

**DATE:** October 24, 2019**FILE:** 3360-20/RZ 1C 19**TO:** Chair and Directors  
Electoral Areas Services Committee**FROM:** Russell Dyson  
Chief Administrative OfficerSupported by Russell Dyson  
Chief Administrative Officer***R. Dyson*****RE: Rezoning (Zimmerman)  
Electoral Area C (Puntledge – Black Creek)  
Lot A, Block 29, Comox District, Plan 9954, except Parcel A (DD41465W),  
PID 005-433-401****Purpose**

The purpose of this report is to advise the Electoral Areas Services Committee of an application to rezone a property from Country Residential One (CR-1) to Industrial Light (IL) and to recommend that the application be externally referred (Appendix A).

**Recommendation from the Chief Administrative Officer:**

THAT the Comox Valley Regional District Board endorse the agency referral list as outlined in Appendix A of staff report dated October 24, 2019, and direct staff to commence the external agency referral process for Lot A, Block 29, Comox District, Plan 9954, except Parcel A (DD41465W), PID 005-433-401, as part of a proposed amendment (RZ 1C 19) to Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw, No. 520, 2019”;

AND FINALLY THAT Comox Valley Regional District staff consult with First Nations in accordance with the referrals management program dated September 25, 2012.

**Executive Summary**

- The subject property is an undeveloped 0.35 hectare parcel in the Saratoga Miracle Beach Settlement Node.
- It is zoned Country Residential One (CR-1) which only allows residential use.
- The property owners are applying to rezone the property to Industrial Light to facilitate a lot line realignment with the neighbouring Industrial Light (IL) parcel followed by its sale or development for light industrial purposes.
- Staff recommends that the First Nations and agency referral process for this rezoning application be initiated. Once this process is completed, comments from these parties will be presented to the board for consideration of next steps.

Prepared by:

***J. MacLean***

---

Jodi MacLean, RPP, MCIP  
Rural Planner

Concurrence:

***T. Trieu***

---

Ton Trieu, RPP, MCIP  
Manager of Planning Services

Concurrence:

***S. Smith***

---

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

**Stakeholder Distribution (Upon Agenda Publication)**

Applicant	✓
-----------	---

**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.

The property owners also own the neighbouring Industrial Light property (Figure 3). They are applying to rezone the subject property to the same Industrial Light zone with an objective of realigning the property lines to better accommodate the existing development and to be able to either sell or develop the remainder for light industrial purposes.

Official Community Plan Analysis

The subject property is within the Settlement Nodes designation of the Official Community Plan (OCP). The policy of this designation directs: “*Approved local area plans establish the goals and objectives for residential, commercial, park, industrial and institutional land uses...*”.

Zoning Bylaw Analysis

The existing Country Residential One (CR-1) zone in Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw, No. 520, 2019”, allows for residential use with a minimum lot area of 2 hectares. The proposed IL zone allows for a broader range of uses, such as manufacturing, servicing or repair, retail sales, general contractor services, etc. It also allows for a residence that is accessory (incidental and subordinate) to one of the principal uses. The minimum lot area for subdivision purposes in the IL zone is 0.4 hectares when connected to a community water service, though the lot area limit would not apply in a parcel line realignment.

Rainwater Management

As there is no drainage function for private properties in this area, Section 6(1) of OCP specifies that the applicant must submit a drainage report with the objective of ensuring the pre-development or the natural hydrologic regime is maintained or restored by development. The applicant submitted a Site Drainage Plan prepared by Ken Woods, P.Eng., of PacWest Geotechnical. The report provides recommendations, such as swales and rock pits, for addressing drainage originating from neighbouring upslope properties and for future development on the subject property.

The proposed rezoning from CR-1 to IL would increase the permissible maximum lot coverage for building and structures from 35 per cent to 50 per cent. The addition of new buildings and structures on an industrial zoned property involves the approval of a development permit which requires development-specific rainwater management plans. These must address the lack of vegetation that naturally covers the land and any impervious surfaces added so that the natural hydrologic regime is restored.

**Policy Analysis**

Section 479 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) authorizes a local government to regulate the use, density, size and shape of land, buildings and structures through a Zoning Bylaw. Section 460 of the LGA states that a local government must define procedures by which a property owner may apply for a bylaw amendment. Section 464 states that a local government must hold a public hearing before adopting a Zoning Bylaw.

**Options**

The board can:

1. Refer the application to external agencies and First Nations for review.
2. Deny the application to rezone the property at this time.

Staff recommends option 1. This will enable staff to collect specific feedback on the application.

**Financial Factors**

The applicants have paid for the rezoning application review in accordance with Bylaw No. 328 being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014”. If the application proceeds to statutory public hearing, additional fees will be required. Fees paid to date account for the rezoning only and not future subdivision or development permit fees.

**Legal Factors**

This report and the recommendations contained herein are in compliance with the LGA and Comox Valley Regional District (CVRD) bylaws. The LGA authorizes a local government to regulate the use of land and buildings.

**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 that provides for specific land uses and development criteria. This is described in the OCP section above.

**Intergovernmental Factors**

Appendix A contains a list of agencies and First Nations, to which staff recommends referring the application. Feedback from the referrals will be reported at a future Electoral Areas Services Committee meeting.

**Interdepartmental Involvement**

Planning staff is leading the review of this application. Input from other CVRD departments has been integrated into this report and will continue to be collected as the application moves through the review process.

**Citizen/Public Relations**

Staff recommends that the application be referred to the Area C Advisory Planning Commission. If the application proceeds to bylaw preparation, community consultation will be held in accordance with Bylaw No. 328 (i.e. statutory mailing and public hearing).

Attachments: Appendix A – “Agency List”

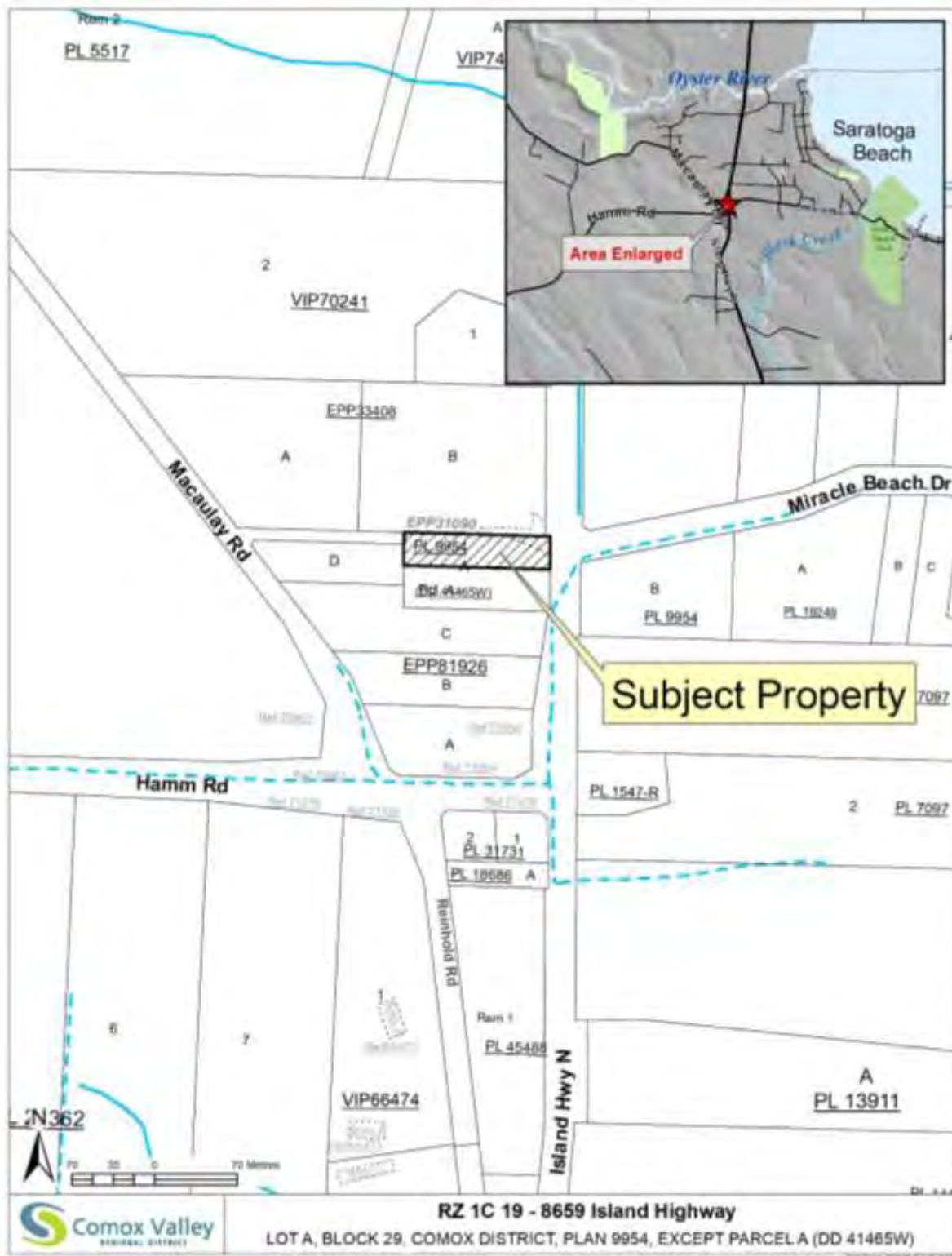


Figure 1: Subject Property



Figure 2: Air Photo (2018)



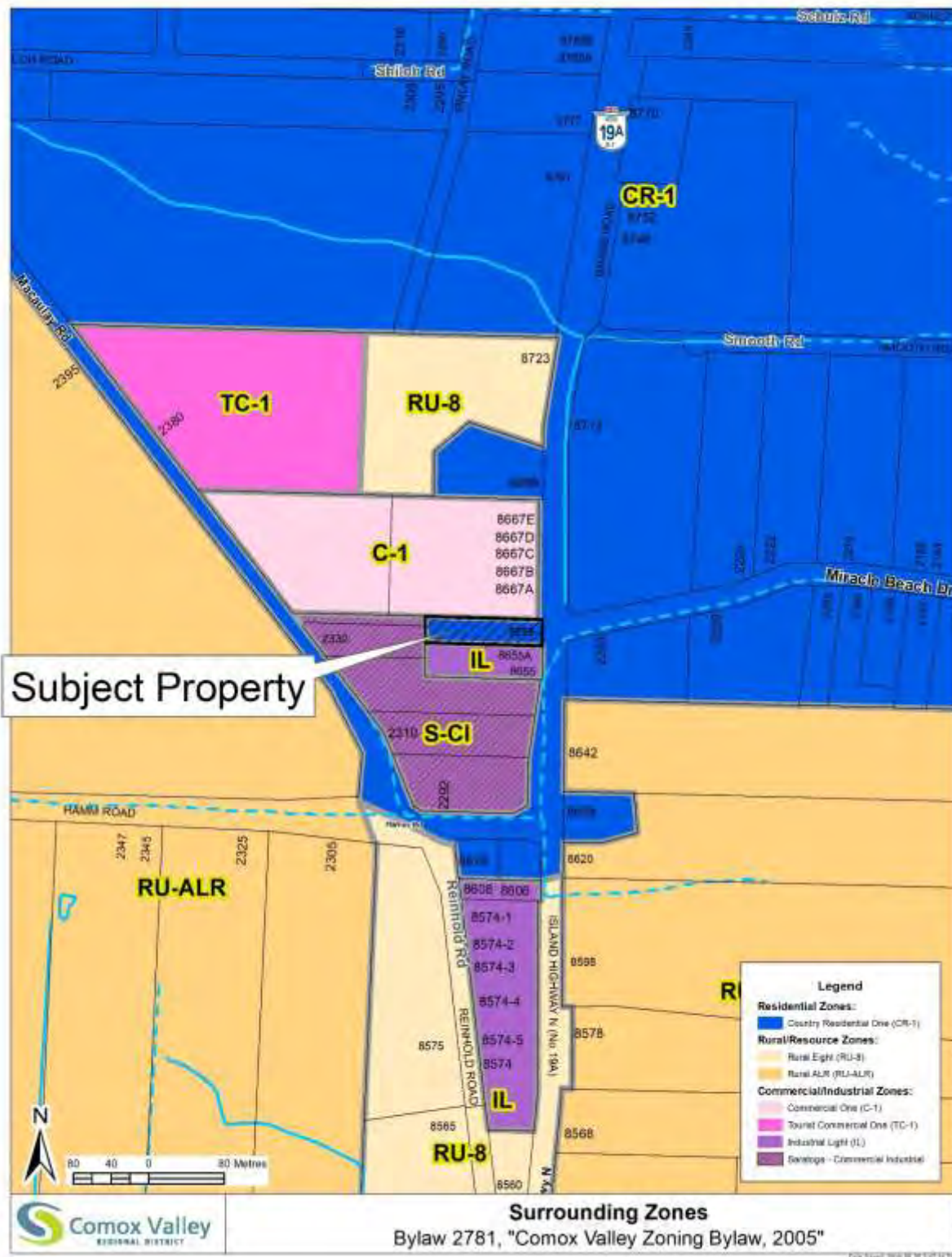


Figure 3: Zoning map

## Agency and First Nations Referral List

The following agencies will receive a referral of the proposal ☒.

### First Nations

<input checked="" type="checkbox"/>	K'ómoks First Nation	<input checked="" type="checkbox"/>	Homalco Indian Band
<input checked="" type="checkbox"/>	We Wai Kai First Nation	<input checked="" type="checkbox"/>	Wei Wai Kum First Nation of the Kwiakah Treaty Society
<input checked="" type="checkbox"/>	Laich-Kwil-Tach Treaty Society		

### Provincial Ministries and Agencies

	Agricultural Land Commission		Ministry of Community, Sport & Cultural Development (responsible for TransLink)
<input checked="" type="checkbox"/>	BC Assessment		Ministry of Energy & Mines
	BC Parks		Ministry of Forests, Lands and Natural Resource Operations and Rural Development
	Ministry of Environment	<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure
	BC Transit		Ministry of Jobs, Tourism & Skills Training (responsible for Labour)
	Ministry of Agriculture		Ministry of Indigenous Relations and Reconciliation

### Local Government

	Comox (Town of)		Alberni-Clayoquot Regional District
	Courtenay (City of)		Strathcona Regional District
	Cumberland (Village of)		Regional District of Mount Waddington
	Islands Trust		Regional District of Nanaimo

### Other

<input checked="" type="checkbox"/>	Advisory Planning Commission C	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)
	School District No. 71 (Comox Valley)	<input checked="" type="checkbox"/>	Saratoga Miracle Beach Residents Association
	Comox Valley Economic Development Society		