



TOWN OF COMOX

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PUBLIC HEARING MEETING **AGENDA FOR WEDNESDAY SEPTEMBER 8, 2021**

The Town of Comox respectfully acknowledges that we are standing on the Unceded traditional territory of the K'òmoks First Nation.

NOTICE is hereby given that, pursuant to Ministerial Order, this meeting will be conducted by electronic means with some or all members of Council participating electronically. Further, in accordance with Ministerial Order, the public will not be permitted to be in attendance. The meeting will be conducted through Zoom Video Conferencing. Please visit comox.ca/virtual-public-hearings for instructions on how to participate. The meeting will also be live-streamed on the Town's YouTube pages.

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

Call to Order: 6:00 p.m.

Adoption of the Agenda

PUBLIC HEARING TO CONSIDER THE FOLLOWING AGENDA ITEMS:

1. NORTH EAST COMOX STORM WATER MANAGEMENT PLAN::

- a. [Official Community Plan Amendment Bylaw 1976](#)
- b. [Comox Zoning Amendment Bylaw 1983](#)

CLOSE OF PUBLIC HEARING

CORPORATE OFFICER

PUBLIC HEARING – Opening Statement

This Public Hearing is hereby convened pursuant to Section 464 of the Local Government Act for the purpose of hearing representations from those persons who believe that their interest in property is affected by the proposed:

1. North East Comox Storm Water Management Plan:

- a. OCP Amendment Bylaw 1976
- b. Comox Zoning Amendment Bylaw 1983

The proposed bylaws have received first and second readings, but have not passed third reading or been adopted by Council. Notices of this Public Hearing have been published in accordance with the requirements of the Local Government Act. Also, copies of the proposed bylaws, supporting documentation and any submissions to Council received from the public have been available for inspection at comox.ca as required by the Local Government Act.

Pursuant to section 13(1) of the Local Government Meetings and Bylaw Process (COVID-19) Order No. 3 and Ministerial Order No. M192/2020, this Public Hearing is being conducted virtually. All persons who believe their interest is affected by the proposed rezoning will be given the opportunity to be heard this evening.

To maintain order and to ensure everyone a reasonable opportunity to be heard, I ask that each person wishing to speak use the “raise your hand” feature within Zoom.

For Zoom Meeting Link users, hover over 'Reactions' in the bottom footer of the Zoom screen, click the 'Raise Hand' icon and wait to be asked to speak by the Chair. For Zoom Phone Conferencing users, press *9 and wait to be asked to speak by the Chair.

Once called by the Chair, you may unmute yourself (Meeting Link users click the 'Unmute' button in the bottom-left corner of the meeting window and Phone Conferencing users, press *6) and clearly state your full name and address. You may then begin your presentation to Council. Please make your presentation as brief as possible. After all have had an opportunity to be heard, anyone wishing to have further input may once again “raise their hand”.

Council will not debate with each other or members of the public. Council will not answer questions; we are here to hear from you. Technical questions may be directed by the Chair to the staff.

Everyone will be given a reasonable opportunity to be heard at this meeting. No one will be, or should feel, discouraged or prevented from making his or her views heard.

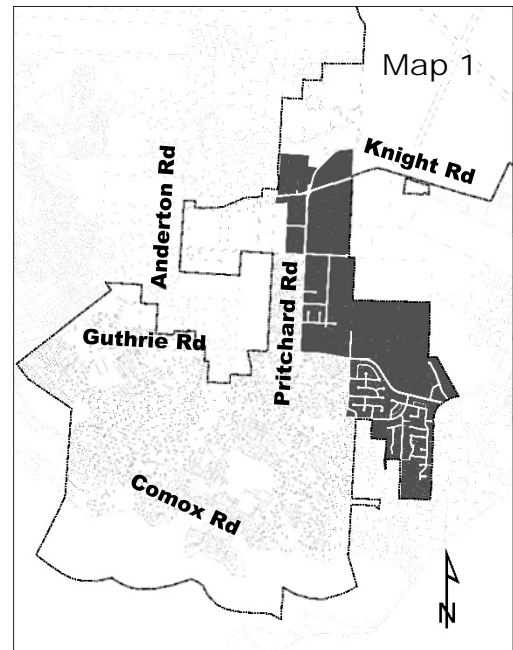
In addition, if you wish to provide a written submission during this Public Hearing, you may do so by sending an email to council@comox.ca. Note that written submissions must be received before the end of the Public Hearing.

1. Official Community Plan Amendment Bylaw 1976:

Application Summary

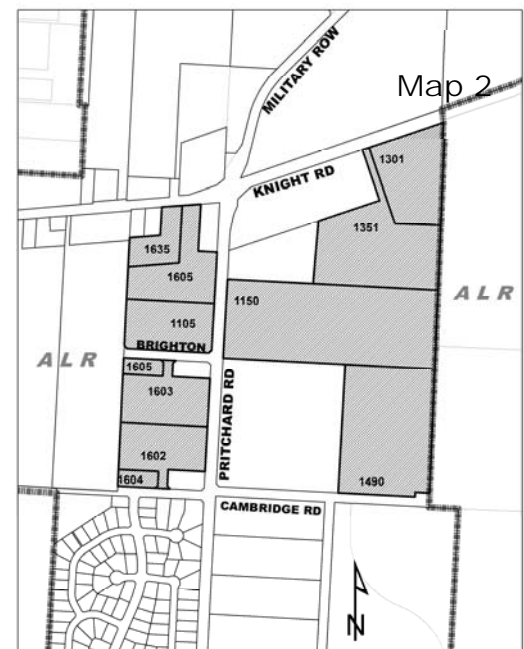
a) OCP Amendment Bylaw 1976

In summary, the purpose of the Official Community Plan Amendment Bylaw 1976 is to amend the Development Permit Area #16 to add a preference for east - west road alignments to facilitate passive heating and cooling of buildings.



b) Comox Zoning Amendment Bylaw 1983

In summary, the purpose of the Comox Zoning Amendment Bylaw 1983 is to amend ALR buffer specifications for fences and planting material as well as relevant sections for required building setbacks from lot lines shared with the ALR.



Public Hearing Submissions

Written – To ensure that written submissions are included in the minutes of the meeting, please ensure that all are submitted via email to council@comox.ca before the end of the meeting.

Verbal – The proposed bylaws are now open for discussion.

Close of Public Hearing

I would remind those present that legal considerations prevent the members of Council from considering any representation made after the close of this Public Hearing.

Before closing the Public Hearing, I am going to call three times for any further speakers on any of the matters contained in the proposed bylaws. I am going to allow 15 seconds between each call in order to allow those viewing on YouTube to catch up to the opportunity to speak.

For the first time, is there anyone who wishes to make any further representation?

(Note to chair: wait 15 seconds to account for virtual time lag)

For the second time, is there anyone who wishes to make any further representation?

(Note to chair: wait 15 seconds to account for virtual time lag)

For the third time, is there anyone who wishes to make any further representation?

(Note to chair: wait 15 seconds to account for virtual time lag)

There being no further speakers, I declare this Public Hearing closed.

(Call for a motion to Adjourn)

TOWN OF COMOX

BYLAW 1976

A BYLAW TO AMEND COMOX OFFICIAL COMMUNITY PLAN BYLAW 1685

WHEREAS Council has the authority under the provisions of the Local Government Act to amend the Official Community Plan Bylaw;

AND WHEREAS Council has considered the amendments in conjunction with its financial plan, any waste management plan that is applicable in the municipality or regional district, and Town of Comox May 2020 Housing Needs Report Data Results including Summary Form;

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 “Comox Official Community Plan Amendment Bylaw 1976”.

2. Amendments

- (1) Comox Official Community Plan Bylaw 1685, Schedule “A” is hereby amended as follows:
 - (a) Adding as Part 2, Section 2.4.1.4(d)(i) the following text: “the precedence of east west road alignment to facilitate the passive heating and cooling of buildings”;
 - (b) Replacing all references to the text “Comox Development Approval Information Bylaw No. 1530, 2007” with the following text: “Comox Planning Procedures Bylaw 1780”;
 - (c) Replacing all references to the text “Energy and Water Conservation and Reduction of Greenhouse Gas Emissions” in relation to Development Permit Area (DPA) #16 with the following text: “North East Comox”;
 - (d) Deleting Part 3: Section 3.16 in its entirety;
 - (e) Adding as Part 3: Section 3.16 the text and figure as shown in SCHEDULE “1”, which is attached to and forms part of this Bylaw;

- (f) Deleting Part 5: Maps, DPA #16 – Energy and Water Conservation and Reduction of Greenhouse Gas Emissions;
 - (g) Adding as Part 5: Maps, DPA #16 – North East Comox the map as shown in Schedule “2”, which is attached to and forms part of this Bylaw;
- (2) Comox Official Community Plan Bylaw 1685 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 | 14 th day of July, 2021 |
| (2) READ A SECOND time this | 14 th day of July, 2021 |
| (3) ADVERTISED A FIRST time this | 25 th day of August, 2021 |
| (4) ADVERTISED A SECOND time this | 1 st day of September, 2021 |
| (5) PUBLIC HEARING HELD this | day of , 2021 |
| (6) READ A THIRD time this | day of , 2021 |
| (7) ADOPTED this | day of , 2021 |

Mayor

Corporate Officer

BYLAW 1976
SCHEDULE “1”

3.16 Development Permit Area (DPA) #16 North East Comox

3.16.1 Area Affected

DPA #16 – North East Comox applies to all areas, as shown on map *DPA #16*.

Unless all development, including the alteration of vegetation, is clearly more than 15 metres from the natural boundary of Hilton Springs and the Top of Bank of the conveyance ditch located along the road dedication of Cambridge Road, the proposed location of development relative to these boundaries, as determined by a British Columbia Land Surveyor (BCLS) and incorporated into a BCLS certified site plan, may be required in accordance with Comox Planning Procedures Bylaw 1780.

3.16.2 Purpose

In accordance with sections 488, 489, 490 and 491 of the *Local Government Act*, the purpose of DPA #16 is to establish objectives:

- For the protection of the natural environment, its ecosystems and biodiversity in relation to the integrity of the ground water supply for the Lazo Wildlife Management Area, Hilton Springs, and adjacent ALR lands to the north; and
- For drainage control on lands downstream and down-slope of the area within DPA #16; and
- To promote water conservation.

3.16.3 Justification

Protecting the integrity of the ground water supply and drainage control for not only the Lazo Wildlife Management Area, Hilton Springs and ALR land is integral to the ecological vitality and the productive capability of these areas, respectively.

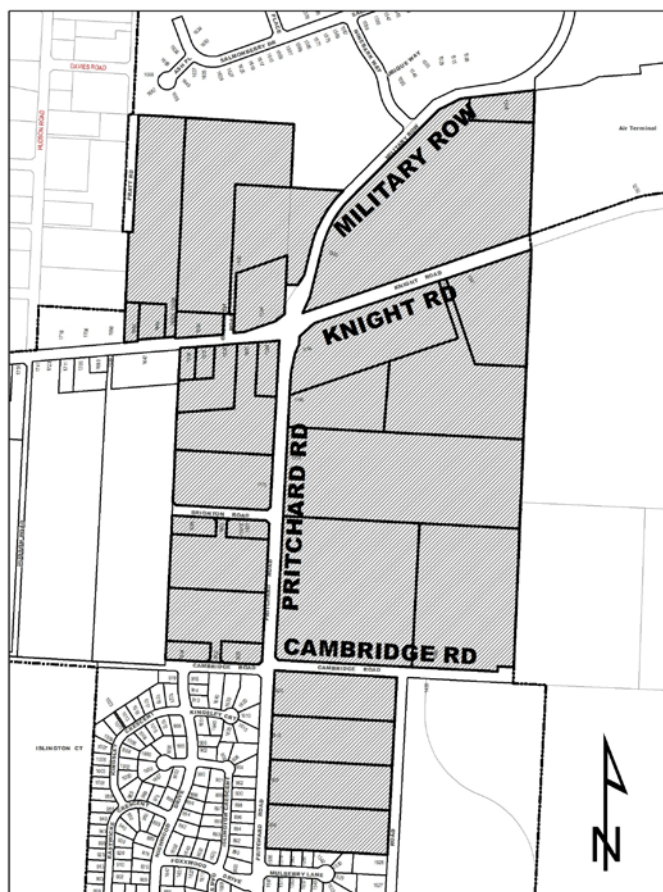
3.16.4 Exemptions

A development permit is not required for the following actions:

- A. Subdivision limited to a lot line adjustment, consolidation, or road or park dedication;

- B. Subdivision of land; alteration of land, including vegetation; or construction of, addition to, or alteration of a building or other structure on a parcel within the area shown shaded in Figure 10. Sub-catchment Area; for which a subdivision has been approved or a building permit issued in compliance with Town of Comox Subdivision and Development Servicing Bylaw, 1261, Schedule C.1, Appendix E, Section 1.5 North East Comox Special Requirements, as contained in Subdivision and Development Servicing Bylaw, Amendment Bylaw No. 1977, 2021, and any subsequent amendments thereto;
- C. Construction of, addition to, or alteration of a single detached dwelling and accessory buildings thereto;
- D. Construction of, addition to, or alteration of a coach house; and
- E. Construction of, addition to, or alteration of a multi-family building and accessory buildings thereto located on Lot 33 District Lot 156 Comox District Plan VIP64775 (1260 Noel Avenue).

Figure 10. Sub-catchment Area



3.16.5 Guidelines

Unless exempted under Section 3.16.4, no subdivision of land, alteration of land, including vegetation, or construction of, addition to, or alteration of a building or other structure is to occur unless the applicant first obtains a development permit.

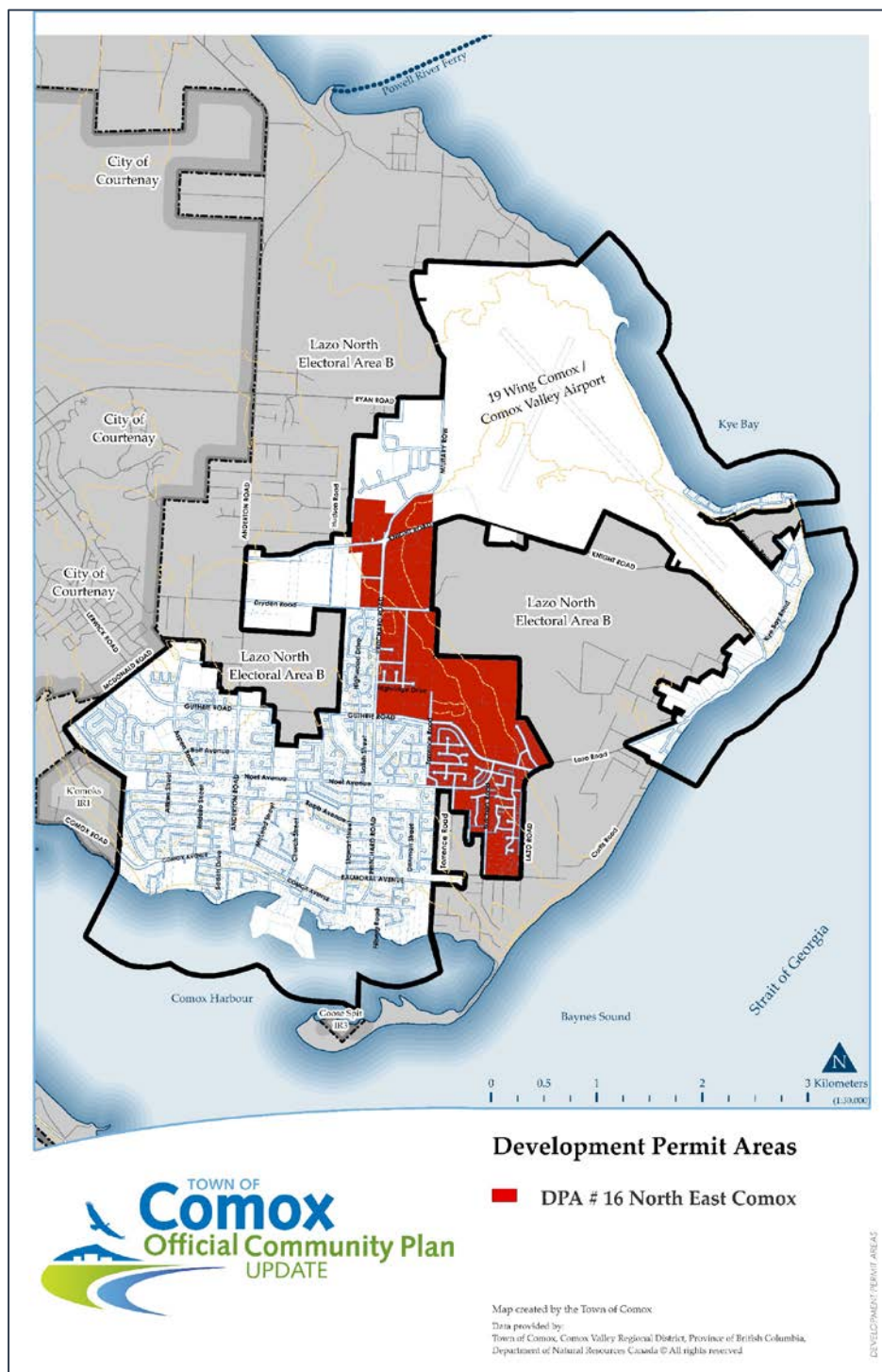
Use of the word “should” in a guideline does not indicate that compliance is at the option of the applicant. Rather compliance to the guideline will be required as a condition of issuance of a development permit unless there are exceptional reasons why the guideline should not be applied to its fullest extent.

Use of the term “encourage” indicates that compliance with the guideline may, at the discretion of the Council, be required as a condition of issuance of a development permit.

- 1) The quantity and quality of ground water flows to Lazo Marsh, Hilton Springs and ALR lands to the north of Lazo Marsh, east of Pritchard Road and south of Knight Road, should be maintained in relation to existing site conditions.
- 2) The impact of surface and ground water flows on flood frequency and duration on lands downstream and down-slope of the area within DPA # 16 for up to and including the 100 year storm event should be the same or less than existing site conditions.
- 3) A 15 metre undisturbed natural state buffer should be provided from the Natural Boundary of Hilton Springs and the Top of Bank of the conveyance ditch located along the road dedication for Cambridge Road.
- 4) A report by a professional engineer with expertise in geotechnical engineering or hydrology and a professional agrologist may be required in accordance with Comox Planning Procedures Bylaw 1780 addressing measures necessary to ensure:
 - a) the quality and quantity of ground water flows are maintained in relation to existing site conditions; and
 - b) the impact of surface and ground water flows on flood frequency and duration on lands downstream and down-slope of the area within DPA # 16 for up to and including the 100 year storm event should be the same or less than existing site conditions.
- 5) The subdivision of land; alteration of land, including vegetation; or construction of, addition to, or alteration of a building or other structure should be in accordance with any required professional engineer and professional agrologist impact assessment report, including any works or protective measures specified.

BYLAW 1976

SCHEDULE "2"



TOWN OF COMOX

BYLAW 1983

A BYLAW TO AMEND COMOX ZONING BYLAW 1850

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

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

1. Title

This bylaw may be cited for all purposes as the “Comox Zoning Amendment Bylaw 1983”

2. Amendments

(1) Comox Zoning Bylaw 1850, Section 8 Screening is hereby amended by:

(a) Adding as section 8.3(3):

Accessory structures shall be excluded from the provisions of section 8.13(2)

(b) Replacing section 8.5(2) with the following:

Excluding section 8.13, plant materials shall be installed of such a size as to grow to the minimum dimensions required within two growing seasons.

(c) Replace section 8.13 with the following:

8.13 Parcels Abutting Agricultural Land Reserve (ALR)

Where required in Schedule “A”, parcels shall be masked and separated from abutting land within the Agricultural Land Reserve in accordance with the following:

- (1) Masking
 - (a) Location: Screening shall be located along and within 8.0 metre of lot lines shared with land within the ALR;
 - (b) Materials: The 8.0 metre strip immediately adjacent to the ALR parcel shall comprise a double row of deciduous and coniferous trees (or just coniferous), a triple row of trespass inhibiting shrubs, and a single row of screening shrubs in conformance with Appendix B1 and existing trees are to be retained where possible;
 - (c) Fencing: Notwithstanding fencing requirements in Comox Official Community Plan Bylaw 1685, Development Permit Area DPA#11 Wildlife Corridor, ALR edge fencing shall be a chain link fence 1.73 metres in height along a lot line shared with land within the ALR in accordance the fence standards provided in Appendix B.1;
 - (d) Height: Tree height at planting shall be not less than 2.0 metres above finished ground level for conifers, and not less than 4.0 centimetre calliper for deciduous trees;
 - (e) Pot Size: Shrubs pot size at planting shall be not less than size 2 pots;
 - (f) Spacing: Trees shall be spaced a distance of 8m or less; and all shrubs shall be spaced 1.0 metres apart; with the ultimate result that there is a continuous vegetative cover within 5 to 10 years of growth;
 - (g) Standards: All landscaping shall be installed and maintained in conformance with the requirements in the British Columbia Society of Landscape Architects (BCSLA) standards. All Masking shall meet plant condition and structure requirements as stated in "BC Landscape Standard" of the BCSLA/British Columbia Landscape and Nursery Association and "Canadian Standards for Nursery Stock" of the Canadian Nursery and Landscape Association.
 - (h) Soil: Soil shall be a minimum depth of 50 cm around plantings and, where native soils are inadequate quality, soil shall be amended to create a sandy or silty loam and fertilized as needed in accordance with BCLSA standards.
 - (i) Irrigation: all landscaping for the purpose of Masking shall be irrigated a minimum of 2 years after the planning with an automatic irrigation system; and
 - (j) Notwithstanding section 8.3(1) driveways and pedestrian walkways shall not be excluded from the provisions of section 8.13 (1).

(2) Separation

(a) Location:

- (i) where Schedule “A” specifies a 15.0 metre required setback from lot lines shared with the ALR, landscaping shall be located along and within 7.0 metres of section 8.13(1) Masking; and
- (ii) where Schedule “A” specifies a 30.0 metre required setback from lot lines shared with the ALR landscaping shall be located along and within 22.0 metres of section 8.13(1) Masking.

(d) Adding as section 101.9(5) the following:

Notwithstanding section 101.9 (1) through (4), building setback from lot lines shared with the Agricultural Land Reserve shall be not less than 30.0 metres.

(e) Adding as section 101.11(3) the following:

R1.1 zoned parcels abutting land within the Agricultural Land Reserve shown in Appendix B1 map.

(f) Adding as section 108.9 (5) the following:

Notwithstanding section 108.9 (1) through (4), building setback from lot lines shared with the Agricultural Land Reserve shall be not less than 30.0 metres.

(g) Adding as section 108.11(3) the following:

R3.2 zoned parcels abutting land within the Agricultural Land Reserve shown in Appendix B1 map.

(h) Adding as section 115.9 (5) the following:

Notwithstanding section 115.9 (1) through (4), building setback from lot lines shared with the Agricultural Land Reserve shall be not less than 30.0 metres.

(i) Replace section 115.11 with the following:

Screening

The following shall be screened in accordance with Section 8:

- (1) Above ground utility boxes and utility transformers; and

- (2) R4.1 zoned parcels abutting land within the Agricultural Land Reserve shown in Appendix B1 map.

- (j) Adding as section 205.9 (5) the following:

Notwithstanding section 205.9 (1) through (4), building setback from lot lines shared with the Agricultural Land Reserve shall not be less than 15.0 metres.

- (k) Adding as section 205.11 (5) the following:

RM2.3 zoned parcels abutting land within the Agricultural Land Reserve shown in Appendix B1 map.

- (l) Adding as section 502.9 (5) the following:

Notwithstanding section 502.9 (1) through (4), building setback from lot lines shared with the Agricultural Land Reserve shall not be less than 15.0 metres.

- (m) Adding as section 502.9 (6) the following:

Notwithstanding section 502.9 (1) through (5), building setback from lot lines shared with the Agricultural Land Reserve shall be not less than 30.0 metres for the following uses:

- (a) Airline or air cargo operations or the servicing thereof;
- (b) Bottle depots;
- (c) Gas bars;
- (d) Industrial fueling installations;
- (e) Laundry or dry cleaning;
- (f) Major vehicle repair;
- (g) Service Stations;
- (h) Testing, repair or servicing of aircraft goods, machinery, equipment, tools or boats; and
- (g) Truck Terminals.

- (n) Adding as section 502.11(3) the following:

I2.1 zoned parcels abutting land within the Agricultural Land Reserve shown in Appendix B1 map.

- (o) Adding as section 701.9 (5)

Notwithstanding section 701.9 (1) through (4), building setback from lot lines shared with the Agricultural Land Reserve for permitted uses shall be 30.0 metres.

(p) Adding as Section 701.11(5)

PA1.1 zoned parcels abutting land within the Agricultural Land Reserve shown in Appendix B1 map.

(q) Adding Schedule “1” as “Appendix B1”, which is attached to and forms part of this Bylaw.

(2) Comox Zoning Bylaw 1850 is hereby 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 this bylaw.

3. Adoption

| | |
|---------------------------------------|--|
| (1) READ A FIRST and SECOND time this | 16 th day of June, 2021 |
| (2) ADVERTISED A FIRST time this | 25 th day of August, 2021 |
| (3) ADVERTISED A SECOND time this | 1 st day of September, 2021 |
| (4) PUBLIC HEARING this | ___ day of ___, 2021 |
| (5) READ A THIRD time this | ___ day of ___, 2021 |
| (6) ADOPTED this | ___ day of ___, 2021 |

Russ Arnott,
Mayor

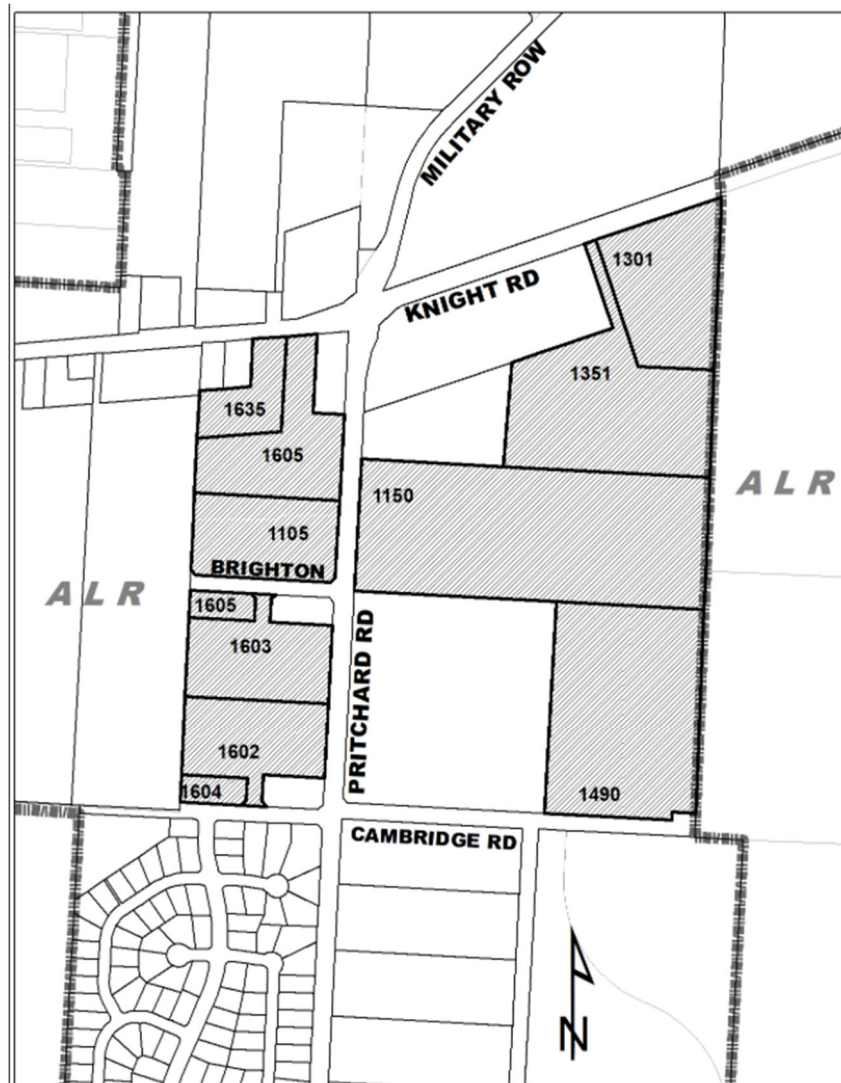
Shelly Russwurm,
Corporate Officer

**BYLAW 1983
Schedule "1"**

APPENDIX B1

1.

Map: Parcels Abutting Agricultural Land Reserve



APPENDIX B1

2.

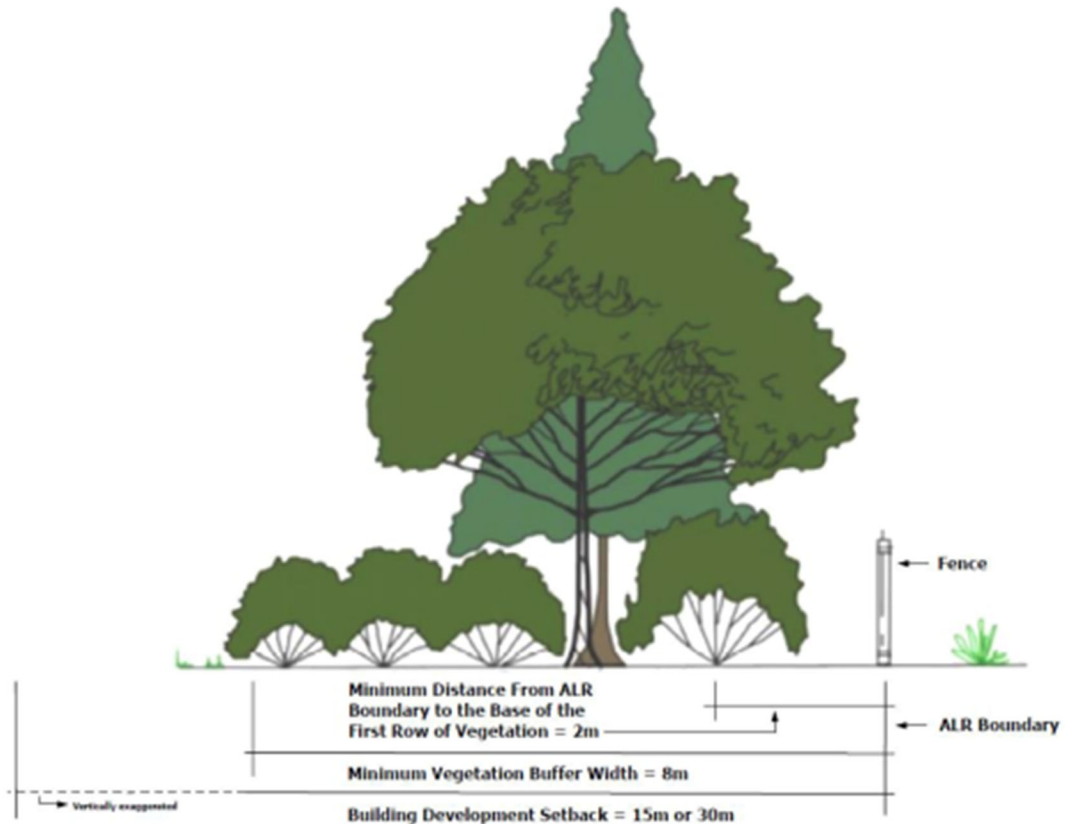
Table: Shrub and Tree Species for Screening on Parcels Abutting Agricultural Land Reserve.

| NATIVE | NON-NATIVE |
|---|---|
| Conifers | |
| Western redcedar (<i>T. plicata</i>) | Coast redwood (<i>S. sempervivens</i>) |
| Western hemlock (<i>T. heterophylla</i>) | |
| Douglas fir (<i>P. menziesii</i>) | |
| Deciduous | |
| Red Alder (<i>A. rubra</i>) | Sycamore Maple (<i>A. pseudoplatanus</i>) |
| Paper Birch (<i>B. papyrifera</i>) | Sargent Cherry (<i>P. sargentii</i>) |
| Quaking Aspen (<i>P. tremuloides</i>) | |
| Anti-trespass shrubs | |
| Nootka rose (<i>R. nutkana</i>) | Thorny Elaeagnus (<i>E. pungens</i>) |
| Cascara buckthorn (<i>R. purshiana</i>) | |
| Screening shrubs | |
| Red Elderberry (<i>S. racemosa</i>) | European Horn-beam (<i>C. betulus</i>) |
| Pacific Ninebark (<i>P. capitatus</i>) | Cornelian Cherry (<i>C. mas</i>) |
| Willows (<i>S. glauca</i> or <i>lucida</i>) | |

APPENDIX B1

3.

Diagram: Planting Cross-Section for Screening on Parcels Abutting Agricultural Land Reserve



Source: Madrone Environmental Services Ltd., May 20, 2021; based on the Province of British Columbia's *Guide to Edge Planning*

APPENDIX B1

4.

Fence Standard for Parcels Abutting Agricultural Land Reserve

- (1) Chain-link Fencing to a height of 1.73 metres shall be constructed and meet the following standards:
 - a. posts securely anchored in the soil using 2,500 PSI concrete extending from the soil surface to 15 centimetres below the bottom of the post;
 - b. posts spaced no more than 2.5 metres O.C.;
 - c. chain link material minimum 9 gauge wire;
 - d. maximum mesh size 50mm x 50mm;
 - e. made of black powder coated material;
 - f. post caps and extension arms shall be of pressed steel or cast or malleable iron and galvanized to CSA G164 standard; and
 - g. if top and bottom welded rails are not used, top and bottom tension wires shall be securely fixed taut and sag-free to terminal posts and any intermediate tensioning post; and the top tension wire shall pass through line post tops.