

**DATE:** December 13, 2018

**FILE:** 3090-20/DV 6C 18

**TO:** Chair and Directors  
Electoral Areas Services Committee

**FROM:** Russell Dyson  
Chief Administrative Officer

Supported by Russell Dyson  
Chief Administrative Officer

*R. Dyson*

**RE:** **Development Variance Permit – Unaddressed Lots  
(Pigfund Holdings Ltd. and Autumn Hills Farm Ltd.)  
Puntledge – Black Creek (Electoral Area C)  
Lot 2, District Lot 124, Comox District, Plan 26362, PID 002-751-291  
Lot 1, Block 29, District Lot 123 and 124, Comox District, Plan EPP57829, PID  
029-762-049**

### **Purpose**

To consider a Development Variance Permit (DVP) to reduce the minimum required road frontage for Proposed Lot A (northern lot) in a lot line adjustment (Appendix A).

### **Recommendations from the Chief Administrative Officer:**

THAT the board approve Development Variance Permit (DV 6C 18) to reduce the minimum road frontage from 10.0 per cent of the lot's perimeter to 6.7 per cent for the property currently described as Lot 2, District Lot 124, Comox District, Plan 26362 (PID 002-751-291) for the purposes of a lot line adjustment (Subdivision Referral File: 04836 C 18);

AND FINALLY THAT the Corporate Legislative Officer be authorized to execute the permit.

### **Executive Summary**

- Two properties are involved in a proposed road closure and lot line adjustment.
- The intent of the lot line adjustment is to enlarge the northern lot in order to provide more grazing land for cattle in winter.
- The amount of road frontage of the existing northern lot is 225.5 metres, which is 20.5 per cent of the perimeter of the lot. The amount of road frontage of the proposed northern lot is reduced to 122.8 metres: 112.7 metres from Hamm Road and 10.1 metres from Noble Road. The proposed road frontage is 6.7 per cent as the perimeter of the lot. This reduction is due to the increase in lot area. To allow for this, a DVP is required.
- In the Zoning Bylaw, the minimum road frontage is 10.0 per cent of the perimeter of the lot. The intent of having this minimum is to ensure adequate room to provide access to the rear of a lot.
- As the amount of road frontage on Hamm Road is 112.7 metres, there is adequate room to provide vehicular and agricultural farm equipment access to the rear of the lot. This proposed reduction maintains the intent of the regulation.
- Staff supports the variance request to reduce the minimum road frontage to 6.7 per cent.

Prepared by:

Concurrence:

Concurrence:

***B. Chow***

***T. Trieu***

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Brian Chow, MCIP, RPP  
Rural Planner

Ton Trieu, MCIP, RPP  
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Scott Smith, MCIP, RPP  
General Manager of Planning  
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Branch

**Stakeholder Distribution (Upon Agenda Publication)**

Applicant	✓
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**Background/Current Situation**

The Comox Valley Regional District (CVRD) has received two subdivision referrals from the Ministry of Transportation and Infrastructure (MoTI) involving two adjoining properties. The northern lot is entirely in the Agricultural Land Reserve (ALR) and is zoned Rural ALR (RU-ALR) (Figures 1 to 3). The majority of the southern lot is in the ALR and is zoned RU-ALR. The eastern portion of the southern lot is not in the ALR and is zoned Rural Eight (RU-8) (Figures 1 to 3). The northern lot is approximately 5.0 hectares and the southern lot is approximately 36.7 hectares in area. The property owners of the two lots are proposing the following:

1. Close a portion of the unopened Noble Road (Figure 4); and then
2. Adjust the lot lines as shown on Figure 5, so that the northern lot gets bigger (i.e., gains approximately 1.9 hectares).

After the lot line adjustment, the proposed Lot A (northern lot) will not meet the minimum 10.0 per cent road frontage of the perimeter, so a DVP is required.

According to the property owner of the northern lot, their current lot is too wet in winter, limiting their farm activities. Gaining a portion of the southern lot would enable them to increase grazing land for cattle in the winter.

ALR Regulations Analysis

Except for a portion of the southern lot, the subject properties are within the ALR. Section 10(1) of the *ALR Regulations* allow, as a permitted subdivision, lot line adjustments that involve not more than four parcels, each of which is a minimum of 1 hectare, and results in no parcel ending up less than 1 hectare, and the boundary adjustments will allow for the enhancement of the owner's overall farm. The proposed lot line adjustment is consistent with this section of the *ALR Regulations*.

Official Community Plan Analysis

Except for the portion of the southern lot, the subject properties are designated within Agricultural Areas by Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014.” Policy 58(12) states: “Require an applicant proposing to subdivide land in the agricultural area to demonstrate how the proposal will benefit the agriculture and aquaculture industries.” As the lot line adjustment will help the owner to extend their farming activities in the winter, the proposal is consistent with this policy.

Zoning Bylaw Analysis

The subject properties are zoned RU-ALR. The eastern portion of the southern lot is zoned RU-8. Regarding minimum lot area requirement, Section 503(2)(b) of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” states the minimum lot area requirement shall not apply where lot lines

are relocated to improve a subdivision pattern provided no additional lots are created and the lots are contiguous. Therefore, the proposed lot line adjustment is exempted from meeting the minimum lot area requirement.

Section 503(1)(iii) and Section 803(7)(ii) of the Zoning Bylaw state that the minimum road frontage shall be 10.0 per cent of the perimeter of the lot. The proposed lot line adjustment will result in the proposed Lot A (northern lot) not meeting this requirement. Therefore, the applicant is requesting to vary the frontage requirements of the proposed Lot A to allow for the lot configuration is portrayed in Figure 5.

	Current Road Frontage	Proposed Road Frontage	Difference
<b>Proposed Lot A</b>	20.5 per cent	6.7 per cent	13.8 per cent

The intent of having sufficient road frontage is to ensure lots are wide enough to provide access to the rear of the lot. While the frontage percentage of the proposed northern lot is reduced, the amount of road frontage on Hamm Road remains at 112.7 metres. This distance is adequate for vehicular or farm equipment access to the rear of the lot. In addition, there is a secondary access via Noble Road, should Noble Road be opened to provide road access in the future. As the request maintains the intent of the minimum road frontage regulation, staff supports the issuance of the DVP.

### Policy Analysis

Section 498 of the *Local Government Act* (RSBC, 2015, c.1) (LGA) authorizes a local government to consider issuance of a DVP that varies the provision of a bylaw, provided that the use or density of the land is not being varied, the land is not designated floodplain, or the development is not part of a phased development agreement.

Section 512(1) of the LGA states that the minimum road frontage must be the greater of 10.0 per cent of the perimeter of the lot or the minimum frontage that the local government may provide. The CVRD Zoning Bylaw has a minimum road frontage of 10.0 per cent. Section 512(2) states that a local government may exempt a parcel from the statutory or bylaw requirement. As the Zoning Bylaw has the minimum road frontage, the board is able to vary this bylaw requirement.

### Options

The board could either approve or deny the requested variance. Staff recommends approving the variance.

### Financial Factors

Applicable fees have been collected for this application under the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014.”

### Legal Factors

The report and recommendations contained herein are in compliance with the LGA and the CVRD bylaws. DVPs are permitted in certain circumstances under Section 498 of the LGA.

### Regional Growth Strategy Implications

Except for the portion of the southern lot, the subject properties are designated within Agricultural Areas in Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” (RGS). The main objectives of this designation is to protect agricultural land and expand agricultural activities for local food security. This designation includes ALR lands, and as such, recognizes the *Agricultural Land Commission (ALC) Act* and *ALR Use, Subdivision and Procedure*

*Regulation.*

**Intergovernmental Factors**

This variance is one of the conditions of completing the lot line adjustment (MoTI File 2018-04836).

**Interdepartmental Involvement**

This DVP application was referred to internal departments. No concerns were identified.

**Citizen/Public Relations**

As the date of report preparation, the new CVRD board has not established an Agricultural Advisory Planning Commission or Area C Advisory Planning Commission yet. Accordingly, this application is forwarded directly to Electoral Areas Services Committee (EASC).

Notice of the requested variance will be mailed to adjacent property owners within 500 metres of the subject property at least 10 days prior to the EASC meeting. The notice informs these property owners/tenants as to the purpose of the permit, the land that is the subject of the permit and that further information of the proposed permit is available at the CVRD office. It also provides the date and time of the EASC meeting where the permit will be considered. Consultation with these property owners/tenants is through their written comments received prior to the EASC meeting or their attendance at the EASC meeting.

Attachment: Appendix A – “Development Variance Permit – DV 6C 18”

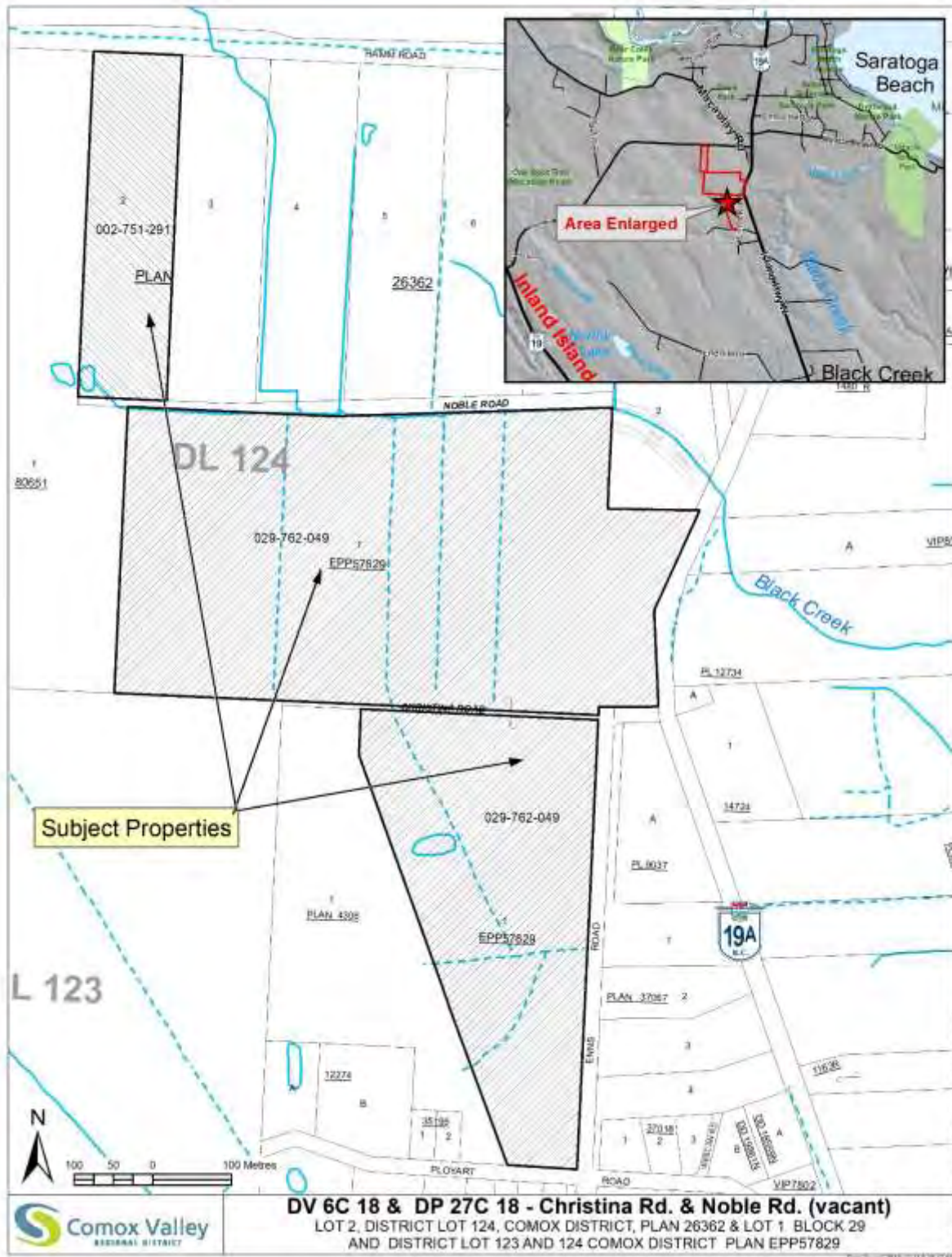


Figure 1: Subject Properties Map





Figure 2: Air Photo



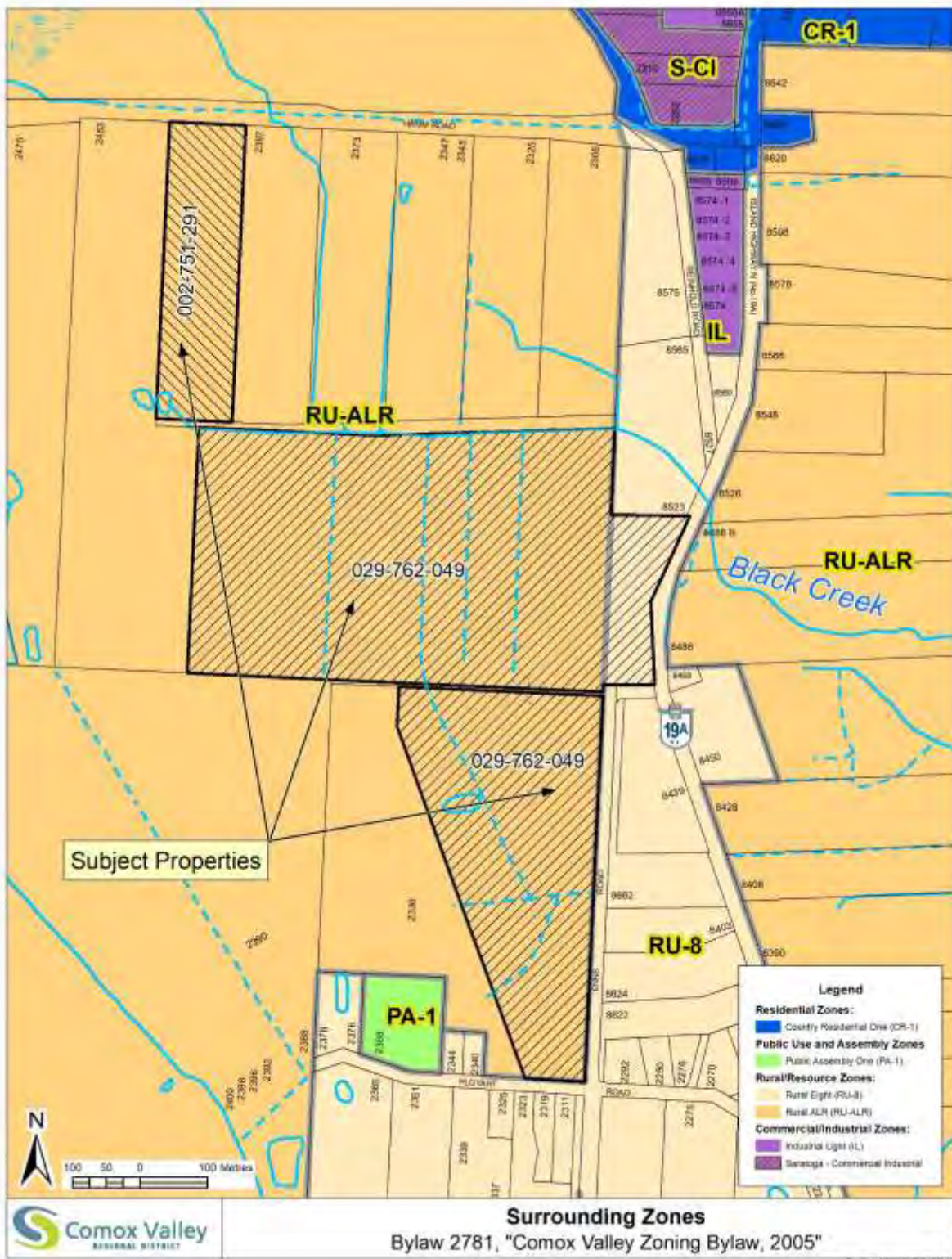


Figure 3: Zoning Map

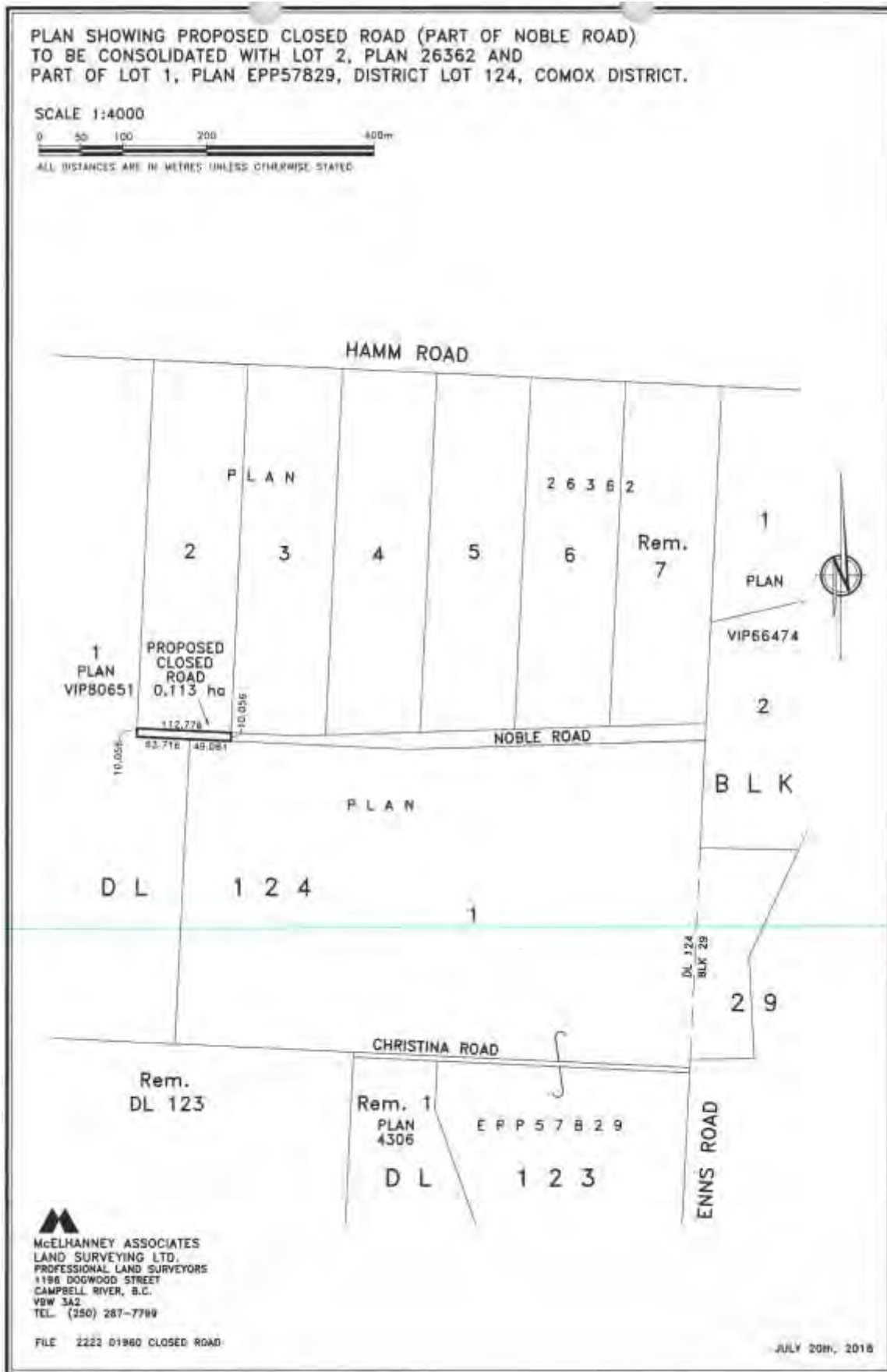


Figure 4: Proposed Road Closure



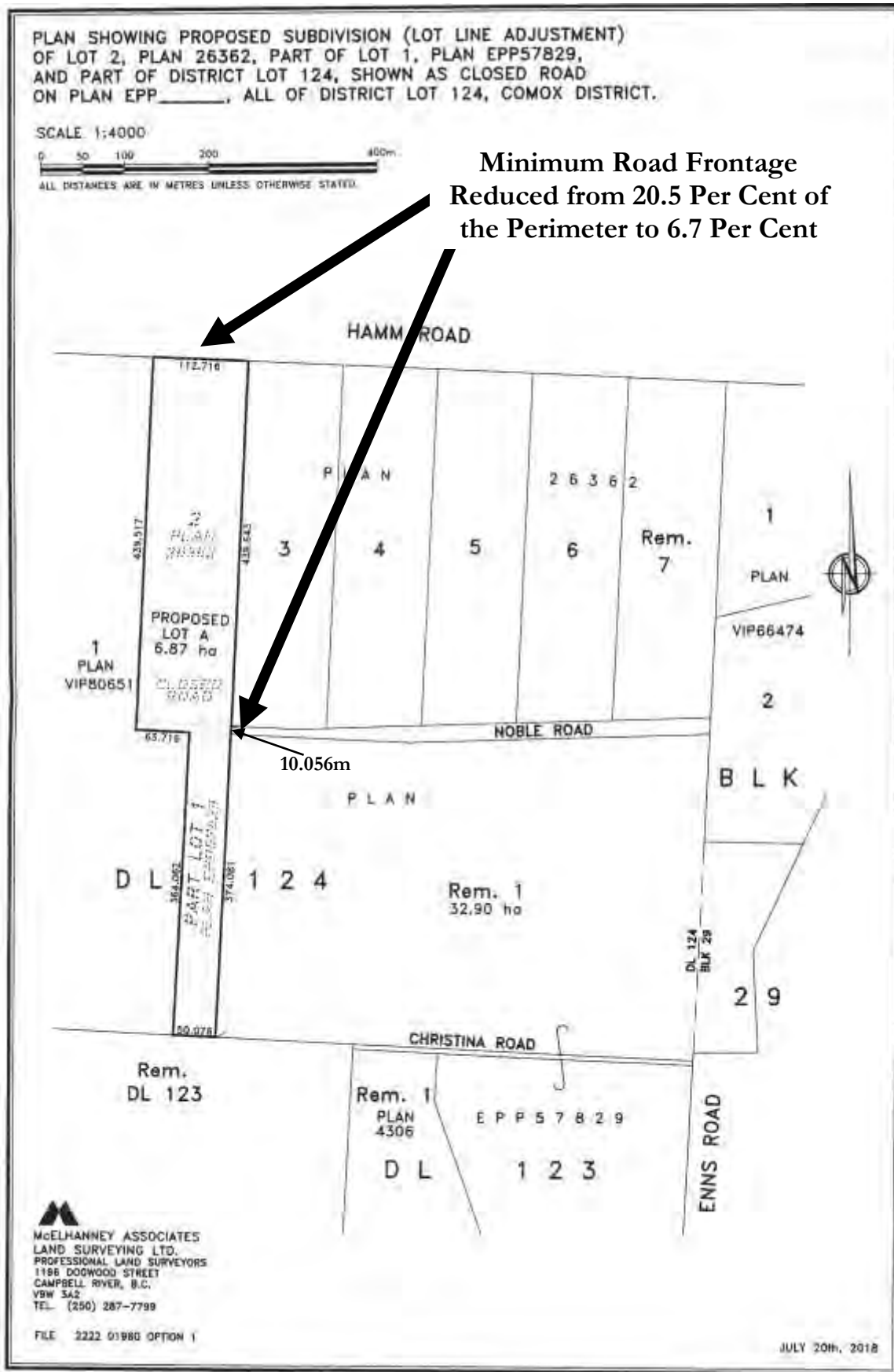


Figure 5: Proposed Lot Line Adjustment

**DV 6C 18****TO: Pigfund Holdings Ltd.**

1. This Development Variance Permit (DV 6C 18) is issued subject to compliance with all of the bylaws of the Comox Valley Regional District applicable thereto, except as specifically varied or supplemented by this permit.
2. This Development Variance Permit applies to and only to those lands within the Comox Valley Regional District described below:  
**Legal Description: Lot 2, District Lot 124 Comox District, Plan 26362**  
**Parcel Identifier (PID): 002-751-291 Folio: 771 02033.130**
3. The land described herein shall be developed in accordance with the following terms and provisions of this permit:
  - i. THAT the development shall be carried out according to the plans and specifications attached hereto which form a part of this permit as the attached Schedules A and B;
  - ii. THAT all other buildings and structures meet zoning requirements.
5. This Development Variance Permit (DV 6C 18) shall lapse if the subdivision is not substantially commenced within two (2) years of the Comox Valley Regional District Board's resolution regarding issuance of the Development Variance Permit (see below). Lapsed permits cannot be renewed; therefore application for a new Development Variance Permit must be made, and permit granted by the Comox Valley Regional District Board, in order to proceed.
6. This Development Variance Permit is *not* a Building Permit.

CERTIFIED as the **DEVELOPMENT VARIANCE PERMIT** issued by resolution of the board of the Comox Valley Regional District on \_\_\_\_\_.

\_\_\_\_\_  
James Warren  
Corporate Legislative Officer

Certified on \_\_\_\_\_

Attachments: Schedule A – “Resolution”  
Schedule B – “Subject Property and Subdivision Plan”

**Schedule A**

**File: DV 6C 18**

**Applicant: Pigfund Holdings Ltd.**

**Legal Description: Lot 2, District Lot 124, Comox District, Plan 26362, PID 002-751-291**

**Specifications:**

THAT WHEREAS pursuant to Sections 503(1)(iii) and 803(7)(ii) of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the minimum frontage shall be 10.0 per cent of the perimeter of the lot;

AND WHEREAS the applicant, Pigfund Holdings Ltd., wishes to decrease the minimum frontage of the above noted lot to 6.7 per cent;

THEREFORE BY A RESOLUTION of the board of the Comox Valley Regional District on \_\_\_\_\_, the provisions of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” as they apply to the above-noted property is to be varied as illustrated in Schedule B and as follows:

503(1)(iii) “The minimum frontage, being that portion of the lot that fronts onto a highway, shall be 6.7 per cent of perimeter of the lot.”

803(7)(ii) “Minimum lot frontage: 6.7 per cent of the perimeter of the lot”

I HEREBY CERTIFY this copy to be a true and correct copy of Schedule A being the terms and conditions of Development Variance Permit File DV 6C 18.

\_\_\_\_\_  
James Warren  
Corporate Legislative Officer

Certified on \_\_\_\_\_





### Subdivision Plan

