

150th Anniversary of BC: August 2, 2021

File: 3360-01

July 27, 2021

Chair and Directors
Electoral Areas Services Committee

RE: Proposing amendment to Rural Comox Valley Zoning Bylaw No. 520

Summary

In 2019, the Province of BC passed the [*Zero Emission Vehicles Act*](#) (Act) which mandates that by 2040 all light vehicles sold must be zero-emissions. In June 2021, the Canadian government further passed a similar mandate covering all of Canada, but moving the 100 per cent zero emissions target for light vehicles to 2035. These ambitious targets require rapid enabling and supportive policies across society to be met. At local government, there are limited opportunities to help facilitate this rapid shift. One opportunity is through zoning regulations. In this policy, it is proposed to remove the sale of petroleum-derived fuels at automotive vehicles stations as a permitted use across all zones. This would ensure that no new gas stations are built in the Rural Comox Valley, and would make existing automotive service stations “legally non-conforming”.

Based on a review of the Rural Comox Valley Zoning Bylaw, it appears that the only change necessary to enable this shift is in adjusting the definition of “Automotive Service Station”. In order to encourage investment in new zero emissions vehicle infrastructure, the new definition would additionally create an explicit permission for the sale of hydrogen fuels at automotive vehicle service stations, in addition to electric energy.

Background

As part of global efforts and commitments to reduce greenhouse gas emissions in the face of a growing climate crisis, the Province of BC passed the Act on May 30, 2019. The Act requires automakers to meet an escalating annual percentage of new light-duty Zero Emission Vehicles (ZEV) sales and leases, reaching: 10 per cent of light-duty vehicle sales by 2025, 30 per cent by 2030 and 100 per cent by 2040.¹ On June 29, 2021, the Federal government further declared a [*new mandate*](#) for Canada to meet the 100 per cent light duty target by 2035.²

While the Provincial and Federal government mandates do not specifically state how local governments can best support these ambitious targets, local government should be pro-active in order to have a smooth transition for communities. Currently, alternative infrastructure to petroleum-derived fuels is still in its infancy, as a slow emergent network of electric charging stations is being developed across BC, and only a handful of hydrogen fuel stations exist.

¹ Province of British Columbia, “*Zero Emissions Vehicles Act – SBC 2019, Chapter 29*” Retrieved from: <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19029>

² Government of Canada: “Building a green economy: Government of Canada to require 100% of car and passenger truck sales be zero-emission by 2035 in Canada” Retrieved from : <https://www.canada.ca/en/transport-canada/news/2021/06/building-a-green-economy-government-of-canada-to-require-100-of-car-and-passenger-truck-sales-be-zero-emission-by-2035-in-canada.html>

One way that local governments can give shape to the future of vehicular energy sources in our communities is through zoning bylaws and permissible uses in residential and commercial zones. With a transition as ambitious as those mandated by the provincial and federal governments, it is evident that local governments should limit the further growth of petroleum-derived fuel stations, while incentivizing or at least permitting the construction of viable green infrastructure alternatives such as hydrogen fueling stations and electric charging stations.

A few years ago, considering zoning changes to curtail the growth of petroleum fuel stations would have seemed far-fetched – simply because the commercialization of alternatively fueled vehicles struggled to establish. However, today it is clear the automotive industry is in a position to meet the Provincial and Federal mandates. Both purpose-built companies such as Tesla, and shifts within traditional automakers to electric or hydrogen fuels is gaining exponential growth each year. In 2020, the sale of ZEVs in BC attained 9.4 per cent of total light duty sales, almost reaching the 2025 ZEV target five years early.³

Rural Comox Valley Zoning Amendment Proposal

In support of Federal and Provincial ZEV policy, upon review for the Rural Comox Valley Zoning Bylaw, it appears that simply changing the definition of “Automobile Service Station” to exclude permissibility of petroleum-derived fuels and to replace it with hydrogen fuels and electric energy would be sufficient to prevent the growth of new petroleum filling stations; to incentivize and permit the necessary green infrastructure to emerge; and to signal to the automotive service industry that change is afoot with the existing sale of petroleum-derived fuels becoming “legally non-conforming”.

In other words, the proposed amendment would change the definition from:

Current Definition - “Automobile service station” means a premise used or intended to be primarily used for the selling and dispensing of vehicular fuels, electric energy and other automotive fluids. The sale of automotive parts and accessories, as well as the washing or servicing and repair of vehicles, excluding body repairs is permitted in conjunction with an automobile service station.

Proposed Definition - “Automobile service station” means a premise used or intended to be primarily used for the selling and dispensing of ~~vehicular fuels~~, *hydrogen fuels*, electric energy and other *non-powering* automotive fluids, *excluding petroleum-derived fuels*. The sale of automotive parts and accessories, as well as the washing or servicing and repair of vehicles, excluding body repairs is permitted in conjunction with an automobile service station.

Policy Impacts

The following table summarizes the immediate and long-term policy implications of this proposal:

	Immediate Impacts	Long-term Impacts
Existing Automotive Service Stations	No anticipated impacts	Lose the right to sell petroleum-derived fuels if activity is suspended, and curtails capacity expansion. Explicitly enables the commissioning of hydrogen fuel and electric energy infrastructure.
Owners of Petroleum-derived fuelled vehicles	No anticipated impacts	Maintain access to petroleum fuels as long as legally non-conforming stations continue to provide petroleum-derived fuels.
Owners of Zero Emissions Vehicles	No anticipated impacts	Explicitly enables the growth of alternative fuel infrastructure such as hydrogen and electric energy at Automotive Service Stations.

³ Province of British Columbia: “B.C. eager to go electric: over 50,000 EVs on the road” Retrieved from: <https://news.gov.bc.ca/releases/2021EMLI0024-000628>

As the Electoral Area Director for Baynes Sound –Denman/Hornby Islands (Electoral Area ‘A’), I request the committee’s consideration of the following.

THAT staff be directed to bring forward a report concerning a potential amendment to Rural Comox Valley Zoning Bylaw No. 520 to change the definition of “Automotive Service Station” to exclude petroleum-derived fuels;

AND FURTHER THAT this report be provided to the Electoral Areas Services Committee with other proposed administrative amendments planned for early 2022.

Sincerely,

D. Arbour

Daniel Arbour
Director