



## STAFF REPORT

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**DATE:** October 31, 2023 **FILE:** 0550-04 Board  
**TO:** Chair and Directors  
Electoral Areas Services Committee  
**FROM:** Dave Leitch  
Chief Administrative Officer  
**RE:** **OCP AMENDMENT AND REZONING APPLICATION – CP 1C 23 / RZ 4C 23 STEVENSON**

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**PLANNING FILE NOS.** 3350-20/CP 1C 23 and 3360-20/RZ 4C 23  
**ROLL NO.:** 772 18236.014 **PID No.:** 001-208-721  
**APPLICANT:** Morgan Stevenson  
**LAND DESCRIPTION:** Lot 7, District Lot 201, Quadra Island, Sayward Land District, Plan 30864  
**CIVIC ADDRESS:** 1163 Topcliff Road, Heriot Bay BC  
**OCP BYLAW:** Bylaw 3050, "Quadra Island Official Community Plan Bylaw, 2007"  
**EXISTING DESIGNATION:** Rural  
**PROPOSED DESIGNATION:** Rural Residential  
**ZONING BYLAW:** Bylaw No. 1213 "Quadra Island Zoning Bylaw, 1990"  
**EXISTING ZONE:** Rural One (RU-1)  
**PROPOSED ZONE:** Rural Two (RU-2)

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### PURPOSE

To consider an application to re-designate and rezone a 4.04-hectare parcel of land to allow for a subdivision of the parcel into two equal lots.

### POLICY ANALYSIS

Part 14 "Planning and Land Use Management" of the *Local Government Act (LGA)* addresses local governments' roles regarding official community plans and zoning bylaws, namely s.474 (Official Community Plans), s.479 (Zoning Bylaws) and ss.464 - 465 (Public Hearings on Bylaws).

### EXECUTIVE SUMMARY

An application has been received to facilitate the subdivision of a 4.04-hectare subject parcel situated at 1163 Topcliffe Road on Quadra Island currently designated Rural and zoned Rural One (RU-1) and is surrounded by Rural One (RU-1) zoned properties on all sides. A good number of the existing RU-1 parcels surrounding the subject parcel are 2-hectares in area, as they have been historically subdivided.

The subject property is currently developed with a single-family dwelling (log house) and shed and has road access on both Topcliffe and Milton Roads which lends itself to subdivision. The proposal is to allow the parcel to be subdivided into two lots of 2.02 hectares (5 acres) in area. Proposed Lot A will be undeveloped and have frontage on Milton Road. Proposed Lot B will consist of the existing log house and shed and continue to have access off Topcliffe Road. Lot servicing will be by community sewerage system and individually drilled wells.

In order to facilitate this subdivision proposal, the applicant has applied to re-designate the subject parcel from Rural to Rural Residential; and rezone the subject parcel from Rural One (RU-1) to Rural Two (RU-2), which will allow the creation of parcels 2 hectares in size. The proposed OCP amendment and rezoning of the property should not impact 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, which already includes a number of smaller parcels created through the OCP amendment and rezoning process. Comments received from government agencies and from First Nations have indicated no concerns with the proposal,

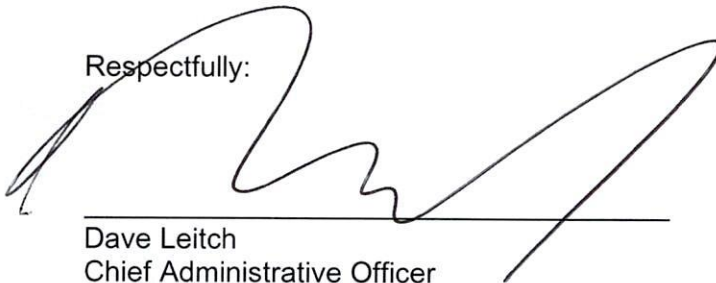
Given the above considerations, it is recommended that the Committee recommend first and second reading of Bylaws No. 530 and 531 to re-designate and rezone the subject property to RR and RU-2 respectively.

#### **RECOMMENDATIONS**

1. THAT the report from the Chief Administrative Officer be received.
2. THAT the Committee recommend that Bylaw No. 530 and Bylaw No. 531 (Stevenson) be forwarded to the Board for first and second readings.
3. THAT the Committee recommend that the Board authorize a public hearing to consider Bylaw No. 530 and Bylaw No. 531 (Stevenson) and

THAT the public hearing be held at a date and time to be determined.

Respectfully:



Dave Leitch  
Chief Administrative Officer

#### **BACKGROUND**

An application has been received to re-designate and rezone a 4.05-hectare parcel of land situated at 1163 Topcliffe Road, on Quadra Island, to facilitate a subdivision of the parcel into two Rural Residential lots as shown on the subdivision proposal attached. Proposed Lot B has been developed with a log house and shed. The subject parcel has road access on both Topcliffe and Milton Roads and is surrounded by Rural One (RU-1) zoned properties on all sides. The dual frontage of this parcel lends itself to subdivision. Both lots will be serviced by Island Health-approved wells and individual septic fields.

**AGENCY REFERRALS**

The application was referred to a number of First Nations and agencies for their consideration. Comments received to date are summarized in the following table:

| <b>Agency</b>                    | <b>Comments</b>                                                                                                                            |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| BC Assessment Authority          | No response.                                                                                                                               |
| BC Ferries Corporation           | No response.                                                                                                                               |
| Fire Department - Quadra Island: | Applicants to provide adequate road access for emergency vehicles to traverse and turn around.                                             |
| FLNRORD – Environment            | No response.                                                                                                                               |
| FLNRORD - Archaeology            | No response.                                                                                                                               |
| MoTI                             | No concerns.                                                                                                                               |
| School District 72               | No response.                                                                                                                               |
| Island Health                    | Application to conform to the Subdivision Servicing Standards and comply with the BC <i>Drinking Water Protection Act</i> and regulations. |
| <b>First Nation</b>              | <b>Comments</b>                                                                                                                            |
| Cowichan Tribes                  | No response.                                                                                                                               |
| Homalco First Nation             | No objection.                                                                                                                              |
| Halalt First Nation              | No response.                                                                                                                               |
| Klahoose First Nation            | No response.                                                                                                                               |
| K'ómoks First Nation             | No response.                                                                                                                               |
| Laich-Kwil-Tach Treaty Society   | No response.                                                                                                                               |
| Ts'uubaa-asatx 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**

The 4.05-hectare property at 1163 Topcliff Road is currently designated Rural and zoned Rural One (RU-1). The property is bounded by Milton Road to the east and Topcliff Road to the west and is surrounded by Rural One (RU-1) zoned properties on all sides. As the minimum parcel size for subdivision is 4.0 hectares in the RU-1 zone, to allow the creation of two lots, re-designating the parcel to Rural Residential and rezoning to Rural Two (RU-2), which permits 2.0 hectare parcels, is required.

The proposed lot size is not out of character with those in the area as a majority of the surrounding parcels have already been subdivided into 2-hectare lots, many of which availed of a provision in the now-repealed *Municipal Act* that allowed strata lots to be created which did not conform to minimum parcel size under zoning. The proposed OCP amendment and rezoning of the property will not impact 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, which already includes a number of smaller parcels created through the OCP amendment and rezoning process. Comments received from government agencies and from First Nations have indicated no concerns with the proposal.

**FINANCIAL IMPLICATIONS**

Fees for the official community plan and 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 (LGA) and Regional District bylaws.

**CITIZEN/PUBLIC RELATIONS IMPLICATIONS**

Should a recommendation of support be made for the application to proceed forward, public consultation will occur in the form of a public hearing, conducted in compliance with the requirements of ss.464 - 465 'Public Hearings', of the LGA, as required prior to consideration of final adoption of any proposed bylaw amendments.

**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 bylaws.

Submitted by:



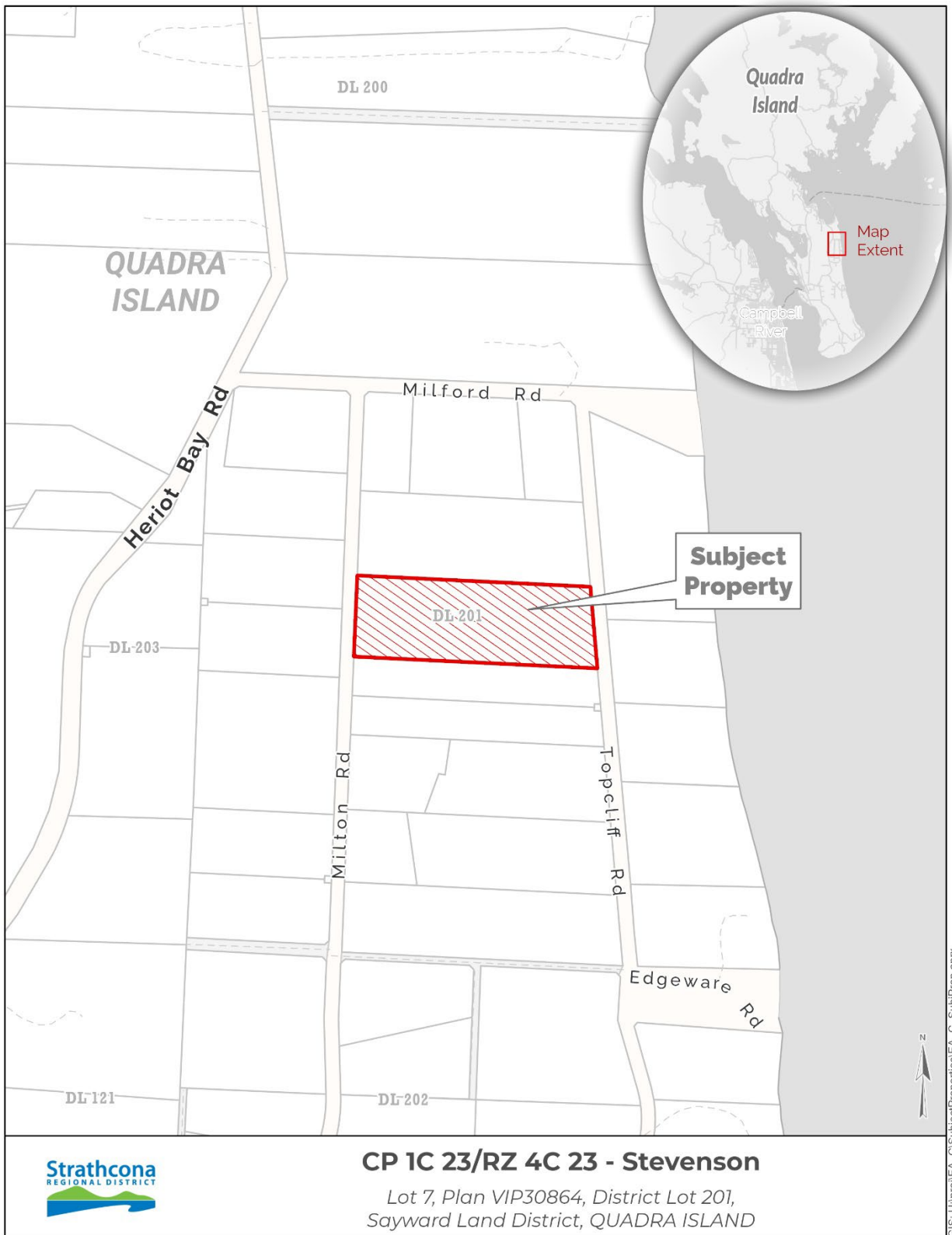
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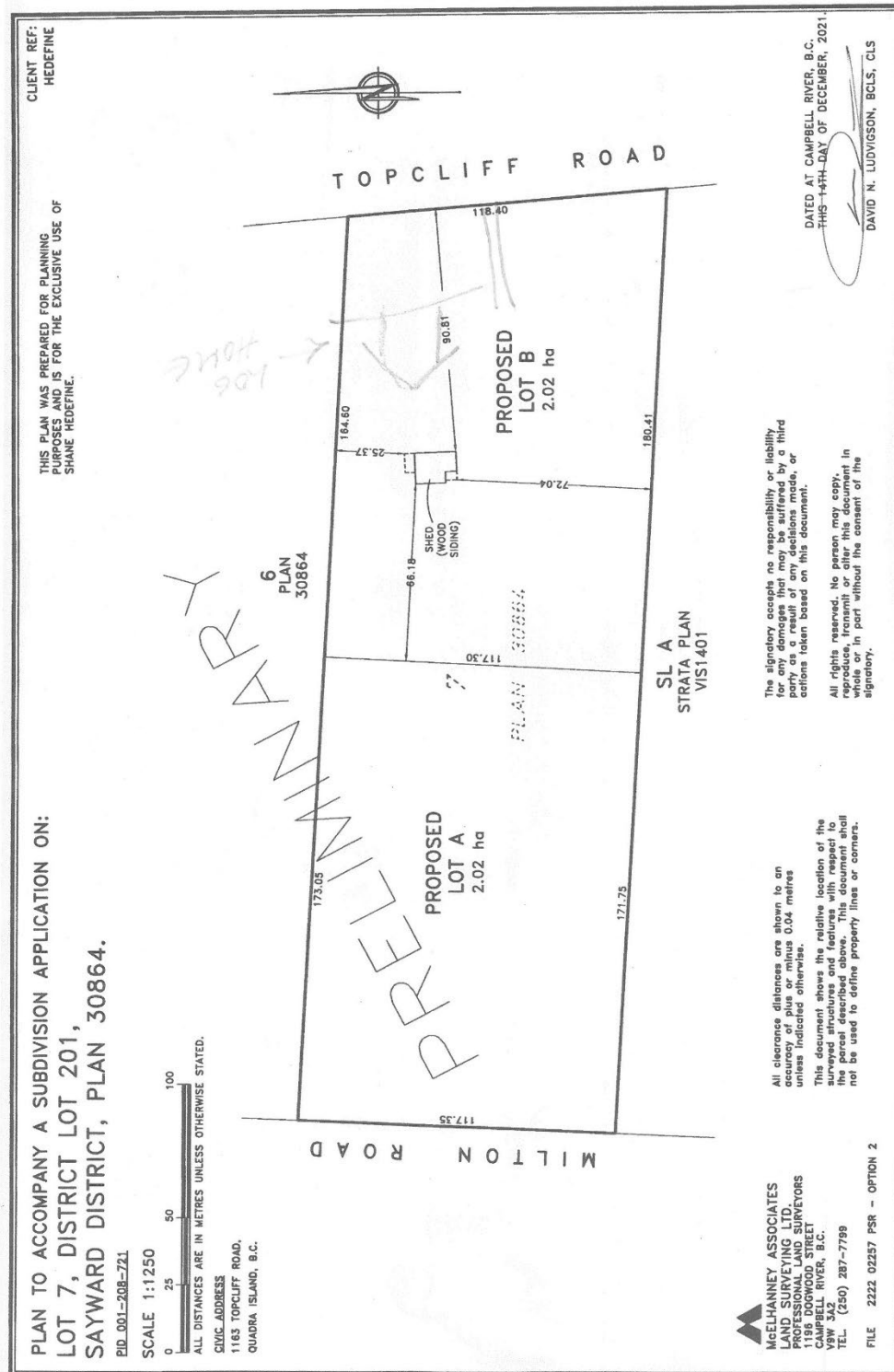
Aniko Nelson  
Senior Manager, Community Services

***Prepared by: J. Neill, Planner***

Attachments:

Bylaws No. 530 and 531

**Location Map**



Proposed Subdivision Plan

**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. 1213 • "QUADRA ISLAND ZONING BYLAW, 1990"

## 11.3

## RURAL TWO (RU-2)

### 11.3.1 PERMITTED USES

- a) Single *family dwelling*;
- b) Nurseries and commercial greenhouses;
- c) Accessory *buildings* and *structures*.

### 11.3.2 CONDITIONS OF USE

- a) More than one (1) *principal building* shall be permitted on a *lot*, provided that all other requirements of this bylaw are complied with.
- b) One (1) guest *dwelling* per *lot* subject to a maximum *floor area* of 80 square metres (861.1 square feet) shall be permitted only when 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 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.

### 11.3.3 LOT AREA

- a) The minimum *lot* area in the Rural Two (RU-2) zone shall be 2.0 hectares (4.94 acres).
- b) *Repealed (#1391)*

### 11.3.4 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 3.0 metres (9.84 feet) from a side *lot* line.

### 11.3.5 LOT COVERAGE

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

END - RU-2

PART 11 - ZONES

## Proposed Rural Two (RU-2) Zoning



## BYLAW NO. 530

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### A BYLAW TO AMEND THE QUADRA ISLAND OFFICIAL COMMUNITY PLAN

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**WHEREAS** the former Comox-Strathcona Regional District has, by Bylaw No. 3050, adopted an official community plan for part of Electoral Area 'C' (Quadra Island) 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. 3050 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. 3050 being Quadra Island Official Community Plan Bylaw 2007, 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. 530, being Quadra Island Official Community Plan Bylaw 2007, Amendment No. 19.

**READ A FIRST TIME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

**READ A SECOND TIME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

**PUBLIC HEARING HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

**READ A THIRD TIME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

**RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

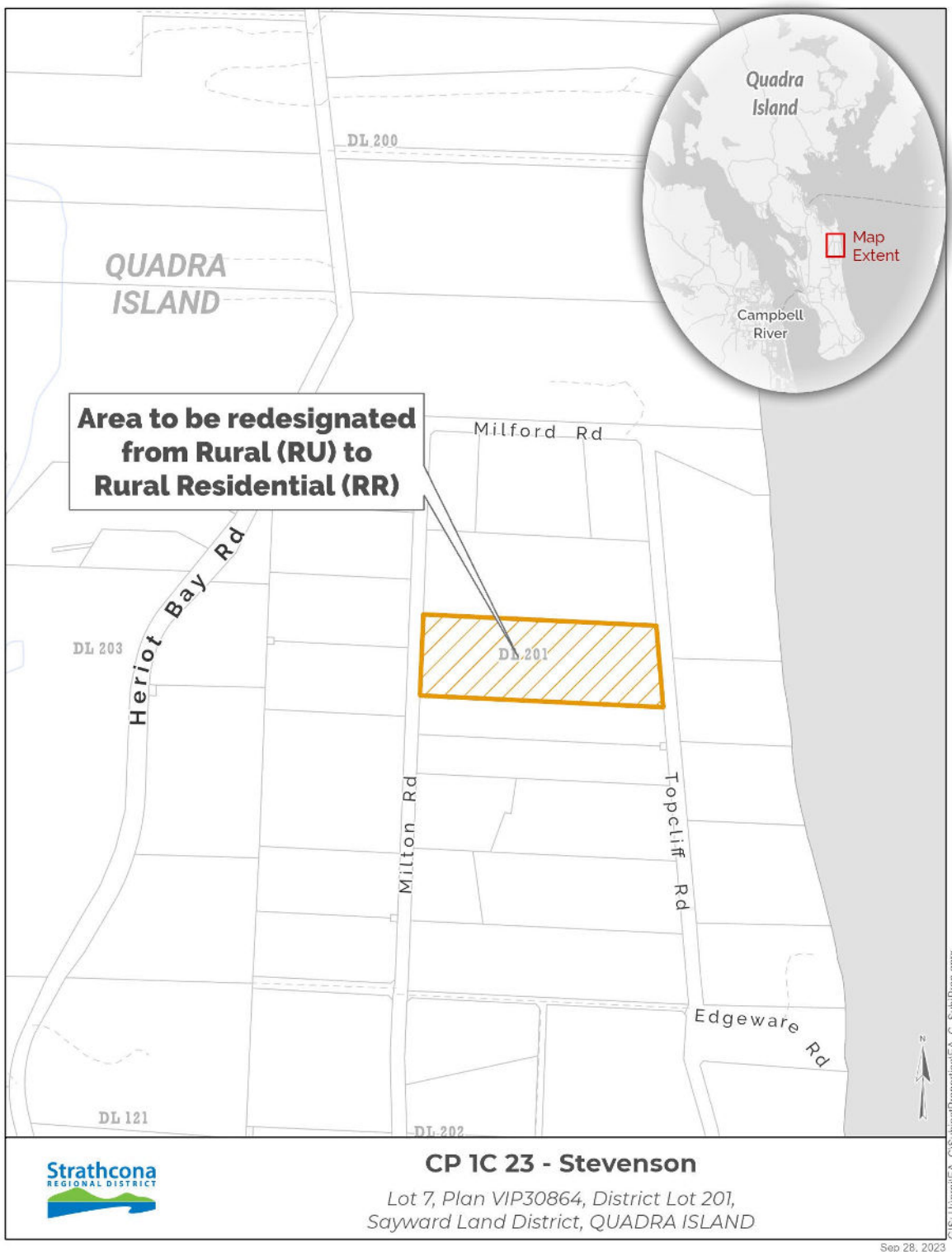
\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Officer

**SCHEDULE 'A'**

**SECTION ONE****MAP AMENDMENT**

1. The land use designation for land legally described as Lot 7, District Lot 201, Sayward District, Quadra Island, Plan 30864 as shown on 'Schedule A-1' of Bylaw No. 3050, being Quadra Island Official Community Plan Bylaw 2007, is hereby amended from 'Rural' (RU) to 'Rural Residential' (RR), as shown on the attached Appendix '1'.



**Appendix '1'**

Part of Schedule 'A' to Bylaw No. 530, being Quadra Island Official Community Plan Bylaw 2007, Amendment No. 19. Amends 'Schedule A-1' of Bylaw No. 3050, being Quadra Island Official Community Plan Bylaw 2007.



## BYLAW NO. 531

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

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**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. 531, being Quadra Island Zoning Bylaw 1990, Amendment No. 143.

**READ A FIRST TIME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

**READ A SECOND TIME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

**PUBLIC HEARING HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

**READ A THIRD TIME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

**RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2023**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Officer

**SCHEDULE 'A'**

**SECTION ONE      MAP AMENDMENT**

1. Land legally described as Lot 7, District Lot 201, Sayward District, Quadra Island, Plan 30864 as shown on the attached Appendix '1', is rezoned from Rural One (RU-1) to Rural Two (RU-2).



### Appendix '1'

Part of Schedule 'A' to Bylaw No. 531, being Quadra Island Zoning Bylaw 1990, Amendment No. 143.

Amends 'Map 2' of Bylaw No. 1213, being Quadra Island Zoning Bylaw 1990.