



STAFF REPORT

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 QUADRA ISLAND ZONING BYLAW**

PLANNING FILE NO. 3360-20/RZ 1C 24
ROLL NOS.: 772 18403.000/772 18407.00 **PID Nos.:** 009-661-972/009-662-120
APPLICANT: Crescent Channel Enterprises Ltd.
LAND DESCRIPTIONS: District Lot 233, Quadra Island, Sayward Land District
Lot 1, District Lot 236, Quadra Island, Sayward Land District
CIVIC ADDRESSES: 2360 and 2440 Riley Trail, Heriot Bay BC
OCP BYLAW: Bylaw 3050, "Quadra Island Official Community Plan Bylaw, 2007"
EXISTING DESIGNATION: Rural
ZONING BYLAW: Bylaw No. 1213 "Quadra Island Zoning Bylaw, 1990"
EXISTING ZONE: Community Land Stewardship One (CLS-1)
PROPOSED ZONE: Rural One (RU-1)

PURPOSE

To consider an application to rezone two adjoining parcels of land totalling 58.4 hectares (152 acres) to facilitate the creation of a 10-lot strata subdivision over the parcels, with the balance of the land being held by a land conservancy.

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 - 470 (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

The application proposes to create ten 2-hectare, lot-size-averaged, water-access only strata lots along the foreshore perimeter of two adjoining Rural designated parcels, totaling 58.4 hectares. The subject properties are located on the east side of Quadra Island between Crescent Channel to the north and Village Bay to the south and are currently developed with eight houses and outbuildings of various ages as part of the development of a joint-ownership residential community in 1969. The owners are looking to secure strata title ownership over their improvements and adjacent lands through a strata title subdivision.

To proceed, the proponents are dependent on a successful amendment to the zoning bylaw to rezone the parcels from Community Land Stewardship One (CLS-1) to Rural One (RU-1), which supports among other configurations, lot-size averaging to a maximum density of 14 lots across the two properties. The proposed lots will be serviced by individual septic fields and wells in accordance with Island Health requirements. A restrictive covenant (EW75094) registered against title to protect a wetland area in the centre of the property would be transferred to the new title of the remainder parcel. The existing access roads to these various structures would become common property access, while the balance of the property (38.4 hectares) is to be donated to a Conservancy and Stewardship Society for long-term preservation.

The proposed rezoning of the property accords with the Rural designation of the Official Community Plan and will not impact the existing residential use of the area or affect adjacent properties. The proposal is compatible with the existing residential 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 and the Electoral Area C APC provided support for the application.

Given the above considerations, it is recommended that support be given to the proposal to rezone the property to Rural One (RU-1). 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. 582 has been prepared for the Committee's consideration with a recommendation to proceed with 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. 582 (Crescent Channel Enterprises) be forwarded to the Board for first 3 readings and final adoption.

Respectfully:



Dave Leitch
Chief Administrative Officer

AGENCY REFERRALS

Comments received from government agencies and from First Nations have indicated no concerns with the proposal to rezone the lots to permit subdivision and are provided below for the Committee's information:

Agency	Comments
Area C APC	Recommends approval.
BC Assessment Authority	No response.
Fire Department - Quadra Island	No concerns.
FLNRORD – Environment	No objection.
FLNRORD - Archaeology	No concerns with zoning amendment. At subdivision, although no development is proposed within 50m of the site, protected archaeological site EaSh-36 in the northeast of Lot 1, DL 236 must not be damaged or altered without a Provincial heritage permit issued by the Archaeology branch.
MoTI	No response.
Island Health	No concerns with zoning amendment. <i>Adherence to the Subdivision Standards (February, 2020) will be required at subdivision stage.</i>

Nation	Comments
Dadaxdaxw First Nation	No comment.
Homalco First Nation	No concerns.
Klahoose First Nation	Defers to other First Nations.
K'ómoks First Nation	No response.
Mamalilikulla First Nation	No response.
Nanwakolas Council	Only responds to Provincial/Federal referrals.
Stz'uminus First Nation	No response.
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 a proposal to create ten 2-hectare, lot-size-averaged, water-access only strata lots along the foreshore perimeter of two adjoining Rural designated parcels, totaling 58.4 hectares. The subject properties are located on the east side of Quadra Island between Crescent Channel to the north and Village Bay to the south and are currently developed with eight houses and outbuildings of various ages, situated along the foreshore perimeters of the two properties. Eight of the ten proposed strata lots are already developed with residences originally established as a joint-ownership residential community in 1969. The proposed lots will be serviced by septic fields and individual wells in accordance with Island Health requirements.

The existing access roads to these various structures would become common property access, while the balance of the property (38.4 hectares) would be donated to a Conservancy and Stewardship Society for long-term preservation. A restrictive covenant (EW75094) registered against title to protect a wetland area in the centre of the property would be transferred to the new title of the remainder parcel. To proceed with the subdivision proposal, the proponents are dependent on a successful amendment to the zoning bylaw to rezone the parcels from Community Land Stewardship One (CLS-1) to Rural One (RU-1), which supports among other configurations, lot-size averaging to a maximum density of 14 lots across the two properties.

The proposed rezoning of the property accords with the Rural designation of the Official Community Plan and will not impact the existing residential use of the area or affect adjacent properties. The proposal is compatible with the existing residential use of the surrounding parcels and is consistent with the character of the area.

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 Electoral Area C APC and support provided. Should a recommendation of support be made for the application and Bylaw No. 582 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.

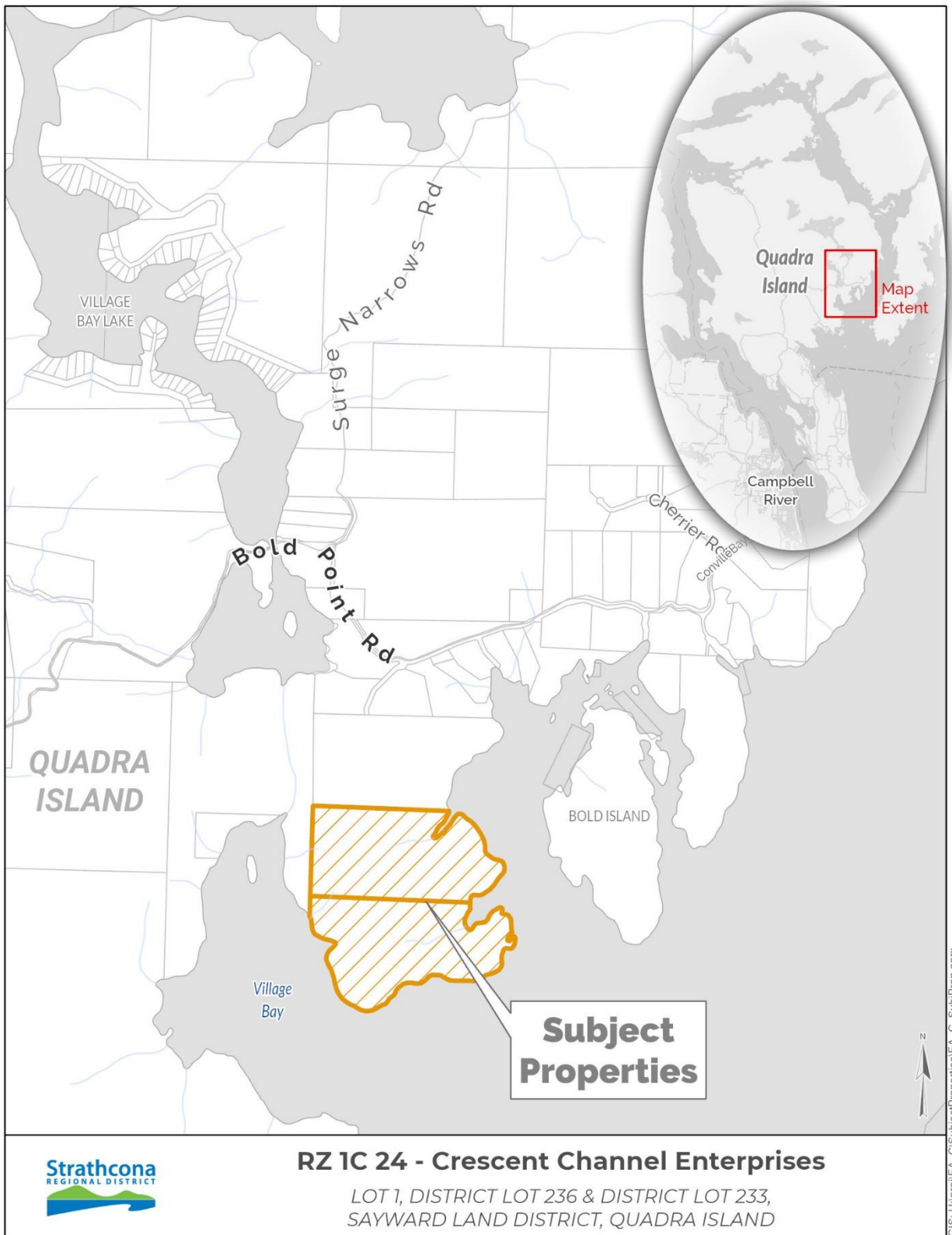
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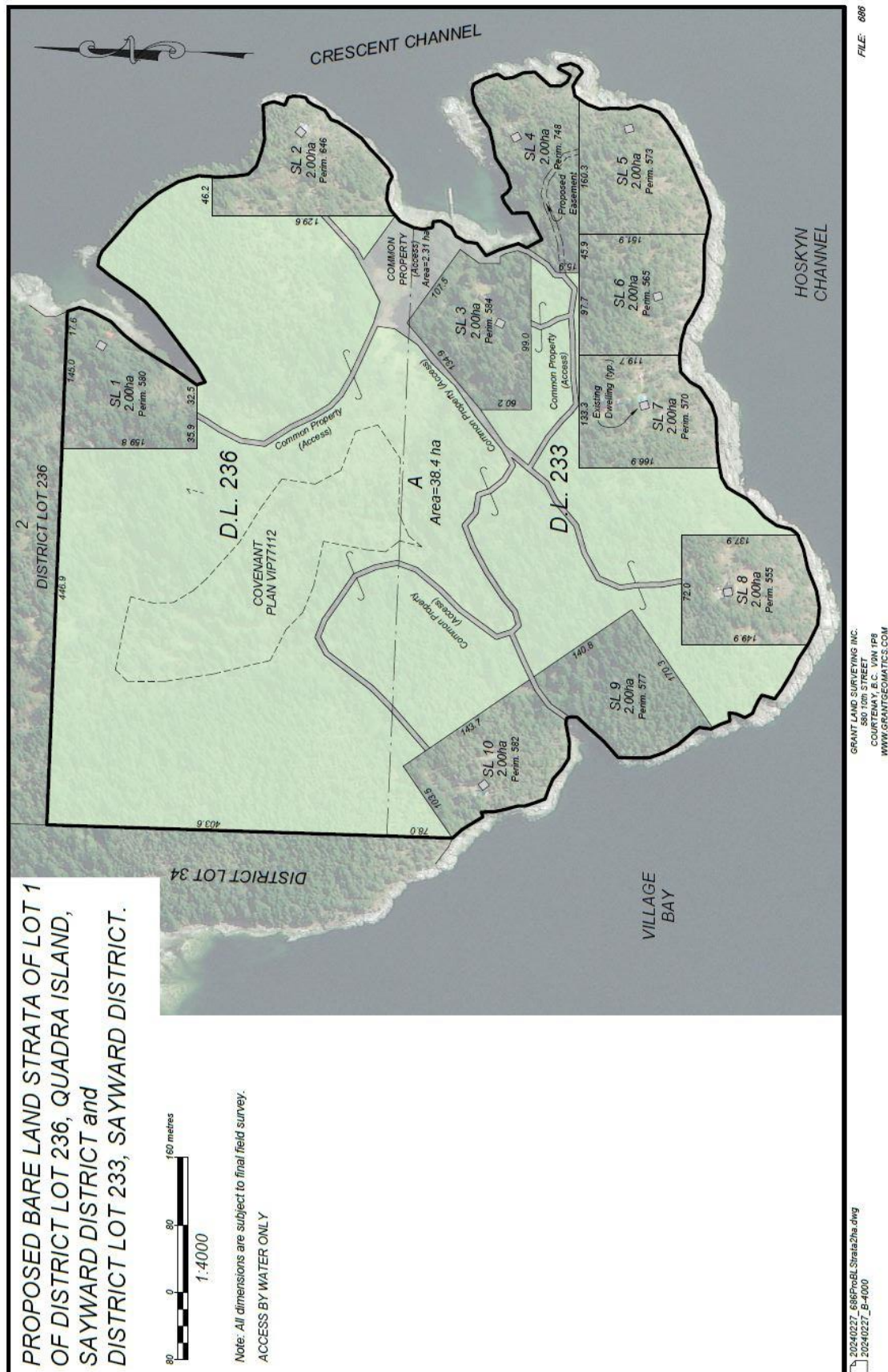
Aniko Nelson
Senior Manager, Community Services

Prepared by: J. Neill, Planner

Attachment:
Bylaw No. 582



Location Map



Proposed Subdivision Plan

11.24 COMMUNITY LAND STEWARDSHIP ONE (CLS-1)

11.24.1 PERMITTED PRINCIPAL USE

- a) Residential;

#2548

11.24.2 PERMITTED ACCESSORY USES

- a) Home occupation;
b) Accessory buildings and structures;

11.24.3 CONDITIONS OF USE

- a) Residential use as follows:
- 1) In the Community Land Stewardship One zone, a maximum of 10 single family dwellings and;
 - 2) A maximum of two guest dwellings, limited in size to 80 square metres (861.1 square feet).

#2887

11.24.4 LOT AREA

The minimum lot area in the Community Land Stewardship One (CLS-1) zone shall be 60 ha (148 acres).

11.24.5 SETBACKS

Except where otherwise specified in this bylaw, buildings and structures shall be located:

- a) A minimum of 7.5 metres (24.6 feet) from a front lot line;
- b) A minimum of 7.5 metres (24.6 feet) from a rear lot line;
- c) A minimum of 3.0 metres (9.8 feet) from a side lot line.

11.24.6 LOT COVERAGE

The maximum lot coverage of all buildings and structures shall not exceed 5% of the total lot area.

11.24.7 ZONE REQUIREMENTS

On lands zoned Community Land Stewardship a Section 219 Covenant (Land Title Act) precluding future subdivision and protecting natural features of the property shall be registered against the property in favour of the Regional District.

(Note: Prior to construction of a building on a property, or alteration of a building, Environmental Health approval shall be obtained).

END • CLS-1

11.2**RURAL ONE (RU-1)****11.2.1 PERMITTED USES**

- a) *Agricultural use*;
- b) Nurseries and commercial greenhouses;
- c) Single *family dwelling*;
- d) Accessory *buildings* and *structures*;
- e) Silviculture.

11.2.2 CONDITIONS OF USE

- a) More than one (1) *principal building* shall be permitted on a *lot*, provided that all other requirements of the bylaw are complied with.
- b) One (1) guest *dwelling* per *lot* subject to a maximum *floor area* of 80.0 square metres (861.1 square feet) shall be permitted only where the *lot* has a minimum area of 4000.0 square metres (0.99 acres). #2887
- c) Two (2) single *family dwellings* are permitted where the *lot* has a minimum area of 4.0 hectares (9.88 acres) with one additional single *family* residential *building* permitted for each additional 4.0 hectares (9.88 acres) to a maximum of five (5) units.

11.2.3 LOT AREA

- a) The minimum *lot* area in the Rural One (RU-1) shall be 4.0 hectares (9.88 acres).
- b) *Repealed* #1391

11.2.4 SETBACKS

- a) 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 3.0 metres (9.84 feet) from a side *lot* line.
- b) No *building* used for the purpose of feeding livestock or poultry in confinement for commercial purposes shall be sited less than 75.0 metres (246.06 feet) from the highwater mark of any lake or *stream*.

11.2.5 LOT COVERAGE

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

End - RU-1



BYLAW NO. 582

A BYLAW TO AMEND THE ZONING REGULATIONS APPLICABLE TO QUADRA ISLAND

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. 582, being Quadra Island Zoning Bylaw 1990, Amendment No. 149

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

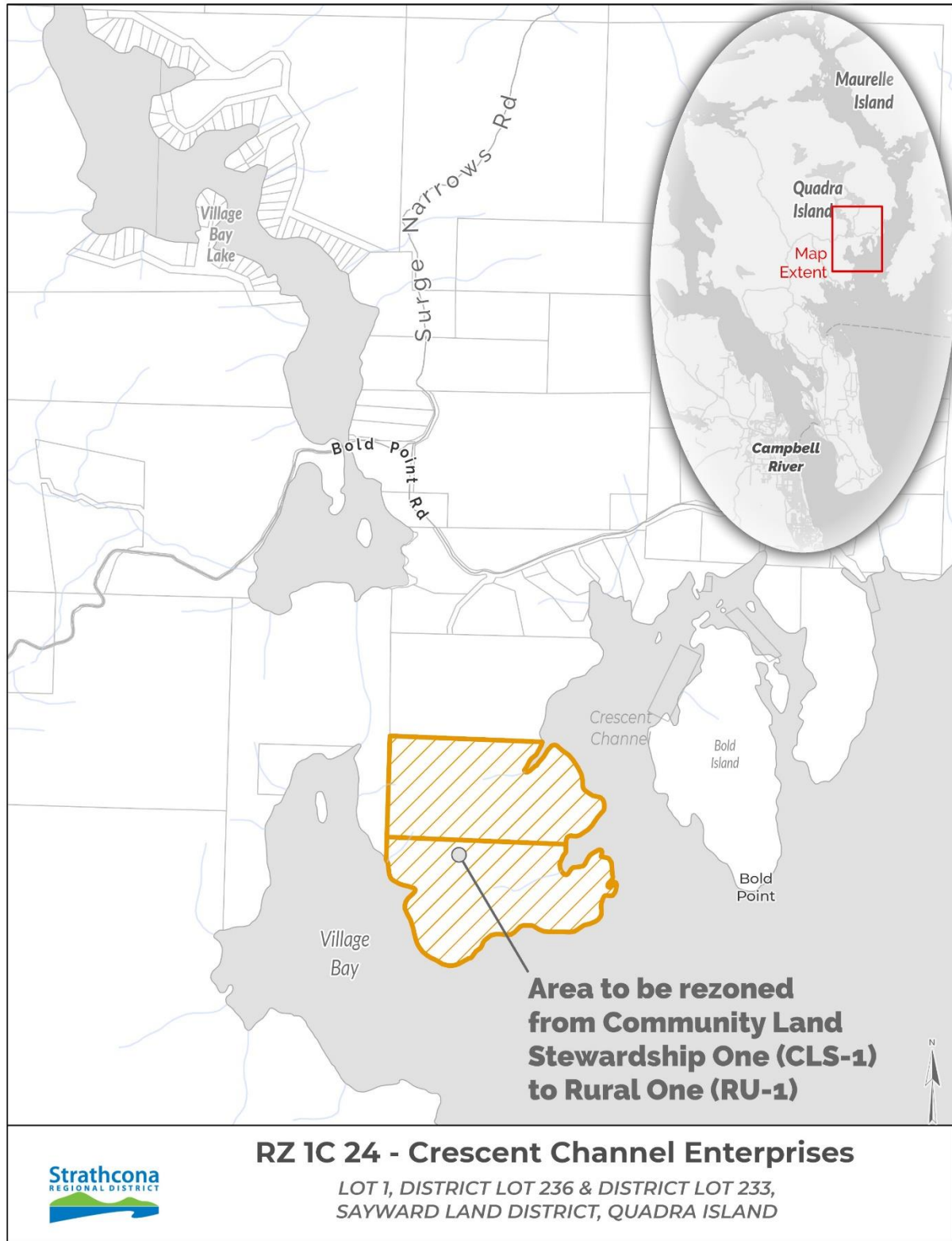
Chair

Corporate Officer

SCHEDULE 'A'

SECTION ONE MAP AMENDMENT

1. Land legally described as District Lot 233, Sayward District and Lot 1 of District Lot 236, Quadra Island, Sayward District as shown on the attached Appendix '1', is rezoned from Community Land Stewardship One (CLS-1) to Rural One (RU-1).



Appendix '1'

Part of Schedule 'A' to Bylaw No. 582, being Quadra Island Zoning Bylaw 1990, Amendment No. 149.

Amends 'Map 3' of Bylaw No. 1213, being Quadra Island Zoning Bylaw 1990.