



STAFF REPORT

DATE: October 9, 2024 **FILE:** 0550-04 EASC
TO: Chair and Directors
Electoral Areas Services Committee
FROM: Dave Leitch
Chief Administrative Officer

RE: APPLICATION TO AMEND THE CAMPBELL RIVER AREA ZONING BYLAW

PLANNING FILE NO. 3360-20/RZ 6D 24
ROLL NO.: 772 01175.348 **PID No.:** 000-178-641
APPLICANT: Daniel Wiebe
LAND DESCRIPTION: Pcl. A, District Lot 85, Comox District, Plan 27048
CIVIC ADDRESS: 197 Lennea Place, Campbell River BC
OCP BYLAW: Bylaw 276, "Oyster Bay–Buttle Lake Official Community Plan Bylaw, 2023
EXISTING DESIGNATION: Residential
ZONING BYLAW: Bylaw No. 1404 "Campbell River Area Zoning Bylaw, 1991"
EXISTING ZONE: Residential Three (R-3)
PROPOSED ZONE: Residential One A (R-1A)

PURPOSE

To consider an application to rezone a 0.36-hectare (0.9 acre) parcel of land to facilitate its subdivision into two lots of approximately 0.18 hectares (0.45 acres) each 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 - 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 0.36-ha (0.9 ac.) parcel of land situated at 147 Lennea Place, in Electoral Area D from Residential Three (R-3) to Residential One A (R-1A). The subject property as indicated on the location plan is bounded by Residential properties to the north, south and east, and the City of Campbell River to the west. Currently, proposed lot 1 is developed with an existing mobile home, several outbuildings and a septic field, which runs along the east side of the mobile home. The proposed Lot 2 will be serviced by an Island Health-approved septic system and arrangements have been made to connect the lot to the northern Area D water service.

The proposal is consistent with the official community plan in that it retains the Residential designation and its associated policies and objectives, which include promoting the efficient use of land, infrastructure and community facilities and supports the development of lands which are serviced by community water systems. Further, this proposal would support efforts to address housing needs in Electoral Area D, by setting the lands up for future responsible increased density, promoting missing middle housing and accessory dwelling units (ADUs) and encouraging infill development to realize a sustainable increase in housing units. This application received support to proceed from the Electoral Area D Advisory Planning Commission (APC). Comments received from government agencies and from First Nations have indicated no concerns with the proposal.

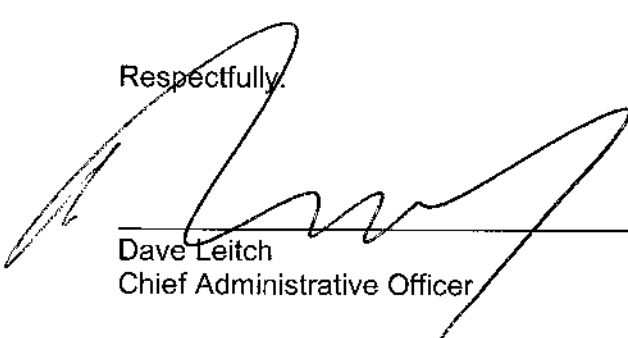
With the recent passing of Bill 44, ss.464(3), 466 and 467 of the *Local Government Act* have been updated to reflect legislative changes to public hearing procedures. As per s.464(3), a public hearing for this proposal is prohibited and notice is to be provided in accordance with s. 467(1) of the *Local Government Act*.

In accordance with the above, Bylaw No. 583 has been prepared for the Committee's consideration with a recommendation to proceed to the Board for first, second and third readings and final adoption.

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. 583 (Wiebe) be forwarded to the Board for consideration of first 3 readings and final adoption.

Respectfully,



Dave Leitch
Chief Administrative Officer

AGENCY REFERRALS

Comments received from government agencies and from First Nations have indicated no concerns with the rezoning proposal as provided in the table below.

Agency	Comments
Advisory Planning Commission	No concerns.
BC Assessment Authority	No response.
Fire Department – Oyster River	No response.
FLNRORD – Environment	No response.
FLNRORD - Archaeology	No known archaeological sites on the subject property.
MoTI	No concerns.
Island Health	No objection. Future subdivision subject to adherence to the <i>Subdivision Standards (February, 2020)</i> .

Nation	Comments
Danaxdaxw First Nation	No comment.
Homalco First Nation	No concerns.
K'ómoks First Nation	No response.
Nanwakolas Council	Only responds to Provincial/Federal referrals.
We Wai Kai Nation	Defers to Nanwakolas Council.
Wei Wai Kum Nation	No response.

PLANNING ANALYSIS

An application has been received to consider rezoning a 0.36-hectare (0.9 acre) parcel of land located at 197 Lennea Place in Electoral Area D. The proposal would change the existing zoning from Residential Three (R-3) to Residential One A (R-1A) to allow a subdivision of the parcel into two lots. The subject property as indicated on the location plan is bounded by Residential properties to the north, south and east, and the City of Campbell River to the west. Currently, Proposed lot 1 is developed with an existing mobile home, several outbuildings and a septic field, which runs along the east side of the mobile home.

While lot sizes are regulated within the zoning bylaw, Residential policies in the Oyster Bay-Buttle Lake Official Community Plan, 2023 prioritizes areas for development which are serviced by community water systems. Further, this proposal would support efforts to address housing needs in Electoral Area D, by setting the lands up for future responsible increased density, promoting missing middle housing and accessory dwelling units (ADUs), and encouraging infill development to realize a sustainable increase in housing units.

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. 583 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 bylaw.

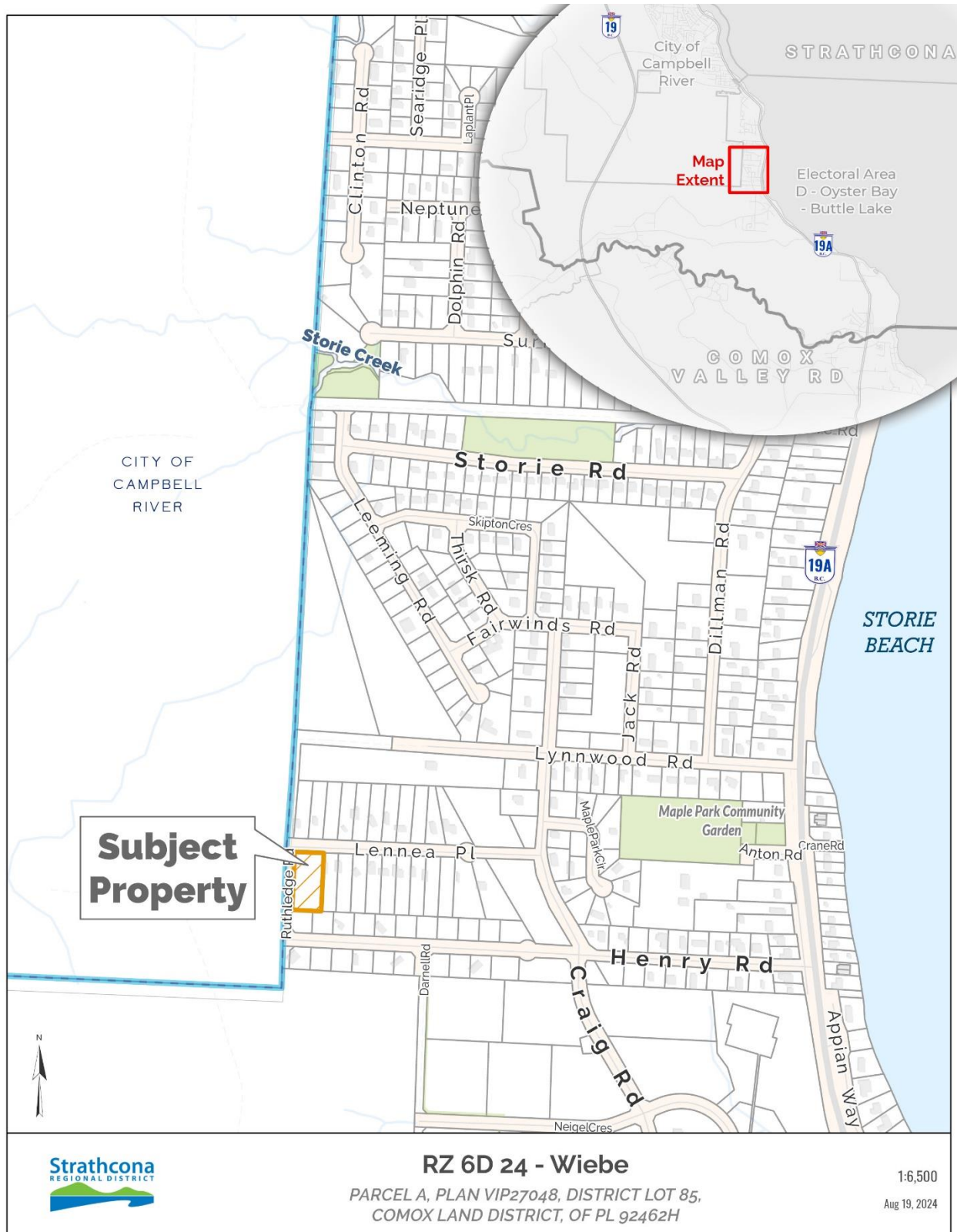
Submitted by:



Aniko Nelson
Senior Manager, Community Services

Prepared by: J. Neill, Planner

Attachment:
Bylaw No. 583



Location Map



Proposed Subdivision Plan

20.3 Settlement Areas

Areas for development should be designated as described below and illustrated on Map 2 and 3.

1. Residential

1. Areas of suburban lots serviced by septic systems and community water.
2. Upgrading of water system and the development of alternative sewage treatment and disposal systems to be pursued to permit limited growth.
3. Lot size requirements will be regulated through the zoning bylaw; as a general guideline, new lots should maintain a scale of lot size consistent with suburban neighbourhoods [encouraging averages of 2000m² (0.49 acre) to 4000m² (0.99 acres)], lot size may be further regulated by servicing requirements.

Policies

1. The provision of a community water service will continue to be a priority for areas designated 'Residential'.
2. The provision of a community sewer service will continue to be pursued for areas designated 'Residential' to meet the needs of existing residents and protect public health and the natural environment where private onsite systems are insufficient.
3. Areas designated 'Residential' will be considered priority for the expansion and establishment of community facilities.
4. Extensions of the areas designated 'Residential' may be considered if the following conditions are met:
 - a. opportunities for development in the existing "Residential" areas have been exhausted or denied.
 - b. the new areas are logical extensions of the existing settlement areas, and will be served by community water service, community sewage treatment and any needed stormwater management systems.
 - c. a strategy for the development, staging, and finance of infrastructure or community facilities for the extension is adopted.
 - d. the cumulative impacts of development on rural and recreational characteristics and natural features and functions are assessed, defined and protected.
 - e. within developments of 10 lots or more, opportunities to use renewable energy supplies or energy conservation devices have been included.
 - f. the proposed development has a compact or clustered form with densities that utilizes efficient use of land, infrastructure, and community facilities.
5. Designation of new areas as 'Residential' may be considered dependent upon demand and proximity to established areas.
6. To encourage residential intensification in this designation, a parcel should be permitted additional density, provided there is appropriate servicing, as follows:



BYLAW NO. 583

A BYLAW TO AMEND THE ZONING REGULATIONS APPLICABLE TO ELECTORAL AREA 'D'

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. 583, being Campbell River Area Zoning Bylaw 1991, Amendment No. 78.

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

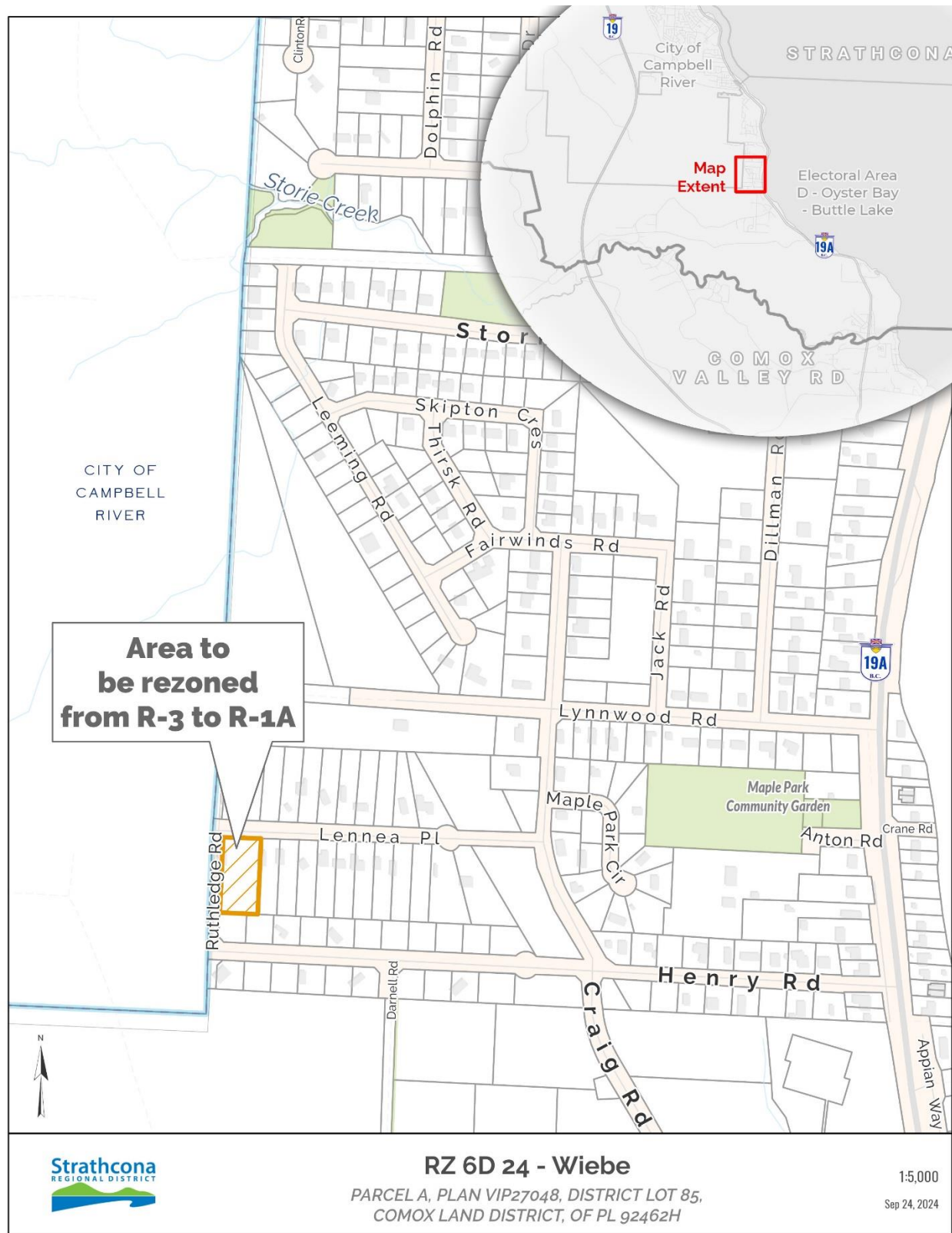
Chair

Corporate Officer

SCHEDULE 'A'

SECTION ONE MAP AMENDMENT

Land legally described as Lot A (DD H92462), District Lot 85, Comox District, Plan 27048 as shown on the attached Appendix '1', is rezoned from Residential Three (R-3) to Residential One A (R-1A):



Appendix '1'

Part of Schedule 'A' to Bylaw No. 583, being Campbell River Area Zoning Bylaw 1991, Amendment No. 78.

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