

DATE: June 28, 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****Purpose**

To summarize comments received from First Nations and external agencies, and to recommend first and second readings to the proposed bylaw 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. Finally, to recommend a public hearing date for this rezoning application.

Recommendation from the Chief Administrative Officer:

THAT the board give first and second readings to Bylaw No. 548, being the “Comox Valley Zoning Bylaw, 2005, Amendment No. 77” which rezones Lot C, Block 29, Comox District, Plan 32630, PID 000-168-882 (1926 Vera Drive, Thomas) from Country Residential One (CR-1) to Country Residential One Exception 5 (CR-1-5);

AND FINALLY THAT pursuant to Section 464(1) of the *Local Government Act* (RSBC, 2015, c.1), the board schedule a public hearing for Bylaw No. 548, being the “Comox Valley Zoning Bylaw, 2005, amendment No. 77” (RZ 1B 18).

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 applicants wish to create a new lot for a relative using Section 514 of the LGA, which is subdivision to provide residence for a relative.
- On April 24, 2018, the Comox Valley Regional District (CVRD) Board adopted a resolution to refer the application to First Nations and external agencies for comment.
- Comments received are listed in Appendix A. As of the date of this report, the only comments received are from the K’ómoks First Nation and the Vancouver Island Health Authority. The Advisory Planning Commission Lazo North (Electoral Area B) supports this application.
- The proposed bylaw (Appendix B) is an exception to the current CR-1 zone. It retains the same range of permitted uses in the CR-1 zone, except for these two provisions:
 - Enable the use of Section 514 of the LGA to create one new lot of at least 1.0 hectare in area; and
 - Limit one dwelling unit for any lot less than 2.0 hectares to ensure “no net increase” in density and to be consistent with the growth management objectives of the Regional Growth Strategy (RGS) and Official Community Plan (OCP).
- Staff recommends that the proposed bylaw (Appendix B) be given first and second readings and that a public hearing date be set.

Prepared by:

Concurrence:

J. MacLean

A. Mullaly

Jodi MacLean, MCIP, RPP
Rural Planner

Alana Mullaly, M.Pl., MCIP, RPP
Acting General Manager of Planning and
Development Services Branch

Stakeholder Distribution (Upon Agenda Publication)

Applicants	✓
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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 (Figure 4).

On April 24, 2018, the board endorsed the agency referral list and First Nations referrals management program. On May 16, 2018, staff sent out referrals under the First Nations referrals management program and on May 24 to the provincial government agencies. On June 21, 2018, staff sent follow up letters to the First Nations groups that did not respond. Note that any individual or agency can provide comments until the termination of the public hearing. The K’ómoks First Nation responded stating they “*have no comments or concerns regarding this rezoning.*” The Vancouver Island Health Authority responded stating, “*The applicant is to make application to Island Health for subdivision. The applicant is to comply with the Island Health Subdivision Standards.*”

Staff is proposing an exception to the current CR-1 zone, which will achieve the applicant’s stated objectives by facilitating the provisions of Section 514 while maintaining the intent of the Rural Settlement Area designation of the RGS and OCP. The CR-1 Exception Five (CR-1-5) zone retains the same range of permitted uses in the CR-1 zone, except for these two provisions:

- Enable the use of Section 514 of the LGA to create one new lot of at least 1.0 hectare in area.
- Limit the density to one dwelling unit for any lot less than 2.0 hectares to ensure “no net increase” in density and to be consistent with the growth management objectives of the RGS and OCP.

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.

Section 514(8) of the LGA states that a Section 219 restrictive covenant is required as a condition for subdivision approval. The covenant prohibits further subdivision using Section 514 of the LGA,

and for the five years after the subdivision approval, limits the use of the lot for relative to residential use and the use of the remainder lot to be unchanged.

Sections 464 through 466 of the LGA establish the requirements and procedures for holding a public hearing prior to Zoning Bylaw adoption, including notification requirements. Bylaw No. 328, being the “Comox Valley Regional District Planning Procedures and Fees Bylaw, Bylaw No. 328, 2014,” implements the LGA’s requirements and states that public hearings are held following second reading and that notification within the Rural Settlement Area designation will be mailed to property owners and tenants within 100 metres of the property for which the bylaw amendment is proposed.

Options

At this time, the board has the following options:

1. Approve first and second readings of proposed Bylaw No. 548 (Appendix B) and set a date for the public hearing.
2. Refer proposed Bylaw No. 548 back to staff for revision.
3. Deny the application to rezone.

Based on the discussions contained within this report, staff recommends option 1.

Financial Factors

A \$2,000 rezoning application fee has been collected for the application under Bylaw No. 328. If the board concurs with staff’s recommendation to schedule a public hearing, a \$1,500 fee is required prior to the hearing. This fee covers the costs of the newspaper advertisement and direct mailing to property owners and tenants within 100 metres of the subject property, as well as the costs related to hosting the public hearing. The applicant is required to install a notice sign on the property, in accordance with Bylaw No. 328’s specifications; the costs of the sign and its installation are not included in the public hearing fee and are the responsibility of the applicant. Also, the costs of preparing and registering the covenant will be borne by the applicants.

Legal Factors

The recommendation contained within this report has been prepared in accordance with the LGA and applicable CVRD bylaws.

Regional Growth Strategy Implications

The CVRD 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 lists the comments received from First Nations and external agencies on this rezoning application. None of the respondents have provided any objections with this application.

Interdepartmental Involvement

Planning staff is leading the review of this application. This application was referred to the following internal departments:

- Bylaw compliance
- Fire services
- Community parks
- Long range planning

No concerns with respect to the departmental responsibilities were identified with the application.

Citizen/Public Relations

Advisory Planning Commission – Lazo North (Electoral Area B) met on May 31, 2018, and the commission members supported the rezoning application. If the application proceeds to public hearing, there will be a development notice sign, newspaper advertisements and adjacent owners’ letters in accordance with Section 464 of the LGA and Bylaw No. 328. Any members of the public can provide comments until the termination of the public hearing.

Attachments: Appendix A – “Comments from External Agency and First Nations”
Appendix B – “Bylaw No. 548”

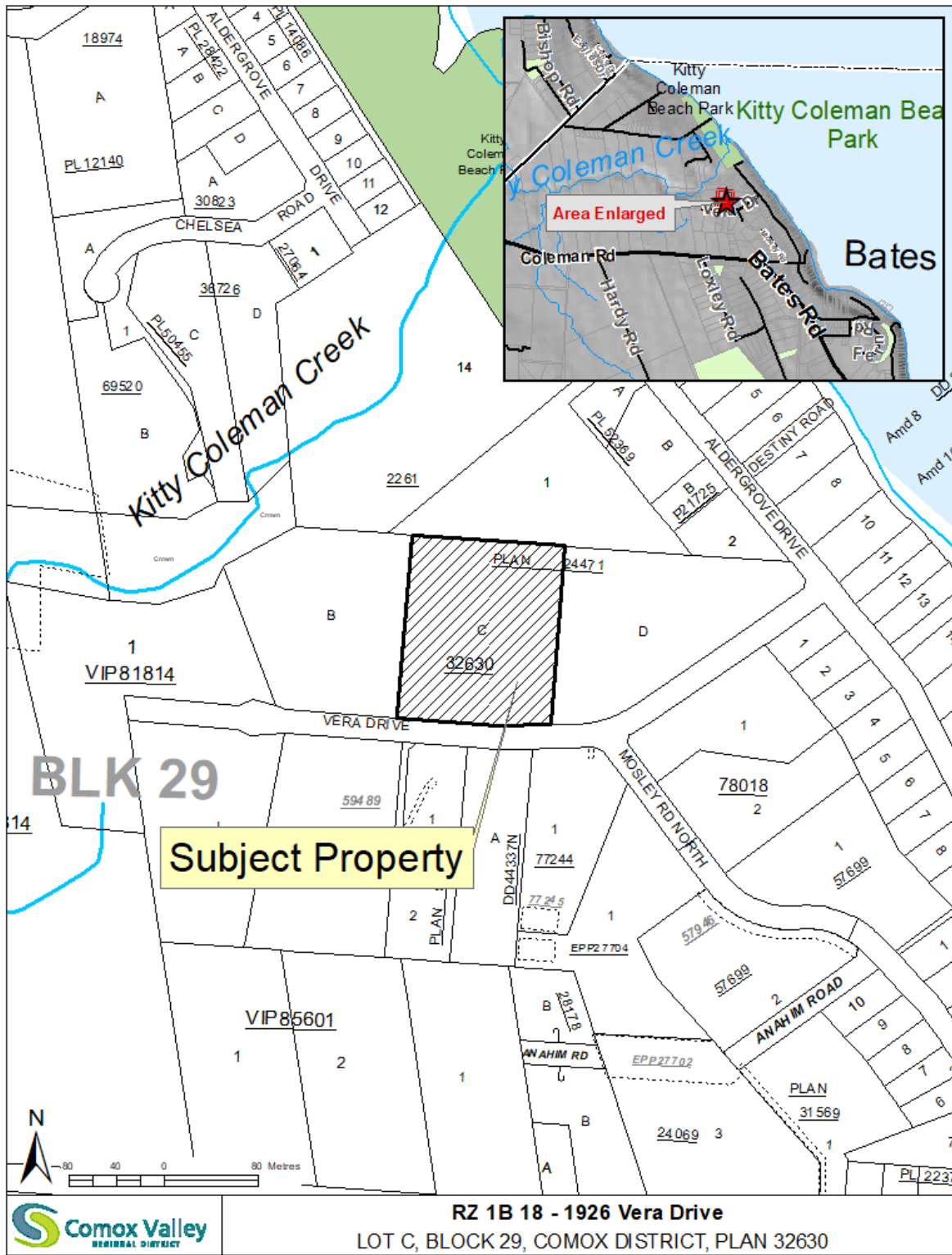


Figure 1: Subject Property Map

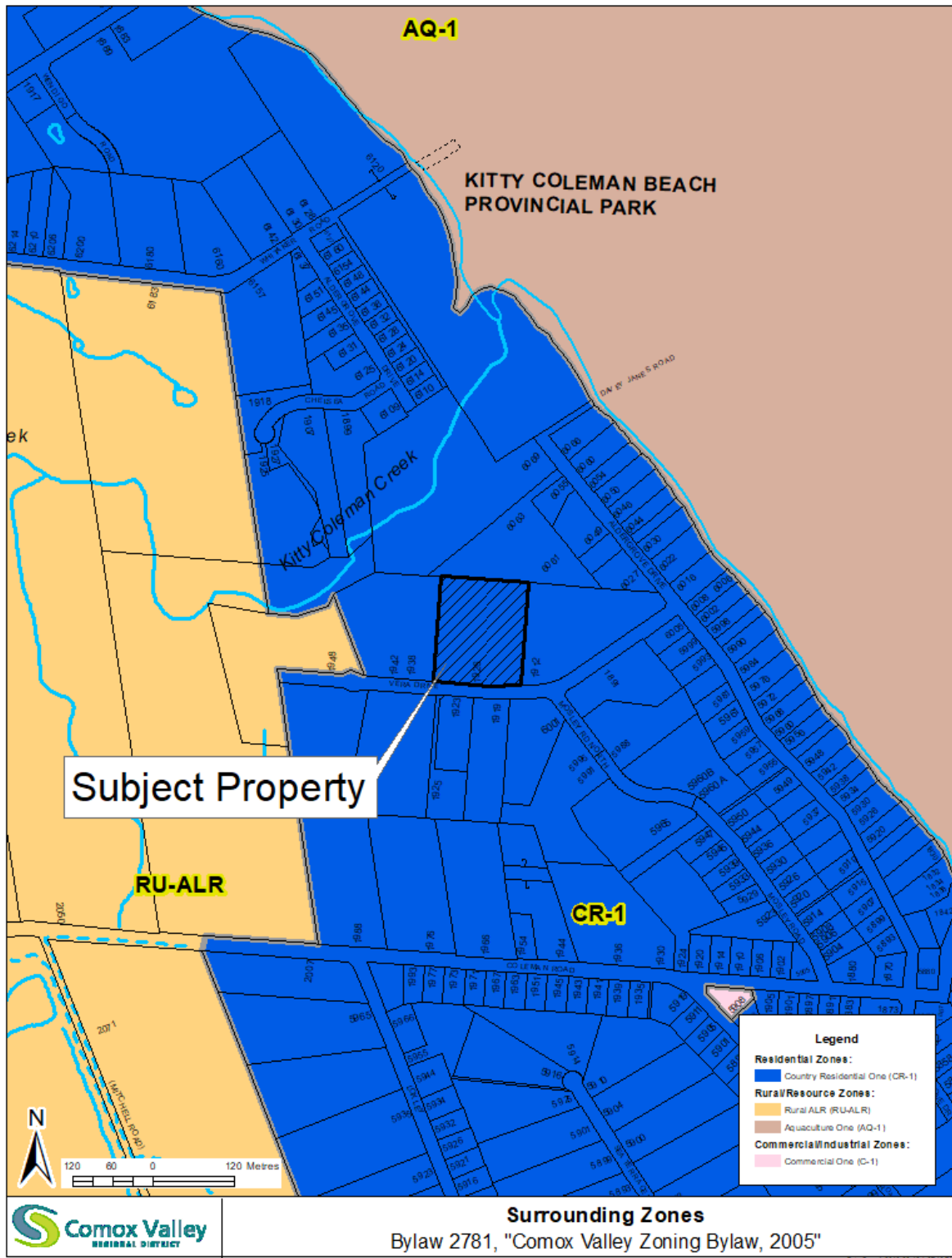


Figure 2: Zoning Map



Figure 3: Air Photo

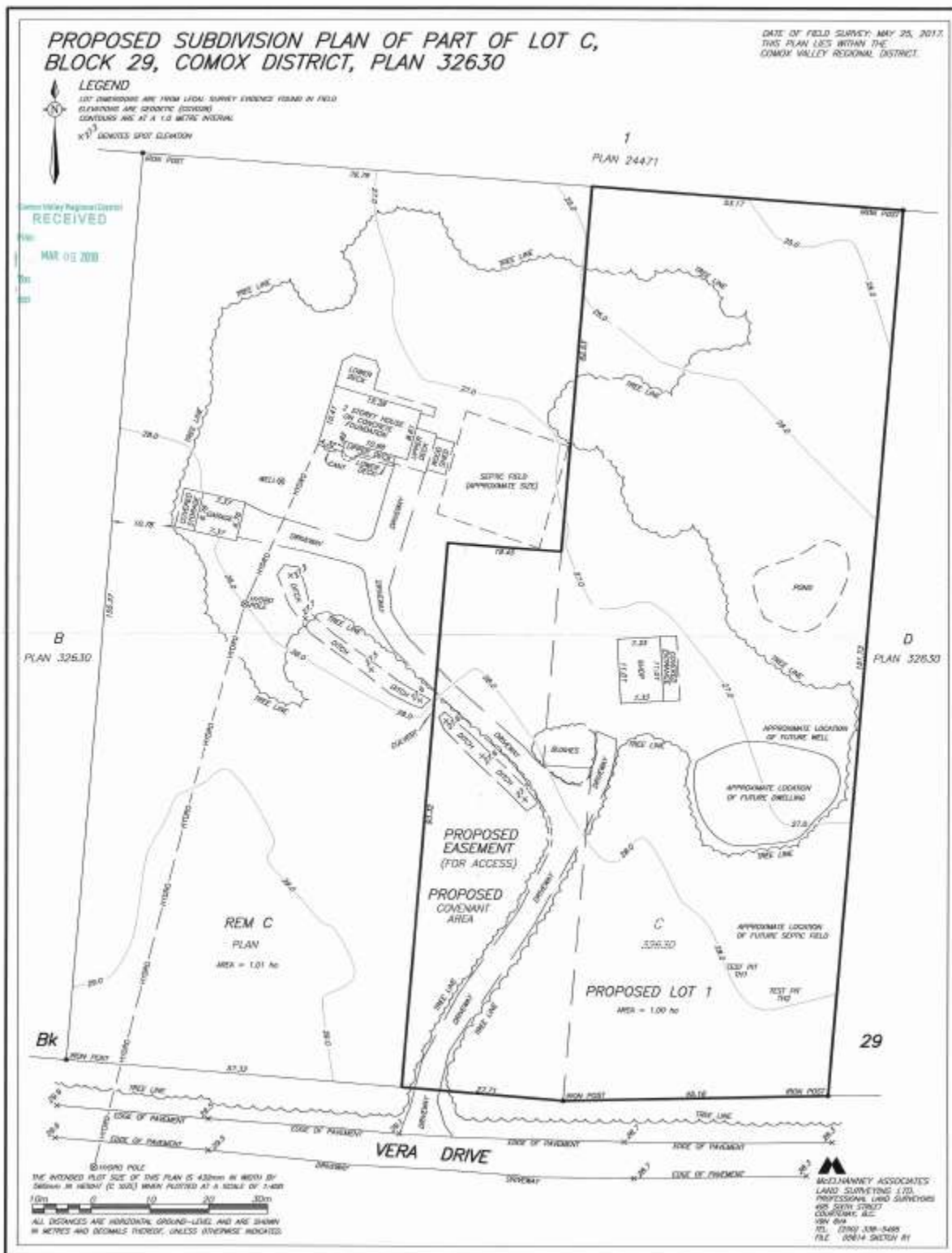


Figure 4: Proposed Subdivision Plan if Rezoning were to be Successful

3360-20 / RZ 1B 18

From: Monty Horton <lands.manager@komoks.ca>
Sent: Friday, June 15, 2018 3:19 PM
To: Sylvia Stephens
Subject: RE: Referral RZ 1B 18 - 1926 Vera Dr

Hi Sylvia, we have no comments or concerns regarding this rezoning. In the future, could you send all referrals to myself. Thanks.

Monty Horton
Lands Manager
K'omoks First Nation

From: Sylvia Stephens [<mailto:sstephens@comoxvalleyrd.ca>]
Sent: May-16-18 10:05 AM
To: Tina McLean <tina.mclean@komoks.ca>; Jenny Millar <jenny.millar@komoks.ca>
Subject: Referral RZ 1B 18 - 1926 Vera Dr

Please see attached.

If you have any problems opening the attachment please feel free to contact me by return email or at the numbers listed below.

Sincerely,

Sylvia

[Sylvia Stephens](#)

Branch Assistant, Planning and Development Services
Comox Valley Regional District
600 Comox Road
Courtenay, BC V9N 3P6
Tel: 250-334-6043; toll free: 1-800-331-6007
Fax: 250-334-8156

Bylaw Referral Form Response Summary

Development Proposal Referral Form
 File: 3360-20 / RZ 1B 18 (Thomas – 1926 Vera Drive)
 (Planner: J. MacLean)

Approval recommended for reasons outlined below

Interests unaffected or general comments related to this development proposal outlined below

Approval recommended subject to conditions outlined below

Approval NOT recommended due to reasons outlined below

The applicant is to make application to Island Health for subdivision. The applicant is to comply with the Island Health Subdivision Standards.



Signed by: David Cherry

Title: Environmental Health Officer

Agency: Island Health

Date: June 26/18

Please return your response by **June 18, 2018** by fax to 250-334-8156 or by email to planningdevelopment@comoxvalleyrd.ca.

BYLAW NO. 548
COMOX VALLEY REGIONAL DISTRICT

STATUS

TITLE: Comox Valley Zoning Bylaw, 2005, Amendment No. 77

APPLICANT: Keith Thomas

ELECTORAL AREA: Lazo North (Electoral Area B)

FILE NO.: RZ 1B 18

PURPOSE: To enable a two-lot subdivision pursuant to Section 514 of the *Local Government Act* (RSBC, 2015, c. 1), subdivision to provide residence for a relative.

PARTICIPANTS: All Electoral Areas



Application received:	Date:	March 5, 2018
Electoral Areas Services Committee:	Date: Recommendation:	April 16, 2018 Commence external agency referral and First Nations referral process.
Regional Board:	Date: Decision:	April 24, 2018 Approved external agency referral and First Nations referrals.
Electoral Areas Services Committee:	Date: Recommendation:	
Regional Board	Date: Decision:	
Public hearing:	Date:	
Regional Board:	Date: Decision:	
Ministry of Transportation and Infrastructure	Required:	No
Regional Board: Decision:	Date:	

COMOX VALLEY REGIONAL DISTRICT
BYLAW NO. 548

**A bylaw to amend the “Comox Valley Zoning Bylaw, 2005”
being Bylaw No. 2781**

The board of the Comox Valley Regional District, in open meeting assembled, enacts the following amendments to the “Comox Valley Zoning Bylaw, 2005,” being Bylaw No. 2781:

Section One Text Amendment

- 1) Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” is hereby amended as set out in Schedule A attached to and forming part of this bylaw.

Section Two Title

- 1) This Bylaw No. 548 may be cited as the “Comox Valley Zoning Bylaw, 2005, Amendment No. 77.”

Read a first time this	day of	2018.
Read a second time this	day of	2018.
Public hearing held this	day of	2018.
Read a third time this	day of	2018.
Adopted this	day of	2018.

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 548, being the “Comox Valley Zoning Bylaw, 2005, Amendment No. 77”, as adopted by the board of the Comox Valley Regional District on the ____ day of _____, 2018.

Corporate Legislative Officer

Schedule A

Section One Text Amendment

1. Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”, is hereby amended by:
 - a. amending Section 1 (Subdivision Requirements) of Country Residential One Exception Five (CR-1-5) in Part 1200 “Exceptions to Zone Designations” by replacing “1.2 hectare” with “1.0 hectare”; and
 - b. replacing the table in zoning exception in Part 1200 “Exceptions to Zone Designations” as follows:

“Exception 5

Exception	Zone	Map	Amendment	Enacted
5	CR-1	A-11	No. 67	June 27, 2017

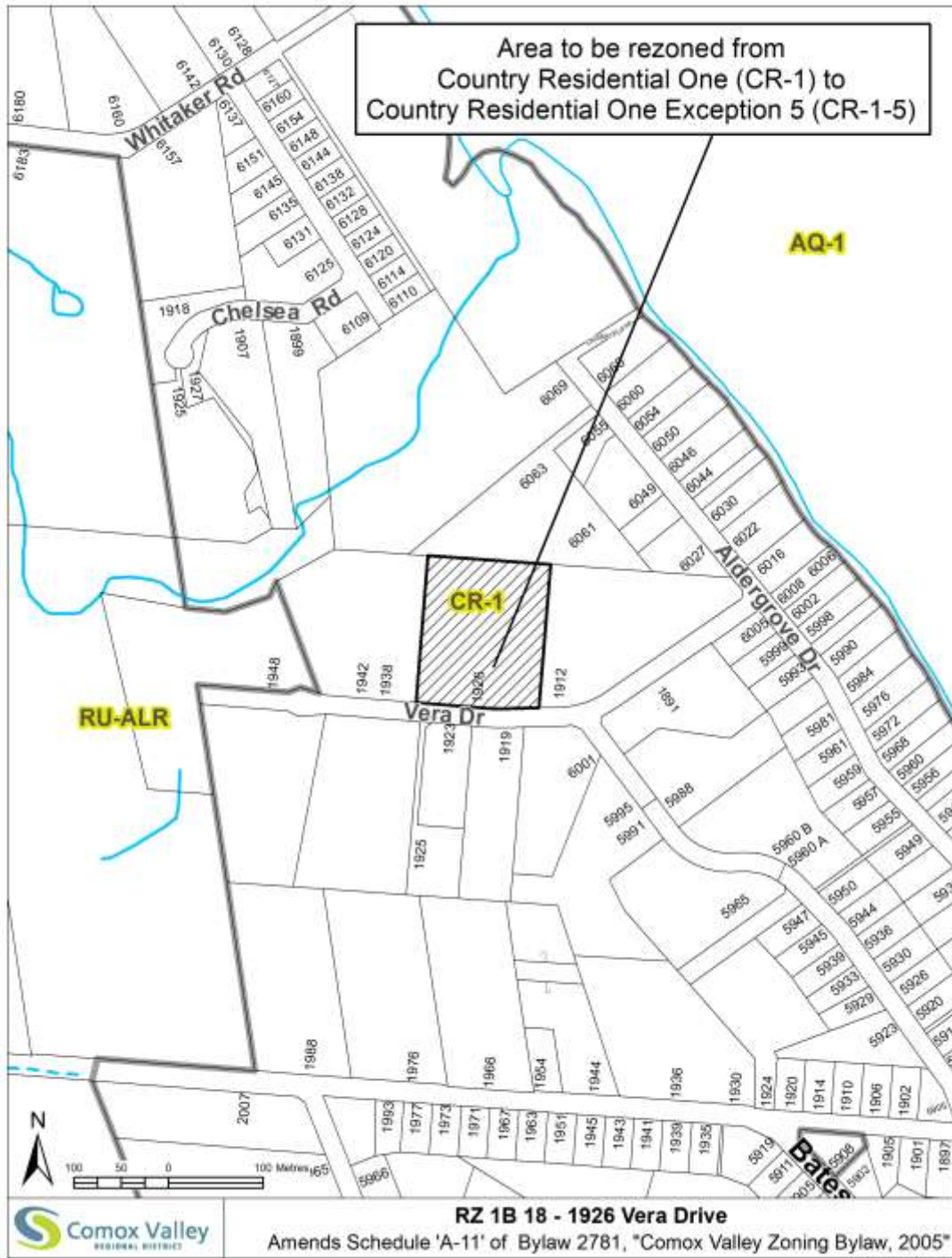
With the following:

“Exception 5

Exception	Zone	Map	Amendment	Enacted
5	CR-1	A-11	No. 67	June 27, 2017
	CR-1	A-11	No. 77	

Section Two Map Amendment

1. Map A-11 forming part of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”, is hereby amended by rezoning property legally described as “Lot C, Block 29, Comox District, Plan 32630, PID 000-168-882” (1926 Vera Drive) from Country Residential One (CR-1) to Country Residential One Exception Five (CR-1-5) as shown on Appendix 1.



Appendix 1

Part of Schedule A to Bylaw No. 548 being the "Comox Valley Zoning Bylaw, Amendment No. 77".

Amends Schedule Map A-11 to Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005".