

DATE: September 9, 2022**FILE:** 3360-20 /RZ 1C 22**TO:** Chair and Directors
Electoral Areas Services Committee**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer**J. Warren** (for)**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 summarize comments received from First Nations and external agencies (Appendix A), to recommend first and second readings of the proposed bylaw and to authorize a public hearing be held.

Recommendation from the Chief Administrative Officer:

THAT the Comox Valley Regional District Board give first and second reading to Bylaw No. 733, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 10” which rezones properties 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 (7648 Island Hwy.) from Commercial One (C-1) to Commercial One Exception 13 (CR-1-13);

AND FINALLY THAT pursuant to Section 464(1) of the *Local Government Act* (RSBC, 2015, c.1), the Board schedule a public hearing for Bylaw No. 733, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 10” (RZ 1C 22, Edge Grain Forest Products Ltd.).

Executive Summary

- The subject property is a 0.88 hectare lot, developed with a commercial building and zoned Commercial One. The owners are constructing a second commercial building and are seeking to use it for a wood processing use.
- The owners submitted an application to allow the use within the Commercial One zone and referrals were sent to external agencies including First Nations and relevant Advisory Planning Commissions. Based on that application and subsequent review, a draft zoning bylaw amendment has been prepared.
- Staff recommends the draft zoning bylaw amendment (Appendix B) be given first and second reading and that the public hearing be authorized.

Prepared by:

Concurrence:

Concurrence:

*J. MacLean**T. Trieu**A. Mullaly*Jodi MacLean
Senior PlannerTon Trieu
Manager of Planning
ServicesAlana Mullaly
General Manager of Planning
and Development Service**Government and Community Interests Distribution (Upon Agenda Publication)**

Applicant	✓
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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). The lot is developed with a commercial building (Figure 2) and the owners have submitted a Building Permit to construct a second commercial building. The owners currently use the property for retail sales of lumber and wood products but would like to use the second commercial building for the production of value-added wood items, such as cabinets. Because Wood Processing is not a permitted use on the lot, a zoning amendment is required to insert Wood Processing in the list of permitted uses.

On May 24, 2022, the Board endorsed the agency referral list and First Nations referrals management program. On June 17, 2022, staff sent out referrals. On July 21, 2022, staff sent follow up letters to the First Nations groups that did not respond. Note that any individual or agency can provide comments until the termination of the public hearing. The comments are summarized in Appendix A, and the highlights include:

- Homalco First Nation states it has no objection at this time.
- Wei Wai Kum state it has no comments.
- Ministry of Agriculture and Food (MoAF) staff state they have no comments specific to the zoning amendment. MoAF previously provided comments on the Development Permit authorizing the construction of the second commercial building within the vicinity of farm land.
- Ministry of Transportation and Infrastructure (MoTI) staff state they do not support the proximity of the second commercial building to the Island Highway (the applicants have since withdrawn the building away from the Island Highway with the support of MoTI, authorized in Development Variance Permit File DV 4C 22), and that a secondary access permit will need to be applied for under industrial access.
- Vancouver Island Health Authority staff noted their interests remain unaffected by this proposal.
- Agricultural Advisory Planning Commission supports the zoning amendment.
- Advisory Planning Commission (APC) – Puntledge - Black Creek (Electoral Area C) supports the proposal but advised that Wood Processing is too broadly defined by the Zoning Bylaw and should consider the noise impact on adjacent agricultural and residential properties.

Draft Bylaw

Based on the application and the above feedback, staff prepared a draft zoning amendment bylaw, shown in Appendix B. The draft zoning amendment bylaw would keep the lot within the Commercial One zone but add Wood Processing to the list of permitted 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.” To address the comments and

recommendations of Area C APC, this draft zone does not include sawmills and is limited to the wood processing needed to support joinery and cabinetry.

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. This RSA designation seeks new uses to maintain the rural character of its surroundings, improve rainwater management on-site, and mitigate noise and other nuisances through landscaping, buffering and screening. These features have been addressed through a concurrent Development Permit (Figure 3). The draft bylaw is consistent with the OCP.

Options

At this time, the Board has the following options:

1. Approve first and second readings of proposed Bylaw No. 733 (Appendix B) and set a date for the public hearing.
2. Refer proposed Bylaw No. 733 back to staff for revision.
3. Deny the application to rezone.

Based on the discussions contained within this report, staff recommends Option 1.

Financial Factors

A \$2,000 rezoning application fee has been collected for the application under Bylaw No. 328, being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014”. If the Board concurs with staff’s recommendation to schedule a public hearing, a \$1,500 fee is required prior to the hearing. This fee covers the costs of the newspaper advertisement and direct mailing to property owners and tenants within 100 metres of the subject property, as well as the costs related to hosting the public hearing. The applicant is required to install a notice sign on the property, in accordance with Bylaw No. 328’s specifications; the costs of the sign and its installation are not included in the public hearing fee and are the responsibility of the applicant.

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.

- See Background/Current Situation section above.

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

Appendix A lists the comments received from First Nations and external agencies on this zoning application. None of the respondents have provided any objections with this application.

Citizen/Public Relations

The APC for Puntledge – Black Creek (Electoral Area C) met on June 9, 2022, and adopted the following resolution “THAT the Area C Advisory Planning Commission support the amendment to the Zoning Bylaw application RZ 1C 22 - 7648 Island Highway (Edge Grain Forest Products Ltd.), however, for a permitted use other than Wood Processing.

AND FURTHER THAT staff work with the applicant to come up with restrictive language for a name that more closely aligns to the proposed use. For example, cabinet joinery and manufacturing. The reasons for limitation in wording are as follows:

- a) the proposed word is too broad in meaning (the Wood Processing use can include a sawmill or outdoor log peeling equipment); and
- b) noise impact on adjacent agricultural and residential properties be included.”

The Agricultural APC reviewed the proposal on June 16, 2022, and supported the proposal with the comments that it is “not a lot of change to the past commercial uses [and] if the building is constructed to current standards, it won't be too loud.”

If the application proceeds to public hearing, there will be a development notice sign, newspaper advertisements and adjacent owners' letters in accordance with Section 464 of the *Local Government Act* (RSBC, 2015, c. 1) and Bylaw No. 328. Any members of the public can provide comments until the termination of the public hearing.

Attachments: Appendix A – Comments from External Agency and First Nations
Appendix B – Draft Bylaw No. 733

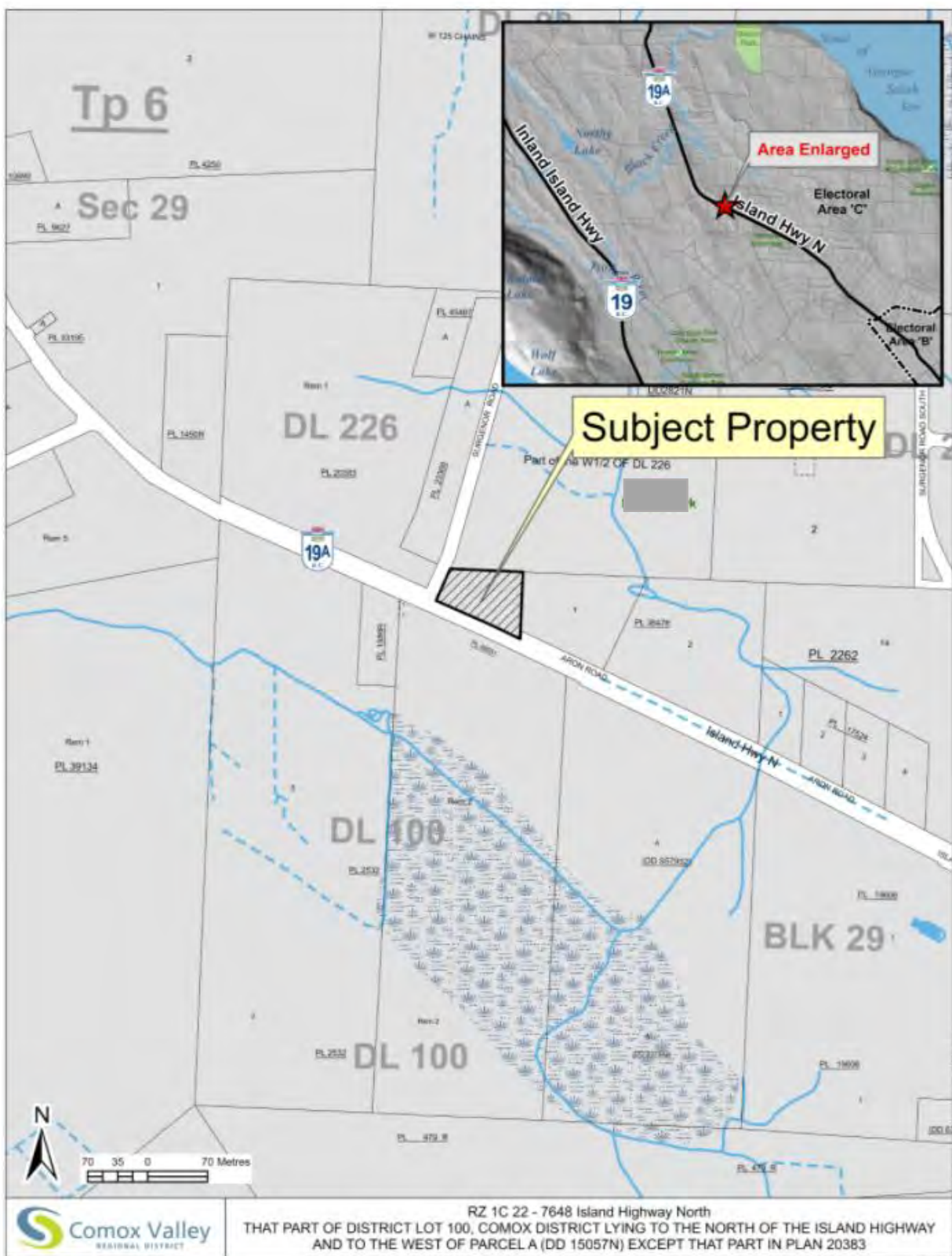


Figure 1: Subject Property



Figure 2: Air Photo

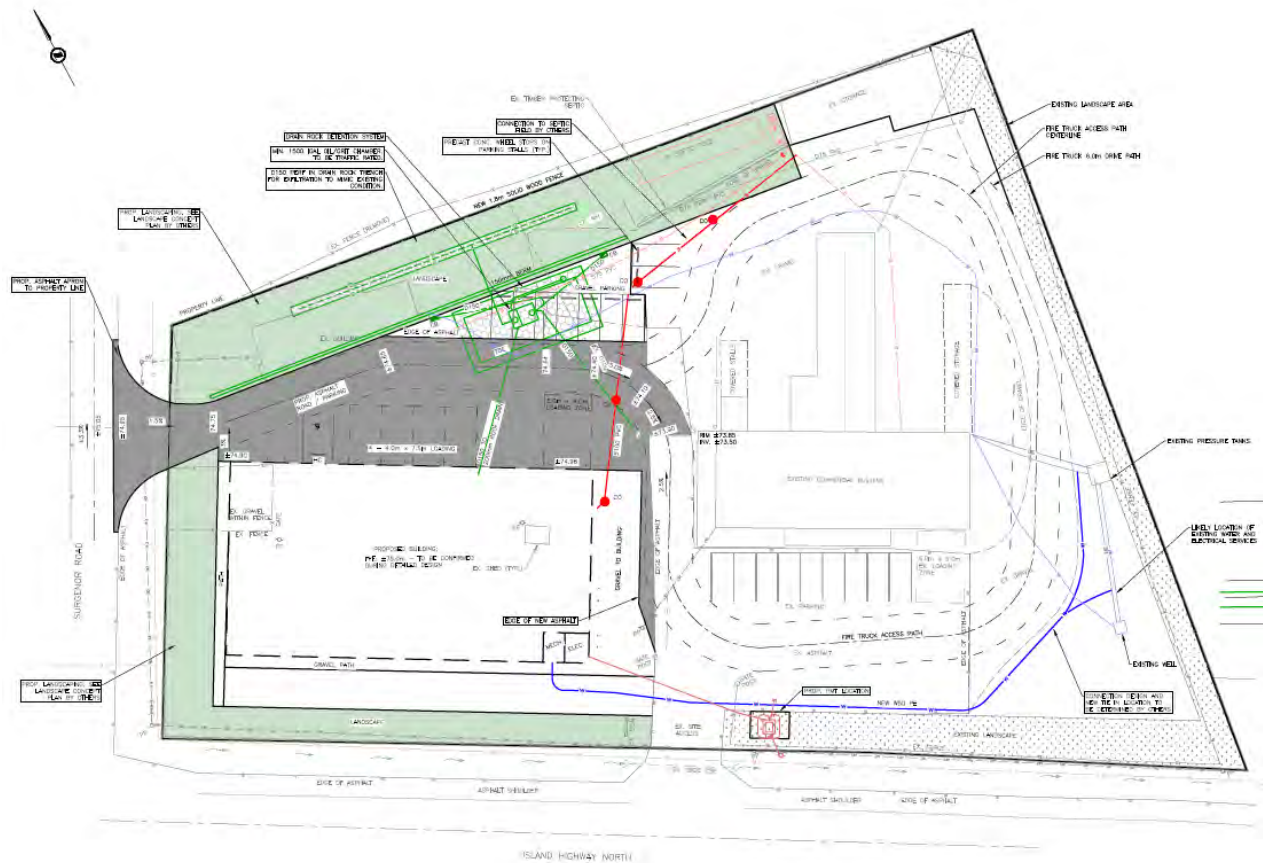


Figure 3: Site Plan from Development Permit (File DP 7C 22)

Illustrating new rainwater management system and landscaping and buffering areas around a new, second commercial building.



HOMALCO FIRST NATION

June 15, 2022

770 Harmston Avenue
Courtenay, B.C.
V9N 0G8

3360-20 / RZ 1C 22
J. MacLean

Attention: Russell Dyson, Chief Administrative Officer

Re: File # 3360-20/RZ 1C 22

Dear: Russell Dyson,

Thank you for your letter dated June 15, 2022. At this time Homalco does not object to your proposal. We continue to update our Land Use Plan, Traditional Use Plan, and Archaeological Overview of our Traditional Lands. Therefore, we reserve the right to provide further comment as new information becomes available, or as work progresses in these areas.

While Homalco has no objections at this time, we acknowledge that this is shared territory and defer to the K'ómoks First Nation for additional comments.

Respectfully,

HOMALCO FIRST NATION

A handwritten signature in black ink, appearing to read 'K Broadfoot', is written over a faint, larger version of the same signature.

Kristen Broadfoot
Research and Referrals Coordinator

Sent VIA Email

3360-20 / RZ 1C 22

From: Referrals <referrals@weiwaikum.ca>
Sent: June 17, 2022 10:12 AM
To: Sylvia Stephens
Cc: Jennifer Cooley; Referrals
Subject: RE: CVRD Referral RZ 1C 22 - Edge Grain Forest Products

CAUTION! EXTERNAL EMAIL

Hi Sylvia,
No comment from WWKum.
Regards
Courtney

From: Sylvia Stephens <sstephens@comoxvalleyrd.ca>
Sent: June 15, 2022 8:58 AM
To: Referrals <referrals@weiwaikum.ca>
Subject: CVRD Referral RZ 1C 22 - Edge Grain Forest Products

Please see attached referral.

Sincerely,

Sylvia Stephens

[Sylvia Stephens](#)

Branch Assistant, Planning and Development Services
Comox Valley Regional District
770 Harmston Ave
Courtenay BC V9N 0G8
Tel: 250-334-6043; toll free: 1-800-331-6007
Fax: 250-334-4358

The Comox Valley Regional District respectfully acknowledges the land on which it operates is on the unceded traditional territory of the K'ómoks First Nation, the traditional keepers of this land.

Jodi MacLean

From: Bailey, Reed AF:EX <Reed.Bailey@gov.bc.ca>
Sent: June 20, 2022 11:05 AM
To: Jodi MacLean
Cc: Boss, Angela AF:EX
Subject: RE: Bylaw referral (File RZ 1C 22)

CAUTION! EXTERNAL EMAIL

Hi Jodi,

Thanks for the follow up email and for providing some additional information about the myriad of proposed applications on the below noted property. With respect to the proposed zoning amendment to permit wood processing on the property, Ministry of Agriculture and Food staff have no comments.

Our previous referral response sent on June 10, 2022 encapsulates all comments that we have with respect to the Farm Land Protection Development Permit.

Cheers,

Reed Bailey, Land Use Planner
 Strengthening Farming Program
 BC Ministry of Agriculture and Food
 778 698 3455

From: Jodi MacLean <jmacLean@comoxvalleyrd.ca>
Sent: June 17, 2022 10:58 AM
To: Boss, Angela AF:EX <Angela.Boss@gov.bc.ca>
Cc: Bailey, Reed AF:EX <Reed.Bailey@gov.bc.ca>
Subject: Bylaw referral (File RZ 1C 22)

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Angela,

The CVRD is contemplating an amendment to the Zoning Bylaw that would apply to a singular property (7648 Island Highway) which is surrounded by agricultural properties. They are concurrently constructing a commercial/industrial building which you have recently reviewed and provided comments on. This proposed zoning amendment would allow the owners to conduct “wood processing” on the lot, in addition to its existing commercial uses. They intend on conducting that use within that new building but the zone would allow it anywhere on the lot. For the appendix referred to in the referral, please [use this link](#).

Thanks.

Jodi MacLean (he/him)

Planner
Planning and Development Services Branch
Comox Valley Regional District
770 Harmston Avenue, Courtenay, BC V9N 0G8
Tel: 250-334-6041
Tel: 1-800-331-6007

Jodi MacLean

From: McRae, Tallina TRAN:EX <Tallina.McRae@gov.bc.ca>
Sent: June 20, 2022 10:15 AM
To: Jodi MacLean
Subject: RE: Zoning Amendment Bylaw referral (File RZ 1C 22)

CAUTION! EXTERNAL EMAIL

MOTI file number # 2022-02563

The Ministry of Transportation and Infrastructure has the following comments on the rezoning proposal.

1. The referral package contains a site plan that is not supported by MOTI (fig 3). Please ensure that the Herold Engineering Limited drawing number A101 Rev5 is utilized and followed.
2. There is currently a commercial access permit in place for the property. However a secondary access permit will need to be applied for under industrial access.

Sincerely,

Tallina McRae

Development Services Officer

Ministry of Transportation and Infrastructure

Vancouver Island District - SA03

Telephone: (250) 331 - 9891

Email: Tallina.McRae@gov.bc.ca

[Apply for BCeID](#)

[Apply for Permit](#)

From: Jodi MacLean <jmacLean@comoxvalleyrd.ca>
Sent: June 17, 2022 11:04 AM
To: McRae, Tallina TRAN:EX <Tallina.McRae@gov.bc.ca>
Subject: Zoning Amendment Bylaw referral (File RZ 1C 22)

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Tallina,

The CVRD is contemplating an amendment to the Zoning Bylaw that would apply to a singular property (7648 Island Highway) which is adjacent to the Island Highway. They are concurrently constructing a commercial/industrial building which you have recently reviewed and provided comments on. This proposed zoning amendment would allow the owners to conduct “wood processing” on the lot, in addition to its existing commercial uses. They intend on conducting that use within that new building but the zone would allow it anywhere on the lot. For the appendix referred to in the referral, please [use this link](#).

Thanks.

Jodi MacLean (he/him)

Planner

Planning and Development Services Branch

Comox Valley Regional District

770 Harmston Avenue, Courtenay, BC V9N 0G8

Tel: 250-334-6041

Tel: 1-800-331-6007

Bylaw Referral Form Response Summary

Development Proposal Referral Form
File: 3360-20 /RZ 1C 22 (Edge Grain Forest Products Ltd - 7648 Island Highway)
(Planner: J. MacLean)

☐ Approval recommended for reasons outlined below



Interests unaffected or general comments related to this development proposal outlined below

☐ Approval recommended subject to conditions outlined below



Approval NOT recommended due to reasons outlined below

Island Health's interests remain unaffected by this proposal.

Signed By: Ella Derby **Title:** Environmental Health Officer

Agency: Island Health **Date:** July 4 2022

Please return your response by **July 22, 2022** by fax to 250-334-4358
 or by email to planning@comoxvalleyrd.ca

Jodi MacLean

From: Sylvia Stephens
Sent: July 22, 2022 9:59 AM
To: Dylan Thiessen; Jodi MacLean
Subject: FW: EXTERNAL: FW: Reminder: CVRD Referral RZ 1C 22 - Edge Grain Forest Products

See email below from K'ómoks, it's referring to files RZ 1C 22 and RZ 1C 21

Sincerely,

Sylvia

[Sylvia Stephens](#)

Branch Assistant
 Planning and Development Services
 Tel: 250-334-6043

From: Candace Newman <candace.newman@komoks.ca>
Sent: July 22, 2022 9:40 AM
To: Sylvia Stephens <sstephens@comoxvalleyrd.ca>
Subject: RE: EXTERNAL: FW: Reminder: CVRD Referral RZ 1C 22 - Edge Grain Forest Products

0400-70 / K'ómoks

Good Morning Sylvia,

Yes, please send these letters to me instead of Carol McColl. We are taking these two referrals to Chief and Council at the next meeting and should have a response before the due date, I will let you know if we require an extension.

Gilakas'la / ʔimot ,



Candace Newman
 Archaeology and Referral Coordinator
[K'ómoks First Nation](#)
 Courtenay, BC
 P: 250.339.4545 ext. 112

tuwa akʷs ʔoxoʔ ʔa xʷ yixmetet (ʔa) kʷoms hehaw tums giʔe

"Care takers of the 'land of plenty' since time immemorial", ʔaʔaʔuθəm (eye-uhh-juu-eth-em Island Comox)

Disclaimer

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From: Sylvia Stephens <sstephens@comoxvalleyrd.ca>
Sent: July 21, 2022 8:34 AM
To: Candace Newman <candace.newman@komoks.ca>
Subject: EXTERNAL: FW: Reminder: CVRD Referral RZ 1C 22 - Edge Grain Forest Products

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good morning Ms. Newman.

I am forwarding this email to yourself as per Todd Boychuk's Out-of-Office notice.

As per Todd's email, I see that you are the Archaeology and Referrals Coordinator. As such, would you like the Comox Valley Regional District to start including you in our referral notices. Currently we are sending the notices to Todd Boychuk, Carol McColl and Emily Shopland.

Sincerely,

Sylvia Stephens

[Sylvia Stephens](#)

Branch Assistant, Planning and Development Services
Comox Valley Regional District
770 Harmston Ave
Courtenay BC V9N 0G8
Tel: 250-334-6043; toll free: 1-800-331-6007
Fax: 250-334-4358

The Comox Valley Regional District respectfully acknowledges the land on which it operates is on the unceded traditional territory of the K'ómoks First Nation, the traditional keepers of this land.

From: Sylvia Stephens <>
Sent: July 21, 2022 8:13 AM
To: 'todd.boychuk@komoks.ca' <todd.boychuk@komoks.ca>
Cc: 'Carol McColl' <carol.mccoll@komoks.ca>; 'Emily Shopland' <emily.shopland@komoks.ca>
Subject: Reminder: CVRD Referral RZ 1C 22 - Edge Grain Forest Products

3360-20 / RZ 1C 22

Good morning.

Please see attached correspondence regarding referral RZ 1C 22.

Sincerely,

Sylvia Stephens

[Sylvia Stephens](#)

Branch Assistant, Planning and Development Services

Comox Valley Regional District
770 Harmston Ave
Courtenay BC V9N 0G8
Tel: 250-334-6043; toll free: 1-800-331-6007
Fax: 250-334-4358

The Comox Valley Regional District respectfully acknowledges the land on which it operates is on the unceded traditional territory of the K'ómoks First Nation, the traditional keepers of this land.

BYLAW NO. 733	
Bylaw Name:	Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 10
Applicant:	Edge Grain Forest Products Ltd.
Electoral Area / Address:	Puntledge – Black Creek (Area C) / 7648 Island Highway
File Number:	RZ 1C 22
Participants:	All Electoral Areas
Purpose:	To amend the Rural Comox Valley Zoning Bylaw by rezoning the property described 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 from Commercial One (C-1) to Commercial One Exception 13 (CR-1-13). This amendment adds Wood Processing to the list of permitted uses on the identified lot.
Amends Bylaw:	520
Repeals Bylaw:	N/A
Staff Contact:	Jodi MacLean, Senior Planner

STATUS	
Application Received	February 25, 2022
Electoral Areas Services Committee Approval:	May 9, 2022 Recommendation: Commence external agency referral and First Nations referral process.
Comox Valley Regional District Board:	May 24, 2022 Recommendation: Approved external agency referral and First Nations referrals.
Comox Valley Regional District Board:	1st Reading:
Comox Valley Regional District Board:	2nd Reading:
Public Hearing:	
Comox Valley Regional District Board:	3rd Reading:

Ministry of Transportation and Infrastructure:	Required: Yes Date Sent: Date Approved:
Comox Valley Regional District Board:	Final Adoption:

Comox Valley Regional District
Bylaw No. 733

**A Bylaw to Amend the “Rural Comox Valley Zoning Bylaw No. 520, 2019”
being Bylaw No. 733**

The board of the Comox Valley Regional District, in open meeting assembled, enacts the following amendments to the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” being Bylaw No. 520:

Section One Text Amendment

- 1) Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” is hereby amended as set out in Schedule A attached to and forming part of this bylaw.

Section Two Title

- 1) This Bylaw No. 733 may be cited as the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 10.”

Read a first time this	day of	2022.
Read a second time this	day of	2022.
Public hearing held this	day of	202__.
Read a third time this	day of	202__.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 733, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 10,” as read a third time by the Board of the Comox Valley Regional District on the ____ day of _____ 202__.

Corporate Legislative Officer

Approved by the Ministry of Transportation and Infrastructure this	day of	202__.
Adopted this	day of	202__.

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 733, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 10,” as adopted by the Board of the Comox Valley Regional District on the ____ day of _____ 202__.

Corporate Legislative Officer

Schedule A

Section One Text Amendments

- 1) Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw, No. 520, 2019,” is hereby amended by
 - a. Rezoning the property described 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) from Commercial One (C-1) to Commercial One Exception Thirteen (C-1-13); and
 - b. Inserting the following zoning exception in Part 1200 “Exceptions to Zone Designations”

“Exception 13

Exception 13	Zone C-1	Map A-11	Amendment No. 13	Enacted
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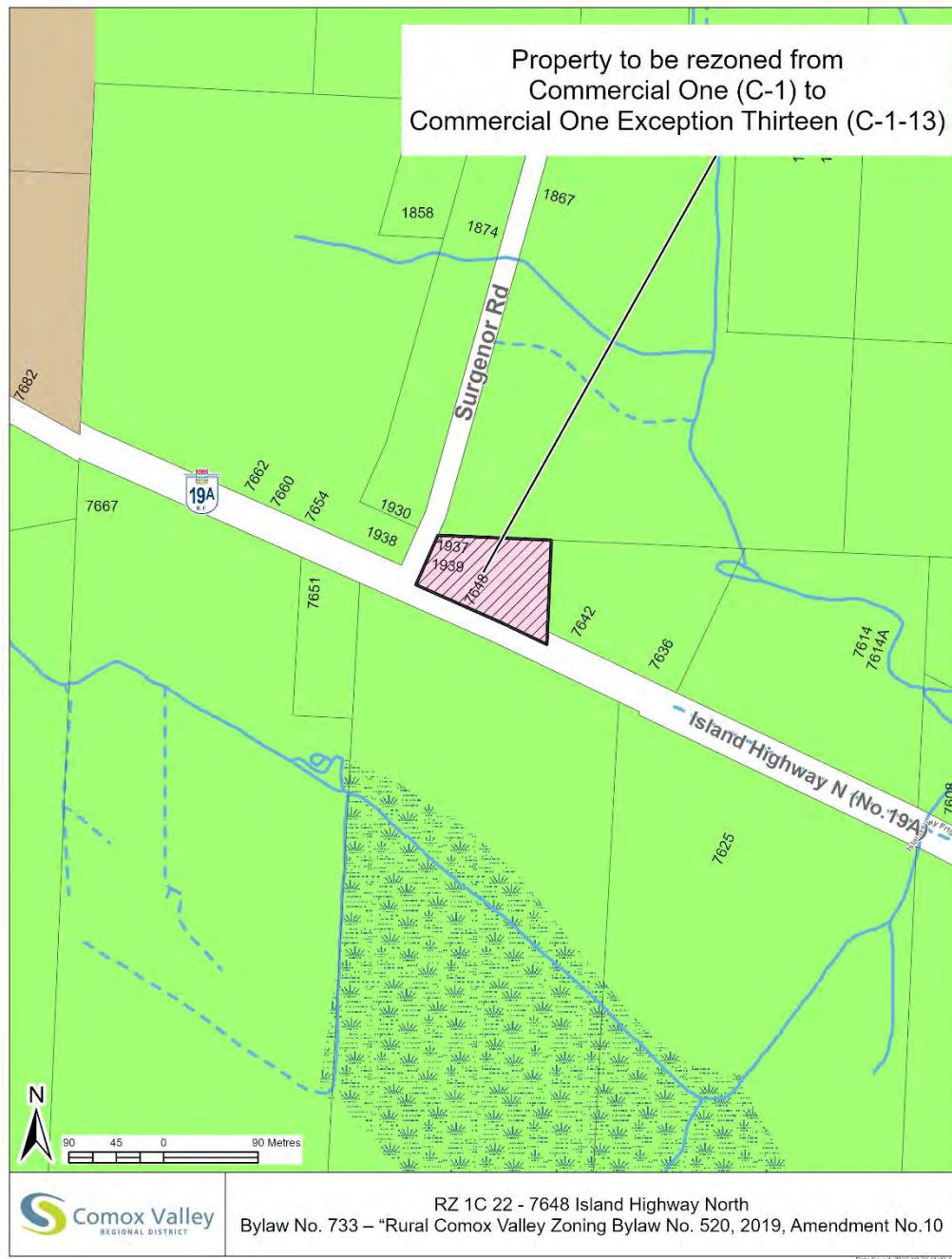
For Property Legally Described As:

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

1. Principal Use
 - i) On any lot or portion of any lot zoned C-1-13, the following additional principal use is permitted:
 - a) Wood processing
2. Conditions of Use
 - i) Wood processing is limited to joinery and cabinetry, and does not include sawmill.

Section Two Map Amendment

1. Map A-11 forming part of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw, No. 520, 2019”, is hereby amended by rezoning property described 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) from Commercial One (C-1) to Commercial One Exception Thirteen (C-1-13) as shown on Appendix 1.



Appendix 1

Part of Schedule A to Bylaw No. 733 being the "Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 10".

Amends Schedule Map A-11 to Bylaw No. 520, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019".