

Corporation of the Village of Cumberland

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August 21, 2019

Ton Trieu
Manager of Planning
600 Comox Road
Courtenay, BC V9N 3P6

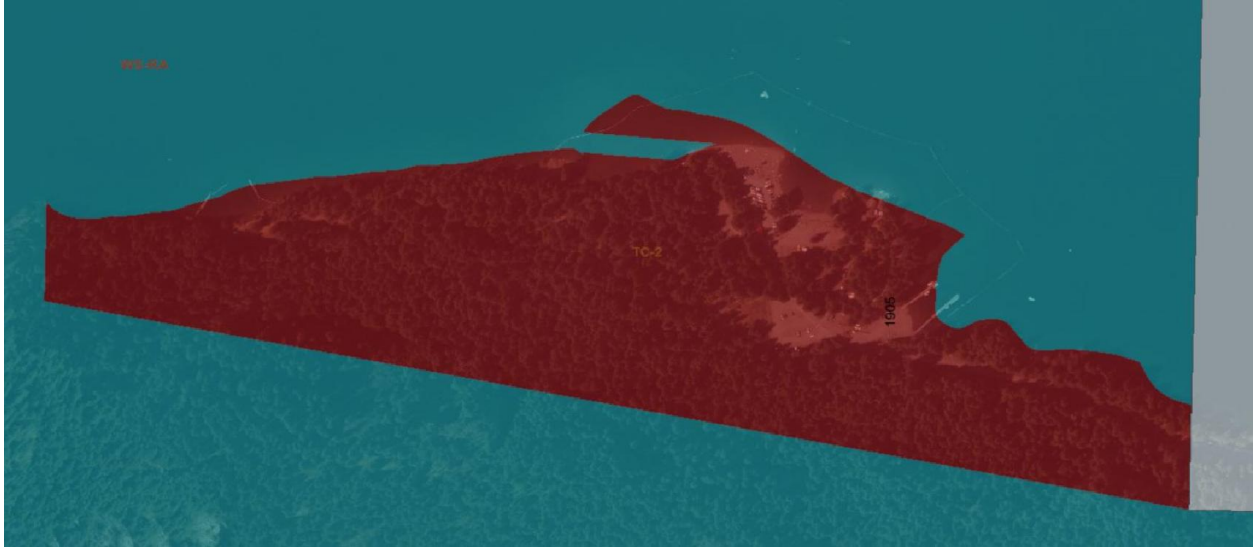
**Re: TC-2 zone boundaries at Cumberland's Lake Park, Public Hearing of Bylaw no. 520, 2019
scheduled for August 28, 2019**

Dear Mr. Trieu,

For both the CVRD's and our records, the Village wishes to provide a correction to the CVRD's response to the Village's referral comment on Zoning Bylaw No. 520, 2019. The CVRD's response stated that:

"Based on the discussion with our Geographic Information Services (GIS) department, the TC-2 zoning polygon follows the legal property line for the Comox Lake Park, which is the land only and does not include any lake surface. To expand the TC-2 zone outside the legal property boundary, the Village of Cumberland needs to receive approval from the Province (Licence of Occupation) to place infrastructure on aquatic Crown land. A zoning amendment application would then be required to rezone the portion of the surface of the lake to TC-2 to include current and future infrastructure..."

For clarity, and as confirmed with CVRD GIS staff and discussed by phone with the Village Senior Planner, the current TC-2 zone does not correspond to the natural boundaries of the land. It also excludes a portion of the picnic area above the high water mark at the campground. In addition, the TC-2 zone includes portions of the water, such as the western portion of the bay and one of the docks. The TC-2 zone excludes the majority of the swimming area. See the map below, captured from the CVRD's on-line iMap program.



CVRD iMap showing TC-2 zone relative to Lake Park (2018 air photo)

As per the July 8, 2019 Village Council resolution, the Village repeats that the TC-2 zone boundaries be updated to be consistent with what exists on the ground and on the surface of the water which was the intent of the 1937 legal description when the Village acquired the area for the purposes of “a park and pleasure ground” from Canadian Western Lumber Company. That is, the updated zone should encompass the infrastructure works of Lake Park including the dock and marine use areas and the log booms that delineate the two swimming areas (the water area off the public beach as well as the water area at the group campsite).

The Village acknowledges that a licence of occupation from the Province for the recreational infrastructure on the water will be sought by staff.

We look forward to working with the CVRD on amendments to the zoning bylaw to reflect the actual use as the water levels have changed significantly since 1937.

Sincerely,

Ken Rogers
Manager of Development Services

Karin Albert
Senior Planner

cc. Council Reader

From: >

Date: Monday, Aug 19, 2019, 12:10 PM

To: Russell Dyson <rdyson@comoxvalleyrd.ca>

Subject: comprehensive zoning bylaw review 520

Greetings Mr. Dyson,

Please add our correspondence to the public comments.

As a water licensee, we strongly oppose the prohibition of water and beverage bottling facilities in the RD. Our proposal is supported by eight key objectives in the official community plan which has been ratified.

17(1) To encourage stewardship of the land while encouraging sustainable economic development based on the regions natural resources.

17(3) To promote and strengthen the long-term viability of renewable resource based uses in the Comox Valley.

17(13) To ensure a continued supply of land that is maintained for industrial use and to encourage the retention of existing industrial uses.

18(6) Through partnerships, explore options and mechanisms that improve access to potable water, or where feasible, reclaimed water, at a reasonable price available to the agriculture and aquaculture industries.

39(3) Permit new industrial uses through temporary use permits where it can be demonstrated that the proposed industrial use will not result in additional pressure on local servicing and infrastructure.

42(7) To direct new commercial and industrial and institutional uses requiring public servicing into the settlement nodes.

(47)1 Consider zoning amendments and temporary use permits for industrial uses such as heavy and light industrial, agriculture and aquaculture, and rural resource activities throughout the rural settlement areas.

73(20) Through partnerships, support initiatives for water collection, storage and distribution and re-use to meet the domestic needs for potable water.

We are zoned RU8 and for home industrial occupation. Under the existing bylaws, water and beverage bottling is not a prohibited use as a home industrial occupation.

Water and beverage bottling is a light industrial activity according to the current land use planning.

We are in the settlement node where other heavier industrial activities are undertaken by my neighbours.

There are three other water bottling companies operating inside the CVRD boundaries.

The CVRD as a corporation, before our right to be heard, acted willfully to hinder us in secret which is an offence under the Water Sustainability Act.

Our license was upheld by the Environmental Appeal Tribunal on its merit.

The CVRD has made a decision denying us our rights that was not based on the application presented to them.

These matters are before the Legislature and our original application is still instream.

Any changes in new zoning bylaw that affect our rights will be subject to challenge.

The previous actions of CVRD Directors and Appointed Officials that willfully called on the general public to oppose us be subject to discipline.

We respectfully request that the CVRD Administration and Board of Directors reconsider their position and adhere to the Official Community Plan.

Sincerely,
Christopher MacKenzie and Regula Heynck