

DATE: March 6, 2019

FILE: 6410-01/PJ 4CV 15

TO: Chair and Directors
Electoral Areas Services Committee

Supported by Russell Dyson
Chief Administrative Officer

FROM: Russell Dyson
Chief Administrative Officer

R. Dyson

RE: Comprehensive Rural Zoning Bylaw Review – Proposed Consultation Plan

Purpose

The purpose of this report is to present the revised public consultation plan for the comprehensive zoning bylaw review.

Recommendation from the Chief Administrative Officer:

THAT the public consultation plan for the comprehensive zoning bylaw review be initiated as outlined in staff report dated March 6, 2019.

Executive Summary

- On September 18, 2018, the Comox Valley Regional District (CVRD) Board adopted a resolution to rescind first reading of the Rural Comox Valley Zoning Bylaw No. 520, 2018 and directed staff to report back to a future Electoral Areas Services Committee (EASC) meeting with a revised bylaw and consultation plan.
- A revised consultation plan is attached as Appendix A. Stakeholder and public consultation is a critical component of the overall zoning bylaw review and will greatly assist with the identification of issues and potential options.
- Consultation will include three public open houses in May 2019. The open houses will provide an opportunity for the public to obtain information about the Zoning Bylaw and obtain input in advance of the statutory public hearing.
- The results of the open houses will be used to analyze, and as needed, to make recommendations on draft regulations in the Zoning Bylaw. The results will be presented to the EASC as part of the recommendations on draft regulations for the new Zoning Bylaw.
- Other initiatives including cannabis cultivation, processing and sales and short term vacation rental use will be addressed separately at a future date to ensure that the comprehensive zoning bylaw review is completed in a timely manner.
- The proposed work program for the project is as follows:

Task	Completion date
EASC consultation plan approval	March 2019
Release draft bylaw at open houses	May 2019
Present draft bylaw to EASC and request for external and First Nations referral	June 2019
First and second reading by CVRD. Set public hearing date	July 2019
Public hearing	August 2019
EASC review of public hearing/third reading of Zoning Bylaw	September 2019
Ministry of Transportation and Infrastructure approval	September 2019
Final adoption	October 2019

Prepared by:

Concurrence:

T. Trieu

S. Smith

Ton Trieu, MCIP, RPP
 Manager of Planning Services

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

Stakeholder Distribution (Upon Agenda Publication)

None	✓
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Background/Current Situation

A comprehensive zoning bylaw review is a corporate strategic priority for the CVRD. Over the last 14 years, the current Zoning Bylaw has been amended over 51 times, both to rezone properties and to make text amendments. This review will bring the Zoning Bylaw into conformity with the Official Community Plan (OCP) adopted in 2014, as well as improve clarity and readability, and address current issues. Staff have identified the key policy themes that underlie the bylaw review, including the following:

- Support agriculture and aquaculture by aligning with new Agricultural Land Commission regulations and Ministry of Agriculture new bylaw standards for agri-tourism and aquaculture best practices.
- Support rural living by updating home occupation provisions for clarity and compatibility.
- Support aging in place by modernization of accessory building unit regulations to provide design flexibility.
- Enable implementation of sustainability principles through built form (e.g. solar panel, wind energy devices).
- Support rural economic development by expanding the number of zones where agricultural, upland aquaculture, commercial and industrial uses are permitted.

Overview of the Process to Date

On June 26, 2018, the CVRD Board adopted a resolution to endorse the agency referral list and directed staff to commence the First Nations and external agency referral process.

On July 24, 2018, the CVRD Board adopted a resolution to endorse first reading of Zoning Bylaw No. 520, 2018 and to schedule a public hearing. A draft of the Zoning Bylaw was presented to the board.

On September 5, 2018 a public hearing was held for Zoning Bylaw No. 520, 2018, which was well attended. Staff received comments for Bylaw No. 520 from members of the public.

On September 18, 2018, the CVRD Board adopted a resolution to rescind first reading of Zoning Bylaw No. 520, 2018 and directed staff to report back to a future EASC meeting with a revised bylaw and consultation plan.

Zoning Bylaw

The purpose of a Zoning Bylaw is to implement the policies of the OCP. However, because Section 479 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) is specific on what can and cannot be regulated through zoning, not all OCP policies are appropriate or permitted for implementation through a Zoning Bylaw. Section 479 of the LGA authorizes the local government to regulate the use, density, size and shape of the land, buildings and structures. Section 479 does not provide the authority to regulate matters such as nuisance, colour, architectural theme or aesthetics.

Planning staff have reviewed the Zoning Bylaw and have identified the following key policy objectives for the comprehensive zoning bylaw review:

- Modernize for clarity, interpretation and administration;
- Address implementation and functionality challenges (e.g. carriage house, height, floor area);
- Support agriculture and aquaculture by aligning with new Agricultural Land Commission regulations and Ministry of Agriculture new bylaw standards for agri-tourism and aquaculture best practices;
- Support rural living by updating home occupation provisions for clarity and compatibility;
- Support aging in place by modernization of accessory building unit regulations to provide flexibility; and
- Enable sustainability principles through built form (e.g. solar panel, wind energy devices).

Proposed Changes to the Rural Comox Valley Zoning Bylaw No. 520, 2019

The proposed draft Rural Comox Valley Zoning Bylaw No. 520, 2019 will replace the current Zoning Bylaw. Some changes are minor, such as providing clarity to existing definitions, formatting and the re-organization of sections of the Zoning Bylaw. Other changes are more substantial, such as the addition of new definitions, creation of new zones, removal of existing zones and implementation of sustainability principles through built form.

Staff held a series of public consultation initiatives to gather input and insights on the proposed changes to the draft Zoning Bylaw. Public consultation initiatives included a series of open houses (three open houses in June 2017 and one in August 2018), and various meetings with stakeholders groups. These interactions enabled staff to hear residents and property owners input on the zoning bylaw review and incorporate into the draft Zoning Bylaw as appropriate. The following are some of the key changes identified to the proposed Zoning Bylaw.

1. Modernized for Clarity, Interpretation and Administration

- Removal of definitions that are no longer relevant or have been consolidated into other definitions (e.g. shellfish aquaculture, helipad, model aircraft flying):
 - Addition of new definitions (e.g. accessory dwelling unit, gross floor area, fence); and
 - Amendment of existing definitions to make them more clear and up-to-date (e.g. mobile home, office, retail sales).
- General regulations which are dispersed in different sections have been grouped under one section.

2. Incorporate New Federal and Provincial Legislation

Incorporate new federal and provincial regulations and eliminate old regulations:

- Ensure that the new regulations are consistent with federal and provincial legislation.

3. Support Rural Living

Expand Home Occupation and Domestic Industrial use provisions:

- Define commercial vehicle;
- Balance residential use with business by restricting number of students (e.g. max. of eight patrons or students that is connected to a Home Occupation); and
- Allowing Domestic Industrial use on lands greater than 2.0 hectares.

4. Enable Innovation Through Built Forms

To address implementation and functionality challenges to support rural living:

- Provide design flexibility in the design and layout of carriage houses (e.g. permit internal stair case, increase height, design flexibility in floor area); and accessory building (e.g. increase height for accessory building in rural zones).

5. Modernize Zones

Elimination of existing zones and establishment of new zones:

- Number of aquaculture use zones has been reduced by combining similar zones (e.g. Aquaculture Two zone is combined into one Aquaculture zone and Aquaculture Three and Four zones are combined to Upland Aquaculture Facility zone);
 - Delete repetitive or unused zones (e.g. Residential One B, Residential One C, Residential One D, Commercial Composting zone,); and
 - Create new zone (e.g. Drinking Water Protection zone).
6. Respond to Emerging Trends
Capture new land use trends:
- Permit community gardens in all zones; and
 - Broaden opportunities for local community-based sustainable food production (e.g. permit back yard chickens, beehives and produce stands on lots 2000 square meters or larger).
7. Introduce Sign Regulations
- Restrict sign area, height, number of signs, setbacks and height (e.g. Home Occupation, Domestic Industrial, Commercial, Industrial zones); and
 - Prohibit certain signs (e.g. third party signs, flashing, animated signs).
8. Protect Functioning Working Landscape
Reduce interface conflict between residential uses and active working landscape:
- Only permit residential use as an accessory use (e.g. Upland Resource zone, and Water Supply and Resource Area zone).
9. Update Zoning Maps
- Reduce split zone properties;
 - Reduce unused zones (e.g. Commercial Composting); and
 - Reduce zones that are repetitive (e.g. Residential One B zone, Residential One C zone, Residential One D zone, Residential Two zone, Country Residential Two zone).
10. Other Significant Changes
Rural Comox Valley Zoning Bylaw No. 520, 2019 also includes the following changes:
- Minimum setback requirements for Animal Kennel use;
 - Consolidate fencing and screening regulations into one section;
 - Expansion of areas where craft beverage processing (e.g. permitted in Commercial zones) and veterinary establishment use (e.g. commercial and industrial zones) are permitted;
 - Expansion in areas where general contractor and storage yard (e.g. permitted in Industrial Light and Industrial Heavy zones) are permitted;
 - Remove regulations on lot line adjustment (e.g. would involve a change of no more than 25 per cent of the smaller lot involved);
 - Include height and setback provisions to enable sustainable technologies (solar and turbines height exemptions); and
 - Watercourse setbacks for buildings and structures (e.g. consistent with Floodplain Regulations Bylaw).

It is anticipated that the proposed Zoning Bylaw will result in some current uses becoming non-conforming, however; it should be noted that the Section 528 of the LGA allows the non-conforming use to continue to be performed on the property as long as it's not discontinued for a period greater than six months. Staff have endeavoured to create as little non-conforming use as possible and estimate that ten properties may be affected. Staff has been contacting all owners of split zoned properties where changes are proposed.

Other priorities for the planning and development services consist of reviewing cannabis cultivation, processing and sales and short term vacation rental use. Staff will address these priorities separately at a future date to ensure that the comprehensive zoning bylaw review is completed at a timely manner.

The proposed work program for the project is as follows:

Task	Completion date
EASC consultation plan approval	March 2019
Release draft bylaw at open houses	May 2019
Present draft bylaw to EASC and request for external and First Nations referral	June 2019
First and second reading by CVRD. Set public hearing date	July 2019
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Ministry of Transportation and Infrastructure approval	September 2019
Final adoption	October 2019

Consultation Plan

The consultation plan identifies a program of informing and consulting with the public, and stakeholders during the zoning review process. The consultation plan creates awareness, encourages participation and gathers public feedback.

Consultation Objectives

The general objectives of the consultation plan are to:

- Encourage and support public and stakeholder involvement;
- Create awareness of the Zoning Bylaw as a planning tool;
- Provide the opportunity for residents to make their views known on the zoning review;
- Provide regular information updates throughout the zoning bylaw review;
- Provide the opportunity for affected municipalities and agencies to provide comments; and
- Communicate feedback and make recommendations to the board enabling them to make a decision on possible zoning amendments.

Communication Methods

The following communication tools will be used to engage stakeholders:

Website, Social Media and Newspaper

A section of the CVRD website has been created to inform the public and stakeholders about the review as it progresses. The website will be a central source for relevant project materials (e.g. background reports), staff reports and project deliverables.

A project email address – zoningreview@comoxvalleyrd.ca – has been established.

Public Open Houses

Three open houses will be held to provide an additional opportunity for the public to obtain information about the zoning review and to obtain public input on the draft Zoning Bylaw. The open houses are intended to enable dialogue between CVRD planning staff and the public.

The open houses will occur in May 2019 (Appendix A). Following the open houses, the input and suggestions received will be assessed and incorporated into the draft Zoning Bylaw as appropriate. Results will be presented to the EASC in June 2019.

Public Hearing

A statutory public hearing, planned for August 2019, is required prior to third reading of an amending bylaw. All comments received at the public hearing will be presented at the EASC meeting in September 2019.

Consultation Process

The public consultation process recommended for the bylaw review has been divided into two phases. Phase 1 is the launch and intended to obtain wider feedback on the draft bylaw. Phase 2 is the finalization and bylaw adoption process. The consultation schedule chart is summarized in Appendix A. An overview of these phases is outlined below:

Phase 1: Launch – March through May 2019

- Update website.
- Create social media plan promoting the open houses.
- Contact affected property owners (i.e. split zone notification letters).
- Consult with Advisory Planning Commissions (APC, AAPC) and interdepartmental staff review.
- Complete three open houses to obtain feedback on the draft Zoning Bylaw.

Phase 2: Statutory Process – June through October 2019

- Bylaw adoption process (present results of open houses to EASC, first and second reading, public hearing, third reading, sending final draft to Ministry of Transportation and Infrastructure, CVRD Board for final adoption, notification of adoption to interested parties).

Policy Analysis

Part 13 “*Regional Growth Strategies*,” Section 445 of the LGA requires that all bylaws and services undertaken by the board be consistent with the CVRD Regional Growth Strategy (RGS) following adoption of the RGS.

Part 14 “*Planning and Land Use Management*,” of the LGA provides that a local government may regulate zoning. Section 479 of the LGA authorizes a local government to regulate the use, density, size and shape of land, buildings and structures. Section 464 states that a local government must hold a public hearing before adopting a Zoning Bylaw. Section 466 outlines the procedures to be followed in respect to public notification of the proposed bylaw.

Options

The board has the following options:

1. Direct staff to proceed with the consultation plan as outlined in the staff report.
2. Direct staff not to proceed with the consultation plan as outlined in the staff report, but identify a preferred plan.

Financial Factors

Key costs have pertained to staff time. Costs for legal review, public outreach and advertising were included in function 500’s (planning) approved 2019 financial plan.

Legal Factors

This report and the recommendation contained herein are in compliance with the LGA and CVRD bylaws. The LGA authorizes a local government to regulate through zoning, the use, density, size and shape of land, buildings and structures.

Regional Growth Strategy Implications

Section 445 of the LGA requires that all bylaws and services undertaken by the board be consistent with the CVRD's RGS. The RGS is implemented, in part, via the OCP and Zoning Bylaw. The OCP is a key strategic bylaw that contains land use designation and policies outlining the vision for a community. The OCP helps guide decisions with respect to planning and development with the intent to serve the current and future needs of the community. The CVRD undertook the review and update of its policies to develop a new OCP. There are key OCP policies that now need to be implemented, such as:

- Support resource development in the resource designation zones by permitting residential use as an accessory use only (limited to one single detached dwelling) (Policy 63.2);
- Require Temporary Use Permit or a rezoning of a property to an industrial category to permit processing of aggregate or minerals on resource parcels (Policy 64.2);
- Support aquaculture by permitting dock-side sales and limited on-site sales of aquaculture products (retail sales as an accessory use in aquaculture zones) (Policy 70.5) ; and
- Support agriculture on smaller parcels by permitting agriculture use (Policy 50.5).

Intergovernmental Factors

Consultation with a range of ministries is planned through the external agency referral process in June 2019. Consultation with Ministry of Transportation and Infrastructure as approval authority is planned in the fall.

Interdepartmental Involvement

Planning and development services branch staff will undertake the review process with support of other key departments. Planning and development services will work with communications staff to execute the deliverables within the consultation plan.

Citizen/Public Relations

The proposed consultation plan consists of a variety of communication techniques that extends beyond the requirements of the LGA.

Attachments: Appendix A – “Consultation Plan”

Subject: Comprehensive Zoning Bylaw Review	File: 18-000078 Comprehensive Zoning Bylaw Review
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Purpose

The outline engagement activities surrounding the comprehensive zoning bylaw review.

Target audience(s):

- Residents within Electoral Area A (excluding Denman and Hornby Islands), B and C
- Comox Valley Regional District (CVRD) Board of Directors
- General Public
- Affected Stakeholders
- First Nations

Project Background:

A comprehensive zoning bylaw review is a corporate strategic priority for the CVRD. Over the last 14 years, the current Zoning Bylaw has been amended over 51 times, both to rezone properties and to make text amendments. This review will bring the Zoning Bylaw into conformity with the new Official Community Plan (OCP) adopted in 2014, as well as improve clarity and readability, and address current issues. Staff have identified the key policy themes that underlie the bylaw review, including the following:

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- Support aging in place by modernization of accessory building unit regulations to provide design flexibility.
- Enable implementation of sustainability principles through built form (e.g. solar panel, wind energy devices).
- Support rural economic development by expanding the number of zones where agricultural, upland aquaculture, commercial and industrial uses are permitted.

Spokesperson: Ton Trieu, Manager of Planning**Key Speaking Points: (3-5 key messages for media or target audience)**

- Want to learn more about the Comprehensive Zoning Bylaw Review come out to our open house or visit www.comoxvalleyrd.ca/zoningreview
- The key policy themes underlying the bylaw review include:
 - Modernization for clarity, interpretation and administration
 - Support for agriculture and aquaculture
 - Support for rural living
 - Support for aging in place
 - Enabling implementation of sustainability principles through solar panel and wind energy devices
 - Support for rural economic development

Guiding Principles:

- Communications included in all project team meetings and in key project-related discussions.
- Project to have budget sufficient to cover communications strategies.
- All materials and communication will follow the CVRD Corporate Identity Guide.

Budget:

Key costs have pertained to staff time. Costs for legal review, public outreach and advertising were included in function 500's (planning) approved 2019 financial plan.

Communication Objectives: (3-5 Objectives)

1. To educate residents about the comprehensive zoning bylaw review.
2. To ensure affected residents are aware of what this means to them, their properties and where in the process the review is currently.
3. To gather feedback and answer questions with community.

Communication/Engagement Strategies:

Element	Description	Responsibility	IAP2 Spectrum	Budget	Due Date
Develop Consultation Plan	Develop consultation plan	Jennifer Steel/Ton T.	Consult/ Inform	Staff Time	February 2019
EASC	Attend March EASC with proposed consultation plan and next steps	Ton T.	Inform/ Consult	Staff Time	Meeting: March 11, 2019
Develop Campaign Creative	Work with agency on developing creative: - website banner - open house advertisement - online Facebook ad	Jennifer Steel	N/A	\$3,000	March 2019
Develop Media Plan	Develop media plan and incorporate open houses into plan	Jennifer Steel	N/A	\$3,000	March 2019
News Release	News Release regarding open houses and inviting residents to come out to learn more and ask questions of the planners.	Draft: Jennifer Steel Approve: Ton T. Distribute: Jennifer Steel	Inform	Staff Time	End of April 2019
Advisory Planning Commissions & Stakeholder Engagement	Connect with various community associations (e.g. Saratoga Miracle Beach Residents, Comox Valley Economic Development Society), and advisory	Ton T.	Consult	Staff Time	May 2019

Consultation Plan – Comprehensive Zoning Bylaw Review

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	planning commissions about proposed changes and request feedback on draft bylaw.				
Release Draft Bylaw Open Houses	<p>Have three open houses. One in each electoral area (3:30-7:00 pm) for affected property owners and general public to attend</p> <p>Use display boards for open houses</p> <p>Copies of draft bylaw present, accepting feedback on the bylaw prior to first reading.</p>	<p>Open House: Ton T./Planning</p> <p>Content display boards: Ton T.</p> <p>Design display boards: Beverly</p> <p>Approve: Jennifer/Ton T.</p> <p>Printing/Distribution: Beverly</p>	Consult	<p>Print Display Boards: \$56 per display board before tax (10 boards = \$560 before tax)</p> <p>Food/Tea/Coffee: \$150</p> <p>Cost of renting Union Bay Community Hall: \$225</p> <p>Total: \$1,500</p>	<p>May 6, 2019 Union Bay Community Hall</p> <p>May 16, 2019 – Black Creek Fire hall</p> <p>May 22, 2019 – CVRD Board Room</p>
EASC Meeting	Roll up feedback from open houses. Present draft bylaw to EASC and request for external agencies and First nations Referral	Ton. T.	Consult	N/A	June 10, 2019
Letters	Letters to affected property properties that may have mapping inconsistency and zoning changes, invite to open houses	Planning/Ton T.	Inform	Postage TBD	<p>Draft: March 2019</p> <p>Deliver: April 9/10, 2019</p> <p>Arrival to homes: April 15, 2019</p>
Website/Connect CVRD	Ensure CVRD website/connectcvrd up to date and accurate with details Provide event listing on CVRD site and within the CVRD	Content: Ton T.	Inform	Staff Time	Ongoing

Consultation Plan – Comprehensive Zoning Bylaw Review

	Facebook Account for open houses				
EASC	1 st and 2 nd reading of the proposed bylaw	Ton T.	Consult	Staff Time	EASC Meeting: July 15, 2019
Public Hearing	Public hearing date to be confirmed	Ton T.	Consult	Staff Time	August 2019
Public Hearing Ads	Develop legal ads in support of the public hearing and promote public hearing on boosted Facebook post.	Content Ads: Ton/Legislative Services Design/ Boosted Facebook post: Beverly Approve: Ton T.	Inform	Included in media plan	Dates to be determined once public hearing set
EASC	Present feedback from public hearing to EASC	Ton T.	Inform/ Consult	Staff Time	EASC Meeting: September 16, 2019
EASC	3 rd reading and final adoption of the proposed bylaw	Ton T.	Consult	Staff Time	EASC Meeting: September 16, 2019
Ministry of Transportation and Infrastructure approval	Final draft to Ministry of Transportation and Infrastructure	Ton. T	Consult	Staff Time	September 2019
CVRD Board	Final adoption	Ton T.	Consult	Staff Time	Final adoption October 2019

Next Steps:

- Approve consultation plan
- Implement plan and execute strategies as outlined

Approval History

Created by: Jennifer Steel/Ton T.	February 2019
Amended:	