



STAFF REPORT

DATE: February 14, 2024 **FILE:** 0550-04 EASC
TO: Chair and Directors
Electoral Areas Services Committee
FROM: Dave Leitch
Chief Administrative Officer
RE: **APPLICATION TO AMEND THE QUADRA ISLAND ZONING BYLAW – CAVANAGH**

PLANNING FILE NO. 3360-20/RZ 6C 23
ROLL NO.: 772 16569.000 **PID No.:** 006-051-871
APPLICANTS: Anne & Bruce Cavanagh
LAND DESCRIPTION: Lot 15, District Lot 8, Quadra Island, Sayward Land District, Plan 2122
CIVIC ADDRESS: 691 Harper Road, Quathiaski Cove BC
OCP BYLAW: Bylaw 3050, "Quadra Island Official Community Plan Bylaw, 2007"
EXISTING DESIGNATION: Village Peripheral Residential
ZONING BYLAW: Bylaw No. 1213 "Quadra Island Zoning Bylaw, 1990"
EXISTING ZONE: Residential One (R-1)
PROPOSED ZONE: Village Peripheral Residential One (VPR-1)

PURPOSE

To consider an application to rezone a 4000 square metre parcel of land to facilitate its subdivision into two lots of 1000 square metres and one lot of 2000 square metres in size.

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 - 470 (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 amend Bylaw No. 1213, being the Quadra Island Zoning Bylaw, 1990, to rezone the parcel located at 691 Harper Road from Residential One (R-1) to Village Peripheral Residential One (VPR-1). This amendment is being sought to enable subdivision of this 4000 square metre (1 acre) parcel to create one 2000 square metre parcel and two 1000 square metre parcels. The proposed lots would be serviced by the Quathiaski Cove sewer system and by individual wells.

The subject property is located on the west side of Harper Road within the Village Peripheral Residential designation of the Quathiaski Cove Village Plan and is currently developed with a house and outbuilding on the north and east sides of the property. The outbuilding will be moved or removed to bring the structure into compliance with property line setbacks at time of subdivision. If successful, this amendment would bring this parcel into compliance with the Quadra Island Official Community Plan (OCP) and the Quathiaski Cove Village Plan, which designates this parcel as Village Peripheral Residential (VPR). The VPR designation supports, among other configurations, mini-lot single family development of 1000 square metres.

The proposal is consistent with the Quadra Island Official Community Plan and an approved rezoning of the lands will bring the future development into alignment with the vision of the Quathiaski Cove Village Plan. A review of the proposal has not identified any impact for adjacent landowners in the area or the residential use of the area. The proposal is compatible with the existing residential use of the surrounding parcels and is consistent with the character of the area. Comments received from government agencies and from First Nations have indicated no concerns with the proposal.

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. 537 has been prepared for the Committee's consideration with a recommendation to proceed with first and second readings.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT as notice will be given in accordance with s.467(1) of the *Local Government Act*, the Committee recommend that Bylaw No. 537 (Cavanagh) be forwarded to the Board for first and second readings.

Respectfully:



Dave Leitch
Chief Administrative Officer

AGENCY REFERRALS

Comments received from government agencies and from First Nations have indicated no concerns with the proposal, provided that a recognized archaeologist is present should any land altering activities bring to light archaeological remains.

Agency	Comments
Area C APC	Recommends approval
BC Assessment Authority	No response.
Fire Department - Quadra Island	No concerns.
FLNRORD – Environment	No response.
FLNRORD - Archaeology	No known archaeological site on the property.
MoTI	No response.
Island Health	No response.
First Nation	Comments
Cowichan Tribes	No response.
Homalco First Nation	No response.
Halalt First Nation	No response.
Klahoose First Nation	Defers to other First Nations.
K'ómoks First Nation	No response.
Laich-Kwil-Tach Treaty Society	No response.
Lake Cowichan First Nation	No response.
Lyackson First Nation	No response.
Nanwakolas Council	Only responds to Provincial/Federal referrals.
Penelakut Tribe	No response.
Stz'uminus First Nation	No response.
Tla'amin First Nation	No response.
We Wai Kai Nation	Defers to Nanwakolas Council.
Wei Wai Kum Nation	No response.

PLANNING ANALYSIS

The property at 691 Harper Road is currently designated Village Peripheral Residential and zoned Residential One (R-1). The property is bounded on all sides by Residential One (R-1) zoned properties, and on the East side by Harper Road. As the minimum parcel size for subdivision is 4000 square metres in the R-1 zone, to allow the creation of two 1000 square metre lots and one 2000 square metre lot, rezoning to Village Peripheral Residential One (VPR-1), which permits smaller parcels, is required.

The property is currently developed with a house and outbuilding on the north and east sides of the property. The outbuilding will be moved or removed to bring the structure into compliance with property line setbacks at time of subdivision. It is proposed that the new lots will be serviced by the Quathiaski Cove sewer system and by individual wells.

The proposed rezoning of the property accords with the Village Peripheral Residential designation of the Official Community Plan and will not impact residential use of the area or affect adjacent properties. The proposal is compatible with the existing residential use of the surrounding parcels and is consistent with the character of the area. Comments received from government agencies and from First Nations have indicated no concerns with the proposal, provided that a recognized archaeologist is present if any land altering activities bring to light archaeological remains. Given the above considerations, it is recommended that support be given to the proposal to rezone the property to Village Peripheral Residential One (VPR-1) by providing public notification and giving Bylaw 537 First and Second Readings.

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 are in compliance with the *Local Government Act* (LGA) and Regional District bylaws.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Should a recommendation of support be made for the application and Bylaw No. 537 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 finalization of the adoption of the bylaws.

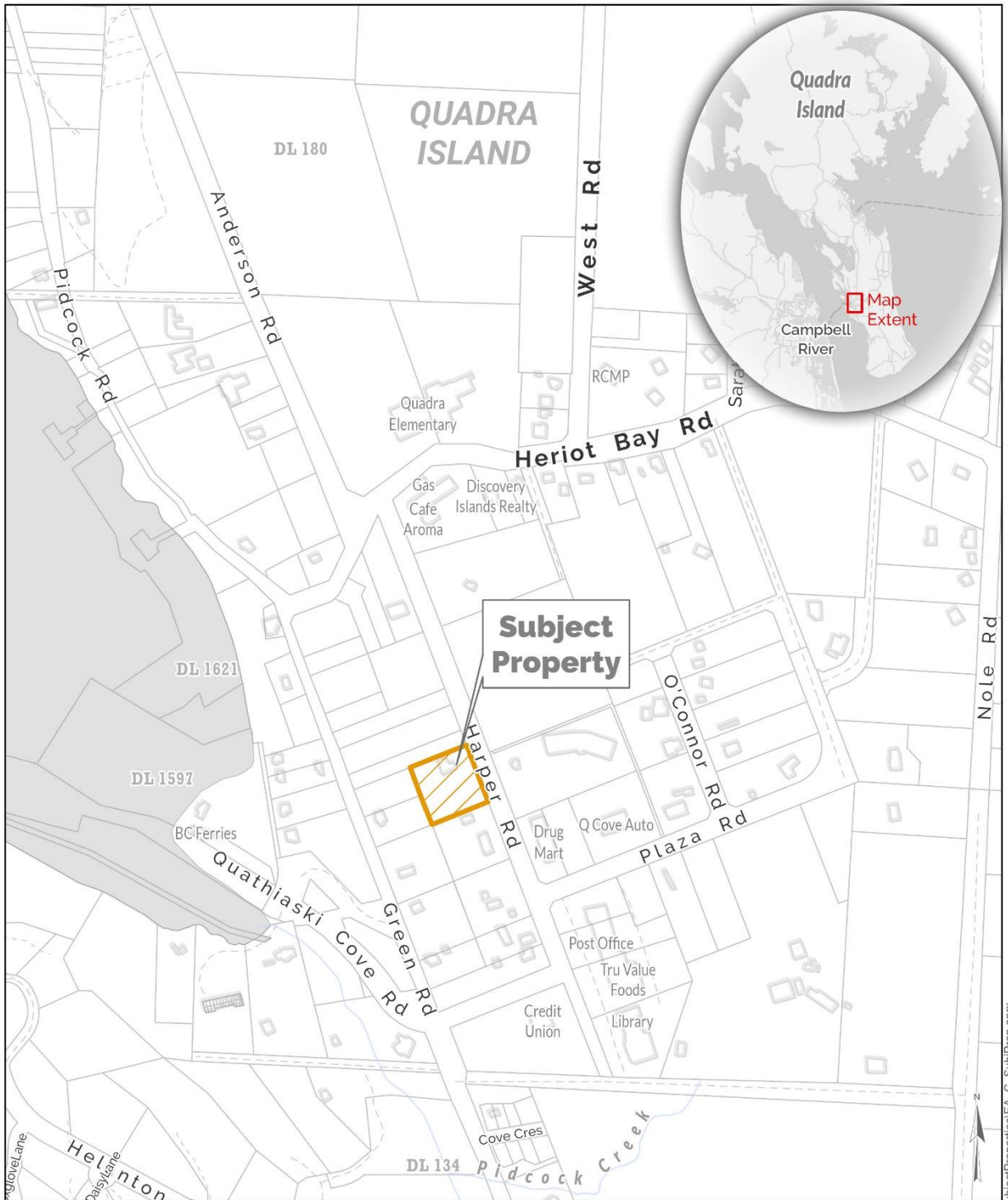
Submitted by:



Aniko Nelson
Senior Manager, Community Services

Prepared by: J. Neill, Planner

Attachment:
Bylaw No. 537



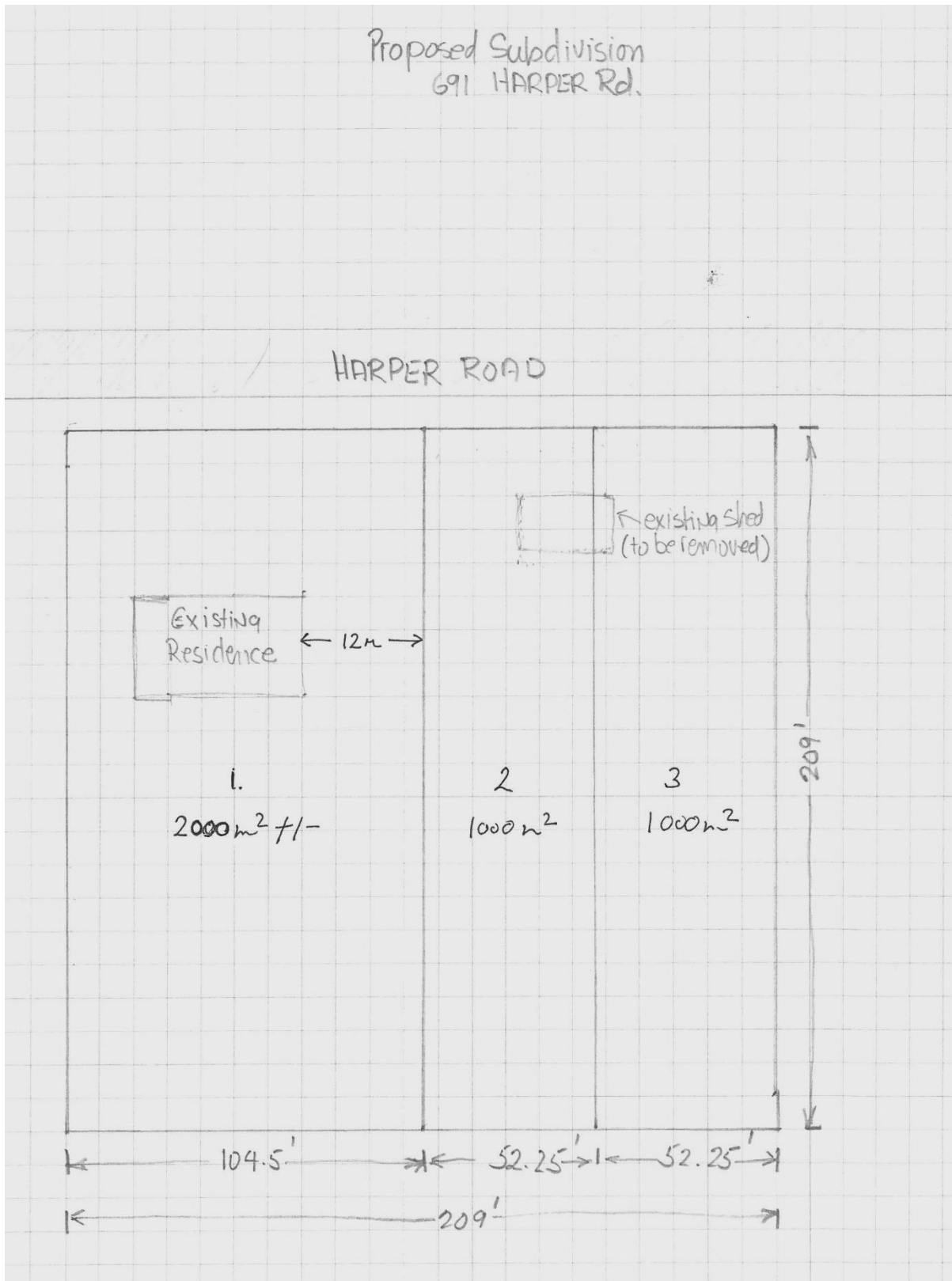
RZ 4C 23 - Cavanagh

LOT 15, PLAN VIP2122, DISTRICT LOT 8,
SAYWARD LAND DISTRICT, QUADRA ISLAND

Feb 05, 2024

GIS: U:\proj\EA_C\SubjectProperties\EA_C_SubjProp.aprx

Location Map



Proposed Subdivision Plan

Appendix 2 – Building Typologies

The information provided below is offered as background information relating to the built form only. The densities identified are appropriate for dense urban development and do not reflect, nor correspond with, the Village densities identified for the Quathiaski Cove containment boundary.

1) Mini-lot single family (Traditional Neighbourhood Development) - 2 storey max.

Advantages:

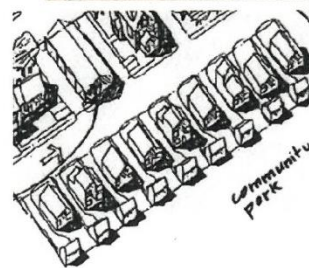
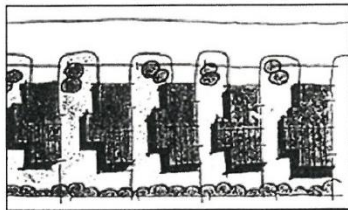
The mini-lot single family is a fully detached individual home with a private lot preferred by many families with children. Though it is compact and uses land effectively, it still has an individual yard and garden for each home.

Typical Lot Size and Setbacks:

A typical lot size is 7.6 M x 30 M (25ft x 100 ft). Front yards may be about 3M to 7M (10ft to 23ft, or 10 to 23%) and rear yards 7M to 9M (23ft to 30ft or 23 to 30%). Minimum side yard may be zero to 15% of lot width. Building codes restrict windows facing side yards, based on side yard width, so one side yard of at least 1.2M (4 ft) is important.

Typical Building Size:

Mini lot houses are typically about 6.4 M wide by 12M long and 7M tall (21ft x 40ft x 23ft). Floor area excluding basement may be from about 90 to 155 M² (960 sq ft to 1650 sq ft). They are sometimes much smaller, as little as 38 M² (400 Sq ft)



11.4**RESIDENTIAL ONE (R-1)****11.4.1 PERMITTED USES**

- a) Single *family dwelling*;
- b) Accessory *buildings and structures*;
- c) One guest *dwelling per lot*, where the *lot* area is 4000.0 square metres (0.99 acres) or more and subject to a maximum building *floor area* of 80 square metres (861.1 square feet).

#2887

11.4.2 LOT AREA

The minimum *lot* area in the Residential One (R-1) zone shall be 4000 square metres (0.99 acres).

11.4.3 SETBACKS

Except where otherwise specified in this bylaw:

- 1) *Front yard* shall be a minimum of 7.5 metres (24.6 feet) from a front *lot* line;
- 2) *Rear yard* shall be a minimum of 7.5 metres (24.6 feet) from a rear *lot* line;
- 3) *Side yard* shall be a minimum of 1.75 metres (5.74 feet) from a side *lot* line.

11.4.4 LOT COVERAGE

The maximum *coverage* of all *buildings and structures* on a *lot* shall be 35%.

11.4.5 BONUS DENSITY

#1880

Despite Section 11.4.1 a) and c) above, residential density up to a maximum of eight (8) dwelling units per 0.40 hectares (0.99 acres) is permitted, for property described as Lot 7, District Lot 8, Sayward Land District, VIP64983, Quadra Island, subject to the conditions set out in Section 11.4.6 below.

11.4.6 CONDITIONS FOR BONUS DENSITY

#1880

The conditions and terms, as outlined in the attached housing agreement labeled as Schedule 'A' of this bylaw, must be met before the bonus density under Section 11.4.5 above will be permitted.

END – R-1

SRD 465

11.4C VILLAGE PERIPHERAL RESIDENTIAL ONE (VPR-1)**11.4C.1 PERMITTED USES**

- a) Single family residential;
- b) Mini-lot Single Family;
- c) Garden Cottage;
- e) Duplex;
- f) Live-Work Studio

11.4C.2 CONDITIONS OF USE

- a) Single Family Residential use is limited to one dwelling unit per lot;
- b) Every residential unit must have its own individual entrance
- b) An individual yard and garden is to be provided for each single family dwelling;
- c) Landscaping adjacent to buildings are required to provide privacy and shade.

11.4C.3 LOT AREA

The minimum lot area in the Village Peripheral Residential One (VPR-1) zone shall be 1000 square metres.

11.4A.4 SETBACKS

Except where otherwise specified in this bylaw:

- 1) Front yard shall be a minimum of 4.5 metres from a front lot line;
- 2) Rear yard shall be a minimum of 4.5 metres from a rear lot line;
- 3) Side yard shall be a minimum of 1.75 metres from a side lot line.

11.4A.5 LOT COVERAGE

The maximum lot coverage of all buildings and structures on a lot shall be 40%

11.4A.6 BONUS DENSITY

- a) Where a development proposal meets at least two of four parameters related to housing size, accessibility and affordability and where parks, squares, gardens, greenways, public markets and other amenities are provided on at least 20 percent of the site area, the recommended base density of 10 units per hectare may be increased to 15 units per hectare, provided the increased density is in the form of 5 secondary suites per hectare.

- b) Where three or more of the parameters are met, the density bonusing allowance may be increased from 15 units per hectare to allow for a minimum of 20 units per hectare to allow for a further 5 additional units per hectare. The overall maximum density with the application of this additional bonusing is not to exceed 20 units per hectare with the requirement for a minimum of five of these units per hectare being built as secondary suites.

END PR-1



BYLAW NO. 537

A BYLAW TO AMEND THE ZONING REGULATIONS APPLICABLE TO QUADRA ISLAND

WHEREAS the former Comox-Strathcona Regional District has, by Bylaw No. 1213, adopted zoning regulations for Quadra 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. 1213 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. 1213 being Quadra Island Zoning Bylaw 1990, 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.537, being Quadra Island Zoning Bylaw 1990, Amendment No. 147

READ A FIRST TIME ON THE ____ DAY OF _____, 2024

READ A SECOND TIME 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

1. Land legally described as Lot 15, District Lot 8, Quadra Island, Sayward District, Plan 2122 as shown on the attached Appendix '1', is rezoned from Residential One (R-1) to Village Peripheral Residential One (VPR-1).



**Area to be rezoned
from R-1 to VPR-1**



RZ 4C 23 - Cavanagh

LOT 15, PLAN VIP2122, DISTRICT LOT 8,
SAYWARD LAND DISTRICT, QUADRA ISLAND

Feb 06, 2024

GIS: U:\proj\EA_C\SubjectProperties\EA_C_SubjProp.aprx

Appendix '1'

Part of Schedule 'A' to Bylaw No. 537, being Quadra Island Zoning Bylaw 1990, Amendment No. 147.
Amends 'Map 1' of Bylaw No. 1213, being Quadra Island Zoning Bylaw 1990.