



STAFF REPORT

DATE: January 8, 2025 **FILE:** 0550-04 EASC

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Dave Leitch
Chief Administrative Officer

RE: **APPLICATION TO AMEND THE ELECTORAL AREA D ZONING BYLAW No.1404**

PLANNING FILE NO. 3360-20/RZ 7D 24, APPN 2024-0015

ROLL NO.: 772 05341.020 **PID No.:** 029-060-222

APPLICANTS: Pat and Lindsay Rosse

LEGAL DESCRIPTION: LOT 2 SECTION 32 TOWNSHIP 4 COMOX DISTRICT PLAN EPP13378

CIVIC ADDRESS: 4214 Chantrelle Way, 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 2.0 hectare (4.94 acre) parcel of land located at 4214 Chantrelle Way to facilitate its subdivision into two lots of 1.0 hectares in area each.

POLICY ANALYSIS

The proposed zoning bylaw amendment is consistent with the Official Community Plan (OCP) Area D (Oyster Bay – Buttle Lake) Country Residential land use designation and policies.

Part 14 "Planning and Land Use Management" of the *Local Government Act (LGA)* addresses local governments' roles regarding zoning bylaws, namely Section 479 (Zoning Bylaws) and Section 464 - 467 (Requirement for Public Hearings). With the passing of Bill 44, Section 464 has been updated to reflect Provincial changes, namely Section 464(3) A local government must not hold a public hearing on a proposed zoning bylaw if (a) an OCP 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 the rezoning of a 2.0 hectare (4.94 acre) parcel located on Chantrelle Way in Electoral Area D, from Country Residential Four (CR-4) to Country Residential Three (CR-3) to facilitate a two-lot subdivision of the property. The subject property and proposal are consistent with the Area D OCP which encourages lot sizes of 0.4 hectare to 2.0 hectares and that are reflective of suburban neighbourhoods. The proposal will also be compliant with the proposed CR-3 zoning requirements and consistent with densities in the neighbouring area. This application received support to proceed from the Electoral Area D Advisory Planning Commission (APC) and comments received from government agencies and First Nations have indicated no concerns with the proposal.

With the recent passing of Bill 44, Sections 464(3), 466, and 467 of the LGA have been updated to reflect legislative changes to public hearing procedures. A public hearing for this proposal is prohibited and notice will be given in accordance with the LGA. Bylaw No. 585 has been prepared for the Committee's consideration with a recommendation to proceed with first 3 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 Section 467(1) of the LGA, the Committee recommend that Bylaw No. 585 be forwarded to the Board for first three readings and adoption.

Respectfully:


 Dave Leitch
 Chief Administrative Officer

AGENCY REFERRALS

Comments received from government agencies and from First Nations have indicated no concerns with the rezoning proposal.

Agency	Comments
Agricultural Land Commission	No comment
BC Assessment Authority	No comment
Fire Department – Oyster River	No comment
Ministry of WL&RSF – Environment	No comment
FLNRORD - Archaeology	If archaeological material is encountered during development, activities must stop immediately and Branch contacted.

MoTI	No concern
Island Health	No concern. Vancouver Island Health Authority “Subdivision Standards (2020)” and the Drinking Water Protection Act apply.

First Nation	Comments
Homalco First Nation	No response.
Danaxdaxw First Nation	No response.
K’ómoks First Nation	No response.
Tlowitsis First Nation	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 2.0 hectare (4.94 acre) parcel located at 4214 Chantrelle Way in Electoral Area D, from Country Residential Four (CR-4) to Country Residential Three (CR-3) to allow the property owner to apply for a two-lot subdivision with lots of 1 hectare (2.47 acre) in area.

The subject property, as shown on the location plan, is bounded by CR-4, CR-2, and RU-1 zoned properties. Currently, the property is developed with one existing home and an accessory building, which will remain in place. The home has an existing well and septic system.

The Country Residential land use designation of the Area D OCP encourages lot sizes of 0.4 hectare to 2.0 hectares and that are consistent with suburban neighbourhoods. The parcel is compliant with the existing CR-4 zone and with the proposed CR-3 zone.

The property has an environmentally sensitive area (ESA) located on the west side of the parcel as shown in Figure #1. An assessment of the ESA will be required when the property owner applies for subdivision.

This application received support to proceed from the Electoral Area D Advisory Planning Commission (APC) at its meeting October 30, 2024. Comments received from government agencies and from First Nations have indicated no concerns with the proposal, provided Island Health’s *Subdivision Standards (2020)* and the *Drinking Water Protection Act* are followed.



FIGURE #1 MAPPE ESA AREA

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 are in compliance with the LGA and Regional District bylaws.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Should a recommendation of support be made for the application and Bylaw No. 585 proceed, public consultation will occur in the form of a notification in accordance with 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:

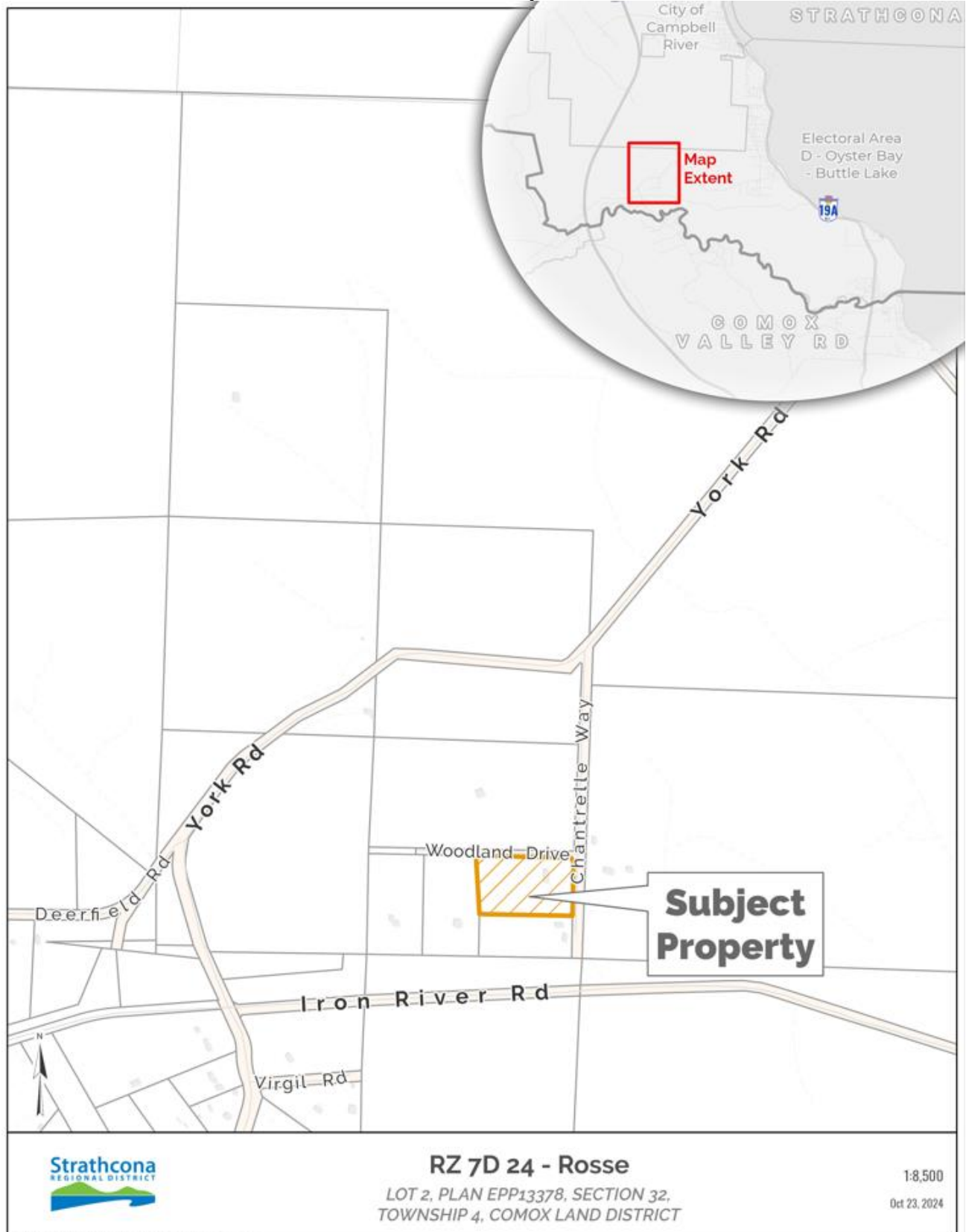
A handwritten signature in black ink that reads "A. Nelson". The signature is written in a cursive style with a long, sweeping tail on the letter "n".

Aniko Nelson
Senior Manager, Community Services

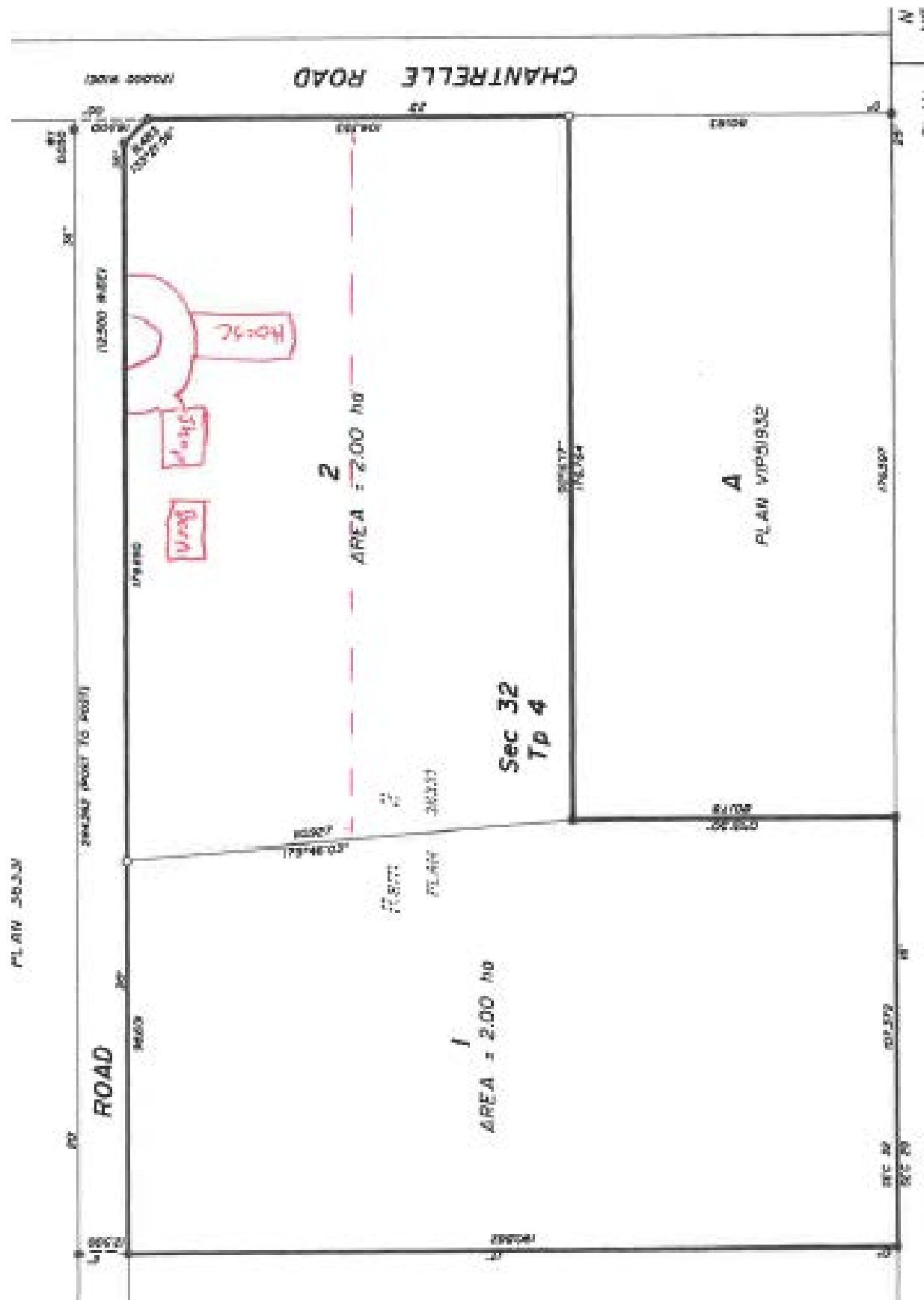
Prepared by: K. Chamberlain, Planner II

Attachment:
Bylaw No. 585

Location Map



Proposed Future Subdivision Plan



EXCERPT OF OFFICIAL COMMUNITY PLAN – COUNTRY RESIDENTIAL POLICIES*"Oyster Bay – Buttle Lake Official Community Plan Bylaw, 2023"**Schedule "A" Page 46*

- 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.

EXISTING COUNTRY RESIDENTIAL FOUR (CR-4) ZONE

BYLAW NO. 1404
CAMPBELL RIVER AREA ZONING BYLAW, 1991

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4.6.7**COUNTRY RESIDENTIAL FOUR
(CR—4)****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

- RDCS
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:

- SRD
558
- 1) On any lot size: One (1) Single Family Dwelling and one (1) Secondary Suite or one (1) Duplex; or
 - 2) On any lot over 4000 m² (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
 - 3) On any lot over 1 hectare (2.47 acres):

*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 5% of the lot area or 200 square metres (2,152.85 square feet), whichever is greater.

RD
CS
2423

v) SITING OF BUILDINGS AND STRUCTURES

- a) Except where otherwise specified in this bylaw no building or structure shall be located within:

RD
CS
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);
- 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.

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".

BYLAW NO. 1404
CAMPBELL RIVER AREA ZONING BYLAW, 1991

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vi) **LOT COVERAGE**

- a) On any lot less than or equal to 2,500 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 2,500 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, Plan VIP61244, Section 34, Township 4, Comox District, 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".

RCS
1772

End • CR-4

PROPOSED COUNTRY RESIDENTIAL THREE (CR-3) 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:

SRD
556

- 1) On any lot size: One (1) Single Family Dwelling and one (1) Secondary Suite or one (1) Duplex; or
- 2) On any lot over 4000 m² (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
- 3) On any lot over 1 hectare (2.47 acres):

- b. One (1) Single Family Dwelling and one (1) Secondary Suite and one (1) Accessory Dwelling Unit.

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.

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).
- 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".

SRD
84

vi) LOT COVERAGE

The maximum lot coverage of all buildings and structures shall not exceed 15% of the lot area.

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

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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. 585

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. 585, being Campbell River Area Zoning Bylaw 1991, Amendment No. 79.

READ A FIRST TIME ON THE ____ DAY OF _____, 2025

READ A SECOND TIME ON THE ____ DAY OF _____, 2025

PUBLIC HEARING HELD ON THE ____ DAY OF _____, 2025

READ A THIRD TIME ON THE ____ DAY OF _____, 2025

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE ____ DAY OF _____, 2025

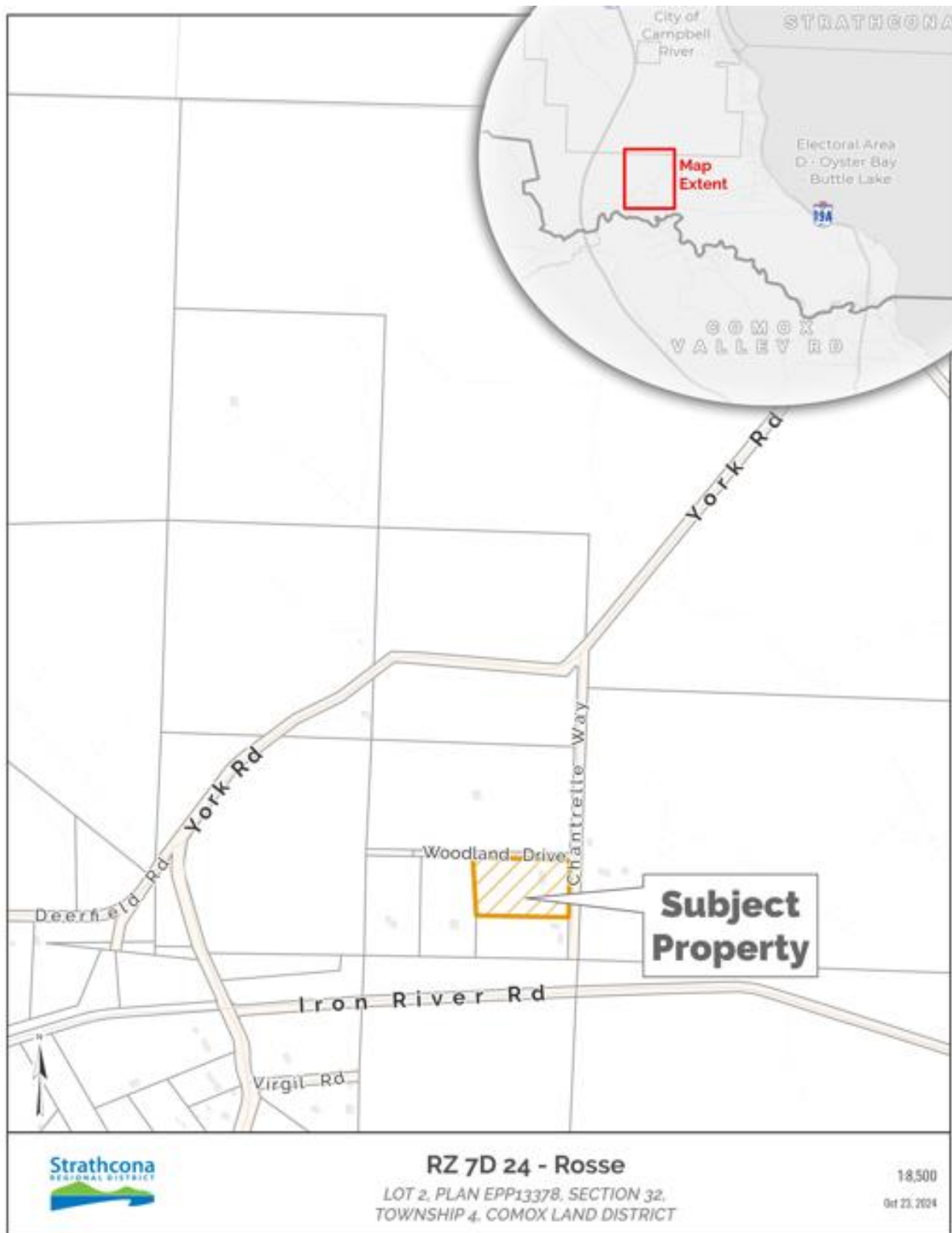
Chair

Corporate Officer

SCHEDULE 'A'

SECTION ONE MAP AMENDMENT

Land legally described as Lot 2 Section 32 Township 4 Comox District Plan EPP13378 and located at 4214 Chantrelle Way as shown on the attached Appendix '1', is rezoned from Country Residential Four (CR-4) to Country Residential Three (CR-3).



Appendix '1'

Part of Schedule 'A' to Bylaw No. 585, being Campbell River Area Zoning Bylaw 1991, Amendment No. 79.

Amends 'Map 2' of Bylaw No. 1404, being Campbell River Area Zoning Bylaw 1991.