

Memo

File: 3360-20/RZ 1C 19

DATE: December 12, 2019

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

FROM: Planning and Development Services Branch

RE: Rezoning Application – 8659 Island Highway (Zimmerman)
Lot A, Block 29, Comox District, Plan 9954, except Parcel A (DD41465W),
PID 005-433-401

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

An application has been received to consider rezoning the property at 8659 Island Highway. The subject property is an undeveloped 0.35 hectare lot that is currently zoned Country Residential One (CR-1). The applicant wishes to rezone the property to Industrial Light (IL) in order to develop and use the lot for light industrial purposes.

For more information, please refer to the attached staff report dated October 24, 2019, which was presented to the Electoral Areas Services Committee on November 4, 2019.

Sincerely,

T. Trieu

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

/jm

Attachments: "Staff Report Dated October 24, 2019"
"Industrial Light Zone"

DATE: October 24, 2019**FILE:** 3360-20/RZ 1C 19**TO:** Chair and Directors
Electoral Areas Services Committee**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer*R. Dyson***RE: Rezoning (Zimmerman)
Electoral Area C (Puntledge – Black Creek)
Lot A, Block 29, Comox District, Plan 9954, except Parcel A (DD41465W),
PID 005-433-401****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 Industrial Light (IL) 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 October 24, 2019, and direct staff to commence the external agency referral process for Lot A, Block 29, Comox District, Plan 9954, except Parcel A (DD41465W), PID 005-433-401, as part of a proposed amendment (RZ 1C 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 0.35 hectare parcel in the Saratoga Miracle Beach Settlement Node.
- It is zoned Country Residential One (CR-1) which only allows residential use.
- The property owners are applying to rezone the property to Industrial Light to facilitate a lot line realignment with the neighbouring Industrial Light (IL) parcel followed by its sale or development for light industrial purposes.
- 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:

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Jodi MacLean, RPP, MCIP
Rural Planner

Concurrence:

T. Trieu

Ton Trieu, RPP, MCIP
Manager of Planning Services

Concurrence:

S. Smith

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Stakeholder Distribution (Upon Agenda Publication)

Applicant	✓
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Background/Current Situation

The subject property is a 0.35 hectare parcel in the Saratoga Miracle Beach Settlement Node area (Figure 1). The property is cleared but undeveloped (Figure 2). The property has frontage along the Island Highway and is otherwise surrounded by commercial and industrial uses. Being within the Black Creek/Oyster Bay Local Service Areas, the property has access to water service and fire protection coverage.

The property owners also own the neighbouring Industrial Light property (Figure 3). They are applying to rezone the subject property to the same Industrial Light zone with an objective of realigning the property lines to better accommodate the existing development and to be able to either sell or develop the remainder for light industrial purposes.

Official Community Plan Analysis

The subject property is within the Settlement Nodes designation of the Official Community Plan (OCP). The policy of this designation directs: “*Approved local area plans establish the goals and objectives for residential, commercial, park, industrial and institutional land uses...*”.

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 with a minimum lot area of 2 hectares. The proposed IL zone allows for a broader range of uses, such as manufacturing, servicing or repair, retail sales, general contractor services, etc. It also allows for a residence that is accessory (incidental and subordinate) to one of the principal uses. The minimum lot area for subdivision purposes in the IL zone is 0.4 hectares when connected to a community water service, though the lot area limit would not apply in a parcel line realignment.

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 development. The applicant submitted a Site Drainage Plan prepared by Ken Woods, P.Eng., of PacWest Geotechnical. The report provides recommendations, such as swales and rock pits, for addressing drainage originating from neighbouring upslope properties and for future development on the subject property.

The proposed rezoning from CR-1 to IL would increase the permissible maximum lot coverage for building and structures from 35 per cent to 50 per cent. The addition of new buildings and structures on an industrial zoned property involves the approval of a development permit which requires development-specific rainwater management plans. These must address the lack of vegetation that naturally covers the land and any impervious surfaces added so that the natural hydrologic regime is restored.

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, 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*”. MG Policy 1B-2 directs that Settlement Nodes will have a Local Area Plan that provides for specific land uses and development criteria. This is described in the OCP section above.

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”

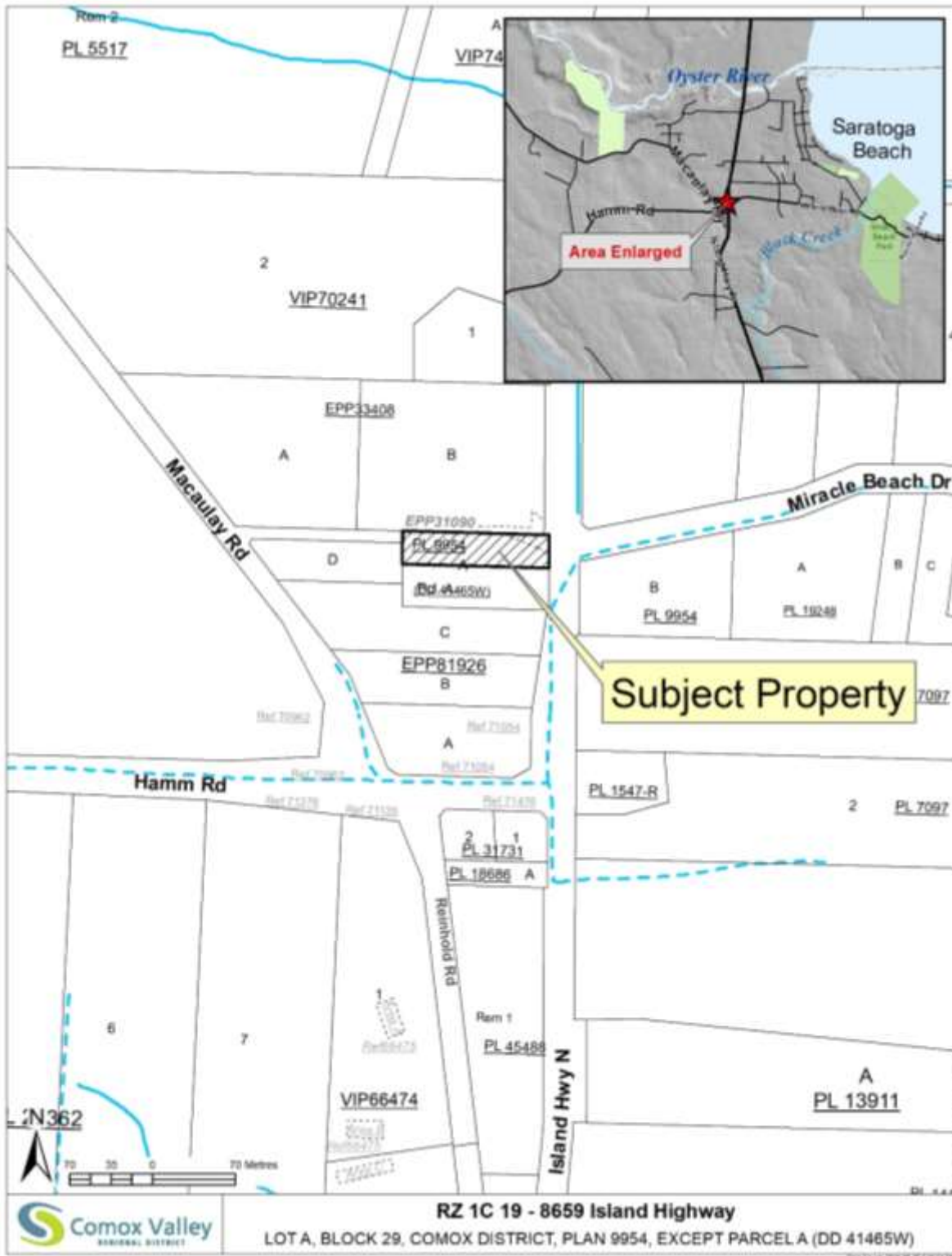


Figure 1: Subject Property



Figure 2: Air Photo (2018)

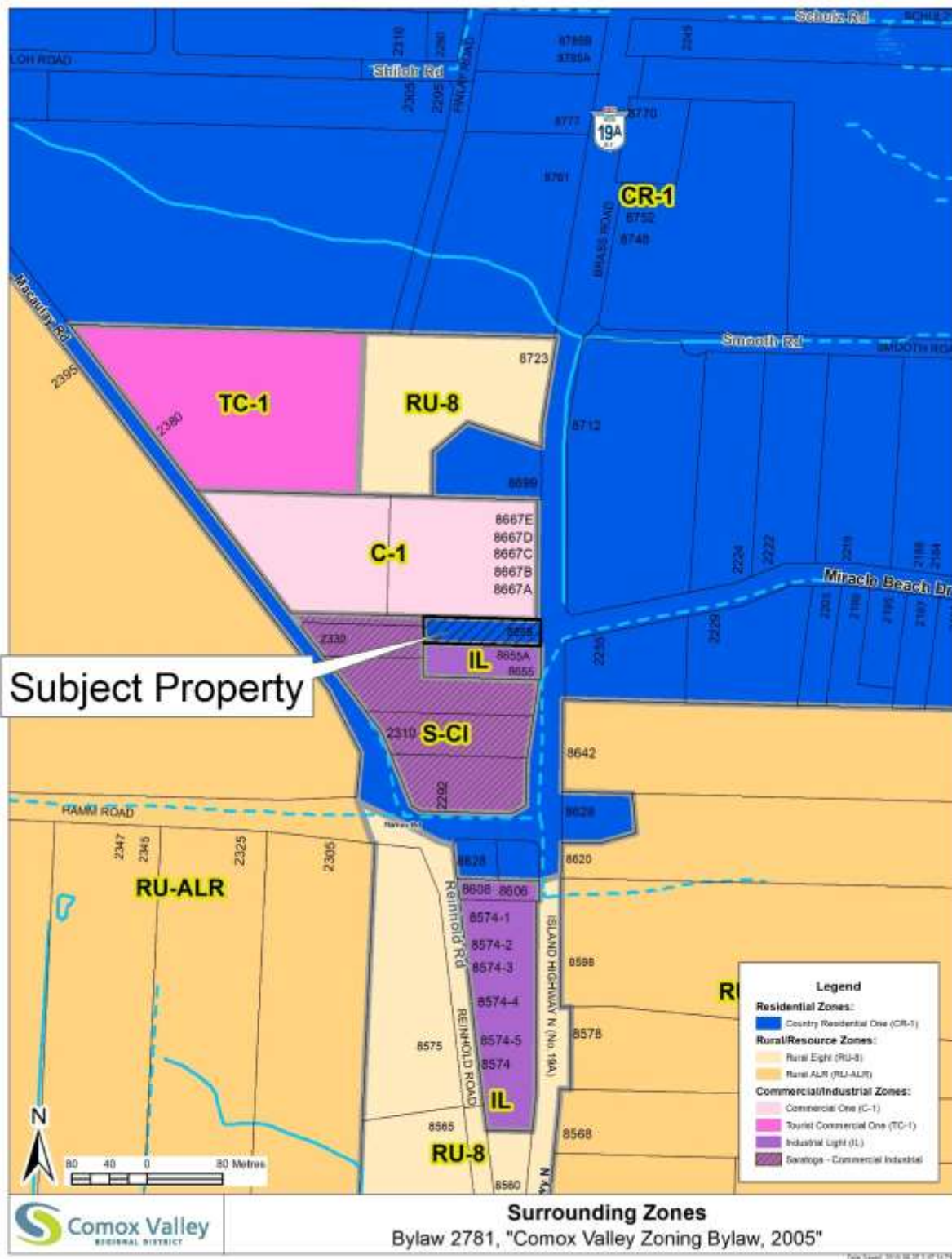


Figure 3: Zoning map

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)
	School District No. 71 (Comox Valley)	<input checked="" type="checkbox"/>	Saratoga Miracle Beach Residents Association
	Comox Valley Economic Development Society		

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Industrial Light (IL)

1. Principal Use

- i) **On any lot:**
 - a) Light industrial
 - b) Wood processing
 - c) General contractor services and storage yard
 - d) Retail and wholesale sales
 - e) Industrial equipment, sales and service
 - f) Automobile body shop
 - g) Plant nursery and greenhouse
 - h) Veterinary establishment
 - i) Water and beverage bottling only at the properties legally described as Lot A, District Lot 50, Newcastle District, Plan 49534 and That Part of Lot 2, District Lot 50, Newcastle District, Plan 9853 Lying To The West of Berray Road As Said
 - j) Mini-storage only at the properties legally described as Lot A, Block 29, Comox District, Plan 18686; Lot 1, District Lot 114, Comox District, Plan 2280; Lot B, Plan 13432, District Lot 103, Comox District and Lot 5, District Lot 249, Comox District, Plan VIP20040

2. Accessory Uses

- i) **On any lot:**
 - a) Residential use limited to one dwelling unit
 - b) Offices
 - c) Warehousing
 - d) Outdoor storage
 - e) Pet crematorium

3. Conditions of Use

- i) **All uses listed in Section (1), Principal Uses, shall be subject to the following conditions:**
 - a) No parking, loading or storage areas shall be located within 1.5 metres to any lot line.
 - b) All outdoor storage or supply yards shall be screened from any abutting property zoned under Part 700, Residential Zones, in accordance with Section 310.
 - c) Retail sale floor area shall not exceed 1,000 square metres on any lot.
 - d) Permitted F.A.R. = 0.5
For each 10 per cent increase in Open Space, above the 25 per cent required for the zone, to a maximum of 60 per cent, maximum F.A.R. is increased by 0.05.
 - e) A minimum of 25 per cent of the lot area shall be retained as open space.

- ii) All general contractors services and storage yard operations shall be subject to the following conditions:
 - a) No storage yard, equipment service areas or any other outdoor storage used in conjunction with a principal or accessory use shall be located within 15.0 metres of any lot line abutting a lot zoned under Part 700, Residential Zones.
 - b) No storage yard, equipment service areas or any other outdoor storage used in conjunction with a principal or accessory use shall be located within 7.5 metres of any lot line abutting a lot under any other zone.
 - c) No parking or loading areas shall be located within 7.5 metres of any lot line and all such areas shall be incorporated within a landscaped area.
 - d) All storage yards, outdoor storage, or outdoor equipment maintenance and repair areas used in conjunction with a principal or accessory use must be screened from any abutting property zoned under Part 700, Residential Zones.
 - e) Screening details for storage yards, outdoor storage, or outdoor equipment maintenance and repair areas are as follows:
 - 1) Along any lot line, which immediately joins a highway, the lot shall be fully screened from view with an evergreen hedge not less than 2.4 metres in height and not less than 1.0 metre in width.
 - 2) The hedge shall be included within a fully landscaped area of not less than 7.5 metres in width along the inside of the lot lines, or as prescribed by the development permit. Landscaping shall be incorporated within all setback areas.
 - 3) Solid wood fencing or evergreen hedging, not less than 2.0 metres in height, shall be erected along portions of lot lines between all storage yards, outdoor storage or equipment maintenance areas and lots used for residential purposes. Solid fencing may be as high as 3.0 metres.
 - 4) All screening, including hedging and fencing shall be well maintained.
 - 5) If a property is adjacent to the Agricultural Land Reserve boundary, a fence and landscaped buffer area of at least 8.0 metres in width shall be provided along the inside of the lot line.

4. Siting and Height of Buildings and Structures

The maximum height of principal buildings is 10.0 metres and the maximum height of accessory buildings is 8.0 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
Principal		7.5m	7.5m	7.5m	7.5m
Accessory	4.5m or less	7.5m	7.5m	7.5m	7.5m
Accessory	8.0m - 4.6m	7.5m	7.5m	7.5m	7.5m

5. **Lot Coverage**

- i) The lot coverage of all buildings and structures shall not exceed 50 per cent.

6. **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) **Minimum Lot Area for All Other Lands:**

The minimum lot area permitted shall be:

- a) When connected to community water and sewer: 2,000 square metres
- b) When connected to either community water or sewer: 4,000 square metres
- c) When serviced by well and approved septic disposal: 1.0 hectare

End • IL