



STAFF REPORT

DATE: January 17, 2025 **FILE:** 0360-20
TO: Chair and Directors
Regional Board
FROM: Dave Leitch
Chief Administrative Officer
RE: **BYLAW NO. 586 (BUTE INLET LODGE) ZONING BYLAW AMENDMENT**

PURPOSE

To consider scheduling a virtual public hearing for Bylaw No. 586 which proposes to rezone two adjoining parcels of land and an associated foreshore Crown tenure to permit an existing non-compliant tourist commercial operation in Electoral Area C.

POLICY ANALYSIS

The attached report was considered at the November 6, 2024, meeting of the Electoral Areas Services committee at which time the following resolutions were passed:

Mawhinney/Vonesch: EASC 439/24

THAT Bylaw No. 586 (Bute Inlet Lodge) be forwarded to the Board for first and second reading and the scheduling of a public hearing.

EXECUTIVE SUMMARY

Bylaw No. 586 proposes to rezone two adjoining parcels of land totalling 22.7 hectares (56.09 acres) and an associated foreshore Crown tenure from Rural Three (RU-3) and Access Two (AC-2) to Commercial Two D (C-2D) with a site-specific text amendment and Marine Commercial One (MC-1) to legalize the existing use and buildings associated with the resort that has been in operation for over 25 years. The bylaw would also allow for additional lodging and permit helicopter fuel sales on the upland portion for access and potential search and rescue as requested by the Province.

As this remote location in Bute Inlet is approximately 91km from an available venue for an in-person hearing on Quadra Island (see attached map and inset) a virtual hearing would be the best option to accommodate the adjacent property owners in the outer islands and mainland inlets of Electoral Area C most impacted by the zoning amendment. It is recommended that given the remote location of the site and challenges with transportation and the lack of an appropriate venue to conduct the hearing, a virtual hearing be held. A virtual public hearing will provide access to those residents in closest proximity to the application to participate in the hearing, who would otherwise have to travel by boat to an in-person venue. A virtual public hearing will allow greater accessibility and efficiency to process by enabling any residents of Electoral Area C who may consider the proposed amendment as affecting them. Alternatively, as in an in-person hearing would cater to those that are able to travel to the venue on Quadra Island, a decision to hold an in-person hearing would be a significant disadvantage to those citizens residing in the area in question with having to travel via boat to a venue well outside reasonable proximity to the application area at a time of year where weather can create challenges.

The following actions are offered in support of the Committee's recommendation.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT Bylaw No. 586, being a bylaw to amend the zoning regulations applicable to the Quadra Island area, be now introduced and read a first time.
3. THAT Bylaw No. 586 be given second reading.
4. THAT a virtual public hearing to consider Bylaw No. 586 be held Wednesday, February 5, 2025 at 7:00 p.m., and

THAT the holding of the public hearing be delegated to the Electoral Area C Director.

Respectfully:

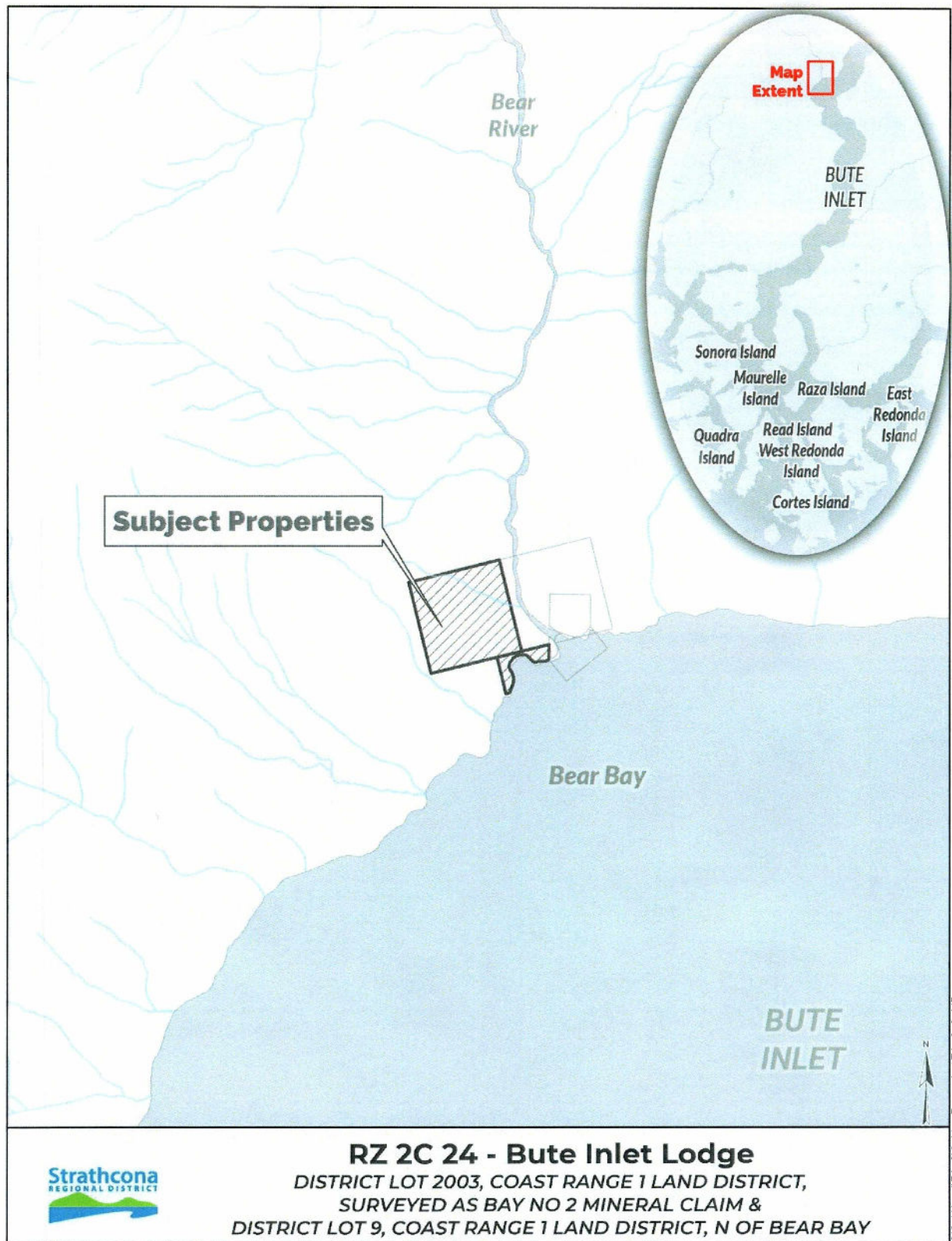


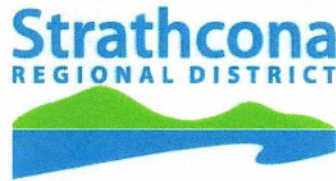
Dave Leitch
Chief Administrative Officer

Prepared by: *K. Chamberlain, Development Planner II,
A. Nelson, Senior Manager, Community Services*

Attachments: Bylaw No. 586
Copy of November 6, 2024, report to the Electoral Areas Services Committee

LOCATION MAP





BYLAW NO. 586

A BYLAW TO AMEND THE ZONING REGULATIONS APPLICABLE TO THE QUADRA ISLAND AREA

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. 586, being Quadra Island Zoning Bylaw 1990, Amendment No. 151

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 ZONING AMENDMENT

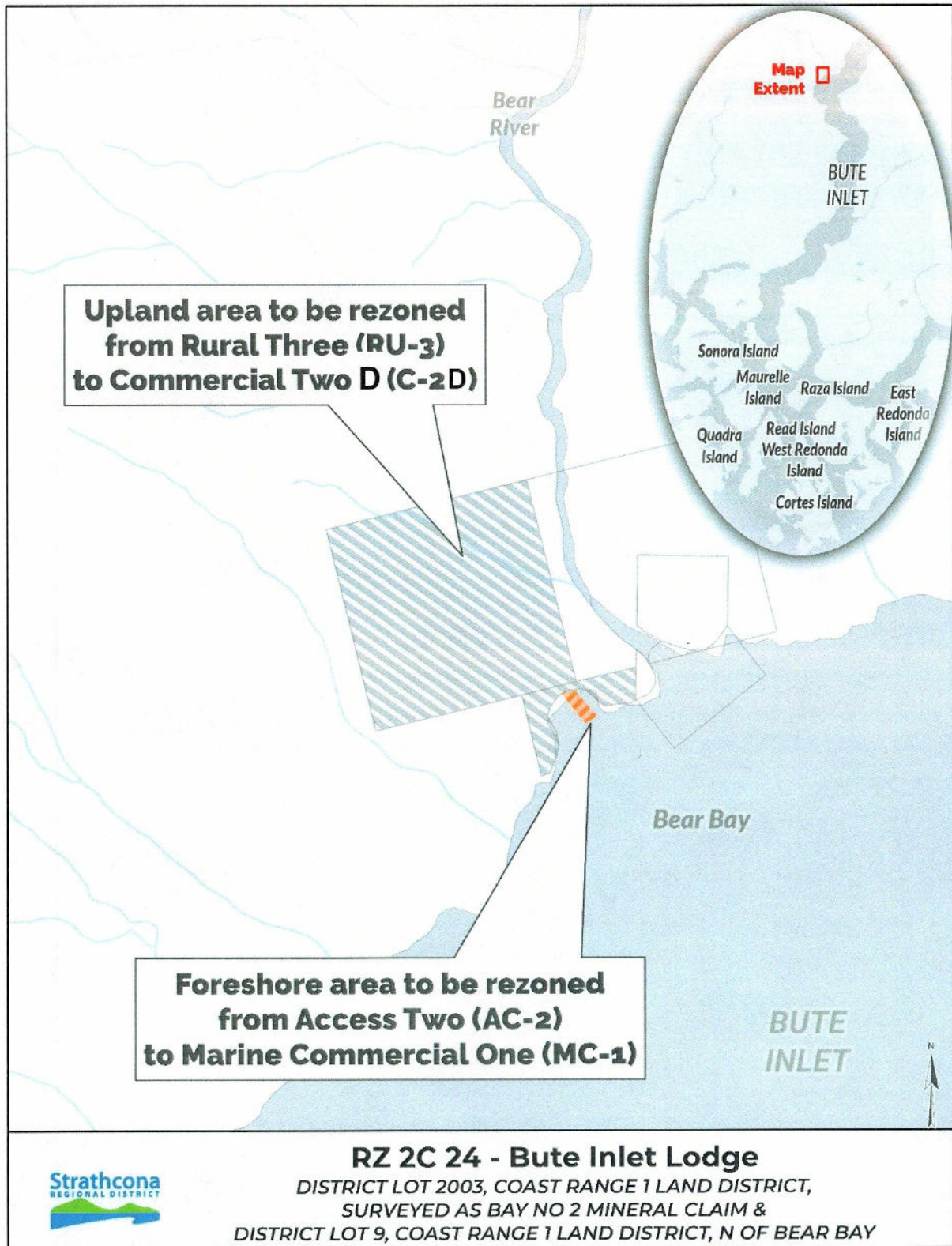
1. Land legally described as Lot 9, Range 1, Coast District and District Lot 2003, Range 1, Coast Land District, surveyed as Bay No. 2 Mineral Claim as shown on the attached Appendix '1', is rezoned from Rural Three (RU-3) to Commercial Two D (C-2D).
2. Land described as approximately 1500 square metres of unsurveyed Crown foreshore or land covered by water being part of the bed of Heriot Bay (Crown Land File # 2411653), as shown on the attached Appendix '1', is rezoned from Access Two (AC-2) to Marine Commercial One (MC-1).

SECTION TWO TEXT AMENDMENT

1. Section 11.6D 'Commercial Two D (C-2D)', Section 11.6D.2, 'Conditions of Use' is hereby amended by inserting the following:
 - c) *For property legally described as District Lot 9 and District Lot 2003, Range 1, Coast Land District, (PIDs 008-285-101 and 010-004-084): Helicopter fuel sales accessory to the principal use.*

SECTION THREE MAP AMENDMENT

1. Bylaw No. 1213, being Quadra Island Zoning Bylaw 1990, is hereby amended by inserting a new Schedule "A – 39," as shown in Appendix '1'.
2. Bylaw No. 1213, being Quadra Island Zoning Bylaw 1990, is hereby amended by sequential changes to the Schedule 'A' Key Map.



Appendix '1'

Part of Schedule 'A' to Bylaw No. 586, being Quadra Island Zoning Bylaw 1990, Amendment No. 151.

Attached as 'Schedule A-39' of Bylaw No. 1213, being Quadra Island Zoning Bylaw 1990.



STAFF REPORT

DATE: November 1, 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**

PLANNING FILE NO. 3360-20/RZ 2C 24
ROLL NOS.: 772 13501.000 **PID Nos.:** 008-285-101
772 13770.000 010-004-084
APPLICANT: Bute Inlet Lodge Ltd.
LAND DESCRIPTIONS: District Lot 9 and District Lot 2003, Range 1, Coast Land District.
CIVIC ADDRESS: Bear Bay, Bute Inlet
OCP BYLAW: N/A
EXISTING DESIGNATION: N/A
ZONING BYLAW: Bylaw No. 1213 "Quadra Island Zoning Bylaw, 1990"
EXISTING ZONES: Rural Three (RU-3) / Access Two (AC-2)
PROPOSED ZONES: Commercial Two D (C-2D) / Marine Commercial One (MC-1)

PURPOSE

To consider an application to rezone two adjoining parcels of land totalling 22.7 hectares (56.09 acres) and an associated foreshore Crown tenure to facilitate an expansion of Bute Inlet Resort and permit helicopter fuel sales on the upland portion as requested by the Province of BC.

POLICY ANALYSIS

Part 14 "Planning and Land Use Management" of the *Local Government Act (LGA)* addresses local governments' roles regarding zoning bylaws, namely Section 479 (Zoning Bylaws) and Sections 464 - 465 (Public Hearings on Bylaws).

EXECUTIVE SUMMARY

The SRD has received an application to rezone District Lots 9 and 2003 to bring an existing historic commercial use of land into compliance with the zoning bylaw. The resort is situated on the north side of Bute Inlet in Electoral Area C. To legalize the historic resort use, a rezoning from Rural Three (RU-3) and Access Two (AC-2) to Commercial Two D (C-2D) and Marine Commercial One (MC-1) is required.

The resort has been in operation for over 25 years and includes five existing structures which provide for kitchen, dining and accommodation facilities for approximately 16 people including guests and staff. There are plans to improve both existing staffing and visitor accommodation in the future to provide up to 45 bedrooms, with no plans to expand upon the existing dock. At the request of the Province of BC, helicopter fuel sales will be added to the upland portion of the property for search and rescue purposes and therefore this additional use has been incorporated into the Commercial Two D (C-2D) zone as a site specific use permitted for the subject property only.

A review of the proposal has not identified any impact for adjacent landowners or users in the area or the resource or recreational use of the area. The helicopter refuelling facility, which has been requested by the Province, will enhance safety in the Bute Inlet region for users of the backcountry. The proposal is compatible with the existing 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.

Given the above considerations, it is recommended that support be given to the proposal to rezone the upland property to Commercial Two D (C-2D) as amended and the foreshore tenure area to Marine Commercial One (MC-1).

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT Bylaw No. 586 (Bute Inlet Lodge) be forwarded to the Board for first and second reading and the scheduling of a public hearing.

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.
FLNRORD – Environment	It is noted that the area is significant habitat for Steelhead and herring, as well as other associated wildlife. Best management practices should be applied to development in the Bear River estuary.
FLNRORD - Archaeology	No known archaeological site on the property.
MoTI	No concerns.

Island Health	No objection subject to compliance with the <i>Drinking Water Protection Act</i> and <i>Regulation</i> ; the <i>Food Premises Regulation</i> ; the <i>Pool Regulation</i> and either the <i>Sewerage System Regulation</i> or the <i>Environmental Management Act</i> .
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First Nation	Comments
Danaxdaxw First Nation	No response.
Homalco First Nation	No response.
K'ómoks First Nation	No response.
Mamalilikulla First Nation	Defers to Nanwakolas Council.
Nanwakolas Council	Only responds to Provincial/Federal referrals.
Tla'amin First Nation	No response.
Tlowitsis First Nation	No response.
We Wai Kai Nation	Defers to Nanwakolas Council.
Wei Wai Kum Nation	No response.

PLANNING ANALYSIS

The SRD has received an application to rezone District Lots 9 and 2003 to bring an existing historic Commercial use of land into compliance with the zoning bylaw. The resort is situated on the north side of Bute Inlet in Electoral Area C. To legalize the historic resort use, a rezoning from Rural Three (RU-3) and Access Two (AC-2) to Commercial Two D (C-2D) and Marine Commercial One (MC-1) is required.

The resort has been in operation for over 25 years and includes five existing structures which provide for kitchen, dining and accommodation facilities for approximately 16 people including guests and staff. The zoning amendment will bring the existing use into compliance and enable the resort to improve both existing staffing and visitor accommodation in the future. The current Commercial Two D (C-2D) zoning will accommodate the existing use and allow for the additional proposed rooms. As zoning for the number of persons is not enforceable, any reference to the number of persons was deleted from this zone through a previous amendment. The existing C-2D zone is proposed to be amended by including a site-specific provision for helicopter fuel sales to allow this use to be permitted by zoning for this particular parcel only as the Province specifically requested that this be incorporated into the development.

The proposed rezoning of the property will bring an existing use of land into compliance with zoning and should not have any significant impact on the resource or recreational use of the area nor affect adjacent properties. 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.

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

The application was considered by the Area C APC and was supported provided the applicant work with staff to create a commercial zone to allow for facilities for overnight accommodation for guests and staff related to resort use that shall not exceed in combined total a capacity of 45 persons and that the zoning permit fuel sales. Should a recommendation of support be made for the application and Bylaw No. 586 proceed forward, public consultation will occur in the form of a public hearing 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 public hearing process and the finalization of the adoption of the bylaw.

Submitted by:



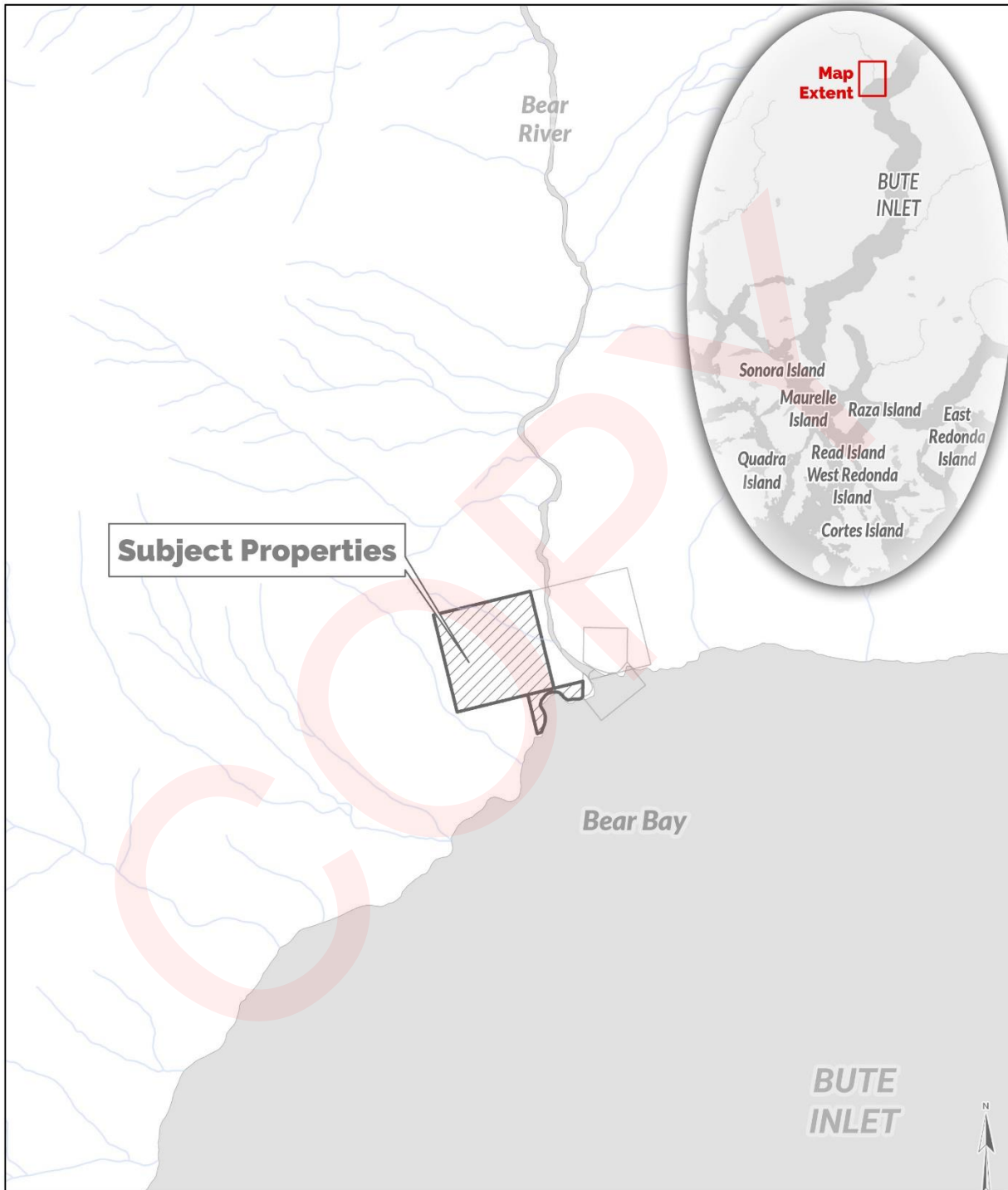
Aniko Nelson
Senior Manager, Community Services

Prepared by: K. Chamberlain, Development Planner II and A. Nelson, Senior Manager, Community Services

Attachment:

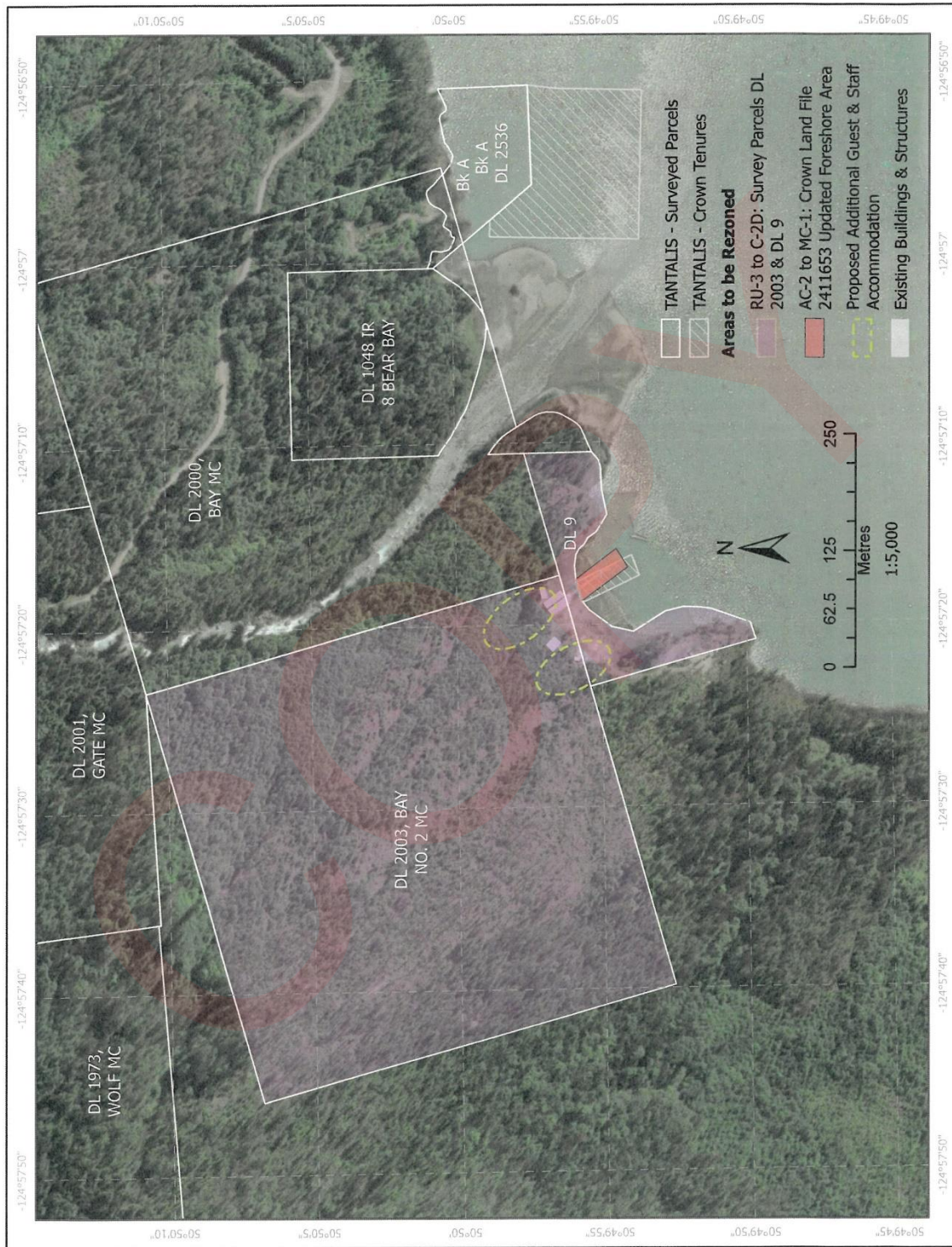
Bylaw No. 586

LOCATION MAP

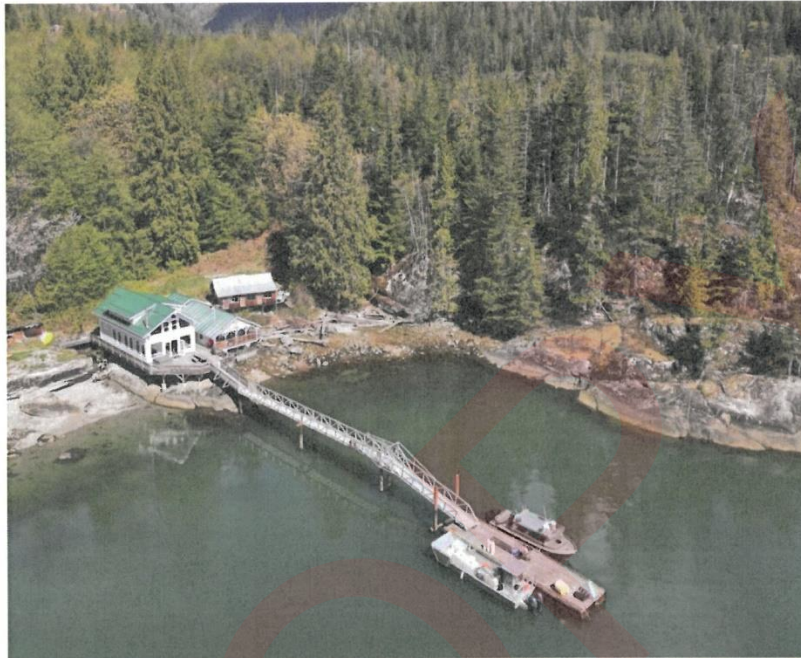


RZ 2C 24 - Bute Inlet Lodge
 DISTRICT LOT 2003, COAST RANGE 1 LAND DISTRICT,
 SURVEYED AS BAY NO 2 MINERAL CLAIM &
 DISTRICT LOT 9, COAST RANGE 1 LAND DISTRICT, N OF BEAR BAY

SITE PLAN



SITE PHOTOS



EXISTING RURAL THREE (RU-3) AND ACCESS TWO (AC-2) ZONES

BYLAW No. 1213 • “QUADRA ISLAND ZONING BYLAW, 1990”

PAGE 35

11.3A

RURAL THREE (RU-3)

11.3A.1 PERMITTED USES

SRD
555

- a) Silviculture;
- b) Residential use;
- c) Accessory *buildings and structures*.

#1382

11.3A.2 CONDITIONS OF USE

SRD
555

- a) Residential use is limited to: one (1) single *family dwelling* and one (1) *secondary suite* on any *lot*; or
- b) One (1) single *family dwelling* and one (1) *secondary suite*; and one (1) *accessory dwelling unit* on lots serviced by community sewer with a minimum lot area of 4000 sq m (0.99 acres); or unserviced lots with a minimum lot area of 1 ha (2.47 ac).

11.3A.3 LOT AREA

- a) The minimum *lot area* in the Rural Three (RU-3) zone shall be 100.0 hectares (247.09 acres).
- b) Subdivisions under Section 996(4) of the *Municipal Act* shall only be considered where the parent *parcel* is at least twice (two times) the minimum *lot* size of 100.0 hectares (247.09 acres).

11.3A.4 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 3 metres (9.84 feet) from a side *lot* line.

11.3A.5 LOT COVERAGE

The maximum coverage of all *buildings and structures* on a lot shall be 1%.

END – RU-3

11.14**ACCESS TWO (AC-2)****11.14.1 PERMITTED USES**

- a) Navigational aids;
- b) *Recreational shellfish gathering and harvesting.*

#1391

11.14.2 LOT AREA

No minimum *lot* area shall apply.

11.14.3 SETBACKS

No yard minimum shall apply.

END - AC-2

PROPOSED COMMERCIAL TWO D (C-2D) ZONE

(Text Amendment in red)

11.6D**COMMERCIAL TWO D (C-2D)****11.6D.1 PERMITTED USES AND NO OTHERS:**

#3022

- a) *Resorts;*
- b) *Accessory buildings and structures;*
- c) *Restaurants*

11.6D.2 CONDITIONS OF USE

- a) More than one (1) commercial building may be located on a lot, subject to all other requirements of the bylaw.
- b) Accessory residential use is limited to one (1) single family dwelling.
- c) DELETED.
- d) For property legally described as District Lot 9 and District Lot 2003, Range 1, Coast Land District (PIDs 008-285-101 and 010-004-084), helicopter fuel sales accessory to the principal use.

SRD 351

11.6D.3 LOT AREA

The minimum lot area in the Commercial Two D (C-2D) zone shall be 1.0 hectare (2.47 acres).

11.6D.4 SETBACKS

Except where otherwise specified in this bylaw:

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

11.6D.5 LOT COVERAGE

The maximum *coverage* of all *buildings* and *structures* on a *lot* shall be 15%.

END – C-2D

Proposed Marine Commercial One (MC-1) Zone*BYLAW No. 1213 • “QUADRA ISLAND ZONING BYLAW”, 1990”**PAGE 77***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



BYLAW NO. 586

A BYLAW TO AMEND THE ZONING REGULATIONS APPLICABLE TO THE QUADRA ISLAND AREA

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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. 586, being Quadra Island Zoning Bylaw 1990, Amendment No. 151

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 ZONING AMENDMENT

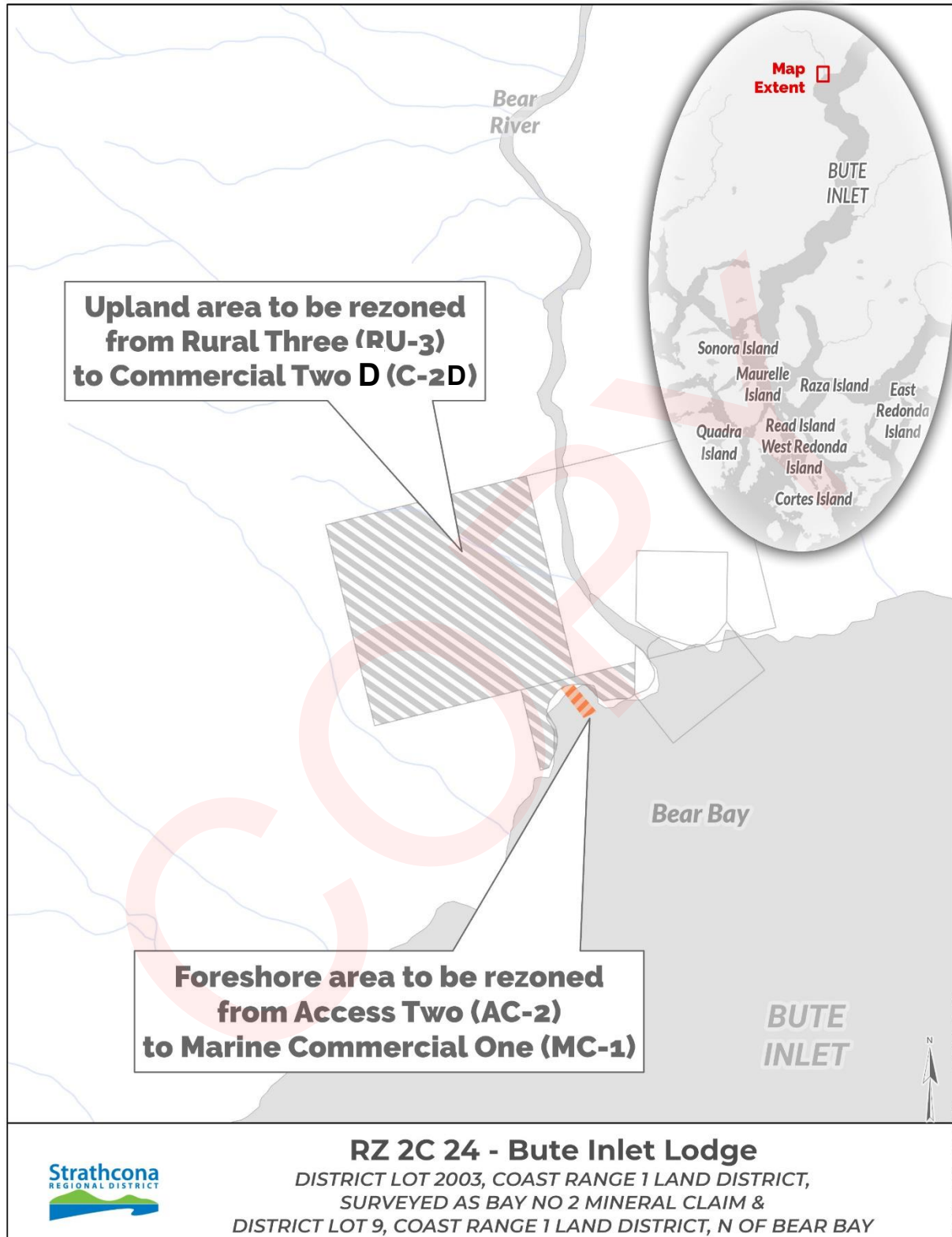
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SECTION TWO TEXT AMENDMENT

1. Section 11.6D 'Commercial Two D (C-2D)', Section 11.6D.2, 'Conditions of Use' is hereby amended by inserting the following:
 - c) *For property legally described as District Lot 9 and District Lot 2003, Range 1, Coast Land District, (PIDs 008-285-101 and 010-004-084): Helicopter fuel sales accessory to the principal use.*

SECTION THREE MAP AMENDMENT

1. Bylaw No. 1213, being Quadra Island Zoning Bylaw 1990, is hereby amended by inserting a new Schedule "A – 39," as shown in Appendix '1'.
2. Bylaw No. 1213, being Quadra Island Zoning Bylaw 1990, is hereby amended by sequential changes to the Schedule 'A' Key Map.



Appendix '1'

Part of Schedule 'A' to Bylaw No. 586, being Quadra Island Zoning Bylaw 1990, Amendment No. 151.

Attached as 'Schedule A-39' of Bylaw No. 1213, being Quadra Island Zoning Bylaw 1990.