

STAFF REPORT

DATE: November 16, 2023 **FILE:** 0550-04 Board

TO: Chair and Directors,
Regional Board

FROM: Dave Leitch
Chief Administrative Officer

RE: **BYLAW NOS. 530 & 531 – OCP AMENDMENT AND REZONING APPLICATION
(STEVENSON)**

PURPOSE/PROBLEM

To consider first 2 readings and a public hearing for Bylaw Nos. 530 & 531 which propose to re-designate and rezone a 4.04-hectare parcel of land located at 1163 Topcliff Road in Electoral Area C (Quadra Island) to facilitate the subdivision of the parcel into two equal lots.

EXECUTIVE SUMMARY

The attached report was considered at the November 8, 2023 meeting of the Electoral Areas Services Committee at which time the following resolutions were passed:

Mawhinney/Vonesch: EASC 326/23

THAT the Committee recommend that Bylaw No. 530 and Bylaw No. 531 (Stevenson) be forwarded to the Board for first and second readings.

Rice/Vonesch: EASC 327/23

THAT the Committee recommend 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.

The actions below are offered in support of the Committee's recommendations.

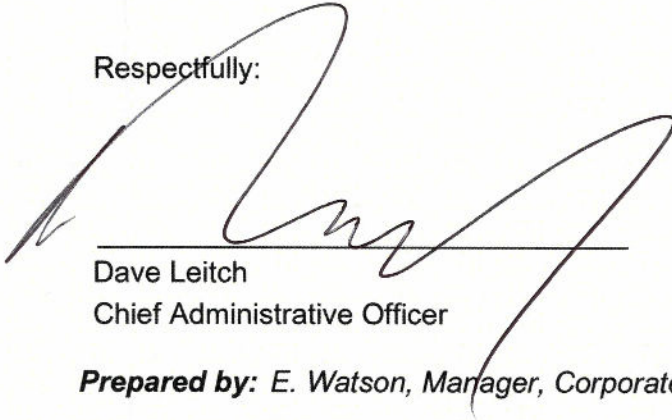
RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT Bylaw No. 530, being a bylaw to amend the Quadra Island official community plan, be now introduced and read a first time.
3. THAT Bylaw No. 530 be given second reading.
4. THAT Bylaw No. 531, being a bylaw to amend the zoning regulations applicable to Quadra Island, be now introduced and read a first time.
5. THAT Bylaw No. 531 be given second reading.

6. THAT a public hearing be authorized for Bylaws No. 530 and 531 to be held at 6:30 p.m. on Monday, December 4, 2023 at the Quadra Island Community Centre located at 970 West Road, Quathiaski Cove, B.C., and

THAT the holding of the public hearing be delegated to the Electoral Area C director.

Respectfully:

A large, stylized handwritten signature in black ink, appearing to read 'Dave Leitch', is written over a horizontal line.

Dave Leitch
Chief Administrative Officer

Prepared by: E. Watson, Manager, Corporate Operations

Attachments: Bylaw No. 530 and Bylaw No. 531
Copy of October 31, 2023 report to the Electoral Areas Services Committee



BYLAW NO. 530

A BYLAW TO AMEND THE QUADRA ISLAND OFFICIAL COMMUNITY PLAN

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

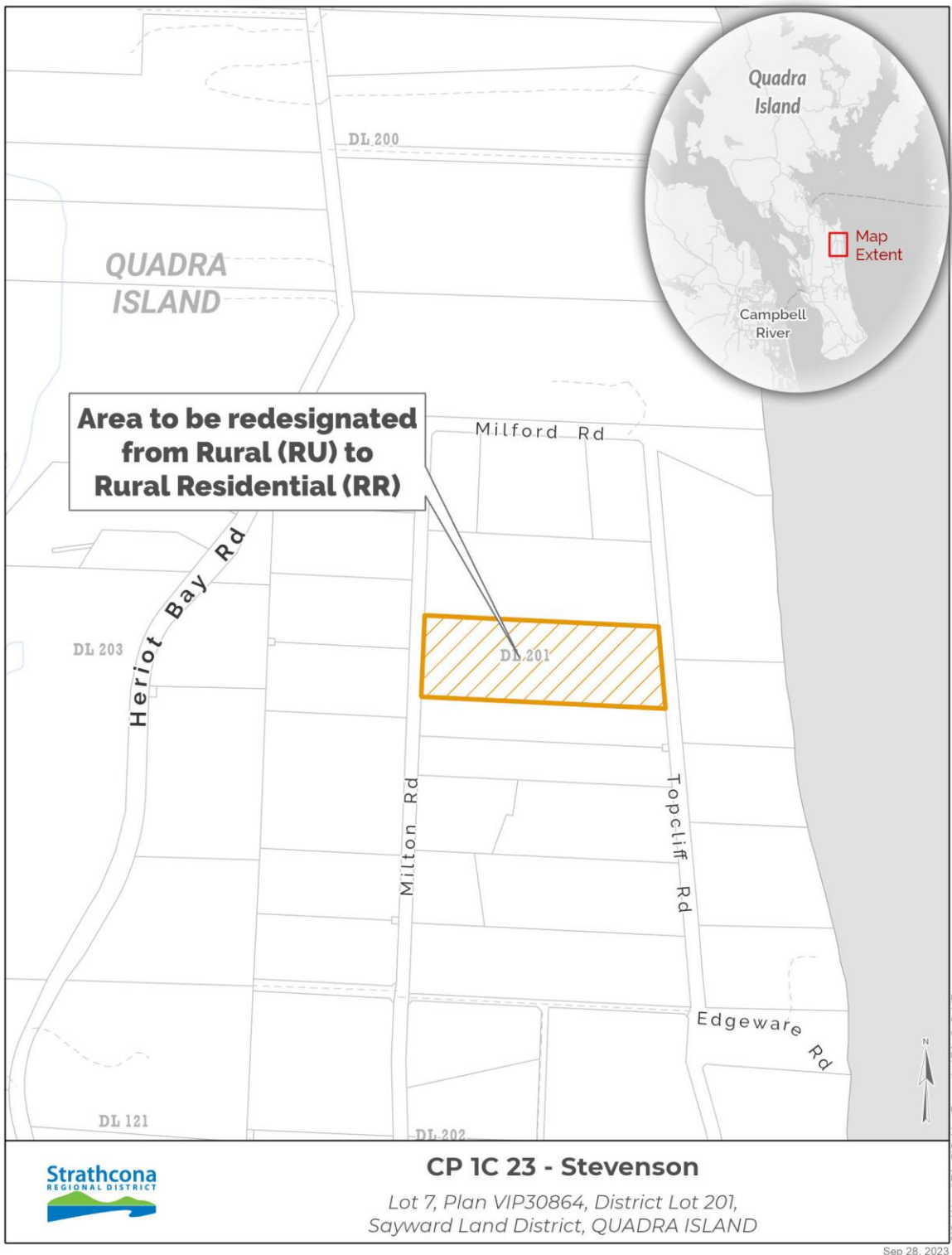
Chair

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

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. 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

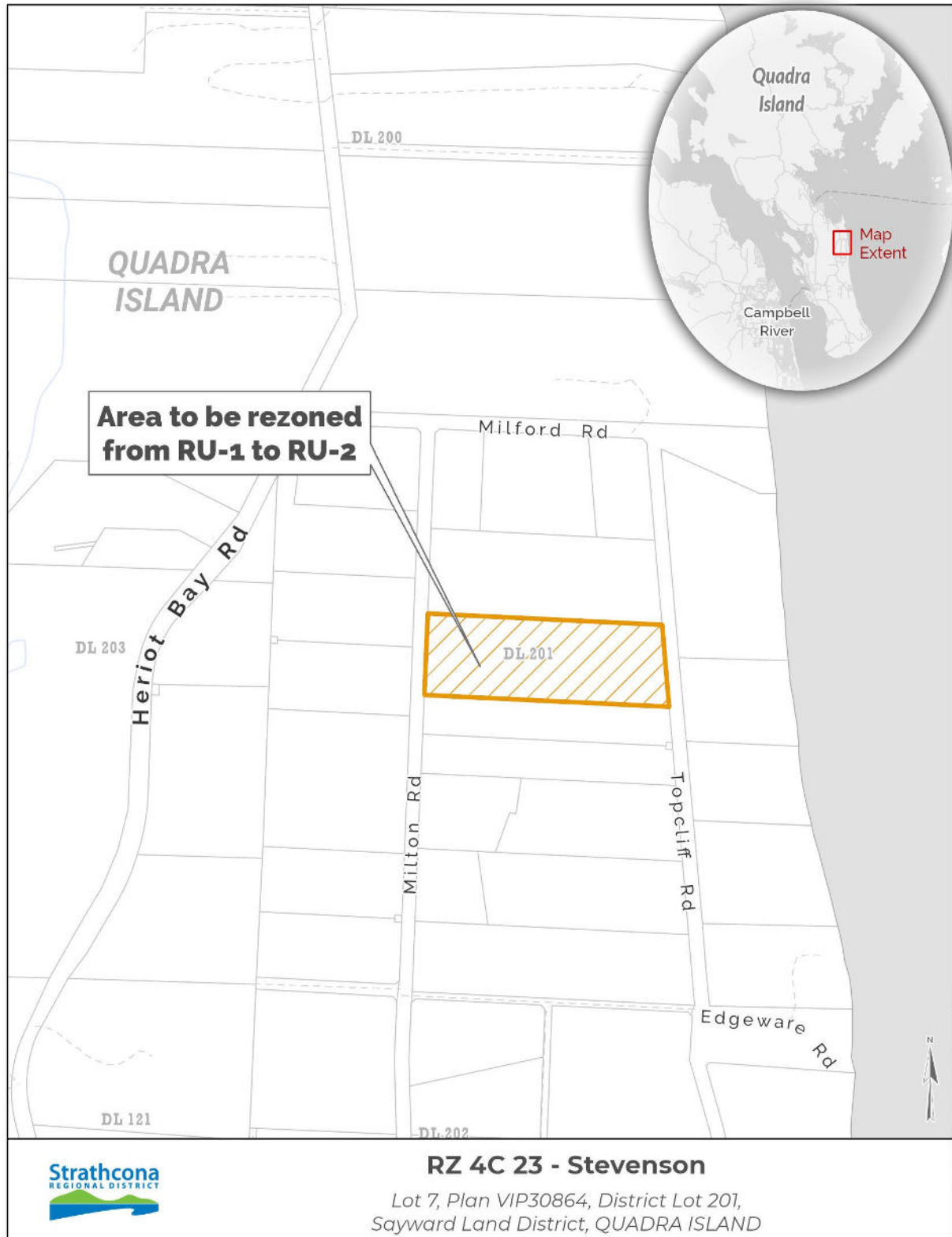
Chair

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.



STAFF REPORT

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

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)

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,

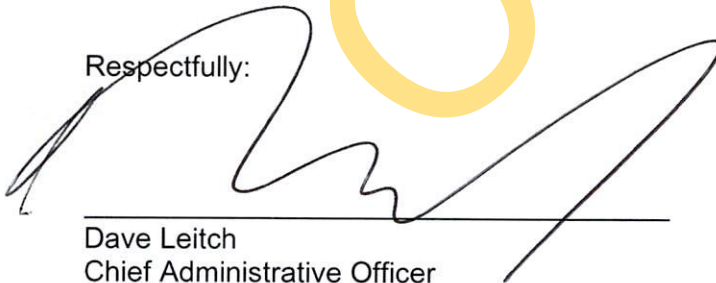
Given the above considerations, it is recommended that the Committee recommend first and second reading of Bylaws No. 530 and 531 to re-designate and rezone the subject property to RR and RU-2 respectively.

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:

Agency	Comments
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.
First Nation	Comments
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:

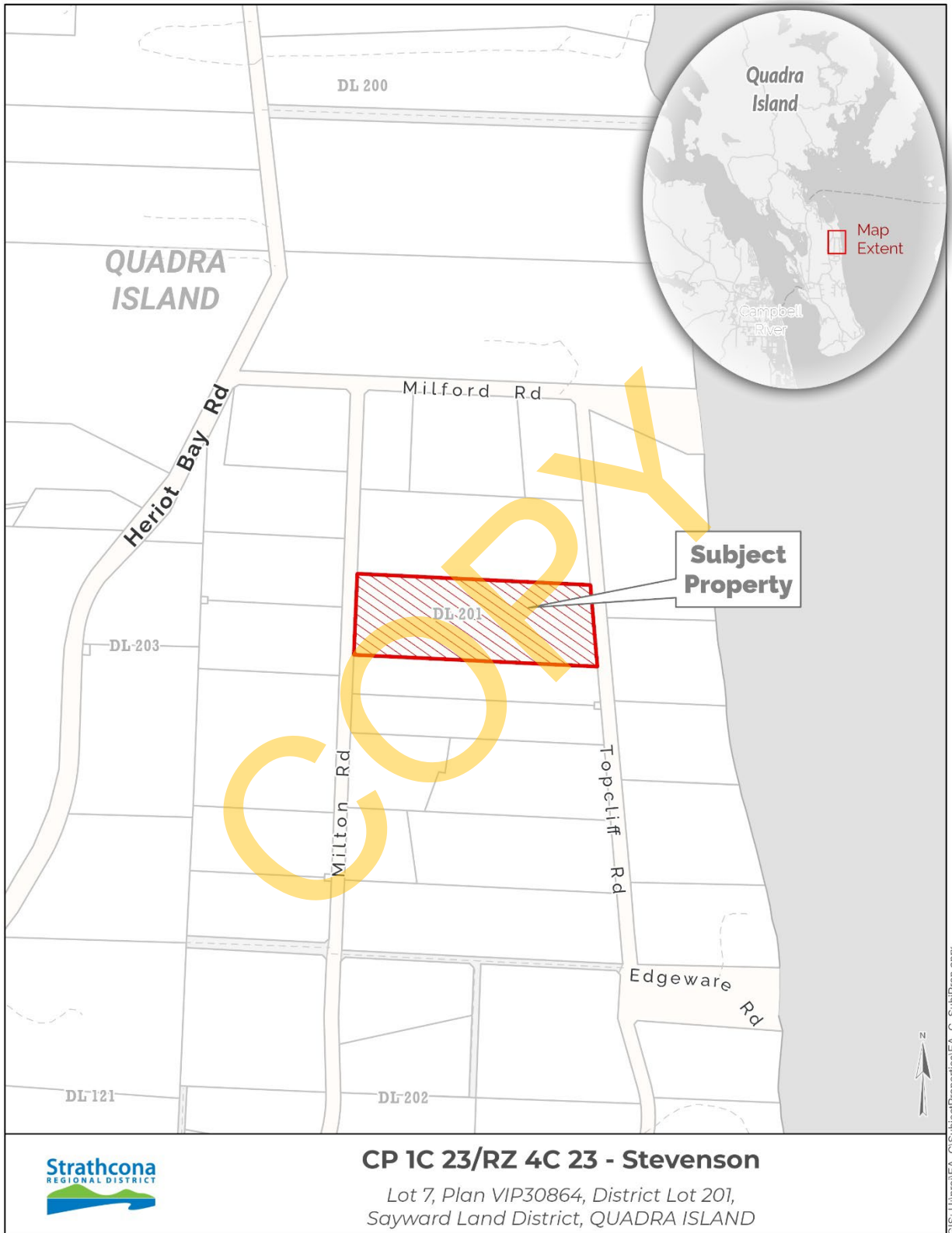


Aniko Nelson
Senior Manager, Community Services

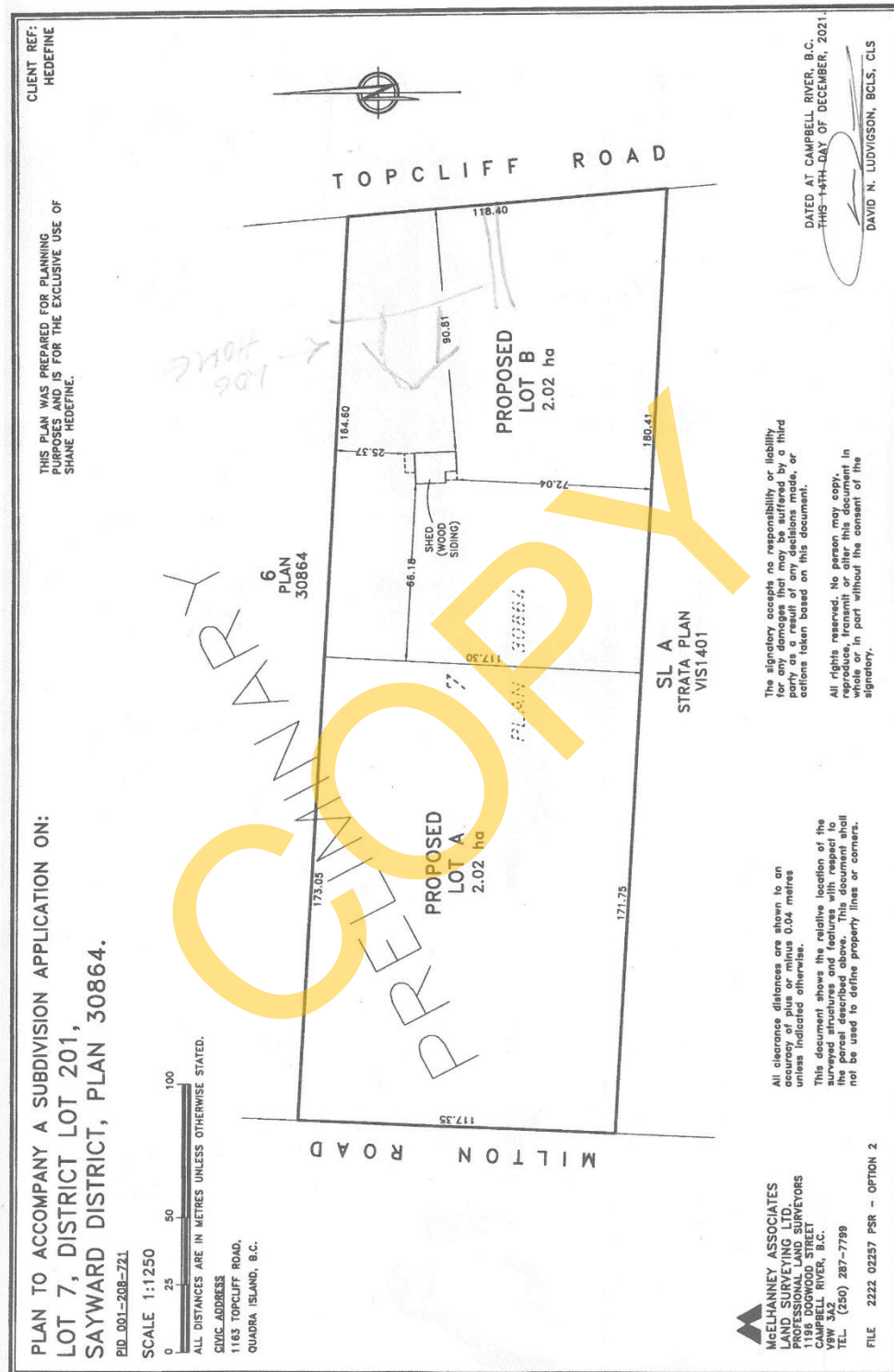
Prepared by: J. Neill, Planner

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

A BYLAW TO AMEND THE QUADRA ISLAND OFFICIAL COMMUNITY PLAN

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

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RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE ____ DAY OF ____, 2023

Chair

Corporate Officer

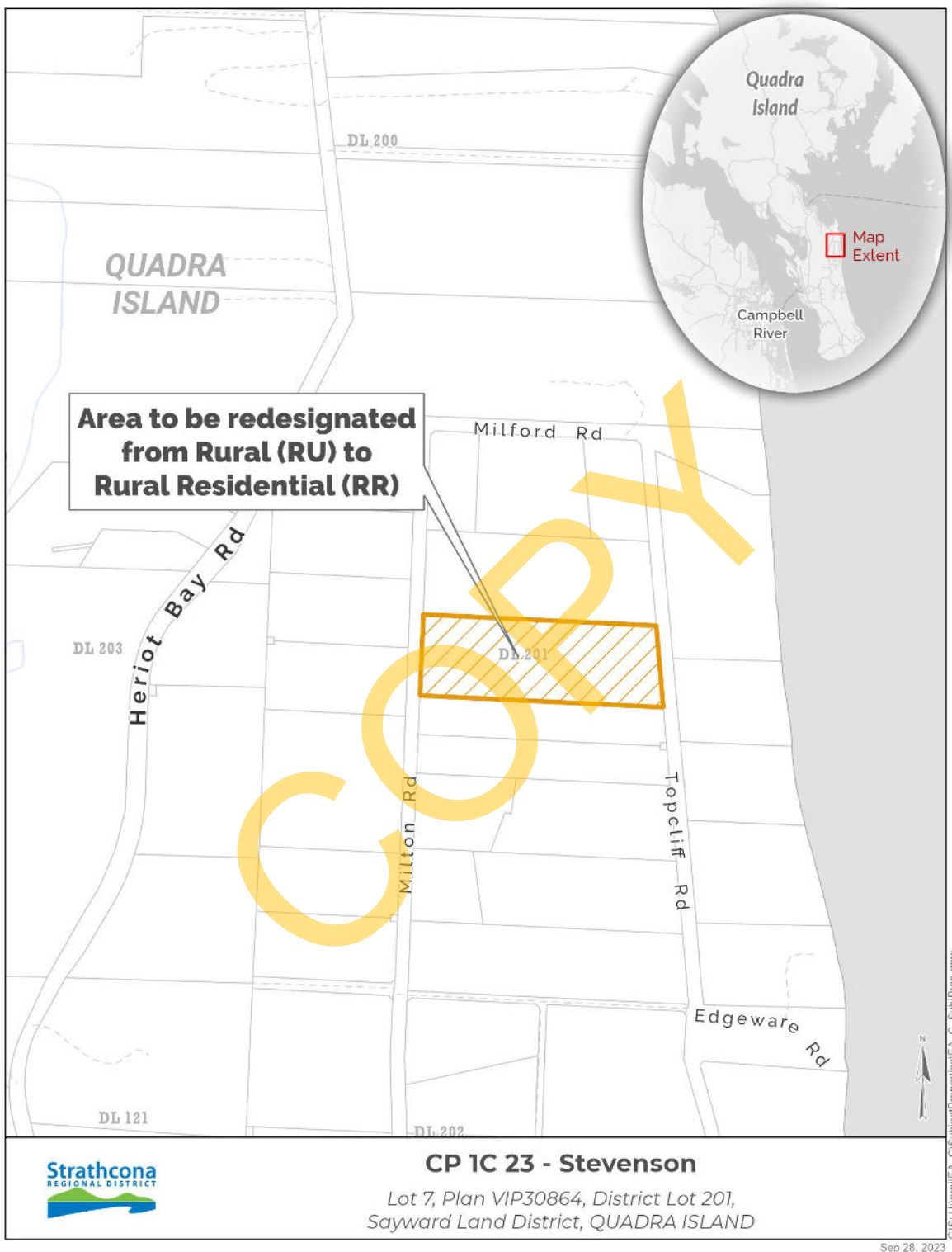
SCHEDULE 'A'

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'.

COPY



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

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. 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

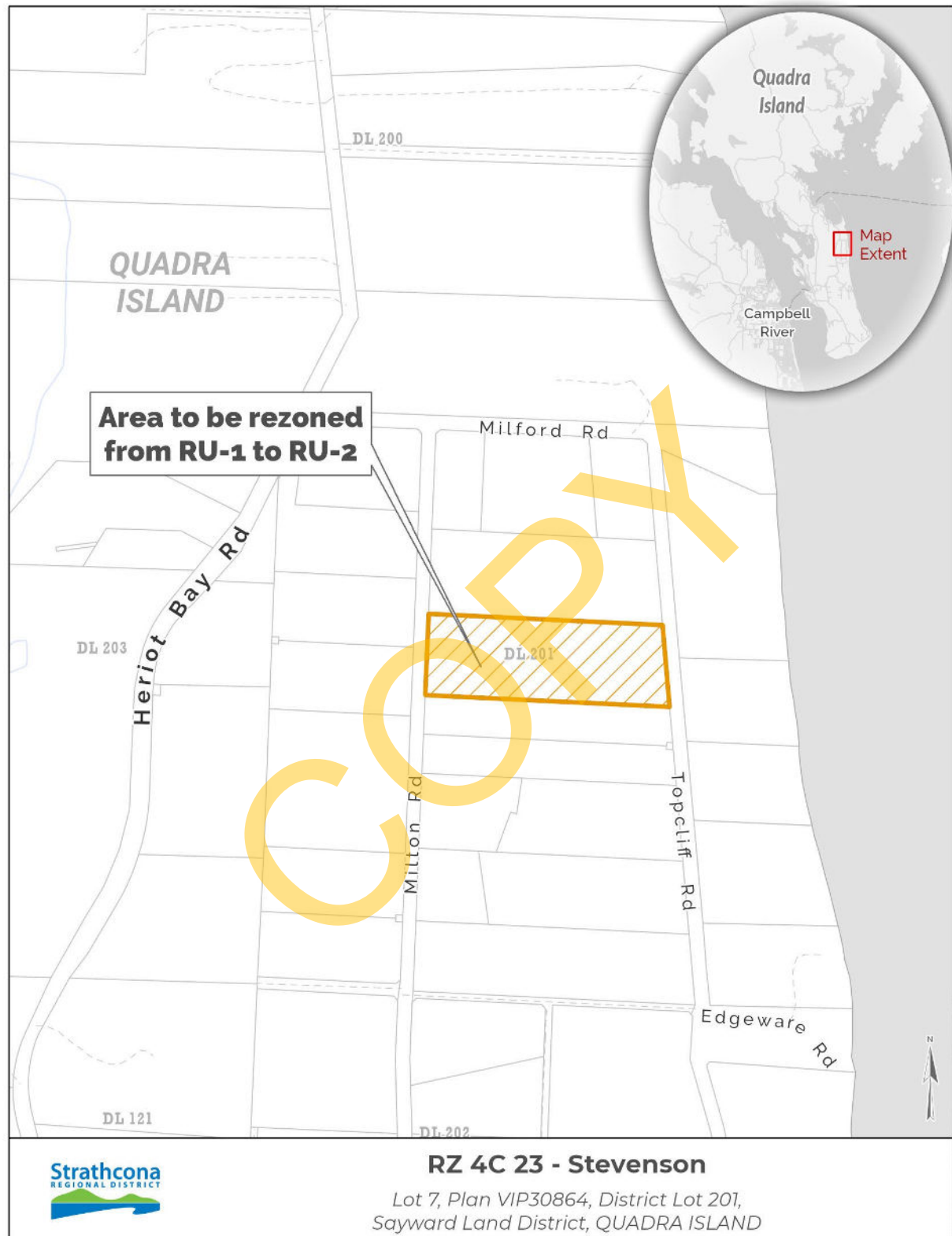
Corporate Officer

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).

COPY



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.