistance Request Letter to Council



The Anchorage

L'Arche Comox Valley

October 25, 2023

Dear Mayor and Members of the City Council:

L'Arche Comox Valley's latest project is to build housing for adults with diverse abilities who can live independently with some supports.

In the Comox Valley's housing market, there are increasingly limited housing options for adults with diverse abilities who can live independently. Furthermore, studies show that often paid staff are the only relationships people have outside of family members. L'Arche Comox Valley (LCV) provides support for people to achieve greater independence while being part of the integrated community. LCV also provides a conduit to other parts of society.

Modelled on the successful I Belong Centre Suites (IBC Suites) (LCV owned and operated) project, the Anchorage will provide seven one-bedroom units with full kitchens and in-suite laundry in Phase 1. An additional similar eight one bedroom suites are planned for Phase 2.

A *Good Friend & Neighbour* living onsite provides oversight for safety and fosters community. An amenity space and a large common patio for larger gatherings further supports the intention of building community.

The breakdown of the units is as follows:

- Phase 1 - seven one bedroom units + one unit for *Good Friend & Neighbour*
- Phase 2 – eight one bedroom units

In Phase 1, five units and four units in Phase 2 units are wheelchair accessible. The average unit size is 500 sq ft/unit.

The cost of \$3.5M (Phase 1) includes site and services preparation for both phases.

To keep the rent comparable and affordable with those at the IBC Suites, the budget has been built on charging rent of \$800 per suite which is considerably below the market value of a one bedroom suite in the Comox ValleyN (\$1,700 and upward). Should this project receive funding through BC Housing's Community Housing Fund, the rents may have to be adjusted

to meet their rent structure requirements. However, people with an intellectual disability have limited financial resources so the rents need to be affordable. There will need to be a discussion with BC Housing as to the viability of charging market rents for some of the suites. Utilities are included as part of the rent.

The more options, the better! LCV seeks to expand the housing choices for adults with diverse abilities, particularly those who desire to live independently from family and have the capacity to learn the skills required for living on their own. Successfully managing this transition to independence can have many positive impacts for these individuals as LCV has seen with the tenant population at the IBC Suites.

A home of one's own allows the individual to craft a life of their own. Friends and family can come for dinner, one can choose what and when to eat, lock the door when one wants to be alone, and most importantly, be part of an anchoring neighbourhood where one is recognized and known.

There are currently twenty-seven people who have submitted their name for a suite at The Anchorage. This is before any public announcement.

The presence of a *Good Friend & Neighbour* is the key element to the success of this model of housing. This is a full-time paid role, assumed by an individual who lives on-site, acting as a resource for tenants, working to create a sense of community, supporting individuals to engage with others in activities in the local area, monitoring the flow of life on the property for safety and security concerns and responding to emergencies. The Anchorage is "housing plus": safe, secure, and supported.

Embedded in a small-city neighbourhood made up of single family homes and small-scale apartment complexes, the Anchorage will benefit from the existing neighbourhood identity and ethos. The Anchorage is sited close to schools, churches, bus routes and civic amenities. The walkability score is high! And it will also form part of the LCV 'campus' that includes *Jubilee House*, a L'Arche group home, 3 1/2 blocks south; the *I Belong Centre*, LCV's community hub; and *IBC Suites*, six units of affordable housing, in the same building 1/2 block north.

The Anchorage will be home to individuals who meet the following criteria:

- have an existing funding agreement with CLBC in order to live semi-independently based on an assessment for these skills
- desire to live independently of family, and are supported in their choice by family and friends

- possess, or are able to readily acquire the necessary skills for daily living and are able to live alone safely with some supports. (Assessment tools to evaluate tenant readiness is in development.)
- are able to access transportation
- desire to be part of an intentional community, developing friendships and participating in group activities

L'Arche Comox Valley will provide:

- well-designed, well-constructed housing that is energy efficient and well-maintained
- a safe and secure environment
- rental fees that include all utilities (excluding cable services)
- a *Good Friend & Neighbour*, who is a full-time employee of LCV, resident on site to provide strategic assistance and oversight
- inclusive community, supported by weekly and monthly social events
- engagement with the wider community, its members, activities and networks
- tenancy until such a time as a person is unable to manage the demands of independent living

L'Arche Comox Valley is in full agreement with the goals set out in the Courtenay's Official Community Plan. The vision of the Anchorage and several of those identified in the City's plan align:

- Investing in relationships is at the heart of this project because that is fundamental to how L'Arche operates.
- Housing choices for all is the purpose of this project. As stated earlier, people with intellectual disabilities are an often forgotten group in our society.
- Land is a precious resource. By creating this village setting eighteen people will find a home and their families will be at peace.
- The people who live in The Anchorage will also contribute to a healthier and strong neighbourhood just as those who live at the IBC Suites do today.

L'Arche is a non-profit charity. The 3.5 million dollars to build this project is being raised by community volunteers. We are requesting for a reduction of the DCC fees and financial relief for all off site servicing. Being relieved of the costs of repaving the laneway and sidewalk will help us achieve our financial goal more quickly. The risk is that the cost of these other expenses may jeopardize the project. Given our charitable status and the

challenge of raising the cost of building, we ask that the City exempt us from this work and these expenses.

With the approval of this project, Courtenay displays its commitment to the goal of being a city for everyone.

Respectfully,
Hollie Card, Executive Director
L'Arche Comox Valley
250.334.8320
hollee@larchecomoxvalley.org

larchecomoxvalley.org
LCV Facebook
LCV Instagram

PART 2 – TERMS OF INSTRUMENT

HOUSING AGREEMENT AND COVENANT
(Section 483 *Local Government Act* and Section 219 *Land Title Act*)

THIS AGREEMENT made the _____ day of _____, 2023,

BETWEEN:

(the “Owner”)

OF THE FIRST PART

AND:

THE CORPORATION OF THE CITY OF COURTENAY, a
municipal corporation under the *Community Charter* of the
Province of British Columbia, and having its City Offices at 830
Cliffe Avenue, Courtenay, B.C. V9N 2J7

(the “City”)

OF THE SECOND PART

WHEREAS:

- A. Section 483 of the *Local Government Act* permits the City to enter into and note on title to lands, housing agreements which may include, without limitation, conditions in respect to the form of tenure of housing units, availability of housing units to classes of persons, administration of housing units, and rent that may be charged for housing units;
- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a positive or a negative nature in favour of the City in respect of the use of land and construction on land;
- C. The Owner is the owner of the Lands (as hereinafter defined);
- D. The City will consider adoption of Housing Agreement Bylaw No. 3117 authorizing the City to enter into this Agreement on the terms and conditions contained herein; and
- D. The Owner made an application to rezone the Lands from R-2 (Low Density Single Residential Dwelling or Duplex Zone) to CD-38 Comprehensive Development Zone (1560 Grieve Street) to permit the development of 6 buildings consisting of 16 residential dwelling units limited to 15 affordable rental units for adults with intellectual disabilities, 1 shared amenity building with 1 second floor caretaker rental

unit, and accessory buildings and structures which will be constructed in two phases.

- E. The Owner and the City wish to enter into this Agreement (as hereinafter defined) to provide long-term rental housing on the terms and conditions set out in this Agreement,

In consideration of \$10.00 and other good and valuable consideration (the receipt and sufficiency of which is acknowledged by both parties), and in consideration of the promises exchanged below, the Owner and the City covenant and agree pursuant to section 483 of the *Local Government Act* and section 219 of the *Land Title Act* as follows:

ARTICLE 1 DEFINITIONS AND INTERPRETATION

1.1 Definitions – In this Agreement, the following words have the following meanings:

- (a) “**Affordable Rental Units**” means the fifteen (15) self-contained Dwelling Units within the Development that are to be used and occupied in accordance with Article 2 of this Agreement for a rent charge of not more than the Permitted Rents in accordance with Schedule A of this Agreement;
- (b) “**Agreement**” means this agreement together with all Land Title Office forms, schedules, appendices, attachments and priority agreements attached hereto;
- (c) “**Caretaker Rental Unit**” means one (1) Dwelling Unit to be located on the second storey of the shared amenity building;
- (d) “**Dwelling Unit**” means a residential dwelling unit or units located or to be located on the Lands, and includes, where the context permits, an Affordable Rental Unit and a Caretaker Rental Unit;
- (e) “**Excess Charges**” means any amount of rent charged in respect of a tenancy of an Affordable Rental Unit that is in excess of Permitted Rent, plus any fees or charges of any nature whatsoever that are charged in respect of the tenancy of an Affordable Rental Unit that are not Permitted Tenant Charges, and includes all such amounts charged in respect of any tenancy since the commencement date of the Tenancy Agreement in question, irrespective of when the City renders an invoice in respect of Excess Charges;
- (f) “**Interpretation Act**” means the *Interpretation Act*, RSBC 1996, Chapter 238;
- (g) “**Lands**” means the following lands and premises situate in the City of Courtenay and any part, including a building or a portion of a building, into which said land is Subdivided:

Lot 14, Section 41, Comox District, Plan 9456, PID: 005307422;
- (h) “**Land Title Act**” means the *Land Title Act*, RSBC 1996, Chapter 250;
- (i) “**Local Government Act**” means the *Local Government Act*, RSBC 2015;
- (j) “**LTO**” means the Land Title and Survey Authority of British Columbia 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, and includes any person who is a registered owner in fee simple of a Dwelling Unit from time to time;
- (l) “**Real Estate Development Marketing Act**” means the *Real Estate Development Marketing Act*, SBC 2004, Chapter 41, together with all amendments thereto and replacements thereof;
- (m) “**Permitted Rent**” means the maximum rent set out in Schedule A of this Agreement in respect of the Affordable Rental Units in question;
- (n) “**Permitted Tenant Charges**” means resident parking, typical monthly insurance premiums for tenant's household contents and third party liability insurance plus an amount equal to the average monthly charge for electricity supplied to all Dwelling Units on the lands by the B.C. Hydro and Power Authority based on electricity consumption over the previous twelve months only, and excludes without limitation any other amounts charged by the Owner from time to time in respect of any laundry, services or programs provided by or on behalf of the Owner and any other permitted charges as set out in section 3.1(c) whether or not such amounts are charged on a monthly or other basis to the Tenants;
- (o) “**Perpetuity**” means until such time as the Development is either lawfully demolished or substantially destroyed and not promptly rebuilt;
- (p) “**Phase 1**” means the first phase of the Development proposed to be constructed in phases, as more particularly set out in the plans attached hereto as Schedule “B”;
- (q) “**Residential Tenancy Act**” means the *Residential Tenancy Act*, SBC 2002, Chapter 78
- (r) “**Rezoning**” means the rezoning of the Lands as described in Recital D;
- (s) “**Strata Property Act**” means the *Strata Property Act*, S.B.C. 1998, Chapter 43;
- (t) “**Subdivide**” means to divide, apportion, consolidate or subdivide the Lands or any building on the Lands, or the ownership or right to possession or occupation of the Lands or any building on the Lands, into two or more lots, strata lots, parcels, parts, portions or shares, whether by plan, descriptive words or otherwise, under the *Land Title Act*, the *Strata Property Act*, or otherwise, and includes the creation, conversion, organization or development of “cooperative interests” or a “shared interest in land” as defined in the *Real Estate Development Marketing Act*;
- (u) “**Tenancy Agreement**” means a tenancy agreement, lease, license or other agreement granting rights to occupy a Dwelling Unit; and
- (v) “**Tenant**” means an occupant of a Dwelling Unit by way of a Tenancy Agreement.

1.2 Interpretation – In this Agreement:

- (a) wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic, where the contents or parties so require.
- (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) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (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 a Tenant, agent, officer and invitee of the party;
- (j) reference to a “day”, “month”, or “year” is a reference to a calendar day, calendar month, calendar 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 USE AND CONSTRUCTION OF LANDS AND DWELLING UNITS

2.1 Use and Construction of Lands – The Owner covenants and agrees that:

- (a) the Lands will not be developed and no building or structure will be constructed or used on the Lands unless as part of the development, construction, or use of any such building or structure, the Owner also designs and constructs to completion, in accordance with a building permit issued by the City, any development permit issued by the City and, if applicable, any rezoning consideration applicable to the development on the Lands, the Affordable Rental Units, and the Caretaker Rental Unit; and
- (b) notwithstanding that the Owner may be otherwise entitled, the Owner shall not occupy or permit to be occupied any Dwelling Unit on the Lands unless the Owner has:

- (i) constructed the Affordable Rental Units in alignment with Phase 1 and in accordance with this Agreement; and
- (ii) all of the Affordable Rental Units are ready for occupancy in accordance with all applicable laws, regulations and bylaws; and
- (iii) delivered to the Director, Development Services, a final rent roll confirming the rents to be charged to the first occupants of the Phase 1 Affordable Rental Units; and

without limiting the general scope of section 6.4 and 6.5, the Owner does hereby waive, remise and release absolutely any and all claims against the City and City Personnel for any Losses that may derive from the withholding of an Occupancy Permit until there is compliance with the provisions of this section 2.1.

2.2 Use of Affordable Rental Units – The Owner agrees covenants and agrees that the following apply in respect of those who occupy an Affordable Rental Unit:

- (a) in Perpetuity following the occupancy of the building, Tenants of the Affordable Rental Units must not be charge rent in excess of the Permitted Rent, excluding Permitted Tenant Charges.

2.3 Operation of Dwelling Units – The Owner agrees to operate the Dwelling Units only as rental units subject to the *Residential Tenancy Act*.

2.4 Short-term Rentals Prohibited – The Owner agrees that no Dwelling Unit may be rented to any Household for a term of less than one (1) year.

2.5 No Subdivision to Allow Separate Sale – The Owner must not without the prior approval of the City Council, Subdivide the Lands or stratify a building containing a Dwelling Unit or transfer an interest in land to a Dwelling Unit to a person. Without limitation, the Owner acknowledges that the City will not support applications for stratification or Subdivision of any buildings on the Lands in any manner that would allow the Dwelling Units to be sold independently of each other.

2.6 City Authorized to Make Inquiries – 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.

2.7 Expiry of Housing Agreement – Upon expiry, the Owner may provide to the City a discharge of this Agreement, which the City shall execute and return to the Owner for filing in the Land Title Office.

ARTICLE 3 OCCUPANCY OF AFFORDABLE RENTAL UNITS

3.1 Occupancy of Affordable Rental Units – The Owner must not rent, lease, license or otherwise permit any use or occupancy of any Affordable Rental Unit except in accordance with the following additional conditions:

- (a) the Affordable Rental Unit will be used or occupied only pursuant to a Tenancy Agreement;
- (b) the monthly rent payable by a Tenant for the right to occupy a Affordable Rental Unit must not exceed the Permitted Rent;
- (c) the Owner will not require the Tenant or any permitted occupant to pay any extra charges or fees for use of any facilities or amenities, or for sanitary sewer, storm sewer, water, other utilities, or property or similar tax;
- (d) the Owner will attach a copy of this Agreement to every Tenancy Agreement;
- (e) the Owner will include in the Tenancy Agreement a clause requiring the Tenant and each permitted occupant of the Affordable Rental Unit to comply with this Agreement;
- (f) the Owner will include in the Tenancy Agreement a clause entitling the Owner to terminate the Tenancy Agreement if:
 - (i) an Affordable Rental Unit is occupied by a person or persons other than the Tenant;
 - (ii) the Affordable Rental Unit is occupied by more than the number of people the City's building inspector determines can reside in the Affordable Rental Unit given the number and size of bedrooms in the Affordable Rental Unit and in light of any relevant standards set by the City in any bylaws of the City;
 - (iii) the Affordable Rental Unit remains vacant for three (3) consecutive months or longer, notwithstanding the timely payment of rent;
 - (iv) the Tenant fails to pay rent when due in accordance with the Tenancy Agreement and the *Residential Tenancy Act*; and/or
 - (v) the Landlord is entitled, for any reason, to terminate the Tenancy Agreement in accordance with the Tenancy Agreement and the *Residential Tenancy Act*,

and in the case of each breach, the Owner hereby agrees with the City to forthwith provide to the Tenant a notice of termination. The notice of termination shall provide that the termination of the tenancy shall be effective thirty (30) days following the date of the notice of termination;
- (g) the Tenancy Agreement will identify all occupants of the Affordable Rental Unit and will stipulate that anyone not identified in the Tenancy Agreement will be prohibited from residing at the Affordable Rental Unit for more than thirty (30) consecutive days or more than forty-five (45) days total in any calendar year; and
- (h) the Owner will forthwith deliver a certified true copy of the Tenancy Agreement to the City upon demand subject to the *Residential Tenancy Act*.

3.2 Tenant to Vacate Rental Unit Upon Termination – If the Owner has terminated the

Tenancy Agreement, then the Owner shall use best efforts to cause the Tenant and all other persons that may be in occupation of the Affordable Rental Unit to vacate the Affordable Rental Unit on or before the effective date of termination subject to the *Residential Tenancy Act*.

3.3 No Separate Sale – The Owner covenants with the City that the Owner will not sell or transfer, or agree to sell or transfer, any interest in any building on the Lands containing an Affordable Rental Unit other than a full interest in the title to all Dwellings Units, and to a person that will continue to ensure that all Affordable Rental Units are available for rental in accordance with this Agreement.

3.4 Rental Tenure – Rental tenure in accordance with this Agreement will be guaranteed in Perpetuity for the Affordable Rental Units.

ARTICLE 4 DEMOLITION OF DWELLING UNIT

4.1 Demolition – The Owner will not demolish a Dwelling Unit unless:

- (a) the Owner has obtained the written opinion of a professional engineer or architect who is at arm's length to the Owner that it is no longer reasonable or practical to repair or replace any structural component of the Dwelling Unit, and the Owner has delivered to the City a copy of the engineer's or architect's report; or
- (b) the Dwelling Unit is damaged or destroyed, to the extent of 40% or more of its value above its foundations, as determined by the City, in its sole discretion,

and, in each case, a demolition permit for the Dwelling Unit has been issued by the City and the Dwelling Unit has been demolished under that permit.

ARTICLE 5 DEFAULT AND REMEDIES

5.1 Payment of Excess Charges – The Owner agrees that, in addition to any other remedies available to the City under this Agreement or at law or in equity, if a Dwelling Unit is used or occupied in breach of this Agreement, if an Dwelling Unit is rented at a rate in excess of the Permitted Rent or the Owner imposes in respect of any tenancy of a Dwelling Unit any fee or charge of whatsoever nature other than Permitted Tenant Charges, the Owner will pay the Excess Charges to the City. The Excess Charges are due and payable five (5) business days following receipt by the Owner of an invoice from the City for the same.

5.2 Payment of Daily Amount – The Owner agrees that, in addition to any other remedies available to the City under this Agreement or at law or in equity, if a Dwelling Unit is used or occupied in breach of this Agreement, or the Owner is otherwise in breach of any of its obligations under this Agreement, the Owner will pay the Daily Amount to the City for every day that the breach continues after forty-five (45) days' written notice from the City to the Owner stating the particulars of the breach. The Daily

Amount is due and payable five (5) business days following receipt by the Owner of an invoice from the City for the same.

- 5.3 Rent Charge** – The Owner hereby grants to the City a perpetual rent charge against the Lands securing payment by the Owner to the City of any amount payable by the Owner pursuant to section 5.2 of 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. This rent charge is created both under section 219(6)(b) of the *Land Title Act* as an integral part of the statutory covenant created by this Agreement and as a fee simple rent charge at common law. Enforcement of this rent charge by the City does not limit, or prevent the City from enforcing, any other remedy or right the City may have against the Owner.

ARTICLE 6 MISCELLANEOUS

- 6.1 Housing Agreement** – The Owner acknowledges and agrees that:
- (a) this Agreement includes a housing agreement entered into under section 483 of the *Local Government Act* and a covenant under section 219 of the *Land Title Act*;
 - (b) the Owner will, at its sole cost register, this Agreement in the LTO as a Covenant pursuant to section 219 of the *Land Title Act* and the City will cause to be registered a notice pursuant to section 483 of the *Local Government Act* against the title to the Lands.
- 6.2 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.
- 6.3 Management** – The Owner covenants and agrees that it will furnish good and efficient management of the Dwelling Units, that all Dwelling Units will be managed by the same manager and that the Owner 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*. The Owner further covenants and agrees that 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. Notwithstanding the foregoing, the Owner acknowledges and agrees that the City, acting reasonably, may require the Owner, at the Owner's expense, to hire a person or company with the skill and expertise to manage the Dwelling Units.
- 6.4 Indemnity** – The Owner will indemnify and save harmless the City and each of its elected officials, officers, directors, and agents, and their heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, actions, loss, damage, costs and liabilities, which all or any of them

will or may be liable for or suffer or incur or be put to by reason of or arising out of:

- (a) any negligent act or omission of the Owner, or its officers, directors, agents, contractors or other persons for whom at law the Owner is responsible relating to this Agreement;
- (b) the construction, maintenance, repair, ownership, lease, license, operation, management or financing of the Lands or any Dwelling Unit or the enforcement of any Tenancy Agreement; or
- (c) without limitation, any legal or equitable wrong on the part of the Owner or any breach of this Agreement by the Owner.

6.5 Release – The Owner hereby releases and forever discharges the City and each of its elected officials, officers, directors, and agents, and its and their heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of or which would or could not occur but for the:

- (a) construction, maintenance, repair, ownership, lease, license, operation or management of the Lands or any Dwelling Unit under this Agreement; or
- (b) the exercise by the City of any of its rights under this Agreement.

6.6 Survival – The indemnity and release set out in this Agreement will survive termination or discharge of this Agreement.

6.7 Priority – The Owner will do everything necessary, at the Owner's expense, to ensure that this Agreement will be noted and registered against title to the Lands in priority to all financial charges and financial 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, and that a notice under section 483(5) of the *Local Government Act* will be filed on the title to the Lands.

6.8 City's Powers Unaffected – This Agreement does not:

- (a) affect, fetter 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) affect or limit any enactment relating to the use or subdivision of the Lands; or
- (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Lands.

6.9 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, any Tenant, or any future owner, lessee, occupier or user of the Lands or the building or any portion thereof, including any Dwelling Unit; 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.

6.10 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.

6.11 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:

City of Courtenay
830 Cliffe Avenue, Courtenay, B.C. V9N 2J7
Attention: Director of Development Services

or to the most recent postal address provided in a written notice given by each of the parties to the other. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery.

6.12 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.

6.13 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.

6.14 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.

6.15 Whole Agreement – This Agreement, and any documents signed by the Owner contemplated by this Agreement, represent the whole agreement between the City and the Owner respecting the use and occupation of the Dwelling Unit, and there are no warranties, representations, conditions or collateral agreements made by the City except as set forth in or contemplated by this Agreement.

- 6.16 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.
- 6.17 Agreement Runs with 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.
- 6.18 Equitable Remedies** – 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.
- 6.19 No Joint Venture** – Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.
- 6.20 Applicable Law** – The laws of British Columbia (including, without limitation, the *Residential Tenancy Act*) will apply to this Agreement and all statutes referred to herein are enactments of the Province of British Columbia.
- 6.21 Deed and Contract** – By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.
- 6.22 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.
- 6.23 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 on the *Land Title Act* Form C and D which is attached to and forms part of this Agreement.

Schedule A

PERMITTED RENT

“Dwelling Units”		
Unit Type	Affordable Rental Unit	Caretaker Rental Unit
Base Rent in perpetuity following the occupancy of the building	30% below the Market Rate for the Courtenay (CY) Census Subdivision (CSD) as determined by Canadian Mortgage and Housing Corporation (CMHC) from time to time.	No maximum.

Schedule B Site and Phase Plans



PHASE 1			PHASE 2				
1	Ground level	45,19m ²	486.5 SF	9	Ground level	45,19m ²	486.5 SF
2	Ground level	44,70m ²	481.2 SF	10	Ground level	44,70m ²	481.2 SF
3	Second level	45,47m ²	489.4 SF	11	Upper level	45,47m ²	489.4 SF
4	Second level	44,01m ²	473.8 SF	12	Upper level	44,01m ²	473.8 SF
5	Ground level	41,44m ²	444.9 SF	13	Ground level	45,19m ²	486.5 SF
6	Ground level	43,3m ²	460.1 SF	14	Ground level	44,70m ²	481.2 SF
7	Ground level	41,78m ²	459.9 SF	15	Upper level	45,47m ²	489.4 SF
8	Upper level in amenity building	46,58m ²	501.58 SF	16	Upper level	44,01 m ²	473.8 SF
Total PHASE 1 units:		352,14m ²	3790,4 SF	Total PHASE 2 units:		358,74m ²	3861,44 SF
Amenity building basement level:		72,1m ²	776 SF				
Amenity building main level:		76,4m ²	822 SF				
Total PHASE 1:		500,6m²	5388,4 SF				
Total both phases:		859,34m²	9249,8 SF				

Phasing detail table from
Drawing Page A-1

SCALE: AS NOTED
 SHEET DATE: 2023
 DRAWN: JGO
 CHECKED: JGO
 ISSUED: June 21, 2023
 REFERENCE: RECDWG01 & 02

DRAWING NUMBER
A-4



16715 GRIEVE AVENUE, SUITE 100
 COURTENAY, BC V9M 2A4
 TEL: 250.335.1111
 WWW.ARCHECOMOXVALLEY.COM

L'Arche Comox Valley "The Anchorage"

1560 Grieve Avenue, Courtenay BC


NOTE: ALL SYSTEMS, MATERIALS, FINISHES, AND METHODS SHALL BE APPROVED BY THE ARCHITECT AND THE LOCAL AUTHORITY. APPROVED BY THE ARCHITECT AND THE LOCAL AUTHORITY.

Matthews, Rayanne

From: PlanningAlias
Sent: Monday, December 4, 2023 12:41 PM
To: Grimsrud, Michael; Matthews, Rayanne
Subject: FW: 1560 grieve

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Future Council Meeting

From: Richard Sabal [<mailto:> 
Sent: Monday, December 4, 2023 11:39 AM
To: PlanningAlias <planning@courtenay.ca>
Subject: 1560 grieve

i have concerns about 1560 grieve. this is too big and does not fit the surroundings as most of the housing is single story structures. The biggest problem for me as a resident of grieve is PARKING. shouldnt there b 2 parking spots for every residedal unit?! I am also concerned about the extra traffic this will cause and for the safety of the kids as the school is very close. Please consider this,thanks ,Richard SABAL



STAFF REPORT

To: Council

File No.: 6630-01

From: Director of Development Services)

Date: December 6, 2023

Subject: DCC Waiver (Affordable Housing) Bylaw No. 3118

PURPOSE:

For Council to consider first, second and third reading of City of Courtenay Development Cost Charges Waiver (Affordable Housing) Bylaw No. 3118.

BACKGROUND:

Currently Development Cost Charge Bylaw No. 2840 does not have an exemption for non-profit affordable rental housing. Section 563 of the Local Government Act permits municipalities to waive or reduce DCC's for a defined eligible development that is defined as:

- Not-for-profit rental housing, including supportive living housing;
- For-profit affordable rental housing;
- Subdivisions of small lots designed to result in low greenhouse gas emissions; and,
- Developments designed to result in a low environmental impact.

DCC reductions can be set out in the main DCC bylaw in advance, or in a separate DCC waiver and reduction bylaw, or they can also be considered on a case-by-case basis where a DCC reduction and waiver bylaw is created to waive or reduce DCCs for a specific development. The Ministry of Municipal Affairs has recently expressed a preference for seeing a DCC reduction bylaw being set out in a separate bylaw, rather than being woven into the main DCC bylaw. This also allows a municipality to make changes, rescind, or adopt a DCC reduction bylaw without approval of the Inspector, under oversight of the Ministry.

DISCUSSION:

A DCC Waiver and Exemption Bylaw establishes definitions for each class of "eligible development", corresponding rates of reduction, and requirements that must be met to obtain a waiver or reduction.

The "eligible development" is affordable rental housing that would be owned or operated by a registered non-profit organization.

In addition to DCC waivers and reductions, the amendments adopted in 2008 creating the modern *Local Government Act (LGA)* statutorily exempts all DCCs for the construction, alteration, or extension of self-contained residential dwelling units no larger in area than 29 square metres (323 sq. ft.). Smaller dwelling units make more efficient use of existing infrastructure, are more energy

efficient, and are generally more affordable. While this statutory exemption is automatic, Council can raise the exemption threshold its bylaw, to allow the exemption for units larger than 29 square metres.

Affordable Housing Reserve (AHRF)

The funds in this reserve come from Community Amenity Contributions (CAC) policy that its outlined in the OCP. Bill 44 is introducing amenity cost charge (ACC) which will replace CAC's to provide consistent equitable amenities provided at building permit or subdivision and not at rezoning. The City will need to find an alternative funding source for the AHRF, staff is recommending a sunset clause in the bylaw of June 1, 2027 and will re-evaluate prior to this date on funding options.

Non-profit affordable rental housing

The OCP refers to "affordable" that is based upon definitions from CMHC and BC Housing that utilize 30% of household income being a metric for rent under the various housing programs. A Non-profit is a society that qualifies as a non-profit under the Societies Act.

POLICY ANALYSIS:

The OCP Affordable housing policies 3, 4, and 5 align with this bylaw to incentivize non-market housing and form partnerships with non-profit society for the delivery of non-profit affordable rental housing.

FINANCIAL IMPLICATIONS:

When waiving DCC fees on a development proposal, funds are put into the DCC reserve funds from one of the city's financial sources like general taxation, or non-DCC reserves like the AHRF. Should the City be successful in receiving the Housing Accelerator Fund (HAF), some of these funds are designated for the AHRF. Staff are recommending a sunset clause of June 1, 2027 for this bylaw given the limits on the AHRF to pay the waived DCC fees. The bylaw is recommending 100% of the DCC fees be waived but Council can consider another figure like 50% or 25% if they so desire.

Impacts to increases in the DCC rates also need to be considered over the next three years as staff will be bringing forward an increase to the current DCC bylaw which could result in an increase of 40% or greater. Once this increased rate is in effect it will further impact the funds required to offset the waiving of DCC fees.

Staff will be analysing the impact of increased DCC fees and proposed number of non-profit affordable rental housing units to determine the financial impact, in the staff report that would come before Council for their consideration prior to Bylaw No. 3118 terminating on June 1, 2027.

For example, if we assume 111 non-profit rental housing apartment units are built in the next three years and the City waives 100% of the DCC fees the impact on the City is \$453, 342.

Should DCC's increase by 40% then the same 111 non-profit rental housing apartment units over the same three period would result in \$609,479 impact.

The ability to utilize the CAC policy in the OCP will no longer be feasible once Bill 44 is in effect. There are some outstanding CAC secured by section 219 that will be payable at building permit issuance which has been the historic practice of the City.

As of October 31, 2023, the AHRF has \$1,167,817.89.

ADMINISTRATIVE IMPLICATIONS:

The payment of fees to DCC reserve from AHRF would be part of the workload for staff.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Affordable Housing - Explore approaches to develop affordable housing: Clarify municipal role in housing affordability
- Affordable Housing - Explore approaches to develop affordable housing: Develop strategy for housing amenity fund
- Buildings and Landscape - Update Development Cost Charges (DCC) Bylaw

PUBLIC ENGAGEMENT:

This is an administrative bylaw and a public hearing is not required by legislation. Non-profit organizations have been requesting the waiving of DCC's fees to achieve lower operating costs. This proposed bylaw formalizes the process in alignment with the LGA.

OPTIONS:

1. THAT Council give first, second and third reading of DCC Waiver (Affordable Housing) Bylaw No. 3118.
2. THAT Council provide alternative direction to staff.
3. THAT Council not proceed.

ATTACHMENTS:

1. DCC Waiver (Affordable Housing) Bylaw No. 3118

Prepared by: Marianne Wade, Director of Development Services

Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)

THE CORPORATION OF THE CITY OF COURTENAY
BYLAW NO. 3118

A Bylaw of the Corporation of the City of Courtenay to waive Development Cost Charges for Non-Profit Affordable Rental Housing

WHEREAS the Council may, under section 563 of the *Local Government Act*, permit a local government to waive or reduce a development cost charge by bylaw for certain classes of eligible developments, including not-for-profit and for-profit rental housing.

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

1. This Bylaw shall be known and cited for all purposes as “City of Courtenay Development Cost Charges Waiver (Affordable Housing) Bylaw No. 3118.
2. Development Cost Charges shall be reduced by 100% for that portion of a development which provides Non-Profit Affordable Rental Housing, provided that the Non-Profit Affordable Rental Housing:
 - (a) May be secured through a zoning restriction; and
 - (b) Is secured through a covenant on title which restricts the use of that portion of the applicable development class for the life of that portion of the building.
3. “Non-Profit Affordable Rental Housing” is defined as housing that is owned and/or operated by a registered non-profit society and that is subject to a covenant registered to title to the satisfaction of the Director of Development Services.
4. In future, should any of the units for which DCCs were waived or reduced be considered for stratification, the waived or reduced fees would become due and payable at the then current rate.
5. This bylaw will come into force on the day of its adoption.
6. This bylaw is deemed to expire and shall have no effect after June 1, 2027.
7. If any part, paragraph or phrase in this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall continue in force.

READ A FIRST TIME this ___ day of _____, 20__.

READ A SECOND TIME this _____ day of _____, 20__.

READ A THIRD TIME this ___ day of _____, 20__.

ADOPTED this _____ day of _____, 20__.

Mayor

Corporate Officer



STAFF REPORT

To: Council

File No.: 6630-01

From: Director of Development Services

Date: December 6, 2023

Subject: Mansfield Lift Station Latecomer Agreement Bylaw No. 3119

PURPOSE:

Is for Council to consider first, second and third reading of Mansfield Latecomer Agreement Bylaw No. 3119 which requires the city to enter into the latecomer agreement with Newport Village Courtenay Developments LTD obligating the city to collect funds from benefitting landowners to reimburse Newport Village Courtenay Developments Ltd. for the excess or extended services associated with the upgrades to the Mansfield lift station.

BACKGROUND:

As part of the development approvals for 3040 Kirkpatrick Ave, the owner upfronted upgrades to the existing Mansfield lift station to accommodate their development which also provided excess or extended services which benefits certain landowners as identified in this report. Kerr Wood Leidal (KWL) was retained by the City to provide a capacity modelling study to determine the benefitting lands and their share of the excess capacity. The share of capacity will translate into a proportion of costs attributed to the upgrade that has been documented by the engineer of record and submitted to the city.

As per section 507 of the *Local Government Act (LGA)*, if a development is required to build a portion of water, sewage or drainage system that will serve other land than being development then under section 508 the municipality must determine the benefitting lands and associated proportion of the excess services or extension through establishment of a latecomer's agreement that has a timeline of 15 years.

DISCUSSION:

KWL completed their study for capacity modelling dated September 25, 2023 that supports the excess and extended services that are a result of the upgrades undertaken by Newport Village Courtenay Developments Ltd. on the Mansfield Lift Station. (Attachment 1)

The excess services provide capacity for up to 3.0 litres per second and the proposed 11 developments in the south Courtenay area including 3040 Kilpatrick Newport Village Courtenay Developments Ltd. Generated 2.8 Litres per second., just slightly below the maximum capacity of the lift station's current design.

Bylaw No. 3119 is attached to this report and contains the following schedules: Benefitting lands, excess services amounts, latecomer agreement, and table of latecomer charges. (Attachment 2)

Prior to adoption of Bylaw 3119 Mansfield Lift Station latecomer agreement, Newport Village Courtenay Developments Ltd will execute the Latecomers Agreement attached to the Bylaw.

POLICY ANALYSIS:

This upgrade to the Mansfield Lift Station is being funded by the development community and supports sanitary services to support new developments for housing and industrial uses in south Courtenay.

FINANCIAL IMPLICATIONS:

There are administration costs associated with collection of latecomer charges and distribution to Newport Village Courtenay developments Ltd.

ADMINISTRATIVE IMPLICATIONS:

The work associated with the management of the latecomer agreement is part of staff's workload.

STRATEGIC PRIORITIES REFERENCE:

The latecomer agreement bylaw is a tool available in the LGA for municipalities and developers to work together to resolve servicing constraints. This builds relationships and supports housing choices for all.

PUBLIC ENGAGEMENT:

There is no requirement for engagement this is an administrative bylaw under the LGA.

OPTIONS:

1. THAT Council give first, second, and third reading to Bylaw No. 3119 Mansfield Lift Station latecomer Agreement
2. THAT Council provide alternative direction to staff.
3. THAT Council not proceed.

ATTACHMENTS:

1. September 23, 2023 KWL Report
2. Bylaw No. 3119 Mansfield Lift Station latecomer Agreement

Prepared by: Marianne Wade, Director of Development Services
Concurrence: Geoff Garbutt, M.P.I., MCIP, RPP, City Manager (CAO)

Technical Memorandum

DATE: September 25, 2023

TO: Marianne Wade, MCIP RPP
City of Courtenay

FROM: Melissa Zhang, PEng

RE: MANSFIELD AND SANDPIPER CATCHMENT DEVELOPMENT SANITARY SERVICING
City of Courtenay
Our File 2980.018-300

Introduction

Kerr Wood Leidal Associates Ltd. (KWL) was retained by the City of Courtenay (the City) for engineering services regarding the hydraulic modelling analysis of a list of new developments (provided by the City) in the Sandpiper Lift Station (LS) and the Mansfield LS catchments in the short-term. Previous studies suggest that the Mansfield LS is approaching capacity and requires capacity upgrades in the short-term. It is understood that capacity upgrades to the Mansfield LS are currently being undertaken by a developer. The goal of this analysis is to identify whether additional capacity would exist in the Mansfield LS, with the existing development projects that are currently active and the upgrades that are being undertaken to the City's Mansfield LS in the coming months (under the existing scenario), so that a cost-sharing mechanism can be established for latecomers.

South Courtenay Local Area Plan Area Development Projects and Future Population Update

An existing development plan in the South Courtenay Local Area Plan (LAP) area, including both current and future development sub-areas and estimated build out population, was provided by the City in 2021 for Sanitary Sewer Servicing Assessment (KWL project No. 2980.009). Subsequently, an update to the development plan was provided by the City in July 2022 for this study, which included a few new sub-areas that were not included in the 2021 plan as well as population updates to a few known 'future' sub-areas. Of the eight (8) updated sub-areas, five (5) are upstream of Sandpiper LS (which in turn pumps into the Mansfield LS), while the other three (3) are in the Mansfield LS sanitary catchment. Table 1 summarizes the changes in development area and population for the listed eight development projects. Figure 1 illustrates the updated eight development areas.



Table 1: South Courtenay Buildout Population – Updated July 2022

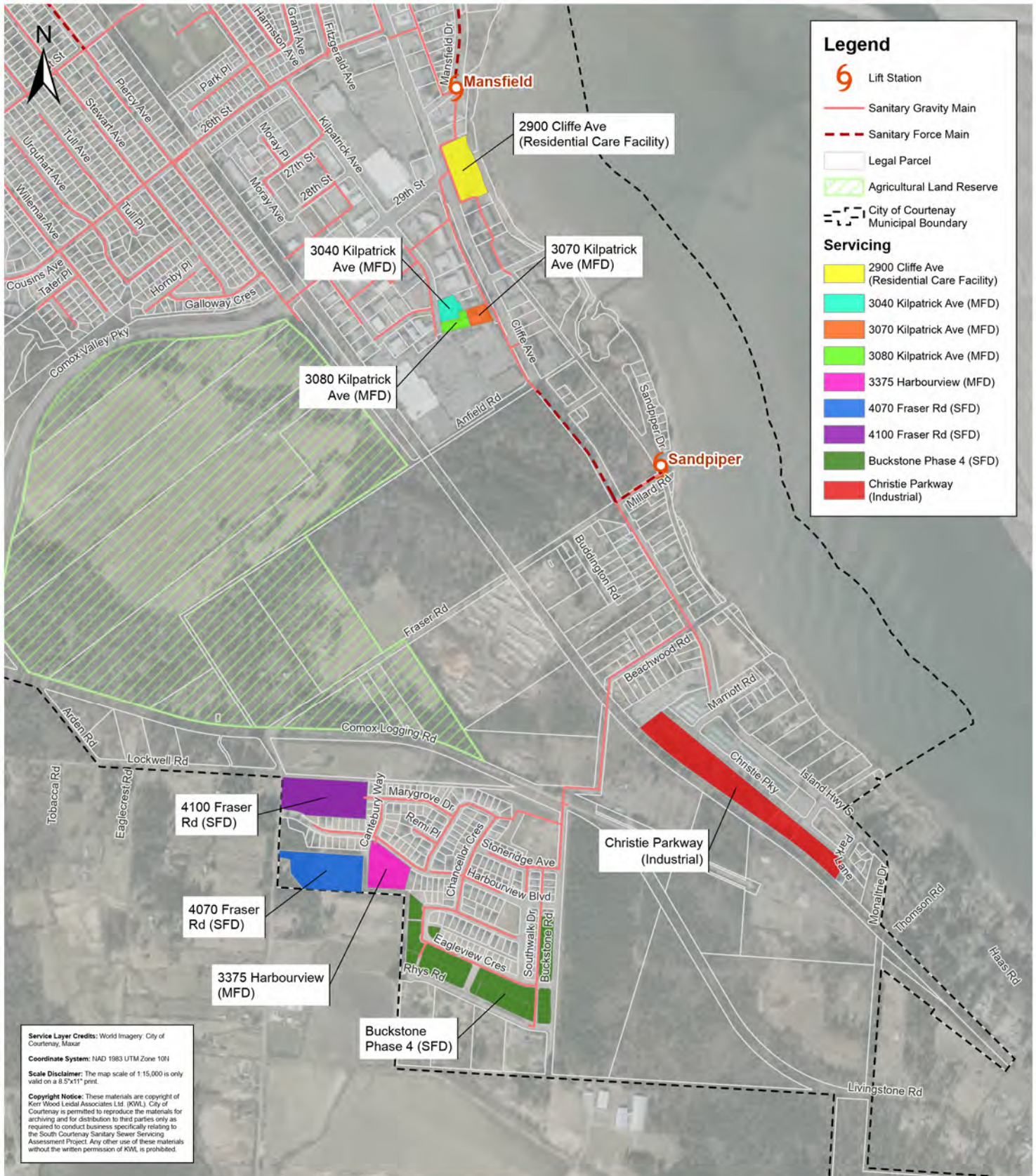
Sub-Area	Sub-Area July 2022 Update	Upstream of Sandpiper LS	Development Status	Area (ha)	Updated Area (ha)	Population and Equivalent	Updated Population and Equivalent	Dwelling Count
Buckstone (The Ridge)			May 2021	10.3		387		
Buckstone (The Ridge)			Short-term (2022)	8.9		351		
Buckstone Phase 4 (SFD)	Development Status update	Yes	Under Construction		3.275		55.2	20
South Courtenay connections			May 2021	3.8		19		
Rhys Rd (Large Lot Res.)			Short-term (2022)	7.6		11		
4100 Fraser Rd (SFD)	Development Status update	Yes	Under Construction	2.5	2.52	52	63	26
3375 Harbourview Blvd (MFD)	Development Status update	Yes	DP Application -Construction Pending	4.2	1.142	70	88.4	33 (estimated per 2.7 ppu)
4070 Fraser Rd (SFD)	Development Status and Area update	Yes	Construction Not Started - Active Subdivision Application	2.4	1.18	32	29	11 (estimated per 2.7 ppu)
4120 Fraser Rd			Future	5.5		116		
3391 Fraser Rd			Future	10.1		213		
3599 Comox Logging Rd			Future	4.4		92		
3524 Beachwood Rd			Future	4.6		97		
Comox Logging Rd (16.4ha)			Future	16.4		345		
Comox Logging Rd/Livingstone Rd			Future	50.3		1,059		
Beachwood Rd Lot (2.41ha)			Future	2.4		65		
Lockwell Rd			Future	6.2		131		



Sub-Area	Sub-Area July 2022 Update	Upstream of Sandpiper LS	Development Status	Area (ha)	Updated Area (ha)	Population and Equivalent	Updated Population and Equivalent	Dwelling Count
South Courtenay (15.3ha)			Future	15.3		322		
Existing homes on septic			Future	18.2		219		
Christie Parkway (Industrial)	New Development	Yes	Construction Not Started - Active Subdivision Application		4.070		221	About 50 PE/ha
3070 & 3080 Kilpatrick Ave (MFD)	New Development	No	Completed in 2019 / 2020		0.630		277	115 (estimated per 2.4 ppu)
3040 Kilpatrick (MFD)	New Development	No	Development Undertaking Improvements to Mansfield LS		0.380		86	41
2900 Cliffe Ave (Residential Care Building)	New development	No	Near to Completion / Occupancy		1.455		310	85 suites and 120 care beds
			Total	169.8	178.7	3,584	4,556.6	

City of Courtenay

Mansfield and Sandpiper Catchment Development Sanitary Servicing



Project No. 2890-018
 Date September 2022
 Scale 1:15,000
 0 75 150 300 Metres

South Courtenay Sub-Areas

Figure 1



Loading Parameters

For modelling purposes, sanitary loading, including base sanitary flow (BSF), groundwater infiltration (GWI), and rainfall-dependant inflow & Infiltration (RDII) from the updated sub-areas/developments have been based on the loading parameters developed in the recent *South Courtenay Sandpipe LS Upgrade Options Analysis* study (KWL project No. 2980.009). These loading parameters are summarized in Table 2.

Table 2: Loading Parameters

BSF (L/cap/day)	GWI Rate (L/ha/day)	5-Year 24-Hour RDII Rate (L/ha/day)	5-Year 24-Hour Total I&I Rate (L/ha/day)
167	3,500	17,300	20,800

Hydraulic Modelling and Capacity Analysis

Hydraulic Model Update

In the Courtenay Sanitary Sewer Model, the existing scenario has been updated to reflect the existing serviced population in the Sandpiper catchment based on the information received as part of the South Courtenay Sanitary Sewer Servicing Assessment (KWL project No. 2980.009) as well as the changes summarized in Table 1. (i.e., development area and design population). In addition, upgrades to the Mansfield LS currently being undertaken by a developer have also been reflected in the updated existing scenario. For the Mansfield LS catchment, other than the changes noted in Table 1, the existing population established in the original model (completed by GeoAdvice) has remained unchanged. This updated scenario is thereafter referenced as the 'existing + 8 new developments' scenario.

For Inflow and infiltration (I&I) updates, for the eight (8) new development areas in both the Sandpiper LS catchment and the Mansfield LS catchment, if an existing serviced parcel is to be re-developed or the new development is on a parcel that has its I&I already being considered under the original model scenario, no additional I&I has been added to that parcel. If an existing vacant land is to be developed, additional I&I has been calculated based on the loading parameters mentioned above.

For population updates, the populations have been updated to match the estimated population provided in Table 1. Note: population has not been updated for any of the developments whose Development Status is either 'Short-term (2022)' or 'Future'.

For Mansfield LS, a new pump curve (Flygt N3127HT, 10 hp) has been added to the model to reflect the upgrade work currently being undertaken by the developer at the Mansfield LS.



Capacity Assessment Results

Model run results of the ‘existing + 8 new developments’ scenario indicate that:

1. Upon completion of the eight (8) new developments, the Mansfield LS is expected to receive a peak wet weather flow (PWWF) of approx. 25.7 L/s; the Sandpiper LS is expected to receive a PWWF of approx. 9.5 L/s;
2. Hydraulic modelling suggests that the upgraded Mansfield LS will have a capacity of approx. 31.5 L/s, compared to the existing capacity of 17 to 20 L/s. The modelled capacity (31.5 L/s) is generally consistent with the design capacity (approx. 28.7 L/s under high head conditions, and 32.5 L/s under low head conditions). For assessment purposes, 28.7 L/s has been used to estimate available capacity to accommodate additional flows from future development (latecomers); and
3. Based on the above, the upgraded Mansfield LS is estimated to have 3.0 L/s excess capacity for future developments (latecomers).

Other New Developments

The City advised that, in addition to the eight developments listed in Table 1, the following properties with the Mansfield LS catchment have been identified as potential future developments. Contributing sanitary flows are based on development plans where available and estimated development potential as identified by the City.

The developers of Beachwood / Marriott and 3210 Cliffe Ave have made requests. The City provided development estimates for 2940 Cliffe Ave and 2800 Cliffe Ave.

Table 3 provides a summary of the developments and their estimated sanitary loadings.

Table 3: Other New Developments Sanitary Loading

Location	Lot Area (ha)	Existing Population	Proposed Land Use Type	Dwelling Unit	Equivalent Population	Additional Peak Sanitary Flow (L/s)	Additional I&I (L/s)	Additional PWWF (L/s)
Beachwood /Marriott	2.556	0	MF + SF Residential	70 TH + 12 SF	252	0.86	0.62	1.48
2940 Cliffe Ave	0.297	2.7	MF Residential	28 APT	67	0.22	0	0.22
3210 Cliffe Ave	0.242	2.7	MF Residential	54 APT	130	0.43	0.06	0.49
2800 Cliffe Ave	0.798	2.0	Mixed Use	59 APT	189	0.64	0	0.64
Total								2.8

The population has been estimated based on the following density assumptions:

1. Single Family (SF) Residential: 3.6 pop/unit;
2. Townhouse (TH) Residential: 2.7 pop/unit; 3.5 pop/unit with secondary suite;
3. Apartment (APT) Residential: 2.4 pop/unit; and
4. Non-Residential in Mixed Use: 60 PE/ha

Estimated total additional peak wet weather flow from the above four developments is 2.8 L/s, marginally below the 3.0 L/s excess capacity for future developments (latecomers).



Summary and Recommendations

The South Courtenay Sanitary Sewer Model, existing scenario, has been updated to include the most recent eight (8) new developments and the Mansfield LS upgrade in 2022. The upgraded Mansfield LS is expected to have a minimum capacity of 28.7 L/s, with a PWWF of approximately 25.7 L/s. Therefore, the upgraded Mansfield LS is estimated to have 3.0 L/s excess capacity for future developments (latecomers).

Upon the City’s request, KWL estimated sanitary loadings from an additional four developments that will contribute flows to the Mansfield LS. Estimated total additional peak wet weather flow from the four developments is 2.8 L/s, marginally below the 3.0 L/s excess capacity for future developments (latecomers).

KERR WOOD LEIDAL ASSOCIATES LTD.

Prepared by:

Reviewed by:



2023-09-29
Permit to Practice #1000696

Melissa Zhang, P.Eng.
Project Manager

Andrew Boyland, P.Eng.
Senior Reviewer

YMZ/nkm



Statement of Limitations

This document has been prepared by Kerr Wood Leidal Associates Ltd. (KWL) for the exclusive use and benefit of the intended recipient. No other party is entitled to rely on any of the conclusions, data, opinions, or any other information contained in this document.

This document represents KWL's best professional judgement based on the information available at the time of its completion and as appropriate for the project scope of work. Services performed in developing the content of this document have been conducted in a manner consistent with that level and skill ordinarily exercised by members of the engineering profession currently practising under similar conditions. No warranty, express or implied, is made.

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Revision History

Revision #	Date	Status	Revision Description	Author
1	September 25, 2023	Final	Update to include additional comments by City	YMZ
0	September 1, 2023	Final	Update to include loading calculations for additional 4 developments per the City's request	YMZ
A	October 03, 2022	DRAFT		YMZ

City of Courtenay
BYLAW NO. 3119, 2023

A bylaw to impose latecomer charges in relation to

WHEREAS pursuant to Section 507 of the *Local Government Act*, RSBC 2005, c 1, as amended, the Municipality considers the cost of certain excess or extended services to be excessive and the owner(s) of a leasehold interest in certain lands that are proposed to be developed has agreed to complete the excess or extended services;

AND WHEREAS pursuant to Section 508 of the *Local Government Act*, the Board of the Municipality may, by bylaw, impose a latecomer charge as a condition of connecting to or using an excess or extended service;

NOW THEREFORE, the Council for the Municipality in open meeting assembled enacts as follows:

CITATION

1. This Bylaw may be cited as the **“The Municipality Excess or Extender Services Latecomer Fee Bylaw No.3119, 2023”**.

LATECOMER CHARGES

2. In this Bylaw:
 - (a) **“Benefitting Lands”** means those lands and premises shown in Schedule “A”;
 - (b) **“Excess Services Amount”** means the cost of constructing the Excess or Extended Services as set out in Schedule “B”;
 - (c) **“Excess or Extended Services”** means those civil works and services, including but not limited to extensions of the existing Mansfield Lift station capacity for sanitary services, which after completion will provide access or services to the Benefitting Lands;
 - (d) **“Latecomer”** means a user, lessee, licensee, or other person who conducts an activity on the Benefitting Lands with the direct or indirect

consent or permission of the Municipality, and who is required to or wishes to connect to or use the Excess or Extended Services

- (e) **“Latecomer Agreement”** means the Agreement entered into between the Municipality and the Developer, effective [DATE], a copy of which is attached hereto as Schedule “C”; and
 - (f) **“Latecomer Charges”** means the proportionate share of the Excess Services Amount, based on the size the Benefitting Lands, to be paid by a Latecomer as a condition of connecting to or using the Excess or Extended Services, which for convenience have been set out in the table attached as Schedule “D”, subject any adjustments in accordance with the Latecomer Agreement.
3. The Municipality hereby imposes Latecomer Charges on every Latecomer as a condition of any land in the Benefitting Area connecting to or using the Excess or Extended Services.
 4. The Latecomer Charges are due and payable on request by a person to connect or to use the Excess or Extended Services.
 5. Any Excess Services Amount that remains unpaid from the date of substantial completion as defined in the Latecomer Agreement will accrue interest annually pursuant to *“The Municipality Excess or Extended Services Latecomer Interest Rate Fee Bylaw No.2005, 2015”*.

EFFECTIVE DATE

This bylaw shall come into full force and effect and be binding on all persons as and from the date of adoption.

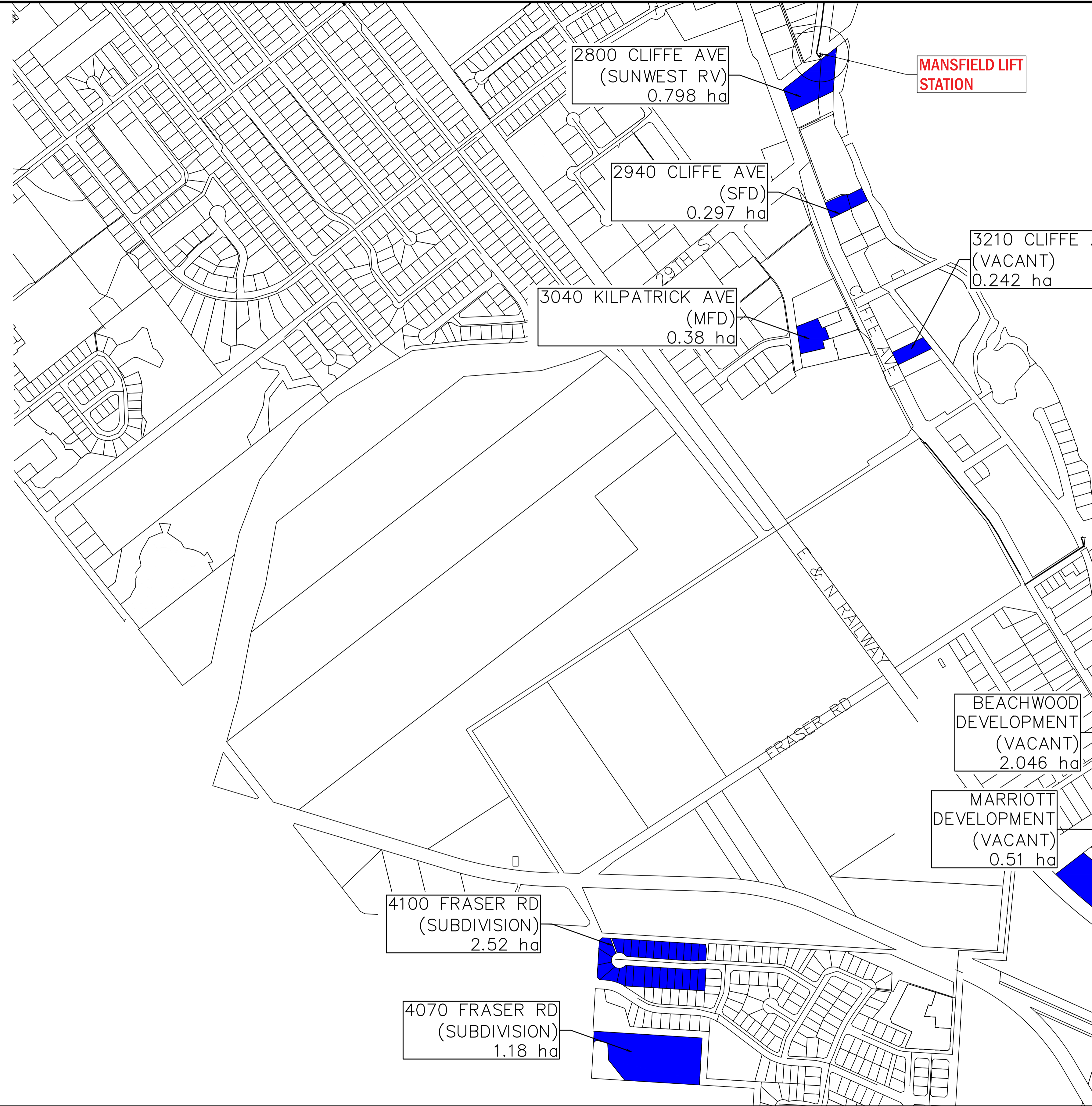
Read a FIRST, SECOND and THIRD TIME **this** **day of** **, 2023.**

Reconsidered and ADOPTED **this** **day of** **, 2023.**

Mayor

Corporate Officer

**Schedule "A"
Benefitting Lands**



PARCEL	CIVIC ADDRESS	LEGAL DESCRIPTION	AREA (ha)	PARCEL IDENTIFIER
1	4100 Fraser Rd.	LTA, DISTRICT LOT 153, COMOX DISTRICT, PLAN EPP123804	2.52	Pre-paid, has since been subdivided
2	4070 Fraser Rd.	LOT 8, DISTRICT LOT 153, COMOX DISTRICT, PLAN VIP1887, EXCEPT PART IN PLAN 43279	1.18	003-019-276
3	Christie Parkway (Lot A)	LOT A - DISTRICT LOT 82, COMOX DISTRICT, PLAN VIP57837 & PLAN VIP66485	3.18	018-563-074
4	Christie Parkway (Lot E)	LOT E - DISTRICT LOT 82, COMOX DISTRICT, PLAN VIP57837	0.42	018-563-112
5	Christie Parkway (Lot D)	LOT D - DISTRICT LOT 82, COMOX DISTRICT, PLAN VIP57837	0.85	018-563-104
6	Beachwood Development	REM LOT D, DISTRICT LOT 82, COMOX DISTRICT, PLAN VIP2119	2.046	006-632-777
7	Marriott Development	PARCEL A (DD F76511) OF LOT E, DISTRICT LOT 82, COMOX DISTRICT, PLAN VIP2119	0.51	006-641-318
8	3040 Kilpatrick Ave	REM LOT 1, SECTION 67, COMOX DISTRICT, PLAN EPP79267	0.38	030-349-478
9	2940 Cliffe Ave	LOT 8, SECTION 67, COMOX DISTRICT, PLAN VIP55151	0.297	017-957-559
10	3210 Cliffe Ave	LOT 6, BLOCK 1, SECTION 67, COMOX DISTRICT, PLAN VIP9900	0.242	004-582-292
11	2800 Cliffe Ave	LOT 1, SECTION 67, COMOX DISTRICT, PLAN VIP55151	0.798	017-957-486

N:\17\17-0273D-Mansfield Lift Station- Newport\Design\Current Drawing Files\20230925 - V17-0273D - Mansfield LS Lotcomers Agreement Layout.dwg 2023/09/27 11:37:15 AM kbogole

LEGAL: %%	A	ISSUED FOR REVIEW	2023-09-26	GKB						PROJ. MGR.	GRM	THE WEDLER GROUP ■ Abbotsford 1,604,746,0300 ■ Chilliwack 1,604,792,0651 ■ Courtenay 1,250,334,3263 ■ Surrey 1,604,588,1919	NEWPORT VILLAGE DEVELOPMENTS LTD.	DRAWING NO.	OF 1	
BM/ TBM: %%														V17-0273/D		
														COURTENAY, BC		V17-0273D/A-01
														BENEFITING PROPERTIES OVERVIEW	LOCAL GOVERNMENT FILE	
	REV	DESCRIPTION	YYYY-MM-DD	BY	REV	DESCRIPTION	YYYY-MM-DD	BY						PHASE	REVISION	
														1	A	

Schedule "B"
Excess Services Amount



**Mansfield Sanitary Lift Station Upgrade
COSTS SUMMARY**

DRAFT - TO BE FINALIZED UPON RECEIVING UPDATED MODELING AND INVOICING

Client: Newport Village Courtenay Developments Ltd.
 Project: Mansfield Lift Station Upgrades
 Project #: V17-0273/D - Latecomer Agreement

Date: 30-Oct-23
 By: GKB

SUMMARY OF ENGINEERING COSTS (no taxes)

Description	Wedler Engineering LLP	Watanabe Engineering Ltd.	Kerr Wood Leidal Associates Ltd	GMA Consulting Ltd.	TOTAL	%
Mansfield Lift Station Upgrades	\$ 41,864.25	\$ 14,595.00	\$ 9,485.91	\$ 102,610.00	\$ 168,555.16	25%
Total	\$ 41,864.25	\$ 14,595.00	\$ 9,485.91	\$ 102,610.00	\$ 168,555.16	25%

¹Wedler Engineering fees have been separated in accordance with actual construction percentages

SUMMARY OF CONSTRUCTION COSTS (no taxes)

Description	Duplex	GMA Consulting	TOTAL	%
Mansfield Lift Station Upgrades	\$ 120,000.00	\$ 335,926.32	\$ 455,926.32	67%
Total	\$ 120,000.00	\$ 335,926.32	\$ 455,926.32	67%

SUMMARY OF LEGAL AND FINANCING COSTS (no taxes)

Description	XXXXXXX - Contingency Allowance for Legal Fees	XXXXXXX - Contingency For Construction Financing	TOTAL	%
Mansfield Lift Station Upgrades	\$ 10,000.00	\$ 42,000.00	\$ 52,000.00	8%
Total	\$ 10,000.00	\$ 42,000.00	\$ 52,000.00	8%

SUMMARY OF INVOICED COST (no taxes)

Description	Total Cost
Mansfield Lift Station Upgrades	\$ 676,481.48

NOTE:

- ALL COSTS ARE PRELIMINARY - WEDLER ENGINEERING TO REVIEW AND CERTIFIED INVOICING PRIOR TO FINALIZING
- Interest at the rate of **5% per annum**(To be confirmed) will accrue from the date costs are incurred as per Latecomer Agreement administered by City of Courtenay.



Mansfield Sanitary Lift Station Upgrade Invoice Breakdown

Date: 2023-10-30
By: GKB

Client: Newport
Project: Mansfield LS Latecomers Agreement
Project #: V17-0273/D

Mansfield LS Invoicing Summary

Engineering Fees - Wedler Engineering LLP

Company	Invoice Number	Invoice Date	JE#	Disbursements	Amount (\$) w/o tax	Amount (\$) w/ tax	Stage of Work	Notes
Wedler Engineering LLP	65541	31-Mar-21		\$ -	\$ 1,820.00	\$ 1,911.00	Pre-design	Extra Work: . Review Mansfield sanitary lift station upgrade options
Wedler Engineering LLP	65961	10-Apr-21		\$ -	\$ 916.25	\$ 962.06	Pre-design	Extra Work: . Review Mansfield sanitary lift station upgrade options
Wedler Engineering LLP	66248	08-May-21		\$ -	\$ 747.50	\$ 784.88	Pre-design	Extra Work: . Review Mansfield sanitary lift station upgrade options
Wedler Engineering LLP	66359	05-Jun-21		\$ -	\$ 7,189.25	\$ 7,548.71	Preliminary Design	Extra Work: . Fees associated with design of Mansfield sanitary lift station upgrade
Wedler Engineering LLP	66622	03-Jul-21		\$ -	\$ 5,552.50	\$ 5,830.13	Detail Design	
Wedler Engineering LLP	66929	31-Jul-21		\$ -	\$ 1,930.00	\$ 2,026.50	Detail Design	
Wedler Engineering LLP	67171	28-Aug-21		\$ -	\$ 195.00	\$ 204.75	Tender Services	
Wedler Engineering LLP	67565	25-Sep-21		\$ -	\$ 845.00	\$ 887.25	Tender Services	
Wedler Engineering LLP	69034	12-Feb-22		\$ -	\$ 552.50	\$ 580.13	Tender Services	
Wedler Engineering LLP	69237	12-Mar-22		\$ -	\$ 552.50	\$ 580.13	Approvals/Permits	
Wedler Engineering LLP	69586	09-Apr-22		\$ -	\$ 515.00	\$ 540.75	Tender Services	
Wedler Engineering LLP	69890	07-May-22		\$ -	\$ 347.50	\$ 364.88	Construction Services	
Wedler Engineering LLP	70294	04-Jun-22		\$ -	\$ 422.50	\$ 443.63	Approvals/Permits & Construction Services	
Wedler Engineering LLP	70575	02-Jul-22		\$ -	\$ 1,140.00	\$ 1,197.00	Latecomers	Extra work: Mansfield Sanitary LS Latecomers including discussions city staff and coordination on upstream catchment modeling by KWL.
Wedler Engineering LLP	70941	30-Jul-22		\$ -	\$ 560.00	\$ 588.00	Latecomers	Extra work: Mansfield Sanitary LS Latecomers including discussions city staff and coordination on upstream catchment modeling by KWL.
Wedler Engineering LLP	71697	30-Sep-22		\$ -	\$ 455.00	\$ 477.75	Construction Services	Extra work: Mansfield Sanitary LS Latecomers including discussions city staff and coordination on upstream catchment modeling by KWL.
Wedler Engineering LLP	71977	29-Oct-22		\$ -	\$ 130.00	\$ 136.50	Construction Services	
Wedler Engineering LLP	72289	26-Nov-22		\$ 74.00	\$ 3,725.00	\$ 3,988.95	Construction, Completion, and Latecomers services	Extra work: Mansfield Sanitary LS Latecomers including discussions city staff and coordination on upstream catchment modeling by KWL.
Wedler Engineering LLP	72718	24-Dec-22		\$ 11.00	\$ 3,082.50	\$ 3,248.18	Completion and Latecomer Services	Extra Work: Mansfield lift station upgrades latecomers/Assessing properties suitable for latecomers/Estimating cost breakdowns.
Wedler Engineering LLP	72857	21-Jan-23		\$ -	\$ 195.00	\$ 204.75	Latecomer Services	Extra work: Mansfield Sanitary LS Latecomers including discussions city staff and coordination on upstream catchment modeling by KWL.
Wedler Engineering LLP	73468	18-Mar-23		\$ -	\$ 3,583.75	\$ 3,762.94	Latecomer Services	
Wedler Engineering LLP	75072	05-Aug-23		\$ -	\$ 455.00	\$ 477.75	Latecomer Services	
Wedler Engineering LLP	75448	02-Sep-23		\$ -	\$ 2,292.50	\$ 114.63	Latecomer Services	Review construction invoicing and prepare cost breakdown spreadsheets
Wedler Engineering LLP	75751	30-Sep-23		\$ -	\$ 2,160.00	\$ 108.00	Latecomer Services	Update benefitting lands proportional breadkowns per updated KWL modeling
Wedler Engineering Contingency (Finalize Latecomers)	N/A	N/A		N/A	\$ 2,500.00	N/A	Completion Services - Latecomers	Estimated additional fees to facilitate completion of latecomers
				Total =	\$ 41,864.25			

Engineering Fees - Watanabe Engineering Ltd.

Company	Invoice Number	Invoice Date	JE#	Disbursements	Amount (\$) w/o tax	Amount (\$) w/ tax	Stage of Work	Notes
Watanabe Engineering Ltd.	B3M 2879-21	31-May-21	J2431	\$ -	\$ 800.00			Cheque No. 1048
Watanabe Engineering Ltd.	B3M 2879-21	31-May-21	J2433	\$ -	\$ 1,816.25			Cheque No. 1048
Watanabe Engineering Ltd.	B3M 2879-21	10-Aug-21	J2435	\$ -	\$ 1,089.75			Cheque No. 1073
Watanabe Engineering Ltd.	B3M 2879-21	14-Dec-21	J2437	\$ -	\$ 3,632.50			Cheque No. 1120
Watanabe Engineering Ltd.	B3M 2879-22	19-Sep-22	J1635	\$ -	\$ 1,379.50			Cheque No. 1268
Watanabe Engineering Ltd.	B3M 2879-23	01-Feb-23	J1522	\$ -	\$ 1,306.00			Cheque No. 1281
Watanabe Engineering Ltd.	B3M 2879-22	01-Feb-23	--	\$ -	\$ 4,571.00	\$ -	Design and Construction Supervision Services	Cheque No. 1281
				Total =	\$ 14,595.00			

Engineering Fees - Kerr Wood Leidal Associates Ltd c/o City of Courtenay

Company	Invoice Number	Invoice Date	JE#	Disbursements	Amount (\$) w/o tax	Amount (\$) w/ tax	Stage of Work	Notes
Kerr Wood Leidal Associates Ltd	B3MDev Serv	21-Jun-22	J1633	\$ -	\$ 9,485.91		Preliminary modeling of upstream sewer system	Cheque No. EFT 210622
				Total =	\$ 9,485.91			

Consultant Fees - GMA Consulting Ltd.

<u>Company</u>	<u>Invoice Number</u>	<u>Invoice Date</u>	<u>JE#</u>	<u>Disbursements</u>	<u>Amount (\$) w/o tax</u>	<u>Amount (\$) w/ tax</u>	<u>Stage of Work</u>	<u>Notes</u>
GMA Consulting Ltd.								
GMA Consulting Ltd.	2021.09.29	30-Sep-21	J2426	\$ -	\$ 12,250.00	\$ 12,862.50		Cheque No. 1080
GMA Consulting Ltd.	2021.10.29	29-Oct-21	J2424	\$ -	\$ 5,250.00	\$ 5,512.50		Cheque No. 1090
GMA Consulting Ltd.	2021.11.29	29-Nov-21	J2422	\$ -	\$ 10,000.00	\$ 10,500.00		Cheque No. 1112
GMA Consulting Ltd.	2021.12.29	31-Dec-21	J2428	\$ -	\$ 5,000.00	\$ 5,250.00		Cheque No. 1122
GMA Consulting Ltd.	2022.01.31	31-Jan-22	J70	\$ -	\$ 12,400.00	\$ 13,020.00		Cheque No. 1124
GMA Consulting Ltd.	2022.02.28	28-Feb-22	J202	\$ -	\$ 11,900.00	\$ 12,495.00		Cheque No. 1132
GMA Consulting Ltd.	2022.03.31	30-Mar-22	J309	\$ -	\$ 12,100.00	\$ 12,705.00		Cheque No. 1141
GMA Consulting Ltd.	2022.04.30	30-Apr-22	J420	\$ -	\$ 2,500.00	\$ 2,625.00		Cheque No. 1155
GMA Consulting Ltd.	2022.05.30	30-May-22	J554	\$ -	\$ 10,500.00	\$ 11,025.00		Cheque No. 1168
GMA Consulting Ltd.	2022.06.30	30-Jun-22	J709	\$ -	\$ 6,960.00	\$ 7,308.00		Cheque No. 1182
GMA Consulting Ltd.	2023.02.28	28-Feb-23	J241	\$ -	\$ 13,750.00	\$ 14,437.50		Cheque No. 1275
				Total =	\$ 102,610.00			

Tender services, reviews, worksafe, pricing...

Prime Contractor Construction Costs - Dulex Enterprises Inc.

<u>Company</u>	<u>Invoice Number</u>	<u>Invoice Date</u>	<u>JE#</u>	<u>Disbursements</u>	<u>Amount (\$) w/o tax</u>	<u>Amount (\$) w/ tax</u>	<u>Stage of Work</u>	<u>Notes</u>
Dulex Enterprises Inc.	Jul-22	25-Jul-22	J720	\$ -	\$ 15,000.00	\$ 15,750.00		Cheque No. 1185
Dulex Enterprises Inc.	Aug-22	25-Aug-22	J865	\$ -	\$ 15,000.00	\$ 15,750.00		Cheque No. 1208
Dulex Enterprises Inc.	Sep-22	25-Sep-22	J1076	\$ -	\$ 15,000.00	\$ 15,750.00		Cheque No. 1219
Dulex Enterprises Inc.	Oct-22	25-Oct-22	J1204	\$ -	\$ 15,000.00	\$ 15,750.00		Cheque No. 1230
Dulex Enterprises Inc.	Nov-22	25-Nov-22	J1309	\$ -	\$ 15,000.00	\$ 15,750.00		Cheque No. 1244
Dulex Enterprises Inc.	Dec-22	25-Dec-22	J1310	\$ -	\$ 15,000.00	\$ 15,750.00		Cheque No. 1253
Dulex Enterprises Inc.	B2 Jan 2023	25-Jan-23	J168	\$ -	\$ 15,000.00	\$ 15,750.00		Cheque No. 1271
Dulex Enterprises Inc.	B2 Feb 2023	25-Feb-23	J169	\$ -	\$ 15,000.00	\$ 15,750.00		Cheque No. 1271
				Total =	\$ 120,000.00			

Subcontractor Fees - Ridgeline Mechanical Ltd.

<u>Company</u>	<u>Invoice Number</u>	<u>Invoice Date</u>	<u>JE#</u>	<u>Disbursements</u>	<u>Amount (\$) w/o tax</u>	<u>Amount (\$) w/ tax</u>	<u>Stage of Work</u>	<u>Notes</u>
Ridgeline Mechanical Ltd.	B3M 3901526	01-Aug-22	J902	\$ -	\$ 5,493.24			Cheque No. 1212
Ridgeline Mechanical Ltd.	B3M 3901526	28-Nov-22	J1305	\$ -	\$ 324,400.47			Cheque No. 1248 & 1371
Ridgeline Mechanical Ltd.	B3M 3901527	31-Jan-23	J438	\$ -	\$ 6,032.61			Cheque No. 1289
Ridgeline Mechanical Ltd.	B3M 3901527	31-Jan-23	J100	\$ -	\$ -			Cheque No. 1336
				Total =	\$ 335,926.32			

Legal Fees - XXXXXXXXXXXX

<u>Company</u>	<u>Invoice Number</u>	<u>Invoice Date</u>	<u>JE#</u>	<u>Disbursements</u>	<u>Amount (\$) w/o tax</u>	<u>Amount (\$) w/ tax</u>	<u>Stage of Work</u>	<u>Notes</u>
XXXXXXXX - Contingency Allowance for Legal Fees	Not Provided	Not Provided		Not Provided	\$ 10,000.00	Not Provided	Not Provided	Cost estimate provided by client. Invoices not received, reviewed or certified by Wedler Engineering LLP
				Total =	\$ 10,000.00			

Financing Fees - XXXXXXXXXXXX

<u>Company</u>	<u>Invoice Number</u>	<u>Invoice Date</u>	<u>JE#</u>	<u>Disbursements</u>	<u>Amount (\$) w/o tax</u>	<u>Amount (\$) w/ tax</u>	<u>Stage of Work</u>	<u>Notes</u>
XXXXXXXX - Contingency For Construction Financing	Not Provided	Not Provided		Not Provided	\$ 42,000.00	Not Provided	Not Provided	Cost estimate provided by client. Invoices not received, reviewed or certified by Wedler Engineering LLP
				Total =	\$ 42,000.00			



Mansfield Sanitary Lift Station Upgrade - Contributing Sanitary Loading

Client: Newport Village Courtenay Developments Ltd.
 Project: Mansfield LS Latecomers Agreement
 Project #: V17-0273/D

Date: 2023-10-30
 By: GKB

Sanitary Loading Estimates based on new Developments within Mansfield Lift Station Catchment

5-Year 24-Hr Total I&I Rate =	20800 L/ha/day
(From KWL Technical Memo, 2980.018-300)	0.24 L/ha/s

Development Address	Latecomer Contributing Property (Yes/No)	Notes	Development Area (Ha)	I & I Rate (L/s/Ha)	Total Inflow and Infiltration (L/s)	Future Development Equivalent Population (Capita)	Base Sanitary Flows per KWL Modeling Report (L/c/day)	Adjustment/Peaking Factor based on KWL Combined PWWF of 28.46 L/s	Development Contributing PWWF (L/s)
Sandpiper LS									
Buckstone Phase 4 (SFD)	No - Flows pre-approved via Phased Development Agreement	Pre-Approved Development, Under Construction	3.275	0.24	0.79	55.2	167	1.738	0.97
3375 Harbourview (MFD)	No - Flows pre-approved via Phased Development Agreement	DP Application -Construction Pending	1.142	0.24	0.27	88.4	167	1.738	0.57
4070 Fraser Rd. (SFD)	Yes	New Subdivision - Active Subdivision Application	1.18	0.24	0.28	29	167	1.738	0.38
4100 Fraser Rd. (SFD)	Yes	New Subdivision - Pre-Paid NVCD Latecomer costs	2.52	0.24	0.61	63	167	1.738	0.82
Christie Parkway (Lot A) (Industrial)	Yes	New Development - Active Subdivision Application	3.18	0.24	0.76	157.9	167	1.738	1.29
Christie Parkway (Lot E) (Industrial)	Yes	New Development - Active Subdivision Application	0.42	0.24	0.10	20.9	167	1.738	0.17
Christie Parkway (Lot D) (Industrial)	Yes	New Development - Active Subdivision Application	0.85	0.24	0.20	42.2	167	1.738	0.35
Beachwood Development	Yes	New Development - Estimate per Proposed Development Plan Provi	2.046	0.24	0.49	201.7	167	1.738	1.17
Marriott Development	Yes	New Development - Estimate per Proposed Development Plan Provi	0.51	0.24	0.12	50.3	167	1.738	0.29
Mansfield LS									
3070 Kilpatrick Ave - Multifamily	No - Pre-Approved Development	Construction Completed - 2019/2020	0.63	0.24	0.15	277	167	1.738	1.08
3080 Kilpatrick Ave - Multifamily	No - Pre-Approved Development	Construction Completed - 2019/2020							
3040 Kilpatrick Ave (MFD)	Yes	New Multi-family - undertaking Mansfield LS Upgrades	0.38	0.24	0.09	86	167	1.738	0.38
2900 Cliffe Ave - Residential Care Facility)	No - Pre-Approved Development	Construction Completed	1.455	0.24	0.35	310	167	1.738	1.39
2940 Cliffe Ave	Yes	Redevelopment Plans Unknown (City Specified Population)	0.297	0.00	0.00	67	167	1.738	0.23
3210 Cliffe Ave	Yes	Redevelopment - 59 Unit Multi-family	0.242	0.24	0.06	130	167	1.738	0.49
2800 Cliffe Ave (RV Sales)	Yes	Redevelopment plans unknown (City specified Population)	0.798	0.00	0.00	189	167	1.738	0.63

Schedule "C"
Latecomer Agreement

LATECOMER AGREEMENT

THIS AGREEMENT dated for reference the _____(date)

BETWEEN:

THE CORPORATION OF THE CITY OF COURTENAY

having its municipal offices at 830 Cliffe Avenue
Courtenay, BC V9N 2J7

(the "Municipality")

OF THE FIRST PART

AND:

NEWPORT VILLAGE COURTENAY DEVELOPMENTS LTD.

3070 Kilpatrick Ave
Courtenay, BC., V9N 8P1

(the "Owner")

OF THE SECOND PART

GIVEN THAT:

- A. The Owner has applied to the Municipality to provide works in City of Courtenay Road Right-of-Way east of Mansfield Drive in accordance with the Municipality's subdivision and development bylaw and in particular to provide sanitary sewer facilities that will serve the Benefiting Lands defined in this Agreement;
- B. A portion of the sanitary sewer facilities (herein defined as Excess or Extended Services) will also serve the Benefiting Lands herein defined;
- C. The Municipality considers that its costs to provide the Excess or Extended Services in whole or in part are excessive, and requires the Owner, as owner of the Lands, and the owners of the Benefiting Lands to pay the cost of the Excess or Extended Services;
- D. The Municipality is authorized to enter into this agreement under section 507 of the *Local Government Act*;
- E. The Council of the Municipality has by way of Bylaw No. 2005, set the rate of interest referred to under section 508(4) of the *Local Government Act* and in paragraph 4 of this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the mutual covenants and agreements made by each of the parties to the other as set out in this Agreement, and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Municipality and the Owner covenant and agree as follows:

Interpretation

1. In this Agreement
 - (a) “Benefiting Lands” means each of the lands shown in Bylaw 3119 Schedule A hereto which lands may be connected to the Excess or Extended Services after Completion of the Excess or Extended Services;
 - (b) “Completion” means the date of the Substantial Completion on the Construction Completion Certificate signed by the Municipality’s Development Engineer certifying that the Excess or Extended Services have been completed to the standards and specifications set out in the bylaws of the Municipality, such that the Excess or Extended Services have been fully tested, are functional, and can be used for their intended purpose when the system becomes operational, all to the satisfaction of the Municipality’s Director of Engineering & Public Works, in the form attached hereto as Exhibit “A”.
 - (c) “Excess or Extended Services” means that portion of the sanitary sewer main and related appurtenances installed by the Owner in the road Right-of-Way in Schedule B of Bylaw No. 3119, that serves the Benefiting Lands;
 - (d) “Lands” means those certain lands owned by the Owner and legally described as REM LOT 1 SECTION 67 COMOX DISTRICT PLAN EPP79267
 - (e) “Latecomer Charges” means charges imposed by the Municipality under section 508 of the *Local Government Act* in respect of the Benefiting Lands, in the amounts set out in respect of each parcel of the Benefiting Lands in the fifth column of Schedule “D” of Bylaw 3119 under the heading “Latecomer Charge “.

Charges for Latecomer Connections or Use

2. The Municipality must pay the Latecomer Charges to the Owner, in respect of the Excess or Extended Services only if and to the extent the charges are paid by the owners of Benefiting Lands and collected by the Municipality during the period commencing on Completion, up to and including 15 years subsequent to Completion.
3. If any payment under section 2 is returned to the Municipality unclaimed by the Owner, then the Municipality shall hold all monies collected until the expiry of this Agreement. After the expiry of this Agreement, all such unclaimed funds shall be retained by the Municipality with a claim being made thereto by the Owner or any of its successors.

Interest

4. There shall be included in the Latecomer Charges imposed on the owners of Benefiting Lands, interest calculated annually at a rate prescribed by Bylaw No. 2005, payable for the period commencing on Completion, up to the date that the connection is made, and if paid by the owners of Benefiting Lands and collected by the Municipality during the period referred to in paragraph 2, the interest shall be paid to the Owner.

Assignment or Transfer of Owner's Rights

5. In the event of the assignment or transfer of the rights of the Owner voluntarily, or by operation of law, the Municipality's Financial Officer may pay any benefits accruing under this Agreement, after notice, to such successor of the Owner as the Municipality's Financial Officer, in his judgment, deems entitled to such benefits. In the event of conflicting demands being made on the Municipality for benefits accruing under this Agreement, then the Municipality may at its option commence an action in interpleader joining any party claiming rights under this Agreement, or other parties which the Municipality believes to be necessary or proper, and the Municipality shall be discharged from further liability on paying the person or persons whom the court having jurisdiction over such interpleader action shall determine, and in such action the Municipality shall be entitled to recover its reasonable legal fees and costs, which fees and costs shall constitute a lien upon all funds accrued or accruing pursuant to this Agreement.

Indemnity

6. The Owner covenants not to sue the Municipality, its administrators, successors, assigns, directors, officers, agents, employees, servants, tenants, solicitors, consultants, and anyone else for whom the Municipality is in law liable, by reason of or arising out of or in any way connected with any error, omission, or conduct of the Municipality in relation to the Excess or Extended Services, including, without limiting the generality of the foregoing, a failure of the Municipality to pass a resolution, enact a bylaw, enter into an agreement, impose a charge, calculate a charge correctly, or collect a charge under Section 508 of the *Local Government Act*.

Termination

7. This Agreement shall expire and shall be of no further force and effect for any purpose on the earlier of:
 - (a) the payment of the Latecomer Charges by the Municipality to the Owner for all the Benefiting Lands under paragraph 2 of this Agreement; and
 - (b) 15 years subsequent to Completion.

and thereafter the Municipality shall be forever fully released and wholly discharged from any and all liability and obligations under this Agreement, or howsoever arising pertaining to the Excess or Extended Services, and whether arising before or after the expiry of this Agreement.

8. Paragraphs 5 to 17 shall survive the termination of this Agreement.

Owner Representation and Warranty

9. The Owner represents and warrants to the Municipality that the Owner has not received, claimed, demanded, or collected money or any other consideration from the owners of the Benefiting Lands for the provision, or expectation of the provision of the Excess or Extended Services, other than as contemplated and as provided for under this Agreement; and further represents and warrants that the Owner has not entered into any agreement with the owners of the Benefiting Lands for consideration in any way related to or connected directly or indirectly with the provision of the Excess or Extended Services.

Miscellaneous

10. Time is of the essence.
11. Any notice required by this Agreement will be sufficiently given if delivered by courier or registered mail to the parties at the addresses first above written.
12. This Agreement will ensure to the benefit of and be binding on the parties hereto and their respective successors and assigns.
13. The laws of the Province of British Columbia shall govern this Agreement.
14. This Agreement constitutes the entire agreement between the Municipality and the Owner with regard to the subject matter hereof and supersedes all prior agreements, understandings, negotiations, and discussions, whether oral or written of the Municipality with the Owner.
15. No amendment or waiver of any portion of this Agreement shall be valid unless in writing and executed by the parties to this Agreement. Waiver of any default by a party shall not be deemed to be a waiver of any subsequent default by that party.
16. A reference in this Agreement to the Municipality or the Owner includes their permitted assigns, heirs, successors, officers, employees and agents.
17. The Owner represents and warrants to the Municipality that:
 - (a) all necessary corporate actions and proceedings have been taken by the Owner to authorize its entry into and performance of this Agreement;
 - (b) upon execution and delivery on behalf of the Owner, this Agreement constitutes a valid and binding contractual obligation of the Owner;
 - (c) neither the execution and delivery, nor the performance, of this Agreement breaches any other agreement or obligation, or causes the Owner to be in default of any other agreement or obligation, respecting the Lands; and

- (d) the Owner has the corporate capacity and authority to enter into and perform this Agreement.

IN WITNESS WHEREOF the parties have set their hands and seals on the day and year first above written.

SIGNED by the authorized signatories of
THE CORPORATION OF THE CITY OF COURTENAY

Director of Development Services

Director of Finance

SIGNED by the authorized signatory of
NEWPORT VILLAGE COURTENAY DEVELOPMENTS LTD.

Exhibit "A" — Construction Completion Certificate

WORKS: Mansfield Drive Sanitary Lift Station Upgrades

OWNER: NEWPORT VILLAGE COURTENAY DEVELOPMENTS LTD.

CONTRACTOR: Dulex Enterprises Ltd.

This Construction Completion Certificate does not constitute a certification of any work not in accordance with the applicable requirements of the Subdivision Control Bylaw No. 1401 and Amendments thereto whether or not such deficiency or defect could have been observed or discovered during construction.

I, Greg Merchant P.Eng. of Wedler, certify to the best of my knowledge, information and belief that the works referred to above have been installed substantially in compliance with the design drawing which were accepted by the City of Courtenay and are complete as far as can be practically ascertained. I recommend these works for acceptance by the municipality. I have provided detailed "as-constructed" drawings of these works and have signed and affixed my professional seal to these drawings.

Dated this _____, 2023 in the City of Courtenay, B.C.

Greg Merchant, P. Eng. (seal)

Accepted on behalf of the City of Courtenay this _____, 2023.

Marianne Wade
Director of Development Services

The Maintenance Period Expires on November 30, 2023.

For the purpose of Latecomer Agreement, the works were Substantially Completed on the 30th day of November, 2022.

Schedule "D"
Table of Latecomer Charges



Mansfield Sanitary Lift Station Upgrade - Capacity Assessment

Client: Newport Village Courtenay Developments Ltd.
 Project: Mansfield LS Latecomers Agreement
 Project #: V17-0273/D

Date: 2023-10-30
 By: GKB

Mansfield LS Upgrade Capacity Assessment

Modelled Mansfield LS Upgrade Values

Pre-Upgraded LS capacity = 17-20 L/s
 Pre-Upgraded LS (High Head Condition) capacity = 18.5 L/s
 Upgraded modelled capacity = 28.7-32.5 L/s
 Upgraded LS modelled (High Head Conditions) Capacity = **28.7 L/s**

Note: 28.7 L/s capacity selected for conservative capacity calculations

Reviewing Mansfield LS Upgrade Capacity

Pre-Existing Conditions

Existing Flow Condition (Estimated at 18.29 L/s)	Contributing PWWF	
	18.29 L/s	High Head Capacity per KWL Memo
New Developments Updated in KWL Modeling Not Subject to Latecomers	4.02	

Pre-Existing Approved Flows Not Subject to Latecomers = 22.31 L/s

New Developments Accounted for in KWL Modeling Subject to Latecomers

	Contributing PWWF	Area (Ha)	Future Equivalent Population (Capita)
4100 Fraser Road - Single Family	0.818 L/s	2.52	63
4070 Fraser Road - Single Family	0.382 L/s	1.18	29
3040 Kilpatrick Ave - Multifamily	0.380 L/s	0.38	86
Christie Parkway (Lot A)	1.294 L/s	3.18	157.93
Christie Parkway (Lot E)	0.171 L/s	0.42	20.86
Christie Parkway (Lot D)	0.346 L/s	0.85	42.21
Pre-Selected Developments Subject to Latecomers Flows =	3.39 L/s	8.53	399
	25.70		

Additional New Developments Unaccounted For in KWL Modelling Selected for Latecomers

Beachwood Development	1.17 L/s	2.046	201.7
Marriott Development	0.29 L/s	0.51	50.3
2940 Cliffe Ave (SFD)	0.23 L/s	0.297	67
3210 Cliffe Ave (Vacant Lot)	0.49 L/s	0.242	130
2800 Cliffe Ave (RV Sales)	0.63 L/s	0.798	189
Additional New Development Subject to Latecomers Flows =	2.82 L/s	1.85	638
*Available Excess Capacity =	3.00 L/s		

*As defined in the KWL Technical Memorandum, 2980.018-300, dated October 03, 2022

Total Estimated Flows @ Mansfield LS =	28.51 L/s
Available Capacity per KWL Model @ High Head Condition =	28.70 L/s
Percent Capacity at High Head Condition =	99%



Mansfield Sanitary Lift Station Upgrade - Proportional Cost Allocation

Client: Newport Village Courtenay Developments Ltd.
 Project: Mansfield LS Latecomers Agreement
 Project #: V17-0273/D

Date: 2023-10-30
 By: GKB

Mansfield LS Construction Costs = \$ 676,481.48 *Estimated Construction Costs

Contributing Properties

	<u>PWWF</u>	<u>Latecomers Contributing Percentage</u>		<u>Allocated LS Upgrade Cost</u>
4100 Fraser Road - Single Family	0.82 L/s	13%	\$	89,172.60
4070 Fraser Road - Single Family	0.38 L/s	6%	\$	41,572.37
3040 Kilpatrick Ave - Multifamily	0.38 L/s	6%	\$	41,423.05
Christie Parkway (Lot A)	1.29 L/s	21%	\$	140,983.58
Christie Parkway (Lot E)	0.17 L/s	3%	\$	18,620.47
Christie Parkway (Lot D)	0.35 L/s	6%	\$	37,752.90
Beachwood Development	1.17 L/s	19%	\$	127,523.52
Marriott Development	0.29 L/s	5%	\$	31,787.39
2940 Cliffe Ave (SFD)	0.23 L/s	4%	\$	24,529.06
3210 Cliffe Ave (Vacant Lot)	0.49 L/s	8%	\$	53,922.63
2800 Cliffe Ave (RV Sales)	0.63 L/s	10%	\$	69,193.91
Total =	6.21 L/s	100%	\$	676,481.48



Mansfield Sanitary Lift Station Upgrade - Latecomers Agreement

Benefiting Lands

Client: Newport Village Courtenay Developments Ltd.
 Project: MANSFIELD LIFT STATION UPGRADES - LATECOMERS AGREEMENT
 Project #: V17-0273/D

30-Oct-23
GKB
City of COURTENAY

<u>PARCEL</u>	<u>CIVIC ADDRESS</u>	<u>LEGAL DESCRIPTION</u>	<u>AREA (ha)</u>	<u>Latecomer Charge</u>	<u>PARCEL IDENTIFIER</u>
1	4100 Fraser Rd.	LTA, DISTRICT LOT 153, COMOX DISTRICT, PLAN EPP123804	2.52	\$89,172.60	Pre-paid, has since been subdivided
2	4070 Fraser Rd.	LOT 8, DISTRICT LOT 153, COMOX DISTRICT, PLAN VIP1887, EXCEPT PART IN PLAN 43279	1.18	\$41,572.37	003-019-276
3	Christie Parkway (Lot A)	LOT A - DISTRICT LOT 82, COMOX DISTRICT, PLAN VIP57837 & PLAN VIP66485	3.18	\$140,983.58	018-563-074
4	Christie Parkway (Lot E)	LOT E - DISTRICT LOT 82, COMOX DISTRICT, PLAN VIP57837	0.42	\$18,620.47	018-563-112
5	Christie Parkway (Lot D)	LOT D - DISTRICT LOT 82, COMOX DISTRICT, PLAN VIP57837	0.85	\$37,752.90	018-563-104
6	Beachwood Development	REM LOT D, DISTRICT LOT 82, COMOX DISTRICT, PLAN VIP2119	2.046	\$127,523.52	006-632-777
7	Marriott Development	PARCEL A (DD F76511) OF LOT E, DISTRICT LOT 82, COMOX DISTRICT, PLAN VIP2119	0.51	\$31,787.39	006-641-318
8	3040 Kilpatrick Ave	REM LOT 1, SECTION 67, COMOX DISTRICT, PLAN EPP79267	0.38	\$41,423.05	030-349-478
9	2940 Cliffe Ave	LOT 8, SECTION 67, COMOX DISTRICT, PLAN VIP55151	0.297	\$24,529.06	017-957-559
10	3210 Cliffe Ave	LOT 6, BLOCK 1, SECTION 67, COMOX DISTRICT, PLAN VIP9900	0.242	\$53,922.63	004-582-292
11	2800 Cliffe Ave	LOT 1, SECTION 67, COMOX DISTRICT, PLAN VIP55151	0.798	\$69,193.91	017-957-486



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 0250-20

From: Manager of Legislative Services

Date: December 6, 2023

Subject: DCBIA Bylaw 3105 Counter Petition Results

PURPOSE: To provide Council with the results of the property owner consent process (counter-petition) for “Downtown Courtenay Business Improvement Area Bylaw No. 3105, 2023”.

BACKGROUND:

At the September 13, 2023 Council meeting, Council directed staff to proceed with an update to the Downtown Courtenay Business Improvement Area Bylaw to increase the maximum levy, as requested by the Downtown Courtenay Business Improvement Association (DCBIA). Council gave first, second and third readings to the bylaw at the September 27, 2023 Council meeting, and the required property owner consent process concluded on November 15, 2023. See attachments for further background details.

DISCUSSION:

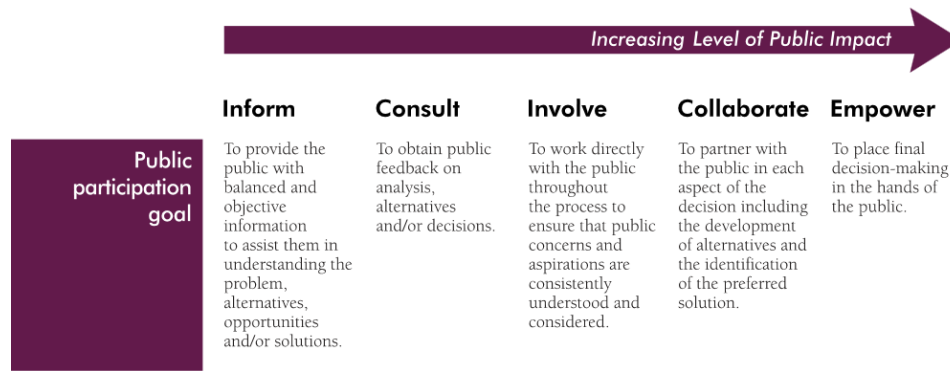
Forms representing 17 of the 106 eligible properties were received prior to the deadline of November 15, 2023 at 4:00 pm. Since fewer than 50% of the eligible properties submitted forms to oppose the bylaw, “Downtown Courtenay Business Improvement Area Bylaw No. 3105, 2023” has received the consent of the electors (see Attachment 2: Property Owner Counter-Petition Results). Council may choose whether to proceed with adoption of the bylaw. If Council adopts the bylaw prior to May 2024, the new levy will be in place for the 2024 taxation year.

FINANCIAL and ADMINISTRATIVE IMPLICATIONS:

The consent process is now complete and has no further financial or administrative implications.

PUBLIC ENGAGEMENT:

Property owners were empowered through the consent process to collectively decide whether to approve the bylaw. Now that the consent process has concluded, staff will inform the public based on the IAP2 Spectrum of Public Participation, through communications with the DCBIA and posting the results on the City website.



OPTIONS:

1. THAT Council adopt "Downtown Courtenay Business Improvement Area Bylaw No. 3105, 2023".
2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. "Downtown Courtenay Business Improvement Area Bylaw No. 3105, 2023"
2. Bylaw 3105 Counter Petition Results
3. September 13, 2023 staff report to Council

Prepared by: Adriana Proton, MPA, CRM, Manager of Legislative Services

Reviewed by: Adam Langenmaier, Director of Finance

Kate O'Connell, MPA, Director of Corporate Services

Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)

THE CITY OF COURTENAY BYLAW NO. 3105, 2023

A bylaw to establish the Downtown Courtenay Business Improvement Area

WHEREAS a municipal council may under the *Community Charter* grant money to an organization that has as one of its aims, functions and purposes, the planning and implementation of Business Promotion Scheme;

AND WHEREAS Council of the City of Courtenay has previously adopted Downtown Courtenay Business Improvement Area Bylaw No. 2264, 2002;

AND WHEREAS Council, at the request of the Downtown Courtenay Business Improvement Association, wishes to amend the Downtown Courtenay Business Improvement Area;

THEREFORE, BE IT RESOLVED that the Council of the City of Courtenay in open meeting assembled enacts as follows:

1. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

"Applicant" means the Downtown Courtenay Business Improvement Association.

"Business Improvement Area" means the area of the City designated in Schedule "A" of this Bylaw.

"Business Promotion Scheme" means:

- (a) carrying out studies and making reports respecting the Downtown Courtenay Business Improvement Area;
- (b) the improvement, beautification or maintenance of streets and sidewalks in the Downtown Courtenay Business Improvement Areas; and
- (c) the encouragement and promotion of commercial business development within the Downtown Courtenay Business Improvement Area both directly, and indirectly through the encouragement of entertainment, sports and cultural activities.

"Taxable Property" means land and improvements that fall within Class 5 and 6 under the Assessment Act – Prescribed Class of Property Regulation, B.C. Reg. 438/81.

2. DESIGNATION OF AREA

2.1 Council designates the Downtown Courtenay Business Improvement Area boundary to include the lands within the outlined area as identified in Schedule "A".

3. GRANT

3.1 The Council may, in the calendar years 2024 through 2033, grant to the Applicant, in the aggregate, funds not to exceed \$1,755,000 over the ten-year term and not to exceed in any calendar year the amount collected by property value tax imposed under this Bylaw for that year. These monies shall be paid to the Applicant on or before the 1st day of September in each year. Funds will be broken down into annual amounts as follows:

- 2024 - \$120,000
- 2025 - \$130,000
- 2026 - \$145,000
- 2027 - \$160,000
- 2028 - \$175,000
- 2029 - \$185,000
- 2030 - \$195,000
- 2031 - \$205,000
- 2032 - \$215,000
- 2033 - \$225,000

3.2 The Applicant shall submit, annually on or before March 1st, a budget for the purpose of the Business Promotion Scheme as in section 1.

(a) The budget for the Business Promotion Scheme which is based on a fiscal year commencing January 1st, must contain sufficient information to describe all anticipated expenses and revenues, and has been approved by a majority of the members present at the Annual General Meeting of the Downtown Courtenay Business Improvement Area.

3.3 Monies granted to the Applicant under this Bylaw must be expended only by the Applicant and in accordance with the conditions and limitations set out in this Bylaw.

3.4 Monies granted pursuant to Section 4.1 of this Bylaw shall be expended only for projects provided for in the annual budget submitted and approved by the Financial Officer pursuant to Section 4.2.

4. RECOVERY OF FUNDS

4.1 All of the money granted to the Applicant pursuant to this Bylaw shall be recovered within the Downtown Courtenay Business Improvement Area from the owners of Taxable Property. Page 237 of 391

- 4.2 For the purpose of recovering the monies granted to the Applicant, an annual property value tax shall be imposed on Taxable Property within the Downtown Courtenay Business Improvement Area, and such tax shall be based on the assessed value of the land and improvements.

5. CONDITIONS AND LIMITATIONS

- 5.1 The Applicant shall not carry out any borrowing, which results in an indebtedness or other obligation as to money granted to it by the Council pursuant to this Bylaw, which extends beyond the fiscal year in which that money was granted.
- 5.2 Any money granted to the Applicant by the Council pursuant to this Bylaw shall, if not required for immediate use, be invested only in securities in which trustees are authorized by law to invest.
- 5.3 The Applicant shall not alter or approve amendments to its Constitution or Bylaws without providing the Corporate Officer of the City with two months' notice of its intention to make such alteration or amendment, and if any alteration or amendment is made without such notice the City may withhold any payments under this Bylaw.
- 5.4 The Applicant shall account for the money granted by the Council for the previous year by submitting to the City on or before March 1 in each year a compiled financial statement for the previous calendar year which shall be prepared in accordance with generally accepted accounting principles and shall include a balance sheet and an income statement.

6. INSURANCE

- 6.1 The Applicant shall at all times carry a policy of comprehensive general liability insurance in the amount of \$2,000,000.00 with the City as an additional named insured.

7. EXPIRATION DATE

- 7.1 This bylaw shall be in effect until December 31, 2033 but the lapsing of the term over which money may be granted under this Bylaw shall not affect the obligations of the Applicant as to the expenditure of and accounting for monies granted under the Bylaw.

8. REPEAL

- 8.1 "Downtown Courtenay Business Improvement Area Bylaw No. 2264, 2002" is hereby repealed.

9. CITATION

9.1 This bylaw may be cited as “Downtown Courtenay Business Improvement Area Bylaw No. 3105”.

Read a first time this 22nd day of November, 2023.

Read a second time this 22nd day of November, 2023.

Read a third time this 22nd day of November, 2023.



Finally passed and adopted this ____ day of _____, 2023.

Mayor Bob Wells

Adriana Proton, Corporate Officer

Schedule A – Downtown Courtenay Business Improvement Area Boundary



-  EXTENT OF BUSINESS IMPROVEMENT AREA
-  PUNTLIDGE RIVER

THE CITY OF COURTENAY

Schedule A

Bylaw No. 3105



Date: 18th of August, 2023



THE CORPORATION OF THE CITY OF COURTENAY

PROPERTY OWNER COUNTER-PETITION RESULTS

From: Corporate Officer

Date: November 24, 2023

Subject: Downtown Courtenay Business Improvement Area Bylaw No. 3105, 2023

I, the undersigned Corporate Officer, as the person assigned responsibility for corporate administration under section 148 of the *Community Charter* for the City of Courtenay, certify the results of the property owner counter-petition process that was conducted to obtain the approval of the electors for "Downtown Courtenay Business Improvement Area Bylaw No. 3105, 2023" as follows:

106	Number of eligible parcels (properties)
17	Number of property owner response forms submitted by the deadline
0	Number of property owner response forms rejected
17	Number of property owner response forms accepted
16%	Percentage of parcels represented by valid property owner response forms

Council may proceed with adoption of the Bylaw unless at least 50% of the property owners that would be subject to the tax, and representing at least 50% of the assessed value of land and improvements that would be subject to the tax, submit forms opposing the bylaw. Therefore, the number of forms that indicates the bylaw does not have property owner assent is at least 53 (if the properties represent at least 50% of the property value).

In accordance with Section 213 of the *Community Charter*, the approval of the electors was obtained for "Downtown Courtenay Business Improvement Area Bylaw No. 3105, 2023".

DATED this 24th day of November, 2023.

Adriana Proton, Corporate Officer



STAFF REPORT

To: Council

File No.: 0250-20

From: Director of Financial Services

Date: September 13, 2023

Subject: Downtown Courtenay Business Improvement Area Bylaw Update

PURPOSE:

To provide Council with information on the process to adopt a new Business Improvement Area (BIA) for the Downtown Courtenay Business Improvement Area (DCBIA), and to seek Council direction to create a new BIA bylaw.

BACKGROUND:

A Business Improvement Area is a specialized tool permitted under the *Community Charter* to create a local service tax specifically for commercial properties. This local service tax applies only to a specific area and can be used as a business promotion scheme which includes beautifying, graffiti removal, heritage conservation or business promotion. All funds collected through the BIA must flow to the DCBIA.

The current "Downtown Courtenay Business Improvement Area Bylaw No. 2264, 2002" was adopted in January 2003 with an annual levy of \$60,000 that has not changed since adoption. The maximum levy is authorized in the bylaw and can only be increased with a new bylaw, which requires property owner approval.

Delegates from the DCBIA provided a presentation to Council at the June 28, 2023 regular Council meeting and requested that Council update the Downtown Courtenay Business Improvement Area Bylaw No. 2264 to increase the maximum local area service property tax. They have requested an increase in their levy to \$120,000 for 2024, and increasing each subsequent year to a maximum of \$225,000 in 2033. They have also requested that the City gain property owner approval for the new bylaw via the "Council Initiative – Subject to Petition Against" process.

DISCUSSION:

Part 7, Division 5 – Local Services Taxes section of the *Community Charter* provides the required steps to adopt a new BIA bylaw. In order for Council to adopt a new BIA bylaw, it must gain property owner approval from the property owners. There are two options for gaining property owner approval (from the provincial BIA guide):

- **Petition for service:** Generally initiated by local business owners, the petition must include information about the proposed business improvement area including boundaries and estimated cost. The petition must be signed by the owners of at least 50 percent of the parcels that would be subject to the local area tax and those persons must be the owners of parcels that in total represent at least 50 percent of the assessed value of land and improvements that would be subject to the local service tax.
- **Council initiative - subject to petition against:** A municipal council can also initiate the establishment of a business improvement area by providing an opportunity for a petition against the proposed service. Council must give notice of a petition against in accordance with section 94

of the *Community Charter* and by mailing notice to all the owners of parcels that would be subject to the local service tax. The notice must include information about the proposed business improvement area including boundaries and estimated cost. Unless Council receives a sufficient petition against within 30 days it can proceed. The threshold for sufficient petition against (50 percent of parcels and 50 percent of assessed value as described above) is the same as for a petition for service.

The DCBIA has engaged its members about this change, including approving key elements of the bylaw in a vote at its June 2023 Annual General Meeting. However, it has not started any formal process to gain property owner approval and does not propose to petition its members per the “Petition for Service” option. The DCBIA has requested that Council use the “Council initiative” option under section 213 of the *Community Charter*.

The Council initiative option is similar to an alternative approval process in that it requires a petition against rather than votes in favour. Here is an overview of the process:

- Council gives first three readings to the proposed bylaw
- The City conducts notifications, including notices in the paper and notification of all property owners within the local area service
- Following publication of the second notice in the paper, a minimum 30-day period starts
- During the 30-day period, affected property owners may submit a form if they do not want the bylaw to proceed. If a minimum of 50% of parcel owners, representing at least 50% of total assessed value do not want the bylaw to proceed and submit valid forms, then the petition against has succeeded and Council is not permitted to adopt the bylaw.
- If the number of objectors and combined assessment of objectors is below 50%, Council is permitted to adopt the bylaw.
- Following bylaw adoption, the City would wait a month for the quashing period to be over prior to proceeding with the bylaw. The quashing period is a one-month period when a bylaw may be challenged in the BC Supreme Court and possibly quashed (Local Government Act s. 623).

There are 106 parcels in the DCBIA. One form may be submitted per parcel, and the majority of property owners for a parcel must sign the form. This means that in order to gain property owner approval, fewer than 53 owners would submit a form to oppose the bylaw. The DCBIA has conducted member outreach to gain support for the increased levy (see Attachment “Downtown Courtenay Improvement Area Bylaw Review”) and feels their members will support the increased levy.

Staff propose the following timeline, if Council chooses to proceed with the bylaw and the “Council initiative” option for property owner approval:

- September 13 – Council provides direction to proceed with the bylaw
- September 27 – Council gives first, second, and third readings of the bylaw
- October 4 and 11 – Notices in the paper, notices sent to property owners
- October 12 to November 15 at 4pm – 30-day period for property owners to submit forms opposing the bylaw
- November 15/16 – Corporate Officer certifies the results of the property owner approval process
- November/December – Staff report to Council on the results. If the bylaw has received property owner approval, Council may consider adopting the bylaw.
- One-month quashing period follows
- The new levy would be in place for the 2024 taxation year

POLICY ANALYSIS:

Division 5 of the *Community Charter*, Local Service Taxes, provides guidance on the creation of business improvement area bylaws. The bylaw must:

- Describe the service
- Define the boundaries of the local service area
- Identify the methods of cost recovery for the service, including the form of local service tax and the portion of the costs of the service that are to be recovered by the local service tax
- If applicable, identify the portion of the costs of the service that are to be recovered by a general property tax
- Identify the business promotion scheme for which the money will be granted
- Identify the organization to which the money will be granted
- Establish the maximum amount of money to be granted
- Establish the maximum term over which it may be granted

A BIA bylaw must be completed prior to the annual property tax bylaw deadline of May 14 to permit appropriate taxation of the BIA. If the bylaw is not updated by that date, the DCBIA will not be able to increase its levy. Additionally, the current DCBIA bylaw does not comply with s. 215 of the Community Charter, which requires that the bylaw establish a maximum term. If the “Council initiative” option did not succeed, that would mean that Council would be unable to propose the same service as a Council initiative for one year. The DCBIA would be able to make its own petition for local area service at any time, and it is possible it would still be able to meet the deadline of May 14 for the 2024 taxation year.

The DCBIA has also explored the idea of expanding the DCBIA boundaries, but estimate they will not be ready to proceed with a boundary expansion until 2025. A boundary expansion would also require property owner approval and a new bylaw. If the DCBIA requested a change to the maximum levy at the same time, a boundary expansion would require property owner approval of the entire DCBIA area. If the DCBIA requested only a boundary change, with the maximum levy remaining the same, property owner approval would only be required for the proposed additions to the area.

The DCBIA initially proposed a 5-year term for the bylaw. This would mean that the bylaw would have to be updated again by May 2029 or the DCBIA would not be able to receive funding in the 2029 tax year. Staff have recommended including ten years in the bylaw as a safety net if issues arise with the planned expansion of the BIA, or if other unforeseen circumstances prevent the DCBIA from updating the bylaw within five years. The DCBIA agreed and proposed a 10-year schedule of levy increases (see attached). The process to bring a new bylaw into place is not quick or simple, so reducing the number of times the process needs to be completed may also reduce the administrative burden on the City. A BIA bylaw can be repealed before its expiry date, so there is no restriction on a bylaw update prior to 2033.

FINANCIAL IMPLICATIONS:

The administration costs of the “Council Initiative” option, while more costly than the “Petition for Local Area Service” option, are not significant and limited to mostly advertising and postage. The City is not imposing an additional taxation burden on properties outside of the DCBIA, and therefore the financial implications are restricted to those eligible properties within the DCBIA.

The proposed bylaw continues the practice of using property value taxation method to distribute the BIA levy. A BIA can use a parcel tax to distribute the levy, however, the DCBIA has not requested a change to the current method of distribution of the levy. This means that properties with a higher assessment value will pay a higher proportion of the levy, rather than a flat rate per parcel.

The annual property taxation method for the DCBIA is well established, and again has limited impact on the City's operations. Annually, the City calculates the required tax rate to levy the requested amount, and the BIA tax rate is included in the City's annual property tax bylaw. The City collects the required taxation and forwards the funds onto the DCBIA after the July property tax deadline.

The DCBIA has requested the following funding for 2024-2033 (Appendix C).

Annual DCBIA Levy	
Year	Levy
2024	\$ 120,000
2025	130,000
2026	145,000
2027	160,000
2028	175,000
2029	185,000
2030	195,000
2031	205,000
2032	215,000
2033	225,000
Total	\$ 1,755,000

The current DCBIA levy, set in 1995 and unchanged since then, is \$60,000. The new requested levy amount was arrived at through the DCBIA's engagement process with its members. Currently there are 106 properties within the DCBIA, and the average levy in 2023 was \$567. There is one property that pays more than \$3,000 towards the DCBIA, three that pay more than \$2,000 and 6 that pay more than \$1,000. These 10 properties combined contributed \$17,920 towards the \$60,000 levy for 2023.

With the proposed increase in the DCBIA levy, the distribution of the levy is expected to remain consistent as the levy is based upon assessed value. The amount paid under the new bylaw in 2024 would be about double the amount paid in 2023. The total levy increase from 2023 (\$60,000) to 2033 (\$225,000) is \$165,000 which is equivalent to 275% increase. Assuming similar assessment distribution the expected average DCBIA levy in 2033 would be \$1,559 per property.

ADMINISTRATIVE IMPLICATIONS:

The property owner approval process would be a collaboration between Corporate Services (Legislative Services and Communications) and Financial Services departments. The additional work required will impact current work programs, i.e. some delays in other projects. Actual impact depends on the number of forms submitted and volume of inquiries about the property owner approval process.

While the "Petition for Service" method of property owner approval would be less costly and time-consuming for the City, it is not what the DCBIA has requested, and staff do not recommend it as it may not be feasible at this time. The DCBIA is undergoing a change in staffing and may not have the capacity for the petition for service. The bylaw update could be delayed if Council requested that the DCBIA undertake the "Petition for Service" method.

STRATEGIC PRIORITIES REFERENCE:

Strong Neighbourhoods – Through improved investment in the downtown core.

Arts, Culture and Heritage – Through improved support to the DCBIA additional events could be held.

Local Economy – Through improved support of the DCBIA the local economy will continue to flourish.

PUBLIC ENGAGEMENT:

Staff would empower the public (applicable property owners) based on the IAP2 Spectrum of Public Participation, as the DCBIA property owners will have the power to decide whether to approve the bylaw. Members of the public who are not DCBIA property owners will be informed through the required public notifications.

OPTIONS:

1. THAT Council direct staff to proceed with an update to the Downtown Courtenay Business Improvement Area Bylaw to increase the maximum levy, as requested by the DCBIA;

THAT Council consider first, second and third readings of the “Downtown Courtenay Business Improvement Area Bylaw No. 3105, 2023” at the September 27, 2023 Council meeting;

AND THAT Council direct staff to undertake property owner approval for the proposed bylaw using the “Council initiative – subject to petition against” method under s. 213 of the Community Charter.

2. THAT Council direct staff to proceed with an update to the Downtown Courtenay Business Improvement Association Bylaw to increase the maximum levy, as requested by the DCBIA;

AND THAT Council direct staff to work with the DCBIA and seek property owner approval using the “Petition for Service” method under s. 212 of the Community Charter.

3. THAT Council provide alternative direction to staff.

APPENDIX:

Appendix A – Downtown Courtenay Business Improvement Area Bylaw No. 3105, 2023

Appendix B – 2023-07-21 DCBIA Bylaw Review (Urban Systems)

Appendix C – DCBIA letter re: 10-year term

Prepared by: Adam Langenmaier BBA, CPA, CA Director of Finance

Prepared by: Adriana Proton, MPA, CRM, Manager of Legislative Services

Reviewed by: Kate O’Connell, MPA, Director of Corporate Services

Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)

THE CITY OF COURTENAY BYLAW NO. 3105, 2023

A bylaw to establish the Downtown Courtenay Business Improvement Area

WHEREAS a municipal council may under the *Community Charter* grant money to an organization that has as one of its aims, functions and purposes, the planning and implementation of Business Promotion Scheme;

AND WHEREAS Council of the City of Courtenay has previously adopted Downtown Courtenay Business Improvement Area Bylaw No. 2264, 2002;

AND WHEREAS Council, at the request of the Downtown Courtenay Business Improvement Association, wishes to amend the Downtown Courtenay Business Improvement Area;

THEREFORE, BE IT RESOLVED that the Council of the City of Courtenay in open meeting assembled enacts as follows:

1. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

"Applicant" means the Downtown Courtenay Business Improvement Association.

"Business Improvement Area" means the area of the City designated in Schedule "A" of this Bylaw.

"Business Promotion Scheme" means:

- (a) carrying out studies and making reports respecting the Downtown Courtenay Business Improvement Area;
- (b) the improvement, beautification or maintenance of streets and sidewalks in the Downtown Courtenay Business Improvement Areas; and
- (c) the encouragement and promotion of commercial business development within the Downtown Courtenay Business Improvement Area both directly, and indirectly through the encouragement of entertainment, sports and cultural activities.

"Taxable Property" means land and improvements that fall within Class 5 and 6 under the Assessment Act – Prescribed Class of Property Regulation, B.C. Reg. 438/81.

2. DESIGNATION OF AREA

2.1 Council designates the Downtown Courtenay Business Improvement Area boundary to include the lands within the outlined area as identified in Schedule "A".

3. GRANT

3.1 The Council may, in the calendar years 2024 through 2033, grant to the Applicant, in the aggregate, funds not to exceed \$1,755,000 over the ten-year term and not to exceed in any calendar year the amount collected by property value tax imposed under this Bylaw for that year. These monies shall be paid to the Applicant on or before the 1st day of September in each year. Funds will be broken down into annual amounts as follows:

- 2024 - \$120,000
- 2025 - \$130,000
- 2026 - \$145,000
- 2027 - \$160,000
- 2028 - \$175,000
- 2029 - \$185,000
- 2030 - \$195,000
- 2031 - \$205,000
- 2032 - \$215,000
- 2033 - \$225,000

3.2 The Applicant shall submit, annually on or before March 1st, a budget for the purpose of the Business Promotion Scheme as in section 1.

(a) The budget for the Business Promotion Scheme which is based on a fiscal year commencing January 1st, must contain sufficient information to describe all anticipated expenses and revenues, and has been approved by a majority of the members present at the Annual General Meeting of the Downtown Courtenay Business Improvement Area.

3.3 Monies granted to the Applicant under this Bylaw must be expended only by the Applicant and in accordance with the conditions and limitations set out in this Bylaw.

3.4 Monies granted pursuant to Section 4.1 of this Bylaw shall be expended only for projects provided for in the annual budget submitted and approved by the Financial Officer pursuant to Section 4.2.

4. RECOVERY OF FUNDS

4.1 All of the money granted to the Applicant pursuant to this Bylaw shall be recovered within the Downtown Courtenay Business Improvement Area from the owners of Taxable Property.

- 4.2 For the purpose of recovering the monies granted to the Applicant, an annual property value tax shall be imposed on Taxable Property within the Downtown Courtenay Business Improvement Area, and such tax shall be based on the assessed value of the land and improvements.

5. CONDITIONS AND LIMITATIONS

- 5.1 The Applicant shall not carry out any borrowing, which results in an indebtedness or other obligation as to money granted to it by the Council pursuant to this Bylaw, which extends beyond the fiscal year in which that money was granted.
- 5.2 Any money granted to the Applicant by the Council pursuant to this Bylaw shall, if not required for immediate use, be invested only in securities in which trustees are authorized by law to invest.
- 5.3 The Applicant shall not alter or approve amendments to its Constitution or Bylaws without providing the Corporate Officer of the City with two months' notice of its intention to make such alteration or amendment, and if any alteration or amendment is made without such notice the City may withhold any payments under this Bylaw.
- 5.4 The Applicant shall account for the money granted by the Council for the previous year by submitting to the City on or before March 1 in each year a compiled financial statement for the previous calendar year which shall be prepared in accordance with generally accepted accounting principles and shall include a balance sheet and an income statement.

6. INSURANCE

- 6.1 The Applicant shall at all times carry a policy of comprehensive general liability insurance in the amount of \$2,000,000.00 with the City as an additional named insured.

7. EXPIRATION DATE

- 7.1 This bylaw shall be in effect until December 31, 2033 but the lapsing of the term over which money may be granted under this Bylaw shall not affect the obligations of the Applicant as to the expenditure of and accounting for monies granted under the Bylaw.

8. REPEAL

- 8.1 "Downtown Courtenay Business Improvement Area Bylaw No. 2264, 2002" is hereby repealed.

Read a first time this ___ day of _____, 2023.

Read a second time this ___ day of _____, 2023.

Read a third time this ___ day of _____, 2023.



Finally passed and adopted this ___ day of _____, 2023.

Mayor Bob Wells

Adriana Proton, Corporate Officer

Schedule A – Downtown Courtenay Business Improvement Area Boundary



-  EXTENT OF BUSINESS IMPROVEMENT AREA
-  PUNTLIDGE RIVER

THE CITY OF COURTENAY

Schedule A

Bylaw No. 3105



Date: 18th of August, 2023

Downtown Courtenay Improvement Area Bylaw Review



July 2023

Prepared by Urban Systems

Table of Contents

1.0	Introduction.....	1
2.0	Downtown Courtenay Business Improvement Area.....	2
2.1	Current Conditions.....	3
3.0	Enabling Provincial Legislation and City Bylaw	4
4.0	How does the DCBIA Compare?.....	6
4.1	National Scan of BIA Best Practices.....	6
4.2	Comparative Communities.....	7
4.3	Comparative Service Offerings	8
4.4	Finances.....	13
5.0	Community Feedback.....	15
5.1	Outreach Efforts	15
5.2	Board of Directors Workshop	17
5.3	Information Session	20
5.4	Online Survey.....	21
5.5	Key Findings	31
6.0	Recommendations.....	32
6.1	Service Delivery.....	32
6.2	Finances.....	33
6.3	Boundary Expansion	33
7.0	Recommended Next Steps.....	35

Appendices

Appendix A – Communication and Engagement Report

Appendix B – Verbatim Engagement Results

Appendix C – DCBIA AGM Meeting Minutes

1.0 Introduction

In 2022, the Downtown Courtenay Business Improvement Area (DCBIA) with support from the City of Courtenay, began the process of reviewing service levels, fees and operating budget. The goal of this project is ultimately to update the Downtown Courtenay Business Improvement Area Bylaw No. 2264, 2002 to better serve the Downtown Courtenay business community.

The DCBIA contracted Urban Systems to support with outreach efforts, best practice review and to conduct a strategic analysis to provide recommendations for improvement. This report is a result of this work and details the project background, methodology, best practice research, and the results of outreach efforts. Section 6.0 provides specific recommendations based on this information to build on the success of the DCBIA to continue to serve the Courtenay community in the years to come.



2.0 Downtown Courtenay Business Improvement Area

The Downtown Courtenay Business Improvement Area (DCBIA) is one of 70 Business Improvement Areas in BC. It has been in existence since 1995 and aims to provide support for downtown Courtenay businesses and enhance a vibrant business community through leadership and advocacy. The DCBIA currently has a membership of approximately 200 businesses. This number fluctuates from year to year as businesses come and go. It has operated with annual budget of \$60,000 since 1995, which is collected from the member businesses as part of their property taxes. The rate per \$1000 of assessed value changes based on the total assessed value for that year. Table 1 below lays out the DCBIA tax rate over the last 5 years.

Table 1: DCBIA tax rate over the last 5 years

Year	Tax Rate	Total Assessed Value	Total Levy
2018	1.1201	\$53,566,646	\$60,000
2019	1.0140	\$59,171,598	\$60,000
2020	0.9257	\$64,815,815	\$60,000
2021	0.9608	\$62,447,960	\$60,000
2022	0.8371	\$71,676,024	\$60,000

The DCBIA service levels are dependent on staff capacity and annual operating budget. The DCBIA is currently run by a part-time Executive Director and supported by a working Board of Directors. Board members volunteer their time to contribute to various DCBIA committees. Currently, the primary services that are offered are as follows:



Marketing and promotion which includes social media, signage and targeted marketing campaigns.



Beautification and revitalization which includes wayfinding signs, banners, lights, and working with the City to provide amenities such as parklets and garbage cans.



Safety and security which includes lighting dark areas, resources, surveillance and working with the RCMP to identify areas of concern.

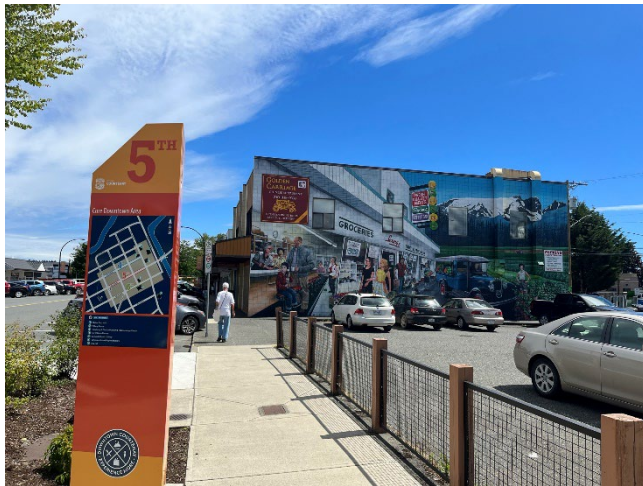


Advocacy for downtown businesses to external organizations which includes external funders, City of Courtenay, the Comox Valley Regional District, provincial and federal governments, Chamber of Commerce, and other Business Improvement Areas throughout BC.

2.1 Current Conditions

As it stands, the current bylaw does not contain a sunset or renewal clause. As well, it does not include an annual levy increase to ensure the annual operating budget keeps up with inflation. Therefore, the DCBIA has had the same operating budget for the last 20 years.

As such, the DCBIA's financial capacity to serve the community is increasingly limited. One example of this is the ability to retain staff. With operating costs increasing every year, the DCBIA is limited in what they are able to pay an Executive Director. The DCBIA has had four Executive Directors within the last 5 years, with staff leaving for higher paid roles with more support.



3.0 Enabling Provincial Legislation and City Bylaw

All municipalities in British Columbia¹ are legislated under the *Community Charter*. The *Community Charter* provides municipalities with broad powers and a legal framework to address existing and future community needs. Part 7, Division 5 of the *Community Charter* provides municipalities the authority to establish a “local service areas”, which include BIAs.

Business Improvement Areas are considered local service areas that carry out “business promotion schemes,” which include:

- Carrying out studies or making reports respecting one or more areas in the municipality where business or commerce is carried on.
- Improving, beautifying or maintaining streets, sidewalks or municipally owned land, buildings or other structures in one or more business improvement areas.
- The removal of graffiti from buildings and other structures in one or more business improvement areas.
- Conserving heritage property in one or more business improvement areas.
- Encouraging business in one or more business improvement areas.

It has been noted that the language around the nature of business promotion schemes is deliberately vague, allowing for a broad range of interpretations.

The *Community Charter* indicates that, to establish a local service area (including a BIA), a municipality must adopt a bylaw that outlines the proposed service and cost recovery methods. The local service area bylaw must describe the service, define the boundaries, identify the cost of service and recovery methods, including form and portion of the service to be covered by the local service tax. Establishing bylaws for BIAs are required to identify the business promotion scheme and the organization that will receive and expend the funds, the term of the grant and the maximum amount of money to be granted, and any conditions and limitations on receipt and expenditure of the funds.

In the case of the DCBIA, Courtenay City Council would need to amend or replace the current Bylaw which establishes the DCBIA local area service in order to set new funding and taxation arrangements, as well as confirm the boundaries of the local service area. Section 137 (1)(b) of the *Community Charter* states that... “*the included power to amend or repeal must be exercised by bylaw and is subject to the same approval and other requirements, if any, as the power to adopt a new bylaw under that authority...*”.

Note: According to staff from the Ministry of Municipal Affairs, this means amending the bylaw requires the same process and same approval requirements as establishing a new BIA.

¹ With the exception of the City of Vancouver which is governed by the *Vancouver Charter*

The establishment Bylaw must be preceded by a process in which property owners within the proposed local service area have the opportunity to indicate whether they favour or oppose its establishment. This process can occur in one of two ways:

- Petition for Service – this is generally initiated by business owners within the proposed local service area. The petition document must indicate the boundaries and estimated costs, and be signed by the owners of at least 50% of the parcels subject to the proposed tax, with those parcels representing at least 50% of the assessed value of land and improvements within the proposed area.
- Council Initiative: Subject to Petition Against – this process would be initiated by City Council who could give notice of a petition against in accordance with Section 94 of the *Community Charter*. This notice, which must indicate the proposed boundaries and estimated costs, would be mailed to the owners of parcels that would be subject to the DCBIA local area service tax. Unless City Council receives a sufficient petition against this initiative within 30 days, the Bylaw establishment process can proceed. Similar to the 'Petition for Service' noted above, a sufficient petition against would have to be signed by the owners of at least 50% of the parcels subject to the proposed tax representing at least 50% of the assessed value of land and improvements within the proposed area.

Once established, it is also possible to enlarge or reduce the size of a local service area through a simplified process, with an amending Bylaw, in accordance with Section 218 of the *Community Charter*. The ability to use this simplified process is limited to changing the size of an existing local service area.

4.0 How does the DCBIA Compare?

4.1 National Scan of BIA Best Practices

A high-level review of best practices was conducted, looking at BIAs in municipalities across Canada. Several themes emerged from the research and are detailed below.

Capacity and Resources

It was found that the BIAs that have higher assessment rates and associated levies, tend to have higher annual operating budget. This leads to increased capacity to tackle large scale issues and hire additional staff members as needed. BIAs with higher operating budgets often have the ability to hire full time staff to focus on BIA operations and initiatives. This allows the Board of Directors to focus on high-level strategy, oversight, and accountability versus the day-to-day operations.

Municipal Support

Successful BIAs have both financial and political support from the municipality. This can be accomplished by having a City staff member dedicated to BIA relations, and/or having regular meetings between the municipality and the BIA. Maintaining open communication channels between the BIA and the municipality can lead to additional resources and collaboration on important projects.

Size

Many municipalities noted that the most successful BIAs tend to be larger in size with a greater number of commercial properties that are contributing to the levy.



4.2 Comparative Communities

To dig deeper into best practices, several community's BIAs were selected to be examined more closely. These communities were chosen for their proximity to Courtenay, similar population and demographics, and the BIA's perceived success (i.e. BIA BC award winning). The communities chosen and their populations in 2021 are listed in Table 2 below.

Table 2: Comparable Communities

Community	Population²
Chilliwack	100,580
Kamloops ³	97,902
Prince George	76,708
Vernon	44,519
Campbell River	35,519
Squamish	23,819
Comox	14,828
Parksville	13,642
Duncan	5,047

² Statistics Canada 2021 Canadian Census

³ Both the Downtown Kamloops Business Improvement Association and the North Shore Business Improvement Area Association were reviewed

4.3 Comparative Service Offerings

A BIA provides an area in the community with the means to improve local economic development and also achieve positive social outcomes, such as a revitalized downtown core.⁴ BIAs are able to serve their community in a variety of different ways. As such, a review of the comparable community’s BIA’s service offerings was conducted to understand how the DCBIA equates. The review was also used to research unique and creative ideas for services that could be employed by the DCBIA with an increased annual operating budget. The “core services” offered by the BIAs from comparative communities are demonstrated in Table 3 below.

Table 3: Comparable Communities – Core Service Offerings

Communities	Number of Members (approx.)	Services Offered ⁵
Chilliwack	350	Marketing and promotion activities Special event hosting/ planning Support & advocacy Business resources Investments in safety & cleanliness initiatives Members Health Benefits program
Prince George ⁶	500	Marketing and promotion activities Micro-grants & business resources Undertaking a beautification project Community safety, health & well-being
Vernon	400	Marketing and promotion activities Special event hosting/ planning Regularly updated news page Business resources through a member’s portal Downtown dollars initiative

⁴ Province of British Columbia (n.d.)

⁵ All information regarding services offered was determined from information available on each BIA’s website and may not be an exhaustive list.

⁶ Won the BC BIA Excellence Award in 2022 for Marketing for Local Businesses & Safety and Security

Communities	Number of Members (approx.)	Services Offered ⁵
Campbell River	80	Marketing and promotion activities Special event hosting/ planning News portal Business resources & links to community resources
Squamish	200	Marketing and promotion activities Special event hosting/ planning Resources for economic development Community maintenance & beautification projects
Duncan	250	Marketing and promotion activities Special event hosting/ planning Video marketing Conduct façade improvement projects Downtown Dollars program
Kamloops (Downtown)	850	Marketing and promotion activities Special event hosting/ planning Preparation of studies, surveys & reports Improvement, maintenance & beautification of streets Substantial community resources
Kamloops (North Shore)	460	Marketing and promotion activities Special event hosting/ planning Improvement, maintenance & beautification of the areas, particularly through their arts and community mural initiative Provide community resources for businesses Conduct advocacy work on behalf of members
Parksville	230	Marketing and promotion activities Special event hosting/ planning Develop wayfinding information Youth ambassador program Area beautification projects

Communities	Number of Members (approx.)	Services Offered ⁵
		Business resources & links to community resources
Comox	200	Marketing and promotion activities Special event hosting/ planning Conduct advocacy work on behalf of members Marine advocacy Member Business Resources page

4.3.1 Unique Service Offerings

Across BC, there are several BIAs that are piloting innovative projects that expand the role and impact of the organization. A summary of some unique initiatives are outlined below. Note that the DCBIA may already employ some of these initiatives, however, it is still valuable to see how other jurisdictions employ similar techniques.

Downtown Prince George BIA - Multi-Media Marketing Campaign

Over eight months, the project created consistent messaging, images and graphics across the BIAs social media, and digital platforms. The BIAs website was also updated.

Tasks involved:

- *Photo Library*
 - Developing stock photos depicting downtown business components for all seasons
 - Business Components: SHOP-EAT-EXPLORE-THRIVE
- *Design Library*
 - Developing design/graphic library to use for social, digital & print
- *Social Media Management*
 - Building tool kit for creating, scheduling, and implementing social media campaign
 - Providing social media implementation for Downtown Prince George
- *Print Promotions & Advertising*
 - Increasing consistent image in all print & electronic materials

Project Cost: The project’s final cost was \$18,505.94. The project was partially funded by Northern Development Initiative Trust.

Downtown Prince George BIA - Clean and Safe Program

Downtown Prince George partnered with several social enterprises to address the increase in litter, needles, drug paraphernalia, biohazards, and graffiti in the downtown area. It also created meaningful and stable employment opportunities for those who might be underemployed or unemployed.

Current programs include a five-day (morning and afternoon) litter cleanup, a daily biohazard clean-up, and a daily alley needle clean up. Community members can also report issues for cleanup through the City's 311 number.

Project Cost: \$175,000 in 2022. Funded in partnership with the City of Prince George and Canada's Reaching Home Program.

Downtown Vernon Association - Downtown Dollars

The Downtown Dollars project allows people to load up to \$500 for gifts that can only be used at participating downtown stores. They can be used both online and in person.

Under their current system, merchants don't have to wait for the BIA to come and exchange the voucher for cash. Each month the BIA is sent a report on what store the money was spent in, how much was spent, the balance of the remaining cards, total value of all cards in the marketplace, and other data.

Project Cost: The BIA signed a 3-year contract for \$3000 with a gift card company and spent an additional \$1000 on the physical cards.

Downtown Squamish BIA - Squamish Mural Walk and Festival

The Squamish Mural Walk is a free, year-round self-guided tour of the murals in Downtown Squamish. A map of the murals with information about the piece and the artist is available year-round.

During the Mural Festival, which runs for a week in June, new murals are added. The festival runs the same weekend as the Beer Festival and includes live music, art, and family entertainment. Murals are selected via a Request for Proposal (RFP) system.

Project Cost: For 2022, they spent \$25,000 across 11 murals (eight permanent and three temporary). This did not include travel costs and accommodation.

Downtown Kamloops BIA - Sustainability & Coffee Initiative

The project involved research on the importance of using non-disposable cups, offering free or discounted coffee to people who brought in a reusable mug, developing a communication strategy that encourages individuals to sign a pledge, and social media ads to raise awareness about the project.

Project Cost: One of the team members applied for a community grant and received funding to purchase reusable to-go cups. The City of Kamloops offered knowledge on the subject, an iPad to get pledges, and some display items.

Parksville Downtown Business Association - Downtown Youth Ambassadors

The Parksville BIA hires two students for the summer months to help tourist and residents explore what the city has to offer and act as outreach for the BIA members. The team of two are equipped with uniforms and an iPad to track where visitors were from. They submit a weekly report to their supervisor about their finding from the week and if there were any concerns to flag for the BIA or the City.

At the end of the summer, the team puts together an end-of-season report that monitors pedestrian traffic patterns, noting any problem areas that either the City or BIA needs to address, and any gaps in services and retail opportunities provided downtown.

Project Cost: The wages were funded in part by the Canada Summer Jobs program.

4.4 Finances

Under the *Community Charter*, municipal Councils are permitted to grant money for the planning and implementation of a BIA, all or part of which must be recovered through a local service tax. Most municipalities use a fixed annual operating budget and collected taxes based on assessed property value. This provides more certainty in their annual operating budget, allowing BIA's to plan for the long-term. For the DCBIA, their entire operating budget from taxes applied to the members which is based on property assessed value. Table 4 below outlines each BIA's annual operating budget for 2022, the dollar amount allocated per member, annual levy increase per community.⁷

In addition to the funds collected the local service tax, some municipalities listed below have additional funding sources including grants, municipal funding, or joint partnerships with private organizations. While it is allowed through the *Community Charter*, it is not common for BIA's to include a specific amount of funding from the municipality in the bylaw.

Table 4: Comparable Communities - Annual Operating Budget

Comparable Communities (2021 Pop)	Members ⁸	Annual Operating Budget (2022)	\$ Amount Allocated Per Member	Levy Increase Per Year
Courtenay (28,420)	200	\$60,000	\$300.00	0%
Chilliwack (100,580)	350	\$349,349	\$998.14	2.8%
Prince George (76,708)	500	\$337,653	\$675.31	3%
Vernon (44,519)	400	\$297,457	\$743.64	3.6%
Campbell River (35,519)	80	\$53,870	\$673.38	2.9%
Squamish (23,819)	200	\$93,824	\$494.12	0% but will increase after 2025
Duncan (5,047)	250	\$112,500	\$450	2.5%

⁷ This is calculated as if the annual operating budget were allocated evenly among all BIA members. This is used only as a comparison among BIA's, this is not realistic to how BIA's allocate their funding.

⁸ This number is approximate.

Comparable Communities (2021 Pop)	Members ⁸	Annual Operating Budget (2022)	\$ Amount Allocated Per Member	Levy Increase Per Year
Downtown Kamloops (97,902)	850	\$296,096	\$348.35	5-6.5%
Northshore Kamloops (97,902)	460	\$222,870	\$484.50	4%
Parksville (13,642)	230	\$190,000	\$826.10	2.7%
Comox (14,806)	130	\$72,900	\$560.77	0%

Using the information provided in the table above, the average annual levy increase among comparative communities is 3%. The following table shows the potential DCBIA annual operating budget if they had observed a 3% levy increase per year since creation in 1995.

Table 5: DCBIA annual operating budget when observing a 3% annual increase

Year	DCBIA Unrealized Annual Operating Budget
1995	\$60,000
2000	\$69,556
2005	\$80,635
2010	\$93,478
2015	\$108,367
2020	\$125,627
2025	\$145,636

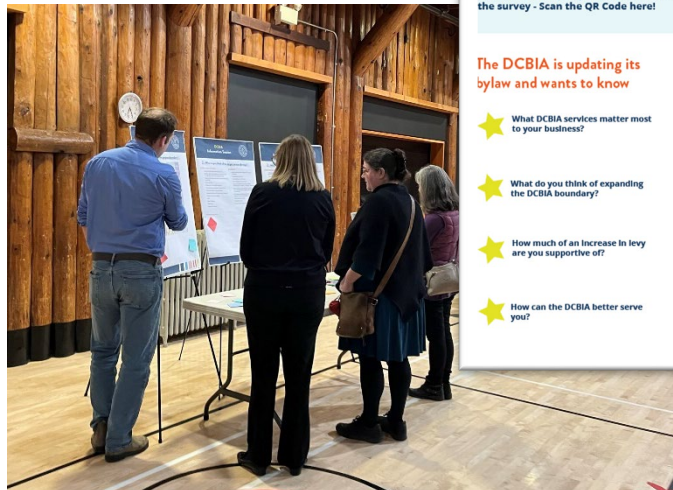
5.0 Community Feedback

5.1 Outreach Efforts

As it has been 20 years since the DCBIA bylaw was last renewed, it was important to facilitate an extensive outreach and engagement process that aimed to reach as many members and prospective members as possible. The goals for this process are outlined in the Communication and Engagement Strategy which can be found in Appendix A.

BIAs are permitted to determine how they fulfill their requirement to conduct member outreach based on their understanding of how their membership operates. This project employed the following methods to engage with current and prospective members:

- Booth at Market Days
- Email Newsletters
- Mailouts to Property Owners
- Informational Handouts
- Public Information Session
- Newspaper Promotion
- Hot Chocolate’s Window Display
- Digital Survey
- Door to Door Canvassing
- Social Media Campaign
- Board of Directors Workshop



5.1.1 Outreach by the Numbers

Through the methods listed above, we were able to reach a significant amount of current and prospective members about the process, the importance of the DCBIA, and better understand what they would like to see moving forward. The graphic below outlines the extent of the outreach undertaken through this project.⁹



⁹ Note that there were several rounds of mailouts and handouts completed, so some recipients may have been contacted multiple times.

5.2 Board of Directors Workshop

A workshop with DCBIA's board was held on September 28, 2022 in the Comox Valley Art Gallery Board Room. The workshop included three main activities: discussing potential new services with an increased budget, reviewing reasonable annual operating budgets and rate increases, and outlining the an expanded DCBIA boundary.

The feedback from those discussions is summarised below and organized by those three main workshop activities.

What existing services/initiatives are working well and could be expanded upon? And what new services/initiatives could be included with an increased operating budget?

Administration

Discussion surrounded the need to increase staffing at the DCBIA including paid roles for social media, events management, and bookkeeping. There was a significant amount of support for the current Executive Director and a desire to provide additional support for the role wherever possible.

Marketing and Promotion

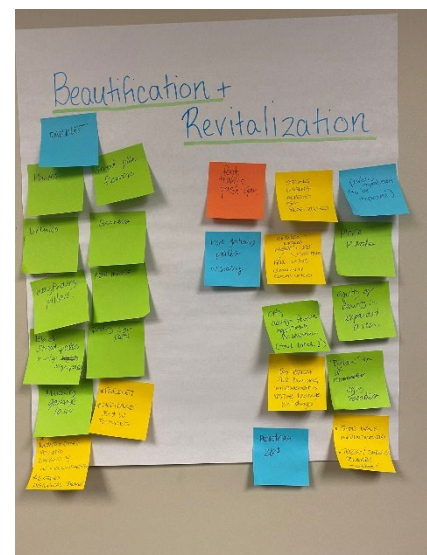
Discussion focused on small business owners. Ideas for new events included a mural festival, free music downtown, winter night light-ups, and late-night activities downtown. There were also several ideas to run co-promotion with hotels and the local airport, increase staffing for marketing, and focus on elevating the arts.

Beautification and Revitalization

Discussion surrounded overarching goals of revitalization and the need for more public gathering spaces and programming. A key theme emerged surrounding night life including ways to increase foot traffic past 5pm, more nighttime events.

There was also discussion of collaborating with the City of Courtenay to include design feature requirements for downtown that is incentivized by tax breaks, a tax break for building improvements to restore heritage buildings, sidewalk improvements, and a bylaw on the look of facades.

There was also discussion on the level of service provided by area of the DCBIA. This involved discussion surrounding a boundary expansion, and what level of beautification and



revitalization these areas would be able to expect. The Board recognized the need for equal services across the entire DCBIA.

Safety and Security

The Board’s feedback regarding safety and security generally focused on improvements to existing initiatives. Feedback included the need for consistent communication with the City of Courtenay and the RCMP, increased morning cleanup services, and initiating reporting from the Footprints security guard.

Advocacy

The Board’s feedback included a need to improve existing advocacy channels and finding new opportunities. Feedback included working with local politicians and the Provincial government for communications, partnering with non-profits, and deepening existing relating with RCMP, Homelessness Coalition, Chamber of Commerce, and other BIAs. The Board also noted a need to advocate for different types of member businesses needs (i.e. merchants vs professionals) and pursuing sponsorships and grants.

What is a reasonable annual operating budget and annual rate increase?

As an icebreaker to this topic, the Board was asked to submit what they thought would be a reasonable operating budget for the DCBIA. Answers ranged from \$320,000 on the high end, to \$80,000 on the low end.

Then using these numbers as examples, board members worked through several scenarios of potential operating budgets and annual rate increases. Through this budgeting exercise, participants were able to discuss what the priorities would be while keeping in mind services and initiatives discussed in the first activity. The table below is an example of the budgeting exercise employed during the workshop.

What is a realistic budget operating budget?			
Indicate on this scale a realistic budget range			
BUDGET	\$	130,000.00	\$ 60,000.00
			Current
Based off the prioritizing exercise; assign a percent of the budget to each service area.			
The below is based on the budget HIGH END number above			
	% of the Budget	Service Area Budget	
Safety and Security (i.e. lighting, resources, evening patrol)	13%	\$ 16,900.00	
Marketing and Promotion (i.e. Events, signage and marketing campaigns)	23%	\$ 29,900.00	
Beautification and Revitalization (i.e. parklets, wayfinding, amenities, banners)	9%	\$ 11,700.00	
Advocacy (i.e. external funders, City of Courtenay, CVRD, provincial and federal governments, Chamber of Commerce etc.)	8%	\$ 10,400.00	
Administration (i.e. ED set contract, ED increase hours, staffing support)	47%	\$ 61,100.00	Fixed costs
TOTAL	100%	\$ 130,000.00	

Figure 1 - Board of Directors Workshop Budgeting Exercise

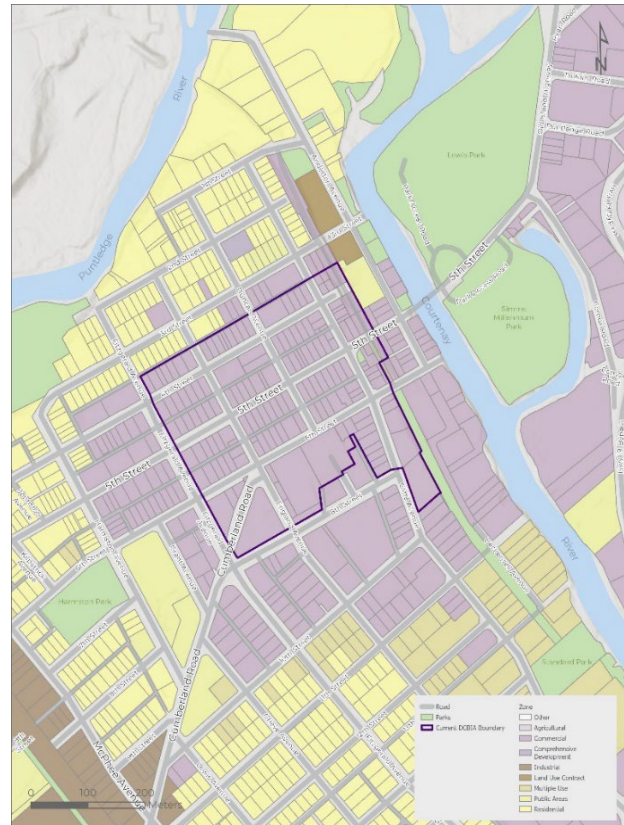
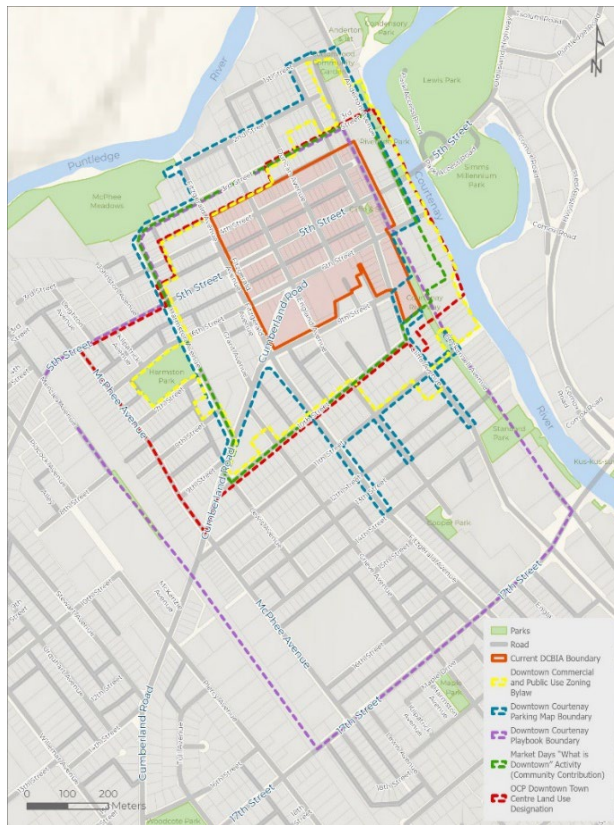
However, board members noted that the size of the increase should be determined after feedback from the member survey was released that better showed what members would be most comfortable with. The photo of the spreadsheet on the previous page shows the budgeting activity and how board members allocated available funds.

What are the boundaries of the future DCBIA?

Board members were shown the maps below to centre discussion around current boundaries, commercial properties and what the City of Courtenay considers to be “downtown.” Board members noted a clear boundary expansion area when looking at these maps.

Map 1: Various boundaries outlined in City of Courtenay planning documents

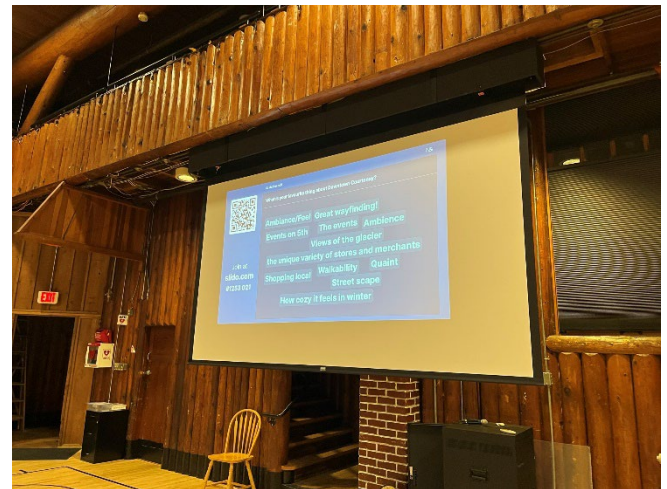
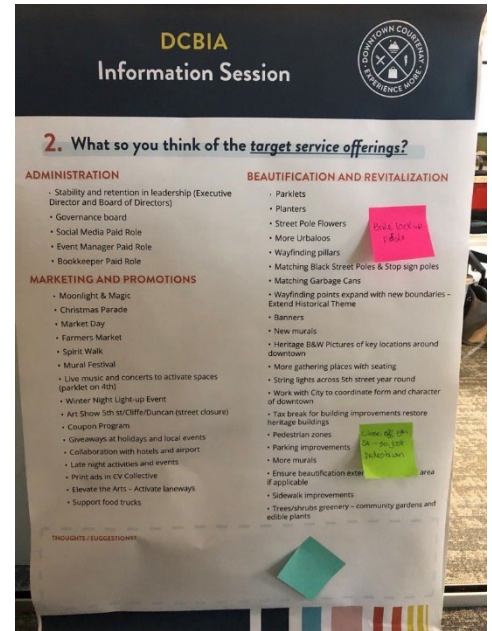
Map 2: City of Courtenay commercial zoning map



5.3 Information Session

The information session was held on November 15, 2022 at the Native Sons Hall in Downtown Courtenay. The event was promoted using the Hot Chocolate's window display, email newsletter, door-to-door handouts and social media. Attendees represented a variety of groups including long-time members, the general public and current DCBIA board members. The format of the event included a presentation, discussion, and posters board throughout the room for people to engage with the subject matter anonymously.

Attendees were in agreement that the current operating budget was not adequate to continue to serve the downtown business community. Attendees identified some concerns with a potential boundary expansion, noting that it can be difficult to garner support when proposing big changes.



5.4 Online Survey

The DCBIA launched a virtual survey in August 2022. The survey was available for both property owners and business owners that are located in the Downtown Courtenay area. This included both current members and businesses outside the current boundary. The survey closed on February 6th, 2023, and received 95 number of responses which is approximately a 24% response rate. The feedback from this survey is summarized in the section below.

Breakdown of Survey Respondents

A majority of the survey respondents (61%) were existing BIA members. About half of the respondents were from Area A (18%) and Area B (31%).

Figure 2. Are you a Downtown Courtenay Business Improvement Area Member?

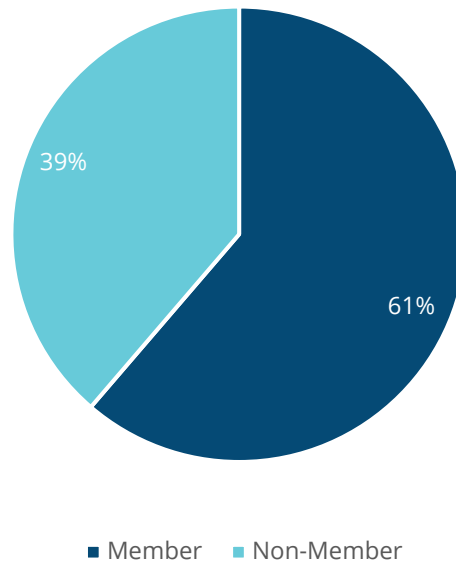
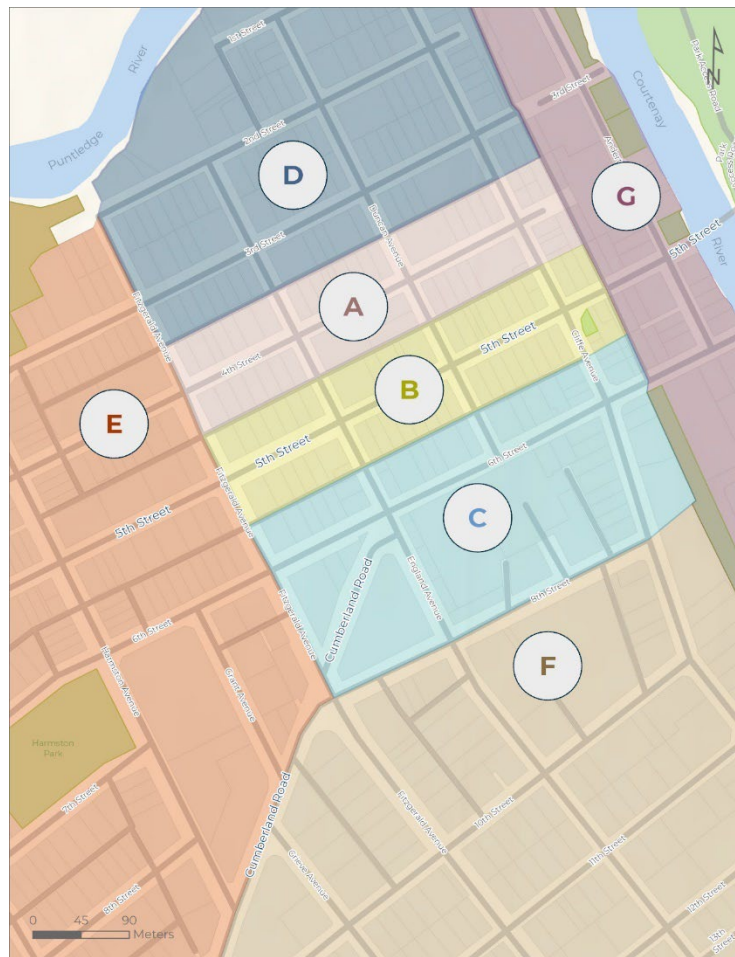
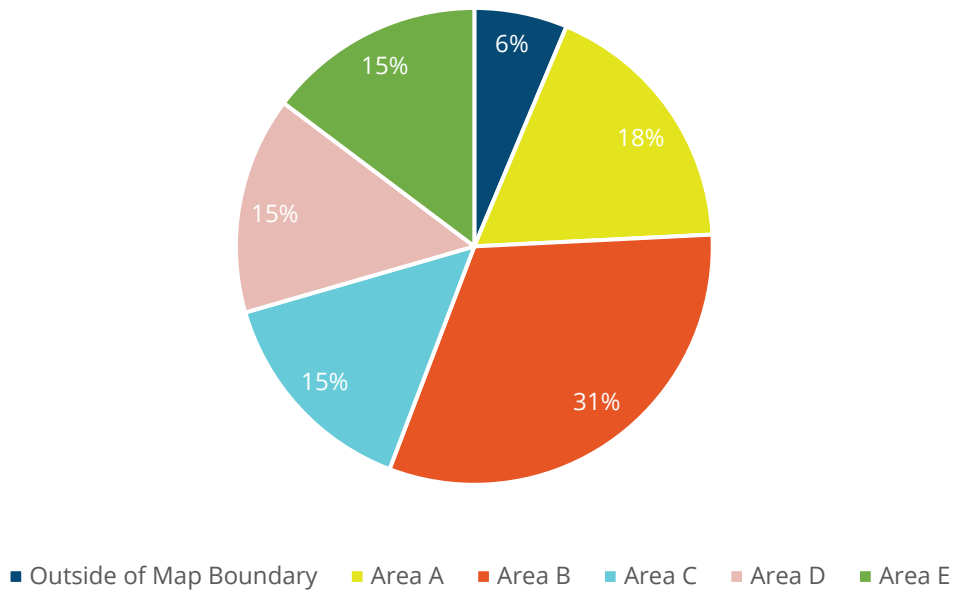


Figure 3. Location of Respondents



Many of the respondent members (71%) had been members for 10+ years. Most of the survey respondents (45%) represented businesses that offer some type of service (i.e. engineering, medical, lawyer etc.).

Figure 4. How long have you been a member?
(Member Respondents Only)

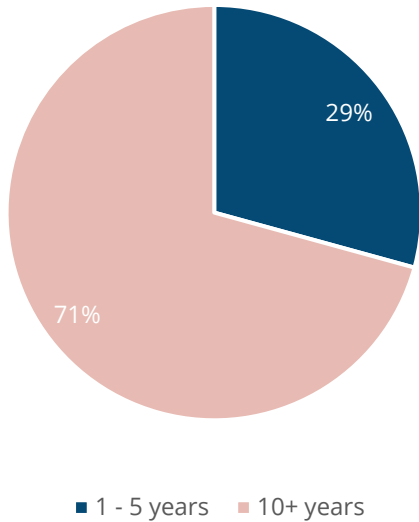
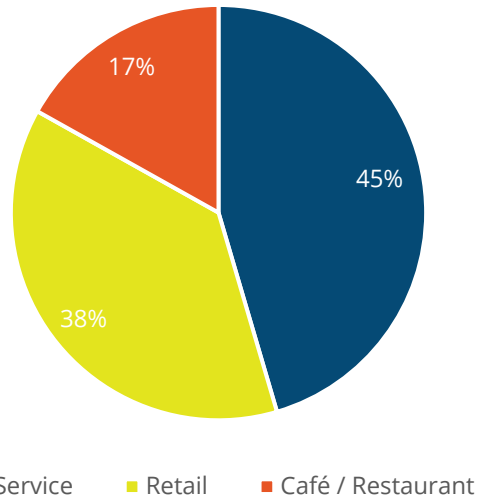


Figure 5. Business Type

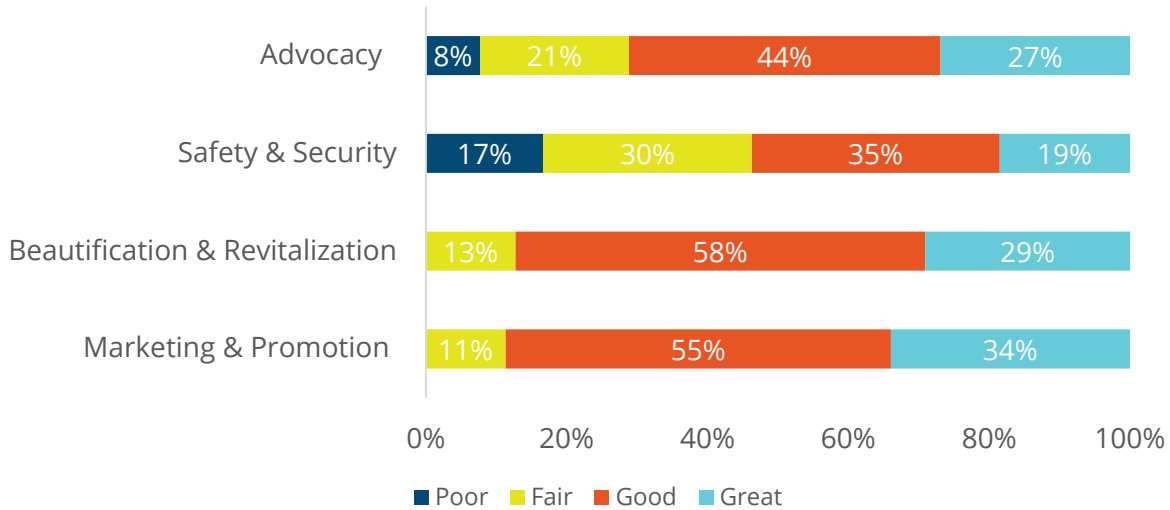


Member Opinions

Members responded most favourably to the effectiveness of the DCBIA in providing beautification, revitalization, marketing, and promotional services. Approximately (87%) had a good or great rating for DCBIA’s beautification and revitalization services and approximately (89%) had a good or great rating for DCBIA’s marketing and promotion services.

Member respondents had a lower perception of DCBIA’s advocacy, safety, and security services. Approximately (29%) had a poor or fair rating of the DCBIA’s advocacy services and approximately (47%) had a poor rating of DCBIA’s safety and security services.

Figure 6. Rating the Effectiveness of the DCBIA in Providing Services (Members Only)



Most member respondents (63%) were in support of an annual levy increase. Most member respondents were supportive of a 2-4% increase (55%).

Figure 7. With the understanding that the operating budget needs to be increased, which of the following best describes your opinion regarding an annual levy increase? (Members Only)

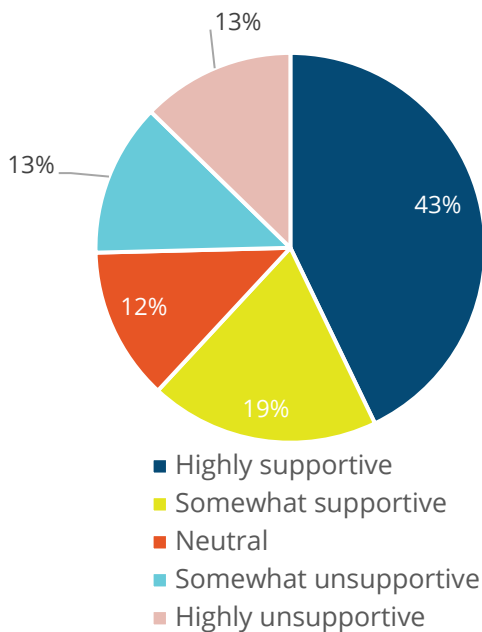
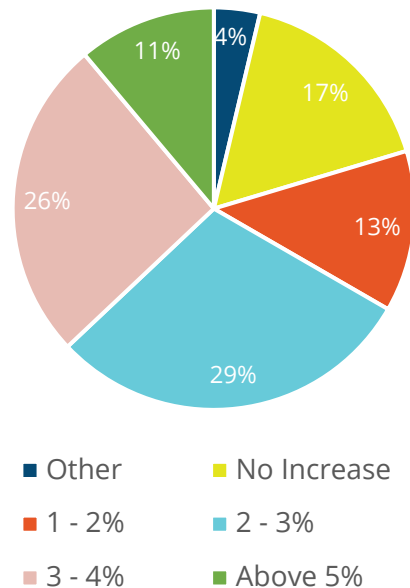


Figure 8. With the understanding that a 3% annual levy increase is the average for similar sized communities, what percentage increase would you be supportive of? (Members Only)



A majority of member respondents (72%) believed that a levy increase would not impact their decision to remain within the DCBIA. Most member respondents (78%) were also supportive of a boundary expansion to include more businesses.

Figure 9. Would a levy increase impact your decision to remain within the DCBIA boundaries? (Members Only)

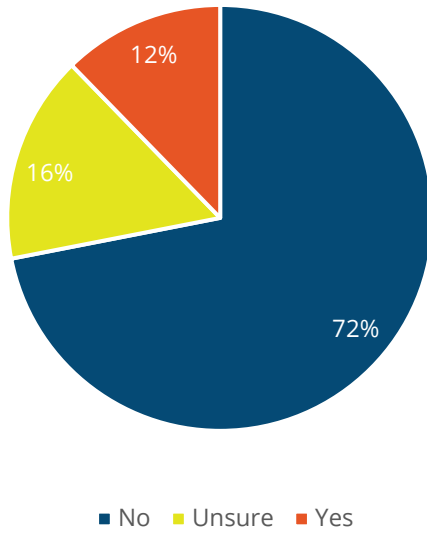
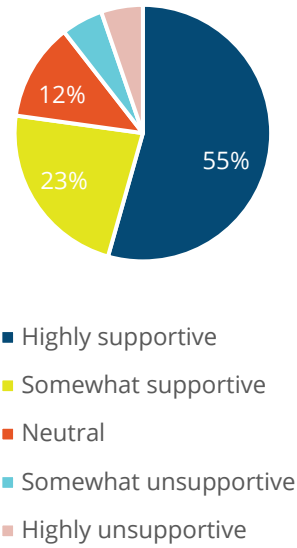
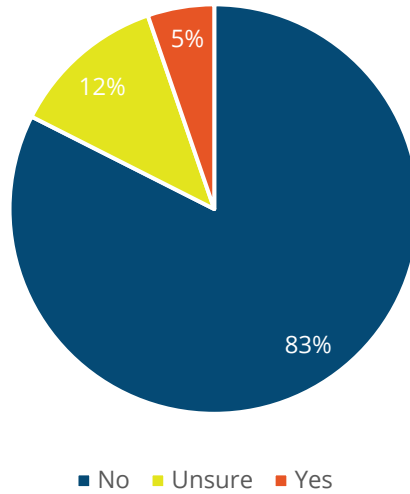


Figure 10. Would you be supportive of a DCBIA boundary expansion to include more businesses (Members Only)



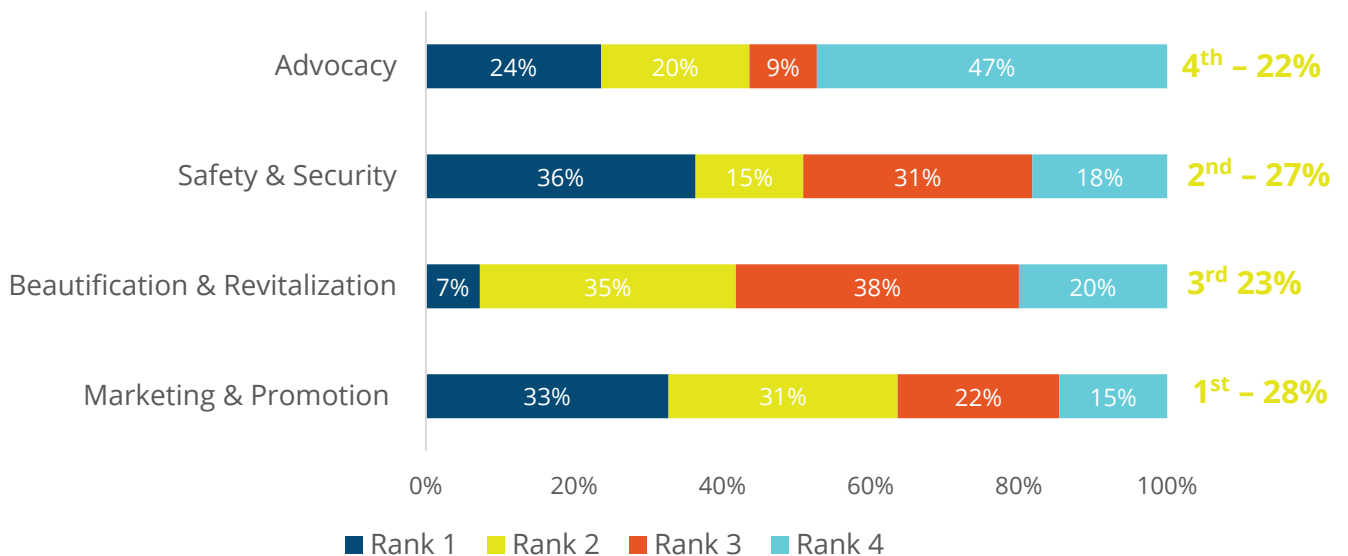
Most of the member respondents (83%) believed that a DCBIA expansion would not impact their decision to remain with in the DCBIA.

Figure 11. Would a boundary expansion impact your decision to remain within the DCBIA boundaries? (Members Only)



The priority service for member respondents was marketing and promotion, with over (64%) ranking it as their first or second priority. The lowest priority for member respondents was advocacy services, with (47%) of members ranking it as their last priority.

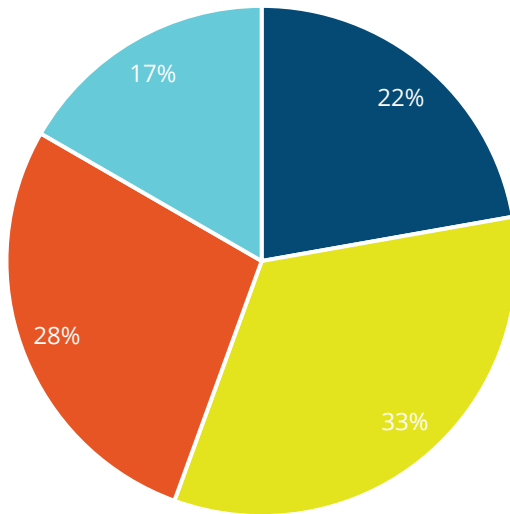
Figure 12. Please prioritize the services offered by the DCBIA from 1-4 in order of importance to you and your business (1 being the highest priority, 4 being the lowest) [Members Only]



Non-Member Opinions

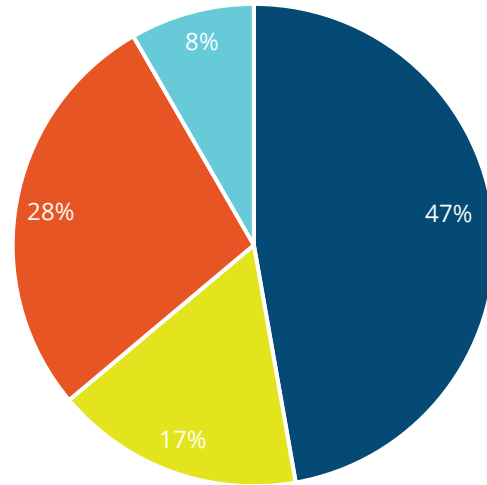
There were very few non-member respondents that understands well what the DCBIA does (17%). Only 28% of non-member respondents were associate members or had an interest in becoming one. The majority (47%) of non-member respondents did not understand what an associate member was.

Figure 13. How well do you understand what the DCBIA does? (Non-members)



- Not at all
- Not very well
- Somewhat well
- Very well

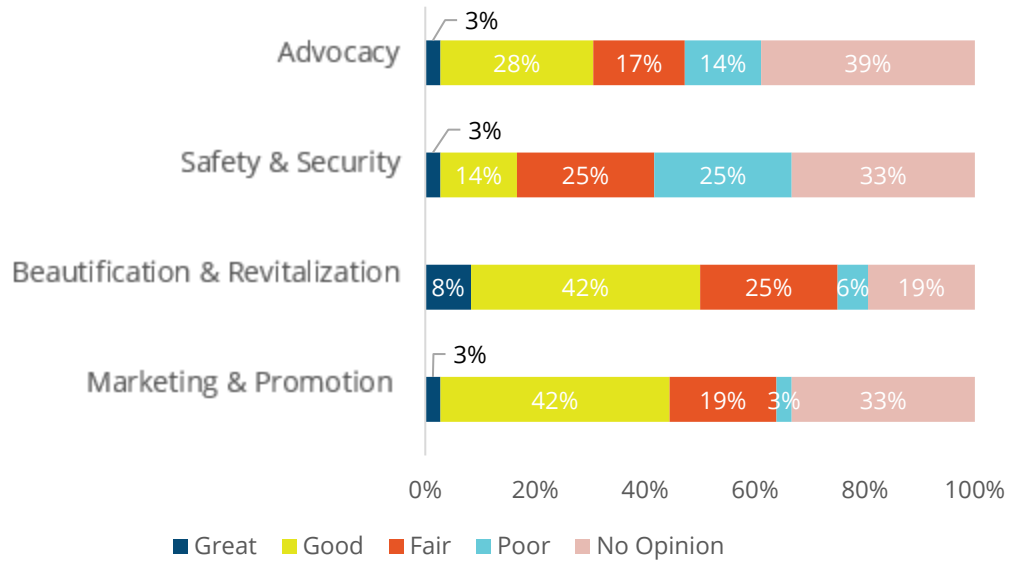
Figure 14. Are you currently an associate member? (Non-Member)



- I do not know what an associate is
- I have no interest in being an associate
- No, but I would like to be an associate
- Yes, I am an associate member

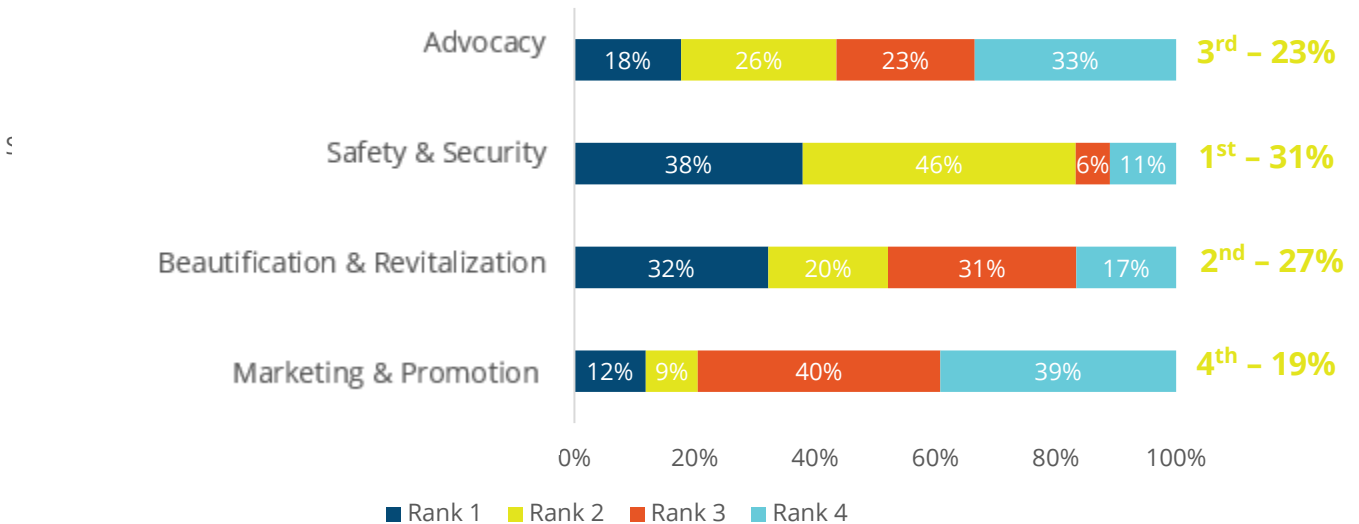
Overall, the non-member respondents did not have very favourable views of the DCBIA's effectiveness at providing services. The highest rated services were beautification, revitalization, marketing, and promotion. The lowest rated services were advocacy, which 14% rated poor, and security which 25% rated poor.

Figure 15. Rating the Effectiveness of the DCBIA in Providing Services (Non-members)



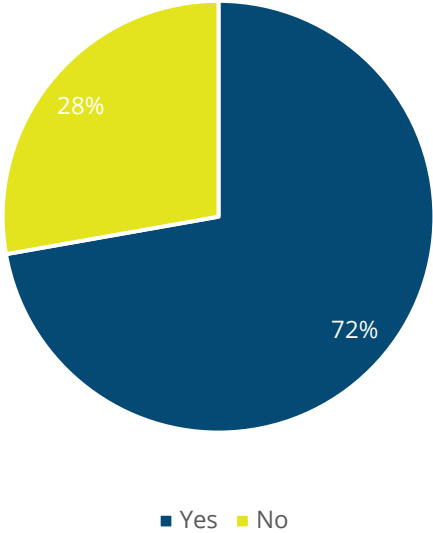
Non-member respondents top priorities were security, safety, beautification, and revitalization if the DCBIA’s boundary was expanded. Over 84% of non-member respondents had security and safety as their first or second priority. Approximately 52% of non-member respondents had beautification and revitalization as their first or second priority.

Figure 16. If the boundary was expanded, what level of service would you prioritize in your area? (Non-members)



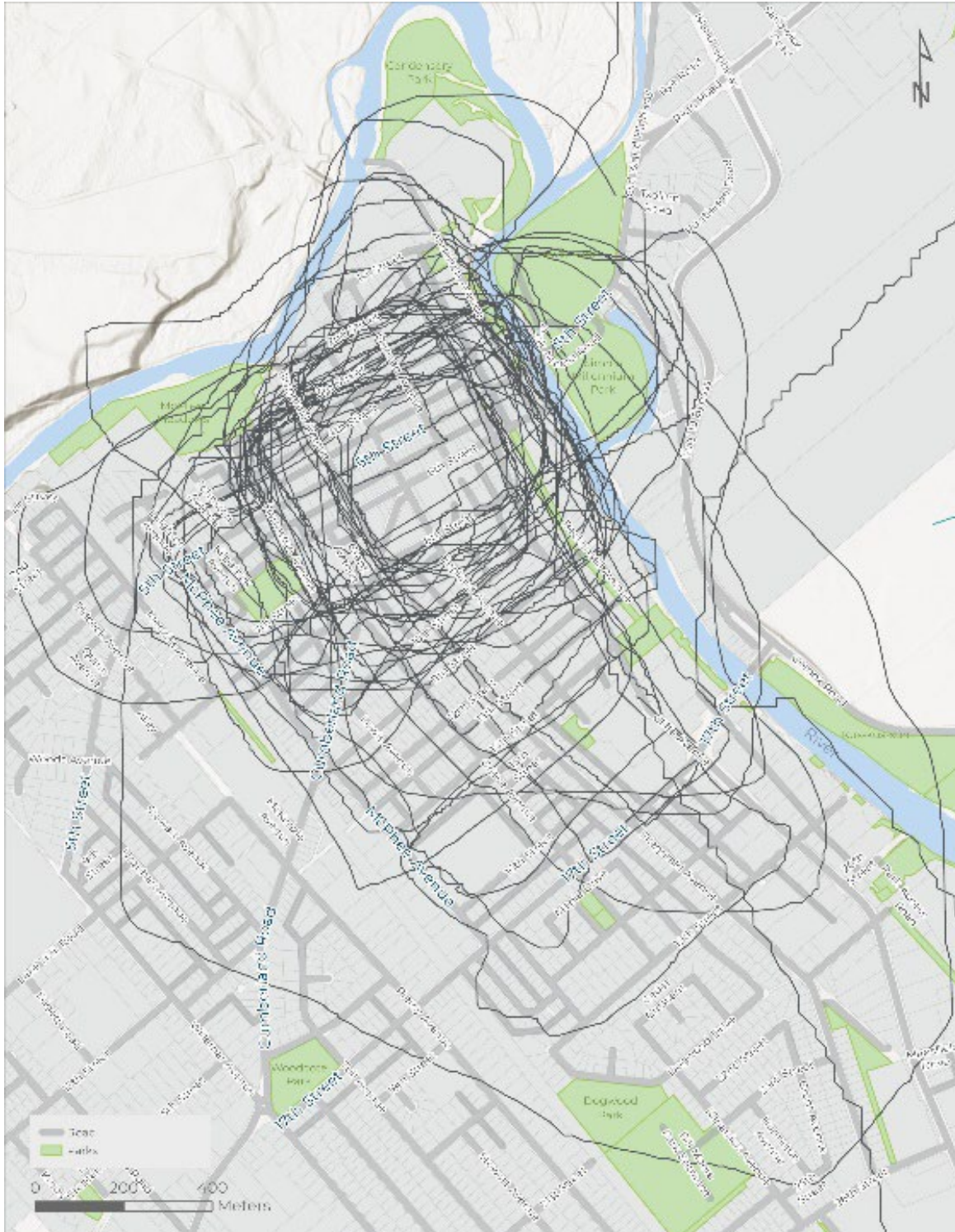
Approximately 72% of non-member survey respondents supported a DCBIA boundary expansion.

Figure 17. With an understanding of the services offered by the DCBIA (supplied in the attached info sheet), would you support a DCBIA boundary expansion that includes your business? (Non-members)



We asked the general public, current members and prospective members to draw on a map where they consider to be Downtown Courtenay. The resulting map in Figure 16 shows each of the respondents' boundaries.

Figure 18. What do you consider "Downtown Courtenay"



5.5 Key Findings

Through analysis of responses to outreach activities several key themes emerged that have been used to formulate recommendations.



Participants of the board workshop discussed several ideas for a potential budget and boundary increase. These ideas included increased paid staffing, new events and programming to improve the vibrancy of downtown, improving existing safety and security initiatives, and strengthening existing partnership.



A majority of member respondents to the survey had favorable views of DCBIA's existing services for beautification, revitalization, marketing, and promotion.



A majority of survey respondents think the DCBIA's can do a better job at security, safety, and advocacy.



Majority of current member respondents to the survey were supportive of an increase in operating budget. And majority of member respondents were supportive of an annual levy increase between 2% and 4%.



Survey respondents who are not currently members do not have a good understanding of what the DCBIA does or how it can help their business.



Majority of non-member respondents support a DCBIA boundary expansion to include their business.



Survey respondents indicated that they if they are going to be paying more, they expect higher levels of service.

6.0 Recommendations

As mentioned in Section 3.0, the *Community Charter* outlines that a local service area bylaw (which includes BIAs) must contain certain information. This includes the following:

- a) The bylaw must identify the business promotion scheme (services) for which and the organization to which the money will be granted.
- b) The bylaw must establish the maximum amount of money to be granted and the maximum term over which it may be granted.
- c) The bylaw must identify the methods of cost recovery for the service, including the form of local service tax and the portion of the costs of the service that are to be recovered by the local service tax.
- d) The bylaw must define the boundaries of the local service area using a map.

As per the list above, the following section provides recommendations based on the information provided in this report.

6.1 Service Delivery

The DCBIA has the opportunity to reimagine how they will serve the downtown business community and continue to make downtown Courtenay a vibrant place to visit. Services offered by the DCBIA are very much dependent on available resources, therefore budgeting will need to be completed to prioritize services.

The DCBIA should consider the results of the survey to focus resources. Prioritizing marketing and promotion and safety and security for the area that are currently members. And prioritizing safety and security and beautification and revitalization for areas outside the current boundary if the boundary is expanded. The Board should consider the exercise completed during the Board of Directors workshop to implement new initiatives and expand existing successful initiatives. This input can be found in Appendix B.

To limit staff turnover and increase capacity, it is recommended that the Executive Director position become a fulltime position. This will allow the board to move towards a governance model and focus more closely on strategic decision-making. The DCBIA should also consider hiring additional support such as a bookkeeper in the short-term and marketing/events support in the long-term.

6.2 Finances

With consideration of the support from survey respondents, a modest increase in the annual operating budget is recommended. The recommended annual operating budget would be at minimum \$120,000 potentially expanding to \$240,000. The DCBIA board will need to conduct a more fulsome budgeting exercise to determine where in that range they need to be, to increase to costs and service levels.

Based on the best practices research and feedback from the survey, we recommend an annual increase of approximately 3%. A 3% annual increase is the average amongst BC BIAs. This may be implemented after year 2 or 3 so as to allow members to adjust to the increase.

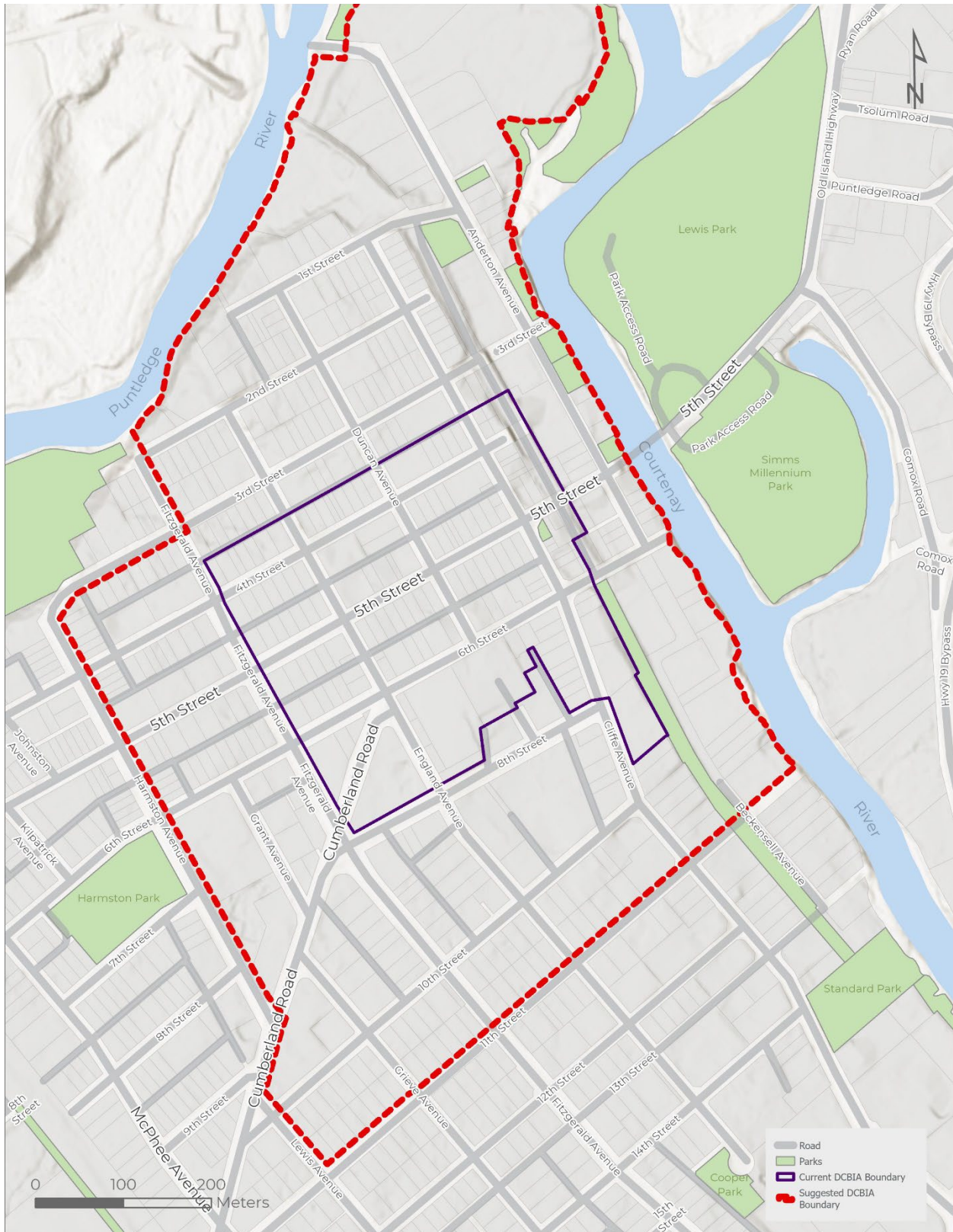


The term of renewal may depend on if an annual levy increase is employed. With an increase, the Bylaw may not need to be renewed for a longer period of time. Therefore, it is recommended that the term of renewal for the DCBIA Bylaw be between five and eight years.

6.3 Boundary Expansion

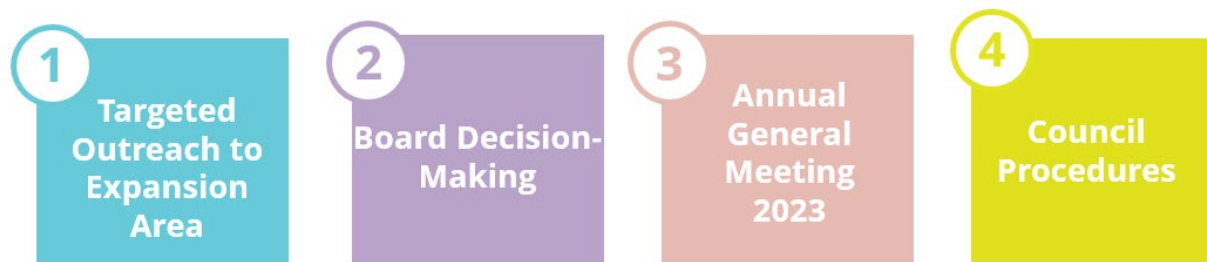
In consideration of the support from survey respondents, both within the current boundary and within the affected area, it is recommended to pursue a boundary expansion. The boundary expansion will help to level economic development and revitalization efforts throughout downtown Courtenay and bolster the annual operating budget with a wider tax base.

The proposed boundary in the map below incorporates all commercially zoned properties and utilizes the natural boundary of the river. This boundary also accommodates for future growth of the downtown area.



7.0 Proposed Next Steps

To complete this project and make changes to the bylaw, it is recommended that the DCBIA complete the next steps outlined in the graphic below.



Step 1 – Targeted Outreach to Expansion Area

It is recommended that outreach continue over the next few months with a more targeted approach. It may be helpful to reach out to properties with a high assessment value outside the current boundary as they will be most impacted by the changes.

Similarly, many non-member respondents of the survey indicated they did not fully understand what the DCBIA does. It may be useful to reach out to any survey respondents who indicated this and do not want a boundary expansion to be able to communicate what the DCBIA can offer them.

Step 2 – Board Decision-Making

While this report provides general recommendations about changes to the Bylaw, the DCBIA Board of Directors will need to come to a decision about what they are presenting to the larger membership. This includes the annual operating budget, annual levy increase, service levels, and a potential boundary expansion.

As a first step before making this decision, it is recommended the DCBIA discuss with the City of Courtenay any potential municipal contributions they may consider. These may be laid out in the Bylaw, or they may be more focused towards infrastructure and regular City operations.

Step 3 – Annual General Meeting 2023

Once the Board has come to a decision, they will present the proposed changes at the AGM in June. Members will vote to pass these changes and vote in principle on a boundary expansion (if applicable). The AGM resolution to formally request the City to consider the BIA renewal.

Update: The DCBIA held its Annual General Meeting on June 7, 2023. At that meeting, a proposed bylaw was presented as an example to consider. At the end of the meeting a motion was passed to support moving forward with a new bylaw in accordance with the key elements outlined in the proposed bylaw. A copy of the meeting notes and the proposed bylaw presented during the meeting are included in Appendix C of this report.

Step 4 – Council Procedures

The DCBIA respectfully requests that City of Courtenay Council move forward with the Council Initiative – Subject to Petition Against process to consider a refreshed DCBIA within the same boundaries as are currently in place, and with an annual budget starting at \$120,000 and increasing to \$175,000 over a period of 5 years as outlined below.

Year	Annual Budget
2024	\$120,000
2025	\$130,000
2026	\$145,000
2027	\$160,000
2028	\$175,000

Update: the budget amounts and timeline presented above were prepared proposed by the DCBIA and presented to members at its Annual General Meeting on June 7, 2023. At the end of the meeting a motion was passed to support moving forward with a new bylaw in accordance with these numbers and this timeline.

The DCBIA also respectfully requests that City of Courtenay Council be open to considering enlargement of the DCBIA local service area through a future Bylaw amendment. The DCBIA will lead the initial consideration of this boundary enlargement, and keep the City apprised of its findings. It is anticipated that this will occur in 2025.



APPENDIX A

Communications and Engagement Strategy



Communications & Engagement Strategy

Prepared for the Downtown Courtenay Business Improvement Area – Bylaw Review.

SETTING THE STAGE

PROJECT BACKGROUND

The DCBIA has been in existence since 1995, with a goal to provide support for downtown Courtenay Businesses and enhance a vibrant business community through leadership and advocacy. It currently has more than 200 members.

The bylaw that establishes the Downtown Courtenay Business Improvement Association (DCBIA) has not been reviewed since the DCBIA's inception. As such, the DCBIA is undertaking a fulsome review of the bylaw. In order to prepare for the bylaw update, the DCBIA is conducting a planning process that focuses on engaging with local businesses and property owners to explore opportunities for an improved and expanded BIA. Key items to be investigated through this process include:

- Reviewing the boundaries of the DCBIA
- Service offerings and member benefits
- Budget and tax implications
- An overview of best practices and trends

STAKEHOLDERS

The project involves extensive consultation with interested and invested parties listed in the table below. The table shows perceived interest levels and targeted involvement for each stakeholder group.

<i>Stakeholder</i>	<i>Interest</i>	<i>Involvement</i>
DCBIA Board Members	High	High
DCBIA Members	High	Medium
Prospective Members (both inside and outside the current boundary)	Medium	Medium
City of Courtenay	Medium	Medium
Public	Low	Low

RISKS

The following table present any perceived communication or engagement risks to the project and associated mitigation measures to ensure the project runs smoothly:

<i>Risk</i>	<i>Mitigation Measure</i>
1. Lack of participation from members	Effective communication and marketing
	Selection of appropriate engagement techniques
	Leveraging board member connections
2. Off topic/out of scope commentary (i.e. airing grievances that do not relate to the bylaw review)	Effective facilitation during engagement activities
	Clear communication about the scope of the project
3. Condensed project timeline (i.e. how can we involve all stakeholders in a meaningful way and meet our deadline)	Effective project management techniques
	Support from staff and board
4. COVID-19 public health orders	Continue to monitor case numbers and public health order
	Observe Urban Systems health and safety principles
	Utilize virtual engagement techniques as necessary

COMMUNICATION

COMMUNICATION OBJECTIVES

The following communication objectives have been developed to guide communication efforts for each stakeholder groups. A targeted approach will ensure efficient and effective communication techniques are applied and tailored to each groups level of interest and involvement.

- **DCBIA Board Members:** They are consistently engaged and have ownership over the resulting bylaw
- **DCBIA General Members:** Well informed and consulted throughout the process and to ensure their views are incorporated
- **Prospective Members (outside the current boundary):** They are informed on the planning process and provided with opportunities to give feedback as it impacts them
- **Public:** They gain an understanding of the project and what the BIA offers
- **City of Courtenay:** They are kept up to date throughout the process and provided opportunities to share expertise
-

KEY MESSAGES

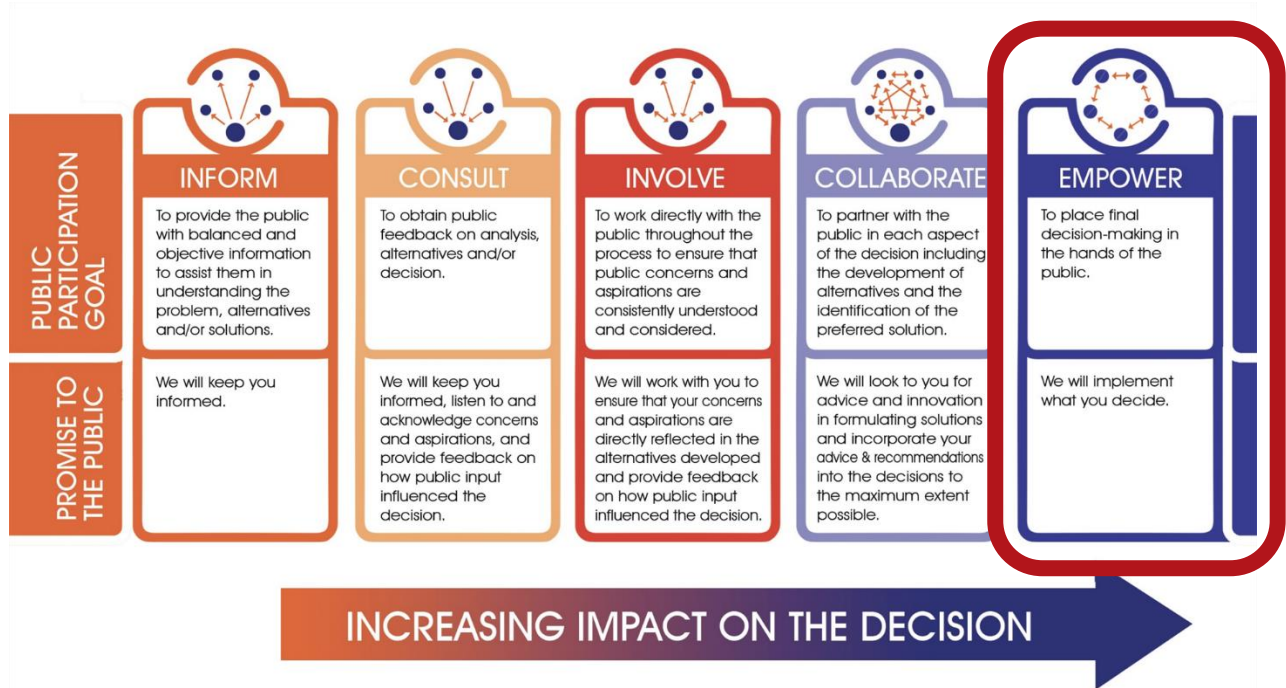
Key messages focus the development of communications and engagement materials. They allow the project team to speak collectively – presenting a “big picture” overview of the Bylaw Renewal. The following key messages are categorized by internal (i.e. DCBIA members, staff and the City of Courtenay) and external (i.e. the public and prospective members.”

Internal Message: *Be a part of creating an improved Downtown Courtenay Business Improvement Area bylaw that focuses on safety, economic development, and area revitalization.*

External Message: *The Downtown Courtenay Business Improvement Area is updating their bylaw with the goal of increasing revenue streams, examining levels of service and expanding the boundaries.*

ENGAGEMENT

The IAP2 Spectrum (featured below) is designed to assist with the selection of the level of participation that defines the stakeholder’s role and the formulation of the participation goal that will drive the engagement process.



For this project, we will **EMPOWER** the DCBIA members to make the final decision while the project team will work to implement what they decide. We will do so by utilizing techniques that bring people together to formulate a direction and implement that direction within the resulting bylaw.

Understanding the impact on the decision has helped to develop the following engagement objective:

Engagement Objective: *To facilitate a process for DCBIA members to make thoughtful and informed decision regarding the DCBIA Bylaw Renewal.*

4.1 TECHNIQUES

TECHNIQUE	DESCRIPTION	OBJECTIVE
Market Days	Booth set up at the annual Market Days with informational posters and an interactive activity	Gain a preliminary understanding of the public's level of interest in the project.
Promotional Campaign	<ul style="list-style-type: none"> • Website • Window display • Social media 	Provide information about what the DCBIA does, and inform them of the project process
Survey Package	<ul style="list-style-type: none"> • Targeted email • Informational handout • Online survey 	Provide information about best practices, comparative review, service levels and gain feedback about boundary expansion and fee structure.
Workshop	Structured session for Board of Directors to share thoughts.	Present our findings and facilitate a collaborative decision making process
Regular Board Meetings	Present to the DCBIA Board and share information about progress to date	Keep the DCBIA Board informed and involved in the project and leverage their knowledge of the BIA in future endeavours
Interviews	We will provide an opportunity for members to schedule a one on one interview with the project team to dig deeper into their thoughts about the project	Gain additional feedback from interested parties, and provide an opportunity to interact with the project team.

Information Session	A mid-way meeting with all stakeholders to present findings to date and update them on process	Gain feedback on the draft bylaw
Review Meeting	Meet with relevant City staff to review information	Review proposed process and gain an understanding of the City's role. Better understanding of the adoption process.
Door-to-Door Canvassing	Pass out flyers door-to-door to inform all businesses within the study area of the process and potential changes.	Ensure everyone that may be affected by the change is informed of the process
Mailouts	Send informational package via mail to property owners as many of them may live out of town.	Ensure everyone that may be affected by the change is informed of the process



APPENDIX B

Verbatim Engagement Results

SURVEY FINDINGS

VERBATIM INPUT

With the understanding that the operating budget needs to be increased, which of the following best describes your opinion regarding an annual levy increase? Please explain your response below (*Member Question*)

- A levy increase would improve the prospects and benefits of being within the boundary.
- I believe that pooling resources to pay for services is well worth it
- There are limited areas to run a retail (foot traffic based business)
- Own my building
- As with any funding if it's going to be used to improve the conditions then I support. If we are going to pay a larger amount that is just used up in administrative then no.
- I have no idea what the percentage means in real dollars so it's a bit of guess.
- I'm in support of the levy being increased assuming that the funds are used to increase the DCBIA's market exposure.
- I am content to stay where I am regardless of the decision.
- We are proud members of downtown and understand the importance of this levy and the implications moving forward
- I'd stay regardless.
- I do not think there is an opt out situation for this program
- Keep everybody the same ,expand to get More businesses in
- Building cannot be moved!
- With covid closure, bridge construction, being closed another 6 months from flooding and interest rates & the cost of living going up 📈📈📈
- DCBIA does a phenomenal job. So happy to be a part of it. Thank you.
- That is where my store is and moving would be detrimental to my business
- It would depend on the increase, and what we were directly benefiting from it. Not a simple yes or no.
- Covid closure bridge construction now. High interest rates. Small businesses are maxed out.
- It would reflect an increase in expenses that we are all experiencing and provide more working dollars for all aspects of the services provided by the DCBIA.
- As a cultural Amenity I don't think we pay a levy. But we would be willing to pay a membership. The theatre's location downtown is part of what makes it special.
- I do not think it is optional to not be part of the DCBIA if you're inside the boundaries. We have to try and make the best use of increases. Increases to everything is putting lots of pressure on business in general.
- I'm supportive of an increase
- Fabulous job! The ED is just amazing.
- I would still remain
- How much is 3%? If I'm already just breaking even, how could the DCBIA help offset the loss of business due to illness, snow, difficulty in parking.
- We're already in it and we support the increase
- My business is not portable
- On a 5-year lease, will choose future leases based on best location options available.

With the understanding that a 3% annual levy increase is the average for similar sized communities, what percentage increase would you be supportive of? Answered "other"
(Member Question)

- May not need to increase if we expand our boundaries which would give us a larger amount of memberships to work with
- I'm confused on what the rate increase is being proposed. Are you asking us what the rate should be? I would prefer to see a proposed budget with the rate increase.

Would you be supportive of a DCBIA boundary expansion to include more businesses? Please explain your response below (Member Question)

- Our business is already operating at capacity and we have no desire for growth. I know it sounds strange but it's true.
- Anything that helps beautify and unify the downtown core would be great
- I am always happy to join these types of associations. Even though we're on 3rd street we have the same issues as those a block or so over.
- I would need to understand what the boundary expansion would entail, but I would be open to expanded support for Courtenay's small local businesses and the downtown environment.
- Continue to focus on grow the core downtown before expanding
- I've been a member of other BIA's and believe firmly in their value
- Not sure how it would benefit my business
- Community should be connected, downtown is a small area but the issues it faces are the same for all commercial areas in town.
- The more the merrier
- We are outside city limits, I feel that keeping business in the downtown central core is important. I don't want to see any housing or business destroy any current park or greenspace. Part of keeping the charm is keeping things contained and smaller.
- It would be very advantageous to have the boundaries expanded so the legion could be included in any promotions.
- While I am simply an associate at my clinic and I don't own the property or business, I support a vibrant, safe, and beautiful downtown.
- I feel that area F businesses (we're on 10th street) are part of the downtown core. We would benefit from being part of discussions on how to keep the downtown core vital, by keeping it safe, accessible and vibrant for our customers.
- Owner of 2 properties. 362 10th, and 495 6th. I think that you do a good job with a limited budget. Courtenay has a vibrant downtown, and would like to keep it that way. I have safety and security concerns. Would like to see more foot traffic promoted by banners, flowers etc.
- Not likely to experience any direct financial gain from this service as the idea of "downtown" has been locally institutionalized as 5th and 6th Street. They stand to benefit the most. Expanding the jurisdiction to simply cover the costs to serve those it most benefits historically doesn't seem like a justification to require me to be a member or pay any increased cost. As a leasee, the business is already required to pay the property tax for the landowner. Financially beneficial opportunities to incurring this cost would be have to be made on a case basis.
- This question is a bit confusing. The boundary already includes my business. We are an associate member because we are a city owned cultural amenity, not because of our location. I would support a limited boundary expansion on the basis of more members would offer more resources to the DCBIA. But too large a boundary extension would make the marketing of downtown (the downtown experience) much more challenging.
- I would want to have a better understanding of all of the services offered by the DCBIA and what the membership fees are before making a final decision but can see potential value in being included in marketing of events that bring people downtown.

-
- The Old Church Theatre would love to be considered as part of the Downtown Area and to share in helping to improve awareness and safety for everyone in that area.
 - In boundary

Would a boundary expansion impact your decision to remain within the DCBIA boundaries?

Please explain your response below (*Member Question*)

- Would not be likely to move due to this.
- I think if you're going to expand the boundaries then all of the properties that are inside of the expansion need to be included if you're going to just add one property from an expanded area they're going to be lots of properties that are going to reap the rewards of downtown business association efforts and not pay into it. I respect that part of it trying to get a cohesive entering of the boundaries with the taxes in different opinions of property owners would never be all that easy.
- The community is growing, the downtown core is growing and filling in and that should be acknowledged by new and larger boundaries.
- I would likely only support the boundary extension if there was a significant increase to the DCBIA budget for marketing. I'm not in favour expanding the boundary to increase the DCBIA's involvement with unhoused (is that PC?) issues. By this I mean that I would only be in favour of increasing the budget and boundaries if the focus of the DCBIA was on revenue generating businesses. If the budget was increased and a portion of the budget was dedicated to social issues, I would not support a budget increase.
- I am content to stay where I am regardless of the decision.
- The current boundary was established 20 years ago...a lot has changed, and we need to be more inclusive to the businesses that are located downtown that have been not included due to the original footprint
- I'd stay regardless.
- If you could generate more revenue by adding a larger base. But again, I do not think we can just opt out.
- As above and my business suits a downtown location
- If the boundary gets expanded, the current fund amount wouldn't be enough, if we increase it, the money won't go as far and the other businesses in the expansion area would not get the same benefits and exposure as the current BIA area.
- There are other businesses, like the cheese factory and shoppers, that could help out financially and benefit from what we have going on.
- Again, until I saw what changes were made, and how it would impact by business, I cant answer that.
- In the interests of densifying the downtown core and reflecting the population growth in our valley I think it is important that the DCBIA be part of that growth. I'm especially interested in developing towards the river where the city already owns chunks of property.
- More resources for the DCBIA would come from more members. This is an overdue good idea.
- I do not feel it is an option to leave the DCBIA if you're inside the boundaries. That would not work nor be fair.
- I'm supportive of an expansion.
- Would stay regardless
- Would the expansion decrease the size of the levy increase as more businesses would be contributing?
- We support a strong downtown core

Have you seen examples of initiatives other BIA's have undertaken that you think would work well in Courtenay?

- The markets are nice to have
- Taken from other DCBIA: Fall market events Business features on the website. Music done with non profit groups as fund raisers
- Closing 5th street to through traffic. 4th is wider for flow. Roundabouts at top of 4th 5th 6th to keep traffic flow. They don't have to be huge. Look at European style roundabouts. Street scape art such as sculpture
- Public art.
- Campbell River has more "street closure" events that are a huge hit, during the summer. They also have more downtown entertainment.
- Just signage and beautification - provides a good feeling to return and spend time in area.
- Close off a main shopping area such as 5th from Cliffe to England and the make 4th and 6th one-way streets...with roundabout traffic circles to prevent smog.
- Ladysmith Society (different from their BIA) creating the light event that has made Ladysmith a go to spot for Christmas displays on Vancouver Island
- I wanted to say above that the 1 through 4 - I feel are all so very important. I cannot choose.
- Some communities have clearly established their cultural precinct. E.g., Kelowna
- Garbage collection is an issue with the configuration of the area maybe some common areas like they have done in Duncan for bins.
- Yes, have business open on Sundays. This initiative would bring back more life to the down town core
- Canopy lighting of the streets
- I think any increase in funding should go towards decreasing the homeless population in Courtenay by purchasing and advocating for the purchase and establishment of mini homes such as those manufactured from shipping containers. The increasing homeless population contributes to people feeling less safe. More importantly this initiative would help alleviate a desperate situation and be the best advertising any business in the city could dream of. It would make international news!

What do you like most about being a DCBIA member? (Member Question)

- Attract more people downtown
- Having a say
- The communication and support
- For the most part most business owners are friendly and helpful, and all want our downtown to thrive
- Honestly?? As a member with business not on 5th street we rarely see anything happening. Seems as if we don't exist.
- Connecting to other businesses
- I do like the fact that we have events and the organization of those events I respect that we need to have employees to be able to do that the business owners have enough on their plate without having to try and organize parades and events etc.
- Having a say in what happens in Downtown Courtenay
- That the directors are amazing people with a clear vision of our future that also includes surveys such as this.
- The various market events
- Advocacy DCBIA provides with multiple levels of gov'n't, marketing events
- Feeling connected to the downtown community.
- Being kept in the knowing and support to the downtown business community.
- DCBIA does an amazing job working with promotions and works closely with the stores. Great with passing along any relevant information and with anything that might affect the downtown area.
- being connected to our community

-
- Support. Marketing. Safety.
 - Having a voice - keeping abreast of what is going on, meeting people.
 - Being part of what makes downtown work
 - Make member aware of what is happening downtown
 - United campaigns for marketing promotions.
 - Community, supporting each other's business
 - It's good for downtown
 - Seeing improvements
 - The community
 - Networking and events
 - Keeping aware and involved in my business community and investments in our Downtown
 - Security
 - Too new to know
 - Don't know. Think I pay the tax so I must be in it.
 - The community updates from other businesses in the Facebook page
 - Security. Advertising. Advocacy.
 - I like knowing that the area I do business in is handled by people who work and care about the area
 - We are a strong downtown, We come together with many events, We communicate and work together if our neighbors need help, We are independent and together at the same time"
 - Lobby City Council
 - Marketing and joint ads in CVC
 - That the board is so dedicated to making good decisions for us as a group.
 - Community within community. Walking around and feeling part of the energy.
 - The people in the community
 - It is like being in a group that we all support and share with events to try and create and larger exposure and reason for people to come to the downtown.
 - Helping guild positive change.
 - Help with homelessness problems. Marketing and events.
 - Getting to know other businesses, feeling like I have a support system, knowing they teamwork benefits us all.
 - The advocacy for safe streets
 - Communication and the gathering of information to make some sound decisions
 - Community
 - Being aware of what is going on where my lodges work and investment occurs
 - Bringing together the local businesses and owned, keeping us all connected.
 - We belong to a larger community with a larger voice. Lots of restaurants, variety of services (tea store, clothing), places are in walking distance.
 - I like the idea that we could act together as responsible business owners.
 - I didn't know I was one until this survey

What areas do you think the DCBIA could improve upon with a larger operating budget?

- So many. Is quite low in comparison to others. Longer term projects with retention.
- Id like to see parking increased and sidewalk patios taken down
- Shut down 4,5,6th street during summer months. Have more food trucks live music weekly.
- More promotion of our downtown merchants and not just the few on 5th street. Talking with many other business owners that we (businesses) England Avenue to the top of fifth street are not feeling included. This must change!
- Security cameras in lanes and at intersections. Executive Director one more day a week. Weekly page in the newspaper to highlight groups of businesses- professionals as well as retail. And a what's

happening news spot within the page. Monthly business get-togethers. Another public toilet at 4th street parking area.

- I think the ability to retain staff and have a little bit larger employee range to help organize events contribute to beautification of the area and safety the increase budget would go along way
- Marketing and security
- I would like to see added financial support for the Wednesday Market and additional events that would bring people downtown and provide them with good memories.
- Pedestrian-only days. This is something our downtown core DESPERATELY needs to do. When I drive down 5th, I'm not looking in windows. I'm trying not to hit pedestrians!!
- We need more garbage cans and cigarette butt collection containers
- Increased capacity for marketing and advocacy, increased grant programs to members. Pay staff more competitively/more staff time
- I do think a lot of emphasis is directly on the two block strip of 5th street, especially regarding events. I also hear a lot of complaints from customers about stores not being open later than 5 and on Sundays. Not directly a DCBIA thing but it does impact us. Lighting for dark places at night."
- More hours on advocacy, and safety as well as marketing.
- More larger events. It would be nice to have the car show back. It could be used towards advertising and promotions.
- Safety and security. The remuneration value to the Executive Director. The need for her to pay for staffing who will spearhead the events, in addition to honoring the true value of her time to do the job that is required. Current volunteer board members are burnt out and it is the same active members being asked to step up which is exhausting them to want to be on the board. In theme to our ethos of being vibrant we need to entice more community events in the downtown core.
- Events are great, more would be super.
- Do a better job everywhere... we are severely limited by budget.
- Marketing promotions
- Marketing. Security
- marketing & promotion
- Staffing
- Parking stickers got full time employees for sage parking in proximity to their offices or stores.
- Marketing and advocacy
- Safety after the city to lower property taxes for commercial buildings.
- New parking alternatives.
- Walkability, parklets, street closures,
- Install CCTV in laneways, corners or where RCMP suggest. More events. Full time executive director. Another Portland Loo. If area is expanded, then Street scape upgrades on those to match the present area. Paint BC Hydro poles all the same to show streets are a part of BIA. Use money that was for façade improvement grants for this. Street sculpture installations like other towns.
- Expanded advocacy, safety and security and mural development / execution
- Security of store fronts during the nights and daytime. my larges concern with the increase of homelessness individuals. The DCBIA does a good job currently. but more is required. This concern effects my tenants greatly.
- Advocacy with the city of Courtenay And other levels of government that gives support to the business owners.
- Environmental standards. Too much recyclable items go in the garbage no composting in Courtenay. Weather proofing old buildings renewable energy.
- Already doing a great job. Would love more festivals like moonlight and magic.
- Safety & security for sure. More marketing
- Marketing
- Parking is still an issue. Staff and business owners taking up limited parking. The customers could be parking in for easier access to shop in their stores. Perhaps it's time for paid parking in some areas of downtown and or looking at a Parkade.

-
- Beautification, security. Maybe a parkade (with other funders).
 - Safety
 - Admin, marketing, giveaways, events, advocacy, professional development workshops for staff and members
 - The ability to market and operate the events that we have in place. We know costs keep going up which means we do less and less each year which isn't the right path.
 - Beautification, security, removal of homeless shelters (to other areas of town)
 - More security
 - Lighting is becoming an issue. I'd like to see more presence of people downtown. I realize we don't have many actual residents, and into the evening it's quite quiet.
 - I believe less marketing is required going forward.
 - Security/ safety and policing for the downtown core with the homeless
 - We're in desperate need of better security and a response to vagrancy, vandalism, and open drug use.
 - Retention of our ED, Increased street amenities such as lighting, murals, waste containers,
 - Safety, revitalization
 - Garbage pickup

Is there anything else you'd like to share with the DCBIA?

- Definitely happy with the current boundaries as it relates to my business.
- Our parking enforcement is still nonexistent. Where is the enforcement on this?
- Kudos for doing so well with limited budget. This survey would be difficult for some businesses to do as doing it on a phone was challenging.
- I would love to see downtown Courtenay model itself after Nelson, its colorful, vibrant, and has tons of food options (highest per capita restaurants). Downtown could be a cultural hub with some retail and services. How would we encourage a nice wine bar or a late night dessert and coffee with music type places? I would love to see the store frontage be painted some very bold colors much like the theatre.
- Please do everything possible to work with the City to develop parking passes for downtown business owners and employees. In my work, I see clients one after another and am not able to move my car every couple of hours to stay within the parking limits. If I happen to have extra time to be able to move my car, I have concerns that it will take me too long between clients to find another parking spot nearby (very busy area). I understand that there is a parking lot available for downtown workers (I am on 4th St.), however it is much too far to walk with all of the bags I need to transport back and forth to work every day, and if I am leaving the office after 7pm, I will not feel completely safe walking all of that way to my car, especially in the winter. I usually work 10am-7pm or 9am-4pm and am concerned about being charged for parking too long in one place. I have discussed this with my colleagues, and they feel the same way, having the same needs as I do. Please help!"
- I don't think it should expand hence the non detailed area drawn in the previous map.
- I would mention how important the work is that you do and how much it is appreciated.
- The traffic situation is frustrating but IMO that's because downtowns are not meant to be a main artery through a town. We should really be focusing on creating downtown as a community hub by shutting down 5th street to car traffic, re-routing cars down 4th and 6th, and having cute picnic tables and markets out on the street.
- New director woman (paid position) is super
- Ways to deal with rude neighbouring businesses
- Omit street side eateries Oct 1
- Keep up the good work.
- Parking is still an issue business owners and staff still parking all day in the core streets and the 4th parking lot (this would be an ideal lot for a parkade). This discourages customers coming to shop downtown. We need a parkade. Work with property owners maybe with new buildings the city could fund a floor of underground parking. The palace and too good to be through could have been great spots. Or adding paid parking system. Making money. Or make certain areas for parking longer times

and others 15 minutes or 30 minutes. Some clients can be in spas/salons for 3-4 hours. The are spending money seems wrong they are the ones that would be paying the tickets when tickets are reinstated.

- Continue to ask city for more parking
- Thanks for what you do!
- We need to be careful of how fast we expand with the sensitive ecosystem of the lamprey behind us and the puntlege and Morrison creek. Putting in frisbee golf at Laketrail school, changed and trampled a beautiful eco-system and made more paths and more access to disturbance.
- Nelson BC has a similar vibe. And their lakefront access from downtown is amazing. More opening of the river for pedestrians and reducing the industrial feel of that area would be a game changer.
- The homelessness and associated garbage/feces problems are affecting everyone. There should be a city line to call to get your local property cleaned up. Also, the city keeps preaching about being green and enacting water restrictions. Meanwhile, they plant gardens every year that is expensive to plant, maintain and uses a lot of water even during times that it is restricted for everyone else. These gardens should be changed to other types of greenspaces that require less water and maintenance so resources can be used elsewhere.
- Great job. More festivals and possibly larger footprint for events (not just 5th)?
- Open more stores on sundays
- Safety and security are the most important issues. with the increasing homeless population and increasing poverty industry going on in the downtown core it is becoming less safe for our staff to be at the office. We are considering moving/relocating our business outside of the downtown core.
- We need more access to hand washing facilities, public bathrooms, easily available sharp disposable units. Stores are not offering public bathrooms and we need more infrastructure offered in more reasonable distribution to support both the houses and unhoused population. More harm reduction focus and perhaps needle injection site downtown rather than simply blocking out individuals may be places that we can start addressing the opiate pandemic. As uncomfortable as it is to see the unhoused population growth in the core, we could be at the forefront of community engagement in addressing this issue.
- Transportation and Parking are major issues for downtown businesses, especially facility operators with high seating capacity/occupancies. Either transit has to improve significantly (especially at night), or a parkade needs to be built to facilitate better transportation to and from downtown, for both patrons and workers. From an environmental and affordability standpoint (and a safety standpoint) more frequent transit service (maybe smaller busses running more often) and transit service, especially at night.
- As someone who works on behalf of The Old Church Theatre (755 Harmston) and MusicFest (2440 Cliffe Ave) we are seeing many of the same issues in both areas. It would be great to include more businesses in Courtenay in the DCBIA and would only help to strengthen all involved. I have already been speaking with Tracey so no need to reach out otherwise but you are welcome to if I can be of service. Thank You
- Appreciate security patrols, ensuring area is kept from of trash and debris, ongoing beautification.

BOARD OF DIRECTORS WORKSHOP

TRANSCRIBED NOTES

Administration

- Tracey <3
- Kristy <3
- Our E.D. is a gift
- Passionate Leadership Giving Stability
- Stability in leadership (Board long term members)
- Social Media Paid Role
- Event Manager Paid Role
- Accounting: Change from Review to Compilation
- *Bookkeeper
- *Move to Governance Board
- Increased Staff → marketing → admin → events
- Paid bookkeeper

Marketing and Promotion

- Moonlight & Magic
- Christmas Parade
- Market Day
- Third Party Events
- Farmers Market
- Spirit Walk
- Mural Fest
- Print ads in CV Collective → Trio Mag → Music Fest Program
- Art Show Close 5th St/Cliffe/Duncan
- Winter night Light-ups
- Using tech
- Bicycle Race Criterion
- More Community Spirit Focused Events
- Coupon Program for Downtown B12
- Win gift boxes for special holiday or special events
- Giveaways at local events
- Free music downtown lunchtime in parklet
- We need a strong committee with strong leadership
- Feature written in local paper 'Behind the Counter'
- Co-promo with hotels/airport
- Late night activities downtown
- Staffing for marketing
- More elevate the Arts – Activate events Laneways
- More concerts Downtown

Beautification and Revitalization

- Parklet
- Planters
- Street Pole Flowers
- Urbaloo
- Wayfinding pillars
- Black Street Poles & Stop sign poles
- Matching Garbage Cans
- Wayfinding points expand with new boundaries – Extend Historical Theme
- Banners
- New murals
- Pretty signposts
- Heritage B&W Pictures
- Foot traffic past 5pm
- More gathering places with seating
- String lights across 5th year round
- Revitalize more night life →free music →food trucks – community gatherings
- City design feature requirements for downtown (tax break)
- Tax break for building improvements restore heritage buildings
- Pedestrian zone
- Parking improvement (to be improved)
- More murals
- Equity or beauty in expanded area
- “Bylaw” or recommendations – ugly facades
- Sidewalk improvements
- Trees/shrubs greenery – edible?

Safety and Security

- Connect Centre – draws people over there – increased security has helped
- Crime going down – RCMP
- CPTED by city (Fence behind city hall)
- Solid communication with city and RCMP
- Patrol RCMP
- Cleaning Crew
- Liaison with City & RCMP
- Sticker program – good that it is happening – But needs more uptake
- Footprints security patrol funded by City
- Footprints security guard all night → driving around → would be nice to get reports
- Morning cleanup → could use more
- S&S Quick glance resource sheet
- Member workshop for diversity or inclusion
- Telus initiative with BIABC
- Morning crew stays forever! Does nights or afternoons
- CCTV
- Better lighting
- Lighting
- Bike Patrol
- Cameras
- Nalaxone Training

Advocacy

- Support for S&S initiatives – security patrol – lighting audit
- Working with local politicians & provincial government for comm. Wellness
- Partnerships with non-profits
- Deepening Relationships with: RCMP, Homelessness Coalition, Chamber, Other BIA's
- Advocating for all the different types of city member business needs (merchant vs professional)
- RCMP downtown
- Fundraising Collaboration – sport groups – truth & reconciliation & repairing restoring relationships
- Pursuing Sponsorship
- Pursuing Grants
- Commercial Taxation Advocacy



APPENDIX C

DCBIA AGM Meeting Minutes



DCBIA AGM

Date: June 7, 2023

In attendance:

Bob Wells, (Mayor), Sandra Viney (President), Heather Ney, Tracey Clarke (Executive Director), Steve Stewart (Secretary) – Jordan Marshall, Kirsten Wood, Sheila Toni, Angie Carlyle, Alex Clarke, Michele Henry, Doug Hillian, Fiona McQuillan, Alyson Schmidt, Jenny Deters, Dave Frisch, Heather Ney, Charity Newnes, Cathy Newnes, Derek Newnes, Evan Jolicouer, Kristy Rowbotham, Daniel Sharratt, Greg Chadwick, Leanne Rathje, Erika Nessman, Brody-Abbatt-Slater, Megan Trumble, Erin Dunsire, Mackenzie Gartside, Jay Schindle

Regrets:

Start 5:59pm

- 1) Welcome & Intro – Viney/Clarke/Marshall
 - a. Welcome from Sandra
 - b. Land Acknowledgement - Tracey
- 2) Call to order
 - a. Tracey
- 3) Approval of Agenda
 - a. First: Jenny Deters/ Second: Mackenzie Gartside
- 4) Approval of 2022 AGM Minutes (Clarke)
 - a. First: Derek Newnes/ Second: Bob Wells
- 5) 2022 Year in Review
 - a. Introduction of current President – Sandra
 - b. Appreciation of Jordan
 - c. And rest of board...
 - d. Tracey's presentation: **See Handout: 2022 Year in Review**
 - i. DCBIA 28 years Old!
 - ii. 70 BIA's in BC
 - iii. Our Work
 1. Marketing
 2. Safety and Security

- a. – currently poll out trying to ascertain the increased cost born by downtown businesses re Safety and Security.
 - b. Reminder to report all crime/incidents – important to get funding for police/emergency services.
 - 3. Beautification and Placemaking
 - 4. Advocacy and Community Engagement
 - iv. Lots of new businesses
 - 1. Welcome!
 - 2. Lots of Business Milestones – Searles Shoes 90 years downtown!
-
- 6) Board Election (Derek Newnes)
 - a. 13 Spaces for directors
 - b. New Nominations
 - i. Brody Abbatt-Slater
 - ii. Alex Clarke – Co-Valley Co Working
 - c. Thanks to Sheila Toni AND Sean Ferguson
 - d. Nominations from the floor 3X. (Room for 2)
 - i. Greg Chadwick nominated by Jenny Deters
-
- 7) Financial Statement (Kirsty Rowbotham)
 - a. A/R , A/P – difference is timing of payment both receiving and paying
 - b. Downtown Bucks. 12K have been redeemed... 10K outstanding.
 - c. Currently looking good Assets vs Liabilities
 - d. Sponsorships down – Banners ~5K less than last year as we only renewed the winter banners. There are less due to LED snowflake light placement.
 - e. City granted ~20K for bylaw renewal
 - f. Event revenues were up.
 - g. Marketing expenses down due to need re. bridge closure.
 - h. Admin expenses up slightly mostly due to inflation.
 - i. Operating at a deficit – which does have an impact on the services we can offer members.
 - i. New disclosure added to end Re. board members businesses purchasing sponsorships like banners.

 - j. Motion to accept: Bob Wells/Derek Newnes
-
- 8) Bylaw Review Summary – ***See Handout: Downtown Courtenay Improvement Area Bylaw Review***
 - a. Current bylaw was from 2002 and was funded in 1995 at 60K.
 - b. 60K was sufficient then, but not now.
 - c. 60K had no method of increasing over the years.
 - d. Review was required to plan the future.
 - i. Questions from floor

1. Daniel – we've done LOTS with the amount we have
2. We compete for tourist \$ with Parksville – and they charge WAY more than us!
3. Sandra- When Tracey was hired she was the 4th Executive Director in 5 years. We've expected too much for too little (\$)... We need a fulltime ED, at fulltime hours to compete with the likes of Campbell River/Parksville/Duncan/Nanaimo
4. Levy applied to all businesses within boundary

9) Bylaw Amendment Vote

- a. Motion to amend Bylaw; First: Jenny Deters/Second: Derek Newnes, All in favour
- b. Motion Accepted

10) Motion to explore increasing boundary (expansion) in principle

- First: Jenny Deters/Second: Derek Newnes
Motion accepted

11) (Further) Business from the Floor

- a. None

12) Adjournment (Clarke)

- a. Motion to Adjourn – First: Jenny Deters/Second: CathyNewnes?

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO.2264, 2023

A bylaw to establish the Downtown Courtenay Business Improvement Area

WHEREAS a municipal council may under the *Community Charter* grant money to an organization that has as one of its aims, functions and purposes, the planning and implementation of Business Promotion Scheme;

AND WHEREAS Council of the City of Courtenay has previously adopted Downtown Courtenay Business Improvement Area Bylaw No. 2264, 2002;

AND WHEREAS Council, at the request of the Downtown Courtenay Business Improvement Area, wishes to amend the Downtown Courtenay Business Improvement Area;

THEREFORE BE IT RESOLVED that the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

"Applicant" means the Downtown Courtenay Business Improvement Applicant.

"Business Improvement Area" means the area of the City designated in Schedule "A" of this Bylaw.

"Business Promotion Scheme" means:

- (a) carrying out studies and making reports respecting the Downtown Courtenay Business Improvement Area;

- (b) the improvement, beautification or maintenance of streets and sidewalks in the Downtown Courtenay Business Improvement Areas; and
- (c) the encouragement and promotion of commercial business development within the Downtown Courtenay Business Improvement Area both directly, and indirectly through the encouragement of entertainment, sports and cultural activities.

“Taxable Property” means land and improvements that fall within Class 5 and 6 under the Assessment Act – Prescribed Class of Property Regulation, B.C. Reg. 438/81.

2. DESIGNATION OF AREA

- 2.1 Council designates the Downtown Courtenay Business Improvement Area boundary to include the lands within the outlined area as identified in Schedule “A”.

3. GRANT

- 3.1 The Council may, in the calendar years 2024 through 2028, grant to the Applicant, in the aggregate, funds not to exceed \$730,000 over the five-year term and not to exceed in any calendar year the amount collected by property value tax imposed under this Bylaw for that year. These monies shall be paid to the Applicant on or before the 1st day of September in each year. Funds will be broken down into annual amounts as follows:

2024 - \$120,000
2025 - \$130,000
2026 - \$145,000
2027 - \$160,000
2028 - \$175,000

- 3.2 The Applicant shall submit, annually on or before March 1st, a budget for the purpose of the Business Promotion Scheme as in section 1.

(a) The budget for the Business Promotion Scheme which is based on a fiscal year commencing January 1st, must contain sufficient information to describe all anticipated expenses and revenues, and has been approved by a majority of the members present at the Annual General Meeting of the Downtown Courtenay Business Improvement Area.

- 3.3 Monies granted to the Applicant under this Bylaw must be expended only by the Applicant and in accordance with the conditions and limitations set out in this Bylaw and for the planning and implementation of a Business Promotion Scheme set out in Schedule B of this Bylaw.

- 3.4 Monies granted pursuant to Section 4.1 of this Bylaw shall be expended only for

projects provided for in the annual budget submitted and approved by the Financial Officer pursuant to Section 4.2.

4. RECOVERY OF FUNDS

- 4.1 All of the money granted to the Applicant pursuant to this Bylaw shall be recovered within the Downtown Courtenay Business Improvement Area from the owners of Taxable Property.
- 4.2 For the purpose of recovering the monies granted to the Applicant, an annual property value tax shall be imposed on Taxable Property within the Downtown Courtenay Business Improvement Area, and such tax shall be based on the assessed value of the land and improvements.

5. CONDITIONS AND LIMITATIONS

- 5.1 The Applicant shall not carry out any borrowing, which results in an indebtedness or other obligation as to money granted to it by the Council pursuant to this Bylaw, which extends beyond the fiscal year in which that money was granted.
- 5.2 Any money granted to the Applicant by the Council pursuant to this Bylaw shall, if not required for immediate use, be invested only in securities in which trustees are authorized by law to invest.
- 5.3 The Applicant shall not alter or approve amendments to its Constitution or Bylaws without providing the Corporate Officer of the City with two months' notice of its intention to make such alteration or amendment, and if any alteration or amendment is made without such notice the City may withhold any payments under this Bylaw.
- 5.4 The Applicant shall account for the money granted by the Council for the previous year by submitting to the City on or before March 1 in each of the year 2024, 2025, 2026, 2027 and 2028 a compiled financial statement for the previous calendar year which shall be prepared in accordance with generally accepted accounting principles and shall include a balance sheet and a Statement of Revenue and Expenditure.

6. INSURANCE

- 6.1 The Applicant shall at all times carry a policy of comprehensive general liability insurance in the amount of \$2,000,000.00 with the City as an additional named insured. .

7. EXPIRATION DATE

- 7.1 This bylaw shall be in effect until December 31, 2028 but the lapsing of the term over which money may be granted under this Bylaw shall not affect the obligations of the Applicant as to the expenditure of and accounting for monies granted under the Bylaw.

READ A FIRST, SECOND and THIRD time this

ADOPTED this

Bob Wells, Mayor

City of Courtenay Corporate Officer



August 29, 2023

Dear Courtenay City Council,

As we proceed through the steps to amend Bylaw 2264-2001, the Downtown Courtenay Business Improvement Association's Board of Directors would like to respond to the City staff suggestion of changing the proposed bylaw timeline from five years to ten years. We appreciate and understand the work involved at a staff level to put a bylaw change through the alternate approval process. Ten years is also a common timeline for BIA bylaws and one we are comfortable with.

At our AGM on June 7, 2023 our members voted on a levy change in the following amounts:

2024: \$120,000
2025: \$130,000
2026: \$145,000
2027: \$160,000
2028: \$175,000

These changes reflect an annual increase of between 6% and 12%, with an average increase of 9% in the first five years. The DCBIA Board has discussed continuing the levy change to reflect cost of living and inflationary changes and came to the decision that increasing at a similar rate is in the best interests of the BIA and our members. As such, they have suggested the following levy rates for the second five years of the bylaw term. These represent a modest 5% annual increase, just lower than the rates our members voted for at our recent AGM.

2029: \$185,000
2030: \$195,000
2031: \$205,000
2032: \$215,000
2033: \$225,000

Feel free to contact me with any questions.

In appreciation,

-Tracey Clarke, Executive Director
and DCBIA Board of Directors
(250)800-9497
info@downtowncourtenay.com

Jorden Marshall, President (Hot Chocolates); George Ehrler, Vice-President (Comox Valley Cannabis Co.); Steve Stewart, Secretary (Edible Island); Kristy Rowbotham, Treasurer (MNP); Brody Abatt-Slater (The Mustard lady); Greg Chadwick (Graham's Jewelers); Alexandra Clarke (Co-Valley Co-Working); Heather Ney (Comox Valley Transition Society); Daniel Sharratt (Gladstone Brewing Co.); Kirsten Wood (Blue Spruce Ice Cream).

CITY OF COURTENAY

Development Procedures Bylaw No. 3106, 2023

A bylaw to establish procedures for the processing of land development applications.

WHEREAS the Council has adopted an official community plan and a zoning bylaw;

AND WHEREAS Section 460 of the *Local Government Act* requires the Council to define, by bylaw, the procedures under which an owner of land may apply for amendment to an official community plan, zoning bylaw, and for the issuance of a permit under Part 14 of the *Local Government Act*;

AND WHEREAS Section 154 of the *Community Charter* allows Council to delegate certain authorities to officers and employees of the City;

AND WHEREAS Section 94.2 of the *Community Charter* allows to provide for alternative means of publishing notices;

AND WHEREAS the Legislature of the Province of British Columbia is proposing to implement new regulations applicable to housing through the *Housing Statutes (Residential Development) Amendment Act, 2023*, and nothing in this bylaw is intended to operate in contravention of these new regulations;

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

PART 1: GENERAL PROVISIONS

1.1. TITLE

This Bylaw may be cited for all purposes as “City of Courtenay Development Procedures Bylaw No. 3106, 2023”.

1.2. DEFINITIONS

In this Bylaw:

Agent	means the person(s) given authority by the Owner(s) to act on their behalf for the purposes of making and dealing with an Application to the City.
Applicant	means the Owner or the Agent making an Application.
Application	means a written request by an Applicant in relation to any of the matters set out in section 1.5.
Approving Officer	means the person appointed by Council to that position and includes their lawful deputy or a person designated by Council to act in their place.

Certificate of Title	means the document issued from the BC Land Title and Survey Authority identifying the Owner, legal description of land, and any charges registered against the title.
City	means the City of Courtenay.
Community Information Meeting	means an information session held in accordance with Part 7.
Corporate Officer	means the officer for the City of Courtenay.
Council	means the council of the City of Courtenay.
DAI	means development approval information set out in the OCP.
Delegate	means the person holding the position as the City's Director of Development Services or Manager of Development Services, or a person delegated the authority to act in the place of either person.
Fees and Charges Bylaw	means the Fees and Charges Bylaw, Bylaw No. 3107, 2023 as amended or re-enacted from time to time.
<i>Local Government Act</i>	means the <i>Local Government Act</i> , RSBC 2015, c 1, as amended or re-enacted from time to time.
Minor Development Variance Permit	<p>means a development variance permit for a variance to the Zoning Bylaw that meets one or more of the following criteria:</p> <ul style="list-style-type: none"> (a) 25% for minimum parking space provision for vehicles, loading and bicycles; (b) 25% variance related to parking and loading design standards, such as dimensions, siting and access; (c) 25% variance related to dimensions and siting of garbage and recycling storage facilities; (d) 25% variance for building setbacks, lot frontage and useable open space, and permeable surfaces; (e) 25% variance related to dimensions of patios and decks; (f) 25% variance related to projections into a required setback; and (g) 25% variance for lot coverage and building height, provided that the variance does not allow for an increase in density.
Official Community Plan or OCP	means Official Community Plan, Bylaw No. 3070, 2022, as amended or re-enacted from time to time.

Owner	means the person listed in the Land Title Office as the Owner in fee simple of a parcel.
Planner	means any planning professional employed by the City to administer the provisions of this Bylaw.
Pre-Acceptance Review	means an informal review by a Planner or Delegate of a development proposal or planning application. The review may identify the requirements and materials to assist an applicant in their submission of a complete planning application. Based on the location, scale, complexity or other factors of the project, the review may lead to the need for a Pre- Application Consultation Meeting.
Pre-Application Consultation Meeting	means a meeting between an applicant and the Delegate to identify the requirements and materials to assist the Applicant in their submission of a complete Application. The meeting may involve identifying issues to be addressed by the Applicant, sharing information that needs to be considered and identifying additional required reports or information.
Preliminary Lot Review	means a review of a proposed subdivision by the City's approving officer, which is not a final decision on approval of the subdivision within the meaning of the <i>Land Title Act</i> , RSBC 1996, c 250, as amended from time to time.
Professional	includes a Qualified Professional or other person holding accreditation, acceptable to the Delegate, with an organization setting standards for the activities carried out by members of their organization.
Site Plan	means a site plan prepared by a Professional, including at a minimum all existing lot lines, proposed buildings and development with all required setbacks, and <ul style="list-style-type: none"> (a) for an application for subdivision, showing all proposed lots and all watercourses and must illustrate there is a buildable area on each parcel that is compliant with all applicable bylaws; (b) where an environmental assessment is required for any Application, showing all setbacks from the environmental features required under the applicable bylaws and regulations.
Substantial Completion Report	means a report from a Qualified Professional in accordance with section 5.6.
Report	means any opinion, written document, study or other information that provides information on a proposed development and that is intended to verify compliance with one or more enactment or requirement of the City.

Qualified Professional	includes a person carrying on a profession regulated by the <i>Professional Governance Act</i> , SBC 2018, c 47, as amended from time to time, or a person who is a qualified environmental professional within the meaning of the <i>Riparian Areas Protection Regulation</i> , BC Reg 178/2019, provided that person working within their field of expertise and is in good standing with any applicable professional organization.
Zoning Bylaw	means Zoning Bylaw, Bylaw No. 2500, 2007, as amended or re-enacted from time to time.

1.3. INTERPRETATION

In this Bylaw

- (a) words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;
- (b) headings given to sections are for convenience of reference only and do not form part of this Bylaw;
- (c) unless expressly stated otherwise, a reference to a “section” is a reference to a section in this Bylaw and a reference to a “part” is a reference to a part in this Bylaw; and
- (d) unless expressly stated otherwise, a reference to an enactment is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated, or replaced from time to time, and a reference to a bylaw or policy is a reference to a City bylaw or policy, as amended, revised, consolidated, or replaced from time to time; and
- (e) a reference to the current title of a position includes the position as it may be renamed from time to time, or to any successor position that is most closely connected to the position if it is modified or eliminated from time to time.

1.4. Notwithstanding any provision of this Bylaw, on adoption of the *Housing Statutes (Residential Development) Amendment Act, 2023*, in the event of a conflict between the processes and procedures set out in this Bylaw and the new processes and procedures arising from the *Housing Statutes (Residential Development) Amendment Act, 2023*, the regulations in the *Housing Statutes (Residential Development) Amendment Act, 2023* shall prevail.

1.5. This Bylaw applies to the following applications related to land within the boundaries of the City:

- (a) an amendment to the Official Community Plan;
- (b) an amendment to the Zoning Bylaw;
- (c) the establishment of Phased Development Agreement;
- (d) the preparation of a Housing Agreement;
- (e) a permit issued pursuant to Part 14 of the *Local Government Act*; including:

-
- i. Development Permits;
 - ii. Development Variance Permits, including minor Development Variance Permits;
 - iii. Temporary Use Permits;
 - (f) Floodplain Exemptions; and
 - (g) Section 219 Covenant and or Statutory Right of Way Amendments.

PART 2: DELEGATION OF AUTHORITY

2.1. Council delegates to the Delegate the authority to:

- (a) create, amend, publish and prescribe the form and content of Applications;
- (b) create, amend, publish and prescribe policies, guidance documents, or procedures that are convenient for the administration of this Bylaw;
- (c) require Reports or DAI, or both, including the authority to prescribe an acceptable Professional to author the Reports or DAI;
- (d) require security in accordance with Part 5, or any other bylaws of the City;
- (e) determine the form and content of permits issued under this Bylaw;
- (f) create, amend, public and prescribe templates and procedures for development notice signs required by section 7.19;
- (g) decide to process an incomplete Application in accordance with section 3.5;
- (h) grant an extension to an Application in accordance with section 6.6;
- (i) elect not to hold a public hearing for an Application to amend the Zoning Bylaw where the Application is consistent with the Official Community Plan in accordance with section 464 (2) of the *Local Government Act* and to give notice of the decision not to held a public hearing in accordance with section 467 of the *Local Government Act*;
- (j) issue or amend a Minor Development Variance Permit;
- (k) issue or amend all development permits within Development Permit Areas created under section 488 (1) where no variances are requested;
- (l) renew any permits delegated to the Delegate that have been issued and lapsed, provided that the Permit is consistent with the current OCP and relevant guidelines;
- (m) grant an exemption from a flood plain specification pursuant to section 524 (7) of the *Local Government Act* where an Applicant has provided a certified report from a person identified in section 524 (7) (b) of the *Local Government Act*;
- (n) sign any permits authorized by Part 14 of the *Local Government Act* that have been issued either by Council or by the Delegate; and

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- (o) exercise any other authority which is incidental to the administration of the provisions of Part 14 of the *Local Government Act*, this Bylaw or other bylaws of the City related to land use planning, development or building.
- 2.2. Council delegates to the Delegate and to a Planner the authority to:
- (a) receive, review and require development approval information in order to administer the provisions of Part 14 of the *Local Government Act*, this Bylaw or other bylaws of the City related to land use planning, development or building;
 - (b) receive and consider an Application as part of a Pre-Acceptance Review, and where the location, scale, complexity or other factors of the project so warrant, to require the Applicant participate in a Pre-Application Consultation Meeting with the Delegate; and
 - (c) to require an Applicant provide a Site Plan or to have a British Columbia Land Surveyor confirm that the Site Plan conforms to the requirements of the Zoning Bylaw or to any other bylaws of the City.

PART 3: APPLICATION REQUIREMENTS

- 3.1. If an Applicant submits a complete application, the Delegate or a Planner shall process the application in accordance with this Bylaw.
- 3.2. The minimum application requirements for all applications are:
- (a) all associated application fees in accordance with the Fees and Charges Bylaw;
 - (b) complete application form prescribed by the Delegate, including written authorization from all the Owner(s) of the land involved in the Application;
 - (c) a Certificate of Title; and
 - (d) all Reports and DAI required under Part 4 of this Bylaw, which have been identified by the Planner in a Pre-Acceptance Review or Pre-Application Consultation Meeting.
- 3.3. The Delegate or a Planner may require the following additional information to support an Application:
- (a) a Site Plan;
 - (b) DAI or a Report;
 - (c) review of a previously submitted Report or DAI;
 - (d) site disclosure statement in accordance with the *Environmental Management Act*;
 - (e) confirmation that other required permits, approvals or authorizations have been obtained with respect to the development; and
 - (f) the payment of security in accordance with Part 5.
- 3.4. Applications that are deficient of any of the application requirements in section 3.2 are deemed to be incomplete and will not be opened or reviewed. On receipt of an

incomplete application, the Delegate may:

- (a) advise the Applicant in writing or verbally with the deficiencies in the application; or
 - (b) open and begin to review the Application despite the deficiency in the minimum application requirements in which case the Delegate or Planner will inform the Applicant that the Application will be held as “pending” for 90 days from receipt of the Application.
- 3.5. Any Applications that are not completed within the deadlines set out in section 3.4 or Part 6 will be closed in accordance with the provisions of that Part.
- 3.6. All Applications shall be submitted by or on behalf of all the Owner(s) of land involved and, where the Application has been submitted by an Agent, the Application must include written authorization from the Owner(s) for the Agent to act on their behalf.
- 3.7. If there is a change of ownership of a parcel of land that is the subject of an Application, the Applicant will, as soon as practical, provide the City with an updated Certificate of Title and written authorization from the new Owner to proceed with the Application.
- 3.8. For all other changes to the Land Title Certificate(s) for the parcel(s) of land that is subject to an application under this bylaw, the City will require updated Land Title Certificate(s) for the parcel(s) of land and copies of any encumbrances.
- 3.9. Depending on the particulars of an Application, an Application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 3.10. Where an Application requires a decision from Council, the Delegate or a Planner will prepare a planning report for Council’s consideration, incorporating feedback received through the referral and review process described in section 4.1.
- 3.11. In addition to the application requirements established in this Bylaw, the following specific application types will generally follow the process set out as follows:

Official Community Plan Amendment (OCP) or Zoning Bylaw Amendment (including the establishment of Phased Development Agreement)	Schedule A
Preparation of Housing Agreement	Schedule B
Delegated Development Permit	Schedule C
Development Variance Permit (Approval by Council)	Schedule D
Delegated Minor Development Variance Permit	Schedule E
Temporary Use Permit	Schedule F
Floodplain Exemptions	Schedule G
Section 219 Covenant and or Statutory Right of Way Amendments	Schedule H

- 3.12 Concurrent Applications are encouraged. Where a proposed activity or development involves requires more than one approval by the City, a single Application may be submitted that addresses the requirements of each applicable application type and the Applicant must pay the fees for each application type in the amount set out in Fees and

Charges Bylaw.

- 3.13 Where a proposed activity or development includes multiple adjoining sites, the Planner or Delegate may accept a single Application provided that the proposal contemplates a configuration that is acceptable to the Planner.
- 3.14 Where an Amendment to the Zoning Bylaw is made to support a subdivision application, a subdivision application must be made, and a Preliminary Lot Review letter issued, prior to adoption of the zoning amendment bylaw.

PART 4: DEVELOPMENT APPROVAL INFORMATION

- 4.1. Depending on the particulars of an Application, it may be:
 - (a) referred to other City Staff and applicable external agencies by the Planner or Delegate for review and comment;
 - (b) supported by a Report prepared by a Professional; and
 - (c) accompanied by Development Approval Information.
- 4.2. Any Reports or DAI shall be prepared at the Applicant's expense by Professionals acceptable to a Planner or Delegate.
- 4.3. Where a Planner or the Delegate requires further information in order to review an Application, including DAI specified in the OCP, this requirement will be conveyed to an Applicant in writing after Pre-Acceptance Review or Pre-Application Consultation Meeting.
- 4.4. An Applicant will be required to work with City Staff and/or Delegate to review and confirm the scope of the Report or the DAI, which may include acceptance of the proposed Terms of Reference for the preparation of the Report of the DAI.
- 4.5. If required by the Planner or Delegate, a Professional shall certify all documentation including drawings, reports, security estimates, technical letters, and other documentation submitted to the Planner or Delegate for the purposes of reviewing the application.
- 4.6. A Report required under this Part will include:
 - (a) the legal description and property identifier (PID) for the land that is the subject of the Application;
 - (b) a description of all relevant land use covenants, easements, statutory rights of way or other charges that affect the use and development of land that are shown on a Certificate of Title;
 - (c) a location and context map for the land that is the subject of the Application;
 - (d) a description of the methodology and assumptions used to undertake the

Report or sufficient detail regarding assessment and the methodology to facilitate a professional peer review, if required under section 4.7 of this Bylaw;

- (e) identification and definition of the context, interaction, scope, magnitude and significance of the anticipated impacts of the proposed activity or development, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing risks, stressors, and threats; and
- (f) recommendations for conditions or requirements that Council, the Director of Development Services, Director of Engineering and Public Works, Director of Parks, Recreation and Culture or the Approving Officer may impose to mitigate the anticipated impacts.

- 4.7. The City will generally not accept Reports or DAI older than one year without a covering letter from the author certifying that the conditions and findings of the document have not changed.
- 4.8. Notwithstanding Section 4.7, if the Planner or Delegate determines that a Report or DAI is:
 - (a) outdated, incomplete or deficient, the Applicant will be notified in writing the nature of deficiencies and the timeframe to resubmit the corrected report; or
 - (b) remains valid despite being older than one year, a new report will not be required.
- 4.9. If the Delegate determines that a Report or DAI is incomplete or otherwise deficient, the Delegate may require, on written notice to the Applicant, that the Applicant:
 - (a) revise or amend and re-submit, at its own expense, a previously submitted a Report or DAI;
 - (b) retain a second Professional, unrelated to and independent of the Professional who prepared the initial Report or DAI, to conduct a peer review of the Report or DAI at the cost of the Applicant.
- 4.10. In addition to any application fee contained in the Fees and Charges Bylaw, an Applicant shall be responsible for the City's costs necessary to facilitate a review of any Report or DAI required under this Part, as deemed necessary by the Delegate, including but not limited to legal, engineering, environmental, geotechnical, biologists, architectural and other professionals. The Applicant shall pay as a fee, the City's actual cost of such third-party professional review costs prior to final consideration of the Application by the authorized decision-maker.
- 4.11. The Planner or Delegate may review all documents and design drawings to verify general compliance with the requirements but will not necessarily check the adequacy or accuracy of the Qualified Professional's design. Any errors or omissions will be the sole responsibility of the Qualified Professional who has certified the documents and design drawings.

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- 4.12. The Delegate may request, at the Applicant's expense, the author of the Report or DAI make a presentation to Council, the community, or staff.
- 4.13. The Delegate is authorized to:
- (a) establish and revise the required information, documents, plans, and/or other information needed for each type of application pursuant to this Bylaw;
 - (b) establish and revise the size, form and quality of information, documents, plans, and/or information needed to assist in reviewing or processing the application; and
 - (c) waive any of the information, documents, plans, and/or development approval information if at their discretion the information is not required to assist in reviewing or processing the application.
- 4.14. The City may distribute and publicize a Report or DAI requested under this bylaw.

PART 5: SECURITY DEPOSIT

- 5.1. The Delegate may require an Applicant provide a security deposit for the following:
- (a) Landscaping (Landscape Security);
 - (b) Remediation/Restoration of the natural environment; and
 - (c) to guarantee the performance of the terms of a temporary use permit (Performance Security).
- 5.2. Phased landscaping plans and securities: Landscape Plans may be approved for large-scale developments at the discretion of the Delegate to enable the completion of the landscape plan in phases and allow for the submission and return of the related security deposit at each phase. The Applicant is required to request a phased approach to the execution of the landscape plan at the time of the Application for a Development Permit, clearly identifying on the submitted landscape plan the proposed phases and related cost estimates for each phase as prepared by a Professional. Phased landscape plans will be formalized by means of a Works and Services Agreement.
- 5.3. The amount of the security deposit shall be based on the cost estimate as provided by a Professional, at the expense of an Applicant, to address:
- (a) Landscape improvements. The amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, hardscaping, irrigation, labour and plantings materials. Hardscaping elements such as fences, decorative pavements, public art and benches shall be distinguished from soft landscaping elements such as vegetation, soil and amendments in the cost estimate in order to support staged releases of landscape securities as described in section 5.6 below.
 - (b) Performance security as a condition of a Temporary Use Permit. The amount of security will be 125% of an estimate or quote of the cost of works to guarantee the performance of the terms of the permit. Such works may include but are not

limited to: inspections, monitoring, maintenance, irrigation, labour, planting materials and works required to restore the land or remove any temporary structures.

- 5.4. Any changes to the approved plans will require approval of the City prior to installation of any works, and may include changes to the security requirement.
- 5.5. The form of the security deposit shall be an irrevocable letter of credit or other form satisfactory to the Delegate. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled, and shall be redeemable locally.
- 5.6. The procedures for the release of the security deposit shall be:
- (a) Upon completion of the works, a Qualified Professional shall certify that the works are in compliance with the recommendations of the Report or the DAI included in the permit;
 - (b) The compliance report must be signed and sealed by a Qualified Professional and include the following at a minimum:
 - i. The date and drawing number of the plan reviewed by the Qualified Professional;
 - ii. Date(s) of inspection by the Qualified Professional; and
 - iii. A statement from the Qualified Professional that the completed works substantially comply with the approved plan;
 - iv. A description of all deviations from the approved plan(s) with a rationale for the changes and whether the changes meet the intent of the approved plan(s);
 - v. The request of the amount of funds to be released.
- 5.7. Upon receipt of a Substantial Completion Report:
- (a) The City may conduct a site inspection to verify that the works are installed in accordance with the approved plans;
 - (b) Should there be any deficiencies identified in the compliance report or should the City find any discrepancies and/or deficiencies during an inspection, an inspection report will be issued to the applicant and the security will be retained until the deficiencies have been addressed;
 - (c) Upon confirmation that the works are in compliance by the Professional to the satisfaction of the Delegate:
 - i. soft landscape security deposits will be released to a maximum 80%. The remaining 20% security deposit may be held for up to three years where deficiencies are identified
 - ii. Hardscape landscape security deposits will be released in full.
- 5.8. Where, in the opinion of the Delegate, an applicant has failed to satisfy the landscaping requirements of the Permit, or failed to comply with the conditions of the Permit, or has created an unsafe condition, the City may undertake and complete the landscaping requirements, or carry out any construction required to comply with the conditions of the

permit or correct an unsafe condition or correct the damage to the environment, at the full cost of Applicant, and may apply the landscape security or the remediation security to the cost of the work, with any excess to be returned to the Applicant.

- 5.9. Council may require, as a condition of issuing a temporary use permit, a security deposit to guarantee the performance of the terms of the permit. Where a temporary use permit provides for such a security deposit, the procedures for the release of the security deposit shall be:
- (a) The Applicant confirms in writing to the Delegate that buildings or structures have been demolished and removed, and the land restored to a condition specified in the permit, and requests in writing that the performance security deposit be released;
 - (b) Once the Delegate has received confirmation that buildings or structures have been demolished and removed, and land restored to a condition specified in the permit, the Delegate will authorize the release the security deposit; and
 - (c) If the Applicant fails to undertake such restoration works or defaults on the terms of the temporary use permit, the performance security deposit will be forfeited to the City of Courtenay.

PART 6: VALIDITY OF APPLICATIONS

- 6.1. The date of issuance for a development permit, a development variance permit, or a temporary use permit is the date of approval of the permit by Council or a Delegate.
- 6.2. An Application to renew or extend a development permit, a minor development variance permit, a development variance permit, or a temporary use permit under this Bylaw must be made prior to the lapse of the permit.
- 6.3. Other than subdivision, if the Delegate determines that an Application has been inactive for period of 6 months or longer, the Applicant will be given 30 days written notice to provide outstanding development approval information or meet outstanding requirements after which time the Application will be closed. The Delegate may consider a written request from the Applicant for extension deadline imposed by this section which shall not be longer than one period of 6 months.
- 6.4. If an Application is withdrawn in writing by the Applicant prior to a council report, the Applicant may request in writing a refund of the refundable portion of the application fees in accordance with the Fees and Charges Bylaw.
- 6.5. If an Application has been closed due to inactivity, the Applicant must, even if the new Application is substantially the same as the closed Application, begin the Application process again in accordance with this Bylaw and submit a new, complete Application.
- 6.6. Where an Application has been denied by Council, no reapplication for a substantially similar application shall be considered within one year of denial date of the previous application. Despite this section 6.6, Council may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one year period.
- 6.7. If an Application is closed, withdrawn or denied, fees pursuant to the Fees and Charges

Bylaw are applicable to any new Application.

- 6.8. The process to amend a permit will be the same as the process for a new permit.
- 6.9. In the event that an Application made pursuant to this Bylaw for an amendment to the Official Community Plan or Zoning Bylaw has not been given final adoption by Council within one year after the date it was given third reading or one year after the date of last consideration by Council, the Applicant shall be notified in writing and if no response is received within 60 days:
 - (a) the Planner will record the response and consider the Application abandoned; and
 - (b) a Planner will prepare a motion for Council's consideration to rescind all readings of the bylaw associated with the amendment application;
- 6.10. Upon written request by the Applicant prior to the lapse of the Application for an amendment to the Official Community Plan or Zoning Bylaw, Council may extend the deadline for a period of one (1) year by passing a resolution to that effect to enable the Applicant to complete the requirements for final adoption. A maximum of two (2) one-year time extensions may be granted by Council. If Council decides to deny an extension request or the applicant has received two (2) one-year time extensions, or there have been changes to the policies, bylaws or development permit guidelines affecting the Application and the Applicant still has not met the requirements for final adoption and wishes to proceed with the Application, a new Application and fees will be required as per the Fees and Charges Bylaw.

PART 7: COMMUNITY INFORMATION MEETING

- 7.1 Applicants for Official Community Plan Amendments, Zoning Bylaw Amendments, Temporary Use Permits or Development Variance Permits may be required to hold a Community Information Meeting at their own expense prior to the application being considered by Council.
- 7.2. The Delegate will determine whether a Community Information Meeting is required by evaluating:
 - (a) the potential impact of the development on the surrounding neighborhood due to the scale of the development;
 - (b) whether the proposal aligns and is consistent with the OCP; and
 - (c) the complexity of the Application.
- 7.3. The purpose of the Community Information Meeting is to provide an opportunity for the public to access information and to inquire about a development application beyond what is available through the application referral process, notification process and public hearing process.
- 7.4. The Community Information Meeting will be held following the review of the application by staff.
- 7.5. When a Community Information Meeting is held, it will be arranged by City staff, with staffing, venue and advertising fees paid by the Applicant.

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- 7.6. The Community Information Meeting may be held at City of Courtenay Offices or at an alternative venue in the community approved by the Planner or Delegate. If requested, the Planner or Delegate will provide a list of appropriate venues to the applicant.
 - 7.7. Community Information Meetings will be held in person and all information provided at the in-person meeting is also required to be mailed to adjacent property owners and occupiers at least ten (10) days prior to the date of the meeting.
 - 7.8. For the in-person Community Information Meeting, it may take the form of an open house, presentation, display, small group discussion, and/or a question and answer period and may include a combination of meeting formats, as directed by the Delegate.
 - 7.9. The City will provide notice of the meeting to properties within 100m for OCP and Zoning Amendments; including the establishment of a Phased Development Agreement and Temporary Use Permits and 30m for Development Variance Permits.
 - 7.10. The Delegate is authorized at their discretion to modify the notification distance required for a Community Information Meeting based on the nature of the proposal.
 - 7.11. The Delegate may require the applicant to hold more than one (1) Community Information Meeting for an application based on the following considerations: if the first Community Information Meeting generated substantive public comments or concerns to warrant a second meeting, if the proposal presented at the first meeting is subsequently substantially changed, and significance and/or complexity of the application.
 - 7.12. Council may require the applicant to hold more than one (1) Community Information Meeting to facilitate additional community and public engagement on any application.
 - 7.13. The Delegate is authorized at their discretion to modify the meeting location, meeting time, meeting format, and staff attendance at the meeting.
 - 7.14. After a Community Information Meeting is held, the Planner will prepare a summary report including:
 - (a) Location, time, and duration of meeting;
 - (b) Number of attendees;
 - (c) Proof of how the meeting was advertised;
 - (d) All meeting materials displayed and information provided at the meeting;
 - (e) A summation of questions raised, comments provided by attendees and major discussion points;
 - (f) A summary of community concerns raised at the meeting and how the applicant will be addressing the concerns;
 - 7.15. The input received at the Community Information Meeting as well as the Applicant's and staff's responses will be included in a staff report for consideration by the Delegate and/or Council.
 - 7.16. Where an Applicant has given notice or engaged with the community prior to an Application, the Applicant shall provide copies of these written materials to the City prior to consideration of an Application by Council.

PART 8: PUBLIC NOTICE REQUIREMENTS

- 8.1. The public notice requirements for Applications are prescribed in the *Local Government Act*.
- 8.2. Any notice that is required to be advertised under the Part 14 of the *Local Government Act* may be given by no less than two of the following methods:
- (a) electronically by posting the notice prominently for two consecutive weeks on City's official website;
 - (b) electronically by posting the notice prominently for two weeks on any of City's official social media sites; or
 - (c) by publishing at least once a week for two consecutive weeks in at least one newspaper or other publication circulating in the City.
- 8.3. Additional Notice Requirements
- (a) Any notice that is required to be mailed under the will be given to all properties with 100 m, measured from the boundaries of the subject land.
 - (b) The Applicant may be required by the City to erect or cause to be erected at the Applicant's expense a development notice sign on the subject land. The development notice sign must be consistent with the template and procedures prescribed by the Delegate.
 - (c) For notices that are required to be mailed under the *Local Government Act*, the City will mail or otherwise deliver individual notices to all owners and occupiers of properties within a 100 m radius of the subject property for OCP, Zoning, Phased Development Agreement and Temporary Use Permits, or 30 m for Development Variance Permits, advising of:
 - i. A scheduled public hearing for an Official Community Plan Amendment, Zoning Bylaw Amendment, or a Phased Development Agreement;
 - ii. Notification for when a public hearing will not be held;
 - iii. A scheduled Council meeting for a Major Development Variance Permit; and
 - iv. A scheduled Council meeting for a Temporary Use Permit.
 - (d) All correspondence in response to the notifications must be received by the City prior to the start of the Council meeting where final consideration of an Application is to be given or until close of the Public Hearing.
 - (e) Additional Public Hearings are subject to the Fees and Charges bylaw.

PART 9: RECONSIDERATION

- 9.1. An Applicant may apply to Council for the reconsideration of a decision by the Delegate under this Bylaw by delivering to the City's corporate officer a written application for reconsideration within 30 days after the decision is communicated in writing to the Applicant.

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- 9.2. An application for reconsideration must set out:
- (a) The Applicant's address for receiving correspondence related to the request for reconsideration;
 - (b) a copy of the Delegate's written decision;
 - (c) a copy of any documents which support the Applicant's request for reconsideration by Council;
 - (d) reasons why the Applicant wishes the specific decision to be reconsidered by Council; and
 - (e) what, if any, decision the Applicant considers the Council ought to substitute, and must include a copy of any materials considered by the Applicant to be relevant to the reconsideration by Council.
- 9.3. The corporate officer will place each application for reconsideration on the agenda of a regular meeting of Council as soon as reasonable after delivery of the application for reconsideration, and will notify the Applicant of the date of the meeting at which the reconsideration will occur.
- 9.4. When reconsidering the decision of the Delegate, Council may hear from the Applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the decision or substitute its own decision.

PART 10: EFFECTIVE DATE, SEVERABILITY AND REPEAL

- 10.1. This Bylaw comes into effect on adoption.
- 10.2. If any section, clause, sub-clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- 10.3. The following bylaws and any amendments to those bylaws thereto are hereby repealed:
- (a) Development Applications Bylaw No. 2740, 2014

READ a first time this 22nd day of November, 2023.

READ a second time this 22nd day of November, 2023.

READ a third time this 22nd day of November, 2023.

ADOPTED this _____ day of _____, 2023.

Mayor Bob Wells

Adriana Proton, Corporate Officer

SCHEDULE A

OFFICIAL COMMUNITY PLAN (OCP) OR ZONING BYLAW AMENDMENT (INCLUDING THE ESTABLISHMENT OF A PHASED DEVELOPMENT AGREEMENT)

All applications for an amendment to the Official Community Plan and Zoning Bylaw submitted in accordance with this bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

- 1.1. The Applicant shall hold a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information such as project summary and conceptual site plan are submitted in advance. The Delegate or Planner will advise the Applicant of DAI required, if any.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.3. An application for an amendment to the Official Community Plan will include one or more opportunities for consultation with persons, organizations and authorities that the City considers affected by the application as outlined in the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be addressed in the staff's report to Council.
- 1.4. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.5. The Applicant may post a Notice of Application sign.
- 1.6. Depending on the particulars of an Application, an application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.7. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to Council.
- 1.8. The Applicant may be required, to hold a Community Information Meeting at their own expense prior to the amending bylaw being considered by Council. If required, the Applicant is to conduct the Community Information Meeting.
- 1.9. The City encourages applicants to inform their neighbours on their proposed development plans and address concerns where feasible. In doing so provide this information to inform the application.
- 1.10. For a Zoning Bylaw amendment that is consistent with the OCP, the Delegate may elect not to hold a public hearing and provide notice of this decision in accordance with the *Local Government Act*, prior to first reading. In considering whether to hold a public hearing or not, the Delegate will consider:
 - (a) If the bylaw is consistent with the Official Community Plan;
 - (b) Whether community engagement has occurred according to this Bylaw.
 - (c) The bylaw has a supporting recommendation from staff; and
 - (d) The bylaw is not expected to generate substantive public input based on correspondence received at the time of writing of the Council report.

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- 1.11. Planning staff will prepare a planning report for Council to summarize referral responses, present bylaw, recommend first and second readings of the bylaw, (and set public hearing date where one is required); or recommend Council deny the Application. First, second, and third readings of the bylaw may take place where a public hearing is not held, and at the discretion of the Delegate.
 - 1.12. The applicant is encouraged to attend the Council meeting at which the application will be considered to answer any questions Council may have and to listen to the proceedings.
 - 1.13. Council may, upon receipt of a report completed by staff:
 - (a) Give first reading to the bylaw amendment pursuant to the application; or
 - (b) Refer the application back to staff to make changes as directed; or
 - (c) Defer or postpone the Application; or
 - (d) Reject the application.
 - 1.14. If Council does not give first reading, the Applicant is notified in writing. That portion of the application fees taken for a public hearing are refunded as per the Fees and Charges Bylaw and the Application is closed.
 - 1.15. In the case of a phased development agreement, following approval of first and second readings of the amending bylaw(s), the Delegate will work with the Applicant to draft the agreement.
 - 1.16. Where the Delegate has provided notice not to hold a public hearing, and Council decides that a public hearing be held prior to third reading to permit the public to comment on the application pursuant to the *Local Government Act* and as per this bylaw, notice(s) of the amending bylaw(s) will be published pursuant to the *Local Government Act*. For a rezoning application where the proposed zoning bylaw is consistent with the OCP, a public hearing is not a default requirement of the *Local Government Act*; however, may be required by Council.
 - 1.17. If a public hearing is held, the minutes of the public hearing will be presented to Council prior to consideration of third reading of the amending bylaw.
 - 1.18. Following third reading of the bylaw(s), where applicable, any legal documents such as covenants and statutory rights of way shall be registered on title, and if applicable subdivision agreements completed, and final technical documents submitted for review and consideration.
 - 1.19. Once all of the conditions identified at third reading, if any, have been addressed, Council will consider adoption of the bylaw(s).
 - 1.20. If defeated, reapplication of a similar amendment will only be considered in accordance with this bylaw.
 - 1.21. Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.

Preparation of Phased Development Agreements

If a Phased Development Agreement is required, it may be processed concurrently with a Zoning Bylaw Amendment application, and will be substantially processed with the following additional steps. The Phased Development Agreement must be adopted by separate bylaw prior to adoption of the amending land use bylaw:

- a) The applicant will be required to work with the Delegate to develop a Terms of Reference identifying the basic conditions to be outlined in the Phased Development

Agreement. Such conditions include, but are not limited to, the lands affected and intent of the agreement, the term, amenities, features and phasing of the development. Other conditions may be required and will be determined on a site-specific basis.

- b) The applicant will submit the draft Terms of Reference to the City who may refer it to other City staff and applicable external agencies by for review and comment.
- c) Once the basic conditions in the Terms of Reference have been agreed upon, the Applicant will be directed to draft the Phased Development Agreement, at the applicant's expense, and submit the agreement to the City.
- d) Staff may refer the draft Phased Development Agreement to all applicable other City staff and applicable external agencies by for review and comment, and may refer the draft Phased Development Agreement to a solicitor.
- e) Staff will prepare a technical report for Council's consideration on the draft Phased Development Agreement, incorporating feedback received from the referral process and amending land use bylaw(s) (e.g. OCP, Zoning Amendment Bylaw application(s)).
- f) If Council wishes to proceed with the Phased Development Agreement, the Phased Development Agreement bylaw will be given first reading and second reading (including the placement of conditions, where appropriate). Council may alternatively decide to postpone or deny the application.
- g) Should the Phased Development Agreement Bylaw receive first and second readings a public hearing will be held pursuant to the *Local Government Act* and this Bylaw.
- h) Following the close of the public hearing, Council may proceed with third reading of the Phased Development Agreement and the amending land use bylaw(s) (e.g. OCP, Zoning Bylaw application(s)) (including the imposition of conditions), postpone or deny the application.
- i) Once the applicant has adequately addressed all of the conditions identified at third reading (if any), Council will consider adoption of the Phased Development Agreement bylaw(s) and the amending land use bylaw(s) (e.g. OCP, Zoning Bylaw application(s)).
- j) If a Phased Development Agreement is entered into, a Notice will be registered against the title of the property at the Land Title Office by Staff.
- k) Amendments to an approved Phased Development Agreement may occur pursuant to the *Local Government Act*.

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- 1.22. An OCP or zoning bylaw amendment application, with or without Phased Development Agreement, submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

OFFICIAL COMMUNITY PLAN (OCP) OR ZONING BYLAW AMENDMENT (INCLUDING THE ESTABLISHMENT OF A PHASED DEVELOPMENT AGREEMENT)



**SCHEDULE B
PREPARATION OF HOUSING AGREEMENTS**

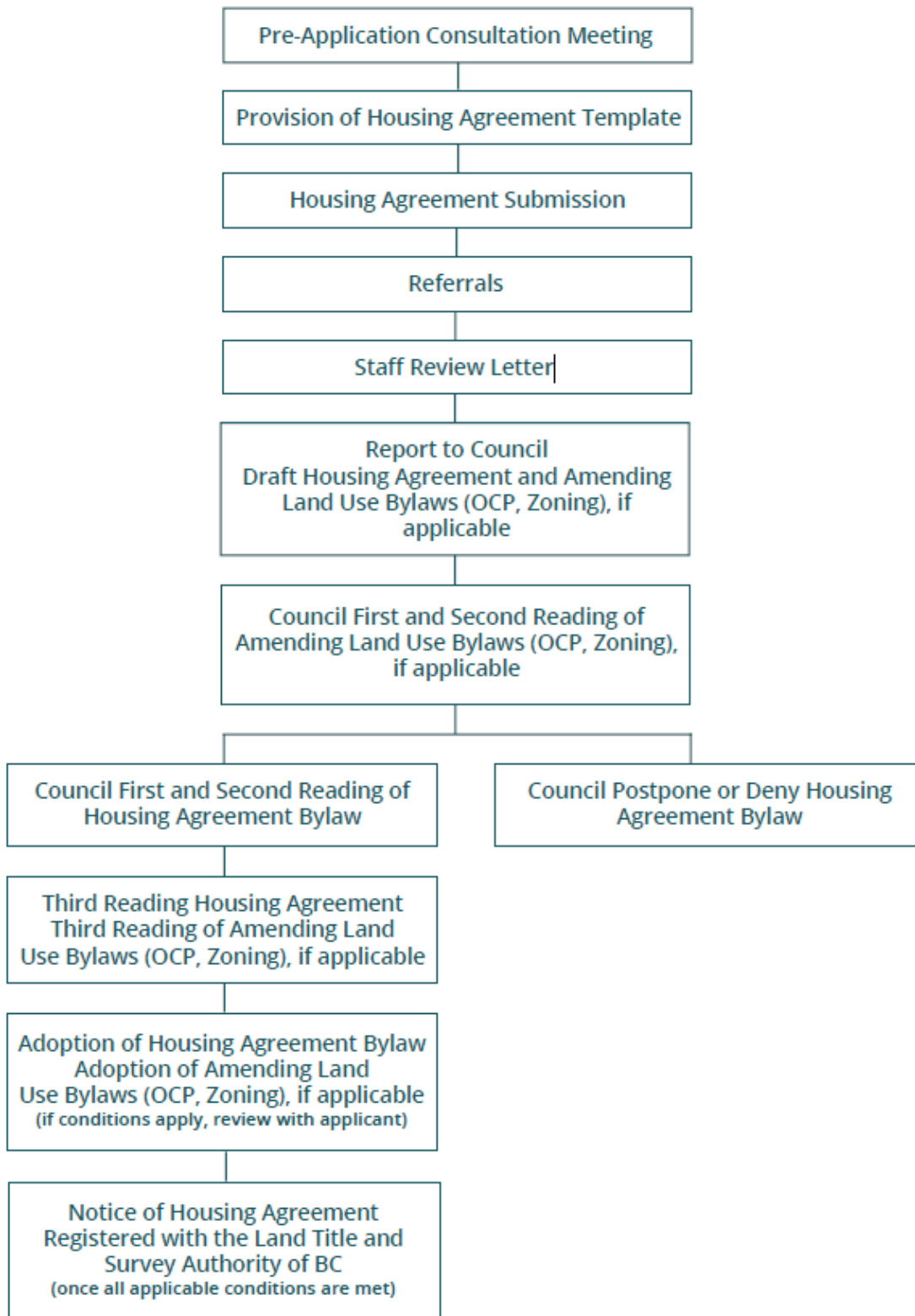
Housing Agreements are used to ensure affordability for current and future renters and owners. While terms and conditions of the agreement vary between properties, a housing agreement usually serves to limit rental rates or sale prices, and may also stipulate who may reside at, or purchase, the property. Administrative requirements, property management, and an allowance for monitoring to ensure compliance may also be included. Housing Agreements may be required as a condition of a Zoning Amendment application. A Housing Agreement may also occur in the absence of a Zoning Amendment application process. When in conjunction with a Zoning Amendment application, the Housing Agreement must be adopted by separate bylaw prior to adoption of the amending land use bylaw.

- 1.1. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. Where a Zoning Bylaw amendment is considered in relation to the proposed Housing Agreement, the meeting will include discussion of Zoning Bylaw amendment as well. The Delegate or Planner will advise the Applicant of Reports and DAI required, if any.
- 1.2. Prior to application, staff will provide a Housing Agreement template. This document contains the standard terms and wording for City of Courtenay housing agreements and shall include at minimum:
 - (a) Owner/Society and Site Specific Information – Information specific to the owner or management information, as well as site-specifics such as number and type of units etc.
 - (b) Fees and Charges – Clearly outlines fees, such as rent amounts, strata or leasehold fees, and additional charges, and specific information regarding rate increases.
 - (c) Qualified Occupants – A fair practice and clear definition for determining who is a qualified occupant.
 - (d) Roles and Responsibilities – Define the roles and responsibilities of each party, including external funding sources if applicable.
 - (e) Terms and Conditions – These may be standard or specific to the proposal and will be discussed with the Delegate or Planner.
- 1.3. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant.
- 1.4. Planning staff will review the proposal for compliance with relevant City bylaws. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.5. Staff may refer the draft Housing Agreement to all applicable other City staff and applicable external agencies by for review and comment, and may refer the draft Housing Agreement to a solicitor.
- 1.6. Staff will prepare a technical report for Council's consideration on the draft Housing Agreement, incorporating feedback received from the referral process and amending land use bylaw(s) where applicable (e.g. OCP, or Zoning Amendment Bylaw application(s)).
- 1.7. Where the Housing Agreement is considered in relation to a Zoning Amendment bylaw,

the Housing Agreement Bylaw will be considered following First and Second Readings of the Zoning Amendment Bylaw.

- 1.8. If Council wishes to proceed with the Housing Agreement, the Housing Agreement bylaw will be given first reading and second reading. Council may alternatively decide to postpone or deny the application.
- 1.9. Where a Housing Agreement Bylaw has received First and Second readings, Council may proceed with third reading of the Housing Agreement and the amending land use bylaw(s) together (e.g. OCP, Zoning Bylaw application(s)) (including the imposition of conditions), postpone or deny the application(s).
- 1.10. Once the applicant has adequately addressed all of the conditions identified at third reading (if any), Council will consider adoption of the Housing Agreement bylaw and the amending land use bylaw(s) where applicable (e.g. OCP, Zoning Bylaw application(s)). If a Housing Agreement Bylaw is adopted, a Notice of Housing Agreement will be registered by staff against the title of the property at the Land Title Office.
- 1.11. Monitoring and enforcement are common conditions of Housing Agreements and will be followed in accordance with the Agreement.
- 1.12. A Housing Agreement application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

HOUSING AGREEMENTS



SCHEDULE C

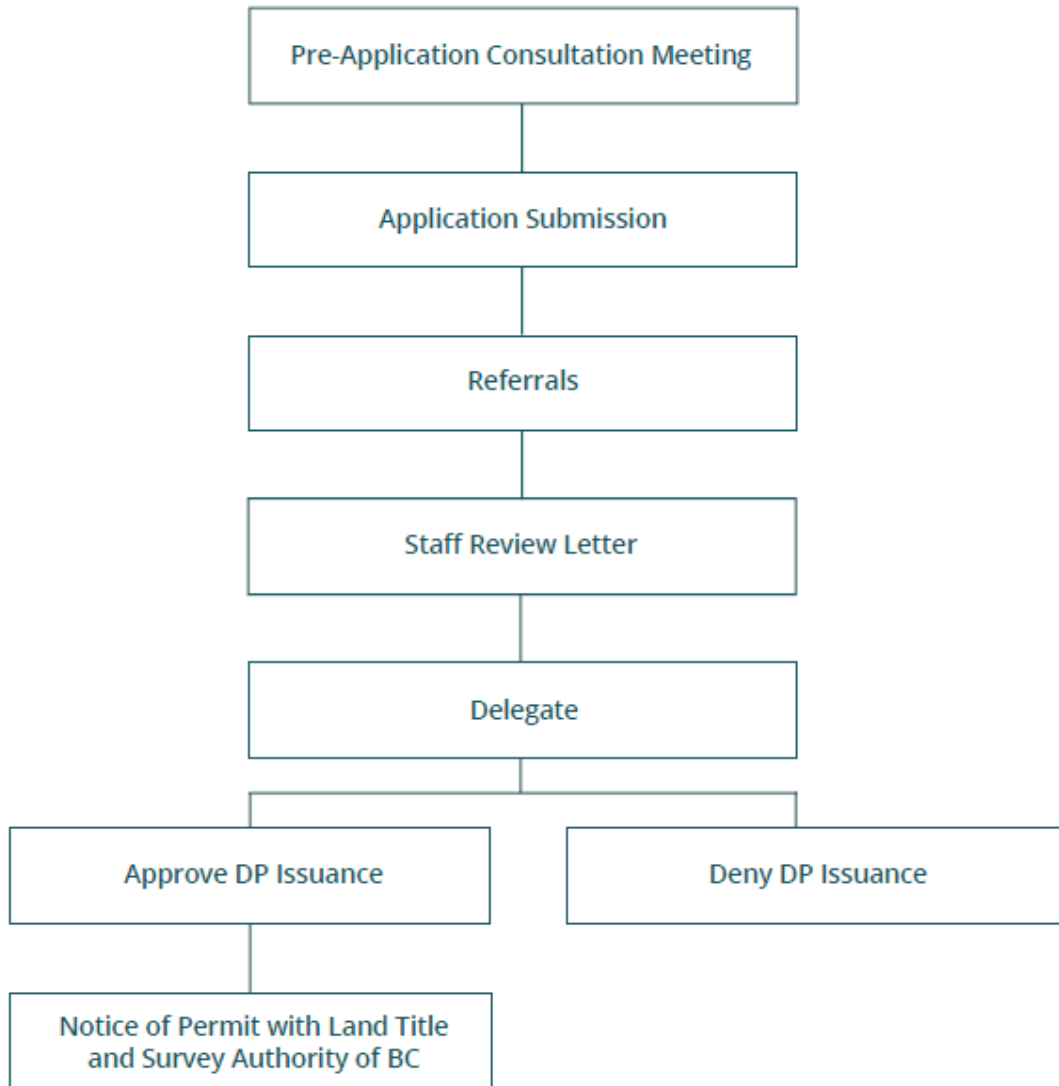
DELEGATED DEVELOPMENT PERMIT

All applications for Development Permit submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. A Development Permit allows the Delegate to approve a development permit in compliance with the Official Community Plan and Zoning Bylaw. Development Permit applications are not subject to Public Hearing requirements or formal notification. This process arises because the Delegate's discretion to approve, amend or deny a development permit is limited to the scope of the Development Permit Area Guidelines in the Zoning Bylaw.

- 1.1. This schedule applies to permits that have been delegated by Council to the Delegate and where the development permit does not include a variance.
- 1.2. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information such as project summary and conceptual site plan are submitted in advance. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.3. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information, including Reports, is received and fees paid.
- 1.4. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.5. Depending on the particulars of an Application, an application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.6. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to the Delegate.
- 1.7. Planning staff will prepare a planning report for the Delegate to summarize how the application meets the Development Permit Area guidelines, and recommend whether to approve or deny.
- 1.8. The Delegate may issue the development permit, issue the development permit with conditions or where the Application does not conform to the Development Permit Area Guidelines in the Zoning Bylaw, refuse to issue the development permit. Alternatively, the Delegate may refer the Application to Council for reconsideration in accordance with this bylaw.
- 1.9. Development permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.
- 1.10. If a Development Permit is granted, a Notice of Permit will be registered by staff against the title of the property at the Land Title Office
- 1.11. Applications for permit renewals, extension, or re-application will be processed in substantial accordance with the process outlined above.

- 1.12. A development permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

DELEGATED DEVELOPMENT PERMIT



The following permits are delegated to the Director of Development Services:

DPA-1: Commercial, Industrial, Mixed-Use Developments, and Multi-Residential Dwellings with Three or More Units

DPA-2: Intensive Residential Form and Character DPA for Duplexes, Detached Secondary Residences, Heritage Neighbourhoods, Bare Land Stratas, and Mobile Home Parks

DPA-3: Farm Protection

DPA-4: Environmental

DPA-5: Hazardous Conditions - Steep Slopes

SCHEDULE D

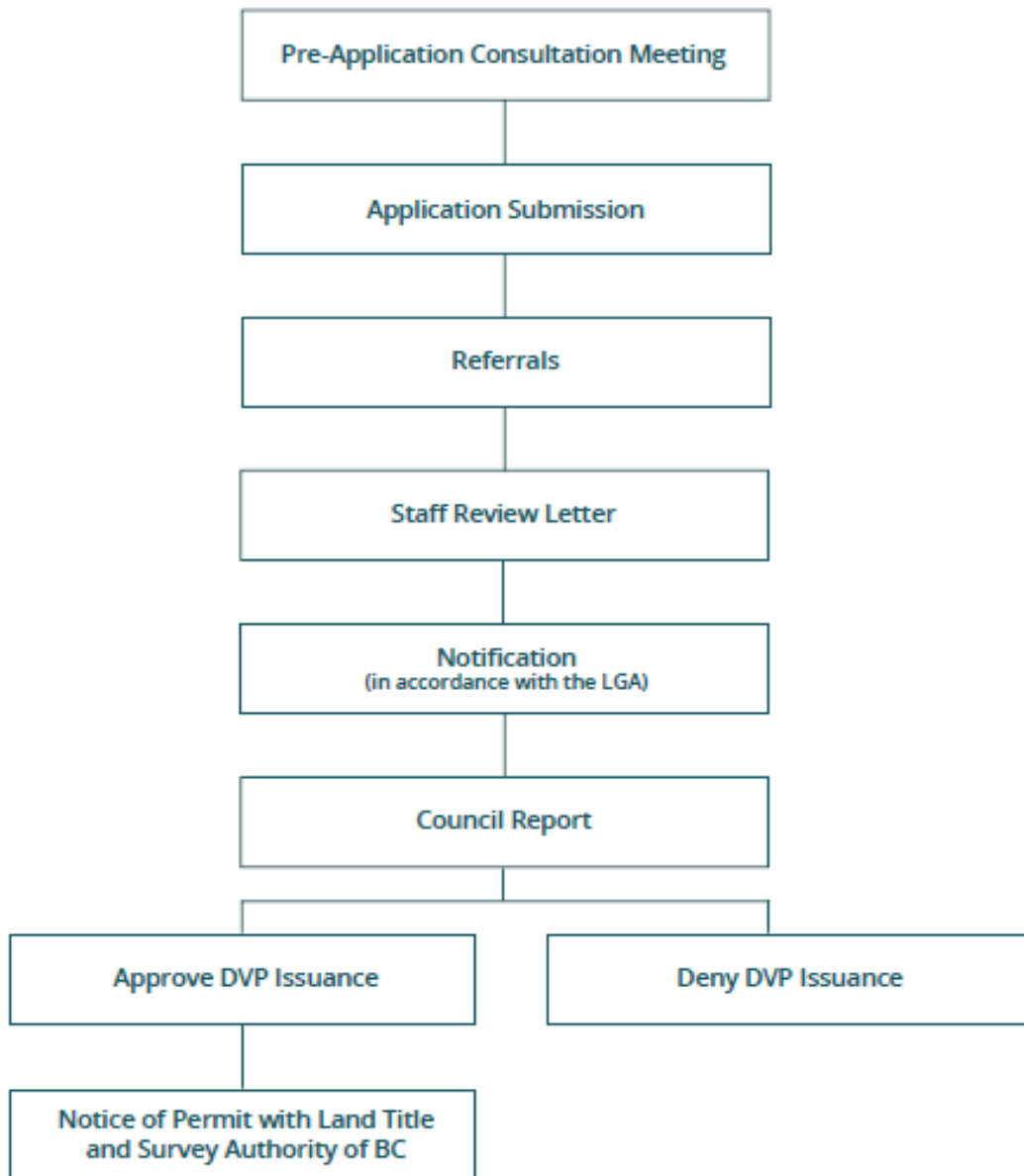
DEVELOPMENT VARIANCE PERMIT (DVP) APPLICATION (APPROVAL BY COUNCIL)

All applications for development variance permits, other than for a Minor Development Variance Permit, will be submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

- 1.1. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information such as project summary and conceptual site plan are submitted in advance. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant.
- 1.3. Planning staff will review the proposal for compliance with relevant City bylaws and to confirm whether the requested variance can be approved as a Minor Development Variance Permit and, if not, will process the Application in accordance with this schedule. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.4. Depending on the particulars of an Application, an application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.5. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to the Delegate.
- 1.6. Planning staff will prepare a planning report to Council relating any information received through internal referral, and the notification process and advising on the extent of the requested variance and whether the variance is necessary or beneficial. The report will consider the impact of the proposed variance on adjacent properties or the surrounding neighbourhood and how those impacts may be mitigated, whether there is a community or environmental benefit to the larger community in granting the variance, and whether there is hardship other than the business aspects of the development, such as location, size, site configuration or topography or other natural attribute of the land (e.g. rock outcrop, floodplain, natural vegetation).
- 1.7. Where an application for a Development Variance Permit is made concurrent with a Development Permit, the report to Council will include in general terms the nature of the Development Permit. The Development Permit is a separate permit and is reviewed and issued by the Delegate.
- 1.8. Staff will mail or otherwise deliver notices to adjacent property owners in accordance with this bylaw.
- 1.9. The applicant is encouraged to attend the Council meeting at which the application will be considered to answer any questions Council may have and to listen to the proceedings.

-
- 1.13. Development Variance Permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.
 - 1.14. If a Development Variance Permit is granted, a Notice of Permit will be registered by staff against the title of the property at the Land Title Office.
 - 1.15. Applications for permit renewals, extension, or re-application will be processed in substantial accordance with the process outlined above.
 - 1.10. A DVP application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

DEVELOPMENT VARIANCE PERMIT (DVP) APPLICATION (APPROVAL BY COUNCIL)



SCHEDULE E

DELEGATED MINOR DEVELOPMENT VARIANCE PERMIT

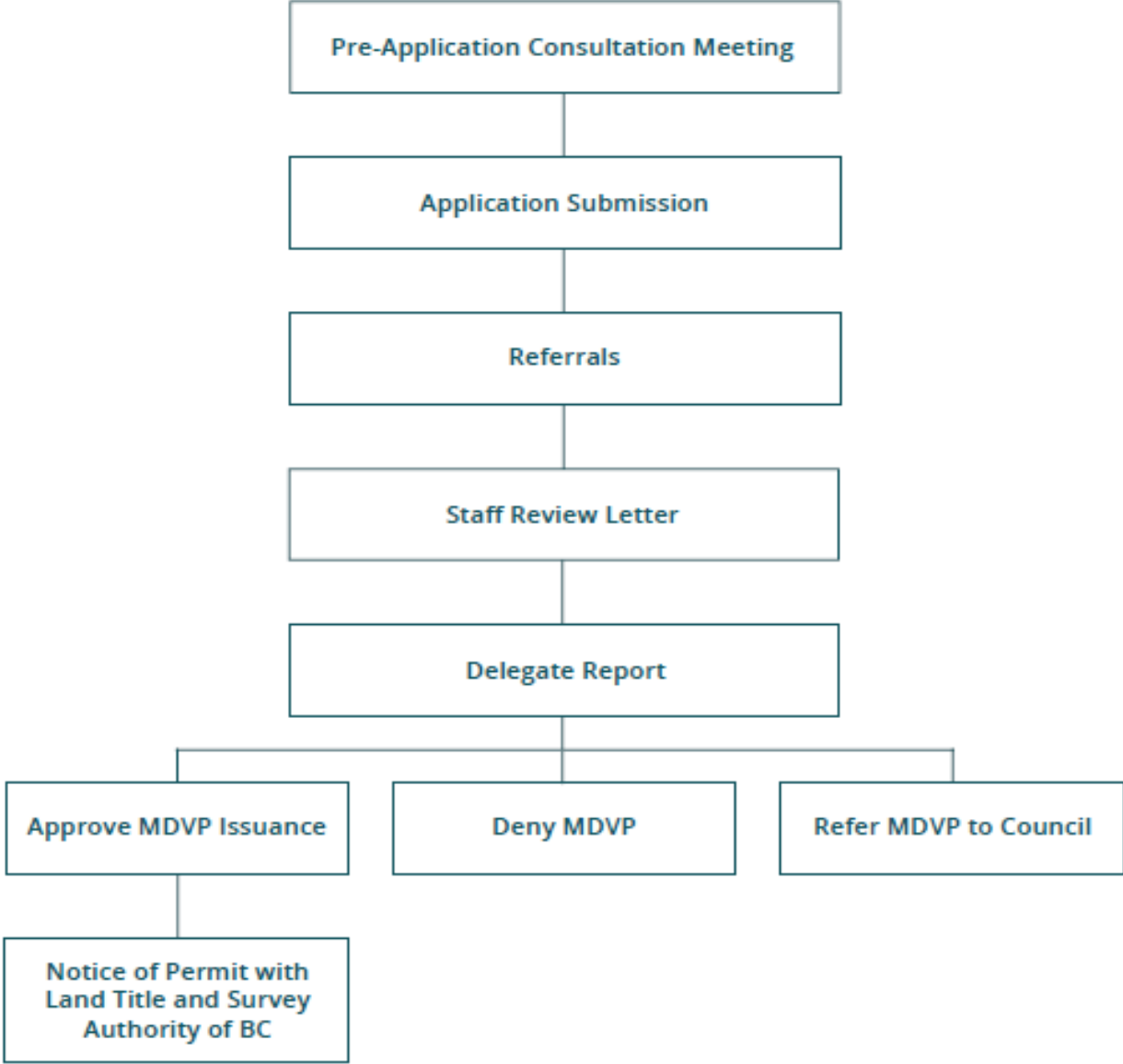
All applications for Minor Development Permit submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. A Minor Development Permit allows a person to whom Council has delegated authority to review proposed variances against detailed regulations in the Zoning Bylaw. Minor Development Variance Permits applications are not subject to statutory notice provisions in the Local Government Act (see s. 499 (1.1)).

- 1.1. This schedule applies to Minor Development Variance Permits. These decisions are subject to reconsideration by Council.
- 1.2. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information such as project summary and conceptual site plan are submitted in advance. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.3. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information, including Reports, is received and fees paid.
- 1.4. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.5. Depending on the particulars of an Application, an application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.6. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to the Delegate.
- 1.7. Planning staff will prepare a planning report for the Delegate to summarize the application and how it meets the Minor DVP guidelines.
- 1.8. Where an application for a Minor Development Variance Permit is made concurrent with a Development Permit, the report to Delegate will also address the Development Permit and how it meets Development Permit Area guidelines. The Development Permit is a separate permit and is reviewed and issued by the Delegate.
- 1.9. In considering whether to approve a minor variance, the Delegate will consider the following guidelines:
 - (a) the impact of the proposed variance on adjacent properties or the surrounding neighbourhood and how those impacts may be mitigated;
 - (b) whether there is a community or environmental benefit to the larger community in granting the variance, and
 - (c) whether there is hardship other than the business aspects of the development,

such as location, size, site configuration or topography or other natural attribute of the land (e.g. rock outcrop, floodplain, natural vegetation).

- 1.10. The Delegate may issue the Minor Development Variance Permit, issue the Minor Development Variance Permit with conditions or where the variance is not supported by the considerations above, refuse the Minor Development Variance Permit. Alternatively, the Delegate may refer the Application to Council for reconsideration in accordance with this bylaw.
- 1.11. Minor Development Variance Permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.
- 1.12. If a Minor Development Variance Permit is granted, a Notice of Permit will be registered by staff against the title of the property at the Land Title Office.
- 1.13. Applications for permit renewals, extension, or re-application will be processed in substantial accordance with the process outlined above.
- 1.14. A Minor Development Variance Permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

DELEGATED MINOR DEVELOPMENT VARIANCE PERMIT (MDVP)



SCHEDULE F

TEMPORARY USE PERMIT (TUP) APPLICATION

This process is only available where the OCP or Zoning Bylaw designate the area as a places where temporary uses may be allowed. All applications for Temporary Use Permits submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

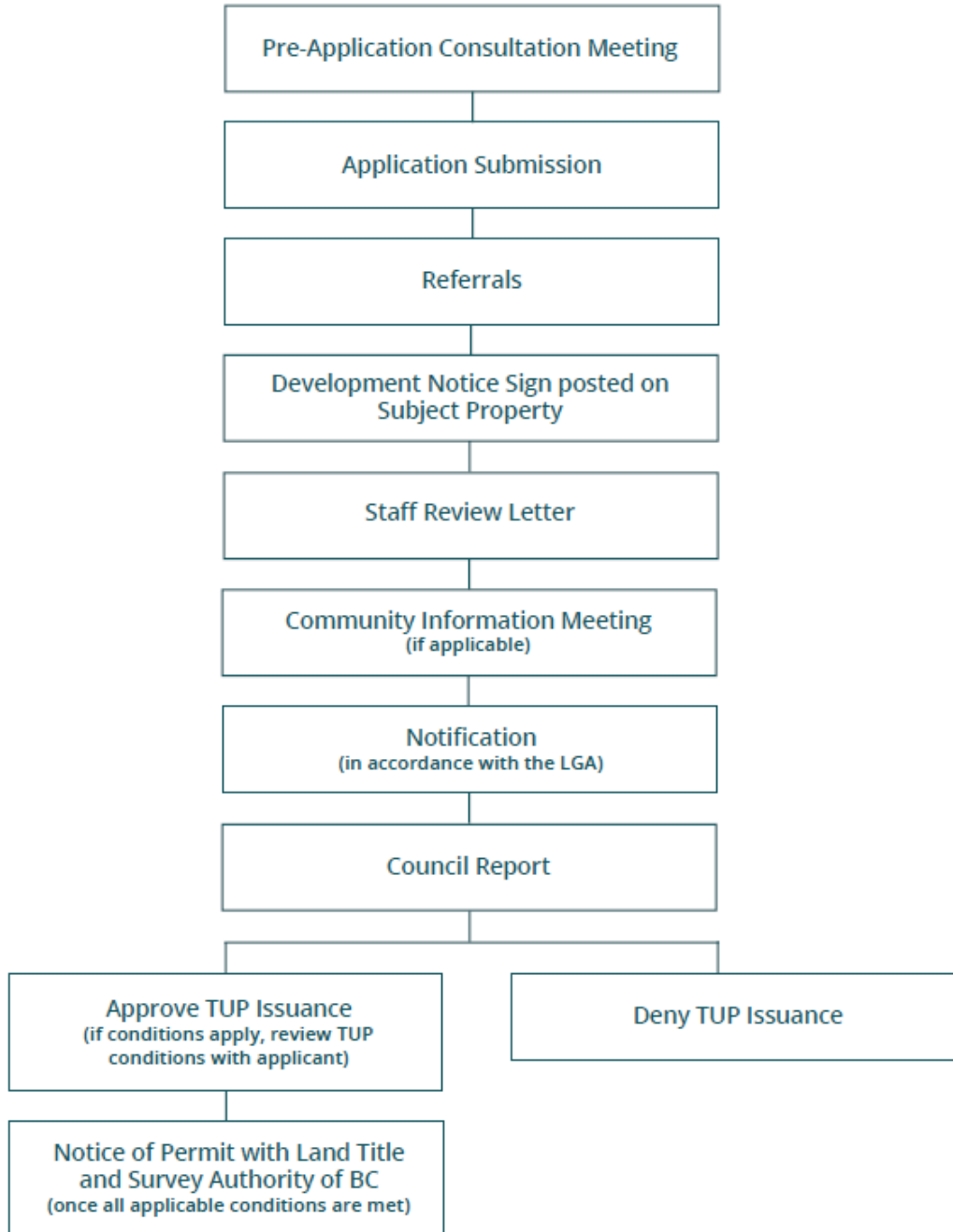
- 1.1. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. Prior to arranging the meeting, the Delegate or Planner will require that sufficient information such as project summary and conceptual site plan are submitted in advance. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.3. The Applicant will post a Notice of Application sign as per Schedule X of this bylaw.
- 1.4. Depending on the particulars of an Application, an application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.5. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.6. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to Council.
- 1.7. The Applicant may be required, and is encouraged, to hold a Community Information Meeting at their own expense prior to the Permit being considered by Council. If required, the Applicant is to conduct the Community Information Meeting.
- 1.8. Temporary use permits are subject to statutory notification requirements as outlined in the *Local Government Act* and the alternative methods of notice set out in this Bylaw, and shall include opportunity for the public to make comment to Council on the proposal in the form of a public input opportunity.
- 1.9. Staff will prepare a planning report for Council relating any information received through internal referral, and the notification process. The report should consider the extent to which the temporary use relates with the intent and policies of the Official Community Plan and potential impact of the use on surrounding properties.
- 1.10. The applicant is encouraged to attend the Council meeting at which the application will be considered to answer any questions Council may have and to listen to the proceedings.
- 1.11. Council may require an Applicant provide performance security for a temporary use permit and may impose additional conditions, including those that were not imposed in the original TUP.
- 1.12. Once the minutes of the Council resolution have been prepared, the applicant will be

notified of the outcome.

- 1.13. If a Temporary Use Permit is granted, a Notice of Permit will be registered by staff against the title of the property at the Land Title Office.
- 1.14. The owner of the land in respect to which the temporary use permit has been issued has the right to use the land as authorized through the permit until the date that the permit expires, for a term not to exceed three (3) years.
- 1.15. An Applicant to whom a temporary use permit has been issued may apply in writing to have the permit renewed for the same use for a specified term not exceeding 3 years. Renewal may only be granted once.
- 1.16. The renewal should be applied for and granted within the term of the original temporary use permit.
- 1.17. When the owner of land fails to comply with all the undertakings given under the permit, the City may enter on the land and carry out the demolition, removal or restoration at the expense of the owner.

1.18. A TUP application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

TEMPORARY USE PERMIT APPLICATION

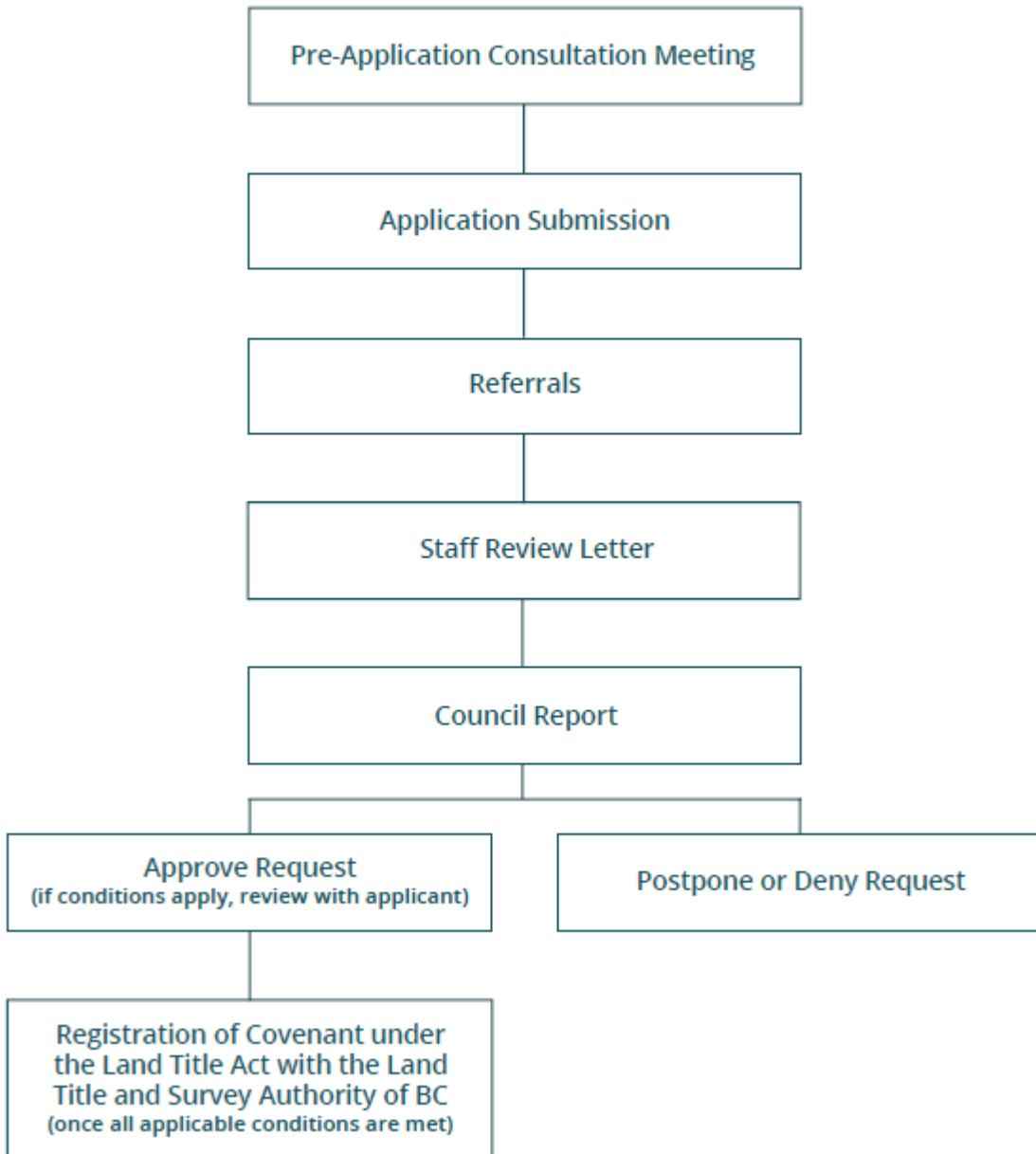


**SCHEDULE G
FLOOD PLAIN EXEMPTIONS**

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

- 1.1. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant.
- 1.3. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.4. Depending on the particulars of an Application, an application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.5. The Applicant will be advised, in the form of a Review Letter, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to the Delegate.
- 1.6. Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process.
- 1.7. Council will receive the technical report, and Council may grant the requested floodplain exemption, may grant the floodplain exemption with terms or conditions, or may postpone or deny the application.
- 1.8. Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- 1.9. If an exemption is granted, a covenant under the *Land Title Act* will be prepared at the expense of the applicant and will be registered against the title of the subject property at the Land Title Office.
- 1.10. A Floodplain Bylaw exemption application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

FLOODPLAIN EXEMPTION

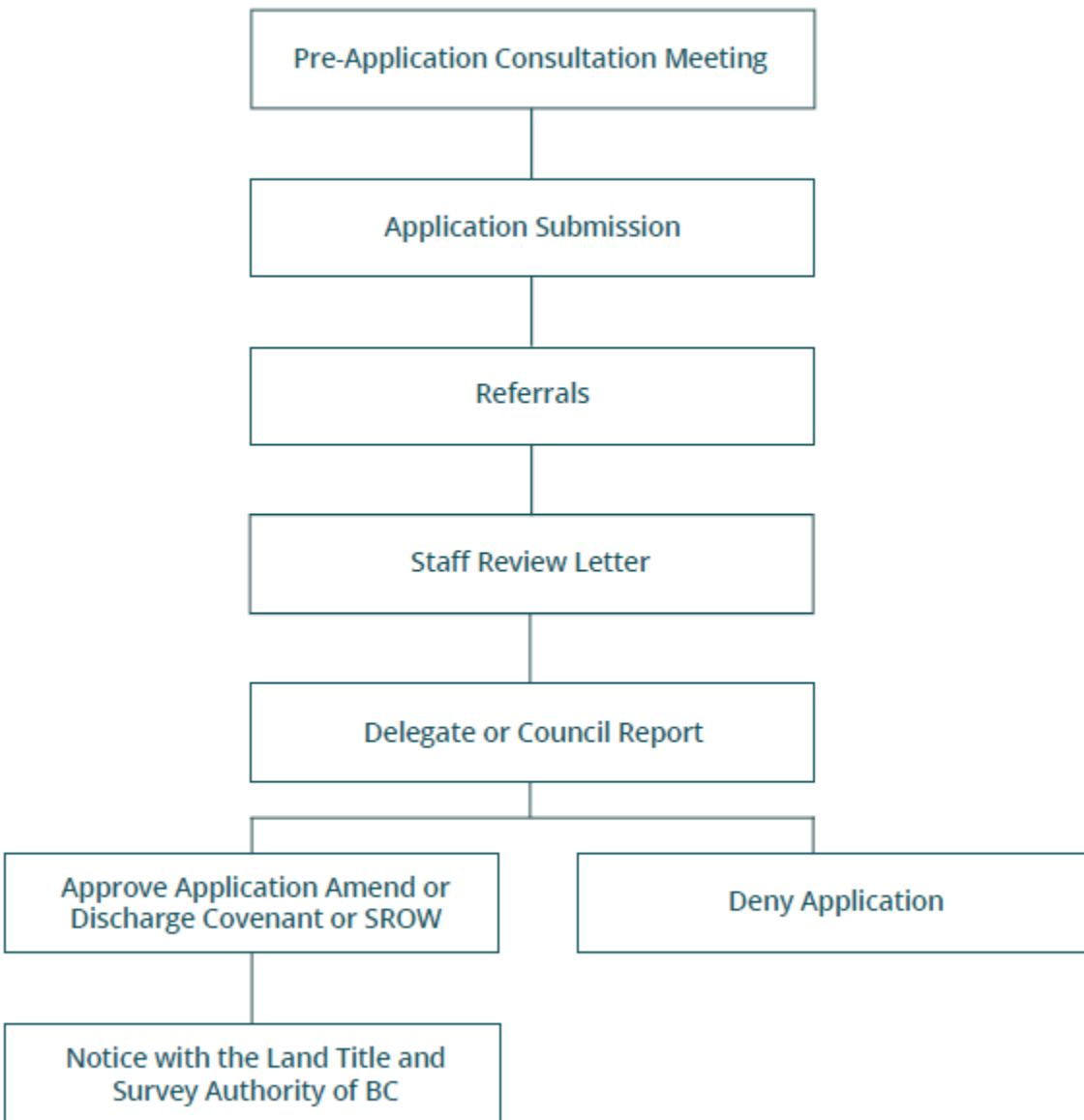


SCHEDULE I
SECTION 219 COVENANT AND/OR STATUTORY RIGHT OF WAY
AMENDMENTS

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. An application to amend a Section 219 Covenant or statutory right of way submitted in accordance with this bylaw will be substantially processed as follows:

- 1.1. The Applicant shall arrange a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate or Planner prior to submitting a formal application to the City. The Delegate or Planner will advise the Applicant of Reports required, if any.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.3. Depending on the particulars of an Application, an Application may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 1.4. Planning staff will review the proposal for compliance with relevant City bylaws and policies. Staff may conduct a site visit(s) as part of the evaluation process.
- 1.5. The Applicant will be advised, in writing, of feedback received through the referral process and will be advised of any additional information required to evaluate the Application.
- 1.6. Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations. If the Application is deemed to meet the criteria of delegated authority, the amendment request and technical report will be referred to the Delegate for consideration otherwise the report will be prepared for Council's consideration.
- 1.7. Where approved by Council, the Applicant is encouraged to attend the Council meeting at which the Application will be considered to answer any questions Council may have and to listen to the proceedings.
- 1.8. If proposed amendment is approved, an amended covenant or statutory right of way under the Land Title Act or request to discharge will be prepared at the expense of the applicant and will be registered against the title of the subject property at the Land Title Office. If approved, Notice of Permit will be registered by staff against the title of the property at the Land Title Office.
- 1.9. A Section 219 Covenant and Statutory Right of Way Amendment submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

SECTION 219 AND/OR STATUTORY RIGHT OF WAY AMENDMENTS



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3107, 2023

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

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

1. This bylaw may be cited for all purposes as **“City of Courtenay Fees and Charges Amendment Bylaw No. 3107, 2023.”**
2. That “City of Courtenay Fees and Charges Bylaw No. 1673, 1992” be amended as follows:
 - (a) That Schedule of Fees and Charges, Section II, Appendix I, “Development Fees”, be hereby repealed and substituted therefore by the following attached hereto and forming part of this bylaw:

Schedule of Fees and Charges Section II, Appendix I – Development Fees

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

Read a first time this 22nd day of November, 2023

Read a second time this 22nd day of November 2023

Read a third time this 22nd day of November, 2023

Finally passed and adopted this ____ day of _____, 2023

Mayor Bob Wells

Adriana Proton, Corporate Officer

**SCHEDULE OF FEES AND CHARGES
CITY OF COURTENAY FEES AND CHARGES AMENDMENT BYLAW
NO. 3107, 2023**

**SECTION II
APPENDIX I
DEVELOPMENT FEES**

SCHEDULE OF FEES AND CHARGES - DEVELOPMENT APPLICATIONS

APPLICATION	TOTAL
Official Community Plan (OCP) Amendment	
Application Fee (does not include Public Hearing fee)	\$3,000.00
Temporary Use Permit	
Application Fee.....	\$2,500.00
Extension or Amendment	\$2,500.00
Zoning Bylaw	
1. Application Fee	\$3,000.00
2. Large projects - if application is for a parcel with a site area:	
a. Site area over 2 ha or if floor area exceeds 4500 m ²	\$5,000.00
*Plus:	
i. \$100 per residential unit for multi-family developments (to a max of \$10,000)	
ii. \$1.00 per m ² for commercial developments (to a max of (\$10,000)	
b. Site area over 8 ha or if floor area exceeds 9000 m ²	\$6,500.00
*Plus:	
i. \$100 per residential unit for multi-family developments (to a max of \$10,000)	
ii. \$1.00 per m ² for commercial developments (to a max of \$10,000)	
3. Comprehensive Development zone (other than 2b)	\$7,500.00
*Plus:	
i. \$100 per residential unit for multi-family developments (to a max of \$10,000)	
ii. \$1.00 per m ² for commercial developments (to a max of \$10,000)	
At the discretion of the Director of Development Services fees will be collected for third party professional reviews to assist City staff in the review of more complex proposals and to assist in the processing of applications during periods of higher development activity.	

Development Permit Applications (DPA)	
1. DPA – 1 Commercial; Industrial, Mixed Use Developments & Multi-Family Residences with Three (3) or more units.....	\$2,500.00
a. For residential projects, add \$75 per 100 m ² residential unit or parcel over 25 units or parcels	
b. For commercial/industrial projects, add \$125 per 100 m ² of gross floor area over 500 m ² or add \$50 per 0.1 ha of site area over 0.4 ha whichever results in the greater fee (round up to nearest \$100.00)	
c. Exterior Façade Improvement (Commercial; Industrial Multi-Family, Multi-Family; with three (3) or more units).....	\$1,000.00
d. Exterior Façade Improvement of existing commercial properties within the Downtown Courtenay Business Improvement Area.....	\$200.00
2. DPA – 2 Intensive Residential Form and Character.....	\$500.00
3. DPA – 3 Farm Protection.....	\$500.00
4. DPA – 4 Environmental Protection (EDP)	
a. EDP major*.....	\$2,500.00
b. EDP minor**.....	\$500.00
5. DPA – 5 Hazardous Conditions - Steep Slopes.....	\$500.00
6. Application to extend the period of validity for an existing Development Permit.....	\$750.00
7. Application to amend an existing Development Permit.....	\$750.00
*Major: construction value is over \$100,000.00	
**Minor: construction value is under \$100,000.00	
Development Variance Permit Applications	
1. Application fee if approved by Council	\$1,500.00
2. Minor Development Variance Permit (Delegated).....	\$500.00
Board of Variance Application	\$500.00
Liquor License and Cannabis Applications	
1. Application fee (does not include a Public Hearing fee – if required)	\$1,500.00 (+GST)
Sign Permits	\$100.00
Strata Conversion	
1. Application for a strata conversion of a previously occupied building	
a. Inspection fee	\$100.00
b. Application fee	\$500.00
c. For each additional unit/parcel	\$100.00
Subdivision Application Fees	
1. First parcel	\$600.00
2. Each additional parcel	\$150.00
3. Application for a Phased Strata Development.....	\$1,500.00

Restrictive Covenant or Statutory Right of Way Amendment to or Discharge	\$1,000.00
Property Information Request or File Review	\$150.00 (+GST)
Land Title Document Search, per title	BC Land Title and Survey Rates
Printing, per page	0.25
Photocopying, per page	0.35 (+GST)
Postage	Canada Post Rates (+GST)
Administrative Fee (e.g. preparing mail-out notifications, preparing property information request or file review)	\$35.00 per hour
Tree Cutting & Removal Permit	
1. Single family lots equal to or under 4000m2 in size, or when only two trees are removed on any sized lot.....	\$100.00
2. Lots larger than 4000m2 and multi-lot subdivisions.....	\$500
3. Hazardous tree removal.....	No fee

Public Hearing	
Each Statutory Public Hearing organized and conducted by City Staff (this fee includes the publication of notice (e.g. newspaper). A corresponding mail-out notification of the meeting is additionally charged at postage and staff admin rates..... This fee will be refunded in full if an application does not proceed to Public Hearing.	\$1,500.00 (+GST)
Community Information Meeting	
Each Community Information Meeting held in person and attended by City Staff. A corresponding mail-out of the materials and notification of the meeting is additionally charged at postage and staff admin rates. Cost of Venue and Advertising (Community Information Meeting)	\$500.00 Applicant's Cost
Letter of Concurrence from City Council for the siting of Telecommunication Towers	\$1,500.00

Encroachment Agreements	
General	\$1,500.00
a) Plus, annual fee of \$200.00 plus \$5.00 for every square foot exceeding 150 square feet	
Residential Non-Invasive Encroachment.....	\$75.00 application fee
a) Plus (assessed value per sq. ft x sq. ft of encroachment) x 2.5%	
Residential Invasive Encroachment.....	\$75.00 application fee
a) Plus (assessed value per sq. ft x sq. ft of encroachment) x 5%	
Commercial & Multi-Family Sidewalk Hoarding Only.....	\$75.00 application fee
Commercial & Multi-Family Non-Invasive Sidewalk Hoarding and Site Trailers.....	\$75.00 application fee
a) Plus (assessed value per sq. ft x sq. ft of encroachment) x 5%	
Commercial & Multi-Family Invasive Construction Staging, Cut Excavated Slope and/or Temporary Land Use.....	\$75.00 application fee
a) Plus (assessed value per sq. ft x sq. ft of encroachment) x 7.5%	
Housing Agreement	
	\$2,000.00
Phased Development Agreement	
	\$3,500.00
License of Occupation	
All fees are in addition to required Business License Fees per current associated bylaw.	
Sidewalk Cafés.....	\$5.00 per m ² per month for sidewalk or SRW occupied
a) Plus \$100.00 per parking space occupied per month	
Merchant Encroachment (Sidewalk).....	Annual fee of \$25.00 for all sidewalk area
a) \$15.00 fee per day per parking space	
For-Profit Events.....	Minimum \$100.00 fee
a) Plus \$50.00 per hour (or portion thereof) after the first 2 hours until fully vacated	
24 Hour Mobile Street Vendor.....	\$25.00

Seasonal License Fee.....	\$25.00 per month or \$125.00 for May 1 to October 31
Community Events and Non-Profit Vendors.....	No fee

Development Application Refund

Refunds as a % of Total Application Fee	
After referral of an application, prior to preparation of a staff report	50%
After completion of a staff report	0%

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3113

A bylaw to provide for the control, collection and disposal of garbage, recyclables and organic materials

WHEREAS pursuant to the *Community Charter*, a local government may, by bylaw, establish municipal services, including a system to collect, remove and dispose of garbage, recycling and other discarded matter;

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

PART 1 – CITATION

1. This Bylaw will be cited for all purposes as “Solid Waste Management Bylaw No. 3113, 2023”.

PART 2 – DEFINITIONS

2. In this Bylaw:

“Approved Disposal Site” means a site owned and operated by CSWM, or CVRD, or licensed or otherwise approved by the Ministry of the Environment and Climate Change Strategy, for the deposit, disposal and/or processing of Waste.

“Assisted Set-Out Service” means a service provided by the City, where the City, or the Contractor, identifies a location on an eligible Serviced Property where the City, or the Contractor, will collect each Collection Cart from, empty the Collection Cart into the collection vehicle, and return the Collection Cart to the agreed upon location, all in accordance with Part 6 of this Bylaw.

“Automated Collection” means the collection of Solid Waste using a specialized collection vehicle with a mechanical apparatus for the emptying of Collection Carts directly into the vehicle without the need for manual labour.

“Banned Recyclables” means Recyclables not accepted under Recycle BC’s curbside collection of Packaging and Paper Product Recycling Program, as may be amended or replaced from time to time.

“Basic Annual Fee”	means the fee payable for the Municipal Collection Service for each Dwelling Unit, as set out under the Solid Waste section of the Fees and Charges Bylaw.
“Bicycle Lane”	means a lane intended for the exclusive use of bicycles, skateboards, in-line skates, scooters, and/or other active modes of transportation, within a roadway used by motorized vehicles.
“Bi-Weekly”	means every other week.
“Cart Exchange”	means the annual one-time exchange of a Collection Cart or Collection Carts made by request of an Owner of a Property involving the return of one or more Collection Carts and the replacement of the returned Collection Cart or Collection Carts with one or more different-sized Collection Carts.
“Cart Exchange Fee”	means the fee payable for a Cart Exchange, as set out under the Solid Waste section of the Fees and Charges Bylaw.
“City”	means the Corporation of the City of Courtenay.
“City Council”	means the elected Municipal Council for the City.
“Collection Cart”	means a Garbage Cart, Organics Cart or a Recycling Cart, supplied by the City through the Municipal Collection Service to a Serviced Property.
“Collection Container”	means a container for the collection of Waste provided by or approved for collection by a Private Collection Service.
“Collection Day”	means the day or days scheduled for the Curbside Collection of Garbage, Organic Waste, and/or Recyclables from a Serviced Property as determined by the City in its sole discretion.
“Collection Point”	means the location on or adjacent to a Serviced Property where a Collection Cart is placed on Collection Day for optimal access by the specialized vehicle used for the Automated Collection.
“Collection Schedule”	means the calendar indicating the days on which Municipal Collection Service is provided to Serviced Properties within the City.

“Commencement Date”	means January 1, 2024.
“Community Charter”	means the <i>Community Charter</i> , S.B.C. 2003, c. 26 as may be amended or replaced from time to time.
“Composting Facility”	means the CSWM Regional Organics Composting Facility.
“Contamination”	means the presence, as determined by the Contractor or the City, of: <ul style="list-style-type: none"> a. Garbage in the Organics Cart or Recycling Cart; b. Recyclables in the Organics Cart or Garbage Cart; c. Organic Waste in the Garbage Cart or Recycling Cart; d. Depot Recyclables in the Recycling Cart; or, e. Prohibited Waste in the Garbage Cart, Recycling Cart, or Organics Cart.
“Contractor”	means a company, or any other entity, with whom the City has entered into an agreement for the provision of any part of the Municipal Collection Service.
“CSWM”	means Comox Strathcona Waste Management.
“Cul-de-sac”	means a length of local roadway made for vehicular use, the end of which is designed to be permanently closed by the pattern of subdivision; or which is terminated by a natural feature such as inaccessible terrain, so that there is no alternative vehicular route to another roadway.
“Curbside Collection”	means the Automated Collection of Garbage, Organic Waste and/or Recyclables from a Collection Point, individually or collectively, as determined by the Collection Schedule.
“CVRD”	means Comox Valley Regional District.
“Depot Recyclables”	means those products listed in Schedules 1-5 of the <i>Recycling Regulation</i> , as amended or replaced from time to time.

“Director”	means the City’s Director of Public Works or their designate, where such designate can include a Contractor.
“Duplex”	means two Dwelling Units attached in accordance with any of the configurations listed in the table of BC Assessment Actual Use Codes and Descriptions, as amended and replaced from time to time.
“Dwelling Unit”	means each self-contained building on a Property that has received an occupancy permit to be used as a habitation or place of residence and includes: <ul style="list-style-type: none"> a. a Single Residential Dwelling; b. a secondary suite in a Single Residential Dwelling; c. a Dwelling Unit of a Duplex, Triplex or Fourplex; d. a Multi-residential Detached House, row house dwelling, patio home or townhouse; and, e. a Manufactured Home.
“Fees and Charges Bylaw”	means the City of Courtenay <i>Fees and Charges Bylaw No. 1673, 1992</i> , as amended and replaced from time to time.
“Fourplex”	means four Dwelling Units attached in accordance with any of the configurations listed in the table of BC Assessment Actual Use Codes and Descriptions, as amended and replaced from time to time.
“Garbage”	means all Solid Waste and discarded materials produced as a result of residential activities but excludes Hazardous Waste, Prohibited Waste, Special Waste, Organic Waste, and Recyclables.
“Garbage Cart”	means the Collection Cart that has been supplied through the Municipal Collection Service to Serviced Properties for the collection of Garbage.
“Hazardous Waste”	has the same meaning as prescribed under the <i>Hazardous Waste Regulation</i> , as amended and replaced from time to time.
“Hazardous Waste Regulation”	means the <i>Hazardous Waste Regulation</i> , BC Reg 63/88 enacted under the <i>Environmental Management Act</i> , as amended and replaced from time to time.

“Home Health Care Waste”	means Garbage that includes incontinence products or other Human Waste or products containing Human Waste that is not considered Prohibited Waste or Hazardous Waste.
“Human Waste”	means the waste products of the human digestive system, menses, and human metabolism including urine and feces.
“Manufactured Home”	means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed, or manufactured to be moved from one place to another, and which is used as a Dwelling Unit or designed for use as a Dwelling Unit, including but not limited to a mobile home.
“Mobile Home Park”	means Property accommodating two or more Manufactured Home Sites and common areas are located.
“Manufactured Home Site”	means a site in a Mobile Home Park, which is rented or intended to be rented to a tenant for the purpose of being occupied by a Manufactured Home.
“Multi-residential Detached House”	means a building or buildings containing three or more strata titled Dwelling Units, where each Dwelling Unit has a separate entrance at the first storey level and includes, without limitation, patio homes, row house dwellings, and townhouses.
“Municipal Collection Service”	means the service administered by the City for the collection of Garbage, Organic Waste, and/or Recyclables as set out under this Bylaw.
“Occupier”	means a person occupying a Dwelling Unit.
“Organics Cart”	means the Collection Cart that has been supplied through the Municipal Collection Service to Serviced Properties for the collection of Organic Waste.
“Organic Waste”	means compostable organic material including raw and cooked food waste and/or Yard Waste from a Dwelling Unit that meets the acceptable criteria for the CSWM Regional Organics Compost Facility.
“Owner”	has the same meaning as defined under the <i>Community Charter</i> .

“Parking Lane”	means a zone within a roadway designed only for the parking of vehicles in a parallel fashion in accordance with the regulations of the City’s <i>Traffic Regulations Bylaw No. 1926, 1996</i> , as amended or replaced from time to time, or the <i>Motor Vehicle Act</i> , R.S.B.C. 1996, c. 318, as amended or replaced from time to time.
“Physically Challenged”	means a person who has been medically diagnosed with physical disabilities or infirmities.
“Private Collection Service”	means a private service for the collection and disposal of Garbage, Organic Waste, and/or Recyclables from an Unserviceable Property that is arranged and managed by the Owner or Occupier of an Unserviceable Property and which is not administrated by the City.
“Property”	means real Property within the jurisdiction of the City.
“Prohibited Waste”	means all Prohibited Waste included under Schedule “C” of the <i>Comox Strathcona Waste Management Service Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 720, 2022</i> as amended or replaced from time to time.
“Recyclables”	means materials acceptable for Curbside Collection as determined by Recycle BC, and as set out in the <i>Recycling Regulation</i> , but does not include Depot Recyclables.
“Recycle BC”	means the not-for-profit agency named <i>Recycle BC</i> with which the City has entered into a Master Services Agreement related to Recyclables.
“Recycling Cart”	means the Collection Cart that has been supplied through the Municipal Collection Service to Serviced Properties for the collection of Recyclables.
“Recycling Regulation”	means <i>Recycling Regulation</i> , BC Reg. 449/2004 enacted under the <i>Environmental Management Act</i> , as amended or replaced from time to time.
“Single Residential Dwelling”	means a single detached home also referred to as a single family dwelling.
“Serviceable Property”	means a Dwelling Unit that has a minimum unobstructed frontage of 5 metres for the placement of Collection Carts and that is not otherwise an Unserviceable Property.

“Serviced Property”	means a Property determined by the Director, in their sole discretion, to be a Serviceable Property for the Municipal Collection Service.
“Special Waste”	means Hazardous Waste, pathological waste, explosives, radioactive material, paint and paint products, and all waste resulting from a commercial, industrial, or manufacturing operation.
“Solid Waste”	means Garbage, Organic Waste, and/or Recyclables.
“Solid Waste Contamination Management Policy”	means the policy intended to afford residents with educational opportunities about Contamination through a series of escalating steps before enforcement is used as a compliance tool.
“Triplex”	means three Dwelling Units attached in accordance with the configurations listed in the table of BC Assessment Actual Use Codes and Descriptions, as amended and replaced from time to time.
“Unserviceable Property”	means a Property that has been excluded from receiving the Municipal Collection Service in accordance with this Bylaw.
“Waste”	means Garbage, Organic Waste, Special Waste, Prohibited Waste, Yard Waste and/or Recyclables.
“Waste Audit”	means an audit of Garbage, Organic Waste and/or Recycling conducted in accordance with Part 8 of this Bylaw.
“Wildlife Resistant”	means resistant to access by bears and other wildlife.
“Wildlife Resistant Cart”	means an Organic Cart which is designed to be Wildlife Resistant.
“Wildlife Resistant Cart Area”	means the area outlined in the map attached as Schedule “A” to this Bylaw.
“Yard Waste”	means grass clippings and vegetation removed from trees, shrubs and gardens with branches no bigger than seventy-five (75) millimetres in diameter.

PART 3 – GENERAL

3. Any enactment referred to herein is a reference to an enactment of British Columbia and/or its regulations, as amended or replaced from time to time.

ROLE OF THE DIRECTOR

4. The Director is authorized to administer and enforce this Bylaw including the supervision, control and direction of the collection, removal, and disposal of Solid Waste generated by Properties including, without limitation, Garbage, Recyclables and Organic Waste.

DUTIES OF OWNERS AND OCCUPIERS

5. Every Owner or Occupier of Property that generates Solid Waste will comply with the provisions of this Bylaw.
6. Every Owner or Occupier of a Property that is determined to be a Serviced Property in accordance with this Bylaw must participate in the Municipal Collection Service and must ensure that all Garbage, Organic Waste, and Recyclables generated on the Serviced Property are collected and disposed of in accordance with this Bylaw. All Garbage Carts, Organics Carts, and Recycle Carts provided to Owners under this Bylaw must remain at the Property at all times and cannot be returned to the City except in accordance with this Bylaw.
7. By complying with this Bylaw, a person is not relieved of any other obligation that they may have under any other federal, provincial or municipal enactments in respect of the storage and disposal of Waste generated on a Property.
8. The Director may modify or amend the Solid Waste Contamination Management Policy as the director deems operationally necessary or where such modification or amendment is required to uphold, maintain, or ensure consistency with the requirements of the Master Services Agreement with Recycle BC, all in the sole discretion of the Director.

PART 4 – MUNICIPAL COLLECTION SERVICE

MANDATORY COLLECTION SERVICE

9. As of the Commencement Date, the City will provide the Municipal Collection Service for the collection, removal, and disposal of Garbage, Organic Waste and Recyclables by way of Automated Collection or manual labour, or a combination of both, for all Serviced Properties on the following schedule:
 - a. weekly Curbside Collection of the Organics Cart; and
 - b. alternating Bi-Weekly Curbside Collection of the Garbage Cart and the Recycling Cart.
10. The frequency and schedule of the provision of the Municipal Collection Service described under this Part of the Bylaw is subject to change from time to time, as determined by the

Director, in their sole discretion, or as otherwise necessary to respond to environmental, emergency, or other unforeseeable circumstances. For greater certainty, any failure by the City or the Contractor to provide the Municipal Collection Service to any Serviced Property in accordance with the schedule in this Bylaw does not constitute a breach of this Bylaw.

11. On Collection Days, the Owner or Occupier of a Serviced Property will:

- a. place Collection Carts with the lids in the fully closed position, no earlier than 5 AM and prior to 8 AM on each Collection Day:
 - i. on the unpaved shoulder of the roadway or alley, adjacent to the Property line for the Serviced Property or;
 - ii. in front of the curb or curb and sidewalk on the roadway adjacent to the Property line for the Serviced Property, or;
 - iii. in the driveway directly behind the curb adjacent to the Property line for the Serviced Property when parked cars prevent roadway placement, or;
 - iv. behind the curb or curb and sidewalk adjacent to the Property line for the Serviced Property when a Bicycle Lane prevents roadway placement, or;
 - v. in a Parking Lane when a Bicycle Lane and a Parking Lane are both present, adjacent to the Property line for the Serviced Property;
- b. in a manner that an automated collection vehicle arm with a reach of three and a half (3.5) metres can collect the Collection Carts;
- c. in a manner such that the Collection Carts can be handled from street level and are easily accessible from any curb, roadway, or lane adjacent to the Property line for the Serviced Property;
- d. in the case of Cul-de-sacs, ensure that, where possible, all vehicles are parked on the Property and not on the roadway, all obstacles are moved off of the roadway, and otherwise all City bylaws and regulations are followed with respect to parking vehicles in Cul-de-sacs.
- e. with the exception of the Organics Cart equipped with the gravity lock, which, where practicable, should be in the locked position at all times, ensure all latching devices, if any, are unlatched by 8 AM on each designated Collection Day;
- f. place all Collection Carts with a minimum one (1) metre of clearance space on all sides of each Collection Cart, with three (3) metres of clearance space above each Collection Cart, and with one (1) metre of clearance space from parked vehicles

- g. place the Collection Cart with the arrows on the lid of the Collection Cart facing the roadway;
 - h. remove all Collection Carts from the roadway, alley, shoulder, parking lane, or other collection location, no later than 10 PM on each Collection Day; and
 - i. comply with any other direction given to the Owner or Occupier by the City or the Contractor in respect of the timing, placement, or location of the Collection Carts.
12. Where there is any snow fall in the City on a Collection Day the Owner or Occupier of a Serviced Property will not place Collection Carts behind, on top of, or otherwise obstructed by snow or snow banks and will:
- a. clear a flat spot adjacent to the end of the driveway of the Serviced Property of all snow and ice for placement of the Collection Carts; or
 - b. place Collection Carts on a cleared driveway if within three and a half (3.5) metres of the roadway.
13. Each Owner or Occupier of Serviced Property will, with respect to any Collection Cart located on their Property:
- a. maintain the Collection Cart in a clean and sanitary condition;
 - b. ensure the Collection Cart does not become noxious, offensive, or dangerous to public health;
 - c. ensure that the Collection Cart does not overflow by adhering to its capacity limits as set out under this Bylaw;
 - d. clean up any spillage from the Collection Cart before or after any collection;
 - e. prevent liquid from entering or accumulating inside the Collection Cart; and
 - f. store Solid Waste in the Collection Cart in a manner that is Wildlife Resistant and which otherwise avoids attracting wildlife.
14. Every Owner or Occupier of a Serviced Property will ensure that:
- a. Garbage, Organic Waste, and Recyclables are placed in the appropriate Collection Carts, without Contamination;
 - b. Banned Recyclables, Prohibited Waste, Special Waste and/or Hazardous Waste is not stored in the Collection Carts and all Banned Recyclables, Prohibited Waste, Special Waste, and/or Hazardous Waste do not accumulate at the Property and are disposed of by the Owner or Occupier at an Approved Disposal Site; and

- c. the Collection Carts are only used in connection with the Municipal Collection Service in accordance with this Bylaw and within their capacity limits set out under this Bylaw.
15. The City may discontinue or suspend service to a Serviced Property, in the sole discretion of the Director, where a Serviced Property does not comply with the requirements under this Bylaw, including but not limited to the requirements under Part 4 of this Bylaw.
16. No Owner or Occupier of a Serviced Property may opt out of the Municipal Collection Service.

COLLECTION CARTS

17. The Owner of the Serviced Property shall pay all charges for the Municipal Collection Service set out under the Solid Waste section of the Fees and Charges Bylaw. The City will provide the following standard Collection Carts in the table below to each Dwelling Unit using the Municipal Collection Service:

Table 1. Standard Collection Carts

Type of Serviced Property	Capacity Limit for Recycling Cart	Capacity Limit for Organics Cart	Capacity Limit for Garbage Cart
Single Residential Dwelling (SRD) and Duplex	360 L	360 L	120 L
Secondary Suites inside SRDs	240 L	120 L	120 L
Multi-residential Detached, Manufactured Homes in a Mobile Home Park, and Fourplex	240 L	120 L	120 L
Fourplex (Where Collection Cart space saving is requested and approved by the Director, in their sole discretion)	240 L X 2	120 L X 4	240 L X 2

18. The City will supply Organics Carts that are Wildlife Resistant Carts to a Serviced Property in a Wildlife Resistant Cart Area, as listed in Schedule “A” attached to and forming part of the bylaw, based on the standard sizes for the type of Serviced Properties in the table under Section 16 of this Bylaw. Should a Serviced Property that is not in the Wildlife Resistant Cart Area require a Wildlife Resistant Cart, the Owner of that Serviced Property will submit a Cart Exchange request for a Wildlife Resistant Cart.
19. All Collection Carts supplied by the City or the Contractor in connection with the Municipal Collection Service will remain the property of the City or the Contractor.
20. All Collection Carts will remain on the Serviced Property to which they were issued unless removed in accordance with this Bylaw. The City will have the right to inspect, alter, remove

or replace the Collection Carts at any time and for any reason and an Owner or Occupier of a Serviced Property must provide the City with reasonable access to the Collection Carts for this purpose upon request and at the time of the request by the City.

21. The City will not collect any Garbage, Organic Waste, or Recyclables which exceed the capacity (by weight or volume) of the Collection Carts as set out in the table below.

Table 2. Cart Weight and Volume Limits

120 L Cart	240 L Cart	360 L Cart
Maximum weight 55 KG (122 LB)	Maximum weight 102 KG (227 LB)	Maximum weight 146 KG (322 LB)

22. The Collection Carts will not be used for any purpose other than their intended use, which is the disposal of Garbage, Organic Waste, or Recyclables in accordance with this Bylaw.

23. The Owner or Occupier of a Serviced Property will notify the City if a Collection Cart is damaged, lost, or stolen and the City may repair or replace the Collection Cart in the City's sole discretion and subject to the Owner paying a Cart Exchange Fee.

24. If a Collection Cart is damaged, lost, or stolen due to the negligence of the Owner or Occupier, as determined by the Director in their sole discretion, the City may repair or replace the Collection Cart and the Owner, in addition to paying a Cart Exchange Fee, will reimburse the City for all costs of such repair or replacement of the Collection Cart within 30 days of receipt of an invoice from the City for such costs.

CART EXCHANGES

25. On or after September 1, 2024, an Owner of a Serviced Property may request from the City or Contractor, in the form required by the City of the Contractor, an exchange of one or more Collection Carts of a different size, other than a Wildlife Resistant Cart, once every 12 months (a "Cart Exchange Request"). The Director, in their sole discretion, may deny a Cart Exchange Request for any reason, including, without limitation, based on the City or the Contractor's inventory of Collection Carts.

26. No fee is payable for an Owner's first Cart Exchange Request for each Serviced Property. The Cart Exchange Fee under the Solid Waste section of the Fees and Charges Bylaw is payable for each subsequent Cart Exchange Request. The Cart Exchange Fee is to be paid

to the City at the time of the Cart Exchange Request. For greater clarity, no Cart Exchange will occur until all applicable fees have been paid by the Owner.

ADDITIONAL CARTS

27. The City or the Contactor may supply additional Organics Carts and/or Recycling Carts to a Serviced Property if the Owner requests the additional Organics Carts and/or Recycling Carts in the form required by the City and/or the Contractor. The fees for additional Collection Carts as outlined in the Solid Waste section of the Fees and Charges Bylaw are payable for any additional Collection Carts provided by the City or the Contractor. The provision of an additional Organics Cart and/or Recycling Cart is in the sole discretion of the Director, and may be denied for any reason, including, without limitation, based on the City or the Contractor's inventory of Collection Carts.
28. The City may supply an additional 120 L Garbage Cart to a Serviced Property if the Owner of a Serviced Property requests an additional Garbage Cart in the form provided by the City and/or the Contractor if:
 - a) the Owner or Occupier of the Serviced Property generates Home Health Care Waste and the volume or weight of Garbage generated at the Serviced Property, including the Home Health Care Waste, regularly exceeds the permitted volume or weight of Garbage permitted under this Bylaw and the Owner pays the additional cart fees for an additional Home Health Care Waste Garbage Cart under the Solid Waste section of the Fees and Charges Bylaw; or
 - b) the Owner or Occupier of a Serviced Property generates regular household Garbage and the volume or weight of the Garbage regularly exceeds the volume or weight of Garbage permitted under this Bylaw and the Owner pays the additional cart fees for an additional Garbage Cart under the Solid Waste section of the Fees and Charges Bylaw.
29. The provision of an additional Garbage Cart is in the sole discretion of the Director, and may be denied for any reason, including, without limitation, based on the City or the Contractor's inventory of Collection Carts. The Director may also require, in their sole discretion, a Waste Audit prior to the supply of an additional Garbage Cart.

PART 5 – PROPERTIES EXCLUDED FROM MUNICIPAL COLLECTION SERVICE

30. The Municipal Collection Service will not be provided to the following Unserviceable Properties:
 - a. multi-residential apartments and condominiums;
 - b. Dwelling Units located on Properties that also contains commercial, industrial or institutional uses;

- c. industrial, commercial and/or institutional Properties; and
 - d. Properties otherwise determined to be Unserviceable Properties in accordance with this Bylaw.
31. Notwithstanding Section 29 of this Bylaw, the Director may, on application from an Owner of a Property, and on any terms or conditions required by the Director, in their sole discretion, agree to provide the Municipal Collection Service to any Property.
32. A Property will be considered an Unserviceable Property where the Director determines, in their sole discretion, that the Property, or any Dwelling Unit located at the Property, cannot be serviced for one or more of the following reasons:
- a. road configuration;
 - b. grade of the Property or any public road, lane, or access route to the Property;
 - c. physical condition of the public road, lane, or access route to the Property;
 - d. public safety;
 - e. conflict with other municipal bylaws or other municipal, provincial or federal regulations;
 - f. operational constraints on the City, including the availability of City resources;
 - g. the presence of an unsafe person, animal, natural or other hazard at the Property;
 - h. an Owner of a Property is not in compliance with any of the provisions of this Bylaw, including non-payment of all required fees and charges for the Municipal Collection Service; or
 - i. any other reason as determined by the Director acting reasonably.
33. Other than where the Municipal Collection Service has been discontinued by the City for an Owner's non-payment of any fees, where a Property is excluded from the Municipal Collection Service under this Bylaw, the Owner or Occupier of that Property will not be required to pay any fees or charges for the Municipal Collection Service as long as the Property remains excluded from the Municipal Collection Service.
34. Where a Property is excluded from the Municipal Collection Service under this Bylaw, the Owner or Occupier of that Property will ensure that all Waste generated at the Property, including Garbage, Organic Waste, and Recyclables, is disposed of at an Approved Disposal Site by a Private Collection Service, at the Owner or Occupier's sole expense. The Owner or Occupier of a Property excluded from the Municipal Collection Service under this Bylaw must ensure that collection of Garbage, Organic Waste, and Recyclables by a Private Collection

Service is done at intervals consistent with the schedule for collection for the Municipal Collection Service to avoid the accumulation of Solid Waste on the Property.

35. Where a Property is excluded from the Municipal Collection Service under this Bylaw, the Owner or Occupier of that Property will not cause or permit any Garbage, Organic Waste, or Recyclables to accumulate at the Property and will ensure the proper storage of any Garbage, Organic Waste, or Recyclables, by using a Collection Container or another container used for the storage of Solid Waste in such a way as to ensure:
- a. it is maintained in a clean and sanitary condition;
 - b. it does not become noxious, offensive or dangerous to public health;
 - c. it does not overflow;
 - d. all spillage from it is cleaned before or after collection;
 - e. liquid does not enter or accumulate inside it; and
 - f. it stores Solid Waste in a manner that is Wildlife Resistant and otherwise avoids attracting wildlife.
36. At any time the City may discontinue or suspend the Municipal Collection Service to any Serviced Property where the Director determines, in accordance with this Bylaw, that the Serviced Property is an Unserviceable Property, and where the City provides notice to the Owner or Occupier that the Property is an Unserviceable Property.
37. Upon receiving notice from the City that a Property has been deemed an Unserviceable Property in accordance with this Bylaw, the Owner or Occupier of the Unserviceable Property will promptly comply with all requirements of this Bylaw in respect of Unserviceable Properties, including arranging for a Private Collection Service for all Garbage, Organic Waste, and Recyclables within one (1) month of the Owner or Occupier receiving notice from the City that the Property is an Unserviceable Property.

PART 6 – ASSISTED SET-OUT SERVICE

38. Where the Owner or Occupier is Physically Challenged and unable to reasonably comply with Part 4 of this Bylaw, and does not have an able-bodied person assisting them with their household activities, the Owner or the Owner on behalf of the Occupier may apply to the Director for the provision of an Assisted Set-Out Service in the form required by the City.
39. On receipt of an application by the Owner or the Owner on behalf of the Occupier for the Assisted Set-Out Service, the Director will determine, in their sole discretion, whether a Physically Challenged Owner or Occupier requires such assistance.

40. On an application for the Assisted Set-Out Service, the Director may require the Physically Challenged Owner or Occupier to provide any information the Director deems necessary to determine if the Physically Challenged Owner or Occupier qualifies for the Assisted Set-Out Service, including without limitation:
 - a. a letter or other written confirmation from a qualified physician that the Owner or Occupier is Physically Challenged;
 - b. information confirming that the Owner or Occupier does not have an able-bodied person assisting them with their household activities; and/or
 - c. a site inspection of the Dwelling Unit and/or the Property where the Physically Challenged Owner or Occupier resides.

41. The Director, in their sole discretion, may refuse an Owner or the Owner on behalf of the Occupier's application for the Assisted Set-Out Service, or on written notice to the Owner or Occupier cease providing the Assisted Set-Out Service, for any reason, including without limitation:
 - a. the applicant is a seasonal or part-time resident of the City;
 - b. the physical layout of the Property where the Dwelling Unit is situated, or any nearby properties or roadways, makes the provision of the Assisted Set-Out Service unsuitable;
 - c. limits on the available resources of the City or Contractor to provide the Assisted Set-Out Service; and/or
 - d. the Owner or Occupier has not provided the Director with sufficient information for the Director to determine that they qualify for the Assisted Set-Out Service.

42. For certainty, the provision of all of the information required under this Bylaw on an application for the Assisted Set-Out Service does not guarantee that the City will provide the Assisted Set-Out Service to an Owner or Occupier.

43. As a condition of the Assisted Set-Out Service, on the Collection Day, the Owner or Occupier will ensure that the Collection Carts are at all times freely accessible and not enclosed within any building or gated area.

44. Upon the City's approval of the Assisted Set-Out Service for an Owner or Occupier, the Owner or Occupier will enter into a signed agreement with the City, confirming responsibilities and providing a release or waiver of claims against the City for any negligence by the City or the Contractor.

45. The Owner will pay the fees for the Assisted Set-out Service as set out under the Solid Waste section of the Fees and Charges Bylaw on an annual basis.

46. The City is not responsible for any property or other damage as a result of providing the Assisted Set-Out Service, and the Assisted Set-Out Service is provided to Physically Challenged Owners and Occupiers on the condition that they waive any claims against the City and the Contractor for any property or other damage as a result of the City or the Contractor providing the Assisted Set-Out Service, whether or not such damage was caused by the negligence of the City or the Contractor.

PART 7 – MANAGEMENT OF WASTE

47. No person will accumulate, spill, drop, dump, or dispose of any Waste, or any other material on any street, sidewalk, boulevard, park or other lands owned by the City.

48. No person, except the Owner or Occupier of the Dwelling Unit to which the Collection Carts were supplied by the City, will remove any Garbage, Recyclables, or Organic Waste from the Collection Carts prior to collection by the City.

49. No person, except the Owner or Occupier of the Dwelling Unit to which the Collection Carts were supplied by the City, will add any Garbage, Recyclables, or Organic Waste to the Collection Carts prior to collection by the City unless the Owner or Occupier of the Dwelling Unit has entered into a written agreement with the City modifying this requirement.

PART 8 – WASTE AUDITS AND RIGHT OF ENTRY

50. The City, including the Contractor, have the right to inspect all materials inside the Collection Carts on Collection Day or at any other time for the purposes of determining the presence of Contamination, to perform a Waste Audit, or for any other reason as determined by the Director, in their sole discretion.

51. The City and/or the Contractor have the right to perform a Waste Audit at any time, which will include inspection of the Garbage Carts, Organics Carts, and/or Recycling Carts at a Dwelling Unit in an effort to ensure materials are placed in the appropriate Collection Carts and to, among other things, educate, reduce or remove Contamination and increase diversion to other Solid Waste streams.

52. The City, including the Contractor, have the right to enter at all reasonable times upon any Property subject to this Bylaw for the purposes of confirming an Owner or Occupier's compliance with this Bylaw, including but not limited to determining:

- a. the number and existence of Dwelling Units at a Property;
- b. whether Garbage, Recyclables, or Organic Waste is being stored in the appropriate designated Collection Cart in accordance with this Bylaw;

- c. whether Banned Recyclables, Special Waste, Prohibited Waste, and/or Hazardous Waste are being stored in the Collection Carts; and
 - d. inspecting for Contamination or to perform a Waste Audit.
53. A person must not obstruct or interfere with the Contractor, Bylaw Enforcement Officer or other representative of the City from carrying out their functions pursuant to this Bylaw, including on any inspection by the City.

PART 9 - CHARGES AND FEES

54. The charges and fees set out in the Solid Waste section of the Fees and Charges Bylaw, including the Basic Annual Fee, are payable by the Owner or Occupier of each Dwelling Unit at a Serviced Property and will form a charge on the Dwelling Unit, or the Property on which the Serviced Property is situated, and may be recovered in the same manner and by the same means as taxes in arrears. The charges and fees are payable whether or not:
- a. the Dwelling Unit is occupied;
 - b. any Owner or Occupier of the Dwelling Unit makes use of the Municipal Collection Service; and
 - c. the Municipal Collection Service is interrupted, temporarily ceased, changed in any manner by the City or the Contractor, or is not provided by the City due to an Owner or Occupier's non-compliance with this Bylaw.
55. The charges and fees set out under the Solid Waste section of the Fees and Charges Bylaw will be levied by the City for each Dwelling Unit as identified in this Bylaw, including the Cart Exchange Fee.
56. The charges and fees set out under the Solid Waste section of the Fees and Charges Bylaw will be invoiced annually, with the exception of the Cart Exchange Fee and/or a replacement cart fee which will be paid at the time of the Owner's application for a Cart Exchange. Fees and charges levied under this Bylaw may be combined with other utilities provided and invoiced by the City.
57. Where the Municipal Collection Service is provided or changed in any way to any Dwelling Unit after the first day of January in any year, the charges pursuant to this Bylaw will be calculated as follows:
- a. For a newly constructed Dwelling Unit, the charges for that year will apply upon the earlier of occupancy, the issuance of an Occupancy Permit or where there is evidence that the Dwelling Unit is available for occupancy, and the full annual charge according to the Solid Waste section of the Fees and Charges Bylaw will be prorated by the

number of days in the full months remaining in the calendar year in which the Municipal Collection Service starts.

- b. For an existing Dwelling Unit, the charges for that year will apply from the date the Municipal Collection Service begins or is altered and will be prorated by the number of days in the full months remaining in the calendar year in which the Municipal Collection Service starts.

- 58. No complaint of an error in any charges for rates or charges billed under this Bylaw will be considered and no adjustment of any such error will be made after a period of one year has elapsed since the end of the period for which such user rates or charges were billed by the City or the Contractor. After the termination of this period, all such user rates or charges will be deemed to have been properly and correctly made.
- 59. All charges levied on a Property do not in any way imply that the use of the Property by the Owner or Occupier is legal or otherwise in compliance with the City's bylaws. In levying the charges, the City is in no way determining that a Property is in compliance with other City bylaws and the City reserves all of its rights to enforce its bylaws at any time.

PART 10 – PENALTIES AND OFFENCES

- 60. Any Owner or Occupier of a Property that places Contaminated materials in the Collection Carts in breach of this Bylaw may be subject to, in addition to all other rights and remedies available to the City, the actions defined in the Solid Waste Contamination Management Policy, or Schedule 1 of the *Municipal Ticket Information Bylaw No. 2435, 2006*.
- 61. When requested by a Bylaw Enforcement Officer, or any other person authorized by the City, any person, including an Owner, who has apparently committed an offence under this Bylaw, will correctly state their name and address.
- 62. Every person will at all times comply with any lawful order, direction, signal, or command made or given by a Bylaw Enforcement Officer, or other person authorized by the City, in the performance of their duties enforcing the provisions of this Bylaw.
- 63. Any person who violates any provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this Bylaw is liable, on summary of conviction, and may be issued a municipal ticket under the *Community Charter, S.B.C. 2003, c. 26*.
- 64. Where there is an offence that continues for more than one day, separate fines may be issued for each day in respect of which the offence occurs or continues.
- 65. Any person who contravenes any provisions of this Bylaw is liable to the City for and must indemnify the City from all costs, expenses, damages, and injuries resulting from the contravention.

66. The City may, in its sole discretion, enforce compliance with this Bylaw or any non-payment of fines issued for non-compliance with this Bylaw by temporarily or permanently discontinuing the provision of the Municipal Collection Service to any person. The City's temporary or permanent discontinuance of the Municipal Collection Service under this Bylaw does not in any way limit the City's right to collect all fees associated with the Municipal Collection Service, or otherwise under this Bylaw, or relieve any person from their obligations under this Bylaw, including without limitation, an Owner or Occupier's obligation to remove and dispose of all Waste from their Property.

67. Nothing in this Bylaw limits the City from utilizing, enforcing or relying on any other remedy that is otherwise available to the City under this Bylaw or at law generally.

PART 11 – SEVERABILITY

68. Each provision of this Bylaw is severable from each other provision, and, if any provision is determined by a Court of competent jurisdiction to be void or unenforceable in whole or in part, this determination will not be deemed to affect or impair the validity of any other provision, unless a Court otherwise determines.

Read a first time this 22nd day of November, 2023

Read a second time this 22nd day of November, 2023

Read a third time this 22nd day of November, 2023



Adopted this ____ day of _____, 2023

Mayor Bob Wells

Adriana Proton, Corporate Officer

Schedule A – Wildlife Resistant Cart Areas - Map

Wildlife Resistant Cart Areas

-  Creeks
-  Wildlife Resistant Cart Areas



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3116

A Bylaw to amend “Development Cost Charges Bylaw No. 2840, 2016”.

Pursuant to *Development Cost Charge Amendment Bylaw Approval Exemption Regulation* (BC Reg 130/2010) of the *Community Charter*, and in consideration of City of Courtenay *Development Cost Charges Amendment Bylaw No. 3068, 2022*, the Council of the Corporation of the City of Courtenay in open meeting assembled enacts the following:

1. This Bylaw may be cited for all purposes as “Development Cost Charges Amendment Bylaw No. 3116, 2023”.
2. That Schedule A of *Development Cost Charges Bylaw No. 2840, 2016* be deleted and replaced with the following:

Development Cost Charge Schedule

Land Use	Collection basis	Transportation	Water	Sanitary Sewer	Drainage	Park Acquisition & Development	TOTAL
Single Family Residential	Per lot or per dwelling unit	\$ 2,933.55	\$ 487.55	\$ 1,525.78	\$ 1,538.30	\$ 935.89	\$ 7,421.07
Multi-Family Residential	Per m ² of total floor area	\$ 16.48	\$ 3.44	\$ 10.78	\$ 4.62	\$ 6.61	\$ 41.93
Commercial	Per m ² of total floor area	\$ 38.63	\$ 1.27	\$ 3.97	\$ 6.92	\$ -	\$ 50.79
Institutional	Per m ² of total floor area	\$ 38.63	\$ 1.27	\$ 3.97	\$ 6.92	\$ -	\$ 50.79
Congregate Care	Per m ² of total floor area	\$ 8.24	\$ 1.72	\$ 5.39	\$ 2.31	\$ -	\$ 17.66
Industrial	Per hectare	\$ 31,514.78	\$ 8,151.18	\$ 25,508.96	\$ 26,152.48	\$ -	\$ 91,327.41

Read a first time this 22nd day of November, 2023

Read a second time this 22nd day of November, 2023

Read a third time this 22nd day of November, 2023

Reconsidered, finally passed and adopted this __ day of ____, 2023

Bob Wells, Mayor

Adriana Proton, Corporate Officer



THE CORPORATION OF THE CITY OF COURTENAY

COUNCIL MEMBER REPORT

To: **COUNCIL**

File No.: 0540

From: Councillor Hillian

Date (MMM-YYYY): Nov-2023

Subject: **REPORT OF ACTIVITIES AND EVENTS**

	DATE (MMM-DD)	EVENT/LOCATION	COMMENTS
1.	Nov-01	K'omoks Main Table treaty meeting	
2.	Nov-02	Sewage Commission Agenda meeting; CVRD Committee of the Whole	
3.	Nov-03	Cumberland Woodstove Festival opening event	
4.	Nov-05	B'nai B'rith forum on Anti-Semitism	
5.	Nov-06	Island Health Board/Regional Hospital District Joint meeting (by zoom) regarding capital planning; meet with Mayor	
6.	Nov-07	Social Planning Society meeting; Sewage Commission, Water Committee & CVRD meetings.	
7.	Nov-08	Equity in Action Webinar - local governments & Interior Health	
8.	Nov-10	Community Justice Centre committee meeting	

	DATE <i>(MMM-DD)</i>	EVENT/LOCATION <i>(Max. 115 characters)</i>	COMMENTS <i>(Max. 115 characters)</i>
9.	Nov-11	Remembrance Day event	
10.	Nov-14	Metis Week Flag Raising event	
11.	Nov-17	Noon Hour meeting on Water and Sewer rates	
12.	Nov-18	Community Justice Centre Presentation to Elder College	
13.	Nov-20	Transgender Day of Remembrance Flag Raising event; Island Health/Hospital District Liaison meeting	
14.	Nov-21	Recreation Commission and CVRD Board meetings	
15.	Nov-23	Community Justice Centre AGM; Sewage Commission educational promotion event	
16.	Nov-25	Ukrainian Support fundraiser	
17.	Nov-27	City budget preparation Nov 27 - Nov 30	
18.	Nov-30	Sewage Commission and Hospital Board agenda meetings	



THE CORPORATION OF THE CITY OF COURTENAY

COUNCIL MEMBER REPORT

To: **COUNCIL**

File No.: 0540

From: Councillor Morin

Date (MMM-YYYY): 10-2023

Subject: **REPORT OF ACTIVITIES AND EVENTS**

	DATE (MMM-DD)	EVENT/LOCATION	COMMENTS
1.	10-01	National Day for Truth & Reconciliation	
2.	10-11	CV Food Policy Council meeting	Municipal policy subcommittee meeting
3.	10-15	Celebration of Life for Betty Annand	Betty was an accomplished author and Comox Valley historian
4.	10-16	Housing legislation announcement	
5.	10-17	CVRD RIC & Board meetings	
6.	10-19	Comox-Strathcona Hospital Board meeting	
7.	10-20	CVRD Board meeting with Municipal Affairs Minister Kang & Water Treatment Plant tour	
8.	10-23	Asset Management Lunch & Learn with City of Courtenay staff	

DATE (MMM-DD)	EVENT/LOCATION	COMMENTS
9. 10-24	Elected Officials Forum on Housing, and Reconciliation	
10. 10-25	Assisted Vanier Work Experience program with career interviews with students	
11. 10-26	Retention of Progressive Women in Municipal Elected Offices webinar	Hosted by the Columbia Institute
12. 10-26	CV Food Policy Council meeting	
13. 10-31	CVRD RIC & Board meetings	
14.		
15.		
16.		
17.		
18.		



THE CORPORATION OF THE CITY OF COURTENAY

COUNCIL MEMBER REPORT

To: **COUNCIL**

File No.: 0540

From: Councillor Morin

Date (MMM-YYYY): 11-2023

Subject: **REPORT OF ACTIVITIES AND EVENTS**

	DATE (MMM-DD)	EVENT/LOCATION	COMMENTS
1.	11-01	Attended Coalition to End Homelessness meeting via Zoom	
2.	11-02	CVRD Water Committee agenda meeting	As Vice Chair
3.	11-02	City of Courtenay Code of Conduct workshop	
4.	11-03	Strategic Cultural Plan community check-in	
5.	11-07	CV Social Planning meeting	
6.	11-07	CVRD Inaugural Board meeting CVRD Water Committee meeting	
7.	11-08	Meeting with Transforming Cities staff re: info on workshops to be offered to local gov't	
8.	11-09	Retention of Progressive Women in local government webinar	Hosted by the Columbia Institute

	DATE <i>(MMM-DD)</i>	EVENT/LOCATION	COMMENTS
9.	11-10	Cumberland Community Forest Society Trivia Night	
10.	11-12	Attended the Comox Valley's First Diwali Celebration	
11.	11-13	Meeting with the Mayor	
12.	11-14	Flag Raising - MZIKI'SIW Metis Assoc	
13.	11-17	Water & Sewer Lunch & Learn	
14.	11-17	Moonlight & Magic event in Downtown Courtenay	
15.	11-21	CVRD Recreation Commission, RIC & Board meetings	
16.	11-22	CV Food Policy Council meeting	
17.	11-23	Comox-Strathcona Waste Mgmt meeting	
18.	11-27	Community conversation with Rob Everson & Wedlidi Speck	Hosted by the Community Justice Centre



THE CORPORATION OF THE CITY OF COURTENAY
COUNCIL MEMBER REPORT

To: **COUNCIL**

File No.: 0540

From: Councillor Morin

Date (MMM-YYYY): 11-2023

Subject: **REPORT OF ACTIVITIES AND EVENTS**

	DATE (MMM-DD)	EVENT/LOCATION	COMMENTS
1.	11-27	City of Courtenay budget workshop	
2.	11-28	City of Courtenay budget workshop	
3.	11-28	CVRD Regional Parks & Trails meeting	
4.	11-29	City of Courtenay budget workshop	
5.	11-30	City of Courtenay budget workshop	
6.	11-30	Water Committee agenda review	As Vice Chair
7.	11-30	CV Food Policy Council meeting	
8.			