TOWN OF COMOX

OFFICE OF THE MAYOR

File No: 6800-01

March 10, 2015

Ms. Kate Panayotof, President
Mack Laing Heritage Society
PO Box 1494
Comox BC V9M 8A2

Dear Ms. Panayotof:

I would like to take this opportunity to thank the members of the Mack Laing Heritage Society for all of their work in researching the possibility of preserving Mack Laing's first home for the historical benefit of the community. On behalf of Council, I would like to say that I appreciate all of the effort that has gone into your work.

A staff report on the Society's Phase 2 Report was presented to Council's Committee of the Whole at its February 25, 2015 meeting (enclosed). The report advised that economic potential of the home restoration and management of the property appear to be optimistic, and that, over the long term, the ability of the proposal to be successful is questionable.

Please be advised that Council concurred with the report's recommendations and passed the following resolution at its Regular Meeting of March 4, 2015:

> *That the Town confirms the existing plan to remove the remaining structures from the Baybrook property and the Mack Laing Park property as they are in poor condition and finalize the park use plan to return the property to a natural state for passive recreation use.*

Again, thank you for all of the work that the Society has put into this project. If you require anything further, please do not hesitate to contact Town staff or me at 339-2202.

Yours truly,

Paul Ives, Q.C.
Mayor

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We respectfully acknowledge that we live, work and play on the traditional lands of the K'ómoks First Nation ... Gila'kasla ... Hay ch q' a'

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TOWN OF COMOX
REPORT TO COMMITTEE OF THE WHOLE

FROM:	RICHARD KANIGAN, CHIEF ADMINISTRATIVE OFFICER
SUBJECT:	REVIEW OF MACK LAING HOUSE REPORT
MEETING:	FEBRUARY 25, 2015
DATE:	FEBRUARY 20, 2015

R. Kanigan CAO	D. Jacquest	
Submitted by	Concurrence	Approval

RECOMMENDATION:

That the Town confirms the existing plan to remove the remaining structures from the Baybrook property and the Mack Laing Park property as they are in poor condition and finalize the park use plan to return the property to a natural state for passive recreation use.

BACKGROUND:

The Mack Laing Heritage Society presented their Phase 2 report regarding the restoration of Baybrook to Council at their August 20, 2014 regular meeting of Council. After its release, the issue generated a significant amount of interest in the community, both from residents living in the Orchard Park neighbourhood and the greater community as well. These documents are attached to this memo in order to provide Council with a full package of information for review.

The phase 2 proposal outlines proposed strategies for the restoration of Baybrook and its potential for a positive economic impact generated through conservation tourism. In reviewing the proposal and some of the models they have based their projections against, it would appear the revenue projections are highly optimistic and based on sources of funds that are highly variable, (e.g. grants and donations). Although the proposal indicates there would be no impact on the taxpayers of Comox, I have doubts that the funding sources presented are reliable enough – over the long term to make this proposal successful.

The Swan Lake Nature Centre, located in Saanich, operates on significant financial contributions from the municipality, and is currently facing some financial hurdles related to fundraising as well as the need for a significant capital outlay for the replacement of the boardwalks.

As Council is aware, we have received notice from the proposed Nature pre-school that they have found suitable space and will be operating their school in the Village of Cumberland which has a further negative impact on the proposed revenues for the Mack Laing Heritage Society. In addition, it appears that the proposed revenues from

the Tree School were overstated by a significant amount. The Tree School proposed to contribute $6000 towards the Mack Laing Heritage Society, whereas the Phase 2 report indicated projected revenue of $79,296.

The proposed use of funds from the Mack Laing Trust fund currently held by the Town (approximately $74,800 held in trust) is far from a sure thing. The Trust was established by Mack Laing while he lived on the adjacent property which is now Mack Laing Park. Although it is not outside the realm of possibility to have a Trust fund applied to a different property than stated in a Last Will and Testament, the level of opposition to the Mack Laing Heritage Society proposal from residents in the area, does add a significant amount of risk to having a successful outcome. In addition, there is no mention of who would cover the legal costs (preliminary estimate is over $10,000).

The renovation cost estimates of the Baybrook House appear to address the needs of a house built to a single family dwelling standard. Some of the uses proposed in the Phase 2 report would indicate more Public Assembly type uses, which require different hardware on doors, and possibly different fire safety requirements which would further drive up building costs.

Existing Town Plan

From a staff perspective, when the Town acquired 70 Orchard Park Drive, along with the Nature Trust, it was the Town's intent to somewhat erase the hand of man by removing the buildings contained on the property and formulate a comprehensive park usage plan that celebrated and added an additional layer of protection to the important environmental attributes of the property. The planning process was started by ordering up a comprehensive site survey that captured everything from building locations, creek alignment, service locations, and significant trees. Then, with the help of Outlook Land Design, the Town started putting pen to paper formulating the usage plan. The conceptual drawings that were created at that time capture pathway re-alignments, possible enhanced viewing areas, boardwalk treatments, and interpretive kiosks in keeping with the theme that has been established throughout Mack Laing Park. The three cabins have been removed from site creating an opportunity for nature to reclaim these former occupied lands adding a vegetative security blanket to the precious midden hidden beneath.

The next phase of plan implementation involved the removal of the two houses on site (Baybrook and Shakesides) as the houses in question are in poor condition, the access road is sub-standard, the bridge spanning the creek is non-engineered, and the site's animal, fish, and plant communities are vulnerable if programmed concentrations of human activity continued to be contemplated for this area. Passive human movement through this space is one thing, but if too much activity is created including an increase in vehicular movement the whole notion of reverting the space to a natural state is lost.

Options

1) Request clarification from the MLHS on several items of concern as noted above and provide them with an opportunity to resubmit their proposal.
   If the Committee were to consider this option, it would send a message to MLHS that there is general support for their proposal – subject to their revenue projections being corrected, and commitment to no impact on Comox taxpayers.
2) Confirm that the existing plan of the Town to remove the remaining structures from the Baybrook property and the Mack Laing Park property as they are in poor condition and finalize the park use plan to return the property to a natural state for passive recreation use.
   Confirmation of this option would provide direction to staff to complete the Park Use plan and subject to Council approval, continue with implementation.
3) Investigate further options on the ability to utilize the funds held in the Mack Laing Trust.

One of the items that has been mentioned previously, is to get approval to utilize the fund in the Mack Laing Trust for a purpose that is perhaps reflective of the intent of the Trust, yet not meeting its exact requirements of establishing and operating a natural history museum. Staff have previously suggested removing both the Baybrook and Shakesides structures and replacing them with an open air, National Park type structure with additional interpretive panels. Further to this concept, it has been suggested that some of the materials from the two houses could be repurposed into the new open air structure, so that it continues to reflect the legacy left by Mack Laing.

Recommended Option:

Option 2 is recommended in the short term and as time and funding permits, implementation of Option 3.

RK/ll