

DATE: April 23, 2020

FILE: 3360-20/RZ 1C 19

TO: Chair and Members
Comox Valley Regional District Board

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

**RE: Rezoning – 8659 Island Highway (Zimmerman)
Puntledge – Black Creek (Electoral Area C)**

Purpose

To recommend waiving the public hearing for Bylaw No. 609, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 4” (RZ 1C 19, Zimmerman).

Recommendations from the Chief Administrative Officer:

1. THAT the Board amend Bylaw No. 609, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 4” to replace the zoning map with the one attached as Appendix A to the staff report dated April 23, 2020.
2. THAT the Public Hearing for Bylaw No. 609, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 4” (RZ 1C 19, Zimmerman) be waived in accordance with Section 464(2) of the *Local Government Act* (RSBC, 2015, c. 1) as the proposed zoning amendment is consistent with the Rural Comox Valley Official Community Plan.

Executive Summary

- At its meeting of April 7, 2020, the Comox Valley Regional District Board gave first and second readings of Bylaw No. 609 and authorized a public hearing.
- Bylaw No. 609 would rezone the subject property from Country Residential One to Industrial Light.
- The subject property is a 0.35 hectare parcel along the Island Highway in the Saratoga-Miracle Beach area. It is undeveloped and surrounded by commercial and industrial lots.
- The *Local Government Act* (RSBC, 2015, c. 1) (LGA) allows for the waiving of a public hearing in cases where the zoning amendment is consistent with the Official Community Plan, though mailed and newspaper notices of the proposed bylaw are still issued.
- The Official Community Plan (OCP) designates the property as Settlement Node and the proposal is consistent with the designation.
- Because the proposed bylaw is consistent with the OCP and there exists restrictions on public gatherings due to a public health emergency, staff recommends waiving the public hearing.

Prepared by:

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Jodi MacLean, RPP, MCIP
Rural Planner

Concurrence:

T. Trieu

Ton Trieu, RPP, MCIP
Manager of Planning Services

Prepared by:

J. Martens

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Manager of Legislative Service

Concurrence:

S. Smith

Scott Smith, RPP, MCIP
General Manager of Planning and
Development Services Branch

Government Partners and Stakeholder Distribution (Upon Agenda Publication)

Applicant	✓
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Background/Current Situation

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

On September 5, 2019, the owner submitted an application proposing to rezone the subject property to Industrial Light for the purposes of facilitating a lot line adjustment with the neighbouring Industrial Light lot and developing or selling the remainder for industrial uses. An introductory report was reviewed by the Electoral Areas Services Committee on November 4, 2019 and external referrals were issued and responses collected throughout December 2019 to February 2020. There were no objections or concerns and at its meeting on April 7, 2020, the Board adopted the following resolution:

“THAT the board give first and second reading to Bylaw No. 609, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 4” for property known as Lot A, Block 29, Comox District, Plan 9954, Except Parcel A (DD 41465W), PID 005-433-401 (8659 Island Highway), which rezones the entire property from Country Residential One (CR-1) to Industrial Light (IL);

AND FINALLY THAT pursuant to Section 464(1) of the Local Government Act (RSBC, 2015, c.1), the board schedule a public hearing for Bylaw No. 609, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 4” (RZ 1C 19, Zimmerman).”

The COVID-19 public health emergency has resulted in the Comox Valley Regional District (CVRD) delaying public meetings or otherwise finding alternative means for public consultation. With respect to zoning amendment bylaws, the LGA allows the waiving of a public hearing in cases where the proposed bylaw is consistent with the OCP. The proposed bylaw is still advertisement by means of a mailed notice to all owners and tenants of lots within 50 metres of the subject property (Appendix B). Two newspaper notices are still required but are published between 3 and 10 days before consideration of third reading.

Official Community Plan Analysis

The subject property is within the Settlement Nodes designation of the OCP. Section 32 (1) and (3) lists the objectives of that designation which include “*To implement the CVRD regional growth strategy by directing most growth in the electoral areas of the CVRD to the settlement nodes*” and “*To promote complete communities and neighbourhoods within the settlement nodes where people can live, work, play and shop.*” The subject property is the last remaining residential-zoned lot in a developing commercial-industrial node (Figure 3) that contributes to the potential employment base of the area. The proposal is consistent with the OCP.

Map Amendment

The text label in the map image in Appendix 1 of Bylaw No. 609, as read by the CVRD Board for the first and second time on April 7, incorrectly identified the zone of the subject property. The revised Bylaw No. 609 (Appendix A) corrects this. It is recommended that the bylaw be re-read as revised.

Policy Analysis

Section 464(2) of the LGA states “*A local government may waive the holding of a public hearing on a proposed zoning bylaw if (a) an official community plan is in effect for the area that is subject to the zoning bylaw, and (b) the bylaw is consistent with the official community plan.*” Section 467 outlines the provisions for a notice if a public hearing is waived.

Options

At this time, the Board has the following options:

1. Waive the requirement for a public hearing;
2. Not waive the requirement for a public hearing.

Because the proposed bylaw is consistent with the OCP and there exists restrictions on public gatherings due to a public health emergency, staff recommends option 1.

Financial Factors

A \$3,000 rezoning application fee has been collected from the applicant under Bylaw No. 328, being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014”. Staff also collected a \$1,500 fee that Bylaw No. 328, requires for organizing and conducting a public hearing. If the public hearing is waived, this \$1,500 will be returned to the applicant.

Legal Factors

The recommendation contained within this report has been prepared in accordance with the LGA and applicable CVRD bylaws.

Regional Growth Strategy Implications

The subject property is designated as a Settlement Node in the Regional Growth Strategy, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”. According to the Settlement Nodes policies, it is intended to “*accommodate growth through a balance of new development, intensification and improvements to public infrastructure*”. MG Policy 1B-2 directs that Settlement Nodes will have a Local Area Plan (LAP) that provides for specific land uses and development criteria, however this LAP has not been adopted yet.

Intergovernmental Factors

Referrals to First Nations and external agencies were issued and responses collected throughout December 2019 to February 2020. No objections or concerns were identified.

Interdepartmental Involvement

Planning staff is leading the review of this application. Input from other CVRD departments has been integrated into this report and review process.

Citizen/Public Relations

Regardless if there is a public hearing or if it is waived, notices of the proposed bylaw are published in the newspaper and mailed to all owners and tenants of lots within 50 metres of the subject property. Public correspondence received as a result of the notices will be considered by the Board prior to consideration of third reading.

The Advisory Planning Commission for Electoral Area C met on January 16, 2020, and the commission supported the rezoning application. Among the factors considered were the lot's location in an emerging commercial/industrial node, along with its road access, size and configuration relative to its neighbouring lots.

Attachments: Appendix A – “Bylaw No. 609”
Appendix B – “Draft Public Hearing Waiver Notice”

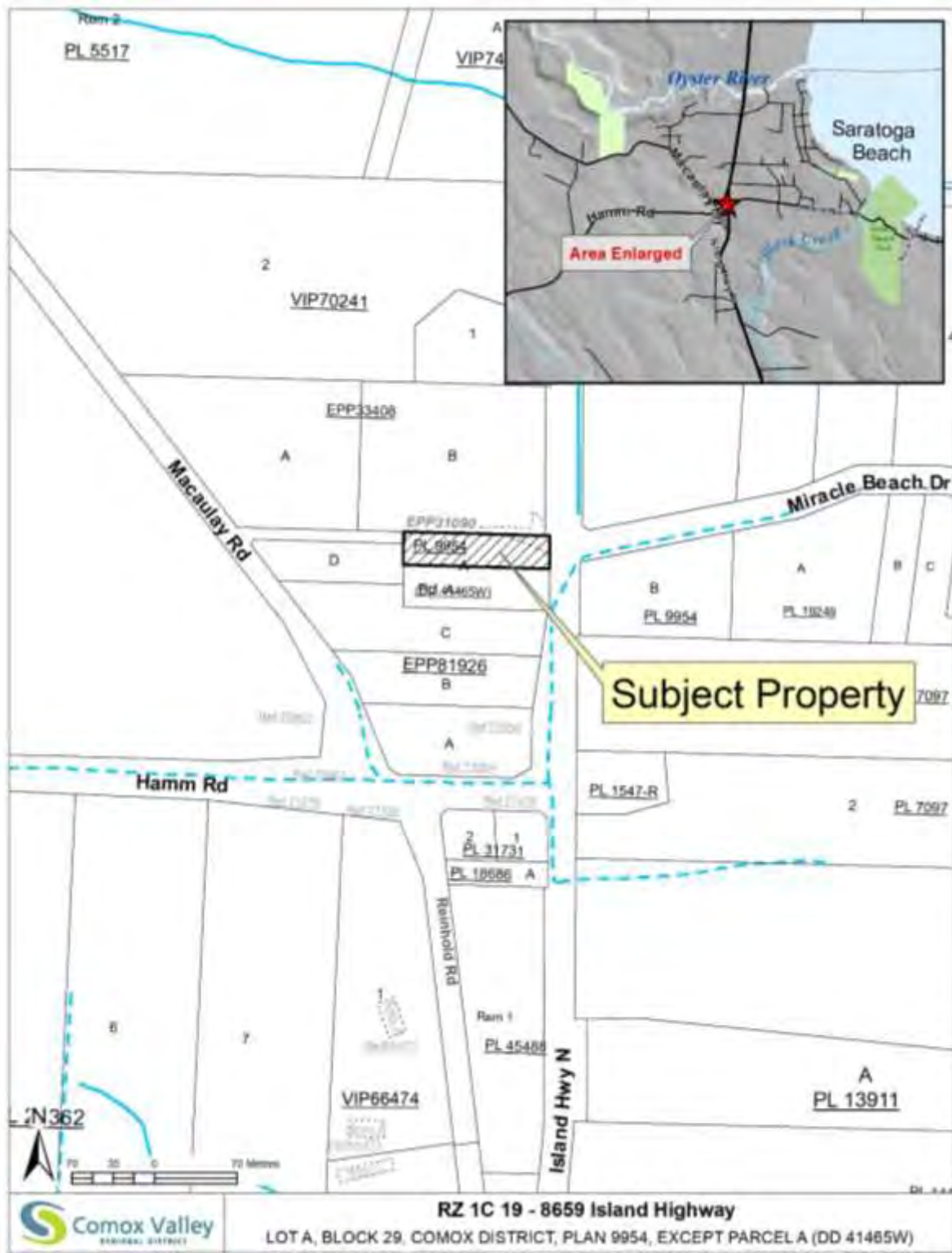


Figure 1: Subject Property



Figure 2: Air Photo (2018)

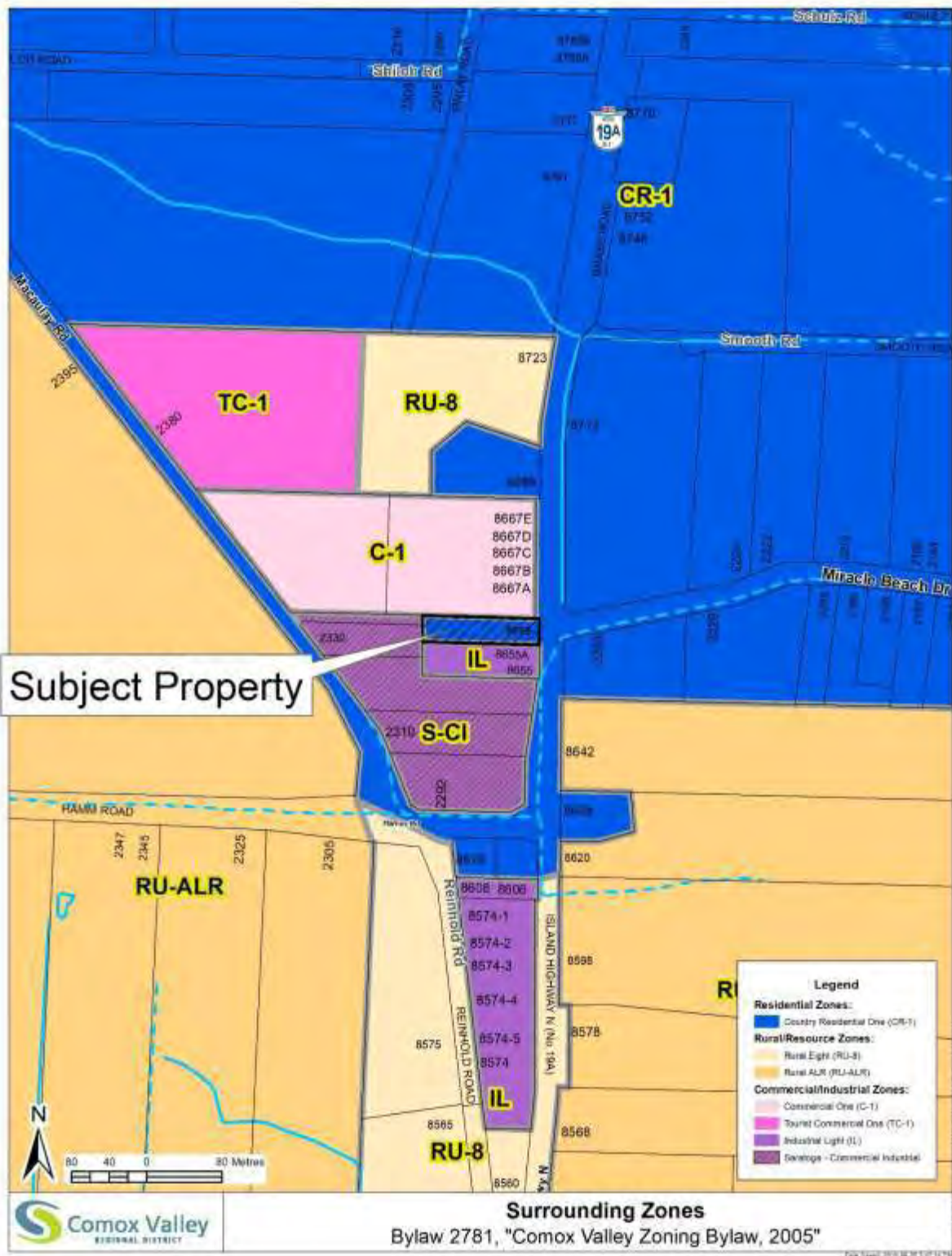


Figure 3: Zoning Map

BYLAW NO. 609	
Bylaw Name:	Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No 4
Applicant:	Nevin and Joanne Zimmerman
Electoral Area:	Puntledge - Black Creek (Area C)
File Number:	RZ 1C 19
Participants:	All Electoral Areas
Purpose:	To amend the Rural Comox Valley Zoning Bylaw by rezoning the subject property from Country Residential One (CR-1) to Industrial Light (IL).
Amends Bylaw:	520
Repeals Bylaw:	
Staff Contact:	Jodi MacLean, Rural Planner

STATUS	
Application Received	September 5, 2019
Electoral Areas Services Committee Approval:	November 4, 2019 Recommendation: Commence external agency referral and First Nations referral process.
Comox Valley Regional District Board:	November 26, 2019 Recommendation: Approved external agency referral and First Nations referrals.
Electoral Areas Services Committee Approval:	March 9, 2020: Recommendation: <p>THAT the board give first and second reading to Bylaw No. 609, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 4" for property known as Lot A, Block 29, Comox District, Plan 9954, Except Parcel A (DD 41465W), PID 005-433-401 (8659 Island Highway), which rezones the entire property from Country Residential One (CR-1) to Industrial Light (IL);</p> <p>AND FINALLY THAT pursuant to Section 464(1) of the Local Government Act (RSBC, 2015, c.1), the board schedule a public hearing for Bylaw No. 609, being the</p>

Bylaw Status Report - Bylaw No 609**Page 2**

	“Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 4” (RZ 1C 19, Zimmerman).
Comox Valley Regional District Board:	1st Reading: April 7, 2020
Comox Valley Regional District Board:	2nd Reading: April 7, 2020
Public Hearing:	
Comox Valley Regional District Board:	3rd Reading:
Ministry of Transportation and Infrastructure:	Required: Yes Date Sent: Date Approved:
Comox Valley Regional District Board:	Final Adoption:

Comox Valley Regional District
Bylaw No. 609

**A Bylaw to Amend the “Rural Comox Valley Zoning Bylaw No. 520, 2019”
being Bylaw No. 520**

The board of the Comox Valley Regional District, in open meeting assembled, enacts the following amendments to the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” being Bylaw No. 520.

Section One: Text Amendment

- 1) Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” is hereby amended as set out in Schedule A attached to and forming part of this bylaw.

Section Two: Title

- 1) This Bylaw No. 609 may be cited as the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 4.”

Read a first time this 7th **day of** **April** **2020.**

Read a second time this 7th **day of** **April** **2020.**

Public hearing held this **day of** **2020.**

Read a third time this **day of** **2020.**

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 609, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 4,” as read a third time by the board of the Comox Valley Regional District on the ___ day of _____, 2020.

Corporate Legislative Officer

**Approved by the Ministry of Transportation and
Infrastructure this** **day of** **2020.**

Adopted this **day of** **2020.**

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 609, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 4,” as adopted by the board of the Comox Valley Regional District on the ___ day of _____, 2020.

Corporate Legislative Officer

Schedule A

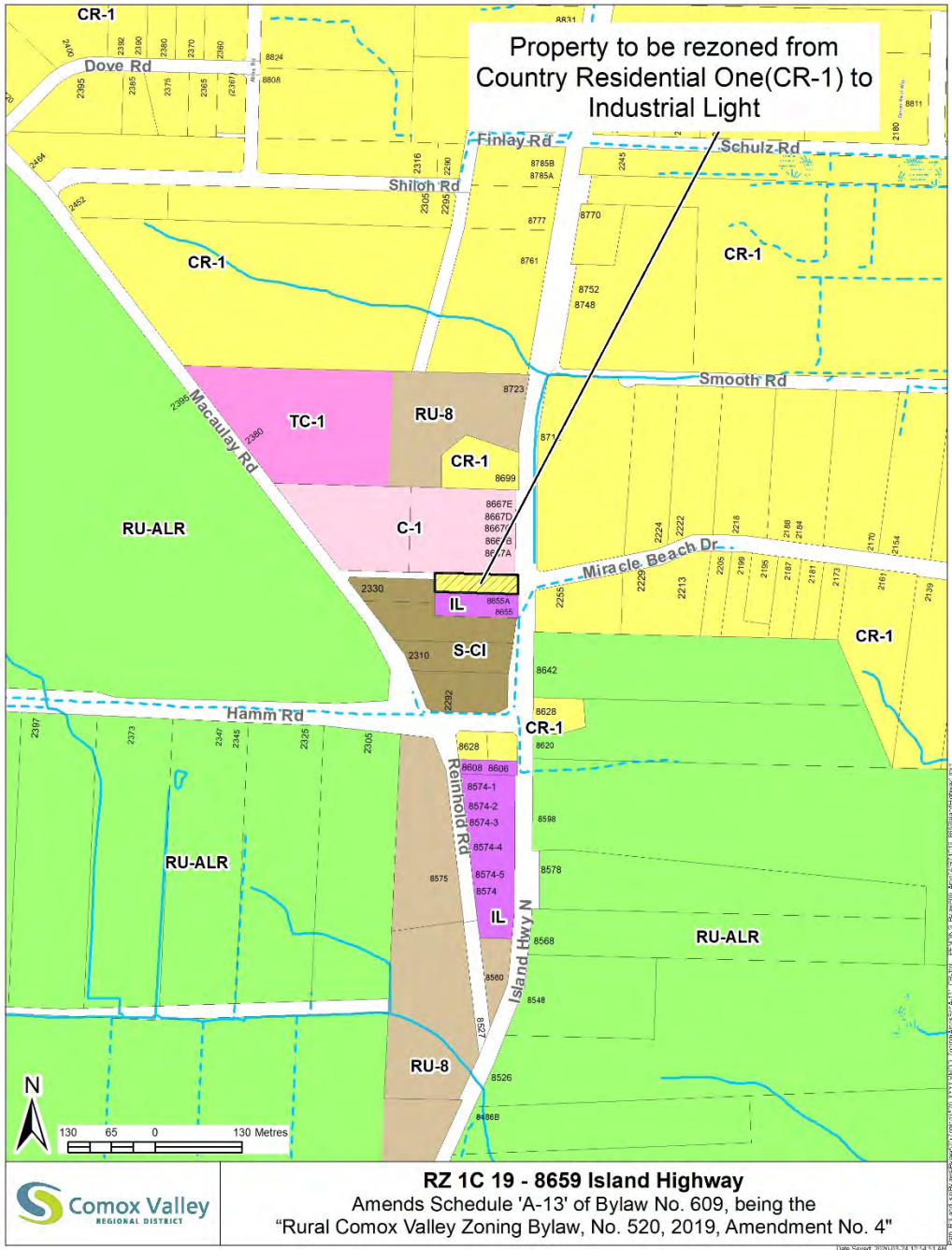
Section One: Text Amendment

1. Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019”, is hereby amended by:
 - a. Rezoning the entire property legally described as Lot A, Block 29, Comox District, Plan 9954, Except Parcel A (DD 41465W), PID 005-433-401 (8659 Island Highway) from Country Residential One (CR-1) to Industrial Light (IL).

Section Two: Map Amendment

1. Map A-13 forming part of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019”, is hereby amended by rezoning the entire property legally described as “Lot A, Block 29, Comox District, Plan 9954, Except Parcel A (DD 41465W), PID 005-433-401” (8659 Island Highway) from Country Residential One (CR-1) to Industrial Light (IL) as shown on Appendix 1

Appendix 1



Appendix 1

Part of Schedule A to Bylaw No. 609 being the "Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 4".

Amends Schedule Map A-13 to Bylaw No. 520, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019".

Notice of Waiver of Public Hearing Zoning Amendment Bylaw No. 609 8659 Island Highway, Electoral Area C

NOTICE IS HEREBY GIVEN pursuant to Section 467 of the *Local Government Act* that the Comox Valley Regional District Board has waived the holding a public hearing for Bylaw No. 609 being “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 4”.

Section 467 provides for the waiving of a public hearing in relation to land use bylaws that are consistent with a Regional District Official Community Plan, and the proposed Bylaw No. 609 is consistent with the Comox Valley Regional District’s Official Community Plan, Bylaw No. 337.

Bylaw No. 609, if adopted, would rezone the property legally described as Lot A, Block 29, Comox District, Plan 9954, except Parcel A (DD41465W) (8659 Island Highway) from Country Residential One (CR-1) to Industrial Light (IL) to facilitate a lot line realignment with the neighbouring Industrial Light (IL) parcel for development for light industrial purposes. The rezoning would increase the permissible maximum lot coverage for building and structures from 35 per cent to 50 per cent.

The Comox Valley Regional District Board intends to consider third reading of Bylaw No. 609 at its May 26, 2020 meeting, starting at 4:00 pm in the Civic Room located at 770 Harmston Ave, Courtenay, BC.

Copies of the proposed bylaw, related staff reports and other relevant information may be inspected online at www.comoxvalleyrd.ca/publichearings or at the CVRD office, 770 Harmston Avenue, Courtenay, BC between 8:00 am and 4:30 pm Monday through Friday, excluding public holidays from May 13, 2020 until May 26, 2020. In consideration of the ongoing COVID-19 pandemic those wishing to inspect such materials in person at the CVRD office must phone or email to arrange an appointment.

Enquiries to: Jodi MacLean
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Bylaw No. 609

