

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

Wednesday, October 25, 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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|-----------|----|---|
| 2 | 1. | Receipt of the minutes of the Wednesday, September 27, 2017, Puntledge-Black Creek (Electoral Area C) Advisory Planning Commission meeting. |
| 3 | 2. | Memorandum dated October 12, 2017, regarding 3060-20/DP 19C 17 – Development Permit Application – 8655 Island Highway North (Zimmerman) |
| 19 | 3. | Memorandum dated October 11, 2017, regarding Official Community Plan amendment – shoreline protection device review process |
| | 4. | Next meeting date: Scheduled for Wednesday, November 29, 2017 |

Distribution:

Area 'C' APC members
Area Director
Alternate Area Director
Chief Administrative Officer
General Manager of Planning & Development Services
Manager of Planning Services
Manager of Legislative Services
Corporate Legislative Officer
Planners
CVRD website
File copy

Reception notice board (cover page)

Minutes of the meeting of the Electoral Area C (Puntledge-Black Creek) Advisory Planning Commission of the Comox Valley Regional District held on Wednesday, September 27, 2017 in the Comox Valley Regional District boardroom, located at 550B Comox Road, Courtenay, BC, commencing at 7:00 pm

PRESENT:	Acting Chair	John Milne
	Members	Jim Langridge
		Grant Gordon
		George Trousdell
		David Pacholuk
		James Derry
		Dan Thran
ABSENT:	Members	Pearl McKenzie
		Brad Chappell
ALSO PRESENT:	Electoral Area Director	Edwin Grieve
	Alternate Director	Curtis Scoville
	Assistant Manager of Planning Services	Ton Trieu
	Planner	Brianne Labute
	Proponent for DV 2C 17	Brian Lowe

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, July 26, 2017 be received.

CARRIED

3090-20/ DV 2C 17 – Development Variance Permit Application – 7045 Railway Avenue (Lowe)

PACHOLUK / THRAN: THAT the Area C Advisory Planning Commission support Development Variance Permit Application DV 2C 17 for 7045 Railway Avenue/ Lot 6, Block 29, Comox District, Plan 28688, PID 001-739-387 (Lowe) as proposed.

CARRIED

Next Meeting Date

The next Electoral Area C (Puntledge-Black Creek) Advisory Planning Commission meeting is scheduled for Wednesday, October 25, 2017 in the Comox Valley Regional District boardroom, located at 550B Comox Road, Courtenay, BC, commencing at 7:00 pm.

Termination

TROUSDELL/PACHOLUK: THAT the meeting terminate.

CARRIED

Time 7:43 pm.

Recording Secretary:
Jim Langridge

Acting Chair:
John Milne

Memo

File: 3060-20/DP 19C 17

DATE: October 12, 2017

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

FROM: Planning and Development Services Branch

RE: Industrial Development Permit – 8655 Island Highway North (Zimmerman)
Parcel A (DD41465W) of Lot A, Block 29, Comox District, Plan 9954,
PID 005-433-355

The attached development proposal (Appendix A) is for commission members' review and comment as it relates to the development permit (DP) guidelines (Appendix B).

The subject property is a 0.4 hectare lot located along the highway in the Saratoga Miracle Beach settlement node (Figures 1 and 2). The property is currently vacant but was previously used as a gas station. The front ~0.1 ha (where the gas station formerly stood) is cleared and the remainder is treed (Figures 3 and 4).

The owner is proposing to clear the property and build a 334 square metre industrial shop with an attached 119 m² covered area for outdoor storage (Figure 5). The property owner intends to use the property for assembling wood fence panels and includes a dwelling unit within the building.

According to the site plan the building will be located in the front half of the property, with an entrance facing the highway and bay doors facing the neighbouring (residentially-zoned) property (north side parcel line). The property's road access is provided through an easement over the front 14 metres of that northern property which has a highway access. The applicant currently owns both parcels.

Zoning Bylaw Analysis

The property is zoned Industrial Light (IL). As illustrated in the site plan (page two of appendix A), the proposed building is maximizing the developable width of the property; the subject property is 36 metres wide, the required side setbacks are 7.5 metres each, the building is intended to be 14 metres wide with a 5 metre lean-to and small covered porch at the office entrance.

Section 906(3) within the IL zone of Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005", requires that landscaping be installed in accordance with an approved DP and all outdoor storage or supply yards be screened from any abutting property with a residential zone. The zoning bylaw defines screening as "*a continuous solid fence, wall, berm, compact evergreen hedge, or other densely planted vegetation of sufficient height to visually shield or obscure one abutting structure, building or lot from another, broken only by access drives or walks*". The property is currently surrounded by land zoned residential (Figure 6), though the property on the south and west end of the subject property is currently the

subject of an application to rezone it to a commercial and industrial zone. The applicant has proposed solid wood fencing along the boundary with these residentially-zoned lots, consistent with this zoning regulation.

Development Permit Guidelines

Form and Character

The guidelines direct that all buildings and structures be architecturally coordinated and give consideration to the relationship between buildings and open areas, circulation systems, visual impact and design compatibility with the surrounding development. The applicant intends the building to use a corrugated metal exterior painted grey with charcoal-coloured trims, gutters and (metal) roof. The office and residential entrances are intended to include a timber frame entranceway (Figure 5). The applicant also intends to use fascia advertising signage on the building along with a free-standing sign closer to the highway.

Screening and Landscaping

The guidelines direct that a landscape plan should be provided that includes a landscaped treatment along the entire frontage of the building site that abuts public roads. The landscape plan (page three of appendix A), illustrates a 26 metre long single row of shrubs and trees at the front property line. The owner intends the remaining 10 metres of frontage to act as a driveway accessing the highway. The property owner intends to clear the remainder of the property.

Regarding screening, the guidelines direct that outdoor storage areas be enclosed with a solid fence, and that buildings be sited in a way that ensures adjacent residential properties have visual privacy, as well as protection from site illuminations and noise. The applicant proposes to construct solid wood fencing along the southern, western, and most of the northern boundary. According to the site plan, the garbage bin would be located to the rear of the building within the solid wood fenced area.

Rainwater Management

The applicant provided a drainage plan prepared by Michael de Hart, E.I.T., of McElhanney Consulting Services Ltd. The drainage plan recommends using an exfiltration gallery that accommodates drainage from the building roof, a drainage swale along the southern property boundary, and a catch basin from the parking lot.

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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Comox Valley Regional District

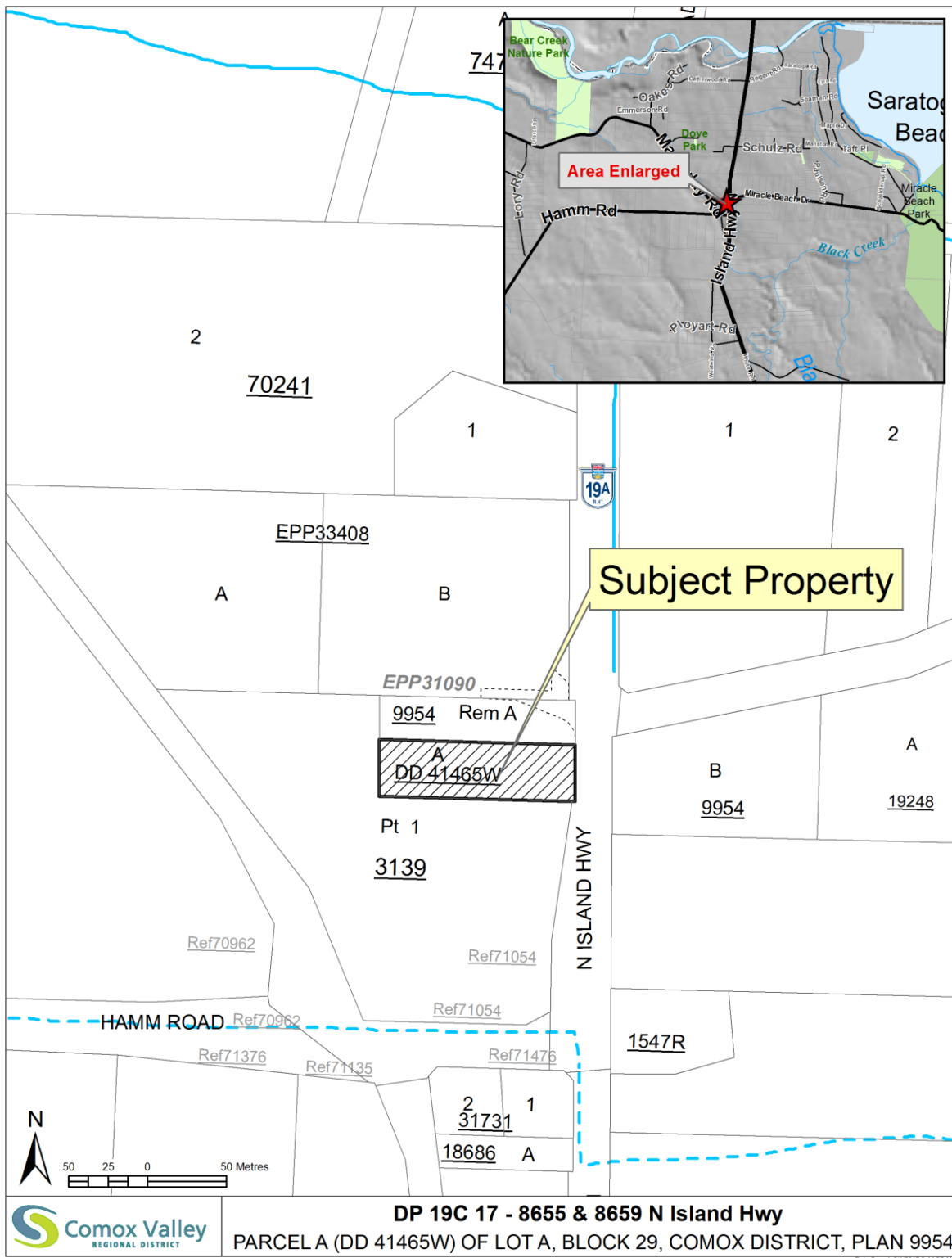


Figure 1: Subject Property

Comox Valley Regional District



Figure 2: Air Photo (2016)

Comox Valley Regional District

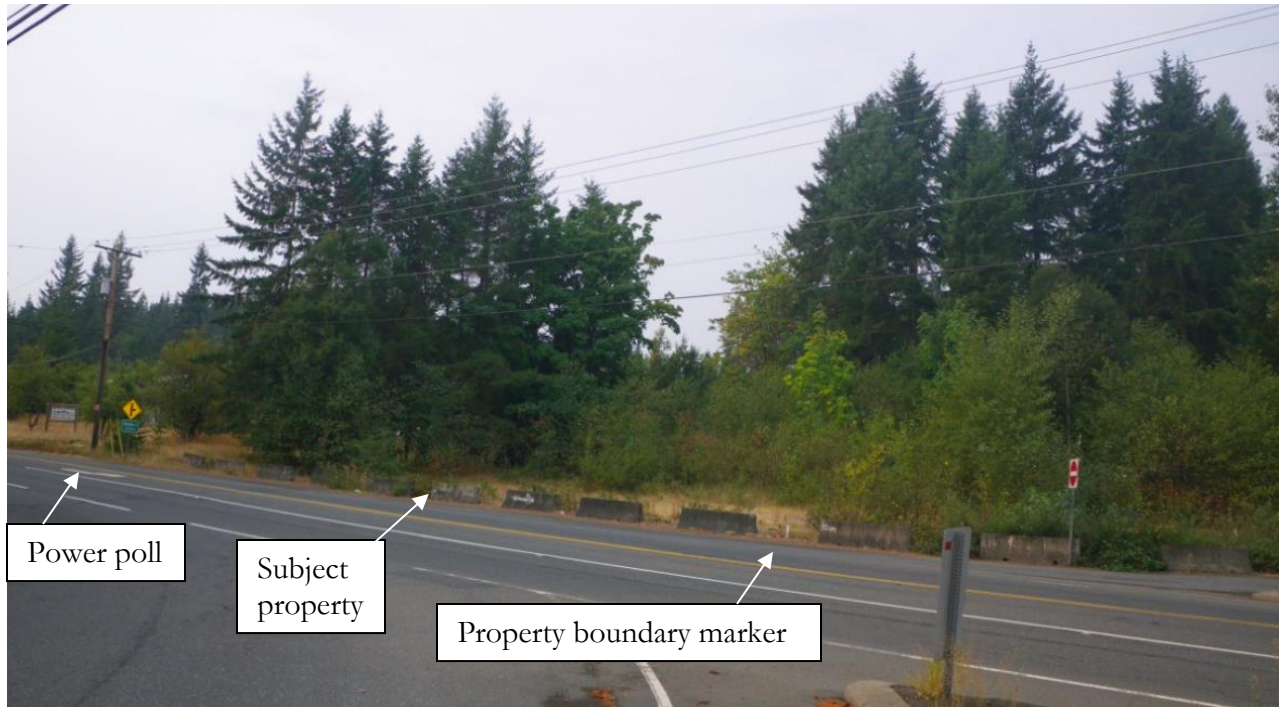


Figure 3: Photo of subject property



Figure 4: Frontage of subject property

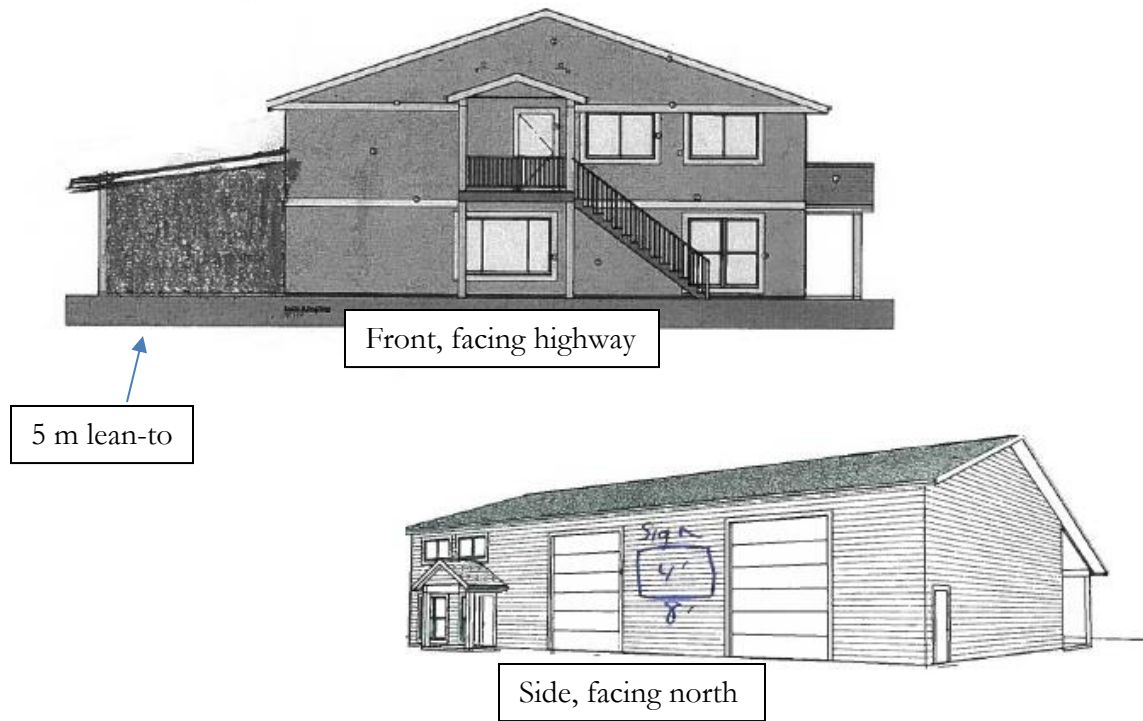


Figure 5: Elevation Drawings provided by Applicant of Proposed Building

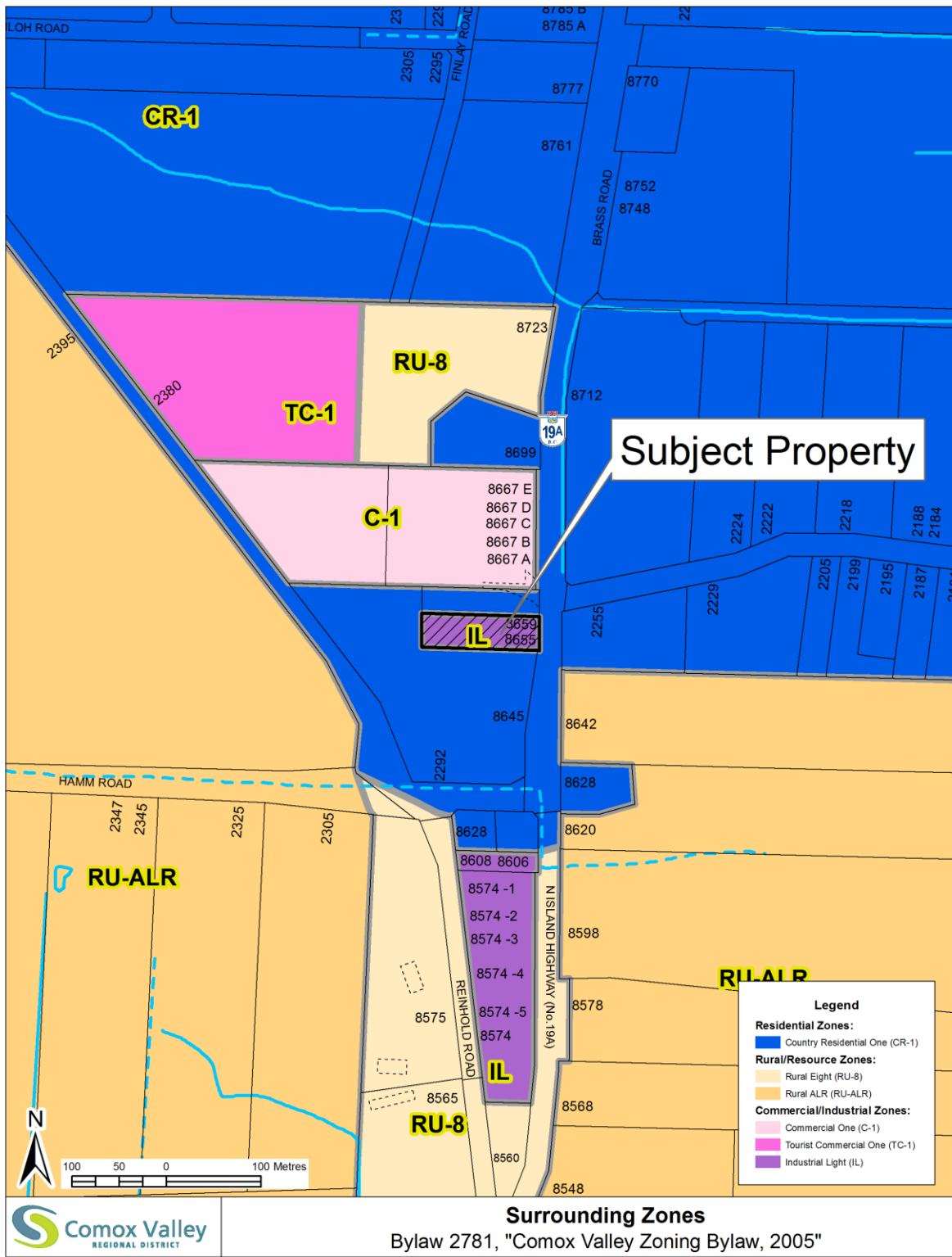


Figure 6: Zoning Residential Zone in Blue

Comox Valley Regional District

To: Regional District Planning Department

From: Nevin Zimmerman

I, Nevin Zimmerman, owner of property: Plan 9954 and PCLA DD41465, apply for a development permit to do the following on PCLA DD41465-W

- Clear the Property entirely except trees on the southeast corner that are good screening for adjacent south property, indicated on plot plan.
- Build 80'x45' shop with attached 16'x80' lean-to on the south side for lumber storage & East end of building 20'x45' Upstairs living space.

Shop working space will be 60'x45'

Office Space, lunch room, & washroom 20'x14'

Business plan: Manufacturing Cedar Fence Panels for privacy fencing, Garden sheds, Arbors, other lawn & garden furniture.

Employees: 6

Parking as per drawing – 5 vehicle; parking behind building for staff.

Fencing will be privacy solid cedar fence *at front of building for Customer* around property boundaries as indicated on plot plan *(6ft High)*

Garbage Disposal – Behind building

Signage – as per drawing, signage may include 4'x8' on east end of building & 4'x8' on NE corner on the north side.

Landscaping – parking lot all gravel

Building Colours

Roof – Charcoal – Metal

Walls – Grey – Metal

Gutters & Trim – Charcoal

Entrances – Timber frame with Fir stained with natural finish

Drainage plan – as per McElhanney Drawing

Highway Access – as per easement

Comox Valley Regional District
RECEIVED

File:

AUG 23 2017

To:

cc:

Comox Valley Regional District
RECEIVED

File:

AUG 23 2017

To:

cc:

REM LOT A
Plan VIP9954

SITE PLAN IS FOR REFERENCE
ONLY. REFER TO SURVEYORS SITE
PLAN FOR DETAILED LAYOUT.

Fencing ↓

PARCELA
LOTA
Plan VIP9954

PROPOSED
SHOP

Garbage
Bin

Customer
Parking

24.6'
7.5m

24.6'
7.5m

Double Sided
Storage

EASEMENT

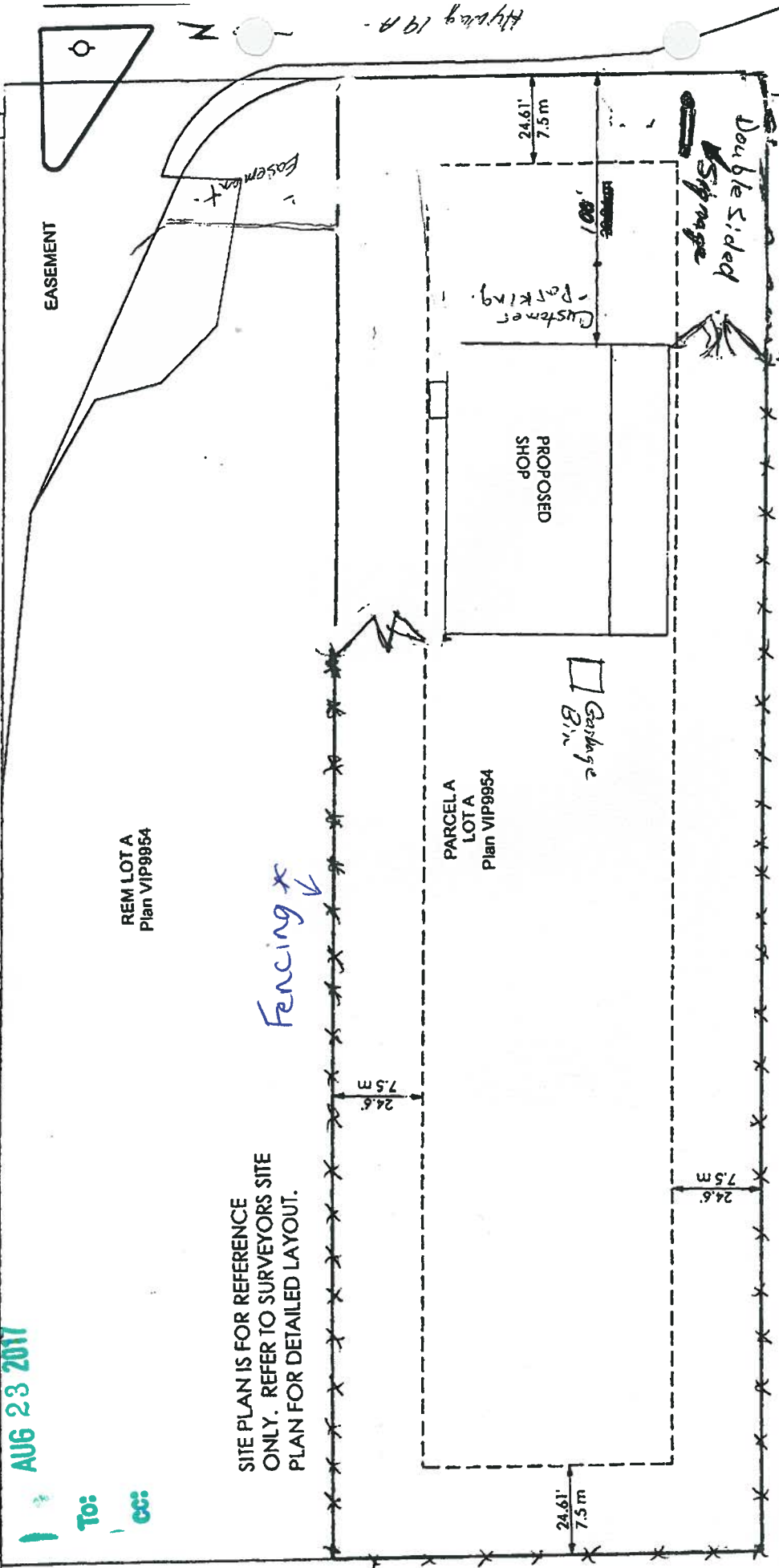
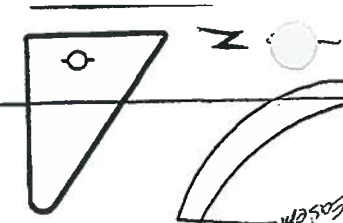
24.6'
7.5m

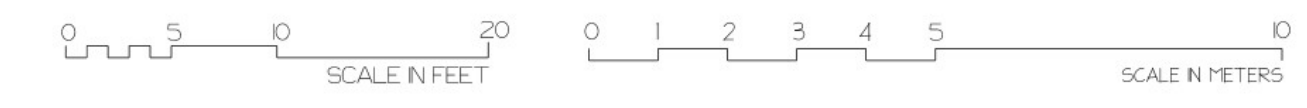
24.6'
7.5m

SITE PLAN
1:300

8659 SOUTH ISLAND HIGHWAY
PARCELA LOT A PLAN VIP9954

Highway 19A





SCOPE OF WORK

Work includes supply of all related items and performing all operations necessary to complete the work in accordance with the drawings and specifications and generally consists of the following:

- 1 Site Preparation
- 2 Finish grading and landscape drainage
- 3 Installation of underground irrigation system
- 4 Supply and placement of growing medium
- 5 Testing growing medium and supply of additives (fertilizers) to meet requirements of soil test, and B.C. Landscape Standards
- 6 Preparation of planting beds, supply of plant material and planting.
- 7 Supply and placement of fine fish compost in beds.
- 8 Establishment Maintenance- for one year
- 9 Other work required to complete landscape
- 10 Leave site completely clean and tidy.

GRADING AND DRAINAGE

The preparation of the subgrade shall, by rough grading and filling, provide a base that will allow the placing of growing medium to the specified depths. Finished subgrade surfaces should be free of visible humps and hollows and provide for growing medium depths as laid out on the landscape plans. Debris, roots, branches, stones, building materials, contaminated subsoil, visible weeds and anything else that may interfere with the proper growth and development of the planned finished landscaping shall be removed. Areas showing excessive compaction shall be scarified to a minimum depth of 6" (150mm) immediately before placing growing medium.

ESTABLISHMENT MAINTENANCE

The intent of establishment maintenance is to provide sufficient care to newly installed plant material for a period of one year from acceptance to ensure or increase the long-term success of the planting. The objective is the adaptation of plants to a new site in order to obtain the desired effect from the planting while reducing the rate of failure and unnecessary work associated with improper establishment. Establishment maintenance procedures apply to all vegetation, including:

- 1 Cultivated turfgrass
- 2 New trees, shrubs, and groundcovers

Maintenance during the one-year guarantee period is essential to ensure the validity of any guarantee.

GUARANTEE

The customary one year guarantee period for the construction industry is accepted as the standard for landscape work. The contractor should guarantee all materials and workmanship for a period of one full year from the date of Substantial Performance (Acceptance). Inspections must be called for in order to achieve Substantial Performance.



PLANTING DETAIL : SHRUBS

SOIL AMENDMENT: Organic matter (steer/mushroom manure, bone meal, and a time release fertilizer such as Nitricote) to be mixed with soil and placed around the root ball to a width 3 times that of the rootball. Quantity of fertilizers shall be in accordance with the manufacturer's recommendations.

WATERING: Hole to be backfilled and concurrently tamped and watered to eliminate air pockets.

MULCHING: Mulch with shredded bark or fish compost to a maximum depth of 75mm, over an area of the rootball. Keep mulch 50mm away from trunk. Do not bury plant crowns, or low branches and leaves under bark mulch or fish compost.

CROWN PRUNING: Prune at planting to carefully remove dead, broken, damaged and interfering branches.

PLANTING DEPTH: Keep top of rootball 75-100 mm above finished grade of topsoil.

PLANTING AREA: Actual hole to be 300 mm wider around the perimeter of the rootball. Soil preparation area to be six rootball diameter. Scarify soil preparation area to a depth of 300mm for aeration.

ROOTBALL, BURLAP, TWINE: Cut and remove all wire, rope, burlap and twine from around trunk and the top of rootball.

STAKES AND TIES: Stake immediately. Tie using biodegradable material such as folded burlap, etc. Stakes to be placed to prevent damage to adjacent branches. Use 2 wooden stakes to be driven beside and below rootball 300mm.

TOP SOIL REQUIREMENTS: Minimum depth for shrub beds: 450mm (18") Minimum depth for groundcover: 300mm (12") Trees as per detail on these drawings. Minimum depth for mulch: 65-75mm (2.5-3")

PLANTING DETAIL : DECIDUOUS TREE

TRUNK PROTECTION: Trunk wrapping in place prior to planting to be totally removed for trunk inspection. When required use only approved tree wrap material and install from the ground up to above the lowest branches.

SOIL AMENDMENT: 300mm topsoil mixed with time release fertilizer, organic matter, such as manure or fish compost, and bone meal applied according to manufacturer's recommendations.

WATERING: Hole to be backfilled and concurrently tamped and watered to eliminate air pockets.

MULCHING: Mulch with shredded bark or fish compost to a maximum depth of 75mm, over an area of the rootball. Keep mulch 50mm away from trunk.

PLANTING AREA: Actual hole to be 300 mm wider around the perimeter of the rootball. Soil preparation area to be six rootball diameter. Scarify soil preparation area to a depth of 300mm for aeration.

ROOTBALL, BURLAP, TWINE: Cut and remove all wire, rope, burlap and twine from around trunk and the top of rootball.

STAKES AND TIES: Stake immediately. Tie using biodegradable material such as folded burlap, etc. Stakes to be placed to prevent damage to adjacent branches. Use 2 wooden stakes to be driven beside and below rootball 300mm.

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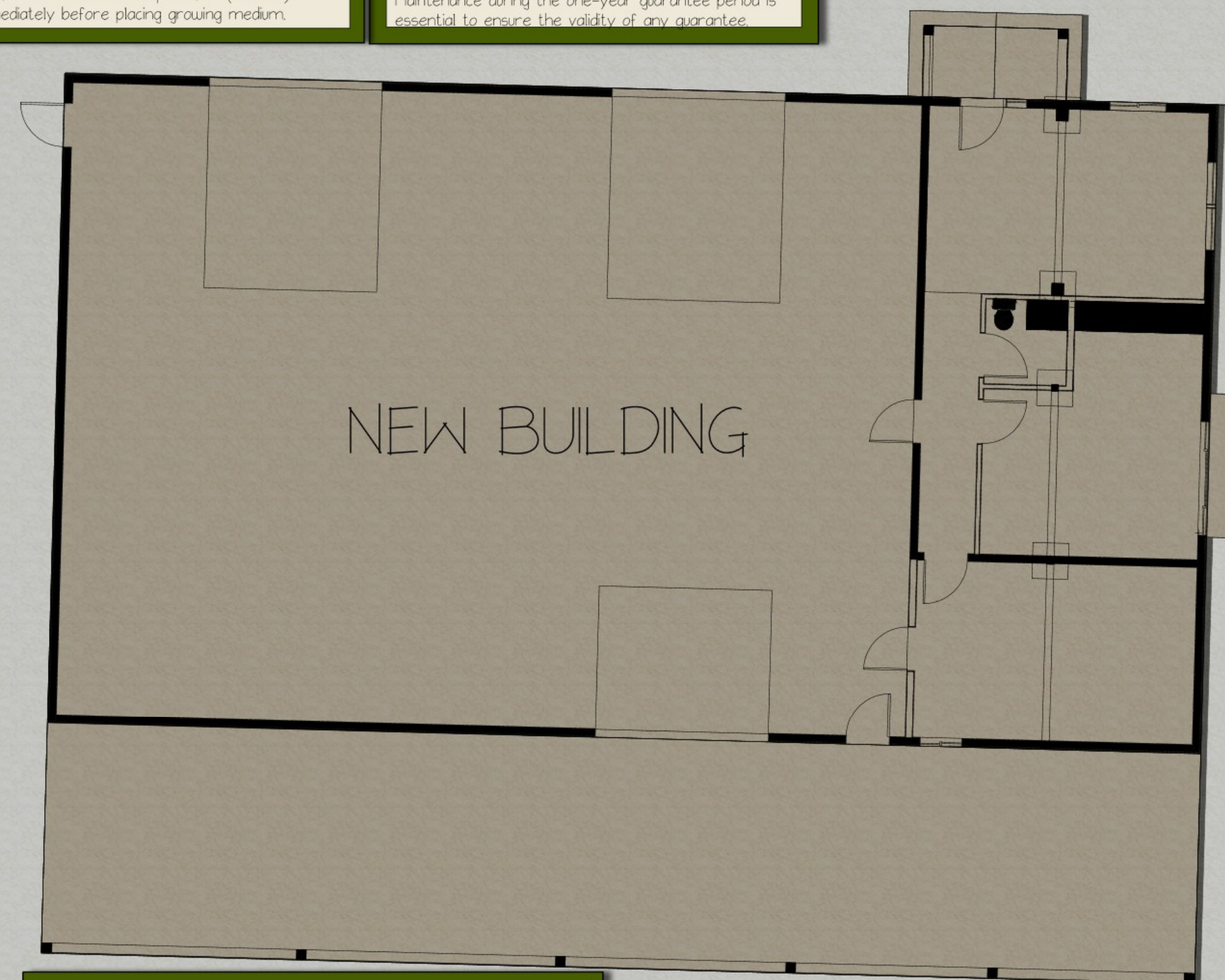
SOIL COMPOSITION FOR GROUND LEVEL PLANTING AREAS

TABLE 6-35.3 "GROOMED" AND "MODERATE" SOIL COMPOSITION

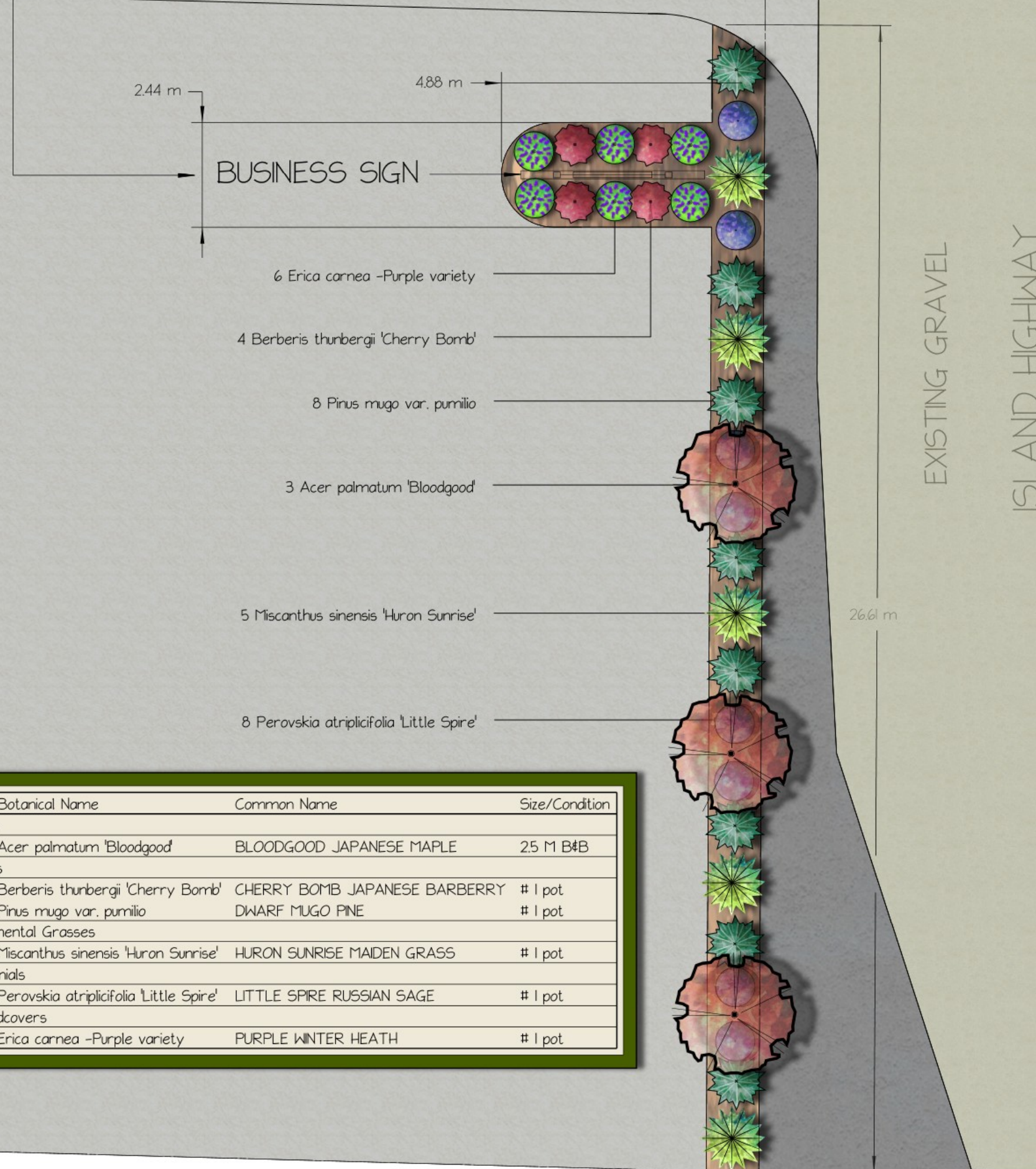
Percent of Dry Weight of Total Growing Medium

Coarse Gravel larger than 19mm, smaller than 40mm	0 - 1%
All Gravel larger than 2mm, smaller than 40mm	0 - 5%
Sand larger than .05mm, smaller than 2mm	40 - 60%
Silt larger than .002mm, smaller than .05mm	0 - 25%
Clay - smaller than .002mm	0 - 25%
Clay and Silt combined	Maximum 35%
Organic content	10 - 20%
Acidity (ph):	4.5 - 6.5

Drainage: Percolation shall be such that no standing water is visible 60 minutes after at least 10 minutes of moderate to heavy rain or irrigation.



Qty	Botanical Name	Common Name	Size/Condition
Trees			
3	<i>Acer palmatum 'Bloodgood'</i>	BLOODGOOD JAPANESE MAPLE	25 M BAB
Shrubs			
4	<i>Berberis thunbergii 'Cherry Bomb'</i>	CHERRY BOMB JAPANESE BARBERRY	# 1 pot
8	<i>Pinus mugo var. pumilio</i>	DWARF MUGO PINE	# 1 pot
Ornamental Grasses			
5	<i>Miscanthus sinensis 'Huron Sunrise'</i>	HURON SUNRISE MAIDEN GRASS	# 1 pot
Perennials			
8	<i>Perovskia atriplicifolia 'Little Spire'</i>	LITTLE SPIRE RUSSIAN SAGE	# 1 pot
Groundcovers			
6	<i>Erica carnea -Purple variety</i>	PURPLE WINTER HEATH	# 1 pot



BC LANDSCAPE STANDARDS

All construction to meet the requirements as set out in the BC Landscape Standards, 2002 edition, prepared by the B.C. Society of Landscape Architects and the B.C. Landscape and Nursery Association jointly. Copies of the BC Landscape Standards are available through the BCLNA office at 1-604-574-7772

Contractor to consult with designer regarding any discrepancies.

Contractor to consult with designer if plant substitutions are required due to availability.

Contractor is responsible for obtaining written confirmation of utility locations prior to commencing digging.

Contractor is responsible for providing one year of maintenance and one year warranty on all materials and workmanship, from acceptance of landscape.

Refer to landscape specifications supplied with this plan. If you did not receive the specifications, please contact the designer.

TOP SOIL REQUIREMENTS:

Minimum depth for shrub beds: 450mm (18")
Minimum depth for groundcover: 300mm (12")
Trees as per detail on these drawings.
Minimum depth for mulch: 65-75mm (2.5-3")

LANDSCAPE AREA

TREE/SHRUB AREA 43.35 sqm (466 sqft)

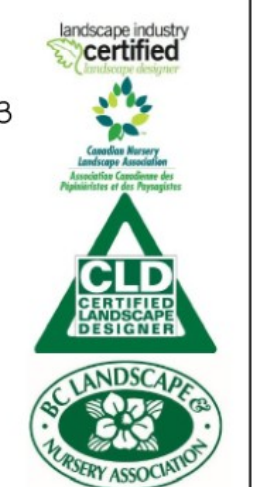
PROJECT: CV, CEDAR Sales & Fencing 8659 Island Highway Parcel A Lot Plan VP99454

CLIENT: NEVIN ZIMMERMAN nevinjz@gmail.com

ARCHITECT: RON KERVIN HOME DESIGN 250-871-0306

LANDSCAPE DESIGNER: MYSTIC WOODS LANDSCAPE DESIGN 4737 Gordon Rd Campbell River, B.C. V9H 1T3 phone: 250-286-1327 cell phone: 250-287-0160 design@mysticwoods.ca

DRAWN BY: Corinne Matheson CLD, HT Certified Landscape Designer Horticultural Technician Member of the BCLNA / CLNA



BC ONE CALL
Call Before
You Dig
1-800-474-6886
Cellular #6886



BLOODGOOD JAPANESE MAPLE
Acer palmatum 'Bloodgood'



CHERRY BOMB JAPANESE BARBERRY
Berberis thunbergii 'Cherry Bomb'



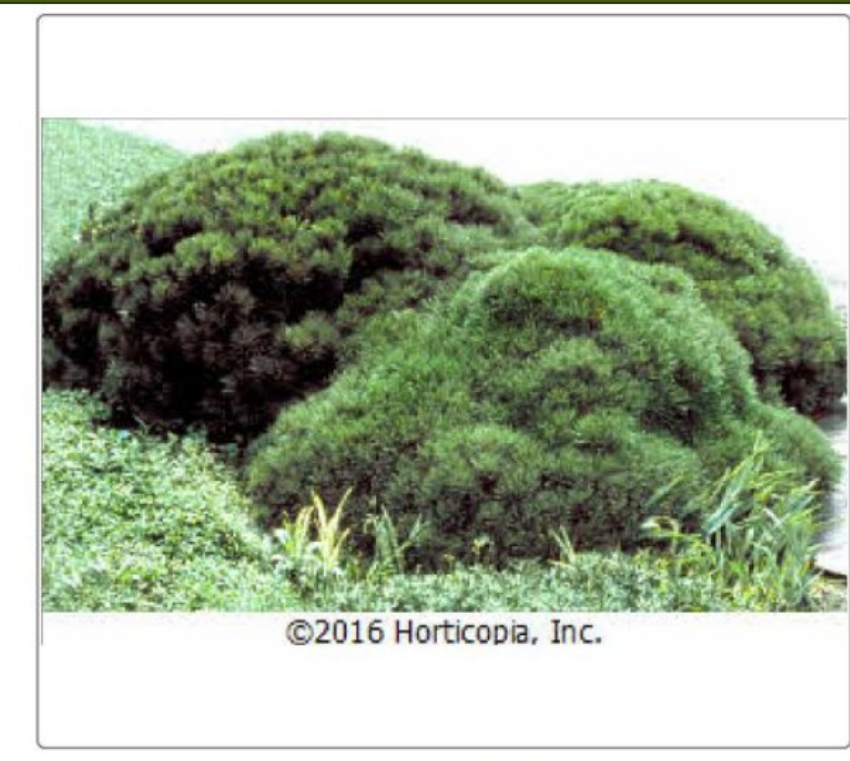
PURPLE WINTER HEATH
Erica carnea -Purple variety



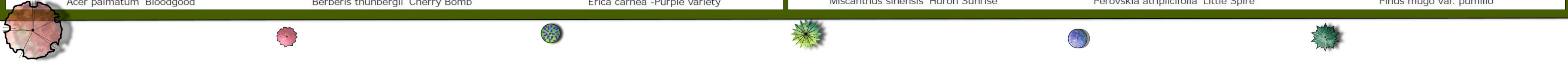
HURON SUNRISE MAIDEN GRASS
Miscanthus sinensis 'Huron Sunrise'



LITTLE SPIRE RUSSIAN SAGE
Perovskia atriplicifolia 'Little Spire'



DWARF MUGO PINE
Pinus mugo var. pumilio



SCALE: 1:100

DATE: Oct 2, 2017 For review

Issued for: Oct 3, 2017 For Development Permit

Issued for:

Issued for:

Issued for:

DRAWING: LANDSCAPE MASTER PLAN

DRAWING #: LI of 1

Commercial and industrial development permit area (Form and character)

85. *Justification*

This type of development occurs primarily along main roads and highways in the Comox Valley such as Ryan, Royston and Cumberland Roads and the Island Highway. As such, the

development along these corridors offers many visitors their first impression of the Comox Valley.

This land use also tends to occur as infill development in areas traditionally used as rural residential. As such, it is important that the potential for conflict with established residential properties be minimized.

The permit process will be used to ensure that adequate buffers are provided and to ensure that the development is attractive and coordinated with respect to form and character of the neighborhood.

Area

Those parcels zoned for commercial and/or industrial use under part 900 pursuant to the Comox Valley zoning bylaw, 2005 being bylaw no. 2781 as amended from time to time by the CVRD board.

Guidelines

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

Form and character

- (a) All buildings and structures shall be architecturally coordinated and shall give consideration to the relationship between buildings and open areas, circulation systems, visual impact and design compatibility with the surrounding development. Blank unarticulated walls will not be permitted.
- (b) The design and introduction of a new building type to a residential neighbourhood should provide harmony and lend continuity to the neighbourhood and should not create excessive disruption of the visual character of the neighbourhood.
- (c) Landscaping, awnings, lighting fixtures, and other structures shall be architecturally integrated with the design of the buildings.
- (d) Any end wall of a building that is visible from the street should be finished to the same standard as the front of the building to provide an attractive appearance.
- (e) The roof slope and siting of any buildings shall be such as to minimize any obstruction of direct sunlight falling onto adjacent properties and residences.

Landscaping

- (a) A landscape plan shall be required. The landscape plan shall be professionally prepared and shall:
 - i. include supporting documentary evidence pertaining to landscape specifications, irrigation requirements, detailed planting lists, cost estimates, and the total value of the work;
 - ii. identify existing vegetation by type and identify areas which are to be cleared; and
 - iii. provide for the landscape treatment of the entire frontage of the building site abutting onto existing or future public roads. Street specimen tree and grassed boulevard landscape provisions are to be identified to soften the

character and scale of the area. All proposed plant materials shall be suitable for local environmental conditions. All landscaping and screening shall be completed within 12 months of an occupancy permit being issued and shall meet or exceed the British Columbia Society of Landscape Architects and British Columbia Nursery Trades Association standards.

Construction phase

- (a) All construction must be completed according to a site/building plan and an erosion and sediment control plan.
- (b) Construction of developments within or adjacent to residential areas shall take place during the working hours of 7:00 a.m. to 7:00 p.m.
- (c) There shall be no dumping of any material or debris on any roads before, during or after site development.

Outside storage

- (a) The area of any building site bounded by the front lot line, the exterior or interior side lot lines, as the case may be, and the front building line of the structure nearest the front lot line, shall not be used as an outside storage area.
- (b) Any portion of a building site which may be used as an outside storage area shall only be used as such if:
 - i. the area is enclosed within a 2.5 metre high solid fence having a suitable security gate;
 - ii. none of the goods or materials stored therein exceed the height of the 2.5 metre high fence;
 - iii. the area is not directly adjacent to any residential development; and
 - iv. cases where the area lies between a structure and any public road, it is screened by an adequately landscaped buffer strip so that such storage areas are not readily visible from such public road.
- (c) Centrally located recycling facilities shall be provided for the use of all businesses with a development.

Screening

- (a) The character of developments shall be enhanced by landscaping of substantial proportions along property lines adjacent to residential developments. The developers shall provide a three metre buffer – incorporating existing native vegetation, supplemented by landscaping of substantial proportions utilizing approved specimen tree species. The required plantings shall recognize the need to protect adequate sight distances at intersecting streets.
- (b) Buildings shall be sited to ensure that any adjacent residential properties have visual privacy, as well as protection from site illumination and noise. Security and other lighting shall not be placed so as to shine directly into residential properties or to reduce the separation effectiveness of any landscaped buffer.

- (c) Such elements as roof top mechanical equipment, shipping and loading areas, transformers, and meters shall be screened from public view as effectively as possible through the use of evergreen landscaping materials, solid fencing, and building design.
- (d) All waste disposal bins shall be completely screened within a solid walled enclosure not less than two metres in height.
- (e) Loading and receiving areas shall be located so as to cause minimum disturbance to adjacent residential areas.

Parking

- (a) Large surface parking areas shall be broken down into smaller parking lots evenly dispersed throughout the development and integrated with planted landscaped areas. Visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in parking areas.
- (b) Parking areas should clearly identify pedestrian circulation areas, preferably with different paving and landscaping treatment.
- (c) All paved parking areas shall be included within the context of the required rainwater water plan and shall incorporate oil/water separators.
- (d) The use of any property within the development permit area shall not produce any off-site parking.
- (e) Developers are encouraged to incorporate site-parking requirements within the principal structures of their development.
- (f) Automobile parking areas shall be covered with a select granular base approved by MoTI and provide storm water controls by means of perimeter curtain drains. Access and egress points shall be paved for a minimum distance of 15 metres from the edge of the existing pavement into the subject property and be designed and constructed to MoTI standards. The shared use of a common access between businesses is encouraged.
- (g) Commercial and industrial buildings shall be located in close proximity to the front property line with the majority of parking spaces being situated at the rear and side of buildings.
- (h) Commercial and industrial buildings fronting shall be allowed to share one common interior wall (0.0 metre side yard setback) with an adjacent building.

Rainwater management

- (a) It is recognized that the clearing, grading and servicing of sites alters their natural hydrology patterns. In recognition of this fact, it shall be required that each development shall prepare a rainwater management plan that strives to protect water quality, and to maintain post-development peak flows to those of pre-development flow patterns and volumes over the entire water season. This rainwater plan shall be prepared by a professional engineer and should make use of such devices as permeable surface treatments, wet or dry detention ponds, constructed wetlands or

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

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

Memo

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

DATE: October 11, 2017

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

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.

Prepared by:

A. Mullaly

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

Concurrence:

A. MacDonald

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

Attachments: Appendix A - “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