

**DATE:** November 25, 2019**FILE:** 3090-20 / DV 9C 19**TO:** Chair and Members  
Electoral Areas Services Committee**FROM:** Russell Dyson  
Chief Administrative OfficerSupported by Russell Dyson  
Chief Administrative Officer***R. Dyson*****RE: Development Variance Permit  
1750 Comox Logging Road (CVRD)  
Puntledge – Black Creek (Electoral Area C)  
Lot A, Sections 32 and 33, Township 10, Comox District, Plan EPP90548,  
PID 030-774-535****Purpose**

To consider a Development Variance Permit (DVP) to decrease the minimum required setbacks between lot lines and utility-related buildings and structures at Comox Lake (Appendix A).

**Recommendation from the Chief Administrative Officer:**

THAT the board approve Development Variance Permit DV 9C 19 to decrease the minimum applicable setbacks for the utility buildings associated with the raw water pump station at Comox Lake to 1.0 metre from all property lines, with the applicable setbacks related to projections such as eaves to 0 metres on the property described as Lot A, Sections 32 and 33, Township 10, Comox District, Plan EPP90548, PID 030-774-535;

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

**Executive Summary**

- The Comox Valley Regional District is developing a raw water pump station and ancillary utility-related buildings and structures along Comox Lake (Appendix B).
- Based on the recommendations of the consulting engineers designing the facilities, buildings and structures will be located in the lot's southeast corner.
- Due to the narrow strip of land between the lake and the lot line on which to locate the facilities, a reduction to the Zoning Bylaw's setback requirements is being requested to avoid extending supporting platforms into the lake.
- The proposal would have the buildings and structures setback 1.0 metre from the lot line with overhang projections to the property line.
- Staff supports issuance of the permit as it allows for the utility use while limiting disturbance to the lake and surrounding land and vegetation.

Prepared by:

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Concurrence:

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Concurrence:

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Concurrence:

***C. Gore***

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Charlie Gore  
Manager of Capital Projects

**Background/Current Situation**

As part of the Comox Valley Water Treatment Project, the Comox Valley Regional District (CVRD) is constructing a raw water pump station to convey water from an intake structure in Comox Lake to a water treatment plant. To locate the pump station and related infrastructure the CVRD acquired a 4 hectare property along the northern shore of Comox Lake, in proximity to the Puntledge River (Figures 1 and 2). This property has a small land component on which to locate the pump station and ancillary buildings and structures. The contracted engineers recommend siting the buildings and structures on the property's southeast corner. However, because this cannot not meet the Zoning Bylaw's minimum lot line setbacks, a DVP is required.

**Planning Analysis**

Official Community Plan Analysis

Bylaw No. 337, being the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014" designates the subject property within the Resource Areas. It is among the objective of this designation "*to encourage responsible practices with respect to soil and water conservation and vegetation removal.*" Locating the facilities in the setback area, further from the present natural boundary, supports this objective.

Zoning Bylaw Analysis

The property is zoned Upland Resource (UR) in Bylaw No. 520, being the Rural Comox Valley Zoning Bylaw No. 520, 2019. The Zoning Bylaw allows utility uses to locate in any zone but still requires buildings associated with those uses to adhere to the zone's minimum setback requirements. The Upland Resource requires a minimum setback of 7.5 metres from the front and rear lot lines and 1.75 metres from a side lot line. The proposed setback reductions, including those necessary for the projections, are summarized below.

**Table 1: Variance Summary**

<b>Zoning Bylaw No. 520</b>	<b>Variance</b>	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
Section 804 (6)(i)	Rear setback	7.5 metres	1.0 metres	6.5 metres
Section 804 (6)(i)	Side setback	1.75 metres	1.0 metres	0.75 metres
Section 403 (1)	Eaves and gutter setback	50% of setback, up to 2 metres	0 metres	100%

The facilities will be fenced: the pump station in a 29 metre by 19.5 metre area and the ancillary buildings and structures in a separate 11 metre by 42 metre area. Due to the narrow strip of land between the lot line and the lake, locating this size of facility at this site and meeting the Zoning Bylaw's setback requirements would necessitate extending the platform into this lagoon area of the lake with further vegetation removal and land alterations.

The neighbouring property is privately owned and currently used for camping and recreation. The land immediately across the lot line from the proposed buildings and structures is a driveway on a statutory right-of-way that provides legal access.

**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.

**Options**

The board could either approve or deny the requested variance. Conditions may also be placed on an approval. Based on the analysis above, staff recommends to approve the variances.

**Financial Factors**

The cost for the Raw Water Pump Station is estimated at \$10 million, as part of the \$110 million Water Treatment Project, and is contained in the 2019 budget for the Comox Valley Water Supply System, function 300 service.

**Legal Factors**

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

**Regional Growth Strategy Implications**

Bylaw No. 120, being “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” designates the subject property within the Resource Areas. The proposed setback reductions do not conflict with the designation’s policies.

**Intergovernmental Factors**

There are no intergovernmental factors with this DVP application.

**Interdepartmental Involvement**

This proposal was referred to applicable internal departments.

**Citizen/Public Relations**

As of the preparation of this staff report, no further Electoral Area C Advisory Planning Commission meetings are scheduled for the remainder of the year. Therefore, this application was not reviewed by the Advisory Planning Commission.

Notice of the requested variance was mailed to adjacent property owners within 500 metres of the subject property at least 10 days prior to the Electoral Areas Services Committee (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.

Attachments: Appendix A – “Development Variance Permit – DV 9C 19”  
Appendix B – “Development Proposal – DV 9C 19”

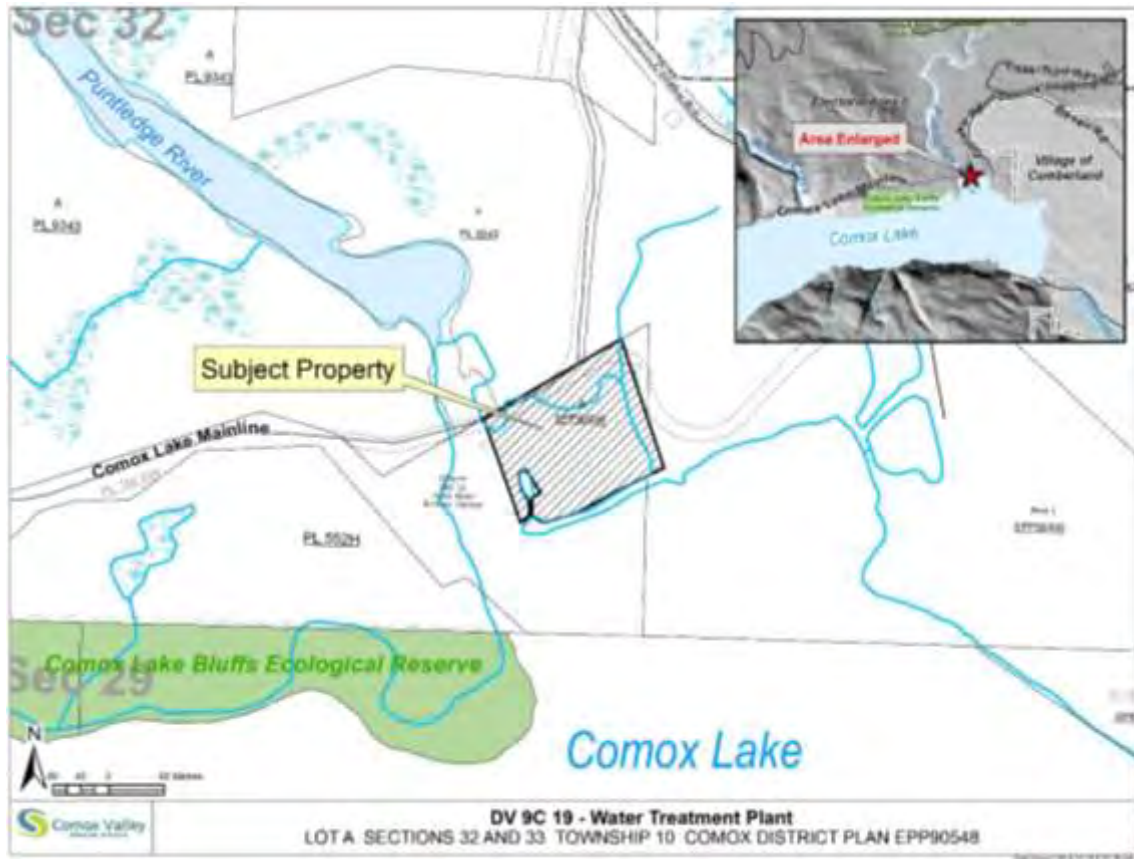


Figure 1: Subject Property



Figure 2: Air Photo

**DV 9C 19****TO: Comox Valley Regional District**

1. This Development Variance Permit (DV 9C 19) 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 A, Sections 32 and 33, Township 10, Comox District, Plan EPP90548**  
**Parcel Identifier (PID): 030-774-535 Folio: 771 05835.010**  
**Civic Address: 1750 Comox Logging Road**
3. The land described herein shall be developed strictly in accordance with the following terms and provisions of this permit:
  - i. THAT the development shall be carried out according to the specifications attached hereto which form a part of this permit as the attached Schedule A.
4. This Development Variance Permit (DV 9C 19) shall lapse if construction 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 permit must be made, and permit granted by the Comox Valley Regional District Board, in order to proceed.
5. 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 A**

**File: DV 9C 19**

**Applicants: Comox Valley Regional District**  
**Legal Description: Lot A, Sections 32 and 33, Township 10, Comox District, Plan EPP90548, PID 030-774-535**

**Specifications:**

THAT WHEREAS pursuant to Section 804(6)(i) of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” the rear yard setback for a principal building is 7.5 metres and the side yard setback is 1.75 metres;

WHEREAS pursuant to Section 403(1) of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” the setback of projections, such as eaves and gutters, off the face of a building or structure can be reduced by not more than 50 per cent of the minimum setback, up to a maximum of two metres;

AND WHEREAS the Comox Valley Regional District wishes to reduce the minimum applicable setbacks to accommodate the utility-related buildings and structures associated with a raw water pump station;

THEREFORE BY A RESOLUTION of the board of the Comox Valley Regional District on \_\_\_\_\_, the provisions of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” as they apply to the above-noted property are to be varied as follows:

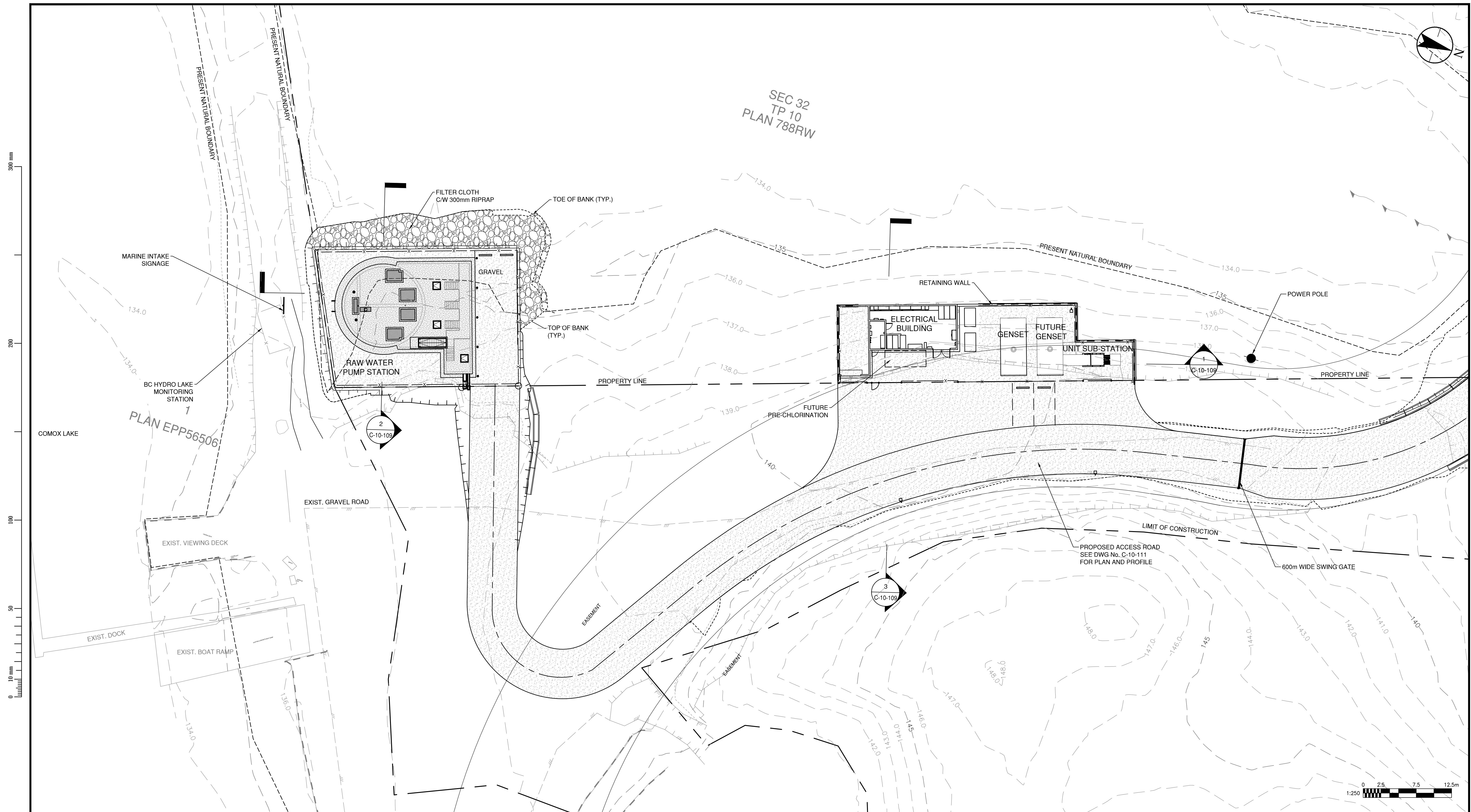
804(6)(i) The minimum rear and side yard setback for utility-related buildings is 1.0 metres from a lot line.

403(1) The minimum lot line setbacks do not apply to projections from the face of utility-related buildings.

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 9C 19.

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

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

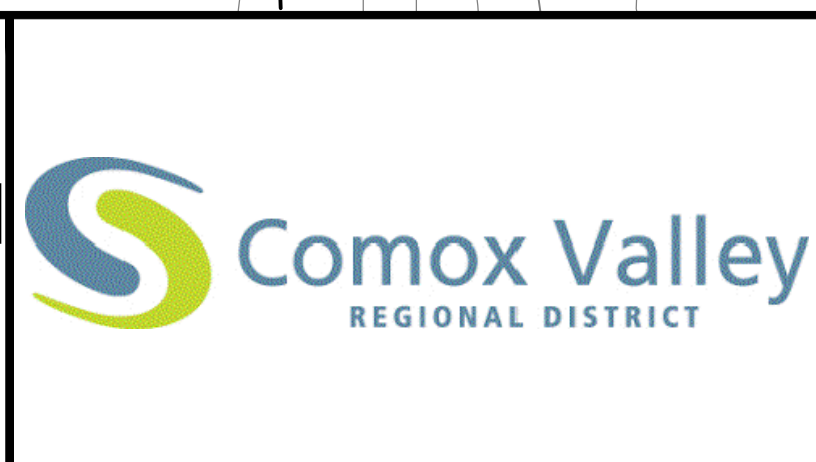


PRELIMINARY NOT FOR CONSTRUCTION

Letter	Description	Approved	Status Date	No.	Description	Approved	Rev Date
D	ISSUED FOR 60% DESIGN REVIEW	TB	11.04.19	-	-	-	-
C	ISSUED FOR ISLAND HEALTH PERMIT APPLICATION APPROVAL	TB	10.16.19	-	-	-	-
B	ISSUED FOR 30% DESIGN REVIEW	TB	09.06.19	-	-	-	-
A	ISSUED FOR PERMITTING	TB	08.09.19	-	-	-	-
STATUS		(MM.DD.YR)		REVISION		(MM.DD.YR)	

**NOT FOR CONSTRUCTION**

THIS DRAWING HAS NOT BEEN APPROVED FOR CONSTRUCTION AND MAY CONTAIN ERRORS AND OMISSIONS.



Designed	Approved	Approved Date
TB	RAF	20.12.18
Drawn	Horizontal Scale	Vertical Scale
BC	1:250	-

Project			COMOX VALLEY REGIONAL DISTRICT COMOX VALLEY WATER TREATMENT PROJECT		
Sheet			RAW WATER PUMP STATION SITE GRADING PLAN		
Project No.	Sheet No.	Status	Rev		
111700638	C-10-107	D	-		



VIEW OF RWPS LOOKING NORTH



CLOSER VIEW OF RWPS LOOKING NORTH

300mm  
200mm  
100  
50  
0 10mm

PRELIMINARY NOT FOR CONSTRUCTION

Letter	Description	Approved	Status Date	No.	Description	Approved	Rev Date
A	ISSUED FOR 60% DESIGN REVIEW	DH	11.04.19				
STATUS				REVISION			

**NOT FOR CONSTRUCTION**  
THIS DRAWING HAS NOT BEEN APPROVED FOR CONSTRUCTION AND MAY CONTAIN ERRORS AND OMISSIONS.



**Stantec** **AECOM**

Designed HB	Approved DH	Approved Date 05/10/19
Drawn HB	Horizontal Scale AS NOTED	Vertical Scale

Project COMOX VALLEY REGIONAL DISTRICT COMOX VALLEY WATER TREATMENT PROJECT	
Sheet RAW WATER PUMP STATION ELECTRICAL BUILDING 3D VIEWS	
Project No. 111700638	Sheet No. A-20-601
Status A	Rev