

Minutes of the public hearing held on September 5, 2018 in the CVRD boardroom, 550b Comox Road, Courtenay, BC commencing at 7:00 pm to consider Bylaw No. 520.

**PRESENT:**

<b>Chair:</b>	R. Nichol	Lazo North (Electoral Area B)
<b>Directors:</b>	B. Jolliffe	Baynes Sound – Denman/Hornby Islands (Electoral Area A)
	E. Grieve	Puntledge – Black Creek (Electoral Area C)
<b>Staff:</b>	A. Mullaly	Acting General Manager of Planning and Development Services
	T. Trieu	Assistant Manager of Planning Services
	J. Martens	Manager of Legislative Services
	A. Baldwin	Recording Secretary

Chair Nichol called the public hearing to order at 7:00 pm and acknowledged that the meeting was being held on the unceded traditional territory of the K’ómoks First Nation. Chair Nichol read a prepared statement regarding the public hearing procedures. Approximately 54 members of the public were present for the public hearing.

**Bylaw No. 520, being the  
“Comox Valley Zoning Bylaw No. 520, 2018”  
(CVRD)**

Ton Trieu, Assistant Manager of Planning Services, presented information regarding the process and proposed changes in the review of Bylaw 520. The presentation is attached as Appendix A.

Chair Nichol enquired regarding liability to the CVRD if vacation rentals were permitted with or without a permit. It was clarified that the regional district does not issue business licenses/permits, that land use is regulated through zoning and that property owners would assume liability for vacation rentals themselves. Ton Trieu outlined the purpose of the bylaw review and clarified that the Board could in future direct staff to undertake a review of vacation rental regulations in the zoning bylaw.

Chair Nichol called for speakers regarding Bylaw 520.

**Ross Munro, Area A**, remarked that it is important to recognize that there has been a transition over the past several years in the B&B industry where people either choose to have breakfast at the B&B or to go somewhere else for breakfast. It’s been his experience at Royston House that over 30% of the guests do not have breakfast. The main competition of B&B operations is vacation rentals. Mr. Munro further remarked that it should be recognized that some areas of the owner occupied houses are used as B&Bs and other areas as vacation rentals. Mr. Munro stated that the real concern for out of control situations is absentee owners.

**Gerry Zyvitski, Balmoral Road, Area B**, read a prepared statement attached as Appendix B.

**Brian Dolan, Curtis Road, Area B**, read part of a prepared statement attached as Appendix C.

**Jenny Steel, Curtis Road, Area B**, read part of a prepared statement attached as Appendix D and stated that the key issue is that many insurance companies require zoning bylaw compliance. Approving the vacation rental changes will automatically make all vacation rentals illegal and is irresponsible and will affect home insurance coverage.

**Terry Carr owner of property located at the corner of Hamm Road, Macaulay Road and the Island Hwy**, requested clarification how the property will be affected and whether there are exemptions on Lots C and D. Mr. Carr spoke regarding the rezoning and subdivision process they recently completed. The rezoning was approved in January 2018 and in May 2018 they received notification of the proposed changes to the bylaw. They were advised that mini storage would not be a permitted principle use but will be a permitted accessory use. Mr. Carr commented that all the planning during the rezoning process has now gone down the drain and questioned why they were not informed of the impending changes at the time. Mr. Carr remarked that the impact the proposed bylaw changes will have on his development is not fair or reasonable, that it will have a detrimental effect and cause hardship.

Ton Trieu provided clarification on the uses of the four lots. The proposed changes will allow mini-storage as a principal use on Lots C and D and would be site specific to these two properties. The proposed changes will prohibit mini-storage on Lots A and B. Ton Trieu mentioned that these properties are designated as employment lands on the draft local area map.

**Hal Martyn, City of Courtenay**, outlined his experience as a professional engineer in the Comox Valley. Mr. Martyn spoke regarding minimum lot sizes. It has come to his attention that the proposed smallest permitted lot size for subdivision of 1ha will be in the R1 zone. The current bylaw offers a variety of minimum sizes, anywhere from 0.6 ha to 1ha, depending on the presence of community services. Mr. Martyn stated that the increase of minimum lot sizes from 0.4 ha to 1ha in the draft bylaw is an increase of nearly 2½ times. Mr. Martyn remarked that CVRD staff advised that this change stems from Island Health's concerns about the long term sustainability of private onsite in ground sewerage disposal systems on lots smaller than 1ha. Mr. Martyn further spoke to current subdivision standards and that Island Health suggests that with fairly average soil conditions (relating to community water system), lot sizes of 0.4 ha are acceptable. He expressed that this seems at odds with the 1ha minimum which is cited as a request from Island Health. Mr. Martyn further expressed that with onsite disposal technology available today, increasing the min lot sizes 2½ times is a regressive step. If no 1acre lots are permitted it will affect affordability of properties in the rural Comox Valley. Mr. Martyn explained that a proper engineered and well maintained sewer disposal system will perform satisfactorily for many years. Mr. Martyn requested that the Board reinstate smaller lot sizes.

Mr. Martyn further spoke to the opportunity to use lot area averaging to create a viable subdivision layout that has been eliminated in the proposed bylaw. This negates the opportunity to create viable subdivision plans with larger and smaller lots taking into account a number of factors such as existing topography, sensitive habitat, wooded areas, etc which in aggregate meets the average density.

**Dale McCartney, Courtenay**, developer and realtor in the area. Mr. McCartney remarked that we should be talking about building new neighbourhoods. Increasing the minimum lot sizes increases the cost of servicing the property and therefore increases the cost to the consumer/seller. Mr. McCartney remarked that if we want affordable housing, we should be reducing the lot sizes to affordable building sizes. There are numerous smaller sized lots in Royston which are relatively less expensive than city lots. Mr. McCartney commented that this draft bylaw is moving in the wrong direction as far as minimum lot sizes are concerned.

**Mr. S. Wagenstein, Area B** declined to speak.

The public hearing was recessed at 7:55 pm and reconvened at 8:07 pm.

**Darren Horler, Courtenay**, commented that SeaVeyors Environmental and Marine Services have been in business for 12 years and currently employ 6 local people. After seeing for first time on the slide show the new amendments to Bylaw 520 as it pertains to lots C and D on plan EPP81926 concerning mini storage, Mr. Horler asked if there are underlying stipulations for principle use. He expressed concern regarding the process and that they have been blindsided by last minute contradictory decisions. Mr. Horler commented that they have to submit a development plan, but they do not have proper guidance.

**Ken Wing, Sechelt**, outlined that he is a business partner with Darren Horler. Mr. Wing remarked that he has invested heavily in this community. Mr. Wing talked about factors that create economic development and said that mini-storage businesses are expanding rapidly across Canada. There is a demand for mini storage in the area. Residents and owners of recreational properties in this community are actually the users of mini storage. Mr. Wing commented that what he does as a business owner to create employment can be different from staff's definition. Mr. Wing stated that originally their plan was to develop Lot C and D with market forces. Mr. Wing further remarked that mini storage needs to be addressed clearly, recognizing that that it entails employment in a number of fields in the community. Mr. Wing expressed frustration with the planning process they had to undergo.

**John Ismay – Lazo Road, Area B** – remarked that a lot of people have invested in B&Bs and have chosen a lifestyle under various zonings of properties, only to find that some amendments are coming through now with very little consultation. Mr. Ismay mentioned that he is a member of the B&B Association in the valley and spoke to the lack of consultation with the association regarding the amendments to the bylaw. Mr. Ismay expressed that VRBOs are here to stay and are expanding. Mr. Ismay agreed with a previous speaker that there is a problem with absentee owners and would welcome input to make this a healthy industry. The tourism business is big in the Comox Valley and B&Bs and VRBOs are encouraging money to come into the Valley. Mr. Ismay commented that he doesn't see any connection with the community plan and has not experienced any consultation. Mr. Ismay further remarked that BC is the most unfriendly place to be a landlord and until the Residency Tenancy Act is revisited, none of these properties will go into the long term rental pool. Mr. Ismay commented that many people retire to this community and need supplementary income. To take it away from them would be narrow minded and a travesty of justice. Mr. Ismay further commented that more input is required.

**Richard Swift, Courtenay**, outlined that he is attending as a representative for his clients and commented that in all the years of attending public hearings this is the first time where staff is recommending that the bylaw be rescinded. Mr. Swift commented that not to speak to the things of concern may be construed that his clients agree with the revisions that are being proposed to the Board. His clients are the owners of Pacific Playgrounds, Siesta Resorts, Saratoga Beach Resort, Silver Sands and Coastal Sands. They are all concerned about the revisions to the TC-1 and TC-2 zonings. Mr. Swift remarked that he was not sure what the public hearing was hearing, whether it was partly the proposed revised bylaw or partly the bylaw the board gave first reading to. Mr. Swift also noted that the bylaw attached to the notice for the meeting tonight includes at least one material amendment namely the 120 days that was not passed by the directors. Mr. Swift expressed concern that the process is being rushed and that it should be slowed down to consider all the issues. Mr. Swift remarked that any oversight or anything done in haste may have unintended consequences for

his clients, which may result in serious financial consequences. Mr. Swift remarked that one of the goals of the zoning revisions is the economic strength and development of the region. Any steps that may impact the economic development should be approached cautiously. Mr. Swift expressed concern that the revision in the TC1 zone that prohibits buildings or any structures being erected moved or located within 60m of the boundary of the Oyster River or 15m from the natural boundary of sea or wetland. This requirement is more restrictive than the provincial regulation under on Riparian Area Regulation Act, which also provides for lesser setbacks if approved by a professional. Mr. Swift expressed that the riparian area regulations are addressed at provincial level and the regional districts' requirements add an additional layer that will impact smaller properties. Mr. Swift has noticed that the provision for B&B in the TC-1 zone has been removed and it seems the apparent place for B&B use.

**Grant Gordon, Area C**, remarked that the bylaw should be taken off the table and that there needs more public consultation due to many contentious issues. Mr. Gordon spoke against rezoning UR-40 to RU ALR. Although ALR zone is important the Upland Resource zone is also important. It contains forests, game, it supplies source for water in the ground. Mr. Gordon spoke to a property in the middle of the Wildwood Forest being rezoned to RU-8, which makes no sense. Mr. Gordon further remarked about the density bonus zone and the history of this property. Mr. Gordon further commented that bylaws cannot depend on the regional district bylaw enforcement officers to not enforce the bylaws and that complaint driven enforcement is not good enough. Mr. Gordon further spoke to people needing places to stay and do not need regulations to stop them doing so. Mr. Gordon further expressed that developments with smaller lot sizes such as Virginia Drive is not appropriate in rural areas.

**Dianne Bosstok, Area C**, read from a prepared statement attached as Appendix E

**Vicky Weiss, Area B**, remarked that she did not know about the public hearing and that it was not advertised. Ms. Weiss spoke to Part 302 of the draft bylaw that deals with uses prohibited in all zones. Ms. Weiss commented that there was very little consultation. Ms. Weiss further remarked that Airbnbs and vacation rentals are emerging trends. Ms. Weiss expressed that they were advised that there are no permits to apply for to operate vacation rentals and they have gone from nothing to being illegal. There is no language in the bylaw that applies to vacation rentals. Ms. Weiss commented that they are online and easy to get in touch with and they have been taken by surprise that this is happening so fast. They operate an Airbnb in a strata complex and have had no problems with parties etc. Ms. Weiss would like to have more consultation and commented that she does not want to operate illegally and would like to know how to become legal.

Ton Trieu, Assistant Manager of Planning Services clarified that the public hearing was advertised twice in the local newspaper.

**J. Paulsen, Ara B**, declined to speak.

**Rolande Ramsey, Area B**, remarked that they would like the bylaw to include language to the effect that if there are no complaints from neighbours, residents who use their homes as vacation rentals comply with the rules of the CVRD and supersede the words in the current bylaw. Ms. Ramsey commented that she is really conscious that liability lies with the owner and not the CVRD and she is careful to make sure there is as little legal liability as possible for renting part of her home. There is a screening process for users of Airbnb. Ms. Ramsey further spoke to Airbnb being a

different kind of operation from hotels that attract visitors looking for a different experience. Ms. Ramsey supports other businesses in the valley by promoting them to her visitors. Ms. Ramsey remarked that vacation rentals are growing and if the commercial interests find it unfair we should rather find a solution and not give them the monopoly on vacation accommodations. Ms. Ramsey suggested imposing a fee based on the gross income for vacation rentals on all accommodation businesses. Ms. Ramsey further stated that come October, Airbnb will provide this information to the government.

**Rebecca Kayfetz, Mystery Beach** operates a B&B. Ms. Kayfetz remarked that the rationale for several of the bylaw changes is not clear. The increase in lot sizes suggests that the regional district is going against densification, which most of the western world is pursuing. The idea that this bylaw is to support rural living does not appear to be supported in the bylaw. Many of the vacation rentals are in fact in rural areas. Ms. Kayfetz expressed that the bylaw is ill conceived and more time should be taken to make sure things are done properly and with proper public consultation.

**Gary Schaan, Forbidden Plateau**, spoke regarding the lack of support for fire protection in his area and that he is not aware of any reference to fire protection in the draft zoning bylaw. Mr. Schaan remarked that there is no egress from Forbidden Plateau in the event of fire or emergency and it is a major issue.

**Allen Hopwood, Forbidden Plateau**, has a small forest management operation in the Forbidden Plateau area. Mr. Hopwood said that his concern is regarding the Water Supply and Resource Area zoning. Mr. Hopwood explained that his operation does not have any impact on the watershed or drinking water. He has noticed that the area has been included in the watershed. Mr. Hopwood remarked that he is administered by BC Forestry Service and if the zoning comes into effect he would lose 8% of his annual income from the woodlot and explained that his operation does not impact the water in any way. Mr. Hopwood also explained that he practices selective cutting. Mr. Hopwood would like to meet with CVRD planning staff regarding the Water Supply Resource Area zoning to assess the boundaries of the watershed. Mr. Hopwood also expressed concern regarding the lack of fire protection in that area where fire hazards are extreme.

**Laurel Gordon, Area C**, owner of a property on Clarkson Avenue, Siesta Resort and spoke on behalf of a number of resort owners in that area. Ms. Gordon wanted to ensure directors are aware that July and August are the peak times and most of these resorts are family operated. There is no time to read a newspaper and there is no paper delivery service in the rural area. Once they learned about the zoning bylaw review by accident, they came together as a group and Ton Trieu attended a meeting with them. Ms. Gordon expressed appreciation that Ton Trieu addressed some concerns they had in the TC-1 zone regarding business viability. However, the group is concerned about the clauses regarding off street parking that will apply to the siting of RVs on RV properties. Ms. Gordon remarked that there are key changes to the zoning bylaw which will impact the ongoing viability of these resort operations. Ms. Gordon expressed that dealings with the regional district over the past few years has caused distrust and this public process has not been fair. The group was under the impression that the public hearing would be their final opportunity to provide input and thought they were out of time, so they hired a lawyer.

**Jenny Steel, Area B**, spoke a second time and continued reading from a prepared statement, attached as Appendix D.

**Brian Dolan, Curtis Road, Area B**, spoke a second time and continued reading from a prepared statement attached as Appendix C.

**Diane Bosstock, Area C**, spoke a second time and continued reading from a prepared statement attached at Appendix E

**Grant Gordon, Area C**, spoke a second time and read from a prepared statement attached as Appendix F.

**Chair Nichol** called a second time for speakers to the public hearing and reminded the public that any written submissions regarding the proposed bylaws must be brought forward before the close of the public hearing.

**Chair Nichol** called for a third and final time for speakers. Hearing no speakers, the chair declared the public hearing terminated for Bylaw No. 520, being the “Comox Valley Zoning Bylaw No. 520, 2018” (CVRD).

Time: 9:12 pm

The undersigned hereby certifies and declares the foregoing to be a fair and accurate report of the public hearing for Bylaw No. 520, being Comox Valley Zoning Bylaw No. 520, 2018” (CVRD).

.

---

A. Baldwin  
Recording Secretary

---

A. Mullaly  
Acting General Manager  
of Planning Services

The undersigned hereby certifies and declares the foregoing to be a fair and accurate report of the public hearing for Bylaw No. 520, being Comox Valley Zoning Bylaw No. 520, 2018” (CVRD).

.

---

Director Rod Nichol  
Chair

## Draft Comox Valley Zoning Bylaw, No. 520

### Public Hearing Meeting



## What Has Occurred So Far?

- June 26, 2018, the CVRD Board directed staff to begin the First Nations and external agency referral process
- July 24, 2018, the CVRD Board gave first reading to Bylaw No. 520 and scheduled tonight's public hearing
- To engage the public in the review staff:
  - Hosted multiple open houses (3 in Summer 2017, 1 in August 2018);
  - Updated CVRD website with background information, staff reports, draft bylaw
  - Arranged multiple meetings with agency stakeholders and members of the public
  - Responded to many individual telephone calls and e-mails
  - Met with each Advisory Planning Commission multiple times
  - Direct mail out letters sent to land owners informing of proposed mapping changes to their specific property



## Background

- Zoning Bylaw No. 2781 was adopted in 2005 and has been amended over 51 times
- Review began in 2016
- Purpose: To align the CVRD's zoning regulations with the policies and goals set out in the Official Community Plan (adopted in 2014) and the Regional Growth Strategy (adopted in 2011)
- If adopted, Bylaw No. 520 will replace Bylaw No. 2781



## Key Changes

### Modernized for Clarity, Interpretation and Administration

- Building height, carriage house definition, eliminated repetitive zones and regulations

### Support Rural Living and economic development

- Expand Home Occupation and Domestic Industrial use provisions



## Key Changes

### Enable Ingenuity in Built Form

- To address implementation and functionality challenges to support rural living (e.g. design flexibility in the design and layout of carriage house)

### Respond to Emerging Trends

- Capture new land use trends (e.g. permit back yard chickens, beehives and produce stands on lots 2000 square meters or larger).

### Introduce Sign Regulations

- Restrict sign area, height, number of signs, setbacks and height



### First reading on July 24, 2018

#### Part 200 Interpretation

- “Campground” means an area of land in which spaces are provided, occupied and managed for the temporary accommodation of the travelling public for a maximum length of stay of **120 days** in a 12 month period, in tents or recreational vehicles which are licensed and have been brought to the site, and removed from the site by the travellers. It does not include cabins, hotels, mobile homes, or mobile home parks, motels.

### Revisions

#### Part 200 Interpretation

- “Campground” means an area of land in which spaces are provided, occupied and managed for the temporary accommodation of the travelling public for a maximum length of stay of **6 months** in a 12 month period, in tents or recreational vehicles which have been brought to the site, and removed from the site by the travellers. It does not include cabins, hotels, mobile homes, or mobile home parks, motels or **park model trailers**.



The following are the changes that staff will be recommending to the CVRD Board on September 18, 2018:

### First reading July 24, 2018

#### Part 200 Interpretation

- “Bed and breakfast” means a home occupation use that provides bedrooms within a principal dwelling unit and the first meal of the day for the **temporary accommodation** of the traveling public, but does not include boarding house (see Section 305).

### Revisions

#### Part 200 Interpretation

- “Bed and breakfast” means a home occupation use that provides bedrooms within a principal dwelling unit and the first meal of the day for the travelling public, but does not include boarding house **and involves stays of less than 30 consecutive days** (see Section 305).



### First Reading on July 24, 2018

#### Part 200 Interpretation

- “Recreation vehicle” means any structure, trailer, or motorized vehicle, **licensed by the appropriate licensing authority**, used or designed to be used for temporary living or sleeping purposes and which is designed or intended to be mobile on land, whether or not self-propelled, and includes travel trailers, motor homes, side-in campers, chassis-mounted campers and tent trailers but excludes mobile homes and park model trailers.

### Revisions


#### Part 200 Interpretation

- “Recreation vehicle” means any structure, trailer, or motorized vehicle, used or designed to be used for temporary living or sleeping purposes and which is designed or intended to be mobile on land, whether or not self-propelled, and includes travel trailers, motor homes, side-in campers, chassis-mounted campers and tent trailers but excludes mobile homes and park model trailers.







<p><b>First reading on July 24, 2018</b></p> <p><u>Part 200 Interpretation</u></p> <ul style="list-style-type: none"> <li>• <b>“Tourist accommodation”</b> means a permanent building providing temporary accommodation for the travelling public, such as, cabins, lodges, motels, hotels, inns, hostels, or resorts, which may include common public facilities, such as a dining room, restaurant, liquor licensed establishments, gift shop; service establishment, or spa; but shall not include recreational vehicles or mobile homes.</li> </ul>	<p><b>Revisions</b></p> <p><u>Part 200 Interpretation</u></p> <ul style="list-style-type: none"> <li>• <b>“Tourist accommodation”</b> means a permanent building providing temporary accommodation for the travelling public, such as, cabins, lodges, motels, hotels, inns, hostels, <b>park model trailers</b> or resorts, which may include common public facilities, such as a dining room, restaurant, liquor licensed establishments, gift shop; service establishment, or spa; but shall not include recreational vehicles or mobile homes.</li> </ul>
---	---




<p><b>First reading on July 24, 2018</b></p> <p><u>Part 300 General Regulations</u> <u>Part 305 Home Occupation</u></p> <ul style="list-style-type: none"> <li>• <b>305.2.</b> <ol style="list-style-type: none"> <li>1. Where the home occupation involves the use of a commercial vehicle:                     <ol style="list-style-type: none"> <li>j). On a lot less than 1 hectare in area, <b>any</b> commercial vehicle with a maximum gross vehicle weight of <b>5600 kg</b> or greater, associated with the home-occupation business, shall be kept inside of a building or structure.</li> </ol> </li> </ol> </li> </ul>	<p><b>Revisions</b></p> <p><u>Part 300 General Regulations</u> <u>Part 305 Home Occupation</u></p> <ul style="list-style-type: none"> <li>• <b>305.2.</b> <ol style="list-style-type: none"> <li>1. Where the home occupation involves the use of a commercial vehicle:                     <ol style="list-style-type: none"> <li>j). On a lot less than 1 hectare in area, <b>no more than one</b> commercial vehicle with a maximum gross vehicle weight of <b>15000 kg</b> or greater, associated with the home-occupation business, shall be kept inside of a building or structure.</li> </ol> </li> </ol> </li> </ul>
---	--




<p><b>First reading on July 24, 2018</b></p> <p><u>Part 200 Interpretation</u></p> <ul style="list-style-type: none"> <li>• <b>“Vacation rental”</b> means the commercial use of a residential dwelling unit, <b>or part thereof, for tourist accommodation</b> for a length of stay less than 30 consecutive days</li> </ul>	<p><b>Revisions</b></p> <p><u>Part 200 Interpretation</u></p> <ul style="list-style-type: none"> <li>• <b>“Vacation rental”</b> means the commercial use of a residential dwelling unit, <b>for use by the travelling public</b> for a length of stay less than 30 consecutive days</li> </ul>
---	--




<p><b>First reading on July 24, 2018</b></p> <p><u>Part 300 General Regulations</u> <u>Part 305 Home Occupation</u></p> <ul style="list-style-type: none"> <li>ii) On a lot which is 1 hectare or greater no more than <b>one</b> commercial vehicle with a maximum gross vehicle weight of <b>5600 kg</b> or greater, associated with the home-based business, may be located outside of a building or structure.</li> </ul>	<p><b>Revisions</b></p> <p><u>Part 300 General Regulations</u> <u>Part 305 Home Occupation</u></p> <ul style="list-style-type: none"> <li>ii) On a lot which is 1 hectare or greater no more than <b>two</b> commercial vehicle with a maximum gross vehicle weight of <b>15000 kg</b> or greater, associated with the home-based business, may be located outside of a building or structure.</li> </ul>
---	---




<p><b>First reading on July 24, 2018</b></p> <p><u>Part 700 Residential Zone</u></p> <p>704 Country Residential One (CR-1)</p> <ul style="list-style-type: none"> <li>• 704.8.ii Subdivision Requirements                     <ul style="list-style-type: none"> <li>ii) Lot Area for All Other Lands</li> </ul> </li> </ul> <p>The minimum lot area for subdivision is 2.0 hectares</p>	<p><b>Revisions</b></p> <p><u>Part 700 Residential Zone</u></p> <p>704 Country Residential One (CR-1)</p> <ul style="list-style-type: none"> <li>• 704.8.ii Subdivision Requirements                     <ul style="list-style-type: none"> <li>ii) Lot Area for All Other Lands</li> </ul> </li> </ul> <p>The minimum lot area for subdivision is 2.0 hectares</p> <p style="color: red;">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 2.0 hectares.</p>
--	---




<p><b>First reading on July 24, 2018</b></p> <p><u>Part 900 Commercial &amp; Industrial Zones</u></p> <p>903 Tourist Commercial One (TC-1)</p> <ul style="list-style-type: none"> <li>• 903.3.i.g Condition of Use                     <ul style="list-style-type: none"> <li>g). No recreational vehicle site shall be used for the exclusive use of one individual, family, group or recreational vehicle, but rather there must be turnover consistent with a commercial short-term temporary accommodation operation.</li> </ul> </li> </ul>	<p><b>Revisions</b></p> <p><u>Part 900 Commercial &amp; Industrial Zones</u></p> <p>903 Tourist Commercial One (TC-1)</p> <ul style="list-style-type: none"> <li>• <del>DELETED 903.3.i.g Condition of Use</del></li> </ul>
--	---




<p><b>First reading on July 24, 2018</b></p> <p><u>Part 800 Rural/Resource Zones</u></p> <p>808 Upland Aquaculture Facility (UAF) zone</p> <ul style="list-style-type: none"> <li>• 808.4.i.a Density                     <ul style="list-style-type: none"> <li>i) Residential density is limited to:                             <ul style="list-style-type: none"> <li>a) On any lot: <b>one</b> single detached dwellings</li> </ul> </li> </ul> </li> </ul>	<p><b>Revisions</b></p> <p><u>Part 800 Rural/Resource Zones</u></p> <p>808 Upland Aquaculture Facility (UAF) zone</p> <ul style="list-style-type: none"> <li>• 808.4.i.a Density                     <ul style="list-style-type: none"> <li>i) Residential density is limited to two dwelling units:                             <ul style="list-style-type: none"> <li>a) On any lot: <b>two</b> single detached dwellings</li> </ul> </li> </ul> </li> </ul>
--	--




<p><b>First reading on July 24, 2018</b></p> <p><u>Part 900 Commercial &amp; Industrial Zones</u></p> <p>903 Tourist Commercial One (TC-1)</p> <ul style="list-style-type: none"> <li>• 903.3.i.h Condition of Use                     <ul style="list-style-type: none"> <li>h). Recreational vehicles located within the campground shall be licensed for highway use with a valid licence deal.</li> </ul> </li> </ul>	<p><b>Revisions</b></p> <p><u>Part 900 Commercial &amp; Industrial Zones</u></p> <p>903 Tourist Commercial One (TC-1)</p> <ul style="list-style-type: none"> <li>• <del>DELETED 903.3.i.h Condition of Use</del></li> </ul>
---	---




<p><b>First reading on July 24, 2018</b></p> <p><u>Part 900 Commercial &amp; Industrial Zones</u></p> <p>903 Tourist Commercial One (TC-1)</p> <p><b>903.3.i.g Condition of Use</b></p> <p>g). No recreational vehicle site shall be used for the exclusive use of one individual, family, group or recreational vehicle, but rather there must be turnover consistent with a commercial short-term temporary accommodation operation</p>	<p><b>Revisions</b></p> <p><u>Part 900 Commercial &amp; Industrial Zones</u></p> <p>903 Tourist Commercial One (TC-1)</p> <p><b>DELETED 903.3.i.g Condition of Use</b></p>
---	--




<p><b>First reading on July 24, 2018</b></p> <p><u>Part 900 Commercial &amp; Industrial Zones</u></p> <p>906 Industrial Light (IL)</p> <p>Mini-storage not a permitted use</p>	<p><b>Revisions</b></p> <p><u>Part 900 Commercial &amp; Industrial Zones</u></p> <p>906 Industrial Light (IL)</p> <ul style="list-style-type: none"> <li>• <b>906.1.i.j Principal Uses</b> <ul style="list-style-type: none"> <li>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</li> </ul> </li> </ul>
--	---




<p><b>First reading on July 24, 2018</b></p> <p><u>Part 900 Commercial &amp; Industrial Zones</u></p> <p>903 Tourist Commercial One (TC-1)</p> <ul style="list-style-type: none"> <li>• <b>903.3.i.h Condition of Use</b> <ul style="list-style-type: none"> <li>h). Recreational vehicles located within the campground shall be licensed for highway use with a valid licence deal.</li> </ul> </li> </ul>	<p><b>Revisions</b></p> <p><u>Part 900 Commercial &amp; Industrial Zones</u></p> <p>903 Tourist Commercial One (TC-1)</p> <ul style="list-style-type: none"> <li>• <b>DELETED 903.3.i.h Condition of Use</b></li> </ul>
--	---




<p><b>First Reading on July 24, 2018</b></p> <p><u>Part 900 Commercial &amp; Industrial Zones</u></p> <p>Staff proposed Industrial Storage zone to be deleted and switched to Industrial Heavy zone (IH).</p>	<p><b>Revisions</b></p> <p><u>Part 900 Commercial &amp; Industrial Zones</u></p> <p>909 Industrial Storage (IS)</p> <p>IS zone as it appears in Bylaw No. 2781 has been re-inserted</p>
---	---



<b>First reading on July 24, 2018</b>	<b>Revisions</b>
<u>Part 900 Commercial &amp; Industrial Zones</u>	<u>Part 900 Commercial &amp; Industrial Zones</u>
<u>913 Saratoga - Commercial Industrial (S-CI)</u>	<u>913 Saratoga - Commercial Industrial (S-CI)</u>
Mini-storage use is not permitted	913.1.i. <b>Principal Use</b> m) Mini-storage only on properties legally described as Lot C, Block 29, Plan EPP81926 and Lot D, Block 29, Plan EPP81926.



- ### Staff's Proposed Next Steps
- September 18<sup>th</sup> CVRD Board meeting
    - Recommend rescinding First reading
    - Recommend First and Second reading
  - Public Hearing meeting recommended for September 24<sup>th</sup>
  - Recommend special CVRD Board meeting September 25<sup>th</sup> to consider Third reading
  - Seek MoTI approval
  - Recommend Final adoption October 2, 2018
- 

File:

SEP 05 2018

**Revised Zoning Bylaw #520 2018***Gerry Zyvitski, RUS property owner in Area B – 956 Balmoral Rd*

We currently own a small home on 2 acres in Area B. Our growing family loves to visit us here in the Valley and in order to accommodate them more comfortably we were considering building a small 2<sup>nd</sup> dwelling. Our thoughts were that it could be rented out as a vacation cottage when they weren't around. Eventually, both of our sons envision moving back to the valley and keeping the property in the family as it has been for over 50 years now. Our aging in place plan saw the two of us at some point moving in to the proposed one level cottage and our family caring for us on the property.

So needless to say we were shocked and felt blindsided when we read the New language in the proposed Zoning Bylaw 520 that states the use of a residential dwelling as a Vacation rental is prohibited in ALL zones. According to this new bylaw the only way a vacation rental might be allowed is if a Temporary Use Permit (TUP) or a rezoning is applied for and granted. Currently both of these options are lengthy and expensive procedures with no guarantees of approval.

Vacation Rentals are a vital part of the tourism industry in the valley and an emerging trend world wide. Many travellers especially families desire this type of accommodation that often brings them closer to nature and living like a true local. They also put significant money into the local economy by purchasing products from our local markets, restaurants etc.

It is quite evident to me that more time is required to discuss the possible regulation of the numerous well established vacation rentals currently operating in the Comox Valley. My research shows little or no discussion has taken place with the stakeholders (vacation rental owners themselves) prior to the proposed Bylaw 520 being made public. One could argue that the CVRD has already given tacit approval to these establishments given the number and length of time many have been operating.

Apparently, one of the reasons the regional district made this change in bylaw 520 was their desire to open up more full time rental units. If they had taken the time to speak to any of the vacation rental owners they would of found that it is highly unlikely this goal would be achieved. The headache of full time renters is a turn off for many who see full time rentals in BC over-regulated in favour of the tenant.

Many jurisdictions world wide have been able to embrace vacation rentals thru some form of regulation that is beneficial to both parties. If the Regional district is concerned about housing issues they could choose to participate in the Municipal and Regional District Tax (MRDT) program. As of Oct 1 the funds collected from short term rentals in the valley could be put towards affordable housing or tourist related projects.

At this time what I would ask is that the CVRD step back from approving any changes to the language in the Zoning Bylaw regarding vacation rentals. There needs to be appropriate due process in this matter. In other words, meaningful discussion with the people operating or thinking about operating a vacation rental going forward.

Prohibiting vacation rentals as a form of regulation, at this point, is punitive and heavy handed.

Comox Valley Regional District  
**RECEIVED**

Ton Trieu  
Assistant Manager of Planning Services  
Comox Valley Regional District  
600 Comox Road,  
Courtenay BC, V9N 3P6

File:

SEP 05 2018

To:

CC:

September 5, 2018

Proposed Comox Valley Zoning Bylaw No. 520, 2018 is Inconsistent With Rural Comox Valley Official Community Plan (OCP) Bylaw No. 337, 2014

Dear Mr. Trieu,

This is my submission to the 5 September 2018 public hearing for the referenced Zoning Bylaw. I have standing because I live in Comox Valley Regional District Area B.

The first ever indication of CVRD's intention to prohibit short term vacation rentals for homeowners in residential areas occurred on 27 February 2017<sup>1</sup>. The current Zoning Bylaw No. 2781 was created in 2005, so it only took the Region 12 years to concoct this new policy. The current bylaw does not restrict short term rentals nor vacation rentals; in fact, the region had to create new terms in order to shoe horn this concept into existence.

A current zoning bylaw review goal was to "*align the zoning bylaw with the vision and direction set out in the official community plan*".<sup>2</sup> Another was to address "*aging in place*". No such alignment is occurring with the introduction of the new terms "short term rental" and "vacation rental". Refer to the attached table that indicates where the proposed bylaw veers from the vision set out in the OCP.

One of the objectives in the CVRD Staff Report was to "*Preserve rental housing stock for residential use*" in the Electoral Areas. Where in the OCP or CVRD Regional Growth Strategy does it state that rental housing stock should be preserved for residential use in Electoral Areas A, B, and C? This question applies especially to my Area (B) where the projected population increase by 2031 is **minus .02%**<sup>3</sup>. The CVRD Comox Valley Regional Growth Strategy (RGS) Bylaw No. 120, 2011 states that "*The focus of higher density and intensive developments shall be within the existing Municipal Areas.*"<sup>4</sup>.

British Columbia's Local Government Act states that "*All bylaws enacted or works undertaken by a council, board or greater board, or by the trustees of an improvement district, after the adoption of*

*(a) an official community plan, or*

*(b) an official community plan under section 711 of the Municipal Act, R.s.B.C. 1979 c. 290 or an official settlement plan under section 809 of that Act, before the repeal of those sections become effective,*

***must be consistent with the relevant plan.***<sup>5</sup>

<sup>1</sup> CVRD Staff Report dated 27 February 2017, File 6410-01/PJ 4CV 15, "Comprehensive zoning bylaw review - proposed consultation plan", Zoning Bylaw Review Topic Chart, Topic "Vacation rentals/short term rental (i.e Air B and B)

<sup>2</sup> Debra Oakman Letter 02 November 2015 to Chair and Directors, Electoral Areas Services Committee

<sup>3</sup> Rural Comox Valley OCP, Bylaw No. 337, 2014 - Population, Table i. Page 8

<sup>4</sup> Objectives - Supporting Policies: 1A2. Page 25.

<sup>5</sup> Local Government Act (RSBC 2015), Effect of official community plan. 478.

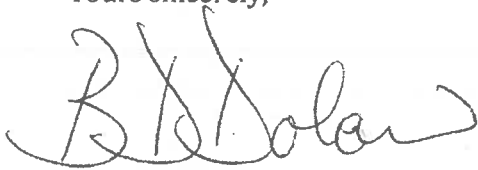
I note that one of the Plan's objectives is "To encourage rural aging in place by allowing secondary dwellings, carriage houses, and cluster housing in the rural settlement areas." I wholeheartedly agree. My residential home, which includes a secondary suite on the ground floor, is located in a zone that is classified Country Residential One. My long term plan for the secondary suite is that I and my wife will occupy it in our advancing years when it becomes difficult for us to use stairs to access the second and third floors. We intend to maintain our residence on Curtis Road even if our mobility is less than 100%. Our intention is to age in place.

A second part of our strategy for dealing with advancing years is to address the death of one spouse. This would decrease the remaining partner's income by as much as 40% which would present a financial hardship, especially considering that as each year goes by, we spend a greater portion of our funds on medical expenses. This summer, I took on the role of hosting a vacation rental unit (my secondary suite) for the purpose of "remuneration or financial gain and which is accessory to the principal use of a lot and which satisfies the requirements of Section 304<sup>6</sup>" of Bylaw No. 2781. Prohibited uses are scrap salvage, cannabis production, and the repair of motor vehicles; I do not engage in any of these activities. The ability to rent out a part of our home to augment household income is an important part of staying on Curtis Road as we get older.

I have read the Rural Comox Valley OCP to see what its priorities are for the Comox Valley. I note that it projects that population growth in Electoral Areas A, B, and C will increase by 0.02% from 2011 to 2031. It also goes on to state "These projections suggest there is a very limited need for increased housing in the rural areas.". In fact, by 2031, the Plan states that the number of dwellings in the 3 areas will have to increase by 0.33%.<sup>7</sup> Therefore, there does not appear to be any immediate pressure on my Electoral Area to add new units to the long term rental pool.

To conclude, note that local government does not have the right to make decisions that appear to arbitrary, unreasonable and made in bad faith. The region's zoning bylaw must be consistent with the OCP and RGS else it may face legal challenges<sup>8</sup>.

Yours sincerely,



Brian Dolan  
495 Curtis Rd, Comox V9M 3W1  
Lazo North

Copy to: Rod Nicholl, Comox Valley Regional District Area B Director

---

<sup>6</sup> From definition of "Home Occupation" in Bylaw No, 2781 2014

<sup>7</sup> Rural Comox Valley OC Plan, Bylaw No. 337, 2014 - Population, demographic and housing projections. Para 3. Page 6

<sup>8</sup> Note that the Court can set aside a zoning bylaw on the basis that it was inconsistent with the City's Official Community Plan (Sevin v. Prince George (City), 2012 BCSC 1236.

Rural Comox Valley OCP	Current Bylaw consistent with OCP?	Proposed Bylaw No. 520, 2018	New Bylaw Consistent with OCP?
No mention whatsoever of vacation rental nor short term rental of a residential dwelling unit, or part thereof for any period of time.	<b>Yes.</b> No mention whatsoever of prohibiting vacation rental nor short term rental of a residential dwelling unit or part thereof for any period of time.	"Vacation Rental" introduced as a new term. It is arbitrarily prohibited as a use for a residential dwelling unit.	<b>No.</b> No justification whatsoever in OCP to prohibit vacation rentals nor short term rentals.
Objective is to assist aging in place; i.e., allowing seniors to remain in their current homes.	<b>Yes.</b> Seniors not prohibited from moving to lower levels and renting out remainder of residence short term or otherwise to augment income.	New prohibition of vacation rental adversely affects seniors from "aging in place" by prohibiting earning extra income via vacation rentals.	<b>No.</b> Preventing seniors from earning extra income while in their homes will make "aging in place" more financially difficult if not outright impossible.
Objective is to encourage retention of existing housing, construction of new rental housing and to reduce sprawl in rural areas. But Electoral Area populations will only increase 0.02% by 2031 ..... <i>"there is a very limited need for increased housing in the rural areas."</i>	<b>Yes.</b> Secondary suite construction is encouraged and no prohibition on existing rental housing.	The expectation that homeowners will convert vacation rentals to long term rentals is a fallacy. The prohibition of vacation rentals is more appropriate for CVRD municipal areas where population growth is expected to be >48%.	<b>No.</b> Housing availability in Areas A, B, and C are not the problem – rather it is housing affordability. Prohibiting vacation rentals will not drop the price of rental housing. In fact, "the population density in Area B is considerably higher than Areas A or C." <sup>9</sup> Increasing rental units in rural areas will create urban sprawl if renters work in municipalities.
Objective is to encourage economic activity that complements and supports the natural environment, culture, and rural geographic setting of the Comox Valley	<b>Yes.</b> Short term rentals and B&Bs bring money into the region.	Prohibition of vacation rentals in residential zones and B&Bs in commercial zones.	<b>No.</b> Discover Comox Valley website boasts of vacation rentals that are <i>"unique and located in varied Comox Valley areas and settings – from waterfront farms to historic homes."</i> Vacation rentals are more likely to bring visitors closer to the natural environment, culture, and rural geographic settings of the Valley than a motel rental in downtown Courtenay.

Table: Proposed Bylaw's Inconsistencies with OCP

<sup>9</sup> Rural Comox Valley OCP, Bylaw No. 337, 2014 – Population, demographic and housing projections. Para 3. Page 6

<sup>10</sup> Rural Comox Valley OCP, Bylaw No. 337, 2014 – Housing. Page 13



Comox Valley Regional District  
**RECEIVED**

Electoral Area Services Committee  
Comox Valley Regional District  
600 Comox Road,  
Courtenay BC, V9N 3P6

File:

SEP 05 2018

September 5, 2018

To:

CC:

**Re: Zoning Bylaw 520 Public Hearing -- Submission**

This letter is my written submission to the 5 September 2018 Public Hearing of Comox Valley Zoning Bylaw No. 520, 2018. This umbrella bylaw, if adopted, will repeal and replace the current Comox Valley Zoning Bylaw No. 2781, 2005. As an owner of a property located in Electoral Area B and as a part-time provider of temporary accommodation to the travelling public (a.k.a. a vacation rental) I am affected adversely and unreasonably by the new zoning bylaw and I have a right to be heard.

Under the current bylaw, the principal use of my property, residential use, is defined simply as *"the occupancy and use of a dwelling unit"*<sup>1</sup>. There are no boundaries whatsoever on occupancy duration. I am free to rent out my property for residential use (sleeping, eating, bathing etc.) for a few hours, days, weeks, months or years to whomever I choose. My zoning also permits a home occupation/business. Scrap salvage, medical marihuana production and automobile repair are the only home businesses<sup>2</sup> prohibited. The provision of temporary accommodation to the travelling public is not a prohibited home business -- indeed Bed and Breakfast is defined as a home business (i.e. a "home occupation use")<sup>3</sup> for the temporary accommodation of the travelling public. Further, I am not required to have a business license in order to operate a business in the CVRD Electoral Areas. I believe that other homeowners have the same interpretation.

The new zoning bylaw introduces regulations which stop me from renting out all or part of my property for less than 30 days. A use that I had enjoyed and which was part of my aging in place strategy will become illegal once the new bylaw is adopted. CVRD's new regulations require that I spend thousands of dollars on either a Temporary Use Permit or to rezone my property in order to restore "vacation rental" as a legal use. Given that the only published goal of this regulation is as an *"attempt to preserve rental housing stock"* it is not clear whether I will be permitted my current use. Planning staff tell me that approval of a specific vacation rental application is at the discretion of the three EASC directors -- staff was unable to share the criteria that they would use to determine who would be allowed and who would not.

I ask that all changes related to vacation rentals and bed and breakfast be removed from the new bylaw pending a full review. I base this on the following.

1. That the Comox Valley Regional District has not been given jurisdiction for vacation rental regulation,
2. That the proposed vacation regulations are unreasonable and,
3. That CVRD's actions are procedurally unfair.

---

<sup>1</sup> Bylaw No 2781 "Comox Valley Zoning Bylaw, 2005 Page 18 "Residential use means the occupancy and use of a dwelling unit"

<sup>2</sup> Bylaw No 2781 "Comox Valley Zoning Bylaw, 2005 Page 30 Section 304 0 Home Occupations

<sup>3</sup> Bylaw No 2781 "Comox Valley Zoning Bylaw, 2005 Page 5 "Bed and Breakfast is a home occupation use ....."

These are expanded as follows.

## 1. Jurisdiction

With respect to jurisdiction, the Vacation Rental regulation must be consistent with the Official Community Plan (OCP). This is required by Section 884(2) of the *Local Government Act*.

- a) Prohibition of vacation rentals to protect rental housing in not an approved policy in the Official Community Plan.
- b) According to the Official Community Plan *"OCPs are reviewed regularly to respond to changing circumstances and in response to new issues"*. If vacation rentals are an issue then the issue should have been reflected in the OCP. But nothing can be found either in the OCP or the Regional Growth Strategy. To the contrary, both encourage tourism, entrepreneurship and aging-in-place. Declaring vacation rentals as illegal in all zones runs counter to these goals.
- c) CVRD's apparently long-standing interpretation that vacation rentals are permitted only in Tourist Commercial zones does not appear to have been one given any visibility outside the planning department. There is no evidence in anything we have reviewed or been given thus far that this interpretation was subject to any external scrutiny, discussion, visibility or approval by policymakers.
- d) Finally, the OCP does not contain any policy nor have there been any bylaws established to allow Temporary Use Permits to be used for Vacation Rental regulation in a residential zone. *Local Government Act* Section 492(a) states that areas where Temporary Use Permits may be used should be reflected in Official Community Plans. CVRD's OCP allows Temporary Use Permits only in Commercial and Industrial Zones -- not in residential zones. CVRD would then need to change the OCP, as have other jurisdictions, to permit vacation rental homeowners to actually obtain a Temporary Use Permit.

CVRD then does not have the jurisdictional authority (and arguably never has had) to establish Vacation Rental regulations.

## 2. CVRD's approach and position is unreasonable.

- a) Many insurance companies require zoning bylaw compliance as a condition of home insurance – approving the vacation rental change which automatically makes all vacation rentals illegal would be irresponsible and unreasonable.
- b) The CVRD has failed to justify the need for regulation of vacation rentals. As stated earlier, the only reference I found was in the June 29 staff report which states that regulating rentals are an *"attempt to protect rental housing stock"*. However, according to the OCP projected population growth in Areas A, B and C (to 2031) is 0% ..... The OCP concludes that there is a very limited need for increased housing in the rural areas. I have been told by the project manager (PM) that complaints are also driving the need for regulation however, a request for details re the nature of the complaints has, to date, received no response other than there were 35 complaints in total since January 2017 related to all land uses not just vacation rentals.
- c) According to planning *"... there were no changes to the vacation regulations in the current and draft zoning bylaws. Vacation rentals are permitted in Tourist Commercial Zones only, unless through a rezoning or (a) temporary use permit"*. The wording of the current bylaw does not support this interpretation. *"Tourist Accommodation"* is a type of building such as a motel, hotel, lodge etc – clearly not a residential dwelling unit. While their interpretation may be reasonable where a whole

property has been turned into tourist accommodation by a commercial operator it is patently unreasonable when applied to a home-owner living on-site renting out a bedroom or two (without breakfast) or renting out a secondary suite or carriage house when they have no visiting family. For them the principal use of the property remains residential and the vacation rental is clearly an accessory use. Such types of vacation rentals clearly never matched Tourist Commercial Zoning and clearly would not have qualified to be rezoned. Our preliminary analysis of vacation rentals in the electoral areas shows that the majority have owners on site.

- d) To maintain that nothing has changed then is, in my opinion, disingenuous. A new definition “vacation rental” has been introduced that didn’t exist before and its use has been prohibited in all zones – including Tourist Commercial. Further-more one of the mechanisms proposed for “legalization”, a Temporary Use Permit, can only be issued for property zoned Commercial or Industrial right now. In the new bylaw, vacation rental is shown as a permitted use only in the residential areas of Mount Washington – how come they get a free pass on rezoning or the ongoing cost of a Temporary Use Permit?
- e) CVRD has yet to be transparent re the criteria that they will use (or theoretically do use today) in deciding whether to grant a Temporary Use Permit or to rezone. If the new policy goal is to preserve rental stocks then should I assume that my secondary suite will not be approved as a vacation rental? This would be a serious financial blow to my family’s aging-in-place plans. If pension income is lost in my household because of death, then vacation rental income would be needed for the remaining spouse to age in place. Long-term rental income would likely be insufficient.
- f) CVRD has yet to cogently explain why Bed and Breakfast, a money-making (i.e. commercial) use of my dwelling unit, is subject to a one-time review fee of \$150 while, if I don’t supply breakfast, it becomes a vacation rental with an ongoing Temporary Use Permit fee of 10 times that amount or a \$3500 one-time charge to add vacation rental to my zoning as an exception.
- g) The wording of some of the changes made is not clear and could be subject to misinterpretation. For example, the new restriction that residential use is for “*permanent residence*”<sup>4</sup> could be construed that I’m no longer allowed to rent my home to a prairie snowbird for the winter season -- staff admitted on the telephone that perhaps this could be clarified. The term “tourist accommodation”<sup>5</sup> is by definition a type of building such as a motel, hotel, lodge but its use in the new vacation rental definition seems to mean “*temporary accommodation for the travelling public*” – was that the intent? Word usage matters.

### 3. Procedural Fairness

Decision makers are required to act fairly in coming to decisions that affect the rights, privileges or interests of an individual. The CVRD has not fulfilled this duty.

---

<sup>4</sup> Bylaw No. 520 “Comox Valley Zoning Bylaw, Bylaw No. 520, 2018” Page 14 Residential Use

<sup>5</sup> Bylaw No. 520 “Comox Valley Zoning Bylaw, Bylaw No. 520, 2018” Page 14 Tourist Accommodation means a building or buildings providing temporary accommodation for the travelling public, such as, cabins, lodges, motels, hotels, inns, hostels, or resorts, which may include common public facilities.....

- a) They knew that homeowners had a different interpretation of the bylaws. No-one has ever applied for re-zoning or for a Temporary Use Permit. Yet they failed to highlight the new definitions that would force their own interpretation and regulations on homeowners.
- b) Open Houses for the Zoning Review were unlikely to attract any meaningful engagement on this topic. The goal of the review was advertised as making the zoning bylaw “... consistent with the Official Community Plan, new federal and provincial legislation, changing development patterns and land use trends.” There was no mention whatsoever of trying to maintain rental housing stock or complaints surrounding vacation rentals.
- a) The Comox Valley Bed and Breakfast and Vacation Rental Association were never consulted and only found out about the change in the last few weeks. Many homeowners are likely oblivious to CVRD’s current rules and most vacation rental homeowners would equate their vacation rental use to a Bed and Breakfast/Home Occupation rather than to the Kingfisher Hotel and Spa.
- b) To date information requested has not been forthcoming – requests for details of complaints, the criteria that will be used for Temporary Use Permits and zoning application approval, reports presented to the EASC and summaries from the open houses have been asked for but not supplied prior to this public hearing. In *Pitt Polder Preservation Society v. Pitt Meadows*, the court held that interested members of the public should always have the opportunity to examine in advance of a public hearing not only the proposed bylaws, but also reports and other documents that are material to the approval of the bylaws.
- c) It is procedurally unfair to expect vacation rental homeowners to go through hoops trying to figure out insurance and mortgage exposures caused by these changes when CVRD has already signaled that vacation rentals require a full review and that zoning bylaw changes may be needed once again.
- d) Other jurisdictions across BC have been totally transparent in developing their vacation rental approach to regulation and have fully engaged their citizens – Golden, Powell River, Alberni/Clayquot, Vancouver, Victoria —the list is very, very long.
- e) To maintain home insurance vacation rental homeowners cannot ignore these new vacation rental regulations. Are CVRD ready for a flood of rezoning or Temporary Use Permit applications as we scramble to legitimize our operation under the new bylaw? I looked at other jurisdictions using Temporary Use Permits; all had supporting bylaws, brochures and clear criteria for deciding approval. None of these are in place here.

To conclude. It is clear that planners restrictive interpretation of the current zoning bylaw diverges from the the interpretation by homeowners of that same bylaw. This is not unheard of. In 2012 the BC Supreme Court found that a Naramata property owner did not run afoul of zoning bylaws in operating a vacation rental business at his village home, as had been alleged by his regional district. In that case the Supreme Court found that Vacation Rental is a type of Bed and Breakfast.<sup>6</sup>

In the new bylaw CVRD attempts to impose its interpretation of a vacation rental and regulation thereof without public consultation, without any clear articulation of the actual need for regulation, without any discussion of the extent and costs of regulation and without supporting Official Community Plan (OCP) policies.

---

<sup>6</sup> Okanagan–Similkameen (Regional District) v. Leach, 2012 BCSC 63

The public should not have to resort to Judicial Review of this bylaw change and the Courts in order to resolve these conflicting interpretations. Instead, EASC and CVRD council members should resolve the conflict by firstly instructing planning staff to remove the disputed vacation rental and bed and breakfast changes and then to open up a discussion and full consultation with the public on the need for and ways to, if required, regulate vacation rentals in Electoral Areas A, B and C.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jenny Steel', with a long horizontal stroke extending to the right.

Jenny Steel  
495 Curtis Road  
Comox, BC, V9M 3W1

List for Sept 05 Public Hearing on Rural Zoning Bylaw 520

Bylaw 520 is vast in scope a real Omnibus of ideas and introduces changes both small and large. The intro says some are minor and some more substantial. In my opinion there has not been enough explanation and opportunity for the community to review this review and more is required. The one public info meeting drew a moderate amount of people and even so, though I waited patiently, I was unable to have more than one of my questions answered as staff were always busy answering others.

Our neighbours hadn't heard of today's public hearing until today and they stand to be affected by many of these changes because they have a successful business in the RSA the regs. renumber of employees and the size, placement of signs are only two that will affect them. I believe not enough notification has been given to the rural residents about this review and that more publicity and meetings were and are required.

- Proposed zone change from RU-DB1 to RU-20 "Wildwood Marsh"

First, property was granted bonus density to protect the Wildwood Marsh and a lot of lots were created with land left surrounding and including the marsh for its protection. Later, even more density was granted to create lots completely surrounding the marsh. These lots created from the second bonus density awarded are the lots you are proposing be changed: PID 025-845-128, PID 025-845-136, PID 025-845-144, PID 025-845-152, PID 025-845-161, PID 025-845-179, PID 025-845-187, PID 025-845-209 and PID 025-845-217.

Due to various factors: the density granted; a beaver dam breached; VIHA involvement and a septic tank wrongly placed being allowed to stay instead of being made to be removed (poor enforcement of CVRD regulations?) the Marsh has been degraded and perhaps is not now even being considered for protection.

I once went to the marsh edge in the small area created for the public to view the marsh and sat, at dusk while groups of 12 to 20 swans a piece returned from their feeding grounds of the estuary and fields of the Comox Valley to the marsh. They returned family by family I imagine because, to my amazement and wonder, each group, calling to the others already bedded down on the marsh's waters, had their own distinct calls. Group by group they came in and landed. I reckon they amounted to two hundred or more. This was during the time when numbers of trumpeter swans were starting to come back from 100 individuals away from extinction. Our efforts in the Comox Valley helped that to happen, The Wildwood Marsh was and remains important to the trumpeters, other birds. Further to this consideration of zoning efforts should be made to keep it so.

By changing the name of the zoning here you would be deleting the record of the history of this property. I think it is very important that the history remain. Some mistakes were made and in the interest of educating ourselves to prevent such again the history should be retained. Without sitting down and checking the allowances of the two zonings, I'm not sure what the difference may be as far as increasing density or the possibility of further degradation of the marsh. Which ever zoning ensures continuing protection of the wetland must be the one chosen. Bonus density was originally granted to protect it and it appears now as just some other zoning parcel. Please retain bonus density designation in perpetuity on all parcels that have been sissified because of this zoning so that the purpose for their density is apparent,

Comox Valley Regional District  
RECEIVED

File:

SEP 05 2018

To:

cc:

Various zoning regulations in this document are intended to eliminate all possibility for people to live in any form of transient, relatively unregulated accommodation, as re Park model trailers, living in your RV while building a home.... this goes as far as banning kitchen facilities from all auxiliary buildings what if one wants to make a cup of tea or lunch while they work in their barn, studio, potting shed, greenhouse or whatever? I think it is unreasonable to preclude this level of civilization on one's own land because of fears-- of what exactly?--, that people would be so desperate as to want to live in my studio/ sauna, barn or whatever or that I would be so desperate as to want to rent it out that we have to make regulations ensuring that every possibility of some transient poor person being able to get a toe hold here is eliminated Much tooling of regs. has gone in this direction but I see nothing that recognizes and addresses zoning ideas aimed at solving the problems. People wanting to live in studios, tipis and park model trailers because they are desperate could be messy and inconvenient to the rural area and I understand wanting to control that kind of mess but rural areas do not perhaps need so much regulation. The rural community might be the place to give opportunities to new comers who need them but where is the zoning that enables this. Naniamo has less restrictions re Park model trailers and has some places for them, Portland is allowing tiny houses and has changed zoning to allow for them, there appears to be little will for such concessions, some would say innovations, here.

PID 000-388-718 'Winnig's Property'

this request to rezone ALR to RU 8 is not appropriate (especially when you are rezoning everything else to ALR.!) Why entertain this one at all? This 31 acre property is zoned ALR, is next to and connected by ownership to ALR, is surrounded by a community forest, the Wildwood Forest, with serious wildlife corridors all through it. Putting houses on it goes against the RGS. It goes against our policies re ALR and it goes against preserving wildlife corridors and recreational corridors. Imagine the trails going by a bunch of houses? This introduces more dogs right beside trails that already have enough homes, those of a bear and cubs, cougars and deer. Introducing more pets and fences and noise, lights, cars, runoff, etc. is not appropriate. Please actually consider wildlife and their habitat and corridors and turn down this proposal. This is a further example of why more time is needed to consult re this zoning Bylaw Review. ALR land should not be down-zoned anywhere let alone for increased housing in a Rural Settlement Area (RSA). The zoning protects farmland and protects rural settlement areas from continuous, whittling down due to density pressure, once allowed existing density can be used as the rational for more density and we do not want or need more density in the RSA's. Changes have unintended consequences. This is ALR keep it ALR, don't submit this proposal to the ALC

Re the Little river TC2 to residential, once again, there are plenty of areas zoned residential already! We lose if all there is is residential! TC2 is rare, and needs to be preserved. Is there any consideration given to transferring the TC2 to another location if land is down-zoned to residential? Also TC 2 means people who are not rich can still have a means to interact with this waterfront and also residents and neighbours can save vehicle trips because they have a zoned place in their neighbourhood for a store, this is in keeping with the policy of more walkable areas.

I've heard Ton say 'I'm not changing the RU-40 to ALR I'm changing the name to make it accurate.' How did it come to have two designations in the first place? I've been trying and failing to find an answer to this question for a month or more (my own search skills may not help but I have been trying) and that another reason why I believe we need more time.

Railway grades IMO should in every instance be preserved. If changing their zoning might have anything to do with them disappearing pleas protect them. They afford corridors to wildlife and corridors for people to recreate. The right to roam legislation is being brought forward provincially for

consideration and is something we should consider here that relates to this argument. People have used our E&N RR grade continually since railways came to the valley... 200 years or so. Please don't allow it or others sold off for yet more housing. The RGS directs housing at the rate of 90% to municipal infill, ensure that and leave the grades be. Preserve the benefit this gives and focus on taking away the E&N wrinkle about owning river beds instead. The RGS directs housing 90% to the municipal infill do that and leave the grades be. If they had been preserved in Crown Isle all the people who live there would not have to get into cars to recreate on trails and that would have reduced vehicle trips and allowed for more bicycle trips. I fail to see why you are taking those slivers and wanting to rezone them ALR, right to farm fails to protect forest and allows destruction of wetland more that in other places (I love ALR) but fear their power in this could extend to obliterating the green-ways that are RR grades, please exercise caution that this might not happen.

Thank you for all your diligent and thoughtful work,

Sincerely,

Diane Bostock CVRD Area C.



*CVRD Copy.*Comox Valley Regional District  
**RECEIVED****gra gor**

File:

SEP 05 2018

From: "gra gor" <gragor@uniserve.com>  
 Date: September-05-18 4:29 PM  
 To: <PlanningDevelopment@ComoxValleyRD.ca>  
 Subject: Public Hearing - Bylaw No. 520 (CVRD Zoning Bylaw) submission

## Public Hearing - Bylaw No. 520 (CVRD Zoning Bylaw)

September 5, 2018 at 7:00 pm in the CVRD boardroom

I am asking that the ESC Board members table this Bylaw No. 520 zoning bylaw amendment and sent it back for more consultation as there are so many things in this omnibus bill that are contentious, do not reflect 'rural values' whatever that is and represents a tube sock, 'one size fits all', blanket approach to solving rural nuisance issues. And we all know how well tube socks fit . . .

What is perfectly appropriate zoning restrictions within 'rural areas' such as Virginia Drive with their 0.22 acre 1/5 acre lots on septic and city water are totally not appropriate in areas of 5, 10 20 or even 160 acre parcels.

AS I don't have unlimited time to write down all the things wrong with these zoning regulations let me remind the CVRD that of the 36 slides in the tray to be discussed with the Area C APC preliminary discussion very little of the document was actually discussed and of the topics that were

discussed  
they were quite contentious. Almost as many review sessions that were  
scheduled to take place at that APC table were cancelled as actually  
happened.

Zoning Regs that prohibit Marijuana production don't deal with issues  
of  
smell for example. A solution not written in law would be that all grow  
opps have to control their smell so that it doesn't permeate the  
neighbourhood. Instead production is banned from vast areas of the  
Rural  
Areas as the one sock fits all non solution to a problem.

Portions of these zoning bylaws have very little social licence. People  
on  
large acreages are threatened by bylaws written as if everyone lived in  
subdivisions like the houses on Virginia Drive. Their businesses are  
threatened by parking regulations, number of employee regulations,  
signage  
regulations. There are more.

People in rural areas need resources. Resources include derelict and  
unlicensed equipment and vehicles. Car and truck parts are what keeps  
the  
world going around. Not everybody can afford to go the car  
dealerships for  
new vehicles all the time. People need back yard mechanics for  
example.

Tried and true rural occupations are at risk. Not on Virginia Drive size  
lots.

Restricting the number of employees to 2 in some rural businesses

would be  
the death of them.

There are many newly added words within the bylaws that further  
restrict

peoples ability to find and create low cost housing and shelter  
arraignment

opportunities for themselves - Be they in RV's or milk sheds. <sup>For Example</sup> The  
insertion of the word 'travelling' in the zoning bylaws for hostels  
eliminates the possibility of local people being able to find  
accommodation

for themselves as they wait for a more satisfactory housing solution to  
appear.

There needs to be a committee struck to review these zoning bylaws  
such as

the one struck by CSA to review the electrical code revisions because,  
although your staff is diligent, the depth of their ability to block the  
creation of new junkyards or Air BnB suites does not constitute a broad

spectrum review of and analysis of the effects of changing zoning  
bylaws in

the rural areas. In an attempt to remove a<sup>v</sup> abandoned house boat on  
Comox

Lake the resulting bylaw created restricted the ability of anyone to live  
on

RVs and in moored boats in an area from the top end of the Strathcona

Regional District to the bottom of the Comox Valley Regional District.

That bylaw is being reinforced and tightened up with every review and  
that

is unacceptable in todays world.

600 Comox Road, Courtenay, BC V9N 3P6  
Tel: 250-334-6000 Fax: 250-334-4358  
Toll free: 1-800-331-6007  
www.comoxvalleyrd.ca



The personal information contained on this form is collected under the authority of section 26(e) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purposes of planning and evaluating a program or activity of the Comox Valley Regional District. The information provided will become a matter of public record and may be published online. Inquiries about the collection, use and disclosure of this information can be made at the Planning and Development Services Branch at 600 Comox Road, Courtenay, BC 250-334-6000 or by email at [planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca).

Date:

Aug 5/18

SEP 05 2018

To:

Comox Valley Regional District

To:

From:

(Optional)

Name (Please print):

Grant Gordon

Street Address:

Piercy RD

Tel/Email:

Area C

Re:

Bylaw No.

520

My comments/concerns are:

I do support this bylaw.

I do support this bylaw, subject to the conditions listed below.

I do not support this bylaw.

IT needs more Public Consultation.

- Repealing WR-40 to RU ALR - not acceptable

NO to Repealing PID 000-338-719 From ALR to anything

NO to - Removing RU-B21 Zoning - Loss of History Willowood

- Bylaws WRITTEN cannot depend on

RD Bylaw Enforcers <sup>to</sup> not enforcing the laws -

Complaint Driven is not Good Enough.

People need Places to Live & STAY, NOT

Regulation TO STOP Them.

- we are NOT Talking About Creating Developments  
in the Rural Areas - (Dale meakins) RGS SAYS  
NO!

**6410-01- / PJ 4CV 15**

---

**From:** Sylvia Stephens  
**Sent:** Wednesday, September 05, 2018 3:12 PM  
**To:** 'Hal Martyn'  
**Subject:** RE: Public Hearing Submission - Bylaw 520 CVRD Zoning Bylaw Review

Thank you for your email.

Your additional comments will be included in the public comments of the public hearing on September 5, 2018 for Bylaw No. 520, 2018.

Sincerely,

Sylvia Stephens

Sylvia Stephens  
Branch Assistant  
Comox Valley Regional District  
600 Comox Road  
Courtenay, BC V9N 3P6  
Tel: 250-334-6043

**From:** Hal Martyn  
**Sent:** Wednesday, September 05, 2018 3:07 PM  
**To:** [planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca)  
**Cc:** Andrew Saxton  
**Subject:** FW: Public Hearing Submission - Bylaw 520 CVRD Zoning Bylaw Review

Further to the email below, please find the proposed plan of subdivision, additionally attached, for information and context.

Hal Martyn, P.Eng.

**From:** Hal Martyn  
**Sent:** Wednesday, September 5, 2018 2:39 PM  
**To:** 'planningdevelopment@comoxvalleyrd.ca' <[planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca)>  
**Cc:** Andrew Saxton  
**Subject:** Public Hearing Submission - Bylaw 520 CVRD Zoning Bylaw Review

Attached please find a written submission for consideration by the Zoning Bylaw Public Hearing Committee. We have been verbally advised by Mr. Ton Trien that our concern, as expressed in the attached document, is being accommodated in the revised Bylaw being presented at the Hearing. We felt however, that since we have not yet seen the revision in print, we needed to safeguard our position by filing this written request within the deadline of 4:30pm for written submissions. If our request has in fact been satisfactorily addressed in the revised Bylaw presentation, then the attached submission is redundant and can be removed from consideration.

Thank you.

H. A. Martyn, P.Eng.  
1080 Arrowsmith Ave.  
Courtenay, BC V9N 8M8

**Submission to Public Hearing Committee  
for Bylaw No. 520 (CVRD Zoning Bylaw  
on behalf of Upper Island Development Ltd.**

My Client, Upper Island Development Ltd. (UID), is the Owner of property on Bray Road in Union Bay, legally described as Lots 1 & 2, Section 6, Nelson District, Plan EPP56666. These properties are currently zoned CR-1 and are the subject of a current and active subdivision proposal to create 18 lots, with the benefit of the lot area averaging provision within the current Zoning Bylaw to create what we believe to be a superior lot layout than would otherwise be the case without lot area averaging. The proposed Zoning Bylaw is written to completely eliminate the lot area averaging provision from all zones in the Bylaw. This will have a profound effect on UID's development proposal.

Throughout the Zoning Bylaw review process, it has been our understanding, through discussions with Staff, that the bylaw review was primarily a housekeeping exercise, and that no properties would lose their zoning or be negatively impacted as to zoning. While the subject property will retain CR-1 zoning, the elimination of lot size averaging provisions from the zone has a major impact on the development proposal currently on the table. While this result was likely inadvertent on the part of Staff, the impact is no less serious to UID. Local Government Act provisions for grace periods notwithstanding, there is a great deal of time needed in both the design and construction activities to achieve final approval. Accordingly, it is essential from our Client's perspective to retain lot size averaging for the subject properties, to ensure that work to date and going forward is not wasted effort. Upper Island has and will be making a significant investment to create a superior residential development. Given the topographic constraints of the properties, without lot area averaging the resultant subdivision will be much less attractive.

We respectfully request that the Board approve a site-specific exception, to permit lot area averaging for the subject properties.

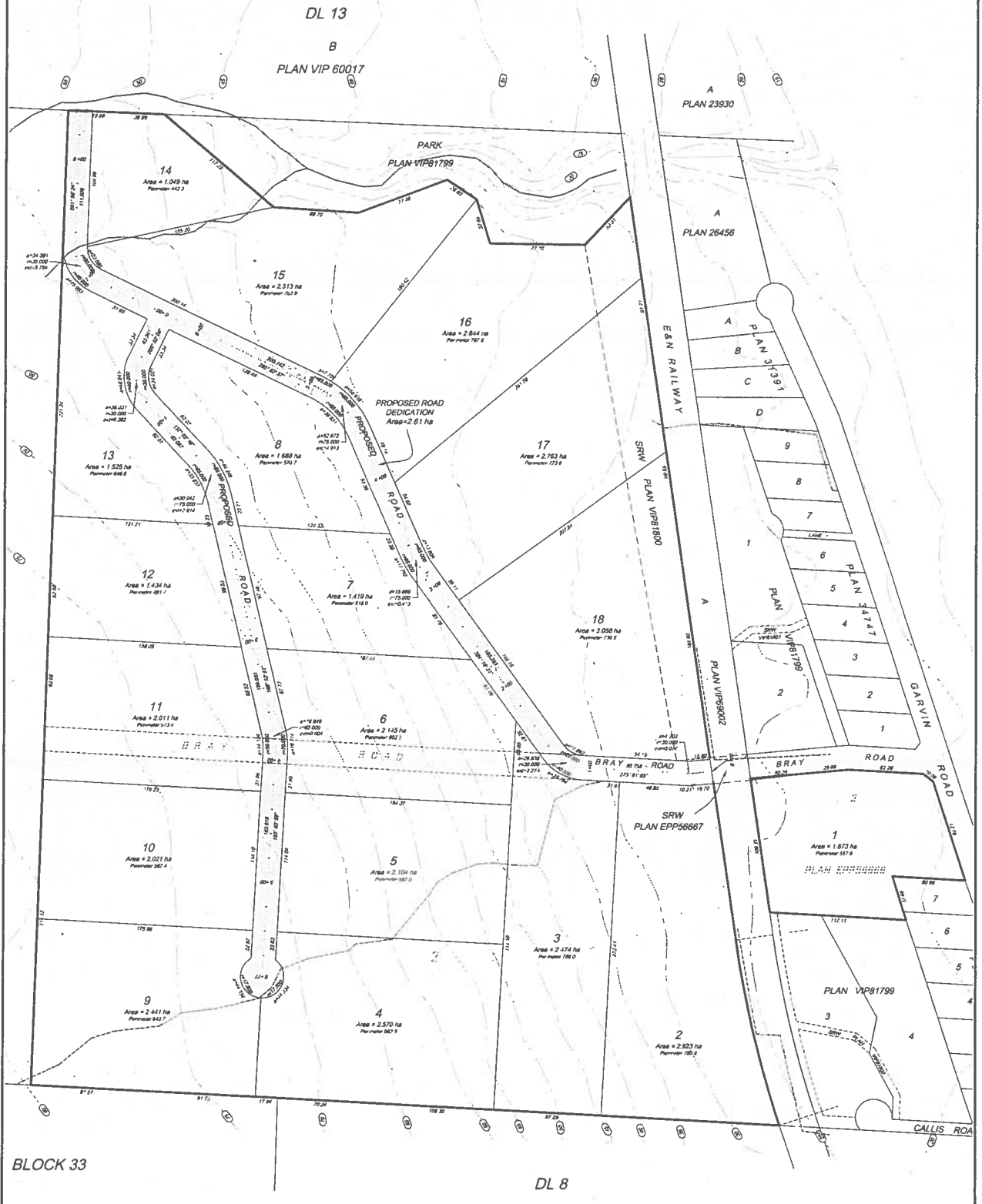
Respectfully submitted, on behalf of Upper Island Development Ltd.,

H.A. Martyn, P.Eng.  
Consulting Engineer

PROPOSED SUBDIVISION PLAN OF LOT 1 AND 2, SECTION 6,  
NELSON DISTRICT, PLAN EPP56666

BCGS 92F.056  
1:1500

All dimensions are subject to final field survey.



Thank you for the opportunity to be heard by members of the Comox Valley Regional District Planning Services, and the Directors of the CVRD Board.

Plan EPP81926

I am here this evening because the proposed amendment (Bylaw 520) specifically targets the development of mini-storage. This amendment has already resulted in the termination of a purchase agreement between the current land owner of Lot C, and Seaveyours Environmental & Marine.

It has also caused problems for the planning and development of the purchased Lot D.

SeaVeyors has been in business for 12 years. Our services include commercial diving and ROV services. We currently employ 6 local people.

Two years ago, we began the process of finding a permanent location for the business. By doing this we addressed several issues that the company was dealing with and which would allow us to diversify and expand our business into mini storage and the leasing of industrial space. This included re-organization of Seaveyours and the creation of a new holding company DKMM holdings who is now the owner of lot D.

After exploring different possibilities, as part of our due diligence, we took the information about the properties we were considering to the CVRD Planning Services. After clearly outlining what our proposed land use requirements were, CVRD Staff members advised us of a property that was in the process of being rezoned and subdivided and that would accommodate our needs.

Subsequently we contacted Mr. Terry Carr, one of the owners, and decided that this was the best option. We entered into a purchase agreement for lot C and D. This agreement was subject to the zoning to allow mini storage.

In January 2018 the CVRD board passed the present zoning bylaw which suited our needs. As things progressed we were informed by Terry Carr that the subdivision would be complete, and we would be able to finalize the purchases by mid year.

Though out the two years of open and ongoing discussions that my Project Manager and I had with the CVRD from that point on, there was never any indication that changes were being considered to the existing Bylaw 2781. File:

Comox Valley Regional District  
RECEIVED

SEP 05 2018

To:

cc:



When our project manager, Mr. Bruce Colegrave took a preliminary development plan to the Comox Valley Regional District, he was informed that there were zoning changes being proposed and our development would not fit the new zoning.

With this new information we decided not to purchase lot C at this time. We did however purchase lot D to ensure that Seaveyors has a permanent location and that the company could move forward with its plans for growth, which still at this time included mini storage. We most definitely would have purchased Lot C if the proposed changes to bylaw 2781 affecting mini storage did not exist.

If the proposed Bylaw 520 does come into effect within the time frame proposed by CVRD staff, we (Seaveyors Environmental & Marine) are facing an unreasonable time frame to present our Development and Building plans for Lot D to CVRD staff for their approval regardless of all our efforts.

I am deeply concerned that all the planning, negotiating, corporate restructuring and financial commitments that has taken place in good faith and in compliance with the current Bylaw No. 2781, is all in danger of being for nothing.

As a solution, I would respectfully request that Lot D (DD20594N) Block 29, be exempt from the changes to the current Bylaw 2781 that specifically effects mini-storage before the proposed Bylaw 520, is implemented.

By co-operating and working together, I hope that we can move forward and that both our Development and Building Plans will be approved, and that Seaveyors Environmental & Marine will be able to continue providing local employment and contribute to the economic growth of the Comox Valley.

I thank you all for your consideration.

600 Comox Road, Courtenay, BC V9N 3P6  
 Tel: 250-334-6000 Fax: 250-334-4358  
 Toll free: 1-800-331-6007  
 www.comoxvalleyrd.ca



The personal information contained on this form is collected under the authority of section 26(e) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purposes of planning and evaluating a program or activity of the Comox Valley Regional District. The information provided will become a matter of public record and may be published online. Inquiries about the collection, use and disclosure of this information can be made at the Planning and Development Services Branch at 600 Comox Road, Courtenay, BC 250-334-6000 or by email at [planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca).

**Date:** Sept. 5<sup>th</sup> 2018

**To:** Comox Valley Regional District

**From:** (Optional)  
 Name (Please print): JOHN ISMAY

Street Address: 1157 LAZO RD.

Tel/Email: 250 218 9776

**Re:** Bylaw No. 520

**My comments/concerns are:**

- I do support this bylaw.
- I do support this bylaw, subject to the conditions listed below.
- I do not support this bylaw.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

Comox Valley Regional District  
**RECEIVED**

File:  
**SEP 05 2018**

To:  
 CC:

The personal information contained on this form is collected under the authority of section 26(e) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purposes of planning and evaluating a program or activity of the Comox Valley Regional District. The information provided will become a matter of public record and may be published online. Inquiries about the collection, use and disclosure of this information can be made at the Planning and Development Services Branch at 600 Comox Road, Courtenay, BC 250-334-6000 or by email at [planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca).

Date: 5/09/18

To: **Comox Valley Regional District** Comox Valley Regional District  
**RECEIVED**

From: **(Optional)** File:  
Name (Please print): \_\_\_\_\_

Street Address: \_\_\_\_\_ SEP 05 2018

Tel/Email: \_\_\_\_\_ To:

Re: **Bylaw No. 520** cc:

**My comments/concerns are:**

- I **do** support this bylaw.
- I **do** support this bylaw, subject to the conditions listed below.
- I **do not** support this bylaw.

This draft by-law appears to be an ill-conceived and executed piece.

Very little consultation with stakeholders has occurred; changes appear to be ad-hoc; rationale for zoning changes is not clear; over-zealous ideas which go beyond provincial legislation are apparent; the OCP is not being followed; increasing lot size goes against

densification deals; "supporting rural living" is not addressed, quite the opposite; Process has not been followed; economic development is not being supported.

In short... put this draft in the garbage and start again with careful, thoughtful input. Look at existing RIDs for inspiration if necessary. Treat electors and tax payers with respect. Be transparent. It has taken thirteen years to revise the existing bylaws - take some time, as much as necessary and do it properly.

600 Comox Road, Courtenay, BC V9N 3P6  
Tel: 250-334-6000 Fax: 250-334-4358  
Toll free: 1-800-331-6007  
www.comoxvalleyrd.ca



The personal information contained on this form is collected under the authority of section 26(e) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purposes of planning and evaluating a program or activity of the Comox Valley Regional District. The information provided will become a matter of public record and may be published online. Inquiries about the collection, use and disclosure of this information can be made at the Planning and Development Services Branch at 600 Comox Road, Courtenay, BC 250-334-6000 or by email at [planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca).

Date:

To: Comox Valley Regional District

From: (Optional)

Name (Please print): Cary Schaan

Street Address: Fopolder Plateau Rd

Tel/Email: egschaan@gmail.com

Re: Bylaw No. 570

Comox Valley Regional District  
**RECEIVED**

My comments/concerns are:

- I do support this bylaw.
- I do support this bylaw, subject to the conditions listed below.
- I do not support this bylaw.

File:

SEP 05 2018

To:

CC:

Bylaw is rushed! Please slow down.

Why is there no reference to fire protection in zoning considerations, especially in the forest-residential - tourism interfaces.

There is no fire protection on Forbidden Plateau Road ~~was~~ past the end of the pavement.

There is no emergency CRD plan in the event of a fire on Plateau Road.

Has the CRD not learned anything from the fires over the last 2 years in the interior of BC!

600 Comox Road, Courtenay, BC V9N 3P6  
Tel: 250-334-6000 Fax: 250-334-4358  
Toll free: 1-800-331-6007  
www.comoxvalleyrd.ca



The personal information contained on this form is collected under the authority of section 26(e) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purposes of planning and evaluating a program or activity of the Comox Valley Regional District. The information provided will become a matter of public record and may be published online. Inquiries about the collection, use and disclosure of this information can be made at the Planning and Development Services Branch at 600 Comox Road, Courtenay, BC 250-334-6000 or by email at [planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca).

Date:

To: Comox Valley Regional District

From: (Optional)

Name (Please print): W. ALLEN HOPWOOD

Street Address: 5501 FORBIDDEN PL. RD

Tel/Email: wahopwood@gmail.com  
250-334-3043

Re: Bylaw No. WS-RA ZONING

My comments/concerns are:

- I do support this bylaw.
- I do support this bylaw, subject to the conditions listed below.
- I do not support this bylaw.

I WISH FOLLOW-UP WITH PLANNERS  
RE WSRA ZONING OF AREAS WHICH  
ARE NOT PART OF COMOX LAKE  
WATERSHED

Comox Valley Regional District

RECEIVED

File:

SEP 05 2010

To:

CC:

The personal information contained on this form is collected under the authority of section 26(e) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purposes of planning and evaluating a program or activity of the Comox Valley Regional District. The information provided will become a matter of public record and may be published online. Inquiries about the collection, use and disclosure of this information can be made at the Planning and Development Services Branch at 600 Comox Road, Courtenay, BC 250-334-6000 or by email at [planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca).

Comox Valley Regional District  
RECEIVED

File:

SEP 05 2018

Date:

To: Comox Valley Regional District

To:

From: (Optional)

cc:

Name (Please print):

Lanuel Gordon

Street Address:

8926 Clarkson Ave / 935 Lodge Ave  
Black Creek, BC Victoria BC

Tel/Email:

lanuel.g@shaw.ca

Re:

Bylaw No. 520

My comments/concerns are:

- I do support this bylaw. (As the proposed revisions
- I do support this bylaw, subject to the conditions listed below.
- I do not support this bylaw.

- that stakeholders are consulted, heard and made to feel like valued participants in the process.
- that proposed revisions are published in draft prior to public hearing so people can come to hearing prepared
- that the CVRO work to build trust + support ~~for~~ their local taxpayers
- ~~that people~~
- Changes to off-street parking rules are <sup>part</sup> of significant concern to Saanichton Beach Owners  
- We were told these now apply to siting of RV's - however RV's are not mentioned. The siting of RV's on our properties



Would the CVRD in future public hearings:

- ensure key stakeholders are contacted
- provide an agenda for the meeting & rules
- ensure speakers can be heard
- ensure room comfortable
- ensure room setup in a manner conducive to everyone seeing slide presentations

600 Comox Road, Courtenay, BC V9N 3P6  
Tel: 250-334-6000 Fax: 250-334-4358  
Toll free: 1-800-331-6007  
www.comoxvalleyrd.ca



The personal information contained on this form is collected under the authority of section 26(e) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purposes of planning and evaluating a program or activity of the Comox Valley Regional District. The information provided will become a matter of public record and may be published online. Inquiries about the collection, use and disclosure of this information can be made at the Planning and Development Services Branch at 600 Comox Road, Courtenay, BC 250-334-6000 or by email at [planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca).

Date:

To: Comox Valley Regional District

From: (Optional)  
Name (Please print): Amiel Gordon

Comox Valley Regional District  
**RECEIVED**

File:

Street Address: \_\_\_\_\_

SEP 05 2018

Tel/Email: \_\_\_\_\_

To:

cc:

Re: Bylaw No. \_\_\_\_\_

My comments/concerns are:

- I do support this bylaw.
- I do support this bylaw, subject to the conditions listed below.
- I do not support this bylaw.

- Without the CVRD allowing sufficient time, notice, rational + better process  
- Please don't rush this!

The personal information contained on this form is collected under the authority of section 26(e) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purposes of planning and evaluating a program or activity of the Comox Valley Regional District. The information provided will become a matter of public record and may be published online. Inquiries about the collection, use and disclosure of this information can be made at the Planning and Development Services Branch at 600 Comox Road, Courtenay, BC 250-334-6000 or by email at [planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca).

Date:

To: Comox Valley Regional District

From: (Optional)

Name (Please print): \_\_\_\_\_

Comox Valley Regional District  
**RECEIVED**

Street Address: \_\_\_\_\_

File: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

SEP 05 2018

Re: Bylaw No. \_\_\_\_\_

To:

cc:

My comments/concerns are:

- I do support this bylaw.
- I do support this bylaw, subject to the conditions listed below.
- I do not support this bylaw.

I need more information and opportunity to give input

Save our forests and recreation areas for wild life corridors + salmon hatchery

Keep rural areas with large lots and for rural use - no subdividing no extra residences or vacation use.

600 Comox Road, Courtenay, BC V9N 3P6  
Tel: 250-334-6000 Fax: 250-334-4358  
Toll free: 1-800-331-6007  
www.comoxvalleyrd.ca



The personal information contained on this form is collected under the authority of section 26(e) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purposes of planning and evaluating a program or activity of the Comox Valley Regional District. The information provided will become a matter of public record and may be published online. Inquiries about the collection, use and disclosure of this information can be made at the Planning and Development Services Branch at 600 Comox Road, Courtenay, BC 250-334-6000 or by email at [planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca).

Date:

To: Comox Valley Regional District

From: (Optional)

Name (Please print): K. BEATTIE

Street Address: Saratoga Beach Area

Tel/Email: \_\_\_\_\_

Re: Bylaw No. 526

My comments/concerns are:

- I do support this bylaw.
- I do support this bylaw, subject to the conditions listed below.
- I do not support this bylaw.

Comox Valley Regional District  
**RECEIVED**

File:

SEP 05 2018

To:

cc:

TC-1 : TC-2 3-e) should read  
8 months maximum stay, as the  
tourist rental season is only 4 months.

I do not feel there has been sufficient  
public consultation. The Sept 18<sup>th</sup> public mtg  
was set up to start without proper amplification  
so the Directors could be heard. There was  
a very short time limit for public speakers  
and a lot of statements by the public  
that there has been insufficient consultation.

**6410-01\_PJ 4CV 15**

---

**From:** Alana Mullaly  
**Sent:** Wednesday, September 05, 2018 5:46 PM  
**To:** 'Jason Carvalho'; Ton Trieu  
**Cc:** Ross McKeever; Sylvia Stephens  
**Subject:** RE: CVRD Zoning Bylaw Update - Proposed Amendments

Thanks Jason. We will include these comments in the public record.

Kind regards,  
Alana

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

Comox Valley Regional District  
600 Comox Road  
Courtenay, BC V9N 3P6  
Tel: 250-334-6051  
Toll free: 1-800-331-6007 Fax: 250-334-8156  
Fax: 250-334-8156

**From:** Jason Carvalho  
**Sent:** September 5, 2018 3:02 PM  
**To:** Alana Mullaly <amullaly@comoxvalleyrd.ca>; Ton Trieu <ttrieu@comoxvalleyrd.ca>  
**Cc:** Ross McKeever  
**Subject:** CVRD Zoning Bylaw Update - Proposed Amendments

Alana, further to our earlier discussion. Please find below our comments in response to the CVRD's request for feedback to proposed amendments to the Upland Resource (UR – 40 / 400) Zone, included in the proposed *Comox Valley Regional District Zoning Bylaw No. 520, 2018*. I understand the Public Hearing is scheduled for this evening. We kindly ask that our comments be included in the written submissions to the proposed Bylaws.

As discussed, we do not support the proposed changes in the UR Zone that will remove 'Single Detached Dwelling' as an outright Permitted Use and allow it only as an "Accessory Use", on the following basis:

- Section 21 (1) of the Private Managed Forest Land Act restricts a Local Governments ability to adopt a bylaw that would have the effect of restricting, directly or indirectly, a forest management activity. Under the Private Managed Forest Land Regulation (Section 1 (2)), a Forest Management Activity "means an activity, process or use, including structures and facilities that support the activity, process or use, that is described in Schedule A and that is related to or carried out for the production or harvesting of forest resources on or from the owner's private managed forest lands, for as long as the land is classified under the Assessment Act as managed forest land". Schedule A of the Regulation includes a number of activities, processes and uses, including "one dwelling per registered parcel unless additional dwellings are permitted under applicable local bylaws". Restrictions to dwelling use proposed in the Upland Resource Zone appear to contradict the Private Managed Forest Land Regulation. Has the CVRD undertaken a legal review on this specific matter? We have asked our Counsel to review the proposed zoning changes as it relates to the PMFL Regulation.

- Restricting Single Detached Dwellings to accessory use is an indirect form of 'Down-Zoning' and significantly impacts the underlying value of all UR zoned lands in the Regional District.

- There are no clear and objective criteria that determines when a Principal Use is being performed on the land and in turn when an accessory Detached Dwelling can be constructed (i.e. what threshold must be met and demonstrated to the CVRD to permit the construction of a detached dwelling as an Accessory Use?) Therefore, issuance of a building permit to construct a home as an accessory use is completely subjective and on the discretion of planning and building staff. This subjectivity creates significant confusion for land owners and may lead to disagreements between property owners and the Regional District.

Please feel free to contact me should you wish to discuss any of these points further.

Regards

Jason Carvalho, MCIP RPP  
Project Manager  
Couverdon Real Estate  
201 – 648 Terminal Avenue  
Nanaimo, BC V9R.5E2

*"Couverdon is the real estate business of TimberWest Forest Corp., the largest private landowner on Vancouver Island."*

**Couverdon**

This message is intended only for the individual or organization to which it is addressed. It may contain private, confidential or privileged information which is exempt from disclosure under applicable law. Any use, distribution or copying by anyone other than the intended recipient is prohibited. If you are not the intended recipient, or have received this message in error, please notify me by email, delete this message from your computer and permanently destroy any hard copies. Thank you.

600 Comox Road, Courtenay, BC V9N 3P6  
Tel: 250-334-6000 Fax: 250-334-4358  
Toll free: 1-800-331-6007  
www.comoxvalleyrd.ca



The personal information contained on this form is collected under the authority of section 26(e) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purposes of planning and evaluating a program or activity of the Comox Valley Regional District. The information provided will become a matter of public record and may be published online. Inquiries about the collection, use and disclosure of this information can be made at the Planning and Development Services Branch at 600 Comox Road, Courtenay, BC 250-334-6000 or by email at [planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca).

Date: 5 SEP. 2018

SEP 05 2018

To: Comox Valley Regional District

To:

From: (Optional)

cc:

Name (Please print): CURTIS SCOVILLE

Street Address: 2181 MIRACLE BEACH DRIVE, BLACK CREEK

Tel/Email:

Re: Bylaw No. 520

My comments/concerns are:

- I do support this bylaw.
- I do support this bylaw, subject to the conditions listed below.
- I do not support this bylaw.

I HAVE HEARD SUFFICIENT CONCERNS ABOUT THE NEGATIVE ECONOMIC IMPACTS ON PROPERTY OWNERS ASSOCIATED WITH TOURIST ACCOMMODATION, RV PARKS, VACATION RENTALS, MINI-STORAGE, AND OTHERS. ALL OF THESE CONCERNS SHARE AN ASSUMPTION THAT THE ECONOMIC IMPACTS WILL BE SUBSTANTIALLY NEGATIVE, AND THAT THERE IS INSUFFICIENT PROTECTION OF PROPERTY RIGHTS + VALUES (AND INVESTED CAPITAL) BY WAY OF AMENDMENTS, VARIANCES, AND "GRANDFATHERING".

I ALSO HEARD AT LEAST 2 COMMENTS THAT THIS BYLAW ~~IS~~ IMPOSES RESTRICTIONS ON DENSITY, LOT SIZE, OR SET BACKS THAT ARE MORE SEVERE THAN RELEVANT RESTRICTIONS IMPOSED BY VHA OR THE PROVINCIAL GOVERNMENT.

GENERALLY SPEAKING, IT'S CLEAR TO ME THAT THERE IS STILL TOO MUCH CONFUSION AMONGST PROPERTY OWNERS AND THEIR CONTRACTORS AS TO THE CONTEXT, CONTENT, PROCESS, AND IMPLICATIONS ASSOCIATED WITH THIS BYLAW REVIEW FOR THE CVRD TO PROCEED AT THE CURRENT SCHEDULE.

LASTLY, I UNDERSTAND THAT THE GOAL WAS TO REVIEW AND CLEAN UP THE OLD BYLAW, ~~AND~~ NOT IMPOSE "NEW" RESTRICTIONS, BUT I SUSPECT THAT THERE HAVE BEEN CERTAIN CHANGES IN OUR ECONOMY THAT ACTUALLY CHALLENGE THE UNDERLYING LOGIC OF THE OLD BYLAW AND THE PROPOSED BYLAW.



**6410-01 / PJ 4CV 15**

---

**From:** Sylvia Stephens  
**Sent:** Wednesday, September 05, 2018 3:07 PM  
**To:** 'Jim Walters'  
**Subject:** RE: Written Submission for Bylaw#520

Thank you for your email.

Your comments will be included in the public comments of the public hearing on September 5, 2018 for Bylaw No. 520, 2018.

Sincerely,

Sylvia Stephens

Sylvia Stephens  
Branch Assistant  
Comox Valley Regional District  
600 Comox Road  
Courtenay, BC V9N 3P6  
Tel: 250-334-6043

**From:** Jim Walters  
**Sent:** Wednesday, September 05, 2018 2:15 PM  
**To:** [planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca)  
**Subject:** Written Submission for Bylaw#520

Attention: Comox Valley Regional District;

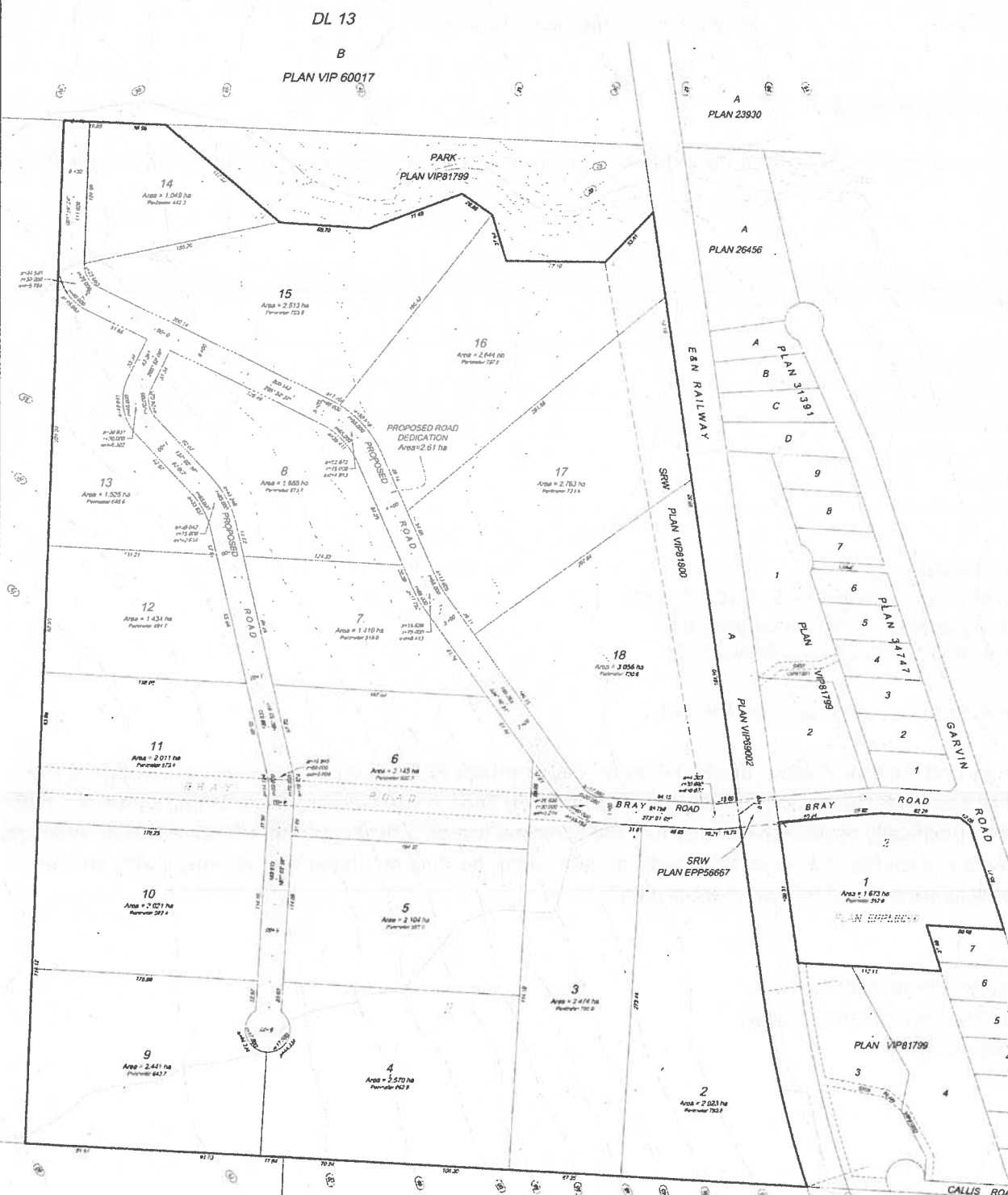
We, James and Patricia Walters of 6820 Buckley Bay Frontage Road, wish to go on record to oppose the change to section 807 (previously 806) Aquaculture (AQ) Zone in the Comox Valley Zoning Bylaw No. 520, 2018. We specifically oppose the removal of the principal use of "private or public boat ramps or wharves, excluding any such facilities associated with private yacht, boating or similar recreational clubs, and any facilities that are offered for commercial gain".

Sincerely,  
James and Patricia Walters,  
6820 Buckley Bay Frontage Road,  
Fanny Bay, B.C.,  
VOR 1W0

**PROPOSED SUBDIVISION PLAN OF LOT 1 AND 2, SECTION 6,  
NELSON DISTRICT, PLAN EPP56666**

BCGS 92F.056 1:1500

All dimensions are subject to final field survey



BLOCK 33

DL 8

via: email

September 5, 2018

Comox Valley Regional District  
600 Comox Road, Courtenay, BC  
V9N 3P6

Attention: Ton Trieu, Assistant Manager of Planning Services

Dear Sir/Madam:

Re: Comox Valley Zoning Bylaw No. 520, 2018

I Steve Halliday, object to the change of the Comox Valley Zoning Bylaw No. 520, 2018 section 807 Aquaculture (AQ) zone, formerly section 806 1. ii) Aquaculture One (AQ-1), removing the principal use of private boat ramps or wharves.

I purchased my property located at 6832 Buckley Bay Frontage Road as its foreshore is zoned for the use of a private dock under Aquaculture Zone AQ-1. As well, the property itself contains a unique set of circumstances that lend itself very well for a private dock that don't exist in many other locations elsewhere within the region. I am currently involved in an application with the Ministry of Forests, Lands, Natural Resource Operations & Rural Development (FrontCounter BC) and have been since early this year. I have expended a significant amount of finances and time in this process and the removal of a private dock as a principal use from section 807 Aquaculture (AQ) zone would cause me great personal losses. These losses would arise not only from the expenditures to date for the application process but also from the loss to the use and enjoyment of my land as my intended use of the property would be removed.

Thank you for your consideration of my submission.

Yours Truly,

Steven Halliday

6832 Buckley Bay Frontage Road  
Buckley Bay, BC  
V0R 1W0

---

**From:** Sylvia Stephens  
**Sent:** Wednesday, September 05, 2018 2:59 PM  
**To:** 'Shannon Wind'  
**Subject:** RE: Submission in regards to the CV Zoning Bylaw No. 520, 2018 Public Hearing

Thank you for your email.

Your comments will be included in the public comments of the public hearing on September 5, 2018 for Bylaw No. 520, 2018.

Sincerely,

Sylvia Stephens

Sylvia Stephens  
Branch Assistant  
Comox Valley Regional District  
600 Comox Road  
Courtenay, BC V9N 3P6  
Tel: 250-334-6043

---

**From:** Shannon Wind  
**Sent:** Wednesday, September 05, 2018 1:46 PM  
**To:** [planningdevelopment@comoxvalleyrd.ca](mailto:planningdevelopment@comoxvalleyrd.ca)  
**Subject:** Submission in regards to the CV Zoning Bylaw No. 520, 2018 Public Hearing

Dear Ton Trieu,

Please accept the attached written submission from my client Steven Halliday in regards to the Public Hearing for CV Zoning Bylaw No. 520, 2018 being held this evening.

Thank you

Sincerely,

**Shannon Wind**

Shannon Wind, BBA, LLB

ANDERSON WIND LLP  
LAW FIRM

102-575 10th Street  
Courtenay, BC V9N 1P9

Phone: (250) 871-8771  
[www.andersonwindlaw.com](http://www.andersonwindlaw.com)