

Minutes of the public hearing held on November 22, 2017 in the CVRD boardroom, 550b Comox Road, Courtenay, BC commencing at 7:00 pm to consider Bylaw No. 488 and Bylaw No. 489

PRESENT:

Chair:	E. Grieve	Puntledge – Black Creek (Electoral Area C)
Directors:	B. Jolliffe	Bayne Sound – Denman and Hornby Islands (Electoral Area A)
Absent:	R. Nichol	Lazo North (Electoral Area B)
Staff:	A. Mullaly	Manager of Planning Services
	J. MacLean	Rural Planner
	L. Dennis	Recording Secretary

Chair Grieve called the public hearing to order at 7:00 pm and read a prepared statement regarding the public hearing procedures. The directors and staff were introduced to approximately 19 members of the public who were present for this public hearing.

**Bylaw No. 488, being the
“Comox Valley Zoning Bylaw, 2005, Amendment No. 71”
(Carr/Lewis)**

J. MacLean, Rural Planner, presented an overview of the application for Bylaw No. 488 being “Comox Valley Zoning Bylaw, 2005, Amendment No. 71” to rezone the property at 8645 Island Highway from Country Residential One (CR-1) to Saratoga Commercial-Industrial (S C-I) to subdivide the subject property and develop the lots for commercial and light industrial uses.

J. MacLean presented submissions received from the following respondents:

- Allan Vandekerhove, Miracle Beach Market Ltd.
- Heidi Reinhold, 8575 Reinhold Road
- Wendy Prothero, 1945 Beaufort Avenue
- Debra and Dennis Oakman, 3582 Macaulay Road

These submissions and those received during the public hearing are attached as Appendix A to these minutes.

Chair Grieve called for speakers from the speakers list, in regards to Bylaw No. 488.

Samantha Seeley, property manager of Miracle Beach Mini-Golf, spoke in support of the rezoning application but expressed concerns regarding water runoff due to the removal of trees on the subject property that flows over the driveway and into the mini-golf. The concern is that the runoff will freeze in the winter and create a hazard.

Chair Grieve called for any further speakers regarding proposed Bylaw No. 488.

Clinton Armstrong, 8642 Island Highway, spoke in support of the rezoning application but expressed concern regarding his livestock and possible noise generation on the subject property. Mr.

Armstrong supports light industrial uses, but would not like to see uses such as log scaling as this would generate noise that may affect his livestock.

Planning staff reviewed the proposed permitted uses on the property.

Chair Grieve called a second time for speakers regarding proposed Bylaw No. 488.

Chair Grieve called for a third time for speakers regarding proposed Bylaw No. 488 and reminded the public that any written submissions regarding the proposed bylaw must be brought forward before the close of the public hearing.

**Bylaw No. 489, being the
“Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 1”
(CVRD)**

A. Mullaly, Manager of Planning Services, presented an overview of Bylaw No. 489 being “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 1” to amend the Official Community Plan (OCP) to change the process for property owners seeking to install shoreline protection devices, both “hard” and “soft” approaches, from rezoning to development permit in Electoral Area A (Baynes Sound, excluding Denman and Hornby Islands), Electoral Area B (Lazo North) and Electoral Area C (Puntledge – Black Creek).

A. Mullaly presented a submission from Betty Brooks. This submission and those received during the public hearing are attached as Appendix B to these minutes.

Chair Grieve called for speakers from the speakers list in regards to proposed Bylaw No. 489.

Christine Gornall, 1442 Seaview Road, spoke regarding extensive damage to her property caused by a previously existing hard armouring structure installed on adjacent Crown land that has deflected sea water onto her property. The result has included \$30,000 worth of property damage due to flooding and the decline and death of 11 native Douglas fir trees, some of which are still standing and pose a risk of toppling. Ms. Gornall has obtained a tree risk assessment from a certified arborist in regards to these trees and will likely face the expense of having these trees removed. Ms. Gornall would like to see more consultation with residents who are affected by existing hard shoreline structures and would like staff to revisit the concept of hard armouring shoreline devices and replacing existing hard devices.

Chair Grieve called for any further speakers regarding proposed Bylaw No. 489.

Dianne Alsop, 1810 Astra Rd, spoke in regards to her property and stated that because her neighbours have installed rip rap, her only option is to install rip rap as well. This approach is the only option that is available for residents in her area. Ms. Alsop remarked that she has observed some green shores, such as at Kin Beach, that are already failing.

Dorothy Salter, 1806 Astra Road, spoke regarding seawater deflection that is carving out the land on her property. Ms. Salter has consulted with her area director and staff and during a site visit of her neighbourhood shoreline, observed some failing soft shoreline devices. Ms. Salter would like to see a clear outline from staff of what is required to address shoreline erosion which can include covenants, archaeological assessments, etc. This process of trying to work within the regulations has been stressful and all the while, the erosion continues. Solutions need to happen quickly as waterfront residents are seeing problems that have not occurred before in regards to sea level rise and weather events.

Doug Preston, 1514 Seaview Road – spoke regarding his neighbourhood, which has worked together to come up with solutions and to comply with regulations to the benefit of the whole neighbourhood. For the most part, the solutions implemented have protected properties in the area, but with major storm surges occurring, they have seen some damage and flooding in the area. Those that live in a depression will see more water encroachment, and the residents’ desire is to keep the water in the ocean, not to deflect to someone else’s property. The residents built to the regulations of the time, and have also tried some soft measures such as planting trees and seagrass. Some residents have experimented with natural features and sloped rip rap that rolls the water back to the ocean. Mr. Preston is concerned about more extreme weather patterns and rising sea levels and believes a green strategy leave the residents vulnerable. Mr. Preston suggests that the bylaw amendment be examined by a geotechnical engineer or hydrologist to determine if the approach works for properties that are subject to direct tidal action and for staff to consult with those property owners that are most affected.

Barb Staton, 1524 Seaview Road, spoke regarding major property damage that was sustained on her property last year due to a weather event, including the loss of three vehicles, 40 rhododendron trees and a flooded home, not covered by insurance. The existing hard shore structure had worked well until last year, and is now no longer high enough as the ocean changes and weather is more severe, making it challenging to be able to stay in this location. Ms. Staton stated that it is not possible to find a solution that suits everyone and hopes that the different perspectives presented are taken into account.

Elwyn Burch, professional engineer, spoke in support of the proposed bylaw amendment, and stated that in his professional experience, most shoreline solutions involve a combination of both hard and soft approaches.

Chair Grieve called a second time for speakers to regarding proposed Bylaw No. 489 and reminded the public that any written submissions regarding the proposed bylaws must be brought forward before the close of the public hearing.

Chair Grieve called for a third and final time for speakers regarding proposed Bylaw No. 489 and asked that all written submissions be brought forward. After providing the gallery sufficient time to complete written submissions and hearing no further speakers, the Chair declared the public hearing closed for Bylaw No. 488, being “Comox Valley Zoning Bylaw, 2005, Amendment No. 71” (Carr/Lewis) and Bylaw No. 489 being “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 1” (CVRD).

Time: 8:05 pm

Recorded by:

Confirmed:

Confirmed:

L. Dennis
Recording Secretary

A. Mullaly
Manager of Planning
Services

Director Grieve
Chair

Appendix A – Submissions received on behalf of proposed Bylaw No. 488 “Comox Valley Zoning Bylaw, 2005, Amendment No. 71”

Appendix B – Submissions received on behalf of proposed Bylaw No. 489 “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 1”

3360-20 / RZ 1C 17

From: VanGroup
Sent: Wednesday, November 22, 2017 10:59 AM
To: planningdevelopment@comoxvalleyrd.ca
Cc: 'Miracle Beach Mini Golf Seeley'
Subject: Bylaw 488 Property 8645 Island Hwy Proposed zoning change

Draft Email to
Comox Valley Regional District
Planning and Development Services

Re: Bylaw 488
Property 8645 Island Hwy Proposed zoning change

I am the owner of the adjacent properties, the mini golf (8667 Island Hwy) and the vacant lot behind it on Macaulay Rd.

I am in support of the rezoning, however with the removal of the trees we are now experiencing a tremendous water flow over the driveway into the Mini Golf.

When customers turns off the highway onto our property, in about 100ft or so they have to turn right to head towards the parking area. It is at this turning point where we are experiencing new run-off from the cleared property. As we have a significant traffic flow in the winter due to the Post Office being there, we are worried about ice forming and creating safety concerns and additional cost for us to salt.

While we support the rezone, we hope that a solution to the additional water flow can be resolved.

Sincerely

Allen Vandekerkhove
President
Miracle Beach Markets Ltd

3360-20 / RZ 1C 17

From: VanGroup
Sent: Wednesday, November 22, 2017 11:31 AM
To: planningdevelopment@comoxvalleyrd.ca
Subject: Bylaw 488 for 8645 Island Way Rezoning
Attachments: IMG_3982.JPG; ATT00001.txt; IMG_3983.JPG; ATT00002.txt; IMG_3984.JPG; ATT00003.txt

Hello,

We just sent you an email about the support for and water problem with the property rezoning.

I hope the attached photos are helpful in understating the issue. Our manager Sam Moncey will try to be at the meeting tonight.

Cheers
Allen Vandekerkhove

-----Original Message-----

From: Miracle Beach Mini Golf Seeley
Sent: Wednesday, November 22, 2017 11:20 AM
To: VanGroup
Subject: Water

Hi Paul,
Here are the photos from last night. It had stopped raining when I took that so this is not as bad as it can be.
Thanks







3360-20 / RZ 1C 17

From: Heidi Reinhold
Sent: Wednesday, November 22, 2017 1:15 PM
To: planningdevelopment@comoxvalleyrd.ca
Subject: Bylaw No.488

Good Afternoon

Received your notification re a zoning change in my area.

With the information provided, I have no major objections or concerns with this application providing the business plan doesn't include more liquor distributors or marijuana operations, we already have an adequate supply of these.

Having lived in this area 50+ years things do change and that is normal and to be anticipated. More difficult is the balance of retaining residential/family living and the ability to work within ones community with businesses that benefit the area with stable, safe, opportunities that add to the family flavour of the area and not harm the safety of those living within.

I trust that the overseers of this application will consider the usual water and sewer amenities with appropriateness.

Perhaps this would be the time to reconsider installing a traffic light at Hamm Road and Highway 19A as, if this application is granted, I anticipate there will be more traffic generated to those already using this corridor as the connector to Highway 19 and those driving daily to work, school and activities. This would have good safety outcomes for all those using this corridor.

Thank you for the opportunity to comment on this application.

Sincerely

Heidi Reinhold
8575 Reinhold Road
Black Creek

1945 Beaufort Ave,
Catskill Valley Regional Office
Laramie 154

RECEIVED

File: 336020/RZ1C17

NOV 22 2017

To: J. Madenan,
Leg. Serv.

cc: I do not know

Dear Jodi,

re: Bylaw 488

Just a quick note re Bylaw 488.

The plans for the Saratoga Commercial Industrial site.

I just wish to remind you all this area is bounded
on two sides by land in the ALR. It must be

that the proposed development not have any negative
impacts on the agricultural land.

Thanks for your efforts.

Yours truly,
Wendy Stollen.

From: Debra Oakman
Sent: Wednesday, November 22, 2017 4:38 PM
To: Sylvia Stephens
Subject: Fw: Public Hearing submission Bylaw 488 - re: 2292 Hamm Road, corner of 97A, Hamm Rd and Macaulay Rd

Importance: High

sending email. will send 3 attachments separately

From: Debra Oakman
Sent: Wednesday, November 22, 2017 4:32 PM
To: Jodi MacLean
Subject: Fw: Public Hearing submission Bylaw 488 - re: 2292 Hamm Road, corner of 97A, Hamm Rd and Macaulay Rd

Jodi, I removed the map. hopefully you will now receive this submission. Could you please attach the map provided separately.
thanks

From: Debra Oakman
Sent: Wednesday, November 22, 2017 4:16 PM
To: jmaclean@comoxvalleyrd.ca
Subject: Fw: Public Hearing submission Bylaw 488 - re: 2292 Hamm Road, corner of 97A, Hamm Rd and Macaulay Rd

From: Debra Oakman
Sent: Wednesday, November 22, 2017 4:11 PM
To: planningdevelopment@comoxvalleyrd.ca
Subject: Fw: Public Hearing submission Bylaw 488 - re: 2292 Hamm Road, corner of 97A, Hamm Rd and Macaulay Rd

From: Debra Oakman
Sent: Wednesday, November 22, 2017 4:06 PM
To: planningdevelopment@comoxvalleyrd.ca
Subject: Public Hearing submission Bylaw 488 - re: 2292 Hamm Road, corner of 97A, Hamm Rd and Macaulay Rd

Attention Jodi MacLean, Rural Planner.

While we are unable to make it into the Public Hearing tonight regarding the rezoning and subdivision at the entrance to Macaulay road community, we would like to submit the following to the Public Hearing committee.

We support Chad and Cheri Lewis in developing their property for the Above and Beyond Tree Service, and therefore support the rezoning of the property. We ask that the committee, staff and property owners consider that this corner property is the entrance or 'gateway' to the Macaulay Road community. Macaulay road (Robinson Lake, James Crescent, Doyle Rd, etc) can be seen from the attached map is home to over 453 parcels and using a reasonable estimate of 2.5 people per parcel, could easily have a population of

1000+. This corner property is the primary entrance (and exit) for Macaulay Road residents, it is important that the rezoning to a commercial site has a layout and activities that are well planned out to avoid congestion at this busy entrance and the property is kept clean and well maintained. If possible, a buffer of trees along Macaulay Road would assist in retaining a rural residential look and feel to the entrance of the Macaulay Road community.

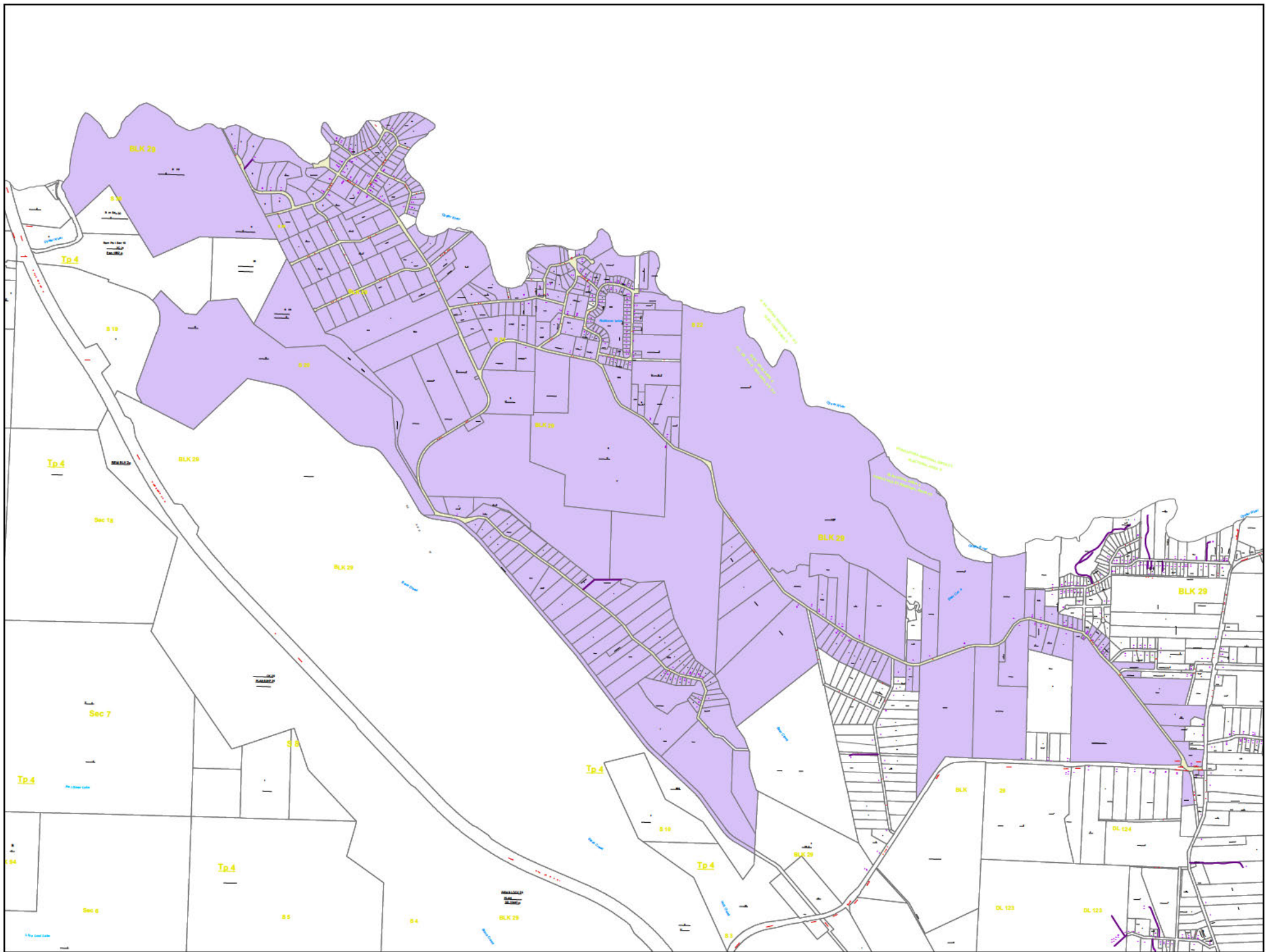
Unfortunately, with subdivision there are no guarantees of what to expect once the rezoning and subdivision is approved. It appears from Bylaw 488 that the proposed subdivision will include an additional 4 parcels with driveways off of Macaulay Road and again we would ask that if and when these are developed that careful consideration be given to traffic congestion and the rural residential gateway that could be impacted by the activities allowed.

From a process perspective, it is not clear that Macaulay Road residents have been included in any kind of information meeting or been informed of the rezoning/subdivision proposal. It is not clear whether they are represented on the Saratoga Residence Association. As can be seen from the attached picture, the rezoning sign was placed at the corner of 97A and Hamm Road and was impossible to read at this busy intersection. A sign would have been beneficial to post along Macaulay Road as well.

Best regards,
Debra and Dennis Oakman
3582 Macaulay Road
Black Creek, BC
V9J 1E4







Comox Valley Regional District

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File:

NOV 22 2017

Deborah Sundberg and Brad Piercy
1622 Seaview Road
Black Creek, BC, V9J 1J5

Resident since 1992 and 1972

To:

cc:

Kara Sundberg
1621 Seaview Road
Black Creek, BC, V9J 1J5
Resident since 2015

Geraldine Sundberg
1575 Seaview Road
Black Creek, BC, V9J 1J5
Resident since 1964

November 21, 2017

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

Via email

Dear Sir or Madam

Re: Bylaw 488 Comox Valley Zoning Bylaw 2005, Amendment No. 71

We are writing to respond to the newspaper advertisement about the rezoning of the property at 8645 Island Highway, Black Creek where comments are required by November 22, 2017 (which by the way is too short a notice period to get any reasonable number of comments back).

First thing to point out is that there is no rezoning sign on the property. This is per a drive around the entire property today. Not sure if this is a requirement or not.

The four of us have a combined 126 years living in the area so are are fully aware of the area. All of us currently live on Seaview Road which means our access to the old Island Highway is via Miracle Beach Road so we see this property basically each day.

We passionately object to this bylaw zoning request as it will drastically change the area even beyond the change that was done in 2017 when they clear cut the subject property.

In driving from Courtenay to Campbell River there are several commercial areas in existence. These are at the Country Market near Sunnydale golf course, at Coleman Road, at Merville Road, at Williams Beach Road, at Surgenor Road North, at Lalum Road (Black Creek Store) , at Miracle Beach Road, and then at Glenmore Road (Discovery Foods) in the Strathcona Regional District area D.

None of the above locations are industrial and none of them have really changed too much in the last twenty five years. This has kept area B and C relatively nice for the last two decades. The niceness of the area got seriously eroded earlier this year when the subject property was bought, clear cut and slash burned. As of today the niceness of the area even got worse with the remaining trees being removed on the subject property so when you drive up Miracle Beach Road to the highway, you now see the entire Macaulay Road traffic.

Now when you drive along the highway, thousands of people each day see this eyesore of a property that is devoid of all trees and vegetation and is anything but farmland. As an indication of the owners feelings toward the driving public, it should be pointed out that when the property owners were burning the stump slash piles this year, there were times when it was nearly impossible to see while driving along the highway.

Now the owners want to change the zoning of the land that would permit industrial uses. We ask, why the CVRD would even allow this to be an option. There are currently no industrial properties in the entire area and if there is then the area is away from a main driving corridor.

Each year thousands of tourists flock to Miracle Beach Provincial Park. If the CVRD approves the development of an industrial zone at the entrance to Miracle Beach Road then it is safe to say that the staff and directors of the CVRD have lost their minds. In talking with park staff, the provincial park that gets the highest guest ratings is usually Miracle Beach Provincial Park. Miracle Beach Campground is the most popular campground on Vancouver Island most years and if it's not number one then it's a close second behind Rath Trevor.

In relation to the official community plan, we are not sure if any industrial land is set aside in the OCP. We could not see any zoning classifications for this. If there is any zoning for this in the OCP then why would it be there in the first place.

So the question has to be asked, why is the CVRD looking to approve this zoning application? There is absolutely no logical reason for putting an industrial site in this area. Plus there is no logical reason to put an industrial site at the entrance to one of the best loved provincial parks and campgrounds in the province.

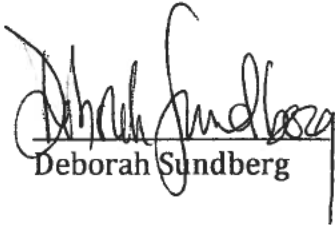
All that we can see is that there was a rural country residential property for sale, someone (Above and Beyond Tree Service) bought it, they wanted to pay for the

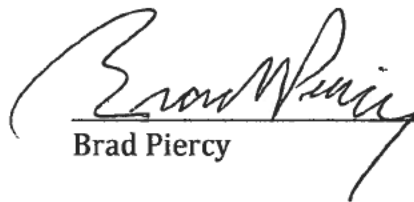
purchase price so they logged every tree on the property, they then slash burned all the wood debris and now they want to rezone the property and apparently sell off the excess lots to cover their costs. Everyone should be saying NO to this.

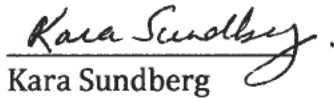
The residents of the rural areas in our community rely on the CVRD to make sensible decisions and to allow reasonable things to occur in district. When development that is contrary to a nice rural setting and neighbourhood get approved, then the CVRD is killing the residents quality of life one bylaw at a time.

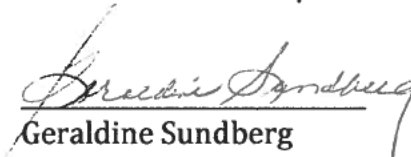
We ask that the CVRD not approve this bylaw.

Yours truly


Deborah Sundberg


Brad Piercy


Kara Sundberg


Geraldine Sundberg

From: **Betty Brooks** at
Subject: **Re: Bylaw 489**
Date: **November 22, 2017 at 4:10 PM**
To: **planningdevelopment@comoxvalleyrd.ca**



I wish to submit a short comment regarding communication when shoreline defences are being planned.

When my neighbours were planning their seawall I was not sufficiently informed by them or shown any plans, nor was I notified by the Regional District.

As a result of their rip rap I suffered severe erosion on my shore. Being a naturalist, I had a defence built using the Green Shores plan. While this has been some help, it has not been entirely successful resulting in further erosion in some parts. It also cost me considerably more than my neighbours wall.

Another point I wish to make is enforcing the preservation of ecological features such as trees and shrubs which help to prevent erosion. Unfortunately, many people cut these down and put in lawn which of course adds to the problem and speeds erosion.

With rising sea level, people should be discouraged from building anywhere near the sea.

Thank you for your attention.

Sincerely,

Betty Brooks

Comox Valley Regional District
RECEIVED

File:

NOV 22 2017

To:

cc:

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 16(4) 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.

RECEIVED
File
NOV 22 2017

Date:

To:

To: Comox Valley Regional District

CC:

From: (Optional)

Name (Please print): CHRISTINE GORNALL

Street Address: 1442 SEAVIEW RD BLAK CREEK

Tel/Email: _____

Re: Bylaw No. 489

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.

- more consultation with property owners
- more involvement of geotechnical engineers
in proposing amendments
- more planning towards long term elimination
of hardened shore line structures that are
causing downstream damage.





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.

Date:

NOV 22 2017

To: Comox Valley Regional District

To:

From: (Optional)

Name (Please print):

Doug Preston

cc:

Street Address:

1514 Seaview Rd.

Tel/Email: _

Re:

Bylaw No.

489

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.

• more advanced notice to owners of boardwalk property of changes to bylaw effecting shore protections

• keep protection of primary property in the by-law

• have a geo-technical engineer and a hydrologist review by-law

• have the same review process for soft + hard protection devices

• recognize the cost to homeowner and their right to protect their property

• utilize existing homeowners on the beach as,

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 by authority 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.

NOV 22 2017

Date:

To: Comox Valley Regional District

To:

From: (Optional)

CC:

Name (Please print): Tanice Lee

Street Address: 1402 Seaview Road

Tel/Email:

Re: Bylaw No. 489

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.

- My husband and I have lived on our waterfront property since Jan. 1989. We lost a significant amount of property early on and built a sloping seawall in the early 90's of drift wood bolted into large logs. Worked for many years but wood rots - now have rip rap - also sloping - seems to be working. We know that from experience the green solution does not work in all circumstances