



## TOWN OF COMOX

1809 Beaufort Avenue Ph: (250) 339-2202  
Comox BC V9M 1R9 Fx: (250) 339-7110

### REGULAR COUNCIL MEETING AGENDA FOR WEDNESDAY AUGUST 5, 2020

*We respectfully acknowledge that we live, work and play on the traditional lands of the K'ómoks First Nation ... Gila'kasla ... Hay ch q' a'*

**NOTICE is hereby given that, pursuant to sections 7(1) and 7(2) of the Local Government Meetings and Bylaw Process (COVID-19) Ministerial Order No. 3 M192, the August 5, 2020 Regular Council Meeting will be conducted by electronic means with some or all members of Council participating electronically. Further, in accordance with section 3(1) of the Ministerial Order No. 3 M192, the public will not be permitted to be in attendance. Members of the public may attend to view the live-streamed proceedings of Council at d'Esterre Seniors' Centre, 1801 Beaufort Avenue, beginning at 5:30 p.m. The meeting will also be live-streamed on the Town's Facebook page.**

**Public Question Period takes place at the end of each Council Meeting. Because residents are unable to attend meetings in person at this time, questions about agenda items can be emailed to [agenda@comox.ca](mailto:agenda@comox.ca) up to 5:00 p.m. each Council meeting day. Questions will be read out at the meeting and responses provided. Please include both your name and address for identification purposes.**

Meeting Location: Council Chambers, 1801B Beaufort Avenue, Comox

Call to Order: 5:30 p.m.

Adoption of the Agenda

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#### 1. DELEGATIONS:

- (11) a. [Haeley Dewhirst \(Comox BIA\): Comox Avenue Closure](#)
- (129) b. [Ron Webber, Martin Hagarty and Ann Janssen \(Comox Valley Affordable Housing Society\): Development Variance Permit Application: DVP 20-06 \(1582 Balmoral Ave\)](#)
- (14) c. [David Willis - Development Variance Permit Application: DVP 20-06 \(1582 Balmoral Ave\)](#)
- (17) d. [Graham Argyle - Development Variance Permit Application: DVP 20-06 \(1582 Balmoral Ave\)](#)

#### 2. MINUTES OF MEETINGS:

- (21) a. [Regular Council Meeting Minutes](#)  
*That the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday July 15, 2020, be Approved.*

#### 3. COMMITTEE REPORTS: NIL



**4. UNFINISHED BUSINESS:**

- (29) a. [Management Report - August 5, 2020](#)  
*That the August 5, 2020 Management Report be received and filed for information.*
- (35) b. [Rezoning Application RZ 19-7 / Development Permit Application DP 19-5 / Development Variance Permit Application DVP 20-3 \(695 Aspen\)](#)
1. *That Comox Zoning Amendment Bylaw 1934 be Adopted.*
  2. *That Comox Phased Development Agreement Authorization Bylaw 1935: Aspen-Murrelet be Adopted.*
  3. *That Development Permit Application DP 19-5 be issued, subject to the Development Permit Conditions listed in Schedule 1 of the August 5, 2020 Planning Report on RZ 19-7, DP 19-5 and DVP 20-3.*
  4. *That Development Variance Permit Application DVP 20-3 be issued, subject to the Development Variance Permit Conditions listed in Schedule 1 of the August 5, 2020 Planning Report on RZ 19-7, DP 19-5 and DVP 20-3.*
- (67) c. [Planning Report PR 20-5: Temporary Patio and Parklet Program Extension](#)
1. *That the Town of Comox suspends until October 31, 2020 enforcement of:*
    - a. *Comox Zoning Bylaw 1850 setback and parking requirements; and,*
    - b. *Comox Official Community Plan Bylaw 1685 Development Permit Area requirements in respect of restaurants (including coffee shops), restaurant-lounges, breweries, and pubs who wish to place temporary outdoor seating on existing on-site open space and parking areas provided that:*
    - c. *the combined indoor and outdoor seating capacity does not exceed pre-COVID maximum seating capacity;*
    - d. *temporary seating in a parking lot does not reduce vehicle parking capacity by more than 6 parking spaces or 50% of existing onsite parking spaces whichever is greater;*
    - e. *no structures are constructed or placed on the property other than temporary seating and associated temporary tables, fencing and serving facilities;*
    - f. *no existing trees are impacted, and any landscaping alterations are temporary; and,*
    - g. *use of temporary seating within a required Zoning setback does not exceed 10:00 a.m. to 8:00 p.m. and in all other instances 7:00 a.m. to 10:00 p.m.*
  2. *That the Town of Comox extend the temporary parklet program until October 31, 2020 provided that:*
    - a. *the combined indoor and outdoor seating capacity does not exceed pre-COVID maximum seating capacity;*
    - b. *applicant provision of 1.07 m high 2 x 4 wooden railing with horizontal roping between posts or other methods to delineate the boundaries of the parklet acceptable to the Town; and*
    - c. *the approval is limited to 60 days with a 30 day review/reconsideration if any public complaint is received, after 60 days, Staff issuance of a new license is required.*



**5. SPECIAL REPORTS:**

- (69) a. [Comox Valley Regional District Meeting Minutes](#)  
*That the following Comox Valley Regional District meeting minutes be received for information:*  
*- Comox Valley Regional District Board held on Tuesday, July 14, 2020.*

**6. BYLAWS:**

- (75) a. [Bylaw 1959 - Town of Comox Subdivision and Development Servicing Bylaw, 1261, Amendment No. 13, 2020](#)  
*That the Town of Comox Subdivision and Development Servicing Bylaw, 1261, Amendment No. 13, 2020 be Adopted.*

**7. NEW BUSINESS AND NOTICES OF MOTION:**

- (76) a. [Rezoning and OCP Amendment Application: OCP RZ 19-1 / Development Permit Application: DP 19-1 / Development Variance Permit Application: DVP 19-1 \(2309 McDonald Road\)](#)  
*That, in accordance with section 475 of the Local Government Act:*
1. *Notice of Proposed OCP Amendment, as contained in Attachment 2 to the August 5, 2020 Planning Report OCP RZ 19-1, be placed on the Town's bulletin board and website, until replaced by a notice of public hearing; and*
  2. *The August 5, 2020 Planning Report OCP RZ 19-1 be posted on the Town's website.*
- (124) b. [Deployment of Fire Department to Outside Areas](#)  
*That Council Policy No. CCL-054, as attached to the Fire Chief's Staff Report to Mayor and Council titled "Deployment of Fire Department to Outside Areas" be approved.*
- (129) c. [Planning Report - Development Variance Permit Application: DVP 20-06 \(1582 Balmoral Ave\)](#)  
*That Development Variance Permit DVP 20-6 be issued upon resolution of the Outstanding Items and subject to the Development Variance Permit Conditions listed in Schedule 1 to the August 5, 2020 Planning Report on DVP 20-6*
- (168) d. [Correspondence Regarding DVP 20-06 1582 Balmoral Avenue](#)  
*- July 23, 2020 email from W.G. Graham & Louis M. Argyle;*  
*- July 29, 2020 email from Ian Moul;*  
*- July 29, 2020 email from Devorah Peterson;*  
*- July 30, 2020 letter from Sandra Forsayeth;*  
*- July 30, 2020 email from Kathryn Silcox;*  
*- July 30, 2020 email from David and Dr. Victoria Willis;*  
*- July 31, 2020 letter from Ray Uhl*
- (179) e. [Proposed New Council Procedure Bylaw](#)
1. *That the Comox Council Procedure Bylaw No. 1960, 2020 be given First Reading.*
  2. *That the Comox Council Procedure Bylaw No. 1960, 2020 be given Second Reading.*
  3. *That the Comox Council Procedure Bylaw No. 1960, 2020 be given Third Reading.*



- (222) f. [Employee Criminal Record Check Policy](#)  
*That Council adopts the Town of Comox Employee Criminal Record Check policy, attached as Appendix A to the Chief Administrative Officer's August 5, 2020 Report to Council, titled "Employee Criminal Record Check Policy".*

**8. CORRESPONDENCE:**

- (226) a. [David Murray: Request for restricted parking in front of 221 Church Street](#)
- (227) b. [Various Correspondence Regarding Mask-Wearing in Indoor Spaces](#)  
- July 20, 2020 email from Dr. Michael Raymont;  
- July 21, 2020 email from Dr. Alex Nataros, BSc MD CCFP;  
- July 29, 2020 email from Marion Hoerberg;  
- July 30, 2020 email from Tom Wright;  
- July 30, 2020 email from Lindsay Alexander;  
- July 30, 2020 email from Marcel Longpre
- (239) c. [Amanda Howe - Mental Health Outreach needed for the Comox Valley \(Assertive Community Treatment ACT\)](#)
- (241) d. [Ben Pires - Colonial Name of our Province](#)
- (244) e. [Lynn Shaw - Noise](#)
- (245) f. [Mary Carter - Requesting more park benches in the shade at Stewart Street and Balmoral Avenue](#)

**9. LATE ITEMS: NIL**

**10. DELEGATIONS: NIL**

**11. REPORTS FROM MEMBERS OF COUNCIL:**

**12. MEDIA QUESTION PERIOD:**

**13. PUBLIC QUESTION PERIOD:**

**14. EXCLUDE THE PUBLIC:**

- a. [Exclude the Public](#)

*That the Public be Excluded from the In-Camera session of Council on Wednesday August 5, 2020 pursuant to the following sub-sections of section 90 of the Community Charter:*

*(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and*

*(1)(g) litigation or potential litigation affecting the municipality.*



**ADJOURNMENT**



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CORPORATE OFFICER





# REQUEST TO APPEAR AS A DELEGATION

TOWN OF COMOX  
1809 Beaufort Avenue Ph: (250) 339-2202  
Comox BC V9M 1R9 Fx: (250) 339-7110

LOG: 20-293	REFER:	AGENDA:  RCM 05Aug20
FILE: 5400-04	ACTION: MR	

REQUESTS TO APPEAR BEFORE COUNCIL OR THE COMMITTEE OF THE WHOLE MUST BE SUBMITTED NO LATER THAN WEDNESDAY NOON, THE WEEK PRIOR TO THE MEETING.

Name(s) of person(s) speaking: \_\_\_\_\_

**RECEIVED**

Jul. 31, 2020

**TOWN OF COMOX**

Organization you are representing: \_\_\_\_\_

Primary purpose of Organization: \_\_\_\_\_ Number of members: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Contact name: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Subject matter: \_\_\_\_\_

Specific request of Council, if any (i.e., letter of support, funding): \_\_\_\_\_

Requested meeting and date: \_\_\_\_\_ AV equipment required: \_\_\_\_\_

Date of application: \_\_\_\_\_ Signature of applicant: \_\_\_\_\_  
(or print name)

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2. Maximum presentation time is 10 minutes including questions, unless previously approved by the Chair.
3. Presenters are to address Council or the Committee of the Whole, and not the audience.
4. All presentation materials/handouts must be submitted no later than Thursday noon, the week prior to the meeting. If the Friday prior to the meeting is a statutory holiday, then presentation materials must be submitted by Wednesday noon.
5. Please ensure that your cell phone is turned OFF during the meeting.

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July 30, 2020

Mayor Arnott and Councillors  
1809 Beaufort Avenue  
Comox, BC  
V9M 1R9

**RE: Comox Avenue Road Closure for Physically Distant Shopping**

The Comox Business in Action would like to seek support from the Town of Comox to close Comox Avenue to vehicle traffic on Friday September 4<sup>th</sup> and Saturday September 5<sup>th</sup>.

The idea of this closure is to allow for community members to shop and enjoy the Downtown area in a safe and physically distant manner. This closure would allow for businesses to put one tent or table on the sidewalk to host an end of season sale.

Our number one concern would be community safety and would follow orders of health officials at the time of event. We envision closing Comox Avenue and having clear one-way direction signage as well as reminder to shoppers to remain physically distant. Each business will be responsible for keeping customers safe in their own place of business.

We would like to close Comox Avenue from Stewart Street (with access for emergency crews to Berwick Residents and the BC Ambulance Station ) to Church Street. It would be ideal to keep Port Augusta Street open to through traffic (with traffic marshals controlling the intersection) to allow for access to the Comox Centre Mall.

Thank you for considering our request, please contact Haeley Dewhirst if you have any questions or concerns regarding this request at [info@comoxbythesea.com](mailto:info@comoxbythesea.com) or by phone at 250 650 2015.

Thank you,

A handwritten signature in black ink, appearing to read "Bill Toews", enclosed in a thin black rectangular border.

Bill Toews  
President, Comox BIA

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Comox Business in Action  
P.O Box #1624, RPO Stn A, Comox BC V9M 8A2



# REQUEST TO APPEAR AS A DELEGATION

TOWN OF COMOX  
1809 Beaufort Avenue Ph: (250) 339-2202  
Comox BC V9M 1R9 Fx: (250) 339-7110

LOG: 20-281	REFER:	AGENDA: RCM 05Aug20
FILE: 3090-20/D	ACTION: File	

REQUESTS TO APPEAR BEFORE COUNCIL OR THE COMMITTEE OF THE WHOLE MUST BE SUBMITTED NO LATER THAN WEDNESDAY NOON, THE WEEK PRIOR TO THE MEETING.

O - Cfile: 3090-20/DVP10-06  
Copies - Council  
- JW/MK

Name(s) of person(s) speaking:

Fred Tutt (President) Martin Hagarty (Architect) and Ann Janssen (Administrator)

RON WEBBER (CAVHS BOARD MEMBER)

Organization you are representing: Comox Valley Affordable Housing Society

Primary purpose of Organization: Low Income Housing Number of members: 9+

Mailing address: #21-1547 Dingwall Road

City: Courtenay Postal Code: V9N 3S8

Contact name: Ann Janssen Email: cvah@shaw.ca

Phone: 250-334-3340

Fax: 250-334-6190

**RECEIVED**  
Jul. 28, 2020

Subject matter:

**TOWN OF COMOX**

Proposal for 52 Unit Low Income Seniors Complex to replace the existing structure

that has passed useful lifecycle and does not make use of this beautiful large property.

Specific request of Council, if any (i.e., letter of support, funding):

Support for the project as a whole and help in ensuring that the development permit gets approved in time for us to apply for funding.

Requested meeting and date: August 5, 2020

AV equipment required: \_\_\_\_\_

Date of application: July 28, 2020

Signature of applicant: \_\_\_\_\_  
(or print name)

Ann Janssen

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**RECEIVED**



**REQUEST TO APPEAR AS A DELEGATION**

**TOWN OF COMOX**  
1809 Beaufort Avenue Ph: (250) 339-2202  
Comox BC V9M 1R9 Fx: (250) 339-7110

Jul. 30, 2020

**TOWN OF COMOX**

REQUESTS TO APPEAR BEFORE COUNCIL OR THE COMMITTEE OF THE WHOLE MUST BE SUBMITTED NO LATER THAN WEDNESDAY NOON, THE WEEK PRIOR TO THE MEETING.

Name(s) of person(s) speaking: David Willis	LOG: 20-290	REFER:	AGENDA: RCM
	FILE: 3090-20/D	ACTION: File	05Aug20

Organization you are representing: Local resident at 235 Pritchard Rd

Primary purpose of Organization: \_\_\_\_\_ Number of members: 1  
235-A Pritchard Rd

Mailing address: \_\_\_\_\_  
Comox \_\_\_\_\_ V9M 2N3

City: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
David Willis \_\_\_\_\_ davidmatthewwillis@hotmail

Contact name: \_\_\_\_\_ Email: \_\_\_\_\_  
604 671 6027 \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Subject matter:  
Concerns regarding DVP application 20-6's potential impacts on the local neighbourhood

Specific request of Council, if any (i.e., letter of support, funding):  
I am asking Council to table DVP application 20-6 to allow for proper review of the potential impacts on the local neighbourhood by Council and the community. Specifically, the request to reduce the minimum number of required off-street parking spots from 65 to 19, as well as the decision to build a 3 storey apartment building in an area that consists exclusively of 1 or 2 level residences are concerning to me. Please see attached letter for more detail.

Requested meeting and date: August 5, 2020 AV equipment required: \_\_\_\_\_  
July 30, 2020

Date of application: \_\_\_\_\_ Signature of applicant: \_\_\_\_\_  
(or print name) David Willis

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David and Dr. Victoria Willis  
A-235 Pritchard Rd  
Comox, BC  
V9M 2N3

July 30, 2020

LOG: 20-290	REFER:	AGENDA: RCM 05Aug20
FILE: 3090-20/D	ACTION: File	

**RECEIVED**

Jul. 30, 2020

**TOWN OF COMOX**

Dear Mayor Arnott and Council,

This letter is in response to Development Variance Permit Application DVP 20-6. We would like to thank council for the opportunity to provide input into this decision. We enjoy being neighbours with the residents of d'Esterre Gardens and we support the objective of the CVAHS in the redevelopment proposal for 1852 Balmoral, however we believe the implementation plan as well as the process for this redevelopment are flawed and warrant a more transparent review by council and town residents. We have specific concerns with the DVP application, and we also have broader concerns with the development plan, all of which could be addressed via a more inclusive and transparent review and planning process.

Specifically, our concerns with the DVP application 20-6 are:

- The DVP application for Sections 5.20(19)(a) and 6.15(3) provides no information on how the 300%+ increase in parking demand as well as other vehicle traffic (e.g. visitors, taxis, Handi-Darts, delivery vehicles, etc.) will be addressed. I assume that those sections of Zoning Bylaw 1850 exist for good reason, so it is completely unclear to us how the expected increase in parking will be mitigated in the absence of 46 required parking stalls (only 19 proposed instead of 65 as required by Bylaw 1850). It is reasonable to expect that the neighborhood will be impacted by vehicles driving and parking in other locations off of the d'Esterre Gardens property. Cypress Avenue is a narrow street and safely handle on-street parking of this magnitude. No mitigation plan for this issue has been made available, leading us to believe that it has not been properly considered.
- The DVP application for Sections 6.11(1)e and 6.12(5)(a) seem to only be required because the developer is trying to fit more onto this site than would be otherwise be accommodated under existing development bylaws. More vehicles in less space will only increase parking and vehicle issues on Cypress Ave and elsewhere in the neighbourhood. The added vehicle traffic as well as visual obstruction from increased offsite parking will render our yard on the Cypress side less safe for children and seniors that use Cypress to walk, including our young daughter.

In addition to our concerns with the DVP 20-6 that is under review on August 5, we have broader concerns with this development. The OCP for our block is identified as "Townhouse and Ground Oriented Infill", so when we moved here we did not anticipate construction of a 3 storey building directly beside us as a possibility. The box-like 3 storey apartment building being proposed does not fit the character of the neighbourhood and is certainly out of step with the spirit of the OCP.

Notwithstanding amendment 2.1.2.3 (i) to the OCP (which was made in 2011 despite significant opposition from the community), the current proposal fails to meet most of the standards outlined in the OCP for multi-family housing amongst ground oriented infill and single family

David and Dr. Victoria Willis  
A-235 Pritchard Rd  
Comox, BC  
V9M 2N3

housing (e.g. # of storeys, building size, building design, character). The fact that our current view of the mountains and glacier over the roofs of our neighbours will completely disappear is extremely disappointing to us, as is the loss of privacy from third storey apartments that will look into our yard and house. This should not even be an issue based on the DPA #2 guidelines for this block.

In addition to our concerns with the actual Development and DVP application, we also feel challenged by the haste of this process. It appears to us that the priority is on “get it done fast”, instead of “get it done right”. This DVP application, if approved, would have significant negative effects on our quality of life, safety, as well as the character of the neighborhood that attracted us here in the first place. It is not reasonable to expect meaningful input from local residents in such a short time frame next to a long weekend in the summer.

We strongly recommend that council table this DVP application so that there is the ability for more meaningful review of the entire project by Council and the community, ideally through a Public Hearing. We fully support redevelopment of the d’Esterre Gardens site to accommodate increased affordable housing for seniors, and trust that the CVAHS can find “win-win” solutions instead of the current “win-lose” scenario that has been presented to the local residents. A 2-storey building that better fits with the others in the neighbourhood and that better aligns with the Town’s existing OCP would be one suggested approach.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Willis" and "V. Willis" joined together.

David and Victoria Willis

O- CFile: 3090-20/DVP 20-06  
Copies - Council  
- JW/MK/Lia

RECEIVED

JUL 31 2020

TOWN OF COMOX



**REQUEST TO APPEAR AS A DELEGATION**

TOWN OF COMOX  
1809 Beaufort Avenue Ph: (250) 339-2202  
Comox BC V9M 1R9 Fx: (250) 339-7110

REQUESTS TO APPEAR BEFORE COUNCIL OR THE COMMITTEE OF THE WHOLE MUST BE SUBMITTED NO LATER THAN WEDNESDAY NOON, THE WEEK PRIOR TO THE MEETING.

Name(s) of person(s) speaking:

Graham Argyle

Organization you are representing: Graham Argyle and Louise Argyle

Primary purpose of Organization: Marriage Number of members: 2

Mailing address: 215 Pritchard Road

City: Comox Postal Code: V9M 2N3

Contact name: Graham Argyle Email: grahamargyle@icloud.com

Phone: 250 339 1111 Fax: None

Subject matter:

DVP 20-6

Specific request of Council, if any (i.e., letter of support, funding):

To expand further on our letter to Council and Corporate Officer and ask questions

Requested meeting and date: August 5th AV equipment required: None

Date of application: July 30 Signature of applicant: W. G. Argyle  
(or print name)

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LOG: <u>20-288</u>	REFER:	AGENDA: <u>RCM 05 AUG 20</u>
FILE: <u>3090-20/ DVP-20-06</u>	ACTION: <u>File</u>	

From: Graham Argyle [Grahamargyle@icloud.com](mailto:Grahamargyle@icloud.com)  
Subject: REQUEST TO APPEAR AS A DELEGATION.pdf  
Date: Jul 30, 2020 at 5:32:08 PM  
To: [town@comox.ca](mailto:town@comox.ca)

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215 Pritchard Road, Comox, B.C. V9M 2N3

[grahamargyle@icloud.com](mailto:grahamargyle@icloud.com)

250 339 1111

Tuesday 23<sup>rd</sup>. July 2020

Mayor and Council and Corporate Officer  
Town of Comox  
1809 Beaufort Avenue  
Comox, B. C.  
V9M 1R9

**RECEIVED**

**Jul. 23, 2020**

**TOWN OF COMOX**

By email to:  
town@comox.ca  
Copy by email to:  
Comox Valley Affordable Housing Society  
CVAH@shaw.ca

Dear Mayor and Council and Corporate Officer,

Re: DVP 20-6 Cypress Gardens Proposed Development

LOG: 20-288	REFER:	AGENDA: RCM 05Aug20
FILE: 3090-20/D	ACTION: File	

Thank you for your notice of the above proposal, which arrived in the morning of Monday 22<sup>nd</sup> July, 2020. We are also in receipt of a pamphlet by the Comox Valley Affordable Housing Society.

We support the continued land use for affordable housing. It is an essential and needed component in the housing mix. Nonetheless, we have concerns about the planning process.

Please be advised Graham Argyle of 215, Pritchard Road, Comox, B.C., V9M 2N3 asks to appear as a delegation in the Council Chambers at 5.30p.m. on August 5th. 2020.

We have now seen drawings of this proposal, which we believe will introduce a unique and new architectural form with a much larger size of massing against the established residential scale. Architecturally, the flat-roofed three floor proposal will not fit in.

From our perspective, there are absent clause definitions in the PA1.2 Public Assembly/Housing Zoning, when compared to the surrounding R1.1 Single-Family Zone, and for that matter, any multi-family Zoning in Comox.

It is as if residents of affordable housing, from a Comox Zoning Bylaw perspective, are not seen in the same light by the Town as other Comox residents, giving proponents a carte-blanche on far too many planning, design and development aspects, including any density and now any parking.

The Official Community Plan in 2.1.3 Downtown Comox states "New buildings or major renovation of existing buildings in neighbourhood commercial areas shall be in keeping with the scale of the adjacent residential neighbourhood." Surely, this sentiment is even more true of affordable housing in a single-family residential area. We believe the residents of DVP 20-6 will want to fit into the character of our community rather than be institutionalised by the form of their housing.

There is no mention of site coverage in the PA1.2 Public Assembly/Housing Zone. This is because the Zone assumes a wide variety of land uses. It is a major weakness of the PA1.2 Bylaw. Consequently, the Town is vulnerable to any development proposal. Comox should provide leadership to any development application in this Zone, coupled with a defensible public process. The PA1.2 Bylaw favours the proponent not the residents or future residents of Comox.

We would support a height restriction of two floors with a maximum height of 8 metres and allowing for a pitched roof in this PA1.2 Public Assembly/Housing Zone. This meets the spirit of the Official Community Plan.

We believe there are enough questions about the proposal to require a public hearing, although we understand that this can be waived by Council under certain defined circumstances. We believe this proposal is not such a defined circumstance.

We ask that Council review the DVP 20-6 proposal and it be given a planning process that includes advice from a Town of Comox Design Panel and includes a public hearing.

We will not offer comment on the choice of Cypress Avenue for vehicular access to the DVP 20-6 site. This access proposal benefits our property and we would want the choice to remain. However, there is the issue of "pick-up and drop-off."

Because of the close proximity of our driveway (required to be 20metres back from Pritchard Road), we have experienced difficulties for ourselves and the d'Esterre residents, who are presently being picked up and dropped off on Balmoral Avenue by friends, relatives and especially by "Handydart" and taxis. The proposed additional units will bring a greater demand for on-site "pick-up and drop-off" parking. A lower density on two floors, would reduce this demand.

As yet, we have not seen how the proposed parking would be screened by landscaping, particularly on the east property line of DVP 20-6. We look forward to that information.

In recent months, we understand both Council and staff have risen to the challenges of working for our community in very trying times. We thank all of you. However, it is hard to understand why this planning process is so rushed. It also raises a pertinent and timely design question, asking if the proposed cellular rooms with internal corridors and no outside access to each unit in a high-density facility is a wise plan form. It will not isolate residents.

We trust this process and the proposal can be properly resolved.

Warm regards,

*W. G. Argyle*

W. Graham Argyle  
Retired Architect

*L. M. Argyle*

Louise M. Argyle  
Retired Human Resources Manager

**TOWN OF COMOX**  
**Minutes of the Regular Council Meeting,**  
**held in Council Chambers on Wednesday July 15, 2020**

**Present:** Acting Mayor K. Grant  
Councillors A. Bissinger (electronically), S. McGowan, P. McKenna (electronically), N. Minions, M. Swift

**Absent:** R. Arnott

**Staff Present:** J. Wall, Chief Administrative Officer  
S. Russwurm, Corporate Officer  
C. Freundlich, Director of Finance  
M. Kamenz, Director of Development Services

**Call to Order:**

The meeting was called to order at 5:30 p.m.

The Agenda was Adopted.

There were 0 members of the public in attendance.

Pursuant to sections 7(1) and 7(2) of the Local Government Meetings and Bylaw Process (COVID-19) Ministerial Order No. 3 M192, the July 15, 2020 Regular Council Meeting was conducted by electronic means with some or all members of Council participating electronically. Further, in accordance with section 3(1) of the Ministerial Order No. 3 M192, the public was not be permitted to be in attendance. Members of the public were able to attend to view the live-streamed proceedings of Council at d'Esterre Seniors' Centre, 1801 Beaufort Avenue.

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**1. DELEGATIONS:**

**a. Julie Micksch - Development During the Song Bird Breeding Season**

**Song Bird Breeding Season**

Ms. Micksch advised that she wanted to bring to Council's attention that there has been some land clearing activities during the song bird breeding season. She advised that the cleared area contains active bird nests, and that section 34 of the Wildlife Act states that it is an offense to destroy such nests.

**b. Alana Mullaly: Comox Housing Needs Report**

**Housing Needs**

Ms. Mullaly summarized the Town of Comox Housing Needs Report, and identified that there will be a Community Housing Forum on August 12, 2020.

*That the Town of Comox May 2020 Housing Needs Report and Summary Form, as included in the July 15, 2020 Regular Council Meeting Agenda, be received.*

*(2020.194) -- CARRIED*

**c. Hal Martyn - Development Variance Permit Application DVP 20-5 (2260 Robb Avenue)**

**2260 Robb Avenue**

Mr. Martyn advised that the aesthetic benefits of undergrounding power lines to single infill developments is minimal compared to the cost involved in doing so. He asked that Council support his request to not require this for his client's project at 2260 Robb Avenue. He also suggested that the conversion of overhead wiring to existing homes in infill developments impacts the feasibility of the entire project, and asked Council to consider allowing overhead wiring for infill projects of up to three lots.

**2. MINUTES OF MEETINGS:**

**a. Regular Council Meeting Minutes**

**RCM Minutes**

*That the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday June 17, 2020, be Approved.*

(2020.195) -- CARRIED

**3. COMMITTEE REPORTS: NIL**

**4. UNFINISHED BUSINESS:**

**a. Management Report - July 15, 2020**

**Management Report**

*That the July 15, 2020 Management Report be received and filed for information.*

(2020.196) -- CARRIED

**5. SPECIAL REPORTS:**

**a. Comox Valley Regional District Meeting Minutes**

**CVRD Meeting Minutes**

*That the following Comox Valley Regional District meeting minutes be received for information:  
- Comox Valley Regional District Board held on May 26, June 16 & June 23, 2020.  
- Comox Strathcona Waste Management Board held on March 12 & June 25, 2020.*

(2020.197) -- CARRIED

**6. BYLAWS:**

**a. Planning Report PR 20-7: Requirement to Underground Overhead Services in Residential Infill Projects**

**Underground Wiring - Residential Infill**

1. *THAT the following sub section be added to the Subdivision and Development Servicing Bylaw 1261 Appendix G section 1.2.1:*

*"1.2.1.2 the development is within a residential zone where one parcel will be split into two provided the parcel can connect directly to existing overhead wiring."*

(2020.198) -- CARRIED

2. *THAT the Town of Comox Subdivision and Development Servicing Bylaw, 1261, Amendment No. 13, 2020 be given First Reading.*

(2020.199) -- CARRIED

3. *THAT the Town of Comox Subdivision and Development Servicing Bylaw, 1261, Amendment No. 13, 2020 be given Second Reading.*

(2020.200) -- CARRIED

4. *THAT the Town of Comox Subdivision and Development Servicing Bylaw, 1261, Amendment No. 13, 2020 be given Third Reading.*

(2020.201) -- CARRIED

7. NEW BUSINESS AND NOTICES OF MOTION:

a. Ministerial Order No. M192 and Attendance of the Public at Council Meetings

Attendance of Public at Council Meetings

- 1. *That, in accordance with Ministerial Order No. M192 and despite the best efforts of Council, the attendance of members of the public cannot be accommodated at Council and Council Committee meetings that would otherwise be held in accordance with the applicable requirements or recommendations under the Public Health Act, due to the room size and maximum person capacity of Council Chambers.*  
(2020.202) -- CARRIED
- 2. *That, in accordance with Ministerial Order No. M192, the Town of Comox is ensuring openness, transparency, accessibility and accountability for Council and Council Committee meetings by:*
  - a. *allowing the public to hear and see meetings in-person through attendance at livestreamed events at d'Esterre Seniors' Centre, 1801 Beaufort Avenue;*
  - b. *allowing the public to hear and see meetings electronically through livestreamed videos published on the Town's Facebook page;*
  - c. *allowing the public to ask questions on agenda items via email or drop-off of questions;*
  - d. *publishing the entire agenda and all background materials on the Town's website;*
  - e. *archiving the meeting video for future viewing by members of the public; and*
  - f. *continuing to explore options to facilitate public participation.*
(2020.203) -- CARRIED
- 3. *That, in accordance with Ministerial Order No. M192, Council will continue to conduct all or part of Council and Council Committee meetings by means of electronic or other communication facilities for the duration of the period that the declaration of a state of Provincial emergency made March 18, 2020 under section 9 (l) of the Emergency Program Act and any extension of the duration of that declaration is in effect.*  
(2020.204) -- CARRIED

b. Planning Report: Prioritization of 1582 Balmoral Ave Development Variance Permit Application DVP 20-6 / Development Permit Application DP 20-6

1582 Balmoral Avenue

*That the Town of Comox process Development Variance Permit and Development Permit applications DVP/DP 20-6 (1582 Balmoral Avenue) as a high priority immediately following Rezoning Application RZ 19-7 (695 Aspen), Rezoning Application RZ 18-6 (2310 Guthrie), and Rezoning and Official Community Plan Amendment Applications RZ/OCP 19-1 (2309 McDonald).*  
(2020.205) -- CARRIED

c. Development Variance Permit Application DVP 20-5 (2260 Robb Avenue)

2260 Robb Avenue

*That Development Variance Permit DVP 20-5 be approved.*  
(2020.206) -- CARRIED

d. UBCM Community Excellence Award - Application

UBCM Community Excellence Award

*That Council formally support Administration in submitting an application to UBCM's 2020 Community Excellence Awards in the Excellence in Sustainability Category for the Anderton Corridor Neighborhood Concept Plan.*  
(2020.207) -- CARRIED

**e. Rezoning Application RZ 18-6 / Development Permit Application DP 18-4 / Development Variance Permit Application DVP 19-7 (2310 Guthrie Road)**

**2310 Guthrie Road**

Marvin Kamenz, Director of Development Services, summarized the proposed development, including transportation considerations, the surrounding pedestrian and park network, affordable housing implications and mitigation of building mass.

1. *That Comox Zoning Amendment Bylaw 1897 be given First Reading.*  
(2020.208) -- CARRIED
2. *That Comox Zoning Amendment Bylaw 1897 be given Second Reading.*  
(2020.209) -- CARRIED
3. *That Comox Phased Development Agreement Authorization Bylaw 1898: 2310 Guthrie Road be given First Reading.*  
(2020.210) -- CARRIED
4. *That Comox Phased Development Agreement Authorization Bylaw 1898: 2310 Guthrie Road be given Second Reading.*  
(2020.211) -- CARRIED
5. *That a Public Hearing in respect of Bylaws 1897 and 1898 be scheduled by the Town at a suitable time and location having regard to COVID-19 restrictions, and the Town publish the requisite notices as required by the Local Government Act.*  
(2020.212) -- CARRIED

**f. Garbage Collection Frequency**

**Solid Waste Collection**

1. *THAT upon a thorough communications plan and notification to the public the Town of Comox moves to a garbage collection system of:*
  - *Bi-weekly Garbage Collection*
  - *Bi-weekly Recycling Collection*
  - *Weekly yardwaste and Organic Collection*(2020.213) -- DEFEATED  
[Opposed: Acting Mayor Grant, Councillors NMinions MSwift]
2. *THAT upon a thorough communications plan and notification to the public the Town of Comox moves to a garbage collection system of:*
  - *Bi-weekly Garbage Collection*
  - *Weekly Recycling Collection*
  - *Weekly yardwaste and Organic Collection*(2020.214) -- DEFEATED  
[Opposed: Councillors ABissinger SMcGowan PMcKenna]
3. *Moved by Councillor Minions THAT Council reconsider its decision on moving to a garbage collection system of:*
  - *Bi-weekly Garbage Collection*
  - *Bi-weekly Recycling Collection*
  - *Weekly yardwaste and Organic Collection*(2020.215) -- CARRIED  
[Opposed: Acting Mayor Grant, Councillor MSwift]

**f. Garbage Collection Frequency**

**Solid Waste Collection**

4. *THAT, upon a thorough communications plan and notification to the public, the Town of Comox moves to a garbage collection system of:*
  - *Bi-weekly Garbage Collection*
  - *Bi-weekly Recycling Collection*
  - *Weekly yardwaste and Organic Collection*

(2020.216) -- CARRIED

[Opposed: Acting Mayor Grant, Councillor MSwift]

**g. Planning Report RZ 20-2 Zoning Map and Housekeeping Update**

**Zoning Map Updates**

1. *That Comox Zoning Amendment Bylaw 1957 be given First Reading.*

(2020.217) -- CARRIED
2. *That Comox Zoning Amendment Bylaw 1957 be given Second Reading.*

(2020.218) -- CARRIED
3. *That in accordance with section 464(2) of the Local Government Act, the requirement to hold a Public Hearing in respect of Comox Zoning Amendment Bylaw 1957 be waived and staff be instructed to publish the requisite notices as required by the Local Government Act.*

(2020.219) -- CARRIED

**8. CORRESPONDENCE:**

**a. Pam Moughton (Comox Archives and Museum Society) Comox Museum Update**

**Comox Archives and Museum Society**

*That the June 5, 2020 letter from Pam Moughton of the Comox Archives and Museum Society, thanking Council for its support and providing a museum update, be received and filed for information.*

(2020.220) -- CARRIED

**b. Bruce Gibbons (Merville Water Guardians) UBCM 2019 B154 Groundwater Resolution - No Action Taken**

**Merville Water Guardians**

*That the June 15, 2020 email from Bruce Gibbons of the Merville Water Guardians, requesting that Council write to the Minister of Forests, Lands and Natural Resource Operations and Rural Development expressing concern about their position on groundwater extraction for bottling, be received and filed for information.*

(2020.221) -- CARRIED

**c. Brenda Butterworth-Carr; Tr'injå shär njit dintlät (Ministry of Public Safety & Solicitor General) RCMP Auxiliary Program (Tier 3)**

**RCMP Auxiliary Program (Tier 3)**

*That the June 18, 2020 letter from Brenda Butterworth-Carr; Tr'injå shär njit dintlät of the RCMP, regarding an interim Tier 3 Auxiliary Program, be received and that Council confirm its intent to proceed with the Program.*

(2020.222) -- CARRIED

**d. Earlene Cameron (840 Shamrock Place): Drive Thru noise**

**Drive Thru Noise**

*That the June 20, 2020 letter from Earlene Cameron, Strata President of 840 Shamrock Place, requesting that Council help with noise and parking issues, be received and filed for information.*  
(2020.223) -- CARRIED

**e. Dr. Lucia Ma: Systemic Racism**

**Systemic Racism**

*That the June 5, 2020 email from Dr. Lucia Ma, encouraging Council to consider implementing some changes to address systemic racism in the Comox Valley, be received and filed for information.*  
(2020.224) -- CARRIED

**f. Richard Kerton (Pride Society of the Comox Valley) Pride Flag Raising**

**Pride Flag Raising**

*That the June 26, 2020 email from Richard Kerton of the Pride Society of the Comox Valley, requesting that the Town raise the pride flag in support of Pride week during the period July 20 to July 27, 2020, be received and that Council approve the raising of the Pride Flag on July 22nd at 9am to July 27.*  
(2020.225) -- CARRIED

**g. David Grove (The Victoria Electric Vehicle Association) Right to Charge**

**Right to Charge Regulation**

*That the July 2, 2020 letter from David Grove, President of the Victoria EV Association, requesting support for their "right to charge" EV regulation, be received and filed for information.*  
(2020.226) -- CARRIED

**h. Andrea Cupelli (Comox Valley Coalition to End Homelessness) Comox Valley 2020 Homeless Count - Preliminary Data**

**2020 Homeless Count**

*That the July 8, 2020 email from Andrea Cupelli of the Comox Valley Coalition to End Homelessness, regarding their 3rd Point in Time Homeless Count, be received and filed for information.*  
(2020.227) -- CARRIED

**i. Ron Webber, Director (Comox Valley Affordable Housing Society): 1582 Balmoral Letter of Support**

**1582 Balmoral Avenue**

*That the July 10, 2020 email from Ron Webber of the Comox Valley Housing Society, requesting a letter of support for the redevelopment of the d'Estre Seniors' housing at 1582 Balmoral Avenue, be received that a letter of support for the Comox Valley Affordable Housing Society be drafted for the 1582 Balmoral development.*  
(2020.228) -- CARRIED

**9. LATE ITEMS:**

**a. UBCM Minister's Meetings**

**UBCM Minister's Meetings**

Council had a general discussion on potential topics for Minister's meetings during the UBCM Convention.

**10. DELEGATIONS: NIL**

**11. REPORTS FROM MEMBERS OF COUNCIL:**

**a. Councillor McKenna**

Councillor McKenna advised that:

- he participated in a subdivision site visit at Connemara Road,
- there will be a Community Justice Centre meeting on July 16, and
- he attended the Comox 2040 event by the Comox Valley Collective Magazine.

**b. Councillor Bissinger**

Councillor Bissinger advised that she attended:

- the Comox 2040 event by the Comox Valley Collective Magazine, and
- the Comox-Strathcona regional solid waste management meeting.

**c. Councillor Minions**

Councillor Minions advised that she attended:

- the Comox 2040 event by the Comox Valley Collective Magazine, and
- the Comox-Strathcona regional solid waste management meeting.

**d. Councillor McGowan**

Councillor McGowan advised that she:

- attended a Comox Archives and Museum Society meeting,
- participated in a drug strategy workshop,
- attended the Food Policy Council and Food Disruption Committee meetings,
- attended the Comox 2040 event by the Comox Valley Collective Magazine, and
- met with Sam Franey regarding his housing project.

**e. Councillor Swift**

Councillor Swift advised that she attended the regional district sewer, water sports committee meetings and the regional board meeting.

**f. Acting Mayor Grant**

Acting Mayor Grant advised that he attended:

- a Comox Valley Airport Commission recruitment meeting,
- an economic development contraction negotiation meeting,
- an economic task force meeting,
- a mayor's luncheon meeting,
- a meeting on vulnerable populations,

Acting Mayor Grant also advised that he:

- participated in a subdivision site visit at Connemara Road,
- attended the regional district sewer, water and sports committee meetings, and
- attended a farewell party for an economic development society staff member.

**14. EXCLUDE THE PUBLIC:**

**a. Exclude the Public**

**Exclude the Public**

*That the Public be Excluded from the In-Camera session of Council on Wednesday July 15, 2020 pursuant to the following sub-sections of section 90 of the Community Charter:*

*(1)(c) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;*

*(1)(g) litigation or potential litigation affecting the municipality; and*

*(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.*

(2020.229) -- CARRIED

**THE MEETING WAS CLOSED TO THE PUBLIC AT 8:37 P.M.**

**THE REGULAR COUNCIL MEETING RECONVENED AT 9:55 P.M.**

**Adjournment:**

Regularly moved and seconded that the meeting adjourn at 9:55 p.m.

CARRIED

Certified correct pursuant to Section 97(1)(b) of the Community Charter.

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MAYOR

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CORPORATE OFFICER

**TOWN OF COMOX – MANAGEMENT REPORT**

**August 5, 2020**

ITEM	DATE	SUBJECT	COUNCIL DIRECTION	STATUS
1.	07-Mar-2007	Waste Collection Service	Investigate the provision of an Organic Waste Collection Service in Comox-Courtenay. (Council provided conditional support on Aug 1, 2018 for a regional organics program, subject to a detailed cost comparative analysis being completed by the CVRD on site location alternatives.)	Regional organics composting site in Campbell River approved by RD and feedstock commitment approved by Council. New contract with Emterra approved April 15, 2020. <i>Council resolution July 15, 2020 to implement</i> bi-weekly garbage collection in Fall 2020, including weekly collection of organics and bi-weekly collection of recyclables. <i>No bids received by CVRD on new organics facility.</i>
2.	18-Jan-2017	Northeast Comox Storm Water Management Plan	Implementation of Northeast Comox Storm Water Management Plan	Summary of In-Camera motion from last meeting. Letters sent to property owners advising of council decision, noting open house once COVID-19 crisis is over.
3.	18-Jan-2017	Mack Laing Trust	That staff be directed to begin the process to modify, if necessary, the terms of the Trust.	Court hearing to be scheduled to determine terms of trust.
4.	17-Jan-2018	Boundary Extension Request - Torrence Road	That the Town of Comox proceed with a boundary extension proposal in the Noel, Torrence and Lazo Roads area that includes the following: <ul style="list-style-type: none"> <li>• 480 Torrence Rd</li> <li>• Vacant Land</li> <li>• 456 Torrence Rd</li> <li>• Vacant Land (Lot 10)</li> <li>• 274 Torrence</li> <li>• 1310 Lazo Rd</li> <li>• Vacant Land (Lot A)</li> <li>• 1250 Lazo Rd</li> <li>• Adjacent portions of Torrence and Lazo Roads plus undeveloped south end of King Road; and</li> </ul>	Discussions held with Ministry staff regarding condition of Lazo Road and Town desire for grant funding or improvements to be made prior to bringing it into Town boundary. Ministry staff advised that it is not a priority for them for the next few years. Letter to be sent from Mayor to Ministers of Municipal Affairs and Transportation, asking for assistance in upgrades to Lazo Road if it is to be brought into Town boundary. Property owner of Northern three parcels asked to be removed from application.

**TOWN OF COMOX – MANAGEMENT REPORT**

**August 5, 2020**

ITEM	DATE	SUBJECT	COUNCIL DIRECTION	STATUS
			further, That Town of Comox staff be authorized to develop, sign and submit the proposal to the Ministry of Municipal Affairs and Housing.	
5.	16-Jan-2019	Dog Park Feasibility and Public Consultation Process	That a public consultation process regarding the feasibility of a dog park be undertaken, for an amount up to \$20,000.	Looking at two leash optional areas – fenced in area plus larger trailed area. Meeting with KFN requested in order to discuss use of a portion of Northeast Woods. Project deferred to 2021.
6.	20-Mar-2019	Planning Report PR 19-4: Affordable Housing, Town Initiatives	That staff be instructed to prepare a report on: a. Options for local government provision of affordable housing; b. Options for the use of rental zoning; and d. Impact of short term rentals on the supply of affordable housing, including an allowance for rental of primary units.	Complex issues that will require considerable staff time to complete. Current priority is working with developer at 695 Aspen to achieve some affordable housing in this project.
7.	03-Apr-2019	Notice of Motion from March 20, 2019 Meeting (Councillor McGowan) - Heritage Registry	That a staff report be provided on whether a Heritage Registry be created within the Town of Comox.	Staff investigating the requirements and consequences of developing a Community Heritage Register, however, Heritage Planning is not identified as a priority of Council.
8.	17-Apr-2019	Interim Report on Affordable Housing Initiatives	That the Town request that the Comox Valley Regional District amend its Development Cost Charge Bylaws (DCCs) to exempt from required DCCs payments the construction or alteration of self-contained dwelling units in buildings in which each unit is not larger than 45 m <sup>2</sup> ;	Letter sent May 24, 2019 from Mayor to CVRD chair. No update received to date.

**TOWN OF COMOX – MANAGEMENT REPORT**

**August 5, 2020**

ITEM	DATE	SUBJECT	COUNCIL DIRECTION	STATUS
9.	17-Apr-2019	Electric Vehicle Charging Station - Grant Funding Opportunity	That the Town of Comox participate in the Mid-Island EV Network project and associated CleanBC Communities Fund application with the Regional District of Nanaimo as the lead applicant and dedicate a total of up to \$6,000 to be funded from General Revenue, and representing the Town's portion of the cost of one (1) dual port public electric vehicle charging station at a Town owned site within the community and that the location of the charging station be referred to staff.	<i>Status of grant application anticipated by end of the summer. Location of charging station to be decided if grant application is successful.</i>
10.	02-Oct-2019	Open House - Climate Crisis and Adaptation	That an open house be held on the topic of Current Town of Comox Strategic Priorities and Climate Crisis and Adaptation at a future date to be determined by staff.	
11.	16-Oct-2019	Low Income Regional Recreation All Access Pass Program	That staff participate with the Regional District and other local municipalities to investigate options for a regional, low-income, all access pass and report to Council with the operational and policy implications.	<i>COVID-19 delayed phase 1 roll out of the new Low Income Regional Recreation Pass. Launch is now tentatively scheduled for the winter 2021 session and winter brochure (currently scheduled to print mid-November).</i>
12.	06-Nov-2019	PR 19-18 Childcare Space Creation Funding Applications	That the Town of Comox Council endorse the creation of additional childcare spaces; That the Town of Comox Council instruct staff to apply for funding to: purchase a commercial unit at 695 Aspen Road and undertake necessary tenant improvements; That the Town of Comox Council authorize the expenditure of Town funds for professional services necessary to complete applications;	<i>UBCM grant application submitted Nov. 21. Provincial grant application submitted Dec. 19, 2019. UBCM and Provincial grants have been approved.</i>  <i>Next Steps</i> <i>- Advertisement of Council consideration of disposal of daycare space to non-profit daycare society at below market cost for the purpose of daycare operation.</i> <i>- Advertisement of Council consideration of disposal of 6 dwelling units to non-profit housing society at below</i>

**TOWN OF COMOX – MANAGEMENT REPORT**

**August 5, 2020**

ITEM	DATE	SUBJECT	COUNCIL DIRECTION	STATUS
			<p>That staff be directed to negotiate an option to purchase a commercial unit in a proposed building at 695 Aspen Rd;</p> <p>That staff be directed to negotiate a potential lease agreement with the Comox Valley Children's Day Care Society for the operation of a childcare facility.</p>	<i>market cost for the purpose of operation of the units as affordable housing.</i>
13.	22-Jan-2020	Review of Council Remuneration	That a Council Remuneration Advisory Group be established in order to determine fair and reasonable compensation levels for the Town of Comox Mayor and Councillors.	CAO to appoint Advisory Group members.
14.	22-Jan-2020	Conference Attendance Policy	That a staff report be provided on the effectiveness of providing individual annual spending limits for Council members' conference attendances.	
15.	15-Apr-2020	Urban Food Production	That Council support urban agricultural opportunities and increase food security by directing staff to receive and consider feed back from the Planning department, the Comox Valley Food Policy Council, community associations, and residents, and develop options in a report to Council to allow small-scale commercial urban food production, including but not limited to chickens (not roosters), bees and urban farmstands on all residential property within the town of Comox.	Town and Courtenay staff coordinating research and policy development. Project is in its initial stage, no timeline for completion as of yet.
16.				

**TOWN OF COMOX – MANAGEMENT REPORT**

**August 5, 2020 – COMPLETED ITEMS**

ITEM	DATE	SUBJECT	COUNCIL DIRECTION	COMPLETE
1.	16-Oct-2019	Downtown Comox Business Improvement Area Bylaw	Renew the Downtown Comox Business Improvement Area	15-Apr-2020
2.	16-Oct-2019	CAO Executive Search / Strategic Planning	Hire Jerry Berry Consultants Inc. to recruit new CAO and update strategic plan	06-May-2020
3.	May-2020	Temporary Patio & Parklet Program	Create Temporary Patio & Parklet Program	20-May-2020
4.	18-Mar-2020	Building Capacity - Human Resources	Hire Communications/Legislative Coordinator and Land Use Planner to start June 2020. Planner 1 position filled; Communications position shortlisted.	May-2020
5.	15-Apr-2020	Chimo Gymnastics and Compass Adventure - Licences to Use	Waive 33% of the monthly Compass Adventure licence fee for April – June, 2020; waive 100% of the Chimo Gymnastics monthly licence fee April 1, 2020.	May-2020
6.	15-Apr-2020	Comox Valley Coalition to End Homelessness: 2019/2020 Funding	Provide 2019 and 2020 Town of Comox homelessness grants (\$60,000) to the Habitat for Humanity in order to continue their Lake Trail project.	May-2020
7.	17-Apr-2019	Communications Specialist	Hire a communications specialist in the year 2019.	04-Aug-2020
8.	18-Mar-2020	Human Resource Capacity	Hire Human Resources Coordinator and Parks Planner/Coordinator	Deferred to 2021
9.	20-May-2020	Council Priorities Summary 2020	Schedule meeting to discuss Council priorities in light of the COVID-19 pandemic.	Meeting set for Sept 9 <sup>th</sup>
10.	20-May-2020	Extension of Comox Downtown Vitalization	Amendment of Downtown Revitalization Tax Exemption, Building and Planning Procedures Bylaws	17-Jun-2020
11.	03-Jun-2020	Land and Sea Brewing Company	Encourage Land and Sea Brewing Company to examine alternate parking arrangements	10-Jun-2020

# STRATEGIC PRIORITIES CHART Updated: August 2019

## CORPORATE PRIORITIES (Council/CAO)

<p><b>NOW</b></p> <ol style="list-style-type: none"> <li>1. <b>MACK LAING: Future</b></li> <li>2. <b>5-YEAR CAPITAL PLAN: Priorities</b></li> <li>3. <b>NE INDUSTRIAL LANDS STRATEGY: Terms of Reference</b></li> <li>4. <b>AFFORDABLE HOUSING: Current Town Actions</b></li> <li>5. <b>OFF LEASH DOG PARK: Public Consultation</b></li> </ol>	<p><b>TIMELINE</b></p> <p>May</p> <p>June</p> <p>July</p> <p>March [number of steps underway]</p> <p>March/April</p>
<p><b>NEXT</b></p> <ul style="list-style-type: none"> <li>• CLIMATE CHANGE ADAPTATION: Project</li> <li>• LONG TERM CAPITAL PLAN</li> <li>• DOWNTOWN REVITALIZATION: Zone Expansion</li> <li>• ORGANICS COLLECTION PROGRAM: Review</li> <li>• WATERFRONT WALKWAY: Options</li> <li>• CLIMATE CHANGE ADAPTATION STRATEGY</li> <li>• MARINA PARK: Phase II</li> <li>• SHORT TERM RENTAL: Policy Options</li> <li>• SHELF/SHOVEL-READY GRANT PROJECT</li> </ul>	<p><b>ADVOCACY / PARTNERSHIPS</b></p> <ul style="list-style-type: none"> <li>• <i>Regional Organics Facility: Decision (RD)</i></li> <li>• <i>NE Industrial Land Strategy (CVEDS)</i></li> <li>• <i>Coalition to end Homelessness: Support</i></li> <li>• <i>Climate Change Grant (FCM)</i></li> <li>• <i>Regional Transit Review (RD)</i></li> <li>• <i>Regional Connectivity System (RD)</i></li> </ul>

## OPERATIONAL STRATEGIES (CAO/Staff)

<p><b>CHIEF ADMINISTRATIVE OFFICER</b></p> <ol style="list-style-type: none"> <li>1. MACK LAING: Future – August</li> <li>2. <b>NE INDUSTRIAL LAND STRATEGY: TOR</b> – Sept</li> <li>3. CLIMATE CHANGE ADAPTATION: Project – July</li> </ol>	<p><b>PLANNING SERVICES</b></p> <ol style="list-style-type: none"> <li>1. Subdivision Bylaw: Update - November</li> <li>2. NE Comox SWMP: Implementation - September</li> <li>3. Step Code - November</li> <li>4. Anderton Corridor Land Use: – Preliminary/Density concept Plan to consulting eng. March 2019</li> </ol>
<p><b>FINANCE</b></p> <ol style="list-style-type: none"> <li>1. Office Space: Relocations/renos - July/August</li> <li>2. <b>CAPITAL PLAN: Priorities</b> – Sept-Dec.</li> </ol> <ul style="list-style-type: none"> <li>• Payroll Software (replacement) – Aug - Dec</li> <li>• Fiber Optics - September</li> </ul>	<p><b>CORPORATE</b></p> <ol style="list-style-type: none"> <li>1. Policy Manual: October</li> <li>2. Procedure Bylaw: October</li> <li>3. Records Management - Administration: December</li> </ol>
<p><b>PARKS</b></p> <ol style="list-style-type: none"> <li>1. <b>DOG PARK: Options</b> – Public Consultation</li> <li>2. Wayfinding Project – April</li> </ol> <ul style="list-style-type: none"> <li>• Ellis Street Walkway: Replacement</li> <li>• Greenway Development: Detailed Design</li> </ul>	<p><b>PUBLIC WORKS &amp; ENGINEERING</b></p> <ol style="list-style-type: none"> <li>1. Anderton Servicing Plan – 75% complete [water/sanitary and storm]. Construction ready spring 2020</li> </ol> <ul style="list-style-type: none"> <li>• Foreshore Sanitary Replacement</li> <li>• Transportation Plan: Update</li> </ul>
<p><b>FIRE</b></p> <ol style="list-style-type: none"> <li>1. POC / Volunteer Retention: Review – FT Assistant hired – July</li> <li>2. Full Time Staff: Review - March</li> <li>3. Service Level Review – September</li> </ol>	<p><b>RECREATION</b></p> <ol style="list-style-type: none"> <li>1. Site Master Plan: 1st draft - June</li> <li>2. Programmer Hours: Review – add 5 hrs. approved</li> </ol> <ul style="list-style-type: none"> <li>• Fitness Studio: Capital Equipment - ongoing</li> <li>• Regional Recreation Initiative – discussions in progress</li> </ul>



# TOWN OF COMOX PLANNING REPORT

TO:	JORDAN WALL, CHIEF ADMINISTRATIVE OFFICER
FROM:	MARVIN KAMENZ, DIRECTOR OF DEVELOPMENT SERVICES GAIL ANDESTAD, PLANNER II REGINA BOZEROCKA, PLANNER I ELLIOT TURNBULL, PLANNER I
SUBJECT:	REZONING APPLICATION RZ 19-7 DEVELOPMENT PERMIT APPLICATION DP 19-5 DEVELOPMENT VARIANCE PERMIT APPLICATION DVP 20-3 695 ASPEN RD
DATE:	AUGUST 5, 2020 RCM ADOPTION REPORT

Submitted by

Concurrence

Approval

**Planner's recommendation:**

1. That Comox Zoning Amendment Bylaw 1934 be Adopted (**Attachment 2**).
2. That Comox Phased Development Agreement Authorization Bylaw 1935: Aspen-Murrelet be Adopted (**Attachment 3**).
3. That Development Permit Application DP 19-5 be issued, subject to the Development Permit Conditions listed in Schedule 1 of the August 5, 2020 Planning Report on RZ 19-7, DP 19-5 and DVP 20-3.
4. That Development Variance Permit Application DVP 20-3 be issued, subject to the Development Variance Permit Conditions listed in Schedule 1 of the August 5, 2020 Planning Report on RZ 19-7, DP 19-5 and DVP 20-3.

**Proposal:**

The proposed zoning amendment is to rezone the subject property from C4.1 Core Commercial to CD28 Comprehensive Development 28: Aspen-Murrelet, to facilitate the subdivision of the subject property into two parcels and the creation of 232 apartment dwelling units and approximately 736 m<sup>2</sup> of commercial space.

The proposed Phased Development Agreement is for the provision of the following amenities to the Town:

- Payment of \$142,932 to Comox's Affordable Housing Reserve Fund;
- Entitlement to purchase for the intended use as affordable housing up to six, approximately 58 m<sup>2</sup>, one bedroom, adaptable apartment units in the mixed use residential-commercial building at the below market price of \$185,610 per unit, plus applicable taxes; and
- Entitlement to purchase for the intended use as a 28 space daycare (12 spaces for children up to 36 months of age; and 16 spaces for children 30 months to school age), approximately 180 m<sup>2</sup> of indoor commercial space and 200 m<sup>2</sup> of outdoor patio space in the mixed use residential-commercial building at the market price of \$575,000, plus applicable taxes.

The Development Permit Application DP 19-5 is for the form and character of the exterior of the buildings in accordance with Development Permit Area DPA# 4 Mixed Use: Commercial-Residential guidelines.

The Development Variance Permit Application DVP 20-3 is for variances to Town of Comox Subdivision and Development Servicing Bylaw, 1261.

The Application Summary is contained in **Attachment 1**.

**Background:**

The Bylaws 1934 and 1935 were given Third Reading on March 18<sup>th</sup>, 2020. All outstanding items have now been resolved.

Subject to Comox Zoning Amendment Bylaw 1934 and Comox Phased Development Agreement Authorization Bylaw 1935: Aspen-Murrelet being adopted by Council, in its sole and unfettered discretion, the next steps required for the intended purchase of up to 6 residential units for affordable housing needs and a commercial space for the provision of daycare centre are:

1. publish notices per sections 24, 26 and 94 of the *Community Charter* of Town intention to provide assistance and proposed property disposition to M'akola Housing Society in the form of a 40 year renewable lease, and to the Comox Valley Children's Day Care Society in the form of a 30 year renewable lease;
2. finalize a funding agreement with BC Housing for the purchase and finalize a lease agreement with M'akola Housing Society for the operation of residential units; and
3. finalize a lease agreement with the Comox Valley Children's Day Care Society for the operation of the day care facility.

MK/RB/GA/ET

**Schedules:**

1. DP and DVP conditions

**Attachments: 3**

cc: Jody Martens, Highstreet Ventures Inc., 602 – 1708 Dolphin Ave., Kelowna, BC, V1Y 9S4

## SCHEDULE 1

### DEVELOPMENT PERMIT CONDITIONS

1. At time of Building Permit Issuance provision of a landscape security, based on 125% of the on-site and off-site landscaping and irrigation cost estimates;
2. All development shall be in accordance with approved updated development drawings;
3. All landscaping, shall be serviced with automatic watering system;
4. Issuance of any sign permits in conformance with Town of Comox Sign Bylaw No. 1197;
5. All new services shall be placed underground;
6. Except for cedar, all wooden landscape components shall be treated with paint, stain, or other preservative.
7. Fencing must be robust and minimum commercial grade;
8. Garbage compounds shall be screened in accordance with Comox Zoning Bylaw 1850 Section 8.7, excluding the provision of doors;
9. Parking must be in compliance with Comox Zoning Bylaw 1850:
  - a. Section 6.12(7) and (8) Surfacing and Curbing;
  - b. Visitor Parking, Small Car, Accessible and Commercial parking spaces shall be clearly marked in accordance with Section 6.12(10);
10. All exterior building and site lighting fixtures (including those in parking areas but excluding dwelling unit entrance, balcony and patio lighting) shall:
  - a. produce illumination levels in accordance with common engineering practices and standards;
  - b. be of a metal halide type or provide a similar light spectrum;
  - c. minimize illumination of adjacent properties;
  - d. consist of full cut off/flat lens pole lighting or fully shielded wall lighting;
  - e. be arranged so rays of light are directed upon the parking, walking, or loading areas and not upon adjacent land or streets; and
  - f. excluding light fixtures that are incorporated into canopies, lighting of off-street parking and loading areas shall:
    - i. be so arranged that no part of any fixture is more than 4.5 m above finished ground level, and
    - ii. not overhang maneuvering aisles or loading spaces.
11. Decorative treatment of retaining wall in Area B fronting Murrelet Drive and Aspen Road – no unfinished exposed concrete shall be permitted.

## DEVELOPMENT VARIANCE PERMIT CONDITIONS

1. Comox Subdivision and Development Servicing Bylaw, 1261 is varied as follows:
  1. Comox Subdivisions and Development Servicing Bylaw 1261, Schedule C.1, Appendix C Specifications for Highways is varied as follows:
    - A. In general accordance with Site Plan drawing A1.01 by WD Fisher Architect dated December 13, 2019 and any revisions thereto, attached to and forming part of this permit, to include:
      - i. a pedestrian curb extension on the north side of Murrelet Drive at the existing crosswalk at the west lot line of the subject property and a curb extension on the north and south side of Murrelet Drive at a new proposed crosswalk; and
      - ii. limiting the number of driveway accesses to 1 two-way and 1 one-way driveway along the Murrelet Drive frontage and to the 1 existing two-way driveway on the Aspen Road frontage;
    - B. Table C-1 to:
      - i. reduce the minimum pavement width for a Minor Collector Urban Road from 11.0 metres to 9.0 metres (Murrelet Drive);
      - ii. reduce the minimum pavement width for a Major Collector Urban Road from 13.0 metres to 11.0 metres (Aspen Road); and
      - iii. change the type of curb from roll-over to vertical on the subject property's frontages abutting Murrelet Drive and Aspen Road;
    - C. Standard Drawings SC-9 and SC-10 to increase the minimum sidewalk width along the Murrelet Drive frontage of the subject property from 1.5 metres to 1.8 metres.
  2. Vary Comox Sanitary Sewer Use, Extension and Connection By-law 1983, Comox Storm Drain Connection By-law, 1988, and Comox Water Rates and Regulations By-law, 1979, to increase the number of connections for sanitary sewer, storm drainage and water services from one per service to a maximum of two per service.



<b>Proposal:</b>	The proposed zoning amendment is to rezone the subject property from C4.1 Core Commercial to CD28 Comprehensive Development 28: Aspen-Murrelet, to facilitate the subdivision of the subject property into two parcels and the creation of 232 apartment dwelling units and approximately 736 m <sup>2</sup> of commercial space.	
Applicant Owner	Jody Martens, Project Manager Highstreet Aspen View Apartments Ltd., Inc. No. BC1218944 602 – 1708 Dolphin Ave., Kelowna, BC, V1Y 9S4	
Legal Description:	Lot 2 Section 65 Comox District Plan VIP84793	
Civic Address:	695 Aspen Road	
<b>Official Community Plan:</b>		
Land Use Designation:	Mixed Use: Commercial – Residential	
Development Permit Areas:	DPA # 4 Mixed Use: Commercial – Residential	
<b>Zoning:</b>	<b>EXISTING C4.1 Core Commercial</b>	<b>PROPOSED NEW ZONE Comprehensive Development 28</b>
<b>Permitted uses:</b>	A wide range of mixed commercial uses, including: artist studios, assembly and cultural centres, billiard halls, bowling alleys, brew pubs, medical or dental clinics, childcare facilities, financial institutions, garden centres, hotels, liquor or cannabis stores, parkades, parking lots, retail, personal services, pet grooming, vet clinics, restaurants, and dwelling units.  Accessory structures and uses excluding buildings and outside storage.	<b>Area A (west)</b> multi-family dwelling units home occupations  <b>Area B (east)</b> multi-family dwelling units, home occupations, and a range of commercial uses, including: childcare facilities, medical clinics, dental clinics, artist studios, assembly centres, personal services, pet grooming, financial institutions, offices, retail, restaurants, small appliances repair shops not exceeding 150 m <sup>2</sup> .  Accessory structures and uses, buildings for apartment dwelling accessory use, excluding outside storage
Conditions of use:	Dwelling units are not permitted on or below the ground floor, or on a storey containing non-residential uses.	In Area B, commercial uses are not permitted above the ground floor.  In Areas A and B, only accessory uses are permitted below certain geodetic elevation (underground parking);

<b>Maximum Density:</b>	n/a	Proposed Area A 120 UPH (units per hectare)  Proposed Area B 75 UPH (units per hectare)
<b>Minimum Parcel area:</b>	550 m <sup>2</sup>	Area A - 15,000 m <sup>2</sup> Area B - 3,000 m <sup>2</sup>
<b>Minimum Parcel frontage:</b>	15.0 m	Murrelet Drive is Front for Areas A and B; Area A – 100.0 m Area B – 30.0 m
<b>Minimum Parcel depth:</b>	n/a	50.0 m
<b>Maximum Parcel coverage:</b>	n/a	35 %
<b>Maximum Height and stories:</b>	10.0 m	Area A – 14.0 m, measured from 69.90 m geodetic datum  Area B – 14.0 m, measured from 70.10 m geodetic datum
<b>Required minimum Setbacks:</b>		
<b>Front:</b>	n/a	Murrelet Drive is Front for Areas A and B; 2.8 m
<b>Rear:</b>	n/a	n/a
<b>Side (interior):</b>	3.5 m from abutting residential parcels	9.0 m from abutting residential property to the west; 6.0 m from interior line between Areas A and B
<b>Side (exterior):</b>	n/a	3.0 m
<b>Surrounding Land Uses:</b>	Single-family and Multi-family developments to the south; Multi-family development to the east and west; and Commercial development immediately to the north.	

**ATTACHMENT 2**

**ZONING AMENDMENT BYLAW 1934**

# TOWN OF COMOX

## BYLAW 1934

### A BYLAW TO AMEND COMOX ZONING BYLAW 1850

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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":

- (i) 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, or interior side setback;
- (ii) porches may project up to 1.2 metres into a required interior side setback;
- (iii) porches, stairs and landings may project up to 2.4 metres into required front setback; and
- (iv) ornamental features may project up to 1.8 metres into 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        | 5 <sup>th</sup> day of February, 2020  |
| (2) READ A SECOND time this       | 5 <sup>th</sup> day of February, 2020  |
| (3) ADVERTISED A FIRST time this  | 20 <sup>th</sup> day of February, 2020 |
| (4) ADVERTISED A SECOND time this | 25 <sup>th</sup> day of February, 2020 |
| (5) PUBLIC HEARING HELD this      | 5 <sup>th</sup> day of March, 2020     |
| (6) READ A THIRD time this        | 18 <sup>th</sup> day of March, 2020    |
| (7) ADOPTED this                  | day of , 2020                          |

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Mayor

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Corporate Officer

## BYLAW 1934

### SCHEDULE "1"

<b>828. CD28 COMPREHENSIVE DEVELOPMENT 28: ASPEN-MURRELET</b>
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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 9.0 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.

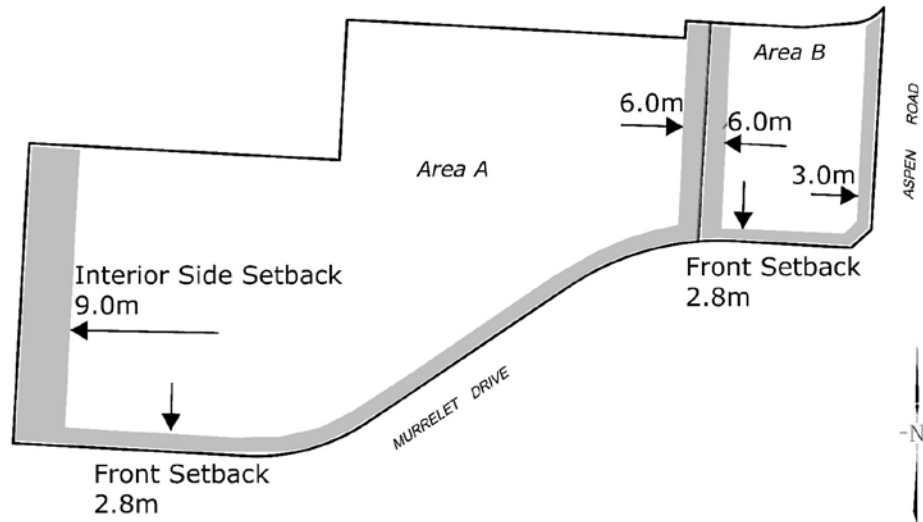


Figure 828-1. Required Setbacks.

**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 9.0 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**

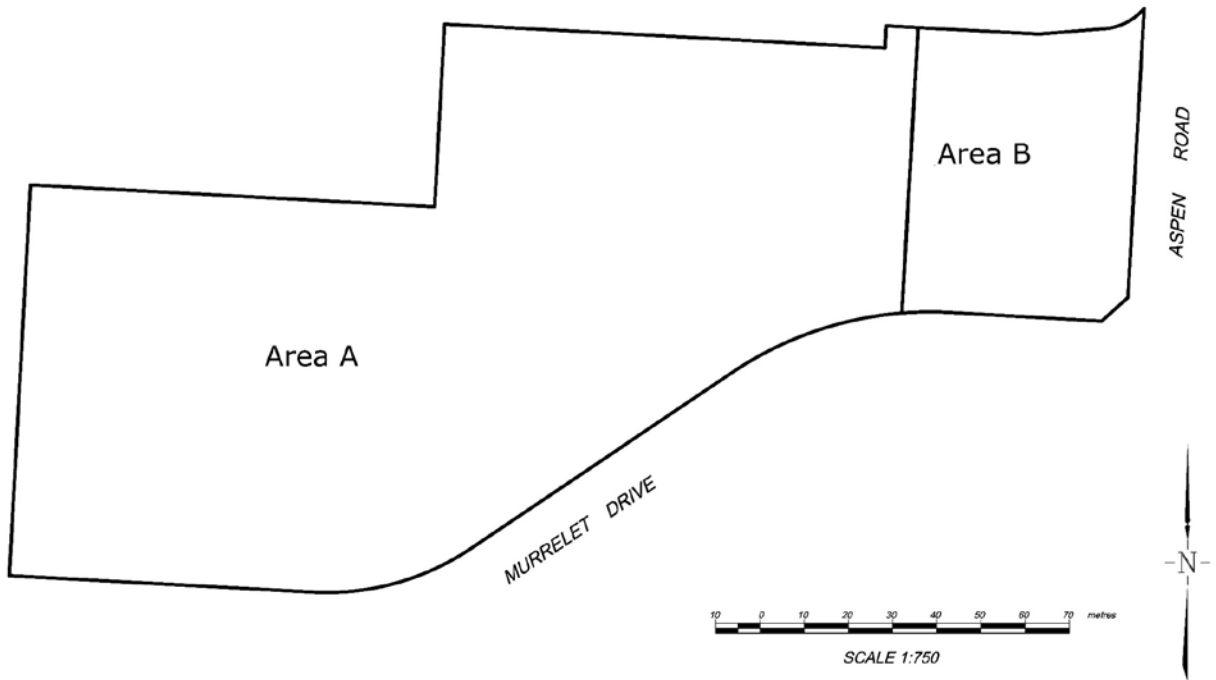
- (1) Off-street parking and loading shall be provided in accordance with Section 6;
- (2) Notwithstanding Section 6.9(4)(c), parking spaces for persons with disabilities may be located beyond 10.0 metres from accessible entrance, provided a path of travel between the parking space and accessible entrance 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:**

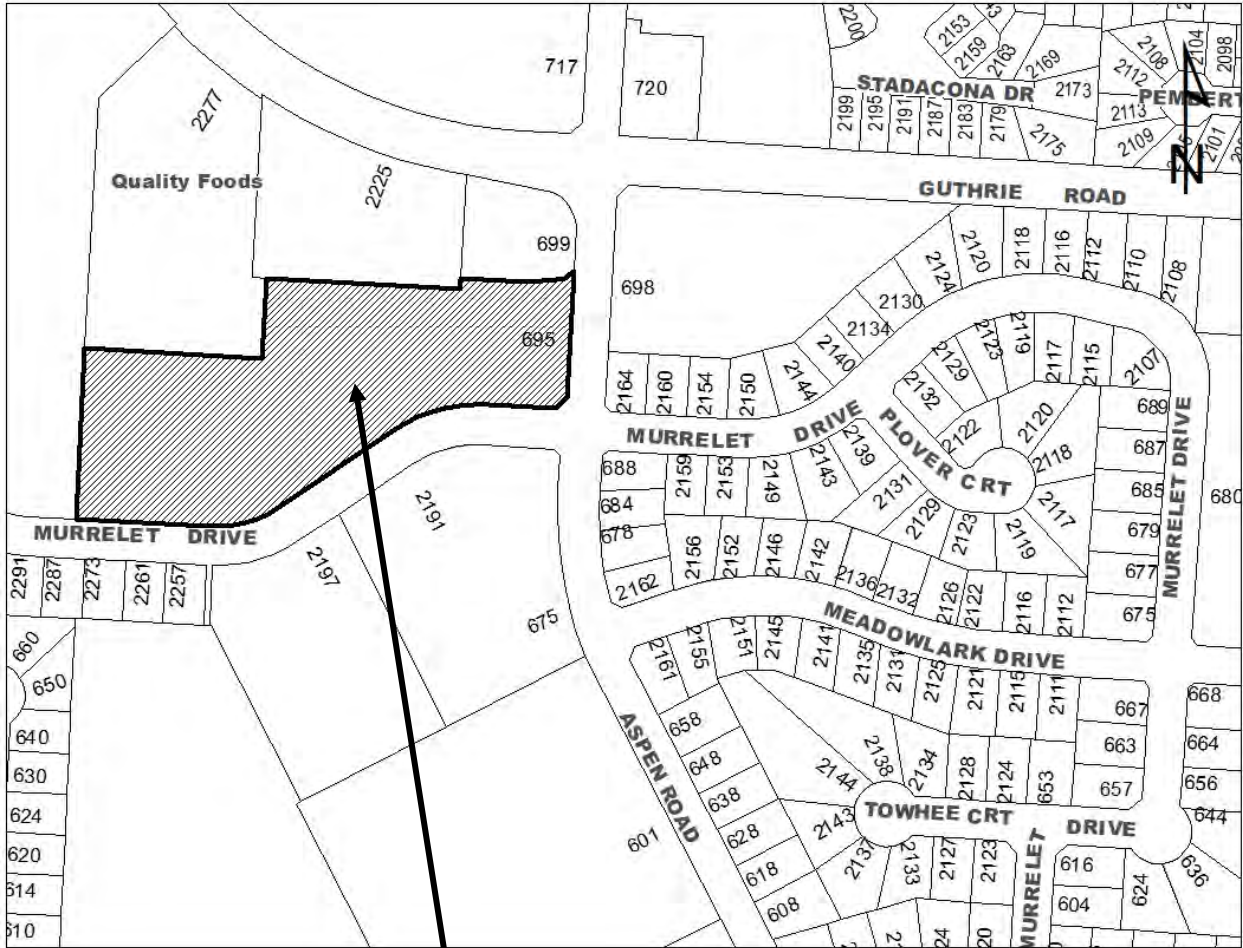
- (1) Overhead wiring shall not be permitted on a parcel. All new services on a parcel shall be placed underground.
- (2) Unoccupied open spaces shall be fully and suitably landscaped with landscape material.

**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

**ATTACHMENT 3**

**PHASED DEVELOPMENT AGREEMENT AUTHORIZATION BYLAW 1935**

# 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       | 5 <sup>th</sup> day of February, 2020  |
| (2) READ A SECOND time this      | 5 <sup>th</sup> day of February, 2020  |
| (3) ADVERTISED A FIRST time this | 20 <sup>th</sup> day of February, 2020 |

- (4) ADVERTISED A SECOND time this 25<sup>th</sup> day of February, 2020
- (5) PUBLIC HEARING HELD this 5<sup>th</sup> day of March, 2020
- (6) READ A THIRD time this 18<sup>th</sup> day of March, 2020
- (7) ADOPTED this day of , 2020

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Mayor

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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:

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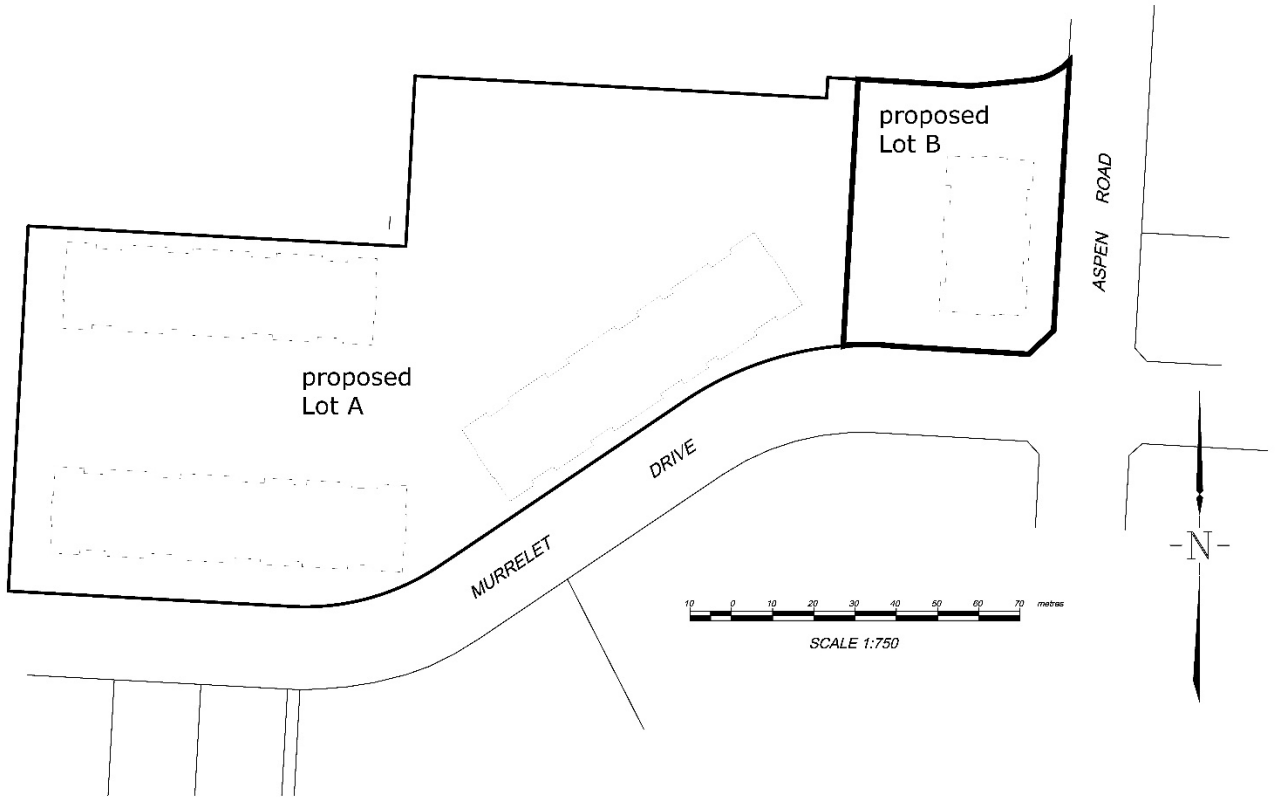
**TOWN OF COMOX**

by its authorized signatories:

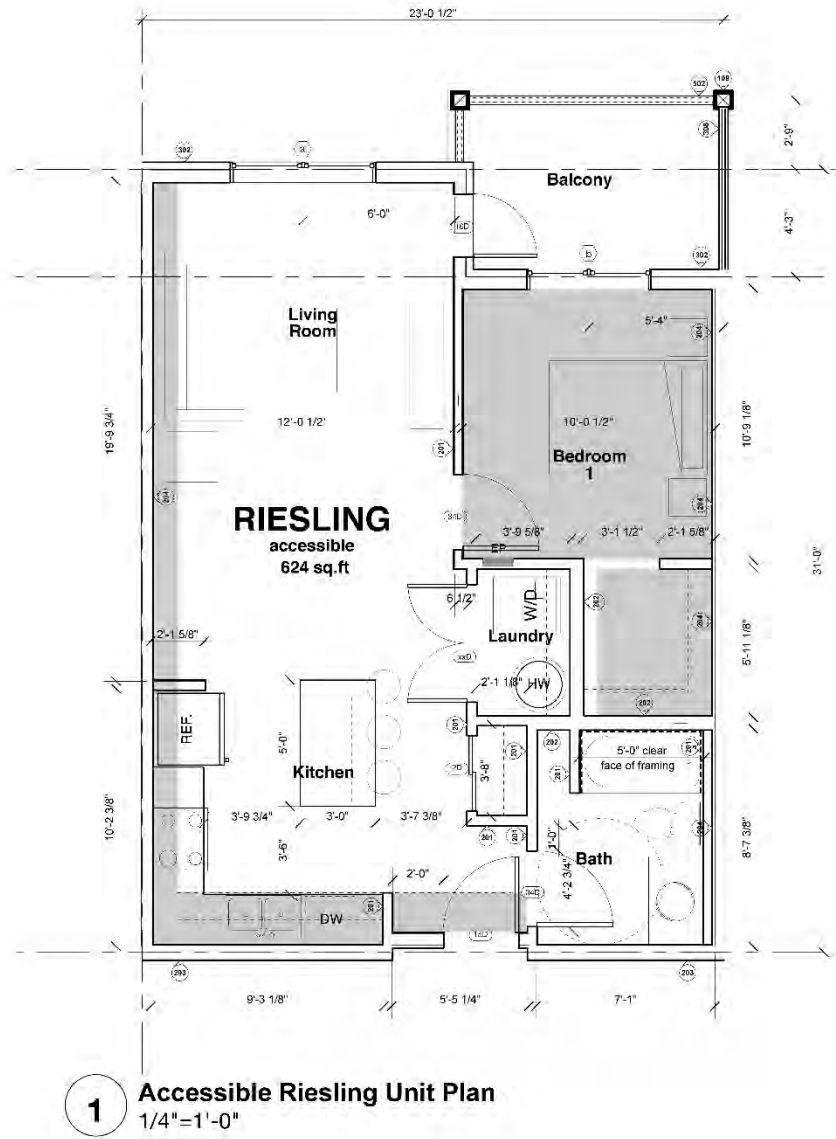
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SCHEDULE A




SCHEDULE B



# TOWN OF COMOX PLANNING REPORT

TO:	JORDAN WALL, CHIEF ADMINISTRATIVE OFFICER
FROM:	MARVIN KAMENZ, DIRECTOR OF DEVELOPMENT SERVICES ELLIOT TURNBULL, PLANNER I
SUBJECT:	PLANNING REPORT PR 20-5 TEMPORARY PATIO AND PARKLET PROGRAM EXTENSION
DATE:	RCM AUGUST 5, 2020

  
 Submitted by

  
 Concurrence

  
 Approval

**Development Services' Recommendation**

1. That the Town of Comox suspends until October 31, 2020 enforcement of
  - a. Comox Zoning Bylaw 1850 setback and parking requirements; and,
  - b. Comox Official Community Plan Bylaw 1685 Development Permit Area requirements
 in respect of restaurants (including coffee shops), restaurant-lounges, breweries, and pubs who wish to place temporary outdoor seating on existing on-site open space and parking areas provided that:
  - c. the combined indoor and outdoor seating capacity does not exceed pre-COVID maximum seating capacity;
  - d. temporary seating in a parking lot does not reduce vehicle parking capacity by more than 6 parking spaces or 50% of existing onsite parking spaces whichever is greater;
  - e. no structures are constructed or placed on the property other than temporary seating and associated temporary tables, fencing and serving facilities;
  - f. no existing trees are impacted, and any landscaping alterations are temporary; and,
  - g. use of temporary seating within a required Zoning setback does not exceed 10:00 a.m. to 8:00 p.m. and in all other instances 7:00 a.m. to 10:00 p.m.
2. That the Town of Comox extend the temporary parklet program until October 31, 2020 provided that:
  - a. the combined indoor and outdoor seating capacity does not exceed pre-COVID maximum seating capacity;

- b. applicant provision of 1.07 m high 2 x 4 wooden railing with horizontal roping between posts or other methods to delineate the boundaries of the parklet acceptable to the Town; and
- c. the approval is limited to 60 days with a 30 day review/reconsideration if any public complaint is received, after 60 days, Staff issuance of a new license is required.

### **Purpose**

The purpose of this report is to propose an extension of the temporary patio and parklet program adopted by Council at the May 20, 2020 Regular Council Meeting.

The program is intended to be a low cost and fast method for restaurants, restaurant-lounges, pubs, and breweries to provide temporary outdoor seating in response to a reduction in seating capacity caused by COVID-19 restrictions.

### **Background:**

The COVID-19 pandemic has caused significant impacts to the restaurant industry. Restaurants and pubs have experienced a period of limited or no revenue and face an extended period of limited revenue as COVID-19 restrictions reduce seating capacity.

In response, Council adopted a temporary patio and parklet program to aid local businesses which:

1. suspends enforcement of:
  - a. Comox Zoning Bylaw 1850 setback and parking requirements; and,
  - b. Comox Official Community Plan Bylaw 1685 Development Permit Area requirementsto permit on-site temporary outdoor seating; and,
2. waives the design requirements in the permanent Parklet Program (such as concrete planters, a deck) and bike parking requirements to allow businesses to easily install a temporary parklet in the road dedication.

To date, four businesses downtown and one business outside of downtown have taken advantage of the program. No complaints regarding these seating area expansions have been received by the Town.

### **Analysis**

The May 20, 2020 Planning Report on PR 20-5 proposed a deadline of September 1, 2020 for the temporary patio and parklet program. Since that report, the British Columbia Liquor and Cannabis Regulation Branch (LCRB) released their own Temporary Expanded Service Area program in response to COVID-19. This program allows food primary, liquor primary, and manufacturer licensees to temporarily expand their liquor service areas until October 31, 2020. All of the businesses that have taken up the Town's program have also taken up the LCRB's program. As such, extension of the Town's temporary patio and parklet program to October 31, 2020 would align it with the LCRB's program.

MK/ET

Tuesday, July 14, 2020

Minutes of the meeting of the Comox Valley Regional District Board of Directors held on July 14, 2020 in the Civic Room of the Comox Valley Regional District offices located at 770 Harmston Avenue, Courtenay, BC commencing at 4:00 pm.

## MINUTES

### Present:

<b>Chair:</b>	J. Ketler	Village of Cumberland
<b>Vice-Chair:</b>	A. Hamir	Lazo North (Area B)
<b>Directors:</b>	D. Arbour	Baynes Sound-Denman/Hornby Islands (Area A)
	W. Cole-Hamilton	City of Courtenay
	D. Frisch	City of Courtenay
	K. Grant	Town of Comox
	E. Grieve	Puntledge/Black Creek (Area C)
	D. Hillian	City of Courtenay
	W. Morin	City of Courtenay
	M. Swift	Town of Comox
<b>Staff:</b>	R. Dyson	Chief Administrative Officer
	M. Foort	Chief Financial Officer
	J. Martens	General Manager of Corporate Services
	K. La Rose	Acng General Manager of Engineering Services
	S. Smith	General Manager of Planning and Development Services
	L. Dennis	Manager of Legislative Services

### ATTENDANCE:

Directors Arbour, Grieve, Hamir, and Morin participated in the meeting by electronic means.

### RECOGNITION OF TRADITIONAL TERRITORIES:

The Chair acknowledged that the meeting was being held on the unceded traditional territory of the K'ómoks First Nation and read the following article from the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) available online at: [www.un.org/](http://www.un.org/) :

Article 13: Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writings, systems and literatures, and to designate and retain their own names for communities, places and persons; and,

States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

### IN-CAMERA MEETING:

**Regular Council Meeting August 5, 2020**

**PAGE 69**

D. Hillian/D. Frisch: THAT the board adjourn to an in-camera session pursuant to the following subsection(s) of section 90 of the Community Charter:

90(1)(k) Negotiations and related discussions respecting the proposed provision of a regional district service that are at their preliminary stages and that, in the view of the committee/board, could reasonably be expected to harm the interests of the regional district if they were held in public;

AND FINALLY THAT the in-camera portion convene immediately following the open portion of the meeting.  
208 Carried

**ADOPTION OF MINUTES:**

K. Grant/D. Frisch: THAT the Comox Valley Regional District Board minutes dated June 23, 2020 be adopted.  
208 Carried

**PETITIONS AND DELEGATIONS:**

**CLEARING OF VEGETATED AND FORESTED LANDS**

Julie Micksch, Biologist, B.Sc. Environmental Sciences, presented information regarding clearing and development of undeveloped, vegetated and forested lands within the Comox Valley Regional District during the songbird breeding season from April to August and what this means with respect to the Wildlife and Migratory Bird Convention Acts.

**REPORTS:**

**COMOX VALLEY TRANSIT MANAGEMENT ADVISORY COMMITTEE MINUTES**

D. Frisch/W. Cole-Hamilton: THAT the minutes of the Comox Valley Transit Management Advisory Committee dated June 18, 2020 be received.  
208 Carried

**COVID-19 RESPONSE AND RENEWAL - TRANSIT SERVICE FUNCTION 780**

D. Hillian/D. Frisch: THAT the report dated July 9, 2020 regarding the COVID-19 Response and Renewal report for the Transit core service be received.  
209 Carried

M. Zbarsky, Manager of Transit and Facilities, presented information regarding the COVID-19 Response and Renewal report for the Transit core service.

D. Hillian/D. Frisch: THAT the COVID-19 Response and Renewal plan for the Transit core service, as included with the staff report dated July 9, 2020, be received.  
209 Carried

D. Frisch/W. Cole-Hamilton: THAT the board write a letter to the Minister of Transportation and Infrastructure advocating for financial assistance to offset the overall transit system deficit due to COVID-19 and to continue supporting transit improvements;

AND FURTHER THAT staff request a meeting with the Minister of Transportation and Infrastructure at the upcoming UBCM to discuss provincial support for the transit system and that a strategy for advocacy be developed in preparation for this meeting.

209 Carried

K. Grant/M. Swi: THAT the current transit service levels be maintained with an update to be presented to the board in October.

209 Defeated *NAY: Arbour, Cole-Hamilton, Frisch, Grieve, Hamir, Hillian, Ketler, Morin*

D. Frisch/D. Hillian: THAT transit service levels return to 100 per cent levels with a target date of September 2020, taking into consideration advice from BC Transit and relevant health agencies;

AND FURTHER THAT staff continue to be directed to implement service level reductions on a temporary basis in consultation with BC Transit and in consideration of health guidelines, bus driver availability and ridership levels.

209 Carried *NAY: Grant, Grieve, Swi*

## **REPORTS:**

### **AIR QUALITY UPDATE**

D. Hillian/D. Frisch: THAT the report dated July 9, 2020 regarding the creation of the Airshed Roundtable including a list of proposed invites (organizations/ groups) and a recommended process to include members of the general public be received.

Carried

B. Labute, Policy and Planning Analyst, provided an overview of the staff report regarding the creation of the Airshed Roundtable.

D. Hillian/A. Hamir: THAT the board receive the report as information;

AND THAT the proposed Airshed Roundtable invite list and the process to recruit members of the general public included in staff report dated July 9, 2020, be endorsed by the board;

AND FINALLY THAT staff be directed to send out invitations to the Airshed Roundtable.

208 and 212 Carried

### **FINAL HOUSING NEEDS ASSESSMENT - REGIONAL REPORT**

D. Hillian/D. Frisch: THAT the report dated July 2, 2020 regarding the final report of the Regional Housing Needs Assessment – Regional findings be received.

208 and 212 Carried

A. Mullaly, Senior Manager of Sustainability and RGS, provided an overview of the staff report regarding the final report of the Regional Housing Needs Assessment.

D. Hillian/W. Cole-Hamilton: THAT the Regional Housing Needs Assessment be received and posted to the Comox Valley Regional District's website.

208 and 212

Carried

The meeting recessed at 6:27 pm and resumed at 6:38 pm.

## **REGIONAL ACCESSIBILITY STRATEGIC UPDATE**

W. Cole-Hamilton/K. Grant: THAT the report dated July 9, 2020 regarding an update on accessibility items being the new Comox Valley Regional District (CVRD) Harmston Avenue office building, the regional Accessibility Strategy and the Comox Valley Accessibility Committee be received.

208

Carried

A. Hamir/D. Hillian: THAT the Comox Valley Regional District consider a Regional Accessibility Strategy and social inclusion as part of the board's strategic planning in September 2020.

208

Carried

## **COVID-19 RESPONSE AND RENEWAL - REGIONAL GROWTH STRATEGY**

W. Cole-Hamilton/D. Hillian: THAT the report dated July 3, 2020 regarding a COVID-19 Response and Renewal report for the Regional Growth Strategy (RGS) as a core service be received.

208 and 212

Carried

A. Mullaly, Senior Manager of Sustainability and RGS, provided an overview of the staff report regarding a COVID-19 Response and Renewal report for the Regional Growth Strategy (RGS).

K. Grant/D. Frisch: THAT the COVID-19 Response and Renewal plan for the Regional Growth Strategy core service, as included with the staff report dated July 3, 2020, be approved.

208 and 212

Carried

## **COMOX VALLEY WATER AND WASTEWATER MUTUAL AID AGREEMENT DURING THE COVID-19 CRISIS**

D. Hillian/K. Grant: THAT the report dated July 9, 2020 regarding progress towards compliance with Ministerial Order M084 and continuity of water and wastewater services in the face of the ongoing COVID-19 crisis be received.

208

Carried

K. La Rose, Acting General Manager of Engineering Services, provided an overview of the staff report regarding compliance with Ministerial Order M084 and continuity of water and wastewater services in the face of the ongoing COVID-19 crisis.

K. Grant/W. Cole-Hamilton: THAT the board enter into a Mutual Aid Agreement with the Village of Cumberland, K'ómoks First Nation, Union Bay Improvement District, and Ships Point Improvement District to enable the continuity of wastewater and drinking water services according to the Provincial Order M084.

208

Carried

**GRANT STATUS REPORT**

K. Grant/A. Hamir: THAT the report dated July 7, 2020 regarding grant applicaons and the s tatus of approved grants be received.

208 Carried

**BYLAWS AND RESOLUTIONS:**

D. Frisch/D. Hillian: THAT Bylaw No. 617 being "Sewage Service Expansion Principles Bylaw No. 617, 2020" be given first and second readings

Bylaw 650 Carried

D. Hillian/D. Frisch: THAT Bylaw No. 617 being "Sewage Service Expansion Principles Bylaw No. 617, 2020" be given third reading.

Bylaw 650 Carried

D. Frisch/K. Grant: THAT Bylaw No. 618 being "Comox Valley Regional District Officer Bylaw No. 21, 2008, Amendment No. 4" be adopted.

208 Carried

**NEW BUSINESS:****EXTERNAL APPOINTMENT UPDATE**

D. Frisch/D. Hillian: THAT the correspondence dated July 9, 2020 from Director Cole-Hamilton regarding an update on the Vancouver Island and Coastal Communities Clima te Acon Str ategy be received.

208 Carried

**ADJOURN TO IN-CAMERA:**

The board adjourned to its in-camera session at 7:31 pm.

**RISE AND REPORT:**

The board rose from its in-camera session at 9:37 pm and reported the following:

"THAT the Sewage Treatment and Disposal System Operaon, Main tenance and Upgrade Agreement between the Comox Valley Regional District and Department of Naonal De fense, as a ched to the staff report dated July 13, 2020, be approved;

AND FURTHER THAT the Chair and Corporate Officer be authorized to execute the agreement."

**TERMINATION:**

K. Grant/W. Cole-Hamilton: THAT the meeng t erminate.

208 Carried

Time: 9:37 pm.

Confirmed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_:

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Jesse Ketler  
Chair

Cerfied Corr ect and Recorded By:

---

Lisa Dennis  
Manager of Legislativ e Services

**TOWN OF COMOX**

**BYLAW NO. 1959**

**A BYLAW TO AMEND THE TOWN OF COMOX SUBDIVISION AND  
DEVELOPMENT SERVICING BYLAW, 1261**

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WHEREAS the Council of the Town of Comox wishes to remove the requirement for undergrounding of overhead wiring in residential infill projects;

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 “Town of Comox Subdivision and Development Servicing Bylaw, 1261, Amendment No. 13, 2020”.

**2. Amendment**

The Town of Comox Subdivision and Development Servicing Bylaw, 1261 is hereby amended by:

- (a) Adding the following text as subsection 1.2.1.2 of Appendix G [SPECIFICATIONS FOR UNDERGROUND WIRING AND STREET LIGHTING]:

“1.2.1.2 the development is within a residential zone where one parcel will be split into two provided the parcel can connect directly to existing overhead wiring.”

**3. Adoption**

- |                             |                  |        |      |        |
|-----------------------------|------------------|--------|------|--------|
| (1) Read a FIRST time this  | 15 <sup>th</sup> | day of | July | , 2020 |
| (2) Read a SECOND time this | 15 <sup>th</sup> | day of | July | , 2020 |
| (3) READ A THIRD time this  | 15 <sup>th</sup> | day of | July | , 2020 |
| (4) ADOPTED this            |                  | day of |      | , 2020 |

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MAYOR


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CORPORATE OFFICER

**TOWN OF COMOX  
PLANNING REPORT**

TO:	JORDAN WALL, CHIEF ADMINISTRATIVE OFFICER
FROM:	MARVIN KAMENZ, DIRECTOR OF DEVELOPMENT SERVICES REGINA BOZEROCKA, PLANNER I
SUBJECT:	REZONING and OCP AMENDMENT APPLICATION: OCP RZ 19-1 DEVELOPMENT PERMIT APPLICATION: DP 19-1 DEVELOPMENT VARIANCE PERMIT APPLICATION: DVP 19-1 <b>2309 McDONALD ROAD</b>
DATE:	AUGUST 5, 2020 RCM INTRO REPORT

  
Submitted by

  
Concurrence

  
Approval

**Planner's recommendation:**

That, in accordance with section 475 of the *Local Government Act*:

1. Notice of proposed OCP Amendment, as contained in **Attachment 2** to the August 5, 2020 Planning Report OCP RZ 19-1, be placed on the Town's bulletin board and website, until replaced by a notice of public hearing; and
2. The August 5, 2020 Planning Report OCP RZ 19-1 be posted on the Town's website.

**Proposal:**

Official Community Plan (OCP) amendment, Rezoning, Development Permit and Development Variance Permit applications to allow residential development of various densities on the subject property. An Application Summary is contained in **Attachment 1**.

**Official Community Plan Amendment**

1. OCP Land Use designation of the subject property from Settlement Expansion Area to Residential: Townhouses & Ground Oriented Infill, as shown in **Attachment A1**; and
2. Inclusion of the subject property as within the following Development Permit Areas (DPAs):
  - # 2 Ground Oriented Infill;
  - # 10 Bald Eagle and Great Blue Heron Nesting Sites/ Perching Trees;
  - # 11 Wildlife Corridor;
  - # 16 Energy and Water Conservation and Reduction of Greenhouse Gas Emissions;
  - # 17 Coach Houses; and

# 18 Secondary Suites.

The relationship to other Town OCP Development Permit Areas in the neighbourhood are shown in **Attachment 1B**.

### **Zoning Bylaw Amendment**

Rezoning of the subject property from Comox Valley Regional District, CR-1 (Country Residential – 1) zone to residential and multi-family residential zones of various densities, in accordance with a zoning scheme included in **Attachment 1C**. The proposed road and lot layout is included in **Attachment 1D**.

### **Development Permit**

Development Permit is required for the Development Permit Areas listed above. Development Permit application has been received and will be processed at a staff level.

### **Development Variance Permit**

Development Variance Permit is for variances to Town of Comox Subdivision and Development Servicing Bylaw 1261, road specifications: to provide traffic calming, improve neighbourhood aesthetics and pedestrian infrastructure.

### **Background:**

The subject property is a vacant, approximately 4.7 ha parcel, located between McDonald and Aspen Roads and recently incorporated into the Town boundaries. The property has Comox Valley Regional District land use designations and zoning. The proposed development is a mix of residential forms, small lot single-family, two-family, single-family with allowance for a coach house/ workshop and townhouses. The applicant proposes to connect to existing municipal water, sewer and storm services.

In accordance with Comox Planning Procedures Bylaw 1780, the applicant conducted pre-application neighbourhood consultation in the fall of 2018, for the purpose of identifying development impacts and determining if any negative impacts can be mitigated. The applicant also installed development information signs on the subject property. The consultation materials, including public submissions to the applicant, are contained in **Attachment 6**. No written submissions have been received by the Town.

Comments submitted by the public in the pre-application consultation process include:

- Protection of eagle nesting tree (within City of Courtenay boundaries), and other birds habitat;
- Provision of green open space and retention of mature trees;
- Pedestrian and bicycle connectivity;
- Increased traffic;
- Compatibility with existing development; and
- Housing affordability (desire for variety of housing forms).

### **Processing Procedures:**

**Attachment 3** lists the processing steps that will allow Council's concurrent consideration of the Official Community Plan Amendment, Rezoning and Development Variance Permit applications, and staff issuance of Development Permit.

When amending an OCP, Council must consider the most recent housing needs report received, in accordance with section 473(2.1) of the *Local Government Act*.

After the First Reading of a proposed OCP amendment bylaw, in accordance with section 477(3)<sup>1</sup> of the *Local Government Act*, Council must do the following in the indicated order:

1. consider its impact on the current Financial Plan; the Comox Strathcona Waste Management 2012 Solid Waste Management Plan; and
2. hold a public hearing.

### **Consultation during OCP Amendment**

*Local Government Act*, section 475, also requires that during amendment of an official community plan, the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. Consultation under section 475 is in addition to the public hearing required under section 477.

The local government must:

1. consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing; and
2. specifically consider whether consultation is required with the following:
  - i. the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan;
  - ii. the board of any regional district that is adjacent to the area covered by the plan;
  - iii. the council of any municipality that is adjacent to the area covered by the plan;
  - iv. first nations;
  - v. boards of education, greater boards and improvement district boards;
  - vi. the Provincial and federal governments and their agencies.

A referral of the proposed OCP amendment to affected School Districts in accordance with section 476(2) of the *Local Government Act* was sent on January 10, 2019. No responses specific to the proposed development of the subject property were received. However, the annual OCP referrals to School District were sent at approximately the same time; those School District comments are included in **Attachment 4**.

<sup>1</sup> *In addition to the requirements under subsection (3), a local government may consider a proposed official community plan in conjunction with any other land use planning and with any social, economic, environmental or other community planning and policies that the local government considers relevant.*

**OCP Regional Context Statement:**

Section 447 of the *Local Government Act* requires that an official community plan includes a regional context statement (included in **Attachment 5**), which identifies the relationship between the official community plan and regional matters<sup>2</sup> and is consistent with the rest of the official community plan.

The proposed land use designation and inclusion of the subject property within the Comox development permit areas is consistent with the OCP the regional context statement.

MK/ RB

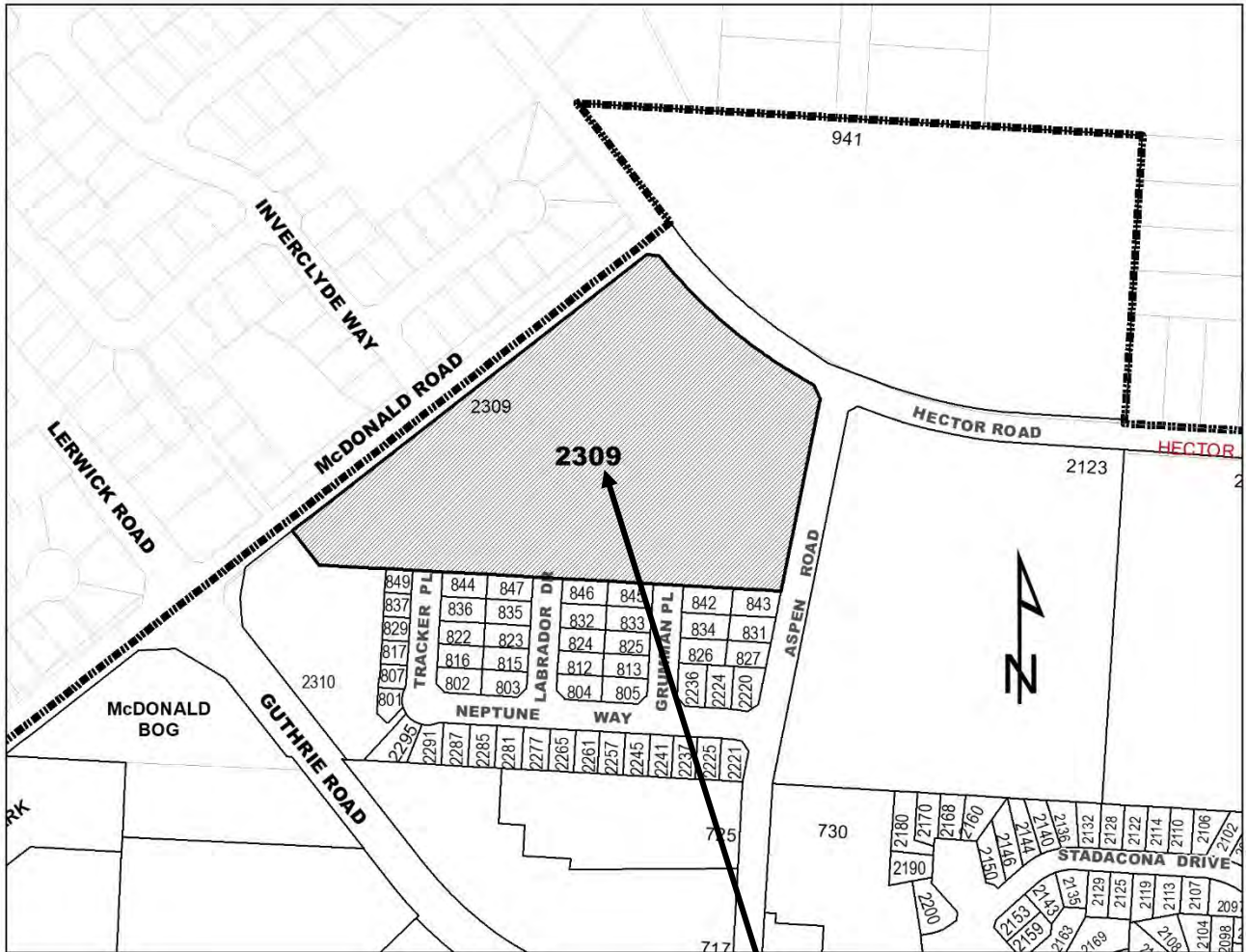
**Attachments:**

1. Application Summary
2. Notice of OCP amendment consideration
3. Processing steps
4. School Districts Referral responses
5. Regional context statement
6. Community consultation documentation

Cc: Derek Jensen, McElhanney, 1211 Ryan Road, Courtenay BC, V9N 3R6

<sup>2</sup> Comox Valley Regional Growth Strategy Bylaw No. 120, 2010

**ATTACHMENT 1  
APPLICATION SUMMARY**



**Subject Property:**  
 2309 McDonald Road  
 LOT 2 DISTRICT LOT 170 COMOX DISTRICT PLAN VIP60685

<b>Proposal:</b>	Official Community Plan (OCP) amendment, Rezoning, Development Permit and Development Variance Permit applications to allow residential development of various densities on the subject property.
Owner: Applicant:	Valley View Estates Ltd. Inc. No. BC0323369 McElhanney Consulting Services Ltd.
Legal Description:	LOT 2 DISTRICT LOT 170 COMOX DISTRICT PLAN VIP60685
Civic Address:	2309 McDonald Road

OCP	EXISTING Comox Valley RD	PROPOSED Comox
Land Use Designation:	Settlement Expansion Area	Residential: Townhouses and Ground Oriented Infill
Development Permit Areas:	Eagle nest development permit area <sup>1</sup>	# 2 Ground Oriented Infill # 10 Bald Eagle and Great Blue Heron Nesting Sites/ Perching Trees # 11 Wildlife Corridor # 16 Energy and Water Conservation and Reduction of Greenhouse Gas Emissions # 17 Coach Houses # 18 Secondary Suites

Zoning:	EXISTING Comox Valley RD	PROPOSED
	CR-1 Country Residential - 1	New zones: Single-Family: zero lot line Single-Family with a coach house Two-Family Townhouses
Permitted uses:	Single detached dwelling; agricultural use on lots larger than 4,000 m <sup>2</sup> ; accessory uses include: Bed and Breakfast; secondary dwellings; secondary suites; carriage houses; home occupations; animal kennel; domestic industrial use.	Single-family, Two-family and Townhouse dwellings; secondary suites or coach houses; accessory uses; home occupations; Bed & Breakfast accommodations

<sup>1</sup> The bald eagle nest tree development permit area is indicated as the on the sensitive habitat atlas, as amended from time to time, as a bald eagle nest tree, or as identified by a registered professional biologist with a specialization in ornithology. It is applicable to the subject property under current CVRD OCP development permit areas designations.

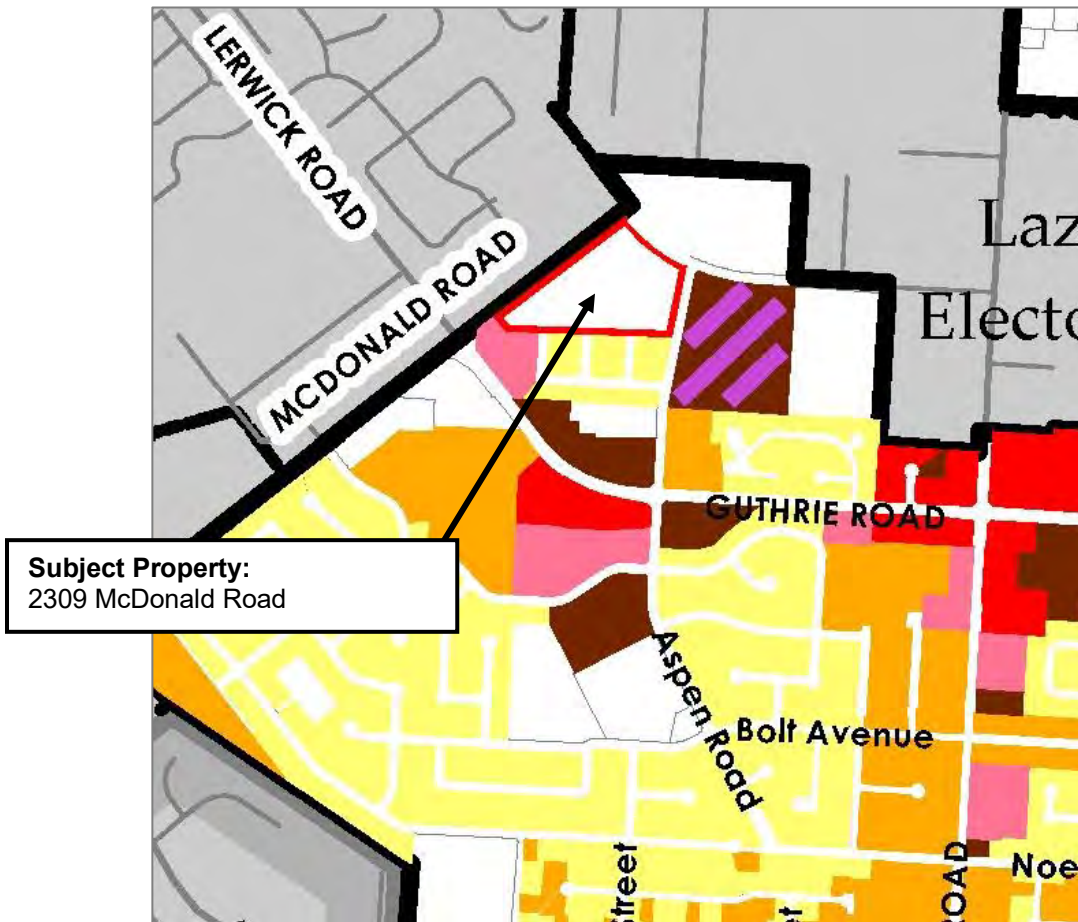
Residential density:	2 single detached dwellings on lots larger than 1.0 hectare	Single-family zero lot line up to 35 UPH Single-family up to 20 UPH Two-family up to 35 UPH Townhouses up to 45 UPH
Parcel frontage:	10% of the lot perimeter	<b>RANGE FOR DIFFERENT ZONES</b> 13.0 m – 20.0 m
Parcel area:	minimum 20,000 m <sup>2</sup>	Single- and Two-family 250 m <sup>2</sup> - 500 m <sup>2</sup> Townhouses 5,000 m <sup>2</sup>
Parcel coverage:	35 %	35% – 50%
Accessory buildings:	7.0 m in height	3.0 m – 4.5 metre in height 10.0 m <sup>2</sup> – 60.0 m <sup>2</sup> gross floor area
Coach houses:		For larger lots along McDonald Greenway, allowance for 2-storey coach houses over a garage or workshop
Surrounding Land Uses:	Recently incorporated vacant land to the north bordering with CVRD Single-family residential developments to the south (Town), and west (Courtenay) Vacant land to the east, currently zoned R3.3 Single-family – Large Lot Greenway to the north	
Town of Comox Subdivision and Development Servicing Bylaw, 1261		
Road standards		<b>Proposed Variances</b>
Curb	roll over	vertical curb and gutter
Pavement width	9.0 m	6.0 m with parking pull-outs
Sidewalk	varies	1.5 m, both sides including on a cul-de-sac

**Subject property proposed Land Use Designation  
Residential: Townhouses & Ground Oriented Infill**



**Subject property proposed Development Permit Areas**

- # 2 Ground Oriented Infill
- # 10 Bald Eagle and Great Blue Heron Nesting Sites/ Perching Trees
- # 11 Wildlife Corridor
- # 16 Energy and Water Conservation and Reduction of Greenhouse Gas Emissions
- # 17 Coach Houses (applicable to all Residential designated areas in Town)
- # 18 Secondary Suites (applicable to all Residential designated areas in Town)

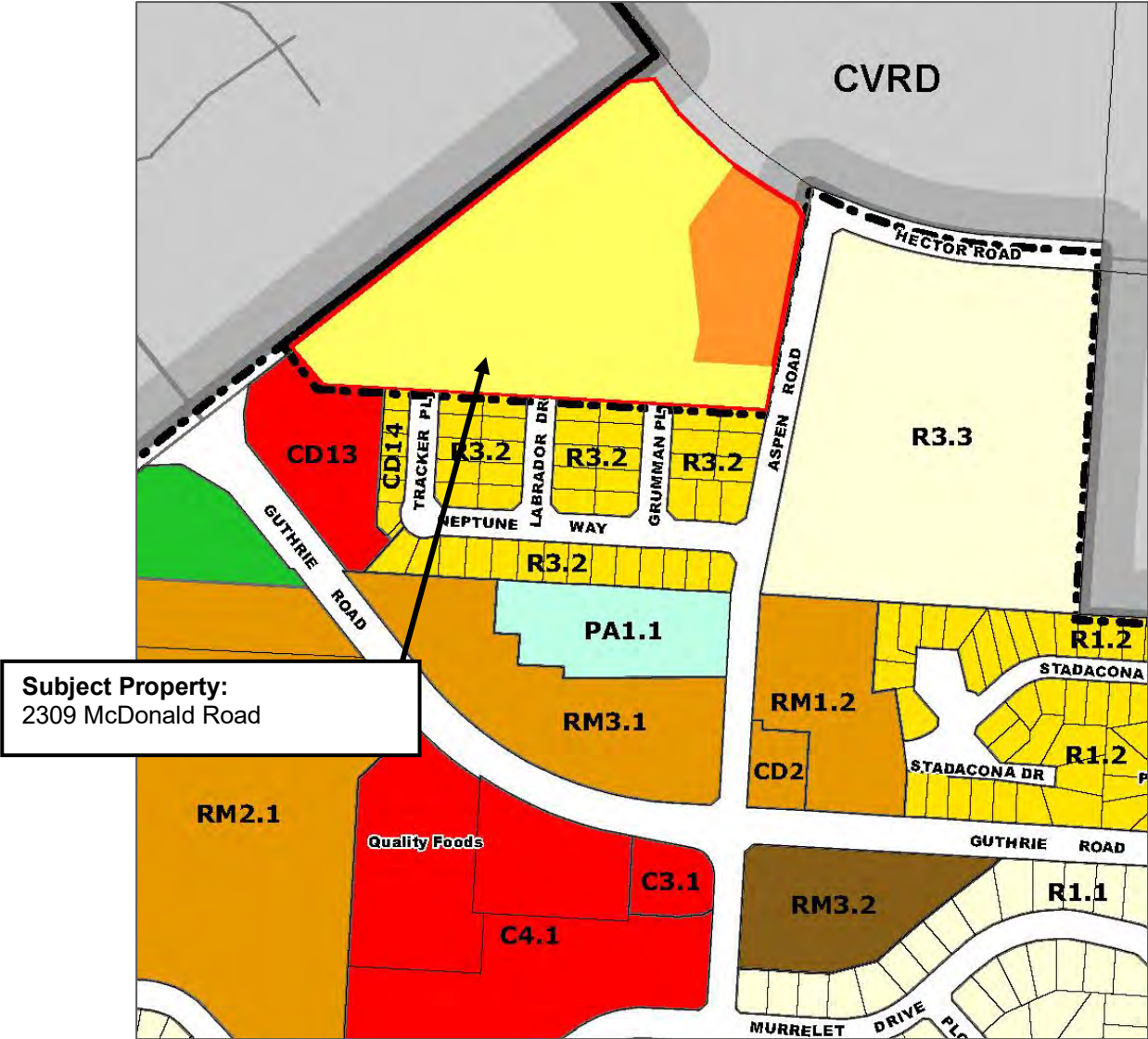


**Other Town OCP Development Permit Areas within immediate neighbourhood**

- # 3 General Multi-Family
- # 4 Mixed- Use: Commercial-Residential
- # 5 Commercial Neighbourhood and Tourist

Subject property proposed Zoning Scheme

- Residential zones: Single-Family and Two-Family
- Multi-Family zone: Townhouses



Proposed road and lot layout



August 5, 2020

**NOTICE OF PROPOSED AMENDMENT  
TO OFFICIAL COMMUNITY PLAN**

The proposed amendment to "Comox Official Community Plan Bylaw 1685" would include Lot 2 District Lot 170 Comox District Plan VIP60685 (2309 McDonald Road), shown shaded on map below, within:

1. The Residential: Townhouses & Ground Oriented Infill land use designation; and
2. The following Development Permit Areas:
  - # 2 Ground Oriented Infill;
  - # 10 Bald Eagle and Great Blue Heron Nesting Sites/ Perching Trees;
  - # 11 Wildlife Corridor;
  - # 16 Energy and Water Conservation and Reduction of Greenhouse Gas Emissions;
  - # 17 Coach Houses; and
  - # 18 Secondary Suites.



## ATTACHMENT 3

### PROCESSING PROCEDURES

The following process would allow OCP and Zoning Amendment bylaws; Phased Development Agreement Authorization (PDA) bylaw; Development Variance Permit DVP 19-1 and Development Permit DP 19-1 to be considered concurrently:

1. Council consideration of proposed OCP amendment public consultation opportunities in accordance with *Local Government Act*, section 475;
2. Publication of proposed OCP amendment notice on Town's bulletin board and website and the August 5, 2020 Planning Report OCP RZ 19-1 on Town's website;
3. Council consideration of the recent Housing Needs Report dated My 2020;
4. First Reading of proposed OCP Amendment Bylaw;
5. Council consideration of the proposed OCP amendment impact on the current Financial Plan and the Comox Strathcona Waste Management 2012 Solid Waste Management Plan;
6. Second Reading of proposed OCP Amendment Bylaw;
7. First and Second Reading of proposed Zoning Amendment and PDA bylaws;
8. Notification of Public Hearing on proposed bylaws and DVP 19-1;
9. Public Hearing;
10. Third Reading of proposed bylaws;
11. Resolution of any outstanding items;
12. Adoption of proposed bylaws;
13. Issuance of DVP 19-1 (subject to DVP conditions); and
14. Staff issuance of DP 19-1 (subject to DP conditions).

**ATTACHMENT 4**

**SCHOOL BOARDS REFERRAL RESPONSES**

**From:** Ian Heselgrave <Ian.Heselgrave@sd71.bc.ca>  
**Sent:** January 10, 2019 4:23 PM  
**To:** Regina Bozerocka <rbozerocka@comox.ca>  
**Cc:** Nicole Bittante <Nicole.Bittante@sd71.bc.ca>  
**Subject:** RE: Town of Comox, annual OCP referral

Hello Regina,

I have reviewed your letter and have the following input for the OCP referral. The School District Long Range Facility plan indicates that there exists sufficient school capacity with the present school sites in the Town of Comox. Student enrollment within Comox will change by less than two percent over the next ten years. Clusters of student population close to Aspen and Brooklyn School may result in portable classrooms being installed at those sites.

The Comox Elementary school site has been closed for several years and is, at present, considered surplus to capacity. Work with the Board of Education will guide the School District's actions with regards to disposal or retention of the property.

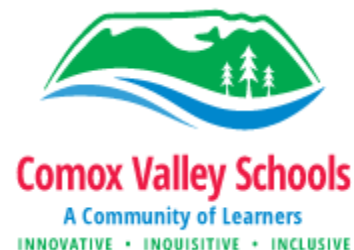
Best Regards

Ian

**Ian Heselgrave**

Director of Operations  
Comox Valley School District  
<http://www.sd71.bc.ca>

Phone: 250-334-5516  
Email: [ian.heselgrave@sd71.bc.ca](mailto:ian.heselgrave@sd71.bc.ca)



**From:** Sylvain Allison <sallison@csf.bc.ca>  
**Sent:** January 7, 2019 4:57 PM  
**To:** Regina Bozerocka <rbozerocka@comox.ca>  
**Subject:** Re: Town of Comox, annual OCP referral

Bonjour Regina,

Thank you for consulting us every year.

There is no additional need for the CSF in Comox.

Sylvain Allison  
Secrétaire Trésorier  
Conseil scolaire francophone de la Colombie-Britannique  
100 - 13511 Commerce Parkway, Richmond, BC V6V 2J8 | Tél.: 604.214.2606 | Sans frais :  
1.888.715.2200 | Fax: 604.214.9881 | [www.csf.bc.ca](http://www.csf.bc.ca)

*Nous sommes reconnaissants à l'égard de la Nation Musqueam de nous accueillir sur son territoire traditionnel, hay čx<sup>w</sup> qə .*

REGIONAL CONTEXT STATEMENT

Town of Comox Official Community Plan Bylaw 1685

**1.6 Regional Context Statement**

A Regional Growth Strategy for the Comox Valley Regional District was initiated under section 431 of the *Local Government Act*. The purpose of a Regional Growth Strategy is to guide decisions on growth, change and development within the Regional District.

A regional growth strategy is required to cover a period of at least 20 years from the time of its initiation and must include:

- a comprehensive statement on the future of the region, including the social, economic and environmental objectives of the board in relation to the regional district;
- population and employment projections for the period covered by the regional growth strategy;
- actions proposed for the regional district to provide for the needs of the projected population in relation to housing, transportation, regional district services, parks and natural areas, and economic development; and
- targets for the reduction of greenhouse gas emissions in the regional district, and policies and actions proposed for the regional district with respect to achieving those targets.

If a regional growth strategy applies to all or part of the same area of a municipality as an official community plan, the official community plan must include a regional context statement. The regional context statement must specifically identify the relationship between the official community plan and the matters referred to above and if applicable, how the Official Community Plan is to be made consistent with the Regional Growth Strategy over time.

Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010 consists of five parts including an introductory section.

Part 2 contains 11 major trends which shape the Regional Growth Strategy (RGS). The Comox Official Community Plan recognizes the importance of these major trends and all are addressed in the land use designations, objectives and policies. While all are important, population growth due to in-migration from other parts of B.C. and other provinces, demographic changes due to an aging population, environmental protection and the need to increase transportation choices are key drivers of the Comox OCP. The RGS projects a population increase of 19,800 from 2010 to 2030 for the CVRD. An annual growth rate of 1.6% is projected to slowly decline to 1.0% over the 20 year timeframe of the RGS. This is consistent with the OCP which anticipates a lower growth rate for the Town of Comox than the CVRD as a whole due to a limited land base and a strong desire for incremental change from Comox residents.

An aging population will generate the need for a variety of more compact housing forms regardless of population increase from outside Comox. The Comox OCP proposes to address these population and demographic changes primarily through increasing opportunities for densification in Downtown Comox and within easy walking distance of transit corridors, located along arterial and collector roads.

'Greenfield' development will serve as a secondary means of accommodating growth but will not be sufficient due to a limited land supply and environmental constraints. Comox is blessed with numerous environmentally sensitive areas. The OCP proposes to accommodate very limited growth in these areas and only subject to extensive development permit regulation.

Improving transportation choices is of critical significance in order to take advantage of existing underutilized infrastructure, forego extensive capital expenditures, and reduce GHG emissions. The Comox OCP anticipates over three quarters of the population of Comox in 2030 will be within 400 metres of existing transit routes.

The time frame of the RGS is the 20 year period from 2010 to 2030.

### **Goals of the Regional Growth Strategy**

Part 3 of the RGS contains eight over-riding goals. Each goal includes a series of objectives, targets and supporting policies. The OCP supports each goal through the following objectives and policies:

<b>RGS Goal 1: Housing</b>	<b>Comox OCP Supporting Objectives/Policies</b>
<i>Ensure a diversity of housing options to meet evolving demographics and needs.</i>	<i>Section 2.1.1.2 Residential Objectives: 1, 2 &amp; 3</i> <i>Section 2.1.1.3 Residential Policies: a, b, c, d, e, g, n, l &amp; m</i>
	<i>Section 2.1.2.3 Affordable, Rental and Special Needs Housing Policies: a, c, d &amp; e.</i>
<b>RGS Goal 2: Ecosystems, Natural Areas &amp; Parks</b>	<b>Comox OCP Supporting Objectives/Policies</b>
<i>Protect, steward and enhance the natural environment and ecological connections and systems.</i>	<i>Section 2.1.8.2 Parks, Trails &amp; Open Space Objectives: 1, 2, 3, 5, 6, 7 &amp; 12.</i> <i>Section 2.1.8.3 Parks, Trails and Open Space Policies: a, b, c</i>
	<i>Section 2.1.9.3 Agriculture and Aquaculture Supporting Policies: b &amp; g.</i>
	<i>Section 2.3.12 Environmental Objectives: 1, 2, 3, 4 &amp; 5.</i> <i>Section 2.3.13 Environment Policies: a, l &amp; v.</i>
<b>RGS Goal 3: Local Economic Development:</b>	<b>Comox OCP Supporting Objectives/Policies</b>
<i>Achieve a sustainable, resilient and dynamic local economy that supports Comox Valley businesses and the region's entrepreneurial spirit.</i>	<i>Section 2.1.9.3 Agriculture and Aquaculture Supporting Policies: k &amp; l.</i>
	<i>Section 2.1.10.3 19 Wing Comox Supporting Policies: b &amp; c.</i>

It should be noted that the analysis of the municipal infrastructure by Koers & Associates indicated the anticipated growth in the OCP could be accommodated by existing infrastructure except in new development areas where developers would be responsible.

<b>RGS Goal 6: Food Systems</b>	<b>Comox OCP Supporting Objectives/Policies</b>
<i>Support and enhance the agricultural and aquaculture sectors and increase local food security.</i>	<i>Section 2.1.9.2 Agriculture and Aquaculture Supporting Objectives: 1 &amp; 2 Section 2.1.9.3 Agriculture and Aquaculture Supporting Policies: b, c &amp; i.</i>
<b>RGS Goal 7: Public Health and Safety</b>	<b>Comox OCP Supporting Objectives/Policies</b>
<i>Support a high quality of life through the protection and enhancement of community health, safety and well-being.</i>	<i>Section 2.4.2.3 Water Service Supporting Policies: a Section 2.4.2.5 Sanitary Sewerage Service: a</i>
<b>RGS Goal 8: Climate Change</b>	<b>Comox OCP Supporting Objectives/Policies</b>
<i>Minimize regional greenhouse gas emissions and plan for adaptation.</i>	<i>Section 2.3.13 Environment Policies: j &amp; k</i>

The overall approach of the OCP is to encourage redevelopment through infill making full use of existing infrastructure. Implementation of the Plan is anticipated to result in a reduction of per capita GHG emissions of 28% by 2030, compared to the 2007 baseline.

***RGS Growth Management Principles***

Part 4 of the RGS addresses Growth Management. Included are 16 growth management principles, all of which are supported in the Comox OCP, where applicable. These reinforce the goals identified in Part 3 of the RGS. In addition, the RGS requires areas of existing development on the fringes of municipal areas to be identified that should eventually be incorporated through boundary extensions and provided with publicly owned water and sewer services in order to address existing public health and environmental issues. There are no known existing public health or environmental issues on the fringe of Town of Comox which meet those criteria and therefore no such areas have been identified within the Comox OCP.

The RGS also requires areas to be identified on the fringes of municipal areas that should eventually be incorporated through boundary extensions and provided with publicly owned water and sewer services in order to allow for new long-term growth opportunities in a phased and orderly manner. The Comox OCP can accommodate all projected development without any expansion in the boundaries of the Town of Comox. However the Town's small land base, varying degrees of interest amongst property owners in proceeding with development at any given time and land assembly issues could lead to restrictions in land supply relative to demand. To address this possibility, the OCP identifies three areas where potential growth could be accommodated in a phased and orderly manner. Area A is located in the Butchers Road surrounded on three sides by the Town of Comox. Area B is located west of Anderton Road in northwest Comox. Area C is located east of Anderton Road and extends north of Knight Road past Ryan Road to the ALR boundary. Other potential expansion areas are not identified due to environmental constraints, ALR status, and limited development potential.

The Town Centre for Comox as identified in the RGS MG Policy 1.3 consists of Downtown Comox as shown on *Map 1 – Land Use Designations*.

Compliance with RGS MG Policy 2B-1 is achieved as no ALR exclusion is proposed and all policies are in accordance with the Agricultural Land Commission Act and regulation under the Act.

Part 5 of the RGS addresses implementation measures, monitoring and amendment procedures. The OCP identifies policies with specific implementation measures requiring additional action outside of the OCP update process; these are contained in Part 4 of the OCP. Measures to monitor the OCP are also included in Part 4. These are identified generally as it is anticipated specific measurement indices may change over time. Annual monitoring of some indices should take place while a broader review of the context statement should occur within five years.

November 29, 2018

Our File: 2211-47463-00

Regina Bozerocka, Planner  
Town of Comox  
1809 Beaufort Avenue  
Comox, BC V9M 1R9

Dear Regina,

**2309 MCDONALD ROAD – COMMUNITY CONSULTATION SUMMARY**

The attached documents listed below are submitted in support of the rezoning application for 2309 McDonald Road:

- Stage 1 and Stage 2 newspaper advertisements.
- Stage 1 and Stage 2 Pre-Application Consultation notifications and comment sheets.
- Written responses to Stage 1 (11) and Stage 2 (8).
- Sign-In sheet for Stage 2 Open House.
- Drawings displayed at Open House.

Consultation Summary:

<b>Pre-application Consultation</b>	<b>Stage 1</b>	<b>Stage 2</b>
Date of invitation mailing or hand delivery	August 29, 2018	October 11, 2018
Date of newspaper advertisement	September 4, 2018	October 16, 2018
Cut-off date for comment submission	September 24, 2018	November 7, 2018
Open house date and duration		October 30, 2018 4pm to 7pm
Number of invitations mailed or hand delivered	40	40
Number of written submissions received	11	8
Number of members of the public attending the Open House		17



The public consultation process yielded several comments regarding the development proposal. We provide the following list of the re-occurring comments and our responses to the same.

### 1. Traffic Pattern

*It is the preference of the immediate neighbors that their existing road (Labrador Drive, Neptune Way, Grumman Place) terminate in a cul de sac as opposed to interconnecting with any other road.*

A detailed traffic impact study was completed by McElhanney and submitted to the Town in support of the rezoning application. In summary, the proposed road network meets all applicable traffic planning requirements.

The proposed development must incorporate interconnectivity between proposed and existing roads for the following reasons:

- Access to the subject lands.
- Continuity with the existing neighborhood.
- Provide traffic routing options.

### 2. Additional Greenspace

*There were concerns that no passive greenspace would be incorporated into the development plan. Beyond this and as a result, most of the existing mature trees will be removed from the property.*

It was clarified at the public open house that McDonald Road would not be extended to Hector Road. Nor that Hector Road would be constructed from McDonald Road to Aspen Road. Rather that these two corridors will remain as greenspace and possibly enhanced through the addition of a play area.

The applicant has worked with Town staff to craft a development plan that considers both housing type diversity and the existing mature trees. In our experience, existing mature trees located within rear yard setback and greenspaces are the best candidates for retention. This principle has been applied within this development; to be supplemented by additional tree plantings as directed by the Town.

### 3. Walkway Interconnectivity

*Several members of the public suggested that additional walkway interconnections between cul de sac's and either greenspaces or other roads be implemented (ie. Tracker Place to McDonald Road and the proposed cul de sac to Hector Road).*

The need for pedestrian connectivity within both the development lands and the immediate neighborhood is understood. The current development plan provides



sidewalk linkages to/from all key points of interest (McDonald Road, McDonald Greenway, Hector Road, Aspen Road, and the immediate neighbors to the south). The proposed pedestrian network is fully accessible, with the longest so called 'dead end' being 110 meters in length.

Yours truly,

McELHANNEY CONSULTING SERVICES LTD.

Derek Jensen, ASCT

Bob Hudson, P.Eng

DJ:ldg

Enclosure

cc: Valley View Estates, Harold Long

Your Career Starts Here

LocalWork.ca  
YOUR BEST SOURCE FOR LOCAL JOBS

CAREER OPPORTUNITIES BUSINESS OPPORTUNITIES CAREER OPPORTUNITIES BUSINESS OPPORTUNITIES BUSINESS OPPORTUNITIES



**Optician/Optometric Assistant**  
Comox, BC

Well established Optometry Clinic looking for a team-oriented, outgoing individual with excellent communication skills.

**Primary Responsibilities include:**

- Assisting clients with personalized frame and lens selection
- Educating clients on various products and services
- Frame adjustments and repairs
- Processing, receiving, and verifying lab orders
- Edging and assembling glasses

Experience in the optical industry is an asset. Willing to offer training for the successful applicant. Preference given to qualified applicants.

Please email your resume to [visionforlife@shaw.ca](mailto:visionforlife@shaw.ca)



qathet  
REGIONAL DISTRICT

**REQUEST FOR PROPOSAL**  
**LASQUETI ISLAND RECYCLE CENTRE UPGRADES**

qathet Regional District is seeking bids to complete improvements and related upgrades to the Lasqueti Island Recycle Centre. The Request for Proposal (RFP) may be viewed and downloaded online at BC Bid ([bcbid.gov.bc.ca](http://bcbid.gov.bc.ca)) and the Regional District website ([powellriverrd.bc.ca](http://powellriverrd.bc.ca)) under Employment and Bid Opportunities. Hard copies are available at the Regional District office.

**A mandatory site visit will be held at 10:30 am on Friday, September 7, 2018 at the Recycling Centre/Free Store on Main Road on Lasqueti Island.** Please note that it is the responsibility of the Tenderer to submit the Registration of Intent to Respond form contained within the RFP prior to the mandatory site visit to ensure that you receive all addendums or other correspondence related to the RFP. For all inquiries contact Mike Wall, Manager of Asset Management and Strategic Initiatives at 604 485-2260 or [mike.wall@powellriverrd.bc.ca](mailto:mike.wall@powellriverrd.bc.ca).

Legal Notices

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LEGALS

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LEGALS

LEGALS

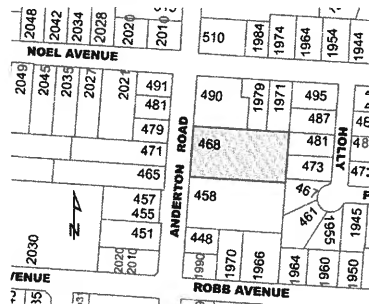
**OPEN HOUSE**

**FOR PROPOSED DEVELOPMENT AT 468 ANDERTON RD**

The Town of Comox requires that, prior to the submission of an application for a development, the Applicant shall conduct a Community Consultation. The purpose of the consultation is to inform the community, to identify neighbourhood impacts and to obtain public feedback of the proposed development.

An Open House hosted by Cameron Contracting Ltd. to facilitate public review of the proposed development at 468 Anderton Road, shown shaded on the map, is scheduled for:

**Tuesday,**  
**September 18, 2018**  
**4:00 PM – 7:00 PM**  
**Comox Community Centre**  
**1955 Noel Avenue, Comox**



If unable to attend Open House, written comments on the preliminary plans may be submitted to Derek Jensen until September 24, 2018.

More information can be obtained by phone: 250-338-5495 or email: [Courtenay@mcelhanney.com](mailto:Courtenay@mcelhanney.com)



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**COMMUNITY CONSULTATION**

**FOR PROPOSED DEVELOPMENT AT 2309 McDONALD RD**

**Provide written comments by September 24, 2018**

495 Sixth Street  
Courtenay, BC, V9N 6V4

@ [courtenay@mcelhanney.com](mailto:courtenay@mcelhanney.com)

The Town of Comox requires that, prior to the submission of an application for a development, the Applicant shall conduct a Community Consultation. The purpose of the consultation is to inform the community, to identify neighbourhood impacts and to obtain public feedback of the proposed development. An Open House will be scheduled at a later date.

Valley View Estates proposes a residential development at 2309 McDonald Rd. shown shaded on the map. The proposal is for residential development consisting of single-family, two-family, patio homes and townhouses, approximately 85 dwelling units in total.

More information can be obtained by phone: 250-338-5495, or email: [courtenay@mcelhanney.com](mailto:courtenay@mcelhanney.com)



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## NOTICE TO TRAIL USERS OF UNION BAY AREA

Union Bay Estates (unionbayestates.com) plan to commence construction on their property located east of Highway 19A, during the next several weeks. Pedestrians are advised to watch for signage at access points to the property and for personal safety, not to enter the site while works are being undertaken.

We thank you for your cooperation in advance. Any questions or concerns regarding the proposed development can be directed to: [ubeinfo@mcelhanney.com](mailto:ubeinfo@mcelhanney.com).



## Affected by dementia? We can help.

**Alzheimer Society**  
BRITISH COLUMBIA

[www.alzheimerbc.org](http://www.alzheimerbc.org)  
1-800-667-3742

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# OPEN HOUSE

## FOR PROPOSED DEVELOPMENT AT 2309 McDONALD RD.

The Town of Comox requires that, prior to the submission of an application for a development, the Applicant shall conduct a Community Consultation. The purpose of the consultation is to inform the community, to identify neighbourhood impacts and to obtain public feedback of the proposed development.

An Open House hosted by Valley View Estates, to facilitate public review of the proposed development at 2309 McDonald Rd, shown shaded on the map, is scheduled for:

**Tuesday, October 30, 2018 4:00 PM – 7:00 PM**  
**Comox Community Centre**  
**1955 Noel Avenue, Comox**

If you are unable to attend the Open House, written comments on the preliminary plans may be submitted to [courtenay@mcelhanney.com](mailto:courtenay@mcelhanney.com) until November 7, 2018.


More information can be obtained by phone: 250-338-5495 or email: [courtenay@mcelhanney.com](mailto:courtenay@mcelhanney.com)




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@localwork-bc

# PRE-APPLICATION CONSULTATION - STAGE 1

2309 McDONALD ROAD

Date: Name: Address:

Please submit your comments by September 24, 2018

to: Derek Jensen, McElhanney Consulting Services  
email: courtenay@mcelhanney.com  
or mail to: 495 Sixth Street, Courtenay, BC, V9N 6V4

All written responses, including submissions by e-mail must include name and address of the person making comment and include "2309 McDONALD ROAD" in the subject heading.

**Please provide your comments here and feel free to add additional pages if necessary:**

*We were hoping for something  
being done behind us.*

*M + M Dygala*

*250-941-4463*

*801 TRACKER PLACE*

All written submissions provided to us during this consultation process will be submitted by us to the Town with our rezoning application.

1 stage\_consult letter\_2309 McDonald.docx

# PRE-APPLICATION CONSULTATION - STAGE 1

2309 McDONALD ROAD

Date: 30 Oct. 2018 Name: GEOFF PARSONS BARTOLA Address: 812 LABRADOR DR. COMOX B.C. V9M-4H9

Please submit your comments by September 24, 2018

to: Derek Jensen, McElhanney Consulting Services  
email: [courtenay@mcelhanney.com](mailto:courtenay@mcelhanney.com)  
or mail to: 495 Sixth Street, Courtenay, BC, V9N 6V4

All written responses, including submissions by e-mail must include name and address of the person making comment and include "2309 McDONALD ROAD" in the subject heading.

**Please provide your comments here and feel free to add additional pages if necessary:**

1) We would like to see Labrador Drive be made into a cul-de-sac or place. The main traffic access should be made through Aspen, McDonald, Hector Road.

2) The new development single family homes should be next to the existing single family homes in our neighborhood ie at North the end of Labrador, Groomsman and Tracker. Fair to say it would help maintain our property values.

*Bartola Parsons*  
*Geoff Parsons*

All written submissions provided to us during this consultation process will be submitted by us to the Town with our rezoning application.

1 stage\_consult letter\_2309 McDonald.docx



47463.

PRE-APPLICATION CONSULTATION - STAGE 1

2309 McDONALD ROAD

Date: *Sept 11, 2018* Name: *Hyle Trockstad & Beth Lou Rathway* Address: *845 Gramman Place*

Please submit your comments by September 24, 2018

to: Derek Jensen, McElhanney Consulting Services  
email: [courtenay@mcelhanney.com](mailto:courtenay@mcelhanney.com)  
or mail to: 495 Sixth Street, Courtenay, BC, V9N 6V4

All written responses, including submissions by e-mail must include name and address of the person making comment and include "2309 McDONALD ROAD" in the subject heading.

**Please provide your comments here and feel free to add additional pages if necessary:**

*Please see attached.*

All written submissions provided to us during this consultation process will be submitted by us to the Town with our rezoning application.

1 stage\_consult letter\_2309 McDonald.docx

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Pre development plans with more specific information should be made available for public viewing to allow residents to have a clearer understanding of the full scope of this project. Locations of the 85 dwelling units, along with road and increased traffic patterns, green spaces and pathways should be identified. Stage one of this project lacks sufficient constructive information to enable residents to fully anticipate the total impact of this proposal.

Hopefully stage two will address these issues and allow additional concerns to be identified before final approval.

Immediate concerns:

Increased traffic flow and construction noise

Loss of mature trees and natural green spaces. The drainage ditches that have been dug have caused the disappearance of the local frog population.

Impact of bird habitat. Several California Quail reside in the area along with many species of songbirds and a nesting pair of eagles.

A very popular, frequently used walking/cycling pathway winds in several directions through the property and we request consideration be given for an extension of the Idiens paved path be incorporated into the plan.

Firmly request no through road on Grumman Place.

Betty Lou Rattray & Lyle Trockstad  
845 Grumman Place  
250-218-7908

PRE-APPLICATION CONSULTATION - STAGE 1

2309 McDONALD ROAD

Date: *Sept 08/18*

Name: *Jim & Pat Rowland*

Address: *846 Labrador Dr.,  
Courtenay, BC  
V9M 4H9*

Please submit your comments by September 24, 2018

to: Derek Jensen, McElhanney Consulting Services

email: [courtenay@mcelhanney.com](mailto:courtenay@mcelhanney.com)

or mail to: 495 Sixth Street, Courtenay, BC, V9N 6V4

All written responses, including submissions by e-mail must include name and address of the person making comment and include "2309 McDONALD ROAD" in the subject heading.

Please provide your comments here and feel free to add additional pages if necessary:

*Having discussed this with some neighbors, I have agreed to the following: 1. to change "LABRADOR DR" to "LABRADOR Place", making it a cul-du-sac. 2. to have single family dwellings on the sides of Mackay Pl., Labrador Dr. & Grumman Pl. 3. If Labrador Dr. is to be extended, have a curve to reduce speed.*

*J. Rowland*

All written submissions provided to us during this consultation process will be submitted by us to the Town with our rezoning application.

1 stage\_consult letter\_2309 McDonald.docx

## Lynn Gottmann

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**From:** Songsparrow <bergerondesigns@gmail.com>  
**Sent:** Tuesday, October 09, 2018 7:12 PM  
**To:** Courtenay  
**Subject:** RE: 2309 McDonald Road, Comox BC - Planned Development  
**Attachments:** IMG\_1238.jpg

To whom it may concern:

Attached are names and signatures from residents of our neighbourhood that support the following suggestions and comments regarding the proposed development at 2309 McDonald Road.

1. Cul-de-sac at the end of Labrador Drive.
2. Single family homes be built adjacent to our established existing subdivision.
3. Some of the tall trees at the end of Tracker Road, be left, as they provide look-out trees for the eagles nesting on McDonald Road, they also provide refuge for the many birds that use them throught the year.

Thank you  
Judith Bergeron

## Lynn Gottmann

---

**From:** Songsparrow <bergerondesigns@gmail.com>  
**Sent:** Friday, August 31, 2018 3:28 PM  
**To:** Courtenay  
**Subject:** 2309 McDonald Road

To whom it may concern;

Judith Bergeron  
847 Labrador Drive  
Comox, BC V9M 4H9

I received the proposal for development of 2309 McDonald Road. I only have a couple of comments.

- I do not mind the development plan, but would like to see that:

1. the single family homes that you are proposing, be next to the existing single family homes in our neighborhood, i.e at the end of Labrador, Grumman, Tracker. We have lived here for over 12 years since first developed and are mostly seniors, I feel that that would be fair to us and would help to keep our property values up.
2. that Labrador Drive not go through, as in a straight line, to McDonald, but curve, like the previous owner of that piece of land had wanted to do. This will help with controlling traffic through this very quiet neighborhood. Your proposal seems to be a high density plan. 85 units X two cars is a lot of traffic for this area, please be considerate of our neighborhood..

Thank you  
Judith Bergeron  
250-703-6573

## Lynn Gottmann

---

**From:** Songsparrow <bergerondesigns@gmail.com>  
**Sent:** Saturday, September 01, 2018 8:05 AM  
**To:** Courtenay  
**Subject:** Fwd: 2309 McDonald Road

Re: 2309 MCDONALD ROAD

In addition to my previous email:

I would like to also suggest that Labrador Drive be made into a cul-de-sac or a place and that the road not go through to McDonald.

Entrance to the development could be accessed from McDonald and Aspen.

We are a close knit community, we help each other out, a lot. I believe that having a lot of traffic going through would not be a good idea and it would fracture the community that we have.

Thank you for asking us for our comments.

Judith Bergeron

----- Forwarded message -----

**From:** **Songsparrow** <bergerondesigns@gmail.com>  
**Date:** 31 August 2018 at 15:28  
**Subject:** 2309 McDonald Road  
**To:** [courtenay@mcelhanney.com](mailto:courtenay@mcelhanney.com)

To whom it may concern;

Judith Bergeron  
847 Labrador Drive  
Comox, BC V9M 4H9

I received the proposal for development of 2309 McDonald Road. I only have a couple of comments.

- I do not mind the development plan, but would like to see that:

1. the single family homes that you are proposing, be next to the existing single family homes in our neighborhood, i.e at the end of Labrador, Grumman, Tracker. We have lived here for over 12 years since first developed and are mostly seniors, I feel that that would be fair to us and would help to keep our property values up.
2. that Labrador Drive not go through, as in a straight line, to McDonald, but curve, like the previous owner of that piece of land had wanted to do. This will help with controlling traffic through this very quiet neighborhood. Your proposal seems to be a high density plan. 85 units X two cars is a lot of traffic for this area, please be considerate of our neighborhood..

## Lynn Gottmann

---

**From:** Songsparrow <bergerondesigns@gmail.com>  
**Sent:** Saturday, September 08, 2018 12:29 PM  
**To:** Courtenay  
**Subject:** Re: 2309 MCDONALD ROAD Planned Development  
**Attachments:** eagle nest 2.jpg; eagle nest.jpg

Judith Bergeron  
847 Labrador Drive  
Comox BC  
V9M 4H9  
250-703-6573

To whom it may concern:

Thank you for asking for our comments regarding the planned development for 2309 McDonald Road. I have already emailed in some comments with the suggestion of making Labrador Drive into a cul-de-sac or place because of concern about high traffic volume down a quiet, mostly seniors living street and requesting that single family homes be built next to our established neighborhood - there is a lot of room to build multi-family housing away from our area.

I want to mention, in case you did not know, that there is an eagles nest on McDonald road - above the walkway. These eagles use the tall evergreen group of trees between Tracker and McDonald as their lookout.

I would also like to mention that many different bird species live in and take refuge in that group of trees throughout the year. To name only a few:

Bald Eagle, Sharp-shinned Hawk, Raven, Pileated Woodpecker, Northern Flicker, Downy and Hairy Woodpecker, American Goldfinch, Black-Capped Chickadee, Red-Breasted Nuthatch, Cedar Waxwing, Towhee, many varieties of sparrows and finches, Rufus and Anna's Hummingbird, Junco and many many more.

My request is to please leave enough of those large Evergreens so that these birds can still have a place.

I am not against this development, I only hope that it will be built with integrity and take into consideration the concerns of this existing neighborhood.

Attached are two photos of the eagles nest.

Thank you  
Judith





## Lynn Gottmann

---

**From:** Tom Wilson <eckwilson@gmail.com>  
**Sent:** Thursday, September 06, 2018 9:13 PM  
**To:** Courtenay  
**Subject:** 2309 McDonald

I noticed your community consultation notice in the Record today. My concern with this development is the need to extend the Crown Isle greenway pathway through 2309 McDonald to connect to Aspen Road. Currently there are unofficial trails that connect to Tracker Place and to Grumman Place.

Has this been considered in your planning?

--

Tom Wilson  
2297 Suffolk Cres  
Courtenay, BC V9N 3Z4  
Ph. 250-650-1126

**Lynn Gottmann**

---

**From:** Hanni Bernet <hbernet@shaw.ca>  
**Sent:** Sunday, September 09, 2018 9:30 AM  
**To:** Courtenay  
**Subject:** 2309 Mc DONALD ROAD

To Derek Jensen,  
from Hanni and Karl Bernet  
825 Grumman Place  
Comox  
V9M 4H9

Regarding the proposal to develop 2309 Mc Donald Road.  
We are a retired couple who moved to this address because we enjoy the quiet neighborhood.  
We picked this particular street with the name Place, thinking if it is called Place the short Street we live on will hopefully stay a Place and not turn into a through road.  
This is the concern we have.  
Hopefully with this development our little Place will stay as is.  
We hope you will take this into consideration.  
Please let us know the Date of an Open House.  
Sincerely  
Hanni and Karl Bernet

**Lynn Gottmann**

---

**From:** Elizabeth/ Donald Grenon <salishhollow@shaw.ca>  
**Sent:** Friday, September 21, 2018 12:38 PM  
**To:** Courtenay  
**Subject:** 2309 McDONALD ROAD

September 21, 2018

Mrs. Elizabeth Grenon

832 Labrador Drive  
Comox, B.C. V9M 4H9

Comment; It would be nice to have Labrador Drive as a CUL- DE- SAC.

**SIGN IN FOR  
OPEN HOUSE  
For  
2309 McDonald Road, Comox**

Name (Printed Please)	Address
MR & MRS P. LYNCH	1319 RIDGEMOUNT DR.
WENDY PROTHERO	1945 Beaufort Ave. Comox
Scotty Lou & Lyle Truckstad	845 GRUMMAN PL
ERNIE RECEK	833 GRUMMAN PL
HEIDI Skutty	843 Aspen Rd.
WILLA FUSSEY	843B ASPEN RD.
M. BIRREC	2194 NOEL AVE
REN & BARB BONEY	2245 NEPTUNE WAY
LORRAINE LAPLAUE	101-1290 CROWN ISLE DR.
ALAN CHAN	816 TRACKER PLACE
Jodi MacLenn	2200 Neptune Way
SANDRA LACKMANEC	816 TRACKER PLACE
JUDITH BERGERON	847 LABRADOR DRIVE
BARTOLA PARSONS	812 LABRADOR DRIVE

October 30, 2018

# PRE-APPLICATION CONSULTATION - STAGE 2

2309 McDONALD ROAD

Date: OCT. 30/2018 Name: MARILETTA BIRGS Address: 2194 NOEL AVENUE

Please submit your comments at the Open House, or if you cannot attend the Open House, November 7, 2018.

to: McElhanney Consulting Services  
email: courtenay@mcelhanney.com  
or mail to: 1211 Ryan Road, Courtenay, BC, V9N 3R6

All written responses, including submissions by e-mail must include name and address of the person making comment and include "2309 McDONALD ROAD" in the subject heading.

Please provide your comments here and feel free to add additional pages if necessary:

I would like to see more green spaces to separate residential from traffic noise off busy streets and surrounding the various planned developments. At the open house there was conflicting information. The newspaper ad and a poster @ open house - show Macdonald Road ~~is~~ connecting w Hector Road. Yet representative @ open house said Macdonald Road & Hector Road would NOT be connected in future.

Trees listed on display boards - was a nice gesture.

majority of  
^ The trees that are not being removed are on the opposite side of Macdonald Road - which is actually governed by the City of Courtenay.

Therefore I do not feel the presentation/illustrations given were an accurate reflection of how many trees are really being removed.

Another  
Suggestion: How about smaller housing w less square footage? This makes it more affordable for the Comox Valley Residence.

All written submissions provided to us during this consultation process will be submitted by us to the Town with our rezoning application.

Regarding the proposed subdivision of 2309 McDonald Road, please accept my comments as a resident of the area (corner of Aspen Road and Neptune Way).

### **Transportation**

Please ensure there is smooth connectivity from Hector Road to MacDonald Road, ideally through an intersection in line with the City of Courtenay's Inverclyde Way. This subdivision will create an alternate route between Anderton Road and the Lerwick/Guthrie intersection that will siphon off some traffic between Courtenay and the northern end of the peninsula. Likewise, there should be smooth flow from the Inverclyde Way subdivision to Aspen Road and its commercial uses at Guthrie Road. The traffic generated from these new connections should be accounted for in the traffic study.

### **Housing affordability**

Housing choice is a significant factor in affordability. A lack of supply of one form of housing results in people forced into competing for a type of housing they don't particularly want. This skews the housing market by creating a false demand for a product, raising prices in that market, and resulting in people in ill-fitting houses. This is most typically seen with excessive amounts of single detached dwellings at the expense of apartments and manufactured home parks. Please ensure the lots created can support a variety of housing types and various sized lots. For example, there should be parcels that can support secondary suites or duplexes (e.g. lots over 525 m<sup>2</sup> with 30 metres of road frontage) and strata developments of multi-family housing, as well as large lots suitable for those with RVs, boat and multiple vehicles.

### **Density**

This parcel has fairly good access to the main (Comox to Courtenay) bus route, a commercial centre (Aspen Grove Centre) and Lancaster Park. Some high densities, closer to Guthrie and the MacDonald and Aspen Road intersections would help support these. Please give consideration to high density residential uses with access to MacDonald and Aspen Road.

### **Orientation**

This area has potential for excellent mountain views. Likewise, orientation towards the sun and moon which both arc from the southeast to the southwest. The new parcels should be designed to maximize these views and solar gain. The existing parcels along south side of Neptune Way achieve this with large backyards, south facing windows and vehicle storage (garages) in the sold/shaded front yard. Those houses on the north-south roads (like Grumman Pl., and Labrador Dr.) lose out on this potential, though their yard areas benefit from solar gain and views as long as one of the Neptune Way houses doesn't block it (at 70 metres elevation this is close to the highest point in Comox). Please consider these views and solar orientation in the lot design and zoning setbacks (e.g. lots that are oriented southwards where their northern shadows are not cast on neighbouring houses, parking/garages on the northern end (or side) of the lot, setbacks that create yard areas in the south end and little shaded yard area in the north, parcels that don't block mountain views of others, etc.).

**Lynn Gottmann**

---

**From:** keith cryer <kgarden47@gmail.com>  
**Sent:** Monday, October 15, 2018 1:36 PM  
**To:** Courtenay  
**Subject:** 2309 McDonald Road Stage 2

Dear Sir,

Thank you for giving us an opportunity to comment on the development above. WE are residents at 815 Labrador Drive and predictably are concerned about increase of traffic use on our quiet little street.

We have no real problems with the land being developed . However, as senior citizens we have concerns with increased occurrence and noise resulting from an increased traffic flow off of Neptune into the new area. Most of the owners on Labrador Drive are retired people.

Is there a proposal which shows the route of Labrador Drive in the new development? Also, is there a proposal which shows the likely access points to the area from both Aspen Drive and McDonald Road? It would also help if the extensions of Tracker and Grumman could be shown. Has there been any projections that would show possible increased traffic flows into and out of the area?

We are quite certain that if we could see a bit more detail in street layout of the new development our concerns would be addressed! As we may be out of town on Nov 7 we would appreciate an E Mail showing these things we have questions about.

Sincerely, Keith and Louise Cryer  
815 Labrador Drive  
Comox BC [kgarden47@gmail.com](mailto:kgarden47@gmail.com)

Sent from [Mail](#) for Windows 10

**Lynn Gottmann**

---

**From:** Wendy Prothero <geowen@telus.net>  
**Sent:** Thursday, November 01, 2018 12:26 PM  
**To:** Courtenay  
**Subject:** 2309 McDonald Road

Thank you for holding the open house re. this development proposal. I am hoping for some adjustments. All the cul de sacs should have paved walkways that lead to McDonald walkway or street. Also the walkway at the top of Aspen that ties into the Idiens walkway should be paved just as the existing walkway in Courtenay especially for ease of folk with walkers, wheelchairs , strollers or bikes. Just suggestions. Thanks. Wendy Prothero

Sent from my iPad

**PRE-APPLICATION CONSULTATION - STAGE 2**

2309 McDONALD ROAD

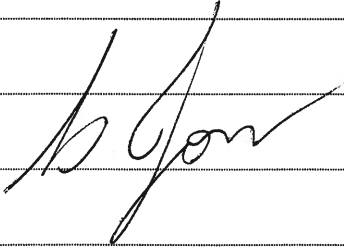
Date: Oct 30/18 Name: Greg Jones Address: 1794 Crown Isle  
Courtenay

Please submit your comments at the Open House, or if you cannot attend the Open House, November 7, 2018.

to: McElhanney Consulting Services  
email: courtenay@mcelhanney.com  
or mail to: 1211 Ryan Road, Courtenay, BC, V9N 3R6

All written responses, including submissions by e-mail must include name and address of the person making comment and include "2309 McDONALD ROAD" in the subject heading.

**Please provide your comments here and feel free to add additional pages if necessary:**

Strongly prefer Labrador Dr be made into a 'cul de sac' not a through road.
As planned this will result in Labrador Dr becoming a main cut through - incompatible with the neighbourhood.


All written submissions provided to us during this consultation process will be submitted by us to the Town with our rezoning application.

# PRE-APPLICATION CONSULTATION - STAGE 2

2309 McDONALD ROAD

Date: *OCT 30, 2018* Name: *JUDITH BERGERON* Address: *847 LABRADOR DRIVE*

Please submit your comments at the Open House, or if you cannot attend the Open House, November 7, 2018.

to: McElhanney Consulting Services  
email: [courtenay@mcelhanney.com](mailto:courtenay@mcelhanney.com)  
or mail to: 1211 Ryan Road, Courtenay, BC, V9N 3R6

All written responses, including submissions by e-mail must include name and address of the person making comment and include "2309 McDONALD ROAD" in the subject heading.

Please provide your comments here and feel free to add additional pages if necessary:

*RE: 2309 McDONALD ROAD*

*1. (NO THROUGH ROAD) OR (A CUL-DE-SAC) AT THE END OF EXISTING LABRADOR DRIVE*

*2. SINGLE FAMILY HOUSING ADJACENT TO EXISTING ESTABLISHED NEIGHBOURHOOD (IE. TRACKER, LABRADOR, BRUMMUN*

*3. SOME OF THE TALL TREES AT END OF TRACKER BE LEFT BECAUSE THEY PROVIDE LOOK OUT TREES FOR THE EAGLES WHO HAVE MADE THEIR NEST ON McDONALD ROAD AND ALSO PROVIDE SHELTER FOR THE MANY BIRDS WHO USE THEM.*

*- WE ARE A CLOSE KNIT NEIGHBOURHOOD AND FEEL THAT TRAFFIC FROM 85 UNITS (X 2 CARS) WILL BE TOO BUSY DOWN LABRADOR*

All written submissions provided to us during this consultation process will be submitted by us to the *DR.* Town with our rezoning application.



**Lynn Gottmann**

---

**From:** keith cryer <kgarden47@gmail.com>  
**Sent:** Monday, October 15, 2018 1:36 PM  
**To:** Courtenay  
**Subject:** 2309 McDonald Road Stage 2

Dear Sir,

Thank you for giving us an opportunity to comment on the development above. WE are residents at 815 Labrador Drive and predictably are concerned about increase of traffic use on our quiet little street.

We have no real problems with the land being developed . However, as senior citizens we have concerns with increased occurrence and noise resulting from an increased traffic flow off of Neptune into the new area. Most of the owners on Labrador Drive are retired people.

Is there a proposal which shows the route of Labrador Drive in the new development? Also, is there a proposal which shows the likely access points to the area from both Aspen Drive and McDonald Road? It would also help if the extensions of Tracker and Grumman could be shown. Has there been any projections that would show possible increased traffic flows into and out of the area?

We are quite certain that if we could see a bit more detail in street layout of the new development our concerns would be addressed! As we may be out of town on Nov 7 we would appreciate an E Mail showing these things we have questions about.

Sincerely, Keith and Louise Cryer  
815 Labrador Drive  
Comox BC [kgarden47@gmail.com](mailto:kgarden47@gmail.com)

Sent from Mail for Windows 10

805 GRUMMAN



<b>TO:</b> Mayor and Council	<b>FILE:</b> 7340-01
<b>FROM:</b> Gord Schreiner, Fire Chief	<b>DATE:</b> July 30, 2020
<b>SUBJECT:</b> Deployment of Fire Department to Outside Areas	

Prepared by:  GORD SCHREINER, FIRE CHIEF	Supervisor: _____	Financial Approved: _____ CLIVE FREUNDLICH, DIR. OF FINANCE	Report Approved:  JORDAN WALL, CAO
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**Recommendation from the Chief Administrative Officer:**

That Council Policy No. CCL-054, as attached to the Fire Chief’s Staff Report to Mayor and Council titled “Deployment of Fire Department to Outside Areas” be approved.

**Purpose**

The purpose of this policy is to seek delegated authority from Council to allow the CAO and Fire Chief to approve of deploying resources to areas outside of the Comox designated protection area.

**Strategic Plan Linkage**

- Public safety and protection.
- Financial management and accountability.

**Background**

Comox Fire Rescue is a well trained and equipped emergency service provider. From time to time the province of B.C., through the Office of the Fire Commissioner or B.C. Wildfire Services, requires assistance from resources such as ours. Council is required to provide approval for the deployment of these resources outside of the community. However, the need to deploy the resources is often sudden and Council approval can not usually be sought. By delegating this decision making power to the CAO and Fire Chief in advance through this policy, we can react quicker and legally provide such assistance.

Comox Fire Rescue has assisted the province on several occasions in the past by deploying some of it resources outside of our designated protection areas.

The operational needs and safety of Comox residents will be considered first before resource deployment is approved.

**Discussion/Options/Implications**

Large scale events like wildfires, earthquakes, floods or other disasters can quickly overwhelm provincial and local resources. In such cases the province of B.C. through the Office of the Fire Commissioner or B.C. Wildfire Services may request local governments to provide assistance for a fee.

We believe this is the right thing to do as one-day our community may require this additional assistance and we would hope others would provide assistance to us.

These opportunities also provide good experience for our people. This experience will assist us should we be faced with a large scale event in our community.

While these outside areas deployments can be costly all costs are covered by the province. In some cases these deployments generate additional income for the fire department.

#### **a. Financial**

There should be no negative impact to the financial plan. While these outside areas deployments can be costly all costs are covered by the province. In some cases these deployments generate additional income for the fire department.

During our 2017/2018 fire department deployments to outside areas we received almost \$500K from the province for our efforts. Approximately 50% of these covered our direct costs (wages, travel, etc) while the other 50% was reinvested into our department. Approximately \$150K to Capital reserves (new fire engine), \$80K enhance our wildfire capability and \$20K to community benefits will free smoke alarms, discounted emergency kits and sprinkler kits.

#### **b. Intergovernmental**

The CAO and Fire Chief will take into account what, if any other local fire departments are also doing to provide assistance to the province before making a decision to send our resources.

Our fire department has developed a very strong relationship and good reputation with BC Wildfire Services and the Office of the Fire Commissioner. This relationship is mutually beneficial as we have called upon BC Wildfire Services to assist us in our own deployment areas in the past.

During past deployments we have also worked very closely with various first nations communities assisting them with protecting their structures from pending wildfires.

#### **c. Public Relations**

Comox Fire Rescue enjoys a very positive image. Over the years it has assisted our province many times by deploying some of its resources outside of our designated respond area. Many of these deployments become news stories demonstrating our desire and ability to help others.

#### **Governance Considerations**

Q: Do we have the equipment to assist the province if requested?

A: Yes. Over the years we have increased our capacity to respond to wildfires by increasing the amount of appropriate equipment we have. Much of this equipment was purchased using surplus revenue from previous deployments.

Q: Do we have the manpower to provide this assistance?

A: We typically have 50+ members of our fire department. A typical deployment would see five of them deployed at one time. The deployed team would consist of members with various experience from junior to senior.

Q: What is the cost in terms of dollars to our community?

A: While we need to cover some up front costs, all costs (including wages) are recovered from the province. In all previous deployments we have a small surplus left over from funds we receive. The surpluses are typically reinvested in wildfire equipment or reserved for future vehicle replacements.

Q: What do our firefighters think about these deployments?

A: Our firefighters are honoured and pleased to assist in this way. They can make a meaningful contribution while gaining valuable experience assist others. At the same time they assist us in generating additional revenues.

Q: Does deploying our resources outside of our designated response areas make sense?

A: Yes, Large scale events like wildfires, earthquakes, floods or other disasters can quickly overwhelm provincial and local resources.  
We believe this is the right thing to do as one-day our community may require this additional assistance and we would hope others would provide assistance to us.