

ASPEN-HECTOR STORM POND 2 AND LOCAL AREA SERVICE ESTABLISHMENT BYLAW NO. 2068

A BYLAW TO ESTABLISH A LOCAL AREA SERVICE FOR ASPEN-HECTOR STORM POND 2

WHEREAS pursuant to the provision of Section 212 of the Community Charter, the Council of the Town of Comox has received a petition from the owners of certain properties to establish a local area service for the purpose of operating, maintaining and replacing a stormwater detention pond to manage stormwater;

AND WHEREAS the Corporate Officer has determined the sufficiency of the petition under the provisions of Section 212 of the Community Charter;

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 "Aspen-Hector Storm Pond 2 and Local Area Service Establishment Bylaw No. 2068".

2. Definitions

In this Bylaw the following definitions apply:

"Annual Property Tax Bylaw"	means the Town's annual property tax bylaw pursuant to section 197 of the Community Charter;
"Community Charter"	means the Community Charter, SBC 2003, c 26, as amended or replaced from time to time;
"Cost of Service"	means the expected annual costs of providing the Service as adjusted for inflation over time and, for the year 2027, means \$39,490;
"Reserve Fund"	means the reserve fund established under Section 7 of this Bylaw;
"Service"	means the local area service established under Section 4 of this Bylaw;
"Service Area"	means the geographic area described in Section 5 of this Bylaw;
"Tax Rate"	means the rate calculated under Section 6(b);



3. Service

A local area service is hereby established for the purpose of the operation, repair, maintenance, amortization, and capital replacement of the stormwater infrastructure and all associated works required to collect, convey, detain, and manage stormwater within the Service Area, including capital expenditures related to the storm infrastructure and contributions to reserves for future capital upgrades, rehabilitation, replacement, or decommissioning of the Town owned storm infrastructure.

4. SERVICE AREA BOUNDARIES

The boundaries of the Service Area are shown in the plan attached as **Schedule "A"** to this Bylaw and for reference includes, as of the date of this Bylaw's adoption, all parcels legally described in **Schedule "B"** to this Bylaw.

For greater certainty, any lands within the Service Area will remain in the Service Area following the subdivision or consolidation of land.

5. LOCAL SERVICE TAXES

- (a) The Town will recover all costs of the Service by imposing, in its Annual Property Tax Bylaw, a parcel tax charging a rate per square meter of all land within the local service area.

- (b) The Town will determine the Tax Rate annually in accordance with this formula:

$$\text{Tax Rate} = \frac{\text{Cost of Services}}{\text{Total Square Meters of the Service Area}}$$

- (c) For greater certainty, the Town will not impact the Tax rate under subsection 6 (a) on the value of land or improvements located within the Service Area.
- (d) In each year after the first year this Bylaw is in force, the Town will, before adopting the Annual Property Tax Bylaw, adjust the Cost of Service in accordance with the '*Non-Residential Building Construction Price Index*' as published by Statistics Canada for the third quarter of the previous year. Initial costs established under this Bylaw shall be subject to periodic review and may be amended from time to time.

6. GENERAL

- (a) Schedules – The following Schedules are attached to and form part of this bylaw:

Schedule "A" – Service Area Boundary Map

Schedule "B" – Service Area Parcels

- (b) Severability – A declaration by a court of competent jurisdiction that a section, clause or provision of this Bylaw, including anything shown on Schedules to the Bylaw is invalid,



**Aspen-Hector Storm Pond 2 and Local Area Service
Establishment Bylaw No. 2068**

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shall not affect the validity of the Bylaw or any part of the Bylaw other than the section, clause or provision, or part of the Schedule declared to be invalid.

7. Adoption

PETITION RECEIVED FROM THE OWNERS OF PROPERTIES IN THE LOCAL AREA SERVICE this

21st day of July, 2026

PETITION CERTIFIED AS SUFFICIENT this

31st day of July, 2026

READ A FIRST, SECOND and THIRD time this

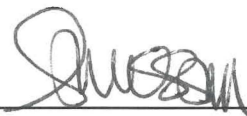
5th day of August, 2026

ADOPTED this

2nd day of September, 2026



MAYOR



CORPORATE OFFICER

To: Town of Comox
1809 Beaufort Avenue
Comox, BC V9M 1R9

PETITION

TO ESTABLISH THE TOWN'S LOCAL AREA SERVICE FOR PROVIDING STORMWATER MANAGEMENT SERVICES ASPEN-HECTOR STORM POND 2

Petition Deadline: July 23, 2026

I/We do hereby petition the Town of Comox (the "Town") to establish a Local Area Service for the purpose of providing stormwater management to residential properties within the Service Area shown in Schedule "A". This petition is brought pursuant to section 212 of the *Community Charter*. A general description of the service is shown in the table below:

Service Description:	The Service will operate, maintain and replace a stormwater detention pond and associated works to collect and manage stormwater drainage in the Service Area (defined below).
Service Area Boundaries:	The boundaries of the service area are shown in the shaded area of attached Schedule "A" to this Petition (" Service Area ").
Cost Estimate:	The estimated annual cost of the Service is \$39,490
Municipal Borrowing:	N/A
Cost Recovery:	The Town will recover 100% of cost of service through the means of a parcel tax.
General Municipal Taxes:	The Town will recover 0% of Service costs through general municipal taxes.

1. The local area service will maintain and replace stormwater infrastructure within the Service Area.
2. The estimated costs of the Service represents the total amount required to maintain the storm infrastructure for the local service area and to support its ongoing operation, and its replacement. In each year after the first year of this petition, the Town will adjust the Cost Estimate in accordance with any changes in the '*Non-Residential Building Construction Price Index*' as published by Statistics Canada for the third quarter of the previous year. The Cost Estimate noted in this petition shall be subject to periodic review and may be amended from time to time.
3. The proposed method of cost recovery is to be recovered by way of a parcel tax adopted under section 200 of the *Community Charter*, imposed only within the Service Area based on the area of each parcel. The parcel tax shall apply to the Service Area until such time that the related parcel tax bylaw is repealed.

I/We am/are the Registered Owner(s) of the property noted below:

Legal description of property:

Lot 4 District Lot 170 Comox District Plan VIP60685

Mailing Address:

(s.)(22)

KRIS D. MAILMAN



21 JULY 2026

Name

Signature

Date

Please note:

- Where more than one person is the registered owner of a lot, the signatures of a MAJORITY (in terms of equity) of the owners are required.
- If the owner is an incorporated body (society, incorporated business, etc.) document(s) verifying signing authority for the corporation are required

**Schedule "A"
Service Area Boundaries**



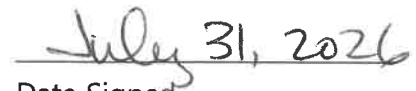
Certificate of Sufficiency of Petitions for Bylaw No. 2068

Aspen-Hector Storm Pond 2 and Local Area Service Establishment Bylaw

The Town has received petitions in favour of creating a Local Area Service from all of the owners of the parcels within the proposed Local Area Service that is subject to the Local Service Tax.

Therefore, I hereby certify that the Town of Comox has received sufficient petitions in favour of creating a Local Area Service in accordance with Section 212 of the *Community Charter*.


Shelly Russwurm, Corporate Officer


Date Signed