

Notice of meeting of the
Puntledge-Black Creek (Area 'C')
Advisory Planning Commission

Wednesday, January 25, 2017

To be held in the Comox Valley Regional District boardroom

Located at 550B Comox Road, Courtenay, BC

Commencing at 7:00 p.m.

PAGE

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| 2 | 1. Receipt of the minutes of the Wednesday, November 23, 2017, Puntledge-Black Creek (Electoral Area 'C') advisory planning commission meeting |
| 4 | 2. Memorandum dated January 10, 2017, regarding 3120-20/ TUP 2C 15 – Temporary use permit amendment application - 3780 & 3786 Colake Road – Lot 1, Section 33, Township 10, Comox District, Plan VIP78343; and Lot 1, Section 32 and 33, Township 10, Comox District, Plan EPP56506 (Courtenay and District Fish and Game Protective Association) |
| 19 | 3. Memorandum dated January 12, 2017, regarding 3060-20/DP 1C 17– Farm land protection development permit application - 3668 Piercy Road – Parcel A, DD 390209I of Lot A, Section 14, Township 9, Comox District, Plan 14524 (Claveau) |
| 28 | 4. Memorandum dated January 12, 2017, regarding 3090-20/DV 3C 16 – Development variance permit application - Lot 1 Timberlane Road – Lot 1, District Lot 155, Comox District, Plan 49991 (O'Neill) |
| | 5. Next meeting date: Tentatively scheduled for Wednesday, February 22, 2017 |

Distribution:

Area 'C' APC members
Area director
Alternate area director
Chief administrative officer
General manager of property services branch
Manager of planning services
Manager of legislative services
Corporate legislative officer
Planners
CVRD website
File copy

Reception notice board (cover page)

Minutes of the meeting of the Electoral Area 'C' (Puntledge-Black Creek) advisory planning commission of the Comox Valley Regional District held on Wednesday, November 23, 2016 in the Comox Valley Regional District boardroom, located at 550B Comox Road, Courtenay, BC, commencing at 7:00 p.m.

PRESENT:	Acting Chair Members	John Milne Brad Chappell George Trousdell James Derry Grant Gordon Dave Pacholuk Dan Thran
ABSENT:	Members	Pearl McKenzie Jim Langridge Alt. Director Curtis Scoville
ALSO PRESENT:	Electoral Area Director Manager of Planning Services Proponents – DV 2C 16 Proponents – RZ 1C 16	Edwin Grieve Alana Mullaly David Waines, Audrey Waines and Garth Waines Theresa Noot, Tim Noot, Kayla Noot and Sandy Grant

Agenda Items

Minutes of Advisory Planning Commission Meeting

THRAN/ PACHOLUK: THAT the minutes of the Electoral Area 'C' (Puntledge-Black Creek) advisory planning commission meeting held on Wednesday, September 21, 2016 be received.

CARRIED

3090-20/DV 2C 16 – Development variance permit – 7413 Island Highway North (Waines)

CHAPPELL/THRAN: THAT the development variance permit application DV 2C 16 – 7413 Island Highway North (Waines) to consider a height variance (from 6 metres to 7.2 metres), a side yard setback variance (from 3.5 metres to 2.5 metres) and roof overhang variance (from 1.75 metres to 1.3 metres) for a workshop be tabled for further investigation and discussion.

CARRIED

3360-20/ 3360-20/RZ 1C 16 – Zoning bylaw amendment – 2215 Driffield Drive (Noot)

THRAN/PACHOLUK: THAT the Area 'C' advisory planning commission support the zoning bylaw amendment – RZ 1C16 for Lot A, Sections 23 & 24, Township 6, Comox District, Plan VIP59833 - 2215 Driffield Drive (Noot) as presented in the memo dated November 9, 2016.

Next Meeting Date

The next Electoral Area 'C' (Puntledge-Black Creek) advisory planning commission meeting for 2017 is to be determined.

Termination

CHAPPELL/THRAN: THAT the meeting terminate.

CARRIED

Time 8:30 p.m.

Acting Recording Secretary:
Brad Chappell

Acting Chair:
John Milne

Memo

File: 3120-20 / TUP 2C 15

DATE: January 10, 2017

TO: Advisory planning commission
Electoral Area 'C' (Puntledge – Black Creek)

FROM: Planning and development services branch

RE: Temporary use permit *amendment – 3780 & 3786 Colake Road (Courtenay and District Fish and Game Protective Association)
Lot 1, Section 33, Township 10, Comox District, Plan VIP78343; and Lot 1, Section 32 and 33, Township 10, Comox District, Plan EPP56506 (PID 026-200-881 and 029-762-103)

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

An application has been received to consider an amendment to an existing temporary use permit.

Background

On February 3, 2016, the applicant was issued a temporary use permit (TUP) to allow the following accessory uses on the subject properties:

- campground (limited to 54 camping sites, to include both recreational vehicle sites and tent sites and including one campground caretaker's space);
- special events directly related to a principal use;
- recreational facilities directly related to a principal use; and
- boat launch (one), docks, and swimming floats.

Among the conditions of the permit is a requirement that all wastewater associated with recreational vehicle campers, such as sewage and greywater, must be hauled out and properly disposed. Further, within one year of permit issuance (i.e. February 3, 2017), the applicant is required to undergo a riparian assessment in accordance with the provincial *Riparian Area Regulation* (RAR) and obtain any applicable development permit for works arising from the recommendations of the riparian area assessment. At the time of writing this advisory planning commission memo, a development permit application has not been made.

Further, the permit establishes conditions that must be satisfied prior to board consideration of an application to renew the TUP (i.e. prior to expiry of the permit on February 3, 2019). Specifically, a risk assessment of the campground use on the water quality of Comox Lake and implementation of the restoration works/recommended measures of the RAR assessment.

Application to amend:

On October 20, 2016, the applicant submitted a request to amend the TUP for the purpose of allowing 20 additional camping sites in two areas (gravel surface parking areas) approximately 400m and 425m from Comox Lake and immediately adjacent to the boundary between electoral area ‘C’ and the Village of Cumberland (Figure 1). The applicant has advised that the club allows, approximately 10 times per year, volunteers to camp on the property while undertaking project work. Provision for these camping spaces was not considered by the applicant when the 54 spaces were defined in the original permit. Note that the 54 spaces are located within the campground adjacent to Comox Lake. The permit does not specify where camping can or cannot occur nor is a distinction made between people (i.e. volunteer workers versus camping guests). The applicant wishes to reserve 54 spaces for guest use adjacent to Comox Lake and enable use of additional camping spaces for campers undertaking project work in these two other locations within the property.

(Note that if the Comox Valley Regional District (CVRD) board seeks to approve an amendment to allow the additional 20 campsites, staff will recommend against making a distinction between “camping guests” and “volunteer workers” as it is the impact of the land use that is material to the application versus the specific individuals.)

At their meeting on November 29, 2016, the CVRD board approved a recommendation to undertake agency and First Nations referral of the proposal.

Staff intends to report back to the CVRD electoral areas services committee with the findings of the referral in February 2017. That report will include a recommendation based on the following options:

1. deny the permit amendment request and enforce the conditions of TUP 2C 15;
2. amend the permit (as requested by the applicant or as modified by staff); or
3. issue a new permit.

Please be advised that if the board intends to issue a temporary use permit, notice of that intent will be sent to all owners and tenants within 500m of the subject properties and notice will be printed in the newspaper. Written comments received by staff will be presented to the electoral areas services committee and citizens will have an opportunity to provide verbal comments at the electoral areas services committee meeting.

Please refer to staff’s November 1, 2016 report, (Appendix A), for more information. Note that following the preparation of the November 1, 2016 report, the applicant clarified the location of the proposed new camping area (Figure 1).

Sincerely,

A. Mullaly

Alana Mullaly, MCIP, RPP
Manager of Planning Services
Planning and Development Services Branch

\ajm

Enclosure

Appendix A: “November 1, 2016 staff report to electoral areas services committee”

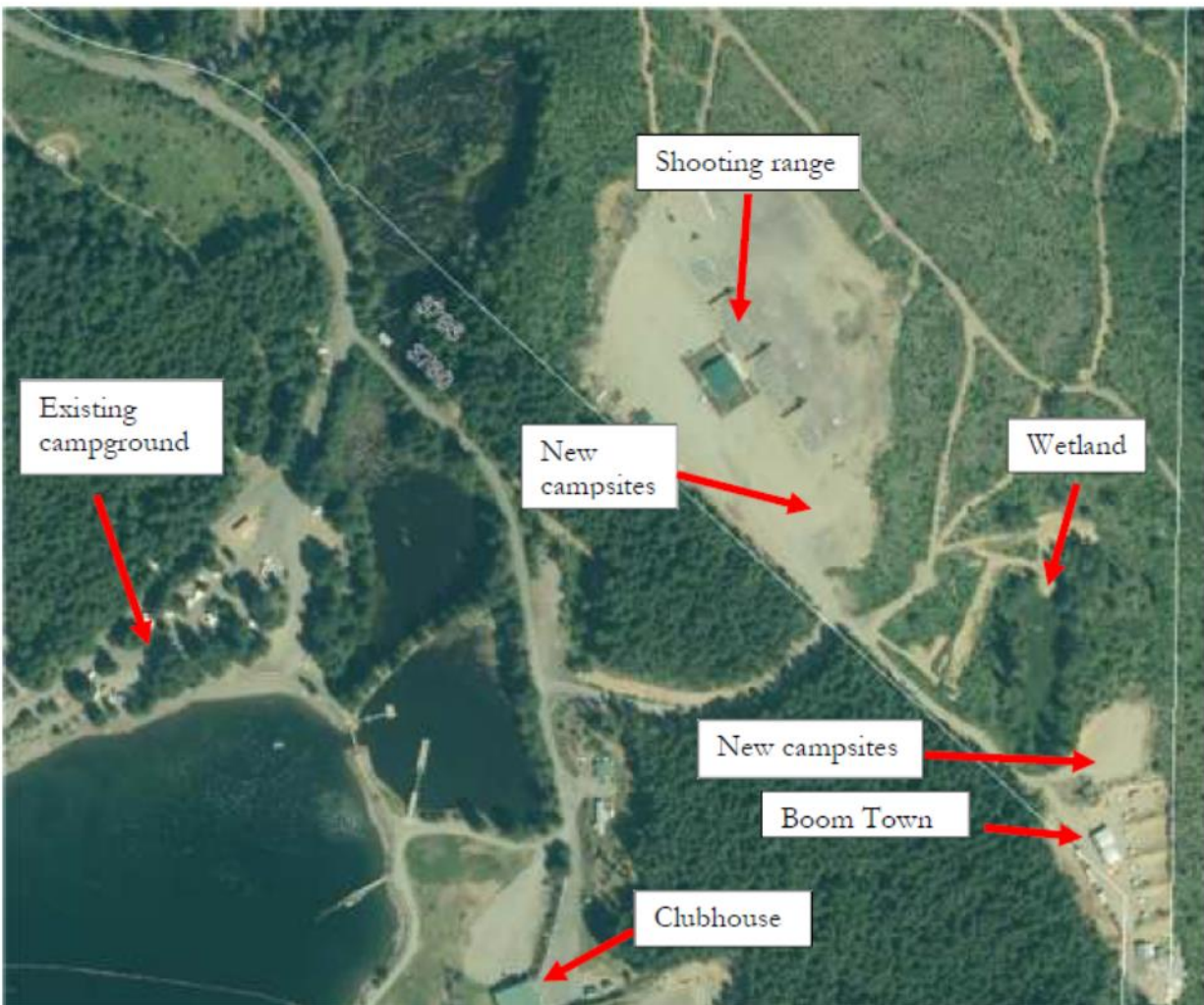


Figure 1: Air photo context with proposed new campsites

Comox Valley Regional District

DATE: November 1, 2016

FILE: 3120-20 / TUP 2C 15

TO: Chair and members
Electoral areas services committee

FROM: Debra Oakman, CPA, CMA
Chief Administrative Officer

RE: Request to amend TUP 2C 15 – 3780 and 3786 Colake Road
Puntledge-Black Creek (Electoral Area “C”)
(Courtenay and District Fish and Game Protective Association)
Lot 1, Section 33, Township 10, Comox District, Plan VIP78343
(PID: 026-200-881); and Lot 1, Section 32 and 33, Township 10, Comox District,
Plan EPP56506 (PID 029-762-103)

Purpose

The purpose of this report is to recommend next steps to address a request to amend a temporary use permit (TUP) issued by the board to the Courtenay and District Fish and Game Protective Association (applicant) in 2015 regulating camping, among other things, on the subject property (Figure 1).

Policy analysis

Section 493 of the *Local Government Act* (RSBC 2015 c. 1) (LGA) enables a local government to issue a temporary use permit and to assign terms and conditions to the temporary use(s). Section 503 requires that notice of an amendment to a TUP be filed with the Land Title Office.

In May 2016, the board adopted a policy to provide a framework for administrating and monitoring applications for TUPs (see Appendix A).

The provincial *Riparian Areas Regulation* (RAR) implements the *Fish Protection Act*. Pursuant to section 4 of the regulation, a local government must not approve or allow development to proceed in a riparian assessment area unless the development is specifically authorized to proceed following completion of a riparian area assessment, prepared by a qualified environmental professional (i.e. submission of a RAR report). The regulation requires a local government, when exercising its powers to enable development, to protect riparian areas.

Executive summary

In February 2016, a TUP was issued to the applicant in order to permit the following accessory land uses:

- campground;
- special events directly related to a principal use;
- recreational facilities directly related to a principal use; and
- boat launch, docks and swimming floats.

The permit includes several conditions, including a limit on the number of camping spaces (54 recreational vehicle and tent campsites). The applicant now proposes to amend that condition in

order to allow 74 camping spaces. The applicant proposes to site the additional 20 campsites within two separate areas of the property (Figure 2). The applicant advises that the additional 20 spaces are proposed to enable recreational vehicle camping for “work parties” (i.e. individuals undertaking maintenance works on the property). The applicant’s proposal is appended to this report as Appendix B. Provision is made within the Board’s TUP policy to consider amendments to TUPs provided that no additional real property is proposed to be added to the land to which the permit applies. The applicant’s request pertains to the same property regulated by the existing permit. Bylaw No. 328, being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014” states that amendments to permits will be reviewed in accordance with the procedure pertaining to new applications. Staff recommends, therefore, that the proposed amendment be referred to the external agencies listed in appendix C and that First Nations consultation occur in accordance with the referrals management program.

Recommendation from the chief administrative officer:

THAT the proposal to amend the Courtenay and District Fish and Game Protective Association’s temporary use permit (TUP 2C 15), issued on February 3, 2016, be referred to the external agencies and First Nations identified in Appendix C of this staff report dated November 1, 2016;

AND FINALLY THAT consultation with First Nations occur in accordance with the First Nations referrals management program.

Respectfully:

D. Oakman

Debra Oakman, CPA, CMA
Chief Administrative Officer

Background/current situation

On February 3, 2016, the applicant was issued a TUP to allow the following accessory uses on the property:

- campground (limited to 54 camping sites, to include both recreational vehicle sites and tent sites and including one campground caretaker’s space);
- special events directly related to a principal use;
- recreational facilities directly related to a principal use; and
- boat launch (one), docks, and swimming floats.

Among the conditions of the permit is a requirement that all wastewater associated with recreational vehicle campers, such as sewage and greywater, must be hauled out and properly disposed. Further, within one year of permit issuance (i.e. February 3, 2017), the applicant is required to undergo a riparian assessment in accordance with the provincial RAR and obtain any applicable development permit for works arising from the recommendations of the riparian area assessment. Further, the permit establishes conditions that must be satisfied prior to board consideration of an application to renew the TUP (i.e. prior to expiry of the permit on February 3, 2019). Specifically, a risk assessment of the campground use on the water quality of Comox Lake and implementation of the restoration works/recommended measures of the RAR assessment.

On October 20, 2016, the applicant submitted a request to amend the TUP for the purpose of allowing 20 additional camping sites in two areas (gravel surface parking areas) approximately 400m and 425m from Comox Lake and immediately adjacent to the boundary between electoral area ‘C’ and the Village of Cumberland (Figure 2). The applicant has advised that the club allows,

approximately 10 times per year, volunteers to camp on the property while undertaking project work. Provision for these camping spaces was not considered by the applicant when the 54 spaces were defined in the original permit. Note that the 54 spaces are located within the campground adjacent to Comox Lake. The permit does not specify where camping can or cannot occur. The applicant wishes to reserve 54 spaces for guest use adjacent to Comox Lake and enable use of additional camping spaces for campers undertaking project work in these two other locations within the property.

Official community plan

The subject property is designated resource area. Section 62(3) of Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014,” states that TUPs may be considered in a resource area when the use will not negatively impact drinking water quality or quantity. Similarly, development must be undertaken in a manner that does not negatively impact water quality or natural systems. As such, development is expected to use best practices to protect riparian habitat, minimize fragmentation of ecosystems, prevent erosion and establish on-site drainage mechanisms that will not negatively impact water quality. This is implemented, in part, through the aquatic and riparian habitat development permit area wherein any site alteration within 30m of a watercourse triggers the need for a development permit. In accordance with the LGA, lands within the development permit area shall not be altered without the benefit of a development permit. Issuance of a TUP does not relieve the applicants from the requirement of obtaining a development permit for works within 30m of a watercourse.

The proposed additional camping sites are located in an area that has been cleared and surfaced with gravel. The areas are used for parking related to adjacent recreational facilities (i.e. shooting area and “Boom Town”). A portion of one of the gravel surface areas appears to be included within the 30m buffer area of a wetland Figure 3. Establishing camping spaces within that buffer area will require an aquatic and riparian area habitat development permit. Should the board agree, at a future date, to approve an amendment to the TUP, staff will recommend including a requirement for a development permit in the list of conditions pertaining to the additional 20 campsites.

Options

The board has the following options:

1. deny the request to amend the TUP and require the applicant to apply for a new TUP;
2. consider amending the TUP without external agency or First Nations referral; or
3. initiate a process to consider an amendment to the TUP beginning with referral to external agencies and First Nations.

Staff recommend option 3.

Financial factors

Bylaw No. 328, does not contain an application fee for TUP amendment: an application fee should not therefore be levied. If the proposal advances to the point that the board intends to issue an amended permit, public notification will be required. The applicant should be required to cover the cost of the mailing and newspaper advertisements. Also, the applicant should be required to cover the cost of filing the notice of permit amendment with the Land Title Office. Staff will report back at the time to obtain board approval for this approach. As part of future updates to the planning procedures and fees bylaw, staff will present options for the board to consider introducing an application fee for TUP amendment.

Legal factors

This report and the recommendations contained herein are in compliance with the LGA and regional district bylaws. The LGA authorizes a local government to regulate the use of land and buildings and issue TUPs to allow a use not otherwise permitted in a zone.

A TUP requires ongoing monitoring to ensure compliance with the conditions of the permit. In this instance, submission of a RAR report and application for development permit for the works arising from the recommendations of the RAR report is due prior to February 3, 2017. Also due on that one year anniversary date is written confirmation from the applicant that use of the property is in compliance with the TUP. Prior to considering amendment, the board may wish to obtain delivery of these two items. If the board refers the proposed amendment to external agencies and First Nations, staff's follow-up report with agency comments will include discussion of options such as awaiting submission of the RAR report and development permit application.

There is a requirement for a local government to file a notice of TUP amendment with the land title office. Once the notice is filed, the terms of the permit or any amendment to it, are binding on all persons who acquire an interest in the land affected by the permit.

Regional growth strategy implications

The properties are designated resource area in the regional growth strategy (RGS) being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010". Resource area lands are predominantly natural resource areas. In accordance with the growth management policies of the RGS, these lands are to be protected from encroachment and used for resource-focused and related value-added uses to support local economic development. Recreational use is permitted within resource areas. A key objective of the designation is to ensure that no use or activity compromises or creates interface issues with resource use. Further, the RGS contains regional policies to ensure protection of natural systems, including critical watersheds such as the Comox Lake watershed as a drinking water source. The TUP that was issued to the applicants in 2016 is consistent with the intent of the resource designation as follows:

- the additional land-based accessory uses (campground, limited special events, limited recreational facilities) can be spatially buffered from adjacent resource uses thereby reducing risk of interface issues with resource users;
- as a temporary, interim tool to enable additional accessory land uses, nothing within the TUP comprises future resource use of the properties;
- the required RAR assessment and related aquatic and riparian habitat development permit will establish measures to protect the natural features, functions and conditions that support fish life processes (due by February 3, 2017); and
- risk assessment of the campground use on the drinking water quality of Comox Lake is required prior to permit renewal.

In principle, an amendment can be considered so long as related conditions incorporate a precautionary approach to development that maintains the intent of the RGS.

Intergovernmental factors

Island Health contacted Comox Valley Regional District bylaw compliance staff regarding the camping spaces that have been used in the two gravel parking areas. This contact prompted bylaw compliance and planning staff to meet with the applicant and review options, including compliance with the existing TUP. Staff recommend that the agencies listed in appendix C have an opportunity to review the proposed amendment.

Interdepartmental involvement

Planning staff is leading this review. As noted above, bylaw compliance staff were contacted regarding the additional campsites. If the board opts to initiate consideration of an amendment to the TUP, the applicant's proposal will be referred to engineering staff for review relative to the Comox Lake watershed protection plan.

Citizen/public relations

The LGA contains requirements for public notification when a local government intends to issue a TUP. The LGA does not explicitly address whether TUP amendment requires public notification. This is despite a clear contemplation that amendments to TUP can be issued by a local government (i.e. section 503). Despite not having an explicit statutory requirement, staff recommends that if the board intends to amend the TUP following receipt of external agency and First Nations' comments, public notification be undertaken in accordance with the notification procedure pertaining to new permits (i.e. direct mailing to owners and tenants within 500m of the subject property and newspaper notice).

Staff recommends referral to the Area 'C' advisory planning commission.

Prepared by:

A. Mullaly

Alana Mullaly, M.Pl, MCIP, RPP
Manager of Planning Services

Concurrence:

A. MacDonald

Ann MacDonald, MCIP, RPP
General Manager of Planning and
Development Services Branch

Attachments: Appendix A – “Board policy regarding temporary use permits”
Appendix B – “Applicant's amendment proposal”
Appendix C – “External agency referral list”

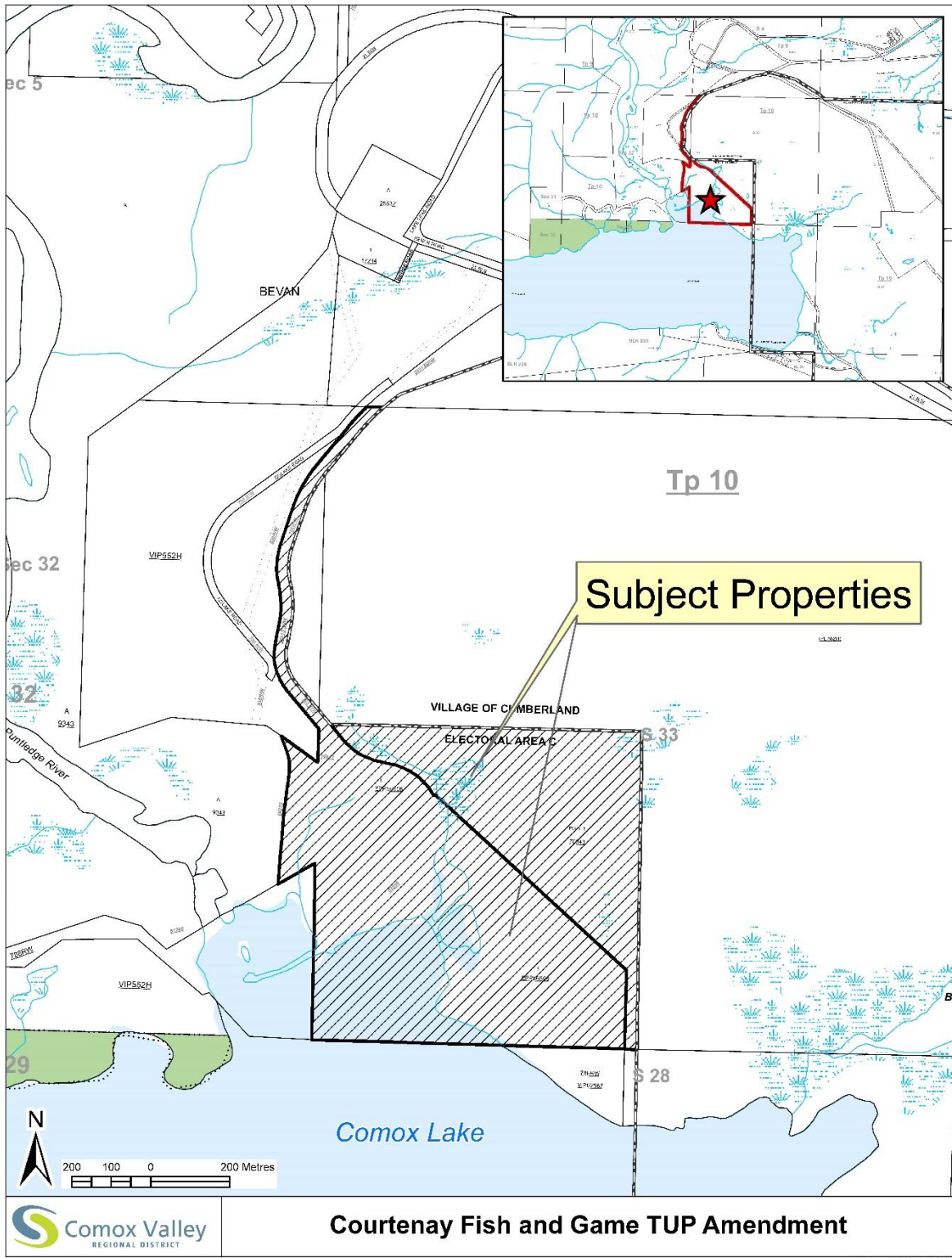


Figure 1: Subject property map



Figure 2: Air photo context

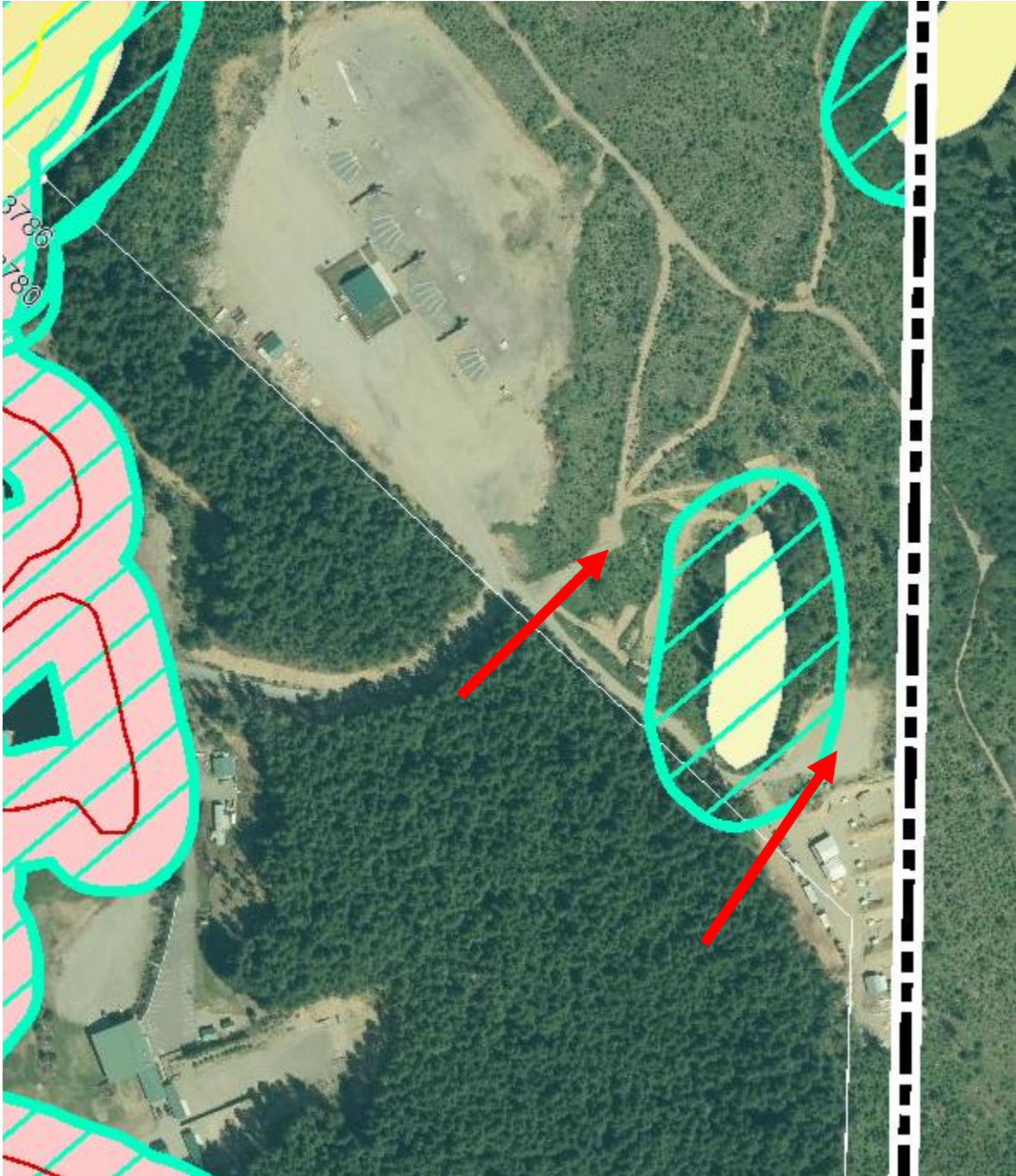


Figure 3: Proposed additional campsite areas adjacent to wetland

Subject: Temporary use permit	
Branch: Planning and Development Services Branch	
Department: Planning Services	Policy Reference: 3120-00

Purpose

To provide a framework for administering and monitoring applications for temporary use permits.

Scope

The *Local Government Act* (RSBC, 2015, c. 1) (LGA) enables a regional district to issue temporary use permits to; (a) allow a use not permitted by a zoning bylaw; (b) specify conditions under which the temporary use may be carried on; and (c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

The official community plan designates areas where temporary use permits may be issued.

Guiding principle

Where enabled by the official community plan, temporary uses will be considered in light of public input, anticipated impacts, and the temporary nature of the proposal.

Policy statement

1. The applicant of a temporary use permit must provide a written statement explaining the temporary nature of the proposal, a rationale for the requested duration, any expected phases that will involve a change in the intensity or scale of the use, anticipated alterations to land, buildings or structures, and the condition of land expected following the expiration of the proposed permit.
2. During consideration of an application for a temporary use permit, the board will consider factors that may form part of periodic monitoring reports and/or a post-activity report. A condition for reporting must specify the required content of the report, the required reporting dates, financial securities relating to conditions within the permit and reporting requirements, and the means for determining the release or forfeit of financial securities.
3. If approved by the board, the property owner or an authorized agent of the property owner will sign an acknowledgement of the permit conditions prior to the permit's registration on title.
4. A request to modify the terms of a temporary use permit will only be considered if the request involves no new land being subject to the permit. A request to extend the duration of the permit will be considered a renewal of the temporary use permit.

5. An application to renew a temporary use permit will involve public notification via mailed notices to owners and tenants, as specified in the Comox Valley Regional District planning procedures and fees bylaw.

Approval history

Policy adopted:	May 31, 2016
Policy amended:	



Courtenay and District Fish & Game Protective Association
Box 3177
Courtenay, BC V9N 5N4
250-338-9122
the-office@courtenayfishandgame.org
www.courtenayfishandgame.org

Comox Valley Regional District

RECEIVED

File: 3120-20/TUP2015

OCT 20 2016

To: A Mullaly

CC:

17 October 2016

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

Dear Ms. Mullaly,

Please consider our submission for Board approval for an amendment to Temporary Use Permit (TUP) - 3780 & 3786 Colake Road – Courtenay for the Courtenay and District Fish & Game Protective Association.


When the TUP was agreed upon, the Association assumed that the number of 54 sites pertained within the area of the campground site located on the property near the watershed. We were in agreement with this request.

However, in September 2016 a complaint was made to the CVRD and the Association was found to be not in compliance with the TUP when a few volunteers set up camping units in a gravel parking lot located in Boomtown. This area is hundreds of yards from the watershed. They were there, some from out of town, as a work party to install a holding tank. The units are self contained (mandated by the Association) and we offer no amenities or charge a fee. It is easier for the volunteers to set up near the worksite for easy access to their tools. Porta potties are made available when required and the Association receives regular servicing from pumping business.

The Association requests that use of the gravel parking lot located at the Shotgun Facility and the gravel parking lot located at Boomtown be permitted for participants who attend Association events and/or work parties each year. There would be a maximum of ten (10) events per year.

The Association is working diligently to ensure all required work is completed in order to move forward from TUP to final zoning. We appreciate the support and assistance we receive from the CVRD staff and hope our request will be met with favour.

Yours in conservation,


Gail Eggiman
A/President

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
<input checked="" type="checkbox"/>	Kwiakah First Nation		

Provincial Ministries and Agencies

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

Local Government

<input checked="" type="checkbox"/>	Comox (Town of)		Alberni-Clayoquot Regional District
<input checked="" type="checkbox"/>	Courtenay (City of)		Strathcona Regional District
<input checked="" type="checkbox"/>	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 Community Advisory Panel
	School District #71 (Comox Valley)	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)

Memo

File: 3060-20/DP 1C 17

DATE: January 12, 2017

TO: Advisory planning commission
Electoral Area 'C' (Puntledge – Black Creek)

FROM: Planning and development services branch

RE: Farm land protection development permit – 3668 Piercy Road (Claveau)
Parcel A, DD 390209I of Lot A, Section 14, Township 9, Comox District,
Plan 14524

The attached development proposal is for the advisory planning commission (APC) members' review and comment. An application has been received to consider a farm land protection development permit (DP) to enable the construction of a single detached house adjacent to a farm. Pursuant to section 491(6) of the *Local Government Act* (RSBC, 2015, c. 1) farm land protection DPs are restricted to conditions relating to screening, landscaping, fencing and siting of buildings or other structures.

The subject property is a 0.35-hectare triangle-shaped parcel, located in a rural subdivision (Figures 1, 2 and 3) along Piercy Road, near Greaves Crescent. The property was created when it was subdivided off the triangle-shaped parent parcel north of Piercy Road. There was a house located on the subject property until it was demolished in 2010. Now, the property owners are constructing a new house to be located in approximately the same location as the old house.

Due to the property's dimensions and the required front yard setback, siting a house outside the DP area is not possible. The applicants propose that the 18 metre wide statutory right-of-way (natural gas pipeline easement) that exists along the southern boundary of the agricultural property, provides an adequate buffer. They are proposing to locate the house (Figure 4) 8.3 metres from the agricultural property (Figure 5).

Neighbouring agricultural properties

The subject property abuts a 67 hectare agriculturally-designated property to the north. The agricultural property was logged by a forestry company in the 1970s, re-planted and used as a tree farm and timber harvesting. Currently, the property owner rents the agricultural property to a farmer who currently uses the area immediately north of the subject property for hay production. As noted above, an 18 metre wide statutory right-of-way (natural gas pipeline easement) separates the agricultural activities from the subject property (the right-of-way is kept free of plantings).

Development permit guidelines

The intention of the farm land protection DP (Appendix A) is to provide a buffer between farm use and non-farm development to mitigate potential for land use conflicts (e.g. farm trespass, vandalism

to crops and equipment, disturbance to farm animals, capture some dust and spray drift, reduction of invasive species and litter, nuisance complaints, etc.). As a best practice, these DP guidelines recommend locating principal structures and accessory buildings at least 30 metres away from a common boundary with agricultural areas, with 15 metres being a vegetated buffer, including fencing, consistent with the Ministry of Agriculture’s guide to edge planning and the Agricultural Land Commission’s landscaped buffer specifications. When locating the building 30 metres back from the agricultural parcel is not possible, this development permit is triggered to review the agricultural interface in accordance with the above noted guide and specifications. These guides consider the agricultural side to be a working landscape and recommend the landscaped buffer to be placed on the non-agricultural side during subdivision and development. The specifications provide a variety of options regarding the type and height of fencing and vegetation to accommodate proposed development while achieving particular objectives.

The minimum recommended specifications, which provides protection from trespass and vandalism, is a three metre wide vegetated buffer consisting of a double row of trespass inhibiting shrubs (such as Oregon grape) with a wire fabric (or barb wire) fence at least one metre in height. Solid fencings (wood or chain link with privacy slats) and evergreen hedges or trees are also acceptable and would provide visual screening. Should movement of dust or pesticide spray be a factor, the specifications recommend increasing the vegetated buffer width to at least six metres with a row of trees (2.5 metres in height if coniferous or six centimetre caliper if deciduous), as well as the screening hedges and a triple row of trespass inhibiting shrubs. Should airborne particles, odours, light, or higher density development be a factor, the specifications recommend a minimum of 15 metre buffer with a double row of trees, as well as a double row of screening hedges, a triple row of trespass inhibiting shrubs, and additional ground cover shrubs, as necessary. Other features that may be integrated into the buffer area include berms, ditches, and water features.

Sincerely,

A. Mullaly

Alana Mullaly, MCIP, RPP
Manager of Planning Services
Planning and Development Services Branch

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Attachments: Appendix A – “DP guidelines”

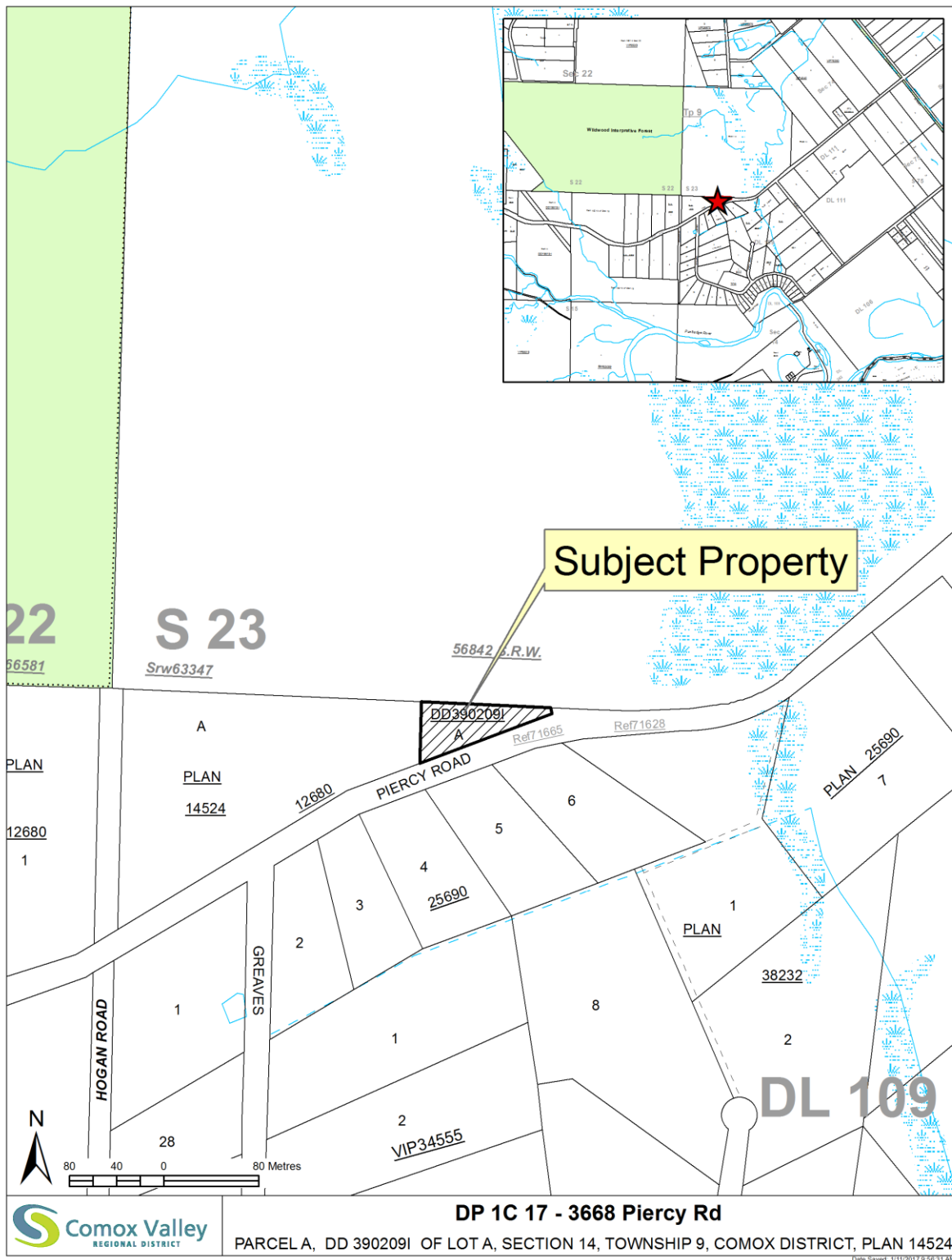


Figure 1: Subject property



Figure 2: Airphoto

Comox Valley Regional District

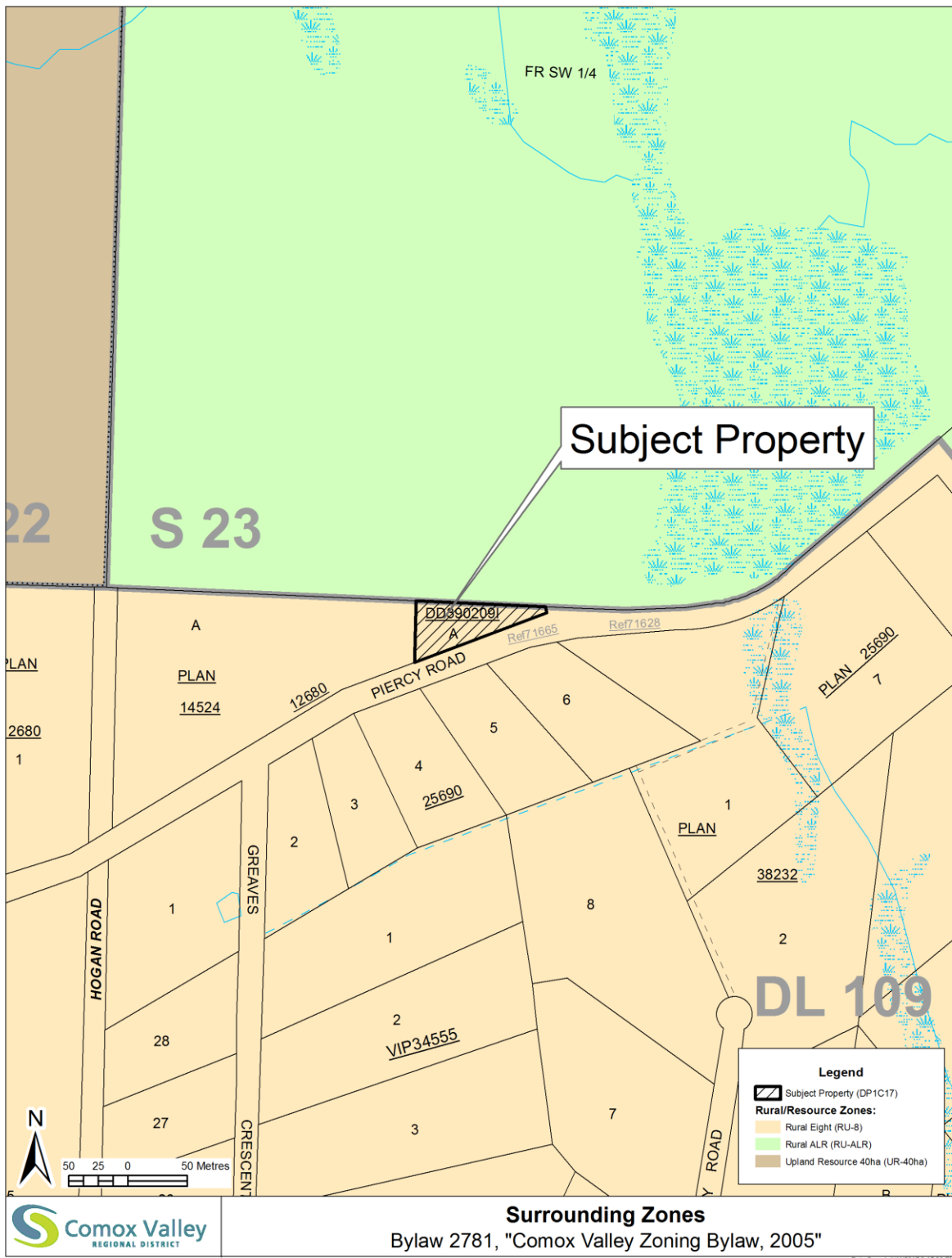


Figure 3: Zoning map with Rural-ALR shaded green and Rural Eight zoned areas shaded beige

Comox Valley Regional District

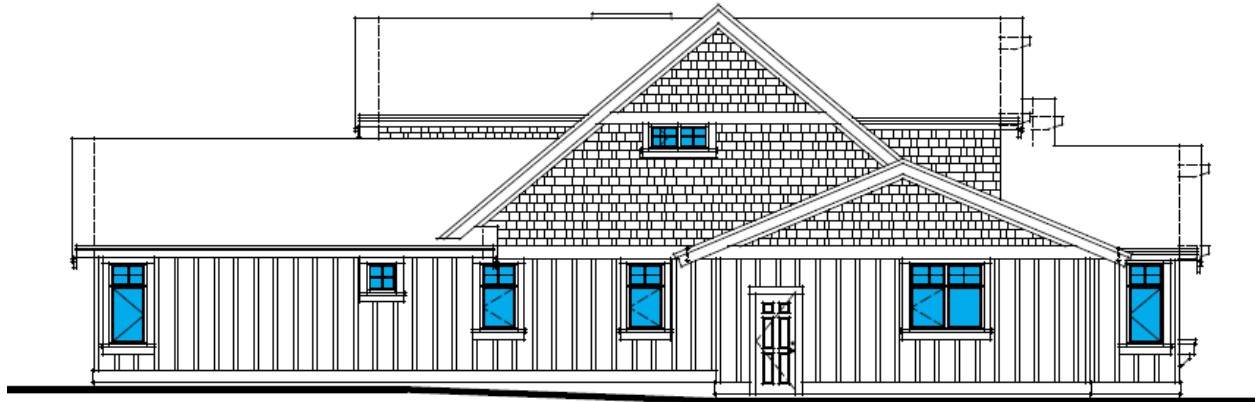


Figure 4: Conceptual elevation of the side of the house that would face the agricultural property

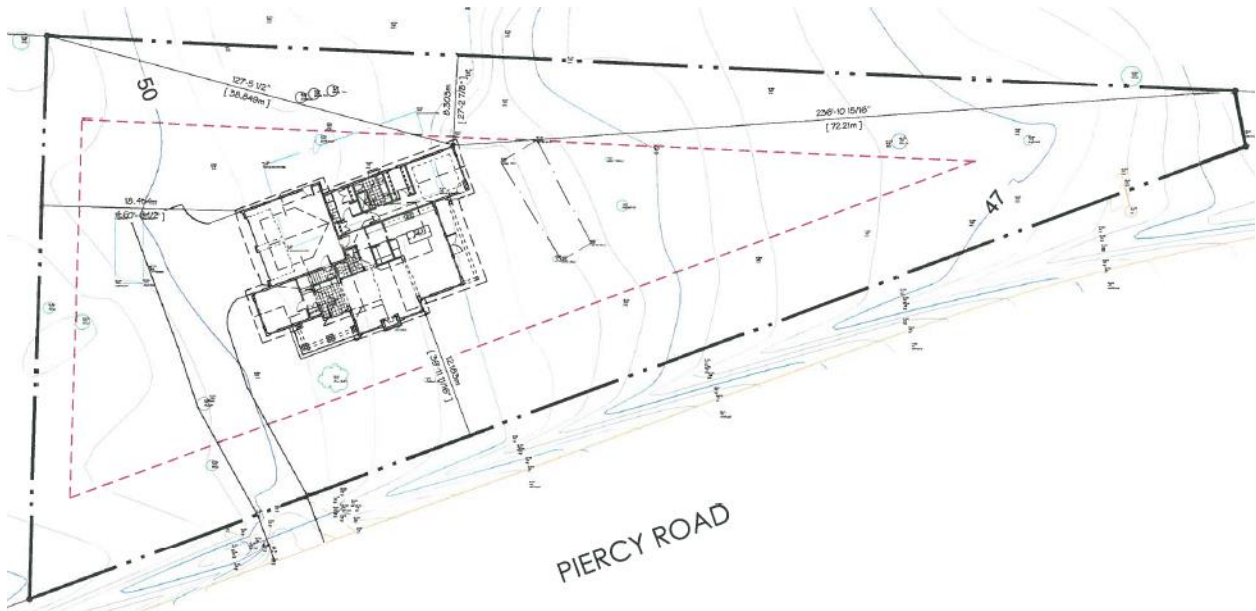


Figure 5: proposed site plan, as submitted by the applicant

other devices as deemed suitable and consistent with best management practices. rainwater runoff from storage areas shall be controlled to prevent contamination of watercourses.

- (b) The discharge of rainwater runoff from storage areas shall be accomplished with appropriate structures and flow control mechanisms to prevent contamination of receiving water bodies.

Farm land protection development permit area permit areas

86. *Justification*

To protect farm land designated agricultural area or agricultural land reserve located in neighbouring jurisdictions by mitigating conflict between agriculture and aquaculture industries and adjacent land uses.

Land use conflicts may develop between lands designated agricultural area or an ALR and adjacent land uses. These conflicts may compromise the use of the land for agriculture and aquaculture industries. The incorporation of a 30 metre wide buffer between non-agricultural lands and lands used for food production will protect the food production value of the latter.

Areas

The farmland protection area buffer development permit area is designated as a 30 metre buffer from land designated agricultural area or agricultural land reserve lands on lands within the settlement node, settlement expansion areas, rural settlement area land use designations.

The development permit applies to land within the 30 metre development permit area described above subject to:

- (1) new lots created through subdivision; or
- (2) development of the subject lots.

Exemptions

In the case of a proposed subdivision, the exemption applies to the following situations within the 30 metre wide development permit area:

- (1) Lot line adjustments or where subdivision does not result in the ability to construct a new dwelling unit.
- (2) Where the land subject to a subdivision proposal is not forming a common boundary with designated agricultural area or an agricultural land reserve, but is separated with a dedicated road right of way of at least 20 metre wide.

Guidelines

Development permits shall be issued in accordance with the following guidelines.

Buffer

- (a) Include an assessment of the site to substantiate the need for a buffer and provide design measures that are most appropriate for the site – consider the type and intensity of the proposed adjacent land use and its relationship to agriculture and aquaculture industries.
- (b) The vegetated buffer shall be delineated prior to commencing construction or land alteration.
- (c) A buffer must be maintained and/or established on land within the development permit area parallel to and/or along the common boundary of the adjacent land designated agricultural area or agricultural land reserve.
- (d) Subject to the exemption clause, a total minimum separation distance of 30 metres (of which 15 metres is a vegetative buffer) between a residential dwelling unit and adjacent land designated agricultural area, or agricultural land reserve is required to mitigate the impacts of residential on farming activities. The 30 metre separation distance may include a road or railway line right of way.
- (e) Locate principal structures, accessory buildings and wells a minimum of 30 metres from the common boundary of the land designated agricultural area or agricultural land reserve. If the size of the property cannot accommodate this distance, principal structures and wells shall be a minimum of 50 per cent of the property depth back from the common boundary with land designated agricultural area or agricultural land reserve.
- (f) Notwithstanding the guidelines E.6(a) to E.6(d) above, when a buffer is required in this development permit area, the applicant must provide and maintain a continuous minimum 15 metre wide vegetated buffer between any development and the land designated agricultural area or ALR. No buildings, structures or wells shall be allowed within this 15 metre buffer area.
- (g) If paths and/or passive recreational uses are part of the landscaped buffer, the recreational features will not take up more than five metres of the buffer and they will be located away from the common boundary with land designated agricultural area or agricultural land reserve.
- (h) For the purpose of providing additional separation from the land designated agricultural area or agricultural land reserve and reducing potential conflicts, consider locating an open space next to the edge of the landscape buffer. The open space can be designed with water retention capacity and adequate rain water drainage features.
- (i) All buffer areas shall be generally designed and sized in accordance with section 10 - urban side buffer design criteria of the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges \(June 2009\)](#).
- (j) Plant layout, spacing, and support shall be generally in accordance with the B.C. Agricultural Land Commission’s report [Landscaped Buffer Specifications](#) (1993) and the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges \(June 2009\)](#).

- (k) To create a filtered view of agriculture and aquaculture practices on the land designated agricultural area and/or agricultural land reserve from the development permit area, preserve existing and supplement vegetation that meets the British Columbia landscape standard published by the BC Landscape Architects Society/BC Landscape and Nursery Association as amended from time to time.

Buffer maintenance

A buffer maintenance plan shall be developed and will include the following: maintenance procedures for all buffer plantings on a regular basis during the first two growing years including a weed management schedule or plan.

Fencing

Barrier fencing, designed to limit encroachment into agricultural land reserve lands by materials and pets, must be constructed in accordance with appendix C of the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges \(June 2009\)](#).

Subdivision layout

- (a) Subdivision design must minimize potential negative impacts that may occur between farm and non-farm land uses. Avoid road endings or road frontage next to land designated agricultural area or agricultural land reserve except as may be necessary for access by farm vehicles.
- (b) Subdivision design and construction will minimize erosion through consideration of topography that will not result in neighbouring properties becoming the catchment area for additional runoff from roads and driveways.

Union Bay tourism highway commercial

87. *Justification*

This area is located within the proposed heritage development area which represents the core of the Union Bay Community and contains a number of buildings of historical significance and interest that are a testament to Union Bay’s past as a major coal port. The objective of the development permit area designation is to protect and encourage the development of uses and buildings that reflect the historic character of this area. Retaining and reinforcing the link between the Union Bay core, represented by the post office, and Union Point is critical in the character definition of the tourism highway commercial area. The goal is to create a seaside, pedestrian oriented development of appropriate scale, form and character in the area.

Area

The Union Bay tourism highway commercial development permit area is shown as on map 4.

Guidelines

To preserve and compliment the design elements which contribute to the seaside character of Union Bay, development permits issued in this area reflect the following guidelines.

Building Scale & Massing:

Memo

File: 3090-20/DV 3C 16

DATE: January 12, 2017

TO: Advisory planning commission
Electoral Area 'C' (Puntledge – Black Creek)

FROM: Planning and development services branch

RE: Development variance permit – Lot 1 Timberlane Road (O'Neill)
Lot 1, District Lot 155, Comox District, Plan 49991

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

An application has been received to consider a development variance permit for a 0.25 hectare property located in Puntledge-Black Creek, Electoral Area "C" (Figures 1 and 2). The property is zoned country residential one (CR-1) (Appendix A). It is bounded by Timberlane Road to the northeast and CR-1 zoned properties to the north, west and south. The property is in the Comox Valley water local service area. There is no sewer service in the area. The property is currently undeveloped.

The application is to increase the height of an accessory building from 6.0 metres to 7.9 metres, to decrease its rear yard setback from 7.5 metres to 6.0 metres and to increase its floor area from 90 square metres to 125.4 square metres.

The applicant proposes to build an accessory building to accommodate a recreational vehicle (RV). The RV requires a 4.6 metre door. The applicant's proposed roof pitch and mezzanine for storage, generates a height of 7.9 metres (Figures 3, 4 and 5). The applicant also proposes to locate the accessory building in the southwest corner of the property and has asked for a reduced rear yard setback to 6.0 metres (Figure 6). A third variance to the maximum floor area of the accessory building is proposed; increasing from 90 square metres to 125.4 square metres. This is because the floor area of an accessory building is limited to 90 square metres when there is no principal use or building (in this case, residential or agricultural use or buildings) existing on the property. Note that once a principal use is established on a CR-1 zoned property accessory buildings can total up to 200 square metres. See appendix B for the applicant's reason for this variance request.

Regional growth strategy and official community plan

The subject property is designated "settlement expansion area" in both the regional growth strategy, Bylaw No. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010" and the official community plan, Bylaw No. 337 being the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014". The requested variances for accessory building height, floor area, and setback do not conflict with the residential policies established in either of these bylaws.

Zoning bylaw

The CR-1 zone (Appendix A) establishes maximum height, minimum setbacks, maximum lot coverage and maximum combined floor area for all buildings and structures on the property. It also establishes a maximum floor area for an accessory building if there is no existing principal use on the property. See table 1 for a summary of the requested variances.

Table 1: Variance summary

Zoning Bylaw No. 2781	Variance	Zoning	Proposed	Difference
Section 309(1)	Accessory floor area	90 square metres	125.4 square metres	35.4 square metres
Section 707(4)	Height	6.0 metres	7.9 metres	1.9 metres
Section 707(4)	Rear yard setback	7.5 metres	6.0 metres	1.5 metres

The intent of restricting height, setbacks, and area for accessory buildings is to ensure that the scale of the accessory building is secondary to any principal building. The zoning allows an accessory building to be constructed in the absence of a principal use in order to provide flexibility for property owners, but is limited in floor area to ensure that the accessory use building doesn't become the principal use building on the property (e.g. storage for another property versus residential or agricultural use).

Please be advised that all adjacent properties within 100.0 metres of the subject parcel will be notified via mail of the variance request and be given the opportunity to comment in writing prior to the application going forward to the electoral areas services committee for consideration or in person at the meeting.

Sincerely,

A. Mullaly

Alana Mullaly, MCIP, RPP
 Manager of Planning Services
 Planning and Development Services Branch

Appendix A – “CR-1 zone, Bylaw No. 2781”

Appendix B – “Applicant reason for variance request”

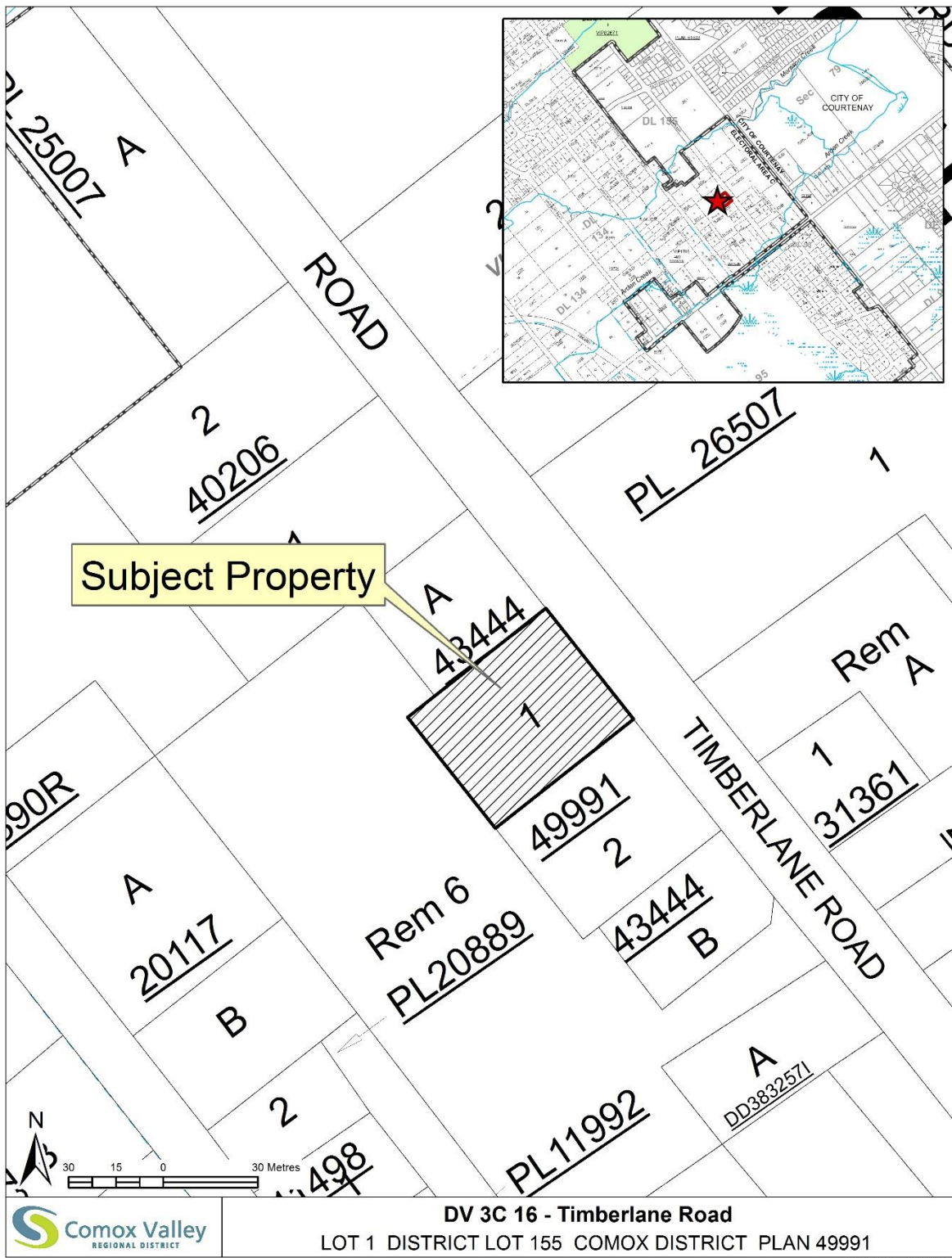


Figure 1: Subject property map

Comox Valley Regional District

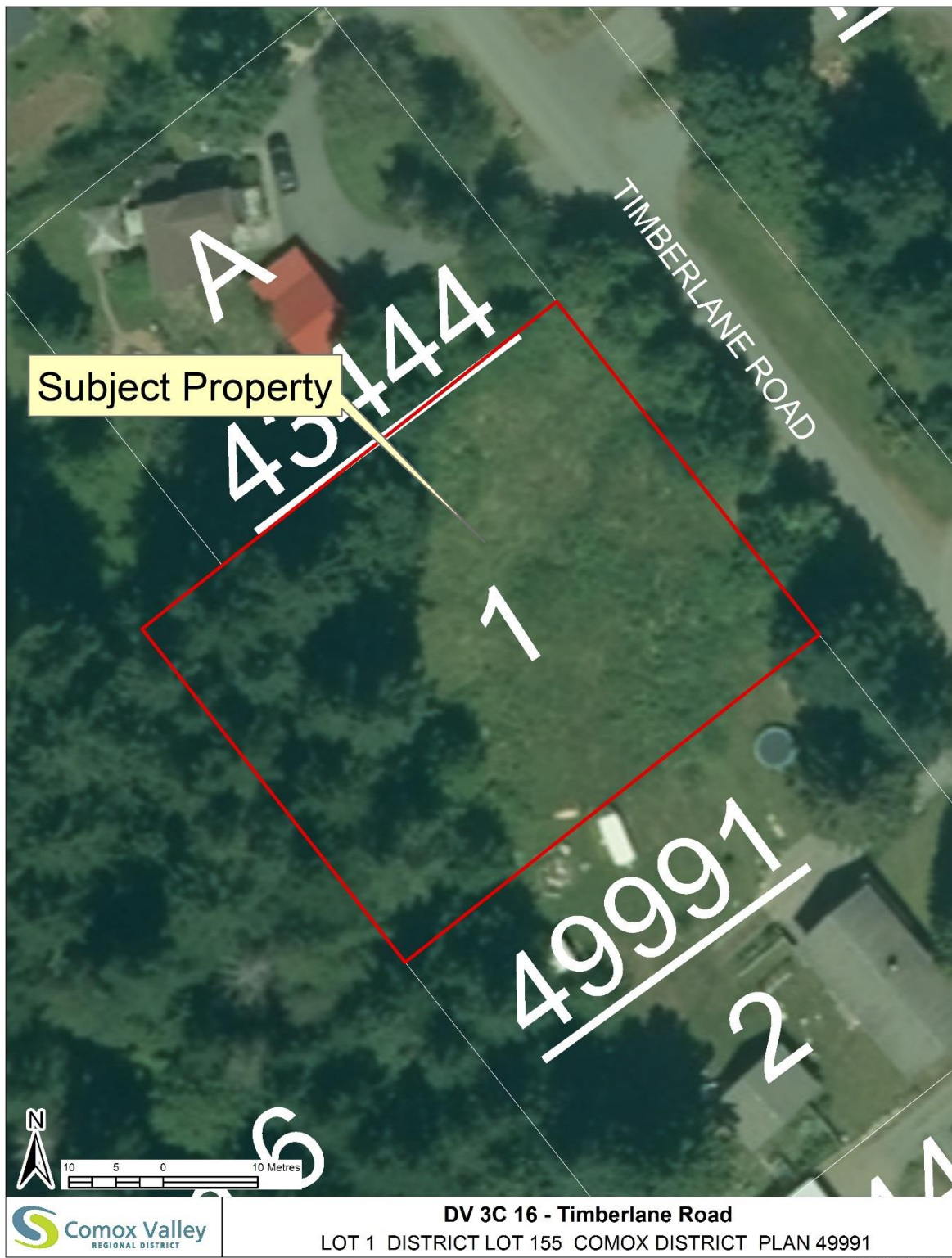


Figure 2: Air photo map

Comox Valley Regional District

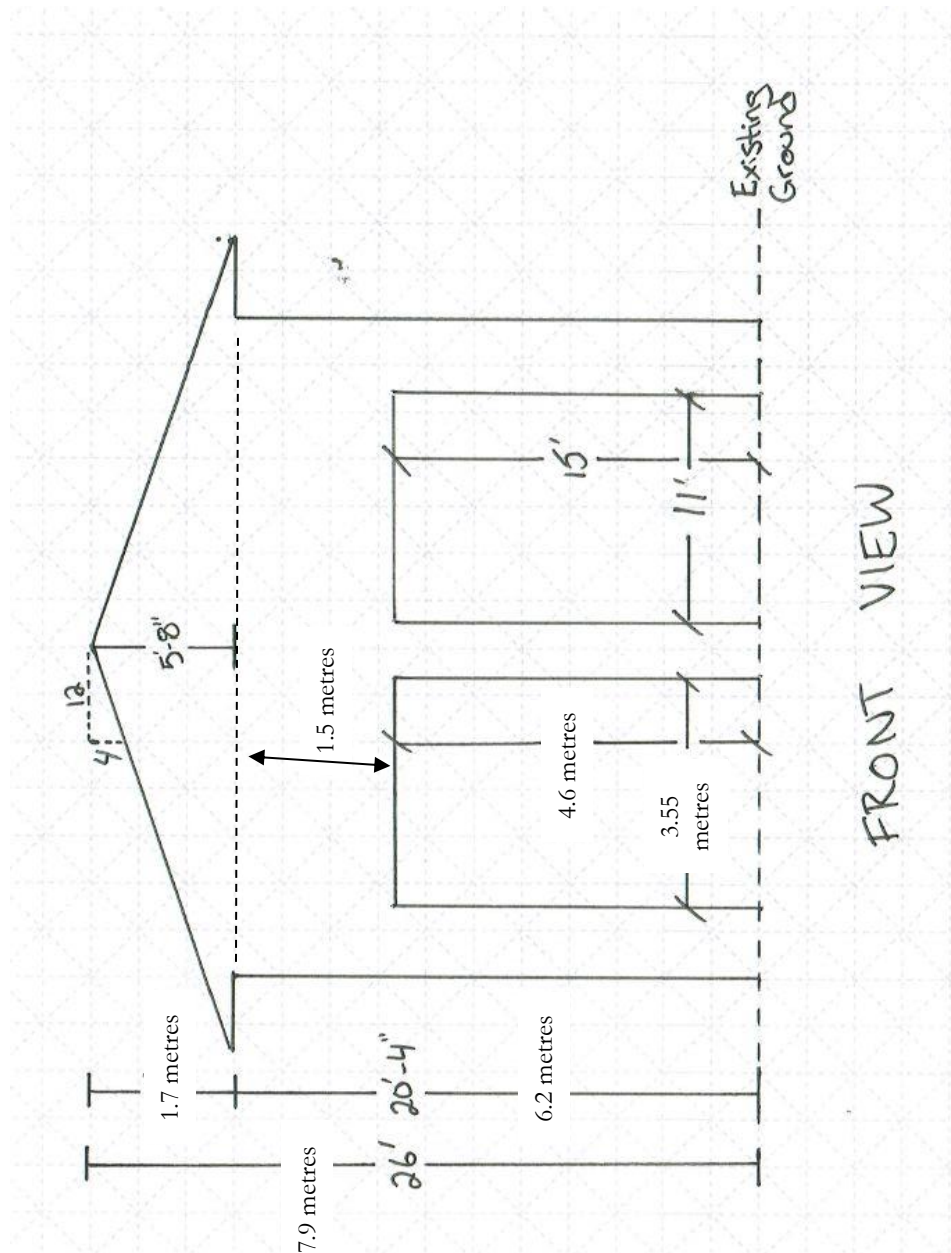


Figure 3: Building design - elevation

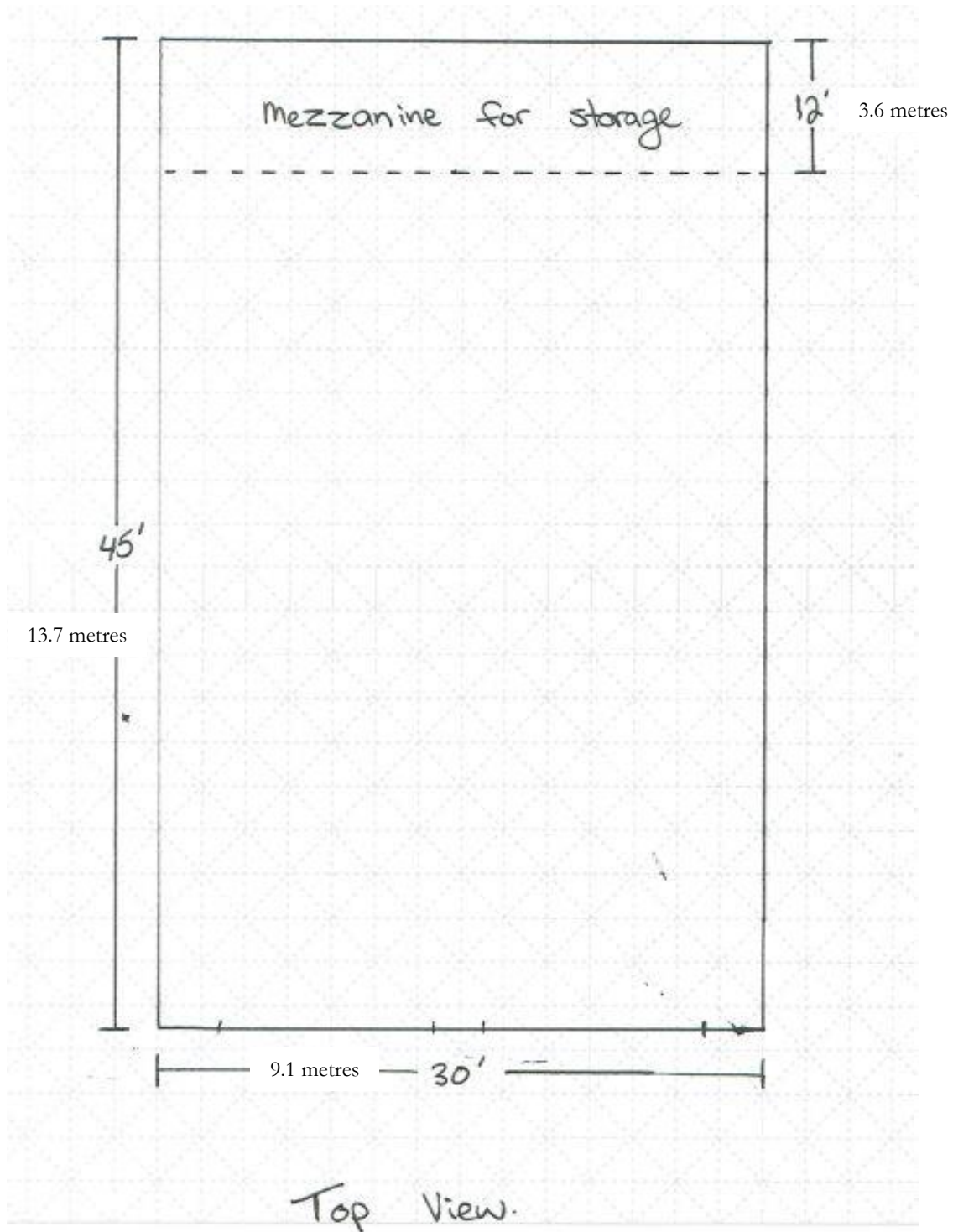


Figure 4: Building design – top view

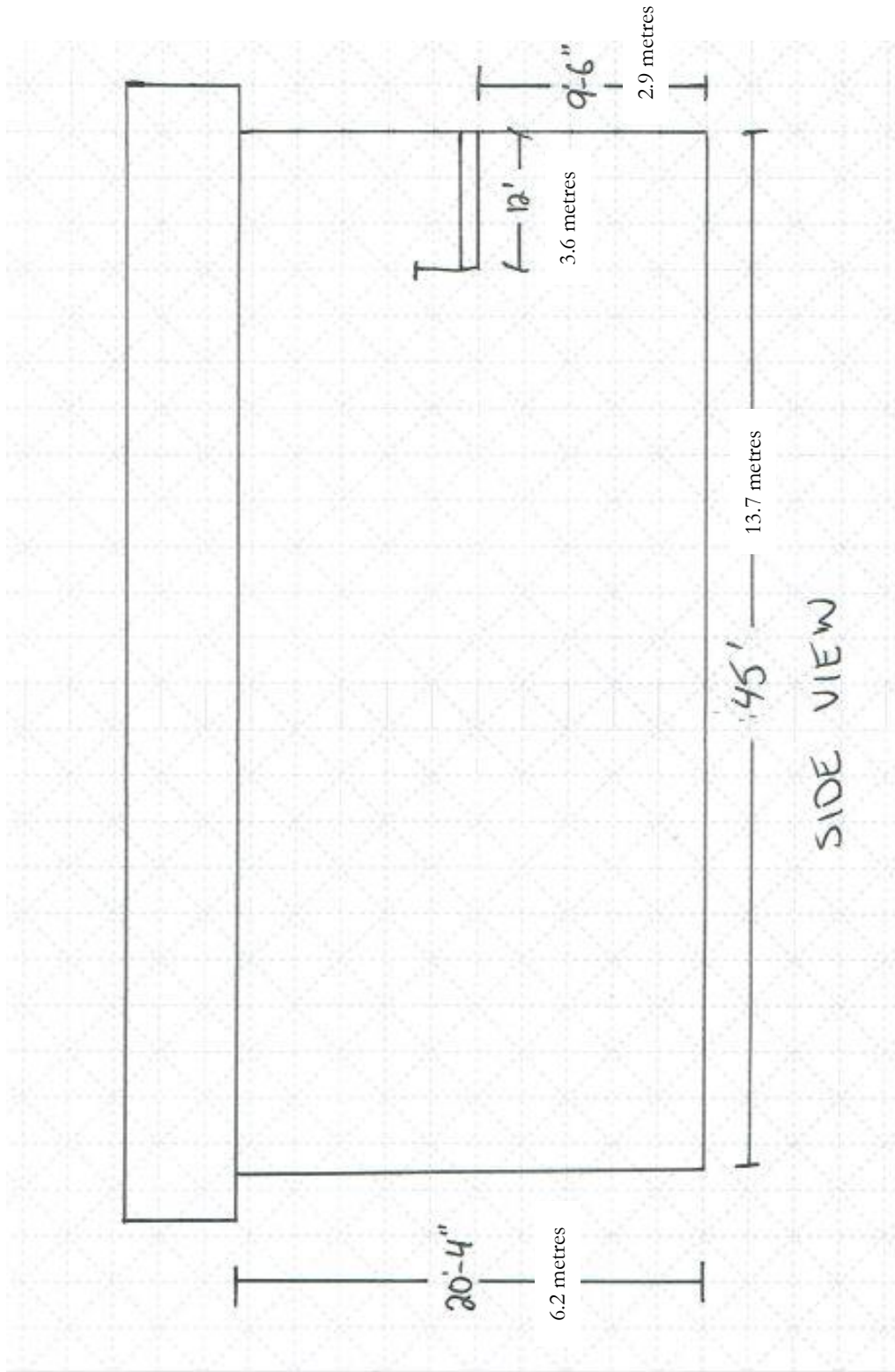


Figure 5: Building design – side view

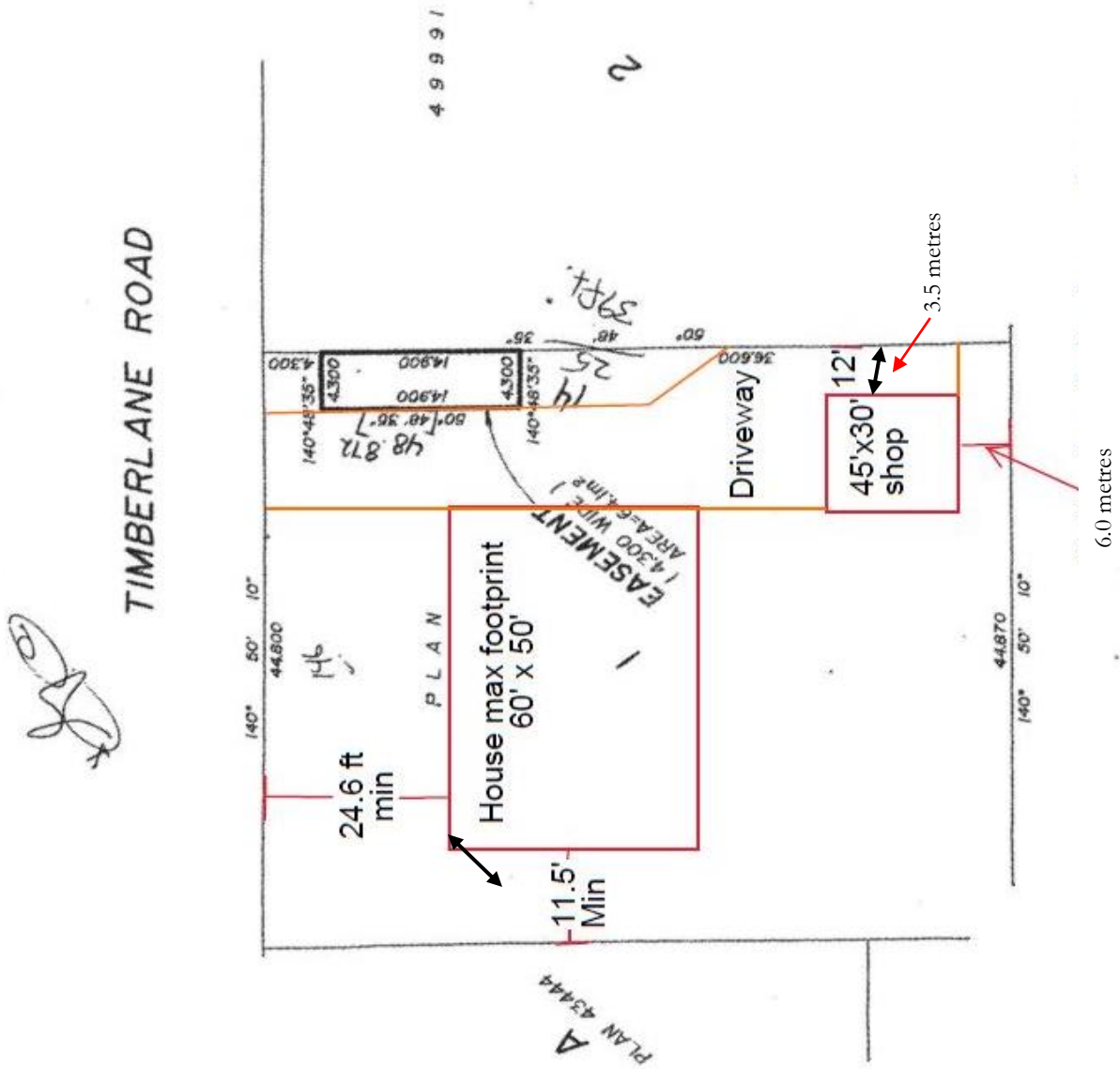


Figure 6: Site plan

707

Country Residential One (CR-1)

1. PRINCIPAL USE

- i) On any lot:**
 - a) Residential use.
- ii) On any lot over 4000 metres² (1.0 acre):**
 - a) Agricultural use.

2. ACCESSORY USES

- i) On any lot:**
 - a) Home occupation use;
 - b) Accessory buildings; and
 - c) Bed and Breakfast
- ii) On any lot 2.0 hectares (4.9 acres) or larger:**
 - a) Animal kennels.

3. DENSITY

Residential use is limited to:

- i) 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 metres² (968.8 feet²).
- ii) On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

#112

4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Country Residential One zone shall be as set out in the table below.

Type of Structure	Height	Required Setback			
		Front yard	Rear yard	Side yard	
				Frontage <31m	Frontage >31m
Principal	10.0m (32.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)
Accessory	4.5m-or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Note: Part 400, Siting Exceptions, of this bylaw and Bylaw No. 1836 being the "Floodplain Management Bylaw, 1997" may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

5. **LOT COVERAGE**

- i) The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area.

6. **FLOOR AREA REQUIREMENTS**

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 200.0 metres² (2152.9 feet²).

7. **SUBDIVISION REQUIREMENTS**

- i) Despite any other provision of this bylaw, the minimum permitted lot area within areas designated as "settlement expansion areas" under "Comox Valley Regional Growth Strategy Bylaw No. 120, 2010" is 4.0 hectares. #200
- ii) Despite any other provision of this bylaw, for the purpose of subdivision, the following sections of this bylaw do not apply to lots within areas designated as "settlement expansion areas" under "Comox Valley Regional Growth Strategy Bylaw No. 120, 2010":
 - a) Section 503 Subdivision Standards 1. AREA AND FRONTAGE REQUIREMENTS i);
 - b) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS i) a); and
 - c) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS iii).

iii) **Lot Area**

The minimum lot area permitted shall be 2.0 hectares (4.9 acres)

Despite (iii), a subdivision with lots smaller than identified above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot area permitted.

End • CR-1

Connie Halbert

From: Garth O'Neill
Sent: Tuesday, December 13, 2016 7:49 PM
To: Connie Halbert
Subject: Timberlane Road Variance
Attachments: Lot Layout - Rough With Structures.pdf; Shop Rough Layout.pdf

Hi Connie,

As discussed during our meeting on Monday, December 12th, 2016 please find attached drawings for the shop and the tentative lot layout.

I would like to build a shop 26 feet to the peak to allow for the following:

- Truck and camper storage
- Vehicle Lift
- Mezzanine for storage
- Boat storage

In regards to the setback I would like to have it 12 feet –or as far back as possible, instead of 24.6 feet because I feel that it would look less conspicuous in our neighborhood as it would blend in with the structures on our neighbors' properties. Having the shop set back as far as it can go will also keep the shop from being in direct view of our neighbors' windows.

Let me know if you require any more additional information.

Thanks for your time,
Garth O'Neill