

**REGULAR COUNCIL MEETING
AGENDA FOR WEDNESDAY FEBRUARY 21, 2024**

We respectfully acknowledge that the land on which we gather and work is on the Unceded Traditional Territory of the K'ómoks First Nation, the traditional keepers of this land.

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 Agenda](#)

THAT the February 21, 2024, Regular Council Meeting agenda be Adopted.

3. DELEGATIONS:

- (6) a. [Julia Tait - Increasing accessibility within the Town of Comox](#)
- (8) b. [Cole Makinson, CVRD - Sewer Conveyance Project Update - Construction schedule and traffic impacts in 2024](#)
- c. [Michael Huska & Hal Martyn - Zoning Amendment - 468 Pritchard Avenue](#)
- d. [Ron Davis - Zoning Amendment - 692 Anderton Road](#)

4. ADOPTION OF MINUTES:

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

THAT the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday, February 7, 2024, be Adopted.

5. COUNCIL COMMITTEE MINUTES AND REPORTS: NIL

6. CONSENT AGENDA:

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

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

a. *Kelly Burns, Canadian Association for Porphyria, February 12, 2024, building lighting request.*

7. UNFINISHED BUSINESS:

- (20) a. [December 6, 2023 Delegation - CVRD & BCAA Evolve E-Bike Program](#)
ITEM SUMMARY: At the December 6, 2023 Regular Council Meeting, the delegate requested official support from the Town to allow parking of Evo E-Bikes on roads and sidewalks for a regional e-bike program. At the January 24, 2024 Regular Council Meeting, Council requested more information related to the proposed program in Comox.
- (22) b. [February 7, 2024 Delegation - Comox Valley Chamber of Commerce, Business Recruitment and Retention](#)
ITEM SUMMARY: Tracey Clarke presented a proposal for a structured three-year plan for establishing a Business Retention and expansion Program. The delegation is requesting collaboration with municipal leaders to enhance economic prosperity in Courtenay and Comox.
- c. [February 7, 2024 Delegation - Downtown Business Enhancement](#)
ITEM SUMMARY: Representatives of the Comox BIA, BC Restaurant & Food Services and BC's Alliance of Beverage Licensees presented information on local and provincial challenges, and issues facing businesses. The delegation asked for the Town's consideration as to how it can best support the growing number of food and beverage businesses in Comox.
- d. [February 7, 2024 Delegation - Make Back Road Safe](#)
ITEM SUMMARY: Carolyn Rice provided details and a video of traffic issues near Glacier View Drive on Back Road. The delegate is requesting the following safety measures be taken in cooperation with Ministry of Transportation and Infrastructure, CVRD and City of Courtenay:
- 1. Reduce the posted speed limit on Back Road to 40 km/h, on a trial basis.*
 - 2. Install Speed Humps (cushions or tables) to enforce speed compliance.*
 - 3. Designate Glacier View Drive as a neighbourhood collector road.*
 - 4. Ensure there is NO diversion of traffic from Comox Avenue onto Back Road during the two-year CVRD Sewer Conveyance Project.*

8. SPECIAL REPORTS: NIL

9. BYLAW ADOPTIONS:

- (24) a. [Fees and Charges Amendment Bylaw No. 2016.02](#)
THAT the Fees and Charges Amendment Bylaw No. 2016.02 be Adopted.

10. NEW BUSINESS:

- (27) a. [Council Conference and Travel Policy CCL-003.02](#)
THAT Council Policy No. CCL-003.02, Council Conference and Travel Policy, be approved as amended to provide clarity on the types of conferences Council members may attend each year, and consistency in the administration and management of travel funds.

- (37) b. [Development Variance Permit Application: DVP 23-1 - Variances to facilitate subdivision of the industrial property at 1200 Military Row](#)
1. *THAT Development Variance Permit DVP 23-1 for 1200 Military Row be issued subject to the Development Variance Permit Conditions listed in Schedule 1 of the February 21, 2024 Planning Report on DVP 23-1.*
 2. *That Council Motion #2022.230, which approved Development Variance Permit DVP 21-7 for 1200 Military Row, be rescinded.*
 3. *THAT Council Motion #2022.268, which approved Development Variance Permit DVP 22-5 for 1200 Military Row, be rescinded.*
- (61) c. [Financial Officer Appointment and Signing Authority](#)
1. *THAT Edward Henley be appointed as Financial Officer for the Town of Comox.*
 2. *THAT Edward Henley be designated as having signing authority for the Town of Comox.*
- (63) d. [Notice on Title - 1638 Robb Avenue](#)
- THAT pursuant to Section 57 of the Community Charter, Council approves filing a notice against title with the Land Title and Survey Authority of British Columbia for failure of the following land to comply with Comox Building Bylaw 1472:*
1. *1638 Robb Avenue legally described as Lot C, Section 56, Comox District Plan 32304, P.I.D. 001-077-180.*
- (69) e. [Planning Report PR 24-3 - Application to UBCM Active Transportation Planning Program 2024](#)
1. *THAT Council endorse submission of a \$20,000 grant application to the Union of B.C. Municipalities for the Active Transportation Planning Program.*
 2. *THAT Council support the Town of Comox utilizing the Grant and providing overall Grant management, if the funding application is successful.*
- (85) f. [Planning Report PR 23-29 - Delegation of Minor DVPs to Staff](#)
1. *THAT the Comox Planning Procedure Amendment Bylaw No. 1780.15 be given First Reading.*
 2. *THAT the Comox Planning Procedure Amendment Bylaw No. 1780.15 be given Second Reading.*
 3. *THAT the Comox Planning Procedure Amendment Bylaw No. 1780.15 be given Third Reading.*
 4. *THAT the Comox Zoning Amendment Bylaw No. 1850.40 be given First Reading.*
 5. *THAT the Comox Zoning Amendment Bylaw No. 1850.40 be given Second Reading.*

TOWN OF COMOX

REGULAR COUNCIL MEETING AGENDA OF WEDNESDAY FEBRUARY 21, 2024

- (85) f. [Planning Report PR 23-29 - Delegation of Minor DVPs to Staff](#)
6. *THAT the Comox Zoning Amendment Bylaw No. 1850.40 be given Third Reading.*
- (96) g. [Planning Report PR 23-30 - Home Energy Navigator Program](#)
- THAT the Town of Comox contribute \$26,000 to the Home Energy Navigators Program in collaboration with the Comox Valley Regional District, K'ómoks First Nation, and City of Courtenay.*
- (100) h. [Planning Report PR 24-2 - Application to UBCM Development Approvals Program 2024](#)
1. *THAT Council endorse submission of a grant application to the Union of B.C. Municipalities Local Government Development Approvals Program for up to \$150,000 in grant funding.*
2. *THAT Council support the Town of Comox utilizing the Grant and providing overall Grant management, if the funding application is successful.*
- (104) i. [Planning Report BE 23-1 - Boundary Extension Application – Torrence Road Properties](#)
- THAT Town of Comox staff be authorized to refer to internal and external departments/agencies for comment and submission to the Province of a boundary extension application in the Noel Ave, Torrence Road and King Road area for the following properties:*
1. *The North ½ of Lot 20, District Lot 186, Comox District, Plan 449 Except That Part in Plan 24247 (PID 001-095-544, no civic address)*
2. *Lot A, District Lot 186, Comox District, Plan 24247 (PID 002-992-647, 480 Torrence Rd)*
3. *The North ½ of the South ½ of Lot 20, District Lot 186, Comox District, Plan 449 (PID 009-047-671, 456 Torrence Rd)*
- (143) j. [Rezoning application RZ 23-1, Development Variance Permit application DVP 23-5 - 468 Pritchard Road \(corner Elm Place\)](#)
- THAT in accordance with section 467 of the Local Government Act, notices be issued of Council concurrent consideration of proposed Comox Zoning Amendment Bylaw 2021 and Development Variance Permit 23-5.*
- (170) k. [Rezoning Application: RZ 23-5 - Zoning amendment to permit a liquor store at 692 Anderton Road](#)
1. *THAT Comox Zoning Amendment Bylaw No.1850.39 be given First Reading.*
2. *THAT Comox Zoning Amendment Bylaw No.1850.39 be given Second Reading.*
3. *THAT a Public Hearing in respect of Comox Zoning Amendment No. 1850.39 be scheduled for 6:00 pm on March 20, 2024, at d'Esterre House, 1801 Beaufort Avenue, and the Town publish requisite notices as required by the Local Government Act.*

11. NOTICES OF MOTION: NIL

12. CORRESPONDENCE:

(213) a. [Robert Johnson, Comox Bay Sailing Association - Moorage Rate Request 2024-2025](#)

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

THAT the February 6, 2024 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 5, 2024, 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.

(237) c. [Karen Love- BGC Central Vancouver Island - Building Lighting Request](#)

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: NIL

18. RISE AND REPORT FROM IN-CAMERA: NIL

ADJOURNMENT



CORPORATE OFFICER



REQUEST TO APPEAR AS A DELEGATION

TOWN OF COMOX

1809 Beaufort Avenue Ph: (250) 339-2202 Email: town@comox.ca
Comox BC V9M 1R9 Fx: (250) 339-7110

RECEIVED

Jan 23, 2024

TOWN OF COMOX

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: Julia Tait		LOG: 24-027	REFER:	AGENDA: RCM Feb 7, 2024	c-file: 5400-09 Copies: Council/JW/SR/
		FILE: 5400-09	ACTION: MR		
Organization you are representing: N/A					
Primary purpose of Organization: N/A					Number of members:
Mailing address of Organization: [REDACTED]			Contact Name:		
			Phone: [REDACTED]		
City: Comox	Postal Code: [REDACTED]		Email: [REDACTED]		
Subject matter: Increasing accessibility within the Town of Comox					
Specific request of Council, if any (i.e., letter of support, funding): To support my previous letter regarding painting of sidewalk edges to increase visibility for the visually impaired.					
Requested meeting and date: February 7, 2024			AV equipment required: none		
Date of application: Jan 22, 2024	Signature of applicant: Julia			Print name: Julia Tait	

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.

C-File: 5400-09
Copies: Council/ JW/
SA/SR/ CD

From: Julia Jones <[REDACTED]>
Sent: Tuesday, January 16, 2024 11:44 AM
To: Nicole Minions <NMinions@comox.ca>
Cc: Steve Blacklock <sblacklock@comox.ca>; K Grant <kgrant@comox.ca>; Chris Haslett <chaslett@comox.ca>; Jonathan Kerr <jkerr@comox.ca>; Jenn Meilleur <jmeilleur@comox.ca>; m swift <mswift@comox.ca>
Subject: Curb Concerns

Warning This E-Mail originated from outside The Town of Comox. *Please open with Caution*

Dear Mayor Minions,

Hello my name is Julia Tait. I have been living in this valley for 27 years. Being born and raised here, I've gotten to know this valley really well. The whole community is very nice, inviting, friendly, and welcoming. I also have a disability, a rare syndrome titled Aperts Syndrome, plus I'm hearing and visually impaired too. Being a young adult, I love going out with friends or on my own, my only fear with this is when I'm walking. I am not able to properly see certain curbs because the paint on them is starting to wear off. I've noticed this hugely, in downtown Comox, and on a lot of the stairs as well. I've learned to adapt over my life, but when something such as wearing out paint, or stuff that is similar happens, it makes it more challenging for me. I become worried and fearful, because not only do I have to be more cautious, but, I also have to sometimes rely on others to assist me. I generally am very independent, so when I need to ask for help just to see, it puts me out of my comfort zone, and will embarrass me. I was wondering if there was a way, that someone could go around several times a year, check out these concerns, and even fix if need be, so that people like myself can go out in public confident, knowing that our community is being taken care of properly.

Thank you for reading, and I look forward to seeing the changes.

Sincerely Julia



REQUEST TO APPEAR AS A DELEGATION

TOWN OF COMOX

1809 Beaufort Avenue Ph: (250) 339-2202 Email: town@comox.ca
Comox BC V9M 1R9 Fx: (250) 339-7110

RECEIVED

Feb. 5, 2024

TOWN OF COMOX

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:		
Organization you are representing:		
Primary purpose of Organization:		Number of members:
Mailing address of Organization:		Contact Name:
		Phone:
City:	Postal Code:	Email:
Subject matter:		
Specific request of Council, if any (i.e., letter of support, funding):		
Requested meeting and date:		AV equipment required:
Date of application:	Signature of applicant: <i>MH Lee</i>	Print name:

Please Note:

- Regular Council and Strategic Planning Committee Meetings start at 5:00 p.m. Delegations are dealt with at the beginning of each meeting.
- Maximum presentation time is 10 minutes including questions, unless previously approved by the Chair.
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- Please ensure that your cell phone is turned OFF during the meeting.

LOG: 24-041	REFER:	AGENDA: RCM 21Feb24
FILE: 0400-03	ACTION: MR	

Copies - Council
- JW/SA/CD



TOWN OF COMOX
Minutes of the Regular Council Meeting,
held in Council Chambers on Wednesday February 7, 2024

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

Absent: Nil

Staff Present: J. Wall, Chief Administrative Officer
S. Russwurm, Corporate Officer
G. Kreek, Acting Director of Finance
M. Kamenz, Director of Development Services
T. Hagmeier, Recreation Director

Call to Order:

The meeting was called to order at 5:02 p.m. with 23 members of the public in attendance.

Mayor Minions respectfully acknowledged that the land on which we gather and work is on the unceded traditional territory of the K'ómoks First Nation, the traditional keepers of this land.

1. INTRODUCTION AND APPROVAL OF LATE ITEMS: NIL

2. ADOPTION OF AGENDA:

a. Adoption of Agenda

Adoption of Agenda

THAT the February 7, 2024, Regular Council Meeting agenda be Adopted.

(2024.034) -- CARRIED

3. DELEGATIONS:

a. Carolyn Rice - Make Back Road Safe (Glacier View Drive)

Delegation - Make Back Road Safe

Carolyn Rice provided details and a video of traffic issues near Glacier View Drive on Back Road. The delegate is requesting the following safety measures be taken in cooperation with Ministry of Transportation and Infrastructure, CVRD and City of Courtenay:

1. Reduce the posted speed limit on Back Road to 40 km/h, on a trial basis.
2. Install Speed Humps (cushions or tables) to enforce speed compliance.
3. Designate Glacier View Drive as a neighbourhood collector road.
4. Ensure there is NO diversion of traffic from Comox Avenue onto Back Road during the two-year CVRD Sewer Conveyance Project.

THE MEETING RECESSED AT 5:22 P.M. AND WAS CALLED BACK TO ORDER AT 5:24 P.M.

b. Pete Chambers, Ian Tostenson, Jeff Guignard - Comox BIA, BCRFA, ABLEBC

Delegation - Downtown Business Enhancent

Representatives of the Comox BIA presented information on local and provincial challenges, trends, and issues facing the food, beverage, and cannabis businesses. The delegation asked for the Town's consideration as to how it can best support the growing number of food and beverage businesses in Comox.

d. Tracey Clarke, Comox Valley Chamber of Commerce - Business Retention and Expansion Service Proposal

Delegation - Business Recruitment and Retention

Tracey Clarke presented a proposal for a structured three-year plan for establishing a Business Retention and Expansion Program and is requesting collaboration with municipal leaders to enhance economic prosperity in Courtenay and Comox.

4. ADOPTION OF MINUTES:

a. Regular Council Meeting Minutes

Regular Council Meeting Minutes

THAT the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday, January 24, 2024, be Adopted.

(2024.035) -- CARRIED

5. COUNCIL COMMITTEE MINUTES AND REPORTS: NIL

6. CONSENT AGENDA:

a. Consent agenda:

Consent Agenda

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

- a. Joan Henderson, January 18, 2024, BC Transit*
- b. Julia Jones, January 16, 2024, Curb concerns*
- c. Carol Finley, January 22, 2024, Gaza ceasefire*
- d. Carol Finley, January 22, 2024, Automated cart fees*
- e. Evan Wind, January 22, 2024, Artificial turf field*
- f. Shannon Wind, January 22, 2024, Artificial turf field*
- g. Jason Walker, January 24, 2024, Multi-sport turf facility*
- h. Ryan McQueen, January 24, 2024, Multi-sport turf facility*
- i. John & Barbara Neilson, January 21, 2024, Conveyance project and urban forest concerns*

(2024.036) -- CARRIED

a. Consent agenda:

Consent Agenda

- 1. j. Pulfrey/Roundhill Family, January 26, 2024, Second artificial turf
 - k. Rick Gibson, Comox Valley Snow to Surf Society, January 16, 2024, Permission to use Park Marina
 - l. M. Feschuk, January 30, 2024, New waste collection
 - m. Maurita Prato, Comox Valley Food Policy Council, January 31, 2024, Island Food Charter
- 2. THAT item B. (Julia Jones, January 16, 2024, curb concerns) be removed from the Consent Agenda for discussion.

(2024.037) -- CARRIED
- 3. THAT Item A. (Joan Henderson, January 18, 2024, BC Transit) be removed from the Consent Agenda for discussion.

(2024.038) -- CARRIED
- 4. THAT Item I. (John & Barbara Neilson, January 21, 2024, Conveyance project and urban forest concerns) be removed from the Consent Agenda for discussion.

(2024.039) -- CARRIED
- 5. THAT Item K. (Rick Gibson, Comox Valley Snow to Surf Society, January 16, 2024, Permission to use Park Marina) be removed from the Consent Agenda for discussion.

(2024.038) -- CARRIED
- 6. THAT the January 16, 2024, letter from Rick Gibson of the Comox Valley Snow to Surf Society, requesting the use of Marina Park, use of bleachers and traffic barricades, and the closure of the boat launch facilities for the finish of the Snow to Surf event on Sunday, April 28, 2024, be received, and permission granted.

(2024.039) -- CARRIED
- 7. THAT Item M. (Maurito Prato, Comox Valley Food Policy Council, January 31, 2024, Island Food Charter) be removed from the Consent Agenda for discussion.

(2024.040) -- CARRIED

7. UNFINISHED BUSINESS:

a. January 24, 2024 Delegation - Comox Valley Situation Table

Delegation - Situation Table

THAT Mayor Nicole Minions participate in Situation Table System Leaders Group.
(2024.041) -- CARRIED

b. January 24, 2024 Delegation - d'Esterre Senior Centre Association

Delegation - d'Esterre Senior Centre

The delegate requested funding to hire an executive director for the d'Esterre Seniors Centre.
Council agreed to discuss this item in conjunction with the Item 10c, 2024 Council Funding Requests.

c. Council Budget Timeline Policy CCL-066.01 (Amended)

Council Budget Timeline Policy CCL-066.01

THAT the Council Budget Timeline Policy CCL-066.01 be Adopted as Amended.

(2024.042) -- CARRIED

d. Fees and Charges Amendment Bylaw No. 2016.02

Fees and Charges Bylaw

- 1. THAT the Fees and Charges Amendment Bylaw No. 2016.02 be given First Reading. (2024.043) -- CARRIED
2. THAT the Fees and Charges Amendment Bylaw No. 2016.02 be given Second Reading. (2024.044) -- CARRIED
3. THAT the Fees and Charges Amendment Bylaw No. 2016.02 be given Third Reading. (2024.045) -- CARRIED

8. SPECIAL REPORTS: NIL

9. BYLAW ADOPTIONS:

a. 2024 Marina Rates Amendment Bylaw No. 2010.01

2024 Marina Rates

THAT the Comox Municipal Marina Fees and Regulations Amendment Bylaw No. 2010.01 be Adopted.

(2024.046) -- CARRIED

10. NEW BUSINESS:

a. Development Variance Permit DVP 23-13 for 148 Beach Drive

Development Variance Permit Application: DVP 23-13

THAT Development Variance Permit DVP 23-13 for 148 Beach Drive be issued subject to the Development Variance Permit Conditions listed in Schedule 1 of the February 7, 2024 Planning Report on DVP 23-13.

(2024.047) -- CARRIED

b. Development Variance Permit DVP 23-14 for 2141 Fairbairn Avenue

Development Variance Permit Application: DVP 23-14

THAT Development Variance Permit DVP 23-14 for 2141 Fairbairn Avenue be issued subject to the Development Variance Permit Conditions listed in Schedule 1 of the February 7, 2024 Planning Report on DVP 23-14.

(2024.048) -- CARRIED

c. 2024 Council Funding Requests

2024 Council Funding Requests

- 1. THAT Council receive the February 7, 2024, report from the Corporate Administrative Officer titled "2024 Council Funding Requests" for information.

(2024.049) -- CARRIED

c. 2024 Council Funding Requests

2024 Council Funding Requests

- 2. THAT Administration meet with d'Esterre Seniors Centre Association to explore a potential partnership with the Town of Comox.

(2024.050) -- CARRIED

d. Infrastructure Renewal Fund

Infrastructure Renewal Fund

- 1. THAT Council approve a \$51.70 infrastructure renewal charge to be included in the 2024 tax notices, which reflects the year-one cost increase required to close the Town's infrastructure gap in 10 years;

THAT the infrastructure gap funding amount appear on tax notices as a special taxation line called "Infrastructure Renewal Fund"; and,

THAT the Infrastructure Renewal Fund be effectively communicated to the community, providing a clear explanation of the reasons behind its implementation.

(2024.051) -- CARRIED

[Opposed: Councillors CHaslett JKerr MSwift]

e. Comox Nautical Days Society and Festival Structure Reorganization

Comox Nautical Days Festival

THAT the dissolution of the Comox Nautical Days Society be approved; and that the Mayor and Corporate Officer be authorized to execute the necessary legal documents.

(2024.052) -- CARRIED

- 2. THAT an advisory Comox Nautical Days Festival Committee be established to develop policies and recommend service levels for the Comox Nautical Days Festival.

(2024.053) -- DEFEATED

[Opposed: Mayor Minions, Councillors SBlacklock CHaslett KGrant JKerr JMeilleur MSwift]

- 3. THAT an advisory Comox Nautical Days Festival Committee be established; and

THAT Administration return to Council at a future Regular Council Meeting with an updated Terms of Reference that has been reviewed in accordance with Policy No. CCL-076 for high level governance considerations and the relationship between the Comox Nautical Days Festival Committee and the Festival Producer.

(2024.054) -- CARRIED

- 4. THAT the Comox Nautical Days Festival Policy No. CCL-076 be approved by Council.

AMENDING MOTION:

THAT sponsor names be removed from Policy No. CCL-076, specifically from sections 7(a) vi. and viii.

(2024.055) -- CARRIED

- 5. MOTION AS AMENDED

THAT Council approve Policy No. CCL-076 for the Comox Nautical Days Festival, with the amendment to remove sponsor names from sections 7(a) vi. and viii.

(2024.056) -- CARRIED

e. Comox Nautical Days Society and Festival Structure Reorganization

Comox Nautical Days Festival

- 6. THAT an additional \$10,000 be added to the Comox Nautical Days Festival operating budget to cover costs associated with the establishment of a Comox Nautical Days Festival Committee and the dissolution of the Comox Nautical Days Festival Society. (2024.057) -- CARRIED
- 7. THAT the production and oversight of the Comox Nautical Days Festival continue to be provided through the use of an external service contractor. (2024.058) -- CARRIED
- 8. THAT the draft Service Contract with Mr. Dave Stevenson for the production of the 2024 Comox Nautical Days' Festival, as attached, be approved; and that the Mayor and Corporate Officer be authorized to execute the contract. (2024.059) -- CARRIED

11. NOTICES OF MOTION: NIL

12. CORRESPONDENCE:

a. Jeff West, Executive Director: Habitat for Humanity Vancouver Island North, 2161 Park Drive

Correspondence - Habitat for Humanity

THAT the letter dated January 15, 2024, from Jeff West of Habitat for Humanity Vancouver Island North, requesting the development of an agreement for the Town of Comox's donation of land located at 2161 Park Drive be Received. (2024.060) -- CARRIED

b. CVRD Board resolution - 2024 UBCM Community - Emergency Preparedness Fund Application

Correspondence - Emergency Preparedness Fund

THAT the Town of Comox approves the Comox Valley Regional Districts' grant application to the Union of BC Municipalities Community Preparedness Fund (Emergency Support Services (ESS) Equipment and Training Stream) in the amount of up to \$150,000 to assist with the modernization of ESS and to build capacity to ensure that group lodging and reception centres are delivered in a trauma aware and culturally safe environment;

AND FURTHER THAT the Town of Comox approves the Comox Valley Regional District's management of the grant funds for the Town of Comox in partnership with K'omoks First Nation, City of Courtenay, and the Village of Cumberland. (2024.061) -- CARRIED

c. Lisa Dennis, CVRD - 2024 Comox Valley Water Committee Voting Structure

Correspondence - CV Water Committee

THAT the January 25, 2024, correspondence received from Lisa Dennis of the Comox Valley Regional District requesting anticipated changes to the Town of Comox appointments for the Comox Valley Water Committee be Received. (2024.062) -- CARRIED

d. Jacqueline Zweng - Wounded Warrior Run BC Funding Request

**Correspondence - Wounded
Warrior Run BC**

THAT the February 1, 2024, letter from Jacqueline Zweng of Wounded Warrior Run BC requesting Mayor Minions and Council meet the team on Wednesday, February 28, 2024, be Received.

(2024.063) -- CARRIED

13. LATE ITEMS: NIL

14. REPORTS FROM MEMBERS OF COUNCIL:

a. Councillor Blacklock

Councillor Blacklock advised that he attended the Local Government Leadership Academy Forum: "Empowering Communities... Leading Change Together" on January 31, February 1, and February 2. He provided some information on the presentation about Climate Damage & Risks of Local Government Liability.

b. Councillor Swift

Councillor Swift advised that she attended a Filberg Heritage Lodge and Park Association board meeting and reminded everyone to buy a membership.

d. Councillor Kerr

Councillor Kerr advised that he attended the following:

- Coalition to End Homelessness: welcomed the new coordinator Dayna Forsgren
- Met with a group of Kye Bay residents to walk their neighbourhood and hear their concerns
- CVRD Meetings
- Committee of the Whole meeting focused on addressing Climate Change
- Full day Budget meeting

e. Councillor Grant

Councillor Grant advised that he attended the following:

- Comox Valley Regional District board meeting
- the Local Government Leadership Academy Forum: "Empowering Communities, Leading Change Together" on January 31, February 1, and February 2. He provided some information on presentations about Affordable Housing, Budget Concepts, and Governance

f. Councillor Meilleur

Councillor Meilleur advised that she attended the following:

- Comox Archives and Museum Society board meeting
- Courageous Dialogues session
- Anti-racism Bystander training session
- Comox Valley Regional District Committee of the Whole meeting about Climate Planning
- Regional Parks and Trails public engagement session
- World Community Film Fest and watched a short film on Tsunami's in the North Island and West Coast

g. Mayor Minions

Mayor Minions reminded everyone about the upcoming Coldest Night of the Year walk on Saturday, February 24th from 4:30 to 5:30 pm at the Comox Fire Hall, and advised that she attended the following:

- K'ómoks First Nation Council meeting as a delegate invite to present information about partership opportunitites and a review of other projects
- Comox Valley Regional District Committee of the Whole about Future Climate Action Planning
- Literacy Family Week and thanked the Comox Fire Department for their participation
- Pete Chambers, BIA
- Residents inquiries
- Girl Guide meeting with Councillor Swift

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 8:05 p.m.

CARRIED

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

MAYOR

CORPORATE OFFICER



LOG: 24-045	REFER:	AGENDA: RCM Feb 21, 2024
FILE: 0630-20/20	ACTION: MR	

Copies: Council/ JW/ SR/ CD

COMMUNITY EVENT RECOGNITION REQUEST FORM

Requests must be received at least four (4) weeks prior to the date of proclamation, flag raising or building lighting. Requests may be mailed to: Comox Town Hall, 1800 Beaufort Avenue, Comox BC V0M 1R0 or e-mailed to town@comox.ca. Telephone enquiries should be directed to Town Hall Reception at (250) 339-2202 during regular business hours Monday to Friday 8:30 a.m. to 4:30 p.m.

Organization you are representing: Canadian Association For Porphyria		
Primary purpose of Organization: Non profit patient support for Canadians and their families with the rare blood disorder porphyria.		Number of members: Over 300
Mailing address of Organization: Box 213		Contact Name: Kelly Burns
		Phone: (250) 589-4948
City: Tofield	Postal Code: T0B 4J0	Email: kburns@porphyriacanada.ca
Type of Community Event Recognition Requested (choose all that you are requesting):		
<input type="checkbox"/> Proclamation _____ (Dates - day, week or month)	<input type="checkbox"/> Flag-Raising _____ (Dates - maximum 7 days)	<input type="checkbox"/> Building Lighting Purple _____ (Colours - maximum 2 colours) _____ (Dates - maximum 7 days)
Purpose of Event Recognition (please check all that apply):		
<input type="checkbox"/> Civic Promotion	<input type="checkbox"/> Arts and Cultural Celebration	
<input type="checkbox"/> Public Awareness Campaign	<input type="checkbox"/> Special Honour of Individual	
<input type="checkbox"/> Charitable Fundraising Campaign	<input type="checkbox"/> Other (specify): Awareness campaign	
Description of Organization and relevant information related to your request (attach additional page if needed): Global Awareness Day is an annual awareness campaign. We are illuminating landmarks around the globe to spread awareness of Porphyria . We are a nonprofit patient organization that supports people and their families with Porphyria.		
Has a similar request been submitted in the past five years?		
<input type="checkbox"/> YES (provide date of previous request): No		<input type="checkbox"/> NO
Describe any special initiatives or events planned in the Town of Comox as part of this Event Recognition:		
Date of application: Feb 12/2024	Signature of applicant: 	Print name: Kelly Burns

DRAFT WORDING OF PROCLAMATION TO BE INCLUDED ON REVERSE

Draft wording of Proclamation:

Note, the Town of Comox may revise this wording of the Proclamation. As appropriate, the cause should outline the local significance and demonstrate the local connection and/or how it benefits the majority of the citizens of Comox.

We are writing to request that the City Hall be lit purple on May 18th in honour of Global Porphyria Day. Global Porphyria Day is organized by the Global Porphyria Advocacy Coalition (GPAC) and its members. We are the Canadian member of GPAC and are a registered charity.

Porphyria is a group of rare blood disorders that have a wide range of symptoms. It can take years or even decades to get a diagnosis, and during that time patients suffer with strange symptoms. They may be told that their symptoms are “all in their head” while they suffer from, among other things, unbearable abdominal pain, or feel like their skin is on fire when exposed to sunlight.

Global Porphyria Day (previously International Porphyria Awareness Week) aims to raise awareness of porphyria, and advocate for access to care and treatment for porphyria patients around the world. This year we are lighting the world purple for porphyria, with more than 45 landmarks currently confirmed in Canada alone.

The requested colours are: Purple

More information about Global Porphyria Day is available at porphyriacanada.ca/events

Thank you for your consideration,

OFFICE USE ONLY

Request meets Community Event Recognition Policy (YES/NO): YES NO

If NO:

- Group not located in Comox Valley
- Event/Request related to ideological or religious beliefs
- Event/Request contrary to Town policy or bylaw
- Campaign intended for profit-making

Community Flag Raising Dates (max 7 days):

Light-up of Town Hall Dates (max 7 days):

Colours:

Personal information you provide on this form is collected pursuant to Section 26 of the Freedom of Information and Protection of Privacy Act, and this form may be published in its entirety with public meeting agendas, which are also posted on the Town website at <http://comox.ca>. The information is used for processing the Proclamation Request forms. Questions about this collection of information can be made to Town Hall at (250) 339-2202.

From: [Kelly Burns](#)
To: [Town of Comox – Administration](#)
Subject: Light up Request May 18/2024
Date: February 12, 2024 1:37:04 PM
Attachments: [Community Event Recognition Request Form.pdf](#)

Warning This E-Mail originated from outside The Town of Comox. ***Please open with Caution***

To whom it may concern,

We are writing to request that the City Hall be lit purple on May 18th in honour of Global Porphyria Day. Global Porphyria Day is organized by the Global Porphyria Advocacy Coalition (GPAC) and its members. We are the Canadian member of GPAC and are a registered charity.

Porphyria is a group of rare blood disorders that have a wide range of symptoms. It can take years or even decades to get a diagnosis, and during that time patients suffer with strange symptoms. They may be told that their symptoms are “all in their head” while they suffer from, among other things, unbearable abdominal pain, or feel like their skin is on fire when exposed to sunlight.

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The requested colours are: Purple

More information about Global Porphyria Day is available at porphyriacanada.ca/events

Thank you for your consideration,

Kelly Burns
Vice-President, Canadian Association for Porphyria
porphyriacanada.ca [Read my story](#)

Cammy Dallamore

Subject: RE: Council Resolution: Proposed regional electric bike share program

From: David Holzer <david.holzer@bcaa.com>

Sent: Thursday, February 8, 2024 10:31 AM

To: Cammy Dallamore <cdallamore@comox.ca>

Cc: Shelly Russwurm: Town of Comox <srusswurm@comox.ca>; Michael Zbarsky <mzbarsky@comoxvalleyrd.ca>; Dustin Bennett <dbennett@comoxvalleyrd.ca>

Subject: RE: Council Resolution: Proposed regional electric bike share program

Warning This E-Mail originated from outside The Town of Comox. *Please open with Caution*

Hi Cammy

Thank you for the questions, below is the response from BCAA's Evolve E-Bike Share.

1. In case of theft or damage, where does responsibility for liability reside?

Liability is covered in our pending agreement with the CVRD, any concerns from Comox would be covered in the CVRD's agreement with Comox.

2. Where are the hub locations situated, whether on Town or private property?

Initially, parking hubs will primarily be located on public property (such as sidewalks, recreation centres and parks). BCAA will work with town staff and the CVRD to secure appropriate parking locations that will maximize convenience and coverage and are acceptable to all parties. BCAA will continuously review locations through feedback from the community as well as ridership data to continue to enhance and grow the program over the course of the pilot. As the program progresses we will look to partner with private property owners to add parking locations in the community. The MOU will provide general suggested locations, but further locations can and will be identified with meetings with municipal staff in March.

3. What is the plan for Comox Nautical Days and Filberg Festivals, and is there a way we can ensure the inclusion of those details in the plan?

Participating in community events is a core element of BCAA's marketing and engagement with the community. For Comox Nautical Days and the Filberg festival, BCAA will have staff on-site to promote Evolve E-bike share and manage bike availability and parking through the installation of temporary parking zones and redistribution of bikes. BCAA looks forward to working with organizers to help promote sustainable transportation for those attending the event.

4. Does staff have input on the boundaries of where these bikes can go in or around the Town of Comox?

BCAA is proposing a station-based system where trips can only start and end in designated geo-fenced parking zones (approx. 10'x6') in Comox, however, riders can use the Evolve E-bikes to travel anywhere in the region. BCAA has the ability to establish no-ride and slow-ride zones, specifically in high conflict areas or areas that propose risk to the rider or the public, however BCAA recommends using these zones sparingly and providing the rider with as much autonomy as

possible to maximize the convenience of the service. BCAA will work with the Town to help identify these potential risk areas, and identify parking areas that would best serve the community and is currently assessing the initial locations for the roll-out of the program.

Regards,

David Holzer
Business Development Manager, Evolve e-bike share
1-604-209-4865

RECEIVED

Feb 9, 2024

TOWN OF COMOX



LOG: 24-050	REFER:	AGENDA: RCM 21Feb24
FILE: 6750-01	ACTION: MR	

Copies: Council
JW/ SR/ CD

Tracey Clarke, Executive Director
Comox Valley Chamber of Commerce
PO 3007, Courtenay Main
Courtenay BC
V9N 5N3

February 9, 2024

Jordan Wall, CAO
Town of Comox
1809 Beaufort Ave
Comox, BC
V9M 1R9

Dear Mayor and Council,

Thank you for the opportunity to present to you on February 7, 2024.

I am writing to formally request funding from the Town of Comox for the Business Expansion and Retention program proposed by the Comox Valley Chamber of Commerce for the period of 2024-2026, and if successful, beyond. This program aims to foster growth and sustainability among local businesses, contributing to the economic development and vitality of our community. The program could support businesses in both Comox and Courtenay while offering a cost savings to both.

Our delegation presented this comprehensive service plan to the council, outlining the strategies and initiatives we intend to implement. The program is designed to provide vital support to businesses in our region, aiding expansion efforts while simultaneously focusing on retention measures to ensure the continued success of existing enterprises. In February of 2023 you received a report from the BCEDA which recommended the implementation of this type of program due to the benefits it would provide.

We are proposing a partnership between the City of Courtenay and the Town of Comox with a funding split of 65% support from Courtenay and 35% support from Comox, based on your share of the population. The BCEDA

report estimated this could cost up to \$40,000 but through this cost sharing proposal, the Town of Comox can establish an ongoing Business Attraction and Retention program for significantly less.

The proposal we presented to council incorporates principles of accountability, advocacy, funding independence, and funding agility. We are committed to ensuring transparency and accountability in the utilization of any allocated funds, with clear reporting mechanisms in place to demonstrate the impact and effectiveness of the program.

To successfully execute the proposed initiatives and fulfill our objectives, we are seeking financial support from the Town of Comox in the following amounts:

- \$20,615 in 2024
- \$12,635 in 2025
- \$12,810 in 2026

We firmly believe that investing in this program will yield significant returns for the local economy, fostering job creation, promoting innovation, and enhancing the overall business environment in the Comox Valley.

We are confident that our partnership with the Town of Comox will be mutually beneficial and contribute to the continued prosperity of our community. We welcome the opportunity to discuss this proposal further and address any questions or concerns you may have.

Thank you for considering our funding request. We look forward to your favorable response.

Sincerely,

Tracey Clarke



Executive Director, Comox Valley Chamber of Commerce

TOWN OF COMOX

BYLAW NO. 2016.02

A BYLAW TO AMEND THE COMOX FEES AND CHARGES BYLAW NO. 2016

WHEREAS the Council of the Town of Comox wishes to add a 10% penalty for all outstanding utilities and other outstanding accounts receivable;

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 "Fees and Charges Amendment Bylaw No. 2016.02".

2. Amendment

(1) The Fees and Charges Bylaw No. 2016 is hereby amended as follows:

(a) By replacing SCHEDULE A, attached to and forming part of this Bylaw.

3. Adoption

READ A FIRST time this	7 th day of February, 2024
READ A SECOND time this	7 th day of February, 2024
READ A THIRD time this	7 th day of February, 2024
ADOPTED this	day of _____, 2024

MAYOR

CORPORATE OFFICER

SCHEDULE "A"

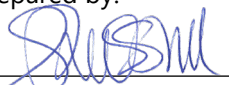

TOWN OF COMOX SCHEDULE OF FEES AND CHARGES

Description	Fee or Charge
General Photocopying	\$0.55 per page plus GST
Copy of Tax notice or Assessment information - current or previous year - other than current or previous year	\$5.50 per folio per year \$16.50 per folio per year
Tax Account Status	\$16.50
Late Fee Penalty – Utilities unpaid after 120 days from the date the service is rendered (includes water, sewer, garbage, recycling, and yard waste fees)	10% penalty applied to outstanding balance
Late Fee Penalty – Other Accounts receivable unpaid after 60 days from the date the service is rendered	10% penalty applied to outstanding balance
Mortgage Company Listings	\$10 per folio
Mortgage Company Refunds	\$5 per folio
Title Search/Registry Search (only in conjunction with building permit application)	\$15 per search
Collection Agency Fee	30% of items sent to collections
Freedom of Information Requests	\$10 – non-refundable
Maps - Zoning/OCP (full size) - all others (full size) - custom maps	\$22.00 colour \$22.00 colour plus GST \$22.00 plus \$60.00/hour plus GST (\$50.00 min)
Official Community Plan Bylaw	\$38.50
Zoning Bylaw	\$27.50
Building Bylaw	\$22.00 plus GST
Subdivision Bylaw	\$27.50 plus GST
Subdivision Specifications	\$38.50 plus GST
Building Permit Reports - One month report - Monthly reports - Weekly reports	\$11.00 plus GST \$110.00 per year plus GST \$137.50 per year plus GST
Business Licence List	\$55.00 plus GST
Legal Plan Request - Up to Tabloid size - Greater than Tabloid size	\$0.55 per plan plus GST \$11.00 plus \$5.00 per copy plus GST
Application for Boundary Extension	\$1,100.00 per application
Non-Sufficient Funds Cheque	\$20.00 per cheque
Copies of Development and/or Building Permits - Up to Tabloid size - Greater than Tabloid size	\$22.00 plus GST plus \$0.55 per page plus GST \$10.50 plus \$5.00 each plus GST
Comfort Letters	\$110.00 per parcel
Copies of covenants, ROWs or easements	\$0.55/page or \$5.00, whichever is higher plus GST

SCHEDULE "A"	
TOWN OF COMOX SCHEDULE OF FEES AND CHARGES	
Description	Fee or Charge
Entertainment Permit - Four month period - Full year	\$55.00 \$110.00
Banner Station Advertising: - Registered provincial or federal non-profit society - Other	\$0 \$50 per day or \$300 per week
Banner Station Installation/Removal	\$100 for both
Community Link on Town Website: - Registered provincial or federal non-profit society - Other	\$0 \$100 per month

REGULAR COUNCIL MEETING

TO: Mayor and Council	FILE: 0530-40
FROM: Shelly Russwurm, Director of Corporate Services	DATE: Feb. 15, 2024
SUBJECT: Council Conference and Travel Policy CCL-003.02	

Prepared by:  S. Russwurm, Director of CS	Report Approved:  Jordan Wall, CAO
--	---

RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

THAT Council Policy No. CCL-003.02, Council Conference and Travel Policy, be approved as amended to provide clarity on the types of conferences Council members may attend each year, and consistency in the administration and management of travel funds.

PURPOSE

To provide clarity and consistency in the application and funding of conference and travel requests for Council members, and to recommend an update to CCL-003, Council Travel Expense and Allowance Policy.

STRATEGIC PLAN LINKAGE

Regular updates and revisions to the Council Policy Manual supports the following Strategic Priority and Area of Focus:

Strategic Priority	Area of Focus
<p>Organizational Excellence: We will modernize and create stability to ensure high quality service delivery over time.</p>	<p>Internal process: Streamline and develop new processes that are efficient, cost effective and support our overall objectives.</p>

BACKGROUND

Council’s current Policy No. CCL-003, Travel Expense and Allowances – Elected Officials was last updated in 2008. The Policy establishes that travel expenses and allowances will be covered for each conference attended, with no restriction on the number or type of conferences that Council

members may attend each year. This policy and past practice can occasionally result in costs that exceed the Council Conference and Training budget.

DISCUSSION

Expense reimbursement is an important factor to the ongoing professional development of Council members and ensures equity for Councillor members. Conferences allow members to learn about issues important to all municipalities, and allow constructive networking opportunities with other Council members and provincial and federal stakeholders.

The recommended Council Conference and Travel Policy CCL-003.02 (attached) includes the following changes:

1. Establishes that the total annual conference and travel expenses for Council members must be within the amount set each year in the Financial Plan. Council's Conference and Training budget for 2024 is \$45,000.
2. Identifies an initial list of conferences that each Council member may attend without Council approval, as follows:
 - a. Each Council member may attend each of the following conferences annually:
 - i. Union of BC Municipalities
 - ii. Local Government Leadership Academy
 - iii. Association of Vancouver Island and Coastal Communities
 - iv. Vancouver Island Economic Alliance
 - b. Each Council members may attend the Federation of Canadian Municipalities' conference twice during each Council term.
3. Establishes that Council members submit conference request forms to Administration for conferences that they wish to attend. In addition, establishes that any conference that a Council member wishes to attend outside of those in 2 above be submitted to Council for approval. A Council Conference Attendance / Travel Request Form is included as an appendix to the recommended Council Conference and Travel Policy.
4. Allows Council members to gain reimbursement up to \$300 a year for items like entrance fees to conferences, tickets to events that are attended as a representative of the Town or local events.
5. Establishes that a written or verbal report be provided at a subsequent Council meeting, in order that all Council members can benefit from conference information.
6. Establishes and updates a meal allowance for meals not covered by conferences in place of the current per diem allowance.

7. Identifies a number of ineligible travel expenses that will not be covered or reimbursed by the Town.
8. Establishes that any cancellation charges after accommodation and travel costs have been confirmed are the responsibility of the Council member.
9. Allows Council and the CAO limited ability to seek reimbursement for legal advice related to the discharge of their duties.

IMPLICATIONS

The intent of the recommended policy update is to clarify, streamline and simplify Council's current practice as well as provide a more transparent policy for the public.

a. Applicable Policies and Legislation

Section 168(c) of the Community Charter specifies that a report must be prepared each year for each individual Council member, listing in part, the total amount of expense payments covered or reimbursed by the Town for expenses incurred by the council member. Conference and travel payments are included in this report for each Council member.

b. Financial

While the intent of the policy is not to limit Council members' conference and travel expenditures, it will help to ensure that the total expenditures do not exceed those budgeted each year.

GOVERNANCE CONSIDERATIONS


Q: What if a request for Council conference or travel exceeds Council's annual budget?

A: Council has the option of denying the request or using funds from a related budget.

Q: What if there is no time to request Council approval before the start of the Conference or travel opportunity?

A: Council members may pay for the conference or travel on their own and submit the Request Form to Council afterward, in the hope that Council reimburses the costs.

ATTACHED: Council Conference and Travel Policy CCL-003.02

 TOWN OF COMOX		POLICY AND PROCEDURE MANUAL
Section: COUNCIL	Number: CCL-003.02	Office of Primary Responsibility: CORPORATE SERVICES
COUNCIL CONFERENCE AND TRAVEL POLICY		
Type: <input checked="" type="checkbox"/> Policy <input checked="" type="checkbox"/> Procedure	Authority: <input checked="" type="checkbox"/> Council <input type="checkbox"/> Administrative	Approved By: <input checked="" type="checkbox"/> Council <input type="checkbox"/> Chief Administrative Officer <input type="checkbox"/> Department Head
Date Adopted: November 21, 1984	Date Last Amended: April 16, 2008	Date to be Reviewed:
Manner Issued: Internal Memo		

1 PURPOSE

- 1.01 To ensure the effective administration and management of Council expenses.
- 1.02 To establish guidelines for Council travel expenses.

2 POLICY STATEMENT

- 2.01 Attendance at Conferences and use of expenses by the Mayor and Council provides valuable opportunities for the learning and sharing of information.
- 2.02 The Town of Comox covers the registration costs, travel expenses and allowances for Council members attending Conferences outside of the Comox Valley Regional District as a representative of the Town of Comox.

3 DEFINITIONS

- 3.01 Accommodation: includes the costs related to the rental of a room within a hotel, motel, bed and breakfast or similar type establishment.
- 3.02 Alternative Accommodation: where an Elected Official provides their own accommodation such as staying with friends or relatives.
- 3.03 Conference: includes a convention, symposium, workshop, training, seminar and other travel opportunity.

4 SCOPE

- 4.01 This policy shall apply to all members of Council.

5 POLICY

- 5.01 **Conference and Travel Budget.** All Conference and travel attendance expenses for Council members, covered or reimbursed by the Town, shall be within the budget amounts for Council member travel, set each year within the Financial Plan.

	COUNCIL CONFERENCE AND TRAVEL POLICY	POLICY AND PROCEDURES MANUAL	
	CORPORATE SERVICES	CCL-003.02	Page 2

- 5.02 **Federation of Canadian Municipalities' Conference.** Each Council member may attend the Federation of Canadian Municipalities' Conference a maximum of two (2) times during each Council term.
- 5.03 **Annual Conferences.** Each Council member may attend the following Conferences annually:
- (a) Union of BC Municipalities
 - (b) Local Government Leadership Academy
 - (c) Association of Vancouver Island and Coastal Communities
 - (d) Vancouver Island Economic Alliance
- 5.04 **Minor Expense Reimbursement.** Each Council member shall be approved, without submission to Council, up to \$300 per year for expenses related to the discharge of their duty. This can include entrance fees into events, meal expenses, conference fees, or other costs related to the discharge of their duties. These expenses must be approved by the Mayor for reimbursement or in the case of the Mayor, by the CAO.
- 5.05 **Conference and Travel Requests.** Requests from members of Council wishing to attend a Conference shall be submitted in writing to Administration, outlining rationale and benefits of their attendance. Requests for Conferences and travel that are not covered by this Policy shall be forwarded to Council for approval.
- 5.06 **Written or Verbal Report.** As information sharing is beneficial to all, Council members attending Conferences shall provide a written or verbal report at a subsequent Council meeting.
- 5.07 **Legal Expenses.** Each Council member and CAO shall be entitled to reimbursement up to \$1,000 per year for legal expenses related to the discharge of their duties. Legal invoices must be issued and clearly labelled as related to municipal duties and submitted to the Chief Financial Officer within 30 days of issuance.
- 5.08 **Travel Expenses.**
- (a) Transportation –
 - i. The Town shall pay for the most economical and practical means of traveling from one point to another.
 - ii. If an alternate means of travel is preferred, the Town shall pay an amount equivalent to the most economical and practical means of travel.
 - iii. When the use of a private vehicle is necessary, the Town shall reimburse costs as per the Government of Canada automobile allowance rates per kilometer, plus ferry transportation, highway tolls and parking fees where applicable. Return distances shall be used in the calculation where applicable.
 - iv. When access to a Town vehicle is available, travellers shall use such vehicle in lieu of the mileage compensation for use of personal vehicles.

	COUNCIL CONFERENCE AND TRAVEL POLICY	POLICY AND PROCEDURES MANUAL	
	CORPORATE SERVICES	CCL-003.02	Page 3

- (b) Accommodation –
 - i. Accommodation does not include the use of the mini-bar, movies or any other extra features available within the room. Whenever possible, a “business” or “government” rate shall be obtained.
 - ii. Alternative Accommodation shall be reimbursed at the Government of Canada private non-commercial accommodation rate. Receipts are not required to be submitted.
- (c) Meal Allowance –
 - i. A maximum of three meals per day may be claimed when traveling outside of the Comox Valley Regional District. The Town shall reimburse meal costs as per the Government of Canada meal allowances.
 - ii. Where meals are provided at a Conference, no meal allowance shall be claimed.
- (d) Registration – Registration fees for Conferences shall be paid by the Town in full for each authorized and approved registrant, in advance and directly to the sponsoring organization, where time permits.
- (e) Other –
 - i. Actual costs for items such as telephone, facsimile or photocopying relative to municipal business shall be reimbursed or paid by the Town, once supporting documentation or invoices are submitted.
 - ii. Expenses such as parking, buses, taxis and airport fees, incurred while attending Conferences shall be reimbursed or paid by the Town, once supporting documentation or invoices are submitted.
- (f) Ineligible Expenses – The following expenses are ineligible for reimbursement or payment by the Town:
 - i. Travel and Accommodation within the Comox Valley
 - ii. Alcoholic beverages
 - iii. Motor Vehicle Infractions
 - iv. Childcare
 - v. Petcare
 - vi. Spousal or other travel companion expenses
 - vii. Any extraneous expense not related to Town Conference and travel requirements
 - viii. In-room movies or personal services
 - ix. Vehicle damages that are the Council member’s fault

- x. Cost of participation in optional recreation and social activities not included in the Conference registration fee
- (g) Cancellations – Council members shall notify the Corporate Coordinator immediately if they are unable to attend the Conference. Any costs associated with cancellations by Council members after Accommodation and travel details have been confirmed and booked shall be covered by the Council member.

6 PROCEDURES

6.01 Council Conference and Travel Attendance Request Form.

- (a) All Conference and travel requests for which a Council member wishes to have costs covered by the Town, shall be made by filling out and submitting to Administration the "Council Conference and Travel Attendance Request Form", attached as Appendix A to this Policy.
- (b) Conference and travel planning shall occur as far in advance as possible in order to obtain "early bird" rates for Conference registrations and the lowest Accommodation and airfares rates, where applicable.
- (c) Conference attendance and travel plans shall be confirmed in writing by the Council member on the day prior to the registration deadline date, or as soon as practicable.

6.02 Travel Expense Reimbursement. Travel expense claims shall be submitted using the prescribed Travel Expense Claim Form.

6.03 Use of Private Vehicle Mileage. Mileage calculations shall be determined using Google maps to determine the shortest route, and will reflect the departure and arrival points for all legs of the trip.

7 REFERENCES AND RELATED STATEMENTS OF POLICY AND PROCEDURE

Amendment Date	Section Amended or Description of Amendment	Resolution Number
Nov. 21, 1984	CCL-003.00 Policy established.	
Apr. 16, 2008	CCL-003.01 Policy amended.	
	CCL-003.02 Policy amended to limit conference and travel expenses to the amount budgeted, limit FCM conference attendance, provide meal allowances rather than per diems, require requests not covered by Policy to be submitted to Council for approval and clarify that cancellation costs are the responsibility of the Council member.	

COUNCIL CONFERENCE ATTENDANCE / TRAVEL REQUEST FORM

1809 Beaufort Avenue Phone: 250 339-2202
Comox BC V9M 1R9 Email: town@comox.ca

File: 0530-40

Name of Attendee:	Email:	Phone:
Name of Conference, Training Course or Travel Location:	Dates you will be attending or away from the Comox Valley:	
Name of the School or Organization you will be visiting:	Location you will be travelling to:	
Brief summary of Conference, Training or Travel Purpose (attach detailed course information if needed):		
Describe how this Conference, Training or Travel will benefit the Town of Comox and you:		
Names of other Council members you are aware that are attending this Conference, Training or Travel:		
Signature of Attendee:	Print Name:	Date:

OFFICE USE ONLY		
Requires Council approval? YES <input type="checkbox"/> NO <input type="checkbox"/>	Council Meeting Date:	Council Resolution No.

SUBMIT COMPLETED FORM TO THE CORPORATE COORDINATOR



COUNCIL TRAVEL EXPENSE CLAIM FORM

1809 Beaufort Avenue Phone: 250 339-2202

Comox BC V9M 1R9 Email: town@comox.ca

File: 0530-40

Name of Attendee:		Email:	Phone:	
Name of Conference, Training Course or Travel Location:		Dates you will be attending or away from the Comox Valley:		
Name of the School or Organization you will be visiting:		Location you will be travelling to:		
TRAVEL EXPENSE CLAIM		COST EACH	ADVANCE CLAIM	POST TRAVEL CLAIM
Registration Fee:				
Meal Allowance: (if not included with the Conference)	No. of Breakfasts	\$23.60		
	No. of Lunches	\$23.90		
	No. of Dinners	\$58.60		
Accommodation Cost:	No. of Nights			
Alternate Accommodation Cost:	No. of Nights	\$50		
Travel Cost:	No. of KMS (Personal Vehicle)	\$0.70		
	Fuel Cost (Town Vehicle):			
	Bus Cost:			
	Taxi Cost:			
	Ferry Cost:			
	Airfare Cost:			
Materials:				
Other:				
Total Claim Amount:				

** Contact the Corporate Coordinator for assistance with filling out this form.

** Claim amounts can be advanced if they have not been charged to the Town. If advanced, receipts must be submitted upon return. If using your personal vehicle, receipts do not need to be supplied.

COUNCIL TRAVEL EXPENSE CLAIM FORM

1809 Beaufort Avenue Phone: 250 339-2202
Comox BC V9M 1R9 Email: town@comox.ca

File: 0530-40

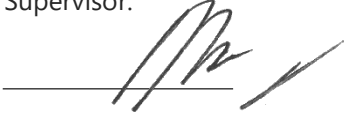
Registration:		
Have you registered for this Conference or Training Course?		YES <input type="checkbox"/> NO <input type="checkbox"/>
Payment:		
Have you paid for this Conference or Training Course?		YES <input type="checkbox"/> NO <input type="checkbox"/>
Signature of Attendee:	Print Name:	Date:

OFFICE USE ONLY		
Requires Council approval? YES <input type="checkbox"/> NO <input type="checkbox"/>	Council Meeting Date:	Council Resolution No.
Approval Signature (CAO or CFO):	Date:	GL Code:

REGISTRATION AND PAYMENT INSTRUCTIONS:

1. Register for the conference/course and choose "cheque payment" as the option. Print and attach the invoice to this form. Finance will arrange for payment of your conference/course fee.
2. If you are unable to register without making payment, please contact the Corporate Coordinator immediately.
3. Submit this completed form to the Corporate Coordinator.
4. If you are claiming expenses in advance of your travel, you will be given a copy of this Claim Form upon your return to add any additional claims you may have after your travel.

To: Mayor and Council	File: DVP 23-1
From: Marvin Kamenz, Director of Development Services Robin Pallett, Planner II	Date: February 21, 2024
Subject: Development Variance Permit Application: DVP 23-1 Variances to facilitate subdivision of the industrial property at 1200 Military Row	

Prepared by:  Robin Pallett, Planner II	Supervisor:  Marvin Kamenz, Director of Development Services	Report Approved:  Jordan Wall, CAO
--	--	--

RECOMMENDATIONS FROM THE CHIEF ADMINISTRATIVE OFFICER:

1. That Development Variance Permit DVP 23-1 for 1200 Military Row be issued subject to the Development Variance Permit Conditions listed in **Schedule 1** of the February 21, 2023 Planning Report on DVP 23-1.
2. That Council Motion #2022.230, which approved Development Variance Permit DVP 21-7 for 1200 Military Row, be rescinded.
3. That Council Motion #2022.268, which approved Development Variance Permit DVP 22-5 for 1200 Military Row, be rescinded.

PROPOSAL

The proposal is for a Development Variance Permit (DVP) to vary zoning, subdivision servicing and runoff control regulations, to facilitate subdivision of the subject property into two parcels (**Figure 1**). The applicant's submission is contained in **Attachment 1**.

REPORT SUMMARY

Subject Property:

1200 Military Row

Property Size: 94507.6 m²

Owner: 434438 BC Ltd

Applicant: Scott Lewis (Aplin & Martin Consultants Ltd.)

Property Contains: A soil composting and recycling operation is located on the east side of the subject property (proposed Lot 2). The west side of the subject property (proposed Lot 1) is vacant.

Legal Address: LOT 1, DISTRICT LOT 217, COMOX DISTRICT, PLAN 15375, EXCEPT THAT PART IN PLAN 50460

Surrounding Land Uses:

North: 888 (Stocky Edwards) Wing RCAF Association; residential use on DND lands across Military Row.

East: Airport on DND lands.

South: Residential use and a vacant lot on industrial-zoned land across Knight Road.

West: A cannabis research & development facility and a self-storage facility on industrial-zoned land across Military Row; wooded DND lands across Military Row to the north west.

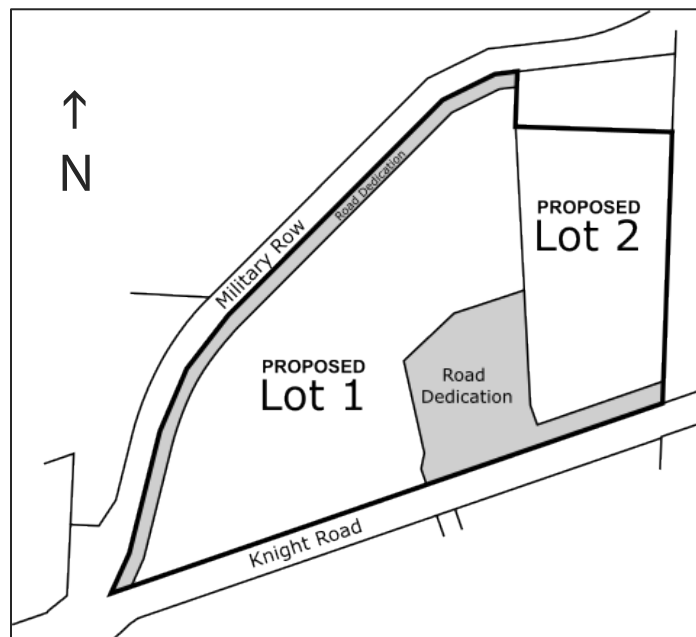
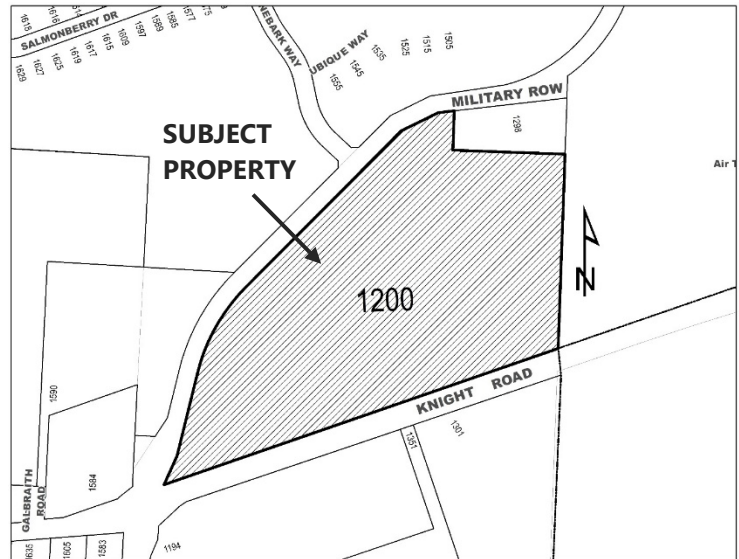


Figure 1: Proposed subdivision (subject property outlined in bold)

Key Issues:

Lot Shape & Front Lot Line	As a result of the required road dedication, the proposed lot configurations are irregularly-shaped. The front lines of the proposed lots would be difficult to interpret, requiring in a technical determination to confirm.
Grading	<i>Comox Runoff Control Bylaw 1919</i> requires that subdivided lots be filled and graded. However, the subject property includes environmentally sensitive riparian areas (Attachment 2) that should not be subject to alteration of the land.
Existing Industrial operation on Lot 2	There is an existing industrial business operating on the east side of the property, in the area identified as Lot 2. Following subdivision, ownership of Lot 2 would be transferred to a new owner that would allow continued operation of the business. The proposed subdivision would require stormwater management facilities via road dedication that would necessitate the removal or re-organization of the existing operation.
Overhead wiring	Town practice has been to support variances to requirements in the <i>Comox Subdivision and Development Services Bylaw 1261</i> for underground transmission wires in areas where the Town has no plans to underground overhead wiring.

Council Decision

To grant or deny a development variance permit facilitate subdivision of the property at 1200 Military Row in accordance with **Attachment 1**.

Decision options	Implications
<p>Recommended</p> <p>1. Council grants the Development Variance Permit</p>	DVP would facilitate subdivision of the subject property.
2. Alternative 1 - Council grants the Development Variance Permit with conditions	If concerns are raised, they may be addressed with conditions on the permit.
3. Alternative 2 - Council denies the DVP	The proposed subdivision would have to comply to existing regulations in the Zoning Bylaw and the Subdivision Bylaw.

STRATEGIC PLAN LINKAGE

This report addresses the following strategic priorities identified in the 2022-2026 Strategic Plan.

Strategic Priority	Areas of Focus
Balanced Community Planning	Strategic Growth - We will balance the benefits of growth with the livability of our seaside community.

BACKGROUND

The subject property is located at the north east corner of the intersection of Knight Road and Military Row. The lot currently contains a soil recycling business on proposed Lot 2; whereas proposed Lot 1 is cleared but undeveloped. A portion of the subject property would be dedicated through the proposed subdivision as road right-of-way for stormwater detention facilities, a multi-purpose path along the Knight Road frontage and a 'greenway' buffer area along the Military Row frontage.

Council has approved variances for two previous iterations of the proposed subdivision, via DVP 21-7 and DVP 22-5, both of which were processed concurrently with development permit applications (DP 21-6 & DP 22-5)¹. Because the previous development variance permits were never issued², the motions that approved them should be rescinded.

Those previous DVP and DP applications were associated with a previous subdivision application for the subject property (SD 21-7), for which a Preliminary Layout Review was issued on April 28, 2022 and renewed on August 2, 2022, and October 18, 2022, before expiring on January 24, 2023, without opportunity to re-issue. The currently-proposed subdivision³ (SD 23-1, as shown in **Figure 1** and **Attachment 1**), involves a slightly different subdivision line and no associated development proposal.

Notification of Council's intent to consider DVP 23-1 at the February 21, 2024 RCM was mailed to abutting properties owners and tenants. Correspondence received in advance of the February 21, 2024 RCM will be distributed to Council prior to commencement of the RCM.

Referrals

Agency	Referral Sent?	Response Received?
Town of Comox	Yes	Yes
Archaeology Branch ⁴	Yes	Yes
K'ómoks First Nation ⁵	Yes	Yes

¹ DVP 21-7 & DVP 22 5 were associated with a freight distribution centre and warehouse building, but DVP 22-5 involved a smaller warehouse building and reduced on-site parking area.

² DVP 21-7 & DVP 22 5 remained un-issued due to unfulfilled Outstanding Items.

³ Preliminary Layout Review was issued on May 26, 2023; lapses on May 26, 2024, with two opportunities to renew.

⁴ Comments from the Archaeological Branch, indicating no known archeological sites on the subject property, have been provided to the Applicant.

⁵ In accordance with Planning Department procedures, K'ómoks First Nation will be advised of DVP 23-1 issuance.

OCP IMPLICATIONS

Official Community Plan Land Use Designation: Light Industrial

Variance requests: The proposed variances are consistent with the Official Community Plan (OCP).

Development Permit Areas	Subdivision Exempt from DPA?
DPA#6 Light Industrial (form and character)	Exempt under sections 3.6.4(B)&(C)
DPA #7 Riparian Areas (protection of the environment)	DP issued via DP 23-1
DPA #16 North East Comox (protection of the environment and drainage control)	Exempt under section 3.16.4(B)

At the time that the subject properties are developed, a Development Permit application for DPA #6 would be required.

ZONING IMPLICATIONS

Zone: I2.1 Aeronautical Industrial.

For corner lots, *Comox Zoning Bylaw 1850* (the Zoning Bylaw) designates the street with the shortest length as the front lot line. The unique configuration of proposed Lot 1, along with the road dedication for the detention pond, creates a complicated scenario for determining the front lot line. This determination is technical and is likely to create confusion.

The proposed variance is to designate the lot lines demonstrated in red on the explanatory sketch on the right (**Figure 2**) as the front lot lines for Lots 1 and 2.

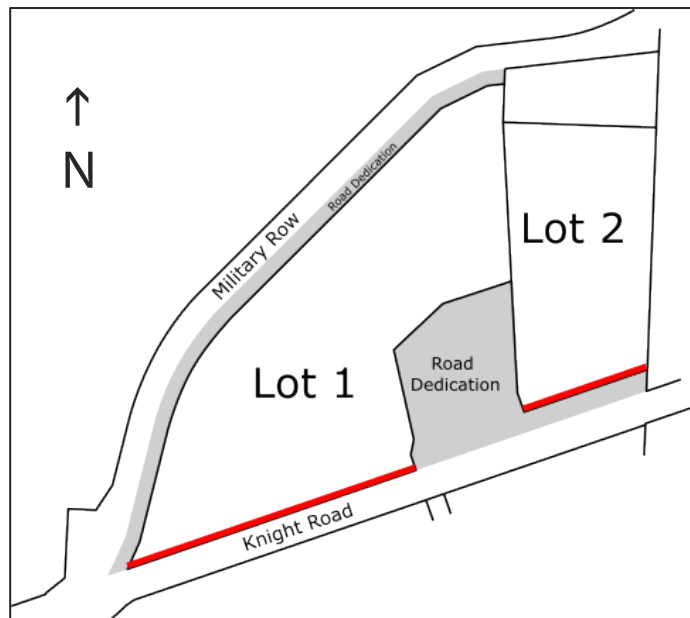


Figure 2: Proposed front lot lines of Lots 1 & 2 shown in red

ENGINEERING IMPLICATIONS

Storm Drainage & Sanitary Servicing

The Applicant is seeking variances to *Comox Subdivision and Development Services Bylaw 1261* (the Subdivision Bylaw) to allow proposed Lot 2 to not connect to the Town's sanitary and storm drainage systems at this time, considering that and that the existing soil recycling business⁶ that is currently operating and occupying proposed Lot 2 does not require sanitary or storm drainage services and is proposed to continue operation until Lot 2 is developed.

In lieu of construction of sanitary and storm water infrastructure at the time of subdivision, the applicant proposes to register a 'no further development' restrictive covenant over proposed Lot 2 prohibiting any further development until these services are provided at Building Permit stage. This approach also allows service connections for Lot 2 that are better sized to suit the type and scale of future development on that lot, which is not determined at this time. In addition to the restrictive covenant, which must be provided prior to subdivision approval, **Schedule 1** Development Permit Conditions includes a condition prohibiting additional uses or structures on proposed Lot 2 until services are provided in accordance with the Subdivision Bylaw.

Road Standards

A variance to the Subdivision Bylaw is proposed to not require construction of a sidewalk, curb and gutter along the Military Row frontage.

- Military Row is classified as an arterial road in the OCP;
- There is an existing 1.5 m-wide paved bike lane on both sides of Military Row along the frontage of the subject property, and no pedestrian facilities on either side;
- A sidewalk is only required on one side of the road in industrial areas; and
- The preferred location would be on the west side of Military Row so that it could eventually connect to CFB Comox's existing sidewalk that ends at Glacier Gardens Arena (at 1399 Military Row).

⁶ The soil recycling business predates the implementation of North East Comox Stormwater Management bylaws that require construction of sewerage Collection and Disposal services and Storm Drainage System services at the time of subdivision.

In addition, the subject property's minimum arterial road width along the Military Row is proposed to be reduced from 25 m to 20 m for the subject property.

- The existing 20 m wide Military Row right-of-way width along the frontage of the subject property includes sufficient pavement for two motor vehicle lanes, 1.5 m wide bicycle lanes on both sides and a future sidewalk along the west side of Military Row.

A variance to the Subdivision Bylaw is proposed to not require construction of a sidewalk, curb and gutter along the Knight Road frontage.

- Knight Road is classified as an arterial road in the OCP;
- Currently, there is a 1.5 m wide bicycle lane but no sidewalk, curb or gutter on this portion of Knight Road; and
- it is proposed that the existing bicycle lane on Knight Road be converted to a 3.0 m wide paved multi-use pathway (pedestrians and bikes) connecting the Comox Valley Airport to the Pritchard Rd-Knight Rd-Military Row roundabout.

Overhead Wiring

DVP 23-1 proposes to vary Specifications for Underground Wiring and Street Lighting in the Subdivision Bylaw to not require undergrounding of the existing utility distribution wires along the subject property's Knight Road and Military Row frontages as shown in the photos below. Servicing wires from distribution poles to proposed Lot 1 and proposed Lot 2 would be underground. **Figures 2 and 3** demonstrate the distribution poles surrounding the subject property where overhead wiring is proposed to not be underground.



Figure 2: Looking north on Military Row; subject property on the right side of the road.



Figure 3: Looking east on Knight Road; subject property on the left side of the road.

The proposed variance is consistent with past practice in situations such as this, where the Town has no plans to underground the existing overhead distribution wiring in the area.

Runoff Control

DVP 23-1 proposes to vary *Comox Runoff Control Bylaw 1919* to exempt areas of proposed Lots 1 & 2 that are designated as Streamside Protection and Enhancement Areas (SPEA) under the Provincial Riparian Areas Regulation from re-grading and deposition of additional soil actions required by this bylaw.

At the time of subdivision, *Comox Runoff Control Bylaw 1919* seeks to help attenuate storm water runoff by the addition of absorbent soils and by the creation of a grading plan that limits the directions to which a development site's stormwater runoff can be channeled.

SPEAs are established for the purpose of protecting habitat adjacent to, and water courses draining to fish-bearing streams. **Attachment 2** demonstrates the SPEA on the subject property established via Development Permit DP 23-1⁷. It is staff's understanding that lands within the SPEA should not be altered.

REMAINING RISKS TO DEVELOPMENT

The subject property is affected by a court order registered on its title under charge number EW162420 (**Attachment 2**), which states the interests of R.S. & D. Contracting Ltd. over a portion of the subject property described in the court order.

Subdivision of the subject property, which is currently owned by 434438 BC Ltd., requires the registration of a Development Permit, a Development Variance Permit and restrictive covenants in favour of the Town of Comox that affect the parent parcel and any parcels that it is subdivided into⁸. As highlighted previously to Council via previous applications for the subject property, Administration remains concerned as to the agreement of all parties to register the covenants.

MK/RP

⁷ DP 23-1 was issued on June 14, 2023.

⁸ The permits and covenants 'run with the land', which means that they would apply to proposed Lots 1 and 2, to different degrees, following subdivision of the subject property.

Schedules:

1. Development Variance Permit Conditions

Attachments:

1. Applicant's Submission
2. SPEA on the Subject Property
3. Copy of Land Titles Charge Number EW162420 (Court Order) Affecting 1200 Military Row

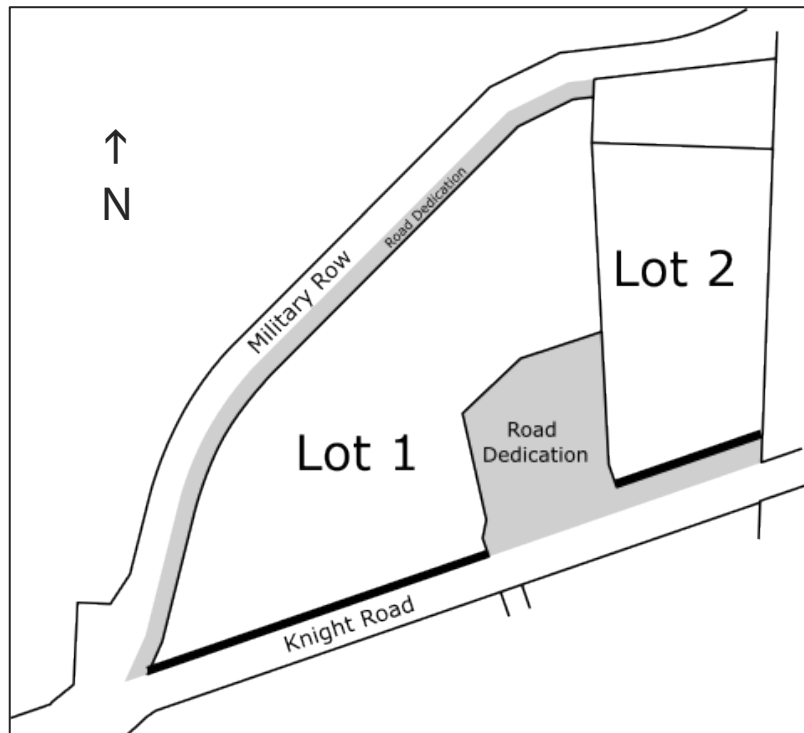
SCHEDULE 1

DEVELOPMENT VARIANCE PERMIT CONDITIONS

1. This Development Variance Permit is for subdivision of the subject property in substantial conformance with the *Subdivision Plan of Lot 1, District Lot 217, Comox District, Plan 15375, Except That Part in Plan 50460* dated January 18th, 2023, prepared by Justin Petras of Bazett Land Surveying Inc.;
2. No additional uses or structure shall be located on Lot 2, as shown on the *Subdivision Plan of Lot 1, District Lot 217, Comox District, Plan 15375, Except That Part in Plan 50460* dated January 18th, 2023, prepared by Justin Petras of Bazett Land Surveying Inc., until services are provided for Lot 2 in accordance with *Comox Subdivision and Development Services Bylaw 1261*, as varied by DVP 23-1; and
3. The following bylaws are hereby varied:
 - a. *Comox Zoning Bylaw 1850*:
 - i. section 3.2 by replacing the definition of 'front lot line' with the following:

Front Lot Line

A lot line shown by bold black in the following diagram:



b. *Town of Comox Subdivision and Development Servicing Bylaw, 1261*

- i. by adding as section 12.2: Section 12.1 does not apply to proposed Lot 2;
- ii. by adding as sec. 14.3: Section 14.1 does not apply to proposed Lot 2;
- iii. Schedule C.1, Appendix C Specifications for Highways, Table C-1 arterial road standards to:
 - a. not require a sidewalk or vertical curb along the subject property's Knight Road and Military Row frontages;
 - b. to reduce the minimum width of an arterial road along Military Row from 25 metres to 20 metres;
 - c. to add a requirement for a 3.0 metre wide multi-use asphalt path along the subject property's Knight Road frontage;
 - d. to add a requirement for a 1.5 metre wide bicycle lane along the subject property's Military Row frontage;
- iv. Schedule C, Appendix G, sec. 1.2.1 to not require undergrounding of utility distribution wires (i.e. electrical and other utility overhead wires carried on the utility poles supporting three-phase electricity) along the subject property's Knight Road and Military Row frontages;
- v. Schedule C, Appendix G, sec. 1.2.2.3 to require underground servicing wires from distribution poles to proposed Lot 1 and proposed Lot 2; and

c. *Comox Runoff Control Bylaw 1919:*

- i. sec. 6. by excluding its application to areas within a Streamside Protection and Enhancement Area (SPEA), designated in accordance with the British Columbia Streamside Protection Regulation under the Fish Protection Act; and
- ii. sec. 10 by limiting a subsoil grading plan to portions of a proposed parcel not within a Streamside Protection and Enhancement Area (SPEA), designated in accordance with the British Columbia Streamside Protection Regulation under the Fish Protection Act.

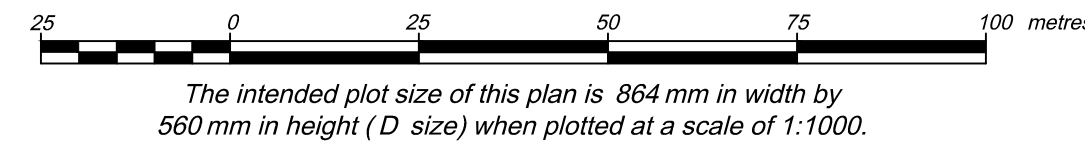
ATTACHMENT 1

APPLICANT'S SUBMISSION

SUBDIVISION PLAN OF LOT 1, DISTRICT LOT 217, COMOX DISTRICT,
PLAN 15375, EXCEPT THAT PART IN PLAN 50460

PLAN EPP132553

BCGS 92F.076



LEGEND

Grid bearings are derived from differential dual frequency GNSS observations and are referred to the central meridian of UTM Zone 10 (123° West).

- denotes standard concrete post found
- denotes standard iron post found
- denotes standard iron post placed

The UTM coordinates and estimated absolute accuracy achieved are derived from dual frequency static GNSS observations post processed using the Precise Point Positioning (PPP) Service of Natural Resources Canada.

This plan shows horizontal ground level distances, unless otherwise specified. To compute grid distances, multiply ground level distances by the average combined factor of 0.99983236. The average combined factor has been determined based on an ellipsoidal elevation of 10 metres.

All distances are in metres and decimals thereof.

Datum.....NAD 83 (CSRS) 1997.0 UTM Zone 10
UTM Northing.....5507620.33
UTM Easting.....362288.26
Point Combined factor 0.99983160
Convergence = -1° 27' 26"
Absolute accuracy: 0.05m

See Posting
Plan EPP9444

This plan lies within the jurisdiction of the
Approving Officer for the Town of Comox.

Two Covenants in the name of the Town of Comox
pursuant to Section 219 of the Land Title Act are a
condition of approval for this subdivision.

1
PLAN 33704

LEASE
PLAN VIP75798

DISTRICT LOT 217

2
Area = 2.39 ha

1
Area = 5.18 ha

ROAD
Area = 1.25 ha

Datum.....NAD 83 (CSRS) 1997.0 UTM Zone 10
UTM Northing.....5501528.27
UTM Easting.....362277.72
Point Combined factor 0.99983260
Absolute accuracy: 0.05m

See Posting
Plan EPP9444

2010
REM
DL 217
815

EASEMENT
PLAN 1425 OS

Part of Parcel B
(DD 8751N)
DISTRICT LOT 217

This plan lies within the Town of Comox
and the Comox Valley Regional District.

The field survey represented by this plan was
completed on the 5th day of January, 2024
Justin M. Petras, BCLS (996)

ATTACHMENT 2
SPEA ON THE SUBJECT PROPERTY

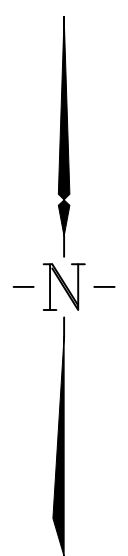
**PLAN OF PROPOSED SUBDIVISION OF PART OF LOT 1,
DISTRICT LOT 217, COMOX DISTRICT, PLAN 15375,
EXCEPT THAT PART IN PLAN 50460.**



The intended plot size of this plan is 560 mm in width by 432 mm in height (C size) when plotted at a scale of 1:1500.

NOTE:
- All dimensions are approximate and are subject to change pending final survey

Civic Address
1200 Military Row
Comox, BC



- Stream Protection and Enhancement Area (SPEA)
- Greenway Dedication

ATTACHMENT 3

**COPY OF LAND TITLES CHARGE NUMBER EW162420 (COURT ORDER)
AFFECTING 1200 MILITARY ROW**

-6 DEC 2004 10 38

EW162420

1c

DO NOT WRITE ABOVE THIS LINE - LAND TITLE USE ONLY

PID 004-257-308
LAND TITLE ACT
Form 17
(Sections 154, 155(1), 241)

01 04/12/06 10:39:01 01 VI 607022
CHARGE \$64.75

NOTE: Before submitting this application for interests under (1) and (2), applicants should check and satisfy themselves as to the tax position, including taxes of the Crown Provincial, a municipality and Improvement, Water and Irrigation Districts.

NATURE OF INTEREST:

- (1) FEE SIMPLE MARKET VALUE: _____
- (2) CHARGE TRUE VALUE: _____
COURT ORDER - SECTION 284 Nature of Charge: _____
- (3) CANCELLATION OF CHARGE _____
Nature and Number of Charge cancelled

HEREWITH FEES OF: 64.75

As to (1) and (2) FULL NAME, ADDRESS and OCCUPATION of person entitled to be registered as owner, if different than shown in the instrument:

R.S. & D. CONTRACTING LTD. #276930
570 LAZO RD.
COMOX, BC
V9M 3V6

LEGAL DESCRIPTION, (if not shown in instrument being submitted with this application)

LOT 1, D.L. 217, COMOX DISTRICT
PLAN 15375, EXC. THAT PART IN
PLAN 50460.

FULL NAME, ADDRESS, TELEPHONE NUMBER of person presenting application:

WILLIAM TROTTER, Q.C.



[Handwritten Signature]

[Handwritten Stamp: West Coast 10104]

Court of Appeal File No. CA026533
Vancouver Registry

COURT OF APPEAL FOR BRITISH COLUMBIA

BETWEEN:

434438 B.C. LTD., HANDEL ENTERPRISES LTD., NORTH
ISLAND FITNESS LTD., AND EAST CENTENNIAL
PROPERTIES LTD.

APPELLANTS

AND:

R. S. & D. CONTRACTING LTD.

RESPONDENT

O R D E R

BEFORE:

The Honourable Madam Justice Southin
The Honourable Mr. Justice Smith
The Honourable Mr. Justice Thackray

Vancouver, British Columbia, the 15th day of November, 2002.

THE APPEAL from the judgment of The Honourable Mr. Justice Fraser of the Supreme Court of British Columbia pronounced at Vancouver, British Columbia, and dated the 22nd day of October, 1999 coming on for hearing on the 22nd day of April, 2002 and judgment being reserved until the 5th day of July, 2002 and further submissions coming on for hearing on the 15th day of November, 2002 at Vancouver, British

Columbia, AND ON HEARING William E. MacDonald, Esq., counsel for the appellants and William M. Trotter, Q.C., counsel for the respondent, AND ON READING the materials filed herein;

THIS COURT ORDERS that the appeal of the appellants Handel Enterprises Ltd., North Island Fitness Ltd. and East Centennial Properties Ltd. is dismissed;

AND THIS COURT FURTHER ORDERS that the appeal of the appellant 434438 B. C. Ltd. is allowed in part and the judgment of the court below is set aside.

AND THIS COURT FURTHER ORDERS that the memorandum dated February 17, 1995, entered into between the appellant 434438 B. C. Ltd. and the respondent is not a contract at law that is binding on or enforceable against the respondent.

AND THIS COURT FURTHER ORDERS that the agreement dated March 1993 entered into between the appellant 434438 B. C. Ltd. as vendor and the respondent as purchaser constitutes a binding agreement and that the same agreement ought to be specifically performed and carried into execution.

AND THIS COURT FURTHER ORDERS that the appellant 434438 B. C. Ltd. holds title to those lands and premises in the Town of Comox, hereinafter described as

the Parent Parcel, subject to the right and title of the respondent under the said agreement of March, 1993, that is to say:

Parcel Identifier 004-257-308
Lot 1, District Lot 217, Comox District, Plan 15375, Except
that part in Plan 50460

(the "Parent Parcel") of which the right and title of the respondent is to that parcel more particularly known and described as:

All that part of Lot 1, District Lot 217, Comox District, Plan 15375, Except that part in Plan 50460, which may be more particularly described as follows:

Commencing at a point, being the southeast corner of the said Lot 1, thence on a bearing of 249°33'30", following along the southeast boundary of the said Lot 1, a distance of 106.680 metres.

Thence on a bearing of 355°31'10", a distance of 250.330 metres, more or less, to the southwest corner of Lot A, Plan 50460.

Thence, on a bearing of 90°30'00", following along the south boundary of the said Lot A, a distance of 121.920 metres, more or less, to the southeast corner of the said Lot A.

Thence, on a bearing of 180°39'00" following along the east boundary of the said Lot 1, a distance of 210.937 metres; more or less, to the point of commencement

The said part to contain 2.57 hectares, by admeasurement.

(the "Contract Parcel").

AND THIS COURT FURTHER ORDERS that the respondent has liberty to register a copy of this Order in the Land Title Office against the title to the Parent Parcel to secure the interest of the respondent in the Parent Parcel until such time as 434438 B. C. Ltd. conveys the Contract Parcel to the respondent or until further order of the court. Upon conveyance of the Contract Parcel to the respondent the respondent


must, at the request of 434438 B. C. Ltd., execute and deliver a release instrument. The preparation and presentation of the release instrument and the cost of registration of the same are to be the responsibility of 434438 B. C. Ltd.

AND THIS COURT FURTHER ORDERS when there is created a registered title to the Contract Parcel then 434438 B. C. Ltd. convey the Contract Parcel to the Respondent upon payment of the adjusted purchase price after all credits to which the Respondent may be entitled.

AND THIS COURT FURTHER ORDERS that if after bona fide application for subdivision of the Parent Parcel and diligent pursuit, including action brought against approving authorities if any, it shall not be possible to obtain registration of the said subdivision, or it shall only be possible to obtain registration of an interest or title less than the respondent contracted for, any party may apply to a judge of the Supreme Court of British Columbia to seek an order as to the disposition then to be made of this action.

AND THIS COURT FURTHER ORDERS the parties are at liberty to apply to a judge of the Supreme Court of British Columbia for further directions to carry out the intention of this judgment or to work out the provisions of this judgment and this order may be varied for such purpose.

AND THIS COURT FURTHER ORDERS that the respondent recover the costs of the appeal from the appellants forthwith after assessment.

ms d A


By the Court

M. Colleyjohn
Deputy Registrar

APPROVED AS TO FORM:

[Signature]
Counsel for the Appellants

W. [Signature]
Counsel for the Respondent

[3451\order10]

ENTERED
VANCOUVER REGISTRY
JUN 17 2003
VOL. 262
FOL. 51 BY JW

Certified a True Copy

M. Colleyjohn
Deputy Registrar



No. CA026533
VANCOUVER Registry

COURT OF APPEAL

BETWEEN:

434438 B.C. LTD., HANDEL ENTERPRISES LTD., NORTH
ISLAND FITNESS LTD., AND EAST CENTENNIAL
PROPERTIES LTD.

APPELLANTS

R. S. & D. CONTRACTING LTD.

RESPONDENT

AND:
VANCOUVER
COURT OF APPEAL
REGISTRY
JUN 05 2009

ORDER

WILLIAM M. TROTTER, Q.C.
BARRISTER & SOLICITOR



3451\doeback

Land Title Act**(Section 284)****NOTICE OF COURT ORDER**

**Re: PARCEL IDENTIFIER: 004-257-308
LOT 1, DISTRICT LOT 217, COMOX DISTRICT, PLAN 15375,
EXCEPT THAT PART IN PLAN 50460**

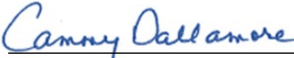

Take notice that on the 6 day of **DECEMBER, 2004**, Court Order **EW162420** was registered forbidding the registration of any memorandum of transfer or other instrument affecting the said lands. Copy of Court order hereto annexed.

Dated at the Land Title Office, Victoria, B. C. the **10TH** day of **DECEMBER, 2004**.

Mark Frantzen
Deputy Registrar

To:
**434438 B.C. LTD.
201 - 467 CUMBERLAND ROAD,
COURTENAY, B.C.
V9N 2C5**

To: Mayor and Council	File: 0550-20, 1940-20
From: Cammy Dallamore, Corporate Coordinator	Date: February 15, 2024
Subject: Financial Officer Appointment and Signing Authority	

Prepared by:  Cammy Dallamore, Corporate Coordinator	Supervisor:  Shelly Russwurm, Director of Corporate Services	Report Approved:  Jordan Wall, Corporate Administrative Officer
--	--	--

RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

1. THAT Edward Henley be appointed as Financial Officer for the Town of Comox.
2. THAT Edward Henley be designated as having signing authority for the Town of Comox.

PURPOSE

To appoint a Financial Officer for the Town of Comox and grant signing authority to the newly appointed Financial Officer for the Town of Comox.

STRATEGIC PLAN LINKAGE

Strong governance and administration, as well as financial management and accountability, are identified as core services provided by the Comox Town Council. Meeting legislative requirements and adhering to Town policies contribute to an effective and efficient governing body.

BACKGROUND

The Town of Comox is pleased to announce the appointment of Edward Henley as its new Director of Finance, effective mid-February and extends its sincere gratitude to Geoffrey Kreek, Deputy Director of Finance, for his outstanding work and dedication during this interim period.

ANALYSIS/ISSUES/IMPLICATIONS

a. Applicable Policies and Legislation

Section 146 and Section 149 of the *Community Charter* require that a municipal officer position be

assigned the responsibility of financial administration.

b. Legal

The presence of a dedicated Financial Officer ensures better compliance with statutory responsibilities, and allows for more efficient execution of these responsibilities, reducing the risk of non-compliance with laws and regulations.

c. Financial

There are no financial implications beyond what has already been submitted in the 2024 operating budget.

d. Intergovernmental

The presence of a dedicated Financial Officer can influence the Town’s interactions with higher levels of government, impact the management of government grants and financial transfers, affect inter-municipal collaboration, and have repercussions on audits, economic development, and the broader regional context.

e. Public Relations

On February 1, 2024, the Town issued a press release announcing the appointment of Edward Henley as the new Director of Finance.

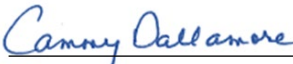


GOVERNANCE CONSIDERATIONS

What are the key responsibilities of the Financial Officer within the municipality?

The Financial Officer has several key responsibilities, including receiving and managing all municipal funds, investing them in authorized investments, overseeing their expenditure as authorized by the council, maintaining accurate financial records, safeguarding municipal assets, and supervising all financial matters within the municipality.

REGULAR COUNCIL MEETING

TO: Mayor and Council	FILE: 4050-20 / 24.01
FROM: Shelly Russwurm, Director of Corporate Services	DATE: Feb. 15, 2023
SUBJECT: Section 57, Notice Against Title PID 001-077-180	

Prepared by:  Cammy Dallamore, Corporate Coordinator	Supervisor:  Shelly Russwurm, Director of Corporate Services	Report Approved:  Jordan Wall, Corporate Administrative Officer
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RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

THAT pursuant to *Section 57* of the *Community Charter*, Council approves filing a notice against title with the Land Title and Survey Authority of British Columbia for failure of the following land to comply with Comox Building Bylaw 1472:

- 1) 1638 Robb Avenue legally described as Lot C, Section 56, Comox District Plan 32304, P.I.D. 001-077-180.

ALTERNATIVES TO THE RECOMMENDATIONS

1. THAT the report titled "Section 57, Notice Against Title PID 001-077-180" be received for information.
2. THAT Council provide further direction.

PURPOSE

To recommend registration of a notice against a property title for contravention of Comox Building Bylaw 1472 and failing to obtain the required inspections for the construction activity on the property.

STRATEGIC PLAN LINKAGE

Placing a notice on title for Building Bylaw contraventions supports community well-being by fostering transparency, enhancing public safety, and facilitating evidence-based decision-

making in the best interests of the town. It aligns with the principles of good governance and contributes to a safer and more connected community.

Strategic Priority Areas of Focus	
Community Connection and Wellness	Public Safety – support Comox Fire Rescue and other local emergency services to maintain and enhance the safety of our citizens.
Good Governance	Decision Making - We make evidence-based decisions focused on the best interests of the Town over the long term.

BACKGROUND

Section 57 of the Community Charter grants local governments the authority to place a notice on a property's title if, in the building inspector's opinion, building regulations have been contravened. This provision is available to reduce the Town's liability and to inform potential purchasers that regulations in municipal bylaws or necessary building inspections have not been satisfactorily met.

The attached memorandum from the building inspector to the Corporate Officer recommends that one such notice be placed on title of 1638 Robb Avenue, due to the property owner applying for a building permit to construct an addition to the home and then not following through with obtaining the necessary inspections or occupancy permit. The building permit has since expired.

1. 1638 Robb Avenue

January 25, 2017: Building Permit # 9332 was issued for an addition to a single-family dwelling. Inspections were carried out as per the *Comox Building Bylaw 1472* until the framing inspection. The Town was relying on Registered Professionals for design and field review.

October 4, 2016: BC Building Code Letters of Assurance Schedule B were received from Professional Engineer. Still require a closing document Schedule C-B. Numerous emails sent to owner.

April 18, 2023: A registered letter was sent to the owner, indicating that corrective measures were required.

March 7, 2023: A registered letter was sent to the owner, indicating that corrective measures were required. No response or action has been received to date.

January 24, 2024: A registered letter was mailed to the owner advising them that a recommendation has now been made by the Building Inspector for the Corporate Officer to place a notice against the title of their property.

The owner has not provided any response or taken any action. Construction is in contravention of Building Permit #9332 and *Comox Building Bylaw 1472*, Sections:

- 4(1) (permit expired),
- 6(1) (work started without a permit)
- 8(2) (no new permit),
- 10(1) (no information received to date),
- 17(5) (no occupancy inspection),
- 18(1) (occupied a building without an occupancy permit),
- 18(2)(d) (no inspections carried out or accepted)

ANALYSIS/ISSUES/IMPLICATIONS

In accordance with *Section 57(2)(a)* of the *Community Charter*, a registered letter has been sent to the owners of the property listed in the building inspectors memorandum dated August 29, 2023, advising that a recommendation to file a notice on title of their property will be going forward to the Regular Council Meeting of February 21, 2024. Property owner(s) have been advised that they may make written or oral representation to Council at this meeting.

a. Applicable Policies and Legislation

1. *Comox Building Bylaw 1472*

6. Prohibitions

- (1) No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including excavation or other work related to construction unless a building official has issued a permit for the work.*
- (2) No person shall occupy or use any building or structure unless an occupancy permit has been issued by a building official for the building or structure, or contrary to the terms of any permit issued or any notice given by a building official.*

25. Responsibilities of the Owner

- (1) Every owner shall ensure that all construction complies with the Building Code, this bylaw and other applicable enactments respecting health and safety.*

2. *Community Charter, Section 57, Note against land title excerpts attached to this report.*

b. Financial

Staff time has been attempted to bring this property into compliance.

The registration fee for placing a notice on title is approximately \$31.27.

c. Public Relations

A notice on title advises interested parties of unresolved issues with a property, particularly informing potential buyers about bylaw infractions on the title certificate. A notice on title can also help in encouraging building owners to ensure compliance with Town of Comox Bylaws and the BC Building Code, thereby increasing public safety.

GOVERNANCE CONSIDERATIONS

1. What happens if Council chooses to receive the report for information only?

This would indicate a more cautious approach that may result in potential delays in addressing non-compliance issues and increased risks associated with the continued violation of building regulations.

Attachments: Memo - Notice on Title - Building Inspector's Recommendations (updated)

February 14, 2024

To: Shelly Russwurm, Corporate Officer	File: 4050-20 / 24.01
From: Ian Rogers, Building Inspector	Date: AUGUST 29, 2023
Subject: Notice on Title - Building Inspector's Recommendations (updated)	

RECOMMENDATION(S) FROM THE BUILDING INSPECTOR

That, in accordance with section 57 of the *Community Charter* a notice be filed against the title of the following lands that building regulations have been contravened.

- 1) (1638 Robb Ave) Lot C, Section 56, Comox District, Plan 32304.

DISCUSSION

In order to reduce the Town's liability and to inform potential purchasers of properties in contravention of municipal bylaws or not satisfactorily completing required inspections, a notice may be filed on the properties title.

The Building Inspector can make a recommendation to the Council that a notice be registered against the title of the lands in question in accordance with Section 57 of the *Community Charter*.

The following property owner has been contacted on two or more occasions in order to clear up outstanding building permit issues. The last notice was sent out April 18, 2023 via registered letter. The owners were asked to contact the Town of Comox and make arrangements to take corrective measures to resolve the outstanding issues by May 2, 2023. To date, the issues listed below remain with no foreseeable resolution.

Property Background:

1638 Robb Ave. BP # 9332.

Construction in contravention of building permit and Building Bylaw 1472.

No occupancy inspections. Building Permit # 9332 was issued January 25, 2017 for an addition to a single-family dwelling. Inspections were carried out as per the Building Bylaw up until the framing inspection. They have yet to pass the framing inspection as well as an occupancy inspection. The Town was relying

on Registered Professionals for design and field review. BC Building Code Letters of Assurance Schedule B were received from Professional Engineer Mr. Ed Tomaszewski dated October 4, 2016. Mr. Tomaszewski indicates on his Letters of Assurance that he is responsible for the structural components of the deck. The Town has yet to receive a closing document Schedule C-B. The Town has sent numerous emails to the owner in the past few years, as he is a part of the building community. The Town has also sent two registered letters this year, April 18, 2023 and March 7, 2023, with no action being taken by the owner.

To: Mayor and Council	File: PR 24-3
From: Marvin Kamenz, Director of Development Services	Date: February 21, 2024
Subject: Planning Report PR 24-3	
Application to UBCM Active Transportation Planning Program 2024	

Prepared by:  Marvin Kamenz, Director Devel. Serv.	Financial Approved:  Geoffrey Kreek, Deputy Director of Finance	Report Approved:  Jordan Wall, CAO
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RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

1. That Council endorse submission of a \$20,000 grant application to the Union of B.C. Municipalities for the Active Transportation Planning Program;
2. That Council support the Town of Comox utilizing the Grant and providing overall Grant management, if the funding application is successful.

PURPOSE

This report seeks Council’s approval of the submission of a funding application for the Active Transportation Planning Program to the Union of B.C. Municipalities (UBCM). The Active Transportation Planning Program would support the Town of Comox in incorporating and enhancing active transportation components in the Official Community Plan (OCP) as part of the planned 2024/25 OCP Review, including research, consultation, and policy development. For the Town of Comox to be eligible for UBCM grant funding, a Council resolution indicating support for the grant application must be submitted with the application.

EXECUTIVE SUMMARY

The 2024 Active Transportation Planning Program is intended to support local governments with populations under 25,000 to incorporate or enhance active transportation components of formal planning documents (Official Community Plan, Sustainability Plan, Neighbourhood Plan, or Transportation Plan). The Active Transportation Planning Program can contribute a maximum of 100% of the cost of eligible activities to a maximum of \$20,000.00.

STRATEGIC PLAN LINKAGE

This report has linkages to several tasks identified in the 2022 Strategic Priorities Chart for the CAO and Planning Services including but not limited to providing equitable access to community recreation and updating the OCP through community consultation to develop a vision for the future growth of Comox.

BACKGROUND

The Active Transportation Program was launched on January 1, 2024. Funding is provided by the Province of B.C. and is administered by UBCM.

Eligibility

To qualify for funding, applicants must be undertaking a community land use and/or transportation plan to which an active transportation lens will be included. Eligible applicants must not have an active transportation plan or have a plan over 5 years old. In addition, to qualify for funding, applicants must not have received a network planning grant from the Ministry of Transportation and Infrastructure's Active Transportation Infrastructure Grant program.

Evaluation Criteria

Applications to the Active Transportation Program will be assessed on set evaluation criteria including:

- Alignment with the intent of Active Transportation Planning program;
- Ability to increase options for active transportation and encourage more people to use active transportation;
- Incorporation of active transportation components in formal planning documents (Official Community Plan)
- Consideration of connections to community amenities, affordable housing, seniors' housing, schools, and other key community institutions;

- Reduction of greenhouse gas emissions through active transportation options (in alignment with the *Local Government Act* (Part 14, Sec 473 sub 3) GHG emission targets);
- Considerations of equity, accessibility, and people of all ages and abilities in active transportation planning;
- Demonstration of community consultation and public engagement; and
- Cost-effectiveness.

Application Deadline

The application deadline was February 9, 2024. An application was submitted for the Active Transportation Project. The Program requires a resolution of Council in support of the funding application. Resolutions must be submitted before the UBCM award (if the application is successful) can be made final.

ANALYSIS

Potential Funding




Local governments play a significant role in active transportation by developing integrated community land use and transportation plans and policies that lead to the implementation of transportation infrastructure networks. Planning for the development of active transportation is a key component of the Town's Official Community Plan. If successful, funding from the Active Transportation Program will bolster the budget for the Town's planned review of the Official Community Plan, approved by Council on January 24, 2024.

FINANCIAL IMPLICATIONS

All other contributions for eligible portions of the project must be declared and, depending on the total value, may decrease the value of the funding. This includes any other grant funding and any revenue that is generated from activities that are funded by the Active Transportation Planning program.

The Town of Comox will be responsible for completion of the project within one year from the date of grant approval and meet reporting requirements by submitting a Final Report to the Ministry of Transportation and Infrastructure for review within 30 days of project completion. If approved, the Town will be responsible for proper fiscal management, including maintaining acceptable accounting records for the project.

TO: Mayor and Council	FILE: PR 23-29
FROM: Marvin Kamenz, Director of Development Services Elliot Turnbull, Planner II	DATE: February 21, 2024
SUBJECT: Planning Report PR 23-29 Delegation of Minor DVPs to Staff	

Prepared by:  Elliot Turnbull, Planner II	Supervisor:  Marvin Kamenz, Director Devel. Services	Report Approved:  Jordan Wall, CAO
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RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

1. That Comox Planning Procedure Amendment Bylaw No. 1780.15 (Attachment 1) and Comox Zoning Amendment Bylaw 1850.40 (Attachment 2) be given First, Second, and Third Reading.

PROPOSAL

The proposal is to implement a framework under which the power to issue minor Development Variance Permits is delegated to the Director of Development Services in order to decrease the amount of staff time to process minor variances.

REPORT SUMMARY

Subject Area:

All land within the Town of Comox.

Key Issues:

Rationale for Minor Variance

Official Community Plans (OCP) set out the Council vision for a community including establishing policies regarding the function and form of neighbourhoods including infrastructure services (e.g. use, building form, sunlight penetration, relationship with the street, etc). Zoning bylaws contain land use, density, height, and setback regulations that Council determines will implement OCP policies. Delegating minor variances to staff will allow the Town to quickly address circumstances which cannot be considered by regulations (such as topography, unusual lot shape, access by a person with a disability, etc.) which could have an impact on a proposed development. Limiting minor variances to these types of clear, ascertainable situations and placing limits on the magnitude of the variance will ensure that staff are not inadvertently circumventing Council's vision while speeding up processing times and providing more certainty to applicants.

Council Decision

Whether or not to give 1st, 2nd, and 3rd Reading to:

- Bylaw 1780.15 which proposes to delegate the power to issue minor development variance permits to the Director of Development Services; and,
- Bylaw 1850.40 which proposes to apply downtown parking standards to all of Town.

Decision options

Implications

Recommended

1. Council gives First, Second, and Third Reading to the proposed bylaws



Staff will prepare an adoption report for the next Council meeting and both bylaws would be adopted.

2. Amend the proposed bylaws prior to giving First, Second, and Third Reading.



Council may propose a different framework under which to delegate minor DVP issuance to the Director of Development Services such as changing the percentage limits on each category of a proposed minor variance prior to giving the bylaw 1st, 2nd, and 3rd reading. For example, reducing the maximum change of a setback from 50% to 25%. Council may also amend the proposed changes to parking requirements outside of downtown.

3. Do not delegate power to issue minor DVPs



Council would continue to consider all DVP applications as usual.

STRATEGIC PLAN LINKAGE

This report addresses the following strategic priorities identified in the 2022-2026 Strategic Plan:

Strategic Priority	Areas of Focus
Organizational Excellence	Internal processes - Streamline and develop new processes that are efficient, cost effective and support our overall objectives.
Balanced Community Planning	<p>Strategic Growth - We will balance the benefits of growth with the livability of our seaside community.</p> <p>Housing - We will create the conditions for a diversity of housing options in our unique seaside Town.</p>

BACKGROUND

The January 24th 2024 staff report on PR 23-29 Delegation of minor DVPs to Staff (Attachment 3) proposed a framework under which staff could be delegated the power to issue minor DVPs in accordance with the *Local Government Act* and which is intended to limit delegated decisions only to unavoidable physical or personal situations that commonly arise and which cannot be addressed through regulation.

At the January 24th 2024 Regular Council Meeting, Council adopted the following motion:

That the Town prepare a 1st, 2nd, and 3rd Reading Report to:

1. amend Comox Planning Procedures Bylaw 1780 to delegate to the Director of Development Services the power to issue minor development variance permits in accordance with the framework described in the January 24, 2024 Staff Report on PR 23-29 Delegation of Minor DVPs to Staff; and,
2. amend the parking regulations contained in Comox Zoning Bylaw 1850 to apply the downtown parking standards for dimensions of maneuvering aisles, parking, and loading spaces to the entire Town.

Proposed Bylaw 1780.15 (Attachment 1) contains amendments to Comox Planning Procedures Bylaw 1780 in accordance with the January 24th staff report as well as the following amendments:

- Add text to allow the Director of Development Services to further delegate any powers to a different staff member which will permit staff to continue issuing delegated permits if the Director of Development Services is unavailable;
- Change the term Municipal Planner to Director of Development Services throughout the bylaw;
- Change the term Municipal Engineer to Director of Operations throughout the bylaw;
- Change the term Parks Superintendent to Parks Manager throughout the bylaw; and,
- Change the fee structure to charge a \$520 application fee only for minor DVP applications and \$1,095 for all other DVP applications.

The rationale for the fee change is that the original \$520 application fee for single/two-family dwellings was meant to accommodate minor DVPs that address topography or other unavoidable circumstances. However, the reduced fee ends up incentivizing DVP applications with no strong rationale other than property owner preference. Updating the fee structure so that only minor DVPs, as defined in Bylaw No. 1780.15, have a reduced fee and increasing the fee for all other DVPs is intended to avoid this situation. Also, this structure better aligns with other local municipalities.¹

In addition, the January 24th 2024 staff report also proposed applying the Downtown parking regulations for dimensions of maneuvering aisles, parking and loading spaces to the entirety of Town. Proposed Bylaw 1850.40 (Attachment 2) contains amendments to Comox Zoning Bylaw 1850 to implement this.

Attachments

1. Comox Planning Procedure Amendment Bylaw No. 1780.15
2. Comox Zoning Amendment Bylaw 1850.40
3. January 24th 2024 staff report on PR 23-29 Delegation of minor DVPs to Staff

MK/ET

¹ Cumberland charges \$950 for all Single-Family DVP applications and \$1,200 for all other applications. City of Courtenay charges \$500 for delegated DVP applications and \$1,500 for all other application.

ATTACHMENT 1

Comox Planning Procedure Amendment Bylaw No. 1780.15

TOWN OF COMOX

BYLAW 1780.15

A BYLAW TO AMEND COMOX PLANNING PROCEDURES BYLAW 1780

WHEREAS Council has adopted a Planning Procedures Bylaw; and

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

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

1. Title

This bylaw may be cited as “Comox Planning Procedures Amendment Bylaw No 1780.15”.

2. Interpretation

- (1) A reference in this bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated or replaced from time to time; and
- (2) A reference in this bylaw to any bylaw, policy or form of the Town of Comox is a reference to the bylaw, policy or form as amended, revised, consolidated or replaced from time to time.

3. Amendments

Comox Planning Procedures Bylaw 1780 is hereby amended by:

- (1) Replacing all instances of the term “Municipal Engineer” with the term “Director of Operations” throughout the bylaw.
- (2) Replacing all instances of the term “Municipal Planner” with the term “Director of Development Services” throughout the bylaw.

(3) Replacing all instances of the term “Parks Superintendent” with the term “Parks Manager” throughout the bylaw.

(4) Adding the following text to Section 2 Definitions in alphabetical order:

“(7) “Minor Development Variance Permit” means a variance to one or more of the following regulations in Comox Zoning Bylaw 1850:

- a. setbacks to a maximum change of 50%
- b. gross floor area to a maximum change of 10%
- c. screening
- d. projections into required setbacks to a maximum change of 30%
- e. vertical distance from top of sidewalk or established grade at lot line to ground floor level of residential unit to a maximum change of 50%
- f. off-street parking and loading limited to the following:
 - i. required off-street parking spaces only if:
 - 1. the application includes a change of use in an existing building;
 - 2. the bicycle parking in lieu of vehicle parking spaces allowance has been maximized; and,
 - 3. the change is less than 50%.
 - ii. location and siting; or,
 - iii. development and maintenance standards.”

(5) Replacing section 12(1) with the following text:

“(1) Council delegates to the Director of Development Services, or any other individual as designated by the Director of Development Services:”

(6) Adding as section 12(1)(e) the following text:

“e. the exercise of all of the powers, duties and functions of Council in respect of the issuance of Minor Development Variance Permits under section 498.1 of the *Local Government Act*.”

(7) Adding as section 12(3) the following text:

“(3) In exercising the delegated authority under section 12(1)(e), the Director of Development Services shall take into account only the following factors:

- a. If the proposed variance is to addresses any of the following:
 - i. irregular lot shape or size;
 - ii. topographic features including a significant change in grade;
 - iii. the presence of a statutory right of way;
 - iv. alterations or additions to an existing building necessary to allow access to a building by a person using a wheelchair or other mobility aid;
 - v. tree protection in accordance with Council's tree protection policies;

Mayor

Corporate Officer

ATTACHMENT 2

Comox Zoning Amendment Bylaw 1850.40

**TOWN OF COMOX
BYLAW 1850.40**

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 No. 1850.40”

2. Amendments

1. Comox Zoning Bylaw 1850 Section 6 Off-Street Parking and Loading Section 6.12 Development and Maintenance Standards is hereby amended by:

- a. Replacing section (4)(a) with the following text:

(4) Dimensions of Maneuvering Aisles, Parking, and Loading Spaces

(a) In parking areas, maneuvering aisles and off-street parking spaces shall have minimum dimensions as follows:

STANDARD CAR

Parking Angle in Degrees	Minimum Width of 1-way Aisle	Minimum Width of 2-way Aisle	Minimum Parking Stall Width	Minimum Parking Stall Length
30°	3.6 m	5.5 m	2.5 m	5.5 m
45°	3.6 m	6.0 m		
60°	5.5 m	6.5 m		
90°	6.0 m	6.5 m	2.5 m	5.5 m
		6.0 m	2.75 m	5.5 m
180° (parallel)	3.6 m	6.0 m	2.5 m	7.3 m

SMALL CAR

Parking Angle in Degrees	Minimum Width of 1-way Aisle	Minimum Width of 2-way Aisle	Minimum Parking Stall Width	Minimum Parking Stall Length
30°	3.6 m	5.5 m	2.4 m	4.6 m
45°	3.6 m	6.0 m		
60°	5.5 m	6.5 m		

90°	6.0 m	6.5 m	2.3 m	4.6 m
		6.0 m	2.4 m	4.6 m
180° (parallel)	3.6 m	6.0 m	2.5 m	6.5 m

Does not include wheel stops 0.15m or less in height as measured from finished grade and located 1.0 metres or less from the end of the space. (See Figure 6-1)

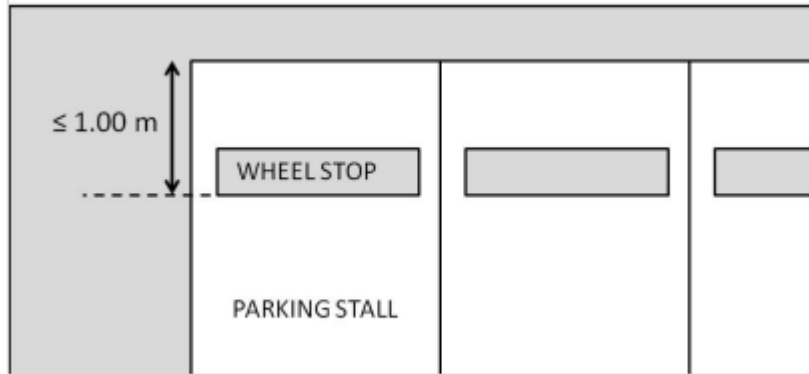


Figure 6-1. Wheel Stops

b. Deleting section 5 in its entirety.

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

3. Adoption

(1) READ A FIRST, SECOND, and THIRD time this ____ day of _____, 2024

(2) ADOPTED this ____ day of _____, 2024

Mayor

Corporate Officer

ATTACHMENT 3

January 24th 2024 staff report on PR 23-29 Delegation of minor DVPs to Staff

To: Mayor and Council	File: PR 23-29
From: Marvin Kamenz, Director of Development Services Elliot Turnbull, Planner II	Date: January 24, 2024
Subject: Planning Report PR 23-29 Delegation of Minor DVPs to Staff	

Prepared by:  Elliot Turnbull, Planner II	Supervisor:  Marvin Kamenz, Director Devel. Serv.	Report Approved:  Jordan Wall, CAO
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RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

1. That the Town prepare a: 1st, 2nd, and 3rd Reading Report to:
 - a. amend Comox Planning Procedures Bylaw 1780 to delegate to the Director of Development Services the power to issue minor development variance permits in accordance with the framework described in the January 24, 2024 Staff Report on PR 23-29 Delegation of Minor DVPs to Staff; and,
 - b. amend the parking regulations contained in Comox Zoning Bylaw 1850 to apply the downtown parking standards for dimensions of maneuvering aisles, parking, and loading spaces to the entire Town.

PURPOSE

The purpose of this report is to describe a framework under which the power to issue minor Development Variance Permits may be delegated to the Director of Development Services in order to decrease the among of staff time to process minor variances.

REPORT SUMMARY

Subject Area:

All land within the Town of Comox.

Key Issues:

Rationale for Minor Variance

Official Community Plans (OCP) set out the Council vision for a community including establishing policies regarding the function and form of neighbourhoods including infrastructure services (e.g. use, building form, sunlight penetration, relationship with the street, etc). Zoning bylaws contain land use, density, height, and setback regulations that Council determines will implement OCP policies. Delegating minor variances to staff will allow the Town to quickly address circumstances which cannot be considered by regulations (such as topography, unusual lot shape, access by a person with a disability, etc) which could have an impact on a proposed development. Limiting minor variances to these types of clear, ascertainable situations and placing limits on the magnitude of the variance will ensure that staff are not inadvertently circumventing Council's vision while speeding up processing times and providing more certainty to applicants.

Council Decision

Whether or not to prepare a bylaw amendment to delegate the power to issue minor development variance permits to the Director of Development Services and apply downtown parking standards to all of Town.

Decision options

Implications

Recommended

1. Proceed with bylaw amendment as proposed in this report



Staff will prepare a 1st, 2nd, and 3rd reading report for Council consideration of amending Comox Planning Procedures Bylaw 1780 and the parking regulations in accordance with the framework described in this report.

2. Proceed with bylaw amendment under a different framework than proposed in this report



Council may propose a different framework under which to delegate minor DVP issuance to the Director of Development Services such as changing the percentage limits on each category of a proposed minor variance. For example, reducing the maximum change of a setback from 50% to 25%. Staff will prepare a 1st, 2nd, and 3rd reading report for Council consideration in accordance with such a framework. Council may also amend the proposed changes to parking requirements outside of downtown.

3. Do not delegate power to issue minor DVPs



Council would continue to consider all DVP applications as usual.

STRATEGIC PLAN LINKAGE

This report addresses the following strategic priorities identified in the 2022-2026 Strategic Plan:

Strategic Priority	Areas of Focus
Organizational Excellence	Internal processes - Streamline and develop new processes that are efficient, cost effective and support our overall objectives.
Balanced Community Planning	<p>Strategic Growth - We will balance the benefits of growth with the livability of our seaside community.</p> <p>Housing - We will create the conditions for a diversity of housing options in our unique seaside Town.</p>

BACKGROUND

As part of the provincial Development Approvals Process Review (DAPR) process, the Local Government Act (LGA) was amended in 2021 to permit local governments to, by bylaw, delegate to staff the power to issue a development variance permit if the proposed variance:

- (a) is a minor variance, and
- (b) varies the provisions of a bylaw under any of the following:
 - i. zoning bylaws respecting siting, size and dimensions of buildings, structures and permitted uses;

- ii. off-street parking and loading space requirements;
- iii. regulation of signs;
- iv. screening and landscaping to mask or separate uses or to preserve, protect, restore and enhance natural environment;
- v. a provision of the local government act prescribed by regulation of the Lieutenant Governor in Council.

Under the LGA, the bylaw delegating the power to issue a development variance permit to staff must include:

- (a) criteria for determining whether a proposed variance is minor, and
- (b) guidelines the delegate must consider in deciding whether to issue a development variance permit.

ANALYSIS

Official Community Plans (OCP) set out the Council vision for a community including establishing policies regarding the function and form of neighbourhoods including infrastructure services (e.g. use, building form, sunlight penetration, relationship with the street, etc). Zoning bylaws contain land use, density, height, and setback regulations that Council determines will implement OCP policies.

Delegating minor variances to staff will allow the Town to quickly address circumstances which cannot be considered by regulations (such as topography, unusual lot shape, access by a person with a disability, etc) which could have an impact on a proposed development. The risk of delegating decisions is that Council's vision for a community may be inadvertently circumvented. For example, front yards function as a transition area from the public street to the private dwelling. A front setback variance from 7.5 m to 4.5 m would be considered minor as a 4.5 m front yard has the same function as a 7.5 m front yard with a relatively similar form. A front setback variance from 7.5 m to 2.0 m, on the other hand, would not be considered minor. While a 2.0 m front setback may have the same function as a 7.5 m setback, the form will be entirely different in relation to the street and street infrastructure (parking, sunlight, privacy). Staff issuance of such variances may ultimately undermine Council's vision without their knowledge.

To avoid this situation, the proposed framework described below is intended to limit delegated decisions only to unavoidable physical or personal situations that commonly arise and which cannot be addressed through regulation. These include issues such as abnormal lot topography, shape, or size, access to a building by a person with a disability. Limiting minor variances to these types of clear, ascertainable situations and placing limits on the magnitude of the variance will ensure that staff are not inadvertently circumventing Council's vision. In addition, advertising of delegated DVPs is not required which will speed up processing times and provide more certainty to applicants.

Comox Planning Procedures Bylaw 1780 already delegates to the Director of Development Services several different powers including the issuance of development permits. Bylaw 1780 contains the provision that the Director of Development Services may decide not to exercise any delegated authority and that Council shall consider the issue instead. As an additional safeguard against the risks of Council's vision being inadvertently circumvented, this provision will also apply to delegated DVPs.

Definition of Minor Variance

This report proposes that staff be delegated the power to issue minor DVPs which are defined as follows: A variance to one of more of the following regulations in Comox Zoning Bylaw 1850:

1. Setbacks to a maximum of change of 50%.
2. Gross floor area to a maximum change of 10%.
3. Screening.
4. Projections into required setbacks to a maximum change of 30%.
5. Vertical distance from top of sidewalk or established grade at lot line to ground floor level of residential unit to a maximum change of 50%.
6. Off-street parking and loading limited to the following:
 - a. Required off-street parking spaces only if:
 - i. the application includes a change of use in an existing building;
 - ii. the bicycle parking in lieu of vehicle parking spaces allowance has been maximized; and,
 - iii. the change is less than 50%.
 - b. Location and siting; or,

- c. Development and maintenance standards.

The definition of minor includes specific limits in the form of percentages of certain regulations. This is intended to represent a reasonable change that could be accommodated while maintaining the function and form of development. Screening does not include a numerical limit given that there are a variety of methods to accomplish screening requirements that may not be addressed in a bylaw as well as different situations such as the siting of buildings and conditions on surrounding properties which may also contribute to meeting the intent of screening.

While permitted under the Local Government Act, variances to the Sign Bylaw are not included in the definition of a minor variance. Signs tend to be related to individual business interests which are subjective, as opposed to objective issues that can be determined at a staff level. These types of issues are best addressed by Council and therefore have not been included in the definition of minor variance.

Criteria to Consider when Deciding to Issue a Variance:

1. If the proposed variance is to addresses any of the following:
 - a. Irregular lot shape or size;
 - b. Topographic features including a significant change in grade;
 - c. The presence of a statutory right of way ;
 - d. Alterations or additions to an existing building necessary to allow access to a building by a person using a wheelchair or other mobility aid;
 - e. Tree protection in accordance with Council's tree protection policies;
 - f. Reduction of green house gas emissions or energy use beyond the requirements in the BC Building Code or Comox Building Bylaw 1472; or,
 - g. Alterations to an existing building to allow additional dwelling units which are permitted under the zone.
2. The purpose of the regulation that is proposed to be varied in context of existing zoning and future land use set out in the Official Community Plan.
3. The variance must not:
 - a. impose additional costs on the Town such as additional costs to provide services;

- b. create or exacerbate any risk to public safety; or,
 - c. require significant consultation with external agencies.
4. For clarity, the following shall not be considered:
- a. Personal preference of the applicant or property owner; or
 - b. Cost, if it is in keeping with the general cost of compliance.

The following table includes examples of variances and whether they would be considered minor and considered by staff or not minor and considered by Council.

SITUATION	MINOR OR NOT MINOR
Variance to front setback (7.5 m to 5.5 m) to allow construction of a wheelchair ramp on the front of a dwelling.	Variance is to a setback and less than 50%, and is to allow access to an existing building a person who uses a wheelchair. Minor variance considered by staff.
Change of use in an existing building from a warehouse to a retail store resulting in an increase in the required number of parking spaces on a site which is fully built out with no additional space for parking.	Variance involves a change in use within an existing building which requires additional parking. Provided that the change is in keeping with the purpose of the regulation that is proposed to be varied in context of existing zoning and future land use set out in the Official Community Plan, it would be a minor variance considered by staff.
Variance to the side setback requirement for a coach house (2.0 m to 1.2 m) to permit conversion of an accessory building into a coach house in the R1.1 zone.	Variance is to a setback and less than 50% and is to allow additional dwelling units as permitted by the zoning bylaw. Minor variance considered by staff.

<p>Variance to front, side, and rear setbacks to accommodate a new single-family dwelling unit on a triangular shaped lot which contains a significant change in grade.</p>	<p>Provided that setback variances are all less than 50%, this variance is to address irregularly shaped lot with a significant change in grade.</p> <p>Minor variance considered by staff.</p>
<p>Variance to the gross floor area requirement (60 m² to 65 m²) of a coach house proposed to have Passive House certification.</p>	<p>Gross floor area change is less than 10%, and is to permit reduction of greenhouse gas emissions or energy use beyond the requirements in the BC Building Code.</p> <p>Minor variance considered by staff.</p>
<p>Variance to the vertical setback limit above established grade at a lot line to permit construction of a new townhouse on a site with a significant change in grade from not more than 1.5 m to 1.75 m.</p>	<p>The variance is less than 50%. While not currently seen, it is expected that this situation may arise in the new zones proposed in the Hector-Aspen neighbourhood.</p> <p>Minor variance considered by staff.</p>
<p>Variance to a front setback to permit addition of an entrance foyer because the property owner wants more space in their home.</p>	<p>The rationale for this variance is owner preference.</p> <p>Not minor – Council consideration.</p>
<p>Height variance to increase height allowance because the property owner wants to take advantage of a view.</p>	<p>This a variance to height, which is not included in the definition of minor variance, and the rational is owner preference.</p> <p>Not minor – Council consideration.</p>

Given that the Town is in the process of implementing new zoning to permit infill in existing neighbourhoods in accordance with new provincial legislation, it is expected that this framework will continue to evolve and require amendments as new situations begin to arise.

Parking Requirements

As part of delegating to staff the power to issue certain DVPs, some changes to the parking requirements in the Zoning Bylaw are also proposed. Under the existing Zoning Bylaw, parking regulations for dimensions of maneuvering aisles, parking and loading spaces are different inside downtown and the rest of Town. The regulation for the downtown permits smaller parking stall and maneuvering aisle dimensions. As newer developments have been introduced outside downtown, it has become apparent that that some flexibility is needed to address dimensional issues that arise due to parcel shape or tight underground parking.

These issues are easy to address as the solution already exists in the downtown parking regulations. As such, it is proposed to amend the parking regulations in the Zoning Bylaw to apply the downtown parking standards for dimensions of maneuvering aisles, parking and loading spaces to the entirety of Town. For a comparison of the current Downtown standards and outside Downtown standards, see the tables below. It is expected that this amendment will reduce the need for a variance application and provide greater flexibility to developers.

DOWNTOWN STANDARD CAR				
Parking Angle in degrees	Minimum Width of 1-way aisle	Minimum Width of 2-way aisle	Minimum Parking Stall Width	Minimum Parking Stall Length
30°	3.6 m	5.5 m	2.5 m	5.5 m
45°	3.6 m	6.0 m		
60°	5.5 m	6.5 m		
90°	6.0 m (1-way aisles are discouraged)	6.5 m	2.5 m	5.5 m
		6.0 m	2.75 m	5.5 m
180° (parallel)	3.6 m	6.0 m	2.5 m	7.3 m




DOWNTOWN SMALL CAR				
Parking Angle in degrees	Minimum Width of 1-way aisle	Minimum Width of 2-way aisle	Minimum Parking Stall Width	Minimum Parking Stall Length
30°	3.6 m	5.5 m	2.4 m	4.6 m
45°	3.6 m	6.0 m		
60°	5.5 m	6.5 m		
90°	6.0 m (1-way aisles are discouraged)	6.5 m	2.3 m	4.6 m
		6.0 m	2.4 m	4.6 m
180° (parallel)	3.6 m	6.0 m	2.5 m	6.5 m

OUTSIDE DOWNTOWN STANDARD CAR				
Parking Angle in degrees	Minimum Width of 1-way aisle	Minimum Width of 2-way aisle	Minimum Parking Stall Width	Minimum Parking Stall Length
30°	3.6 m	5.5 m	2.75 m	5.5 m
45°	3.6 m	6.1 m		
60°	5.5 m	6.7 m		
90°	7.3 m	7.3 m		
180° (parallel)	3.6 m	6.1 m		7.3 m

OUTSIDE DOWNTOWN SMALL CAR				
Parking Angle in degrees	Minimum Width of 1-way aisle	Minimum Width of 2-way aisle	Minimum Parking Stall Width	Minimum Parking Stall Length
30°	3.6 m	5.5 m	2.4 m	4.6 m
45°	3.6 m	6.1 m		
60°	5.5 m	6.7 m		
90°	7.3 m	7.3 m		
180° (parallel)	3.6 m	6.1 m		6.4 m

MK/ET

To: Mayor and Council	File: PR 23-30
From: Marvin Kamenz, Director of Development Services Elliot Turnbull, Planner II	Date: February 21, 2024
Subject: Planning Report PR 23-30 Home Energy Navigator Program	

Prepared by:  Elliot Turnbull, Planner II	Supervisor:  Marvin Kamenz, Director Devel. Services	Report Approved:  Jordan Wall, CAO
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RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

That the Town of Comox contribute \$26,000 to the Home Energy Navigators Program in collaboration with the Comox Valley Regional District, K'ómoks First Nation, and City of Courtenay.

ALTERNATIVES TO THE RECOMMENDATIONS

Alternative 1 – Council specifies a different amount to contribute.

That the Town of Comox contribute [INSERT \$ AMOUNT] to the Home Energy Navigators Program in collaboration with the Comox Valley Regional District, K'ómoks First Nation, and City of Courtenay.

Alternative 2 – Council decides not to contribute at this time.

PURPOSE

The purpose of this report is to provide answers to Council's questions from the January 24th 2024 Regular Council Meeting.

REPORT SUMMARY

Subject Property/Area:

All property within Town

Key Issues:

HEN Program The Home Energy Navigator (HEN) Program aims to reduce barriers that homeowners may face in accessing provincial/federal and other rebates for energy retrofit projects on their homes by providing support such as objective advice such as quote review, and guidance such as confirmation that upgrades are eligible for rebates and assistance with completing rebate submissions.

Regional Approach The HEN program was initiated by the Comox Valley Regional District for a 1-year pilot program in the electoral areas and K'ómoks First Nation. The CVRD has selected the non-profit City Green to administer the program. Municipalities have the option to join the program. Both the City of Courtenay and the Village of Cumberland have recently joined.

Financial Local Governments offering the HEN program are only billed for the hours used by residents. The average cost to a municipality is \$425 per home. City Green recommends a minimum allocation of \$10,000 to participate in the program (allowing approx. 23 homes to participate). The CVRD and City of Courtenay have allocated \$50,000 and Cumberland has allocated \$12,500.

Town Participation To participate in the HEN program, the recommendation is to allocate \$26,000 to the program. This will allow approximately 61 homes to participate. This program has not been allocated in the 2024 Special Projects budget and the contribution would come from end of year surplus from unspent funds. This would increase the risk of an end of year budget overage and draw down of reserves. Interested members of the public would contact City Green directly and there would be no staff involvement in administration.

Council Decision

Whether or not to participate in the Home Energy Navigator Program

Decision options

Implications

Recommended

1. Council allocates \$26,000 to participate in the program.



Will allow approximately 61 homes to take part.

2. Alternative 1 - Council decides to allocate a different amount of money



A different amount of money would increase or decrease the number of homes which can take part.

3. Alternative 2 - Council decides not to participate in the program at this time.



The Town may decide at a later date to join the program in 2024. The program may also continue into 2025.

STRATEGIC PLAN LINKAGE

This report addresses the following strategic priorities identified in the 2022-2026 Strategic Plan:

Strategic Priority	Areas of Focus
Balanced Community Planning	Strategic Growth - We will balance the benefits of growth with the livability of our seaside community.

BACKGROUND

At the January 24th 2024 Regular Council Meeting, the following motion was adopted:

THAT the following questions be asked regarding the Home Energy Navigator Program;

1. Would there be any consideration for an income threshold?
2. Would there be any consideration for a 50-50 split between the program and the homeowner?
3. Does it take over the home energy audit?

and,

THAT the original motion be referred to at a future Regular Council Meeting.

The following answers have been provided by the Comox Valley Regional District:

1. "Income threshold: The program doesn't take in financial information from applicants. This reduces several kinds of barriers, including those that are administrative (determining what the threshold is, gathering and vetting income levels) as well as those that can arise when othering¹ low income households. For local governments who are interested in this, City Green recommends tailoring or targeting advertising of the program itself to low-income households. To support low-income households, CleanBC provides an income-qualified program that offers rebates for retrofits (up to \$11,000 – significantly more than the non-income qualified programs).
2. Cost-share with homeowners: Similar to the response above, the program is designed to be free for participants in order to reduce as many barriers as possible. Taking and processing payments is not part of the program's design.
3. Home energy audit: The federal program requires an EnerGuide Home Evaluation managed by Natural Resources Canada, but there is an initial up-front cost of \$1000. While no other program in the country can match this, Home Energy Navigator does provide a no-cost energy audit for households that may not want to pursue an EnerGuide Home Evaluation."

MK /ET

¹ Cambridge Dictionary defines othering as "the act of treating someone as though they are not part of a group and are different in some way"

To: Mayor and Council	File: PR 24-2
From: Marvin Kamenz, Director of Development Services	Date: February 21, 2024
Subject: Planning Report PR 24-2	
Application to UBCM Development Approvals Program 2024	

Prepared by:  <hr/> <i>Marvin Kamenz, Director Devel. Serv.</i>	Financial Approved:  <hr/> <i>Geoffrey Kreek, Deputy Director of Finance</i>	Report Approved:  <hr/> <i>Jordan Wall, CAO</i>
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RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

1. That Council endorse submission of a grant application to the Union of B.C. Municipalities Local Government Development Approvals Program for up to \$150,000 in grant funding;
2. That Council support the Town of Comox utilizing the Grant and providing overall Grant management, if the funding application is successful.

PURPOSE

This report seeks Council’s approval of the submission of a funding application for the Local Government Development Approvals 2024 Program to the Union of B.C. Municipalities (UBCM). The Program would supplement the implementation of the Town of Comox’s external Development Application Review Report completed in 2023. For the Town of Comox to be eligible for UBCM grant funding, a Council resolution indicating support for the grant application must be submitted with the application.

EXECUTIVE SUMMARY

The 2024 Local Government Development Approvals Program is intended to support the implementation of established best practices and to test innovative approaches to improve development approvals processes in British Columbia. In 2019, the Ministry of Municipal Affairs provided \$15 million in funding for the UBCM to administer the program. An additional \$10 million in funding is being provided to local governments and administered by UBCM. The Local Government Development Approvals Program can contribute a maximum of 100% of the cost of eligible activities to a maximum of \$150,000.00.

STRATEGIC PLAN LINKAGE

Should the Town's application for funding be successful, the program would provide the Town with additional funds to advance tasks identified in the 2022 Strategic Priorities Chart for the CAO and Planning Services including but not limited to:

- Internal processes - Streamline and develop new processes that are efficient, cost effective and support our overall objectives.
- Customer Service - Enhance customer service standards within our organization by providing better access to information, training tools and resources for staff.

BACKGROUND

The development approvals process refers to all operational steps and decision making in relation to a local government's consideration of approving development, from the pre-application phase to the issuance of the building permit. In 2022, the Town of Comox embarked on a development review process to identify opportunities to streamline operations and create internal systems that focus on continuous improvements. Additional funding will support process improvements including streamlining of development approvals processes, change management, engagement with the development community, refining internal procedures and processes, developing communication materials, staff training and capacity building to help accelerate approvals of the identified need for housing in the Town.

Eligibility

To qualify for funding, proposed activities must be a new or subsequent phase of a project. In addition, to qualify for funding, applicants must be capable of completion of the project within one year of the date of grant approval.

Evaluation Criteria

Applications to the Program will be assessed on set evaluation criteria including:

- Demonstration of alignment with intent of the Local Government Development Approvals Program;
- Indication that the project is outcome-based and include performance measures;
- Evidence of readiness to undertake proposed activities;
- Incorporation of internal local government cross-departmental collaboration and/or collaboration with one or more external partners (e.g., development community, provincial Ministry, First Nations, other local governments, BC Hydro, etc.);
- Cost-effectiveness.

Application Deadline

The application deadline is March 8, 2024. The Program requires a resolution of Council in support of the funding application.

UBCM will review all applications and funding recommendations will consider the population and provincial, regional, and urban/rural distribution of proposed projects, and previous LGDAP funding. Recommendations will be made on a priority basis and preference may be given to local governments with growth rates higher than 1% between 2016 and 2021. The Town's application to UBCM will provide background and context regarding Comox's unique development pressures and housing needs.

ANALYSIS

Potential Funding

The Ministry of Municipal Affairs is committed to empowering and supporting local government efforts to increase the Provinces housing supply. If successful, funding from the Program will help the Town to undertake activities to streamline the development approval process at a quicker pace than what would be possible without the additional funding.

The Town has already undertaken a review of the Town's current application processes and timelines in order to identify recommendations for streamlining development application processes (see [Development Process Review Report, January 3, 2023](#)). The recommendations in the report point to the need to further improve the Town's processes to better reflect recommended best practices. In response the Town

- is revising its rezoning, development variance permit and development permit application processes to decrease processing times, and increase certainty for applicants;

- is delegating issuance of minor development variance permits to staff;
- has created draft new standardized zones for apartment and multifamily housing in consultation with developers that minimize requirements (e.g. setbacks) to maximum developer flexibility;
- is revising its development permit guidelines to limit guidelines to key issues and increase ascertainability of compliance;
- has initiated a complete community analysis of its infrastructure to provide recommendations for infrastructure upgrades, updating its Development Cost Charges Bylaw and creation of an Amenity Cost Charges Bylaw;
- has initiated an updated of its Works and Services Bylaw; and
- is increasing staff authority for Development Permit issuance.

While some of the recommendations in the report are underway, the implementation of all of the recommendations is unattainable without additional funding or staff resources. As application volumes are high and the Town is undertaking several long-range planning projects, it is recommended that the Town engage consultant support to assist with change management and capacity building as the Town transitions to revised and streamlined processes.

Recommended activities to be included in the Development Approvals Program funding application in order of priority include:


1. Change management training, inter-departmental facilitation, and capacity building for staff;
2. Advisory support regarding options for process streamlining including bylaw amendments;
3. Developing templates and updating internal procedures manuals to reflect revisions;
4. Engaging and collaborating with the development community and communicating process changes; and
5. Coordinating with neighbouring jurisdictions to increase consistency across jurisdictions.

FINANCIAL IMPLICATIONS

A detailed budget must be submitted as part of the application to the program. Which will be developed by staff and can be distributed to Council upon request. The budget must indicate the proposed expenditures from Local Government Development Approvals Program grant. Although additional funding or support is not required, any other grant funding or in-kind contributions must be identified.

Approved applicants are responsible for proper fiscal management, including maintaining acceptable accounting records for the project. If successful, the Town will be required to submit a detailed financial summary that indicates the actual expenditures from the Local Government Development Approvals Program grant and other sources (if applicable) as part of the final reporting.

TO: Mayor and Council	FILE: BE 23-1
FROM: Marvin Kamenz, Director of Development Services Pamela Nall, Planner I	DATE: February 21, 2024
SUBJECT: Planning Report BE 23-1 Boundary Extension Application – Torrence Road Properties	

Prepared by: 	Supervisor: 	Operations Approved: 	Financial Approved: 	Report Approved: 
Pamela Nall, Planner I	Marvin Kamenz, Director Devel. Serv.	Shelley Ashfield, Director Operations	Geoffrey Kreek , Dep. Fin. Director	Jordan Wall, CAO

RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

1. That Town of Comox staff be authorized to refer to internal and external departments/agencies for comment and submission to the Province of a boundary extension application in the Noel Ave, Torrence Road and King Road area for the following properties:
 1. The North ½ of Lot 20, District Lot 186, Comox District, Plan 449 Except That Part in Plan 24247 (PID 001-095-544, no civic address)
 2. Lot A, District Lot 186, Comox District, Plan 24247 (PID 002-992-647, 480 Torrence Rd)
 3. The North ½ of the South ½ of Lot 20, District Lot 186, Comox District, Plan 449 (PID 009-047-671, 456 Torrence Rd)

ALTERNATIVES TO THE RECOMMENDATIONS

1. That Town of Comox staff be authorized to refer to internal and external departments/agencies for comment a boundary extension application in the Noel Ave, Torrence Road, and King Road area for the following properties:
 1. The North ½ of Lot 20, District Lot 186, Comox District, Plan 449 Except That Part in Plan 24247 (PID 001-095-544, no civic address)
 2. Lot A, District Lot 186, Comox District, Plan 24247 (PID 002-992-647, 480 Torrence Rd)
 3. The North ½ of the South ½ of Lot 20, District Lot 186, Comox District, Plan 449 (PID 009-047-671, 456 Torrence Rd)

2. That Town of Comox does not proceed with processing of a boundary extension application in the Noel Ave, Torrence Road, and King Road area for the following properties:
 1. The North ½ of Lot 20, District Lot 186, Comox District, Plan 449 Except That Part in Plan 24247 (PID 001-095-544, no civic address)
 2. Lot A, District Lot 186, Comox District, Plan 24247 (PID 002-992-647, 480 Torrence Rd)
 3. The North ½ of the South ½ of Lot 20, District Lot 186, Comox District, Plan 449 (PID 009-047-671, 456 Torrence Rd)

PURPOSE

To obtain direction if Council wishes to proceed with processing of a boundary extension application from the owner of three properties on Torrence Road. Administration is recommending moving forward with this limited boundary extension due to the proximity to the Town, the developers desire to develop in the near term, significantly established infrastructure and that one owner for all 3 properties make it straight forward.

REPORT SUMMARY

Subject Property/Area:

Owner: 1078915 B.C. LTD, INC.NO. BC1078915

(Ralph Borschneck)

1. The North ½ of Lot 20, District Lot 186, Comox District, Plan 449 Except That Part in Plan 24247 (PID 001-095-544, no civic address, vacant)
2. Lot A, District Lot 186, Comox District, Plan 24247 (PID 002-992-647, 480 Torrence Rd)
3. The North ½ of the South ½ of Lot 20, District Lot 186, Comox District, Plan 449 (PID 009-047-671, 456 Torrence Rd)

Surrounding Land Uses: Electoral Area B rural properties to the south; Town of Comox single-family properties to the north, west and undeveloped large lot to the east that is zoned to permit single-family subdivision.

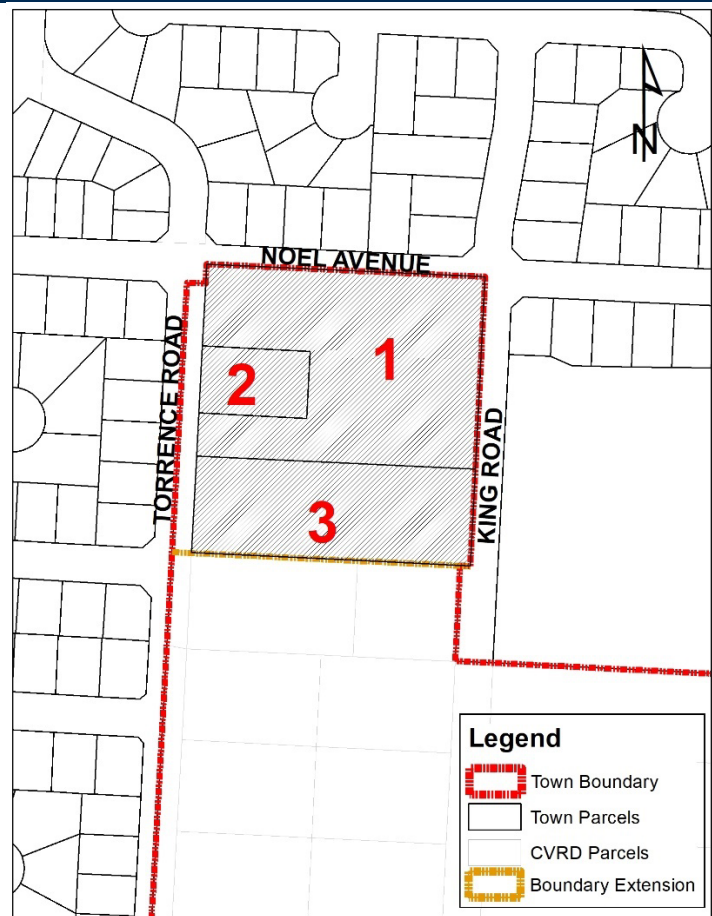


Figure 1: Subject Properties on Torrence Road

Key Issues:

Opportunity for Strategic Growth	The subject properties are within Future Boundary Expansion Area A, which was identified in the Official Community Plan (OCP) as having potential for accommodating long term growth opportunities. The owner wishes to join the Town and develop the site to build 35 duplex lots which would result in 70 additional residential units in the Town. New provincial legislation requires the Town to rezone single family and duplex lots to permit a minimum of 4 housing units per lot by June 30, 2024, to enable small scale, multi-unit housing. The subject properties are also within an area identified in the CVRD's Regional Growth Strategy policy as having potential to accommodate future growth, subject to boundary extensions and provision of publicly owned water or sewer services.
Municipal Services	Town boundary currently runs in the middle of adjacent roads (Torrence Road and Noel Avenue). The boundary extension would include the remaining half of the roads adjacent to the properties, providing an opportunity to bring the full width of the roads into Town jurisdiction. Additional road dedication will be required for Noel Avenue. The King Road section is not constructed, and additional road dedication width will be required. Future development would finance necessary road upgrades. New servicing studies and upgrades for the sanitary, storm, and water infrastructure will be required. As part of the proposed development, the property owner would be responsible for the costs of necessary service upgrades.
OCP & Zoning	New provincial requirements require the Town to update the OCP by December 31, 2025, to provide sufficient land supply to meet 20-year housing demand and update the Zoning Bylaw to also pre-zone to meet 20-year housing demand. During this process Council would have to determine if the subject properties would be pre-zoned for more than 4 units per lot.

Council Decision

To proceed or to deny the boundary extension application.

Decision options	Implications
<p>Recommended</p> <p>1. Council authorizes referral of boundary extension proposal to internal and external departments/agencies and submission of boundary extension application to Province.</p>	<ul style="list-style-type: none"> • No report to council advising of referral responses prior to submission to Province. • Minimizes processing time.
<p>2. Council authorizes referral of boundary extension proposal to internal and external departments/agencies and directs staff to report back to Council on results of referral prior to Council decision whether or not to submit proposal to Province.</p>	<ul style="list-style-type: none"> • Greater Council oversight • Increases processing time
<p>3. Council denies the application to proceed to next phase of boundary extension process</p>	<p>Staff to inform applicant of Council's decision.</p>

STRATEGIC PLAN LINKAGE

This report addresses the following strategic priorities identified in the 2022-2026 Strategic Plan:

Strategic Priority	Areas of Focus
Balanced Community Planning	Strategic Growth - We will balance the benefits of growth with the livability of our seaside community.

BACKGROUND

The property owner was in the process of clearing the property for single-family development under applicable Comox Valley Regional District regulations which do not regulate tree removal. Town residents raised concerns regarding the tree removal to the Town. Town staff advised the property owner to consider boundary extension as while the Town does have a Tree retention bylaw and policies along with higher infrastructure servicing standards, the difference in density is likely to offset any additional development costs.

The owner wishes to join the Town to develop the site to build 35 duplex lots¹. The owner's rationale is contained in **Attachment 1**.

PROCESSING PROCEDURES

Attachment 2 lists the processing steps for Council consideration of the boundary extension application. **Attachment 3** contains the Provincial Municipal Boundary Extension Process Guide which provides a more detailed process description.

OCP IMPLICATIONS

The Official Community Plan Land Use Designation for the subject properties is **Potential Boundary Expansion Area**. The application is consistent with the Official Community Plan, Section 2.5.3.3 Future Boundary Expansion Supporting Policies. The OCP identifies the subject properties within Boundary Expansion Area A (see **Figure 2: Portion of Town of Comox Potential Boundary Expansion Areas**). As stated in the OCP, "servicing of Areas A and B have the best potential for accommodating new long-term growth opportunities in a phased and orderly manner for the following reasons: proximity to existing urban residential development, proximity to existing water and sewer services, proximity to existing major collector or arterial roads, proximity to commercial services in Downtown Comox or West Comox, large parcel sizes with redevelopment potential, and ability to provide additional supply of serviced land and facilitate a competitive housing market."

¹ Under a previous owner, the three subject properties were part of a larger boundary extension application in 2016 which also included properties to the south adjacent to Lazo Road. A Resolution that the Town of Comox proceed with the 2016 boundary extension application was passed by Council on January 17, 2018, and the application was submitted to the Ministry of Municipal Affairs for initial review in July 2018. The application did not proceed as necessary road upgrades by the Ministry of Transportation and Infrastructure of the portion of Lazo Road adjacent to the proposed boundary extension were not considered a priority at the time. In addition, the owner of the three subject properties at Noel and Torrence withdrew from the application.



Figure 2: Portion of Town of Comox Potential Boundary Expansion Areas

If the boundary extension is approved, the owner of the three subject properties plans to develop the site by building 35 duplexes on 450 m² lots which would result in 70 additional residential units in the Town. As part of new Provincial legislation to encourage small scale multi-unit housing in single-family neighbourhoods (Bill 44), the Town is required to update the OCPs by December 2025 to provide for 20-year local housing demand, as identified in a housing needs report. The Town is also required to pre-zone for 20-year housing demand by December 2025. By June 30, 2024 the Town is required rezone all single family and duplex lots to permit 4 housing units.

CVRD REGIONAL GROWTH STRATEGY POLICY

A boundary extension in this area is consistent with the Comox Valley Regional District (CVRD) Regional Growth Strategy (RGS):

- The subject properties are located within a Settlement Expansion Area of the RGS (see **Figure 3: Portion of RGS Settlement Expansion Area Map** – highlighted in orange). Settlement Expansion Areas are identified as fringe areas located on the edges of Municipal Areas that have been identified because "...they have the long-term potential to accommodate future growth subject to boundary extensions and the provision of publicly owned water or sewer services..."
- MG Policy 1E-1 "It is the intention of Local Governments in the Comox Valley that *Settlement Expansion Areas*...shall become part of a *Municipal Area* through a boundary extension."

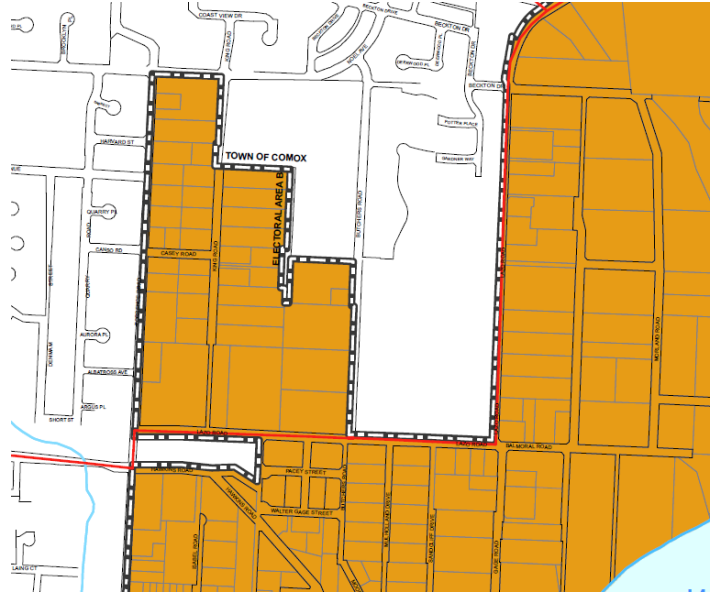


Figure 3: Portion of RGS Settlement Expansion Area Map

ZONING IMPLICATIONS

As with any boundary extension, properties that are incorporated into the Town maintain their CVRD zoning until rezoned by the Town. The three subject properties are currently zoned CVRD Country Residential 1 (CR-1) and are either vacant or have existing residential uses. Like the Town single-family residential zones, current CR-1 zoning permits single-family residential use, coach house (referred to as carriage house), secondary suite, home occupations², accessory buildings³, and bed and breakfasts⁴

The following CR-1 permitted uses are inconsistent with Town residential zones:

- Domestic Agriculture permitted on any lot as an accessory use.
- On properties greater than 4000 metres² (1.0 acre), agricultural use is permitted.
- On properties greater than 1.0 hectare (2.5 acres), two single detached dwellings are permitted.
- On properties greater than 2.0 hectares (4.9 acres), animal kennels are permitted.

Of the three subject properties in the proposed boundary extension area, two are greater than 4000 metres² (1.0 acre), and one of those is greater than 1.0 hectare (2.5 acres). For these subject properties, the permitted uses listed above would remain permitted until the subject properties are rezoned by the Town. Although there are some zoning inconsistencies, staff are not aware of any of the uses currently conducted on the subject properties that would be non-conforming to permitted uses in a single-family

² Permitted home occupations, employees, number of patrons at one time, and number of home occupations operating in a single-family dwelling differ from Town of Comox residential zones

³ Maximum height, permitted location, and setbacks differ from Town of Comox residential zones

⁴ Varies from Town of Comox residential zones in permitted number of rooms and parking stalls required

residential zone as outlined in Zoning Bylaw 1850. In the CVRD Zoning Bylaw, the minimum parcel size is 4.0 hectares, so if the subject properties stayed in the CVRD they would not be eligible for subdivision.

New Provincial legislation (Bill 44) requires local governments to rezone all single- and two- family lots to permit four units by June 30, 2024, to increase local housing supply. Zoning bylaws must comply with Bill 44 and consider the Provincial Policy Manual and Site Standards for small-scale, multi-unit housing when rezoning. The property owner proposes to subdivide the three subject properties into 450 m² lots to provide 35 duplexes. The required rezoning would permit four units on each new lot. When rezoning, Council can be flexible in the configuration of the 4 units on a lot, for example a duplex with one secondary suite in each unit, or four townhouses.

ROAD, SIDEWALK, STREET TREE, WATER, SANITARY SEWER, STORM SEWER IMPLICATIONS

Road Network and Maintenance

The road network that surrounds the subject properties includes:

- Torrence Road – 153m Minor Collector Road, current road right of way is 20m. Current Town boundary runs in the middle of the existing road. Road right of way within Town boundary is 10m and is not to Town standards.
- Noel Avenue – 145 m Major Collector Road, current road right of way is 10m (within Town boundary), additional road dedication will be required and is not to Town standards.
- King Road – 153m Local Road not constructed, current road right of way is 14.632m (within Town boundary), additional road dedication will be required.

After expanding the boundary, the immediate additional costs to the Town for maintenance and operation are expected to be minimal. King Road is not yet constructed, Noel Avenue is currently maintained and operated by the Town, and the additional section of Torrence Road is minimal. These combined factors result in additional costs of less than \$1,000 per year.

To bring Torrence, Noel, and King Avenue up to Town Standards, capital upgrade costs are estimated to be around \$860,000. If there is a development proposal, the landowner would be financially responsible for this capital upgrade. The current cost to maintain roads is approximately \$8,500 per kilometer. Considering the Town already maintains and operates half of Torrence and Noel roads, the annual operating costs will increase by about \$2,600, (calculating for the entire length of King, half of Torrence, and half of Noel).

Taking into account the full life cycle costs, including maintenance, operation, and replacement expenses, the annual increase in costs due to the boundary expansion is estimated to be approximately \$19,780 (\$2,600 + \$17,180).

Underground Services:

A Butchers Road Area servicing study was done in 2006 that included portions of these lots. An updated servicing study for this area will be needed. In particular, it is anticipated that the following will be necessary:

- a storm water management plan (SWMP) to assess all drainage courses and ensure no adverse effects to the marsh adjacent to Lazo Road, the downstream drainage system, including the Town's storm water and the marine environment (estimated cost, \$40,000); and
- an updated servicing study for this catchment area (estimated cost, \$65,000).

At present, water service is available on Torrence and Noel; storm service is available on Noel; and sanitary service is available on Noel. There are several issues regarding servicing of this boundary extension that will result in the need for a servicing study with considerable construction and extension of the Town municipal sanitary and water systems, including the need for a SWMP.

FINANCIAL IMPLICATIONS

Lands being brought into the Town will generate annual revenues and costs, through the collection of property taxes (revenue) and provision of services (costs). Larger one-time capital expenditures may also be necessary in the case of studies, new/renewed infrastructure, and new services, etc. As part of the proposed development, the property owner would be responsible for the costs of necessary infrastructure upgrades and pay Development Cost Charges (DCCs) and any new Amenity Cost Charges (ACCs) as required.

The following outlines general financial considerations with respect to the boundary extension application:

- 2024⁵ assessed land value of the subject properties is \$2,852,000 (total with buildings \$2,853,300).
- Applying the Town's municipal property tax rate to this amount would result in an estimated \$5,377.44 in yearly property tax revenue.
- If the properties are developed as 35 duplex lots through rezoning by the Town, then the financial gain to the Town could outweigh the costs of providing municipal services for the subject properties if the improvement value is high enough.
- The cost of providing municipal services will be covered by parcel taxes and utility fees.

⁵ Assessment is as of July 1, 2023:

Property "1" – land \$1,336,000 – vacant
Property "2" – land \$634,000, buildings - \$1,300
Property "3" – land \$882,000 – vacant

In summary, the cost of bringing the three subject properties into the Town is expected to be outweighed by the financial gain to the Town through the owner's proposed development.

MK /PN

Attachments:

- 1) Rationale provided by Property Owner
- 2) Processing Procedures
- 3) Municipal Boundary Extension Process Guide
- 4) Boundary Extension Application Forms

Subject: Join The Town of Comox

Dear Town of Comox Council Members,

I am writing to express my strong desire to see the Town of Comox expand its boundaries to encompass three properties situated at the southeast corner of Noel Ave and Torrence Road, totaling approximately 6 acres. These properties, consisting of 456 Torrence Road, 480 Torrence Road, and Lot 20 Torrence Road, hold immense potential for enhancing our community.

Previously, there were three residences on these properties, and our initial plan was to construct four new residences along with two secondary residences, in accordance with the current zoning regulations set by the Comox Valley Regional District. However, given the pressing need for additional housing in Comox, we have chosen to adapt our approach. We believe it would be more beneficial to transform these properties into 35 duplex lots, accommodating a total of 70 residential units.

These 35 side-by-side duplexes, each on 450 square meter lots, represent the optimum use of the land. Not only would this address the current housing shortage in our town, but it would also facilitate the widening of Noel Avenue to its full street width.

I respectfully request your consideration of this proposal and hope that you share my enthusiasm for the positive impact it could have on our town. Your support for this expansion would be a significant step towards addressing our housing needs and ensuring a brighter future for the residents of Comox.

Thank you for your time and attention to this matter.

Respectfully,



Ralph Borschneck

RECEIVED

JAN 12 2023

TOWN OF COMOX

ATTACHMENT 2

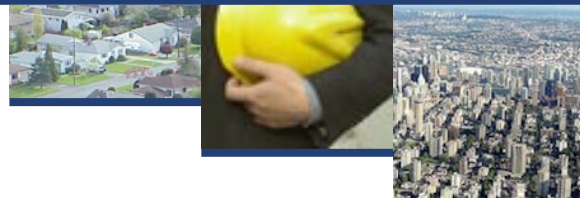
PROCESSING PROCEDURES

The following summarizes the process steps for Council consideration of the boundary extension application:

1. Council resolution to submit boundary extension application to Province.
2. Province reviews application and provides feedback to Town.
3. Town addresses any identified Provincial concerns.
4. Town proceeds with Alternative Approval Process for elector approval of boundary extension.
5. If Alternative Approval Process is successful, Council resolution to submit boundary extension.
6. Province processes approval of boundary extension.



Municipal Boundary Extension Process Guide



March 2010



Ministry of
Community and
Rural Development

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Preface

The *Municipal Boundary Extension Process Guide* (Guide) describes the steps for submitting a municipal boundary extension proposal for provincial approval. This process involves property owners and residents in the extension area and the municipality, the regional district, improvement districts, various government ministries and agencies, and First Nations.

The Guide applies to all municipal boundary extensions, whether the area is small or large, with many residents or none. In the case of a complex municipal boundary extension that includes a large area with many residents, the boundary extension process may include additional steps and considerations.

A companion document, the [Municipal Boundary Extension Policies Guide](#), describes provincial policies for developing boundary extension proposals. These two documents replace the *Municipal Boundary Extension Criteria* (2002).

Processing municipal requests for boundary extensions is the responsibility of the Ministry of Community and Rural Development. Please direct inquiries to:

Ministry of Community and Rural Development
Local Government Structure Branch
800 Johnson Street
PO Box 9839 Stn Prov Govt
Victoria B.C. V8W 9T1

Phone: 250-387-4019

Facsimile: 250-387-7972

Toll free through Enquiry BC:

Call 604-660-2421 in Vancouver or 1-800-663-7867 elsewhere in B.C. and request a transfer to 250-387-4019 in Victoria.

Introduction

There are six steps to developing, processing and approving a municipal boundary extension proposal. The Ministry of Community and Rural Development (Ministry) recommends that a municipality contact the Local Government Structure Branch prior to Step 1.

Ministry staff can provide answers to questions as well as clarify requirements and discuss timing issues. It is helpful to the timely processing of requests if the municipality can provide as many details as possible related to the proposal, such as the community's overall approach to growth management, long-term servicing objectives and other relevant issues important to the community.

Municipalities are encouraged to take a comprehensive, strategic approach to boundary extension proposals as the process involves significant time and resources at both the local and provincial level.

Step 1: Proposal Development and Referrals

Developing a municipal boundary extension proposal begins with a council resolution confirming the municipality is willing to consider a boundary extension proposal (Appendix 1). The resolution also authorizes municipal staff to develop the details of the proposal and to send it to the Ministry for processing.

Municipal boundary extension proposals should include:

- blocks of property continuously adjacent (contiguous) to the current municipal boundary;
- complete parcels as described on the land title certificate; and,
- roads and road-rights-of-way adjacent to the proposed extension area that provide access from the municipality to the proposed extension area.

Appendix 2 provides the specific technical criteria needed to develop a municipal boundary extension proposal. Ministry staff are also available to provide assistance. Once the proposal is complete, the municipality must refer the proposal to the following parties for comment:

- property owners within the proposed municipal boundary extension area to obtain their opinion on the proposal (Appendix 4);
- the regional district to determine the impact on existing services and the details of transferring services should the municipal boundary extension be approved (Appendix 5);
- improvement districts that overlap with the proposed municipal boundary extension area¹;
- Agricultural Land Commission (ALC) if the proposed extension area includes land in the Agricultural Land Reserve (ALR);
- Integrated Land Management Bureau (ILMB) if the proposed extension area includes Crown land; and,
- First Nations whose traditional territory includes the proposed municipal boundary extension area.

Through the referral process, the municipality should identify and resolve concerns with the proposed municipal boundary extension before the municipality submits the proposal. Ministry staff can provide advice for resolving issues.

¹ Note: Generally improvement district boundaries will be reduced or the improvement district dissolved, and the service responsibility will transfer to the municipality, if a boundary extension is approved.

Step 2: Proposal Submission

A municipal boundary extension proposal submitted to the Ministry should include the following:

- a council resolution confirming the municipality wishes to consider a boundary extension proposal (Appendix 1);
- a rationale for the proposal, including land use implications;
- maps (Appendix 3);
- a list of parcels in the extension area including legal descriptions;
- a parcel map and/or list of parcels indicating which property owners are in favour or opposed to the proposal;
- the name of the regional district and the affected electoral area(s);
- copies of communications with, and the opinions of, owners and other interested parties within the area of the proposed municipal boundary extension;
- results of referrals to the regional district, improvement districts, ALC and ILMB, including correspondence, and a record of issues identified and resolved or unresolved;
- results of referrals to First Nations, including correspondence and a record of issues identified and resolved or unresolved¹; and,
- consideration of any specific conditions related to implementation and other relevant background information.

The Proposal Submission Checklist has been developed to help municipalities ensure that applications are complete (Appendix 6). The submission should be sent to:

Ministry of Community and Rural Development
Local Government Structure Branch
800 Johnson Street
PO Box 9839 Stn Prov Govt
Victoria BC V8W 9T1

Step 3: Ministry Review

The Ministry will acknowledge receipt of the municipal boundary extension proposal and review the submission by preparing an Administrative Report that will provide the municipality with feedback. If further work is required, Ministry staff are available to work with the municipality to complete the proposal.

Once the Ministry confirms a complete municipal boundary extension proposal, it will be referred by the Ministry to the Ministry of Transportation and Infrastructure (BC MoT) for review. The Ministry will discuss BC MoT's report with the municipality.

The Ministry recommends that the municipality wait until the Ministry confirms that all issues are addressed before seeking elector approval. This ensures that elector approval is obtained on a complete municipal boundary extension proposal. Technical changes to the proposal after elector approval is obtained could void the results, requiring the elector approval process to be repeated.

¹ NOTE: The *Interim Guide to Engagement with First Nations on Local Government Statutory Approvals* provides guidance to local governments on engaging with First Nations on municipal boundary extension proposals. The Guide is available at:
www.cd.gov.bc.ca/lgd/library/First_Nations_Engagement_Guide.pdf

Step 4: Elector Approval

The *Local Government Act* (section 20) requires municipal elector approval of proposed boundary extensions. Elector approval may be obtained by the municipality through a referendum or the Alternative Approval Process (AAP) (*Community Charter*, section 85, 86). For more information on the AAP process and the processes related to voting, see the *Local Government Act* and the *Community Charter*.

If electors support the municipal boundary extension proposal, the municipality must provide the Ministry with:

- a second council resolution confirming the request to the Minister to extend the boundary of the municipality and confirming the legal description of the parcels to be included within the municipal boundary;
- a declaration that the statutory requirements of section 20 of the *Local Government Act* are met; and,
- the results of the elector approval process.

For more information, see Electoral Approval and Council Resolution Checklist (Appendix 7), Sample Statutory Alternate Approval Process Public Notice (Appendix 8), and Sample Council Resolution #2 (Appendix 9).

Step 5: Provincial Approval

Once the elector approval process is complete, the Ministry prepares Letters Patent implementing the proposed boundary change. Letters Patent describe the properties being included in the municipality, provide for the transfer of services from the regional district/improvement district to the municipality, and if necessary, provide for special or transition features. The Ministry also amends the Letters Patent for the relevant regional district, removing the boundary extension area from the applicable electoral area.

The *Local Government Act* (section 20) requires the Lieutenant Governor in Council (Cabinet) to approve municipal boundary extension requests.

Step 6: Implementation

If the boundary extension proposal is approved by Cabinet, the Ministry notifies the municipality, the regional district and other ministries and agencies, such as BC Assessment and the Land Title and Survey Authority of BC that the municipal boundary extension will be implemented.

The municipality and relevant regional district are responsible for implementing the transfer and coordination of services within the boundary extension area. The municipality and the regional district may choose to establish a transition agreement to assist in this process.

To conclude the municipal boundary extension process, the municipality must confirm to the Ministry the population in the extension area. This information is used to adjust the municipality's population for grant allocations and to determine the number of votes held by the municipality on the regional district board. It is important that the population certification be submitted to the Ministry in a timely fashion (Appendix 10).

Glossary

Alternative Approval Process (AAP)

Local governments can use the Alternative Approval Process (*Community Charter*, section 86) to gauge public opinion instead of a referendum, in cases where the local government is required to obtain elector approval. The AAP can be used by a municipality to obtain elector opinion for a municipal boundary extension proposal.

Contiguous

Describes objects such as land parcels that adjoin and share a common border.

Elector

A resident elector or non-resident property elector of a municipality or regional district electoral area. See the *Local Government Act* (Part 3).

Elector Approval

Legislation provides the municipal electorate with an opportunity to voice their opinion on the proposal through an Alternative Approval Process or referendum.

Legal Description

The complete description of a parcel of land, such as parcel identifier, lot number, district lot number, district plan and the name of the land district.

Letters Patent

The legal document describing the local government's name and boundary as well as any unique or customized authorities of that government. Letters Patent are approved by Cabinet through an Order in Council. When municipal boundaries are changed, the Letters Patent for both the municipality and affected regional district are issued.

Order in Council (OIC)

An Order under the authority of legislation approved by the Lieutenant Governor in Council. An Order in Council is the instrument that Cabinet uses to approve boundary extensions. The OIC issues Letters Patent for the municipality and the regional district.

Referendum

A vote seeking elector opinion.

Appendix 1 – Sample Council Resolution #1

I, _____, Corporate Officer for the (Corporate Name of Municipality) do hereby certify the following to be a true and correct copy of a resolution adopted by the Council of the (Corporate Name of Municipality).

“THAT the (Corporate Name of Municipality) proceed with the proposed _____ area boundary extension proposal; and

That (Corporate Name of Municipality) staff be authorized to develop, sign, and submit the proposal to the Provincial Government.”

(Corporate Officer)

DATED at (Municipality), B.C. this _____ day of _____, _____.

Appendix 2 – Technical Criteria

Municipal boundary extension proposals must meet the technical criteria described below.

Boundary Composition

The proposed boundary extension area should include complete legal parcels to avoid split local government jurisdiction over legal parcels. Legal descriptions for each parcel, as found on the land title certificate, must be included in the proposal submitted to the Ministry.

For more efficient and timely processing of municipal boundary requests, proposals that include a logical block of parcels rather than multiple requests to include single parcels are encouraged.

Various factors can define a block, the most obvious being the local road network so all parcels are bounded by intersecting roads. Other factors include local service areas and natural features such as water bodies, rivers or elevation.

Properties of the New Boundary

Generally the area being brought into the municipality should be continuously adjacent, or contiguous, to the existing municipal boundary.

The boundary extension proposal should not create an area that would remain outside the municipal boundary and jurisdiction, resulting in a 'doughnut-hole' within the municipality. The only exception to this requirement is land designated as Indian Reserve or Treaty lands, which will not be included within a municipal boundary unless requested by the First Nation.

Figure 1 shows a proposal that meets the criteria of contiguity. The proposed extension area is adjacent to the existing municipal boundary and represents a complete block of legal parcels.

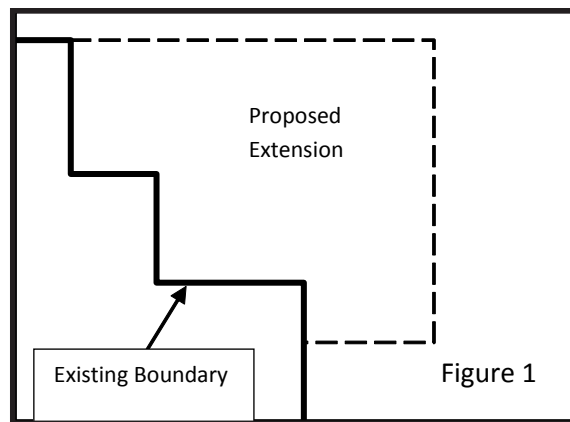


Figure 1 - Boundary extension proposal.

Figure 2 shows a “satellite” boundary extension which is only appropriate for exceptional cases such as:

- a major industrial site (e.g. utility, saw mill or mine) for which the municipality is the major service centre; or,
- an area owned by the municipality used for municipal purposes, such as an airport, a recreation area/facility, or public works yard.

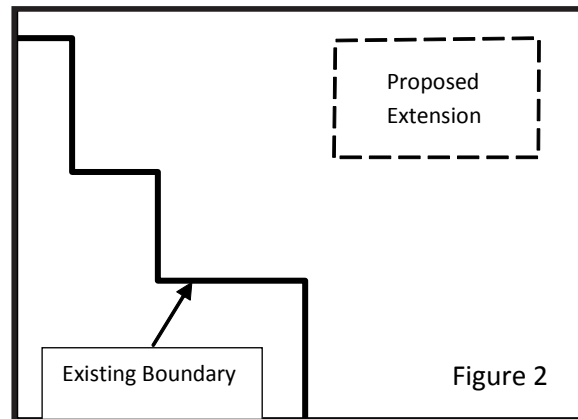


Figure 2 - Satellite boundary extension proposal.

Figure 3 shows a proposal that does not meet the requirements for developing a boundary extension proposal because it is not contiguously adjacent to the municipal boundary, and it does not qualify as a satellite boundary extension.

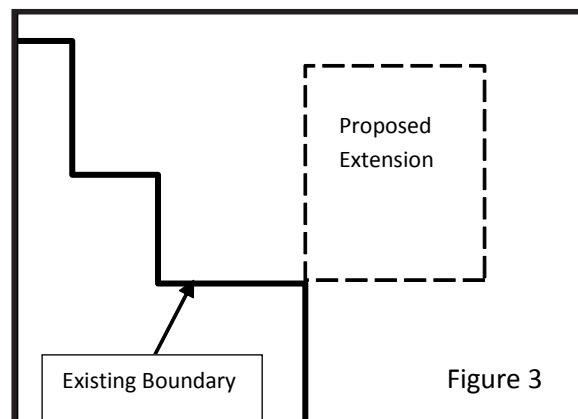


Figure 3 - Invalid boundary extension proposal.

Local Roads

A major consideration for municipalities when developing a boundary extension proposal is the efficient operation of the local road network. Following the boundary extension, any roads not designated as arterial or provincial, are transferred from the Province to the municipality, which assumes responsibility for maintenance and future upgrades.

The municipal boundary extension proposal should meet the following criteria:

- the boundary should follow one side of a road right-of-way, and include the entire road within the municipality;
- roads that provide access from the municipality to the boundary extension area should be included;
- roads and road rights-of-way adjacent to the boundary extension area should be included; and,
- where a boundary extension area is in the vicinity of an existing boundary that follows the centre line of a road, the boundary shall be adjusted to include the entire road within the municipality.

Where the inclusion of a road is not suitable from the perspective of road maintenance jurisdiction, the road will be excluded from the municipality to avoid situations where the road maintenance jurisdiction is not continuous.

Appendix 3 – Maps

As part of the boundary extension proposal, a municipality is required to provide the Ministry with a map of the proposed boundary extension showing its relationship to the current municipal boundary. Maps of the extension and surrounding areas should be provided to the Ministry in hardcopy and in electronic format.

The maps are used to review the road network and to prepare the new municipal boundary description for the Letters Patent. An appropriate scale will ensure clarity and accuracy of detail; ideally a scale of 1:5,000. Maps should accurately describe the:

- current municipal boundary;
- proposed municipal boundary;
- parcel lot lines;
- parcel identifiers and legal descriptors;
- ownership information;
- consent of landowners and residents (via shading);
- roads and road labels;
- other rights-of-way;
- major landmarks;
- Crown land;
- ALR land; and,
- First Nation Reserves and Treaty lands.

Appendix 4 – Public Consultation Within The Proposed Extension Area

It is the municipality's responsibility to design an appropriate process to obtain the opinion of residents and property owners within the area of the proposed boundary extension. The municipality is responsible for providing adequate information to allow residents and property owners to make an informed decision about their support for the proposal.

In particular, the municipality is likely to use ownership information from BC Assessment as the basis for individual distribution of information. It should be noted that eligible electors may not be property owners (renters, mobile home park residents), and these residents should be provided with information as well.

The nature and extent of the public consultation varies with the size of the proposed boundary extension. The table below outlines some possible consultation approaches for a municipality to consider.

Size of Boundary Extension	Number of Parcels	Consultation Approach	Consultation Results
Small area boundary extension	1 to 10	Municipality provides information to property owners and residents.	Individual response letters.
Medium area boundary extension	11 to 49	Municipality provides information to property owners and residents. Municipality holds an open house/public meeting.	Individual response letters. Meeting feedback forms.
Large area boundary extension	More than 50	Municipality provides information to property owners and residents. Municipality holds an open house/public meeting. Municipality posts information on its website.	Individual response letters. Meeting feedback forms. Feedback through website.

The municipality's information to property owners and residents in the proposed boundary extension area should include the following:

- the municipality's reasons for considering the boundary extension proposal;
- general property tax implications (a comparison of tax rates inside and outside the municipality or a sample property tax calculation);
- general information about the costs, process and timing of providing the service if municipal water or sewer infrastructure service is the reason for the boundary extension;
- other significant changes related to local service delivery and service cost recovery (e.g. fees and charges); and,
- any council policy items relating to the boundary extension proposal (e.g. transitional measures).

Generally, the Minister will not recommend a boundary extension to Cabinet if a majority of property owners within the proposed extension area object. An exception may be made where overriding provincial or local interests exist, such as resolving public health concerns or environmental protection issues.

Consultation Information to the Ministry

When submitting the boundary extension proposal to the Ministry, the municipality should provide the following:

- copies of correspondence from owners/residents for small to medium area proposals; and,
- a summary of the public consultation process undertaken by the municipality and consultation results for medium to large area proposals.

A summary of the results of the public consultation process can be provided in the following ways:

- a map showing the opinion for each parcel for medium to large areas;
- a numerical summary of the opinions received;
- copies of individual submissions from owners/residents, cross-referenced to map location;
- a copy, or summary, of a petition or public meeting report, if those methods were used to determine opinion; and,
- a copy, or summary, of other material that relates to the opinion of owners/residents.

Vote within the Proposed Boundary Extension Area

Based on the population of the proposed boundary extension area and the consultations conducted by the municipality with property owners, a vote may be held. Generally, a vote in a proposed boundary extension area is reserved for situations involving a substantial population and where the municipality cannot accurately gauge the opinion of property owners in the proposed boundary extension area through another consultation process.

If a municipal council wishes a vote be held in the proposed boundary extension area, a request is made to the Minister to order a vote. The Minister also has the authority to order a vote independent of the municipality's request. If a vote is held, the municipality is required to submit a copy of the results certified by the Chief Election Officer.

Appendix 5 – Regional District Consultation

When a municipal boundary is extended, the area of the boundary extension is excluded from the regional district electoral area. The area is also excluded from regional district service areas, unless the municipality is a participant in the service.

Boundary extension proposals should be sent to the regional district Chief Administrative Officer who will refer to the appropriate staff for review (e.g. corporate administration, finance, engineering, planning). As a best practice, municipalities and regional districts should work together to jointly establish processes for reviewing proposals for boundary extensions.

Proposal submissions need to outline the consultation process between the municipality and the regional district and report on the results, including the resolution of issues and agreed-to terms for implementation. If required, special mitigation provisions can be designed through discussion between the municipality, regional district, and the Ministry.

When a municipality consults with the regional district, it is the responsibility of the regional district to identify the services currently provided in the extension area and the financial impact on those services if the boundary extension is approved.

If there is the possibility of significant financial or service impact, the regional district should provide the following information, as applicable, to the municipality:

- total taxable assessments within the boundary extension area;
- list of the specific current services that would be impacted by the boundary extension, with the current total requisition for each of those services and comments about the nature of the expenditures for the service (for example, debt versus operational costs);
- percentage of taxable assessment within the area compared with the total within the identified service areas;
- estimated dollar amount of the requisition for each service identified that can be attributed to the boundary extension area;
- estimate of the increase in the residential tax rate that would be required to recover the financial amount for the identified electoral area services, assuming no change to the requisitions; and,
- the potential for reducing the amount of requisition as a result of the reduction in the service area.

The existence of a significant impact on regional district services can be addressed through discussion between the municipality and the regional district, with Ministry assistance as needed. Special mitigation provisions may be included in Letters Patent.

The primary test for determining significance is that the assessments in the municipal boundary extension area range from five to ten per cent of the service area. The secondary test is the actual amount of property taxation revenue involved in relation to the requisition for the service, and the financial impact on the remainder of the service area. Each service of the regional district will be considered individually.

Region-wide services such as grants in aid, electoral area administration, or regulatory services, where the service area consists of one or more electoral areas will generally not be considered for mitigation measures. They are intended for local services only such as fire protection, water, and recreation.

Mitigation measures are appropriate, for the following issues:

- Service participants. Is it an option to maintain the service financing by establishing the municipality as a participant?
- Debt. Could transitional provisions account for debt contributions from the boundary extension area?
- Operational costs. Can the service be continued for the remainder of the service area with a reduction in operating costs with minimal financial impact?
- Contractual arrangements. Can financial impacts be managed through a contract for service between the municipality and the regional district?
- Variables for transitional provisions. Variables include the amount of financial impact, number of years for which they will apply (except possibly for debt, they will rarely be long-term), possibility of a phased-in approach and governance arrangements.

Appendix 6 – Proposal Submission Checklist

Municipality:	
Extension Area Description:	
Submission Date:	

Submission to Ministry of Community and Rural Development	
	Council resolution confirming the municipality wishes to consider a boundary extension proposal (Appendix 1).
	Rationale for the proposal, including land use implications.
	Maps (Appendix 3).
	A list of parcels in the extension area including legal descriptions.
	Parcel map and/or list of parcels indicating which property owners are in favour or opposed to the proposal.
	Name of the regional district and the affected electoral area(s).
	Copies of communications with, and the opinions of, property owners and other interested parties within the area of the boundary extension proposal.
	Results of referrals with the regional district.
	Results of referrals with relevant agencies (ALC, ILMB, improvement districts, etc.)
	Results of referrals to First Nations, including correspondence and a record of issues resolved or unresolved.
	Other relevant background information such as staff reports.

Include this checklist with the proposal application package.

Appendix 7 – Elector Approval and Council Resolution Checklist

Municipality:	
Extension Area Description:	
Submission Date:	

Submission to Ministry of Community and Rural Development	
	A declaration that the statutory requirements are met.
	Council resolution confirming the request for the boundary extension (Appendix 9).
	<p>Elector approval:</p> <p>If by vote, the results of the vote.</p> <p>If by AAP, the results of the AAP process certified by the Chief Election Officer and copies of the AAP notice published in the newspaper.</p>

Appendix 8 – Sample Statutory AAP Public Notice

NOTICE TO ELECTORS OF _____ (CORPORATE NAME OF MUNICIPALITY)

OF AN ALTERNATIVE APPROVAL PROCESS FOR A PROPOSED EXTENSION OF BOUNDARIES

Notice is hereby given that under section 86 (Alternative Approval Process) of the *Community Charter* and section 20 of the *Local Government Act*, the Council of the (Corporate Name of Municipality) intends to petition the Minister of Community and Rural Development requesting an extension of the area of the municipality to include the following described lands:

(Insert map showing road network and parcels to be included in the boundary extension)

(Insert information regarding the rationale for the proposed extension and include any special features for Letters Patent, as appropriate.)

ALTERNATIVE APPROVAL PROCESS AND ELIGIBILITY

And Further Take Notice That the municipality may proceed with the boundary extension request unless at least ten percent of municipal electors indicate that a referendum must be held by submitting a signed Elector Response Form to (Municipal) City Hall no later than (usual closing time) 4:30 p.m. on (date: dd/mm/yy). Elector Response Forms must be in the form established by the (Corporate Name of Municipality), and only those persons who qualify as electors of the municipality are entitled to sign Elector Response Forms.

Resident Elector – You are entitled to submit an Elector Response Form as a resident elector if you are age 18 or older on the day of submission, are a Canadian citizen, have lived in B.C. for at least six months, and have been a resident of the (Corporate Name of Municipality) for the past 30 days or more.

Non-Resident Elector – You are entitled to submit an Elector Response Form as a non-resident property elector if you are age 18 or older on the day of submission, are a Canadian citizen, have lived in B.C. for at least six months, have owned and held registered title to a property in the (Corporate Name of Municipality) for the past 30 days or more, and do not qualify as a resident elector.

NOTE: Only one non-resident property elector may submit an Elector Response Form per property, regardless of how many owners there may be.

If less than ten percent (#) of municipal electors submit an Elector Response Form, the boundary extension request will be deemed to have the approval of the electors and the proposal may proceed to the Minister of Community and Rural Development for consideration. For the purpose of conducting the alternative approval opportunity, the number of electors is calculated as (#).

Elector Response Forms are available from City Hall, (provide: street address, phone number, email and operating hours).

And That this is the first of two publications of this notice in a newspaper. / This is the second and last publication of this notice in a newspaper.

Corporate Name of Municipality
Name of Administrator
Title of Administrator

Appendix 9 – Sample Council Resolution #2

I, _____, Corporate Officer for the (Corporate Name of Municipality) do hereby certify the following to be a true and correct copy of a resolution adopted by the Council of the (Corporate Name of Municipality).

“THAT the (Corporate Name of Municipality) has obtained the assent of the electors to petition the Minister of Community and Rural Development to extend the boundaries of the (Corporate Name of Municipality) as it appeared in the Gazette under issue of Month, Day, Year, and in the local newspaper (Name) under issues of (Month, Day, Year).

THAT all relevant legislative requirements pertaining to a municipal boundary extension in the Local Government Act and Community Charter have been completed.

THAT the parcels approved for inclusion within the (Corporate Name of Municipality) are as follows: (List and include PID numbers and a map).”

(Corporate Officer)

DATED at (Municipality), B.C. this _____ day of _____, _____.

Appendix 10 – Sample Declaration of Population

[Name of Municipality]

WHEREAS a population of census was taken on [date], and [number of persons/nil] are found to be residents of that Boundary [extension] Area of [municipality] described and authorized in Order in Council No. _____, approved and ordered on [date].

I, THEREFORE, CERTIFY THAT there are [number of persons/nil] residents in the said [municipality] Boundary [extension] Area on [effective date of above Order in Council].

(Enumerator)

DATED at [name of municipality], British Columbia, this [date]

This is the Statutory Declaration of population,

Dated _____, 2009

(Mayor)

and

(Corporate Administrator)

(Commissioner for taking Affidavits within the Province of British Columbia)





BOUNDARY EXTENSION APPLICATION

TOWN OF COMOX

1809 Beaufort Avenue Ph: (250) 339-2202

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

If the registered owner on a title search printout indicates either multiple names, the name of a company or the name of a strata corporation, the signatures of ALL registered owners or authorized company/strata signatories must be included on this application form.


I/We acknowledge that I am / we are the registered owners of the property noted below, as registered in the Land Title Office in Victoria BC:

Civic Address: TORRENCE RD

Legal Description:

LOT 20, PLAN VIP449, DISTRICT LOT 186, COMOX LAND DISTRICT, EXCEPT PLAN 24247, N 1/2
 PID: 001-095-544

I/We hereby request that the above property be incorporated into the municipal boundary of the Town of Comox.

<i>Signature of Owner or Corporate/Strata Signing Officer</i>	<i>Printed Name of Owner or Corporate/Strata Signing Officer</i>	<i>Date</i>
	Ralph Borschneck	May 31, 2023



BOUNDARY EXTENSION APPLICATION

TOWN OF COMOX

1809 Beaufort Avenue Ph: (250) 339-2202

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

If the registered owner on a title search printout indicates either multiple names, the name of a company or the name of a strata corporation, the signatures of ALL registered owners or authorized company/strata signatories must be included on this application form.

I/We acknowledge that I am / we are the registered owners of the property noted below, as registered in the Land Title Office in Victoria BC:		
<i>Civic Address:</i> 480 TORRENCE RD		
<i>Legal Description:</i> LOT A, PLAN VIP24247, DISTRICT LOT 186, COMOX LAND DISTRICT, MANUFACTURED HOME REG.# 101645 PID: 002-992-647		
I/We hereby request that the above property be incorporated into the municipal boundary of the Town of Comox.		
<i>Signature of Owner or Corporate/Strata Signing Officer</i>	<i>Printed Name of Owner or Corporate/Strata Signing Officer</i>	<i>Date</i>
	Ralph Borschneck	May 31, 2023




BOUNDARY EXTENSION APPLICATION

TOWN OF COMOX






1809 Beaufort Avenue Ph: (250) 339-2202

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

If the registered owner on a title search printout indicates either multiple names, the name of a company or the name of a strata corporation, the signatures of ALL registered owners or authorized company/strata signatories must be included on this application form.

I/We acknowledge that I am / we are the registered owners of the property noted below, as registered in the Land Title Office in Victoria BC:		
<i>Civic Address:</i> 456 TORRENCE RD		
<i>Legal Description:</i> LOT 20, PLAN VIP449, DISTRICT LOT 186, COMOX LAND DISTRICT, N 1/2 OF S 1/2 PID: 009-047-671		
I/We hereby request that the above property be incorporated into the municipal boundary of the Town of Comox.		
<i>Signature of Owner or Corporate/Strata Signing Officer</i>	<i>Printed Name of Owner or Corporate/Strata Signing Officer</i>	<i>Date</i>
	Ralph Borschneck	May 31, 2023

To: Mayor and Council	File: RZ 23-1, DVP 23-5
From: Marvin Kamenz, Director of Development Services Regina Bozerocka, Planner II	Date: February 21, 2024
Subject: Rezoning application RZ 23-1, Development Variance Permit application DVP 23-5 468 Pritchard Road (corner Elm Place) Rezoning and variances to facilitate a 3-lot infill subdivision	

Prepared by:  Regina Bozerocka, Planner II	Supervisor:  Marvin Kamenz, Director of Dev. Services	Municipal Engineer:  Shelley Ashfield Director of Operations	Finance:  Geoffrey Kreek Deputy Director of Finance	Report Approved:  Jordan Wall, CAO
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RECOMMENDATIONS FROM THE CHIEF ADMINISTRATIVE OFFICER:

That in accordance with section 467 of the *Local Government Act*, notices be issued of Council concurrent consideration of proposed Comox Zoning Amendment Bylaw 2021 and Development Variance Permit 23-5.

ALTERNATIVES TO THE RECOMMENDATIONS

Alternative 1 - Separate processing of rezoning and variance applications.

1. That in accordance with section 467 of the *Local Government Act*, notice be issued of Council consideration of proposed Comox Zoning Amendment Bylaw 2021; and
2. That Development Variance Permit 23-5 consideration is postponed until Town conducts Complete Communities Growth Assessment, and undertakes a review of infrastructure impacts of new provincial zoning mandates.

Alternative 2 – Postpone processing of both applications.

That Rezoning RZ 23-1 and Development Variance Permit 23-5 consideration be postponed until Town conducts Complete Communities Growth Assessment, and undertakes a review of infrastructure impacts of new provincial zoning mandates.

PROPOSAL

The proposal is to rezone the subject property from R1.1 Single-Family to R4.1 Single-Family 350 m² Parcel to facilitate the subject property subdivision into 3 lots. The applicant also submitted an application to vary Comox Subdivision and Development Servicing Bylaw 1261 regarding the road dedication width, provision of sidewalks, curb, gutter, underground wiring and street lighting, as listed below in the Report Summary. The applicant's submission is contained in **Attachment 2**.

REPORT SUMMARY

Subject Property:	
<p>468 Pritchard Road (corner Elm Place)</p> <p>Legal Address: PID 003-201-121, Lot 1, Section 76, Comox District, Plan 22955</p> <p>Property Size: approximately 1,600 m²</p> <p>Owners: the Huskas family Applicant: Hal Martyn P.Eng.</p>	
Property Contains:	One single-family dwelling (proposed to be removed prior to subdivision)
Surrounding Land Uses:	Townhouse development to the east; single-family lot and apartment building to the north; single-family lots to the south and west. Abuts Pritchard Road, a major collector, school route, transit and truck route.
Current OCP land use Current zone	Residential: Ground Oriented Infill R1.1 Single-Family (650 m ² minimum parcel size, 20 m parcel frontage width, 26 m depth, 9 m principal building height)
Proposed zone	R4.1 Single-Family 350 m ² Parcel (350 m ² min. parcel size, 13 m parcel frontage width, 24 m depth, 8 m principal building height)
Variances to Subdivision and Development Servicing Bylaw 1261 (illustrated on next page)	<ul style="list-style-type: none"> • reduce required road dedication for Elm Place by 2.38 m • not require sidewalks for Pritchard Rd and north side of Elm Place • not require rollover concrete curb and gutter for Elm (vertical concrete curb exists on Pritchard, not Elm) • not require underground utility connections to the proposed lots • not require upgrades to street lighting • not require undergrounding of existing utility transmission lines



APPLICANT PROPOSED VARIANCES TO ROAD CROSS-SECTION

- SUBJECT PROPERTY: CURRENT LOT LINES
- NOT REQUIRE ROAD DEDICATION: 2.38M ON ELM PLACE SIDE
- NOT REQUIRE SIDEWALK, CURB & GUTTER

Key Issues:

New Provincial legislation requires municipalities to

- by June 30, 2024, rezone single- and two-family lots to permit 4 units;
- by December 2025, update OCP and prezone sufficient lands to meet 20-year housing demand

Pritchard Road is a Major Collector and Elm Place is a Local Road

Complete Communities Growth Assessment: analysis anticipated by June 2024 and implementation plan by August 2024

The subject property would be rezoned to permit 4 dwelling units per parcel by end of June.

Given their size, central location and proximity to transit service, the neighboring properties on the south side of Elm Place are anticipated to be considered for townhouse or apartment use under OCP review in 2025.

The development resulting from these legislative changes is anticipated to incrementally increase the demand for on-street parking, pedestrian and bicycle infrastructure.

Major Collector road standards, as compared to Local Roads, are designed to accommodate higher vehicle, pedestrian and bike traffic volumes, and facilitate transit and truck traffic.

Town is currently working on Complete Communities Growth Assessment, which includes geospatial data analysis of housing stock, land uses, daily needs, transportation, utilities and municipal services infrastructure to accommodate 20-year housing demand.

Council Decisions

Decision options

Implications

Recommended

Concurrent processing of rezoning and development variance permit applications.



Rezoning application considered in the context of proposed infrastructure variances, but in advance of Complete Communities geospatial data analysis of housing, daily needs, transportation and infrastructure implications of accommodating 20-year housing demand.

Anticipated date of Council consideration of Rezoning Bylaw and DVP 23-5 is April 2024.

Alternative 1

Process rezoning application and postpone development variance permit processing until receipt of Complete Communities Report



Rezoning application considered separately, in advance of proposed transportation and infrastructure variances, and Complete Communities Analysis.

Allows consideration of proposed variances when Complete Communities analysis is complete and transportation and infrastructure implications are known.

Anticipated date of Council consideration of Rezoning Bylaw is April, and DVP 23-5 is October/November 2024.

Alternative 2

Postpone processing of both rezoning and development variance permit applications until receipt of Complete Communities Report.



Allows consideration of proposed rezoning and variances in relation to Complete Communities analysis of housing, daily needs, transportation and infrastructure implications to accommodate 20-year housing demand.

Anticipated date of Council consideration of proposed Rezoning Bylaw and DVP 23-5 is October/November 2024.

STRATEGIC PLAN LINKAGE

This report addresses the following Strategic Priorities and Areas of Focus identified in the 2022-2026 Strategic Plan:

Organizational Excellence:

- Asset Management – Focus on life-cycle funding when considering asset conditions or replacements and communicate to the public the cost and the need for asset renewal.

Good Governance:

- Community Participation – We enhance two-way communication with our community.
- Decision Making - We make evidence-based decisions focused on the best interests of the Town over the long term.

Balanced Community Planning:

- Strategic Growth - We will balance the benefits of growth with the livability of our seaside community.
- Housing - We will create the conditions for a diversity of housing options in our unique seaside Town.
- Community Addition - We will ensure that each new major development adds positively to the community through appropriate amenity contributions and/or other community benefits.

PROCESSING PROCEDURES

Requirements for Rezoning Bylaw Adoption

Legislation – public hearing not held and notice of bylaw consideration required:

In accordance with the new provincial legislation, section 464(3) of the *Local Government Act*, for instream applications where proposed rezoning is to permit a residential development which is consistent with the official community plan, and where rezoning bylaw have not yet received a First Reading, public hearings are prohibited. Prior to the First Reading of such proposed rezoning bylaw, the municipality must give a public notice stating the purpose of the bylaw, the subject property, the date of Council consideration of First Reading and where and when the public may inspect the copies of the proposed bylaw.

Legislation – 1,2, 3rd Reading and Adoption at the same meeting:

Where no public hearing is permitted, and a notice is given prior to the First Reading of proposed rezoning bylaw, in accordance with section 135 of the *Community Charter*, a bylaw may be given 3 Readings at one meeting of Council, and per section 480 of the *Local Government Act*, Council may also adopt a rezoning bylaw at the same meeting at which it passed Third Reading.

Community Consultation

Legislation – public consultation implications and status of this application:

New provincial regulations allow municipalities to seek public feedback outside of public hearings that the province has phased out.

In accordance with current Comox Planning Procedures Bylaw 1780, single-family rezoning applicants are not required to conduct formal pre-application community consultation. A development sign has been placed on public road frontage of the subject property, advising that an application has been submitted to the Town for rezoning. Per standard Town practice, the owner of the subject property was encouraged to informally discuss the proposal with the neighbours prior to submitting the application. The owner provided copies of letters he received (included in **Attachment 2**.)

Referrals

Standard processing of development applications involves referrals to external agencies, utility providers and Town departments. **Attachment 1** list referrals and responses. No response indicates the agency had no issues with the proposal.

OCP IMPLICATIONS

The subject property at Pritchard Road and Elm Place corner is identified for ground oriented infill under current Official Community Plan, based on it's parcel size and proximity to public transit and major school route.¹ The proposal to rezone and subdivide the subject property is consistent with the current OCP land use designation.

Development Permit Areas	Development Exempt from DPAs
DPA #2 Ground Oriented Infill	Exempt under section 3.2.4(F): Subdivision meeting minimum parcel frontage is exempt from requirement to obtain a form & character development permit.
DPA #17 Coach House	Exempt under section 3.17.4(B): no coach houses currently proposed
DPA #18 Secondary Suites	Exempt under section 3.18.4(A): no suites currently proposed

¹ Pritchard is a Major Collector at this location and Elm Place is a Local road. The subject property is also within approximately 10 minutes walk to the community recreation centre, and 20 minutes walk to downtown.

Current OCP policy is to seek amenities, such as affordable housing contribution, adaptable unit design, or construction to a higher Energy Step Code level, only for rezonings resulting in 4 or more additional lots or residential units, excluding secondary suites and coach houses.

The subject property contains:

- A mature conifer tree 0.7m in diameter is located in the south-east corner of the lot. Species, health and size of the tree were not provided by the applicant. The tree is proposed for removal to avoid interfering with house siting on proposed Lot C.
- mature hedging exists along a portion of the west (Pritchard) lot line and most of the north and east lot lines. Length, height, species, and health were not provided by the applicant. Applicant advises, the hedge along Pritchard is proposed for removal and planting of replacement hedge as it appears to be within the existing road allowance.

The existing tree appears to be a Fir tree of approximately 0.7 m in diameter, and in good health. The tree is approaching an age where it will give increased benefits to the community as compared to planting smaller trees. There is a lack of canopy coverage along this section of Elm Place and Pritchard Road. Effort should be made to retain the existing tree within the proposed lot layout design.

The applicant is proposing 1 new tree planted on each of the proposed 3 lots on Elm Place, as well as 2 additional trees on Pritchard. The newly planted trees could be a good addition to the Town urban forest if retained for the long term, even with less cooling and wildlife benefits than the existing Fir tree.

Under recent Council direction, the staff practise is not to recommend tree protection covenants as a condition of rezoning or development variance permit issuance for single-family development. This change in historic tree protection approach is reflective of recent Town initiatives to reduce processing times and in recognition that Town Comox Tree Management and Protection Bylaw No. 1125, 1994 generally exempts parcels of 5,000 m² or less in area.

New Provincial Legislation and Complete Communities Growth Assessment

The provincial government Bill 44-2023 *Housing Statutes (Residential Development) Amendment Act, 2023* introduces changes to the *Local Government Act* and imposes specific requirements on how municipalities manage residential land use. By December 31, 2025, municipalities must amend OCP and zoning bylaws to accommodate 20-year housing needs. By June 30, 2024, municipalities are required to amend zoning bylaws to allow up to 4 independent residential units on lots currently zoned single-family or duplex.

The development resulting from these legislative changes is anticipated to incrementally increase the demand for on-street parking, pedestrian and bicycle infrastructure.

The Town is currently working on Complete Communities Growth Assessment, which includes geospatial data analysis of housing stock, land uses, daily needs, transportation, utilities and municipal services infrastructure. Complete Community Growth Assessment is the first step preparing the way for Town to meet the provincial requirement to adopt a new OCP.

ZONING IMPLICATIONS

Currently, the subject property is zoned R1.1 Single-Family, which has allowance for a secondary suite or a coach house. Under the proposed R4.1, Single-Family 350 m² Parcel, three lots may be created regardless of whether or not the requested variances are granted. Secondary suites are permitted under R4.1 zone, but not a coach houses, as currently the minimum required parcel size for a coach house development is 500 m².

Implications of new provincial legislation:

By June 30, 2024, with allowance for 4 residential units the proposed 3 new lots, 12 units would be permitted. In addition, 16 units would be permitted on the 4 existing lots on the south side of cul-de-sac, which in combination with the existing 20 townhouse units on Elm y results in 48 residential units permitted on Elm cul-de-sac.

By December 2025, as a result of upcoming OCP and Zoning bylaws review, the Pritchard corridor may support even higher density. On the south side of cul-de-sac, if consolidated, the lands may support an apartment development of approximately 50 units, potentially up to 90 units on Elm Place.

ROAD, SIDEWALK, STREET TREES, WATER, SANITARY SEWER, STORM SEWER IMPLICATIONS

The Subdivision Bylaw governing development regulations and standards in the Town, is undergoing revision. Draft road cross-section standards, based on road classification rather than development type, have been developed and are being implemented through rezoning and development variance permits. The subject property at the intersection of Major Collector and Local roads.

Major Collector Road – Pritchard Road

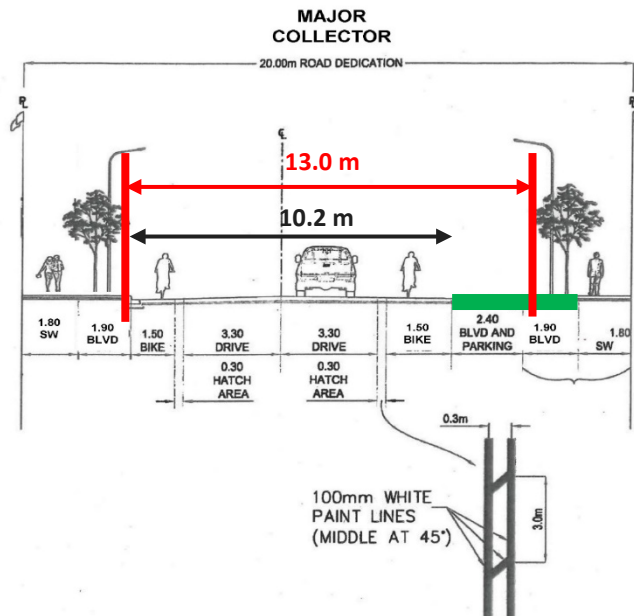
Current standard per Subdivision Bylaw:

20.0 m wide road dedication, 13.0 m pavement with parking permitted on one side, rollover curb, sidewalks on both sides, bike lanes or shared route with vehicles.

Draft road cross-section:

20.0 m wide road dedication, 10.2 m pavement (3.3 m driving lanes, separate 1.5m bike lanes on both sides), 2.4 m boulevard with some parking pull-outs on one side, vertical curb, sidewalks on both sides.

Diagram below shows pavement width in red for current and in black for a draft road standard. Green line indicates boulevard with pull-out parking.



Applicant Variances:

No sidewalk or bike lane for Pritchard Rd frontage.
No upgrades to street lighting.

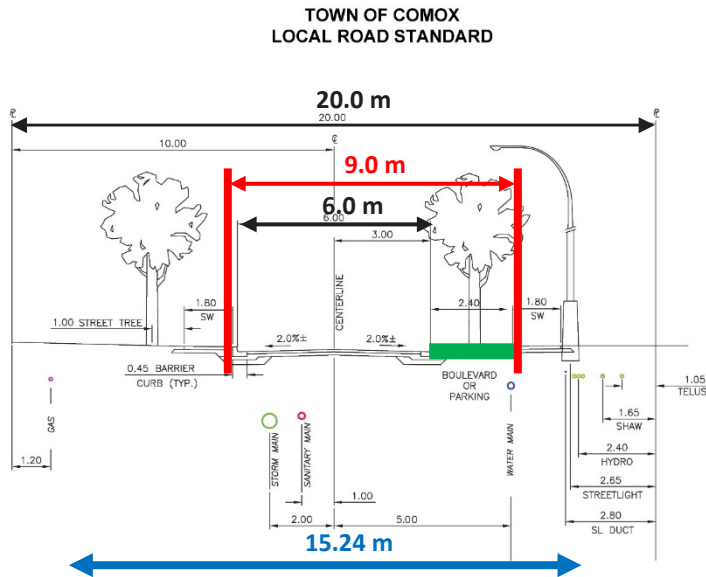
Pritchard is a major school route with a boulevard currently utilized by pedestrians despite the absence of a sidewalk. Identified needs from the 2011 Transportation Study and 2020 Transportation Master Plan Update include a sidewalk and buffered bike lanes. Pritchard Road is a significant route for pedestrians, vehicles, cyclists, and transit. Town practice is to allow applicants to provide cash in lieu of construction of road upgrades for mid-block infill development, such as this.

Local road and cul-de-sac – Elm Place

Current standard per Subdivision Bylaw: 20.0 m wide, 9.0 m pavement, parking on one side, rollover curb, sidewalk on one side, no separate biking lanes.

Draft: 20.0 m wide, 6.0 m pavement (3.0 m driving lanes), 2.4 m boulevard with some parking pull-outs, vertical curb, 1.8 m sidewalks on both sides, no separate biking lanes.

Diagram below shows pavement width in red for current and in black for a new standard. Green section indicates boulevard with pull-out parking. Dimension in blue shows existing Elm Place road dedication width.



Applicant Variances:

- No sidewalk for Elm Place.
- No rollover concrete curb and gutter for Elm
- Reduce road dedication by 2.38m.
- No upgrades to street lighting.
- No undergrounding of proposed utility service
- Not require undergrounding of existing utility transmission lines

Elm Place is a Local road with low traffic volumes, and speed. Future development may include a 1.5m sidewalk within the existing road dedication on the south side if warranted by higher density.

FINANCIAL IMPLICATIONS

If requested variances to subdivision bylaw standards are granted, the provision of any required upgrades on Pritchard Road and Elm Place up to the road centerline would need to be funded through the Town's capital improvements budget.

MK/ RB

Attachments:

1. Referral responses
2. Applicant's Submission

ATTACHMENT 1

REFERRAL RESPONSES

The Town referral advised the agencies that if no reply is received by May 29, 2023, the Town will assume that the agency has no concerns.

Referred to Agency:	Response
BC Assessment Authority	Automatic response – referral received
BC Hydro	Modifications to the BC Hydro system will be necessary to extend the electrical system to this development. BC Hydro will need to complete a thorough system study and design to provide a cost estimate for this work.
BC Transit	BC Transit supports the proposed development application, as it is consistent with the Official Community Plan, and with transit supportive land use practices.
Canada Post	No response
Emterra Environmental	No response
Fortis BC	No response
RCMP	No response
Shaw Cable	No response
Telus	No response
Fire Department	No issues
Finance Department	No response

ATTACHMENT 2

APPLICANT'S SUBMISSION

H. A. Martyn, P.Eng.
1080 Arrowsmith Ave.
Courtenay, BC V9N 8M8
Tel: 250-334-2338 / Cel: 250-898-7210

Huska
Proposed Zoning Amendment/DVP
468 Pritchard Avenue, Comox

Summary and Rationale (Revised)

Michael and Ida-Marie Huska and Bruce Huska are the Owners of the property addressed as 468 Pritchard Road, legally described as Lot 1, Section 76, Comox District, Plan 22955. This property is located on the NE corner of Pritchard Road and Elm Place in Comox. The lot has public road frontage on both Pritchard and Elm. This is one of the more mature areas of the Town, located within a short walk of recreational amenities and Downtown Comox businesses and services. It is also within good proximity to both levels of public schooling, French immersion schools and the private Gaglardi Academy. The Owners have held title to the property, as an investment for rental, since April, 2022.

The current zoning of the property is R1.1 Single Family and the lot is approximately 1618 sq.m, well in excess of the R1.1 minimum of 650 sq.m. The property is located within the areas designated for Ground Oriented Infill Development in the Town. A zoning amendment to R3.2 Single Family – 450 sq.m Parcel is proposed, which will permit the creation of 2 additional infill lots which will permit 3 new homes, with or without secondary suites, all without the need for any Zoning variances, as illustrated on the BCLS-prepared plan of proposed subdivision, dated 21 November, 2022, accompanying the applications. After a review of the existing house condition and some siting constraints, it has been deemed more appropriate to relocate the existing house from the property for reuse in another more appropriate location. In the interim, the existing building and other structures will conform to the proposed Zoning requirements.

Development Permit Areas

DPA 2, 17 and 18 apply to the property. DPAs 17 and 18 apply to secondary suites and coach houses. The proposed Zoning, R3.2, contains provisions regarding suites and coach houses, which would be applied at the Building Permit stage for the new lots, as needed. DPA 2 regulates Ground-Oriented Infill and the property is located within the area to which DPA 2 applies. Clause 3.2.4F indicates that DPA 2 does not apply when a subdivision is involved or planned. We request confirmation of this exemption for these applications.

Servicing Infrastructure

The existing lot receives sanitary sewer and water service from existing pipes on Pritchard Road. It appears that there may be no conventional storm sewer connection to the existing house, although there appear to be some downspouts from the roofs over existing patios at rear, that discharge below grade. There may be a rock-pit for in-ground infiltration. There is also a storm drain within the existing rear yard, that connects to the Elm Place pipe. CCTV video inspection of this pipe, while not conclusive as to the full extent and purpose of the pipe, did

468 Pritchard Avenue, Comox
Proposed Zoning Amendment/DVP
Summary and Rationale (cont'd)

indicate a lateral connection in the rear yard area, coming from the direction of the rear of the existing house. At the subdivision stage some further investigation of this pipe will be required.

Subject to depth verification, we expect the existing service connections to Pritchard could be used to service proposed Lot A. From Town records and site investigation, it appears there are both storm and sanitary sewers as well as a water distribution line located on Elm Place adjacent to the properties. It is expected that service connections to the other new lots can be provided from the existing Elm mains.

Fortis Gas records show a 42mm gas main on the south side of Elm and also a 60mm main along the east side of Pritchard. The existing house has a gas service from the Pritchard main which can be adapted to serve Lot A. The other proposed new lots can receive new services across Elm Place.

The other Utilities (BC Hydro, Telus, Shaw Cable) are currently on an overhead pole line on the north side of Elm Place, with overhead drop services to the existing house from the Elm frontage. All wired utility servicing in the area is via overhead pole lines. Council recently (2020) adopted a policy that, where one new lot was being created on an infill property, neither the new house lot nor the existing house needed underground Utility servicing or conversion to underground, respectively. Other scenarios were to be considered on a case-by-case basis. This rezoning contemplates creation of 2 new lots, i.e. 2 new wired service connections. Each new lot can be served overhead, without any additional new poles, by means of mid-span drop services directly to the new house structures. A variance to that effect is requested.

The road on Elm Place is currently finished with asphalt surface and asphalt water control curbs along the edge. The reconstruction of Pritchard Road some years ago included concrete barrier curb and gutter with radius returns around the corners onto Elm Place. Extension of the concrete C&G, as a rollover style, along the Elm frontage of this development is proposed, as per the Subdivision Servicing Bylaw. With regard to concrete pedestrian sidewalks, we note that there is no existing sidewalk either north or south of Elm Place on the east side of Pritchard Road nor any sidewalk on Elm Place. Any placement of sidewalk along the subject property frontages will be somewhat isolated with no direct connection to existing pedestrian infrastructure, without crossing busy Pritchard Avenue. With sidewalks present on the west side of Pritchard, we believe that there is no need for a sidewalk on the east side in the foreseeable future, particularly one small isolated section along the frontage of this development. Elimination of these sidewalks results in less infrastructure and on-going maintenance cost for the Town. It will also reduce greenhouse gas emissions that result from the production of cement and ready-mix concrete, a well-known source of same.

As part of the concurrent Development Variance Permit application, approval is sought to vary the Subdivision Servicing Bylaw, as follows:

1. Elm Place road right-of-way is currently 15.24m in width, which is adequate for the existing short cul-de-sac. The narrower road dedication has functioned well for years, even with the multi-family project present near the end of Elm Place. Additional road width, sidewalk and pavement would just increase the Town's long-term infrastructure burden. Additionally we note that the current paved width, gutter to gutter, is 9.5m which is actually wider than the 9.0m width required under the current Subdivision Servicing

468 Pritchard Avenue, Comox
Proposed Zoning Amendment/DVP
Summary and Rationale (cont'd)

Standards which allows for on-street parking. Pritchard Road is currently 20.117m wide. No additional road dedication is proposed on either frontage.

2. No requirement for provision of concrete pedestrian sidewalks on either the Pritchard or Elm frontages of the property. Rationale provided in a previous paragraph.
3. No requirement to convert existing overhead wired utility services to underground along either project frontage, nor to provide underground wired utility connections to the new lots, since no new poles are required to maintain mid-span overhead drop services.
4. Current street lighting appears unlikely to meet current Town standards, however, addition of separate ornamental light pole(s) could be problematic with the existing overhead Utilities infrastructure. Addition of one new davit arm light to the existing pole at the SE corner of Pritchard/Elm may be possible, subject to BC Hydro approval. This would improve the lighting of the intersection. Otherwise, no new ornamental street lighting is proposed.

We request variance to the Subdivision Servicing Bylaw for these items.

Vegetation and Landscaping

There is currently mature hedging located along a portion of the Pritchard frontage and around most of the balance of the property, save for the Elm frontage. Retention of this mature hedging is proposed to provide visual screening and minimizing the impact of the proposed development on the surrounding neighbours. Unfortunately the hedging along the Pritchard side appears to be on the Public road allowance. It will be removed and either replaced with new hedging on private property at the time of house development or with screen fencing.

There is a mature conifer tree located towards the SE corner of the lot. Unfortunately, this tree location will interfere with the siting of a house on proposed Lot C and will have to be removed at the time of subdivision. We note that the properties are *not* within the applicable area of the Town's Tree Management Bylaw. We do however note that the Town has a Tree Retention Policy, CCL-067, adopted in February, 2022. As an amenity, the Owner is prepared to provide amenity tree planting (Feature or Mid-Level Trees, per CCL-067) at one per each new lot; final locations and timing to be determined through the Subdivision process. We note that planting of the amenity trees should, in this case, be delayed until final lot grading is being done. This is due to likely changes in lot grades to match the existing elevations along Elm Place. Provision of street trees as required in the Subdivision Servicing Bylaw will also be determined at the time of subdivision, with the expectation of one street tree per lot along Elm and one additional tree on Pritchard.

Affordable Housing

Town Policy CCL-069 addresses Affordable Housing Amenity Contribution for re-zonings resulting in *four or more* new additional dwelling units. The subject application will result in only *two additional* principal dwelling units and is not subject to the Policy. We do note that, by creating 3 new smaller lots with smaller houses, the lots and housing are likely to be more affordable than what could be built under the existing zoning. We also note that the plan to

468 Pritchard Avenue, Comox
Proposed Zoning Amendment/DVP
Summary and Rationale (cont'd)

relocate the existing house to another location will retain housing stock and not contribute to the waste stream through demolition.

Neighbourhood Impact

The creation 3 smaller single family homes (2 new) in this existing neighbourhood will have minimal impact on the existing single family neighbourhood. There is already a multi-family development at the end of Elm Place, which has been in existence for many years, likely since the 1970's. The three new homes are unlikely to exacerbate current conditions. An existing driveway access via Pritchard Road will be eliminated, making for a safer situation along Pritchard. Even with 3 driveway access points from Elm to the new homes, the entire south side of Elm remains available for on-street parking, given the existing paved width of more than 9.0m.

The Owner has had some initial informal discussion with a few neighbours in the Single Family lots nearby. The neighbours were shown the proposed lot layout plan indicating the number of lots proposed. There was no discussion of servicing infrastructure. There has been no consultation to date with any residents of the townhouses on the north side of Elm Place.

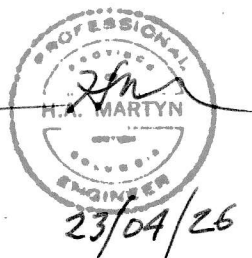
Summary

The proposed zoning amendment will provide the opportunity to create two new infill lots, making use of underutilized land and addressing Town policies that encourage infill and intensification of land use within the existing developed urban area. Use of the R3.2 Zone, rather than R4.1, provides some flexibility in siting houses and requirements for variances. The property is designated for Ground Oriented Infill Development and we therefore encourage the Town to support and approve the proposal through approval of the Zoning Amendment and corresponding Development Variance Permit. Granting of the requested variances will maintain the existing neighbourhood character

Prepared By:



H.A. Martyn, P.Eng.
Consulting Engineer



EGBC Permit to Practice #1003254

From: Hal Martyn <halmart@telus.net>
Sent: December 5, 2023 4:24 PM
To: Regina Bozerocka
Cc: michaelhuska@gmail.com
Subject: RE: Elm and Pritchard Rezoning

Categories: Red Category

Warning This E-Mail originated from outside The Town of Comox. *Please open with Caution*

Hello Regina,

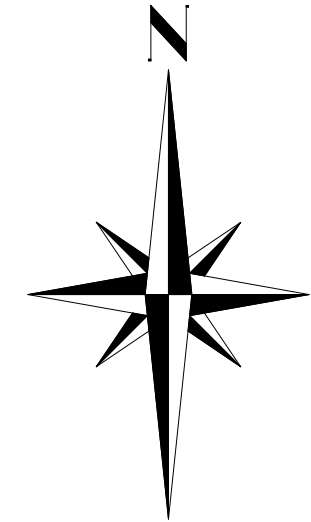
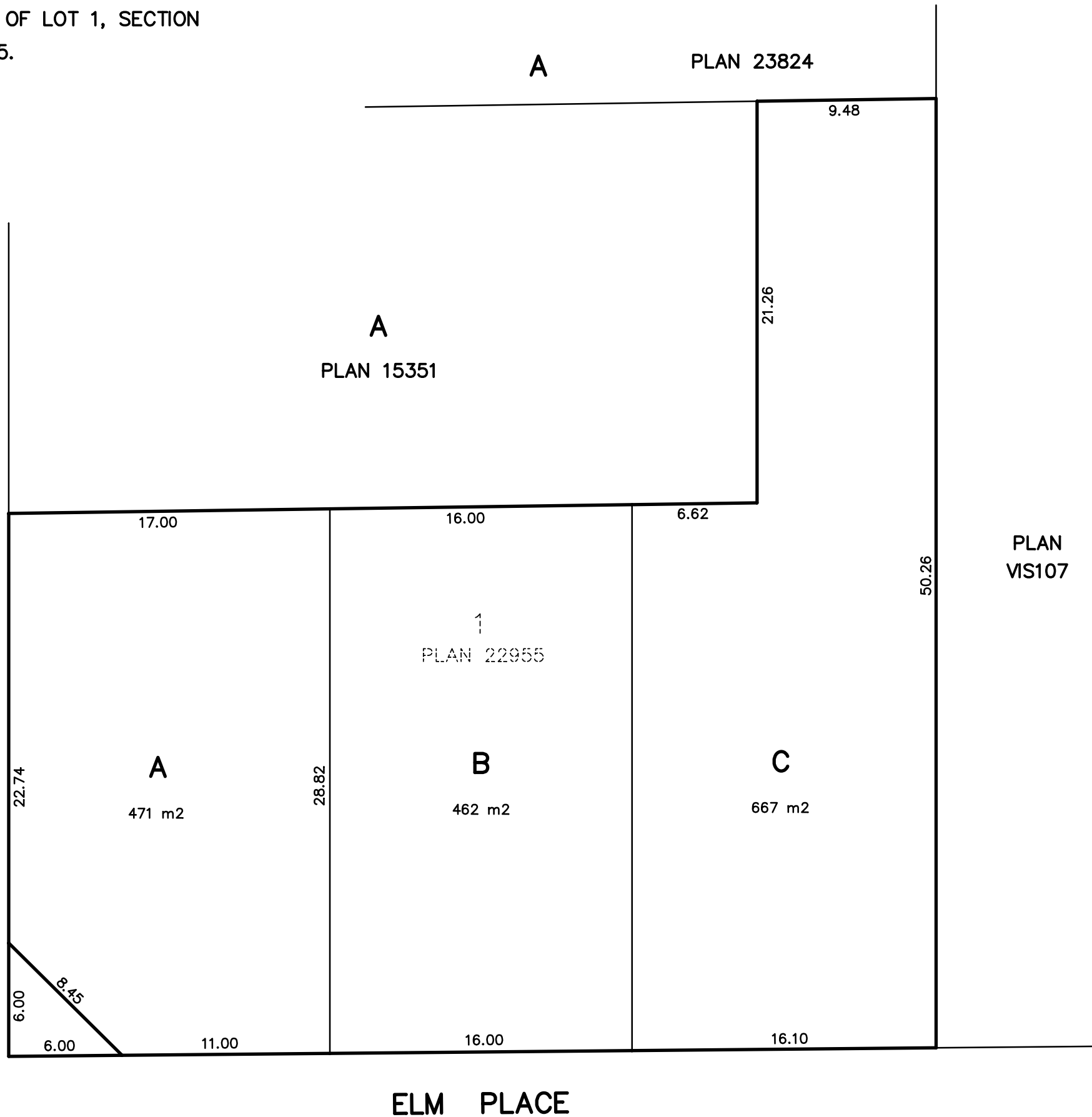
On behalf of my Clients, the Huskas, and with reference to your email of Nov.10th, below, I acknowledge that the Town has suggested inclusion of alternative of R4.1 zoning, with deferral of Variance requests, in the options presented to Council for consideration. We have no objection to the inclusion of R4.1 zoning alternative in the options for Council consideration.

Thanks,
Hal Martyn, P.Eng.
Consulting Engineer
Tel: 250-334-2338
Cel: 250-898-7210

PLAN OF PROPOSED SUBDIVISION OF LOT 1, SECTION
76, COMOX DISTRICT, PLAN 22955.

468 PRITCHARD AVENUE, COMOX
SCALE 1 : 250 (METRIC)

PRITCHARD AVENUE
ROAD
DEDICATION
18 m²



HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890-0100
FILE: 2411PR1 NOVEMBER 21, 2022

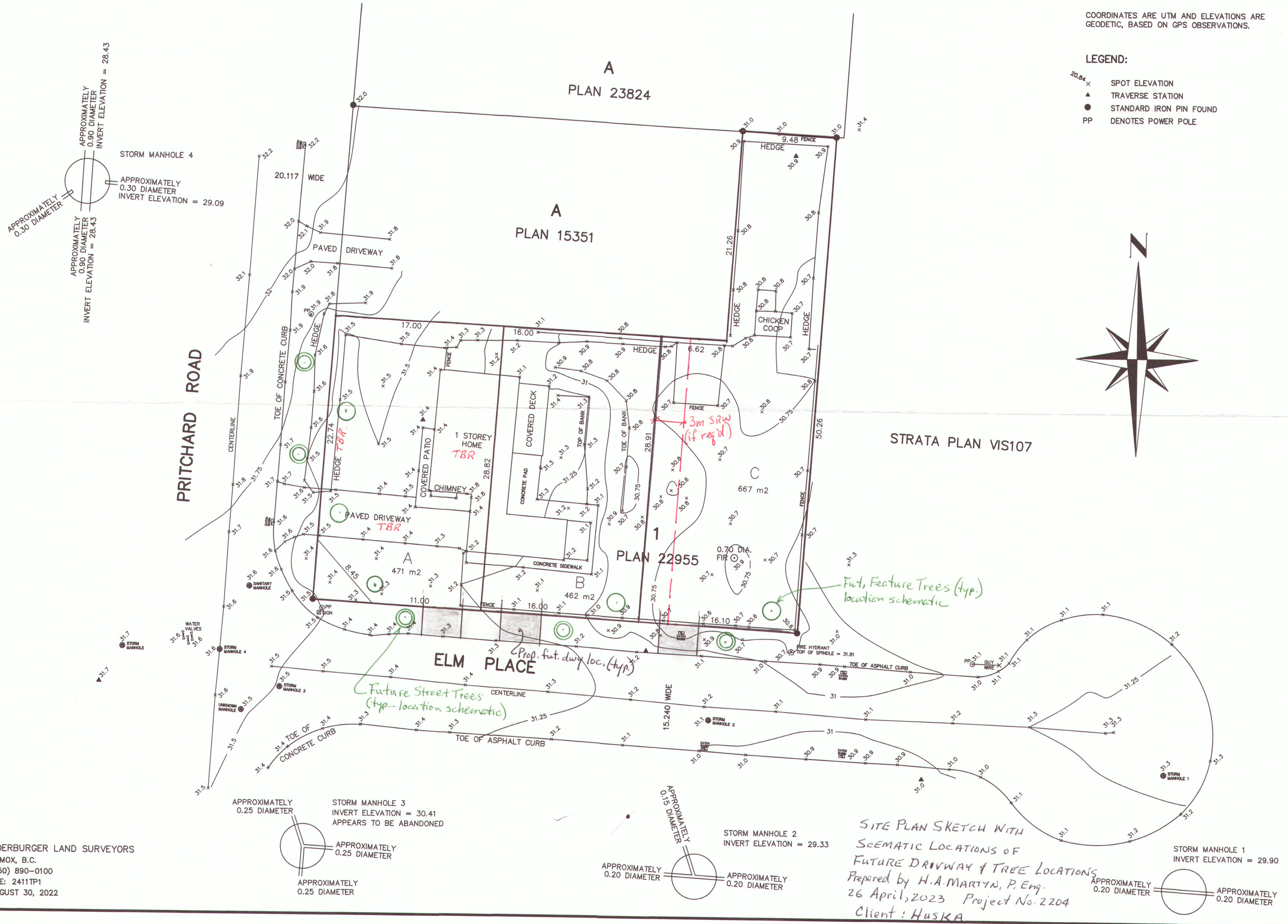
TOPOGRAPHIC SURVEY PLAN OF LOT 1, SECTION 76, COMOX DISTRICT, PLAN 22955.

468 PRITCHARD ROAD, COMOX
SCALE 1 : 250 (METRIC)

COORDINATES ARE UTM AND ELEVATIONS ARE
GEODETIC, BASED ON GPS OBSERVATIONS.

LEGEND:

- 20.84 x SPOT ELEVATION
- ▲ TRAVERSE STATION
- STANDARD IRON PIN FOUND
- PP DENOTES POWER POLE



HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890-0100
FILE: 2411TP1
AUGUST 30, 2022

SITE PLAN SKETCH WITH
SCHEMATIC LOCATIONS OF
FUTURE DRIVEWAY & TREE LOCATIONS
Prepared by H.A. MARTYN, P. Eng.
26 April, 2023 Project No. 2204
Client: Huska

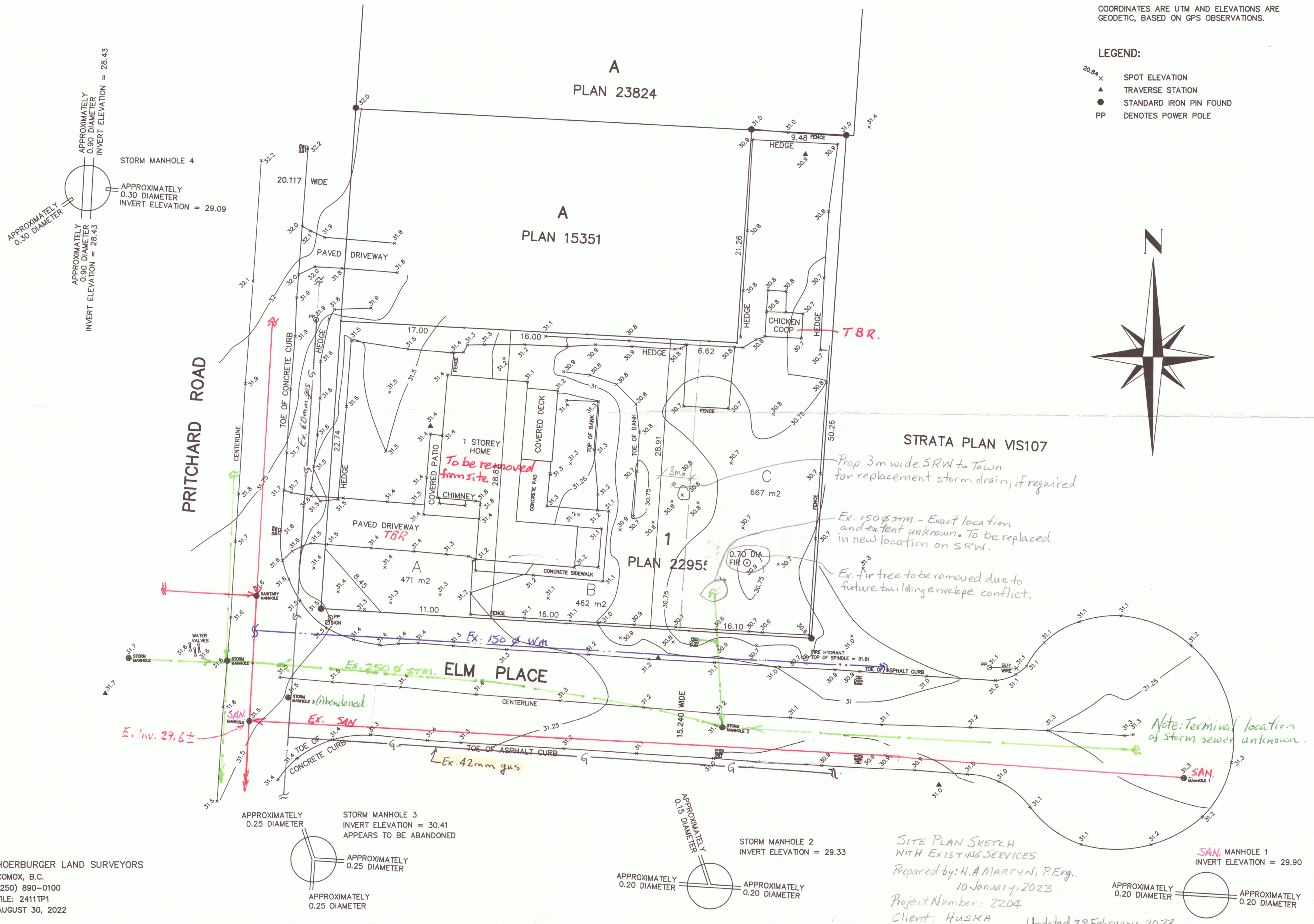
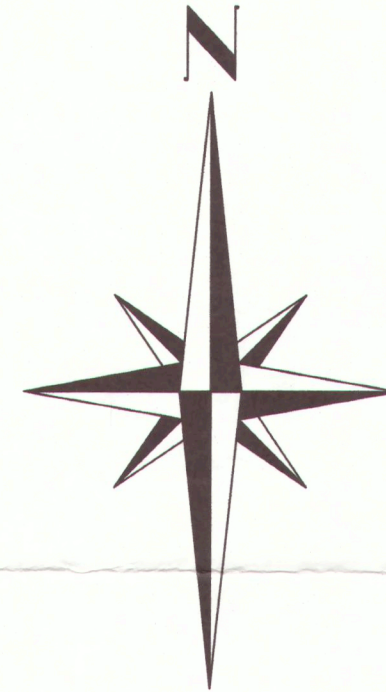
TOPOGRAPHIC SURVEY PLAN OF LOT 1,
SECTION 76, COMOX DISTRICT, PLAN 22955.

468 PRITCHARD ROAD, COMOX
SCALE 1 : 250 (METRIC)

COORDINATES ARE UTM AND ELEVATIONS ARE
GEODETIC, BASED ON GPS OBSERVATIONS.

LEGEND:

- 20.84 x SPOT ELEVATION
- ▲ TRAVERSE STATION
- STANDARD IRON PIN FOUND
- PP DENOTES POWER POLE



HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890-0100
FILE: 2411TP1
AUGUST 30, 2022

APPROXIMATELY 0.25 DIAMETER
STORM MANHOLE 3
INVERT ELEVATION = 30.41
APPEARS TO BE ABANDONED

APPROXIMATELY 0.20 DIAMETER
STORM MANHOLE 2
INVERT ELEVATION = 29.33

APPROXIMATELY 0.20 DIAMETER
STORM MANHOLE 1
INVERT ELEVATION = 29.90

SITE PLAN SKETCH
WITH EXISTING SERVICES
Prepared by: H.A. MARTYNS, P.Eng.
10 January, 2023
Project Number: 2204
Client: HUSKA
Updated 28 February, 2023

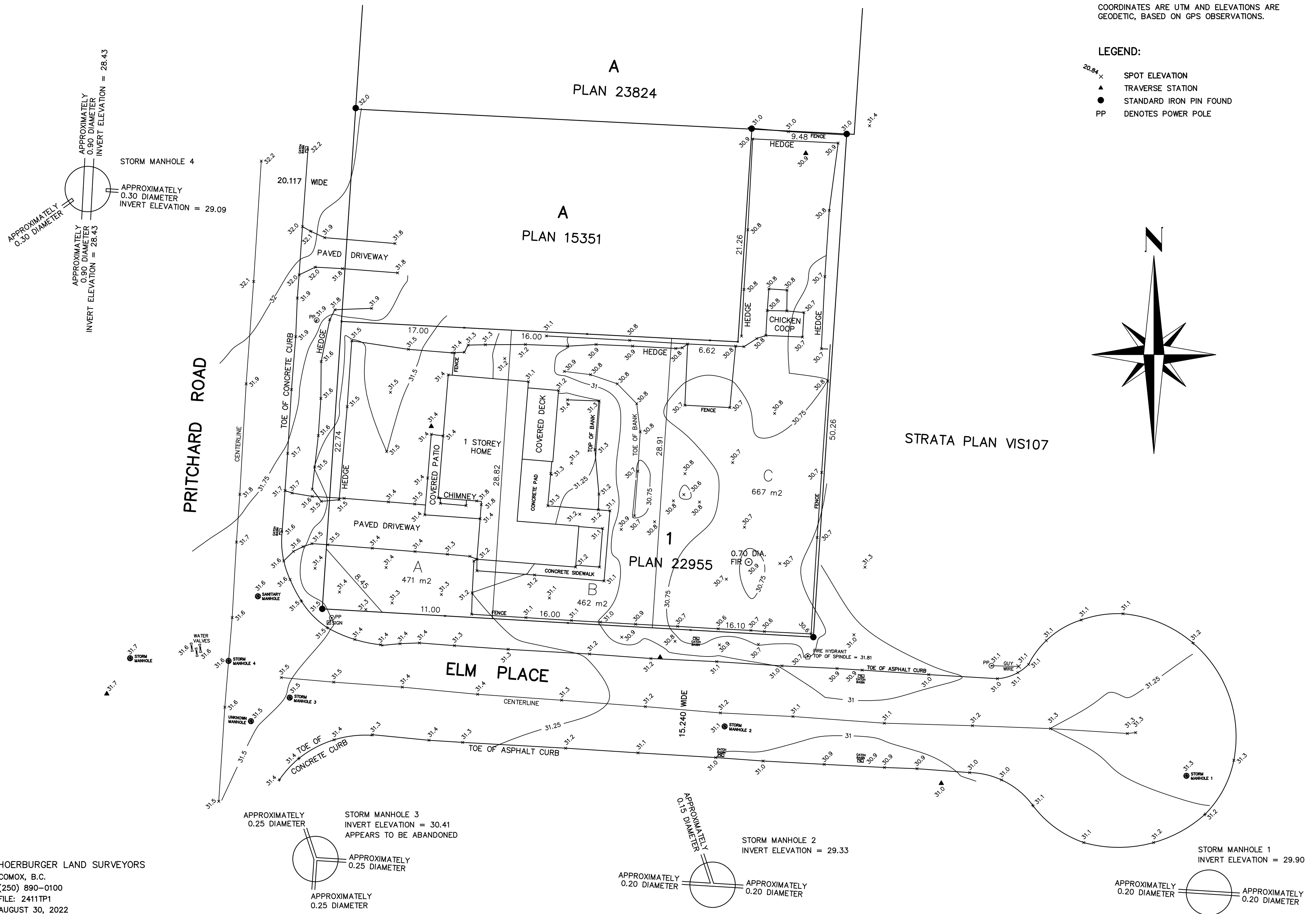
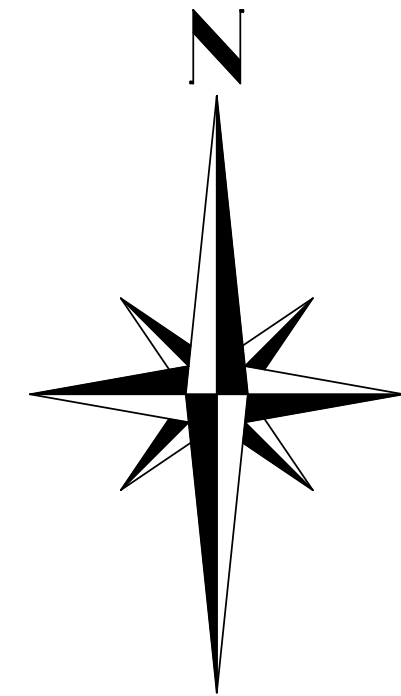
TOPOGRAPHIC SURVEY PLAN OF LOT 1, SECTION 76, COMOX DISTRICT, PLAN 22955.

468 PRITCHARD ROAD, COMOX
SCALE 1 : 250 (METRIC)

COORDINATES ARE UTM AND ELEVATIONS ARE
GEODETIC, BASED ON GPS OBSERVATIONS.

LEGEND:

- 20.84 x SPOT ELEVATION
- ▲ TRAVERSE STATION
- STANDARD IRON PIN FOUND
- PP DENOTES POWER POLE



HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890-0100
FILE: 2411TP1
AUGUST 30, 2022

APPROXIMATELY 0.25 DIAMETER
STORM MANHOLE 3
INVERT ELEVATION = 30.41
APPEARS TO BE ABANDONED

APPROXIMATELY 0.25 DIAMETER

APPROXIMATELY 0.25 DIAMETER

APPROXIMATELY 0.15 DIAMETER

STORM MANHOLE 2
INVERT ELEVATION = 29.33

APPROXIMATELY 0.20 DIAMETER

APPROXIMATELY 0.20 DIAMETER

STORM MANHOLE 1
INVERT ELEVATION = 29.90

APPROXIMATELY 0.20 DIAMETER

APPROXIMATELY 0.20 DIAMETER

From: Kirsten Haxthow [REDACTED]
Subject: Elm property
Date: Sep 1, 2023 at 9:09:30 PM
To: michaelhuska@gmail.com

To whom it may concern,

I am writing to express my support regarding the proposed zone change on Elm in Comox. I live in the area, on Dogwood Avenue, and have for many years. I actually knew the previous couple that lived in the current house. I believe that the property, being that it is on the corner of Elm and Pritchard would look much better being revitalized to accommodate multiple dwellings.

Kirsten Haxthow

Sent from my iPhone

From: Curtis Laurance [REDACTED]
Subject: support letter
Date: Sep 14, 2023 at 11:36:26 AM
To: Dean Thompson dean@deanthompson.ca, michaelhuska@gmail.com

To Whom it may concern,

As a resident and property owner in Comox, living in close proximity to 468 Pritchard Rd, I fully support the proposed developments. I see no negative impact on our neighbourhood and would expect our planning department to work positively with property owners who propose to increase the available housing in our community.

Regards,

Curtis Laurance
[REDACTED]

From: Lynne Melancon [REDACTED]
Subject: Pritchard & Elm
Date: Sep 13, 2023 at 3:45:29 PM
To: michaelhuska@gmail.com

Yo whom it may concern,

I am writing in support of the development at 468 Elm St in Comox.

We need more smaller homes to make it affordable for young home buyers, as well as for seniors. This is a great central Comox location, close to schools, parks and the downtown centre. A perfect spot for a development such as this.

Sincerely

Lynne Melancon

Comox BC

Sent from my iPhone

From: Sharon Parker parker.comox@gmail.com
Subject: Fwd: Development 486 Pritchard & Elm
Date: Sep 7, 2023 at 1:48:27 PM
To: Michael Huska michaelhuska@gmail.com

Please take out the Mr Huska

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

From: **Sharon Parker** [REDACTED]
Date: Thu., Sep. 7, 2023, 12:58 p.m.
Subject: Development 486 Pritchard & Elm
To: Michael Huska <michaelhuska@gmail.com>

Mr Huska

I live in the area of Pritchard and Elm Street where a division is proposed for 486 Pritchard.

I support this proposal as I have long favoured development of this area of Comox. I appreciate being able to walk to the services I need. I seldom need to drive to the doctor, dentist or library or store. People in this part of town are often seen walking...either themselves or their dogs. It is a quiet area and for me an ideal residential area.

Sharon Parker

From: Dean Thompson Real Estate dean@deanthompson.ca
Subject: 468 Pritchard Road Support
Date: Sep 8, 2023 at 4:38:48 PM
To: Michael Huska michaelhuska@gmail.com

hi Michael,

I wanted to let you know that I feel that I am fully supportive of your development proposal. I think it will be a great addition to the town and provides much needed and sought after additional single family lots close to the town center.

Thanks, Dean
Comox Realtor and nearby neighbor

--



dean@deanthompson.ca www.deanthompson.ca

C [250-898-4777](tel:250-898-4777) O [250-339-2021](tel:250-339-2021)



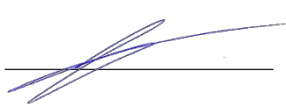
TF [888-829-7205](tel:888-829-7205) F [250-339-5529](tel:250-339-5529)

RE/MAX Ocean Pacific Realty

282 Anderton Road Comox BC V9M 1Y2

Live Your Dream...

To: Mayor and Council	File: RZ 23-5
From: Marvin Kamenz, Director of Development Services Elliot Turnbull, Planner II	Date: February 21, 2024
Subject: Rezoning Application: RZ 23-5 Zoning amendment to permit a liquor store at 692 Anderton Road	

Prepared by:  Elliot Turnbull, Planner II	Supervisor:  Marvin Kamenz, Dir. Devel. Serv.	Report Approved:  Jordan Wall, CAO
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RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

1. That Comox Zoning Amendment Bylaw No. 1850.39 (Attachment 2) be given First and Second Reading; and,
2. That a Public Hearing in respect of Comox Zoning Amendment No. 1850.39 be scheduled for March 20, 2024, 6:00pm at d’Esterre House 1801 Beaufort Avenue, and the Town publish requisite notices as required by the Local Government Act.

PROPOSAL

The proposal is to amend the zoning bylaw to permit a liquor store on 692 Anderton Road located within a new commercial building. The site currently has proper OCP designation and zoning for the proposed commercial building and this rezoning is only to permit a liquor store within the commercial building.

The applicant’s submission is contained in Attachment 1.

REPORT SUMMARY

Subject Property:

692 Anderton Road

Property Size: 0.47 ha

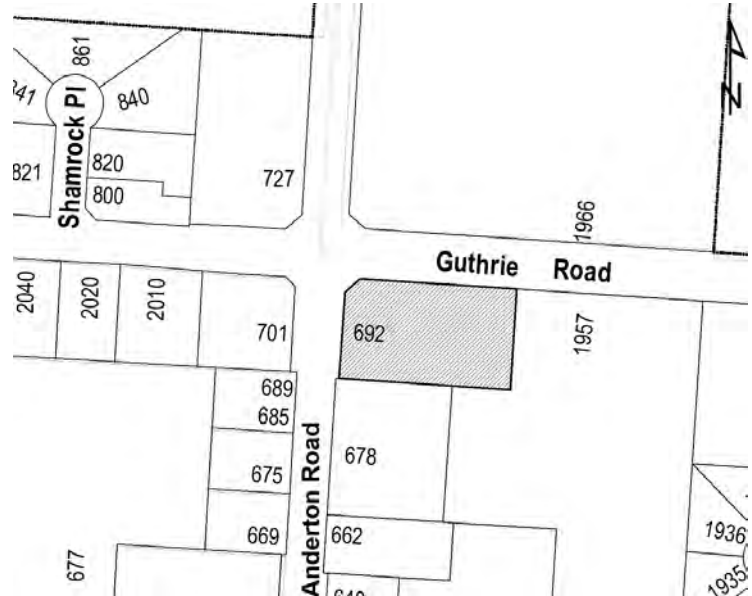
Owner: Sechelt Holding Inc.

Applicant: Ron Davis

Property Contains: Vacant

Legal Address: LOT A SECTION 70 COMOX DISTRICT PLAN EPP27899

Surrounding Land Uses: Commercial development to the north. Industrial and residential to the west. Industrial to the south. Multifamily residential to the east.



Key Issues:

Relocation of Liquor Store

The applicant is proposing to construct a new six-unit commercial building. One of the units is intended to accommodate a relocation of the existing liquor store currently located at 651 Anderton Road. The C3.1 zone only permits a liquor store at 651 Anderton Road. To relocate the existing liquor store from 651 Anderton to the subject property, a Zoning Bylaw text amendment is required.

Proposed Amenities

As an amenity for rezoning, the applicant is proposing the following:

- Tree Protection Covenant for the retention and protection of two existing trees and 24 landscape trees;
- Oil grit separator provision and maintenance covenant; and,
- One dual charger level 2 electric vehicle charging station to service two parking stalls and a provision and maintenance covenant.

Schedule 1 Outstanding Items includes registration of the covenants prior to adoption of Bylaw No. 1850.39.

Council Decision

To proceed with 1st and 2nd reading of Bylaw No. 1850.39 and schedule a public hearing.

Decision options	Implications
<p>Recommended</p> <p>1. Council gives 1st, and 2nd reading to No. 1850.39.</p>	<p>Will allow the application to proceed to a public hearing which will be scheduled March 20, 2024.</p>
<p>2. Alternative 1 - Council requests additional information prior to considering 1st and 2nd reading.</p>	<p>If additional concerns are raised, Council may request that the applicant provide additional information prior to considering 1st and 2nd Reading.</p>
<p>3. Alternative 2 - Council denies the application</p>	<p>Application would not proceed.</p>

STRATEGIC PLAN LINKAGE

This report addresses the following strategic priorities identified in the 2022-2026 Strategic Plan

Strategic Priority	Areas of Focus
<p>Balanced Community Planning</p>	<p>Strategic Growth - We will balance the benefits of growth with the livability of our seaside community.</p> <p>Community Addition - We will ensure that each new major development adds positively to the community through appropriate amenity contributions and/or other community benefits.</p>

Processing Procedures

Attachment 4 lists the processing steps for Council's consideration of the rezoning application.

Public Notification

The applicant has conducted pre-application community consultation, which included public notification and an open house meeting. A development sign has been placed on public road frontages of the subject properties, advising that an application has been submitted to the Town for rezoning and development permit.

The applicant's consultation materials and summary reports are contained in Attachment 4. Comments submitted by the public include the following key aspects:

- Architecture: general support for the development of a vacant site and the appearance of the building.
- Residential: some desire to see residential and one comment glad that there is no residential.
- Buffer from residential: some comments from residents of the townhouse development to the east who want screening from the commercial building.
- Construction impact: concerns regarding the impact of construction (noise/dust) on the Townhouse development to the east.

OCP IMPLICATIONS

Official Community Plan Land Use Designation: Commercial: Neighbourhood which is intended to accommodate neighbourhood restaurants, service stations, retail, office and service commercial uses that primarily serve the day-to-day convenience needs of local residents¹.

The proposal is consistent with the Official Community Plan.

Development Permit Areas	Development Exempt from DPA?
DPA #5 Commercial Neighbourhood and Tourist	Development Permit issued by Director of Development Services ²

¹ To permit residential above the commercial, an OCP amendment would be required. This option was discussed with the applicant who decided that developing under the existing OCP designation was more feasible.

² The applicant was made aware of and accepts the risk that the text amendment could be rejected by Council and requested that the DP for the construction of the building be issued prior to adoption of rezoning bylaws.

Building plans and a development rationale submitted for the development permit are contained in Attachment 1 for Council's information.

Amenities proposed for this development include:

1. Tree Protection Covenant for the retention and protection of two existing trees and 24 landscape trees;
2. Oil grit separator provision and maintenance covenant; and,
3. One dual charger level 2 EV charging station to service two parking stalls and a provision and maintenance covenant.

ZONING IMPLICATIONS

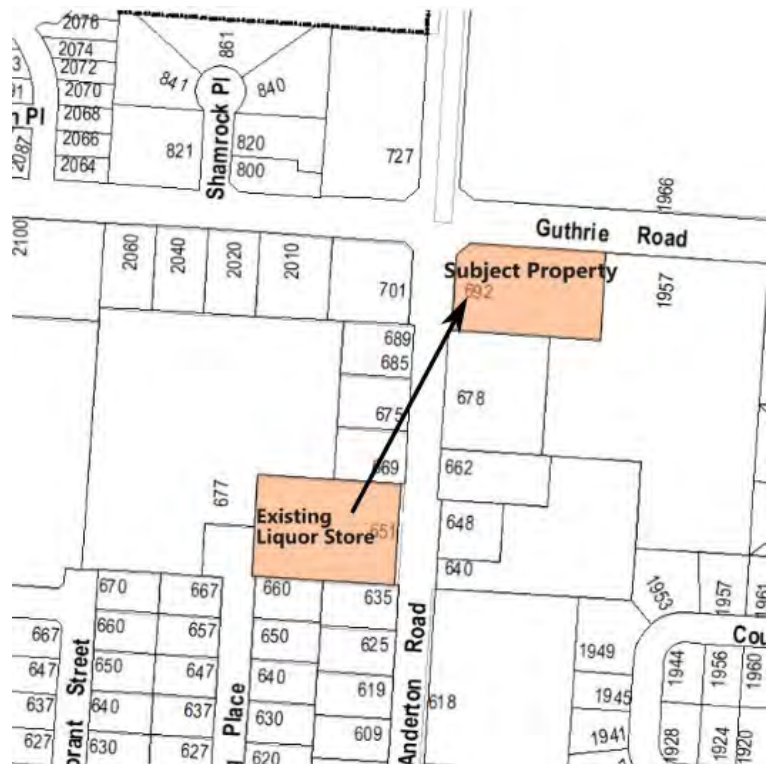
Current Zoning: C3.1 Arterial Commercial

Proposed zoning amendment: permit a liquor store on the subject property.

The applicant is proposing to relocate the existing liquor store from 651 Anderton Road to the subject property (Figure 1). The C3.1 zone permits one liquor store only at 651 Anderton Road. To permit the proposed relocation, a zoning bylaw text amendment is required.

Bylaw No. 1850.39 proposes to add a liquor store allowance on the subject property and remove the allowance at 651 Anderton Road.

Subject to resolution of the Outstanding Items contained in Schedule 1, the proposed development complies with C3.1 Arterial Commercial.



OTHER IMPLICATIONS

Trees

The subject property contains several mature trees, many of which have been topped and are in poor condition. The development proposes retaining two of the existing trees and planting 24 new trees as part of the landscape.

Schedule 1 Outstanding Items contains a condition that registration of a tree protection covenant for proposed on-site trees and retained existing trees be completed prior to adoption of No. 1850.39. In addition, ten street trees along the Anderton and Guthrie Road frontages are proposed.

Step Code

The application proposes construction to Step 2 of the BC Energy Step Code in accordance with Comox Building Bylaw 1472.

INFRASTRUCTURE IMPLICATIONS

The Engineering Department Operations Report is contained in Schedule 2.

MK/ET

Schedules:

1. Outstanding Items
2. Operations Report

Attachments:

1. Applicant's Submission
2. Proposed Zoning Amendment Bylaw No. 1850.39
3. Pre-application consultation material and comments
4. Processing Procedures

SCHEDULE 1

OUTSTANDING ITEMS

1. Registration at the Land Title & Survey Authority of British Columbia of the following:
 - a. Tree Protection Covenant for the retention and protection of two existing trees and 24 landscape trees; and,
 - b. Oil grit separator and Electric Vehicle Charging Station provision and maintenance covenant.

SCHEDULE 2



TOWN OF COMOX

TO: Elliot Turnbull, Planner II	FILE: RZ 23-5 DP 23-7
FROM: Patti Wells, Engineering Technologist Shelley Ashfield, Director of Operations	DATE: August 18, 2023
SUBJECT: 692 Anderton Road - Lot A, Section 90, Comox District, EPP27899	

In response to your referral dated July 12, 2023, reference file # RZ 23-5 DP 23-7. Public Works understands the applicant is currently intending to construct a new commercial building with six commercial retail units and on-site parking. Public Works offers the following comments:

General

- The applicant will require the services of a Professional Engineer registered within the Province of British Columbia, to submit designs for review and approval by the Town of Comox and supervise all aspects of construction. The Engineer must provide cost estimates and submit certified as-built drawings and service cards for each applicable lot upon subdivision construction completion. As built drawings must be in accordance with the Town’s electronic drawings specifications and to include the location of non-municipal utilities. Prior to construction, the applicant’s engineer must provide cost estimates for all offsite works and submit certified as-built drawings upon project completion. The Professional Engineer shall also be responsible to review the elevations of the existing gravity mains and designate the minimum habitable floor elevation for the proposed building lot.
- Design and construction, will be in in accordance with all Town Bylaws, including in particular,
 - Subdivision & Development Servicing Bylaw 1261
 - Comox Drainage Infrastructure Protection Bylaws 1824
 - Anderton Corridor Servicing Study Volume 1 Stormwater Management Plan, Town of Comox dated May 9, 2023, prepared by J.M.K Dumont, P.Eng
- A performance bond for work within the Municipal right-of-way must be posted prior to commencing any work within an existing Municipal Road or statutory right-of-way. The amount of this bond will be the equivalent of 125% of the cost as determined by the engineer’s estimate. Works within the municipal right-of-way, or those to be transferred to the Town of Comox, will be covered by a one-year maintenance period that will include a maintenance bond equivalent to 10% of the total construction cost.
- All works to be completed by qualified contractor(s) under the design and supervision of the applicant’s engineer and coordinated with Town of Comox Manager of Public Works.

Water System

- The subject property is currently serviced by a 150 mm diameter water service connection off Guthrie Road. The developer’s engineer to confirm the required service size.

- Given the proposed new construction with six commercial retail units, an analysis of the existing Town of Comox water system by Koers and Associates Ltd. is required. Any upgrades necessitated by this review will form a condition of development and shall be constructed at the applicant's expense.
-
- The subject property will require the installation of a singular meter, bypass and suitable back-flow prevention assembly. Both assemblies must be installed within vaults located at the property boundary. All costs associated with this condition must be borne by the Applicant.
- For water meters 100 mm and larger use magnetic meter Sensus Hydroverse. Meter vaults must be accessible from the public road network and be contained within the road right-of-way or a SRW dedicated to this purpose. Radio read and MXU shall be in a separate meter box for 100 mm and larger water meters.
- Offsite landscaping irrigation to be serviced separately of municipal water system, including a separate water meter and approved backflow assembly.

Storm Drainage System

- The subject property is currently serviced by a 250 mm diameter storm service connection off Guthrie Road. The developer's engineer has proposed to connect to the existing service.
- The subject property also drains into Brooklyn Creek which is protected by the Anderton Corridor Servicing Study Volume 1 Stormwater Management Plan. Also refer to Bylaw 1261- NE Comox Special Requirement Section for examples of standard design details and specification.
- Developer to submit SWMP to obtain acceptance from MoT for the use of their roadside ditch(s) to ensure predevelopment and post development storm water flows are maintained up to and including 100 year flood event, please refer to the Anderton Corridor Servicing Study as this MOTI ditch then drains into Brooklyn Creek.
- Storm water drainage plan shall include/address the following:
 - Certification by a Professional Geotechnical Engineer or Geoscientist Registered, in the Province of British Columbia verifying an on-site storm water management system is safe and suitable for the subject property.
 - The proposed on-site detention system is to include detailed oil/grit separator design, sediment control plan, operation and maintenance plans, contingency plan, emergency contact list, confirmation failure of the on site system will not result in any increase in water existing to the Town's system or flooding of adjacent property's.
 - The proposed lot grading plan shows water connecting into the storm service after the flow control manhole. All water to flow through the flow control manhole.
 - All runoff from parking areas shall be directed to oil/grit separators which are required for all exposed parking areas.
 -
 - Geotechnical field review to confirm soil conditions encountered during construction are consistent with the materials assumed for in the design.

- Infiltration tests to be completed to confirm assumed infiltration rates in storm plan.
- As a condition of the subdivision, the Applicant's engineer will be required to establish minimum habitable floor the elevations. This elevation must account for the limitations imposed by any SWMP adopted for this development.
- Submission of a detailed grading plan.
- On-sited detention to be designed to retain all storm water runoff up to and including the 1:100-year event. The SWMP to include details of the proposed-on site system.
- Installation of the proposed-on site system is to be installed by qualified contractor under the supervision of the applicants engineer. Any requirements to upgrade existing storm main infrastructure will be put onto the applicant and all costs associated with this upgrade shall be borne by the applicant.
- Runoff from the parking areas must not cross the municipal sidewalk.

Erosion and Sediment Control

- Applicant's engineer will provide a separate erosion and sediment control plan in accordance with the Comox Drainage Infrastructure Protection Bylaw 1824. Ensure that no runoff, silt-laden runoff, or debris enter the storm or sanitary system and municipal roads during the period of site or building construction.

Sanitary System

- McElhanney must be retained to provide a sanitary analysis to confirm the Town of Comox system has adequate capacity for the subject property if any sanitary system improvements are necessary. All cost associated with this analysis, shall be borne by the applicant. Any required upgrades to the Town of Comox sanitary system shall form a condition of this development.
- The subject property is currently served by 100 mm sanitary service located at the southwest corner of the property on Anderton frontage. The applicant's engineer proposes to abandon the existing service connection and provide a new 200 mm diameter connection off the municipal main on Anderton Road. The proposed connection is not supported, the existing connection shall be upgraded to the 200 mm diameter to service the property. All costs to upsize the existing service shall be borne by the applicant.

Roads

- Both roads are classified as arterial roads. Current Town subdivision requirements for arterial road is 25 m wide road dedication. Both Guthrie Road and Anderton Road meet this requirement and have sidewalks on both sides of the road, including the required 6m x 6m corner cut off. Given the requirements for an Arterial Road are met no off-site upgrades are required.
- All points of connection to the municipal sidewalk on Anderton Road and Guthrie Road must meet the current grades. Any stairs, pedestrian ramps or retaining walls must be wholly contained upon private property.

- A draft traffic memo dated June 9, 2023, prepared by Aaron Chan, CTS has been submitted to the Town.
 - Finalize the proposed access locations. The Town is in support of the proposal which includes full movement access on Guthrie Road and a right-in-right-out access on Anderton Road. The access points to be used to access the site, which are located as far south and east as possible, providing a greater distance away from the signalized intersection. Max driveway width to not exceed 6.0m.
 - Finalize the traffic analysis for the Anderton and Guthrie intersection. Any signal timing upgrade or intersection upgrade shall be at the expense of the applicant.
 - Internal road network must accompany loading trucks and garbage.
 - All parking to be accommodated on the subject property.

Parkland/Greenway

- Comments to be provided by Parks Manager separately.
-

BC Hydro/Telus/Cable/Gas

- Refer to the respective utilities for their comments.
- As-built drawings must include the location of non-municipal utilities.

ATTACHMENT 1

APPLICANT'S SUBMISSION

June 15, 2023

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

Re: Design Rationale
692 Anderton Road Commercial Development

Background

Located at the corner of Guthrie and Anderton roads in Comox, this new development will replace the currently empty lot with an engaging and inviting commercial retail destination, offering a diverse range of mercantile and personal service options for locals and visitors. Over 19,000 square feet of small and medium-format commercial space will anchor this prominent location and support the planning objectives outlined in DPA #5.

Form and Character

The development is anchored by the liquor store on the west with smaller commercial retail units to the east. The massing is broken up into smaller volumes by pushing and pulling the facades and varying the roof heights, creating a more pedestrian friendly scale. A modern and clean aesthetic, featuring a glassy facade and wood-look solar shading devices further adds architectural interest while also providing abundant natural light and minimizing energy use. The vertical slats are intended to create a lantern of warm light in the evening hours, adding visual appeal. Ample canopies, varied in size and design, will offer protection from the west coast weather, creating a comfortable and enjoyable environment for shoppers. Attractive screening that ties in with the solar shading devices will be used to conceal all mechanical equipment.

Sustainability

The project will target Step Code 2 of the BC Energy Step Code. Robust and durable exterior materials have been selected to extend the building lifespan and reduce energy intensive replacements. These include steel cladding with high-build wood-look coatings, anodized curtain wall, and glass canopies. Glazing will be used thoughtfully to provide additional lighting and solar gain when required. Exterior slatted screens will temper heat gain in the hotter months and reduce glare. Two parking stalls will be equipped with EV ready infrastructure.

Landscaping

Green space is a key element of healthy environments and communities. Planting beds have been located strategically on all sides of the development to break up the hard surfaces and create a buffer between the building and street while also softening the building's transition at grade. A diverse and drought-resistant planting plan adds colour and texture, making for an attractive and welcoming space.

Crime Prevention

Glazing has been used strategically to facilitate visual surveillance. Bollards have been located around the liquor store to minimize the risk of smash and grabs. Down lighting will be incorporated into the canopies, bollards and parking area to discourage crime, while also supporting dark sky initiatives.

Site Servicing

The site is well served by current infrastructure, including sidewalks, 3 phase power (across the street), and nearby storm/sewer/water mains. An evergreen wrapped PMT is proposed in the southwest corner of the site.

Refer to civil drawings and documents included with this submission.

Parking

A parking lot is provided on site with a two-way drive aisle with proposed accesses off of Guthrie Road and Anderton Road. The parking spaces and drive aisle will meet the Town of Comox standards. Two oversized accessible stalls will be provided (one above the minimum requirement) and two stalls will be made EV ready.

The intersection of Anderton and Guthrie is frequented by the number 1 and 99 busses with multiple bus stops in close proximity.

Community Consultation

Generally, community feedback was very positive. See letters included with this submission.

Some comments included concerns about building proximity to the neighbouring Plateau Gardens townhouse development. To address this, we propose setting the building closer towards the road to minimize overlook. The addition of a privacy fence complete with tall landscape planting along the east and south property lines will visually screen the parking area.

Other comments included a desire to retain the trees on site. A comprehensive landscape plan has been developed to provide a number of new trees around the parcel perimeter and within the the parking lot to break up the hardscape.

Summary

Overall, this new commercial development aims to enhance the surrounding community and the general aesthetic of the area, while also incorporating sustainable design, contemporary architectural elements and pedestrian-friendly features.

Sincerely,



Emily Davies, Architect AIBC
emily@mharchitects.ca
For MacDonald Hagarty Architects Ltd.



ANDERTON COMMERCIAL DEVELOPMENT
 692 ANDERTON ROAD
 COMOX, BC



MacDonald Hagarty Architects Ltd.
 1822 Unit E Comox Ave
 Comox BC
 V9M 3M7

CONTACT INFORMATION

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ELECTRICAL
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CIVIL
 DK Bowins and Associates Inc.
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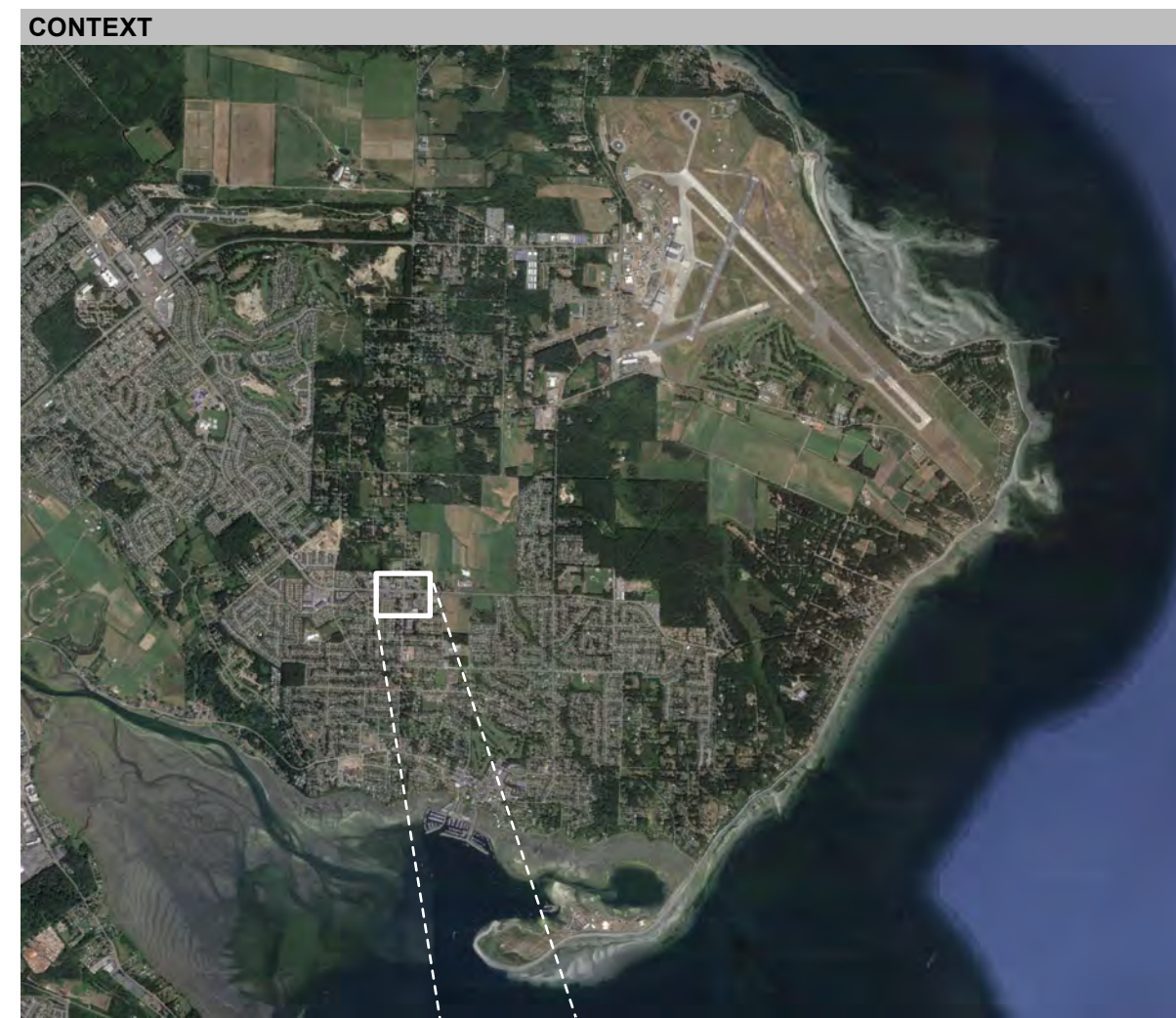
LANDSCAPE
 Greenway Landscape Architecture
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TRAFFIC CONSULTANT
 Creative Transportation Solutions Ltd.
 Contact: Jakob Jungwirth
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 E - jjungwirth@cts-bc.com

SHEET LIST

A0.00 COVER
 A0.01 BUILDING INFO
 A1.00 SITE PLAN
 A1.01 BASEMENT PLAN
 A1.02 MAIN FLOOR PLAN
 A1.03 SECOND FLOOR PLAN
 A1.04 ROOF PLAN
 A2.01 ELEVATIONS
 A3.01 BUILDING SECTIONS
 A5.01 RENDERINGS

G: 2023-11-08 Issued for DP Revision
 E: 2023-06-15 Issued for DP
 D: 2023-05-14 Issued for Coordination
 REV: 1" = 0' 0"



PROJECT DATA

Property Info
 Civic Address: 692 Anderton Road, Comox, BC
 Lot A, Section 70, Comox District, PLAN EPP27899
 Parcel Identifier: PID: 029-019-206
 Zoning: C3.1
 Use Type: Mercantile (Group E) / Business and Personal Services (Group D)

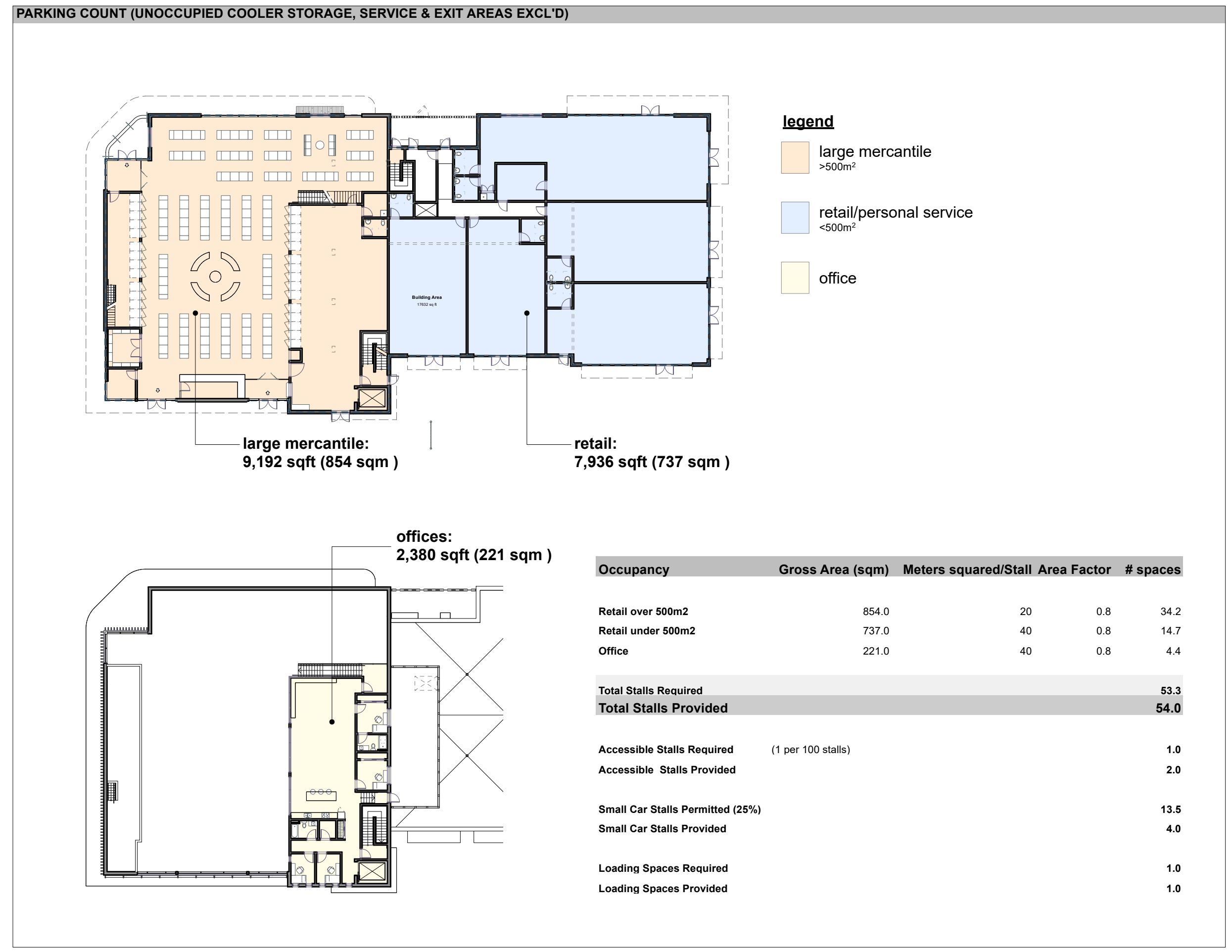
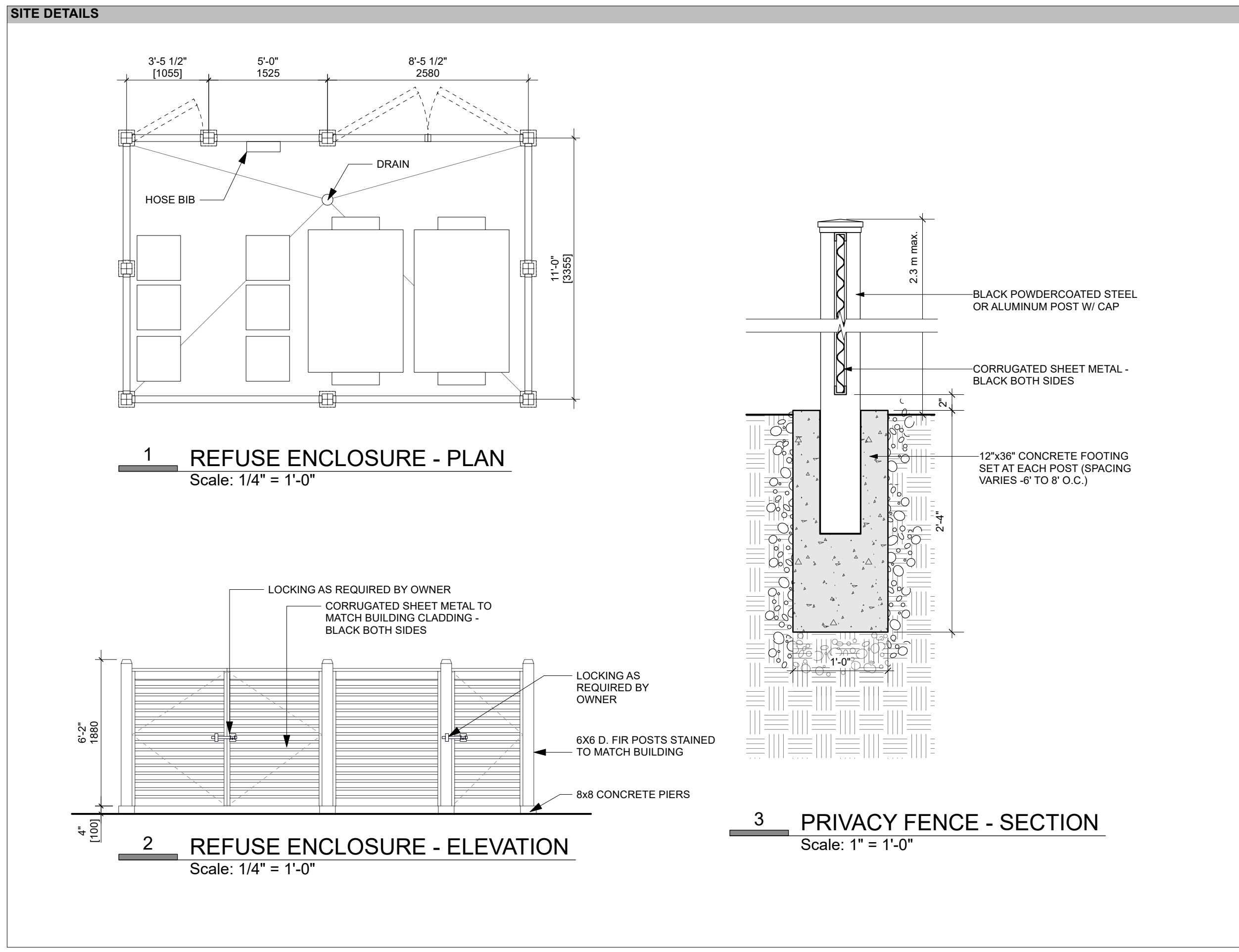
Building Area	Area sq/ft	Area sq/m
Building Area Total	17,631.7 sq/ft	1,638.04 sq/m
Gross Floor Area (refer to detailed breakdown below)		
Ground Floor	17,631.8 sq/ft	1,638.0 sq/m
Second Floor	2,379.7 sq/ft	221.1 sq/m
Total Floor Area	20,011.5 sq/ft	1,859.1 sq/m

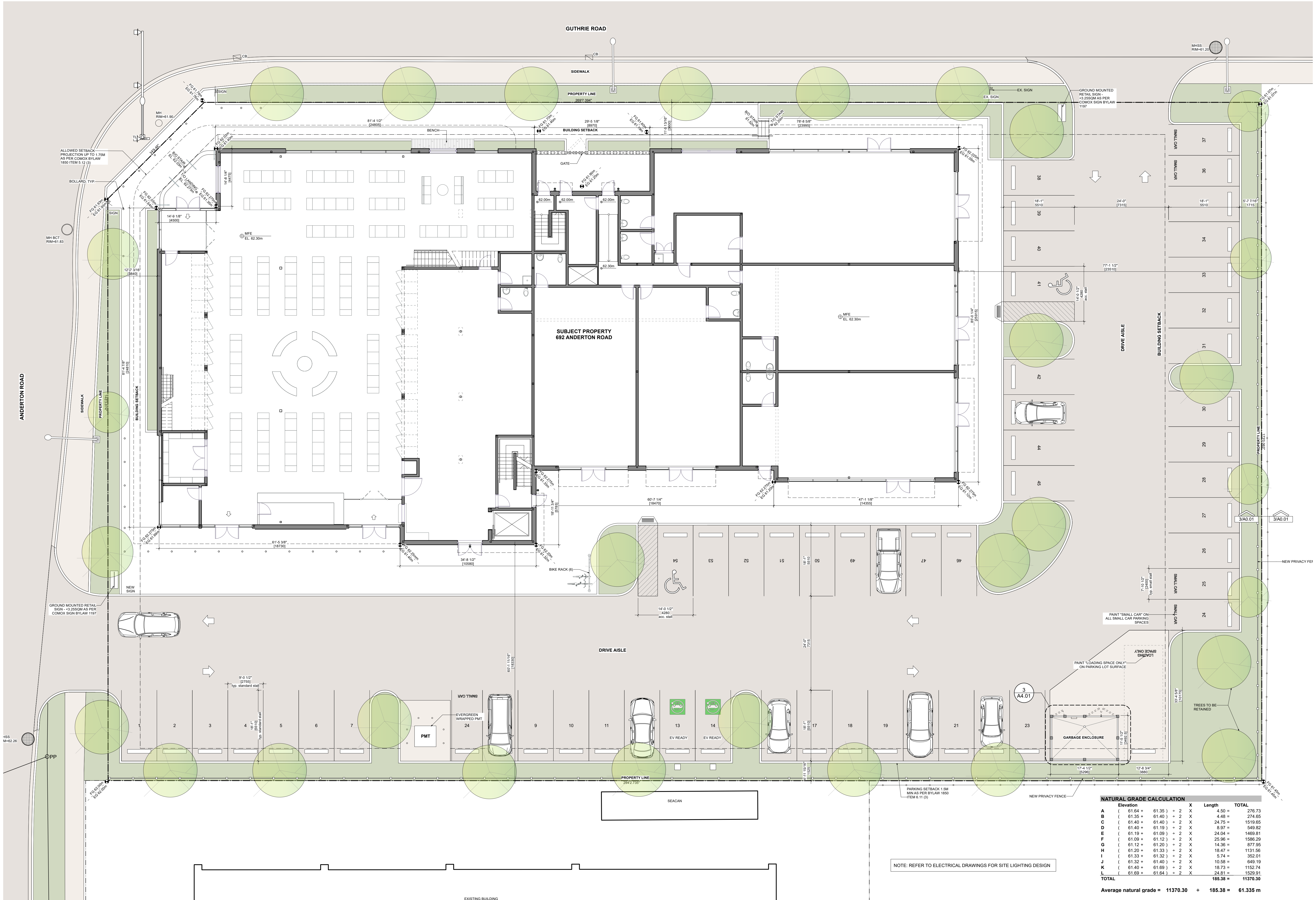
Site Data
 Parcel Area: 4699.8 sqm
 Net Parcel Area: 4699.8 sqm
 Parcel Frontage: 45.21 m (142.32ft)
 Parcel Coverage: 34.85%
 # Storeys: 2
 Max. Building Height: 9.05 m (10m permitted - refer to natural grade calc. on A1.00)

Setbacks	Permitted	Proposed
Front Yard	2.5 m	3.84 m
Rear Yard	6 m	23.51 m
North Exterior Sideyard	2.5 m	3.60 m
South Interior Sideyard	2.5 m	18.33 m

Detailed Gross Area Breakdown

Floor Area	FSR	Description	Unit Count	Area sq/ft	Area sq/m
Commercial Unit Mix	0.49	CRU 1 (Level 1)	1	9,191.6 sq/ft	853.9 sq/m
		CRU 1 (Level 2)	1	2,379.7 sq/ft	221.1 sq/m
		CRU 2	1	1,307.4 sq/ft	121.5 sq/m
		CRU 3	1	1,232.5 sq/ft	114.5 sq/m
		CRU 4	1	1,492.6 sq/ft	138.7 sq/m
		CRU 5	1	1,502.5 sq/ft	139.6 sq/m
		CRU 6	1	2,401.2 sq/ft	223.1 sq/m
		Total Commercial	6	19,507.6 sq/ft	1,812.3 sq/m
Circulation + Service		Service (Level 1)		503.9 sq/ft	46.8 sq/m
		Cellar (Below Grade)		3,767.5 sq/ft	350.0 sq/m
		Total Circulation and Service		4,271.4 sq/ft	396.8 sq/m



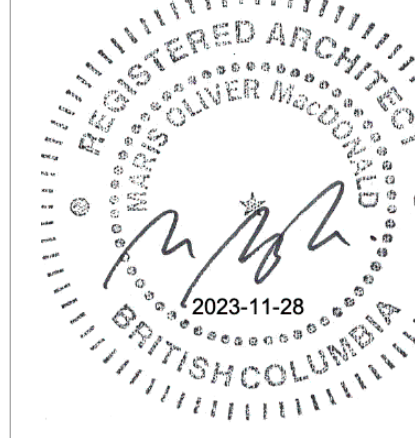


NATURAL GRADE CALCULATION

Elevation	X	Length	TOTAL
A (61.54 + 61.35) + 2 X	4.50	276.73	
B (61.35 + 61.40) + 2 X	4.48	274.65	
C (61.40 + 61.40) + 2 X	24.75	1519.65	
D (61.40 + 61.19) + 2 X	6.97	549.82	
E (61.19 + 61.09) + 2 X	24.04	1469.81	
F (61.09 + 61.12) + 2 X	25.96	1586.29	
G (61.12 + 61.20) + 2 X	14.36	877.95	
H (61.20 + 61.33) + 2 X	16.47	1131.56	
I (61.33 + 61.32) + 2 X	6.74	382.01	
J (61.32 + 61.40) + 2 X	10.58	649.19	
K (61.40 + 61.69) + 2 X	16.73	1152.74	
L (61.69 + 61.64) + 2 X	24.51	1529.91	
TOTAL	185.38	11370.30	

Average natural grade = 11370.30 ÷ 185.38 = 61.335 m

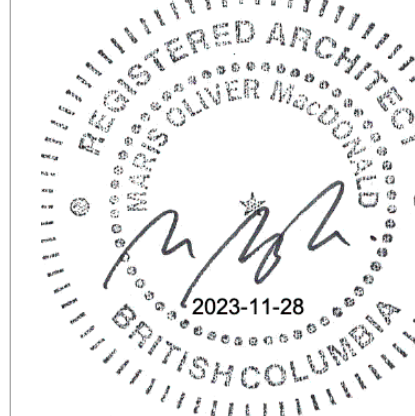
NOTE: REFER TO ELECTRICAL DRAWINGS FOR SITE LIGHTING DESIGN



ANDERTON COMMERCIAL DEVELOPMENT
 692 ANDERTON ROAD
 COMOX, BC

REVISION

NO.	Y	M	D	ISSUE
G	2023-11-28			Issued for DP Revision
F	2023-09-06			Issued for Coordination
E	2023-05-15			Issued for DP
D				ISSUE



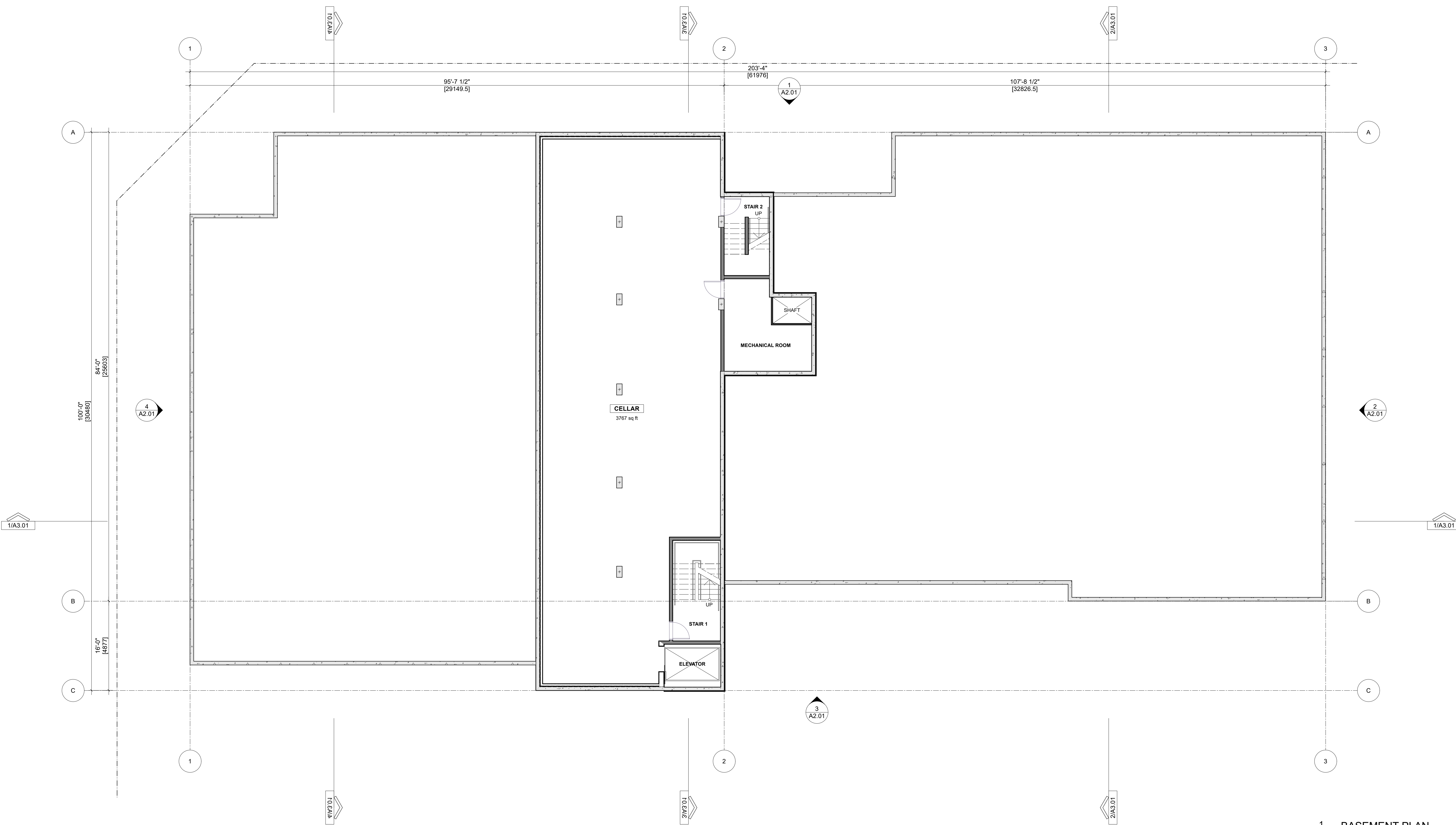
ANDERTON COMMERCIAL DEVELOPMENT
 692 ANDERTON ROAD
 COMOX, BC

G	2023-11-28	Issued for DP Revision
E	2023-06-15	Issued for DP
D	2023-04-14	Issued for Coordination
NO.	Y M D	ISSUE

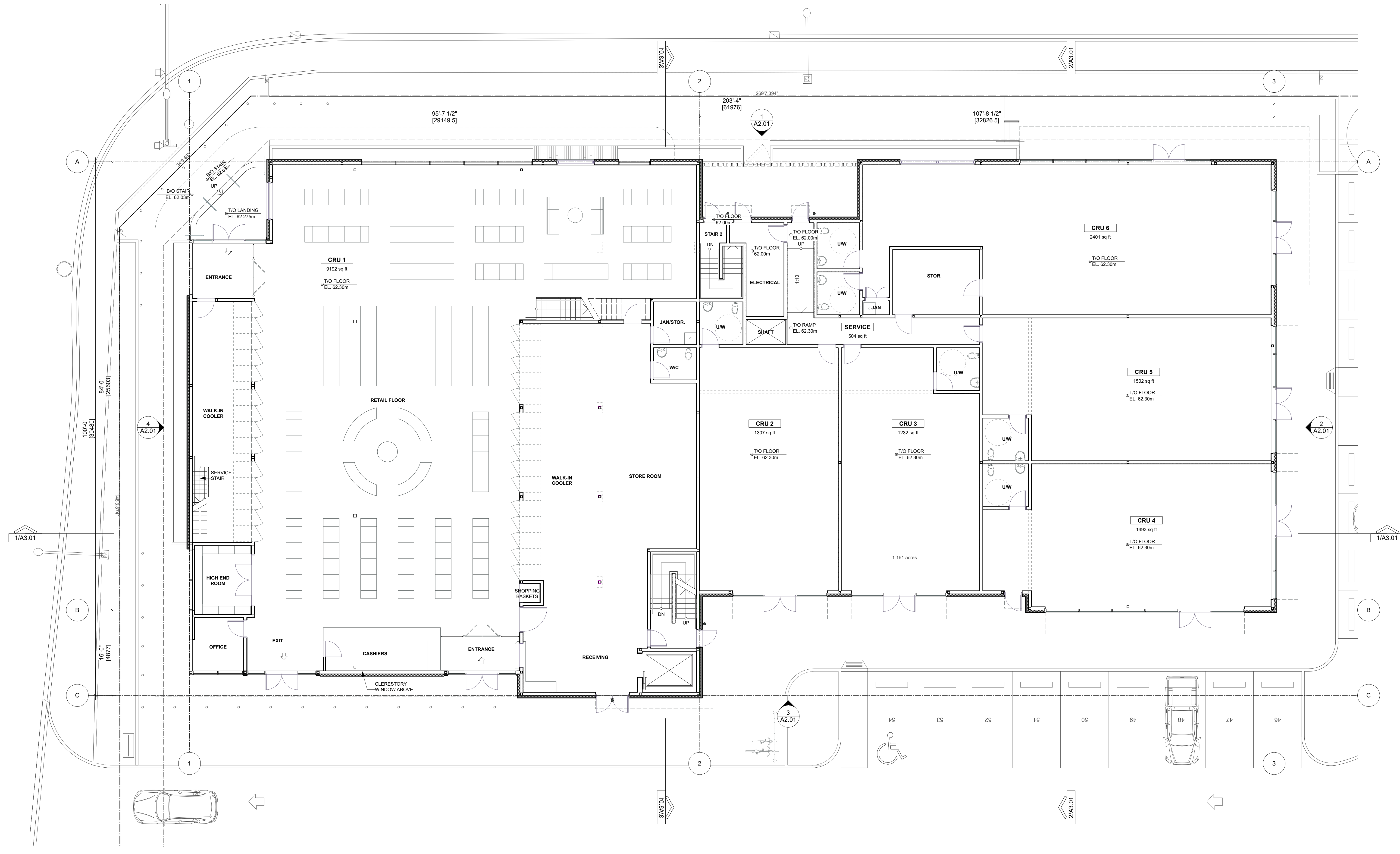
NO.	Y M D	ISSUE

SHEET TITLE
BASEMENT PLAN

DRAWING NO.
A1.01
 Page 187



1 BASEMENT PLAN
 Scale: 1/8" = 1'-0"



1 MAIN FLOOR PLAN
Scale: 1:100

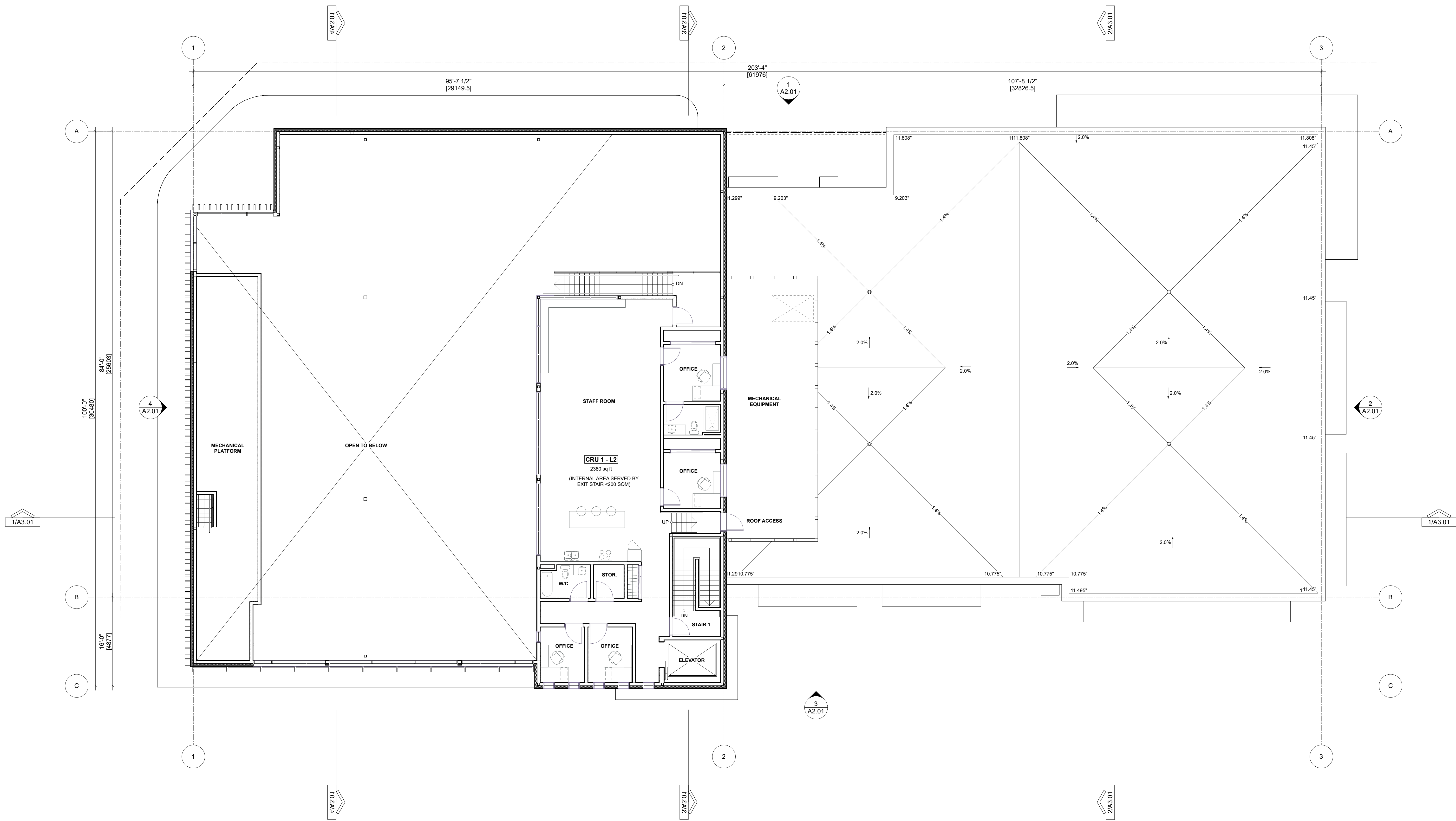
ANDERTON COMMERCIAL DEVELOPMENT
692 ANDERTON ROAD
COMOX, BC

G	2023-11-28	Issued for DP Revision
E	2023-06-15	Issued for DP
D	2023-04-14	Issued for Coordination
N	Y M D	ISSUE

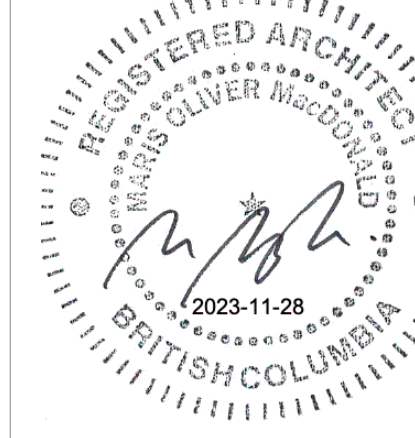
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SHEET TITLE
MAIN FLOOR PLAN

DRAWING NO.
A1.02
Page 186



1 SECOND FLOOR PLAN
Scale: 1:100



ANDERTON COMMERCIAL DEVELOPMENT
692 ANDERTON ROAD
COMOX, BC

G	2023-11-28	Issued for DP Revision
E	2023-06-15	Issued for DP
D	2023-04-14	Issued for Coordination
N	Y M D	ISSUE

NO.	Y	M	D	ISSUE

SHEET TITLE
SECOND FLOOR PLAN

DRAWING NO.
A1.03
Page 189

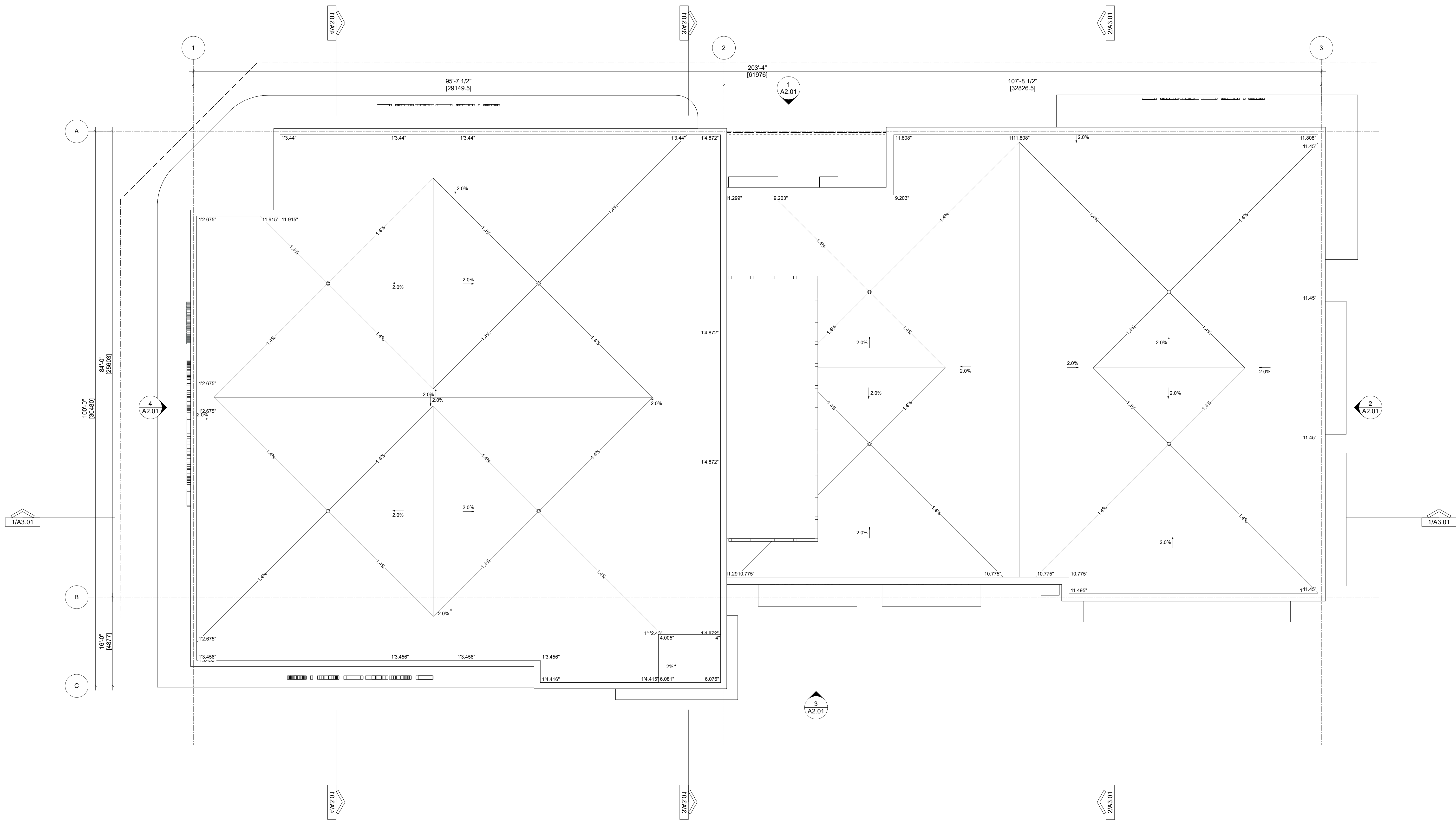
ANDERTON COMMERCIAL DEVELOPMENT
 692 ANDERTON ROAD
 COMOX, BC

G 2023-11-28 Issued for DP Revision
 E 2023-06-15 Issued for DP
 D 2023-04-14 Issued for Coordination
 NO Y M D ISSUE

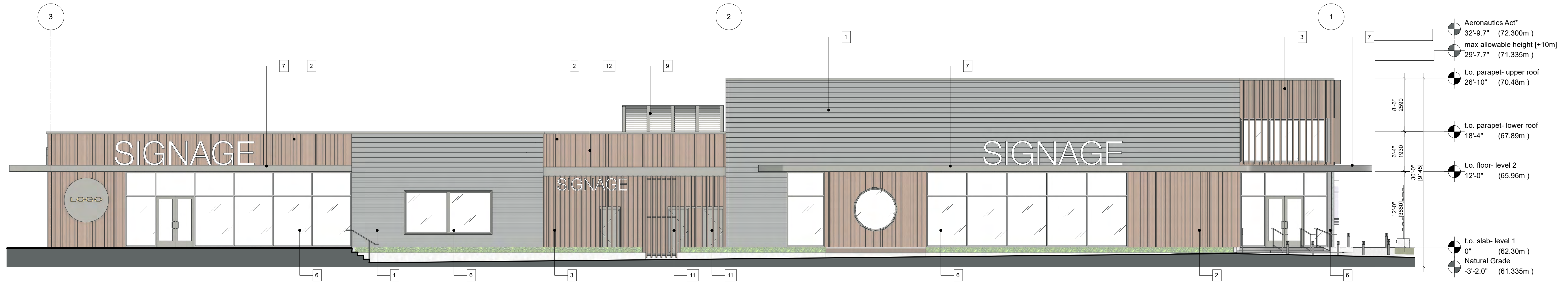
NO Y M D ISSUE
 REVISION

SHEET TITLE
 ROOF PLAN

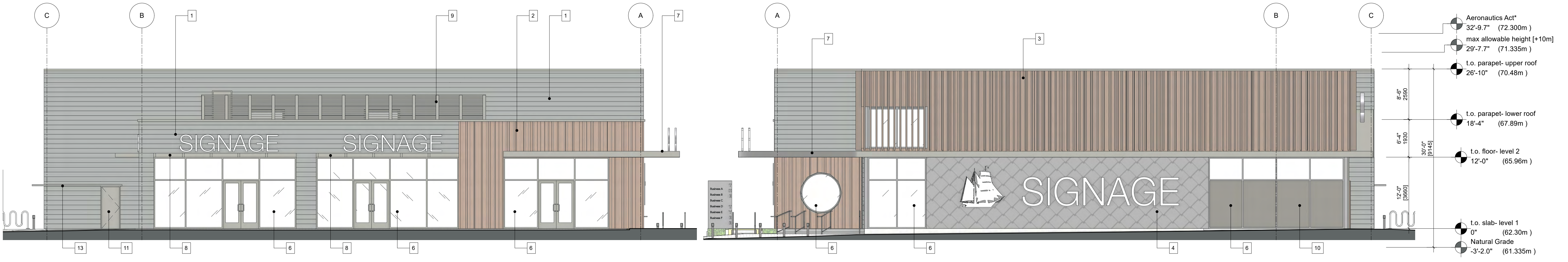
DRAWING NO.
A1.04
 Page 190



1 ROOF PLAN
 Scale: 1:100

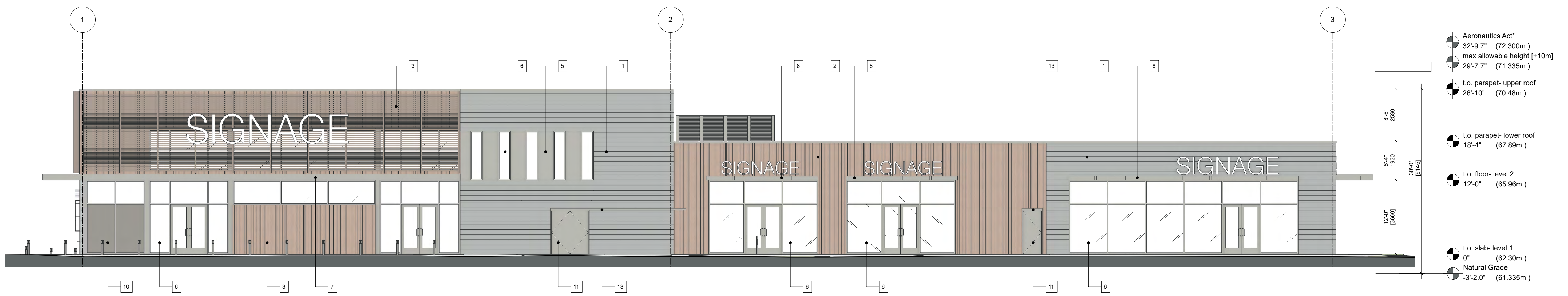


1 NORTH ELEVATION
 Scale: 1:100

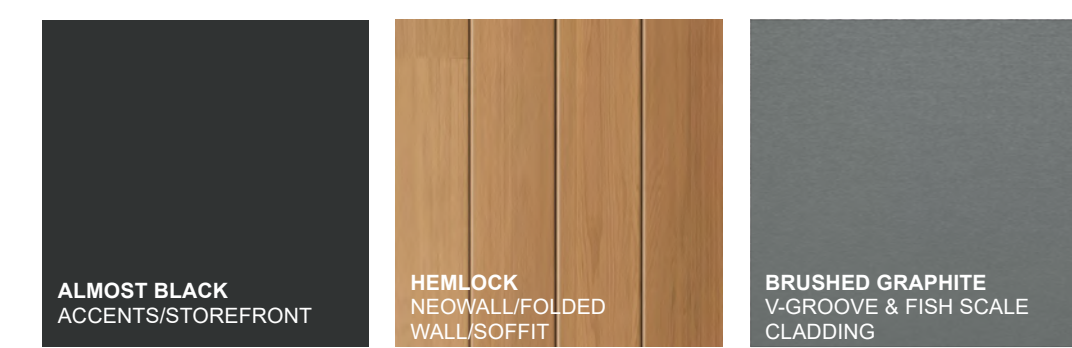


2 EAST ELEVATION
 Scale: 1:100

4 WEST ELEVATION
 Scale: 1:100



3 SOUTH ELEVATION
 Scale: 1:100



Material Legend

- 1. Lux V-Groove Horizontal Plank - PVDF Steel
Colour: Brushed Graphite
- 2. Lux Variable Folded Wall - PVDF Steel
Colour: Hemlock (Wood print)
- 3. Lux Neowall (2"x12" Slat Screen)
Colour: Hemlock
- 4. Lux Custom Fish Scale Cladding - PVDF Steel
Colour: Brushed Graphite

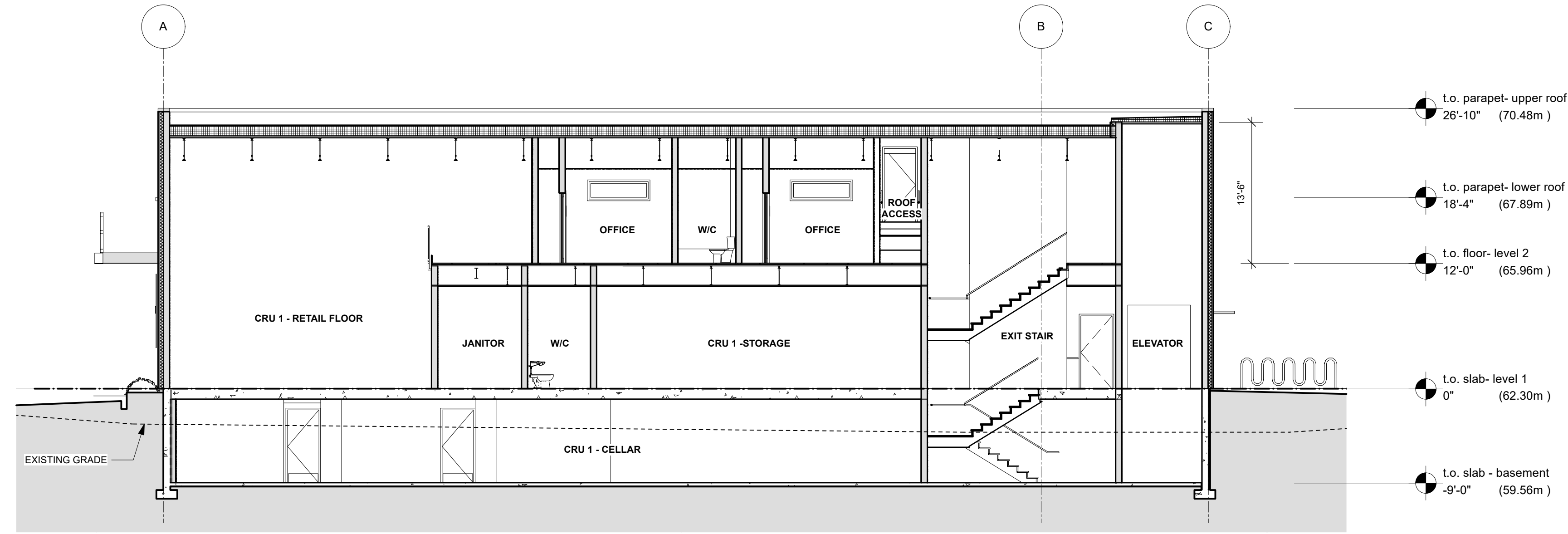
- 5. Custom Cladding Panel
Colour: Almost Black
- 6. Aluminum Storefront
Colour: Black Anodized
- 7. Cantilevered Canopy w/ wood-look soffit
Soffit: Hemlock
Fascia: Almost Black metal
- 8. Steel and glass suspended canopy
Colour: Almost Black

- 9. Metal Mechanical Screening
Colour: Almost Black
- 10. Glass Spandrel Panel
Colour: Almost Black
- 11. Painted Steel Door
Colour: Almost Black
- 12. Steel W Beam
Colour: Almost Black

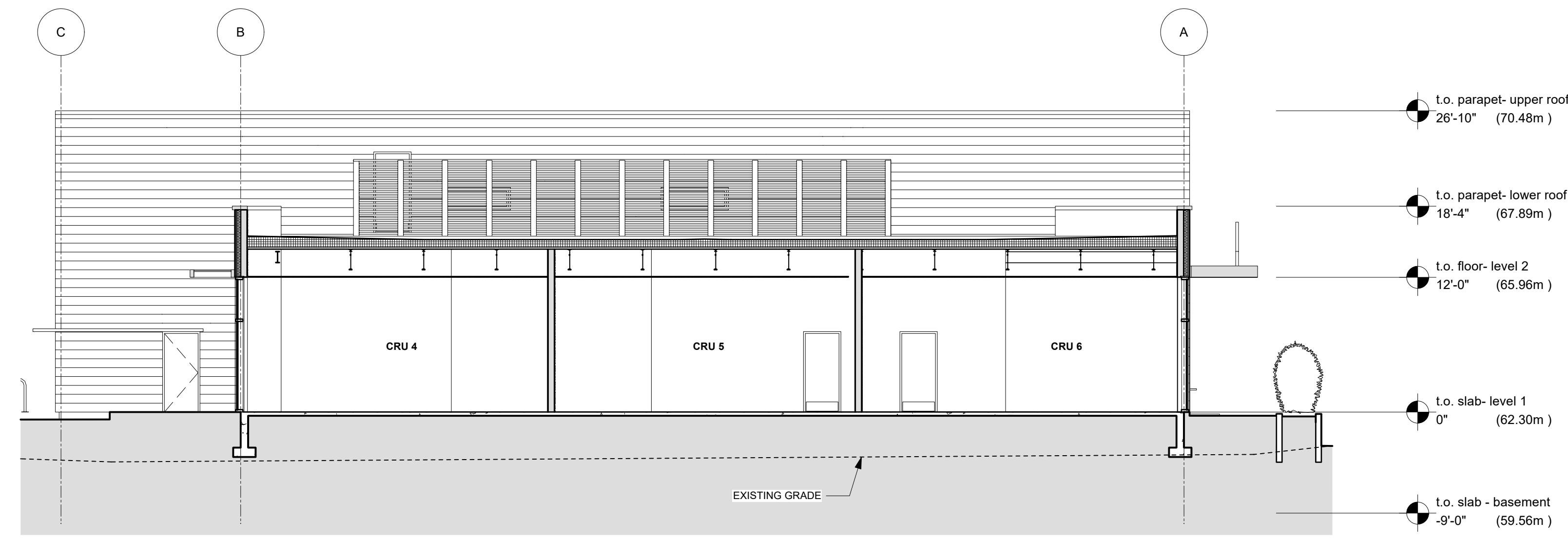
- 13. Heavy Gauge Steel Canopy
Colour: Almost Black

NOTE:
 MAXIMUM AREA OF UNPROTECTED OPENINGS IS UNLIMITED AS PER BCBC 2018 TABLE 3.2.3.1-E. LIMITING DISTANCE IS GREATER THAN 15M ON ALL EXPOSING BUILDING FACES.

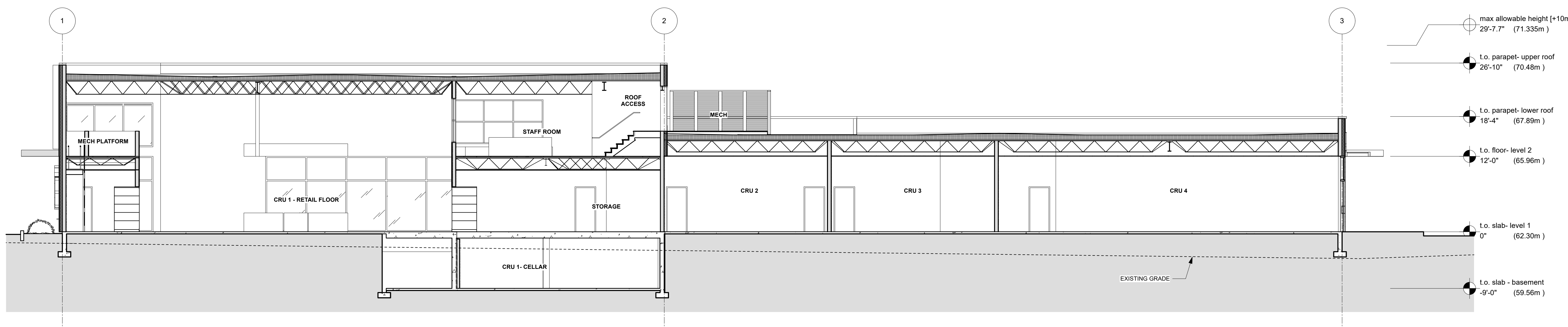
NOTE:
 THE AERONAUTICS ACT MAXIMUM BUILDING HEIGHT IS CALCULATED AS FOLLOWS:
 45 M (COMMON PLANE) + 18.3 M (HEIGHT OF COMOX RADAR TOWER) + 9 M (ABOVE GROUND SURFACE) = 72.3M MAXIMUM BUILDING HEIGHT



3 CROSS SECTION A-A
 Scale: 1:100



2 CROSS SECTION B-B
 Scale: 1:100



1 LONGITUDINAL SECTION C-C
 Scale: 1:100



GUTHRIE



ANDERTON



ANDERTON



GUTHRIE



GUTHRIE

GENERAL NOTES

1. All work to satisfaction of the Owner.
2. All work in compliance with City of Comox municipal standards.
3. Dispose of all excavated and surplus materials off site, recycle where feasible.
4. Contractor to confirm location of any site service before proceeding.
5. Contractor to confirm actual site conditions and layout before proceeding.
6. All dimensions are in millimeters, unless noted otherwise.
7. Contractor to coordinate landscape construction with work of other disciplines, including civil, electrical, and architectural, as directed by the Owner.
8. Contractor to make good all damage to satisfaction of the Owner, at no additional cost.
9. Public to be protected from harm at all times. Do not leave work areas in an unsafe or hazardous condition, fence and/or make safe as required.
10. Sidewalks and street to be kept clean at all times and cleaned to the satisfaction of the City.
11. All work to be completed consistent with all drawings and specifications.
12. Ensure positive drainage for all landscape areas.

Refer to architectural and civil engineering drawings.

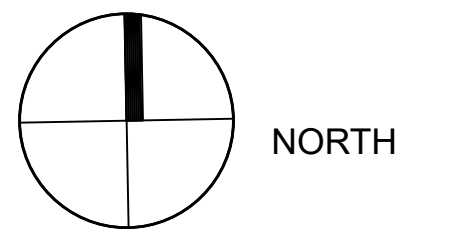
Tree locations to be adjusted in the field as determined by location of underground services. Confirm locations before digging.

All planting beds to be irrigated to iabc and municipal standards.

draft
October 7, 2023

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DATE	ISSUE/REVISION
1. June 9, 23	DEVELOPMENT PERMIT



SEAL

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Landscape Architecture

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Coquitlam BC V3J 6T4
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Paul Whitehead RBCSLA
Registered Landscape Architect #246

CLIENT

PROJECT
Anderton Commercial Development
692 Anderton Road
Comox BC

DRAWING
Overall Landscape Plan

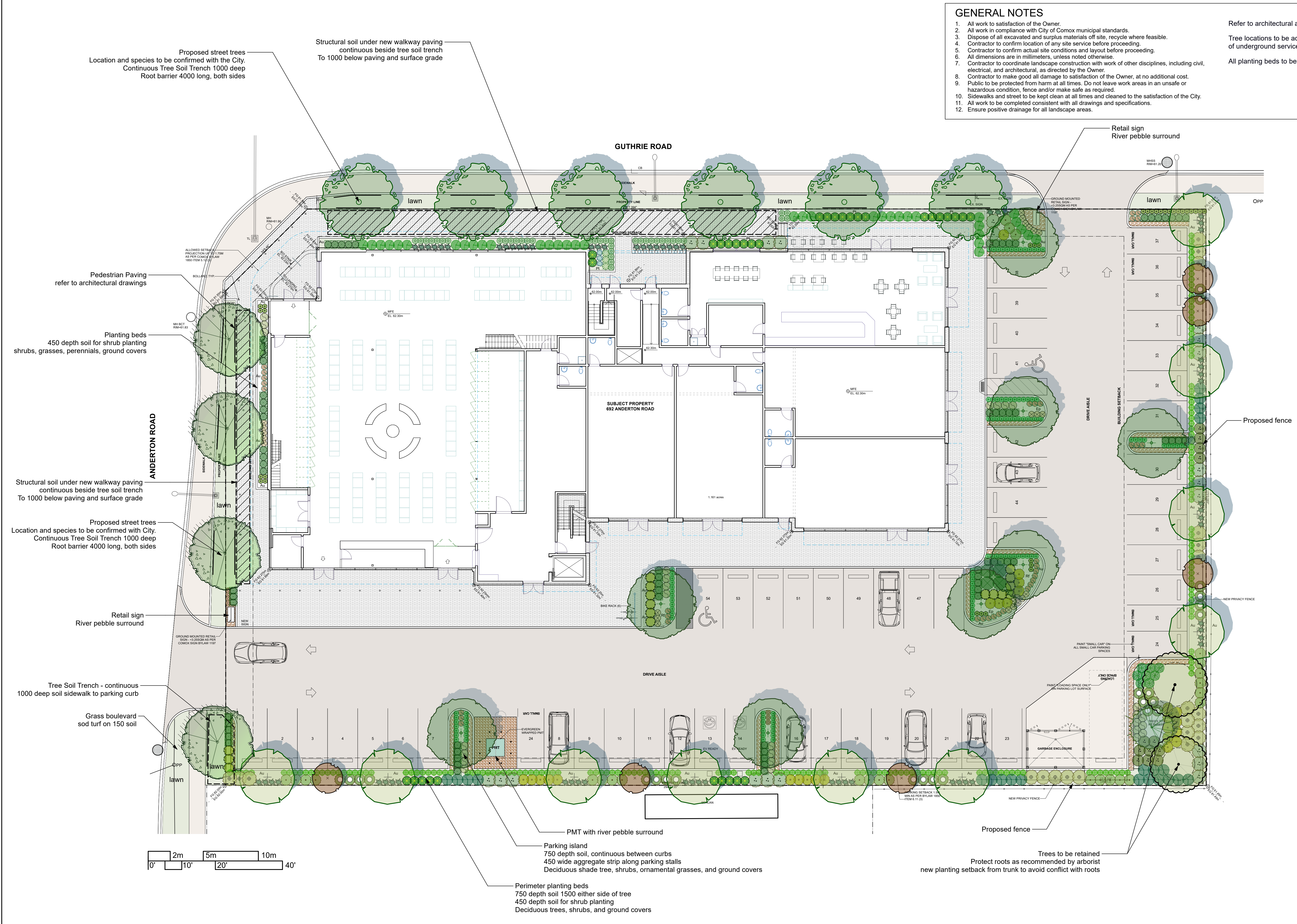
DRAWING NUMBER

L-1

SCALE 1 : 150

DRAWN PACW

PROJECT NUMBER 2308



For Plant List
Refer to drawing L-2

draft
October 7, 2023

IRRIGATION LEGEND - ON SITE LANDSCAPE

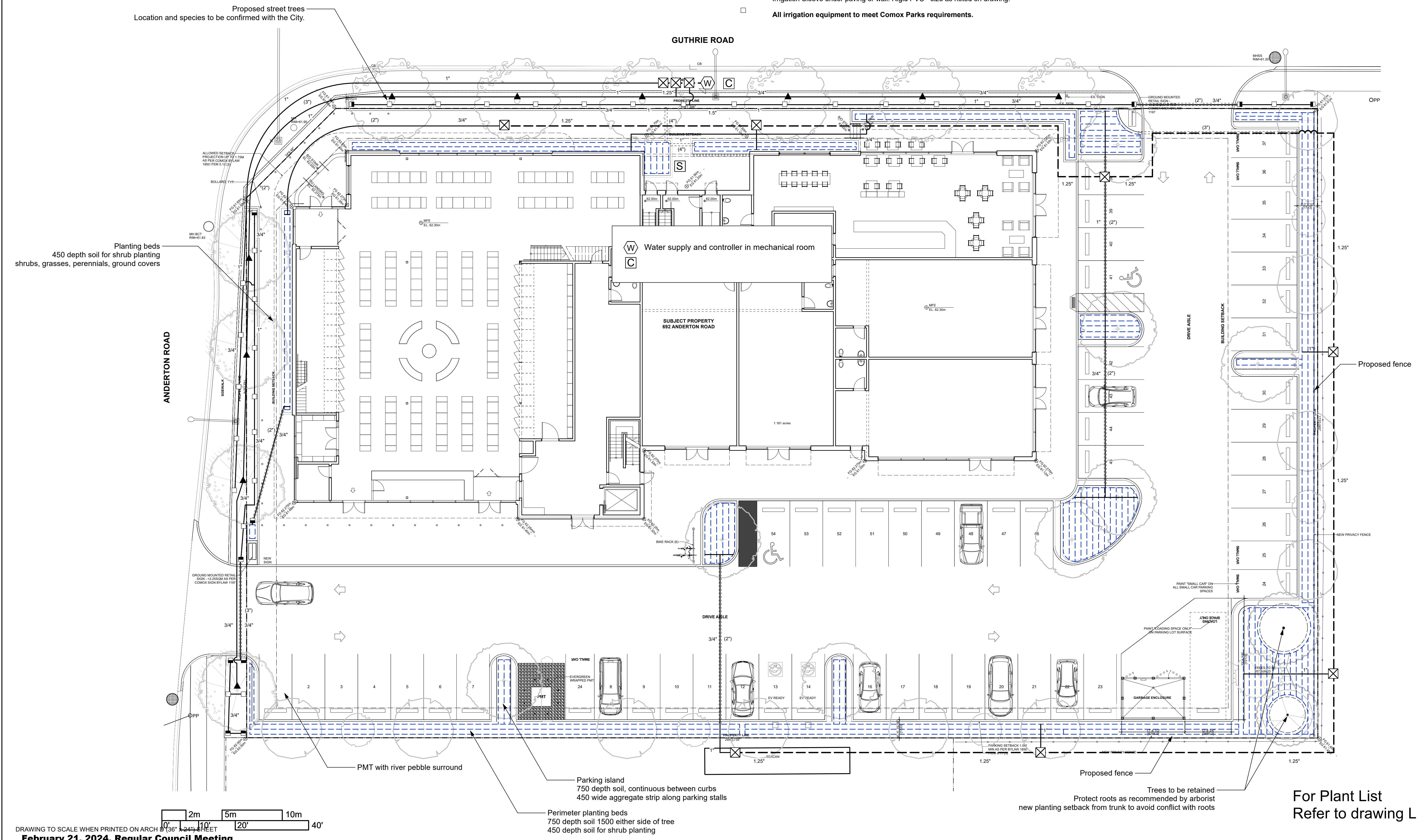
- W** Main Connection 24.0 USGPM @ 60 psi (max) 1.25" water supply Continue from Red White Brass Shut Off Valve, Red White 1.5" Double Check Valve Assembly, and Rainbird #3 Quick Coupler. Include installation in mechanical room, with electrical power supply and conduit to landscape.
- C** Time Clock Rainbird ESP-LXME - 8 Stations
- S** Stub-Out Water supply from mechanical room 1.0" Brass ball valve with Rainbird #3 Quick Coupler in 910 box
- X** Auto Valve Rainbird XZCPGA - 100 - PRF
- Rainbird XFD-09-12 Dripline
- Main and lateral lines layout is schematic - pipes to be located in or between planting beds
- Irrigation Sleeve under paving or wall. Rigid PVC - size as noted on drawing.

IRRIGATION LEGEND - BOULEVARD LANDSCAPE

- W** Main Connection 22.0 USGPM @ 60 psi (max) 1" water supply Continue from Red White Brass Shut Off Valve, Red White 1.25" Double Check Valve Assembly, and Rainbird #3 Quick Coupler. Include electrical power supply and water meter as required by City.
- C** Time Clock To be determined by City
- S** Stub-Out Water supply from mechanical room 1.0" Brass ball valve with Rainbird #3 Quick Coupler in 910 box
- X** Auto Valve To be determined by City
- Rainbird 1804-PRS Sprinkler c/w 15SST Nozzle
- Rainbird 1804-PRS Sprinkler c/w 15RCS or LCS Nozzle
- ▲ Rainbird 1804-PRS Sprinkler c/w 5Q-B Nozzle (2 per tree)
- Main and lateral lines layout is schematic - pipes to be located in or between planting beds
- Irrigation Sleeve under paving or wall. Rigid PVC - size as noted on drawing.
- **All irrigation equipment to meet Comox Parks requirements.**

IRRIGATION NOTES

- All work to municipal standards and in compliance with plumbing codes requirements. All work to satisfy irrigation standards of the IABC.
 - Flow through all piping not to exceed 5ft/second.
 - Piping layout is schematic, with valve boxes to be suitably located at sides of lawns and planting beds, and pipe layout to be adjusted as required for site conditions. All piping to run in landscape where possible.
 - All mainline piping to be within the property line.
 - Sleeve sizing and location is the responsibility of the contractor. Coordinate sleeve installation with construction of vehicle area paving, retaining walls, pathways, and landscape installation.
 - Weather sensor to be installed on system. Location of weather sensor to be determined on site.
 - Dripline to be 16 to 18 inches apart and 4 to 6 inches away from hard surface edges. All dripline to be looped.
- Minimum pipe cover per IABC specifications.
- Minimum valve box sizes, larger as required:
- a) 10" Round - for quick couplers
 - b) 14"x19" rectangular - one valve.
 - c) 13"x24" rectangular - two valves.



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DATE	ISSUE/REVISION
1. July 12 23	DEVELOPMENT PERMIT

NORTH

SEAL

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Paul Whitehead RBCSLA
Registered Landscape Architect #246

CLIENT

PROJECT
Anderton Commercial Development
692 Anderton Road
Comox BC

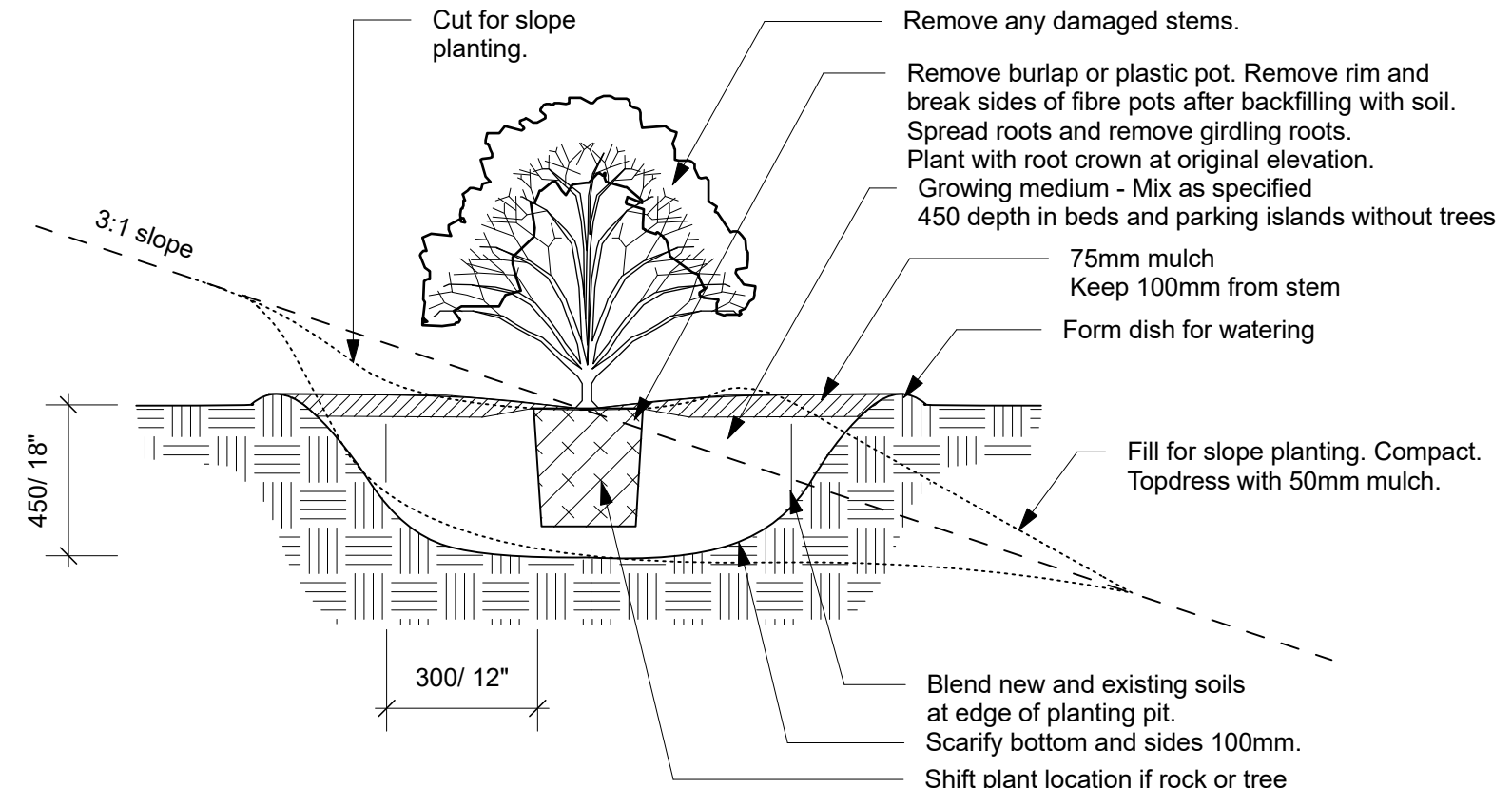
DRAWING
Landscape Irrigation Plan

DRAWING NUMBER
L-1.1

SCALE 1 : 150
DRAWN PACW
PROJECT NUMBER 2308
Page 195

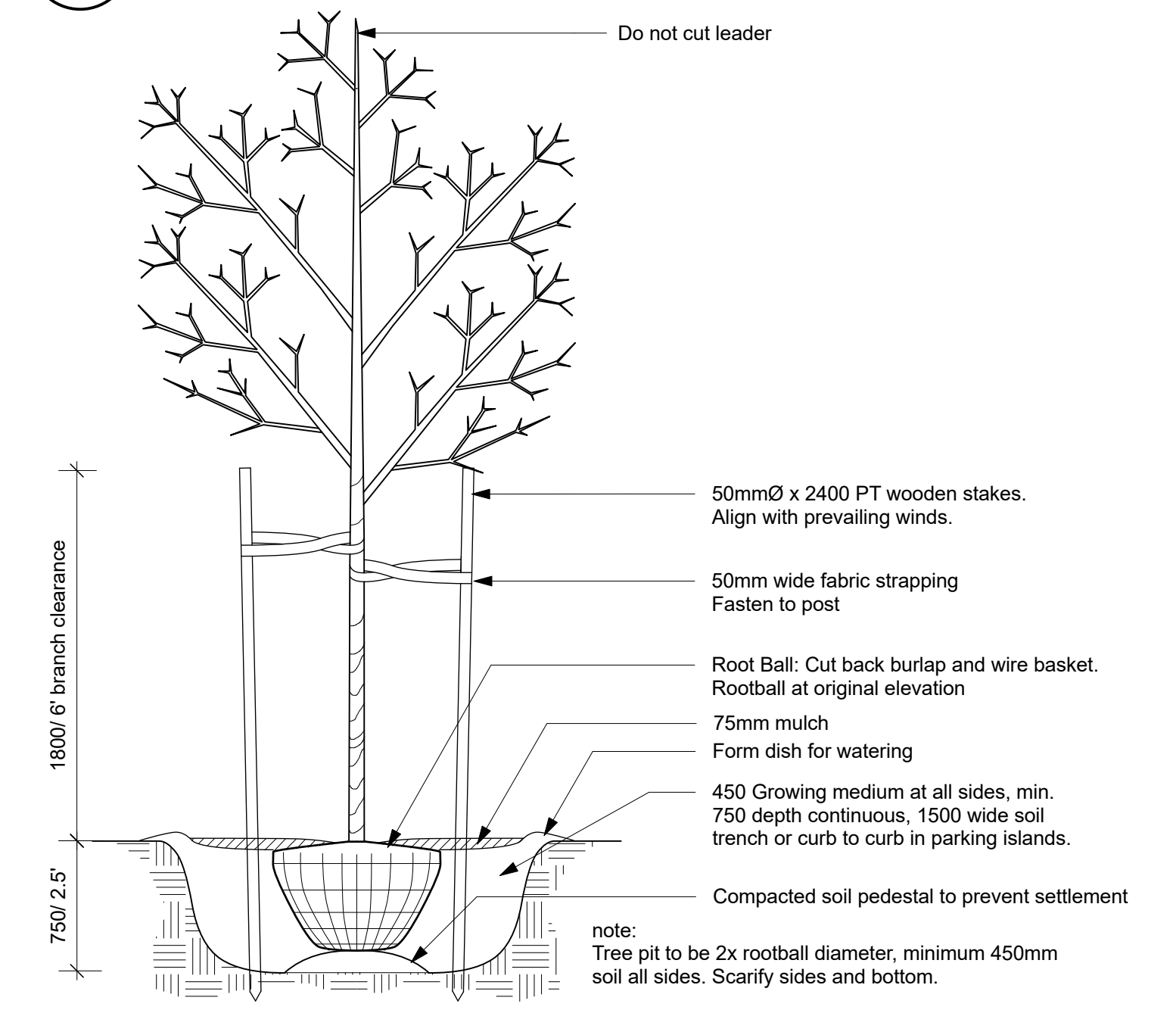
For Plant List
Refer to drawing L-2

draft
October 7, 2023

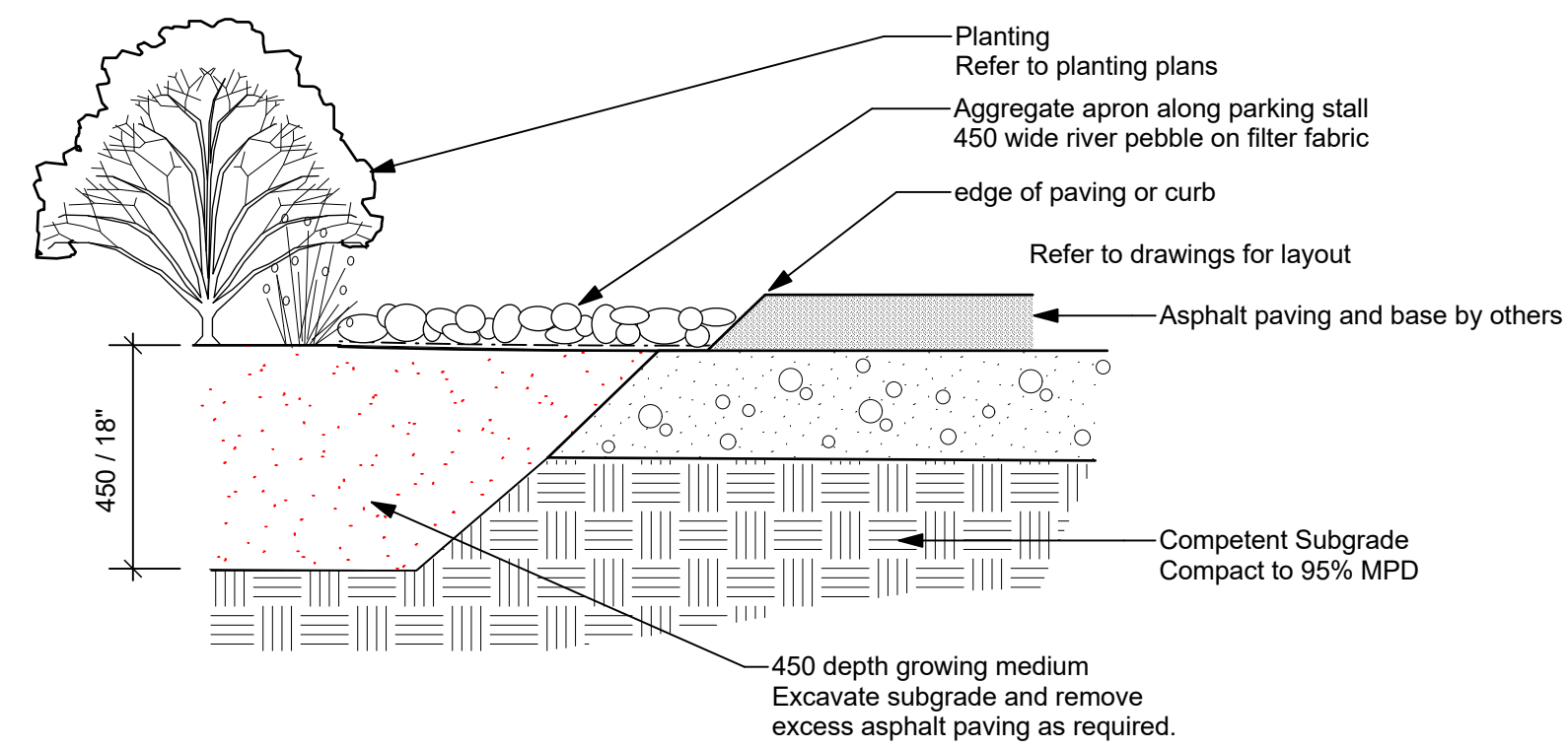


Note:
Planting and plant material in accordance with latest BCSLA/BCLNA Landscape Standard.
Soil depth for shrubs 450mm depth plus 300mm around all sides.
Planting soil depth to be continuous in planting beds.

1 Shrub Planting
1cm = 10cm



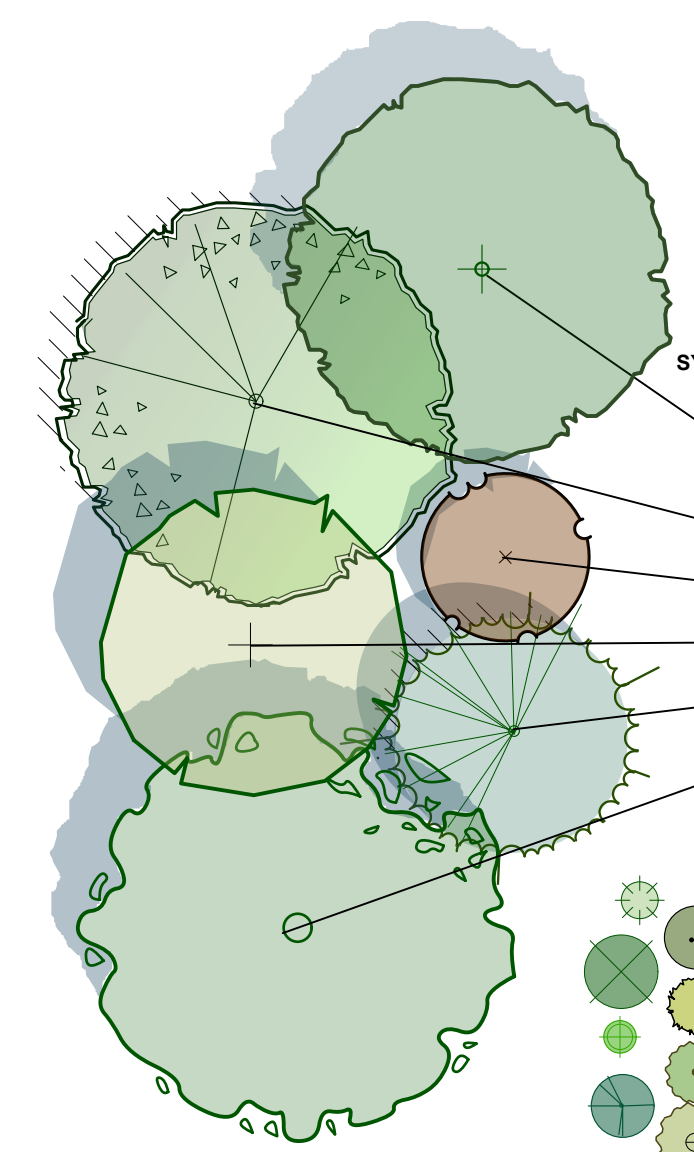
2 Tree Planting - On Site
1cm = 20cm



3 Parking Area Planting
not to scale

SOIL, PLANTS & LANDSCAPING

- PART 1 - GENERAL**
- 1.1 REQUIREMENTS INCLUDED**
- 1.1 Furnish all labour, materials, equipment and operations to supply and install planting soil and soft landscaping, as shown on the drawings and as specified herein. Work includes planting, raking, planting of shrubs, fertilizers, mulch, as specified. Provide full landscape maintenance for 45 days after Final Acceptance of the completed landscape.
- 1.2 QUALITY ASSURANCE**
- 1.1 Landscape Contractors shall be members of the British Columbia Landscape and Nursery Association. All materials and execution shall conform to the latest edition of the BCSLA/BCLNA British Columbia Landscape Standard
- 1.3 PROTECTION OF THE PUBLIC**
- 1.1 Provide necessary construction barricades to protect the public from accidents occurring during construction and maintenance.
 - 1.2 Take necessary precautions to protect existing elements and underground utilities. Verify locations of all underground utility lines. Provide the necessary protection and safety measures when planting in the vicinity of any utilities. Repair damage, to the satisfaction of the Owner, at no extra cost.
- 1.4 FINAL ACCEPTANCE/MAINTENANCE**
- 1.1 Final Acceptance of the work will be certified by the landscape architect, when landscape construction and all deficiencies are completed. The maintenance period may be extended if there are outstanding deficiencies.
- 1.5 REPLACEMENTS/WARRANTY**
- 1.1 Remove and replace as soon as possible all plant material found dead, unhealthy, unattractive, in an unsatisfactory growing condition and those which do not meet the specifications for one full year after Final Acceptance.
- PART 2 - PRODUCTS**
- 2.1 PLANTING SOIL**
- 1.1 Planting soil is to be provided from a reputable source, with samples and results of soils analysis reports to be supplied to the landscape architect for approval prior to supplying any soil to the site. Imported soil shall meet the following planting soil properties:
Planting beds: 12 - 20% organic matter, 60 - 70% sand, maximum 25% fines.
Lawn Areas: 4 - 8% organic matter, 60 - 70% sand, maximum 35% fines.
- 2.2 FERTILIZER**
- 1.1 Lime and Fertilizer: To be incorporated per recommendations of soils testing agency.
- 2.3 MULCH**
- 1.1 Mulch to be decomposed organic matter - 'Humus Builder' by Answer Garden Products; free of all soil, stones, roots or other extraneous matter, and free of weeds, seeds and spores.
- 2.4 PLANTS**
- 1.1 Plants shall be first class representatives of their species or variety. Plants shall be subject to inspection for quality, health, size and colour. Plants which are weak, thin, overcrowded or lacking proper proportions are unacceptable. Plants shall have normal, well-developed branches and vigorous, fibrous root systems, free from defects, decay, disfiguring roots, sun-scald injuries, abrasions of the bark, plant diseases, insect pests' eggs, borers and all forms of infestation or objectionable disfigurements. Plant material to meet or exceed minimum standards of BCLNA/BCSLA Landscape Standard.
- 2.5 SOD**
- 1.1 Sod to be quality, non-netted, cultured sand-based sports turf by Anderson Sod Farm or pre-approved equivalent. Keep fresh and moist and protected against dry during lifting, shipping, storage, and installation. Grass mixture for sod (or pre-approved equivalent) to be:
1. Elka Perennial Ryegrass 50% 2. Omega II Kentucky Bluegrass 20%
3. Geronimo Kentucky Bluegrass 20% 4. Koket Chewings Fescue 10%
- PART 3 - EXECUTION**
- 3.1 PLANTING SOIL PREPARATION AND MIXING**
- 1.1 Soil to be blended off site. Ensure all landscape areas are excavated to correct depths and are free draining. Report any drainage problems to landscape Architect prior to soil placement. Do not handle or place soil when saturated or frozen. Place as required.
- 3.2 SOIL PLACEMENT**
- 1.1 Do not deliver or place planting soil until the soil mix has inspected and approved.
 - 1.2 Spread planting soil in uniform layers during dry weather. Remove stones, roots, grasses, weeds, construction materials, debris and foreign non-organic objects from soil mix. Apply planting soil mix over the free-draining subgrades at the following minimum depths:
300mm around all sides and bottom of trees
150mm for lawn areas
300mm for shrubs and groundcovers in planting beds
450mm for large shrubs
750mm for trees at parking islands and planting beds - 10m³ soil per tree
- 3.3 FERTILIZATION/FINISH GRADING**
- 1.1 Application rates and techniques shall be as recommended by Soil Lab.
 - 1.2 Fine grade/rake manually entire soil mix area. Surface shall be smooth, uniform, firm against deep footprinting and shall have fine loose surface texture. Ensure there is 2% min. slope away from structures or as otherwise indicated on drawings.
- 3.4 LAYOUT AND EXCAVATION FOR PLANTING**
- 1.1 Lay out plants in locations shown on drawings unless conflict exists with utilities, or other site elements.
 - 1.2 Excavate circular pits with vertical sides for all large and wire basket plants, extend area of excavation if the soils have been heavily compacted during construction processes. Ensure that all pits are free-draining. Test by filling pits with water and verify that all water has percolated within 24 hours.
- 3.5 PLANTING**
- 1.1 Planting shall be under the supervision of a qualified foreman. Set plants in the centre of the pits and at the same relation to the grade it was originally grown at, or slightly higher, allowing for settlement. Raise or replace any plant material sitting below grade. All planting to the satisfaction of the Landscape Architect.
- 3.6 MULCHING**
- 1.1 Apply fresh mulch, 75mm depth to all shrub bed areas. Rake smooth and even. Keep away from stems.
- 3.7 PLANT MAINTENANCE**
- 1.1 Water all planted areas sufficient to prevent drying.
 - 1.2 Maintain plants and planting areas until Final Acceptance. This will include weeding, cultivation, watering, pruning, wound dressing, disease and insect control, protective spraying, plant replacement (as necessary), plant straightening and adjusting (for those which have settled or are planted too low) and all other work consistent with good horticultural practice to ensure normal, vigorous, healthy growth of all plants.
- 3.8 USE PESTICIDES ONLY IN CONFORMANCE WITH MUNICIPAL AND MINISTRY OF THE ENVIRONMENT POLICIES. AVOID THE USE OF HERBICIDES. PULL ALL WEEDS AND WEED ROOTS BY HAND.**
- 3.9 SOD TURF**
- 1.1 Lay sod as soon as possible after delivery. Allow no more than 48 hours between digging and installation. Lay sod smoothly, evenly and without gaps. Stagger all ends. On slopes and areas susceptible to erosion and saturation (at edge of biopond), install wood stakes to secure sod until established. Protect new sod from foot traffic.
 - 1.2 Fertilize to encourage root growth and water thoroughly.
 - 1.3 After the sod has dried sufficiently, roll with a medium weight roller to achieve a smooth uniform surface.
 - 1.4 Sprinkle lawn lightly for the first three days and water normally for the remainder of the maintenance period.
 - 1.5 Mow lawn on at least two occasions when growth height exceeds 3" for sodded areas. Set mower blades to cut no lower than 1-1/2". Remove all grass clippings.
- 3.10 CLEAN UP**
- 1.1 Remove from the site all surplus materials and other landscape debris.
 - 1.2 Upon completion, leave all planting areas neatly dressed and finished, and leave all paved areas flushed clean to the satisfaction of the Consultant.
- END OF SECTION**



PLANT LIST - 692 Anderton Comox
October 7, 2023

SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
TREES					
Au	8	Acer truncatum Norwegian Sunset	Norwegian Sunset Shantung Maple	6cm Cal. WB	1.8m Std.
Au	4	Acer x Freemanii Autumn Fantasy	Autumn Fantasy Maple	6cm Cal. WB	1.8m Std.
Mn	6	Amelanchier x grandiflora Princess	Princess Diana Serviceberry	2.0m tall, multistem	
Pt	10	Tilia cordata Chancellor	Chancellor Linden	6cm Cal. WB	1.8m Std.
Pt	1	Picea omorika	Serbian Spruce	2.0m tall, multistem	
Pt	6	Quercus coccinea	Scarlet Oak	6cm Cal. WB	1.8m Std.
SHRUBS					
Ep	3	Azalea japonica Hino Crimson	Hino Crimson Azalea	#2 pot	600 o.c.
He	12	Cornus sericea	Redtwig Dogwood	#2 pot	800 o.c.
Hs	4	Euonymus alata 'Compactus'	Dwarf Burning Bush	#2 pot	900 o.c.
Rf	16	Forsythia x intermedia Lynwood Gold	Lynwood Gold Forsythia	#1 pot	900 o.c.
Sg	183	Gaultheria shallon	Salal	#1 pot	500 o.c.
Sg	26	Hydrangea macrophylla FP	Forever Pink Hydrangea	#2 pot	500 o.c.
Sg	22	Mahonia aquifolium	Oregon Grape	#2 pot	750 o.c.
Sg	21	Physocarpus opulifolius Diabolo	Diabolo Ninebark	#2 pot	800 o.c.
Sg	65	Polystichum munifolium	Western Sword Fern	#1 pot	600 o.c.
Sg	72	Prunus x Otto Luyken	Otto Luyken Laurel	#1 pot	500 o.c.
Sg	36	Rhododendron 'Ramapo'	Dwarf Red Rhodo	#2 pot	750 o.c.
Sg	21	Rhododendron Vulcan	Red Vulcan Rhododendron	#5 pot	900 o.c.
Sg	26	Ribes sanguineum	Red-flowering Currant	#2 pot	750 o.c.
Sg	38	Sarcococca H. Humilis	Himalayan Sweet Box	#1 pot	450 o.c.
Sg	33	Skimmia j. macrophylla M + F	Skimmia (male and female)	#3 pot	900 o.c.
Sg	27	Spiraea x Bumalda Gold Flame	Gold Flame Spiraea	#2 pot	900 o.c.
Sg	24	Vaccinium ovatum	Evergreen Huckleberry	#2 pot	900 o.c.
Sg	8	Weigela florida MW	Midnight Wine Weigelia	#2 pot	750 o.c.
GROUND COVERS AND VINES					
Au	112	Arctostaphylos uva-ursi VJ	Vancouver Jade Kinnikinnick	10cm pot	500 o.c.
Mn		Mahonia nervosa	Longleaf Mahonia	#1 pot	450 o.c.
Pt		Pachysandra terminalis	Japanese Spurge	10cm pot	450 o.c.
PERENNIALS AND GRASSES					
Ep		Echinacea purpurea 'Magnus'	Magnus Purple Coneflower	#1 pot	450 o.c.
He	32	Hemerocallis 'Happy Returns'	Happy Returns Daylily	#1 pot	500 o.c.
Hs	3	Hosta sieboldiana 'Elegans'	Elegans Plantain Lily	#1 pot	500 o.c.
Rf		Rudbeckia fulgida 'Goldstrum'	Black-Eyed Susan	#1 pot	450 o.c.
Sg	24	Calamagrostis Karl Foerster	Foerster's Feather Reed Grass	#1 pot	750 o.c.
Sg	4	Pennisetum alopecuroides 'Hamelii'	Hamelin Fountain Grass	#1 pot	500 o.c.
Sg	7	Stipa tenuissima	Mexican Feather Grass	#1 pot	300 o.c.

- NOTES:**
- 1) In case of discrepancy between plant numbers on this list and on the plan, the plan shall prevail.
 - 2) All planting shall be in accordance with BCSLA/BCLNA Landscape Standard, latest edition.
 - 3) All planting beds: mulch with 75mm of decomposed hem/fir bark

All drawings remain the property of Greenway Landscape Architecture. Use for any purpose and reproduction only by written consent.

#	DATE	ISSUE/REVISION
1	June 9, 23	DEVELOPMENT PERMIT

SEAL

Greenway
Landscape Architecture
2280 Park Crescent
Coquitlam BC V3J 6T4
T 604 461 9120
E paul@greenwayla.ca

Paul Whitehead RBCSLA
Registered Landscape Architect #246

CLIENT

PROJECT
Anderton
Commercial
Development
692 Anderton Road
Comox BC

DRAWING
Landscape
Details and
Plant List
DRAWING NUMBER
L-2

SCALE AS NOTED
DRAWN PACW

PROJECT NUMBER 2308
Page 196

ATTACHMENT 2

PROPOSED ZONING AMENDMENT BYLAW NO. 1850.39

**TOWN OF COMOX
BYLAW NO. 1850.39**

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 1850.39”

2. Amendments

1. Comox Zoning Bylaw 1850, Schedule A, is hereby amended by
 - a. replacing Section 305.2(3) with the following text:
 - (3) A liquor store shall only be permitted on:
 - (a) LOT A SECTION 70 COMOX DISTRICT PLAN EPP27899
2. Comox Zoning Bylaw 1850 is further amended by making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and order of the sections of the bylaw.

3. Adoption

- | | | |
|-----|-------------------------------|------------------------|
| (1) | READ A FIRST time this | ___ day of _____, 2024 |
| (2) | READ A SECOND time this | ___ day of _____, 2024 |
| (3) | ADVERTISED A FIRST time this | ___ day of _____, 2023 |
| (4) | ADVERTISED A SECOND time this | ___ day of _____, 2024 |
| (5) | PUBLIC HEARING HELD this | ___ day of _____, 2024 |
| (6) | READ A THIRD time this | ___ day of _____, 2024 |
| (7) | ADOPTED this | ___ day of _____, 2024 |

Mayor

Corporate Officer

ATTACHMENT 3

PRE-APPLICATION CONSULTATION COMMENTS



From: concordiaron@gmail.com
Subject: Fwd: 692 Anderton road
Date: March 3, 2023 at 5:57 PM
To: Maris MacDonald Maris@MHArchitects.ca

Maris - shall i respond or shall I leave it to you? This is the only written comment so far.

Thank You

Ron Davis
Concordia Group of Companies
604-999-2454

Begin forwarded message:

From: Bree Carswell [REDACTED]
Date: March 3, 2023 at 3:51:06 PM PST
To: concordiaron@gmail.com
Subject: 692 Anderton road

Hello, received your pre-application consultation for building at the 692 anderton road lot. Currently, on that lot is a line of trees that provides my row of town housing a fair amount of privacy, and I would really appreciate if this was preserved. I understand your desire to build, as the town is expanding. It will be weird, because that lot has been empty for a very long time. I grew up in Comox and bought in these townhouses due to the location, and the privacy from the intersection due to those trees. That's all my input really, I want to enjoy my house the same way I do now in the future, it's such a busy little intersection already. Those trees are peace.

Thank you



From: Ron Davis concordiaron@gmail.com
Subject: Fwd: Proposed Development Comox
Date: February 21, 2023 at 1:19 PM
To: Maris MacDonald Maris@mharchitects.ca

Maris - this was just received today. Do you have a package available?
Thank you,

Ron Davis
Concordia Group of Companies
concordiaron@gmail.com
(604) 999-2454

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

From: Gary Schaan [REDACTED]
Date: Tue, Feb 21, 2023 at 12:54 PM
Subject: Proposed Development Comox
To: <concordiaron@gmail.com>

Pursuant to a public notice by the Town Of Comox, BC, please provide me with all available information concerning the proposed development by Sechelt Holdings involving the rezoning of 692 Anderton Avenue, Comox, BC.

Thank you,

Gary Schaan

From: concordiaron@gmail.com
Subject: Fwd: 692 Anderton Road
Date: March 5, 2023 at 1:58 PM
To: Maris MacDonald Maris@MHArchitects.ca



FYI

Thank You

Ron Davis
Concordia Group of Companies
604-999-2454

Begin forwarded message:

From: Marion Barker [REDACTED]
Date: March 5, 2023 at 12:13:24 PM PST
To: concordiaron@gmail.com, Marion Barker [REDACTED]
Subject: 692 Anderton Road

Hi,
I am Marion Barker, I live at [REDACTED] Guthrie Road,
Comox, BC, [REDACTED] This is the [REDACTED]
bordering your proposed development site.

My concerns are your proposal are that it doesn't state how many stories you are proposing to build.

I would also like to insisit that the traffic lights be changed to incoporate left turning signals in all directions on this busy intersection.

I assume all consideration for our privacy and noise/dirt pollutin during any development on the lot be given high consideration.

I would appreciate a high fence that is attractive to make us secure where we are as this area is now having a lot of crime.

If there are places of business that will attract the criminal element ie a liquor store with easy access I need to know that security will be provided in the development.

Thanks for your attention to my concerns.

From: Ron Davis concordiaron@gmail.com
Subject: Fwd: 692 Anderton Road
Date: March 8, 2023 at 11:04 AM
To: Maris MacDonald Maris@mharchitects.ca



Maris - leave this to you.
Thank you,

Ron Davis
Concordia Group of Companies
concordiaron@gmail.com
(604) 999-2454

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

From: Russell Clark [REDACTED]
Date: Wed, Mar 8, 2023 at 10:41 AM
Subject: 692 Anderton Road
To: <concordiaron@gmail.com>

Hi,

I understand this is past the March 6th deadline, unfortunately I have been out of the country for the past month and only just received the letter regarding development of 692 Anderton Road.

I live at [REDACTED] and would like my concerns to be listened to if still possible.

The area specified has been left unattended for so long that it has become a little wildlife habitat, with birds, bunnies, bees and insects calling it home, and the three local eagles use it for hunting. What would be done to mitigate damage to the wildlife that most people don't care about?

A liquor store, amongst other businesses, will produce a lot of traffic and noise - how is this going to be reduced for neighbours in 1957 specifically - since we are the closest?

What is the proposed construction period, and how will noise be reduced for neighbouring 1957 properties? Is there a timeline for the project?

These are really my only concerns. I'm not against a commercial lot being developed. I feel that there are a lot of commercial spaces in Comox that are empty, but that doesn't affect me personally. The noise does, the traffic does, and the risk to urban wildlife is a big concern.

Thanks for your time, I will hopefully be around for the open house.

Regards,
Russell Clark
[REDACTED]

PRE-APPLICATION CONSULTATION - STAGE 2

692 ANDERTON ROAD

Date: *April 2023*

Name: *Bob Bowen*

Address: 

Comox BC

Please submit your comments at the Open House, or if you cannot attend the Open House, to Sechelt Holdings Inc. by: **21 April 2023** via email concordiaron@gmail.com or mail to: 24369 126 Ave , Maple Ridge, BC, V4R 1M2

All written responses, including submissions by e-mail must include name and address of the person making comment and include "692 ANDERTON ROAD" in the subject heading. Please provide your comments by **April 21th 2023** .

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

<i>Notes For Me</i>
<i>Pleased to see this prime property being developed. (AN ASSET to Comox)</i>

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

PRE-APPLICATION CONSULTATION - STAGE 2

692 ANDERTON ROAD

Date: *April*

Name: *John Chiodi*



Comox

Please submit your comments at the Open House, or if you cannot attend the Open House, to Sechelt Holdings Inc. by: **21 April 2023** via email concordiaron@gmail.com or mail to: 24369 126 Ave , Maple Ridge, BC, V4R 1M2

All written responses, including submissions by e-mail must include name and address of the person making comment and include "692 ANDERTON ROAD" in the subject heading. Please provide your comments by **April 21th 2023** .

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

Super architecture
It too bad there isn't a residential component above 2-3 stories more

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

PRE-APPLICATION CONSULTATION - STAGE 2

692 ANDERTON ROAD

Date: April 8/2023 Name: Vivian Deon

Address:

Comox B.C

Please submit your comments at the Open House, or if you cannot attend the Open House, to Sechelt Holdings Inc. by: **21 April 2023**
via email concordiaron@gmail.com
or mail to: 24369 126 Ave , Maple Ridge, BC, V4R 1M2

All written responses, including submissions by e-mail must include name and address of the person making comment and include "692 ANDERTON ROAD" in the subject heading. Please provide your comments by **April 21th 2023**.

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

- Wonderful to see great presentation boards that visually show the flavour ~~and~~ of the building

- Will give direction to the corner + future developments

- Understand higher heights are not possible, yet would have been ideal site for residential density.

- fully support this application - Bravo KUDOS TO DEVELOPER + TEAM!

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

PRE-APPLICATION CONSULTATION - STAGE 2

692 ANDERTON ROAD

Date: *APRIL 6-2023* Name: *Jim KELLY* Address: [Redacted]

Please submit your comments at the Open House, or if you cannot attend the Open House, to Sechelt Holdings Inc. by: **21 April 2023** via email concordiaron@gmail.com or mail to: 24369 126 Ave , Maple Ridge, BC, V4R 1M2

All written responses, including submissions by e-mail must include name and address of the person making comment and include "692 ANDERTON ROAD" in the subject heading. Please provide your comments by **April 21th 2023** .

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

<i>Jim Jim KEL @GMAIL.COM</i>

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

PRE-APPLICATION CONSULTATION - STAGE 2

692 ANDERTON ROAD

Date: *April*

Name: *Karl Bennett*

Address:



Please submit your comments at the Open House, or if you cannot attend the Open House, to Sechelt Holdings Inc. by: **21 April 2023** via email concordiaron@gmail.com or mail to: 24369 126 Ave, Maple Ridge, BC, V4R 1M2

All written responses, including submissions by e-mail must include name and address of the person making comment and include "692 ANDERTON ROAD" in the subject heading. Please provide your comments by **April 21th 2023**.

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

*would like to see more trees as a buffer between business and townhomes.
Happy to see no residential, and only 1 story*

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

PRE-APPLICATION CONSULTATION - STAGE 2

692 ANDERTON ROAD

Date: 6 Apr 2023 Name: Bonnie McBlashan Address: [REDACTED]

Comox BC [REDACTED]

Please submit your comments at the Open House, or if you cannot attend the Open House, to Sechelt Holdings Inc. by: **21 April 2023** via email concordiaron@gmail.com or mail to: 24369 126 Ave , Maple Ridge, BC, V4R 1M2

All written responses, including submissions by e-mail must include name and address of the person making comment and include "692 ANDERTON ROAD" in the subject heading. Please provide your comments by **April 21th 2023** .

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

Glad to see something going in there. I would hope a Good restaurant goes in there. Not fast food. We are foodies. We have lost the Edgepub & Lorne & Leeward pub with no replacements. We need more restaurants. I wonder about the traffic situation there, as ppl going up Anderton to turn Rt on Guthrie already line up to turn due to increased volume of traffic, as well as exiting onto Guthrie from this new proposal. If the liquor license from Leeward is going to this property, what are you doing with Leeward pub & property? This building has been left empty for more than 10 years. We should know the plans for this lot before we can ^{Support!} agree to liquor license going to different property. Overall this looks very lovely, but consideration for above needs to be

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

communicated to the people of Comox so we understand what our community will be looking like.
February 21, 2024, Regular Council Meeting
Thanks for the presentation.

From: Russell Clark russell@seaproof.tv
Subject: Re: 692 Anderton - PDF for Plateau Gardens
Date: April 15, 2023 at 9:33 AM
To: Strata Council vis246council@gmail.com
Cc: [REDACTED]
maris@mharchitects.ca, Emily Davies emily@mharchitects.ca



Maris MacDonald

This certainly looks quite nice compared to other developments in the Valley, but is larger than I expected. It seems they're keen on getting some kind of coffee shop / restaurant there too. My concerns would be for units 1-6, they back directly onto this, and the plans don't show any kind of noise diminishing fence or tree line, including the existing one. I think those units are going to see a large increase in noise and activity and the developer needs to do more to explain how they're going to mitigate that.

Other than that, it could be a decent addition to the area.

On Thu, 13 Apr 2023 at 10:36, Pelle Campbell <pelle@mharchitects.ca> wrote:

Hi Jim,

See attached PDF, Emily had prepared the file already.

Pelle Campbell

MacDonald Hagarty Architects Ltd.

1000-1000

1000-1000

c 778.584.4950

Pelle@MHArchitects.ca

On Apr 13, 2023, at 10:14 AM, Jim Kelly [REDACTED] > wrote:

(Leeward Liquor Store)

Thank You

We look forward to receiving the relocation information.

Jim Kelly

On Thu, Apr 13, 2023, 10:07 AM Pelle Campbell, <pelle@mharchitects.ca> wrote:

Hi Jim,

Thanks for taking the time to reach out regarding the proposed development at 692 Anderton.

CC my colleague Emily Davies, who will circulate the PDFs of the presentation boards to distribute to the residents at Plateau Gardens. She is currently out of the office, so I would expect that she can provide them sometime next week.

Pelle Campbell

1000-1000

1000-1000

MacDonald Hagarty Architects Ltd.

1000-1000

1000-1000

c 778.584.4950

Pelle@MHArchitects.ca

ATTACHMENT 4

PROCESSING PROCEDURES

1. First and Second Reading of Zoning Amendment Bylaw.
2. Notification of Public Hearing on proposed Bylaw.
3. Public Hearing.
4. Third Reading of proposed bylaw.
5. Resolution of any outstanding items.
6. Adoption of proposed bylaw.

February 5, 2024

Cammy Dallamore

Subject: FW: the Comox bay sailing association moorage rate request 2024/25 TOWN OF COMOX
Attachments: Comox Bay Community Sailing Center.pptx; CBSC_Proposed_Marina_Facility_2022_07_14 (1).pdf; TOC PF Correspondence -lp (002).docx.pdf

Table with 3 columns: LOG (24-038), REFER, AGENDA (Feb 21, 2024); FILE (0860-20/09), ACTION (MR)

From: Robert Johnson <commodore@comoxbaysailingassociation.ca>
Sent: Wednesday, January 31, 2024 3:39 PM
To: council <council@comox.ca>; Ted Hagmeier <THagmeier@comox.ca>; Mike Springer <mspringer@comox.ca>
Cc: Rob Douglas <sailingteam@comoxbaysailingclub.ca>; Frank Denton <treasurerfrank@comoxbaysailingclub.ca>
Subject: the Comox bay sailing association moorage rate request 2024/25

Warning This E-Mail originated from outside The Town of Comox. *Please open with Caution*

Dear Mayor and Council; Thank you in advance for your time and consideration.

The Comox Bay Sailing Association requests an annual moorage rate not to exceed \$8,000.00 for the lease of the following berths. E24, E25, Z09 and Z07 adjacent to RCMSAR.

CBSA has an agreement with the town of Comox and Comox municipal marina to establish a community sailing centre with a floating boat house 15' x 40' at berth Z07 adjacent to the RCMSAR float house. reference Town of Comox File: 0860-20/ Log 22-049.

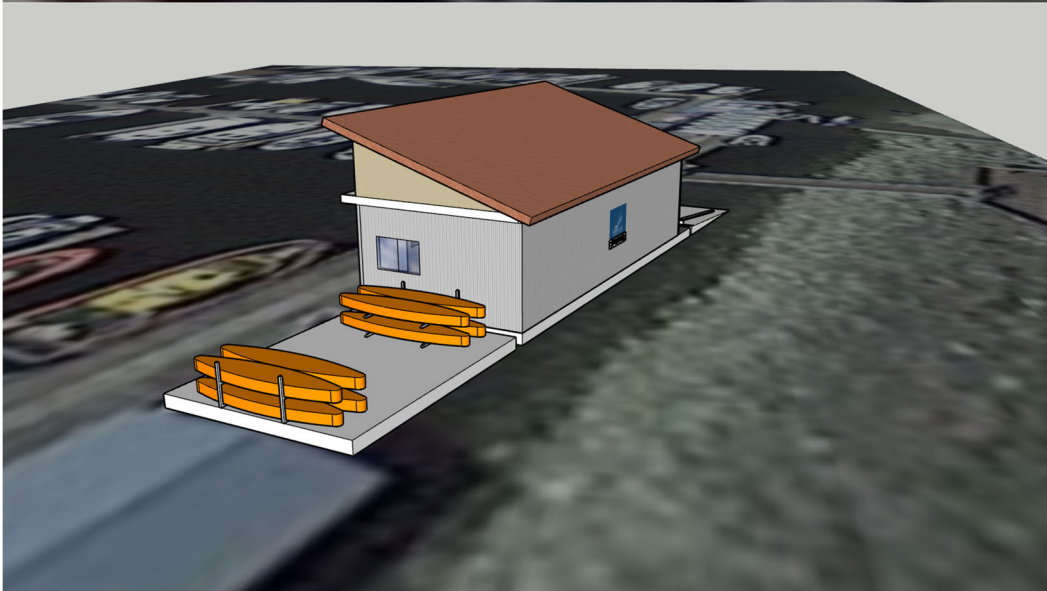
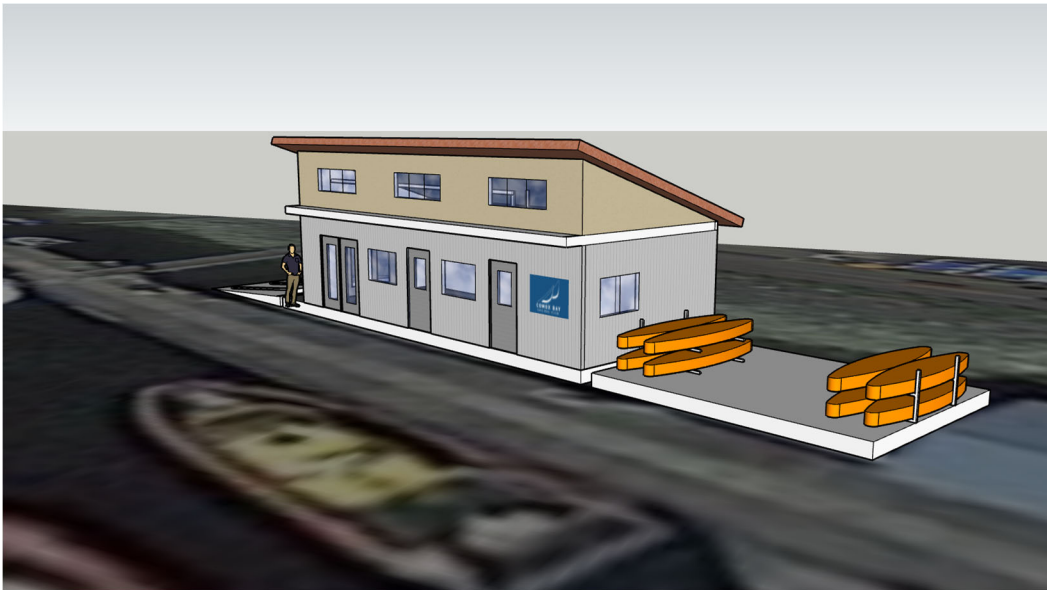
CBSA 2023/24 moorage consists of:
Berth Number: E24 & E25 & Z09

Table with 4 columns: DESCRIPTION, QUANTITY, PRICE, AMOUNT. Rows include E24 Annual Moorage, E25 Annual Moorage, Z09 & Dry Annual Moorage, SUBTOTAL, GST, HST, and TOTAL.

The Comox Bay Sailing Association (the "Association") is a non-profit organization based in Comox Bay on the central east coast of Vancouver Island. Founded in 1965, the Association's mission is to promote and facilitate recreational and competitive sailing in the Comox Valley and Greater Vancouver area. The Association achieves this by focusing its efforts on education, accessibility, and building community. The Association's sailing program offers a wide range of public clinics, courses, and events that use the Association's own sailing equipment (participants do not need to own their own boat). The purpose of the sailing program is to provide affordable, accessible, inclusive, safe, and fun recreational and competitive sailing experiences to a range of ages and abilities. Beginner, amateur, and competitive sailors—who don't own a boat or cannot afford to join an exclusive sailing or yacht club—can participate in the sailing program for a small membership fee (anyone can be a member). This is the only Association of its type in the region and as a result attracts sailors from Campbell River, Nanaimo, Victoria, the mainland, and even as far away as Europe. The most popular courses in the sailing program cater to families and youth; we continue to see demand from these demographics especially in our school programs.

The Association's sailing program is led by certified professional instructors, and courses are designed based on Sail Canada's CANSail national dinghy sailing training program. The sailing program includes a school outreach curriculum, public sailing camps and clinics (such as kids and teen sailing, adult dinghy sailing, and educational seminars), and dinghy racing, regattas, and social sailing events.

In the past couple of years, the Association has seen exponential growth in demand for its sailing programs, especially for youth and families. To ensure the sailing sport remains accessible to all, the Association will continue to focus on maintaining low entry costs and safe sailing equipment for its sailors. In the next 24 months, the Association will be developing along the waterfront adjacent to the RCMSAR building with additional dock space and infrastructure to support the local sailing community.





Thank you again for your consideration



Best regards

Robert Johnson

[Comox Bay Sailing Association](#)

Commodore@comoxbaysailingassociation.ca



Comox Bay Community Sailing Center

Concept presentation and thoughts to explore.

Goals for today

- 1) Bring you up to speed as to our designs and concept.
- 2) Determine the remaining steps for the town that we need travel to move ahead.
- 3) Bring you up to date on our internal club process.
- 4) Moorage and clarify any expenses from the town.
- 5) Compass Adventure consideration.

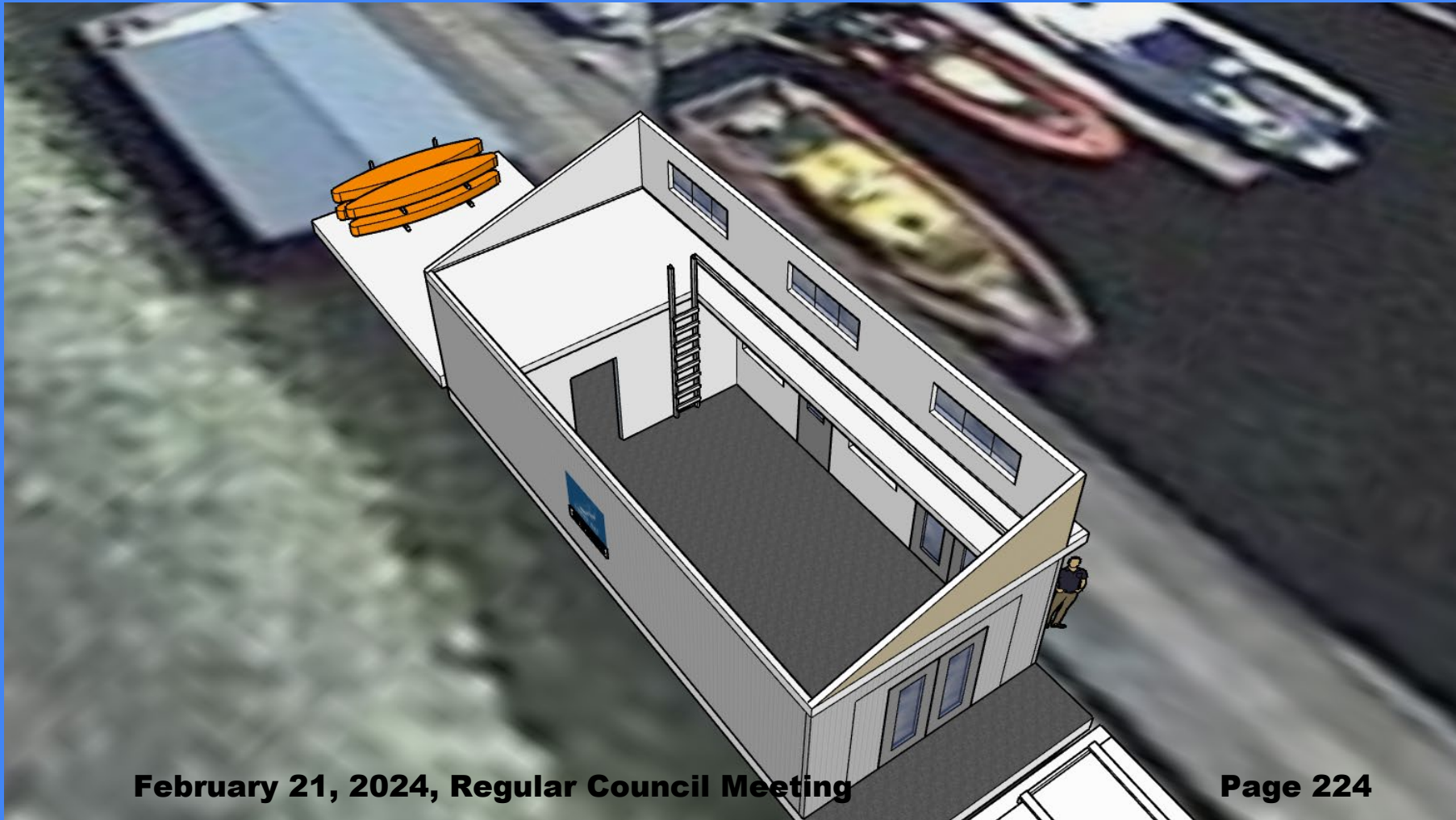


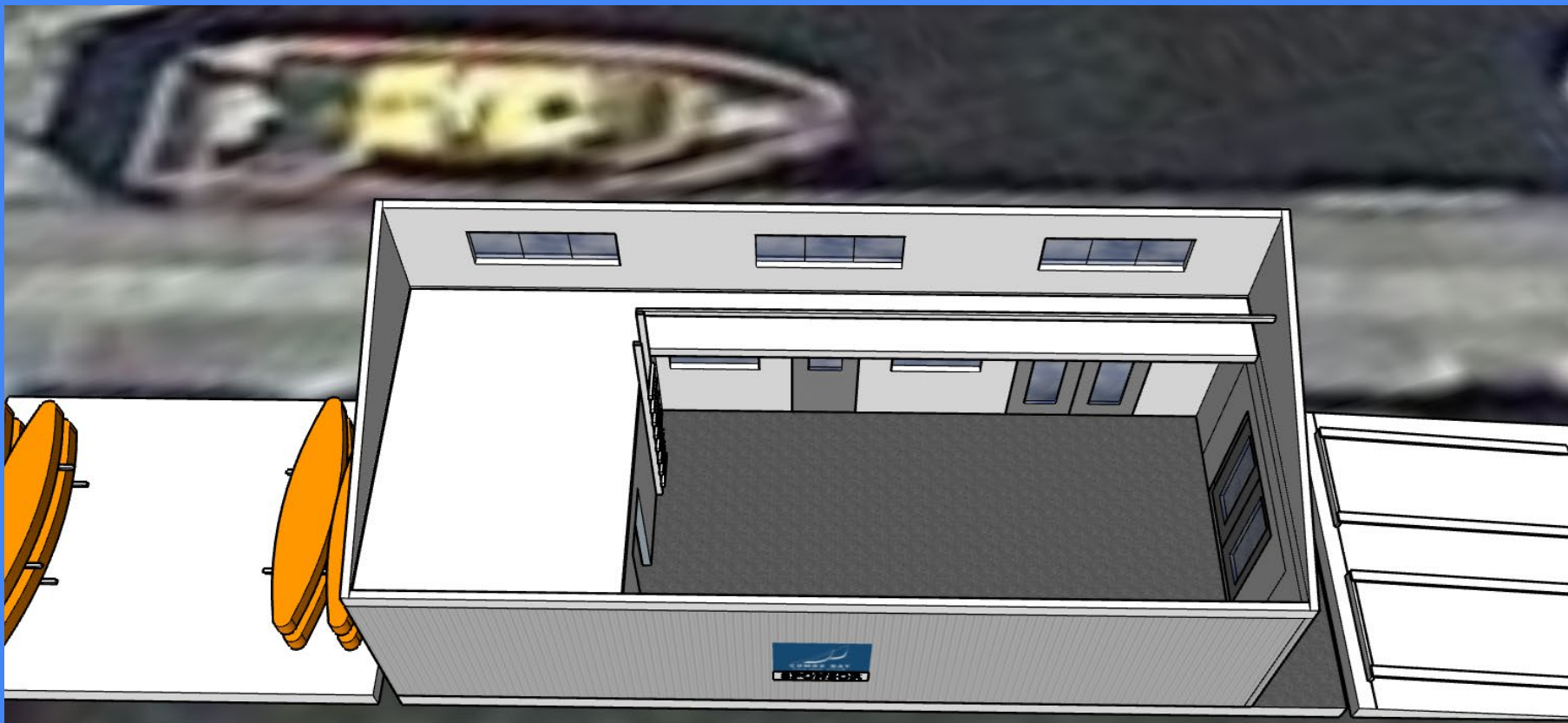












Selection of slides to show concept location and building design.

- Please note that this is a plan A. We are flexible and looking for ways to improve the build.
- We have added in a kayak float and a float to pull coach boats up on as well.
- The coach boat float reduces wear and tear by having less growth on our safety boats, less volunteer time to scrub, and enables us to cover the boats protecting from UV damage. All of which increase the quality of safety resources for the programs. It occupies the same space we currently use for coach boats in the water.
- The kayak boat utilizes a 20 ft space that is effectively dead space due to the pilings. It is currently occupied by Compass Adventures coach boat float.

Compass Adventure considerations

- They currently have two coach boats berthed in this area. One of which is on a pontoon lift.
- Access to this area would no longer be possible with the sailing center in place during much of the tide.
- Brainstorm solutions eg. shared area in the next slide.



February 21, 2024, Regular Council Meeting

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Moorage

- We are a community non-profit any and all moorage is a burden on our operations. We currently pay \$9528.89 in moorage
- We need cost certainty for our membership to be fully informed for our vote.
- Previously area was \$390 for Dragon boat.
- RCMSAR has no moorage fee.
- What can the town do in terms of moorage to help our sailing association provide services to the community?

Approvals etc. Other things needed by the town?

- Building approvals, inspections? The only services would be power.
- Marine survey for insurance
- Proof of insurance. We have spoken to our current provider and they will add to our coverage after a surveyor has completed an inspection.
- We would look at connecting the dock to the walkway to keep the gap safe, but we would independently float. What ways can we do that?
- There is 93ft space from the ramp to the RCMSAR building. How can we best use the remaining space? 73 ft between pilings approx.
- If we need to lift a ramp, what is the process?
- Can we put a large but tasteful sign on the North side facing the boardwalk?
- Could it include a title sponsor?

Comox Bay Process

- 1) Vote to proceed at AGM
- 2) Continue to fundraise
- 3) Obtain fresh quotes. Select builder
- 4) Phase 1: March 2024. Commence dock build.
- 5) Phase 2: Funding dependent building construction.
- 6) Phase 3: Funding dependent Kayak float
- 7) Phase 4: Funding dependent Coach boat float.

Building specs to discuss.

- 15ft high.
- 40 ft long dock x 15ft.
- 37 ft building x 15ft.
- Kayak float. 20ft x 15ft.
- Coach float 13-15ft coach boats.
- 93ft from ramp to RCMSAR
- 73ft from ramp to piling
- 15ft coach boat, plus 40ft = 55ft. This leaves 18ft for Coach boats to access dry storage or for tying up other boats.
- If we move coach boats over to Gas and Go finger, should we look at lengthening the dock and building by 15 fo 33ft? Combine with Comox Valley Yacht Club?

Building materials and cosmetic look.

File No. 0860-20 / Log: 22-049

July 14, 2022

James Volkers, Commodore
Comox Bay Sailing Club
PO Box 1215
Comox BC V9M 7Z8

By email: commodore@comoxbaysailingclub.ca

Dear James

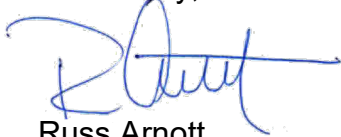
Re: Comox Bay Sailing Club Float House Request

Thank you for your February 8, 2022 letter requesting Council's approval for the Comox Bay Sailing Club to locate a small float house in the Comox municipal marina. After review of the staff report 'Comox Bay Sailing Club Float House Request' dated May 18, 2022, Council passed the following motion at their Regular Meeting held June 1, 2022:

THAT the Town of Comox provide correspondence to the Comox Bay Sailing Club (CBSC) indicating support for the installation of a float house in the municipal marina, provide a 3-year term on the approval proposal, and provide reduced moorage rent fees in perpetuity while highlighting outstanding items including structure design, building costs, and installation costs for locating the float into the designated area of the marina.

If you have further questions, please do not hesitate to contact Town staff or myself.

Yours truly,



Russ Arnott
Mayor

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

Dear Comox Bay Sailing Association

RE: Leasable marina space and term

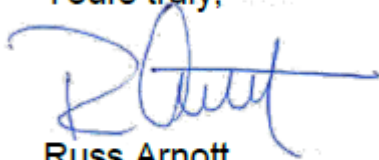
Robert Johnson,

The Town of Comox is agreeable to enter into a lease with the CBSA for a term of up to 15 years with negotiable renewals at 5-year intervals.

Signed Mayoral correspondence states.

THAT the Town of Comox provide correspondence to the Comox Bay Sailing Club (CBSC) indicating support for the installation of a float house in the municipal marina, provide a 3-year term on the approval proposal, and provide reduced moorage rent fees in perpetuity while highlighting outstanding items including structure design, building costs, and installation costs for locating the float into the designated area of the marina.

Yours truly,



Russ Arnott
Mayor



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

RECEIVED

February 6, 2024

TOWN OF COMOX

6 February 2024

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

LOG: 24-039	REFER:	AGENDA: Feb 21, 2024
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 5 May 2024.

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. 2024 commemorates the 85th 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



RECEIVED

Feb 14, 2024

TOWN OF COMOX

Copies: Council
JW/SR/CD/RN/SA

LOG: 24-047	REFER:	AGENDA: Feb 21, 2024
FILE: 0630-20	ACTION: MR	

COMMUNITY EVENT RECOGNITION REQUEST FORM

Requests must be received at least four (4) weeks prior to the date of proclamation, flag raising or building lighting. Requests may be mailed to: Comox Town Hall, 1809 Beaufort Avenue, Comox BC V9M 1R9 or e-mailed to town@comox.ca. Telephone enquiries should be directed to Town Hall Reception at (250) 339-2202 during regular business hours Monday to Friday 8:30 a.m. to 4:30 p.m.

Organization you are representing: BGC Central Vancouver Island		
Primary purpose of Organization: BGC Central Vancouver Island provides childcare, daycare, summer camps, teen and youth programs, and family programs.		Number of members: 900
Mailing address of Organization: 2290 Bowen Rd		Contact Name: Karen Love
		Phone: 250-739-0647
City: Nanaimo	Postal Code: V9T 3K7	Email: klove@bgccvi.com
Type of Community Event Recognition Requested (choose all that you are requesting):		
<input type="checkbox"/> Proclamation <hr/> <small>(Dates – day, week or month)</small>	<input type="checkbox"/> Flag-Raising <hr/> <small>(Dates - maximum 7 days)</small>	<input checked="" type="checkbox"/> Building Lighting Green <hr/> <small>(Colours - maximum 2 colours)</small> Friday 7 June 2024 <hr/> <small>(Dates - maximum 7 days)</small>
Purpose of Event Recognition (please check all that apply):		
<input type="checkbox"/> Civic Promotion	<input type="checkbox"/> Arts and Cultural Celebration	
<input checked="" type="checkbox"/> Public Awareness Campaign	<input type="checkbox"/> Special Honour of Individual	
<input type="checkbox"/> Charitable Fundraising Campaign	<input type="checkbox"/> Other (specify):	
Description of Organization and relevant information related to your request (attach additional page if needed): BGCCVI has been providing programs in Comox for over 15 years. BGC Club Day is an annual celebration to showcase the incredible work done by BGC Clubs in 653 communities across Canada.		
Has a similar request been submitted in the past five years?		<input checked="" type="checkbox"/> NO
<input type="checkbox"/> YES (provide date of previous request): _____		
Describe any special initiatives or events planned in the Town of Comox as part of this Event Recognition:		
Date of application: 14-Feb-2024	Signature of applicant: 	Print name: Karen Love

DRAFT WORDING OF PROCLAMATION TO BE INCLUDED ON REVERSE

Draft wording of Proclamation:

Note, the Town of Comox may revise this wording of the Proclamation. As appropriate, the cause should outline the local significance and demonstrate the local connection and/or how it benefits the majority of the citizens of Comox.

OFFICE USE ONLY

Request meets Community Event Recognition Policy (YES/NO): YES NO

If NO:

- Group not located in Comox Valley
- Event/Request related to ideological or religious beliefs
- Event/Request contrary to Town policy or bylaw
- Campaign intended for profit-making

Community Flag Raising Dates (max 7 days):

Light-up of Town Hall Dates (max 7 days):

Colours:

Personal information you provide on this form is collected pursuant to Section 26 of the Freedom of Information and Protection of Privacy Act, and this form may be published in its entirety with public meeting agendas, which are also posted on the Town website at <http://comox.ca>. The information is used for processing the Proclamation Request forms. Questions about this collection of information can be made to Town Hall at (250) 339-2202.