



STAFF REPORT

DATE: April 7, 2022 **FILE:** 0540-04 EASC
TO: Chair and Directors
Electoral Areas Services Committee
FROM: Dave Leitch
Chief Administrative Officer
RE: **BYLAWS No. 446 & 447 (OYSTER BAY LANDS)**

PLANNING FILE NOS. 3350-20/CP 1D 21 and 3360-20/RZ 1D 21
ROLL NOS.: Multiple **PID Nos.:** Multiple
APPLICANTS: Daryl Hagen and John Chan (Oyster Bay Lands)
LAND DESCRIPTION: Part Sections 25 and 26, Township 4, Comox District.
OCP: Bylaw No. 1857 "Oyster Bay–Buttle Lake Official Community Plan Bylaw, 1996"
EXISTING DESIGNATION: Rural and Upland Resource
PROPOSED DESIGNATION: Rural Residential Community (RRC)
ZONING BYLAW: Bylaw No. 1404 "Campbell River Area Zoning Bylaw, 1991"
EXISTING ZONE Rural One (RU-1) and Upland Resource 40 (UR-40)
PROPOSED ZONE: Rural Residential Community One (RRC-1)

PURPOSE

To consider first and second readings of Bylaw Nos. 446 and 447 which propose to re-designate and rezone a 165-hectare track of land to Rural Residential Community (RRC) and Rural Residential Community One (RRC-1) respectively to permit a 34-lot rural residential community.

POLICY ANALYSIS

The attached report was considered at the February 23, 2022 meeting of the Board at which time the following resolution was passed:

Leigh/Whalley: SRD 137/21

THAT Staff be directed to proceed with drafting the relevant bylaws for the Oyster Bay Lands OCP/Rezoning application for EASC and Board consideration in order to advance the bylaws to Public Hearing.

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).

Although an OCP and zoning amendment is required, the proposed development is generally consistent with the objectives and policies of Bylaw No. 1857 "Oyster Bay – Buttle Lake Official Community Plan Bylaw, 1996" and is compatible with neighbouring land uses.

EXECUTIVE SUMMARY

Bylaws No. 446 and 447 propose to re-designate and rezone approximately 165 hectares of land consisting of 8 separate parcels situated near the Island Highway at Oyster Bay, Electoral Area D from Rural and Upland Resource to a new Rural Residential Community designation and Rural Residential Community One (RRC-1) zone to allow for the development of a 34-lot rural residential subdivision. The proposed development would create a rural residential community consisting of varying lot sizes, including a 2.0 hectare minimum and average 4.45 hectares, with an emphasis on equestrianism, small-scale sustainable agriculture and viticulture, as well as economic activities associated with farm-gate sales.

The proposal, although requiring an OCP amendment, is generally consistent with the country residential and rural land use designations currently outlined within the OCP. Specifically, the proposed parcels adhere to the Country Residential and Rural lot area and land use requirements currently contained within both the OCP and zoning bylaw, however, for ease and clarity, a new designation and zone have been crafted. The development is consistent with the general policies of the OCP and further meets several of the OCP objectives including maintaining the area as a rural and country residential community, promoting rural design guidelines, continuing to conserve and protect environmentally sensitive areas, providing for pedestrian links and linear parkways and the provision of pathways for equestrians.

The overall nature and density of the proposal is in line with surrounding land uses, which include forestry and rural residential developments to the east and west consisting of varied rural lot sizes, similar to those being proposed. The equestrian development would provide desired connectivity between these two established rural residential areas. The provision of public amenities is to be provided in the form of riding and biking trails, supporting the OCP's objectives for connectivity, and will be formalized prior to third reading and final approval of the bylaws.

Given the above considerations, it is recommended that the bylaws be forwarded to the Board for first and second reading.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT the Committee recommend that Bylaws No. 446 and 447 be forwarded to the Board for first and second readings.
3. THAT the Committee recommend the Board authorize a public hearing to consider Bylaws No. 446 and 447, and

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

Respectfully:



Dave Leitch
Chief Administrative Officer

FINANCIAL IMPLICATIONS

Fees for the OCP and 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 Bylaws No. 446 and 447 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 amendments.

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:



Aniko Nelson
Senior Manager, Community Services

Attachments: Bylaw No. 446
Bylaw No. 447
Copy of February 15, 2022 report to the Regional Board



BYLAW NO. 446

A BYLAW TO AMEND THE OYSTER BAY – BUTTLE LAKE OFFICIAL COMMUNITY PLAN

WHEREAS the former Comox-Strathcona Regional District has, by Bylaw No. 1857, adopted an official community plan for Electoral Area 'D' (Oyster Bay – Buttle Lake) 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. 1857 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. 1857 being Oyster Bay – Buttle Lake Official Community Plan Bylaw 1996, 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. 446, being Oyster Bay – Buttle Lake Official Community Plan Bylaw 1996, Amendment No. 22.

READ A FIRST TIME ON THE ____ DAY OF _____, 2022

READ A SECOND TIME ON THE ____ DAY OF _____, 2022

PUBLIC HEARING HELD ON THE ____ DAY OF _____, 2022

READ A THIRD TIME ON THE ____ DAY OF _____, 2022

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE ____ DAY OF _____, 2022

Chair

Corporate Officer

SCHEDULE 'A'

SECTION ONE TEXT AMENDMENT

Part 300 'Objectives and Policies' is amended by inserting the following after Section 309 Housing - Rural:

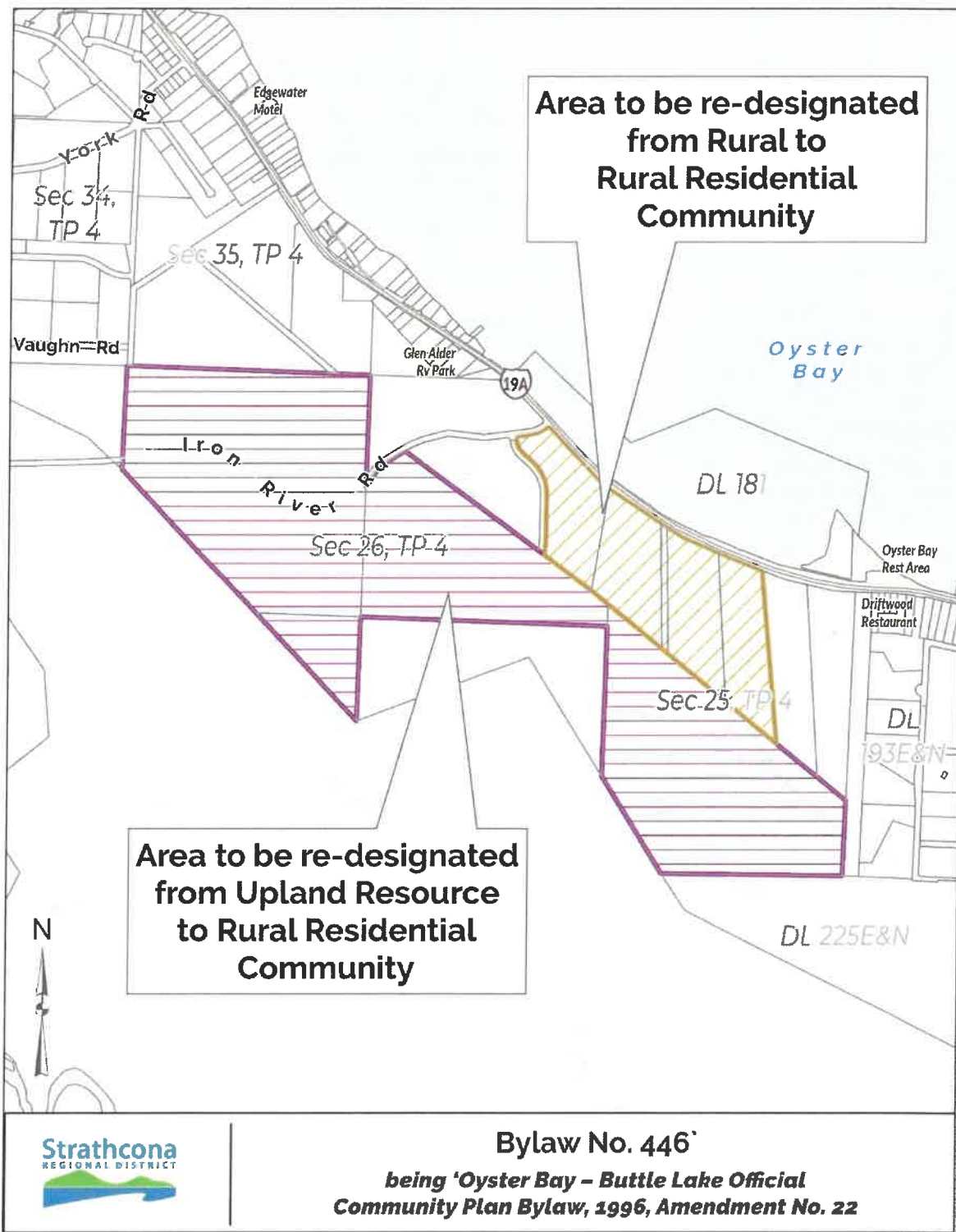
309 Rural Residential Community

In addition to the General Housing objectives and policies, the following policies are also applicable respecting the Rural Residential Community land use designation:

- a. The Rural Residential Community land use designation is intended to permit the development of an equestrian and small-scale rural residential agricultural community that focuses on equestrianism and small-scale farming operations to assist with general food security.
- b. The Rural Residential Community shall maintain the rural character of the area while respecting natural and environmentally sensitive areas and encouraging an agricultural economy.
- c. The Rural Residential Community shall be developed in such a way that it compliments existing settlement patterns and provides connectivity to neighbouring developments.
- d. The Rural Residential Community land use designation is intended to permit a mix of rural residential parcel sizes that provide for rural residential living, equestrian facilities, small-scale agriculture and viticulture and services associated with such facilities.
- e. Lands designated Rural Residential Community are intended to adhere to a minimum parcel size of not less than 2 hectares for residential and small-scale agriculture use and 8 hectares for equestrian and associated uses.
- f. Lands designed Rural Residential Community shall include public trails to support local connectivity for those residents walking, cycling and horse-riding, while respecting the natural environment.

SECTION TWO MAP AMENDMENT

The land use designations for lands described as Part Sections 25 and 26, Township 4, Comox District, on 'Map 3' of Bylaw No. 1857, being the 'Oyster Bay – Buttle Lake Official Community Plan Bylaw, 1996', are hereby amended from Rural (R) and Upland Resource (UR) to Rural Residential Community (RRC) as shown on the attached Appendix '1'.



Bylaw No. 446'
being 'Oyster Bay – Buttle Lake Official
Community Plan Bylaw, 1996, Amendment No. 22

Appendix '1'

Part of Schedule 'A' of Bylaw No.446, being Oyster Bay – Buttle Lake Official Community Plan Bylaw 1996, Amendment No. 22.

Amends 'Map 3' of Bylaw No. 1857, being Oyster Bay – Buttle Lake Official Community Plan Bylaw 1996.



BYLAW NO. 447

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. 447, being Campbell River Area Zoning Bylaw 1991, Amendment No. 60.

READ A FIRST TIME ON THE ____ DAY OF _____, 2022

READ A SECOND TIME ON THE ____ DAY OF _____, 2022

PUBLIC HEARING HELD ON THE ____ DAY OF _____, 2022

READ A THIRD TIME ON THE ____ DAY OF _____, 2022

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE ____ DAY OF _____, 2022

Chair

Corporate Officer

SCHEDULE 'A'

SECTION ONE TEXT AMENDMENT

1) Part 2 'INTERPRETATION' is amended by inserting the following definitions:

'Equestrian Centre' means an indoor or outdoor equestrian arena, a venue for horse shows and eventing, including a riding academy with riding lessons for adults and youth; the sale and leasing of horses or boarding of horses and teaching of horsemanship and riding principles; farrier and horse-related veterinary services and full-service tack shop.

2) Part 4 'LAND USE REGULATIONS', Section 4.1 'Zone Designations' is amended by inserting the following new zone after Rural One (RU-1):

RRC-1	Rural Residential Community One	2 ha
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3) Part 4 'LAND USE REGULATIONS', Section 4.6 'Regulations for each zone' is amended by inserting the following new zone after Rural One (RU-1):

4.6.9A	Rural Residential Community One	(RRC-1)
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4.6.9A

RURAL RESIDENTIAL COMMUNITY ONE

(RRC-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

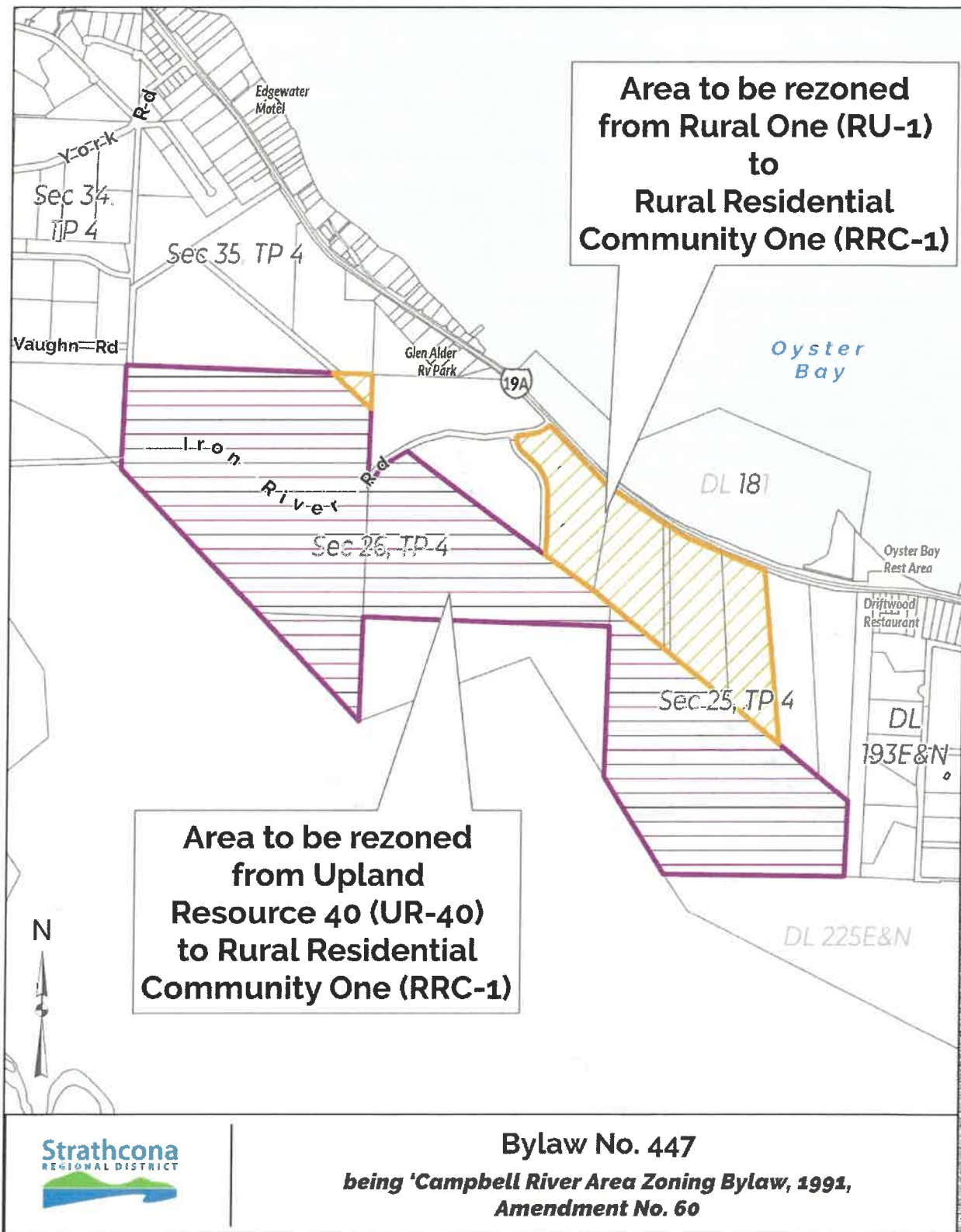
The maximum lot coverage of all buildings and structures, shall not exceed 20% of the lot area.

vii) SUBDIVISION REQUIREMENTS

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

SECTION TWO MAP AMENDMENT

Land legally described as Part Sections 25 and 26, Township 4, Comox District, as shown on 'Map 1' of Bylaw No. 1404, being the 'Campbell River Area Zoning Bylaw, 1991', is hereby amended from Rural One (RU-1) and Upland Resource 40 (UR-40) to Rural Residential Community One (RRC-1), as shown on the attached Appendix '1'.



Appendix '1'

Part of Schedule 'A' of Bylaw No. 447, being Campbell River Area Zoning Bylaw 1991, Amendment No. 60.

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