

Notice of meeting of the  
**Lazo North (Area B)**  
**Advisory Planning Commission**  
Thursday, May 31, 2018  
To be held in the Comox Valley Regional District boardroom  
Located at 550B Comox Road, Courtenay, BC  
Commencing at 7:00 pm

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1. Call to order and recognition of traditional territories
- 2** 2. Receipt of the minutes of the March 22, 2018 Lazo North (Area B) Advisory Planning Commission meeting.
- 4** 3. Memorandum dated May 15, 2018, regarding 3360-20/RZ 1B 18 – Rezoning Application – 1926 Vera Drive (Thomas)
4. Status update on APC recommendations – Verbal update regarding Electoral Area Services Committee and board decisions related to APC recommendations
5. Next meeting date: Scheduled for Thursday, June 28, 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 March 22, 2018 in the Comox Valley Regional District boardroom, located at 550B Comox Road, Courtenay, BC, commencing at 7:00 pm

<b>PRESENT:</b>	Chair	Stan Hartfelder
	Members	David Battle Danielle Fortosky
<b>ABSENT:</b>	Members	Norman Reader Janet Crockett Dean Maxwell
	Alternate Area Director	Andrew de Burgh Whyte
<b>ALSO PRESENT:</b>	Electoral Area Director	Rod Nichol
	Assistant Manager of Planning Services	Ton Trieu
	Proponents for File DP 3B 18	Carmen Driechel Suzan Williams
	Proponent for File DP 1B 18	Corey Tomlinson
	Proponent for File RZ 1B 17	Jason Hendricks

### Agenda Items

#### **Call to Order and Recognition of Traditional Territories**

The chair called the meeting to order and acknowledged that the meeting was being held on the unceded traditional territory of the K'ómoks First Nation.

#### **Election of Chair and Recording Secretary for 2018**

The election of chair and recording secretary for 2018 was deferred to the next meeting when all committee members will be in attendance.

#### **3060-20/DP 3B 18 – Development Permit (form and character) – 1700 Ryan Road E (Fortis Energy BC)**

The applicants presented information regarding the Development Permit DP 3B 18.

BATTLE / FORTOSKY: THAT the Area B Advisory Planning Commission support the Development Permit application (form and character) for 1700 Ryan Road E (Fortis Energy BC), as proposed in the memo dated February 19, 2018, on condition that the applicant work with the regional district regarding mixed landscaping.

CARRIED

#### **3090-20 / DV 1B 18 - Development Variance Permit – 1758 Astra Road (Tomlinson/Snow-Tomlinson)**

The applicant presented information regarding the Development Variance Permit DV 1B 18.

FORTOSKY/BATTLE: THAT the Area B Advisory Planning Commission support the Development Variance Permit – 1758 Astra Road (Tomlinson/Snow-Tomlinson) as proposed in the memo dated March 9, 2018.

CARRIED

**3360-20/RZ 1B 17– Rezoning Application – 1671, 1673 and 1675 Ryan Road East**

BATTLE /FORTOSKY : THAT the Area B Advisory Planning Commission support the rezoning application RZ 1B 17 for 1671, 1673 and 1675 Ryan Road East (Lenco Development Ltd., Fernco Development Ltd., and Norco Development Ltd.) as proposed in the memo dated January 25, 2018.

CARRIED

**Receipt of the minutes of the October 26, 2018 Lazo North (Area B) Advisory Planning Commission meeting**

The commission received the minutes of the October 26, 2018 Lazo North (Area B) Advisory Planning Commission meeting.

**PowerPoint Presentation – Update on the Comprehensive Zoning Bylaw Review and Proposed Changes**

Ton Trieu, Assistant Manager of Planning Services, presented an update on the comprehensive zoning bylaw review and proposed changes.

**Status update on APC recommendations**

Ton Trieu, Assistant Manager of Planning Services, provided an update regarding Electoral Area Services Committee and board decisions related to APC recommendations.

**Next Meeting Date**

The next Electoral Area B (Lazo North) Advisory Planning Commission meeting is scheduled for Thursday, May 3, 2018 in the Comox Valley Regional District boardroom, located at 550B Comox Road, Courtenay, BC, commencing at 7:00 pm.

**Termination**

FORTOSKY / BATTE: THAT the meeting terminate.

CARRIED

Time: 8:55 pm

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

<b>Chair:</b>
Stan Hartfelder

Received by the Electoral Areas Services Committee on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

# Memo

**File:** 3360-20/RZ 1B 18

**DATE:** May 15, 2018

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

**FROM:** Planning and Development Services Branch

**RE:** Rezoning Application – 1926 Vera Drive (Thomas)  
Lot C, Block 29, Comox District, Plan 32630, PID 000-168-882

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

An application has been received to consider an amendment to the Zoning Bylaw specific to the 2.0 hectare property at 1926 Vera Drive. It is the objective of the applicant to provide residence for his daughter and proposes to accomplish this by means of a subdivision under Section 514 of the *Local Government Act* (RSBC, 2015, c. 1), which makes provisions for subdivision to provide residence for a relative. Currently, the subject property is zoned Country Residential One (CR-1) which has a required minimum lot area of 2.0 hectares and allows for maximum residential density of two dwelling units.

For more information, please refer to the attached staff report dated March 27, 2018, which was presented to the Electoral Areas Services Committee on April 9, 2018.

Thank you for your review.

Sincerely,

***A. Mullaly***

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

/jm

Attachment: Staff Report dated March 27, 2018

**DATE:** March 27, 2018**FILE:** 3360-20/RZ 1B 18**TO:** Chair and Directors  
Electoral Areas Services Committee**FROM:** Russell Dyson  
Chief Administrative OfficerSupported by Russell Dyson  
Chief Administrative OfficerR. Dyson**RE: Zoning Bylaw Amendment – 1926 Vera Drive (Thomas)  
Lazo North (Electoral Area B)  
Lot C, Block 29, Comox District, Plan 32630, PID 000-168-882**

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**Purpose**

To seek Comox Valley Regional District (CVRD) Board support on external agency and First Nations referrals for a proposed rezoning to use Section 514 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) to subdivide the subject property to provide residence for a relative.

**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 March 27, 2018, 2018, and direct staff to start the external agency referral process for Lot C, Block 29, Comox District, Plan 32630, PID 000-168-882 (Thomas) as part of a proposed amendment (RZ 1B 18) 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 a 2 hectare lot located within the rural residential subdivision along Vera Drive in the Kitty Coleman - Bates Beach area.
- The objective of the property owner is to create a new lot for his daughter to acquire and build a house upon.
- Because the proposed subdivision does not meet the zoning bylaw’s required minimum lot area for subdivision under Section 514 of the LGA (subdivision to provide residence for a relative), this zoning amendment is required.
- The CVRD Board is recommended to conduct First Nations and external agency referrals for this rezoning application.
- The proposed new zone includes a limit of one dwelling per lot to ensure overall density remains unchanged.

Prepared by:

**J. MacLean**

Jodi MacLean, 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

**Stakeholder Distribution (Upon Agenda Publication)**

Agent	✓
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**Background/Current Situation**

The subject property is located along Vera Drive in the Kitty Coleman - Bates Beach area (Figures 1 to 3). Vera Drive is a dead-end road lined with rural residential properties with areas between 0.5 and 2.0 hectares. Currently, the 2.0 hectare subject property is developed with one single detached dwelling and two accessory buildings. The applicant wishes to rezone the property to enable the use of Section 514 of the LGA, which permits subdivision to provide residence for a relative. According to the application, the applicant wishes to create a 1 hectare parcel for his daughter to construct a new house.

Official Community Plan

The Rural Comox Valley Official Community Plan (OCP), Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014,” designates the subject property within Rural Settlement Areas. The intent of this designation is to promote land uses that support rural lifestyles and maintains the rural character of the surrounding areas. Section 43(1) of the OCP states that minimum lot area for subdivision should be between 4 and 20 hectares. The proposed 1.0 hectare parcel does not meet this policy. To compensate, the zoning amendment can specify that development is limited to one single detached dwelling.

Zoning Bylaw

Pursuant to Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the subject property is zoned Country Residential One (CR-1) which has a required minimum lot area of 2.0 hectares. Section 503(3)(i) of the zoning bylaw states,

*“No subdivision shall be permitted pursuant to Section 946 [presently, Section 514] of the Local Government Act, on lands not within the Agricultural Land Reserve, unless the parent lot is at least two times the minimum lot area required within the applicable zone.”*

The purpose of this zoning amendment application is to lower that minimum lot area requirement to 1.0 hectare.

**Policy Analysis**

Section 514 of the LGA enables an approving officer to approve subdivision of a parcel of land that would otherwise be prevented from subdivision by a provision of a bylaw or regulation that establishes a minimum parcel size. The subdivided parcel is to be used to provide a residence for a relative. Further, the section allows a local government to establish a minimum parcel size for subdivision for a residence for a relative. The section establishes obligations for property owners following creation of a parcel under the section pertaining to land use in the first five years following subdivision.

## Options

The board can:

1. Refer the application to external agencies and First Nations for review.
2. Deny the application to rezone the property to allow for a reduced parcel size.

Staff recommends option 1. This will enable staff to collect specific feedback on the application.

## Financial Factors

The applicant has paid for the rezoning application review in accordance with the Bylaw No. 328 being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014”. If the application proceeds to statutory public hearing, additional fees will be required. Fees paid to date account for the rezoning only and not future subdivision or development permit fees.

## Legal Factors

The recommendations and discussion contained within this report have been prepared in accordance with the LGA. Further, if the application proceeds and the provincial approving officer approves the Section 514 subdivision, the LGA requires that concurrent with subdivision plan registration, a covenant (pursuant to the *Land Title Act*) be registered on the titles of the severed and retained parcels requiring that for five years following subdivision, use of the parcels will remain residential and that the severed parcel will provide a residence for a relative. This means that the local government is responsible for ensuring that the owners comply with the terms of Section 514. Covenants are private law mechanisms and need to be actively enforced otherwise the local government may be considered to have acquiesced to any non-compliance.

## Regional Growth Strategy Implications

The CVRD Regional Growth Strategy (RGS) designates the subject property within Rural Settlement Areas. The intent of this designation is to maintain the rural character of its surroundings and support the function of a working landscape. The designation seeks to establish minimum lot sizes between 4 and 20 hectares. The RGS does not contemplate Section 514 of the LGA, which enables subdivisions for relatives, and this provision promotes housing affordability and aging in place.

## Intergovernmental Factors

Appendix A contains a list of agencies and First Nations, to which staff recommends referring the application. Feedback from the referral will be reported at a future Electoral Areas Services Committee meeting.

## Interdepartmental Involvement

Planning staff is leading this application. Input from engineering services regarding development cost charges will be sought if the application proceeds to subdivision.

## Citizen/Public Relations

Staff recommends that the application be referred to the Area B Advisory Planning Commission. If the application proceeds to bylaw preparation, community consultation will be held in accordance with Bylaw No. 328 (i.e. statutory mailing and public hearing).

Attachments: Appendix A – “Agency List”

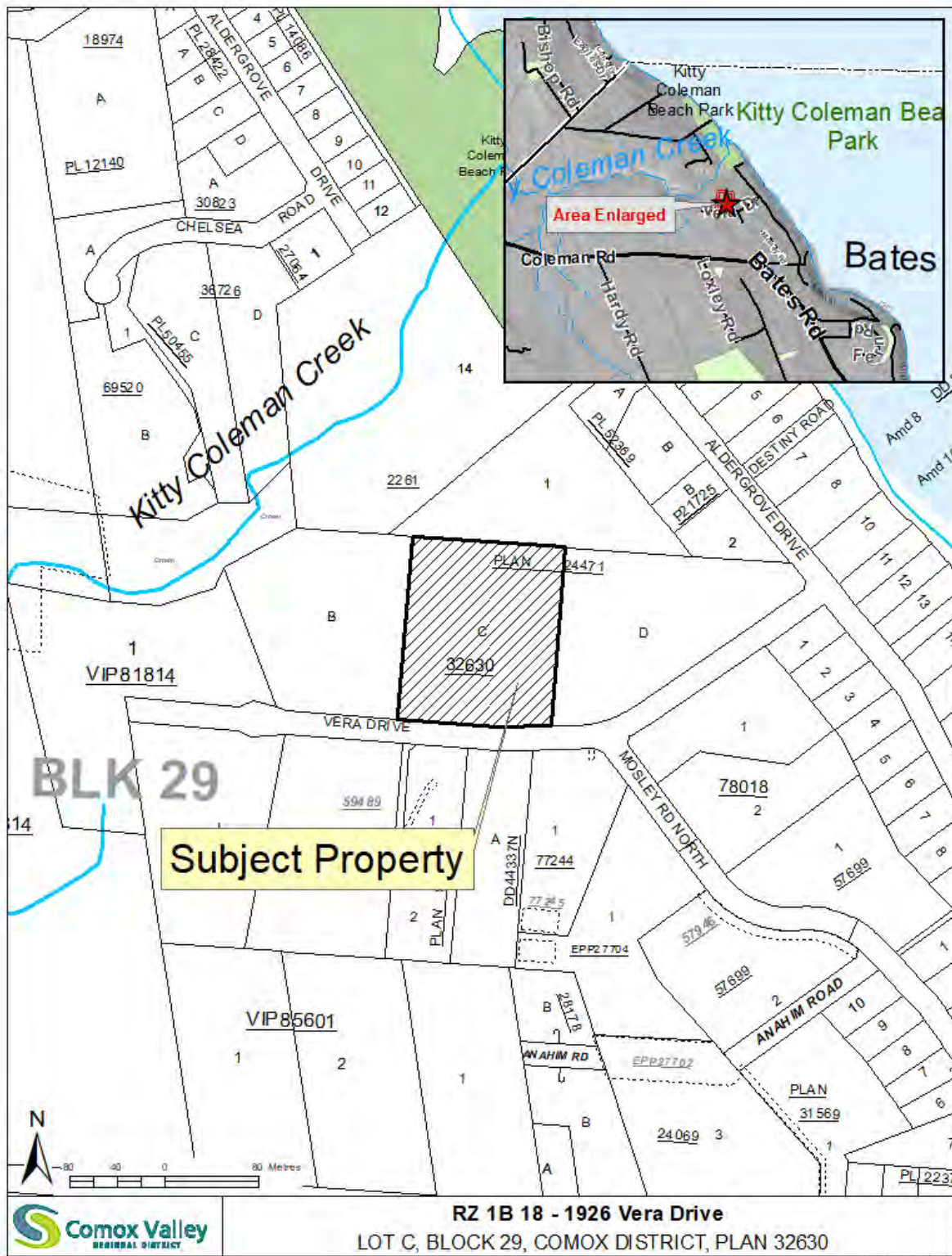


Figure 1: Subject Property Map





Figure 2: Air Photo (2016)

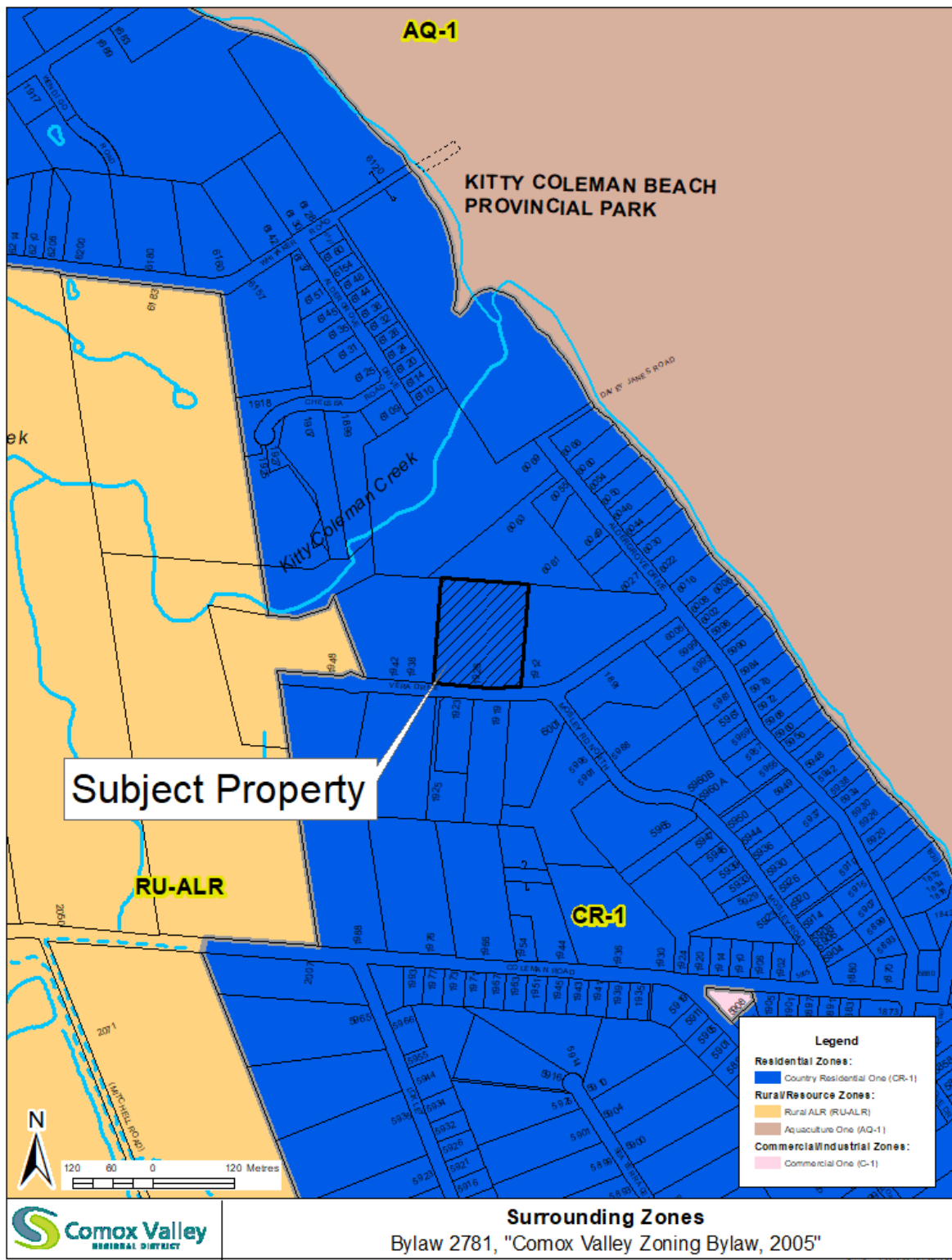


Figure 3: Zoning Map

## Agency and First Nations Referral List

The following agencies will receive a referral of the proposal .

### First Nations

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

### Provincial Ministries and Agencies

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

### Local Government

	Comox (Town of)		Alberni-Clayoquot Regional District
	Courtenay (City of)		Strathcona Regional District
	Cumberland (Village of)		Regional District of Mount Waddington
	Islands Trust		Regional District of Nanaimo

### Other

<input checked="" type="checkbox"/>	Lazo North Area 'B' advisory planning commission		Agricultural Advisory Planning Commission
	School District #71 (Comox Valley)	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)