

The Corporation of the Village of Cumberland  
Regular Council Meeting Agenda

Monday, October 6, 2025, 5:30 p.m.  
Cultural Centre, 2674 Dunsmuir Avenue



We are honoured to gather on the unceded traditional territory of the K'ómoks First Nation.  
The public may view the meeting live on the [Village of Cumberland YouTube channel](#)

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Pages

1. Call To Order

2. Agenda

2.1 Agenda for Regular Council Meeting, October 6, 2025

**Recommendation:**

THAT Council approve the agenda for the October 6, 2025 Regular Council Meeting.

3. Minutes

3.1 Adoption of Minutes

5

**Recommendation:**

THAT Council adopt the following minutes:

- Committee of the Whole Meeting, September 15, 2025
- Regular Council Meeting, September 15, 2025

4. Delegations

4.1 The Indian Act and Cultural Erasure - The Impact of Colonization Past, Present and Future  
Presentation by Nagedzi Hereditary Chief Rob Everson Gigalgam Walas Kwagut, Kumugwe Cultural Society

13

**Recommendation:**

THAT Council receive the delegation of the Kumugwe Cultural Society regarding the Indian Act and Cultural Erasure for information.

4.2 Solid Waste Management Plan: Strategies and Actions Available for Input  
Delegation of Sarah Willie, Manager of Solid Waste Planning and Policy Development and Vivian Schau, Senior Manager of CSWM Services

14

**Recommendation:**

THAT Council receive the delegation from Comox Strathcona Waste Management Services regarding Solid Waste Management Plan for information.

4.3	Youth Climate Corps Delegation of Maddie Turenne, Jesse Seifert and Mya Johnson	16
	<b>Recommendation:</b> THAT Council receive the delegation from the Youth Climate Corps regarding progress and impacts of program for information.	
<b>5. Correspondence</b>		
5.1	Current Environmental Ltd., Request for Letters of Support – FWCP Grant Applications	17
	<b>Recommendation:</b> THAT Council receive the correspondence from Current Environmental regarding letters of support to the Fish and Wildlife Compensation Program (FWCP).	
<b>6. Unfinished Business</b>		
<b>7. Reports</b>		
7.1	Committee Meeting Spaces Prepared by Rachel Parker, Corporate Officer	21
	<b>Recommendation:</b> THAT Council approve holding public Committee of the Whole, advisory committee, commission and Board of Variance meetings at the following spaces until the Council Chamber meeting room is available for use:	
	<ul style="list-style-type: none"> <li>• Masonic Hall at 2687 Dunsmuir Avenue;</li> <li>• Cumberland Fire Rescue Hall at 4724 Cumberland Road.</li> </ul>	
7.2	Council Member Remuneration Review Prepared by Rachel Parker, Corporate Officer	24
	<b>Recommendation:</b> THAT Council determine whether it wishes to direct staff to advertise for applicants for a committee to undertake a Council remuneration review in 2026, and whether to include funds in the 2026 budget for a review.	
<b>8. Bylaws</b>		
8.1	Permissive Tax Exemption 2026 Bylaw	33
	<b>Recommendation:</b> THAT Council adopt the Permissive Tax Exemption 2026 Bylaw No. 1237, 2025.	
8.2	2100 Horbury Rd - Official Community Plan and Zoning Amendment Application Bylaws 1240 and 1241 for First Reading Prepared by Courtney Simpson, Director of Development and Bylaw	35

**Recommendation:**

THAT Council give first reading to Official Community Plan Amendment Bylaw No. 1240, 2025.

THAT Council give first reading to Zoning Amendment Bylaw No. 1241, 2025.

THAT Council direct staff to refer proposed Bylaws 1240 and 1241 to First Nations and agencies for comment, as per the consultation list attached to the September 25, 2025 staff report.

THAT Council direct staff to include a Drinking Water Protection Zone to the new Zoning Bylaw as part of the Zoning Bylaw Update project currently underway.

**9. New Business**

**10. Notices, Motions and Announcements**

Matters considered here may include notices or motions to hold a meeting of the Committee of the Whole, a Village Hall meeting, a Public Hearing, and noticed of motion introduced by a Council Member. Check [cumberland.ca/meetings](http://cumberland.ca/meetings) to confirm meetings.

Virtual Open House on Zoning Bylaw - Register on Engage Comox Valley - Tuesday, October 7 from 6:30 p.m. to 8:00 p.m.

In-Person Open House on Zoning Bylaw - In-person, drop-in open house at the Masonic Hall at 2687 Dunsmuir Avenue - Wednesday October 8 from 4:30 p.m. to 7:30 p.m.

Advisory Planning Commission, October 9 at 4:00 p.m.

Homelessness and Affordable Housing Committee, October 15 at 9:00 a.m.

Heritage Committee, October 16 at 4:00 p.m.

**11. Question Period**

A member of the public may only inquire about items included on the agenda for that meeting during a question period.

- Please send questions by email to [info@cumberland.ca](mailto:info@cumberland.ca) using subject line "Question Period"; Note: please limit to questions only - comments will not be read.

**12. Closed Portion**

**Recommendation:**

THAT Council close the meeting to the public pursuant to Section 90 of the *Community Charter* to consider:

(c) labour relations or other employee relations;

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

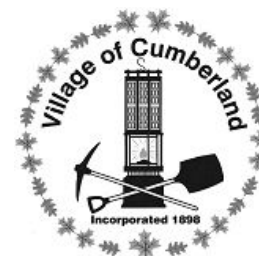
(l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];

**13. Adjournment**

**Recommendation:**

THAT Council adjourn the meeting.

**The Corporation of the Village of Cumberland  
Committee of the Whole Meeting Minutes**



**September 15, 2025, 3:00 p.m.  
Cultural Centre  
2674 Dunsmuir Avenue**

Council Present: Mayor Vickey Brown  
Councillor Neil Borecky  
Councillor Sean Sullivan  
Councillor Troy Therrien  
Councillor Nick Ward

Staff Present: Michelle Mason, Chief Administrative Officer  
Courtney Simpson, Director of Development and Bylaw Services  
Kevin McPhedran, Director of Community Services  
Rachel Parker, Corporate Officer

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**1. Call to Order**

Mayor Brown called the meeting to order at 3:05 p.m. and recognized the unceded traditional territory of the K'ómoks First Nation and offered gratitude for the care and stewardship of this land since time immemorial.

**2. Agenda**

2.1 Agenda for Committee of the Whole meeting, September 15, 2025

**Moved by:** Borecky

**Seconded by:** Ward

THAT the Committee approve the Committee of the Whole agenda for September 15, 2025.

**Carried Unanimously**

**3. Closed Portion**

**Moved by:** Ward

**Seconded by:** Borecky

THAT Council close the meeting to the public pursuant to Section 90 of the *Community Charter* to consider:

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];

**Carried Unanimously**

**4. Adjournment**

The meeting adjourned at 4:55 p.m.

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Mayor

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Certified Correct by Corporate Officer

**The Corporation of the Village of Cumberland**

**Regular Council Meeting Minutes**

**September 15, 2025, 5:30 p.m.**

**Cultural Centre**

**2674 Dunsmuir Avenue**



Council Present: Mayor Vickey Brown  
Councillor Neil Borecky  
Councillor Sean Sullivan  
Councillor Troy Therrien  
Councillor Nick Ward

Staff Present: Michelle Mason, Chief Administrative Officer  
Courtney Simpson, Director of Development and Bylaw Services  
Kevin McPhedran, Director of Community Services  
Rachel Parker, Corporate Officer  
Seamus McConville, Planner 1

**1. Call To Order**

Mayor Brown called the meeting to order at 5:30 p.m. and recognized the unceded traditional territory of the K'ómoks First Nation and offered gratitude for the care and stewardship of this land since time immemorial.

**2. Agenda**

2.1 Agenda for Regular Council Meeting, September 15, 2025

Motion 25-175

**Moved by:** Borecky

**Seconded by:** Ward

THAT Council approve the agenda for the September 15, 2025 Regular Council Meeting.

**Carried Unanimously**

**3. Minutes**

3.1 Adoption of Minutes

Motion 25-176

**Moved by:** Sullivan  
**Seconded by:** Therrien

THAT Council adopt the following minutes:

- Committee of the Whole, September 2, 2025
- Regular Council Meeting, September 2, 2025

**Carried Unanimously**

**4. Delegations**

4.1 Cumberland Rotary, Orchard Park Stewardship Agreement

Motion 25-177

**Moved by:** Ward  
**Seconded by:** Sullivan

THAT Council receive the delegation from the Cumberland Rotary regarding Orchard Park Stewardship Agreement.

**Carried Unanimously**

**5. Correspondence**

5.1 Motion to Uphold Tanker ban

Motion 25-178

**Moved by:** Borecky  
**Seconded by:** Therrien

THAT Council receive the correspondence from S. Christian regarding a motion to uphold the Tanker Ban; and that the Mayor write a letter to the powers that be supporting the ban on behalf of Council.

**Carried Unanimously**

**6. Unfinished Business**

None

**7. Reports**

7.1 Heritage Alteration Permit and Development Variance Permit, 2691 Dunsmuir Avenue

Motion 25-179

**Moved by:** Ward  
**Seconded by:** Sullivan

THAT Council approve Heritage Alteration Permit (HAP2501) for the property described as Lot A District Lot 21 Nelson District Plan VIP85438 (2691 Dunsmuir Avenue).

THAT Council approve Development Variance Permit (DVP2510) for the property described as Lot A District Lot 21 Nelson District Plan VIP85438 (2691 Dunsmuir Avenue).

**Carried Unanimously**

## 7.2 Results of Penrith Road Improvements Public Engagement

Motion 25-180

**Moved by:** Therrien  
**Seconded by:** Sullivan

THAT Council receive the public engagement report for the Penrith Avenue Roads and Utilities upgrades project;

THAT Council approve the expenditure of up to \$472,500 for Penrith: Third to Fourth Street Infrastructure Replacement with:

- \$307,500 to be funded through the Linear Asset Renewal Reserve and
- \$165,000 to be funded through the Community Works Funds Gast Tax Reserve; and,

THAT Council direct staff to bring forward an amendment to the amended 2025-2029 Financial Plan Bylaw to reflect this expenditure.

**Carried Unanimously**

Motion 25-181

**Moved by:** Therrien  
**Seconded by:** Ward

THAT Council direct staff to bring forward a Penrith Avenue Road Improvement concept design drawing for the proposed one-way street and further inform the Penrith Avenue block from Fourth Street to Third Street to let them know the block is included in the project.

**Carried Unanimously**

7.3 Zoning Bylaw Review and Update

Motion 25-182

**Moved by:** Therrien

**Seconded by:** Borecky

THAT Council direct staff to bring back the Zoning Bylaw Review and Update report to a Committee of the Whole meeting on October 6, 2025.

**Carried Unanimously**

Motion 25-183

**Moved by:** Ward

**Seconded by:** Borecky

THAT Council direct staff to revise the Draft Zoning Bylaw to remove off-street parking and loading requirements for non-residential and non-hotel, hostel, and motel uses in the Village Core; and

THAT Council direct staff to revise the Draft Zoning Bylaw to remove cash-in-lieu of parking provisions for residential and hotel, hostel, and motel uses.

**Carried Unanimously**

7.4 Purchasing Management Services Policy – Spending Authority Update

Motion 25-184

**Moved by:** Therrien

**Seconded by:** Ward

THAT Council amend the Appendix A ‘Schedule of Signing Authority’ of the Purchasing Management Services Policy number 3.3 as presented; and,

THAT Council amend the Purchasing Management Services Policy 3.3 to include provisions for participation in group purchasing programs and corporate supply arrangements, as presented.

**Carried Unanimously**

**8. Bylaws**

8.1 2026 Permissive Tax Exemptions

Motion 25-185

**Moved by:** Sullivan

**Seconded by:** Borecky

THAT Council consider first, second and third reading of the “Permissive Tax Exemption 2026 Bylaw No. 1237, 2025”.

**Carried Unanimously**

**9. New Business**

None

**10. Notices, Motions and Announcements**

Matters considered here may include notices or motions to hold a meeting of the Committee of the Whole, a Village Hall meeting, a Public Hearing, and noticed of motion introduced by a Council Member. Check [cumberland.ca/meetings](http://cumberland.ca/meetings) to confirm meetings.

- Homelessness and Affordable Housing Committee, September 17 at 9:30 a.m.
- Heritage Committee, September 18 at 4:00 p.m.
- Accessibility and Inclusion Committee, September 29 at 3:00 p.m.

**11. Question Period**

Questions were received on the Penrith Avenue project and the draft Zoning Bylaw.

**12. Closed Portion**

Motion 25-186

**Moved by:** Sullivan

**Seconded by:** Ward

THAT Council close the meeting to the public pursuant to Section 90 of the Community Charter to consider:

- (c) labour relations or other employee relations;
- (g) litigation or potential litigation affecting the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report].
- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

**Carried Unanimously**

**13. Adjournment**

Motion 25-187

**Moved by:** Borecky

**Seconded by:** Therrien

THAT Council adjourn the meeting at 8:58 p.m.

**Carried Unanimously**

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Mayor

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Certified Correct by Corporate Officer

Robert Everson  
Kumugwe Cultural Society  
3240 Comox Road  
Courtenay BC  
V9N 3P8

July 2025

Greetings Mayor & Council,

Please accept these two booklets; The Indian Act and Cultural Erasure - The Impact of Colonization Past, Present and Future. The Indian Act is for you to read and have a better, more informed understanding of the systems in place today that impact the lives of Indigenous Peoples. The Cultural Erasure booklet is designed for you to have an overview of the history of Indigenous Peoples and better understand the political climate today.

The Kumugwe Cultural Society is currently working with many Kwakwaka'wakw hereditary leaders in a supportive capacity to ensure their family's cultural survival. Over the past decade there have been many positive changes in Canada, which many of us are still exploring and attempting to understand what those overarching implications are on Section 35 Aboriginal Rights. The Truth and Reconciliation Commission Report in 2015, the signing of the United Nations Declaration on the Rights of Indigenous Peoples, and the continuing Supreme Court decisions leave Indigenous Peoples in a very different place from ten years ago. In this ever changing landscape of Indigenous Rights, Consultation and Engagement, and Cultural responsibility it is more important than ever to talk about our collective future.

Colonization and the continued subjugation of Indigenous Peoples across Canada has a long and dark history which is important to understand in order to fulfill the need for Indigenous self-determination. Talking about the past, understanding the present legal and political landscape, and exploring the future in open, honest and respectful dialogue is imperative. This project, along with the continued work of many organizations and individuals are an opportunity to restore, decolonize and revitalize the legislative systems based on race to positively impact our communities at large.

I am available to attend a Mayor & Council meeting and deliver a 20 minute presentation and/or Q&A focusing on the Indian Act, Cultural Erasure and the many political and legal challenges happening today. I look forward to speaking with your elected leadership. If you have any questions or need more information, please don't hesitate to contact me.

Halakas'la,



Nagedzi  
Hereditary Chief Rob Everson Gigalgam Walas Kwagut,



**Office of the Chief Administrative Officer**

770 Harmston Avenue, Courtenay, BC V9N 0G8  
Tel: 250-334-6000 Fax: 250-334-4358  
Toll free: 1-800-331-6007  
www.comoxvalleyrd.ca



File: 5360-30/SWMP

August 20, 2025

**Sent via email only**

Michelle Mason  
Chief Administrative Officer  
Village of Cumberland  
2673 Dunsmuir Ave  
Cumberland, BC V0R 1S0

**Re: Solid Waste Management Plan: Strategies and Actions Available for Input**

The Comox Strathcona Waste Management (CSWM) service is updating its Solid Waste Management Plan (SWMP) to meet provincial requirements and better address the region's evolving waste needs.

After extensive engagement with community members, staff and experts over the past year, we are reaching out to you today to share a key milestone. Eight strategies and 33 actions have now been shortlisted based on community benefit, cost, diversion potential, and operational impact.

These strategies and actions will be available for public feedback from September 5 to October 16, 2025.

To support these efforts, CSWM representatives will host open houses and information booths from Zeballos across to Quadra Island and down to Union Bay, presenting the strategies and gathering public feedback. As we are hosting events in your community, please encourage your residents to come out and participate in the conversation.

- Cumberland Masonic Hall Open House on Monday, September 22, from 4 pm to 7 pm
- Comox Valley Waste Management Centre Open House on Saturday, October 4, from 10 am to 2 pm

*The Comox Strathcona Waste Management service area is located in the Coast Salish, Kwakwaka'wakw, and Nuu-chah-nulth territories.*

Comox Strathcona Waste Management manages over 100,000 tonnes of waste and recycled material annually and oversees a number of diversion and education programs for the Strathcona and Comox Valley Regional Districts.

## **Council Presentation Opportunity**

We would also be pleased to present the shortlisted strategies and actions to your Council this fall and answer any questions. Please contact Bridget Meagher, [CSWM@comoxvalleyrd.ca](mailto:CSWM@comoxvalleyrd.ca) and let us know if your Council is interested, and we will coordinate a date and time for an online or in-person presentation.

Your feedback is essential to shaping a plan that meets the needs and priorities of residents across the Comox Valley and Strathcona regions.

## **Background**

The Solid Waste Management Plan will guide how waste, recycling, and organics are managed from our community over the next decade.

The SWMP renewal is required by the Province and provides an opportunity to adapt to the diverse and evolving needs across the region.

## **Next Steps**

We are currently in Step 3 of a four-step planning process, to evaluate options before a draft plan is developed.

The draft plan will be reviewed by the Comox Strathcona Waste Management Board and shared with the public again before it is submitted to the Province. We expect that it will be submitted to the Ministry of Environment and Parks by June 2026.

## **Questions?**

For more information on the SWMP background and planning process visit [engagecomoxvalley.ca/swmp](http://engagecomoxvalley.ca/swmp).

Sincerely,

### ***M. Rutten***

Marc Rutten, P.Eng.

Acting Chief Administrative Officer

cc: Rachel Parker, Corporate Officer, Village of Cumberland  
Vivian Schau, Senior Manager of CSWM Services  
Sarah Willie, Manager of Solid Waste Planning and Policy Development

/bm

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**Subject:** FW: Delegating at Sept 2 Council Meeting

**From:** Maddie Turenne  
**Sent:** August 5, 2025 7:45 PM  
**To:** Village of Cumberland <[info@cumberland.ca](mailto:info@cumberland.ca)>  
**Subject:** Delegating at Sept 2 Council Meeting

Hello,

My name is Maddie and I'm the program coordinator with the Youth Climate Corps in the Comox Valley. We are scheduled to delegate before Courtenay and Comox councils, and would love for the opportunity to do the same in Cumberland.

The presentation would be an overview of some of the work we have done, projects we have been a part of and impact we have made with community groups specifically in Cumberland. We don't have any specific asks- more so just want to share the progress and impacts of our program so far.

The names of the people speaking are: Maddie Turenne, Jesse Seifert & Mya Johnson, and we hope to present at the September 2nd meeting. Please let me know if there is any more information I can provide.

Looking forward to this opportunity!

All the best,

Maddie

**Rachel Parker**

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**Subject:** FW: Request for Letters of Support – FWCP Grant Applications

Dear Mayor and Council.

I am writing on behalf of Current Environmental Ltd., a local environmental consulting firm, as we prepare two funding applications to the Fish and Wildlife Compensation Program (FWCP) for projects within the Puntledge watershed. Current Environmental would be the primary applicant and project lead for both initiatives. We anticipate some volunteer involvement from local non-profits (e.g., stream keeper groups), and we have engaged with K'ómoks First Nation who may also participate, but responsibility for delivery and management of the projects would remain with our firm.

I would like to emphasize that while Current Environmental Ltd. is a private company, these projects are not undertaken for profit. They will be delivered essentially at cost, with the primary goal of contributing to ecological restoration, species monitoring, and for environmental benefit rather than generating revenue.

1. **Western Painted Turtle Surveys** – Confirming the continued presence of the federally *Threatened* Western Painted Turtle in Maple Lake and the Puntledge watershed, using non-invasive methods such as eDNA sampling, visual surveys, wildlife cameras, and citizen science reporting.
2. **Fish Passage Assessment** – Field assessments of closed-bottom crossing structures (e.g., culverts) throughout the Puntledge watershed, to identify barriers to fish passage and opportunities for remediation. This would build on a desktop review completed by another group in 2018 that recommended field surveys as the next step, which to date has not been completed.

FWCP requires letters of support from municipalities where proposed study sites are located. I am therefore reaching out to kindly request letters of support from the Village of Cumberland for these two projects. Draft templates for each are attached to make this process as straightforward as possible, though please feel free to modify the templates as you see fit. Note that our funding applications are due November 3.

Your support would help strengthen these applications and demonstrate local commitment to conservation and restoration efforts in the Comox Valley. Please don't hesitate to reach out if you would like more information about either project.

Thank you very much for your consideration.

Kind regards,

**Chloe Howarth**, M.Sc., R.P.Bio.  
Current Environmental Ltd.  
Courtenay, BC  
Office: 250-871-1944  
Cell: 250-203-4608



[Municipality Letterhead]

Date: [Insert Date]

**Fish and Wildlife Compensation Program – Coastal Region**

**Re: Letter of Support – Fish Passage Assessment**

On behalf of the [City/Town/Village] of [Name], I am writing in support of Current Environmental Ltd.'s funding application to the Fish and Wildlife Compensation Program for their proposed project to conduct field assessments of closed-bottom crossing structures (e.g., culverts) throughout the Puntledge watershed.

This project will build on a 2018 desktop review that recommended field surveys as the next step; to date, no field work has been completed. Assessments will help identify barriers to fish passage and opportunities for remediation, supporting long-term efforts to restore aquatic connectivity in the watershed.

The [City/Town/Village] of [Name] supports initiatives that enhance fish habitat and watershed health, and we are pleased to provide this letter of support.

Sincerely,

[Name]

[Role], [City/Town/Village of Name]

[Municipality Letterhead]

Date: [Insert Date]

**Fish and Wildlife Compensation Program – Coastal Region**

**Re: Letter of Support – Western Painted Turtle Surveys**

On behalf of the [City/Town/Village] of [Name], I am writing in support of Current Environmental Ltd.'s funding application to the Fish and Wildlife Compensation Program for their proposed project aimed at confirming the continued presence of the federally *Threatened* Western Painted Turtle (*Chrysemys picta bellii*) in Maple Lake and the Puntledge watershed.

It is our understanding that the project will use non-invasive methods such as environmental DNA sampling, visual surveys, and remote cameras, and includes proposed study sites within our municipality.

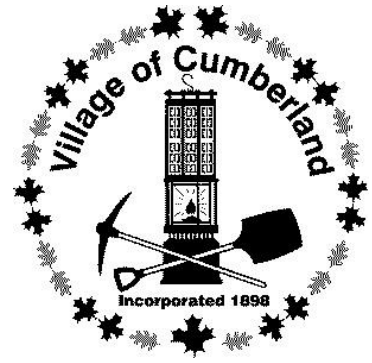
The [City/Town/Village] of [Name] supports efforts to improve understanding of at-risk species in our region and recognizes that this work has the potential to inform future habitat conservation and restoration efforts.

Sincerely,

[Name]

[Role], [City/Town/Village of Name]

# COUNCIL REPORT



REPORT DATE: September 22, 2025  
MEETING DATE: October 6, 2025

File No. 0530-09

TO: Mayor and Councillors  
FROM: Rachel Parker, Corporate Officer  
SUBJECT: Committee Meeting Spaces

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## RECOMMENDATION

THAT Council approve holding public Committee of the Whole, advisory committee, commission and Board of Variance meetings at the following spaces until the Council Chamber meeting room is available for use:

- Masonic Hall at 2687 Dunsmuir Avenue;
- Cumberland Fire Rescue Hall at 4724 Cumberland Road.

## PURPOSE

The purpose of this report is to seek Council approval to hold committee meetings at other meeting spaces.

## PREVIOUS COUNCIL DIRECTION

Date	Resolution
April 28, 2025	THAT the Council approve holding all Council and committee meetings at the Cultural Centre at 2674 Dunsmuir Avenue until the Council Chamber meeting room at 2675 Dunsmuir is available for use, and hold the May 5, 2025 Committee of the Whole meeting at the Fire Hall.

## BACKGROUND

Council's Procedure Bylaw establishes the Municipal Office, which includes the Council Chamber meeting room building, as the location for Council and committee meetings, unless Council resolves to hold meetings elsewhere.

With the April 24, 2025 fire and water damage in the Council Chamber making that building unusable, Council approved that Council and committee meetings would be held in the Cultural Centre and that a daytime Committee of the Whole meeting in May would be held at the Fire Hall meeting room. Cumberland Recreation has set aside Monday afternoons and evenings for Council

meetings and some committee meetings, however other times for committee meetings are limited since the building is used for many recreation programs.

Staff recognize the importance of having public meetings in spaces accessible to the public and to ensure that advance notice of meetings, along with meeting location, date and time is given to all committee members and to the public. Until the Council Chamber building is made available again after renovations, staff are seeking approval to hold committee meetings in other meeting spaces to avoid having to cancel recreation programs at the Cultural Centre.

Those locations could include

- Masonic Hall at 2687 Dunsmuir Avenue
- Cumberland Fire Rescue meeting room at 4724 Cumberland Road

There are challenges with these spaces, including accessible washrooms at the Masonic Hall. While the fire hall has accessible washrooms, parking is limited with fire rescue operations and training taking precedence. The majority of parking at the rear of the building is reserved for responding firefighters.

Staff is seeking Council approval to hold Committee of the Whole meetings, committee, commission and Board of Variance meetings at these other locations. The location of each meeting would be noted on the agenda made available in advance of the meeting.

#### **FINANCIAL IMPLICATIONS**

There are fees to rent the Masonic Hall. There is a small budget for committee meetings that could be used for these fees.

#### **OPERATIONAL IMPLICATIONS**

Staff must use personal vehicles to attend to meetings at the Fire Hall.

#### **CLIMATE CHANGE IMPLICATIONS**

None.

#### **ALTERNATIVES**

1. Committee meetings could be limited to the Cultural Centre, however Recreation programs would be impacted and some program times cancelled.
2. If meeting space is not available, advisory committee meetings may have to be delayed or not held.

**STRATEGIC OBJECTIVE**

- Diverse & Healthy Community
- Sustainable Service Delivery & Asset Management
- Community Planning

**ATTACHMENTS**

None

**CONCURRENCE**

Ryan Parton, Manager of Recreation & Culture **RP**

Mike Williamson, Manager of Protective Services **MW**

Respectfully submitted,

***R. Parker***

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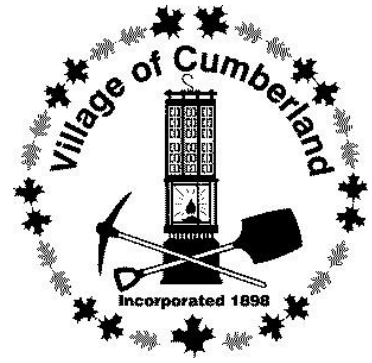
Rachel Parker  
Corporate Officer

***M. Mason***

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Michelle Mason  
Chief Administrative Officer

# COUNCIL REPORT



REPORT DATE: September 16, 2025  
MEETING DATE: October 6, 2025

File No. 0530-06

TO: Mayor and Councillors  
FROM: Rachel Parker, Corporate Officer  
SUBJECT: Council Member Remuneration Review

## RECOMMENDATION

THAT Council determine whether it wishes to direct staff to advertise for applicants for a committee to undertake a Council remuneration review in 2026, and whether to include funds in the 2026 budget for a review.

## PURPOSE

The purpose of this report is to inquire whether Council wishes to appoint a committee to review Council remuneration in 2026 for the years following the general local election in October 2026.

## PREVIOUS COUNCIL DIRECTION

Date	Resolution
Feb 28 2022	That Council adopt Council Remuneration Bylaw No. 1166, 2022.
Jan 10 2022	<p>THAT Council direct staff to bring forward an update to the Council Remuneration Bylaw to include:</p> <ul style="list-style-type: none"> <li>• Effective January 2023, increase the Councillors remuneration to the average of the comparison group (2021), which is \$14,596 annually, and set the mayor's remuneration at 40% above this rate, plus include the British Columbia Consumer Price Index (CPI) percentage increase for 2021 and 2022;</li> <li>• In February of each general election year, an independent committee will be formed to review Council remuneration, comprised of three residents and any recommended increase in remuneration will become effective January 1<sup>st</sup> of the following year;</li> <li>• In the year of each general election year, Council will review Council remuneration bylaw that would become effective January 1<sup>st</sup> of the following year.</li> </ul>

## **BACKGROUND**

It is common practice for outgoing councils to review Council remuneration before an election for an incoming Council. Providing sufficient financial support to individuals elected to Council helps to compensate for their time and demands of the position, as well as for the potential loss of income and any additional personal costs, such as child care. Sufficient remuneration may also help attract a broader diversity of candidates for election.

Before the 2022 general local election, Council adopted a new remuneration bylaw that increased council member remuneration to an average of a comparison group of similar municipalities. Council also set the councillors' remuneration at 60% of the mayor's remuneration each year after the annual application of the CPI increase to prevent a gap between the mayor and councillor remuneration if the CPI was applied directly.

The bylaw also sets out that in the year of a general local election, the Council may appoint a committee of three residents to review Council remuneration for the years following the election and to make recommendations to the Council. If Council wishes a committee to undertake this review, recruitment of committee members could take place this fall with the review to take place in the new year.

2025 Annual Remuneration Rates:

Mayor: \$26,683.31

Councillors: \$16,009.98

## **FINANCIAL IMPLICATIONS**

If Council wishes a committee to undertake an independent comparative review of remuneration, Council could provide a budget to cover any expenses or consultant costs for research in the 2026-2030 financial plan for the 2026 year.

Any change in council member remuneration would have to be incorporated into the 2027-2031 five year financial plan.

## **OPERATIONAL IMPLICATIONS**

Staff support would be required to provide administrative support to the committee for the review. Any research or data collection for the committee could be assigned to staff workload.

## **CLIMATE CHANGE IMPLICATIONS**

None.

## **ALTERNATIVES**

A review of remuneration is optional. If Council chooses to take no action, remuneration would continue under the bylaw with an annual increase to the mayor's remuneration based on the

consumer price index for the preceding year, and councillors remuneration being 60% of the mayor's remuneration.

**STRATEGIC OBJECTIVE**

- Diverse & Healthy Community
- Sustainable Service Delivery & Asset Management
- Community Planning

**ATTACHMENTS**

1. Council Remuneration Bylaw No. 1166, 2022
2. January 10 2022 Staff report, 2023-2026 Council Remuneration Bylaw Review
3. Union of BC Municipalities, Council and Board Remuneration Guide  
<https://www.ubcm.ca/policy-areas/council-board-remuneration-guide>

**CONCURRENCE**

None

Respectfully submitted,

***R. Parker***

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Rachel Parker  
Corporate Officer

***M. Mason***

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Michelle Mason  
Chief Administrative Officer

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND**

**BYLAW NO. 1166**

**A bylaw to provide for remuneration to members of council.**

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as “Council Remuneration Bylaw No. 1166, 2022”.
2.
  - (1) The Mayor shall be paid an annual remuneration in the amount \$25,031 in 2023.
  - (2) In each year, including 2023, the remuneration for the Mayor shall be increased effective January 1<sup>st</sup> by a rate equivalent to any annual percentage increase in the consumer price index for British Columbia over the immediately preceding year.
3. Each Councillor shall be paid an annual remuneration of sixty per cent of the mayor’s remuneration as set out in the previous section.
4. Remuneration to the Mayor and Councillors will be paid in monthly installments.
5. In the year of a general local election, the Council may appoint a committee of three residents to review Council remuneration for the years following the election and to make recommendations to the Council.
6.
  - (1) Members have the option to participate in an extended health and dental program through the Union of British Columbia Municipalities for either family or single benefits, subject to the program conditions.
  - (2) For each member who chooses to participate in extended health and dental program, 100 per cent of the cost will be deducted from that member’s remuneration each month and reimbursed to the Village.

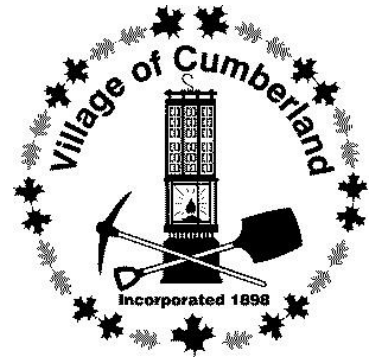
- 7. The "Council Remuneration Bylaw No. 1099, 2019" is repealed.
- 8. This bylaw takes effect on January 1, 2023.

<b>READ A FIRST TIME THIS</b>	<b>14<sup>TH</sup></b>	<b>DAY OF</b>	<b>FEBRUARY</b>	<b>2022.</b>
<b>READ A SECOND TIME THIS</b>	<b>14<sup>TH</sup></b>	<b>DAY OF</b>	<b>FEBRUARY</b>	<b>2022.</b>
<b>READ A THIRD TIME THIS</b>	<b>14<sup>TH</sup></b>	<b>DAY OF</b>	<b>FEBRUARY</b>	<b>2022.</b>
<b>ADOPTED THIS</b>	<b>28<sup>TH</sup></b>	<b>DAY OF</b>	<b>FEBRUARY</b>	<b>2022.</b>

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

# COUNCIL REPORT



REPORT DATE: 1/5/2022  
MEETING DATE: 1/10/2022

File No. 0530-06

TO: Mayor and Councillors  
FROM: Clayton Postings, Chief Administrative Officer  
SUBJECT: 2023-2026 Council Remuneration Bylaw Review

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## RECOMMENDATION

- i. THAT Council receive 2023-2026 Council Remuneration Bylaw Review report

## PURPOSE

It is common practice for outgoing councils to review Council remuneration before an election for an incoming Council. This report provides some comparisons to other municipalities and various options for Council to consider if changes to the Council remuneration bylaw are being considered.

## PREVIOUS COUNCIL DIRECTION

Date	Resolution
Feb 25 2019	THAT Council adopt "Council Remuneration Bylaw No. 1099, 2019".
Sep 4 2018	THAT Council adopt "Council Remuneration Bylaw No. 1089, 2018".
May 24 2018	That Council direct staff to bring forward a remuneration bylaw increase to compensate for remuneration lost to income taxes due to the elimination of the non-taxable status of 1/3 portion beginning in 2019. THAT Council direct staff to bring forward review of percentage increase to remuneration to next regular council meeting.

## BACKGROUND

Council last reviewed the Council Remuneration Bylaw in 2018 and 2019. This report only reviews remuneration and does not review any other benefits, as a detailed review of extended benefits was completed in 2018.

Council implemented annual remuneration increases between 2015 and 2022 in the Council Remuneration Bylaws, in attempt to bring Cumberland Council's remuneration in line with other similar municipalities, as the existing remuneration was not comparable with similar municipalities.

Currently the existing bylaw has included that effective 2023 and each subsequent year the annual increase will be based on annual British Columbia Consumer Price Index (CPI).

Having a sufficient remuneration for Council positions is important for a community to attract candidates to office before an election. The existing rates for the incoming council are: 2021 is Mayor \$22,287 and Councillor \$11,565, a scheduled 4% increase is set for 2022, equaling \$23,179 (Mayor) and \$12,028 (Councillor).

One area which has been noted is the difference between the Mayor and Councillor annual increases. Currently when each position receives an increase the gap between the Mayor and Councillor is expanded. Most municipalities now include in the bylaws, that the Mayor rate is set and that the Councillor rates are based on a percentage of the Mayor's rate, thus ensuring a gap is not increased over the term of the bylaw.

Secondly it has been noted that most other municipalities include a review of the remuneration to occur prior to the next municipal election.

The following are various options Council may wish to consider updating the bylaw.

#### Mayor remuneration:

- 1) Effective January 2023, increase the Mayor remuneration to the average of the comparison group shown in the table below (2021), which is \$25,584 annually, plus include the British Columbia Consumer Price Index (CPI) percentage increase for 2021 and 2022 (not published yet).
  - In each year following, the remuneration for the mayor be increased on January 1st by a rate equivalent to any annual percentage increase in the consumer price index for British Columbia over the immediately preceding year
- 2) Effective January 2023, increase the Mayor remuneration by 4% annually in 2023-2026.
- 3) No changes to existing bylaw
  - \*Effective January 2023, increase the Mayor remuneration by the British Columbia Consumer Price Index (CPI) annually in 2023-2026.
- 4) Other actions as directed by Council.

#### Councillor remuneration:

- 1) Effective January 2023, set Councillors remuneration at 55% of the Mayor's remuneration.
- 2) Effective January 2023, set Councillors remuneration at 60% of the Mayor's remuneration.
- 3) Effective January 2023, set Councillors remuneration at a set percentage of the Mayor's remuneration.
- 4) Effective January 2023, increase the Councillors remuneration to the average of the comparison group (2021), which is \$14,596 annually, plus include the British Columbia Consumer Price Index (CPI) percentage increase for 2021 and 2022 (not published yet).
- 5) Effective January 2023, increase the Councillors remuneration by 4% annually in 2023-2026
- 6) No changes to existing bylaw
  - \*Effective January 2023, increase the Councillor remuneration by the British Columbia Consumer Price Index (CPI) annually in 2023-2026.
- 7) Other as directed by Council.

Include in the updated Council remuneration bylaw:

- In the year of each general election year, Council will review Council remuneration bylaw that would become effective January 1st of the following year.
- In February of each general election year, an independent committee will be formed to review Council remuneration. The committee will be comprised of three (3) Village residents and any recommended increase in remuneration will become effective January 1st of the following year.

At this time, staff is seeking direction from Council by resolution to revise the Council Remuneration Bylaw.

A table of compensation below compares Cumberland remuneration to similar sized (2016 Census pop. Statistics) BC communities:

Community	Population	Mayor	Council	Councillor % of Mayor	Source
Port Hardy	4,132	\$28,267	\$14,133	50%	2020 SOFI
Lake Cow.	3,226	\$24,331	\$14,599	60%	2021 Civicinfo
Highlands	2,225	\$16,192	\$9,715	60%	2021 Civicinfo
Duncan	4,944	\$32,910	\$16,823	51%	2021 Civicinfo
Tofino	1,932	\$30,690	\$15,354	50%	2021 Civicinfo
Lantzville	3,605	\$20,032	\$13,857	69%	2021 Civicinfo
Metchosin	4,708	\$26,592	\$15,713	59%	2020 SOFI
Bowen Isl.	3,680	\$30,000	\$15,000	50%	2021 Civicinfo
Invermere	3,391	\$24,783	\$14,870	60%	2021 Civicinfo
Rossland	3,729	\$18,162	\$9,262	51%	2021 Civicinfo
Oliver	4,928	\$29,355	\$16,656	57%	2020 SOFI
Grand Forks	4,049	\$24,700	\$18,525	75%	2021 Civicinfo
Armstrong	4,815	\$26,581	\$15,243	57%	2021 Civicinfo
Golden	3,708	N/A			
Peachland	5,428	N/A			
Gibsons	4,605	N/A			
<b>Average</b>	<b>3,797</b>	<b>\$25,584</b>	<b>\$14,596</b>	<b>57%</b>	

The following are rates for regional comparisons.

Community	Population	Mayor	Council	Councillor % of Mayor	Source
Courtenay	25,599	\$75,090	\$26,309	35%	2020 SOFI
Comox	14,828	\$43,263	\$24,786	57%	2021 Actual
Qualicum Beach	8,943	\$46,966	\$35,225	75%	2020 SOFI
Parksville	12,514	\$53,550	\$31,110	57%	2020 SOFI
Campbell River	35,138	\$78,955	\$30,004	39%	2020 SOFI
<b>Average</b>	<b>19,404</b>	<b>\$59,564</b>	<b>\$29,486</b>	<b>49.5%</b>	

**ALTERNATIVES**

1. Not proceed with any action at this time.

**STRATEGIC OBJECTIVE**

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

**FINANCIAL IMPLICATIONS**

Any changes to remuneration will need to be considered during the 2023-2027 five-year Financial Plan discussions. There is no impact to existing 2022 budget as the remuneration has been set and budgeted for in 2022.

**OPERATIONAL IMPLICATIONS**

No operational or staff impacts. There will require an update to the bylaw, which does not have an impact on existing priorities.

**CLIMATE CHANGE MITIGATION AND ADAPTATION**

N/A

**ATTACHMENTS**

- Council Remuneration Bylaw No. 1099, 2019

**CONCURRENCE**

N/A

Respectfully submitted,

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Clayton Postings  
Chief Administrative Officer

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND**

**BYLAW NO. 1237**

**A bylaw to exempt certain lands and improvements from taxation for the 2026 taxation year.**

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Permissive Tax Exemption 2026 Bylaw No. 1237, 2025".
2. The following land or improvements, or both, are exempted from taxation as provided by section 197(1)(a) of the *Community Charter* for the 2026 taxation year to the extent and subject to the conditions provided:
  - (a) the following land or improvements, or both, owned or held by a charitable, philanthropic or other not for profit corporation as permitted under section 224(2)(a) of the *Community Charter*:
    - (i) that portion of Lot 3, Block H, Plan 522E, District Lot 21, Nelson Land District, PID 008-932-212 held by the Cumberland and District Historical Society; and
    - (ii) Lot A, Section 3, Township 9 and Sections 34, 35 and 36, Township 10, Comox District, Plan EPP127706, PID 031-936-008 owned by the BC Parks Foundation; and
    - (iii) Lot A, District Lot 24, Nelson District and Section 27, Township 10, Comox District, Plan EPP121808, PID 031-848-931 owned by the Cumberland Community Forest Society;
  - (b) the following areas of land surrounding a building for public worship and hall, and improvements used for the purposes of a hall, as permitted under section 224(2)(f) of the *Community Charter*:
    - (i) Lot 1, Block 4, Plan 522, District Lot 21, Nelson Land District, PID 008-970-513 owned by BC Conference Property Development Council United Church of Canada; and

- (ii) Lot B, Plan 43397, District Lot 21 Nelson Land District, PID 003-382-281 owned by the Cumberland Community Church.

<b>READ A FIRST TIME THIS</b>	<b>15TH</b>	<b>DAY OF</b>	<b>SEPTEMBER</b>	<b>2025.</b>
<b>READ A SECOND TIME THIS</b>	<b>15TH</b>	<b>DAY OF</b>	<b>SEPTEMBER</b>	<b>2025.</b>
<b>READ A THIRD TIME THIS</b>	<b>15TH</b>	<b>DAY OF</b>	<b>SEPTEMBER</b>	<b>2025.</b>
<b>ADOPTED THIS</b>		<b>DAY OF</b>		<b>2025.</b>

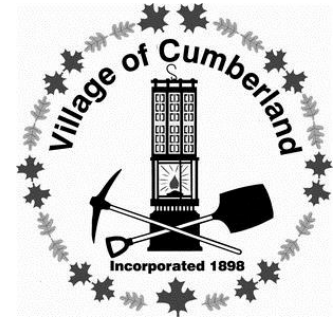
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Mayor

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Corporate Officer

# COUNCIL REPORT



REPORT DATE: 9/25/2025  
MEETING DATE: 10/6/2025

File No. 3360 2019-02-RZ

TO: Mayor and Councillors  
FROM: Courtney Simpson, Director of Development and Bylaw  
SUBJECT: 2100 Horbury Rd - Official Community Plan and Zoning Amendment Application  
Bylaws 1240 and 1241 for First Reading

## RECOMMENDATION

THAT Council give first reading to Official Community Plan Amendment Bylaw No. 1240, 2025.

THAT Council give first reading to Zoning Amendment Bylaw No. 1241, 2025.

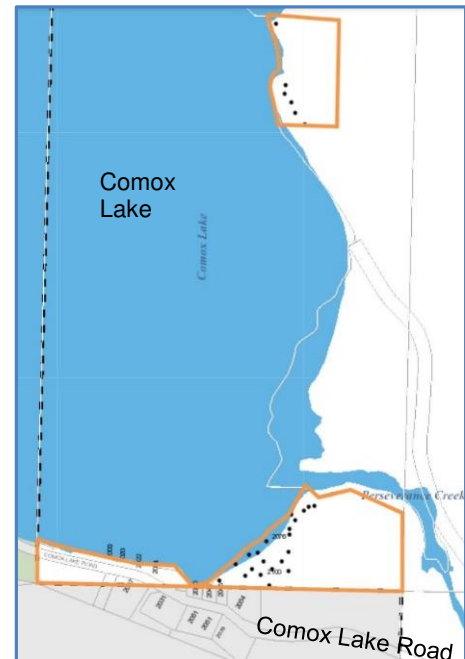
THAT Council direct staff to refer proposed Bylaws 1240 and 1241 to First Nations and agencies for comment, as per the consultation list attached to the September 25, 2025 staff report.

THAT Council direct staff to include a Drinking Water Protection Zone to the new Zoning Bylaw as part of the Zoning Bylaw Update project currently underway.

## PURPOSE

The purpose of this report is to:

- Introduce the draft Official Community Plan Amendment Bylaw No. 1240, 2025 and draft Zoning Amendment Bylaw No. 1241, 2025 for first reading.
- Seek direction for referral to the K'ómoks First Nations, local governments, senior government agencies.
- Describe the technical process for adopting these bylaw amendments while updates to the base Official Community Plan and Zoning Bylaw are underway.



*Subject Property outlined in orange*

**PREVIOUS COUNCIL DIRECTION**

Date	Resolution
January 22, 2024	THAT Council direct staff to review the proposed Official Community Plan Amendment Bylaw No. 1178 and Zoning Amendment Bylaw No 1179 for the Comox Lake Land Corporation in regard to options on docks, accessory buildings height, and the upper limit of size of cabins expanded more than 1500 ft2.
August 8, 2022	THAT Council refer the report “Referral Comments and Options – Comox Lake Land Corporation Rezoning Application” to the Advisory Planning Commission for comment.
August 10, 2021	<p>THAT Council direct staff to engage the K’ómoks First Nation and key agencies in early discussions on the application.</p> <p>THAT Council direct staff to draft a watershed protection zone for that the area of Comox Lake that falls within the jurisdiction of the Village of Cumberland and present it for discussion at an upcoming meeting.</p>

**BACKGROUND**

The subject property is approximately 3.6 hectares in area on the east side of Comox Lake with 25 permanent and seasonal residences (Attachment 1 – Site Plan). Many of the cabins were originally constructed in the 1930’s when the land was owned by Weldwood Canada. The Comox Lake Land Corporation (CLLC) was created in 2001 when the land was purchased from Weldwood Canada by a group of cabin owners. In 2002, the Village of Cumberland extended its jurisdiction to include the subject property.

The land was first zoned in 1976 when it was in the Comox Strathcona Regional District Electoral Area C. It is currently zoned Recreation and Tourism (RE-1) in the Village of Cumberland Zoning Bylaw No. 1027, 2016. The total of 25 cabins on one lot have never been permitted in the zoning. Only one dwelling per lot is permitted in the RE-1 zone, and the remaining 24 are lawfully non-conforming. This means that they can be maintained and repaired, and structural alterations or additions can only be permitted through order of the Board of Variance. It also means that those that have been used as year-round residences before zoning came into effect can continue to be used this way (approximately 7 cabins), but the lawfully non-conforming status of those that were used seasonally only extends to continued seasonal use; their use cannot change to year-round under the current situation (approximately 18 cabins).

In 2018, the Comox Valley Regional District purchased a portion of the original property (see [CVRD news post](#)). The land includes the mouth of Perseverance Creek, Coal Beach and upland area. The purpose of the purchase was to give the CVRD the ability to manage those lands for drinking water protection. As part of the sale, the cabin owners agreed to upgrade the septic systems or holding tanks to reduce potential impacts on water quality in Comox Lake.

### ***Proposed Development***

The applicant is seeking to amend the Official Community Plan (OCP) and Zoning Bylaw to permit a total of 25 cabins, and to permit subdivision into 25 lots. In general, the proposal is to create a new zone for this property that allows 25 cabins for the purpose of their improvement and renovation over time without having to seek approval of the Board of Variance. The applicant's intent is to keep the overall seasonal and recreational use of the property (acknowledging that several cabins have been permanent residences for many years), however the zoning amendment would allow all 25 cabins to become permanent residences.

The applicant adjusted the details of their initial application to address the findings of required background studies, early agency referral, and Advisory Planning Commission comments. The resulting revised application includes individual cabin size limits and a maximum size limit for accessory buildings.

The proposal is for the cabins to be restricted in size to their current footprint, except for those 90 m<sup>2</sup> (969 sqft) and smaller that would be allowed an increase of 25m<sup>2</sup> to allow for modernization improvements such as enclosed porches and utility rooms, up to 90m<sup>2</sup> (969 sqft). Fourteen cabins have a maximum GFA of 90m<sup>2</sup> (969 sqft) or smaller and 11 have a maximum GFA between 110m<sup>2</sup> (1184 sqft) and 240m<sup>2</sup> (2583 sqft). The total combined floor area of accessory buildings would be limited to 600 m<sup>2</sup> (6458 sqft) with the maximum size of an individual accessory building of 24m<sup>2</sup> (258 sqft). This works out to 24m<sup>2</sup> (258 sqft) per each of the 25 cabins.

The applicant completed an environmental review, a review of retaining walls, a geotechnical assessment of site conditions, a stormwater and drainage inspection report, conceptual emergency access locations, wastewater and water system observations. The findings and recommendations of the professional reports are summarized in the Rezoning and Servicing Report, available on the Village's [Current Land Development](#) webpage.

### ***Regional Growth Strategy***

The Comox Valley Regional District Regional Growth Strategy (RGS) Bylaw No. 120, 2010 is a shared vision for managing growth and community impacts in the diverse urban and rural neighbourhoods. The RGS is implemented within each community through local OCPs, Infrastructure Plans, and regulatory tools such as zoning. Decisions on the location of residential growth within municipalities is generally left to the municipalities to define in their OCP. As it pertains to watershed protection, the RGS includes the following relevant policies:

#### ***Objective 2-A: Identify and map areas for conservation.***

*Critical watersheds: The Browns, Tsable and Oyster Rivers and Comox Lake are critical watersheds in the Comox Valley. In addition to providing drinking water sources, these watersheds provide linkages for wildlife from the east coast of Vancouver Island to the west coast, via Strathcona Park.*

#### ***Objective 5-B: Protect the quality of water sources.***

*Drinking water in the Comox Valley is extracted from lakes, rivers and aquifers. These water sources are all vulnerable to contaminants that come from a number of sources including*

*stormwater runoff, forestry activities, recreational activities in and around lakes, and encroachment from development.*

#### Supporting policies

*5B-1 Manage development on the basis of precautionary principles within watershed of water supply lakes. This will require development proposals to include reports by appropriate professionals to study potential impacts on water quality and quantity, including a peer review of professional findings and recommendations.*

*5B-2 Support the development of plans that protect drinking water for the Comox Valley.*

*5B-4 Where development is proposed in a watershed of a water supply lake that is controlled politically by one jurisdiction, but where the lake provides a water source to other jurisdiction(s), the jurisdiction responsible for approving development within the watershed will formally consult with the jurisdictions receiving water from the watershed.*

#### **Official Community Plan**

The Official Community Plan Bylaw No. 990, 2014 (OCP) designates the CLLC property as Recreation. The OCP states that *“this designation primarily includes land adjacent to Comox Lake. The intent of this designation is to encourage low impact recreational uses that serve the local and regional area.”* The requested uses on the property require that designation be amended to a residential land use designation.

#### **Zoning Bylaw**

The Zoning Bylaw No. 1027, 2016 (Zoning Bylaw) zones the property Recreation and Tourism (RE-1). The RE-1 zone permits one single family dwelling, campground, low impact recreation, and vacation rental as principal uses and accessory buildings and structures, home occupation and urban agriculture as accessory uses.

#### **Comox Lake Watershed Protection Plan**

The CVRD’s [Comox Lake Watershed Protection Plan \(2022 Update\)](#) “guides the management of the Comox Lake watershed for the long-term protection of drinking water at the highest possible quality”. It identifies risks to the watershed and makes recommendations on how to reduce these risks. The Plan’s goal is to reduce any risks to an acceptable level.

## **ANALYSIS**

### **Bylaw Amendments while the OCP and Zoning Bylaw Reviews are Underway**

With the new Village of Cumberland OCP and Zoning Bylaws currently being prepared, the amendment bylaws 1240 and 1241 would need to be adopted before the base bylaws are changed. With the aim to adopt new base bylaws before the December 31, 2025 provincial deadline, this will not be possible. In addition to required referrals and public hearing, there are four covenants to be prepared before adoption. Preparation of these covenant would not begin until after Council gives first reading as there are costs incurred by the applicant. The amendment

bylaws will need to be re-written to amend the new base bylaws, and the amendments will have to wait to be adopted until after the new base bylaws are adopted.

To advance the amendment bylaws at this time, first reading and referrals are recommended now. This provides agencies an understanding of Council's intent to amend the bylaws.

The new draft OCP base bylaw includes a new designation for the subject property of *Recreational Residential*, and a description that would support a rezoning that formalizes all 25 cabins but does not allow additional development. This means that after the new OCP is adopted, the OCP would not need to be amended for the subject property to allow the zoning amendment.

### **OCP Amendment Bylaw 1240**

Draft Bylaw 1240 changes the land use designation for the subject property from *Recreation* to a new land use designation called *Recreational Residential* (Attachment 2). The intent of the designation is to restrict additional development on the property and reduce impacts from development on the water quality of Comox Lake.

The proposed Bylaw 1240 deletes a reference to increasing public access to tourism resources at Comox Lake and deletes policy 6.2.3 (e) which states that low impact destination resort development will be directed to Comox Lake. The purpose of this change is for consistency with recommendation 19 in the Comox Lake Watershed Protection Plan which does not support destination resort development on the Lake.

An earlier draft of Bylaw 1240 presented to Council included amendments to Development Permit Area (DPA) 1 – Environmental Protection to add the subject property to this DPA add a section on the foreshore and docks. This is no longer part of Bylaw 1240 as these changes are proceeding as part of the OCP Review project.

### **Zoning Amendment Bylaw 1241**

Draft Bylaw 1241 changes the property zone from Recreation and Tourism (RE-1) to a new zone called Comox Lake Recreational Residential (R5) (Attachment 3). The Bylaw states that the intention of the zone is to:

*reflect the turn-of-the century establishment of 25 recreational cabins prior to modern zoning regulations in a manner that facilitates the continuation of up to 25 principal buildings in a minimalistic manner respecting the importance of Comox Lake as the Comox Valley's primary source of potable water.*

#### Permitted Uses

Vacation rentals, low impact recreation and campgrounds, currently permitted as principal uses on the property, would no longer be permitted. The new zone also removes urban agriculture as a permitted accessory use. This amendment is in support of recommendations 5 and 19 in the Comox Lake Watershed Protection Plan.

#### Residential Use

Staff explored limiting use of the cabins to temporary or seasonal recreational accommodation. While seasonal occupancy reflects the historic use of some of the cabins, it would be difficult and

time-consuming to monitor and enforce. Further, up to seven cabins have been used year-round, possibly pre-dating first zoning of the property and, adding further complexity.

Bylaw 1241 would permit the 25 existing cabins as year-round single-family dwellings. This is the primary request of the applicant and represents a significant upzoning of the property. It would permit cabin owners to upgrade their cabins or replace them completely with moderately sized single dwellings, while staying within each cabin's maximum size limit identified in the Bylaw.

This zoning change would simplify the issuance of building permits beyond basic repairs and renovation, as the owner would not longer require a Board of Variance order to allow structural alterations or additions before applying for a building permit.

### Height

The draft bylaw includes an exemption for this property to allow height to be measured from flood construction level. This was requested by the applicant to provide more flexibility for renovations. It also includes a different way of measuring height to remove a dis-incentive for pitched roofs.

### Cabin Size

Limiting cabin size to existing (with small increase for the smaller cabins) meets several objectives:

- Consistency with the Comox Lake Drinking Water Protection Plan that does not support new development at the Lake.
- Limits the likelihood of all cabins becoming full-time, which would increase the overall occupancy load.

Cabin size affects occupancy and year-round use. Larger cabins enable more visitors and/or year-round use. Larger buildings may also create pressure to clear and level more land to create additional parking spaces. This would add more impermeable surfaces on the property, requiring good stormwater management to avoid erosion of sediment into the lake. If cabins are not limited in size, the property may, over time, assume the character of a single-family neighbourhood. This may put pressure on the Village to bring services to Comox Lake, which is not planned or desired.

Cabins currently range in gross floor area (GFA) from approximately 36 m<sup>2</sup> (388 sq ft) to 240 m<sup>2</sup> (2,583 sqft). Several cabins have been enlarged without permits since zoning and building inspection has been in place (approximately 7), and these are a matter of unresolved bylaw enforcement. The rezoning proposal is to allow the current size of these cabins to be permitted in the new zone, instead of the previous size that was lawfully non-conforming. Regardless of the proposed bylaw amendment, the property owner will still need to resolve outstanding building permits, and any associated variances or floodplain bylaw requirements as applicable.

At their January 22, 2024 meeting, Council referred the application back to staff for further information on the upper limit of size of cabins expanded more than 139 m<sup>2</sup> (1500 sqft). It was understood that Council wanted to consider a maximum GFA of no greater than 139 m<sup>2</sup>, this being considered a modestly-sized house. There are 5 cabins with a GFA greater than 139m<sup>2</sup>, and some of these were expanded to this size in recent years without building permits. Others have been this size prior to zoning and the size is lawfully non-conforming. The applicant does not agree to

this change, noting that they have already made changes to their original application to limit the size of cabins. They originally asked for all 25 cabins to be permitted at the size of the largest cabin of 288m<sup>2</sup> (3100 sqft).

The zone sets a maximum principal building GFA for each cabin based on the existing GFA plus 25m<sup>2</sup>. However, cabins above 90 m<sup>2</sup> (969 sqft) in size would not have the ability to expand further. Their current GFA would be their maximum permitted size. Fourteen cabins have a maximum GFA of 90m<sup>2</sup> or smaller and 11 have a maximum GFA between 110m<sup>2</sup> and 240m<sup>2</sup>.

Bylaw 1241 presents maximum principal building size as a measure of density. Each cabin has a unique maximum size based on its current size, as shown in draft Bylaw 1241. Therefore, a size increase could not be permitted by variance, either by Council or the Board of Variance. This ensures the intention of the land use designation and zone is preserved and reduces the potential for a significant increase to the number of bedrooms and occupancy on the property over time through successive variances.

The APC referral was based on an earlier version of the application that limited the cabins to the existing footprint and allowed a second storey with a maximum gross floor area of 209 m<sup>2</sup> (2,250 sqft) for all cabins, regardless of their current size. The applicant later amended their proposal to request the individual maximum cabin GFAs as captured in Bylaw 1241, based on existing GFA plus the small increase for the smaller cabins.

### Accessory Buildings

The current zoning permits a combined gross floor area limit of 105 m<sup>2</sup>. The total gross floor area of accessory buildings on the CLLC property is approximately 600 m<sup>2</sup>. Accessory buildings that were added since the current Zoning Bylaw was adopted are not in compliance and subject to bylaw enforcement. Accessory buildings are used to store and dry firewood, enclose pump houses and water treatment systems, or store vehicles and equipment. A few accessory buildings provide sleeping accommodation. The original application asked for each cabin to have the ability to add 174 m<sup>2</sup> (1,873sqft) of accessory buildings. This corresponds to the largest accessory building on the property. The application also requested to increase the maximum height from 4.5 metres to 6.5 metres.

The APC was not supportive of permitting large accessory buildings but recommended limiting the maximum GFA of accessory buildings to 24m<sup>2</sup> per cabin. The APC supported a maximum accessory building height of 6.5m. The maximum accessory building height has now been revised down to 4.5m based on Council feedback at their January 22, 2024 meeting. The applicant has agreed to these limitations and they are reflected in Bylaw 1241.

Draft Bylaw 1241 excludes accessory buildings in the draft R-5 zone from the density regulations in section 3.6 of the Zoning Bylaw. That means the maximum accessory building size in that zone could be varied by Council through approval of a development variance permit. This is a departure from the way accessory buildings are treated in all other zones in the Village where they are subject to the density regulations and the maximum size cannot be varied.

If the maximum accessory building size is adopted, the accessory buildings associated with nine cabins will be non-conforming and the owners will have to apply for a development variance permit and obtain a building permit (Attachment 6: Cabin and Site Conditions Summary).

Without allowing for variances to accessory building size in the R-5 zone, a zoning amendment would be the only way to legalize them. None of the accessory buildings that exceed the maximum size limit per cabin are lawful non-conforming.

### Subdivision

The applicant is requesting the ability to subdivide into 25 strata-titled lots. While subdivision would be complex on this lot due to factors such as existing cabin locations and servicing requirements, it may be possible.

The APC supports permitting subdivision into a maximum of 25 lots (likely strata), staying as close as practical to the draft lot survey lines shown on the site plan (Attachment 1 – Site Plan). The APC’s recommendation to keep with existing draft survey lot lines was to retain the character of the original cabin community. However, identifying a subdivision layout is not typical for zoning regulations and so as not to restrict future subdivision layout and requirements, Bylaw 1241 does not reference proposed future lot lines.

Recommendation 4 in the [Comox Lake Watershed Protection Plan](#) states: “No new development should occur in the Comox Lake Watershed.” With a focus on protecting the Comox Lake watershed, any land use change that could increase the intensity of development is difficult to support. Further, in their referral response, the CVRD asks that proposals for growth should be directed away from Comox Lake. While subdivision typically increases the intensity of use on the land, Bylaw 1241 restricts the number of cabins to the existing 25 and a strata subdivision would not result in an increased number of cabins.

Subdivision would be an opportunity to create a lot layout that results in greater compliance with the Development Permit Area guidelines and the Floodplain Management Bylaw. Subdivision would require a community water system and may also mean that some cabins that are non-conforming to setbacks may need to relocate further away from the lake. Other requirements may include improvements such as better emergency access, different road standards, and a community septic system.

### DWP - Drinking Water Protection Zone

The previous draft bylaw included a new drinking water protection zone for Comox Lake. This is no longer part of the bylaw as it is recommended to be added to the Zoning Bylaw Update project. There is a recommendation in this report that Council direct its inclusion.

### **Foreshore and Docks**

There are currently 16 docks related on the foreshore of the property. When considering the draft bylaws at their January 22, 2024 meeting, Council requested more information on options for docks. This question was understood to be if a condition of rezoning could be a requirement for removal and remediation of all but two docks. At the time, staff presented a watershed protection zone that allowed only two docks, but this would mean that all existing docks could remain and be

maintained over time. This was discussed with the applicant, and they do not agree to any reduction in the number of docks. Their reasons included the following:

- Sharing two docks among all cabins have issues such as:
  - There is no space for vehicle parking or washrooms upland of any shared dock location.
  - In the summer months, there is no space between the water and cabins to walk along the shore to access a shared dock, due to the high water level controlled by BC Hydro.
- The current dock arrangement includes boom sticks attached to the docks that help protect against wave damage, particularly during storms. Losing this would leave the shoreline and cabins exposed to storm damage, risk of erosion and the affect the stability of the shoreline.
- Just as some of these cabins have existed since the 1930s, so have docks. They are an integral part of life at the lake - swimming (particularly when swimmer's itch is present to avoid shallow water at the shoreline); mooring point for a boat; a space for lounging and socializing with friends and family.
- The property has defined lease lots and common property which were not designed for the usage of two shared docks. Adjusting this could lead to conflict between members of the CLLC.

### **Conditions of Rezoning**

The following is required prior to final adoption of the bylaws and have been agreed to by the applicant:

- a. A covenant requiring the owner to inspect wastewater systems every three years and submit the reports to the Village and Island Health.
  - During the April 21, 2022 meeting requested by K'ómoks First Nation to discuss the early referral, they expressed concern that the onsite wastewater systems are well maintained into the future and repaired or replaced before they start to fail. The typical lifespan of septic systems is 25 to 30 years. Under the *Sewerage System Regulations* of the provincial *Public Health Act*, property owners are required to keep records of septic and holding tank maintenance and pump-outs for review if requested by Island Health. However, Island Health does not routinely inspect septic systems. Records are required and inspections completed on a complaint basis.
  - The CVRD does not take water samples in front of the cabin areas. A failing or failed septic system at the subject property may or may not be easily identified or traceable through water quality monitoring until the load is significant.
  - As a pro-active measure, the applicant has offered to enter into an agreement committing the owner to inspect wastewater systems every three years and submit the reports to the Village and Island Health. If a system is identified to be in poor condition, the owner would be asked to repair or replace the system. Enforcement mechanisms of the terms of the agreement will have to be

identified. If implemented, such an agreement has the potential to reduce future risk of failure of septic systems and associated impacts on Comox Lake drinking water quality.

- b. A covenant requiring the owner to address oversteepened cut slopes and other geotechnical hazards on the property prior to issuance of development or building permits.
  - The 2021 Ryzuk geotechnical report identifies a number of slope stability issues, including oversteepened cut slopes affecting some cabins. Covenanting the geotechnical report will ensure that these issues are known and addressed during the time of a development or building permit.
- c. A covenant requiring upgrades to stormwater management systems to reduce erosion of sediment into the lake prior to issuance of development or building permits.
  - The stormwater study completed as part of the required studies for the rezoning application identifies a number of drainage issues as outlined in the October 5, 2021 Wedler Engineering report. Covenanting the report will ensure that these issues are known and addressed during the time of a development or building permit.
- d. A covenant over the upland forested portion of the property to restrict logging and avoid land clearing related impacts on Comox Lake water quality. Thinning to promote forest health and removal of some trees for firewood would be permitted. If the property is subdivided, the covenant would permit location of a community water system and strata lots within that area, as required to meet subdivision requirements.

### **Park Dedication**

Parkland dedication is not a requirement of this rezoning. The applicant has offered to dedicate the sloped land between Comox Lake Park and the lease area of cabin 1 (2000 Comox Lake Road) as park. Due to the steepness of the slopes on either side of the road, the land does not lend itself well to a roadside trail or parkland. While the land has some conservation value, the steepness effectively prevents development. Staff recommends not to accept the proposed parkland dedication.

### **PUBLIC NOTIFICATION AND CONSULTATION**

Draft bylaws were referred to agencies, First Nations and the APC in 2022. A summary of responses follows. See Attachment 4 for response letters.

- Island Health responded that they do not support any increase to residential development of the property, but that nominal additions that do not include bedrooms or additions that increase occupancy could be considered. For future subdivision, they noted that some changes to the drinking water provision would be required so that there is either a single community water system for all 25 cabins, or that each cabin has an individual well. Currently some wells are shared between some cabins, and these multiple small water systems is not supported.

- The concerns about no increase to residential development is addressed through setting maximum cabin sizes.
- The requirements for subdivision would be addressed should a subdivision application be received in the future.
- The Comox Valley Regional District responded with non-support for the rezoning application stating that the subject non-conforming buildings should be phased out over time. This is based on the Comox Lake Watershed Protection Plan that does not support any new development in the watershed. To implement this recommendation in the electoral area, the CVRD amended their zoning bylaw to remove residential as a principal use in the watershed.
  - It is recommended that by limiting cabin size, the rezoning is not in opposition to the Comox Lake Watershed Protection Plan that there be no new development in the watershed. However, by permitting all 25 cabins to be rebuilt over time, this does not meet the CVRD recommendation that the cabins be phased out over time. The CVRD may still not support the revised bylaws.
- K'ómoks First Nation met with Village staff to comment on the referral. They expressed concern that the onsite wastewater systems are well maintained into the future and repaired or replaced before they start to fail. By requiring that inspection reports be submitted to the Village and Island Health every three years, it is anticipated that K'ómoks may now support the rezoning.
- The Advisory Planning Commission commented on the application at their September 8, 2022 meeting. They were generally in support, and some of their specific comments are noted in the Analysis section of this report. See Attachment 5 for the meeting minutes.

The applicant posted a notice of application sign at Horbury Road and advertised and hosted a public information meeting. The meeting was held on November 16, 2022 at the Cumberland Masonic Hall and attended by two members of the public. No comments were submitted at the meeting but the Village received two comments via email (Attachment 6 – Public Comments). Both letters expressed opposition.

Referral after first reading is recommended in this report. A recommended list of referral agencies and First Nations for Council consideration is provided in Attachment 7: Agencies and First Nations Referral List.

## **FINANCIAL IMPLICATIONS**

There are no financial implications of the amendment bylaws.

## **OPERATIONAL IMPLICATIONS**

Over the past decade, enquiries, building permitting and bylaw enforcement for this property have occupied a significant amount of staff time. Permitting for repairs and renovations to cabins while

they are lawful non-conforming can be a complex and resource-intensive process. Amending the zoning to allow a density of 25 cabins may simplify this process.

## **CLIMATE CHANGE IMPLICATIONS**

The rezoning would allow owners to completely replace their old cabins. Complete replacement brings cabins up to modern Building Code requirements more quickly than if they remain lawful non-conforming and owners have to apply for Board of Variance approvals to make alterations. The Building Code imposes energy efficiency requirements that were not in place when the cabins were originally built, thereby reducing building-related greenhouse gas emissions.

## **ALTERNATIVES**

1. THAT Council deny the application to rezoning 2100 Horbury Road. [Please provide reasons]

*If the rezoning is denied, cabin owners would retain the ability to apply for building permits for repairs to and maintenance of the lawful non-conforming cabins. With order from the Board of Variance, additions or structural alterations may also be permitted. Depending on cabin siting, exemptions to the Floodplain Management Bylaw and setback variances may also be required for some cabins.*

*The maximum size of accessory buildings on the property would remain out of compliance and would continue to be subject to bylaw enforcement. Board of Variance order may be an option for some accessory buildings depending on the date of original construction.*

*Denial of the application does not necessarily mean Council would not consider a different rezoning proposal for this property. A different proposal would need to be made with a fresh application. Re-application would be accepted after a period of 6 months from the denial.*

2. THAT Council request changes to the draft bylaws.

*Any substantive changes beyond minor corrections that can be done immediately without requiring referral back to staff is not recommended. Significant time has been spent with the application negotiating changes to their proposal to satisfy Council, Committee, and agency and First Nation referral responses. What is presented to Council in this report is the best proposal by the application.*

3. THAT Council refer the bylaws back to staff for changes [please list changes]

*This is not recommended as significant time has been spent with the application negotiating changes to their proposal to satisfy Council, Committee, and agency and First Nation referral responses. What is presented to Council in this report is the best proposal by the applicant.*

**STRATEGIC OBJECTIVE**

- Diverse and Healthy Community
- Sustainable Service Delivery
- Community Planning

**ATTACHMENTS**

1. Site Plan
2. Official Community Plan Amendment Bylaw No. 1240, 2025
3. Zoning Bylaw Amendment Bylaw No. 1241, 2025
4. Early Referral Response Letters
5. September 8, 2022 Advisory Planning Commission meeting minutes
6. Public Comments
7. Agency and First Nations Referral List

**CONCURRENCE**

None

***C. Simpson***

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Courtney Simpson  
Director of Development and Bylaw

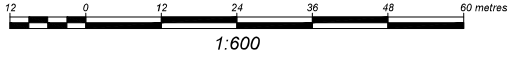
***M. Mason***

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Michelle Mason  
Chief Administrative Officer

SKETCH PLAN OF PROPOSED SUBDIVISION OF PART OF FRACTIONAL SECTION 28, TOWNSHIP 10, COMOX DISTRICT, PLAN 552H TOGETHER WITH THAT PORTION OF THE BED OF COMOX LAKE INCLUDED WITHIN THE AREA SHOWN OUTLINED IN RED ON PLAN DEPOSITED UNDER DD1983 EXCEPT PARTS IN PLANS 21 RW, 788 RW, 26178 AND VIP57417

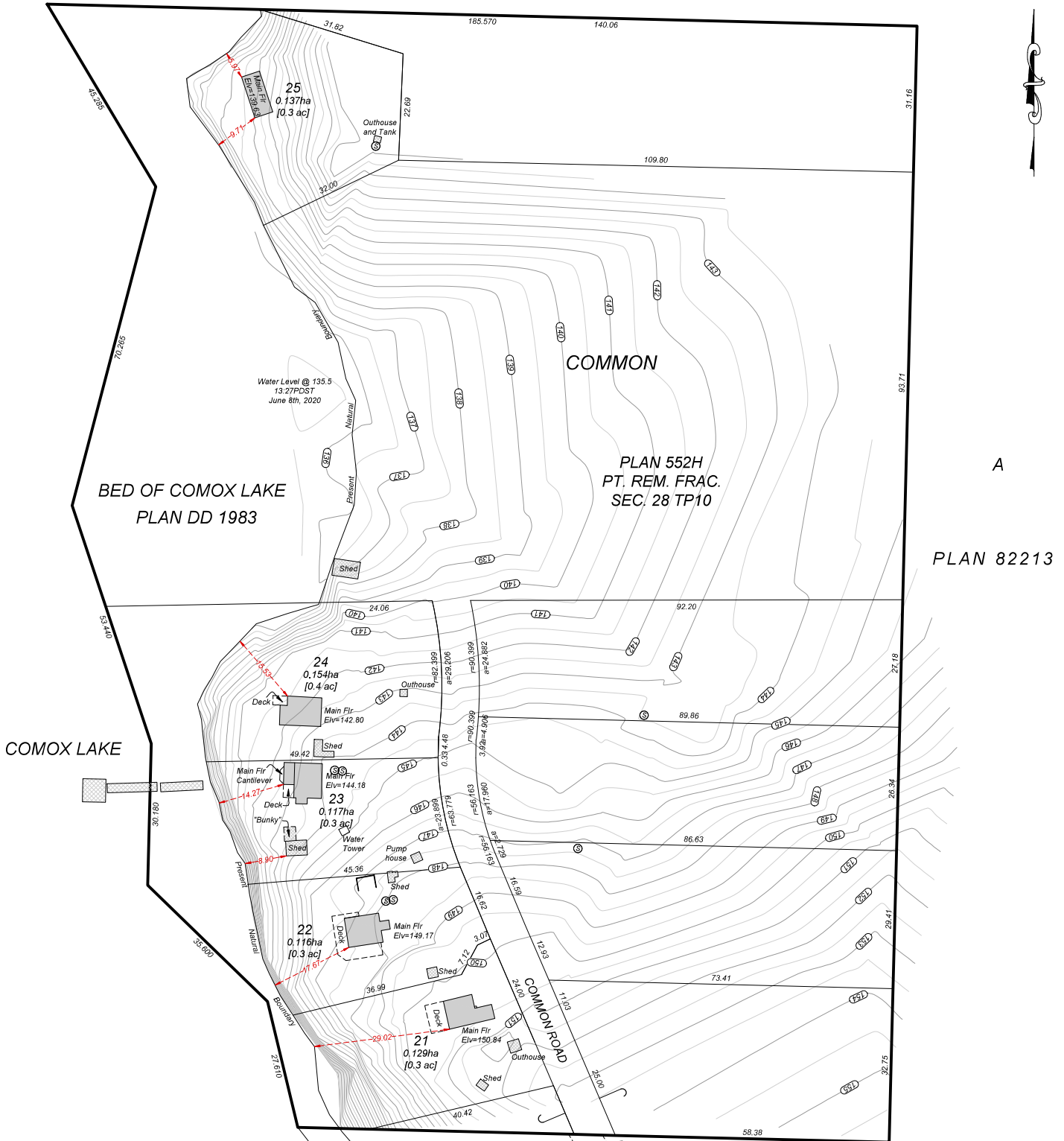
Parcel identifier: 006-687-393



- denotes main dwelling/cabin structure foundation supporting roof line or skirting
- denotes accessory building (enclosed)
- denotes sanitary tank lid

Elevations are geodetic and are based on Canadian Vertical Datum 2013.

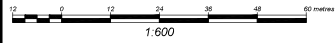
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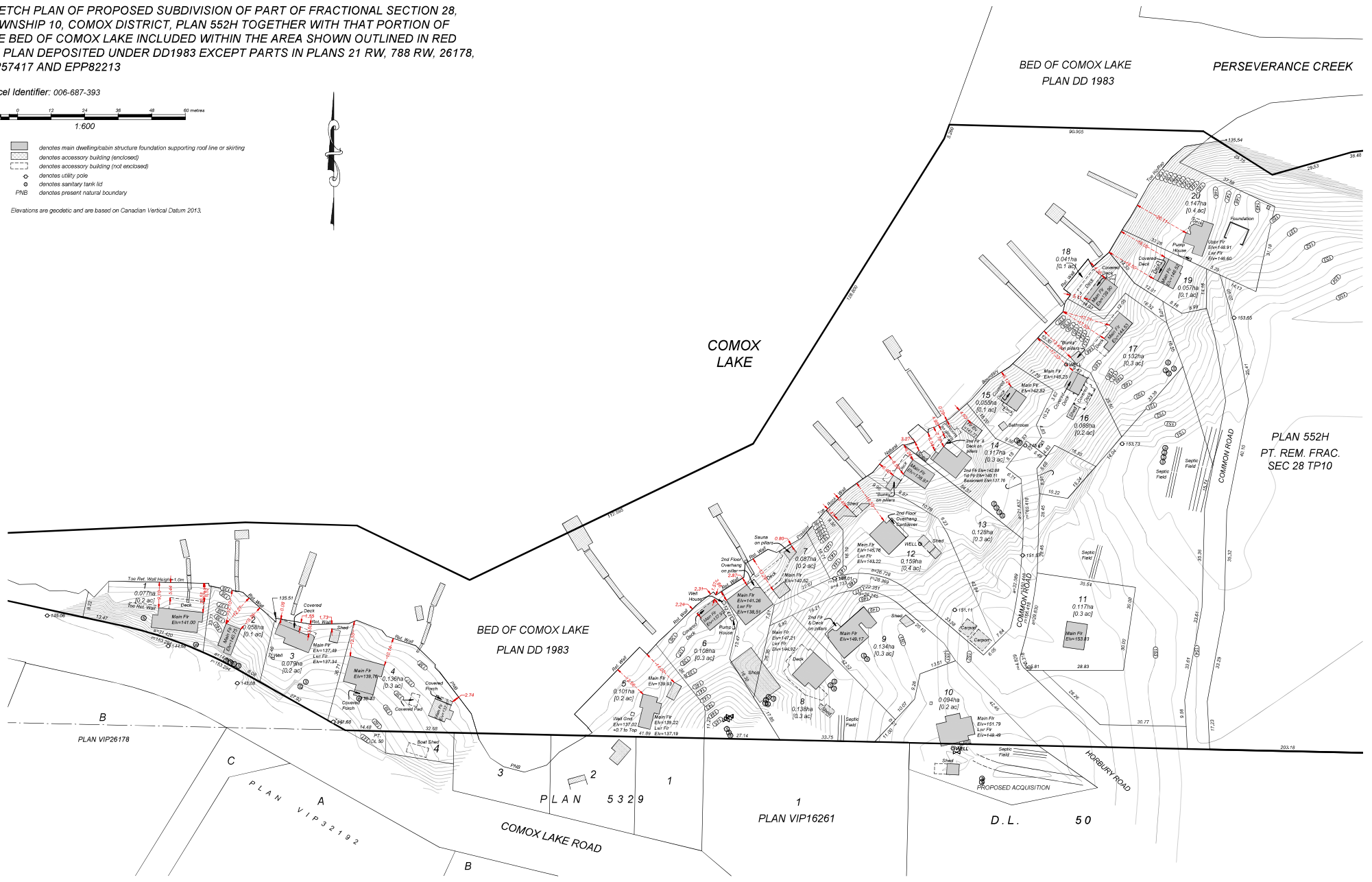
**SKETCH PLAN OF PROPOSED SUBDIVISION OF PART OF FRACTIONAL SECTION 28, TOWNSHIP 10, COMOX DISTRICT, PLAN 552H TOGETHER WITH THAT PORTION OF THE BED OF COMOX LAKE INCLUDED WITHIN THE AREA SHOWN OUTLINED IN RED ON PLAN DEPOSITED UNDER DD1983 EXCEPT PARTS IN PLANS 21 RW, 788 RW, 26178, VIP57417 AND EPP82213**

Parcel Identifier: 006-687-393



- denotes main dwelling/cabin structure foundation supporting roof line or skirting
- denotes accessory building (enclosed)
- denotes accessory building (not enclosed)
- denotes utility pole
- denotes sanitary tank lid
- denotes present natural boundary

Elevations are geoidic and are based on Canadian Vertical Datum, 2013.



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GRANT LAND SURVEYING INC.  
300 10th STREET  
COURTNEY, B.C. V9N 1P8  
WWW.GRANTLANDSURVEYING.COM

FILE: 350

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND**

**BYLAW NO. 1240**

**A Bylaw to amend Official Community Plan Bylaw No. 990, 2014**

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. This Bylaw shall be cited as “Official Community Plan Amendment Bylaw No. 1240, 2025.”
2. The Official Community Plan Bylaw No. 990, 2014 is amended in section 5.11, Table 3: Land Use Summary by:

a) **adding** the following new land use designations:

OCP Land Use Designation	Approximate Area (ha)	Development Intent
Recreational Residential	11	This designation applies to land on the east end of Comox Lake, developed with recreational cabins prior to modern zoning and environmental controls. The intent is to restrict additional development on the property, minimize the impact of existing nonconforming development, and reduce the risk of possible short- and long-term impacts on the water quality of Comox Lake, the drinking water supply for the Comox Valley.

b) **repealing**:

OCP Land Use Designation	Approximate Area (ha)	Development Intent
Recreation	94	This designation primarily includes land adjacent to Comox Lake. The intent of this designation is to encourage low impact recreational uses that serve the local and regional area.

c) **substituting**:

OCP Land Use Designation	Approximate Area (ha)	Development Intent
Recreation	91	This designation includes lands adjacent to Comox Lake and Highway 19. The intent of this designation is

		to encourage low impact recreational uses that serve the local and regional area.
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3. The Official Community Plan Bylaw No. 990, 2014 is amended in section 5.11, Table 4: Land Use Summary by

a) **inserting:**

Future Land Use	Area (ha)	% of Total Area	Total Municipal Boundary Area
Recreational Residential	11	0.4%	0.4%

b) **repealing:**

Recreation	223.9	8.08%	7.38%
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c) **substituting:**

Recreation	91	3.0%	3.2%
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4. The Official Community Plan Bylaw No. 990, 2014 is amended in section 6.2.3,

- a) in subsection (a), by **inserting** “and” before “natural areas”;
- b) at the end of subsection (a), **striking** “and Comox Lake”; and
- c) **striking** “(e). Low impact destination resort development will be directed to Comox Lake in accordance with Map A.”

<b>READ A FIRST TIME THIS</b>	<b>DAY OF</b>	<b>2025.</b>
<b>READ A SECOND TIME THIS</b>	<b>DAY OF</b>	<b>2025.</b>
<b>PUBLIC HEARING HELD THIS</b>	<b>DAY OF</b>	<b>2025.</b>
<b>READ A THIRD TIME THIS</b>	<b>DAY OF</b>	<b>2025.</b>
<b>ADOPTED THIS</b>	<b>DAY OF</b>	<b>2025.</b>

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Corporate Officer

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1241

**A Bylaw to amend Zoning Bylaw No. 1027, 2016**

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. This Bylaw shall be cited as “Zoning Amendment Bylaw No. 1241, 2025”.
2. The Zoning Bylaw No. 1027, 2016 is amended in Part 1, section 1.8 (b) by **inserting** the following row in the table below “Residential Zones”:

Comox Lake Recreational Residential	R-5
-------------------------------------	-----

3. The Zoning Bylaw No. 1027, 2016 is amended in Part 2, section 2.2., by **adding** the following definitions:

Comox Lake Cabin	<i>Single family dwelling</i> in the R-5 Comox Lake Recreational Residential Zone with <i>GFA</i> limits for <i>principal</i> and <i>accessory buildings</i> .
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The Zoning Bylaw No. 1027, 2016 is amended in Part 3, section 3.6 by **inserting**:

“e) Notwithstanding section 3.6 (a), in the R-5 zone, *accessory buildings* shall not be subject to the density regulations. “

and re-lettering the subsequent paragraphs in sequential order.

4. The Zoning Bylaw No. 1027, 2016 is amended in Part 3, section 3.7 (c), by **inserting** “before RM-1”:

“R-5)”

5. The Zoning Bylaw No. 1027, 2016 is amended in Part 3, section 3.10 (b), by **inserting** after “surface”:

“,except in the R-5 zone.”

and by **adding** (c):

“In the R-5 zone, the height of *buildings* permitted in this Bylaw shall be calculated by measuring the vertical distance from the average natural *grade* level of the building footprint to the highest point of the roof surface if a flat roof; the deck line

of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

For guidance, an illustration is provided for calculating the height in the R-5 zone in Part 2.3: Definitions (*height, Comox Lake Cabin*)

Where a *building* in the R-5 zone is required to meet the flood construction level, as identified in the Floodplain Management Bylaw No. 962, 2012 or successor bylaw, the height is measured from the flood construction level.”

and re-lettering the subsequent paragraphs in sequential order.

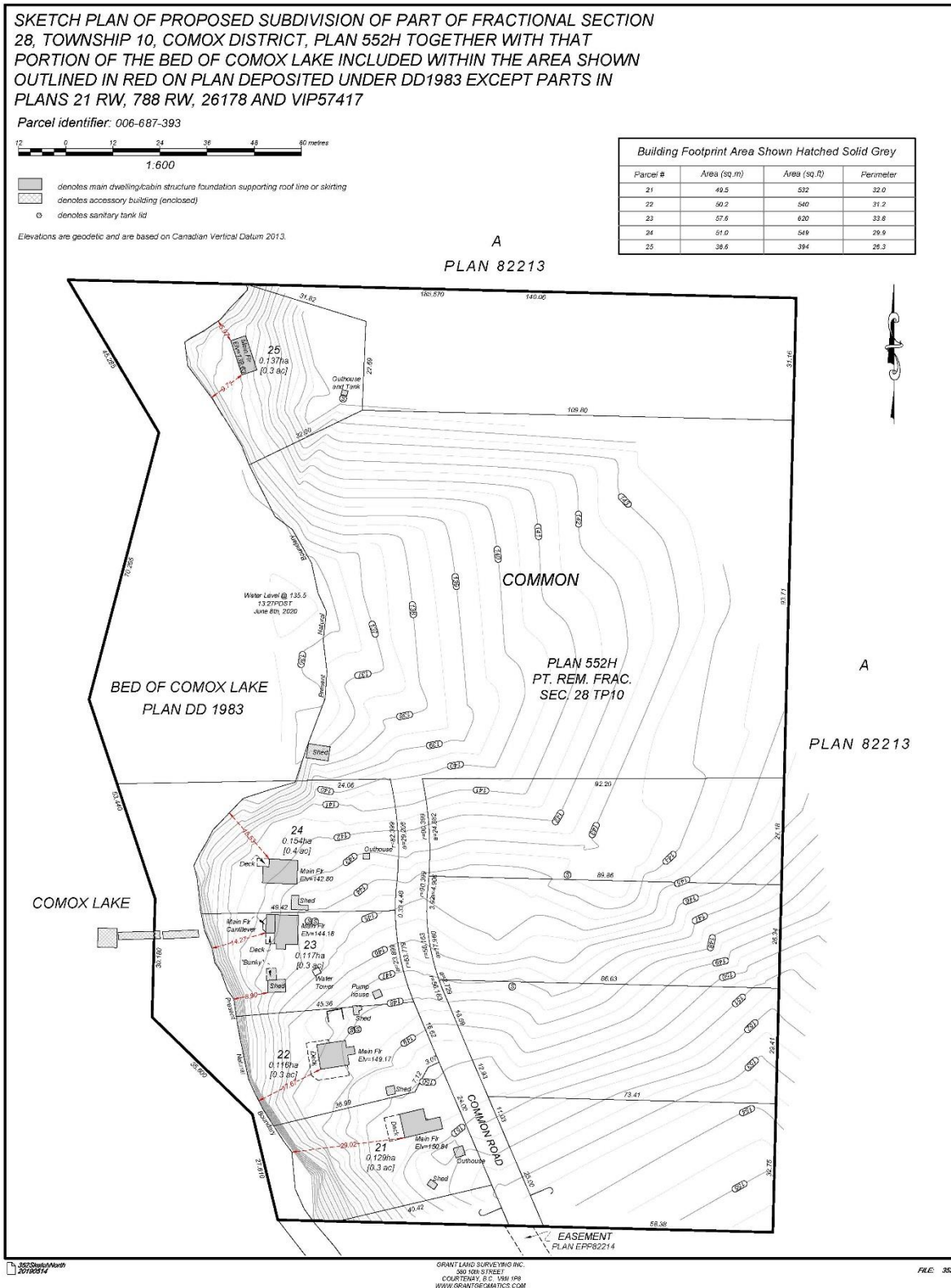
6. The Zoning Bylaw No. 1027, 2016 is amended in Part 7 by **adding** the following zone:

<b>7.7 R-5 – Comox Lake Recreational Residential Zone</b>			
<i>This zone is intended to reflect the turn-of-the century establishment of recreational cabins prior to modern zoning and environmental controls in a manner that facilitates the continuation of up to 25 principal buildings in a minimalistic manner respecting the importance of Comox Lake as the Comox Valley’s primary source of potable water.</i>			
<b>1. Principal Uses</b>		<i>Comox Lake Cabin</i>	
<b>2. Accessory Uses</b>		<i>Accessory buildings and structures Home occupation</i>	
<b>3. Lots Created by Subdivision</b>	Number, maximum	25, plus common property	
	Area, minimum	5,000 m <sup>2</sup>	
<b>4. Density</b>	<i>Principal Buildings</i> , maximum	25 <i>Comox Lake Cabins</i>	
	<i>Principal Buildings</i> per lot if subdivided, maximum	1 <i>Comox Lake Cabins</i>	
	<i>Principal Building GFA</i> , maximum	See Table 1: <i>Comox Lake Cabin GFA</i> , maximum under 10. Additional Regulations	
<b>5. Lot Coverage</b>	Coverage, maximum (Applicable to parent parcel)	7.5%	
	Coverage, maximum (applicable per lot for up to 25 lots and common property, after subdivision)	25%	
<b>6. Principal Buildings and Structures</b>	Setbacks, minimum	Front (Comox Lake Road)	3.5 m to Comox Lake Road
		Side, Interior	7.5 m
		Side	30 m from natural boundary 7.5 m from natural boundary where buildings located on a rock bluff
		Interior lot lines, if subdivided	3.5 m
	<i>Height</i> , maximum		7.5 m (24.6 ft)
	<i>GFA</i> , maximum		<i>See 10. Additional Regulations below.</i>
<b>7. Accessory Buildings and Structures</b>	Size, maximum	The Floor Area of an accessory building shall be no greater than 24 m <sup>2</sup> (258 sqft).	

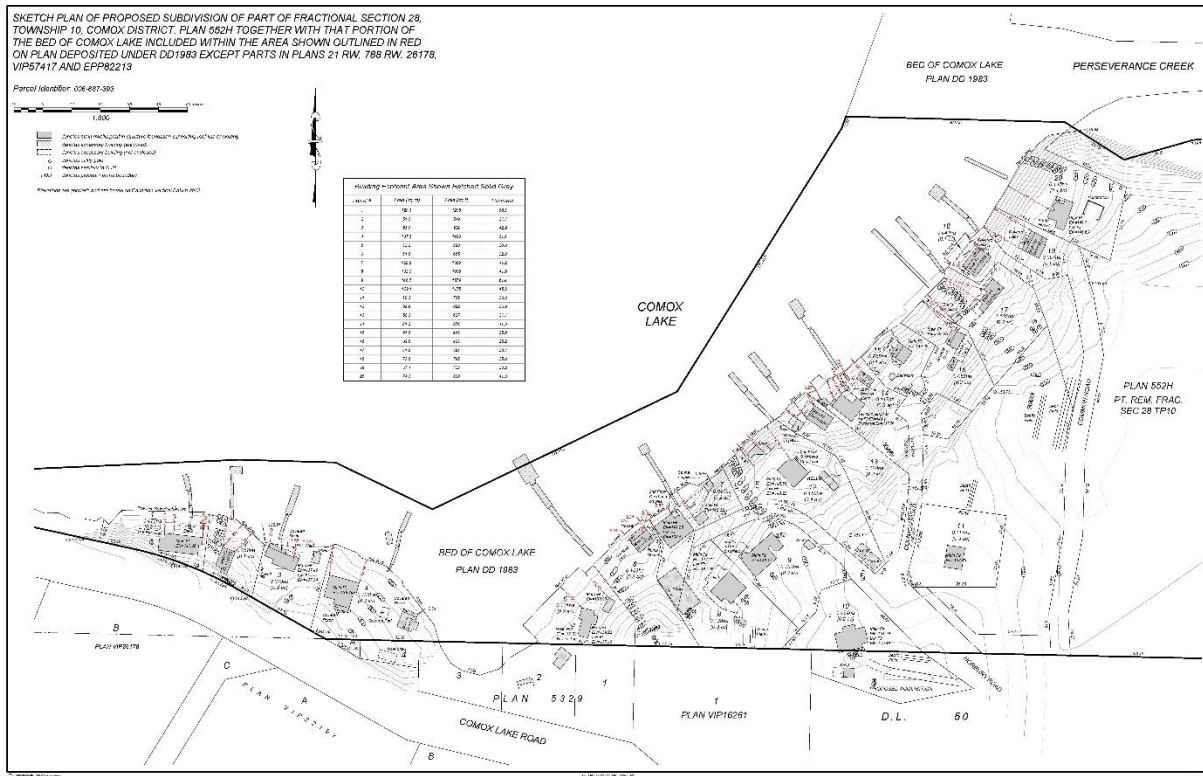
		Accessory buildings shall have a combined Floor Area no greater than 600 m <sup>2</sup> (6458 sqft)																																																								
	Setbacks, minimum	External lot lines 15 m from natural boundary 7.5 m from natural boundary where buildings located on a rock bluff 3.5 m to Comox Lake Road 7.5 m to adjacent non-CLLC properties.																																																								
		Additional lot lines if subdivided 1.5 m																																																								
	Height, maximum	4.5 m (21.3 ft)																																																								
<b>8. Location of Uses, Buildings and Structures</b>	As per the Development Plan below.																																																									
<b>9. Conditions of Use</b>	a. The lands in the R-5 zone shall not be subdivided unless the owner grants a covenant to the Village under s.219 of the Land Title Act assigning the density and lot coverage permitted by this section to the lots being created, in priority to all encumbrances of a financial nature.																																																									
<b>10. Additional Regulations</b>	<p>a) Table 1: Comox Lake Cabin GFA Maximum. See Development Plan for cabin locations.</p> <table border="1"> <thead> <tr> <th>Cabin</th> <th>GFA, maximum (m<sup>2</sup>)</th> <th>Cabin</th> <th>GFA, maximum (m<sup>2</sup>)</th> </tr> </thead> <tbody> <tr><td>1</td><td>241</td><td>14</td><td>158</td></tr> <tr><td>2</td><td>76</td><td>15</td><td>90</td></tr> <tr><td>3</td><td>90</td><td>16</td><td>65</td></tr> <tr><td>4</td><td>205</td><td>17</td><td>90</td></tr> <tr><td>5</td><td>118</td><td>18</td><td>90</td></tr> <tr><td>6</td><td>111</td><td>19</td><td>90</td></tr> <tr><td>7</td><td>207</td><td>20</td><td>149</td></tr> <tr><td>8</td><td>204</td><td>21</td><td>75</td></tr> <tr><td>9</td><td>147</td><td>22</td><td>76</td></tr> <tr><td>10</td><td>219</td><td>23</td><td>90</td></tr> <tr><td>11</td><td>90</td><td>24</td><td>76</td></tr> <tr><td>12</td><td>166</td><td>25</td><td>62</td></tr> <tr><td>13</td><td>90</td><td></td><td></td></tr> </tbody> </table> <p>b) Where a Comox Lake Cabin is required to meet the flood construction level, as identified in the Floodplain Management Bylaw No. 962, 2012 or successor bylaw, the building height is measured from the flood construction level.</p>		Cabin	GFA, maximum (m <sup>2</sup> )	Cabin	GFA, maximum (m <sup>2</sup> )	1	241	14	158	2	76	15	90	3	90	16	65	4	205	17	90	5	118	18	90	6	111	19	90	7	207	20	149	8	204	21	75	9	147	22	76	10	219	23	90	11	90	24	76	12	166	25	62	13	90		
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**Development Plan**

Northern portion of property



Southern Portion of Property



**READ A THIRD TIME**

**DAY OF**

**2025.**

**ADOPTED THIS**

**DAY OF**

**2025.**

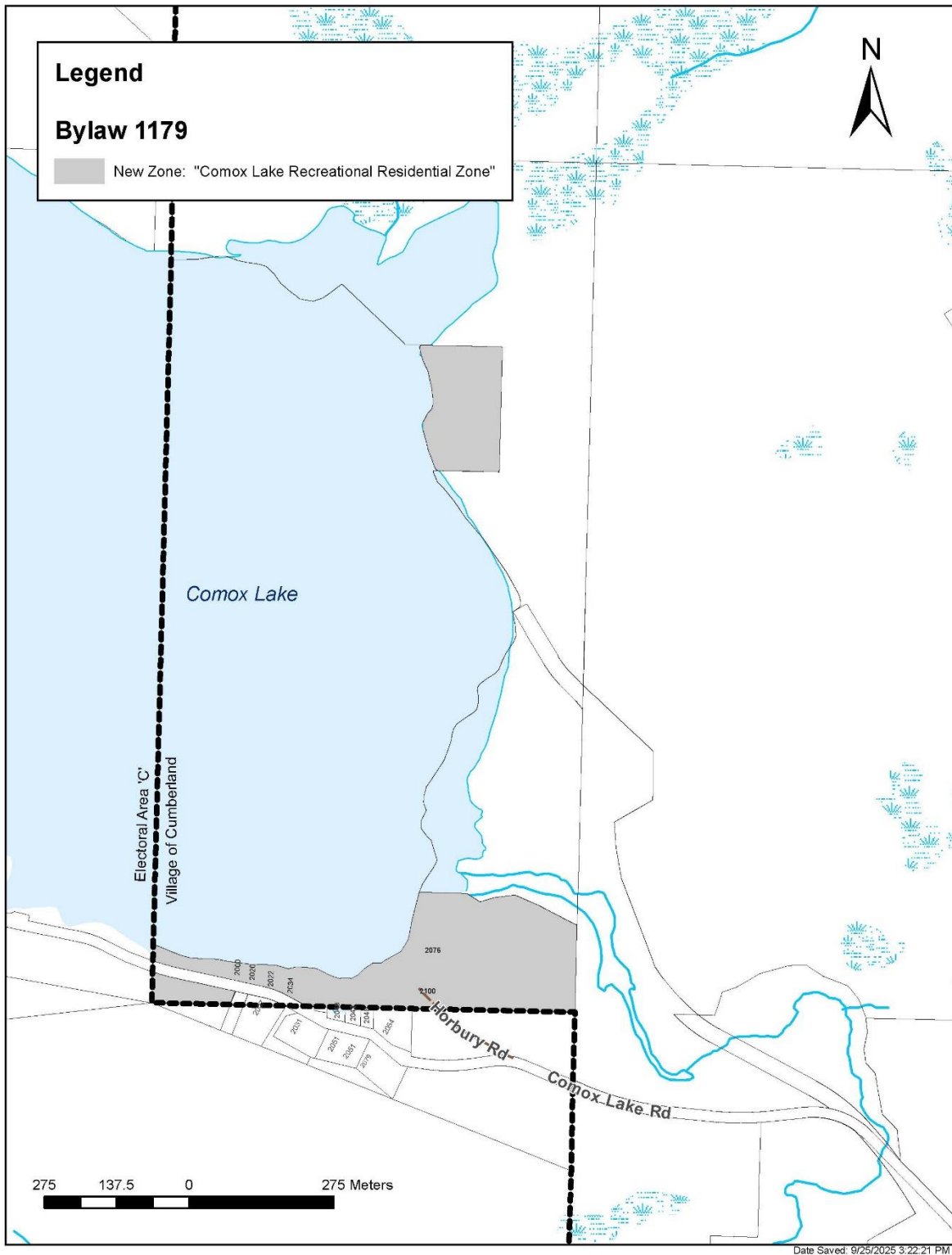
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Mayor

---

Corporate Officer

**SCHEDULE A**





January 20, 2022

Karin Albert  
Senior Planner  
Village of Cumberland

**RE: Village of Cumberland Agency Referral – 3220 Horbury Rd - OCP and Zoning Bylaw Amendment CLLC and Drinking Water Protection Zone**

Thank you for the opportunity to provide comment on the proposed OCP amendment, rezoning of a recreational cabin property and the development of a watershed protection zone for Comox Lake. Island Health can provide the following comments in regards to this proposal.

We are in support of rezoning the property subject to the following recommendations and legislative requirements. Given the set-up of the property over the years has led to the creation of existing non-conforming status, if the property is rezoned some additional consideration should be given to the following.

**Strata Subdivision/ Healthy Built Environment**

Typically, when Island Health receives subdivision requests for comment we recommend an application under the Island Health *Subdivision Standards* be completed to assess the suitability of the site. However, as the property is already developed and is now seeking subdivision, compliance with our standards is not suitable in this case. In lieu of compliance with our Standards, we would be looking at what currently exists for drinking water and sewage disposal systems servicing each cabin if the property reaches the subdivision stage. Proper permits and approvals would need to be in place in order for us to support this proposal.

We would also recommend that if the property is subdivided to create a strata subdivision and through either strata bylaws or placed on title of the property that no additional residential development on the lots be permitted. Nominal additions that do not include bedrooms or additions that do not increase occupancy could still be considered. The creation of strata lots would also enable owners to complete needed improvements to their cabins and bring them into compliance with existing building codes.

**Drinking Water for the Cabins**

Under the [Drinking Water Protection Act](#) a water supply system means a domestic water system other than a domestic water system that serves only one single family residence. So by definition

---

Health Protection and Environmental Services

355 - 11th Street | Courtenay, BC V9N 1S4  
Email: [HPES.Courtenay@islandhealth.ca](mailto:HPES.Courtenay@islandhealth.ca)

Tel: 250.331-8518 | Fax: 250.331.8596  
[www.islandhealth.ca](http://www.islandhealth.ca)

any of the wells that are connected to more than one cabin, are water supply systems and are subject to the requirements of the Act and [Regulation](#).

From the rezoning and servicing report provided in the referral it is evident that there are numerous unpermitted water systems currently in place on the property. Given this information, we would not be in a position to support the subdivision of the property until the issue around drinking water is addressed and necessary permits and approvals for drinking water systems are in place. There are 2 options available to the proposed strata subdivision, which could include:

1. Providing individual wells to each cabin so the regulation would not apply and each cabin owner would be responsible for ensuring their own safe supply of drinking water, or
2. The new strata could develop one drinking water system under a permit from this office to supply drinking water to all the cabins.

Island Health will not entertain any applications for multiple small unsustainable water systems on the subject property. In order for us to support this proposal the water source would need to be one of the above options.

### **Onsite Septic Systems**

Compliance with the [BC Sewerage System Regulation](#) needs to be followed for this office to support the proposal. Island Health has issued holding tank permits and received Letters of Certification (LOC) for the majority of the 25 lots. The rezoning and servicing report included in the referral mentions that cabin 1 and 11 have yet to complete upgrades to their septic systems. However, these 2 properties have completed work to upgrade their waste water disposal systems.

- Cabin 1 has an approved holding tank. Installed by a Registered Onsite Wastewater Practitioner (ROWP) and signed off by this office in June 2021.
- Cabin 11, although the report indicates it is currently unoccupied, has completed work on a new system. Work was completed by a ROWP and an LOC was received by our office December 2020.
- Our office does not have record of systems servicing cabins 8 and 9. We need to receive confirmation that these two lots are serviced by an approved waste water system in order to provide support for this proposal.

### **Drinking Water Protection Zone**

In the interest of protecting the water source that serves the residents of the Comox Valley, Island Health supports the creation of a drinking water protection zone within the Village of Cumberland's administrative boundaries.

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#### **Health Protection and Environmental Services**

355 - 11th Street | Courtenay, BC V9N 1S4  
Email: [HPES.Courtenay@islandhealth.ca](mailto:HPES.Courtenay@islandhealth.ca)

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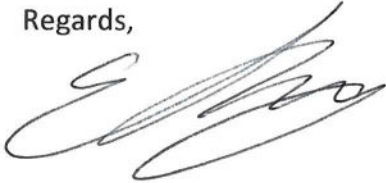
Excellent health and care, for everyone, everywhere, every time.

It is important to note that although there is now a new water treatment plant as a layer of protection (which meets provincial standards) this does not reduce the risk to the water source itself. We still have to do all we can to protect the source and mitigate potential risks. One being bringing this subject property into compliance with provincial legislation and local bylaws, as well as ensuring the cabins wastewater systems are properly upgraded/maintained and no further increase in development within this zone occurs, all which will help preserve the source.

Continued education around the value of this drinking water supply is invaluable in ensuring those using and enjoying the space work together to also protect it for everyone.

If you have any questions or wish to discuss this further, please feel free to contact me at 250-331-8607 or at [ella.derby@islandhealth.ca](mailto:ella.derby@islandhealth.ca)

Regards,



Ella Derby BSc, BTech, CPHI (C)  
Environmental Health Officer  
Island Health

ED/mn

File: 6500-40/Comox Lake Land Corporation Rezoning

March 10, 2022

Sent via email only: [kalbert@cumberland.ca](mailto:kalbert@cumberland.ca)

Karin Albert  
Village of Cumberland  
PO Box 340  
Cumberland BC V0R 1S0

Dear Ms. Albert:

**Re: Preliminary Comments for Proposed Bylaw Amendments of Two Properties Owned by Comox Lake Land Corporation**

---

Thank you for the opportunity to comment on the above-noted bylaw amendments. As the proposal is currently at its early stage, Comox Valley Regional District (CVRD) is providing preliminary comments at this time. We look forward to receiving and commenting on a formal referral in the future.

Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” (RGS) designates the subject properties within Municipal Areas. Specific land uses within Municipal Areas should be determined through the Official Community Plan (OCP). The local OCP review process should articulate how the RGS policies are to be achieved through land use designations and other policy considerations. One of the general growth management principles in Municipal Area is to promote and accommodate higher density and intensive developments (Supporting Policy 1A-2).

Due to their location next to Comox Lake, a critical drinking watershed, watershed protection policies would also apply. Particularly, there are policies within “Objective 5-B: Protect the quality of water sources” and “Objective 5-C: Stormwater is managed to preserve ecosystem and watershed health” that are pertinent to the proposal:

“5B-1 Manage development on the basis of precautionary principles within watershed of water supply lakes. This will require development proposals to include reports by appropriate professionals to study potential impacts on water quality and quantity, including a peer review of professional findings and recommendations.”

“5B-4 Where development is proposed in a watershed of a water supply lake that is controlled politically by one jurisdiction, but where the lake provides a water source to other jurisdiction(s), the jurisdiction responsible for approving development within the watershed will formally consult with the jurisdictions receiving water from the watershed.”

“5C-2 In watersheds of water supply lakes, local governments and the Ministry of Transportation and Infrastructure should work cooperatively towards a target of less than 10 percent impermeable surfaces.”

Based on these objectives and policies, while the proposal is consistent at the RGS level for advancing growth in a Municipal Area, it would challenge the goals of watershed protection policies. Proposals for growth should be directed away from Comox Lake.

The Comox Lake watershed protection plan was approved by the Comox Valley Water Committee in 2016. One of the key recommendations of this plan is that “No new development, including highway development, should occur in the Comox Lake Watershed”. Accordingly, the CVRD Zoning Bylaw was amended to remove residential use a principal use for properties in the Water Supply and Resource Area (WS-RA) zone, allowing residential use only as an accessory use. In order to be consistent with our policies supporting protection of the Comox Lake watershed, which supplies drinking water to over 50,000 people in Courtenay, Comox and the CVRD electoral areas.

Additionally, as Comox Lake provides drinking water for City of Courtenay, Town of Comox and electoral areas that are within Comox Valley Water Local Service Area, please include the City of Courtenay and Town of Comox in your referrals.

In summary, CVRD does not support the prposed bylaw amendments. The subject nonconforming buildings should be phased out over time.

Thank you for soliciting our comments on this proposal. If you have any questions, please contact Brian Chow at 250-334-6017 or [bchow@comoxvalleyrd.ca](mailto:bchow@comoxvalleyrd.ca).

Sincerely,

***T. Trieu***

Ton Trieu, RPP, MCIP  
Manager of Planning Services

cc: Kris La Rose

/bc



# Village of Cumberland

# Advisory Planning Commission

## Minutes

The meeting of the APC was held on Thursday September 8, 2022 at Village of Cumberland Council Chambers, commencing at 4:00pm.

<b>PRESENT:</b>	Nick Ward, Chair Janet Bonaguro, Secretary	Neil Borecky Jaye Mathieu
<b>ABSENT:</b>	Debbie Bowman Troy Therrien	
<b>GUESTS \ STAFF:</b>	Meleana Searle, Planner Courtney Simpson, Manager of Development Services Item 4.1 Consultants <ul style="list-style-type: none"><li>• Nancy Henderson</li><li>• Sydney Rankmore</li></ul> Item 4.2 Comox Lake Land Corporation –applicants: <ul style="list-style-type: none"><li>• Ken Cottini</li><li>• Brad Hornstein</li></ul>	
<b>OBSERVERS:</b>	3	

### 1. CALL TO ORDER

The meeting of the APC was held on Thursday September 8, 2022 at Village of Cumberland Council Chambers, commencing at 3:59pm. We are honoured to gather on the unceded traditional territory of the K'ómoks First Nation.

### 2. APPROVAL OF AGENDA

Borecky / Mathieu: **THAT the agenda be approved as presented.**

**CARRIED UNANIMOUSLY**

### 3. APPROVAL OF MINUTES

Borecky / Mathieu: **THAT the minutes of the meeting held July 14, 2022 be approved as presented.**

**CARRIED UNANIMOUSLY**

Mathieu / Borecky: THAT the minutes of the meeting held July 21, 2022 be approved as presented.

**CARRIED UNANIMOUSLY**

**4. REFERRALS FROM COUNCIL**

**a) 4.1 Streamlining Accessory Dwelling Unit Approval Process**

Mathieu / Borecky: THAT the Advisory Planning Commission receive the staff report titled "Streamlining Accessory Dwelling Unit Approval Process".

**CARRIED UNANIMOUSLY**

**DISCUSSION**

1. Nancy Henderson provided an overview of the ADU Application Guide
2. APC Discussion
  - a. ADU Zoning
    - i. Consider the zoning requirement for slopes of greater than 20% not being higher above the main dwelling, to allow for at least one story to be built in these scenarios.
  - b. ADU Application Guide
    - i. Suggest proofreading for spelling, grammar and word choice.
    - ii. Consider including the ADU setback from the main house in the Guide wording and visuals.
    - iii. Consider providing an overview of stormwater management options in the Guide for reader awareness, so less surprises later if this is required at the building permit stage.
    - iv. Consider using the words "permeable" and "wheelchair accessible" rather than "hard surfaces" for pathways, and include hard packed gravel as an option.

Bonaguro / Borecky: That the Advisory Planning Commission recommends support of the proposed bylaws to streamline the accessory dwelling unit approval process with the following suggested changes: Add "hard packed gravel and semi permeable surfaces" in addition to "hard surfaced" pathways.

Borecky / Mathieu: That the Advisory Planning Commission recommends support of the Accessory Dwelling Unit How-To Guide with the addition of the following items as described in these meeting minutes: ADU setback from the main house, lot coverage requirements, stormwater management plan requirements and timing of those requirements.

**CARRIED UNANIMOUSLY**

**b) OCP and Zoning Amendment, Comox Lake Land Corporation, Referral Responses**

Bonaguro / Borecky: THAT the Advisory Planning Commission receive the staff reports titled "OCP and Zoning Amendment, Comox Lake Land Corporation, Referral Responses".

**CARRIED UNANIMOUSLY**

Borecky / Mathieu: THAT the Advisory Planning Commission recommend to Council to create a new drinking water protection zone over Comox Lake presented in the July 29, 2022 staff report.

**CARRIED UNANIMOUSLY**

Borecky / Mathieu: THAT the Advisory Planning Commission recommend to Council support for the Comox Lake Land Corporation OCP and Zoning Bylaw amendment application.

**CARRIED UNANIMOUSLY**

Discussion re Permitted Uses

- a. Staff Comments
  - i. Intention to align with historical use but allow more ability to maintain the buildings.
- b. APC Discussion
  - i. Omitting vacation rentals, low impact recreation, campgrounds and urban agriculture is in alignment with other similar zones.

THAT the Advisory Planning Commission recommend to Council that the new zone for the Comox Lake Land Corporation include the following elements:

Bonaguro / Mathieu: Permitted Uses: omit vacation rentals, low impact recreation, campgrounds and urban agriculture.

**CARRIED UNANIMOUSLY**

Bonaguro / Borecky: Permitted Uses: permit 25 single family dwellings.

**CARRIED UNANIMOUSLY**

## Discussion re Footprint

- a. Staff comments:
  - ii. Desire to include GFA in zoning as is practice in other zones.
  - iii. Could have a list in the zoning bylaw for the permitted GFA of each cabin.
  - iv. Regardless of this decision, owners would be able seek an increase in GFA by applying for a variance.
  - v. The surveyed outline of cabin lease areas have not been confirmed by the Village as suitable for future subdivision.
- b. Applicant comments:
  - i. Reason for requesting rezoning is to normalize the current legal non-conforming status and to enable owners to maintain their cabins appropriately.
  - ii. 25% GFA increase request was intended to be in a direction away from the lake.
  - iii. Most places have some kind of rudimentary basement, some are too low vs. high water mark and will have a flood height setback if those cabins are rebuilt.
  - iv. Allowing 2 stories allows the density to go up in height vs. width.
  - v. Septic systems on the property were sized for a 3br home, it isn't practical to build larger than this as the septic systems won't be able to handle the use.
  - vi. 20 cabins are in the East Bay area, the other 5 are clustered further away.
  - vii. The applicant anticipated that only two to three cabin owners are likely to increase the size of their cabins.
- c. APC discussion:
  - i. Lot area outlined in the subdivision map; some proposed setbacks are very small.
  - ii. Under watershed protection plan we don't want to increase the traffic in this area.
  - iii. 25% increase in GFA won't allow a full second storey on any existing cabin.
  - iv. Allowing second story provides an option for growth but up rather than out.
  - v. Inequitable to make a decision that restricts GFA that mostly benefits the larger cabin owners.
  - vi. The cabins are very small; according to existing footprints, no individual cabin could get above 1500 sqft total by adding another storey.

Mathieu/Borecky: Gross Floor Area: permit all cabins at their current footprint and permit a second storey for all the cabins that do not have a second storey yet.

**CARRIED**

## Discussion re Accessory Buildings

- a. Staff comments:
  - i. Already over the accessory building GFA across the property.
  - ii. Options are to suggest 24m<sup>2</sup> per cabin or one number for the entire property.
  - iii. Accessory buildings aren't to be used for sleeping, if it is being used for it now then protected under lawful non-conforming.
  - iv. Could address sleeping cabins as a separate item.
  - v. If accessory building GFA is based on the entire site/lot size (rather than per cabin), distribution of accessory buildings per cabin would need to be managed internally by the CLLC.
  - vi. There is an existing, large, unpermitted accessory dwelling on the property that could restrict the total GFA available for other cabins to develop their own accessory buildings.
  - vii. If the GFA is set per cabin, we still need to determine how this would be managed as this is a single property.
  - viii. Staff has a bit more work to do on the implementation of this recommendation.
- b. Applicant comments
  - i. An example of an accessory building is a carport or small shop. A common double sized carport is 20' wide, x 25' deep = 500 sqft. 24m<sup>2</sup> is approx. 258 sqft.
  - ii. Would like to see it more equitable across the properties to avoid places that already have larger accessory buildings to use up all the allotment for all other properties.
  - iii. 75% of the places don't have room for any additional accessory buildings.
  - iv. Applicants do not desire more density on the property, do not intend to allow more buildings on the unused green space away from the cabins.
- c. APC Comments:
  - i. Allowing a total GFA for the property for accessory buildings inequitably distributes the GFA to those that already have large accessory dwellings.
  - ii. Allowing a lot of outbuildings could change the use and character of the properties quite a bit, so preference is not to enable GFA for accessory buildings on the total site/lot size.
  - iii. If the GFA is calculated for the total lot then cabins that already have accessory dwellings should not count towards the total as this would disable any other cabin from building an accessory building.
    - i. Proposed accessory building height aligns with height of other Village residential zoning.

Bonaguro / Mathieu: Accessory Building GFA: limit the maximum GFA of accessory buildings to 24m<sup>2</sup> per cabin.

**CARRIED UNANIMOUSLY**

Borecky / Mathieu: Accessory Building Maximum Height: permit a maximum height of 6.5 metres.

**CARRIED UNANIMOUSLY**

Discussion re Subdivision

- a. Staff comments
  - i. Minimum lot size will be in the zoning bylaw which has an impact on the ability to subdivide, which is why its referenced by staff in the report.
  - ii. Applicant asking for ability to subdivide which generally results in higher use of land, servicing, and access required for subdivision.
  - iii. Value of the land will likely increase and may lead to increased use.
  - iv. Want to retain the ability for the CLLC to move a cabin or demolish and replace.
  - v. GFA constraints would still apply if a dwelling was built elsewhere.
  - vi. Staff need to tie the cabin max GFA into the zone, dwelling size applies to the cabin number but not the location of that cabin (if the cabin moves).
  - vii. We are not limited to the working lot lines the CLLC has outlined, other variations could arise, vacant land could be used as limited common property.
- b. Applicant Comments
  - i. Currently difficult to manage disputes among property owners under the CLLC.
  - ii. With strata lots, it enables the Village to be able to manage compliance with bylaws with each individual property owner.
- c. APC Comments
  - i. Depending on what method of securing water source is chosen, then a strata subdivision would allow the ability to raise funds to make those improvements and manage the system (e.g. community water system).
  - ii. Could word as 25 dwellings vs. lots to avoid more dwellings being built. This wording also allows for a dwelling to be replaced if it is torn down or burns down.

Borecky / Mathieu: Subdivision: permit subdivision into a maximum of 25 strata lots staying as close as practical to the draft lot survey lines.

**CARRIED UNANIMOUSLY**

## Discussion re Conditions of Rezoning

- a. Staff comments
  - a. For retaining trees, could look into using water protection zone or another Development Permit Area.
  - b. During rezoning is a good time to obtain benefit for the community (e.g. dedicated parkland).
  - c. Intention not to restrict land available for water or wastewater operations on the property.
- b. Applicant comments
  - a. Applicant has offered other lands in exchange.
  - b. Cabin owners walk and use trails in this area.
- c. APC comments
  - a. Valuable to protect the green space on the property.
  - b. Over time the property will see a large lift in value as a result of this process, giving something back in terms of protection covenant to retain the community benefit.
  - c. Make it less attractive to a developer to develop the land.
  - d. Light agriculture makes sense to allow on the green space.
  - e. Need to know what the proposed covenant is before the APC can advise on it.
  - f. The engineering report recommends the remediation of oversteepened cut slopes and other geotechnical hazards within 30 metres of the lake.

THAT the Advisory Planning Commission recommend to Council to consider the following conditions of rezoning:

Borecky / Bonaguro: Wastewater Systems – require an agreement committing the CLLC to inspect wastewater systems every three years and submit the reports to the Village and Island Health to identify potential failures as systems age.

**CARRIED UNANIMOUSLY**

Borecky / Bonaguro: Slope and Erosion Issues – require remediation of oversteepened cut slopes and other geotechnical hazards within 30 metres of the lake.

**CARRIED UNANIMOUSLY**

Borecky / Bonaguro: Stormwater Management – require implementation of the stormwater management recommendations identified in the Wedler Engineering and Ryzuk geotechnical reports as a condition of rezoning.

**CARRIED UNANIMOUSLY**

Bonaguro / Borecky: THAT the Advisory Planning Commission recommend to Council to direct staff to discuss ways to protect the upland forest from logging.

**CARRIED UNANIMOUSLY**

Discussion re Water Sources

- a. Staff comments
  - a. Village water system extends to Saito House on Comox Lake Road.
- b. APC Comments
  - a. Water access is a requirement of the Province and is not within the jurisdiction of the Village.
  - b. The Village won't complete a rezoning without a water source in place that aligns with the provincial requirements.
  - c. Motion is redundant as it would need to happen anyway, so no motion made.

**5. NEXT MEETING**

The next APC meeting is Thursday October 13, 2022 at 4:00pm.

**6. TERMINATION:**

Borecky: THAT the meeting terminate.

Time: 6:08pm

Certified Correct:  <hr/> <div style="text-align: right;">Chair</div>	Confirmed:  <hr/> <div style="text-align: right;">Deputy Corporate Officer</div>
---	--

[REDACTED]  
11 November, 2022

RECEIVED

NOV 15 2022

Corporation of the Village of Cumberland,  
2673 Dunsmuir Avenue, Cumberland, BC  
V0R 1S0

RE: OCP amendment and rezoning application at Horbury & Comox Lake Roads  
Attention: Karin Albert / Senior Planner

Dear Ms Albert:

Thank you for your correspondence dated 2 November, 2022.

We appreciate the opportunity to respond to application with observations of construction and development at Comox Lake spanning over twenty years.

During the course of that time we have written numerous letters to Village of Cumberland and Council in an attempt to clarify the non observance of Comox Lake foreshore and watershed protection.

We strongly believe, as stated in previous correspondence, the preservation of the pristine water quality is paramount and any development follow the provincial guidelines put forth for development in and around a watershed. Water quality is a determining factor in the desirability of residing in the Comox Valley

In 2001 Mike Hamilton and the CLLC purchased property.

In 2002 the Village of Cumberland annexed the CLLC property and zoned it Upland Rural One (UR-1)

2022 the CLLC is seeking to amend the zoning to change number of improvements from one to twenty five to correspond to the number of existing cabins/improvements

The majority of CLLC members have demonstrated respectful stewardship of Comox Lake and have not undertaken development other than basic maintenance.

However, approximately seven CLLC shareholders have undertaken to develop their portion of property without necessary riparian studies, septic reviews nor building permits. The ensuing structures are significantly larger than the previously grandfathered cabins. These structures were constructed with blatant disregard of zoning and developmental permits standard in all other parts of the Comox Valley. In several instances the foreshore was significantly altered. The new structures certainly do not qualify as having been built @ early 1900's and appear to support full time occupancy

These individuals are contractors and developers so ignorance of building requirements is hardly an issue. Why would it be acceptable to knowingly commit an environmental crime and expect forgiveness of the blatant disregard demonstrated to now have these very large, unsanctioned structures be legitimized / ratified by a zoning amendment?

“Much of the previous development and ongoing development on the shoreline property are within these setback limits.” (1)

“As part of an anticipated subdivision of potential regulatory compliance issues with regard to recent development at the properties is recommended; particularly so at the southern property area.. A considerable amount of old and new construction likely does not appear to meet Riparian Area Protection Regulation, provincial Water Sustainability Act, federal Fisheries Act, or best practices outlined in the Development with Care: Environmental Guidelines for Urban and Rural Land Development. (BC 2014).” (2)

We had brought forward some of the development issues in previous correspondence to the Village of Cumberland; however ceased this practice a few years ago due to intimidation by CLLC members.

In light of good stewardship and best building practices being the mandate of Village of Cumberland we are astounded nothing has been done by previous council to ensure these standards have been met; as corroborated in the Wedler Engineering report. We are most hopeful the new council will adhere to zoning requirements, riparian regulations (provincial) to preserve the integrity of the Comox Lake Watershed.

We wish the best to the newly elected council dealing with this matter demonstrating good leadership and stewardship of Comox Lake and its watershed..

Thank you.



- (1) Wedler report - p4
- (2) Wedler report - p4

The CLLC is seeking to amend the zone to change the permitted number of cabins on the property from one to twenty five. They want to create a subdivision 4 km from the Village centre otherwise known as urban sprawl.

The CLLC is a company of investors who are seeking to profit in value 2500%. Is there any value to the Village of Cumberland in this subdivision? Eventually, the Village will be required to provide services to 25 houses.

There has been extensive building recently on this site without meeting building code requirements. This is a failing on behalf of the Village.

The cabins are not part of a planned development. These were historically summer cabins outside of town dating from the late 1800s. Weldwood owned the lands briefly. They considered giving them to the Village as parkland then sold them to the cabin owners.

As for the Comox Valley drinking water supply users, I'm certain that these communities do not want increased density on Comox Lake. At the moment there is no development at all on the Lake shore. Houses on the south side are in Area C and not on Lake shore.

I believe cabins on the Lake should be rezoned to summer use only. Thereby restoring their historic intent and reducing their impact on Comox Lake.

  
Cumberland

## Attachment 7: Agency and First Nations Referral List

### Local: First Nations, Local Governments, Regional Advisory Groups, School District

<input checked="" type="checkbox"/> K'ómoks First Nations <input checked="" type="checkbox"/> We Wai Kai Nation <input checked="" type="checkbox"/> We Wai Kum Nation <input checked="" type="checkbox"/> Qualicum First Nation	<input checked="" type="checkbox"/> Comox Valley Regional District <input checked="" type="checkbox"/> City of Courtenay <input checked="" type="checkbox"/> Town of Comox <input checked="" type="checkbox"/> Comox Lake Watershed Advisory Group <input checked="" type="checkbox"/> School District No. 71
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### Provincial Ministries and Agencies

<input checked="" type="checkbox"/> BC Assessment Authority <input checked="" type="checkbox"/> Vancouver Island Health Authority <input type="checkbox"/> Agricultural Land Commission <input type="checkbox"/> Ministry of Agriculture and Food <input type="checkbox"/> Ministry of Energy, Mines & Low Carbon Innovation <input type="checkbox"/> Ministry of Tourism, Arts, Culture and Sport <input type="checkbox"/> Ministry of Land, Water and Resource Stewardship	<input type="checkbox"/> Ministry of Municipal Affairs <input type="checkbox"/> Ministry of Indigenous Relations and Reconciliation <input type="checkbox"/> Ministry of Environment and Climate Change Strategy <input type="checkbox"/> Ministry of Forests <input type="checkbox"/> Ministry of Social Development and Poverty Reduction <input type="checkbox"/> Ministry of Transportation and Infrastructure <input type="checkbox"/> Ministry of Jobs, Economic Recovery and Innovation
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### Federal Departments and Agencies

<input type="checkbox"/> Environment and Climate Change Canada <input type="checkbox"/> Indigenous and Northern Affairs Canada	<input type="checkbox"/> Fisheries and Oceans Canada (Comox)
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