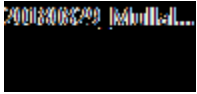


3360-20/RZ 4C 18

Brian Chow

From: Brian Chow
Sent: August-29-18 11:22 AM
Subject: Referral for Your Review and Comments - Rezoning Application for 2245 Schulz Road (File: RZ 4C 18)



Hi,

Please find attached a referral for your review and comments.

The subject property is located at 2245 Schulz Road and is approximately 4.2 hectares in area. It is a long, narrow lot, bounded by Schulz Road to the north, Miracle Beach Elementary School to the southeast, residential lots to the south and Old Island Highway to the west. The property is split zoned: CR-1 in the western portion and R-1B in the eastern portion. The applicant wishes to rezone the property in order to resolve the split zone situation, and to provide subdivision opportunities. While the current plan is to subdivide into three lots, the applicant requests a zone with a minimum lot area of subdivision of 0.4 hectares.

Please let me know if you have any questions, and please respond by September 28, 2018. Thank you.

Brian Chow, MCIP, RPP
Rural Planner
Planning and Development Services Branch, Comox Valley Regional District
600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6017
Toll free: 1-800-331-6007 Fax: 250-334-8156

600 Comox Road, Courtenay, BC V9N 3P6
 Tel: 250-334-6000 Fax: 250-334-4358
 Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



Bylaw Referral Form

File: 3360-20 / RZ 4C 18 (Pajak)

2245 Schulz Road

Date Sent: August 29, 2018

Please comment on the attached bylaw for potential effect on your agency's interests. Section 460 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) outlines that a local government must define procedures by which a property owner may apply for a bylaw amendment, and that a local government must consider every application for an amendment to a plan or bylaw. In keeping with Section 460, the Comox Valley Regional District (CVRD) wishes to ensure that all future consultations with applicable adjacent regional districts and municipalities, First Nations, school and improvement district boards, provincial and federal government agencies is considered early and ongoing as required by the LGA. You will note on the response form a number of choices that describe your agency's interests. All details that support your position are appreciated as are official legislative, governance and policy considerations that may affect the CVRD's consideration of this bylaw.

We would appreciate your response by **September 28, 2018**. If no response is received by that date, it will be assumed that your agency's interests are unaffected. If required, please contact the CVRD to assist you in determining the type of information that would be helpful or to better understand how the proposed bylaw may impact land use and development. Should you have any specific questions regarding the proposed bylaw amendment, please contact Brian Chow at 250-334-6017 or by email to bchow@comoxvalleyrd.ca.

Applicant's name:	Pamela Pajak
Civic address:	2245 Schulz Road
Purpose of bylaw:	To rezone the subject property in order to resolve the split zone situation and to provide subdivision opportunities.
Legal description:	Parcel A (DD 10199W) of Lot 21, Block 29, Comox District, Plan 4267, PID 005-027-462
OCP bylaw:	Bylaw No. 337 being the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014"
Current OCP designation:	Saratoga and Miracle Beach Settlement Node
Proposed OCP designation:	No Change
Zoning bylaw:	Bylaw No. 2781 being the "Comox Valley Zoning Bylaw, 2005"

Bylaw referral file: RZ 4C 18

Page 2

Current zone:	The property is split zoned: Country Residential One (CR-1) in the western portion and Residential One B (R-1B) in the eastern portion (Figure 3, and Appendices A and B)
Proposed zone:	A zone that will resolve the split zone situation and to provide subdivision opportunities

Other Information:

The subject property is located at 2245 Schulz Road and is approximately 4.2 hectares in area (Figures 1 and 2). It is a long, narrow lot, bounded by Schulz Road to the north, Miracle Beach Elementary School to the southeast, residential lots to the south and Old Island Highway to the west. The property is split zoned: CR-1 in the western portion and R-1B in the eastern portion (Figure 3). The applicant wishes to rezone the property in order to resolve the split zone situation, and to provide subdivision opportunities. While the current plan is to subdivide into three lots, the applicant requests a zone with a minimum lot area of subdivision of 0.4 hectares.

Regional Growth Strategy Analysis

Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010,” designates the subject property within the Saratoga and Miracle Beach Settlement Node. Settlement Nodes shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure (MG Policy 1B-1). The growth management framework is to direct 90 per cent of growth to Core Settlement Areas, and this Settlement Node is part of the Core Settlement Area. Therefore, the proposed rezoning to enable subdivision is consistent with this growth management framework. Specific uses within the settlement nodes are identified in the Saratoga Miracle Beach Local Area Plan (LAP) (MG Policy 1B-2).

Official Community Plan Analysis

Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” (OCP), designates the subject property within the Saratoga and Miracle Beach Settlement Node. The draft Saratoga Miracle Beach LAP designates this property as Residential and is within the Core Development Area. This designation is for small-lot neighbourhoods with single detached dwellings and provisions for secondary suites, carriage houses and secondary dwellings. The residential density is to be between four to 24 units per hectare subject to the availability of community water and sewer services. The rezoning application is consistent with the growth management framework of these plans.

Section 33(4) of the OCP indicates that the community amenity policy in Part 4 of the OCP is to be applied for development in settlement nodes. It is a priority to have community amenities that support the goals and objectives of the settlement node and LAP. Section 72 of the OCP contains the policies on community amenity contributions.

The subject property is split zoned. In the review of zoning history, the property first appeared as split zoned in Bylaw No. 869, which was adopted on April 28, 1986. Currently, in Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the minimum lot area for subdivision for the CR-1 zone is 2.0 hectares and the minimum lot area for the R-1B zone is 0.40 hectares if the lot is connected to either community water or sewer. The subject property is in the Black Creek/Oyster Bay Water Local Service Area. Approximately 1.0 hectare of the 4.2 hectare lot is zoned R-1B.

Bylaw referral file: RZ 4C 18Page 3

The application is to rezone the entire lot to a residential zone that will enable subdivision. The applicant requests to rezone the lot to a zone with the minimum lot area of 0.4 hectares, based on the current minimum subdivision lot area in the R-1B zone. The current plan is to subdivide into three lots and leave the remainder density for the future. Note that the current Zoning Bylaw is under review, and in the draft zoning bylaw, the minimum lot area for residential zones will be 1.0 hectare, based on feedback from Island Health. Through the rezoning process, the applicant will be required to demonstrate the actual subdivision potential based on on-site servicing capacity. A site specific study will ensure that onsite wastewater treatment systems will be sustainable for the long term.

Easement Analysis

The land title of the subject property identifies that there is an easement agreement (ID: L5606) between the applicant and property owners to the south (Appendix C). The easement agreement indicates that there are two easement areas, identified and outlined as Easement Area A and Easement Area B, on the subject property. The two easement areas can be used by the property owners to the south to trespass; to construct and maintain roads and associated ditches, drains, sewers or other necessary installations; and to be dedicated as public roads to the Ministry of Transportation and Infrastructure, if the signatories agree. While the CVRD is not a signatory in this easement, there exists an opportunity for neighbourhood connectivity, such as having another access to the school. This could be the basis for community amenity discussions per Section 72 of the OCP.

A. Mullaly

Alana Mullaly, MCIP, RPP
Acting General Manager
Planning and Development Services Branch

Attachments: Appendix A – “CR-1 zone”
Appendix B – “R-1B zone”
Appendix C – “L5606 Easement”

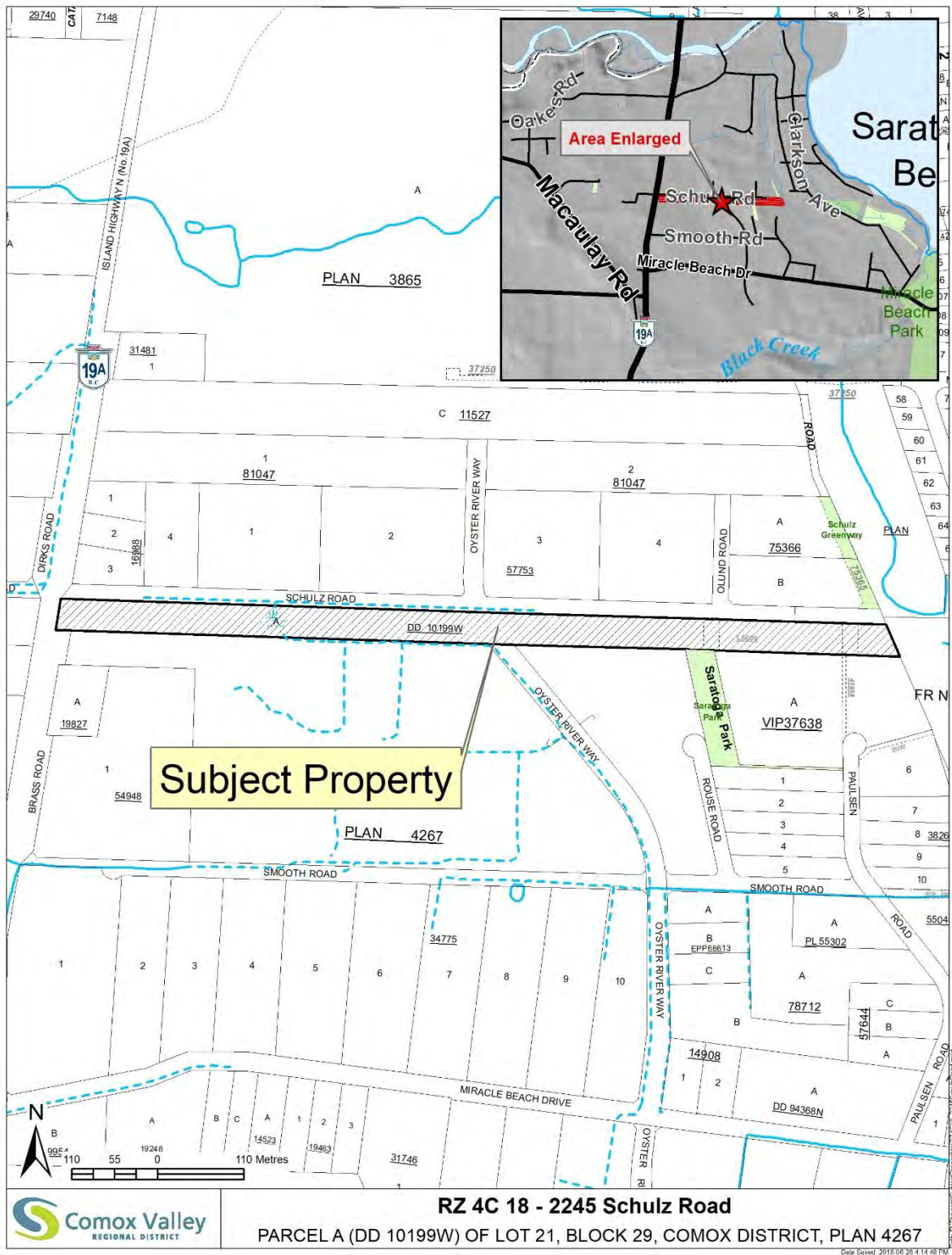


Figure 1: Subject Property Map

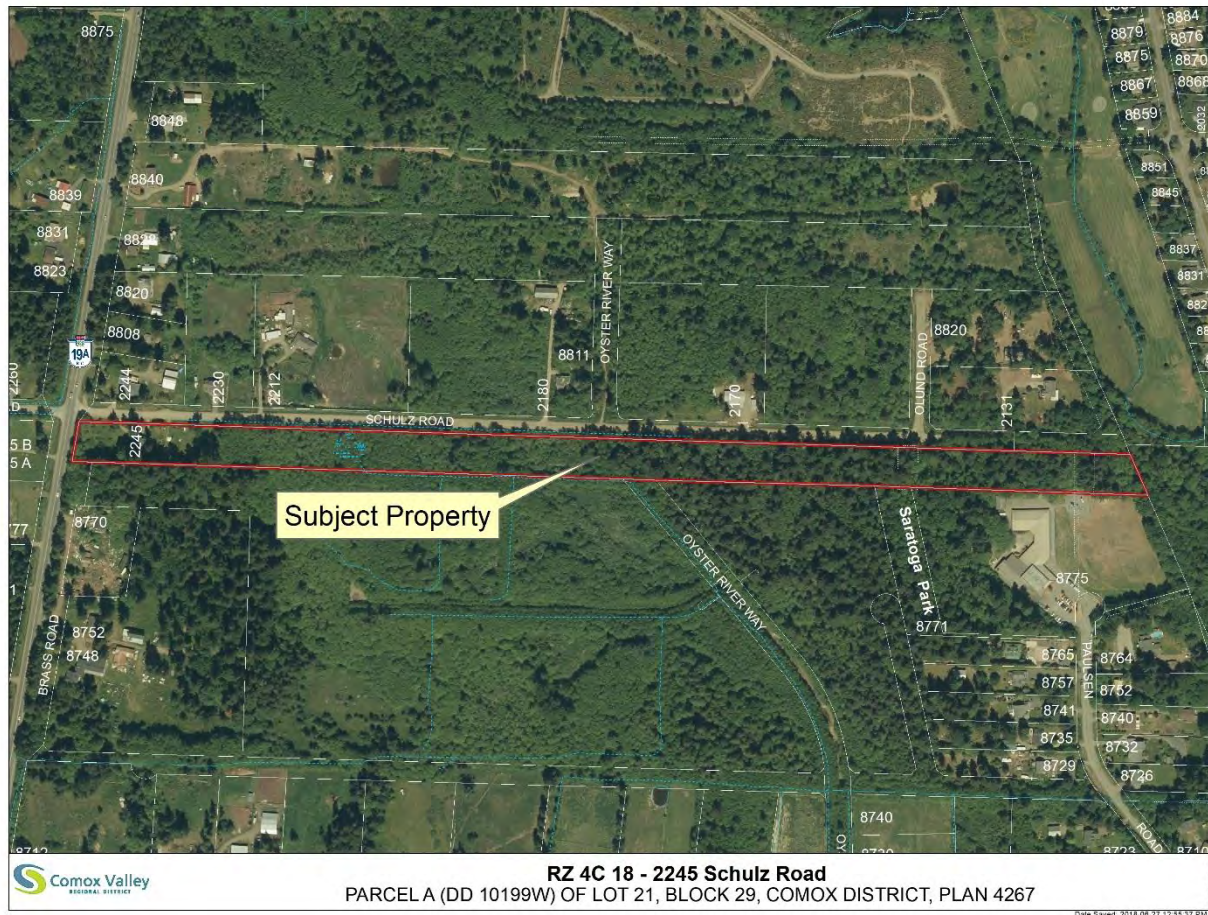


Figure 2: Air Photo

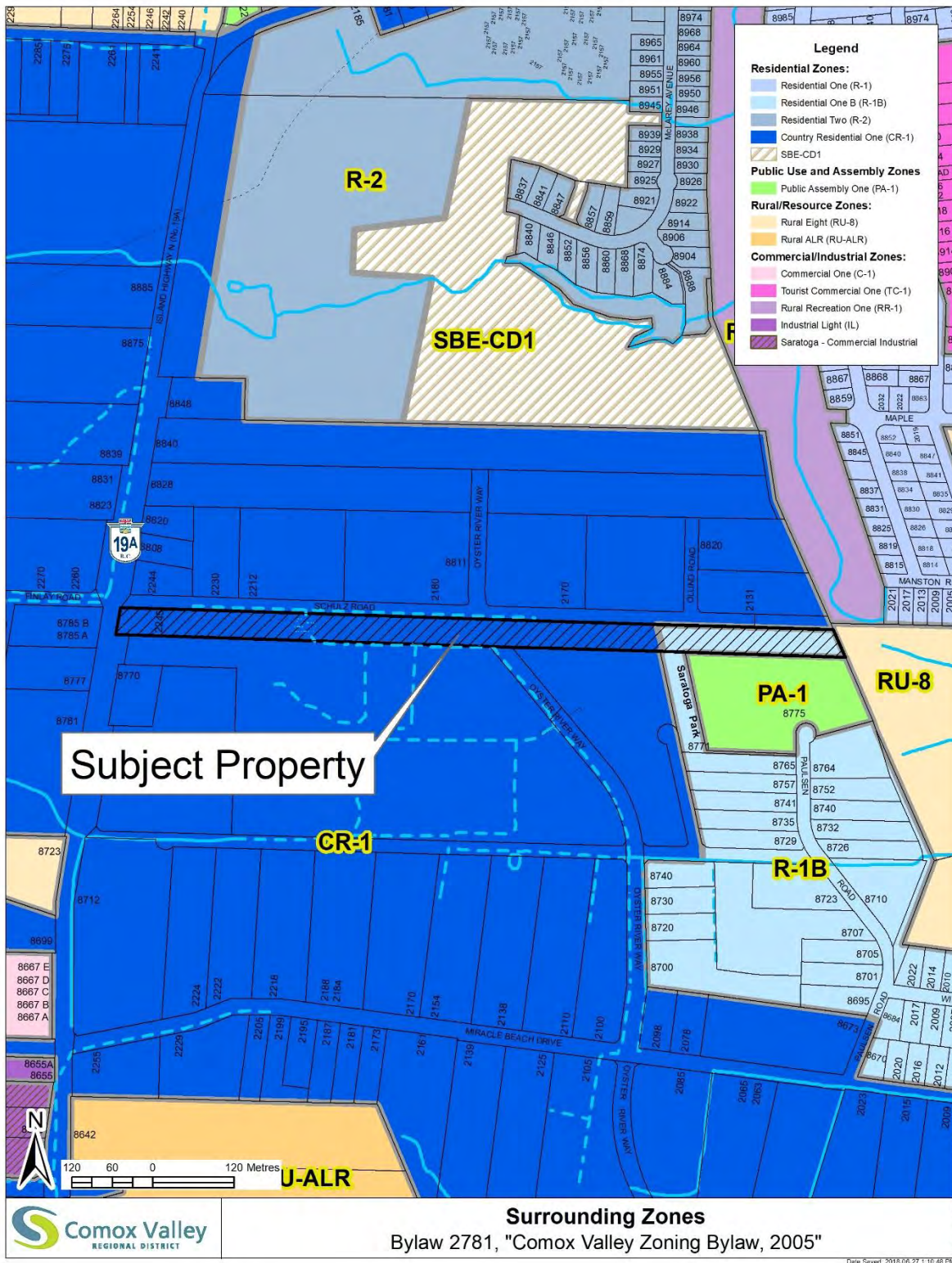


Figure 3: Zoning Map

Bylaw referral file: RZ 4C 18

Page 7

At its regularly scheduled meeting of August 28, 2018, the CVRD Board endorsed forwarding the proposed bylaw(s) to the following agencies as listed below. As part of this motion, it was decided to circulate this referral to your office for comments in order to enable you to take the proposed development into consideration as part of the future expansion of your operations.

Agency and First Nations Referral List

First Nations

<input checked="" type="checkbox"/>	K'ómoks First Nation	<input checked="" type="checkbox"/>	Homalco (Xwemalhkwa) Indian Band
<input checked="" type="checkbox"/>	We Wai Kai Nation of the Laich-Kwil-Tach Treaty Society	<input checked="" type="checkbox"/>	Wei Wai Kum First Nation / Kwiakah First Nation, Kwiakah Treaty Society

Provincial Ministries and Agencies

	Agricultural Land Commission		Ministry of Community, Sport & Cultural Development (responsible for TransLink)
<input checked="" type="checkbox"/>	BC Assessment		Ministry of Energy & Mines
	BC Parks		Ministry of Forests, Lands and Natural Resource Operations
	Ministry of Environment	<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure
	BC Transit		Ministry of Jobs, Tourism & Skills Training (responsible for Labour)
	Ministry of Agriculture		Ministry of Indigenous Relations and Reconciliation

Local Government

	Comox (Town of)		Alberni-Clayoquot Regional District
	Courtenay (City of)	<input checked="" type="checkbox"/>	Strathcona Regional District
	Cumberland (Village of)		Regional District of Mount Waddington
	Islands Trust		Regional District of Nanaimo

Other

<input checked="" type="checkbox"/>	Puntledge – Black Creek Area 'C' Advisory Planning Commission		Agricultural Advisory Planning Commission
<input checked="" type="checkbox"/>	School District No. 71 (Comox Valley)	<input checked="" type="checkbox"/>	Island Health (Environmental Health)

Page 8

(Planner: Brian Chow)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Agency: _____ Date: _____

Please return your response by **September 28, 2018** by fax to 250-334-8156
or by email to planningdevelopment@comoxvalleyrd.ca.

707**Country Residential One (CR-1)****1. PRINCIPAL USE**

- i) **On any lot:**
 - a) Residential use.
- ii) **On any lot over 4000 metres² (1.0 acre):**
 - a) Agricultural use.

2. ACCESSORY USES

- i) **On any lot:**
 - a) Home occupation use;
 - b) Accessory buildings; and
 - c) Bed and Breakfast
- ii) **On any lot 2.0 hectares (4.9 acres) or larger:**
 - a) Animal kennels.

3. DENSITY**Residential use is limited to:**

- i) **On any lot:** One single detached dwelling and secondary suite, or one single detached dwelling and one carriage house, or one single detached dwelling and one secondary dwelling limited in area to 90 metres² (968.8 feet²).
- ii) **On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

#112

4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Country Residential One zone shall be as set out in the table below.

Type of Structure	Height	Required Setback			
		Front yard	Rear yard	Side yard	
				Frontage <31m	Frontage >31m
Principal	10.0m (32.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)
Accessory	4.5m-or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Note: Part 400, Siting Exceptions, of this bylaw and Bylaw No. 1836 being the "Floodplain Management Bylaw, 1997" may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

5. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area.

6. FLOOR AREA REQUIREMENTS

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 200.0 metres² (2152.9 feet²).

7. SUBDIVISION REQUIREMENTS

- i) Despite any other provision of this bylaw, the minimum permitted lot area within areas designated as "settlement expansion areas" under "Comox Valley Regional Growth Strategy Bylaw No. 120, 2010" is 4.0 hectares.

#200

- ii) Despite any other provision of this bylaw, for the purpose of subdivision, the following sections of this bylaw do not apply to lots within areas designated as "settlement expansion areas" under "Comox Valley Regional Growth Strategy Bylaw No. 120, 2010":

- a) Section 503 Subdivision Standards 1. AREA AND FRONTAGE REQUIREMENTS i);
- b) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS i) a); and
- c) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS iii).

- iii) **Lot Area**

The minimum lot area permitted shall be 2.0 hectares (4.9 acres)

Despite (iii), a subdivision with lots smaller than identified above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot area permitted.

End • CR-1

702**Residential One B (R-1B)****1. PRINCIPAL USE****On any lot:**

- i) Residential use.

2. ACCESSORY USES**On any lot:**

- i) Secondary suite;
- ii) Home occupation use;
- iii) Accessory buildings;
- iv) Bed and Breakfast.

4

3. DENSITY**Residential use is limited to:**

- i) **On any lot:** One single detached dwelling and secondary suite, or one single detached dwelling and one carriage house, or one single detached dwelling and one secondary dwelling limited in area to 90.0 m² (968.8 ft²)

#112

4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Residential One zone are as set out in the table below.

Type of Structure	Height	Required Setback		
		Front yard	Rear yard	Side yard
Principal	10.0m (32.8ft)	4.5m (14.8ft)	4.5m (14.8ft)	1.75m (5.8ft)
Accessory	4.5m-or less (14.7ft or less)	4.5m (14.8ft)	1.0m (3.3ft)	1.0m (3.3ft)
Accessory	6.0m-4.6m (19.7ft)	4.5m (14.8ft)	4.5m (14.8ft)	1.75m (5.8ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Note: Part 400, Siting Exceptions, of this bylaw and Bylaw No. 1836 being the "Floodplain Management Bylaw, 1997" may affect the siting of structures adjacent to major roads, and the natural boundaries of watercourses and the sea, respectively.]

5. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area.

6. SUBDIVISION REQUIREMENTS

- i) Despite any other provision of this bylaw, the minimum permitted lot area within areas designated as "settlement expansion areas" under "Comox Valley Regional Growth Strategy Bylaw No. 120, 2010" is 4.0 hectares. **#200**
- ii) Despite any other provision of this bylaw, for the purpose of subdivision, the following sections of this bylaw do not apply to lots within areas designated as "settlement expansion areas" under "Comox Valley Regional Growth Strategy Bylaw No. 120, 2010":
- a) Section 503 Subdivision Standards 1. AREA AND FRONTAGE REQUIREMENTS i);
 - b) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS i) a); and
 - c) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS iii).

iii) **Lot Area**

The minimum lot area permitted shall be:

- a) When connected to either community water or sewer: 4000 m² (1.0 acre)
- b) When serviced by well and approved septic system: 1.0 hectare (2.5 acres)

Despite (iii) above, a subdivision with lots smaller than identified in (a) and (b) above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot areas permitted based upon the available servicing.

End • R-1B

External Referrals Package
Status: Registered

Doc #: L5606

Page 14 of 19
RCVD: 1982-01-27 RQST: 2018-06-05 13.53.36FORM 17 - LAND TITLE ACT
APPLICATION

NOTE: Before submitting this application, applicants should check and satisfy themselves as to the tax position, including taxes of the Crown Provincial, a municipality and improvement water and irrigation districts.

NATURE OF INTEREST: EASEMENT

HEREWITH FEE OF: \$10.00

FULL NAME of person entitled to be registered as owner:

Shown in instrument: Leo Baldwin Richards and Evelyn Jean Richards

LEGAL DESCRIPTION:

Shown in instrument

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

IAIN A. BRAND, Barrister & Solicitor, 968 Fitzgerald Avenue, Courtenay, B.C. V9N 2R5

Telephone: 338-9242

➔ Send All Documents
& Notices To

VICTRO Registry Services Ltd. - Agent
Box 1537, Victoria, B.C.
V8W 2X7

Gene Dela
(Signature of Authorized Agent)

GRANT OF EASEMENTTHIS DEED MADE THE 30th DAY OF *December*, A.D. 1981.

LAND REGISTRY
'82 JAN 27 AM 5:50
BETWEEN: THOMAS JOSEPH NORTON, Logger, and
WENDY ELIZABETH NORTON, His Wife,
both of R.R.#1,
Black Creek, B.C. VOR 1C0

As Joint Tenants

(hereinafter called "the Grantors")

OF THE FIRST PART

AND: LEO BALDWIN RICHARDS, Businessman, and
EVELYN JOAN RICHARDS, Housewife,
both of R.R.#1,
Black Creek, B.C. VOR 1C0
As Joint Tenants

OF THE SECOND PART

WHEREAS:

1. The GRANTORS are the Registered Owners in Fee Simple of the land
situate immediately adjacent and to the north of the Dominant Tenement, namely:

Parcel "A" (DD 10199-W) of Lot 21, Block 29,
Comox District, Plan 4267

hereinafter known as the "Servient Tenement".

2. The GRANTEES are the Registered Owners in Fee Simple of the following
lands in the Comox Assessment District, namely:

Remainder of Lot 21, of Block 29, Comox District,
Plan 4267, EXCEPT Parcel "A" (DD 10199-W) thereof
and except those parts thereof included within the
boundaries of Plan 19827 and Plan 37370

FORM 1

(Section 36)

hereinafter known as the "Dominant Tenement".

** MEMORANDUM OF REGISTRATION

Registered on application received
on the day and time written hereon

I E HOOPER, Registrar of the
Victoria Land Title Office

- 2 -

3. The GRANTORS have agreed to grant to the GRANTEES such Right of Way as is hereinafter contained and described.

NOW THIS DEED WITNESSETH AS FOLLOWS:

1. In consideration of the sum of \$2,000.00 paid by the GRANTEES to the GRANTORS (the receipt whereof the GRANTORS hereby acknowledge) the GRANTORS hereby GIVE AND GRANT unto the GRANTEES FULL RIGHT AND LIBERTY for the GRANTEES and their successors in title, the owners and occupiers for the time being of the Dominant Tenement or any part thereof, and their respective servants and licensees (in common with the GRANTOR and all others having the like right) at all times hereafter by day or night with or without vehicles to pass and repass along over and upon the Servient Tenement in the Easement Areas shown outlined in red on the Plan annexed hereto (which Plan is entitled Annex "A" to Grant of Easement, Norton and Norton to Richards and Richards) and which are more completely described hereinafter.

2. Without restricting the generality of the foregoing, the GRANTEES shall have the right to construct and maintain a roadway and all ancilliary ditches, drains, sewers or other installations deemed necessary, practical or expedient in each of the Easement Areas for furthering the purposes and intents of the Easement granted herein and hereby.

3. The Easement Areas are comprises of two separate parcels shown as Easement Area "A" and Easement Area "B" on the Plan attached hereto.

4. Easement Area "A" is more particularly described as:

All that portion of Parcel "A" (DD 10199-W) of Lot 21, Block 29, Comox District, Plan 4267, lying to the West of and out to a limit 20 m perpendicularly distant from and parallel to a certain base line and its extensions, which said base line commences on the Southerly boundary of the said Parcel "A" 54.685 m, more or less, Westerly of the Southeast corner of the said Parcel "A" and bears Northerly to intersection with the Northerly boundary of the said Parcel "A" 37.37 m, more or less, Westerly from the Northeast corner of the said Parcel "A".

5. Easement Area "B" is more particularly described as:

All that portion of Parcel "A" (DD 10199-W) of Lot 21, Block 29, Comox District, Plan 4267, lying to the West of and out to a limit 20 m perpendicularly distant from and parallel to a certain base line and its extensions, which said base line commences on the Southerly boundary of the said Parcel "A" 274.71 m, more or less, Westerly of the Southeast corner of the said Parcel "A" and bears Northerly to intersection with the Northerly boundary of the said Parcel "A" 255.490 m, more or less, Westerly from the Northeast corner of the said Parcel "A".

6. In the event that the GRANTORS shall dedicate the land encompassed within either Easement Area "A" or Easement Area "B", or both, to the Department of Highways of the Province of British Columbia for the purposes of a public roadway,

- 3 -

then the GRANTEES agree and undertake to execute such releases as may be required in order to permit such dedication to take place.

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

IN WITNESS WHEREOF the parties have hereunto set their respective hands and seals the day and year first shown above.

SIGNED, SEALED AND DELIVERED by)
THOMAS JOSEPH NORTON and WENDY)
ELIZABETH NORTON in the presence of:)

Lena Nelson
Name

LENA NELSON
2945 Muir Road
Address Courtenay, B.C. V9N 6A2
Legal Secretary

Occupation

Thomas Joseph Norton
THOMAS JOSEPH NORTON

Wendy Elizabeth Norton
WENDY ELIZABETH NORTON

SIGNED, SEALED AND DELIVERED by)
LEO BALDWIN RICHARDS and EVELYN)
JOAN RICHARDS in the presence of:)

Iain A. Brand
Name

IAIN A. BRAND
968 FITZGERALD AVENUE
Address COURTENAY, B.C. V9N 2R5
TELEPHONE: 338-9242
BARRISTER & SOLICITOR

Occupation

Leo Baldwin Richards
LEO BALDWIN RICHARDS

Evelyn Joan Richards
EVELYN JOAN RICHARDS

APPROVAL AND CONSENT

The UNION BAY CREDIT UNION, its authorized signatories, having read and understood the above Grant of Easement made by Thomas Joseph Norton and Wendy Elizabeth Norton to Leo Baldwin Richards and Evelyn Joan Richards, as Grantees, does hereby APPROVE and CONSENT to the said Grant of Easement over Parcel "A" (DD 10199-W) of Lot 21, Block 29, Comox District, Plan 4267.

The Common Seal of the UNION BAY)
CREDIT UNION was hereunto affixed this)
25th day of January , 1982)
in the presence of:)

W. A. Johnson President
For Walter Lewis - Manager

(seal)

External Referrals Package
Status: Registered

Doc #: L5606

Mack Printers and Stationers Ltd., Vancouver, B.C.
Law and Commercial Stationers Form No. 21A-6

LAND TITLE ACT

FD-302a (Rev. 11-29-60)
(Section 46)

PROOF OF EXECUTION BY CORPORATION

I CERTIFY that on the 25th day of January, 19 82, at Courtenay in British Columbia,

~~XX~~ (State full name, address, and occupation)

PAT WATERFIELD

who is personally known to me, appeared before me and acknowledged to me that ~~he~~ ^{XX} she is the authorized signatory of UNION BAY CREDIT UNION

and that ~~he~~/she is the person who subscribed ~~his~~/her name and affixed the seal of the corporation to the instrument, that ~~he~~/she was authorized to subscribe ~~his~~/her name and affix the seal to it, f{and that the corporation existed at the date the instrument was executed by the corporation.)

IN TESTIMONY of which I set my hand and seal of office at Courtenay, British Columbia

This 25th day of January, 1982

ROY WILLIAM POWERS
A Commissioner for taking Affidavits

* Where the person making the acknowledgment is personally known to the officer taking it, strike out these words in brackets.

§ Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

External Referrals Package
Status: Registered

Doc #: L5606

Appendix C Page 5 of 6

Page 18 of 19
RCVD: 1982-01-27 RQST: 2018-06-05 13.53.36Mack Printers and Stationers Ltd., Vancouver, B.C.
Law and Commercial Stationers Form No. LTA 2

LAND TITLE ACT

FORM 2
(Sections 43 (a) and 44 (a))

AFFIDAVIT OF WITNESS

I, LENA NELSON, of CITY OF COURTENAY

in British Columbia, make oath and say:

1. I was present and saw this instrument duly signed and executed by Thomas Joseph Norton and Wendy Elizabeth Norton the party(ies) to it, for the purposes named in it.
2. The instrument was executed at Courtenay, British Columbia
3. I know the party(ies), who is(are) 19 years old or more.
4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at Courtenayin British Columbia, this 18day of January, 19 82Doug W. ChiodoLena Nelson*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.
NOTE — This affidavit must be sworn by a witness who is not a party to the instrument.Mack Printers and Stationers Ltd., Vancouver, B.C.
Law and Commercial Stationers Form No. LTA 2

LAND TITLE ACT

FORM 2
(Sections 43 (a) and 44 (a))

AFFIDAVIT OF WITNESS

I, _____, of _____

in British Columbia, make oath and say:

1. I was present and saw this instrument duly signed and executed by Leo Baldwin Richards and Evelyn Joan Richards the party(ies) to it, for the purposes named in it.
2. The instrument was executed at Courtenay, British Columbia
3. I know the party(ies), who is(are) 19 years old or more.
4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at Courtenay

in British Columbia, this _____

day of _____, 19 _____

*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.
NOTE — This affidavit must be sworn by a witness who is not a party to the instrument.

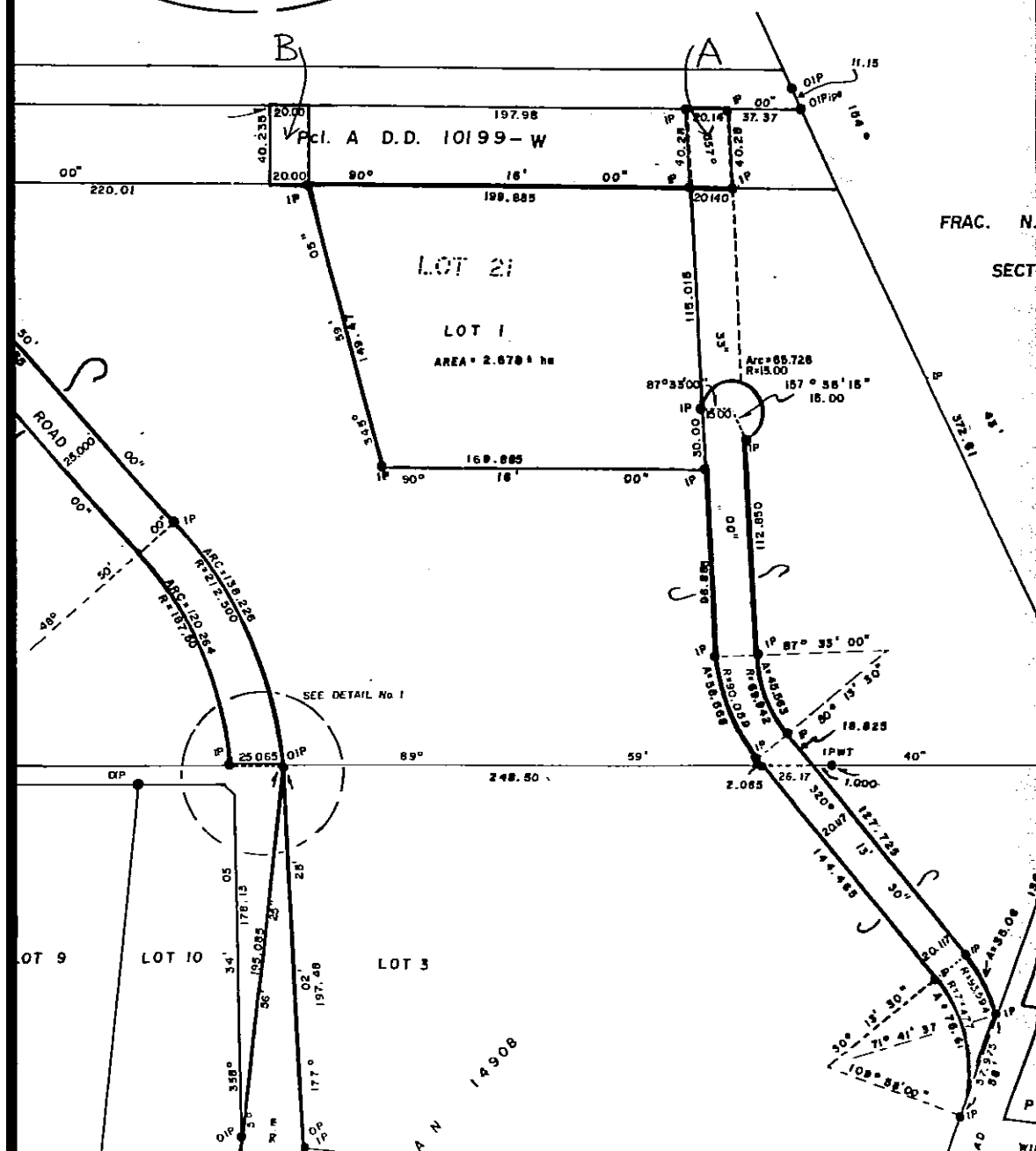
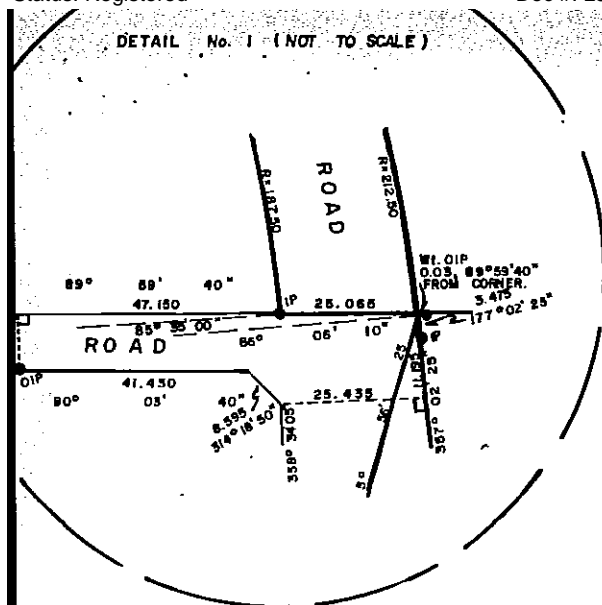
External Referrals Package
Status: Registered

Doc #: L5606

DEPOSITED L 5606

Annex "A" to Grant of Easement
Norton and Norton to Richards and Richards

Easterly portion of Parcel "A" (DD 10199-W)
Block 29, Comox District, Plan 4267,
shown outlined in yellow.



Brian Chow3360-20/RZ 4C 18

From: Brian Chow
Sent: October-02-18 8:59 AM
To: 'HBE (Healthy Built Environment)'
Cc: Hillis, John
Subject: RE: Referral for Your Review and Comments - Rezoning Application for 2245 Schulz Road (File: RZ 4C 18)

Hi Jade,

Thank you very much for your comments. I will review them, and if I have any questions, I will let you know.

Brian Chow, MCIP, RPP
Rural Planner
Planning and Development Services Branch, Comox Valley Regional District
600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6017
Toll free: 1-800-331-6007 Fax: 250-334-8156

From: Yehia, Jade [mailto:Jade.Yehia@viha.ca] **On Behalf Of** HBE (Healthy Built Environment)
Sent: September-28-18 5:11 PM
To: Brian Chow <bchow@comoxvalleyrd.ca>
Cc: Hillis, John <John.Hillis@viha.ca>
Subject: RE: Referral for Your Review and Comments - Rezoning Application for 2245 Schulz Road (File: RZ 4C 18)

Hello Brian,

We would like to highlight some concerns we have with this rezoning application, from a regulatory and *Healthy Built Environment*, perspective:

From our regulatory view:

- (1) As proposed we have concerns that this rezoning would not be capable of meeting our Subdivision Standards as outlined in the referral, i.e. *"Note that the current Zoning Bylaw is under review, and in the draft zoning bylaw, the minimum lot area for residential zones will be 1.0 hectare, based on feedback from Island Health."* We would need to review each and every proposed lot, to ensure they meet with our [Subdivision Standards](#), before offering a meaningful response here.
- (2) We have additional concerns on drinking water availability in the area. While the referral is in the *Black Creek/Oyster Bay Water Local Service Area* water scarcity/quantity has been a notable issue in the past [with development moratoriums] and additional groundwater sources adjacent to the Oyster River being presently explored due to expected future water demands for the area.

Regarding *Healthy Built Environment* (HBE) recommendations:

- Under the heading *Easement Analysis*: *"While the CVRD is not a signatory in this easement, there exists an opportunity for neighbourhood connectivity, such as having another access to the school. This could be the basis for community amenity discussions per Section 72 of the OCP."* From a HBE perspective we would want to encourage this community amenity contribution as connecting neighbourhoods, especially to schools (and safe-active travel of kids to school), has vast health related benefits. Such as, "when transportation networks are designed to prioritize active transportation mobility for all residents is encouraged which leads to improved health outcomes, better physical and mental well-being, and greater opportunities for social connectedness."¹

- While it seems that the rezoning is for only 3 lots, on the basis of no sewer servicing, under OCP analysis it states: *“This designation is for small-lot neighbourhoods with single detached dwellings and provisions for secondary suites, carriage houses and secondary dwellings”*. From a HBE point of view there are many reasons to support secondary suites (which we would be happy to further clarify) but if the appropriate & sustainable servicing isn’t available, i.e. meets with our Subdivision Standards for on-site waste water servicing (appropriate lot sizing and soil availability), this is something we would not support.
- Reviewing a staff report online in relation to this proposal there was a prior interdepartmental comment on... *“Parkland dedication at time of subdivision only applies when a proposal includes subdivision of more than three lots.”* Now, again, we have concerns about the density as it relates to water/wastewater but if the applicant is going to densify beyond 3 lots we would want to see this parkland dedication be included. Our health rationale would be in considerations of the “capacity of a park to cool and filter the air, or the ability of a greenway to inspire active transport and access to nature. Such interventions foster more livable surroundings that encourage physical activity and promote better mental health... furthermore, locating parks where people live can improve access to (natural) recreation space.”¹

¹BCCDC (2018). Healthy Built Environment Linkages Toolkit: making the links between design, planning and health, Version 2.0. Retrieved from: <http://www.bccdc.ca/health-professionals/professional-resources/healthy-built-environment-linkages-toolkit>

Overall, it is advisable (if possible) that this rezoning be considered after the current DRAFT CVRD Zoning Bylaw is finalized thereby better reflecting previous Island Health comments on land use densities and as per the above comments.

Thank you for the opportunity to provide input and please do not hesitate to contact us should you have any questions.

Kind regards,
Jade

Jade Yehia, CPHI(C)

Regional Built Environment Consultant
201 - 771 Vernon Avenue | Victoria, BC V8X 5A7
Ph: 250.519.3654 | Fax: 250.519.3402
Jade.Yehia@viha.ca | [HBE program](#)

Healthy Built Environment intake: HBE@viha.ca



From: Brian Chow [<mailto:bchow@comoxvalleyrd.ca>]

Sent: Wednesday, August 29, 2018 11:22 AM

Subject: Referral for Your Review and Comments - Rezoning Application for 2245 Schulz Road (File: RZ 4C 18)

Hi,

Please find attached a referral for your review and comments.

The subject property is located at 2245 Schulz Road and is approximately 4.2 hectares in area. It is a long, narrow lot, bounded by Schulz Road to the north, Miracle Beach Elementary School to the southeast, residential lots to the south and Old Island Highway to the west. The property is split zoned: CR-1 in the western portion and R-1B in

the eastern portion. The applicant wishes to rezone the property in order to resolve the split zone situation, and to provide subdivision opportunities. While the current plan is to subdivide into three lots, the applicant requests a zone with a minimum lot area of subdivision of 0.4 hectares.

Please let me know if you have any questions, and please respond by September 28, 2018. Thank you.

Brian Chow, MCIP, RPP

Rural Planner

Planning and Development Services Branch, Comox Valley Regional District

600 Comox Road, Courtenay, BC V9N 3P6

Tel: 250-334-6017

Toll free: 1-800-331-6007 Fax: 250-334-8156

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



Memo

File: 3360-20/RZ 4C 18

DATE: August 29, 2018

TO: Advisory Planning Commission
Puntledge – Black Creek (Electoral Area C)

FROM: Planning and Development Services Branch

RE: Rezoning Application – 2245 Schulz Road (Pajak)
Parcel A (DD 10199W) of Lot 21, Block 29, Comox District, Plan 4267,
PID 005-027-462

The attached development proposal is for commission members' review and comment.

An application has been received to consider a Zoning Bylaw amendment for a property at 2245 Schulz Road. The subject property is approximately 4.2 hectares in area. It is a long, narrow lot, bounded by Schulz Road to the north, Miracle Beach Elementary School to the southeast, residential lots to the south and Old Island Highway to the west. The property is split zoned: Country Residential One (CR-1) in the western portion and Residential One B (R-1B) in the eastern portion. The applicant wishes to rezone the property in order to resolve the split zone situation, and to provide subdivision opportunities.

For more information, please refer to the attached staff report dated August 2, 2018, which was presented to the Electoral Areas Services Committee on August 13, 2018.

Thank you for your review.

Sincerely,

A. Mullaly

Alana Mullaly, MCIP, RPP
Acting General Manager
Planning and Development Services Branch

\bc

Attachment: Staff Report Dated August 13, 2018



Staff report

DATE: August 2, 2018

FILE: 3360-20/RZ 4C 18

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

RE: **Zoning Bylaw Amendment – 2245 Schulz Road (Pajak)
Puntledge – Black Creek (Electoral Area C)
Parcel A (DD 10199W) of Lot 21, Block 29, Comox District, Plan 4267,
PID 005-027-462**

Purpose

To seek Comox Valley Regional District (CVRD) Board support to undertake external agency and First Nations referrals for a proposed rezoning to resolve a split zoned situation and to enable future subdivision.

Recommendation from the Chief Administrative Officer:

THAT the Comox Valley Regional District Board endorse the agency referral list as outlined in Appendix B of staff report dated August 2, 2018, and direct staff to start the external agency referral process for Parcel A (DD 10199W) of Lot 21, Block 29, Comox District, Plan 4267, PID 005-027-462 (Pajak) as part of a proposed amendment (RZ 4C 18) of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”;

FURTHER THAT Comox Valley Regional District staff consult with First Nations in accordance with the referrals management program dated September 25, 2012;

AND FINALLY THAT the Comox Valley Regional District Board authorize staff to begin discussions on provision of community amenities as per Section 72 “Community Amenity Contributions” of Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014.”

Executive Summary

- The subject property is located at 2245 Schulz Road in Electoral Area C (Figures 1 and 2).
- The approximate size of the property is 4.2 hectares.
- The property is split-zoned: Country Residential One (CR-1) in the western portion and Residential One B (R-1B) in the eastern portion (Figure 3).
- The applicant wishes to rezone the property in order to resolve the split zone situation, and to provide subdivision opportunities. While the current plan is to subdivide into three lots, the applicant requests a zone with a minimum lot area of subdivision of 0.4 hectares.
- Note that the zoning bylaw is under review. In the proposed zoning bylaw, the minimum lot area for residential zones will be 1.0 hectare, based on feedback from Vancouver Island Health Authority (VIHA).
- The subject property is in the Saratoga Miracle Beach Settlement Node as per the Comox Valley Regional District Regional Growth Strategy (RGS) and Rural Comox Valley Official Community Plan (OCP). The rezoning application is consistent with these plans.

- The draft Saratoga Miracle Beach Local Area Plan (LAP) designates the subject property within “Residential” and is within the Core Development Area. The rezoning application is also consistent with the draft.
- The CVRD Board is recommended to conduct First Nations and external agency referrals for this rezoning application (Appendix B). External referral will help in determining actual redevelopment potential. In addition, the CVRD Board is recommended to authorize staff to begin discussions on provision of community amenities as per Section 72 of the OCP.

Prepared by:

Concurrence:

B. Chow

A. Mullaly

Brian Chow, MCIP, RPP
Rural Planner

Alana Mullaly, M.Pl., MCIP, RPP
Acting General Manager of Planning
and Development Services Branch

Background/Current Situation

The subject property is located at 2245 Schulz Road and is approximately 4.2 hectares in area (Figures 1 and 2). It is a long, skinny lot, bounded by Schulz Road to the north, Miracle Beach Elementary School to the southeast, residential lots to the south and Old Island Highway to the west. The property is split zoned: CR-1 in the western portion and R-1B in the eastern portion (Figure 3). The applicant wishes to rezone the property in order to resolve the split zone situation, and to provide subdivision opportunities. While the current plan is to subdivide into three lots, the applicant requests a zone with a minimum lot area of subdivision of 0.4 hectares.

Official Community Plan Analysis

Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014,” designates the subject property within Saratoga and Miracle Beach Settlement Node. The draft Saratoga Miracle Beach LAP designates this property as Residential and is within the Core Development Area. This designation is for small-lot neighbourhoods with single detached dwellings and provisions for secondary suites, carriage houses and secondary dwellings. The residential density is to be between four to 24 units per hectare subject to the availability of community water and sewer services. The rezoning application is consistent with the growth management framework of these plans.

Section 33(4) of the OCP indicates that the community amenity policy in part 4 of the OCP is to be applied for development in settlement nodes. It is a priority to have community amenities that support the goals and objectives of the settlement node and local area plan. Section 72 of the OCP contains the policies on community amenity contributions.

Zoning Bylaw Analysis

The subject property is split zoned. In the review of zoning history, the property first appeared as split zoned in Bylaw No. 869, which was adopted on April 28, 1986. (The applicant owned this property in October 1986.) Currently, in Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”, the minimum lot area for subdivision for the CR-1 zone is 2.0 hectares and the minimum lot area for the R-1B zone is 0.40 hectares, if the lot is connected to either community water or sewer. The subject property is in the Black Creek/Oyster Bay Water Local Service Area. Approximately 1.0 hectare of the 4.2 hectare lot is zoned R-1B.

The application to rezone the entire lot to a residential zone that will enable subdivision. The applicant requests to rezone the lot to a zone with the minimum lot area of 0.4 hectares, based on the current minimum subdivision lot area in the R-1B zone. The current plan is to subdivide into three lots and leave the remainder density for the future. Note that the current zoning bylaw is under review, and in the draft zoning bylaw, the minimum lot area for residential zones will be 1.0 hectare, based on feedback from VIHA. Through the rezoning process, the applicant will be required to demonstrate the actual subdivision potential based on on-site servicing capacity. A site specific study will ensure that onsite wastewater treatment systems will be sustainable for the long term.

Easement Analysis

The land title of the subject property identifies that there is an easement agreement (ID: L5606) between the applicant and property owners to the south (Appendix A). The easement agreement indicates that there are two easement areas, identified and outlined as Easement Area A and Easement Area B, on the subject property. The two easement areas can be used by the property owners to the south to trespass; to construct and maintain roads and associated ditches, drains, sewers or other necessary installations; and to be dedicated as public roads to the Ministry of Transportation and Infrastructure, if the signatories agree. While the CVRD is not a signatory in this easement, there exists an opportunity for neighbourhood connectivity, such as having another access to the school. This could be the basis for community amenity discussions per Section 72 of the OCP.

Policy Analysis

Section 460 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) states that a local government must define procedures by which a property owner may apply for a bylaw amendment. Section 479 of the LGA authorizes a local government to regulate the use, density, size and shape of land, buildings and structures. Section 464 states that a local government must hold a Public Hearing before adopting a Zoning Bylaw.

Options

The board can:

1. Refer the application to external agencies and First Nations for review, or
2. Deny the application to rezone the property to allow for a reduced parcel size.

Staff recommends option 1. This will enable staff to collect specific feedback on the application.

Financial Factors

The applicant has paid for the rezoning application review in accordance with the Bylaw No. 328 being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014”. If the application proceeds to statutory public hearing, additional fees will be required. Fees paid to date account for the rezoning only and not future subdivision or development permit fees.

Legal Factors

This report and the recommendations contained herein are in compliance with the LGA and CVRD bylaws. The LGA authorizes a local government to regulate the use of land and buildings.

Regional Growth Strategy Implications

Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”, designates the subject property within the Saratoga and Miracle Beach Settlement Node. Settlement Nodes shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure (MG Policy 1B-1). The growth management framework is to direct 90 per cent of growth to Core Settlement Areas, and this Settlement Node is part of the

Core Settlement Area. Therefore, the proposed rezoning to enable subdivision is consistent with this growth management framework. Specific uses within the settlement nodes are identified in the Saratoga Miracle Beach LAP (MG Policy 1B-2).

Intergovernmental Factors

Appendix B contains a list of agencies and First Nations, to which staff recommends referring the application. Feedback from the referral will be reported at a future Electoral Areas Services Committee meeting.

Interdepartmental Involvement

Planning staff is leading this application. Input from engineering services regarding development cost charges and water connections will be sought if the application proceeds to subdivision. A rainwater management plan is required at this rezoning application stage in order to determine and confirm the development potential. The rainwater management plan should include appropriate mitigation measures in order to maintain pre-development or natural hydrologic conditions including natural rates of surface runoff, infiltration to shallow groundwater and infiltration to deep groundwater. If the CVRD Board accepts Jim Dumont's Saratoga Master Drainage Plan, the application would need to meet the plan's recommendations.

Parkland dedication at time of subdivision only applies when a proposal includes subdivision of more than three lots.

Citizen/Public Relations

Staff recommends that the application be referred to the Area C Advisory Planning Commission. If the application proceeds to bylaw preparation, community consultation will be held in accordance with Bylaw No. 328 (*i.e.*, statutory mailing and public hearing).

Attachments: Appendix A – "L5606 Easement"
Appendix B – "Agency List"

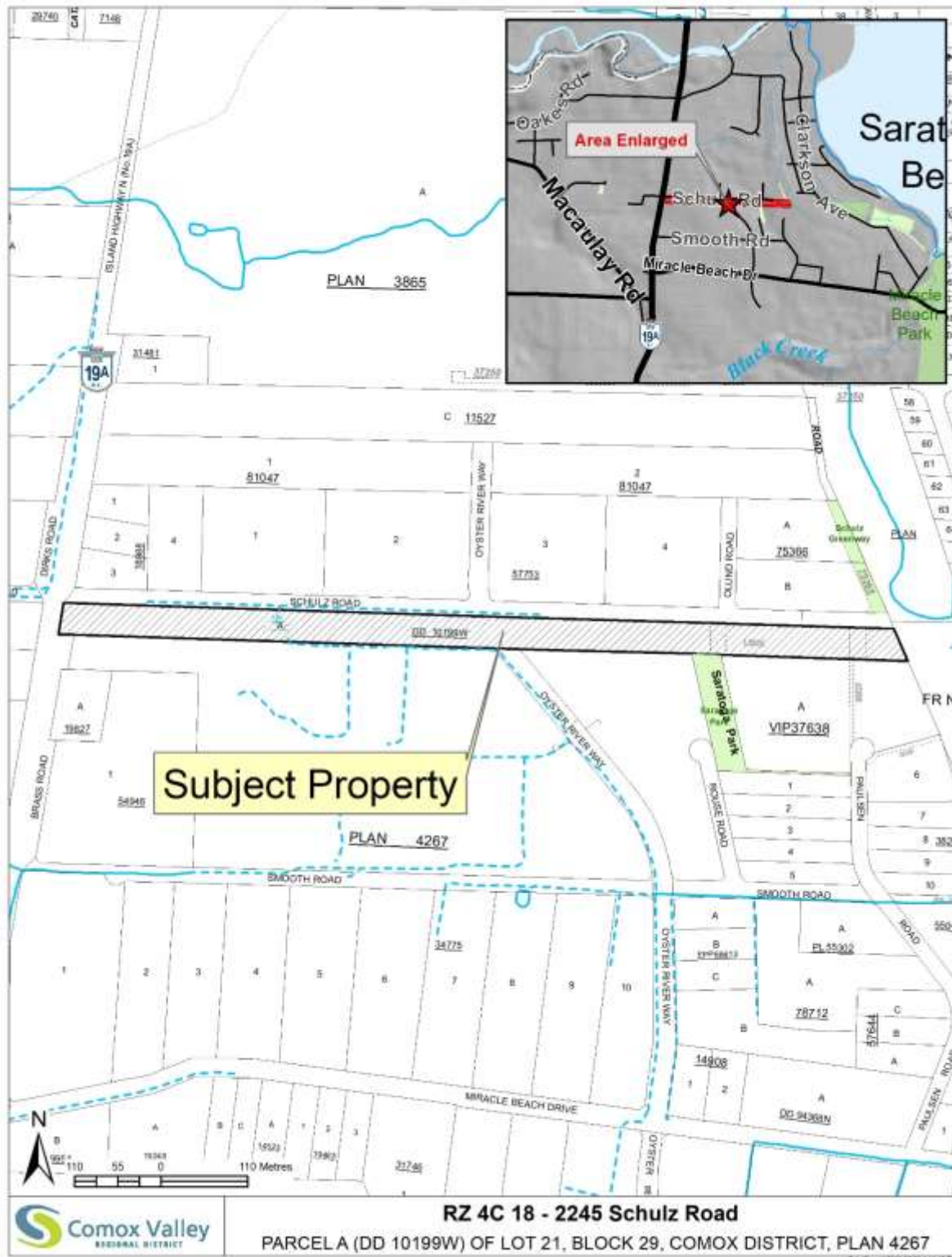


Figure 1: Subject Property Map



Figure 2: Air Photo

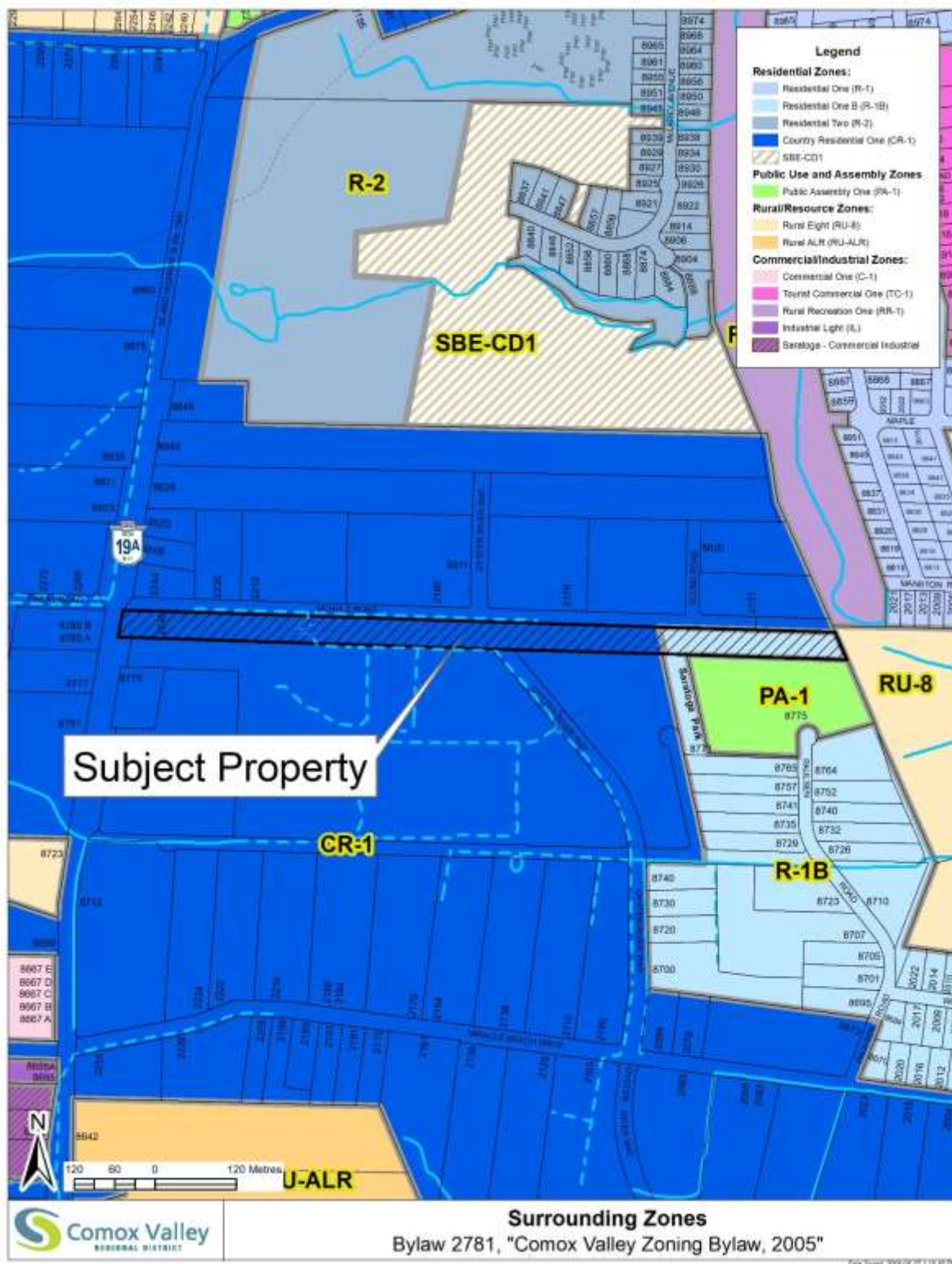


Figure 3: Zoning Map

FORM 17 - LAND TITLE ACT
APPLICATION

NOTE: Before submitting this application, applicants should check and satisfy themselves as to the tax position, including taxes of the Crown Provincial, a municipality and improvement water and irrigation districts.

NATURE OF INTEREST: EASEMENT

HEREWITH FEE OF: \$10.00

FULL NAME of person entitled to be registered as owner:

Shown in instrument: Leo Baldwin Richards and Evelyn Jean Richards

LEGAL DESCRIPTION:

Shown in instrument

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

IAIN A. BRAND, Barrister & Solicitor, 968 Fitzgerald Avenue, Courtenay, B.C. V9N 2R5

Telephone: 338-9242

➔ Send All Documents
& Notices To

VICTRO Registry Services Ltd. - Agent
Box 1537, Victoria, B.C.
V8W 2X7

[Signature]
(Signature of Authorized Agent)

GRANT OF EASEMENT

THIS DEED MADE THE 30th DAY OF December, A.D. 1981.

BETWEEN: THOMAS JOSEPH NORTON, Logger, and
WENDY ELIZABETH NORTON, His Wife,
both of R.R.#1,
Black Creek, B.C. VOR 1C0

As Joint Tenants

(hereinafter called "the Grantors")

OF THE FIRST PART

AND: LEO BALDWIN RICHARDS, Businessman, and
EVELYN JOAN RICHARDS, Housewife,
both of R.R.#1,
Black Creek, B.C. VOR 1C0

As Joint Tenants

OF THE SECOND PART

WHEREAS:

1. The GRANTORS are the Registered Owners in Fee Simple of the land
situate immediately adjacent and to the north of the Dominant Tenement, namely:

Parcel "A" (DD 10199-W) of Lot 21, Block 29,
Comox District, Plan 4267

hereinafter known as the "Servient Tenement".

2. The GRANTEES are the Registered Owners in Fee Simple of the following
lands in the Comox Assessment District, namely:

Remainder of Lot 21, of Block 29, Comox District,
Plan 4267, EXCEPT Parcel "A" (DD 10199-W) thereof
and except those parts thereof included within the
boundaries of Plan 19827 and Plan 37370

FORM 1

(Section 36)

hereinafter known as the "Dominant Tenement".

MEMORANDUM OF REGISTRATION

Registered on application received
on the day and time written hereon

R E HOOPER, Registrar of the
Victoria Land Title Office

- 2 -

3. The GRANTORS have agreed to grant to the GRANTEES such Right of Way as is hereinafter contained and described.

NOW THIS DEED WITNESSETH AS FOLLOWS:

1. In consideration of the sum of \$2,000.00 paid by the GRANTEES to the GRANTORS (the receipt whereof the GRANTORS hereby acknowledge) the GRANTORS hereby GIVE AND GRANT unto the GRANTEES FULL RIGHT AND LIBERTY for the GRANTEES and their successors in title, the owners and occupiers for the time being of the Dominant Tenement or any part thereof, and their respective servants and licensees (in common with the GRANTOR and all others having the like right) at all times hereafter by day or night with or without vehicles to pass and repass along over and upon the Servient Tenement in the Easement Areas shown outlined in red on the Plan annexed hereto (which Plan is entitled Annex "A" to Grant of Easement, Norton and Norton to Richards and Richards) and which are more completely described hereinafter.

2. Without restricting the generality of the foregoing, the GRANTEES shall have the right to construct and maintain a roadway and all ancilliary ditches, drains, sewers or other installations deemed necessary, practical or expedient in each of the Easement Areas for furthering the purposes and intents of the Easement granted herein and hereby.

3. The Easement Areas are comprises of two separate parcels shown as Easement Area "A" and Easement Area "B" on the Plan attached hereto.

4. Easement Area "A" is more particularly described as:

All that portion of Parcel "A" (DD 10199-W) of Lot 21, Block 29, Comox District, Plan 4267, lying to the West of and out to a limit 20 m perpendicularly distant from and parallel to a certain base line and its extensions, which said base line commences on the Southerly boundary of the said Parcel "A" 54.685 m, more or less, Westerly of the Southeast corner of the said Parcel "A" and bears Northerly to intersection with the Northerly boundary of the said Parcel "A" 37.37 m, more or less, Westerly from the Northeast corner of the said Parcel "A".

5. Easement Area "B" is more particularly described as:

All that portion of Parcel "A" (DD 10199-W) of Lot 21, Block 29, Comox District, Plan 4267, lying to the West of and out to a limit 20 m perpendicularly distant from and parallel to a certain base line and its extensions, which said base line commences on the Southerly boundary of the said Parcel "A" 274.71 m, more or less, Westerly of the Southeast corner of the said Parcel "A" and bears Northerly to intersection with the Northerly boundary of the said Parcel "A" 255.490 m, more or less, Westerly from the Northeast corner of the said Parcel "A".

6. In the event that the GRANTORS shall dedicate the land encompassed within either Easement Area "A" or Easement Area "B", or both, to the Department of Highways of the Province of British Columbia for the purposes of a public roadway,

- 3 -

then the GRANTEES agree and undertake to execute such releases as may be required in order to permit such dedication to take place.

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

IN WITNESS WHEREOF the parties have hereunto set their respective hands and seals the day and year first shown above.

SIGNED, SEALED AND DELIVERED by)
THOMAS JOSEPH NORTON and WENDY)
ELIZABETH NORTON in the presence of:)

Len Nelson
Name)

LENA NELSON)
2945 Muir Road)
Address Courtenay, B.C. V9N 6A2)
Legal Secretary)

Occupation)

Thomas Joseph Norton
THOMAS JOSEPH NORTON

Wendy Elizabeth Norton
WENDY ELIZABETH NORTON

SIGNED, SEALED AND DELIVERED by)
LEO BALDWIN RICHARDS and EVELYN)
JOAN RICHARDS in the presence of:)

Iain A. Brand
Name)

IAIN A. BRAND)
968 FITZGERALD AVENUE)
Address COURTENAY, B.C. V9N 2R5)
TELEPHONE: 338-9242)
BARRISTER & SOLICITOR)

Occupation)

Leo Baldwin Richards
LEO BALDWIN RICHARDS

Evelyn Joan Richards
EVELYN JOAN RICHARDS

APPROVAL AND CONSENT

The UNION BAY CREDIT UNION, its authorized signatories, having read and understood the above Grant of Easement made by Thomas Joseph Norton and Wendy Elizabeth Norton to Leo Baldwin Richards and Evelyn Joan Richards, as Grantees, does hereby APPROVE and CONSENT to the said Grant of Easement over Parcel "A" (DD 10199-W) of Lot 21, Block 29, Comox District, Plan 4267.

The Common Seal of the UNION BAY)
CREDIT UNION was hereunto affixed this)
25th day of January , 1982)
in the presence of:)

Leo Baldwin Richards PRESIDENT)
Evelyn Joan Richards MANAGER)

(seal)

Status: Registered

Doc #: L5606

Appendix A Page 5 of 6

RCVD: 1982-01-27 RQST: 2018-06-05 13.53.36

Mack Printers and Stationers Ltd., Vancouver, B.C.
Law and Commercial Stationers Form No. LTA 2

LAND TITLE ACT

FORM 2
(Sections 43 (a) and 44 (a))

AFFIDAVIT OF WITNESS

I, LENA NELSON, of CITY OF COURTENAY

in British Columbia, make oath and say:

1. I was present and saw this instrument duly signed and executed by Thomas Joseph Norton and Wendy Elizabeth Norton the party(ies) to it, for the purposes named in it.
2. The instrument was executed at Courtenay, British Columbia
3. I know the party(ies), who is(are) 19 years old or more.
4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at Courtenay

in British Columbia, this 18

day of January, 19 82

Doyle W. Chiodo

Lena Nelson

*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.
NOTE — This affidavit must be sworn by a witness who is not a party to the instrument.

Mack Printers and Stationers Ltd., Vancouver, B.C.
Law and Commercial Stationers Form No. LTA 2

LAND TITLE ACT

FORM 2
(Sections 43 (a) and 44 (a))

AFFIDAVIT OF WITNESS

I, _____, of _____

in British Columbia, make oath and say:

1. I was present and saw this instrument duly signed and executed by Leo Baldwin Richards and Evelyn Joan Richards the party(ies) to it, for the purposes named in it.
2. The instrument was executed at Courtenay, British Columbia
3. I know the party(ies), who is(are) 19 years old or more.
4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at Courtenay

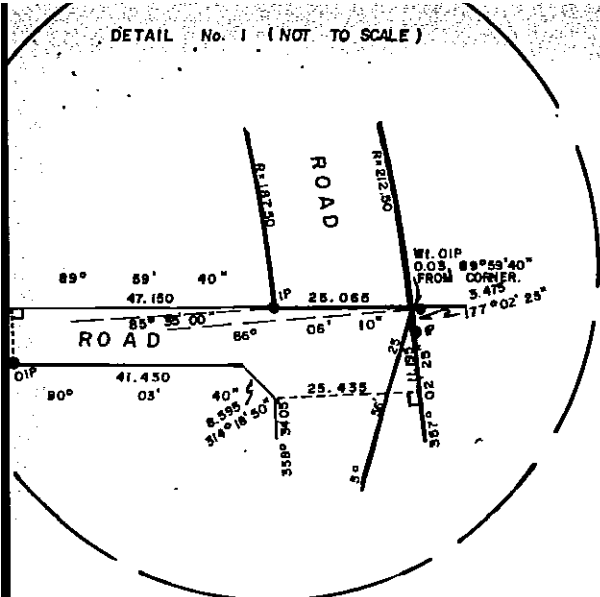
in British Columbia, this _____

day of _____, 19 _____

*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.
NOTE — This affidavit must be sworn by a witness who is not a party to the instrument.

Status: Registered

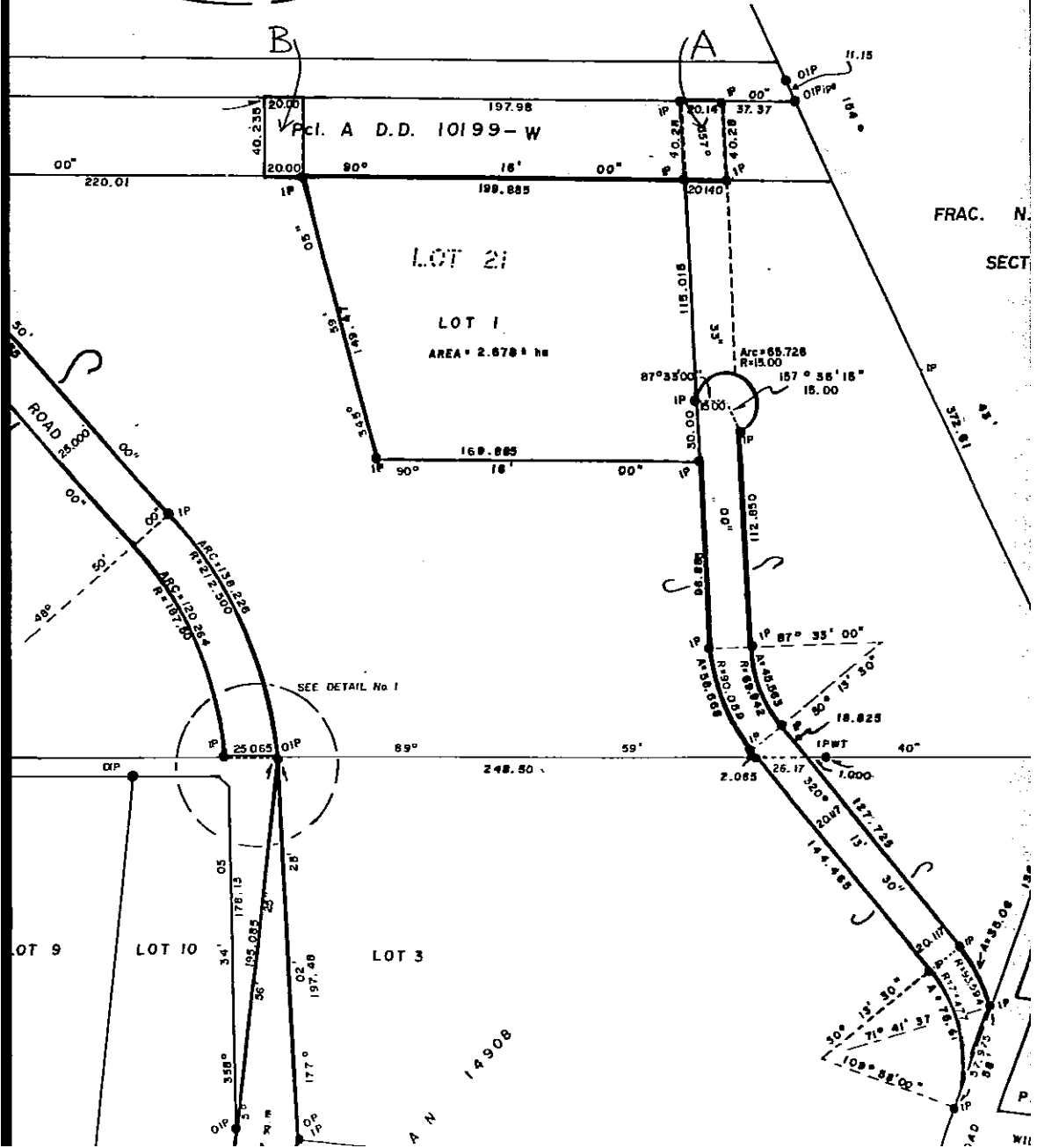
Doc #: L5606



DEPOSITED L 5606

Annex "A" to Grant of Easement
Norton and Norton to Richards and Richards

Easterly portion of Parcel "A" (DD 10199-W)
Block 29, Comox District, Plan 4267,
shown outlined in yellow.



Agency and First Nations Referral List

The following agencies will receive a referral of the proposal ☒.

First Nations

<input checked="" type="checkbox"/>	K'ómoks First Nation	<input checked="" type="checkbox"/>	Homalco (Xwemalhkwa) Indian Band
<input checked="" type="checkbox"/>	We Wai Kai Nation of the Laich-Kwil-Tach Treaty Society	<input checked="" type="checkbox"/>	We Wai Kum First Nation
<input checked="" type="checkbox"/>	Kwiakah First Nation		

Provincial Ministries and Agencies

	Agricultural Land Commission		Ministry of Community, Sport & Cultural Development (responsible for TransLink)
<input checked="" type="checkbox"/>	BC Assessment		Ministry of Energy & Mines
	BC Parks		Ministry of Forests, Lands and Natural Resource Operations
	Ministry of Environment	<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure
	BC Transit		Ministry of Jobs, Tourism & Skills Training (responsible for Labour)
	Ministry of Agriculture		Ministry of Indigenous Relations and Reconciliation

Local Government

	Comox (Town of)		Alberni-Clayoquot Regional District
	Courtenay (City of)	<input checked="" type="checkbox"/>	Strathcona Regional District
	Cumberland (Village of)		Regional District of Mount Waddington
	Islands Trust		Regional District of Nanaimo

Other

<input checked="" type="checkbox"/>	Puntledge – Black Creek Area ‘C’ Advisory Planning Commission		Agricultural Advisory Planning Commission
<input checked="" type="checkbox"/>	School District No. 71 (Comox Valley)	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)

3360-20/RZ 4C 18

Brian Chow

From: Kelly, Brendan TRAN:EX <Brendan.Kelly@gov.bc.ca>
Sent: November-28-18 9:43 AM
To: Brian Chow
Subject: RE: Referral for Your Review and Comments - Rezoning Application for 2245 Schulz Road (File: RZ 4C 18)

Hi Brian,
No objections.
Regards,

Brendan Kelly
Development Technician
Ministry of Transportation and Infrastructure
Vancouver Island District
250-334-6967

From: Brian Chow [mailto:bchow@comoxvalleyrd.ca]
Sent: Thursday, November 22, 2018 11:16 AM
To: Kelly, Brendan TRAN:EX
Subject: RE: Referral for Your Review and Comments - Rezoning Application for 2245 Schulz Road (File: RZ 4C 18)

Hi Brendan,

Thank you again for your comments. I am currently working on the staff report for this rezoning application. In the interest of accurately reflecting comments from the Ministry of Transportation and Infrastructure, here is what I am proposing based on the emails we have had:

“The Ministry of Transportation and Infrastructure does not object to the proposed rezoning but offers the following comment for consideration:

- The Ministry has concerns regarding drainage capacity of the existing infrastructure downstream of the subject property as it relates to higher density zoning. These capacity issues are identified in the Saratoga Miracle Beach Area Master Drainage Plan by Jim Dumont P.Eng. dated February 27, 2018.”

As you can see, I am assuming that I should take out the second bullet point, as the subject property is within the Black Creek/Oyster Bay Water Local Service Area.

Can you please confirm if my assumption is correct? Feel free to make any changes to the comments.

Thank you.

Brian Chow, MCIP, RPP
Rural Planner
Planning and Development Services Branch, Comox Valley Regional District
600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6017

Toll free: 1-800-331-6007 Fax: 250-334-8156

From: Kelly, Brendan TRAN:EX [mailto:Brendan.Kelly@gov.bc.ca]
Sent: October-26-18 10:20 AM
To: Brian Chow <bchow@comoxvalleyrd.ca>
Subject: RE: Referral for Your Review and Comments - Rezoning Application for 2245 Schulz Road (File: RZ 4C 18)

Hi Brian,

I was referring to my knowledge of IH Subdivision Standards, however I just learned that the 1 ha minimum parcel size is for lots not serviced by a community water system.

Regards,

Brendan Kelly
Development Technician
Ministry of Transportation and Infrastructure
Vancouver Island District
250-334-6967

From: Brian Chow [mailto:bchow@comoxvalleyrd.ca]
Sent: Friday, October 26, 2018 9:38 AM
To: Kelly, Brendan TRAN:EX
Subject: RE: Referral for Your Review and Comments - Rezoning Application for 2245 Schulz Road (File: RZ 4C 18)

Hi Brendan,

Thanks for your reply. I have one question regarding this comment:

“The proposed minimum parcel size does not comply with the minimum parcel size requirements by Island Health Subdivision Standards.”

I am guessing that you are referring to the 1.0 hectare minimum standard from Island Health, which is stated in my staff report? Please note that as of today, we have not received any written confirmation from Island Health for this 1.0 hectare standard. This standard has been provided to us verbally.

The feedback I got from Island Health regarding this rezoning is that they would need to review each of the proposed lot and to refer to the **current** Subdivision Standards: <https://www.islandhealth.ca/sites/default/files/2018-04/subdivision-standards.pdf>. Therefore, at this time, the standards are variable depending on soil conditions and topography.

Could you please confirm if my assumption is correct? Thank you.

Brian Chow, MCIP, RPP
Rural Planner
Planning and Development Services Branch, Comox Valley Regional District
600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6017
Toll free: 1-800-331-6007 Fax: 250-334-8156

From: Kelly, Brendan TRAN:EX [<mailto:Brendan.Kelly@gov.bc.ca>]

Sent: October-18-18 1:38 PM

To: Brian Chow <bchow@comoxvalleyrd.ca>

Subject: RE: Referral for Your Review and Comments - Rezoning Application for 2245 Schulz Road (File: RZ 4C 18)

The Ministry of Transportation and Infrastructure does not object to the proposed rezoning but offers the following comments for consideration:

- The Ministry has concerns regarding drainage capacity of the existing infrastructure downstream of the subject property as it relates to higher density zoning. These capacity issues are identified in the Saratoga Miracle Beach Area Master Drainage Plan by Jim Dumont P.Eng. dated February 27, 2018.
- The proposed minimum parcel size does not comply with the minimum parcel size requirements by Island Health Subdivision Standards

Brendan Kelly
Development Technician
Ministry of Transportation and Infrastructure
Vancouver Island District
250-334-6967

From: Brian Chow [<mailto:bchow@comoxvalleyrd.ca>]

Sent: Wednesday, August 29, 2018 11:22 AM

Subject: Referral for Your Review and Comments - Rezoning Application for 2245 Schulz Road (File: RZ 4C 18)

Hi,

Please find attached a referral for your review and comments.

The subject property is located at 2245 Schulz Road and is approximately 4.2 hectares in area. It is a long, narrow lot, bounded by Schulz Road to the north, Miracle Beach Elementary School to the southeast, residential lots to the south and Old Island Highway to the west. The property is split zoned: CR-1 in the western portion and R-1B in the eastern portion. The applicant wishes to rezone the property in order to resolve the split zone situation, and to provide subdivision opportunities. While the current plan is to subdivide into three lots, the applicant requests a zone with a minimum lot area of subdivision of 0.4 hectares.

Please let me know if you have any questions, and please respond by September 28, 2018. Thank you.

Brian Chow, MCIP, RPP
Rural Planner
Planning and Development Services Branch, Comox Valley Regional District
600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6017
Toll free: 1-800-331-6007 Fax: 250-334-8156

Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 3360-20/RZ 4C 18

September 4, 2018

Sent via email: tina.mclean@komoks.ca

K'ómoks First Nation
3330 Comox Road
Courtenay BC V9N 3P8

Attention: Tina McLean – Band Administrator

Dear Ms. McLean:

**Re: Rezoning Application Referral (2245 Schulz Road – Pajak)
Parcel A (DD 10199W) of Lot 21, Block 29, Comox District, Plan 4267, PID 005-027-462**

The attached referral for a rezoning application is for your review and comment. The intent of the application is to rezone the above-noted property in order to resolve a split zone situation and to provide subdivision opportunities.

In accordance with our referral agreement program, if K'ómoks First Nation has an interest in the rezoning application please respond by **September 29, 2018**. A formal referral package is enclosed for your review and comments. The Comox Valley Regional District (CVRD) is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Alana Mullaly at 250-334-6051 or by email to planningdevelopment@comoxvalleyrd.ca to coordinate this meeting. Thank you.

Sincerely,

R. Dyson

Russell Dyson
Chief Administrative Officer

Enclosure

cc: Jenny Millar, Assistant Band Administrator, K'ómoks First Nation
Monte Horton, Lands Administrator, K'ómoks First Nation
Alana Mullaly, Acting General Manager of Planning and Development Services Branch



Referral to the
K'ómoks First Nations

K'ómoks First Nation Referral Form

File: 3360-20/RZ 4C 18 (Pajak)

(Response required: September 29, 2018)

Please comment on the attached application regarding potential effects on your interests. The Comox Valley Regional District (CVRD) wishes to ensure that all future consultations with K'ómoks First Nation are considered early and ongoing. The CVRD will meet with you, at your convenience, to discuss this application. The offer to meet with you extends throughout the life of this application in order to gain your perspective as well answer any questions that may arise. If you would like to arrange a meeting, please contact Alana Mullaly at 250-334-6051 or by email to planningdevelopment@comoxvalleyrd.ca.

You will note that the response form has a number of choices that describe your interests. All details that support your position are appreciated as are any official legislative, governance and policy considerations that may affect the CVRD's consideration of this application.

If required, please contact the CVRD to assist you in determining the type of additional information that would be helpful or assist you to better understand how this application may impact land use and development.

Application type:

<input checked="" type="checkbox"/>	Zoning Amendment	<input type="checkbox"/>	OCP Amendment	<input type="checkbox"/>	Temporary Use Permit
<input type="checkbox"/>	Development Variance Permit	<input type="checkbox"/>	Development Permit	<input type="checkbox"/>	Crown Land Application

Applicant's name:	Pamela S. Pajak		
Legal description:	Parcel A (DD 10199W) of Lot 21, Block 29, Comox District, Plan 4267		
Civic address:	2245 Schulz Road	PID:	005-027-462
RGS designation:	Saratoga and Miracle Beach Settlement Node		
OCP designation:	Saratoga and Miracle Beach Settlement Node		
Zone:	Split Zoned: Country Residential One (CR-1) and Residential One B (R-1B)		

Application Description

The subject property is located at 2245 Schulz Road and is approximately 4.2 hectares in area (Figures 1 and 2). It is a long, narrow lot, bounded by Schulz Road to the north, Miracle Beach Elementary School to the southeast, residential lots to the south and Old Island Highway to the west. The property is split zoned: CR-1 (Appendix A) in the western portion and R-1B (Appendix B) in the eastern portion (Figure 3). The applicant wishes to rezone the property in order to resolve the split zone situation, and to provide subdivision opportunities. While the current plan is to subdivide into three lots, the applicant requests a zone with a minimum lot area of subdivision of 0.4 hectares.

Regional Growth Strategy Analysis

Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010,” designates the subject property within the Saratoga and Miracle Beach Settlement Node. Settlement Nodes shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure (MG Policy 1B-1). The growth management framework is to direct 90 per cent of growth to Core Settlement Areas, and this Settlement Node is part of the Core Settlement Area. Therefore, the proposed rezoning to enable subdivision is consistent with this growth management framework. Specific uses within the settlement nodes are identified in the Saratoga Miracle Beach Local Area Plan (LAP) (MG Policy 1B-2).

Official Community Plan Analysis

Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” (OCP), designates the subject property within the Saratoga and Miracle Beach Settlement Node. The draft Saratoga Miracle Beach LAP designates this property as Residential and is within the Core Development Area. This designation is for small-lot neighbourhoods with single detached dwellings and provisions for secondary suites, carriage houses and secondary dwellings. The residential density is to be between four to 24 units per hectare subject to the availability of community water and sewer services. The rezoning application is consistent with the growth management framework of these plans.

Section 33(4) of the OCP indicates that the community amenity policy in Part 4 of the OCP is to be applied for development in settlement nodes. It is a priority to have community amenities that support the goals and objectives of the settlement node and LAP. Section 72 of the OCP contains the policies on community amenity contributions.

The subject property is split zoned. In the review of zoning history, the property first appeared as split zoned in Bylaw No. 869, which was adopted on April 28, 1986. Currently, in Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the minimum lot area for subdivision for the CR-1 zone is 2.0 hectares and the minimum lot area for the R-1B zone is 0.40 hectares if the lot is connected to either community water or sewer. The subject property is in the Black Creek/Oyster Bay Water Local Service Area. Approximately 1.0 hectare of the 4.2 hectare lot is zoned R-1B.

The application is to rezone the entire lot to a residential zone that will enable subdivision. The applicant requests to rezone the lot to a zone with the minimum lot area of 0.4 hectares, based on the current minimum subdivision lot area in the R-1B zone. The current plan is to subdivide into three lots and leave the remainder density for the future. Note that the current Zoning Bylaw is under review, and in the draft zoning bylaw, the minimum lot area for residential zones will be 1.0 hectare, based on feedback from Island Health. Through the rezoning process, the applicant will be required to demonstrate the actual subdivision potential based on on-site servicing capacity. A site specific study will ensure that onsite wastewater treatment systems will be sustainable for the long term.

Easement Analysis

The land title of the subject property identifies that there is an easement agreement (ID: L5606) between the applicant and property owners to the south (Appendix C). The easement agreement indicates that there are two easement areas, identified and outlined as Easement Area A and Easement Area B, on the subject property. The two easement areas can be used by the property owners to the south to trespass; to construct and maintain roads and associated ditches, drains, sewers or other necessary installations; and to be dedicated as public roads to the Ministry of Transportation and Infrastructure, if the signatories agree. While the CVRD is not a signatory in this

easement, there exists an opportunity for neighbourhood connectivity, such as having another access to the school. This could be the basis for community amenity discussions per Section 72 of the OCP.

Should you have any questions on the above-noted matter, please contact Alana Mullaly at 250-334-6051 or by email to planningdevelopment@comoxvalleyrd.ca.

Sincerely,

A. Mullaly

Alana Mullaly, M.Pl., MCIP, RPP
Acting General Manager of Planning and Development Services

cc: Russell Dyson, Chief Administrative Officer

Attachments: Appendix A – “CR-1 zone”
Appendix B – “R-1B zone”
Appendix C – “L5606 Easement”

File: 3360-20/RZ 4C 18 (Pajak)
Planning and Development Services: Alana Mullaly (Brian Chow)

- | | |
|--|--|
| <input type="checkbox"/> General comments – see below | <input type="checkbox"/> Interests unaffected |
| <input type="checkbox"/> Issues requiring attention – see comments below | <input type="checkbox"/> Opposed due to reasons outlined below |

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Title: _____

Please return your response by **September 29, 2018**
Referral response may be electronically forwarded to planningdevelopment@comoxvalleyrd.ca.

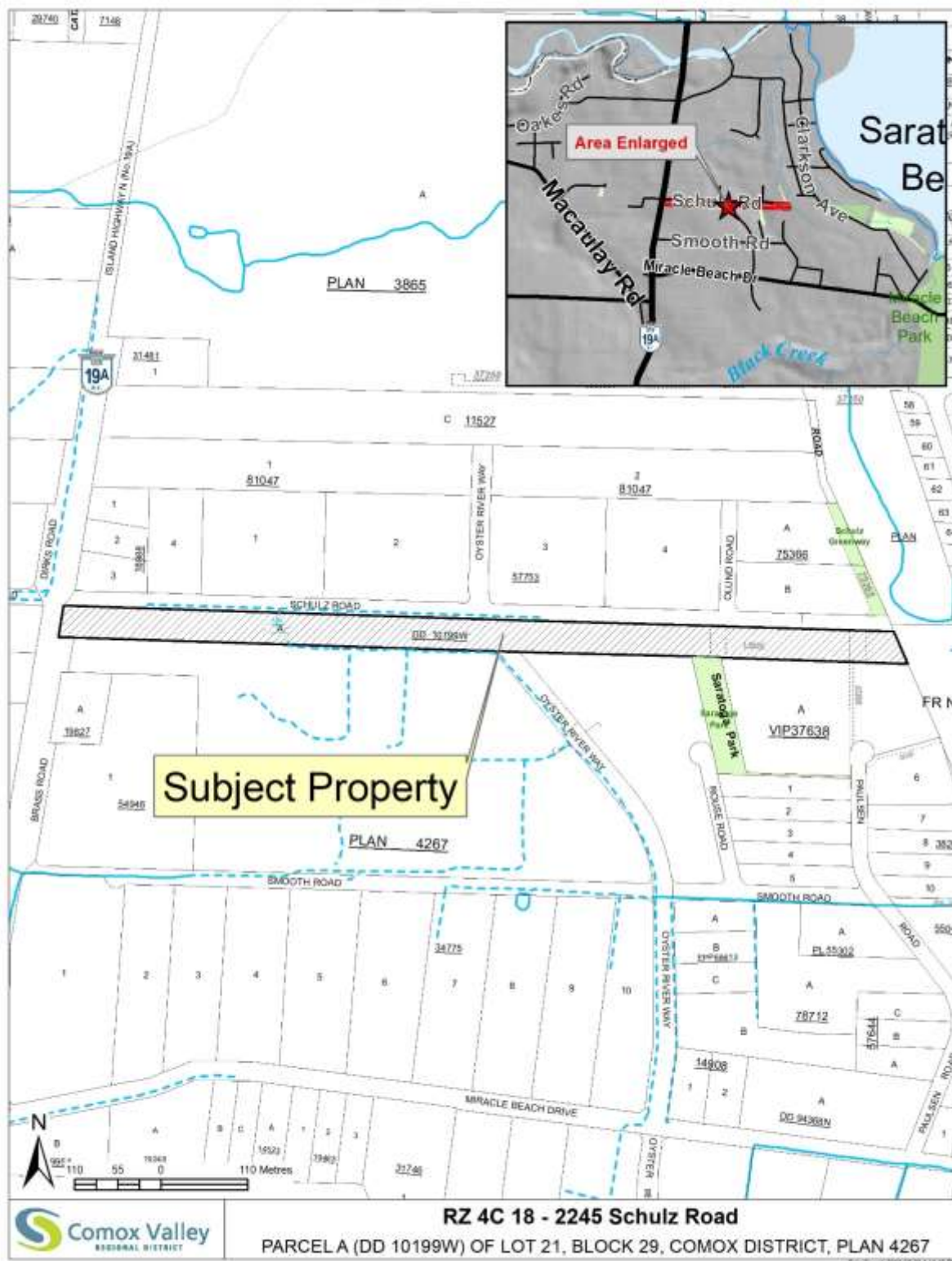


Figure 1: Subject Property Map



Figure 2: Air Photo

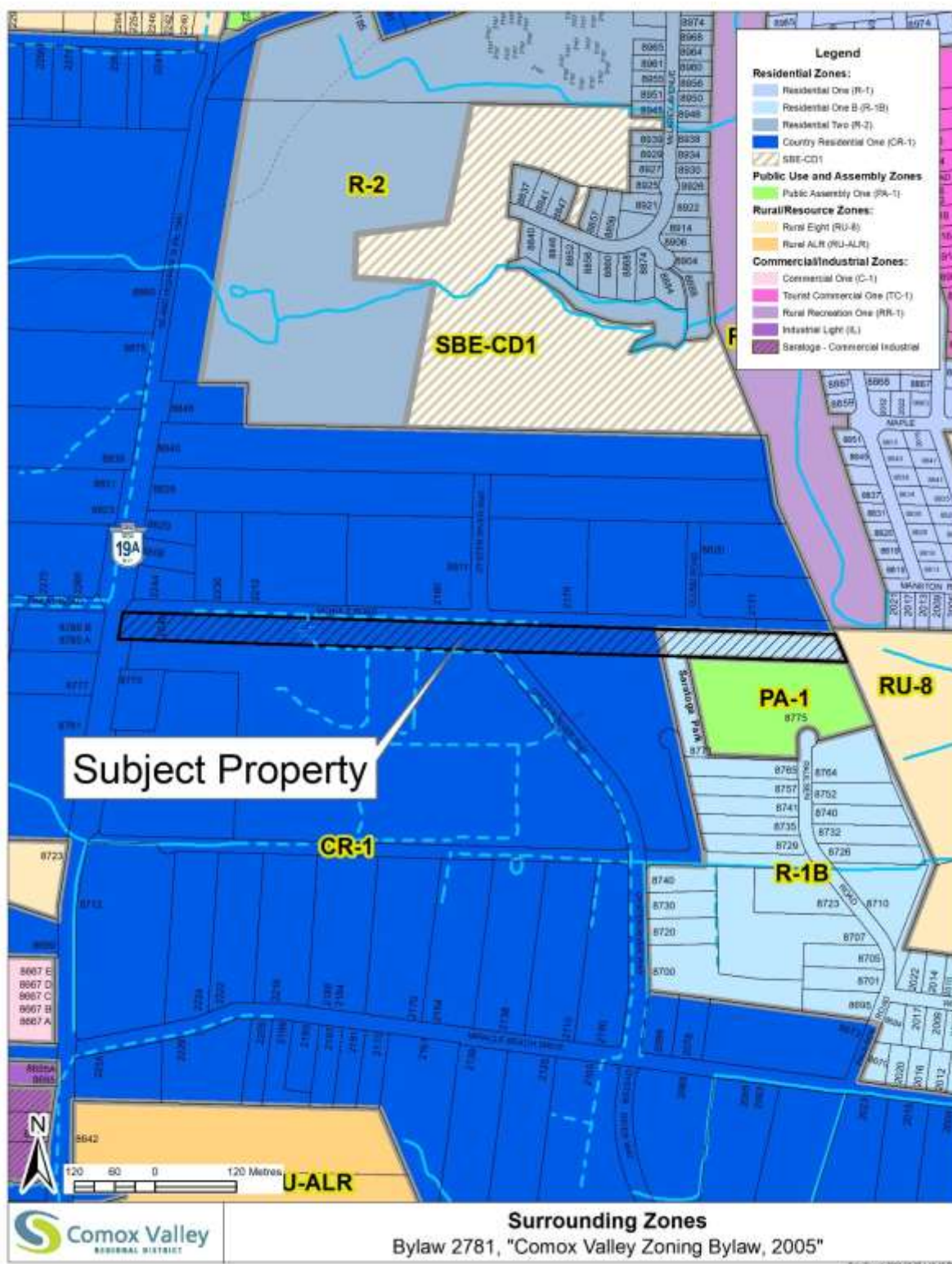


Figure 3: Zoning Map

707**Country Residential One (CR-1)****1. PRINCIPAL USE**

- i) **On any lot:**
 - a) Residential use.
- ii) **On any lot over 4000 metres² (1.0 acre):**
 - a) Agricultural use.

2. ACCESSORY USES

- i) **On any lot:**
 - a) Home occupation use;
 - b) Accessory buildings; and
 - c) Bed and Breakfast
- ii) **On any lot 2.0 hectares (4.9 acres) or larger:**
 - a) Animal kennels.

3. DENSITY**Residential use is limited to:**

- i) **On any lot:** One single detached dwelling and secondary suite, or one single detached dwelling and one carriage house, or one single detached dwelling and one secondary dwelling limited in area to 90 metres² (968.8 feet²).
- ii) **On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

#112

4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Country Residential One zone shall be as set out in the table below.

Type of Structure	Height	Required Setback			
		Front yard	Rear yard	Side yard	
				Frontage <31m	Frontage >31m
Principal	10.0m (32.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)
Accessory	4.5m-or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Note: Part 400, Siting Exceptions, of this bylaw and Bylaw No. 1836 being the “Floodplain Management Bylaw, 1997” may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

Bylaw No. 2781**“Comox Valley Zoning Bylaw, 2005”**

5. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area.

6. FLOOR AREA REQUIREMENTS

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 200.0 metres² (2152.9 feet²).

7. SUBDIVISION REQUIREMENTS

- i) Despite any other provision of this bylaw, the minimum permitted lot area within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010” is 4.0 hectares.

#200

- ii) Despite any other provision of this bylaw, for the purpose of subdivision, the following sections of this bylaw do not apply to lots within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010”:

- a) Section 503 Subdivision Standards 1. AREA AND FRONTAGE REQUIREMENTS i);
- b) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS i) a); and
- c) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS iii).

- iii) **Lot Area**

The minimum lot area permitted shall be 2.0 hectares (4.9 acres)

Despite (iii), a subdivision with lots smaller than identified above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot area permitted.

End • CR-1

702**Residential One B (R-1B)****1. PRINCIPAL USE****On any lot:**

- i) Residential use.

2. ACCESSORY USES**On any lot:**

- i) Secondary suite;
- ii) Home occupation use;
- iii) Accessory buildings;
- iv) Bed and Breakfast.

4

3. DENSITY**Residential use is limited to:**

- i) **On any lot:** One single detached dwelling and secondary suite, or one single detached dwelling and one carriage house, or one single detached dwelling and one secondary dwelling limited in area to 90.0 m² (968.8 ft²)

#112

4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Residential One zone are as set out in the table below.

Type of Structure	Height	Required Setback		
		Front yard	Rear yard	Side yard
Principal	10.0m (32.8ft)	4.5m (14.8ft)	4.5m (14.8ft)	1.75m (5.8ft)
Accessory	4.5m-or less (14.7ft or less)	4.5m (14.8ft)	1.0m (3.3ft)	1.0m (3.3ft)
Accessory	6.0m-4.6m (19.7ft)	4.5m (14.8ft)	4.5m (14.8ft)	1.75m (5.8ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Note: Part 400, Siting Exceptions, of this bylaw and Bylaw No. 1836 being the “Floodplain Management Bylaw, 1997” may affect the siting of structures adjacent to major roads, and the natural boundaries of watercourses and the sea, respectively.]

5. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area.

6. SUBDIVISION REQUIREMENTS

- i) Despite any other provision of this bylaw, the minimum permitted lot area within areas designated as "settlement expansion areas" under "Comox Valley Regional Growth Strategy Bylaw No. 120, 2010" is 4.0 hectares. #200
- ii) Despite any other provision of this bylaw, for the purpose of subdivision, the following sections of this bylaw do not apply to lots within areas designated as "settlement expansion areas" under "Comox Valley Regional Growth Strategy Bylaw No. 120, 2010":
- a) Section 503 Subdivision Standards 1. AREA AND FRONTAGE REQUIREMENTS i);
 - b) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS i) a); and
 - c) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS iii).

iii) **Lot Area**

The minimum lot area permitted shall be:

- a) When connected to either community water or sewer: 4000 m² (1.0 acre)
- b) When serviced by well and approved septic system: 1.0 hectare (2.5 acres)

Despite (iii) above, a subdivision with lots smaller than identified in (a) and (b) above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot areas permitted based upon the available servicing.

End • R-1B

FORM 17 - LAND TITLE ACT
APPLICATION

NOTE: Before submitting this application, applicants should check and satisfy themselves as to the tax position, including taxes of the Crown Provincial, a municipality and improvement water and irrigation districts.

NATURE OF INTEREST: EASEMENT

HEREWITH FEE OF: \$10.00

FULL NAME of person entitled to be registered as owner:

Shown in instrument: Leo Baldwin Richards and Evelyn Jean Richards

LEGAL DESCRIPTION:

Shown in instrument

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

IAIN A. BRAND, Barrister & Solicitor, 968 Fitzgerald Avenue, Courtenay, B.C. V9N 2R5

Telephone: 338-9242

➔ Send All Documents
& Notices To

VICTRO Registry Services Ltd. - Agent
Box 1537, Victoria, B.C.
V8W 2X7

[Signature]
(Signature of Authorized Agent)

GRANT OF EASEMENT

THIS DEED MADE THE 30th DAY OF December, A.D. 1981.

BETWEEN: THOMAS JOSEPH NORTON, Logger, and
WENDY ELIZABETH NORTON, His Wife,
both of R.R.#1,
Black Creek, B.C. VOR 1C0

As Joint Tenants

(hereinafter called "the Grantors")

OF THE FIRST PART

AND: LEO BALDWIN RICHARDS, Businessman, and
EVELYN JOAN RICHARDS, Housewife,
both of R.R.#1,
Black Creek, B.C. VOR 1C0

As Joint Tenants

OF THE SECOND PART

WHEREAS:

1. The GRANTORS are the Registered Owners in Fee Simple of the land
situate immediately adjacent and to the north of the Dominant Tenement, namely:

Parcel "A" (DD 10199-W) of Lot 21, Block 29,
Comox District, Plan 4267

hereinafter known as the "Servient Tenement".

2. The GRANTEES are the Registered Owners in Fee Simple of the following
lands in the Comox Assessment District, namely:

Remainder of Lot 21, of Block 29, Comox District,
Plan 4267, EXCEPT Parcel "A" (DD 10199-W) thereof
and except those parts thereof included within the
boundaries of Plan 19827 and Plan 37370

FORM 1

(Section 36)

hereinafter known as the "Dominant Tenement".

MEMORANDUM OF REGISTRATION

Registered on application received
on the day and time written hereon

R E HOOPER, Registrar of the
Victoria Land Title Office

- 2 -

3. The GRANTORS have agreed to grant to the GRANTEES such Right of Way as is hereinafter contained and described.

NOW THIS DEED WITNESSETH AS FOLLOWS:

1. In consideration of the sum of \$2,000.00 paid by the GRANTEES to the GRANTORS (the receipt whereof the GRANTORS hereby acknowledge) the GRANTORS hereby GIVE AND GRANT unto the GRANTEES FULL RIGHT AND LIBERTY for the GRANTEES and their successors in title, the owners and occupiers for the time being of the Dominant Tenement or any part thereof, and their respective servants and licensees (in common with the GRANTOR and all others having the like right) at all times hereafter by day or night with or without vehicles to pass and repass along over and upon the Servient Tenement in the Easement Areas shown outlined in red on the Plan annexed hereto (which Plan is entitled Annex "A" to Grant of Easement, Norton and Norton to Richards and Richards) and which are more completely described hereinafter.

2. Without restricting the generality of the foregoing, the GRANTEES shall have the right to construct and maintain a roadway and all ancilliary ditches, drains, sewers or other installations deemed necessary, practical or expedient in each of the Easement Areas for furthering the purposes and intents of the Easement granted herein and hereby.

3. The Easement Areas are comprises of two separate parcels shown as Easement Area "A" and Easement Area "B" on the Plan attached hereto.

4. Easement Area "A" is more particularly described as:

All that portion of Parcel "A" (DD 10199-W) of Lot 21, Block 29, Comox District, Plan 4267, lying to the West of and out to a limit 20 m perpendicularly distant from and parallel to a certain base line and its extensions, which said base line commences on the Southerly boundary of the said Parcel "A" 54.685 m, more or less, Westerly of the Southeast corner of the said Parcel "A" and bears Northerly to intersection with the Northerly boundary of the said Parcel "A" 37.37 m, more or less, Westerly from the Northeast corner of the said Parcel "A".

5. Easement Area "B" is more particularly described as:

All that portion of Parcel "A" (DD 10199-W) of Lot 21, Block 29, Comox District, Plan 4267, lying to the West of and out to a limit 20 m perpendicularly distant from and parallel to a certain base line and its extensions, which said base line commences on the Southerly boundary of the said Parcel "A" 274.71 m, more or less, Westerly of the Southeast corner of the said Parcel "A" and bears Northerly to intersection with the Northerly boundary of the said Parcel "A" 255.490 m, more or less, Westerly from the Northeast corner of the said Parcel "A".

6. In the event that the GRANTORS shall dedicate the land encompassed within either Easement Area "A" or Easement Area "B", or both, to the Department of Highways of the Province of British Columbia for the purposes of a public roadway,

- 3 -

then the GRANTEES agree and undertake to execute such releases as may be required in order to permit such dedication to take place.

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

IN WITNESS WHEREOF the parties have hereunto set their respective hands and seals the day and year first shown above.

SIGNED, SEALED AND DELIVERED by
THOMAS JOSEPH NORTON and WENDY
ELIZABETH NORTON in the presence of:

Lena Nelson
Name

LENA NELSON
Address 2945 Muir Road
Courtenay, B.C. V9N 6A2
Legal Secretary

Occupation

Thomas Joseph Norton
THOMAS JOSEPH NORTON

Wendy Elizabeth Norton
WENDY ELIZABETH NORTON

SIGNED, SEALED AND DELIVERED by
LEO BALDWIN RICHARDS and EVELYN
JOAN RICHARDS in the presence of:

Iain A. Brand
Name

IAIN A. BRAND
Address 968 FITZGERALD AVENUE
COURTENAY, B.C. V9N 2R5
TELEPHONE: 338-9242
BARRISTER & SOLICITOR

Occupation

LEO BALDWIN RICHARDS
LEO BALDWIN RICHARDS

Evelyn Joan Richards
EVELYN JOAN RICHARDS

APPROVAL AND CONSENT

The UNION BAY CREDIT UNION, its authorized signatories, having read and understood the above Grant of Easement made by Thomas Joseph Norton and Wendy Elizabeth Norton to Leo Baldwin Richards and Evelyn Joan Richards, as Grantees, does hereby APPROVE and CONSENT to the said Grant of Easement over Parcel "A" (DD 10199-W) of Lot 21, Block 29, Comox District, Plan 4267.

The Common Seal of the UNION BAY
CREDIT UNION was hereunto affixed this)
25th day of January , 1982)
in the presence of:)

[Signature] President
 [Signature] General Manager

(seal)

Status: Registered

Doc #: L5606

RCVD: 1982-01-27 RQST: 2018-06-05

13.53.36

Mack Printers and Stationers Ltd., Vancouver, B.C.
Law and Commercial Stationers Form No. 21A-6

LAND TITLE ACT

FORM 6
(Section 46)

PROOF OF EXECUTION BY CORPORATION

I CERTIFY that on the 25th day of January, 19 82, at Courtenay in British Columbia,

~~XX~~ (State full name, address, and occupation)

PAT WATERFIELD

who is personally known to me, appeared before me and acknowledged to me that ~~he~~^{XX} she is the authorized signatory of UNION BAY CREDIT UNION

and that he/she is the person who subscribed ~~HE~~/her name and affixed the seal of the corporation to the instrument, that ~~he~~/she was authorized to subscribe ~~HE~~/her name and affix the seal to it, f(and that the corporation existed at the date the instrument was executed by the corporation.)

IN TESTIMONY of which I set my hand and seal of office at Courtenay, British Columbia

This 25th day of January, 1982

ROY WILLIAM FOLISS

A Commissioner for taking Affidavits
for British Columbia.

*Where the person making the acknowledgment is personally known to the officer taking it, strike out these words in brackets.

These words in brackets may be added, if the applicant wishes the registrar to exercise his discretion under the section 162(5) not to call for further evidence of the existence of the corporation.

†Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

Mack Printers and Stationers Ltd., Vancouver, B.C.
Law and Commercial Stationers Form No. LTA 2

LAND TITLE ACT

FORM 2
(Sections 43 (a) and 44 (a))

AFFIDAVIT OF WITNESS

I, LENA NELSON, of CITY OF COURTENAY

in British Columbia, make oath and say:

1. I was present and saw this instrument duly signed and executed by Thomas Joseph Norton and Wendy Elizabeth Norton the party(ies) to it, for the purposes named in it.
2. The instrument was executed at Courtenay, British Columbia
3. I know the party(ies), who is(are) 19 years old or more.
4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at Courtenay

in British Columbia, this 18

day of January, 19 82

Doyle W. Ohtsuka

Lena Nelson

*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.
NOTE — This affidavit must be sworn by a witness who is not a party to the instrument.

Mack Printers and Stationers Ltd., Vancouver, B.C.
Law and Commercial Stationers Form No. LTA 2

LAND TITLE ACT

FORM 2
(Sections 43 (a) and 44 (a))

AFFIDAVIT OF WITNESS

I, _____, of _____

in British Columbia, make oath and say:

1. I was present and saw this instrument duly signed and executed by Leo Baldwin Richards and Evelyn Joan Richards the party(ies) to it, for the purposes named in it.
2. The instrument was executed at Courtenay, British Columbia
3. I know the party(ies), who is(are) 19 years old or more.
4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at Courtenay

in British Columbia, this _____

day of _____, 19 _____

*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.
NOTE — This affidavit must be sworn by a witness who is not a party to the instrument.

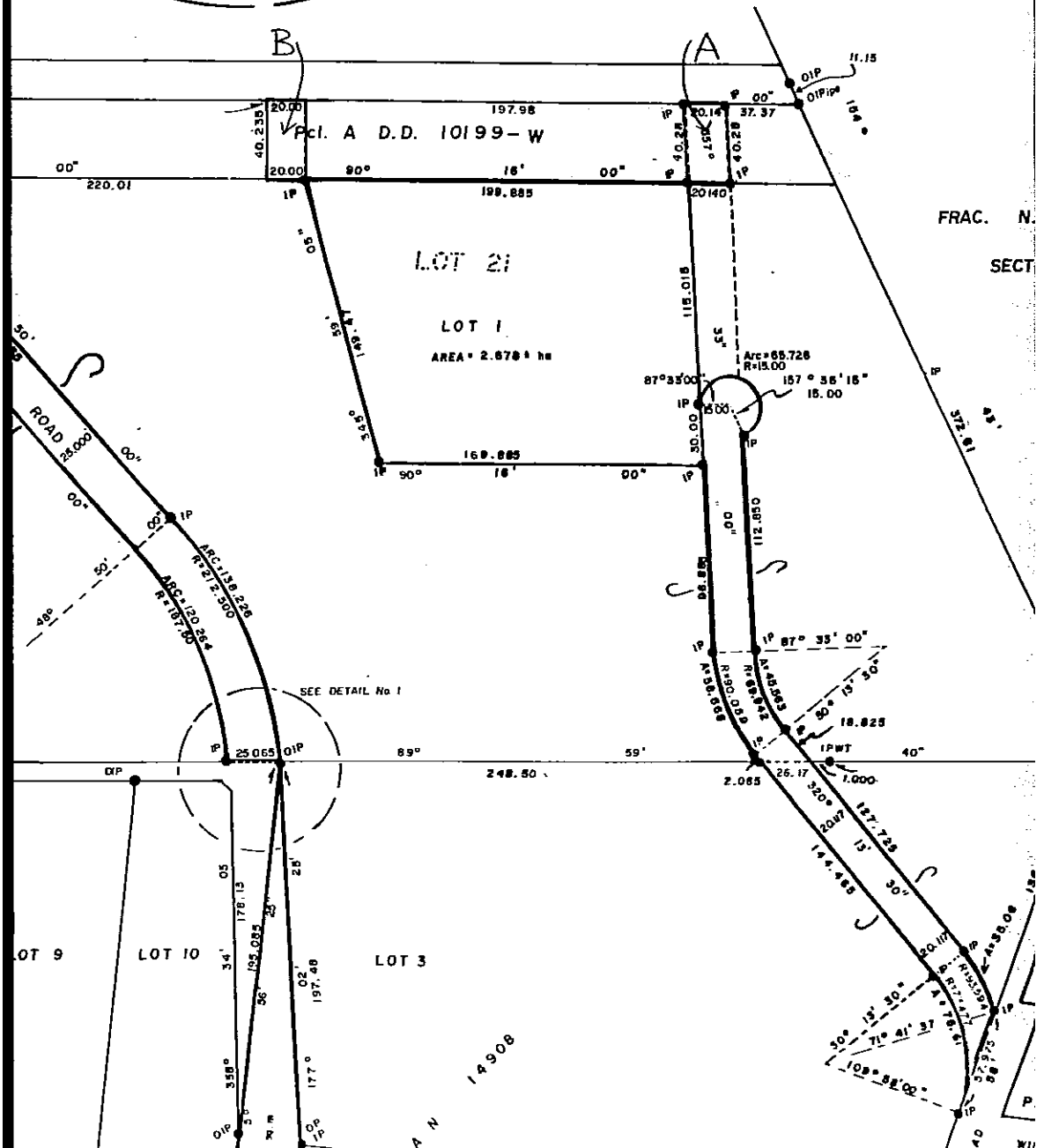
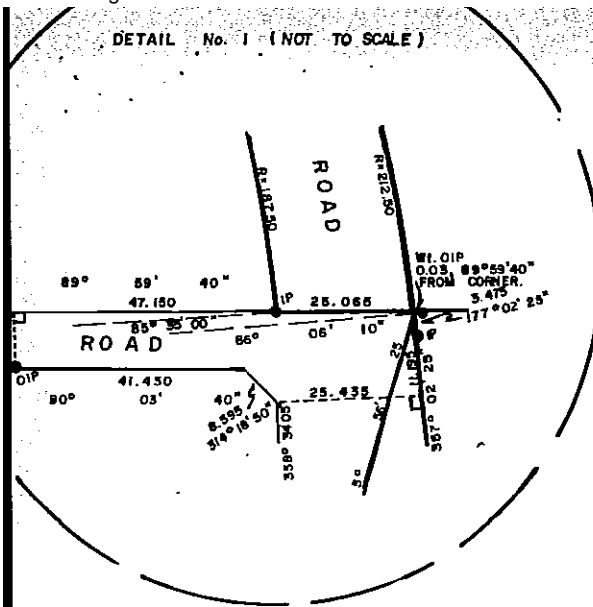
Status: Registered

Doc #: L5606

DEPOSITED L 5606

Annex "A" to Grant of Easement
Norton and Norton to Richards and Richards

Easterly portion of Parcel "A" (DD 10199-W)
Block 29, Comox District, Plan 4267,
shown outlined in yellow.



Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 3360-20/RZ 4C 18

September 4, 2018

Via Email Only: merci@wewaikai.com

We Wai Kai Nation / Laich-Kwil-Tach Treaty Society
Quinsam Office
690 Headstart Cres
Campbell River BC V9H 1P9

Attention: Merci Brown

Dear Ms. Brown:

**Re: Rezoning Application Referral (2245 Schulz Road – Pajak)
Parcel A (DD 10199W) of Lot 21, Block 29, Comox District, Plan 4267, PID 005-027-462**

The attached referral for a rezoning application is for your review and comment. The intent of the application is to rezone the above-noted property in order to resolve a split zone situation and to provide subdivision opportunities.

In accordance with our referral agreement program, if We Wai Kai Nation / Laich-Kwil-Tach Treaty Society has an interest in the rezoning application please respond by **September 29, 2018**. A formal referral package is enclosed for your review and comments. The Comox Valley Regional District (CVRD) is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Alana Mullaly at 250-334-6051 or by email to planningdevelopment@comoxvalleyrd.ca to coordinate this meeting. Thank you.

Sincerely,

R. Dyson

Russell Dyson
Chief Administrative Officer

Enclosure

cc: Alana Mullaly, Acting General Manager of Planning and Development Services Branch

Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 3360-20/RZ 4C 18

September 4, 2018

Via Courier

Wei Wai Kum First Nation / Kwiakah First Nation,
Kwiakah Treaty Society
1650 Old Spit Rd
Campbell River BC V9W 3E8

Attention: Angie Lafontaine, Band Manager

Dear Ms. Lafontaine:

**Re: Rezoning Application Referral (2245 Schulz Road – Pajak)
Parcel A (DD 10199W) of Lot 21, Block 29, Comox District, Plan 4267, PID 005-027-462**

The attached referral for a rezoning application is for your review and comment. The intent of the application is to rezone the above-noted property in order to resolve a split zone situation and to provide subdivision opportunities.

In accordance with our referral agreement program, if Wei Wai Kum First Nation / Kwiakah First Nation, Kwiakah Treaty Society has an interest in the rezoning application please respond by **September 29, 2018**. A formal referral package is enclosed for your review and comments. The Comox Valley Regional District (CVRD) is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Alana Mullaly at 250-334-6051 or by email to planningdevelopment@comoxvalleyrd.ca to coordinate this meeting. Thank you.

Sincerely,

R. Dyson

Russell Dyson
Chief Administrative Officer

Enclosure

cc: Alana Mullaly, Acting General Manager of Planning and Development Services Branch

Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 3360-20/RZ 4C 18

September 4, 2018

Via Courier

Homalco Indian Band
1218 Bute Crescent
Campbell River BC V9H 1G5

Attention: Mary-Ann Enevoldsen, Homalco Treaty Coordinator

Dear Ms. Enevoldsen:

**Re: Rezoning Application Referral (2245 Schulz Road – Pajak)
Parcel A (DD 10199W) of Lot 21, Block 29, Comox District, Plan 4267, PID 005-027-462**

The attached referral for a rezoning application is for your review and comment. The intent of the application is to rezone the above-noted property in order to resolve a split zone situation and to provide subdivision opportunities.

In accordance with our referral agreement program, if Homalco Indian Band has an interest in the rezoning application please respond by **September 29, 2018**. A formal referral package is enclosed for your review and comments. The Comox Valley Regional District (CVRD) is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Alana Mullaly at 250-334-6051 or by email to planningdevelopment@comoxvalleyrd.ca to coordinate this meeting. Thank you.

Sincerely,

R. Dyson

Russell Dyson
Chief Administrative Officer

Enclosure

cc: Alana Mullaly, Acting General Manager of Planning and Development Services Branch



Referral to the First Nations

First Nations Referral Form File: 3360-20/RZ 4C 18 (Pajak) (Response required: September 29, 2018)

Please comment on the attached application regarding potential effects on your interests. The Comox Valley Regional District (CVRD) wishes to ensure that all future consultations with First Nations are considered early and ongoing. The CVRD will meet with you, at your convenience, to discuss this application. The offer to meet with you extends throughout the life of this application in order to gain your perspective as well answer any questions that may arise. If you would like to arrange a meeting, please contact Alana Mullaly at 250-334-6051 or by email to planningdevelopment@comoxvalleyrd.ca.

You will note that the response form has a number of choices that describe your interests. All details that support your position are appreciated as are any official legislative, governance and policy considerations that may affect the CVRD's consideration of this application.

If required, please contact the CVRD to assist you in determining the type of additional information that would be helpful or assist you to better understand how this application may impact land use and development.

Application type:

<input checked="" type="checkbox"/>	Zoning Amendment	<input type="checkbox"/>	OCP Amendment	<input type="checkbox"/>	Temporary Use Permit
<input type="checkbox"/>	Development Variance Permit	<input type="checkbox"/>	Development Permit	<input type="checkbox"/>	Crown Land Application

Applicant's name:	Pamela S. Pajak		
Legal description:	Parcel A (DD 10199W) of Lot 21, Block 29, Comox District, Plan 4267		
Civic address:	2245 Schulz Road	PID:	005-027-462
RGS designation:	Saratoga and Miracle Beach Settlement Node		
OCP designation:	Saratoga and Miracle Beach Settlement Node		
Zone:	Split Zoned: Country Residential One (CR-1) and Residential One B (R-1B)		

Application Description

The subject property is located at 2245 Schulz Road and is approximately 4.2 hectares in area (Figures 1 and 2). It is a long, narrow lot, bounded by Schulz Road to the north, Miracle Beach Elementary School to the southeast, residential lots to the south and Old Island Highway to the west. The property is split zoned: CR-1 (Appendix A) in the western portion and R-1B (Appendix B) in the eastern portion (Figure 3). The applicant wishes to rezone the property in order to resolve the split zone situation, and to provide subdivision opportunities. While the current plan is to subdivide into three lots, the applicant requests a zone with a minimum lot area of subdivision of 0.4 hectares.

Regional Growth Strategy Analysis

Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010,” designates the subject property within the Saratoga and Miracle Beach Settlement Node. Settlement Nodes shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure (MG Policy 1B-1). The growth management framework is to direct 90 per cent of growth to Core Settlement Areas, and this Settlement Node is part of the Core Settlement Area. Therefore, the proposed rezoning to enable subdivision is consistent with this growth management framework. Specific uses within the settlement nodes are identified in the Saratoga Miracle Beach Local Area Plan (LAP) (MG Policy 1B-2).

Official Community Plan Analysis

Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” (OCP), designates the subject property within the Saratoga and Miracle Beach Settlement Node. The draft Saratoga Miracle Beach LAP designates this property as Residential and is within the Core Development Area. This designation is for small-lot neighbourhoods with single detached dwellings and provisions for secondary suites, carriage houses and secondary dwellings. The residential density is to be between four to 24 units per hectare subject to the availability of community water and sewer services. The rezoning application is consistent with the growth management framework of these plans.

Section 33(4) of the OCP indicates that the community amenity policy in Part 4 of the OCP is to be applied for development in settlement nodes. It is a priority to have community amenities that support the goals and objectives of the settlement node and LAP. Section 72 of the OCP contains the policies on community amenity contributions.

The subject property is split zoned. In the review of zoning history, the property first appeared as split zoned in Bylaw No. 869, which was adopted on April 28, 1986. Currently, in Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the minimum lot area for subdivision for the CR-1 zone is 2.0 hectares and the minimum lot area for the R-1B zone is 0.40 hectares if the lot is connected to either community water or sewer. The subject property is in the Black Creek/Oyster Bay Water Local Service Area. Approximately 1.0 hectare of the 4.2 hectare lot is zoned R-1B.

The application is to rezone the entire lot to a residential zone that will enable subdivision. The applicant requests to rezone the lot to a zone with the minimum lot area of 0.4 hectares, based on the current minimum subdivision lot area in the R-1B zone. The current plan is to subdivide into three lots and leave the remainder density for the future. Note that the current Zoning Bylaw is under review, and in the draft zoning bylaw, the minimum lot area for residential zones will be 1.0 hectare, based on feedback from Island Health. Through the rezoning process, the applicant will be required to demonstrate the actual subdivision potential based on on-site servicing capacity. A site specific study will ensure that onsite wastewater treatment systems will be sustainable for the long term.

Easement Analysis

The land title of the subject property identifies that there is an easement agreement (ID: L5606) between the applicant and property owners to the south (Appendix C). The easement agreement indicates that there are two easement areas, identified and outlined as Easement Area A and Easement Area B, on the subject property. The two easement areas can be used by the property owners to the south to trespass; to construct and maintain roads and associated ditches, drains, sewers or other necessary installations; and to be dedicated as public roads to the Ministry of Transportation and Infrastructure, if the signatories agree. While the CVRD is not a signatory in this

easement, there exists an opportunity for neighbourhood connectivity, such as having another access to the school. This could be the basis for community amenity discussions per Section 72 of the OCP.

Should you have any questions on the above-noted matter, please contact Alana Mullaly at 250-334-6051 or by email to planningdevelopment@comoxvalleyrd.ca.

Sincerely,

A. Mullaly

Alana Mullaly, M.Pl., MCIP, RPP
Acting General Manager of Planning and Development Services

cc: Russell Dyson, Chief Administrative Officer

Attachments: Appendix A – “CR-1 zone”
Appendix B – “R-1B zone”
Appendix C – “L5606 Easement”

File: 3360-20/RZ 4C 18 (Pajak)
Planning and Development Services: Alana Mullaly (Brian Chow)

- | | |
|--|--|
| <input type="checkbox"/> General comments – see below | <input type="checkbox"/> Interests unaffected |
| <input type="checkbox"/> Issues requiring attention – see comments below | <input type="checkbox"/> Opposed due to reasons outlined below |

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Title:

Please return your response by **September 29, 2018**
Referral response may be electronically forwarded to planningdevelopment@comoxvalleyrd.ca.

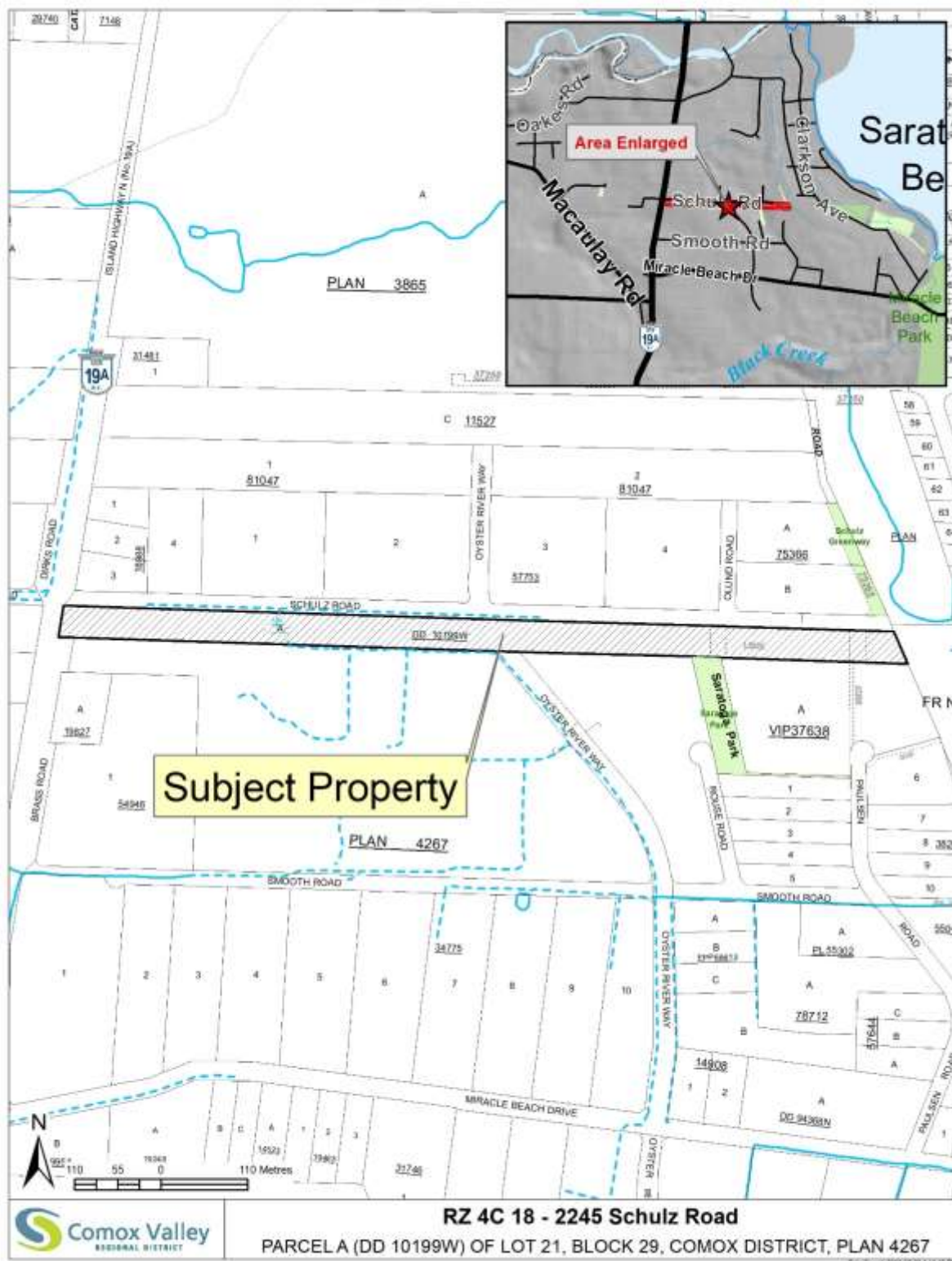


Figure 1: Subject Property Map



Figure 2: Air Photo

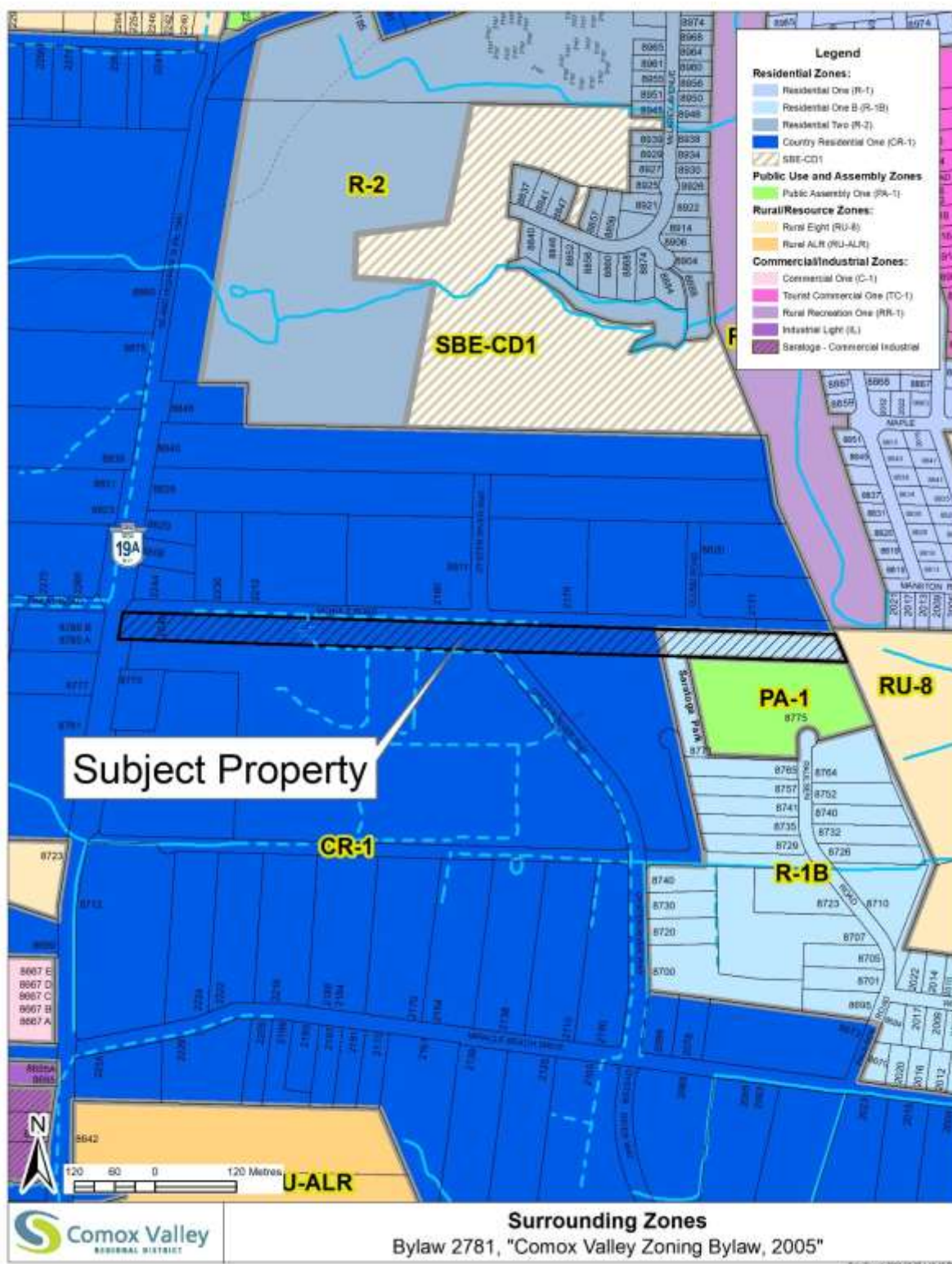


Figure 3: Zoning Map

707**Country Residential One (CR-1)****1. PRINCIPAL USE**

- i) **On any lot:**
 - a) Residential use.
- ii) **On any lot over 4000 metres² (1.0 acre):**
 - a) Agricultural use.

2. ACCESSORY USES

- i) **On any lot:**
 - a) Home occupation use;
 - b) Accessory buildings; and
 - c) Bed and Breakfast
- ii) **On any lot 2.0 hectares (4.9 acres) or larger:**
 - a) Animal kennels.

3. DENSITY**Residential use is limited to:**

- i) **On any lot:** One single detached dwelling and secondary suite, or one single detached dwelling and one carriage house, or one single detached dwelling and one secondary dwelling limited in area to 90 metres² (968.8 feet²).
- ii) **On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

#112

4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Country Residential One zone shall be as set out in the table below.

Type of Structure	Height	Required Setback			
		Front yard	Rear yard	Side yard	
				Frontage <31m	Frontage >31m
Principal	10.0m (32.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)
Accessory	4.5m-or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Note: Part 400, Siting Exceptions, of this bylaw and Bylaw No. 1836 being the “Floodplain Management Bylaw, 1997” may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

Bylaw No. 2781
“Comox Valley Zoning Bylaw, 2005”

5. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area.

6. FLOOR AREA REQUIREMENTS

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 200.0 metres² (2152.9 feet²).

7. SUBDIVISION REQUIREMENTS

- i) Despite any other provision of this bylaw, the minimum permitted lot area within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010” is 4.0 hectares. **#200**

- ii) Despite any other provision of this bylaw, for the purpose of subdivision, the following sections of this bylaw do not apply to lots within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010”:

- a) Section 503 Subdivision Standards 1. AREA AND FRONTAGE REQUIREMENTS i);
- b) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS i) a); and
- c) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS iii).

- iii) **Lot Area**

The minimum lot area permitted shall be 2.0 hectares (4.9 acres)

Despite (iii), a subdivision with lots smaller than identified above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot area permitted.

End • CR-1

702**Residential One B (R-1B)****1. PRINCIPAL USE****On any lot:**

- i) Residential use.

2. ACCESSORY USES**On any lot:**

- i) Secondary suite;
-
- ii) Home occupation use;
-
- iii) Accessory buildings;
-
- iv) Bed and Breakfast.

4

3. DENSITY**Residential use is limited to:**

- i)
- On any lot:**
- One single detached dwelling and secondary suite, or one single detached dwelling and one carriage house, or one single detached dwelling and one secondary dwelling limited in area to 90.0 m
- ²
- (968.8 ft
- ²
-)

#112

4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Residential One zone are as set out in the table below.

Type of Structure	Height	Required Setback		
		Front yard	Rear yard	Side yard
Principal	10.0m (32.8ft)	4.5m (14.8ft)	4.5m (14.8ft)	1.75m (5.8ft)
Accessory	4.5m-or less (14.7ft or less)	4.5m (14.8ft)	1.0m (3.3ft)	1.0m (3.3ft)
Accessory	6.0m-4.6m (19.7ft)	4.5m (14.8ft)	4.5m (14.8ft)	1.75m (5.8ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Note: Part 400, Siting Exceptions, of this bylaw and Bylaw No. 1836 being the “Floodplain Management Bylaw, 1997” may affect the siting of structures adjacent to major roads, and the natural boundaries of watercourses and the sea, respectively.]

5. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area.

Bylaw No. 2781**“Comox Valley Zoning Bylaw, 2005”**

6. SUBDIVISION REQUIREMENTS

- i) Despite any other provision of this bylaw, the minimum permitted lot area within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010” is 4.0 hectares. **#200**
- ii) Despite any other provision of this bylaw, for the purpose of subdivision, the following sections of this bylaw do not apply to lots within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010”:
 - a) Section 503 Subdivision Standards 1. AREA AND FRONTAGE REQUIREMENTS i);
 - b) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS i) a); and
 - c) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS iii).

iii) Lot Area

The minimum lot area permitted shall be:

- a) When connected to either community water or sewer: 4000 m² (1.0 acre)
- b) When serviced by well and approved septic system: 1.0 hectare (2.5 acres)

Despite (iii) above, a subdivision with lots smaller than identified in (a) and (b) above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot areas permitted based upon the available servicing.

End • R-1B

FORM 17 - LAND TITLE ACT
APPLICATION

NOTE: Before submitting this application, applicants should check and satisfy themselves as to the tax position, including taxes of the Crown Provincial, a municipality and improvement water and irrigation districts.

NATURE OF INTEREST: EASEMENT

HEREWITH FEE OF: \$10.00

FULL NAME of person entitled to be registered as owner:

Shown in instrument: Leo Baldwin Richards and Evelyn Jean Richards

LEGAL DESCRIPTION:

Shown in instrument

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

IAIN A. BRAND, Barrister & Solicitor, 968 Fitzgerald Avenue, Courtenay, B.C. V9N 2R5

Telephone: 338-9242

➔ Send All Documents
& Notices To

VICTRO Registry Services Ltd. - Agent
Box 1537, Victoria, B.C.
V8W 2X7

[Signature]
(Signature of Authorized Agent)

GRANT OF EASEMENT

THIS DEED MADE THE 30th DAY OF *December*, A.D. 1981.

BETWEEN: THOMAS JOSEPH NORTON, Logger, and
WENDY ELIZABETH NORTON, His Wife,
both of R.R.#1,
Black Creek, B.C. VOR 1C0

As Joint Tenants

(hereinafter called "the Grantors")

OF THE FIRST PART

AND: LEO BALDWIN RICHARDS, Businessman, and
EVELYN JOAN RICHARDS, Housewife,
both of R.R.#1,
Black Creek, B.C. VOR 1C0

As Joint Tenants

OF THE SECOND PART

WHEREAS:

1. The GRANTORS are the Registered Owners in Fee Simple of the land
situate immediately adjacent and to the north of the Dominant Tenement, namely:

Parcel "A" (DD 10199-W) of Lot 21, Block 29,
Comox District, Plan 4267

hereinafter known as the "Servient Tenement".

2. The GRANTEES are the Registered Owners in Fee Simple of the following
lands in the Comox Assessment District, namely:

Remainder of Lot 21, of Block 29, Comox District,
Plan 4267, EXCEPT Parcel "A" (DD 10199-W) thereof
and except those parts thereof included within the
boundaries of Plan 19827 and Plan 37370

FORM 1

(Section 36)

hereinafter known as the "Dominant Tenement".

MEMORANDUM OF REGISTRATION

Registered on application received
on the day and time written hereon

R E HOOPER, Registrar of the
Victoria Land Title Office

- 2 -

3. The GRANTORS have agreed to grant to the GRANTEES such Right of Way as is hereinafter contained and described.

NOW THIS DEED WITNESSETH AS FOLLOWS:

1. In consideration of the sum of \$2,000.00 paid by the GRANTEES to the GRANTORS (the receipt whereof the GRANTORS hereby acknowledge) the GRANTORS hereby GIVE AND GRANT unto the GRANTEES FULL RIGHT AND LIBERTY for the GRANTEES and their successors in title, the owners and occupiers for the time being of the Dominant Tenement or any part thereof, and their respective servants and licensees (in common with the GRANTOR and all others having the like right) at all times hereafter by day or night with or without vehicles to pass and repass along over and upon the Servient Tenement in the Easement Areas shown outlined in red on the Plan annexed hereto (which Plan is entitled Annex "A" to Grant of Easement, Norton and Norton to Richards and Richards) and which are more completely described hereinafter.

2. Without restricting the generality of the foregoing, the GRANTEES shall have the right to construct and maintain a roadway and all ancilliary ditches, drains, sewers or other installations deemed necessary, practical or expedient in each of the Easement Areas for furthering the purposes and intents of the Easement granted herein and hereby.

3. The Easement Areas are comprises of two separate parcels shown as Easement Area "A" and Easement Area "B" on the Plan attached hereto.

4. Easement Area "A" is more particularly described as:

All that portion of Parcel "A" (DD 10199-W) of Lot 21, Block 29, Comox District, Plan 4267, lying to the West of and out to a limit 20 m perpendicularly distant from and parallel to a certain base line and its extensions, which said base line commences on the Southerly boundary of the said Parcel "A" 54.685 m, more or less, Westerly of the Southeast corner of the said Parcel "A" and bears Northerly to intersection with the Northerly boundary of the said Parcel "A" 37.37 m, more or less, Westerly from the Northeast corner of the said Parcel "A".

5. Easement Area "B" is more particularly described as:

All that portion of Parcel "A" (DD 10199-W) of Lot 21, Block 29, Comox District, Plan 4267, lying to the West of and out to a limit 20 m perpendicularly distant from and parallel to a certain base line and its extensions, which said base line commences on the Southerly boundary of the said Parcel "A" 274.71 m, more or less, Westerly of the Southeast corner of the said Parcel "A" and bears Northerly to intersection with the Northerly boundary of the said Parcel "A" 255.490 m, more or less, Westerly from the Northeast corner of the said Parcel "A".

6. In the event that the GRANTORS shall dedicate the land encompassed within either Easement Area "A" or Easement Area "B", or both, to the Department of Highways of the Province of British Columbia for the purposes of a public roadway,

- 3 -

then the GRANTEES agree and undertake to execute such releases as may be required in order to permit such dedication to take place.

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

IN WITNESS WHEREOF the parties have hereunto set their respective hands and seals the day and year first shown above.

SIGNED, SEALED AND DELIVERED by
THOMAS JOSEPH NORTON and WENDY
ELIZABETH NORTON in the presence of:

Lena Nelson
Name

LENA NELSON
Address 2945 Muir Road
Courtenay, B.C. V9N 6A2
Legal Secretary

Occupation

Thomas Joseph Norton
THOMAS JOSEPH NORTON

Wendy Elizabeth Norton
WENDY ELIZABETH NORTON

SIGNED, SEALED AND DELIVERED by
LEO BALDWIN RICHARDS and EVELYN
JOAN RICHARDS in the presence of:

Iain A. Brand
Name

IAIN A. BRAND
Address 968 FITZGERALD AVENUE
COURTENAY, B.C. V9N 2R5
TELEPHONE: 338-9242
BARRISTER & SOLICITOR

Occupation

LEO BALDWIN RICHARDS
LEO BALDWIN RICHARDS

Evelyn Joan Richards
EVELYN JOAN RICHARDS

APPROVAL AND CONSENT

The UNION BAY CREDIT UNION, its authorized signatories, having read and understood the above Grant of Easement made by Thomas Joseph Norton and Wendy Elizabeth Norton to Leo Baldwin Richards and Evelyn Joan Richards, as Grantees, does hereby APPROVE and CONSENT to the said Grant of Easement over Parcel "A" (DD 10199-W) of Lot 21, Block 29, Comox District, Plan 4267.

The Common Seal of the UNION BAY
CREDIT UNION was hereunto affixed this)
25th day of January , 1982)
in the presence of:)

[Signature] President
 [Signature] General Manager

(seal)

Status: Registered

Doc #: L5606

RCVD: 1982-01-27 RQST: 2018-06-05

13.53.36

Mack Printers and Stationers Ltd., Vancouver, B.C.
Law and Commercial Stationers Form No. 21A-6

LAND TITLE ACT

FORM 6
(Section 46)

PROOF OF EXECUTION BY CORPORATION

I CERTIFY that on the 25th day of January, 19 82, at Courtenay in British Columbia,

~~XX~~ (State full name, address, and occupation)

PAT WATERFIELD

who is personally known to me, appeared before me and acknowledged to me that ~~he~~^{XX} she is the authorized signatory of UNION BAY CREDIT UNION

and that he/she is the person who subscribed ~~HE~~/her name and affixed the seal of the corporation to the instrument, that ~~he~~/she was authorized to subscribe ~~HE~~/her name and affix the seal to it, f(and that the corporation existed at the date the instrument was executed by the corporation.)

IN TESTIMONY of which I set my hand and seal of office at Courtenay, British Columbia

this 25th day of January, 1982

ROY WILLIAM FOLISS

A Commissioner for taking Affidavits
for British Columbia.

*Where the person making the acknowledgment is personally known to the officer taking it, strike out these words in brackets.

These words in brackets may be added, if the applicant wishes the registrar to exercise his discretion under the section 162(5) not to call for further evidence of the existence of the corporation.

Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

Mack Printers and Stationers Ltd., Vancouver, B.C.
Tax and Commercial Stationers Form No. LTA 2

LAND TITLE ACT

FORM 2
(Sections 43 (a) and 44 (a))

AFFIDAVIT OF WITNESS

I, LENA NELSON, of CITY OF COURTENAY
in British Columbia, make oath and say:

1. I was present and saw this instrument duly signed and executed by Thomas Joseph Norton and Wendy Elizabeth Norton the party(ies) to it, for the purposes named in it.
2. The instrument was executed at Courtenay, British Columbia
3. I know the party(ies), who is(are) 19 years old or more.
4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at Courtenay

in British Columbia, this 18
day of January, 19 82.
Doug W. Ohtsuka } Lena Nelson

*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.
NOTE — This affidavit must be sworn by a witness who is not a party to the instrument.

Mack Printers and Stationers Ltd., Vancouver, B.C.
Tax and Commercial Stationers Form No. LTA 2

LAND TITLE ACT

FORM 2
(Sections 43 (a) and 44 (a))

AFFIDAVIT OF WITNESS

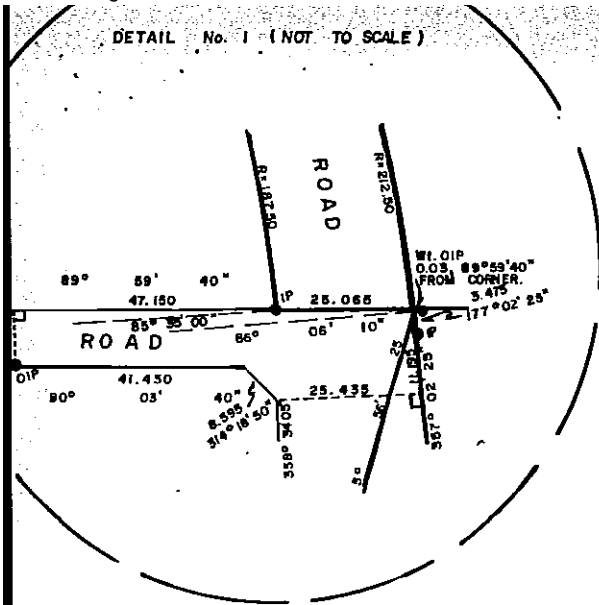
I, _____, of _____
in British Columbia, make oath and say:

1. I was present and saw this instrument duly signed and executed by Leo Baldwin Richards and Evelyn Joan Richards the party(ies) to it, for the purposes named in it.
2. The instrument was executed at Courtenay, British Columbia
3. I know the party(ies), who is(are) 19 years old or more.
4. I am the subscribing witness to the instrument and am 16 years old or more.

Sworn before me at Courtenay

in British Columbia, this _____
day of _____, 19 _____.
_____ }

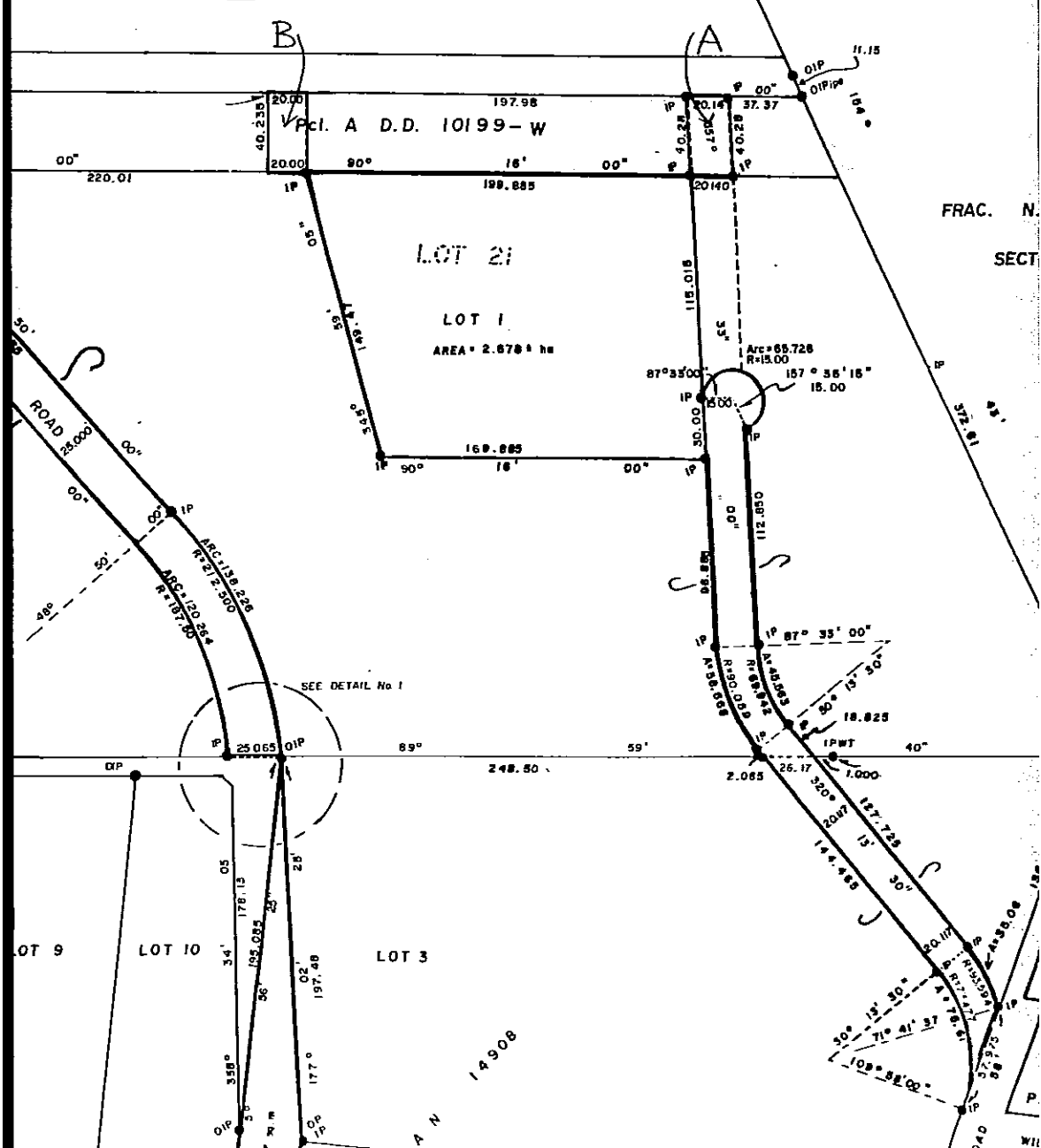
*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.
NOTE — This affidavit must be sworn by a witness who is not a party to the instrument.



DEPOSITED L 5606

Annex "A" to Grant of Easement
Norton and Norton to Richards and Richards

Easterly portion of Parcel "A" (DD 10199-W)
Block 29, Comox District, Plan 4267,
shown outlined in yellow.



Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 3360-20/RZ 4C 18

October 23, 2018

Via Email Only: merci@wewaikai.com

We Wai Kai Nation / Laich-Kwil-Tach Treaty Society
Quinsam Office
690 Headstart Cres
Campbell River BC V9H 1P9

Attention: Merci Brown

Dear Ms. Brown

**Re: Rezoning Application Referral (2245 Schulz Road – Pajak)
Parcel A (DD 10199W) of Lot 21, Block 29, Comox District, Plan 4267, PID 005-027-462**

Please note that this is a follow up letter to determine your interest in the above-noted property. The intent of the application is to rezone the above-noted property in order to resolve a split zone situation and to provide subdivision opportunities.

As of the date of this letter, the Comox Valley Regional District (CVRD) has not yet received your comments. If you have any comments, please forward them by November 22, 2018.

The CVRD is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Alana Mullaly at 250-334-6051 or by email to planningdevelopment@comoxvalleyrd.ca to coordinate a meeting. Thank you.

Sincerely,

M. Rutten

Marc Rutten
Acting Chief Administrative Officer

Enclosure

cc: Scott Smith, General Manager of Planning and Development Services Branch

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File: 3360-20/RZ 4C 18

October 23, 2018

Via Courier

Wei Wai Kum First Nation / Kwiakah First Nation,
Kwiakah Treaty Society
1650 Old Spit Rd
Campbell River BC V9W 3E8

Attention: Angie Lafontaine, Band Manager

Dear Ms. Lafontaine

**Re: Rezoning Application Referral (2245 Schulz Road – Pajak)
Parcel A (DD 10199W) of Lot 21, Block 29, Comox District, Plan 4267, PID 005-027-462**

Please note that this is a follow up letter to determine your interest in the above-noted property. The intent of the application is to rezone the above-noted property in order to resolve a split zone situation and to provide subdivision opportunities.

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Sincerely,

M. Rutten

Marc Rutten
Acting Chief Administrative Officer

Enclosure

cc: Scott Smith, General Manager of Planning and Development Services Branch

Office of the Chief Administrative Officer

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File: 3360-20/RZ 4C 18

October 23, 2018

Via Courier

Homalco Indian Band
1218 Bute Crescent
Campbell River BC V9H 1G5

Attention: Mary-Ann Enevoldsen, Homalco Treaty Coordinator

Dear Ms. Enevoldsen

**Re: Rezoning Application Referral (2245 Schulz Road – Pajak)
Parcel A (DD 10199W) of Lot 21, Block 29, Comox District, Plan 4267, PID 005-027-462**

Please note that this is a follow up letter to determine your interest in the above-noted property. The intent of the application is to rezone the above-noted property in order to resolve a split zone situation and to provide subdivision opportunities.

As of the date of this letter, the Comox Valley Regional District (CVRD) has not yet received your comments. If you have any comments, please forward them by November 22, 2018.

The CVRD is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Alana Mullaly at 250-334-6051 or by email to planningdevelopment@comoxvalleyrd.ca to coordinate a meeting. Thank you.

Sincerely,

M. Rutten

Marc Rutten
Acting Chief Administrative Officer

Enclosure

cc: Scott Smith, General Manager of Planning and Development Services Branch

3360-20 / RZ 4C 18

From: Monty Horton <lands.manager@komoks.ca>
Sent: Monday, September 10, 2018 3:49 PM
To: Sylvia Stephens
Cc: Alana Mullaly
Subject: RE: Rezoning Referral RZ 4C 18 - Pajak

Hi Sylvia, we have no comments or concerns regarding this application to rezone to facilitate subdivision.

Monty Horton
Lands Manager
K'omoks First Nation

From: Sylvia Stephens <sstephens@comoxvalleyrd.ca>
Sent: September 4, 2018 2:25 PM
To: Tina McLean <tina.mclean@komoks.ca>
Cc: Jenny Millar <jenny.millar@komoks.ca>; Monty Horton <lands.manager@komoks.ca>
Subject: Rezoning Referral RZ 4C 18 - Pajak

Please see attached.

If you have any problems opening the attachment please feel free to contact me by return email or at the numbers listed below.

Sincerely,

Sylvia Stephens

[Sylvia Stephens](#)

Branch Assistant, Planning and Development Services
Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6043; toll free: 1-800-331-6007
Fax: 250-334-8156

**WE WAI KAI NATION
CAPE MUDGE BAND
690 Headstart Cres
Campbell River, BC V9H 1V8**



December 10, 2018

Comox Valley Regional District
600 Comox Road
Courtenay, BC, V9N 3P6

Re: Application for rezoning (2245 Schulz Road – Pajak)

File: 3360-20/RZ 4C 18

The We Wai Kai Nation is in receipt of the above-mentioned application regarding rezoning 2245 Schulz Road - Pajak. This application is located within the We Wai Kai statement of intent area; it is the interest of the We Wai Kai Nation to respectfully maintain our rights and access to resources throughout our territory.

The We Wai Kai Nation has no comment at this time regarding this application being issued. Please note that this "No Comment" letter is specifically for this application and is without prejudice to all future consultation with our nation regarding other applications within our traditional territory including the renewal or any alteration of this application.

The We Wai Kai Nation may choose in the future to address the issues of Aboriginal rights and title infringement and compensation through the treaty process, the courts or other dispute resolution process. We also reserve the right to raise objections if any cultural use, archaeological sites or environmental impacts are identified when the above development is being carried out or if we discover impacts on our rights or interest that we had not foreseen.

Should you require any further information, please do not hesitate to contact our office.

Sincerely,

Merci Brown
Director of Lands & Natural Resources
We Wai Kai Nation