



STAFF REPORT

DATE: February 14, 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 – WATKINS**

PLANNING FILE NO. 3360-20/RZ 14D 23
ROLL NO.: 772 01295.000 **PID No.:** 006-024-696
APPLICANTS: Mervyn & Peg Watkins
LAND DESCRIPTION: Lot 6, District Lot 90, Comox District, Plan 4989
CIVIC ADDRESS: 3751 Shoreline Drive, 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: Country Residential Four (CR-4)
PROPOSED ZONE: Residential One A (R-1A)

PURPOSE

To consider an application to rezone a 2400 square metre parcel of land to facilitate its subdivision into two lots of approximately 1200 square metres 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 2400 square metre (0.56 acre) parcel located at 3751 Shoreline Drive in Electoral Area D, from 'Country Residential Four' (CR-4) to a new Residential One A (R-1A) zone to facilitate a subdivision of the property into two lots of 1200 square metres (0.28 acres) each. Given the limited lot area of parcels in this area, this property is already designated Residential in the Oyster Bay-Buttle Lake Official Community Plan, 2023 and therefore, an OCP amendment is not required. While lot sizes are regulated within the zoning bylaw, Residential policies in the OCP encourages lot sizes consistent with suburban neighbourhoods.

A review of the proposal notes that the existing parcel is physically separated into two parts by a natural bench, the northern portion fronting Shoreline Drive being developed with an existing house and septic field and the southern portion fronting Highway 19A being currently undeveloped. Comments received from government agencies and from First Nations have indicated that the proposed lots will need to demonstrate reasonable public access, proof of potable water and suitability of primary and reserve septic fields. Island Health's *Subdivision Standards* guidelines of February 2020 specify a minimum parcel size of 2000 square metres (0.5 acres) for lots serviced by a community water system but which are not connected to a community sewage disposal system. Prior to development, and as a condition of subdivision, approval must be obtained from Island Health for a sewage disposal system engineered for this site.

With the recent passing of Bill 44, s.464(3), s.466 s.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*. Notice will be given in accordance with s.467(1) and Bylaw No. 537 has been prepared for the Committee's consideration with a recommendation to proceed with first and second readings.

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. 540 (Watkins) be forwarded to the Board for first and second readings.

Respectfully:



Dave Leitch
Chief Administrative Officer

AGENCY REFERRALS

Comments received from government agencies and from First Nations have indicated that the proposed lots will need to demonstrate reasonable public access, proof of potable water and suitability of primary and reserve septic fields.

Agency	Comments
BC Assessment Authority	No response.
Fire Department – Campbell River	No response.
FLNRORD – Environment	No response.
FLNRORD - Archaeology	No known archaeological site on the property. If archaeological material is encountered during development, the developer must stop all activities immediately and contact the Archaeology Branch for direction at 250-953-3334.
MoTI	Proposed lots will require reasonable public access, proof of potable water and suitability of primary and reserve septic fields.
Island Health	No objection to rezoning, but unlikely to support the proposal at subdivision stage.
First Nation	Comments
Cowichan Tribes	No response.
Homalco First Nation	No response.
Halalt First Nation	No response.
Klahoose First Nation	Defers to other First Nations.
K'ómoks First Nation	No response.
Laich-Kwil-Tach Treaty Society	No response.
Lake Cowichan First Nation	No response.
Lyackson First Nation	No response.
Nanwakolas Council	Only responds to Provincial/Federal referrals.
Penelakut Tribe	No response.
Stz'uminus First Nation	No response.
Tla'amin First Nation	No response.
We Wai Kai Nation	Defers to Nanwakolas Council.
Wei Wai Kum Nation	No response.

PLANNING ANALYSIS

An application has been received to consider amending the Oyster Bay–Buttle Lake Official Community Plan and to rezone a 2400 square metre (0.56 ac.) parcel of land located at 3751 Shoreline Drive in Electoral Area D. The proposal would change the existing zoning from Country Residential Four (CR-4) to a proposed new Residential One A (R-1A) zone 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 northwest and southeast, the Strait of Georgia to the northeast and Highway 19A to the southwest.

Both proposed lots would be 1200 square metres (0.28 acres) in size and include the existing buildings on the proposed northerly lot, facing the ocean. A 6-metre-high bench separates the two proposed lots and further reduces the developable area to approximately 1000 square metres, the northern portion being developed with an existing house and septic field and the southern portion being currently undeveloped.

While lot sizes are regulated within the zoning bylaw, Residential policies in the Oyster Bay-Buttle Lake Official Community Plan, 2023 encourages lot sizes consistent with suburban neighbourhoods. Island Health's *Subdivision Standards* guidelines of February 2020 specify a minimum parcel size of 2000 square metres (0.5 acres) for lots serviced by a community water system but which are not connected to a community sewage disposal system. The proposed lots will need to demonstrate reasonable public access, proof of potable water and suitability of primary and reserve septic fields at the time of subdivision.

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. 540 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.

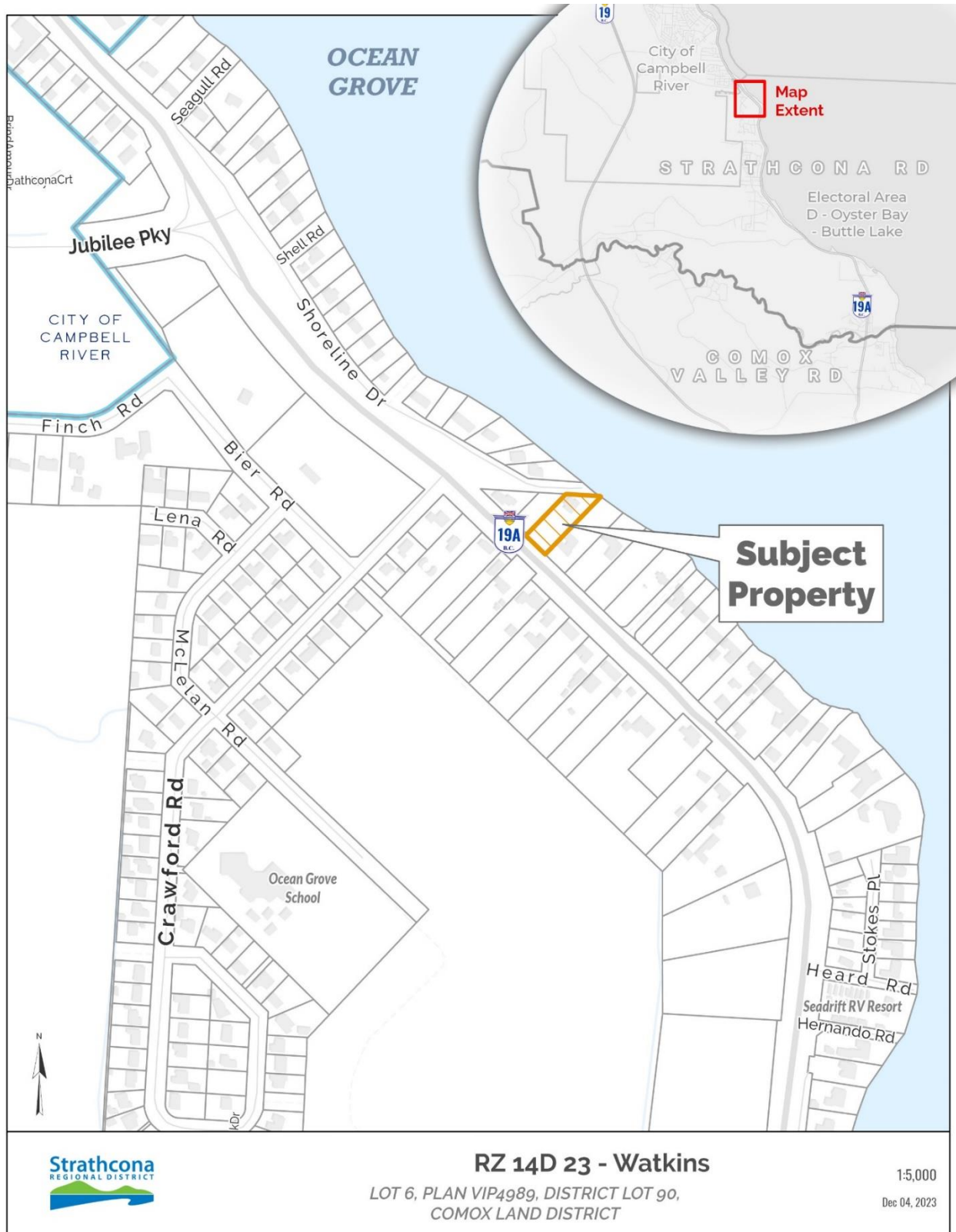
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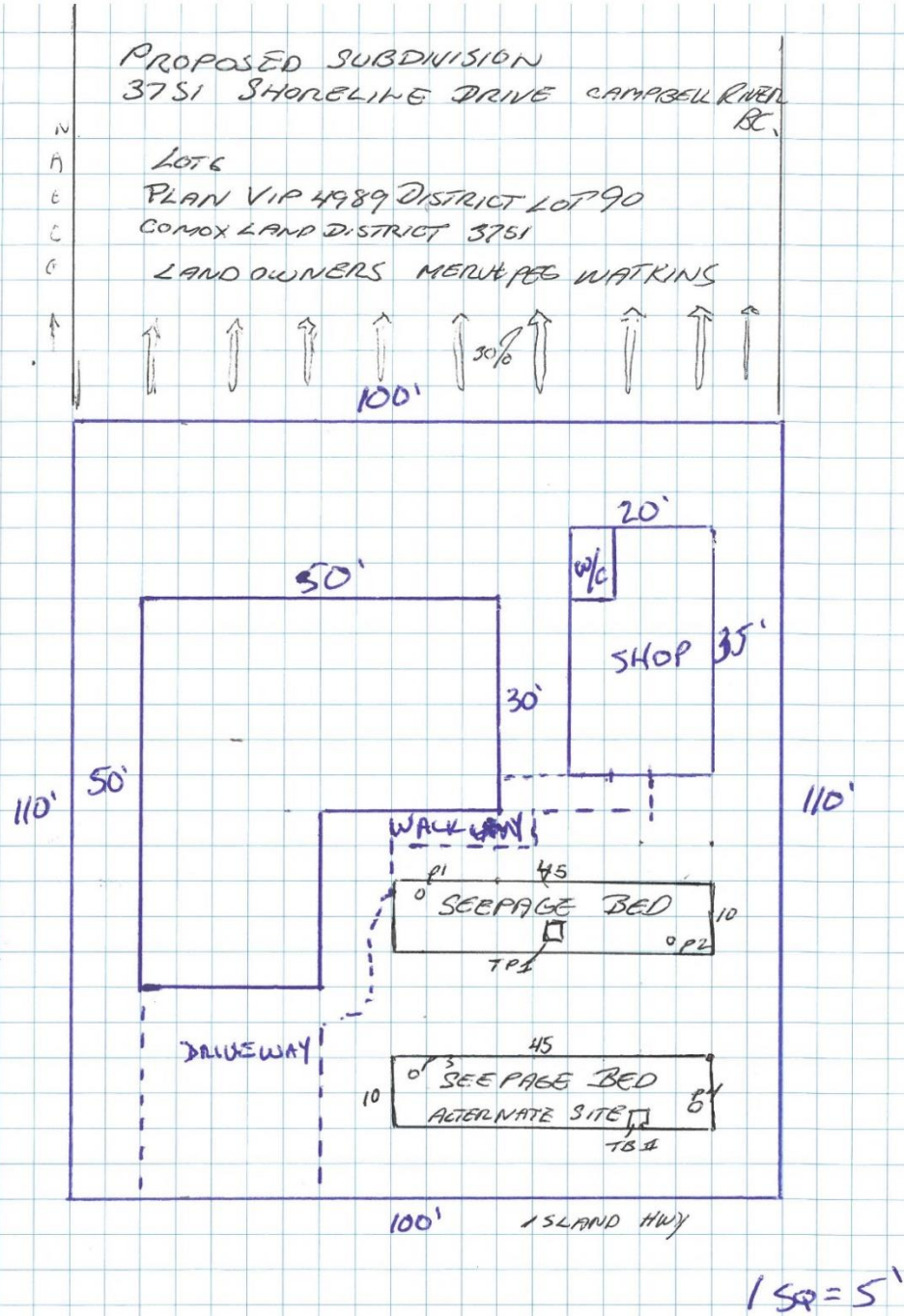
Aniko Nelson
Senior Manager, Community Services

Prepared by: J. Neill, Planner

Attachment:
Bylaw No. 540



Location Map



Proposed Subdivision Plan

DAVID LAGOS AGENT FOR MERVYN & PEG WATKINS

3751 Shoreline Drive
Campbell River, BC.
250-203-6528
dpl.8@hotmail.com

November 14, 2023

Staff @ Directors
Area D SRD
990 Cedar Street
Campbell River, BC.
V9W 7Z8

**Dear Staff @ Directors
Area D SRD
990 Cedar Street
Campbell River, BC.
V9W 7Z8:**

I am writing to formally request your consideration and support for the subdivision of the property located at 3751 Shoreline Drive Campbell River within your jurisdiction. As a member of the community I feel this subdivision would contribute positively to the local community.

My name is David Lagos I grew up in Area D until I joined the Fire Department in 1985. I was asked to move closer the city for call back. Now that I'm retiring in December, it's time to move back. In conversation with the Watkins they asked me if I would be interested in buying the lot on their upper section of the property. The problem is, it needs to be subdivided.

I am requesting to subdivide lot 3751 Shoreline Drive into two lots. They would be naturally divided by elevation with the Watkins family home down below on the water. I would be

building a 1500-foot ranch style house on the top section for myself with access from highway 19 A.

As of now this upper property sits vacant. With all the negatives from the property on the north property line I feel a new home will bring a refreshed feeling to the neighbors. With land at a premium and the provincial government trying to get more housing in play I feel this lot and building would be a positive for the community bringing in more tax dollar for Area D and also beautifying the area.

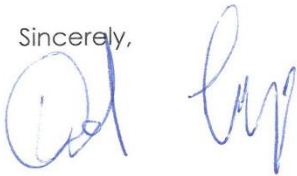
This property is on city water and needing a septic system. I contacted a ROWP and two holes were dug on the property (letter included) when I visited Island Health, I was told they follow the direction of the ROWP.

A new home on this lot will be a positive for the area and bring in new tax dollars for Area D. The neighbors have been told what could be happening and there are some letters enclosed.

I can be reached anytime by phone 250-203-6528 or email dip.8@hotmail.com to provide any additional documentation or attend meetings to discuss the subdivision proposal further.

Thank you for your consideration of this request, I look forward to the possibility of contributing to the positive development of our community through this proposed subdivision.

Sincerely,





PARKLAND CONSULTING SERVICES LTD.

3979 Jack Road, Campbell River, B.C. V9H1H1

Dan Jack – Phone/Fax: (250) 923-8081

djack@telus.net

October 22, 2023

RE Subdivision proposal at 3751 Shoreline Drive,
Campbell River, B.C.

Percolation tests and test pits on this property show very good
soils for onsite septic systems. The area in the southwest quarter
show enough area for two seepage beds, a primary and a reserve
site.

Yours truly
Dan. Jack
ROWP

ROWP (Registered Onsite Wastewater Practitioner) Statement

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:

**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. |

iv) FLOOR AREA REQUIREMENTS

#2423

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:

REQUIRED SETBACK	Accessory Building Height	
	4.5 m (14.8 ft) or less	4.5 - 6.0 m (14.8-19.7 ft)
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

4.6.1A**RESIDENTIAL ONE A
(R-1A)****i) PERMITTED PRINCIPAL USES****a) On any lot:**

- 1) Residential use;
- 2) Park use.

ii) PERMITTED ACCESSORY USES**a) On any lot:**

- 1) Home occupation use;
- 2) Agricultural use excluding the keeping of livestock;
- 3) Accessory buildings.
- 4) Bed and Breakfast.

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

- 1) Agricultural use.

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 uses.

b) Residential use is limited to:

- | | |
|---|---|
| On any lot size: | One single family dwelling. |
| On any lot over 2000 m ² (0.49 acres): | One single family dwelling plus one secondary suite or one duplex. |
| On any lot ≥1.0 ha (2.47 acres): | Two single family dwellings. |

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 (2150 square feet), whichever is greater.

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** that abuts a public road right-of-way;
- 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).
- 3) 7.5 metres (24.6 feet) of a **rear lot line**.
- 4) 3.5 metres (11.48 feet) of an **accessory building**.

b) 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”.

vi) LOT COVERAGE

The maximum lot coverage of all buildings and structures shall not exceed 30% of the lot area.

vii) SUBDIVISION REQUIREMENTS

- | | |
|---------------------------------|---------------------------------|
| a) Minimum lot area: | 1000 square metres (0.25 acres) |
| b) Minimum lot frontage: | 10% of the perimeter of the lot |

END - R-1A



BYLAW NO. 540

**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. 540, being Campbell River Area Zoning Bylaw 1991, Amendment No. 71.

READ A FIRST TIME ON THE ____ DAY OF _____, 2024

READ A SECOND TIME 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 TEXT AMENDMENT

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

R-1A Residential One A 1000 m²

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

4.6.1A Residential One A (R-1A)

4.6.1A

**RESIDENTIAL ONE A
(R-1A)**

i) PERMITTED PRINCIPAL USES

- a) On any lot:

- 1) Residential use;
- 2) Park use.

ii) PERMITTED ACCESSORY USES

- a) On any lot:

- 1) Home occupation use;
- 2) Bed and Breakfast;
- 3) Agricultural use excluding the keeping of livestock;
- 4) Accessory buildings.

iii) CONDITIONS OF USE

- a) **Residential use is limited to:**

One single family dwelling plus one secondary suite.

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 (2150 square feet), whichever is greater.

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** that abuts a public road right-of-way;

- 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).
- 3) 7.5 metres (24.6 feet) of a **rear lot line**.
- 4) 3.5 metres (11.48 feet) of an **accessory building**.

b) Other specifications include:

- 1) If a side lot line abuts a public right-of-way, refer to Section 4.5.5(f).
- 1) If the lot is located at the intersection of two public road rights-of-way, refer to Section 4.5.5(e)(f).
- 2) If the lot abuts a river, lake, sea or any other watercourse, refer to Section 4.5.5(a)(ii-iii).
- 3) For any exceptions to siting, refer to Section 4.5.6(a).
- 4) Where siting is proposed adjacent to a stream refer to Section 4.5.5(a) "Stream Setbacks".

vi) LOT COVERAGE

The maximum lot coverage of all buildings and structures shall not exceed 40% of the lot area.

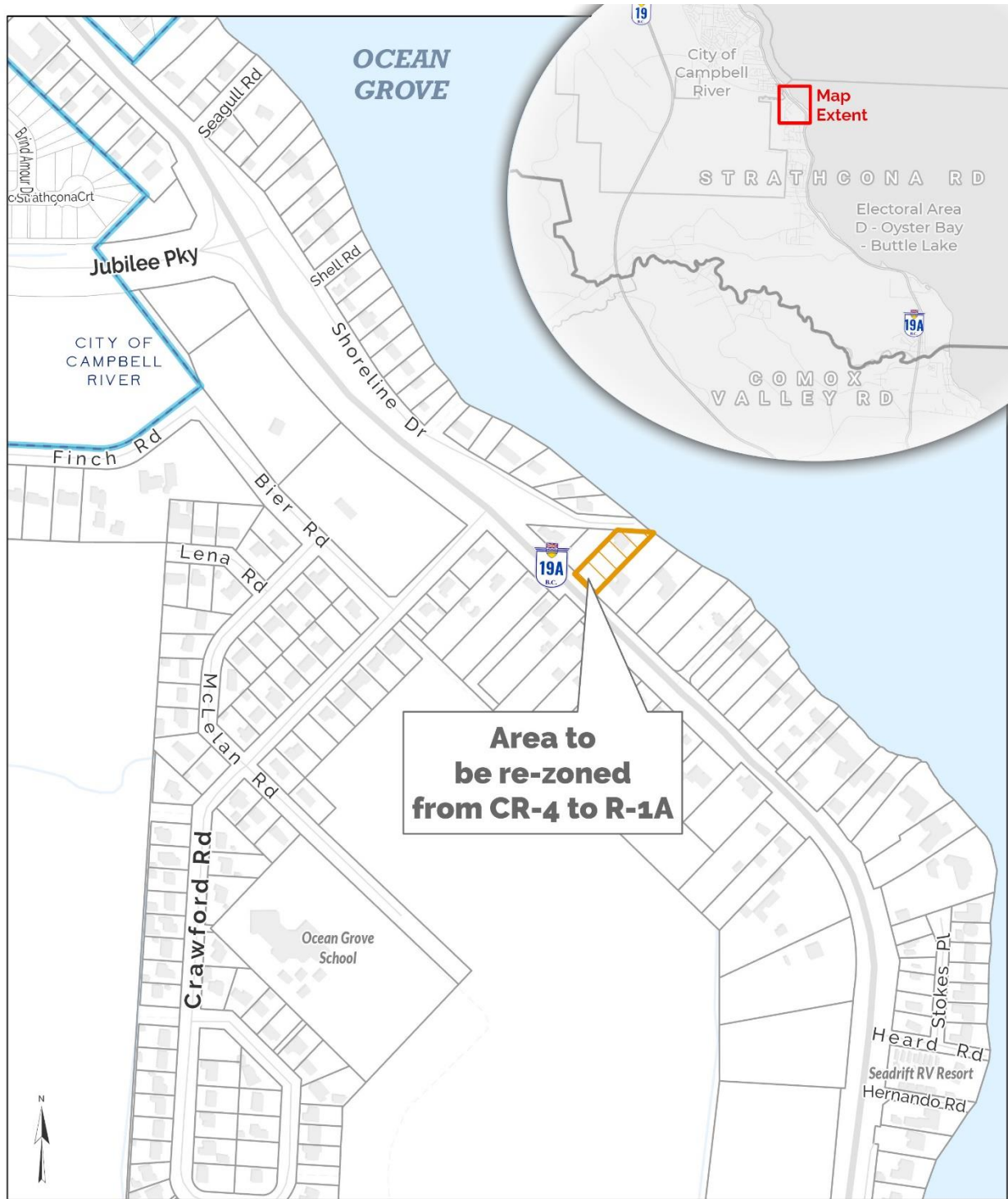
vii) SUBDIVISION REQUIREMENTS

- a) **Minimum lot area:** 1000 square metres (0.25 acres)
- b) **Minimum lot frontage:** 10% of the perimeter of the lot

END - R-1A

SECTION TWO MAP AMENDMENT

1. Land legally described as Lot 6, District Lot 90, Comox District, Plan 4989 as shown on the attached Appendix '1', is rezoned from Country Residential Four (CR-4) to Residential One A (R-1A):



D 23 - Watkins

LOT 6, PLAN VIP4989, DISTRICT LOT 90,
COMOX LAND DISTRICT

1:5,000

Feb 07, 2024

GIS: U:\proj\EA_D\SubjectProperties\EA_D_SubjProp.aprx

Appendix '1'

Part of Schedule 'A' to Bylaw No. 540, being Campbell River Area Zoning Bylaw 1991, Amendment No. 71.

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