



## STAFF REPORT

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**DATE:** January 10, 2024

**FILE:** 0540-04 EASC

**TO:** Chair and Directors  
Electoral Areas Services Committee

**FROM:** Dave Leitch  
Chief Administrative Officer

**RE: REZONING APPLICATION TO FACILITATE SUBDIVISION**

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<b>PLANNING FILE NOS.</b>	3360-20/RZ 11D 23	
<b>ROLL No.:</b>	772 05323.010	<b>PID No.:</b> 008-966-273
<b>APPLICANT:</b>	Tina Johansen/Hardcore Construction	
<b>LAND DESCRIPTION:</b>	Fractional SE ¼ Section 26, Township 4, Comox District, Plan 552C.	
<b>OCP:</b>	Bylaw No. 276 “Oyster Bay – Buttle Lake Official Community Plan Bylaw, 2023”	
<b>DESIGNATION:</b>	Rural Residential	
<b>ZONING BYLAW:</b>	Bylaw No. 1404 “Campbell River Area Zoning Bylaw, 1991”	
<b>EXISTING ZONE</b>	Upland Resource 40 (UR-40)	
<b>PROPOSED ZONE:</b>	Rural Residential Community One (RRC-1)	

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### PURPOSE

To consider a zoning bylaw amendment affecting a 21.5-hectare (53 acre) parcel of land situated at 2713J Iron River Road in Electoral Area D to allow the subdivision of the parcel into seven country residential lots, five of which would be approximately 2 hectares (5 acres) in size, one at 2.4 hectares (6 acres) and one 6.5 hectare (16 acre) residual to incorporate existing buildings.

### POLICY ANALYSIS

Part 14 “Planning and Land Use Management” of the *Local Government Act (LGA)* addresses local governments’ roles regarding zoning bylaws, namely s.479 (Zoning Bylaws) and s. 464 - 467 (Requirement for Public Hearings). With the passing of Bill 44, Section 464 has been updated to reflect Provincial changes, namely s.464(3) A local government **must not** hold a public hearing on a proposed zoning bylaw if (a) an official community plan is in effect for the area that is the subject of the zoning bylaw, (b) the bylaw is consistent with the official community plan, (c) the sole purpose of the bylaw is a development that is, in whole or in part, a residential development, and (d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.

### EXECUTIVE SUMMARY

An application has been received to consider rezoning a 21.5-hectare parcel of land located at 2713J Iron River Road in Electoral Area D. The proposal would change the existing zoning from Upland Resource 40 (UR-40) to Rural Residential Community One (RRC-1) to allow the development of a 7-lot country residential subdivision on the property. Each of the proposed lots would be approximately 2-hectares in size, with the exception of proposed Lot 2, which would be 6.5 hectares in size and include the existing buildings on the parcel. All lots would front on a proposed dedicated road extending across the property from north west to south east. Currently

the parcel has access through Easement FB313022, the terms of which state that in the event of subdivision of the lands, the easement will be dedicated and constructed as a public road.

The development will be required to provide for a public trail to be consistent with the OCP policies and Map 4 with ultimate trail layout to be finalized prior to subdivision. The proposal will provide for additional density within an existing rural residential neighbourhood, is close to amenities and services within Electoral Area D and is accessible via BC Transit. Further, 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.

With the recent passing of Bill 44, s.464(3), s.466 s.467 of the *Local Government Act* have been updated to reflect legislative changes to public hearing procedures. As per s.464(3), a public hearing for this proposal is prohibited and notice is to be provided in accordance with s. 467(1) of the *Local Government Act*. Notice will be given in accordance with s.467(1) and Bylaw No. 517 has been prepared for the Committee's consideration with a recommendation to proceed with first and second readings and authorization for a public hearing.

#### **RECOMMENDATIONS**

1. THAT the report from the Chief Administrative Officer be received.
2. THAT Committee recommend that Bylaw No. 517 (Johnson/Hardcore Construction) be forwarded to the Board for consideration of whether to proceed with public notification in accordance with the *Local Government Act*.

Respectfully:



\_\_\_\_\_  
Dave Leitch  
Chief Administrative Officer

#### **BACKGROUND**

An application has been received to consider rezoning a 21.5-hectare parcel of land located at 2713J Iron River Road in Electoral Area D. The proposal would change the existing zoning from Upland Resource 40 (UR-40) to Rural Residential Community One (RRC-1) to allow the development of a 7-lot country residential subdivision. Each of the proposed lots would be approximately 2-hectares (5 acres) in size, with the exception of proposed Lot 1 (2.4 hectares) and proposed Lot 2, which would be 6.5 hectares in size and include the existing buildings on the parcel. All lots would front on a proposed dedicated road extending across the property from north west to south east. Currently the parcel has access through Easement FB313022, the terms of which state that in the event of subdivision of the lands, the easement will be dedicated and constructed as a public road.

#### **AGENCY REFERRALS**

The application was referred to a number of First Nations and agencies for their consideration and the comments received to date are summarized in the table below. An inaugural meeting of the Advisory Planning Commission for Electoral Area D is currently being scheduled, at which it

is anticipated that this proposal will be presented. Any recommendations offered by the APC will be presented to the Board prior to third reading of the rezoning bylaw.

<b>Agency</b>	<b>Comments</b>
Agricultural Land Commission:	No response.
BC Assessment Authority:	No response.
Oyster River Fire Department	No response.
Ministry of Agriculture:	No concerns.
Ministry of Environment:	No response.
FLNRO (Archaeology):	Culturally Modified Tree DISg-8 overlaps the SE boundary of the property. A Provincial heritage permit is required for any work within the DISg-8 boundary. If archaeological material is encountered during development elsewhere on the property, work must immediately stop and the Archaeology Branch contacted.
Ministry of Transportation and Infrastructure (MoTI):	No response.
School District 72:	No response.
Island Health:	No objection. The <i>Subdivision Standards</i> will apply at subdivision stage.

<b>FIRST NATION</b>	<b>COMMENTS</b>
Homalco First Nation:	No comment.
K'omoks First Nation:	No response.
Tlowitsis First Nation:	No response.
Nanwakolas Council:	No response.
We Wai Kai Nation:	No response.
Wei Wai Kum Nation:	No response.

### **PLANNING ANALYSIS**

The subject property is located within a mixed rural/rural residential area of the Oyster Bay-Buttle Lake Electoral Area (Area 'D') as indicated on the location plan and bounded by rural residential land to the north and west, and rural lands to the south and east. The property is accessed via a branch of the Iron River Road, which will be extended into the property to provide access and legal frontage to each of the proposed new lots as indicated on the location plan. The 21.5-hectare property is currently designated Rural Residential and zoned Upland Resource 40 (UR-40) which

precludes any further subdivision. In order to subdivide the property into country residential sized lots, the applicant has applied to rezone the parcel.

The consultation process with First Nations and government agencies provided minor considerations as part of the proposal. Archaeology Branch has no concerns, provided that Culturally Modified Tree DISg-8, which overlaps the SE boundary of the property, is not impacted. A Provincial heritage permit is required for any work within the DISg-8 boundary. If archaeological material is encountered during development elsewhere on the property, work must immediately stop and the Archaeology Branch contacted. The proposal is consistent with the overall vision of the OCP and meets several of the objectives including retaining the rural residential characteristic of the area, while providing additional country residential lots in an area that lends itself to further development.

The proposal is close to amenities and services within Electoral Area D and accessible via BC Transit. Further, 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.

#### **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 and Bylaw No. 517 proceed forward, public consultation will occur in the form of a notification in accordance with the requirements of s.464 - 467 'Public Hearings', of the LGA.

#### **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 bylaws.

Submitted by:

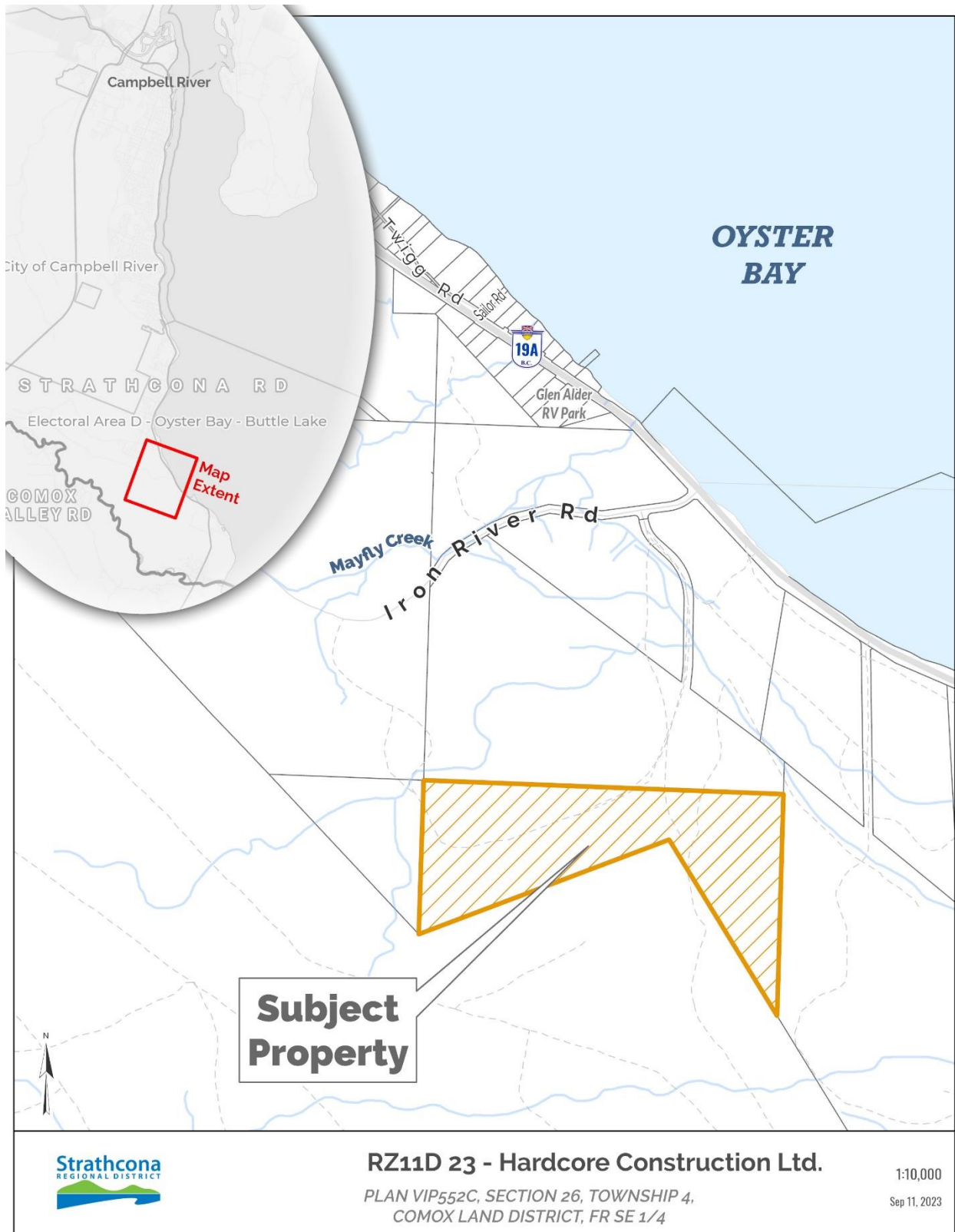


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Aniko Nelson  
Senior Manager, Community Services

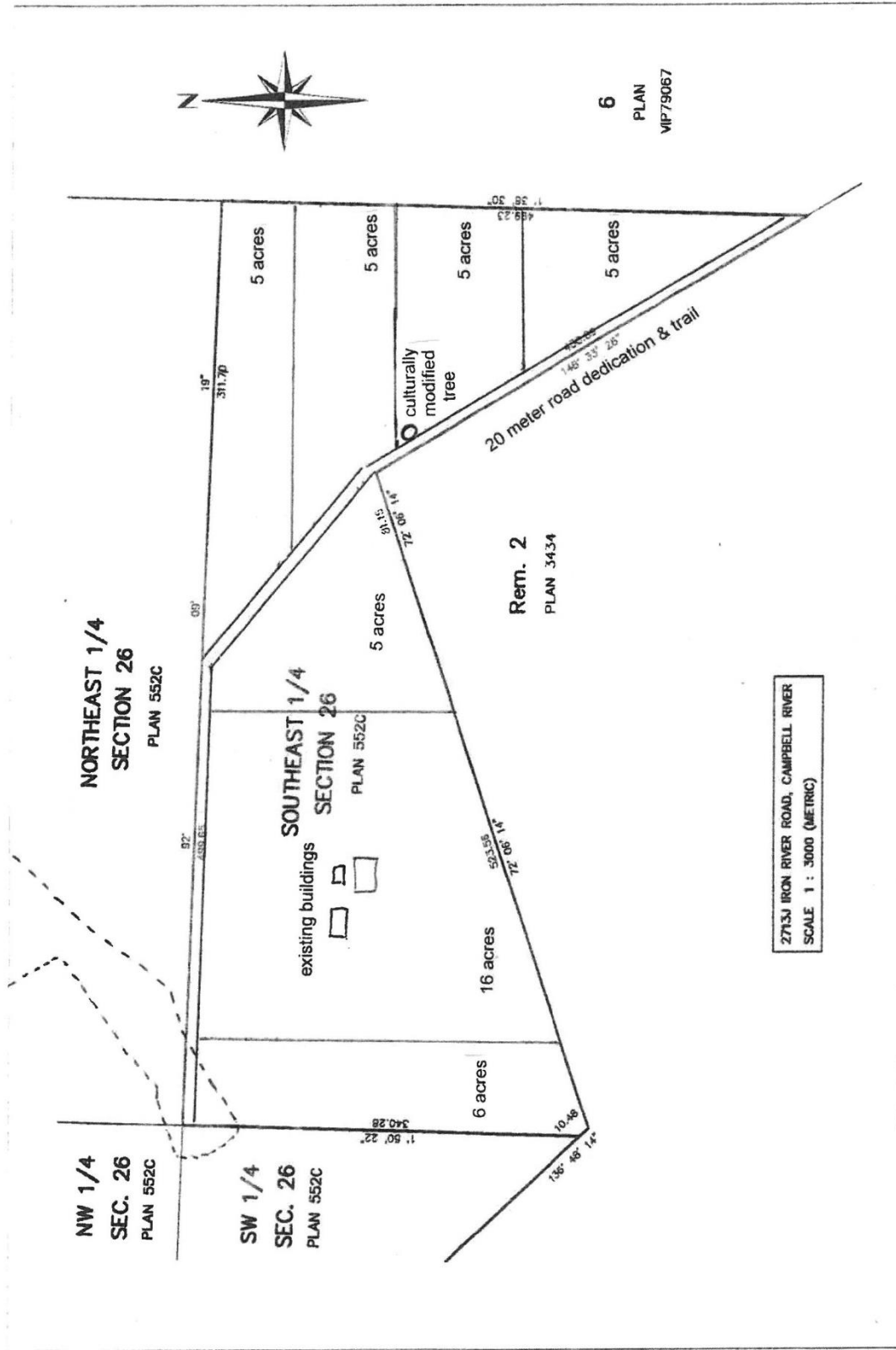
**Prepared by:** J. Neill, Planner

Attachment: Bylaw No. 517



GIS: U:\proj\EA\_D\SubjectProperties\EA\_D\_SubjProp.aprx

Location Map



Proposed lot layout

**Proposed OCP amendment and Rezoning  
2713 J Iron River Road  
Oyster Bay**

July 20, 2023

Existing Use:

- the subject property is 53 acres located in the Oyster Bay area.
- the property is currently zoned UR
- the surrounding properties have recently be rezoned to CR4 (5 acres)
- the property has been previously logged with no remaining commercial timber
- the existing home was built in 2014 with the addition of a shop in 2015
- the existing well was dug in 2012 and has provided ample good quality water
- the existing septic system has functioned without issue
- the property has excellent drainage and many potential well sites
- the owners created a small pond to provide water for large gardens and fire protection
- there is an existing covenant in the North East corner of the property (Mayfly Creek)
- there is a Culturally Modified Tree that has been identified and marked
- the owners grow food, flowers and have poultry
- the property has great agricultural potential

Proposed Use:

- the owners are requesting an amendment to the current Oyster Bay-Buttle Lake OCP Bylaw and a rezoning of the Campbell River Area Zoning Bylaw from the current zoning of UR to CR4
- the changes are consistent with the OCP and in keeping with maintaining the rural identity and lifestyle of Area D
- the surrounding properties have recently been rezoned to CR4
- the owners were one of the original 11 titles that applied for and received rezoning but were financially unable to commit to the process at the time.
- the owners hope to provide acreage for small farms, families and retirees
- the change would allow the completion of the public trail system through the property linking 2713H Iron River Rd. (Mitch Wasel) and Bob & Debbie Solc's property.

**Applicant's Statement**

**3. Rural Residential**

1. Rural homestead properties of various sizes serviced by septic systems and either community or well water.
2. Intended to provide rural residential use with the potential to allow additional dwellings without subdivision and having the potential to provide for agricultural use.
3. Upgrading of water system to be pursued to expand the local service area and to permit limited growth.
4. Lot size requirements will be regulated through the zoning bylaw; as a general guideline, new lots created should provide lot sizes larger than country residential lots, while smaller than rural lots, consistent with the homestead neighbourhood scale [encouraging averages of 2.0 ha (4.94 ac) to 4.0 ha (9.8 ac)].

**Policies**

1. The Regional District will continue to facilitate the provision of a community water and sewer service to areas designated 'Rural Residential'.
2. Designation of new areas as 'Rural Residential' may be considered and dependent upon demand and proximity to established areas.
3. To permit residential densification in this designation, a parcel may be permitted additional density, provided there is appropriate servicing, as follows:
  - a. Two single family dwellings and either one secondary suite or one carriage house or one accessory dwelling unit (for a potential total of 3 dwelling unit types per lot).
4. Additional dwellings and accessory buildings and structures should be sited to retain the rural character of the area.
5. Agricultural use is encouraged to support local food production.

BYLAW NO. 1404  
CAMPBELL RIVER AREA ZONING BYLAW, 1991

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**4.6.18**RDCS  
1755**UPLAND RESOURCE  
(UR)****i) PERMITTED PRINCIPAL USE**

- 1) One single family dwelling;
- 2) Forestry;
- 3) Agricultural Use;
- 4) Low Impact Recreation;
- 5) Fish hatcheries and enhancement facilities;
- 6) Public Utility Use;
- 7) Park Use;
- 8) Explosives sales, storage, manufacturing and distribution pursuant to the *Explosives Act*; and
- 9) Firearm ranges

**ii) PERMITTED ACCESSORY USES**

- 1) Accessory structures and buildings; and
- 2) Wood processing in conjunction with forestry and agricultural use.

**iii) PERMITTED DENSITY**

- 1) One (1) single family dwelling is permitted on a lot.
- 2) On any lot or portion of any lot included in the Agricultural Land Reserve residential use shall be as permitted by the BC Agricultural Land Commission.

**iv) SITING OF STRUCTURES**

- a) **Except where otherwise specified in this bylaw, no building or structure shall be located within:**
  - 1) 4.5 metres (14.76 feet) of a front lot line;
  - 2) 1.75 metres (5.74 feet) of a side lot line; and
  - 3) 7.5 metres (24.6 feet) of a rear lot line.
- b) Other specifications as required in Section 4.5 "GENERAL REGULATIONS":

SRD  
84

Where siting is proposed adjacent to a stream refer to Section 4.5.5 "Stream Setbacks".

v) **LOT COVERAGE**

The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area to a maximum of 1,000 square metres (10,764.26 square feet).

vi) **SUBDIVISION REQUIREMENTS**

- a) The minimum lot size for subdivision shall be as follows:
- i) 40.0 hectares (98.8 acres) for the area east of the most westerly boundary of the BC Hydro transmission right-of-way Plans 508, 509, 914, 917 and 918;
  - ii) 40.0 hectares (98.8 acres) for the area within 1.0 kilometre (0.6 miles) west of the most westerly boundary of the said right-of-ways, with measurement made perpendicular to the said right-of-ways boundary, except as modified in Clause iv);
  - iii) 400 hectares (988.4 acres) for the area more than 1.0 kilometre (0.6 miles) west of the most westerly boundary of the said right-of-ways, with measurement made perpendicular to the said right-of-ways boundary, except as modified in Clause iv);
  - iv) Notwithstanding the above, where a parcel is subject to both the 40.0 and 400.0 hectare minimum lot size, the minimum lot size which applies to the greatest portion of the parcel shall be the minimum lot size for subdivision. Where a parcel is divided into portions of equal area by a line one kilometer west of the most westerly boundary of the said rights-of-way, with measurement made perpendicular to the said right-of-ways boundary, the minimum lot size in respect of the entire parcel shall be 40 hectares.
- b) The minimum road frontage of lots created by subdivision shall be 100 metres (328.1 feet).

**4.6.9A**

SRD 447

**RURAL RESIDENTIAL COMMUNITY ONE  
(RCC—1)****i) PERMITTED PRINCIPAL USES**

- a) On any lot:
- 1) Residential use;
  - 2) Agricultural uses;
  - 3) Public utility use;
  - 5) Low impact recreation; and
  - 6) Park.
- b) On any lot 8 hectares (19.76 acres) or larger:
- 1) Equestrian Centre and associated uses and public events.

**ii) PERMITTED ACCESSORY USES**

- a) On any lot:
- 1) Equestrian supplies and services;
  - 2) Tack and farm gate sales;
  - 3) Accessory buildings;
  - 4) Home Occupations; and
  - 5) Bed and Breakfast.
- b) On any lot 8 hectares (19.76 acres) or larger:
- 1) Small bandsaw sawmills provided the use is limited to sites not exceeding 1000 square metres.

**iii) CONDITIONS OF USE**

- 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 or equestrian uses.
- b) Dog kennels, dog rearing or grooming operations or swine operations shall not be permitted.
- c) **Residential use** is limited to:
- |  |                              |
|--|------------------------------|
| On any lot:                                | One single family dwelling.  |
| On any lot over 4.0 hectares (9.87 acres): | Two single family dwellings. |

**iv) FLOOR AREA REQUIREMENTS**

The maximum combined gross floor area of all accessory buildings shall not exceed 1900 square metres (20,000 square feet) or 10% of the lot area, whichever is less.

**v) SITING OF BUILDINGS AND STRUCTURES**

- a) Except where otherwise specified in this bylaw, 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 and
  - 3) Minimum separation between single family dwellings - 15 metres (49.21 feet) on the same lot.
- b) No accessory building shall be located in any required yard and be located a minimum of 3.5 metres (11.48 feet) from any other building or structure.
- 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) and (f).
  - 3) If the lot abuts a river, lake, sea or any other watercourse, refer to Section 4.5.5(a)(1-3).
  - 4) For any exceptions to siting, refer to Section 4.5.6(a).

**vi) LOT COVERAGE**

The maximum lot coverage of all buildings and structures, shall not exceed 20% of the lot area.

**vii) SUBDIVISION REQUIREMENTS**

- a) **Minimum lot area:** 2 hectares (4.94 acres)
- b) **Minimum lot frontage:** 10% of the perimeter of the lot

END - RRC-1



## BYLAW NO. 517

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### A BYLAW TO AMEND BYLAW NO. 1404, BEING 'CAMPBELL RIVER AREA ZONING BYLAW, 1991'

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**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 the '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. 517, being 'Campbell River Area Zoning Bylaw, 1991, Amendment No. 68.

**READ A FIRST TIME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2024**

**READ A SECOND TIME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2024**

**PUBLIC HEARING HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2024**

**READ A THIRD TIME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2024**

**RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2024**

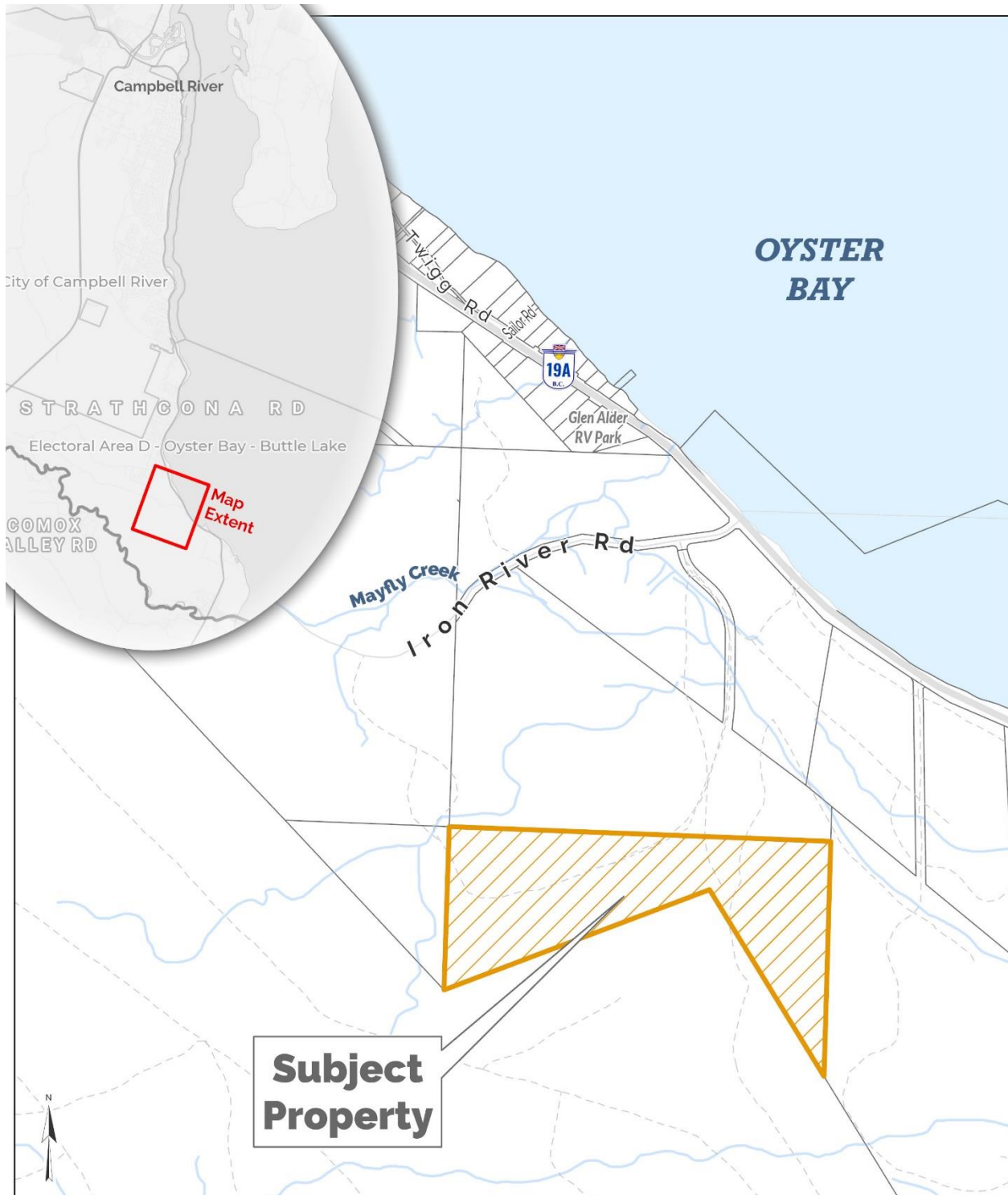
\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Officer

**SCHEDULE 'A'**

**SECTION ONE MAP AMENDMENT**

Land legally described as the Fractional SE ¼ Section 26, Township 4, Comox District is hereby amended from Upland Resource 40 (UR-40) to Country Residential Four (CR-4), as shown on the attached Appendix '1'.



**Subject Property**



**RZ11D 23 - Hardcore Construction Ltd.**

PLAN VIP552C, SECTION 26, TOWNSHIP 4,  
COMOX LAND DISTRICT, FR SE 1/4

1:10,000

Sep 11, 2023

GIS: U:\proj\EA\_D\SubjectProperties\EA\_D\_SubjProp.aprx

**Appendix '1'**

Part of Schedule 'A' of Bylaw No. 517, being 'Campbell River Area Zoning Bylaw, 1991, Amendment No. 68.'

Amends 'Map 1' of Bylaw No. 1404, being 'Campbell River Area Zoning Bylaw, 1991.'