



STAFF REPORT

DATE: June 12, 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 – LOJEWSKI**

PLANNING FILE NO. 3360-20/RZ 2D 24
ROLL NO.: 772 05356.460 **PID No.:** 004-890-299
APPLICANTS: Frank & Lucia Lojewski
LAND DESCRIPTION: Lot 3, Section 34, Township 4, Comox District, Plan 44139
CIVIC ADDRESS: Lot 3, Paul Road, Campbell River BC
OCP BYLAW: Bylaw 276, "Oyster Bay – Buttle Lake Official Community Plan Bylaw, 2023"
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 an application to rezone a 2.3-hectare (5.7 acre) parcel of land to facilitate its subdivision into two lots of approximately 1.0 and 1.3 hectares 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 2.3-hectare (5.7 acre) parcel located on Paul Road in Electoral Area D, from 'Country Residential Four' (CR-4) to Country Residential Three (CR-3) to facilitate a subdivision of the property into two lots of 1.0 and 1.3 hectares each. As this property is already designated Country Residential in the Oyster Bay-Buttle Lake Official Community Plan, 2023, an OCP amendment is therefore not required. While lot sizes are regulated within the zoning bylaw, Country 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 drainage ditch which must be considered fish-bearing as it is connected to fish habitat. Currently, the property is undeveloped, the two proposed parcels being created for inheritance by the applicants' two sons. 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 not indicated any opposition to the rezoning proposal. Prior to development, and as a condition of subdivision approval, an Environmentally Sensitive Areas Development Permit must be obtained in accordance with the provisions of the *Riparian Areas Protection Regulation* (RAPR).

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. 552 has been prepared for the Committee's consideration with a recommendation to proceed to the Board for the first three 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. 552 (Lojewski) be forwarded to the Board for first, second and third readings and final adoption.

Respectfully:



Dave Leitch
Chief Administrative Officer

AGENCY REFERRALS

Comments received from government agencies and from First Nations have not indicated opposition to the proposal as noted in the table below.

Agency	Comments
Agricultural Land Commission	No comments respecting the rezoning proposal.
BC Assessment Authority	No response.
Fire Department – Oyster River	No comments respecting the rezoning proposal.
FLNRORD – Environment	No response.
FLNRORD - Archaeology	No response.
MoTI	No response.
Island Health	Adherence to the <i>Subdivision Standards (February, 2020)</i> .

First Nation	Comments
Homalco First Nation	No comment.
K'ómoks First Nation	No response.
Laich-Kwil-Tach Treaty Society	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 2.3-hectare (5.7 ac.) parcel of land located on Paul Road in Electoral Area D. The proposal would change the existing zoning from Country Residential Four (CR-4) to Country Residential Three (CR-3) to allow a subdivision of the parcel into two lots. The subject property as indicated on the location plan is bounded by Country Residential properties to the north, south and west and Upland Resource 40 (UR-40) zoned land to the east.

Currently, the property is undeveloped, the two proposed lots being created for inheritance by the applicants' two sons. A review of the proposal notes that the existing parcel is physically split in half by a drainage ditch which must be considered fish-bearing as it is connected to fish habitat. Prior to development, and as a condition of subdivision approval, an Environmentally Sensitive Areas Development Permit must be obtained in accordance with the provisions of the *Riparian Areas Protection Regulation (RAPR)*.

While lot sizes are regulated within the zoning bylaw, Country Residential policies in the Oyster Bay-Buttle Lake Official Community Plan, 2023 encourages lot sizes consistent with suburban neighbourhoods. Further, this 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 development has the potential to assist Electoral Area D in reaching its target housing growth of approximately 1.3 percent over three years and may increase the likelihood of it receiving incentive funding from the Provincial Housing Action Fund should the regional district become eligible for funding at a future date.

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. 552 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.

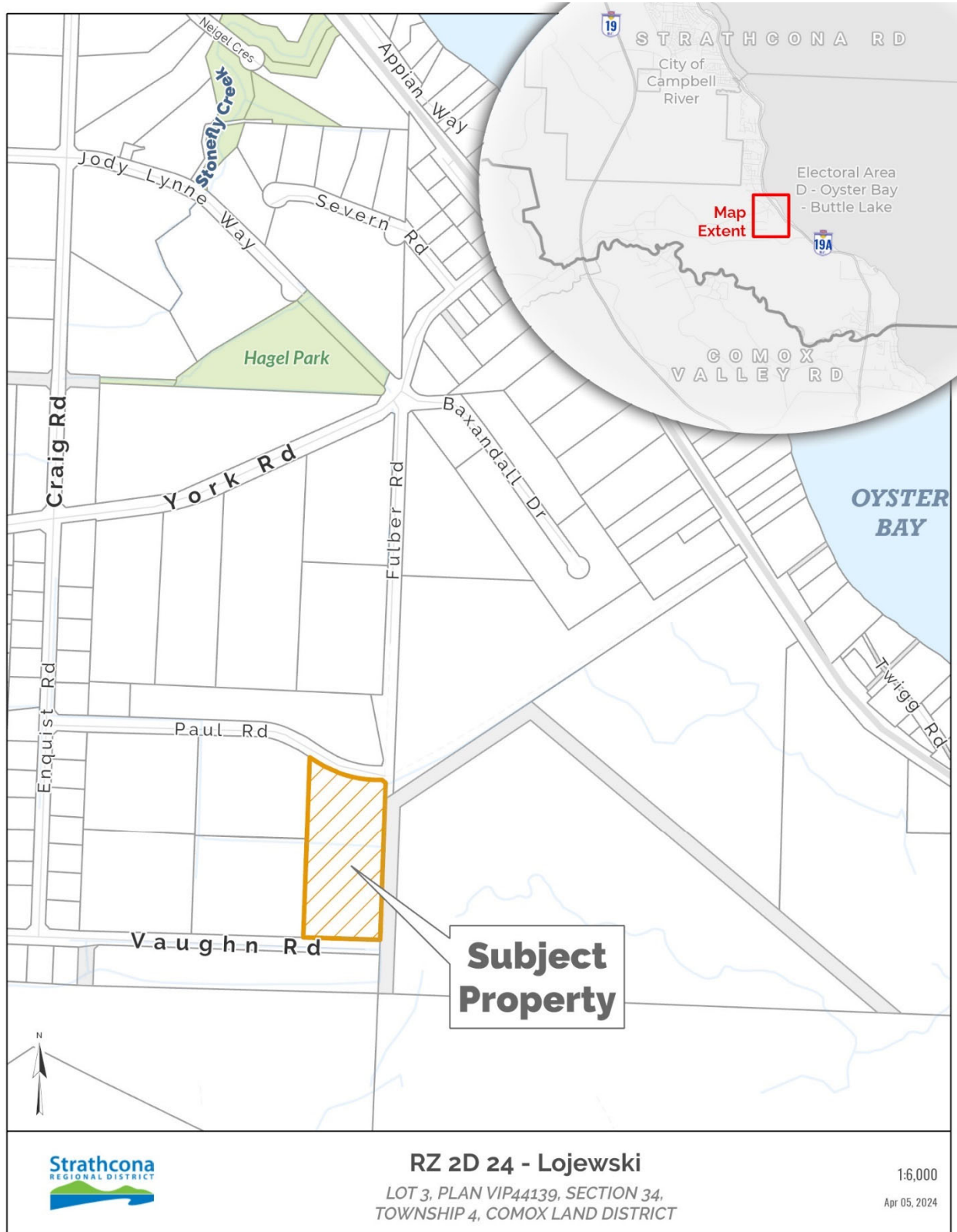
Submitted by:



Aniko Nelson
Senior Manager, Community Services

Prepared by: J. Neill, Planner

Attachment:
Bylaw No. 552



Location Map



Proposed Lot A
1.0 ha.

Proposed Lot B
1.3 ha.

Proposed Subdivision Plan

EXISTING USE

The property is roughly a rectangle bordering Paul Road and Vaughn Road on the far sides, divided by a ditch in its centre declared "a potentially fish bearing creek". This created a barrier between the two halves that completely prohibits communiting between the two parts, making it in fact two properties.

Currently there is a small 4' x 8' shed near Paul Road.

PROPOSED USE

Divide the property along the ditch into two lots that in fact already exist. Build an access road to the Vaughn Road part.

Applicants' Statement

- a. one single detached dwelling and either one secondary suite, one carriage house or one accessory dwelling unit.

2. Country Residential

1. Estate properties of various sizes serviced by septic systems and either community or well water.
2. Intended to provide estate sized residential use with the potential for small scale food production.
3. Upgrading of water system to be pursued to expand the local service area and to permit limited growth.
4. Lot size requirements will be regulated through the zoning bylaw; as a general guideline, new lots serviced by onsite septic disposal should maintain an appropriately sized lot consistent with estate property neighbourhoods [encouraging averages of 4000m² (0.99 ac) to 2.0 ha (4.9 ac)].

Policies

1. The provision of a community water service will continue to be a priority for areas designated 'Country Residential'.
2. The provision of a community sewer service will continue to be pursued for areas designated 'Country Residential' to meet the needs of existing residents and protect public health and natural environment where private onsite systems are insufficient.
3. Extensions of the areas designated 'Country Residential' may be considered if the following conditions are met:
 - a. opportunities for development in the existing 'Country Residential' areas have been exhausted or denied.
 - b. new development areas are logical extensions of the existing settlement areas, and the long-term adequacy of on-site or community water supply and sewage treatment and stormwater management systems is demonstrated.
 - c. a strategy for the development, staging, and financing of any needed infrastructure and community facilities for the extension is adopted.
 - d. rural and recreational characteristics are defined and protected.
 - e. the cumulative impacts of development on rural and recreational characteristics and on natural features and functions are assessed and are found to be minimal and acceptable.
 - f. within developments of 10 lots or more, opportunities to use renewable energy supplies or energy conservation devices have been included.
 - g. the proposed development will have a compact or clustered form with densities and uses appropriate to the services available or proposed.
4. Designation of new areas as 'Country Residential' may be considered and dependent upon demand and proximity to established areas.

**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:

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

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

- 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.

RDCS
1458

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

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

REQUIRED SETBACK	ACCESSORY BUILDING HEIGHT	
	4.5M (14.8 ft) or less	4.5 – 6.0m (14.8919.7 ft)
Front Lot Line	7.5m (24.6 feet)	7.5m (24.6 feet)
Side Lot Line	1.0m (3.3 feet)	1.0m (3.3 feet)
Rear Lot Line	1.0m (3.3 feet)	2.0m (6.6 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".

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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. 552

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. 552, being Campbell River Area Zoning Bylaw 1991, Amendment No. 72.

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

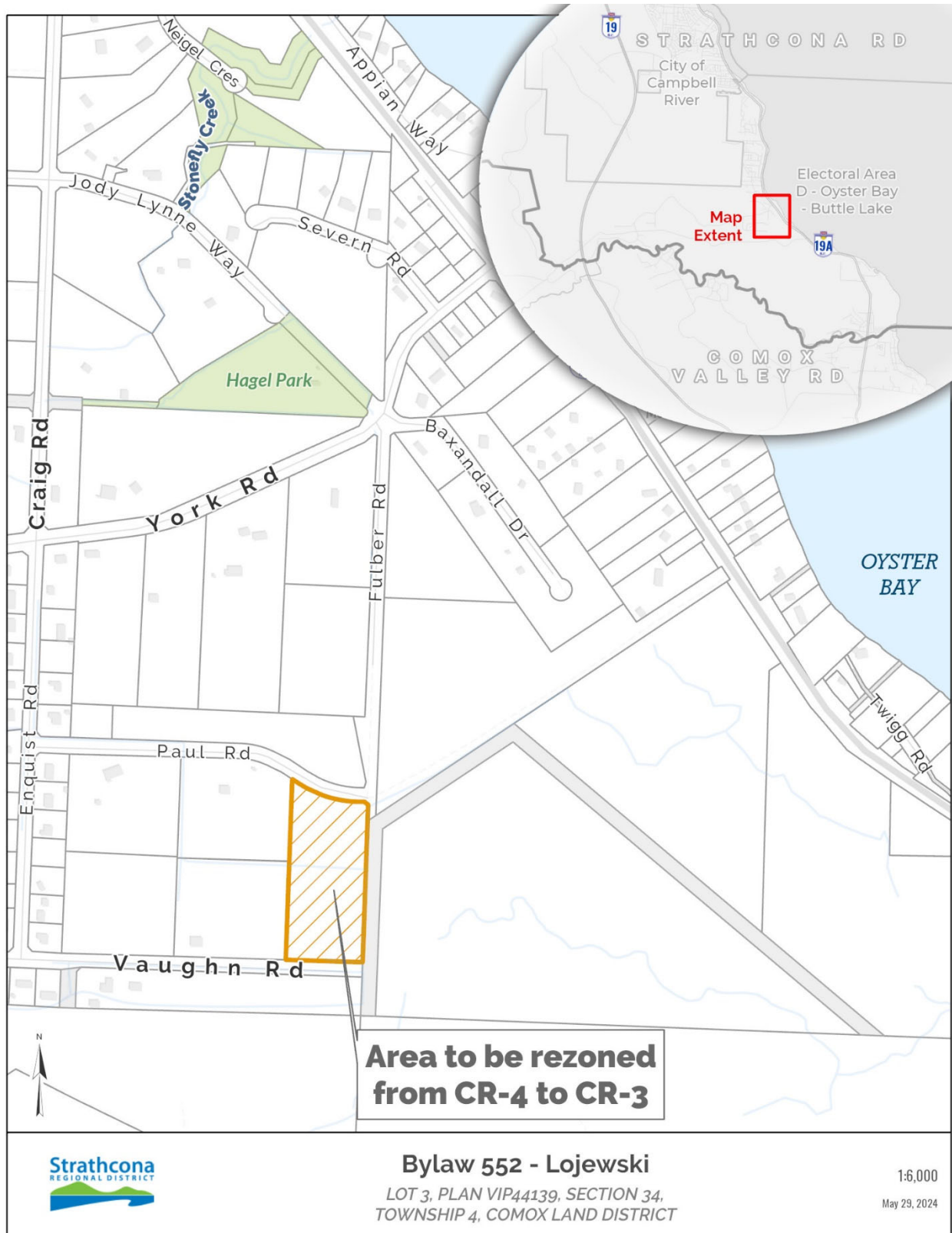
Chair

Corporate Officer

SCHEDULE 'A'

SECTION ONE MAP AMENDMENT

Land legally described as Lot 3, Section 34, Township 4, Comox District, Plan 44139 as shown on the attached Appendix '1', is rezoned from Country Residential Four (CR-4) to Country Residential Three (CR-3).



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

Appendix '1'

Part of Schedule 'A' to Bylaw No. 552, being Campbell River Area Zoning Bylaw 1991, Amendment No. 72.

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



BYLAW NO. 552

**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. 552, being Campbell River Area Zoning Bylaw 1991, Amendment No. 72.

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

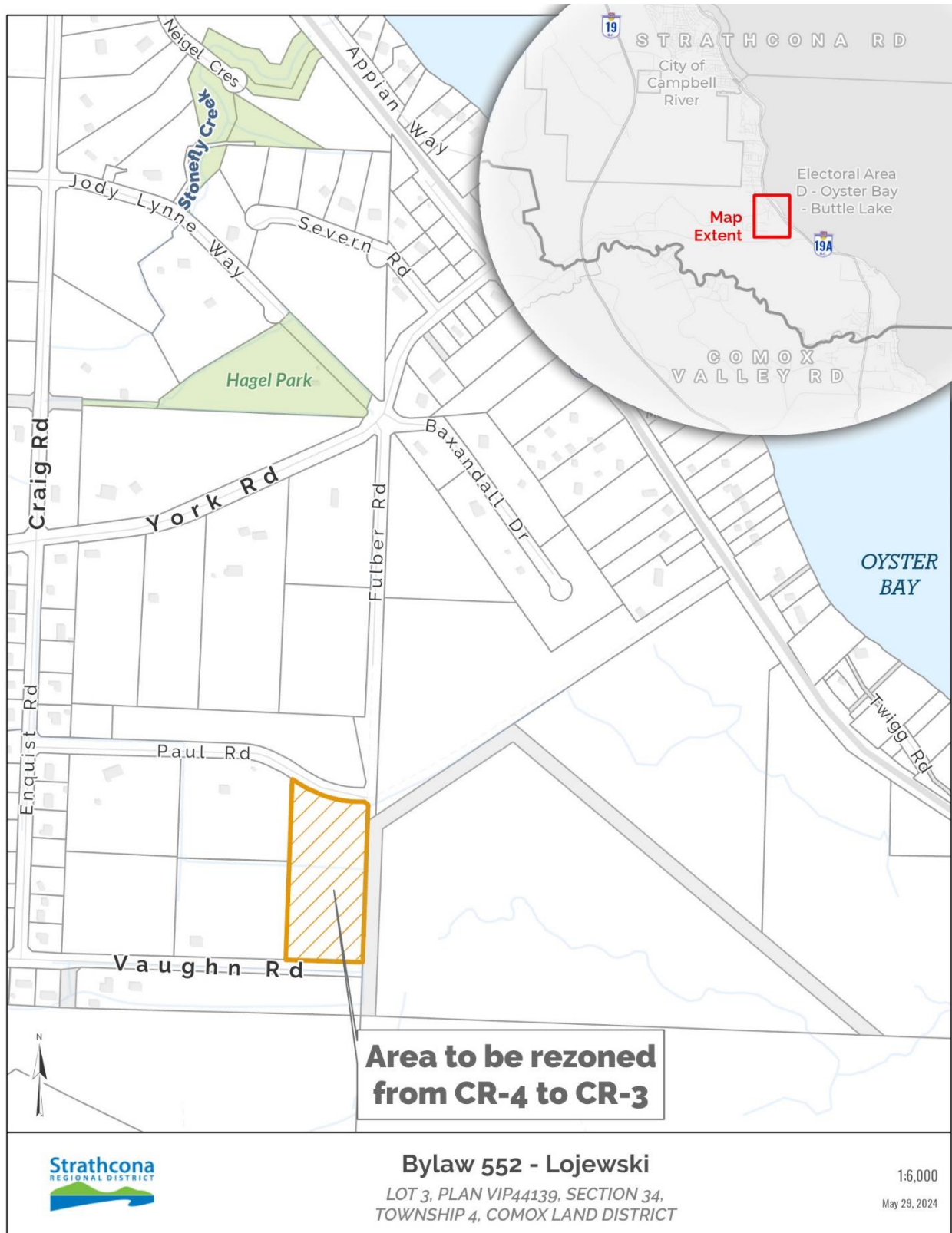
Chair

Corporate Officer

SCHEDULE 'A'

SECTION ONE MAP AMENDMENT

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

Appendix '1'

Part of Schedule 'A' to Bylaw No. 552, being Campbell River Area Zoning Bylaw 1991, Amendment No. 72.

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