



STAFF REPORT

DATE: October 31, 2023

FILE: 0540-04 EASC

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Dave Leitch
Chief Administrative Officer

RE: REZONING APPLICATION RZ 1B 23 KATZKO

PLANNING FILE NO. 3360-20/RZ 1B 23

ROLL NO.: 772 16290.010

PID NO.: 000-290-635

APPLICANT: Robert Katzko

LAND DESCRIPTION: Lot A, Section 33, Cortes Island, Sayward District, Plan 28666

CIVIC ADDRESS: 1416 Robertson Road, Whaletown BC

OCP BYLAW: Bylaw 139 "Cortes Island Official Community Plan Bylaw, 2012"

DESIGNATION: Rural Residential

ZONING BYLAW: Bylaw No. 2455 "Electoral Area 'I' (Cortes Island) Zoning Bylaw, 2002"

EXISTING ZONE: Rural One (RU-1)

PROPOSED ZONE: Rural Residential One (RR-1)

PURPOSE

To consider an application to rezone a 4.04-hectare parcel of land to facilitate a subdivision of the parcel into two lots.

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 Section 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 a 4.04-ha. (10 ac.) parcel of land situated at 1416 Robertson Road on Cortes Island from Rural One (RU-1) to Rural Residential One (RR-1) to facilitate a subdivision of the parcel into two equal lots of 2.02 hectares each. The easterly proposed parcel will front on Harry Road and will have highway access through a 10-metre wide road dedication along the east boundary of the adjoining parcel to the south, which fronts on Whaletown Road. The existing residence on the west end of the property is serviced by an Island Health-approved septic field; a separate well and septic field will be provided for the proposed new lot, prior to final registration of subdivision.

This subject area, although currently zoned Rural One (RU-1) and requiring a minimum parcel size of 4 hectares, is designated as Rural Residential in the Cortes Island Official Community Plan with a view that these parcels will be rezoned to Rural Residential One and subdivided into 2-hectare lots. The existing RR OCP designation supports an intermediate parcel size of two hectares for residential purposes at a density of one single family dwelling plus a secondary suite or cottage, with additional dwellings being permitted at a density of one per every additional two hectares of lot area.

In accordance with the OCP, the applicant wishes to rezone the subject property to Rural Residential One (RR-1) to permit subdivision into two equal lots. The rezoning would potentially increase the overall permitted density by one full-size single-family dwelling and one secondary suite or cottage. This rezoning would bring the lands into lot size compliance with the current OCP and support the creation of parcels of intermediate size. Consultation with government agencies and First Nations have not yielded any concerns with the proposal.

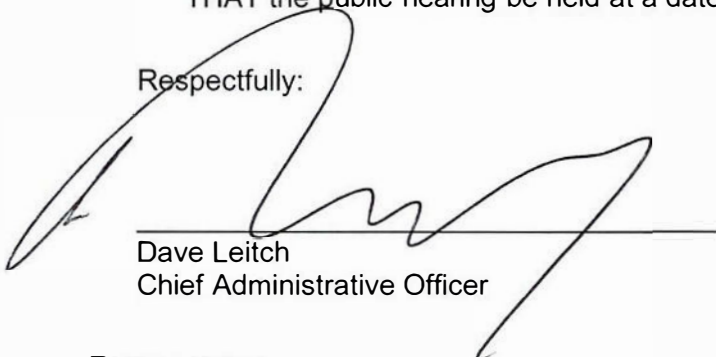
Given the above considerations, it is recommended that the Committee recommend first and second reading of Bylaw No. 528 to rezone the subject property to RR-1.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received;
2. THAT the Committee recommend that Bylaw No. 528 be forwarded to the Board for first and second readings;
3. THAT the Committee recommend the Board authorize a public hearing to consider Bylaw No. 528, and

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

Respectfully:



Dave Leitch
Chief Administrative Officer

BACKGROUND

An application has been received to rezone a 4.04-ha. (10 ac.) parcel of land situated at 1416 Robertson Road, on Cortes Island from Rural One (RU-1) to Rural Residential One (RR-1) to facilitate a subdivision of the parcel into two equal lots of 2.02 hectares each. The easterly proposed parcel will front on Harry Road and will have highway access through a 10-metre wide road dedication along the east boundary of the adjoining parcel to the south, which fronts on Whaletown Road. The existing residence on the west end of the property is serviced by an Island Health-approved septic field; a separate well and septic field will be provided for the proposed new lot, prior to final registration of subdivision.

AGENCY REFERRALS

The application was referred to a selection of First Nations and government agencies for their consideration, based on the location and nature of the application. No concerns were raised by these agencies or First Nations that would not be considered at subdivision stage.

PLANNING ANALYSIS

The subject property is located on the boundary between the rural the residential zones on the north shore of Gorge Harbour area on Cortes Island and is bounded on the north by rural zoned properties and on the south by residential zoned properties. This buffer area, although currently zoned Rural One (RU-1) requiring a minimum parcel size of 4 hectares, is designated as Rural Residential in the Cortes Island Official Community Plan with a view that these parcels will be rezoned to Rural Residential One and subdivided into 2-hectare lots.

In accordance with the OCP, the applicant wishes to rezone the subject property to Rural Residential One (RR-1) to permit subdivision into two equal lots. The existing residence on the west end of the property is serviced by an Island Health-approved septic field; a separate well and septic field will be provided for the proposed new lot, prior to final registration of subdivision.

FINANCIAL IMPLICATIONS

Fees for the rezoning application process have been applied in accordance with the Regional District's Planning Procedures and Fee 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.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Should a recommendation of support be made for the application to proceed forward, public consultation will occur in the form of a public hearing, conducted 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 public hearing process and the finalization of the adoption of the bylaw.

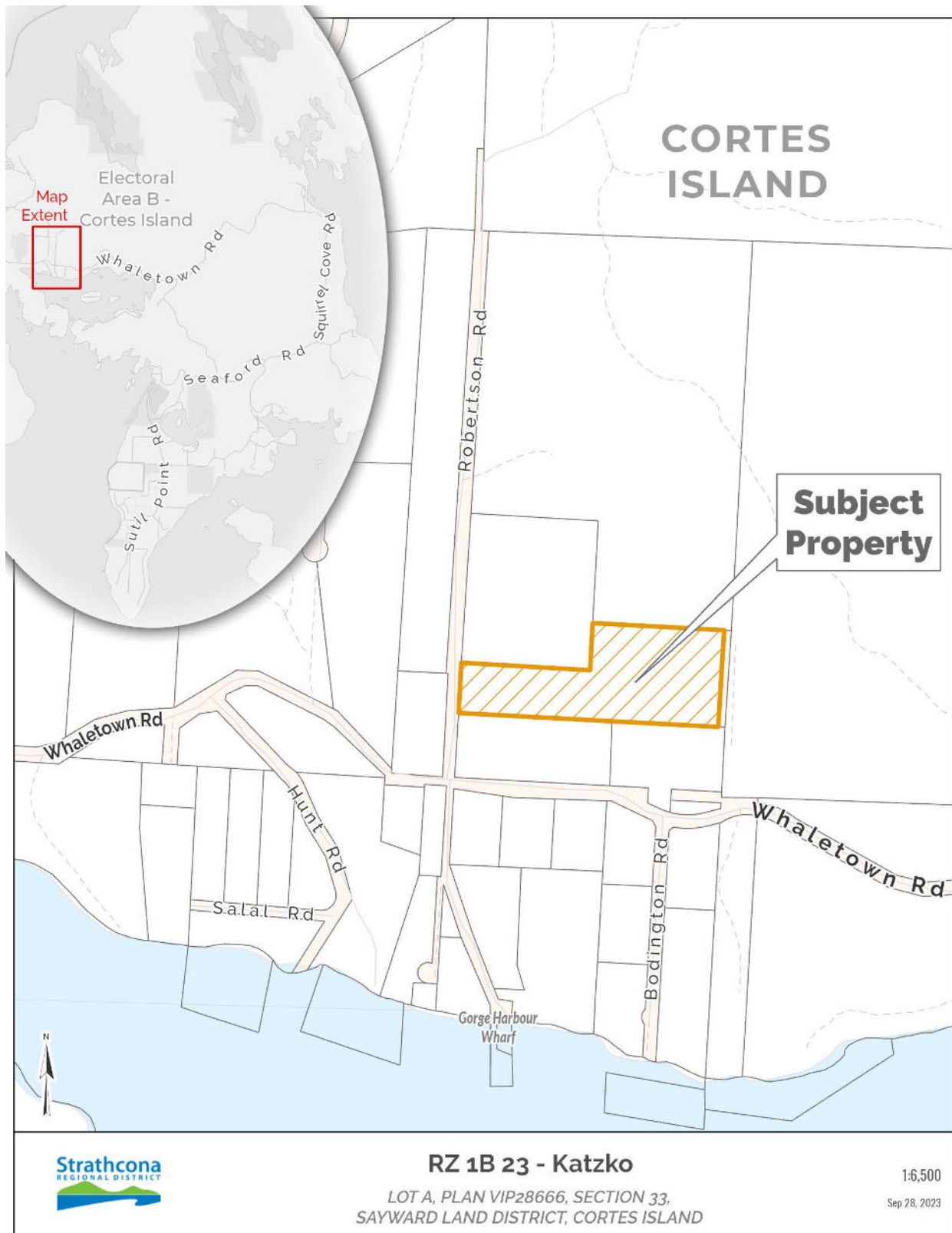
Submitted by:



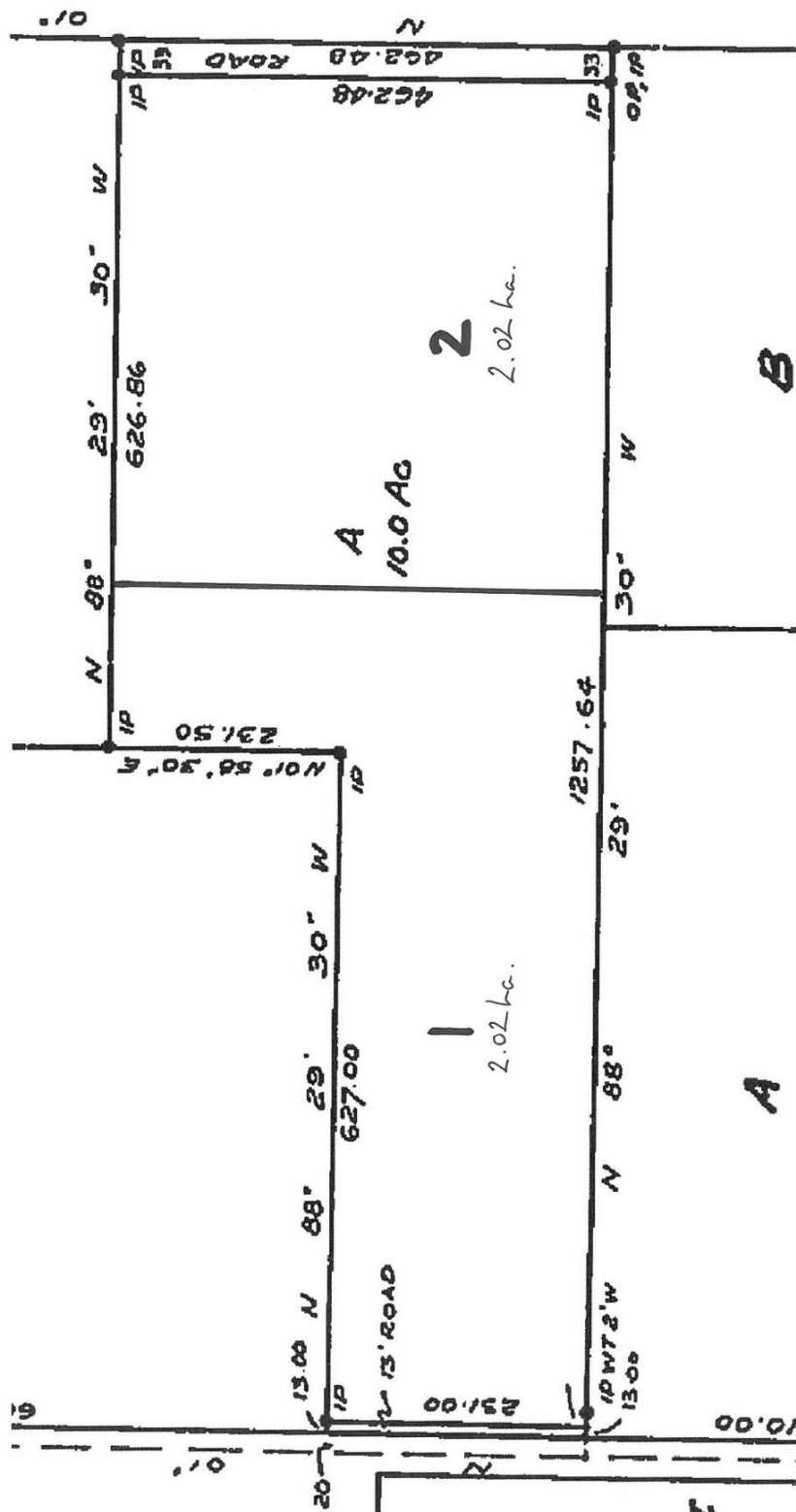
Aniko Nelson
Senior Manager, Community Services

Prepared by: J. Neill, Planner

Attachment: Bylaw No. 528



Location Map



Site plan

APPLICATION TO AMEND A ZONING BYLAW
File 05107 B 21

Robert Katzko, property owner

EXISTING USE

This application is to rezone my property on Cortes Island at 1416 Robertson Road from one RU-1 four hectare property to two RR-1 two hectare properties. The Cortes Official Community Plan (OCP) has designated this property as sub-dividable for over 20 years and there has been a road, Harry Road, adjacent to the east side of our property for all this time. As such I am not applying for an amendment to the Cortes OCP.

It is our hope that subdividing the property will create an affordable housing option for a resident on Cortes.

The east side of our property has access to well water, various building sites and septic options. I have had two septic contractors visit the property and both have said various septic options are possible and based on an initial terrain inspection a septic field should perk there. There is a cabin and a 30' yurt there now and since we bought the property in 2008 we have allowed the east side of the property to be continuously occupied by workers and tourists in the summer months. The yurt is 15 years old and the age of the cabin is unknown. The yurt is about 20m from the side property line.

There is a riparian area at the north east corner of the property well away from the cabin and yurt and other possible building sites. There is a gentle east/west slope to the property away from the riparian area.

We have water rights to two streams on the property. Each supply water to two irrigation ponds. Each new lot will have one of these ponds. There are two 15' shallow wells on the property with concrete casements approximately 4' in diameter. One well supplies water to the yurt and cabin on the east side of the property and the other well supplies water to our main house on the west side adjacent to Robertson Road. The main house is connected to a Permitted septic field and concrete septic tank. The main house has underground service to BC Hydro and telephone.

The main house is approximately 35 years old and the shop and garage approximately 30 years old. The setbacks comply with the zoning bylaws at the time they were built.

The closest neighbours within 100 meters approve of the subdivision and will allow a Public Right of way over their properties to connect Harry Road to Whaletown Road providing access to the new lot. The Public Right of ways will become the property of the province of BC. These properties are 640 Whaletown Road and 1394 Bodington Road.

A panhandle connecting Robertson Road to the rear 5 acres is not an option the Regional District would approve.

PROPOSED USE

The proposed use of the lots is for residential single family dwellings. There are no plans to change any structures on the western lot. On the eastern lot, the dwelling, the yurt, is habitable and any changes will be up to a new owner.

Applicant's statement

BYLAW No. 2455 • SCHEDULE 'A'

"ELECTORAL AREA 'I' (CORTES ISLAND) ZONING BYLAW, 2002"

603 (See also Parts 100 - 500)

RURAL ONE (RU-1)

1) PERMITTED PRINCIPAL USE

- a) Residential.

2) PERMITTED ACCESSORY USES

- a) Accessory buildings and structures.

3) CONDITIONS OF USE

- a) On a lot less than or equal to 4.0 hectares (9.88 acres) in size, residential use shall be limited to one single family dwelling and one secondary suite, or one single family dwelling and one cottage limited in size to 60 square metres (645.85 square feet) in total floor area.
- b) For each additional 4.0 hectares (9.88 acres) of land area on a lot (in excess of the required minimum lot area), one additional dwelling shall be permitted to a maximum of five dwellings per lot (and one secondary suite or one cottage per lot).

4) SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

- a) Except where otherwise specified, the setbacks and height requirements for buildings and structures within the Rural One zone shall be as set out in the table below.

Type of Structure	Maximum Height	Required Setback From All Property Lines
Principal & Accessory	10.0 m (32.8 feet)	7.5 m (24.6 feet)
[Part 400, Siting Specifications, of this bylaw and Bylaw No. 1836, being the "Floodplain Management Bylaw, 1997", may affect the siting of structures adjacent to roads, and the natural boundaries of watercourses and the sea, respectively.]		

5) LOT COVERAGE

The maximum lot coverage of all buildings and structures shall not exceed 5% of the total lot area.

6) SUBDIVISION REQUIREMENTS (SEE ALSO PART 500)

Minimum Lot Area: 4.0 hectares (9.88 acres)

Average Lot Area: The smallest lot area permitted pursuant to density-averaging zoning provisions shall be no less than 75% of the minimum lot area cited above.

(Note: Prior to construction of a dwelling on a property, or alteration of a dwelling to incorporate a suite, Environmental Health approval shall be obtained.)

END • RU-1

PART 600 • ZONES

Existing Rural One (RU-1) Zone

BYLAW NO. 2455 • SCHEDULE 'A'
 "ELECTORAL AREA 'I' (CORTES ISLAND) ZONING BYLAW, 2002"

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602 (See also Parts 100 – 500) RURAL RESIDENTIAL ONE (RR-1)

1) PERMITTED PRINCIPAL USES

- a) Residential.

2) PERMITTED ACCESSORY USES

- a) Accessory buildings and structures.

3) CONDITIONS OF USE

- a) Residential use is limited to one single family dwelling and one secondary suite, or one single family dwelling and one cottage limited in size to 60 square metres (645.85 square feet) in total floor area.
- b) For each additional 2.0 hectares (4.94 acres) of land area on a lot (in excess of the required minimum lot area), one additional dwelling shall be permitted to a maximum of three dwellings per lot (and one secondary suite or one cottage per lot).

4) SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

- a) Except where otherwise specified the setbacks and height requirements for buildings and structures within the Rural Residential One zone shall be as set out in the table below.

Type of Structure	Maximum Height	Required Setback From All Property Lines
Principal & Accessory	10.0 m (32.8 feet)	7.5 m (24.6 feet)
[Part 400, Siting Specifications, of this bylaw and Bylaw No. 1836, being the "Floodplain Management Bylaw, 1997", may affect the siting of structures adjacent to roads, and the natural boundaries of watercourses and the sea, respectively.]		

5) LOT COVERAGE

The maximum lot coverage of all buildings and structures shall not exceed 5% of the total lot area.

6) SUBDIVISION REQUIREMENTS (SEE ALSO PART 500)

Minimum Lot Area: 2.0 hectares (4.94 acres)

Average Lot Area: The smallest lot area permitted pursuant to density-averaging zoning provisions shall be no less than 75% of the minimum lot area cited above.

(Note: Prior to construction of a dwelling on a property, or alteration of a dwelling to incorporate a suite, Environmental Health approval shall be obtained.)

END • RR-1

PART 600 • ZONES

Proposed Rural Residential One (RR-1) Zone



BYLAW NO. 528

A BYLAW TO AMEND THE ZONING REGULATIONS APPLICABLE TO CORTES ISLAND

WHEREAS the former Comox-Strathcona Regional District has, by Bylaw No. 2455, adopted zoning regulations for Cortes Island and vicinity 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. 2455 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. 2455, being Electoral Area 'I' (Cortes Island) Zoning Bylaw 2002, 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. 528, being Electoral Area 'I' (Cortes Island) Zoning Bylaw 2002, Amendment No. 33.

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

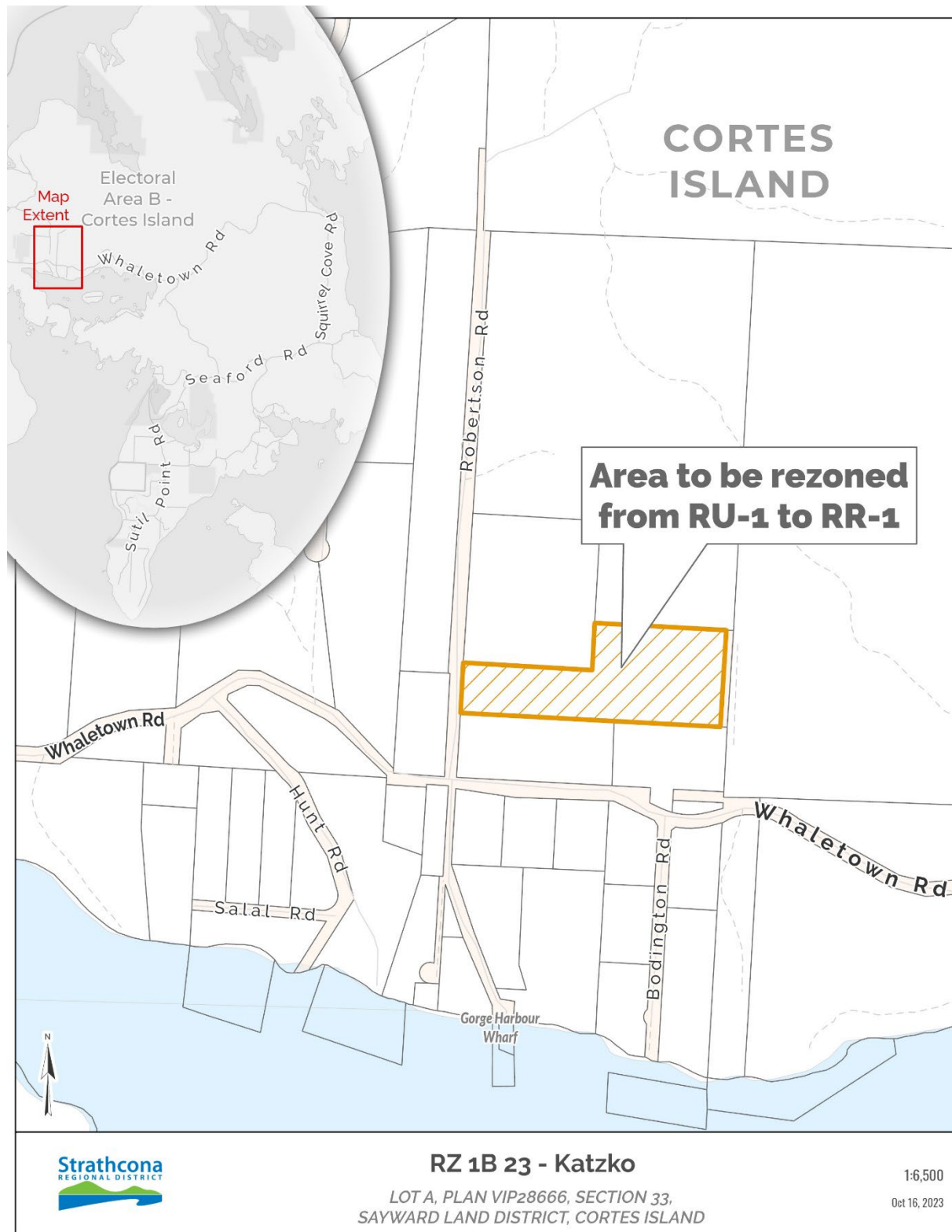
RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE ____ DAY OF _____, 2023

Chair

Corporate Officer

SCHEDULE 'A'**SECTION ONE MAP AMENDMENT**

Lands legally described as Lot A, Section 33, Sayward Land District, Cortes Island, Plan 28666 as shown on 'Schedule A-1' of Bylaw No. 2455 being Electoral Area 'I' (Cortes Island) Zoning Bylaw, 2002', are hereby rezoned from 'Rural One' (RU-1) to 'Rural Residential One' (RR-1) as shown on Appendix '1' attached to and forming part of this bylaw.



Appendix '1'

Part of Schedule 'A' to Bylaw No. 528, being Electoral Area 'I' (Cortes Island) Zoning Bylaw 2002, Amendment No. 33.

Amends 'Schedule A-1' of Bylaw No. 2455, being Electoral Area 'I' (Cortes Island) Zoning Bylaw 2002.