



Village of Cumberland

Advisory Planning Commission

Minutes

The meeting of the APC was held on Thursday September 8, 2022 at Village of Cumberland Council Chambers, commencing at 4:00pm.

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|------------------------|---|------------------------------|
| PRESENT: | Nick Ward, Chair Janet Bonaguro, Secretary | Neil Borecky Jaye Mathieu |
| ABSENT: | Debbie Bowman Troy Therrien | |
| GUESTS \ STAFF: | Meleana Searle, Planner Courtney Simpson, Manager of Development Services Item 4.1 Consultants <ul style="list-style-type: none">• Nancy Henderson• Sydney Rankmore Item 4.2 Comox Lake Land Corporation –applicants: <ul style="list-style-type: none">• Ken Cottini• Brad Hornstein | |
| OBSERVERS: | 3 | |

1. CALL TO ORDER

The meeting of the APC was held on Thursday September 8, 2022 at Village of Cumberland Council Chambers, commencing at 3:59pm. We are honoured to gather on the unceded traditional territory of the K'ómoks First Nation.

2. APPROVAL OF AGENDA

Borecky / Mathieu: THAT the agenda be approved as presented.

CARRIED UNANIMOUSLY

3. APPROVAL OF MINUTES

Borecky / Mathieu: THAT the minutes of the meeting held July 14, 2022 be approved as presented.

CARRIED UNANIMOUSLY

Mathieu / Borecky: THAT the minutes of the meeting held July 21, 2022 be approved as presented.

CARRIED UNANIMOUSLY

4. REFERRALS FROM COUNCIL

a) 4.1 Streamlining Accessory Dwelling Unit Approval Process

Mathieu / Borecky: THAT the Advisory Planning Commission receive the staff report titled "Streamlining Accessory Dwelling Unit Approval Process".

CARRIED UNANIMOUSLY

DISCUSSION

1. Nancy Henderson provided an overview of the ADU Application Guide
2. APC Discussion
 - a. ADU Zoning
 - i. Consider the zoning requirement for slopes of greater than 20% not being higher above the main dwelling, to allow for at least one story to be built in these scenarios.
 - b. ADU Application Guide
 - i. Suggest proofreading for spelling, grammar and word choice.
 - ii. Consider including the ADU setback from the main house in the Guide wording and visuals.
 - iii. Consider providing an overview of stormwater management options in the Guide for reader awareness, so less surprises later if this is required at the building permit stage.
 - iv. Consider using the words "permeable" and "wheelchair accessible" rather than "hard surfaces" for pathways, and include hard packed gravel as an option.

Bonaguro / Borecky: That the Advisory Planning Commission recommends support of the proposed bylaws to streamline the accessory dwelling unit approval process with the following suggested changes: Add "hard packed gravel and semi permeable surfaces" in addition to "hard surfaced" pathways.

Borecky / Mathieu: That the Advisory Planning Commission recommends support of the Accessory Dwelling Unit How-To Guide with the addition of the following items as described in these meeting minutes: ADU setback from the main house, lot coverage requirements, stormwater management plan requirements and timing of those requirements.

CARRIED UNANIMOUSLY

b) OCP and Zoning Amendment, Comox Lake Land Corporation, Referral Responses

Bonaguro / Borecky: THAT the Advisory Planning Commission receive the staff reports titled "OCP and Zoning Amendment, Comox Lake Land Corporation, Referral Responses".

CARRIED UNANIMOUSLY

Borecky / Mathieu: THAT the Advisory Planning Commission recommend to Council to create a new drinking water protection zone over Comox Lake presented in the July 29, 2022 staff report.

CARRIED UNANIMOUSLY

Borecky / Mathieu: THAT the Advisory Planning Commission recommend to Council support for the Comox Lake Land Corporation OCP and Zoning Bylaw amendment application.

CARRIED UNANIMOUSLY

Discussion re Permitted Uses

- a. Staff Comments
 - i. Intention to align with historical use but allow more ability to maintain the buildings.
- b. APC Discussion
 - i. Omitting vacation rentals, low impact recreation, campgrounds and urban agriculture is in alignment with other similar zones.

THAT the Advisory Planning Commission recommend to Council that the new zone for the Comox Lake Land Corporation include the following elements:

Bonaguro / Mathieu: Permitted Uses: omit vacation rentals, low impact recreation, campgrounds and urban agriculture.

CARRIED UNANIMOUSLY

Bonaguro / Borecky: Permitted Uses: permit 25 single family dwellings.

CARRIED UNANIMOUSLY

Discussion re Footprint

- a. Staff comments:
 - ii. Desire to include GFA in zoning as is practice in other zones.
 - iii. Could have a list in the zoning bylaw for the permitted GFA of each cabin.
 - iv. Regardless of this decision, owners would be able seek an increase in GFA by applying for a variance.
 - v. The surveyed outline of cabin lease areas have not been confirmed by the Village as suitable for future subdivision.
- b. Applicant comments:
 - i. Reason for requesting rezoning is to normalize the current legal non-conforming status and to enable owners to maintain their cabins appropriately.
 - ii. 25% GFA increase request was intended to be in a direction away from the lake.
 - iii. Most places have some kind of rudimentary basement, some are too low vs. high water mark and will have a flood height setback if those cabins are rebuilt.
 - iv. Allowing 2 stories allows the density to go up in height vs. width.
 - v. Septic systems on the property were sized for a 3br home, it isn't practical to build larger than this as the septic systems won't be able to handle the use.
 - vi. 20 cabins are in the East Bay area, the other 5 are clustered further away.
 - vii. The applicant anticipated that only two to three cabin owners are likely to increase the size of their cabins.
- c. APC discussion:
 - i. Lot area outlined in the subdivision map; some proposed setbacks are very small.
 - ii. Under watershed protection plan we don't want to increase the traffic in this area.
 - iii. 25% increase in GFA won't allow a full second storey on any existing cabin.
 - iv. Allowing second story provides an option for growth but up rather than out.
 - v. Inequitable to make a decision that restricts GFA that mostly benefits the larger cabin owners.
 - vi. The cabins are very small; according to existing footprints, no individual cabin could get above 1500 sqft total by adding another storey.

Mathieu/Borecky: Gross Floor Area: permit all cabins at their current footprint and permit a second storey for all the cabins that do not have a second storey yet.

CARRIED

Discussion re Accessory Buildings

- a. Staff comments:
 - i. Already over the accessory building GFA across the property.
 - ii. Options are to suggest 24m² per cabin or one number for the entire property.
 - iii. Accessory buildings aren't to be used for sleeping, if it is being used for it now then protected under lawful non-conforming.
 - iv. Could address sleeping cabins as a separate item.
 - v. If accessory building GFA is based on the entire site/lot size (rather than per cabin), distribution of accessory buildings per cabin would need to be managed internally by the CLLC.
 - vi. There is an existing, large, unpermitted accessory dwelling on the property that could restrict the total GFA available for other cabins to develop their own accessory buildings.
 - vii. If the GFA is set per cabin, we still need to determine how this would be managed as this is a single property.
 - viii. Staff has a bit more work to do on the implementation of this recommendation.
- b. Applicant comments
 - i. An example of an accessory building is a carport or small shop. A common double sized carport is 20' wide, x 25' deep = 500 sqft. 24m² is approx. 258 sqft.
 - ii. Would like to see it more equitable across the properties to avoid places that already have larger accessory buildings to use up all the allotment for all other properties.
 - iii. 75% of the places don't have room for any additional accessory buildings.
 - iv. Applicants do not desire more density on the property, do not intend to allow more buildings on the unused green space away from the cabins.
- c. APC Comments:
 - i. Allowing a total GFA for the property for accessory buildings inequitably distributes the GFA to those that already have large accessory dwellings.
 - ii. Allowing a lot of outbuildings could change the use and character of the properties quite a bit, so preference is not to enable GFA for accessory buildings on the total site/lot size.
 - iii. If the GFA is calculated for the total lot then cabins that already have accessory dwellings should not count towards the total as this would disable any other cabin from building an accessory building.
 - i. Proposed accessory building height aligns with height of other Village residential zoning.

Bonaguro / Mathieu: Accessory Building GFA: limit the maximum GFA of accessory buildings to 24m² per cabin.

CARRIED UNANIMOUSLY

Borecky / Mathieu: Accessory Building Maximum Height: permit a maximum height of 6.5 metres.

CARRIED UNANIMOUSLY

Discussion re Subdivision

- a. Staff comments
 - i. Minimum lot size will be in the zoning bylaw which has an impact on the ability to subdivide, which is why its referenced by staff in the report.
 - ii. Applicant asking for ability to subdivide which generally results in higher use of land, servicing, and access required for subdivision.
 - iii. Value of the land will likely increase and may lead to increased use.
 - iv. Want to retain the ability for the CLLC to move a cabin or demolish and replace.
 - v. GFA constraints would still apply if a dwelling was built elsewhere.
 - vi. Staff need to tie the cabin max GFA into the zone, dwelling size applies to the cabin number but not the location of that cabin (if the cabin moves).
 - vii. We are not limited to the working lot lines the CLLC has outlined, other variations could arise, vacant land could be used as limited common property.
- b. Applicant Comments
 - i. Currently difficult to manage disputes among property owners under the CLLC.
 - ii. With strata lots, it enables the Village to be able to manage compliance with bylaws with each individual property owner.
- c. APC Comments
 - i. Depending on what method of securing water source is chosen, then a strata subdivision would allow the ability to raise funds to make those improvements and manage the system (e.g. community water system).
 - ii. Could word as 25 dwellings vs. lots to avoid more dwellings being built. This wording also allows for a dwelling to be replaced if it is torn down or burns down.

Borecky / Mathieu: Subdivision: permit subdivision into a maximum of 25 strata lots staying as close as practical to the draft lot survey lines.

CARRIED UNANIMOUSLY

Discussion re Conditions of Rezoning

- a. Staff comments
 - a. For retaining trees, could look into using water protection zone or another Development Permit Area.
 - b. During rezoning is a good time to obtain benefit for the community (e.g. dedicated parkland).
 - c. Intention not to restrict land available for water or wastewater operations on the property.
- b. Applicant comments
 - a. Applicant has offered other lands in exchange.
 - b. Cabin owners walk and use trails in this area.
- c. APC comments
 - a. Valuable to protect the green space on the property.
 - b. Over time the property will see a large lift in value as a result of this process, giving something back in terms of protection covenant to retain the community benefit.
 - c. Make it less attractive to a developer to develop the land.
 - d. Light agriculture makes sense to allow on the green space.
 - e. Need to know what the proposed covenant is before the APC can advise on it.
 - f. The engineering report recommends the remediation of oversteepened cut slopes and other geotechnical hazards within 30 metres of the lake.

THAT the Advisory Planning Commission recommend to Council to consider the following conditions of rezoning:

Borecky / Bonaguro: Wastewater Systems – require an agreement committing the CLLC to inspect wastewater systems every three years and submit the reports to the Village and Island Health to identify potential failures as systems age.

CARRIED UNANIMOUSLY

Borecky / Bonaguro: Slope and Erosion Issues – require remediation of oversteepened cut slopes and other geotechnical hazards within 30 metres of the lake.

CARRIED UNANIMOUSLY

Borecky / Bonaguro: Stormwater Management – require implementation of the stormwater management recommendations identified in the Wedler Engineering and Ryzuk geotechnical reports as a condition of rezoning.

CARRIED UNANIMOUSLY

Bonaguro / Borecky: THAT the Advisory Planning Commission recommend to Council to direct staff to discuss ways to protect the upland forest from logging.

CARRIED UNANIMOUSLY

Discussion re Water Sources

- a. Staff comments
 - a. Village water system extends to Saito House on Comox Lake Road.
- b. APC Comments
 - a. Water access is a requirement of the Province and is not within the jurisdiction of the Village.
 - b. The Village won't complete a rezoning without a water source in place that aligns with the provincial requirements.
 - c. Motion is redundant as it would need to happen anyway, so no motion made.

5. NEXT MEETING

The next APC meeting is Thursday October 13, 2022 at 4:00pm.

6. TERMINATION:

Borecky: THAT the meeting terminate.

Time: 6:08pm

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| Certified Correct: _____ | Confirmed: _____ |
| Chair | Deputy Corporate Officer |