

Memo

File: 3360-20/RZ 3C 19

DATE: March 12, 2020

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

FROM: Planning and Development Services Branch

RE: Rezoning Application – 2491 Emmerson Road (Sturdi Construction)
Lot 1, Block 29, Comox District, Plan 36676, PID 000-419-958

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

An application has been received to consider an amendment to the Zoning Bylaw, Bylaw No. 520, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019", specific to the 1.3 hectare property in the Saratoga Miracle Beach Settlement Node. It is the objective of the applicant to construct two houses on the subject property and subdivide each onto their own lot for sale as independent properties. Currently, the subject property is zoned Country Residential One (CR-1) (Appendix A) which has a required minimum lot area of 2.0 hectares and allows for maximum residential density of two dwelling units. The new zone would allow for one new lot to be created with a maximum density of one dwelling unit on that lot.

For more information, please refer to the attached staff report (Appendix B) dated February 4, 2020, which was presented to the Comox Valley Regional District Board on February 25, 2020.

Sincerely,

T. Trieu

Ton Trieu, RPP, MCIP
Manager of Planning Services
Planning and Development Services Branch

/jm

Attachments Appendix A – "CR-1 Zone"
Appendix B – "Staff Report Dated February 4, 2020"

703**Country Residential One (CR-1)****1. Principal Use**

- i) **On any lot:**
 - a) Single detached dwelling
- iii) **On any lot over 4000 square metres in area:**
 - a) Agricultural use

2. Accessory Uses

- i) **On any lot:**
 - a) Carriage house
 - b) Secondary suite
 - c) Secondary dwelling
 - d) Home occupation use
 - e) Bed and Breakfast
- ii) **On any lot 2000 square metres in area or larger:**
 - a) Domestic agriculture
- iii) **On any lot 2.0 hectares in area or larger:**
 - a) Domestic industrial use
 - b) Animal kennel

3. Conditions of Use

- i) **Animal kennels shall be subject to the following conditions:**
 - a) A minimum setback for buildings and structures of 15.0 metres along all lot lines.
 - b) A minimum setback for buildings and structures of 30.0 metres from any lot line abutting a lot zoned under Part 700, Residential Zones.
 - c) All structures and area utilized in association with the animal kennel, shall be sited at least 30.0 metres from the boundary of any lake, sea, watercourse or wetlands.
 - d) No loading or storage areas shall be located in any required setback.
 - e) Screening shall be provided of not less than 1.5 metres in height for animal kennel use abutting a lot zoned under Part 700, Residential Zones.
 - f) No more than one sign, not exceeding 1.0 square metre in area on each side may be placed on the lot on which the animal kennel use is carried out.

4. Density

- i) **Residential density is limited to two dwelling units:**
- a) **On any lot:** one single detached dwelling and one carriage house, secondary suite, or secondary dwelling limited in area to 90 square metres are permitted.
- b) **On a lot 1.0 hectare or larger:** two single detached dwellings.

5. Siting and Height of Buildings and Structures

The maximum height of single detached dwellings is 10.0 metres and the maximum height of accessory buildings is 7.0 metres.

- i) The minimum setbacks required for buildings and structures shall be as set out in the table below.

Type of Use	Height of Structure	Required Setback				
		Front Yard	Rear Yard	Side Yard		Side Yard Abutting Road
				Front Lot Line <31m	Front Lot Line >31m	
Principal	10.0m	7.5m	7.5m	1.75m	3.5m	4.5m
Accessory	4.5m or less	7.5m	1.0m	1.0m	1.0m	4.5m
Accessory	7.0m - 4.6m	7.5m	7.5m	1.75m	3.5m	4.5m

6. Lot Coverage

- i) The lot coverage of all buildings and structures shall not exceed 35 per cent.

7. Floor Area Requirements

- i) The combined floor area of all accessory buildings excluding the floor area of any secondary residential use shall not exceed 200.0 square metres.

8. Subdivision Requirements

- i) The minimum permitted lot area for lands shown in the zoning bylaw layer at <http://imap2.comoxvalleyrd.ca/imapviewer/> is 4.0 hectares.

ii) Lot Area for All Other Lands:

The minimum lot area for subdivision is 2.0 hectares.

For property legally described as Lot 1 and 2, Section 6, Plan EPP56666, a subdivision with lots smaller than 2.0 hectares may be created provided that the average lot area within the subdivision is a minimum of 2.0 hectares.

End • CR-1



Staff Report

DATE: February 4, 2020

FILE: 3360-20/RZ 3C 19

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

**RE: Rezoning, 2491 Emmerson Road (Sturdi Construction Ltd.)
Electoral Area C (Puntledge – Black Creek)
Lot 1, Block 29, Comox District, Plan 36676, PID 000-419-958**

Purpose

The purpose of this report is to advise the Electoral Areas Services Committee of an application to rezone a property from Country Residential One (CR-1) to a zone that would allow it to be subdivided into two residential lots and to recommend that the application be externally referred (Appendix A).

Recommendation from the Chief Administrative Officer:

THAT the Comox Valley Regional District Board endorse the agency referral list as outlined in Appendix A of staff report dated February 4, 2020, and direct staff to commence the external agency referral process for property known as Lot 1, Block 29, Comox District, Plan 36676, PID 000-419-958 (2491 Emmerson Road), as part of a proposed amendment (RZ 3C 19) to Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019”;

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

Executive Summary

- The subject property is an undeveloped 1.3 hectare parcel in the Saratoga Miracle Beach Settlement Node.
- It is zoned Country Residential One (CR-1) which only allows a maximum density of two houses. It had two water service connections installed in 2019.
- The property owner is applying to amend the zone to allow the two houses to be constructed on two separate lots. The proposal would restrict further subdivision and development of dwellings until additional water service connections become available.
- Staff recommends that the First Nations and agency referral process for this rezoning application be initiated. Once this process is completed, comments from these parties will be presented to the board for consideration of next steps.

Prepared by:

J. MacLean

Jodi MacLean, RPP, MCIP
Rural Planner

Concurrence:

T. Trieu

Ton Trieu, RPP, MCIP
Manager of Planning Services

Concurrence:

A. Mullaly

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

Stakeholder Distribution (Upon Agenda Publication)

Applicant	✓
-----------	---

Background/Current Situation

The subject property is a 1.3 hectare parcel in the Saratoga Miracle Beach Settlement Node area (Figures 1 and 2). The property is undeveloped but is surrounded by residential development on lots ranging between 0.2 to 1.3 hectares. The property has frontage along the Emmerson Road cul-de-sac and Tammy Road. Being within the Black Creek/Oyster Bay Local Service Areas, the property has access to water service and two water service connections were installed last year.

It is the objective of the property owner to subdivide the property into two lots that can be developed and sold with one house on each lot. The existing zone allows for the two houses but not the subdivision.

Official Community Plan Analysis

The subject property is within the Settlement Nodes designation of the Official Community Plan (OCP), Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014”. The policies of this designation directs: “*Approved local area plans establish the goals and objectives for residential, commercial, park, industrial and institutional land uses...*” and “*Facilitate the provision of water and sewer services, where possible, in order to meet the needs of existing residents...*”. The proposal to subdivide the property is consistent with the OCP’s Settlement Node policies.

Zoning Bylaw Analysis

The existing Country Residential One (CR-1) zone in Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019”, allows for residential use to a maximum density of two houses where the lot is over 1 hectare. For the purposes of subdivision, the zone requires new lots be at least 2.0 hectares in area.

The applicant proposes to subdivide one of the houses onto a new 0.4 hectare lot (Figure 3) and restrict further development of dwellings to no more than one dwelling, which is to be located on the remainder lot. This proposal would utilize the existing water service connections and would not increase the density potential. The applicant intends on pursuing further subdivision and development on the 0.9 hectare remainder upon additional water service connections becoming available.

Rainwater Management

As there is no drainage function for private properties in this area, Section 6(1) of OCP specifies that the applicant must submit a drainage report with the objective of ensuring the pre-development or the natural hydrologic regime is maintained or restored by the development. The applicant submitted a Stormwater Management Report prepared by Jenny Burgess, P.Eng., of Wedler Engineering LLP. The report concludes that to accommodate development, some form of stormwater detention and retention is required and recommends the use of a stormwater pond, approximately 50 square meters in area and 0.8 metres deep, on each lot.

Roads

The proposed subdivision would create a new lot that accesses the cul-de-sac portion of Emmerson Road. No road extension is required to service the lot. The applicant submitted a Ditch Assessment by Dori Manley, R.P.Bio., of Mainstream Biological Consulting, which concluded that the ditches along Emmerson Road has “*no downstream connection to freshwater fish habitat and is not accessible to fish*”.

Policy Analysis

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

Options

The board can:

1. Refer the application to external agencies and First Nations for review.
2. Deny the application to rezone the property at this time.

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

Financial Factors

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

Legal Factors

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

Regional Growth Strategy Implications

The subject property is designated as a Settlement Node in the Regional Growth Strategy (RGS), being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”.

According to the Settlement Nodes policies, it is intended to “*accommodate growth through a balance of new development, intensification and improvements to public infrastructure*”. Under the RGS Housing objective of locating housing close to existing services, Policy 1A-1 states part of the growth management strategy is directing 90 per cent of new, residential development to Core Settlement Areas, which includes Settlement Nodes and Municipal Areas. The proposal is consistent with the RGS policies and objectives.

Intergovernmental Factors

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

Interdepartmental Involvement

Planning staff is leading the review of this application. Input from other CVRD departments has been integrated into this report and will continue to be collected as the application moves through the review process.

Citizen/Public Relations

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

Attachments: Appendix A – “Agency List”

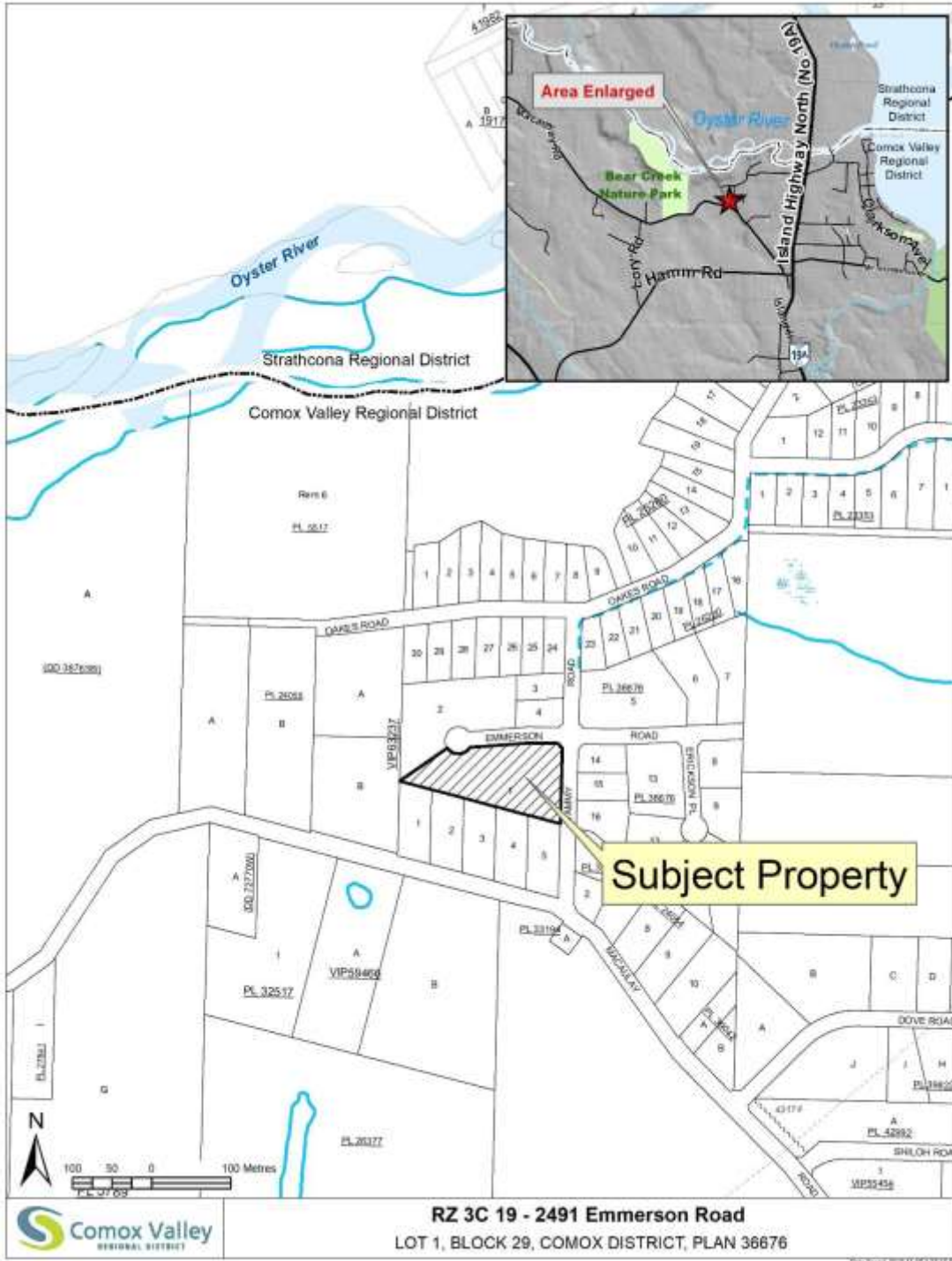


Figure 1: Subject Property



Figure 2: Air Photo

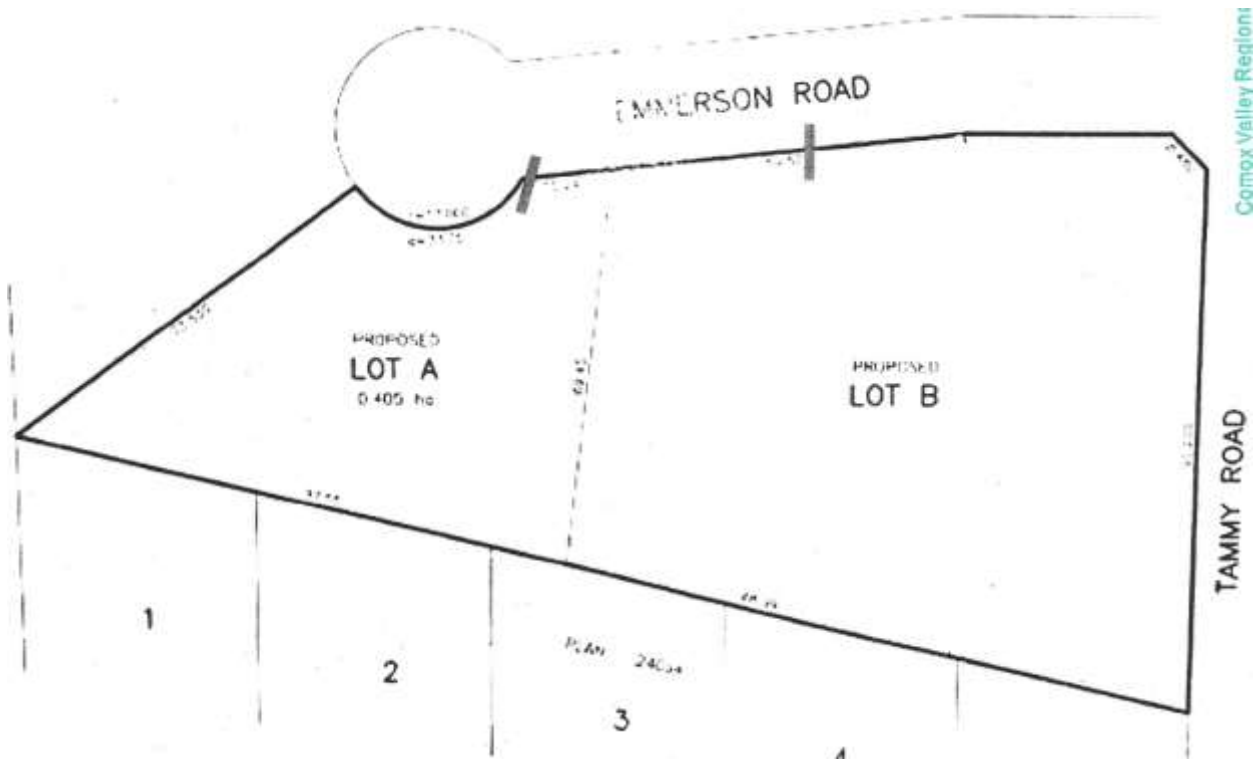


Figure 3: Conceptual Subdivision Plan

Agency and First Nations Referral List

The following agencies will receive a referral of the proposal .

First Nations

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

Provincial Ministries and Agencies

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

Local Government

	Comox (Town of)		Alberni-Clayoquot Regional District
	Courtenay (City of)		Strathcona Regional District
	Cumberland (Village of)		Regional District of Mount Waddington
	Islands Trust		Regional District of Nanaimo

Other

<input checked="" type="checkbox"/>	Advisory Planning Commission C	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)
<input checked="" type="checkbox"/>	School District No. 71 (Comox Valley)	<input checked="" type="checkbox"/>	Saratoga Miracle Beach Residents Association
	Comox Valley Economic Development Society		