

Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 3360-20/RZ 5C 18

July 30, 2019

Sent via email only: samantha.chickite@wewaikai.com

We Wai Kai First Nation
690 Headstart Cres
Campbell River BC V9H 1P9

Attention: Merci Brown

Dear Ms. Brown:

**Re: Rezoning Application Referral (Unaddressed Lot, Wilfred Road – Unger)
Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of
Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said
Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417,
5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3
19356, PID 006-281-222**

The attached referral for a rezoning application is for your review and comment. The intent of the application is to rezone the above-noted property in order to enable a three-lot subdivision.

In accordance with our referral agreement program, if We Wai Kai First Nation has an interest in the rezoning application please respond by **August 29, 2019**. A formal referral package is enclosed for your review and comments. The Comox Valley Regional District (CVRD) is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca to coordinate this meeting. Thank you.

Sincerely,

R. Dyson

Russell Dyson
Chief Administrative Officer

Enclosure

cc: Scott Smith, General Manager of Planning and Development Services Branch

Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 3360-20/RZ 5C 18

July 30, 2019

Sent via email only: tabithadonkers@weiwaikum.ca

Wei Wai Kum First Nation of the
Kwiakah Treaty Society
1650 Old Spit Rd
Campbell River BC V9W 3E8

Attention: Tabitha Donkers

Dear Ms. Donkers:

**Re: Rezoning Application Referral (Unaddressed Lot, Wilfred Road – Unger)
Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of
Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said
Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417,
5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3
19356, PID 006-281-222**

The attached referral for a rezoning application is for your review and comment. The intent of the application is to rezone the above-noted property in order to enable a three-lot subdivision.

In accordance with our referral agreement program, if Wei Wai Kum First Nation of the Kwiakah Treaty Society has an interest in the rezoning application please respond by **August 29, 2019**. A formal referral package is enclosed for your review and comments. The Comox Valley Regional District (CVRD) is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca to coordinate this meeting. Thank you.

Sincerely,

R. Dyson

Russell Dyson
Chief Administrative Officer

Enclosure

cc: Scott Smith, General Manager of Planning and Development Services Branch

Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 3360-20/RZ 5C 18

July 30, 2019

Sent via email only: reception@homalco.com

Homalco Indian Band
1218 Bute Crescent
Campbell River BC V9H 1G5

Attention: Chief Darren Blaney

Dear Chief Blaney:

**Re: Rezoning Application Referral (Unaddressed Lot, Wilfred Road – Unger)
Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of
Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said
Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417,
5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3
19356, PID 006-281-222**

The attached referral for a rezoning application is for your review and comment. The intent of the application is to rezone the above-noted property in order to enable a three-lot subdivision.

In accordance with our referral agreement program, if Homalco Indian Band has an interest in the rezoning application please respond by **August 29, 2019**. A formal referral package is enclosed for your review and comments. The Comox Valley Regional District (CVRD) is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca to coordinate this meeting. Thank you.

Sincerely,

R. Dyson

Russell Dyson
Chief Administrative Officer

Enclosure

cc: Scott Smith, General Manager of Planning and Development Services Branch

Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 3360-20/RZ 5C 18

July 30, 2019

Sent via email only: dassu@lkts.ca

Laich-Kwil-Tach Treaty Society
205B-2005 Eagle Drive
Campbell River BC V9H 1V8

Attention: Chief and Council

Dear Chief and Council:

**Re: Rezoning Application Referral (Unaddressed Lot, Wilfred Road – Unger)
Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of
Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said
Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417,
5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3
19356, PID 006-281-222**

The attached referral for a rezoning application is for your review and comment. The intent of the application is to rezone the above-noted property in order to enable a three-lot subdivision.

In accordance with our referral agreement program, if Laich-Kwil-Tach Treaty Society has an interest in the rezoning application please respond by **August 29, 2019**. A formal referral package is enclosed for your review and comments. The Comox Valley Regional District (CVRD) is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca to coordinate this meeting. Thank you.

Sincerely,

R. Dyson

Russell Dyson
Chief Administrative Officer

Enclosure

cc: Scott Smith, General Manager of Planning and Development Services Branch

First Nations Referral Form
File: 3360-20/RZ 5C 18 (Unger)
(Response required: August 29, 2019)

Please comment on the attached application regarding potential effects on your interests. The Comox Valley Regional District (CVRD) wishes to ensure that all future consultations with First Nations are considered early and ongoing. The CVRD will meet with you, at your convenience, to discuss this application. The offer to meet with you extends throughout the life of this application in order to gain your perspective as well answer any questions that may arise. If you would like to arrange a meeting, please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca.

You will note that the response form has a number of choices that describe your interests. All details that support your position are appreciated as are any official legislative, governance and policy considerations that may affect the CVRD's consideration of this application.

If required, please contact the CVRD to assist you in determining the type of additional information that would be helpful or assist you to better understand how this application may impact land use and development.

Application type:

<input checked="" type="checkbox"/>	Zoning Amendment	<input type="checkbox"/>	OCP Amendment	<input type="checkbox"/>	Temporary Use Permit
<input type="checkbox"/>	Development Variance Permit	<input type="checkbox"/>	Development Permit	<input type="checkbox"/>	Crown Land Application

Applicants' names:	Henry and Kati Unger		
Agent's name:	Garth Parkin		
Legal description:	Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417, 5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3 19356		
Civic address:	Unaddressed Lot, Wilfred Road	PID:	006-281-222
RGS designation:	Saratoga Settlement Node		
OCP designation:	Saratoga Settlement Node		
Zone:	Rural Eight (RU-8)		

Application Description

The subject property is located on Wilfred Road (Figures 1 and 2) and is approximately 4.3 hectares in area. It is bounded by Wilfred Road to the south and an unopened road right of way to the west.

There is a wetland area to the north and east of the property. The property is surrounded by residential properties zoned Residential One B (R-1B) to the south and west, and rural properties zoned Rural Eight (RU-8) to the north and east (Figure 3). The subject property is zoned RU-8 (Appendix A). The applicants wish to rezone the property in order to subdivide into three lots. The applicants have submitted a draft subdivision plan (Figure 4).

Regional Growth Strategy Analysis

The Comox Valley Regional Growth Strategy, Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”, designates the subject property within the Saratoga Settlement Node (SN). SNs shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure (MG Policy 1B-1). The growth management framework is to direct 90 per cent of growth to Core Settlement Areas, and this SN is part of the Core Settlement Areas. Therefore, the proposed rezoning to enable subdivision is consistent with this growth management framework.

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 within the Saratoga SN. Each SN is a primary growth area in the electoral areas. The goals, objectives and vision for SNs are contained in local area plans. A local area plan for this SN has not been completed. Another SN policy is to apply community amenity policy included in Part 4 of the OCP for development of the SNs.

Zoning Bylaw Analysis

The RU-8 zone has a minimum lot area of subdivision of 8 hectares. The proposal is to subdivide the subject property into three lots, with the smallest lot being 1.2 hectares (Figure 4). In support of the application, the applicants have submitted a *Riparian Areas Regulation* assessment to identify environmentally sensitive areas, and a drainage report to analyze onsite drainage and manage rainwater onsite. In addition, the applicants submitted a test pit study to illustrate that the southern portions of the proposed lots are dry.

The application is to rezone the entire lot to a residential zone that will enable subdivision. Through the rezoning process, the applicants will be required to demonstrate the actual subdivision potential based on on-site servicing capacity.

Should you have any questions on the above-noted matter, please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca.

Sincerely,

S. Smith

Scott Smith, MCIP, RPP
General Manager of Planning and Development Services

cc: Russell Dyson, Chief Administrative Officer

Attachment: Appendix A – “RU-8 zone”

First Nations Referral Response Summary Form

File: 3360-20/RZ 5C 18 (Unger)
Planning and Development Services: Scott Smith (Brian Chow)

- | | |
|---|---|
| <input type="checkbox"/> General comments – see below | <input type="checkbox"/> Interests unaffected |
| <input type="checkbox"/> Issues requiring attention – see comments below | <input type="checkbox"/> Opposed due to reasons outlined below |

Comments:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Signed by: _____ **Date:** _____

Title: _____

Please return your response by **August 29, 2019**
 Referral response may be electronically forwarded to planning@comoxvalleyrd.ca.

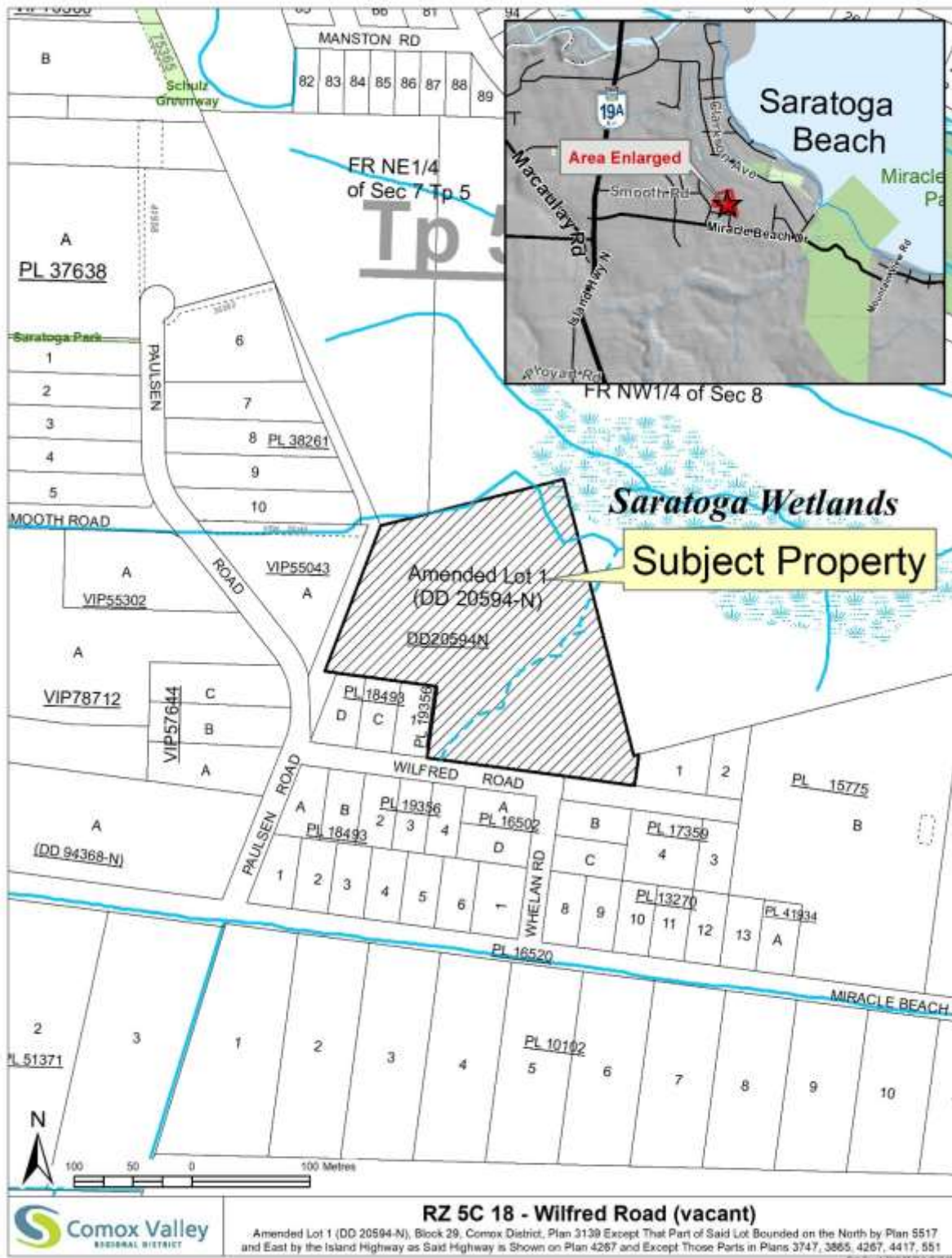


Figure 1: Subject Property Map



Figure 2: Air Photo

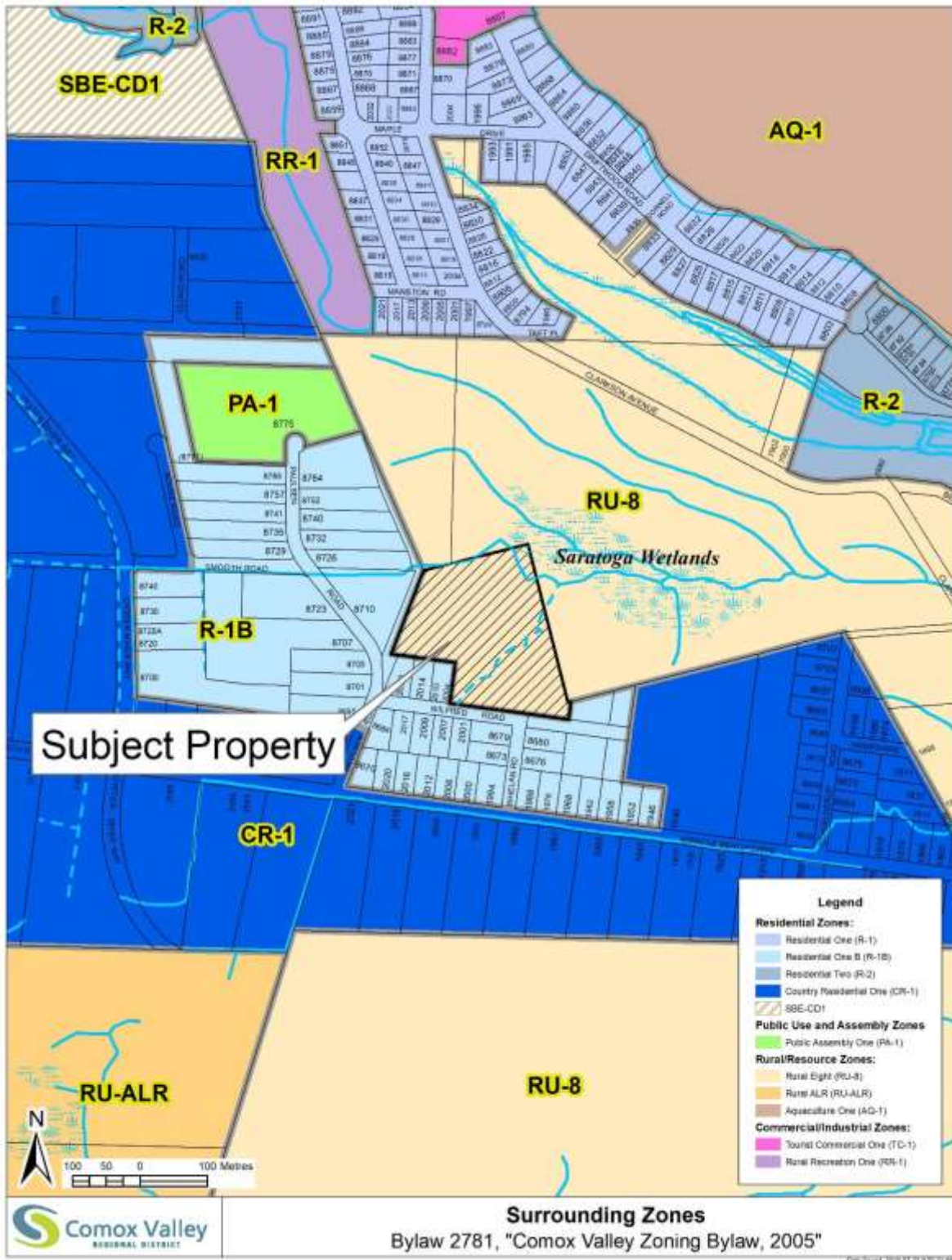


Figure 3: Zoning Map

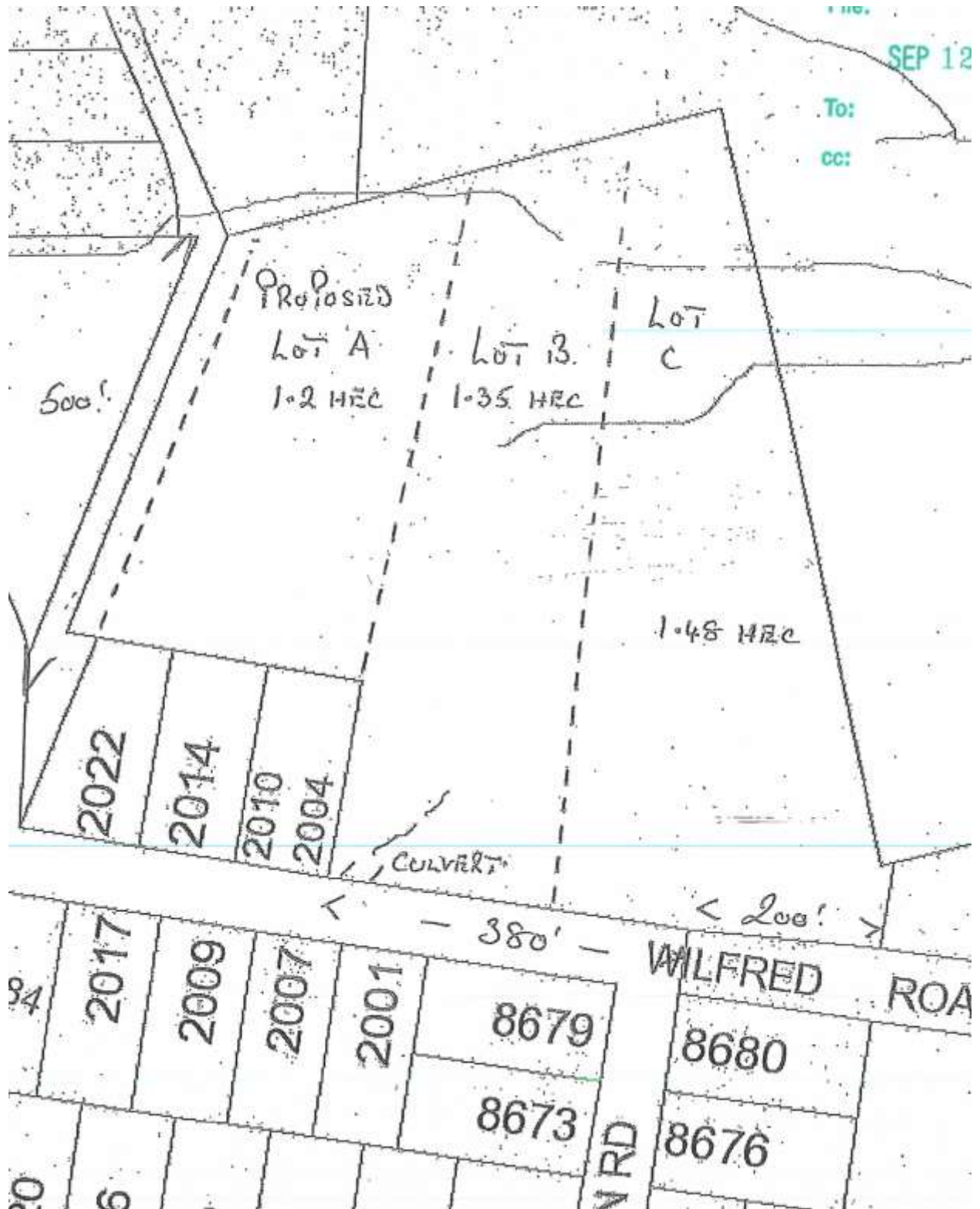


Figure 4: Proposed Subdivision Plan if Rezoning is Successful

801**Rural Eight (RU-8)****1. PRINCIPAL USE****i) On any lot:**

- a) Residential use;
- b) Agricultural use;
- c) Garden nurseries;
- d) Riding academies;
- e) Silviculture;
- f) Aquaculture;
- g) Animal hospital;
- h) Fish hatchery (including community based).

ii) On any lot 2.0 hectares (4.9 acres) or larger:

- a) Animal kennels.

iii) On any lot 8.0 hectares (19.8 acres) or larger:

- a) Wood processing or permanent sawmills occupying an area of not more than 1000.0 metres² (0.3 acres) including vehicle parking, and log sort and lumber storage areas; and
- b) Crushing and screening of sand and gravel.

iv) On any lot 20 hectares (49.5 acres) or larger:

- a) Horse-related event where paid admission to view the event is required including rodeos, equestrian shows, dances, concerts, and a licensed facility pursuant to the *Liquor Control and Licensing Act* during the time of the horse-related event and subject to:
 - 1) the event being sponsored by the registered property owner or registered organization, association, club, or group registered under the *Society Act*;
 - 2) the event being no longer than three days in duration;
 - 3) notifying the Regional District in writing prior to the holding of a licensed event pursuant to the *Liquor Control and Licensing Act* for the first two events in a calendar year under this section;
 - 4) obtaining written approval of the Regional District at least 30 days prior to the holding of a licensed event pursuant to the *Liquor Control and Licensing Act* for each event after the two events have been held in a calendar year under Subsection 3.

2. ACCESSORY USES

On any lot:

- i) Home occupations;
- ii) Bed and breakfast;
- iii) Accessory buildings;
- iv) Domestic business use;
- v) Domestic industrial use;
- vi) Pet crematorium.

3. CONDITIONS OF USE

- i) **All gravel and sand processing operations or animal kennels shall be subject to the following conditions:**
 - a) Maintain a minimum yard setback of 15.0 metres (49.2 feet) along all property lines.
 - b) Uses abutting riparian areas shall be setback a minimum of 30.0 metres (98.4 feet) from the top of bank.
 - c) No parking, loading or storage areas shall be located in any required yard setbacks.
 - d) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation.
 - e) The maximum lot coverage for the above uses shall not exceed 25%.
- ii) **All sawmill uses or portable sawmill uses shall be subject to the following conditions:**
 - a) Minimum yard clearance along all property lines of 30.0 metres (98.4 feet).
 - b) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres (6.6 feet) in height.
 - c) Uses abutting an area zoned under Part 700 Residential Zones shall be screened and buffered from adjacent properties through the use of fencing, berming and evergreen vegetation being not less than 1.5 metres (4.9 feet) in height. All screening shall be well maintained and painted as required.
- iii) **All buildings and structures related to gravel, or sand crushing and screening operations shall be subject to the following conditions:**
 - a) Minimum yard clearance along all property lines of 30.0 metres (98.4 feet).
 - b) Minimum yard clearance of 60.0 metres (196.9 feet) from any lot where gravel, sand or soil extraction occurs within or abutting an area zoned under Part 700 Residential Zones.
 - c) No parking, loading or storage areas shall be located in any required yards.
 - d) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres (6.6 feet) in height.

- e) Uses abutting an area zoned under Part 700 Residential Zones shall be screened and buffered from adjacent properties through the use of fencing, berming and evergreen vegetation being not less than 2.0 metres (6.6 feet) in height. All screening shall be well maintained and painted as required.
 - f) Uses abutting riparian or environmentally sensitive areas (ESA's) shall be setback a minimum of 30.0 metres (98.4 feet).
- iv) **Residential use is limited to:**
- a) **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).
 - b) **On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

5. FLOOR AREA REQUIREMENTS

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 300.0 square metres (3229.3 square feet).

6. SITING OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Rural Eight zone shall be as set out in the table below.

Type of Structure	Heights	Required Setback				
		Front yard	Rear yard	Side yard		Side yard abutting road
				Frontage <31m	Frontage >31m	
Principal	10.0m (32.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.7ft)	3.5m (11.5ft)	7.5m (24.6ft)
Accessory	4.5m or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)	7.5m (24.6ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.7ft)	3.5m (11.5ft)	7.5m (24.6ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Part 400, Siting Exceptions, of this bylaw and Bylaw No. 2782 being the "Floodplain Management Bylaw, 2005" may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

7. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 15%.

8. SUBDIVISION REQUIREMENTS

- i) Minimum lot area: 8.0 hectares (19.8 acres)

Existing lots below the minimum lot area within this zone may be used for the permitted uses within this zone, subject to compliance with the other requirements of this zone.

End – RU-8

Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 3360-20/RZ 5C 18

July 30, 2019

Sent via email only: tina.mclean@komoks.ca

K'ómoks First Nation
3330 Comox Road
Courtenay BC V9N 3P8

Attention: Tina McLean – Band Administrator

Dear Ms. McLean:

**Re: Rezoning Application Referral (Unaddressed Lot, Wilfred Road – Unger)
Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of
Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said
Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417,
5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3
19356, PID 006-281-222**

The attached referral for a rezoning application is for your review and comment. The intent of the application is to rezone the above-noted property in order to enable a three-lot subdivision.

In accordance with our Referrals Management Program, if K'ómoks First Nation has an interest in the rezoning application please respond by **August 29, 2019**. A formal referral package is enclosed for your review and comments. The Comox Valley Regional District (CVRD) is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca to coordinate this meeting. Thank you.

Sincerely,

R. Dyson

Russell Dyson
Chief Administrative Officer

Enclosure

cc: Jenny Millar, Assistant Band Administrator, K'ómoks First Nation
Monty Horton, Lands Manager, K'ómoks First Nation
Scott Smith, General Manager of Planning and Development Services Branch

K'ómoks First Nation Referral Form

File: 3360-20/RZ 5C 18 (Unger)
(Response required: August 29, 2019)

Please comment on the attached application regarding potential effects on your interests. The Comox Valley Regional District (CVRD) wishes to ensure that all future consultations with K'ómoks First Nation are considered early and ongoing. The CVRD will meet with you, at your convenience, to discuss this application. The offer to meet with you extends throughout the life of this application in order to gain your perspective as well answer any questions that may arise. If you would like to arrange a meeting, please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca.

You will note that the response form has a number of choices that describe your interests. All details that support your position are appreciated as are any official legislative, governance and policy considerations that may affect the CVRD's consideration of this application.

If required, please contact the CVRD to assist you in determining the type of additional information that would be helpful or assist you to better understand how this application may impact land use and development.

Application type:

<input checked="" type="checkbox"/>	Zoning Amendment	<input type="checkbox"/>	OCP Amendment	<input type="checkbox"/>	Temporary Use Permit
<input type="checkbox"/>	Development Variance Permit	<input type="checkbox"/>	Development Permit	<input type="checkbox"/>	Crown Land Application

Applicants' names:	Henry and Kati Unger		
Agent's name:	Garth Parkin		
Legal description:	Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417, 5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3 19356		
Civic address:	Unaddressed Lot, Wilfred Road	PID:	006-281-222
RGS designation:	Saratoga Settlement Node		
OCP designation:	Saratoga Settlement Node		
Zone:	Rural Eight (RU-8)		

Application Description

The subject property is located on Wilfred Road (Figures 1 and 2) and is approximately 4.3 hectares in area. It is bounded by Wilfred Road to the south and an unopened road right of way to the west.

There is a wetland area to the north and east of the property. The property is surrounded by residential properties zoned Residential One B (R-1B) to the south and west, and rural properties zoned Rural Eight (RU-8) to the north and east (Figure 3). The subject property is zoned RU-8 (Appendix A). The applicants wish to rezone the property in order to subdivide into three lots. The applicants have submitted a draft subdivision plan (Figure 4).

Regional Growth Strategy Analysis

The Comox Valley Regional Growth Strategy, Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”, designates the subject property within the Saratoga Settlement Node (SN). SNs shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure (MG Policy 1B-1). The growth management framework is to direct 90 per cent of growth to Core Settlement Areas, and this SN is part of the Core Settlement Areas. Therefore, the proposed rezoning to enable subdivision is consistent with this growth management framework.

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 within the Saratoga SN. Each SN is a primary growth area in the electoral areas. The goals, objectives and vision for SNs are contained in local area plans. A local area plan for this SN has not been completed. Another SN policy is to apply community amenity policy included in Part 4 of the OCP for development of the SNs.

Zoning Bylaw Analysis

The RU-8 zone has a minimum lot area of subdivision of eight hectares. The proposal is to subdivide the subject property into three lots, with the smallest lot being 1.2 hectares (Figure 4). In support of the application, the applicants have submitted a *Riparian Areas Regulation* assessment to identify environmentally sensitive areas, and a drainage report to analyze onsite drainage and manage rainwater onsite. In addition, the applicants submitted a test pit study to illustrate that the southern portions of the proposed lots are dry.

The application is to rezone the entire lot to a residential zone that will enable subdivision. Through the rezoning process, the applicants will be required to demonstrate the actual subdivision potential based on on-site servicing capacity.

Should you have any questions on the above-noted matter, please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca.

Sincerely,

S. Smith

Scott Smith, MCIP, RPP
General Manager of Planning and Development Services

cc: Russell Dyson, Chief Administrative Officer

Attachment: Appendix A – “RU-8 zone”

K'ómoks First Nation Referral Response Summary Form

**File: 3360-20/RZ 5C 18 (Unger)
Planning and Development Services: Scott Smith (Brian Chow)**

- | | |
|---|---|
| <input type="checkbox"/> General comments – see below | <input type="checkbox"/> Interests unaffected |
| <input type="checkbox"/> Issues requiring attention – see comments below | <input type="checkbox"/> Opposed due to reasons outlined below |

Comments:

Signed by: _____ **Date:** _____
Title: _____

Please return your response by **August 29, 2019**
Referral response may be electronically forwarded to planning@comoxvalleyrd.ca.

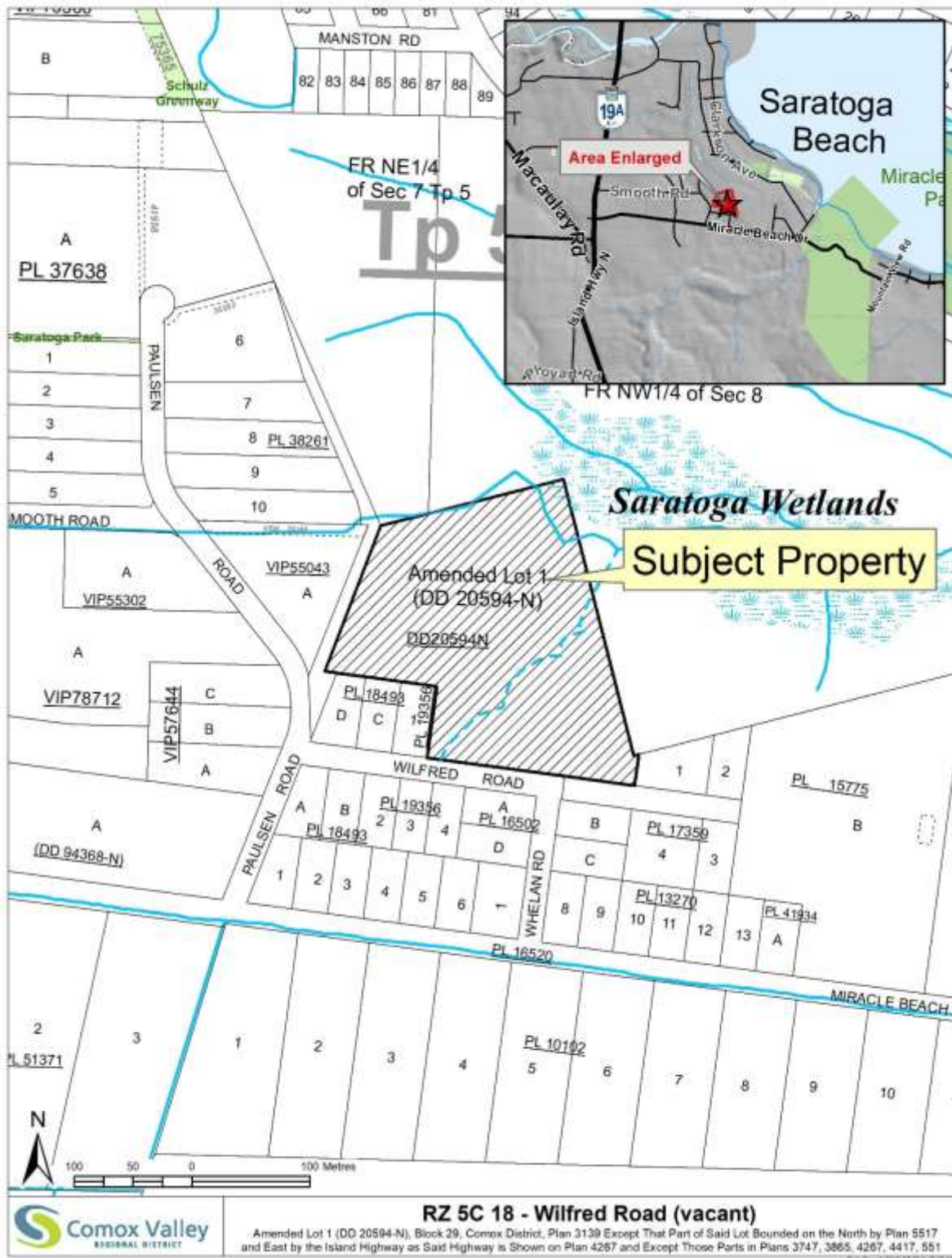


Figure 1: Subject Property Map



Figure 2: Air Photo

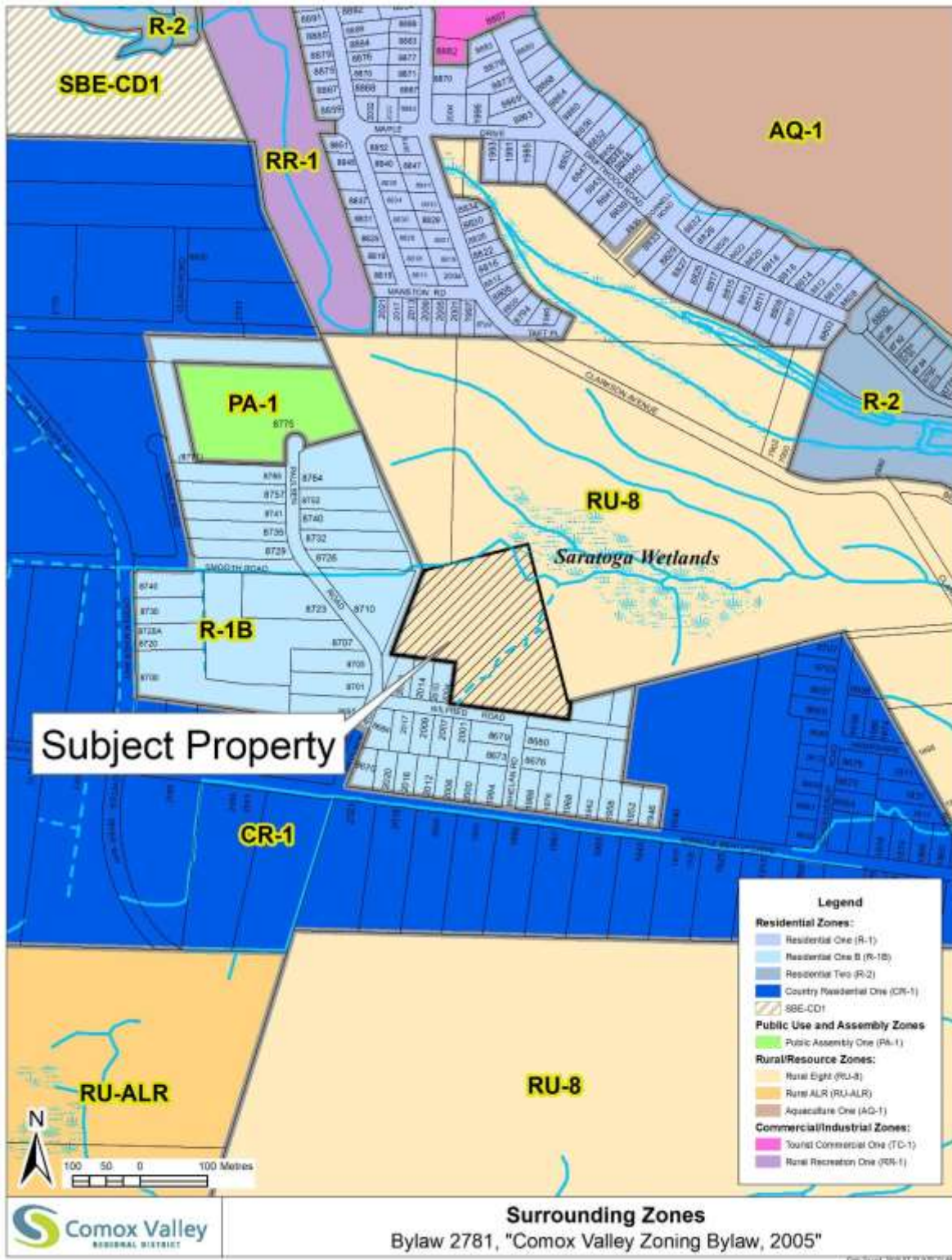


Figure 3: Zoning Map

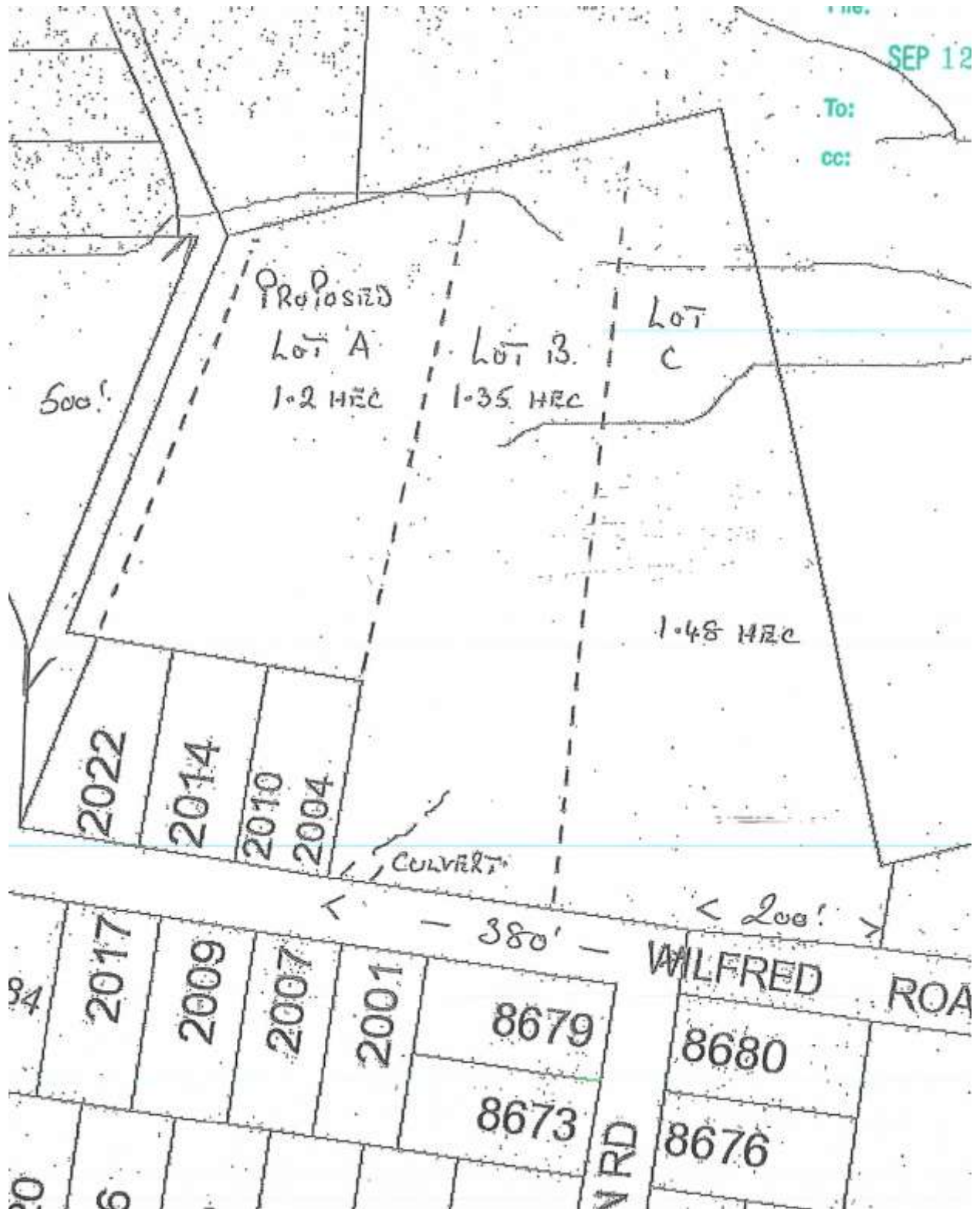


Figure 4: Proposed Subdivision Plan if Rezoning is Successful

801

Rural Eight (RU-8)**1. PRINCIPAL USE****i) On any lot:**

- a) Residential use;
- b) Agricultural use;
- c) Garden nurseries;
- d) Riding academies;
- e) Silviculture;
- f) Aquaculture;
- g) Animal hospital;
- h) Fish hatchery (including community based).

ii) On any lot 2.0 hectares (4.9 acres) or larger:

- a) Animal kennels.

iii) On any lot 8.0 hectares (19.8 acres) or larger:

- a) Wood processing or permanent sawmills occupying an area of not more than 1000.0 metres² (0.3 acres) including vehicle parking, and log sort and lumber storage areas; and
- b) Crushing and screening of sand and gravel.

iv) On any lot 20 hectares (49.5 acres) or larger:

- a) Horse-related event where paid admission to view the event is required including rodeos, equestrian shows, dances, concerts, and a licensed facility pursuant to the *Liquor Control and Licensing Act* during the time of the horse-related event and subject to:
 - 1) the event being sponsored by the registered property owner or registered organization, association, club, or group registered under the *Society Act*;
 - 2) the event being no longer than three days in duration;
 - 3) notifying the Regional District in writing prior to the holding of a licensed event pursuant to the *Liquor Control and Licensing Act* for the first two events in a calendar year under this section;
 - 4) obtaining written approval of the Regional District at least 30 days prior to the holding of a licensed event pursuant to the *Liquor Control and Licensing Act* for each event after the two events have been held in a calendar year under Subsection 3.

2. ACCESSORY USES

On any lot:

- i) Home occupations;
- ii) Bed and breakfast;
- iii) Accessory buildings;
- iv) Domestic business use;
- v) Domestic industrial use;
- vi) Pet crematorium.

3. CONDITIONS OF USE

- i) **All gravel and sand processing operations or animal kennels shall be subject to the following conditions:**
 - a) Maintain a minimum yard setback of 15.0 metres (49.2 feet) along all property lines.
 - b) Uses abutting riparian areas shall be setback a minimum of 30.0 metres (98.4 feet) from the top of bank.
 - c) No parking, loading or storage areas shall be located in any required yard setbacks.
 - d) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation.
 - e) The maximum lot coverage for the above uses shall not exceed 25%.
- ii) **All sawmill uses or portable sawmill uses shall be subject to the following conditions:**
 - a) Minimum yard clearance along all property lines of 30.0 metres (98.4 feet).
 - b) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres (6.6 feet) in height.
 - c) Uses abutting an area zoned under Part 700 Residential Zones shall be screened and buffered from adjacent properties through the use of fencing, berming and evergreen vegetation being not less than 1.5 metres (4.9 feet) in height. All screening shall be well maintained and painted as required.
- iii) **All buildings and structures related to gravel, or sand crushing and screening operations shall be subject to the following conditions:**
 - a) Minimum yard clearance along all property lines of 30.0 metres (98.4 feet).
 - b) Minimum yard clearance of 60.0 metres (196.9 feet) from any lot where gravel, sand or soil extraction occurs within or abutting an area zoned under Part 700 Residential Zones.
 - c) No parking, loading or storage areas shall be located in any required yards.
 - d) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres (6.6 feet) in height.

- e) Uses abutting an area zoned under Part 700 Residential Zones shall be screened and buffered from adjacent properties through the use of fencing, berming and evergreen vegetation being not less than 2.0 metres (6.6 feet) in height. All screening shall be well maintained and painted as required.
 - f) Uses abutting riparian or environmentally sensitive areas (ESA's) shall be setback a minimum of 30.0 metres (98.4 feet).
- iv) **Residential use is limited to:**
- a) **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).
 - b) **On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

5. FLOOR AREA REQUIREMENTS

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 300.0 square metres (3229.3 square feet).

6. SITING OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Rural Eight zone shall be as set out in the table below.

Type of Structure	Heights	Required Setback				
		Front yard	Rear yard	Side yard		Side yard abutting road
				Frontage <31m	Frontage >31m	
Principal	10.0m (32.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.7ft)	3.5m (11.5ft)	7.5m (24.6ft)
Accessory	4.5m or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)	7.5m (24.6ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.7ft)	3.5m (11.5ft)	7.5m (24.6ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Part 400, Siting Exceptions, of this bylaw and Bylaw No. 2782 being the "Floodplain Management Bylaw, 2005" may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

7. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 15%.

8. SUBDIVISION REQUIREMENTS

- i) Minimum lot area: 8.0 hectares (19.8 acres)

Existing lots below the minimum lot area within this zone may be used for the permitted uses within this zone, subject to compliance with the other requirements of this zone.

End – RU-8

First Nations Referral Form
File: 3360-20/RZ 5C 18 (Unger)
(Response required: August 29, 2019)

Please comment on the attached application regarding potential effects on your interests. The Comox Valley Regional District (CVRD) wishes to ensure that all future consultations with First Nations are considered early and ongoing. The CVRD will meet with you, at your convenience, to discuss this application. The offer to meet with you extends throughout the life of this application in order to gain your perspective as well answer any questions that may arise. If you would like to arrange a meeting, please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca.

You will note that the response form has a number of choices that describe your interests. All details that support your position are appreciated as are any official legislative, governance and policy considerations that may affect the CVRD's consideration of this application.

If required, please contact the CVRD to assist you in determining the type of additional information that would be helpful or assist you to better understand how this application may impact land use and development.

Application type:

<input checked="" type="checkbox"/>	Zoning Amendment	<input type="checkbox"/>	OCP Amendment	<input type="checkbox"/>	Temporary Use Permit
<input type="checkbox"/>	Development Variance Permit	<input type="checkbox"/>	Development Permit	<input type="checkbox"/>	Crown Land Application

Applicants' names:	Henry and Kati Unger		
Agent's name:	Garth Parkin		
Legal description:	Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417, 5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3 19356		
Civic address:	Unaddressed Lot, Wilfred Road	PID:	006-281-222
RGS designation:	Saratoga Settlement Node		
OCP designation:	Saratoga Settlement Node		
Zone:	Rural Eight (RU-8)		

Application Description

The subject property is located on Wilfred Road (Figures 1 and 2) and is approximately 4.3 hectares in area. It is bounded by Wilfred Road to the south and an unopened road right of way to the west.

There is a wetland area to the north and east of the property. The property is surrounded by residential properties zoned Residential One B (R-1B) to the south and west, and rural properties zoned Rural Eight (RU-8) to the north and east (Figure 3). The subject property is zoned RU-8 (Appendix A). The applicants wish to rezone the property in order to subdivide into three lots. The applicants have submitted a draft subdivision plan (Figure 4).

Regional Growth Strategy Analysis

The Comox Valley Regional Growth Strategy, Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”, designates the subject property within the Saratoga Settlement Node (SN). SNs shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure (MG Policy 1B-1). The growth management framework is to direct 90 per cent of growth to Core Settlement Areas, and this SN is part of the Core Settlement Areas. Therefore, the proposed rezoning to enable subdivision is consistent with this growth management framework.

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 within the Saratoga SN. Each SN is a primary growth area in the electoral areas. The goals, objectives and vision for SNs are contained in local area plans. A local area plan for this SN has not been completed. Another SN policy is to apply community amenity policy included in Part 4 of the OCP for development of the SNs.

Zoning Bylaw Analysis

The RU-8 zone has a minimum lot area of subdivision of 8 hectares. The proposal is to subdivide the subject property into three lots, with the smallest lot being 1.2 hectares (Figure 4). In support of the application, the applicants have submitted a *Riparian Areas Regulation* assessment to identify environmentally sensitive areas, and a drainage report to analyze onsite drainage and manage rainwater onsite. In addition, the applicants submitted a test pit study to illustrate that the southern portions of the proposed lots are dry.

The application is to rezone the entire lot to a residential zone that will enable subdivision. Through the rezoning process, the applicants will be required to demonstrate the actual subdivision potential based on on-site servicing capacity.

Should you have any questions on the above-noted matter, please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca.

Sincerely,

S. Smith

Scott Smith, MCIP, RPP
General Manager of Planning and Development Services

cc: Russell Dyson, Chief Administrative Officer

Attachment: Appendix A – “RU-8 zone”

First Nations Referral Response Summary Form

File: 3360-20/RZ 5C 18 (Unger)
Planning and Development Services: Scott Smith (Brian Chow)

- | | |
|--|--|
| <input type="checkbox"/> General comments – see below | <input type="checkbox"/> Interests unaffected |
| <input type="checkbox"/> Issues requiring attention – see comments below | <input type="checkbox"/> Opposed due to reasons outlined below |

Comments:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Signed by: _____ **Date:** _____

Title: _____

Please return your response by **August 29, 2019**
Referral response may be electronically forwarded to planning@comoxvalleyrd.ca.

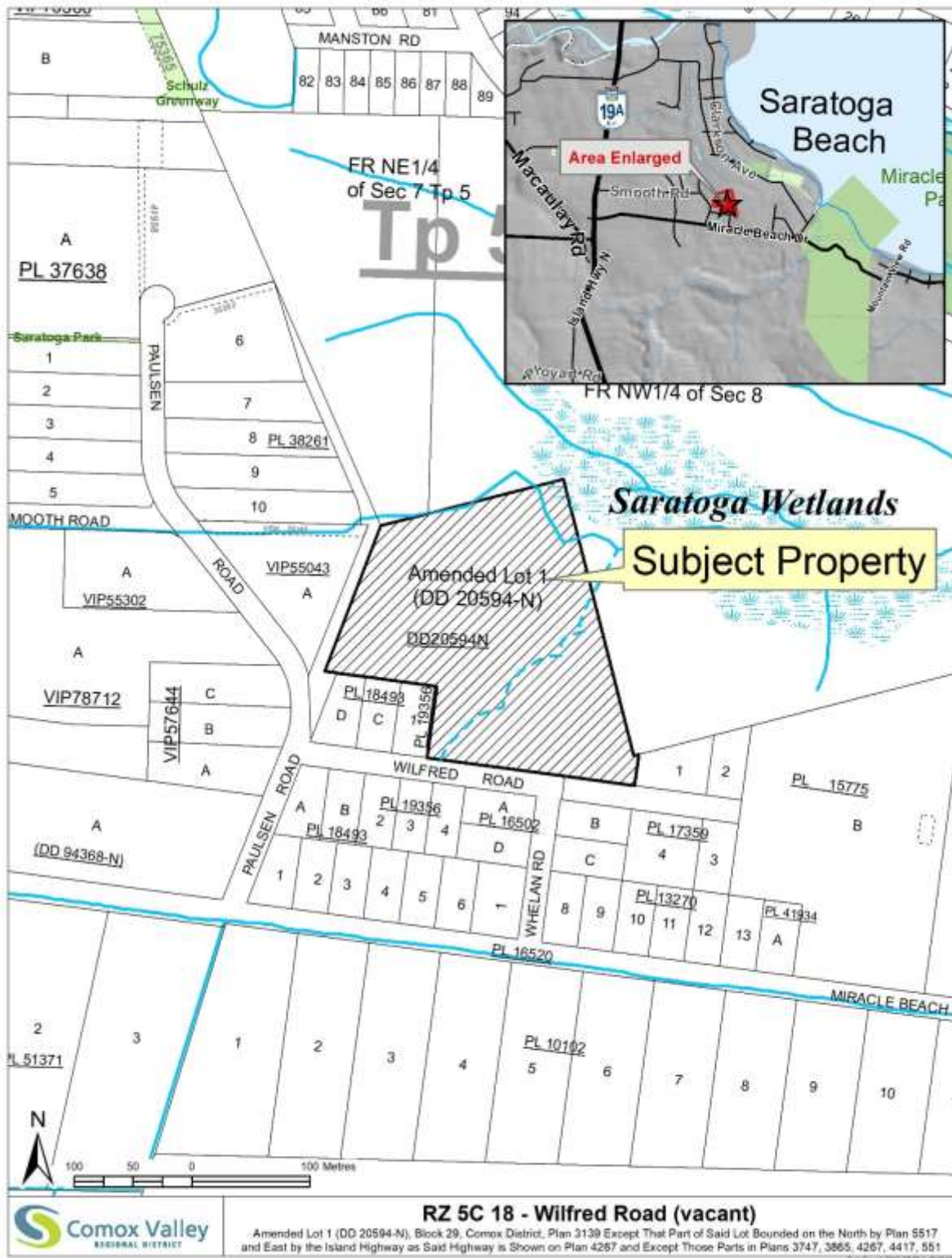


Figure 1: Subject Property Map



Figure 2: Air Photo

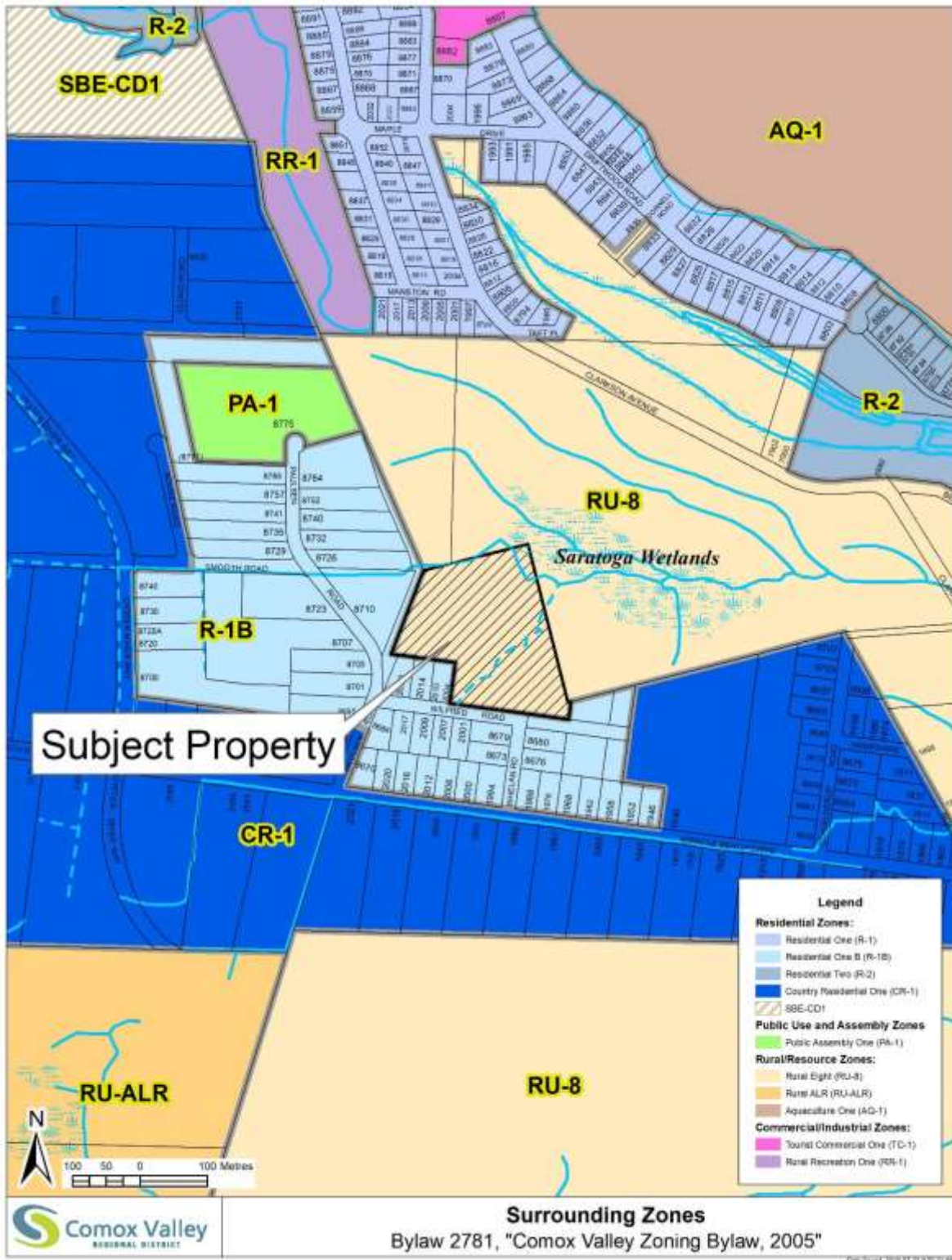


Figure 3: Zoning Map

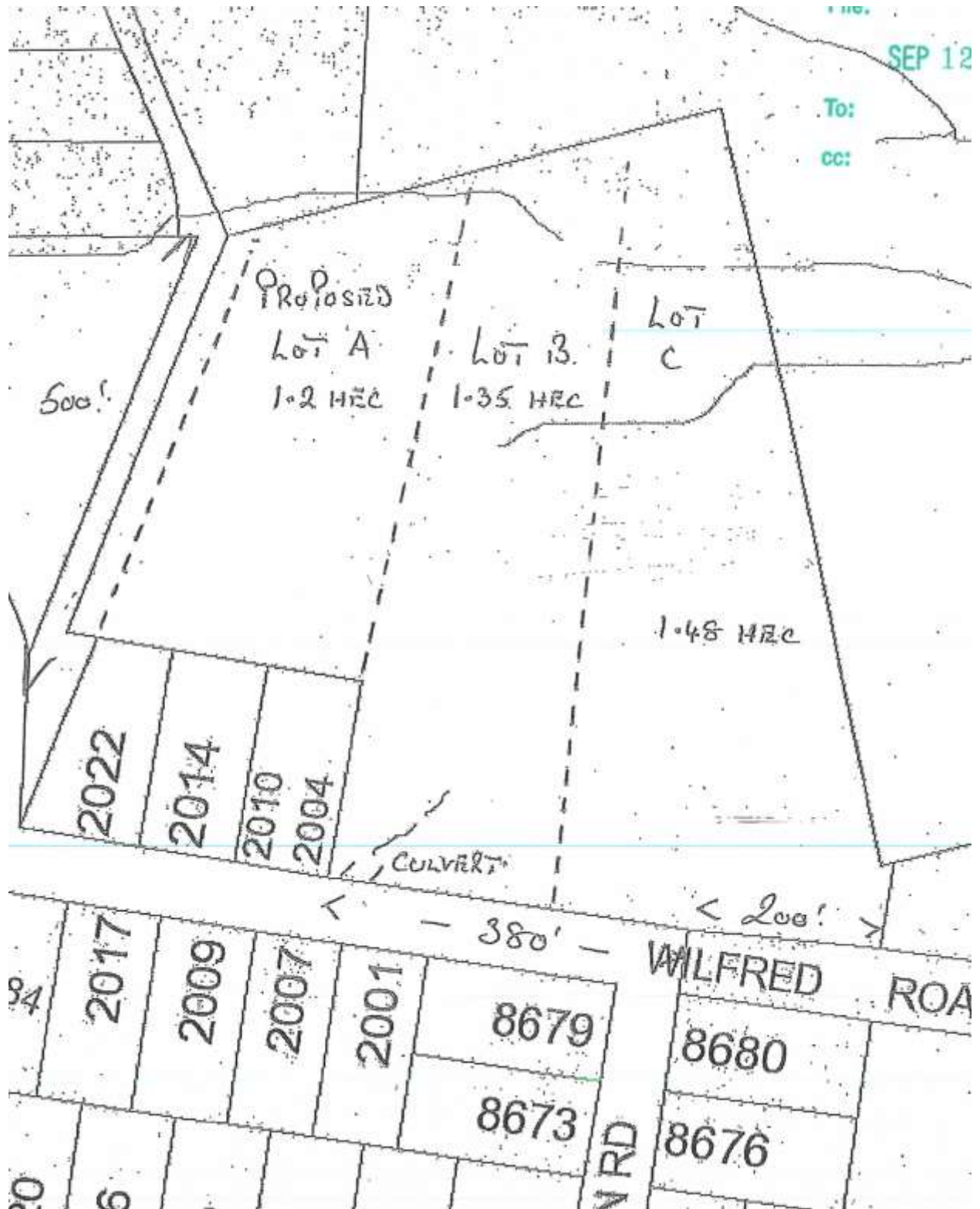


Figure 4: Proposed Subdivision Plan if Rezoning is Successful

801**Rural Eight (RU-8)****1. PRINCIPAL USE****i) On any lot:**

- a) Residential use;
- b) Agricultural use;
- c) Garden nurseries;
- d) Riding academies;
- e) Silviculture;
- f) Aquaculture;
- g) Animal hospital;
- h) Fish hatchery (including community based).

ii) On any lot 2.0 hectares (4.9 acres) or larger:

- a) Animal kennels.

iii) On any lot 8.0 hectares (19.8 acres) or larger:

- a) Wood processing or permanent sawmills occupying an area of not more than 1000.0 metres² (0.3 acres) including vehicle parking, and log sort and lumber storage areas; and
- b) Crushing and screening of sand and gravel.

iv) On any lot 20 hectares (49.5 acres) or larger:

- a) Horse-related event where paid admission to view the event is required including rodeos, equestrian shows, dances, concerts, and a licensed facility pursuant to the *Liquor Control and Licensing Act* during the time of the horse-related event and subject to:
 - 1) the event being sponsored by the registered property owner or registered organization, association, club, or group registered under the *Society Act*;
 - 2) the event being no longer than three days in duration;
 - 3) notifying the Regional District in writing prior to the holding of a licensed event pursuant to the *Liquor Control and Licensing Act* for the first two events in a calendar year under this section;
 - 4) obtaining written approval of the Regional District at least 30 days prior to the holding of a licensed event pursuant to the *Liquor Control and Licensing Act* for each event after the two events have been held in a calendar year under Subsection 3.

2. ACCESSORY USES

On any lot:

- i) Home occupations;
- ii) Bed and breakfast;
- iii) Accessory buildings;
- iv) Domestic business use;
- v) Domestic industrial use;
- vi) Pet crematorium.

3. CONDITIONS OF USE

- i) **All gravel and sand processing operations or animal kennels shall be subject to the following conditions:**
 - a) Maintain a minimum yard setback of 15.0 metres (49.2 feet) along all property lines.
 - b) Uses abutting riparian areas shall be setback a minimum of 30.0 metres (98.4 feet) from the top of bank.
 - c) No parking, loading or storage areas shall be located in any required yard setbacks.
 - d) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation.
 - e) The maximum lot coverage for the above uses shall not exceed 25%.
- ii) **All sawmill uses or portable sawmill uses shall be subject to the following conditions:**
 - a) Minimum yard clearance along all property lines of 30.0 metres (98.4 feet).
 - b) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres (6.6 feet) in height.
 - c) Uses abutting an area zoned under Part 700 Residential Zones shall be screened and buffered from adjacent properties through the use of fencing, berming and evergreen vegetation being not less than 1.5 metres (4.9 feet) in height. All screening shall be well maintained and painted as required.
- iii) **All buildings and structures related to gravel, or sand crushing and screening operations shall be subject to the following conditions:**
 - a) Minimum yard clearance along all property lines of 30.0 metres (98.4 feet).
 - b) Minimum yard clearance of 60.0 metres (196.9 feet) from any lot where gravel, sand or soil extraction occurs within or abutting an area zoned under Part 700 Residential Zones.
 - c) No parking, loading or storage areas shall be located in any required yards.
 - d) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres (6.6 feet) in height.

- e) Uses abutting an area zoned under Part 700 Residential Zones shall be screened and buffered from adjacent properties through the use of fencing, berming and evergreen vegetation being not less than 2.0 metres (6.6 feet) in height. All screening shall be well maintained and painted as required.
 - f) Uses abutting riparian or environmentally sensitive areas (ESA's) shall be setback a minimum of 30.0 metres (98.4 feet).
- iv) **Residential use is limited to:**
- a) **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).
 - b) **On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

5. FLOOR AREA REQUIREMENTS

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 300.0 square metres (3229.3 square feet).

6. SITING OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Rural Eight zone shall be as set out in the table below.

Type of Structure	Heights	Required Setback				
		Front yard	Rear yard	Side yard		Side yard abutting road
				Frontage <31m	Frontage >31m	
Principal	10.0m (32.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.7ft)	3.5m (11.5ft)	7.5m (24.6ft)
Accessory	4.5m or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)	7.5m (24.6ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.7ft)	3.5m (11.5ft)	7.5m (24.6ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Part 400, Siting Exceptions, of this bylaw and Bylaw No. 2782 being the "Floodplain Management Bylaw, 2005" may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

7. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 15%.

8. SUBDIVISION REQUIREMENTS

- i) Minimum lot area: 8.0 hectares (19.8 acres)

Existing lots below the minimum lot area within this zone may be used for the permitted uses within this zone, subject to compliance with the other requirements of this zone.

End – RU-8

K'ómoks First Nation Referral Form

File: 3360-20/RZ 5C 18 (Unger)
(Response required: August 29, 2019)

Please comment on the attached application regarding potential effects on your interests. The Comox Valley Regional District (CVRD) wishes to ensure that all future consultations with K'ómoks First Nation are considered early and ongoing. The CVRD will meet with you, at your convenience, to discuss this application. The offer to meet with you extends throughout the life of this application in order to gain your perspective as well answer any questions that may arise. If you would like to arrange a meeting, please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca.

You will note that the response form has a number of choices that describe your interests. All details that support your position are appreciated as are any official legislative, governance and policy considerations that may affect the CVRD's consideration of this application.

If required, please contact the CVRD to assist you in determining the type of additional information that would be helpful or assist you to better understand how this application may impact land use and development.

Application type:

<input checked="" type="checkbox"/>	Zoning Amendment	<input type="checkbox"/>	OCP Amendment	<input type="checkbox"/>	Temporary Use Permit
<input type="checkbox"/>	Development Variance Permit	<input type="checkbox"/>	Development Permit	<input type="checkbox"/>	Crown Land Application

Applicants' names:	Henry and Kati Unger		
Agent's name:	Garth Parkin		
Legal description:	Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417, 5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3 19356		
Civic address:	Unaddressed Lot, Wilfred Road	PID:	006-281-222
RGS designation:	Saratoga Settlement Node		
OCP designation:	Saratoga Settlement Node		
Zone:	Rural Eight (RU-8)		

Application Description

The subject property is located on Wilfred Road (Figures 1 and 2) and is approximately 4.3 hectares in area. It is bounded by Wilfred Road to the south and an unopened road right of way to the west.

There is a wetland area to the north and east of the property. The property is surrounded by residential properties zoned Residential One B (R-1B) to the south and west, and rural properties zoned Rural Eight (RU-8) to the north and east (Figure 3). The subject property is zoned RU-8 (Appendix A). The applicants wish to rezone the property in order to subdivide into three lots. The applicants have submitted a draft subdivision plan (Figure 4).

Regional Growth Strategy Analysis

The Comox Valley Regional Growth Strategy, Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”, designates the subject property within the Saratoga Settlement Node (SN). SNs shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure (MG Policy 1B-1). The growth management framework is to direct 90 per cent of growth to Core Settlement Areas, and this SN is part of the Core Settlement Areas. Therefore, the proposed rezoning to enable subdivision is consistent with this growth management framework.

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 within the Saratoga SN. Each SN is a primary growth area in the electoral areas. The goals, objectives and vision for SNs are contained in local area plans. A local area plan for this SN has not been completed. Another SN policy is to apply community amenity policy included in Part 4 of the OCP for development of the SNs.

Zoning Bylaw Analysis

The RU-8 zone has a minimum lot area of subdivision of eight hectares. The proposal is to subdivide the subject property into three lots, with the smallest lot being 1.2 hectares (Figure 4). In support of the application, the applicants have submitted a *Riparian Areas Regulation* assessment to identify environmentally sensitive areas, and a drainage report to analyze onsite drainage and manage rainwater onsite. In addition, the applicants submitted a test pit study to illustrate that the southern portions of the proposed lots are dry.

The application is to rezone the entire lot to a residential zone that will enable subdivision. Through the rezoning process, the applicants will be required to demonstrate the actual subdivision potential based on on-site servicing capacity.

Should you have any questions on the above-noted matter, please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca.

Sincerely,

S. Smith

Scott Smith, MCIP, RPP
General Manager of Planning and Development Services

cc: Russell Dyson, Chief Administrative Officer

Attachment: Appendix A – “RU-8 zone”

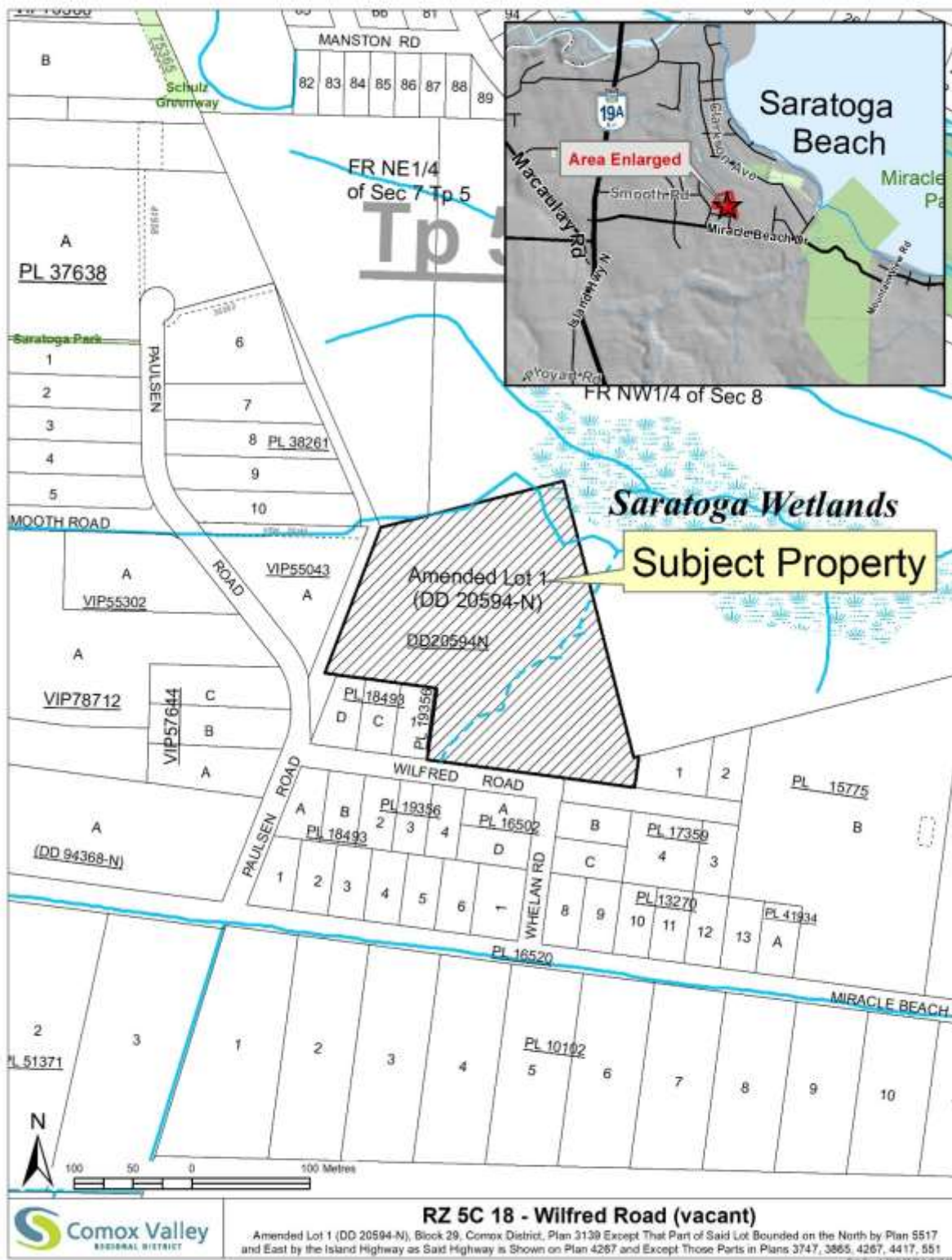


Figure 1: Subject Property Map



Figure 2: Air Photo

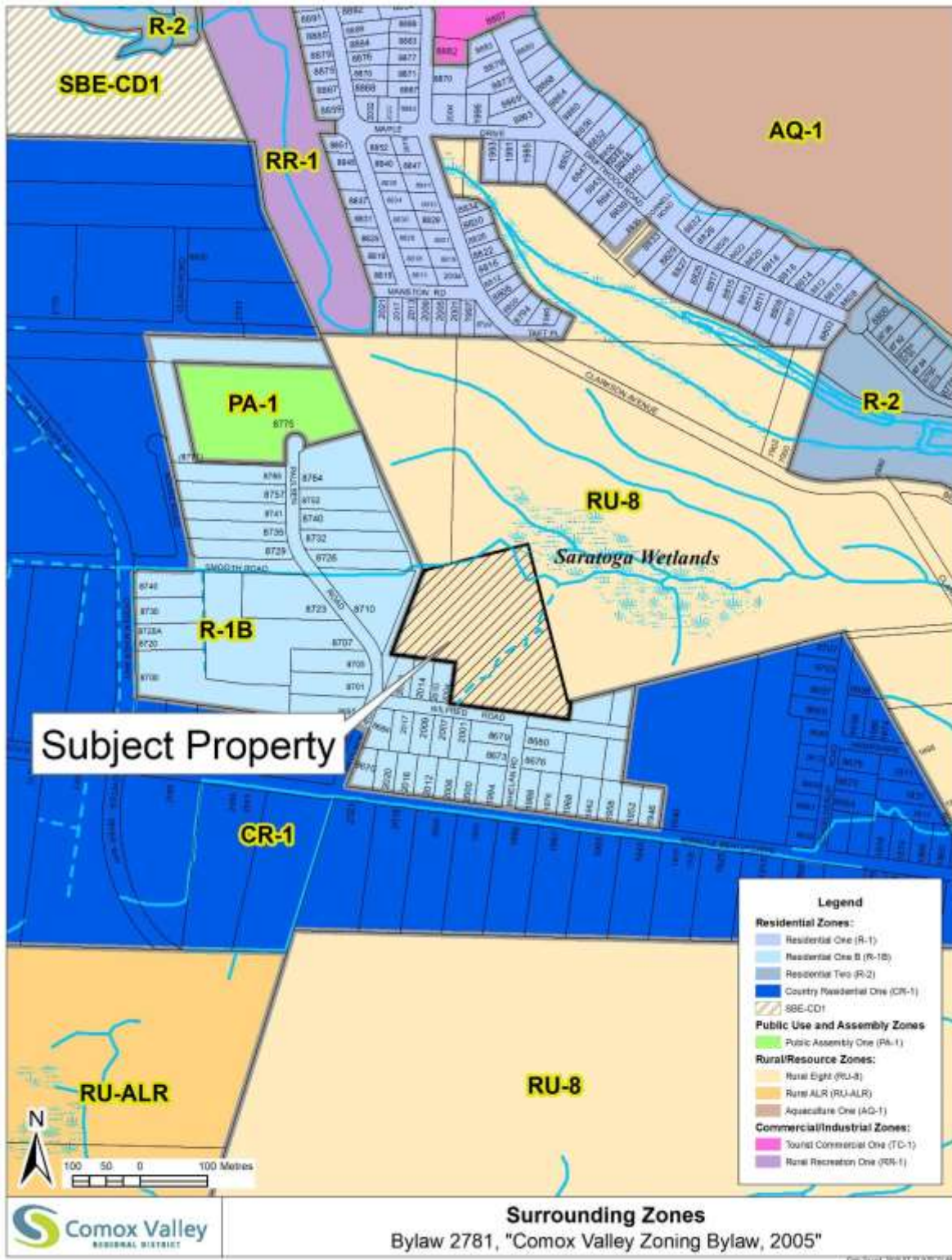


Figure 3: Zoning Map

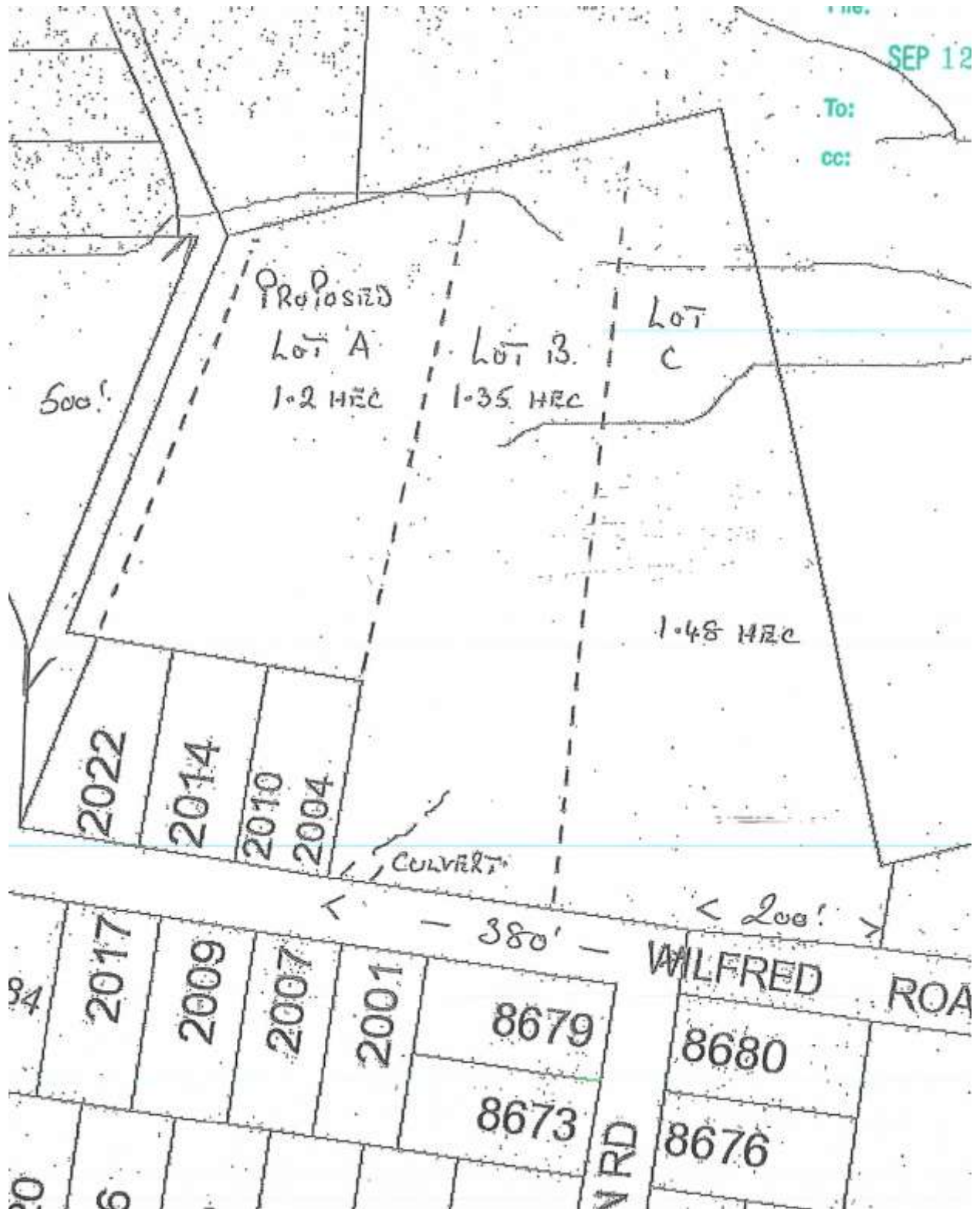


Figure 4: Proposed Subdivision Plan if Rezoning is Successful

801

Rural Eight (RU-8)**1. PRINCIPAL USE****i) On any lot:**

- a) Residential use;
- b) Agricultural use;
- c) Garden nurseries;
- d) Riding academies;
- e) Silviculture;
- f) Aquaculture;
- g) Animal hospital;
- h) Fish hatchery (including community based).

ii) On any lot 2.0 hectares (4.9 acres) or larger:

- a) Animal kennels.

iii) On any lot 8.0 hectares (19.8 acres) or larger:

- a) Wood processing or permanent sawmills occupying an area of not more than 1000.0 metres² (0.3 acres) including vehicle parking, and log sort and lumber storage areas; and
- b) Crushing and screening of sand and gravel.

iv) On any lot 20 hectares (49.5 acres) or larger:

- a) Horse-related event where paid admission to view the event is required including rodeos, equestrian shows, dances, concerts, and a licensed facility pursuant to the *Liquor Control and Licensing Act* during the time of the horse-related event and subject to:
 - 1) the event being sponsored by the registered property owner or registered organization, association, club, or group registered under the *Society Act*;
 - 2) the event being no longer than three days in duration;
 - 3) notifying the Regional District in writing prior to the holding of a licensed event pursuant to the *Liquor Control and Licensing Act* for the first two events in a calendar year under this section;
 - 4) obtaining written approval of the Regional District at least 30 days prior to the holding of a licensed event pursuant to the *Liquor Control and Licensing Act* for each event after the two events have been held in a calendar year under Subsection 3.

2. ACCESSORY USES

On any lot:

- i) Home occupations;
- ii) Bed and breakfast;
- iii) Accessory buildings;
- iv) Domestic business use;
- v) Domestic industrial use;
- vi) Pet crematorium.

3. CONDITIONS OF USE

- i) **All gravel and sand processing operations or animal kennels shall be subject to the following conditions:**
 - a) Maintain a minimum yard setback of 15.0 metres (49.2 feet) along all property lines.
 - b) Uses abutting riparian areas shall be setback a minimum of 30.0 metres (98.4 feet) from the top of bank.
 - c) No parking, loading or storage areas shall be located in any required yard setbacks.
 - d) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation.
 - e) The maximum lot coverage for the above uses shall not exceed 25%.
- ii) **All sawmill uses or portable sawmill uses shall be subject to the following conditions:**
 - a) Minimum yard clearance along all property lines of 30.0 metres (98.4 feet).
 - b) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres (6.6 feet) in height.
 - c) Uses abutting an area zoned under Part 700 Residential Zones shall be screened and buffered from adjacent properties through the use of fencing, berming and evergreen vegetation being not less than 1.5 metres (4.9 feet) in height. All screening shall be well maintained and painted as required.
- iii) **All buildings and structures related to gravel, or sand crushing and screening operations shall be subject to the following conditions:**
 - a) Minimum yard clearance along all property lines of 30.0 metres (98.4 feet).
 - b) Minimum yard clearance of 60.0 metres (196.9 feet) from any lot where gravel, sand or soil extraction occurs within or abutting an area zoned under Part 700 Residential Zones.
 - c) No parking, loading or storage areas shall be located in any required yards.
 - d) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres (6.6 feet) in height.

- e) Uses abutting an area zoned under Part 700 Residential Zones shall be screened and buffered from adjacent properties through the use of fencing, berming and evergreen vegetation being not less than 2.0 metres (6.6 feet) in height. All screening shall be well maintained and painted as required.
 - f) Uses abutting riparian or environmentally sensitive areas (ESA's) shall be setback a minimum of 30.0 metres (98.4 feet).
- iv) **Residential use is limited to:**
- a) **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).
 - b) **On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

5. FLOOR AREA REQUIREMENTS

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 300.0 square metres (3229.3 square feet).

6. SITING OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Rural Eight zone shall be as set out in the table below.

Type of Structure	Heights	Required Setback				
		Front yard	Rear yard	Side yard		Side yard abutting road
				Frontage <31m	Frontage >31m	
Principal	10.0m (32.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.7ft)	3.5m (11.5ft)	7.5m (24.6ft)
Accessory	4.5m or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)	7.5m (24.6ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.7ft)	3.5m (11.5ft)	7.5m (24.6ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Part 400, Siting Exceptions, of this bylaw and Bylaw No. 2782 being the "Floodplain Management Bylaw, 2005" may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

7. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 15%.

8. SUBDIVISION REQUIREMENTS

- i) Minimum lot area: 8.0 hectares (19.8 acres)

Existing lots below the minimum lot area within this zone may be used for the permitted uses within this zone, subject to compliance with the other requirements of this zone.

End – RU-8

Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 3360-20/RZ 5C 18

August 29, 2019

Sent via email only: tabithadonkers@weiwaikum.ca

Wei Wai Kum First Nation of the
Kwiakah Treaty Society
1650 Old Spit Rd
Campbell River BC V9W 3E8

Attention: Tabitha Donkers

Dear Ms. Donkers:

**Re: Rezoning Application Referral (Unaddressed Lot, Wilfred Road – Unger)
Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of
Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said
Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417,
5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3
19356, PID 006-281-222**

Please note that this is a follow up letter to determine your interest in the above-noted property. The intent of the application is to rezone the above-noted property in order to enable a three-lot subdivision.

As of the date of this letter, the Comox Valley Regional District (CVRD) has not yet received your comments. If you have any comments, please forward them by September 28, 2019.

The CVRD is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca to coordinate a meeting. Thank you.

Sincerely,

R. Dyson

Russell Dyson
Chief Administrative Officer

cc: Scott Smith, General Manager of Planning and Development Services Branch

Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 3360-20/RZ 5C 18

August 29, 2019

Sent via email only: reception@homalco.com

Homalco Indian Band
1218 Bute Crescent
Campbell River BC V9H 1G5

Attention: Chief Darren Blaney

Dear Chief Blaney:

**Re: Rezoning Application Referral (Unaddressed Lot, Wilfred Road – Unger)
Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of
Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said
Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417,
5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3
19356, PID 006-281-222**

Please note that this is a follow up letter to determine your interest in the above-noted property. The intent of the application is to rezone the above-noted property in order to enable a three-lot subdivision.

As of the date of this letter, the Comox Valley Regional District (CVRD) has not yet received your comments. If you have any comments, please forward them by September 28, 2019.

The CVRD is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca to coordinate a meeting. Thank you.

Sincerely,

R. Dyson

Russell Dyson
Chief Administrative Officer

cc: Scott Smith, General Manager of Planning and Development Services Branch

Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 3360-20/RZ 5C 18

August 29, 2019

Sent via email only: dassu@lkts.ca

Laich-Kwil-Tach Treaty Society
205B-2005 Eagle Drive
Campbell River BC V9H 1V8

Attention: Chief and Council

Dear Chief and Council:

**Re: Rezoning Application Referral (Unaddressed Lot, Wilfred Road – Unger)
Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of
Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said
Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417,
5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3
19356, PID 006-281-222**

Please note that this is a follow up letter to determine your interest in the above-noted property. The intent of the application is to rezone the above-noted property in order to enable a three-lot subdivision.

As of the date of this letter, the Comox Valley Regional District (CVRD) has not yet received your comments. If you have any comments, please forward them by September 28, 2019.

The CVRD is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Scott Smith at 250-334-6077 or by email to planning@comoxvalleyrd.ca to coordinate a meeting. Thank you.

Sincerely,

R. Dyson

Russell Dyson
Chief Administrative Officer

cc: Scott Smith, General Manager of Planning and Development Services Branch

Office of the Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 3360-20/RZ 5C 18

August 29, 2019

Sent via email only: tina.mclean@komoks.ca

K'ómoks First Nation
3330 Comox Road
Courtenay BC V9N 3P8

Attention: Tina McLean – Band Administrator

Dear Ms. McLean:

**Re: Rezoning Application Referral (Unaddressed Lot, Wilfred Road – Unger)
Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of
Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said
Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417,
5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3
19356, PID 006-281-222**

Please note that this is a follow up letter to determine your interest in the above-noted property. The intent of the application is to rezone the above-noted property in order to enable a three-lot subdivision.

As of the date of this letter, the Comox Valley Regional District (CVRD) has not yet received your comments. If you have any comments, please forward them by September 28, 2018.

The CVRD is interested in hearing from you regarding this proposal and understanding your interests. In addition, the CVRD is available to meet with you at your convenience to discuss the rezoning application in more detail. Please contact Scott Smith at 250-334-6051 or by email to planning@comoxvalleyrd.ca to coordinate a meeting. Thank you.

Sincerely,

R. Dyson

Russell Dyson
Chief Administrative Officer

cc: Jenny Millar, Assistant Band Administrator, K'ómoks First Nation
Monty Horton, Lands Manager, K'ómoks First Nation
Scott Smith, General Manager of Planning and Development Services Branch

Memo

File: 3360-20/RZ 5C 18

DATE: July 30, 2019

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

FROM: Planning and Development Services Branch

RE: Rezoning Application – Unaddressed Lot, Wilfred Road (Unger)
Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That
Part of Said Lot Bounded on the North by Plan 5517 and East by the Island
Highway as Said Highway is Shown on Plan 4267 and Except Those Parts in Plans
3747, 3865, 4267, 4417, 5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674,
15722, 15775, 16502, 16520, 17359, 18493 1N3 19356, PID 006-281-222

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

An application has been received to consider a Zoning Bylaw amendment for a property at an unaddressed lot on Wilfred Road (Figures 1 and 2). The subject property is approximately 4.3 hectares in area. It is bounded by Wilfred Road to the south and an unopened road right of way to the west. There is a wetland area to the north and east of the property. The property is surrounded by residential properties zoned Residential One B (R-1B) to the south and west, and rural properties zoned Rural Eight (RU-8) to the north and east (Figure 3). The subject property is zoned RU-8 (Appendix A). The applicants wish to rezone the property in order to subdivide into three lots. The applicants have submitted a draft subdivision plan (Figure 4).

For more information, please refer to the attached staff report (Appendix B) dated January 23, 2019, which was presented to the Comox Valley Regional District Board on February 26, 2019. Please disregard all figures in the staff report. The figures have since been updated and are included in this memo below.

Thank you for your review.

Sincerely,

T. Trieu

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

\bc

Attachments: Appendix A – “RU-8 Zone”
Appendix B – “Staff Report Dated January 23, 2019”

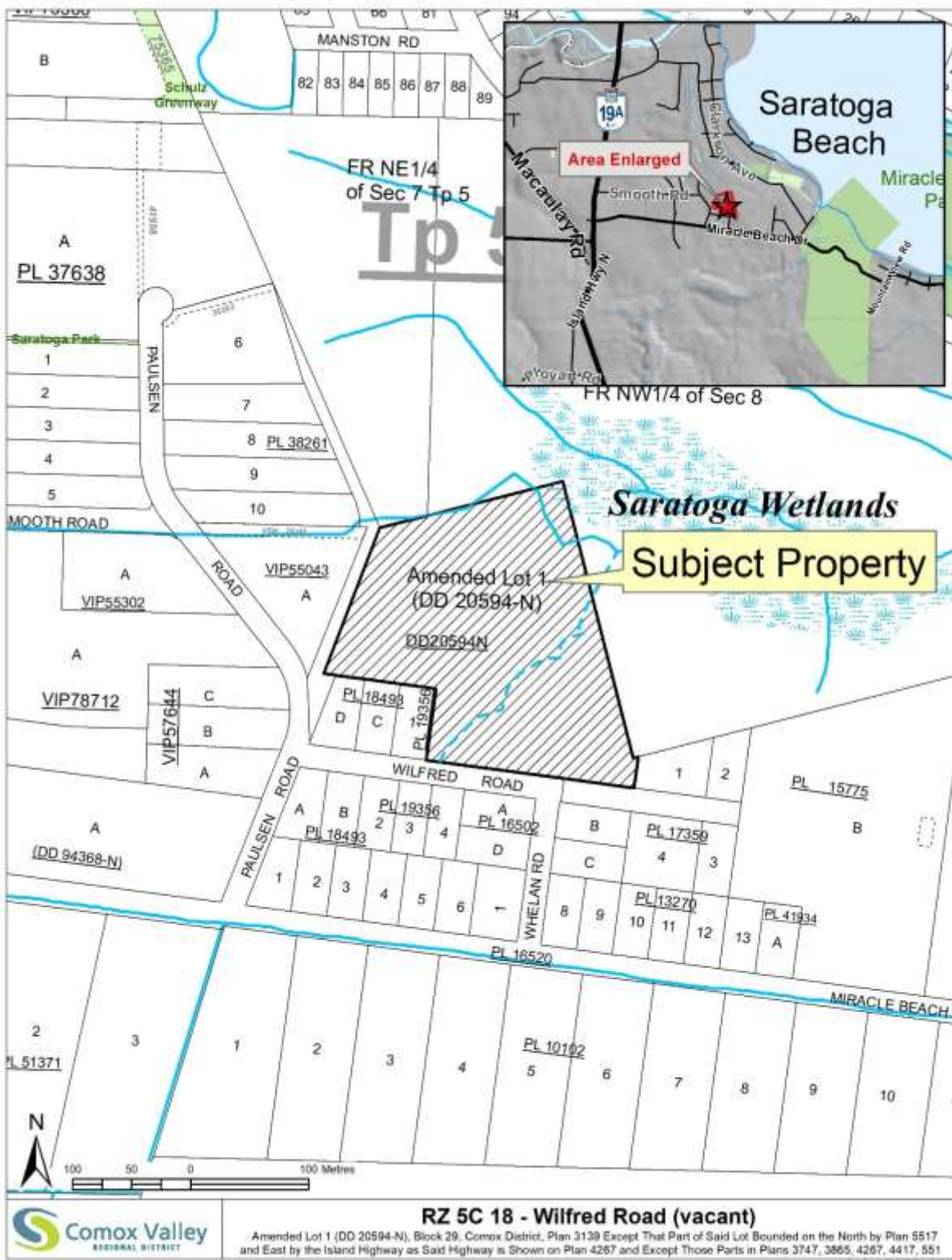


Figure 1: Subject Property Map



Figure 2: Air Photo

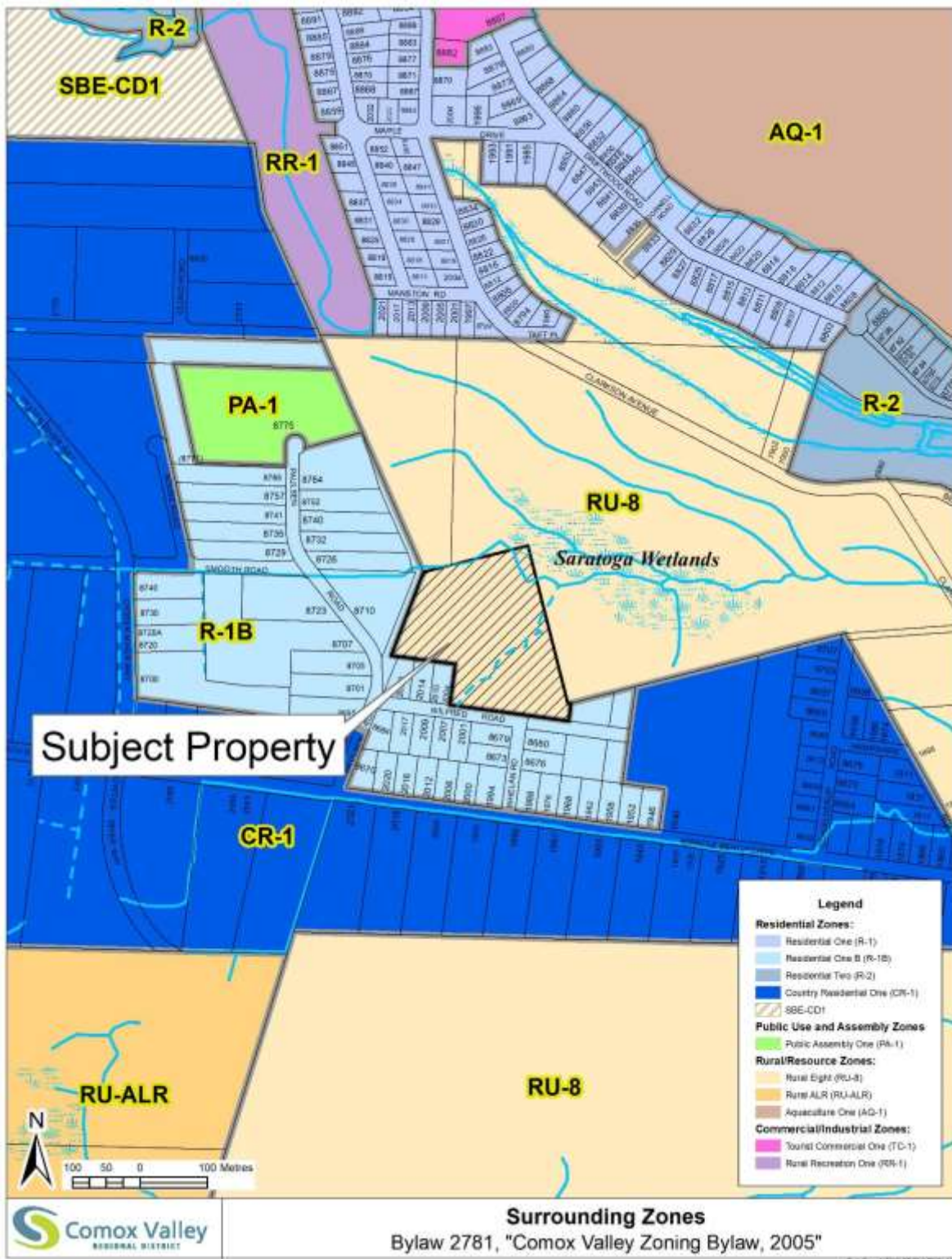


Figure 3: Zoning Map

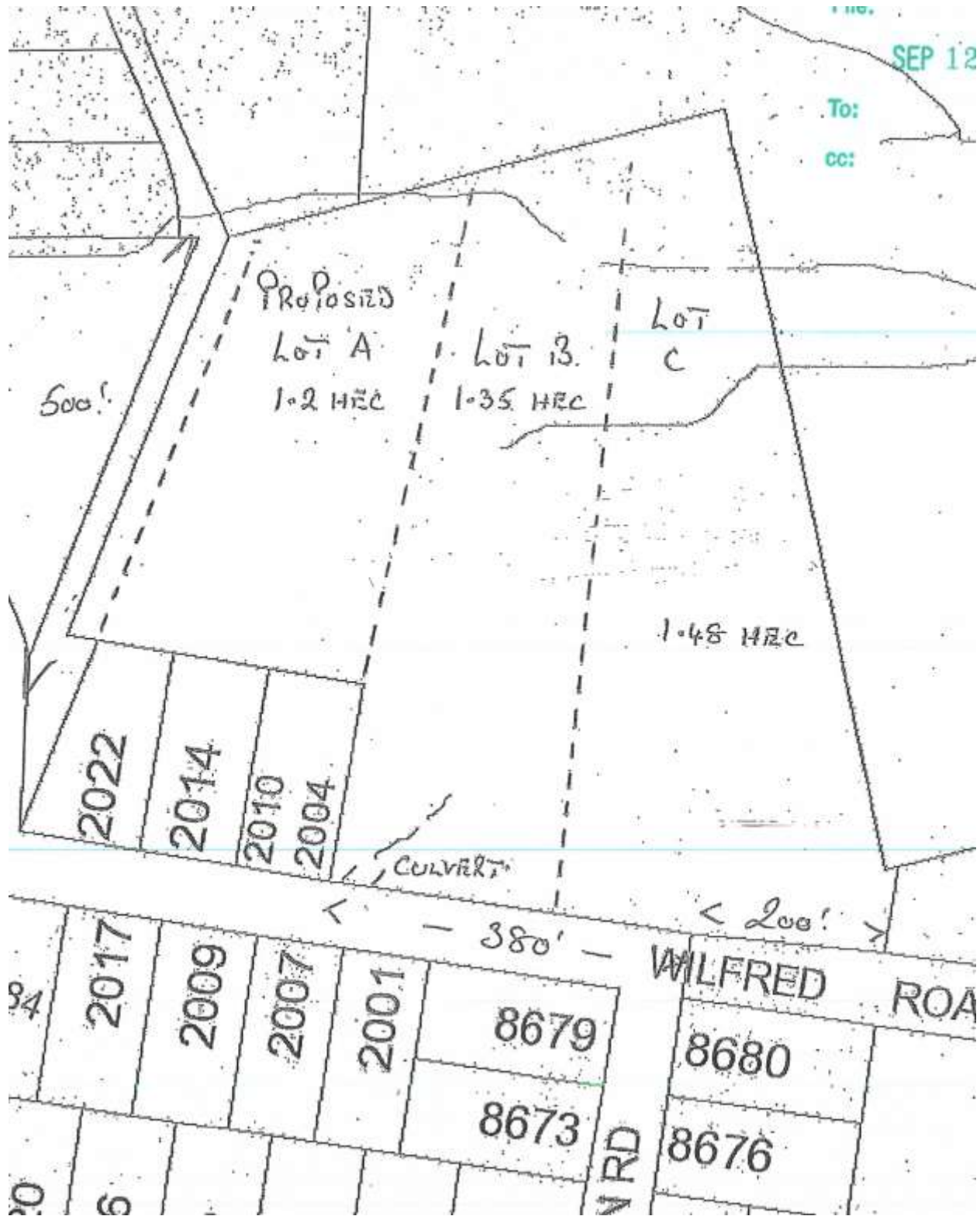


Figure 4: Proposed Subdivision Plan if Rezoning is Approved

801

Rural Eight (RU-8)

1. **PRINCIPAL USE**i) **On any lot:**

- a) Residential use;
- b) Agricultural use;
- c) Garden nurseries;
- d) Riding academies;
- e) Silviculture;
- f) Aquaculture;
- g) Animal hospital;
- h) Fish hatchery (including community based).

ii) **On any lot 2.0 hectares (4.9 acres) or larger:**

- a) Animal kennels.

iii) **On any lot 8.0 hectares (19.8 acres) or larger:**

- a) Wood processing or permanent sawmills occupying an area of not more than 1000.0 metres² (0.3 acres) including vehicle parking, and log sort and lumber storage areas; and
- b) Crushing and screening of sand and gravel.

iv) **On any lot 20 hectares (49.5 acres) or larger:**

- a) Horse-related event where paid admission to view the event is required including rodeos, equestrian shows, dances, concerts, and a licensed facility pursuant to the *Liquor Control and Licensing Act* during the time of the horse-related event and subject to:
 - 1) the event being sponsored by the registered property owner or registered organization, association, club, or group registered under the *Society Act*;
 - 2) the event being no longer than three days in duration;
 - 3) notifying the Regional District in writing prior to the holding of a licensed event pursuant to the *Liquor Control and Licensing Act* for the first two events in a calendar year under this section;
 - 4) obtaining written approval of the Regional District at least 30 days prior to the holding of a licensed event pursuant to the *Liquor Control and Licensing Act* for each event after the two events have been held in a calendar year under Subsection 3.

2. ACCESSORY USES

On any lot:

- i) Home occupations;
- ii) Bed and breakfast;
- iii) Accessory buildings;
- iv) Domestic business use;
- v) Domestic industrial use;
- vi) Pet crematorium.

3. CONDITIONS OF USE

- i) **All gravel and sand processing operations or animal kennels shall be subject to the following conditions:**
 - a) Maintain a minimum yard setback of 15.0 metres (49.2 feet) along all property lines.
 - b) Uses abutting riparian areas shall be setback a minimum of 30.0 metres (98.4 feet) from the top of bank.
 - c) No parking, loading or storage areas shall be located in any required yard setbacks.
 - d) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation.
 - e) The maximum lot coverage for the above uses shall not exceed 25%.
- ii) **All sawmill uses or portable sawmill uses shall be subject to the following conditions:**
 - a) Minimum yard clearance along all property lines of 30.0 metres (98.4 feet).
 - b) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres (6.6 feet) in height.
 - c) Uses abutting an area zoned under Part 700 Residential Zones shall be screened and buffered from adjacent properties through the use of fencing, berming and evergreen vegetation being not less than 1.5 metres (4.9 feet) in height. All screening shall be well maintained and painted as required.
- iii) **All buildings and structures related to gravel, or sand crushing and screening operations shall be subject to the following conditions:**
 - a) Minimum yard clearance along all property lines of 30.0 metres (98.4 feet).
 - b) Minimum yard clearance of 60.0 metres (196.9 feet) from any lot where gravel, sand or soil extraction occurs within or abutting an area zoned under Part 700 Residential Zones.
 - c) No parking, loading or storage areas shall be located in any required yards.
 - d) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres (6.6 feet) in height.

- e) Uses abutting an area zoned under Part 700 Residential Zones shall be screened and buffered from adjacent properties through the use of fencing, berming and evergreen vegetation being not less than 2.0 metres (6.6 feet) in height. All screening shall be well maintained and painted as required.
 - f) Uses abutting riparian or environmentally sensitive areas (ESA's) shall be setback a minimum of 30.0 metres (98.4 feet).
- iv) **Residential use is limited to:**
- a) **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).
 - b) **On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

5. FLOOR AREA REQUIREMENTS

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 300.0 square metres (3229.3 square feet).

6. SITING OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Rural Eight zone shall be as set out in the table below.

Type of Structure	Heights	Required Setback				
		Front yard	Rear yard	Side yard		Side yard abutting road
				Frontage <31m	Frontage >31m	
Principal	10.0m (32.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.7ft)	3.5m (11.5ft)	7.5m (24.6ft)
Accessory	4.5m or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)	7.5m (24.6ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.7ft)	3.5m (11.5ft)	7.5m (24.6ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Part 400, Siting Exceptions, of this bylaw and Bylaw No. 2782 being the "Floodplain Management Bylaw, 2005" may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

7. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 15%.

8. SUBDIVISION REQUIREMENTS

- i) Minimum lot area: 8.0 hectares (19.8 acres)

Existing lots below the minimum lot area within this zone may be used for the permitted uses within this zone, subject to compliance with the other requirements of this zone.

End – RU-8

Staff Report

DATE: January 23, 2019**FILE:** 3360-20/RZ 5C 18**TO:** Chair and Directors
Electoral Areas Services Committee**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer*R. Dyson***RE:** **Zoning Bylaw Amendment – Lot 1, Plan 3139, Wilfred Road (Unger)
Puntledge – Black Creek (Electoral Area C)
Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except
That Part of Said Lot Bounded on the North by Plan 5517 and East by the
Island Highway as Said Highway is Shown on Plan 4267 and Except Those
Parts in Plans 3747, 3865, 4267, 4417, 5517, 7148, 9836, 10102, 10943, 13270,
15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3 19356, PID
006-281-222****Purpose**

To seek Comox Valley Regional District (CVRD) Board support to undertake external agency and First Nations referrals for a proposed rezoning to enable a three-lot subdivision, and to recommend that the application be externally referred (Appendix A).

Recommendations from the Chief Administrative Officer:

1. THAT the Comox Valley Regional District Board endorse the agency referral list as outlined in Appendix A of staff report dated January 23, 2019, and direct staff to start the external agency referral process for Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417, 5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3 19356, PID 006-281-222 (Unger) as part of a proposed amendment (RZ 5C 18) of 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.

2. THAT staff report back to the Comox Valley Regional District Board with a draft board policy on voluntary community amenity contributions per Section 72 of Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” and the Ministry of Municipal Affairs and Housing Guidebook, “Community Amenity Contributions: Balancing Community Planning, Public Benefits and Housing Affordability.”

Executive Summary

- The subject property is located at Wilfred Road in Electoral Area C (Figures 1 and 2).
- The approximate size of the property is 4.3 hectares, and is zoned Rural Eight (RU-8) (Figure 3).
- The applicants wish to rezone the property in order to subdivide into three lots (Figure 4).

- The subject property is in the Saratoga Settlement Node (SN) as per the Comox Valley Regional District Regional Growth Strategy (RGS) and Rural Comox Valley Official Community Plan (OCP). The rezoning application is consistent with these plans.
- The draft Saratoga Miracle Beach Local Area Plan (LAP) designates the subject property within Rural Residential. This designation indicates that this is an area to serve a role in the natural drainage in the community.
- The CVRD Board is recommended to conduct First Nations and external agency referrals for this rezoning application (Appendix A). Referral comments will confirm redevelopment potential.
- In addition, Section 72 of the OCP provides for the contribution of community amenities related to an OCP or zoning amendment that will result in increased density potential. This report includes a recommendation for staff to report back with a community amenity contribution policy for the board to consider. At this time, staff is not requesting authorization to negotiate a voluntary amenity with this applicant, rather the board can consider whether this application is a candidate following receipt and discussion of staff's proposed community amenity policy.

Prepared by:

B. Chow

Brian Chow, MCIP, RPP
Rural Planner

Concurrence:

T. Trieu

Ton Trieu, MCIP, RPP
Manager of Planning Services

Concurrence:

S. Smith

Scott Smith, MCIP, RPP
General Manager of Planning and Development Services

Stakeholder Distribution (Upon Agenda Publication)

Applicants	✓
------------	---

Background/Current Situation

The subject property is located on Wilfred Road (Figures 1 to 3) and is approximately 4.3 hectares in area. It is bounded by Wilfred Road to the south and an unopened road right of way to the west. There is a wetland area to the north and east of the property. The property is surrounded by residential properties zoned Residential One B (R-1B) to the south and west, and rural properties zoned Rural Eight (RU-8) to the north and east. The subject property is zoned RU-8 (Figure 3). The applicants wish to rezone the property in order to subdivide into three lots. The applicants have submitted a draft subdivision plan (Figure 4).

Official Community Plan Analysis

The OCP, Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014,” designates the subject property within the Saratoga SN. The draft Saratoga LAP designates this property as Rural Residential. This designation indicates that this area is to serve a role in the natural drainage in the community, east of the Old Island Highway. This area hosts a significant number of riverine and estuarine features.

Section 72 of the OCP provides for the contribution of community amenities related to an OCP or zoning amendment that will result in increased density potential. The Ministry of Municipal Affairs and Housing (formerly Ministry of Community, Sport and Cultural Development) has published “*Community Amenity Contributions: Balancing Community Planning, Public Benefits and Housing Affordability*,” which is a guidebook for local government in determining whether voluntary community amenity contributions can play a role in offsetting the impact of increased density in a neighbourhood. This application may be a candidate for community amenity contribution and the owner has previously

offered to provide parkland to the CVRD. Although generous, the land does not align with the objectives of the Rural Comox Valley Parks and Greenways Strategic Plan 2011-2030. This report includes a recommendation for staff to report back with a community amenity contribution policy, based on the Ministry's guiding principles, for the board to consider as a framework for considering acceptance of voluntary community amenity contributions. At this time, staff is not requesting authorization to negotiate a voluntary amenity with this owner, rather the board can consider whether this application is a candidate following receipt and discussion of staff's proposed community amenity policy.

Zoning Bylaw Analysis

The RU-8 zone has a minimum lot area of subdivision of 8 hectares. The proposal is to subdivide the subject property into three lots, with the smallest lot being 1.2 hectares. In support of the application, the applicants have submitted a *Riparian Areas Regulation* assessment to identify environmentally sensitive areas, and a drainage report to analyze onsite drainage and manage rainwater onsite. In addition, the applicants submitted a test pit study to illustrate that the southern portions of the proposed lots are dry.

The application is to rezone the entire lot to a residential zone that will enable subdivision. Through the rezoning process, the applicants will be required to demonstrate the actual subdivision potential based on on-site servicing capacity.

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, 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.

Options

The board can:

1. Refer the application to external agencies and First Nations for review, or
2. Deny the application to rezone the property to allow for a reduced parcel size.

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

In addition, it is recommended that the board direct staff to report back on a draft board policy on voluntary community amenity contributions per Section 72 of the OCP.

Financial Factors

The applicants have 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. Fees paid to date account for the rezoning only and not future subdivision or development permit fees.

Legal Factors

This report and the recommendations contained herein are in compliance with the LGA and CVRD bylaws. The LGA authorizes a local government to regulate the use of land and buildings.

Regional Growth Strategy Implications

The Comox Valley RGS, Bylaw No. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010", designates the subject property within the Saratoga SN. SNs shall accommodate growth through a balance of new development, intensification and

improvements to public infrastructure (MG Policy 1B-1). The growth management framework is to direct 90 per cent of growth to Core Settlement Areas, and this SN is part of the Core Settlement Areas. Therefore, the proposed rezoning to enable subdivision is consistent with this growth management framework.

Intergovernmental Factors

Appendix A contains a list of agencies and First Nations, to which staff recommends referring the application. Feedback from the referral will be reported at a future Electoral Areas Services Committee meeting.

Interdepartmental Involvement

Planning staff is leading this application. Input from engineering services regarding development cost charges and water connections will be sought if the application proceeds to subdivision. A rainwater management report is required at this rezoning application stage in order to determine and confirm the development potential. Engineering Services Branch provided comments that require some changes to this report. Staff will work with the applicants and the qualified professionals to address these changes during the First Nations and external consultation phase.

While community parks does not have any concerns with the rezoning application, staff recommends, if the owner is inclined, to pursue a conservation covenant over those northern portions of the lands identified as wetland because of its environmental value as a biodiversity corridor. Parkland development cost charges will apply at time of subdivision.

Citizen/Public Relations

Staff recommends that the application be referred to the Area C Advisory Planning Commission, once this commission is formed. 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).

Attachment: Appendix A – “Agency List”

Note: The reference to Black Creek on this map is incorrect. See memo above dated July 30, 2019.

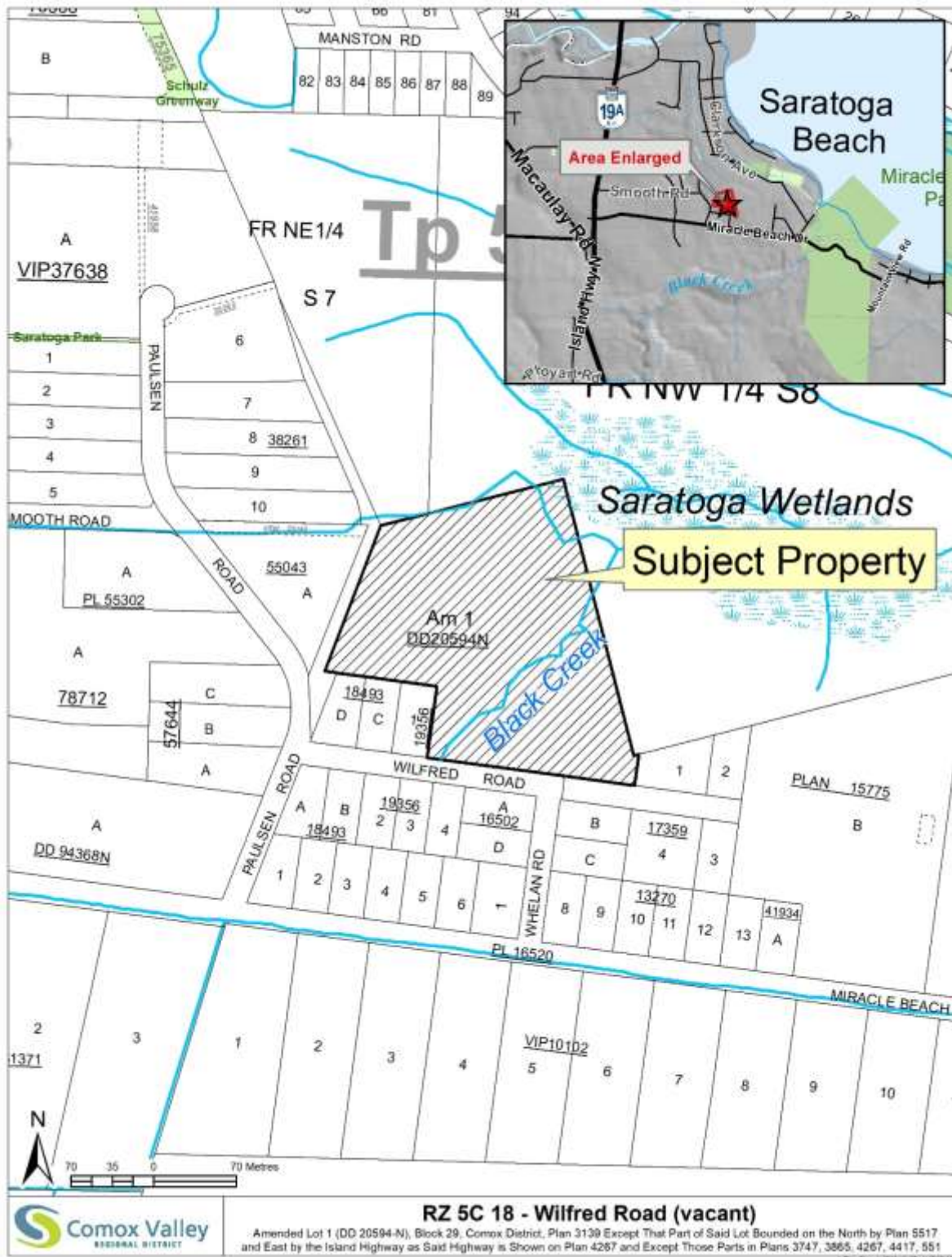


Figure 1: Subject Property Map

Note: The reference to Black Creek on this map is incorrect. See memo above dated July 30, 2019.

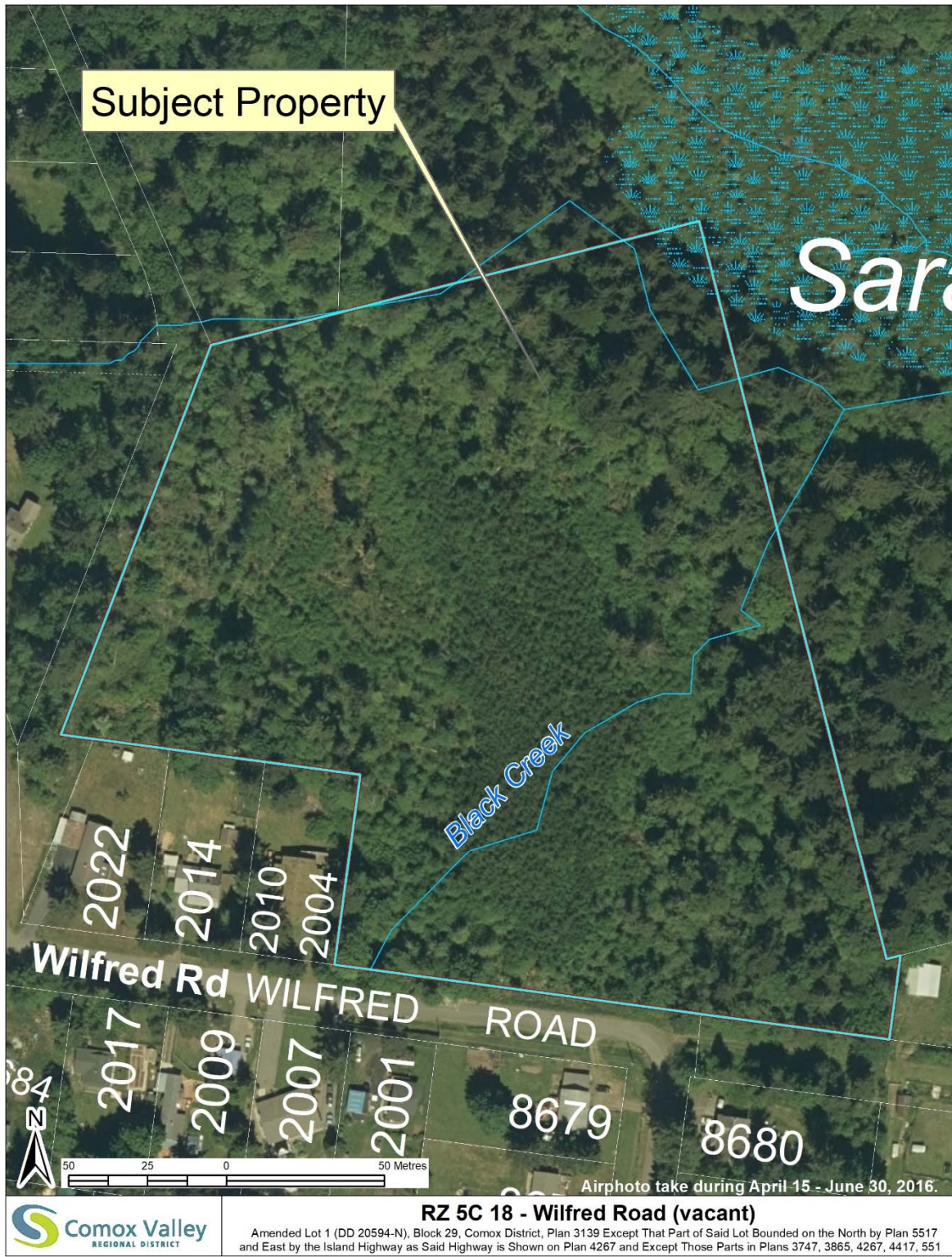


Figure 2: Air Photo

Note: The reference to Black Creek on this map is incorrect. See memo above dated July 30, 2019.

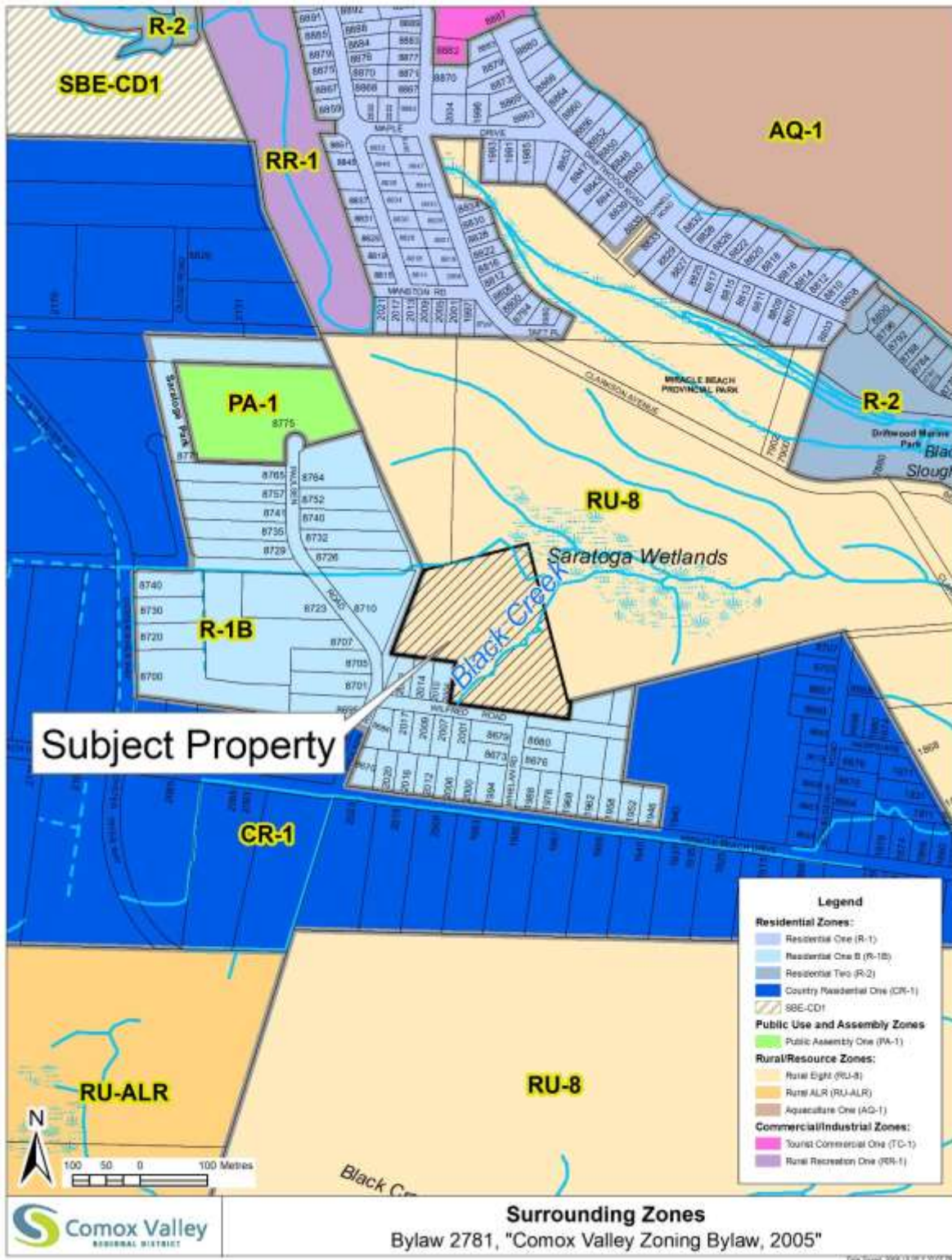


Figure 3: Zoning Map

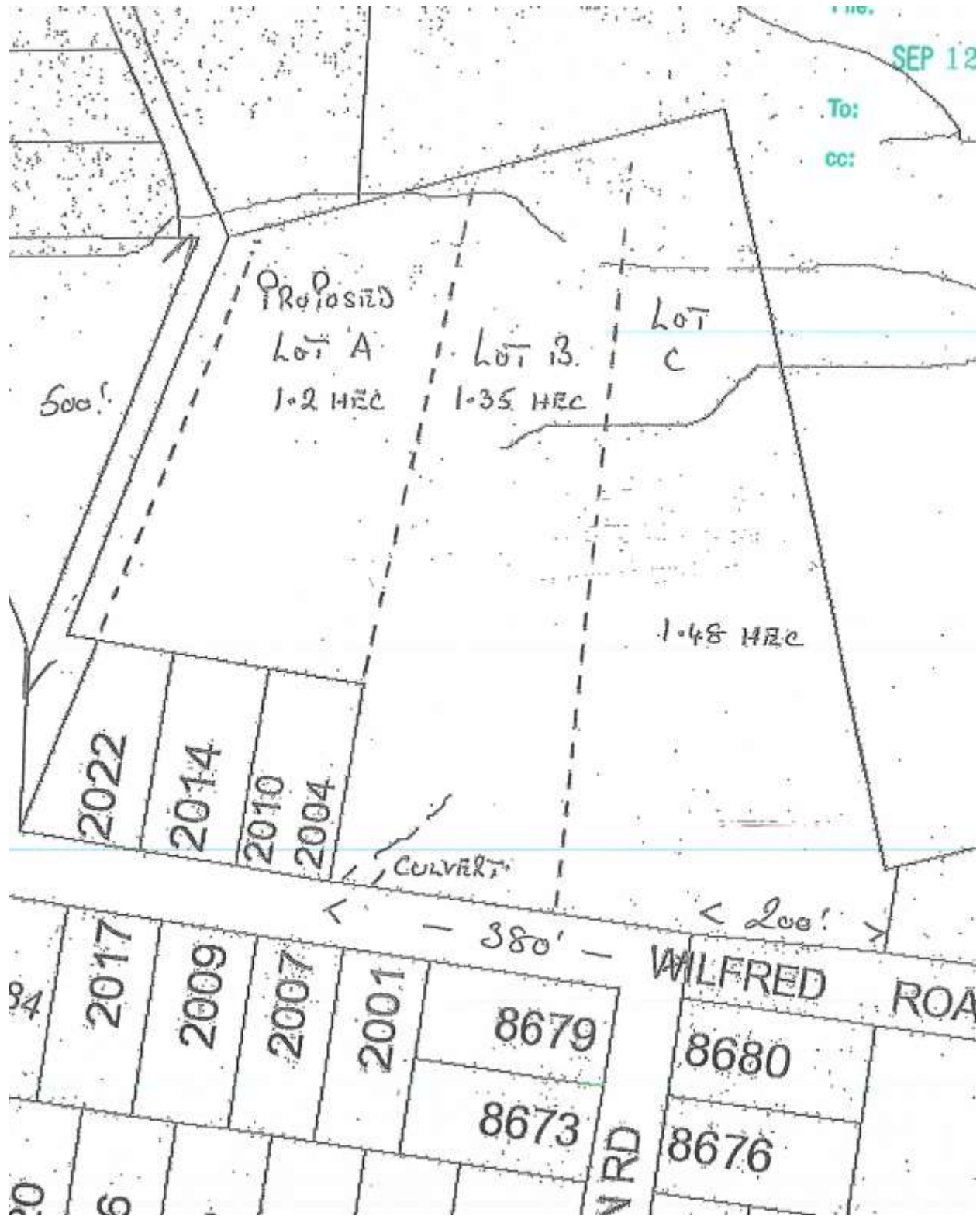


Figure 4: Proposed Subdivision Plan if Rezoning Were Successful

Agency and First Nations Referral List

The following agencies will receive a referral of the proposal .

First Nations

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

Provincial Ministries and Agencies

	Agricultural Land Commission		Ministry of Community, Sport & Cultural Development (responsible for TransLink)
<input checked="" type="checkbox"/>	BC Assessment		Ministry of Energy & Mines
	BC Parks		Ministry of Forests, Lands and Natural Resource Operations
	Ministry of Environment	<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure
	BC Transit		Ministry of Jobs, Tourism & Skills Training (responsible for Labour)
	Ministry of Agriculture		Ministry of Indigenous Relations and Reconciliation

Local Government

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

Other

<input checked="" type="checkbox"/>	Puntledge – Black Creek Area C Advisory Planning Commission		Agricultural Advisory Planning Commission
<input checked="" type="checkbox"/>	School District No. 71 (Comox Valley)	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)

BYLAW REFERRAL FORM
File: 3360-20 / RZ 5C 18 – Unger – Wilfred Road
Date Sent: July 30, 2019

Please comment on the attached bylaw for potential effect on your agency’s interests. Section 460 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) outlines that a local government must define procedures by which a property owner may apply for a bylaw amendment, and that a local government must consider every application for an amendment to a plan or bylaw. In keeping with Section 460, the Comox Valley Regional District (CVRD) wishes to ensure that all future consultations with applicable adjacent regional districts and municipalities, First Nations, school and improvement district boards, provincial and federal government agencies is considered early and ongoing as required by the LGA. You will note on the response form a number of choices that describe your agency’s interests. All details that support your position are appreciated as are official legislative, governance and policy considerations that may affect the CVRD’s consideration of this bylaw.

We would appreciate your response within thirty (30) days of July 30, 2019. If no response is received within that time, it will be assumed that your agency’s interests are unaffected. If required, please contact the CVRD to assist you in determining the type of information that would be helpful or to better understand how the proposed bylaw may impact land use and development. Should you have any specific questions regarding the proposed bylaw amendment, please contact Brian Chow at 250-334-6017 or by email to bchow@comoxvalleyrd.ca.

Applicants’ names:	Henry and Kati Unger
Agent’s name:	Garth Parkin
Civic address:	Unaddressed Lot, Wilfred Road
Purpose of bylaw:	To rezone the subject property to permit a three lot subdivision
Legal description:	Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417, 5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3 19356
OCP bylaw:	Rural Comox Valley Official Community Plan Bylaw No. 337, 2014
Current OCP designation:	Saratoga Settlement Node
Proposed OCP designation:	No Change
Zoning bylaw:	Bylaw No. 2781 being the “Comox Valley Zoning Bylaw, 2005”
Current zone:	Rural Eight (RU-8)

Proposed zone:	A zone that will enable a three lot subdivision of the subject property
-----------------------	---

Other information:

The subject property is located on Wilfred Road and is approximately 4.3 hectares in area (Figures 1 and 2). It is bounded by Wilfred Road to the south and an unopened road right of way to the west. There is a wetland area to the north and east of the property. The property is surrounded by residential properties zoned Residential One B (R-1B) to the south and west, and rural properties zoned Rural Eight (RU-8) to the north and east (Figure 3). The subject property is zoned RU-8 (Appendix A). The applicants wish to rezone the property in order to subdivide into three lots. The applicants have submitted a draft subdivision plan (Figure 4).

Regional Growth Strategy Analysis

The Comox Valley Regional Growth Strategy (RGS), Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”, designates the subject property within the Saratoga Settlement Node (SN). SNs shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure (MG Policy 1B-1). The growth management framework is to direct 90 per cent of growth to Core Settlement Areas, and this SN is part of the Core Settlement Areas. Therefore, the proposed rezoning to enable subdivision is consistent with this growth management framework.

Official Community Plan Analysis

The OCP, Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014,” designates the subject property within the Saratoga SN. Each SN is a primary growth area in the electoral areas. The goals, objectives and vision for SNs are contained in local area plans. A local area plan for this SN has not been completed. Another SN policy is to apply community amenity policy included in part 4 of the OCP for development of the SNs.

Zoning Bylaw Analysis

The RU-8 zone has a minimum lot area of subdivision of eight hectares. The proposal is to subdivide the subject property into three lots, with the smallest lot being 1.2 hectares (Figure 4). In support of the application, the applicants have submitted a *Riparian Areas Regulation* assessment to identify environmentally sensitive areas, and a drainage report to analyze onsite drainage and manage rainwater onsite. In addition, the applicants submitted a test pit study to illustrate that the southern portions of the proposed lots are dry.

The application is to rezone the entire lot to a residential zone that will enable subdivision. Through the rezoning process, the applicants will be required to demonstrate the actual subdivision potential based on on-site servicing capacity.

S. Smith

Scott Smith, MCIP, RPP
General Manager of Planning and Development Services Branch

Attachment: Appendix A – “RU-8 zone”

At its regularly scheduled meeting of February 26, 2019, the CVRD Board endorsed forwarding the proposed bylaw(s) to the following agencies as listed below. As part of this motion, it was decided to circulate this referral to your office for comments in order to enable you to take the proposed development into consideration as part of the future expansion of your operations.

Agency and First Nations Referral List

The following agencies will receive a referral of the proposal .

First Nations

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

Provincial Ministries and Agencies

	Agricultural Land Commission		Ministry of Community, Sport & Cultural Development (responsible for TransLink)
<input checked="" type="checkbox"/>	BC Assessment		Ministry of Energy & Mines
	BC Parks		Ministry of Forests, Lands and Natural Resource Operations
	Ministry of Environment	<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure
	BC Transit		Ministry of Jobs, Tourism & Skills Training (responsible for Labour)
	Ministry of Agriculture		Ministry of Indigenous Relations and Reconciliation

Local Government

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

Other

<input checked="" type="checkbox"/>	Puntledge – Black Creek Area C Advisory Planning Commission		Agricultural Advisory Planning Commission
<input checked="" type="checkbox"/>	School District No. 71 (Comox Valley)	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)

BYLAW REFERRAL FORM RESPONSE SUMMARY

<p style="text-align: center;">DEVELOPMENT PROPOSAL REFERRAL FORM FILE: 3360-20/RZ 5C 18 (Unger – Wilfred Road) <i>(Planner: Brian Chow)</i></p>	
--	--

- | | |
|--|---|
| <input type="checkbox"/> Approval recommended for reasons outlined below | <input type="checkbox"/> Interests unaffected or general comments related to this development proposal outlined below |
| <input type="checkbox"/> Approval recommended subject to conditions outlined below | <input type="checkbox"/> Approval NOT recommended due to reasons outlined below |

Signed by: _____ **Title:** _____

Agency: _____ **Date:** _____

Please return your response by **August 29, 2019** by fax to 250-334-8156 or by email to planningdevelopment@comoxvalleyrd.ca.

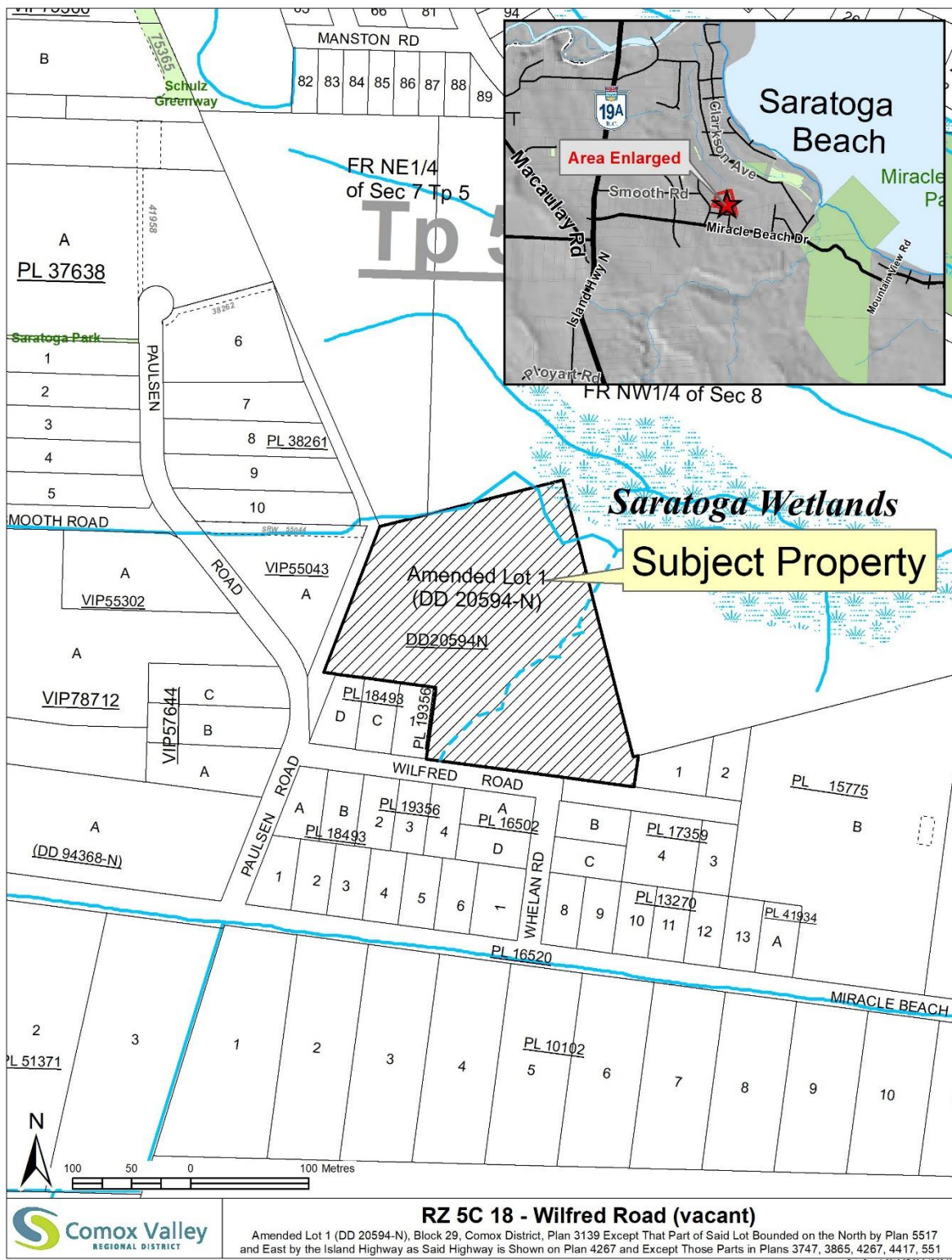


Figure 1: Subject Property Map

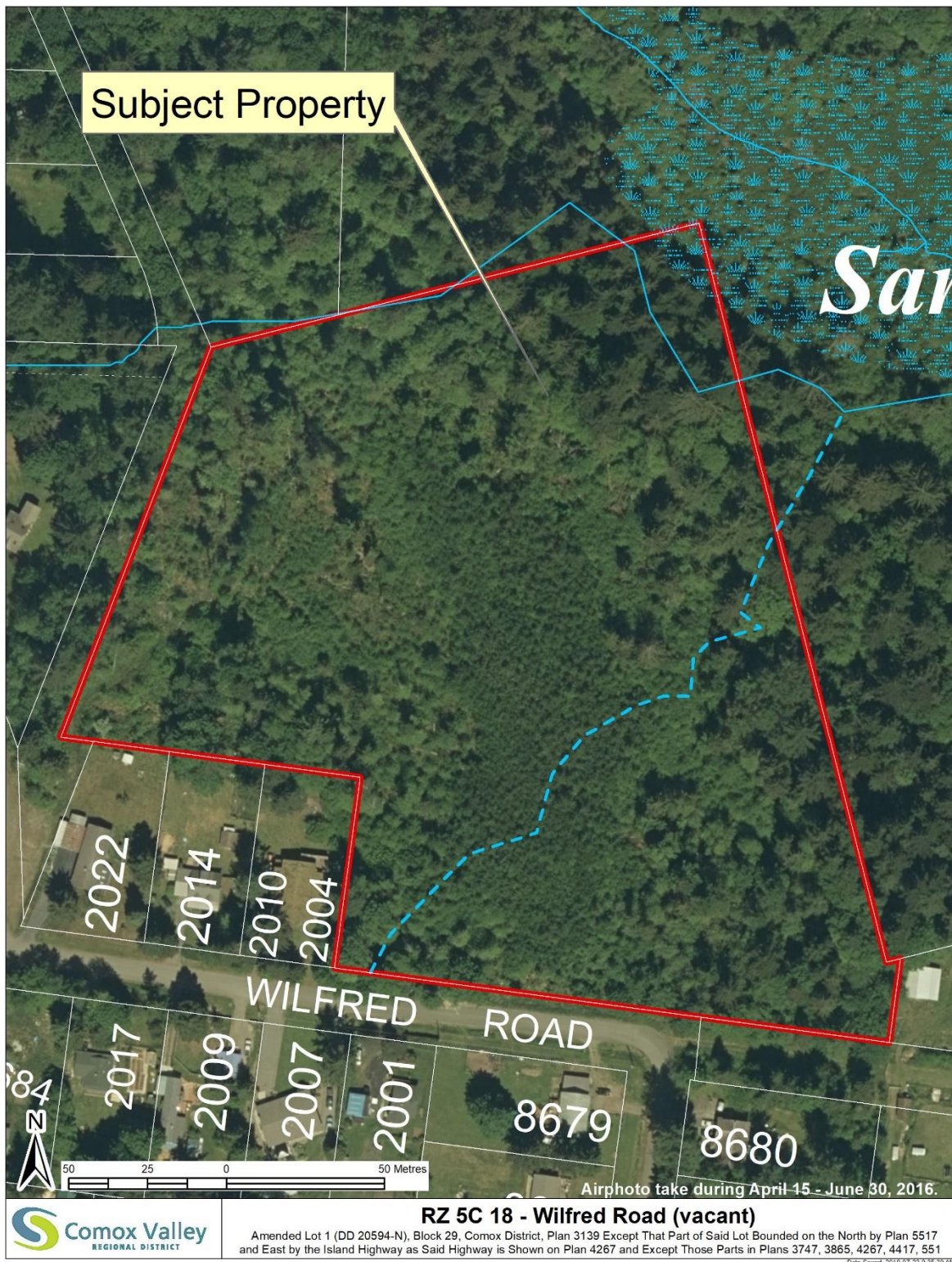


Figure 2: Air Photo

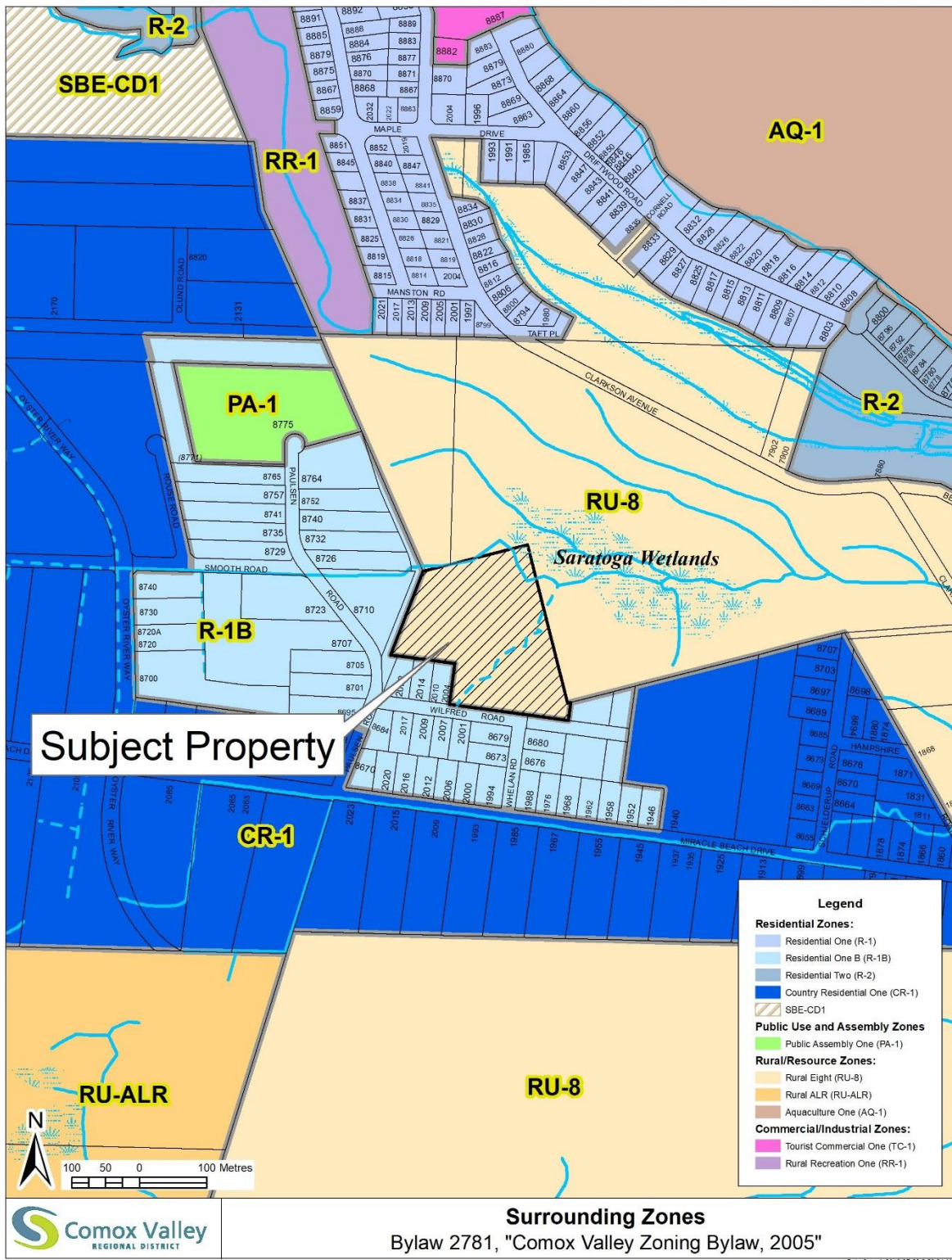


Figure 3: Zoning Map

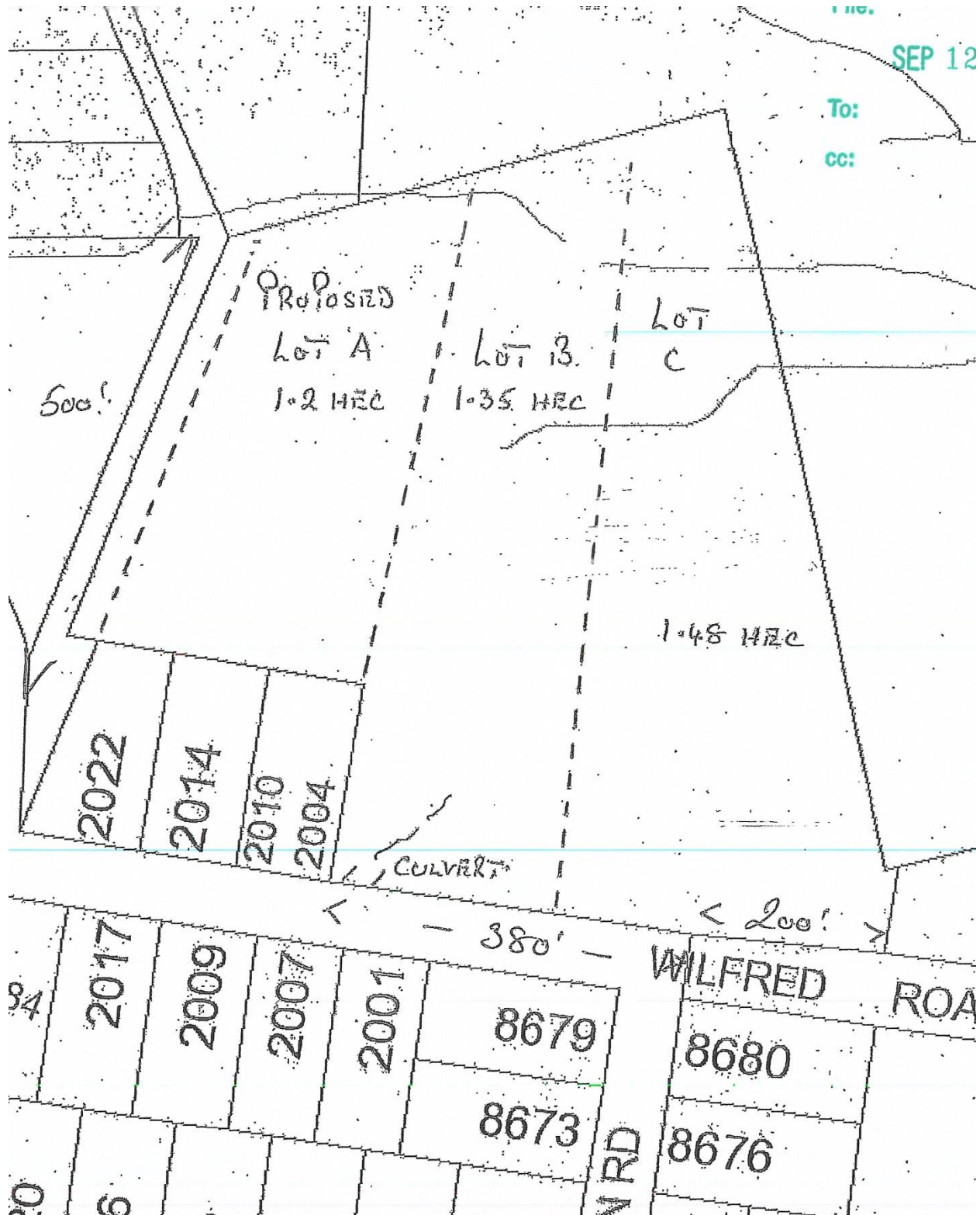


Figure 4: Proposed Subdivision Plan if Rezoning Were Successful

801

Rural Eight (RU-8)

1. **PRINCIPAL USE**i) **On any lot:**

- a) Residential use;
- b) Agricultural use;
- c) Garden nurseries;
- d) Riding academies;
- e) Silviculture;
- f) Aquaculture;
- g) Animal hospital;
- h) Fish hatchery (including community based).

ii) **On any lot 2.0 hectares (4.9 acres) or larger:**

- a) Animal kennels.

iii) **On any lot 8.0 hectares (19.8 acres) or larger:**

- a) Wood processing or permanent sawmills occupying an area of not more than 1000.0 metres² (0.3 acres) including vehicle parking, and log sort and lumber storage areas; and
- b) Crushing and screening of sand and gravel.

iv) **On any lot 20 hectares (49.5 acres) or larger:**

- a) Horse-related event where paid admission to view the event is required including rodeos, equestrian shows, dances, concerts, and a licensed facility pursuant to the *Liquor Control and Licensing Act* during the time of the horse-related event and subject to:
 - 1) the event being sponsored by the registered property owner or registered organization, association, club, or group registered under the *Society Act*;
 - 2) the event being no longer than three days in duration;
 - 3) notifying the Regional District in writing prior to the holding of a licensed event pursuant to the *Liquor Control and Licensing Act* for the first two events in a calendar year under this section;
 - 4) obtaining written approval of the Regional District at least 30 days prior to the holding of a licensed event pursuant to the *Liquor Control and Licensing Act* for each event after the two events have been held in a calendar year under Subsection 3.

2. ACCESSORY USES

On any lot:

- i) Home occupations;
- ii) Bed and breakfast;
- iii) Accessory buildings;
- iv) Domestic business use;
- v) Domestic industrial use;
- vi) Pet crematorium.

3. CONDITIONS OF USE

- i) **All gravel and sand processing operations or animal kennels shall be subject to the following conditions:**
 - a) Maintain a minimum yard setback of 15.0 metres (49.2 feet) along all property lines.
 - b) Uses abutting riparian areas shall be setback a minimum of 30.0 metres (98.4 feet) from the top of bank.
 - c) No parking, loading or storage areas shall be located in any required yard setbacks.
 - d) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation.
 - e) The maximum lot coverage for the above uses shall not exceed 25%.
- ii) **All sawmill uses or portable sawmill uses shall be subject to the following conditions:**
 - a) Minimum yard clearance along all property lines of 30.0 metres (98.4 feet).
 - b) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres (6.6 feet) in height.
 - c) Uses abutting an area zoned under Part 700 Residential Zones shall be screened and buffered from adjacent properties through the use of fencing, berming and evergreen vegetation being not less than 1.5 metres (4.9 feet) in height. All screening shall be well maintained and painted as required.
- iii) **All buildings and structures related to gravel, or sand crushing and screening operations shall be subject to the following conditions:**
 - a) Minimum yard clearance along all property lines of 30.0 metres (98.4 feet).
 - b) Minimum yard clearance of 60.0 metres (196.9 feet) from any lot where gravel, sand or soil extraction occurs within or abutting an area zoned under Part 700 Residential Zones.
 - c) No parking, loading or storage areas shall be located in any required yards.
 - d) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres (6.6 feet) in height.

- e) Uses abutting an area zoned under Part 700 Residential Zones shall be screened and buffered from adjacent properties through the use of fencing, berming and evergreen vegetation being not less than 2.0 metres (6.6 feet) in height. All screening shall be well maintained and painted as required.
- f) Uses abutting riparian or environmentally sensitive areas (ESA’s) shall be setback a minimum of 30.0 metres (98.4 feet).

iv) Residential use is limited to:

- a) **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).
- b) **On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

5. FLOOR AREA REQUIREMENTS

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 300.0 square metres (3229.3 square feet).

6. SITING OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Rural Eight zone shall be as set out in the table below.

Type of Structure	Heights	Required Setback				
		Front yard	Rear yard	Side yard		Side yard abutting road
				Frontage <31m	Frontage >31m	
Principal	10.0m (32.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.7ft)	3.5m (11.5ft)	7.5m (24.6ft)
Accessory	4.5m or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)	7.5m (24.6ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.7ft)	3.5m (11.5ft)	7.5m (24.6ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Part 400, Siting Exceptions, of this bylaw and Bylaw No. 2782 being the “Floodplain Management Bylaw, 2005” may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

7. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 15%.

8. SUBDIVISION REQUIREMENTS

- i) Minimum lot area: 8.0 hectares (19.8 acres)

Existing lots below the minimum lot area within this zone may be used for the permitted uses within this zone, subject to compliance with the other requirements of this zone.

End – RU-8

BYLAW REFERRAL FORM
File: 3360-20 / RZ 5C 18 – Unger – Wilfred Road
Date Sent: July 30, 2019

Please comment on the attached bylaw for potential effect on your agency’s interests. Section 460 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) outlines that a local government must define procedures by which a property owner may apply for a bylaw amendment, and that a local government must consider every application for an amendment to a plan or bylaw. In keeping with Section 460, the Comox Valley Regional District (CVRD) wishes to ensure that all future consultations with applicable adjacent regional districts and municipalities, First Nations, school and improvement district boards, provincial and federal government agencies is considered early and ongoing as required by the LGA. You will note on the response form a number of choices that describe your agency’s interests. All details that support your position are appreciated as are official legislative, governance and policy considerations that may affect the CVRD’s consideration of this bylaw.

We would appreciate your response within thirty (30) days of July 30, 2019. If no response is received within that time, it will be assumed that your agency’s interests are unaffected. If required, please contact the CVRD to assist you in determining the type of information that would be helpful or to better understand how the proposed bylaw may impact land use and development. Should you have any specific questions regarding the proposed bylaw amendment, please contact Brian Chow at 250-334-6017 or by email to bchow@comoxvalleyrd.ca.

Applicants’ names:	Henry and Kati Unger
Agent’s name:	Garth Parkin
Civic address:	Unaddressed Lot, Wilfred Road
Purpose of bylaw:	To rezone the subject property to permit a three lot subdivision
Legal description:	Amended Lot 1 (DD 20594-N), Block 29, Comox District, Plan 3139 Except That Part of Said Lot Bounded on the North by Plan 5517 and East by the Island Highway as Said Highway is Shown on Plan 4267 and Except Those Parts in Plans 3747, 3865, 4267, 4417, 5517, 7148, 9836, 10102, 10943, 13270, 15600, 15674, 15722, 15775, 16502, 16520, 17359, 18493 1N3 19356
OCP bylaw:	Rural Comox Valley Official Community Plan Bylaw No. 337, 2014
Current OCP designation:	Saratoga Settlement Node
Proposed OCP designation:	No Change
Zoning bylaw:	Bylaw No. 2781 being the “Comox Valley Zoning Bylaw, 2005”
Current zone:	Rural Eight (RU-8)

Proposed zone:	A zone that will enable a three lot subdivision of the subject property
-----------------------	---

Other information:

The subject property is located on Wilfred Road and is approximately 4.3 hectares in area (Figures 1 and 2). It is bounded by Wilfred Road to the south and an unopened road right of way to the west. There is a wetland area to the north and east of the property. The property is surrounded by residential properties zoned Residential One B (R-1B) to the south and west, and rural properties zoned Rural Eight (RU-8) to the north and east (Figure 3). The subject property is zoned RU-8 (Appendix A). The applicants wish to rezone the property in order to subdivide into three lots. The applicants have submitted a draft subdivision plan (Figure 4).

Regional Growth Strategy Analysis

The Comox Valley Regional Growth Strategy (RGS), Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”, designates the subject property within the Saratoga Settlement Node (SN). SNs shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure (MG Policy 1B-1). The growth management framework is to direct 90 per cent of growth to Core Settlement Areas, and this SN is part of the Core Settlement Areas. Therefore, the proposed rezoning to enable subdivision is consistent with this growth management framework.

Official Community Plan Analysis

The OCP, Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014,” designates the subject property within the Saratoga SN. Each SN is a primary growth area in the electoral areas. The goals, objectives and vision for SNs are contained in local area plans. A local area plan for this SN has not been completed. Another SN policy is to apply community amenity policy included in part 4 of the OCP for development of the SNs.

Zoning Bylaw Analysis

The RU-8 zone has a minimum lot area of subdivision of eight hectares. The proposal is to subdivide the subject property into three lots, with the smallest lot being 1.2 hectares (Figure 4). In support of the application, the applicants have submitted a *Riparian Areas Regulation* assessment to identify environmentally sensitive areas, and a drainage report to analyze onsite drainage and manage rainwater onsite. In addition, the applicants submitted a test pit study to illustrate that the southern portions of the proposed lots are dry.

The application is to rezone the entire lot to a residential zone that will enable subdivision. Through the rezoning process, the applicants will be required to demonstrate the actual subdivision potential based on on-site servicing capacity.

S. Smith

Scott Smith, MCIP, RPP
General Manager of Planning and Development Services Branch

Attachment: Appendix A – “RU-8 zone”

At its regularly scheduled meeting of February 26, 2019, the CVRD Board endorsed forwarding the proposed bylaw(s) to the following agencies as listed below. As part of this motion, it was decided to circulate this referral to your office for comments in order to enable you to take the proposed development into consideration as part of the future expansion of your operations.

Agency and First Nations Referral List

The following agencies will receive a referral of the proposal .

First Nations

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

Provincial Ministries and Agencies

	Agricultural Land Commission		Ministry of Community, Sport & Cultural Development (responsible for TransLink)
<input checked="" type="checkbox"/>	BC Assessment		Ministry of Energy & Mines
	BC Parks		Ministry of Forests, Lands and Natural Resource Operations
	Ministry of Environment	<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure
	BC Transit		Ministry of Jobs, Tourism & Skills Training (responsible for Labour)
	Ministry of Agriculture		Ministry of Indigenous Relations and Reconciliation

Local Government

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

Other

<input checked="" type="checkbox"/>	Puntledge – Black Creek Area C Advisory Planning Commission		Agricultural Advisory Planning Commission
<input checked="" type="checkbox"/>	School District No. 71 (Comox Valley)	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)

BYLAW REFERRAL FORM RESPONSE SUMMARY

DEVELOPMENT PROPOSAL REFERRAL FORM
FILE: 3360-20/RZ 5C 18 (Unger – Wilfred Road)
(Planner: Brian Chow)

<input type="checkbox"/> Approval recommended for reasons outlined below	<input type="checkbox"/> Interests unaffected or general comments related to this development proposal outlined below
<input type="checkbox"/> Approval recommended subject to conditions outlined below	<input type="checkbox"/> Approval NOT recommended due to reasons outlined below

Signed by: _____ **Title:** _____

Agency: _____ **Date:** _____

Please return your response by **August 29, 2019** by fax to 250-334-8156
 or by email to planningdevelopment@comoxvalleyrd.ca .

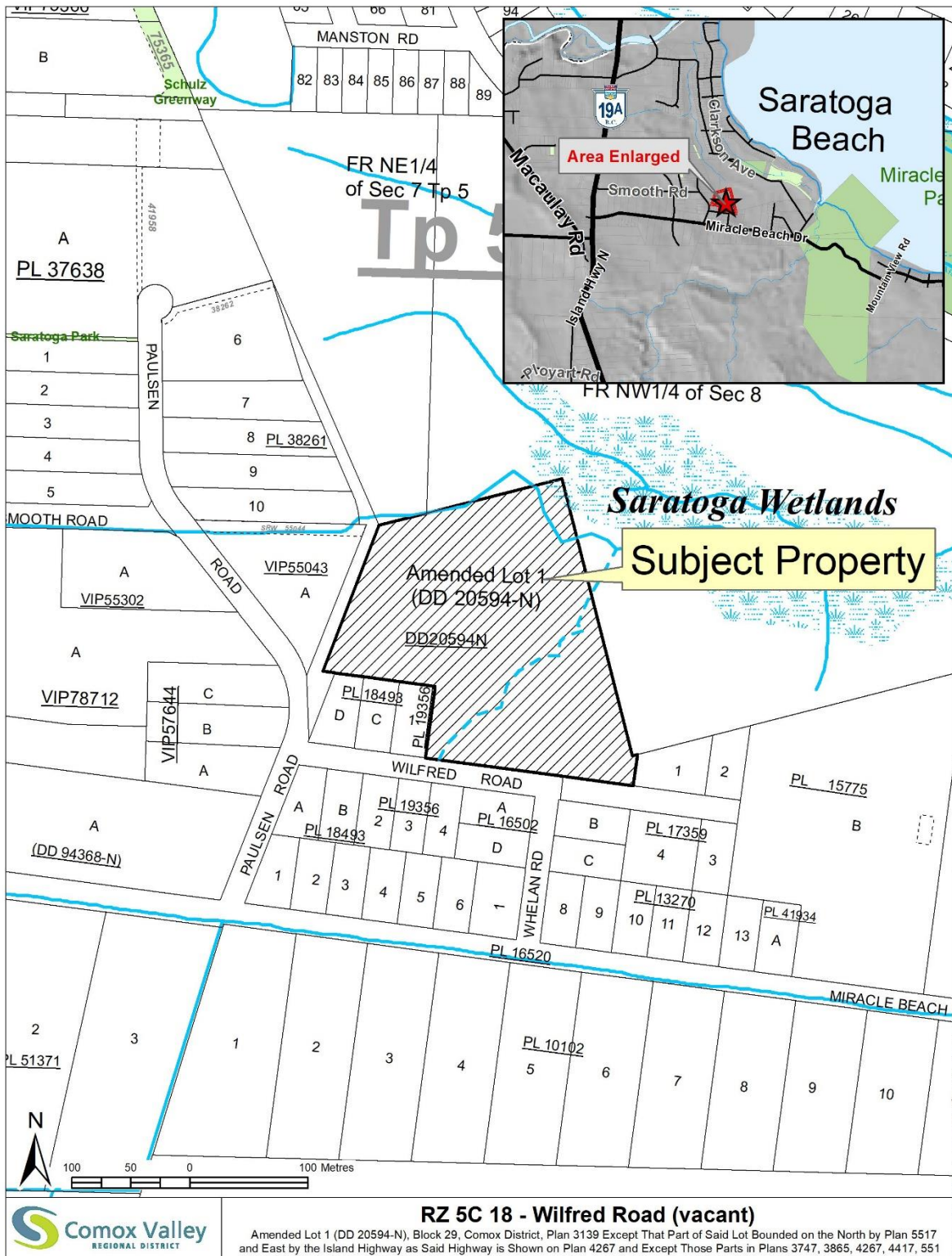


Figure 1: Subject Property Map

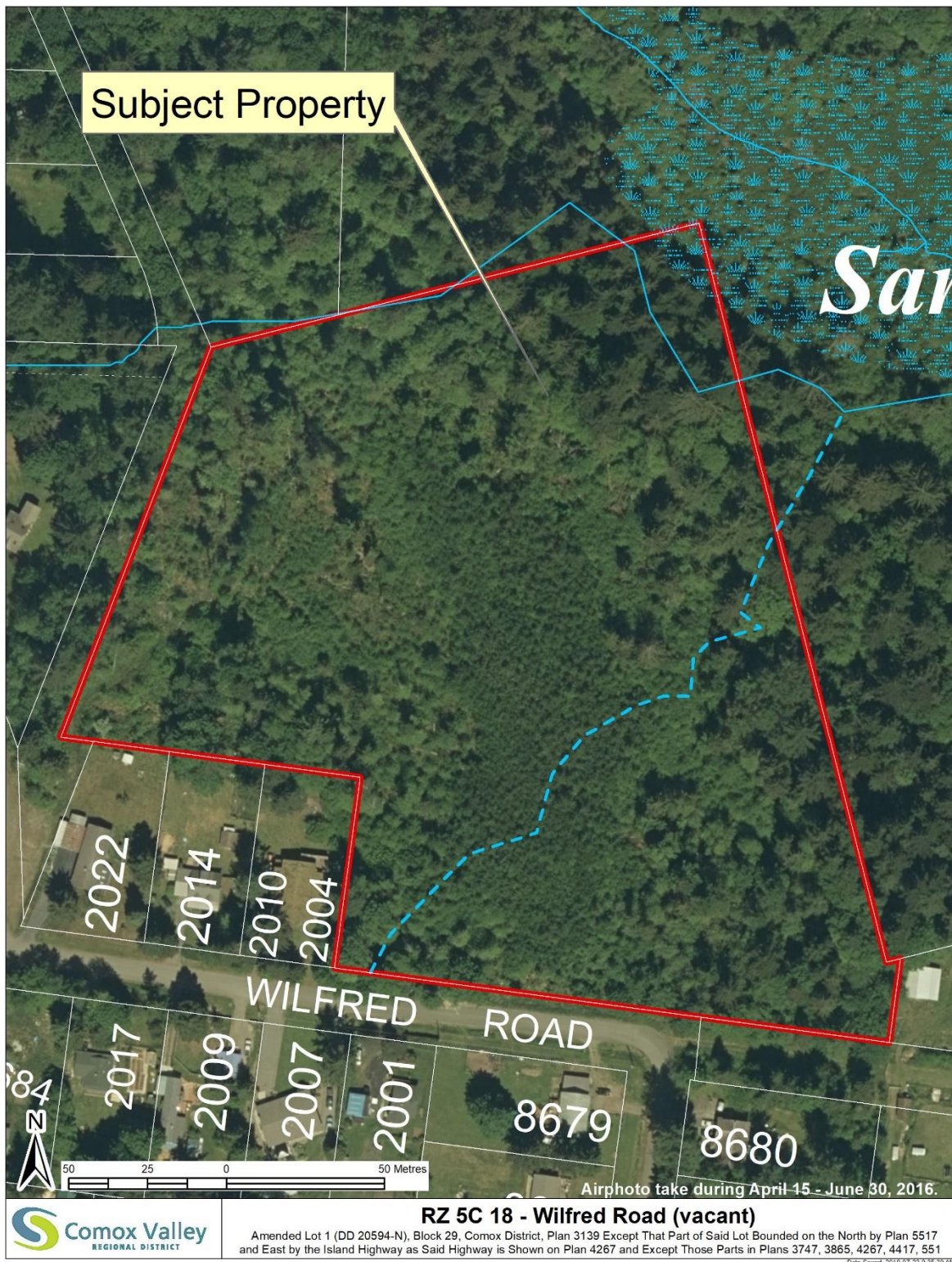


Figure 2: Air Photo

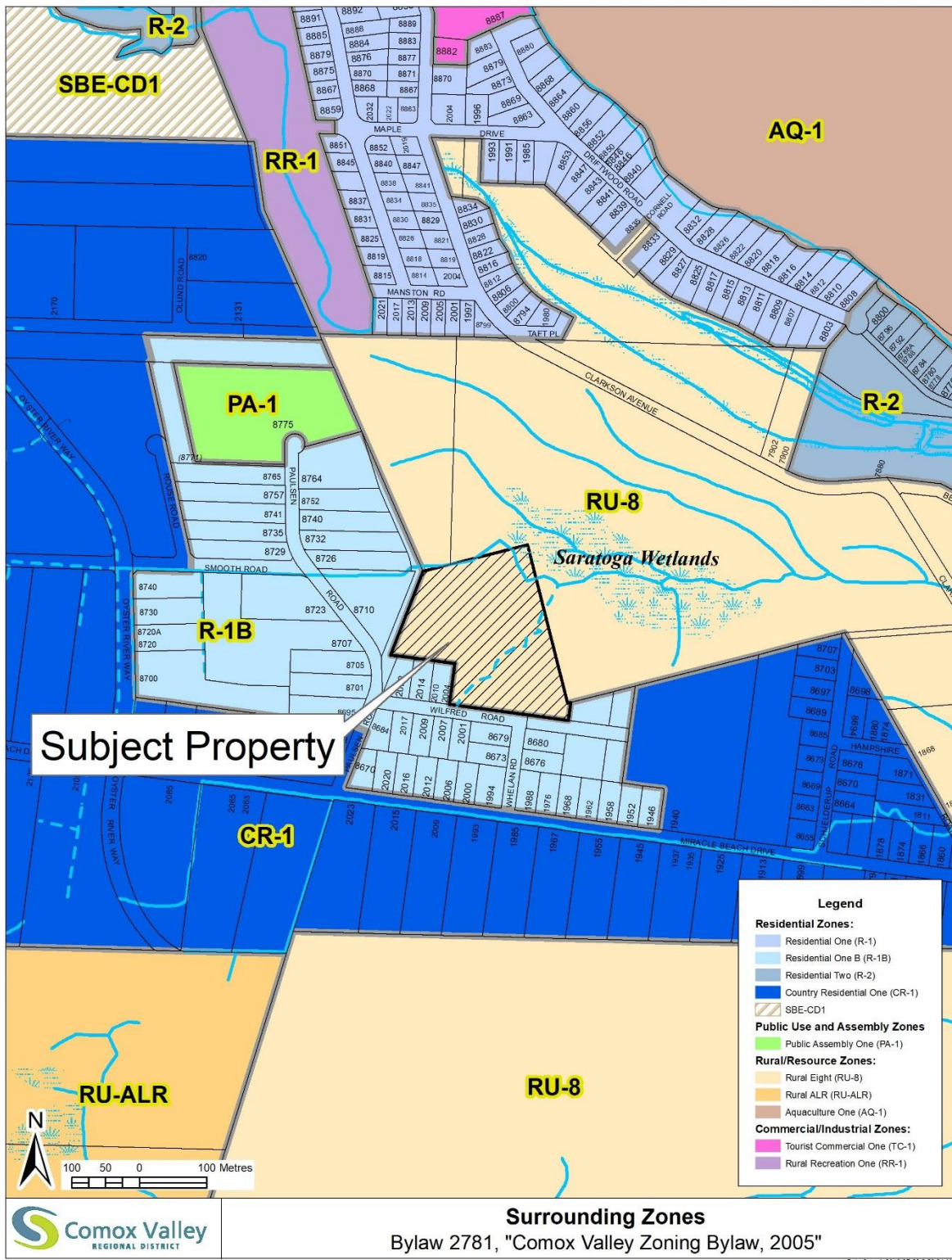


Figure 3: Zoning Map

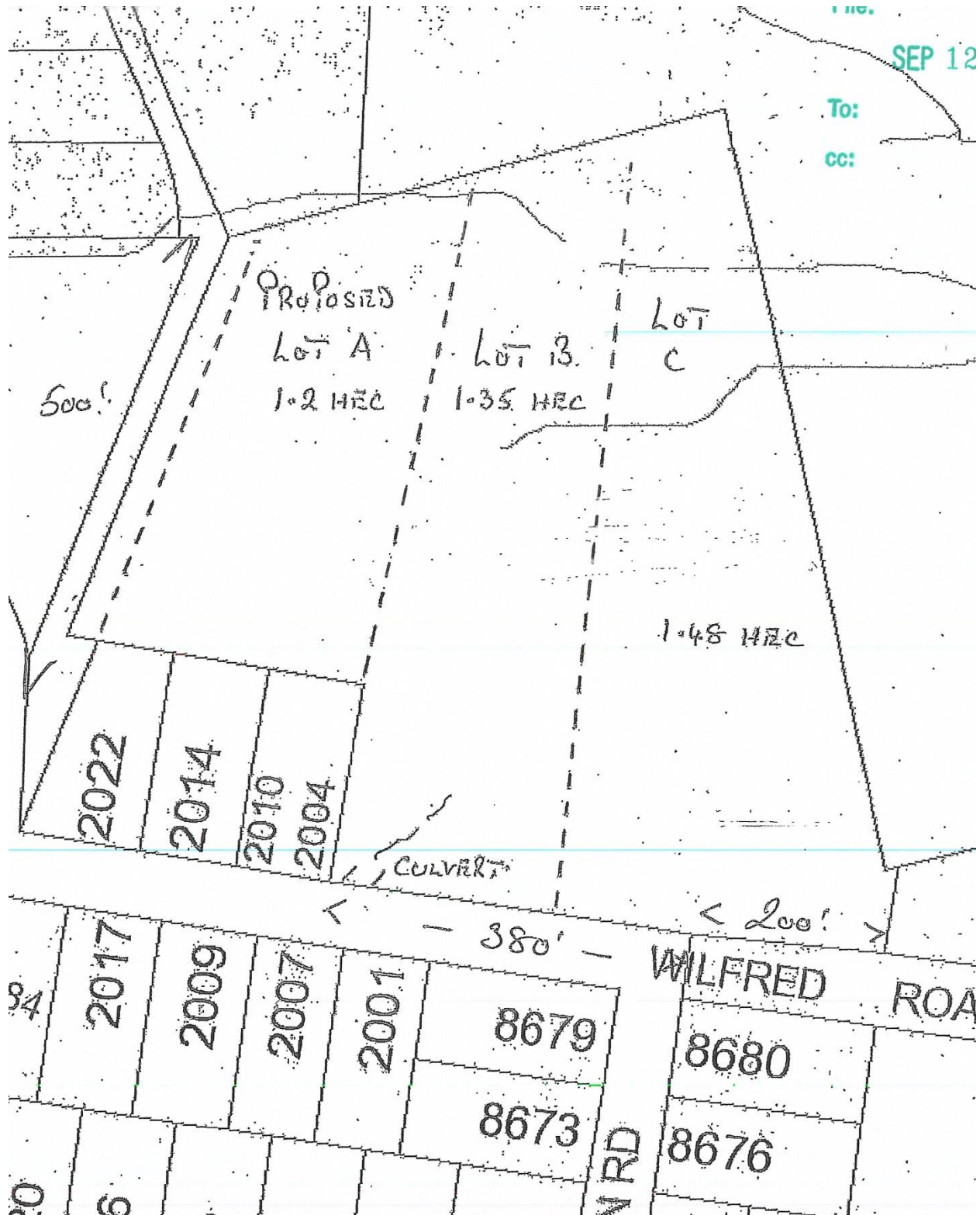


Figure 4: Proposed Subdivision Plan if Rezoning Were Successful



Sent via Email

March 26, 2018

Brian Chow
Rural Planner
Planning and Development Services Branch
Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
bchow@comoxvalleyrd.ca

Dear Mr. Chow:

Re: Review – Saratoga Miracle Beach Local Area Plan, Comox Valley Regional District

Thank you for the opportunity to comment on the Saratoga Miracle Beach Local Area Plan. The past few years have seen significant advances in linking urban planning with a variety of health outcomes; such as, the encouragement of physical activity and healthy eating to reduce obesity, greater safety as part of an injury prevention strategy, cleaner air and healthier living environments, access to health services, age friendly spaces to encourage health equity, restoration of natural environments to promote ecosystem functioning, and improved social interactions amongst other potential health criteria.

How communities are planned and built, and the services and resources provided within them, directly impacts people's physical, mental, and social health. These impacts are reflected in levels of social cohesion, mental, and physical fitness, chronic disease, obesity, and injury.¹ In the next 25 years BC's population will grow 31% while the population over 65 will increase more than 100%. As the population ages, the prevalence rates of chronic conditions such as cardiovascular diseases, type 2 diabetes, and obesity will also increase.²

All of these health effects arise in part from our interaction with the built environment, e.g. the buildings, parks, schools, road systems and other infrastructure that we encounter in our daily lives. Research indicates that we can improve health and reduce illness through different approaches to planning our communities. According to the World Health Organization, 80% of some chronic diseases can be prevented through moderate exercise and improved nutrition; as well as, having well designed homes, sidewalks, transportation systems and playgrounds to help promote activity for all ages.

Overall the Local Area Plan is very good. Island Health (VIHA) appreciates the opportunity to provide evidence-based comments for this OCP. Highlights, considerations and recommendations from the healthy built environment as well as the regulatory perspective are itemized below:

Healthy Built Environment Highlights

Policies 3.1.2 and 3.1.4 (p14): support secondary dwellings/suites on single detached lots (subject to available water/sewer in land use areas designated residential). Secondary suites provide the

community with increased affordable housing options and allows for more income to go towards affording basic needs such as healthy food for nourishment and accessing health services, thereby improving general health and quality of life. In addition, permitting secondary suites can assist families with facilitating 'aging in place' such that either aging family members may be able to reside with their family, or conversely allowing seniors to bring in a tenant to offset costs or even a live-in home care provider.

Policies 3.1.1 (p13) and 3.1.4 (p14): encourage growth that is compact with increased densities and mixed-use. Complete, compact neighbourhoods encourage active transportation, improving physical activity levels. Regular and adequate physical activity improves health outcomes, reduces the risk of chronic conditions, and helps protect against cognitive decline in older adults. Higher density development with multi-unit residences will provide more options for housing type and tenure, thereby increasing affordable choices.

Policy 3.2.5 (p15): encourages new roads within the settlement node to be transit friendly and section 8.4 (p26) speaks to improvement plans, both short and long-term, to enhance transit services in the area. Convenient access to public transit can encourage equity by enhancing mobility amongst a wide range of vulnerable groups including children, older adults, and people with disabilities.

Policies 5.2.1 (p20) and 8.2.8 (p24): support opportunities for development of and improvement in connectivity, such as enhanced cycling networks and pedestrian walkways, during the rezoning process. Making active transportation options safe and convenient promotes physical activity which leads to overall improvements in emotional and physical wellness, lessens obesity rates and decreases the risk of chronic diseases. Safe and convenient active transportation options also help reduce the number of vehicles on the roadway, for improvements in air quality.

Policy 7.1 (p21): supports development of additional pedestrian routes/trails to improve connectivity to school, transit, commercial services, parks and waterfront as well as improvement of pedestrian/cycling infrastructure on Miracle Beach Drive and Clarkson Avenue. Enhancing connectivity can encourage people to walk or cycle for recreational or transportation purposes which has the potential to increase total physical activity levels. As well improved access to parks/trails can encourage and increase exposure and engagement with nature. Health evidence shows a strong link between exposure and engagement with nature and the reduction of stress, chronic disease, depression, and anxiety as well as improved cognitive functions

Policy 8.2.3 (p23): encourages partnership with the Province to achieve adjustments to Clarkson Avenue to balance transportation needs through parking management, construction of an active transportation trail and addition of traffic calming features. Supporting improvements to safety and will encourage people to participate in active transportation options.

Objectives and policies in 4.1 (p16): afford protection to natural areas, such as wetlands, from development and supports utilization of natural drainage. The preservation of natural environment, particularly environmentally sensitive areas protects biodiversity. Current evidence supports a relationship between biodiversity and measures of ecosystem functioning such as improved water quality, soil health, and pollination. A loss in biodiversity and biological productivity can result in direct negative impacts on human health, such as the loss of the physical and mental benefits of being in and

viewing nature. Island Health would not support development in wetland areas. In addition to the degradation of sensitive ecosystems, development in wetlands can result in flooding and lead to deterioration in housing quality, indoor air quality concerns including mould growth, and increases in emotional stress which could impact the health of residents.

Regulatory Considerations

The Local Area Plan on page 12 states a key objective is to ensure short/long term development and proposals are reviewed in light of their impacts on existing aquifer and water capacity. The plan encourages growth that is serviced by public water and sewer. This is further reiterated on page 13 where it stipulates substantial growth will only happen when there is an increased water capacity and full sewage services. Currently, sewage disposal within the settlement node is achieved with on-site disposal systems, of which there is a 19% rate of malfunction, as per the *2015 Saratoga Beach Groundwater Monitoring Program*. The area also deals with domestic water capacity and quality concerns in terms of meeting the demand for firefighting protection, water restrictions during peak summer demands, and meeting the provincial drinking water quality objectives with respect to the Watutco Water System. A seasonal high water table and vulnerable aquifer(s) add to the complexity of the issues when community expansion through density increases is being considered. While higher density, compact growth provides many benefits to overall health outcomes; it should not do so at risk of creating health hazards from sewage system malfunction and contamination to area aquifers. Island Health supports the provisions in the Local Area Plan to encourage growth that is serviced by public water and sewer. Adequately maintained community sewer systems provide centralized wastewater disposal to lessen impact on land, water courses and reduce risk to public health.

Subdivision

- Policy 3.2.1 (p15) states new lots created by subdivision must meet VIHA Subdivision Standards. This aligns with the Comox Valley RD OCP that requires the application of the Subdivision Standards. Island Health fully supports this requirement.

Sewage Disposal

- Policy 3.1.4 (p14) supports secondary suites, carriage houses and secondary dwellings in country residential land use areas. Increase housing stock and affordable housing options through secondary suites, is an initiative supported by Island Health. However, a significant limitation for increasing house density in the form of secondary suites in un-serviced sewer areas is the ability of existing on-site sewage disposal systems to support the increase in daily sewage flow. The addition of secondary suites on lots with on-site sewage disposal systems without ensuring the system can treat the additional usage should not be permitted. Consider provisions that restrain homeowners from expanding without an Authorized Person (As defined by the B.C. Sewerage System Regulation) review of their septic system prior to the addition of secondary dwellings/suites/bedrooms.
- Consider the adoption of a sewerage system monitoring and maintenance bylaw to ensure adequate operation of existing on-site disposal systems and to reduce the health hazard risk.

- In light of the high seasonal water table and potential flooding impacts due to storm water issues on existing sewage disposal systems, hydrogeological studies should be conducted to identify areas of concern and to support drainage improvement strategies prior to further development.
- Where zoning restrictions are in place to limit resort occupancy to seasonal use, adequate monitoring and implementation measures are needed to ensure these restrictions are adhered to. Full-time occupancy of seasonal sites imparts increased demand on existing sewage disposal systems.

Drinking Water

- The Comox Valley RD is considering a request to take ownership of the privately owned Watutco Water System. This system currently does not meet the provincial surface water treatment objectives and is in need of a finished water storage reservoir. Any alteration to a water supply system does require a construction permit from our Public Health Engineer (for more information refer to: <http://www.viha.ca/mho/water>).
- The Ministry of Health's *Guidelines (microbiological) on Maintaining Water Quality in Distribution Systems* and the *Drinking Water Treatment Objectives (Microbiological) for Surface Water Supplies in British Columbia* provides guidance on microbiological objectives that need to be achieved for water distribution systems and for surface water sources, respectively. Application of these guidelines will need to be undertaken by the District as a component of the water system operations.
- Consider offering further protection to existing and future wells through the establishment of appropriate setbacks to source of contamination (including but not limited to on-site sewage disposal systems and community sewer force mains) based on the areas geological features. Due to geological features the 30 metre requirement of the *BC Health Hazard Regulation* may not offer sufficient protection due local areas aquifers.
- On page 8 reference is made to the Vancouver Island Health Authority 4-3-2-1 Drinking Water Treatment for Surface Water Policy. Please refer to the policy as *Surface Water Treatment Objectives (Microbiological)*. Island Health's policy requires all new and existing water supply systems sources to meet the water treatment objectives as per the Ministry of Health's *Drinking Water Treatment Objectives (Microbiological) for Surface Water Supplies in British Columbia*.

Home-based Businesses

- Policy 10.1.4 (p30) promotes home-based businesses. Island Health supports the promotion of home-based businesses. Health Protection and Environmental Services and Community Care Facilities Licensing Departments within Island Health have a regulatory role in food, day care and personal service facilities. For more information visit our website: www.viha.ca/mho

Recommendations under Island Health's Healthy Built Environment Initiative

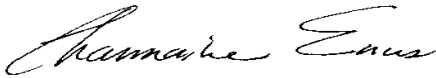
- According to the World Health Organization, local governments are uniquely positioned to improve the health of their citizens. Local governments often have some level of responsibility for the social determinants of health, such as housing, transportation and the form and character of the built environments. They have the ability to bring together different sectors, promoting collaboration and action, and have a greater understanding of local needs. The District could consider more explicitly linking its goals, objectives and policies to improving the social determinants of health and well-being. The built environment has been inextricably linked to human health.
- Part 6 (p20) supports addition of secondary suites as a measure to provide affordable housing. Consider additional initiatives to support affordable housing options, such as provisions for affordable options during larger scale development projects. Access to affordable housing decreases the frequency of moving between residences. Housing stability helps reduce stress and enables people to care for themselves and their families better. Living in adequate housing is strongly associated with an increased sense of safety, decreased crime and improved social connectedness when compared to living in poor quality housing. These factors help people enjoy better health and an improved quality of life.
- Consider including provision for active transportation infrastructure design to meet the needs of all ages and abilities, and encourage multiunit developments to include some provision to support increase access to those with reduced mobility and to support aging in place. Providing access to all abilities ensures that all residents, especially vulnerable groups, benefit from the amenities and housing options to support improved health outcomes for all.
- Consider initiatives that promote an increase in access to healthy foods such as: support of community gardens, farm-to-school program and encouraging the location of food stores within a walkable distance during the development approval process. An increase in access to healthy food is associated with an increase in the purchase and consumption of healthy foods (such as fruits and vegetables). The availability and accessibility of food retail outlets that sell a variety of fresh produce and whole foods at affordable prices is linked to decreased obesity rates. As well, small scale agricultural activities like community gardens help build local food knowledge and preference while adding to the local food supply. Local community gardens have the added benefit of providing a space that encourages neighborly interactions.
- Consider development provisions that ensure as much of the natural environment (or a portion of) is retained during development. Preserving and expanding natural elements across the built environment increases human access to and interaction with green space, for improvements in physical and emotional well-being. Studies have found that trees in urban settings, especially street trees have a positive impact on physical and mental well-being. Trees also help to remove pollutants thus improving the air we breathe.
- Recommend working with Miracle Beach Elementary School to ensure elements of the natural environments are incorporated into school grounds and programs. Programs such as nature kindergartens, ecosystem stewardship opportunities and the promotion of active transportation

to and from school increase exposure and interaction children have with the natural environment. The natural environment offers opportunities to improve cognitive and motor development, and support overall physical and emotional wellness. Children need to be connected as much to their environment as to their digital devices.

- The Local area plan promotes reduction in greenhouse gas emissions, which will provide benefits in air quality improvements. Additional support for air quality improvements can be achieved through measures aimed at reducing PM2.5 from wood smoke. Since the provincial AQ monitoring station was established in the Comox Valley the area has consistently exceeded provincial and national ambient air quality objectives. Recent studies have shown PM2.5 from wood smoke to increase hospital visits due to heart attacks. To lessen the burden of PM2.5 from increased development, consider restrictions on wood burning due to land clearing, backyard burning and space heating. Measures such as restricting burning to daylight hours to lessen impacts of PM2.5 (as smoke dispersion is poor during nighttime) and the use of air curtains for land clearing, and non-burning alternatives for home heating are recommended.

If you have any questions or comments please do not hesitate to contact the undersigned for further clarification or to discuss further.

Yours in health,



Charmaine Enns, MD, MHSc, FRCPC
Medical Health Officer

cc: Nancy Clements, District Environmental Health Officer, Campbell River, Island Health
John Hillis, District Environmental Health Officer, Courtenay, Island Health
Charlene MacKinnon, Senior Environmental Health Officer, Campbell River, Island Health
Angela Wheeler, Regional Built Environment Consultant, Victoria, Island Health

CE/js

¹ Provincial Health Services Authority (PHSA) (2008). *Introduction to Land Use Planning for Health Professionals*. Retrieved June 5, 2017 from: <http://www.phsa.ca/Documents/introductiontolanduseplanningforhealthprofessional.pdf>

² PlanH. (2014). *How do Local Governments Improve Health and Community Well-being? A Resource Guide for Local Governments*. Retrieved June 5, 2017 from: http://planh.ca/sites/default/files/planh_local_government_guide-web_0.pdf

Excellent health and care, for everyone,
everywhere, every time.



August 30, 2019

Scott Smith
Comox Valley Regional District
600 Comox Road
Courtenay, BC
V9N 3P6

Dear Mr. Smith,

RE: Bylaw Referral file 3360-20 / RZ 5C 18 – Unger – Wilfred Road

Regarding the above noted rezoning application, the following comments are provided;

Water

The property is located within the service delivery area of the Black Creek Oyster Bay Water system, which is an approved water system. The potential of a subdivision of this size to negatively affect the capacity of the system to provide water is low. Given that this area has been identified for further development and densification it would be recommended to consider what the maximum number of connections could be on the system moving forward to ensure that development does not exceed that capacity of the water system. We would also advise the CVRD to refer back to our letter dated March 26, 2018 on the Local Area Plan for Saratoga Miracle Beach for further information.

Subdivision

From the information provided it appears that the intent of the rezoning application is to facilitate further subdivision of the property. Under the Island Health Subdivision Standard, the minimum expectations for a site assessment are contained therein. It is recommended that the applicant submit the required information to have the property assessed under the Standards.

Once an onsite assessment is complete, we would be in a better position to speak more clearly on the matter. The Subdivision Standards can be accessed here <https://www.islandhealth.ca/learn-about-health/environment/sewerage-subdivision>.

Thank you for the opportunity to provide comment on this rezoning application and if you any questions, please contact me directly at nancy.clements@viha.ca or by phone at 250-850-2107.

Regards

Nancy Clements B.A.Sc., C.P.H.I.(C)
Drinking Water – Healthy Built Environment Consultant

enclosure

NC/mh