



STAFF REPORT

DATE: August 16, 2023

FILE: 0540-04 EASC

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Dave Leitch
Chief Administrative Officer

RE: **REZONING APPLICATION – BC FERRIES**

PLANNING FILE NO. 3360-20/RZ 3C 23

ROLL NOS.: 772 27388.101

PID Nos.: 025-798-111

APPLICANT: BC Ferries Ltd.

AGENT: John Steil FCIP, Stantec Consulting.

LAND DESCRIPTION: Unsurveyed Crown foreshore or land covered by water being part of the bed of Heriot Bay, Sayward District, containing 2.35 hectares, more or less (Crown Land File # 1415420).

CIVIC ADDRESS: 668 Hotel Road, Heriot Bay BC

OCP BYLAW: N/A

ZONING BYLAW: Bylaw No. 1213 "Quadra Island Zoning Bylaw, 1990"

EXISTING ZONE: Access One (AC-1)

PROPOSED ZONE: Marine Commercial One (MC-1)

PURPOSE

To consider an application to rezone a 2.35-hectare area of Crown foreshore to expand the existing Marine Commercial One area at Heriot Bay on Quadra Island to facilitate the construction of a new ferry berth.

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 s.474 (Official Community Plans), s.479 (Zoning Bylaws) and ss.464 - 465 (Public Hearings on Bylaws).

EXECUTIVE SUMMARY

BC Ferries wishes to construct a new ferry berth within a 2.35-hectare portion of Crown foreshore immediately north of the existing ferry berth at Heriot Bay. The proposed work is required to replace marine infrastructure that is nearing the end of its service life, as well as to accommodate the deployment of a new and larger 'Island Class' vessel on the Quadra Island to Cortes Island route when the current vessel is retired and replaced in 2026. The 2.35-hectare site will accommodate a new access trestle, pedestrian waiting room, pontoon and dolphins designed to accept 'Island Class' ferries and may even accept the larger 'Salish Class' ferries if required.

Presently, the foreshore area encompassing the existing ferry berth is zoned Marine Commercial One (MC-1) with the vast majority of the remaining foreshore area being zoned Access One (AC-1) and limiting uses to public and private boat ramps, navigational aids and public recreation uses including shellfish gathering and harvesting. An expansion of the currently facility to accommodate the new 'Island Class' vessel cannot be realized within the existing appropriately MC-1 tenured area. A rezoning of the additional adjacent 2.35 hectare area from AC-1 to MC-1 will allow for the construction of the new ferry berth and associated infrastructure. As the adjacent area currently accommodating the existing ferry berth is appropriately zoned MC-1, it is believed that the impact of an expansion of the MC-1 zone will be negligible.

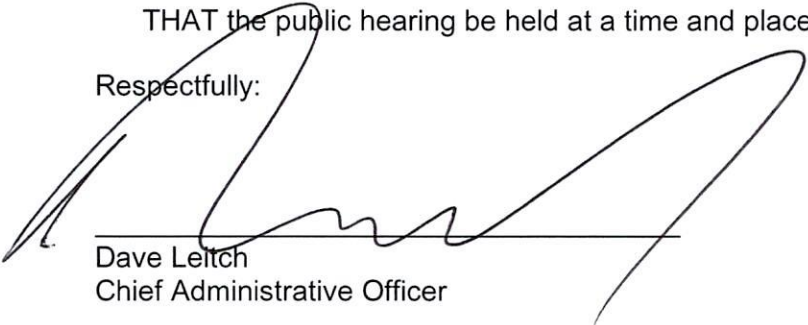
Given the above considerations, it is recommended that support be given to the proposal to rezone the subject area by giving Bylaw No. 516 first and second readings and scheduling a public hearing.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT Bylaw No. 516 be forwarded to the Board for first and second reading.
3. THAT the Committee recommend the Board authorize a public hearing to consider Bylaw No. 516; and

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

Respectfully:



Dave Leitch
Chief Administrative Officer

BACKGROUND

The purpose of this application is to consider rezoning 2.35 hectares of unsurveyed Crown foreshore adjacent to the existing ferry berth at Heriot Bay to facilitate the construction of a new ferry berth. The proposed work is required to replace marine infrastructure that is nearing the end of its service life, as well as to accommodate the deployment of a new and larger Island Class vessel on the Quadra Island to Cortes Island route when the current vessel is retired and replaced in 2026.

AGENCY REFERRALS

The application was referred to a number of First Nations and agencies for their consideration. Comments received to date are summarized in the following table:

Agency	Comments
BC Assessment Authority	No response.
Fisheries and Oceans Canada	No response.
Environment Canada	No response.
Fire Department - Quadra Island:	No response.

FLNRORD – Environment	No response.
FLNRORD - Archaeology	A protected archaeological site is located with 50 metres of the subject area, and there is a high potential for further archaeological material to be identified. If archaeological material is encountered during development, the developer must stop all activities immediately and contact the Archaeology Branch for direction.
FLNRORD – Land Tenures	No response.
MoTI	No response.
Transport Canada	The Navigation Protection Program (NPP) will require that BC Ferries submit an application. The proposed construction of a new berth will require an approval under the Canadian Navigable Waters Act (CNWA), as will any decommissioning of the existing structure.
First Nation	Comments
Cowichan Tribes	No response.
Homalco First Nation	No response.
Halalt First Nation	No response.
Klahoose First Nation	No response.
K'ómoks First Nation	No response.
Lake Cowichan First Nation	No response.
Lyackson First Nation	No response.
Penelakut Tribe	No response.
Stz'uminus First Nation	No response.
We Wai Kai Nation	No response.
Wei Wai Kum Nation	No response.

PLANNING ANALYSIS

The Crown foreshore adjacent to the existing ferry berth at Heriot Bay is currently zoned Access One (AC-1). As the applicants wish to use a 2.35-hectare portion the foreshore to facilitate the construction of a new berth, a rezoning of this area to Marine Commercial One (MC-1), which permits this use, is required.

The 2.35-hectare site will accommodate a new access trestle, pedestrian waiting room, pontoon and dolphins designed to accept the new 'Island Class' ferry and may even accept the larger 'Salish Class' ferries if required. Comments from government agencies include the need to conform to the *Heritage Conservation Act* if archaeological remains are discovered during the

construction work and for approval to be sought and provided for the work under the Navigation Protection Program (NPP) and the *Canadian Navigable Waters Act*.

FINANCIAL IMPLICATIONS

Fees for the official community plan 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 are in compliance with the (LGA) and Regional District bylaws.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Initial public consultation regarding the proposal has previously been conducted by BC Ferries. Additionally, 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 consideration of 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.

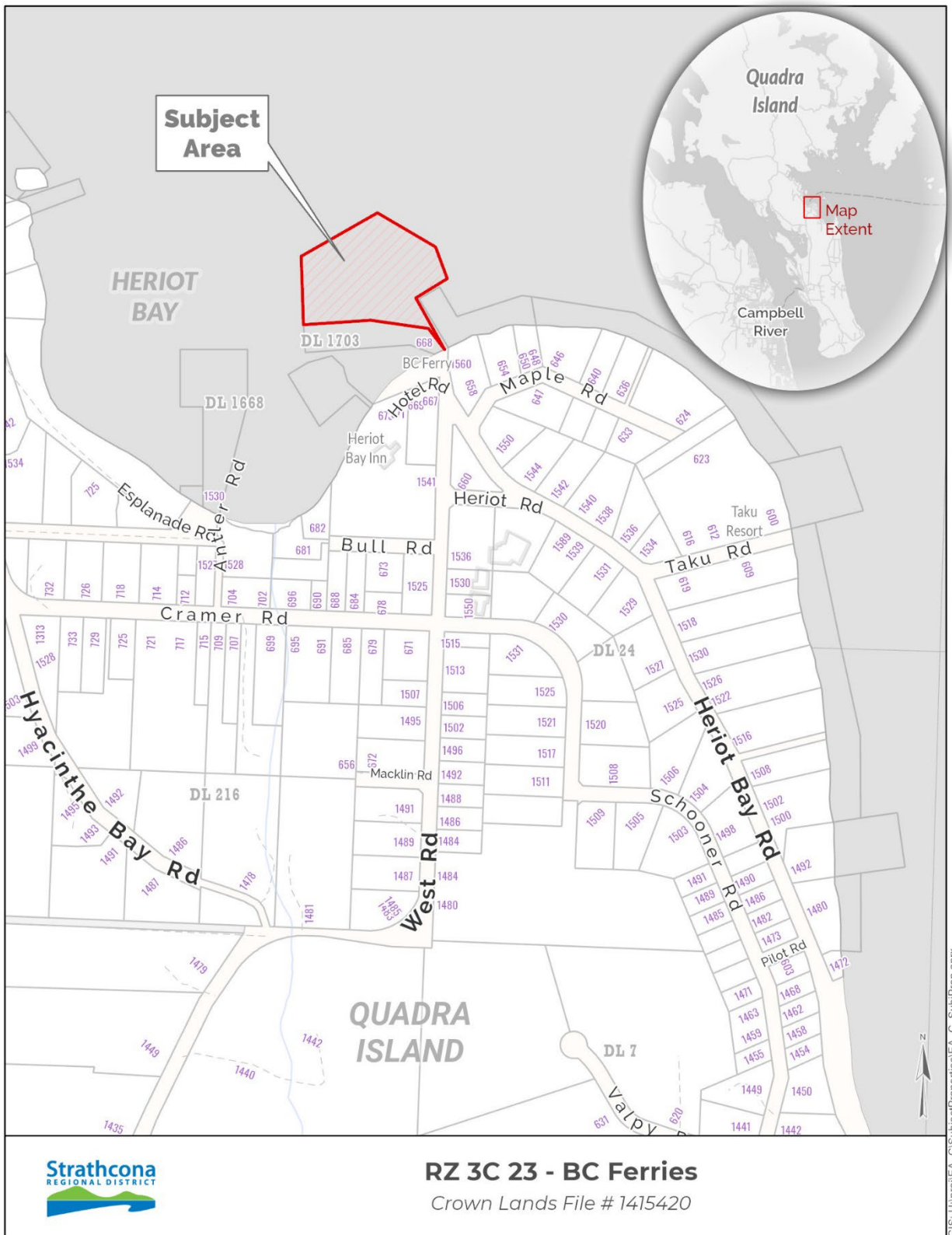
Submitted by:



Aniko Nelson
Senior Manager, Community Services

Prepared by: J. Neill, Planner

Attachments:
Bylaw No. 516



Location Map

Rezoning AC-1 to MC-1 BC Ferries at Heriot Bay, Quadra Island



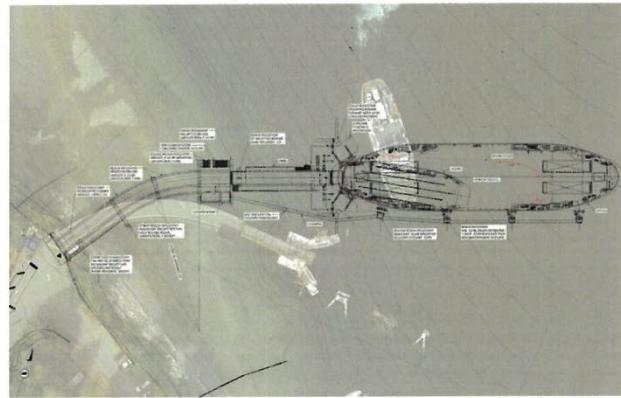
Location



Existing Ferry Berth



Proposed Rezoning



Proposed Berth Design

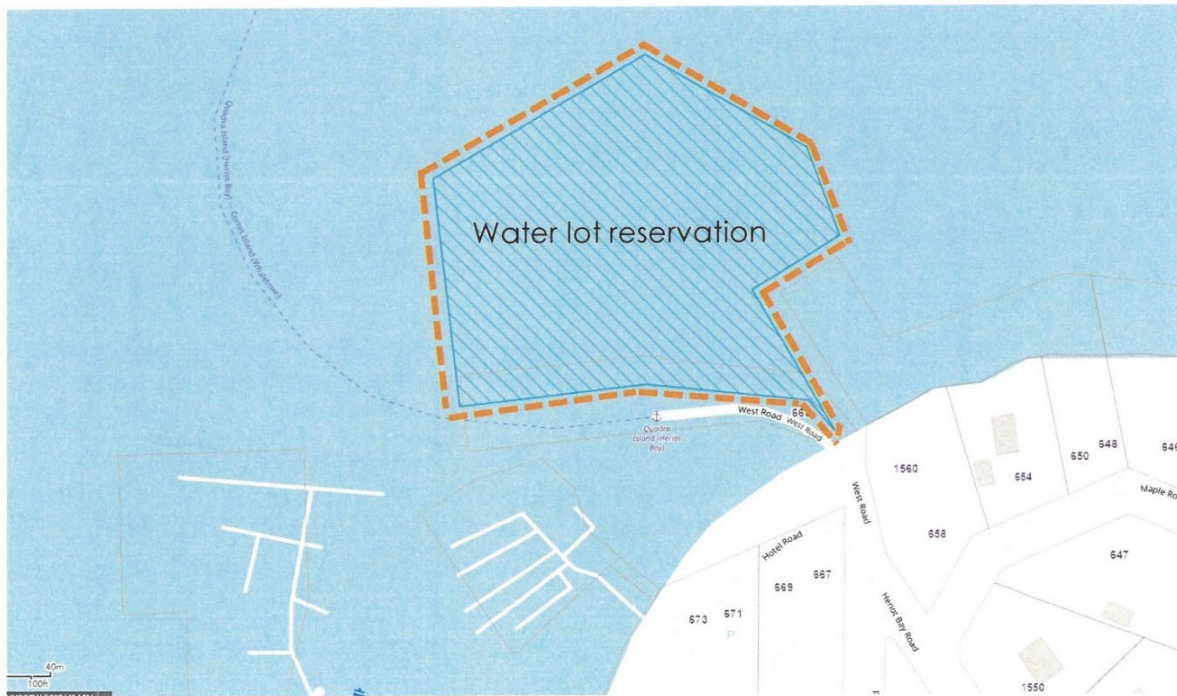
The application is to rezone an area of water at Heriot Bay on the east side of Quadra Island to allow construction of a new berth for the ferry terminal. The Quadra Island Zoning Bylaw designates the existing facility as Marine Commercial One (MC-1), which allows ferry terminals. However, the proposed new berth extends beyond the MC-1 into the Access One (AC-1), so we are seeking rezoning of an additional water area from AC-1 to MC-1.

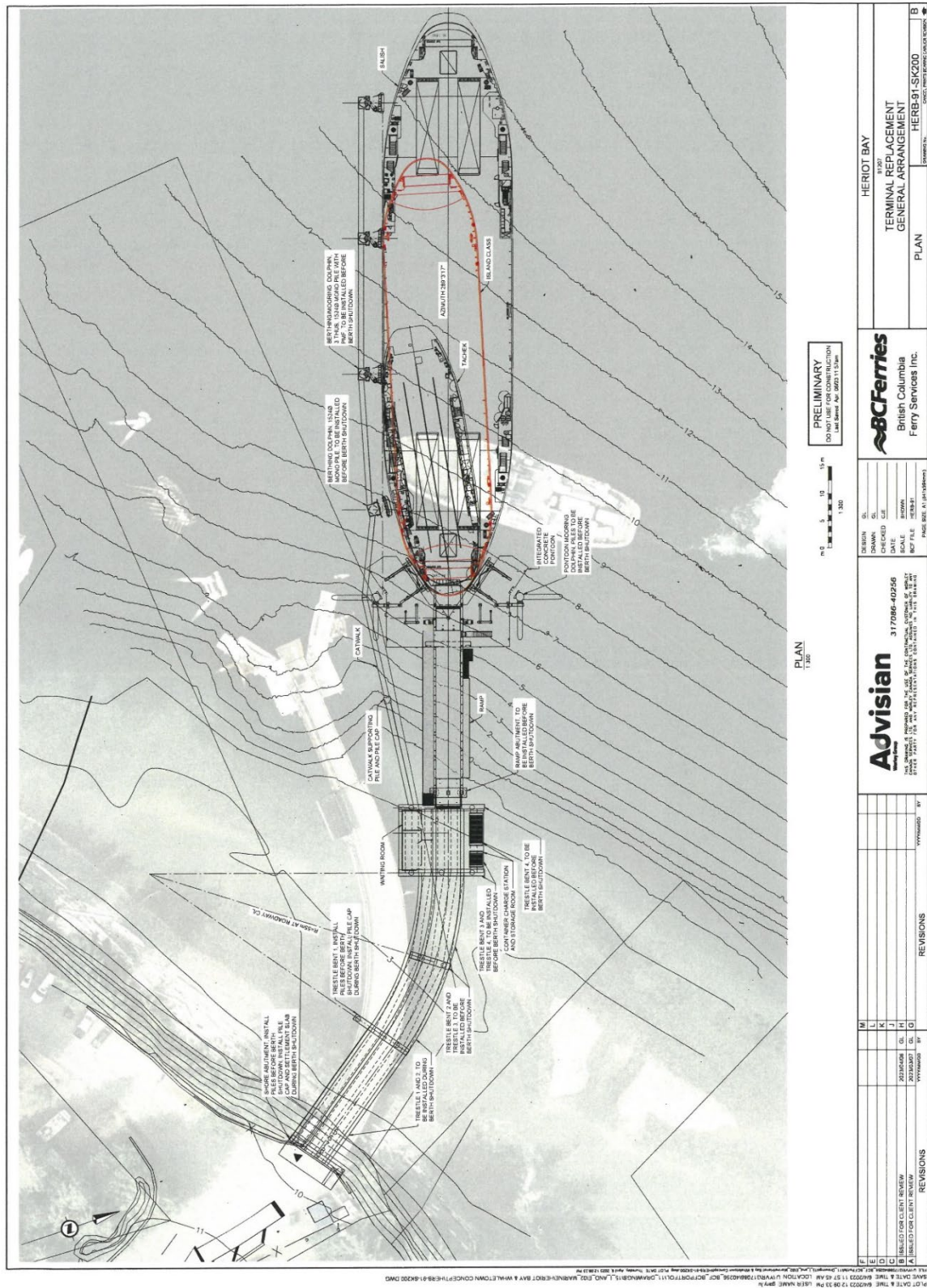
The proposed work is required to replace marine infrastructure as it is nearing the end of its service life. It is also required to accommodate the deployment of a new and larger Island Class vessel on the route between Quadra Island (Heriot Bay) and Cortez Island (Whaletown) when the current vessel is retired and replaced in 2026.

Applicants' Statement

WHSE_TANTALIS.TA_CROWN_TENURES_SWV

Internal Interest Identifier	980692
Tenure Stage	APPLICATION
Tenure Status	ACCEPTED
Tenure Type	RESERVE/NOTATION
Tenure Subtype	SEC 17 DESIGNATED USE AREA
Tenure Purpose	TRANSPORTATION
Tenure Subpurpose	FERRY TERMINAL
Crown Lands File Number	1415420
Application Type Code	NEW/
Tenure Document Number	
Tenure Expiry Date	
Tenure Location	Heriot Bay
Tenure Legal Description	Unsurveyed Crown foreshore or land covered by water being part of the bed of Heriot Bay, Sayward District, containing 2.35 hectares, more or less
Tenure Area Derivation	Calculated automatically
Tenure Area (Hectares)	2.35
Responsible Business Unit	VI - LAND MGMNT - VANCOUVER ISLAND SERVICE REGION
Disposition Transaction ID	946640
Tenure Stage Code	A
Feature Code	FL98000100
Feature Area SQM	23432.3327
Feature Length M	679.3173
Internal Object Identifier	66336

**Site Plan**



Site Plan - Detail

11.13**ACCESS ONE (AC-1)****11.13.1 PERMITTED USES**

- a) *Private* or *public* boat ramps or *private* or *public* wharves, excluding any such facilities that are offered for commercial gain;
- b) Navigational aids;
- c) *Public* recreation uses including *recreational shellfish gathering and harvesting*).

#1391

11.13.2 LOT AREA

No minimum *lot* area shall apply.

11.13.3 SETBACKS

No yard minimum shall apply.

END - AC-1

*BYLAW NO. 1213 • "QUADRA ISLAND ZONING BYLAW, 1990"**PAGE 67*

11.20	MARINE COMMERCIAL ONE (MC-1)
--------------	-------------------------------------

11.20.1 PERMITTED USES

- a) Navigational aids;
- b) Retail sales;
- c) Ferry terminals.
- d) Public or commercial marina facilities.

#2865

11.20.2 PERMITTED ACCESSORY USES

- a) Boat ramps wharves;
- b) **Public** utility installations.

11.20.3 CONDITIONS OF USE

All sewage discharge must comply with the requirements of the authority having jurisdiction.

11.20.4 LOT AREA

No minimum *lot* area shall apply.

11.20.5 SETBACKS

No yard minimum shall apply.

END - MC-1

PART II - ZONES

Proposed Zoning



BYLAW NO. 516

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. 516, being Quadra Island Zoning Bylaw 1990, Amendment No. 144.

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

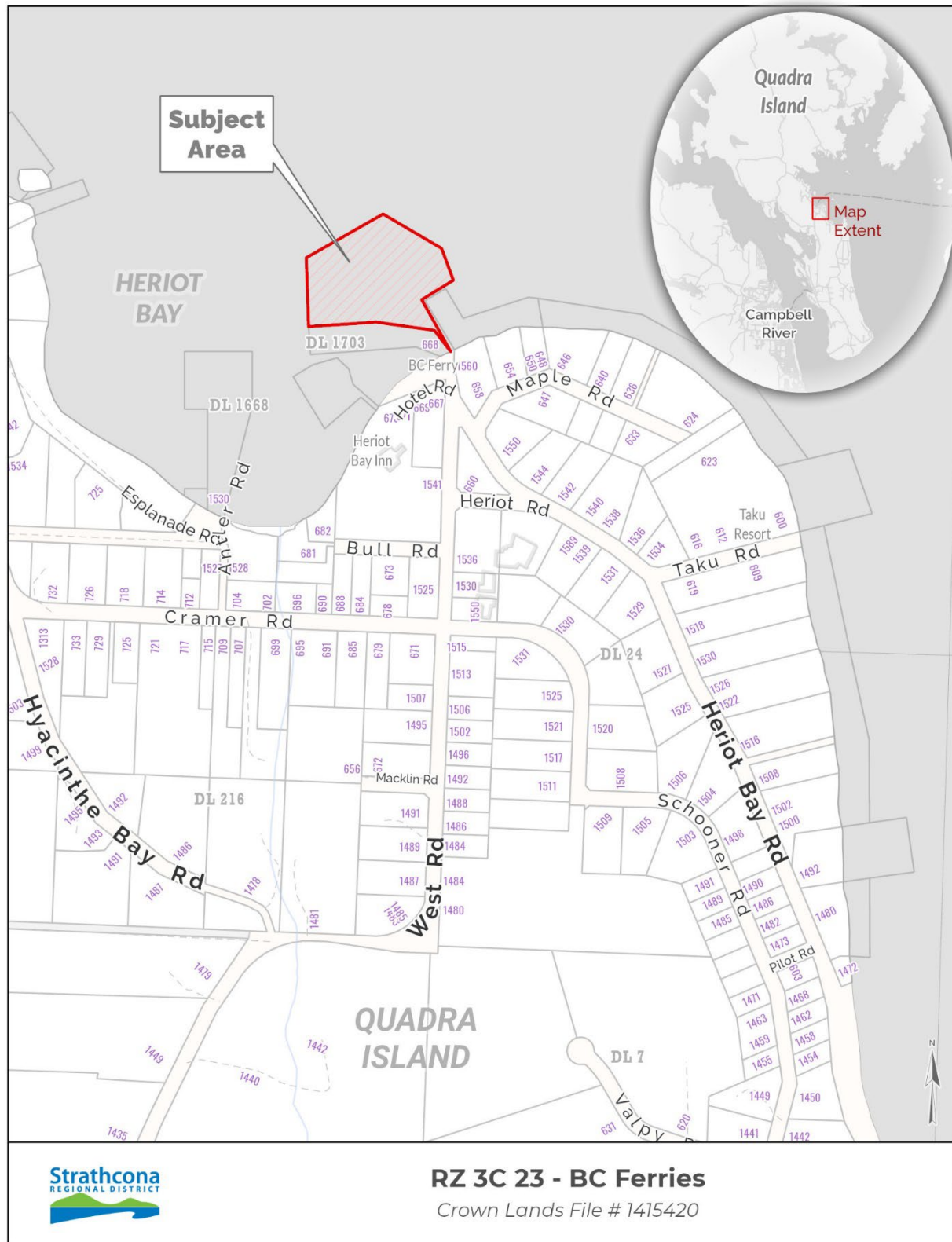
Chair

Corporate Officer

SCHEDULE 'A'

SECTION ONE MAP AMENDMENT

1. Land described as approximately 2.35 hectares of unsurveyed Crown foreshore or land covered by water being part of the bed of Heriot Bay (Crown Land File # 1415420), as shown on the attached Appendix '1', is rezoned from Access One (AC-1) to Marine Commercial One (MC-1).



Appendix '1'

Part of Schedule 'A' to Bylaw No. 516, being Quadra Island Zoning Bylaw 1990, Amendment No. 144.

Amends 'Map 2' of Bylaw No. 1213, being Quadra Island Zoning Bylaw 1990.