



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3060-20-1910

From: Chief Administrative Officer

Date: November 4, 2019

Subject: Zoning Amendment Bylaw No. 2971 to allow for a subdivision of 2940 Comox Logging Road

PURPOSE:

The purpose of this report is for Council to consider an application to rezone a portion of the property located at 2940 Comox Logging Road to Rural Residential Five Zone (RR-5) to facilitate subdivision with a text amendment to allow a secondary suite or secondary residence or carriage house.

CAO RECOMMENDATIONS:

THAT based on the November 4th, 2019 Staff report, "Zoning Amendment Bylaw No. 2971 to allow for a subdivision of 2940 Comox Logging Road" Council approve OPTION 1 and proceed to First and Second Readings of Zoning Bylaw No. 2971, 2019; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2971, 2019 on November 18th, 2019 at 5:00 p.m. in the City Hall Council Chambers.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The subject property is a 2.29 hectare (5.67 acre) rural residential lot located at the intersection of Comox Logging Road and the Comox Valley Parkway, legally described as Lot 6, District Lot 179, Comox District, Plan 1962, Except Part in VIP69550. Although it is a single real estate entity, the property is bisected by the Comox Valley Parkway and the southern part of the lot was annexed by the City of Courtenay in 2007 (**Figure 1**). The 1.87 ha (4.62 acre) larger portion is in the CVRD and has a house, well and septic system. The 4,250 square metre (1.05 acre) smaller portion is in the City

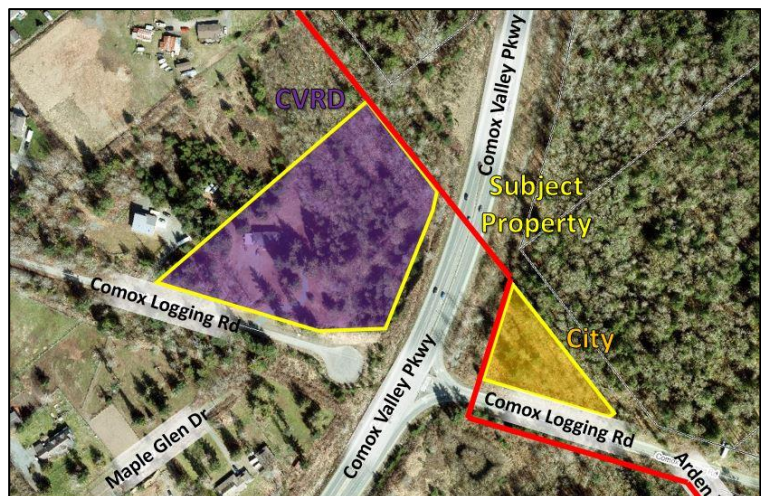


Figure 1: Location Map.

and presently has no structures, water or waste systems. Both are zoned Country Residential One (CR-1), a Comox Valley Regional District zoning designation.

In May 2019, the applicant was granted a variance to the Subdivision and Development Servicing Bylaw No. 2919, 2018 to allow subdivision of the property, to legally separate the two aforementioned portions, without connecting the resulting new City lot to City water and sanitary services.

Before subdivision can occur, the City portion of the lot must be rezoned to a City zone that permits a minimum lot size consistent with the proposed subdivision. The applicant additionally would like to be allowed a secondary residential unit, preferably including one detached from a primary residence.

DISCUSSION:

Currently the smaller (City) portion of the property has limited development potential as it is legally part of a lot already containing a single family house. The City of Courtenay has already approved the variance to Subdivision and Development Servicing Bylaw No. 2919, 2018 to facilitate subdivision and rectify the situation of a single residential property bisected by a major thoroughfare and straddling two jurisdictions.

The proposed Rural Residential Five Zone (RR-5) zone has a minimum size of 4,000m², which prevents further subdivision beyond that which is being contemplated. It does not, however, allow the secondary residential units that the property's current CVRD zone does, so the applicant wishes to include a text amendment to allow a secondary suite or secondary residence or carriage house which can add to the City's rental housing stock.

OCP Review

The proposed RR-5 zone would facilitate residential development consistent with nearby land uses which are Rural, Agricultural, or Suburban, with some Urban and Multi Residential on Arden Road..

Affordable Housing Policy

The City's Affordable Housing Policy sets out a number of strategies that support increasing the provision of affordable housing, including secondary suites, within the community. When zoning does not permit secondary suites, Council's practice to-date has been to consider such rezoning applications on a case-by-case basis taking into account land use planning policy, servicing capacity and neighbourhood interests.

Zoning Review

The applicant has not proposed a building or buildings at this time. Such a proposal would need to comply with uses, siting, and all other specifications of the Rural Residential Five Zone (RR-5), except as amended by Bylaw No. 2971 to additionally allow a secondary suite or secondary residence or carriage house.

FINANCIAL IMPLICATIONS:

Application fees in the amount of \$3,000 have been collected in order to process the rezoning application. Should the proposed rezoning be approved, a subdivision application will proceed and associated fees will apply.

ADMINISTRATIVE IMPLICATIONS:

The processing of development applications is included in the current work plan as a statutory component. Staff have spent approximately 30 hours meeting with the applicant, reviewing the application,

communicating between departments and with external organizations, coordinating with the applicant to request additional information and writing the report.

Should the proposed zoning amendment proceed to public hearing, an additional two hours of staff time will be required to prepare notification for public hearing and to process the bylaw. Additional staff time will also be required for subdivision application processing, as well as time for processing and issuing a building permit and related inspections.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications related to this application.

2019 – 2022 STRATEGIC PRIORITIES REFERENCE:

▲ Identify and support opportunities for lower cost housing and advocate for senior government support

●▲ Encourage and support housing diversity

OFFICIAL COMMUNITY PLAN REFERENCE:

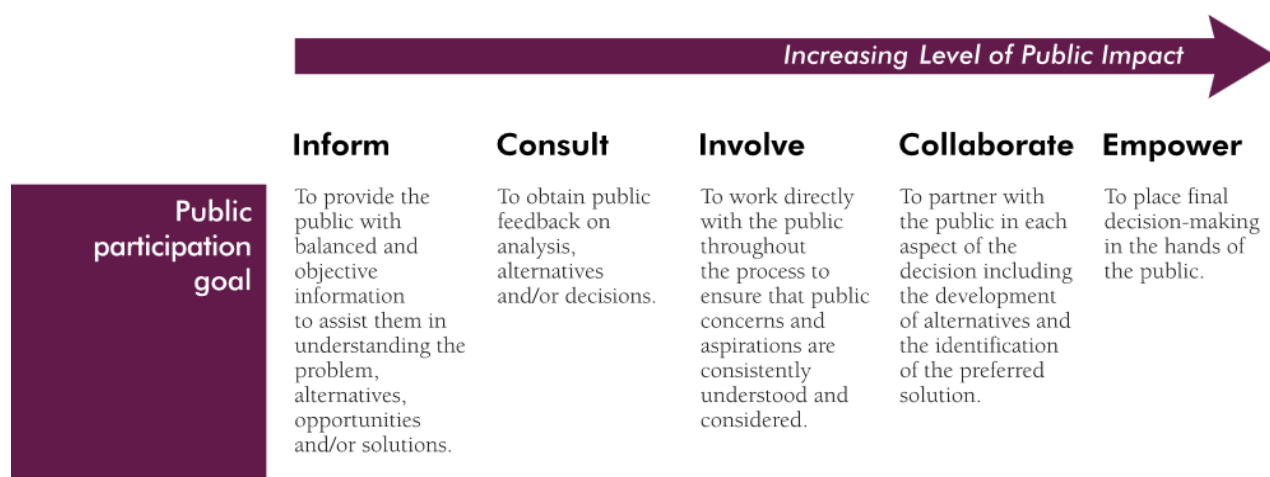
The proposed zoning amendment is broadly consistent with the “Rural” land use category, in being removed from municipal services and relatively large in size. It does not meet the Rural land use designation 2-8 hectare lot size range noted in Section 4.4.3 Densities (2), but is well in excess of the 2500 sq.m. minimum stipulated in the “Suburban” land use designation policy and importantly lacks the full urban services that characterize the “Suburban” designation, making the existing “Rural” land use designation the most appropriate.

REGIONAL GROWTH STRATEGY REFERENCE:

The proposed rezoning is consistent with the following Regional Growth Strategy policies: directing new residential development to Core Settlement Areas and increasing housing opportunities within existing residential areas in Core Settlement Areas.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will **consult** the public based on the IAP2 Spectrum of Public Participation:



Should Zoning Amendment Bylaw No. 2969, 2019 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*.

Prior to this application proceeding to Council, the applicant held a public information meeting from 6:00pm to 8:00pm Wednesday July 24th, 2019 at the subject property which no one attended, as summarized in **Attachment No. 2**.

OPTIONS:

OPTION 1: (Recommended)

THAT Council approve OPTION 1 and proceed to First and Second Readings of Zoning Bylaw No. 2971, 2019; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2971, 2019 on November 18th, 2019 at 5:00 p.m. in the City Hall Council Chambers.

OPTION 2: Defer issuance of Bylaw No. 2971 pending receipt of further information.

OPTION 3: Defeat Bylaw No. 2971.

Prepared by:



Mike Grimsrud
Planner 2

Reviewed by:



Ian Buck, MCIP, RPP
Director of Development Services

Attachments:

1. *Attachment No. 1: Rationale*
2. *Attachment No. 2: Public Information Meeting Summary*

Attachment No. 1: Rationale

Schedule A

RE: Rezoning Application 2940 Comox Logging Road, Courtenay B.C.

I am applying to subdivide my property located at 2940 Comox Logging Road (the "Property"). I am also applying to rezone the portion of the Property that is located within the City of Courtenay (the "City") to RR-2S from its current zoning of CR-1. I have recently obtained a variance allowing the portion of the Property located within the City to be serviced by way of well and septic field.



Figure One: The Property

The Property is divided by the Comox Valley Parkway. A portion of the Property was annexed into the City and hooked by the Comox Valley Parkway when the Parkway was constructed. Figure One shows the annexed section of the Property highlighted in green (the "Annexed Property"). The other portion of the Property remains in the Comox Valley Regional District (the "CRVD") which is highlighted in grey.

[illegible]

Of note, the annexation of the Property has resulted in two separate property taxes; CVRD property taxes and the City of Courtenay property taxes. As a consequence, there is an increased financial burden.

Thank you for your time and consideration.

Steve Allardice

Staff and applicant agreed RR-5, with a text amendment to additionally allow a secondary suite or secondary residence or carriage house, would be more appropriate than RR-2S, as discussed above.

Attachment No. 1: Public Information Meeting Summary

Grimsrud, Michael

From: Steve A <swallardice@gmail.com>
Sent: July 25, 2019 9:47 PM
To: Grimsrud, Michael
Subject: Public Notice Sign & Notification Labels

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Mike,

The notification was delivered on July 16th to all persons named in the notification labels and the public information meeting was held today- July 24th at 6:00 pm.

The notifications contained the time, date and location of the public information meeting which was 6pm, Wednesday July 24th. The notification included my address and map of the proposed development site as well as description of my proposal. I advised in writing the opportunity to provide written feedback and provided my contact information.

The public information meeting was scheduled to begin [at 6:00 pm](#). I had prepared an overview of my development proposal however no one attended the meeting. As such, no one completed the sign-in sheet or the comment sheet. I kept the meeting open [from 6-8 pm](#).

Please let me know if you require further information.

Sincerely,

Steve Allardice