

Notice of meeting of the
Baynes Sound – Denman/Hornby Islands (Area A)
Advisory Planning Commission
Monday, October 23, 2017
To be held in the Bill Wood Room
Located at the Union Bay Hall, 5401 South Island Highway, Union Bay, BC
Commencing at 7:00 pm

PAGE

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|-----------|----|---|
| 2 | 1. | Receipt of the minutes of the Monday, September 25, 2017, Baynes Sound – Denman/Hornby Islands (Electoral Area A) Advisory Planning Commission meeting. |
| 3 | 2. | Memorandum dated October 10, 2017, regarding 3090-20/DV 4A 17 – Development Variance Permit Application – 4014 Haas Road (Zaborniak) |
| 9 | 3. | Memorandum dated October 10, 2017 regarding 3360-20/RZ 2A 17 – Zoning Bylaw Amendment Application – 5819 Tipton Road (Upper Island Development) |
| 19 | 4. | Memorandum dated October 11, 2017, regarding Official Community Plan amendment – shoreline protection device review process |
| | 5. | Next meeting date: Scheduled for Monday, November 27, 2017 |

Distribution:

Area A APC members
Area Director
Alternate Area Director
Chief Administrative Officer
General Manager of Planning & Development
Manager of Planning Services
Corporate Legislative Officer
Manager of Legislative Services
Planners
CVRD website
File copy
Reception notice board (cover page)

Minutes of the meeting of the Electoral Area A (Baynes Sound – Denman/Hornby Islands) Advisory Planning Commission of the Comox Valley Regional District held on Monday, September 25, 2017 in the Bill Wood Room of the Union Bay Hall, located at 5401 South Island Hwy, Union Bay, BC, commencing at 7:00 pm

| | | |
|----------------------|---|--|
| PRESENT: | Chair | Rodney Jones |
| | Members | Margaret McKenzie Bill Trussler Bruce Livesey Janet Thomas David Stapley |
| ABSENT: | Members | Karen Fouracre Pieter Rutgers |
| ALSO PRESENT: | Alternate Director Manager of Planning Services Proponents for DV 3A 17 | Jim Argue Alana Mullaly Nicole and Carl Cahoon |

Agenda Items

Minutes of Advisory Planning Commission Meeting

MCKENZIE/LIVESEY: THAT the minutes of the Electoral Area A (Baynes Sound – Denman/Hornby Islands) Advisory Planning Commission meeting held on Monday, June 26, 2017 be received.

CARRIED

3090-20/ DV 3A 17 – Development Variance Application – 3541 Cameron Road (Cahoon)

TRUSSLER / THOMAS: THAT the Area A Advisory Planning Commission support Development Variance Application DV 3A 17 for 3541 Cameron Road/ Lot 11, Section 28, Township 11, Nelson District, Plan VIP 81228, PID 026-732-564 (Cahoon) as proposed.

CARRIED

Next Meeting Date

The next Electoral Area A (Baynes Sound – Denman/Hornby Islands) Advisory Planning Commission meeting is scheduled for Monday, October 23, 2017 the Bill Wood Room of the Union Bay Hall, located at 5401 South Island Hwy, Union Bay, BC, commencing at 7:00 pm.

Termination

THOMAS/STAPLEY: THAT the meeting terminate.

CARRIED

Time: 7:30 pm.

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|-----------------------------|
| Recording Secretary: |
| Jim Argue |

| |
|---------------|
| Chair: |
| Rodney Jones |

Memo

File: 3090-20 / DV 4A 17

DATE: October 10, 2017

TO: Advisory Planning Commission
(Baynes Sound – Denman/Hornby Island) (Electoral Area A)

FROM: Planning and Development Services Branch

RE: Development Variance Permit – 4014 Haas Road (Zaborniak)
Lot 2, District Lot 86, Comox District, Plan 18006, PID 002-174-821

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

An application has been received to consider a Development Variance Permit to increase the maximum height of an accessory building from 6.0 metres to 6.4 metres. The residential property is 0.5 hectares and bound by residential properties to the northwest and southeast, Breakwater Esplanade to the northeast and Haas Road to the southwest (Figure 1 and 2). The owner obtained a building permit and built an accessory building (Figure 3). During the inspection process, a BC Land Surveyor confirmed that the building was over the height allowance (Figure 4) triggering the need for a variance. A letter from the applicant is attached (Appendix A).

Regional Growth Strategy and Official Community Plan Analysis

The subject property is designated Settlement Expansion Area in both the Regional Growth Strategy, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010" and the Official Community Plan, being the "Rural Comox Valley Official Community Plan Bylaw, No. 337, 2014". The accessory building does not conflict with the residential policies established in these documents.

Zoning Bylaw Analysis

The property is zoned Residential Rural (R-RU) in Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005". The R-RU zone permits an accessory building. The variance would provide relief from Section 309 (3) "*The maximum height of all accessory buildings is 6.0 metres...*" and legalize an existing accessory building with a height of 6.4 metres.

Sincerely,

A. Mullaly

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

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Attachments: Appendix A – "Letter from Applicant"

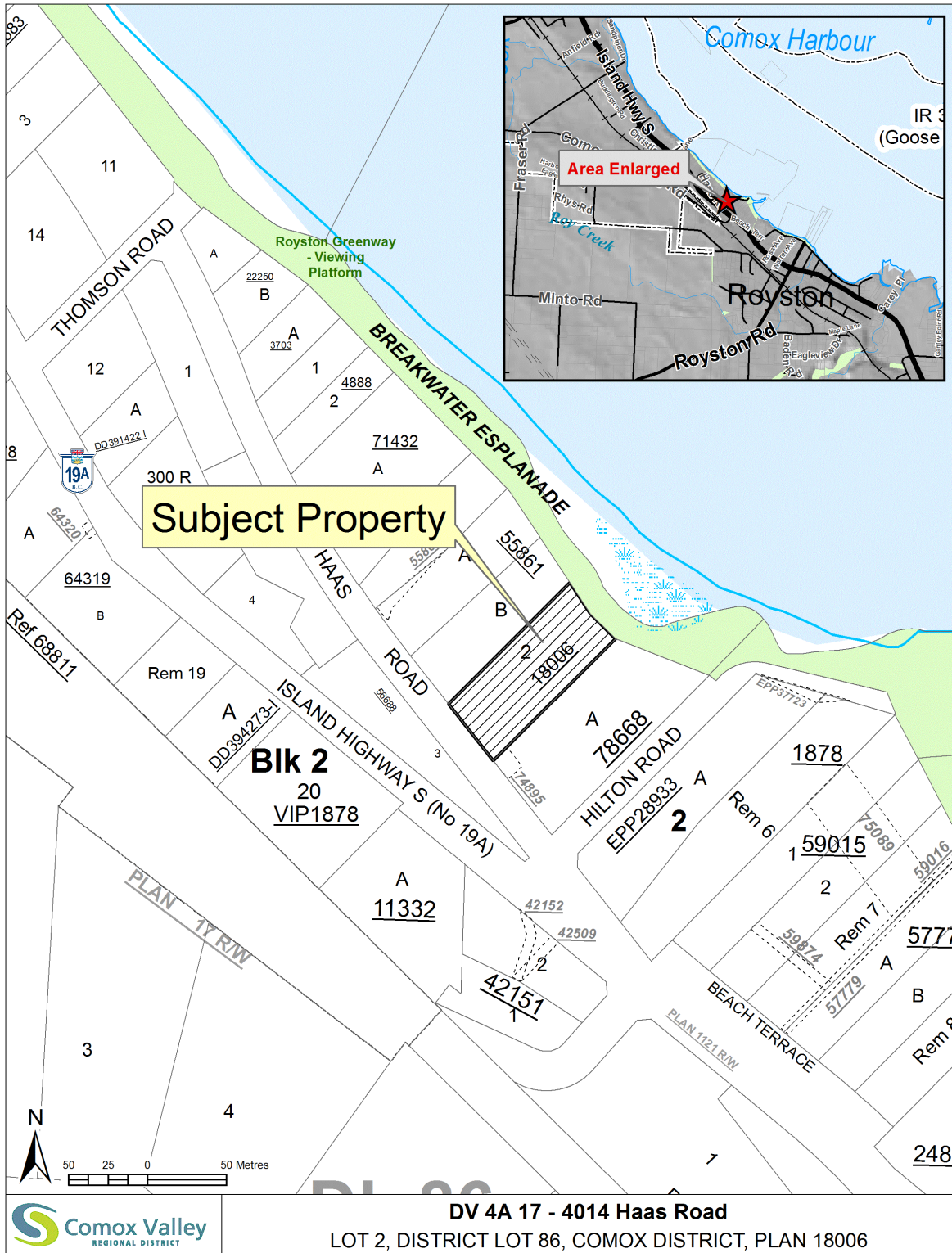


Figure 1: Subject Property Map



Figure 2: Aerial Photo

Comox Valley Regional District



Figure 3: New Accessory Building

HOERBURGER LAND SURVEYORS

280-A Anderton Road, Comox, B.C. V9MJ1Y2
Ph. (250) 890-0100 e-mail: hlsurveyors@gmail.com

September 23, 2017

Mitch & Kimberly Zaborniak
4014 Haas Road,
Courtenay, B.C.

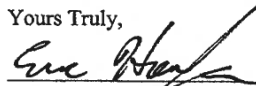
**Re: Building height verification for the work shop under construction
located at 4014 Haas Road, Courtenay, B.C.**

Dear Mitch & Kimberly;

Thank you for requesting the above noted survey work. After a field survey we have determined the roof peak height (highest point) for the new work shop at 4014 Haas Road is 6.4 meters above the average natural grade.

I trust the above is in order, but if you have any questions please call me at (250) 890-0100.

Yours Truly,



Eric A. Hoerbuerger, BCLS

Figure 4: Letter from Surveyor

Comox Valley Regional District

4014 Haas Road – Building Permit # 10323 – Reason for DP Application

This Accessory building is intended to be used as a workshop/garden shed/ storage/ etc.

We were unaware of the building height restriction at the time of exploring the permit process, when we first went to the CVRD with our plans (Greg was at the front counter), Greg said that we were over height, and that the minimum height of the accessory building would have to be 6.0 m. He said we could just change it from 14/12 pitch to a 12/12 pitch and that should be good if it meets the 6.0 m. We went home and I calculated the new building height based off the 12/12 pitch which reduced it from 6.4 m. to just under 6.0 m. We then submitted our application on Oct. 20, 2016, with the original plans by just crossing out the 14/12 pitch and writing in 12/12 pitch, which was approved, and received the building permit around the end of Nov. 2016.

At the time of the framing/sheathing inspection, when John and Garth said that we needed to supply a BCLS building height survey at this time, I told them I was unaware of this, as we just went off page 3 when to call for a building inspection as this is what we were told to do as it is a confusing process for the one-time builder as it had all the pertinent information that was required for when to call for an inspection. At the time of this inspection, we measured the building height right there on site with John and Garth, and was just around the 6.0 m. but we were not finished backfilling yet, and this would require an additional approx. 4 – 6" of soil yet to bring it to finished grade and the building would be under the 6.0 m. building height at that point. At this point John said the building height is to be taken from natural average ground. I asked why natural ground, and John said this is where the height of the building is taken from, and I replied I don't think it says that on the permit, however I will check to be sure. In the mean time we (John, Garth, and myself) picked a spot as to what was natural ground was which was higher in elevation at the one end of the building. Once they left we reviewed the permit, and it just said building height of **6.0 m.** on a **table on page 5** and also on **page 7**, nowhere did it say from natural ground. However on the plans it was red inked Max. 6 m fr actual natural grade showing an arrow going from the roof pitch to a ground level sloping away from the building, leading me to believe finished grade. So I left it at that, and contacted a BCLS surveyor, but they could not come down for some time. In the mean time a plumbing roughin inspection was completed, and Garth asked if we had the height of building surveyed yet, I replied not yet but was forth coming. We than called for an insulation/vapour barrier inspection, John called and said that they could not do the inspection till after the BCLS was completed. I asked why, and he said that they need the BCLS building height before they can do anymore inspections. We had the building height survey completed, and was sure that this would pass, however received his letter stating that it did not meet the required 6.0 m. but was in fact 6.4 m. I called the BCLS surveyor and he explained it was taken from natural ground and his interpolation was just that, an interpolation based on what he seen on our lot. He said you can go have another survey done and possibly they may see it differently than he, and it may meet the 6.0 m. I tried to explain to him that the original house (Major Hilton built) on the property that we demolished 2 years earlier had been standing for 100+ years, and that they owned the lots to the north and south before it was subdivided in 1965, and there was the likely possibility the natural ground was disturbed and disappeared, and asked if he took into account the surrounding property's for his interpolation, which he said no.

Interpolated natural ground elevation should not be used in this instance as the original owner of our property, once owned the now 1 adjacent property to the south, and the 2 lots to the north. This one

large property was sub-divided in 1965 into 4 lots. Prior to this Major Arthur Mansfield Hilton built his home here on our present lot, in 1912-1917 which was approx. 33' high (we measured it for a possible move off the property to build our new home), which we later decided not move, but demolish after building our present home. So for a BCLS to only look only at our lot and not the adjacent lots, in their determination of natural ground is unfair as this lot has changed in 100+ years. There is no original topography plans, no satellite imagery, no aerial photo graphs, of the area to show what the contours may have been prior to when the original house was built in 1912/17. As well there was the Comox Logging Railway, and camps in this immediate area, and a lot has changed in the course of a 100+ years.

As well, if you are taking the mean of the BCLS natural ground elevations around the perimeter of an accessory building, you should therefore also take into consideration **the mean height line between the peak and the height of the walls**, (see "Guide to Building Height" for a Pitched Roof, as published by Planning & Development Services West Vancouver). The CVRD should not be treating a building structure with a Peak roof like a flat roof structure which is totally unfair.

Memo

File: 3360-20 / RZ 2A 17

DATE: October 10, 2017

TO: Advisory Planning Commission
(Baynes Sound – Denman/Horbny Islands) (Electoral Area A)

FROM: Planning and Development Services Branch

RE: Rezoning – 5819 Tipton Road (Upper Island Development)
Lot B, District Lot 13, Nelson District, Plan VIP60017

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

An application has been received to consider a rezoning to enable further subdivision. The subject property is a 56 hectare 'hooked' lot across a railway right-of-way (Figures 1 and 2). The property is located in Electoral Area A – (Baynes Sound – Denman/Hornby Islands) and is within the Union Bay Improvement District for water and fire services. The application is to rezone the lands (0.8 hectares) east of the railway from Country Residential One (CR-1) to Residential One (R-1) to enable further subdivision into two residential parcels Road (Figure 3). The lands subject to the rezoning front onto Tipton Road and are bound by residential lots to the north and the south, railway right-of-way to the west and Tipton road to the east.

The owners have received preliminary layout approval from the Ministry of Transportation and Infrastructure to 'unhook' the lands east of the railway and are working to meet the conditions for final approval.

Regional Growth Strategy and Official Community Plan

The property is designated as Settlement Node in both the Regional Growth Strategy (RGS), being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010" and the Official Community Plan (OCP) being the "Rural Comox Valley Official Community Plan, Bylaw No. 337, 2014". The RGS and OCP identify settlement nodes as the primary growth areas for the Comox Valley Regional District. Residential intensification is encouraged provided it is keeping with the existing neighbourhood character and is appropriately serviced. The proposed rezoning is consistent with policies in the RGS and OCP.

Zoning Bylaw

The property currently has split zoning, the lands east of the railway are zoned CR-1 and the remainder is zoned Country Residential 2 (CR-2) (Figure 4). The CR-1 zone allows for residential uses and establishes a minimum lot size of 2.0 hectares preventing any further subdivision (Appendix A). The R-1 zoning establishes a minimum lot size of 0.4 hectares when connected to either community water or sewer (Appendix B). Rezoning the 0.8 hectare portion to R-1 enables the owners to apply to subdivide the property into two lots fronting onto Tipton Road.

Please be advised that all adjacent properties within 50.0 metres of the subject parcel will be notified via mail of the variance request and be given the opportunity to comment prior to the application going forward to the Electoral Areas Services Committee for consideration.

Sincerely,

A. Mullaly

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

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Attachments: Appendix A – “Country Residential One (CR-1) zone, Zoning Bylaw No. 2781”
Appendix B – “Residential One (R-1) zone, Zoning Bylaw No. 2781”

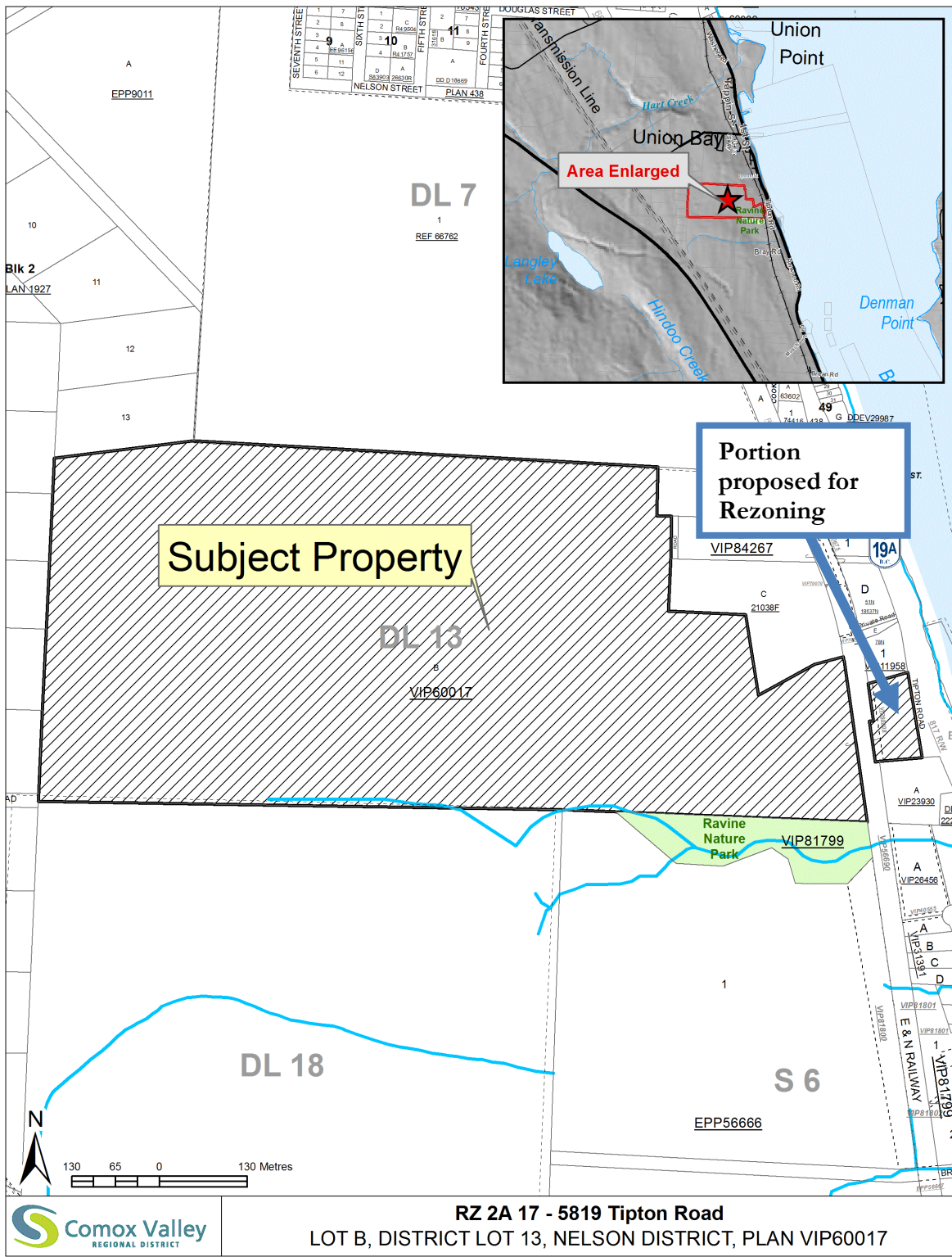


Figure 1: Subject Property Map

Comox Valley Regional District



Figure 2: Aerial Photo

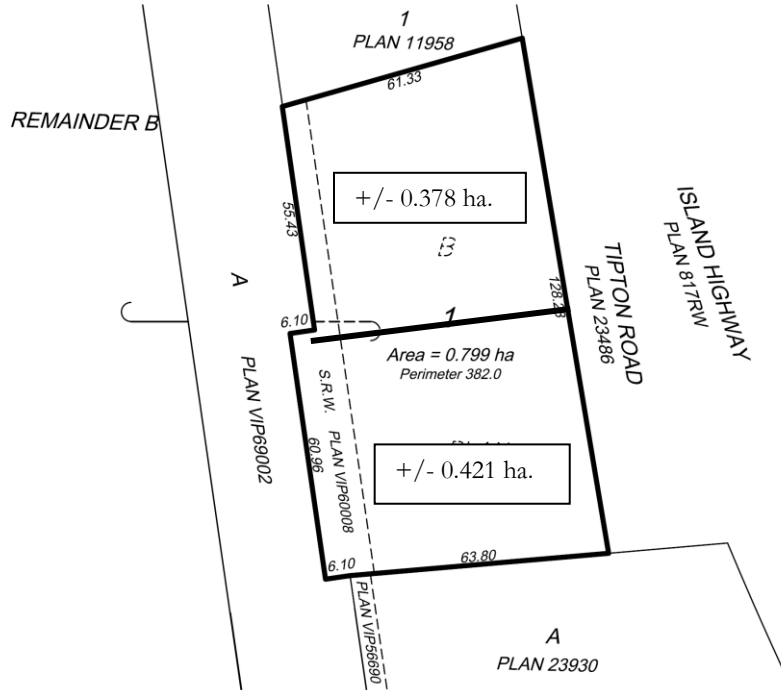
Comox Valley Regional District

**PROPOSED SUBDIVISION PLAN OF LOT B,
DISTRICT LOT 13, NELSON DISTRICT,
PLAN VIP60017**

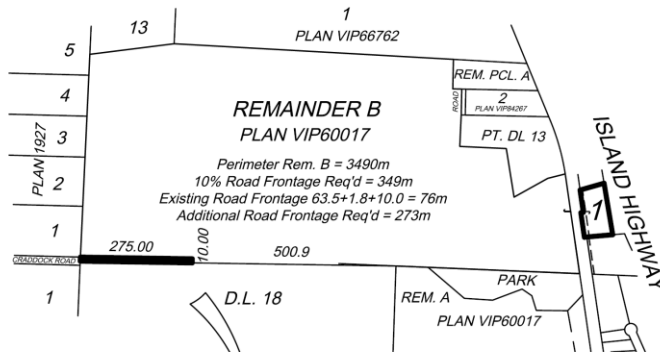
Parcel Identifier: 019-045-964



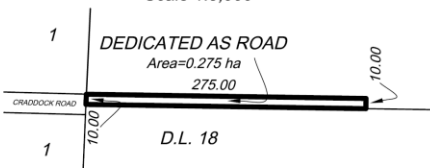
All dimensions are in metres and decimals thereof.



KEY PLAN
Scale 1:12,500



DETAIL
Scale 1:5,000



Civic Address
5819 Tipton Road
Union Bay, BC



Figure 3: Site Survey

Comox Valley Regional District

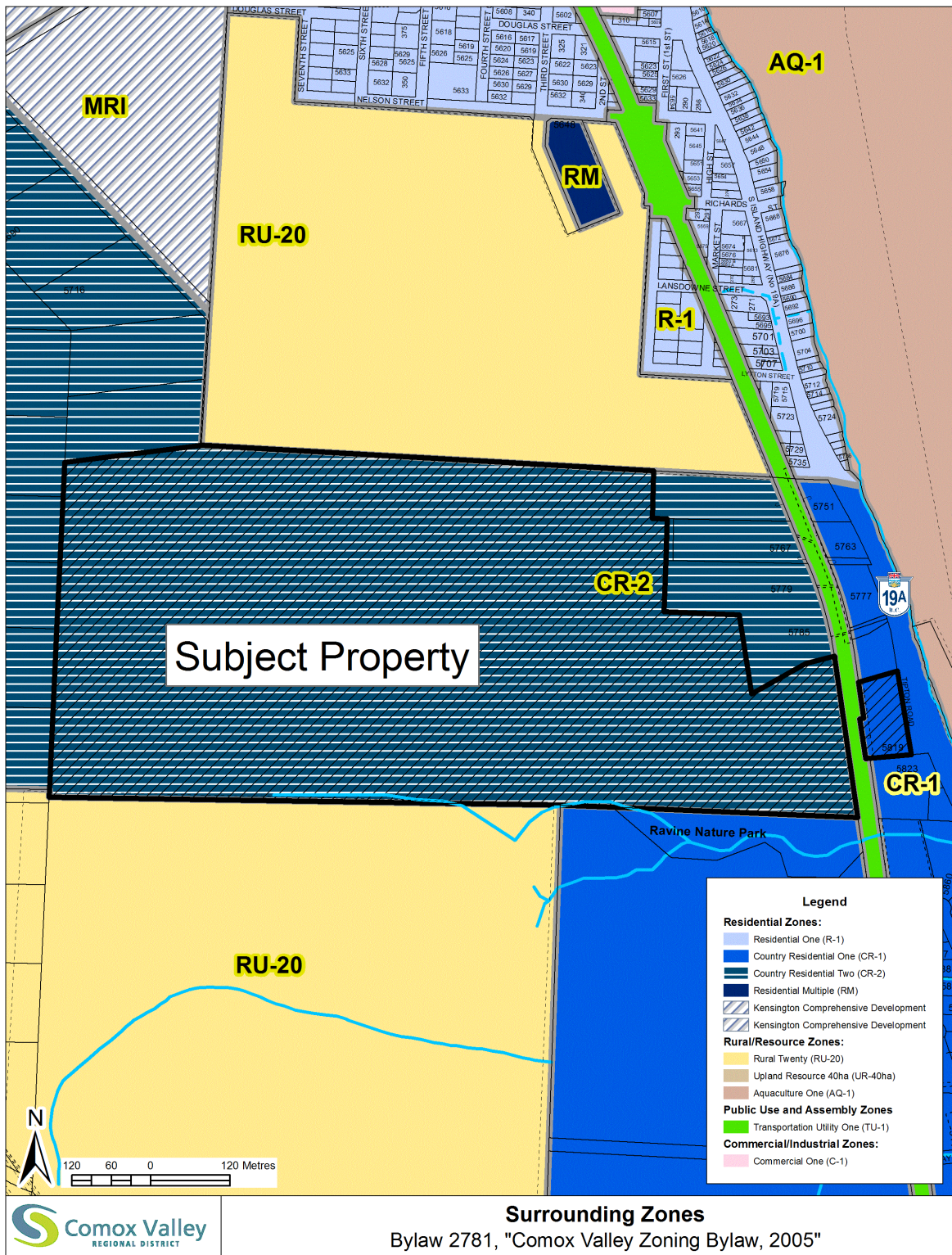


Figure 4: Zoning of Area

Comox Valley Regional District

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

PART 700 RESIDENTIAL ZONES

701 Residential One (R-1)

1. PRINCIPAL USE

On any lot:

- i) Residential use.

2. ACCESSORY USES

On any lot:

- i) Secondary suite;
- ii) Home occupation use;
- iii) Accessory buildings;
- iv) Bed and Breakfast.

#4

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 90.0 metres² (968.8 feet²).

#112

4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

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

| Type of Structure | Height | Required Setback | | |
|-------------------|--------------------------------|------------------|----------------|----------------|
| | | Front yard | Rear yard | Side yard |
| Principal | 10.0m (32.8ft) | 4.5m (14.8 ft) | 4.5m (14.8 ft) | 1.75m (5.8 ft) |
| Accessory | 4.5m-or less (14.7 ft or less) | 4.5m (14.8 ft) | 1.0m (3.3 ft) | 1.0m (3.3 ft) |
| Accessory | 6.0m-4.6m (19.68ft) | 4.5m (14.8 ft) | 4.5m (14.8 ft) | 1.75m (5.8 ft) |

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. 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:

- a) When connected to community water and sewer: 600 metres² (6458.6 feet²)
- b) When connected to either community water or sewer: 4000 metres² (1.0 acre)
- c) When serviced by well and approved septic system: 1.0 hectare (2.5 acre)

Despite (iii), a subdivision with lots smaller than identified in (a), (b), and (c) above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot areas permitted based upon the available servicing.

End • R-1

Memo

File: 3350-20/CP 1CV 17 and PJ 3CV 16

DATE: October 11, 2017

TO: Advisory Planning Commission
Baynes Sound – Denman/Hornby Island (Electoral Area A)

FROM: Planning and Development Services Branch

RE: Official Community Plan amendment – Shoreline Protection Device Review Process

The attached Comox Valley Regional District (CVRD) initiated Official Community Plan (OCP) amendment is for commission members' review and comment.

Since 2011 the CVRD has had a Shoreline Protection Device Development Permit Area (DPA). The DPA was created in response to increasing public frustration with “hard” devices that destroyed intertidal area habitat, blocked beach access during high tide, intercepted natural sediment transfer along the beach, and negatively impacted adjacent properties. The general intent of the DPA is to discourage the installation of shoreline hardening and prevent negative impacts of shoreline protection devices on a site-by-site basis.

In 2014, OCP policy was introduced to prohibit new hardened shorelines. Language was also added to the shoreline protection device DPA that established two review processes for shoreline protection device development permit applications based on the design approach and related impact on the shoreline (i.e. “hard” versus “soft”). A requirement to rezone was also introduced and it is specifically this component that presents challenges to the CVRD in achieving the long-term objective of improved coastal resiliency.

The purpose of this OCP amendment is to change the application process for property owners who are planning to install a shoreline protection device, both “hard” and “soft” design approaches. Staff's proposed OCP amendment maintains the intent of the OCP's natural environment and coastal areas policies, but addresses the unintended consequences of the rezoning tool. Specifically, staff recommends that owners obtain a development permit, rather than rezone.

- Currently, the OCP requires that, prior to installing a shoreline protection device property owners must rezone their property to recognize the shoreline protection device as a permitted land use and obtain a development permit;
- The rezoning tool would entrench a hardened shoreline as a permitted land use, however the long-term intent is to eliminate hardened shorelines wherever possible so as to enhance natural resilience in the face of climate change (e.g. flooding, storm surge);
- Over time, as owners may seek development permit approval to maintain or replace these devices, there may be opportunity to employ strategies to soften shoreline devices that will restore elements of shoreline resiliency, such as reintroducing a more natural beach profile to

accommodate wave run-up versus vertical walls that direct wave energy to adjacent properties and eventually exacerbate erosion and beach scour. Once entrenched in zoning, it may be difficult to avoid defaulting to hard shore design.

The CVRD board granted first and second readings to this bylaw on September 19, 2017. The bylaw is presently out for external agency and First Nations referral. Staff will report back to the Electoral Areas Services Committee on the external agency findings and recommend that a public hearing date be set for late fall.

As this OCP amendment affects more than 10 properties individual direct mailings are not required. Notice of the public hearing will be printed in the newspaper and advertised on the CVRD website. Anyone can provide comments on the proposed bylaw up until the close of the public hearing.

Sincerely,

A. Mullaly

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

Attachment

DATE: August 30, 2017

FILE: 3350-20 / CP 1CV 17 & PJ 3CV 16

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

RE: Shoreline Protection Device Review Process - Official Community Plan Amendment

Purpose

To amend the Official Community Plan (OCP) to change the process for property owners seeking to install shoreline protection devices, both “hard” and “soft” approaches (Figure 1) from rezoning to development permit.

Policy Analysis

Sections 472, 475 and 477 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) enable local governments to adopt OCPs and outline procedures for their amendment, including consultation. Sections 484 and 485 of the LGA, establish a framework under which local governments can obtain information about the anticipated impact of a proposed development. The Comox Valley Regional District (CVRD) has a Development Approval Information (DAI) Area bylaw, being “Comox Valley Regional District Development Approval Information Bylaw No. 369, 2015”. Section 488 enables local governments to designate development permit areas (DPA) to achieve a range of OCP policy objectives, including protection of the natural environment and protection of development from hazardous condition.

Updating all DPA’s to incorporate “Greenshore” principles is an operational strategic priority of the board. This work is planned for 2018.

Executive Summary

- The OCP promotes restoration of shoreline resiliency through the adoption of best management practices, including a general prohibition on new “hard”, non-reflective structural interventions (e.g. seawalls, concrete groins, rip rap);
- Currently, the OCP requires that, prior to installing a shoreline protection device property owners must rezone their property to recognize the shoreline protection device as a permitted land use and obtain a development permit;
- The rezoning tool would establish a hardened shoreline as a permitted land use, however the long-term intent is to eliminate hardened shorelines wherever possible;
- Instead, the development permit tool, alone, will facilitate a more flexible and sustainable approach whereby owners can work toward developing a resilient shoreline;
- Staff recommends initiation of an OCP amendment to remove the rezoning requirement;
- A coastal resiliency initiative is underway and it will contribute to development of an integrated coastal shoreline management program for the CVRD;
- Staff will report progress at a later date, but a general scope of work is attached as Appendix D.

Recommendation from the Chief Administrative Officer:

THAT proposed Bylaw No. 489, being Amendment No. 1 to Bylaw No. 337, the “Rural Comox Valley Official Community Plan”, be granted first and second readings;

AND THAT proposed Bylaw No. 489, be referred to the external agencies identified in Appendix C of staff report dated August 30, 2017 for review and comment;

AND FINALLY THAT Comox Valley Regional District staff consult with First Nations on proposed Bylaw No. 489 in accordance with the referrals management program dated September 25, 2012.

Respectfully:

R. Dyson

Russell Dyson
Chief Administrative Officer

Background/Current Situation

Since 2011 the CVRD has had a “shoreline protection device” DPA. The DPA was created in response to increasing public frustration with “hard” devices that destroyed intertidal area habitat, blocked beach access during high tide, intercepted natural sediment transfer along the beach, and negatively impacted adjacent properties. The general intent of the DPA is to discourage the installation of shoreline hardening and prevent negative impacts of shoreline protection devices on a site-by-site basis. Since 2011, planning staff has reviewed approximately 12 applications for shoreline protection devices: the majority have included “hard” shore design. Staff has had some success working with applicants to “soften” proposals and incorporate features that enhance resiliency and conserve habitat values.

In 2014, OCP policy was introduced to prohibit new hardened shorelines. Language was also added to the shoreline protection device DPA that established two review processes for shoreline protection device development permit applications based on the design approach and related impact on the shoreline (i.e. “hard” versus “soft”). A requirement to rezone was also introduced and it is specifically this component that presents challenges to the CVRD in achieving the long-term objective of improved coastal resiliency.

Official Community Plan

The OCP confirms an intent to promote shoreline development best management practices that protect and restore coastline health. In part, this is related to climate change adaptation policy to develop strategies to create hazard resilient communities whereby people and natural systems can better withstand hazardous conditions including conditions arising from extreme storm surge.

The OCP prohibits new shoreline hardening, except by site specific rezoning. Within the shoreline protection device DPA guidelines there is a requirement for proponents of any type of shoreline protection device, including “soft” designs, to rezone their property to recognize their shoreline protection device as a land use. Appendix A contains the policy and development permit area guideline excerpts that convey the requirement to rezone.

A technical challenge arises with use of the rezoning tool, specifically entrenching a hardened shoreline as a permitted land use. Staff’s proposed OCP amendment (Appendix B) maintains the

intent of the OCP's natural environment and coastal areas policies, but addresses the unintended consequences of the rezoning tool.

Zoning Bylaw

Zoning is the primary planning tool to regulate land use. Among the unintended consequences that could result from recognizing shoreline protection devices as land uses is the creation of lawful, non-conforming status for existing hardened shorelines (including those that were installed prior to the creation of the shoreline protection device DPA in 2011). There are existing “hard” shoreline protection devices across the electoral areas that have created negative impacts. Over time, as owners may seek development permit approval to maintain or replace these devices, there may be opportunity to employ strategies to soften shoreline devices that will restore elements of shoreline resiliency, such as reintroducing a more natural beach profile to accommodate wave run-up versus vertical walls that direct wave energy to adjacent properties and eventually exacerbate erosion and beach scour. Once entrenched in zoning, it may be difficult to avoid defaulting to hard shore design.

Development Approval Information Bylaw

When the OCP was adopted, the CVRD did not have a DAI bylaw. This meant that it was often difficult to request impact assessment information about a proposed development. A DAI bylaw has since been adopted. DAI is information on the anticipated impact of a proposed activity or development. In respect to the installation of shoreline protection devices, it is clear that there are impacts on the natural environment as well as potential for impact on adjacent properties. Throughout the electoral areas, there are examples of shoreline protection devices that have created seriously negative impacts on adjacent private and public property. Through the development permit process staff can obtain impact information from qualified professionals: this is key as it can inform contextually appropriate design options.

Coastal Resiliency Initiative

Staff is working with a consultant to undertake a multi-year initiative to enhance shoreline resiliency within the electoral areas. The general scope of this project is attached as Appendix D. Key project objectives include:

- Classify and map shoreline types to identify best management practices for each shoreline type;
- Assess larger scale coastal processes by area to identify opportunities for conservation and restoration (e.g. low, medium and high energy zones; areas of erosion and accretion);
- Enable staff and elected officials to make science-based coastal management decisions;
- Monitor changes to the shoreline over time;
- Provide citizens with information resources in order to improve resiliency of private property, including shoreline data on the iMap system;
- Build on coastal citizens' existing knowledge of coastal processes and effects of intervention through public outreach;
- Develop a series of policy tools and strategies that protect the coastline and enhance resiliency.

Baseline data collection is underway. This data will help to define physical and biological attributes, identify existing conflicts (i.e. altered shorelines) and areas where restoration opportunities may exist. The data will be used to develop an integrated shoreline management program for the CVRD that can be used to inform decision making.

Options

The board may:

1. Accept staff's recommendation to initiate an OCP amendment to remove the requirement to rezone property to install a shoreline protection device and instead review all proposals through the development permit process only.
2. Maintain the status quo and require proponents of both "hard" and "soft" shoreline protection devices to apply for a site specific rezoning, followed by a development permit.

The technical differences between these two tools in the context of shoreline protection devices are discussed elsewhere in this report. The material differences between the two options relate to time and money for the property owner and the ability over the long-term to implement "soft" shore measures to address improved coastal resiliency in the face of a changing climate. Staff recommends option 1.

Financial Factors

The main costs associated with a CVRD initiated OCP amendment pertain to staff time and public notification. These costs will be borne by the CVRD. The cost of development permit and rezoning applications are defined in Bylaw No. 328, being "Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014".

Legal Factors

Staff's recommendation is consistent with the LGA.

Regional Growth Strategy Implications

The overall project of improved coastal resiliency is consistent with the objectives and policies of the RGS, specifically promoting the principle of precaution respecting ecosystem connectivity and restoration, and adapting to climate change.

Intergovernmental Factors

Staff recommends referral of proposed Bylaw No. 489 to the agencies and First Nations identified in Appendix C. In the review of shoreline protection development permits, staff works with the Ministry of Forests, Lands and Natural Resource Operations and the Ministry of Transportation and Infrastructure, as required.

Interdepartmental Involvement

There are no interdepartmental factors related to staff's recommendation, however, planning consults with engineering and building staff during the technical review of shoreline protection device development permit applications.

Citizen/Public Relations

An OCP amendment triggers a statutory public process that will be conducted in accordance with the planning procedures and fees bylaw (Bylaw No. 328).

In respect to the effect of removing the requirement to rezone, a zoning bylaw amendment application triggers a statutory public process; a development permit application does not. This is because issuance of a development permit is not discretionary. Provided that a development proposal complies with all of the guidelines in a DPA, the board (or delegate) must issue the permit. In the CVRD, development permits that have not been delegated to a CVRD officer are referred to the applicable electoral area Advisory Planning Commission (APC) for comment.

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Development Services Branch

Attachments: Appendix A - “OCP policy and development permit language excerpts”
Appendix B - “Proposed Bylaw No. 489”
Appendix C - “External Agency and First Nation referral list”
Appendix D - “Coastal Resiliency Initiative – general scope”



Above: Before and after beach nourishment (soft shore) at Tyee Spit, Campbell River
Photo: B.C.P. Harrison

Below: Typical “hard” shore example, Thetis Island (N.B. “Before” photo in a pilot project to move towards “softening”)
Photo: Islands Trust



Figure 1: “Soft” and “Hard” Shore Design Examples

Appendix A

Shoreline Protection Device Policy and Development Permit Area Guidelines Excerpts

Official Community Plan policy that establishes that “hard” shoreline protection devices require rezoning:

Freshwater Policies

- 67(1) **Prohibit hardening of the shoreline** through the use of rip rap, concrete embankments and revetment walls, and other similar structural interventions that permanently alter the ecological function, disturb natural vegetation, and/or destroy fish habitat, including forage and spawning areas. Such development is prohibited **unless site specific board approval is obtained in the form of a rezoning.**

Coastal Areas Policies

- 70(8) **Prohibit the hardening of the coastal shoreline** through the use of rip rap, concrete embankments and revetment walls and other similar structural interventions that interrupt natural sediment transfer, disturb natural vegetation, redirect wave energy to adjacent properties and/or destroy fish habitat, including forage and spawning areas, **unless provided for by a site specific rezoning.**

Shoreline Protection Device Development Permit Area Guidelines

(That establish that all shoreline protection devices require rezoning regardless of design approach.)

The board delegates to the CVRD officers the issuance of development permits. Where an applicant has proposed the installation, replacement or repair of a shoreline protection device under these guidelines the design of the device should follow the soft shore and greenshore approach to foreshore development. **Prior to issuance of a shoreline protection device development permit a shoreline protection device must be a permitted use under the zoning bylaw.**

The board delegates to the CVRD officers through the delegation bylaw, the power to issue development permits. Where an applicant has proposed a shoreline protection device under these guidelines that follows the soft shore and greenshore approach to foreshore development, the permit will be processed through the delegation granted under the delegation bylaw.

Where an applicant is proposing the use or replacement of hard shore protection measures the development permit will be reviewed by the board. Development permits shall be issued in accordance with the following guidelines. Where it is anticipated that shoreline protection devices may cause erosion or other physical damage to adjacent or other properties, the development permit may not be issued.

Appendix B
Proposed Bylaw No. 489

Bylaw No. 489
 Comox Valley Regional District

STATUS

Title: Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 1
 Applicant: Comox Valley Regional District
 Electoral Area: All
 File No.: CP 1CV 17/PJ 3CV 16
 Purpose: To amend the Rural Comox Valley Official Community Plan
 Participants: All Electoral Areas



Application Received: **Date: N/A**

Electoral Areas Services Committee: **Date:**
Recommendation:

Comox Valley Regional District Board: **Date:**
Decision:

Public Hearing: **Date:**

Comox Valley Regional District Board: **Date:**
Decision:

Comox Valley Regional District Board: **Date:**
Decision:

Comox Valley Regional District

Bylaw No. 489

A Bylaw to amend the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014".

The board of the Comox Valley Regional District in open meeting assembled, enacts the following amendments to the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014:

Section One Text Amendment

- 1) Bylaw No. 337, being the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014," is hereby amended as set out in Schedule A attached to and forming part of this Bylaw.

Section Two Title

- 1) This Bylaw may be cited as the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 1."

| | | |
|---------------------------------|---------------|--------------|
| Read a first time this | day of | 2017. |
| Read a second time this | day of | 2017. |
| Public hearing held this | day of | 2017. |
| Read a third time this | day of | 2017. |

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 489, being the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 1", as read a third time by the board of the Comox Valley Regional District on the XX day of XX 2017.

Corporate Legislative Officer

Adopted this **day of** **2017.**

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 489, being the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 1", as adopted by the board of the Comox Valley Regional District on the XX day of XX 2017.

Corporate Legislative Officer

Schedule A

Section One Text Amendment

1. Part Two, Regional Objectives and Policies, section 67(1), “Freshwater policies” be amended by deleting the existing text;

“67(1) Fresh Water – policies

Prohibit hardening of the shoreline through the use of rip rap, concrete embankments and revetment walls, and other similar structural interventions that permanently alter the ecological function, disturb natural vegetation, and/or destroy fish habitat, including forage and spawning areas. Such development is prohibited unless site specific board approval is obtained in the form of a rezoning.”

and inserting the following new text:

“67(1) Fresh Water - policies

Generally prohibit hardening of the shoreline through the use of rip rap, concrete embankments and revetment walls, and other similar structural interventions that alter the ecological function and service of the riparian area, disturb natural vegetation, disrupt natural riparian processes, and/or destroy riparian habitat. Subject to receipt of development approval information from a qualified professional that demonstrates that shoreline hardening is required to protect life or a principal building on the property, and that impacts can be mitigated, the board may consider issuance of a shoreline protection device development permit.”

2. Part Two, Regional Objectives and Policies, section 70(8), Coastal Areas - policies” be amended by deleting the existing text;

“70(8) Coastal Areas – policies

Prohibit the hardening of the coastal shoreline through the use of rip rap, concrete embankments and revetment walls and other similar structural interventions that interrupt natural sediment transfer, disturb natural vegetation, redirect wave energy to adjacent properties, and/or destroy fish habitat, including forage and spawning areas, unless provided for by a site specific rezoning.”

and inserting the following new text:

“70(8) Coastal Areas - policies

Generally prohibit hardening of the coastal shoreline through the use of rip rap, concrete embankments and revetment walls, and other similar structural interventions that alter the ecological function and service of the coastal shoreline, disturb natural vegetation, disrupt natural coastal processes, redirect wave energy to adjacent properties, and/or destroy coastal shore habitat, including forage and spawning areas. Subject to receipt of development approval information from a qualified professional that demonstrates that shoreline hardening is required to protect life or a principal building on the

property, and that impacts can be mitigated, the board may consider issuance of a shoreline protection device development permit.”

3. Part Four, Administration of the OCP, section 83 “Shoreline Protection Devices - Guidelines” be amended by deleting the existing text;

“The board delegates to the CVRD officers the issuance of development permits. Where an applicant has proposed the installation, replacement or repair of a shoreline protection device under these guidelines the design of the device should follow the soft shore and greenshore approach to foreshore development. Prior to issuance of a Shoreline Protection Device Development Permit a shoreline protection device must be a permitted use under the zoning bylaw.

The board delegates to the CVRD officers through the delegation bylaw, the power to issue development permits. Where an applicant has proposed a shoreline protection device under these guidelines that follows the soft shore and greenshore approach to foreshore development, the permit will be processed through the delegation granted under the delegation bylaw.

Where an applicant is proposing the use or replacement of hard shore protections measures the development permit will be reviewed by the board. Development permits shall be issued in accordance with the following guidelines. Where it is anticipated that shoreline protection devices may cause erosion or other physical damage to adjacent or other properties, the development permit may not be issued.”

And inserting the following new text:

“Where an applicant proposes the installation, replacement or repair of a shoreline protection device under these guidelines, the design of the device shall contribute to shoreline resiliency by following soft shore (e.g. “Greenshore”) principles:

- Conserve or restore natural coastal or riparian processes (e.g. sediment transfer);
- Maintain habitat function and diversity;
- Prevent pollutants from entering the aquatic or riparian environment;
- Avoid or reduce cumulative impacts on the shoreline environment, including coastal or riparian processes.

All proposals shall incorporate design elements that contribute to coastal resiliency by protecting or restoring natural coastal processes and habitat. Except when a hardened shoreline is proposed (i.e. based on the findings of a qualified professional that shoreline hardening is required to protect life and/or a principal building), shoreline protection device development permits can be approved under delegated authority. Proposals to harden a shoreline, including replacement and/or maintenance of an existing hard shoreline with similar hard design elements shall require board approval of the development permit.”

Appendix C
AGENCY AND FIRST NATIONS REFERRAL LIST

First Nations

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

Provincial Ministries and Agencies

| | | | |
|--------------------------|---|--------------------------|--|
| <input type="checkbox"/> | Agricultural Land Commission | <input type="checkbox"/> | Ministry of Community, Sport and Cultural Development |
| <input type="checkbox"/> | BC Assessment | <input type="checkbox"/> | Ministry of Forests, Lands and Natural Resource Operations |
| <input type="checkbox"/> | BC Parks | <input type="checkbox"/> | Ministry of Energy and Mines |
| <input type="checkbox"/> | BC Transit | <input type="checkbox"/> | Ministry of Environment |
| <input type="checkbox"/> | Ministry of Aboriginal Relations and Reconciliation | <input type="checkbox"/> | Ministry of Jobs, Tourism and Skills Training |
| <input type="checkbox"/> | Ministry of Agriculture | <input type="checkbox"/> | Ministry of Transportation and Infrastructure |
| | | <input type="checkbox"/> | BC Wildfire Services |

Other

| | | | |
|-------------------------------------|--|--------------------------|--|
| <input type="checkbox"/> | Agricultural Advisory Planning Commission | <input type="checkbox"/> | Comox Valley Economic Development Society |
| <input checked="" type="checkbox"/> | Electoral Area 'A' Advisory Planning Commission Baynes Sound – Denman/Hornby Islands | <input type="checkbox"/> | Vancouver Island Health Authority (Environmental Health) |
| <input checked="" type="checkbox"/> | Electoral Area 'B' Advisory Planning Commission Lazo North | <input type="checkbox"/> | School District #71 (Comox Valley) |
| <input checked="" type="checkbox"/> | Electoral Area 'C' Advisory Planning Commission Puntledge – Black Creek | | |

Appendix D

Coastal Resiliency Initiative (File PJ 3CV 16)

Overall Objective

To enhance resiliency in the face of climate change by developing a coastal shoreline management framework to enable the CVRD and citizens to make science based decisions regarding coastal management.

General scope of work (DRAFT)

Phase 1: Baseline Mapping and Classification of shoreline

- Classify shoreline types and identify best management practices for each type
- Highlight important biological and physical attributes (including anthropogenic attributes such as seawalls, rip rap, boat launches)
- Rank shoreline segments to illustrate potential interactions between sensitive habitat and existing shoreline protection devices (linked to future phase assessment of opportunities for conservation and restoration)

Phase 2: Public Outreach

- Present baseline findings
- Host public panel discussion with coastal experts to raise awareness about coastal processes and best management practices
- Host film screening

Phase 3: Implementation

- Incorporate all baseline findings (e.g. coastal shore type) into iMap system
- Develop web resources for property owners (e.g. understanding coastal jurisdiction, coastal processes and habitat values, options for shoreline protection, permitting process)
- Assess need for any OCP policy or development permit area amendments
- Develop monitoring program (e.g. to track changes to the shoreline – per cent of soft and hardened, etc.)
- Identify related opportunities to augment coastal resiliency (e.g. upland rainwater management, hazard area identification)
- Identify partnership opportunities to undertake a pilot project