

Notice of meeting of the
Lazo North (Area B)
Advisory Planning Commission
Thursday, February 22, 2018
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 October 26, 2017 Lazo North (Area B) Advisory Planning Commission meeting. |
| | 2. Status update on APC recommendations – Verbal update regarding Electoral Area Services Committee and board decisions related to APC recommendations |
| 3 | 3. Memorandum dated January 25, 2018, regarding 3360-20/ RZ 1B 17 – Zoning Bylaw Amendment Application – 1671, 1673 and 1675 Ryan Road East (Lenco, Fernco, Norco) |
| | 4. Next meeting date: Scheduled for Thursday, March 22, 2018 |

Distribution:

Area B APC members
Area Director
Alternate Area Director
Chief Administrative Officer
General Manager of Planning And Development Services
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 B Lazo North Advisory Planning Commission of the Comox Valley Regional District held on Thursday, October 26, 2017 in the Comox Valley Regional District boardroom, located at 550B Comox Road, Courtenay, BC, commencing at 7:05 pm.

PRESENT:	Chair	Stan Hartfelder
	Members	Norman Reader
		Dean Maxwell
	Absent Members	Janet Crockett
		David Battle
		Danielle Fortosky
	Electoral Area Director	Rod Nichol
	Alternate Director	Andrew de Burgh Whyte
ALSO PRESENT	Rural Planner	Brian Chow

Agenda Items

Minutes of Advisory Planning Commission Meeting

MAXWELL/READER: THAT the minutes of the Electoral Area B (Lazo North) Advisory Planning Commission meeting held on Thursday, August 31, 2017 be received.

CARRIED

Official Community Plan Amendment – Shoreline Protection Device Review Process

A comprehensive overview of the Official Community Plan amendment – shoreline protection device review prepared by Alana Mullaly, Manager of Planning Services, was presented by Brian Chow, Rural Planner, and discussed by the APC membership. The Area B APC members provided the following motion:

MAXWELL/READER: That the Area B Advisory Planning Commission (APC) support the proposed content of Official Community Plan amendment – shoreline protection device review, and the concept of hard and soft shoreline protect devices; however, the APC recommends that adjacent residents within 200 meters of the proposed site be advised of the permit application to construct such a device.

CARRIED

Next Meeting Date

The next Electoral Area B (Lazo North) Advisory Planning Commission meeting is scheduled for Thursday, November 30, 2017 in the Comox Valley Regional District boardroom, located at 550B Comox Road, Courtenay, BC, commencing at 7:00 pm.

Termination

READER/DE BURGH WHYTE: THAT the meeting terminate.

CARRIED

Time: 8:20 pm.

Recording Secretary:
Dean Maxwell

Chair:
Stan Hartfelder

Memo

File: 3360-20/RZ 1B 17

DATE: January 25, 2018

TO: Advisory Planning Commission
Lazo North (Electoral Area B)

FROM: Planning and Development Services Branch

RE: Rezoning Application – 1671, 1673 and 1675 Ryan Road East
Lenco Development Ltd., Fernco Development Ltd. and Norco Development Ltd.
Lot 1, District Lot 114, Comox District, Plan 2280, PID 006-412-335

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

An application has been received to consider a Zoning Bylaw amendment for a property at 1671, 1673 and 1675 Ryan Road East. The property is currently split zoned: Industrial Light (IL) zone in the northern half and Country Residential One (CR-1) zone in the southern half. The application is to rezone the southern half of the property to the IL zone in order to add more mini-storage buildings (i.e., warehouse use) and to resolve the split zoned situation.

For more information, please refer to the attached staff report dated December 19, 2017, which was presented to the Electoral Areas Services Committee on January 5, 2018, and to the board on January 23, 2018.

Thank you for your review.

Sincerely,

A. Mullaly

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

/bc

Enclosure

DATE: December 19, 2017

FILE: 3360-20/RZ 1B 17

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

**RE: Zoning Bylaw Amendment – Lazo North (Electoral Area B)
Lenco Development Ltd., Fernco Development Ltd., and Norco
Development Ltd.
1671, 1673 and 1675 Ryan Road East
Lot 1, District Lot 114, Comox District, Plan 2280, PID 006-412-335**

Purpose

To seek Comox Valley Regional District (CVRD) Board support on external agency and First Nations referrals for a proposed rezoning from Country Residential One (CR-1) to Industrial Light (IL) in order to resolve the split zoned situation and to expand an existing warehousing (mini-storage) use.

Recommendation from the Chief Administrative Officer:

THAT the Comox Valley Regional District Board endorse the agency referral list as outlined in Appendix A of staff report dated December 19, 2017, and direct staff to start the external agency referral process for Lot 1, District Lot 114, Comox District, Plan 2280, PID 006-412-335 (Lenco, Fernco, Norco) as part of a proposed amendment (RZ 1B 17) of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”;

AND FINALLY THAT Comox Valley Regional District staff consult with First Nations in accordance with the referrals management program dated September 25, 2012.”

Executive Summary

- The subject property is developed with two industrial spec buildings and three mini-storage buildings, and is split zoned: IL zone in the northern half and CR-1 zone in the southern half (Figures 1 and 4).
- The applicant wishes to rezone the southern half to IL in order to resolve the split zone situation, and to expand the current mini-storage use.
- An industrial zone is consistent with similar properties on Ryan Road.
- The property is located in a Settlement Expansion Area (SEA), which limits development “to ensure the phased and timely development of lands that is consistent with the goals and objectives of the member municipalities.”
- Consultation with external agencies including the City of Courtenay and the Town of Comox will provide better information whether this application for rezoning would preclude future redevelopment in the area once a municipal boundary is extended and sewer service provided.
- Staff recommends that the First Nations and agency referral process for this rezoning application be initiated. Once this process is completed, comments from these parties will be presented to the board for consideration of next steps.

Prepared by:

B. Chow

 Brian Chow, MCIP, RPP
 Rural Planner

Concurrence:

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

Background/Current Situation

The subject property, located at 1671, 1673 and 1675 Ryan Road East, is a 3.7 hectare lot located in the Lazo North area (Electoral Area B) (Figures 1 to 3). The property is bound by residential lots to the east, Town of Comox to the south, commercial and residential lots to the west, and commercial and industrial lots across Ryan Road East to the north. This lot is in the Comox Valley Water Local Service Area and Comox Fire Protection District. The property is currently split zoned: IL zone in the northern half and CR-1 in the southern half (Appendices B and C, and Figure 2).

Currently, the property has two industrial light spec buildings and three mini-storage buildings in the IL zoned portion (Figure 3). The applicant would like to rezone the southern portion to IL, so that they can develop more warehousing units (*e.g.*, mini-storage buildings).

Official Community Plan Analysis

“Rural Comox Valley Regional District Official Community Plan, Bylaw No. 337, 2014” (OCP) designates the subject property within SEAs. The policies for industrial development provide for the continuation of existing industrial uses. Section 39(2) of the OCP permits expansion of an existing industrial development provided that it meets the following criteria:

1. It is compatible with the OCP and applicable local area plan of the adjacent municipality;
2. It is compatible with land uses in the adjacent municipality, and does not preclude future redevelopment of the site in a manner that is consistent with the municipal local area plan; and
3. It does not trigger an expansion of adjacent public servicing that was not otherwise planned.

The Town of Comox OCP designates adjacent properties as “19 Wing Comox” (not in the Town’s jurisdiction), and the adjacent properties are used for residential housing for the military. With sufficient screening and vegetative buffering, the proposed mini-storage units, with low traffic and noise impacts, would be compatible with the nearby residential uses. The proposal does not preclude future redevelopment of industrial uses in the neighbourhood. Additionally, the proposed mini-storage units does not trigger an expansion of public servicing, as they consume less water, produce less wastewater, and generate less traffic than other light industrial uses.

The Town’s OCP identifies three priority order areas in the SEAs to be incorporated through boundary expansion. The subject property is shown to be in the last priority order area; therefore, it would take some time for the subject property to be incorporated into the Town.

Zoning Bylaw Analysis

The expansion of the IL zone on the property would permit more warehousing buildings, as well as enable additional industrial uses including wood processing; retail and wholesale use; industrial equipment, sales and service; automobile body shop; water and beverage bottling; nursery and greenhouse; and veterinary establishment. Appendix B lists other principal and accessory permitted uses.

Development Permit Area

This property is within two development permit (DP) areas. This property has a watercourse (ditch) running along the eastern lot line from south to north, and therefore, an Aquatic and Riparian Habitat DP is required prior to construction in the DP area (Figure 5). The applicant has provided a *Riparian Areas Regulation* assessment prepared by Justin Lange, R.P.Bio., of Madrone Environmental Services Ltd. This assessment identifies a 2 metre streamside protection and enhancement area from the ditch. In addition, if this property were to be rezoned to IL, a Commercial and Industrial DP will be required prior to any development activities for form and character.

Policy Analysis

Section 460 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) states that a local government must define procedures by which a property owner may apply for a bylaw amendment. Section 479 of the LGA authorizes a local government to regulate the use, density, the size and shape of land, buildings and structures. Section 464 states that a local government must hold a public hearing before adopting a zoning bylaw.

Options

The board could accept the recommendation to proceed to the First Nations and external agency referral or deny the application. Given that the proposal resolves a split zone situation, as well as maintaining the objectives of the RGS and OCP, it is recommended that First Nations and agency referral processes be started.

Financial Factors

A \$3,000 rezoning application fee has been collected for the application under “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014.” If the application proceeds, the applicant will incur a statutory public hearing fee of \$1,500. Future development of the site will trigger the need for DPs which will require additional fees.

Legal Factors

This report and the recommendations contained herein are in compliance with the LGA and CVRD bylaws. The LGA authorizes a local government to regulate the use of land and buildings.

Regional Growth Strategy Implications

“Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” designates the subject property within SEAs. The proposed expansion of the existing warehousing use supports business retention (Objective 3-A), and is orderly growth at a property scale. The proposal will expand the industrial land base in the Comox Valley. This use generates low impact, does not require the need for expanded public servicing and should not preclude future redevelopment in the area when the property is incorporated into a municipality.

Intergovernmental Factors

Appendix A contains a list of First Nations and external agencies to which this proposed amendment is recommended to be forwarded. Feedback from the referral process will be provided at a future Electoral Areas Services Committee meeting.

Interdepartmental Involvement

Planning staff is leading the review of this application. Input from the following departments will be collected as the application progresses.

- Building services
- Bylaw compliance
- Engineering services

- Fire protection
- Transit and sustainability

Citizen/Public Relations

If the board endorses staff's recommendation, staff will forward this proposal to the Electoral Area B Advisory Planning Commission for review and comment. Statutory notice requirements (i.e., statutory mailing and public hearing) will be addressed according to Bylaw No. 328.

Attachments: Appendix A – “External Agency Referral List”
Appendix B – “IL Zone”
Appendix C – “CR-1 Zone”

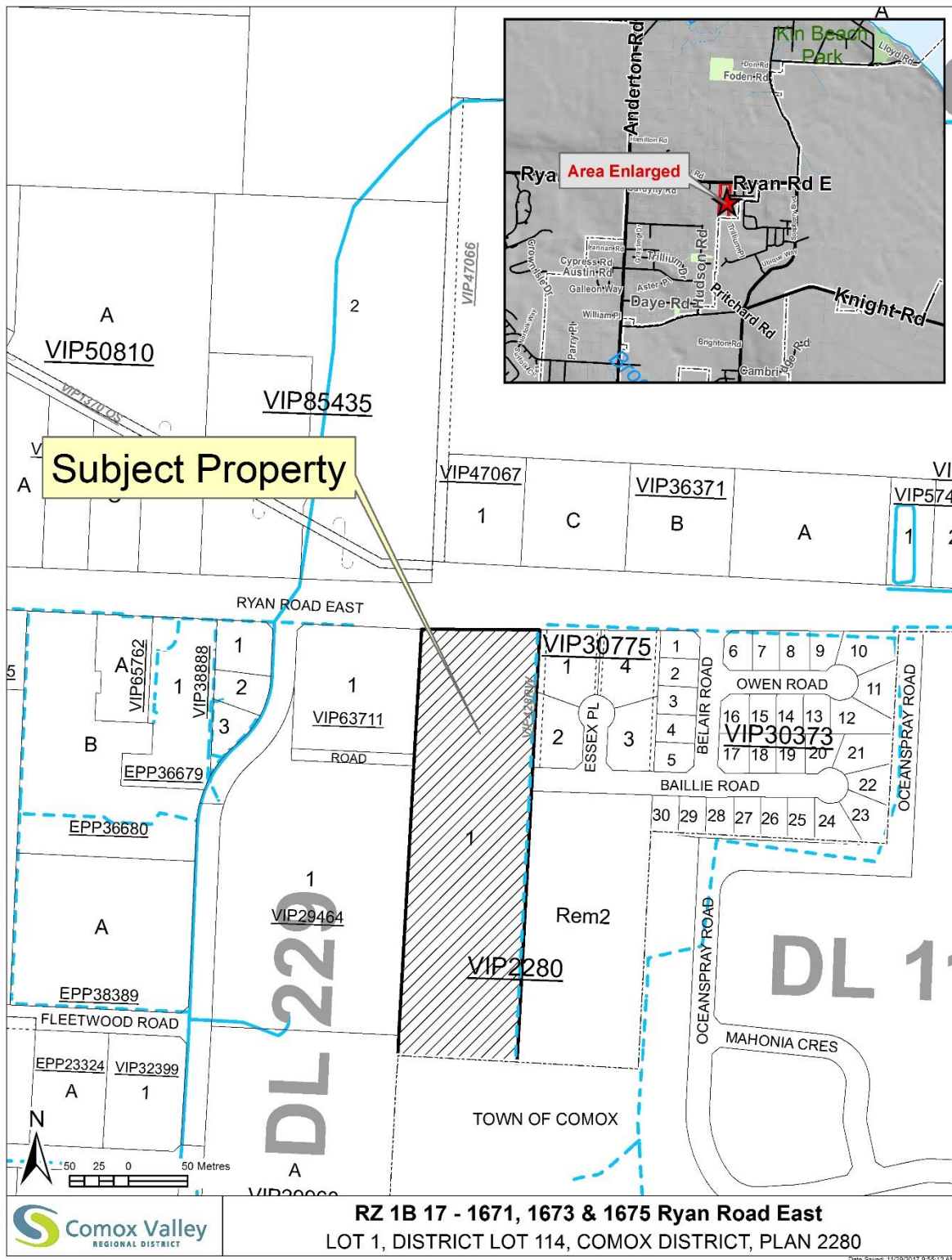


Figure 1: Subject Property Map

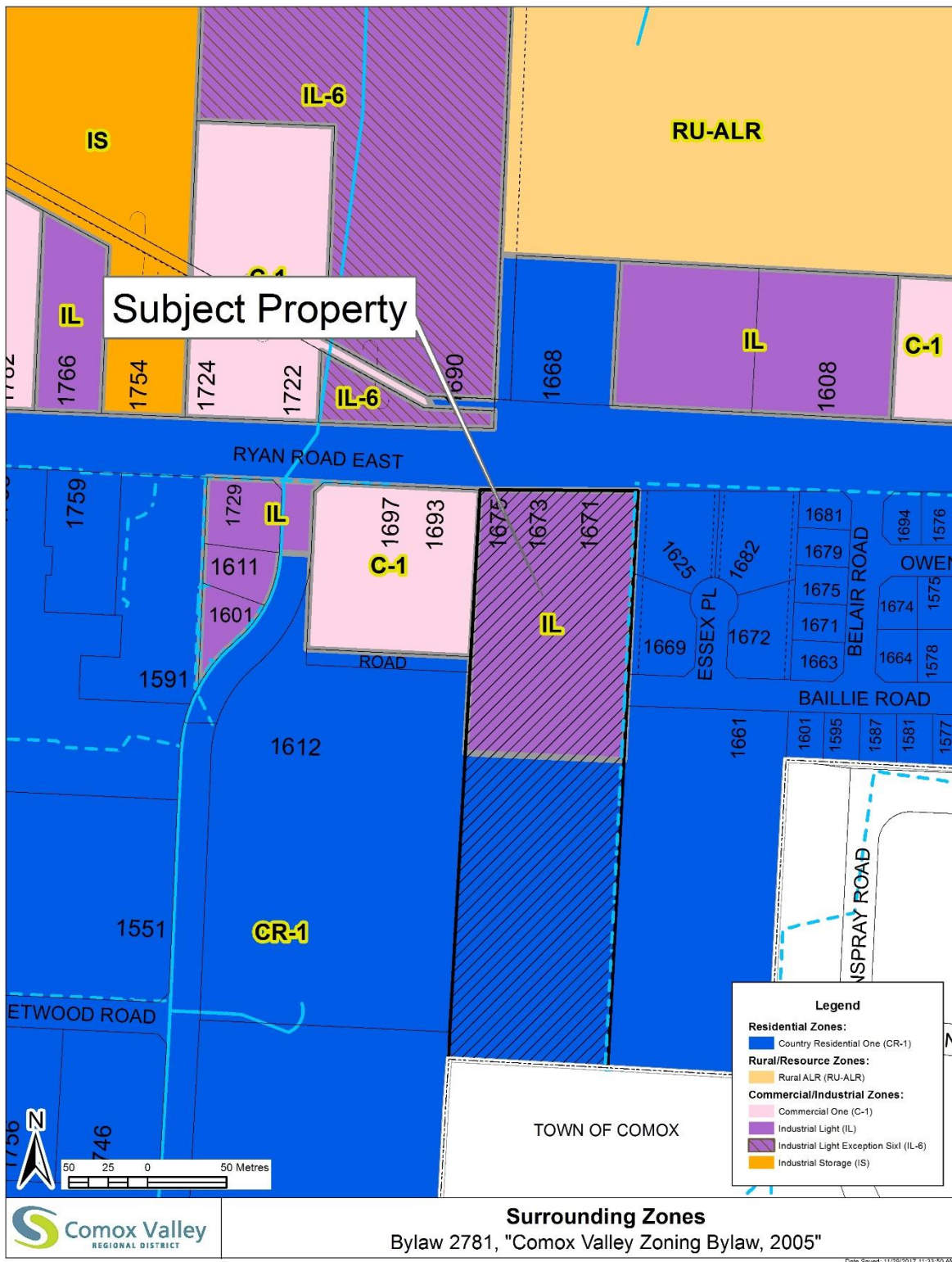


Figure 2: Zoning Map



Figure 3: Air Photo

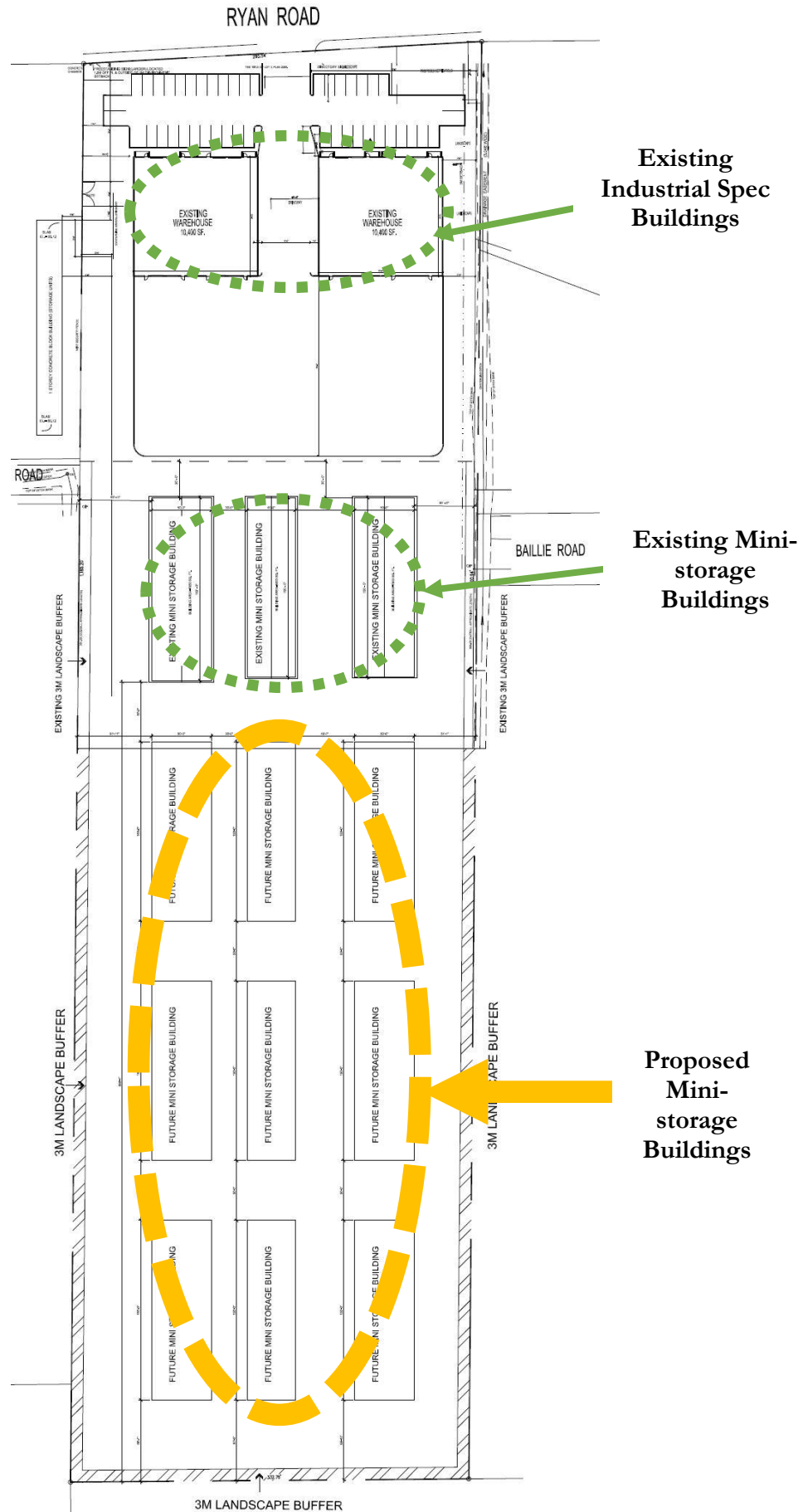


Figure 4: Site Plan

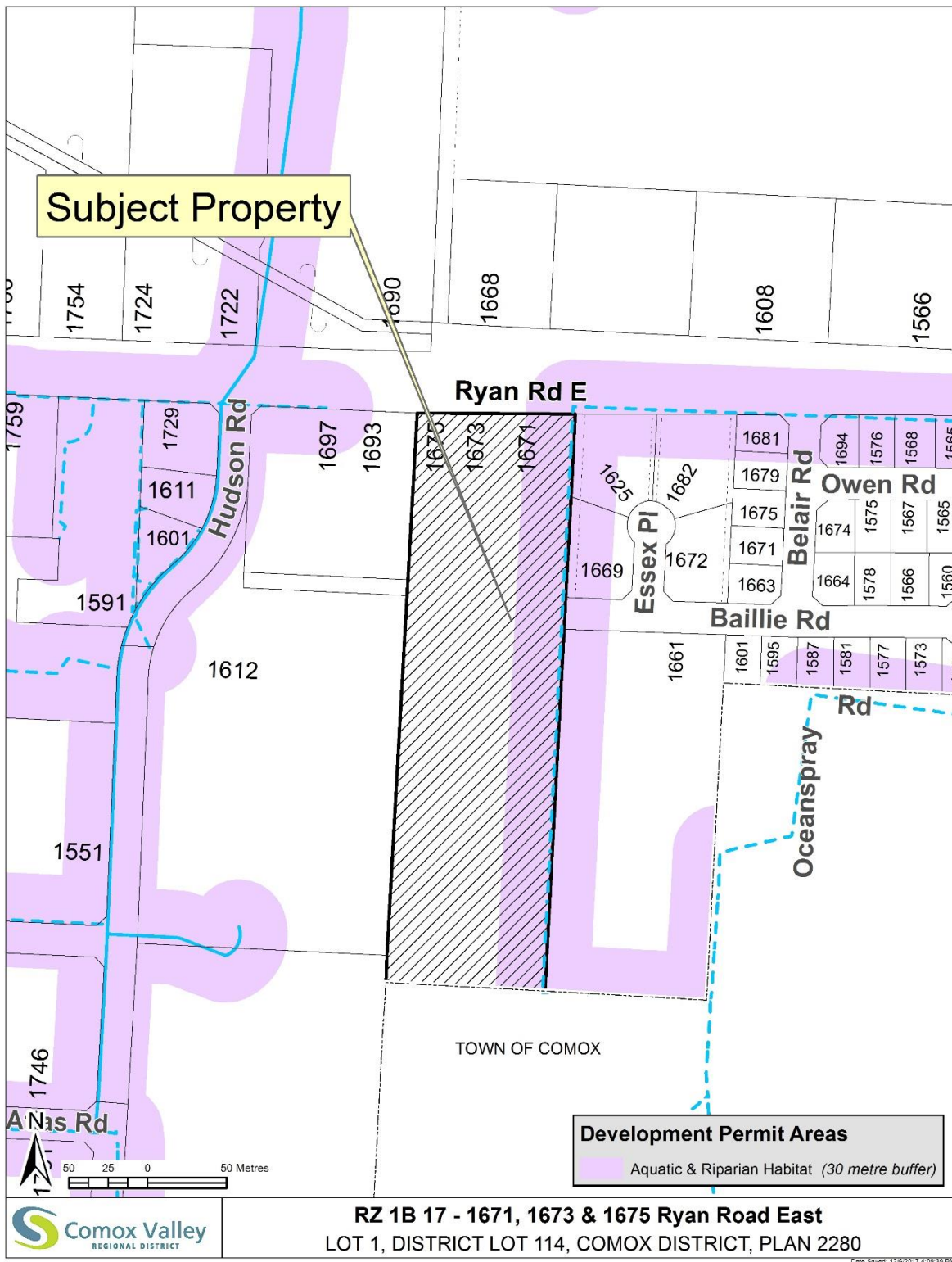


Figure 5: Environmentally Sensitive Areas Map

First Nations and External Agency Referral List

First Nations

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

Federal Departments and Agencies

<input type="checkbox"/>	Canadian Coast Guard	<input type="checkbox"/>	Public Services and Procurement Canada
<input checked="" type="checkbox"/>	Department of National Defence (CFB Comox)	<input type="checkbox"/>	RCMP
<input type="checkbox"/>	Fisheries and Oceans Canada	<input type="checkbox"/>	Transport Canada Navigable Waters
<input type="checkbox"/>	Indigenous and Northern Affairs Canada		

Provincial Ministries and Agencies

<input type="checkbox"/>	Agricultural Land Commission	<input type="checkbox"/>	Ministry of Municipal Affairs & Housing
<input checked="" type="checkbox"/>	BC Assessment Authority	<input type="checkbox"/>	Ministry of Forests, Lands, Natural Resource Operations, and Rural Development
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Ministry of Energy, Mines, and Petroleum Resources
<input type="checkbox"/>	BC Ferry Services Inc.	<input type="checkbox"/>	Ministry of Environment and Climate Change Strategy
<input type="checkbox"/>	BC Transit	<input type="checkbox"/>	Ministry of Tourism, Arts, and Culture
<input type="checkbox"/>	Ministry of Indigenous Relations and Reconciliation	<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure
<input type="checkbox"/>	Ministry of Agriculture		

Local Government

<input checked="" type="checkbox"/>	Comox (Town of)	<input type="checkbox"/>	Alberni-Clayoquot Regional District
<input checked="" type="checkbox"/>	Courtenay (City of)	<input type="checkbox"/>	Strathcona Regional District
<input type="checkbox"/>	Cumberland (Village of)	<input type="checkbox"/>	Regional District of Mount Waddington
<input type="checkbox"/>	Islands Trust	<input type="checkbox"/>	Regional District of Nanaimo

Other

<input type="checkbox"/>	Agricultural Community Advisory Panel	<input type="checkbox"/>	Comox Valley Economic Development Society
<input type="checkbox"/>	School District #71 (Comox Valley)	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)
<input type="checkbox"/>	School District #72 (Campbell River)	<input checked="" type="checkbox"/>	Advisory Planning Commission – Lazo North (Electoral Area B)

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Industrial Light (IL)

1. PRINCIPAL USES

On any lot:

- i) Light industrial;
- ii) Wood processing;
- iii) Retail and wholesale use;
- iv) Offices;
- v) Restaurants;
- vi) Warehousing;
- vii) Industrial equipment, sales and service;
- viii) Automobile body shop;
- ix) Water and beverage bottling;
- x) Garden nursery and commercial greenhouse use including processing;
- xi) Veterinary clinics;
- xii) Animal hospital.

#3038

2. ACCESSORY USES

On any lot:

- i) Residential use;
- ii) Home occupation;
- iii) Bed and breakfast;
- iv) Accessory buildings;
- v) Pet crematorium.

3. CONDITIONS OF USE

- i) **All uses listed in Section (1), “PRINCIPAL USES”, shall be subject to the following conditions:**
 - a) Landscaping shall be in accordance with the conditions of the required Development Permit.
 - b) No parking, loading or storage areas shall be located within 1.5 metres (4.9 feet) to any property line.
 - c) All outdoor storage or supply yards shall be screened from any abutting property zoned under Part 700 Residential Zones.
 - d) Fuel service pumps or pump islands shall be located a minimum of 4.5 metres (14.8 feet) from any lot line.
 - e) Retail floor space shall not exceed 1000 metres² (10,764.3 feet²).
 - f) Floor Area Ratio (F.A.R.) (see also Part 2, Interpretation) shall be defined as: “The gross floor area of all buildings on a lot divided by the gross area of the subject lot.”

Permitted F.A.R. = 0.5

For each 10% increase in "Open Space", to a maximum of 60%, F.A.R. is increased by 0.05.

- g) A minimum of 25% of the lot areas shall be retained as open space.

4. **SITING AND HEIGHT OF STRUCTURES**

The setbacks required for buildings and structures within the Industrial Light zone shall be as set out in the table below.

Type of Structure	Heights	Required Setback			
		Front yard	Rear yard	Side yard	Side yard abutting road
Principal	10.0m (32.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	7.5m (24.6ft)	7.5m (24.6ft)
Accessory	4.5m-or less (14.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	7.5m (24.6ft)	7.5m (24.6ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	7.5m (24.6ft)	7.5m (24.6ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback area. [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 50% of the 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) **Minimum Lot Area**
 - i) The minimum lot area permitted shall be:
 - a) When connected to community water and sewer: 2000 metres² (0.45 acre)
 - b) When connected to either community water or sewer: 4000 metres²(1.0 acre)
 - c) When serviced by well and approved septic disposal 1.0 hectare (2.5 acres)
 - ii) No minimum lot area shall apply to foreshore leases within this zone.

End • IL

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