



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

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**To:** Council

**File No.:** 3360-20-1915

**From:** Chief Administrative Officer

**Date:** September 8<sup>th</sup>, 2020

**Subject:** Zoning Amendment Bylaw No. 2989 to allow for a Subdivision at 4070 Fraser Road

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### PURPOSE:

The purpose of this report is for Council to consider a Zoning Bylaw amendment application to rezone the property at 4070 Fraser Road from RU-8 to CD-21 and PA-2 to facilitate a 12 lot subdivision and City parkland.

### CAO RECOMMENDATIONS:

THAT based on the September 8<sup>th</sup>, 2020 Staff report, "Zoning Amendment Bylaw No. 2989 to allow for a subdivision of 4070 Fraser Road " Council approve OPTION 1 and complete the following steps:

1. That Council give First and Second Reading of Zoning Amendment Bylaw No. 2989, 2020 to rezone the subject property to CD-21 and PA-2;
2. THAT Council considers Zoning Amendment Bylaw No. 2989, 2020 consistent with the City's Official Community Plan;
3. THAT Council waives the requirement to hold a public hearing with respect to Zoning Amendment Bylaw No. 2989, 2020 pursuant to Section 464 (2) of the *Local Government Act* and directs staff to give notice of the waiver of the public hearing pursuant to Section 467 of the *Local Government Act* in advance of consideration of 3<sup>rd</sup> Reading of the bylaw;
4. THAT Final reading of the bylaw be withheld pending the completion of the park land disposal process; and
5. THAT Final Reading of the bylaw be withheld pending the registration of a Section 219 covenant on the subject property.

Respectfully submitted,

Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer

### BACKGROUND:

The subject property is located in South Courtenay and was annexed into the City during a 2007 municipal boundary extension. The property is bound by Fraser Road and Millard Creek to the west, parkland to the north and east and agricultural land to the west and south which also correspond with the City's boundary with the CVRD.

The subject property is a 2.21 ha (5.46 acres) rural residential lot located at 4070 Fraser Road in South Courtenay (**Figure 1**). The property is relatively flat with a sloped area near Millard Creek which transects the property. The site is mainly cleared with remaining trees along the edges and clustered along Millard Creek.

The property is zoned Rural Eight (RU-8) and is occupied by a 163m<sup>2</sup> (1,800 ft<sup>2</sup>) single family dwelling and two barns (**Figure 2**). The development proposal includes the retention of the existing single family dwelling on one of the proposed lots, the demolition of the two barns and the development of 12 bare land strata lots.

The property's existing access is from Fraser Road with a driveway bridge crossing Millard Creek to the house. Fraser Road is classified as a Rural-Collector Road under the jurisdiction of the Ministry of Transportation. New vehicular access will be established from a private road connected from Harbourview Boulevard ensuring that all servicing infrastructure for the development is located within municipal boundaries. The City's Transportation Master Plan classifies Harbourview Boulevard as a collector road.

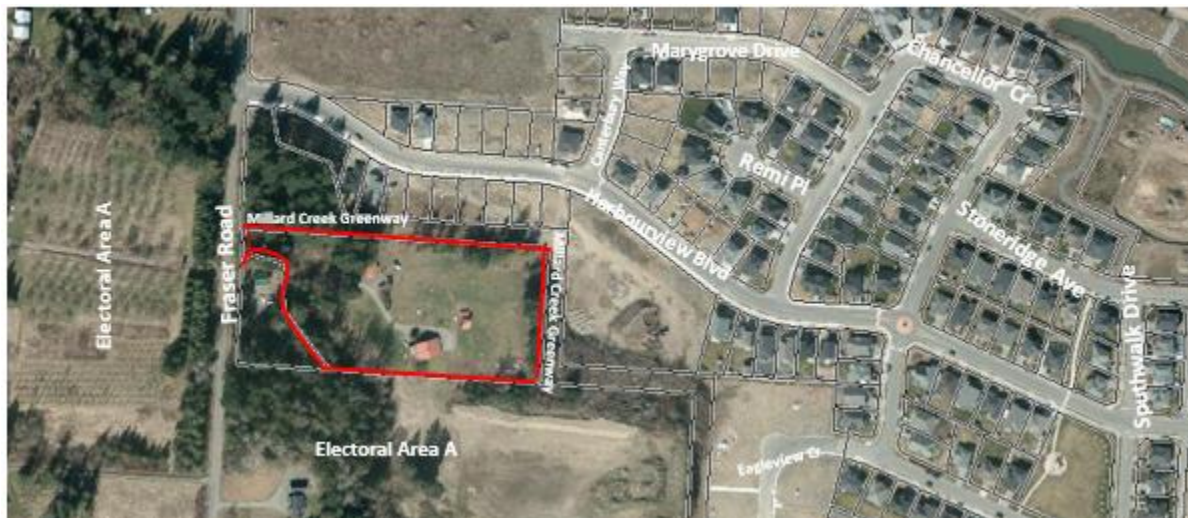


Figure 1: Subject Property and Context



Figure 2: Existing Single Family Dwelling (to be retained on proposed Strata Lot 1)

Consistent with the properties to the north and east of the site, the subject property was designated Master Planned Residential with the adoption of the South Courtenay Local Area Plan. The proposed development is consistent with that designation.



Figure 3: Zoning Context

The subdivision will create 12 strata lots with sizes between 603m<sup>2</sup> and 1328m<sup>2</sup> with the exception of proposed lot 1 at approximately 6,830m<sup>2</sup>, where the owner plans to reside in the existing single family dwelling. Strata lot 1 is substantially larger than the remaining lots as it contains some land that is located within the 30m setback from Millard Creek.

As part of the zoning amendment application the applicant submitted a preliminary subdivision plan (as seen in **Attachment No. 1**). Staff note that this plan has not yet been finalized, this will be completed through the City's subdivision process should the parcel be rezoned.

Millard Creek is situated on the western portion of the site. *Zoning Bylaw No. 2500* requires all development to be located 15m from the natural boundary of the creek. The applicant has provided a larger buffer of 30m as a no disturbance zone to minimize disturbance to this watercourse and its associated riparian vegetation and habitat. Millard Creek has confirmed fish presence and the development site overlaps with potential critical habitat for the western painted turtle. Providing buffering between the creek and the proposed subdivision is important for the maintenance of a healthy aquatic resources (as it limits the probability of erosion, flooding and bank instability) and provides both movement corridors and nesting areas for wildlife, birds and waterfowl. An environmental development permit will be required prior to subdivision approval should the development proceed.

For the strata road to be constructed a 233m<sup>2</sup> portion of City Park (i.e. the Millard Greenway) is proposed to be closed. Also, a 151.7m<sup>2</sup> strip of land will be dedicated as parkland east of Lot 44 on Harbourview Boulevard which will provide a pedestrian connection to the adjacent "Ridge subdivision". Lot 44 was created in 2019 during the third phase of "The Ridge" subdivision.

PROPOSED BARELAND STRATA PLAN OF  
PROPOSED LOT A, DISTRICT LOT 153,  
COMOX DISTRICT, PLAN EPP-----  
PARCEL IDENTIFIER: XXX-XXX-XXX  
CIVIC ADDRESS: 3327 HARBOURVIEW BOULEVARD, COURTENAY, B.C.  
PARCEL SIZE: 1.91 ha

SCALE 1:600  
ALL DISTANCES ARE SHOWN IN METRES  
THE INTENDED PLOT SIZE OF THIS PLAN IS 432m  
IN HEIGHT BY 360m IN WIDTH (C SIZE) WHEN  
PLOTTED AT A SCALE OF 1:600

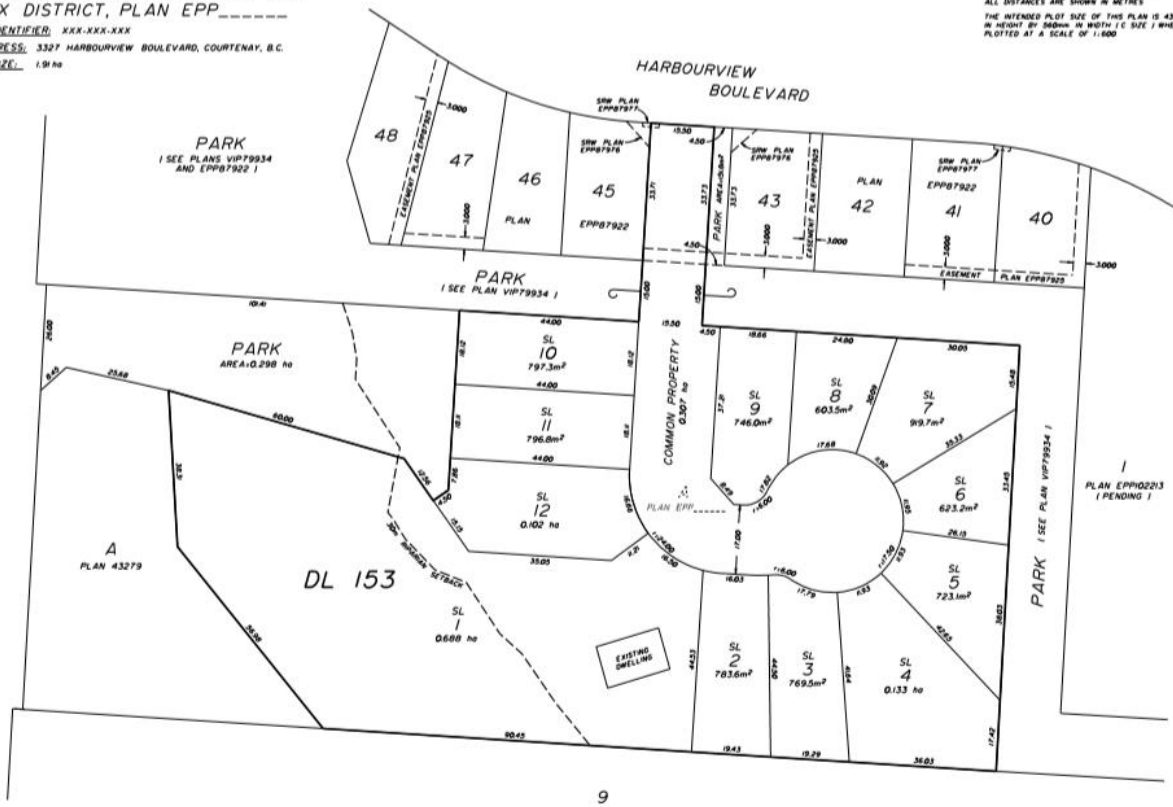


Figure 4: Proposed Site Access, Park Closure and Dedication

The park disposal process will be initiated if Zoning Amendment Bylaw No. 2989 is granted first and second reading and will run concurrently with the rezoning application.

Disposing of Parkland is a separate City process from the zoning amendment application. Under the powers of the Community Charter, Council may dispose of municipal parkland through the adoption of a bylaw that has received the approval of the electors (for example through an Alternative Approval Process). Council can choose to take proceeds (funds) from the disposal of parkland or choose to take land. Council may also choose to take a combination of both proceeds (funds) and lands. Any proceeds from the disposal are required to be placed into a parkland acquisition reserve fund.

Regarding parkland dedication, the applicant is proposing to dedicate and approximately 0.298ha (2,980m<sup>2</sup>) of City parkland on the northwest portion of the site. Within this dedicated park approximately 2,087m<sup>2</sup> of land is within the Millard Creek riparian area with the remaining park dedication located outside the riparian area. Additionally, the 151.8m<sup>2</sup> portion of land dedicated to the east of Lot 44 on Harbourview Boulevard is proposed as a strip park and will provide connectivity to the lands to the “Ridge” subdivision to the north.

Staff note that there is strong policy support in the City’s OCP and LAP for residential developments in this neighborhood to promote walking and biking through a system of parks and greenway systems. There is also policy support for the expansion of parkland, natural areas and greenway systems. During the application process staff discussed park dedication options with the applicant and presented a proposal for the applicant’s consideration. To enhance the existing greenway system City staff recommended the

dedication of the 30m setback and associated riparian area of Millard Creek on the northwest portion of the site (currently located on proposed lot 1); a 15m strip of parkland dedicated at the rear of proposed strata lots 2, 3 and 4 which would extend the existing greenway connection in a western direction; a 6m wide trail at the rear of proposed strata lot 1 that would provide a connection through the park on the northwest portion of the site and a new trail corridor constructed around the perimeter of the subdivision in the greenway. The dedication of the riparian area would also be consistent with OCP policy to support protection of the Millard Creek.

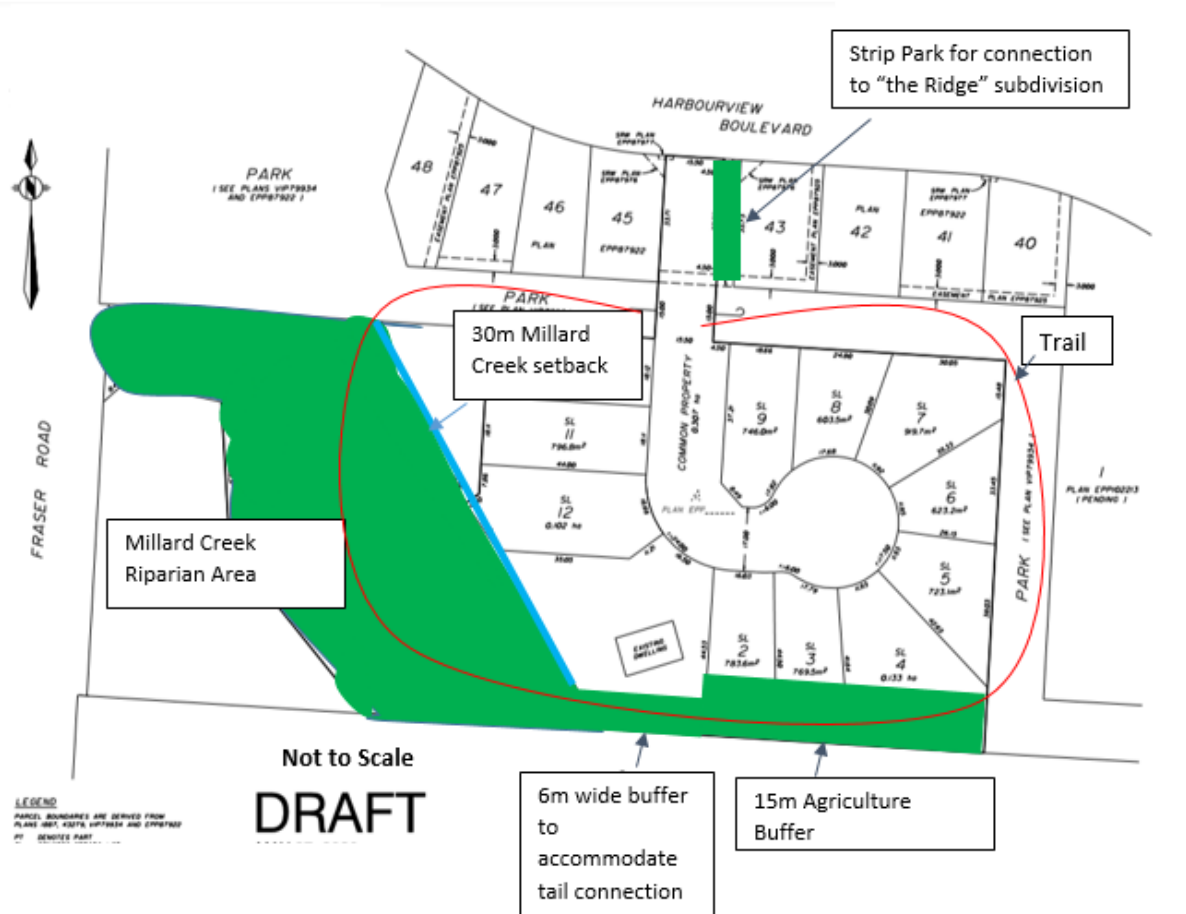


Figure 5: City Staff Recommended Park Dedication Areas

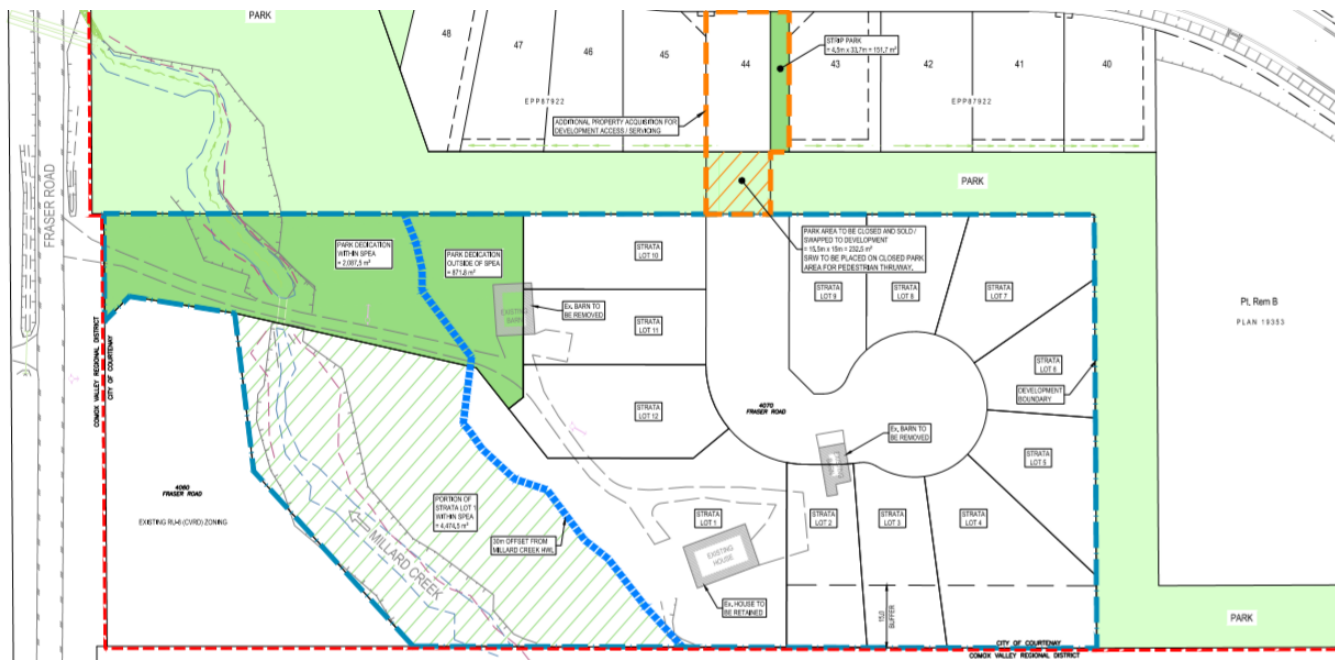


Figure 6: Applicant's Proposed Park Dedication Areas

The applicant did consider the City's parkland dedication proposal and ultimately decided not to amend the parkland dedication based on City staff's recommendation (as seen in **Schedule No. 4**).

## DISCUSSION

### Official Community Plan

Over 20ha of land located in South Courtenay is designated "Master Plan Residential" including the subject parcel. Lands in this designation are intended to facilitate intensive residential development that provides a mix of housing types, live-work uses and active transportation opportunities.

In assessing this proposal two themes emerged to guide the evaluation of the application:

1. Land Use Compatibility; and
2. Implementing the South Courtenay Local Area Plan.

### Land Use Compatibility

Properties to the west and south are zoned and designated for agricultural use and are within the Agricultural Land Reserve (ALR).

The City supports the protection of farmland and the OCP contains policies that aim to preserve agricultural lands and minimize conflicts between farm and non-farm uses. Land use conflicts that can arise from siting residential uses adjacent to farmland include trespass and complaints from residents about noise and odor and dust from farming operations. Also, domestic pets from new subdivisions can harass livestock on adjacent farmland pastures.

The proposed subdivision has been designed to minimize conflicts between residential dwellings and adjacent farmland by providing a transition zone (buffer) along the south property boundary. The proposal provides a 22.5m wide buffer (transition zone) between residential uses on proposed strata lots 2, 3, and 4 and the agricultural land to the south with the exception of the existing dwelling on proposed strata lot 1.

This buffering is achieved through a 15m land buffer and the rear yard setbacks on the proposed lots. As recommended by the Ministry of Agriculture, 15m of the buffer will be vegetated with the exception of the buffer separating lot 1 which is 14 .1m. Also, the Ministry of Agriculture recommended that fencing be installed along the ALR boundary.

The development is adjacent to two residential subdivisions approved to the north and northeast of the site; the “Ridge “and the development approved at 4100 Fraser Road. A review of the applicant’s subdivision plan indicates that the proposal is similar to adjacent subdivisions in terms of lot layout (dwellings orientated towards the street), building setbacks, lot depth and lot size.

The architecture of the proposed dwellings is consistent with the style and building materials used in neighboring developments. The proposed dwellings will include a mix of ranchers with walk out basements and two-storey split level homes with asymmetrical front facades, varied rooflines (hip and gable rooflines), and trim and detailing on facades and around windows and doorways. Building materials utilized will include cement fiber board, acrylic stucco and stone.

Also, parking arrangements, garages and driveways are consistent with the prevailing pattern in the neighborhood with respect to location of the garage relative to the house, the size and configuration of the garage and the manner of access.

The applicant has provided housing typologies with the rezoning application (as seen in **Attachment No. 1**) which demonstrate compatibility with the surrounding neighborhood as well as consistency with the form and character development permit guidelines in the South Courtenay Local Area Plan.

Residents living in the development will have access to the walkways within the Buckstone Trail system in the adjacent Ridge subdivision. This trail system provides connections through the subdivision and extends from Lockwell Road south to Eagleview Crescent. This system of trails will connect overtime to the waterfront and the Riverway trail via Beachwood Road.

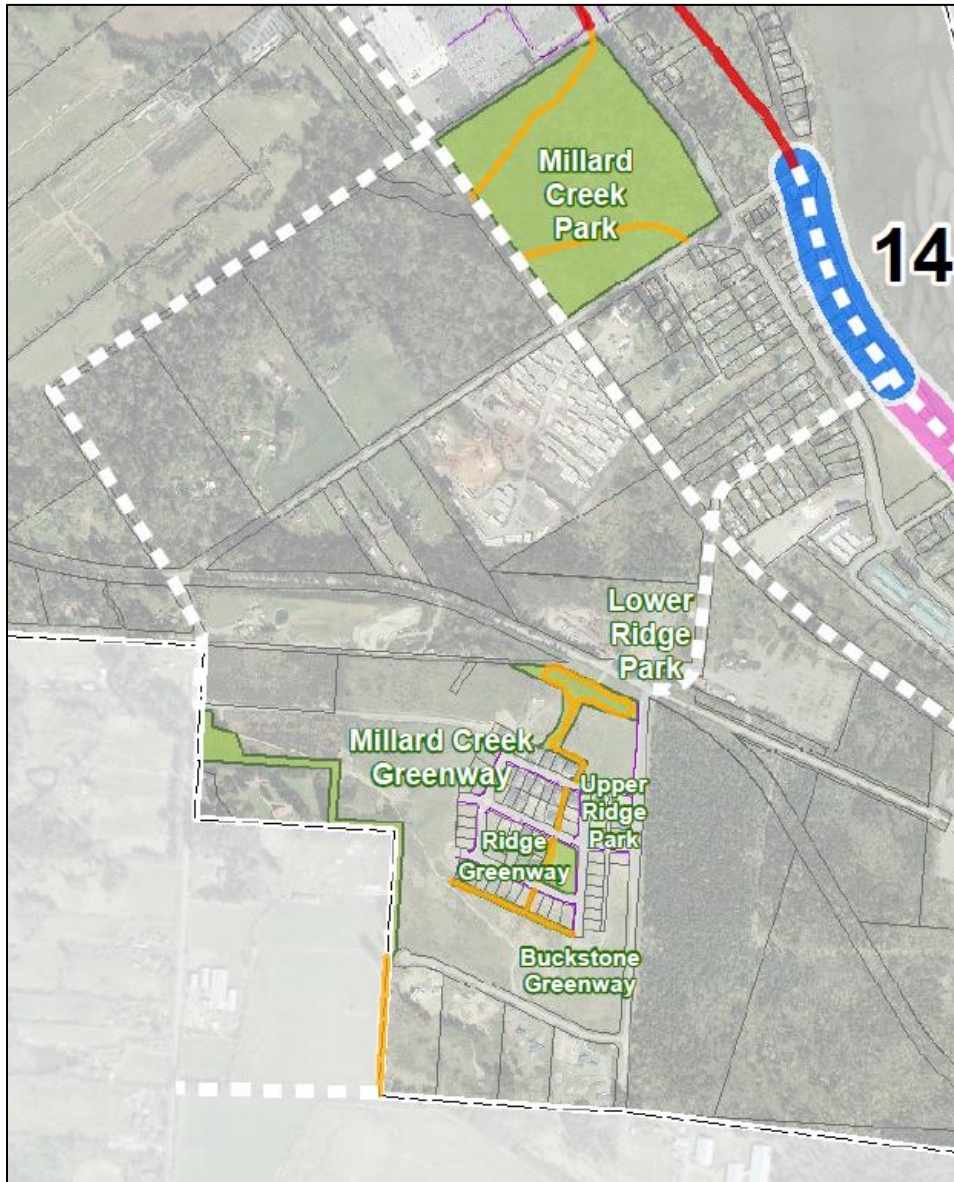


Figure 7: Millard Greenway and Adjacent Park and Trails

Locating residential uses in close proximity to the greenway and trail system is beneficial because it provides opportunities for active living and transportation (walking and cycling).

**Implementation of the South Courtenay Local Area Plan (SCLAP)**

The South Courtenay area is comprised of approximately 217 hectares (536 acres). This area was incorporated into the City in 2007 and in 2009 the Local Area Plan was adopted by Council after extensive community consultation.

The Local Area Plan forms part of the OCP and provides a policy framework for addressing issues such as land use, infrastructure, transportation, environment, housing and parks. The Plan also contains policies that guide where and how future growth and redevelopment should happen.



In the Plan the property is designated master planned residential and envisions residential neighborhoods that:

- provide a mix of housing types and units for residents of various ages and income levels as well as opportunities for live-work uses;
- contribute affordable housing units, land or funds;
- dedicate park land through the subdivision process;
- provide urban services that are developer financed;
- promote walking and biking through a fine-grained system of parks and greenways;
- maintain a clear separation between rural and urban lands;
- keeps environmentally sensitive areas free of development;
- require development permits for all subdivisions; and
- improve energy and water conservation.

The proposal encourages a mix of housing types for residents of various ages and income levels by providing opportunities for single family dwellings with secondary suites. Secondary suites assist in increasing the supply of rental housing within the City for single occupants, couples and small families. The proposed zoning also contributes to complete communities by supporting live work uses (home occupations). Staff note that with this development the applicant will be allocating funds towards the City's affordable housing reserve fund through their amenity contribution offer.

The proposal dedicates 0.298ha (2,980m<sup>2</sup>) of parkland to the City at the time of subdivision and assists in promoting walkability through the dedication of a pedestrian trail to the east of the proposed cul-de-sac. Also, the developer will be financing all services for the development. Furthermore, as a bare land strata ongoing operating and maintenance costs of the infrastructure within the development will be the responsibility of the strata, not the City.

As discussed previously, the subdivision layout provides a clear separation between residential uses and rural farmlands to the west and south of the development.

In order to preserve and protect environmentally sensitive and natural areas onsite, particularly those areas along watercourses Policy 4.10.3 of the OCP requires all development be located a minimum 30m from Millard Creek. The applicant has designed the subdivision to meet this requirement and the proposal provides a 30m no disturbance buffer on both sides of the creek. Because the no disturbance zone is partially located on private property (i.e. proposed strata lot 1) a covenant protecting the land from any disturbance or development will be registered on the land title prior to final adoption of the zoning amendment bylaw. Additionally, the lands within 30m of the creek will be zoned Public Areas Two Zone (PA-2) and the applicant will be required to install permanent fencing along the 30m creek setback to ensure encroachment does not occur.

To ensure the development exhibits a high standard of design and that appropriate protection measures are put in place for Millard Creek and its associated habitat, the applicant is required to obtain an approved form and character and an environmental development permit from the City prior to development occurring.

Energy and water conservation measures are also being incorporated into the development. In this regard builders will be required to construct at minimum to Step 3 of the BC Energy Step Code for permits applied for after January 1, 2021. Also, builders and homeowners will be encouraged to utilize pervious surfaces for

driveways, rainwater collection schemes and drip irrigation systems with moisture sensors for landscaped areas.

In assessing this development proposal, staff have deemed it consistent with the intent of the Master Planned Residential designation and policies contained in the SCLAP. Also, the proposed density and zoning of this subdivision is similar to the CD-21 zone, which is prominent zoning in the surrounding neighbourhood.

**Zoning Review**

The proposal requires rezoning as the current zoning (RU-8 Zone) does not permit the density the applicant is seeking. The proposed zoning for the residential subdivision is the CD-21 zone and PA-2 for the lands that are dedicated as City Parkland.

Table No. 1 below summarizes the proposal relative to the current RU-8 zone and the CD-21 zone, the zone in the adjacent “Ridge” subdivision. The applicant is proposing minor modifications to the CD-21 zone to accommodate smaller front yard setbacks (6.0m rather than 7.5m), lot frontages (11m rather than 16m) and rear yard setbacks of 7.5m for all lots. Within the CD-21 zones structured so that lots that have depths that are 36m or larger require rear yard setbacks of 9.0.

The proposal will reflect the CD-21 standards with the exception of the modified lot frontages and front and rear yard setbacks. The proposal meets the remaining CD-21 zoning regulations for use, lot size, lot depth and coverage and building height.

	Existing Zone (RU-8)	CD-21 Zone	Proposal
Permitted Uses:	Single Family Dwelling Home Occupation Secondary Suite Carriage Home Accessory Buildings Home Based Business  <u>Other:</u> Agriculture Amental Hospital Fish Hatchery Silviculture Aquaculture	Single Family Dwelling Home Occupation Secondary Suite Duplex Carriage Home Accessory Buildings	Single Family Dwelling Home Occupation Secondary Suite Duplex Carriage Home Accessory Buildings
Minimum Lot Size	8.0 hectares	Single Family Dwelling (600m <sup>2</sup> )  Duplex (900m <sup>2</sup> must be corner or double frontage lot)  Carriage House (750m <sup>2</sup> must have lane access, have frontage onto Buckstone Road or a corner lot)	Single Family Dwelling (600m <sup>2</sup> )  Duplex (900m <sup>2</sup> must be corner or double frontage lot)  Carriage House (750m <sup>2</sup> must have lane access, have frontage onto Buckstone Road or a corner lot)
Lot Coverage	15%	60%	60%
Minimum Lot Frontage	10% of the perimeter of the lot	16m 20m (for corner lots)	11m* 20m (for corner lots)

Lot Depth	N/A	Not less than 26 m	Not less than 26m
Setbacks Single Family Residence			
Front yard setback	7.5m	7.5m	6.0m*
Rear yard setback	7.5m	9.0m for lots with depths over 36m)  7.5m (for lots with depths less than 36 m)	7.5m (for all lots)*
Side yard setback	1.75 m 7.5m - for flanking street	4.5m with a minimum of 1.5m on one side 4.5m –for flanking street	4.5m with a minimum of 1.5m on one side 4.5m –for flanking street
Building Height	Principal Building - 10m Accessory Building 4.5m - 6m	Principal Building - 9m Carriage House – 7.5m Accessory Building - 4.5m	Principal Building - 9m Carriage House – 7.5m Accessory Building - 4.5m
Parking Base Requirements	Single Family Residence -2 stalls Secondary Suite - 1 stall Carriage Home - 1 stall	Single Family Residence or Duplex - 2 stalls Secondary Suite - 1 stall Carriage Home - 1 stall	Single Family Residence or Duplex - 2 stalls Secondary Suite - 1 stall Carriage Home - 1 stall

Table 1: Zoning Analysis (\* denotes minor modifications made to CD-21 zoning for this application)

### Other Related Regulations

#### *Amenity Contributions*

The applicant is making contributions towards the City's *Parks, Recreation Culture and Senior's Facilities Amenity Reserve Fund* and the City's *Affordable Housing Amenity Reserve Fund* as outlined in Section 7.7 of the OCP.

#### *Form and Character Development Permit*

Subsequent to the rezoning application the applicant will require a development permit. Based on the plans submitted in support of the rezoning application, the building design is consistent with the policies contained in the South Courtenay Development Permit Area (DPA).

#### *Environmental Development Permit*

Due to the presence of environmentally sensitive features (Millard Creek) and the fact the property overlaps with the potential habitat area for the Western Painted Turtle, a species at risk, the applicant will be required to obtain an approved Environmental Development Permit (EDP).

#### *Tree Cutting Permit*

A tree cutting permit was applied for and approved for this property in 2018 for the removal of hazard trees outside the Millard Creek Area. There are approximately 75 trees remaining on the property. The tree retention plan submitted with this application notes that further tree removal is required to accommodate the proposed lots, therefore, a tree cutting permit is required.

### *Covenant*

As set out in a formula in the OCP, the applicant will make monetary contributions towards the City's Affordable Housing Fund and the City's Parks, Recreation, Cultural, and Senior's amenity reserve fund for the additional density created through rezoning. The amenity contributions will be secured through a covenant registered on the land title and will be payable at time of subdivision.

Additionally, the covenant will address park land dedication, protection of the non-disturbance zone for the Millard Creek riparian area including the installation of permanent fencing and the maintenance of the buffer, fencing and signage between the development site and the agricultural lands to the south. All legal fees will be paid by the developer.

### **FINANCIAL IMPLICATIONS:**

The development is subject to City and Comox Valley Regional District Development Cost Charges. Amenity contributions as outlined in Section 7.7 of the OCP are required. Should the proposed zoning amendment bylaw be adopted, development permit, subdivision and building permit application fees will also apply.

Properties with a secondary residence are charged a second utility fee (sewer, water, garbage) for the additional dwelling unit. Should the rezoning and subsequent applications be approved, the additional utility fees will be charged to the property at the time of occupancy.

### **ADMINISTRATIVE IMPLICATIONS:**

Processing zoning bylaw amendments is a statutory component of the corporate work plan. Staff has spent 28 hours processing and reviewing this application, conducting a site visit and communicating with the applicant to request additional information.

Should the proposed bylaws receive First and Second Readings, staff will spend an additional five hours in preparation for the public hearing, preparation of the covenant, final reading of the bylaw, and updating the bylaws and maps.

### **ASSET MANAGEMENT IMPLICATIONS:**

The rezoning application has no asset management implications, but it would facilitate subdivision of new lots that require water, sanitary sewer and storm service connections at Harborview Boulevard. The City will inherit this infrastructure (storm, water, sewer) built to City standards and they will be incorporated to the City's asset registers for ongoing maintenance. As noted above, the assets internal to the bare land strata will be the responsibility of the strata.

### **2019 - 2022 STRATEGIC PRIORITIES REFERENCE:**

The November 2019 Strategic Priorities Check-in does not include any additional relevant references.

- ▲■ Identify and support opportunities for lower cost housing and advocate for senior government
- Communicate appropriately with our community in all decisions we make
- ▲ Encourage and support housing diversity

## **Official Community Plan**

### **3.1 Growth Management:**

#### **3.1.2 Goals**

1. provide for managed growth
2. ensure equitable taxation for services provided and received
3. support efficient infrastructure development
4. protect environmentally sensitive areas
5. support sustainable development practices

#### **3.2 Regional Context Statement**

##### **3.2.2 Goals**

Goal 1: Housing: Ensure a diversity of housing options to meet evolving demographics and needs.

Principles:

- (1) balance land uses to create a vibrant and diverse neighbourhood and community.
- (3) preserve and enhance open spaces, greenways and environmentally sensitive areas.
- (5) lead in creating inclusive neighbourhoods for housing.

### **4.4 Residential**

#### **4.4.2 Goals**

1. Optimize the use of existing lands in the City with a long term consideration to expand boundaries and protect adjoining lands from further development to meet the future needs of the City.
2. Encourage housing opportunities and convenient community services for individuals having special housing requirements.
3. Ensure new housing projects introduce innovative and creative design and streetscapes.
4. Preserve the integrity and character of existing residential areas with any redevelopment proposal.
5. Ensure all new development includes the provision of amenities including buffer areas along roads, parks and sidewalks and trails.

### **Agricultural**

#### **4.5.3 Policies**

4. The City will work towards reducing conflicts between agricultural uses by ensuring buffering requirements for non-agricultural uses adjacent to agricultural lands.

### **Parks**

#### **4.6.3 Goals**

5. To ensure that parks, both active and passive, are distributed throughout the community.
7. To acquire and protect environmentally sensitive areas.

### **REGIONAL GROWTH STRATEGY REFERENCE:**

The development proposal is consistent with the RGS goal (3.2.1) “to ensure a diversity of housing options to meet evolving demographic needs” as well as the objectives 1A, 1B, 1C and 1D, 2D, 2C, 5A, 5D, and 6A listed below:

**Objective 1-A: Locate housing close to existing services;**

1A-1 Based on RGS growth management strategy locate housing close to existing services and direct 90 percent of new, residential development to Core Settlement Areas.

1A-2 The focus of higher density and intensive developments shall be within the existing Municipal Areas. Within the Municipal Areas densification and intensification of development is required including infill and redevelopment.

1A-6 Increase housing opportunities in existing residential areas in Core Settlement Areas by encouraging multi-family conversions, secondary suites, and small lot infill.

**Objective 1-B: Increase affordable housing options**

1B-2 Encourage residential multi-lot developments to contribute to affordable housing options including, but not limited to a range of unit sizes and types, lot sizes, multifamily or attached-unit buildings, rental units, and secondary suites. These contributions could take the form of land, cash, buildings or other such items as supported by the local governments.

**Objective 1-C: Develop and maintain a diverse, flexible housing stock.**

1C-1 Provide a diversity of housing types in the Municipal Areas using the following housing type targets for new development by 2030: These targets are for all Municipal Areas in aggregate.

- 40% Low Density Single unit residential, town homes, semi-detached, secondary suites, 4-24 units per hectare
- 30% Medium Density Low-rise multi-unit up to four storeys, 24-74 units per hectare
- 30% High Density Over four storey multi-units minimum, 74 units per hectare

1C-4 Encourage infill units and secondary suites in residential zones in the Core Settlement Areas.

**Objective 1-D: Minimize the public costs of housing**

1D-1 Direct the majority of new housing to areas that are or will be serviced through publicly owned water and sewer systems.

**Objective 2-C: Promote environmental best practices in Agricultural and Resource Areas.**

2C-5 All local governments will ensure appropriate buffers and transition zones between working landscapes and residential areas to minimize negative impacts from residential development on farm and resource land. Buffer and transition zones will be promoted to support ecological connectivity and ecological system functions.

**Objective 2-D: Ensure access to parks, recreation areas.**

2D-2 Require new developments to link to, improve or expand the existing greenway network.

**Objective 5-A: Promote water conservation and efficiency throughout the Comox Valley.**

5A-1 The majority of growth should be focused in Core Settlement Areas where appropriate publicly owned water servicing systems already exists.

**Objective 5-D: Encourage sewage management approaches and technologies that respond to public health needs and maximize existing infrastructure.**

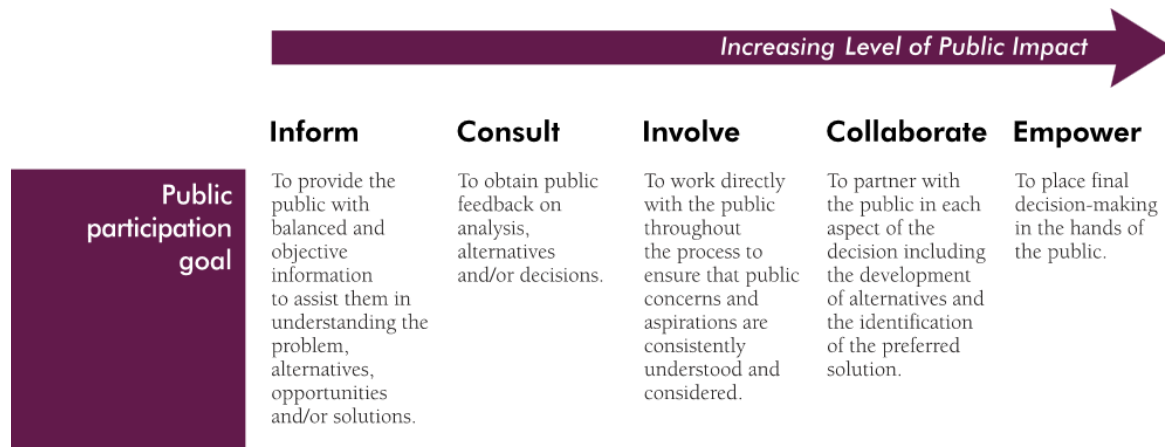
5D-1 The majority of growth should be focused in Core Settlement Areas where appropriate sewer servicing already exists.

**Objective 6-A: Protect land for existing and future agriculture and associated activities.**

6A-3 All local governments will ensure appropriate buffers and transition zones between working landscapes and residential areas to minimize negative impacts from residential development on farm and resource land. The need for and extent of buffers and transition zones will be site specific.

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff will “Consult” the public based on the IAP2 Spectrum of Public Participation:



Prior to this application proceeding to Council, the applicant held a public information meeting on Wednesday January 29<sup>th</sup>, 2020 at 5:00 pm at the McElhanney Consulting offices located at 1211 Ryan Road and four persons attended. During the meeting the land use, site servicing and tree retention plans for the proposal were provided to the meeting attendees. A review of the meeting minutes note that the public had questions on the timeline for City approval of the project, servicing, protection of the creek area and the character of the dwellings. Overall attendees were supportive of the proposal. No public comments were received by the applicant or by City staff. A copy of the sign in sheet provided at the meeting for the summary is included in **Attachment No. 2**.

Should Zoning Amendment Bylaw No. 2989, 2020 receive First and Second Readings, staff are recommending the public hearing be waived in accordance with Section 464 of the *Local Government Act*. In this regard, where Council considers a zoning bylaw is consistent with the Official Community Plan (OCP) for the area that is subject to the bylaw it may waive the holding of a public hearing.

In respect of this bylaw there was no opposition at the public information meeting and in the opinion of staff, as outlined above, the bylaw is consistent with the OCP. Notice of waiver of the public hearing will be provided and the public will have an opportunity to provide written comments for Council’s consideration.

**OPTIONS:**

**OPTION 1: (Recommended)**

1. That Council give First and Second Reading of Zoning Amendment Bylaw No. 2989, 2020 to rezone the subject property to CD-21 and PA-2;
2. THAT Council considers Zoning Amendment Bylaw No. 2989, 2020 consistent with the City's Official Community Plan;
3. THAT Council waives the requirement to hold a public hearing with respect to Zoning Amendment Bylaw No. 2989, 2020 pursuant to Section 464 (2) of the *Local Government Act* and directs staff to give notice of the waiver of the public hearing pursuant to Section 467 of the *Local Government Act* in advance of consideration of 3<sup>rd</sup> Reading of the bylaw;
4. THAT Final reading of the bylaw be withheld pending the completion of the park land disposal process; and
5. THAT Final Reading of the bylaw be withheld pending the registration of a Section 219 covenant on the subject property.

**OPTION 2:**

1. THAT based on the September 8<sup>th</sup>, 2020 Staff report, "Zoning Amendment Bylaw No. 2989 to allow for a subdivision of 4070 Fraser Road "Council approve OPTION 2 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2989, 2020;
2. THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2989, 2020 when regular Council meetings resume or an alternative public hearing format is approved by Council;
3. THAT Final reading of the bylaw be withheld pending the completion of the park land disposal process; and
4. THAT Final Reading of the bylaw be withheld pending the registration of a Section 219 covenant on the subject property.

**OPTION 3:** THAT Council postpone consideration of Bylaw No. 2989 with a request for more information.

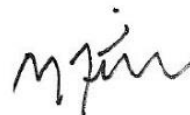
**OPTION 4:** Defeat Bylaw No. 2989.

Prepared by:



Dana Beatson  
Planner II – Planning Services

Reviewed by:



Matthew Fitzgerald, RPP, MCIP  
Manager of Development Planning

Concurrence by:



Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer



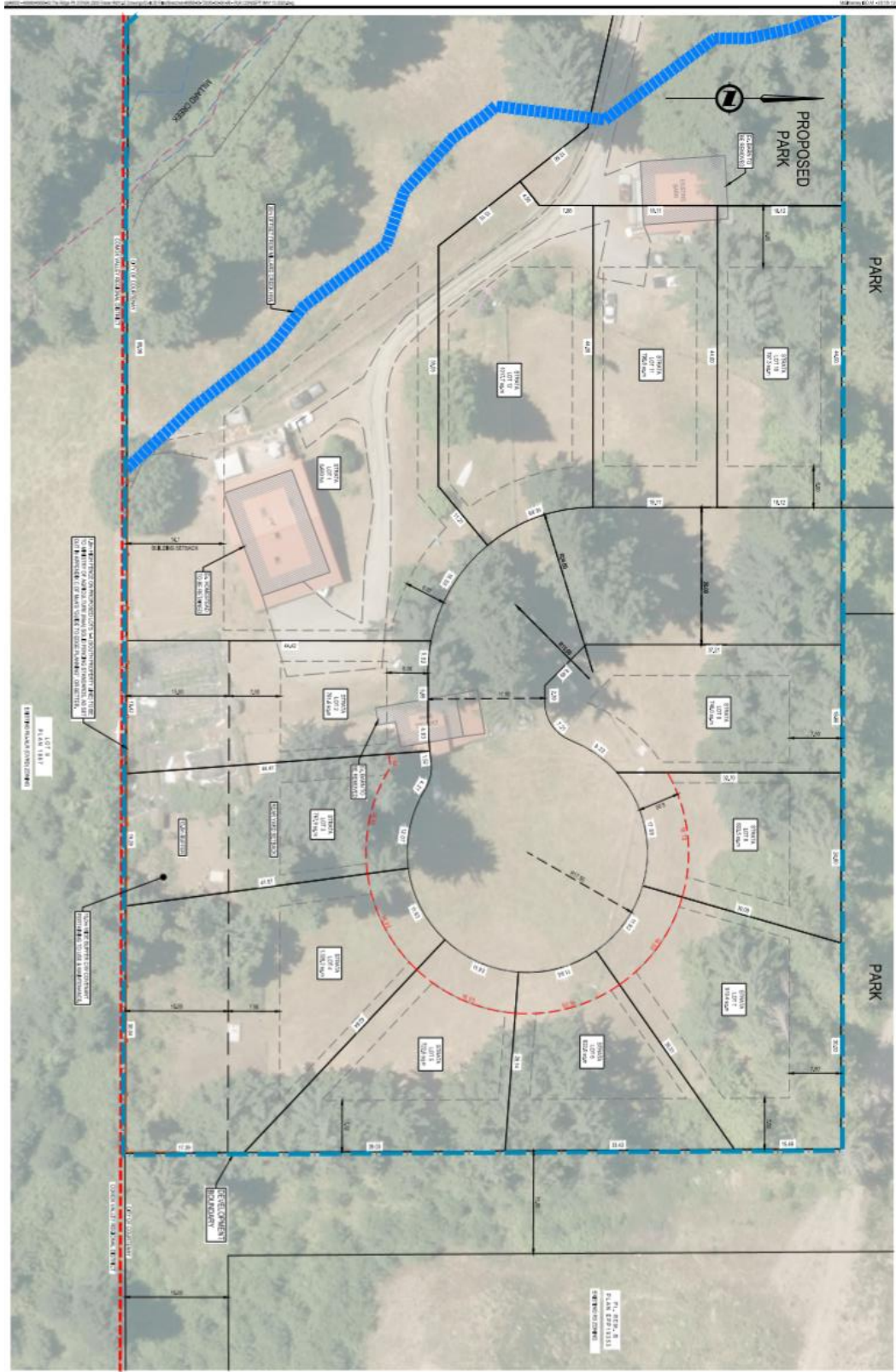
Ian Buck, RPP, MCIP  
Director of Development Services



*Attachments:*

1. *Attachment No. 1: Conceptual Subdivision Plan and Housing Typologies*
2. *Attachment No. 2: Public Information Meeting Sign in Sheet, Public Comment and Meeting Summary*
3. *Attachment No. 3: Applicant's Development Synopsis and Sustainability Evaluation Checklist*
4. *Attachment No. 4: Applicant's Response Letter to City Staff's Park Recommendation*

### Attachment No. 1: Conceptual Subdivision Plan (s) and Housing Typologies





**Single Family Ranchers (some with walk-out basements)**



**Two Story Single Family**



**Attachment No. 2: Public Information Meeting Summary, Sign in Sheet and Comments**

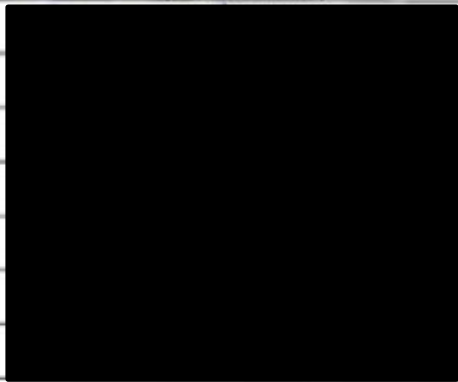
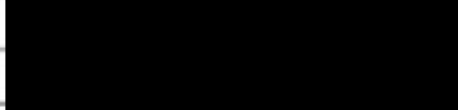
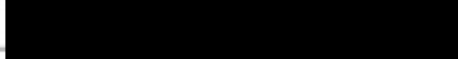
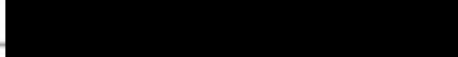
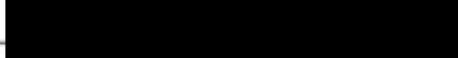










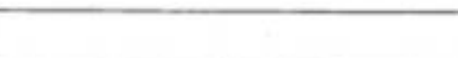
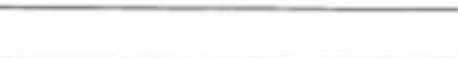
**PUBLIC INFORMATION MEETING**

**January 29, 2020**

**SIGN IN SHEET**

**FOR**

**Rezoning of 4070 Fraser Road**

<b>NAME (Please Print)</b>	<b>ADDRESS</b>
	4060 FRASER RD
	4220 Chancellor Cres., Courtney, Girlic, Manitoba
	115 STAFFORD ST. COMEX.
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### PUBLIC INFORMATION MEETING

January 29, 2020

Mohler Rezoning Application - 4070 Fraser Road

#### COMMENT SHEET

Name: [REDACTED]

Address: 4220 Charrelle Cres, Courtenay Phone: [REDACTED]

John and Linda Mohler have applied to the City of Courtenay for a Zoning Bylaw Amendment. This application is to being made to allow for the development of 10 strata lots and parkland in addition to existing home. This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

I think this is a wonderful idea and would be  
a logical extension of the Ridge.

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**Please return your comments by:** February 7, 2020

Comment sheets can be submitted by one of the following methods:

1. Drop your comment sheet off at the Development Services Department, City of Courtenay  
830 Cliffe Avenue
2. Email your comment sheet to [planning@courtenay.ca](mailto:planning@courtenay.ca)
3. Fax your comment sheet to 250-334-4241

## Public Information Meeting Summary

**From:** Chris Ewing [mailto:cewing@mcelhanney.com]  
**Sent:** July-02-20 11:05 AM  
**To:** Beatson, Dana <dbeatson@courtenay.ca>  
**Subject:** RE: public information meeting comments and meeting summary

Dana,

- Buckstone Investments asked questions regarding timing. This is a big one to Bruce as his Lot 44 is on hold waiting for the Mohler development. Additionally, he was interested in the contents of the City review letter; specifically, the portions which pertained to the access from Harbourview Blvd and potential works within Harbourview Blvd.
- Bruce indicated that he was in support of the project noting that the zoning and building scheme was to be as per The Ridge. Additionally, he noted he would be happy to see the barn and accessory buildings be removed.
- Bruce did convey some concern over the City's requested park strip in Lot 44 and indicated that he would want to see the final grading and landscape plans; this to convince himself that his lots 43 and 45 were not getting the short end of the stick.
- John's parents asked process questions: timing, applications, etc. Understandably, they were in support of the development.
- Steve asked questions regarding the SPEA and Riparian Area setbacks. He was more interested in how City bylaws, policy, etc, which was being applied to John's property, could be applied to his property.
- Steve also wanted to know how his property could be serviced noting that the Mohler's development was going to be a strata. We discussed the sanitary servicing issue at length and provided some thoughts on how his property could be serviced for both sanitary and water either through the strata or along Fraser Road; both options would have to cross Millard Creek.
- Steve indicated his support for John and the development. He noted that this process would give him an opportunity to discuss his property with the City (I told him that you were the person to start his chat with).

With regards to the information provided in hard copy at the meeting, we had copies of the following.

- City Application Review letter dated January 23, 2020
- McElhanney Land Use Plan, C-200, Rev. PA
- McElhanney Site Servicing Plan, C-102, Rev. PA
- McElhanney Tree Retention Plan, C-300, Rev. PA

Chris Ewing, ASCT | Engineering Technologist  
McElhanney  
D 778 225 0208 | T 250 338 5495



### Attachment No. 3: Applicant's Development Synopsis and Sustainability Evaluation Checklist



November 15, 2019,

Our File: 2211-46958-03 TASK 2005

Matthew Fitzgerald, MCIP, RPP  
Planning Supervisor - Development Services  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7

Dear Matthew,

**Rem LOT 8, DISTRICT LOT 153, COMOX DISTRICT, PLAN 1887  
PROPOSED SINGLE FAMILY DEVELOPMENT AT 4070 FRASER ROAD- DEVELOPMENT SYNOPSIS**

The following development synopsis has been prepared on behalf of John and Linda Mohler in support of the rezoning application for the subject project.

#### **1.0 GENERAL**

The subject property is legally described as Rem lot 8, District Lot 153, Comox District, Plan 1887 and is located at 4070 Fraser Road. The 2.12 ha property lies within the area bound by Fraser Road, and Millard Creek to the west, a linear park along the north and east side of the property, and ALR land to the south. The proposed development will be accessed off Harbourview Boulevard which was recently constructed as part of the Ridge Phase 3. Refer to drawing titled "Land Use Plan" for reference.

The property generally slopes from east to west to Millard Creek and is covered in a mixture of grasses, natural vegetation along the creek corridor, and mature trees. Please refer to drawing titled "Tree Retention Plan".

The development proposes (11) single family bare land strata lots, contribution of park and a trail network.

#### **2.0 LAND USE**

The subject property currently carries the RU-8 Zoning and is proposed to be rezoned to CD-21 designation and represents a continuation of the prior and similar development in the area.

This development proposal reflects the City's land use policy values and priorities as follows:

- Provides higher density development and housing proximal to downtown which will expand business markets.



- Existing infrastructure promotes alternate modes of transportation to local businesses; while also providing opportunities for leisure activities.
  - New trail network immediately adjacent to the development site.
  - BC Transit bus stops are available in the area (Comox Valley Parkway)
  - Sidewalks are available from the development along Harbourview Boulevard.
- Expands the existing housing diversity within the local area; providing options for various social and economic needs.
- Represents an infill development; utilizing existing municipal infrastructure capacity.
- The location is proximal to public facilities, shopping, and employment; while maintaining the character and scale of the existing neighborhood.
- Stormwater management designs will be in accordance with the City current servicing bylaw.

### 3.0 SINGLE FAMILY DEVELOPMENT PERMIT

This application reflects the owner's desire to create a development that is architecturally compatible with the adjacent single detached homes, consistent with the neighborhood's existing diversity of housing types; while also maintaining continuity with previous development phases.

The proposed development is compliant with the Single Family Residential Development Permit guidelines as follows:

- Meets the objectives of the OCP as demonstrated within Section 2.0.
- Building assimilation with the local neighborhood will be achieved by utilizing the following architectural details and building materials:
  - Diverse external building treatment orientation.
  - Private entrance/garage.
  - Private rear patio.
  - Natural building exterior finishing products; including rock and "Hardi Plank".
  - Building wall and roof articulation.
- All buildings are accessed from an external road network.
- Stormwater management designs will be in accordance with the City's current servicing bylaw.
- Extensive landscaping will cover all permeable areas, supported by an automatic irrigation system.
- On-site curbside refuse and recycling collection is proposed.

### 4.0 SUSTAINABILITY

The development proposal is compliant with the City's sustainability objectives as follows:

- The application complies with the OCP policies and priorities.



- Creation of an infill development within the current City boundaries; which utilizes existing infrastructure capacity.
- Expands on the existing housing type diversity within the local neighbourhood.
- The subject property is located within walking distance to both daily activities as well as recreational opportunities. All of which can be accessed by existing sidewalk and greenway pedestrian networks.
- Overall density and building layout promotes Crime Prevention Through Environmental Design principles.
- The site is positioned within proximity to BC Transit pickup locations.
- All plumbing fixtures will be of a low flow designation.
- Stormwater management designs will be in accordance with the City's current servicing bylaw.

Yours truly,

McELHANNEY LTD.

Randy Watson, P. Eng.  
Senior Project Manager

Chris Ewing, AscT  
Senior Designer

Enclosures

RW:ldg

cc. John and Linda Mohler



**CITY OF COURTENAY**  
**Development Services**  
 830 Cliffe Avenue  
 Courtenay, BC, V9N 2J7  
 Tel: 250-703-4839 Fax: 250-334-4241  
 Email: [planning@courtenay.ca](mailto:planning@courtenay.ca)

# SUSTAINABILITY EVALUATION

## COMPLIANCE CHECKLIST

The following checklist provides a quick reference list of required sustainability criteria that, where applicable, shall be satisfied for all development applications including Official Community Plan (OCP) and Zoning Bylaw amendments, Development Permits, Development Variance Permits, Tree Cutting and Soil Removal Permits, Agricultural Land Reserve and Subdivision applications. These criteria are established to ensure that the goals and objectives of the OCP are satisfied. **Please briefly state in the "Description" column how the application achieves the stated criterion.** Where an element of the development proposal does not comply with a sustainability criterion, a justification stating the divergence and the reason shall be made. A separate sheet may be used to provide comment. **Incomplete forms will result in application delays.**

- The Sustainability Evaluation Checklist Policy states: *Proposed developments will be considered where a development:*
- provides substantial benefits to the City;*
  - will not negatively impact on the City's infrastructure, neighborhood or environment;*
  - new development that supports destination uses such as the downtown, Riverway Corridor or a Comprehensive Planned Community;*
  - Meets applicable criteria set out in the OCP.*

The complete Sustainability Evaluation Checklist policy is contained within the City of Courtenay Official Community Plan No. 2387, 2005.

<b>Project Address:</b> 4070 Fraser Road, Courtenay, BC	<b>Date:</b> November 15, 2019
<b>Applicant:</b> McElhanney Ltd.	<b>Signature:</b>

**APPLICATION REQUIREMENTS** To be filled out by applicant

Land Use. <i>The application:</i>	Description of how the criteria are met
a) Provides a mix of housing types and sizes;	Residential Development (single family homes). Rancher and two storey design. Opportunity to have basement suites.
b) Balances the scale and massing of buildings in relation to adjoining properties;	Housing is evenly spaced with mix of rancher and two storey.
c) Complements neighboring uses and site topography;	Walk-out basement provided on low side (north) of road.
d) Provides or supports mixed used developments or neighborhoods;	Neighbouring the "The Ridge" development with a mix of residential and potential commercial opportunities.
e) Promotes walking to daily activities and recreational opportunities;	Will be providing multi-use trails/sidewalks with connection to neighbouring development and near-by commercial areas.
f) Supports a range of incomes;	Opportunity for basement suites, which would help support income and affordability.
g) Is a positive impact on views and scenery;	Continuation of neighbouring development - including park and tree preservation.
h) Preserves and provides greenspace, trails and landscaping;	Designation of park area to protect Millard Creek.

<b>Building Design. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Exhibits high standard of design, landscaping and environmental sensitivity;	House designers will be encouraged to utilize & promote the use of quality design standards, landscaping to enhance & integrate to match surrounding "green" area and design features to protect
b) Maintains a high standard of quality and appearance;	Will be implemented.
c) Includes articulation of building faces and roof lines with features such as balconies, entrances, bay windows, dormers and vertical and horizontal setbacks with enhanced colors;	Will be implemented.
d) Avoids creating a strip development appearance;	Accomplished with cul-de-sac configuration, varied housing layout, heights and setbacks
e) Satisfies Leadership in Energy and Environmental Design (LEED) certification (or accepted green building best practices);	Will be implemented.
f) Uses environmentally sensitive materials which are energy sensitive or have accepted low pollution standards;	Will be implemented.
g) Builds and improves pedestrian amenities;	Sidewalks and multi-use pathway connections are planned.
h) Provides underground parking;	N/A.
i) Applies CPTED (Crime Prevention Through Environmental Design) principles;	Provided as part of our design requirements and standards.
<b>Transportation. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Integrates into public transit and closeness to major destinations;	Increasing the density in the area will help promote the need for local transit service.
b) Provides multi-functional street(s);	With sidewalks/pathways and low volume roadway, the opportunity for walking and biking is greatly enhanced and encouraged.
c) Prioritizes pedestrian and cycling opportunities on the public street system and through the site location that can provide an alternative to public road;	Sidewalks/pathways and greenways promote opportunity for walking and biking.
d) Provides or contributes towards trail system, sidewalks, transit facilities, recreation area or environmentally sensitive area;	Will be providing pathways/greenways and a park within and around the development.
<b>Infrastructure. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Includes stormwater techniques that are designed to reduce run-off, improve groundwater exchange and increase on-site retention;	Will be implementing Storm Water Best Management practice to reduce run-off and improve water quality.
b) Utilizes renewable energy sources (i.e. solar, geothermal) within servable area to City standards;	Houses will be designed to provide a high level of energy efficiency and utilize other energy sources where available.

<b>Character &amp; Identity. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Provides a positive image along waterfront areas and fronting road;	Cul-de-sac configuration and design features function to integrate this development with surrounding areas.
b) Is designed with quality and variety of features within the project (i.e. street furniture, street lights, signs, curb treatments);	To meet or exceed the standard requirements of the City's & local guidelines.
c) Provides public and private amenity space;	Park and greenway connection is planned.
d) Preserves heritage fixtures;	Not applicable.
e) Orients to views, open space and street;	Will be encouraged and provided if applicable.
<b>Environmental Protection &amp; Enhancement. <i>The application:</i></b>	<b>Description of how the criteria are met</b>
a) Protects riparian areas and other designated environmentally sensitive areas;	All environmentally sensitive areas shall be protected using best management practices and setbacks.
b) Provides for native species, habitat restoration/improvement;	Coordination with Strategic Natural Resources to ensure preservation and restoration of habitat.
c) Includes tree lined streetscapes.	Yes.

**Attachment No. 4: Applicant's Response Letter to City Staff's Park Recommendation**



Our File: 2211-48958-03 (T2005)

August 21, 2020

Dana Beatson, MCIP, RPP  
City of Courtenay  
830 Cliffe Avenue  
Courtenay, BC V9N 2J7

Dear Dana,

**4070 FRASER ROAD – PARK DEDICATION REQUEST**

On Friday, August 14, 2020, City staff and McElhanney's Chris Durupt participated in a video conferencing meeting to discuss a City proposal / preference for park dedication and trail creation (see attached sketch provided by the City). As indicated during the meeting, McElhanney has put the option / preference to the Owner for consideration. At this time, we note that the Owner wishes to decline the City option.

With regards to Owner rationale for declining the City option, four separate parts have been identified / discussed for said option:

**PARK DEDICATION OF HOMESTEAD LANDS WITHIN RIPARIAN AREA**

As discussed at previous meetings with City staff, the Owner wishes to retain a portion of the property within the riparian area; this to be part of Strata Lot 1. The Owner is of the understanding that this will be accomplished by covenant on the aforementioned land which limits use, building, landscaping, etc. as previously discussed with City staff. This was originally understood to be a benefit by the City as it would be maintained by the Owner.

**PARK DEDICATION ALONG SOUTH PROPERTY LINE**

- a) With regard to the 8m wide park request behind the existing dwelling, the Owner does not wish to introduce a walking trail this close to the rear of his home.
- b) With regard to the 15m wide park request behind proposed strata lots 2-4, McElhanney and the City discussed/negotiated the proposed buffer/covenant area earlier this year, to the eventual agreement of both parties. Assuming that those discussions / negotiations are still valid, the Owner would like to continue on with the ALR interface buffer as shown on McElhanney dwg. 2211-48958-03 (T2005), sketch SK-08, Rev. 2, dated June 17, 2020.

**TRAIL CONSTRUCTION**

Noting the points above, we believe the trail construction should be discussed during the Development Permit stage and once the park dedication, park swap, and/or park purchase have been finalized.

**OVERALL PARK CONTRIBUTION**

The assumed park contribution requirement of 5% of the total development (or 1,112 sq. m) plus the area required for the park "swap" (232 sq. m.) is equal to 1,344 sq. m. This new proposal would increase the park dedication to 7,455 sq.m. (27.7% of the total development area). This is not currently acceptable to the Owner and is a significant departure to what the Owner had assumed was agreed upon with City planning staff to date.

Please contact the undersigned if the City requires any further information regarding this item.

Sincerely,  
McElhanney Ltd.

*Reviewed by:*



Chris Ewing, AScT  
Senior Designer  
[cewing@mcelhanney.com](mailto:cewing@mcelhanney.com)



Chantal Richard, P.Eng.  
Project Engineer  
[crichard@mcelhanney.com](mailto:crichard@mcelhanney.com)

CE/njg  
Enclosure  
cc: John and Linda Mohler

