



STAFF REPORT

DATE: September 7, 2023 **FILE:** 0550-04 Board

TO: Chair and Directors,
Regional Board

FROM: Dave Leitch
Chief Administrative Officer

RE: **BYLAW NO. 520 – REZONING APPLICATION (RZ 12D 23 – MILLER)**

PURPOSE/PROBLEM

To consider first and second readings of Bylaw No. 520 which proposes to rezone an area of land currently zoned Country Residential Four (CR-4) to Country Residential Three (CR-S) to facilitate a subdivision of lots consisting of a minimum lot size of 1-hectare on that portion of lands located at Chantrelle Way in Electoral Area D.

EXECUTIVE SUMMARY

The attached report was considered at the August 16, 2023 meeting of the Electoral Areas Services Committee at which time the following resolutions were passed:

Rice/Mawhinney: EASC 225/23

THAT the Committee recommend that Bylaw No. 520 (Miller) be forwarded to the Board for first and second readings.

Vonesch/Mawhinney: EASC 227/23

THAT the Committee recommend the Board authorize a public hearing to consider Bylaw No. 520, and

THAT the public hearing be held at a date and time to be determined.

The actions below are offered in support of the Committee's recommendations.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT Bylaw No. 520, being a bylaw to amend the zoning regulations applicable to Electoral Area D (Oyster Bay-Buttle Lake), be now introduced and read a first time.
3. THAT Bylaw No. 520 be given second reading.
4. THAT an in-person public hearing to consider Bylaw No. 520 be authorized to be held immediately following the public hearing on Bylaw No. 519 on Tuesday, September 26, 2023 at the Oyster Bay Resorts located at 4357 South Island Highway, Campbell River, BC and

THAT the holding of the public hearing be delegated to the Electoral Area D director.

Respectfully:

A large, stylized handwritten signature in black ink, appearing to read 'Dave Leitch', is written over a horizontal line. The signature is fluid and cursive, with a prominent loop at the end.

Dave Leitch
Chief Administrative Officer

Prepared by: E. Watson, Manager, Corporate Operations

Attachments: Bylaw No. 520
Copy of August 16, 2023 report to the Electoral Areas Services Committee



BYLAW NO. 520

A BYLAW TO AMEND THE ZONING REGULATIONS APPLICABLE TO ELECTORAL AREA D (OYSTER BAY-BUTTLE LAKE)

WHEREAS the former Comox-Strathcona Regional District has, by Bylaw No. 1404, adopted zoning regulations for Electoral Area 'D' pursuant to Part 14 of the *Local Government Act*;

AND WHEREAS a bylaw of the former Comox-Strathcona Regional District that regulates the use or development of land within the area comprising the Strathcona Regional District remains in force until amended or repealed;

AND WHEREAS the Regional Board wishes to amend the aforesaid Bylaw No. 1404 having due regard to the requirements of the *Local Government Act*;

NOW THEREFORE the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

Amendments

1. Bylaw No. 1404, being Campbell River Area Zoning Bylaw 1991, is hereby amended as set out in Schedule 'A', attached to and forming part of this bylaw.

Citation

2. This bylaw may be cited for all purposes as Bylaw No. 520, being Campbell River Area Zoning Bylaw 1991, Amendment No. 66.

READ A FIRST TIME ON THE ____ DAY OF _____, 2023

READ A SECOND TIME ON THE ____ DAY OF _____, 2023

PUBLIC HEARING HELD ON THE ____ DAY OF _____, 2023

READ A THIRD TIME ON THE ____ DAY OF _____, 2023

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE ____ DAY OF _____, 2023

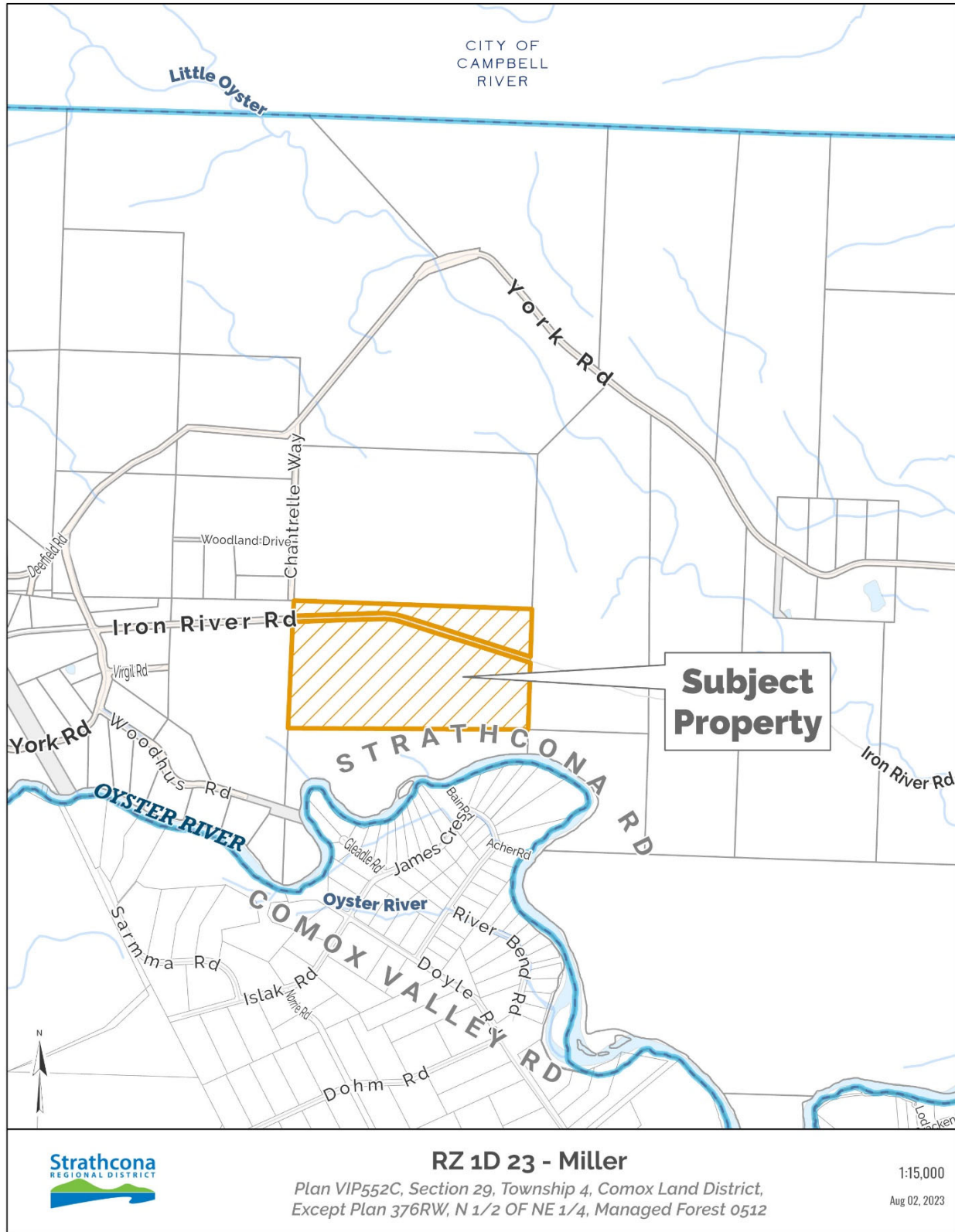
Chair

Corporate Officer

SCHEDULE 'A'

SECTION ONE MAP AMENDMENT

1. The western portion of land legally described as the North $\frac{1}{2}$ of the North East $\frac{1}{4}$ of Section 29, Township 4, Comox District, Plan 552C as shown on the attached Appendix '1', is rezoned from Country Residential Four (CR-4) to Country Residential Three (CR-3).



Appendix '1'

Part of Schedule 'A' to Bylaw No. 520, being Campbell River Area Zoning Bylaw 1991, Amendment No. 66.

Amends 'Map 2' of Bylaw No. 1404, being Campbell River Area Zoning Bylaw 1991.



STAFF REPORT

DATE: August 16, 2023 **FILE:** 0540-04 EASC
TO: Chair and Directors
Electoral Areas Services Committee
FROM: Dave Leitch
Chief Administrative Officer
RE: **REZONING APPLICATION RZ 12D 23 (MILLER)**

ROLL No.: 772 29068.646 **PID No.:** 008-968-594
APPLICANTS: David and Tara Miller
LAND DESCRIPTION: North ½ of the North East ¼ Section 29, Township 4, Comox District, Plan 552C
LOCATION: Chantrelle Way, Campbell River BC
OCP: Bylaw No. 1857 "Oyster Bay – Buttle Lake Official Community Plan Bylaw, 1996"
EXISTING DESIGNATIONS: Country Residential / Rural
ZONING BYLAW: Bylaw No. 1404 "Campbell River Area Zoning Bylaw, 1991"
EXISTING ZONES Country Residential Four (CR-4)
PROPOSED ZONES: Country Residential Three (CR-3)

PURPOSE

To consider a zoning bylaw amendment to Country Residential Three (CR-3) to facilitate subdivision consisting of lots with a minimum lot size of 1.0-hectare (2.47 acres) in area on that portion of lands located on Chantrelle Way in Electoral Area D currently zoned Country Residential Four (CR-4).

POLICY ANALYSIS

Part 14 "Planning and Land Use Management" of the *Local Government Act (LGA)* addresses local governments' roles regarding Official Community Plans and zoning bylaws, namely s.474 (Official Community Plans), s.479 (Zoning Bylaws) and ss. 464 - 465 (Public Hearings on Bylaws).

EXECUTIVE SUMMARY

An application has been received to rezone the Country Residential Four portion of a split zoned parcel of land to Country Residential Three (CR-3) to facilitate subdivision thus permitting lots with a minimum lot size of 1.0-hectare (2.47 acre). The lots will be accessed by a recently constructed extension of Chantrelle Way engineered and designed to Ministry of Transportation and Infrastructure (MoTI) standards. The existing properties are serviced by individual wells and onsite sewage disposal by way of septic fields, with any new lots required to confirm adequate onsite water and septic as per Island Health standards prior to final registration of subdivision. The proposal is consistent with the overall intent of the OCP and not out of character with respect to existing lot sizes and densities of other parcels within the area. The proposed CR-3 parcels are

an extension of other country residential properties along Chantrelle Way and further down York Road. The properties will be situated at the end of Chantrelle Way and bordered by Crown land to the west. The proposal can be characterized as infill and provide for additional densities within an already developed country residential neighbourhood. The parcels will be close to amenities and services within Electoral Area D.

Additionally, this proposal supports the Electoral Area D Housing Accelerator Fund (HAF) application and its accompanying Housing Action Plan, by responsibly increasing density, promoting missing middle housing and accessory dwelling units (ADUs), encouraging infill development to realize a sustainable increase in housing units and streamlining development applications. This development has the potential to assist Electoral Area D in reaching its target housing growth of approximately 1.3 percent over three years and increase the likelihood of it receiving the full incentive funding from the HAF should the application be successful.

Given the aforementioned information, Bylaw No. 520 has been prepared for the Committee's consideration with a recommendation of first and second readings and waiving of public hearing in support of increasing density, promoting missing middle housing and ADUs, encouraging infill development and streamlining development applications as per the HAF and associated Electoral Area D Housing Action Plan initiatives.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received; and
2. THAT the Committee recommend that Bylaw No. 520 (Miller) be forwarded to the Board for first and second readings.
3. THAT the Committee recommend that the Board authorize that the public hearing for Bylaw No. 520 (Miller) be waived as per Section 464(2) of the *Local Government Act*.

Respectfully:



Dave Leitch
Chief Administrative Officer

BACKGROUND

In 2019, the applicants successfully changed the land use designation and zoning of this 31.6-hectare parcel from Upland Resource to part Country Residential and part Rural, to facilitate a subdivision of the parcel into 10 lots. Since that time, the applicants have developed Chantrelle Way, extending it south and east towards its intersection with Iron River Road at the east end of the property. The current application proposes to increase density along the newly-built Chantrelle Way, by allowing the creation of lots with a minimum 1.0-hectare lot area in the Country Residential portion of the property.

AGENCY REFERRALS

The application has been referred to the following First Nations and agencies for their consideration. Comments received to date are summarized in the table below:

| Agency | Comments |
|---|------------------------------------|
| BC Assessment Authority | No response. |
| BC Parks | No response. |
| Area D Fire | No response. |
| Ministry of Environment: | No response. |
| FLNRORD (Archaeology) | No response. |
| Ministry of Transportation and Infrastructure (MoTI): | No response |
| VIHA | No response. |
| FIRST NATION | COMMENTS |
| Homalko First Nation | No response. |
| K'ómoks First Nation | No response. |
| Laich-Kwil-Tach Treaty Society | No response. |
| N̓anwaḱolas Council | No response. Crown referrals only. |
| We Wai Kai Nation | No response. |
| Wei Wai Kum Nation | No response. |

PLANNING ANALYSIS

The subject property is located within a rural / upland resource area of the Oyster Bay-Buttle Lake Electoral Area (Area 'D') and is bounded to the north and east by upland resource properties, and to the south and west by rural properties. The entire 31.6-hectare (78.1 acres) property is currently split-designated Country Residential and Rural and is zoned Country Residential Four (CR-4) and Rural One (RU-1), which allows for the creation of eight, 2.0-hectare parcels on the west 16 hectares and two (20.0 acre) RU-1 parcels on the east half. The applicants wish to rezone the west half to Country Residential Three (CR-3) to permit subdivision with a maximum density of up to 16 parcels with a minimum lot size of 1.0-hectare. The proposed lots will be serviced by individual wells and septic fields, designed and installed as per Island Health standards. The parcels will be accessed by a recently completed extension of Chantrelle Way, engineered and designed to MoTI standards.

FINANCIAL IMPLICATIONS

Fees for the rezoning application process have been applied in accordance with the Regional District's Planning Procedures and Fees Bylaw (Bylaw No. 5).

LEGAL IMPLICATIONS

This report and the recommendations contained herein follow the *Local Government Act* (LGA) and Regional District bylaws. This includes the zoning of land, which includes the surface of the water, set out in s.479 of the LGA.

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

Consultation with First Nations and government agencies will provide considerations as part of the proposal and referral comments received will be incorporated into September's Board Report.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Should a recommendation of support be made for Bylaw No. 520 to proceed forward, public consultation will occur in compliance with the requirements of ss.464 - 465 'Public Hearings' of the LGA, as required prior to final adoption of any proposed bylaw amendment.

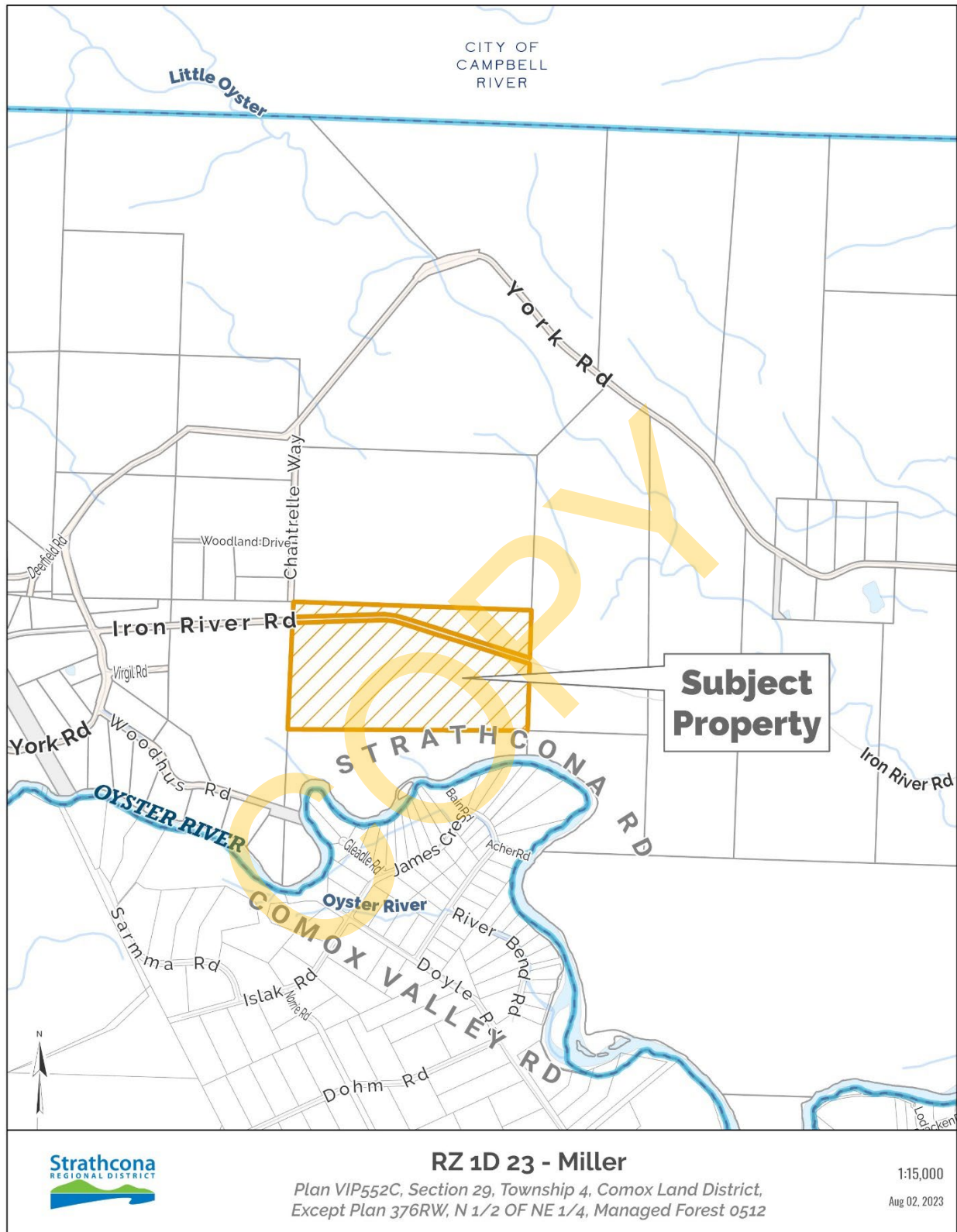
INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The planning department will be responsible for all aspects of the bylaw amendment process. Additionally, corporate services staff resources will be required during the finalization of the adoption of the bylaw.

Prepared by: J. Neill, Planner

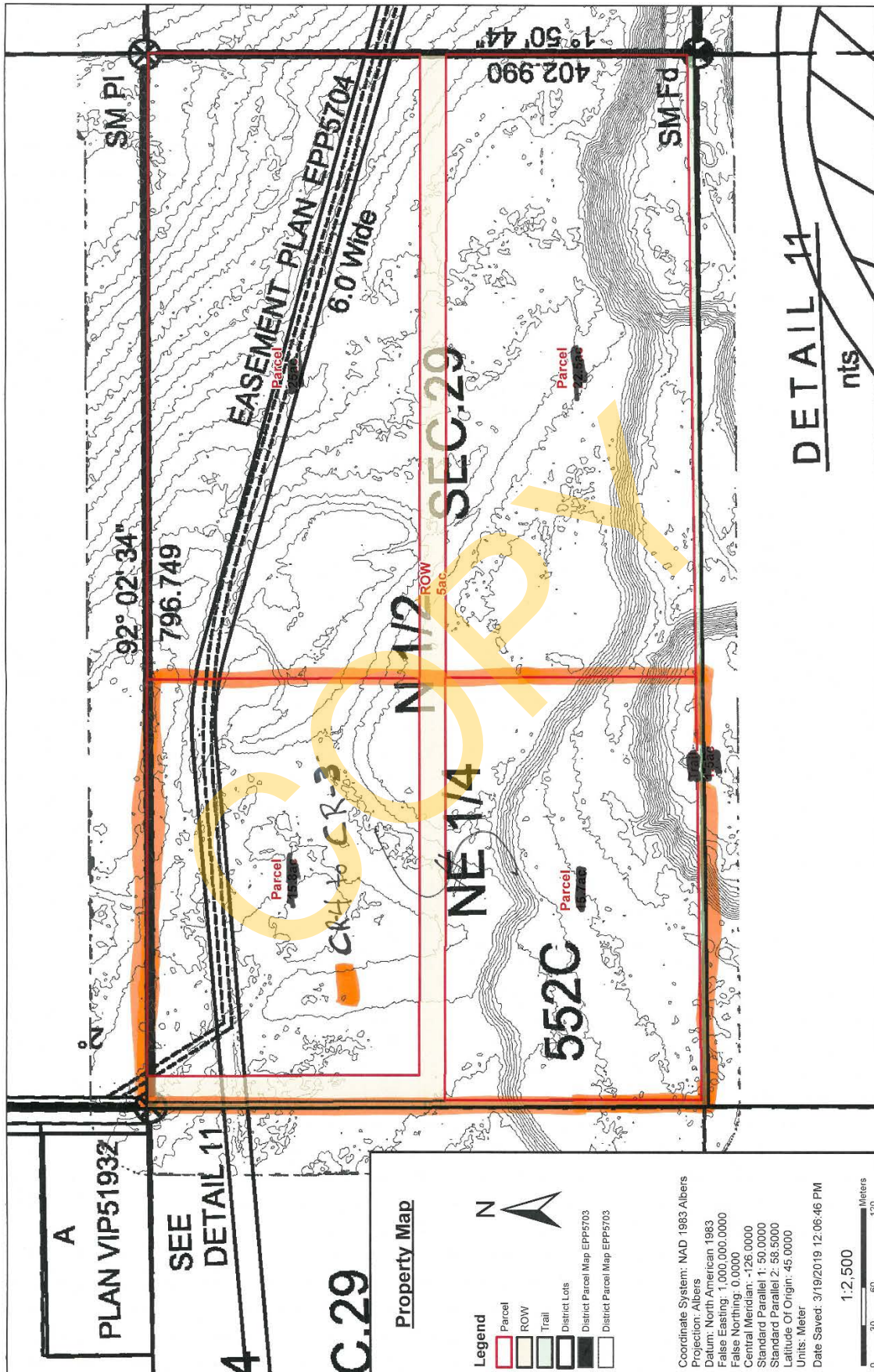
Attachment: Bylaw No. 520

COPY



GIS: U:\proj\EA_D\SubjectProperties\EA_D_SubjProp.aprx

Location Map



Site Plan

July 28, 2023

Strathcona Regional District
990 Cedar Street
Campbell River, BC V9W 7Z8

Attention: John Neill, Planner

RE: Application for Zoning Amendment

Please accept our application for zoning amendment to rezone the approximate 30-acre Country Residential Four (CR-4) portion of our property to Country Residential Five (CR-5) to allow for a reconfiguration of our current subdivision proposal to enable the creation of parcels ranging from 2.5 acres to 5 acres in size.

Being one of the founding families on Chantrelle Way, we more than appreciate the rural character of the area and all it has to offer. We are also aware of the needs of the area and the desire for many of the existing residents to be able to reduce the overall sizes of their parcels to allow for some infill and provide housing for younger families, all while retaining the rural character of the area. There is a need for smaller rural lots to accommodate families that would like to remain in or return to the area to raise their families in this rural atmosphere. We have enjoyed growing up here, are now happily raising our young family here and would like to provide the same opportunity for others. We personally have a number of friends that have grown up in the neighbourhood and York Road area that are looking to return and plant roots. By allowing for more infill in the area, those families will have the opportunity to live, work and play here.

In our current subdivision proposal, we have already proven that there is sufficient water and appropriate soils to provide both onsite water and septic to the parcels in question. We are currently in the process of installing power poles to accommodate power, with BC Hydro to complete the installation for the delivery of hydro in the early fall. We have an engineered designed road that is now built to Ministry of Transportation and Infrastructure standards that will be completed with chip seal early this fall.

We are confident that our proposal, being compliant with the Official Community Plan, is a responsible plan that will respect the rural character of the area and be a positive development for the area.

Thank you for your consideration.

Sincerely,



Dave and Tara Miller
Chantrelle Way

Applicants' Statement

SCHEDULE 'A' of BYLAW NO. 1404
 "CAMPBELL RIVER AREA ZONING BYLAW, 1991"

4.6.7 COUNTRY RESIDENTIAL FOUR (CR-4)

i) **PERMITTED PRINCIPAL USES**

a) **On any lot:**

- 1) Residential use; #2483
- 2) Utility use;
- 3) Park use.

b) **On any lot over 4000 m² (0.99 acres):**

- 1) Agricultural use.

ii) **PERMITTED ACCESSORY USES**

a) **On any lot:**

- 1) Home occupations;
- 2) Accessory buildings;
- 3) Bed and Breakfast. #2163

iii) **CONDITIONS OF USE** #1458

- a) Nothing shall be permitted which is or can become an annoyance or nuisance to any person who believes their interest in property is affected, including the surrounding residents and general public, by reason of unsightliness, odour emission, dust, noise, smoke, or electrical interference, excluding agricultural uses.

b) **Residential use is limited to:**

- | | |
|---|------------------------------|
| On any lot size: | One single family dwelling. |
| On any lot over one hectare (2.47 acres): | Two single family dwellings. |

iv) **FLOOR AREA REQUIREMENTS** #2423

The maximum combined gross floor area of all accessory buildings shall not exceed 5% of the lot area or 200 square metres (2152.85 square feet), whichever is greater.

v) **SITING OF BUILDINGS AND STRUCTURES**

a) **Except where otherwise specified in this by-law no building or structure shall be located within:**

- 1) 7.5 metres (24.6 feet) of that portion of a front lot line, or rear lot line;
- 2) 3.5 metres (11.48 feet) of a side lot line or that portion of a front lot line that does not abut a public road right-of-way except where the width of a lot is 31 metres (101.7 feet) or less at the required front yard setback, and where there is no street flanking the side yard in which case this requirement may be reduced to 1.75 metres (5.74 feet);

**SCHEDULE 'A' of BYLAW NO. 1404
"CAMPBELL RIVER AREA ZONING BYLAW, 1991"**

- 3) 3.5 metres (11.48 feet) of an accessory building.
- 4) Minimum separation between dwellings - 15 metres (49.21 feet) on the same lot.

b) Minimum setback requirements for accessory buildings shall be as follows:

| REQUIRED SETBACK | Accessory Building Height | |
|------------------|---------------------------|----------------------------|
| | 4.5 m (14.8 ft) or less | 4.5 - 6.0 m (14.8-19.7 ft) |
| Front Lot Line | 7.5 m (24.6 feet) | 7.5 m (24.6 feet) |
| Side Lot Line | 1.0 m (3.3 feet) | 1.0 m (3.3 feet) |
| Rear Lot Line | 1.0 m (3.3 feet) | 2.0 m (6.6 feet) |

#2171

c) Other specifications include:

- 1) If a side lot line abuts a public road right-of-way, refer to Section 4.5.4(e).
- 2) If the lot is located at the intersection of two public road rights-of-way, refer to Section 4.5.4(d) and (e).
- 3) If the lot abuts a river, lake, sea or any other watercourse refer to Bylaw No. 2782 being the "Floodplain Management Bylaw, 2005".
- 4) For any exceptions to siting, refer to Section 4.5.5(a).

#2423

vi) LOT COVERAGE

- a) On any lot less than or equal to 2500 square metres (0.62 acre), the maximum lot coverage of all buildings and structures shall not exceed 20% of the lot area.
- b) On any lot greater than 2500 square metres (0.62 acre), the maximum lot coverage of all buildings and structures shall not exceed 15% of the lot area."

vii) SUBDIVISION REQUIREMENTS

- a) **Minimum lot area:** 2 hectares (4.94 acres).
Existing lots below the minimum lot area within this zone may be used for the permitted uses within this zone, subject to compliance with site area requirements for each use.
- b) **Minimum lot frontage:** 10% of the perimeter of the lot.
Existing lots below the minimum frontage for this zone may be used for the permitted uses within this zone.
- c) Notwithstanding the provisions of 4.6.7(vii)(a) one parcel can be created from the Remainder of Lot A, Section 34, Township 4, Comox District, Plan VIP61244 in the size of 0.540 hectares (1.3 acres) in return for the dedication of an additional 0.34 hectares (0.8 acres) of land to "Hagel Park".

#1458

End • CR-4

PART 4 • LAND USE REGULATIONS

Existing Country Residential Four (CR-4) Zone

BYLAW NO. 1404
CAMPBELL RIVER AREA ZONING BYLAW, 1991

PAGE 52

4.6.6

**COUNTRY RESIDENTIAL THREE
(CR—3)**

i) PERMITTED PRINCIPAL USES

a) On any lot:

- 1) Residential use;
- 2) Public utility use;
- 3) Park use.

b) On any lot over 4000 m² (0.99 acres):

- 1) Agricultural use.

ii) PERMITTED ACCESSORY USES

a) On any lot:

- | | |
|--------------|--|
| RDCS 2163 | <ol style="list-style-type: none"> 1) Home occupations; 2) Accessory buildings; and 3) Bed and Breakfast. |
|--------------|--|

iii) CONDITIONS OF USE

- | | |
|--------------|--|
| RDCS 1458 | <p>a) Nothing shall be permitted which is or can become an annoyance or nuisance to any person who believes their interest in property is affected, including the surrounding residents and general public, by reason of unsightliness, odour emission, dust, noise, smoke, or electrical interference, excluding agricultural uses.</p> |
|--------------|--|

b) Residential use is limited to:

- i) On any lot size: One single family dwelling.
- ii) A second dwelling not exceeding 50 square metres in floor area is permitted on any lot 1 ha (2.47 ac) or larger

iv) **FLOOR AREA REQUIREMENTS**

The maximum combined gross floor area of all accessory buildings shall not exceed 200 square metres (2152.8 square feet).

v) **SITING OF STRUCTURES**

a) **Except where otherwise specified in this bylaw, no building or structure shall be located within:**

RDCS
1458

- 1) 7.5 metres (24.6 feet) of that portion of a **front lot line** or **rear lot line**;
- 2) 3.5 metres (11.48 feet) of a **side lot line** or that portion of a front lot line that does not abut a public road right-of-way except where the width of a lot is 31 metres (101.7 feet) or less at the required front yard setback, and where there is no street flanking the side yard in which case this requirement may be reduced to 1.75 metres (5.74 feet); and
- 3) 3.5 metres (11.48 feet) of an accessory building.

b) **Minimum setback requirements for accessory buildings shall be as follows:**

RDCS
1510,
2171

| REQUIRED SETBACK | ACCESSORY BUILDING HEIGHT | |
|------------------|---------------------------|---------------------------|
| | 4.5M (14.8 ft) or less | 4.5 – 6.0m (14.8919.7 ft) |
| Front Lot Line | 7.5m (24.6 feet) | 7.5m (24.6 feet) |
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| Rear Lot Line | 1.0m (3.3 feet) | 2.0m (6.6 feet) |

c) **Other specifications include:**

- 1) If a side lot line abuts a public right-of-way, refer to Section 4.5.5(f).
- 2) If the lot is located at the intersection of two public road rights-of-way, refer to Section 4.5.5(e)(f).

SRD
84

- 3) If the lot abuts a river, lake, sea or any other watercourse, refer to Section 4.5.5(a)(ii-iii).
- 4) For any exceptions to siting, refer to Section 4.5.6(a).
- 5) Where siting is proposed adjacent to a stream refer to Section 4.5.5(a) "Stream Setbacks".

vi) **LOT COVERAGE**

The maximum lot coverage of all buildings and structures shall not exceed 15% of the lot area.

vii) **SUBDIVISION REQUIREMENTS**

- a) **Minimum lot area:** 1 hectare (2.47 acres).

Existing lots below the minimum lot area within this zone may be used for the permitted uses within this zone, subject to compliance with site area requirements for each use.

- b) **Minimum lot frontage:** 10% of the perimeter of the lot.

Existing lots below the minimum frontage for this zone may be used for the permitted uses within this zone.

End • CR-3



BYLAW NO. 520

A BYLAW TO AMEND THE ZONING REGULATIONS APPLICABLE TO ELECTORAL AREA D (OYSTER BAY-BUTTLE LAKE)

WHEREAS the former Comox-Strathcona Regional District has, by Bylaw No. 1404, adopted zoning regulations for Electoral Area 'D' pursuant to Part 14 of the *Local Government Act*;

AND WHEREAS a bylaw of the former Comox-Strathcona Regional District that regulates the use or development of land within the area comprising the Strathcona Regional District remains in force until amended or repealed;

AND WHEREAS the Regional Board wishes to amend the aforesaid Bylaw No. 1404 having due regard to the requirements of the *Local Government Act*;

NOW THEREFORE the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

Amendments

1. Bylaw No. 1404, being Campbell River Area Zoning Bylaw 1991, is hereby amended as set out in Schedule 'A', attached to and forming part of this bylaw.

Citation

2. This bylaw may be cited for all purposes as Bylaw No. 520, being Campbell River Area Zoning Bylaw 1991, Amendment No. 66.

READ A FIRST TIME ON THE ____ DAY OF _____, 2023

READ A SECOND TIME ON THE ____ DAY OF _____, 2023

PUBLIC HEARING HELD ON THE ____ DAY OF _____, 2023

READ A THIRD TIME ON THE ____ DAY OF _____, 2023

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE ____ DAY OF _____, 2023

Chair

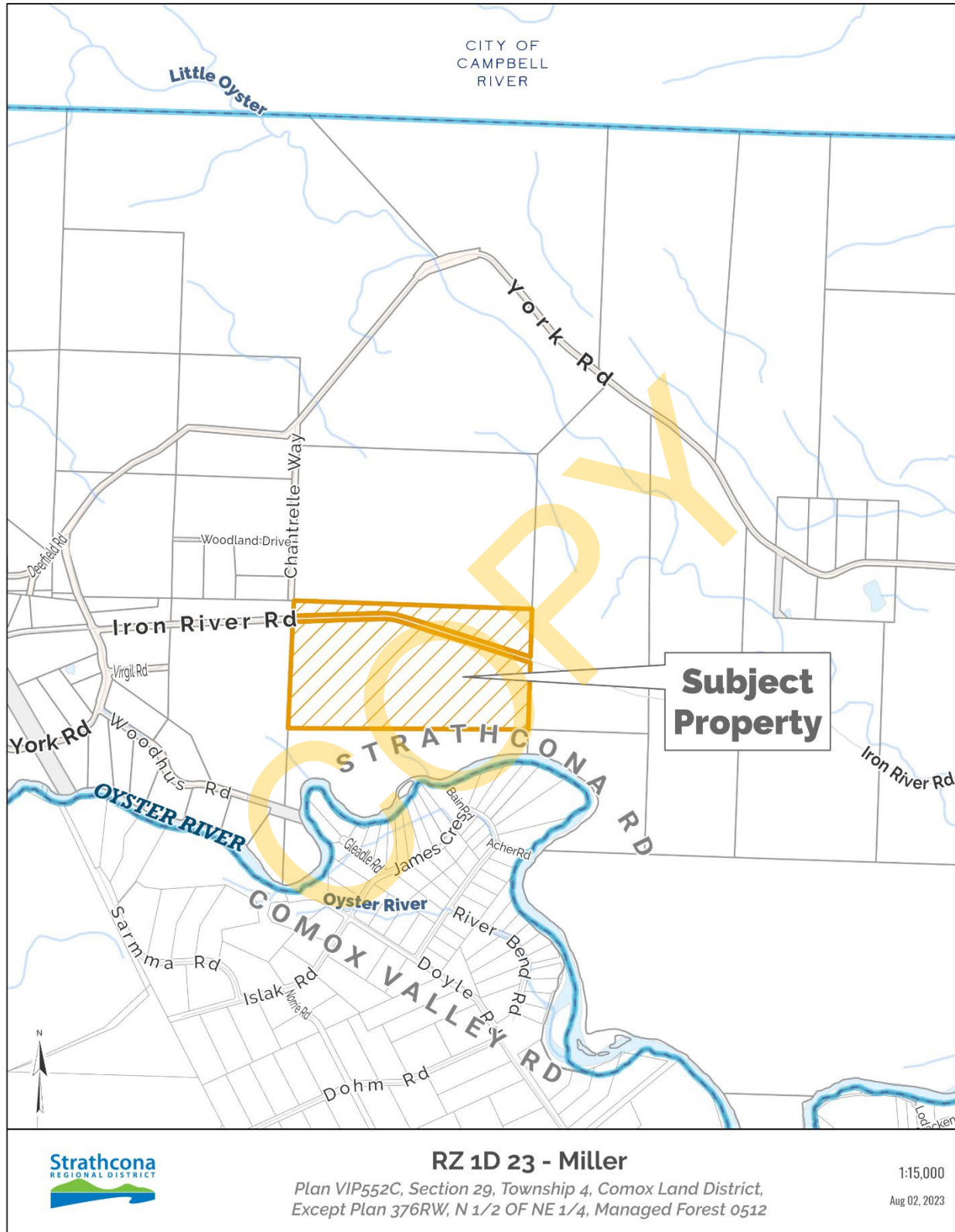
Corporate Officer

SCHEDULE 'A'

SECTION ONE MAP AMENDMENT

1. The western portion of land legally described as the North ½ of the North East ¼ of Section 29, Township 4, Comox District, Plan 552C as shown on the attached Appendix '1', is rezoned from Country Residential Four (CR-4) to Country Residential Three (CR-3).

COPY



RZ 1D 23 - Miller

Plan VIP552C, Section 29, Township 4, Comox Land District,
 Except Plan 376RW, N 1/2 OF NE 1/4, Managed Forest 0512

1:15,000
 Aug 02, 2023

GIS: U:\proj\EA_D\SubjectProperties\EA_D_SubjProp.aprx

Appendix '1'

Part of Schedule 'A' to Bylaw No. 520, being Campbell River Area Zoning Bylaw 1991, Amendment No. 66.

Amends 'Map 2' of Bylaw No. 1404, being Campbell River Area Zoning Bylaw 1991.