

Town of Comox – Administration

Subject: FW: Housing project 695 Aspen Road

RECEIVED

Oct. 2, 2019

LOG: 19-489	REFER:	AGENDA: PH
FILE: planning	ACTION: MR	

-----Original Message-----

From: J Douglas <qjdouglas@gmail.com>
Sent: October 1, 2019 10:28 PM
To: council <council@comox.ca>
Subject: Housing project 695 Aspen Road

TOWN OF COMOX

O - CFile / Planning (MK)
Copies - Council
- AI K

Dear Council,

I have many concerns re the Aspen Road property development.

The Highstreet Venture company high density proposal does not in any way suit the neighbourhood. This was not in the original town plan as I bought my home based on the assumption of 3 storey building/s not 4 four story apartment buildings. The townhouses on Lancaster Way are an example of well designed, attractive housing and landscaping, also the patio development on Murrelet Drive. Can Aspen school accommodate a huge influx of students and the limited visibility on Murrelet must be taken into consideration.

I ask the Council to please consider the concern of the residents in this area and respect the will of the people.

Jean Douglas
16-2197 Murrelet Drive
Comox
Sent from my iPad

To Mayor and Council- Comox

RECEIVED

LOG: 19-493	REFER:	AGENDA: /
FILE: 6660-20	ACTION: MR	

Regarding - 659 Aspen Road.

OCT 03 2019

RZ 1907

October 3- 2019

TOWN OF COMOX

o- cfile / planning
copies - Council
- ALK / SA / Lia

I write, as I did at the beginning of this proposal to build on the Slegg property by Highstreet Ventures in Kelowna.

My initial email to Highstreet Ventures of June 14th 2019, was proficiently answered by Jay Starnino June 17th 2019 – find copies enclosed.

Since June 2019, there was an open meeting which unfortunately I was unable to attend. I have been away much of this summer.

Now, we are into October, and I find there is mounting discontent in the neighbourhood. One lady recently attended a meeting, following which the owner of the property is quoted as saying "This is my property and I can do what I like with it"

Our requests are simple.

1. Lower buildings- four stories is too high- far too many people in an already congested area. I read in Tuesday's October 1st local paper, that there are to be three buildings not four, still with about six hundred residents.
2. Insufficient parking- potential problems with street parking.
3. Are we correct in believing that the entrance and the exit to this development are going to be on Murrelet Drive?
4. We are a walking, cycling, children oriented community. Aspen School is next door with also the Boys and Girls Club which is housed on the school property. Both have access to Murrelet Drive. Too much traffic will be a disruption to our way of life, as we are constantly encouraged to walk and cycle.
5. What is meant by a "care facility" - quote from Jay Starnino's letter to me June 17th?
6. Insufficient pertinent discussions with the people living and working here.

Submitted with respect – Sheelane Stigant, 21-2197 Murrelet Gardens, Comox, BC. V9M 3Y1

cc – Highstreet Ventures – Jay Starnino



E-MAIL JUNE 14 - 2019

RE- LETTER FROM HIGHSTREET VENTURES -REGARDING "695 ASPEN ROAD" COMOX,
BC

Regarding your proposal at 695 Aspen road, Comox. My comments are as follows ==

- 1 -- Four stories high is much too high for this neighbourhood. The piece of property in question is surrounded by one story single homes with a few two storied condos.
- 2 -- - Quality Foods would be overwhelmed by so many shoppers.
- 3 --- The added traffic would be a nightmare.
- 4 --- This is a town not a city. 3
- 5 --- The added noise from 2~~3~~⁴ residences and businesses in such a small area would be troublesome.
- 6 --- Is the parking to be underground?
- 7 - Will this be rentals or Strata condos?
- 8 -- Hopefully the design would be West Coast, not like the building recently erected on Anderton Road.
- 9 --- Are there plans for adequate landscaping and green space?
- 10 - We are a close community and hope it may remain so.

The main points being---- the buildings are too high and there are too many homes for that area.

Thank you for consideration of my comments.

Yours truly

Sheelane Stigant

21-2197 Murrelet Gardens

Comox, BC

V9M 3Y1

sheelane@gmail.com

From: **Jay Starnino** jstarnino@highstreetventures.ca
Subject: RE: "659 ASPEN ROAD"
Date: June 17, 2019 at 10:34 AM
To: **Sheelane Sigtant** sheelane@gmail.com

Hello Sheelane,

Thanks for reaching out. We appreciate your concerns and recommendations. Comox is beautiful, much of our team is from the Courtney/Comox/Cumberland area and we recognize how special the area is. Cumberland remains one of my favorite summer destinations.

Highstreet specializes in the design, construction, and operation of great rental communities. Our communities have full-time staff on-site, amenities like communal gardens, walking paths, and gyms, and a strong focus on sustainability and "green" building principals. The current proposal for the land is a combination of much-needed rental apartments as well as for-sale condos, and some commercial space which will be divided to a variety of uses, some of which is intended to be a care facility. Our rental community members are typically a combination of young professionals saving for their first home, alongside middle aged and elderly who prefer to live on their own but without the responsibilities of ownership. Our community leaders carefully screen every tenant to ensure they make sufficient income (or are receiving necessary support) as well as ensure their values are continuous with our communities. If you want to read more check out our website <https://highstreetventures.ca/> ?

We appreciate your comments and will work with the city to design something that brings life and vibrance to your community without disrupting your way of life. While the property is still undergoing early stages of development there are a few of your questions I can provide interim responses too. See answers in Blue below:

6. --- Is the parking to be underground?

- We use a combination of aboveground & underground parking on our properties. All aboveground and parking will be screened from adjacent roads, with an emphasis made on peoples homes backing onto the street, encouraging a walkable, neighbourly community where vehicles are hidden from the centre of attention.

7. --- Will this be rentals or Strata condos?

- The site is currently planned to be a combination of both rental and for-sale units. Rental units are currently much needed in Comox as suggested by local vacancy rates. Interestingly what often happens with for-sale condos when vacancy is this low, is people purchase them as investments which end up being rented anyway, albeit not managed by our team of phenomenal community leaders. We aren't a big REIT with some massive portfolio, we are boots-in-the-dirt hands-on community builders who take a lot of pride in our contribution to thriving municipalities. Highstreet takes pride in the communities we own and operate, with full-time on-site community leaders ensuring the property remains clean and safe. People love our community leaders, who generally know all of the tenants and neighbours by first name, invest time in the landscaping, gardening, and peacefulness of the site, and keep things like parking and noisy tenants under control. This is an amazing quality to our rentals that you might not see with condos.

quality to our tenants and you might receive more business.

8. --- Are there plans for adequate landscaping and green space?

- Always! Highstreet takes pride in the greenspace within our communities, with community gardens standard on every property, coupled with attention to local/native and drought resistant plantings.

9. – We are a close community and hope it may remain so.

- Me too! Most of our communities are vibrant hubs of life, with frequent community events, an emphasis on walkability, and plenty of neighbourly interaction.

Thanks for your input, and please don't hesitate to reach out in the future with any questions or recommendations.

Best regards,

Jay Starnino B.A.Sc, EIT
SUSTAINABILITY ANALYST

HIGHSTREET VENTURES INC.
P: 778.946.6241
M: 778.215.3335



From: Sheelane Stigant <sheelane@gmail.com>
Sent: June 14, 2019 3:32 PM
To: Jay Starnino <jstarnino@highstreetventures.ca>
Subject: "659 ASPEN ROAD"

RECEIVED

Oct. 8, 2019

Town of Comox – Administration

TOWN OF COMOX

Subject: FW: Rezoning application RZ 19-7

LOG: 19-496	REFER:	AGENDA: PH
FILE: 6660-20	ACTION: MR	

-----Original Message-----

From: Doug Bell <hounddoogle@gmail.com>

Sent: October 8, 2019 11:45 PM

To: council <council@comox.ca>; Russ Arnott <Rarnott@comox.ca>

Subject: Rezoning application RZ 19-7

RZ 19-07

O - Cfile Planning (MK)

Copies - Council / AI K

Dear Mayor Arnott and Councillors,

We strongly object to the rezoning of the property at 695 Aspen Avenue to allow 4 four storey buildings and over 200 apartments.

Four storey buildings do not belong in this area! We currently have a good mix of townhouses, condos, and apartments in various ranges of affordability in this area, so we have our fair share. We don't have any buildings four storeys high in this part of town and we don't want any. It will change the dynamics and feel of the area for the worse and decrease property values. This is overcrowding!

Adding 200 plus apartments in this small area will increase the already too busy traffic and crowd our streets with on street parking. We cannot open our windows at night due to traffic noise and the extra traffic will endanger the local wildlife.

Also, will rezoning applications RZ 18-6 and RZ OCP 19-1 now decide to also change plans and have 4 story buildings?

In closing, we realize the town needs more rental properties but crowding 200 apartments in four buildings is excessive and will ruin our neighbourhood.

Sincerely,
Doug and Wanda Bell

2483 Tiger Moth Place
Comox, BC, V9M4j4

Sent from my iPad

Town of Comox – Administration

RECEIVED

From: Susan Rothstein <susanabout@gmail.com>
Sent: Thursday, October 10, 2019 12:33 PM
To: council
Cc: Town of Comox – Administration
Subject: Proposed Development at 695 Aspen Road

Oct. 10, 2019

TOWN OF COMOX

Importance:

High

LOG: 19-497	REFER:	AGENDA:
FILE: 6660-20	ACTION: MR	--

RZ 19-07

O - Cfile Planning (MK)
Copies - Council
- AI K

Dear Mayor Arnott, Comox Town Council, Comox Planning Department,

I am a homeowner living in close proximity to the above proposed development. As such, I believe there are some very significant issues to be addressed before any approvals are given for development at this site. Let me say at the outset, I am in favour of rental housing but not at this scale in this location. Also, I attended Highstreet's Open House in August and saw their plans.

The density of the housing is of an overwhelming size for this neighbourhood. While the site is of a reasonable size, it is not reasonable to have approximately 240 units here. There are no park or traffic buffers around the site. All the land around it is occupied by close-by residences or businesses. A project with fewer units would not have a negative effect here.

Probably the biggest issue is traffic! The roads surrounding the site are narrow. With the increased traffic, congestion and inevitably accidents would increase. Visit Murrelet Road and drive the curves. There are already visibility problems. Now think of this as a pebble in a lake: these 240 units will be sending traffic into the larger neighbourhood. People need to access roads in various directions. The traffic will increase all through the residential neighbourhoods in the northwestern part of Comox. Drive Aitken Street, especially the last few blocks as it intersects with Comox Avenue: extremely narrow, curves, no curbs, trucks, children. This stretch is a hazard already that requires great care. This is the route that most people take to Courtenay and the world beyond.

As the town plans for our future, please consider carefully the negative impact this project would have. Please work to make it more manageable for current and future residents of this neighbourhood.

Thank you for your consideration of the points I have made.

Sincerely,
Susan Rothstein
649 Jubilee Court
Comox, BC V9M 4G8

LOG: 19-519	REFER:	AGENDA: --
FILE: Planning/6	ACTION: File	

Town of Comox – Administration

RECEIVED

Subject: FW: Proposed development at 695 Aspen Road

Oct. 20, 2019

TOWN OF COMOX

From: Gina Wood <sandpineswood@gmail.com>
Sent: October 20, 2019 3:27 PM
To: council <council@comox.ca>; sandpineswood@gmail.com
Subject: Proposed development at 695 Aspen Road

O - planning 6660-20
Copies - Council
- AK

28-700 Lancaster Way
Comox, BC. V9M 0B6

October 20, 2019

Dear Mayor and Council Members:
Re: Proposed development of 695 Aspen Road

I am writing to express my strong opposition to the above proposed development as presented by Highstreet at a recent Open House held at the Comox Recreation Centre.

I am NOT an anti-development taxpayer but I AM opposed to development which negatively impacts a community by reducing its appeal and livability and by creating new problems.

Highstreet's proposal is far too dense for this area. The neighbourhood is composed mainly of single family homes plus some single and two storey strata properties so a four storey, four building development would not be an appropriate choice. This is not only for aesthetic reasons but also for the huge increase in traffic. The local roads (Aspen, Murrelet, Lancaster) would not be able to safely accommodate the significant increase in traffic that such a development would bring. Aspen Park playing fields and the adjoining Aspen School field already attract a great deal of pedestrian, bicycle and vehicle traffic.

In addition, the area also attracts lots of pedestrian and bicycle traffic because it adjoins the very popular and well-used Courtenay Walkway system.

We local residents have been expecting, and even welcoming, this land to be developed for several years but always anticipated a type of one or two storey patio home/townhouse development. As you well know, there is a shortage of this type of housing and it would fit in with the rest of this area of town.

I will be following this process closely and hope that you will listen and respond to the views and concerns of your constituents over the desires of a development company.

Sincerely,
Gina (Georgina) Wood
(250)218-5950

Sent from my iPad

o-c file/planning
copies - Council
- ATK
- Lia

LOG: 19-512	REFER:	AGENDA:
FILE: Planning	ACTION: MR	

RECEIVED

OCT 2 2019

TOWNS OF COMOX

October 25, 2019

To the Mayor of Comox and Town Council:

I am writing this letter to voice my concern over the proposed development of the property at 695 Aspen Road, Comox. We live directly adjacent to this property at #6, 2300 Murrelet Dr.

There is a proposed building to be built directly in front of our place.

This building will greatly effect the light in our home as the windows are all facing this lot. That means no sun in the morning or until mid day. I am wondering why, seeing there is only 3 double units directly affected by the position of these buildings, we do not have a green space along the fence and path side, giving us more space away from their buildings. We all realize this property will be developed but this proposal is way beyond anything imaginable. How will the infrastructure of this area ever handle the density of the project?? We already have traffic problems, hard to imagine at least 300 more vehicles in this area.

I really am hoping that the current residences will be taken into consideration with the zoning and the permits issued for this project. We have a lovely neighbourhood now that is seriously being threatened by this oversized development. I have noticed these projects in other towns but they were not built in an established neighbourhood and usually have easy traffic access. Basically the neighbourhoods are built around these projects, ie. on the edge of town.

AGAIN, PLEASE CONSIDER US. We count too!!!

Margaret Walker. & Michel Fortin



LOG: 19-531	REFER:	AGENDA: --
FILE: 6660-20	ACTION: MR	

Town of Comox – Administration

Subject: FW: Development Proposal - 695 Aspen Rd, Comox, BC

RECEIVED

Nov.11, 2019

From: Silvana Federico <nnavelli@hotmail.com>

O - Cfile Planning

Sent: Monday, November 11, 2019 12:20 AM

Copies - Council

To: Russ Arnott <Rarnott@comox.ca>

- AK

Cc: council <council@comox.ca>

Subject: Development Proposal - 695 Aspen Rd, Comox, BC

TOWN OF COMOX

Dear Mayor Arnott and Comox Town Council,

We are writing in reference to the current proposal to build four, 4-storey apartment buildings at 695 Aspen Road, Comox. We believe that this development proposal is ill conceived because, if it is approved as currently presented, it will offer a major contrast to the existing community and, it will significantly increase the population density in the neighbourhood.

We understand that the original proposal for this lot was 65 units, but the current proposal is for over 230 units! We believe that this densification initiative only serves to help the Kelowna developer reach it's development goals; but it does not, in any real sense, offer any tangible benefit to the existing community, or reflect the existing design and character of the surrounding neighbourhood.

We are aware that over the past several years, the Town of Comox has undertaken a number of densification initiatives, including approving the establishment of coach houses and secondary suites. Why is there now a requirement to crowd our residential neighbourhood of mostly single family homes, with this proposed expansive multi-storey over-development?

We are extremely concerned that this proposed multi-building apartment complex, with it's many additional residents, added noise and traffic congestion, will undoubtedly create a further strain on our already over-extended services such as water, sewer, police, emergency services, etc.

We are not against development, but we encourage you to get back to the drawing board and create a plan that better fits into the existing community, and is closer to the original proposal of 65 units. Let's maintain Comox as a Town By The Sea, with sought after, well-designed, pleasant and uncrowded residential neighbourhoods, throughout our town.

In speaking with a number of area residents, it is very clear that the concerns we have raised are shared by others within the community.

Sincerely,

Ian MacDonald & Silvana Federico

2354 Bolt Ave, Comox, BC V9M4A8
250-339-2103

LOG: 20-001	REFER:	AGENDA: --
FILE: 6660-20	ACTION: File	

Town of Comox – Administration

Subject: FW: Council Circulation: Note for the Mayor

RECEIVED

O - cfile 6660-20/695 Aspen
Copies - Council
- AK / MK

Dec. 30, 2019

TOWN OF COMOX

From: Peter <inthesinai@hotmail.com>
Sent: December 29, 2019 2:50 PM
To: Town of Comox – Administration <town@comox.ca>
Subject: Note for the Mayor

http://www.kelownadailycourier.ca/business_news/article_6d181cd8-fad1-11e9-8d18-ff87a1d65715.html

Mayor Russ,

Not sure if you have seen this article or not, but thought it worthy to forward. As you can see, Scott Butler has classified Comox as really bad. I guess he is just smarter than all the rest of us and knows what is better for Comox.

Hope you have a great holiday.

Respectfully submitted,

Peter Abbott

http://www.kelownadailycourier.ca/business_news/article_6d181cd8-fad1-11e9-8d18-ff87a1d65715.html

Allowing more housing seen as only way to make it cheaper

Steve MacNaull

Oct 29, 2019



Members of the housing affordability panel at Tuesday's Urban Development Institute lunch in Kelowna included, from left, Rick Threlfall, chair of the Okanagan chapter of the institute and partner at Troika Developments, Scott Butler of Highstreet Ventures, Benjamin Dachis of the C.D. Howe Institute and Lyndon Thomas of LTA Consultants.

Steve MacNaull

Kelowna's housing affordability issue is like a chronic disease that gets worse every year.

Benjamin Dachis, from non-profit policy research organization C.D. Howe Institute, made the comparison Tuesday at a lunch presented by the Okanagan chapter of the Urban Development Institute.

"The only way to cure this chronic disease is to allow more construction so there's more housing inventory and more competition that will push house prices and rents down," said Dachis, who is the institute's director of public affairs.

Dachis was on the housing affordability panel that spoke at the event at the Coast Capri Hotel with developer Scott Butler of Kelowna-based Highstreet Ventures and Lyndon Thomas of LTA Consultants in Kelowna.

"The solutions governments offer, like more subsidized housing, really only addresses symptoms," said Dachis.

"The real solution is allowing additional construction by making more land available for development, reducing development cost charges, speeding up approval processes and spreading taxes out so a broader population pays rather than developers and new homeowners."

As a prime example, Dachis cited the City of Kelowna's new park development cost charge that adds a \$7,000 levy for every house, townhouse, condominium and apartment built in the city.

Developers have to pay the fee, but the reality is the cost is passed on to the homeowner or renter, making housing and rents more expensive overall.

Butler's issue with the bolstered park development cost charge is that the same \$7,000 applies to a \$1-million house as to a \$200,000 micro suite.

"It should be prorated," said the developer behind the huge rental complexes Mission Flats on KLO Road and Carrington Ridge in West Kelowna.

"In fact, all development cost charges should be revamped to a rate per square foot so someone building a mansion pays more than someone trying to get into an affordable condo."

Part of the reason Highstreet built a much-needed 280 rental units in its Mission Flats apartment and townhouse development was the City of Kelowna's 10-year tax exemption on new rental construction.

"But with the new park development cost charge, it's like the city is giving with one hand (tax exemption) and taking away with the other," said Butler.

Butler said municipalities have to change their culture, right from city council to city management and city staff, to provide permitting for development quickly rather than stall it while the meter's running.

"Kelowna is pretty good. Penticton is the best, and cities like Nanaimo and Comox are really bad," he said.

Even with the recent boom in apartment construction, the added inventory isn't enough to meet all the demand and make rents more affordable.

"We need to build housing at a sustainable rate and tax it at a progressive and prorated rate," said Butler.

"Housing is an essential need. There's no need to overtax it."

Butler said while it may not be a popular suggestion to the business sector, he's in favour of the B.C. minimum wage going higher than its current \$13.85 an hour.

"In Alberta, it's \$15 an hour, which means a couple, each of them earning full-time minimum wage, can afford a new rental apartment," he said.

A whole tangle of factors has contributed to the unaffordability of housing in Kelowna and most of Canada.

"Over the past 25 years, the cost of construction and materials has gone up about 240%, yet real salaries have only gone up 100%," Butler said.

"That's reality and it's caused a real affordability issue. The solution, too, is complicated, but definitely includes allowing more construction and lowering taxation on new housing."

RECEIVED

DEC 30 2019

http://www.kelownadailycourier.ca/business_news/article_6d181cd8-fad1-11e9-8d18-ff87a1d65715.html

Allowing more housing seen as only way to make it cheaper

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Oct 29, 2019



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"The real solution is allowing additional construction by making more land available for development, reducing development cost charges, speeding up approval processes and spreading taxes out so a broader population pays rather than developers and new homeowners."

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O - Cfile
copies - council
- AK / MK

LOG: 20-019	REFER:	AGENDA: Public Hearing
FILE: 3360-20/1:	ACTION: MR	

Town of Comox – Administration

Subject: FW: Wildly unpopular? Too bad - Okanagan Edge

RECEIVED

Jan. 17, 2020

TOWN OF COMOX

From: joanne abbott <maabbott@hotmail.com>
Sent: Friday, January 17, 2020 5:03 PM
To: council <council@comox.ca>
Subject: Fwd: Wildly unpopular? Too bad - Okanagan Edge

Mayor & Councillors,

Councillors in the city of Kelowna agreed the project put forth by Highstreet Ventures was Ugly but approved it anyhow. Why not send Highstreet Ventures back to the drawing board to come up with a more attractive facade? When the Developer wanted to build on the old Lorne Hotel spot everyone was up in arms. It was too tall and the facade didn't fit in with the Little Town by The Sea look. I believe he presented three different reiterations before he gave up. Why is this not being treated with the same consideration? Why will Highstreet Ventures be allowed to build such an institutional looking complex? Please, please address this! It is our neighbourhood, our town.

A concerned citizen of Comox,
~Joanne Abbott

Sent from my iPad

Begin forwarded message:

From: joanne abbott <maabbott@hotmail.com>
Date: January 17, 2020 at 4:37:39 PM PST
To: joanne abbott <maabbott@hotmail.com>
Subject: Wildly unpopular? Too bad - Okanagan Edge

You don't have to delve too deep to find negative press. Even town council doesn't want it but does that stop them from approving it?

<https://okanaganedge.net/2017/03/01/wildly-unpopular-bad/>

Sent from my iPad

RZ 19-7 DP 19-5 DVP 20-3

695 ASPEN RD

FEBRUARY 5, 2020

ATTACHMENT 5

PROPOSED ZONING AMENDMENT BYLAW

TOWN OF COMOX

BYLAW 1934

A BYLAW TO AMEND COMOX ZONING BYLAW 1850

WHEREAS Council has the authority under the provisions of the *Local Government Act* to amend the Zoning Bylaw;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, enacts as follows:

1. Title

This bylaw may be cited for all purposes as the "Comox Zoning Amendment Bylaw 1934"

2. Amendments

(1) Comox Zoning Bylaw 1850 is hereby amended as follows:

(a) Administration, Section 2.7(2) Penalties is amended by
Adding the following rows sequentially:

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Unlawful use – CD28 zone	828.1	\$250.00
Failure to comply with conditions – CD28 zone	828.2	\$250.00
Unlawful accessory buildings – CD28 zone	828.10	\$250.00

(b) Establishment of Zones, Section 4.1 Classification of Zones is amended by adding the following text under the heading Commercial Zones and after CD25
Comprehensive Development 25: 618 Anderton Road:

CD28 Comprehensive Development 28: Aspen-Murrelet

(c) General Regulations is amended as follows:

- (i) Section 5.3 Fences is amended by replacing subsection (3) with the following text:

In the CD24 and CD28 zones, no fence within a front yard shall exceed 1.25 metres in height.

- (ii) Section 5.12 Projections into Required Setbacks is amended by:

- (1) Replacing subsection (2) with the following text:

Deck, stairs and landings less than 0.6 metres above immediately adjacent finished grade may be located up to 0.6 metres from a front, interior side, or exterior side lot line and up to 1.5 metres from a rear lot line in Residential; Multi-family Residential or Commercial zones.

- (2) Replacing subsection (3) with the following text:

In all zones other than the R3.4, R3.5, R3.6, R3.7, I2.1, CD16, CD23, CD24, Area B of the CD26 zone, as shown in Appendix "W", and CD28 zones, awnings, balconies, bay windows, canopies, chimneys, cornices, eaves, gutters, landings, leaders, ornamental features, pilasters, porches, sills, stairs, sunshades or steps may project up to 1.75 metres into a required front, rear or exterior side setback and up to 0.6 metres into a required interior side setback.

- (3) Adding as subsection (10) the following text:

In the CD28 zone:

- (a) Area A, as shown in Appendix "X", awnings, balconies, bay windows, canopies, chimneys, cornices, decks, eaves, gutters, leaders, ornamental features, pilasters, sills, or sunshades, may project up to 1.2 metres into a required front, rear, interior side setback; and landings, porches and stairs may project up to 2.4 metres into a required front setback.
- (b) Area B, as shown in Appendix "X", awnings, balconies, bay windows, canopies, chimneys, cornices, eaves, gutters, leaders, ornamental features, pilasters, sills, or sunshades, may project up to 1.2 metres into a required front, rear, interior and exterior side setback; landings, porches and stairs may project up to 2.4 metres into a required front setback; and notwithstanding Section 5.12(2) decks may project to the front or exterior side lot line.

- (d) Parking, Section 6.11 Location and Siting is amended by adding as subsection (8)(k) the following text:

In the CD28 zone,

- (i) parking and loading areas shall not be permitted within a front yard;
 - (ii) parking and loading areas shall not be permitted within 9.0 metres of any lot line which abuts a parcel in a Residential or Multi-Family Residential zone; and
 - (iii) parking and loading spaces shall not be permitted within 1.3 m of an interior side lot line.
- (e) Schedule "A" is amended by adding as Section 828, CD28 Comprehensive Development 28: Aspen-Murrelet, as shown on Schedule "1" which is attached to and forms part of this Bylaw.
- (f) Appendices are amended by adding Appendix "X" as shown in Schedule "2" which is attached to and forms part of this Bylaw.
- (g) Schedule "B" (the Zoning Map) is amended by rezoning
- Lot 2 Section 65 Comox District Plan VIP84793**, shown shaded on SCHEDULE "3" which is attached to and forms part of this Bylaw, from C4.1 Core Commercial, to CD28 Comprehensive Development 28: Aspen-Murrelet.
- (2) Comox Zoning Bylaw 1850 is further amended by making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and order of the sections of the bylaw.

3. Adoption

- | | | | |
|-----|-----------------------------------|--------|--------|
| (1) | READ A FIRST time this | day of | , 2020 |
| (2) | READ A SECOND time this | day of | , 2020 |
| (3) | ADVERTISED A FIRST time this | day of | , 2020 |
| (4) | ADVERTISED A SECOND time this | day of | , 2020 |
| (5) | PUBLIC HEARING HELD this | day of | , 2020 |
| (6) | READ A THIRD time as Amended this | day of | , 2020 |
| (7) | ADOPTED this | day of | , 2020 |

Russ Arnott
Mayor

Corporate Officer

BYLAW 1934

SCHEDULE "1"

828. CD28 COMPREHENSIVE DEVELOPMENT 28: ASPEN-MURRELET

For the purpose of Section 828, Areas A and B are as shown in Appendix "X"

828.1 Permitted Uses:

In the CD28 zone, the following uses are permitted and all other uses are prohibited:

- (1) Within Area A:
 - (a) Accessory structures and uses, excluding:
 - (i) buildings other than those used for apartment dwelling accessory uses; and
 - (ii) outside storage
 - (b) Apartment dwellings
 - (c) Community Gardens
 - (d) Home occupations

- (2) Within Area B:
 - a) Accessory structures and uses, excluding:
 - (i) buildings other than those used for apartment dwelling accessory uses; and
 - (ii) outside storage
 - (b) Apartment dwellings
 - (c) Artist studios
 - (d) Assembly Centres
 - (e) Childcare facilities
 - (f) Dental clinics
 - (g) Denturist labs
 - (h) Financial institutions
 - (i) Home occupations
 - (j) Libraries
 - (k) Locksmiths
 - (l) Medical clinics
 - (m) Museums
 - (n) Offices
 - (o) Personal service establishments
 - (p) Pet grooming
 - (q) Produce stalls
 - (r) Restaurants
 - (s) Restaurant-Lounges
 - (t) Retail stores

- (u) Small appliance repair shops, processing and packaging of food or beverage products, or establishments that repair or assemble electronic equipment which
 - (i) have a total non-retail floor area not in excess of 150 square metres,
 - (ii) retail directly from the premises, and
 - (iii) have the retail area extending the full width of the premises and located adjacent to the primary pedestrian entrance
- (v) Video rental store

828.2 Conditions of Use:

- (1) The Front Lot Line is a lot line common to a parcel and Murrelet Drive.
- (2) In Area B, apartment dwellings and accessory uses thereto, other than common amenity space, shall not be located on or below the ground floor;
- (3) Permitted uses other than apartment dwellings shall not be located above the ground floor;
- (4) Permitted uses are limited to accessory uses:
 - (a) in Area A, below 69.90 m geodetic datum; and
 - (b) in Area B, below 70.10 m geodetic datum;
- (5) All permitted uses shall be located within a portion of a building, completely enclosed by exterior walls, except for restaurants, child care facilities, produce stalls, landscape material, accessory structures and accessory uses; and
- (6) No solid waste collection or recycling collection areas shall be located within 20.0 metres of any lot line abutting a Residential or Multi-Family Residential zoned parcel.

828.3 Density:

- (1) Within Area A, density shall not exceed 120 units per hectare; and
- (2) Within Area B, density shall not exceed 75 units per hectare.

828.4 Parcel Area:

- (1) Within Area A, parcel area shall not be less than 15,000 square metres; and
- (2) Within Area B, parcel area shall not be less than 3,000 square metres.

828.5 Parcel Frontage:

- (1) Within Area A, parcel frontage shall not be less than 100.0 metres; and
- (2) Within Area B, parcel frontage shall not be less than 30.0 metres.

828.6 Parcel Depth:

Parcel depth shall not be less than 50.0 metres.

828.7 Parcel Coverage:

Parcel coverage shall not exceed 35%.

828.8 Height and Storeys:

- (1) Within Area A, height as measured from 69.90 metres geodetic datum, shall not exceed 14.0 metres excluding photovoltaic panels and supporting structures provided that they do not exceed the maximum permitted height by more than 1.0 metres.

- (2) Within Area B, height as measured from 70.10 metres geodetic datum, shall not exceed 14.0 metres excluding photovoltaic panels and supporting structures provided that they do not exceed the maximum permitted height by more than 1.0 metres.

828.9 Required Setbacks:

As shown in Figure 828-1:

- (1) Front
 - (a) Within Area A, front setback shall not be less than 2.8 metres;
 - (b) Within Area B, front setback shall not be less than 2.8 metres, excluding driveway retaining walls;
- (2) Rear
n/a
- (3) Side - interior
 - (a) Within Area A, interior side setback shall not be less than 6.0 metres, except where the parcel abuts a Residential or Multi-Family Residential zoned parcel, in which case the interior side setback shall be not less than 9.5 metres;
 - (b) Within Area B, interior side setback shall not be less than 6.0 metres; and
- (4) Side – exterior
Within Area B, exterior side setback shall not be less than 3.0 metres.

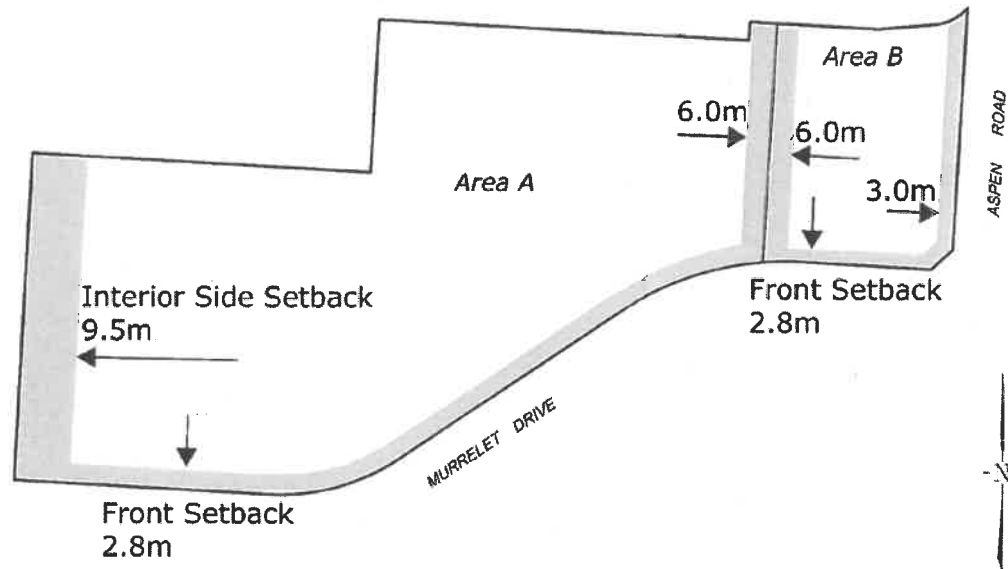


Figure 828-1. Required Setbacks.

828.10 Accessory Buildings

Accessory buildings shall:

- (1) not exceed 4.5 metres in height;

- (2) have a parcel coverage not exceeding 2%;
- (3) not be located within a front yard; and
- (4) be excluded from required rear and interior side setbacks provided that no accessory building is located closer than 9.5 metres to an interior side lot line which abuts a Residential or Multi-Family Residential zoned parcel.

828.11 Screening

The following shall be screened in accordance with Section 8:

- (1) Garbage compounds, notwithstanding Section 8.7, no doors are required;
- (2) Off-street parking and loading areas;
- (3) Above ground utility boxes and utility transformers; and

828.12 Off-Street Parking and Loading

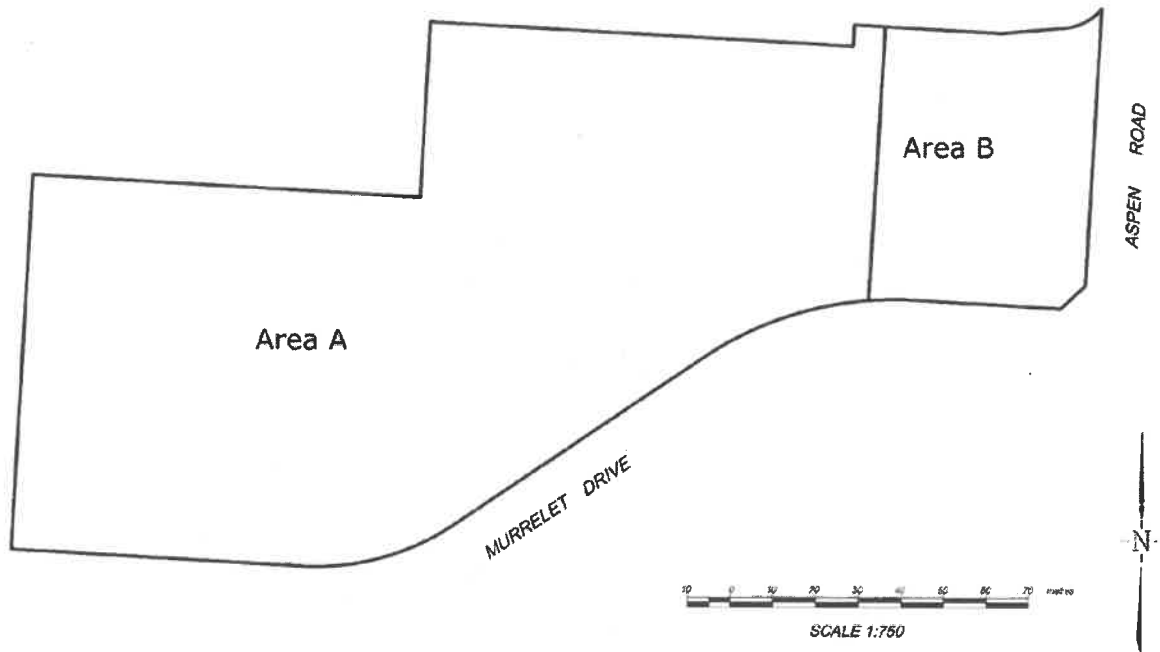
- (1) Off-street parking and loading shall be provided in accordance with Section 6;
- (2) Notwithstanding Section 6.9(4)(c), parking spaces for persons with disabilities may be located beyond 10.0 metres from accessible entrance, provided a path of travel between the parking space and accessible entrance is provided having:
 - (i) a continuous plane not interrupted by steps or abrupt changes in level;
 - (ii) permanent, firm and slip resistant surface such as asphalt or concrete; and
 - (iii) an uninterrupted width of not less than 1.5 metres and a gradient not steeper than 1 in 20.

828.13 Other Requirements:

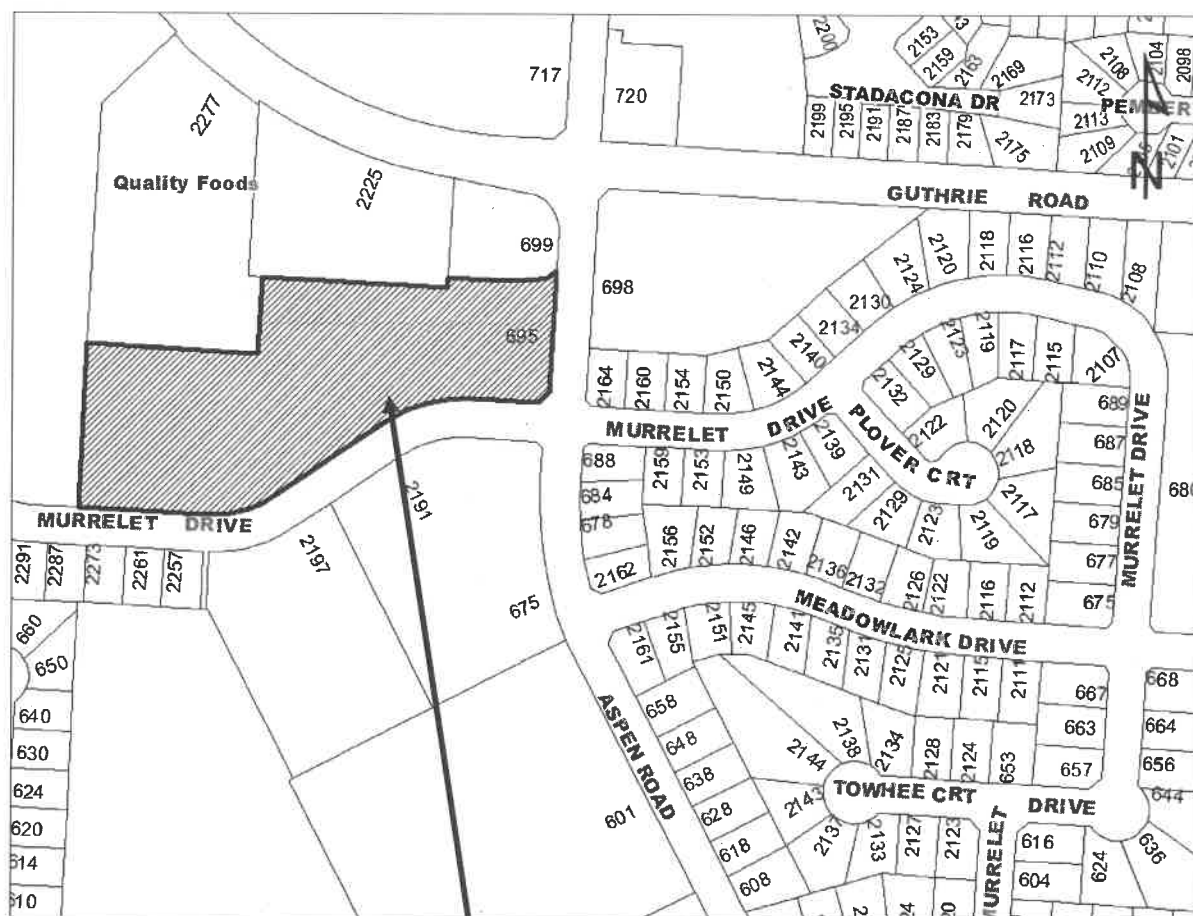
- (1) Overhead wiring shall not be permitted on a parcel. All new services on a parcel shall be placed underground.
- (2) Unoccupied open spaces shall be fully and suitably landscaped with landscape material.

BYLAW 1934 SCHEDULE "2"

Appendix "X"



BYLAW 1934
SCHEDULE "3"
SUBJECT PROPERTY



Subject Property:
695 Aspen Road
LOT 2 SECTION 65 COMOX DISTRICT PLAN VIP84793

U:\Dev App\2019\OCP RZ\19-7 695 Aspen Road\Bylaw (final in Admin K-drive)\RZ 1934\Bylaw 1934 Zoning Amendment 695 Aspen - DRAFT.docx

RZ 19-7 DP 19-5 DVP 20-3

695 ASPEN RD

FEBRUARY 5, 2020

ATTACHMENT 6

PHASED DEVELOPMENT AGREEMENT AUTHORIZATION BYLAW

TOWN OF COMOX

BYLAW 1935

A BYLAW TO ENTER INTO A PHASED DEVELOPMENT AGREEMENT

WHEREAS:

The Town may by bylaw enter into a phased development agreement pursuant to s. 516 of the *Local Government Act*;

NOW THEREFORE the Council of the Town of Comox, in open meeting assembled, having given notice and held a public hearing, enacts as follows:

1. Title

This bylaw may be cited for all purposes as the "Comox Phased Development Agreement Authorization Bylaw 1935: Aspen-Murrelet"

2. Authorization

Council hereby authorizes the Town of Comox to enter into a phased development agreement under s. 516 of the *Local Government Act*, in the form attached as Schedule "A" to this bylaw.

The Mayor and the Corporate Officer may execute and deliver an agreement with Highstreet Aspen View Apartments Ltd. (Inc. No. BC1218944), in the form attached as Schedule "A" to this bylaw.

3. Adoption

- | | | | |
|-----------------------------------|------------------|--------|--------|
| (1) READ A FIRST time this | XX st | day of | , 2020 |
| (2) READ A SECOND time this | XX th | day of | , 2020 |
| (3) ADVERTISED A FIRST time this | XX th | day of | , 2020 |
| (4) ADVERTISED A SECOND time this | XX th | day of | , 2020 |

- (5) PUBLIC HEARING HELD this XXth day of , 2020
- (6) READ A THIRD time this XXth day of , 2020
- (7) ADOPTED this XXth day of , 2020

Russ Arnott,
Mayor

Corporate Officer

**BYLAW 1935
SCHEDULE "A"**

PHASED DEVELOPMENT AGREEMENT: ASPEN-MURRELET

PHASED DEVELOPMENT AGREEMENT: ASPEN-MURRELET
(Section 516 of Local Government Act (British Columbia))

THIS AGREEMENT dated for reference _____, 2020, is

BETWEEN:

HIGHSTREET ASPEN VIEW APARTMENTS LTD. (INC.NO. BC1218944),
602 - 1708 Dolphin Avenue, Kelowna, BC V1Y 9S4

(the "**Developer**")

AND:

TOWN OF COMOX, 1809 Beaufort Avenue, Comox B.C. V9M 1R9

(the "**Town**")

BACKGROUND:

- A. The Developer is the registered owner in fee simple of the lands legally described as PID: 027-474-950, Lot 2, Section 65, Comox District, Plan VIP 84793 (the "**Land**").
- B. The Developer has applied to the Town for an amendment to Comox Zoning Bylaw 1850 (the "**Zoning Bylaw**"), as it applies to the Land, by way of Comox Zoning Amendment Bylaw 1934 (the "**Amendment Bylaw**" and, together with the Zoning Bylaw, the "**Amended Zoning Bylaw**").
- C. Pursuant to Part 14, Division 12 of the *Local Government Act*, the Town may enter into a phased development agreement with an owner of lands to specify provisions of a zoning bylaw that will continue to apply to the owner's lands if those provisions are amended or repealed during the term of the agreement, which agreement may also include terms and conditions respecting, among other things, the provision of amenities, the phasing and timing of development and the registration of covenants under section 219 of the *Land Title Act*.
- D. The Developer and the Town now wish to enter into a phased development agreement on the terms and conditions of this Agreement.
- E. The Town has adopted a bylaw authorizing the Town to enter into this Agreement with the Developer.

TERMS OF PHASED DEVELOPMENT AGREEMENT:

In consideration of the mutual promises expressed in this Agreement, and for One (\$1.00) Dollar and other good and valuable consideration paid by the Town to the Developer and by the Developer to the Town, the receipt and sufficiency of which the Town and Developer each acknowledge, the Town and the Developer agree, pursuant to section 516 of the *Local Government Act*, as follows:

1. **Definitions** – In this Agreement, in addition to the terms defined above and elsewhere in this Agreement:
 - (b) **“Development”** means the development of the Lands as permitted by the Specified Zoning Provisions.
 - (c) **“Specified Zoning Provisions”** means all those provisions of the Amended Zoning Bylaw applicable to the Land (including the provisions of the Amendment Bylaw), as of the date of this Agreement.
2. **Term** – The term of this Agreement shall commence on the date of execution of this Agreement by the parties and expire on the date that is ten (10) years after the date of Town council adoption of the Amendment Bylaw (the “Term”).
3. **Amenities** – Concurrently with the Developer’s execution of this Agreement and delivery of this Agreement to the Town for execution by the Town, the Developer shall satisfy the following requirements (the “Amenity Requirements”):
 - (a) The Developer shall pay \$142,932.00 to the Town as a contribution to the Town’s Affordable Housing Reserve Fund (the “Affordable Housing Payment”).
 - (b) The Developer shall grant to the Town a covenant under section 219 of the *Land Title Act* that includes the following requirements (the “Development Covenant”), and cause the Development Covenant to be registered in the land title office with priority over all financial liens, charges and encumbrances:
 - (i) No building may be built on the Land, and the Land shall not be subdivided by any means including by deposit of a strata plan of any kind under the *Strata Property Act*, until the Developer has offered, in accordance with applicable requirements of the *Real Estate Development and Marketing Act*, to sell to the Town six residential dwelling units to be constructed as part of the Development for use as affordable housing units (once accepted by the Town, such offer is the “Amenity Space Agreement (Affordable Housing Units)”), on substantially the following terms:

- (A) each residential dwelling unit will be substantially the same as shown on the floor plan attached as **Schedule B**, being approximately 58.0 sq. m. (624 square feet), but not less than 57.0 sq.m. (613 sq.ft.), contain 1 bedroom, 1 bathroom, 1 kitchen, be fully furnished with plumbing fixtures, kitchen appliances and cabinets, clothes washer and dryer, have 1 dedicated (as limited common property) surface parking stall (including a total of three stalls that meet accessible standards) and must meet Comox Zoning Bylaw 1850, section 5.20 Special Needs Housing Standards – Adaptable Housing as currently interpreted by the Town;
 - (B) the sale price will be below market value at \$185,610.00 per residential dwelling unit, plus applicable taxes;
 - (C) on or before the date that is two (2) months following the date the offer is accepted by the Town, the Developer shall submit a completed application to the Town for a building permit for the building that will include the residential units, including all fees, charges, taxes, plans, professional certifications and other things required by the Town to enable the issuance of that building permit and, within six (6) months following the issuance of such building permit, shall have completed the excavation for that building;
 - (D) the Developer shall use commercially reasonable efforts to achieve completion of the building and obtain an occupancy permit for the building from the Town on or before the date that is eighteen (18) months following issuance of the building permit and, despite the foregoing, shall cause the building to be completed and obtain an occupancy permit from the Town on or before the date that is two (2) years following the date of issuance of the building permit.
- (ii) No building may be built on the Land, and the Land shall not be subdivided by any means including by deposit of a strata plan of any kind under the *Strata Property Act*, until the Developer has offered, in accordance with applicable requirements of the *Real Estate Development and Marketing Act*, to sell to the Town certain commercial shell space to be constructed as part of the Development for use as a daycare (once accepted by the Town, such offer is the “**Amenity Space Agreement (Daycare Space)**”), on substantially the following terms:
- (A) the area of such commercial shell space will be approximately 185.0 sq. m. (1,990 square feet), but not less than 180 sq. m. (1,938 sq. ft.), with walls drywalled, concrete slab floors, plumbing rough-ins for 3 bathrooms and a kitchen, ready for daycare tenant improvements,

with dedicated (as limited common property) outdoor usable space of approximately 200.0 sq. m. (2,153 sq. ft.), and two dedicated (as limited common property) underground parking stalls, and the commercial shell space will otherwise be suitable for a 28 space daycare fit-up and comply with applicable government regulations and requirements, provided that there will be no plumbing or life safety fixtures (e.g. smoke detectors);

- (B) the sale price will be \$575,000.00, plus applicable taxes;
- (C) on or before the date that is two (2) months following the date the offer is accepted by the Town, the Developer shall submit a completed application to the Town for a building permit for the building that will include the commercial space, including all fees, charges, taxes, plans, professional certifications and other things required by the Town to enable the issuance of the building permit and, within six (6) months following the issuance of such building permit, shall have completed the excavation for that building;
- (D) the Developer shall use commercially reasonable efforts to achieve completion of the building and obtain an occupancy permit for the building from the Town on or before the date that is eighteen (18) months following issuance of the building permit and, despite the foregoing, shall cause building to be completed and obtain an occupancy permit from the Town on or before the date that is two (2) years following the date of issuance of the building permit.

(iii) The building to be constructed on that part of the Land shown as Area B on the drawing attached as **Schedule A** shall include the construction of the residential units and the commercial space that are the subject of the Amenity Space Agreement (Affordable Housing Units) and the Amenity Space Agreement (Daycare Space) in accordance with the requirements of those agreements.

(c) The Developer shall provide to the Town an irrevocable and unconditional letter of credit, in a form acceptable to the Town, issued by a Canadian Chartered Bank or BC Credit Union, and presentable at a location, acceptable to the Town, in the amount of \$680,340.00 for use by the Town in accordance with section 4 (the "**Affordable Housing Security**").

4. **Affordable Housing Security** – If the Developer does not, on or before the date that is six (6) months following the date of adoption of the Amending Bylaw (the "**Offer Deadline**"), offer to sell to the Town six residential dwelling units to be constructed as part of the Development for use as affordable housing units in accordance with the requirements of the

- Development Covenant, the Town may, without notice to the Developer, draw down the Affordable Housing Security and the drawn down amount will be retained by the Town and will be considered to be an additional Developer contribution to the Town's Affordable Housing Reserve Fund, provided the Town may extend the Offer Deadline, in its sole discretion. If the Developer does make the foregoing offer on or before the Offer Deadline, the Affordable Housing Security will be dealt with in accordance with the Amenity Space Agreement (Affordable Housing Units).
5. **Zoning Amendments** – Subject to section 516(6) of the *Local Government Act*, if during the Term the Specified Zoning Provisions are amended or repealed, those changes do not apply to the Development, unless the Developer agrees in writing that one or more changes should apply.
 6. **Notice of Phased Development Agreement** – The Developer acknowledges and agrees that pursuant to sections 521 of the *Local Government Act*, the Town is required to file a notice with the registrar of titles indicating that the Land is subject to this Agreement and that in accordance with sections 503 and 521 of that Act, upon such filing, this Agreement is binding on all persons who acquire an interest in the Land.
 7. **Developer Acknowledgement Respecting Amenity Requirements** – The Developer acknowledges and agrees that:
 - (a) the Amenity Requirements are also required by the Town as a condition of adoption of the Amendment Bylaw; and
 - (b) the restrictions contained in the Development Covenant, and the Town's rights under the Development Covenant), shall not be affected by the expiry of the Term or earlier termination of this Agreement or in the event that a court sets aside all or any part of this Agreement for any reason whatsoever, nor shall the Developer be entitled to a refund or return of the Affordable Housing Payment or the Affordable Housing Security in any such circumstances.
 8. **Termination** – The Town may, upon notice to the Developer, terminate this Agreement if the Town terminates the Amenity Space Agreement (Affordable Housing Units) or the Amenity Space Agreement (Daycare Space) due to any default of the Developer under either of those agreements or if the Developer defaults in its obligation to complete the transaction contemplated by either of those agreements.
 9. **Development Covenant Requirement** – For clarity:
 - (a) concurrently with the preparation of this Agreement the Town and the Developer have prepared and agreed upon the form of the Development Covenant, including the Amenity Space Agreement (Affordable Housing Units) and the Amenity Space Agreement (Daycare Space); and

- (b) the Developer will be considered to have satisfied the Amenity Requirements relating to the granting and registration of the Development Covenant if it has granted and registered the foregoing covenant prior to the execution of this Agreement.
- 10. **No Effect on Powers** – Except as expressly set out in this Agreement, nothing in this Agreement shall:
 - (a) affect or limit the discretion, rights or powers of the Town or the Town’s Approving Officer under any enactment or at common law, including in relation to the use, development or subdivision of the Land;
 - (b) affect or limit any enactment relating to the use, development or subdivision of the Land; or
 - (c) relieve the Developer from complying with any enactment, including in relation to the use, development or subdivision of the Land.
- 11. **Waiver** – No waiver by the Town of any requirement or breach of this Agreement shall be effective unless it is an express waiver in writing that specifically references the requirement or breach and no such waiver shall operate as a waiver of any other requirement or breach or any continuing breach of this Agreement.
- 12. **Remedies** – No reference to or exercise of any specific right or remedy by the Town shall prejudice or preclude the Town from exercising any other right or remedy, whether allowed at law or in equity or expressly provided for in this Agreement, and no such right or remedy is exclusive or dependent upon any other such remedy and the Town may from time to time exercise any one or more of such remedies independently or in combination.
- 13. **Modification** – This Agreement may not be modified except in accordance with section 519 of the *Local Government Act* and pursuant to an agreement in writing, signed by the Developer and the Town. The Developer and the Town further agree that, unless expressly listed section 519(3) of the *Local Government Act*, any such amendment to this Agreement will be a minor amendment which can be authorized by resolution of the Town’s council rather than by way of a bylaw.
- 14. **Termination** – The Town and the Developer may terminate this Agreement at any time by written agreement.
- 15. **Further Assurances** – The Developer shall do and cause to be done all things, including by executing further documents, as may be necessary to give effect to the intent of this Agreement.
- 16. **Developer’ Expense** – The Developer shall perform its obligations under this Agreement at

its own expense and without compensation from the Town.

17. **Interpretation** – In this Agreement:

- (a) Reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise.
- (b) Article and section headings have been inserted for ease of reference only and are not to be used in interpreting this agreement.
- (c) The term “enactment” has the meaning given under the *Interpretation Act* (British Columbia) on the reference date of this Agreement.
- (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 from time to time, unless otherwise expressly provided.
- (f) Reference to a numbered paragraph, or to a particular lettered schedule, is, unless otherwise expressly provided, a reference to the correspondingly numbered paragraph or lettered schedule of this Agreement.
- (g) All Schedules to this Agreement form an integral part of this Agreement.
- (h) Time is of the essence.
- (i) Where the word “including” is followed by a list, the contents of the list are not intended to limit or otherwise affect the generality of the expression preceding the word “including”.

18. **Schedules** – The following Schedules are attached to and form an integral part of this Agreement:

Schedule A – Sketch Plan of Proposed Lots A and B

Schedule B – Floor Plan

19. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia, which shall be deemed to be the proper law hereof.

20. **Enurement** – This Agreement hereof shall enure to the benefit of the parties and their respective successors and assigns.

21. **Assignment** – The Developer may, on written notice to the Town, assign this Agreement to that class of persons being any subsequent registered owner of all of the Land but only if the assignee first enters into an agreement with the Town, in a form determined by the Town, wherein the assignee agrees to be bound by, and to assume all of the Developer’s obligations under, this Agreement and the Amenity Space Agreement (Affordable Housing Units) and the Amenity Space Agreement (Daycare Space).
22. **Entire Agreement** – This Agreement, the Schedules to this Agreement, and every agreement or instrument required to be executed or delivered by the Developer pursuant to this Agreement together are the entire agreement between the parties regarding its subject.
23. **Execution in Counterparts & Electronic Delivery** - This Agreement may be executed in any number of counterparts and delivered by e-mail, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument, provided that any party delivering this Agreement by e-mail shall also deliver to the other party an originally executed copy of this Agreement.

(signature page follows)

AS EVIDENCE OF THEIR AGREEMENT, the Town and the Developer have executed signed this Agreement below.

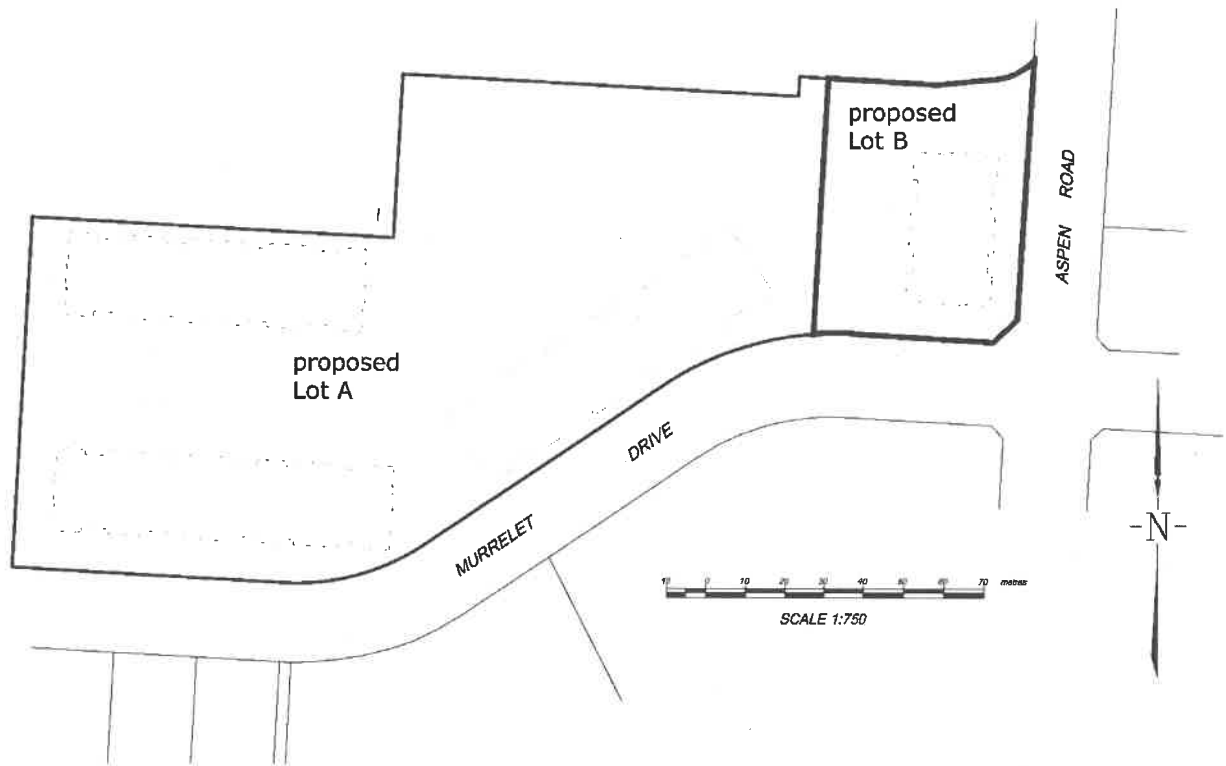
HIGHSTREET ASPEN VIEW APARTMENTS LTD.

by its authorized signatory:

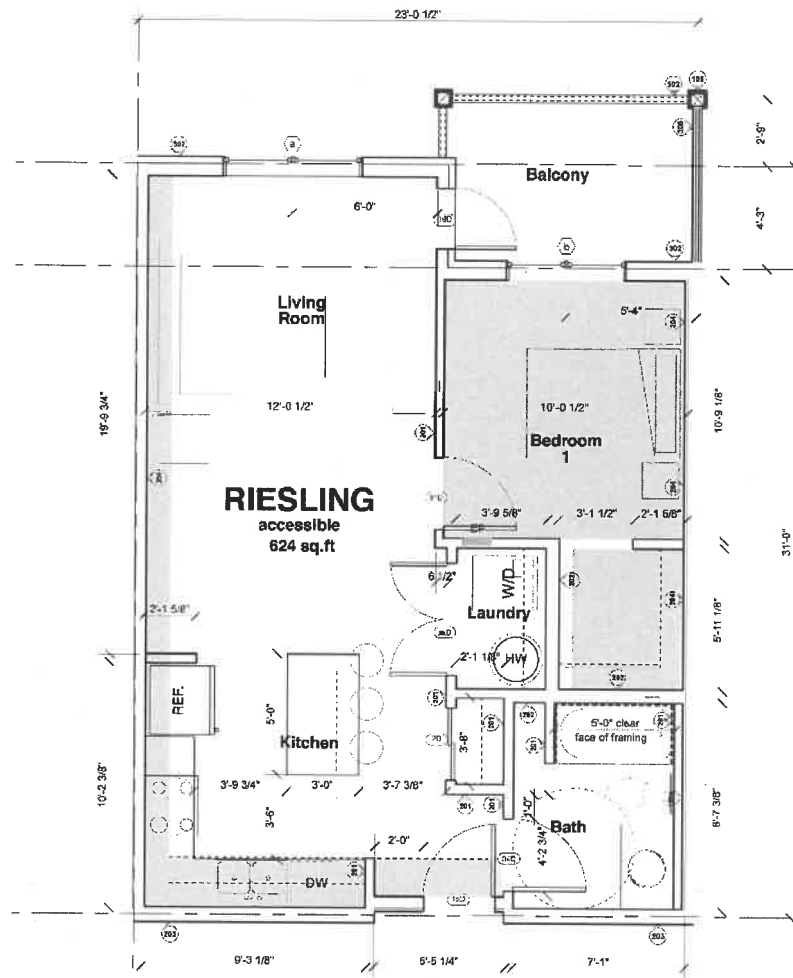
TOWN OF COMOX

by its authorized signatories:

SCHEDULE "A"



SCHEDULE "B"



1 Accessible Riesling Unit Plan
1/4"=1'-0"

COMMUNITY CHARTER EXCERPTS

Publication of intention to provide certain kinds of assistance

24 (1) A council must give notice in accordance with section 94 [*public notice*] of its intention to provide any of the following forms of assistance to a person or organization:

- (a) disposing of land or improvements, or any interest or right in or with respect to them, for less than market value;
- (b) lending money;
- (c) guaranteeing repayment of borrowing or providing security for borrowing;
- (d) assistance under a partnering agreement.

(2) The notice must be published before the assistance is provided and must

- (a) identify the intended recipient of the assistance, and
- (b) describe the nature, term and extent of the proposed assistance.

Notice of proposed property disposition

26 (1) Before a council disposes of land or improvements, it must publish notice of the proposed disposition in accordance with section 94 [*public notice*].

(2) In the case of property that is available to the public for acquisition, notice under this section must include the following:

- (a) a description of the land or improvements;
- (b) the nature and, if applicable, the term of the proposed disposition;
- (c) the process by which the land or improvements may be acquired.

(3) In the case of property that is not available to the public for acquisition, notice under this section must include the following:

- (a) a description of the land or improvements;
- (b) the person or public authority who is to acquire the property under the proposed disposition;
- (c) the nature and, if applicable, the term of the proposed disposition;
- (d) the consideration to be received by the municipality for the disposition.

Requirements for public notice

- 94** (1) If this section applies, the applicable notice must be
- (a) posted in the public notice posting places, and
 - (b) published in accordance with this section.
- (2) Subject to subsection (4), publication under subsection (1) (b)
- (a) must be in a newspaper that is distributed at least weekly
 - (i) in the area affected by the subject matter of the notice, and
 - (ii) if the area affected is not in the municipality, also in the municipality, and
 - (b) unless otherwise provided, must be once each week for 2 consecutive weeks.
- (3) The obligation under subsection (2) may be met by publication of the notice in more than one newspaper, if this is in accordance with that subsection when the publications are considered together.
- (4) If publication under subsection (2) is not practicable, the notice may be given in the areas by alternative means as long as the notice
- (a) is given within the same time period as required for publication,
 - (b) is given with the same frequency as required for publication, and
 - (c) provides notice that the council considers is reasonably equivalent to that which would be provided by newspaper publication if it were practicable.
- (5) As an exception, subsection (4) (b) does not apply in relation to an area if the alternative means is by individual distribution to the persons resident in the area.
- (6) If the same matter is subject to 2 or more requirements for publication in accordance with this section, the notices may be combined so long as the requirements of all applicable provisions are met.
- (7) A council may provide any additional notice respecting a matter that it considers appropriate, including by the Internet or other electronic means.

FEBRUARY 5, 2020

ATTACHMENT 8

PROCESSING PROCEDURES

1. First and Second Reading of proposed Comox Zoning Amendment Bylaw 1934 and Comox Phased Development Agreement Authorization Bylaw 1935: Aspen-Murrelet;
2. Public notification of Public Hearing on proposed Comox Zoning Amendment Bylaw 1934 and Comox Phased Development Agreement Authorization Bylaw 1935: Aspen-Murrelet;
3. Public notification of proposed Development Variance Permit DVP 20-3;⁷
4. Public Notification in accordance with sections 24, 26, and 94 of the *Community Charter* of intention to provide assistance and proposed property disposition to M'akola Housing Society and Comox Valley Children's Day Care Society;⁸
5. Public Hearing;
6. Third Reading of proposed Comox Zoning Amendment Bylaw 1934 and Comox Phased Development Agreement Authorization Bylaw 1935: Aspen-Murrelet;
7. Resolution of any outstanding items including:
 - a. Signing of lease of up to six dwelling units to M'akola Housing Society for affordable housing and signing of lease of commercial space to Comox Valley Children's Day Care Society for daycare (Leases will be conditional on Zoning Amendment Bylaw 1934 and Phased Development Agreement Authorization Bylaw 1935 adoption and closing of agreements for Town purchase of up to 6 dwelling units and commercial space.);
 - b. Signing of BC Housing Funding Agreement (funding agreement will be conditional on Zoning Amendment Bylaw 1934 and Phased Development Agreement Authorization Bylaw 1935 adoption, and closing of agreements for Town purchase of up to 6 dwelling units and commercial space.); and
 - c. Registration of applicable covenants in the Land Title Office;
8. Adoption of proposed Zoning Amendment Bylaw 1934 and Comox Phased Development Agreement Authorization Bylaw 1935; and issuance of Development Permit 19-5 and Development Variance Permit DP 20-3.

⁷ The proposed Development Variance Permit would be advertised concurrently with the notification of a public hearing.

⁸ The notices of intention to provide assistance and proposed property disposition would be advertised concurrently with the notification of a public hearing.

FEBRUARY 5, 2020

ATTACHMENT 9

REFERRAL RESPONSES

The Town referral advised the agencies that if no reply was received by October 4, 2019, the Town would assume that the agency has no concerns.

Referred to Agency:	Response
BC Assessment Authority	Automatic response – referral received No other response
Comox Valley Accessibility Committee	No response
BC Transit	No response
Canada Post	No response
BC Hydro	Attached
Emterra Environmental	Preliminary response indicates ability to service; follow up confirmation due to site plan changes is an outstanding item.
Shaw Cable	No issues
Fortis BC	No issues
Telus	No response
School District 71	Attached
School District 93 Francophone	No response

FEBRUARY 5, 2020



Customer Projects & Design
Phone: (250) 897-7438

17 September 2019
Client's File: DP 19-5

Town of Comox

Dear Elliot Tunbull:

**Proposed Conventional Subdivision Application for:
695 Aspen Rd**

695 Aspen Rd Comox

Modifications to the BC Hydro system will be necessary in order to extend the electrical system to this development. Due to space requirements underground service will be required. BC Hydro will need to complete a thorough system study and design to provide a cost estimate for this work. The developer must submit an application for service with our BC Hydro Express Connect Department by phone @ 1-877-520-1355 or online: <https://www.bchydro.com/accounts-billing/moving-electrical-connections/electrical-connections.html> Approximate design and construction lead times will be provided at the time of application.

A handwritten signature in blue ink that reads 'Casey Hilton'.

Casey Hilton
Design Technical Leader
North Vancouver Island Process Centre

Enclosure

FEBRUARY 5, 2020

SCHOOL BOARD 71 RESPONSE

From: Ian Heselgrave <Ian.Heselgrave@sd71.bc.ca>
Sent: October 10, 2019 4:04 PM
To: Elliot Turnbull <Elliot@comox.ca>
Cc: Tom Demeo <Tom.Demeo@sd71.bc.ca>; Geoff Manning <Geoff.Manning@sd71.bc.ca>
Subject: RE: Town of Comox Referral - 695 Aspen Road RZ 19-7

Hi Elliot,

We appreciate being made aware of the proposed multi-unit development near Quality Foods. We have some apprehension about how many students may be added to the school system, but as an organization we do not oppose the development. Families need affordable housing.

Best,

Ian

From: Elliot@comox.ca <Elliot@comox.ca>
Sent: October 10, 2019 2:38 PM
To: Ian Heselgrave <Ian.Heselgrave@sd71.bc.ca>
Subject: RE: Town of Comox Referral - 695 Aspen Road RZ 19-7

No problem, just wanted to confirm that this means you have no issues regarding the proposed development and any potential for new students at local schools, particularly Aspen Park Elementary.

Thank you,

Elliot Turnbull

Planning Technician
Town of Comox
1809 Beaufort Avenue Comox BC, V9M 1R9
250 339 1118

This message is intended only for the use of the individual or entity named above and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient or their employee or agent responsible for receiving the message on their behalf, your receipt of this message is in error and not meant to waive privilege in this message. Please notify us immediately and delete the message and any attachments without reading the attachments. Any dissemination, distribution or copying of this communication by anyone other than the intended recipient is strictly prohibited. Thank you.

FEBRUARY 5, 2020

From: Ian Heselgrave <Ian.Heselgrave@sd71.bc.ca>
Sent: September-26-19 3:38 PM
To: Elliot Turnbull <Elliot@comox.ca>
Subject: RE: Town of Comox Referral - 695 Aspen Road RZ 19-7

Thanks Eliot.

From: Elliot@comox.ca <Elliot@comox.ca>
Sent: September 23, 2019 2:51 PM
To: Ian Heselgrave <Ian.Heselgrave@sd71.bc.ca>; sallison@csf.bc.ca
Subject: Town of Comox Referral - 695 Aspen Road RZ 19-7

Good afternoon,

The Town of Comox has received an application for a Rezoning and Development Permit at 695 Aspen Rd and we would appreciate your comments.

Please provide comments by October 14, 2019 or let me know if you need more time for your review. Note: Attachment 1 – Applicant's Submission does not contain all files submitted by the applicant. If you require any additional information for your review do not hesitate to contact me.

Regards,

Elliot Turnbull

Planning Technician
Town of Comox
1809 Beaufort Avenue Comox BC, V9M 1R9
250 339 1118

This message is intended only for the use of the individual or entity named above and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient or their employee or agent responsible for receiving the message on their behalf, your receipt of this message is in error and not meant to waive privilege in this message. Please notify us immediately and delete the message and any attachments without reading the attachments. Any dissemination, distribution or copying of this communication by anyone other than the intended recipient is strictly prohibited. Thank you.

File: 0540-20/CV Water

January 29, 2020

O - Cfile - 0114-20/999
Copies - Council
-AK / CF / SA

Sent via email only: russwurm@comox.ca

Shelly Russwurm
 Deputy corporate Administrator
 Town of Comox
 1809 Beaufort Avenue
 Comox, BC V9M 1R9

LOG: 20-021	REFER:	AGENDA: RCM 05FEB20
FILE: 0114-20/999	ACTION: MR	

RECEIVED

Jan. 29, 2020

TOWN OF COMOX

Dear Shelly:

Re: 2020 Comox Valley Water Committee voting structure

The Comox Valley Regional District (CVRD) operates the Comox Valley water supply system under Bylaw No. 1783 being “Water Local Service Establishment Bylaw, 1995” (attached as appendix ‘A’) and includes the Town of Comox, City of Courtenay and Electoral Areas ‘A’, ‘B’ and ‘C’ as participants. The bylaw, including subsequent policy direction by the committee, requires annual reporting based on the previous year’s water consumption to determine the assignment of weighted votes for water supply system decisions.

The bylaw and subsequent policy direction in March 2012 require that the per cent of water consumption in 2019 be compared against the per cent of water consumption in 1995 and that if any participant’s relative amount of consumption increases by 4.17% or more, then that participant shall receive an additional vote. Any increase in votes shall be added to the original 1995 assignment of votes. Table 1 below illustrates the consumption values and resulting votes for 2020.

Participant	2019 consumption	2019 %	1995 %	% change	baseline	2020 votes
City of Courtenay	5,149,583	61.59%	51.69%	9.9%	6	7
Town of Comox	2,293,808	27.43%	30.48%	-3.05%	3	3
Electoral Area 'A'	35,339	0.42%	2.74%	-2.32%	1	1
Electoral Area 'B'	660,232	7.90%	12.52%	-4.62%	1	1
Electoral Area 'C'	222,449	2.66%	0.44%	2.22%	1	1
						13

The City of Courtenay and the Town of Comox are both required to adopt resolutions that assign whole votes for the Water Committee to the City of Courtenay and Town of Comox regional district directors. As outlined in the above table, the consumption values provide for the Town of Comox to receive a total of three votes for 2020, this being the same value as 2019. One Town of Comox director must be assigned two Water Committee votes and the other Town of Comox director must be assigned one Water Committee vote for 2020.

Please have your council consider your respective voting assignments as soon as possible and provide the results to me at your earliest convenience. The results of the council voting assignments will enable the Water Committee to conduct its first meeting, scheduled for Tuesday, February 11, 2020.

If you have any questions or concerns regarding this, please contact me.

Table 2 shows the historic consumption and per cent consumption values.

	City of Courtenay		Town of Comox		Area A		Area B		Area C		Total m3
	m3	%	m3	%	m3	%	m3	%	m3	%	
1995		51.69		30.48		2.74		12.52		0.44	
2000	4,326,535	54.46	2,428,098	30.56	50,439	0.63	797,858	10.04	341,928	4.30	7,944,858
2001	4,353,645	54.49	2,450,856	30.67	42,674	0.53	810,983	10.15	331,981	4.15	7,990,139
2002	4,643,105	54.44	2,569,743	30.13	46,908	0.55	956,084	11.21	313,008	3.67	8,528,848
2003	5,282,535	57.74	2,596,438	28.38	53,064	0.58	806,926	8.82	409,867	4.48	9,148,830
2004	5,284,562	57.62	2,639,371	28.78	54,608	0.60	806,965	8.80	385,201	4.20	9,170,707
2005	4,715,895	58.90	2,263,918	28.28	37,989	0.47	675,725	8.44	312,430	3.90	8,005,957
2006	5,297,371	57.23	2,719,867	29.39	47,147	0.51	789,429	8.53	402,014	4.34	9,255,828
2007	4,643,588	57.62	2,499,919	31.02	37,705	0.47	478,999	5.94	399,062	4.95	8,059,273
2008	4,757,131	58.40	2,531,740	31.08	39,485	0.48	557,952	6.85	258,883	3.18	8,145,191
2009	4,796,412	57.12	2,636,103	31.40	42,318	0.50	627,979	7.48	293,602	3.50	8,396,414
2010	4,667,929	59.30	2,348,114	29.83	42,012	0.53	548,175	6.96	265,720	3.38	7,871,950
2011	4,688,793	60.52	2,326,610	30.03	44,433	0.57	457,186	5.90	230,190	2.97	7,747,212
2012	4,850,901	60.39	2,439,895	30.37	48,683	0.61	458,181	5.70	235,253	2.93	8,032,913
2013	4,548,999	60.03	2,339,562	30.87	30,863	0.41	454,297	6.00	203,816	2.69	7,577,537
2014	4,739,429	60.78	2,377,421	30.49	31,723	0.41	460,102	5.90	189,068	2.42	7,797,743
2015	4,761,951	62.22	2,201,125	28.76	30,833	0.40	465,846	6.09	193,811	2.53	7,653,566
2016	4,978,973	61.65	2,282,252	28.26	33,458	0.41	555,434	6.88	226,478	2.80	8,076,595
2017	5,192,086	62.00	2,319,846	27.70	31,327	0.37	594,192	7.10	236,485	2.82	8,373,936
2018	5,029,326	62.28	2,204,812	27.30	25,746	0.32	565,667	7.01	249,441	3.09	8,074,992
2019	5,149,583	61.59	2,293,808	27.43	35,339	0.42	660,232	7.90	222,449	2.66	8,361,411

Sincerely,

J. Martens

Jake Martens
Manager of Legislative Services

cc. Russell Dyson, Chief Administrative Officer
James Warren, General Manager of Corporate Services

Enclosure: Appendix 'A' – Bylaw No. 1783 being "Water Local Service Establishment Bylaw, 1995"

Comox Valley Regional District



**Water Local Service
Establishment
(Comox Valley)**

The following is a consolidated copy of the Comox Valley water local service establishment bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
1783	Water Local Service Establishment Bylaw, 1995	December 12, 1996	A bylaw to convert the water supply service to a local service for that portion of the regional district located within the boundaries of the City of Courtenay, the Town of Comox and Electoral Areas 'A', 'B' and 'C' of the regional district.
2640	Water Local Service Establishment Bylaw 1995, Amendment Bylaw No. 1, 2004	May 31, 2004	Amends Bylaw No. 1783 to allow for the supply of water from a bulk water dispensing system and to allow the sale of water to the Sandwich waterworks district in the event of an emergency
2670	Water Local Service Establishment Bylaw 1995, Amendment Bylaw No. 2, 2004	August 30, 2004	Amends Bylaw No. 1783 to allow for the supply of water from the Comox Valley water supply system, by agreement, to the Comox Indian Band and to allow the redistribution of water supply by the Town of Comox to HMCS Quadra
418	Water Local Service Establishment Bylaw, 1995, Amendment No. 3	May 31, 2016	To amend the service establishing bylaw for the Comox Valley water supply system to allow the City of Courtenay to redistribute water to the K'ómoks First Nation Indian Reserve No. 2

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

The following actions are the result of committee and board resolutions and meant to apply as policy directives for the Comox Valley water supply system and Comox Valley water committee:

Date	Action
May 3, 2011	<p>At its May 3, 2011 the CVRD board endorsed the following statement from a service review that concluded in April 2011 and relates to this Bylaw No. 1783:</p> <p>“Following a full review of the concerns expressed at the outset of the Comox Valley water supply system service review, including receipt of the CVRD administrative and corporate staffing review by Performance Concepts, the service review members feel that those concerns have been addressed and that there will be an annual performance monitoring report. In addition, the service review members:</p> <ul style="list-style-type: none"> - support that voting on all issues at the Comox Valley water committee including the selection of the chair and vice-chair will be done using the weighted method; - acknowledge that the allocation of votes to committee members remains unresolved; and - recognize that where a decision has been made and that one or more parties may want to revisit that decision, that the parties be sensitive to such a request. <p>The service review members hereby conclude the Comox Valley water supply system service review and extend their appreciation to all staff at the Comox Valley local governments for their assistance through the process.”</p>
May 2011	<p>THAT the Comox Valley water committee authorize its chair to cancel committee meetings where no reports are available for the committee’s consideration and/or no committee business is required;</p> <p>AND FURTHER THAT the monthly meeting requirement in section 13(d) of Bylaw No. 1783 being “Water Local Service Establishment Bylaw 1995” be waived in such instances.</p>
May 2011	<p>THAT the Comox Valley water committee approve the non-voting members on the committee as being the administrators for the Comox Valley Regional District, City of Courtenay and the Town of Comox, the general manager of property services at the CVRD and the senior manager for operations City of Courtenay and the Town of Comox in accordance with section 13(b) of Bylaw No. 1783 being “Water Local Service Establishment Bylaw 1995.</p>
June 2011	<p>THAT the Comox Valley water committee approve that all references to ‘secretary’ in Bylaw No. 1783 being “Water Local Service Establishment Bylaw 1995” be interpreted as ‘corporate legislative officer or deputy corporate officer’.</p>
January 24, 2012	<p>The Comox Valley water committee defeated a proposal to divide evenly the assignment of votes to committee members at its January 24, 2012 meeting. Council resolutions required to divide weighted votes amongst committee members where equal division is not possible,</p>

Date	Action
<p>March 13, 2012</p>	<p>WHEREAS the Regional District of Comox-Strathcona enacted Bylaw 1783 in 1995 thereby establishing a “Water Local Service” for various areas in the Comox Valley;</p> <p>AND WHEREAS all policy related to the administration and operation of this local water service has been delegated to a standing committee of the regional board known as the “Water Committee”;</p> <p>AND WHEREAS for the purpose of voting on all matters related to the water local service, a voting structure was assigned to each participant from January 1, 1997 based on the percentage of the water consumed by each of the participants relative to the total of water provided by the water local service;</p> <p>AND WHEREAS the solicitor for the regional district has “interpreted Section 15(d) of the bylaw...as meaning that when a participant’s water consumption exceeds the base 1995 level by at least .50 of 8.33 per cent (or 4.17 per cent)-being one half of one vote – that particular participant is then entitled to an additional vote”;</p> <p>AND WHEREAS the solicitor for the regional district has further advised “that there is no explicit indication .in bylaw 1783 that the number of votes was inalterably fixed at twelve” and it was his “opinion Courtenay is therefore entitled to an additional vote in accordance with Section 15(d) of the bylaw”;</p> <p>AND WHEREAS it is the opinion of the solicitor for the regional district “that Courtenay is now entitled (i.e. 2010) to a 7th vote at the water committee and at the board in connection with the Comox Valley service in accordance with bylaw 1783; and, “must be added to the total in order to give effect to Section 15(d) of the bylaw, creating a new voting structure that involves thirteen votes;</p> <p>AND WHEREAS based on the historical development of bylaw 1783 in 1995, the Town of Comox should have been assigned four votes based on consumption and to correct that action, the Town of Comox be awarded an additional vote;</p> <p>THEREFORE to give effect to the advice from the regional district solicitor, that the water committee determine the voting structure not be limited to twelve votes; and that for determining each participant’s voting entitlement henceforth, the corporate officer interpret Section 15(d) of the bylaw as meaning when a participant’s water consumption exceeds the base 1995 level by at least 0.50 per cent of 8.33 per cent (or 4.17 per cent)-being one half of one vote – that particular participant will be entitled to an additional vote;</p> <p>FURTHERMORE the water committee agree that there be an increase in the number of votes commencing in January 2012, as follows: - City of Courtenay 7 votes; Town of Comox 4 votes; Electoral Area A 1 vote; Electoral Area B 1 vote; Electoral Area C 1 vote</p> <p>AND FURTHERMORE the water committee adopt a dispute resolution process that will assure fairness and equity when resolving differences.</p>

Date	Action																														
December 2012	<p>Comox Valley water committee resolution dated December 11, 2012: THAT the Comox Valley water committee approve that the corporate officer shall:</p> <ul style="list-style-type: none"> a) report the percentage of water consumed by the participants in the Comox Valley water supply system as early in each year as possible; and, b) apply weighted votes, in accordance with Bylaw No. 1783 being "Water Local Service Establishment Bylaw 1995" and subsequent policy direction approved by the committee on or before January 20 in each year; <p>AND FURTHER THAT the Comox Valley water committee chair and vice-chair selection shall occur at the first meeting of the water committee in each year, rather than in January as required under section 13(g) of Bylaw No. 1783.</p>																														
January 2017	<p>Following council resolutions on weighted vote assignments, Comox Valley water committee weighted votes for 2017 are as follows:</p> <table border="1" data-bbox="289 730 1344 1094"> <tbody> <tr> <td>City of Courtenay</td> <td>Director Jangula</td> <td>1 vote</td> </tr> <tr> <td>City of Courtenay</td> <td>Director Eriksson</td> <td>2 votes</td> </tr> <tr> <td>City of Courtenay</td> <td>Director Theos</td> <td>2 votes</td> </tr> <tr> <td>City of Courtenay</td> <td>Director Wells</td> <td>2 vote</td> </tr> <tr> <td>Town of Comox</td> <td>Director Price</td> <td>1 vote</td> </tr> <tr> <td>Town of Comox</td> <td>Director Grant</td> <td>2 votes</td> </tr> <tr> <td>Electoral Area A</td> <td>Director Jolliffe</td> <td>1 vote</td> </tr> <tr> <td>Electoral Area B</td> <td>Director Nichol</td> <td>1 vote</td> </tr> <tr> <td>Electoral Area C</td> <td>Director Grieve</td> <td>1 vote</td> </tr> <tr> <td colspan="2">Totals</td> <td>13 votes</td> </tr> </tbody> </table>	City of Courtenay	Director Jangula	1 vote	City of Courtenay	Director Eriksson	2 votes	City of Courtenay	Director Theos	2 votes	City of Courtenay	Director Wells	2 vote	Town of Comox	Director Price	1 vote	Town of Comox	Director Grant	2 votes	Electoral Area A	Director Jolliffe	1 vote	Electoral Area B	Director Nichol	1 vote	Electoral Area C	Director Grieve	1 vote	Totals		13 votes
City of Courtenay	Director Jangula	1 vote																													
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Electoral Area C	Director Grieve	1 vote																													
Totals		13 votes																													

REGIONAL DISTRICT OF COMOX-STRATHCONA

BYLAW NO. 1783

A bylaw to convert the water supply service to a local service for that portion of the regional district located within the boundaries of the City of Courtenay, the Town of Comox and Electoral Areas 'A', 'B' and 'C' of the regional district.

WHEREAS by supplementary Letters Patent dated the 17th day of February, 1967, the Regional District under Division VI Water Supply was empowered to design, construct, reconstruct, purchase, maintain and operate facilities for the purpose of supplying water in bulk to the City of Courtenay and to the Town of Comox, for redistribution by them within their municipalities, and to individual customers not within the boundaries of a municipality or improvement district having water supply as an object, which Letters Patent were further amended on the 9th day of March, 1977 to provide for the establishment of debt limit by the Inspector and on the 14th day of July, 1977 to renumber subsections;

AND WHEREAS a recommendation was made by Order in Council approved the 6th day of April, 1978 for the alteration of the basis for apportionment of costs;

AND WHEREAS the Board of the Regional District now wishes to exercise the power granted to it by the Letters Patent in accordance with Part 24 of the *Municipal Act* subject to all the terms and conditions contained in the Letters Patent except where the powers are herein amended;

AND WHEREAS the Board of the Regional District wishes to proceed to convert the service to a local service exercised under the authority of a bylaw for a portion of the Regional District under sections 767(4), 794 and 802 of the *Municipal Act*.

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

Local Service

1. The service hereby established is to design, construct, reconstruct, purchase, maintain and operate facilities for the supply, treatment, conveyance, storage and distribution of water,
 - (a) in bulk to the City of Courtenay and the Town of Comox for redistribution by those municipalities, including redistribution by the City of Courtenay to K'ómoks First Nation Indian Reserve No. 2 and by the Town of Comox to HMCS Quadra;
 - (b) in bulk to water service areas in that part of the Regional District not within the boundaries of the City of Courtenay and the Town of Comox located within a participating area for this service;
 - (c) in bulk to the K'ómoks First Nation;
 - (d) in bulk to the Sandwick Waterworks District in the event of an emergency;
 - (e) in bulk from the bulk water dispensing system; and
 - (f) the service shall be known as "The Comox Valley Water System".

Boundaries

2. The boundaries of the local service area shall be the boundaries of the participating areas.

Participating Areas

3. The participating areas for the service shall be the City of Courtenay, the Town of Comox and Electoral Areas 'A', 'B' and 'C' of the Regional District.

Cost Recovery

4. The annual costs for the local service may be recovered by:
 - (a) the imposition of fees and other charges that may be fixed by separate bylaw for the purpose of recovering these costs.

Apportionment

5. The annual debt costs and operating costs of operating and maintaining the water service shall be apportioned among the participating areas on the basis of the volume of water supplied by the local service consumed within each participating area each year as a percentage of the total water supplied in that year by the water service.

Metering

6. Water supplied from the local service shall be metered at the point of delivery from the facility of the local service to the City of Courtenay, to the Town of Comox and to each local service area within each participating Electoral Area that receives water from the local service authorized by this Bylaw.
7. The Regional District is authorized to sell water in bulk to the City of Courtenay and to the Town of Comox at a rate sufficient to meet the cost of such supply.
8. The Regional District is authorized to sell water in bulk to water local service areas created in the participating Electoral Areas at a rate sufficient to meet the cost of the Regional District providing such water service.

Local Service Areas Within Electoral Areas

9. The existing Specified Areas of Comox Valley, Arden and Marsden/Camco Road as defined in the bylaws converting those specified areas to local service areas will continue to be entitled to receive water in bulk as local service areas within the participating Electoral Areas as shown on Schedule 'A' attached hereto and forming part of this Bylaw.
10. No new water local service area may obtain water from the water local service area created by this Bylaw unless approved by a majority of the weighted votes of the Water Committee created by this Bylaw.
11. Notwithstanding section 10, if a water supply is required by the Medical Health Officer as a result of a failure of the water supply of persons outside municipal boundaries located within one of the participating Electoral Areas to supply potable water, the water local service area to be created for the purpose of obtaining water under this section shall be restricted to the area specified by the Medical Health Officer if supply to the new local service area is approved by the Water Committee.

Water Committee

12. The local service created by this Bylaw shall be operated by a standing committee of the Regional Board to be known as the Water Committee.
13. The Water Committee:

- (a) shall consist of the Regional Board members of the participating Municipalities and Electoral Areas as voting members;
- (b) shall consist of the Administrators of the Regional District, the City of Courtenay and the Town of Comox and the Engineer of the City of Courtenay, the Supervisor of Field Services of the Regional District and the Superintendent of Works of the Town of Comox as non-voting members;
- (c) shall have the exclusive authority to approve or refuse the connection of any municipality or local service area under the Municipal Act, to the water system other than the City of Courtenay, the Town of Comox, the Arden Local Service Area, the Comox Valley Local Service Area and the Marsden/Camco Road Local Service Area which are more particularly shown on the map annexed hereto as Schedule 'A'.
- (d) shall meet at least monthly to conduct its business;
- (e) shall conduct their meetings in accordance with the Procedure Bylaw of the Regional District as applicable;
- (f) where a member of the Regional Board cannot attend then his/her Alternate may attend as provided for attendance at the Regional Board;
- (g) shall, on adoption of this Bylaw, then in January of each year, select from amongst their voting members, a Chairman and Vice-Chairman who shall be responsible for preparing the agenda for each meeting and chairing the meeting;
- (h) shall determine all policy related to the administration and operation of this local water service.

Voting

14. For the purpose of voting on all matters related to the water local service including the creation or expansion of local service areas and notwithstanding the provisions of Part 24 of the *Municipal Act* and the Letters Patent of the Regional District, votes at the Water Committee and at the Regional Board under section 781(4) of the Municipal Act shall be as follows:
- (a) City of Courtenay 6 votes
 - (b) Town of Comox 3 votes
 - (c) Electoral Area 'A' 1 vote
 - (d) Electoral Area 'B' 1 vote
 - (e) Electoral Area 'C' 1 vote
15. The number of votes assigned to each participant from January 1, 1997 will be determined as follows:
- (a) The percentage of the water consumed by each of Courtenay and Comox and through the water local service areas by each Electoral Area of the total of water provided by the Water Local Service created by this Bylaw, shall be determined by the Regional District and provided to the Secretary of the Regional District and each member of the Water Committee on or before January 5th of each year for the previous year.
 - (b) The Secretary of the Regional District shall, on or before January 10th of each year, apply the percentage of water consumed within each participant area to 12 votes.
 - (c) For the purpose of determining any change in percentage for the calculation of vote entitlement in 1997, consumption within the participating areas for January 1, 1995 and the 1995 entitlement is:

City of Courtenay	51.69%	6 votes
Town of Comox	30.48%	3 votes
Electoral Area 'A'	2.74% less the amount in Arden within Electoral Area 'C'	1 vote
Electoral Area 'B'	12.52%	1 vote
Electoral Area 'C'	.44% plus the amount of Arden not in Electoral Area 'A'	1 vote

- (d) Where the number determined for any participant includes a part of a vote if the percentage exceeds .50 of a vote, the participant will be assigned the whole vote.
- (e) In no event shall any participant be assigned less than one vote.
- (f) At the first Board Meeting in February, the Secretary will report the result of the assignment of votes as determined by this section and his/her assignment will be final and binding for that year.

Pressures and Flows

- 16. If a proposed expansion to the use of water from the local service system in any participating area would cause the pressure and flow of water to fall below 275 Kpa (40 psi) or 1800 litres/capita/day (400 imperial gallons/capita/day) or such other volume which may be determined by the Water Committee, the Water Committee shall refuse to approve such expansion until such time as the system can absorb the expansion and maintain the above specified pressures and flows.

Citation

- 17. This Bylaw may be cited for all purposes as "Water Local Service Establishment Bylaw, 1995".

Schedule A

Existing Boundaries of Municipal and Local Service Areas(Water) within The Regional District Water Supply System Service Area

