

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

Wednesday, May 31, 2017

To be held in the Comox Valley Regional District boardroom

Located at 550B Comox Road, Courtenay, BC

Commencing at 7:00 pm

**PAGE**

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|-----------|--|
| <b>2</b>  | 1. Receipt of the minutes of the Wednesday, April 27, 2017 Puntledge-Black Creek (Electoral Area C) Advisory Planning Commission meeting   |
| <b>3</b>  | 2. Memorandum dated May 11, 2017, regarding 3060-20/ DP 9C 17 – Development Permit (Farmland Protection) application – 4117 Macaulay Road – Lot 5, Block 29, Comox District, Plan 22502 (Williams) |
| <b>10</b> | 3. Memorandum dated May 17, 2017, regarding the comprehensive Zoning Bylaw review  |
|           | 4. Next meeting date: Tentatively scheduled for Wednesday, June 28, 2017   |

***Distribution:***

Area C APC members  
Area Director  
Alternate Area Director  
Chief Administrative Officer  
General Manager of Planning & Development  
Manager of Planning Services  
Manager of Legislative Services  
Corporate Legislative Officer  
Planners  
CVRD website  
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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, April 27, 2017 in the Comox Valley Regional District boardroom, located at 550B Comox Road, Courtenay, BC, commencing at 7:00 p.m.

<b>PRESENT:</b>	Chair Members	Pearl McKenzie Dan Thran John Milne James Derry Grant Gordon David Pacholuk
<b>ABSENT:</b>	Members	Jim Langridge George Trousdell Brad Chappell Edwin Grieve Curtis Scoville
<b>ALSO PRESENT:</b>	Electoral Area Director Alternate Area Director Assistant Manager of Planning Services Proponents for DP 6C 17	Ton Trieu Robb Scott and Greg Wearne

**Agenda Items**

**Minutes of Advisory Planning Commission Meeting**

GORDON/THRAN: THAT the minutes of the Electoral Area ‘C’ (Puntledge-Black Creek) advisory planning commission meeting held on Wednesday, February 22, 2017 be received.

CARRIED

**3060-20/DP 6C 17 – Farm Land Protection Development Permit – 6191 Headquarters Road (Wearne) Lot A, District Lot 197, Comox District, Plan 29451, PID 001-398-521**

MILNE/GORDON: THAT the Area ‘C’ advisory planning commission support the Farm Land Protection Development Permit application to subdivide a 4.8 ha property, legally described as Lot A, District Lot 197, Comox District, Plan 29451 (6191 Headquarters Road) into two lots, as proposed in the Memo dated April 12, 2017.

CARRIED

**Comox Valley Zoning Bylaw Review**

Ton Trieu advised that the Comox Valley Regional District zoning bylaw is under review and will be referred to the advisory planning commissions over the next few meetings.

**Next Meeting Date**

The next Electoral Area ‘C’ (Puntledge-Black Creek) advisory planning commission meeting is scheduled for Wednesday, May 31, 2017 in the Comox Valley Regional District boardroom, located at 550B Comox Road, Courtenay, BC, commencing at 7:00 pm.

**Termination**

The meeting terminated at 7:45 pm.

<b>Recording Secretary:</b>
David Pacholuk

<b>Chair:</b>
Pearl McKenzie

# Memo

**File:** 3060-20 / DP 9C 17

**DATE:** May 11, 2017

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

**FROM:** Planning and Development Services Branch

**RE:** Development Permit (Farmland Protection) – 4117 Macaulay Road (Williams)  
Lot 5, Block 29, Comox District, Plan 22502

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The attached development proposal is for commission members' review and comment. An application has been received to consider a Farm Land Protection Development Permit (DP) to enable the construction of an accessory building within 30 metres of an agricultural property. 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 0.77 hectare (1.9 acres) rural residential lot, 126 metres deep, with a large agricultural property to the rear (Figure 1 & 2). The property is currently developed with a single detached dwelling at the front of the property.

The applicant proposes to construct a 178 m<sup>2</sup> accessory building at the rear. The building is to be a 60 feet long, 32 feet wide, steel building with a single bay door facing into the property (Figure 3). The rear end wall is to only have a walk door and there are to be no openings along the sides. The building will have electricity but no plumbing.

The applicant is proposing to locate the accessory building 9 metres from the agricultural property line and orient the building so that the end wall faces the agricultural property (Figure 4). The applicant also proposes to add a 6 foot high wire mesh fence along the property line. The applicant has provided a written statement explaining the proposal (Appendix A).

## **Neighbouring Agricultural Property**

The neighbouring agricultural property is 230 hectares in area. It was formerly part of the UBC Oyster River Research Farm. It has eight abutting, similar-sized, parcels adjoining it along Macaulay Road, as well as additional parcels behind the Macaulay Heights Parks and Greenways. The agricultural area immediately behind the subject property is not currently in production, however it has potential to be pasture land.

## **Development Permit Guidelines**

The intention of the farm land protection DP 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 3 metre wide vegetated buffer consisting of a double row of trespass inhibiting shrubs with a wire fabric (or barb wire) fence at least 1 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 6 metres with a row of trees (2.5 metres in height if coniferous or 6 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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Appendix A: “Letter from Anton & Tanya Williams”

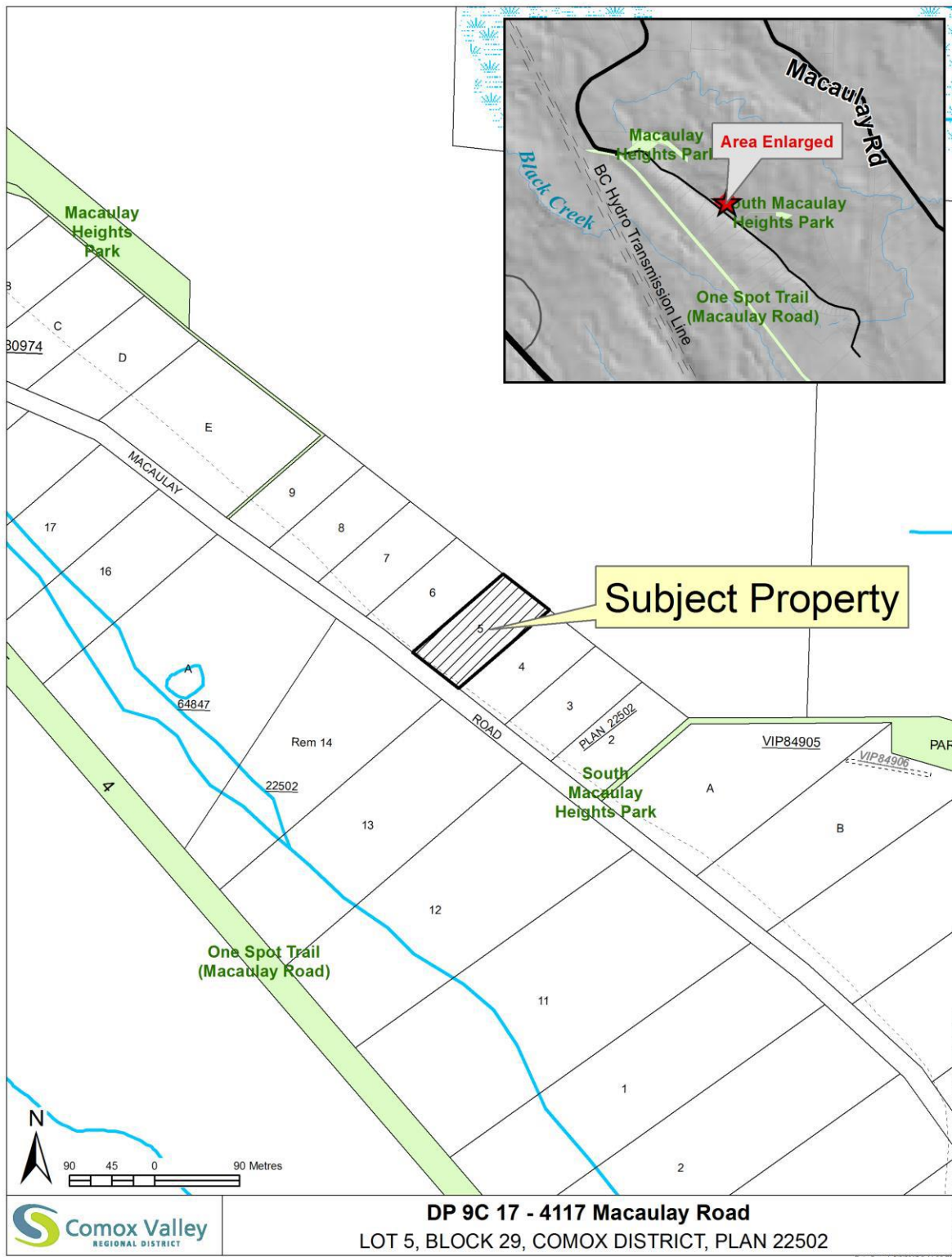


Figure 1: Subject Property

Comox Valley Regional District



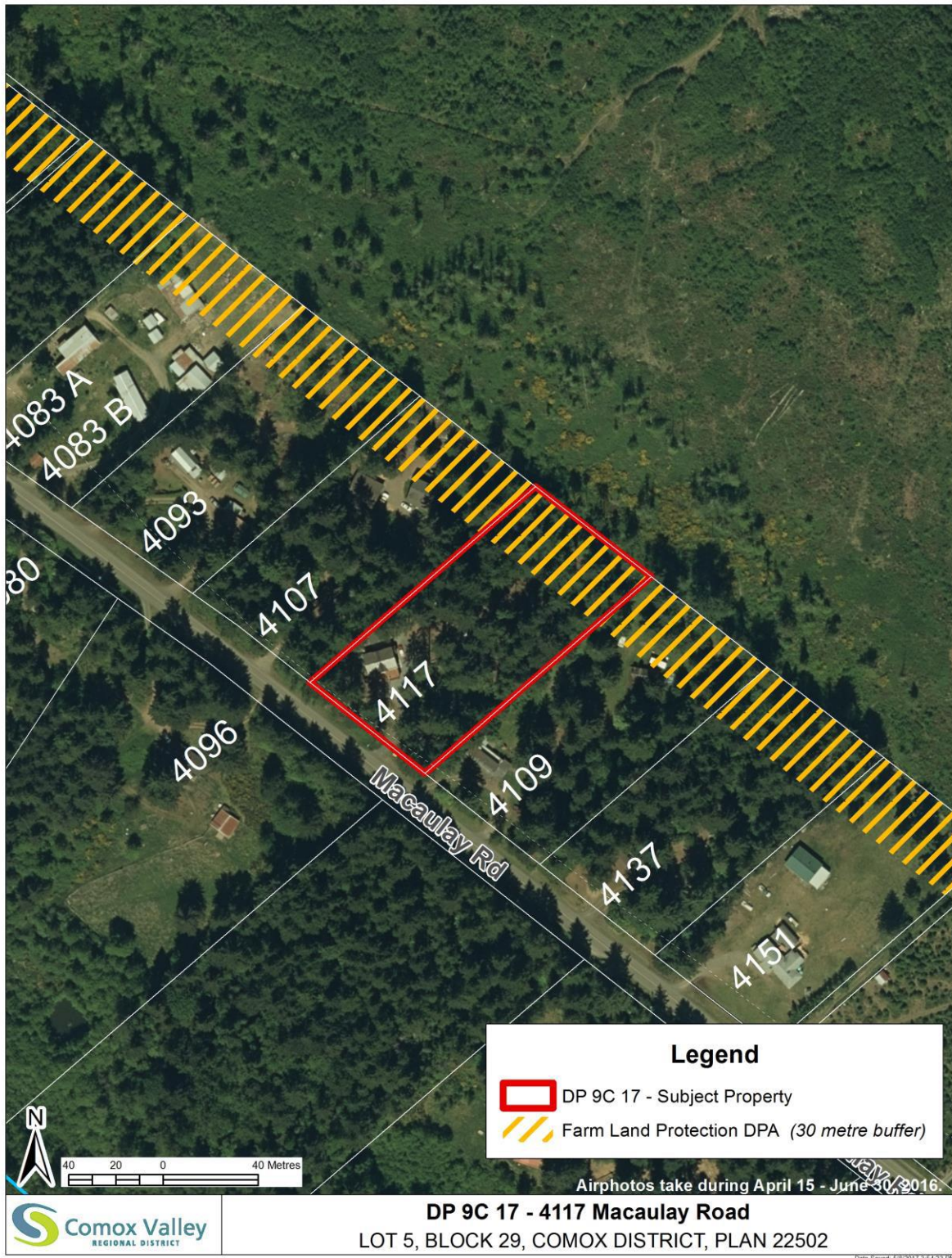
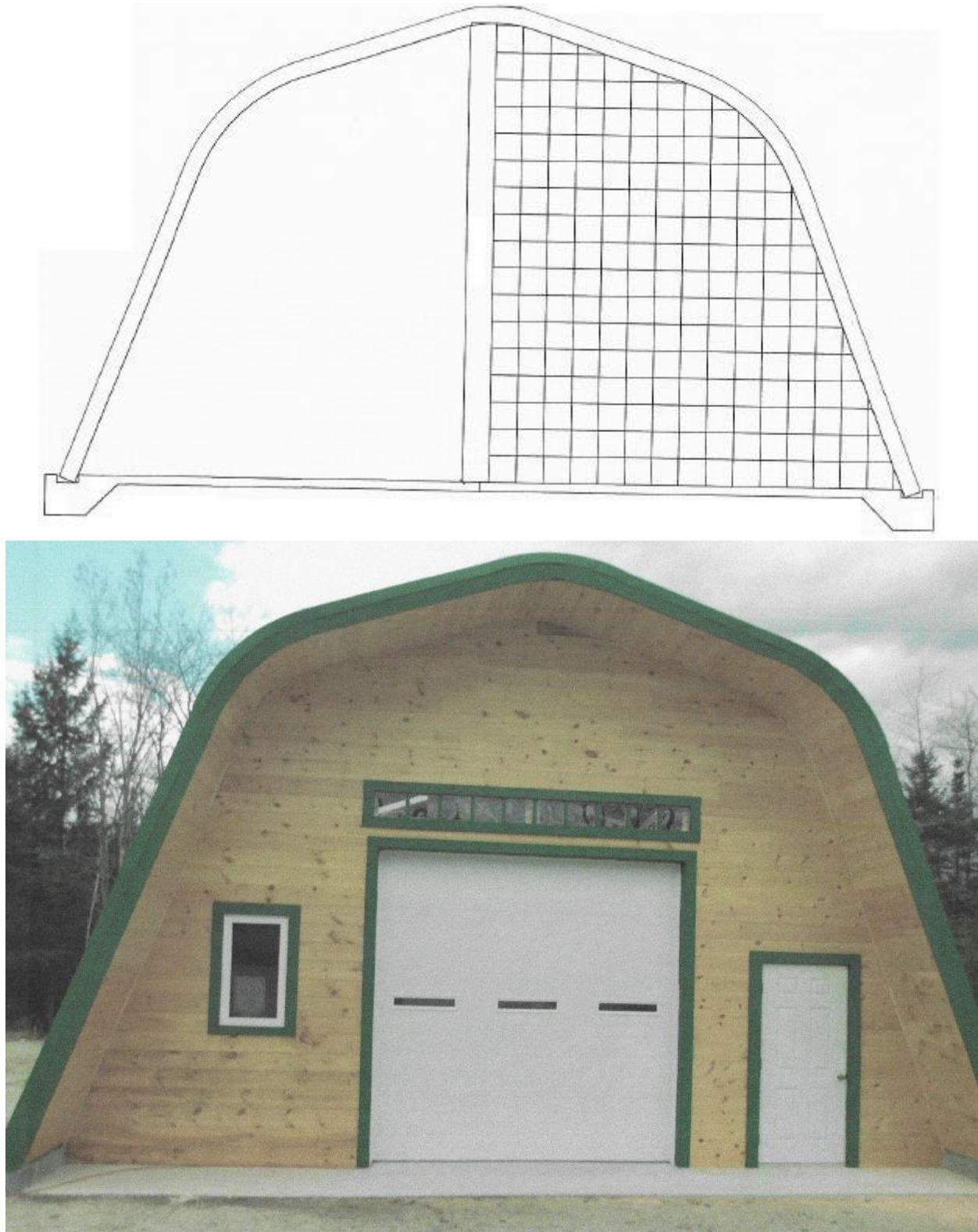


Figure 2: Air Photo (2016) with the 30 m Farmland Protection DPA Highlighted

Comox Valley Regional District





**Figure 3: Examples of Proposed Building's End Wall**

*Comox Valley Regional District*



Figure 4: Site Plan, as Submitted by Applicant



**RE: Application to build a workshop. 4117 Macaulay Rd. Black Creek**

Dear Panel Members.

Thank you for your consideration on our application to build a workshop on our property. We recently moved to Black Creek with our two young children Evan and Ava. We decided to live in a rural area because we like the idea of growing our own food and to provide our children with the opportunity to learn some of the life lessons that go along with it. The proposed steel building is 32'W x 60'L x 18'H. and would be set back 30' from the rear property line. We would use the building as a work shop for wood and metal working, mechanical work as well as a storage area. There would be no impact to the agricultural lot at the rear of our property which is currently a clear cut logging slash with thick broom bush and other brushy vegetation growing. A proposed 6' high wire mesh fence would be built along the east property line as we plan to pasture raise a few chickens on this end of the property.

The reasons for building in this location are:

1. This is some of the only favorable grade on the entire property.
2. Provides electricity to the east end of the property.
3. Provides a roof for rain water harvesting for irrigation on the east end of the property.
4. The least visual impact to surrounding properties. This end of the property is low and has tree coverage.

Attached are some details on the building and the property. Should you have any questions or concerns please contact us any time.

Thank you for your time and consideration.

Anton & Tanya Williams

250-202-7973

# Memo

**File:** 6410-01/PJ 4CV 15

**DATE:** May 17, 2017

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

**FROM:** Planning and Development Services Branch

**RE:** Comprehensive Zoning Bylaw Review

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The attached memo is for commission members' review and comment.

The Comox Valley Regional District is reviewing the Zoning Bylaw to align the regional district's regulations with the policies and goals in Official Community Plan (OCP) (adopted in 2014) and the Regional Growth Strategy (adopted in 2011).

The Comox Valley Zoning Bylaw No. 2781 was adopted in 2005. The document has been amended fifty-one times since its adoption. Amendments have ranged from relatively minor amendments, to enable site specific development proposals to major amendments to respond to new legislation, changing development patterns and land use trends. Each change has required the regional board's adoption of an amending bylaw. The current Zoning Bylaw has served its purpose for twelve years and is in need of a review and update. The primary objective of this review will be to ensure that it is consistent with the OCP. Staff have identified the key policy themes that underlie the bylaw review, including the following:

- Support agriculture and aquaculture by aligning with new Agricultural Land Commission regulations and Ministry of Agriculture new bylaw standards for agri-tourism and aquaculture best practices;
- Support rural living by updating home occupation provisions for clarity and compatibility;
- Support aging in place by modernization of accessory building unit regulations to provide flexibility;
- Enable implementation of sustainability principles through built form (e.g. solar panel, wind energy devices); and
- Support rural economic development by expanding the number of zones where agricultural, upland aquaculture, commercial and industrial uses are permitted.

The purpose of a Zoning Bylaw is to implement the policies of the OCP. However, because section 479 of the *Local Government Act* (RSBC, 2015, c. 1) is specific on what can and cannot be regulated through zoning, not all OCP policies are appropriate or permitted for implementation through a zoning bylaw. Section 479 authorizes the local government to regulate the use, size and siting of land and buildings. Section 479 does not provide the authority to regulate matters such as nuisance, colour, architectural theme or aesthetics. Land use designations identified on zoning bylaw maps are more detailed than those of the OCP Bylaw, and are accompanied by text that outlines a specific

range of permitted uses, densities, siting and building form. The zoning bylaw includes more specific policy direction in the form of a regulation, and includes:

- **Definitions** for the interpretation of key components of land use regulation;
- **General Regulations** which outline various land uses and conditions applicable to the Plan Area on a broad scale; and
- **Specific Regulations** for various land uses and conditions specific to specified areas or zones within the Plan Area (including residential, agricultural, commercial, industrial, and resource areas).

A component of the work plan is the development of a consultation plan. Stakeholder and public consultation is a critical component of the overall zoning bylaw review and will greatly assist with the identification of issues and potential options. The consultation plan focuses on using a variety of methods to encourage participation among stakeholders through various interactive tools and in person methods (i.e. presentations, informal meetings and web based information). The consultation plan has been divided into three phases:

- Phase 1 of the consultation process is the public launch (announcement and launch of the consultation plan);
- Phase 2 is the preparation of draft bylaw/legal review (present draft bylaw); and
- Phase 3 is the statutory adoption process. Stakeholder consultation and a public open house are targeted for March 2017 through July 2017 to obtain feedback and input (open house in July).

As part of Phase 1 staff will be consulting with each of the three Advisory Planning Commissions (APC) and the Agricultural Commission to introduce the zoning bylaw review, outline the preliminary background and to obtain input. Over the next few APC meetings staff will be presenting draft components of the zoning bylaw for the members to review and provide input.

Please refer to the attached referral package (Appendix A) for more information.

Sincerely,

***T. Trieu***

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

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Attachment Appendix A – “Staff report dated February 27, 2017”

**DATE:** February 27, 2017**FILE:** 6410-01/PJ 4CV 15**TO:** Chair and directors  
Electoral areas services committee**FROM:** Debra Oakman, CPA, CMA  
Chief Administrative Officer**RE:** Comprehensive zoning bylaw review – proposed consultation plan

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**Purpose**

To present to the electoral areas services committee (EASC) the draft public consultation plan for the comprehensive zoning bylaw review.

**Policy analysis**

Part 13 “*Regional Growth Strategies*,” section 445 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) requires that all bylaws and services undertaken by the board be consistent with the Comox Valley Regional District (CVRD) regional growth strategy (RGS) following adoption of the RGS.

Part 14 “*Planning and Land Use Management*,” of the LGA provides that a local government may regulate zoning. 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. Section 466 outlines the procedures to be followed in respect to public notification of the proposed bylaw.

**Executive summary**

A comprehensive zoning bylaw review is a corporate strategic priority for the CVRD. This review will bring the zoning bylaw into conformity with the new official community plan (OCP) adopted in 2014, as well as improve clarity and readability, and address current issues. Staff have identified the key policy themes that underlie the bylaw review, including the following:

- support agriculture and aquaculture by aligning with new Agricultural Land Commission regulations and Ministry of Agriculture new bylaw standards for agri-tourism and aquaculture best practices;
- support rural living by updating home occupation provisions for clarity and compatibility;
- support aging in place by modernization of accessory building unit regulations to provide flexibility;
- enable implementation of sustainability principles through built form (e.g. solar panel, wind energy devices); and
- support rural economic development by expanding the number of zones where agricultural, upland aquaculture, commercial and industrial uses are permitted.

In November 2015, staff provided the EASC with a status update report on the comprehensive zoning bylaw review. A component of the work plan is the development of a consultation plan. Stakeholder and public consultation is a critical component of the overall zoning bylaw review and will greatly assist with the identification of issues and potential options. The proposed approach to the consultation plan focuses on using a variety of methods to encourage participation among stakeholders through various interactive tools and in person methods (i.e. presentations, informal



meetings and web based information). The consultation plan has been divided into three phases. Phase 1 of the consultation process is the public launch (announcement and launch of the consultation plan). Phase 2 is the preparation of draft bylaw/legal review (present draft bylaw). Phase 3 is the statutory adoption process. Stakeholder consultation and a public open house are targeted for March 2017 through July 2017 to obtain feedback and input (open house in July). The results of the community consultation will be presented to the EASC as part of the recommendations on draft regulations for the new zoning bylaw.

**Recommendation from the chief administrative officer:**

THAT the public consultation plan for the comprehensive zoning bylaw review be initiated as outlined in staff report dated February 27, 2017.

Respectfully:

***D. Oakman***

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Debra Oakman, CPA, CMA  
Chief Administrative Officer

**Background/current situation**

The Comox Valley zoning Bylaw No. 2781 was adopted in 2005. Since that time, the zoning bylaw has been amended fifty-nine times ranging from minor amendments (e.g. to enable site specific development proposals) to major amendments in response to new legislation and land use trends.

In November 2015, staff provided a status update report on the comprehensive zoning bylaw to the EASC and gave a brief synopsis of the zoning bylaw review, objectives and timelines. A work program for a zoning bylaw review was presented. The work program for the project is as follows:

<b>Task</b>	<b>Completion date</b>
Project initiated	October 2015
Status report to EASC	November 9, 2015
Present key issues to be addressed and consultation plan approval to EASC	March 2017
Phase 1 of consultation: public launch	March 2017 through July 2017
Phase 2 of consultation: preparation of draft bylaw/legal review	March through August 2017
Phase 3 of consultation: statutory adoption process <ul style="list-style-type: none"> <li>• Present draft bylaw to EASC and staff report on results of open house and status report on legal review. Request for external referral</li> <li>• First and second reading of zoning bylaw. Set public hearing date</li> <li>• Public hearing</li> <li>• EASC review of public hearing report/third reading of zoning bylaw</li> <li>• Ministry of Transportation and Infrastructure approval</li> <li>• Final adoption</li> </ul>	<ul style="list-style-type: none"> <li>• September 2017</li> <li>• November 2017</li> <li>• January 2018</li> <li>• February 2018</li> <li>• February 2018</li> <li>• March 2018</li> </ul>

### **Regional growth strategy and official community plan**

Section 445 of the LGA requires that all bylaws and services undertaken by the board be consistent with the CVRD's RGS. The RGS is implemented, in part, via the OCP and zoning bylaw. The OCP is a key strategic bylaw that contains land use designation and policies outlining the vision for a community. The OCP helps guide decisions with respect to planning and development with the intent to serve the current and future needs of the community. The regional district recently undertook the review and update of its policies to develop a new OCP. Following the adoption of the OCP in November 2014, staff commenced the zoning bylaw review in October 2015 to incorporate the policies of the OCP. There are key OCP policies that that now need to be implemented, such as:

- support resource development in the resource designation zones by permitting residential use as an accessory use only (limited to one single detached dwelling) (policy 63.2);
- require temporary use permit or a rezoning of a property to an industrial category to permit processing of aggregate or minerals on resource parcels (policy 64.2);
- support coastline resilience by limiting “shoreline hardening” as a use adjacent to fresh water and marine shorelines (policies 67.1 and 70.8);
- support aquaculture by permitting dock-side sales and limited on-site sales of aquaculture products (retail sales as an accessory use in aquaculture zones) (policy 70.5) ; and
- support agriculture on smaller parcels by permitting agriculture use (policy 50.5).

### **Zoning bylaw**

The purpose of a zoning bylaw is to implement the policies of the OCP. However, because section 479 of the LGA is specific on what can and cannot be regulated through zoning, not all OCP policies are appropriate or permitted for implementation through a zoning bylaw. Section 479 of the LGA authorizes the local government to regulate the use, density, size and shape of the land, buildings and structures. Section 479 does not provide the authority to regulate matters such as nuisance, colour, architectural theme or aesthetics.

Planning staff have reviewed the zoning bylaw and have identified the following key administrative and policy objectives for the comprehensive zoning bylaw review:

- modernize for clarity, interpretation and administration;
- address implementation and functionality challenges to support rural living (e.g. carriage house, height, floor area);
- support agriculture and aquaculture by aligning with new Agricultural Land Commission regulations and Ministry of Agriculture new bylaw standards for agri-tourism and aquaculture best practices;
- support rural living by updating home occupation provisions for clarity and compatibility;
- support aging in place by modernization of accessory building unit regulations to provide flexibility;
- enable implementation of sustainability principles through built form (e.g. solar panel, wind energy devices); and
- support rural economic development by expanding the number of zones where agricultural, upland aquaculture, commercial and industrial uses are permitted.

In appendix A, note that these policy themes and objectives are further narrowed to specific regulatory topics.

Other corporate strategic priorities for the planning and development services branch consist of reviewing the local area plans (LAP) for Saratoga Miracle Beach, Union Bay and the Baynes Sound initiative (BSI). Note that depending on timing of completion of the LAPs for Saratoga Miracle

Beach and Union Bay, zoning may be amended for the settlement nodes. If timing does not align for these settlement nodes, staff will address zoning separately at a future date. Similarly, if timing aligns, any zoning implementation items arising from the BSI work will be included.

### **Consultation plan**

The consultation plan follows the newly adopted public engagement policy that was adopted by the board on November 29, 2016. Stakeholder involvement and public consultation are critical components of the overall project. The plan identifies a program of informing, consulting and collaborating with the public, stakeholders, interested citizens, businesses and community groups during the zoning review process. The consultation plan creates awareness, encourages participation and gathers public feedback. The range of approaches has been proposed to include a wide variety of opportunities for engagement to target as wide an audience as possible.

### **Consultation objectives**

The general objectives of the consultation plan are to:

- encourage and support stakeholder involvement;
- create awareness of the zoning bylaw as a planning tool;
- provide the opportunity for stakeholders to make their views known on the zoning review through a variety of methods;
- provide clear updates throughout the zoning bylaw review;
- provide opportunity for affected municipalities and agencies to provide comments; and
- communicate feedback and make recommendations to the regional board to enable them to make a decision on possible zoning amendments.

### **Consultation process**

The public consultation process recommended for the bylaw review has been divided into three phases. Phase 1 of the consultation process consists mainly of the announcement and launch of the public side of the review. Phase 2 is intended to obtain wider feedback on the draft bylaw. Phase 3 is the finalization and bylaw adoption process. An overview of these phases is outlined below:

#### **Phase 1: public launch – March through July 2017**

Deliverables:

- Launch website (FAQ's, feedback forum).
- Create social media plan.
- Announce project on Facebook and Twitter.
- Public education (i.e. newspaper, post card mail out).
- Initial feedback.
- Initial consultation with advisory planning commissions (APC) (present information from appendix A) and interdepartmental staff review.
- Open houses: present information from appendix A (June 2017).

#### **Phase 2: preparation of draft zoning bylaw and review – March to August 2017**

- Draft zoning bylaw.
- Target stakeholders: present information from appendix A.
- Legal review on draft bylaw.
- Present draft zoning bylaw to EASC and request approval for formal agency referral.

**Phase 3: statutory adoption process – September 2017- March 2018**

- Bylaw adoption process (present results of open house to EASC, first and second reading, public hearing, third reading, sending final draft to Ministry of Transportation and Infrastructure, CVRD board for final adoption, notification of adoption to interested parties).

In order to gain support from the community, a consultation schedule will be implemented both internally through departments and committees and externally with the community and development community. The consultation schedule chart is summarized in appendix B.

**Consultation stakeholders**

The consultation plan will involve a range of stakeholders, from those who are responsible for approving the zoning bylaw (e.g. formal consultation) to those who have a general interest in the process (e.g. informal consultation) (Appendix B). To ensure an effective and efficient process, the proposed consultation will capture a wide range of groups and focus on the specific matters that are likely to most directly affect those groups.

**Communication methods**

The following communication tools will be used to engage stakeholders:

Website, social media and newspaper

A section of the CVRD website will be created to inform the public and stakeholders about the review as it progresses. The website will be a central source for relevant project materials (e.g. background reports), staff reports and project deliverables. It will be the primary source for information regarding public and stakeholder consultation opportunities and a key tool to solicit input. The project webpage will provide the following information and tools:

- link to map viewer for the CVRD geographical information system (also known as *iMap*);
- Frequently Asked Questions (FAQs);
- access to resources (i.e. staff reports);
- feedback forms;
- notice for open house and public meetings; and
- summaries of public consultation sessions.

A project email address – [zoningreview@comoxvalleyrd.ca](mailto:zoningreview@comoxvalleyrd.ca) – has been established. A website Uniform Resource Locator (URL) will be created.

The CVRD's Twitter and Facebook accounts will be used to broadcast project information and updates, and to advise public meetings as needed. The two Comox Valley newspapers and local radio will also be used to advertise.

Public open house

An open house will be held in each of the three electoral areas. The open houses will be held during the consultation period to introduce the project, to provide an additional opportunity for the public to obtain information about the zoning review and to obtain public input from interested stakeholders in advance of the statutory public meeting. The open houses are intended to enable dialogue between CVRD planning staff and the public. Following the public open houses, the input and suggestions received will be assessed and incorporated into the draft zoning bylaw as appropriate. Summaries of the open houses will be published on the CVRD website.



The open houses will occur in July 2017. Results of the informal public consultation will be presented back to the EASC in September 2017.

### Public hearing

A statutory public hearing, planned for January of 2018 is required prior to third reading of an amending bylaw. All comments received at the public hearing will be presented at the EASC meeting in February 2018.

### **Options**

The board has the following options:

1. Direct staff to proceed with the consultation plan as outlined in the staff report.
2. Direct staff not to proceed with the consultation plan as outlined in the staff report, but identify a preferred plan.

### **Financial factors**

Key cost will be staff time. Cost for legal review and advertising have been included in function 500's (planning) proposed 2017 and 2018 financial plan.

### **Legal factors**

This report and the recommendation contained herein are in compliance with the LGA and CVRD bylaws. The LGA authorizes a local government to regulate through zoning, the use, density, size and shape of land, buildings and structures.

### **Regional growth strategy implications**

Section 445 of the LGA requires that all bylaws and services undertaken by the board be consistent with the RGS.

### **Intergovernmental factors**

Informal consultation with a range of ministries is planned. Formal consultation with Ministry of Transportation and Infrastructure as approval authority is also planned.

### **Interdepartmental involvement**

Planning and development services branch staff will undertake the review process with support of other key departments. Planning and development services will work with communications staff (corporate services branch) to ensure that the consultation plan is achieved.

### **Citizen/public relations**

The proposed consultation plan consists of a variety of engagement and communication techniques that extends well beyond the requirements of the LGA.

**Staff Report –PJ 4CV 15 comprehensive zoning bylaw review****Page 7**

Prepared by:

Concurrence:

Concurrence:

***T. Trieu******A. Mullaly******A. MacDonald***


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 Ton Trieu, MCIP, RPP  
 Assistant Manager of Planning  
 Services

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

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

Attachments: Appendix A – “Zoning review topic chart”  
 Appendix B – “Consultation Schedule”

### Comprehensive Zoning Bylaw Update “Zoning Bylaw Review Topic Chart”

Topics	Proposed changes	Current Regulations	Objectives	Who will be affected	IAP2 Level of Engagement (IAP2’s Public Participation Spectrum)
<b>Corporate Strategies Priorities</b>					
Signage regulations	<ul style="list-style-type: none"> <li>➤ Signage regulations to regulate: sign area, height, number of signs permitted, third party signs, setbacks, prohibited signs, specific regulations (i.e. within commercial, industrial and institutional zones)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Signage regulations within Kensington comprehensive development permit areas only</li> <li>➤ Some regulation of signage related to home occupations.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Consistency in commercial/ industrial/ institutional signage</li> </ul>	<ul style="list-style-type: none"> <li>➤ Commercial, industrial, institutional zoned property owners</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Consult (APC meeting, Open House, meeting with individual stakeholders)</li> </ul>
Rural home occupations	<ul style="list-style-type: none"> <li>➤ To enable sale of agricultural products (e.g. “farm gate sales”)</li> <li>➤ Definition of commercial vehicle</li> <li>➤ Balance residential use with business by restricting number students to a maximum of eight participants any time (instructional classes)</li> <li>➤ Limit the number of employees associated with home occupation to 2 or 3 including the permanent resident of the dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Broad provisions for home occupations (including domestic business and domestic industrial uses)</li> <li>➤ Multiple home occupations on a single parcel</li> <li>➤ Allow up to three and four employees</li> <li>➤ No requirement for owner to live on the property (as long as employee resides on property)</li> <li>➤ Must be operated by a permanent resident of the dwelling unit which the home occupation relates or max of 3 including at least one person resides on the lot), domestic business and</li> </ul>	<ul style="list-style-type: none"> <li>➤ Support rural living by allowing more flexibility in the types of business while protecting residential character of dwellings and neighbourhoods</li> <li>➤ Ensuring that the scale of home occupations are suitable relative to surrounding uses and rural servicing</li> </ul>	<ul style="list-style-type: none"> <li>➤ Land owners/residents of Electoral areas A, B and C</li> <li>➤ Stakeholders (ie. Comox Valley Economic Society, Lush Valley Food Action Society)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Consult (APC, ACAP, Ministry of Agriculture, Open House, meeting with individual stakeholders)</li> </ul>

### Comprehensive Zoning Bylaw Update “Zoning Bylaw Review Topic Chart”

	<ul style="list-style-type: none"> <li>➤ Consider opportunities for home based light industrial uses on properties greater than 2.0 hectares.</li> <li>➤ Consider “agri-tourism” opportunities on non-ALR parcels.</li> </ul>	domestic industrial (3 to 4 employees)			
<b>Respond to emerging trends</b>					
Accessory dwelling units	<ul style="list-style-type: none"> <li>➤ Make carriage house provisions more permissive by:               <ul style="list-style-type: none"> <li>• to permit internal stair case</li> <li>• to permit floor area options (although no change to maximum 90m<sup>2</sup> living space)</li> <li>• to increase height of carriage house</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ Three types of accessory dwelling unit permitted within most residential zones</li> <li>➤ Design restrictions (e.g. height, internal access)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Enable greater design options</li> <li>➤ Support aging in place</li> <li>➤ Support housing affordability</li> <li>➤ Encourage innovation (e.g. “green building”)</li> <li>➤ Address implementation and functionality challenges</li> </ul>	<ul style="list-style-type: none"> <li>➤ Land owners/residents of Electoral areas A, B and C (Residential zones)</li> <li>➤ Local construction industry</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Consult (APC meeting, Open House, meeting with individual stakeholders)</li> </ul>
Accessory buildings	<ul style="list-style-type: none"> <li>➤ Increase the accessory building height</li> </ul>	<ul style="list-style-type: none"> <li>➤ Maximum height is 6 metres (not including farm buildings)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Increase flexibility in the design and layout.</li> <li>➤ Respond to “rural” needs (evidenced by receipt of 38 development variance permit applications for increased height between 2005-2016)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Land owners/residents of Electoral areas A, B and C (Residential zones)</li> <li>➤ Local construction industry</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Consult (APC meeting, Open House, meeting with individual stakeholders)</li> </ul>



**Comprehensive Zoning Bylaw Update  
“Zoning Bylaw Review Topic Chart”**

Community Gardens	<ul style="list-style-type: none"> <li>➤ Consider allowing in all zones</li> </ul>	<ul style="list-style-type: none"> <li>➤ Not included in the zoning bylaw</li> </ul>	<ul style="list-style-type: none"> <li>➤ Promote conservation and food security.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Land owners/residents of Electoral areas A, B and C (Residential zones)</li> <li>➤ Non-profit food security organizations (i.e. Lush Valley Food Action Society)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Consult (APC meeting, Open House, meeting with individual stakeholders)</li> </ul>
Screening, landscaping and run-off control	<ul style="list-style-type: none"> <li>➤ Increase height of a fence relative to typical building materials</li> <li>➤ Increase height for screening of industrial and commercial uses adjacent to residential</li> <li>➤ Consider maximum impermeable surface area on smaller lots</li> </ul>	<ul style="list-style-type: none"> <li>➤ No definition for fence</li> <li>➤ Section 309.5 maximum height of a fence shall not exceed 2 m</li> <li>➤ No maximum impermeable surface</li> </ul>	<ul style="list-style-type: none"> <li>➤ Increase opportunities for privacy and screening while protecting rural character</li> <li>➤ Improve permeability and reduce rainwater run-off in small lot subdivisions</li> </ul>	<ul style="list-style-type: none"> <li>➤ Land owners/residents of Electoral areas A, B and C</li> <li>➤ Commercial, industrial, institutional property owners</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Consult (APC meeting, Open House, meeting with individual stakeholders)</li> </ul>
Agricultural use of small parcels	<ul style="list-style-type: none"> <li>➤ Allow agriculture use on more residential parcels (e.g. “domestic agriculture”)</li> <li>➤ Permit keeping of livestock on parcels less than 1 acre in size with provisions for maximum number of animals</li> </ul>	<ul style="list-style-type: none"> <li>➤ Keeping of livestock is not permitted except as an Agriculture use on properties greater than 1 acre in size</li> <li>➤ Farm gate sales are restricted on small parcels where agriculture is not a principal use</li> </ul>	<ul style="list-style-type: none"> <li>➤ Broaden the opportunities for local community-based sustainable food production</li> <li>➤ Promote food security</li> <li>➤ Requests have been received to include this use accessory to residential uses in all zones</li> <li>➤ Promote rural lifestyles</li> </ul>	<ul style="list-style-type: none"> <li>➤ Land owners/residents of Electoral areas A, B and C (Residential zones)</li> <li>➤ Stakeholders (i.e. Lush Valley Food Security Action Society)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Public feedback</li> <li>➤ Consult (APC meeting, Open House, meeting with individual stakeholders)</li> </ul>
Vacation rentals/short term rental (i.e Air B and B)	<ul style="list-style-type: none"> <li>➤ Site specific review of short term vacation rental proposals (e.g. Rezoning</li> </ul>	<ul style="list-style-type: none"> <li>➤ Permitted in tourist commercial zones and bed and breakfast regulations</li> </ul>	<ul style="list-style-type: none"> <li>➤ Support opportunities for home occupation income</li> <li>➤ Preserve rental housing stock for residential use</li> </ul>	<ul style="list-style-type: none"> <li>➤ Land owners/residents of Electoral areas A, B and C (Residential zones)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Public feedback</li> <li>➤ Consult (APC meeting, Open House, meeting</li> </ul>

### Comprehensive Zoning Bylaw Update “Zoning Bylaw Review Topic Chart”

	<p>application or a temporary use permit).</p> <ul style="list-style-type: none"> <li>➤ Introduce a definition for short term vacation rental</li> </ul>	<ul style="list-style-type: none"> <li>➤ Not permitted in residential zones (other than as an owner-occupied bed and breakfast)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Ensure that land use is compatible with rural servicing</li> <li>➤ Protect principal residential use</li> <li>➤ Gauge public interest</li> </ul>	<ul style="list-style-type: none"> <li>➤ Tourist accommodation zoned properties</li> <li>➤ Stakeholders (ie. Comox Valley Economic Society)</li> </ul>	<p>with individual stakeholders)</p>
Medical marihuana dispensaries	<ul style="list-style-type: none"> <li>➤ As a precautionary approach prohibit marihuana dispensaries in all zones and home occupation regulations.</li> </ul>	<ul style="list-style-type: none"> <li>➤ No regulation as sale of marihuana is a federal offense</li> </ul>	<ul style="list-style-type: none"> <li>➤ Respond to evolving federal licensing framework</li> <li>➤ Continue to acknowledge federal prohibition on sale of medical marihuana</li> </ul>	<ul style="list-style-type: none"> <li>➤ Residents of Electoral areas A, B and C</li> <li>➤ Member municipalities</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Consult (APC meeting, Open House, meeting with individual stakeholders)</li> </ul>
Subdivision (minimum lot area exemptions)	<ul style="list-style-type: none"> <li>➤ Remove section 503.2.i.b.3. (e.g. 25 per cent restriction). Regulation to reflect that intent of exemption is to allow for minor lot line adjustment (i.e. building straddling lot lines, servicing needs) while maintaining intent of OCP and RGS</li> </ul>	<ul style="list-style-type: none"> <li>➤ Lot area exemptions to allow parcel size reduction in certain circumstances</li> </ul>	<ul style="list-style-type: none"> <li>➤ Enable minor changes in lot area that maintains intent of OCP and RGS</li> </ul>	<ul style="list-style-type: none"> <li>➤ Land owners of Electoral areas A, B and C</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Public feedback</li> <li>➤ Consult (APC meeting, Open House, meeting with individual stakeholders)</li> </ul>
Fresh water zoning	<ul style="list-style-type: none"> <li>➤ Consider regulating structures on the surface and bed of freshwater</li> </ul>	<ul style="list-style-type: none"> <li>➤ No freshwater zoning (surface only)</li> </ul>	<ul style="list-style-type: none"> <li>➤ To protect water quality of surface drinking water supply</li> </ul>	<ul style="list-style-type: none"> <li>➤ Comox Lake watershed advisory group</li> <li>➤ Land owners</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Public feedback</li> <li>➤ Consult (APC meeting, Open House, meeting with individual stakeholders)</li> </ul>
Riparian area setbacks	<ul style="list-style-type: none"> <li>➤ Consider minimum setbacks to watercourses</li> </ul>	<ul style="list-style-type: none"> <li>➤ Currently no riparian area setbacks (except for buildings housing livestock)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Keep new development out of hazard areas (e.g. floodplain)</li> <li>➤ Protect riparian area habitat and vegetation</li> </ul>	<ul style="list-style-type: none"> <li>➤ Properties in Electoral areas A, B and C</li> <li>➤ Local qualified environmental professionals</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Consult (APC meeting, Open House, meeting with individual stakeholders)</li> </ul>

### Comprehensive Zoning Bylaw Update “Zoning Bylaw Review Topic Chart”

<p>Functioning working landscapes</p>	<ul style="list-style-type: none"> <li>➤ Consider permitting residential use as an accessory use only in forestry zones, aquaculture and water supply area zones with provisions for siting and setbacks?</li> </ul>	<ul style="list-style-type: none"> <li>➤ Residential use permitted as principal use</li> </ul>	<ul style="list-style-type: none"> <li>➤ Implement RGS policy</li> <li>➤ Reduce interface conflict between residential uses and active working landscapes</li> </ul>	<ul style="list-style-type: none"> <li>➤ Land owners/residents of Electoral areas A, B and C</li> <li>➤ Woodlot operators</li> <li>➤ Agriculture and aquaculture producers</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Consult (APC meeting, ACAP, Open House, meeting with individual stakeholders, Farmers’ Institute, B.C. Shellfish Growers’ Association)</li> </ul>
<p>Agriculture and aquaculture</p>	<ul style="list-style-type: none"> <li>➤ Incorporate changes to ALC’s agri-tourism definition</li> <li>➤ Increase lot coverage for smaller RU-ALR lots</li> <li>➤ Review opportunities for upland aquaculture</li> <li>➤ Review and rationalize aquaculture zones (AQ-1 to AQ-4) and upland aquaculture facility one (UAF-1)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Restrictions on agriculture outside of ALR</li> <li>➤ Minimal opportunity for upland aquaculture</li> </ul>	<ul style="list-style-type: none"> <li>➤ To match the requirements and limitations of the <i>ALC Act</i></li> <li>➤ Enable value-added operations relating to agriculture and aquaculture production and processing</li> <li>➤ Encourage industry best practices</li> </ul>	<ul style="list-style-type: none"> <li>➤ Zones that allow for agricultural use as a principal use</li> <li>➤ Stakeholders (i.e. BC Shellfish Growers Association)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Public feedback</li> <li>➤ Consult (APC meeting, Open House, meeting with individual stakeholders)</li> </ul>
<p>Commercial/Industrial</p>	<ul style="list-style-type: none"> <li>➤ Review opportunities for mixed use employment land zones</li> <li>➤ Increase screening requirements to reduce interface conflict</li> <li>➤ Enable small scale commercial uses to serve day to day needs of neighbourhood residents</li> </ul>	<ul style="list-style-type: none"> <li>➤ Considerable overlap and redundancy among zones</li> <li>➤ Non-commercial and non-industrial uses permitted as principal uses (effect is that commercial/industrial zones are not principally used for commercial/industrial)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Improve clarity of permitted commercial uses and associated definitions</li> <li>➤ Create more opportunities for commercial and industrial uses (e.g. more properties)</li> <li>➤ Reduce the “watering down” of commercially and industrially zoned parcels</li> </ul>	<ul style="list-style-type: none"> <li>➤ Land owners/residents of Electoral areas A, B and C</li> <li>➤ Comox Valley Economic Development Society</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Public feedback</li> <li>➤ Consult (APC meeting, Open House, meeting with individual stakeholders)</li> </ul>

### Comprehensive Zoning Bylaw Update “Zoning Bylaw Review Topic Chart”

	<ul style="list-style-type: none"> <li>➤ Update definitions and zones to reflect current needs of commercial and industrial uses</li> <li>➤ Consolidate or delete repetitive or unused zones</li> </ul>	<ul style="list-style-type: none"> <li>➤ Limited number of commercial and industrial parcels (principal use)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Improve clarity of permitted commercial uses and associated definitions</li> </ul>		
<b>Consider innovative housing approaches (building technologies)</b>					
“Green” technologies	<ul style="list-style-type: none"> <li>➤ Include height and setback provision for sustainable technologies.</li> <li>➤ Include solar and turbines in section 309.4 (height requirements exemptions)               <ul style="list-style-type: none"> <li>➤ 309.4 <i>“The following shall not be subject to the height requirements of this bylaw unless otherwise specified: antennas, church spires, belfries, farm buildings including silos, utility service buildings, flagpoles, monuments, transmission towers, utility poles, warning devices, water tanks, chimneys, <b>solar panels, turbine used for the production of wind energy, ventilation machinery and elevators.</b></i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ Currently no height or setback exemptions for roof or pole mounted solar panels, wind turbines used for domestic energy production or rainwater collection systems</li> </ul>	<ul style="list-style-type: none"> <li>➤ Encourage innovative housing approaches</li> <li>➤ Encourage sustainable development and building technologies</li> <li>➤ Respond to current development issues and trends</li> <li>➤ Remove barriers to incorporation of green building technologies and rainwater capture</li> </ul>	<ul style="list-style-type: none"> <li>➤ Land owners/residents of Electoral areas A, B and C</li> <li>➤ Local construction industry</li> </ul>	<ul style="list-style-type: none"> <li>➤ Inform (Website)</li> <li>➤ Public feedback</li> <li>➤ Consult (APC meeting, Open House, meeting with individual stakeholders)</li> </ul>



**Charts summarize the community consultation plan  
Consultation schedule**

<b>Phase</b>	<b>Format/Stakeholders (will include but will not be limited to)</b>	<b>IAP2 Level of Engagement (IAP2's Public Participation Spectrum)</b>	<b>Deliverable</b>
Phase 1: March 2017	<p>Staff: prepare/create communication methods to inform</p> <p>Launch of consultation plan will commence with the support of this report at the Electoral Areas Service Committee meeting</p>	<ul style="list-style-type: none"> <li>• Inform (provide information to assist in understanding the problems, alternatives, opportunities and/or solutions)</li> </ul>	<ul style="list-style-type: none"> <li>• Project email created</li> <li>• Launch website (Facilitate information sharing and provided opportunities for input with the public and external stakeholders, FAQ's, feedback forum)</li> <li>• Create social media plan</li> <li>• Advertise in newspaper and post card mail out</li> <li>• Announce project on Facebook and Twitter</li> </ul>
Phase 2: March - ongoing	<ul style="list-style-type: none"> <li>• Engage internal staff</li> <li>• Electoral area advisory planning commissions (including agricultural commission)</li> <li>• K'ómoks First Nation: (present initiative to staff and/or Chief Councillor and council and invite to open house</li> <li>• Residents / community organizations (i.e. Comox</li> </ul>	<ul style="list-style-type: none"> <li>• Inform</li> <li>• Consult (to obtain public feedback on analysis, alternatives and /or decision).</li> </ul>	<ul style="list-style-type: none"> <li>• Introduce the zoning bylaw review, outline the preliminary background work completed and to obtain input (present information from appendix A)</li> <li>• Objectives of the review</li> <li>• Project timelines</li> <li>• Items that zoning can (or cannot) regulate</li> <li>• Future consultation plans</li> </ul>

	<p>Valley Economic Development Society, BC Shellfish Growers Association)</p> <ul style="list-style-type: none"> <li>• Open house in each of the three electoral areas - public information session (June 2017)</li> </ul>		<ul style="list-style-type: none"> <li>• Press release</li> <li>• Meetings with individual stakeholders maybe held, if requested, to discuss the project and obtain input</li> </ul>
Phase 3: September 2017	<p>Electoral Areas Services Committee</p> <p>External agencies referral (K'ómoks First Nation, City of Courtenay, Town of Comox, Village of Cumberland, provincial ministries)</p>	<ul style="list-style-type: none"> <li>• Consult</li> </ul>	<ul style="list-style-type: none"> <li>• Present draft zoning bylaw to EASC meeting for review and feedback before releasing to the public</li> </ul>
Phase 3: November 2017	<p>First and Second reading/request approval for agency referral</p>	<ul style="list-style-type: none"> <li>• Board decision</li> </ul>	<ul style="list-style-type: none"> <li>• Presentation to EASC</li> </ul>
Phase 3: January 2018	<p>Public hearing</p>	<ul style="list-style-type: none"> <li>• Consult</li> </ul>	<ul style="list-style-type: none"> <li>• Final draft of the zoning bylaw</li> <li>• Formal presentation on the planning process</li> </ul>
Phase 3: February 2018	<p>Review of public hearing/Third reading</p>	<ul style="list-style-type: none"> <li>• Board decision</li> </ul>	<ul style="list-style-type: none"> <li>• Presentation to EASC</li> </ul>
Phase 3: February 2018	<p>Ministry of Transportation and Infrastructure</p>	<ul style="list-style-type: none"> <li>• Empower (Final decision making)</li> </ul>	<ul style="list-style-type: none"> <li>• Requires Ministry of Transportation approval</li> </ul>
Phase 3: March 2018	<p>CVRD board</p>	<ul style="list-style-type: none"> <li>• Board decision</li> </ul>	<ul style="list-style-type: none"> <li>• Final adoption</li> </ul>