



**VILLAGE OF SAYWARD
REGULAR COUNCIL MEETING AGENDA
SEPTEMBER 3, 2024 - 7:00 PM
COUNCIL CHAMBERS**

The Village of Sayward respectfully acknowledges that the land we gather on is on the unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

1. Call to Order

2. Public Input (Maximum of 2 minutes per speaker, 15 minutes total)

Mayor: "Public input is for the purpose of permitting people in the gallery to provide feedback and shall be no longer than 15 minutes unless approved by majority vote of Council; each speaker may provide respectful comment on any topic they deem appropriate and not necessarily on the topics on the agenda of the meeting. Each speaker may not speak for longer than 2 minutes but may have a second opportunity if time permits. Each speaker must not be allowed to speak regarding a bylaw in respect of which a public hearing has been held. For the record, please state your name and address."

3. Introduction of Late Items

4. Approval of Agenda

Recommended Resolution:

THAT the agenda for the Regular Meeting of Council for September 3, 2024, be approved.

5. Minutes of Previous Meetings - None

6. Petitions and Delegations

a) Chan Nowosad Boates – Presentation of the Audited 2023 Financial Statements

Recommended Resolution:

THAT Council receive the 2023 Audited Financial Statements for information and discussion; and,

THAT the Village of Sayward 2023 Audited Financial Statements be approved.

7. Correspondence

a) Strathcona Waste Management, James Warren – Request to Present an update on the renewal of the Solid Waste Management Plan to the Village of Sayward

Recommended Resolution:

THAT correspondence a) be received.

8. Council Reports - None

9. Reports of Committees - None

10. Mayor's Report - None

11. Unfinished Business - None

12. Staff Reports

a) RCMP Lease - Second Renewal Agreement

Recommended Resolutions:

THAT Council receive the RCMP Lease report for information and discussion; and,

THAT Council authorizes the Mayor & Corporate Officer to sign the Renewal Lease Agreement with the RCMP.

b) Permissive Tax Exemptions 2025

Recommended Resolutions:

THAT Council receive the Permissive Tax Exemptions 2025 staff report for information and discussion; and,

THAT Staff be directed to prepare a Permissive Tax Exemption bylaw for Sayward Futures Society for Council to consider at the September 24, 2024 council meeting.

c) Application to rezone 18 Sayward Rd (Adama Developments)

Recommended Resolutions:

THAT Council receive this report; and,

THAT Council give final reading to rezoning Bylaw 504, 2023.

13. Emergency Services/Public Works/Recreation Department Reports - None

14. Bylaws

d) Village of Sayward Zoning Amendment Bylaw No. 504, 2023

Recommended Resolution:

THAT Village of Sayward Zoning Amendment Bylaw No. 504, 2023 be given fourth and final reading.

15. New Business - None

16. Public Question Period (maximum 15 minutes)

Mayor: "The purpose of the public question period is to enable citizens to ask questions of Council about issues that are important to the citizen asking the question. Speakers are asked to limit their questions to one each and, if time permits after everyone has had an opportunity to ask questions, speakers may ask a second question. Citizens will be asked to state their name and address."

17. In Camera

Recommended Resolution:

THAT in accordance with Section 92 of the *Community Charter*, this Council meeting will be closed to the public at this time in order that Council may give consideration to matters in accordance with the following sections of the *Community Charter*:

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

18. Adjournment

Office of the Chief Administrative Officer

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



File: 5360-30/SWMP

April 26, 2024

Sent via email only

Keir Gervais
Chief Administrative Officer
Village of Sayward
652 H'Kusam Way
Sayward, BC V0P 1R0

Re: Solid Waste Management Planning Process – Step 3

Our staff are requesting an opportunity to present an update on the renewal of the Solid Waste Management Plan to the Village of Sayward.

Comox Strathcona Waste Management Service (Service) is undertaking a Solid Waste Management Plan (Plan) renewal. This Plan will describe how the Service will manage garbage, recycling, yard, and food waste programs for the next decade. The Ministry of Environment and Climate Change Strategy recommends that plans be renewed every ten years to ensure that the plan reflects best practices and the evolving realities of solid waste. The Plan was updated 12 years ago, in 2012.

There are four steps of plan development, and each step builds upon the previous. The renewal process is now in *Step 3: Evaluate Strategies*. Step 3 aims to develop potential solid waste management strategies for consideration, assess the financial and administrative impacts and to consult the public on the specific strategies.

Service senior staff request an opportunity to provide a short presentation to the Village of Sayward on the progress to date and forthcoming opportunities to engage on the process as we move into this next phase of planning and public consultation.

The Comox Strathcona Waste Management service area is located in the Coast Salish, Kwakwaka'wakw, and Nuu-chah-nulth territories.

Comox Strathcona Waste Management manages over 100,000 tonnes of waste and recycled material annually and oversees a number of diversion and education programs for the Strathcona and Comox Valley Regional Districts.

Please contact Bridget Meagher, CSWM@comoxvalleyrd.ca to coordinate a date and time in May or June 2024 for such a presentation. To support climate change initiatives, we prefer a virtual participation.

Sincerely,

J. Warren

James Warren

Chief Administrative Officer

cc: Janice Aver, Acting Chief Financial Officer, Village of Sayward
Marc Rutten, General Manager of Engineering Services
Vivian Schau, Senior Manager of CSWM Services
Sarah Willie, Manager of Solid Waste Planning and Policy Development



STAFF REPORT

For: Mayor and Council
Prepared by: Lisa Clark, Interim CFO
Subject: RCMP Lease - Second Renewal Agreement
Meeting date: September 3, 2024

BACKGROUND

The building located at 601 Kelsey Way is owned by the Village of Sayward and leased to the RCMP for local police services. The major points of the lease are as follows:

- This is a Second Renewal Agreement for five years commencing March 1, 2025 and terminating February 28, 2030.
- The original lease was for a period of 10 years, 1 March 2010 to 28 February 2020, plus two further extensions of 5 years by mutual agreement. The first renewal option was previously executed by mutual agreement for the period February 15, 2020-2025.
- The lease is for the building and licence area (parking, sidewalks, lands around building).
- RCMP is responsible for all taxes, user fees, (water, sewer, garbage), M&R to the building and common areas, landscaping and gardening, snow and ice removal, and property and liability insurance.
- Village is responsible for building envelope and major systems.

ATTACHMENTS

- RCMP Second Renewal Agreement

DISCUSSION

Staff have received the second option to renew document and note there are no substantial changes to the original lease, apart from the annual rent which will increase from \$24,000 to \$25,200 annually, payable in advance in equal monthly installments of \$2,100.

STAFF RECOMMENDATIONS

Recommended Resolutions:

THAT Council receive the RCMP Lease report for information and discussion; and,

THAT Council authorizes the Mayor & Corporate Officer to sign the Renewal Lease Agreement with the RCMP.

Respectfully submitted,

Lisa Clark, Interim CFO



**Royal Canadian
Mounted Police**

**Gendarmerie royale
du Canada**

E2234 BU574

THIS SECOND RENEWAL AGREEMENT dated for reference the 29th day of February, 2024

BETWEEN

The Village of Sayward
Box 29, 601 Kelsey Way
Sayward, British Columbia
VOP 1R0

(Hereinafter referred to as the "Lessor")

AND

HIS MAJESTY THE KING in Right of Canada,
As represented by the Minister responsible for
The Royal Canadian Mounted Police
Property & Project Management Section
#909-14200 Green Timbers Way
Surrey, BC V3T 6P3

(Hereinafter referred to as the "Lessee")

(Hereinafter referred to jointly as the "Parties")

WITNESSETH

WHEREAS:

- A. The Parties entered into a lease dated August 25, 2010 for certain real property located at District Lot 2, Plan 21662, Block N, D.L. 305, Township 4, Section 36 with civic address of 610 Kelsey Way, Sayward, British Columbia for a term of ten (10) years commencing March 1, 2010 and terminating February 28, 2020, having two (2) additional option to renew for five (5) years each; and
(Hereinafter referred to as the "Original Lease")
- B. The first renewal option, dated January 21, 2020, was exercised for a term commencing February 15, 2020 and terminating February 15, 2025; and
- C. The Lessee gave notice of His intention to exercise the second renewal option, and the Lessor had agreed;

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

- 1. That said Original Lease, will be further renewed and extended for a term of five (5) years commencing March 1, 2025 and terminating February 28, 2030 at an annual rent of twenty-five thousand two hundred dollars (\$25,200.00) payable in advance in equal monthly instalments of two thousand one hundred dollars (\$2,100.00).
- 2. That this renewal of lease will be subject to all of the covenants, agreements, and conditions in the aforesaid Original Lease, as extended, except as hereinabove stated to the contrary, and in particular, that there will be no further options to renew.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement;

For the Lessee,

For the Lessor,



Tammy Rathgeber
Regional Director
Property & Project Management Section,
For the Minister responsible for the Royal Canadian
Mounted Police

Authorized Signatory

Name:

Title:



Witness

Name: Lisa Ramsay

Title: Leasing Manager

Witness

Name:

Title:

2024.03.07

Date

Date



STAFF REPORT

To: Mayor and Council
From: Lisa Clark, Interim CFO
Subject: **Permissive Tax Exemptions 2025**
Meeting date: September 3, 2024

BACKGROUND

A permissive tax exemption (PTE) is a means for Council to support organizations within the community which further Council's objectives of enhancing quality of life (economic, social, cultural) and delivering services economically. A balance is necessary between supporting local non-profit organizations (PTE recipients) and limiting the tax burden on other residents and organizations arising from the exemptions.

Section 224 of the *Community Charter* outlines the authority for permissive tax exemptions. A bylaw under this section must come into force on or before October 31st for the exemption to be valid for the following year.

One (1) permissive tax exemption granted by Council in 2021 is due to expire in 2024:

- a) **Sayward Futures Society**, 16 Sayward Rd, District Lot 304, Sayward Land District, PT DL 304 AS SHOWN IN RED ON DD 394491 PID 009-664-599. – **75% exemption**

The following schedule will be used by staff to complete the PTE process for 2025:

Schedule	Action
August 1, 2024	Deadline for applications.
September 3, 2024	Staff Report to Council to consider exemptions.
September 24, and Oct 1, 2024	Bylaw, if required, brought to Council.
October 31, 2024	Deadline for Staff to advise BC Assessment Authority of any permissive tax exemptions for 2025.

DISCUSSION

Advertising in the Sayward News took place in July 2024 for any additional interested parties wishing to apply. Staff received one application as follows.

Sayward Futures Society

Staff have determined that the application is reasonably complete.

- The Society has asked for a 5-year exemption (2025-2029 inclusively, note an exemption already exists for this organization which is due to expire at the end of 2024).
- The value of the exemption (75% exemption) for 2024 is \$3,944.60*
 - * This amount does not include the amounts exempted relating to other agency collections such as the Regional District, Hospital District, Municipal Finance Authority, BC Assessment, library, school, and police taxes. The total tax exemption including these other agency collections for 2024 was \$5,183.53.
- The Society provides a general benefit to the community using its land/building to which the exemption would apply and is eligible under the *Community Charter* for a permissive tax exemption.
- Financial Position for the past three years is as follows:

Sayward Futures Society					
Cash Dec 31 (not including wharf fund)					
	Revenues	Expenses	Surplus		Net Assets
2021	\$ 62,514	\$ 52,776	\$ 9,738	\$ 28,883	\$ 184,771
2022	\$ 90,610	\$ 85,402	\$ 5,208	\$ 13,155	\$ 189,979
2023	\$ 80,176	\$ 149,318	-\$ 69,142	\$ 18,455	\$ 140,289

Note: The Net Assets number includes the Wharf Fund which is an amount set aside for repairs to the Wharf.

Options

Options include:

- Grant the five-year request.
- Grant an exemption which is shorter in duration.
- Grant a partial/percentage exemption, for example only exempt ____% of the assessed value of the property.
- Decline the request and do not grant a tax exemption.

Staff will note that several municipalities make the PTE process an annual task for Council, and PTE's are then authorized for one year only. However, in smaller municipalities it is common that PTE's are granted for multiple years to reduce administrative burden. Council is authorized to grant a PTE exceeding one year (to a maximum of 10 years) where it is demonstrated that the services/benefits the applicant offers to the community are of a duration exceeding one year.

Next steps

Staff will be tasked with preparing a permissive tax exemption bylaw for Council consideration at the next regular council meeting. Once the bylaw has been adopted, it must be received by the BC Assessment Authority by October 31, 2024 to be applied to the 2025 assessment roll.

In addition, section 227 of the *Community Charter* requires that the details of the proposed permissive tax exemption bylaw be posted and advertised in a local newspaper once each week, for two consecutive weeks, prior to final adoption. This notice must identify the property or properties that will be subject to the bylaw, describe the proposed exemptions, state the number of years that the exemptions may be provided, and provide an estimate of the amount of taxes that would be imposed on the property if it were not exempt, for the year in which the proposed bylaw is to take effect and for the following two years.

RECOMMENDATIONS

THAT Council receive the Permissive Tax Exemptions 2025 staff report for information and discussion; and,

THAT Staff be directed to prepare a Permissive Tax Exemption bylaw for Sayward Futures Society for Council to consider at the September 24, 2024 council meeting.

Respectfully submitted,



Lisa Clark, Interim CFO

Attachments:

- ***Sayward Futures Society permissive tax exemption application***

RECEIVED

JUN 12 2024

Appendix "A" – Permissive Tax Exemption Application Form

APPLICATION FOR PERMISSIVE TAX EXEMPTION

1.) Full name or title of organization:

SAYWARD FUTURES SOCIETY

2.) Society number/non-profit number, or registered charity number:

S-42454

3.) Mailing address of the organization (including Postal Code):

P.O. Box 143 16 SAYWARD RD SAYWARD BC

4.) Application contact (name, phone, e-mail address):

KEN MCRAE 778 557 7776 INFO@SAYWARDFUTURES.CA

5.) Name and phone number of two other officials in organization (i.e. Pastor, President, Manager, Director, etc.)

1. Name: JASON JOHNSON

2.

Name: MARY RUTH SNYDER

Title: CHAIR

Title: MANAGER OF OPERATIONS

Phone No.: 604-353-1552

Phone No.: 250-650-7575

E-mail: INFO@SAYWARDFUTURES.CA

Email: INFO@SAYWARDFUTURES.CA

6.) Property address:

16 SAYWARD RD SAYWARD B.C. V0P 1R0

7.) Folio number:

27410.000

8.) The lands are registered in the name of:

SAYWARD FUTURES SOCIETY

(In the case of a Society, Corporation, Association, please include a copy of the Certificate of Title)

9.) The exemption claimed under Section 224 – 226 is pursuant to Subsection 1, Clause
(224A) (Please supply the relevant clause designation from Section 224-226, see attached)

RECEIVED

JUN 12 2024

10.) The gross floor area of the building: 1020 SQ FT

11.) We require a current site plan of the property indicating the grounds and buildings and their uses. This would include buildings, storage buildings, walkways, parking lot, playgrounds, bush areas, etc. Show dimensions.

12.) What is the principal use of the property?

OPERATING A NON-PROFIT SOCIETY

OPERATING A SEASONAL GIFT SHOP

13.) Is any part of the building or of the property used or rented by commercial or private operators or by any group other than your organization? If yes, please disclose below:

SMALL 400 CU.FT. CONTAINER USED FOR STORAGE
OWNED BY MDWI. MONTHLY RENTAL FEE.

14.) Please provide details of other activities on your property; such as daycare centres, catering and hall rental, thrift/gift shop.

The following information is required for each activity:

- Hours per day and/or days per week of operation
- Fees or charges
- Approximate number of participants/patrons
- Is the activity operated by a church or by an outside organization?

365 DAYS / YEAR - WE HAVE A ROOM OPEN TO THE PUBLIC
FREE TO ALL. USED BY LOCALS + TOURISTS. FREE WIFI

15.) a.) How is your organization non-profit?

WE WERE INCORPORATED AS A NON-PROFIT SOCIETY DEC 11/2000.
TO ASSIST MEMBERS TO CREATE A SOUND ECONOMIC AND
POSITIVE SOCIAL ENVIRONMENT IN THE COMMUNITY.

b.) How is your organization a complementary extension to Village services and programs?

WE WORK WITH THE VILLAGE TO PROVIDE RESOURCES

FOR ECONOMIC GROWTH, JOBS, & TOURISM

c.) How is your organization accessible to the public?

WE OWN AND OPERATE THE KELSEY BAY WHARF, WHICH
IS OPEN TO THE PUBLIC YEAR ROUND. WE HOLD SPECIAL EVENTS
IN THE COMMUNITY AND ARE ON SOCIAL MEDIA.

d.) How is your organization used primarily by Sayward residents?

SHOPPING +/- FISHING AT THE WHARF. PROVIDING
INFORMATION ABOUT THINGS TO DO IN AND AROUND SAYWARD.

16.) Other activities which may be pertinent to your application:

PAST SPONSORSHIP OF SAYWARD VALLEY FOLK MUSIC, RCMP
BIKE RODEO, FOOD SECURITY PROGRAM, CHILI COOK OFF,
SAYWARD CANADA DAY CELEBRATION + SAYWARD XMAS LIGHT UP

17.) Has there been any change in the status or use of the buildings or property in the last 12 months?

NO.

18.) CHURCHES ONLY complete the following additional questions:

(i) What is the seating capacity of the church?

Permanent: _____

Portable: _____

(ii) What is the gross floor area of the

Church: _____

Hall: _____

Other Buildings: _____

RECEIVED

JUN 12 2024

Total Gross Floor Area: _____

- (iii) Every building on the lands is in use and continues to be set aside for public worship or for a Church Hall. Yes _____ No _____

On behalf of SAYWARD FUTURES SOCIETY I/we hereby declare that all the information presented and provided with this application is true and correct.

Should a permissive tax exemption be granted on the above listed property, I am agreeable to the following terms:

- 1.) If the property is sold prior to the exemption expiration, the organization will remit to the Village an amount equal to the taxes that would have otherwise been payable to the Village by a non-exempt owner.
- 2.) The property use will be in compliance with applicable municipal policies and bylaws.
- 3.) The organization will publicly acknowledge the permissive tax exemption granted by the Village.

DATED THIS 11 DAY OF JUNE 2024.

Authorized Signature: [Signature] (TREASURER S.F.S.)

NOTE:

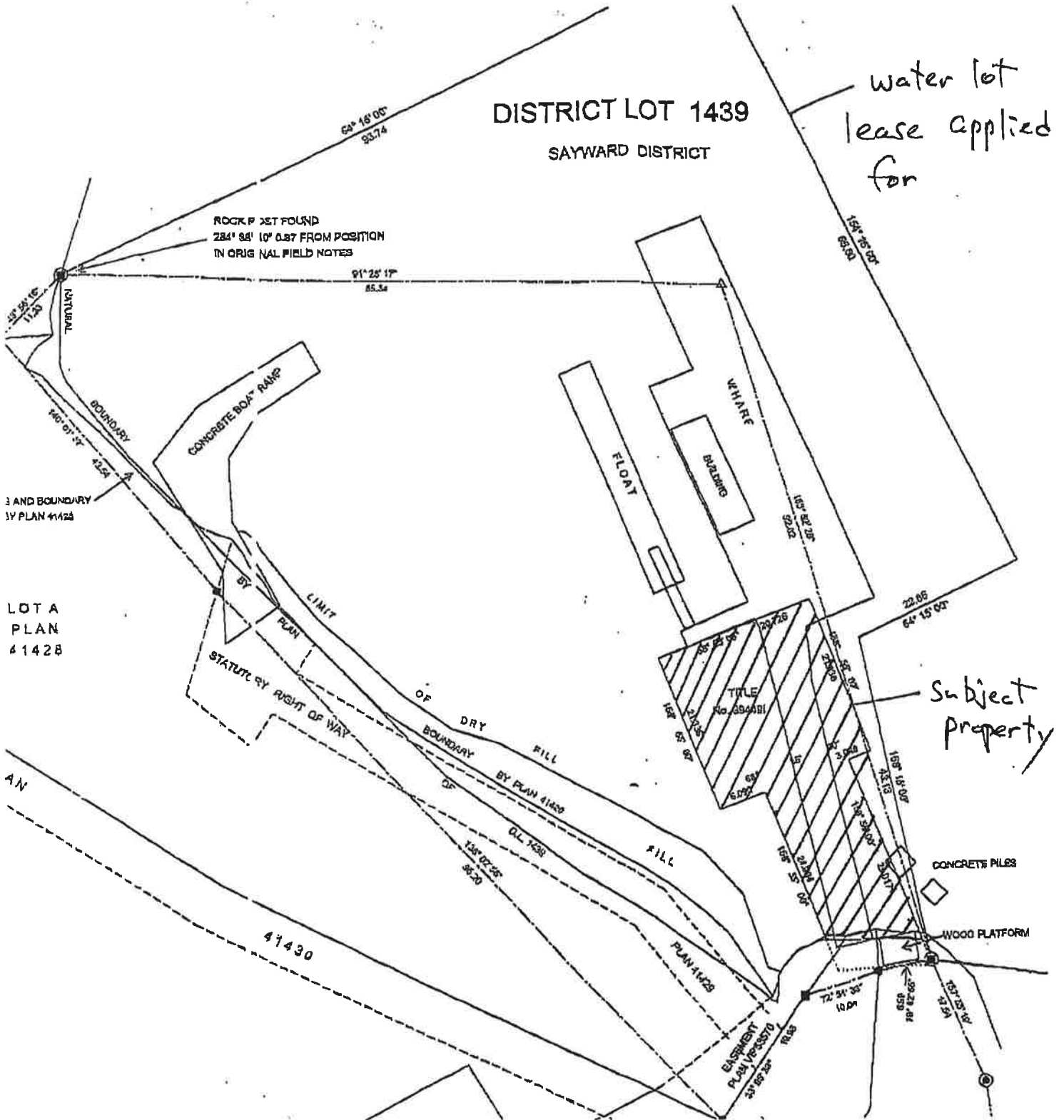
1. The personal information on this form is collected for the purpose of an operating program of the Corporation of the Village of Sayward as noted in Section 26 (c) of the Freedom of Information and Protection of Privacy Act (FOIPPA). If you have any questions about the collection and use of this information, please contact the CAO at 250-282-5512
2. The Application for Permissive Tax Exemption must be received by 1st of August in the year prior to the taxation year(s) for which exemption is requested in order to be included on the applicable annual Permissive Tax Exemption Bylaw. i.e. An application for a permissive tax exemption for the year 2020 or years 2020 to 20__ must be received by the 1st of August of 2019, the year prior to year one of the tax exemption period.
3. Permissive Tax Exemption Applications are to be submitted to: Village of Sayward, Box 29, 652 H'Kusam Way, Sayward, B.C. V0P 1R0

DISTRICT LOT 1439

SAYWARD DISTRICT

water lot
lease applied
for

ROCK PILE FOUND
284' 04' 10" 0.87 FROM POSITION
IN ORIGINAL FIELD NOTES



TITLE: ET41449

VILLAGE OF SAYWARD

TITLE NOTIFICATION AS OF 22 APRIL, 2002.

CROWN GRANT

TITLE NO: ET41449
FROM TITLE NO: 394491

APPLICATION FOR REGISTRATION RECEIVED ON: 19 APRIL, 2002
ENTERED: 22 APRIL, 2002

REGISTERED OWNER IN FEE SIMPLE:
WARD FUTURES SOCIETY, INC. NO. 42454
801 KELSEY WAY
P.O. BOX 143
SAYWARD, BC
V0P 1R0

TAXATION AUTHORITY:
VILLAGE OF SAYWARD
COURTENAY ASSESSMENT AREA

DESCRIPTION OF LAND: 009-664-599
PARCEL IDENTIFIER: 009-664-599
THAT PART OF THE BED OF THE SEA ADJOINING HIGH WATER MARK OF DISTRICT LOT 304, SAYWARD DISTRICT COMMENCING AT A POINT AT HIGH WATER MARK, IN THE CENTRE OF THE PRESENT WHARF APPROACH, DISTANT 948.6 FEET IN A DIRECTION SOUTH OF FIFTEEN DEGREES TWENTY FOUR MINUTE EAST FROM THE NORTH EAST CORNER OF SAID DISTRICT LOT, THENCE NORTH EIGHT DEGREES TEN MINUTES EAST 28 FEET, THENCE NORTH TWENTY ONE DEGREES FIVE MINUTES WEST 95.2 FEET, THENCE NORTH ONE SIXTY EIGHT DEGREES FIFTY FIVE MINUTES EAST 10 FEET, THENCE NORTH TWENTY ONE DEGREES SIXTY EIGHT DEGREES FIFTY FIVE MINUTES WEST 70 FEET, THENCE SOUTH ONE DEGREE FIVE MINUTES EAST 20 FEET, THENCE NORTH SIXTY EIGHT DEGREES FIFTY FIVE MINUTES EAST 82 FEET TO HIGH WATER MARK, THENCE SOUTH TWENTY ONE DEGREES FIVE MINUTES EAST 12.2 FEET MORE OR LESS TO THE POINT OF COMMENCEMENT AS SHOWN IN RED ON PLAN DEPOSITED UNDER DD 394491

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS: NONE

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

CORRECTIONS: NONE

PENDING APPLICATIONS: NONE

May 10 2002
Title 0-000
27410-000



STAFF REPORT

To: Mayor and Council
From: Kevin Brooks, Village Planner, and John Manson, Peng, Approving Officer
Subject: Application to rezone 18 Sayward Rd (Adama Developments)
Meeting date: September 3, 2024

BACKGROUND

The owner of 18 Sayward Rd (Adama Developments, 0947204 BC Ltd) made an application to rezone the property in June of 2020.

On Oct 3, 2023, Council gave first and second reading to Bylaw 504, which rezones the property at 18 Sayward Road as follows:

- Rezoning of 22.44 hectares from F-1 to R-1;
- Rezoning of 0.27 hectares from F-1 to R/C;
- Rezoning of 0.54 hectares from F-1 to C-2;

Generally as described and noted on Attachment "A".

Council also passed the following resolution at the meeting of Oct 3, 2023:

"That Council direct staff to report back to Council with the proposed CAC (Community Amenity Contribution) prior [to] Public Hearing."

In their meeting of February 20, 2024 (Appendix "B"), Council accepted the developer's offer of the construction of an upgraded turn around at the end of Sayward Road, at an estimated cost of \$52,500, to be undertaken at the stage of the first subdivision application following the rezoning of the property, provided that the Village is able to convert the value of the works (at 125% to allow for inflation) should the turn around be found to be impractical by the Village at time of design to a cash contribution to apply towards infrastructure improvements for the Village generally. This would be secured through a restrictive covenant which 'runs with the land' and obligates the owner of the property to provide the CAC at time of subdivision. The covenant would require execution prior to final reading of the rezoning application. Staff also recommended that the covenant also advise potential property purchasers of the limitations of the existing water system with respect to the potential development of the property.

Staff also noted in the February report that separate approval from MOTI is required for this property as it is in proximity to Sayward Rd before Council can get final adoption to the rezoning.

Council had also previously given direction to staff to secure from the developer the extra development processing costs related to the Village's cost of reviewing the rezoning application.

In their February 20th meeting, Council directed staff to hold a public hearing on the project which occurred on April 16, 2024 at 6:00pm. At the regular Council meeting that followed, Council gave third reading to Bylaw 504, 2023.

Staff can report on the outstanding items noted above as follows:

1. The Restrictive Covenant related to the Community Amenity Contribution and Water Servicing Limitations has been prepared by the Developer's lawyer, accepted by staff as to wording, and is registered on the property title (see Appendix "C");
2. The Ministry of Transportation and Infrastructure Services has approved the rezoning application (see Appendix "D");
3. The Village has received the additional costs of processing the rezoning application.

STAFF RECOMMENDATIONS

THAT Council receive this report, and

THAT Council give final reading to rezoning Bylaw 504, 2023.

Respectfully submitted,



Kevin Brooks
Planner
Village of Sayward



John Manson, Peng
Approving Officer

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Attachment "B"

See next page



STAFF REPORT

To: Mayor and Council
From: Kevin Brooks, Village Planner
Subject: Application to Rezone 18 Sayward Rd (Adama Developments)
Meeting date: February 20, 2024

BACKGROUND

The owner of 18 Sayward Rd (Adama Developments, 0947204 BC Ltd) made an application to rezone the property in June of 2020.

On Oct 3, 2023, Council gave first and second reading to Bylaw 504, which rezones the property at 18 Sayward Road as follows:

- Rezoning of 22.44 hectares from F-1 to R-1;
- Rezoning of 0.27 hectares from F-1 to R/C;
- Rezoning of 0.54 hectares from F-1 to C-2;

as described and noted on Attachment "A".

Council also passed the following resolution at the meeting of Oct 3, 2023:

"That Council direct staff to report back to Council with the proposed CAC (Community Amenity Contribution) prior [to] Public Hearing."

In a letter of September 5, 2023 (see Attachment "B"), the developer had offered a range of possible Community Amenity Contributions (CAC's) for this application. Both the developer and staff agree that the best option for the Community is the construction of an upgraded turn around at the end of Sayward Road. The cost of the works generally depicted in Attachment "C" is estimated at \$52,500 at today's market prices (see Attachment "D").

The proposed CAC works would be located on Ministry of Transportation and Infrastructure jurisdiction, and staff have received preliminary indications that they are also in favour of the proposed improvements. However, additional design work and consultation is likely required before the concept can be finalized and implemented. These works would be constructed at the time of the first phase of a subdivision application, which will follow the rezoning process.

Staff are recommending that the Village accept the developer's proposal to offer the turn around improvements generally as detailed in Attachment's "C" and "D" as the CAC for this project, provided that the Village is able to convert the value of the works (at 125% to allow for inflation) should the turn

around be found to be impractical by the Village at time of design to a cash contribution to apply towards infrastructure improvements for the Village generally. This would be secured through a restrictive covenant which 'runs with the land' and obligates the owner of the property to provide the CAC at time of subdivision. The covenant will require execution prior to final reading of the rezoning application.

Should Council concur with this approach, it would be appropriate to move the project forward to Public Hearing.

Staff also wish to note that a separate approval from MOTI is required for this property as it is in proximity to Sayward Rd before Council can get final adoption to the rezoning.

STAFF RECOMMENDATIONS

THAT Council receive this report for information and discussion; and,

THAT Council accept in principle the Community Amenity Contribution of the turn around at the north end of Sayward Road as offered by the developer, and as discussed in this report, which will be confirmed through a restrictive covenant as part of the rezoning process; and,

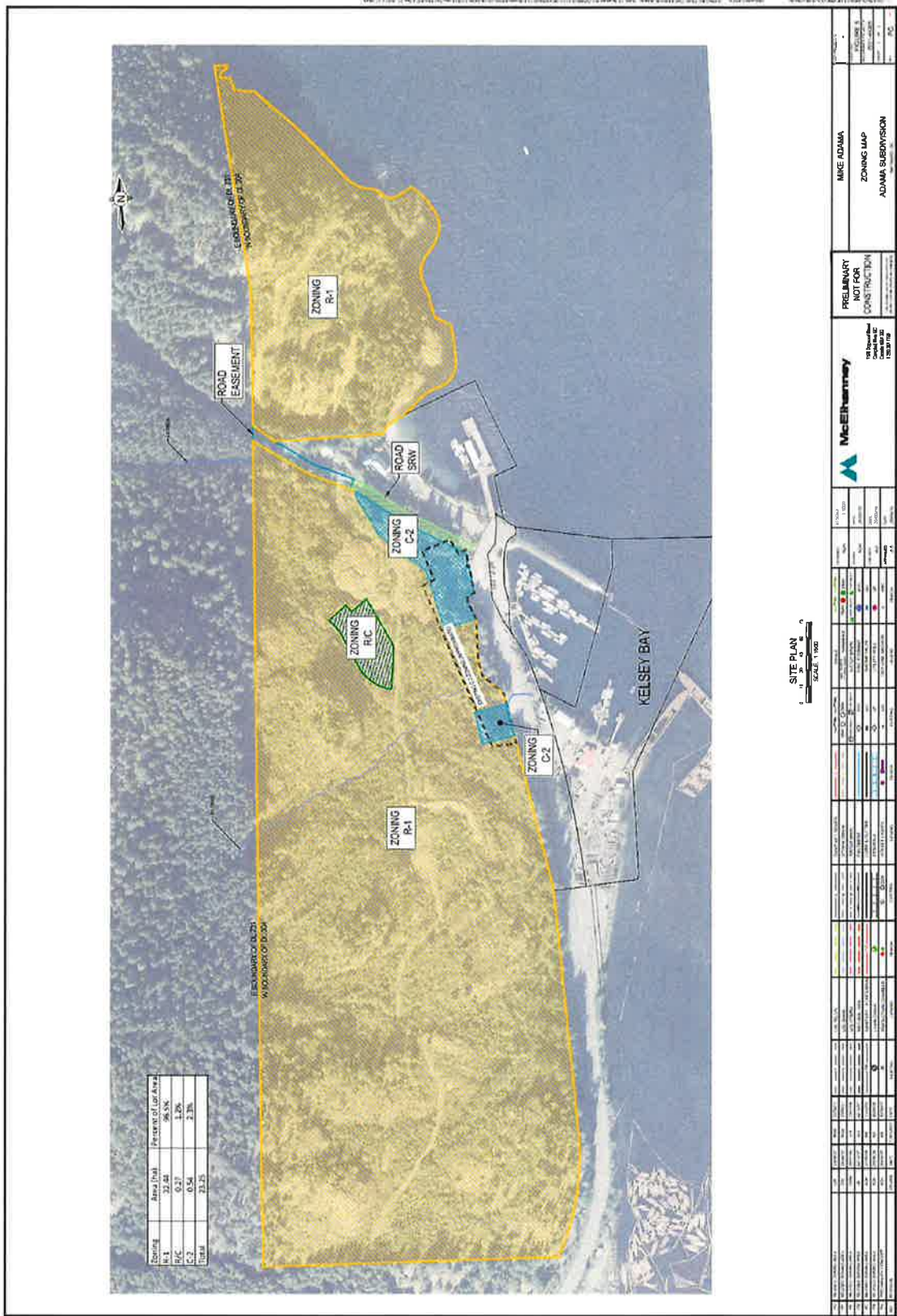
THAT Council direct staff to schedule a Public Hearing for rezoning Bylaw 504.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Brooks', is positioned above the printed name.

Kevin Brooks
Planner
Village of Sayward

Attachment "A"



Attachment "B"

Keir Gervais, CAO
John Manson, Approving Officer
Kevin Brooks, McElhanney
Village of Sayward
652 H'Kusam Way
PO Box 29
Sayward, BC, V0P 1R0

September 5, 2023

RE: Mike Adama, 18 Sayward Road Re-Zoning Application

To Mr. Gervais, Mr. Manson, and Mr. Brooks,

This letter details: a) an adjustment to the zoning itself; b) an adjustment to the park boundary; and c) the amenity options.

- A) RV Park zone of **PA – 1** has been removed and returned to the zone of **R – 1**. This will reduce water consumption. Please see attached the original Figure 2 for review and the revised Figure 5 demonstrating the adjustment.
- B) The initial park area has been adjusted. **Note:** the park can be accessed through a trail, designated as an easement from the public boat launch, along the water's edge of the property to the revised park boundary. An additional park area will be designated to right of the property zoned R/C. The boundaries of the additional park will be determined through the subdivision process. The two parks combined will meet the 5% requirement. Please see attached the original Figure 2 for review and the revised Figure 5 demonstrating the adjustment of the current park boundary.
- C) Amenity Options agreed to with previous CAO Ann MacDonald and with the current approving officer, John Manson — cash contributions towards one of the following or construction of item 4:
 - 1. Water meter at log sort, or
 - 2. Water meter Feasibility Study for the Village, or
 - 3. Water (Smart) Meter at the Water Treatment Plant (WTP) for consistent water readings leaving WTP, or
 - 4. Expand the turnout at the end of Sayward Road

I look forward to hearing from you shortly to finalize each of these items *prior* to the October 3, 2023, Council Meeting, allowing the zoning application to be finalized at that time.

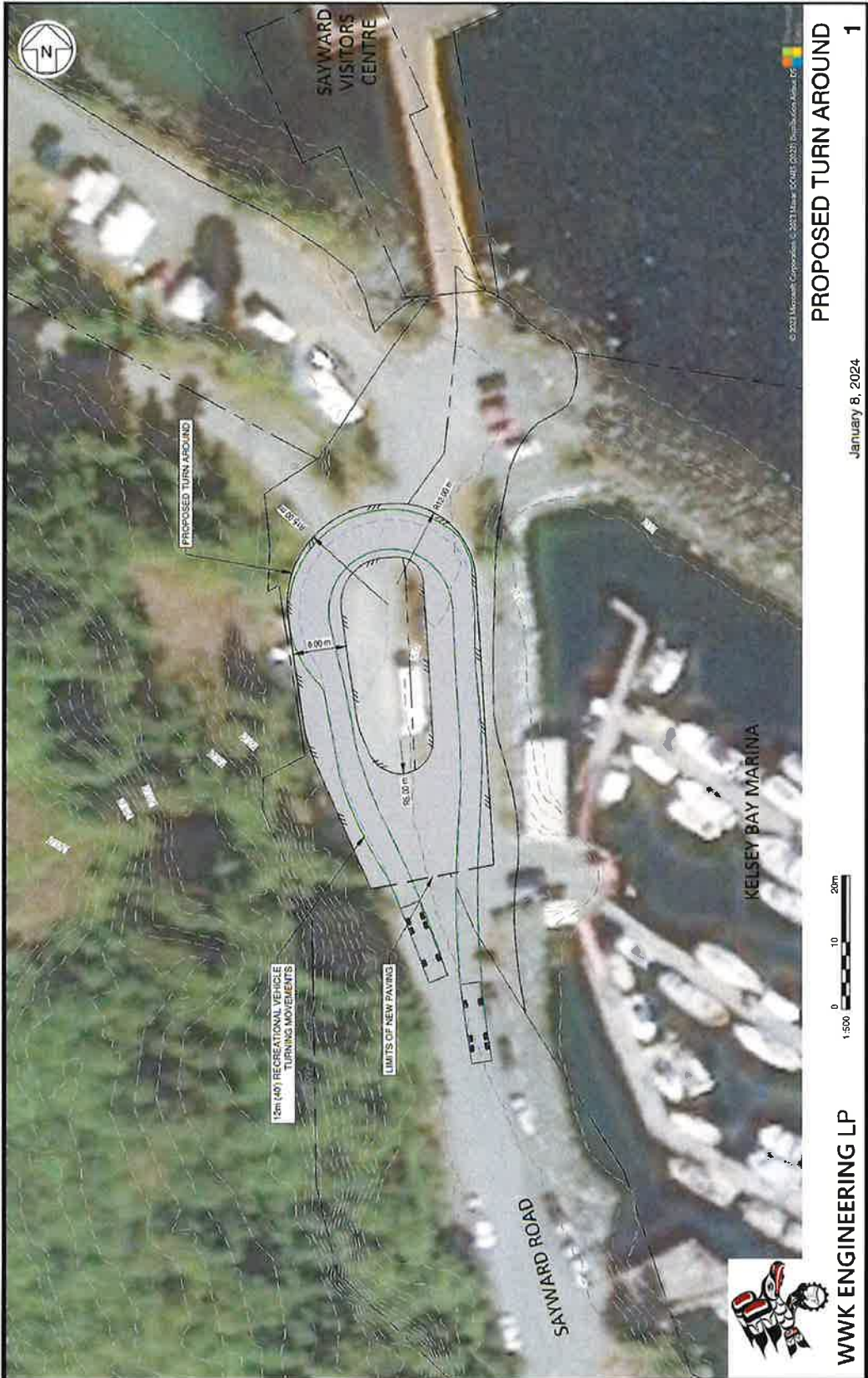
Thank you,

Sincerely,

Mike Adama
0947204 BC Ltd.
PO Box 67
Sayward, BC V0P 1R0

cc. John Sorenson, McElhanney; Mayor & Council

Attachment "C"



Attachment "D"



Date: 2024-01-09

WWK Project Number: 00021

Permit to Practice # 1005143

ADAMA DEVELOPMENT

Mike Adama

18 Sayward Road, Sayward BC

Proposed Turn Around CLASS C COST ESTIMATE

DESCRIPTION	UNIT	UNIT PRICE	TOTAL PRICE
Mobilization	1 LS	\$ 9,800.00	\$ 9,800.00
Erosion and sediment control	1 LS	\$ 1,650.00	\$ 1,650.00
Removal and disposal of existing asphalt	100 sq. m	\$ 8.00	\$ 800.00
75mm Asphalt c/w Base and Subbase	165 sq. m	\$ 97.50	\$ 16,087.50
Common excavation	60 m3	\$ 50.00	\$ 3,000.00
Signage	1 LS	\$ 1,600.00	\$ 1,600.00
Paint Markings	1 LS	\$ 3,300.00	\$ 3,300.00
Subtotal			\$ 36,237.50
Engineering (15%)			\$ 5,435.63
Contingency (30%)			\$ 10,871.25
Total			\$ 52,544.38



Attachment "C"

See next page

NOTICE OF REGISTRATION

Date of Issue: July 15, 2024
Submitter's Name: Taylor Stephen
File Reference: 38712-18SAYWARD

The following application(s) have now reached final status:

COVENANT

CB1420041

REGISTERED

Product support is available online at <https://help.ltsa.ca>. You can also call the Customer Service Centre for land title and survey practice matters, or Technical Support for all registry and product questions at 604-630-9630 or toll free at 1-877-577-LTSA (5872). Non-urgent support requests can be submitted online at <https://ltsa.ca/contact-us-0>.



1. Application

Document Fees: \$81.27

Taylor Stephen
#200 - 1260 Shoppers Row
Campbell River BC V9W 2C8
2502877755

2. Description of Land

PID/Plan Number	Legal Description
000-568-309	THAT PART OF LOT 304, SAYWARD DISTRICT, LYING TO THE NORTH OF A BOUNDARY PARALLEL TO THE SOUTHERLY BOUNDARY OF SAID LOT AND EXTENDING FROM A POINT ON THE WESTERLY BOUNDARY OF SAID LOT DISTANT 1600 FEET FROM THE SOUTH WEST CORNER OF SAID LOT, EXCEPT THAT PART IN PLAN 41428 AND PLAN EPP90265

3. Nature of Interest

Type	Number	Additional Information
COVENANT		

4. Terms

Part 2 of this instrument consists of:

(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

VILLAGE OF SAYWARD

6. Transferee(s)

0947204 B.C. LTD.	BC0947204
PO BOX 3657	
COURTENAY BC V9N 7P1	

7. Additional or Modified Terms



8. Execution(s)

This instrument creates, assigns, modifies, enlarges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

Susan L. Sinnott
Barrister & Solicitor
201 - 909 Island Highway
Campbell River BC V9W 2C2

YYYY-MM-DD

2024-06-26

Village of Sayward
By their Authorized Signatory

Mark Baker - Mayor

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

Taylor D.A. Stephen
Barrister & Solicitor
#200 - 1260 Shoppers Row
Campbell River BC V9W 2C8

YYYY-MM-DD

2024-06-24

0947204 B.C. Ltd.
By their Authorized Signatory

Mike Adama

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

Taylor David
Andrew Stephen
L1RUHX

Digitally signed by
Taylor David Andrew
Stephen L1RUHX
Date: 2024-07-03
10:53:01 -07:00

TERMS OF INSTRUMENT—PART 2

THIS AGREEMENT made as of the date first indicated on the attached Form C Land Title Document

BETWEEN:

0947204 B.C. LTD.
Inc. No. BC0947204
P.O. Box 3657
Courtenay, B.C. V9N 7P1

(the "Grantor")

AND:

VILLAGE OF SAYWARD
652 H'ksusam Way
Sayward, BC V0P 1R0

(the "Village")

WHEREAS:

- A. The Grantor is the registered owner in fee simple of the land in Sayward legally described as:

THAT PART OF LOT 304, SAYWARD DISTRICT, LYING TO THE NORTH OF A BOUNDARY PARALLEL TO THE SOUTHERLY BOUNDARY OF SAID LOT AND EXTENDING FROM A POINT ON THE WESTERLY BOUNDARY OF SAID LOT DISTANT 1600 FEET FROM THE SOUTH WEST CORNER OF SAID LOT, EXCEPT THAT PART IN PLAN 41428 AND PLAN EPP90265

PID: 000-568-309

("the Land");

- B. The Grantor has applied to the Village for a change in some of the zoning applicable to the Land as part of seeking permission to subdivide the Land, and as part of the process of establishing an Agreed Community Amenity, the Village has determined that the Land will require a section of road partially on the Land and partially abutting the Land to be improved such that the existing roadway is expanded to facilitate the passage of larger vehicles (the "Road Works");

- C. Attached to this Agreement as "Schedule A" is an initial design drawing that has been prepared by the Grantor's engineer, John Sorenson of WWK Engineering Limited Partnership showing the general terms for constructing the Road Works (the "Road Plans");
- D. The Grantor acknowledges that it is in the public interest that the development and use of the Land as intended by the Grantor be contingent upon the construction of the Road Works and wishes to grant this covenant to the Village;
- E. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature, in respect of the use of land or the use of a building on or to be erected on land may be granted in favour of the Village and may be registered as a charge against the title to the Land.

This agreement is evidence that in consideration of payment of \$2.00 by the Village to the Grantor (the receipt of which is acknowledged by the Grantor), and in consideration of the promises exchanged below, the Grantor covenants and agrees with the Village, in accordance with section 219 of the *Land Title Act*, as follows:

- 1. The Grantor covenants and agrees to construct the Road Works substantially in accordance with the Road Plans that are attached as Schedule "A" to this Agreement, prior to submitting any plan for subdivision of the Land to the Land Title Office. The Parties agree that the attached Road Plans are not prepared to such a degree of detail consisted with standard blueprints or engineering design drawings and simply depict the approximate end result required by the Village.
- 2. Alternatively, if the construction of the Road Works is not feasible, the Village may elect to instead require the Grantor to pay \$52,544.38 to the Village in lieu of constructing the Road Works, prior to submitting any plan for subdivision of the Land to the Land Title Office.
- 3. The Grantor shall indemnify and save harmless the Village from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the Village or which the Village incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) the use of the Land contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.

4. The Grantor hereby releases and forever discharges the Village of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Grantor can or may have against the Village for any loss or damage or injury, including economic loss, that the Grantor may sustain or suffer arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) the use of the Land contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
5. At the Grantor's expense, the Grantor must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Land.
6. Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the Village in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Land as if the Agreement had not been executed and delivered by the Grantor.
7. Time is of the essence of this Agreement.
8. The Grantor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions set out in this Agreement and they shall be binding upon the Grantor as personal covenants only during the period of its respective ownership of any interest in the Land.
9. It is mutually understood, acknowledged and agreed by the parties hereto that the Village has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Grantor other than those contained in this Agreement.
10. The waiver by a party of any breach of this Agreement or failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar, and no waiver shall be effective unless it is in writing signed by both parties.
11. Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

12. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
13. The enforcement of this Agreement shall be entirely within the discretion of the Village and the execution and registration of the Agreement against title to the Land shall not be interpreted as creating any duty on the part of the Village to the Grantor or to any other person to enforce any provision of the breach of any provision of this Agreement.
14. The restrictions and covenants herein contained shall be covenants running with the Land and shall be perpetual, and shall continue to bind all of the Land when subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the Village as a first charge against the Land.
15. The Grantor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
16. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
17. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
18. The Grantor and Village agree that the Village requires this charge in furtherance of the Village's land use planning and management goals and that the Grantor has agreed to grant this charge to the Village as part of the Grantor's application to the Village for subdivision permission. Accordingly, the Grantor covenants to not grant to any other party a charge against the Land ranking in priority above charges in favour of the Village.
19. Upon successful construction of the Road Works, the Grantor will be entitled to a release of the covenants contained in this Agreement from the title to the Land.
20. The Parties agree that portions of the Land, generally above an elevation of approximately 35 meters geodetic, cannot be serviced from the existing Village water system due to inadequate system pressures. If the Grantor intends to develop the Land above this elevation, new water distribution and storage facilities to provide water supply and fire service to this area of the Land would need to be constructed at the cost of the Grantor.
21. The Parties agree that the existing Village water system is only capable of supplying fire flows to a single-family residential fire flow of 60 lps,. If the Grantor intends to develop the Land, any non-single-family development would either need to be constructed in a manner consistent with this fire flow, or the existing water

system would need to be upgraded to provide additional fire flows at the Grantor's cost.

The Grantor and Village acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1 and 2) attached hereto.

Schedule 1 – Road Plans

John Sorenson of WWK Engineering Limited
Partnership – Drawing of Road Works Design

Attachment "D"

See next page



VILLAGE OF SAYWARD
BYLAW NO. 504, 2023

A BYLAW TO AMEND ZONING BYLAW NO. 309, 2000

WHEREAS the Council for the Village of Sayward has, by Bylaw No. 309, adopted zoning regulations for Sayward and vicinity pursuant to Part 14 of the *Local Government Act*;

AND WHEREAS the Council for the Village of Sayward wishes to amend "Zoning Bylaw No. 309, 2000" having due regard to the requirements of the *Local Government Act*;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the Village of Sayward, in open meeting assembled, hereby enacts as follows:

1. CITATION

This bylaw may be cited as "**Village of Sayward Zoning Amendment Bylaw No. 504, 2023**".

2. AMENDMENT

Bylaw No. 309 being the "Village of Sayward Zoning Bylaw, 2000" is hereby amended as set out in Schedule "A" attached to and forming part of this bylaw.

Read a first and second time on the 3rd day of October 2023.

Public Hearing held on the 16th day of April 2024.

Read a third time on the 16th day of April 2024.

Per s.52 (3)(a) of the Transportation Act, APPROVED by the MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE on the 30th day of April 2024.

Signed By [Signature] Title Senior Development Officer

Adopted on the ___ day of _____ 2024.

Mayor

Corporate Officer

Schedule "A"

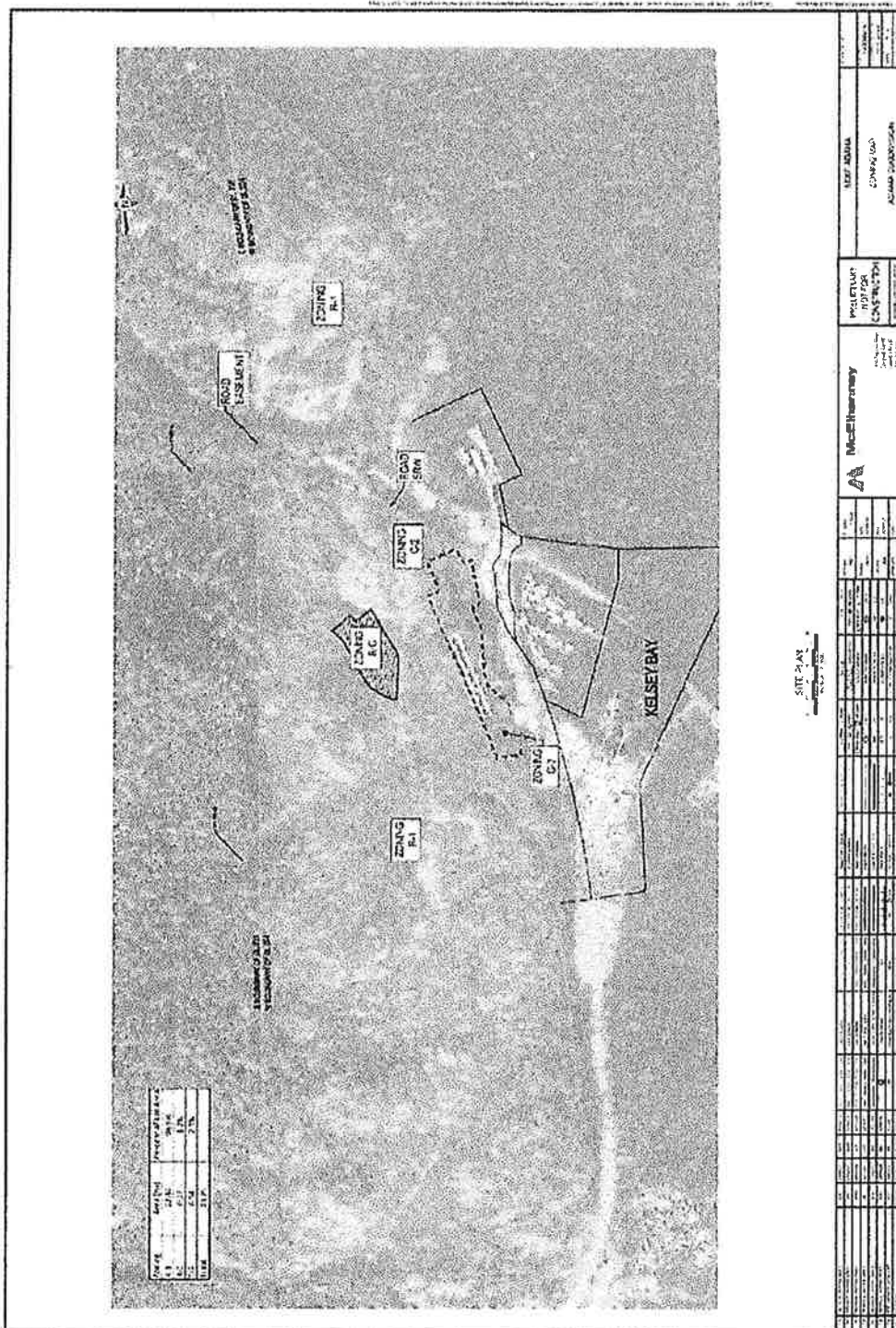
Map Amendment

Bylaw No. 309, "Village of Sayward Zoning Bylaw, 2000", is hereby amended by changing the zoning of:

THAT PART OF LOT 304, SAYWARD DISTRICT, LYING TO THE NORTH OF A BOUNDARY PARALLEL TO THE SOUTHERLY BOUNDARY OF SAID LOT AND EXTENDING FROM A POINT ON THE WESTERLY BOUNDARY OF SAID LOT DISTANT 1600 FEET FROM THE SOUTH WEST CORNER OF SAID LOT, EXCEPT THAT PART IN PLAN 41428 AND PLAN EPP9026

From the Forestry 1 (F-1) to the zones as shown on Appendix "A" forming an integral part of this Bylaw.

Appendix A





VILLAGE OF SAYWARD

BYLAW NO. 504, 2023

A BYLAW TO AMEND ZONING BYLAW NO. 309, 2000

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Adopted on the ____ day of _____ 2024.

Mayor

Corporate Officer

Schedule "A"

Map Amendment

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From the Forestry 1 (F-1) to the zones as shown on Appendix "A" forming an integral part of this Bylaw.

DOI: 10.1002/for

