

REGULAR COUNCIL MEETING AGENDA FOR WEDNESDAY MARCH 1, 2023

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

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

Call to Order: 5:00 p.m.

1. INTRODUCTION AND APPROVAL OF LATE ITEMS: NIL

2. ADOPTION OF AGENDA:

- a. [Adoption of the Agenda](#)

That the March 1, 2023 Regular Council Meeting agenda be Adopted.

3. DELEGATIONS:

- (13) a. [Angela Fletcher and Chris Bate \(Comox Valley Coalition to End Homelessness\): Funding recommendation for affordable housing projects](#)

4. ADOPTION OF MINUTES:

- (16) a. [Regular Council Meeting Minutes](#)

That the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday February 15, 2023, be Adopted.

5. COUNCIL COMMITTEE MINUTES AND REPORTS: NIL

6. CONSENT AGENDA:

- (23) a. [Consent Agenda](#)

That the Consent Agenda items as follows be received for information:

.01 Lee Everson, Gukwas sa Wagalus Rainbow House - January 31, 2023, requesting assistance for a proposed development project in Comox.

.02 Linda Thomas, Filberg Heritage Lodge and Park Association / Dave Stevenson, Nautical Days Coordinator - February 6, 2023, requesting financial support of \$3,000 to assist with the cost of shuttle service.

.03 Lisa Bourgeois, February 10, 2023, requesting tree protection.

- (23) a. [Consent Agenda](#)
- .04 Honourable Anne Kang, Minister of Municipal Affairs, February 10, 2023, Growing Communities Fund Grant.
- .05 Jay Chalke, Ombudsperson, February 15, 2023, providing information and invitation to their Fairness by Design guide.
- .06 Jacqueline Zweng, Wounded Warrior Run BC, February 24, 2023, inviting Council to meet the team and requesting \$2,000 donation.

7. UNFINISHED BUSINESS:

- (37) a. [Summer Market Options](#)
- THAT Council directs Administration to engage with the Comox Valley Famers Market to establish a summer market at the Community Center field as soon as feasible.*
- (41) b. [RCMP Officer Increase Request](#)
- THAT Council move consideration of the request from the RCMP for additional members to 2023 strategic planning process.*
- (44) c. [OCP 22-1 Tree Cutting in Hazardous Areas](#)
1. *That Comox Official Community Plan Amendment Bylaw 2006 (Attachment 1), Section 3(1)(a), be amended as follows:*
 - a. *Replace sub-section (i) with the following text:*
 - (i) *Adding the following text to the beginning of Section 3.13:*

The following definitions apply to DPA #13 only:

ANSI Standard A-300 means the American National Standards Institute (ANSI) A300 (Part 1) – 2017 Pruning Standard, and the companion Best Management Practices – Pruning, 3rd Edition (2019).

Cutting down means to entirely sever the main stem of a tree or plant, or to alter or fell a tree or plant or a tree or plant part such that the tree or plant is no longer biologically or structurally viable.

ISA means the International Society of Arboriculture.

Pruning means the selective removal of tree or plant parts. Does not include topping or cutting down.

Plant means a perennial plant other than a tree.

Re-topping means to remove tree growth to shorten a tree to the previous point of topping by either pruning or topping the tree.

(44) c. OCP 22-1 Tree Cutting in Hazardous Areas

1. *Toe of slope means the lowest and first significant and regular break in a slope.*

Topping means to sever the upper stem of a tree or plant, resulting in a truncated stem.

Tree means a woody perennial having one or more stems with at least one stem having a diameter of 10 centimetres or more measured at Diameter at Breast Height.

b. *Deleting section (iii) to (iv);*

c. *Adding the following text as section (iii) and renumbering accordingly:*

(iii) Adding the following text after section 3.13.4(F):

"A development permit is not required for the following actions:"

d. *Adding as section (iv) with the following text:*

(iv) Adding the following text as Section 3.13.4(G):

"G. On the properties shown shaded on Figure 10 Kye Bay Properties, pruning of trees provided that a written opinion prepared and executed by an ISA Certified Arborist states that:

- I. the proposed pruning did not undermine the tree's health;*
- II. the proposed pruning was conducted under the supervision of an ISA Certified Arborist;*
- III. the proposed pruning was in accordance with the ANSI Standard A-300;*
- IV. all tree parts greater than 5 cm in diameter were removed from the slope at time of pruning in a manner that does not create channelized pathways; and,*
- V. any disturbances to the existing ground cover or soil were remediated with replanting, repacking, or regrading."*

e. *Adding as section (v) the following:*

(v) Adding the following text as Section 3.13.4(H):

"H. Pruning, topping or cutting down trees or plants located below the toe of the slope on properties shown shaded on the map, included in recommendation 1(e) of the March 1, 2023 Report to Mayor and Council titled "OCP 22-1 Tree Cutting in Hazardous Areas".

(44) c. OCP 22-1 Tree Cutting in Hazardous Areas

1. f. Adding as section (vi) the following text:

(vi) Adding the following text as Section 3.13.4(I):

"I. Cutting down or pruning a hazardous tree that presents an immediate danger to human safety or to property. This must be confirmed by an ISA Certified Arborist. If the property owner cuts down or prunes a tree pursuant to this section, the Owner will advise the Parks Manager that it has done so in writing within one (1) business day of cutting down the tree."

g. Adding as section (vii) the following text:

(vii) Adding the following text as Section 3.13.4(J):

"J. On the properties shown shaded on Figure 9 Kye Bay Properties, cutting down or pruning a hazardous tree provided that a written opinion prepared and executed by an ISA Certified Arborist states that the tree presents a danger to human safety or to property."

h. Adding as section (viii) the following text:

(viii) Adding the following text as Section 3.13.4(K):

"K. On the properties shown shaded on Figure 9 Kye Bay Properties, Re-topping of trees provided that a written opinion prepared and executed by an ISA Certified Arborist states that the tree has been previously topped and re-topping did not undermine the tree's health."

i. Adding as section (ix) the following text:

(ix) Adding the following text as Section 3.13.4(L):

"L. On the properties shown shaded on Figure 10 Kye Bay Properties, Pruning of plants provided that a written opinion prepared and signed by a Red Seal Landscape Horticulturalist or executed by an ISA Certified Arborist states that:

- I. the pruning did not undermine the plant's health or substantially reduce existing ground cover;*
- II. all plant parts greater than 5 cm in diameter were removed from the slope at time of pruning in a manner that does not create channelized pathways; and,*
- III. any disturbances to the existing ground cover or soil were remediated with replanting, repacking, or regrading."*

(44) c. [OCP 22-1 Tree Cutting in Hazardous Areas](#)

1. j. Adding as section (x) the following text:

(x) Adding the following text as Section 3.13.4(M):

"M. On Lot 1, District Lot 93, Comox District, Plan 25746, pruning of plants within 30 cm horizontal distance from the edge of an existing trail to a height 2.5 metres above grade."

k. Adding as section (xi) the following text:

(xi) Adding the following at the end of Section 3.13.4:

"Figure 10 Kye Bay Properties and the map, included in recommendation 1(k) of the March 1, 2023 Report to Mayor and Council titled "OCP 22-1 Tree Cutting in Hazardous Areas"

2. That Comox Official Community Plan Bylaw 2006, as amended, be given Third Reading.

3. That Comox Drainage Infrastructure Protection Amendment Bylaw 2007 be given Third Reading.

8. SPECIAL REPORTS: NIL

9. BYLAW ADOPTIONS: NIL

10. NEW BUSINESS:

(89) a. [Rezoning Application RZ 18-7 / Development Variance Permit Application DVP 18-6 \(1609 & 1617 Birch Avenue\)](#)

1. That Comox Zoning Amendment Bylaw 1899 be Adopted.

2. That Development Variance Permit Application DVP 18-6 be issued, subject to the Development Variance Permit Conditions listed in Schedule 1 of the March 1, 2023 Planning Report on RZ 18-7 and DVP 18-6.

3. That Town of Comox Subdivision And Development Servicing Amendment Bylaw No. 2015, 2023 be given First, Second and Third Reading.

(119) b. [Operating Budget Report](#)

1. THAT Council approves the Operational Budget as attached in Appendix A of the March 2, 2023 Staff Report from the CAO titled "Operating Budget Report".

2. THAT Council approves the inclusion of an additional fire fighter position in the 2023-2027 Financial Plan.

11. NOTICES OF MOTION: NIL

12. CORRESPONDENCE:

- (129) a. [Steve Cowan, C.D., President \(Royal Canadian Naval Association\): Battle of the Atlantic and Flyby Permission](#)

That the February 13, 2023 letter from Steve Cowan of the Royal Canadian Naval Association, requesting permission to hold the annual Battle of the Atlantic ceremony at the Naval Memorial Cairn in Marina Park on Sunday May 7, 2023, be received and permission granted; and further

That Council approve of a low level fly past by a CP-140 Aurora Long Range Patrol aircraft, as low as 500 feet, at 1:25 pm during the two minutes of silence.

13. LATE ITEMS: NIL

14. REPORTS FROM MEMBERS OF COUNCIL: NIL

15. MEDIA QUESTION PERIOD: NIL

16. PUBLIC QUESTION PERIOD: NIL

17. RESOLUTION TO GO IN-CAMERA:

- a. [Exclude the Public](#)

That the Public be Excluded from the In-Camera session of Council on Wednesday March 1, 2023 pursuant to the following sub-sections of section 90 of the Community Charter:

(c) labour relations or other employee relations; and

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

18. RISE AND REPORT FROM IN-CAMERA: NIL

ADJOURNMENT



CORPORATE OFFICER

February 21, 2023



REQUEST TO APPEAR AS A DELEGATION

TOWN OF COMOX


TOWN OF COMOX

1809 Beaufort Avenue Ph: (250) 339-2202

Email: town@comox.ca Comox

BC V9M 1R9 Fx: (250) 339-7110

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

Name(s) of person(s) speaking: Angela Fletcher Chris Bate		
Organization you are representing: Comox Valley Coalition to End Homelessness		
Primary purpose of Organization: To collectively respond to homelessness and increasing affordable housing in the Comox Valley.		Number of members: 39
Mailing address of Organization: 625 England Ave Courtenay		Contact Name: Angela Fletcher Phone: 250 218-3752
City: Courtenay	Postal Code: V9N 2N5	Email: Comoxvalleyhousing@gmail.com
Subject matter: Request for contribution towards Coalition recommended affordable housing projects		
Specific request of Council, if any (i.e., letter of support, funding): To contribute a minimum of \$40 000 towards two Coalition member affordable housing projects.		
Requested meeting and date: March 1 2023		AV equipment required: Powerpoint presentation
Date of application: Feb 20 2023	Signature of applicant: 	Print name: Angela Fletcher

Please Note:

1. Regular Council and Strategic Planning Committee Meetings start at 5:00 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 Strategic Planning Committee, and not the audience.
4. All presentation materials/handouts must be submitted no later than Thursday noon, the week prior to the meeting. If the Friday prior to the meeting is a statutory holiday, then presentation materials must be submitted by Wednesday noon.
5. Please ensure that your cell phone is turned OFF during the meeting.

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LOG: 23-045	REFER:	AGENDA: RCM - Mar 1, 2023
FILE: 5040-20	ACTION: MR	



Mayor Nicole Minions
 Town of Comox
 1809 Beaufort Ave.
 Comox BC V9M 1R9

February 22, 2023

Dear Mayor Minions:

The Coalition to End Homelessness has prepared the 2023 funding recommendations for affordable housing projects within the Comox Valley. This year, the Coalition requests a minimum of a \$40 000 contribution from the town of Comox.

As a reminder, we received 5 applications this year. A review committee of Coalition members and advisors first met to discuss the applications and to make initial recommendations for funding allocations. The Coalition leadership team discussed the recommendations and brought them to the Coalition for a consensus vote. With clear support from member agencies, the Coalition recommendations are as follows:

Agency	Approved by the CVRD \$290 000	Request to Comox \$40 000
Comox Valley Transition Society	\$70 000	\$30 000
Wachiay Friendship Centre	\$75 000	
Habitat for Humanity	\$30 000	
Dawn to Dawn	\$75 000	
Comox Valley Affordable Housing Society		\$10 000
Coalition coordination and peer honoraria	\$40 000	

Requests to Comox:

- **Comox Valley Transition Society**
 - 22 units of Affordable Housing for families in Cumberland. Modular build with 2-4 bedrooms per unit. Partnership with Dawn to Dawn.

- **Comox Valley Affordable Housing Society**
 - 52 units for seniors and those with disabilities. Opening 2024.

Please note that the CVRD recommendations were approved, and the requisition was maxed for the 2023/ 2024 year. After consultation with its members, the Coalition will make additional recommendations to the Comox Valley Regional District.

As mentioned in my previous letter to Mr. Wall, details on upcoming housing projects, supports, and Coalition activities can be found in the [2023 Housing Plan](#) and the [2022 Annual Report](#).

We look forward to discussing the 2023 recommended projects and the community's needs in more detail at the March 1st council meeting. We genuinely thank you for your ongoing support and collaboration.

Sincerely,



Angela Fletcher

Coordinator, Comox Valley Coalition to End Homelessness, on behalf of the Leadership team

Cc: Betty Tate, Nicole Morrison, Chris Bate, Brent Hobden, Roger Kishi



TOWN OF COMOX
Minutes of the Regular Council Meeting,
held in Council Chambers on Wednesday February 15, 2023

Present: Mayor N. Minions
Councillors S. Blacklock, K. Grant, C. Haslett,
J. Kerr, J. Meilleur (electronically), M. Swift

Absent: Nil

Staff Present: J. Wall, Chief Administrative Officer
S. Russwurm, Corporate Officer
C. Freundlich, Director of Finance
G. Schreiner, Fire Chief
T. Hagmeier, Recreation Director
S. Ashfield, Director of Operations

Call to Order:

The meeting was called to order at 5:30 p.m. with 5 members of the public in attendance.

Mayor Minions acknowledged that the Town of Comox is standing on the Unceded traditional territory of the K'omoks First Nation.

1. INTRODUCTION AND APPROVAL OF LATE ITEMS: NIL

2. ADOPTION OF AGENDA:

a. Adoption of the Agenda

Adoption of Agenda

That the February 15, 2023 Regular Council Meeting agenda be adopted.

(2023.037) -- CARRIED

3. DELEGATIONS:

a. Callum Matthews and Tanya Massa (4VI and Experience Comox Valley): Overview and Comox Valley Destination Plan

4VI - Experience Comox Valley

Callum Matthews and Tanya Massa provided an overview of 4VI including a history of the organization, main contracts and services provided, and a highlight of some of the projects they are involved with.

b. Betty Tate, Sharon Kardsten and Kari Hackett (Comox Valley Community Health Network): Mid-point substance use strategy report

Substance Use Strategy

The delegation provided an update on the Comox Valley Substance Use Strategy, including a history, the Walk with Me research project, recent milestones and a summary of upcoming projects. They also advised that they are looking for a continued partnership, financial (\$15,000) and in-kind support and a continued Council appointment on the committee.

TOWN OF COMOX - REGULAR COUNCIL MEETING MINUTES

THE MEETING RECESS AT 6:43 P.M. UNTIL AND WAS CALLED BACK TO ORDER AT 6:47 P.M.

4. ADOPTION OF MINUTES:

a. Regular Council Meeting Minutes

RCM Minutes

That the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday February 1, 2023, be Adopted.

(2023.038) -- CARRIED

5. COUNCIL COMMITTEE MINUTES AND REPORTS:

a. Strategic Planning Committee Meeting Minutes

SPC Meeting Minutes

That the Minutes of the Strategic Planning Committee Meeting, held in Council Chambers on Wednesday February 8, 2023, be Received.

(2023.039) -- CARRIED

6. CONSENT AGENDA:

a. Consent Agenda

Consent Agenda

1. *That the Consent Agenda items as follows be received for information:*

.01 Rev Sulin Milne, St. Peter's Church, February 7, 2023, asking to be beneficiaries of the can and bottle recycling charity bins in Town.

.02 Anonymous, February 7, 2023, requesting that offending lights be permanently disabled or altered to comply with the Town's own Bylaws.

.03 Helen Boyd, Canadian Association of Nurses for the Environment, February 8, 2023, asking UBCM to reconsider accepting sponsorship from fossil fuel companies.

.04 Jesse Ketler, Chair, Comox Valley Regional District, February 8, 2023, requesting feedback regarding a the potential establishment of a Regional Social Development Grant Service.

(2023.040) -- CARRIED

2. *That Item No. 01 (St. Peter's Church requesting to be beneficiaries of the can and bottle recycling charity bins) be removed from the consent agenda for discussion.*

(2023.041) -- CARRIED

3. *That Item No. 02 (request that offending street lights be permanently disabled or altered to comply with the Town's own Bylaws) be removed from the consent agenda for discussion.*

(2023.042) -- CARRIED

4. *That Item No. 04 (CVRD request for feedback regarding a the potential establishment of a Regional Social Development Grant Service) be removed from the consent agenda for discussion.*

(2023.043) -- CARRIED

a. Consent Agenda

Consent Agenda

- 5. *That the Town provide a letter with feedback indicating a willingness to consider the service, with further discussion around the following potential criteria to be included in the establishing bylaw:*
 - *a hard cap on the budget,*
 - *the governance structure,*
 - *the grant funding criteria, and*
 - *the service acting as a funding of last resort.*

That the main motion be amended to remove the last point, "and the service acting as a funding of last resort".

(2023.044) -- CARRIED
[Opposed: Mayor Minions, Councillor KGrant]

- 6. *That the main motion be further amended to add the following text after "the grant funding criteria": "(for example, requiring applicants to seek provincial funding sources prior to requesting funding from the service)".*

(2023.045) -- CARRIED

- 7. *Main motion as amended:*

That the Town provide a letter with feedback indicating a willingness to consider the service, with further discussion around the following potential criteria to be included in the establishing bylaw:

- *a hard cap on the budget,*
- *the governance structure, and*
- *the grant funding criteria (for example, requiring applicants to seek provincial funding sources prior to requesting funding from the service).*

(2023.046) -- CARRIED

7. UNFINISHED BUSINESS:

a. Capital and Special Projects Budget 2023

Capital and Special Projects

- 1. *THAT Council approves for expenditure the capital and special projects, in 'Schedule 'A' of the February 1, 2023 report from the CAO titled "Capital and Special Projects Budget 2023", and their inclusion in the 2023-2027 draft Financial Plan.*

(2023.047) -- CARRIED

- 2. *That Schedule 'B' of the February 1, 2023 report from the CAO titled "Capital and Special Projects Budget 2023" be amended to remove the \$8,000,000 Universal Water Metering capital expansion project in 2023; and further,*

THAT Council approves for expenditure the capital and special projects, in 'Schedule 'B' (as amended) of the February 1, 2023 report from the CAO titled "Capital and Special Projects Budget 2023", and their inclusion in the 2023-2027 draft Financial Plan.

(2023.048) -- CARRIED

a. Capital and Special Projects Budget 2023

Capital and Special Projects

- 3. *That 'Schedule 'C' of the February 1, 2023 report from the CAO titled "Capital and Special Projects Budget 2023" be amended to combine the \$25,000 Climate Vulnerability Assessment in 2023 and the \$70,000 Climate Action Plan in 2024 into a single \$85,000 Assessment and RFP project in 2023; and further,*

THAT Council approves for expenditure the capital and special projects, in 'Schedule 'C' (as amended) of the February 1, 2023 report from the CAO titled "Capital and Special Projects Budget 2023", and their inclusion in the 2023-2027 draft Financial Plan.

(2023.049) -- CARRIED

- 4. *THAT 'Schedule 'D' of the February 1, 2023 report from the CAO titled "Capital and Special Projects Budget 2023" be amended to remove the \$125,000 replacement of the Village Park Tot Lot playground equipment in 2024 and add \$1,000,000 for the installation of a skate park and pump track in 2024.*

That the main motion be amended to add the text at the end: ", subject to grant funding".

(2023.050) -- CARRIED

- 5. *Main motion as amended:*

THAT 'Schedule 'D' of the February 1, 2023 report from the CAO titled "Capital and Special Projects Budget 2023" be amended to remove the \$125,000 replacement of the Village Park Tot Lot playground equipment in 2024 and add \$1,000,000 for the installation of a skate park and pump track in 2024, subject to grant funding.

(2023.051) -- CARRIED

- 6. *THAT Council approves for expenditure the capital and special projects, in 'Schedule 'D' (as amended) of the February 1, 2023 report from the CAO titled "Capital and Special Projects Budget 2023", and their inclusion in the 2023-2027 draft Financial Plan.*

(2023.052) -- CARRIED

8. SPECIAL REPORTS: NIL

9. BYLAW ADOPTIONS:

a. Comox Fees and Charges Bylaw No. 2012, 2023

General Fees and Charges

That Comox Fees and Charges Bylaw No. 2012, 2023 be Adopted

(2023.053) -- CARRIED

b. Comox Sanitary Sewer and Water Services Parcel Tax Bylaw No. 2014, 2023

Sanitary Sewer and Water Parcel Taxes

That Comox Sanitary Sewer and Water Services Parcel Tax Bylaw No. 2014, 2023 be Adopted

(2023.054) -- CARRIED

c. Water, Sewer and Refuse Fees

Water, Sewer and Refuse Fees

1. *That Comox Water Rates and Regulations Amendment Bylaw No. 2011, 2023 be Adopted*
(2023.055) -- CARRIED
2. *That Comox Sewer User Rates Bylaw No. 2013, 2023 be Adopted*
(2023.056) -- CARRIED
3. *That Comox Refuse Collection Amendment Bylaw No. 1585.11, 2023 be Adopted*
(2023.057) -- CARRIED

d. Comox Municipal Marina Fees and Regulations Bylaw No. 2010, 2023

2023 Marina Rates

That Comox Municipal Marina Fees and Regulations Bylaw No. 2010, 2023 be Adopted
(2023.058) -- CARRIED

10. NEW BUSINESS:

a. Development Variance Permit Application DVP 22-9: 246 Glacier View Drive

246 Glacier View Drive

That Development Variance Permit DVP 22-9 for 246 Glacier View Drive be issued subject to the Development Variance Permit Conditions listed in Schedule 1 of the February 15, 2023 Planning Report on DVP 22-9.

(2023.059) -- CARRIED

11. NOTICES OF MOTION: NIL

12. CORRESPONDENCE:

a. Lee Everson (Dawn to Dawn Action on Homelessness Society): Gukwās sa Wagalus project requests

Dawn to Dawn

That the January 31, 2023 request from Lee Everson of the Dawn to Dawn Action on Homelessness Society for funding and exemption from fees and taxes be received and referred to operational budget for consideration.

(2023.060) -- CARRIED

b. Linda Thomas (Filberg Heritage Lodge and Park Association) & Dave Stevenson (Comox Nautical Days): Funding request

Filberg Festival & Nautical Days request

That the February 6, 2023 letter from Linda Thomas of the Heritage Lodge and Park Association, and the February 3, 2023 letter from Dave Stevenson of the Comox Nautical Days, requesting funding for a shuttle bus be received and filed for information.

(2023.061) -- CARRIED

c. Angela Fletcher, Coordinator (Comox Valley Coalition to End Homelessness): 2023 Funding Request

Affordable Housing Contribution

That the letter received February 9, 2023 from Angela Fletcher of the Comox Valley Coalition to End Homelessness be received, and that the Town's 2023 homelessness grant of \$40,000 be provided as follows: \$30,000 to the Comox Valley Transition Society for 22 units of affordable housing for families in Cumberland, and \$10,000 to the Comox Valley Affordable Housing Society for 52 units for seniors and those with disabilities in Comox.

(2023.062) -- CARRIED

13. LATE ITEMS: NIL

14. REPORTS FROM MEMBERS OF COUNCIL:

a. Councillor Blacklock

Councillor Blacklock advised that he attended the regional district sewer commission as alternate.

b. Councillor Swift

Councillor Swift advised that she attended:

- the Filberg Heritage Lodge and Park Association meeting, and
- the regional district sewer commission meeting.

c. Councillor Haslett

Councillor Haslett advised that he attended the Local Government Leadership Academy sessions.

d. Councillor Meilleur

Councillor Meilleur advised that he attended the Local Government Leadership Academy sessions.

e. Councillor Kerr

Councillor Kerr advised that he attended:

- two sessions of the Male Allyship Training for Elected Officials,
- the regional hospital board meeting,
- the regional solid waste management board meeting,
- a Filberg Lodge and Nautical Days joint meeting, and
- a doctor recruitment task force meeting.

f. Councillor Grant

Councillor Grant advised that he attended:

- the regional hospital board meeting,
- the regional solid waste management board meeting,
- the regional district water committee meeting,
- the regional district recreation commission meeting, and
- the regional district board meeting.

g. Mayor Minions

- Mayor Minions advised that she:
- met with the CAO and the BC Economic Development Association,
 - met with a community member regarding community advertising,
 - participated in a photo opportunity for the new Electric Vehicle charging station,
 - made a video on behalf of the Town for the Comox Valley Foundation, and
 - met with the Aboriginal Housing Management Association on behalf of Mayor Wells.

17. RESOLUTION TO GO IN-CAMERA: NIL

18. RISE AND REPORT FROM IN-CAMERA: NIL

Adjournment:

Regularly moved and seconded that the meeting adjourn at 9:08 p.m. *CARRIED*

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

MAYOR

CORPORATE OFFICER



RECEIVED

31Jan2023

TOWN OF COMOX

LOG: 23-032	REFER:	AGENDA: RCM 15Feb23
FILE: 5040-01	ACTION: MR	

January 31, 2023

Town of Comox
Administration Department

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Gilakas'la Mayor and Council,

Thank you for allowing Dawn to Dawn with the opportunity to share our Gukwas sa Wagalus project at the last council meeting.

Please accept our request listed below;

- Consideration for municipal tax exemption should Gukwas sa Wagalus fall within the Comox boundary.
- Leniency on permitting, developmental fees.
- A donation of \$2500 donation to go towards the project for development, fundraising - awareness activities.

Thank you for your time and consideration, we look forward to hearing from you.

Halakas'la

Lee Everson (she, her, hers)
Project Manager
Gukwas sa Wagalus - Rainbow House
250-702-6740

I am honoured to live, work and play on the traditional unceded ancestral lands of my family, the Puntledge, E'iksen and K'omoks Peoples.

RECEIVED

06Feb23

TOWN OF COMOX

LOG: 23-034	REFER:	AGENDA: RCM 15Feb23
FILE: 8100-20/Naut	ACTION: MR	

o - cfile 8100-20/Naut
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 -JW/SR/LP/SA



February 6, 2023

Town of Comox
 1809 Beaufort Avenue
 Comox BC
 V9M 1R9

Dear Town of Comox Council,

This BC Day Long weekend, Filberg Heritage Lodge and Park Association and Comox Nautical Days are partnering to offer two shuttle locations that will service both festivals. With the sewer conveyance project, there will be an impact on parking and access to the downtown core. We are hopeful that offering two different shuttle service locations will increase attendance at our festivals and limit traffic concerns for potential residents and visitors.

We will offer one shuttle service from GP Vanier Secondary in Courtenay and one from Phil & Jennie Gaglardi Academy in Comox. The shuttle service will be delivered from Friday, August 4, to Monday, August 7, to accommodate attendees of both Festivals. The timing of the shuttles will accommodate both festivals, running from 9 am – 9 pm daily, and further consideration will be given to the timing of the fireworks.

The cost to put on two shuttle locations is approximately \$10,000. There is an honorarium for the use of Phil & Jennie Gaglardi Academy, a small fee for the use of GP Vanier Secondary, bus rental with driver service, porta-pottie rentals for both locations, paid parking lot manager positions for both sites, and miscellaneous parking supplies such as tents, tables chairs, needed to ensure that these two locations run smoothly for the BC Day long weekend. Each festival will come to the table with financial support to ensure this service can be offered to our community.

We will charge a fee of \$5 per person to use the shuttle, with children 12 and under being free. This will help the two Festivals recover funds put into the shuttle service and allow us to put this money back into our Festivals in hopes of continuing this service year after year.

On behalf of the Filberg Heritage Lodge and Park Association and Comox Nautical Days, I am writing with a formal request for financial support of \$3,000 to assist with the cost of the shuttle service that will be offered during BC Long Weekend for both of our Festivals.

We look forward to hearing from you. If you have further questions, please do not hesitate to contact Dave Stevenson, Comox Nautical Days, or Linda Thomas, Filberg Heritage Lodge and Park Association.

Kind Regards,

Linda Thomas
 Executive Director
 Filberg Heritage Lodge and Park Association

Dave Stevenson
 Comox Nautical Days

RECEIVED

FEB 06 2023

TOWN OF COMOX



LOG: 23-035	REFER:	AGENDA: RCM 15Feb23
FILE: 8100-20/Naut	ACTION: MR	

o - cfile 8100-20/Naut
Copies - Council
-JW/SR/LP/SA

February 3, 2023

Comox Nautical Days Festival would like to use a shuttle bus system this summer, as parking and driving to the festival site will be an issue. This has been discussed with the Filberg Festival committee because of the new sewer system being constructed. CNDF is asking for an additional \$3000 to pay for the busses and other expenses needed to get the public to the site.

Thank you for your consideration,
David Stevenson
Producer
Comox Nautical Days

LOG: 23-040	REFER:	AGENDA: RCM 01Mar23
FILE: 6520-20/22	ACTION: MR	

o - cfile 6520-20/22-01
Copies - Council
-JW/MK/SR

From: Lisa Bourgeois [REDACTED]
Sent: February 10, 2023 12:12 PM
To: council <council@comox.ca>
Subject: Tree protection by-law

Hello Comox Council Members,

Just wanted to share some photos of a beautiful mature fir tree that my neighbour decided to cut down today. When I contacted the Town of Comox, I was informed that there are no tree protection bylaws, or permits required in my area.

I'd encourage council to discuss this topic, as there are many properties in Comox that have very large, mature trees.

I am disappointed that I was not consulted in the process, but I understand that it's the owners discretion on what to do on their property. It's disheartening to see a such a large tree be cut down when there were alternatives such as ongoing, regular maintenance.

As you can see in the photos, this tree provided my home with privacy and shade, it also is home to many birds and small animals.

My ask...Can trees (like this one) be protected so that owners wanting to cut them down —for reasons other than damaging their home or plant sickness —have go through a process and get permission?

Thank you for your time and consideration. If you wish to contact me, please do.

Lisa Bourgeois
[REDACTED]
[REDACTED]









RECEIVED

10Feb23

TOWN OF COMOX

February 10, 2023

Ref: 272022

Dear Mayors and Regional Chairs:

I am pleased to let you know of the significant investment our government has made to support all our municipalities and regional districts around the province. This is in direct response to my mandate letter to support growing municipalities and regional districts with funding for infrastructure and community amenities.

Today Premier David Eby and I announced the [B.C. building stronger communities with \\$1-billion Growing Communities Fund | BC Gov News](#). The fund will provide a one-time total of \$1 billion in direct grants to all 188 of B.C.'s municipalities and regional districts. Your local government can use it to address your community's unique infrastructure and amenities demands, such as recreation facilities, parks and water treatment plants, as well as other community infrastructure. It will help communities prepare for future growth and build the amenities needed to support new home construction, especially with the *Housing Supply Act* where targets are set.

These grants will complement existing infrastructure funding programs for projects such as sewer, water and recreation facilities. The province will distribute them to B.C.'s 188 municipalities and regional districts by the end of March 2023. The Growing Communities Fund arises from the surplus shown in the Second Quarter Financial Report. The province is putting this year's surplus to work for people to support them now and for the long term.

The province has heard from local governments about the need for infrastructure and amenities to support their growth. Infrastructure funding programs are routinely significantly oversubscribed. For example, there were six times more requests for funding through the "Investing in Canada Infrastructure Program Community Culture and Recreation" stream than what was available. This one-time fund also supports priorities identified by the Union of British Columbia Municipalities (UBCM).

The Ministry will issue a direction letter to each local government in March 2023 including further details on this one-time direct grant. This will include information on the formula used to allocate the funds, the amount your local government will be receiving and the province's expectations for the use and reporting of the funds.

As this is a direct grant from the province to each municipality and regional district in B.C., your local government will not have to apply for the funds. Your council or board will be required to make decisions on the use of the funds in compliance with this second letter coming in March 2023. Projects that support neighboring First Nations communities are strongly encouraged.

.../2

LOG: 23-042	REFER:	AGENDA: RCM 01Mar23
FILE: 1855-03	ACTION: file	

o - cfile
Copies - Council
-JW/CF

I trust you will join me in acknowledging the importance and value that this fund will have to focus on building a secure, low emission, sustainable economy and a province where everyone can find a good home – whether you live in a rural area, a city, or in an Indigenous community. Together we can make life better for people in B.C., improve the services we all rely on, and ensure a sustainable province for future generations.

I look forward to connecting with you again soon in person or virtually as I continue to tour and meet with local elected officials. In the interim, any questions can be directed to myself at:

Minister.MUNI@gov.bc.ca. Staff are available at: LGIF.Infra@gov.bc.ca.

Sincerely,



Anne Kang
Minister
Ministry of Municipal Affairs

pc: The Honourable David Eby, Premier
 The Honourable Katrine Conroy, Minister of Finance
 Chief Administrative Officers
 Okenge Yuma Morisho, Deputy Minister, Municipal Affairs
 Jen Ford, President UBCM
 Gary Maclsaac, Executive Director, UBCM



OMBUDSPERSON
BRITISH COLUMBIA

RECEIVED

February 14, 2023

15Feb23

Delivered via email

TOWN OF COMOX

Mayor Nicole Minions
Town of Comox
1809 Beaufort Avenue
Comox BC V9M 1R9

LOG: 23-044	REFER:	AGENDA: RCM 01Mar23
FILE: 0584-01	ACTION: file	

o - cfile
Copies - Council
-JW/SR/LP

Dear Mayor Minions:

With many new municipal mayors and council members elected and now sworn in across the province, I wanted to reach out and let you know how the Office of the Ombudsperson can work with, and help, local governments in British Columbia.

If you are continuing in your elected position, thank you for your service to British Columbians. And if you are newly elected, welcome to your very important role.

My office takes complaints from the public about all of the local governments in BC. We are an oversight body, one of the independent offices of the Legislature, and our mandate is to be BC's independent voice for fairness and accountability of the public sector. When we receive people's concerns about public services, we conduct impartial investigations and address the fairness problems that we find. For local governments, that means you may hear from us when we have received a complaint about your municipality and are investigating to determine whether the standard of fair and reasonable service set out in the *Ombudsperson Act* has been met. Where fairness issues are identified, we can consult with you to find a way to address the issues in order to ensure fairness moving forward.

We are also available to help. Our [Public Authority Consultation and Training team](#) can assist you with any questions about fairness you may have. A number of [useful resources](#) are also available on our website, including:

- A [Complaint Handling Guide](#), which contains a [Model Complaints Policy](#);
- Our Quick Tip resource [On Complaint Handling for Local Governments](#);
- [Bylaw Enforcement: Best Practices Guide for Local Governments](#);
- [Open Meetings: Best Practices Guide for Local Governments](#);
- Our 1-hour online [Fairness 101 course](#); and
- Educational [webinars](#).

Our office is also offering a [webinar](#) for public bodies on our recently released [Fairness by Design guide](#). In the webinar, we'll outline the fairness standards found in the guide and how they can be used to ensure your programs are delivered fairly. We will also answer your questions. Webinar details are below:

- **Thursday, March 16, 2023 from 10:00 a.m. – 11:00 am**
- [Register here](#)

Please share this invitation with anyone in your organization who may be interested.

Once again, thank you for the important local government role you took on. We look forward to working with you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jay Chalke', written in a cursive style.

Jay Chalke
Ombudsperson
Province of British Columbia

RECEIVED

24Feb23

Wounded Warrior Run BC
1565 Cedarglen Rd
Victoria, BC V8N 2B1

TOWN OF COMOX



8 February 2023

LOG: 23-048	REFER:	AGENDA: RCM 01Mar23
FILE: 8100-01	ACTION: MR	

Town of Comox
1809 Beaufort Ave
Comox, BC V9M 1R9

o - cfile 8100-01
Copies - Council
- JW/SR/CF/LP

RE: Wounded Warrior Run BC 2023

Dear Mayor Minions & Council,

The Wounded Warrior Run BC team is celebrating our 10th annual event to raise funds for life changing programs offered by Wounded Warriors Canada. As we all know, since the pandemic, the need is greater than ever to help Canada’s Veterans, First Responders, and their families feel **safe, supported, and understood**.

As a mental health service provider, Wounded Warriors Canada (WWC), provides a range of clinically facilitated programs specifically developed to support the unique needs of Veterans, First Responders, and their families. These programs support individuals, couples, spouses, surviving spouses, and children of those who serve or have served our country and communities.

The Wounded Warrior Run BC team is committed to making as much positive impact as possible by raising funds and awareness through our events. **This year the run event is February 26th to March 5th, 2023 starting in Port Hardy and ending in Victoria.**

To assist us in ensuring the Wounded Warrior Run BC is safe and causes the least amount of disruption to residents, we would like to ask if the event be added to your community calendar in the days prior to alert of delays. In addition, please provide notification on any other communication sites, such as social media to alert the public.

We would also like to extend the invitation to Mayor Minions & Council to meet the team on Wednesday, March 1, 2023, at 3:30 p.m. when we arrive at 888 Wing Air Force Association. We invite all of the Mayors in the Comox Valley to attend the celebrations and make a short address. 888 Wing puts together a bbq for everyone attending. The team will be leaving 888 Wing at 5:00 p.m.

We are in the midst of a mental health epidemic in our country and, indeed, around the world. Rates of depression, anxiety disorders, PTSD, addictions and suicide are at an all-time high, with predictable negative impacts on families and communities. There has never been a more critical time to be engaged in mental health and we’re thankful to be making an impact on those who serve our country and communities. It is because of your help that we will be able to continue our mission.

A number of our programs are delivered in Sooke, the founding location for the Trauma Resiliency Program and COPE. We are eager and excited to raise funds awareness for the WWC and our team has set the ambitious goal of raising \$250,000. **Please consider a minimum \$2,000 donation.**

Thank you for your incredible support to Wounded Warriors Canada and for continuing to grow our partnership. Please contact the undersigned for any questions.

Much respect,

A handwritten signature in cursive script that reads "J Zweng".

Jacqueline Zweng
Director
Wounded Warrior Run BC
250-661-4333 / jacqueline@woundedwarriors.ca

To: Mayor and Council	File:
From: Jordan Wall, Chief Administrative Officer	Date: March 1 2023
Subject: Summer Market Options	

Report Approved:


 Jordan Wall, CAO

RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

THAT Council directs Administration to engage with the Comox Valley Famers Market to establish a summer market at the Community Center field as soon as feasible.

ALTERNATIVES TO THE RECOMMENDATIONS

- 1) THAT Council directs Administration to engage with Love Local Food for the provision of a summer market at Marina Park.
- 2) THAT Council directs Administration to direct award a contract to Love Local Food for the provision of a summer market at Marina Park.
- 3) THAT Council directs Administration to release a RFP for the provision of a summer market at Marina Park (or Community Center Field).
- 4) THAT Council directs Administration to engage with the Comox Valley Farmers Market to establish a summer market at Marina Park.

PURPOSE

To provide Council options on establishing a Summer Market in the Town of Comox.

BACKGROUND

Starting in April of 2021 Love Local Food, a local for profit venture, approached the Town with a number of business proposals for the Town to consider.

- April 26th 2021 Love Local Food considered partnering with Portside Produce, a short lived produce stall on 1770 Comox ave, to have the site serve as a pick up location for locally prepared food boxes.
 - This request was approved
- March 31 2022 Love Local Food proposed a weekly summer market on Comox Ave near Port Augusta Street with the following requests of the town: insurance coverage, licencing fees, set up and take down of road closures, garbage clean up, communications support, and \$35,000 cash contribution or \$10,000 cash contribution to other costs.
 - This request was denied due to the major work required to shift bus routes by BC Transit and the financial and other in-kind requests being outside of Community Charter compliance.
 - A permanent change in bus routes was considered as an option to free up Comox ave for these type of events in the future but given the imminent conveyance project, consideration for a permanent switch was delayed. This is not something that Administration is actively pursuing but could begin discussions/analysis if given direction by Council.
- Jan 2023 Love Local Food proposed a Summer Market at Marina Park with the following requests from the Town: exclusive commercial use of the park at the time, reserved parking spots, traffic management, joint marketing, and support in coordinating a shuttle service with BC Transit.
 - Council requested a report on potential summer market possibilities after reviewing this proposal and being verbally briefed by Administration on the difficulties in partnering with a for profit business.

ANALYSIS/ISSUES/IMPLICATIONS

After receiving direction from Council to investigate summer market options, Administration reached out to the Comox Valley Farmers Market. A brief synopsis of the two groups and potential markets is provided below. Following this, a list of potential options is presented to Council.

Love Local Food

Provision of a weekly summer market which includes local artisans, foods, and grown items. Can start in 2023 if space is secured. Will include a music component.

Vision only includes a downtown location (Comox ave or Marina Park).

Requests for the Town: Insurance coverage, washroom access, garbage cans, reserved parking spots, traffic management/control, joint marketing, support to work with BC Transit for a shuttle service, \$10,000 cash contribution towards start up costs or only in-kind services listed above.

The Town would not be able to provide insurance coverage or an in-kind contribution. The Town would be able to provide all other requests at a cost plus basis.

Comox Valley Farmers Market (CVFM)

Provision of a weekly summer market. To start after the conveyance project is complete. Vendors must make, bake, grow, raise, or wild harvest their goods in the Comox Valley/Strathcona area. Can partner with Comox Valley Home Based Business Association or Comox Valley Arts to expand type of products offered if desired by the Town.

Open to any location suggested by the Town.

Requests for the Town: Only power has been requested but it is likely the Town would also provide joint marketing support and at least some support in event layout/parking planning.

Options for Council

- 1) Partner with the Comox Valley Farmer Market for the provision of a Summer Market once the Conveyance project's traffic impacts are complete.
 - i. CVFM is a long standing organization with a track record of successfully providing summer markets in the Comox Valley
 - ii. CVFM has established relationships with other formal market providers like the Comox Valley Home Based Business Association and Comox Valley Arts and can include them in the markets.
 - iii. Flexible on locations for the market
 - iv. Does not require support from the Town other than a location.
 - v. Will likely not have a summer market established in 2023.
- 2) Work with Love Local Food on a cost plus basis for service provision
 - i. Will allow the establishment of a summer market in the near term.
 - ii. Potential for innovation in market provision and more local flavour to the market.
 - iii. Municipal costs may be high for requested support.
- 3) Indicate to Love Local Food a willingness to partner if non-profit status is achieved
 - i. Will delay the provision of a market this summer
 - ii. Allows the partnership requests by Love Local Food without Community Charter concerns.
 - iii. Love Local Food indicated a willingness to change to a non-profit if a location is secured.
- 4) Release RFP for summer market provider

- i. Will be Town run event (costs and liability)
 - ii. Will allow control over the event and allow a market provider to be chosen through a competitive process.
 - iii. If designated a high priority issue by Council, an RFP could be release with the hope of a market establishment this summer.
- 5) Direct award Love Local Food a contract to manage and provide a summer market for the Town
- i. Will be Town run event (costs and liability).
 - ii. Would ensure the summer market could happen in 2023.
 - iii. Would require staff time, support, in kind services.
 - iv. Will allow all requests for support from Love Local Food to be met.

GOVERNANCE CONSIDERATIONS

Council should give thought to three items:

- Whether they would like to see a summer market at Marina Park, the Community Center field, or another location.
- The importance of the establishment of a market in the near term vs the long term stability market provision.
- The local entrepreneurial nature of the proposal made by Love Local Food vs the established long standing provision on markets in the valley by the Comox Valley Farmer's Market.

Administration has provided a recommendation to move forward with the Comox Valley Farmer's Market due to it's long track record of providing this service in the valley along with the ability of the organization to provide a summer market with minimal municipal resources.

To: Mayor and Council	File:
From: Jordan Wall, Chief Administrative Officer	Date: March 1 st 2023
Subject: RCMP Officer Increase Request	

Report Approved:



Jordan Wall, CAO

RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

THAT Council move consideration of the request from the RCMP for additional members to 2023 strategic planning process.

ALTERNATIVES TO THE RECOMMENDATIONS

- 1) THAT Council approves the addition of 2 officers to the Town’s maximum RCMP officer allocation.
- 2) THAT Council approves the addition of 1 officer to the Town’s maximum RCMP officer allocation.

PURPOSE

To determine maximum RCMP officer funding for the Town of Comox

BACKGROUND

The Town received a request from the RCMP on January 17th with a request to increase the maximum number of RCMP officers that can be funded by the Town by 2 officers. Comox currently has 11.3 officers as the maximum number of officers that can be funded by the Town. Comox has maintained this level of maximum officer funding since 2008. As noted in the letter received from the RCMP “There has been a 5.5% population increase in the past 5 years and a 29.8% increase to the population base in the Town of Comox in the past 20 years. Consideration has been given for population growth in the Town of Comox and that the projected new census statistics will support a population base of over 15,000 which will trigger a new funding formula for policing services in the community.”

ANALYSIS/ISSUES/IMPLICATIONS

The Town of Comox currently maintains a low per capita RCMP funding amount as well as both low crime rates and case loads.

Policing and Security Branch, Ministry of Public Safety and Solicitor General, December 2022

9

RCMP MUNICIPAL UNITS: 5,000 TO 14,999 POPULATION

Municipality	Population	Auth. Streng	Adjusted Strength	Pop Per Officer	CCC Offences	Crime Rate	Case Load	Total Costs	Cost Per Capita
Coldstream Mun	11,750	7	7	1,679	338	29	48	\$1,127,301	\$96
Peachland Mun	6,043	4	4	1,511	269	45	67	\$578,696	\$96
Summerland Mun	12,883	9	9	1,431	884	69	98	\$1,708,988	\$133
Armstrong Mun ¹¹	5,524	4	4	1,381	249	45	62	\$570,861	\$103
Spallumcheen Mun	5,490	4	4	1,373	179	33	45	\$629,490	\$115
Comox Mun	15,206	12	12	1,311	478	31	41	\$1,772,650	\$117
Sooke Mun	15,539	13	13	1,195	841	54	65	\$2,235,441	\$144
Qualicum Beach Mun	9,387	8	8	1,173	273	29	34	\$1,131,739	\$121
Ladysmith Mun	9,231	8	8	1,154	492	53	62	\$1,194,582	\$129
North Saanich Mun	12,500	11	11	1,136	353	28	32	\$1,717,787	\$137
Kimberley Mun	8,308	8	8	1,039	244	29	31	\$1,190,917	\$143
Fernie Mun ¹¹	6,203	6	6	1,034	266	43	44	\$801,497	\$129
Kent Mun ³	6,635	6	7	1,015	352	53	54	\$1,188,294	\$179
View Royal Mun	12,034	12	12	1,003	625	52	52	\$2,198,551	\$183
Osoyoos Mun ¹¹	5,596	6	6	933	425	76	71	\$926,151	\$166
Sechelt Mun ³	10,966	11	12	930	937	85	79	\$1,948,416	\$178
Lake Country Mun ¹²	16,238	18	18	902	718	44	40	\$2,214,811	\$136
Sidney Mun	12,279	15	15	819	480	39	32	\$2,389,327	\$195
Parksville Mun	13,803	17	17	812	1,385	100	81	\$2,296,258	\$166
Creston Mun ¹²	5,620	7	7	803	478	85	68	\$1,120,711	\$199
Powell River Mun	14,024	20	20	701	1,351	96	68	\$3,122,036	\$223
Castlegar Mun	8,576	13	13	660	982	115	76	\$1,734,198	\$202
Revelstoke Mun	8,429	14	14	602	426	51	30	\$2,077,105	\$246
Trail Mun	8,168	14	14	583	1,022	125	73	\$2,245,644	\$275
Smithers Mun	5,697	10	10	570	892	157	89	\$2,188,187	\$384
Whistler Mun ³	13,918	25	25	557	773	56	31	\$4,511,675	\$324
Dawson Creek Mun	13,087	25	25	523	2,077	159	83	\$3,590,579	\$274
Hope Mun ³	6,767	13	14	475	1,302	192	91	\$2,247,158	\$332
Terrace Mun	13,125	28	28	469	2,432	185	87	\$4,413,505	\$336
Williams Lake Mun	11,505	25	25	460	2,394	208	96	\$4,582,596	\$398
Merritt Mun	7,611	17	17	448	1,323	174	78	\$2,633,095	\$346
Quesnel Mun	10,122	23	23	440	2,323	230	101	\$4,609,737	\$455
Kitimat Mun	8,564	20	20	428	987	115	49	\$2,802,075	\$327
Prince Rupert Mun	13,177	36	36	366	2,012	153	56	\$5,944,388	\$451
Total	344,005	469	471	730	30,562	89	65	\$75,644,446	\$220

As seen above, Comox's per capita police funding of \$117 is one of the lowest in the Province. However, Comox also enjoys one of the lowest crime rates in the Province. For comparison, the City of Courtenay has an authorized strength of 31 officers, per capita funding for RCMP of \$192, with a crime rate of 150, and case load of 138. Due to differences in funding (Comox contributing 70% funding and Courtenay 90%) a direct comparison of funding would be Comox \$145 vs Courtenay \$192 per capita.

The following average calls per month received by the RCMP originating from the Town of Comox shows an overall decline in calls for service. This does not necessarily indicate a decrease in crimes committed or policing needs. Factors which could impact this like severity of the crime or the amount of online reporting are not reflected in these numbers:

2019	2020	2021	2022
225	233	203	194

While Comox is contracted to pay up to 11.3 RCMP officers it has not traditionally been the case that Comox has actually funded this amount. The Town only pays for the actual number of officers attributed to the Town:

2017	2018	2019	2020	2021	2022
9.1	10.7	10.2	9.2	8.5	10.4

The reason for these numbers not meeting the contract amount of 11.3 is that officers that are away for medical or personal reasons are still attached to the department (using one of the contract spots) but are not charged to the municipality. If there were a situation where all officers were healthy and not using leave, Comox would be required to fund the total amount of officers in the contract.

Historically, Comox has used any amounts not billed to the Town to fund its Public Safety Reserve. The Public Safety reserve currently sits at \$95,000 and has been significantly depleted as the Town set aside \$500,000 for retro-active pay increases that have been negotiated between the Federal Government and RCMP. The Public Safety Reserve acts as a protection against the Town in the event of a major crime. Increases in RCMP costs due to major crimes are largely billed to the town in which the crime occurred. In some instances serious crimes like murders can cost close to an extra \$1 million for a community to complete.




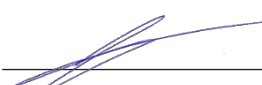
FINANCIAL CONSIDERATIONS

Each RCMP officer is billed to the Town at 70% of the \$203,000 cost (\$142,000). This amount will increase to 90% of the cost after the next census (\$182,000).

	1 officer 70% funding	2 officers 70% funding	1 officer 90% funding	2 officers 90% funding
Per representative Household increase	\$19.70	\$39.40	\$25.28	\$50.56
Per capita increase	\$9	\$18	\$11.50	\$23.00

Council will be asked during this term to develop a funding strategy for how best to account for the increase in funding from 70% to 90% which will take place in 2026. This change will add approximately \$500,000 in costs to the municipality or \$66 per representative home per year.

To: Mayor and Council	File: OCP 22-1
From: Marvin Kamenz, Director of Development Services Elliot Turnbull, Planner II	Date: March 1, 2023
Subject: OCP 22-1 Tree Cutting in Hazardous Areas	

Prepared by:  Elliot Turnbull Planner II	Supervisor:  Marvin Kamenz, Director of Development Services	Parks Approved:  Robbie Nall, Parks Manager	Report Approved:  Jordan Wall, CAO
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RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

This recommendation is to amend proposed Bylaw 2006 to add exemption criteria to Development Permit Area (DPA) #13 to exempt the following actions from the requirement to obtain a development permit: pruning of trees, cutting down or pruning of hazardous trees (both long standing and immediate), re-topping of previously topped trees and pruning of plants on certain properties in Kye Bay, and the cutting and pruning of immediate hazard trees in the rest of the DPA.

1. That Comox Official Community Plan Amendment Bylaw 2006 (Attachment 1), Section 3(1)(a), be amended as follows:
 - a. Replace sub-section (i) with the following text:

(i) Adding the following text to the beginning of Section 3.13:

The following definitions apply to DPA #13 only:

ANSI Standard A-300 means the American National Standards Institute (ANSI) A300 (Part 1) – 2017 Pruning Standard, and the companion Best Management Practices – Pruning, 3rd Edition (2019).

Cutting down means to entirely sever the main stem of a tree or plant, or to alter or fell a tree or plant or a tree or plant part such that the tree or plant is no longer biologically or structurally viable.

ISA means the International Society of Arboriculture.

Pruning means the selective removal of tree or plant parts. Does not include topping or cutting down.

Plant means a perennial plant other than a tree.

Re-topping means to remove tree growth to shorten a tree to the previous point of topping by either pruning or topping the tree.

Toe of slope means the lowest and first significant and regular break in a slope.

Topping means to sever the upper stem of a tree or plant, resulting in a truncated stem.

Tree means a woody perennial having one or more stems with at least one stem having a diameter of 10 centimetres or more measured at Diameter at Breast Height.

b. Deleting section (iii) to (iv);

c. Adding the following text as section (iii) and renumbering accordingly:

(iii) Adding the following text after section 3.13.4(F):

“A development permit is not required for the following actions:”

d. Adding as section (iv) with the following text:

(iv) Adding the following text as Section 3.13.4(G):

“G. On the properties shown shaded on Figure 10 Kye Bay Properties, pruning of trees provided that a written opinion prepared and executed by an ISA Certified Arborist states that:

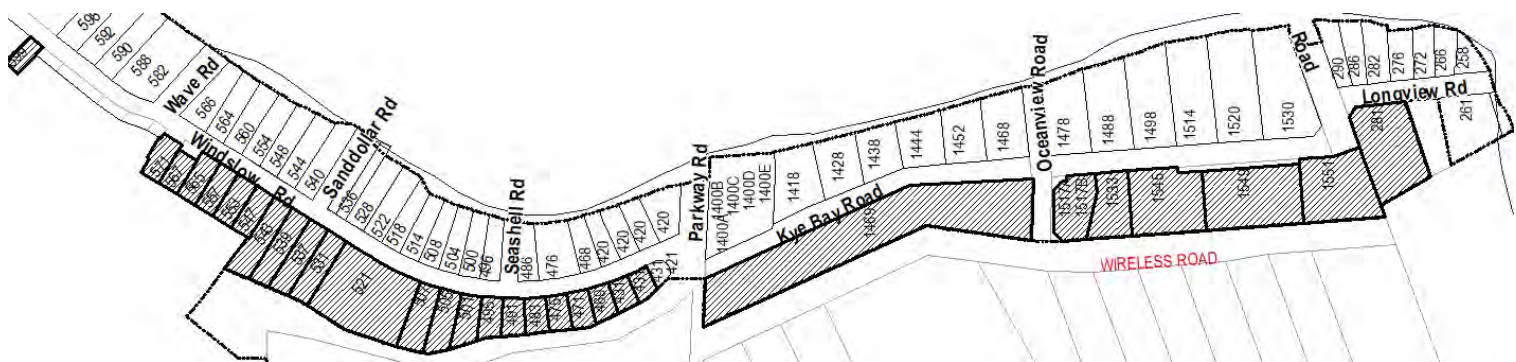
I. the proposed pruning did not undermine the tree’s health;

- II. the proposed pruning was conducted under the supervision of an ISA Certified Arborist;
- III. the proposed pruning was in accordance with the ANSI Standard A-300;
- IV. all tree parts greater than 5 cm in diameter were removed from the slope at time of pruning in a manner that does not create channelized pathways; and,
- V. any disturbances to the existing ground cover or soil were remediated with replanting, repacking, or regrading.”

e. Adding as section (v) the following:

(v) Adding the following text as Section 3.13.4(H):

“H. Pruning, topping or cutting down trees or plants located below the toe of the slope on properties shown shaded on the map below:.”



f. Adding as section (vi) the following text:

(vi) Adding the following text as Section 3.13.4(I):

“I. Cutting down or pruning a hazardous tree that presents an immediate danger to human safety or to property. This must be confirmed by an ISA Certified Arborist. If the property owner cuts down or prunes a tree pursuant to this section, the Owner will advise the Parks Manager that it has done so in writing within one (1) business day of cutting down the tree.”

g. Adding as section (vii) the following text:

(vii) Adding the following text as Section 3.13.4(J):

“J. On the properties shown shaded on Figure 9 Kye Bay Properties, cutting down or pruning a hazardous tree provided that a written opinion prepared and executed by an ISA Certified Arborist states that the tree presents a danger to human safety or to property.”

h. Adding as section (viii) the following text:

(viii) Adding the following text as Section 3.13.4(K):

“K. On the properties shown shaded on Figure 9 Kye Bay Properties, Re-topping of trees provided that a written opinion prepared and executed by an ISA Certified Arborist states that the tree has been previously topped and re-topping did not undermine the tree’s health.”

i. Adding as section (ix) the following text:

(ix) Adding the following text as Section 3.13.4(L):

“L. On the properties shown shaded on Figure 10 Kye Bay Properties, Pruning of plants provided that a written opinion prepared and signed by a Red Seal Landscape Horticulturalist or executed by an ISA Certified Arborist states that:

- I. the pruning did not undermine the plant’s health or substantially reduce existing ground cover;
- II. all plant parts greater than 5 cm in diameter were removed from the slope at time of pruning in a manner that does not create channelized pathways; and,
- III. any disturbances to the existing ground cover or soil were remediated with replanting, repacking, or regrading.”

j. Adding as section (x) the following text:

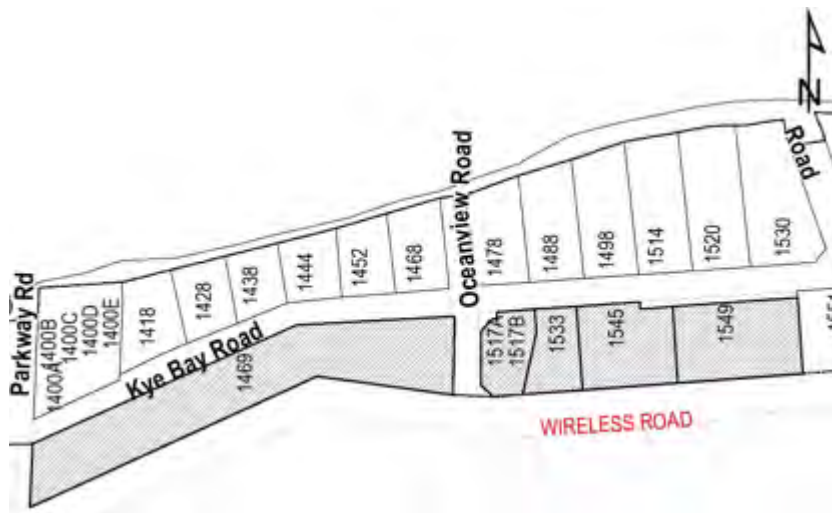
(x) Adding the following text as Section 3.13.4(M):

“M. On Lot 1, District Lot 93, Comox District, Plan 25746, pruning of plants within 30 cm horizontal distance from the edge of an existing trail to a height 2.5 metres above grade.”

k. Adding as section (xi) the following text:

(xi) Adding the following at the end of Section 3.13.4:

“Figure 10 Kye Bay Properties



2. That Comox Official Community Plan Bylaw 2006, as amended, be given Third Reading.
3. That Comox Drainage Infrastructure Protection Amendment Bylaw 2007 be given Third Reading.

ALTERNATIVE RECOMMENDATIONS

Alternative 1 – This alternative is to adopt the amendments under the Recommendation from the CAO and hold a Public Hearing. This is not recommended by Administration as it is not legally required, and the views of the community are well understood through the first two Public Hearings. To proceed with this alternative, Council would first adopt only #1 under the Recommendation from the CAO and then adopt the following motion:

1. That a Public Hearing in respect of Comox Official Community Plan Amendment Bylaw 2006 be scheduled for 6:00pm April 5th, 2023 at d’Esterre House 1801 Beaufort Avenue and the Town publish the requisite notices as required by the *Local Government Act*.

Alternative 2 – This alternative would expand the exemption criteria to allow for more significant trail maintenance (alteration, movement of trail, bracing, stairs, ect.) as allowed in the trail easement located on 1551 Kye Bay Road. This is not recommended by Administration due to the potential slope stability issues with more significant work undertaken. To proceed with this alternative, Council would first adopt only #1 under the Recommendation from the CAO, and then adopt the following motion:

1. That Comox Official Community Plan Amendment Bylaw 2006, Section 3(1)(a), be amended by replacing section (x) with the following text:

(x) Adding the following text as Section 3.13.4(M):

“M. On Lot 1, District Lot 93, Comox District, Plan 25746, the actions listed in easement A38602 undertaken in accordance with the terms of the easement by property owners of Lots 1-7, District Lot 93, Comox District, Plan 25393, or their agents.”

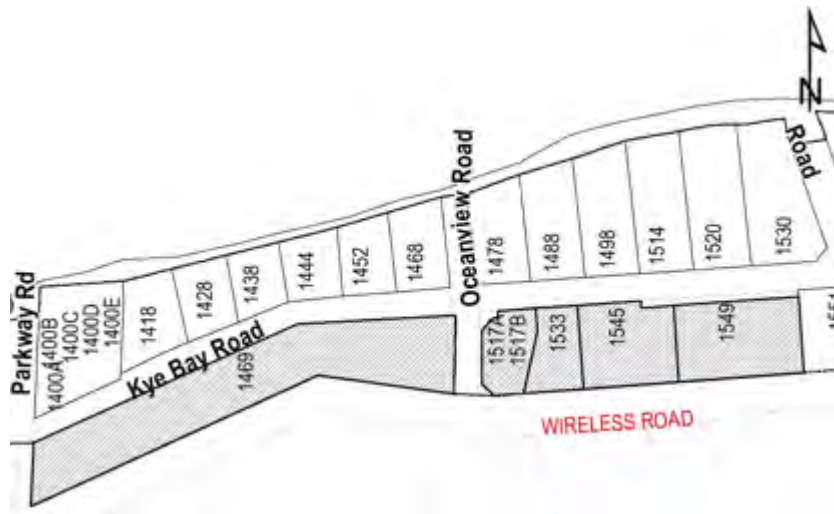
2. That Comox Official Community Plan Bylaw 2006, as amended, be given Third Reading.
3. That Comox Drainage Infrastructure Protection Amendment Bylaw 2007 be given Third Reading.

Alternative 3 – This alternative is to replace most of the exemption criteria in the Recommendation from the CAO with a new criteria to simply exempt all modification, including cutting down, of trees and plants located on properties in Kye Bay between Kye Bay Road and Wireless Road subject to easement A65395 (Attachment 4). The exemption for pruning plants around the existing trail on 1551 Kye Bay Road is maintained. This is not recommended by Administration due to the potential slope stability issues with more significant tree and plant work undertaken, and that tree topping is not supported by the ANSI Standard A300. To proceed with this alternative, Council would first adopt only #1 under the Recommendation from the CAO, and then adopt the following motion:

- 1) That Comox Official Community Plan Amendment Bylaw 2006, Section 3(1)(a), be amended by:
 - a. Deleting sections iv, vii, viii, ix, and xi
 - b. adding as sub-section (iv) the following text:

(iv) Adding the following text as Section 3.13.4(G):

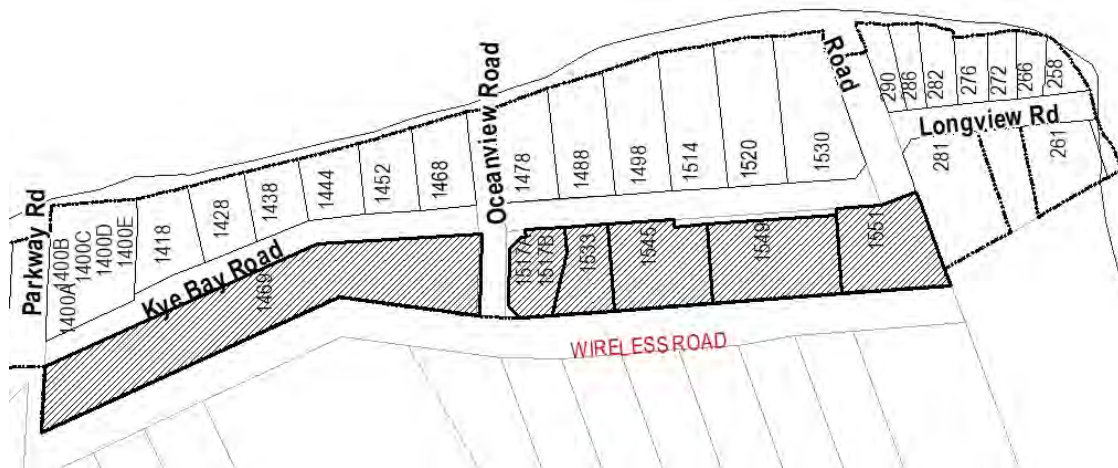
“G. Cutting, pruning, topping, and re-topping of trees and plants located on properties shown shaded on the map below: ”



- 2) That Comox Official Community Plan Bylaw 2006, as amended, be given Third Reading.
- 3) That Comox Drainage Infrastructure Protection Amendment Bylaw 2007 be given Third Reading.

Alternative 4 – This alternative is to investigate the feasibility and cost of obtaining a Geotechnical Report on the Kye Bay slope to inform Council on the status of the slope and how different actions may or may not impact slope stability, prior to adding any exemption criteria to the OCP. To proceed with this alternative, Council would adopt only this alternative and not adopt the Recommendation from the CAO. This is not recommended by Administration as the fundamental slope issues are private property concerns.

That the Town of Comox investigate the feasibility of obtaining a geotechnical report on the slope on the properties shown shaded below including the cost, timeframe for any conclusions of the report, and the nature of a statement of safety or risk that such a report would provide.



PROPOSAL

The proposal is to amend Comox Official Community Plan Bylaw 1685 to exempt certain activities from the requirement to obtain a Development Permit:

- On certain properties in Kye Bay:
 - o Pruning, topping, or cutting down of trees or plants located below the toe of the slope;
 - o Tree pruning;
 - o Cutting down or pruning immediate and long-standing hazard trees;
 - o Re-topping previously topped trees; and,

- Pruning plants¹.
- On properties throughout the rest of Development Permit Area #13, cutting down or pruning immediate hazard trees.

The proposal also includes:

- adding parcels along the deeply incised portion of Golf Creek into Development Permit Area #13 Hazardous Areas;
- repealing Comox Tree Cutting in Hazardous Areas Bylaw 1992; and,
- amending Comox Drainage Infrastructure Protection Bylaw 1824 to remove reference to the Tree Cutting in Hazardous Areas Bylaw.

STRATEGIC PLAN LINKAGE

This Report addresses the following task identified in the 2022 Strategic Priorities Chart for Planning Services: Minor Development Applications.

BACKGROUND

Bylaw 2006 was given First and Second Reading on June 1st, 2022. A Public Hearing was held on August 10th, 2022. On November 16, 2022, the Bylaw was amended to permit modification of vegetation located below the toe of the slope on certain properties in the Kye Bay area to proceed without a development permit application. A Public Hearing in respect of Bylaw 2006 was held on December 7th, 2022.

Summary of Dec 7th, 2022 Public Hearing

A Public Hearing in respect of Bylaw 2006 was held on December 7, 2022. A copy of *Local Government Act*, Section 465 Public Hearing summary report is contained in Attachment 4.

Issues raised at the public hearing include the following:

- Proposed Bylaw 2006 impeding rights granted by easements between properties on Kye Bay and Wireless Roads to top trees and prune vegetation.
- Existence of geotechnical reports conducted in the area which state topping of trees is safe.
- Impact of the easement and inclusion in Development Permit Area #13 Hazardous Areas on the property values of downslope properties in Kye Bay.
- Topping of trees contributes to safety as it reduces the chance of windfall.
- Vegetation pruning contributes to safety as pruning vegetation on the slope encourages root growth.
- Upslope property values based in part on views and loss of views due to vegetation growth impacts property values.
- Desire for neighbourhood relationships to be agreeable.
- Need for a specific plan and development permit area for the Kye Bay neighbourhood to address tree pruning and other issues.

¹ Plants are defined as any vegetation other than a tree which is greater than 10 cm at 1.5 metres above grade.

- Question as to why the exemption for hazard trees located in Comox Tree Cutting in Hazardous Areas Bylaw, 1992 does not exist in Development Permit Area #13.

DISCUSSION

The intent of Bylaw 2006 was to permit tree pruning in accordance with the American National Standards Institute (ANSI) Standard A-300, an industry standard set of criteria to encourage tree pruning in a manner that promotes and respects tree and plant health. Staff were of the understanding that the ANSI Standard A-300 would permit the maintenance of previously topped trees (i.e. the removal of tree growth above the topping point). After further analysis, it was discovered that this action was not supported by the ANSI Standard A-300.

Issues raised at the public hearing include several tree and plant modification situations that were not addressed in proposed Bylaw 2006. These include:

- Addressing hazard trees;
- Topping trees that have never been topped;
- Pruning plants other than trees; and,
- Trail maintenance.

The recommendation of this report is to amend Bylaw 2006 to exempt topping of previously topped trees, address some of the situations listed above with new exemption criteria, and clarify certain definitions that were in the bylaw. The majority of the proposed exemption criteria are only being considered within the Kye Bay Area to address public concerns. The changes that are proposed in this bylaw largely follow the intent of the original version which was to allow the pruning and topping of already topped trees. However, there is an expansion to allow for the cutting and pruning of hazard trees and regular trail maintenance including plant pruning. Administration does not believe a 3rd public hearing on this matter is legally required and the views of the community are well understood through the first two. However, Council may choose to schedule a public hearing on the proposed changes if desired. This is included as Alternative #1

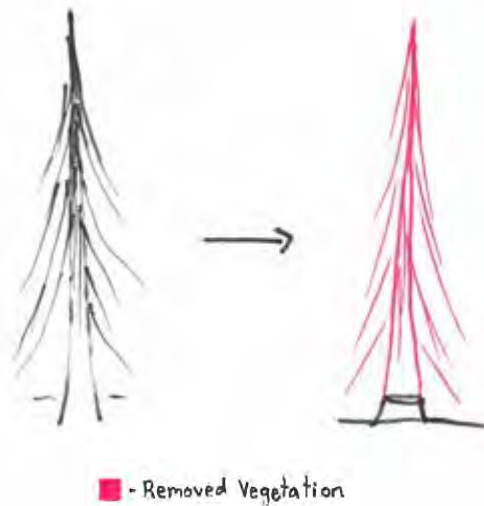
The following sections of this report highlight eight different tree and plant related situations and how proposed Bylaw 2006, as amended by the recommendation of this report, would address each situation.

Note: the exemption criteria to allow pruning, topping, or cutting down of trees or plants located below the toe of the slope on certain properties in the Kye Bay area is still proposed under the Recommendation from the CAO and Alternative Recommendations. This exemption stands throughout the discussion of the situations below.

This report does not include an assessment of the degree to which certain actions may or may not impact slope stability. The discussion of proposed exemption criteria that follows should not be interpreted as a statement of safety.

Situation #1: Cutting down a healthy tree

Recommendation: Not proposed for exemption



This situation is not proposed for exemption. To cut down a tree would require an application for Development Permit and accompanying Geotechnical Report.

Pros:

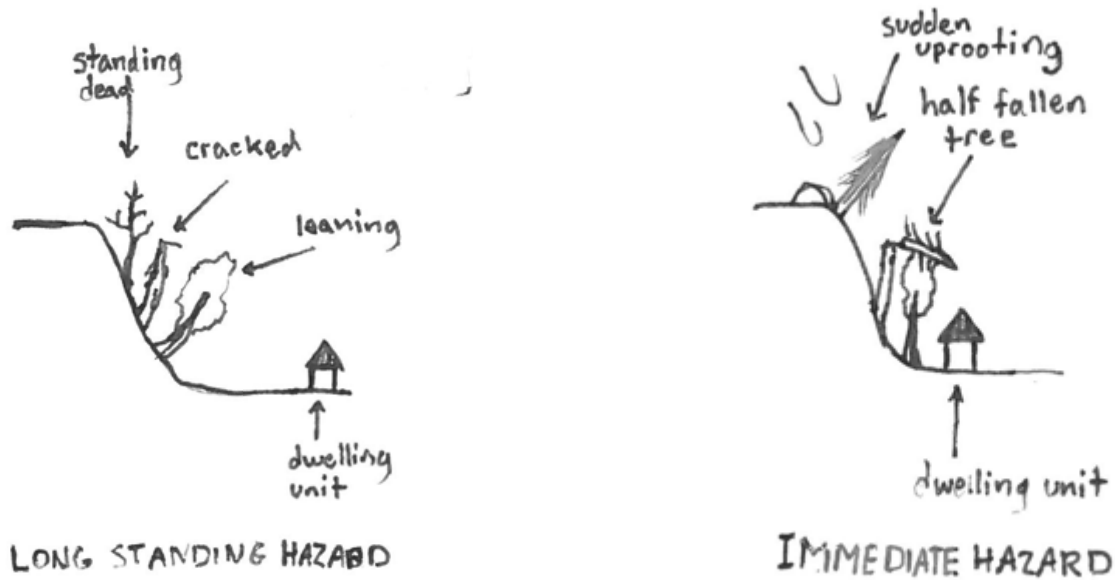
- Trees contribute to slope stability by reducing erosion and soil cohesion due to roots. Cutting down trees is a significant activity which may impact slope stability so it would be prudent for a Geotechnical Engineer to comment on safety in relation to the proposed use (tree removal).

Cons:

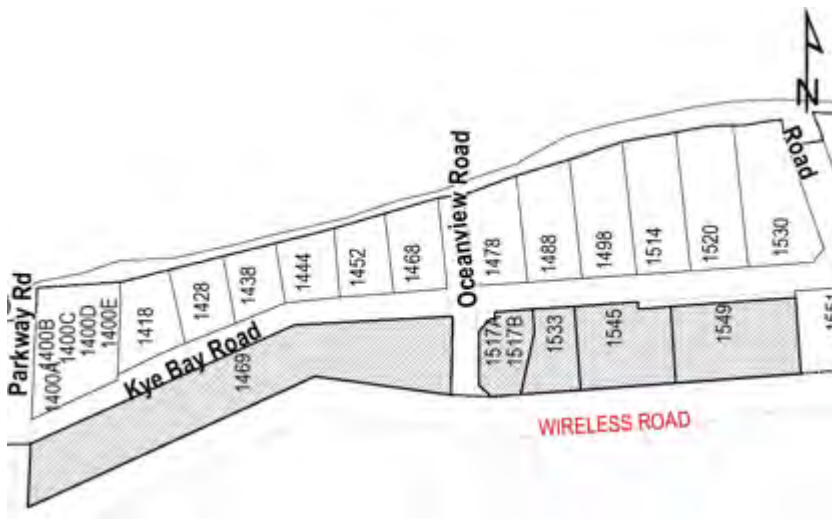
- Increased time and cost for property owners. Tree removal would require application for a Development Permit (\$870), and provision of a Geotechnical Report.

Situation #2: Addressing hazard trees

Recommendation: New exemption criteria proposed for long-standing and immediate hazard trees



Cutting down of long-standing hazard trees: on Kye Bay properties shown shaded on Map 1 below, this action is proposed for exemption provided that an arborist confirms the tree represents a danger to human safety or to property.



Map 1: Kye Bay Properties

Pros:

- This would allow property owners to address long-standing trees which are dead, diseased, or damaged, but have been standing for a period of time, provided an arborist confirms it represents a danger to human safety or to property.
- Does not include other areas in the DPA where erosion is a concern (e.g. properties adjacent to the sea or a creek), promoting slope stability.

Cons:

- Long-standing hazard trees that are still alive may still contribute to slope stability through their root systems.
- Arborist assessment would only focus on tree health, not slope stability.

Cutting down of immediate hazard trees: on all properties throughout Development Permit Area #13, this action is proposed for exemption provided that An ISA certified arborist confirms that the tree represents and immediate danger to human safety or to property and the Town is notified within one business day.

Pros:

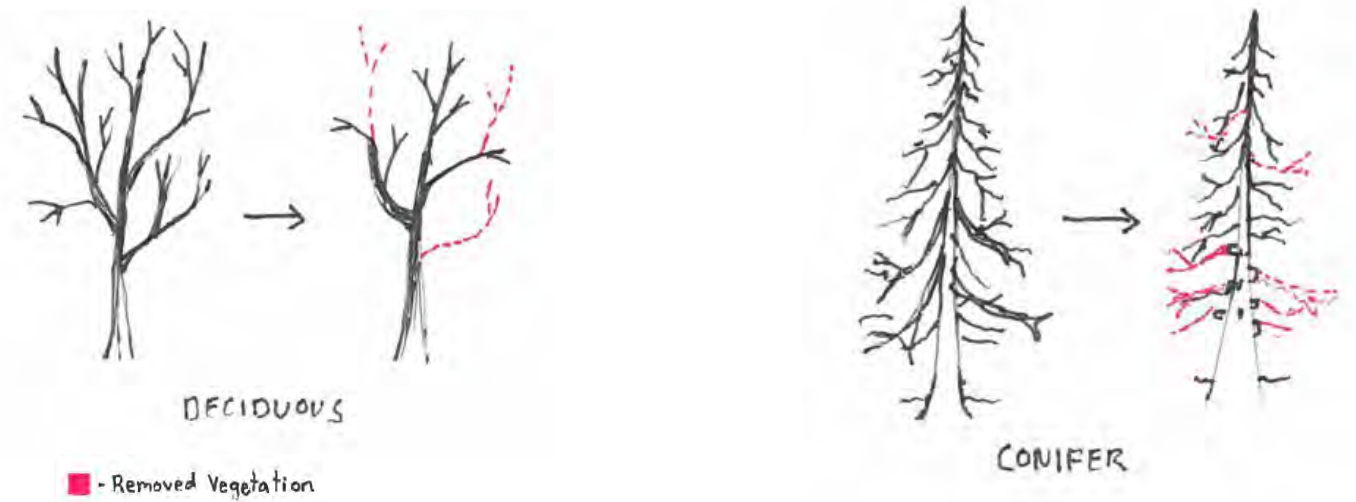
- This would allow property owners anywhere in DPA #13 to address emergency situations due to severe weather, a natural disaster or other sudden changes to tree health.
- Arborist involvement would promote tree health.

Cons:

- No engineer involvement means there would be no assessment of slope stability.

Situation #3: Pruning healthy trees

Recommendation: amend exemption criteria to permit tree pruning in Kye Bay



On Kye Bay properties shown shaded on Map 1 above, pruning trees is proposed for exemption provided that an International Society of Arboriculture (ISA) certified arborist confirms in a written opinion that the pruning will not undermine the health the tree, will be conducted under the supervision of an ISA Certified Arborist and in accordance with the ANSI Standard A-300, all tree parts greater than 5 cm in diameter must be removed from the slope at time of pruning in a manner that does not create channelized pathways, and any disturbances to the existing ground cover or soil must be remediated with replanting, repacking, or regrading.

Pros:

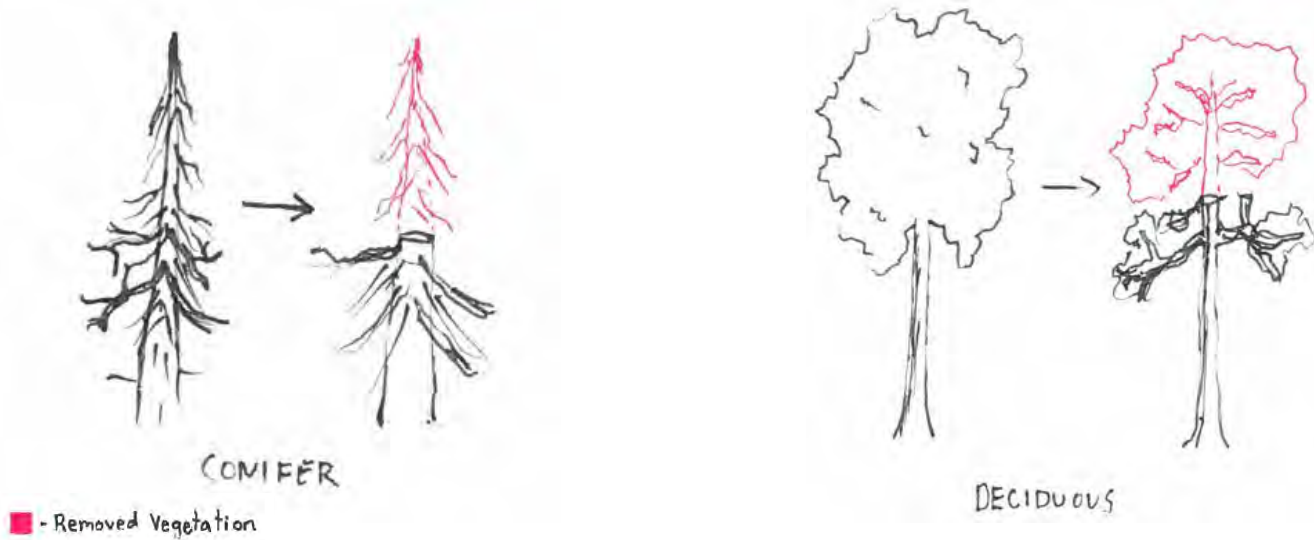
- This will allow property owners in Kye Bay to remove branches from a tree without a Development Permit (reduced cost).
- Previous exemption criteria for pruning only referenced the ANSI Standard A-300, which is difficult for property owners to understand. The new exemption criteria requires arborist involvement, meaning the arborist would be responsible for understanding and implementing the ANSI Standard A-300 as opposed the property owner.
- This exemption criteria also requires removal of any larger tree parts from the slope in a manner that will minimize disturbance of the existing ground cover and soil, promoting slope stability.
- Arborist involvement promotes tree health.
- Does not include other areas in the DPA where erosion is a concern (e.g. properties adjacent to the sea or a creek), promoting slope stability.
- Pruning and removal of pruned branches helps contribute to FireSmart BC objectives.

Cons:

- Increased time and cost for property owners. Tree pruning would require arborist involvement.
- No engineer involvement may impact slope stability as ground disturbance would likely occur.

Situation #4: Topping of an un-topped tree

Recommendation: not proposed for exemption



This situation is not proposed for exemption. To top a previously un-topped tree would require an application for Development Permit and accompanying Geotechnical Report.

Pros:

- Topping trees is an activity which has the potential to cause significant damage to a tree². Any action which has the potential to damage trees has the potential to impact slope stability as trees contribute to slope stability by reducing erosion and soil cohesion due to roots.
- Alternative methods of pruning exist, which would be exempt under Situation #3, that are intended to meet the same goals as topping (improving views, reducing wind sail).

Cons:

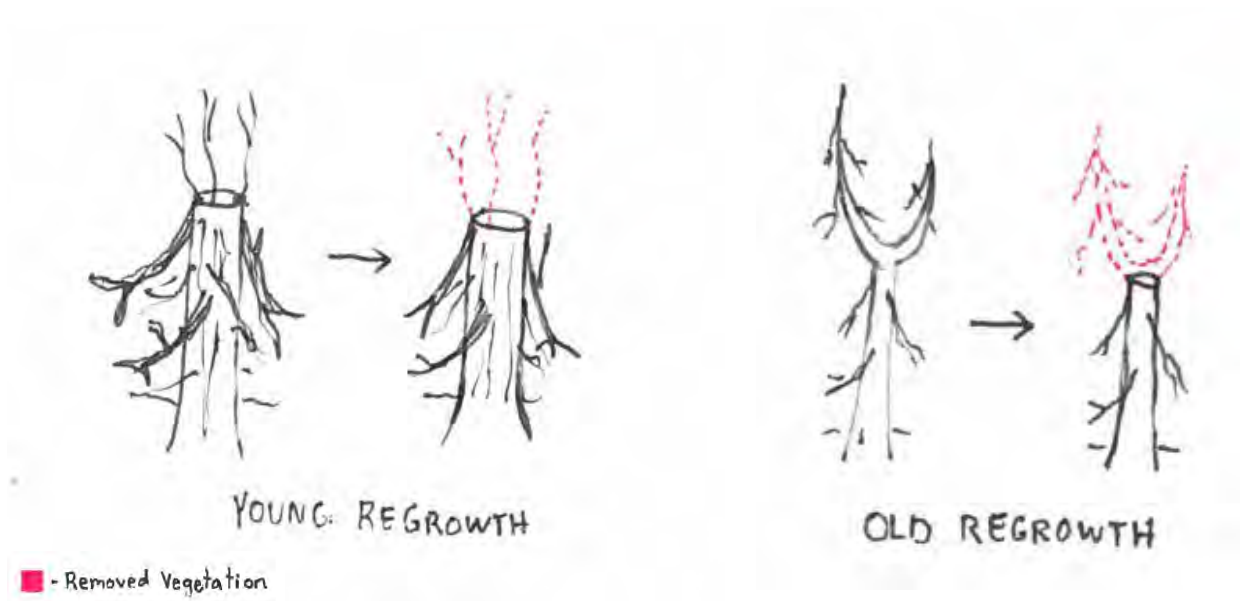
- Increased time and cost for property owners. Tree topping would require application for a Development Permit (\$870), and provision of a Geotechnical Report.

Note: Some existing Geotech Reports conducted in the area have addressed topping and stated it is safe. However, Geotech reports are prepared by a professional engineer for a specific property or area. Unless otherwise stated, it is staff's understanding that the conclusions and recommendations in a report are limited to the specific property or area and proposed action at the time of the report, as opposed to a blanket statement of safety.

² Topping stresses trees, increases susceptibility to disease, decay, and insects entering through the topping site, can create hazard trees if not maintained, and removes leaf area which can impact ability to produce and store food and allow sunlight penetration which can cause sunscald, cracks, and peeling bark. Topping is not permitted un ANSI Standard A300.

Situation #5: Re-topping a previously topped tree

Recommendation: amend exemption criteria to permit re-topping of previously topped trees in Kye Bay



Re-topping of trees on Kye Bay properties shown shaded on Map 1 above is proposed for exemption provided that a written opinion prepared and executed by an ISA Certified Arborist states that the tree was previously topped and that the re-topping will not undermine the health of the tree.

Pros:

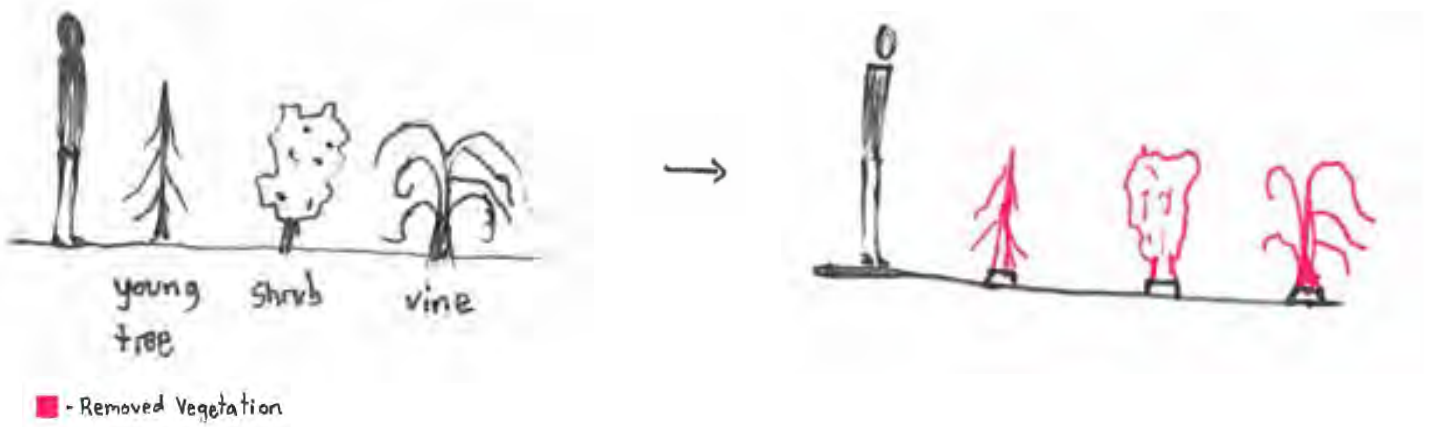
- This exemption would correct the misunderstanding that ANSI Standard A-300 permits the maintenance of previously topped trees.
- Would allow property owners to remove tree growth at or above the site of a previous topping regardless of how long ago the tree was topped.
- Would allow property owners to address previously topped trees which have regenerated into an unhealth state (i.e. with weakly attached new growth or decay).
- Does not include other areas in the DPA where erosion is a concern (e.g. properties adjacent to the sea or a creek), promoting slope stability.

Cons:

- Some tree species can recover into a healthy state after being topped, and re-topping may impact such a tree's health.
- No site or time specific assessment of impacts in relation to slope stability.

Situation #6: Cutting down plants³

Recommendation: not proposed for exemption



This situation is not proposed for exemption. To cut down a plant would require an application for Development Permit and accompanying Geotechnical Report.

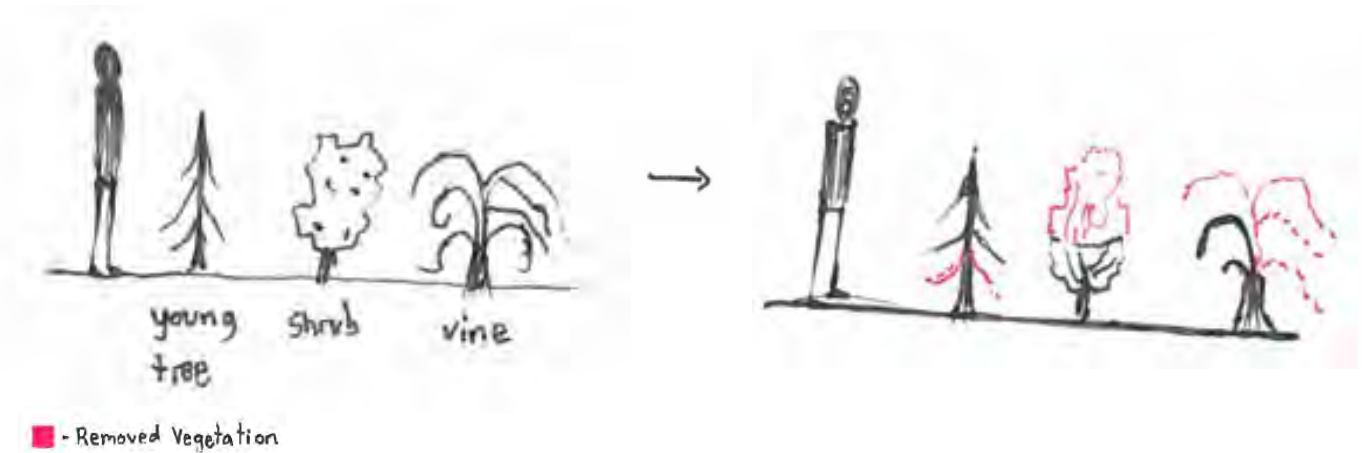
Pros:

- Plants contribute to slope stability in the same manner as trees. Cutting down plants is a significant activity which may impact slope stability so it would be prudent for a Geotechnical Engineer to comment prior to removing healthy plants.
- Allows young trees to become established with larger root systems.
- Reduces risk of soil erosion due to wind/rain and human or animal activity (e.g. paths).

³ Proposed definition of plants would include trees smaller than 10 cm diameter at breast height.

Situation #7: Pruning plants³

Recommendation: New exemption criteria proposed for pruning plants in Kye Bay



Pruning of plants is proposed for exemption on Kye Bay properties shown shaded on Map 1 above provided that a written opinion prepared and signed by a Red Seal Landscape Horticulturalist or executed by an ISA Certified Arborist states that the pruning will not undermine the plant's health or substantially reduce existing ground cover, all plant parts greater than 5 cm in diameter are removed from the slope at time of pruning in a manner that does not create channelized pathways and any disturbances to the existing ground cover or soil must be remediated with replanting, repacking, or regrading.

Pros:

- Reduced time and cost for property owners who wish to remove parts from plants.
- Expands the requirement for professional involvement from an ISA Certified Arborist to include a Landscape Horticulturalist, which is type of landscape professional, to make it easier for property owners to get the required opinion.
- Reduces risk of erosion as plants should survive the pruning process if done in accordance with professional recommendations.

Cons:

- Professional involvement increases costs for property owners.
- No engineer involvement may impact slope stability.

Situation #8: Trails

Recommendation: new exemption criteria to permit only pruning of vegetation for trail maintenance purposes on one Kye Bay property



Work on trails (e.g. cutting into land, adding material, etc.) and creation of new trails are not proposed for exemption. These actions may involve significant land alterations which could impact slope stability. Engineer involvement would be prudent in these cases.

Creation of new trails is also not proposed for exemption.

Exempt pruning of plants for trail maintenance is proposed only on 1551 Kye Bay Road, which is subject to an easement granting certain Wireless Road properties access to and maintenance of a trail on the property. Given that the amount of pruning for maintenance of exiting trails is likely to be minor, an exemption is proposed to exempt pruning of plants within 30 cm horizontal distance from the edge of an existing trail to a height 2.5 metres above grade.

Pros:

- Impact of pruning plants for trail maintenance expected to be low as people will be moving along existing trail to prune and only those plants immediately adjacent to the trail may be pruned.
- No land alterations proposed for exemption should promote slope stability.

Cons:

- Not in accordance with an existing easement in the Kye Bay Rd-Wireless Rd neighbourhood which was raised at the Public Hearing – the easement permits trail maintenance which may include land altering activities.

Alternative – permit trail maintenance in specific case:

Exempt the actions listed in easement A38602 undertaken in accordance with the terms of the easement by property owners of Lots 1-7, Plan 25393, or their agents. This is included as Alternative Recommendation #2 in this report. Actions include maintaining and repairing the trail (i.e. modifying or adding land)

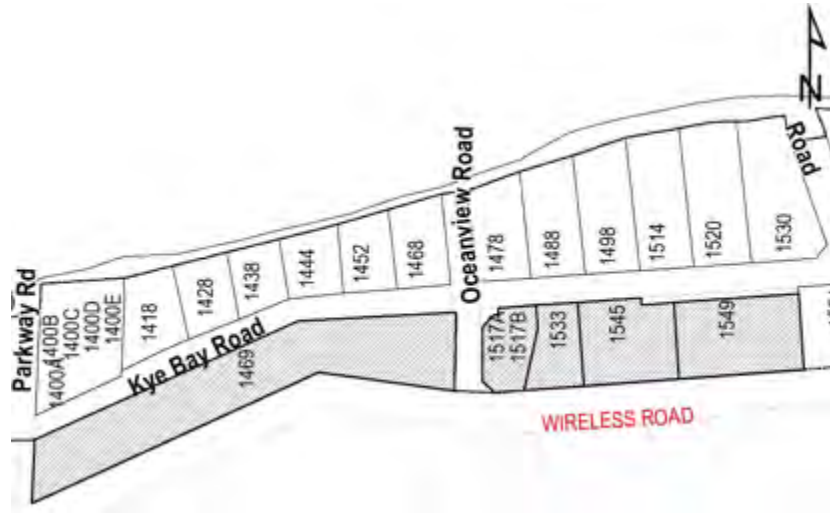
Pros:

- In accordance with long-standing practice in the neighbourhood and the existing easement.

Cons:

- Town possess a Geotechnical Report that says the existing trail located within the easement contributes to erosion and slope instability on 1551 Kye Bay Road.

Specific exemption for Kye Bay Area subject to easements (shown shaded below)



The entire Kye Bay neighbourhood was incorporated into the Town from the Comox Valley Regional District in 2003. At the time, the area was not within a Hazardous Areas Development Permit Area under the Rural Comox Valley OCP. The area was first placed into a Hazardous Areas DPA when the Town’s current OCP was adopted in 2011 which included Development Permit Area #13 Hazardous Areas.

This has caused issues as previous tree and plant modification has occurred without the requirement for a development permit, highlighted by the disputes raised surrounding easement A65395 (Attachment 4), registered in the 1970s, which grants Wireless Road property owners the right to cut, top or trim trees on the properties shown shaded above.

Tree and plant pruning, cutting, and topping has occurred in the area without a development permit up until 2011. If Council wishes to recontinue this practice, exemption criteria could be added that would exempt the pruning, cutting, and topping of trees or plants on all properties in Kye Bay that are subject to the easement (shown shaded above). This is included as Alternative Recommendation #3.

Pros:

- Significantly reduces time and cost for tree and plant topping, pruning, and cutting.
- In accordance with a practice that was in place prior to the area being incorporated into the Town.

Cons:

- No engineer involvement has the potential to impact slope stability.
- No arborist involvement has the potential to impact tree and plant health.

Further Study

The discussion above is based on staff's understanding of tree and plant health, and the link between trees and plants and slope stability. Any action that has the potential to negatively impact tree or plant health may also negatively impact slope stability. The Town has not analyzed to what degree exempting specific actions may or may not impact slope stability when it comes to specific slopes within Town (e.g. the Kye Bay/Wireless Road slope). Should Council wish to obtain a better understanding of the condition of the Kye Bay/Wireless Road slope and how certain actions may actually impact its stability, the Town may engage a geotechnical engineer to do such an analysis.

Given that such a study may require access to several different privately owned properties, and may not be able provide the expected information (i.e. the conclusion of the report may be point in time as opposed to applicable to all future actions), Alternative Recommendation #4 is for staff to determine the feasibility and cost of an engineer to complete such an analysis and to report back to Council.

GOVERNANCE IMPLICATIONS – PROCESSING STEPS

Attachment 3 lists the remaining processing steps that will allow Council's consideration of the Official Community Plan and Drainage Infrastructure Protection Bylaw Amendments.

MK/ET

Attachments:

1. Comox Official Community Plan Amendment Bylaw 2006
2. Comox Drainage Infrastructure Protection Amendment Bylaw 2007
3. Processing steps
4. December 11, 2022 Public Hearing Minutes
5. Easement A65395
6. Easement A38602

ATTACHMENT 1

Comox Official Community Plan Amendment Bylaw 2006

TOWN OF COMOX

BYLAW 2006

A BYLAW TO AMEND COMOX OFFICIAL COMMUNITY PLAN BYLAW 1685

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

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

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

1. Title

This Bylaw may be cited for all purposes as “Comox Official Community Plan Amendment Bylaw 2006”.

2. Repeal of Previous Bylaws

Comox Tree Cutting in Hazardous Areas Bylaw, 1992 is hereby repealed.

3. Official Community Plan Amendments

(1) Comox Official Community Plan Bylaw 1685, Schedule “A”,

(a) Part 3 is hereby amended as follows:

(i) Adding the following text to the beginning of Section 3.13:

The following definitions apply to DPA #13 only:

Removal of a tree means to entirely sever the main stem of a tree, or alter or fell a tree or a tree part, including the roots, such that the tree is no longer biologically or structurally viable.

Routine pruning means the selective removal of tree parts to meet specific goals done in accordance with the American National Standards Institute (ANSI) Standard A-300 -Tree Care Operations standard and the companion Best Management Practices Series of the International Society of Arboriculture (ISA). Does not include topping or removal of a tree.

Toe of slope means the lowest and first significant and regular break in a slope.

Topping of a tree means to sever the upper stem of a tree, resulting in a truncated stem. Includes the use of heading cuts that shorten limbs or branches back to a predetermined crown limit.

Tree means a woody perennial plant having one or more stems, with at least one stem having a diameter of 10 centimetres or more, measured at 1.5 metres above the tree base.

- (ii) Adding the following text as Section 3.13.4(F):

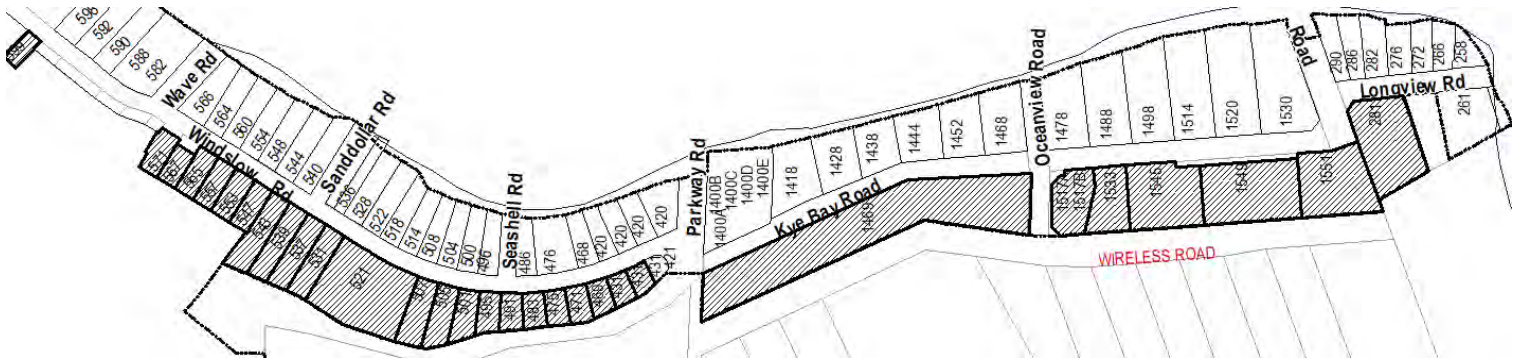
“F. Alteration of land, including vegetation or construction of, addition to or alteration of a building or structure located more than 15.0 metres from the natural boundary of Golf Creek. “

- (iii) Adding the following text as Section 3.13.4(G):

“G. Routine pruning.”

- (iv) Adding the following text as Section 3.13.4(H):

“H. Modification of vegetation located below the toe of the slope on properties shown shaded on the map below..”



- (b) Part 5: Maps, is hereby amended by replacing the map for DPA #13 – Hazardous Areas with the map as shown in Schedule “1”, which is attached to and forms a part of this Bylaw.

- (2) Comox Official Community Plan Bylaw 1685 is further amended by making such consequential changes as are required to reflect the foregoing amendments, including, without limitation, changes in the numbering and order of the sections of the bylaw.

4. Adoption

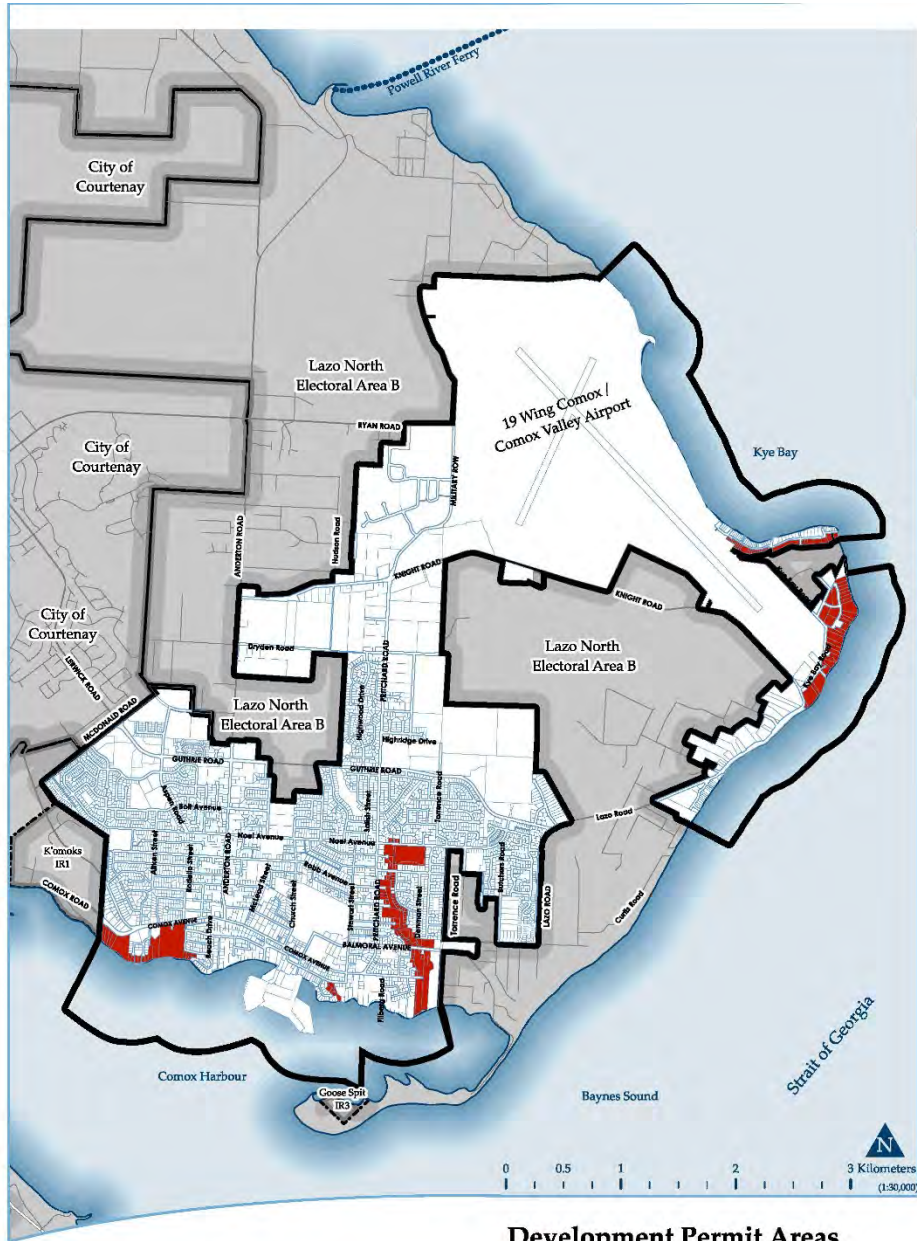
- (1) READ A FIRST time this 1st day of June, 2022
- (2) READ A SECOND time this 1st day of June, 2022

- (3) ADVERTISED A FIRST time this 27th day of July, 2022
- (4) ADVERTISED A SECOND time this 3rd day of August, 2022
- (5) PUBLIC HEARING HELD this 10th day of August, 2022
- (6) AMENDED this 16th day of November, 2022
- (7) RE-ADVERTISED A FIRST time this 23rd day of November, 2022
- (8) RE-ADVERTISED A SECOND time this 30th day of November, 2022
- (9) SECOND PUBLIC HEARING HELD this 7th day of December, 2022
- (10) READ A THIRD time this day of , 2022
- (11) ADOPTED this day of , 2022

Mayor

Corporate Officer

SCHEDULE "1"



Development Permit Areas

■ DPA # 13 Hazardous Areas



Map created by the Town of Comox
 Data provided by:
 Town of Comox, Comox Valley Regional District, Province of British Columbia,
 Department of Natural Resources Canada © All rights reserved.

DEVELOPMENT PERMIT AREAS

ATTACHMENT 2

COMOX DRAINAGE INFRASTRUCTURE PROTECTION AMENDMENT BYLAW 2007

TOWN OF COMOX

**BYLAW 2007
A BYLAW TO AMEND COMOX DRAINAGE INFRASTRUCTURE PROTECTION
BYLAW 1824**

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

1. Title

This bylaw may be cited for all purposes as “Comox Drainage Infrastructure Protection Amendment Bylaw 2007”.

2. Amendments

(1) Comox Drainage Infrastructure Protection Bylaw 1824 is amended as follows:

(a) By replacing Section 10(d)(ii) with the following text:

(ii) the area to be cleared is within the area designated on the map in the Schedule D

(b) By adding as Schedule D the map as shown in Schedule “1” which is attached to and forms a part of this bylaw.

(2) Comox Drainage Infrastructure Protection Bylaw 1824 is further amended by making such consequential changes as are required to reflect the foregoing amendments, including, without limitation, changes in the numbering and order of the sections of the bylaw.

3. Adoption

READ A FIRST time this 1st day of June, 2022

READ a SECOND time this 1st day of June, 2022

READ A THIRD time this day of , 2022

ADOPTED this day of , 2022

MAYOR

CORPORATE OFFICER

The following are remaining processing steps:

1. Third Reading of proposed Bylaws;
2. Adoption of proposed Bylaws.

Note: While proposed Bylaw 2006 may be given third reading and adopted at the same meeting, proposed Bylaw 2007 requires at least one clear day between Third Reading and Adoption. Adoption of both bylaws will be proposed at a later Regular Council Meeting.

ATTACHMENT 4

DECEMBER 11, 2022 PUBLIC HEARING MINUTES

**Public Hearing Report and Meeting Minutes
held in d’Esterre Seniors Centre
on Wednesday December 7, 2022**

Present: Mayor N. Minions
Councillors S. Blacklock, K. Grant, C. Haslett,
J. Kerr, J. Meilleur, M. Swift
Staff J. Wall, Chief Administrative Officer
S. Russwurm, Corporate Officer
M. Kamenz, Director of Development Services

Absent: Nil

The Public Hearing Meeting was called to order at 6:00 p.m. with 30 members of the public in attendance.

Mayor Minions acknowledged that the Town of Comox is standing on the Unceded traditional territory of the K'omoks First Nation.

PUBLIC HEARING STATEMENT

Mayor N. Minions 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 those persons who believe that their interest is affected by the proposed application:

**Comox Official Community Plan Amendment OCP 22-1
(Tree Pruning/Cutting in Hazardous Areas)**

Comox Official Community Plan Amendment Bylaw 2006

The proposed bylaw has received first and second readings, but has 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 bylaw, 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 limit your presentation to five minutes. 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.

Application Summary:

In summary, the purpose of Comox Official Community Plan Amendment Bylaw 2006 is to amend Development Permit Area (DPA) #13 to:

- Exempt routine pruning of certain trees from the requirement to obtain a development permit provided certain conditions are met,
- exempt alteration of vegetation including tree removal on certain properties in Kye Bay from the requirement to obtain a development permit provided certain conditions are met, and
- add the lands that are adjacent to Golf Creek south of Beaufort Avenue into DPA #13 to protect development within 15 metres of the natural boundary of Golf Creek from hazardous conditions in relation to erosion and unstable slopes.

PUBLIC HEARING SUBMISSIONS

Summary of written submissions:

- Letter received December 5, 2022 from Clarence Hookenson and Teri Posyniak, 1551 Kye Bay Road, clarifying information regarding their property and expressing concern with the Town's process.
- Email received December 6, 2022 from Mylisa and Rob Thompson, 1517 Kye Bay Road, expressing concerns with applicability of the proposed bylaw.
- Letter received December 7, 2022 from Rob Benson, 313 Wireless Road, expressing concerns with the restrictions in the proposed bylaw.
- Email received December 7, 2022 from Rob Benson, 313 Wireless Road, expressing concerns with the restrictions in the proposed bylaw.
- Email received December 7, 2022 from Lynne Larsen, 1545 Kye Bay Road, expressing concerns with the right to top trees.
- Email received December 7, 2022 from David Young, 427 Wireless Road, expressing concerns with limitations in the proposed bylaw.
- Letter received December 7, 2022 from Beverley Worbets, 335 Wireless Road, expressing concerns with the ability to care for the trees and neighbourhood.
- Email received December 7, 2022 from Robyn Rushford, 305 Wireless Road, requesting the proposal be changed to include the topping of all trees.
- Letter received December 7, 2022 from Cathy Cook, 353 Wireless Road, expressing concerns with the proposed bylaw.
- Letter received December 7, 2022 from Lissa Benson, 313 Wireless Road, recommending changes to the proposed bylaw.
- Letter received December 7, 2022 from Robert Argall, 387 Wireless Road, providing information regarding vegetation in the area.
- Letter received December 7, 2022 from Kevin Watson, 353 Wireless Road, summarizing his research of the issue.

Summary of Speakers:

- Rob Benson, 313 Wireless Road, expressed concerns with the proposed bylaw, citing infringement on property rights, lack of support by geotechnical surveys, inability to obtain views or maintain the path and decrease in public safety.
- Bob Worbets, 335 Wireless Road, expressed concerns with the proposed bylaw, citing the loss in uninhibited views, loss in rights and resulting tree fall.
- Keith Wallace, 305 Wireless Road, expressed concerns with the proposed bylaw, citing slope stability, goodwill amongst neighbours and preservation of views and property values.
- Robyn Rushford, 305 Wireless Road, expressed concerns with the proposed bylaw, citing incorrect statements in the staff report and inability to trim bushes.
- Kevin Watson, 353 Wireless Road, expressed disagreement with the proposed bylaw, citing his review of all reports, and topping and trimming of trees is not detrimental to stability.
- David Young, 427 Wireless Road, identified changes he would like to see in the proposed bylaw.
- Robert Argall, 387 Wireless Road, provided some history on the nature and maintenance of vegetation on the bank.
- Bev Worbets, 335 Wireless Road, expressed concerns with the proposed bylaw, citing poor legislation and a desire to continue past practice.
- Lissa Benson, 313 Wireless Road, expressed concerns with the proposed bylaw, citing a lack of all applicable factors and recommended changes.
- Mylisa Evans, speaking for Lynne Larsen, 1517 Kye Bay Road, expressed concerns with the proposed bylaw, citing decreased property values, cost to remove danger trees and an archaic easement that does not take into account climate change.
- Mylisa Evans, 1517 Kye Bay Road, agreed with other speakers on need for neighbour relations and slope stability.
- Rob Benson, 313 Wireless Road, provided general comments on tree topping.

Close of Public Hearing:

There being no further speakers wishing to make representation, Mayor Minions 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?

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 speakers, I declare this Public Hearing closed.

Adjournment:

Regularly moved and seconded that the meeting adjourn at 6:53 p.m.

CARRIED

Submissions received at the meeting, are attached to these Minutes:

- Rob Benson, 313 Wireless Road

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

MAYOR

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



CORPORATE OFFICER

ATTACHMENT 4
EASEMENT A65395

THIS AGREEMENT made this 1st day of June

1972.

12 JUL 27

BETWEEN: *RO* WILLIAM MORGAN SHEPHERD, Contractor of 1950 Bolt Avenue, Town of Comox, Province of British Columbia; (hereinafter called the "Vendor")

2
A65395

43669 N
34515 N

360234 I

OF THE FIRST PART:

RP AND: FRANCIS JAMES SHEPHERD, Contractor, and his Wife, JEAN SHEPHERD, both of Kye Bay Comox, Province of British Columbia; (hereinafter called the "Purchaser")

D *A26372*
A26373
This Date
A65394

OF THE SECOND PART:

MAK-14 AND: INDUSTRIAL DEVELOPMENT BANK, having an office at 777 Broughton Street, City of Victoria, Province of British Columbia; (hereinafter called the "Mortgagee")

OF THE THIRD PART:

AND: WA-WA-KIE BEACH DEVELOPMENTS LTD. a company duly incorporated under the laws of the Province of British Columbia and having an office at 493 Fitzgerald Avenue, City of Courtenay, Province of British Columbia; (hereinafter called the "Company")

OF THE FOURTH PART:

WHEREAS the Vendor is the registered owner of those certain parcels or tracts of land and premises, situate lying and being in the Comox Assessment District, in the Province of British Columbia and more particularly known and described as:

Lot 14-A, District Lot 93, Comox District, Plan 4276 ✓

- and -

Lot 14, District Lot 93, Comox District, Plan 4276

Kemp Bay
Imp. Comox FPO

except Parcel "A" thereof ✓

hereinafter called the "said lands".

AND WHEREAS the Vendor has sold the said lands to the Purchaser under rights to purchase registered against the said lands under Numbers 325763-G and 343458-G respectively.

REC. B.C.R.O. JUN 19 1972

Applicant *Edith Carmichael*
c/o GORDON G. H. WAGNER B. C. Land Surveyor & Notary Public
Box 117, Courtenay, B.C. Telephone 338-8119
Agent for *Wa-Wa-Kie Beach Developments Ltd.*
Declared Value *\$ 3,000.00*
Nature of Registration *EASEMENT*
Request Certificate of Title *no*

Form "G" Land Registry Act (Sec. 50)
MEMORANDUM OF REGISTRATION
Registered the *July 26/72*
application received at the time
of registration or stamped on the application.
I, KENNEDY, Registrar of the Victoria
Land Registration District

E-2

AND WHEREAS the Purchaser herein granted a mortgage of his equity in Lot 14, Plan 4276, except Parcel A thereof to the Mortgagee herein as registered under No. 415758-G. ✓

AND WHEREAS the Vendor and the Purchaser have agreed to grant to the Company a right to enter upon the said lands in perpetuity to cut trees and undergrowth as hereinafter provided for the purpose of enabling the Company and its successors in title as owner of the hereinafter described lots to enjoy an unobstructed view of the Straits of Georgia.

AND WHEREAS the Mortgagee has agreed to enter into the execution of these presents for the purpose of enabling the easement to be registered against the title of the said lands all of which rights shall be appurtenant to Lots 1-10 inclusive, District Lot 93, Comox District, Plan 25393.

NOW THEREFORE THIS INDENTURE WITNESSETH as follows:

A26372
A26373
This Date
A26374

1. The Vendor and Purchaser for and in consideration of the sum of \$2.00 now paid by the Company to them (the receipt whereof is hereby acknowledged) and of the covenants of the company herein contained hereby grant in perpetuity unto the Company, its employees and agents, as appurtenant to each of the said Lots 1-10, Plan 25393 the right, together with all necessary equipment, to enter upon the said lands for the following purposes, namely:

(a) to cut, top or trim all deciduous trees, and all coniferous trees under 2 ft. in diameter measured 3 ft. above the ground, which exceed an elevation 10 feet below the top of the iron pin located at the most westerly corner of Lot 7, District lot 93, Comox District, Plan 25393.

2. The Company hereby covenants with the Vendor and the Purchaser, and the Mortgagee, that in carrying out the cutting of the trees and limbs, as hereinbefore provided, it will do as little damage as possible to the terrain and the remaining trees upon the said lands, and will remove or cause to be removed all such trees, branches and limbs cut from the said lands and further to indemnify and save harmless the said parties from and against any damage to buildings, fences and all liabilities arising during the course of the cutting and removing thereof.

3. The Mortgagee has joined in the execution of these presents for the purpose of consenting to the within easement insofar as the same is required to permit registration thereof against the title to the said lands, and with priority over the said mortgage registered under No. 415758-G.

4. The rights hereby acquired by the Company shall be appurtenant to each of Lots 1-10 inclusive, District Lot 93, Comex District, Plan 25393.

5. IT IS MUTUALLY UNDERSTOOD AND AGREED between the parties hereto that the within agreement shall be construed as running with the said lands and that no part of the fee of the soil thereto shall pass to or be vested in the Company by these presents.

6. AND IT IS EXPRESSLY AGREED between the parties hereto that all grants, covenants, provisos and agreements, rights, powers, privileges and liabilities contained herein shall be read and held as made by and with, granted to and imposed upon, the respective parties hereto, and their respective heirs, executors, administrators, successors and assigns the same as if the words heirs, executors, administrators, successors and assigns had been inscribed in all proper and necessary places: AND WHEREVER the singular or the masculine is used herein, the same shall be construed as meaning the plural or feminine or the body politic or corporate where the context or the parties hereto so require, and where a party is more than one person, all covenants shall be deemed to be joint and several.

IN WITNESS WHEREOF the parties to these presents have hereunto set their hands and seals on the day and year first above written.

SIGNED, SEALED and DELIVERED
in the presence of:

Signature of Witness:

Edith Weyman

Address

City Canterbury, N.H.

Occupation

Surgeon

) William Morgan Shepherd
) William Morgan Shepherd

) Francis James Shepherd
) Francis James Shepherd

) Jean Shepherd
) Jean Shepherd

as to the signatures of William Morgan Shepherd, Francis James Shepherd and Jean Shepherd

ATTACHMENT 5
EASEMENT A38602

THIS INDENTURE made in triplicate this 17th day of April A.D., 1972

BETWEEN: MARGARET SARGENT SIMON, Housewife, Comox, British Columbia, hereinafter called the Grantor

OF THE FIRST PART

A38602

AND: WA-WA-RLE BEACH DEVELOPMENTS LTD., 493 Fitzgerald Avenue, Courtenay, British Columbia, hereinafter called the Grantee

OF THE SECOND PART

WHEREAS the Grantor is the registered owner of Lot 1, District Lot 93, Comox District, Plan 18657 EXCEPT THOSE parts thereof contained within the boundaries of Plan 24459.

AND WHEREAS the Grantee of the Second Part, as the registered owners of Lots 1 to 25 inclusive, District Lot 93, Comox District, Plan 25393 require an easement hereinafter described, in connection with a foot path, the said easement to be appurtenant to Lots 1 to 7 inclusive, District Lot 93, Comox District, Plan 25393.

1. **NOW WITNESSETH** that in consideration of the sum of ONE (\$1.00) dollar of the lawful money of Canada, now paid by the Grantee of the Second Part to the Grantor of the First Part (the receipt whereof is hereby acknowledged) the Grantor doth hereby GIVE AND GRANT unto the said Grantee of the Second Part, as appurtenant to said Lots 1 to 7 inclusive, Plan 25393, an easement in perpetuity for the purpose of a foot path situated on a parcel of land described as that part of Lot 1, District Lot 93, Comox District, Plan 18657 EXCEPT those parts thereof contained within the boundaries of Plan 24459, and shown outlined in Red on Plan 2355 R/W.

TOGETHER with the right of ingress, egress and regress over the said parcel, at all times, of the Grantee of the Second Part, their Agents, or workmen, with necessary tools for the purpose of inspecting, maintaining, and repairing the said foot path.

2. The Grantee of the Second Part shall carry out their operations upon the said parcel of land in such a manner as to cause the least damage and inconvenience to the Grantor as may be possible.

3. The Grantee of the Second Part shall indemnify and save harmless the Grantor from and against all damage, loss and costs arising out of, or in connection with the existence of the said foot path.

4. This indenture and everything herein contained shall enure to the benefit of, and be binding upon, the heirs, executors, administrators, successors, and assigns of the respective parties hereto.

Applicant [Signature]
c/o GORDON C. F. WAGNER B. C. Land Surveyor & Notary Public
Box 200 Courtenay, B. C. Telephone 338-3110

Agent for Grantee
Declared Value \$ 500.00
Nature of Registration: Right of Way

Form "5" Land Registry Act (Sec. 36)
MEMORANDUM OF REGISTRATION
Registered the 21 day of Apr 1972
on application received at the time
written or stamped as the case may be
H. F. KENNEDY, Registrar

Request Certificate of Title

A-38602

IN WITNESS WHEREOF the Grantor and the Grantee have set their hand and seal.

SIGNED, SEALED AND DELIVERED

by the Grantor
in the presence of:

.....
Witness

.....
Occupation

.....
Address

.....
Margaret Sargent Simon

SIGNED, SEALED AND DELIVERED
by the Grantee of the Second Part
in the presence of:

.....
Witness

.....
Occupation

.....
Address

WA-WA-KIE BEACH DEVELOPMENTS LTD.

.....
Director

Acknowledgment of Officer of a Corporation

A 38602

I HEREBY CERTIFY that, on the 20th day of April, 1972, at Courtenay, in the Province of British Columbia, Gordon Gilbert Henry Wagner (whose identity has been proved by the evidence on oath of _____, who is personally known to me, appeared before me and acknowledged to me that he is the Director of Wa-Wa-Kie Beach Developments Ltd., and that he is the person who subscribed his name to the annexed instrument as Director of the said Company and affixed the seal of the Wa-Wa-Kie Beach Developments Ltd.

to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office, at Courtenay in the Province of British Columbia, this 20th day of April one thousand nine hundred and seventy two



A Notary Public in and for the Province of British Columbia.
A Commissioner for taking Affidavits for British Columbia.

AFFIDAVIT OF WITNESS *A-38602*

PROVINCE OF BRITISH COLUMBIA }
To Wit:

I, Edith Carwithen of the City of
of Courtenay, in the Province of British Columbia,

make oath and say:

1. I was personally present and did see the within instrument duly signed and executed by

Margaret Sargent Simon the part Y thereto, for the purposes named therein.

2. The said instrument was executed at Courtenay, British Columbia

3. I know the said party, and that she is of the full age of twenty-one years.

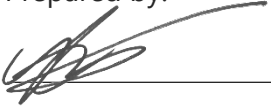
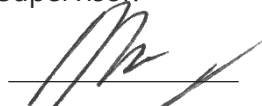
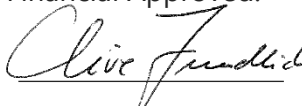
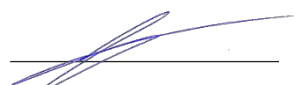
4. I am the subscribing witness to the said instrument and am of the full age of sixteen years.

Sworn before me at Courtenay
in the Province of British Columbia, this 20th
day of April, 19 72 }

G.G.H. Wagner
A Notary Public in and for the Province of British Columbia
A Commissioner for taking affidavits within British Columbia

Edith Carwithen

To: Mayor and Council	File: RZ 18-7, DVP 18-6
From: Marvin Kamenz, Director of Development Services Robin Pallett, Planner II	Date: March 1, 2023
<p>Subject: Rezoning Application RZ 18-7</p> <p>Development Variance Permit Application DVP 18-6</p> <p>1609 & 1617 Birch Avenue</p>	

Prepared by:  Robin Pallett, Planner II	Supervisor:  Marvin Kamenz, Director of Development Services	Financial Approved:  Clive Freundlich, Fin. Director	Report Approved:  Jordan Wall, CAO
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RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

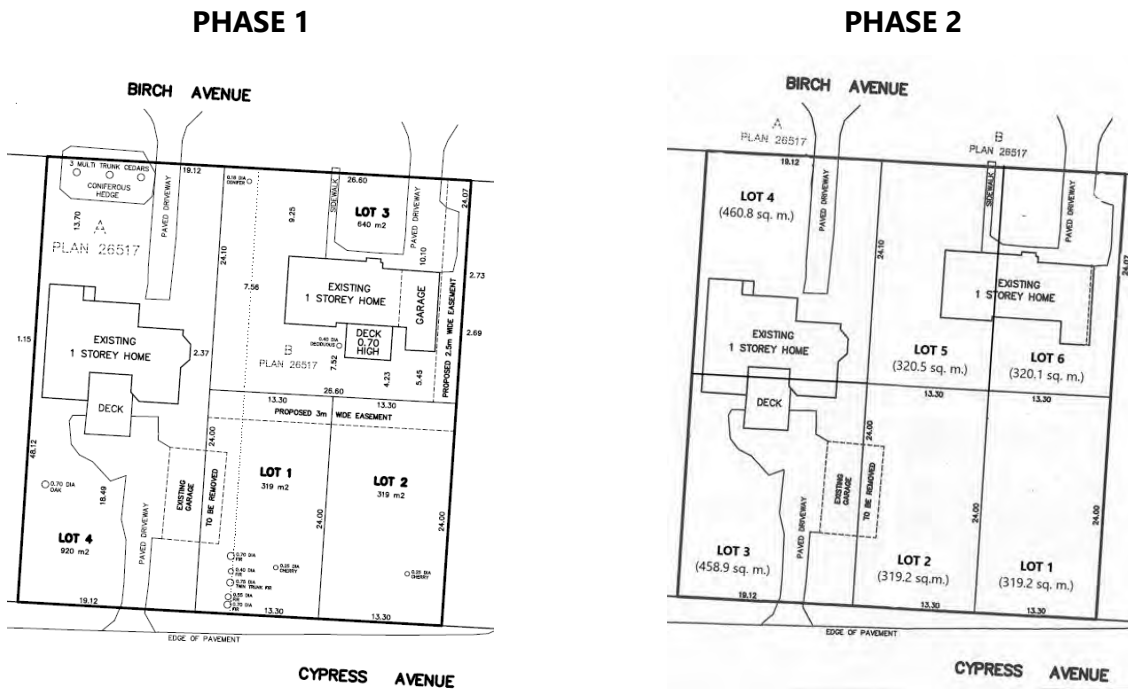
1. That Comox Zoning Amendment Bylaw 1899 be Adopted (**Attachment 2**); and
2. That Development Variance Permit Application DVP 18-6 be issued, subject to the Development Variance Permit Conditions listed in **Schedule 1** of the March 1, 2023 Planning Report on RZ 18-7 and DVP 18-6.
3. That Town of Comox Subdivision And Development Servicing Amendment Bylaw No. 2015, 2023 (**Attachment 3**), be given First, Second and Third Reading.

PROPOSAL

The proposed zoning amendment is to rezone the two double-fronting parcels at 1609 and 1617 Birch Avenue from R1.1 Single-Family to R5.2 Single-Family – 300 m² Parcel, to facilitate the creation of two new infill lots (Lots 1 & 2, via the phase 1 of the subdivision), both of which would be developed, and two remainder lots (Lots 3 & 4), both of which would retain their existing dwellings and

may in the future each be further subdivided (via phase 2). Phases 1 and 2 of the proposed subdivision are demonstrated in **Figure 1**, below, and **Attachment 4**.

Figure 1: Subdivision Phases 1 & 2



Development Variance Permit application DVP 18-6 seeks to vary Comox Zoning Bylaw 1850 and Town of Comox Subdivision and Development Servicing Bylaw, 1261 to allow for the retention of two existing single-family dwellings and relax the Town’s road infrastructure standards to retain existing neighbourhood character. The Application Summary is provided in **Attachment 1**.

STRATEGIC PLAN LINKAGE

This Report addresses the following task identified in the 2022 Strategic Priorities Chart for Planning Services: Minor Development Applications.

BACKGROUND

At the September 21, 2022 Regular Council meeting, at which Council granted Bylaw 1899 Third Reading, Council directed staff to amend the Town of Comox Subdivision and Servicing Bylaw, 1261, to remove the requirements for frontage improvements (curb, gutter, sidewalk and paved on-street parking) along Cypress Avenue.

DVP conditions are identified in **Schedule 1**.

ZONING

The outstanding items (registration of a Tree Protection Covenant and a Utility Wrapping covenant) have been completed.

SUBDIVISION AND DEVELOPMENT SERVICING BYLAW

In accordance with Council's direction (via motion #2022.264), staff have prepared Town of Comox Subdivision And Development Servicing Amendment Bylaw No. 2015, 2023 (**Attachment 3**). Proposed Bylaw 2015 amends Town of Comox Subdivision and Development Servicing Bylaw, 1261 by updating Table C-1 (located in Schedule C.1, Appendix C of the bylaw) to include a new footnote that removes the requirements for curb, gutter and sidewalk. The requirement for paved on-street parking is negated by specifying a 6.0 m pavement width for Cypress Avenue. The table would also be updated with new footnote symbols to replace some of the current ones, to make the table easier to read and use.

MK/RP

Schedules:

1. Development Variance Permit Conditions

Attachments:

1. Application Summary
2. Proposed Zoning Amendment Bylaw 1899
3. Town of Comox Subdivision And Development Servicing Amendment Bylaw No. 2015, 2023
4. Proposed Subdivision Plan: Phases 1 and 2

DEVELOPMENT VARIANCE PERMIT CONDITIONS

1. This development variance permit is to allow subdivision of the subject properties into up to six single-family lots, and the retention of the existing dwellings, in substantial compliance with the *Proposed Subdivision Plan: Phases 1 and 2* contained in **Attachment 4**.
2. Zoning Bylaw 1850 is hereby varied as follows:

(a) Section 3.2: Definitions: Front Lot Line

For proposed Lot 4, unless further subdivided

From:

A lot line common to a parcel and a street other than a lane. Where a parcel abuts two or more streets, only the street with the shortest length along the parcel shall be used to determine front lot lines. Where a parcel does not abut a street, lot lines from which common vehicle access is provided shall be deemed to be common to a street. Notwithstanding the above, for parcels next to the sea, front lot line is defined as a lot line next to the sea.

To:

A lot line common to a parcel and Birch Avenue.

(b) Schedule A, Section 117.9(3)(a): Required Setbacks: Rear

For proposed Lot 3, unless further subdivided

From:

Rear setback shall not be less than 5.5 metres.

To:

Rear setback for the existing principal building and deck shall be not less than 4.0 metres.

(c) Schedule A, Section 117.9(4)(a): Required Setbacks: Side - Interior

For proposed Lot 4, unless further subdivided

From:

Interior side setback shall not be less than 1.5 metres.

To:

Interior side setback shall not be less than 1.5 metres, except that the west interior side setback for the existing principal building shall be not less than 1.10 metres.

(d) Schedule A, Section 117.12(3): Off-Street Parking and Loading: Maximum Number of Driveways

For proposed Lot 4

From:

No more than one driveway shall be permitted on a parcel.

To:

One up to 5.5 metres wide driveway shall be permitted on Birch Avenue, and one up to 5.5 metres wide driveway shall be permitted on Cypress Avenue.

(e) Schedule A, Section 117.13(2)

For Lots 3 and 4, unless further subdivided

From:

Overhead wiring on a parcel shall not be permitted. All new services on a parcel shall be placed underground.

To:

Overhead wiring for the existing dwelling unit shall be permitted. All new services, including wiring, for any new dwelling units a parcel shall be placed underground.

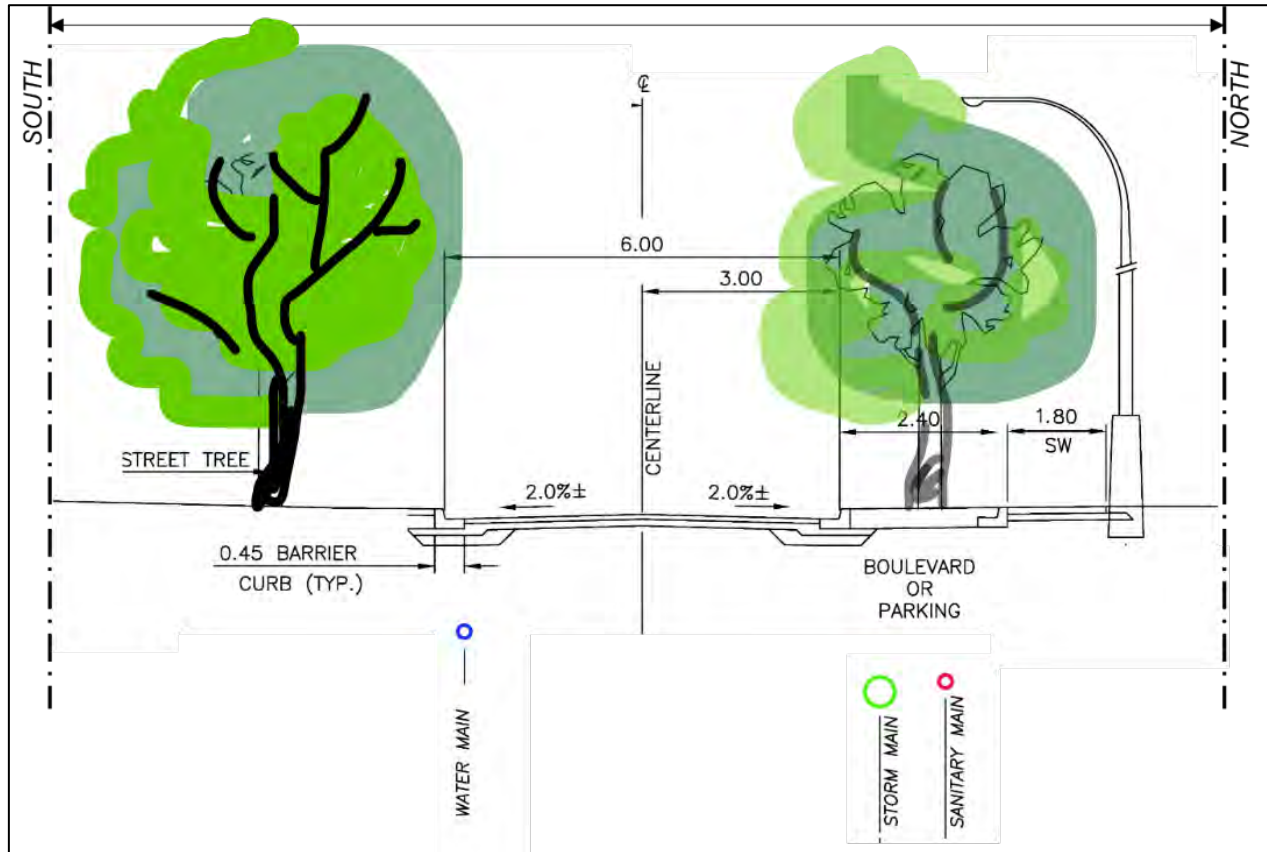
3. Schedule C.1 of Town of Comox Subdivision and Development Servicing Bylaw, 1261, is hereby varied as follows:

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

For Birch Avenue, in accordance with **Figure 1** of this Schedule:

- Local Urban Road Allowance Width
 - From:**
20.0 metres
 - To:**
18.3 metres
- Local Urban Road Pavement Width
 - From:**
9.0 metres,
 - To:**
6.0 metres, with 2.4 m pull-out parallel parking on the road
- Type of curb
 - From:**
Rollover curb,
 - To:**
Vertical Face Barrier curb, gutter
- Number of Sidewalks
 - From:**
Both sides
 - To:**
1.8m wide on the north side on Birch Ave. Sidewalk width may be reduced to 1.5 m wide at the discretion of Municipal Engineer if in conflict with existing trees, driveways or utilities

Figure 1: Proposed Local Road Cross-Section of Birch Avenue



For Cypress Avenue:

- Local Urban Road Allowance Width
 - From:**
20.0 metres
 - To:**
13.7 metres
- Local Urban Road Pavement Width
 - From:**
9.0 metres
 - To:**
Minimum 6.0 metres

- Type of curb
 - From:**
Rollover curb,
 - To:**
No curb
- Number of Sidewalks
 - From:**
Both sides
 - To:**
No sidewalks

(b) Standard Plan SC-1

For Birch Avenue, in accordance with **Figure 1** of this Schedule:

- Urban Highway X-Section
 - From:**
9.0 m width of road pavement, from curb face to curb face
 - To:**
Variable – Minimum Width of 6.0 metres, from curb face to curb face, with 2.4 m pull-out parallel parking on the road

For Cypress Avenue:

- Urban Highway X-Section
 - From:**
9.0 m width of road pavement, from curb face to curb face
 - To:**
Variable – Minimum Width of 6.0 metres

(c) Appendix G, Specifications for Underground Wiring and Street Lighting, Section 1.2.1

For Lots 3 and 4, unless further subdivided

From:

With respect to subdivision, all wiring shall be underground, except where:

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

To:

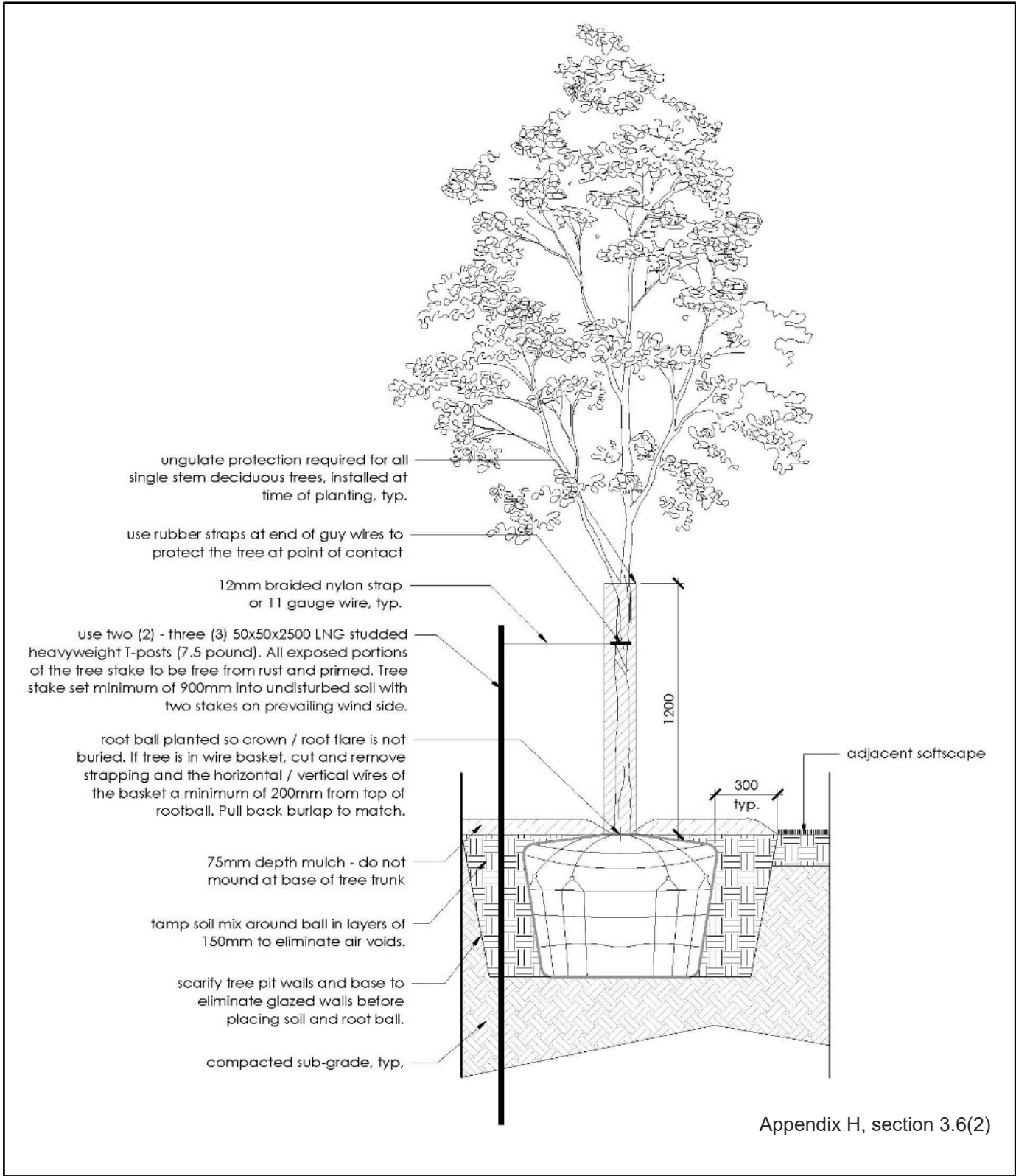
With respect to subdivision, all wiring shall be underground, except for existing single-family houses where existing overhead wiring service connections may remain.

(d) Appendix H, Specifications for Street Tree Planting

To add as section 3.6 the following:

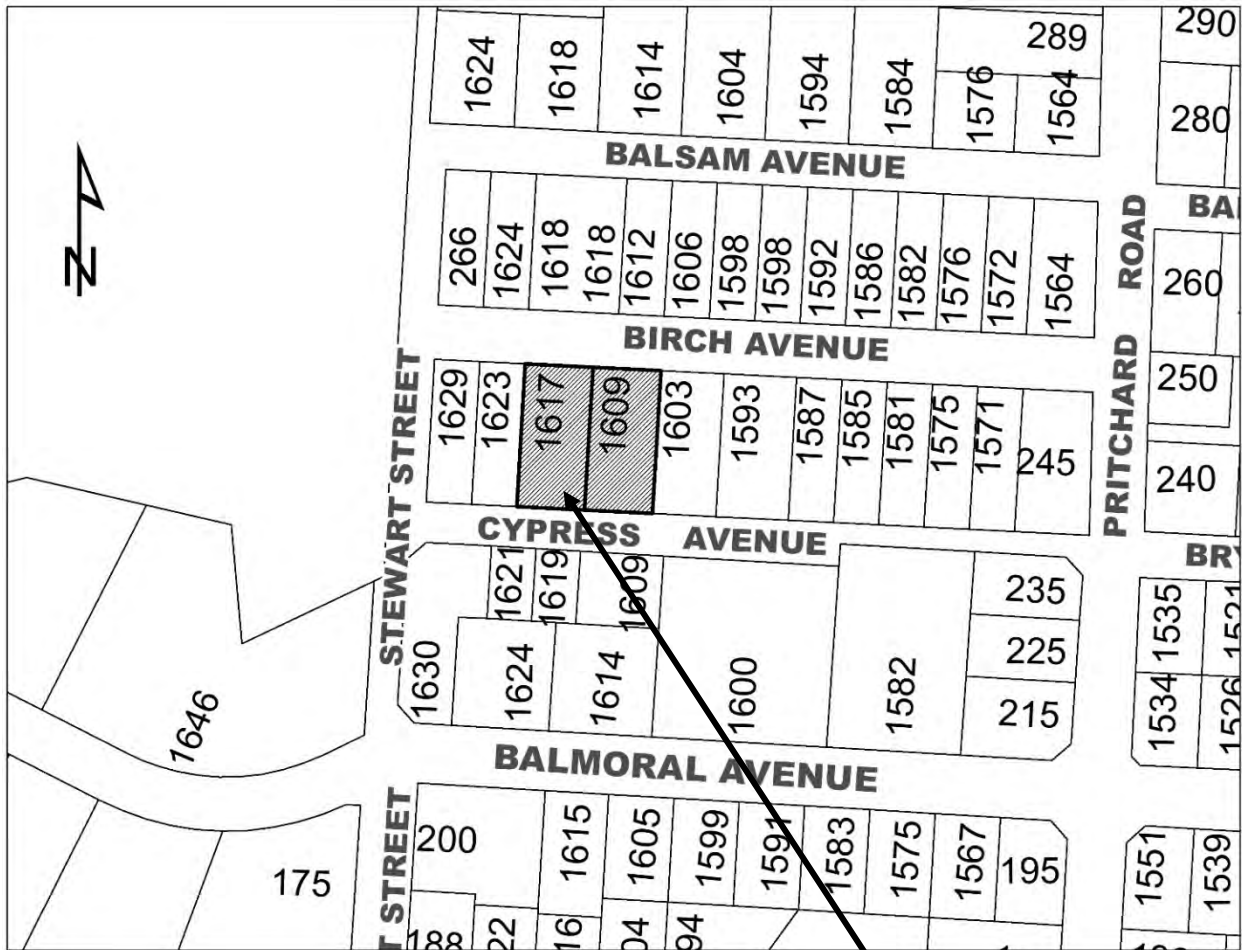
Notwithstanding Sections 1.1 – 3.5, up to five street trees, at the discretion of the Superintendent of Parks, shall be planted at the time of subdivision along the south side of Birch Avenue fronting the subject properties.

1. The locations, type and size of street trees shall be selected by the Manager of Parks to suit site conditions. Trees shall be selected from the following list:
 - *Zelkova serrata* (Green Vase zelkova)
 - *Acer truncatum* (Shangtung maple)
 - *Crataegus douglasii* (Black Hawthorn)
 - *Frangula purshiana* (Cascara)
 - *Oxydendrum arboretum* (Sourwood)
 - *Robinia pseudoacacia* (Golden Black Locust)
 - *Acer griseum* (Paper Bark maple)
2. Street trees shall be planted in accordance with detail below. No actual planting shall take place until notice to proceed is given to the Town and approved in writing by the Manager of Parks.



Appendix H, section 3.6(2)

APPLICATION SUMMARY



Subject Properties:

1609 and 1617 BIRCH AVENUE

LOTS A and B SECTION 76 COMOX DISTRICT PLAN 26517

SUMMARY OF EXISTING AND PROPOSED ZONES

Proposal: To rezone the two double-fronting parcels at 1609 and 1617 Birch Avenue from R1.1 Single-Family to R5.2 Single-Family – 300 m² Parcel, to facilitate the creation of two new infill lots (Lots 1 & 2), both of which would be developed, and two remainder lots (Lots 3 & 4), both of which would retain their existing dwellings and may in the future each be subdivided in half.

Applicant: Hal Martyn
 Owners: Marie Hodgson and Richard Varela

Legal Description: LOTS A AND B, SECTION 76, COMOX DISTRICT, PLAN 26517

Civic Address: 1609 & 1617 Birch Avenue

Official Community Plan:

Land Use Designation: Residential: Ground Oriented Infill

Development Permit Areas:
 DPA # 2 Ground Oriented Infill (exempt)
 DPA #17 Coach Houses (exempt)
 DPA #18 Secondary Suites (exempt)

SUMMARY OF EXISTING AND PROPOSED ZONES		
Zoning:	EXISTING	PROPOSED NEW ZONE
	R1.1 Single Family	R 5.2 Single Family – 300 m² Parcel
Permitted uses:	Accessory structures and uses Bed and Breakfast accommodations Coach houses Homes occupations Secondary suites Single-family dwellings Urban Hen Keeping Urban Produce Production Urban Produce Stand	Accessory structures and uses Home occupations Secondary Suites Single-family dwellings Urban Hen Keeping Urban Produce Production Urban Produce Stand
Maximum Density:	n/a	n/a

Minimum Parcel area:	650 m ²	300 m ²
Minimum Parcel frontage:	20m	Interior lot: 13 m Exterior lot: 15 m
Minimum Parcel depth:	26m	20.0 m
Maximum Parcel coverage:	35 %	Single-storey dwellings: 40% Two-storey dwellings: 35%
Maximum Height and stories:	9.0m	8.0 m 2 storeys
Required minimum Setbacks:		
Front:	7.5m	For 5.5 m as measured parallel to and at the front setback – front setback shall be no less than 6.0 m and for any part of a structure used as a garage. 3.5 m – for all other situations
Rear:	7.5m	5.5 m
Side (interior):	2.0m	1.5 m
Side (exterior):	3.5m	3.0 m
Parking	2 per parcel	2 per parcel

Surrounding Land Uses: Single-family development on all sides.

Comox Zoning Bylaw 1850

	<u>Existing Regulation</u>	<u>Proposed Variances</u>
Definition of 'Front Lot Line'	A lot line common to a parcel and a street other than a lane. Where a parcel abuts two or more streets, only the street with the shortest length along the parcel shall be used to determine front lot lines.	Proposed Lot 4 only: A lot line common to a parcel and Birch Avenue.
R 5.2 Side - Interior setback	minimum 1.5 m	Existing building on Proposed Lot 4 only: for the west side setback: 1.15 m
R 5.2 Rear setback	minimum 5.5 m	Existing garage and deck attached to the existing building on Proposed Lot 3 only: 4.0 m
R 5.2 Number of Driveways	Maximum 1 per parcel	Proposed Lot 4 only: No more than one driveway per street frontage shall be permitted on a parcel.
Street trees	Type, size, quantity, location and planting details	The type, size, quantity, location of street trees shall be at the discretion of the Manager of Parks. The street tree planting standard is updated.

Town of Comox Subdivision and Development Servicing Bylaw, 1261

Road standards	<u>Existing Standard</u>	<u>Proposed Variances</u>
Local		
Road Allowance Width	20.0 m	18.3 m for Birch Ave 13.7 for Cypress Ave
Pavement width	9.0 m	6.0 m with 2.4 m parking pull-outs on one side for Birch Ave 6.0 m for Cypress Ave
Curb	roll over	vertical curb and gutter for Birch Ave no curb for Cypress Ave
Sidewalk	On both sides of the street, minimum 1.5 m width	On one side of Birch Ave, minimum 1.8 m width No sidewalk for Cypress Ave
Overhead wiring	Not permitted	Proposed Lots 3 & 4 only: Existing overhead wiring service connections for the existing dwellings permitted to be retained. New development on Lots 1 & 2 would utilize underground wiring service connections.
Street Trees		5 street trees along the Birch Street frontage.

PROPOSED ZONING AMENDMENT BYLAW 1899

**TOWN OF COMOX
BYLAW 1899**

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 1899”

2. Amendments

Comox Zoning Bylaw 1850 is hereby amended as follows:

A. Section 2.7(2) Penalties is amended by adding the following:

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Unlawful projection into setback – R5.2 zone	5.12(12)	\$250.00
Unlawful use – R5.2 zone	117.1	\$250.00
Failure to comply with conditions – R5.2 zone	117.2	\$250.00
Unlawful accessory buildings – R5.2 zone	117.10	\$250.00

B. Section 4.1 Classification of Zones is amended by adding the following text under the Residential Zones heading:

R 5.2 Single-Family – 300 m² Parcel

C. Section 5.3 Fences is amended by replacing subsection (4) with the following text:

In R1.4, R2.3, R3.8, R5.1 and R5.2 zones, no fences are permitted within a front and exterior side yard, as shown in Figure 5-2.

D. Section 5.12 Projections into Required Setbacks is amended by:

i. replacing subsection (3) with the following text:

In all zones other than the R1.4, R2.3, R3.4, R3.5, R3.6, R3.7, R3.8, R5.1, R5.2, I2.1, CD16, CD23, CD24, CD27, CD28, CD29, CD30; Area B of the CD 13 zone, as shown in Appendix A1; and Area A of the CD26 zone, as shown in Appendix “W”, awnings, balconies, bay windows, canopies, chimneys, cornices, eaves, gutters, landings, leaders, ornamental features, pilasters, porches, sills, stairs, sunshades or steps may project up to 1.75 metres into a required front, rear or exterior side setback and up to 0.6 metres into a required interior side setback.

E. ii. adding a new subsection (12) with the following text:

In the R5.2 zone:

- (a) awnings, balconies, bay windows, canopies, chimneys, cornices, eaves, gutters, landings, leaders, ornamental features, pilasters, porches, sills, stairs, or sunshades may project up to 1.0 metres into a required front, rear and exterior – side setback.
- (b) In an interior side setback, only eaves may project up to 0.6 m.

F. Schedule “A” is amended by adding as Section 117 the R5.2 zone, as shown in Schedule “1”, which is attached to and forms part of this Bylaw;

G. Schedule “B” (the Zoning Map) is amended by rezoning **LOTS A and B, SECTION 76 COMOX DISTRICT PLAN 26517**, shown shaded on Schedule “2” which is attached to and forms part of this Bylaw, from R1.1 Single-Family to R5.2 Single-Family – 300 m² Parcel.

H. Comox Zoning Bylaw 1850 is further amended by making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and order of the sections of the bylaw.

3. Adoption

- | | |
|-----------------------------------|---|
| (1) READ A FIRST time this | 10 th day of August, 2022 |
| (2) READ A SECOND time this | 10 th day of August, 2022 |
| (3) ADVERTISED A FIRST time this | 24 th day of August, 2022 |
| (4) ADVERTISED A SECOND time this | 31 st day of August, 2022 |
| (5) PUBLIC HEARING HELD this | 21 st day of September, 2022 |
| (6) READ A THIRD time this | 21 st day of September, 2022 |
| (7) ADOPTED this | ___ day of _____, 2022 |

Mayor

Corporate Officer

BYLAW 1899
SCHEDULE "1"

117. R5.2 SINGLE-FAMILY – 300 M² PARCEL

117.1 Permitted Uses:

In the R5.2 zone, the following uses are permitted and all other uses are prohibited:

- (1) Accessory structures and uses
- (2) Home occupations
- (3) Single-family dwellings
- (4) Secondary Suites
- (5) Urban Produce Production
- (6) Urban Produce Stand

117.2 Conditions of Use:

- (1) Gross floor area of the second storey of a building shall not exceed 75% of the gross floor area of the first storey of the building including attached garages, except for:
 - (a) when no portion of the first storey is more than 0.6 metres above the established ground level, as measured along all elevations of the building, which face the rear lot line; or
 - (b) when no portion of the first storey is more than 0.6 metres above the established ground level, as measured along the building frontage.
- (2) In combined width, attached garages and attached carports shall not exceed the greater of 25% of the building frontage or 3.5 metres.

117.3 Density:

n/a

117.4 Parcel Area:

Parcel area shall not be less than 300 square metres.

117.5 Parcel Frontage:

- (1) Parcel with an exterior side lot line – Parcel frontage shall not be less than 15.0 metres;
- (2) All other situations – Parcel frontage shall not be less than 13.0 metres.

117.6 Parcel Depth:

Parcel depth shall not be less than 20.0 metres.

117.7 Parcel Coverage:

- (1) No building on a parcel exceeds one storey – Parcel coverage shall not exceed 40%.
- (2) A building on a parcel exceeds one storey – Parcel coverage shall not exceed 35%.

117.8 Height and Storeys:

- (1) Height shall not exceed 8.0 metres;
- (2) The number of storeys shall not exceed 2;
- (3) For multi-storey dwelling units, except for when no portion of the first storey is more than 0.6 metres above the established ground level, as measured along the building frontage, a minimum of 50% of the building frontage shall be a maximum of one storey, extending a minimum of 2.5 metres back from the elevation face, with the roof

ridge a minimum of 1.2 metres lower than the roof ridge of any multistorey portion as shown in Figures 117-1 and 117-2;

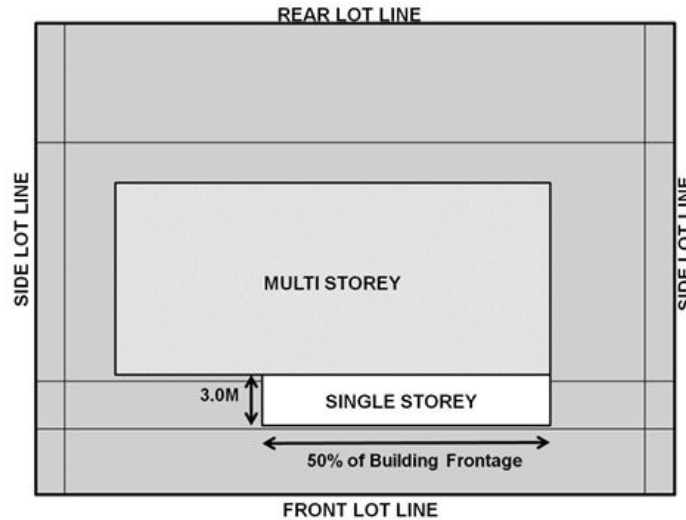


Figure 117-1. Site Plan

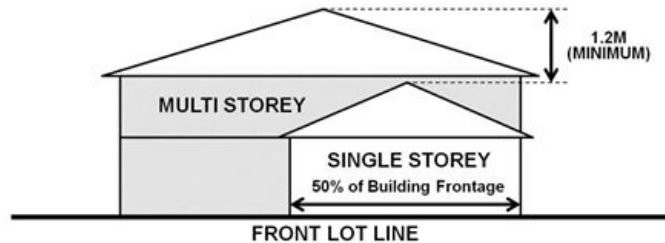


Figure 117-2. Elevation Block Out

117.9 Required Setbacks, as shown in Figure 117-3:

- (1) Notwithstanding Section 5.12(1) setbacks shall apply to any portion of a building that is underground and below grade, except footings of a building's foundation may project up to 0.6 m into a setback.
- (2) Front
 - (a) For 5.5 m as measured parallel to and at the front setback – Front setback shall not be less than 6.0 metres
 - (b) For any part of a structure used as a garage or carport – Front setback shall not be less than 6.0 metres.
 - (c) All other situations – Front setback shall not be less than 3.5 metres.
- (3) Rear
 - (a) Rear setback shall not be less than 5.5 metres.
- (4) Side – interior
 - (a) Interior side setback shall not be less than 1.5 metres.
- (5) Side – exterior and corner cut
 - (a) Exterior side setback shall not be less than 3.0 metres;
 - (b) Notwithstanding Section 5.18 Setbacks, setback from a corner cut-off property line shall not be less than 3.0 metres.

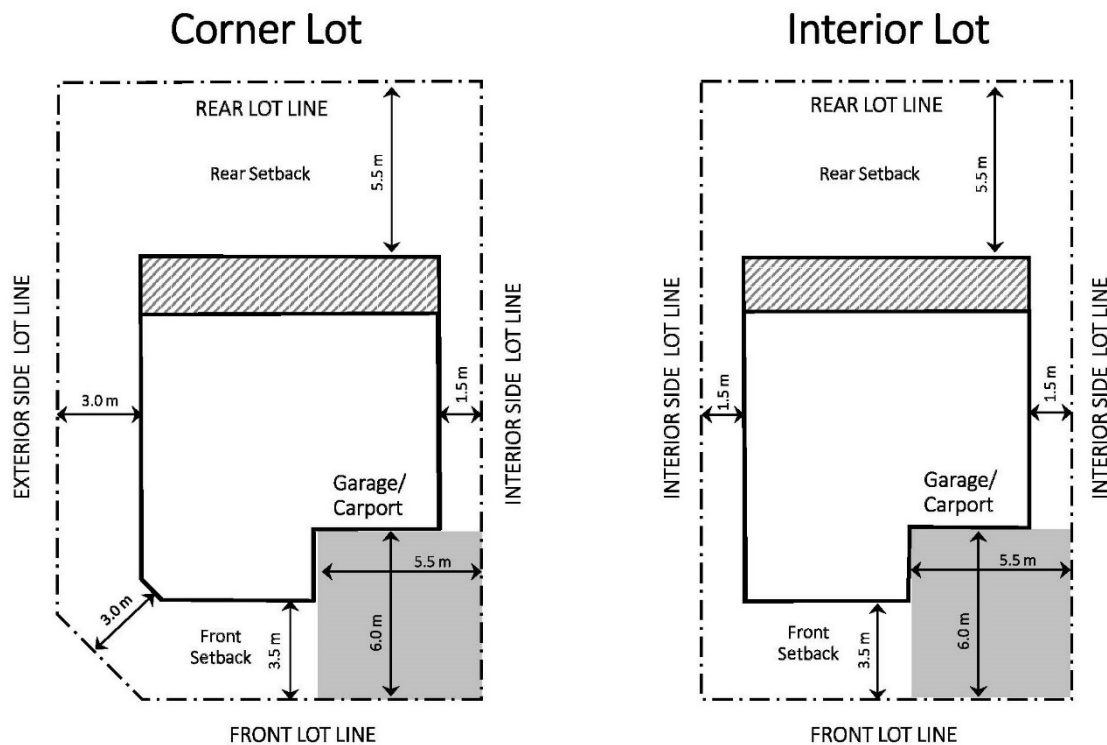


Figure 117-3.
Required Setbacks

117.10 Accessory Buildings

Accessory buildings shall:

- (1) not exceed 3.5 metres in height;
- (2) not exceed 10 m² in gross floor area;
- (3) not be located within front yard; and
- (4) be excluded from required rear and interior side setbacks provided that:
 - (a) no accessory building is located closer than 1.2 metres to a rear or interior side lot line, and
 - (b) a 1.5 metres interior side setback is maintained from the front lot line to rear yard, as shown in Figure 117-4.

117.11 Screening

Above ground utility boxes and utility transformers shall be screened in accordance with Section 8.

117.12 Off-Street Parking and Loading

- (1) Off-street parking and loading shall be provided in accordance with Section 6;
- (2) Driveways shall be 5.5 metres in width; and
- (3) No more than one driveway shall be permitted on a parcel.

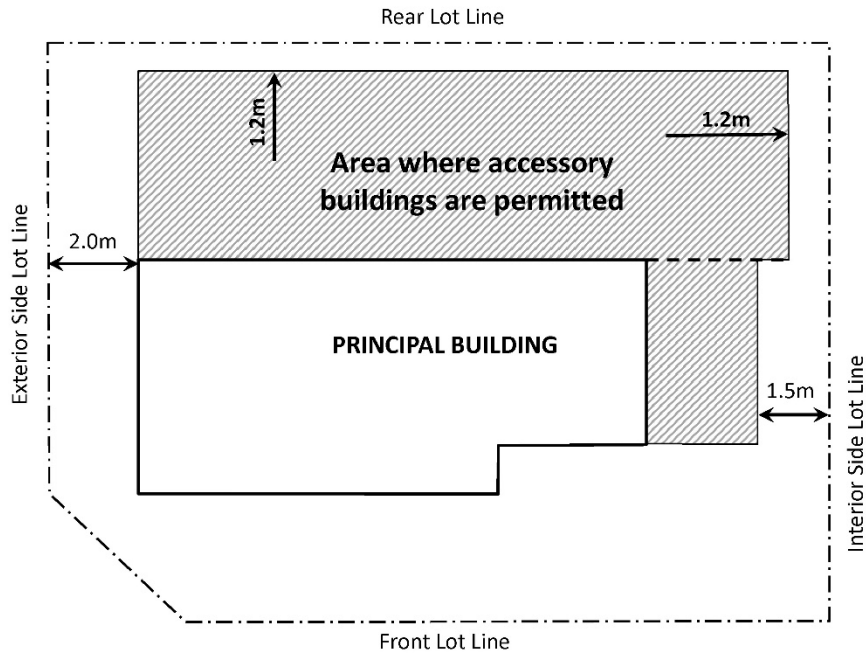


Figure 117-4.
Accessory building buildable area

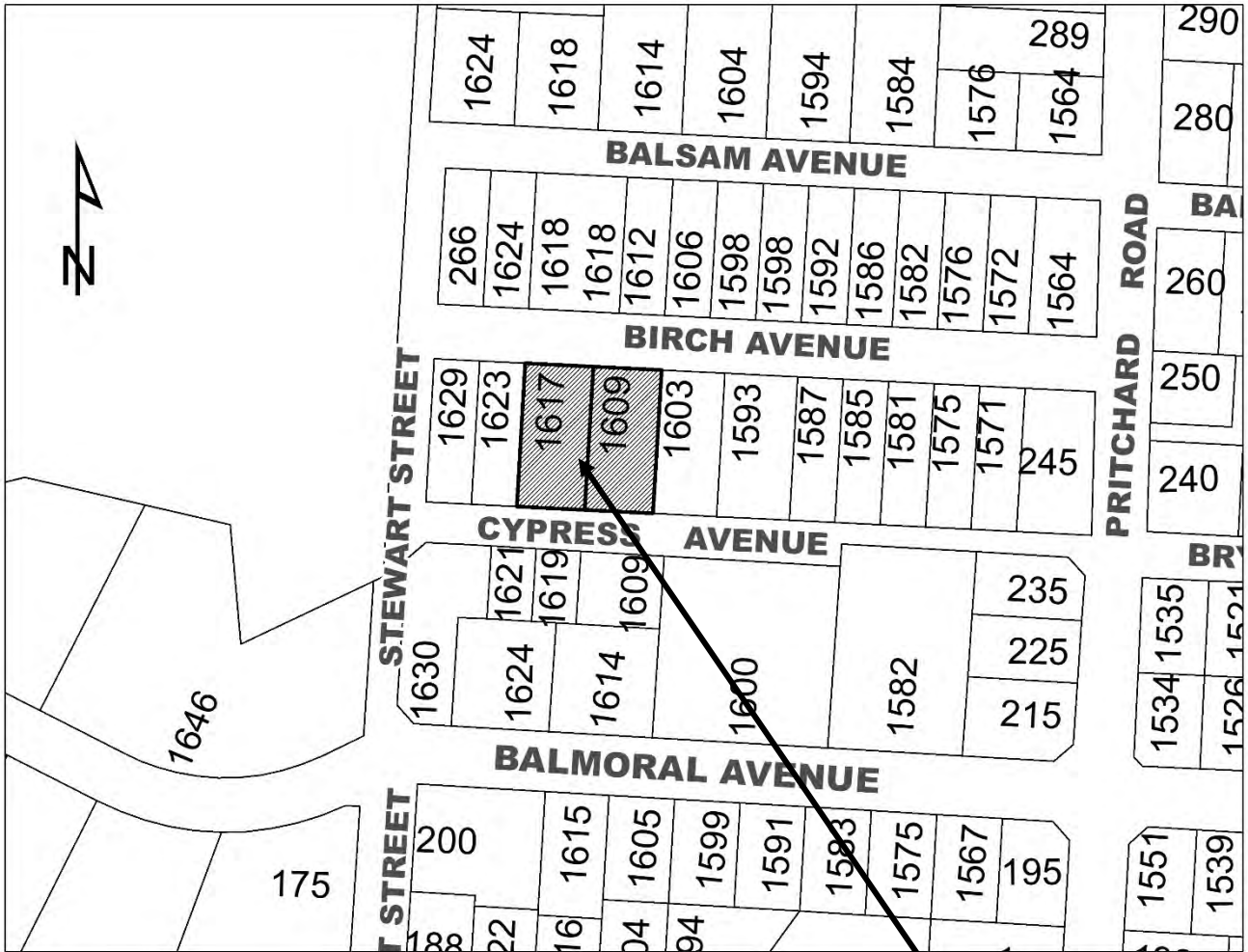
117.13 Other Requirements:

- (1) No more than one principal building shall be permitted on a parcel;
- (2) Overhead wiring on a parcel shall not be permitted. All new services on a parcel shall be placed underground; and
- (3) All buildings shall conform to Section 5.19, Watercourse Regulations.

BYLAW 1899

SCHEDULE "2"

SUBJECT PROPERTIES



Subject Properties:
1609 and 1617 BIRCH AVENUE
LOTS A and B SECTION 76 COMOX DISTRICT PLAN 26517

**TOWN OF COMOX SUBDIVISION AND DEVELOPMENT SERVICING AMENDMENT
BYLAW NO. 2015, 2023**

TOWN OF COMOX

BYLAW NO. 2015

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

WHEREAS Council has adopted a Subdivision And Servicing Bylaw and has the authority under the provisions of the *Community Charter* to amend the Subdivision And Development Servicing Bylaw, 1261;

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 “Town of Comox Subdivision And Development Servicing Amendment Bylaw No. 2015, 2023”.

2. AMENDMENTS

“Town of Comox Subdivision And Development Servicing Bylaw, 1261” is amended as follows:

- (1) By replacing Appendix “C”, Specifications for Highways, Table C-1 (Minimum Requirements, Roadway Widths, Curbs and Sidewalks) with a new Table C-1 that is provided as Attachment 1.
- (2) “Town of Comox Subdivision And Development Servicing Bylaw, 1261” is hereby further amended by making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and order of the sections of this bylaw.

3. DEFINITIONS

- (1) In this Bylaw, unless the context otherwise requires
 - (a) “Council” means the Council of the Town of Comox;

4. Adoption

(1) READ A FIRST and SECOND time this day of , 2023

(2) READ A THIRD time this day of , 2023

(3) ADOPTED this day of , 2023

Mayor

Corporate Officer

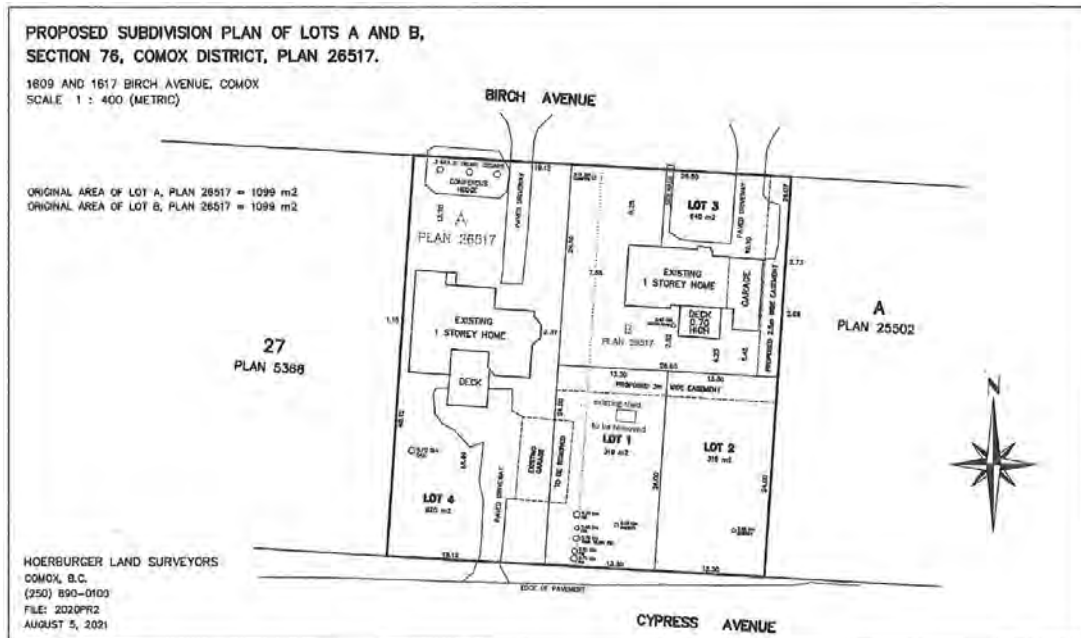
**TABLE C-1
MINIMUM REQUIREMENTS, ROADWAY WIDTHS, CURBS AND SIDEWALKS**

Land Use	Road Allowance Width (m)				radius of Cul-de-sac (m)	Pavement Width (m)						radius of Cul-de-sac (m)	Shoulder Width (m)	Type of Curb	No. of Sidewalks
	Cul*	Loc*	Coll*	Lane*		Cul*	Loc*	Min. Coll*	Maj. Coll*	Arterial	Lane*				
Urban Roads ◆ ‡	20	20	20	6	17	9	9◆	11	13	14	5.5	12.5		Roll** ◆ ◆ Ω	Commercial, Multi-Family: both sides ◆ ‡ Ω Single-Family with secondary suite allowance: Both sides except cres & cul ‡ ◆ Ω single family no secondary suite allowance: 1 side ● ◆ ◆ Ω
Industrial	20	20	20	7.5	17		11	13			7			Vert**	
Arterials			25							14				Vert**	1 side
Pedestrian Connections	required where a cul-de-sac street is longer than 120 m, or where continuous street frontage exceeds 370 metres			2.5							2.5			Asphalt or concrete	
Dedicated Walkways - Map C-2 ■				14-20, avg 15											
Dedicated Walkways - Map C-2 ⊠				6-9, avg 7											

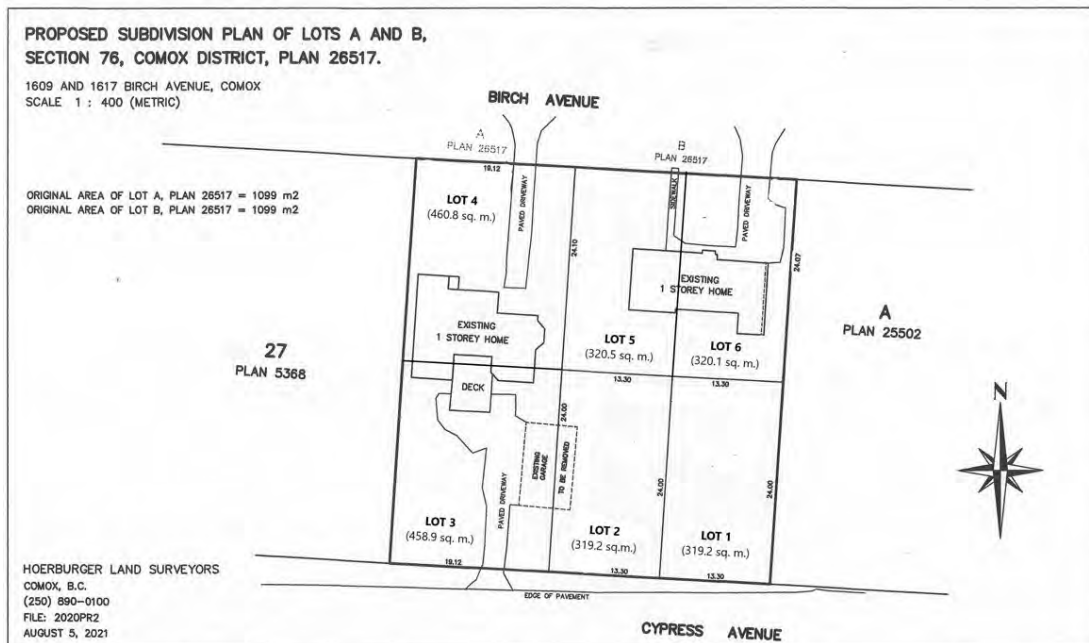
<p>* Highway Classification Cul – Cul-de-Sac Loc – Local Coll - Collector Lane - Lane</p>	<p>**Curb Type Roll - Rollover Curb Vert - Vertical Face Barrier Curb</p>	<p>‡ Sidewalk on one side on crescent streets which are not an arterial or collector street, all cul-de-sac streets and McDonald Road South of Guthrie Rd.</p>	<p>● Sidewalk both sides on major collectors and arterials.</p>
<p>◆ For the portion of Butchers Road from the intersection of any new road on Lot 18, District Lot 186, Comox District, Plan 449, except that part in Plan VIP75657 (471 Butchers Road) south to Lazo Road, the minimum pavement width shall be 5.5 m and shall have no curb, gutter or sidewalk. The development of the intersection shall be in shall have no curb, gutter or sidewalk. The development of the intersection shall be in accordance with Drawing SC-16</p>	<p>■ Where shown on Map C-2 as Dedicated Walkway 14-20 m width, dedication of a highway varying in width from 14 metres to 20 metres, and having an average width of 15 metres is required.</p>	<p>⊠ Where shown on Map C-2 as Dedicated Walkway 6-9 m width, dedication of a highway varying in width from 6 metres to 9 metres, and having an average width of 7 metres is required.</p>	
<p>◆ For Kye Bay Road south of Wireless Road, and Simon Crescent road construction standards contained in Standard Drawing SC-2 Rural Highway x-section apply, including no curb, gutter or sidewalk.</p>		<p>Ω For Cypress Ave, pavement width shall be 6.0 m and shall have no curb, gutter, sidewalk or paved on-street parking.</p>	

PROPOSED SUBDIVISION PLAN: PHASES 1 AND 2

Phase 1



Phase 2



POTENTIAL 6-LOT FUTURE SUBDIVISION (speculative purposes only - not currently proposed)
modified from original by Richard Varela
May 27, 2022.

To: Mayor and Council	File:
From: Jordan Wall, Chief Administrative Officer	Date: March 1 2023
Subject: Operating Budget Report	

Report Approved:

Jordan Wall, CAO

RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

1) THAT Council approves the Operational Budget as attached in Appendix A and;

THAT Council approves the inclusion of an additional fire fighter position in the 2023-2027 Financial Plan

ALTERNATIVES TO THE RECOMMENDATIONS

1) THAT Council approves the inclusion of 2 additional fire fighter positions in the 2023-2027 Financial Plan.

2) THAT Council approves the inclusion of an Environmental and Development Engineer in the 2023-2027 Financial Plan.

3) THAT Council approves the inclusion of an additional Finance staff member in the 2023-2027 Financial Plan.

4) THAT Council approves the inclusion of an additional Recreation Programmer in the 2023-2027 Financial Plan.

5) THAT Council approves the waiving of development fees and/or \$2,500 contribution request from Dawn to Dawn for funding towards the Gukwas sa Wagalus project.

6) THAT Council approves the \$3,000 request from the Filberg Society and Nautical Days Society for funding towards a shuttle.

7) THAT Council approves the \$15,000 request from the Comox Valley Community Health Network for funding towards phase three of the Substance Use Strategy.

8) THAT Council approves the \$2,000 request for the Wounded Warrior Run to support clinical programs for Veterans, First Responders, and their families.

PURPOSE

To seek Council's approval for the Town's 2023 operational budget.

BACKGROUND

The 2023-2027 proposed core operating budget contains a number of changes but overall largely resembles the budget used in 2022. However, core inflationary numbers however have grown significantly compared to last year. In 2022 staff budgeted core inflationary numbers at 2.4%. In 2023 the core budget's inflationary costs are budgeted between 4%-4.5%. This is due to rising material costs being experienced throughout the organization as well as a significant rise in benefits costs of 8.5% compared to last year. These cost increases are not uncommon and the Town has seen reports of benefits costs rising over 12% in other jurisdictions. The approximately 4.5% core inflationary growth represents the increase in costs to provide the same levels of service at the same staff compliment as in 2022. Any additions to the budget outlined below are not included in the core budget presented.

Attached to this report as attachment A is the budget schedule which will after amendment and adoption by Council form part of the overall Financial Plan. This report will attempt to provide context for the numbers that are presented in relation to the change in demand on taxation.

Interest Payments on Debt: Debt that has been incurred by local area services (which are financially independent for the purposes of paying off their debt) that will be retired in 2024.

Grants to other Organizations:

RCMP- Community Policing Crime Stoppers:	\$10,840
Coalition to end Homelessness:	\$40,000
Nautical Days:	\$25,000
CAMS:	\$32,500
Sid Williams Theatre:	\$25,000
Comox Valley Arts Gallery:	\$5,000

The significant decrease from 2022 to 2023 was due to a one time grant the Town received to restart the Seafood Festival after COVID. The Town acted as a flow through for the grant and disbursed the money to the Seafood Festival Society. The decrease in expenses will be offset by a decrease in revenue making the change neutral in regards to taxation demands.

The Town has received 3 additional funding requests for grant-in-air this year:

Dawn to Dawn:	\$2,500 in cash and waive of permit fees (aprox. \$550)
Filberg and Nautical Days Shuttle:	\$3,000
Comox Valley Community Health Network:	\$15,000
Wounded Warrior Run:	\$2,000

Other Fiscal: Interest collected on Town reserves. Currently these funds are re-invested into the Town’s infrastructure reserves.

General Government: General government costs largely reflect the 4.5% inflationary costs being experienced in most departments. The slightly lower level is due to less expenditures on materials and goods than in other departments. The two areas which see significant growth are in the Council line which represent the increases due to remuneration changes approved during the last Council term as well as return to normal budgets for conferences and other training opportunities. The technology line has also seen a large increase. As the Town modernizes and increases its usage of technology we expect this budget line to continue to increase. The Town currently uses Alpha to provide the vast majority of the Town’s IT needs through contract. We have also hired an independent municipal IT expert to audit and oversee Alpha’s expenditures and requests to ensure that we are getting good value for services and are not undertaking unneeded expenses.

Protective Services

Protective Services has grown at a rate equal to the overall inflationary increase seen in the Town. Council received a presentation by Chief Schreiner the need to grow the department by two full time staff members. Administration is recommending an increase of one full time Lieutenant fire fighter position to be added in 2023 with further explanation included in the governance considerations section of the report.

The Town has seen a growth in call volumes from 500 calls in 2012 to over 900 in 2022. The Fire Department is under increasing strain to continue to provide current services levels and will see the retirement of long-term members in the near future. Adding the position requested by administration will result in an increase in the department's full year budget of \$82,000 for one officer or \$164,000 for two. These values represent the total salary and benefits cost minus the cost sharing amount with the Fire Protection District (27%) and reduction in casual budget. This would result in an increase on taxation demand of \$11.82 for one member or \$23.62 for two, per representative household per year. The table below shows the cost per resident for fire protection services for different comparable departments.

Comox at current levels	\$63.83
Comox 1 additional officer	\$75.65
Comox 2 additional officers	\$87.47
Sydney	\$138.46
Sooke	\$166.67
Campbell River	\$176.42
Salt Spring	\$336.21

Building Inspection: The change in Building Inspection's budget represents core inflationary growth along with a reclassification of the building inspector. During the most recent union negotiations the Building Inspector position was changed from a 35 hour work week to a 40 hour work week. This was a mutually agreed upon change between the Town and Union and resulted in increased hours per year for service provision. A permanent \$10,000 increase to the budget for the yearly cost of yet to be acquired building inspection software is included as well.

Development Services: The growth in development services represents core inflationary growth as well as internal advancement of employees through the wage grid resulting in higher labour costs.

Transportation: Growth in Engineering, which represents Public Works, has had the largest inflationary impacts as cost for some materials have significantly grown over the past few years and was not accurately predicted when budgets were built towards the end of 2020 for the 2021 calendar year. This has resulted in a need for 'catch up' in this year's budget. \$80,000 of the growth in this year's budget is to account for replacement of street lights to LED lights. This cost does not need to be accounted for out of the Town's operational budget and can be funded through the Town's soon to be developed capital funding strategy. Removing these costs from the budget result in a 5.4% increase that will add to the demand on taxation.

Parks Rec and Culture: Facilities Maintenance, Parks, Culture, and Marina budget lines all have increases in line with core inflationary expectations.

Due to the large swing in both expenses and revenue for the Community Center as it has come out of restricted COVID operations, the net change in expenses minus revenues has been included in Appendix A. The rapid growth revenue as operations have normalized has resulted in only a 0.7% growth in net costs predicted for 2023.

RCMP: RCMP costs remain stable from last year. The decrease in planned expenditures relate to the money that was set aside as restricted revenue to fund back pay RCMP salary increases. Although this amount has not been paid it has been allocated as 'spent' in 2022 due to financial auditing regulations. There is no net change in taxation amount for RCMP costs in 2023.

ANALYSIS/ISSUES/IMPLICATIONS

Financial

The overall increase in costs to the municipality that will have an impact on taxation demand presented in Appendix A is \$605,783. The Town typically experiences non market taxation growth in the amount of \$95,000 per year resulting in a net taxation demand increase of \$510,783. We estimate that a 1% change in taxes will generate \$95,000 in additional revenue. This would result in an increase which would represent a 5.37% or \$70.97 increase per representative home. This does not include any additional positions and only the incremental cost for continue service level provision. The Town’s planned increase in its capital portfolio will add an additional \$14.50 to this total.

Council also has \$2.75 million in funding from the CVRD towards its capital projects in the sewer conveyance project as well as an unknown amount coming from the Provincial Government that will be available.

Below details the overall *changes* to the operational budget and as such the amount of taxation that will be required to fund any additional position.

	Dollar Value	Taxation Impact	Impact on Representative household*
1 Fire Department Lieutenant	\$82,000	0.89%	\$11.82
2 Fire Department Lieutenants	\$164,000	1.78%	\$23.64
Finance Staff	\$70,000	0.73%	\$13.86
Recreation Programmer	\$85,000	0.89%	\$11.81

Environmental and Development Engineer	\$130,000	1.37%	\$18.06
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***It is very important to note these estimates calculated only from the 2022 representative household taxation amount. Shifts in the asset class value from business to residential or vice versa in the 2023 tax roll will require Council to consider how to weight taxes across the different classes.**

GOVERNANCE CONSIDERATIONS

Q: Why is the recommendation to only add one additional Fire Department position when Council has been presented with needs from Department heads for other positions?

A: Council is part way through planned presentations from each department in preparation for Strategic Planning which will take place in the late spring or fall. Only a partial picture of the needs in the organization have been presented at this time. Council will be asked, with the support of Administrative recommendations, to prioritize the resource allocation across different departments. This is difficult to do until the full picture is presented to Council and Council has had the opportunity to bring forward their desires for change in the organization. With funding limited it can be difficult to make decisions with only partial information.

Further, Council has decisions to be made regarding how it will allocate current funding streams (approximately 25.5 million) into either capital or operational expenses. Council may have noticed that the ~\$30 value of special projects has not been noted in this report as being a demand on current taxation amounts. That is because Council has the funds to pay this amount already OR to pay more towards the Town’s infrastructure deficit. This choice will be made by Council in the coming months.

Administration has recommended the addition of 1 Fire Department position this year in order to help stabilize a growingly untenable situation of increased call volumes, demands, and planned retirement. As Council heard in their presentations both in the Fire Department and Finance Department (and will hear in the future from the Corporate Department) growing demands cannot be met by current funding levels. By not fully addressing these concerns in 2023 the organization is increasing the risk of mistakes, burnout, or collapse.

Q: There are positions listed here that I would like to see added to the organization. Is that something we can do now?

A: Yes, if there are positions that you feel are needed in the organization regardless of other considerations or decisions that will be made you can add those positions this year. If Council is sure that they want to maintain current Fire Department service levels into the future then both requested positions should be approved. Some on Council have taken a strong interest in seeing the recommendations of the Development Application Review be implemented in the near future as well as the desire to implement more environmentally friendly practices in the Town. The key for both of these desires is the addition of an Environment and Developmental Engineer. Delaying the hiring of this position until 2024 will delay both the implementation of the more structural recommendations of the

Development Application Review and the implementation of the planned environmental analysis included in Council's special project budget.

The Development and Environmental Engineer position, if approved, will require some thought and direction from Council. The planned job description for this position would include a vast array of specialities that are very unlikely to be found in any one individual. In a larger organization this would be two separate individuals. It is likely that Administration will need to hire someone with more strengths on one aspect than then other.

Town of Comox
2023 Preliminary Budget
Core & Fiscal Expenses

Schedule A

	2022 Budget	2023 Forecast	Percent	Change
Fiscal Expense				
Interest payments on debt	27,240	27,240	-	-
Grants to other organizations	193,145	140,930	(27.03%)	(52,215)
Other Fiscal	452,273	460,220	1.76%	7,947
Internal Cost Reallocation	2,040	-	(100.00%)	(2,040)
Total fiscal expenses	674,698	628,390	(6.86%)	(46,308)
Core Operating Expense				
<u>General Government</u>				
Facility Maintenance	199,172	201,843	1.34%	2,671
Council	266,340	321,590	20.74%	55,250
Administration	1,195,637	1,245,031	4.13%	49,394
Finance	1,084,530	1,128,670	4.07%	44,140
Technology	307,741	358,000	16.33%	50,259
Total General Government	3,053,420	3,255,134	6.61%	201,714
<u>Protective services</u>				
Fire	1,535,380	1,602,556	4.38%	67,176
Bylaw enforcement	153,680	155,820	1.39%	2,140
Building inspections	137,105	164,163	19.74%	27,058
CVRD Emergency Planning	51,000	101,000	98.04%	50,000
Total Protective Services	1,877,165	2,023,539	7.80%	146,374
<u>Development services</u>				
Development	592,510	638,609	7.78%	46,099
Total Planning Services	592,510	638,609	7.78%	46,099
<u>Transportation</u>				
Facility Maintenance	69,780	69,780	-	-
Engineering	2,158,633	2,359,826	9.32%	201,193
Total Transportation	2,228,413	2,429,606	9.03%	201,193

Town of Comox
2023 Preliminary Budget
Core & Fiscal Expenses

Schedule A

	2022 Budget	2023 Forecast	Percent	Change
<u>Parks, Rec & Culture</u>				
Facility Maintenance	256,786	263,896	2.77%	7,110
Parks	1,522,380	1,590,034	4.44%	67,654
Recreation, net of revenue	1,249,779	1,258,578	0.70%	8,799
Culture	34,500	37,630	9.07%	3,130
Marina	199,190	202,900	1.86%	3,710
Total Parks, Rec, Culture	3,262,635	3,353,038	2.77%	90,403
Core Expenses	11,014,143	11,699,926	6.23%	685,783
Core and Fiscal Expenses	11,688,841	12,328,316	5.47%	685,783
<u>Recreation Department</u>				
Community Services	2,108,934	2,783,155	31.97%	674,221
Sales of services	859,155	1,524,577	77.45%	665,422
<u>Policing</u>				
RCMP	2,232,770	2,094,123	(6.21%)	(138,647)
Total Core	15,355,847	16,577,204	7.95%	1,221,357
Fiscal services	674,698	628,390	(6.86%)	(46,308)
Total Core and Fiscal Expenses	16,030,545	17,205,594	7.33%	1,175,049

Note:

Garbage, Water, and Sewer expenses were separately handled by Council approval of the Fees Bylaws



**Royal Canadian Naval Association
Comox Valley Branch
1566 Baillie Road
Comox BC V9M 4C6**

RECEIVED

14Feb23

TOWN OF COMOX

13 February 2023

Mayor Nicole Minions
Town of Comox
Town Hall
1809 Beaufort Avenue
Comox BC V9M 1R9

LOG: 23-043	REFER:	AGENDA: RCM 01Mar23
FILE: 0400-03	ACTION: MR	

o - cfile 0400-03
Copies - Council
-JW/SR/RN/SA/LP

Dear Mayor Minions,

The Comox Valley Branch of the Royal Canadian Naval Association is planning on holding the annual public memorial service to commemorate the Battle of the Atlantic on Sunday 7 May 2023. This is a return to our pre-COVID civic ceremony that was last held in 2019.

I am writing for permission, Your Worship, to hold this public gathering at the Naval Memorial Cairn in the Comox Marina Park at 1:00pm. This memorial service will be open to the public and will be attended by veterans, serving members from 19 Wing, sea cadets and air cadets.

I also request your approval to arrange with the Royal Canadian Air Force for a low level fly past by a CP-140 Aurora Long Range Patrol aircraft as part of the event. The single fly past, as low as 500 feet, is timed for 1:25pm during the two minutes of silence.

As a public event to commemorate the wartime services of local residents and Canadian service personnel I also invite you and the Councillors to attend. 2023 commemorates the 84th anniversary of the start of World War Two and the Battle of the Atlantic

The Association will hold the post service reception at the Comox premises of the 160 Branch of the Royal Canadian Legion.

Yours aye,

Steve Cowan, C.D.
President
250 890 0225
rcnacomoxvalley@yahoo.com