



TOWN OF COMOX

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

REGULAR COUNCIL MEETING AGENDA FOR WEDNESDAY JUNE 20, 2018

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'

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

Call to Order: 5:30 p.m.

Adoption of the Agenda

1. DELEGATIONS:

- (7) a. [Donald Jacquest - Future use of Comox Golf Club](#)

2. MINUTES OF MEETINGS:

- (9) a. [Regular Council Meeting Minutes](#)
That the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday June 6, 2018, be Approved.
- (13) b. [Public Hearing Meeting Minutes](#)
That the Minutes of the Public Hearing, held in Council Chambers on Wednesday June 6, 2018, be Approved.
- (23) c. [Committee of the Whole Meeting Minutes](#)
That the Minutes of the Committee of the Whole, held in Council Chambers on Wednesday, June 13, 2018, be Received.

3. COMMITTEE REPORTS: NIL

4. UNFINISHED BUSINESS:

- (25) a. [Management Report - June 20, 2018](#)
That the Management Report for June 20, 2018 be received and filed for information.
- (27) b. [Rezoning Application: RZ 17-9 Development Permit Application: DP 17-7 \(1700 Balmoral Avenue\)](#)
 1. *That Comox Zoning Amendment Bylaw 1877 be given Third Reading.*
 2. *That Comox Zoning Amendment Bylaw 1877 be Adopted.*
 3. *That Comox Phased Development Agreement Authorization Bylaw 1878: 1700 Balmoral Avenue be given Third Reading.*

- (27) b. [Rezoning Application: RZ 17-9 Development Permit Application: DP 17-7 \(1700 Balmoral Avenue\)](#)
 - 4. *That Comox Phased Development Agreement Authorization Bylaw 1878: 1700 Balmoral Avenue be Adopted.*
 - 5. *That Development Permit DP 17-7 be issued, subject to the Development Permit Conditions listed in Schedule 1 of the June 20, 2018 Planning Report on RZ 17-9 and DP 17-7.*
 - 6. *That Restrictive Covenants FB122070 and FB122076 be discharged.*
- (53) c. [Rezoning Application: RZ 17-1 / Development Permit Application: DP 17-1 \(618 & 634 Anderton Road\)](#)
 - 1. *That Comox Zoning Amendment Bylaw 1872 be Adopted.*
 - 2. *That Comox Phased Development Agreement Authorization Bylaw 1873: 618 Anderton Road be Adopted.*
 - 3. *That Development Permit DP 17-1 be issued, subject to the Development Permit Conditions listed in Schedule 1 of the June 20, 2018 Planning Report on RZ 17-1 and DP 17-1.*
 - 4. *That Restrictive Covenant EK048266 be discharged.*
- (85) d. [Rezoning Application: RZ 17-10 / Development Permit 17-6 / Development Variance Permit Application: DVP 17-7 \(1170 Lazo Road\)](#)
 - 1. *That Comox Zoning Amendment Bylaw 1874 be Adopted.*
 - 2. *That Comox Phased Development Agreement Authorization Bylaw 1875: Lazo Road be Adopted.*

5. SPECIAL REPORTS:

- (135) 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, June 5, 2018.*
 - *Comox Valley Regional District (Comox Strathcona Waste Management) Board held on Thursday, June 07, 2018.*
 - *Comox Strathcona Regional Hospital District Board held on Thursday, June 07, 2018.*

6. BYLAWS:

- (153) a. [Comox Election and Assent Voting Bylaw No. 1888, 2018](#)

That Comox Election and Assent Voting Bylaw No. 1888, 2018 be Adopted.

7. NEW BUSINESS:

- (165) a. [Municipal Liability Insurance - Alternate Provider](#)

That a letter of notice be submitted to the Municipal Insurance Association of BC (MIA) stating that the Town of Comox will be placing its liability insurance with another provider effective January 1, 2019.
- (167) b. [Statement of Financial Information \(SOFI\) Report](#)

That the attached Statement of Financial Information (SOFI) report be received and approved by Council for submission to the Province.

8. CORRESPONDENCE:

- (181) a. [Joesph Richard Briere \(Joe's Taxi\) Taxi Application](#)
- (183) b. [Brenda Hunt \(Mark R. Isfeld Secondary School\) Grad Car Cruise](#)
- (185) c. [Joan Miller \(Vancouver Island North Film Commission\) Filming in the Valley](#)
- (187) d. [EM \(Bunny\) Shannon \(Comox Valley Social Planning Society\) Thank you Councillor Mackinnon](#)
- (189) e. [Hu Wallis - Comox Fire Bylaw](#)

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, pursuant to section 127 of the Community Charter, notice is hereby given that the Public be Excluded from the Special In-Camera Meeting of Council on Wednesday June 20, 2018, pursuant to the following sections of the Community Charter:

90(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

90(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.

ADJOURNMENT



Deputy Corporate Administrator



REQUEST TO APPEAR AS A DELEGATION

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

RECEIVED

June 16, 2018

TOWN OF COMOX

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

Name(s) of person(s) speaking: Donald Jacquest

Organization you are representing: None - I'm a Comox resident

Primary purpose of Organization: _____ Number of members: _____

Mailing address: 2127 Bolt Avenue

City: Comox Postal Code: V9M 3L6

Contact name: _____ Email: _____

Phone: _____ Fax: _____

Subject matter: Golf Course

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

consider a referendum question on the future use of the Golf Course as a Park once the Comox Golf

Club's lease on the property expires

Requested meeting and date: June 20, 2018

Audio-visual equipment required: Powerpoint presentation

Date of application: June 15, 2018 Signature of applicant: _____

Please Note: or Print Name: Donald Jacquest

1. Regular Council Meetings start at 5:30 p.m., while Committee of the Whole Meetings start at 4:15 p.m. Delegations are dealt with at the beginning of each meeting.
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.

LOG: 18-159	REFER:	AGENDA:
FILE: 0540-20	ACTION: MR	RCM - June 20

o ~ cfile 0540-20-CoW
copy ~ Mayor & Council
RK / SR / agenda

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TOWN OF COMOX
Minutes of the Regular Council Meeting,
held in Council Chambers on Wednesday June 6, 2018

Present: Acting Mayor K. Grant
Councillors M. Grant, H. MacKinnon, B. Price, M. Swift

Absent: P. Ives, R. Arnott

Call to Order:

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

The Agenda was Adopted as amended to replace pages 117-128 with an updated Election and Assent Voting Bylaw.

There were 3 visitors in attendance.

1. DELEGATIONS:

- a. **Allan Morrison & Jim Matthew (Filberg Heritage Lodge & Park Association) Plans to Construct Timber-Frame Pavilion**

Filberg Park Pavilion

Mr. Morrison and Mr. Matthew presented their plans to construct a timber-frame pavillion in front of the summer kitchen at Filberg Park. They advised that funding for the project has begun, and that they expect construction to begin in the fall. They expect the project to be completed in time for the start of the season next year.

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 May 16, 2018, be Approved.

(2018.135) -- CARRIED

3. COMMITTEE REPORTS: NIL

4. UNFINISHED BUSINESS:

- a. **Management Report - June 6, 2018**

Management Report

That the Management Report for June 6, 2018 be received and filed for information.

(2018.136) -- CARRIED

- b. **Planning Report PR 18-4 - Extension of Comox Downtown Vitalization Program**

Downtown Vitalization

1. *That Comox Downtown Revitalization Tax Exemption Amendment Bylaw 1883 be Adopted.*

(2018.137) -- CARRIED
[Opposed: Councillor HMacKinnon]

2. *That Comox Planning Procedures Amendment Bylaw 1884 be Adopted.*

(2018.138) -- CARRIED
[Opposed: Councillor HMacKinnon]

c. RZ 18-4 Cannabis Regulation - Step 2

Cannabis Regulation

Marvin Kamenz, Municipal Planner, reviewed Step 1 taken by Council to regulate cannabis sales in the Town of Comox, which was to prohibit recreational sales until specifically permitted by future bylaw amendments. He also presented some regulatory options available to Council, with respect to flexibility and uncertainty, and then presented his recommended approach, taking into consideration commercial zones, compatibility of uses and minimum separation distances.

That Council direct staff to schedule an Open House in respect of proposed cannabis retail sales regulations on June 14th, 2018 from 3 p.m. to 6:30 p.m. at the Comox Community Centre.

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 Tuesday, May 15, 2018.*

(2018.140) -- CARRIED

6. BYLAWS:

a. Comox Election and Assent Voting Bylaw No. 1888, 2018

**Election and Assent Voting
Bylaw**

That the Comox Election and Assent Voting Bylaw No. 1888, 2018 be given First, Second and Third Readings.

(2018.141) -- CARRIED

7. NEW BUSINESS: NIL

8. CORRESPONDENCE:

a. K. Rusk (Simon's Cycles YANA Ride Committee) YANA Ride

YANA Ride

That the May 15, 2018 letter from K. Rusk of the Simon's Cycles YANA Ride Committee, requesting permission to plan their YANA community bike ride for Sunday August 19, 2018 and inviting Council to participate, be received and the request granted.

(2018.142) -- CARRIED

b. Chris Morrison - Opposed to the promenade extension

Promenade Extension

That the May 23, 2018 letter from Chris Morrison, expressing opposition to the expansion plans for the Comox promenade, be received and filed for information.

(2018.143) -- CARRIED

c. Lee Everson (The Kumugwe Cultural Society) Thank you for the contribution toward Potlatch 67-67

Potlatch 67-67

That the May 28, 2018 email from Lee Everson, thanking Council for its contribution to the Potlatch 67-67 Event and requesting the Town logo for their community partners page, be received and filed for information.

(2018.144) -- CARRIED

9. LATE ITEMS: NIL

10. DELEGATIONS: NIL

11. REPORTS FROM MEMBERS OF COUNCIL:

a. Councillor MacKinnon

Councillor MacKinnon advised that he attended:

- a presentation at Gaglardi Academy,
- a Homelessness Coalition meeting,
- the Air Cadets Annual Ceremonial Review,
- the Highland Secondary graduation ceremony as a representative of the Town,
- the Comox Community Centre's Party in the Park,
- the Comox Valley Tri-K event,
- the Vancouver Island regional library board meeting,
- a Sustainability Forum at K'omoks First Nation, and
- a K'omoks First Nation Council to Council meeting.

b. Councillor Swift

Councillor Swift advised that she attended:

- the Filberg board meeting,
- the Filberg Spring Showcase,
- the CV Economic Development Society AGM,
- the Sustainability Forum,
- a utilities commission presentation at the Regional District, and
- the K'omoks First Nation session.

c. Councillor Price

Councillor Price advised that she attended the K'omoks First Nation session and the Regional District sewer commission, water committee, sports commission, two committee of the whole and board meetings, She reviewed her attendance at the utilities governance meeting and attended the Comox Museum and Archives Society meeting, the Town Projects Open House and the FCM Conference.

d. Councillor Marg Grant

Councillor Marg Grant advised that she did a followup on the water symposium and attended:

- the Capital Projects open house,
- the KFN Council to Council meeting,
- the opening of the Liz Stubbs' cutting garden,
- the Economic Development Society AGM, and
- the Seniors' board meeting.

e. Acting Mayor Ken Grant

Acting Mayor Grant advised that he attended:

- the FCM Conference,
- the Economic Development Society AGM, and
- the Utilities Governance forum.

14. EXCLUDE THE PUBLIC:

a. Exclude the Public

Exclude the Public

That, pursuant to section 127 of the Community Charter, notice is hereby given that the Public be Excluded from the Special In-Camera Meeting of Council on Wednesday June 6, 2018, pursuant to the following sections of the Community Charter:

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

(2018.145) -- CARRIED

Adjournment:

Regularly moved and seconded that the meeting adjourn at 6:37 p.m.

CARRIED

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

MAYOR

CORPORATE OFFICER

TOWN OF COMOX
Minutes of a Special Meeting of Council,
held at d’Esterre Seniors’ Centre on Wednesday June 6, 2018

Present: Acting Mayor K. Grant

Councillors M. Grant, H. MacKinnon, B. Price, M. Swift

Absent: P. Ives, R. Arnott

Call to Order:

The Public Hearing was called to order at 7:00 p.m.

There were 46 members of the public in attendance.

PUBLIC HEARING STATEMENT

Acting Mayor Ken Grant made the following 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 is affected by the proposed:

1. Rezoning Application RZ 17-9 (1700 Balmoral Avenue)

- a. Comox Zoning Amendment Bylaw 1877
- b. Comox Phased Development Agreement Authorization Bylaw 1878
- c. Discharge of Restrictive Covenant FB122070 and FB122076

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, a copy of the proposed bylaws, supporting documentation and any submissions to Council received from the public have been available for inspection at Comox Town Hall as required by the Local Government Act. Copies are also available for review at the desk of the clerk.

To maintain order and to ensure everyone a reasonable opportunity to be heard, I ask that each person wishing to speak first sign the Speaker’s List, located at the desk of the Clerk. Once called by the Chair, please begin your presentation to Council by clearly stating your name and address. 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 sign the Speaker's List.

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. Please refrain from any conduct that would intimidate others or discourage them from speaking.

1. Rezoning Application RZ 17-9 (1700 Balmoral Avenue)

Application Summary

a) Comox Zoning Amendment Bylaw 1877

The purpose of Comox Zoning Amendment Bylaw 1877 is to amend the zoning of 1700 Balmoral Avenue from CD7 to CD7.1 to permit the development of a 45 unit, 5 storey apartment building with underground parking.

b) Comox Phased Development Agreement Authorization Bylaw 1878:

The purpose of Comox Phased Development Agreement Authorization Bylaw 1878 is to establish a Phased Development Agreement for the provision of the following amenities:

- Payment of \$18,692 to Affordable Housing Fund;
- Payment of \$25,000 as a contribution for providing one or more of the following public amenities: public electrical vehicle charging stations within Downtown area and capital improvements at Anderton Park;
- 0.856 metre road dedication and upgrades along the Balmoral Avenue frontage;
- Retention of 4 mature trees and planting of 14 new trees;
- Built Green Silver, BC Energy Code Step 2, or equivalent construction standards;
- Provision of 5 dwelling units in accordance with Adaptable Housing standards;
- Provision of five vehicle parking spaces with 220 Volt electrical connections in underground parking;
- Sound attenuation meeting CMHC standards for residential units.

It will also limit the Town’s ability to change permitted uses; conditions of use; density; parcel area, frontage, depth and coverage; building height; number of storeys; required setbacks, screening and parking requirements for a term of 10 years and may be assigned to another developer if the Town agrees.

c) Discharge of Restrictive Covenants FB122070 and FB122076

Discharge of restrictive covenant FB122070 would permit modification of the tree protection covenant and demolition of the existing single-family building.
Discharge of restrictive covenant FB122076 would eliminate the oversized vehicle parking prohibition.



The Application Summary was received for information.

Public Hearing Submissions

Acting Mayor Ken Grant made the following statement:

Written – To ensure that written submissions are included in the minutes of the meeting, please ensure that all are submitted to the desk of the Clerk before the end of the meeting.

Verbal – The proposed bylaws are now open for discussion.

Brenda Pearson – Balmoral Avenue

Ms. B read from a submission to Council (**a copy of which is attached to these Minutes**).

Mary Kleim – Balmoral Avenue

Ms. Kleim stated that Ms. Pearson covered every point that she wished to make.

Dave Mellan – Denny Road

Mr. Mellan stated that he has lived in the Comox Valley for 56 years. He claimed that Comox always took the stance of keeping the town small, and that there is not any land to build on at this time. He, therefore, concluded that five storeys is well suited. Mr. Mellan stated that businesses need a populace to keep them going, and that he is fully in support of the project.

Marietta Bippes – Noel Avenue

Ms. Bippes stated that she would like Comox to stay as it is, and that she thinks three storeys is plenty. She stated that an increase in traffic on an already busy road is a concern. Ms. Bippes expressed that people may stop driving to the mall due to the increase in traffic and the loss of parking.

Lisa Zuk – Curtis Road

Ms. Zuk stated that she has lived in Comox for 32 years and that she likes the idea of density in the downtown. She stated that Comox can be the cutting edge on density, and that one shouldn't want to close the gates once they arrive. She advised that she is very happy to see local investment in the local community. Ms. Zuk advised that she has worked on a number of homelessness projects, and that the money is a generous amount. She stated that the five storeys is lower in height than the original project and is more modern looking. She also stated that the owner is working with past owners to offer pieces of the house. Ms. Zuk concluded that she wished more trees and shrubs were kept in place.

Marcia Turner – Robb Avenue

Ms. Turner advised that the property was originally rezoned to construct the condos and retain the house because of its heritage value. She stated that the house has been identified as being architecturally important, and Council endorsed the previous application, in part, because of the ability to preserve a piece of history. Ms. Turner advised that we lose a bit of something when we lose history. She asked Council to not

remove the covenant on the house as it is irreplaceable. She hopes that Council will have a chance to read the study before making a decision.

Kelly B. – Comox Avenue

Ms. B read from a submission to Council (**a copy of which is attached to these Minutes**).

Alex Bissinger – Robb Avenue

Ms. Bissinger advised that she may be Comox's newest resident. She advised that she is thrilled to see five storeys. She also advised that Council should look at the BC Energy Step Code, and aim for objectives above the base code. Ms. Bissinger stated that Council should increase density with energy efficiency in mind. She also stated that \$18,000 is not sufficient for affordable housing, and that Balmoral Ave should have a bike lane.

Bernie Poole – Sky View Place

Mr. Poole stated that he has lived in Comox on and off since 1974. He stated that we are in a market where there is nothing available for families, and that when supply is increased, the price will fall. He stated that he is in support of the project.

Donna Baydock – 12th Street East, Courtenay

Ms. Baydock advised that she works at Stevenson Place. She stated that she cares about seniors. She stated that it is impossible to see traffic coming from the park side of Balmoral Avenue when leaving work each day. Ms. Baydock stated that she would like to see speed humps. She also stated that she is concerned about increased traffic.

Close of Public Hearing

There being no further speakers on the speaker's list, Acting Mayor Ken Grant made the following statement:

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.

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

Mary Kleim – Balmoral Avenue

Ms. Kleim stated that nobody that lives on Balmoral Avenue and in the neighbourhood has come out in favour of the application. She stated that it is not safe now on Balmoral Avenue and will be less safe when the development goes through.

Kelly B. – Comox Avenue

Ms. B stated that it has taken eight years for 35 units of affordable housing to come before Courtenay residents.

Brenda Pearson – Balmoral Avenue

Ms. Pearson stated that she is not opposed to the development. She stated that she is concerned about the density and traffic, which has increased 10-fold on Balmoral. Ms. Person stated that, like it or not, people want a car.

Derek Jensen – 6th Street, Courtenay

Mr. Jensen stated he wanted to address the concerns surrounding traffic. He stated that a traffic study concluded that 17 cars in the a.m. and 21 cars in the p.m. use Balmoral Avenue. He stated that Balmoral Avenue has the capacity to accommodate for the development and background growth through 2029. Mr. Jensen also stated that a speed sign installed on Balmoral Avenue outside of the playground zone indicated that 85% of the traffic was travelling at 50 km/h, and 90% was travelling at 55 km/h. He advised that, from a technical perspective, there is not a traffic issue, but rather the perception of a concern.

Marcia Turner – Robb Avenue

Ms. Turner advised that her submission dated June 6, 2018 was concerning all three bylaws, even though it only quoted Bylaw 1877.

There being no further speakers on the speaker's list once again, Acting Mayor Ken Grant continued with the statement:

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

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

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

CLOSE OF PUBLIC HEARING

Adjournment:

The Special Meeting of Council adjourned at 7:43 p.m.

Statements read out by residents at the meeting are attached to these Public Hearing Minutes:

Brenda Pearson – Balmoral Avenue
Kelly B. – Comox Avenue

Certified correct pursuant to Section 97 of the Community Charter.

MAYOR

CORPORATE OFFICER

Certified fair and accurate pursuant to Section 465(6) of the Local Government Act.



DEPUTY CORPORATE ADMINISTRATOR

BRENDA L. PEARSON #13-1646 BALMORAL AVENUE, COMOX

MY CONCERNS RE PROPOSED DEVELOPMENT AT 1700 BALMORAL AVENUE.

45 UNITS, 1,2,3 BEDROOMS

Proposed – one parking space per unit with 5 Visitor spaces: 37 spaces for bicycles.

Apparently this building will be marketed for the general population and the developer is assuming one-car families, but, if we assume that half the units will have two-car owners that equals perhaps 22 extra vehicles parked on the street. If there are say five with three cars (students at high school or North Island College or working), that is an extra 5 cars on the street, 27 in all. They will all naturally wish to park on the street as close to the building as possible. It goes without saying that they will not be welcome parked in the shopping centre nor at the golf club. Indeed the golf club parking is not always sufficient for the number of players and other patrons which means that sometimes there are many vehicles parked on Balmoral around the shopping centre and the golf club. The shopping centre lot is at times overflowing.

Whilst I appreciate efforts are being made to encourage cycling, and that maybe a fun activity at the weekend, it is not necessarily the best way to get to work, especially if children have to be delivered to school and picked up or other errands done on the way to and from work.

There are currently 7 driveways on Balmoral between the golf club and Anderton park. Anderton park is well-used by families and seniors as well as others, necessitating parking of vehicles; also there is sometimes parking by those using the tennis courts.

Several trucks (some of 40 feet) come from Stewart along Balmoral to access the shopping centre by way of the Port Augusta entrance which necessitates some of them backing in, as well as the Balmoral entrance, at all times of the day. They frequently cause traffic delays as they manoeuvre into place and also exit.

We are told there are plans for up to 40 buses per day along Balmoral to Port Augusta with a 2-bus bay on Port Augusta.

All this means heavy traffic congestion, in an already very busy traffic corridor of approximately a block and a half. Traffic from Port Augusta to Stewart (and return) is a steady flow and very few drivers obey the 30 kmp sign, some treating it as a race-track.

Whilst I understand the Developer's wish to cram as much onto the lot as possible, I feel not sufficient consideration has been given to the nature of the neighbourhood and that the proposed building is ill-conceived with too much crammed into too small a space. There should be a smaller building with much better parking and perhaps some green space around it.

We should not be seduced by the proposed offer of \$18,692 for Affordable Housing Fund (that won't buy many square feet of space) or the suggested \$25,000.00 for public amenities; a small sop to make the pill easier to swallow?

The developer is asking for several amendments to the bylaws and discharge of two restrictive covenants. I ask are these changes in the best interests of the neighbourhood?

I also note there is no guarantee that the developer, having gained the amendments and approvals will not sell the project on and the buyer want further changes, again in his favour but not that of the neighbourhood.

I think not enough consideration has been given to this project and its impact on the neighbourhood and current and proposed traffic patterns and I urge Council to consider very carefully before approving the developer's request as it stands.



Presentation by Kelly B. -

Comox needs to include affordable housing in proposed development on Balmoral Avenue

I am writing to voice my displeasure with the Town of Comox to contribute \$18,692 to an Affordable Housing Fund. We need affordable "family-size" housing in your proposed 45-unit development at 1700 Balmoral Avenue. There are many benefits to intergenerational relationships; developing connections with a younger generation can help older adults feel a greater sense of fulfillment and linking older adults with youth provides advantages for both groups.

The Comox Valley's Vital Signs reports 20% of our youth live in poverty and 3% of seniors. The lack of affordable housing is a crisis in the valley and affecting all residents and businesses. The Town of Comox needs to step up and include some affordable housing within their proposed development at 1700 Balmoral Avenue.

All communities within the Comox Valley Regional District need to follow Vancouver and New Westminister's lead to include more "family-size" housing in their projects with new policies and bylaws. Vancouver requires 35 percent of units in all new developments to have two or three bedrooms. New Westminister requires "multi-family rental projects" to "include a minimum of 25% two- and three- bedroom units, and that at least 5% of the total project units be three-bedrooms or more."

Is it going to take 20 years like the City of Nanaimo for the Town of Comox to build their first affordable family housing facility where the rents range from \$375 for bachelor and one-bedrooms, \$800 for two bedroom townhomes, and \$900 for three bedrooms?

- [Nowhere to rent in the Comox Valley](#)
- [Nanaimo Aboriginal Centre unveils Passive Housing Certified Affordable Housing development](#)
- [Town of Comox proposed development of a five-storey, 45-unit apartment at 1700 Balmoral Avenue](#)
- [Making room for families in the city](#)
- [New Westminister: Family-Friendly Housing Policy, July 2016](#)
- [City of Vancouver: Family Room: Housing Mix Policy for Rezoning Projects, July 2016](#)
- [Affordable rental homes under construction in Courtenay](#)
- [Comox Valley's Vital Signs 2016](#)
- [The 10 Benefits Of Connecting Youth And Seniors](#)

2nd Presentation taken from [Background Information](#):

It has taken 8 years for 35 units with a mix of studios and one-bedroom units to finally come before the Courtenay residents to accept with rents ranging from \$375 to \$760/month.

TOWN OF COMOX
Minutes of the Committee of the Whole Meeting,
held in Council Chambers on Wednesday June 13, 2018

Present: Mayor P. Ives
Councillors K. Grant, M. Grant, H. MacKinnon,
B. Price, M. Swift

Absent: R. Arnott

Call to Order:

The meeting was called to order at 4:15 p.m.

The Agenda was Adopted.

1. Delegations:

a. Andrea Cupelli & Heather Ney (Comox Valley Coalition to End Homelessness) 5 year plan

Ms. Cupelli and Ms. Ney provided an update on their activities over the past year. They advised that six units of affordable housing were built/secured in 2016, 21 units were built/secured in 2017 and 34 units will be ready in early 2019. They also advised that their 2018 recommendations for funding include for the construction of four units of transitional housing at Amethyst House, the renovation of ten units of supported independent housing for youth, the continued support for the construction of 34 units at Braidwood and the continued support for the construction of two new Habitat for Humanity homes. Other exiting projects that they will be involved in in 2018 were also summarized.

2. Minutes of Meetings: NIL

3. Department Reports:

a. Fire Department - Report for first four months of 2018 (January - April)

The Fire Department Report for first four months of 2018 (January - April) was received for information.

b. Recreation Department Management Report (January - April 2018)

The Recreation Department Management Report (January - April 2018) was received for information.

c. Public Works - Capital and Operational Status (January - April, 2018)

The Public Works Capital and Operational Status (January - April, 2018) was received for information.

d. Parks and Property Management Report (January - April, 2018)

The Parks and Property Management Report (January - April, 2018) was received for information.

e. Planning and Building Department (January - April, 2018)

The Planning and Building Department (January - April, 2018) was received for information.

TOWN OF COMOX - COMMITTEE OF THE WHOLE MEETING MINUTES

f. Administration Department Report (January - April, 2018)

The Administration Department Report (January - April, 2018) was received for information.

4. Staff Reports:

a. Transit Future Plan - Phase 2 (Sept 2018) Implementation - Comox Exchange

The June 7, 2018 report from the Municipal Engineer and Deputy Corporate Administrator, titled "Transit Future Plan - Phase 2 (Sept 2018) Implementation", was received for information.

5. Correspondence: NIL

6. LATE ITEMS:

a. Downtown Traffic Intersections Update

The June 9, 2018 report from the Municipal Engineer, titled "Downtown Traffic Intersections Update" was received for information.

7. Exclude the Public: NIL

Adjournment:

Regularly moved and seconded that the meeting adjourn at 5:07 p.m.

CARRIED

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

CHAIR

TOWN OF COMOX – MANAGEMENT REPORT

June 20, 2018

Item	DATE ADDED	SUBJECT	COUNCIL DIRECTION	STATUS
1.	Mar 7, 2007	Organic Waste Collection Service	Investigate the provision of an Organic Waste Collection Service in Comox-Courtenay	Pilot project extended until the end of 2018 Organics collection for 2017 overall climbed slightly by 3.5%. Residents on average diverted a total of 124 kg per capita during the year, compared to 119 kg 2016. As per Council's Strategic Plan, staff will be looking at the feasibility of increasing organics collection by reducing the frequency of garbage collection this year.
2.	Aug 20, 2014	Fixed Wing Search and Rescue Training Facility	Investigate the feasibility of financial and other incentives that would support the selection of 19 Wing Comox.	Grant-in-aid provided to 19 Wing Comox as an incentive to develop a training facility at CFB Comox.
3.	Jan 18, 2017	Northeast Comox Storm Water Management Plan	Completion of Northeast Comox Storm Water Management Plan	Stakeholder and public meeting held April 26. Awaiting final submission from consultant.
4.	Jan 18, 2017	Mack Laing Trust	That staff be directed to begin the process to modify, if necessary, the terms of the Trust.	Hearing held April 17 in Nanaimo. Next court date slated for October.
7.	August 2, 2017	Wayfinding Signage	Develop wayfinding signage standards, prototypes and implement Phase 1 signage	Presentation to Council mid-June or July. Project completion anticipated by mid-August.

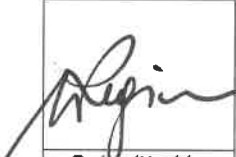


Note: Shaded items will be removed from the Management Report unless otherwise directed by Council.

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**TOWN OF COMOX
PLANNING REPORT**

TO:	RICHARD KANIGAN, CHIEF ADMINISTRATIVE OFFICER
FROM:	MARVIN KAMENZ, MUNICIPAL PLANNER REGINA BOZEROCKA, PLANNER I
SUBJECT:	REZONING APPLICATION: RZ 17-9 DEVELOPMENT PERMIT APPLICATION: DP 17-7 1700 BALMORAL AVENUE
DATE:	JUNE 20, 2018 RCM POST PUBLIC HEARING, THIRD READING AND ADOPTION REPORT

 Submitted by	 Concurrence	 Approval
--	--	---

Planner's recommendation:

1. That Comox Zoning Amendment Bylaw 1877 (**Attachment 2**) be given Third Reading;
2. That Comox Zoning Amendment Bylaw 1877 (**Attachment 2**) be adopted;
3. That Comox Phased Development Agreement Authorization Bylaw 1878: 1700 Balmoral Avenue (**Attachment 3**) be given Third Reading;
4. That Comox Phased Development Agreement Authorization Bylaw 1878: 1700 Balmoral Avenue (**Attachment 3**) be adopted;
5. That Development Permit DP 17-7 be issued, subject to the Development Permit Conditions listed in Schedule 1 of the June 20, 2018 Planning Report on RZ 17-9 and DP 17-7; and
6. That Restrictive Covenants FB122070 and FB122076 be discharged.

Proposal:

The proposal is for a rezoning to a new comprehensive development zone and issuance of a Development Permit to remove the vacant existing single-family building and construct a five-storey, 45-unit apartment building with underground parking. Two existing covenants relating to a previous proposed apartment building, which did not proceed, are proposed to be discharged. The Application Summary is contained in **Attachment 1**.

U:\Dev App\2017\OCP RZ\17-9 1700 Balmoral Avenue\Reports\2_RZ 17-9_1700 Balmoral Ave_post PH_3 Read_Adoption_20.06.2018.docx

JUNE 20, 2018

Background:

A Public Hearing in respect of Bylaws 1877 and 1878, and discharge of Restrictive Covenants FB122070 and FB122076 was held on June 6th, 2018. A copy of *Local Government Act*, Section 465 Public Hearing summary report is contained in the June 20, 2018 Regular Council Meeting agenda.

All outstanding Items have now been resolved.

Discussion:

Issues raised at the Public Hearing and in submissions to the Town, included traffic volumes and sightlines.

Roads are classified according to purpose and vehicle capacity. Town roads classifications from higher to lower capacity are as follows;

1. Arterial
2. Major collector
3. Minor collector
4. Local Road

The higher the road classification the higher the traffic volumes. As traffic volumes increase, vehicles entering or exiting the road must contend with a greater number of vehicles which, in particular, affects the ability to make left hand turns.

Under the Official Community Plan, Balmoral Avenue and Port Augusta Street are classified as Minor Collectors. Minor Collector roads are not local residential roads. They are intended to connect neighbourhoods to arterial roads as opposed to being limited to local traffic. Minor collectors are designed to accommodate traffic volumes in excess of 1,000 vehicles per day¹.

The McElhanney Traffic Study estimates that the proposed development will generate 19 weekday morning peak hour trips and 23 evening peak hour trips.² These numbers do not take into account any trip reductions for public transit, or active transportation modes, such as biking or walking.

In regards to sightlines, Balmoral Avenue from Port Augusta to the west boundary of Anderton Park is straight. The subject property is located approximately in the middle of this section of road.

MK/ RB

Schedule: 1

Attachments: 3

Cc: Richard Gunderson, Wensley Architecture Ltd.
301 - 1444 Alberni Street, Vancouver, BC V6G 2Z4

¹ In accordance with Comox Transportation Study report by Boulevard Group in 2011.

² Attachment 2 of the First and Second Reading Report to Council dated May 16, 2018 included a Traffic Impact Study prepared by McElhanney Consulting Services.

JUNE 20, 2018

SCHEDULE 1

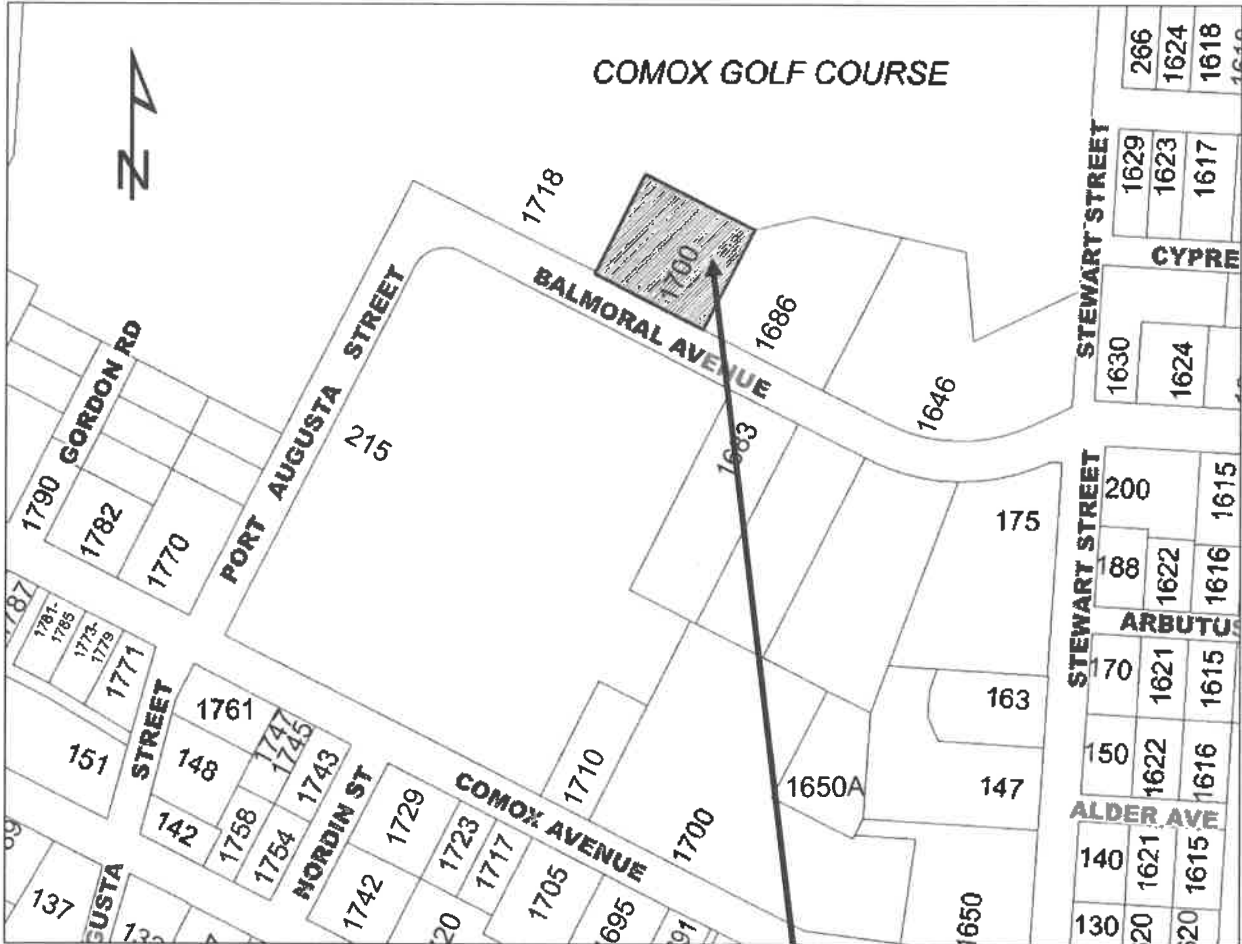
DEVELOPMENT PERMIT CONDITIONS

The Development Permit is for the construction of a Multi-Family Residential development, in compliance with the revised drawings and landscape plans, per Schedule 1, Outstanding Items, and the following conditions:

- 1) At time of Building Permit Issuance, provision of a landscape security in the amount of \$81,400;
- 2) All landscaping shall be serviced with automatic watering system, including boulevard trees;
- 3) Issuance of any sign permits shall be in conformance with Town of Comox Sign Bylaw No. 1197;
- 4) All new services shall be placed underground, in accordance with approved Servicing Plan;
- 5) Screening of all above ground utility boxes and utility transformers must be provided in conformance with Comox Zoning Bylaw Section 8.9;
- 6) No fences shall be permitted within front yard;
- 7) All fencing or other wooden landscape components shall be treated with paint, stain, or other preservative;
- 8) Fencing must be robust and minimum commercial grade. Wood fencing must have minimum 15 x 15 cm posts and 5 x 10 cm horizontal supports at the top and bottom of fence panels.
- 9) Parking must be in compliance with Comox Zoning Bylaw 1850 and Visitor, Small Car and Accessible parking spaces shall be clearly marked in accordance with Section 6.12(10);
- 10) If a gate to underground parkade is proposed, visitor parking must remain accessible to the public;
- 11) All exterior building, exterior corridor, and site lighting fixtures (including those in parking areas but excluding dwelling unit entrance, balcony and patio lighting) shall:

JUNE 20, 2018

- 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 property;
 - 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.
- 12) Where residential units have ground level patios, an exterior faucet shall be provided for each unit to facilitate optional container gardening.



Subject Property:
1700 Balmoral Avenue
PID: 026-810-361
LOT A SECTION 56 COMOX DISTRICT PLAN VIP81758

JUNE 20, 2018

Proposal:	The proposal is for a rezoning to a new comprehensive development zone and issuance of a Development Permit to facilitate a five-storey, 45-unit apartment building, with 50 vehicle parking spaces, Class I & Class II bicycle and electrical scooter parking underground. The existing single-family house on the subject property is vacant and is proposed to be demolished. Two restrictive covenants FB122070 and FB122076 relating to a previous proposed apartment building, which did not proceed, are proposed to be discharged.	
Owner:	Lindary Holdings Ltd. Inc. No. BC0916510	
Applicant:	Richard Gunderson, Wensley Architecture Ltd.	
Legal Description:	Lot A Section 56 Comox District Plan VIP81758	
Civic Address:	1700 Balmoral Avenue	
Official Community Plan		
Land Use Designation:	Residential: Low Rise Apartments, Townhouses & Ground Oriented Infill	
Development Permit Areas:	DPA # 3: General Multi-Family	
Zoning:	EXISTING	PROPOSED
	Comprehensive Development CD7	Comprehensive Development CD7.1
Permitted uses:	Apartment dwellings; Accessory structures and uses; Home occupations;	Apartment dwellings; Accessory structures and uses, excluding buildings and outside storage; Home occupations
Conditions of use:	<p>(1) Excluding accessory buildings:</p> <p>(a) The gross floor area of the first storey shall not exceed 1094 square metres;</p> <p>(b) The gross floor area of the second storey shall not exceed 1088 square metres;</p> <p>(c) The gross floor area of the third storey shall not exceed 1003 square metres;</p> <p>(d) The gross floor area of the fourth storey shall not exceed 784 square metres; and</p> <p>(e) The gross floor area of the fourth storey shall not exceed 80% percent of the third storey gross floor area.</p> <p>(2) All parking spaces shall be located underground and below grade.</p>	<p>(1) The gross floor area of the first storey shall not exceed 1400 square metres;</p> <p>(2) The gross floor area of the fifth storey shall not exceed 900 square metres;</p> <p>(3) All parking spaces and areas used for the temporary storage of garbage or recycling produced on the parcel shall be located underground and below grade.</p>

JUNE 20, 2018

Density:	113 UPHa	170 UPHa
Parcel area:	2,700 m ²	2,650 m ²
Parcel coverage:	55%	65 %
Height and stories:	18.00 m Four storeys	Maximum 19.00 m and 5 storeys
Required setbacks:		
	Front: 6.0 m	7.0 m for a maximum 16.0 metres of continuous building frontage as measured from west lot line; 17.0 m for the remainder of the building frontage.
	Rear: 6.0 m	6.0 m
	Side (interior): 3.5 m	3.5 m
Accessory Buildings and outside storage:	8.5 m in height; 135 m ² in gross floor area; 0.5 % parcel coverage (existing historical building, per covenant FB122070)	Accessory buildings and outside storage not permitted
Off-street parking	Located within Downtown Vitalization Program Area: 1 vehicle parking per dwelling unit, (0.1 per dwelling for visitors); 0.25 Class I bicycle or electric scooter stalls per dwelling unit; 0.5 Class II bicycle stalls per unit;	Located within Downtown Vitalization Program Area: 1 vehicle parking per dwelling unit, (0.1 per dwelling for visitors); 0.25 Class I bicycle stalls per dwelling unit; 0.5 Class II bicycle stalls per unit;
Surrounding Land Uses:	Multi-Family Residential developments to the east and south-east; Commercial development to the south; Comox Golf Course to the west and north.	

**RZ 17-9, DP 17-7
1700 BALMORAL AVENUE**

JUNE 20, 2018

ATTACHMENT 2

PROPOSED ZONING AMENDMENT BYLAW 1877

**TOWN OF COMOX
BYLAW 1877**

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 1877"

2. Amendments

Comox Zoning Bylaw 1850 is hereby amended as follows:

(a) Section 2.7(2) Penalties is amended by:

i. Deleting the following rows referencing CD7 zone:

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Unlawful use – CD7 zone	807.1	\$250.00
Failure to comply with conditions – CD7 zone	807.2	\$250.00
Unlawful accessory building = CD7 zone	807.10	\$250.00

ii. Adding the following rows to replace the deleted ones:

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Unlawful use – CD7.1 zone	807.1	\$250.00
Failure to comply with conditions – CD7.1 zone	807.2	\$250.00

(b) Section 4.1 Classification of Zones is amended by:

i. Under the heading Multi-Family Residential Zones deleting "CD7 Comprehensive Development 7: 1700 Balmoral Ave" in its entirety; and

- ii. Adding the following text under the heading Multi-Family Residential Zones and after "CD 4.1 Comprehensive Development 4.1: Congregate Care":

CD7.1 Comprehensive Development 7.1: 1700 Balmoral Avenue

- (c) Schedule "A" is amended by:

- i. Deleting Section 807, CD7 Comprehensive Development 7: 1700 Balmoral Avenue in its entirety; and
- ii. adding as Section 807, the CD 7.1 Comprehensive Development 7.1: 1700 Balmoral Avenue, as shown on SCHEDULE "1", which is attached to and forms part of this Bylaw;

- (d) Schedule "B" (the Zoning Map) is amended by rezoning

Lot A Section 56 Comox District Plan VIP81758, shown shaded on SCHEDULE "2" which is attached to and forms part of this Bylaw, from CD7 Comprehensive Development 7: 1700 Balmoral Ave to CD7.1 Comprehensive Development 7.1: 1700 Balmoral Avenue.

3. Adoption

- | | |
|-----------------------------------|-----------------------------------|
| (1) READ A FIRST time this | 16 th day of May, 2018 |
| (2) READ A SECOND time this | 16 th day of May, 2018 |
| (3) ADVERTISED A FIRST time this | 29 th day of May, 2018 |
| (4) ADVERTISED A SECOND time this | 31 st day of May, 2018 |
| (5) PUBLIC HEARING HELD this | 6 th day of June, 2018 |
| (6) READ A THIRD time this | th day of |
| (7) ADOPTED this | th day of |

Paul Ives,
Mayor

Richard Kanigan,
Corporate Officer

BYLAW 1877

SCHEDULE "1"

807. CD 7.1 COMPREHENSIVE DEVELOPMENT 7.1: 1700 BALMORAL AVENUE

807.1 Permitted Uses:

In the CD7.1 zone, the following uses are permitted and all other uses are prohibited:

- (1) Accessory structures and uses, excluding buildings and outside storage;
- (2) Apartment dwellings
- (3) Home occupations

807.2 Conditions of Use:

- (1) The gross floor area of the first storey shall not exceed 1400 square metres;
- (2) The gross floor area of the fifth storey shall not exceed 900 square metres.
- (3) All parking spaces and areas used for the temporary storage of garbage or recycling produced on the parcel shall be located underground and below grade.

807.3 Density:

Density shall not exceed 170 units per hectare.

807.4 Parcel Area:

Parcel area shall not be less than 2650 square metres.

807.5 Parcel Frontage:

Parcel frontage shall not be less than 50.0 metres.

807.6 Parcel Depth:

Parcel Depth shall be not less than 45.0 metres.

807.7 Parcel Coverage:

Parcel Coverage including parking areas, loading areas and driveways that are open sided and roofless shall not exceed 65 percent.

807.8 Height and Storeys:

- (1) Height shall not exceed 19.0 metres.
- (2) Number of storeys shall not exceed five.

807.9 Required Setbacks:

As shown in Figure 807-1:

- (1) Front
Front setback shall not be less than:
(a) 7.0 metres, for a maximum 16.0 metres of continuous building frontage as measured from west property line; and
(b) 17.0 metres, for the remainder of building frontage.
- (2) Rear
Rear setback shall not be less than 6.0 metres.

- (3) Side - interior
Interior side setback shall not be less than 3.5 metres.

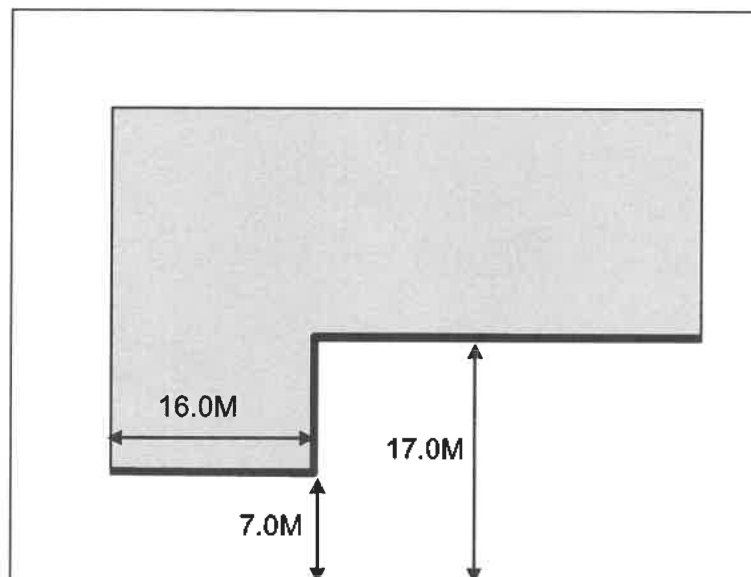


Figure 807-1. Required Setbacks.

807.10 Accessory Buildings:

n/a

807.11 Screening:

The following shall be screened in accordance with Section 8:

- (1) Above ground utility boxes and utility transformers; and
- (2) CD7.1 zoned parcels from abutting Residential parcels.

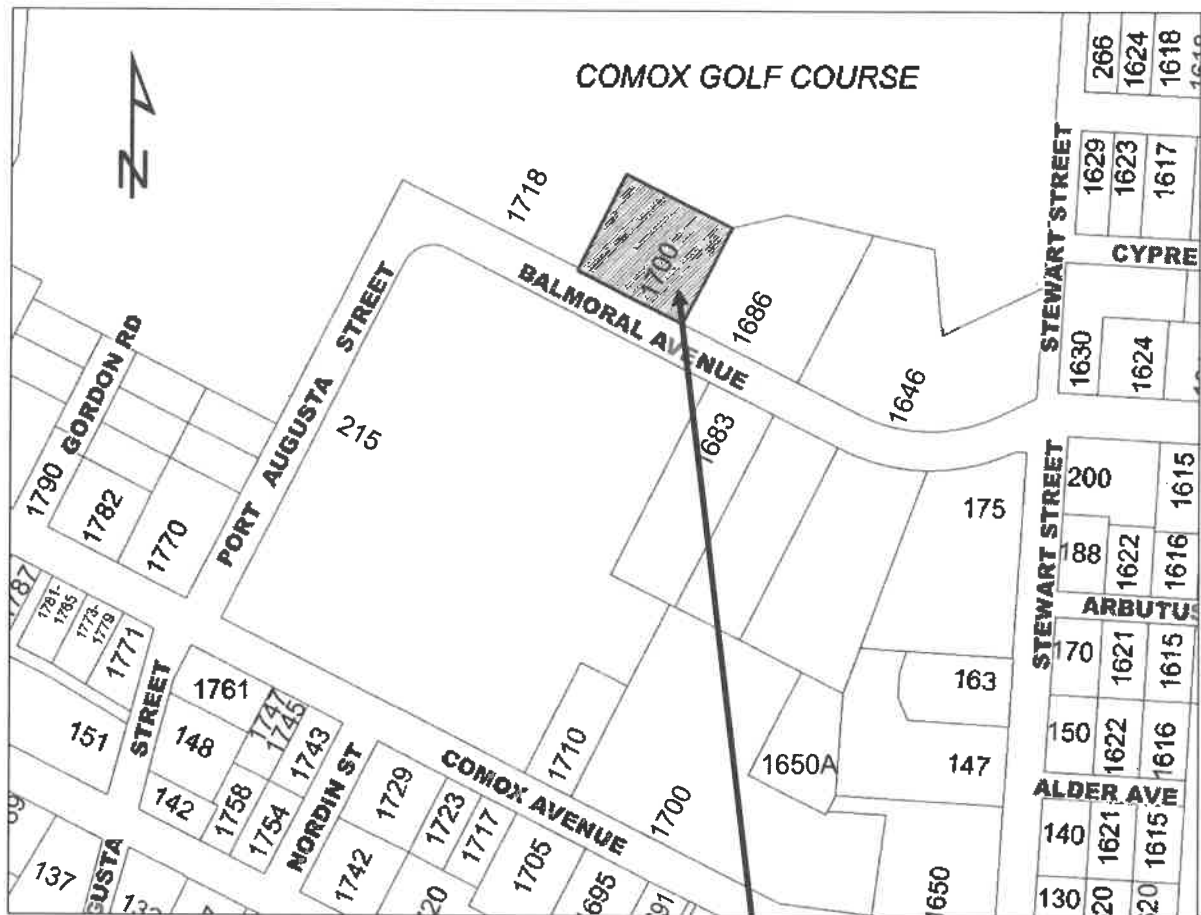
807.12 Off-Street Parking and Loading:

Off-street parking and loading shall be provided in accordance with Section 6.

807.13 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; this does not include environmentally sensitive areas, including watercourse setbacks as specified in Section 5.18.
- (3) All buildings shall conform to Section 5.18, Watercourse Regulations.
- (4) No more than one principal building shall be permitted on a parcel.

BYLAW 1877
SCHEDULE "2"
SUBJECT PROPERTY



Subject Property:
1700 Balmoral Avenue

PID: 026-810-361
LOT A SECTION 56 COMOX DISTRICT
PLAN VIP81758

**RZ 17-9, DP 17-7
1700 BALMORAL AVENUE**

JUNE 20, 2018

ATTACHMENT 3

PROPOSED PHASED DEVELOPMENT AGREEMENT BYLAW 1878

TOWN OF COMOX

BYLAW 1878

A BYLAW TO ENTER INTO A PHASED DEVELOPMENT AGREEMENT

WHEREAS:

The Town may by bylaw enter into a phased development agreement pursuant to s. 516.1 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 1878: 1700 Balmoral Avenue".

2. Authorization

Council hereby authorizes the Town of Comox to enter into a phased development agreement under s.516.1 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 Lindary Holdings Ltd. Inc. No. BC0916510, in the form attached as Schedule "A" to this bylaw.

3. Adoption

- | | |
|-----------------------------|-----------------------------------|
| (1) READ A FIRST time this | 16 th day of May, 2018 |
| (2) READ A SECOND time this | 16 th day of May, 2018 |

- (3) ADVERTISED A FIRST time this 29th day of May, 2018
- (4) ADVERTISED A SECOND time this 31st day of May, 2018
- (5) PUBLIC HEARING HELD this 6th day of June, 2018
- (6) READ A THIRD time this th day of, 2018
- (7) ADOPTED this th day of, 2018

Paul Ives,
Mayor

Richard Kanigan,
Corporate Officer

BYLAW 1878

SCHEDULE "A"

PHASED DEVELOPMENT AGREEMENT: 1700 BALMORAL AVENUE

**PHASED DEVELOPMENT AGREEMENT:
1700 BALMORAL AVENUE**

This Agreement dated for reference the ____ day of _____, 2018 is

AMONG:

TOWN OF COMOX,
a municipal corporation, having an address of
1809 Beaufort Avenue, Comox B.C. V9M 1R9

(the "Town")

AND:

Lindary Holdings Ltd. Inc. No. BC0916510
a corporation having an address of
c/o 480 Tenth Street
Courtenay, B.C. V9N 1P6

(the "Owner")

WHEREAS:

- A. The Owner is the registered owner of land legally described as:
- PID: 026-810-361
LOT A SECTION 56 COMOX DISTRICT PLAN VIP81758

(the "Land");
- B. The Owner has applied to the Town for an amendment to Comox Zoning Bylaw 1850 (the "Bylaw 1850") by way of Comox Zoning Amendment Bylaw 1877 (the "Zoning Amendment Bylaw") to permit multi-family residential development on the Land;
- C. The Owner wishes to provide the following amenities with respect to the development on Land:
- (a) A \$18,692 cash payment as a contribution to the Town's Affordable Housing Reserve Fund;
 - (b) A \$25,000 cash payment as a contribution for providing one or more of the following public amenities: public electrical vehicle charging stations within Downtown area;

capital improvements at Anderton Park, such as playground enhancement and site furnishings, including shade structure;

- (c) A 0.856 metre road dedication along Balmoral Avenue frontage of the Land;
 - (d) Provision of the following works and services along the full Balmoral Avenue frontage of the Land, in accordance with Town of Comox Subdivision and Development Servicing Bylaw, 1261:
 - a. Vertical face barrier curb and gutter;
 - b. 1.5 m wide brushed concrete sidewalk aligned with the existing sidewalk to the east, with section around protected Red Oak root zone narrowed down to 1.2 m in width;
 - c. A driveway drop with a minimum width of 9.0 m, as measured at the gutter line, with the concrete sidewalk in this location to have a minimum thickness of 150mm. Grading of this down slope driveway must ensure a minimum of 150mm of free-board from the paved level of Balmoral Avenue;
 - d. Concrete boulevard from sidewalk to the property line, outside of the protected Red Oak root zone;
 - e. 2 boulevard trees within 1.2 x 1.2 metre tree wells, equipped with irrigation and electrical service connections to each tree well for the purpose of decorative tree lighting, to the satisfaction of the Parks Superintendent.
 - (e) The retention, maintenance and protection of trees identified for retention in the Tree Inventory Assessment – 1700 Balmoral Ave Development, dated March 28, 2018, prepared by Walter Ernst, Strategic Natural Resource Consultants Inc. and 14 replacement trees per approved Development Permit landscape drawings;
 - (f) The construction of a minimum 5 multi-family dwelling units in accordance with the Bylaw 1850 Section 5.20 Special Needs Housing Standards – Adaptable Housing;
 - (g) Provision of certification that the multi-family building on the Land is built to a minimum BUILT GREEN Silver standard, BC Energy Code Step 2, or equivalent standard for multi-family construction, acceptable to the Town;
 - (h) The construction of dwelling units within 35.0 metres of Balmoral Avenue to have sound attenuation that meets Canada Mortgage and Housing Corporation Standards, in accordance with Town of Comox, Acoustical Standards for Residential Developments, a report prepared by Wakefield Acoustics, dated October 30, 2014 and having alternative means to window opening for ventilation; and
 - (i) At least 5 vehicle parking spaces shall be constructed with 220 Volt electrical connections in underground parking area.
- E. The Council of the Town has given notice and held a public hearing and has, by bylaw, authorized the execution of this Agreement;

NOW THEREFORE in consideration of the mutual promises set out in this Agreement, the parties agree pursuant to section 516.1 of the *Local Government Act* as follows:

APPLICATION OF AGREEMENT

1. This Agreement applies to the Land, including any parcels of land into which the Land may be subdivided.

BYLAW AMENDMENTS NOT TO APPLY

2. For the term of this Agreement, any amendment or repeal of the following sections: 807.1, 807.2, 807.3, 807.4, 807.5, 807.6, 807.7, 807.8, 807.9, 807.10, 807.12 and 807.13 of Bylaw 1850, as amended by the Zoning Amendment Bylaw shall not apply to Land, except:
 - (a) as provided in section 516(6) of the *Local Government Act*; or
 - (b) to the extent that the owner of any parcel comprising Land agrees in writing that the amendment or repeal shall apply to that land.
3. For certainty, and without limiting section 2, the Town agrees that any development permit or building permit that would be issuable in respect of Land on the date of adoption of the Zoning Amendment Bylaw will, subject to Section 9, be issued throughout the term of this Agreement in accordance with Comox Official Community Plan Bylaw, 2011 (Bylaw No. 1685), the Bylaw 1850 apart from the sections specified in Section 2 to the extent that they may differ from the sections in force following adoption of the Zoning Amendment Bylaw and Comox Building Bylaw No. 1472 despite any amendment or repeal of the bylaw provisions specified in section 2 that would otherwise prevent the issuance of the permit.

TERM OF AGREEMENT

4. The term of this Agreement is ten years from the date of adoption of the Zoning Amendment Bylaw.
5. The parties may terminate this Agreement at any time by written agreement of all parties.
6. If the Owner does not comply with all the requirements in Section 8, on which question the opinion of the Town shall be determinative provided that the Town may not act unreasonably, the Town may at its option terminate this Agreement by providing notice in writing to the Owner, provided that the Town has at least two months prior to giving such notice advised the Owner in writing of any alleged failure (the "Default Notice") and the Owner has not corrected the deficiency to the reasonable satisfaction of the Town. The Owner acknowledges the Town's unfettered right to further amend its Bylaw No. 1685 and

Bylaw 1850, to reverse the effect of the Zoning Amendment Bylaw, in the event that the Owner fails to comply with Section 8, and waives any right it would otherwise have to claim, in respect of any such further amendment, that it has established a non-conforming use or a commitment to use Land as permitted by the Zoning Amendment Bylaw.

7. Despite the preceding section, if the default is one that cannot be corrected by the Owner, the Town may give notice of termination at the same time as the notice of default. For certainty, if the Owner should be a corporation, the following are defaults that cannot be remedied by the Owner:
 - (a) if the Owner makes a general assignment for the benefit of creditors; or
 - (b) if the Owner institutes proceedings to be adjudicated bankrupt or insolvent or consents to the institution of bankruptcy or insolvency proceedings against the Owner or files an application or petition or answer or consent seeking re-organization or re-adjustment of the indebtedness of the Owner under the *Bankruptcy and Insolvency Act* or the *Companies' Creditors Arrangement Act* or any law of Canada or any province of Canada relating to bankruptcy or insolvency, or consents to the filing of any such application or petition, or consents to the appointment of a receiver or receiver-manager; or
 - (c) if a receiver, interim receiver, receiver-manager, trustee, liquidator, or custodian of all or substantially all of the property of the Owner or of the Owner's interest in Land is appointed or applied for by the Owner or appointed pursuant to an instrument or by order of a court; or
 - (d) if a judgment, decree, or order is entered by a court of competent jurisdiction adjudging the Owner a bankrupt or insolvent or subject to the provisions of the *Bankruptcy and Insolvency Act* or determining that proceedings for re-organization, arrangement, adjustment, composition, liquidation, or any similar relief under the *Bankruptcy and Insolvency Act* or the *Companies' Creditors Arrangement Act* or any law of Canada or any province of Canada relating to bankruptcy or insolvency have been properly instituted otherwise than by the Owner, provided that such judgment, decree or order is not in good faith contested by the Owner; or
 - (e) if any application or petition or certificate or order is made or granted for the winding-up or dissolution of the Owner, voluntary or otherwise.

AMENITIES FOR DEVELOPMENT OF LAND

8. The Owner shall provide the following amenities by the deadlines herein specified:
 1. Within 30 days of the adoption by Council of the Zoning Amendment Bylaw and prior to any development of the land:

- (a) payment to the Town by certified cheque or bank draft the sum of \$ 18,692 as a contribution to the Town's Affordable Housing Fund;
 - (b) payment to the Town by certified cheque or bank draft the sum of \$ 25,000 as a contribution for providing one or more of the following public amenities: public electrical vehicle charging stations within Downtown area; capital improvements at Anderton Park, such as playground enhancement and site furnishings, including shade structure; and
 - (c) a 0.856 metre road dedication along Balmoral Avenue frontage of the Land.
2. Prior to applying for an occupancy permit in respect of any buildings or portion thereof on the Land:
- (a) Provision of the following works and services along the full Balmoral Avenue frontage of the Land, in accordance with Town of Comox Subdivision and Development Servicing Bylaw, 1261:
 - i) Vertical face barrier curb and gutter;
 - ii) 1.5 m wide brushed concrete sidewalk aligned with the existing sidewalk to the east, with section around protected Red Oak root zone narrowed down to 1.2 m in width;
 - iii) A driveway drop with a minimum width of 9.0 m, as measured at the gutter line, with the concrete sidewalk in this location to have a minimum thickness of 150mm. Grading of this down slope driveway must ensure a minimum of 150mm of free-board from the paved level of Balmoral Avenue;
 - iv) Concrete boulevard from sidewalk to the property line, outside of the protected Red Oak root zone;
 - v) 2 boulevard trees within 1.2 x 1.2 metre tree wells, equipped with irrigation and electrical service connections to each tree well for the purpose of decorative tree lighting, to the satisfaction of the Parks Superintendent.
 - (b) The construction of a minimum 5 multi-family dwelling units in accordance with the Bylaw 1850 Section 5.20 Special Needs Housing Standards – Adaptable Housing;
 - (c) Provision of certification that the dwelling units on the Land are built to a minimum BUILT GREEN Silver standard, BC Energy Code Step 2, or equivalent standard for multi-family construction, acceptable to the Town;
 - (d) provision of certification that dwelling units within 35.0 metres of Balmoral Avenue have sound attenuation that meets Canada Mortgage and Housing Corporation Standards, in accordance with Town of Comox, Acoustical Standards for Residential Developments, a report prepared by Wakefield Acoustics, dated October 30, 2014 and having alternative means to window opening for ventilation;

and

- (e) The construction of a minimum 5 vehicle parking spaces with 220 Volt electrical connections in underground parking area.

RESTRICTIONS ON DEVELOPMENT OF LAND

- 9. The Owner shall not, despite the adoption of the Zoning Amendment Bylaw, construct or occupy any building or structure on Land until or unless the Owner's obligations under Section 8 have been met by the deadlines specified in the subsections of Section 8, and the Town shall be under no obligation to issue any building permit or occupancy permit or other authorization to which the Owner would be entitled were it not for this Section.
- 10. The Owner shall grant to the Town, and register in the applicable land title office against title to Land in priority to all financial liens, charges and encumbrances, covenants under Section 219 of the *Land Title Act* with respect to the amenities to be provided under section 8.

ASSIGNMENT OF AGREEMENT

- 11. The Owner may assign this Agreement if the Town, acting reasonably, consents in writing to the assignment and the assignee has executed and delivered to the Town a notice of assumption and has entered into an assignment agreement with the Owner assigning the Agreement to the assignee.

GENERAL TERMS AND CONDITIONS

- 12. Any notice permitted or required by this Agreement to be given to either party must be given to that party at the address set out above, or to any other address of which the party has given the other party notice in writing expressly for the purposes of this Agreement.
- 13. Except as expressly set out in this Agreement, nothing in this Agreement shall prejudice or affect the rights and powers of the Town in the exercise of its functions under the *Community Charter* or the *Local Government Act* or any of its bylaws, or those of the Town's approving officer under the *Land Title Act*, *Strata Property Act* or Bare Land Strata Regulations.
- 14. Any opinion, decision, act or expression of satisfaction or acceptance provided for in this Agreement may be taken or made by the Town's Municipal Planner, unless expressly provided to be taken or made by another official of the Town, and in the process of exercising any such opinion, decision, act or expression of satisfaction or acceptance, the Town's Municipal Planner or other such person shall act reasonably.

15. No provision of this Agreement is to be considered to have been waived by the Town unless the waiver is expressed in writing by the Town. The waiver by the Town of any breach by any of the other parties of any provision is not to be construed as or constitute a waiver of any further or other breach.
16. Whenever in this Agreement the Town is required or entitled to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the Town may do so in accordance with the contractual provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise, shall have any application in the interpretation or implementation of this Agreement.
17. The Owner shall indemnify and save harmless the Town, its officers, employees, Council members, agents and others (the "Town Representatives") from and against any and all actions, causes of action, liabilities, demands, losses, damages, costs, expenses (including actual fees of professional advisors), costs for the remediation of contamination, fines, penalties and other harm of any kind whatsoever, whether related to death, bodily injury, property loss, property damage, property contamination or consequential loss or damage, suffered or incurred by the Town or any of the Town Representatives, directly or indirectly, arising from, resulting from, connected with or related to:
 - (a) any default or breach of this Agreement by the Owner; and
 - (b) any wrongful act, omission or negligence of the Owner or its directors, officers, employees, agents, contractors, subcontractors, licensees, or others for whom they are responsible in law with respect to the covenants and obligations of the Owner pursuant to this Agreement.
18. This indemnity shall survive any conclusion or other termination of this Agreement, in relation to any matter arising prior to it.
19. If the Owner is delayed or prevented from the performance of any covenant or agreement required hereunder by reason of any unavoidable cause, then performance of such covenant or agreement shall be excused for the period during which such performance is delayed or prevented and the time for the performance thereof shall be extended accordingly. For the purposes of this section, "unavoidable cause" means any event or contingency beyond the reasonable control of the Owner, including without limitation a delay caused by weather conditions, power failure, fire or other casualty, governmental laws, regulations or controls, civil commotion, insurrection, sabotage, invasion, rebellion, military or usurped power, war or war-like operations and acts of God, but excluding a delay caused by lack of funds.
20. Time is of the essence of this Agreement and will remain of the essence notwithstanding the extension of any dates.

- 21. The Owner acknowledges and agrees that the Town, acting reasonably, may, despite any public law limitations on the withholding of building permits and occupancy permits, withhold building permits and occupancy permits for the purpose of ensuring compliance with and administering the terms of this Agreement.
- 22. This Agreement may be executed in multiple counterparts, each of which is to be deemed to be an original and all of which together constitute one and the same agreement.
- 23. This Agreement may be executed by the parties and transmitted by fax or scanned and emailed and if so executed and transmitted this agreement will be for all purposes as effective as if the parties had executed and delivered an original agreement.

As evidence of their agreement to be bound by the terms, the parties have caused this Agreement to be executed and delivered under seal by their authorized signatories as of the dates set out below:

TOWN OF COMOX
by its authorized signatories:

Name: _____ Date: _____

Name: _____

Owner
by its authorized signatories:

Name: _____ Date: _____

Name: _____

CONSENT AND PRIORITY AGREEMENT

WHEREAS _____ (the "Chargeholder") is the holder of a Mortgage and Assignment of Rents (collectively, called the "Charge") encumbering the lands (the "Lands") described in item 2 of the *Land Title Act* Form C attached hereto, which was registered in the Victoria Land Title Office under numbers _____.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT IS EVIDENCE THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION PAID BY THE TRANSFEREE TO THE CHARGEHOLDER:




1. The Chargeholder hereby consents to the granting and registration of the Section 219 Covenant and Rent Charge attached hereto (collectively, the "Covenant") and the Chargeholder hereby agrees that the Covenant shall be binding upon its interest in and to the Lands.
2. The Chargeholder hereby grants to the transferee described in item 6 of the *Land Title Act* Form C attached hereto priority for the Covenant over the Chargeholder's right, title and interest in and to the Lands, and the Chargeholder does hereby postpone the Charge and all of its right, title and interest thereunder to the Covenant as if the Covenant had been executed, delivered and registered prior to the execution, delivery and registration of the Charge.

IN WITNESS WHEREOF, the Chargeholder has executed and delivered this Consent and Priority Agreement by executing the *Land Title Act* Form D above which is attached hereto and forms part of this Agreement.



**TOWN OF COMOX
PLANNING REPORT**

TO:	RICHARD KANIGAN, CHIEF ADMINISTRATIVE OFFICER
FROM:	MARVIN KAMENZ, MUNICIPAL PLANNER REGINA BOZEROCKA, PLANNER I
SUBJECT:	REZONING APPLICATION: RZ 17-1 DEVELOPMENT PERMIT APPLICATION: DP 17-1 618 & 634 ANDERTON ROAD
DATE:	JUNE 20, 2018 ADOPTION REPORT

 <i>Regina</i>		
<i>Submitted by</i>	<i>Concurrence</i>	<i>Approval</i>

Planner's recommendation:

1. That Comox Zoning Amendment Bylaw 1872 be adopted (**Attachment 2**);
2. That Comox Phased Development Agreement Authorization Bylaw 1873: 618 Anderton Road be adopted (**Attachment 3**);
3. That Development Permit DP 17-1 be issued, subject to the Development Permit Conditions listed in Schedule 1 of the June 20, 2018 Planning Report on RZ 17-1 and DP 17-1; and
4. That Restrictive Covenant EK048266 be discharged.

Proposal:

The proposal is for a rezoning of the subject properties to a new comprehensive development zone and issuance of a Development Permit to facilitate a four storey mixed use commercial-residential development, consisting of approximately 628 m² of commercial premises, 84 residential units and 114 parking spaces at grade. Approximately 175 m² of the ground floor commercial area is proposed as residential amenity space (such as a fitness or a common room) and dwelling unit rental office.

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

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JUNE 20, 2018

Background:

A Public Hearing on Bylaws 1872 and 1873, and discharge of Restrictive Covenant EK048266 was held on April 4, 2018. Bylaws 1872 and 1873 were given Third Reading on April 18, 2018.

All outstanding items have now been resolved.

MK/ RB

Schedule: 1
Attachments: 3

Cc: Matthew Fitzgerald, BroadStreet Properties Ltd.
100 St. Ann's Road, Campbell River, BC V9W

JUNE 20, 2018

**SCHEDULE 1
DEVELOPMENT PERMIT CONDITIONS**

The Development Permit is for the construction of Mixed Use Commercial – Residential development, in compliance with the revised drawings and landscape plans, per Schedule 1, Outstanding Items, and the following conditions:

- At time of Building Permit Issuance, provision of a landscape security in the amount of \$105,673.80;
- No windows of the common amenity space or dwelling unit rental office fronting Anderton Road shall be blocked by furniture, partitions, or be obscured in any other way;
- All landscaping, including boulevard trees to be serviced with automatic watering system;
- Issuance of any sign permits in conformance with Town of Comox Sign Bylaw No. 1197;
- All new services shall be placed underground;
- Screening of all above ground utility boxes and utility transformers must be provided in conformance with Comox Zoning Bylaw Section 8.9, i.e. concealed from view along their perimeter by landscape material hedge or combination thereof, so as to be effective year round; not less than 1.2m in height and no more than 2.0 metres in height above finished ground level. Where landscape material screening is not possible, the utility boxes and transformers must be wrapped in Town standards “Evergreen image” wrap;
- All fencing or other wooden landscape components shall be treated with paint, stain, or other preservative.
- Fencing must be robust and minimum commercial grade. Wood fencing must have minimum 15 x 15 cm posts and 5 x 10 cm horizontal supports at the top and bottom of fence panels.
- Parking must be in compliance with Comox Zoning Bylaw 1850:
 - Section 6.12(7) and (8) Surfacing and Curbing;
 - Visitor Parking, Small Car, Accessible and Commercial parking spaces shall be clearly marked in accordance with Section 6.12(10);
- All exterior building, exterior corridor, and site lighting fixtures (including those in parking areas but excluding dwelling unit entrance, balcony and patio lighting) shall:
 - produce illumination levels in accordance with common engineering practices and standards;
 - be of a metal halide type or provide a similar light spectrum;

JUNE 20, 2018

- minimize illumination of adjacent properties;
- consist of full cut off/flat lens pole lighting or fully shielded wall lighting;
- be arranged so rays of light are directed upon the parking, walking, or loading areas and not upon adjacent land or streets; and
- 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.

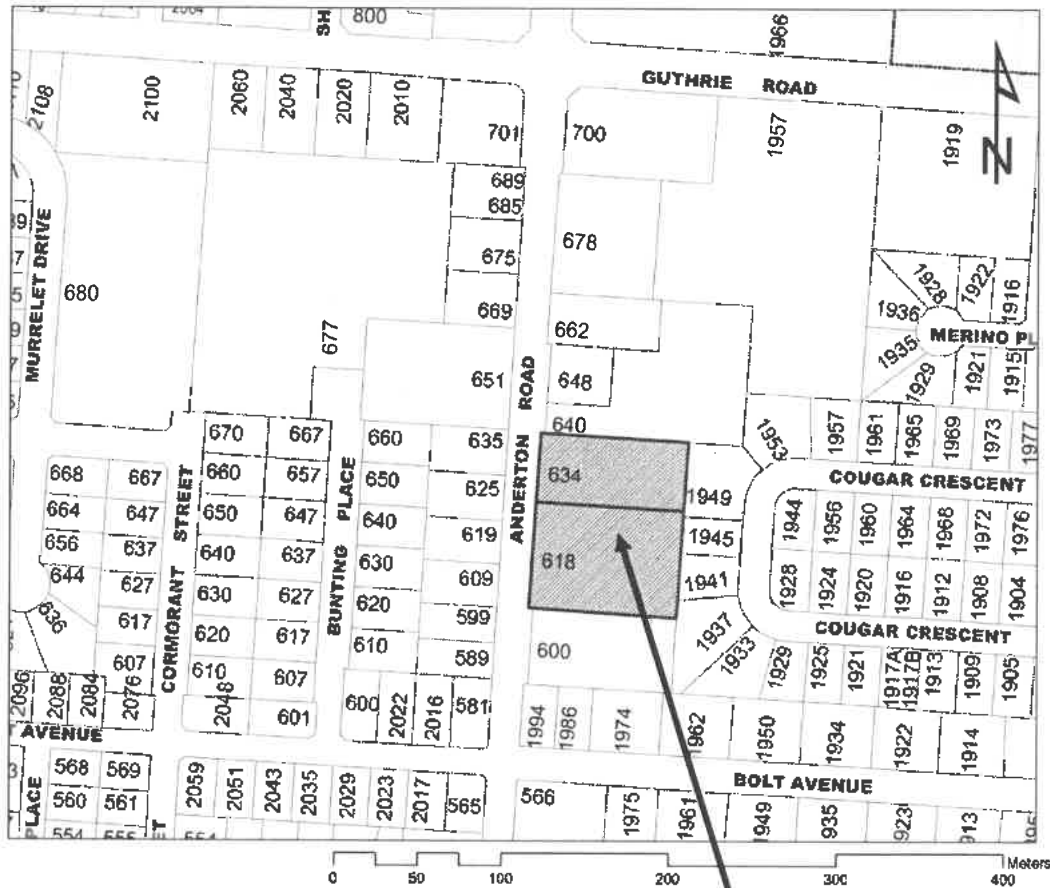
Figure 1. Commercial railing detail.



JUNE 20, 2018

ATTACHMENT 1

APPLICATION SUMMARY



Subject Properties shown shaded:

618 & 634 Anderton Road
PID: 005-476-798
Lot 3, Section 70, Comox District, Plan 8874
PID: 001-107-232
Lot 9, Section 70, Comox District, Plan 24946

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JUNE 20, 2018

Proposal:	The proposal is for a rezoning of the subject properties to a new comprehensive development zone and issuance of a Development Permit to facilitate a four storey mixed use commercial-residential development, consisting of approximately 628 m ² of commercial premises, 84 residential units and 114 parking spaces at grade. Approximately 175 m ² of the ground floor commercial area is proposed as residential amenity space (such as a fitness or a common room) and dwelling unit rental office.
Owner: Applicant:	Just Right Enterprises Ltd. Inc.No. BC971273 Matthew Fitzgerald, Broadstreet Properties Ltd.
Legal Description:	Lot 3, Section 70, Comox District, Plan 8874 Lot 9, Section 70, Comox District, Plan 24946
Civic Address:	618 & 634 Anderton Road

Official Community Plan:

Land Use Designation:	Mixed Use: Commercial – Residential
Development Permit Areas:	DPA # 4 Mixed Use: Commercial – Residential

Zoning:	EXISTING	PROPOSED
	C4.1 Core Commercial Covenant EK048266 restricts development to 2 stories, ground floor retail, second storey office with surface and underground parking	New CD25 All provided parameters are after consolidation of the subject properties and road dedication Proposed cancellation of covenant EK048266
Permitted uses:	Dwelling units Accessory structures and uses, excluding buildings and outside storage. Wide range of commercial uses, including assembly and cultural centres, childcare facilities, retail, offices, personal services, medical clinics, restaurants, hotels.	Dwelling units Accessory structures and uses, excluding buildings other than those accessory to dwelling units, and outside storage. Commercial uses compatible with residential orientated development, including assembly centres, childcare facilities, retail, offices, personal services, medical clinics, restaurants.

JUNE 20, 2018

Conditions of use:	Dwelling units shall not be located on or below the ground floor, or on a storey containing non-residential uses.	<p>Along any elevation of a building facing Anderton Road, for a distance of not less than 60.0 metres measured parallel to Anderton Road, dwelling units and accessory uses thereto other than common amenity space or dwelling unit rental office up to 175.0 square metres in size, shall not be permitted on the ground floor for a depth of 10.0 metres, measured perpendicularly from the Anderton Road elevation;</p> <p>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 other than solid waste collection and recycling collection; and</p> <p>No solid waste collection or recycling collection shall be located within 12.0 metres of any lot line abutting a Residential or Multi-Family Residential zoned parcel.</p>
Density:	n/a	95 UPH (proposed 84 residential units)
Parcel area:	minimum 550 m ²	8,500 m ²
Parcel coverage:	n/a	35 %
Height and stories:	10.0m	13.0 m (proposed 11.60 metres) 4 storeys
Required setbacks:		
Front:	n/a	n/a for ground floor commercial uses; (proposed 1.60m) 4.0 m for ground floor dwelling units; 4.0 m above the ground floor
Rear:	n/a	20.0 m (proposed 22.50m)
Side (interior):	3.5 m from abutting residential parcels	2.0 m abutting commercial parcel to the north (proposed 3.61m) 12.0 m abutting Multi-Family Residential parcel to the south (proposed 13.74m)

JUNE 20, 2018

Accessory Buildings and outside storage:	Not permitted	10 % parcel coverage 4.5 m in height 2.0 m setback from abutting Single-Family Residential parcel to the east and Multi-Family Residential parcel to the south
Off-street parking	1 per dwelling unit, 0.25 per dwelling for visitors, and in accordance with commercial use parking requirements	1 per dwelling unit 0.2 per dwelling unit for visitors and in accordance with commercial use parking requirements

Surrounding Land Uses:	Single-Family Residential developments to the east and west; Multi-Family Residential development to the south; Commercial: ministorage and gas station to the north.	
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**RZ 17-1, DP 17-1
618 and 634 ANDERTON ROAD**

JUNE 20, 2018

ATTACHMENT 2

COMOX ZONING AMENDMENT BYLAW 1872

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TOWN OF COMOX

BYLAW 1872

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 1872"

2. Amendments

Comox Zoning Bylaw 1850 is hereby amended as follows:

- (a) Section 4.1 Classification of Zones is amended by adding the following text under the heading Commercial Zones and after CD20 Comprehensive Development 20: 1170 Comox Avenue:
CD25 Comprehensive Development 25: 618 Anderton Road
- (b) Section 5.3 Fences is amended by replacing subsection (2) with the following text:
In the R4.1, CD23 and CD25 zones, no fence within a front yard shall exceed 1.0 metres in height.
- (c) Section 6.11 Location and Siting is amended by adding as subsection (8) (j) the following text:
In the CD25 zone,
 - (i) parking and loading areas shall not be permitted within a front yard; and
 - (ii) parking and loading areas shall not be permitted within 3.5 metres of any lot line which abuts a parcel in a Residential or Multi-Family Residential zone.

(d) Schedule "A" is amended by adding as Section 825, CD25 Comprehensive Development 25: 618 Anderton Road, as shown on SCHEDULE "1" which is attached to and forms part of this Bylaw.

(e) Schedule "B" (the Zoning Map) is amended by rezoning

Lot 3, Section 70, Comox District, Plan 8874 and Lot 9, Section 70, Comox District, Plan 24946, shown shaded on SCHEDULE "2" which is attached to and forms part of this Bylaw, from C4.1 Core Commercial, to CD25 Comprehensive Development 25: 618 Anderton Road.

3. Adoption

- | | |
|-----------------------------------|---------------------------------------|
| (1) READ A FIRST time this | 6 th day of December, 2017 |
| (2) READ A SECOND time this | 7 th day of March, 2018 |
| (3) ADVERTISED A FIRST time this | 22 nd day of March, 2018 |
| (4) ADVERTISED A SECOND time this | 27 th day of March, 2018 |
| (5) PUBLIC HEARING HELD this | 4 th day of April, 2018 |
| (6) READ A THIRD time this | 18 th day of April, 2018 |
| (7) ADOPTED this | th day of |

Paul Ives,
Mayor

Richard Kanigan,
Corporate Officer

BYLAW 1872

SCHEDULE "1"

825. CD25 COMPREHENSIVE DEVELOPMENT 25: 618 ANDERTON ROAD
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825.1 Permitted Uses:

In the CD25 zone, the following uses are permitted and all other uses are prohibited:

- (1) Accessory structures and uses, excluding:
 - (a) buildings other than those used for solid waste collection, recycling collection or dwelling unit accessory uses; and
 - (b) outside storage
- (2) Artist studios
- (3) Assembly centres
- (4) Childcare facilities
- (6) Dental clinics
- (7) Denturist labs
- (8) Dwelling units
- (9) Financial institutions
- (10) Grocery Store
- (11) Home occupations
- (12) Libraries
- (13) Locksmiths
- (14) Medical clinics
- (16) Museums
- (17) Offices
- (18) Personal service establishments
- (19) Pet grooming
- (20) Produce stalls
- (21) Restaurants
- (22) Restaurant-Lounges
- (23) Retail stores
- (24) 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 300 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.
- (25) Video rental stores

825.2 Conditions of Use:

- (1) Along any elevation of a building facing Anderton Road, for a distance of not less than 60.0 metres measured parallel to Anderton Road, dwelling units and accessory uses thereto other than common amenity space or dwelling unit rental office up to 175.0 square metres in size, shall not be permitted on the ground

floor for a depth of 10.0 metres, measured perpendicularly from the Anderton Road elevation;

- (2) Permitted uses other than dwelling units shall not be located above the ground floor;
- (3) All permitted uses shall be located within a portion of a building, completely enclosed by exterior walls, except for restaurants, child care facilities, landscape material, produce stalls, accessory structures and accessory uses other than solid waste collection and recycling collection; and
- (4) Notwithstanding, Section 825.10(4), no solid waste collection or recycling collection shall be located within 12.0 metres of any lot line abutting a Residential or Multi-Family Residential zoned parcel.

825.3 Density:
95 units per hectare

825.4 Parcel Area:
Parcel area shall not be less than 8,500 square metres.

825.5 Parcel Frontage:
Parcel frontage shall not be less than 100.0 metres.

825.6 Parcel Depth:
Parcel depth shall not be less than 80.0 metres

825.7 Parcel Coverage:
Parcel coverage shall not be less than 35 %

825.8 Height and Storeys:
(1) Height shall not exceed 13.0 metres
(2) The number of storeys shall not exceed 4.

825.9 Required Setbacks:
(1) Front
(a) Ground floor dwelling units – Front setback shall not be less than 4.0 metres;
(b) Ground floor all other uses – n/a;
(c) Above the ground floor – Front setback shall not be less than 4.0 metres;
(2) Rear
Rear setback shall not be less than 20.0 metres
(3) Side - interior
Interior side setback shall not be less than 2.0 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 12.0 metres.

825.10 Accessory Buildings
Accessory buildings shall:
(1) not exceed 4.5 metres in height;
(2) have a parcel coverage not exceeding 10%;
(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 2.0 metres to a rear or interior side lot line which abuts a Residential or Multi-Family Residential zoned parcel.

825.11 Screening

The following shall be screened in accordance with Section 8:

- (1) Off-street parking and loading areas;
- (2) Above ground utility boxes and utility transformers; and
- (3) CD25 zoned parcels from abutting Residential or Multi-Family Residential zoned parcels.

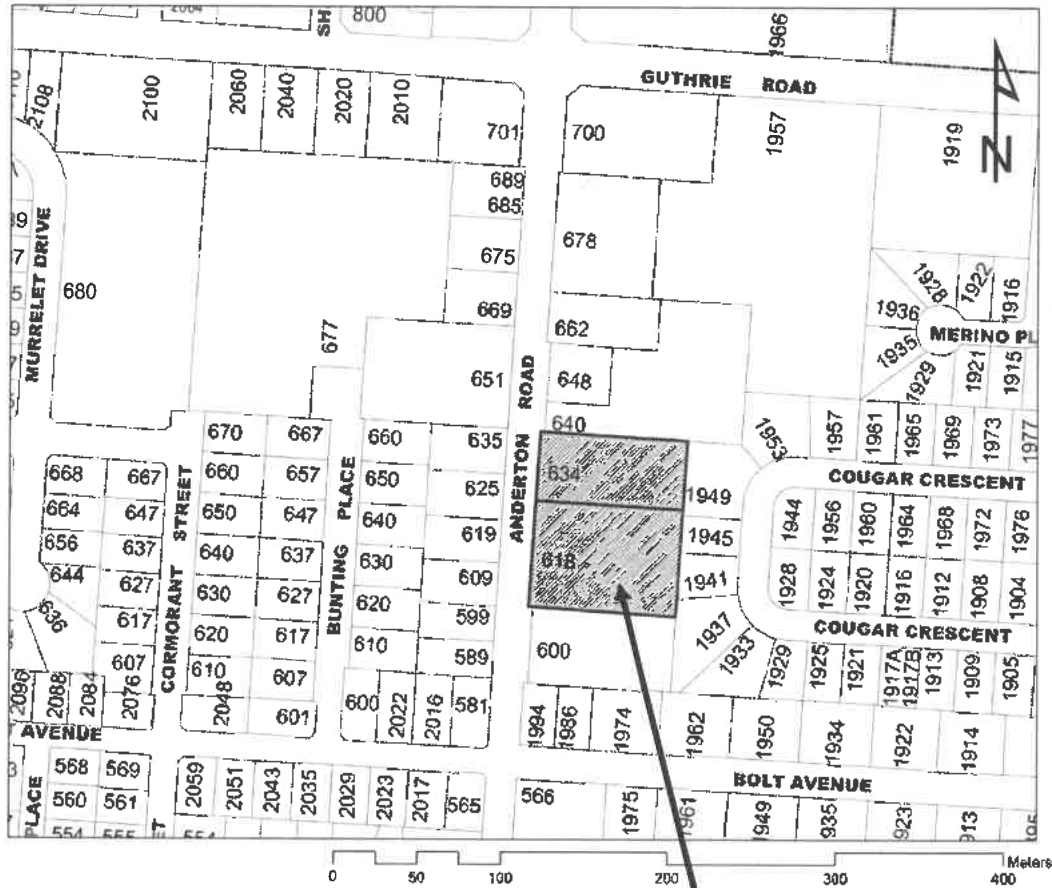
825.12 Off-Street Parking and Loading

- (1) Off-street parking and loading shall be provided in accordance with Section 6; and
- (2) Notwithstanding Section 825.12(1), the minimum required parking spaces shall be 1 per dwelling unit, plus 0.2 per dwelling unit for visitors.

825.13 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; this does not include environmentally sensitive areas, including watercourse setbacks as specified in Section 5.18.
- (3) All buildings shall conform to Section 5.18, Watercourse Regulations.

BYLAW 1872
SCHEDULE "2"
SUBJECT PROPERTY



Subject Properties:
618 & 634 Anderton Road
Lot 3, Section 70, Comox District, Plan 8874
Lot 9, Section 70, Comox District, Plan 24946

**RZ 17-1, DP 17-1
618 and 634 ANDERTON ROAD**

JUNE 20, 2018

ATTACHMENT 3

**COMOX PHASED DEVELOPMENT AGREEMENT
AUTHORIZATION BYLAW 1873: 618 ANDERTON**

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TOWN OF COMOX

BYLAW 1873

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 statutory notice and pursuant to Sections 466(2) and Section 518 of the *Local Government Act* RSBC, C.1, 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 1873: 618 Anderton Road".

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 JUST RIGHT ENTERPRISES Ltd. Inc. No. BC0971273, in the form attached as Schedule "A" to this bylaw.

3. Adoption

(1) READ A FIRST time this

6th day of December, 2017

- (2) READ A SECOND time this 7th day of March, 2018
- (3) ADVERTISED A FIRST time this 22nd day of March, 2018
- (4) ADVERTISED A SECOND time this 27th day of March, 2018
- (5) PUBLIC HEARING HELD this 4th day of April, 2018
- (6) READ A THIRD time this 18th day of April, 2018
- (7) ADOPTED this th day of

Paul Ives,
Mayor

Richard Kanigan,
Corporate Officer

**BYLAW 1873
SCHEDULE "A"**

PHASED DEVELOPMENT AGREEMENT: 618 ANDERTON ROAD

PHASED DEVELOPMENT AGREEMENT: 618 ANDERTON ROAD

This Agreement dated for reference the ____ day of _____, 2018 is

AMONG:

TOWN OF COMOX, a municipal corporation, having an address of
1809 Beaufort Avenue, Comox B.C. V9M 1R9

(the "Town")

AND:

JUST RIGHT ENTERPRISES Ltd. Inc. No. BC0971273
C/O 201-467 Cumberland Road
Courtenay, B.C V9N 2C5

(the "Owner")

WHEREAS:

A. The Owner is the registered owner of land legally described as:

PID: 005-476-798
LOT 3, SECTION 70, COMOX DISTRICT, PLAN 8874
and
PID:001-107-232
LOT 9, SECTION 70, COMOX DISTRICT, PLAN 24946

(the "Land");

B. The Owner has applied to the Town for an amendment to Comox Zoning Bylaw 1850 ("Bylaw 1850") by way of Comox Zoning Amendment Bylaw 1872 (the "Zoning Amendment Bylaw") to permit the development on the Land of certain residential and commercial uses;

C. The Owner wishes to provide the following amenities with respect to the development on Land (the "Amenities"):

- (i) A **\$29,187** cash payment as a contribution to the Town's Affordable Housing Fund;
- (ii) The consolidation of two properties comprising the Land;

- (iii) A 2.442 metre road dedication along the Anderton Road frontage, as shown hatched on a sketch as contained in Schedule 1;
 - (iv) Provision of the following works and services along the full Anderton Road frontage of the Land, in accordance with Town of Comox Subdivision and Development Servicing Bylaw, 1261:
 - 1. Pavement resurfacing up to the centerline of the existing pavement;
 - 2. Vertical face barrier curb and gutter;
 - 3. 1500 mm wide concrete sidewalk aligned with the existing sidewalk;
 - 4. Concrete driveway drop;
 - 5. Grassed boulevard;
 - 6. 11 Acer Griseum (Paperbark maple) boulevard trees, minimum 8 cm caliper at planting time, with a minimum 3.0 cubic metres of appropriate soil and growing space; and
 - 7. Removal of all private utility poles from the road dedication.
 - (v) The retention, maintenance and protection of 4 Douglas Fir trees, in accordance with the November 24, 2017 letter from Matthew Fitzgerald, as contained in Schedule 2;
 - (vi) The provision of 220V electrical connections for at least three parking spaces in the residential parking area;
 - (vii) The construction of dwelling units within 35.0 metres of Anderton Road to have sound attenuation that meets Canada Mortgage and Housing Corporation Standards, in accordance with Town of Comox, Acoustical Standards for Residential Developments, a report prepared by Wakefield Acoustics, dated October 30, 2014 and having alternative means to window opening for ventilation;
 - (viii) The construction of at least 9 residential units on the Land, in accordance with Bylaw 1850, Section 5.20 Special Needs Housing Standards – Adaptable Housing;
 - (ix) The certification that the buildings on the Land are built to an energy performance standard acceptable to the Town;
 - (x) The provision and maintenance of an oil/ grit separator for the on-site parking and maneuvering areas;
- D. The parties wish to ensure that the provisions of Bylaw 1850 as amended by the Zoning Amendment Bylaw continue to apply to Land for the period more particularly set out in this Agreement; and
- E. The Council of the Town has given notice and held a public hearing and has, by bylaw, authorized the execution of this Agreement;

NOW THEREFORE in consideration of the mutual promises set out in this Agreement, the parties agree pursuant to section 516 of the *Local Government Act* as follows:

APPLICATION OF AGREEMENT

1. This Agreement applies to the Land, including any parcels of land into which the Land may be subdivided.

BYLAW AMENDMENTS NOT TO APPLY

2. For the term of this Agreement, any amendment or repeal of sections 825.1, 825.2, 825.3, 825.4, 825.5, 825.6, 825.7, 825.8, 825.9, 825.10, 825.11, 825.12 and 825.13 of Bylaw 1850 as amended by the Zoning Amendment Bylaw shall not apply to Land, except:
 - (a) as provided in section 516(6) of the *Local Government Act*; or
 - (b) to the extent that the owner of any parcel comprising Land agrees in writing that the amendment or repeal shall apply to that land.
3. For certainty, and without limiting section 2, the Town agrees that any development permit or building permit that would be issuable in respect of Land on the date of adoption of the Zoning Amendment Bylaw will, subject to Section 9, be issued throughout the term of this Agreement in accordance with the Comox Official Community Plan Bylaw, 2011 (Bylaw No. 1685), Bylaw 1850 (apart from the sections specified in Section 2 to the extent that they may differ from the sections in force following adoption of the Zoning Amendment Bylaw), and Comox Building Bylaw No. 1472, despite any amendment or repeal of the bylaw provisions specified in section 2 that would otherwise prevent the issuance of the permit.

TERM OF AGREEMENT

4. The term of this Agreement is ten years from the date of adoption of the Zoning Amendment Bylaw.
5. The parties may terminate this Agreement at any time by written agreement of all parties.
6. If the Owner does not comply with all the requirements in Section 8, on which question the opinion of the Town shall be determinative provided that the Town may not act unreasonably, the Town may at its option terminate this Agreement by providing notice in writing to the Owner, provided that the Town has at least two months prior to giving such notice advised the Owner in writing of any alleged failure (the "Default Notice") and the Owner has not corrected the deficiency to the reasonable satisfaction of the Town. The Owner acknowledges the Town's unfettered right to further amend its Official Community Plan and Bylaw 1850 to reverse the effect of the Zoning Amendment Bylaw, in the event that the Owner fails to comply with Section 8, and waives any right it would otherwise have to claim, in respect of any such further amendment, that it has established a non-conforming use or a commitment to use Land as permitted by the Zoning Amendment Bylaw.

7. Despite the preceding section, if the default is one that cannot be corrected by the Owner, the Town may give notice of termination at the same time as the notice of default. For certainty, if the Owner should be a corporation, the following are defaults that cannot be remedied by the Owner:
- (a) if the Owner makes a general assignment for the benefit of creditors; or
 - (b) if the Owner institutes proceedings to be adjudicated bankrupt or insolvent or consents to the institution of bankruptcy or insolvency proceedings against the Owner or files an application or petition or answer or consent seeking re-organization or re-adjustment of the indebtedness of the Owner under the *Bankruptcy and Insolvency Act* or the *Companies' Creditors Arrangement Act* or any law of Canada or any province of Canada relating to bankruptcy or insolvency, or consents to the filing of any such application or petition, or consents to the appointment of a receiver or receiver-manager; or
 - (c) if a receiver, interim receiver, receiver-manager, trustee, liquidator, or custodian of all or substantially all of the property of the Owner or of the Owner's interest in Land is appointed or applied for by the Owner or appointed pursuant to an instrument or by order of a court; or
 - (d) if a judgment, decree, or order is entered by a court of competent jurisdiction adjudging the Owner a bankrupt or insolvent or subject to the provisions of the *Bankruptcy and Insolvency Act* or determining that proceedings for re-organization, arrangement, adjustment, composition, liquidation, or any similar relief under the *Bankruptcy and Insolvency Act* or the *Companies' Creditors Arrangement Act* or any law of Canada or any province of Canada relating to bankruptcy or insolvency have been properly instituted otherwise than by the Owner, provided that such judgment, decree or order is not in good faith contested by the Owner; or
 - (e) if any application or petition or certificate or order is made or granted for the winding-up or dissolution of the Owner, voluntary or otherwise.

AMENITIES FOR DEVELOPMENT OF LAND

8. The Owner shall, provide the following amenities by the deadlines herein specified:
- (a) Prior to adoption of the Zoning Amendment Bylaw:
 - (i) The consolidation of two properties comprising the Land;
 - (ii) A 2.442 metre road dedication along the Anderton Road frontage, as shown hatched on a sketch as contained in Schedule 1;

- (b) Within 30 days of the adoption by Council of the Zoning Amendment Bylaw, and prior to any application being made for a Building Permit on the Land:
 - (i) A **\$29,187** cash payment as a contribution to the Town's Affordable Housing Fund;
- (c) Prior to applying for an occupancy permit in respect of any buildings or portion thereof on the Land:
 - (i) Provision of the following works and services along the full Anderton Road frontage of the Land, in accordance with Town of Comox Subdivision and Development Servicing Bylaw, 1261:
 1. Pavement resurfacing up to the centerline of the existing pavement;
 2. Vertical face barrier curb and gutter;
 3. 1500 mm wide concrete sidewalk aligned with the existing sidewalk;
 4. Concrete driveway drop;
 5. Grassed boulevard;
 6. 11 Acer Griseum (Paperbark maple) boulevard trees, minimum 8 cm caliper at planting time, with a minimum 3.0 cubic metres of appropriate soil and growing space; and
 7. Removal of all private utility poles from the road dedication.
 - (ii) The provision of 220V electrical connections for at least three parking spaces in the residential parking area;
 - (iii) The provision of certification that construction of dwelling units within 35.0 metres of Anderton Road have sound attenuation that meets Canada Mortgage and Housing Corporation Standards, in accordance with Town of Comox, Acoustical Standards for Residential Developments, a report prepared by Wakefield Acoustics, dated October 30, 2014 and having alternative means to window opening for ventilation;
 - (iv) The construction of at least 9 residential units on the Land, in accordance with Bylaw 1850, Section 5.20 Special Needs Housing Standards – Adaptable Housing;
 - (v) The certification that the buildings on the Land are built to a minimum BUILT GREEN Bronze standard, Step 1 as referenced in Table 9.36.6.3.B of the British Columbia Building Code, or an alternative standard, acceptable to the Town; and
 - (vi) The provision and maintenance of an oil/ grit separator for the on-site parking and maneuvering areas.

RESTRICTIONS ON DEVELOPMENT OF LAND

9. The Owner shall not, despite the adoption of the Zoning Amendment Bylaw, construct or occupy any building or structure on Land until or unless the Owner's obligations under Section 8 have been met by the deadlines specified in the subsections of Section 8, and the Town shall be under no obligation to issue any building permit or occupancy permit or other authorization to which the Owner would be entitled were it not for this Section.
10. The Owner shall grant to the Town, and register in the applicable land title office against title to Land in priority to all financial liens, charges and encumbrances, a covenant under Section 219 of the *Land Title Act* with respect to the amenities to be provided under section 8.

ASSIGNMENT OF AGREEMENT

11. The Owner may assign this Agreement if the Town, acting reasonably, consents in writing to the assignment and the assignee has executed and delivered to the Town a notice of assumption and has entered into an assignment agreement with the Owner assigning the Agreement to the assignee.

GENERAL TERMS AND CONDITIONS

12. Any notice permitted or required by this Agreement to be given to either party must be given to that party at the address set out above, or to any other address of which the party has given the other party notice in writing expressly for the purposes of this Agreement.
13. Except as expressly set out in this Agreement, nothing in this Agreement shall prejudice or affect the rights and powers of the Town in the exercise of its functions under the *Community Charter* or the *Local Government Act* or any of its bylaws, or those of the Town's approving officer under the *Land Title Act*, *Strata Property Act* or Bare Land Strata Regulations.
14. Any opinion, decision, act or expression of satisfaction or acceptance provided for in this Agreement may be taken or made by the Town's Municipal Planner, unless expressly provided to be taken or made by another official of the Town, and in the process of exercising any such opinion, decision, act or expression of satisfaction or acceptance, the Town's Municipal Planner or other such person shall act reasonably.
15. No provision of this Agreement is to be considered to have been waived by the Town unless the waiver is expressed in writing by the Town. The waiver by the Town of any breach by any of the other parties of any provision is not to be construed as or constitute a waiver of any further or other breach.

16. Whenever in this Agreement the Town is required or entitled to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the Town may do so in accordance with the contractual provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise, shall have any application in the interpretation or implementation of this Agreement.
17. The Owner shall indemnify and save harmless the Town, its officers, employees, Council members, agents and others (the "Town Representatives") from and against any and all actions, causes of action, liabilities, demands, losses, damages, costs, expenses (including actual fees of professional advisors), costs for the remediation of contamination, fines, penalties and other harm of any kind whatsoever, whether related to death, bodily injury, property loss, property damage, property contamination or consequential loss or damage, suffered or incurred by the Town or any of the Town Representatives, directly or indirectly, arising from, resulting from, connected with or related to:
 - (a) any default or breach of this Agreement by the Owner; and
 - (b) any wrongful act, omission or negligence of the Owner or its directors, officers, employees, agents, contractors, subcontractors, licensees, or others for whom they are responsible in law with respect to the covenants and obligations of the Owner pursuant to this Agreement.
18. This indemnity shall survive any conclusion or other termination of this Agreement, in relation to any matter arising prior to it.
19. If the Owner is delayed or prevented from the performance of any covenant or agreement required hereunder by reason of any unavoidable cause, then performance of such covenant or agreement shall be excused for the period during which such performance is delayed or prevented and the time for the performance thereof shall be extended accordingly. For the purposes of this section, "unavoidable cause" means any event or contingency beyond the reasonable control of the Owner, including without limitation a delay caused by weather conditions, power failure, fire or other casualty, governmental laws, regulations or controls, civil commotion, insurrection, sabotage, invasion, rebellion, military or usurped power, war or war-like operations and acts of God, but excluding a delay caused by lack of funds.
20. Time is of the essence of this Agreement and will remain of the essence notwithstanding the extension of any dates.
21. The Owner acknowledges and agrees that the Town, acting reasonably, may, despite any public law limitations on the withholding of building permits and occupancy permits, withhold building permits and occupancy permits for the purpose of ensuring compliance with and administering the terms of this Agreement.
22. This Agreement may be executed in multiple counterparts, each of which is to be deemed to be an original and all of which together constitute one and the same agreement.

23. This Agreement may be executed by the parties and transmitted by fax or scanned and emailed and if so executed and transmitted this agreement will be for all purposes as effective as if the parties had executed and delivered an original agreement.

As evidence of their agreement to be bound by the terms, the parties have caused this Agreement to be executed and delivered under seal by their authorized signatories as of the dates set out below:

TOWN OF COMOX
by its authorized signatories:

Name: _____ Date: _____

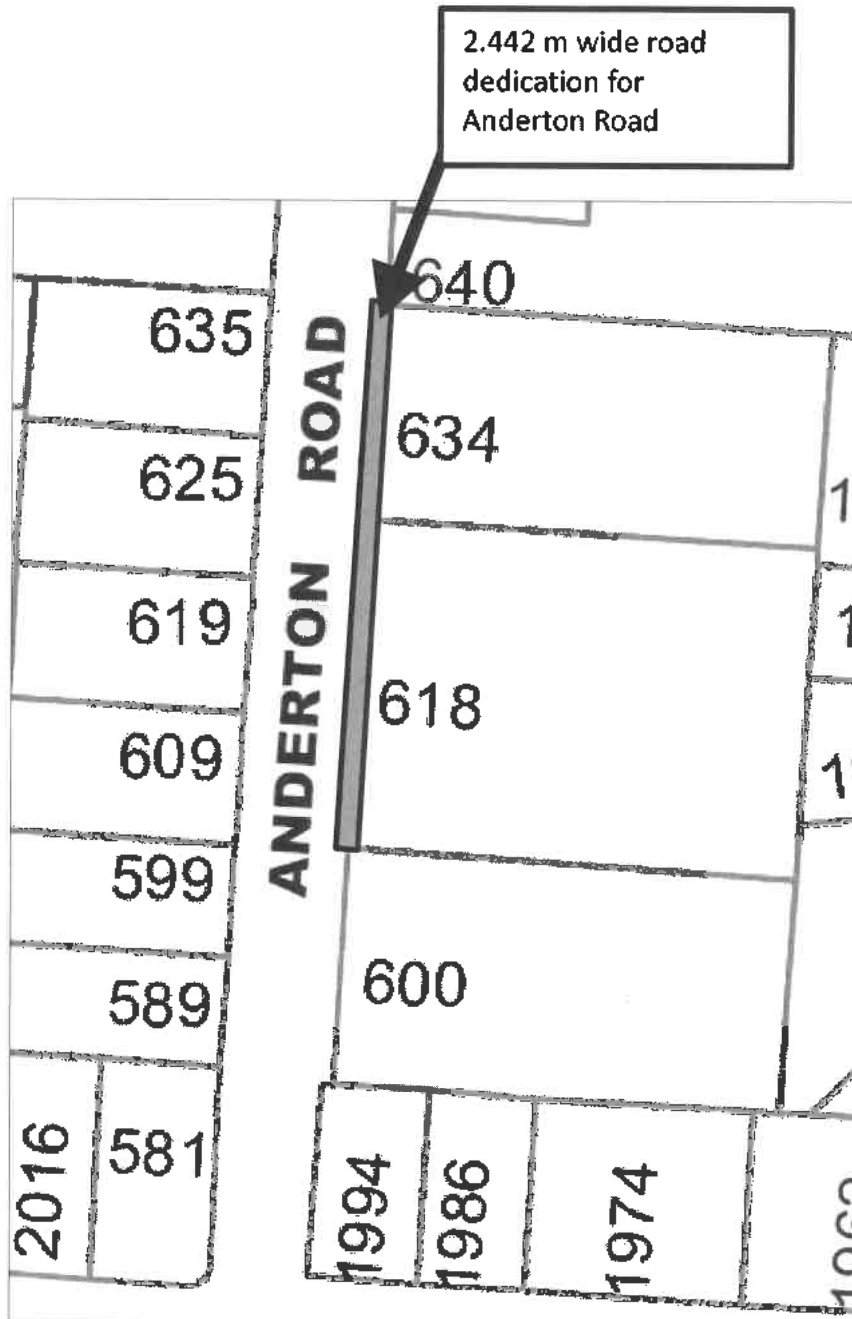
Name: _____

JUST RIGHT ENTERPRISES Ltd. Inc. No. BC0971273
by its authorized signatories:

Name: _____ Date: _____

Name: _____

SCHEDULE "1" ROAD DEDICATION



SCHEDULE "2"



November 24th, 2017

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

RE: Tree Retention Plan (618 & 634 Anderton Road)

Ms. Bozerocka,

On November 17th we met with the Town's Planners to discuss concerns regarding the retainment of four fir trees which are currently growing on the parcel. The following parameters were provided:

1. *Written statement / sketch detail:*

- *enabling the retention of existing trees along property lines (both on the subject and adjacent properties), given proposed 2:1 slope from property lines to parking lot pavement, e.g. arborist confirmation that placement of fill on tree roots will not negatively impact them, or arborist confirmation that tree wells or retaining walls along the edge of parking lot will not negatively impact them. If the retention of trees results in reduction in the number of parking stalls – a statement of how many stalls will be lost.*

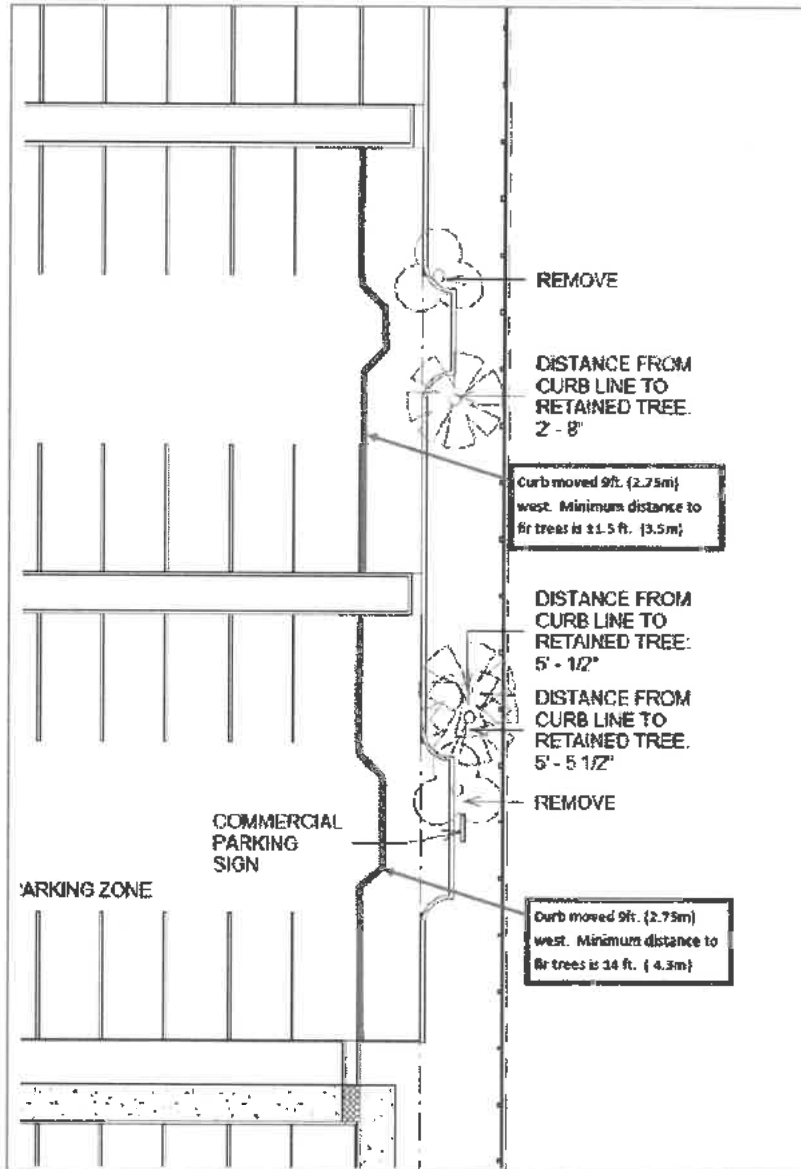
Based on the regrading of the site and addition of parking area near the trees the following questions were posed to our arborist the email exchange is attached):

- Is the distance from the planned curb to the tree sufficient to retain the tree? If not how far back does the curb have to be?
- Is the tree able to be maintained given that the area between the curb to the property line is to be regraded to a maximum of a 2:1 slope? If not what measures are necessary to maintain the tree with the grading changing to a maximum of 2:1 slope? (i.e. some form of small retaining wall)

Regarding the distance of the curbs to the tree, the arborist recommended a minimum distance of 6ft (1.8m) from the tree to the curb. As proposed, all three of the fir trees on the east edge of the property were less than this recommended distance. As a result, the site plan will be modified to shift the parking area west as depicted in the sketch below. **This will reduce the number of proposed parking stalls by four** but significantly increase the distance between the curb to the trees to exceed the arborist's recommendation concerning the distance from the tree to the curb. On the south edge of



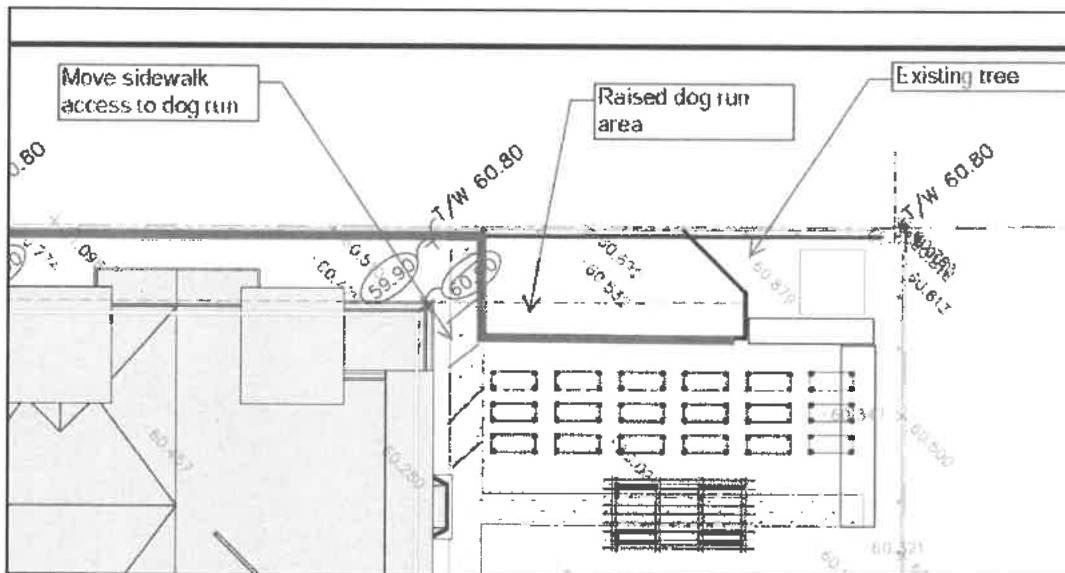
the property the fir trees on the neighbouring property are approximately 13ft. (4m) from the proposed curb on the south edge of the parking area.





Regarding the area around the tree to a maximum of a 2:1 slope, the arborist expressed initial concern. However, when the curb is shifted west the slope decreases to a maximum of 4:1 thereby alleviating the impact on the tree.

Finally, there is one fir tree on the north edge of the property. There is a small retaining wall initially planned to be five feet from the tree. Initially the arborist recommended that we have an arborist onsite when the base for the wall installed to ensure minimal damage to the root system. We have proposed an alternative through our grading plan which will move the retaining wall into the site leaving the existing grades as they exist around the tree.






We trust this addressed the department's concerns with the impact of our proposal on the existing trees.

Matthew Fitzgerald, MCIP RPP
Development Manager
Seymour Pacific Developments Ltd.



TOWN OF COMOX PLANNING REPORT

TO:	RICHARD KANIGAN, CHIEF ADMINISTRATIVE OFFICER
FROM:	MARVIN KAMENZ, MUNICIPAL PLANNER REGINA BOZEROCKA, PLANNER I
SUBJECT:	REZONING APPLICATION: RZ 17-10 DEVELOPMENT PERMIT 17-6 DEVELOPMENT VARIANCE PERMIT APPLICATION: DVP 17-7 1170 LAZO ROAD
DATE:	JUNE 20, 2018 ADOPTION REPORT

 <i>Submitted by</i>	 <i>Concurrence</i>	 <i>Approval</i>
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Planner's recommendation:

1. That Comox Zoning Amendment Bylaw 1874 be adopted (**Attachment 2**); and
2. That Comox Phased Development Agreement Authorization Bylaw 1875: Lazo Road be adopted (**Attachment 3**).

Proposal:

Proposed is the rezoning of the subject property from R3.3 Single Family – Large Lot to R4.1 Single-Family – 350 m² Parcel, to facilitate a 16-lot single-family subdivision. The existing buildings and foundations are proposed to be demolished prior to the subdivision of the subject property.

The associated development variance permit would vary Town of Comox Subdivision and Development Servicing Bylaw, 1261 Road Specifications, to provide traffic calming and improve pedestrian infrastructure and neighbourhood aesthetics. The DVP would also vary the Comox Zoning Bylaw 1850 interpretation of front lot line for proposed Lot 15, for clarity when establishing building setbacks. The development permit is in relation to DPA #11 Wildlife Corridor. The Application Summary is contained in **Attachment 1**.

U:\Dev App\2017\OCP RZ\RZ 17-10 1170 Lazo Rd\Reports\3_RCM_RZ 17-10_adoption_1170 Lazo Road_20.06.2018.docx

JUNE 20, 2018

Discussion:

All outstanding items required before the adoption of proposed bylaws have now been resolved.

Typically, where a development proposal involves a Rezoning and Development Variance Permit, advertising of the rezoning public hearing and Council's consideration of the development variance permit is done concurrently. As noted in the Post Public Hearing, Third Reading report, concurrent advertising did not take place in this instance, due to oversight.

As Council cannot receive public submissions after a public hearing without invalidating the hearing, advertising of the DVP 17-7 will occur immediately after Rezoning Bylaws adoption. Following development variance permit advertising, Council consideration of issuance of the DVP 17-7 and DP 17-6 would occur.

The remaining Processing Procedures are listed in **Attachment 4**.

MK/ RB

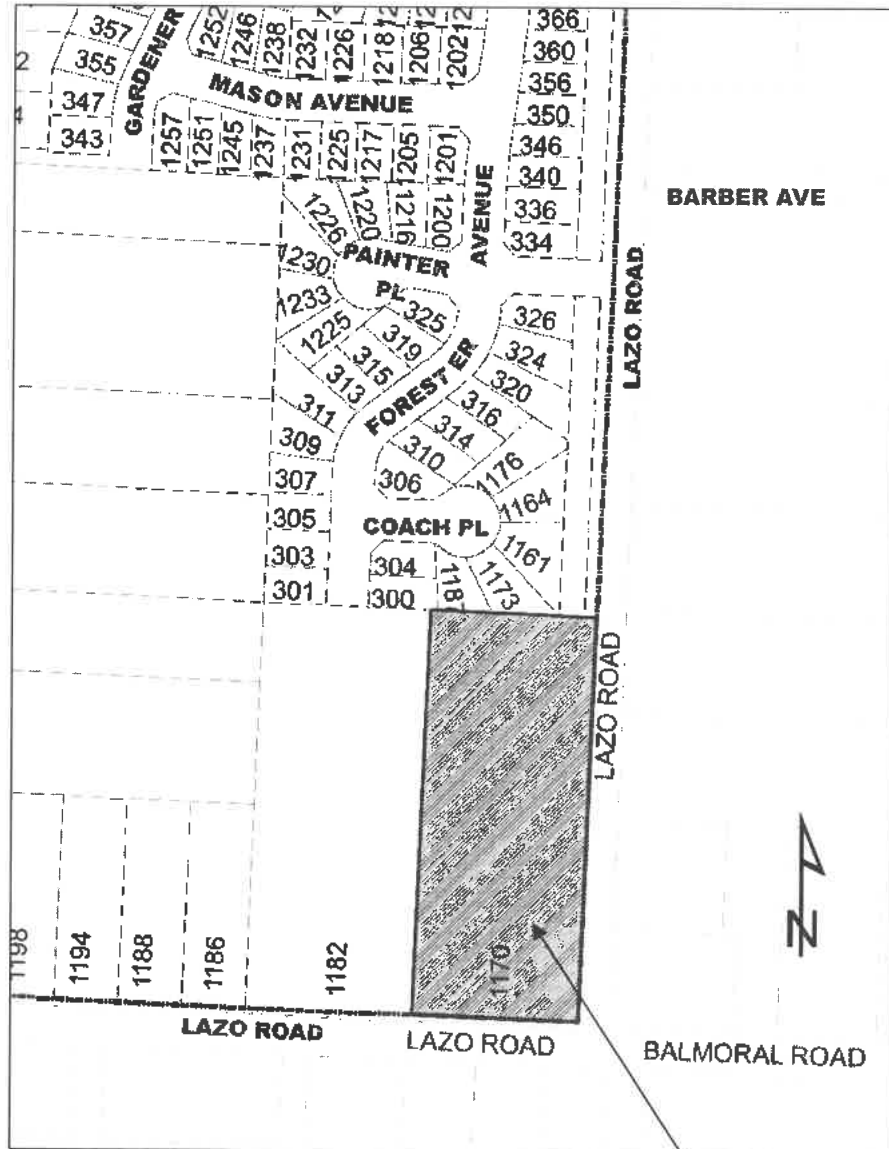
Attachments:

1. Application Summary
2. Proposed Zoning Amendment Bylaw 1874
3. Proposed Phased Development Authorization Agreement Bylaw 1875
4. Processing Procedures

cc. Derek Jensen, McElhanney Consulting Services Ltd.
495 Sixth Street, Courtenay, B.C. V9N 6V4

JUNE 20, 2018

**ATTACHMENT 1
APPLICATION SUMMARY**



Subject Property:
ADDRESS: 1170 LAZO ROAD
LEGAL DESCRIPTION: Lot 5 District Lot 186 Comox District Plan 449
Except Parcel A (DD 3381N)

JUNE 20, 2018

Proposal: Proposed is the rezoning of the subject property from R3.3 Single Family – Large Lot to R4.1 Single-Family – 350 m² Parcel, to facilitate a 16-lot single-family subdivision. The existing buildings and foundations are proposed to be demolished prior to the subdivision of the subject property.

The associated development variance permit would vary Town of Comox Subdivision and Development Servicing Bylaw, 1261 Road Specifications, to provide traffic calming and improve pedestrian infrastructure and neighbourhood aesthetics. The DVP would also vary the Comox Zoning Bylaw 1850 interpretation of front lot line for proposed Lot 15, for clarity when establishing building setbacks.

The development permit is in relation to DPA #11 Wildlife Corridor.

Owner: Assiniboine Developments Ltd. Inc. No. BC1068777
1115191 B.C. Ltd.

Applicant: Derek Jensen, McElhanney Consulting Services, Ltd.

Legal Description: Lot 5 District Lot 186 Comox District Plan 449 Except Parcel A (DD 3381N)

Civic Address: 1170 Lazo Road

Official Community Plan:

Land Use Designation: Residential: Ground Oriented Infill and
Residential: Townhouses and Ground Oriented Infill

Development Permit Areas: DPA # 2 Ground Oriented Infill (exempt)
DPA #11 Wildlife Corridor
DPA #16 Energy and Water Conservation and Reduction of Greenhouse Gas Emissions (exempt)
DPA # 17 Coach Houses (exempt)

Zoning:	EXISTING	PROPOSED
	R3.3 Single Family – Large Lot	R4.1 Single-Family – 350 m ² Parcel
Permitted uses:	Accessory structures and uses, Coach houses, Home occupations, Secondary suites, Single-family dwellings, Bed and Breakfast accommodations	Accessory structures and uses Home occupations, Secondary suites, Single-family dwellings,
Minimum parcel area	20,000 m ²	350 m ²
Min. parcel frontage:	20.0 m	13.0 m 15.0 m for parcels with exterior side lot line
Minimum parcel depth:	50.0 m	24.0 m
Maximum parcel coverage:	Lesser of 35% or 500 m ²	35%
Height and storey's:	9.0m Maximum 2 storeys	8.0 m Maximum 2 storeys

JUNE 20, 2018

Minimum setbacks:	front: 7.5 m	For 5.5 m as measured parallel to and at the front setback – front setback shall be no less than 7.5 m and for any part of a structure used as a garage. 4.5 m – for all other situations
	rear: 7.5 m	The greater of 7.5 m or 25% of parcel depth
	side (interior): 2.0 m	1.8 m
	side (exterior): 3.5 m	3.5 m
Accessory Buildings:	60 m ² in gross floor area or 10% of parcel coverage; Maximum 4.5 m in height	40 m ² in gross floor area and 10% of parcel coverage, whichever is less; Maximum 4.5 m in height
Driveways:	n/a	Shall not exceed 5.5 metres in width; No more than one driveway per parcel
Surrounding Land Uses:	R3.2 zoned single-family development to the north and west, Lazo Road and CVRD large lot single family development to the south and east.	

Comox Zoning Bylaw 1850

Interpretation, Section 3.2 Definitions

Front Lot Line	REQUIRED A lot line common to a parcel and a street other than a lane.	PROPOSED VARIANCE for Lot 15 only: A lot line common to the parcel and cul-de-sac portion of the street, starting at the north radius and ending at the south interior side lot line, in accordance with Schedule 1, Lot 15 Front Lot Line Drawing.
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Town of Comox Subdivision and Development Servicing Bylaw 1261

Schedule C.1, Appendix "C" (Specifications for Highways), Table C-1 (Minimum Requirements, Roadway Widths, Curbs and Sidewalks)

Local Road	REQUIRED	PROPOSED VARIANCES
Pavement Width	9.0 metres	6.0 metres With 2.4 m pull-out parallel parking one side of the road
Type of curb	Rollover Curb	Barrier curb, gutter
Sidewalks	Back of curb In accordance with drawing SC-10	Back of curb at parking pull out and otherwise boulevard between back of curb and sidewalk so that sidewalk alignment is straight
Street Trees and Underground utilities alignments	In accordance with drawings: SH-1, SC-5 and SF-7	In accordance with the Schedule 1 Street Trees Plan, location of street trees immediately adjacent to sidewalks; provision of structural soil for the street trees of a composition and depth acceptable to the Parks Superintendent, and location of storm and sanitary mains beneath the road pavement.

RZ 17-10, DP 17-6
1170 LAZO ROAD

JUNE 20, 2018

ATTACHMENT 2
PROPOSED ZONING AMENDMENT BYLAW

TOWN OF COMOX

BYLAW 1874

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 1874"

2. Amendments

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

Schedule "B" (the Zoning Map):

by rezoning

LOT 5 DISTRICT LOT 186 COMOX DISTRICT PLAN 449 EXCEPT PARCEL A (DD3381N) shown shaded on SCHEDULE "1" which is attached to and forms part of this Bylaw, from R3.3 Single Family – Large Lot, to R4.1 Single-Family – 350 m² Parcel.

3. Adoption

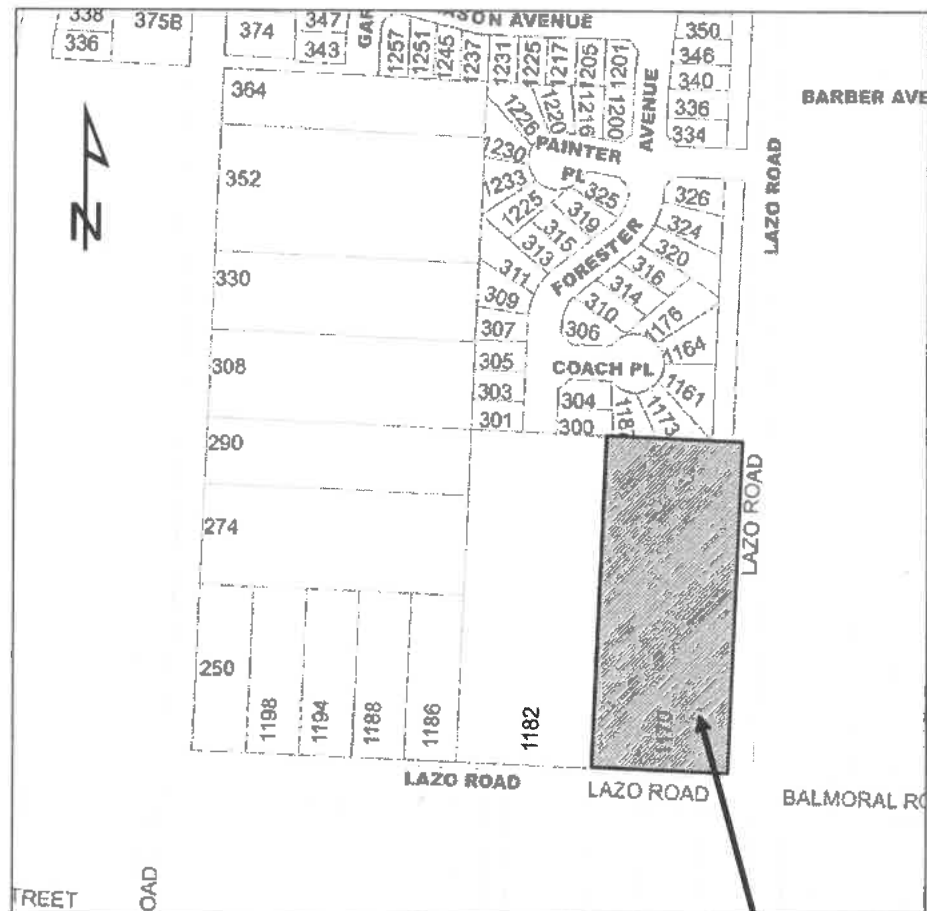
- | | |
|-----------------------------|------------------------------------|
| (1) READ A FIRST time this | 7 th day of March, 2018 |
| (2) READ A SECOND time this | 7 th day of March, 2018 |

- | | |
|-----------------------------------|-------------------------------------|
| (3) ADVERTISED A FIRST time this | 22 nd day of March, 2018 |
| (4) ADVERTISED A SECOND time this | 27 th day of March, 2018 |
| (5) PUBLIC HEARING HELD this | 4 th day of April, 2018 |
| (6) READ A THIRD time this | 18 th day of April, 2018 |
| (7) ADOPTED this | th day of , 2018 |

Paul Ives,
Mayor

Richard Kanigan,
Corporate Officer

SCHEDULE "1" SUBJECT PROPERTY



Subject Property:
1170 Lazo Road
PID: 009-045-686
LOT 5 DISTRICT LOT 186 COMOX DISTRICT PLAN 449 EXCEPT
PARCEL A (DD3381N)

RZ 17-10
1170 LAZO ROAD

JUNE 20, 2018

ATTACHMENT 3
PROPOSED PHASED DEVELOPMENT AGREEMENT BYLAW

TOWN OF COMOX

BYLAW 1875

A BYLAW TO ENTER INTO A PHASED DEVELOPMENT AGREEMENT

WHEREAS:

The Town may by bylaw enter into a phased development agreement pursuant to s. 516.1 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 1875: Lazo Road".

2. Authorization

Council hereby authorizes the Town of Comox to enter into a phased development agreement under s.516.1 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 Assiniboine Developments Ltd. Inc. No. BC1068777 and 1115191 B.C. Ltd. Inc. No. BC1115191, in the form attached as Schedule "A" to this bylaw.

3. Adoption

- | | | |
|-----|-------------------------|------------------------------------|
| (1) | READ A FIRST time this | 7 th day of March, 2018 |
| (2) | READ A SECOND time this | 7 th day of March, 2018 |

- | | | |
|-----|-------------------------------|-------------------------------------|
| (3) | ADVERTISED A FIRST time this | 22 nd day of March, 2018 |
| (4) | ADVERTISED A SECOND time this | 27 th day of March, 2018 |
| (5) | PUBLIC HEARING HELD this | 4 th day of April, 2018 |
| (6) | READ A THIRD time this | 18 th day of April, 2018 |
| (7) | ADOPTED this | th day of, 2018 |

Paul Ives,
Mayor

Richard Kanigan,
Corporate Officer

BYLAW 1875

SCHEDULE "A"

PHASED DEVELOPMENT AGREEMENT: 1170 LAZO ROAD

PHASED DEVELOPMENT AGREEMENT:

1170 LAZO ROAD

This Agreement dated for reference the ____ day of _____, 2018 is

AMONG:

TOWN OF COMOX,
a municipal corporation, having an address of
1809 Beaufort Avenue, Comox B.C. V9M 1R9

(the "Town")

AND:

Assiniboine Developments Ltd., Inc. No. BC1068777
a corporation having an address of
200 – 8837 – 201 Street
Langley, B.C. V2Y 0C8

and

1115191 B.C. Ltd. Inc. No. BC1115191
a corporation having an address of
7277 Fitzsimmons Rd. S.
Whistler, B.C. V0N 1B7

(the "Owner")

WHEREAS:

A. The Owner is the registered owner of land legally described as:

PID: 009-045-868
LOT 5 DISTRICT LOT 186 COMOX DISTRICT PLAN 449
EXCEPT PARCEL A (DD 3381N)

(the "Land");

B. The Owner has applied to the Town for an amendment to Comox Zoning Bylaw 1850 (the "Bylaw 1850") by way of Comox Zoning Amendment Bylaw 1874 (the "Zoning Amendment Bylaw") to permit the residential development on the Land;

- C. The Owner wishes to provide the following amenities with respect to the development on Land:
- (i) A \$17,022.00 cash payment as a contribution to the Town's Affordable Housing Fund;
 - (ii) The retention, maintenance and protection of trees identified for retention in the Tree Assessment Report, dated September 1, 2017, prepared by Walter Ernst, Strategic Natural Resource Consultants Inc, and included in Schedule 1;
 - (iii) Dedication of approximately 2,250 square metres of land for park purposes along Lazo Road dedication as shown in Schedule 2, Area of Park Land Purchase Drawing, to be acquired for \$153,202.00;
 - (iv) Removal of invasive species on the subject property, including proposed Greenway and road dedications, including Scotch Broom, English Holly, Himalayan Blackberry and thistles;
 - (v) The planting, maintenance and protection of the mix of 18 new Douglas Fir and Western Hemlock trees, in locations shown in Schedule 3;
 - (vi) The planting, maintenance and protection of 2 new Dogwood (Cornus Venus) trees, in locations shown in Schedule 3;
 - (vii) The construction of the single-family dwellings on proposed Lots 5 and 6, shown on the Lot Layout Plan in Schedule 4, in accordance with the Bylaw 1850 Section 5.20 Special Needs Housing Standards – Adaptable Housing; and
 - (viii) Certification that the residential units on the Land are built to a minimum BUILT GREEN Bronze standard, Step 1 as referenced in Table 9.36.6.3.B of the British Columbia Building Code, or an alternative standard for single-family construction; acceptable to the Town.
- E. The Council of the Town has given notice and held a public hearing and has, by bylaw, authorized the execution of this Agreement;

NOW THEREFORE in consideration of the mutual promises set out in this Agreement, the parties agree pursuant to section 516.1 of the *Local Government Act* as follows:

APPLICATION OF AGREEMENT

1. This Agreement applies to the Land, including any parcels of land into which the Land may be subdivided.

BYLAW AMENDMENTS NOT TO APPLY

2. For the term of this Agreement, any amendment or repeal of the following sections: 112.1, 112.2, 112.3, 112.4, 112.5, 112.6, 112.7, 112.8, 112.9, 112.10, 107.12 and 112.13 of Bylaw 1850, as amended by the Zoning Amendment Bylaw shall not apply to Land, except:
 - (a) as provided in section 516(6) of the *Local Government Act*; or
 - (b) to the extent that the owner of any parcel comprising Land agrees in writing that the amendment or repeal shall apply to that land.
3. For certainty, and without limiting section 2, the Town agrees that any development permit or building permit that would be issuable in respect of Land on the date of adoption of the Zoning Amendment Bylaw will, subject to Section 9, be issued throughout the term of this Agreement in accordance with Comox Official Community Plan Bylaw, 2011 (Bylaw No. 1685), the Bylaw 1850 (apart from the sections specified in Section 2 to the extent that they may differ from the sections in force following adoption of the Zoning Amendment Bylaw and Comox Building Bylaw No. 1472 despite any amendment or repeal of the bylaw provisions specified in section 2 that would otherwise prevent the issuance of the permit.

TERM OF AGREEMENT

4. The term of this Agreement is ten years from the date of adoption of the Zoning Amendment Bylaw.
5. The parties may terminate this Agreement at any time by written agreement of all parties.
6. If the Owner does not comply with all the requirements in Section 8, on which question the opinion of the Town shall be determinative provided that the Town may not act unreasonably, the Town may at its option terminate this Agreement by providing notice in writing to the Owner, provided that the Town has at least two months prior to giving such notice advised the Owner in writing of any alleged failure (the "Default Notice") and the Owner has not corrected the deficiency to the reasonable satisfaction of the Town. The Owner acknowledges the Town's unfettered right to further amend its Bylaw No. 1685 and Bylaw 1850, to reverse the effect of the Zoning Amendment Bylaw, in the event that the Owner fails to comply with Section 8, and waives any right it would otherwise have to claim, in respect of any such further amendment, that it has established a non-conforming use or a commitment to use Land as permitted by the Zoning Amendment Bylaw.
7. Despite the preceding section, if the default is one that cannot be corrected by the Owner, the Town may give notice of termination at the same time as the notice of default. For certainty, if the Owner should be a corporation, the following are defaults that cannot be remedied by the Owner:
 - (a) if the Owner makes a general assignment for the benefit of creditors; or

- (b) if the Owner institutes proceedings to be adjudicated bankrupt or insolvent or consents to the institution of bankruptcy or insolvency proceedings against the Owner or files an application or petition or answer or consent seeking re-organization or re-adjustment of the indebtedness of the Owner under the *Bankruptcy and Insolvency Act* or the *Companies' Creditors Arrangement Act* or any law of Canada or any province of Canada relating to bankruptcy or insolvency, or consents to the filing of any such application or petition, or consents to the appointment of a receiver or receiver-manager; or
- (c) if a receiver, interim receiver, receiver-manager, trustee, liquidator, or custodian of all or substantially all of the property of the Owner or of the Owner's interest in Land is appointed or applied for by the Owner or appointed pursuant to an instrument or by order of a court; or
- (d) if a judgment, decree, or order is entered by a court of competent jurisdiction adjudging the Owner a bankrupt or insolvent or subject to the provisions of the *Bankruptcy and Insolvency Act* or determining that proceedings for re-organization, arrangement, adjustment, composition, liquidation, or any similar relief under the *Bankruptcy and Insolvency Act* or the *Companies' Creditors Arrangement Act* or any law of Canada or any province of Canada relating to bankruptcy or insolvency have been properly instituted otherwise than by the Owner, provided that such judgment, decree or order is not in good faith contested by the Owner; or
- (e) if any application or petition or certificate or order is made or granted for the winding-up or dissolution of the Owner, voluntary or otherwise.

AMENITIES FOR DEVELOPMENT OF LAND

8. The Owner shall provide the following amenities by the deadlines herein specified:
- (a) Within 30 days of the adoption by Council of the Zoning Amendment Bylaw and prior to any application being made for Subdivision of the land, payment to the Town by certified cheque or bank draft the sum of \$17,022.00 as a contribution to the Town's Affordable Housing Fund.
 - (b) Retention, maintenance and protection of trees identified for retention in the Tree Assessment Report, dated September 1, 2017, prepared by Walter Ernst, Strategic Natural Resource Consultants Inc, and included in Schedule 1.
 - (c) Prior to subdivision approval:
 - (i) Dedication of approximately 2,250 square metres of land for park purposes along Lazo Road dedication as shown in Schedule 2, Area of Park Land Purchase Drawing, to be acquired for \$153,202.
 - (ii) Removal of invasive species on the subject property, including proposed Greenway and road dedications, including Scotch Broom, English Holly, Himalayan Blackberry and thistles;

- (iii) The planting, maintenance and protection of the mix of 18 new Douglas Fir and Western Hemlock trees, in locations shown in Schedule 3; and
 - (iv) The planting, maintenance and protection of 2 new Dogwood (*Cornus Venus*) trees, in locations shown in Schedule 3;
- (d) Prior to applying for occupancy permit in respect of any buildings on the Land, provision of certification that the residential units on the Land are built to a minimum BUILT GREEN Bronze standard, Step 1 as referenced in Table 9.36.6.3.B of the British Columbia Building Code, or an alternative standard; and
- (e) Prior to applying for occupancy permit in respect of any buildings on proposed Lots 5 and 6 on the Land, shown on the Lot Layout Plan in Schedule 4, construction of single-family dwellings on proposed Lots 5 and 6, in accordance with Bylaw 1850 Section 5.20 Special Needs Housing Standards – Adaptable Housing.

RESTRICTIONS ON DEVELOPMENT OF LAND

9. The Owner shall not, despite the adoption of the Zoning Amendment Bylaw, construct or occupy any building or structure on Land until or unless the Owner's obligations under Section 8 have been met by the deadlines specified in the subsections of Section 8, and the Town shall be under no obligation to issue any building permit or occupancy permit or other authorization to which the Owner would be entitled were it not for this Section.
10. The Owner shall grant to the Town, and register in the applicable land title office against title to Land in priority to all financial liens, charges and encumbrances, covenants under Section 219 of the *Land Title Act* with respect to the amenities to be provided under section 8.

ASSIGNMENT OF AGREEMENT

11. The Owner may assign this Agreement if the Town, acting reasonably, consents in writing to the assignment and the assignee has executed and delivered to the Town a notice of assumption and has entered into an assignment agreement with the Owner assigning the Agreement to the assignee.

GENERAL TERMS AND CONDITIONS

12. Any notice permitted or required by this Agreement to be given to either party must be given to that party at the address set out above, or to any other address of which the party has given the other party notice in writing expressly for the purposes of this Agreement.
13. Except as expressly set out in this Agreement, nothing in this Agreement shall prejudice or affect the rights and powers of the Town in the exercise of its functions under the *Community Charter* or the *Local Government Act* or any of its bylaws, or

those of the Town's approving officer under the *Land Title Act, Strata Property Act* or *Bare Land Strata Regulations*.

14. Any opinion, decision, act or expression of satisfaction or acceptance provided for in this Agreement may be taken or made by the Town's Municipal Planner, unless expressly provided to be taken or made by another official of the Town, and in the process of exercising any such opinion, decision, act or expression of satisfaction or acceptance, the Town's Municipal Planner or other such person shall act reasonably.
15. No provision of this Agreement is to be considered to have been waived by the Town unless the waiver is expressed in writing by the Town. The waiver by the Town of any breach by any of the other parties of any provision is not to be construed as or constitute a waiver of any further or other breach.
16. Whenever in this Agreement the Town is required or entitled to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the Town may do so in accordance with the contractual provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise, shall have any application in the interpretation or implementation of this Agreement.
17. The Owner shall indemnify and save harmless the Town, its officers, employees, Council members, agents and others (the "Town Representatives") from and against any and all actions, causes of action, liabilities, demands, losses, damages, costs, expenses (including actual fees of professional advisors), costs for the remediation of contamination, fines, penalties and other harm of any kind whatsoever, whether related to death, bodily injury, property loss, property damage, property contamination or consequential loss or damage, suffered or incurred by the Town or any of the Town Representatives, directly or indirectly, arising from, resulting from, connected with or related to:
 - (a) any default or breach of this Agreement by the Owner; and
 - (b) any wrongful act, omission or negligence of the Owner or its directors, officers, employees, agents, contractors, subcontractors, licensees, or others for whom they are responsible in law with respect to the covenants and obligations of the Owner pursuant to this Agreement.
18. This indemnity shall survive any conclusion or other termination of this Agreement, in relation to any matter arising prior to it.
19. If the Owner is delayed or prevented from the performance of any covenant or agreement required hereunder by reason of any unavoidable cause, then performance of such covenant or agreement shall be excused for the period during which such performance is delayed or prevented and the time for the performance thereof shall be extended accordingly. For the purposes of this section, "unavoidable cause" means any event or contingency beyond the reasonable control of the Owner, including without limitation a delay caused by weather conditions, power failure, fire or

other casualty, governmental laws, regulations or controls, civil commotion, insurrection, sabotage, invasion, rebellion, military or usurped power, war or war-like operations and acts of God, but excluding a delay caused by lack of funds.

- 20. Time is of the essence of this Agreement and will remain of the essence notwithstanding the extension of any dates.
- 21. The Owner acknowledges and agrees that the Town, acting reasonably, may, despite any public law limitations on the withholding of building permits and occupancy permits, withhold building permits and occupancy permits for the purpose of ensuring compliance with and administering the terms of this Agreement.
- 22. This Agreement may be executed in multiple counterparts, each of which is to be deemed to be an original and all of which together constitute one and the same agreement.
- 23. This Agreement may be executed by the parties and transmitted by fax or scanned and emailed and if so executed and transmitted this agreement will be for all purposes as effective as if the parties had executed and delivered an original agreement.

As evidence of their agreement to be bound by the terms, the parties have caused this Agreement to be executed and delivered under seal by their authorized signatories as of the dates set out below:

TOWN OF COMOX
by its authorized signatories:

Name: _____ Date: _____

Name: _____

Owner
by its authorized signatories:

Name: _____ Date: _____

Name: _____

**SCHEDULE 1
TREE ASSESSMENT REPORT**



September 1, 2017

Tree Inventory Assessment -1170 Lazo Road Development

Walter Ernst, RPF (#4071), ISA Certified Arborist (PN-7288A),
Certified Tree Risk Assessor (CTRA 1467)

PROFESSIONALLY RESOURCEFUL

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1.0 Introduction and Background

A tree inventory was completed on behalf of Derek Jensen of McElhanney Consulting Services (McElhanney) for a proposed residential site located at 1170 Lazo Road, Comox, BC on August 18, 2017 by Walter Ernst (R.P.F. / Cert. Arb. / Urban Tree Risk Assessor) of Strategic Natural Resource Consultants Inc. (SNRC).

The proposed development area is bound by Lazo Road to the south and east, a private development lot to the west, and existing residential properties to the north. The land parcel is identified as Lot 5 / Plan 449 of the Comox Land District. Refer to Figure 1 for proposed 1170 Lazo Road development locator map.

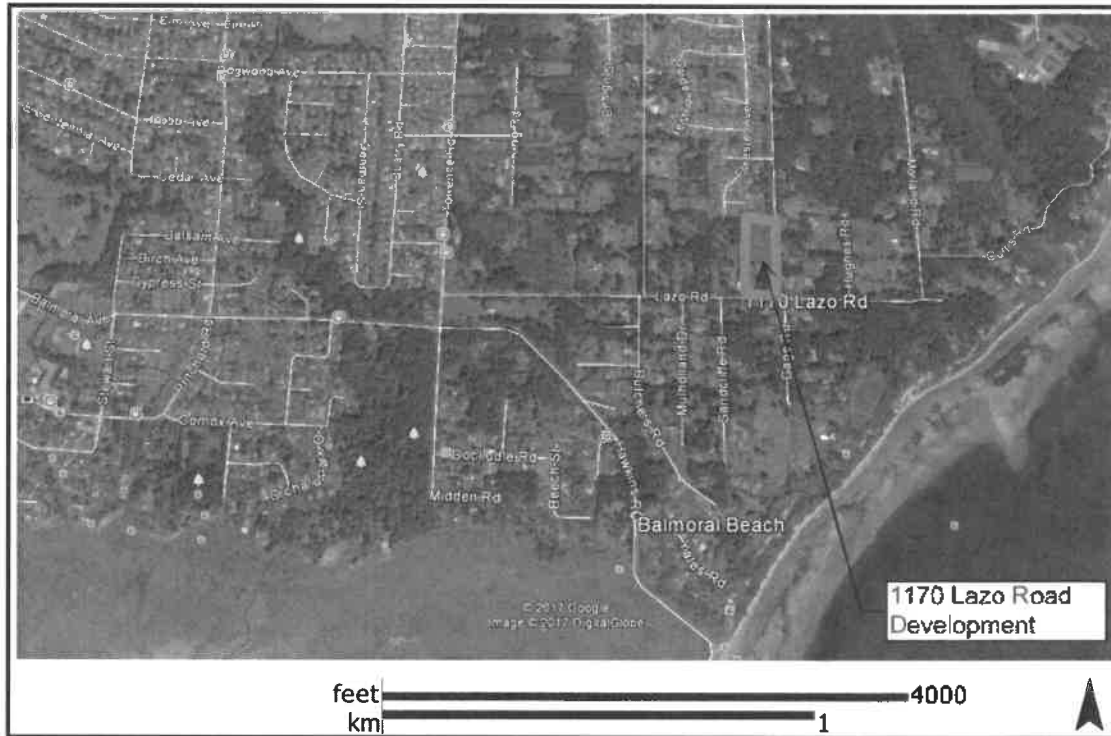


Figure 1: Proposed 1170 Lazo Road Development Location.

A preliminary site plan map (Drawing # SK-2 / Project # 2211-47484-00, dated August 16, 2017) showing the development area boundaries was provided by McElhanney prior to the tree inventory fieldwork (refer to Appendix I).

Previous discussions between Walter Ernst of SNRC and Derek Jensen of McElhanney outlined general project expectations with regards to inventory tree assessment requirements. These initial discussions provided the basis for the methodologies used in the field and within this report.

1.1 Project Objectives

The following project objectives were determined for the field assessment:

Objective #1:

- Conduct a tree inventory to determine the following stand characteristics:
 - Average and range of diameter-at-breast-height (DBH) and height.
 - Species composition and total number of stems across the entire site.
 - General condition / health of the trees and stand as a whole.
 - Required tree protection zones for individual trees to be retained.

Objective #2:

- Conduct a hazard tree assessment to identify potential hazards within the proposed development for worker safety.

Objective #3:

- Prescribe tree removal and retention based on individual locations of trees in relation to the proposed property enclosures, access road, and rear / front yard setbacks as well the level of risk or safety hazards posed by the trees.

Objective #4:

- Identify any protected tree species and prescribe actions to retain these species.

Objective #5:

- Identify invasive species concentrations within the proposed development area and incorporate management recommendations for the development phases.

2.0 Methodology

The tree inventory was conducted by identifying every tree within the project area. McElhanney surveyed previously located each tree on the development site prior to the tree inventory assessment. Each live tree with a DBH greater than or equal to 20cm was tallied where species information was collected. For each inventory tree it was determined whether it should be retained or removed based on preliminary site plan information (Drawing # SK-2 / Project # 2211-47484-00, dated August 16, 2017), location with respect to proposed building envelopes, rear / front yard setbacks, and the access road, and the health of the trees. Within this development, only the inventory trees recommended for removal were marked in the field with pink ribbon with the tree numbers written down. Refer to Appendix I for the tree inventory map which identifies the inventory trees and Appendix II for the tree inventory data. Equipment utilized for the field assessment included a laser, iPad, mallet, and a diameter tape.

3.0 Results / Discussion / Recommendations

General Site Description:

Based on provincial biogeoclimatic (BEC) zone mapping, the development area is located within the Very Dry Maritime Coastal Western Hemlock subzone variant (CWHxm1). This subzone variant is typified by warm, dry summers and moist, mild winters with relatively little snowfall. Growing seasons are typically long with potential water deficits on zonal sites.



The site has been mostly cleared previously with timber consisting of lightly scattered trees and localized timber patches. Old buildings, building foundations, barbed wire and other garbage are scattered within the development area. The site series is 01-50%, 15-50%. Soil moisture ranges from fresh to very moist and soil nutrient level is medium to rich. The ground is flat with 0-5% grades, and drainage varies from well to imperfect. As the bulk of this area has been historically cleared (prior to development work), native vegetation is sparse. Various tall sedge and grass species dominate the site. Numerous invasive species are located on the site, dominated by Himalayan blackberry, Scotch broom, and various thistle species (with scattered English holly).

Where timber exists, it consists of immature to mature second growth coastal Douglas-fir (*Pseudotsuga menziesii*), trembling aspen (*Populus tremuloides*), Pacific willow (*Salix lucida*), Scouler willow (*Salix scouleriana*), black locust (*Robinia pseudoacacia*), English holly (*Ilex aquifolium*), and bigleaf maple (*Acer macrophyllum*) with numerous apple trees scattered within the southeastern and northern sections of the development. Minor amounts of bitter cherry (*Prunus emarginata*), Garry oak (*Quercus garryana*), horse chestnut (*Aesculus hippocastanum*), common hazel (*Corylus avellana*), and pear / plum fruit trees exist on the site. Refer to Figure 2 for a general photo of the development site.



Figure 2: 1170 Lazo Road Development Site.

Tree Inventory:

Based on the assessment a total of 90 trees ($\geq 20\text{cm}$ DBH) were assessed within the development (33% Douglas-fir, 19% trembling aspen, 12% apple trees, 10% willow species, 8% black locust, 7% English holly, 5% bigleaf maple, 1% bitter cherry, 1% Garry oak, 1% plum trees, 1% pear trees, 1% common hazel, and 1% horse chestnut). Of these trees 39 (43%) are proposed for retention and 51 are proposed for removal (57%). Trees were selected for removal or retention as per Section 2.0 Methodology.

The Douglas-fir trees along the southeast boundary edge (along Lazo Road) have been previously pruned / topped in order to provide adequate clearance for the distribution line along the road. No defects or weak attachments were noted on these trees. The trees are moderate in health, have adequate live foliage and act as a good visual screen from Lazo Road. Refer to Figure 3 for a photo of the pruned Douglas-fir trees along Lazo Road.



Figure 3: Photo showing pruned Douglas-fir trees adjacent Lazo Road at the southeast boundary.

One danger tree (labelled DT1) was identified at the southern edge of the property. This tree was not included within the tree inventory as it is a dead standing black locust tree. This tree is recommended to be felled along with the other removal trees. Refer to Figure 4 for a photo showing the black locust danger tree.



Figure 4: Photo showing black locust danger tree (DT1).

A cluster of English holly trees (south end of development within park dedication) and trembling aspen trees (north end of development within road alignment or property enclosures) will require removal. Specific to the holly trees, these trees are non-native and the majority are in poor health (with rapidly declining crowns which are unsightly). These trees should be removed and replaced with suitable native or ornamental (non-invasive) species if possible. The majority of the aspen trees are <20cm DBH (but range from 10-35cm DBH) and lay within either the road alignment or property enclosures of residential lots 1 and 15. Additionally as the stand of trees to the west (within the adjacent lot) have recently been cleared, the stand of spindly trembling aspen (18m height) have lost the support from the adjacent tree stems and will be more exposed to the dominant winds in the area (over the upcoming winter season). Therefore, they will be more windthrow prone. Refer to Figures 5 and 6 showing English holly and trembling aspen clusters.





Figure 5: Photo showing English holly cluster at the southern end of the development.



Figure 6: Photo showing trembling aspen cluster at the northwest end of the development.

One Garry Oak tree noted during the inventory assessment (Tree 33) will be retained. This tree is located within the rear yard setback of residential lot 13 and was determined to be healthy and in good condition. Refer to Figure 7 for a photo of Tree 33 (Garry oak).



Figure 7: Photo showing Garry oak tree (Tree 33).

There are 10 trees located outside of the development at the western boundary (6 mature Douglas-fir, 3 immature Douglas-fir and 1 bigleaf maple). With the exception of the bigleaf maple all these trees were marked with pink ribbon from a previous arborist assessment at the neighbouring property. These trees are not to be removed and may require ribbon removal or ribboning with a different colour prior to commencement of falling and construction activities (in order to avoid confusion with removal trees). Refer to Figure 8 for a photo showing the 6 mature Douglas-fir trees located adjacent the development.





Figure 8: Photo showing 6 Douglas-fir trees located adjacent the development along the western boundary.

Numerous smaller trees <20cm DBH (mostly fruit trees) exist within the development area. Some of these trees will be removed as they either overlap with the property enclosure or the access road alignment.

The park dedication area consists of a scattered to patchy immature to mature second growth timber (including Douglas-fir, black locust, bigleaf maple, and various fruit trees) amongst open areas with tall grass / sedges. Significant amounts of invasive species exist within the park area, consisting primarily of Himalayan blackberry, Scotch broom, and various thistle species (with scattered English holly). Invasive species removal will be required in this area to return the site to a natural state with native plant species. Refer to the recommendations within Section 4.0 Invasive species, for recommendations on invasive species removal throughout the development site (including the park dedication area).

Refer to Appendix I for Tree Inventory Map (showing all retention and removal trees, trees <20 cm, the danger tree, and trees identified adjacent to the development) and Appendix II for Tree Inventory Data / Recommendations (including for the danger tree and trees located adjacent the development).

As a note, old barbed wire fenceline and significant amounts of garbage exist throughout the property which poses a safety hazard. Crews should be aware of this when working within this area.

The recommendations are as follows:

- For the trees assessed, general recommendations were noted for removal or retention. The general recommendations allow the developer some flexibility to remove or retain trees based on their final development design.
- The Garry oak tree to be retained (Tree 33) is located adequately away from other trees and should not be impacted through falling activities. A 7.0m radial tree protection zone (with snow fencing supported by rebar stakes as well as signage) is recommended for this tree in order to minimize any damage to the stem, branches, and roots from machinery. Refer to tree protection zone requirements within the recommendations for further details.
- Trees 45 to 48 and 51 (all Douglas-fir trees) are located within the rear yard setback of residential Lot 12. Even though located within the setback area, the trees do exist closer to development activities and tree protection zones are recommended around the radius of these trees (with snow fencing supported by rebar stakes as well as signage) in order to minimize any damage to the stems, branches, and roots from machinery. Refer to tree protection zone requirements within the recommendations for further details. Trees 45 and 46 require 5.0m tree protection zones and Trees 47 and 48 require 4.0m tree protection zones.
- Tree 66 (Douglas-fir) is located within Lot 15 where the lot design has not been finalized yet. If this tree does not conflict with the development design then it should be retained. A 9.5m radial tree protection zone (with snow fencing supported by rebar stakes as well as signage) is recommended for this tree in order to minimize any damage to the stem, branches, and roots from machinery. Refer to tree protection zone requirements within the recommendations for further details.
- For the trees located outside and directly adjacent the lot (along the western boundary), tree protection zones are also recommended. The recommended tree protection zones around these trees are the following (refer to Appendix I – Tree Inventory Map which identifies the locations of these trees):
 - the 6 mature Douglas-fir trees require 7.5m tree protection zones,
 - the 3 smaller immature Douglas-fir trees require 3.5m tree protection zones, and



- the 1 bigleaf maple tree requires a 6.0m tree protection zone.

With the exception of the bigleaf maple all these trees were marked with pink ribbon from a previous arborist assessment at the neighbouring property. These trees are not to be removed and may require ribbon removal or ribboning with a different colour prior to commencement of falling and construction activities (in order to avoid confusion with removal trees).

- The remainder of the retention trees associated with the development should not require tree protection zone measures as they are located far enough back from development within the park and road dedication areas.
- A certified arborist should work closely with the developer and construction crews to ensure that adequate tree protection measures are abided by throughout the various phases of development. This is required to ensure the retained trees or their root systems are not negatively impacted during construction activities.
- **Tree protection zones (TPZs)** are recommended to be installed around the identified leave trees at a radius equal to the length of the longest branch (drip-line) prior to any development activity. The critical root zone (CRZ) of trees lay within the dripline area. Tree protection zones should be clearly visible with adequate signage (recommended plastic mesh or snow fencing with secured with adequate posts (e.g. rebar stakes) to ensure stability throughout the construction phases). Refer to Figure 9 for a diagram showing the critical root zone and the tree protection zone fencing required. These areas should be discussed with construction crews to ensure limitations within TPZs are understood. Within designated TPZs, there should be no construction works (surface and / or sub-surface), no movement of vehicles and equipment, and no storage of any materials of any kind. If the full recommended TPZ cannot be maintained, or if any construction activities must be completed within a TPZ, a certified arborist should be consulted to determine the potential impacts to the tree(s). Specific instructions for required tree protection zones (including protected species such as the Garry oak) have been indicated within Appendix II – Tree Inventory Assessment Data.



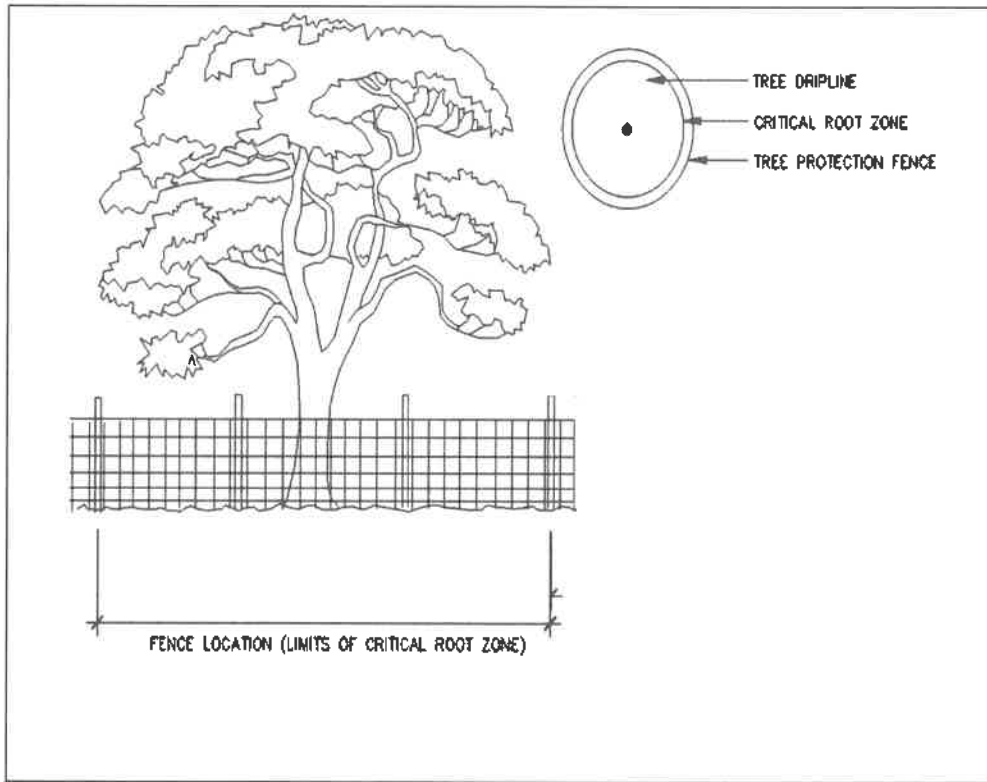


Figure 9: Diagram showing the critical root zone and tree protection zone fencing requirements.

- For retention Trees 53 (plum tree) and 54 (apple tree), crown cleaning (pruning) of any dead branches is recommended to enhance to health and aesthetics of these trees. Refer to Figure 10 which shows dead branching on Tree 53.



Figure 10: Photo showing Tree 53 (plum) with Dead branches requiring removal.

4.0 Invasive Species Management

Invasive Species Management:

Himalayan blackberry, Scotch broom, various thistle species and minor English holly are patchy to scattered on the site. Refer to Figure 11 which shows a section of heavier Himalayan blackberry occurrence.



Figure 11: Photo showing invasive Himalayan blackberry patch.

The following general recommendations have been made for the eradication, control, and minimization of further spread of the above species within the site and into other neighboring sites. These recommendations were taken from the Coastal Invasive Species Committee website (www.coastalisc.com/priority-invasive-plants).

- Recommend removal of all invasive species plants prior to development through manual (cut / pull by hand or with heavy machinery), chemical or a combination thereof, with the goal of minimizing further spread during the construction phases. The method and timing of removal used should be tailored to the specific invasive species as indicated on the Invasive Species Committee website (ISC).
- During construction activities, ensure that all equipment (hand tools) and machinery are free of plant parts or soil prior to entering and leaving the worksite to minimize spread of invasive seed or plant parts. Consider utilizing a wash-down station for machinery at a designated location.

- For landscaping purposes, it is recommended to plant with suitable alternative (native) species as soon as possible within the eradicated areas. A layer of mulch may be incorporated within planted areas to minimize re-establishment of invasive species.

During invasive species removal work, ensure that the tree protection zones for the identified trees are respected in order to minimize any damage to these trees or their critical root zones. Over the long term, repeated manual and / or chemical treatments of invasive plants may be required to effectively control some species.

5.0 Future Planning / Limitations

Long term planning recommendations:

- The developer should work closely with an arborist throughout the planning / development process, to ensure that the net benefits acquired through retention trees are maximized and that associated hazards are effectively mitigated.
- Specifically, a certified arborist should be present / consulted at the following times:
 - To advise on any new works and / or changes to development plans occurring near retention trees or those that have the potential to affect retention trees.
 - To monitor construction works occurring directly adjacent to trees (e.g. grading, ditching, trenching etc.) that have the potential to affect tree roots and / or the tree stems / branches.
 - After significant weather events (high winds, storms, etc.), that may have the potential to create new hazards and / or change the suitability of retention trees.
- A post construction hazard tree assessment should be completed to ensure that retention areas are free from construction damages and / or other damaging agents.



Limitations:

- Field observations and treatment recommendations during the tree inventory were based on the preliminary schematic for the proposed development provided by engineers of McElhanney Consulting Services Ltd (Drawing # SK-2 / Project # 2211-47484-00, dated August 16, 2017). If there are significant variances to this plan, it is recommended a certified arborist be consulted to review and field visit the site if required.
- The tree inventory assessment was completed under the site conditions (weather, natural / unnatural disturbances etc.) present at the time of the assessment and with the tools available (laser, iPad, D-tape, mallet). If the site conditions change significantly, it is recommended a certified arborist field review the site to determine if the risk to retention trees has changed.



6.0 Signature and Professional Seal

Field work and Report completed by: Walter Ernst, RPF (#4071), ISA Certified Arborist (PN-7288A), Certified Tree Risk Assessor (CTRA 1467).

Signature and Seal	
	
01/09/17 Date (dd/mm/yy)	

Appendix I – Tree Inventory Assessment Map



PLAN 85159

A
DD5909 B

A
DD398147 I

REM 2

1
PLAN
VIP38338

A
PLAN VIP39290

BALMORAL ROAD

LAZO ROAD

LAZO ROAD

LEGEND:

- Remove! Trees (at tree marked with pink ribbon with Tree # written down)
- Retention Trees: Trees that are to be established (planting / signage) where trees exist closer to proposed development (Trees 45 to 48, 51, and 66). No construction works are permitted within the TRZs
- Gully Oak - Retention Tree: 7.0m tree protection zone to be established (fencing with signage) where no construction works are permitted.
- Small trees <20 cm DBH not inventoried.
- Larger groups of trees to remove (find trees <20cm).
- Do Not Cut Trees: Slips of trees located adjacent but enclosed with pink ribbon from previous assessment. Tree protection Zones to be established (fencing with signage) where no construction works are allowed.
- Danger tree to remove (dead standing black locust).

TREE ID	DESCRIPTION
1	WALNUT CLUSTER 25
2	DOUGLAS FIR 75
3	DOUGLAS FIR 85
4	DOUGLAS FIR 90
5	DOUGLAS FIR 40
6	DOUGLAS FIR 40
7	NEW DOUGLAS FIR 20
8	NEW DOUGLAS FIR 30
9	APPLE 30
10	HOLLY 25 25
11	APPLE 30
12	APPLE 30
13	APPLE 30
14	DOUGLAS FIR 100 20
15	DOUGLAS FIR 70
16	WALNUT 20 20
17	DOUGLAS FIR 70
18	APPLE 30
19	DOUGLAS FIR 90
20	HOLLY CLUSTER
21	HOLLY CLUSTER
22	HOLLY CLUSTER
23	HOLLY 20
24	HOLLY 20
25	HOLLY 20
26	HOLLY CLUSTER
27	HOLLY CLUSTER
28	DOUGLAS FIR 110
29	CLUSTER 125
30	WALNUT 125
31	CLUSTER 60 60
32	CLUSTER 60 20
33	DOUGLAS FIR 120
34	WALNUT 20
35	DOUGLAS FIR 25
36	WALNUT 20
37	HOLLY 20
38	DOUGLAS FIR 90
39	DOUGLAS FIR 20
40	CHERRY 20
41	DOUGLAS FIR 45
42	DOUGLAS FIR 45
43	DOUGLAS FIR 25
44	WALNUT 20
45	WALNUT 20
46	CHERRY 20
47	APPLE 30
48	PLUM 30
49	APPLE 30
50	CLUSTER 20 20
51	APPLE 30
52	CHERRY 25
53	CHERRY 20 20
54	PLUM 30
55	APPLE 30
56	APPLE 30
57	APPLE 30
58	APPLE 30
59	APPLE 30
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67	APPLE 30
68	APPLE 30

Narrow band of remaining Aspen: 10-35cm DBH, 1.8m height. Woodthrow prone as further edge to west fully removed.

Remainder orchard from (partial) removed

Trees 84 to 90

Tree 53 and 54. Prune dead branches to oak clear

Small Walnuts <20cm DBH

Do Not Cut Trees: Single maple growing adjacent to but fish tree protection zone (see tree)

Do Not Cut Trees: 1 smaller Douglas fir adjacent to park with pink ribbon from previous assessment (3.5 tree protection zone required)

Do Not Remove: 6 mature Douglas fir adjacent to park with pink ribbon from previous assessment (7.5m tree protection zone required)

Holly tree cluster. Trees in poor health

Remaining orchard trees mostly apple within park zone.

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McElhenny
McElhenny Consulting Services Ltd.
1678 101 Ave
Calgary, AB T2C 1K6
403-243-1946

ASSINIBOINE DEVELOPMENTS
SITE PLAN
TREE SURVEY
1170 LAZO ROAD
LOT 5, COMPLEX DISTRICT, PLAN 814
CMOIX, B.C.

Drawing No. **SK-2**
Project Number: 22114784-00
Rev: 0

Appendix II – Tree Inventory Assessment Data



Tree Inventory Assessment Form:

Location: 1170 Lazo Road Development
 Completed By: Walter Ernst, RPF, Cert Arb., PMP
 Date: 18-Aug-17

Tree #	Sp.	DBH (cm)	H (m)	Trk	Tree Location	Tree Protection Zone (TPZ)	Condition (defects, health)	Treatment Recommendations
1	Fdc	40.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
2	Fdc	35.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
3	Fdc	40.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
4	Fdc	25.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
5	Fdc	25.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
6	Fdc	25.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
7	Fdc	27.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
8	Fdc	25.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
9	Fdc	21.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
10	Fdc	30.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
11	Fdc	25.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
12	Fdc	21.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
13	Fdc	25.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
14	Fdc	20.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
15	Fdc	20.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
16	Fdc	45.0	10.0	L	Road dedication	4.5	Tree heavily topped and pruned for distribution lines. Edge of Lazo Road. Moderately healthy and still has significant live foliage.	Retain.
17	Apple	23.5	3.5	L	Park dedication	3.5	Healthy apple tree. Minor small dead branches.	Retain.
18	Mb	35.0	12.5	L-M	Park dedication	7.0	Codominant stem joined at base with 2 other maples. Healthy. Old scar at first 3.5m with hole at joint where forks. Some rot likely. Monitor.	Retain.
19	Mb	30.0	12.5	L	Park dedication	7.0	Codominant stem joined at base with 2 other maples. Healthy.	Retain.
20	Mb	38.0	14.0	L	Park dedication	7.0	Codominant stem joined at base with 2 other maples. Healthy.	Retain.
21	BL	45.0	10.5	L	Road dedication	4.0	Significantly declining locust tree. Most leaves gone. Has lean parallel to road dedication so will most likely fall into this area. Good wildlife tree potential. Retain and monitor.	Retain.
22	BL	33.0	18.8	L-M	Park dedication	7.5	Old decadent locust tree. Codominant with 2 other stems. Scar at 1.3m with rot showing. Tree looks healthy otherwise. If fall has lean parallel to park dedication.	Retain.
23	BL	45.0	13.0	M	Park dedication	7.5	Old decadent locust tree. Codominant with 3 other stems. Scar at 1.3m with rot showing. Tree looks healthy otherwise. If fall has lean towards road.	Retain and monitor.
24	BL	42.0	13.6	M	Park dedication	7.5	Old decadent locust tree. Codominant with 3 other stems. Scar at 1.3m with rot showing. Tree looks healthy otherwise. If fall has lean parallel / towards rd.	Retain and monitor.
25	BL	45.0	18.8	M	Park dedication	7.5	Old decadent locust tree. Codominant with 3 other stems. Scar at 1.3m with rot showing. Tree looks healthy otherwise. If fall has lean into park dedication away from rd.	Retain and monitor.
26	Holly	20.0	11.0	L	Park dedication	N/A	Moderate to poor health holly trees. Seemed sound at base. Short trees. Not very slightly. Some rot evident with bark flaking.	Remove as non native. Replace with native spp.
27	Holly	20.0	11.0	L	Park dedication	N/A	Moderate to poor health holly trees. Seemed sound at base. Short trees. Not very slightly. Some rot evident with bark flaking. Sapsucker holes.	Remove as non native. Replace with native spp.
28	Holly	30.0	11.0	L	Park dedication	N/A	Moderate to poor health holly trees. Seemed sound at base. Short trees. Not very slightly. Some rot evident with bark flaking. Sapsucker holes.	Remove as non native. Replace with native spp.
29	Holly	35.0	11.0	L	Park dedication	N/A	Moderate to poor health holly trees. Seemed sound at base. Short trees. Not very slightly. Some rot evident with bark flaking. Sapsucker holes.	Remove as non native. Replace with native spp.
30	Holly	25.0	11.0	L	Park dedication	N/A	Moderate to poor health holly trees. Seemed sound at base. Short trees. Not very slightly. Some rot evident with bark flaking. Sapsucker holes.	Remove as non native. Replace with native spp.
31	BL	45.0	17.0	M-H	Road dedication	N/A	Old decadent locust tree. Codominant with 1 other stem. Scars all along base and up stem with significant rot showing. Tree has heavy lean to road. Tree is declining (crown dieback and thinning) with poor to moderate health.	Remove for safety purposes.
32	BL	45.0	17.0	M-H	Road dedication	N/A	Old decadent locust tree. Codominant with 1 other stem. Scars all along base and up stem with significant rot showing. Tree has heavy lean to road. Tree is declining (crown dieback and thinning) with poor to moderate health.	Remove for safety purposes.
33	Og	52.5	18.5	L	Rear yard setback	7.0	Healthy Garry oak tree. No defects noted.	Retain. **TPZ fencing required around tree.
34	Hazel	20.0	6.0	L	Rear yard setback / property enclosure border	3.5	Hazel tree in poorer health with significant crown decline. Numerous (17) suckers from stem. Some rot in stem.	Directionally hand fall.
35	MC	48.0	11.0	L	Building envelope	N/A	Fairly healthy crown. Sapsucker holes along stem so rot likely. Fork near base.	Directionally hand fall.
36	Mb	37.0	11.5	L	Building envelope	N/A	Scar at base with rot. Moderate health.	Directionally hand fall.
37	Fdc	50.0	26.6	L	Building envelope	N/A	Mature older warty Fdc. Significant forking. Old pruning on stem noted.	Directionally hand fall or piece down.
38	Fdc	33.0	15.1	L	Building envelope	N/A	Younger Fdc in good health.	Directionally hand fall.
39	Va	43.0	9.0	M	Rear yard setback	N/A	Cherry in declining health small scars with rot evident. Fork with poor union and rot.	Directionally hand fall.
40	Fdc	50.0	28.6	L	Building envelope	N/A	Healthy tree, mature. Some pitching near base.	Directionally hand fall.
41	Fdc	60.0	24.0	L	Building envelope	N/A	Healthy mature tree with natural sweep into development.	Directionally hand fall.
42	Fdc	70.0	26.6	L	Park dedication	6.5	Healthy mature tree.	Retain.
43	Fdc	85.0	26.6	L	Park dedication	6.5	Healthy mature tree.	Retain.
44	Fdc	70.0	26.6	L	Park dedication	6.5	Healthy mature tree.	Retain.
45	Fdc	37.0	26.6	L	Rear yard setback	5.0	Moderately healthy mature tree. Chlorotic or burred needles scattered throughout crown.	Retain and monitor. **TPZ fencing required around tree.
46	Fdc	45.0	26.6	L	Rear yard setback	5.0	Moderately healthy mature tree. Chlorotic or burred needles scattered throughout crown.	Retain and monitor. **TPZ fencing required around tree.
47	Fdc	25.0	4.0	L	Rear yard setback	4.0	Close to dead tree. Almost no needles. Support from other trees and is a small tree.	Retain. **TPZ fencing required around tree.
48	Fdc	37.0	7.0	L	Rear yard setback	4.0	Smaller Fdc with poorer form. Moderate health.	Retain. **TPZ fencing required around tree.
49	Fdc	60.0	28.6	L	Rear yard setback	7.0	Mature Fdc of good health overall. Wrapped stem from at upper 1/3.	Retain.

Tree #	Sp.	DBH (cm)	Ht (m)	Risk	Tree Location	Tree Protection Zone (TPZ)	Condition (defects, health)	Treatment Recommendations
50	Holly	25.0	6.0	L	Rear yard setback	N/A	Holly in declining health. Crown thinning significant.	Directionally hand fall.
53	Fcc	70.0	28.6	L	Rear yard setback	7.0	Healthy tree.	Retain. **TPZ fencing required around tree.
57	Apple	37.0	10.0	I	Park dedication	4.5	Old apple tree but still healthy enough. Potential rot but small tree.	Retain.
58	Plum	43.0	7.0	L	Park dedication	4.5	Significant rot at base of stem. Crown dieback. Small tree. As in park low risk of falling on someone.	Retain and prune dead branches (crown clean)
54	Apple	30.0	4.0	L	Road dedication	3.0	Old apple tree.	Retain and prune dead branches (crown clean)
55	Wx	40.0	8.0	L-M	Within road alignment	N/A	Old scouler willow tree. Codominant with 5 other stems. Significant rot. Crown in moderate health.	Directionally hand fall.
56	Wx	36.0	8.0	L-M	Within road alignment	N/A	Old scouler willow tree. Codominant with 5 other stems. Significant rot. Crown in moderate health.	Directionally hand fall.
57	Wx	35.0	8.0	L-M	Within road alignment	N/A	Old scouler willow tree. Codominant with 5 other stems. Significant rot. Crown in moderate health.	Directionally hand fall.
58	Wx	35.0	8.0	L-M	Within road alignment	N/A	Old scouler willow tree. Codominant with 5 other stems. Significant rot. Crown in moderate health.	Directionally hand fall.
59	Wx	28.0	8.0	L-M	Within road alignment	N/A	Old scouler willow tree. Codominant with 5 other stems. Significant rot. Crown in moderate health.	Directionally hand fall.
60	Wx	39.0	8.0	L-M	Within road alignment	N/A	Old scouler willow tree. Codominant with 5 other stems. Significant rot. Crown in moderate health.	Directionally hand fall.
61	Wx	35.0	6.0	L-M	Within building envelope	N/A	Pacific willow with 2 other codominant stems. Significant rot and root issues.	Directionally hand fall.
62	Wx	35.0	6.0	L-M	Within building envelope	N/A	Pacific willow with 2 other codominant stems. Significant rot and root issues.	Directionally hand fall.
63	Wx	35.0	6.0	L-M	Within building envelope	N/A	Pacific willow with 2 other codominant stems. Significant rot and root issues.	Directionally hand fall.
64	Pear	23.0	6.0	L	Within road alignment	N/A	Older pear tree. Moderately healthy.	Directionally hand fall.
65	Apple	38.0	4.5	L-M	Within road alignment	N/A	Older apple tree with significant rot at base. Crown declining.	Directionally hand fall.
66	Fdc	100.0	30.4	L	Lot design uncertain	9.5	Multiforked larger tree which appears in good health. Good fork unions.	Retain if possible. **TPZ fencing required around tree. If removal required then directionally hand fall.
67	Apple	38.0	6.0	M	Lot design uncertain	N/A	Older apple tree with significant rot at base. Crown declining.	Directionally hand fall.
68	Apple	21.0	4.0	L-M	Within road prism	N/A	Older apple tree with some rot at base. Multiforked.	Directionally hand fall.
69	Apple	37.0	4.0	L-M	Within road alignment	N/A	Older apple tree with significant rot at base. Crown declining.	Directionally hand fall.
70	Apple	33.0	4.5	L-M	Within road alignment	N/A	Older apple tree with rot at base. Crown declining significantly. 5 forks.	Directionally hand fall.
71	Apple	38.0	5.0	L-M	Within road alignment	N/A	Older apple tree with 3 forks.	Directionally hand fall.
72	Apple	38.0	5.0	L-M	Within road alignment	N/A	Older apple tree with some rot at base. 4 forks.	Directionally hand fall.
73	Apple	38.0	5.5	L-M	Within road alignment	N/A	Older apple tree with 3 forks.	Directionally hand fall.
74	As	35	18	L	Within road prism	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
75	As	35	18	L	Within road prism	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
76	As	33	18	L	Edge of enclosure	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
77	As	35	18	L	Edge of enclosure	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
78	As	33	18	L	Edge of enclosure	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
79	As	20	18	L	Lot design uncertain	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
80	As	24	18	L	Lot design uncertain	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
81	As	24	18	L	Lot design uncertain	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
82	As	23	18	L	Lot design uncertain	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
83	As	23	18	L	Lot design uncertain	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
84	As	20	18	L	Within road prism	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
85	As	22	18	L	Within road prism	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
86	As	21	18	L	Within road prism	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
87	As	20	18	L	Within road prism	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
88	As	20	18	L	Within road prism	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
89	As	20	18	L	Within road prism	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.
90	As	20	18	L	Within road prism	3.5	Aspen in good condition. Windthrow prone next storm season as western timber edge failed.	Directionally hand fall.

Avg: 36.2 13.2

Inventory Tree Summary:

Sp.	#	%
Fcc	30	33
As	17	19
Apple	11	12
Wx	9	10
BL	7	8
Holly	6	7
Wb	4	5
Yo	3	3
Clg	1	1
Plum	1	1
Pear	1	1
Hazel	1	1
HC	1	1
Total	90	100

Tree Species Abbreviations

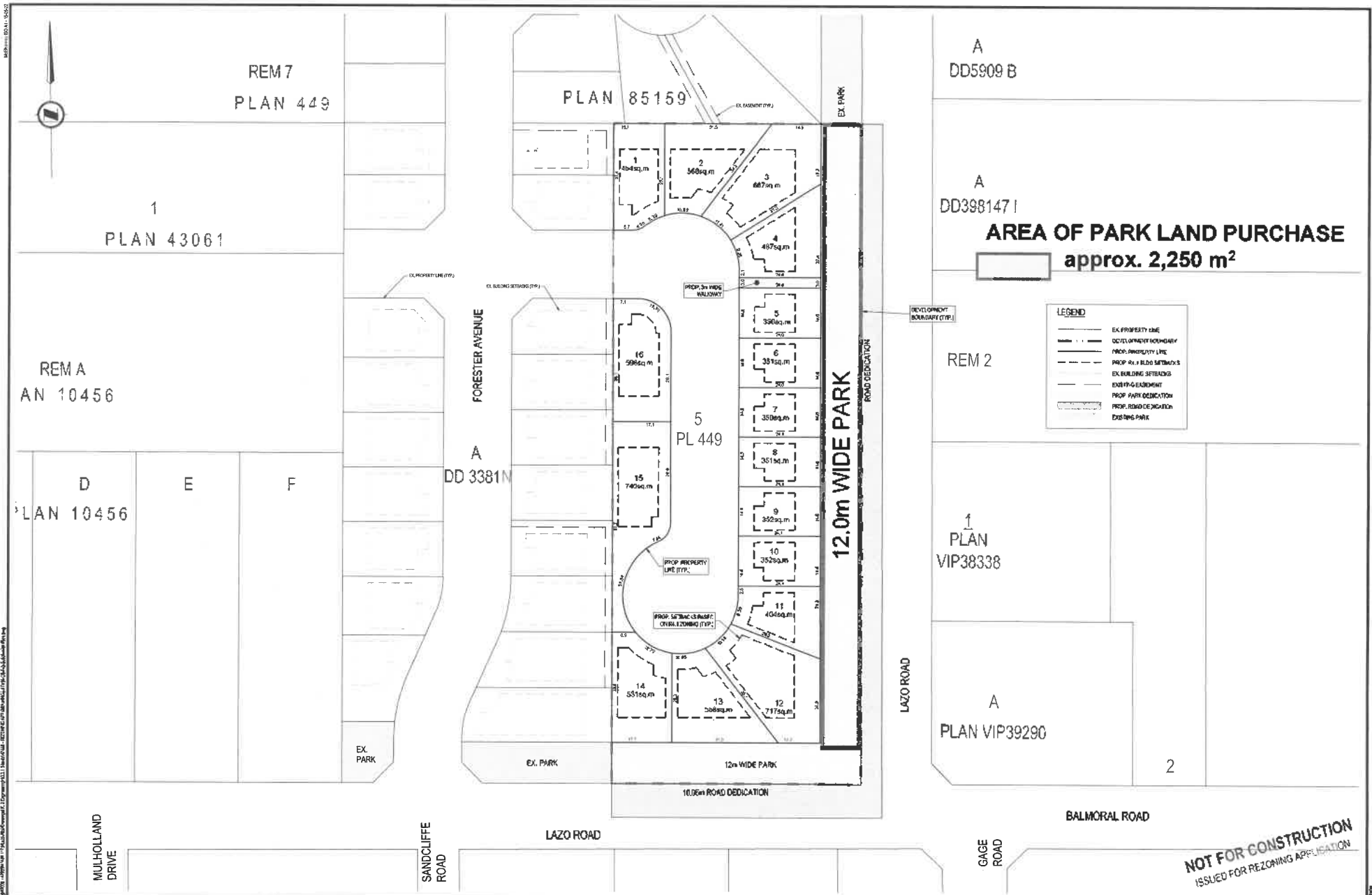
Fdc = Douglas-fir
 As = Trembling aspen
 Yo = Yew cherry
 Wx = Garry oak
 Mb = Bigleaf maple
 Wz = Willow species
 BL = Black locust
 HC = Horse chestnut

****Additional Information:**

1) There are 30 retention trees directly adjacent the eastern property boundary which were marked with pink ribbon from a previous assessment of the adjacent property. These trees are not to be removed and tree protection zone fencing will be required. Refer to inventory map and report for further details. These trees may require ribbon removal or ribboning with a different colour prior to commencement of falling and construction activities.

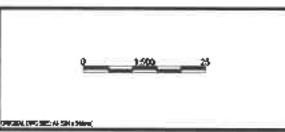
2) There is one danger tree (DT1) which will require removal. This tree is a dead standing black locust with a hole towards Lake Road. It is 80cm DBH, 18m tall, and has a high risk rating. Ragged blackberry adjacent tree with pink ribbon.

SCHEDULE 2
AREA OF PARK LAND PURCHASE



Rev	Date	Description	MP	NP	DJ
PA	2017-10-03	ISSUED FOR REZONING APPLICATION	MP	NP	DJ
Rev	Date	Description	Drawn	Design	Appr

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McIlhenny
McIlhenny Consulting Services Ltd.

428-361-3944
1170 LAZO ROAD
COXDALE, BC
V2Y 2S8

Approved/Sealed

WHISTLER COAST CONSTRUCTION GRP.
WHISTLER, BC

**1170 LAZO ROAD DEVELOPMENT
SUBDIVISION PLAN**

LOT 5, 3L 181 COACH TRAIL, PLAN 449 EXCEPT PARCELS A (M7 20141)

1170 LAZO ROAD
COXDALE, BC

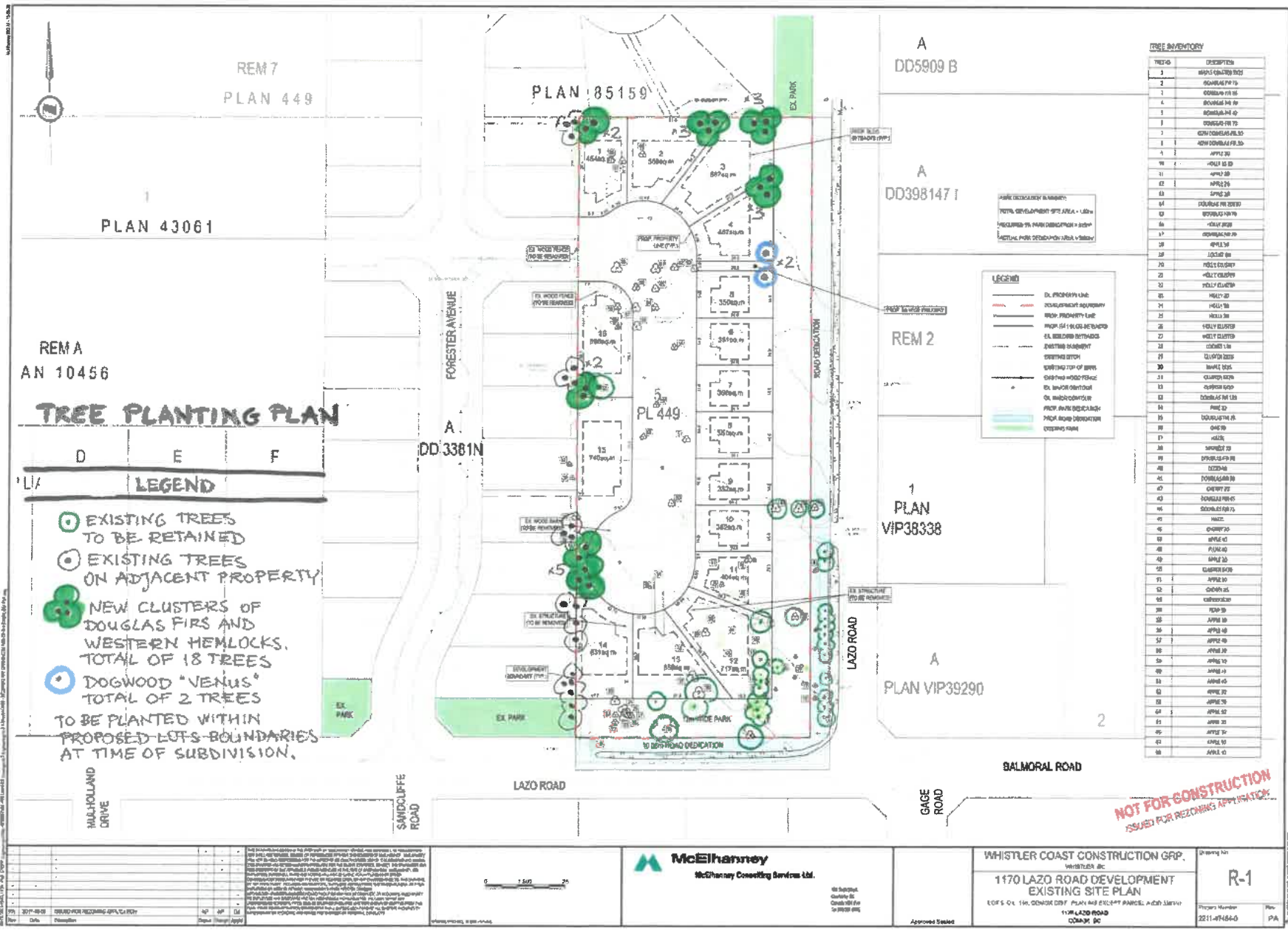
Drawing No. **R-3**

Project Number: Z211-47484-0

Rev. **PA**

NOT FOR CONSTRUCTION
ISSUED FOR REZONING APPLICATION

**SCHEDULE 3
TREE REPLANTING PLAN**



**SCHEDULE 4
LOT LAYOUT PLAN**

JUNE 20, 2018

**ATTACHMENT 4
PROCESSING PROCEDURES**

Processing steps that will allow Council's concurrent consideration of the Rezoning, Development Permit and Development Variance Permit Applications:

1. Adoption of Zoning Amendment Bylaw and Phased Development Agreement Authorization Bylaw;
2. Public notification of DVP 17-7; and
3. Council consideration of issuance of DP 17-6 and DVP 17-7.

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Tuesday, June 05, 2018

Minutes of the meeting of the Comox Valley Regional District Board of Directors held on Tuesday, June 05, 2018 in the boardroom of the Comox Valley Regional District offices located at 550B Comox Road, Courtenay, BC commencing at 4:00 pm.

MINUTES

Present:

Chair:	B. Jolliffe	Baynes Sound-Denman/Hornby Islands (Area 'A')
Directors:	E. Eriksson	City of Courtenay
	E. Grieve	Puntledge/Black Creek (Area 'C')
	L. Jangula	City of Courtenay
	R. Nichol	Lazo North (Area 'B')
	B. Price	Town of Comox
	G. Sproule	Village of Cumberland
	M. Theos	City of Courtenay
	B. Leigh	Oyster Bay – Buttle Lake (Area 'D')
	K. Grant	Town of Comox
Staff:	R. Dyson	Chief Administrative Officer
	B. Dunlop	Corporate Financial Officer
	J. Martens	Manager of Legislative Services
	A. Mullaly	Acting General Manager of Planning and Development Services
	M. Rutten	General Manager of Engineering Services
	J. Warren	General Manager of Corporate Services
	M. Zbarsky	Acting General Manager of Community Services

Absent:

Vice-Chair:	B. Wells	City of Courtenay
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RECOGNITION OF TRADITIONAL TERRITORIES:

The Chair acknowledged that the meeting was being held on the unceded traditional territory of the K'ómoks First Nation.

IN-CAMERA MEETING:

K. Grant/R. Nichol: THAT the board adjourn to an in-camera session pursuant to the following sub-sections of section 90 of the Community Charter:

90(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 regional district or another position appointed by the regional district;

90(1)(f) Law enforcement, if the committee/board considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

90(1)(i) The receipt of advice that is subject to solicitor-client privilege, including communications necessary

for that purpose;

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

ADOPTION OF MINUTES:

K. Grant/R. Nichol: THAT the Comox Valley Regional District Board minutes dated April 24, 2018 be adopted.
208 Carried

R. Nichol/M. Theos: THAT the Comox Valley Regional District Board minutes dated May 15, 2018 be adopted.
208 Carried

BUSINESS ARISING FROM MINUTES:

The following resolution was passed at the April 24, 2018 board in-camera meeting and was publicly released as the appointment of Mr. Clark to the Comox Valley Airport Commission has been confirmed:

"THAT the Comox Valley Airport Commission be advised that the Comox Valley Regional District Board concur to the reappointment of Mr. Richard Clarke to the commission effective September 20, 2018."

REPORTS:

COMOX VALLEY SPORTS CENTRE COMMISSION - MAY 1, 2018

K. Grant/R. Nichol: THAT the Comox Valley Sports Centre Commission minutes dated May 1, 2018 be received.
208 Carried

PUBLIC HEARING MINUTES - BYLAW NO. 522 (1671, 1673 AND 1675 RYAN ROAD EAST)

E. Grieve/R. Nichol: THAT the public hearing minutes dated May 9, 2018 for Bylaw No. 522 being "Comox Valley Zoning Bylaw, 2005, Amendment No. 73" (1671, 1673 and 1675 Ryan Road East, Lenco Development Ltd., Fernco Development Ltd., and Norco Development Ltd.) be received.
208 and 213 Carried

ELECTORAL AREAS SERVICES COMMITTEE - MAY 14, 2018

E. Grieve/M. Theos: THAT the Electoral Areas Services Committee minutes dated May 14, 2018 be received.
208 Carried

R. Nichol/B. Price: THAT the board approve an application to be made to the National Disaster Mitigation Program and/or the Union of BC Municipalities Community Emergency Preparedness Fund for Stream 2 funding for flood mapping of the Oyster River/Saratoga Beach project area.
207 Carried

E. Grieve/R. Nichol: THAT the board deny the Development Variance Permit DV 1B 18 (Tomlinson/Snow-Tomlinson) to decrease the minimum front yard setback from 4.5 metres to 3.0 metres for the construction

of an accessory building on a property described as Lot B, District Lot 172, Comox District, Plan 32341, PID 000-103-489 (1758 Astra Road).

208 and 213

Carried

R. Nichol/E. Grieve: THAT the board approve Development Variance Permit DV 4A 18 (Kingfisher Oceanside Resort & Spa Ltd.774) on the property described as Lot B, District Lot 10, Nelson District, Plan VIP66171, PID 023-933-607 (4324 & 4330 Island Highway South) to reduce the minimum side yard (north) setback of the existing accessory building, labeled as "storage shed" on the permit, from 3.5 metres to 1.5 metres;

AND FINALLY THAT the Corporate Legislative Officer be authorized to execute the permit.

208 and 213

Carried

E. Grieve/R. Nichol: THAT the board approve the conversion to cooperative interest of the previously occupied single detached dwelling on the property described as Lot 1, District Lot 221, Comox District, and of part of the bed of the Strait of Georgia, Plan 35057, PID 000-318-434 (8922 and 8926 Clarkson Avenue).

208 and 213

Carried

R. Nichol/E. Grieve: THAT the board approve Development Variance Permit DV 2B 18 (Base Mini Storage Inc.) on the property described as Lot A, District Lot 103, Comox District, Plan 16638, PID 004-004-523 (1506 & 1510 Ryan Road East) to reduce the minimum side yard (east) setback from 7.5 metres to 3.0 metres and to reduce the minimum side yard (west) setback from 7.5 metres to 4.0 metres for the development of mini-storage buildings;

AND FINALLY THAT the Corporate Legislative Officer be authorized to execute the permit.

208 and 213

Carried

E. Grieve/R. Nichol: THAT the board approve Development Permit DP 5B 18 (Base Mini Storage Inc.) on the properties described as Lot A, District Lot 103, Comox District, Plan 16638, PID 004-004-523, and Parcel A, District Lot 103, Comox District, Plan VIP57436, PID 030-411-742 (1506, 1510, 1516, 1520 Ryan Road East) for the development of four new mini-storage buildings;

AND FINALLY THAT the Corporate Legislative Officer be authorized to execute the permit.

208 and 213

Carried

R. Nichol/E. Grieve: THAT the board approve the amendment to Farm Land Protection Development Permit DP 16B 17 (Salo) on the property described as Lot 5, Block 29, Comox District, Plan 25363, PID 002-906-872 (6269 Whitaker Road) to allow the farmland protection buffer to be one row of coniferous trees, two rows of trespass inhibiting shrubs and maintenance of a fence with the exception of the area behind the septic tanks where no shrubs will be required;

AND FURTHER THAT the Corporate Legislative Officer be authorized to execute the permit.

208 and 213

Carried

E. Grieve/R. Nichol: THAT the board endorse the external agency referral list outlined in Appendix A;

AND THAT the board give first and second readings of Bylaw No. 537, being the "Comox Valley Zoning Bylaw, 2005, Amendment No. 74", Appendix B attached to staff report dated May 8, 2018, which proposes an amendment to the Zoning Bylaw to address implementation of the legalization of cannabis.

208 and 213

Carried

R. Dyson, Chief Administrative Officer, recused himself from the meeting at 4:03 pm due to a potential perceived conflict of interest in relation to his spouse's position as chair of the Agricultural Land

Commission.

E. Grieve/R. Nichol: THAT pursuant to Section 57 of the Community Charter, the board approves filing a notice with the Land Title and Survey Authority of British Columbia against land legally described as Lot 8, Block 29, Comox District, Plan 2261, PID 000-035-866 (2212 Coleman Road), for failure to comply with Building Bylaw No. 142, being the "Comox Valley Regional District Building Bylaw No. 142, 2011";

AND FURTHER THAT the board defer this matter to the Agricultural Land Commission (ALC) to conduct their own investigation and take enforcement action if necessary.

208 and 213

Carried

R. Dyson returned to the meeting at 4:04 pm.

R. Nichol/B. Price: THAT Bylaw No. 282 being the Royston Improvement District "Water Conservation Bylaw No. 282" be repealed;

AND FURTHER THAT the draft Bylaw No. 535 being "Royston Water Conservation Bylaw No.535, 2018", as attached to the staff report dated May 10, 2018, be adopted.

207

Carried

NAY: G. Sproule

E. Grieve/R. Nichol: THAT Bylaw No. 104 being "Municipal Ticket Information Bylaw No. 104, 2010" be amended to include offences and fines in relation to the Royston Water Conversation Bylaw.

207

Carried

K. Grant/R. Nichol: THAT the board approve an amendment to DP 14A 17 to allow a beach access staircase at 7652 Ships Point Road based on the design and recommendations contained within the biophysical assessments prepared by Ian Moul, R.P. Bio. (dated 13 September 2017; revised 9 January 2018) and the geotechnical assessment prepared by Lewkowich Engineering Associates Ltd. (dated 16 January 2018) ;

AND THAT staff prepare an amended development permit and authorize the Corporate Legislative Officer to execute the permit.

208 and 213

Carried

E. Grieve/R. Nichol: THAT staff prepare a report regarding a feasibility study on providing a composting toilet facility at the Hornby Island Waste Management Centre.

207

Carried

SEWAGE COMMISSION - MAY 15, 2018

B. Price/E. Grieve: THAT the Sewage Commission minutes dated May 15, 2018 be received.

208

Carried

COMOX VALLEY WATER COMMITTEE - MAY 15, 2018

K. Grant/R. Nichol: THAT the Comox Valley Water Committee minutes dated May 15, 2018 be received.

208

Carried

COMOX VALLEY SPORTS CENTRE COMMISSION - MAY 15, 2018

RCM Agenda June 20, 2018

K. Grant/E. Grieve: THAT the Comox Valley Sports Centre Commission minutes dated May 15, 2018 be received.

208 Carried

COMMITTEE OF THE WHOLE - MAY 15, 2018

K. Grant/B. Price: THAT the Committee of the Whole minutes dated May 15, 2018 be received.

208 Carried

K. Grant/R. Nichol: THAT the Comox Valley Regional District renew the memorandum of understanding (Appendix A to staff report dated May 8, 2018) with the Department of National Defense – 19 Wing Comox to maintain a high-level communication structure.

210 Carried

B. Price/R. Nichol: THAT the funding agreement between the Comox Valley Regional District and Island Health for a Community Health Network in the Comox Valley be approved;

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

210 Carried

B. Price/K. Grant: THAT the Comox Valley Regional District (CVRD) achieve carbon neutrality for 2017 with the purchase of 2003 metric tonnes of verified offsets from the East Central Landfill Gas project, Minnesota at a cost of \$1.75 USD/MT, totalling approximately \$4,500 CAD;

AND FURTHER THAT remaining 2017 carbon offset funds (\$43,500) be allocated to a solar photovoltaic installation as part of the Comox Valley Regional Office building project.

208 Carried *NAY: L. Jangula, M. Theos*

R. Nichol/K. Grant: THAT the board approve entering into an Election Services Agreement with Islands Trust for the purpose of the Comox Valley Regional District conducting the 2018 local government election for Islands Trust local trustees on Denman Island and Hornby Island;

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

210 Carried

G. Sproule/E. Grieve: THAT the board approve entering into an agreement with School District No. 71 for the purpose of the Comox Valley Regional District conducting the 2018 local government election for school district trustees in Electoral Areas A (Baynes Sound – Denman/Hornby Islands), B (Lazo North) and C (Puntledge – Black Creek);

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

210 Carried

E. Grieve/B. Price: THAT Bylaw No. 244 being “Comox Valley Exhibition Grounds Fees and Charges Bylaw No. 244, 2013” be amended as attached to the staff report dated May 4, 2018, to be implemented January 1, 2019.

209 Carried

2018 GRANTS-IN-AID

E. Grieve/R. Nichol: THAT the report dated May 15, 2018 from Director Jolliffe, Director Grieve and Director Nichol bringing forward the 2018 Grant-in-Aid (GIA) funding allocations, be received.

208

Carried

R. Nichol/B. Price: THAT the 2018 Grants-in-Aid on Schedule A of the directors report dated May 15, 2018, payable from the respective area(s) indicated, be approved;

AND FURTHER THAT the Grant-in-Aid for the Comox Valley Multiplex Association be paid as soon as possible.

208

Carried

BYLAWS AND RESOLUTIONS:

E. Grieve/K. Grant: THAT Bylaw No. 537 being "Comox Valley Zoning Bylaw, 2005, Amendment No. 74" be given first and second readings concurrently.

208 and 213

Carried

E. Grieve/B. Price: THAT Bylaw No. 536 being "Electoral Areas Parks Regulations Bylaw No. 103, 2010, Amendment No. 6" be given first and second readings concurrently.

209

Carried

R. Nichol/E. Grieve: THAT Bylaw No. 536 being "Electoral Areas Parks Regulations Bylaw No. 103, 2010, Amendment No. 6" be read a third time.

209

Carried

K. Grant/B. Price: THAT Bylaw No. 540 being "Comox Valley Recreation Complexes Fees and Charges Bylaw No. 12, 2008, Amendment No. 7" be given first and second readings concurrently.

209

Carried

K. Grant/E. Grieve: THAT Bylaw No. 540 being "Comox Valley Recreation Complexes Fees and Charges Bylaw No. 12, 2008, Amendment No. 7" be read a third time.

209

Carried

K. Grant/E. Grieve: THAT Bylaw No. 541 being "Comox Valley Exhibition Grounds Fees and Charges Bylaw No. 244, 2013, Amendment No. 4" be given first and second readings concurrently.

209

Carried

K. Grant/B. Price: THAT Bylaw No. 541 being "Comox Valley Exhibition Grounds Fees and Charges Bylaw No. 244, 2013, Amendment No. 4" be read a third time.

209

Carried

K. Grant/R. Nichol: THAT Bylaw No. 542 being "Comox Valley Regional District Municipal Ticket Information Bylaw No. 104, 2010, Amendment No. 13" be given first and second readings concurrently.

209

Carried

E. Grieve/R. Nichol: THAT Bylaw No. 542 being "Comox Valley Regional District Municipal Ticket Information Bylaw No. 104, 2010, Amendment No. 13" be read a third time.

209

Carried

K. Grant/R. Nichol: THAT Bylaw No. 522 being "Comox Valley Zoning Bylaw, 2005, Amendment No. 73" be

read a third time.

208 and 213

Carried

R. Nichol/K. Grant: THAT Bylaw No. 535 being "Royston Water Conservation Bylaw No. 535, 2018" be given first and second readings concurrently.

207

Carried

NAY: G. Sproule

Director Theos left the meeting at 4:20 pm.

K. Grant/R. Nichol: THAT Bylaw No. 535 being "Royston Water Conservation Bylaw No. 535, 2018" be read a third time.

207

Carried

NAY: G. Sproule

K. Grant/E. Grieve: THAT Bylaw No. 535 being "Royston Water Conservation Bylaw No. 535, 2018" be adopted.

207

Carried

NAY: G. Sproule

Note: the above resolution received at least 2/3 of the votes cast.

Director Theos returned to the meeting at 4:24 pm.

E. Grieve/R. Nichol: THAT Bylaw No. 515 being "Merville Fire Protection Service Establishment Bylaw No. 484, 2017, Amendment No. 2" be adopted.

208

Carried

K. Grant/R. Nichol: THAT Bylaw No. 524 being "Denman Island Water Local Service Area Conversion and Establishment Bylaw, 1993, Amendment No. 2" be adopted.

208

Carried

E. Grieve/R. Nichol: THAT Bylaw No. 525 being "Comox Valley Water Local Service Establishment (Conversion) Bylaw No. 1886, 1996, Amendment No. 19" be adopted.

208

Carried

K. Grant/E. Grieve: THAT Bylaw No. 527 being "Comox Valley Water Treatment Project Temporary Borrowing Bylaw No. 527, 2018" be adopted.

210

Carried

B. Leigh/E. Grieve: THAT Bylaw No. 528 being "Black Creek - Oyster Bay Fire Protection Service Regulations Bylaw No. 357, 2014, Amendment No. 1" be adopted.

209

Carried

R. Nichol/K. Grant: THAT Bylaw No. 529 being "Denman Island Fire Protection Service Regulation Bylaw No. 281, 2013, Amendment No. 1" be adopted.

207

Carried

K. Grant/E. Grieve: THAT Bylaw No. 530 being "Hornby Island Fire Protection Service Regulation Bylaw No. 282, 2013, Amendment No. 1" be adopted.

207

Carried

K. Grant/R. Nichol: THAT Bylaw No. 531 being "Fanny Bay Fire Protection Service Regulation Bylaw No. 283,

2013, Amendment No. 1" be adopted.

207

Carried

B. Price/E. Grieve: THAT Bylaw No. 532 being "Rural Cumberland Fire Service Regulations Bylaw No. 258, 2013, Amendment No. 1" be adopted.

209

Carried

R. Nichol/K. Grant: THAT Bylaw No. 533 being "Tsolum Farnham Fire Service Regulations Bylaw No. 261, 2013, Amendment No. 1" be adopted.

207

Carried

E. Grieve/R. Nichol: THAT Bylaw No. 534 being "Comox Valley Regional District Municipal Ticket Information Bylaw No. 104, 2010, Amendment No. 12" be adopted.

209

Carried

NEW BUSINESS:

PUBLIC HEARING NOTICE

R. Nichol/E. Grieve: THAT the new business notice dated May 29, 2018 regarding the scheduling of a public hearing for Bylaw No. 537 being "Comox Valley Zoning Bylaw, 2005, Amendment No. 74" (CVRD - cannabis regulation) be received.

208 and 213

Carried

K. Grant/E. Grieve: WHEREAS the following bylaw has received first and second readings by the regional district board:

- Bylaw No. 537 being "Comox Valley Zoning Bylaw, 2005, Amendment No. 74"

AND WHEREAS, pursuant to Section 464 (1) of the Local Government Act [RSBC 2015, c.1], it is necessary to hold a public hearing on the aforementioned bylaw;

THEREFORE BE IT RESOLVED THAT:

1. A public hearing will be held on June 28, 2018 at 6:00 pm;
2. The location of the public hearing will be at the Comox Valley Regional District boardroom located at 550b Comox Road, Courtenay, BC;
3. Director Jolliffe is appointed as chair of the public hearing;
4. Director Grieve is appointed as vice chair of the public hearing;
5. The directors from Electoral Areas A, B, and C are appointed to attend the public hearing; and
6. At least one (1) of the above-named persons must be in attendance at the public hearing.

208 and 213

Carried

ADJOURN TO IN-CAMERA:

The board adjourned to its in-camera session at 4:26 pm.

RISE AND REPORT:

The board rose from its restricted in-camera session at 5:00 p.m.

TERMINATION:

B. Price/E. Grieve: THAT the meeting terminate.

RCM Agenda June 20, 2018

208

Carried

Time: 5:01 p.m.

Confirmed this _____ day of _____ 20__:

Bruce Jolliffe
Chair

Certified Correct and Recorded By:

Jake Martens
Manager of Legislative Services



**COMOX VALLEY REGIONAL DISTRICT (COMOX STRATHCONA WASTE MANAGEMENT)
BOARD**

Thursday, June 07, 2018

Minutes of the meeting of the Comox Valley Regional District (Comox Strathcona Waste Management) Board of Directors held on June 7, 2018 in the boardroom of the Comox Valley Regional District offices located at 550B Comox Road, Courtenay, BC commencing at 9:30 am

MINUTES

Present:

Chair:	B. Jolliffe	Baynes Sound-Denman/Hornby Islands (Area 'A')
Directors:	J. Abram	Discovery Islands - Mainland Inlets (Area 'C')
	M. Babchuk	City of Campbell River
	C. Cornfield	City of Campbell River
	E. Grieve	Puntledge/Black Creek (Area 'C')
	E. Eriksson	City of Courtenay
	R. Kerr	City of Campbell River
	B. Leigh	Oyster Bay – Buttle Lake (Area 'D')
	J. MacDonald	Village of Sayward
	R. Nichol	Lazo North (Area 'B')
	L. Samson	City of Campbell River
	M. Theos	City of Courtenay
	B. Unger	Village of Gold River
	G. Whalley	Kyuquot – Nootka/Sayward (Area 'A')
	G. Sproule	Village of Cumberland
Alt. Directors:	B. Overton	Village of Tahsis
	M. Grant	Town of Comox
	M. Swift	Town of Comox
	M. Lavelle	Cortes (Area 'B')
Staff:	B. Dunlop	Corporate Financial Officer
	R. Dyson	Chief Administrative Officer
	M. Rutten	General Manager of Engineering Services
	J. Warren	General Manager of Corporate Services
	J. Martens	Manager of Legislative Services
	L. Dennis	Legislative Services Assistant

Absent:

Directors:	J. Colborne	Village of Zeballos
	L. Jangula	City of Courtenay
	B. Wells	City of Courtenay
Alt. Directors:	C. Evans	City of Campbell River

ADOPTION OF MINUTES:

B. Unger/R. Nichol: THAT the minutes of the Comox Strathcona Waste Management Board meeting held April 19, 2018 be adopted.

208

Carried

PETITIONS AND DELEGATIONS:**RECOGNITION OF VOLUNTEERS - ILLEGAL DUMPING PREVENTION PROGRAM**

James Barth was recognized for his volunteer service to the Comox Strathcona Waste Management Illegal Dumping Prevention Program.

WASTE TREATMENT TECHNOLOGIES

Paul Oostelbos and Ryan Lauzon, Waste Treatment Technologies Netherlands B.V., presented information regarding alternative waste management technologies.

WASTAWAY SERVICES CANADA

Patricia McConkey, WasteAway Services Canada Inc., presented information regarding alternative waste management technologies.

REPORTS:**COMOX STRATHCONA WASTE MANAGEMENT ADVISORY COMMITTEE MINUTES**

C. Cornfield/B. Overton: THAT the Comox Strathcona Waste Management Advisory Committee minutes dated May 17, 2018 be received.

208

Carried

YEAR-END REVIEW OF THE COMOX STRATHCONA WASTE MANAGEMENT ILLEGAL DUMPING PREVENTION PROGRAM

B. Unger/J. MacDonald: THAT the report dated May 9, 2018 providing an overview of the first year of the Comox Strathcona Waste Management (CSWM) Illegal Dumping Prevention Program be received.

209

Carried

M. Dinesen, Bylaw Compliance Officer, provided an overview of the staff report regarding the first year of the Comox Strathcona Waste Management (CSWM) Illegal Dumping Prevention Program.

The meeting recessed at 10:40 am and reconvened at 10:49 am.

ASBESTOS CONTAINING MATERIALS PROGRAM UPDATE

R. Nichol/B. Overton: THAT the report dated May 24, 2018 regarding the status of the Asbestos Containing Materials (ACM) program at the Campbell River Waste Management Center (CRWMC) and recent changes to the allowable accepted tonnage be received.

209

Carried

J. Lee, Manager of CSWM Operations, presented an overview of the staff report regarding the status of the Asbestos Containing Materials (ACM) program at the Campbell River Waste Management Center (CRWMC) and recent changes to the allowable accepted tonnage.

CRWMC SURFACE WATER MANAGEMENT

M. Lavelle/C. Cornfield: THAT the report dated May 25, 2018 regarding a request for approval to direct award a contract to Berry and Vale Contracting Ltd. for the surface water management works at the Campbell River Waste Management Centre (CRWMC) be received.

209

Carried

J. Lee, Manager of CSWM Operations, provided an overview of the staff report regarding a request for approval to direct award a contract to Berry and Vale Contracting Ltd. for the surface water management works at the Campbell River Waste Management Centre.

L. Samson/B. Overton: THAT subject to a notice of intent to direct award being publically posted, a contract be awarded to Berry and Vale Contracting Ltd for the Campbell River Waste Management Center surface water management project for the amount of \$428,000 plus applicable taxes.

210

Carried

REVIEW OF POTENTIAL SYNERGIES BETWEEN BIOSOLIDS AND ORGANICS COMPOSTING

E. Grieve/B. Unger: THAT the report dated May 9, 2018 regarding a summary of the evaluation of potential synergies between the Comox Valley Sewer Service biosolids composting facility expansion and the regional composting facility be received.

209

Carried

REGIONAL ORGANICS COMPOST PROJECT UPDATE

L. Samson/E. Grieve: THAT the report dated May 31, 21018 regarding an update regarding the Regional Organics Compost (Organics) project be received.

209

Carried

A. McGifford, Senior Manager of CSWM Services, presented an overview of the staff report regarding the Regional Organics Compost (Organics) project.

PROJECT STATUS REPORT - MAY 2018 – COMOX VALLEY WASTE MANAGEMENT CENTRE NEW ENGINEERED LANDFILL - CELL 1 CONSTRUCTION AND LEACHATE TREATMENT FACILITY

R. Nichol/M. Babchuk: THAT the report dated May 24, 2018 regarding the status of the Comox Valley Waste Management Centre (CVWMC) new engineered landfill cell 1 construction and the leachate treatment facility design and construction be received.

209

Carried

MANAGEMENT REPORT

E. Grieve/M. Babchuk: THAT the Comox Strathcona Waste Management Board management report dated June 2018 be received.

209 Carried

NEW BUSINESS:

ORGANICS DIVERSION ON CORTES ISLAND

M. Lavelle/B. Overton: THAT the correspondence dated May 29, 2018 from Director Anderson, regarding diverting compost from the Cortes Island waste stream be received.

209 Carried

C. Cornfield/B. Overton: THAT, following up on the 2017 Waste Composition Report, staff be directed to investigate ways to divert compost from the Cortes waste stream, and bring back a report for the board's consideration.

209 Carried *NAY: J. Abram, B. Leigh, G. Whalley*

TERMINATION:

B. Overton/R. Nichol: THAT the meeting terminate.

208 Carried

Time: 11:51 am.

Confirmed this _____ day of _____ 20__ :

Bruce Jolliffe
Chair

Certified Correct:

Jake Martens
Manager of Legislative Services

Recorded By:

Lisa Dennis
Recording Secretary



Thursday, June 07, 2018

Minutes of the meeting of the Comox Strathcona Regional Hospital District Board of Directors held on Thursday, June 07, 2018 in the boardroom of the Comox Valley Regional District offices located at 550B Comox Road, Courtenay, BC commencing at 1:00 pm.

MINUTES

Present:

Chair:

C. Cornfield City of Campbell River

Directors:

E. Eriksson City of Courtenay

J. Abram Discovery Islands - Mainland Inlets (Area 'C')

M. Babchuk City of Campbell River

B. Jolliffe Baynes Sound-Denman/Hornby Islands (Area 'A')

E. Grieve Puntledge/Black Creek (Area 'C')

R. Kerr City of Campbell River

B. Leigh Oyster Bay – Buttle Lake (Area 'D')

R. Nichol Lazo North (Area 'B')

L. Samson City of Campbell River

M. Theos City of Courtenay

B. Unger Village of Gold River

G. Whalley Kyuquot – Nootka/Sayward (Area 'A')

G. Sproule Village of Cumberland

J. MacDonald Village of Sayward

Alt. Directors:

M. Lavelle Cortes (Area 'B')

B. Overton Village of Tahsis

M. Wright City of Campbell River

M. Grant Town of Comox

M. Swift Town of Comox

Non-voting Members:

S. Christiansen Ka: 'yu : ' k't'h / Che : k'tles7et'h First Nations

Staff:

R. Dyson Chief Administrative Officer

B. Dunlop Corporate Financial Officer

J. Warren General Manager of Corporate Services

J. Martens Manager of Legislative Services

A. Baldwin Legislative Services Assistant

Absent:

Directors:

J. Colborne Village of Zeballos

L. Jangula City of Courtenay

B. Wells City of Courtenay

IN-CAMERA MEETING:

M. Lavelle/M. Theos: THAT the board adjourn to an in-camera session pursuant to the following sub-section

of section 90 of the Community Charter:

90(2)(b) The consideration of information received and held in confidence relating to negotiations between the regional district and the provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;

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

HDA (9)

Carried

ADOPTION OF MINUTES:

J. MacDonald/M. Babchuk: THAT the minutes of the Comox Strathcona Regional Hospital District board meeting held April 19, 2018 be adopted.

HDA (9)

Carried

REPORTS:

NORTH ISLAND HOSPITALS PROJECT - LONG TERM DEBT, FALL ISSUE 2018

B. Jolliffe/E. Grieve: THAT the report dated May 25, 2018 regarding entering into long term debt with the Municipal Finance Authority (MFA) for the North Island Hospitals Project (NIHP) in the fall of 2018 be received.

HDA (9)

Carried

B. Jolliffe/M. Lavelle: That the Comox Strathcona Regional Hospital District Board approve participating in the Municipal Finance Authority's Fall 2018 Long Term Borrowing Issue, with a maximum 10 year debenture in the net amount of \$89,000,000.

LGA (196 and 197)

Carried

SUMMARY OF PROJECTS AS OF MAY 28, 2018

G. Whalley/M. Babchuk: THAT the Summary of Projects as of May 28, 2018 be received.

HDA (9)

Carried

MANAGEMENT REPORT

E. Grieve/R. Nichol: THAT the Comox Strathcona Regional Hospital District Board management report dated June, 2018 be received.

HDA (9)

Carried

VARY THE AGENDA

B. Leigh/M. Babchuk: THAT the agenda be varied to consider the addendum prior to item E.4 of the agenda.

HDA (9)

Carried

QUADRA ISLAND HEALTH CARE SERVICES

B. Jolliffe/E. Grieve: THAT the correspondence dated June 6, 2018 from Director Abram regarding the potential closure of the Quadra Island Medical Clinic be received.

HDA (9)

Carried

J. Abram/M. Babchuk: THAT the Comox Strathcona Regional Hospital District Board write to the Minister of Health and the Chief Executive Officer of Island Health requesting assistance in solving the impending problem on Quadra Island of the loss of two of the doctors, possibly the only Nurse Practitioner, and the loss of Campbell River Hospital lab services that are delivered on Quadra Island twice per week and the Mental Health outreach services;

AND FURTHER THAT a meeting between officials from the Ministry, Island Health and the Quadra Island ad hoc committee take place at the earliest possible time at a convenient location.

HDA (9)

Carried

COMOX STRATHCONA REGIONAL HOSPITAL DISTRICT STRATEGIC PLANNING SESSION

James Warren, General Manager of Corporate Services, provided background information regarding the strategic planning session of the Comox Strathcona Regional Hospital District Board and introduced Allison Habkirk.

Allison Habkirk, consultant, facilitated a strategic planning session of the Comox Strathcona Regional Hospital District Board and lead a discussion to explore future directions and initiatives.

ADJOURN TO IN-CAMERA:

The board recessed to its in-camera session at 2:47 pm.

RISE AND REPORT:

The board rose from its in-camera session at 2:54 pm.

TERMINATION:

J. MacDonald/M. Wright: THAT the meeting terminate

HDA (9)

Carried

Time: 2:54 pm.

Confirmed this _____ day of _____ 20__ :

Charles J. Cornfield
Chair

Certified Correct:

Jake Martens
Manager of Legislative Services

RCM Agenda June 20, 2018

Recorded By:

Antoinette Baldwin
Recording Secretary

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TOWN OF COMOX

BYLAW NO. 1888

**A BYLAW TO ESTABLISH PROCEDURES FOR
THE CONDUCT OF ELECTIONS AND ASSENT VOTING
AND TO PROVIDE FOR THE USE OF AUTOMATED VOTING MACHINES**

WHEREAS the *Local Government Act* provides that the Council of the Town of Comox may establish, by bylaw, various procedures and requirements to be applied in the conduct of elections and assent voting;

AND WHEREAS under the *Local Government Act*, the Council of the Town of Comox may provide for, by bylaw, the use of automated voting machines, voting recorders or other devices for voting in elections and assent voting;

AND WHEREAS the Council of the Town of Comox wishes to establish voting procedures and requirements under those authorities, and use automated voting machines in elections and assent voting;

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

PART 1 -- INTERPRETATION

1. Title

- (1) This Bylaw may be cited for all purposes as the "Comox Election and Assent Voting Bylaw No. 1888, 2018".

2. Definitions

- (1) In this Bylaw, the following terms have the following meanings:
 - (a) "Acceptable mark" means a completed mark that the vote counting unit is able to identify, and that has been made by an elector in the space provided on the ballot opposite the name of any candidate or opposite the choices of any questions on which the assent or opinion of the electors is sought.
 - (b) "Automated vote counting system" means a system that counts and records votes, processes and stores election and assent voting results and is comprised of the following:
 - (i) a number of vote counting units, each of which electronically records votes and deposits the voted ballots into a ballot box;
 - (ii) a number of ballot boxes into which voted ballots are deposited from the vote counting unit; and

- (iii) a number of portable and temporary ballot boxes, to be used during such time as the vote counting unit is not used or is not functioning.
- (c) “Ballot” means a single automated ballot card designed for use in an automated vote counting system, which shows
 - (i) the names of all candidates for each of the offices of Mayor, Councillor and, if applicable, School Trustee; and
 - (ii) all of the choices on all of the questions on which the assent or opinion of the electors is sought.
- (d) “Ballot return override procedure” means the use, by an election official, of a device on a vote counting unit that causes the unit to accept a returned ballot.
- (e) “Ballot box” means a container for voted ballots.
- (f) “Election” means an election for the number of persons required to fill a local government office.
- (g) “Election headquarters” means Comox Town Hall, 1809 Beaufort Avenue, Comox BC.
- (h) “Election materials box” means the container(s) containing election materials that are to be transported to and from voting places.
- (i) “General local election” means an election held in 2018 and in every fourth (4th) year after 2018 for the offices of Mayor, Councillors and, if applicable, School Trustee;
- (j) “General voting day” means:
 - (i) for a general local election, the third (3rd) Saturday of October in the year of the election;
 - (ii) for other elections, the date set under Sections 54 or 55 of the *Local Government Act*; and
 - (iii) for assent voting, the date set under Section 174 of the *Local Government Act*.
- (k) “Memory pack” means a computer software cartridge that plugs into the vote counting unit that contains
 - (i) the names of all of the candidates for each of the offices of Mayor, Councillor and, if applicable, School Trustee;

- (ii) all of the choices on all of the bylaws or other matters on which the opinion or assent of the electors is sought; and
 - (iii) a mechanism to record and retain information on the number of acceptable marks made for each.
- (l) “Portable ballot box” means a ballot box that is used at a voting place where a vote counting unit is not being used.
- (m) “Results tape” means the printed record generated from a vote counting unit at the close of voting on general voting day, which shows
 - (i) the number of votes for each candidate for each of the office of Mayor, Councillor and, if applicable, School Trustee; and
 - (ii) the number of votes for each choice on all of the bylaws or other matters on which the opinion or assent of the electors is sought.
- (n) “Returned ballot” means a voted ballot that was inserted into the vote counting unit by the elector but was not accepted and was returned to the elector with an explanation of the ballot marking error that caused the ballot not to be accepted.
- (o) “Secrecy sleeve” means an open-ended folder or envelope used to cover ballots to conceal the choices made by each elector.
- (p) “Temporary ballot box” means a ballot box that is used to temporarily deposit voted ballots in the event that the vote counting unit ceases to function or is not being used.
- (q) “Town” means the Town of Comox.
- (r) “Vote counting unit” means the device into which voted ballots are inserted, and that scans each ballot and records the
 - (i) the number of votes for each candidate for each of the office of Mayor, Councillor and, if applicable, School Trustee; and
 - (ii) the number of votes for each choice on all of the bylaws or other matters on which the opinion or assent of the electors is sought.
- (s) “Voting book” means the book for recording the names of electors.
- (t) “Voting compartment” means an area that is arranged in such a manner that electors may mark their ballots screened from observation by others and without interference.

PART 2 -- ELECTION PROCEDURES

3. Register of Resident Electors

For the purposes of all local elections and assent voting, the most current available Provincial list of voters prepared under the *Election Act* shall become the register of resident electors on the 52nd day prior to the general voting day for such elections and assent voting.

4. Public Access to Election Documents

- (1) In addition to public access to election documents required under the *Local Government Act*, Council authorizes the publication on the Town Internet of
 - (a) nomination documents under section 89(7) of the *Local Government Act* from as soon as possible after the time of delivery to the Chief Election Officer until 30 days after the declaration of the election results; and
 - (b) elector organization endorsement documents under section 93 of the *Local Government Act* from as soon as possible after filing with the Chief Election Officer until six months after general voting day for the election to which they relate.

5. Advance Voting Opportunities

- (1) Pursuant to section 107 of the *Local Government Act*, the following advance voting opportunities will be held:
 - (a) one on the 10th day before general voting day, and
 - (b) one on the 3rd day before general voting day.
- (2) Pursuant to section 108 of the *Local Government Act*, the Chief Election Officer is hereby authorized to
 - (a) establish additional advance voting opportunities, and
 - (b) designate the voting places and set the voting hours for the additional advance voting opportunities.

6. Mail Ballot Voting

- (1) Voting by mail ballot is hereby authorized for those electors who meet the criteria in subsection 6(2).
- (2) The only electors who may vote by mail ballot are the following:
 - (a) those persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity; and

- (b) persons who expect to be absent from the Town on general voting day and at the times of all advance voting opportunities.
- (3) A mail ballot package may be requested by an elector who is registered and who, in person, by mail, by courier or by fax, presents the Chief Election Officer with a written request for a mail ballot package.
- (4) The Chief Election Officer may deliver mail ballot packages by hand to electors who request in person or the Chief Election Officer may deliver mail ballot packages by mail, by courier or by hand to electors who request the package by mail, by courier, by fax or in person.
- (5) The Chief Election Officer shall keep a written record of all persons who request a mail ballot package and their addresses (unless the request for the package has requested that the address be obscured) and that record may be inspected by any person who signs a statement that the record is being inspected only for the purposes of the election or other voting.
- (6) Between the time an elector requests a mail ballot package and the time that the mail ballot package is hand delivered, mailed or couriered to the elector requesting, the elector requesting can be challenged under section 116 of the *Local Government Act*.
- (7) The time limits in relation to voting by mail ballot may be determined by the Chief Election Officer, including the time limit to apply for a mail ballot package.
- (8) To vote using a mail ballot, the elector shall mark the ballot in accordance with the instructions contained in the mail ballot package provided by the Chief Election Officer.
- (9) Upon receipt of a mail ballot package before the deadline, the Chief Election Officer shall record the time and date of its receipt and shall mark the certification envelope as accepted or rejected, and where the certification envelope has been accepted, the voting book shall be marked to indicate that the elector has voted.
- (10) The unopened certification envelopes shall remain in the custody of the Chief Election Officer until the close of voting on general voting day at which time the Chief Election Officer shall, in the presence of at least one other election official and scrutineers, if any:
 - (a) open the accepted certification envelopes;
 - (b) place the unopened secrecy envelopes together into a ballot box;
 - (c) open the secrecy envelopes and remove the ballot within; and
 - (d) insert the ballot into the vote counting unit.

(11) The Chief Election Officer shall retain all certification envelopes together with the voting books and for the purposes of document retention and destruction shall treat the certification envelope in the same manner as a voting book.”

7. Order of Names on Ballot

Pursuant to section 117 of the *Local Government Act*, the order of names of candidates on the ballot shall be determined by lot.

8. Number of Scrutineers at Voting Places

- (1) Pursuant to section 120 of the *Local Government Act*, the number of scrutineers for each candidate that may attend at each voting place is one scrutineer for each ballot box in use.
- (2) Pursuant to section 181 of the *Local Government Act*, for assent voting, the number of scrutineers for the question and the number of scrutineers against the question, in assent voting, that may attend each voting place is one scrutineer.

9. Resolution of Tie Vote after Judicial Recount

In the event of a tie vote after a judicial recount, the tie vote will be resolved by conducting a lot in accordance with section 151 of the *Local Government Act*.

PART 3 -- AUTOMATED VOTE COUNTING SYSTEM

10. Use of Automated Vote Counting System

Council hereby authorizes the use of an automated vote counting system for the conduct of general local elections and assent voting in the Town.

11. Automated Voting Procedures

- (1) At voting places where a vote counting unit is being used, the Chief Election Officer shall, if requested, ensure that a demonstration is provided on how to vote using a vote counting unit as soon as an elector enters the voting place and before a ballot is issued.
- (2) Upon completion of the voting demonstration, if any, the elector shall proceed as instructed to the election official responsible for issuing ballots, who shall
 - (a) ensure that the elector
 - (i) is qualified to vote in the election, and
 - (ii) completes the voting book as required by the *Local Government Act*, and then

- (b) provide, upon fulfilment of the requirements of subsection (a), a ballot to the elector, a secrecy sleeve if requested by the elector, the ballot marking instrument, and any further instructions the elector requests.
- (3) Upon receiving a ballot, the elector shall immediately proceed to a voting compartment to vote.
- (4) The elector may vote only by making an acceptable mark on the ballot
 - (a) beside the name of each candidate of choice up to the maximum number of candidates to be elected for each of the offices of Mayor, Councillor and, if applicable, School Trustee; and
 - (b) beside the choices of any questions on which the assent or opinion of the electors is sought.
- (5) Once the elector has finished marking the ballot, the elector must
 - (a) either place the ballot into the security sleeve, if one has been requested, or turn the ballot upside down, and
 - (b) proceed to the vote counting unit and, under the supervision of the election official in attendance, insert the ballot directly into the vote counting unit without the acceptable marks on the ballot being exposed.
- (6) If, before inserting the ballot into the vote counting unit, an elector determines that a mistake has been made when marking a ballot, or if the ballot is returned by the vote counting unit, the elector may request a replacement ballot by advising the election official in attendance.
- (7) Upon being advised of the replacement ballot request, the Chief Election Officer or Deputy Chief Election Officer shall
 - (a) issue a replacement ballot to the elector and mark the returned ballot "spoiled", and
 - (b) retain all such spoiled ballots separately from all other ballots and they shall not be counted in the election.
- (8) If the elector declines the opportunity to obtain a replacement ballot and has not damaged the ballot to the extent that it cannot be reinserted into the vote counting unit, the election official shall, using the ballot return override procedure, reinsert the returned ballot into the vote counting unit to count any acceptable marks that have been made correctly.
- (9) Any ballot counted by the vote counting unit is valid, and any acceptable marks contained on such ballots will be counted in the election subject to any determination made under a judicial recount.

- (10) Once the ballot has been inserted into the vote counting unit and the unit indicates that the ballot has been accepted, the elector must immediately leave the voting place.
- (11) During any period that a vote counting unit is not functioning, the election official supervising the unit shall direct electors to insert all voted ballots into a temporary ballot box on the understanding that if the vote counting unit
 - (a) becomes operational, or
 - (b) is replaced with another vote counting unitthen the ballots in the temporary ballot box shall, as soon as reasonably possible, be removed by an election official and under the supervision of the Chief Election Officer or Deputy Chief Election Officer, be inserted into the vote counting unit to be counted.
- (12) Any ballots that were temporarily stored in a temporary ballot box during a period when the vote counting unit was not functioning and that are returned by the vote counting unit when being counted shall, through the use of the ballot return override procedure and under the supervision of the Chief Election Officer or Deputy Chief Election Officer, be reinserted into the vote counting unit to ensure that any acceptable marks are counted.

12. Advance Voting Opportunity Procedures

- (1) Vote counting units shall be used to conduct the vote at all advance voting opportunities, and voting procedures shall follow as closely as possible those described in section 11 of this Bylaw.
- (2) At the close of voting at each advance voting opportunity, the Chief Election Officer or Deputy Chief Election Officer in each case shall ensure that
 - (a) no additional ballots are inserted in the vote counting unit,
 - (b) the results tapes in the vote counting unit are not generated, and
 - (c) the memory pack of the vote counting unit is secured.
- (3) At the close of voting at the final advance voting opportunity the Chief Election Officer or Deputy Chief Election Officer shall
 - (a) secure the vote counting unit so that no more ballots can be inserted, and
 - (b) deliver the vote counting unit, together with the memory card and all other materials used in the election, to the Chief Election Officer at election headquarters.

13. Procedures after the Close of Voting on General Voting Day

- (1) After the close of voting on general voting day, the Chief Election Officer shall
 - (a) ensure that any remaining ballots in any temporary ballot boxes are inserted into the vote counting unit;
 - (b) secure the vote counting unit so that no more ballots can be inserted;
 - (c) seal the ballot boxes;
 - (d) generate three copies of the results tape from each vote counting unit; and
 - (i) place one copy in the results box,
 - (ii) place one copy in the election materials box, and
 - (iii) retain one copy to calculate the election results;
 - (e) remove the memory packs from the vote counting units and place in the results box;
 - (f) place spoiled ballots into an envelope, seal the envelope and place in the results box;
 - (g) complete duplicate ballot accounts and place
 - (i) one copy in the results box, and
 - (ii) one copy in the election materials box;
 - (h) seal the results box;
 - (i) place completed registration cards, keys and all completed administrative forms into the election materials box; and
 - (j) transport vote counting units, unused ballots, sealed ballot boxes, voting books, results box, election materials box and all other equipment and materials to election headquarters.
- (2) At the close of voting on general voting day, the Chief Election Officer shall proceed in accordance with subsection 13(1) of this bylaw, so far as applicable, for each advance voting opportunity where vote counting units were used.
- (3) All portable ballot boxes used in the election will be opened, under the direction of the Chief Election Officer, at the close of voting on general election day, and all ballots shall be removed and inserted into a vote counting unit to

be counted, after which the provisions of subsection 13(1), so far as applicable, shall apply.

14. Recount Procedure

- (1) If a recount is required it shall be conducted under the direction of the Chief Election Officer using the automated vote counting system and generally in accordance with the following procedure:
 - (a) the memory packs of all vote counting units will be cleared;
 - (b) a vote counting unit will be designated for each voting place;
 - (c) all voted ballots will be removed from the sealed ballot boxes;
 - (d) all ballots, except spoiled ballots, will be reinserted in the appropriate vote counting units under the supervision of the Chief Election Officer;
 - (e) any ballots returned by the vote counting unit during the recount process shall, through the use of the ballot return override procedure, be reinserted into the vote counting unit to ensure that any acceptable marks are counted; and

PART 4 --GENERAL AND REPEAL

15. General

- (1) Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.
- (2) If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder, which shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

16. Repeal

Bylaw No. 1458 is hereby repealed.

17. Adoption

- (1) READ a FIRST, SECOND and THIRD
time this 6th day of June , 2018
- (2) ADOPTED this day of , 2018

MAYOR

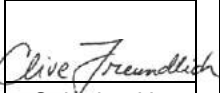

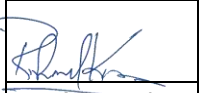
CORPORATE OFFICER

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TOWN OF COMOX
Regular Council Meeting

FROM:	Clive Freundlich, Director of Finance
SUBJECT:	Municipal Liability Insurance – Alternate Provider
MEETING DATE:	June 20, 2018
DATE:	June 13, 2018

 Submitted by	 Concurrence	 Approval
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RECOMMENDATION:
That a letter of notice be submitted to the Municipal Insurance Association of BC (MIA) stating that the Town of Comox will be placing its liability insurance with another provider effective January 1, 2019.

BACKGROUND:

A. Overview

The Town’s current liability insurance with MIA has become increasingly cost prohibitive (see table below) considering the liability exposures not covered under their plan, and market place products offering cost effective pricing and broader coverage.

Standard liability product in the market cover extensively all municipal liability exposures, including:

- Environmental Impairment Liability
- Commercial Marine Liability
- Employment Practices Liability
- Blanket Contractual Liability
- Cyber Liability / Privacy Breach Response
- Excess Auto Liability

B. Costs / savings - alternate provider(s)

The Town would cover extensively all liability exposures at a savings of approximately \$44,000 per year, if it were to leave MIA for another provider.



Coverage	Alternate Provider	Cost	Current Provider	Approx. Costs
Liability Insurance Package:		\$ 65,000	\$40M annual aggregate	\$ 81,777
General liability	\$25M per occurrence and no annual aggregate.	Included	For general liability, and	
Public officials liab.	\$25M per claim with \$50 million annual aggregate.	Included	Public officials' liability.	
	Notes:			
	- may be increased to \$40M for \$10,000			
Public Entity Environmental liability (pollution liability) \$3M, with \$6M annual aggregate, covers:		included	Additional cost	15,000
	1) 1 st party costs (cleanup)			
	2) Fines and penalties			
	3) Government orders			
	4) 3 rd party liability			
	5) 3 rd party (non-owned) disposal sites			
Blanket contractual liability – to assume liability indemnification		included	Addtn'l cost per contract	4,000
	To cover the many contracts where the Town Has indemnified another party.			
Commercial Marine Operator's legal liability \$5M.		included	Additional cost	5,000
Wrongful dismissal and employment practice liability \$25M		included	Additional cost	3,000
Total cost		\$ 65,000		\$ 109,000
Savings		44,000		
Total		\$109,000		\$ 109,000

C. Unlimited claims with a limit of \$25 million - a better fit for the Town of Comox

Aon Reed Stenhouse, an insurance provider to over 700 municipalities across Canada, responded to our current limits by mentioning that there is no history or evidence of any Canadian Town having to pay damages more than \$25M. Although a \$40M limit can be purchased, a more appropriate strategy is to broaden out our liability coverage, and carry \$25M limit with no general aggregate (meaning the \$25M resets as often as needed).

D. Shoring up other risk exposure areas

- i. The Town's auto liability is likely the highest liability loss exposure. Increasing auto liability limits is a good use for some of the savings.
- ii. Police investigation insurance. Protecting the Town against costly investigation costs in the event of homicide is another potential use of the savings.

In conclusion, our current solution assumes that the Town either obtain separate coverage for uninsured risks, or remain uninsured or underinsured. Alternate solutions in the market appear to provide more appropriate levels of coverage for better value. Please note that the Town is under requirement to give 6 months' notice to leave MIA.



TOWN OF COMOX
Regular Council Meeting

FROM:	Clive Freundlich, Director of Finance
SUBJECT:	Statement of Financial Information (SOFI) Report
MEETING DATE:	June 20, 2018
DATE:	June 14, 2018

Clive Freundlich
Submitted by

Concurrence

[Signature]
Approval

RECOMMENDATION:
That the attached Statement of Financial Information (SOFI) report be received and approved by Council for submission to the Province.

BACKGROUND:
The attached Statement of Financial Information (SOFI) report is prepared in accordance with the Financial Information Act. The SOFI must be made available for public viewing by June 30 and be accessible for the following three years. This information is made available to the public on the Town' website.



Statement of Financial Information
Year Ended December 31, 2017

Town of Comox
Statement of Financial Information
Contents
Year Ended December 31, 2017

Required Information:

Please refer to:

Consolidated Statement of Financial Position	Statement 1 of Consolidated Financial Statements
Consolidated Statement of Operations	Statement 2 of Consolidated Financial Statements
Schedule of debts	Notes 5 to 7 of Consolidated Financial Statements
Schedule of guarantee and indemnity agreements	N/A - none outstanding during year
Schedule of Council remuneration	Schedule 1 of SOFI
Schedule of employee remuneration	Schedule 2 of SOFI
Schedule of severance agreements	N/A - none
Schedule of disbursements	Schedule 3 of SOFI
Schedule of grants and contributions.	Schedule 4 of SOFI
Preparation and approval of financial information	Schedule 5 of SOFI

Town of Comox
 Consolidated Statement of Financial Position
 as at December 31, 2017

	2017	2016
Financial Assets:		
Cash	\$ 5,698,893	\$ 3,816,826
Short-term investments (Note 2b)	21,175,351	19,632,609
Receivables (Note 4)	818,127	995,799
Land for resale	9,847	9,847
	27,702,218	24,455,081
Financial Liabilities:		
Payables (Note 5)	2,200,441	2,520,667
Deferred revenue (Schedule 3)	1,116,418	1,131,025
Restricted Revenue (Schedule 3)	5,461,207	5,554,099
Deposits	1,488,671	1,302,656
Net debenture debt (Note 6)	428,261	932,801
Future Payroll Obligations (Note 9)	916,151	922,127
	11,611,149	12,363,375
Net Financial Assets	16,091,069	12,091,706
Non-financial assets:		
Tangible capital assets (Schedule 5)	86,033,960	85,664,830
Supply inventory	258,153	212,026
Prepaid expenses	77,791	58,195
Shares in Courtenay Golf Club Ltd.	8,750	8,750
	86,378,654	85,943,801
Accumulated surplus (Note 18)	\$ 102,469,723	\$ 98,035,507

Contingent liabilities (Note 7)



Clive Freundlich, CPA, CGA

Director of Finance, responsible for financial administration for the Town of Comox

The accompanying notes are an integral part of these consolidated financial statements.

Town of Comox
Consolidated Statement of Operations
Year Ended December 31, 2017

	Budget	2017	2016
	(Note 17)		
Revenue			
Property valuation tax	\$ 8,078,123	\$ 8,074,336	\$ 7,861,808
Parcel taxes	638,431	632,758	629,109
Payments in-lieu of taxes	1,449,962	1,438,582	1,453,520
Revenue from taxation	10,166,516	10,145,676	9,944,437
Utility fees	6,303,641	6,340,136	6,147,154
Other sale of service	2,509,747	2,992,305	2,434,644
Licences, permits & planning fees	226,750	253,812	266,343
Developer cost charges applied	444,776	168,144	8,759
Tangible capital assets contributed	-	-	30,825
Donations	201,400	91,844	26,300
Investment income	120,000	224,524	173,075
Penalties and interest on taxes	64,500	57,734	54,163
Actuarial earnings on sinking fund	-	132,033	112,090
Rentals	126,476	146,302	136,837
Other	48,100	1,061,990	41,857
Gain on disposal of assets	-	230,874	33,000
Unconditional Grants	390,000	376,918	387,149
Conditional Grants	1,792,477	1,529,522	2,019,647
	22,394,383	23,751,814	21,816,280
Expenses			
General government	1,593,478	1,768,377	1,685,432
Protective services	3,109,515	2,831,500	2,724,527
Solid waste management	1,400,889	1,372,988	1,353,934
Development services	558,961	439,468	445,166
Transportation	1,779,512	3,399,093	3,171,175
Parks, recreation, and culture	4,055,471	4,447,934	4,334,680
Marina	169,537	228,496	234,981
Water services	2,335,206	2,559,908	2,421,747
Sewer services	2,192,666	2,269,834	2,239,603
	17,195,235	19,317,598	18,611,245
Annual surplus	5,199,148	4,434,216	3,205,035
Accumulated surplus, beginning of year	98,035,507	98,035,507	94,830,472
Accumulated surplus, end of year	\$ 103,234,655	\$ 102,469,723	\$ 98,035,507

The accompanying notes are an integral part of these consolidated financial statements.

Town of Comox
Statement of Financial Information
Schedule of Debts
Notes 5 to 7 of the Consolidated Financial Statements
Year Ended December 31, 2017

5. PAYABLES

Payables are composed of the following amounts:

	2017	2016
Wages payable	\$ 195,855	\$ 176,649
Governments	1,645,590	1,702,434
Trade & Other	358,996	641,584
Total payables	\$ 2,200,441	\$ 2,520,667

6. DEBENTURES ISSUED FOR THE TOWN

The Town's debenture debt arises from participation in debenture issues by the Municipal Finance Authority (MFA) of B.C. These are sinking-fund type debentures with various terms and interest rates.

The outstanding debt reported is the original amount borrowed less the actuarial value of the sinking fund, including interest. The outstanding debentures at December 31, 2017 are:

Issued / Bylaw #	Purposes of Borrowing	Terms	Interest Rate	Amount Borrowed	Sinking Fund	Net Owing	Debt Reserve	Promissory Note
Apr 2004 B/L #2426	Kye Bay Water & Sewer system	19 years	2.40%	\$ 317,250	\$ 208,683	\$ 108,567	\$ 5,083	\$ 9,731
Oct 2004 B/L #1407	Downtown Revitalization	14 years	2.00%	475,000	\$ 429,299	45,701	7,480	19,272
Apr 2008 B/L #1520	Pt. Holmes Water	14 years	4.65%	270,000	\$ 156,209	113,791	3,654	10,958
Apr 2011 B/L #1607	Comox Rec. Centre	7 years	4.20%	1,000,000	\$ 839,798	160,202	12,265	74,305
Total at December 31, 2017				\$ 2,062,250	\$ 1,633,989	\$ 428,261	\$ 28,482	\$ 114,266
Total at December 31, 2016				\$ 4,162,250	\$ 3,229,449	\$ 932,801	\$ 55,810	\$ 245,468

Scheduled payments and net balances for the above issues over the next five years are:

Year	Schedule Annual Payments			Sinking Fund	Net Debt
	Principal	Interest	Total	Actuarial Earnings	Outstanding
2018	\$ 174,071	\$ 49,259	\$ 223,330	\$ 68,802	\$ 185,388
2019	23,225	18,759	41,984	15,383	146,780
2020	23,225	18,759	41,984	17,095	106,459
2021	23,225	18,759	41,984	18,884	64,350
2022	23,225	12,482	35,707	20,753	20,371

At the time the debentures were issued, the MFA deposited 1% of the amount borrowed to its Debt Reserve Fund. This is managed by the MFA and used to secure the debenture issue as a whole (see Note 7 Contingent Liabilities). Once the MFA has repaid the debenture issue, the Town is entitled to the proceeds of its share of the Debt Reserve Fund, including accrued interest.

Town of Comox

Statement of Financial Information

Schedule of Debts

Notes 5 to 7 of the Consolidated Financial Statements

Year Ended December 31, 2017

7. CONTINGENT LIABILITIES

(a) Regional District Debt

Regional District debt is, under the provisions of the Local Government Act, a direct, joint and several liability of the Regional District and each member municipality within the Regional District, including the Town of Comox. At December 31, 2017 the Comox Valley Regional District had net debt of \$31,272,596 owing (\$36,029,834 at December 31, 2016) which is \$76,773,019 in debt issues net of \$45,500,423 sinking funds at December 31, 2016 (\$78,039,519 net of \$42,009,686 sinking funds at December 31, 2016) including debentures issued for the Town (Note 6), the City of Courtenay, the Village of Cumberland and itself.

(b) Municipal Finance Authority Debentures

The Town is also contingently liable to the Municipal Finance Authority (MFA) of B.C. for a Debt Reserve Fund, to help secure its participation MFA Debentures (see Note 6). The MFA has the right, if one or more participants in that issue default, to draw upon the Town's share of the Debt Reserve Fund (\$28,482 at December 31, 2017; \$55,810 in 2016), plus Promissory Notes issued by the Town at the time of issue (\$114,266 at December 31, 2017; \$245,468 in 2016).

(c) Comox Fire Department

The Comox Fire Department protects both the Town of Comox and the Comox Rural Fire Protection Improvement District, and so is jointly funded by the Town and the District. In the event that this relationship ended, the Town would have to compensate the District for its share of the equity of Fire Department assets. At December 31, 2017 the District's share of those tangible capital assets (at cost and net book value) were \$985,511 and \$456,909 respectively (\$898,154 and \$353,751 in 2016) and its share of a Fire Department Capital Reserve was \$72,116 (\$101,535 in 2016).

(d) Municipal Insurance Association of BC

The Town is a subscribed member of the Municipal Insurance Association of BC (the "Exchange") as provided by Section 3.02 of the Insurance Act. The main purpose of the Exchange is to pool the risks of liability so as to lessen the impact upon any Subscriber. Under the Reciprocal Insurance Exchange Agreement the Town is assessed a premium with specific deductible for its claims based on population. The obligation of the Municipality with respect to the Exchange and/or contracts and obligations entered into by the Exchange on behalf of its Subscribers in connection with the Exchange are in every case several, and not joint and several.

(e) Claims

At December 31st there existed outstanding claims against the Town. These claims have been referred to legal counsel and to the Town's liability insurers. It is not possible to determine the Town's potential liability, if any, with respect to these matters.

Town of Comox
Statement of Financial Information
Remuneration & Expenses for Elected Officials
Year Ended December 31, 2017

Schedule 1

	Remuneration	Expenses
Russ Arnott, Councillor	17,311	\$ 4,244
Ken Grant, Councillor	17,311	3,891
Marg Grant, Councillor	17,311	1,638
Paul Ives, Mayor	32,270	12,065
Hugh MacKinnon, Councillor	17,311	2,576
Barbara Price, Councillor	17,311	3,091
Maureen Swift, Councillor	<u>17,311</u>	<u>4,243</u>
	<u>\$ 136,136</u>	<u>\$ 31,749</u>

Expenses include expense claims by Council members, together with registration fees and travel expenses paid by the Town on their behalf.

In addition, each member of Council is covered under an accident insurance policy (when on Town business) which provides:

- 1) \$ 100,000 life insurance Year Ended December 31, 2017
- 2) \$ 300 weekly indemnity for total disability
- 3) \$ 3,000 additional medical expense

Town of Comox
Statement of Financial Information
Remuneration & Expenses for Employees Earning over \$75,000
Year Ended December 31, 2017

Schedule 2

	Remuneration	Expenses
Gail Andestad, Planner 2	\$ 78,359	2,702
Debra Andrew, Deputy Director of Finance	89,542	4,174
Shelley Ashfield, Municipal Engineer	102,805	2,113
Regina Bozerocka, Planner 1	77,019	418
Cory Brooks, Fire Department Assistant	80,096	1,997
Al Fraser, Parks Superintendent	95,082	3,270
Brett Green, Foreman	97,620	508
Donald Jacquest, Director of Finance	120,758	1,862
Kyle Jorgensen, Maintenance Operator	77,924	290
Marvin Kamenz, Town Planner	109,730	3,725
Richard Kanigan, Administrator	137,651	9,337
Jim Lariviere, Assistant Fire Chief	95,961	2,050
Joel Louke, Utility Operator	77,281	2,403
Ian Rogers, Building Inspector	75,825	1,561
Shelly Russwurm, Deputy Corporate Administrator	94,192	1,777
Gord Schreiner, Fire Chief	108,988	4,577
Andrew Scott, Equipment Operator	75,323	395
Rick Shelton, Assistant Fire Chief	104,211	1,185
Robert Stevens, Fire Department Assistant	78,183	691
Glenn Westendorp, Public Works Superintendent	<u>99,728</u>	<u>400</u>
subtotal	1,876,277	45,434
all employees under \$75,000	3,312,539	43,961
Total for all employees	<u>\$ 5,188,816</u>	<u>\$ 89,395</u>

Reconciliation to Salaries, Wages & Employee Benefits reported in Financial Statement

Total employee remuneration (above) less taxable benefits	\$ 5,079,161
Plus Council remuneration (Schedule 1)	136,136
Increase to Accrued Payroll & Post-Employment Benefits in year	13,230
Plus employee benefits included in Disbursements (Schedule 3)	<u>1,060,482</u>
Salaries, wages and employee benefits reported on Schedule 1 of the Consolidated Financial Statements for the Town of Comox	<u>\$ 6,289,009</u>

NOTES:

- Expenses include payments to employees plus expenses paid on their behalf.
- No schedule of severance agreements is included because there were none in year.

Town of Comox

Schedule 3

Statement of Financial Information
Schedule of Disbursements over \$25,000
Year Ended December 31, 2017

475816 BC Ltd	33,109.30
Above & Beyond Tree Service	28,271.25
Andrew Sheret Limited	125,517.72
B C Assessment Authority	133,632.40
B C Hydro	418,283.55
Big Island Building Services Ltd.	42,894.66
Black Press Group Ltd.	39,994.33
Chimo Gymnastics Club	341,024.55
City of Courtenay	31,307.12
Cohlmeyer Architecture Limited	38,504.65
Comox Business In Action	72,900.00
Comox Firefighters Association	33,556.15
Comox Valley Martial Arts & Fitness	37,513.17
Comox Valley Regional District	7,149,606.39
Comox-Strathcona Regional Hospital Dist	2,129,364.30
Corix Water Products Limited Partnership	105,856.76
Crown Contracting Limited	462,199.51
CUPE Local 556	51,183.13
Edgett Excavating Ltd.	88,552.04
Emterra Environmental	767,822.00
Enex Fuels Ltd.	57,573.95
Fort Garry Fire Trucks Ltd	507,756.37
GCS Technology Services Inc.	113,554.52
Guillevin International Inc.	43,592.52
Hand-In-Hand Early Years	56,727.36
Hazelwood Construction Services	187,320.11
Hetek Solutions Inc.	70,805.23
ICBC Insurance Corporation of BC	33,456.00
Kinetic Construction Ltd	1,201,702.51
Lacasse Construction Ltd	275,677.47
Lafarge Canada Inc	71,918.56
Leighton Contracting (2009)Ltd	1,418,867.19
Martin Hagarty Architect Ltd	33,111.33
McElhanney Consulting Services	197,598.65
Minister Of Finance	1,453,641.72
MNP LLP	34,783.87
Municipal Insurance Assn Of B.C.	91,947.73
Municipal Pension Plan	804,135.61
Nilson, Birgit	58,097.10
Pacific Blue Cross/ BC Life	375,702.43
Peninsula Co-op	51,195.61
PerfectMIND Inc.	28,168.70
Progressive Systems Ltd	40,548.74
Receiver General For Canada	2,581,652.21
Scotiabank Visa	127,012.60
Silvacare Inc	30,032.14
Susan Wood Communications	26,250.00
Tayco Paving Co Ltd	40,561.74
Telus	30,940.58

Town of Comox
Statement of Financial Information
Schedule of Disbursements over \$25,000
Year Ended December 31, 2017

Schedule 3

Temple Consulting Group Ltd	38,261.86
Thomson, Steve	49,928.57
Trane Canada ULC	40,960.04
Vancouver Island Regional Library	622,696.00
Western Traffic Ltd	37,993.54
Willis Canada Inc	93,273.00
Worksafe BC	87,315.18
Young, Anderson	103,799.71
	subtotal 23,249,653.43
Plus all payees disbursed under \$25,000	<u>1,886,275.22</u>
Total disbursements, all payees	<u><u>25,135,928.65</u></u>
 <u>Reconciliation to Total Expenditures reported in Financial Statement:</u>	
Total Disbursements for all payees (reported above)	25,135,928.65
Plus Council & Employee remuneration (Sch. 1 and Sch. 2)	5,228,527.06
Less remittances of property taxes collected for others (net of offsets) not included in expenditures on the Financial Statements	(6,923,028.47)
Less long term debt principal payments not included in expenditures on the Financial Statements	(372,507.00)
Less employees share of payroll disbursements not included in expenditures on the Financial Statements	(1,585,362.13)
Less GST recoveries from disbursements in year	(387,138.01)
Less expenditures on tangible capital assets	(4,352,242.00)
Plus amortization expense from tangible capital assets	2,988,987.00
Less DCCs, development bonds and deposits refunded in year	(138,579.43)
Less changes in other asset & liability accounts included in expenses on the Financial Statements	<u>(276,987.67)</u>
Total Expenses reported on Statement 2 and Schedules 1 & 6 of the Consolidated Financial Statements for the Town of Comox	<u><u>19,317,598.00</u></u>

Town of Comox
 Statement of Financial Information
 Year Ended December 31, 2017
 Schedule of Payments for Grants or Contributions

Schedule 4

Recipient of Grant or Contribution		Purpose of Grant
Citizens On Patrol Society	\$ 4,700	Operation of Society
City of Courtenay	547	Skateboard Park Maintenance
Comox Archives & Museum Society	24,996	Operation of Society
Comox Business in Action Association	72,900	Business Improvement Area
Comox Nautical Days Committee	24,000	Festival Operations
Comox Valley Art Gallery	5,000	Gallery Operations
Comox Valley Community Policing	6,150	Auxiliaries & Crime Prevention
Comox Valley Land Trust	1,500	Eco-Asset Symposium
Comox Valley Regional District	29,207	Emergency Preparedness
Hosegrove, Livia	500	Mack Laing Bursary
Sid William Theatre Society	<u>20,000</u>	Theatre Operations
	<u>\$ 189,500</u>	

Town of Comox
Statement of Financial Information
Preparation and Approval of Report
Year Ended December 31, 2017

Schedule 5

I certify that I have prepared the whole of the Statement of Financial Information and am responsible for its contents. It has not been audited by the Town's independent auditors.

Clive Freundlich, Director of Finance

Date

This whole Statement of Financial Information has been approved by the Town of Comox Council.

Paul Ives, Mayor

Date

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o-file
copies - Council
- RK/MK

RECEIVED

Municipal Notice | Taxi Applications

PT Board Form 4

JUN 06 2018

About this Form:

The form has 2 pages. It must be completed by:

- ✓ Licensees applying to operate taxis in a new municipality (see Part 1)
- ✓ Licensees applying to add more taxis to their fleet (see Part 1)
- ✓ New applicants applying to start a taxi service (see Part 2)

Applicants must:

- (a) send completed forms to each municipality where they are licensed or seek a licence to pick up passengers, and
- (b) include copies of completed forms in their application package.

Note: The Passenger Transportation Board sends applicants a copy of any negative comments it receives from a municipality. Applicants have an opportunity to comment.

TOWN OF COMOX

NOTICE

To: Chief Administrative Officer

Comox, BC
Name of Municipality

LOG	REFER	AGENDA
18-150		Res
FILE	ACTION	
8310-01	MR	June 20

May 17/18
Date

o-file
copy Mayor + Council
RK/MK/BR

Please be advised that the Licensee or New Applicant listed on page 2 of this Notice is applying to the Passenger Transportation Board to provide taxi service in your municipality.

A municipality may send comments about this application or taxi services in general to the Passenger Transportation Board by:

- Fax: (250) 953-3788
- E-mail: ptboard@gov.bc.ca
- Mail: PO Box 9850 STN PROV GOVT
Victoria British Columbia V8W 9T5

We recommend that municipalities comment within 30 days of receipt of this notice. This should ensure that comments are received on time.

After an applicant sends its municipal notices and submits its application, the Board publishes the application in the Board's "Weekly Bulletin." Bulletins are published on Wednesdays. They may be viewed online at: <http://www.th.gov.bc.ca/ptb/bulletins.htm>. The Board will consider any comments received up until 10 days after publication in the "Weekly Bulletin".

To confirm whether the comment period is still open, municipal representatives can call the Board office at 250-953-3777 or email ptboard@gov.bc.ca.

Part 1: To be completed by PT Licensees

Licensee

Legal Name: _____

Trade Name: _____

PT Licence Number: _____

Operating Area (check one)

I operate in this municipality _____

I am applying to operate in this municipality _____

My total originating area is: _____

Fleet Size (Taxis only)

What is the maximum number of taxis you can operate in this municipality now? _____

How many accessible taxis do you operate in this municipality now? _____

How many taxis do you want to operate in this municipality? _____

How many taxis will be wheelchair accessible taxis? _____

Part 2: To be completed by new applicants

Applicant

Legal Name: Joseph Richard Briere

Trade Name: Joe's Taxi

Fleet Size Requested

Number of Conventional Taxis: 3

Number of Wheelchair Accessible Taxis: 2

Operating Area

The originating area I'm applying for is:
(please list all municipalities and areas)

Comox Valley Regional District

Twyla Slonski

From: Town of Comox – Administration
Sent: June 11, 2018 2:15 PM
To: Twyla Slonski
Cc: Shelly Russwurm: Town of Comox
Subject: FW: Mark Isfeld Grad 2018 Car Cruise - Wednesday, June 27th
Attachments: Info and Route to Drivers.docx

RECEIVED

June 11, 2018

TOWN OF COMOX

From: Brenda Hunt <Brenda.Hunt@sd71.bc.ca>
Sent: June-11-18 1:54 PM
To: Town of Comox – Administration <town@comox.ca>
Cc: Jeff Taylor <Jeff.Taylor@sd71.bc.ca>
Subject: Mark Isfeld Grad 2018 Car Cruise - Wednesday, June 27th

This is to advise that we will hold our annual Grad Car Cruise leaving Mark Isfeld school at 4:15 pm on Wednesday, June 27th. I've attached the route and please advise asap if there are any road closures/construction sites along the way.

Thank you,

Brenda Hunt
Sr. Administrative Assistant
Mark R. Isfeld Secondary School
Phone: 250-334-2428
FAX: 250-334-0659

LOG: 18-152	REFER:	AGENDA: RCM June 20
FILE: 8100-01	ACTION: MR	

o ~ cfile

copy ~ Mayor & Council
RK / SR / SA / AF / GS



**MARK R. ISFELD SECONDARY
GRAD 2018 CAR CRUISE ROUTE
Wed. June 27, 2018**



1. Rules of the Road from the start to the finish.

(obey all stop signs, traffic lights, merging, rules of the roundabout, etc.)

2. ROUTE: We start at the school parking lot at 1551 Lerwick Rd, arrive any time after 3:00 pm (we need time to clear out the lot). We leave Mark R. Isfeld Secondary at 4:15 pm on our cruise:

- Turn right onto Lerwick Rd and proceed to Anderton Rd (by Chevron, McDonalds, Shoppers)
- Turn right on Anderton Rd and proceed to Comox Ave
- Turn left on Comox Ave and proceed until it changes to Pritchard Rd
- Proceed up Pritchard Rd, stay right at the roundabout at the intersection of Knight Rd, exit onto Military Row and proceed to the intersection at Ryan Rd
- Turn left onto Ryan Rd and proceed to intersection at Crown Isle Dr
- Turn left onto Crown Isle Dr, drive slowly through Crown Isle.
- Turn right onto Malahat Dr
- At the lights (obey the light) turn left onto Lerwick Rd
- Turn right and off onto the right side of the road into the driveway at Mark R. Isfeld school
- Two vehicles pull up to the front doors of the school and students exit.

The administrators will open the door for the grads.

MOST OF ALL **THANK YOU**

June 7, 2018

Twyla Slonski

TOWN OF COMOX

From: Ms Joan Miller <joan.miller@infilm.ca>
Sent: June 7, 2018 3:45 PM
To: Russell Dyson; baird Leslie; ronna-Rae Leonard.MLA; Paul Ives; ljangula@courtenay.ca
Cc: gwyn sproule; bjolliffe@comoxvalleyrd.ca; rodnichol@shaw.ca; edwingrieve@shaw.ca; eeriksson@courtenay.ca; mtheos@courtenay.ca; bwells@courtenay.ca; K Grant; b price
Subject: Feature Film Sonic The Hedgehog

Good afternoon MLA Leonard, Comox Valley Mayors and Members of the Comox Valley Regional District

I am reaching out to the community to *ask for a letters of support* required by the Ministry of Transportation as part of an application to use a section of the Inland Island Highway as a film location for an upcoming feature film.

I understand this may be an unusual way to connect but we were just requested to provide proof of community support for the project before MOTI will give approval for the film permit. We have been in meetings with the Production and MOTI since mid April. We are hopeful that we can assist with the letters of support in a timely manner as the production is order to keep them here in the Comox Valley. There will be 150 crew as well as many local hire. The local economic impact from this production will be significant.

Hedgehog Films Inc., is planning to film scenes for the feature film entitled “SONIC” for Paramount Pictures Studios, on **Sept 13th through to Sept 17th** on the Island Highway 19 from the Buckley Bay interchange south to Cook Creek interchange, approximately between the hours of **6:00AM to 9:00PM** each day. At this time, we would like to provide you with some information to help you prepare for our arrival and anticipate how our activity might affect your daily routines.

Our significant action will consist of a pickup truck being chased, and forced to stop on the highway.

- ALL TIMES ARE APPROXIMATE -

Filming activity will begin at approximately 6:00am each morning.

Thursday Sept 13th to Monday Sept 17th from 6:00AM to 9:00PM daily.

(Should we experience any inclement weather, we’ve requested the following two days, Tuesday Sept 18th and Wednesday Sept 19th. Confirming that the inclement weather day(s) will be released).

Hedgehog Films Inc., will do there very best to provide their actors and stunt drivers with a secure and safe working environment. Your cooperation with this activity is very much appreciated. We understand concerns regarding “**highway closures**”, and will **do our very best to expedite re-opening the highway, once the scenes are completed each day.**

Hedgehog Films Inc., has been working diligently with local communities and the Ministry of Transportation and Infrastructure (MoTI) in an effort to minimize impacts on the area. We have arranged a **detour route** onto Highway 19A during these times. This in an effort to keep the motoring public flowing North and South, from Buckley Bay interchange south to the Cook Creek interchange.

I appreciate any help you could provide us.

LOG: 18-154	REFER:	AGENDA: RCM - June 20
FILE: 0400-03	ACTION: MR	

o ~ cfile

copy ~ Mayor & Council

RK / SR / SA / AF / GS

Thank you
Joan

Joan Miller, CFC
Vancouver Island North Film Commission
Suite 100 #401 11th Ave
Campbell River, BC
Canada, V9W 4G2
250-287-2772 work
250-287-6948 cell
www.infilm.ca
[Follow us on Twitter](#)
[Find us on Facebook](#)



COMOX VALLEY SOCIAL PLANNING SOCIETY

PUTTING PEOPLE FIRST

RECEIVED

JUN 13 2018
TOWN OF COMOX

18-156	REFER	AGENDA:
0220-01	ACTION: file	Roll June 20

on file
copy - Mayor & Council
June 10, 2018 RR/SR

Dear Hugh,

The Comox Valley Social Planning Society requested that I write a letter to you, thanking you for your thoughtful recent letter to the Editor regarding the upcoming Municipal Elections this fall, and encouraging young people to think about running for election.

So here is a huge "Thank You!" to you. We hope we will see a huge surge of takers.

On behalf of all of us on the CV Social Planning Society, thank you for all your hard work over the years and in so many different roles.

Sincerely,



EM (Bunny) Shannon
(Hugs)

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Twyla Slonski

From: Hu Wallis <hwallis@telus.net>
Sent: June 13, 2018 6:20 PM
To: council
Cc: Gord Schreiner
Subject: Comox Fire Bylaw

RECEIVED

June 13, 2018

LOG: 18-157	REFER:	AGENDA: RCM - June 20
FILE: 3900-01	ACTION: MR	

o ~ cfile

copy ~ Mayor & Council
RK / SR / GS / BS

To: Comox Mayor and Council

TOWN OF COMOX

Our family has owned property on the beach at Kye Bay for 90 years. Part of our growing up experience was beach fires. While we understand some of the reasoning behind the Comox fire bylaw, we continue to miss the beach fire experience, and the opportunity to share it with our kids, who are the 5th generation on the property. We would ask that two amendments to the bylaw be considered, and believe that they could meet the intentions of the current bylaw.

1. **Allow gas fire rings on the beach as Oak Bay has recently done -**

<https://www.saanichnews.com/news/portable-gas-fires-now-legal-on-oak-bay-beaches/> Our property is treed to the beach, so we currently have picnic dinners on the beach, but could not legally have a gas fire there. Fire safety could be enhanced if conditions were set, possibly including a permit from Comox.

2. **Allow approved fire rings on the beach as is done at the Pt Holmes ramp and Cape Lazo Campground**

This could be managed by setting requirements such as is done at those locations, and additionally, to require a continuous water supply at the fire ring, and a permit from Comox – this would confine fire rings to areas immediately adjacent to residential properties, and minimize uncontrolled fires.

We that Comox's objectives could be met under conditions like those suggested above, as they apparently are at the currently exempted areas. I would be pleased to discuss these matters further.

Hu

Hu Wallis
528 Windslow Rd, Comox
250 592-0198 - Home
778 977-4051 - Cell
hwallis@telus.net