

DATE: August 18, 2017

FILE: 3360-20/RZ 2A 17

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

RE: 5819 Tipton Road (Upper Island Development)
Electoral Area 'A' Baynes Sound – Denman/Hornby Islands
Lot B, District Lot 13, Nelson District, Plan VIP60017, PID 019-045-964

Purpose

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

Policy Analysis

Section 460 of the Local Government Act (RSBC, 2015, c. 1) (LGA) states that a local government must define procedures by which a property owner may apply for a bylaw amendment. Section 479 of the LGA authorizes a local government to regulate the use, density, the 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.

Executive Summary

The subject property is 56 hectares 'hooked' over a railway right-of-way. The owner has received preliminary layout approval from the Ministry of Transportation and Infrastructure to 'unhook' the 0.8 hectare portion east of the railway (Figures 1 and 2). An application has been received to consider rezoning the 0.8 hectares from Country Residential One (CR-1) to Residential One (R-1) to enable future subdivision into two residential lots (Figure 3). The property is within the settlement node, as designated by the Regional Growth Strategy (RGS) and Official Community Plan (OCP). It is within the Union Bay Improvement Area for water and fire services. 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.

Recommendation from the Chief Administrative Officer:

THAT the board endorse the agency referral list as outlined in Appendix A of staff report dated August 18, 2017, and direct staff to commence the external agency referral process for Lot B, District Lot 13, Nelson District, Plan VIP60017, as part of a proposed amendment (RZ 2A 17) to Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005";

AND FINALLY THAT Comox Valley Regional District staff consult with First Nations in accordance with the referrals management program dated September 25, 2012, for Lot B, District Lot 13, Nelson District, Plan VIP60017, as part of a proposed amendment (RZ 2A 17) to Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005".

Respectfully:

R. Dyson

Russell Dyson
Chief Administrative Officer

Background/Current Situation

The subject property is a 56 hectare ‘hooked’ lot across a railway right-of-way (Figures 1 and 2). The property is located in Electoral Area A – (Baynes Sound – Denman/Hornby Islands) and is within the Union Bay Improvement District for water and fire services (Figure 6). The application is to rezone the lands (0.8 hectares) east of the railway from Country Residential One (CR-1) to Residential One (R-1) to enable further subdivision into two residential parcels (Figure 3). These vacant lands front onto Tipton Road and are bound by residential lots to the north and the south, railway right-of-way to the west and Tipton road to the east.

The owners have received preliminary layout approval from the Ministry of Transportation and Infrastructure (MoTI) to ‘unhook’ the lands east of the railway and are working to meet the conditions for final approval. The rezoning application will proceed up to the public hearing, and at this juncture if final MoTI approval is still pending the application will be put on hold.

Regional Growth Strategy and Official Community Plan Analysis

The property is designated in settlement node in both the RGS, being the “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010” and the OCP being the “Rural Comox Valley Official Community Plan, Bylaw No. 337, 2014”. Both the RGS and OCP policies, identify settlement nodes as the primary growth areas for the regional district. Residential intensification is encouraged provided it is keeping with the existing neighbourhood character and is appropriately serviced. The proposed rezoning is consistent with policies in the RGS and OCP.

Zoning Bylaw Analysis

The property currently has split zoning, the lands east of the railway are zoned Country Residential (CR-1) and the remainder is zoned Country Residential Two (CR-2) (Figure 4). The CR-1 zone allows for residential uses and establishes a minimum lot size of 2.0 hectare preventing any further subdivision. The Residential One (R-1) zoning establishes a minimum lot size of 0.4 hectares when connected to either community water or sewer. Rezoning the 0.8 hectare portion to R-1 enables the owners to apply to subdivide the property into two lots fronting onto Tipton Road.

Options

The board could accept the recommendation to proceed to the First Nations and external agency referral or deny the application. Given that the proposal is consistent with the RGS and OCP, it is recommended that the board commence the First Nations and agency referral processes.

Financial Factors

A \$2,000 rezoning application fee and statutory public hearing fee of \$1,500 has been collected for the application under the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014.”

Legal Factors

This report and the recommendations contained herein are in compliance with the *Local Government Act* (LGA) and regional district 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 RGS (Figure 5), being the “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010”. The RGS identifies settlement nodes as areas with capacity to accommodate new growth through a balance of new development, intensification and improvements to public infrastructure. The subject property is within the Union Bay Improvement District for water and fire services. There is no sewer servicing in the area. The proposed rezoning will enable future subdivision into two residential lots, which is consistent with RGS policies to direct growth to settlement nodes.

Intergovernmental Factors

Appendix A contains a list of organizations and authorities to which this proposed amendment is recommended to be forwarded. This rezoning application will be referred to First Nations in accordance with the referrals management program. Feedback from the referral process will be provided at a future electoral areas services committee meeting.

Interdepartmental Involvement

Planning staff is leading the review of this application. Input from the following departments will be collected as the application moves through the review process:

<ul style="list-style-type: none"> • Building services • Fire protection • Bylaw compliance 	<ul style="list-style-type: none"> • Engineering services • Transit and sustainability
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Citizen/Public Relations

Staff recommends that the application be referred to the Area ‘A’ 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).

Prepared by:

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 Planner

Concurrence:

A. Mullaly

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 Manager of Planning Services

Concurrence:

A. MacDonald

 Ann MacDonald, MCIP, RPP
 General Manager of
 Planning and Development
 Services Branch

- Attachments: Appendix A – “External agency referral list”
 Appendix B – “Country Residential One (CR-1) zone, Zoning Bylaw No. 2781”
 Appendix C – “Residential One (R-1) zone, Zoning Bylaw No. 2781”

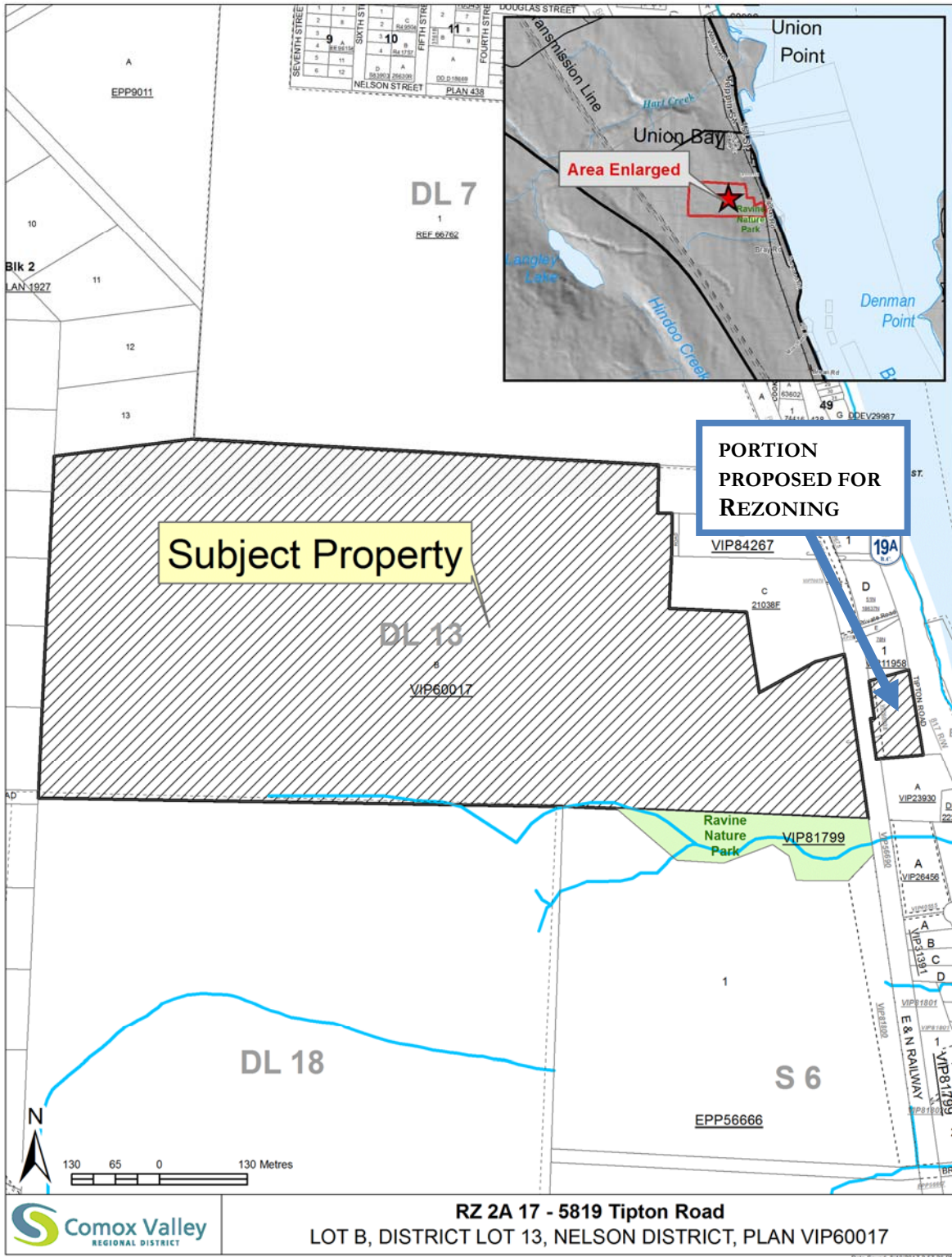


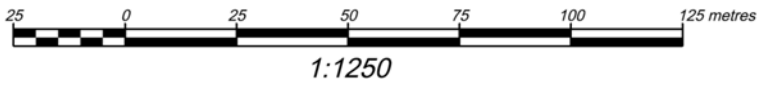
Figure 1: Subject Property Map



Figure 2: Aerial Photo

PROPOSED SUBDIVISION PLAN OF LOT B, DISTRICT LOT 13, NELSON DISTRICT, PLAN VIP60017

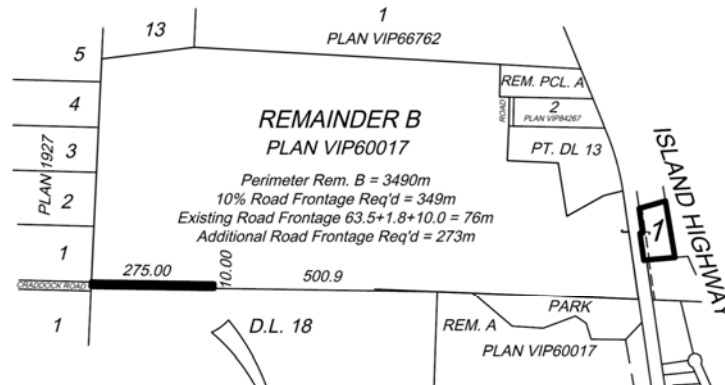
Parcel Identifier: 019-045-964



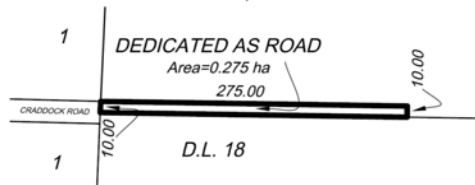
All dimensions are in metres and decimals thereof.



KEY PLAN
Scale 1:12,500



DETAIL
Scale 1:5,000



Civic Address
5819 Tipton Road
Union Bay, BC



Figure 3: Site Survey

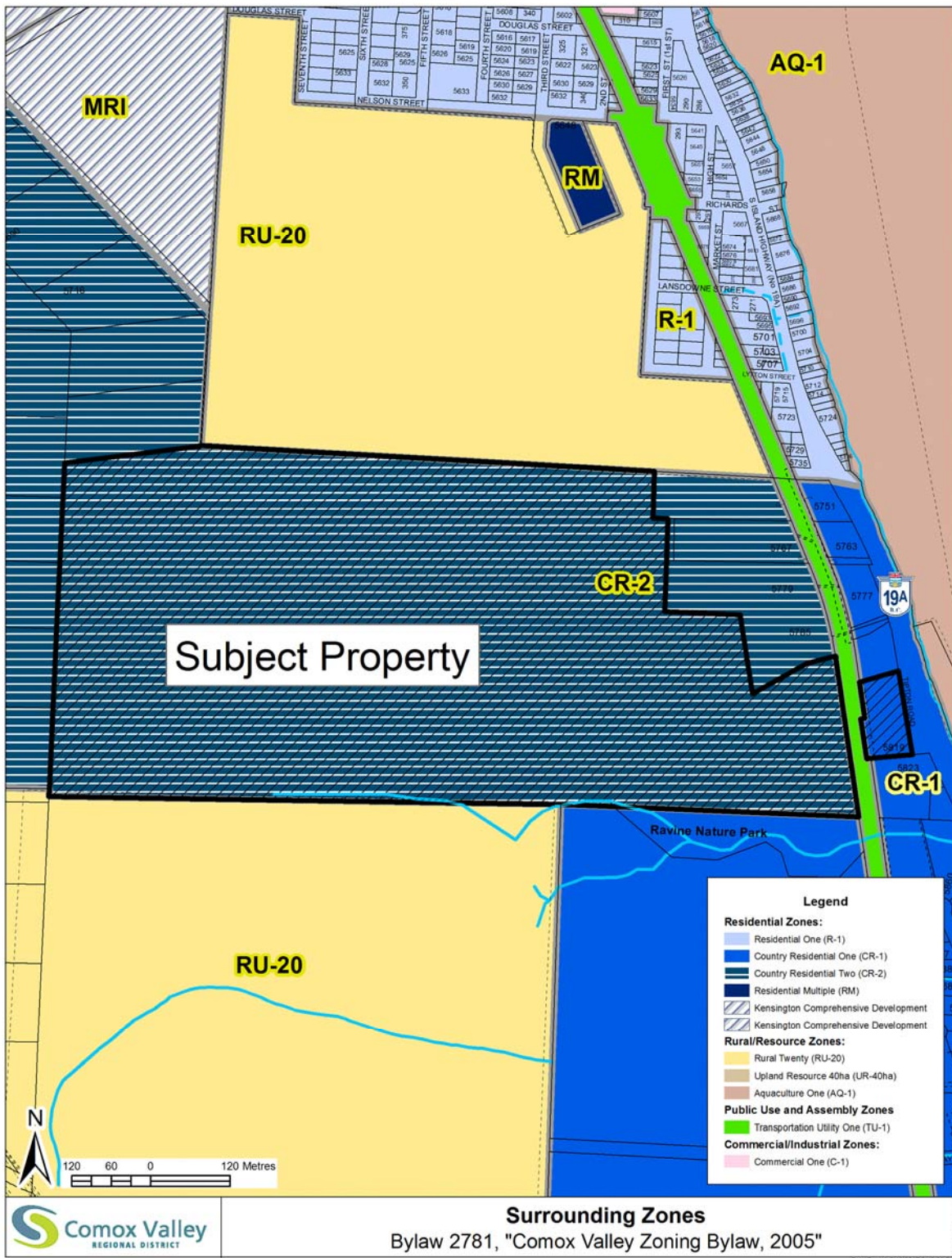


Figure 4: Zoning of Area

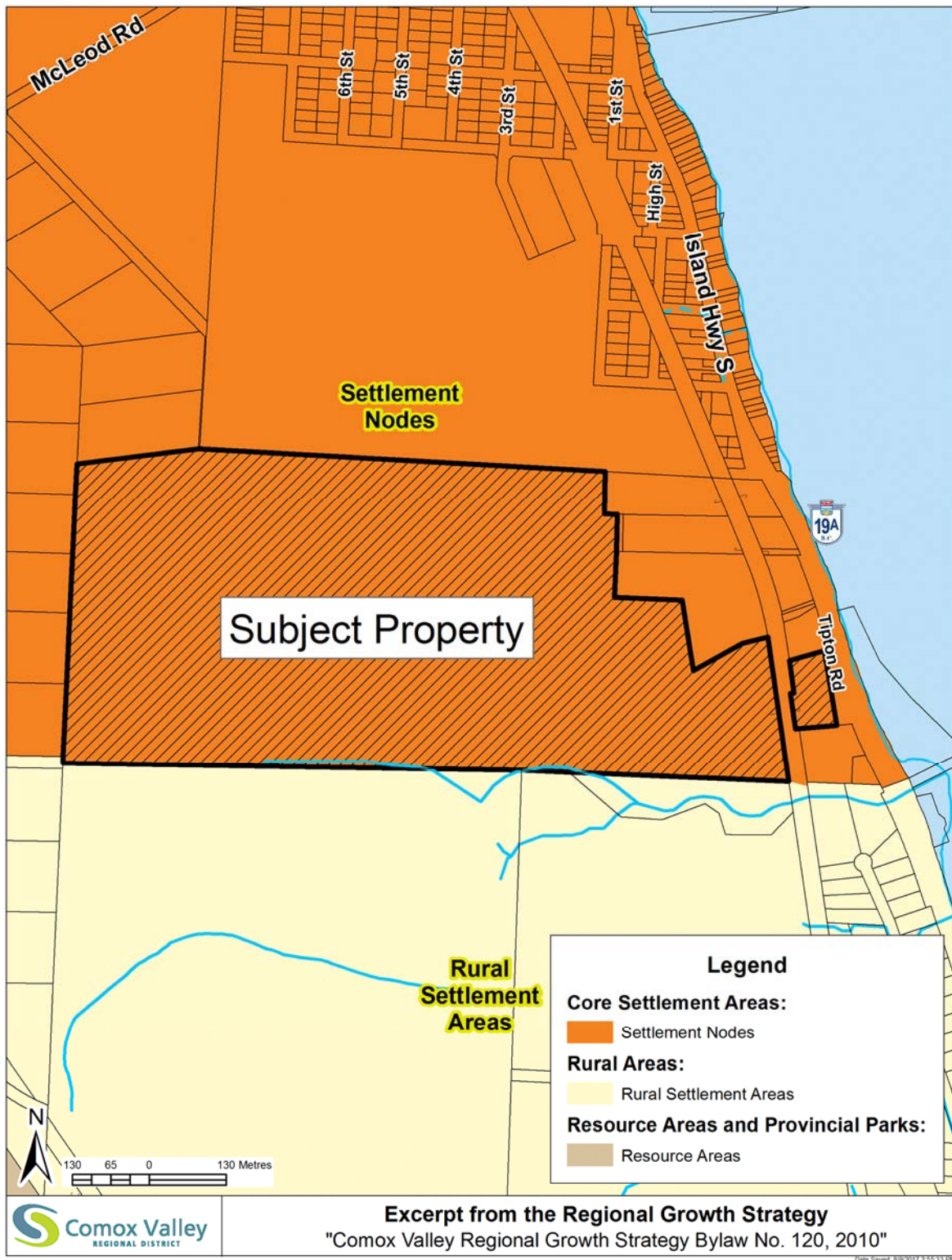


Figure 5: Regional Growth Strategy Designations

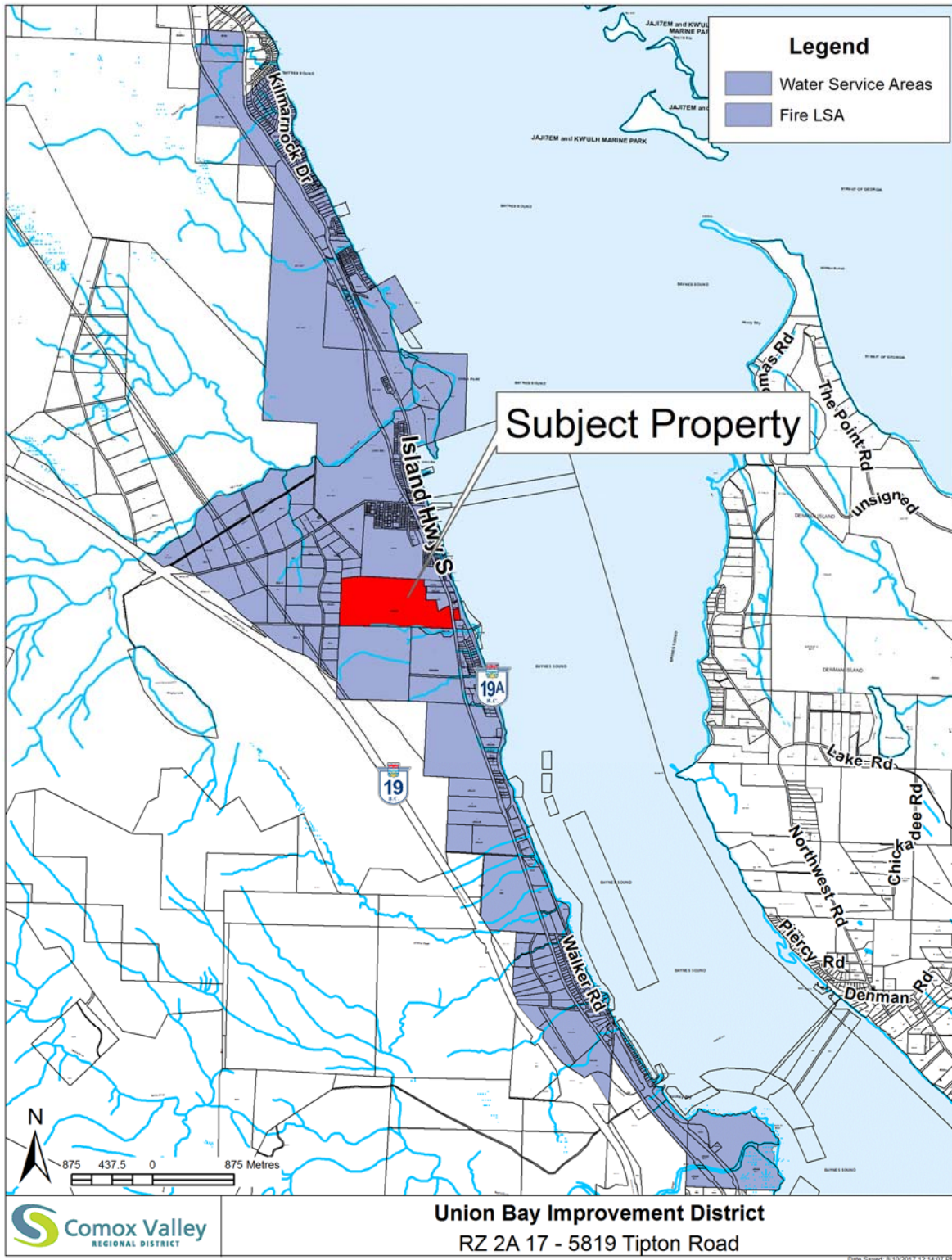


Figure 6: Union Bay Improvement District (Water and Fire Local Service Area)

AGENCY AND FIRST NATIONS REFERRAL LIST**First Nations**

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

Federal Departments and Agencies

<input type="checkbox"/>	Canadian Coast Guard	<input type="checkbox"/>	Public Works and Government Services Canada
<input type="checkbox"/>	Department of National Defence (CFB Comox)	<input type="checkbox"/>	RCMP
<input type="checkbox"/>	Fisheries and Oceans Canada	<input type="checkbox"/>	Transport Canada Navigable Waters
<input type="checkbox"/>	Indian and Northern Affairs Canada		

Provincial Ministries and Agencies

<input type="checkbox"/>	Agricultural Land Commission	<input type="checkbox"/>	Ministry of Municipal Affairs & Housing
<input checked="" type="checkbox"/>	BC Assessment	<input type="checkbox"/>	Ministry of Forests, Lands and Natural Resource Operations & Rural Development
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Ministry of Energy and Mines
<input type="checkbox"/>	BC Ferry Services Inc.	<input type="checkbox"/>	Ministry of Environment & Climate Change Strategy
<input type="checkbox"/>	BC Transit	<input type="checkbox"/>	Ministry of Tourism, Arts and Culture
<input type="checkbox"/>	Ministry of Indigenous Relations & Reconciliation	<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	Ministry of Forests, Lands and Natural Resource Operations BC Wildfire Services

Local Government

<input type="checkbox"/>	Comox (Town of)	<input type="checkbox"/>	Alberni-Clayoquot Regional District
<input type="checkbox"/>	Courtenay (City of)	<input type="checkbox"/>	Strathcona Regional District
<input type="checkbox"/>	Cumberland (Village of)	<input type="checkbox"/>	Regional District of Mount Waddington
<input type="checkbox"/>	Islands Trust	<input type="checkbox"/>	Regional District of Nanaimo

Other

<input type="checkbox"/>	Agricultural Community Advisory Panel	<input type="checkbox"/>	Comox Valley Economic Development Society
<input checked="" type="checkbox"/>	School District #71 (Comox Valley)	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)
<input type="checkbox"/>	School District #72 (Campbell River)	<input checked="" type="checkbox"/>	Union Bay Improvement District
<input type="checkbox"/>	Comox Valley Accessibility Committee	<input checked="" type="checkbox"/>	Advisory Planning Committee 'A' Baynes Sound – Denman/Hornby Islands

707

Country Residential One (CR-1)

1. PRINCIPAL USE

- i) **On any lot:**
 - a) Residential use.
- ii) **On any lot over 4000 metres² (1.0 acre):**
 - a) Agricultural use.

2. ACCESSORY USES

- i) **On any lot:**
 - a) Home occupation use;
 - b) Accessory buildings; and
 - c) Bed and Breakfast
- ii) **On any lot 2.0 hectares (4.9 acres) or larger:**
 - a) Animal kennels.

3. DENSITY

Residential use is limited to:

- i) **On any lot:** One single detached dwelling and secondary suite, or one single detached dwelling and one carriage house, or one single detached dwelling and one secondary dwelling limited in area to 90 metres² (968.8 feet²).
- ii) **On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

#112

4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Country Residential One zone shall be as set out in the table below.

Type of Structure	Height	Required Setback			
		Front yard	Rear yard	Side yard	
				Frontage <31m	Frontage >31m
Principal	10.0m (32.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)
Accessory	4.5m-or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Note: Part 400, Siting Exceptions, of this bylaw and Bylaw No. 1836 being the “Floodplain Management Bylaw, 1997” may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

5. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area.

6. FLOOR AREA REQUIREMENTS

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 200.0 metres² (2152.9 feet²).

7. SUBDIVISION REQUIREMENTS

- i) Despite any other provision of this bylaw, the minimum permitted lot area within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010” is 4.0 hectares. #200

- ii) Despite any other provision of this bylaw, for the purpose of subdivision, the following sections of this bylaw do not apply to lots within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010”:

- a) Section 503 Subdivision Standards 1. AREA AND FRONTAGE REQUIREMENTS i);
 b) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS i) a); and
 c) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS iii).

iii) **Lot Area**

The minimum lot area permitted shall be 2.0 hectares (4.9 acres)

Despite (iii), a subdivision with lots smaller than identified above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot area permitted.

End • CR-1

PART 700 **RESIDENTIAL ZONES**

701 **Residential One (R-1)**

1. PRINCIPAL USE

On any lot:

- i) Residential use.

2. ACCESSORY USES

On any lot:

- i) Secondary suite;
- ii) Home occupation use;
- iii) Accessory buildings;
- iv) Bed and Breakfast.

#4

3. DENSITY

Residential use is limited to:

- i) **On any lot:** One single detached dwelling and secondary suite, or one single detached dwelling and one carriage house, or one single detached dwelling and one secondary dwelling limited in area to 90.0 metres² (968.8 feet²).

#112

4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Residential One zone are as set out in the table below.

Type of Structure	Height	Required Setback		
		Front yard	Rear yard	Side yard
Principal	10.0m (32.8ft)	4.5m (14.8 ft)	4.5m (14.8 ft)	1.75m (5.8 ft)
Accessory	4.5m-or less (14.7 ft or less)	4.5m (14.8 ft)	1.0m (3.3 ft)	1.0m (3.3 ft)
Accessory	6.0m-4.6m (19.68ft)	4.5m (14.8 ft)	4.5m (14.8 ft)	1.75m (5.8 ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Note: Part 400, Siting Exceptions, of this bylaw and Bylaw No. 1836 being the "Floodplain Management Bylaw, 1997" may affect the siting of structures adjacent to major roads, and the natural boundaries of watercourses and the sea, respectively.]

5. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area.

6. SUBDIVISION REQUIREMENTS

- i) Despite any other provision of this bylaw, the minimum permitted lot area within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010” is 4.0 hectares. #200
- ii) Despite any other provision of this bylaw, for the purpose of subdivision, the following sections of this bylaw do not apply to lots within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010”:
- a) Section 503 Subdivision Standards 1. AREA AND FRONTAGE REQUIREMENTS i);
 - b) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS i) a); and
 - c) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS iii).

iii) **Lot Area**

The minimum lot area permitted shall be:

- a) When connected to community water and sewer: 600 metres² (6458.6 feet²)
- b) When connected to either community water or sewer: 4000 metres² (1.0 acre)
- c) When serviced by well and approved septic system: 1.0 hectare (2.5 acre)

Despite (iii), a subdivision with lots smaller than identified in (a), (b), and (c) above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot areas permitted based upon the available servicing.

End • R-1