

A photograph of a dense forest with tall, thin evergreen trees. In the foreground on the left, two white numbers are attached to a tree trunk: a large '2' and a smaller '1' below it. The bottom half of the image is a white curved banner containing text and a logo.

721 Lazo Road: Zoning Amendment 2056.01



**TOWN OF
COMOX**

What We Will Cover

- 1. The Decision/ Project Overview**
- 2. Powers and Limits**
- 3. Access Scenarios**
- 4. Recommendations**



How to Think About the Choice

- 1. What competing interests does Council have to balance?**
- 2. How does my proximity either near/far influence my perspective?**
- 3. How does what I have already impact what I want provided to the community and vice versa?**
- 4. Does this decision and its impact look different 1 year from now vs 100 years?**



721 Lazo Decision

- Understand Individual Property Rights that 721 Lazo Owners have outside of Town discretion.
- Understand what powers the Town has to influence outcome.
- Understand different proposals and pros and cons

Staff Goals



Environmental protection

Secure long-term ecological health on and around the site.



Minimized impact

Limit disturbance to vegetation, habitat, and site hydrology.



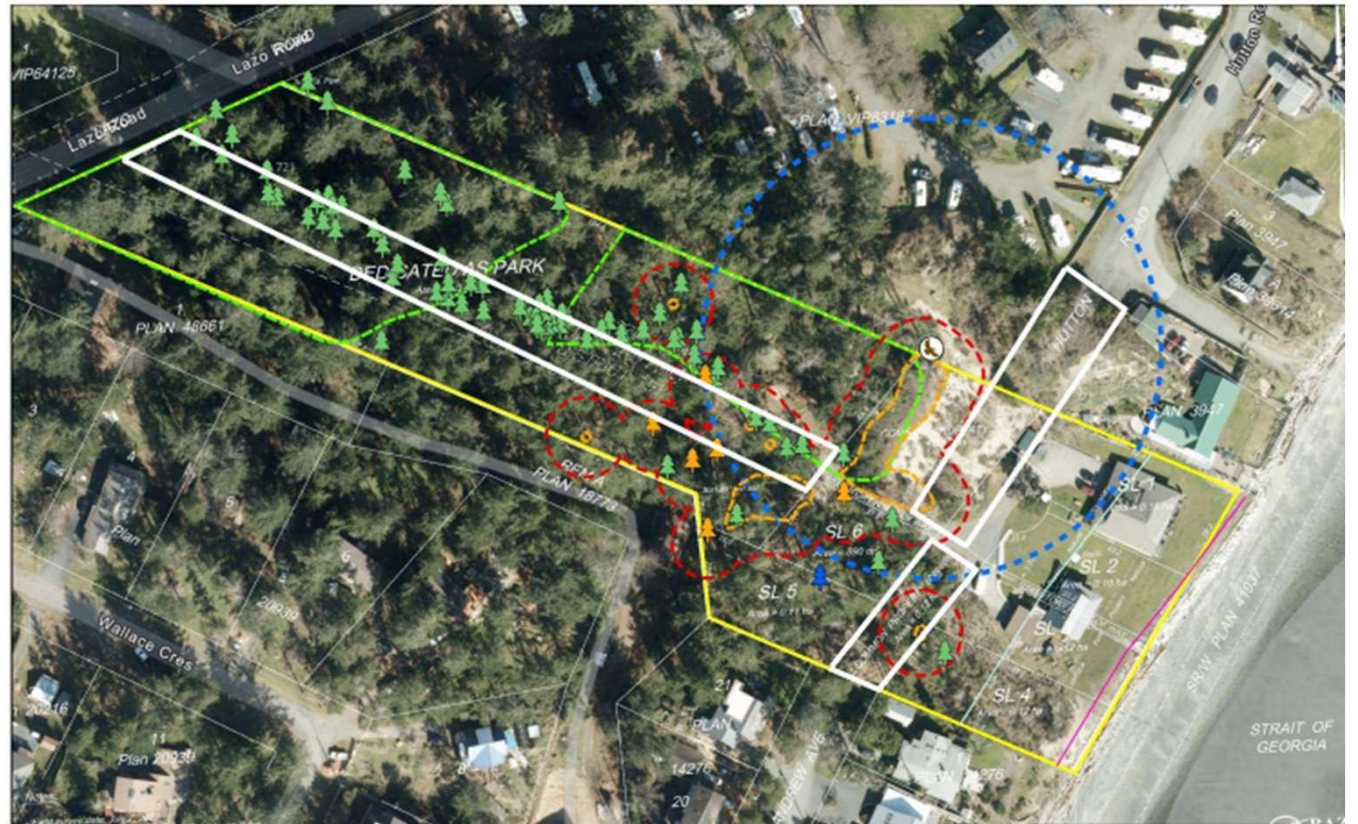
Community benefit

Deliver lasting public value — parkland, access, or equivalent gain.



Potential Development

1. Zoning currently allows for 4 lots
2. Applicant is requesting two more
3. Offering ~1.2 hectares (~3 acres) of parkland dedication



Lazo Greenway Connection

1. Completes Multi jurisdictional multi million dollar connectivity project
2. Joint project between CVRD, Comox, Province, Canada

“multi-use greenway path from Butchers Road to Sand Pines Drive and will help local residents connect to Goose Spit, Lazo Marsh, and Point Holmes by foot or bike. Major funding for the project is provided by the Government of Canada Active Transportation Fund”



Potential Development

1. Proposed access off Andrew Ave
2. Access of Lazo Road
3. Access of Hutton
4. Deny Application



Worse Case Scenario



Worse Case Scenario

Permitted under zoning-Access of Lazo



Andrew Avenue Access Proposed

- **Pro's:**

- Turn-around located in previously disturbed area (north end).
- Protects parkland and pedestrian access from lazo.
- Improved fire protection for subject property and neighbours.

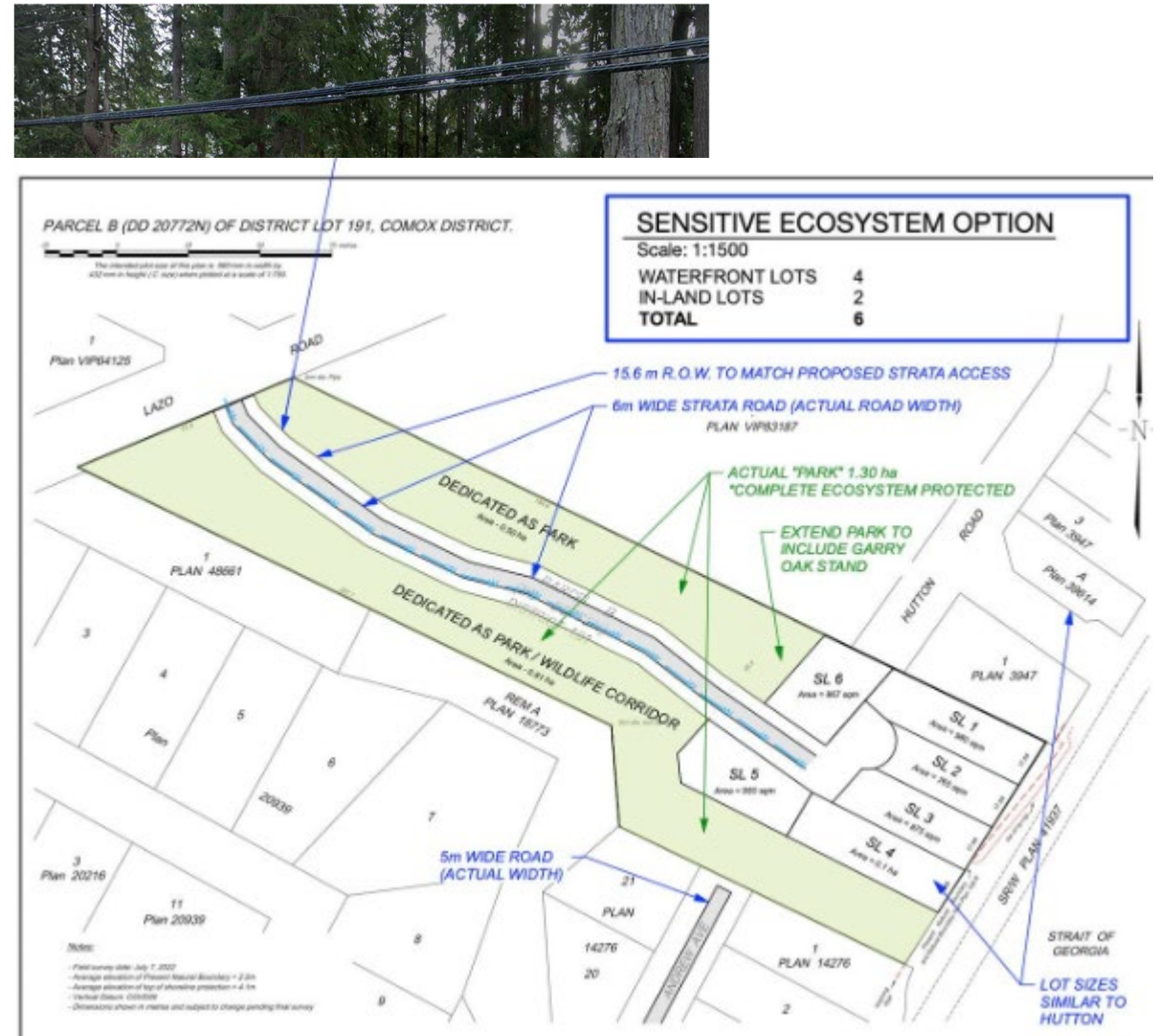
- **Cons:**

- Moderate geotechnical challenges.
- Traffic impacts to Andrew Ave residents.
- Impacts to rare sand dune ecosystem and Garry Oak stand



Lazo Road Access

- **Pro's:**
 - Limited impacts to either neighbors.
 - Protection of sand dune on west side
- **Cons:**
 - Significant vegetation removal to create necessary road width and grading for two-way traffic, adequate emergency access, servicing (6m paved, 10-14m road dedication). Major Garry Oak impacts on lot 6. Eagle nest territory impacts on lot 6.
 - Impacts pedestrian connection to the waterfront.



Hutton Road Access

- **Pro's:**
 - No traffic impacts to Andrew Ave residents.
- **Cons:**
 - Significant geotechnical challenges.
 - Traffic impacts to Hutton Road Residents.
 - Impacts to largest Garry Oak stand.
 - Turnaround still required at south end, extending into sensitive areas.
 - Impact to eagle nest territory



Separation of Powers



TOWN OF
COMOX



BRITISH
COLUMBIA



Government
of Canada

*Municipalities are legally prohibited in the Community Charter (section 50) from preventing zoned density through the use of tree bylaws



Town of Comox

Land use, Density, setbacks, use, roads, water, sewer, storm

Tree bylaws Cannot prevent zoned density (Community Charter s.50)



Province / Federal Government

Environmental Regulations - Birds, trees, other wildlife, sensitive ecosystems

Development Septic regulations, environmental regulations

Separation Of Powers



**TOWN OF
COMOX**

Land Use Planning

Density
Set backs
Use

Required Servicing

Roads
Water
Sewer
Storm



**BRITISH
COLUMBIA**

Environmental Regulations

Birds
Trees*
Other wildlife
Sensitive ecosystems

Development Regulations

Septic regulations



**Government
of Canada**

Environmental Regulations

Birds
Trees
Other wildlife
Sensitive ecosystems

***Municipalities are legally prohibited in the Community Charter (section 50) from preventing zoned density through the use of tree bylaws or owners must be compensated for density elsewhere on the parcel**

Environment Regulations in the OCP & the Use of Development Permits

- Municipalities do not create independent environmental rules. Instead Municipalities act at as a “Trigger” for other levels of government.
- OCP’s use Development Permit Areas to mandate assessments to ensure compliance with Provincial and Federal regulations.
- Municipalities do not have environmental regulations we enforce, compliance officers to ensure they are enforced, or the ability to levy fines that any developer would be concerned about.
- Environmental regulations are the responsibility of the Province and Federal Government to write and enforce. It is the Municipality’s responsibility to make the work visible to those level of governments through referrals.

Town refers; Province enforces

Hazardous DP

QP report required: risks to subject parcel and adjacent properties, with mitigation measures.

Sensitive Ecosystems DP

RPBio report required. Identifies ecosystems, protection, mitigation, and compensation. Cannot prevent development.

Municipal enforcement capacity

None. No independent environmental regulations, no compliance officers, no developer-material fines.

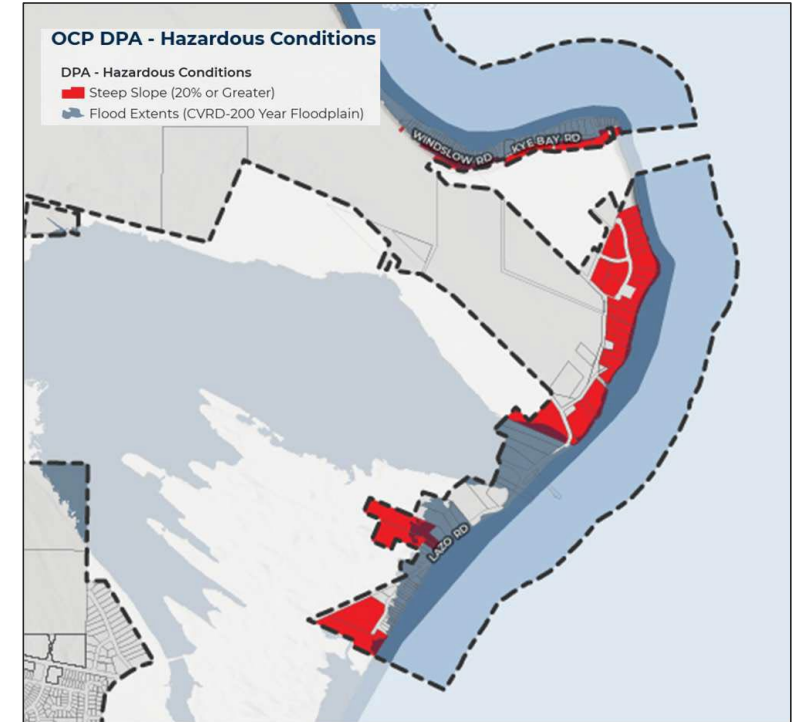
Town's actual role

Trigger only: makes environmental risks visible to Province and Federal government via referrals.



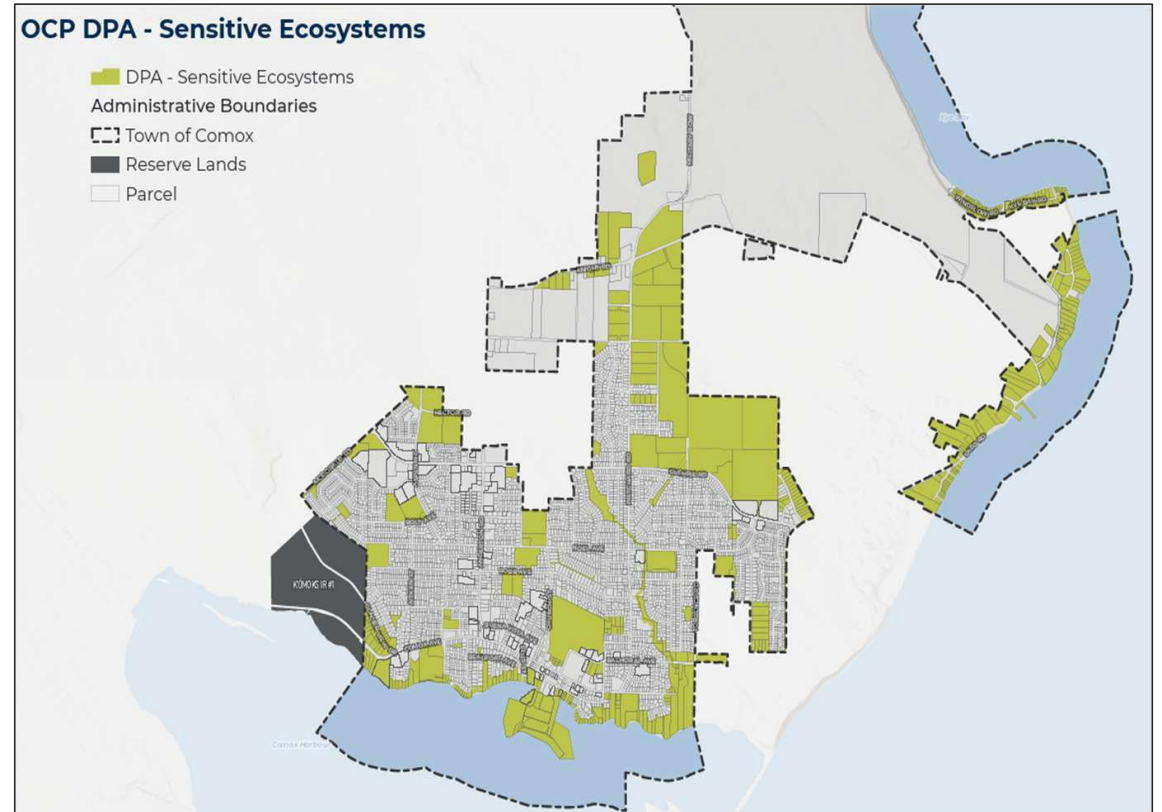
Development Permits Requirements

- A property owner must obtain a development permit prior to subdivision, construction of a building or alteration of land:
- **Hazardous DP** – Applicants must provide a report prepared by a QP outlining the risks of development to the subject parcel and adjacent properties and outline measures to reduce those risks and allow for safe construction



Development Permits Requirements

- Sensitive Ecosystems DP – Applicants must provide a report prepared by a registered Professional Biologist to identify sensitive ecosystems, protection measures, mitigation, restoration and compensation if necessary.
- **This is not meant to be a suite of environmental regulations and cannot prevent development**



Sensitive Ecosystem DP Area

Current Zoning

- Subject property is zoned R-CL (Cape Lazo Residential) and is 2.28 hectares (5.64 acres in size).
- A 4-lot subdivision is permitted by current zoning with access from Andrew Avenue w/MOTT approval.
- Tree removal permitted subject to Town's Tree bylaw

Without Rezoning

- Can subdivide. No authority by any elected officials in subdivision
- Subdivision can only be denied for specific sets of reasons by staff likely not applicable here
- Subdivision would revert to 5% parkland dedication.
- Tree removal subject to Provincial and Federal Regulations*



*The Town is not aware of any legal precedent where one property has been held liable for removing trees on their property due to wind throw concerns. The Town could not prevent this during the subdivision phase.

Rezoning Secures Real Protection

Enforceable conditions

+\$1M

Parkland dedication (est.)

71%

Rear setback increase

33%

Buildable footprint reduction

Three gains, all written into bylaw



Parkland dedication

Larger dedicated area — written as a condition, not a request.



Tighter setbacks

Rear setback rises 71% — from 1.5 m to 2 m on Andrew Ave.



Floor-area cap

Max floor area capped at 300 m² — unrestricted under R-CL zoning.

Decreased allowable uses (Removes option for coach house and some home occupations)

Rezoning vs Subdivision

Rezoning

- ✓ Can require environmental protection
- ✓ Can negotiate extra parkland dedication
- ✓ Can shape design to fit neighbourhood
- ✓ Town can deny the application

Subdivision

- ✗ No conditions beyond minimum standards. Can't negotiate park land dedication
- ✗ Statutory minimum only – 0 extra
- ✗ No design conditions permitted
- ✗ Can only deny for limited reasons proscribed in legislation

Road Width

- Town's smallest road cross section for new subdivisions is 8.4m
- Smaller road standards can be accepted according to engineering best practices on stratas.
- Town staff believe this will likely require a **at a mimimum** 6m wide road with an additional 2m-3m of vegetation clearing. Total clearing width of approx. 10m



Agencies Review



KFN — Conditions attached

- Maximize Garry Oak and mature tree retention
- Preserve eagle nest; manage invasive species



Province & Island Health — No concerns

- Both agencies reviewed and raised no issues
- Proposal clears provincial and health thresholds

***No Concerns from MOTT**



CVRD — Conditions attached

- Aligns with Regional Growth Strategy direction
- Requests Andrew Avenue connect through to Hutton

CVRD FEEDBACK

CVRD

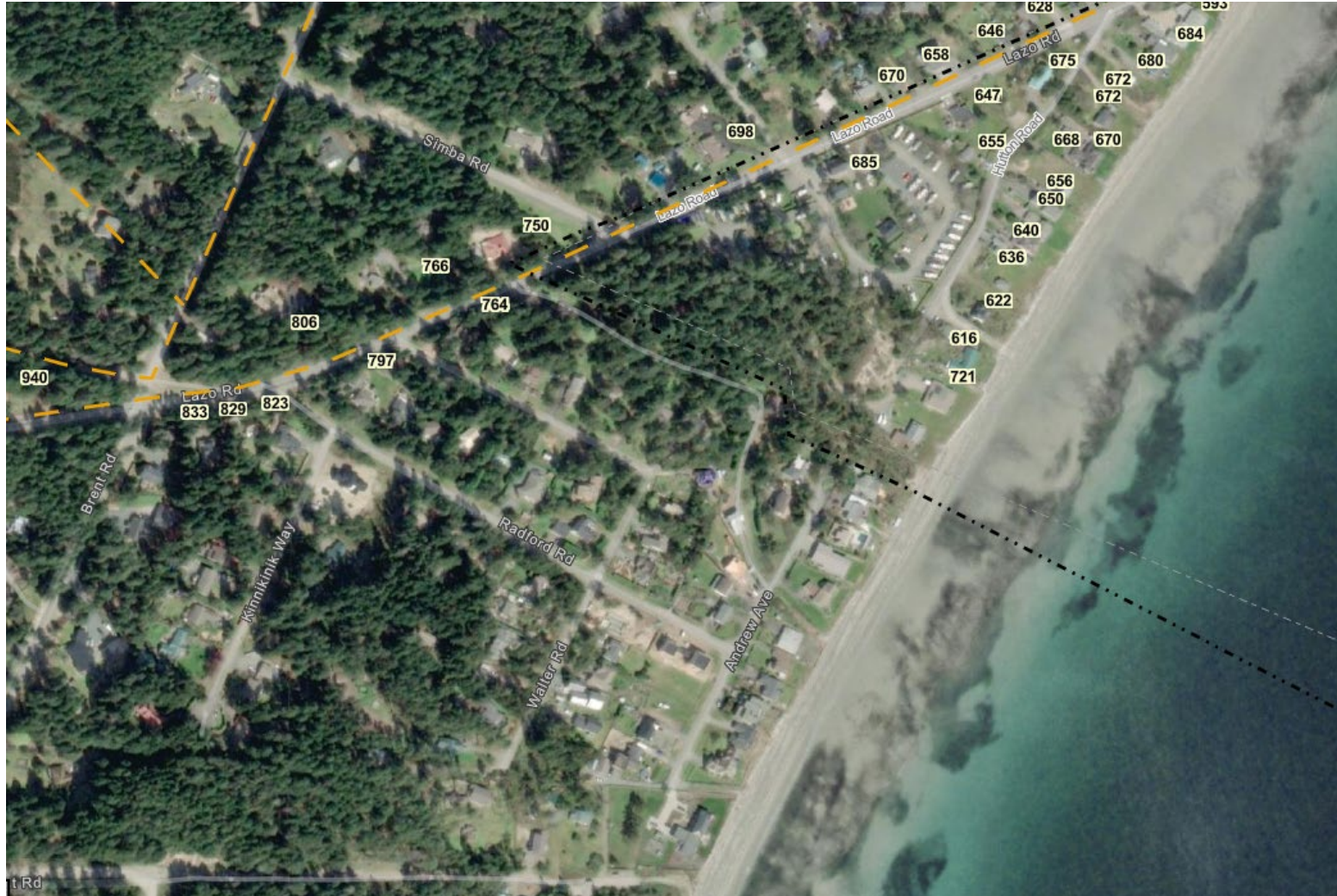
Ensure Andrew can connect to Hutton

The proposal aligns with the RGS direction to locate growth within Municipal Areas. At the same time, elements of the subdivision design, including the cul-de-sac layout, bare land strata form, and reliance on on-site servicing, may influence long-term outcomes at the municipal edge.

These considerations relate to connectivity, servicing efficiency, and future neighbourhood planning if adjacent lands are incorporated into the Town.

Addressing these matters **at the subdivision stage** may help support coordinated, flexible, and well-integrated growth over time.

CVRD & PROVINCE DEVELOPMENT STANDARDS



4 Decision Scenarios

Consideration	Andrew	Lazo	Hutton	Denied
Parkland dedication	100% nature Park	Reduced nature park	100% Nature Park	No Nature Park
Ecological Impact	Smallest disturbance	Major disturbance	Medium disturbance	Not Controllable
Geotechnical Difficulty	Medium	Medium	High	N/A



Tensions

1. **Negative impact to Andrew Ave vs public benefit of park land, trail connectivity, and beach access.**
2. **Uncertain ability to protect nature or secure permanent protection for loss in another area**
3. **What is best for today and what is best in 20 years?**



How to Think About the Choice

1. **What competing interests does Council have to balance?**
2. **How does my proximity either near/far influence my perspective?**
3. **How does what I have already impact what I want provided to the community and vice versa?**
4. **Does this decision and its impact look different 1 year from now vs 100 years?**





TOWN OF
COMOX

QUESTIONS?

Chief Administrative Officer – Jordan Wall

Email: jwall@comox.ca