

Memo

File: 3360-20/RZ 1C 22

DATE: May 30, 2022

TO: Advisory Planning Commission
Puntledge – Black Creek (Electoral Area C)

FROM: Planning and Development Services

RE: Rezoning – 7648 Island Highway (Edge Grain Forest Products Ltd.)
Part District Lot 100, Comox District, Lying to the North of the Island Highway and
to the West of Parcel A (DD 15057N), Except that Part in Plan 20383,
PID 009-531-262

The attached development proposal is for commission members' review and comment.

An application has been received to consider an amendment to the Zoning Bylaw that would add the use Wood Processing to the list of permitted principal uses to the above-noted lot. As detailed in the attached staff report (Appendix A), the subject property is currently zoned Commercial One whereas Wood Processing is an industrial use.

For more information, please refer to the attached staff report (Appendix A) dated April 27, 2022, which was reviewed by the Comox Valley Regional District Board on May 24, 2022.

Sincerely,

T. Trieu

Ton Trieu, RPP, MCIP
Manager of Planning Services
Planning and Development Services

/jm

Attachment Appendix A – Staff Report dated April 27, 2022



Staff Report

DATE: April 27, 2022

FILE: 3360-20 /RZ 1C 22

TO: Chair and Directors
Electoral Areas Services Committee

FROM: James Warren
Deputy Chief Administrative Officer

Supported by James Warren Deputy
Chief Administrative Officer

J. Warren

**RE: Rezoning (Edge Grain Forest Products Ltd.)
Puntledge – Black Creek (Electoral Area C)
Part District Lot 100, Comox District, Lying to the North of the Island
Highway and to the West of Parcel A (DD 15057N), Except that Part in Plan
20383, PID 009-531-262 (7648 Island Highway)**

Purpose

To advise the Electoral Areas Services Committee of an application to amend the zone of a single property to add the use Wood Processing (Appendix A); and to recommend external referral (Appendix B).

Recommendation from the Deputy Chief Administrative Officer:

THAT the Comox Valley Regional District Board endorse the agency referral list as outlined in Appendix B of staff report dated April 27, 2022, and direct staff to commence the external agency referral process for property known as That Part of District Lot 100, Comox District, Lying to the North of the Island Highway and to the West of Parcel A (DD 15057N) Except that Part in Plan 20383, PID 009-531-262 (7648 Island Highway), as part of a proposed amendment (RZ 1C 22, Edge Grain Forest Products Ltd.) 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 owner of the commercial property at 7648 Island Highway North is pursuing further development of the lot and would like to lease a portion for the purposes of wood processing.
- Wood processing is an industrial use that is not permitted within the commercial zone. Therefore, this application seeks to add Wood Processing to the list of permitted principal uses allowed on this lot.
- Given the analysis provided in this report, staff recommends the First Nations and agency referral process be initiated. Once this process is completed, comments from these parties will be presented to the board for consideration of next steps.

Prepared by:	Concurrence:	Concurrence:
<i>J. MacLean</i>	<i>T. Trieu</i>	<i>A. Mullaly</i>
Jodi MacLean, RPP, MCIP Planner II	Ton Trieu, RPP, MCIP Manager of Planning Services	Alana Mullaly, RPP, MCIP General Manager of Planning and Development Services

Government and Community Interests Distribution (Upon Agenda Publication)

Agency name	✓
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Background/Current Situation

The subject property is a 0.88 hectare lot with access to both the Island Highway and Surgenor Road (Figure 1). Though it is surrounded by agricultural lands, this lot was not included into the Agricultural Land Reserve. Since 1986 the Comox Valley Regional District (CVRD) has zoned it for commercial uses; it was previously zoned for industrial uses. The lot has been cleared of native vegetation and developed with a commercial building and a dwelling (Figure 2). The owners currently use the property for retail sales of lumber and wood products.

The owners intend to remove the dwelling and construct a second commercial building as permitted by the existing zone. However, they would like to lease space within the building to a company that specializes in ‘wood processing’ which is not permitted by the zone. Therefore, the owners have made an application to amend the zone to insert Wood Processing in the list of permitted uses.

Zoning Bylaw Analysis

Zoning Bylaw, Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019”, zones the lot as Commercial One which allows for a broad range of general commercial uses, such as retail and wholesale, offices, service establishment, tourist accommodations and mini-storage, as well as several incidental and subordinate accessory uses. The Zoning Bylaw defines Wood Processing as “the production of value added wood items such as mouldings, shakes, fencing, furniture, doors, windows and other wood products” and allows the use in the following zones:

- Industrial Light
- Industrial Heavy
- Upland Resource
- Rural Eight (only on lots over 8 ha, and limited to 1000 m²)
- Rural Twenty (only on lots over 4 ha, and on condition of 15 m setbacks)

As wood processing can involve machinery and operations that can be disruptive to nearby residents, and its facilities are not typically associated with aesthetic commercial appeal, the use is more typically included in industrial zones.

Official Community Plan Analysis

The Official Community Plan (OCP), Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014”, designates the subject property under the Rural Settlement Area (RSA) designation. Policy 47(2) of this RSA designation states:

- “47. (2) When rezoning is required to establish new industrial uses the following information is required:
- (a) how the proposal will maintain the rural character of its surroundings and support the function of a working rural landscape;

- (b) compatibility of intended use with adjacent land and water uses, natural resource areas and the ability to mitigate noise, odour, lighting, air pollution, idling of vehicles through potential landscaping, buffering and screening;
- (c) transportation links, access to the site and on-site parking arrangements, to mitigate traffic generation and air pollution through existing developed areas;
- (d) public access to the coastal waterfront, where applicable;
- (e) the identification and protection measures of environmental sensitive features on the land;
- (f) a rainwater management and drainage plan designed by a professional engineer.”

In addressing (a) and (b) regarding rural character, compatibility with adjacent uses and the working landscape (e.g. surrounding agricultural uses), the applicant is concurrently applying for a Development Permit consistent with the Farmland Protection and Commercial & Industrial Form and Character Guidelines. That Development Permit application will be reviewed by the Area C Advisory Planning Commission with respect to rural character and by the Agricultural Advisory Planning Commission with respect to the farm/ non-farm interface.

Regarding (c) on the above list, the applicants submitted a site plan (Figure 3) that illustrates the on-site parking, inclusive of their existing building and their proposed new building which is the subject of the above-noted Development Permit. The subject property is a corner lot with access to both the highway and a side road allowing for flow-through site circulation. The owner will have to maintain a Highway Access Permit with the Ministry of Transportation and Infrastructure.

Item (d) is not applicable and regarding (e) CVRD mapping does not identify any natural features that would be sensitive to development within the vicinity of the subject property. In support of item (f) the applicants submitted a report titled Stormwater Management Plan - Commercial Building prepared by the Jim Buchanan, P.Eng. of J.E. Anderson & Associates. This report provides recommendations relating to the addition of a new 1,115 square metre building on the lot in which the wood processing would be conducted.

Fire Safety

The subject property is located within the Black Creek/ Oyster Bay Fire Protection Local Service Area but is outside all water service areas. The Fire Chief of Oyster River Fire Rescue reviewed the application and notes that given the nature of the wood processing:

- All vegetation planted should meet FireSmart’s recommendations for fire resistive vegetation.
- Importance of meeting BC Building Code standards and ensuring there are adequate fire extinguishers and fire alarm system.
- Constructing large commercial buildings will eventually necessitate the need for the fire department to request a ladder truck. Ladder trucks are currently available through mutual aid agreements with the cities of Courtenay and Campbell River.

The building’s dust mitigation system is reviewed as part of the Building Permit.

Concurrent applications

The property owner has also made the appropriate applications to construct a new commercial building. While it is their intent to utilize the building for wood processing, should this requisite zoning amendment not be approved it would be utilized for other purposes that are otherwise permitted in the Commercial One zone. The new building requires a (1) Development Permit consistent with the Farmland Protection and Commercial & Industrial Form and Character Guidelines and a (2) Development Variance Permit addressing a setback to the Island Highway.

These permit applications relating to the new building are currently being reviewed by the relevant Advisory Planning Commissions and will be then forwarded to the Electoral Areas Services Committee.

Options

The board can:

1. Refer the application to external agencies and First Nations for review and to authorized staff to begin discussion with the applicants on provision of community amenities.
2. Deny the application to rezone the property.

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

Financial Factors

The applicant has 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.

Strategic Considerations: Strategic Drivers and Regional Growth Strategy

CVRD Board Strategic Drivers:							
Fiscal Responsibility		Climate Crisis and Environmental Stewardship and Protection		Community Partnerships	✓	Indigenous Relations	✓

Community Partnerships: The social fabric of our communities and the health and wellbeing of citizens depend on solid and sustainable community partnerships. Collaboration and support are ever present in guiding our service delivery.

- See Citizen/Public Relations section below.

Indigenous Relations: We are committed to reconciliation and relationship building with Indigenous Peoples and specifically K’ómoks First Nation (K’ómoks).

- Referrals seeking feedback on the rezoning proposal were sent to K’ómoks and a response was received (Appendix A).

CVRD Regional Growth Strategy Goals:							
Housing		Ecosystems, Natural Areas and Parks		Local economic development	✓	Transportation	
Infrastructure		Food Systems		Public Health & Safety	✓	Climate Change	

Local economic development: Achieve a sustainable, resilient and dynamic economy that supports businesses and entrepreneurship.

- The objectives of this goal are to support business retention, development, investment and jobs within the Comox Valley. Relevant to this proposal, Policy 3B-4 encourages exploring “initiatives that support value-added, community-based business development, including, but not limited to, local food processing, specialty forest products and other value-added product manufacturing.”

Public health and safety: Support a high quality of life through the protection and enhancement of community health, safety and well-being.

- In the context of fire safety, Policy 7C-4 of this goal notes that considerations of fire protection, among other public health and safety factors, should be made in the development approval process.

Intergovernmental Factors

If the board opts to refer this application externally for comment, the government agencies and First Nations identified in Appendix B will be consulted and asked to provide feedback on the proposal. Feedback from the referrals will be reported at a future Electoral Areas Services Committee meeting.

Citizen/Public Relations

Staff recommends that the application be referred to the Area C Advisory Planning Commission and the Agricultural Advisory Planning Commission. In addition, the proposed building necessitates a Development Permit and a Development Variance Permit. These are also reviewed by the same Advisory Planning Commissions.

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 – Development proposal
Appendix B – Agency List

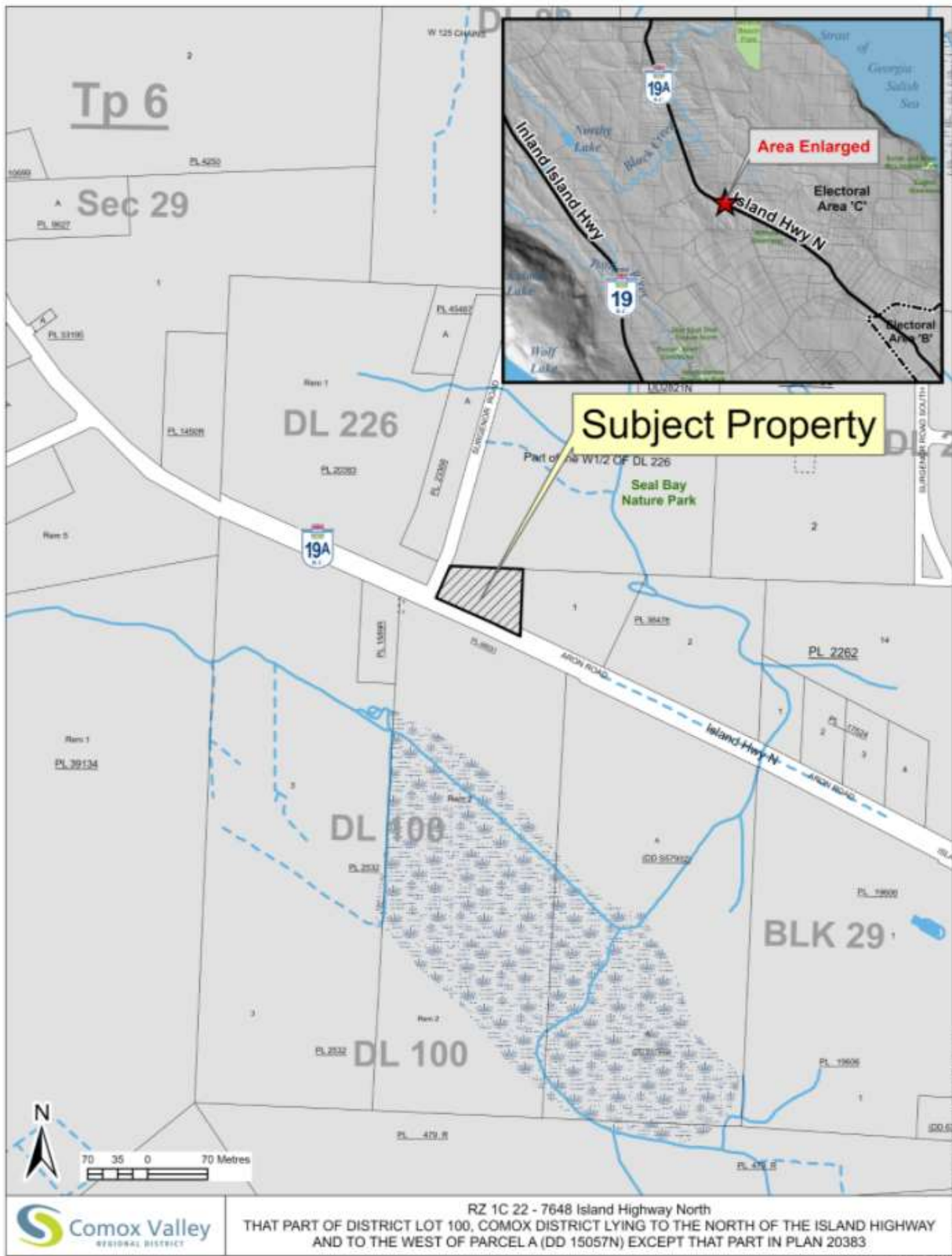


Figure 1: Subject Property



Figure 2: Air Photo

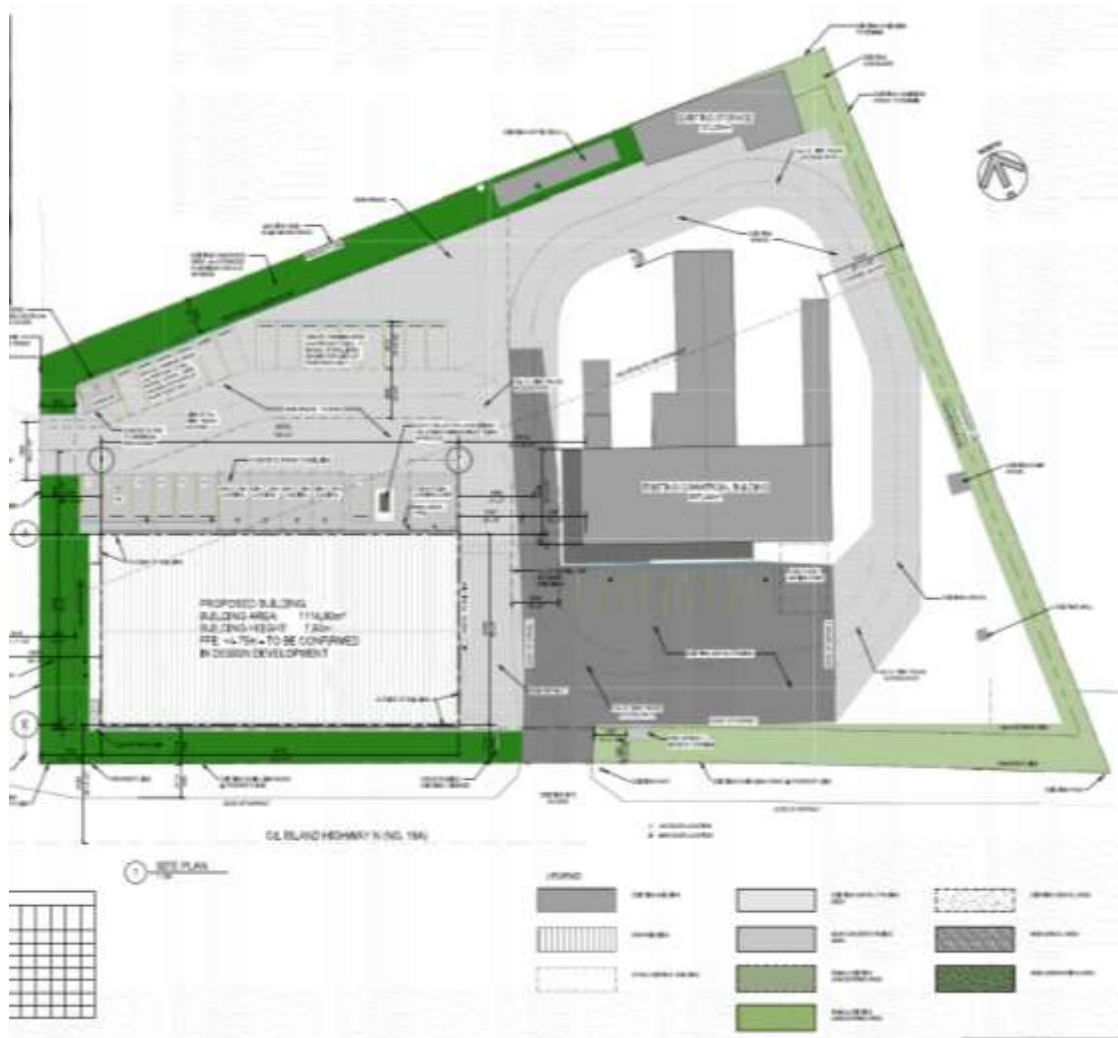


Figure 3: Site Plan
Including existing building, proposed new building,
and removal of existing dwelling.

Existing Facility in Black Creek

7648 North Island Highway

Feb. 18, 2022

Edge Grain Forest Products Ltd. operates a retail sales business for building products out of the existing buildings on this property. Most of what we sell is produced in our sawmill facility located in Woss on the north island.

There is lumber storage onsite along with equipment for loading and unloading lumber. We keep a 24' flat deck truck onsite that is used for moving lumber from Woss to Black Creek as well as for local deliveries.

There is generally just one person onsite Monday to Friday year round.

We may expand the product line to other building related products in future but, for now, it is simply an outlet for our own product.

Please let me know if you would like more information on what we do.

Sincerely,

Dennis Nelson

Dennis Nelson
President
Edge Grain Forest Products Ltd.

Sec. 22 Disclosure harmful to personal privacy

Harbour Kitchens Proposed Facility in Black Creek

Update

Feb. 18, 2022

Harbour Kitchens presently operates in leased facilities in Courtenay and has done so for the last 10 years.

We operate with a staff of 8 on the production and installation side in approximately 10,000 sq. ft. and have a separate sales and showroom facility that operates with 3 staff.

It is only the production side that would move to a new building in Black Creek.

The proposed building would be a 12,000 sq. ft. steel building on a concrete slab with adequate parking for staff and service vehicles.

There will be no outside storage and shipping and receiving will be accommodated through overhead doors.

We take in raw sheet goods and hardware to manufacture kitchen, bathroom and various other types of cabinets on a design build basis for a customer base that covers mostly the Comox Valley and Campbell River but does extend to the north island as well as some of the local small islands. We also install the finished product.

Inside the proposed building will be raw materials storage, various production and finishing machinery as well as an office, lockers, lunch room and bathroom facilities.

There will be an external dust collection system that operates at 65-70 db as well as externally roof mounted HVAC as required.

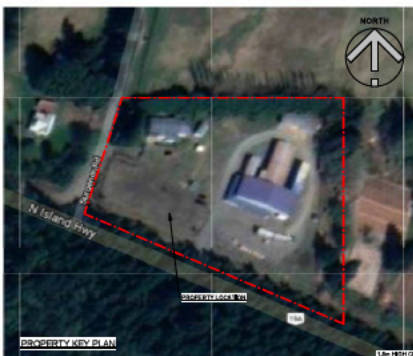
The facility should operate with little or no disturbance to neighbours as all activity is contained in the building proper except for one or two freight trucks a week delivering raw materials and our install vans loading up daily and setting off for their respective installs.

Please let me know if you would like more information or, perhaps, a tour of our present facilities.






Sincerely,

Dennis Nelson

Dennis Nelson
President
Harbour Kitchens and Millwork Inc.



PROJECT DATA	
ADDRESS	PUNTERVILLE-BLACK CREEK (ELECTORAL AREA C)
REF:	0640462
LEGAL ADDRESS:	THAT PART OF LOT 108, CONVEYED TO THE NORTH OF THE ISLAND HIGHWAY AND TO THE WEST OF PARCELS A (SO 108) EXCEPT THAT PART IN PLAN 1081
DATE ASSIGNED	THE ISLAND HIGHWAY-BLACK CREEK, BC V8J 1G8
OWNER	SHL COMMERCIAL INC.
BLDG. AREA	NEW BLD 1114.8m ² , EXISTING BLD 687.44m ² TOTAL AREA: 1802.3m ²
PROPERTY AREA	8944m ²
COVERAGE	REQUIRED: 44.10% of 8944m ² area, PROVIDED: 32%
MAX. HEIGHT	REQUIRED: 14.1m max, PROVIDED: 7.93m
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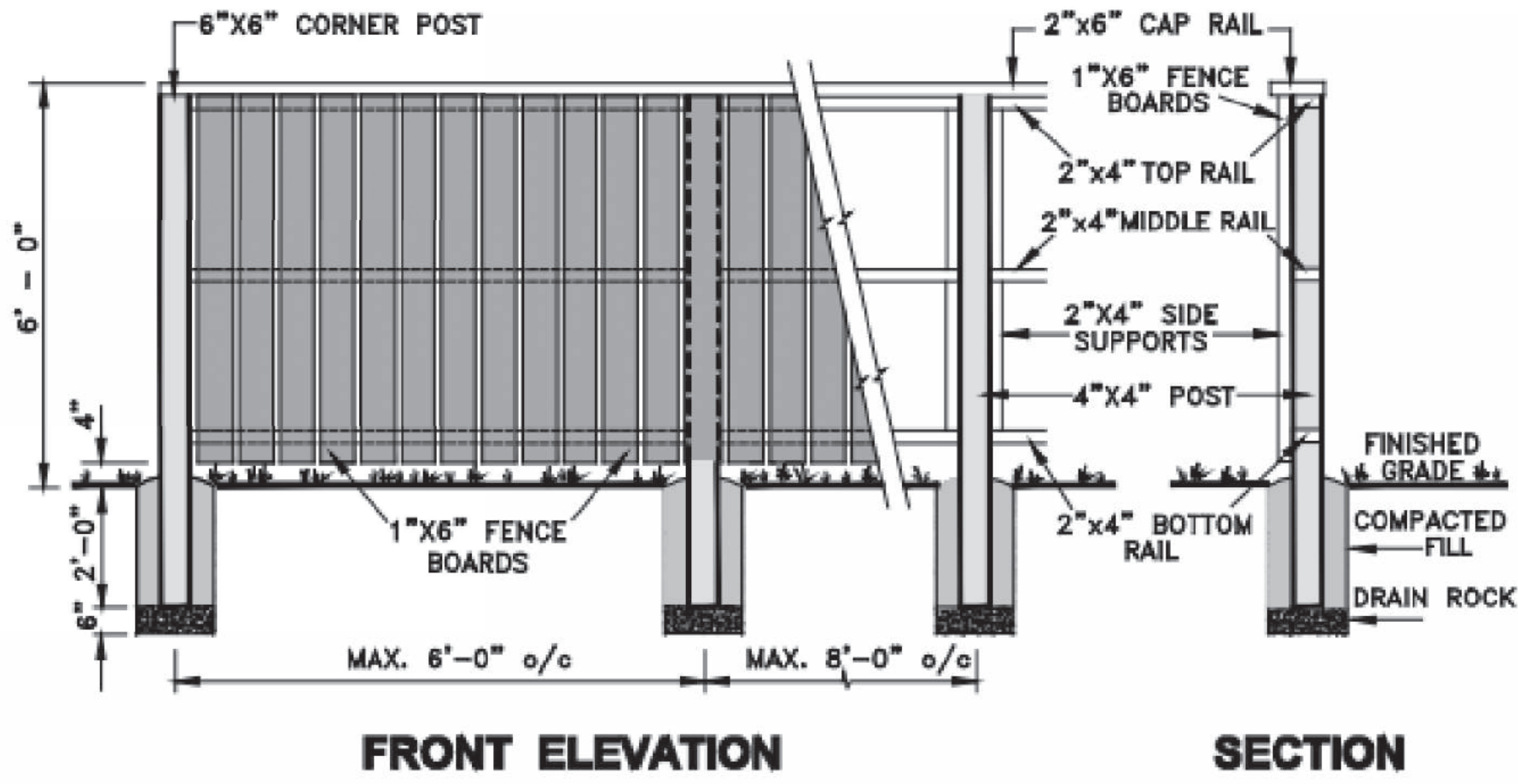
PLANT LEGEND					
SYMBOL	BOTANICAL / COMMON NAME	SIZE	SPACING	QTY	NOTES
TREES & SHRUBS					
	VIBURNUM TINUS LAURUSTINUS	#5 Pot	1.0M O.C.	53	0.6M SPACING FROM FENCE
	MAHONIA AQUIFOLIUM OREGON GRAPE	#3 Pot	1.0M O.C.	134	DOUBLE ROW TRESPASS HEDGE 1.5M SPACING
	PINUS CONTORTA SHORE PINE	#20 Pot	6.0M O.C.	7	DROUGHT TOLERANT
GROUND COVER					
	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER' FEATHER REED GRASS	#1 Pot	1.5M O.C.	30	DROUGHT TOLERANT
	HELICOTRICHON SEMPERVIRENS BLUE OAT GRASS	#1 Pot	0.9M O.C.	54	DROUGHT TOLERANT

PLANTING NOTES

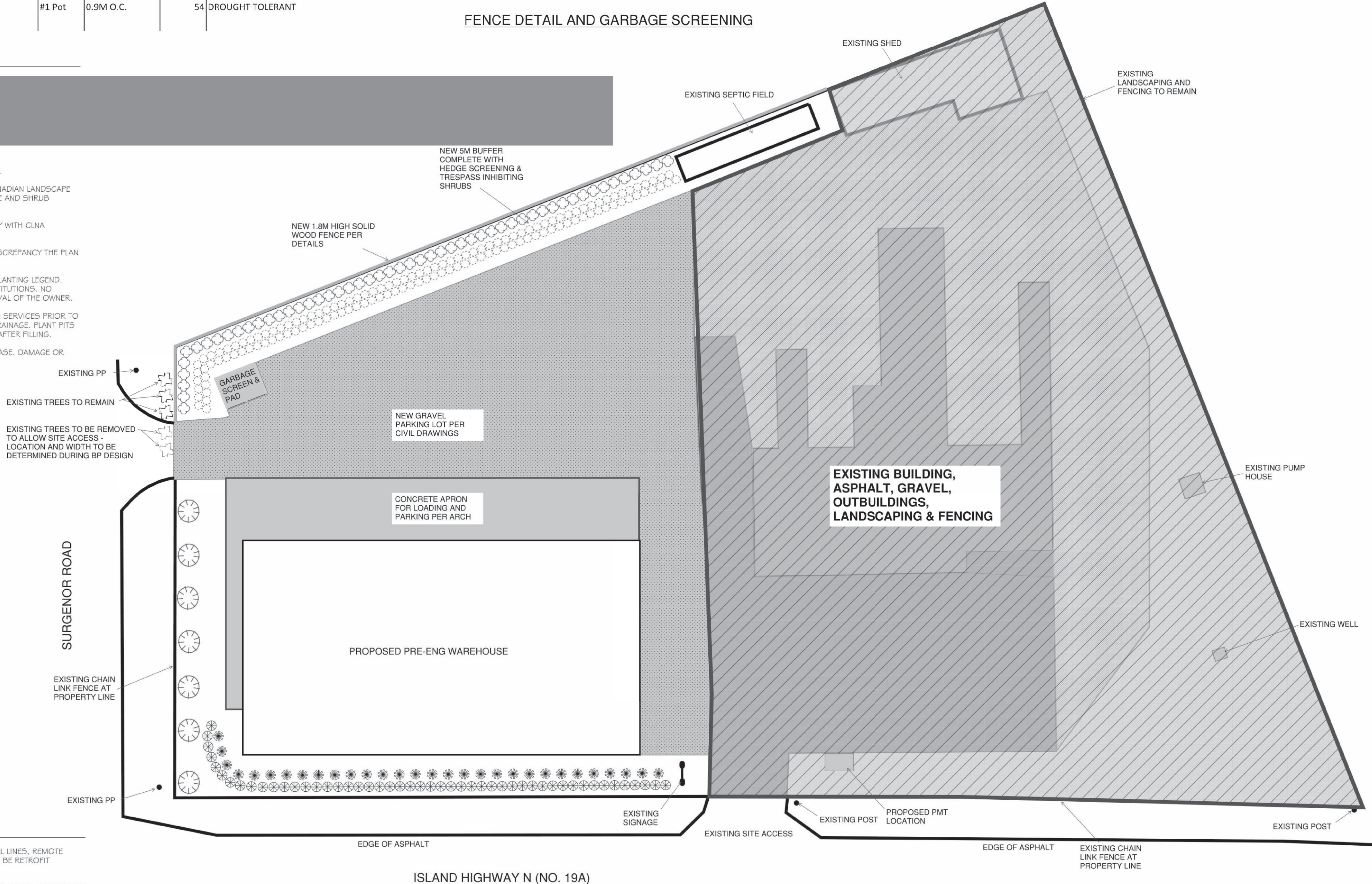
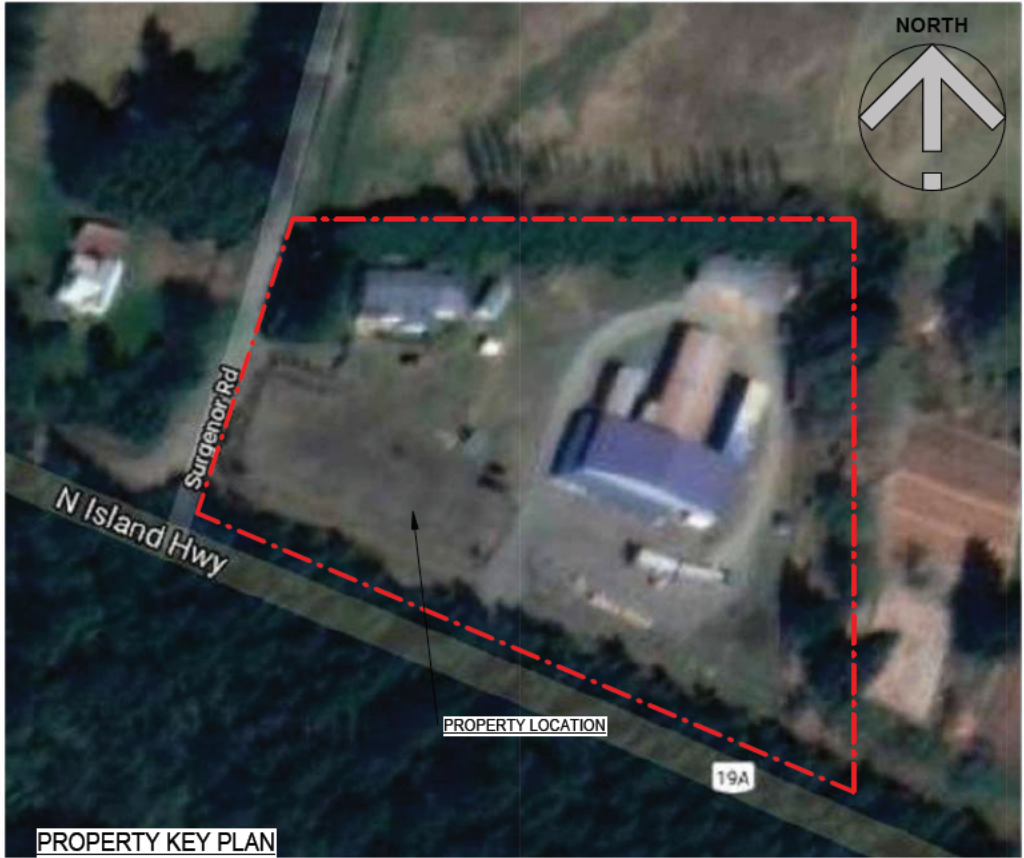
3. SOIL DEPTHS: LAWN 100mm
SHRUBS 450mm
TREES 300mm BELOW AND AROUND ROOTBALL
4. MULCH SHALL BE COMPOST PER SECTION 10 MULCHING OF THE CANADIAN LANDSCAPE STANDARD. MULCH DEPTH SHALL BE 75mm MINIMUM OVER ALL TREE AND SHRUB PLANTING AREAS.
5. PLANT MATERIAL QUALITY, TRANSPORT AND HANDLING SHALL COMPLY WITH CLNA STANDARDS FOR NURSERY STOCK.
6. PLANT QUANTITIES ARE FOR INFORMATION ONLY. IN CASE OF ANY DISCREPANCY THE PLAN SHALL GOVERN.
7. ALL PLANT MATERIAL SHALL MATCH SPECIES AS INDICATED ON THE PLANTING LEGEND. CONTACT THE LANDSCAPE ARCHITECT FOR APPROVAL OF ANY SUBSTITUTIONS. NO SUBSTITUTIONS WILL BE ACCEPTED WITHOUT PRIOR WRITTEN APPROVAL OF THE OWNER.
8. CHECK FOR LOCATIONS OF WATER LINES AND OTHER UNDERGROUND SERVICES PRIOR TO DIGGING TREE PITS. EXCAVATED PLANT PITS SHALL HAVE POSITIVE DRAINAGE. PLANT PITS WHEN FULLY FLOODED WITH WATER SHALL DRAIN WITHIN ONE HOUR AFTER FILLING.
9. NO PLANTS REQUIRING PRUNING OF MAJOR BRANCHES DUE TO DISEASE, DAMAGE OR POOR FORM WILL BE ACCEPTED.

IRRIGATION NOTES

1. THE IRRIGATION SYSTEM AUTOMATIC CONTROL EQUIPMENT, LATERAL LINES, REMOTE CONTROL VALVES, EMISSION DEVICES AND APPURTENANCES SHALL BE RETROFIT DESIGN-BUILD BY THE IRRIGATION CONTRACTOR.
2. ALL IRRIGATION EMISSION DEVICES SHALL BE MATCHED PRECIPITATION RATE LOW VOLUME ROTARY OR SPRAY NOZZLES OR DRIP EQUIPMENT. OVERHEAD MICROSPRAY DEVICES ARE NOT PERMITTED.



FENCE DETAIL AND GARBAGE SCREENING



SITE PLAN AND LANDSCAPING
SCALE 1:250

ISSUES

No.	DATE	ISSUED FOR
1.	2022.02.01	Development Permit

SUB CONSULTANT

7648 ISLAND HIGHWAY - PRE-ENG WAREHOUSE

Saywell Contracting Limited

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PERMIT TO PRACTICE: 100001
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SAYWELL
CONTRACTING LTD
LANDSCAPING
PLAN

AGENCY AND FIRST NATIONS REFERRAL LIST

First Nations

<input checked="" type="checkbox"/>	K'ómoks First Nation	<input checked="" type="checkbox"/>	Homalco First Nation
<input checked="" type="checkbox"/>	Nanwakolas Council	<input checked="" type="checkbox"/>	Wei Wai Kum First Nation
<input checked="" type="checkbox"/>	Laich-Kwil-Tach Treaty Society		

Provincial Ministries and Agencies

<input type="checkbox"/>	Agricultural Land Commission	<input type="checkbox"/>	Ministry of Municipal Affairs
<input checked="" type="checkbox"/>	BC Assessment	<input type="checkbox"/>	Ministry of Forests, Lands and Natural Resource Operations and Rural Development
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Ministry of Energy, Mines and Low Carbon Innovation
<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, Culture and Sport
<input type="checkbox"/>	Ministry of Indigenous Relations & Reconciliation	<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure
<input checked="" type="checkbox"/>	Ministry of Agriculture, Foods and Fisheries	<input type="checkbox"/>	Ministry of Forests, Lands and Natural Resource Operations BC Wildfire Services
<input type="checkbox"/>	Social Development & Poverty Reduction		

Local Government

<input type="checkbox"/>	Comox (Town of)	<input type="checkbox"/>	Cumberland (Village of)
<input type="checkbox"/>	Courtenay (City of)	<input type="checkbox"/>	Strathcona Regional District

Other

<input checked="" type="checkbox"/>	Advisory Planning Commission Area C	<input checked="" type="checkbox"/>	Agricultural Advisory Planning Commission
<input type="checkbox"/>	School District No.71 (Comox Valley)	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Island Health)
<input type="checkbox"/>	Comox Valley Economic Development Society	<input type="checkbox"/>	Comox Valley Accessibility Committee