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Comox Valley
REGIONAL DISTRICT

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Date: August 27, 2019

To: **Comox Valley Regional District**

From: ***(Optional)***
Name (Please print): Wayne Leakey

Street Address: 1532 Highridge Dr. Comox

Tel/Email: _ _ _ _ _

Re: **Bylaw No.** 520

My comments/concerns are:

☐ I **do** support this bylaw.

☐ I **do** support this bylaw, subject to the conditions listed below.

☑ I **do not** support this bylaw.

See attached comments.

Comox Valley Regional District
RECEIVED
File: 0410-01/PJ4CU15
AUG 28 2019
To: Leg. Serv.
cc: T. Trieu.
@ 9:38am
SH

August 27, 2019

Comox Valley Regional District
Planning and Development Services Branch
600 Comox Rd
Courtenay BC V9N 3P6

RE: Bylaw No. 520,2019

Comox Valley Zoning By-Law 520, 2019 should consider reinstating the former CR-1 Zoning, as a viable re-zoning option in the land development process. This rural zone provided 1, 2, and 5 acre desirable country living acreages.

By-Law No.200, Comox Valley Zoning By-Law, 2005, amendment No. 54 along with By-Law 208, Rural Comox Valley O.C.P Bylaw 1998 amendment No. 44 were established hastily. When the above two bylaws were adopted, the O.C.P and Zoning bylaws were to be consistent with minimum lot area requirements for subdivisions in settlement expansion areas and new development, pursuant to the Comox Valley Regional Growth Strategy By-Law 120, 2010.

The remaining CR-1 Zoned properties are carrying on well, and a revitalized re-zoning as mentioned above would serve future rural country living well.

Thank you,

Wayne Leakey

Roy Leakey

Couverdon

August 28th, 2019

Alana Mullaly
Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6

Re: Public Hearing for Rural Comox Valley Zoning Bylaw, No. 520, 2019

Thank you for the opportunity to provide input into proposed Zoning Bylaw No. 520, 2019. We have reviewed the proposed amendments and would like to express our concern with the changes specifically targeted to remove 'Residential Use' from the Upland Resource (UR) and Water Supply and Resource Area (WS-RA) Zones.

Under the current zoning bylaw, 'Residential Use' is permitted outright on any Upland Resource (UR) or Water Supply and Resource Area (WS-RA) zoned property. The proposed zoning amendments will remove 'Residential Use' as an outright Permitted Use and allow it only as an "Accessory Use", subject to evidence/witness of other Permitted Uses being actively performed on the lands.

We believe that adoption of these bylaw amendments will have unforeseen indirect impacts that have not been fully evaluated, the consequences of which will impact the viability of the resource based operations that these changes are intending to preserve. Moreover, the changes create an ambiguous approval system for property owners seeking to construct a residence on their lands.

Approval Framework Unclear

Upon making 'Residential' an Accessory Use, a property owner will need to demonstrate to the CVRD that a principle permitted use is actively being operated on the lands prior to receiving permission to construct a home. However, the proposed bylaw does not provide clear, measurable or objective criteria that distinguishes how the CVRD will determine if or when a Principal Use is being performed on the land, and in turn when an accessory Residential Use is permitted.

For example, is growing trees evidence of Silviculture? If so, how many trees must be growing? How long must they be growing for? Is excavating material on a lot evidence of gravel extraction? Moreover, how long must these activities be operating to qualify for a building permit to construct a residence? If the activity ceases after a home is constructed, is the property now non-conforming? If so, what are the impacts to property owners with houses that are interested in resale of their lands?

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Without clear measurable criteria, issuance of a building permit to construct a home as an accessory use is completely subjective and at the discretion of Staff interpretation. This subjectivity creates significant confusion for land owners seeking approvals and can lead to disputes between property owners and the Regional District.

Financial Impacts

Amending the Bylaw to make 'Residential Use' Accessory is an indirect form of 'Down-Zoning' and significantly impacts the underlying value of all UR and WS-RA zoned lands in the Regional District. Properties that were previously valued based on their right to construct a home as a Permitted Use will now be assessed lower. Furthermore, securing a residential mortgage against a UR or WS-RA zoned property will become increasingly difficult as financial institutions will be hesitant to lend on a property where 'Residential Use' is only listed as an Accessory Use.

This zoning change directly impacts the financial investments made by owners that have purchased UR or WS-RA zoned lands based on Permitted Uses of the current zoning, and will act as a disincentive for future investment in Resource Lands.

To summarise, we believe the following questions need to be addressed to ensure private landowners do not see their property values decrease and ensure a transparent building permit approval process:

- How many individual parcels of land and owners are in the UR or WS-RA Zone?
- What evidence or measurable criteria must be proven to allow construction of a residence?
- How will CVRD Staff ensure a transparent and clear approval process where interpretations of definitions are subjective?
- How many UR and WS-RA Zoned parcels already have residences constructed?
    - Will these properties become non-conforming if a Permitted Use is no longer occurring on the lands?
    - What impact will this zoning change have on property values?
- How will this change in zoning impact an individual who has purchased with the intent of building based on allowances of current zoning?
- Why is building a home on UR or WS-RA zoned property different than on agricultural land? In both cases, the ability to constructed a home should be treated the same.

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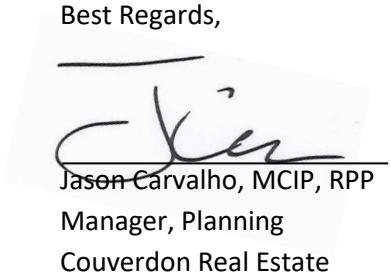
In light of the impacts described above and unanswered questions impacting property owners of UR and WS-RA zoned lands, we request that the Zoning Bylaw Amendments not be passed and that 'Residential Use' remain an outright permitted use within both the UR and WS-RA zones.

Please feel free to contact the undersigned should you have any questions.

Best Regards,



Jason Carvalho, MCIP, RPP
Manager, Planning
Couverdon Real Estate

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PRIVATE FOREST LANDOWNERS ASSOCIATION

Ton Trieu, MCIP, RPP
Manager of Planning Services Planning and Development Services Branch
Comox Valley Regional District
600 Comox Road, Courtenay, BC
V9N 3P6

August 28, 2019

Re: CVRD Proposed Bylaw 520

Ton,

As discussed during our phone meeting last week, the Private Forest Landowners Association (PFLA) is concerned with several areas of proposed Bylaw 520, 2019 in relationship to the Managed Forest program (BC Assessment Class 7 lands), the issue of paramountcy and the lack of clarity on the interpretation of "silviculture" activities. The PFLA represents over 280 Managed Forest Landowners in BC with several owners located in lands outlined in the bylaw areas.

During a time of pronounced uncertainty in the coastal forest sector, our organization is a strong proponent of having forested landowners bring lands into the Managed Forest Class 7 program for long term forestry management. We appreciate that the Comox Valley Regional District Board of Directors is also interested in maintaining the integrity of resource lands. as outlined in the Comprehensive Rural Zoning Bylaw Review document dated June 29, 2018. We understand the regional growth strategies are implemented partially by an Official Community Plan (OCP) and partially by the proposed updated zoning bylaws. We are aware the OCP policies 'require immediate implementation to include the need to support resource development in the resources designation zones by permitting residential use as an accessory use only (limited to one sing[l]e detached dwelling)" (Policy 63.2). Unfortunately, our organization cannot support the proposed Bylaw 520 as written.

As forest managers, the definition of silviculture is considered a subset of forestry management that relates to controlling and managing forest growth, health and composition of forests. This generally does not include the harvesting of timber other than for abiotic and biotic impacts: salvage and other forest health effects (spacing, windthrow and diseased tree removal). We are not clear on why proposed Bylaw 520 states silviculture "means all activities related to the development and care of forests, including forestry field training and the removal of harvestable timber stocks, but does

not include the processing of wood or wood products." Managed forest owners conduct all forestry management activities including silviculture, harvesting timber stocks and processing of wood products. As forest professionals we are concerned about how "silviculture" activities may be out of step with activities inside the managed forest program and be determined for those outside the program (ie. what quality of "development and care of forests, how much timber must be harvested and/or how much field training must occur to constitute adequate "silviculture" levels? And who determines this quantification?).

We would hope that paramountcy should prevail between changes to the UR Zone and Section 21of the *Private Managed Forest Land Act*, and Section 1(2) of the *Private Managed Forest Land Regulation.* However currently there is concern around the potential conflict regarding dwellings on Section 21(1)(a) of the PMFL Act in relationship to a bylaw that may restrict a permitted "forest management activity". Section 1(2) of the PMFL Reg defines a "forest management activity" as including "one dwelling per registered parcel unless additional dwellings are permitted under applicable local bylaws". The proposed amendments to the UR Zone, may restricts "forest management activity" of constructing "one dwelling per registered parcel" by designating a "single detached dwelling" as an "accessory use" of any lot, rather than a "principal use". We worry that this will erode the managed forest program by causing absentee ownership for those potentially entering or currently in the program and wishing to reside on the property for hands on management of forestry lands.

The PFLA believes proposed bylaw 520 cannot be passed as is as it may create ambiguity in relationship to paramountcy of the PMFLA which includes forestry activities and principal dwellings. As forest managers, are also concerned about interpretation of "silviculture" activities on the outlined lands and the lack of defined process on how these "silviculture" activities will be determined and considered.

We look forward to discussing further at the public hearing on August 28th.

Sincerely,

Megan Hanacek, RPF, RPBio
CEO
Private Forest Landowners Association

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