Strathcona REGIONAL DISTRICT

STAFF REPORT

DATE: December 8, 2020

FILE: 0540-04 EASC

TO: Mayor and Council
Village of Sayward

FROM: Ann MacDonald
Chief Administrative Officer

RE: **Rezoning Application to Facilitate a Tourist Commercial / Residential Subdivision at 18 Sayward Road, Kelsey Bay BC**

PLANNING FILE NO.	3360-20/RZ 1S 20
ROLL NO.:	772 00099.050 **PID NO.:** 000-568-309
APPLICANT:	0947204 BC Ltd. (Mike Adama)
AGENT:	Kevin Brooks, McElhanney Associates
LAND DESCRIPTION:	District Lot 304, Sayward District, Except Plan 41428
LOCATION:	14 / 18 Sayward Road, Kelsey Bay BC
OFFICIAL COMMUNITY PLAN:	Bylaw 308**,** Village of Sayward Official Community Plan Bylaw, 2000
EXISTING DESIGNATION:	Comprehensive Development Area 2 (CDA-2)
ZONING BYLAW:	Bylaw No. 309, Village of Sayward Zoning Bylaw, 2000
EXISTING ZONE:	Forestry One (F-1)
PROPOSED ZONES:	Residential One (R-1) and Commercial Two (C-2)

PURPOSE

To consider rezoning a 14-hectare portion of District Lot 304 (14 / 18 Sayward Road), Kelsey Bay BC to facilitate the development of an RV campground and a 31-lot residential subdivision.

POLICY ANALYSIS

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 Sections 464 - 465 (Public Hearings on Bylaws).

EXECUTIVE SUMMARY

An application has been received to consider amending the Village of Sayward Zoning Bylaw to rezone an approximate 14-hectare portion of a 24.53-hectare parcel situated at Kelsey Bay, Sayward, from Forestry One (F-1) to Residential One (R-1) and Commercial Two (C-2) to allow

the development of 31 residential serviced lots ranging in size from 695 square metres to 8687 square metres plus a 33-pad serviced Recreational Vehicle campground. The proposed development will be accessed via a network of 6-metre wide roads terminating in cul-de-sacs and, as per the attached Preliminary Servicing Report, the existing community water supply, fire protection (with the addition of a booster pump) and sanitary servicing are all adequate to accommodate the additional lots. Stormwater runoff will be collected on site and discharged via an ocean outfall to Kelsey Bay.

Comments received from government agencies and First Nations have indicated there are no immediate concerns associated with the proposal. FLNRORD - Forestry have indicated that should rezoning be approved and land subdivision allowed, a road dedication to allow for public access to lands beyond is recommended. Island Health have indicated a construction permit is required from VIHA prior to extending the water main, and that the applicant should contact VIHA regarding servicing of the proposed C-2 zone if food and beverage services are proposed. The Ministry of Transportation and Infrastructure had no concerns and the We Wai Kai Nation have requested an Archaeological Impact Assessment of the property be carried out in association with a member of the We Wai Kai Nation. An approved Riparian Areas Regulation assessment report prepared by a Qualified Environmental Professional will be required before the commencement of development activities (including subdivision) and a Commercial development permit will also be required for development within the proposed Commercial Two (C-2) zoned portion of the parcel. In support of this recommendation, Bylaw No. xxx is attached for the Committee's consideration.

BACKGROUND

District Lot 304 has been earmarked in the 2005 Village of Sayward Official Community Plan as a Comprehensive Development Area, which acknowledges the potential of this parcel, currently used for forestry, to be repurposed for tourism, recreational and residential uses, by way of a zoning amendment. The parcel is situated close to the existing Kelsey Bay marina and affords scenic views over the bay and Mt H'kusam beyond. The proposal would create 31 fully serviced residential lots of varying sizes, as well as a 33-pad serviced recreational vehicle campground, which will act as an economic stimulus for the village. An engineering report (attached) confirms that with the addition of a booster pump to service the higher elevation lots for fire protection purposes, the Village of Sayward's existing sewer and water infrastructure can support the proposed development.

OCP CONSIDERATIONS

An OCP Amendment is not required as the proposed use of the property falls within the appropriate Comprehensive Development Area 2 designation of the Village of Sayward Official Community Plan.

AGENCY REFERRALS

The application was referred to several government agencies and First Nations for consideration. Comments received are summarized in the following table:

Agency	Comments
BC Assessment Authority	No response.
Coastal Fire	No response.
Ministry of Environment	No response.
FLNRORD – Archaeology	No response.

FLNRORD - Forestry	Should rezoning be approved and subdivision allowed, a road dedication to allow for public access to lands beyond is recommended.
Ministry of Transportation and Infrastructure	No concerns.
School District 72	No response.
Island Health	A construction permit is required from VIHA prior to extending the water main. Applicant to contact VIHA regarding servicing of the proposed C-2 zone.
First Nation	**Comments**
K'ómoks First Nation	No response.
Nanwakolas Council	No response.
We Wai Kai Nation	Requests that an Archaeological Impact Assessment be carried out in association with the First Nation.
Wei Wai Kum Nation	No response.

PLANNING ANALYSIS

The subject parcel at 14 - 18 Sayward Road is currently zoned Forestry One (F-1), which allows for a variety of forestry and agriculture uses and up to four dwelling units per parcel, depending upon parcel size which is limited to 8.0 hectares (19.8 acres) for subdivision purposes. The proposal is to rezone the land to permit its subdivision into 31 serviced residential lots, ranging in size from 695 square metres (0.17 acre) to 8687 square metres (2.15 acres) with one house per parcel, as well as a 33-pad serviced RV campground. The proposed development will be accessed via a network of 6-metre wide roads terminating in cul-de-sacs and, as per the attached Preliminary Servicing Report, the existing community water supply, fire protection (with the addition of a booster pump) and sanitary servicing are all adequate to accommodate the additional lots. Stormwater runoff will be collected on site and discharged via an ocean outfall to Kelsey Bay.

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FINANCIAL IMPLICATIONS

Applicable fees have been collected for this application under Bylaw 310, being the Village of Sayward Bylaw Amendment, Permit Procedures and Fees Bylaw, 2000.

LEGAL IMPLICATIONS

This report and the recommendations contained herein are in compliance with the *Local Government Act* (LGA) and Village of Sayward bylaws. This includes the zoning of land, which includes the surface of the water, set out in Section 479 of the LGA.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Should a recommendation of support be made for the application and Bylaw No. XXX proceed forward, public consultation will occur in the form of a public hearing (unless waived), conducted in compliance with the requirements of Sections 464 - 465 'Public Hearings', of the LGA, as required prior to 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, municipal staff resources will be required during the public hearing process and the finalization of the adoption of the bylaw.

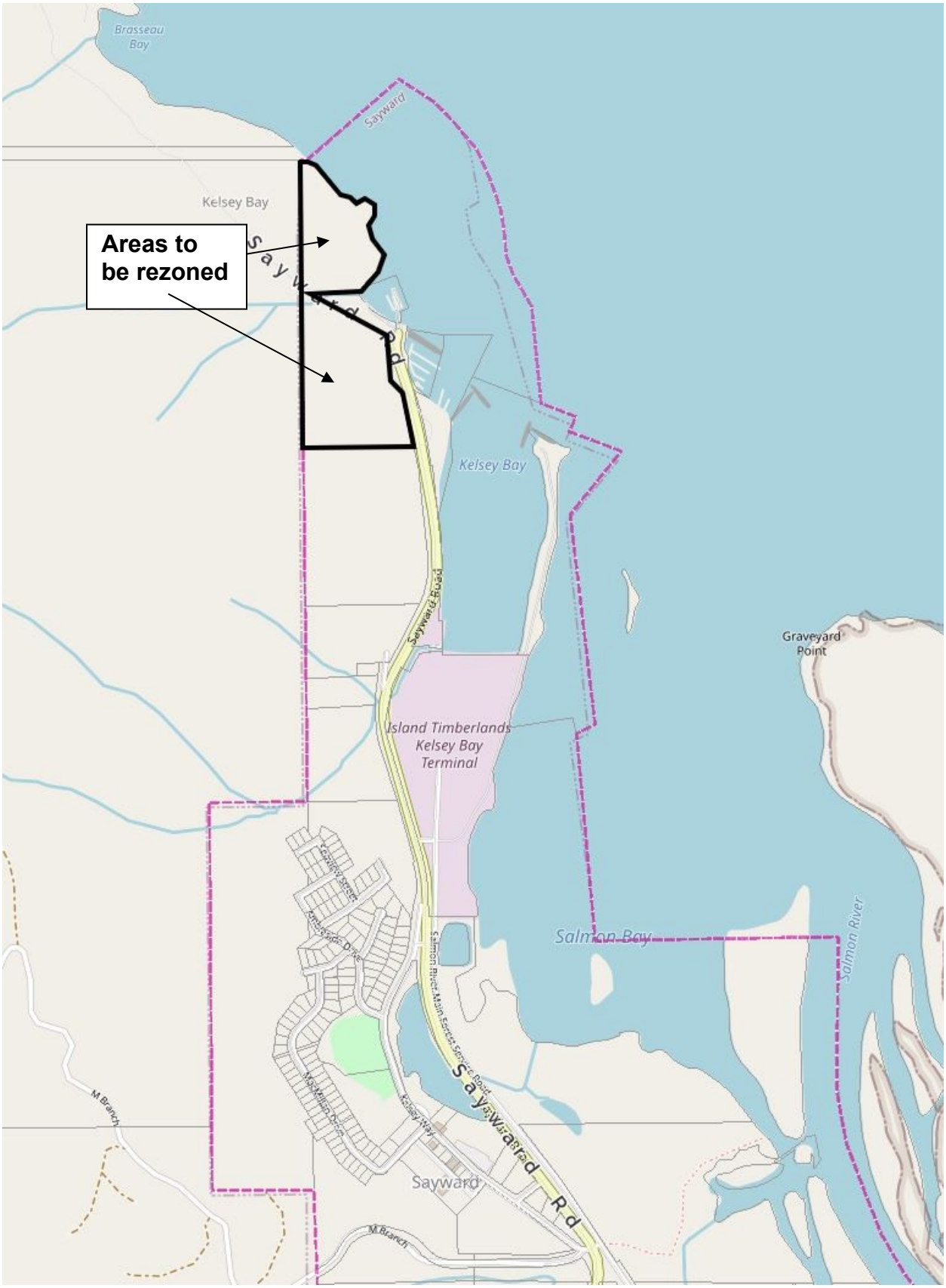
Submitted by:

John Neill

John Neill MCIP MRTPI
Planner

Attachments:

Preliminary Servicing Report



Location of Property in Kelsey Bay, Sayward

OFFICIAL COMMUNITY PLAN

The subject property is designated as Comprehensive Development Area 2 (CDA-2). The intent for the CDA-2 designation is to provide for mixed density residential uses and tourist accommodation such as RV parks. The OCP states (Pg. 10):

> *"Three Comprehensive Development Areas have been specifically established to provide for flexible land use planning, to take advantage of future opportunities in tourism, marine services, residential, industrial, and commercial ventures. The village seeks to attract responsible, sustainable, development to build on the considerable assets currently in place."*

Further, the OCP CDA-2 specific policy support the proposal:

1. *Development in the CDA-2 is intended to provide for mixed density residential, and tourist accommodation services.*
2. *Permitted uses in the CDA-2 may include mixed density residential development, senior's housing, and tourism accommodation, including RV parks.*
3. *The CDA-2 designation provides unique vistas across the Salmon Bay and Johnstone Strait; development should be oriented toward these views.*

The proposed single detached residential subdivision and recreational vehicle campground was designed to meeting the CDA-2 policies and justifications listed above.

ZONING

The current zoning on the property is Rural One (RU-1). To enable the proposed development, the land needs to be rezoned to the following zones:

- Residential One (R-1)
- Commercial Two (C-2)

Residential One (R-1)

Residential One is a single-family dwelling zone. The minimum lot size is 668 m^2 with a lot coverage of 70%. This proposed zone is consistent with the Official Community Plan CDA-2 land use designation.

Commercial Two (C-2)

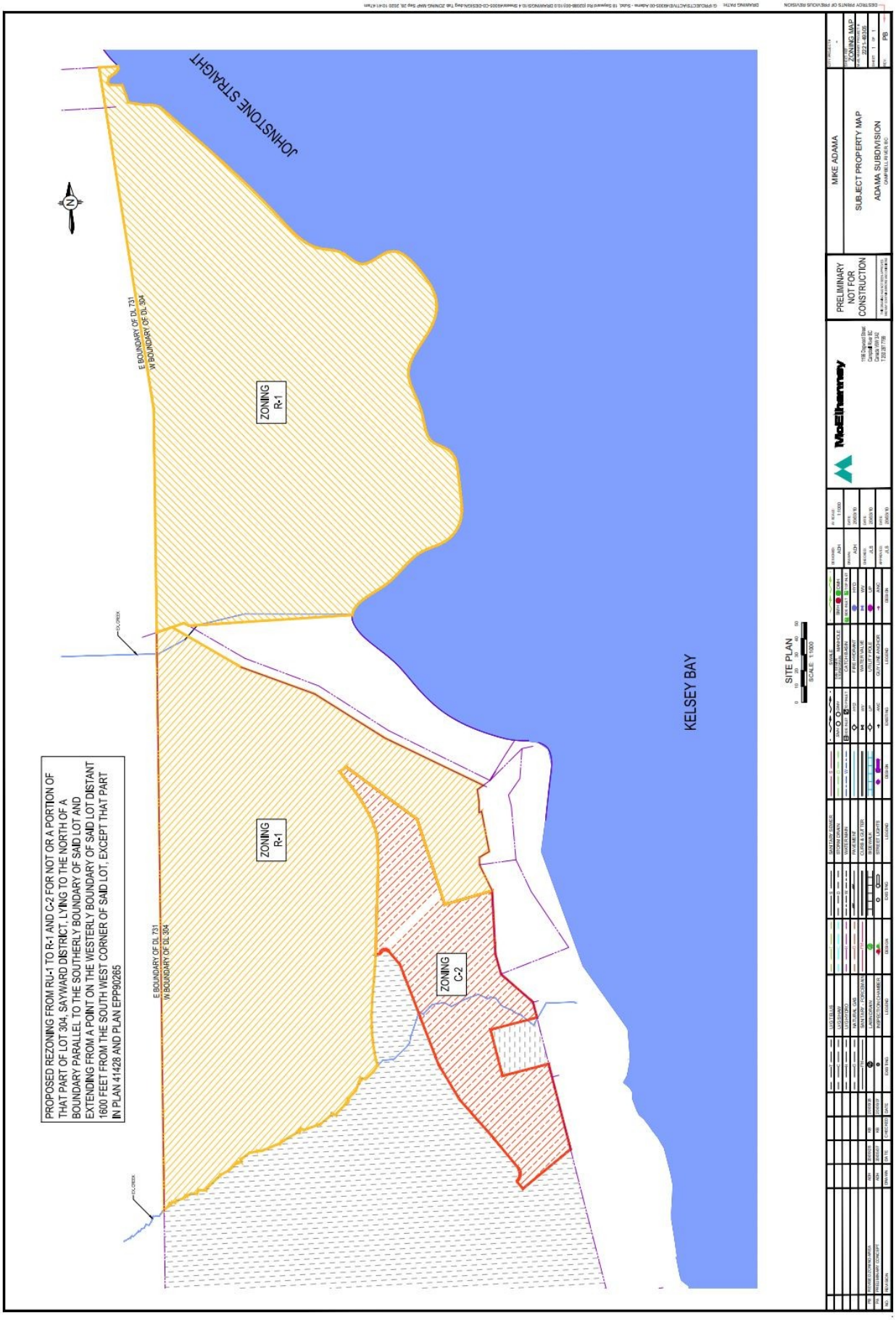
The Commercial Two zone is a mixed commercial zone with limited retail commercial with a focus on service commercial such as restaurants, pubs and tourist accommodation. This proposed zone is consistent with the Official Community Plan CDA-2 land use designation.

We look forward to working with you on this project. If you have any questions, please contact the undersigned.

Sincerely,
McElhanney Ltd.

Kevin Brooks, RPP, MPlan
kbrooks@mcelhanney.com | 778-560-2371

Applicant's Statement



Proposed Zone Boundaries

PART FOUR COMPREHENSIVE DEVELOPMENT AREAS

Three Comprehensive Development Areas have been specifically established to provide for flexible land use planning, to take advantage of future opportunities in tourism, marine services, residential, industrial, and commercial ventures. The village seeks to attract responsible, sustainable, development to build on the considerable assets currently in place.

4.1 Comprehensive Development Area 1 (CDA-1) Tourism/Marine

Objectives and Justification

1) The CDA-1 designation includes land in the waterfront area as indicated on Schedule B.

2) Development in the CDA-1 is intended to provide for tourism, recreation, commercial and industrial marine services, aquaculture and related services, and recreational access.

3) Permitted uses in the CDA-1 designation may include but are not limited to businesses catering to the needs of commercial and industrial watercraft users and the vacationing public such as fuel services, wharfage, boat launches, restaurants, cafes, shops, and marinas.

4) The CDA-1 designation is an access point to the community from the water and shall present a welcoming and interesting gateway to visitors.

5) A feasibility study in the CDA-1 area to determine the safest, highest and best use and design of the waterfront area shall be supported.

6) The CDA-1 designation is a Development Approval Information Area, which allows the village an opportunity to work with the landowner to realize proposed uses and to minimize environmental impacts.

4.2 Comprehensive Development Area 2 (CDA-2) Tourist/Residential

Objectives and Justification

1) The CDA-2 designation includes land in the area west of Sayward Road as indicated on Schedule B.

2) Development in the CDA-2 is intended to provide for mixed density residential, and tourist accommodation services.

3) Permitted uses in the CDA-2 may include mixed density residential development, senior's housing, and tourism accommodation, including RV parks.

4) The CDA-2 designation provides unique vistas across the Salmon Bay and Johnstone Strait; development should be oriented toward these views.

5) The CDA-2 designation is a Development Approval Information Area, which allows the village an opportunity to work with the landowner to realize proposed uses and mitigate environmental impacts.

OCP Objectives and Policies – 4.2 Comprehensive Development Area 2 (CDA-2)

610 Forestry One (F-1)

1. PERMITTED PRINCIPAL USES

On any lot:

a) Agriculture;
b) Silviculture;
c) Forestry;
d) Sawmills;
e) Value-added wood processing;
f) Single family dwelling;

g) On any lot greater than 2.0ha (4.9ac):

Two single family dwellings or one duplex may be permitted on a lot, provided that all other requirements of this Bylaw are complied with. Additional dwelling units(s) may be permitted on the lot for each additional 1.0ha (2.5ac) to a maximum of 4 dwelling units provided that approval from the Land Reserve Commission has been received (if required).

2. PERMITTED ACCESSORY USES

a) Buildings and structures accessory to the uses permitted.

3. LOT AREA

The minimum site are required for subdivision is 8.0 hectares (19.8 acres);

4. LOT COVERAGE

Buildings and structures shall not cover more than 15% of the lot area.

5. SITING OF STRUCTURES

Except where otherwise specified in this Bylaw, no building or structure shall be located within:

a) 7.5m (24.6ft) of front, side or rear lot lines;

b) Structures for the accommodation of livestock shall be located not less than 7.5m (24.6ft) from any dwelling unit.

End – F-1

Existing Forestry One (F-1) Zone

PART 600 ZONES

601 RESIDENTIAL ONE (R-1)

1) PERMITTED PRINCIPAL USES

On any lot:

a) One single family dwelling.

2) PERMITTED ACCESSORY USES

a) Home-based business;
b) Bed & Breakfast;
c) Boarding;
d) Buildings, accessory;
e) Secondary suites.

3) LOT SIZE

The minimum lot area for subdivision is 668m² (7200 ft²).

4) LOT COVERAGE

Buildings and structures shall not cover more than 70% of the lot area.

5) SITING OF STRUCTURES

Except where otherwise specified in this Bylaw, no building or structure shall be located within:

a) 6.0m (19.6ft) of front and rear lot lines;

b) 1.5m (4.9ft) of side lot line on a lot;

c) 3.0m (9.8ft) of side lot line abutting a public road right-of-way;

d) No accessory structure shall be located within 1.0m (3.3ft) of a rear or side lot line.

6) WIDTH OF BUILDINGS

No building or structure other than accessory buildings or structures shall be less than 7.0m (22.9ft) in width.

End – R-1

607 COMMERCIAL TWO (C-2)

1. PERMITTED PRINCIPAL USES

On any lot:

a) Retail;
b) Offices;
b) Marina (including fuel sales ancillary to the use)
d) Restaurant;
e) Neighbourhood pubs;
f) Tourist Accommodation.

2. PERMITTED SECONDARY USES

a) Residential use;
b) Buildings and structures accessory to the uses permitted.

3. LOT AREA

The minimum lot area required for subdivision is 740m² (8,000ft².)

4. LOT COVERAGE

Buildings and structures shall not cover more than 60% of the lot area.

5. SITING OF STRUCTURES

Except where otherwise specified in this Bylaw, no building or structure shall be located within:

a) 3.0m (11.5ft) of front and rear lot lines;
b) 1.5m (4.9ft) of any side lot line;
c) Accessory buildings shall not be located within 1.0m (3.3ft) of a rear or side lot line.

6. COMBINED COMMERCIAL AND RESIDENTIAL USE

Where a parcel is used for combined commercial and residential use, the residential use shall;

a) be contained in the same building;
b) be located over the principal use;
c) have a separate entrance from outside; and
d) not exceed the gross floor area used for commercial purposes.

End – C-2

Proposed Residential One (R-1) and Commercial Two (C-2) Zones