

REGULAR COUNCIL MEETING

AGENDA FOR WEDNESDAY MARCH 20, 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.

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING HAS BEEN SCHEDULED FOR 06:00 PM AT 1801 BEAUFORT AVENUE, COMOX, IN ORDER TO CONSIDER THE FOLLOWING: REZONING APPLICATION RZ 23-5 (692 ANDERTON ROAD)

1. INTRODUCTION AND APPROVAL OF LATE ITEMS: NIL

2. ADOPTION OF AGENDA:

- a. [Adoption of Agenda](#)

THAT the March 20, 2024, Regular Council Meeting agenda be Adopted.

3. DELEGATIONS:

- (4) a. [Kate Evans - Brief introduction on the Town's Parks and Trails Master Plan process](#)

4. ADOPTION OF MINUTES:

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

THAT the Minutes of the Regular Meeting of Council, held in Council Chambers on Wednesday, March 6, 2024, be Adopted.

5. COUNCIL COMMITTEE MINUTES AND REPORTS:

- (10) a. [Strategic Planning Committee Meeting Minutes](#)

THAT the Minutes of the Strategic Planning Committee Meeting, held in Council Chambers on Wednesday, March 13, 2024, be Received.

6. CONSENT AGENDA:

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

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

a. Tasos Stamadianos, Victoria & Vancouver Island Greek Community Society (VVIGCS), March 12, 2024, Proclamation, Flag-raising and Building Lighting request.

7. UNFINISHED BUSINESS:

- (14) a. [Zoning Amendment Bylaw No.1850.42 - 468 Pritchard Road](#)
1. *THAT the Comox Zoning Amendment Bylaw No. 1850.42 be given First Reading.*
 2. *THAT the Comox Zoning Amendment Bylaw No. 1850.42 be given Second Reading.*
 3. *THAT the Comox Zoning Amendment Bylaw No. 1850.42 be given Third Reading.*
 4. *THAT the Comox Zoning Amendment Bylaw No. 1850.42 be Adopted.*
- (54) b. [Make Back Road Safe \(February 7, 2024, Delegation\)](#)
- THAT a report on potential traffic changes to Back Road be submitted to Council in May after the City of Courtenay Council has received a staff report on the issue.*
- (66) c. [Comox Nautical Days Festival Committee- Terms of Reference](#)
- THAT the Comox Nautical Days Festival Committee Terms of Reference be Adopted.*

8. SPECIAL REPORTS: NIL

9. BYLAW ADOPTIONS:

- (76) a. [Fees and Charges Amendment Bylaw No. 2016.03](#)
- THAT the Fees and Charges Amendment Bylaw No. 2016.03 be Adopted.*

10. NEW BUSINESS:

- (77) a. [Development Variance Permit Application: DVP 24-2 - Variance to permit an accessory building within the front yard at 1186 Lazo Road](#)
- THAT Development Variance Permit DVP 24-2 for 1186 Lazo Road be issued subject to the Development Variance Permit Conditions listed in Schedule 1 of the March 20, 2024, Planning Report on DVP 24-2.*

11. NOTICES OF MOTION: NIL

12. CORRESPONDENCE:

- (92) a. [RCMP Community Priorities for Fiscal Year 2024-2025](#)
- ITEM SUMMARY: Referred from the March 13, 2024, Strategic Planning Committee Meeting.*
- (94) b. [Maxine Montgomery, Vice-President, Strata Council EPS 6615, Late Penalty](#)

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

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: Kate Evans		
Organization you are representing: Lanarc Consultants		
Primary purpose of Organization: Parks Planning, Engagement, Landscape Architecture		Number of members: 1
Mailing address of Organization: 405-256 Wallace Street Nanaimo, BC		Contact Name: Kate Evans Phone: 778 762 4800 x105
City: Nanaimo	Postal Code: V9R 5B3	Email: kate.evans@lanarcconsultants.ca
Subject matter: Town of Comox Parks and Trails Master Plan		
Specific request of Council, if any (i.e., letter of support, funding): Brief introduction to Council on the Town's Parks and Trails Master Plan process. A Council workshop is planned for June 12th.		
Requested meeting and date: March 20th 2024		AV equipment required: PowerPoint
Date of application: February 13, 2024	Signature of applicant:  2024.02.13 13:42:10 -08'00'	Print name: Kate Evans

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.

Copies: JW/SR/SA/RN/CD



TOWN OF COMOX
Minutes of the Regular Council Meeting,
held in Council Chambers on Wednesday March 6, 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
E. Henley, Director of Finance
M. Kamenz, Director of Development Services

Call to Order:

The meeting was called to order at 5:00 p.m. with 14 members of the public in attendance.

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.

1. INTRODUCTION AND APPROVAL OF LATE ITEMS: NIL

2. ADOPTION OF AGENDA:

a. Adoption of Agenda

Adoption of Agenda

THAT the March 6, 2024, Regular Council Meeting agenda be Adopted.

(2024.102) -- CARRIED

3. DELEGATIONS:

a. Mel McLauchlin - Potential impacts of Bill 44 on our urban forests

Delegation - Urban Forests

Mel McLauchlin from SOFT-CV presented concerns about Bill 44 affecting urban forests. The organization is asking Council to advocate for the protection of urban forests.

b. Richard Clarke, Dale Pateman, and Deborah Renz - Increased funding support to the Sid Williams Theatre

**Delegation - Sid Williams
Theatre Society**

Richard Clarke from the Sid William Theatre provided a presentation regarding theatre services provided to residents of Comox, including usage data. The organization is requesting increased funding support to the theatre starting at \$30,000 for 2024 and going up yearly to reach \$50,000 in 2028.

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, February 21, 2024, be Adopted.

(2024.103) -- 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. Cathi Arola, Make-A-Wish Canada, February 16, 2024, building lighting request

b. Thea Black, Ecole Puntledge Park Elementary, January 29, 2024, letters from grade 6 students

c. Rachael Quak, Parkinson Society British Columbia, February 27, 2024, building lighting request

d. Pete Chambers, Comox BIA, February 27, 2024, Importance of Infill and Development and New Federal Housing Accelerator Funding.

(2024.104) -- CARRIED

2. *THAT Item b. (Thea Black, Ecole Puntledge Park Elementary, January 29, 2024, letters from grade 6 students) be removed from the Consent Agenda for discussion.*

(2024.105) -- CARRIED

7. UNFINISHED BUSINESS:

a. 2024 Council Funding Requests

**2024 Council Funding
Requests**

1. *THAT Council approve \$30,000.00 in funding for the D'Esterre Seniors' Centre Association to hire an executive director.*

(2024.106) -- DEFEATED

*[Opposed: Councillors SBlacklock CHaslett KGrant JKerr
JMeilleur MSwift]*

2. *THAT Council approve \$40,000.00 in funding for the D'Esterre Seniors' Centre Association to hire an executive director.*

(2024.107) -- CARRIED

3. *THAT Council approve \$30,000.00 in funding for the Sid Williams Theatre for 2024 and send a letter highlighting that this is a one-year approval, with Council planning to review its approval policies in the future.*

(2024.108) -- CARRIED

a. 2024 Council Funding Requests

2024 Council Funding Requests

4. *THAT Council approve the funding requests listed in the March 6, 2024, Council Report from the CAO titled "2024 Council Funding Requests," with the exception of RCMP-Community Policing Crime Stoppers and Coalition to End Homelessness until after they have made a delegation to Council.*

AMENDING MOTION:

THAT the main motion be amended to add: or provided a written submission

(2024.109) -- CARRIED

5. *MOTION AS AMENDED:*

THAT Council approve the funding requests listed in the March 6, 2024, Council Report from the CAO titled "2024 Council Funding Requests," with the exception of RCMP-Community Policing Crime Stoppers and Coalition to End Homelessness until after they have made a delegation to Council or provided a written submission.

(2024.110) -- CARRIED

[Opposed: Mayor Minions, Councillor JKerr]

8. SPECIAL REPORTS: NIL

9. BYLAW ADOPTIONS:

- a. **PR 23-29 - Planning Procedures Amendment Bylaw No.1780.15 and Zoning Amendment Bylaw No.1850.40**

Delegation of Minor DVP's to Staff

1. *THAT the Comox Planning Procedures Amendment Bylaw No.1780.15 be Adopted.*

(2024.111) -- CARRIED

2. *THAT the Comox Zoning Amendment Bylaw No. 1850.40 be Adopted.*

(2024.112) -- CARRIED

9.1 UNFINISHED BUSINESS:

- a. **2024 Council Funding Requests**

2024 Council Funding Requests

1. *THAT a letter be sent to all organizations requesting grants this year informing them that Council intends to review its approval policies for future grants.*

(2024.113) -- DEFEATED

2. *THAT Administration research and propose a Policy for Cash and In-kind Grants at a future Council meeting; and,*

THAT, if changes are adopted, a letter be sent to all organizations requesting grants to notify them of any updates to the procedure.

(2024.114) -- CARRIED

10. NEW BUSINESS:

- a. **Development Variance Permit Application: DVP 23-10 to permit a non-conforming accessory building at 1771 Centennial Ave**

1771 Centennial Avenue

THAT Development Variance Permit DVP 23-10, for a proposed accessory building at 1771 Centennial Ave (as shown in Attachment 1 to the March 6, 2024 Planning Report on DVP 23-10), be issued subject to the Development Variance Permit Conditions listed in Schedule 1.

(2024.115) -- CARRIED

11. NOTICES OF MOTION: NIL

12. CORRESPONDENCE:

- a. **Pete Chambers, Comox BIA - Requesting Road Closure on June 22, 2024, for Summer Fest 2024**

Correspondence - Summerfest 2024

THAT the letter from Pete Chambers of the Comox BIA dated February 15, 2024, requesting a road closure for Summer Fest 2024 on Comox Avenue from Port Augusta Street to Church Street on Saturday, June 22, 2024, from 8:00 am to 6:00 pm, be received and the request granted.

(2024.119) -- CARRIED

- b. **Marusha Taylor - Pride Society of the Comox Valley - Proclamation and flag raising request**

Correspondence - Pride Society of the Comox Valley

THAT the request for community event recognition from Marusha Taylor of the Pride Society of the Comox Valley be received, and approval granted for a Proclamation on August 23-24, 2024, and a Flag-Raising on August 23, 2024.

(2024.120) -- CARRIED

- d. **Raymond Morin, President - d'Esterre Seniors Centre Association funding request**

Correspondence - d'Esterre Seniors Centre

THAT the February 20, 2024, letter from Raymond Morin of d'Esterre Seniors Centre Association requesting funding for an Executive Director position be received.

(2024.122) -- CARRIED

13. LATE ITEMS: NIL

14. REPORTS FROM MEMBERS OF COUNCIL:

- a. **Councillor Blacklock**

Councillor Blacklock advised that he attended the Comox BIA board meeting.

- b. **Councillor Swift**

Councillor Swift advised that she attended the Filberg Heritage Lodge and Park Association Board Meeting and reminded everyone to buy their memberships before the end of March.

- c. **Councillor Haslett**

Councillor Haslett advised that he met with the d'Esterre Seniors Centre and the Marine Operators.

d. Councillor Kerr

Councillor Kerr advised that the CVRD and City of Courtenay are working on a solution to finding another sani dump for the Comox Valley and he attended the following:

- CVRD Sewage Commission meeting and added a reminder about upcoming Sewer Conveyance Project traffic impacts;
- Comox Valley Social Planning Society meeting.

e. Councillor Grant

Councillor Grant advised that he attended the following:

- CVRD Water Committee meeting;
- Comox Valley Regional District Board meeting.

f. Councillor Meilleur

Councillor Meilleur advised that she attended the following:

- Food Policy Council Municipal Sub-Committee meeting;
- Food Policy Council meeting;
- Community Justice Centre meeting.

g. Mayor Minions

Mayor Minions advised that she attended the following events and advised of a number of upcoming events:

- Leadership Meeting Lunch with 19 Wing Comox, K'ómoks First Nation, and other Mayors;
- Comox BIA meeting.

17. RESOLUTION TO GO IN-CAMERA:

a. Exclude the Public

Exclude the Public

THAT the Public be Excluded from the In-Camera session of Council on Wednesday, March 6, 2024, pursuant to the following sub-sections of section 90 of the Community Charter:

(g)litigation or potential litigation affecting the municipality;

(2024.123) -- CARRIED

THE MEETING WAS CLOSED TO THE PUBLIC AT 6:38 P.M.

THE REGULAR COUNCIL MEETING RECONVENED AT 7:08 P.M.

18. RISE AND REPORT FROM IN-CAMERA: NIL

Adjournment:

Regularly moved and seconded that the meeting adjourn at 7:08 p.m.

CARRIED

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

MAYOR

CORPORATE OFFICER



TOWN OF COMOX
Minutes of the Strategic Planning Committee Meeting,
held in Council Chambers on Wednesday March 13, 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
E. Henley, Director of Finance
M. Kamenz, Director of Development Services
G. Schreiner, Fire Chief
S. Ashfield, Director of Operations

Call to Order: The meeting was called to order at 5:00 pm

The Agenda was Adopted.

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.

1. DEPARTMENTAL UPDATES: NIL

2. DELEGATIONS:

- a. **Shelley Ashfield (Director of Operations) - Draft Subdivision and Servicing Bylaw presentation**

Presentation - Engineering Department

The Director of Operations provided a summary with major decision points and next steps concerning the Draft Comox Subdivision and Development Services Bylaw.

- b. **Marvin Kamenz (Director of Development Services) - Draft Template Multi-Family Zones presentation**

Presentation - Planning Department

The Director of Development Services provided a summary of the implications of the new Apartment and Townhouse Zoning Regulations and Development Permit Area Guidelines.

- c. **Nancy Henderson (Urban Systems): Town of Comox Small-scale Multi-unit Housing Legislation**

Presentation - Housing Legislation

Nancy Henderson, Senior Local Government Advisor, delivered an overview of Bill 44 and legislation concerning small-scale multi-unit housing, addressing topics like the likelihood of redevelopment, zoning regulations, trade-offs, and considerations regarding land use and infrastructure, followed by outlining the subsequent steps in the process.

3. STRATEGIC PRIORITIES REPORT: NIL

4. STAFF REPORTS: NIL

5. CORRESPONDENCE:

- a. **RCMP Quarterly Reports - October 1 to December 31, 2023**

RCMP Quarterly Reports

The Comox Valley RCMP Detachment Quarterly Report for October 1 to December 31, 2023 was received for information.

- b. **RCMP Community Priorities for Fiscal Year 2024-2025**

RCMP Community Priorities

The RCMP Community Priorities for Fiscal Year 2024-2025 correspondence was received and deferred to the March 20, 2024, Council meeting to allow sufficient time for consideration of the priorities.

Adjournment:

Regularly moved and seconded that the meeting adjourn at 8:23 p.m.

CARRIED

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

CHAIR

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:		
Victoria & Vancouver Island Greek Community Society (VVIGCS)		
Primary purpose of Organization: Preserve the rich heritage of the Greek community and promote Greek culture, language, and the Greek Orthodox faith.		Number of members: 150
Mailing address of Organization: 4648 Elk Lake Drive		Contact Name: Tasos Stamadianos
		Phone: 2506341410
City: Saanich	Postal Code: V8Z 5M1	Email: tasos@tasos.ca
Type of Community Event Recognition Requested (choose all that you are requesting):		
☒ Proclamation March 25, 2024 (Dates – day, week or month)	☒ Flag-Raising March 25, 2024 (Dates - maximum 7 days)	☒ Building Lighting Blue & white (Colours - maximum 2 colours) March 25, 2024 (Dates - maximum 7 days)
Purpose of Event Recognition (please check all that apply):		
☐ Civic Promotion ☒ Arts and Cultural Celebration		
☐ Public Awareness Campaign ☐ Special Honour of Individual		
☐ Charitable Fundraising Campaign ☐ Other (specify):		
Description of Organization and relevant information related to your request (attach additional page if needed): VVIGCS aims to promote Greek culture throughout Vancouver Island. This cultural event represents all residents of the Comox and the Comox Valley who are of Greek ancestry.		
Has a similar request been submitted in the past five years?		
☐ YES (provide date of previous request): _____		☐ NO
Describe any special initiatives or events planned in the Town of Comox as part of this Event Recognition:		
Date of application: 12-Mar-2024	Signature of applicant: 	Print name: Tasos Stamadianos

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.

WHEREAS: The Greek Nation was established four thousand years ago;

AND WHEREAS: In the course of history, the Greek Nation has made numerous contributions to the progress of humanity, including the invention of philosophy, drama, and the introduction of democracy as well as the further of civilization through establishing of a communication bridge between East and West;

AND WHEREAS: The Greeks of Vancouver Island are celebrating and honouring the 203rd Anniversary of Greek Independence Day, March 25th, 1821:

NOW THEREFORE I, Nicole Minions, Mayor of Comox, do hereby proclaim March 25th, 2024, as "GREEK INDEPENDENCE DAY".

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 (4 Weeks Notice not given)
- ☐ 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.

To: Mayor and Council	File: RZ 23-1, DVP 23-5
From: Marvin Kamenz, Director of Development Services Regina Bozerocka, Planner II	Date: March 20, 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 Development Services	Municipal Engineer:  Shelley Ashfield Director of Operations	Finance:  Edward Henley Director of Finance	Report Approved:  Jordan Wall, CAO
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RECOMMENDATIONS FROM THE CHIEF ADMINISTRATIVE OFFICER:

1. That Comox Zoning Amendment Bylaw No. 1850.42 (**Attachment 1**) be given First Reading;
2. That Comox Zoning Amendment Bylaw No. 1850.42 be given Second Reading;
3. That Comox Zoning Amendment Bylaw No. 1850.42 be given Third Reading;
4. That Comox Zoning Amendment Bylaw No. 1850.42 be Adopted; and
5. That Development Variance Permit 23-5 be issued, subject to development variance permit conditions listed in **Schedule 1** of the March 20, 2024 Planning Report on RZ 23-1/ DVP 23-5.

ALTERNATIVES TO THE RECOMMENDATIONS

Alternative 1 – after giving 1, 2 and 3 Reading, postpone consideration of adoption of proposed bylaw and DVP issuance to the next Regular Council Meeting:

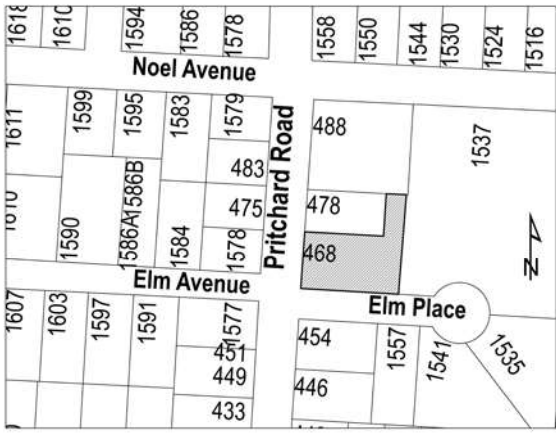
1. That Comox Zoning Amendment Bylaw No. 1850.42 (**Attachment 1**) be given First Reading;
2. That Comox Zoning Amendment Bylaw No. 1850.42 be given Second Reading; and
3. That Comox Zoning Amendment Bylaw No. 1850.42 be given Third Reading.

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 regulations for 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 and staff analysis were included in the February 21, 2024 Introductory Report (copy in **Attachment 2**).

REPORT SUMMARY

Subject Property:	
468 Pritchard Road (corner Elm Place) Legal Address: PID 003-201-121, Lot 1, Section 76, Comox District, Plan 22955 Property Size: approximately 1,600 m² Owners: the Huskas family Applicant: Hal Martyn P.Eng.	
Property Contains:	One single-family dwelling (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	• 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
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Key Issues were outlined in February 21, 2024 Introductory Report (**Attachment 2**).

Council Decisions

Decision options

Implications

Recommended

Consideration of First, Second and Third Readings, and Adoption of Comox Zoning Amendment Bylaw 1850.42

Consideration of DVP 23-5



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.
Should Council decide to issue DVP 23-5 as included in Schedule 1, the proposed variances will freeze any future Subdivision Bylaw requirements that would be applicable to development of up to 4 residential units on the subdivided lots after June 30, 2024.¹

Alternative 1

Consider First, Second and Third Readings of Comox Zoning Amendment Bylaw 1850.42



Postpone consideration of proposed bylaw Adoption and DVP 23-5 issuance to the next Regular Council Meeting (RCM).

¹ Town DVP permits lapse 24 months after issuance if proposed development has not substantially commenced. In this case, a complete subdivision application submission would constitute substantial commencement and freeze the DVP.



PROCESSING PROCEDURES

Requirements for Rezoning Bylaw Adoption: in accordance with the recent amendments to the *Local Government Act*, public hearing is prohibited for this application. Town gave a public notice of Council consideration of First Reading². 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. This is a change in powers from previous and the first time it is being recommended within the Town. Should Council decide to have a break between Third Reading and the Fourth (Adoption), Alternative 1 recommendations allow to postpone it to the next Regular Council Meeting.

As of the date of writing this report, no public submissions have been received by the Town. Correspondence received in advance of the March 20, 2024 RCM will be distributed to Council prior to commencement of the RCM.

DEVELOPMENT PERMIT VARIANCE IMPLICATIONS

This application was submitted to facilitate a 3-lot single-family subdivision of the subject property. The proposed variances do not vary current use of the subject property – single-family residential, therefore on each of the residential lots created with DVP 23-5, up to 4 units will be permitted after June 30, 2024. This is reflected in draft DVP 23-5 included in **Schedule 1**.

MK/ RB

Schedule 1: Proposed DVP 23-5

Attachments:

1. Proposed Bylaw 1850.42
2. Copy of Introductory Report, dated February 21, 2024.

² Letter with RZ 23-1 notice of First Reading consideration and DVP 23-5 notice to owners and residents within 75 metres radius from the subject property were mailed out. Newspaper notice has been published in 2 consecutive weeks before the RCM and published on the Town website. Introductory report, applicant's submission, draft of proposed bylaw and DVP are also published on Town website.

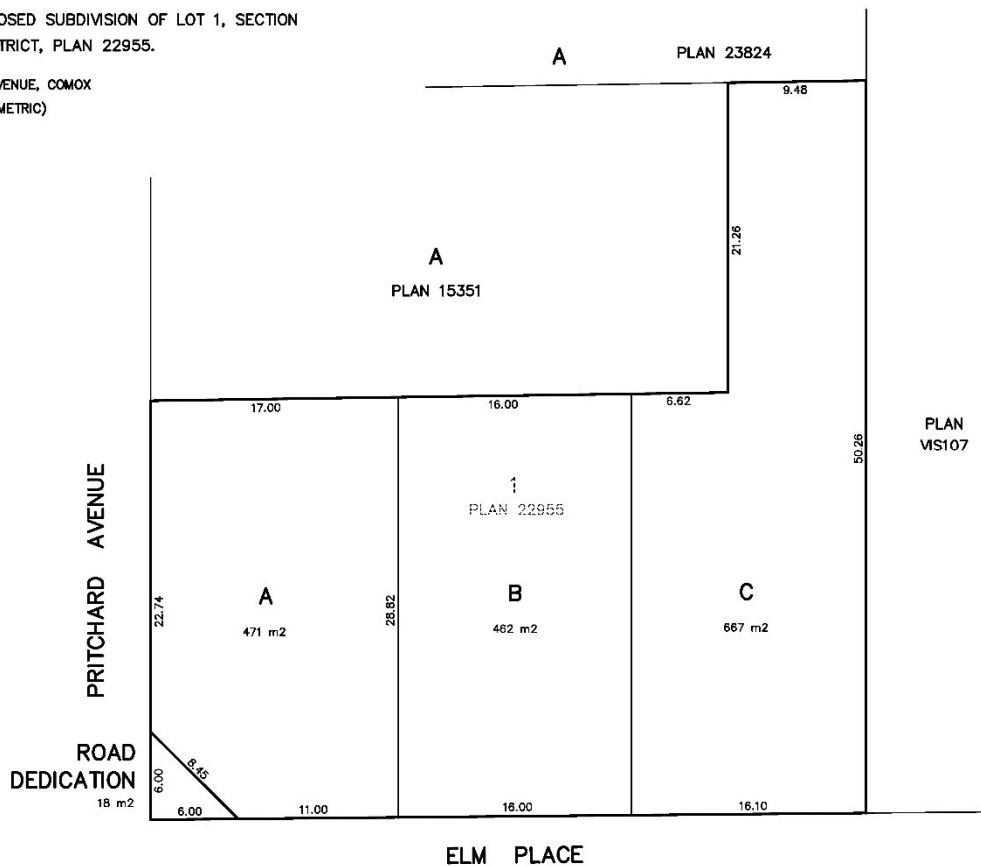


PROPOSED DEVELOPMENT VARIANCE PERMIT DVP 23-5

1. This Development Variance Permit is to permit a subdivision of the subject property in substantial compliance with Plan of Proposed Subdivision of Lot 1, Section 76, Comox District, Plan 22955, dated November 21, 2022 in Schedule 1, attached to and forming part of this permit.
2. This Development Variance Permit also permits development under Local Government Zoning Bylaw Regulation, prescribed number of housing units on a parcel of land.
3. The Town of Comox Subdivision and Development Servicing Bylaw, 1261 is hereby varied as follows:
 - A. Schedule C.1, Appendix "C" and standard Drawing SC-8 Rollover Curb and Gutter Specifications for Highways, Table C-1 Minimum Requirements, Roadway Widths, Curbs and Sidewalks:
 - Local Urban Road
 - Road dedication width
 - From: 20.0 metres, to: 15.24 metres
 - Type of curb:
 - From: Rollover concrete curb, to: asphalt roll over curb
 - Sidewalks:
 - From: minimum 1.5 metres wide concrete sidewalk, to: no sidewalk
 - B. Schedule C.1, Appendix "G",
 - Section 1.2.1, Specifications for underground wiring and street lighting
 - From: With respect to subdivision, all wiring shall be underground
 - To: no undergrounding of wiring, provided the parcels can connect directly to existing overhead wiring
 - Section 3.1 Design of Street Lighting
 - From: The level of street illumination shall be determined by the Consultant so as to ensure the night time safety of motorists and pedestrians and to facilitate an orderly and safe flow of traffic but, in no case, shall the illumination be less than 0.6 foot candles. The ratio between the average lighting level and the minimum level shall not exceed 6 times.
 - To: no assessment of street illumination and no upgrades to street lighting

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

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



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

ATTACHMENT 1

PROPOSED BYLAW 1850.42



BYLAW 1850.42
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 1850.42"

2. Amendments

Comox Zoning Bylaw 1850 is hereby amended as follows:

- A. Schedule "B" (the Zoning Map) is amended by rezoning the property legally described as PID 003-201-121, Lot 1, Section 76, Comox District, Plan 22955, shown shaded on **Schedule "1"** which is attached to and forms part of this Bylaw, from R1.1 Single-Family to R4.1 Single-Family – 350 m² Parcel.
- B. 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

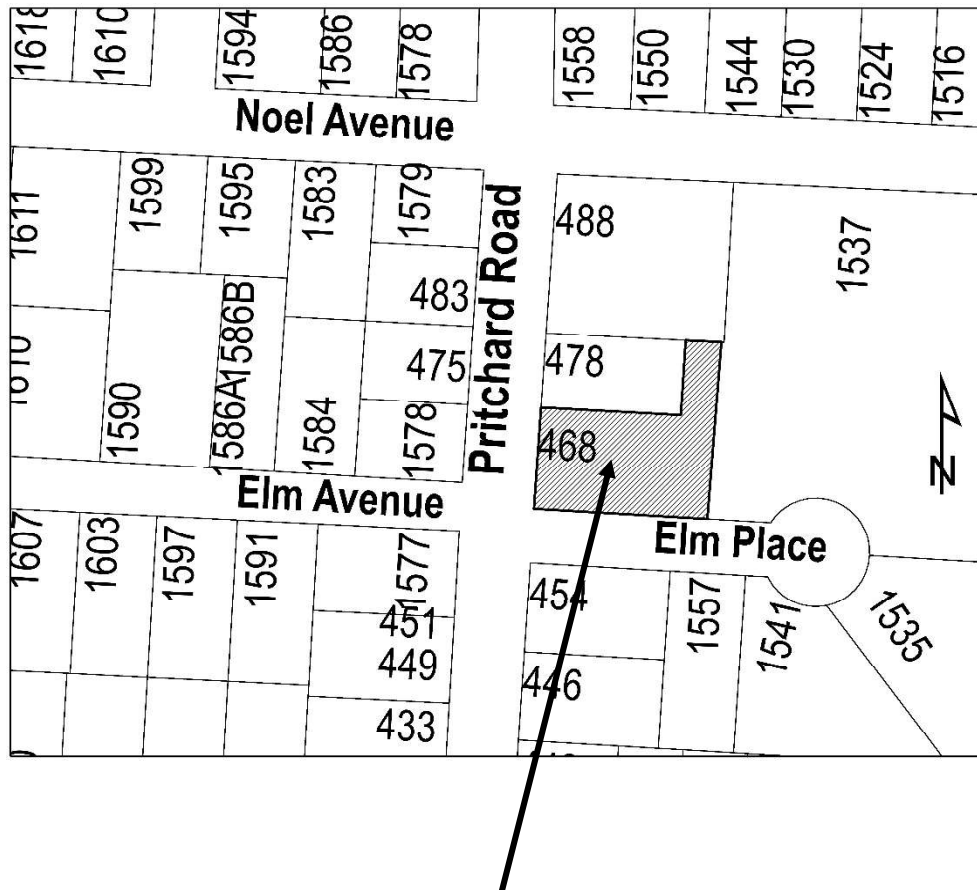
- | | | |
|-----|-------------------------------|-------------------------------------|
| (1) | ADVERTISED A FIRST time this | 6 th day of March, 2024 |
| (2) | ADVERTISED A SECOND time this | 13 st day of March, 2024 |
| (3) | READ A FIRST time this | th day of , 2024 |
| (4) | READ A SECOND time this | th day of , 2024 |
| (5) | READ A THIRD time this | st day of , 2024 |
| (6) | ADOPTED this | st day of , 2024 |

Mayor

Corporate Officer

BYLAW 1850.42
SCHEDULE "1"

SUBJECT PROPERTY



Subject Properties:
468 PRITCHARD ROAD
PID 003-201-121
Lot 1, Section 76, Comox District, Plan 22955

ATTACHMENT 2

COPY OF FEBRUARY 21, 2024 INTRODUCTORY REPORT



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.

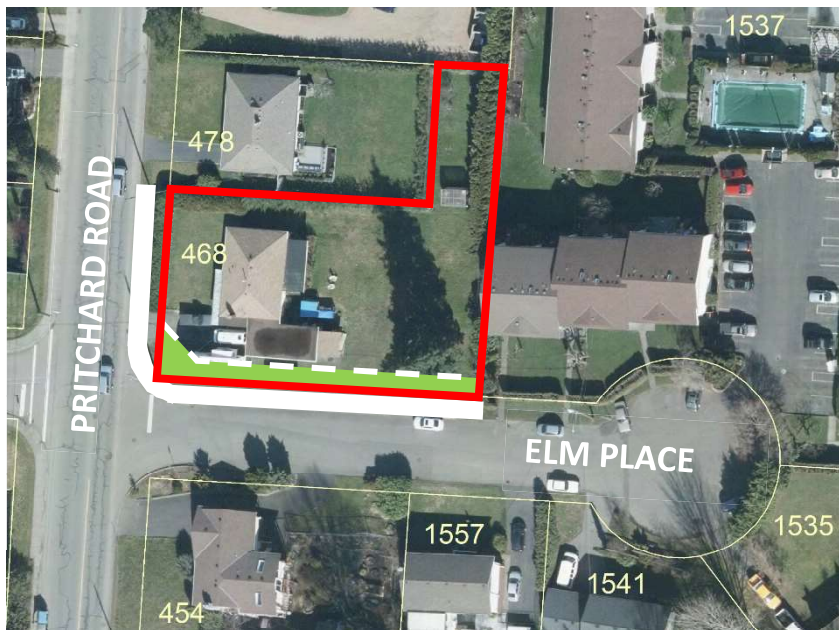
That Rezoning RZ 23-1 and Development Variance Permit 23-5 consideration be postponed until Town conducts Complete Communities Growth Assessment, and undertakes a review of infrastructure impacts of new provincial zoning mandates.

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:	
468 Pritchard Road (corner Elm Place) Legal Address: PID 003-201-121, Lot 1, Section 76, Comox District, Plan 22955 Property Size: approximately 1,600 m² Owners: the Huskas family Applicant: Hal Martyn P.Eng.	
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)	• 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

Recommended

Concurrent processing of rezoning and development variance permit applications.



Implications

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

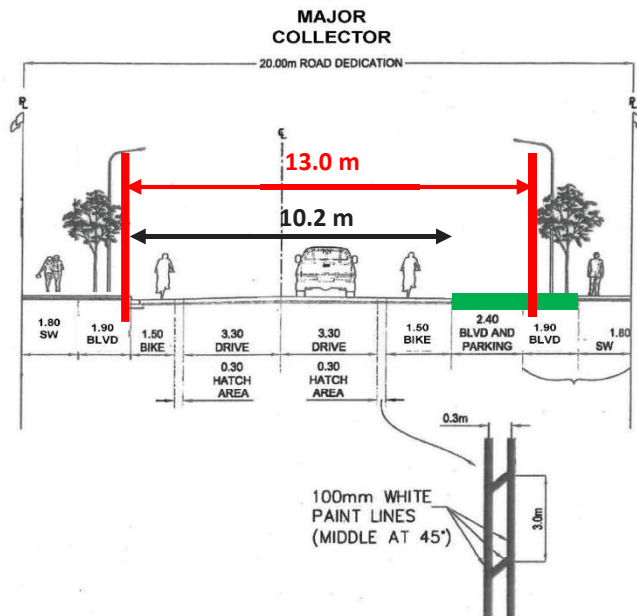
Current standard per Subdivision Bylaw:

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.

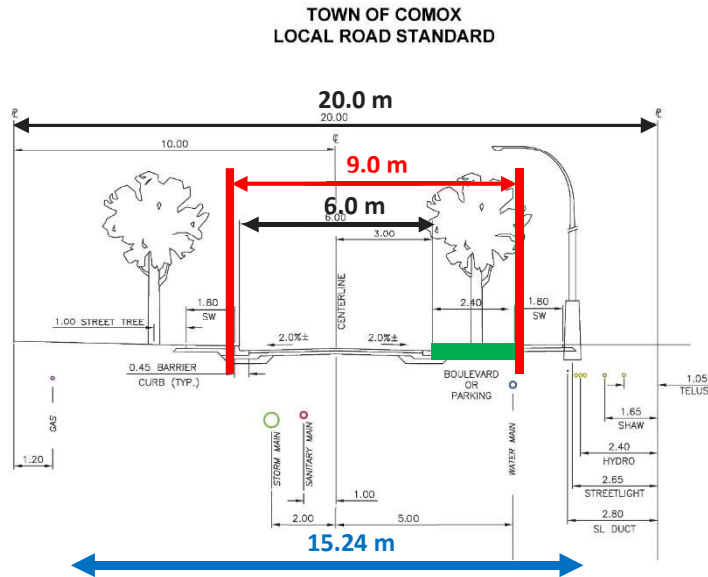
Pritchard is a major school route with a boulevard currently utilized by pedestrians despite the absence of a sidewalk. Identified needs from the 2011 Transportation Study and 2020 Transportation Master Plan Update include a sidewalk and buffered bike lanes. Pritchard Road is a significant route for 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

DPAs 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

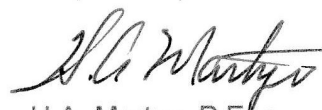
The creation 3 smaller single family homes (2 new) in this existing neighbourhood will have minimal impact on the existing single family neighbourhood. There is already a multi-family development at the end of Elm Place, which has been in existence for many years, likely since the 1970's. The three new 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.

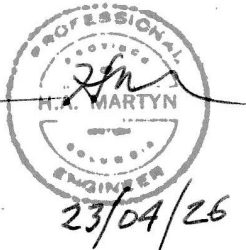
The Owner has had some initial informal discussion with a few neighbours in the Single Family lots nearby. The neighbours were shown the proposed lot layout plan indicating the number of lots proposed. There was no discussion of servicing infrastructure. There has been no consultation to date with any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

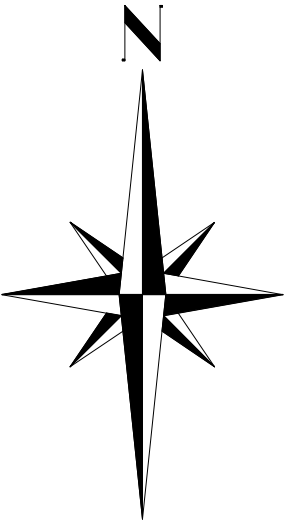
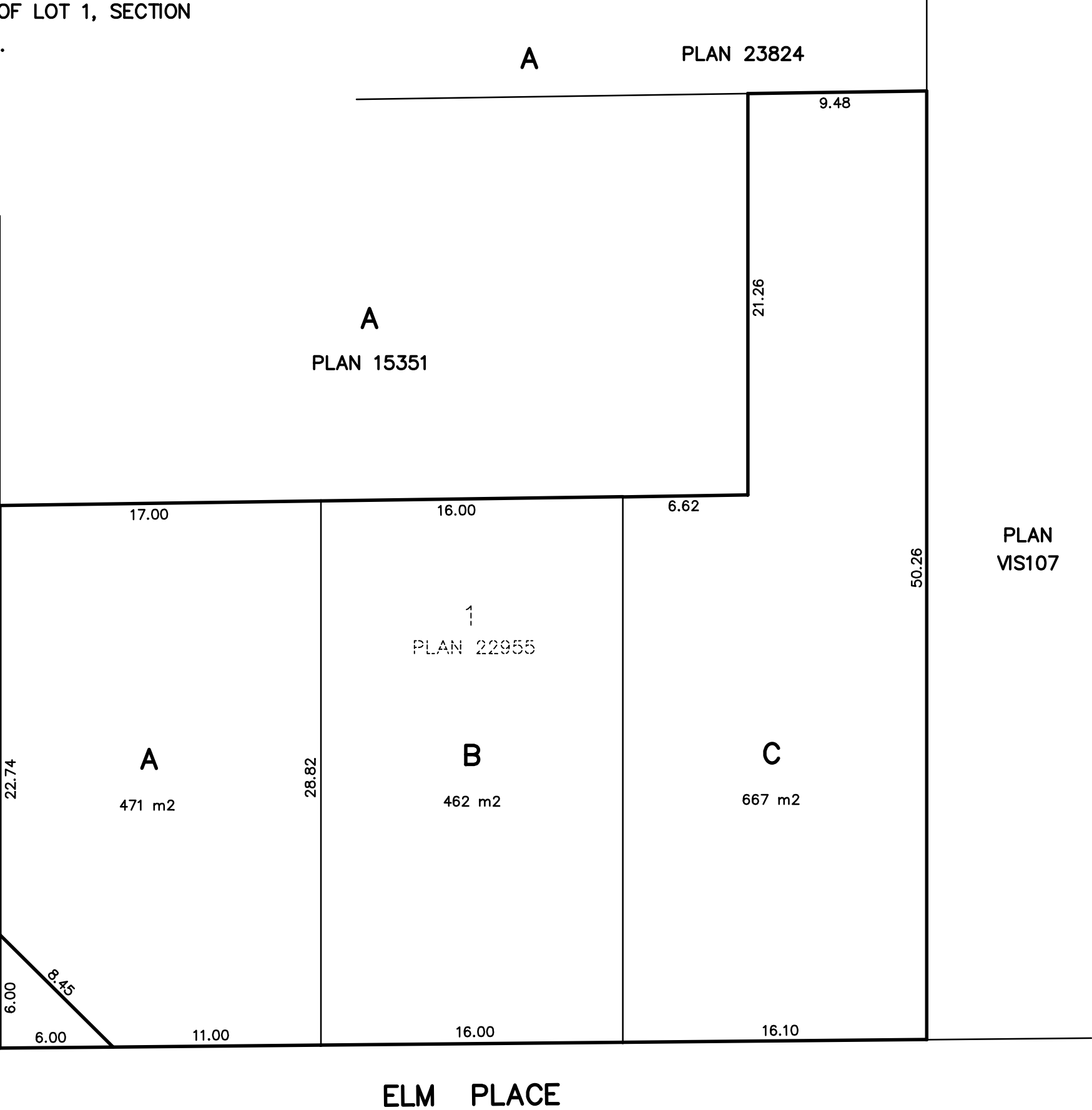
Thanks,
Hal Martyn, P.Eng.
Consulting Engineer
Tel: 250-334-2338
Cel: 250-898-7210

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

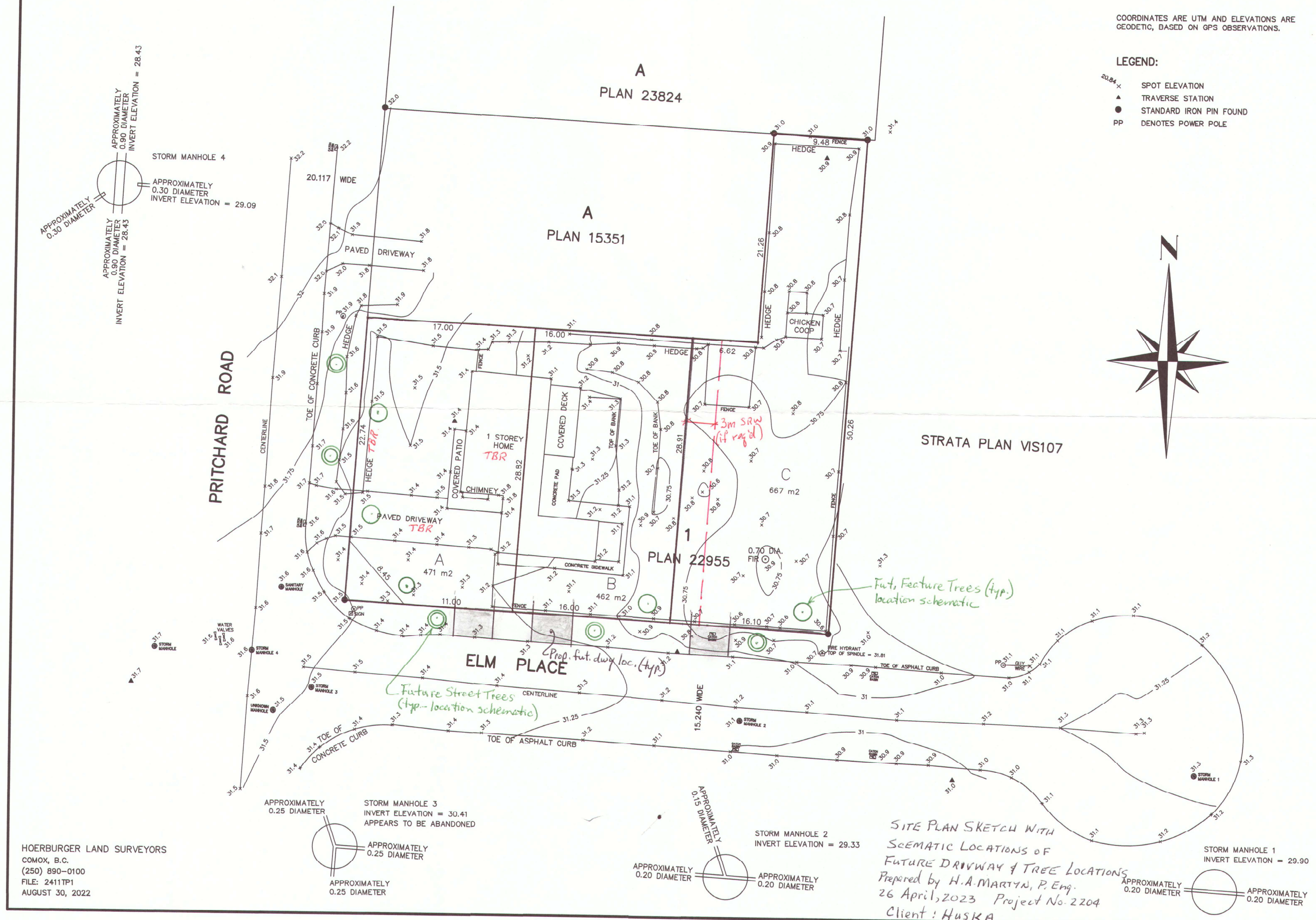


HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890-0100
FILE: 2411PR1 NOVEMBER 21, 2022

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

LEGEND:

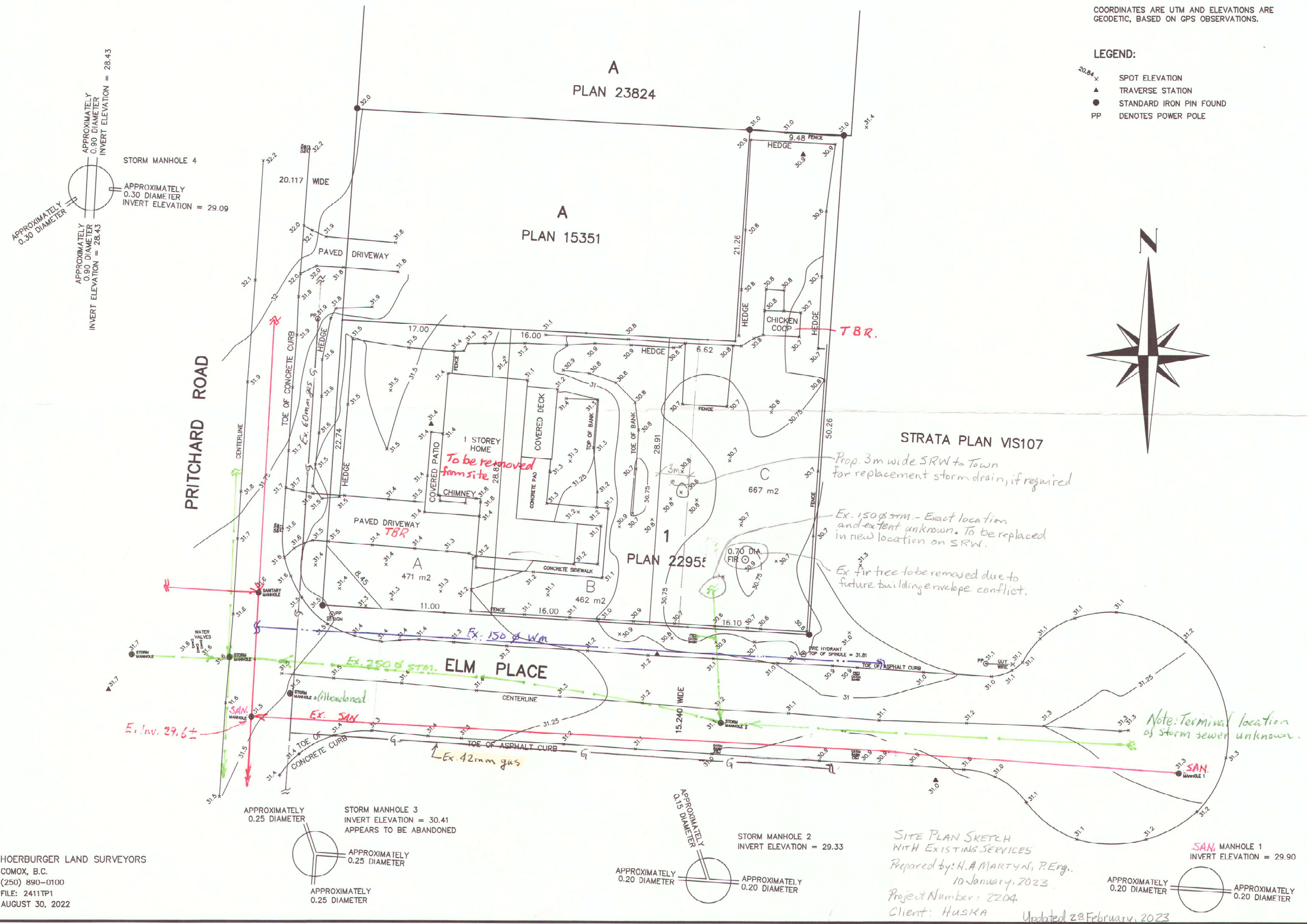
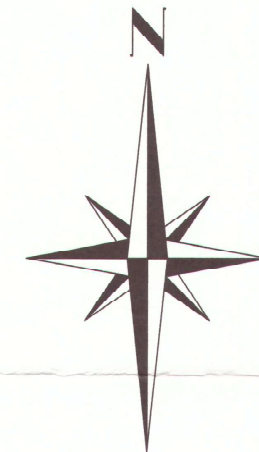
- 20.84 x
 ▲ SPOT ELEVATION
 ● TRAVERSE STATION
 ● STANDARD IRON PIN FOUND
 PP DENOTES POWER POLE



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

LEGEND:

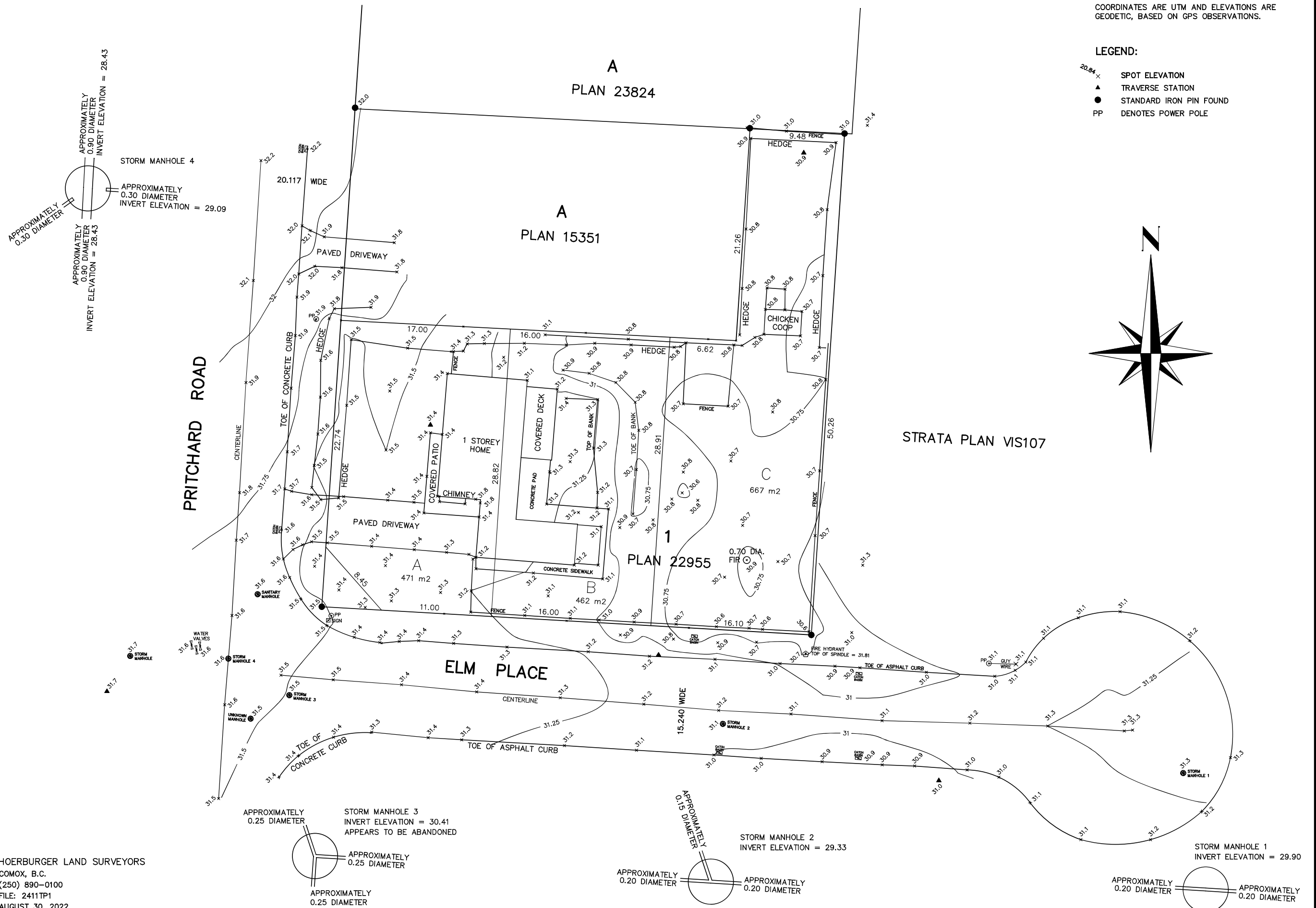
- 20.84 x
▲ SPOT ELEVATION
● TRAVERSE STATION
● STANDARD IRON PIN FOUND
PP DENOTES POWER POLE



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

LEGEND:

-



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]
C

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 [REDACTED]
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

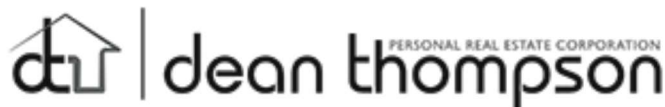
From: Dean Thompson Real Estate dean@deanthompson.ca
Subject: 468 Pritchard Road Support
Date: Sep 8, 2023 at 4:38:48 PM
To: Michael Huska michaelhuska@gmail.com

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...

TOWN OF COMOX

BYLAW 1850.42

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 1850.42"

2. Amendments

Comox Zoning Bylaw 1850 is hereby amended as follows:

- A. Schedule "B" (the Zoning Map) is amended by
rezoning the property legally described as PID 003-201-121, Lot 1, Section 76,
Comox District, Plan 22955, shown shaded on **Schedule "1"** which is attached to
and forms part of this Bylaw, from R1.1 Single-Family to R4.1 Single-Family – 350
m² Parcel.
- B. 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) ADVERTISED A FIRST time this 6 day of March, 2024
- (2) ADVERTISED A SECOND time this 13 day of March, 2024

- | | | | |
|-----|-------------------------|--------|--------|
| (3) | READ A FIRST time this | day of | , 2024 |
| (4) | READ A SECOND time this | day of | , 2024 |
| (5) | READ A THIRD time this | day of | , 2024 |
| (6) | ADOPTED this | day of | , 2024 |

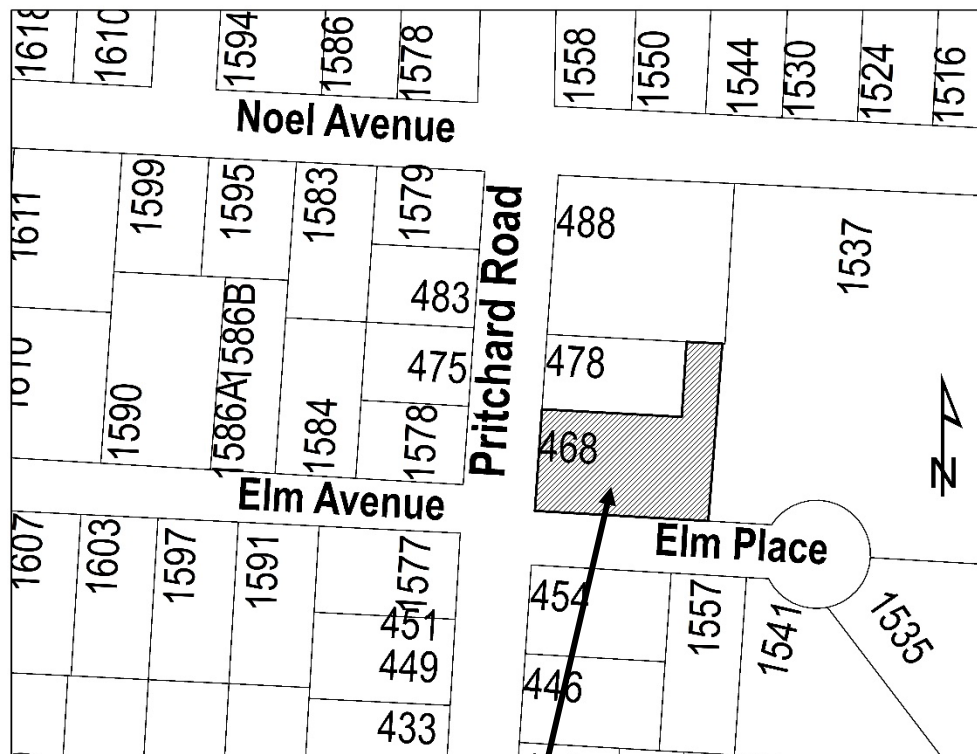
Mayor

Corporate Officer

BYLAW 1850.42

SCHEDULE "1"

SUBJECT PROPERTY



Subject Properties:
468 PRITCHARD ROAD
PID 003-201-121
Lot 1, Section 76, Comox District, Plan 22955

TO: Mayor and Council	FILE:
FROM: Jordan Wall, City Manager	DATE: March 15 th 2024
SUBJECT: Back Road Traffic Change Requests	

Report Approved:



Jordan Wall, Corporate

RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

THAT a report on potential traffic changes to Back Road be submitted to Council in May after the City of Courtenay Council has received a staff report on the issue.

BACKGROUND

On February 7th Council received a delegation from a community group called "Make Back Road Safe" and request a staff report be submitted in March.

The delegation requested the following:

- 1) For the Town to implement a 40km/h speed limit on Glacier View Drive
- 2) Change the road classification of Glacier View Drive to a Neighbourhood Collector (currently minor collector)
- 3) Installation of Speed Humps

The totality of Back Road which includes Glacier View Drive is regulatorily complicated as it goes through three jurisdictions: Ministry of Transportation and Infrastructure, the City of Courtenay, and minimally through the Town of Comox.

The City of Courtenay has currently placed some non-regulatory speed signs in the area and will receive a staff report with recommendation sometime in April. Due to the majority of this road being outside of the Town's jurisdictions staff are recommending the Town take a wait and see approach and follow the changes decided by the other jurisdictions.

PETITION to the Town of Comox

- 1) We petition the Town of Comox to **implement a 40 km/h speed limit on Glacier View Drive**, to conform with the speed change adopted in the City of Courtenay, that will affect our shared roadway.
- 2) We petition the Town of Comox to **designate Glacier View Drive as a Neighbourhood Collector Road** in recognition of the direct access of residential driveways and local roads to the right-of-way and the shared purpose for the enjoyment of residents.
- 3) We petition the Town of Comox to take immediate steps toward **installing calming measures such as speed humps (tables or cushions)** to act as a deterrent for the hundreds if not thousands of vehicles that will use Glacier View Drive/Back Road as their preferred detour route during the Sewer Conveyance Project; and, to enforce 24/7 speed compliance now and into the future.

NAME	ADDRESS	SIGNATURE

Volunteer Name / Signature: _____

November 6, 2023

Mayor & Members of Council
City of Courtenay
830 Cliffe Ave, Courtenay V9N 2J7

Board of Directors, CV Regional District
770 Harmston Avenue, Courtenay V9N 2X6

Mayor & Members of Council
Town of Comox
1809 Beaufort Ave, Comox V9M 1R9

BC Ministry of Transportation & Infrastructure
550 Comox Avenue, Courtenay V9N 3P6

Dear Mayors, Members of Council, CVRD Directors & MoTI Representative:

Re: CVRD – Traffic Management Strategy

You will have received our letter dated October 18th outlining the current issues and unsafe conditions on Back Road. We have subsequently received a copy of the CVRD *Traffic Management Strategy* (TMS) for the *Sewer Conveyance Project*, adopted in August 2023. We are frankly appalled that the *Traffic Management Strategy* for Back Road lacks any meaningful measures to protect our residential neighbourhood from the effects of a major traffic interruption during the Construction Project. The *Strategy* was written without consultation or input from the people who live on Back Road and in our opinion it is worthless.

It is not so much a *Strategy* for Back Road, but an unfocused discussion. The first suggestion [Section 5.4, p24] doesn't relate to the primary objective of (non-local traffic) deterrence and the second is absurd given the design and state of the roadway. In fact, the entire section dedicated to Back Road is presented in a manner that suggests the ideas will not be implemented at all.

Following the *Potential Calming Measures* [p24] it states; '*while these measures can help discourage use of this corridor as a detour route, these measures and speed humps in particular are often not universally supported by residents. Therefore, the benefits of traffic calming should be weighed against the impact on residents and an appropriate balance sought. Increased police enforcement will also support the use of appropriate speeds.*' Speed is not the purpose of the TMS, although it is one of our ongoing concerns. The

entire TMS seeks to manage the traffic flow with mitigation steps to ensure traffic is using the designated arterial detour routes. Therefore the singular purpose of the *Strategy* planned for Back Road should be to mitigate the damaging effect of potentially thousands more vehicles detouring into a residential neighbourhood and bypassing the designated arterial detour routes.

The ideas put forth are incongruent with the sheer scope of the traffic that will overwhelm our neighbourhood during the *Sewer Conveyance Project*. To suggest that we endure thousands more vehicles transiting Back Road is ludicrous and unacceptable. Even more ludicrous is the suggestion that Police speed enforcement will be important once all the cars detour onto Back Road. The police have already indicated to us that it is unsafe to operate effective speed enforcement on Back Road. If there is no effective deterrence, we believe that residents would choose a barricade at each access point to stop the non-local traffic, never mind speed humps.

The TMS estimates the daily number of vehicles on Back Road at 2000-2500 per day when the actual number is 5400 VPD according to the recent traffic study conducted by the City of Courtenay. Our neighbourhood is already overwhelmed by traffic volume, excessive speeds and reckless driving behaviour. There is also increasingly more commercial truck traffic transiting and also exceeding posted speeds.

We are regularly referred to the Police who have been unable to respond to our complaints. The Police are not about to step into the role of stopping or discouraging non-local traffic from using Back Road, so to imagine the Police are going to enforce speeds and/or stop non-local traffic is delusional thinking in our opinion.

The *Traffic Management Strategy* fails Back Road residents and raises many questions including:

- Why are there no specific measurable steps, actions and goals set out to deter or discourage traffic from rerouting onto Back Road?
- How does a speed board deter/discourage drivers from using Back Road when the neighbourhood is already overrun with non-local traffic using this Road as a *rat running route? **cut through driving; using residential side streets or any unintended shortcut instead of main road*
- How would the curb extensions be installed on a narrow road without curbs, shoulders or sidewalks?
- If local knowledge and information is not utilised for the purpose of developing an effective *Strategy*, what can we expect from an outside Project contractor who has no local authority or knowledge?
- What data or other information will the Contractor rely on to make decisions or to take steps once the traffic problems unfold?

- Why was the TMS approved, when the governing bodies are fully aware of the current problems that exist on Back Road?

Increasing traffic volumes combined with excessive speed have brought residents together to sound the alarm over issues of safety and livability on Back Road. We are acutely aware of the profound impact a Construction Project of this magnitude and duration will have on us. The problems that exist today have escalated quickly and will be compounded enormously by this project.

The greatest volume of traffic transiting Back Road today is entering from Ryan Road, Comox Avenue and Lerwick via MacDonald where drivers bypass the arterial routes and use this residential road as their personal arterial thoroughfare route. What do we predict will happen when there is just one lane westbound on Comox Avenue and all eastbound traffic is diverted to Ryan Road? We guarantee that Back Road will become a convenient right hand turn from all three arterials for thousands more vehicles and the greatest volume will be from the eastbound traffic on Ryan Road or from Lerwick via MacDonald.

The partners with jurisdictional responsibility for Back Road should install speed humps along the entire length of Back Road as the first and most effective measure to deter traffic volume and speeds. Our previous recommendation for a minimum of three 3-way stops located at MacDonald, Marsland and Valley View should be a priority before the Project starts. In our opinion, speed humps should also be placed around the playground on McDonald and perhaps even a 3 way stop at Lancaster to further deter the traffic that will rat run during the Project. As recent as last May, the speed board on MacDonald confirmed that the majority of drivers speed excessively through the playground zone.

Effective mitigation measures on McDonald and Back Road, combined with a 40 km/h speed limit on both, would severely reduce the desirability of using Back Road as a rat running route and keep traffic on the major arterial routes where it belongs.

A combination of speed humps, stop signs and a reduced speed limit (and if necessary, a barricade at Courtenay's southern boundary) are all critical to restoring neighbourhood safety and livability both during this two-year project and into the future.

In our previous letter, we stated that we have met with residents along the entire 3.3 km length of Back Road; however, the actual distance between Ryan Road and Comox Avenue is 4.6 km. Residents on Back Road and Glacier View Drive who live within the City of Courtenay, CVRD, First Nation or the Town of Comox, are involved in the *Make Back Road Safe* campaign.

The CVRD's *Traffic Management Strategy* planned for Back Road does not meet the standard of protecting or preserving the safety and livability of our residential

neighbourhood. We request that there is a consultation process with the *Make Back Road Safe* Steering Committee who have done their homework, have the local knowledge and can speak with confidence about the needs of our neighbourhood. Through this process we can develop effective solutions to protect and preserve our neighbourhood safety during this Project.

Yours truly,

Carolyn & David Rice
On behalf of the Residents of Back Road

c: Back Road residents

COPY

Carolyn & David Rice

1976 Back Road, Courtenay, BC V9N 9C4
email: makebackroadsafe@gmail.com

October 18, 2023

Mayor & Members of Council
City of Courtenay
830 Cliffe Ave, Courtenay V9N 2J7

CV Regional District Board of Directors
770 Harmston Avenue, Courtenay V9N 2X6

Mayor & Members of Council
Town of Comox
1809 Beaufort Ave, Comox V9M 1R9

BC Ministry of Transportation & Infrastructure
550 Comox Avenue, Courtenay V9N 3P6

Dear Mayors, Members of Council, CVRD Directors & MoTI Representative:

Re: Make Back Road Safe

Over the past several months we have met with our neighbours along the entire 3.3 km length of Back Road to hear their views on neighbourhood traffic and how it may be impacting them. We knew immediately that we had tapped into what would become an outpouring of concern over the transformation that is taking place in our neighbourhood. The effect of that change is overwhelming and concerning for residents who have lived here for 3 years or for 30+ years.

To imagine 8,000 vehicles per day transiting along Back Road, as projected in the City of Courtenay's 2005 Traffic Study Report, seems incomprehensible to residents. Given the current design, engineering and poor state of this Road, it is alarming to envision traffic levels that could potentially reach 3 times the current estimated level. We live on a road that is collapsing along it's edge and bordering a steep embankment from 10th Street to the First Nations and the design and engineering has not been improved since it was built 75 years ago to move farm vehicles.

Exiting our driveways is an increasingly difficult challenge and that's before we navigate the road where multiple cars are riding our bumper, passing when it's unsafe and pull around where there are no shoulders.

There are no sidewalks, no shoulders, no parking, no safe access for pedestrians or cyclists, blind corners, poor sight lines, steep driveways, hidden driveways, acute angled driveways, and driveway grades that make it impossible to check for oncoming traffic before you are out on the roadway.

There are 125 homes with driveways that have direct access to the right-of-way, and 13 direct access roads with both small and large numbers of homes that use Back Road to

transit to an Arterial road. We face an ever more perilous situation just exiting or entering our driveways because of the increased traffic volume and high speeds

Over time we have observed that when non-local traffic is re-routed from Comox Avenue onto Back Road, more and more drivers discover that this route is faster than the Arterial routes. After the completion of the multiple high-density residential developments in Comox over the past two years, we have noticed another increased wave of traffic on Back Road. The detour route from those developments is off Lerwick or Lancaster down MacDonald to Back Road. The route avoids any traffic lights, stop signs, or speed enforcement. The stop sign at MacDonald doesn't slow most drivers as they roll right through the intersection onto Back Road. The intersection is poorly designed, as admitted by MoTI, and the danger is that vehicles need to move past the stop sign to check for oncoming traffic.

Back Road has been transformed into a 24/7 thoroughfare that increasingly feels like an Arterial route, and that makes our lives increasingly unsafe. There have been a number of accidents at Valley View, regular near head on collisions in the hairpin, and weekly incidents at MacDonald all due to speed, visibility issues and reckless driving behaviour. As was kindly pointed out to us by a City staff person, '*no one has been killed, yet*'.

Residents who see and hear the high-speed traffic and have encountered reckless drivers, will not risk their life riding a bicycle or walking along this Road. The effect is that people have stopped these activities altogether. A paved shoulder would be a vast improvement over what exists right now. In the 2005 City of Courtenay Traffic Study the reference to a *Collector Road* states that, *in residential areas sidewalks should be provided on both sides*. We raise this issue further on, but suffice to say that we suspect building sidewalks on Back Road would be a multi-million dollar rebuild.

High Speed = Increased Noise Levels

The noise caused by high-speed traffic causes sleep deprivation, stress, and anxiety and together these symptoms have long term health consequences. Studies show that noise levels and its effect in residential neighbourhoods is exponentially worse with even small incremental increases in vehicle speed.

MacDonald & Back Road Speed Boards

In May, a Speed Board was installed in the 30 km/h playground zone on MacDonald, registering speeds between 63-89 km/h. MacDonald is one of the most travelled access routes to Back Road, making our respective neighbourhoods the favourite route for Comox residents transiting to Courtenay and beyond.

Residents celebrated when the City installed three Speed Boards on the Courtenay section of Back Road in August. During the 4-week period some thought there was a minor change in driver speeds, however once the Boards were removed, the same reckless speed patterns have returned.

Policing & Enforcement

The Police are too busy to log our complaints any longer and they do not respond to our calls to intercept street racers. In fact, on any warm summer evening multiple street racers streak past our homes at excessively high speeds and the only ones alarmed by this are those of us who live here.

Recently we were advised by the Police Inspector that Back Road is not safe to have an Officer operate speed enforcement or to safely pull over a speeding vehicle. We know it's not safe, because we live here. And yet with every call to any branch of government we will be referred to take our complaints to the Police.

There are insufficient resources for active and ongoing speed enforcement in the Comox Valley, and Back Road is just one area impacted by this reality. We feel it is negligent to expect that it is remotely possible for two full time traffic officers in our Police detachment to effectively provide enforcement for the entire Comox Valley and Regional District with a population of 95,000 residents.

Based on our reading of the Q2 Police report, the total *Traffic Incidents* were 286 over a 3-month period, an average of 95 Traffic Incidents per month and 48 incidents for each of the two Traffic Officers. Even if the *Total (monthly) Incidents* represented speed violations only, it doesn't begin to address the speed epidemic. To underscore the scope of the problem, we parked along MacDonald Road adjacent to the 30 km/h Park zone on a Friday afternoon and counted 87 drivers *speeding excessively* in a 50-minute period. The result corresponds with the Speed Board findings from a few months earlier.

The presence of a Police Officer conducting a neighbourhood drive-through is not effective speed enforcement nor will it have any effect, beyond the moment, in people's driving behaviour. Speeding and excessive speeds is a 24/7 problem that will not be solved through Policing. The most discouraging aspect in what we've learned over the past six months is just how absent enforcement is at all levels of government for vehicle related violations. However it does explain why we're here and why the problem is of epidemic proportions.

Camera Speed Enforcement

Over 70% of British Columbians support the use of photo speed enforcement, and support levels are consistent over a 5-year period. While we agree that it is an effective solution for speed enforcement, the Province would not grant authority to Municipalities for its use in 2017, suggesting instead that there were other tools available. The Province meanwhile uses camera enforcement on Provincial highways. Many larger Cities have implemented calming measures, reduced speeds, blocked residential streets to eliminate speedways, and introduced noise cameras Courtenay has just started down this path. We urge the Comox Valley governing bodies to pursue their demand that the Province extend authority to Municipalities to use camera enforcement and that this would include the Province setting up a meaningful enforcement strategy.

Speed Limits, Driveways, Blind Corners, etc.

To understand one of the challenges when it comes to speed, just take a drive along Back Road starting at the SE boundary before the hairpin. There is a slow to 30km/h sign, and in less than a 100m stretch, Morrison enters at an acute angle from the downhill side and on the uphill side is the entrance to Glacier View Lodge. Within 100m you will exit the hairpin and there is a slow to 40km/h sign for the blind corner where Marsland enters on one side and several houses enter from below the Road at acute angles. A short 0.5 km section downhill, there is a new slow to 40km/h sign at the blind corner before Snowbird Lane. Between Snowbird Lane and Valley View Drive there is another 40 km/h sign where two more driveways adjoin the road, one on the downhill side at an acute angle and one on the uphill next to Snowbird that has no sightline to traffic before they're on the road. Between Valley View and 10th Street there are no more signs but there are driveways that both access at an acute angle and at extremely steep grades down to Back Road and around another blind corner, which arguably should also have some speed reduction protection.

From 10th through to Ryan Rd, there is a transit stop on the road, then a blind corner hiding a bicycle and vehicle left turn lane onto 6th, a short downhill to a new pedestrian controlled crosswalk at Tunner Drive followed immediately by the backed up traffic that is the new normal onto Ryan Road. In addition we can expect significant increases in traffic exiting Tunner onto Back Rd when the Broadstreet development is finished and Tunner is extended.

After observing traffic and traffic patterns at different times of the day, the problem with speed starts from the time vehicles turn onto Back Road at Ryan Road, at Comox Avenue and at MacDonald. Drivers are in a hurry, impatient and oblivious to how unsafe their driving is in someone else's neighbourhood.

Similar problems exist when driving in the opposite direction on Back Road, except there is a somewhat clearer view of the intersections at Valley View Drive and Snowbird Lane. There are blind corners and hidden driveways, many of them at acute angles for almost all properties with homes on the downhill side along the entire length between Ryan Road and Comox Avenue.

There is a much higher risk for properties located immediately below Back Road, and for the homes along Farquharson Drive there is the possibility that an out-of-control vehicle would careen directly into their home, rooftop or onto their property. We have learned that a single homeowner has had a vehicle land in their yard twice and an electrical pole sheered in that location leaving residents without power for over 5 hours. We estimate that most of the patios and homes directly below the Road at Farquharson are less than 10 metres from the edge of the Road, with absolutely nothing that would protect their life and property. The only barrier that exists in that location is a single 6 ft cement curb, put there to protect a fire hydrant.

In our opinion, this illustrates the need for a continuous 40km/h speed limit on Back Rd between Comox Avenue and Ryan Road.

Collector Road Classification

We have conducted research on many issues that have helped to inform our understanding of the issues and our proposed solutions.

One of the areas of our research is the road classification system as set out in the MoTI Parameters & Guidelines for Road Design. In our review of other Municipalities and regions we note that their individual Traffic Plans will expand on each of MoTI's classifications and description to make it applicable to the purpose and use in their region. For example a Collector Road may serve a variety of purposes and be classified as a Local, Minor, Major or Neighbourhood Collector Road. The description within each of the classifications is unique as well to the specific area within a community such is the case in Courtenay where they have added a classification for an Industrial Collector Road. For the section of Back Road within the Town of Comox, Glacier View Drive is classified as a Minor Collector Road.

Consistent with the basic MoTI Guidelines, the City of Courtenay's definition for a Collector is a road, *whose function is to collect traffic from local roads and provide a suitable route to Arterials*. What is added in the Courtenay description is that, *traffic movement and land access are of equal importance*. *In residential areas sidewalks should be provided on both sides and Collector routes carry traffic volumes of up to 8,000 vehicles per day*.

By including language that implies that vehicle movement is equal to land access fails to recognize the incompatibility of those two purposes. The expected purpose of a Collector Road, within both MoTI's basic design parameters and in most other jurisdictions, recognizes the need to reduce the number of conflict points including residential driveway access. In fact, the MoTI guidelines state that, *a Collector provides for traffic movement between arterials and local streets with some direct access to adjacent property*.

The MoTI guidelines don't recommend land access as being equal to vehicle use because of the inherent and present risk to residents when high traffic volumes conflict with residential access. Isn't this the reason we don't have access to individual residential properties along arterial routes and freeways? The MoTI 's design limits restrict angles, grades, and the distances between each access point to allow safe access to the adjoining roadway and to reduce vehicle conflict on the right-of-way.

This issue is of the highest priority in order to protect the integrity and function of our neighbourhood road. It is our position that the governing bodies need to amend their current classification to designate Back Road as a Neighbourhood Collector Road to reflect the current use and function and for continuity across all jurisdictions.

Closing

Increased volume, excessive speed and high-speed noise are negatively impacting our lives, both inside and outside of our homes. Accessing and transiting Back Road causes enormous stress and puts us at high risk against drivers so impatient that they pass when it's unsafe, fly through the hairpin over the centre line, and transit at terrifying speeds. On any

normal day while exiting our driveway, there will be multiple vehicles suddenly appear on our bumper coaxing us to drive faster or to get out of their way. These events happen every single day.

Few residents, who observe the daily traffic and excessive speeds, would consider risking their life to walk or cycle on Back Road. It is for this reason that we have asked the City of Courtenay to install signage that warns cyclists and pedestrians that the road is unsafe for this use and the Town of Comox and MoTI should do the same.

Recommended Solutions

- The City of Courtenay in cooperation with the MoTI, CV Regional District and Town of Comox prioritize resident safety and livability by establishing Back Road as a *Neighbourhood Collector Road* in recognition of the number of properties with driveways that connect directly to the right-of-way; and, undertake a review of the necessary road improvements that will allow for local cyclist and pedestrian use.
- The City of Courtenay in cooperation with the MoTI, CV Regional District and Town of Comox reduce the posted speed limit on Back Road to 40 km/h, on a trial basis.
- The City of Courtenay in cooperation with the MoTI, CV Regional District and Town of Comox install a 3-way stop in a minimum of three locations on Back Road including Valley View, Marsland and MacDonald to slow speeds at three of the most dangerous intersections, on a trial basis.
- The City of Courtenay in cooperation with the MoTI, CV Regional District and Town of Comox install Speed Humps (Cushions or Tables) to enforce speed compliance.
- There should be NO diversion of traffic from Comox Avenue onto Back Road during the two-year CVRD Sewer Conveyance Project.

The *Make Back Road Safe* resident group requests that we be invited to participate in future discussions that may directly impact our neighbourhood safety and livability.

We will be pleased to attend as a delegation before your Council or Board to share our research and/or to answer any questions.

Yours truly,

Original signed

Carolyn & David Rice
On behalf of the Residents of Back Road

COMOX NAUTICAL DAYS FESTIVAL COMMITTEE

TERMS OF REFERENCE

Purpose

The Comox Nautical Days Festival Committee serves as the governing body responsible for providing high-level oversight, strategic direction, and decision-making authority for the annual Comox Nautical Days Festival, ensuring its success and alignment with community goals.

Membership

The Committee shall consist of 5 to 7 members, appointed by Council, as follows:

- Two (2) members from the current Town of Comox Council, and
- Three to five (3-5) members from local businesses, community organizations, and residents.

The committee may also include the current festival producer and a Town staff member as an advisory member.

Chairperson

The Chairperson of the Committee will be elected by the Committee from among its members appointed by Council.

Schedule of Meetings

Regular meetings shall be held quarterly, with additional meetings scheduled as needed during peak planning periods. Meetings may be conducted in-person or virtually.

Roles and Responsibilities

The Committee will act in an advisory capacity and work in conjunction with Town staff to provide advice and present recommendations to Council for matter within the following areas:

- a. Foster a collaborative relationship between the Comox Nautical Days Festival Committee and the festival producer, ensuring effective communication and shared objectives.
- b. Provide strategic oversight for the festival to align with community goals.
- c. Establish high-level recommendations for budgeting, risk management, and community engagement.
- d. Monitor the festival producer's operations, offering feedback for optimization through Committee motion.
- e. Advise on significant planning and implementation matters.
- f. Facilitate communication between stakeholders.
- g. Evaluate festival success and provide improvement recommendations.

- h. Advocate for the festival's importance within the community including promoting fundraising opportunities.
- i. Uphold integrity and transparency in Committee proceedings.

Use of Staff Resources:

Administrative support will be provided principally through the Administration Department. Staff and technical support will be provided through requests to the Chief Administrative Officer, who will direct appropriate staff depending on the issue at hand.

Reporting and Recommendations:

Minutes and agendas are prepared and distributed by the Corporate Services Division. The Committee will submit regular progress reports to Council and present recommendations for approval. Recommendations may cover budget allocations, event logistics, and any other relevant matters.

Festival Production Manual:

The committee may contribute to the development and updating of a Festival Production Manual, outlining detailed procedures and guidelines for efficient execution.

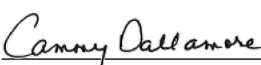
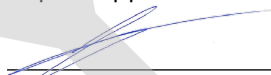
Term

Members' terms will be consistent with that approved by Council. The committee's term aligns with the annual festival cycle.

Review and Amendment

These Terms of Reference shall be reviewed annually and may be amended with the approval of the Council to adapt to changing circumstances or improve committee operations.

TO:	Mayor & Council	FILE:	8100-20 / NAUT
FROM:	Cammy Dallamore, Corporate Coordinator	DATE:	Feb. 7, 2024
SUBJECT:	Comox Nautical Days Society and Festival Structure Reorganization		

Prepared by:  Cammy Dallamore Corporate Coordinator	Supervisor:  Shelly Russwurm, Director of Corporate Services	Financial Approved: N/A Geoffrey Kreek, Acting Director of Finance	Report Approved:  Jordan Wall, Chief Administrative Officer
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RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

1. 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.
2. THAT an advisory Comox Nautical Days Festival Committee be established to develop policies and recommend service levels for the Comox Nautical Days Festival.
3. THAT the Comox Nautical Days Festival Policy No. CCL-076, be approved by Council.
4. 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.
5. THAT the production and oversight of the Comox Nautical Days Festival continue to be provided through the use of an external service contractor.
6. 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.

ALTERNATIVES TO THE RECOMMENDATIONS

1. THAT the production and oversight of the Comox Nautical Days Festival be transitioned to a Town-managed event.
2. THAT Council refer this matter back to Administration for additional consideration.

PURPOSE

To provide analysis on the restructure and reorganization of the Comox Nautical Days Festival (the Festival) management and to seek Council decision on:

1. the dissolution of the Comox Nautical Days Society,
2. the establishment of a Comox Nautical Days Festival Committee,
3. the management of the Festival through contractor or internally by staff
4. the adoption of the Comox Nautical Days Festival Policy No. CCL-076.

STRATEGIC PLAN LINKAGE

The recommendations align with key organizational goals by enhancing operations, promoting community connection and wellness, supporting local arts and culture, prioritizing public safety, boosting downtown vitality, and fostering community participation.

Strategic Priority Areas of Focus	
Community Connection and Wellness	Recreation – We believe recreation is critical to community vibrancy, belonging, connection and health (safety) at all ages. Parks – Our parks and greenspace connectivity enhances livability and walkability in the town and ensures seaside access for all. Arts and Culture – Support the work of local non-profits and festivals to deepen the sense of community and belonging. Public Safety – support Comox Fire Rescue and other local emergency services to maintain and enhance the safety of our citizens.
Economic Health	Downtown Vitality – We believe that a vibrant downtown is a key element of a proud connected community that creates connection, a sense of community and a sense of place.

EXECUTIVE SUMMARY

Subject to Council approval, the Comox Nautical Days Festival Committee will provide policy recommendations to Council regarding the Festival and a post-event report to Administration for evaluation and future planning purposes. If adopted these recommendations will see the Comox Nautical Days Festival Committee transition from a working committee requiring significant volunteer time to one that will instead focus on the higher-level policy aspects of the event.

BACKGROUND

The Comox Nautical Days Festival, which marked its 65th anniversary in 2023, is a prominent annual community event hosted at the Comox Marina. As the longest-running outdoor festival

in the Comox Valley, it takes place each year on the first long weekend in August. In 2023, the festival drew over 40,000 spectators.

Originating in 1958, this enduring celebration brings together over two dozen community groups, serving as a cornerstone of community unity. Despite cancellations in 2020 and 2021 due to COVID, the festival successfully resumed in 2022.

The Town has played a pivotal role in supporting festival planning, providing financial contributions and engaging a festival producer. Mr. David Stevenson, the current festival producer, manages the Comox Nautical Days Society, overseeing budgeting, timelines, promotional materials, community relationships, vendor coordination, volunteer services, budget reconciliation, and updates the Comox Nautical Days Production Manual bi-annually.

ANALYSIS/ISSUES/IMPLICATIONS

The rationale for considering the dissolution of the Comox Nautical Days Society is driven by several key factors:

1. The festival is growing in attendance, underscoring its growing significance in the community.
2. The heavy dependence on an aging volunteer group raises sustainability concerns.
3. The current format lacks succession planning, emphasizing the need for a more resilient organizational structure.

The current organization of the Comox Nautical Days Society requires significant time from Town Councillors, affecting their primary responsibilities. Changing the format could ease this burden, enabling Council members to focus on their core duties while ensuring the Festival's continued success. The motivation for considering this change is to address these challenges and ensure the ongoing growth of Nautical Days in an efficient and sustainable manner.

a. Dissolution of Comox Nautical Days Society

There are many advantages to transitioning from a society to a Town administered Festival with a key factor being the elimination of the necessity for a society to actively pursue grants.

The reorganization of the Comox Nautical Days Society, transferring its functions to the Town of Comox, facilitates more efficient utilization of administrative and organizational resources.

b. Establishment of an advisory Comox Nautical Days Festival Committee

It is recommended that the existing Comox Nautical Days Festival Committee transition from a focus on operational tasks to engaging in high-level policy development. This strategic shift allows for a more strategic and forward-thinking approach, aligning the Festival with the broader goals and vision of the Town, while ensuring its sustainability and continued success.

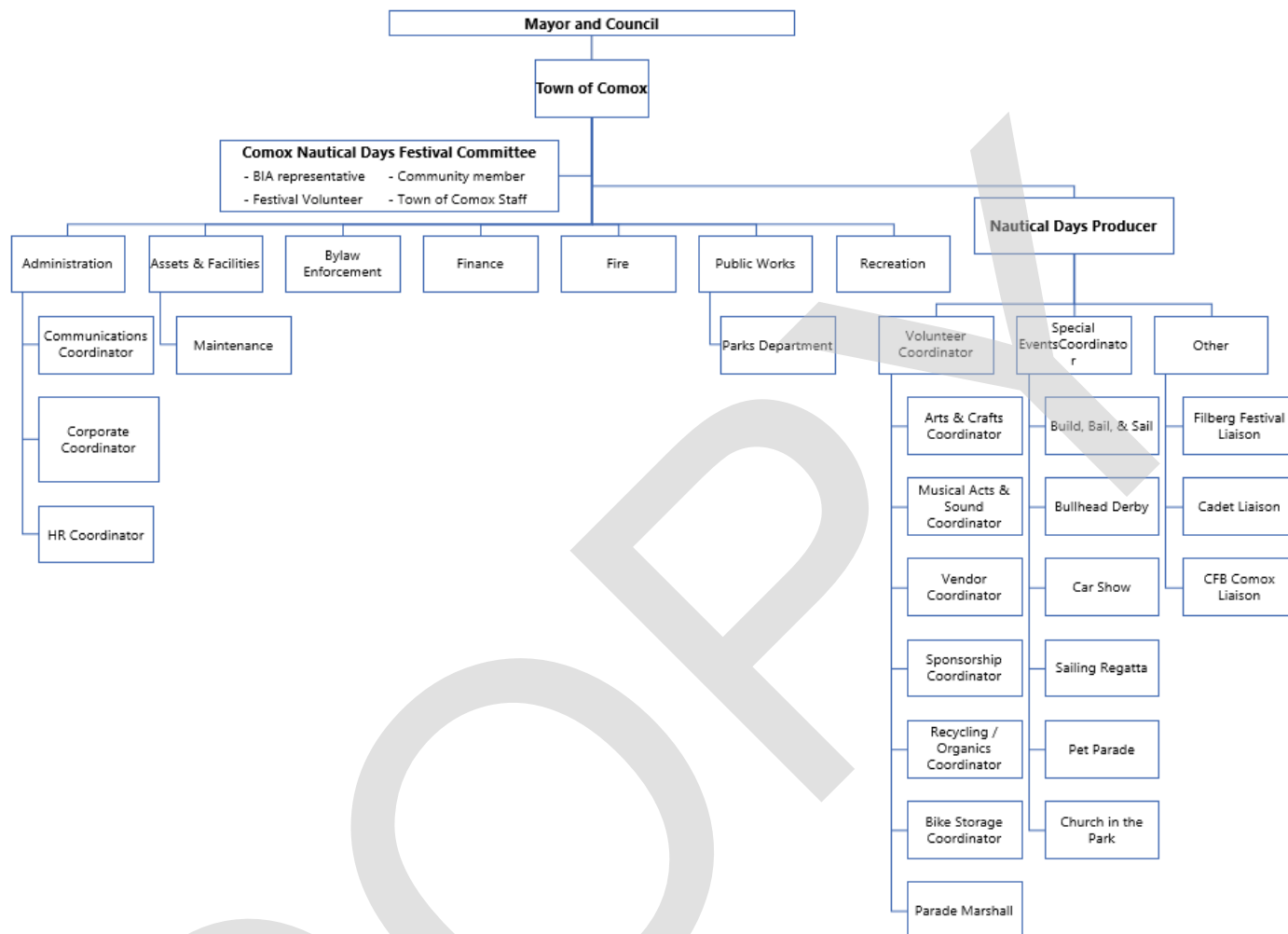
c. Management of Festival – Town-Led or Contractor ?

Town-Led Festival	Contractor-Led Festival
• Allows for expansion of Recreation service into event provision, and consolidation of community events under one provider. • Will require a full-time staff member and thus be the more expensive but allow for additional non-event related programming. • Will be a significant strategic change for the recreation department and will require the development of different specialities such as event provision. • Programmer positions have had high turn over in the past and can leave their post with 2 weeks notice. • No mechanism to prevent key staff turnover at critical event times. • City of Courtenay will be bringing on a contractor to support their Canada Day event from in-house due to staffing turnover related difficulties.	• The event will benefit from the contractor's dedicated event professionals who bring extensive experience, contacts, and resources, including a proficiency in developing safety plans to meet Provincial 'Major Planned Events' regulations. • The contractor possesses specialized knowledge, relationships with vendors and promoters, expertise in traffic management, road closures, public safety planning, and an established network of event professionals, providing invaluable resources for the event that Town staff lacks. • The contractor can use experiences and best practices gained from other events to improve Nautical Days. • Fixed cost to deliver events. • Potential synergies, efficiencies, and improvements from using a contractor that delivers the other local events.

d. Proposed Policy No. CCL-076

The proposed Council Policy No. CCL-076 (attached) establishes a framework for the Comox Nautical Days Festival to become a Town event run by contract in line with high-level policy direction from the Comox Nautical Days Festival Committee. Should Council give its approval to Policy CCL-076, it will take effect for the festival scheduled in 2025.

e. Proposed Comox Nautical Days Festival Organizational Structure



f. Admission Fees

It is recommended that admission to the Comox Nautical Days Festival remain free for the general public. However, it is noted that separate charges will continue to apply to vendor booths (food, non-profit, commercial), kids rides, performers and parade applicants.

g. Insurance, Licensing, and Permitting

Under a Town managed event, additional insurance will need to be obtained. Without the society model, the Town will assume the responsibility of purchasing and managing insurance coverage for liability, fireworks, and the parade. Some of this will be covered by our existing insurance policy with AON.

An overview of the existing insurance, licensing, and permit requirements for various aspects of the event are included in the Nautical Days Production Manual. This encompasses liability and theft insurance (with the Town of Comox designated as additional Insured), along with various permits, loan forms, and licenses. Vendor permits need insurance proof, with extra requirements for food vendors, including BC Health Permits and Liability Insurance.

h. Financial

In 2023, the Council allocated \$28,000 to the Comox Nautical Days Festival Society for festival planning and entered into a service contract with Mr. David Stevenson for production of the festival. Mr. Stevenson was paid an additional \$22,000 for his services, for a total cost of \$50,000 paid for the running of the festival.

Currently, there is \$17,086 in the Comox Nautical Days Festival Society account. As the Society cannot be dissolved until the accounts are fully spent, Administration is prepared to renew the service contract for Mr. Stevenson for the 2024 festival, pending Council decision.

Dissolution procedures are estimated at approximately \$1,500.00.

Additional Revenue/Grants:

Various funding organizations grant additional funds to the Festival each year. When approached, these organizations have confirmed that if the Society dissolves, the grants will be transferred to the Town. In 2023, the total amount of revenue received by the Society was \$109,887.

A total of \$53,000 has been budgeted for the 2024 Festival. It is recommended that Council approves an additional \$10,000 for the Festival to account for expected increased operating costs.

i. Intergovernmental

The K'omoks First Nation are invited to showcase their official welcome and traditional dances at each event including performances by the K'umagwe Dancers, organized by the K'umagwe Cultural Society. The invitation to the opening ceremony extends to all levels of government, and officials are welcome to address the audience.

j. Public Relations

The Comox Nautical Days Festival utilizes various channels for advertising and promotion. The Festival's website serves as a central hub, offering detailed event information. The administration and hosting of the Comox Nautical Days website will also transition to the Town or contractor. Eagle FM, a media partner, provides in-kind support through promotional spots, live interviews, on-site promotion, and a live simulcast during the fireworks show. Social media platforms, specifically Facebook, are leveraged with ads and an Event Page for continuous updates. The Comox Valley Record contributes through road closure ads and a festival supplement. Additionally, a half-page ad is placed in the Vancouver Island MusicFest program, and a photographer captures over 400 festival moments for which they receive an honorarium.

k. Applicable Policies and Legislation

The *Societies Act* (the "Act") outlines the following requirements for the dissolution of a society:

1.	Section 124	Section 124 of the Act stipulates that, before dissolution, all society debts must be settled.
2.	Section 126 requires an ordinary resolution.	a) Society members must pass an ordinary resolution authorizing dissolution, and b) appoint a * "record keeper" to take custody of records required by the Act, retaining them for three years post-dissolution.
3.	Section 126 requires the Society to file a dissolution by request application with the registrar.	A record keeper must be appointed first by ordinary resolution.
4.	Section 124 requires the following be filed with the registrar concurrently with the filing of a dissolution by request application:	a) a copy of each ordinary resolution be provided, b) a notice of appointment of the record keeper, including their delivery and mailing addresses be filed, and c) An affidavit sworn by 2 or more directors, confirming the absence of liabilities or provision for their payment as per s. 124 be submitted.

* An "ordinary resolution" is defined in the Act as a resolution passed at a general meeting by a simple majority of the votes cast by the voting members, or a resolution consented to in writing, after being sent to all of the voting members, by at least 2/3 of the voting members.

Next steps:

Should Council decide to move forward with the reorganization of the Comox Nautical Days festival structure, Administration will follow these next steps:

1.	Finalize Agreement with Festival Producer for the 2024 event	The municipality currently employs a festival coordinator, Dave Stevenson, who serves as the event's Producer. This coordinator role is subject to a Request for Proposal (RFP) process conducted by the Corporate Officer, and Administration is recommending that the Town continue with Dave Stevenson for the 2024 event season.
2.	Begin the Request for Proposal process to retain Festival Producer for the 2025 event	Conducted by Corporate Services (3-year contract with the possibility of a 2-year extension)
3.	Establish a Comox Nautical Days Festival Advisory Committee	Identify key stakeholders and community members interested in contributing to the festival. The Committee is dedicated to establishing transparent protocols and crafting a stable committee structure.
4.	Establish a Terms of Reference for the Festival Committee	These measures are designed to provide a framework for effective establishment and decision-making of the Festival Committee. The Terms of Reference will come back to Council for adoption.
5.	Start process of dissolving the Comox Nautical Days Society	This aligns with the Town's commitment to preserving our community's cultural heritage and ensures a vibrant and enduring future for this event.

GOVERNANCE CONSIDERATIONS

If Council chooses to change the structure of the Comox Nautical Days Committee, Council should carefully consider individuals they would like to see serving on the committee. With the

committee transitioning from a working board to a policy committee, Council should deliberate on the selection of committee members who will provide overall recommendations on changes to services levels and types for the event. Council should restrict its own membership on the committee to less than 4 members to prevent issues related to quorum. Options for membership on the committee include: legacy organizers, legacy Council members, community members, business owners, the BIA, Harbour Authority, Marina Users, youth representatives, tourism representatives, public safety officials, educational institutions, local celebrities/influencers, accessibility advocates, etc.

How are local vendors and businesses being included in the festival planning?

The festival producer starts planning early, ensuring ample time for organizing and coordinating various aspects. Engaging local vendors and businesses involves direct communication and partnerships with business associations to foster a mutually beneficial relationship.

How has the community been involved in the planning process?

Community members have opportunities to express their ideas, concerns, and suggestions, ensuring that festival planning aligns with local interests. They can provide comments and feedback through various channels to the Town of Comox, including in person, by phone, via email, and through social media. Regular updates are also available on the Town website.

What measures are in place to address waste or environmental concerns?

The festival emphasizes responsible waste management through recycling bins, waste sorting stations, and promoting eco-friendly practices. This includes the use of biodegradable materials, reducing single-use plastics, and collaborating with local waste disposal services.

Are there opportunities for residents to actively participate in or contribute to the festival?

Residents are encouraged to volunteer in various roles such as event coordination, ticketing, and activity assistance. Local artists and performers are also invited to showcase their talents.

What lessons have been learned from previous town festivals?

Lessons from previous festivals, gathered through debrief meetings and public feedback, underscore the importance of efficient logistical planning, clear communication, and adapting programming to align with local interests. These insights contribute to ongoing improvements, ensuring each subsequent festival is better organized, more engaging, and closely aligns with community expectations.

Attached: Comox Nautical Days Festival Policy No. CCL-076
2024 Nautical Days Festival Producer Service Contract
Terms of Reference - Comox Nautical Days Festival Committee

THE TOWN OF COMOX

BYLAW 2016.03

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

WHEREAS under Section 194 of the Community Charter, a Council may, by bylaw, impose fees with respect to all or part of a service of the municipality, the use of municipal property, or the exercise of authority to regulate, prohibit or impose requirements;

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. 2016.03".

2. AMENDMENT

The Fees and Charges Bylaw Amendment Bylaw No. 2016, Schedule "A" is hereby amended as follows:

a) By adding the following text to Schedule "A":

Application to Discharge a Section 57 <i>Community Charter</i> Notice	\$500 per folio
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3. Adoption

READ a FIRST time this 6th day of March, 2024

READ a SECOND time this 6th day of March, 2024

READ a THIRD time this 6th day of March, 2024

ADOPTED this day of March , 2024

MAYOR

CORPORATE OFFICER

TO: Mayor and Council	FILE: DVP 24-2
FROM: Marvin Kamenz, Director of Development Services Pamela Nall, Planner I	DATE: March 20, 2024
SUBJECT: Development Variance Permit Application: DVP 24-2 Variance to permit an accessory building within the front yard at 1186 Lazo Road	

Prepared by:  _____ Pamela Nall, Planner I	Supervisor:  _____ Marvin Kamenz, Dir. Devel. Serv.	Operations Approved:  _____ Shelley Ashfield, Director of Operations	Report Approved:  _____ Jordan Wall, CAO
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RECOMMENDATION(S) FROM THE CHIEF ADMINISTRATIVE OFFICER:

That Development Variance Permit DVP 24-2 for 1186 Lazo Road be issued subject to the Development Variance Permit Conditions listed in Schedule 1 of the March 20, 2024, Planning Report on DVP 24-2.

PROPOSAL

The proposal is to vary Comox Zoning Bylaw 1850 to increase the maximum allowable gross floor area of accessory buildings from 60 m² to 117 m² and to allow an accessory building within the front yard of a single-family dwelling.

The applicant's submission is contained in Attachment 1.

REPORT SUMMARY

Subject Property:

1186 Lazo Road

Property Size: 2949 m²

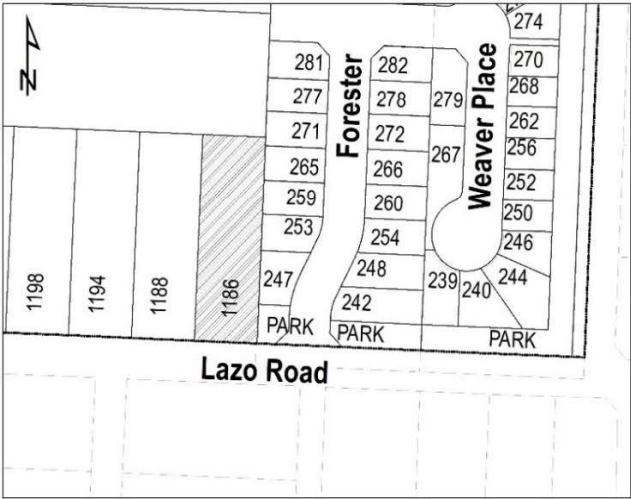
Owner: Jeff Elliott and Jessica Strobl

Applicant: Jeff Elliott

Property Contains: One existing single-family dwelling, one existing accessory building in rear of property, and one existing accessory building in front of property (removal proposed)

Legal Address: LOT F, DISTRICT LOT 186, COMOX DISTRICT, PLAN 14056

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



Key Issues:

Accessory Building Max. gross floor area	In the R3.3 zone, the maximum combined gross floor area for all accessory buildings is 60 m². The Applicant proposes to retain an existing accessory building of 18.6 m² in the rear of the subject property and construct a new accessory building of 98.35 m² for a combined total of 116.95 m².
Trees in rear of property	The R3.3 zone prohibits accessory buildings in the front yard. Construction of the proposed accessory building in the rear yard would require removing two large existing Douglas Fir trees. The applicant proposes to construct the proposed accessory building in the front yard where no trees will be affected.
Proposed greenway	The OCP proposes a 12 m wide greenway along the south lot line within the subject property. The proposed accessory building is within the proposed greenway. The roof of the proposed accessory building projects to within 7.55 m of the front lot line.

Council Decision

To grant or deny a development variance permit to allow construction of the proposed accessory building in accordance with Attachment 1.

Decision options	Implications
Recommended 1. Council grants the Development Variance Permit subject to Schedule 1 conditions	Will permit construction of the proposed accessory building in general compliance with the applicant’s development drawings.
2. Alternative 1 - Council grants the Development Variance Permit with additional conditions	If additional concerns are raised, they may be addressed with additional conditions on the permit.
3. Alternative 2 - Council denies the DVP	Applicant would be required to re-design the accessory building to fit within existing zoning regulations.

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	Housing - We will create the conditions for a diversity of housing options in our unique seaside Town.

BACKGROUND

Notification of Council’s intent to consider DVP 24-2 at the March 20, 2024, Regular Council Meeting was mailed to abutting properties owners and tenants.

Correspondence received in advance of the March 20, 2024, RCM will be distributed to Council prior to commencement of the RCM.

As part of the application, the applicant was advised to conduct their own notification of neighbours¹.

Referrals

Agency	Referral Sent?	Response Received?
Town of Comox	Yes	Yes
Archaeology Branch	No	N/A
K’ómoks First Nation	No	N/A

OCP IMPLICATIONS

Official Community Plan Land Use Designation: Majority of property is designated Residential: Town Houses & Ground Oriented Infill. The south 12 m of the subject property is designated Public Open

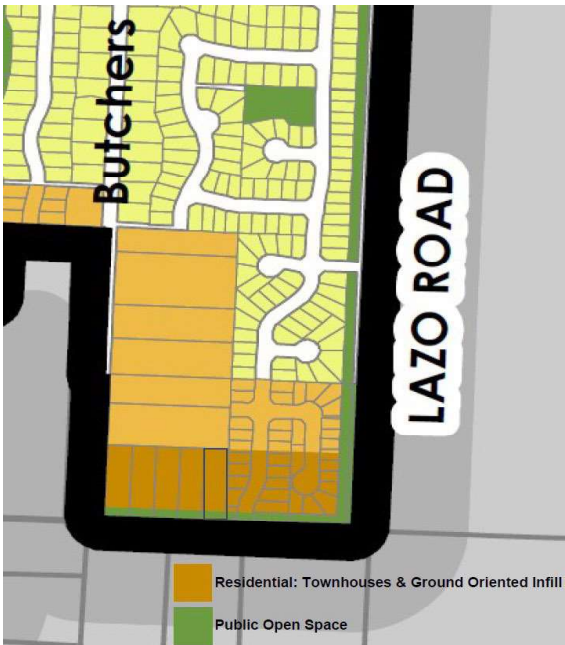


Figure 1 OCP Land Use Designation

Space (see **Figure 1**).

Lands designated Residential: Town Houses & Ground Oriented Infill are intended to accommodate the following land uses: townhouses, single detached dwellings, secondary suites, coach houses, duplexes, triplexes, and patio homes.

The portion of the subject property designated Public Open Space is intended to accommodate a greenway and trail connecting McDonald Wood Park to the waterfront in Point Holmes². The greenway dedication will include a 2.5 m wide pedestrian/bike pathway. As per Section 2.1.8.3 of

¹ Neighbours are defined as any property which shares a lot line with or is across the street from the subject property

² Lands for greenway construction are typically obtained at time of rezoning, subdivision, or Town purchase.

the OCP, “the greenway width, design and location may be varied ... in response to site or servicing constraints, including topography, traffic safety, existing development patterns and parcel dimensions”. In regards to the existing development pattern, the R3.3 zone has a minimum front setback of 7.5 m, and the subject property currently contains an existing approximately 18 m² shed (which is proposed to be removed) located within 7.43 m of the front setback. The proposed location of the new accessory building to within 7.55 m of the front lot line is consistent with the existing development pattern and the resulting 7.55 m setback would adequately allow for the future greenway and trail (see **Figure 2**).

The carport addition of the proposed accessory building extends into the Public Open Space designation by approximately 4.66 m, including the roof overhang.

Development Permit Areas	Development Exempt from DPA?
DPA #2 Ground Oriented Infill	Exempt under section 3.2.4(B)
DPA #11 Wildlife Corridor	Exempt under section 3.11.4(C)
DPA #16 North East Comox	Exempt under section 3.16.4(C)
DPA #17 Coach House	Exempt under section 3.17.4(B)
DPA #18 Secondary Suites	Exempt under section 3.18.4(A)



Figure 2 Site Plan with OCP Greenway

ZONING IMPLICATIONS

Zoning: R3.3 Single-Family – Large Lot

Variance request: increase the maximum allowable gross floor area of accessory buildings in Comox Zoning Bylaw 1850, Section 109.10 (4) from 60 m² to 117 m² and to vary Section 109.10 (5) to allow an accessory building within the front yard of a single-family dwelling.

The subject property is a large single-family lot with a total parcel area of 2949 m². The applicant proposes to build an accessory building within the front yard to avoid tree removal that would likely be required to allow an accessory building in the rear yard. Under Comox Zoning Bylaw 1850, accessory buildings are not permitted within a front yard.

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.

The accessory building will be a double garage (62.4 m²) and carport (35.95 m²). There is an existing accessory building (garden shed) of 18.6 m² in the rear of the subject property which contributes to the overall gross floor area allowance for accessory buildings on the property. The gross floor area of the new accessory building will be an additional 98.35 m² for a combined total of 116.95 m².

The intent of the size and siting regulations for accessory buildings in the Zoning Bylaw is to minimize the impact of accessory buildings on neighbouring properties and their residents while accommodating property owners' need to enclose accessory uses. In this case, the total proposed accessory building footprint would cover approximately 4% of the lot. The accessory building would be partially screened from Lazo Road and the surrounding neighbours by a fence. In addition to the fence, the southeast corner of the lot is heavily screened by trees.

As per standard practice, the variance to maximum allowable gross floor area is increased to 125 m², to accommodate up to 8.05 m², or 6.9% construction size error.

MK/PN

Schedules: 1. Development Variance Permit Conditions

Attachments:

1. Applicant's Submission

SCHEDULE 1**DEVELOPMENT VARIANCE PERMIT CONDITIONS**

- 1) This development variance permit is to permit construction of an accessory building in general compliance with drawings in Attachment 1; and
- 2) This Development Variance Permit is to vary the Comox Zoning Bylaw 1850, Schedule A:
 - a) Section 109.10 Accessory Buildings:

- i. Sub-section (4)

From:

Accessory buildings shall not exceed 60 m² in gross floor area. For the purpose of this sub-section only, gross floor area shall include accessory buildings and parts thereof used for garage or carport purposes. For the purpose of this sub-section only, carport gross floor area shall be calculated as the roofed floor area

To:

Accessory buildings shall not exceed 125 m² in gross floor area. For the purpose of this sub-section only, gross floor area shall include accessory buildings and parts thereof used for garage or carport purposes. For the purpose of this sub-section only, carport gross floor area shall be calculated as the roofed floor area

- ii. Sub-section (4)

From:

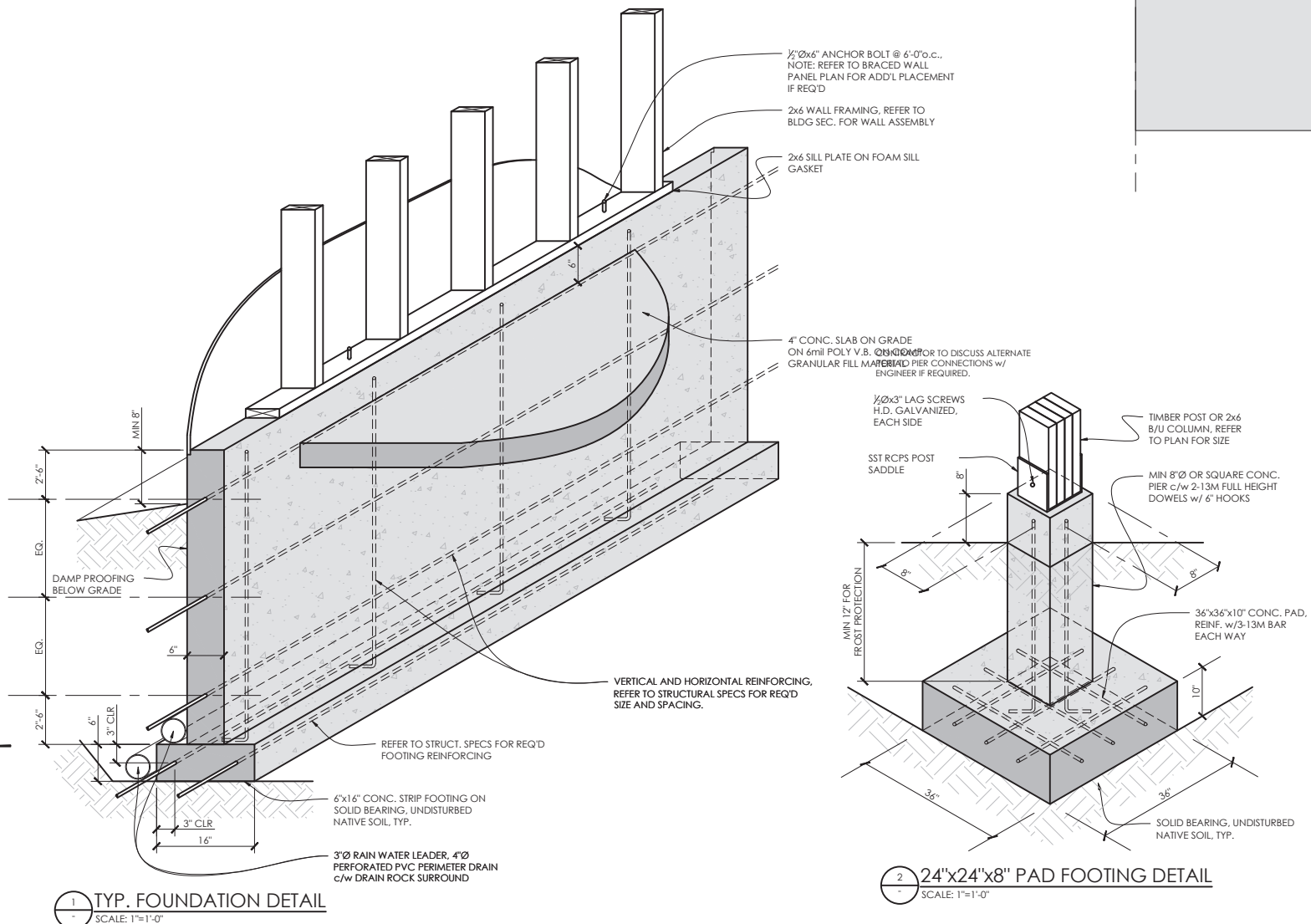
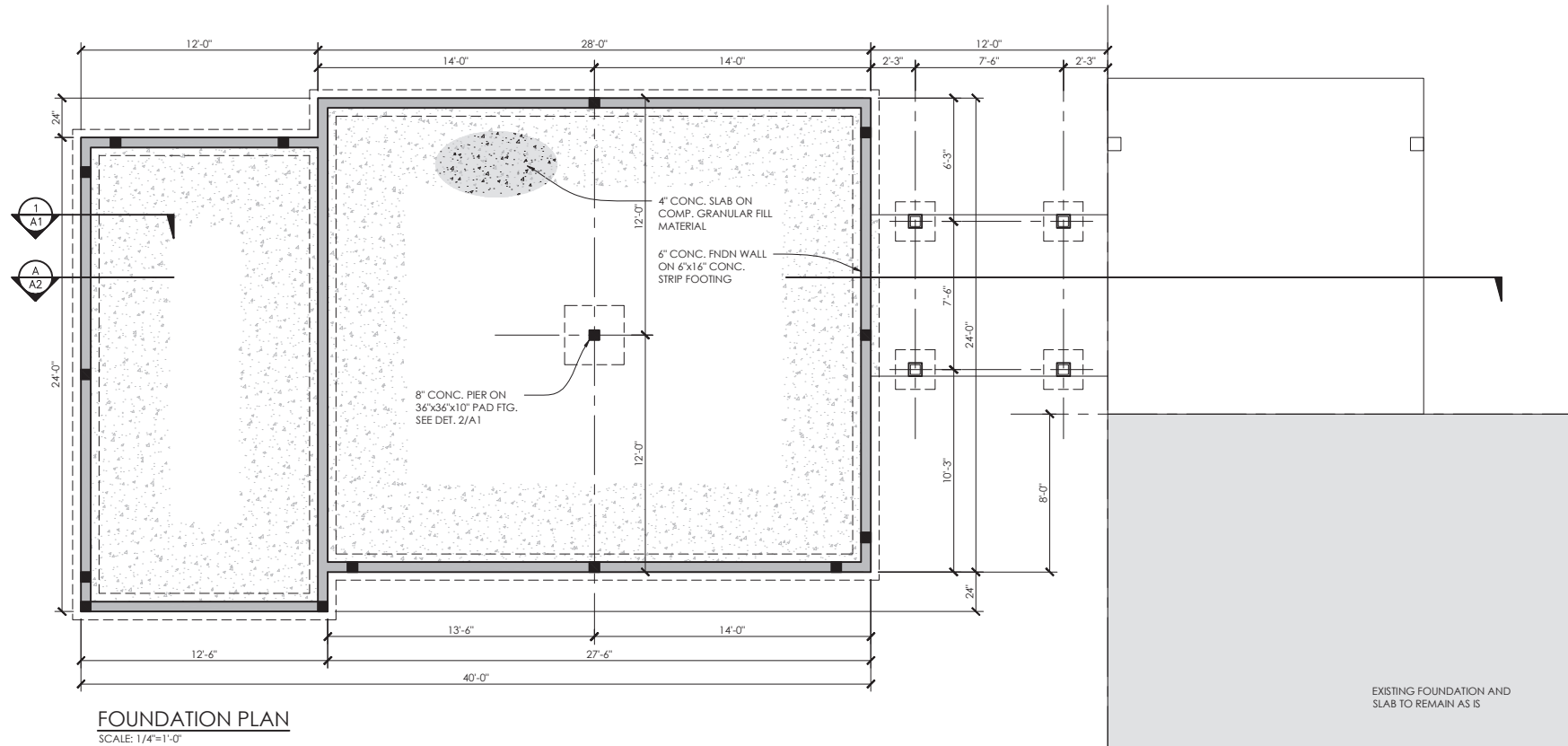
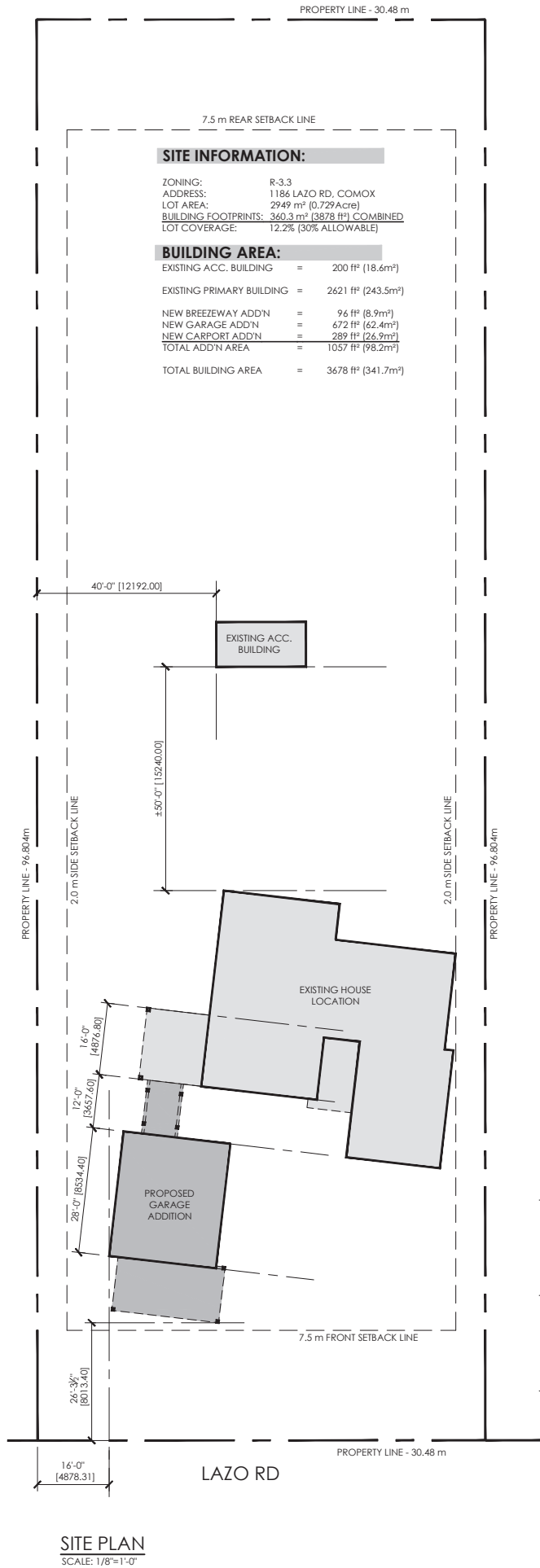
(5) Accessory buildings shall not be located within a front yard.

To:

(5) One accessory building may be located within a front yard, in general compliance with drawings in Attachment 1, and not be placed closer than 7.5 m from the front property line.

ATTACHMENT 1

APPLICANT'S SUBMISSION



NOTES:

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NOTE: GRID TRUSS LOCATIONS TO BE DETERMINED BY TRUSS MANUFACTURER. ANY DISCREPANCIES TO BE DISCUSSED w/ ENGINEER PRIOR TO CONSTRUCTION. ALL PORT LOADS FROM ABOVE TO CONTINUE THRU FLOOR JOIST CAVITY, DOWN TO FOUNDATION BELOW.

UNLESS SPECIFIED OTHERWISE, CONSTRUCTION TO BE IN ACCORDANCE WITH PART 9 OF THE B.C. BLDG CODE, 2018, ALTERNATE HEADLINE, BUILT UP COLUMN SIZES AND FLOOR JOIST SPACING TO BE DETERMINED UPON ENGINEER'S REVIEW. ENGINEER'S MARKUPS SUPERCEDE ANY NOTES INDICATED ON THESE PLANS.

KITCHEN AND FURNITURE LAYOUT IS CONCEPTUAL AND FOR DISCUSSION PURPOSES ONLY. DOOR AND WINDOW SIZES AND LOC'N MAY BE ADJUSTED. CONTRACTOR TO COORDINATE WITH ENGINEER PRIOR TO CONSTRUCTION IF ADJUSTMENTS AFFECT STRUCTURAL COMPONENTS.

ELLIOT DETACHED GARAGE

PROJECT NUMBER: 22-030
1186 LAZO RD, COMOX, BC
BIRDS EYE DRAFTING AND CONSULTING SERVICE
COMOX, BC EMAIL: bruce@birds eyedrafting.com PHONE: (250) 465-8772

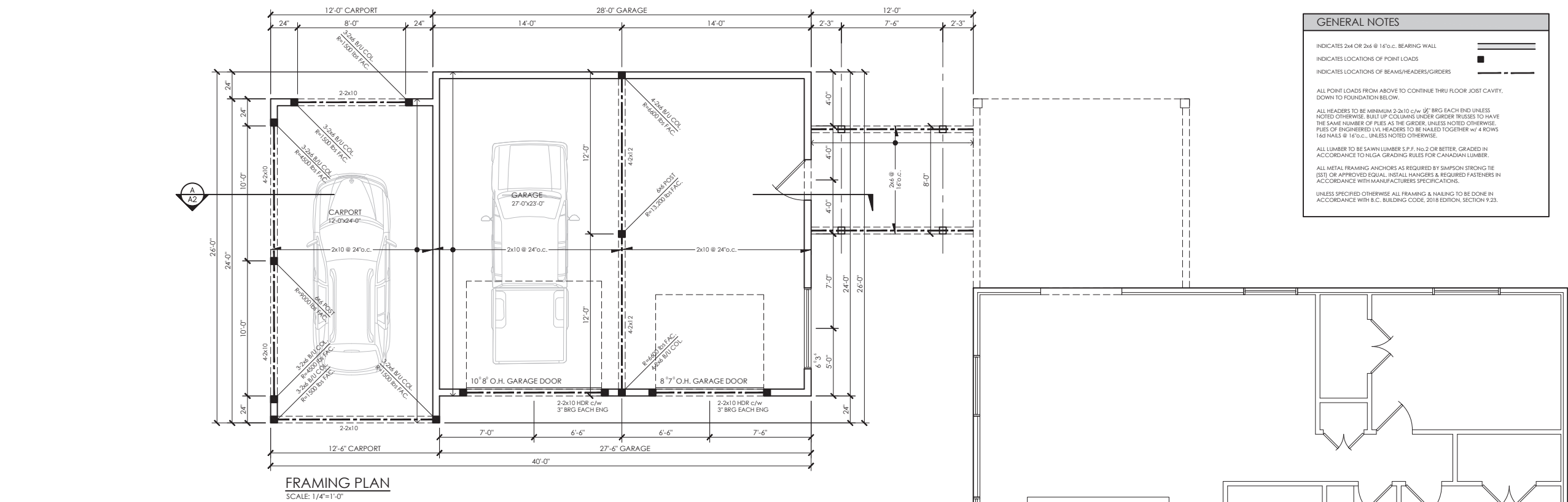
NO.	REVISION	DATE
1		

REV. NO.
1

DWG. NO.
A1 of 3

CARPORT FOUNDATION PLAN
FOUNDATION DETAILS
SITE PLAN





GENERAL NOTES

INDICATES 2x4 OR 2x6 @ 16" o.c. BEARING WALL

INDICATES LOCATIONS OF POINT LOADS

INDICATES LOCATIONS OF BEAMS/HEADERS/GIRDERS

ALL POINT LOADS FROM ABOVE TO CONTINUE THRU FLOOR JOIST CAVITY, DOWN TO FOUNDATION BELOW.

ALL HEADERS TO BE MINIMUM 2x10 c/w 16" BRG EACH END UNLESS NOTED OTHERWISE. BUILT UP COLUMNS UNDER GIRDER TRUSSES TO HAVE THE SAME NUMBER OF PILES AS THE GIRDER, UNLESS NOTED OTHERWISE. PILES OF ENGINEERED LVL HEADERS TO BE NAILED TOGETHER w/ 4 ROWS 16d NAILS @ 16" o.c., UNLESS NOTED OTHERWISE.

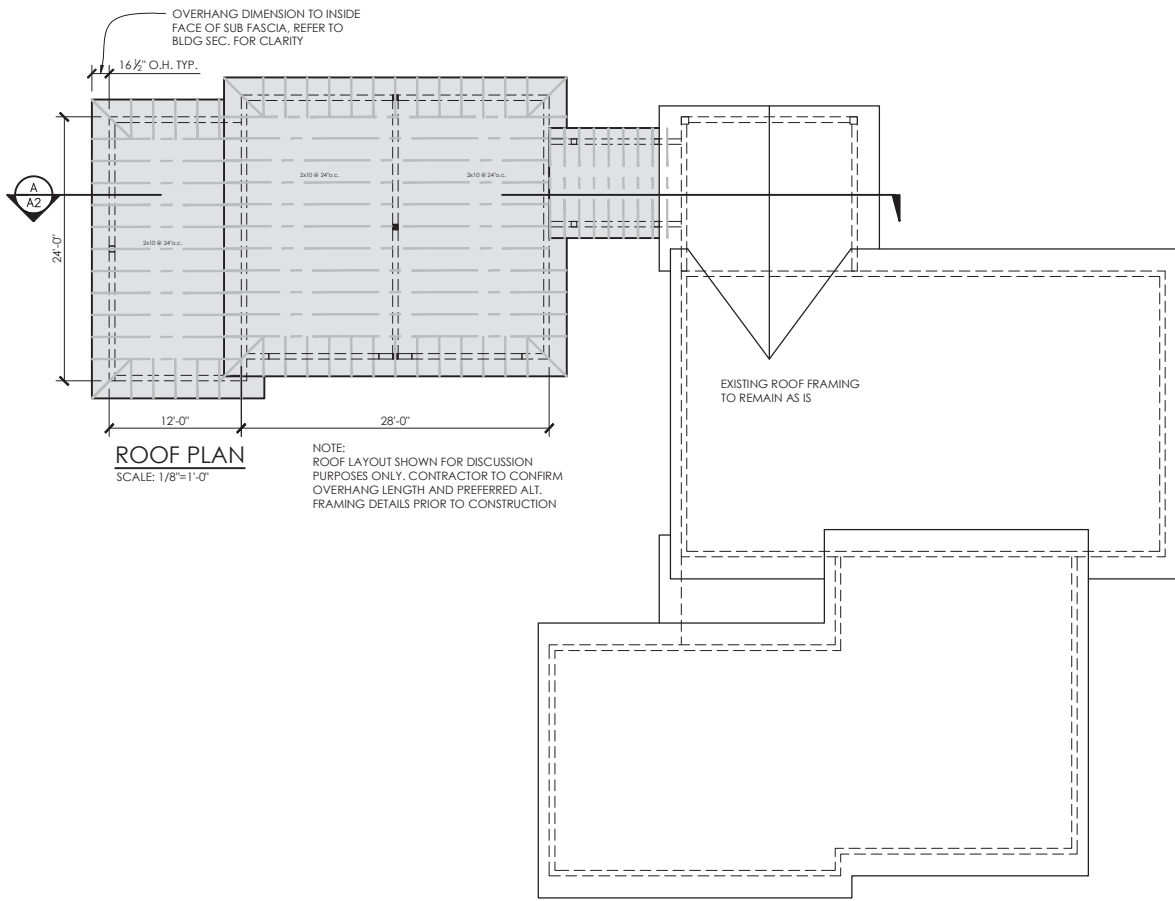
ALL LUMBER TO BE SAWN LUMBER S.P.F. No. 2 OR BETTER, GRADED IN ACCORDANCE TO NLGA GRADING RULES FOR CANADIAN LUMBER.

ALL METAL FRAMING ANCHORS AS REQUIRED BY SIMPSON STRONG TIE (SST) OR APPROVED EQUAL. INSTALL HANGERS & REQUIRED FASTENERS IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.

UNLESS SPECIFIED OTHERWISE ALL FRAMING & NAILING TO BE DONE IN ACCORDANCE WITH B.C. BUILDING CODE, 2018 EDITION, SECTION 9.23.

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ELLIOT DETACHED GARAGE

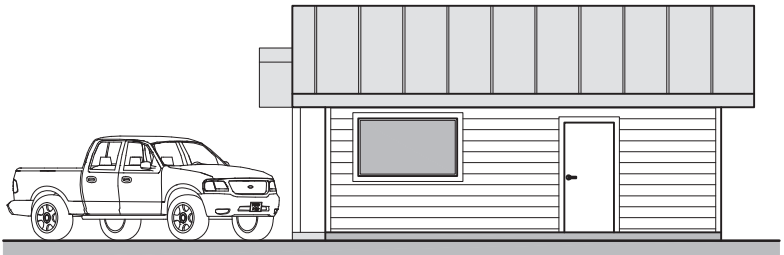
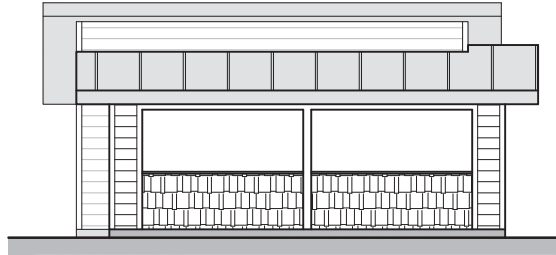
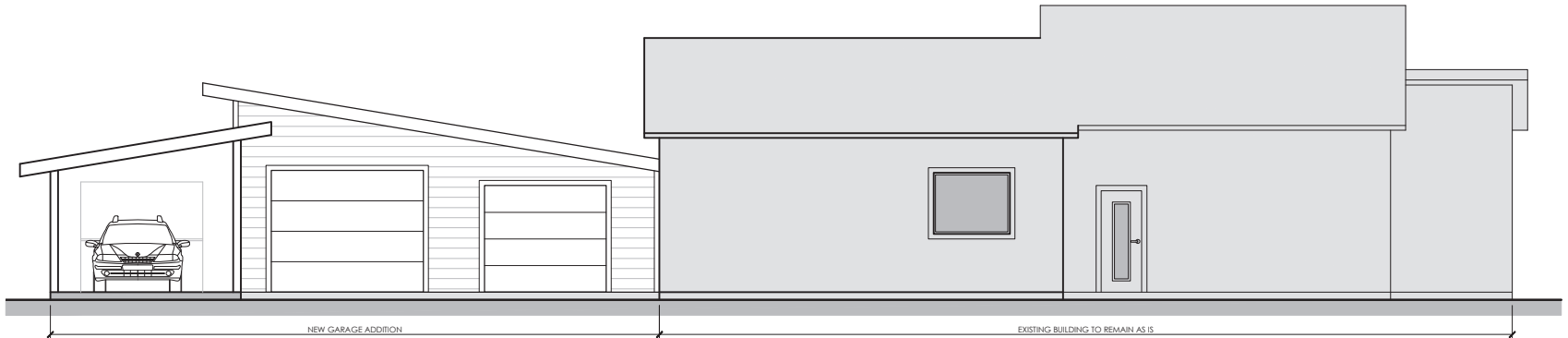
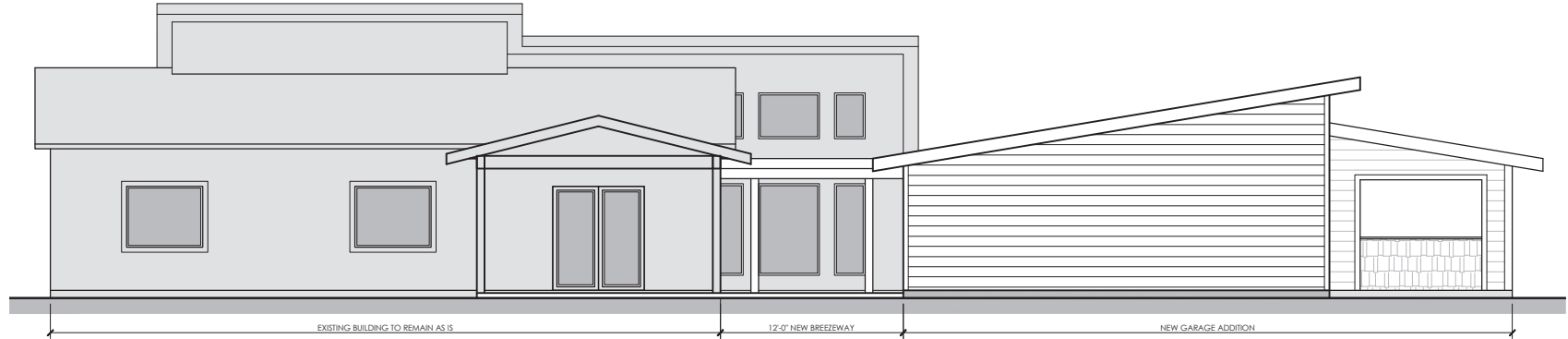
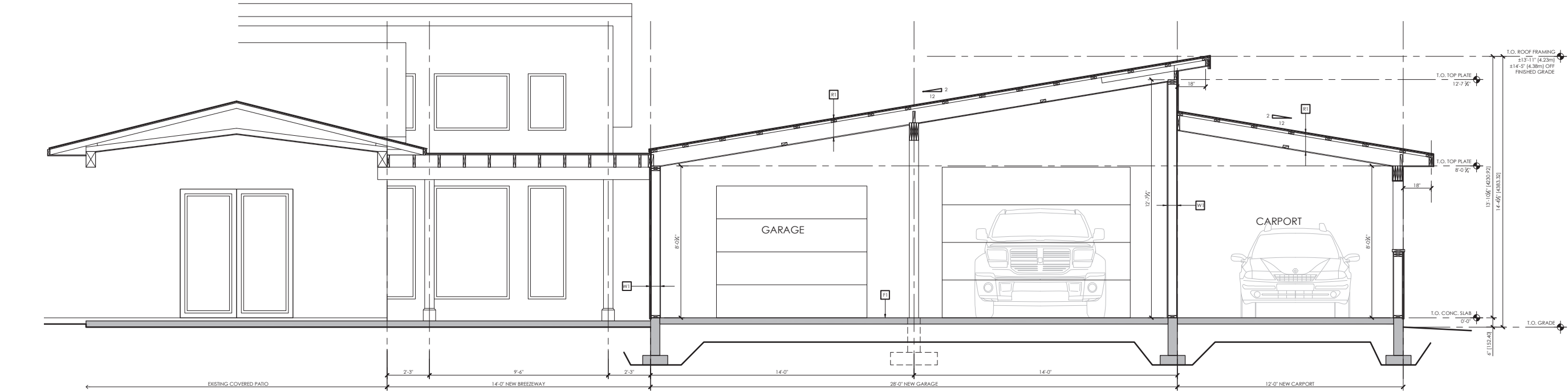
PROJECT NUMBER: 22-030
1186 LAZOR RD, COMOX, BC
BIRDS EYE DRAFTING AND CONSULTING SERVICE
COMOX, BC EMAIL: bruce@birdsseyedrafting.com PHONE: (250)465-8772

NO.	REVISION:	DATE:
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REV. NO. 1 DWG. NO. A1 of 3

CARPORT FOUNDATION PLAN
FOUNDATION DETAILS
SITE PLAN





ELLIOT DETACHED GARAGE

PROJECT NUMBER: 22-030
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NO.	REVISION:	DATE
1		

REV. NO.	DWG. NO.
1	A3 of 3

ELEVATIONS



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NOTE:
 GROUND TRUSS LOCATIONS TO BE DETERMINED BY TRUSS MANUFACTURER. ANY DISCREPANCIES TO BE DISCUSSED W/ ENGINEER PRIOR TO CONSTRUCTION. ALL PORT LOADS FROM ABOVE TO CONTINUE THRU FLOOR JOIST CAVITY, DOWN TO FOUNDATION BELOW.
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1186 Lazo Rd Comox BC

Zoned R3.3 Single family Large Lot (2900m² total parcel area)

Development Variance Application Rationale

Application is for a double wide detached garage (Approx. 54m²) placed within the front area of lot.

Section 109.10 accessory Buildings paragraphs 4 and 5

Variance request is for the placement of garage in the front of property and increase of total allowable coverage from 60m² to not more than 80m². There is an existing accessory building (garden shed) in backyard of 26m².

Building will be inside required setbacks.

Removal of non-conforming shed that encroaches front setback.

Attaching garage to existing home is not feasible. Placing garage in the rear yard is also not ideal and would require the removal of large 2nd growth Douglas fir trees.

Zero impact to adjacent property owners.

Placement does not require the removal of any trees.

J. Elliott



21 Jan 2024

From: [Jeff Elliott](#)
To: [Pamela Nall](#)
Subject: Re: Development Variance Permit Application - 1186 Lazo
Date: February 27, 2024 2:52:58 PM
Attachments: [image001.jpg](#)

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

Hi Pamela,
Thanks for clarifying the numbers...it was definitely an oversight on the carport and breezeway roofed areas.
Please amend the total sqft request to reflect the existing shed and proposed garage/carport.

Thank you again.

Jeff
Sent from my iPhone

On Feb 27, 2024, at 1:44 PM, Pamela Nall <pnall@comox.ca> wrote:

Hi Jeff

In your application for the DVP at 1186 Lazo, the rationale has some incorrect figures and I wondered if you wanted to update your request. The double garage size is given as 54 m2 but the size on the drawing is 62.4 m2. The existing shed in the backyard is given as 26 m2, but the size given on the site plan is 18.6 m2. In the application you have asked to increase the total allowable coverage/gross floor area for accessory buildings from 60 m2 to not more than 80 m2.

With the current site plan, the total allowable gross floor area for accessory buildings would need to be increased to 117 m2 to include the garage, carport, and existing shed:

Garage = 62.4 m2

Carport = 35.95 m2 (26.9 m2 plus the roof overhang of 9.05 m2; under Bylaw 1850 Zone R3.3 carport gross floor area shall be calculated as the roofed floor area)

Existing shed in backyard = 18.6 m2

Total gross floor area = 116.95 m2

Do you wish to increase your request from 80 m2 to 117 m2 for the total allowable gross floor area? You can either update the attached or just reply in confirmation to this email.

Feb 19, 2024

TOWN OF COMOX

From: Kilborn, Corey (RCMP/GRC) <c.kilborn@rcmp-grc.gc.ca>

Sent: Monday, February 19, 2024 11:05 AM

To: Garbutt, Geoff <ggarbutt@courtenay.ca>; Jordan Wall <jwall@comox.ca>;

jwarren@comoxvalleyrd.ca; Rachel Parker <rparker@cumberland.ca>; jordan.templeman@komoks.ca

Cc: Mercer, Scott (RCMP/GRC) <scott.mercer@rcmp-grc.gc.ca>

Subject: Community Priorities for RCMP Fiscal Year 2024-2025

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

Good day,

As you may be aware, each RCMP detachment sets yearly priorities and goals with specific activities to achieve each. A key tenet of determining these priorities is Community consultation with those that we serve. I would like to open up lines of communication with each of our Communities in order to help us determine what our priorities will be for the next year.

Our priorities were set last year as the following:

- Community Issues
 - Road Safety (roadways)
 - Crime Reduction
 - Liaison with residents and community
 - Safety (watercrafts)
 - Parks/Campgrounds
 - Road Safety (off-road vehicles)
 - Property Crime
 - Drug Trafficking
 - Violence in Relationships
 - Sexual Assaults
 - Bylaws: Homeless Encampments
 - Collaboration with CVRD emergency planning
 - Police/Community relations re KFN bylaws
 - Increasing communications support with KFN
 - Mental Health Awareness/Support
 - Downtown Police Presence

LOG: 24-059	REFER:	AGENDA: SPM 13-Mar-24
FILE: 7500-20	ACTION: MR	

Copies: Council
JW/EH/SR/CD

I would ask that each community please identify the top 5 areas of concern for Policing Services. As a detachment we would then look to harmonize common concerns where possible and identify internal action items to support each goal with these efforts in place for the start of our fiscal year (April). Please feel free to call anytime, or I am available to meet to discuss further. We had our share of challenges and successes last year. We look forward to the continuing dialogue so that we can most effectively provide Policing Services to the Comox Valley.

Thank you,
Corey

Staff Sergeant / *Sergent d'état-major* Corey Kilborn
Officer in Charge, (acting)
Accredited Team Commander

Comox Valley RCMP
800 Ryan Road, Courtenay BC
V9N 7T1
250-334-5909



RECEIVED

MAR 11 2024

TOWN OF COMOX

Strata Council, 1700 Balmoral (EPS 6615)
1700 Balmoral Ave,
Comox, BC V9M 2N1

March 11, 2024

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

Copies: Council
JW/EH/GK/SR/CD

Attention: Mayor Minions and Town Council

**1700 Balmoral – Account 90059
Late Payment Penalty- \$956.16**

1700 Balmoral is a 45-unit condo complex built on that address. Earlier this year, a late payment penalty of \$956.16 was incurred when our property management company, [REDACTED], failed to pay the utility bill on time. The invoice for the bill was never received, and therefore, the payment was not submitted. By the time it was noticed that an invoice had not been received, the late payment charge had been assigned.

It would appear the problem occurred between the invoice being sent from the Town and [REDACTED]. The penalty has been paid and we have asked [REDACTED] to take responsibility for the charges; however, they have refused to reimburse us.

Conversations with Geoffrey Kreek, acting CFO for the Town, indicated a change of address had been made on time and previous invoices for 1700 Balmoral had always been made in a timely manner. Invoices for other properties managed by [REDACTED] had been received and payments made.

It seems unfair that the owners (and taxpayers) of 1700 Balmoral are responsible to pay this large penalty through no fault of their own. We are respectfully asking for the penalty assigned to be waived, and the amount credited to our account.

Your consideration of this matter is greatly appreciated.

Respectfully,



Maxine Montgomery
Vice-President, 1700 Balmoral
vicepresident@1700balmoral.info