

Minutes of the public hearing held on July 17, 2018 in the CVRD boardroom, 550b Comox Road, Courtenay, BC commencing at 6:00 pm to consider Bylaw No. 538 and Bylaw No. 514

**PRESENT:**

<b>Chair:</b>	R. Nichol	Lazo North (Electoral Area B)
<b>Directors:</b>	B. Jolliffe	Baynes Sound – Denman/Hornby Islands (Electoral Area A)
	E. Grieve	Puntledge – Black Creek (Electoral Area C)
<b>Staff:</b>	A. Mullaly	Acting General Manager of Planning & Development Services
	J. Warren	General Manager of Corporate Services
	B. Chow	Rural Planner
	R. Holme	Long-Range Planner
	L. Dennis	Recording Secretary

Chair Nichol called the public hearing to order at 6:00 pm and read a prepared statement regarding the public hearing procedures. Approximately 9 members of the public were present for this public hearing.

**Bylaw No. 538, being the  
“Comox Valley Zoning Bylaw, 2005, Amendment No. 75” (Wing)**

B. Chow, Rural Planner, presented an overview of the application for Bylaw No. 538 being “Comox Valley Zoning Bylaw, 2005, Amendment No. 75” to rezone a property legally described as Lot A, District Lot 136, Comox District, Plan 8418 (4320 & 4356 Camco Road) from Country Residential One (CR-1) to Country Residential One Exception Eight (CR-1-8) to subdivide the subject property in order to provide residence for a relative using Section 514 of the *Local Government Act* (RSBC, 2015, c. 1).

The applicants, Mark and Katherine Wing, were present at the public hearing.

Chair Nichol called for speakers from the speakers list in regards to Bylaw No. 538.

**Russ Magee, Camco Road** – inquired as to future plans for Camco Road and whether the application under consideration would result in any new roadworks. Staff confirmed that the application under consideration did not involve any roadworks, but that the Ministry of Transportation and Infrastructure should be consulted regarding future plans for the area.

Chair Nichol called a second time for speakers regarding Bylaw No. 538.

Chair Nichol called for a third and final time for speakers regarding Bylaw No. 538 and reminded the public that any written submissions regarding the proposed bylaw must be brought forward before the close of the public hearing.

There were no written submissions received prior to or at the public hearing regarding this application.

Chair Nichol closed comments for Bylaw No. 538 at 6:14 pm.

**Bylaw No. 514, being the  
“Comox Valley Zoning Bylaw, 2005, Amendment No. 75” (CVRD)**

R. Holme, Long-Range Planner, presented an overview of the application for Bylaw No. 514 being “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 3” to remove Section 44.(6) of the Official Community Plan (OCP) that requires parcels proposed for subdivision in the electoral areas, in accordance with Section 514 (subdivision to provide residence for a relative) of the *Local Government Act* (RSBC, 2015, c. 1) (LGA), be two times the size of the minimum parcel size required in the zoning.

R. Holme presented submissions from the following respondents:

- Leah Weinberg

This submission is attached as Appendix A to these minutes. There were no other written submissions received prior to or at the public hearing.

**Chair Nichol** called for speakers from the speakers list in regards to Bylaw No. 514.

**Linda Weinberg** – read a letter from her daughter, Leah Weinberg (attached as Appendix A). Ms. Weinberg added that their property is surrounded by smaller properties, so they can’t understand the unwillingness by the CVRD to allow them to subdivide. It is important that their children be able to hold title to their portion of the land in order to be able to remain on the property.

**Barbara Odegard, 8301 Island Highway** – has an acreage further south and wanted to clarify what these minimum lot sizes are. They understood that they could subdivide, only to discover that this right had been taken away through the OCP. Their daughter would like to live on the property, but she will need title to the land in order to get a mortgage, etc.

**Theresa Noot, 2215 Driffield Road** – stated that her property was finally given approval to subdivide after a long and difficult experience that cost \$25,000. Ms. Noot is in support of nixing the lot size requirements of this bylaw, as lots of residents have children who want to move back to the area, and people can age in place surrounded by grandkids and family. Older folks seem to be healthier and fare better when they have family close by. Ms. Noot urged the directors to proceed with this change to make it easier for families to live together, and inquired what language will replace the section that is removed. Staff confirmed that the section of the OCP is being removed in its entirety with no replacement clause.

Chair Nichol called a second time for speakers regarding Bylaw No. 514.

Chair Nichol called for a third and final time for speakers regarding Bylaw No. 514 and asked that all written submissions be brought forward.

Hearing no speakers, the Chair declared the public hearing terminated for Bylaw No. 538 being “Comox Valley Zoning Bylaw, 2005, Amendment No. 75” (Wing) and Bylaw 514 being “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 3” (CVRD).

Time: 6:31 pm

Recorded by:

Confirmed:

Confirmed:

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L. Dennis  
Recording Secretary

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A. Mullaly  
Acting General Manager  
of Planning &  
Development

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Director Nichol  
Chair

Appendix A – Submissions received on behalf of proposed Bylaw No. 514 “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 3”

3350-20 / CP 1CV 18

R. Holme

Dir. Web

July 16, 2018

To the CVRD Board:

I am submitting this letter to voice my concern about the existing CVRD bylaw which requires applicants to have 2 x the minimum lot size.

In writing this legislation the CVRD has effectively removed the latitude put in place by the Province for families who do not meet the minimum requirements for a regular subdivision. The original Provincial bylaw 514 was drafted so that people living on larger parcels of land may subdivide off a piece so that a family member can also live on the land.

The CVRD states that in order to use 514 for a subdivision you must either have 2 x the minimum lot size - in other words, if the minimum lot in a certain area is 5 acres you must have 10 to subdivide. This is no different than a regular subdivision; the latitude provided by the Provincial law has effectively been removed.

The way the CVRD bylaw is written is essentially a backhanded way of prohibiting anyone from using the provincial law, we feel this is fundamentally wrong.

Now the CVRD has taken the further measure of requiring that people who wish to use bylaw 514 must rezone their property. In my opinion this is another tactic that essentially makes the process so hard and costly that no one will want to attempt it.

It is ironic that the CVRD now requires people to rezone to use this legislation because initially the Province drafted the "Aging in Place" bylaw so that families could subdivide without having to rezone their property.

Above all it goes against the Province's original intent of making it easier for families to stay together.

My Parents own 7 acres in Fanny Bay that they purchased in the mid 80's. The land originally had one house on it and 8 years ago my husband myself and our family moved another house onto the land, both have their own approved water and septic.

My parents who are in their 80's want to plan their estate and divide the land so my sister and I will each have a parcel – to essentially draw a line down the middle. They have been trying to subdivide under this bylaw for nearly 5 years.

Our land is 7 acres. We are shy of the 10-acre minimum needed to make 2 five-acre parcels under our CR1 zoning. Therefore, we have been told we cannot proceed with a regular subdivision and because the current CVRD legislation has taken away the latitude put there by the Province, we also have been told we cannot proceed under 514.

We have spent over 4 years trying to find a way forward with the CVRD. Anyone we talk to cannot understand the common sense in this ...and that is what is so frustrating...the lack of willingness to find a solution or help us facilitate this when there is no rational reason why we should not be able to.

At one point, the CVRD Board passed a motion stating they did not oppose our proposed subdivision, and even with support from the Ministry of Transportation, we have been, what I would call stonewalled all along the way. We have even been told by a CVRD planner that we could pay the costs to apply for a subdivision but that, in no uncertain terms, it would be refused and "that we would never get our subdivision under 514".

I strongly urge the Council to amend this bylaw, so it conforms with the Provincial legislation, to remove the requirement that lots under 514 be 2x the minimum lot size, and to not have rezoning as the only option available to families who wish to provide land for a family member to live. Rezoning is not an acceptable substitution for 514.

Sincerely,  
Leah Weinberg