



## STAFF REPORT

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**DATE:** October 9, 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 – BELANGER**

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**PLANNING FILE NO.** 3360-20/RZ 5D 24

**ROLL NO.:** 772 04486.000 **PID No.:** 004-980-328

**APPLICANTS:** Glen & Tanya Belanger

**LAND DESCRIPTION:** Lot 22, Block 2, Plan VIP12174, Comox Land District, & Blk 29

**CIVIC ADDRESS:** 2387 Glenmore Rd, 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 Five (CR-5)

**PROPOSED ZONE:** Residential Three (R-3)

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### PURPOSE

To consider an application to rezone a 1.25-hectare (3.10 acre) parcel of land to facilitate a future subdivision into two lots of approximately 0.30 and 0.95 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 1.25-hectare (3.10 acre) parcel located on Glenmore Road in Electoral Area D, from 'Country Residential Five' (CR-5) to Residential Three (R-3) to facilitate a two-lot subdivision of the property consisting of one 0.30-ha (0.74 ac.) and one 0.95-ha (2.34 ac.) parcel. The property is currently developed with two existing dwellings, a workshop, shed, two septic fields and one drilled well.

The development proposal aligns with the Residential designation in the Oyster Bay-Buttle Lake Official Community Plan, 2023 and as such, an OCP amendment is not required. Residential policies in the Oyster Bay-Buttle Lake Official Community Plan, 2023 encourage lot sizes between 0.49 acres to 0.99 acres and that are consistent with suburban neighbourhoods. The proposal is compliant with the proposed R-3 zoning requirements and is consistent with other densities in the area. The application received support to proceed by the Electoral Area D Advisory Planning Commission (APC) at its August 28, 2024 meeting. Comments received from government agencies and from First Nations have indicated no concerns with the proposal.

With the recent passing of Bill 44, s.464(3), s.466 s.467 of the LGA 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 LGA. Bylaw No. 580 has been prepared for the Committee's consideration with a recommendation to proceed to the Board for first, second and third 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. 580 (Belanger) be forwarded to the Board for first 3 readings and final adoption.

Respectfully:



\_\_\_\_\_  
 Dave Leitch  
 Chief Administrative Officer

**AGENCY REFERRALS**

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

Agency	Comments
BC Assessment Authority	No response.
Fire Department – Oyster River	No concerns with rezoning. Both driveways should be clearly marked and have easy access for emergency vehicles.
FLNRORD – Environment	No response.
FLNRORD - Archaeology	No known archaeological sites recorded on the subject property.
MoTI	No response.

Island Health	No objections to proposed rezoning. Future subdivision is to adhere to the <i>Subdivision Standards (February, 2020)</i> .
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Nation	Comments
Homalco First Nation	No response.
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 1.25-hectare (3.10 acre) parcel of land situated at 2387 Glenmore Road, in Electoral Area D. The subject property, as indicated on the location map, is bounded by Country Residential parcels to the east, north and west, and Oyster River to the south. The property is currently developed with two existing dwellings, a workshop, shed, two septic fields and an individually drilled well. The proposal would amend the existing zoning from Country Residential Five (CR-5) to Residential Three (CR-3) to allow the property owner to apply for a two-lot subdivision of 0.30-ha (0.74 ac.) and 0.95-ha (2.34 ac.) each. At the time of subdivision application to the Ministry of Transportation and Infrastructure (MoTI), the property owner would also be required to submit a frontage relief application to the SRD.

Should a future subdivision application to MoTI be approved, proposed lot 1 would retain a dwelling and septic system. The siting and condition of the septic field for proposed lot 1 would need to be addressed in collaboration with Island Health and MoTI at the time of subdivision. The second dwelling, septic system, and the workshop and shed would remain on proposed lot 2. Installation of an individually drilled well would be required to service proposed lot 2, as per s.10.1(ii) of the Subdivision Servicing Standards Bylaw No. 64, 2010.

Residential policies in the Oyster Bay-Buttle Lake Official Community Plan, 2023 encourage lot sizes between 0.49 acres to 0.99 acres and that are consistent with suburban neighbourhoods. The parcel is compliant with the existing CR-5 zone and with the proposed R-3 zone, as well as with the Residential designation in the Area D OCP.

### FINANCIAL IMPLICATIONS

Fees for the rezoning application process have been applied in accordance with the Regional District's Planning Procedures and Fee Bylaw No. 5.

### LEGAL IMPLICATIONS

This report and the recommendations contained herein comply with the LGA and Regional District bylaws.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS**

The application was forwarded to the Area D APC and a recommendation of support was offered. Should a recommendation of support be made for the application and Bylaw No. 580 proceed forward, public consultation will occur in the form of a notification in accordance with LGA requirements.

**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:

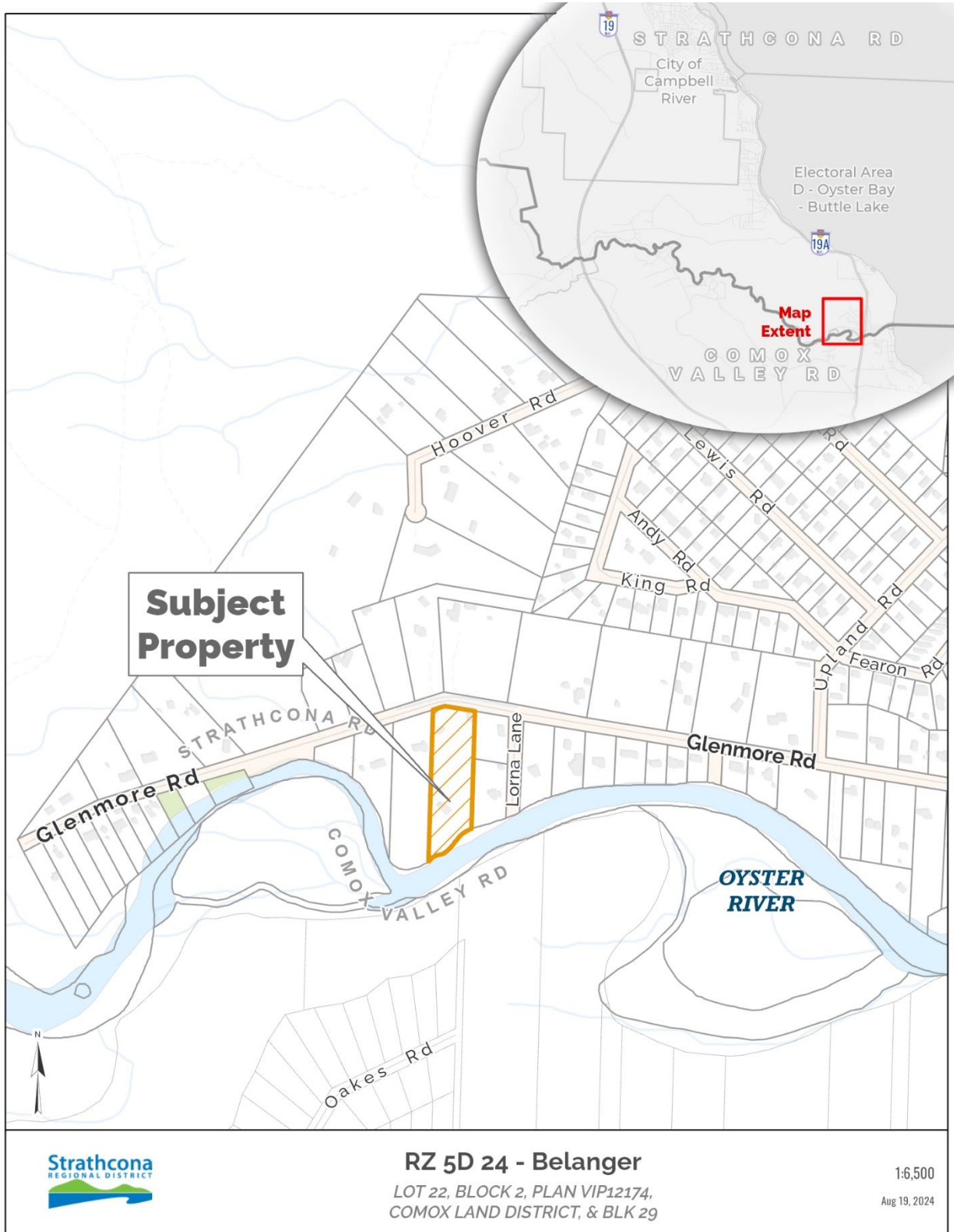


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Aniko Nelson  
Senior Manager, Community Services

***Prepared by:*** L. Hougham, Development Planner I

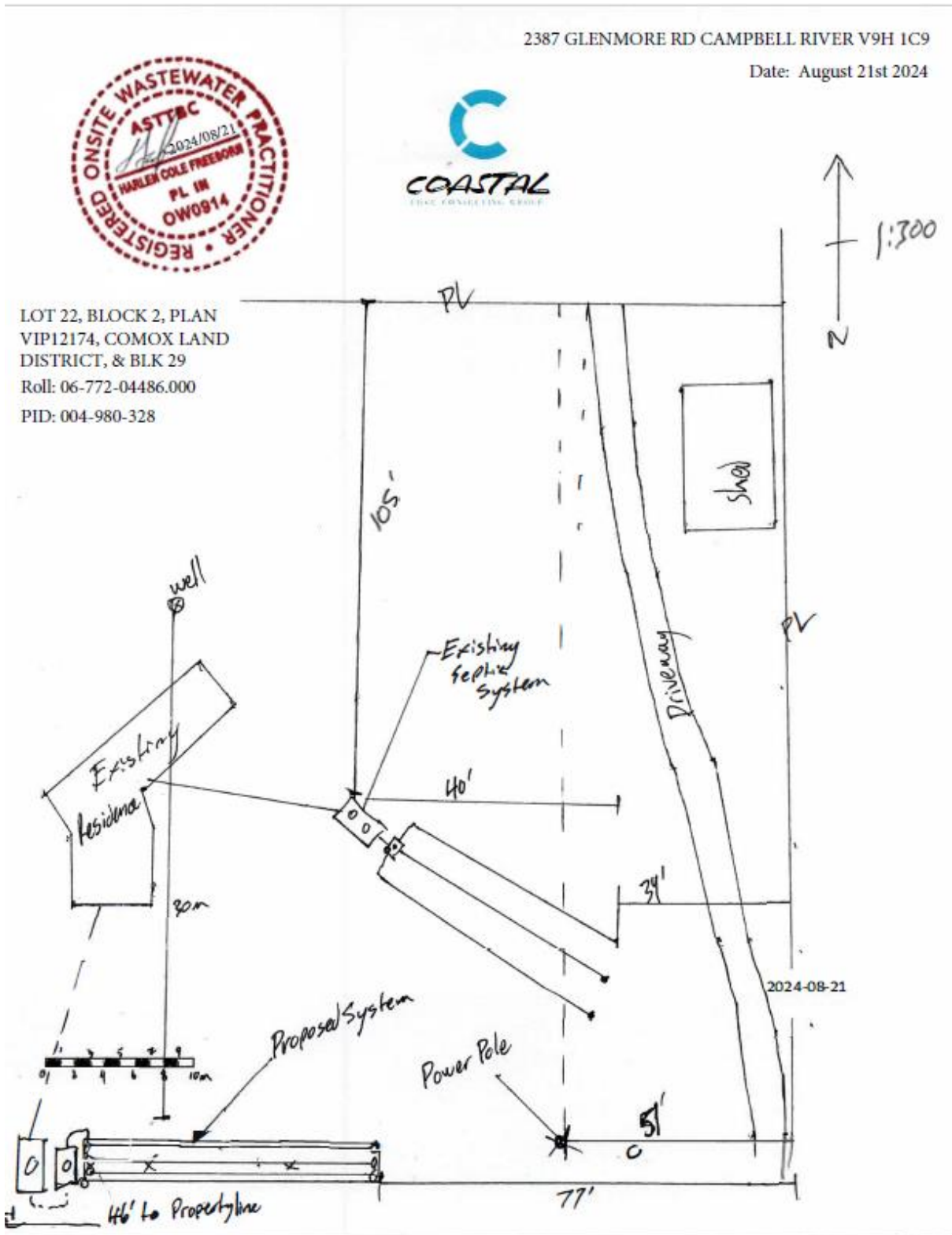
Attachment:  
Bylaw No. 580



Location Map



Location Plan



Site Plan of Existing and Future Proposed Septic Field Location

**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 2000m<sup>2</sup> (0.49 acre) to 4000m<sup>2</sup> (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:

**4.6.8****COUNTRY RESIDENTIAL FIVE  
(CR—5)****i) PERMITTED PRINCIPAL USES****a) On any lot:**

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

**b) On any lot over 4000 m<sup>2</sup> (0.99 acres):**

- 1) Agricultural use.

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

- |              |  |
|--------------|--|
| RDCS<br>2163 | <ol style="list-style-type: none"> <li>1) Home occupations;</li> <li>2) Accessory buildings; and</li> <li>3) Bed and Breakfast.</li> </ol> |
|--------------|--|

**iii) CONDITIONS OF USE**

RDCS 1458	<p>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.</p>
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**b) Residential use is limited to:**

- |            |   |
|------------|---|
| SRD<br>556 | <ol style="list-style-type: none"> <li>1) On any lot size: One (1) Single Family Dwelling and one (1) Secondary Suite or one (1) Duplex; or</li> <li>2) On any lot over 4000 m<sup>2</sup> (0.99 acres) and serviced by a community water system:           <ol style="list-style-type: none"> <li>a. One (1) Single Family Dwelling and one (1) Secondary Suite and one (1) Accessory Dwelling Unit; or</li> </ol> </li> <li>3) On any lot over 1 hectare (2.47 acres):</li> </ol> |
|------------|---|

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

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- b. Two (2) Single Family Dwellings and one (1) Secondary Suite per Single Family Dwelling.

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

- b) [Repealed]

- 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".

vi) **LOT COVERAGE**

The maximum lot coverage of all buildings and structures shall not exceed 10% of the lot area.

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**vii) SUBDIVISION REQUIREMENTS**

- a) **Minimum lot area:** 8 hectares (19.77 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-5

**4.6.3**
**RESIDENTIAL THREE  
 (R—3)**
**i) PERMITTED PRINCIPAL USES****a) On any lot:**

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

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

- |              |
|--------------|
| RDCS<br>2183 |
|--------------|
- 1) Home occupation use;
  - 2) Agricultural use excluding the keeping of livestock;
  - 3) Accessory buildings; and
  - 4) Bed and Breakfast.

**b) On any lot over 4000 m<sup>2</sup> (0.99 acres):**

- 1) Agricultural use.

**iii) CONDITIONS OF USE**

RDCS 1458
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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:**

- |            |
|------------|
| SRD<br>556 |
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- 1) On any lot size: One (1) Single Family Dwelling and One (1) Secondary Suite; or
  - 2) On any lot over 4000 sq m (0.99 acres) and serviced by a community water system:
    - a. One (1) Single Family Dwelling and one (1) Secondary Suite and one (1) Accessory Dwelling Unit; or
    - b. One (1) Duplex and one (1) Accessory Dwelling Unit.

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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 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 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.

RDCS  
1458

SRD  
496

b) [Repealed].

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).

SRD  
84

- 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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vi) **LOT COVERAGE**

The maximum lot coverage of all buildings and structures shall not exceed 25% of the total lot area.

vii) **SUBDIVISION REQUIREMENTS**

- a) **Minimum lot area:** 2500 square metres (0.62 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 • R-3



**BYLAW NO. 580**

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**A BYLAW TO AMEND THE ZONING REGULATIONS APPLICABLE TO ELECTORAL AREA  
'D'**

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**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. 580, being Campbell River Area Zoning Bylaw 1991, Amendment No. 77.

**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**

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Chair

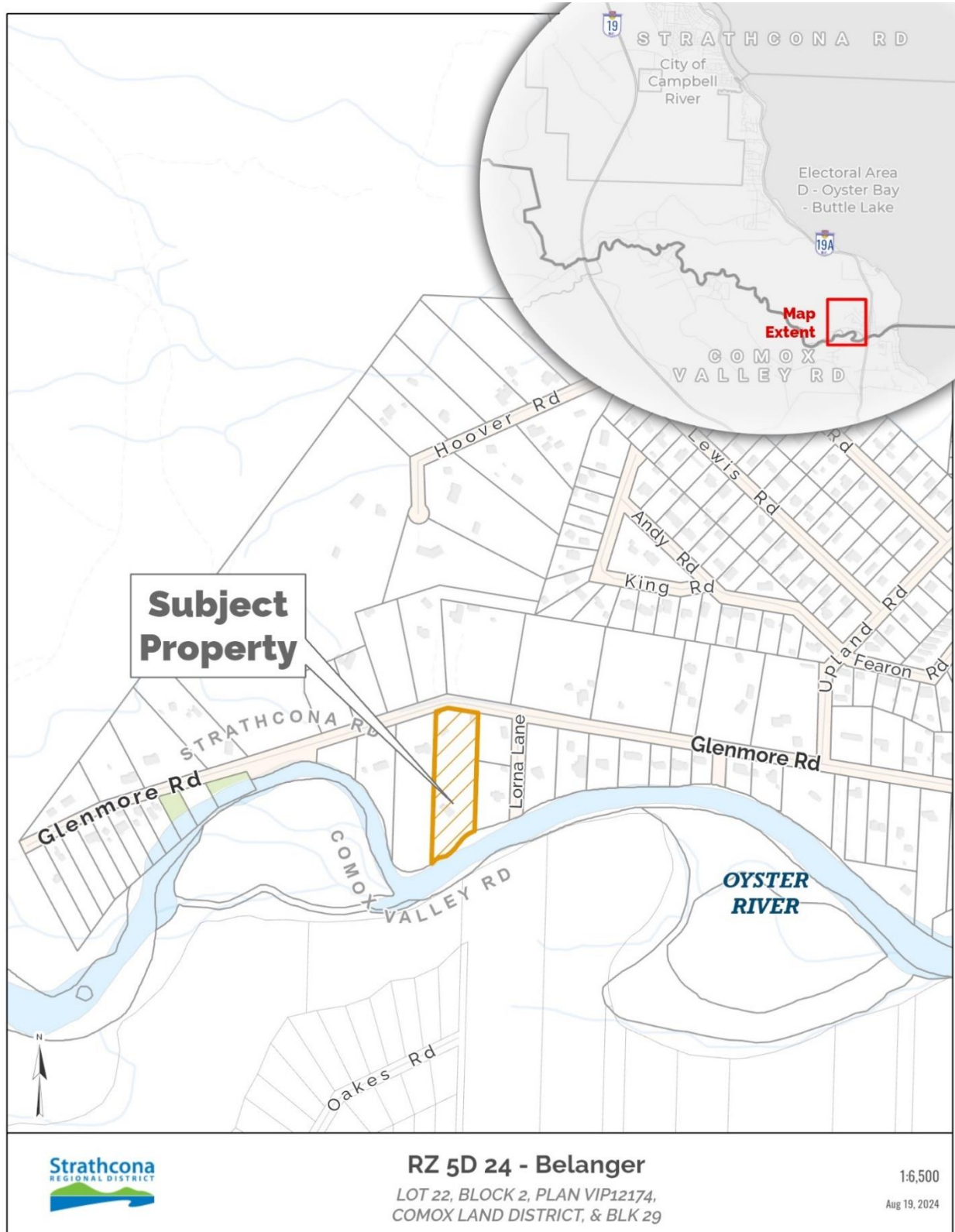
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Corporate Officer

**SCHEDULE 'A'**

**SECTION ONE MAP AMENDMENT**

Land legally described as Lot 22, Block 2, Plan VIP12174, Comox Land District, & Blk 29 as shown on the attached Appendix '1', is rezoned from Country Residential Five (CR-5) to Residential Three (R-3).



GIS: U:\proj\EA\_D\SubjectProperties\EA\_D\_SubjProp.aprx

**Appendix '1'**

Part of Schedule 'A' to Bylaw No. 580, being Campbell River Area Zoning Bylaw 1991, Amendment No. 77.

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