

# Memo

**File:** 3360-20/RZ 2C 19

**DATE:** May 5, 2020

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

**FROM:** Planning and Development Services Branch

**RE:** Rezoning Application – Unaddressed Lot, Olund Road and Oyster River Way  
(Braun)  
Lot 2, Block 29, Comox District, Plan VIP81047, PID 026-682-311

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The attached development proposal is for commission members' review and comment. An application has been received to consider a Zoning Bylaw amendment for a property within the Saratoga Settlement Node. The subject property fronts onto Oyster River Way at its western lot line and fronts onto an unopened road at its eastern lot line (Figures 1 and 2). Olund Road terminates at the southern lot line of the subject property. The property is 2.67 hectares in area, and is undeveloped. In the neighbourhood context, the property is west of the Saratoga Beach Golf Course and two lots south of the proposed Saratoga Beach Estates development.

The subject property is outside of the Black Creek/Oyster Bay Water Local Service Area. It relies on private wells and private wastewater treatment systems.

The property is zoned Country Residential One (CR-1) (Appendix A), in which the minimum lot area for subdivision is 2 hectares (Figure 3). The applicants wish to rezone to permit a four-lot subdivision (Figure 4).

## Regional Growth Strategy Analysis

Bylaw No. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010," (RGS) designates the subject property within the Saratoga Settlement Node (SN). The growth management framework is to direct 90 per cent of growth to Core Settlement Areas, and this SN is part of the Core Settlement Areas.

SNs shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure (MG Policy 1B-1). Infrastructure improvements will need to include the provision of appropriate water and sewer services along with enhanced public transit and active transportation options. In addition, Supporting Policy 5A-3 is to encourage smaller lot development and higher density development in Core Settlement Areas, in order to make efficient use of water servicing infrastructure.

As the subject property is outside of the Black Creek/Oyster Bay Water Local Service Area, this rezoning proposal should involve bringing this property into this community water system. Comox Valley Regional District (CVRD) staff are currently working to source additional water supply for this system. When additional water capacity is available, an application to join this system would then be required.

Official Community Plan Analysis

Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” (OCP), designates the subject property within the Saratoga SN. Each SN is a primary growth area in the electoral areas.

Section 33(2) is to facilitate the provision of water and sewer services, where possible, in order to meet the needs of existing residents within the settlement nodes. The subject property is a candidate for the inclusion of the Black Creek/Oyster Bay Water Local Service Area.

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

Zoning Bylaw Analysis

The subject property is zoned CR-1 in Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019”, which has a minimum lot area for subdivision of 2 hectares. The proposal is to rezone the property to enable a four-lot bare land strata subdivision, with the smallest lot being 0.41 hectares in area (Figure 4).

For more information, please refer to the attached staff report (Appendix B) dated January 3, 2020, which was presented to the CVRD Board on January 28, 2020. When reviewing the staff report, please note that while the application is proposed to use private wells for water, RGS and OCP policies, as mentioned in this memo, would require the improvement of public infrastructure by way of joining and contributing to the Black Creek/Oyster Bay Water Local Service Area.

Sincerely,

***T. Trieu***

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

/bc

Attachments    Appendix A – “CR-1 Zone”  
                      Appendix B – “Staff Report dated January 3, 2020”

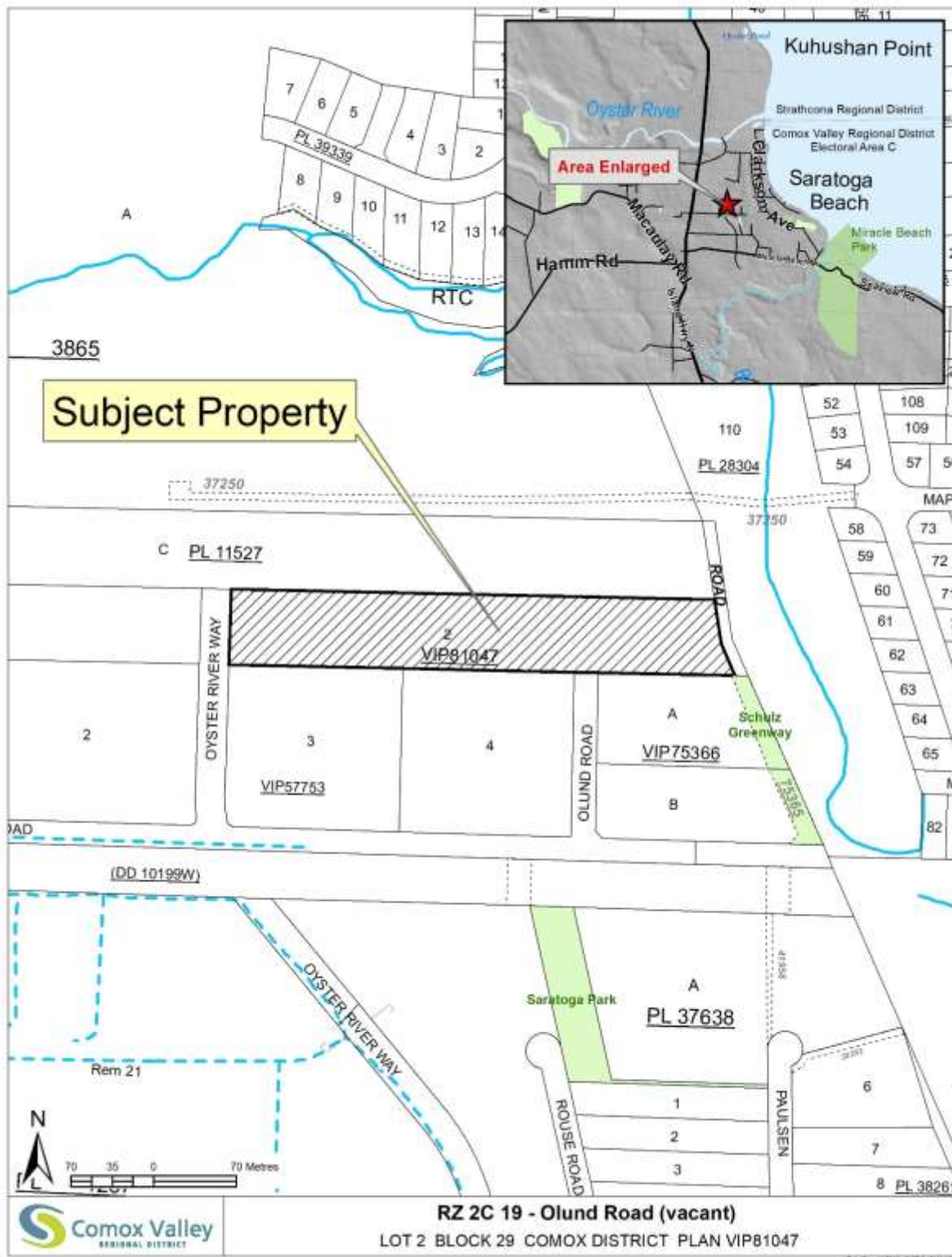


Figure 1: Subject Property Map





Figure 2: Air Photo

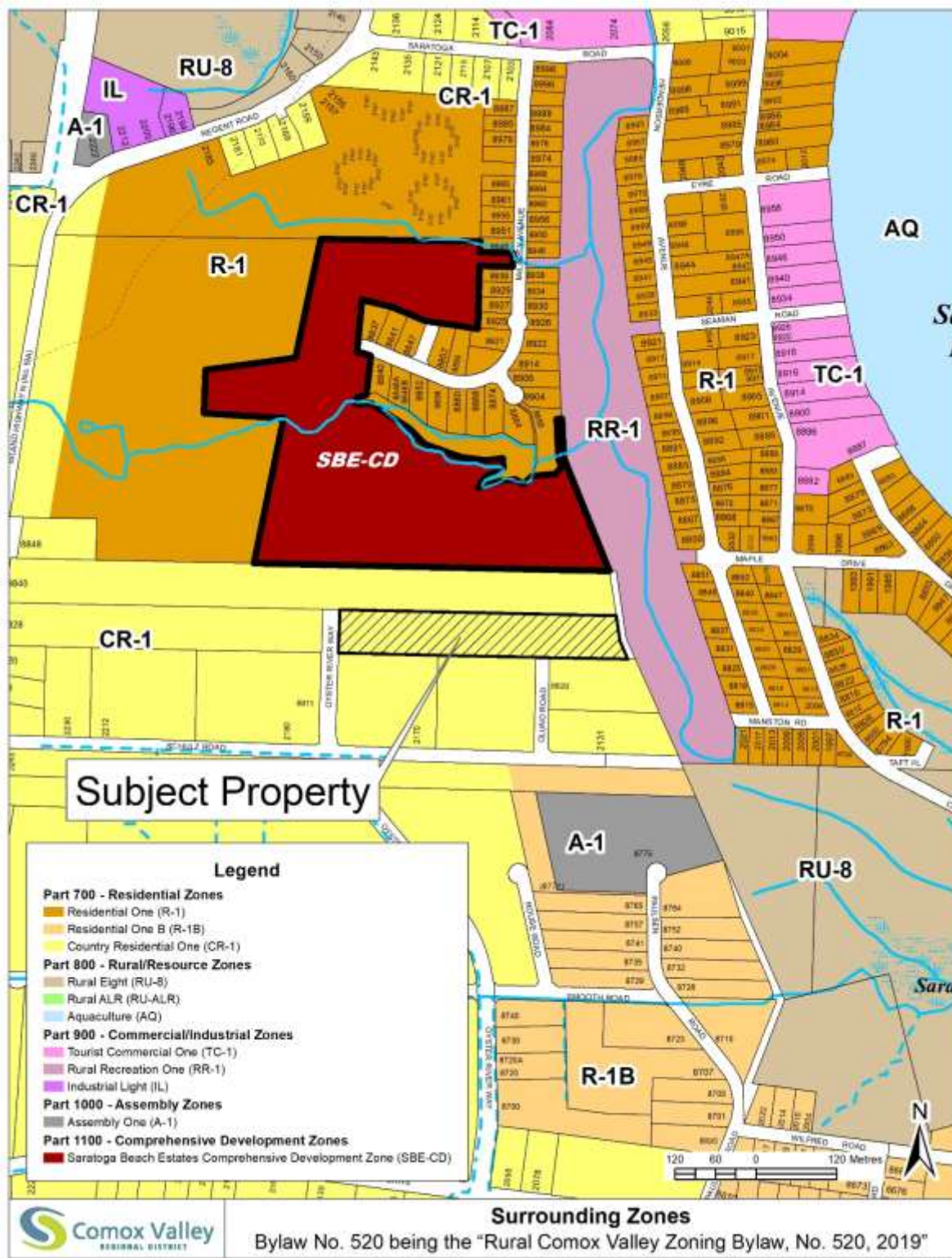
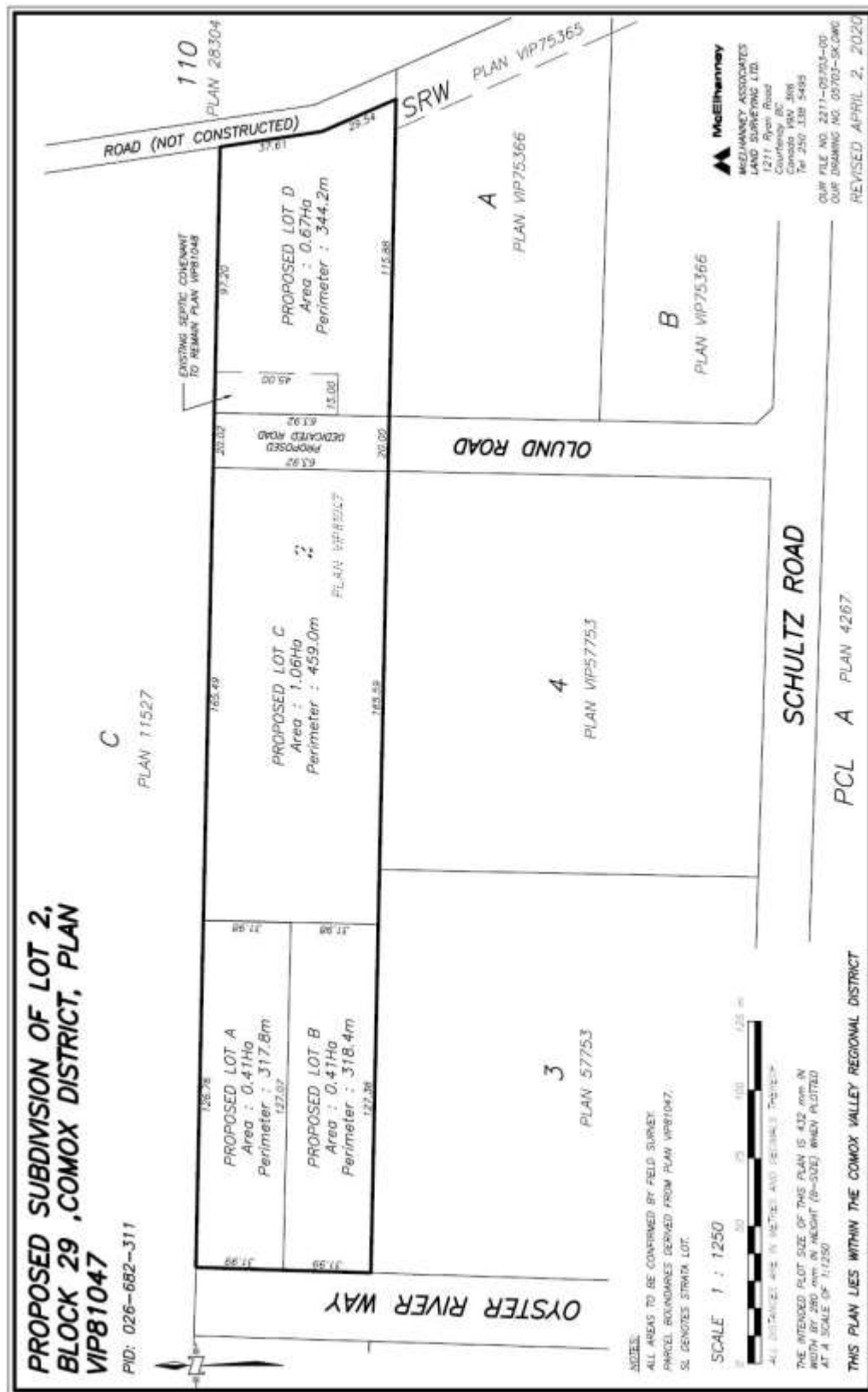


Figure 3: Zoning Map





**Figure 4: Subdivision Plan**

Comox Valley Regional District

**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:** January 3, 2020

**FILE:** 3360-20/RZ 2C 19

**TO:** Chair and Directors  
Electoral Areas Services Committee

Supported by Russell Dyson  
Chief Administrative Officer

**FROM:** Russell Dyson  
Chief Administrative Officer

**R. Dyson**

**RE: Zoning Bylaw Amendment – Lot 2, Plan VIP81047, Oyster River Way (Braun)  
Puntledge – Black Creek (Electoral Area C)  
Lot 2, Block 29, Comox District, Plan VIP81047, PID 026-682-311**

### Purpose

To seek Comox Valley Regional District (CVRD) Board support to undertake external agency and First Nations referrals for a proposed rezoning to enable a four-lot subdivision, 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 January 3, 2020, and direct staff to start the external agency referral process for Lot 2, Block 29, Comox District, Plan VIP81047, PID 026-682-311 (Lot 2, Plan VIP81047 Olund Road) as part of a proposed amendment (RZ 2C 19, Braun) of Bylaw No. 520 being the “Rural Comox Valley Zoning Bylaw, No. 520, 2019”;

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

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

### Executive Summary

- The subject property is an undeveloped 2.67 hectare parcel in the Saratoga Settlement Node.
- The property is zoned Country Residential One (CR-1). The applicants wish to rezone the property to permit a four-lot bare land strata subdivision, with the smallest lot being 0.41 hectares.
- The CVRD Board is recommended to conduct First Nations and external agency referrals for this rezoning application (Appendix A). External referral will help to confirm development potential.
- In addition, the CVRD Board is recommended to authorize staff to begin discussions on provision of community amenities as per Section 72 of the OCP.

Prepared by:

***B. Chow***


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 Brian Chow, RPP, MCIP  
 Rural Planner

Concurrence:

***T. Trieu***


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 Ton Trieu, RPP, MCIP  
 Manager of Planning Services

Concurrence:

***S. Smith***


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 Scott Smith, RPP, MCIP  
 General Manager of  
 Planning and Development  
 Services Branch
**Stakeholder Distribution (Upon Agenda Publication)**

Applicants	✓
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**Background/Current Situation**

The subject property fronts onto Oyster River Way at its western lot line and fronts onto an unopened road at its eastern lot line (Figures 1 and 2). Olund Road terminates at the southern lot line of the subject property. The property is 2.67 hectares in area, and is undeveloped. In the neighbourhood context, the property is west of the Saratoga Beach Golf Course and two lots south of the proposed Saratoga Beach Estates development.

The property is zoned CR-1, in which the minimum lot area for subdivision is 2 hectares (Figure 3). The applicants wish to rezone to permit a four-lot bare land strata subdivision (Figure 4). One of the reasons for a strata subdivision is the ability of sharing a private well to serve the proposed four strata lots.

Official Community Plan Analysis

The Official Community Plan, Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014,” designates the subject property within the Saratoga SN. Each SN is a primary growth area in the electoral areas.

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

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Rainwater Management

In support of the application, the applicants have submitted a drainage report (Appendix A) to analyze onsite drainage and manage rainwater onsite. This drainage report, along with comments received from external agencies and First Nations, will help to confirm the actual subdivision potential based on on-site servicing capacity and other relevant land use factors.

**Policy Analysis**

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

before adopting a Zoning Bylaw amendment.

### **Options**

The board has two options:

1. Refer the application to external agencies and First Nations for review, and to authorize staff to begin discussions with the applicants on provision of community amenities.
2. Deny the application to rezone the property to enable subdivision.

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 CVRD bylaws. The LGA authorizes a local government to regulate the use of land and buildings.

### **Regional Growth Strategy Implications**

The Comox Valley RGS, Bylaw No. 120, designates the subject property within the Saratoga SN. SNs shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure (MG Policy 1B-1). The growth management framework is to direct 90 per cent of growth to Core Settlement Areas, and this SN is part of the Core Settlement Areas. Therefore, the proposed rezoning to enable subdivision is consistent with this growth management framework.

### **Intergovernmental Factors**

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

### **Interdepartmental Involvement**

A referral was circulated to internal departments for review. Their comments will be reviewed and analyzed during the external agency and First Nations referrals 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).

Attachment: Appendix A – “Agency List”

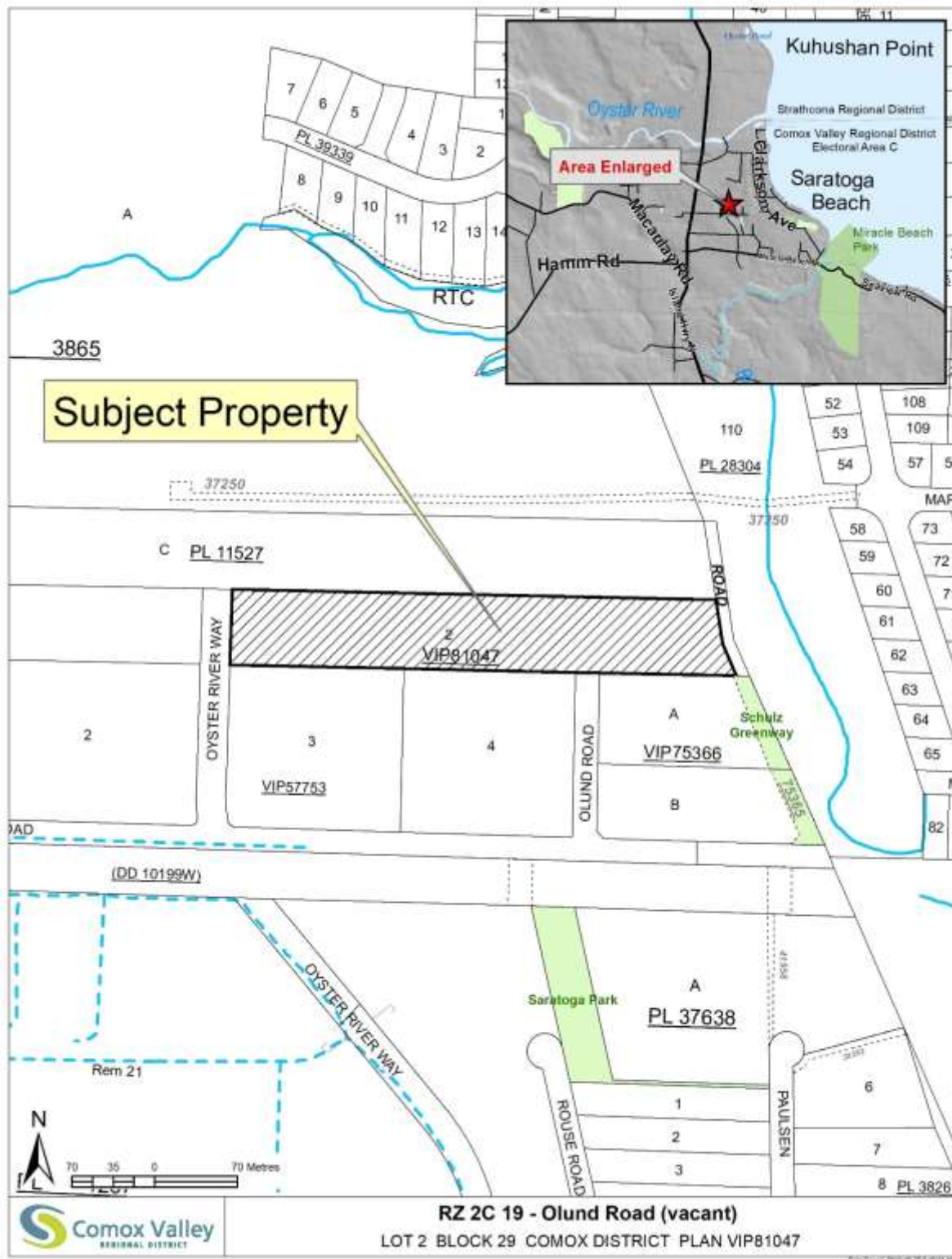


Figure 1: Subject Property Map





Figure 2: Air Photo

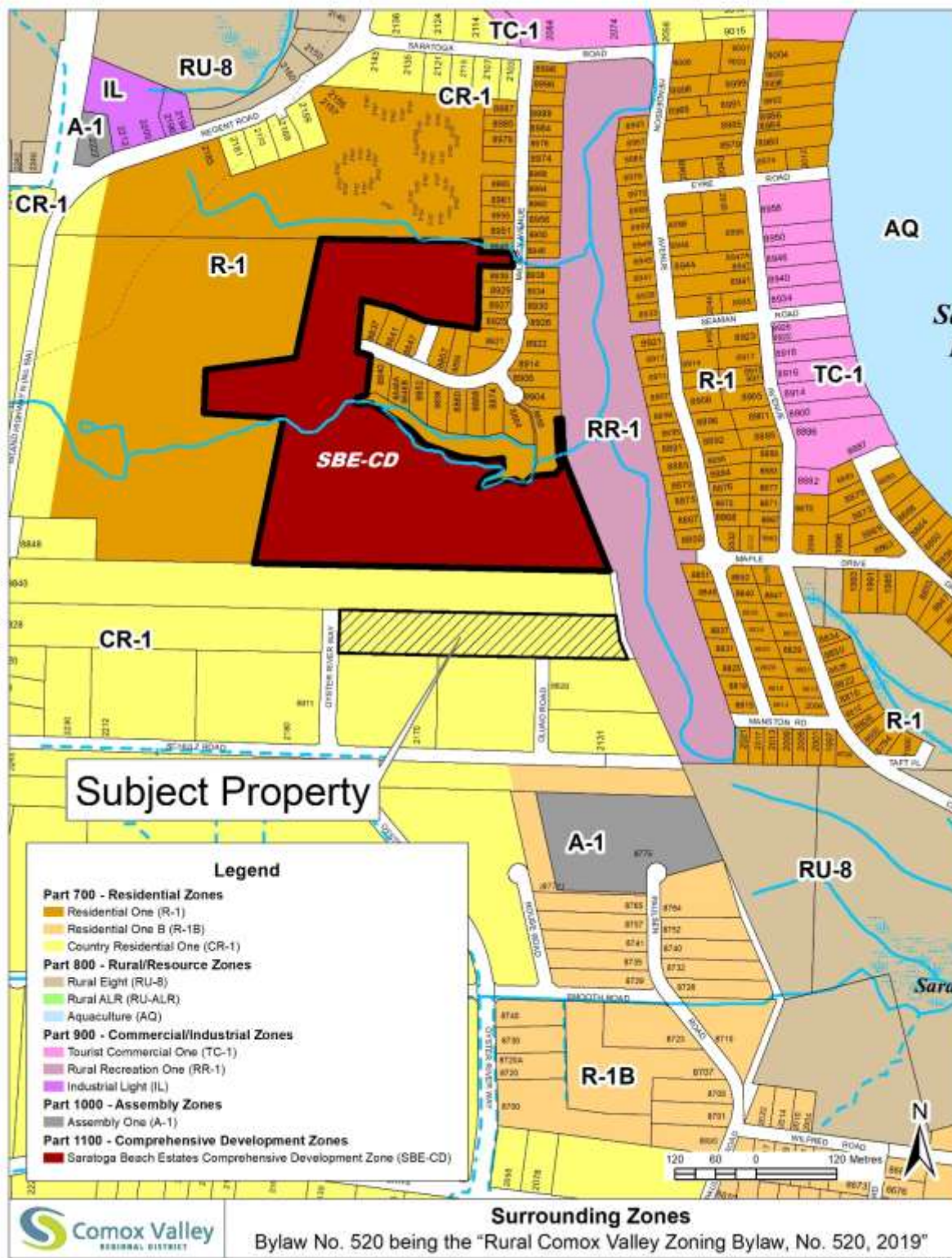


Figure 3: Zoning Map



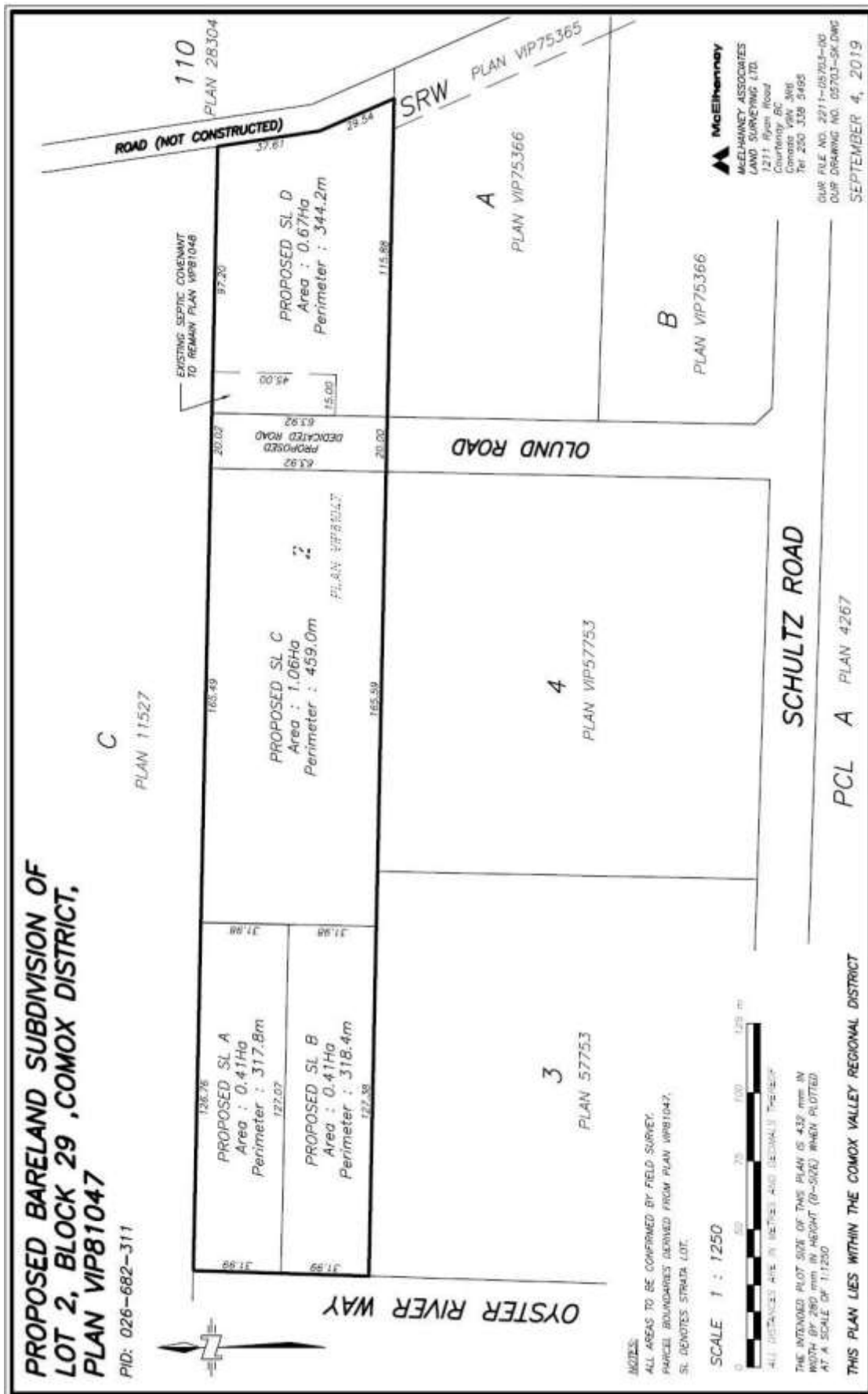


Figure 4: Subdivision Plan

## 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 (Xwemalhkwa) Indian Band
<input checked="" type="checkbox"/>	We Wai Kai First Nation	<input checked="" type="checkbox"/>	We 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 Municipal Affairs & Housing
<input checked="" type="checkbox"/>	BC Assessment		Ministry of Energy, Mines & Petroleum Resources
	BC Parks		Ministry of Forests, Lands, Natural Resource Operations & Rural Development
	Ministry of Environment & Climate Change Strategy	<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure
	BC Transit		Ministry of Jobs, Trade & Technology
	Ministry of Agriculture		Ministry of Indigenous Relations & Reconciliation

### Local Government

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

### Other

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