



STAFF REPORT

DATE: September 11, 2020 **FILE:** 0540-04 EASC

TO: Chair and Directors
Electoral Areas Services Committee

FROM: David Leitch
Chief Administrative Officer

RE: **OCP AND ZONING AMENDMENT BYLAW No. 94 AND 95
PLANNING FILES – 3350-20/CP 3C 09 & 3360-20/RZ 2C 09 (SCHELLINCK)**

PURPOSE

To advise the Committee of the applicant's request to proceed with amendment Bylaws No .94 and No. 95 known as 'Gowlland Harbour Views' over DL 208, Quadra Island.

EXECUTIVE SUMMARY

At its July 28, 2011 meeting the Board passed the following resolutions:

Cornfield/Leigh: SRD 428/11

THAT the report from the Chief Administrative Officer be received.

Leigh/Whalley: SRD 429/11

THAT Bylaw No. 94, being Quadra Island Official Community Plan Bylaw, 2007, Amendment No. 4 be introduced and given first and second readings concurrently.

Leigh/Whalley: SRD 430/11

THAT Bylaw No. 95, being Quadra Island Zoning Bylaw, 1990, Amendment No. 99 be introduced and given first and second readings concurrently.

Leigh/Whalley: SRD 431/11

THAT a public hearing on Bylaw No. 94 and Bylaw No. 95 be scheduled after a Master Plan Agreement has been presented for consideration and publicized.

Staff has been advised that the applicant would like to proceed with the Gowlland Harbour Views application and associated consideration of Bylaw Nos. 94 and 95. Bylaw No. 94, proposes to re-designate portions of land in Gowlland Harbour from Silviculture (S) to Country Residential (CR) and Commercial (C). Bylaw No. 95 proposes to Rezone portions of land from Rural One (RU-1) to Country Residential Two A (CR-2A) and Commercial Two E (C-2E) and water adjacent from Access One (AC-1) and Access Three (AC-3) to Marine Commercial Two (MC-2) to permit up to 54 – 1.0 hectare average sized lots and a tourist commercial campground and associated dock.

The proponent has confirmed that the proposal continues to adhere to the overall provisions and density considerations of the current amendment bylaws and that servicing will be provided through an extension of the Quathiaski Cove Sewer System and small private water system.

It is recommended that minor amendments to Bylaw Nos. 94 and 95 be provided to the Board for consideration.

RECOMMENDATIONS:

1. THAT the staff report from the Chief Administrative Officer be received.
2. THAT the Committee recommend that minor amendments to amendment Bylaw Nos. 94 and 95 be provided for the Board's consideration.

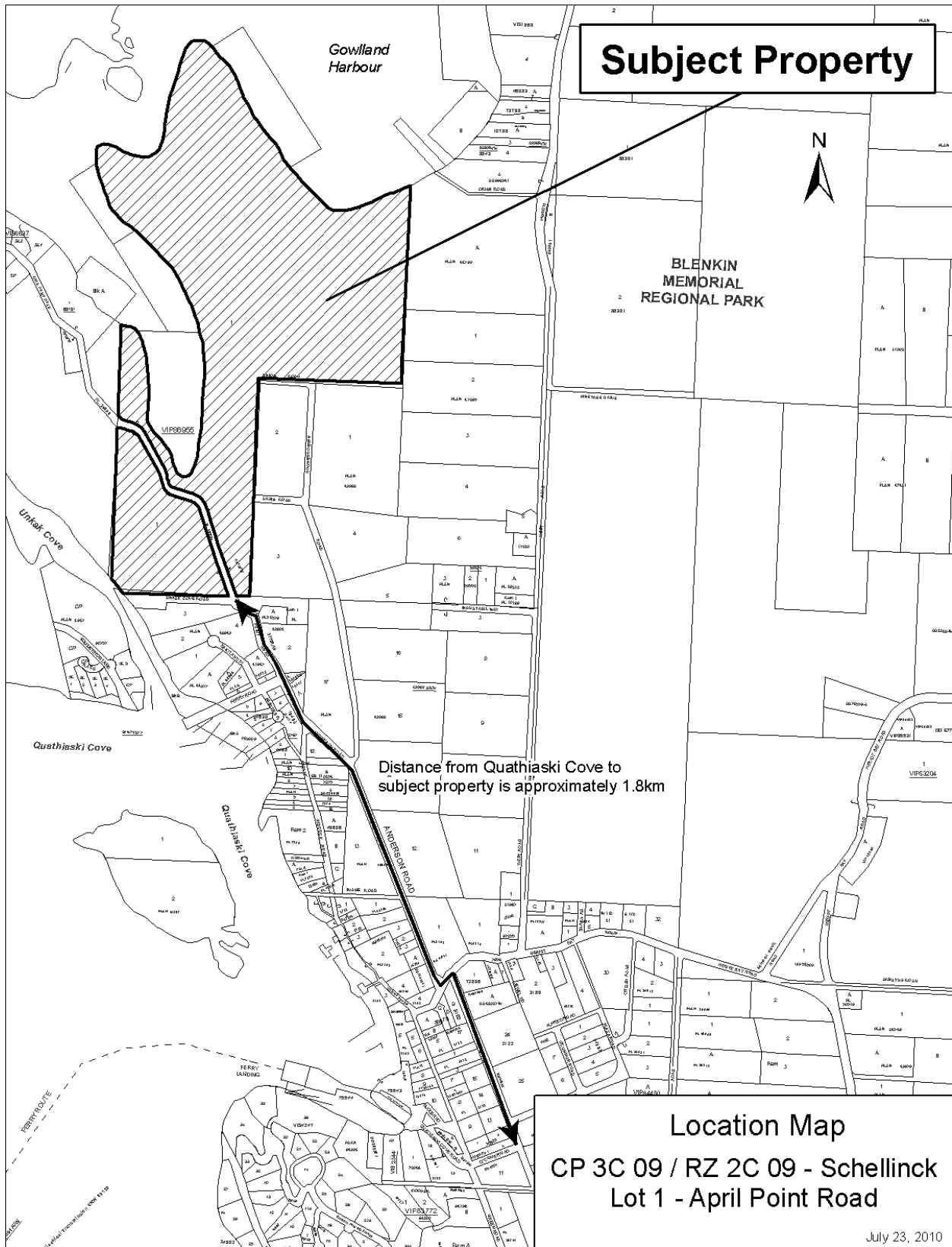
Respectfully:



Dave Leitch
Chief Administrative Officer

Prepared by: A. Nelson, Senior Manager, Community Services

Attachments: Amendment Bylaw Nos. 94 and 95





BYLAW NO. 94

A BYLAW TO AMEND BYLAW NO. 3050, BEING QUADRA ISLAND OFFICIAL COMMUNITY PLAN BYLAW 2007

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 26 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. 94, being Quadra Island Official Community Plan Bylaw 2007, Amendment No. 4.

READ A FIRST TIME ON THE 28TH DAY OF JULY, 2011

READ A SECOND TIME ON THE 28TH DAY OF JULY, 2011

PUBLIC HEARING HELD ON THE ____ DAY OF _____, 2011

READ A THIRD TIME ON THE ____ DAY OF _____, 2011

APPROVED BY THE MINISTRY OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT
ON THE ____ DAY OF _____, 2011

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE ____ DAY OF
_____, 2011

Chair

Corporate Officer

SCHEDULE 'A'**SECTION ONE TEXT AMENDMENT**

1. Part III is hereby amended by inserting the following text as Part 3.1.4(b) and renumbering the existing Part 3.1.4(b) to 3.1.4(c):

Section 3.1.4(b)

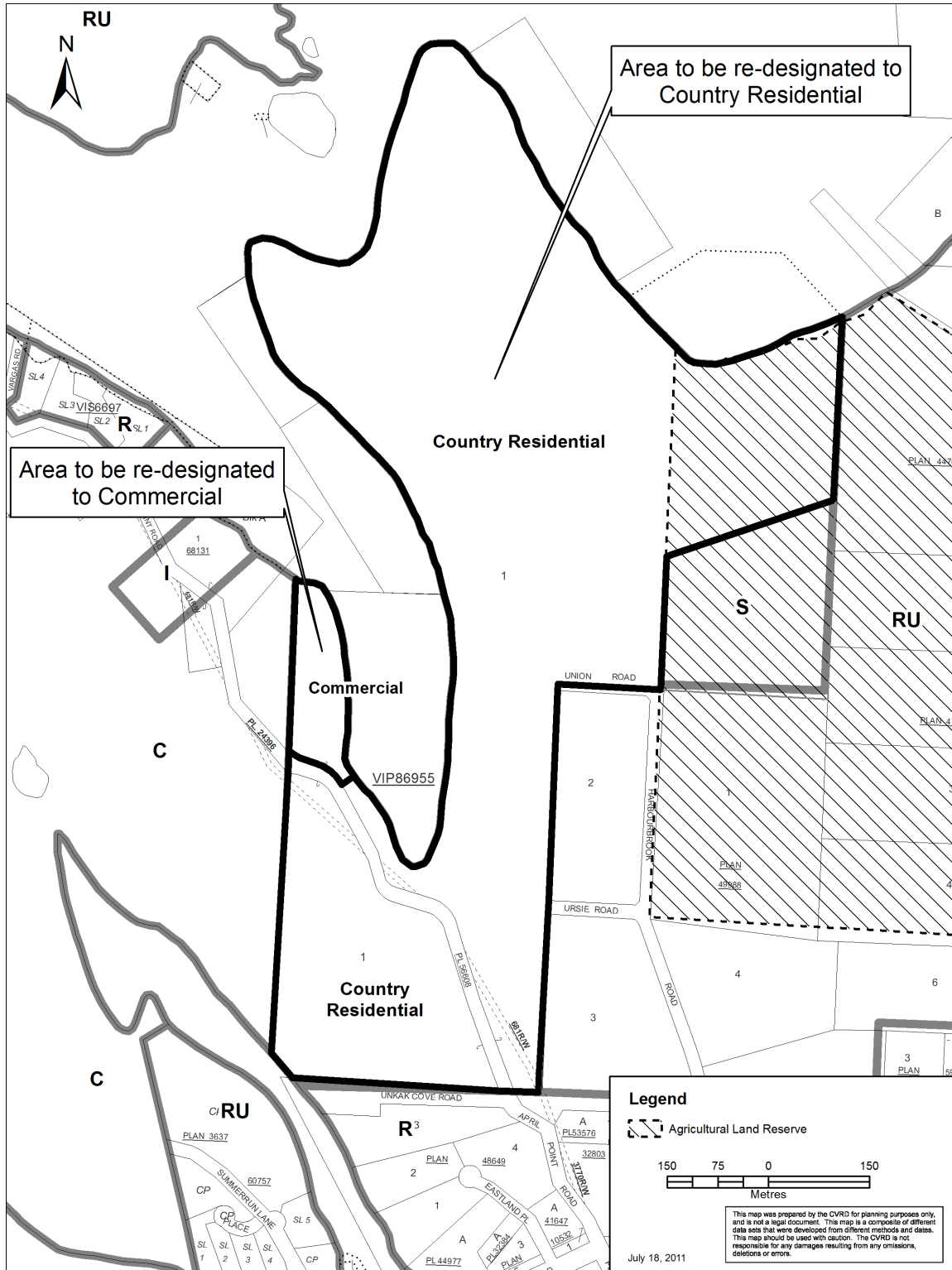
Despite item (a) above, the re-designation of Lot 1, District Lot 208, Sayward District, Plan VIP86955 to country residential is permitted to allow for a model residential development provided that the proposal clearly satisfies the following criteria:

- i. the proposal represents a model development that sets a high standard for future land development in the area,*
- ii. the proposed development and nature of land use is viewed as being of significant value and demonstrates a higher and better use of the land,*
- iii. significant community value is identified in the proposed development and/or desired amenities provided,*
- iv. the highest commitment to the protection of environmental attributes of the land base as identified through an environmental assessment and protected through an environmental covenant,*
- v. a commitment to significant retention of existing forest cover, protected through the registration of vegetation removal covenants,*
- vi. a commitment to the provision of parks, trails and greenways,*
- vii. a commitment to a minimum 50% open space provided for through the registration of dedicated building envelopes and/or no build covenants,*
- viii. the implementation of Best Management Practices, smart growth principles and green building strategies that include water and energy efficiency,*
- ix. the provision of appropriate services for water and liquid waste is achieved and integrated on-site rainwater management, and*
- x. the proposed development is compatible with adjacent land and water uses and natural resource areas, is appropriate for the size of the parcel, is of an appropriate scale and does not exceed the carrying capacity of the land.*

SECTION TWO MAP AMENDMENT

The land use designation for land described as Lot 1, District Lot 208, Sayward District, Plan VIP86955 on 'Schedule A-1' of Bylaw No. 3050, being the 'Quadra Island Official Community Plan Bylaw, 2007', is hereby amended as follows:

- i) The portion outlined in bold black and labelled 'Country Residential' is re-designated from Silviculture (S) to Country Residential (CR), as shown on the attached Appendix '1'; AND
- ii) The portion outlined in bold black and labelled 'Commercial' is re-designated from Silviculture (S) to Commercial (C), as shown on the attached Appendix "1".



Appendix '1'

Part of Schedule 'A' of Bylaw No. 94 being 'Quadra Island Official Community Plan Bylaw, 2007, Amendment No. 4.'

Amends 'Schedule A-1' of Bylaw No. 3050, being 'Quadra Island Official Community Plan Bylaw, 2007.'



BYLAW NO. 95

A BYLAW TO AMEND BYLAW NO. 1213, BEING QUADRA ISLAND ZONING BYLAW, 1990

WHEREAS the former Comox-Strathcona Regional District has, by Bylaw No. 1213, adopted zoning regulations for Quadra Island and vicinity pursuant to Part 26 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. 95, being Quadra Island Zoning Bylaw 1990, Amendment No. 99.

READ A FIRST TIME ON THE 28TH DAY OF JULY, 2011

READ A SECOND TIME ON THE 28TH DAY OF JULY, 2011

PUBLIC HEARING HELD ON THE ____ DAY OF _____, 2011

READ A THIRD TIME ON THE _____ DAY OF _____, 2011

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE _____ DAY OF , 2011

Chair

Corporate Officer

SCHEDULE 'A'

SECTION ONE TEXT AMENDMENT

1. The definitions section of the bylaw is hereby amended by inserting the following:

Campground: means a parcel of land occupied and maintained for temporary accommodation of the travelling public in tents, trailers, or recreational vehicles, which are licensed for the current year and have been brought to the site by the traveller.

Campsite: means a portion of a parcel of land, occupied and maintained for the temporary accommodation of the travelling public in tents, trailers or recreational vehicles, but specifically excludes mobile home pads.

Guest: means any person or persons, including tourists and the travelling public, staying at a location other than their permanent home or address.

Recreational Vehicle: means a structure or trailer, or vehicle used or designed to be used for temporary sleeping purposes and which is designed and intended to be mobile on land, whether or not self-propelled, but specifically excludes mobile homes and park model trailers.

Restaurant: an establishment serving meals and refreshments, but specifically excludes neighbourhood pubs.

Resort Unit: means the use of a building or buildings on land for the provision of temporary transient residential accommodation to guests in separate units, and may include cabins, but specifically excludes campgrounds, the use of mobile homes, park model trailers or recreational vehicles and excludes the use or occupation of residential accommodation as a permanent, seasonal or secondary residence.

Tourist: means any person or persons, including guest and the travelling public, staying in a location other than their permanent home or address.

2. The Table of Contents is amended to include the following zones:

- 11.3C Country Residential Two 'A' (CR-2A)
- 11.6E Commercial Two 'E' (C-2E)

3. Part 8 'Zoning Designations' is amended by inserting the following text at the appropriate location in the existing list contained within Part 8.1.1:

- Country Residential Two 'A' - Larger Lot Residential -CR-2A
- Commercial Two 'E' – Rural Resort Commercial – C-2E

4. Part 9 'Subdivision Requirements' is amended by inserting the following text at the appropriate location in the existing list contained within Part 9.1.1:

- Country Residential Two 'A' (CR-2A) 1.0 hectare
- Commercial Two 'E' (C-2E) 2.0 hectares

5. Part 9 'Subdivision Requirements' is amended by replacing the text in 9.1.3 with the following:

Unless otherwise permitted within a zone, lot area requirements may be reduced by a maximum of 5% per lot, provided that at the decreased size, all other applicable requirements of this bylaw can be satisfied.

6. Part 9 'Subdivision Requirements' is amended by replacing the text in 9.6 in its entirety with the following:

Notwithstanding the requirements of Part 9, it shall be necessary for a Restrictive Covenant to be registered in the name of the regional district against the title of land at the time of registration of a strata subdivision or fee simple subdivision that has applied density averaging (where permitted), which restricts further subdivision of any lot within the original parcel that is not equal to the minimum lot area required by the zone.

7. Part 11 'ZONES', Section 11.1, 'General Provisions' is amended by inserting the following new zone:

11.3C COUNTRY RESIDENTIAL TWO 'A' (CR-2A)

This Country Residential Two 'A' zone is to permit a master planned residential community and the provision of amenities.

11.28.1 PERMITTED USES

- a) Residential use; not to exceed an overall density of one single family dwelling per 1.0 hectare (2.47 acres).

11.28.2 PERMITTED ACCESSORY USES

- a) Home occupations;
- b) Accessory buildings and structures.

11.28.3 CONDITIONS OF USE

- 1) The development shall be carried out in compliance with the Gowlland Harbour Views Master Development Agreement, registered building envelopes, building scheme and vegetation and/or tree preservation covenants.
- 2) Maximum number of residential units shall not exceed 51 units.
- 3) All lots are to be connected to a community water system and a community sanitary sewer system.
- 4) Servicing standards and associated phasing shall be as per the Master Development Agreement.
- 5) All lands are to be developed in accordance with an approved On-Site Stormwater Management Plan.

11.28.4 SITE DENSITY

The maximum density for the Country Residential Two 'A' (CR-2A) zone is one single family dwelling per 1.0 hectare (2.47 acres).

11.28.5 PARCEL DENSITY

Residential use is limited to one single family dwelling per lot.

11.28.6 PARCEL SETBACKS

Except where otherwise specified in this bylaw or as further regulated by registered covenants and/or designated building envelopes:

- 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.

11.28.7 SITING OF BUILDINGS AND STRUCTURES

- a) The siting of accessory buildings is not permitted in the front yard;
- b) Notwithstanding specified yard setbacks within the CR-2A zone, siting for all buildings and structures shall comply with Part 10.2 ‘Size, Shape and Siting of Buildings and Structures’ of this bylaw and Bylaw No. 2782, “Floodplain Management Bylaw, 2005”;
- c) All single family dwellings are to be sited to permit maximum passive solar building orientation.

11.28.8 HEIGHT

The height of all buildings and structures will be measured from the average natural grade to the peak of the roof.

11.28.9 LIGHTING

The installation of approved ‘dark sky’ lighting is required on all building exteriors.

11.28.10 PARCEL COVERAGE

The maximum coverage of all buildings and structures on a lot shall be 20%.

11.28.11 PARKS, TRAILS AND OPEN SPACE

- a) The Country Residential Two ‘A’ (CR-2A) zone is required to provide a minimum of 50% parks and open space.
- b) Parks shall be dedicated and right-of-ways granted as per the Master Development Agreement.
- c) All designated trails within the development are to be constructed as per the Master Development Agreement and final works completed prior to completion of final subdivision phase.

11. 28.12 PARCEL AREA

- a) The minimum residential lot area within the Country Residential Two ‘A’ (CR-2A) zone shall be 1.0 hectare (2.47 acres).
- b) Despite (a), a subdivision with parcels smaller than the identified minimum lot area above may be created by subdivision provided that the overall average parcel size of all lots within the master planned residential community is equal to the minimum lot area required.

8. Part 11 'ZONES', Section 11.1, 'General Provisions' is amended by inserting the following new zone:

11.6E	COMMERCIAL TWO E (C-2E)
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11.6E.1 PERMITTED PRINCIPAL USES:

- a) Resort/campground use; combined total number of units limited to a total maximum density of 10 units per 1.0 hectare (2.47 acres);

11.6E.2 PERMITTED ACCESSORY USES:

- a) Accessory residential use in conjunction with a principal permitted use is restricted to one (1) single family dwelling;
- b) Offices associated with a permitted principal use;
- c) Retail sales accessory to the resort and campground uses only;
- d) Restaurant use accessory to the resort and limited to a maximum number of 30 seats;
- e) Common facility building accessory to resort and/or campground uses;
- f) Accessory uses, buildings and structures accessory to a principal permitted use, including office and retail sales.

11.6E.3 CONDITIONS OF USE:

- i) All permitted uses listed in Section 11.6E.1 and 11.6E.2 are subject to the following conditions:*
 - a) More than one (1) commercial building may be located on a lot, subject to all other requirements of the bylaw.
 - b) Permanent residential use is not permitted on the parcel, with the exception of one single family dwelling used as an accessory residential use to a principal permitted use.
 - c) Unless otherwise specified, screening is required along property lines that abut adjacent parcels of land and shall consist of at least one of the following:
 - i. a 15.0 metre (49.2 foot) greenbelt;
 - ii. a 10.0 metre (32.8 foot) vegetated buffer; or
 - iii. a solid fence 2.0 metres (6.6 feet) in height.
 - d) Landscaping shall be in accordance with the conditions of the required development permit (DP).
 - e) All exterior lighting is to be in compliance with the regional district's *Dark Sky Policy*.

ii) Resort Use listed in Section 11.6E.1(a) shall be subject to the following:

- a) Occupancy of all resort units shall be temporary in nature.
- b) The maximum gross floor area of any resort unit shall not exceed 80.0 square metres (861.1 square feet).

iii) Campground Use listed in Section 11.6E.1(a) shall be subject to the following:

- a) A 15.0 metre naturally vegetated greenbelt is required along the natural boundary of the sea to provide an environmentally sensitive area buffer between all campsite spaces and the foreshore environment of Goose Bay.
- b) All campsite spaces, excluding designated tent sites, shall have a minimum area of not less than 120.0 metres² (1291.7 feet²).
- c) All campsite areas, excluding tent sites, shall be finished with pervious surface materials to allow for sufficient rainwater management.
- d) All recreational vehicle units in the campground must be licensed for the current year to travel on a public highway.
- e) No additions are permitted on any recreational vehicle.
- f) Public restrooms shall be provided for in accordance with the *Public Health Act* Public Place Sanitary Facilities Regulation.
- g) A minimum of one garbage container for every two camping spaces shall be provided for purposes of garbage disposal. Each container must be durable, insect-tight, water-tight and rodent proof. The provision of centralized bear proof garbage collection centre of suitable capacity is required and must be sited a minimum of 4.5 m from any property line.

11.6E.4 LOT AREA

The minimum lot area for the Commercial Two E (C-2E) zone shall be 2.0 hectare (4.94 acres).

11.6E.5 SETBACKS

Except where otherwise specified in this bylaw and/or as otherwise required by covenant:

- 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 4.5 metres (14.8 feet) from a side lot line.

11.6E.6 LOT COVERAGE

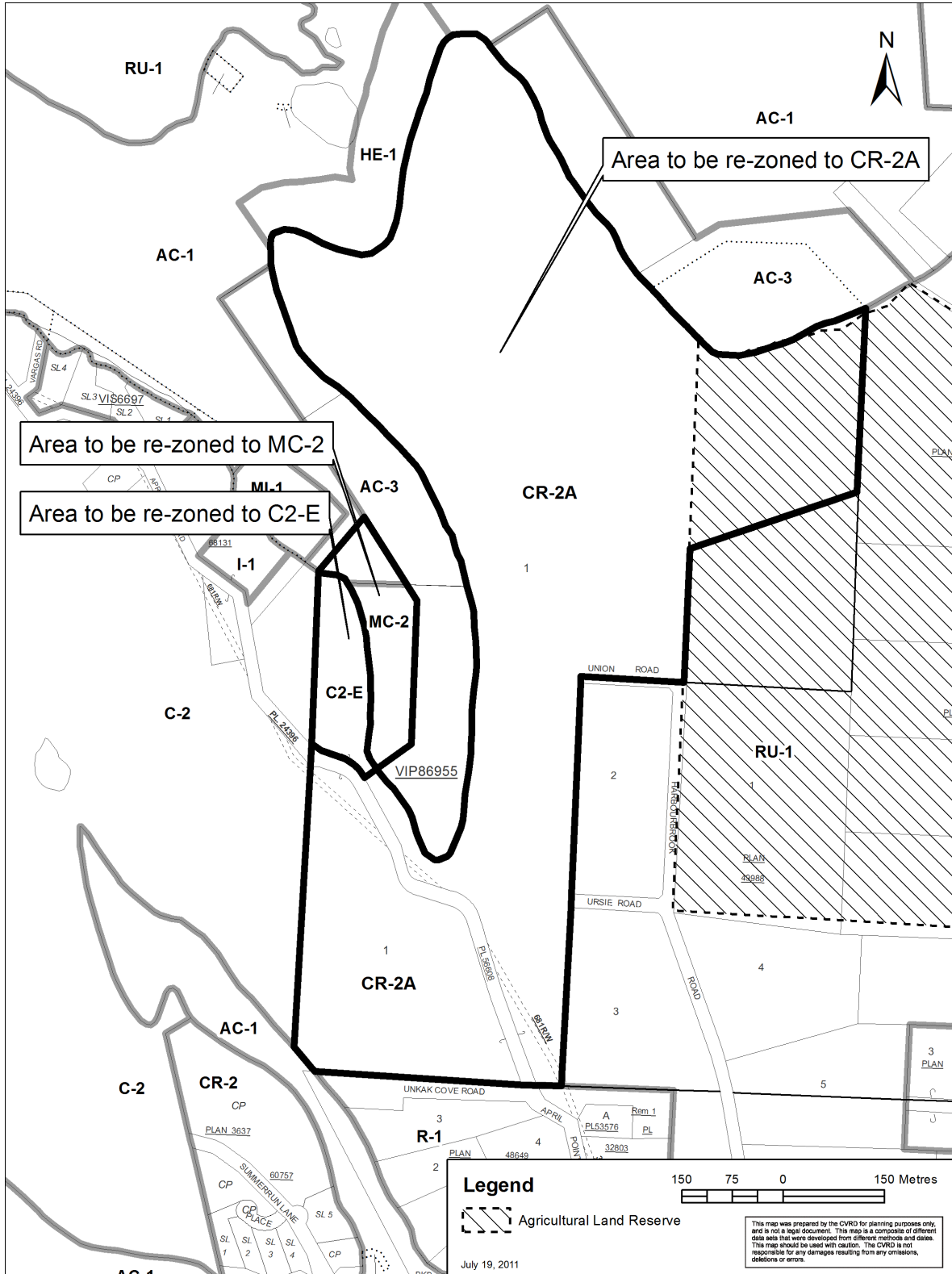
The maximum coverage of all buildings and structures on a lot shall be 10%, excluding campsite/tent site areas.

END • C-2E

SECTION TWO MAP AMENDMENT

The zoning for land described as Lot 1, District Lot 208, Sayward District, Plan VIP86955 on 'Map 2' of Bylaw No. 1213, being 'Quadra Island Zoning Bylaw, 1990', is hereby amended as follows:

- i) The portion outlined in bold black and labelled 'CR-2A' is rezoned from Rural One (RU-1) to Country Residential Two 'A' (CR-2A), as shown on the attached Appendix '1';
- ii) The portion outlined in bold black and labelled 'C-2E' is rezoned from Rural One (RU-1) to Commercial Two 'E' (C-2E), as shown on the attached Appendix "1"; AND
- iii) The portion outlined in bold black and labelled 'MC-2' is rezoned from Access One (AC-1) and Access Three (AC-3) to Marine Commercial Two (MC-2), as shown on the attached Appendix "1".



Appendix '1'

Part of Schedule 'A' of Bylaw No. 95, being 'Quadra Island Zoning Bylaw, 1990, Amendment No. 99.'

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