



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 APPLICATIONS: RZ 3D 23 (ZASCHKE), RZ 4D 23 (SPROUT), RZ 5D 23 (VERNON), RZ 6D 23 (GRACE), RZ 7D 23 (JODOUIN), RZ 8D 23 (503937 BC LTD.), RZ 9D 23 (MADER), RZ 10D 23 (503937 BC LTD.)

ROLL NOS.:	Various	PID Nos.:	Various
APPLICANTS:	Various		
AGENT:	Colin Burrige, J.E. Anderson & Associates		
LAND DESCRIPTIONS:	Lots within Section 34, Township 4, Comox Land District		
LOCATION:	Neigel Crescent, Jody Lynne Way and Craig Road, Campbell River BC		
OCP:	Bylaw No. 1857 "Oyster Bay – Buttle Lake Official Community Plan Bylaw, 1996"		
EXISTING DESIGNATION:	Country Residential		
ZONING BYLAW:	Bylaw No. 1404 "Campbell River Area Zoning Bylaw, 1991"		
EXISTING ZONE	Country Residential Four (CR-4)		
PROPOSED ZONE:	Country Residential Three (CR-3)		

PURPOSE

To consider eight concurrent zoning bylaw amendments to facilitate subdivision of each of the eight 2.0-hectare (4.94 acre) parcels into individual 1.0-hectare (2.47 acre) fee simple lots.

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

An application has been received to rezone eight residential lots from Country Residential Four (CR-4) to Country Residential Three (CR-3) to facilitate subdivision of each of these eight 2.0-hectare (4.94 acre) lots into two 1.0-hectare (2.47 acre) parcels. The existing properties are serviced by water, each with a connection to the Area D community water system and onsite sewage disposal by way of septic field. It will be a requirement that the new lots also be connected to the community water system and that septic fields are designed and installed as per Island Health standards. Future development (including subdivision) of these properties will require issuance of one or more Environmentally Sensitive Areas Development Permits, which will identify Streamside Protection and Enhancement Areas (SPEAs) to protect sensitive areas.

The proposal is consistent with the overall intent of the OCP and not out of character with respect to existing lot sizes and densities of other parcels within the area. There are a number of other country residential lots along Craig Road and Neigel Crescent that are of similar size and density and therefore this proposal can be characterized as infill, providing for additional densities within an already developed country residential neighbourhood. 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.

Given the aforementioned information, Bylaw No. 519 has been prepared for the Committee's consideration with a recommendation of first and second reading and waiving of public hearing in support of increasing density, promoting missing middle housing and ADUs, encouraging infill development and streamlining development applications as per the HAF and associated Electoral Area D Housing Action Plan initiatives.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT the Committee recommend that Bylaw No. 519 (Burridge) be forwarded to the Board for first and second readings.
3. THAT the Committee recommend that the Board authorize that the public hearing for Bylaw No. 519 (Burridge) be waived as per Section 464(2) of the *Local Government Act*.

Respectfully:



Dave Leitch
Chief Administrative Officer

BACKGROUND

The agent for the applications represents a coalition of owners of eight separate properties that adjoin each other in the York Road area of Electoral Area D. Each of them holds a parcel of 2 hectares or larger and wish to subdivide each parcel in half, creating in total 16, one-hectare (2.47 acre) lots.

AGENCY REFERRALS

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

Agency	Comments
BC Assessment Authority	No response.
BC Parks	No response.

Area D Fire	No response.
Ministry of Environment:	No response.
FLNRORD (Archaeology)	No response.
Ministry of Transportation and Infrastructure (MoTI):	No response
VIHA	No response.
FIRST NATION	COMMENTS
Homalko First Nation	No response.
K'ómoks First Nation	No response.
Laich-Kwil-Tach Treaty Society	No response.
Nanwakolas Council	No response. Crown referrals only.
We Wai Kai Nation	No response.
Wei Wai Kum Nation	No response.

PLANNING ANALYSIS

The subject properties are located within a country residential area of the Oyster Bay-Buttle Lake Electoral Area (Area 'D') and are bounded to the north and east by country residential properties, to the south by rural properties and to the west by the Nenagwas Reserve lands. The eight parcels totalling 18 hectares are currently designated Country Residential which does permit further subdivision of these parcels subject to rezoning. The applicants wish to rezone the parcels to Country Residential Three (CR-3) to permit subdivision of each of the eight parcels in half and creating lots of 1.0 hectares (2.47 acres) in area.

The existing properties are serviced by water, each with a connection to the Electoral Area D community water system and onsite sewage disposal by way of septic field. It will be a requirement that the new lots also be connected to the community water system and that septic fields are designed and installed as per Island Health standards. The parcel group includes a riparian area of streams and wetlands which will be the subject of a Riparian Area Regulation assessment and one or more development permits. Any subsequent development must not impact the riparian area or its associated SPEA (Streamside Protection and Enhancement Area). As the parcels are currently bisected by the Hagel Greenway, prior to final registration of subdivision, each parcel will be required to demarcate and clear the right-of-way for completion to SRD trail standards.

FINANCIAL IMPLICATIONS

Fees for the rezoning application process have been applied in accordance with the Regional District's Planning Procedures and Fees 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.

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

Consultation with First Nations and government agencies will provide considerations as part of the proposal and referral comments received will be incorporated into September's Board Report.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

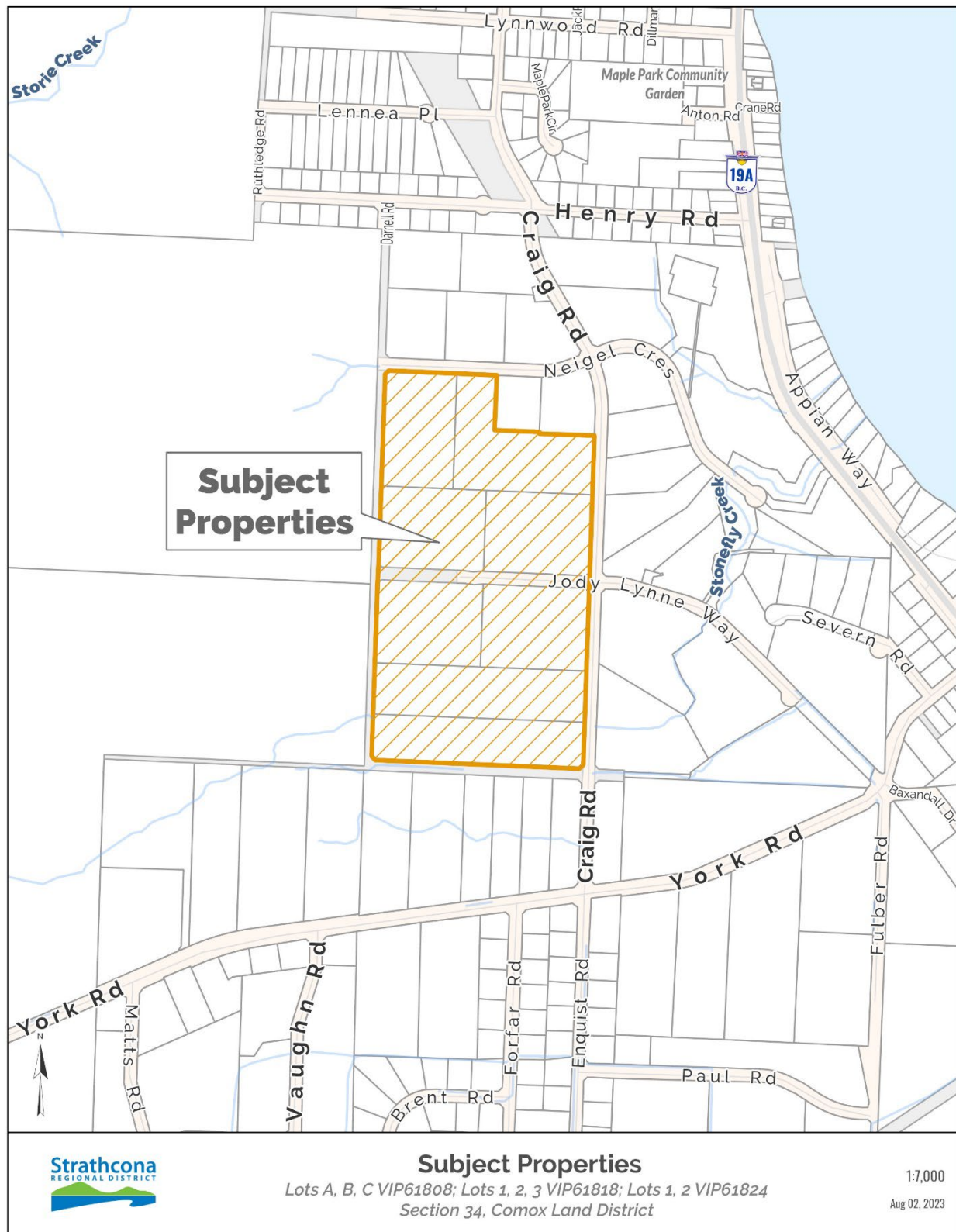
Should a recommendation of support be made for the application and Bylaw No. 519 be authorized to proceed, public consultation will occur in compliance with the requirements of ss.464 - 465 'Public Hearings' of the LGA, as required prior to final adoption of any proposed bylaw amendment.

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 for the finalization of the adoption of the bylaw.

Prepared by: J. Neill, Planner

Attachment: Bylaw No. 519



Location Map



Site Plan

Policies:

Designations and Minimum Lot Sizes

1. Areas for housing development shall be designated as described below and illustrated on Map 3:

Residential

- areas of large suburban lots with septic systems and Regional District water;
- upgrading of water system and the development of alternative sewage treatment and disposal systems to be pursued to permit limited growth;
- new lots shall have an average minimum lot size of 4000m² (1ac).

CSRD
2566

- d) notwithstanding the above, the average minimum lot size may be reduced to 2500 square metres (0.62 acre) where the proposed subdivision of the parent parcel creates not more than one additional lot and the subdivision is for the sole purpose of accommodating the siting of one existing, legally established dwelling on each lot.

Country Residential

- rural properties of various sizes with septic systems and either Regional District or well water;
- upgrading of water system to be pursued to expand the local service area and to permit limited growth;
- new lots shall have an average minimum lot size of 2ha (4.9ac).
- The property legally described as Lot 2, District Lot 193, Comox Land District, Plan 18649 is hereby exempted from the average lot requirement of 2 ha (4.9acres) as stated in the Country Residential designation.

CSRD
2322

- e) the property legally described as Lot 3, Section 34, Township 4, Comox District, Plan 42409 except part in Plan VIP54090 is hereby exempted from the average lot requirement of 2 hectares (4.9 acres) as stated in the 'Country Residential' designation.

CSRD
3049

Rural

- areas expected to remain as rural acreage properties catering to the demand for hobby farms, equestrian activities, rural estates and isolated homesteads with well water and septic systems;
- includes parcels inside the local service areas which have one or more development constraints;
- new lots shall have an average minimum lot size of 8ha (19.8ac).

2. The average minimum lot size may be reduced by 50% for any designation where density bonusing in exchange for community amenities occurs.
3. 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;

SCHEDULE 'A' of BYLAW NO. 1404
"CAMPBELL RIVER AREA ZONING BYLAW, 1991"

4.6.7

COUNTRY RESIDENTIAL FOUR (CR-4)

i) PERMITTED PRINCIPAL USES

a) On any lot:

- 1) Residential use; #2483
- 2) Utility use;
- 3) Park use.

b) On any lot over 4000 m² (0.99 acres):

- 1) Agricultural use.

ii) PERMITTED ACCESSORY USES

a) On any lot:

- 1) Home occupations;
- 2) Accessory buildings;
- 3) Bed and Breakfast.

#2163

iii) CONDITIONS OF USE

#1458

- 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 uses.

b) Residential use is limited to:

- | | |
|---|------------------------------|
| On any lot size: | One single family dwelling. |
| On any lot over one hectare (2.47 acres): | Two single family dwellings. |

#2423

iv) FLOOR AREA REQUIREMENTS

The maximum combined gross floor area of all accessory buildings shall not exceed 5% of the lot area or 200 square metres (2152.85 square feet), whichever is greater.

v) SITING OF BUILDINGS AND STRUCTURES

a) Except where otherwise specified in this by-law 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 except where the width of a lot is 31 metres (101.7 feet) or less at the required front yard setback, and where there is no street flanking the side yard in which case this requirement may be reduced to 1.75 metres (5.74 feet);

SCHEDULE 'A' of BYLAW NO. 1404
"CAMPBELL RIVER AREA ZONING BYLAW, 1991"

- 3) 3.5 metres (11.48 feet) of an accessory building.
- 4) Minimum separation between dwellings - 15 metres (49.21 feet) on the same lot.

b) Minimum setback requirements for accessory buildings shall be as follows:

	Accessory Building Height	
	4.5 m (14.8 ft) or less	4.5 - 6.0 m (14.8-19.7 ft)
REQUIRED SETBACK		
Front Lot Line	7.5 m (24.6 feet)	7.5 m (24.6 feet)
Side Lot Line	1.0 m (3.3 feet)	1.0 m (3.3 feet)
Rear Lot Line	1.0 m (3.3 feet)	2.0 m (6.6 feet)

#2171

c) Other specifications include:

- 1) If a side lot line abuts a public road right-of-way, refer to Section 4.5.4(e).
- 2) If the lot is located at the intersection of two public road rights-of-way, refer to Section 4.5.4(d) and (e).
- 3) If the lot abuts a river, lake, sea or any other watercourse refer to Bylaw No. 2782 being the "Floodplain Management Bylaw, 2005".
- 4) For any exceptions to siting, refer to Section 4.5.5(a).

#2423

vi) LOT COVERAGE

- a) On any lot less than or equal to 2500 square metres (0.62 acre), the maximum lot coverage of all buildings and structures shall not exceed 20% of the lot area.
- b) On any lot greater than 2500 square metres (0.62 acre), the maximum lot coverage of all buildings and structures shall not exceed 15% of the lot area."

vii) SUBDIVISION REQUIREMENTS

- a) **Minimum lot area:** 2 hectares (4.94 acres).
Existing lots below the minimum lot area within this zone may be used for the permitted uses within this zone, subject to compliance with site area requirements for each use.
- b) **Minimum lot frontage:** 10% of the perimeter of the lot.
Existing lots below the minimum frontage for this zone may be used for the permitted uses within this zone.
- c) Notwithstanding the provisions of 4.6.7(vii)(a) one parcel can be created from the Remainder of Lot A, Section 34, Township 4, Comox District, Plan VIP61244 in the size of 0.540 hectares (1.3 acres) in return for the dedication of an additional 0.34 hectares (0.8 acres) of land to "Hagel Park".

#1458

End • CR-4

PART 4 • LAND USE REGULATIONS

Existing Country Residential Four (CR-4) Zone

BYLAW NO. 1404
CAMPBELL RIVER AREA ZONING BYLAW, 1991

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4.6.6

COUNTRY RESIDENTIAL THREE (CR—3)

i) PERMITTED PRINCIPAL USES

a) On any lot:

- 1) Residential use;
- 2) Public utility use;
- 3) Park use.

b) On any lot over 4000 m² (0.99 acres):

- 1) Agricultural use.

ii) PERMITTED ACCESSORY USES

a) On any lot:

- RDCS
2163
- 1) Home occupations;
 - 2) Accessory buildings; and
 - 3) Bed and Breakfast.

iii) CONDITIONS OF USE

- RDCS
1458
- 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 uses.

b) Residential use is limited to:

- i) On any lot size: One single family dwelling.
- ii) A second dwelling not exceeding 50 square metres in floor area is permitted on any lot 1 ha (2.47 ac) or larger

BYLAW NO. 1404
CAMPBELL RIVER AREA ZONING BYLAW, 1991

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iv) **FLOOR AREA REQUIREMENTS**

The maximum combined gross floor area of all accessory buildings shall not exceed 200 square metres (2152.8 square feet).

v) **SITING OF STRUCTURES**

a) **Except where otherwise specified in this bylaw, no building or structure shall be located within:**

RDCS
1458

- 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 except where the width of a lot is 31 metres (101.7 feet) or less at the required front yard setback, and where there is no street flanking the side yard in which case this requirement may be reduced to 1.75 metres (5.74 feet); and
- 3) 3.5 metres (11.48 feet) of an accessory building.

b) **Minimum setback requirements for accessory buildings shall be as follows:**

RDCS 1510, 2171	ACCESSORY BUILDING HEIGHT	
	4.5M (14.8 ft) or less	4.5 – 6.0m (14.8919.7 ft)
	REQUIRED SETBACK	
	Front Lot Line	7.5m (24.6 feet)
	Side Lot Line	1.0m (3.3 feet)
	Rear Lot Line	1.0m (3.3 feet)

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)(f).
- 3) If the lot abuts a river, lake, sea or any other watercourse, refer to Section 4.5.5(a)(ii-iii).
- 4) For any exceptions to siting, refer to Section 4.5.6(a).
- 5) Where siting is proposed adjacent to a stream refer to Section 4.5.5(a) "Stream Setbacks".

SRD
84

*BYLAW NO. 1404
CAMPBELL RIVER AREA ZONING BYLAW, 1991*

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vi) **LOT COVERAGE**

The maximum lot coverage of all buildings and structures shall not exceed 15% of the lot area.

vii) **SUBDIVISION REQUIREMENTS**

- a) **Minimum lot area:** 1 hectare (2.47 acres).

Existing lots below the minimum lot area within this zone may be used for the permitted uses within this zone, subject to compliance with site area requirements for each use.

- b) **Minimum lot frontage:** 10% of the perimeter of the lot.

Existing lots below the minimum frontage for this zone may be used for the permitted uses within this zone.

End • CR-3



BYLAW NO. 519

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. 519, being Campbell River Area Zoning Bylaw 1991, Amendment No. 65.

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

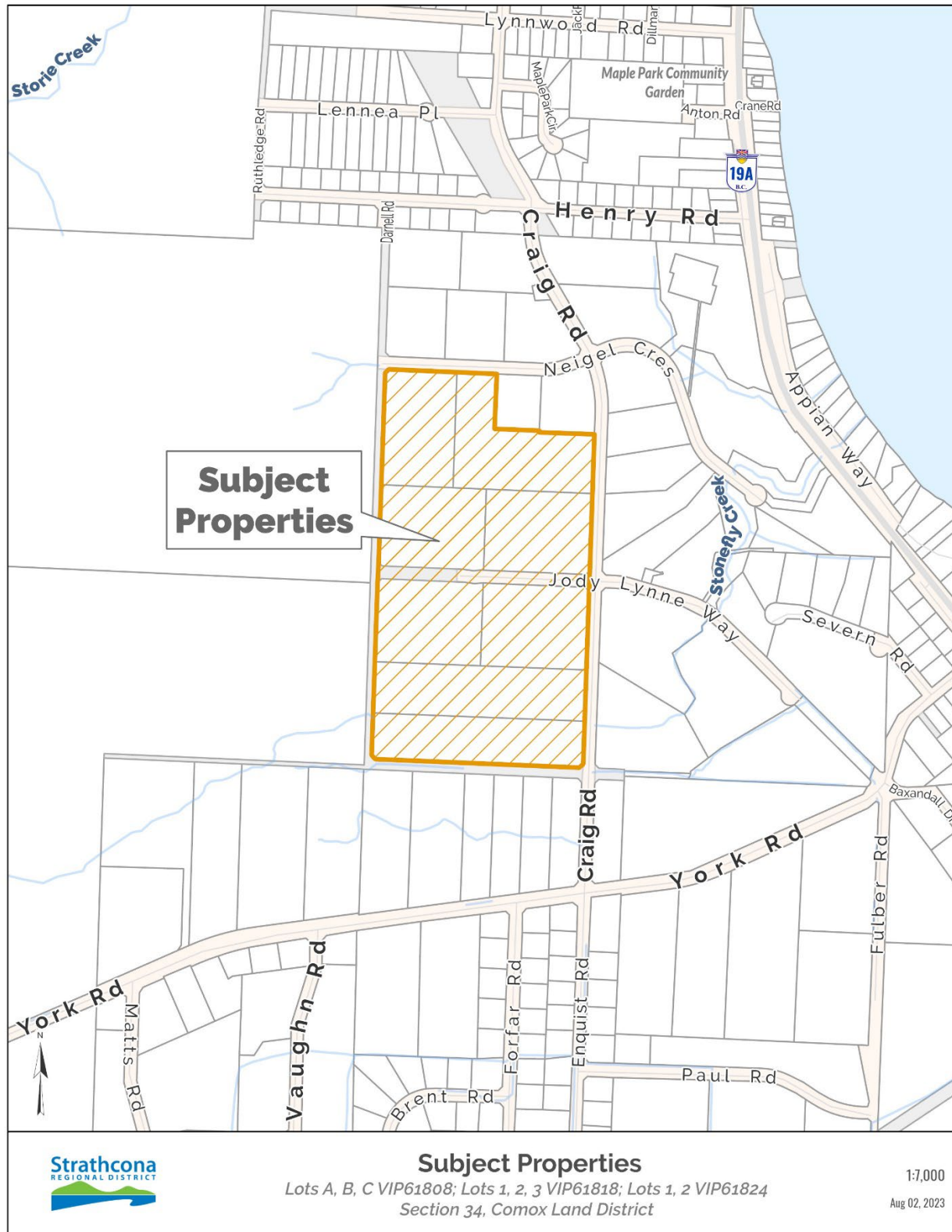
Chair

Corporate Officer

SCHEDULE 'A'

SECTION ONE MAP AMENDMENT

1. The lands described below, as shown on the attached Appendix '1', are rezoned from Country Residential Four (CR-4) to Country Residential Three (CR-3):
 - Lot 1, Section 34, Township 4, Comox District, Plan VIP61824;
 - Lot 3, Section 34, Township 4, Comox District, Plan VIP61818;
 - Lot 1, Section 34, Township 4, Comox District, Plan VIP61818;
 - Lot C, Section 34, Township 4, Comox District, Plan VIP61808;
 - Lot 2, Section 34, Township 4, Comox District, Plan VIP61818, exc. Part in Plan VIS3306;
 - Lot B, Section 34, Township 4, Comox District, Plan VIP61808;
 - Lot A, Section 34, Township 4, Comox District, Plan VIP61808;
 - Lot 2, Section 34, Township 4, Comox District, Plan VIP61824.



Appendix '1'

Part of Schedule 'A' to Bylaw No. 519, being Campbell River Area Zoning Bylaw 1991, Amendment No. 65.

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