



THE CORPORATION OF THE CITY OF COURTENAY

MEMORANDUM

To: Council

File No.: 3360-20-2109

From: Director of Development Services

Date: July 25, 2022

Subject: Final adoption of Zoning Amendment Bylaw No. 3044 – 1915 Cumberland Rd

ISSUE:

All the requirements for the approval of Zoning Amendment Bylaw No. 3044 are met. Thus, the Bylaw may be adopted. Two *Land Title Act* Section 219 Covenant conditions have been made more stringent and one has been added since the May 9th 2022 Public Hearing and 3rd Reading.

BACKGROUND:

The proposed zoning amendment bylaw is to accommodate an approximately 20-lot compact subdivision at 1915 Cumberland Road, legally described as Lot 1, District Lot 96, Comox District, Plan 32210. Covenant conditions to be agreed to for adoption of Bylaw No. 3044 were outlined in the zoning amendment report, first read by Council April 11, 2022. A restrictive covenant has been agreed to with the following changes:

One condition, that a 300 mm sewer main be constructed along the private road with City access secured through a SRW at subdivision, has been expanded to require a 375 mm sewer main, with the City agreeing to pay the pipe size cost differential for the upgrade, to match existing pipe size on either side of the addition.

Another condition, that the private road layout will prohibit vehicular through-traffic between Cumberland Road and Larsen Road, has been strengthened to prohibit vehicular access to Cumberland Road except as expressly permitted by the City. This allows the existing design but protects against unsupported increases in traffic to Cumberland Road should a developer in the future build an alternative layout.

Based on public comments at the Public Hearing, the applicant also agrees to install traffic control devices necessary to render the Larsen Road and Krebs Crescent intersection a four way stop, prior to subdivision.

Upon Council approval of Zoning Amendment Bylaw No. 3030, 2021, staff will proceed with the registration of the bylaw and the covenant on the land title.

Respectfully submitted,

Chris Marshall, RPP, MCIP
Director of Development Services

Reviewed by:

Mike Grimsrud
Planner II