



qathet
REGIONAL DISTRICT

Nootka Street Zoning Amendment Bylaw No. 321.2, 2025

Public Materials Binder

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11.3 Nootka Street Zoning Amendment Bylaw No. 321.3, 2025 – *Previously 10.9 on the Consent Agenda*

Moved and Seconded

THAT the Board endorse the proposed Nootka Street Zoning Amendment Bylaw No. 321.3, 2025; and

THAT the bylaw be forwarded to a future Board meeting for first and second reading.

MOTION CARRIED.

12. RESOLUTIONS**12.1 Nootka Street Zoning Amendment Bylaw No. 321.2, 2025, 7-3965 Yaroshuk Rd, Electoral Area B**

Moved and Seconded

THAT the Board endorse Nootka Street Zoning Amendment Bylaw No. 321.2, 2025; and

THAT the bylaw be forwarded to a future Board meeting for first and second reading.

MOTION CARRIED.

13. REPORTS**14. BYLAWS****14.1 Development Services Procedures Amendment Bylaw No. 477.3, 2025**

Moved and Seconded

1. THAT the Board give first and second reading of "Development Services Procedures Amendment Bylaw No. 477.3, 2025".

MOTION CARRIED.

Moved and Seconded

2. THAT the Board give third reading of "Development Services Procedures Amendment Bylaw No. 477.3, 2025".

MOTION CARRIED.

**9.3 Nootka Street Zoning Amendment Bylaw No. 321.2, 2025, 7-3965
Yaroshuk Rd, Electoral Area B - *For Reconsideration from the Planning
Committee Meeting, February 25, 2025***

Moved and Seconded

THAT the Committee recommends to the Board that the Board endorse Nootka Street Zoning Amendment Bylaw No. 321.2, 2025; and

THAT the bylaw be forwarded to a future Board meeting for first and second reading.

MOTION CARRIED.

Opposed (1): Director, Electoral Area B Gisborne.

10. QUESTION PERIOD

Questions were entertained from the floor.

11. IN CAMERA SESSION

11.1 No Proposed Closed Session

12. ADJOURNMENT

There being no further business, the meeting adjourned at 3:36 pm.

Chair

Corporate Officer

8. REPORTS

8.1 Provincial Referral for Three-Lot Conventional Subdivision, 1864 Blubber Bay Rd, Electoral Area D

Director McCormick declared a conflict of interest and left the meeting at 4:11 pm.

Moved and Seconded

THAT the Committee recommends to the Board that the qathet Regional District advise the Ministry of Transportation and Transit that qathet Regional District supports the proposed three-lot conventional subdivision application (eDAS File No. 2024-00483) for the property located at 1864 Blubber Bay Rd (PID: 031-189-474) as shown on the plan of proposed subdivision, dated February 1, 2024 subject to the following conditions:

1. Proof of water servicing for each of the proposed lots from Van Anda Improvement District;
2. Proof of septic servicing for each of the proposed lots from Vancouver Coastal Health; and
3. The applicant contracting a qualified professional to complete a site-level assessment of any lands identified with natural hazard potential to inform future development and minimize any risk from hazardous conditions.

MOTION CARRIED.

Director McCormick returned to the meeting at 4:13 pm.

8.2 Nootka Street Zoning Amendment Bylaw No. 321.2, 2025, 7-3965 Yaroshuk Rd, Electoral Area B

Moved and Seconded

THAT the Committee recommends to the Board that the Board endorse Nootka Street Zoning Amendment Bylaw No. 321.2, 2025; and

THAT the bylaw be forwarded to the March 11, 2025 Board meeting for first and second reading.

Moved and Seconded

THAT the Committee refer the bylaw back to staff to bring forward to the March 11, 2025 Planning Committee with recommendations to amend the proposed Bylaw to strike out the identification of the individual parcel in section 5.3a "on the parcel of land legally described as Strata Lot 7 District Lot 3692 Group 1 New Westminster District Strata Plan BCS3610, one additional dwelling unit having a floor area no greater than 1,200 square feet is permitted."

MOTION DEFEATED.

Opposed (2): Director, Electoral Area C Brander and Director, Electoral Area D McCormick.

MAIN MOTION DEFEATED.

Opposed (2): Director, Electoral Area A Lennox and Director, Electoral Area B Gisborne.

8.3 Provincial Referral for 11-Lot Bare Land Strata with Remainder Subdivision, 1844 Marble Bay Rd, Electoral Area D

Moved and Seconded

THAT the Committee recommends to the Board that the qathet Regional District advise the Ministry of Transportation and Transit that qathet Regional District supports the application for an 11-Lot bare land strata with remainder subdivision (eDAS File No. 2024-01792) for the property located at 1844 Marble Bay Rd, as shown on the plan of proposed subdivision, dated September 20, 2024, subject to the following conditions:

1. Proof of water servicing for each of the proposed strata lots and the remainder parcel from Van Anda Improvement District;
2. Proof of septic servicing for each of the proposed strata lots and the remainder parcel from Vancouver Coastal Health;
3. The property owner contracts a qualified professional to complete a site-level assessment of any lands identified with natural hazard potential to inform future development and minimize any risk from hazardous conditions; and
4. The property owner pays cash-in-lieu of parkland dedication in the amount of five percent of the total land value, calculated in accordance with Section 510 of the *Local Government Act*.

MOTION CARRIED.

8.4 Development Permit Application, 1521 Highway 101, DL 1611 & 1612, Electoral Area A

Moved and Seconded

THAT the Committee recommend the Board approve Development Permit DP2025-001 for the property legally described as Lot 24 District Lots 1611 And 1612 Plan 20882 (PID: 004-400-861); and

THAT the General Manager of Planning Services be authorized to issue Development Permit DP2025-001.

MOTION CARRIED.

9. NEW BUSINESS

REQUEST FOR DECISION REPORT

TO: Planning Committee

FROM: Cherise Roberts, Planner

IN COLLABORATION WITH: Laura Roddan, General Manager of Planning Services

SUBJECT: Nootka Street Zoning Amendment Bylaw No. 321.2, 2025, 7-3965 Yaroshuk Rd, Electoral Area B

ACTION/RECOMMENDATION

THAT the Committee recommends to the Board that the Board endorse Nootka Street Zoning Amendment Bylaw No. 321.2, 2025; and

THAT the bylaw be forwarded to the March 11, 2025 Board meeting for first and second reading.

PURPOSE/SUMMARY

To consider recommendations to endorse 'Nootka Street Zoning Amendment Bylaw No. 321.2, 2025' and proceed to first and second reading of the bylaw.

BACKGROUND

At their meeting on November 27, 2024, the Regional Board adopted the following resolution:

THAT the qathet Regional District accept the application to amend Nootka Street Zoning Bylaw No. 321, 1999 to permit an existing accessory dwelling unit that measures 1,200 square feet on the property located at 7-3965 Yaroshuk Rd in Electoral Area B;

THAT the Board direct staff to prepare an amending bylaw for consideration at a future meeting; and

THAT the Board direct staff to give public notice of the proposed zoning bylaw amendment as per the Local Government Act.

STRATEGIC PLAN:

Legislative requirement.

TYPE OF DECISION

Directive Decision

LEGISLATIVE, REGULATORY, BYLAW OR POLICY IMPACT/RELATIONSHIP

Under section 460 of the *Local Government Act* (LGA), a local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for and amendment to the plan or bylaw. A local government must consider every application for an amendment.

On March 28, 2013, the Regional Board adopted *qathet Regional District Development Services Procedures Bylaw No. 477, 2013* to comply with Part 14 Section 460 of the *Local Government Act*. Bylaw No. 477 sets out procedures under which an owner of land may apply to amend an official community plan, amend a zoning bylaw, or apply for a permit.

DISCUSSION/ANALYSIS

The purpose of Nootka Street Zoning Amendment Bylaw No. 321.2, 2025 is to rezone the property located at 7-3965 Yaroshuk Rd to permit an existing accessory dwelling unit that measures 1,200 square feet. The proposed amending bylaw is attached as Appendix A. Staff recommend the Board consider endorsing 'Nootka Street Zoning Amendment Bylaw No. 321.2, 2025' and forwarding to the March 11, 2025 Board meeting for first and second reading.

FINANCIAL IMPACT

The applicant paid the \$1,000 application fee for a zoning bylaw amendment as per Schedule A of Development Services Procedures Bylaw No. 477, 2013. Costs associated with preparation of the bylaw and posting notice of first reading are offset by the application fee.

PUBLIC AND/OR STAKEHOLDER ENGAGEMENT REQUIRED OR PERFORMED

A Notice of Development sign has been posted at 7-3695 Yaroshuk Rd by the applicant that meets the requirements under *qathet Regional District Development Services Procedures Bylaw No. 477, 2013*.

qathet Regional District's Planning Committee meetings are public meetings and as such, any member of the public who sought interest could participate.

Recent amendments to Section 464 of the *Local Government Act (LGA)* dictate that a public hearing must not be held for zoning bylaw amendments where the proposed amendment permits a residential development that is consistent with an official community plan. Corresponding amendments to Section 467 of the *LGA* dictate procedures for providing public notice of first reading when a public hearing is not held.

Staff have prepared a notice of first reading in accordance with Section 467 of the *Local Government Act* which will be posted in two consecutive issues of the PEAK Newspaper. A copy of the notice is attached as Appendix B.

CONCLUSION

Staff recommend the Board endorse 'Nootka Street Zoning Amendment Bylaw No. 321.2, 2025' and forward the Bylaw to the March 11, 2025 Board meeting for first and second reading.

ATTACHMENTS

[Appendix A - Nootka Street Zoning Bylaw No. 321.2, 2025](#)

[Appendix B - Copy of Notice of First Reading](#)

Approved By:

Cherise Roberts, Planner
Laura Roddan, General Manager of Planning Services
Al Radke, Chief Administrative Officer

Status:

Approved - 30 Jan 2025
Approved - 30 Jan 2025
Approved - 04 Feb 2025

qathet REGIONAL DISTRICT**Bylaw No. 321.2, 2025**

A Bylaw to amend “Nootka Street Zoning Bylaw No. 321, 1999”

WHEREAS the *Local Government Act, R.S.B.C.* empowers the qathet Regional District Board of Directors to adopt zoning bylaws and regulate the use of land, buildings and other structures;

WHEREAS Part 14, Division 2, Section 460 of the *Local Government Act, R.S.B.C* requires that a local government must consider every application for an amendment to a zoning bylaw;

AND WHEREAS the Board deems it necessary to amend *Nootka Street Zoning Bylaw No. 321, 1999*;

NOW THEREFORE the Board of Directors of the qathet Regional District in open meeting assembled hereby enacts as follows:

1. Under SECTION 5 – LAND USE REGULATIONS

a. Inserting a new regulation 5.3.1, following regulation 5.3, that reads:

“Despite section 5.3(a), on the parcel of land legally described as Strata Lot 7 District Lot 3692 Group 1 New Westminster District Strata Plan BCS3610, one additional dwelling unit having a floor area no greater than 1,200 square feet is permitted.”

2. This bylaw may be cited as “*Nootka Street Zoning Amendment Bylaw No. 321.2, 2025*”.

READ A FIRST TIME this ____ day of _____.

READ A SECOND TIME this ____ day of _____.

READ A THIRD TIME this ____ day of _____.

ADOPTED this ____ day of _____.

Chair

Corporate Officer



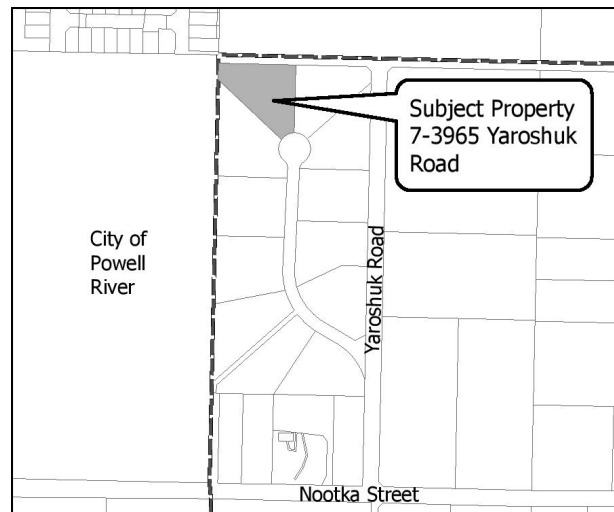
NOTICE OF FIRST READING

Amendment to Nootka Street Zoning Bylaw No. 321, 1999

Notice is hereby given pursuant to Section 464(3) and 467 of the *Local Government Act* that the Board of the qathet Regional District will consider first reading of **Nootka Street Zoning Amendment Bylaw No. 321.2, 2025** at their Regional Board Meeting on **Tuesday, March 11, 2025 at 4:00 pm.**

The meeting will be held in the Regional District Boardroom, 201-4675 Marine Avenue, Powell River BC. Please email administration@qathet.ca if you wish to attend over Zoom. A livestream of the meeting can be viewed at <https://qathetrd.civicweb.net/Portal/Video.aspx>.

The purpose of the proposed bylaw amendment is to rezone the property located at 7-3965 Yaroshuk Rd to permit an existing accessory dwelling unit that measures 1,200 square feet. The proposed bylaw and relevant information are available for inspection on our website at qathet.ca/mar11fr, by email request to planning@qathet.ca, or in-person at our main office (202-4675 Marine Avenue, Powell River), between 8:30 am and 4:30 pm, Monday to Friday, excluding statutory holidays.



If you have any questions, contact the Planning Department by calling 604-485-2260 or emailing planning@qathet.ca

Michelle Jones,
Corporate Officer

Director Fall reported on the following meetings and activities:

- Attended Vancouver Island Regional Library Trustees
- Attended public ferry meeting on Lasqueti Island
- Attended Lasqueti Ratepayers Society Annual General Meeting
- Joined a retired forester who is firesmarting his property on Lasqueti Island

Director Lennox reported on the following meetings and activities:

- Attended NI911 meeting
- Continuing to monitor communications from: Mosaic Forest Products, Ministry of Transportation and Infrastructure, and Okeover residents.
- Monitoring recent activity with Association of Savary Island Community
- Northside Community Recreation Building Committee busy working with the contractors
- Attended Remembrance Day ceremony at Dwight Hall
- Attended Wine and Dessert night at the Powell River Academy of Music in celebration of their 50th Anniversary
- Chaired Savary Island Community Plan Advisory Committee
 - Upcoming:
 - Virtual Public Engagement Meeting Dec 5
- Observed the live fire training at the Northside Volunteer Fire Department
- Toured the Thulin and Lund Lakes dams

10. CONSENT AGENDA

Chair Brander requested item #10.2 Provincial Referral for Two-Lot Conventional Subdivision, 11060, A, B & C Morton Rd, Electoral Area C, be placed under the heading of Resolutions Removed From Consent Agenda as item #11.1.

Moved and Seconded

THAT the following items on the Consent Agenda be adopted:

10.1 Agricultural Advisory Committee Membership

THAT the Board direct staff to advertise for Members-at-large for the Agricultural Advisory Committee and that the ad should include that the Committee is inclusive of the entire qathet region.

MOTION CARRIED.

10.3 Application to Amend Nootka Street Zoning Bylaw No. 321, 1999 for 7-3965 Yaroshuk Rd, District Lot 3692, Electoral Area B

THAT the qathet Regional District accept the application to amend Nootka Street Zoning Bylaw No. 321, 1999 to permit an existing accessory dwelling unit that measures 1,200 square feet on the property located at 7-3695 Yaroshuk Road in Electoral B;

THAT the Board direct staff to prepare an amending bylaw for consideration at a future meeting; and

THAT the Board direct staff to give public notice of the proposed zoning bylaw amendment as per the Local Government Act.

MOTION CARRIED.

10.4 **2024 Regional District Audit Service Plan**

THAT the Board endorse the 2024 Audit Service Plan as proposed by MNP LLP.

MOTION CARRIED.

10.5 **Investment Policy**

1. THAT the Board endorse the Investment Policy as proposed at the November 6, 2024 Finance Committee meeting; and

THAT the Investment Policy be forwarded to the November 27, 2024 Board meeting for adoption.

MOTION CARRIED.

2. THAT the Board direct staff to write a report regarding potential amendments to the investment policy, to potentially include language related to Environmental, Social, and Governance (ESG) investments.

MOTION CARRIED.

10.6 **Security Issuing Bylaw - Resource Recovery Centre/Waste Transfer Station**

THAT the Board enter into an agreement with the Municipal Finance Authority of BC to secure long-term debt of \$6,400,000 to be paid back over a 20 year term (Option 3 of this report); and

THAT the Board give first reading through adoption to the Resource Recovery Centre / Waste Transfer Station Security Issuing Bylaw No. 599, 2024, for a 20 year term, at the November 27, 2024 Board meeting; and

THAT the Board direct staff to implement borrowing in the fall intake of the Municipal Finance Authority fall issue 2025.

MOTION CARRIED.

With unanimous consent of the assembly a "Discussion Period" was added to the agenda as item #7.

7. DISCUSSION PERIOD

The Committee heard from several residents and property owners of Savary Island regarding concerns about the Tetra Tech report, the Official Community Plan, public engagement and other related topics.

8. BUSINESS ARISING FROM CORRESPONDENCE

9. REPORTS

9.1 Application to Amend Nootka Street Zoning Bylaw No. 321, 1999 for 7-3965 Yaroshuk Rd, District Lot 3692, Electoral Area B

Moved and Seconded

THAT the Committee recommends to the Board that the Board direct staff to prepare an amending Nootka Street Zoning Bylaw No. 321, 1999 to permit an accessory dwelling unit, for consideration at a future meeting; and

THAT the Board direct staff to give public notice of the proposed zoning bylaw amendment as per the *Local Government Act*; and

THAT the Board direct staff to host a corresponding public engagement and feedback session.

Moved and Seconded

THAT the Committee refer back to staff for a report on the Nootka Street Zoning Bylaw amendment proposed by Director Gisborne in the main motion.

MOTION CARRIED.

Opposed (1): Director, Electoral Area B Gisborne.

Director Gisborne gave a notice of motion that he intends to bring forward a recommendation to the November 5, 2024 Planning Committee meeting regarding: THAT the Committee recommends to the Board that the Board direct staff to place a moratorium on the enforcement of accessory dwelling units that are in place as of November 5, 2024 in the Nootka Street Zoning Bylaw No. 321, 1999 and the Myrtle Pond Zoning Bylaw No. 426, 2011 and the Traffe Road Zoning Bylaw No. 464, 2012.

Moved and Seconded

THAT the Committee recommends to the Board that the qathet Regional District accept the application to amend *Nootka Street Zoning Bylaw No. 321, 1999* to permit an existing accessory dwelling unit that measures 1,200 square feet on the property located at 7-3695 Yaroshuk Road in Electoral B;

REQUEST FOR DECISION REPORT

TO: Planning Committee

FROM: Cherise Roberts, Planner

IN COLLABORATION WITH: Laura Roddan, Manager of Planning Services

SUBJECT: Application to Amend Nootka Street Zoning Bylaw No. 321, 1999 for 7-3965 Yaroshuk Rd, District Lot 3692, Electoral Area B

ACTION/RECOMMENDATION

THAT the Committee recommends to the Board that the qathet Regional District accept the application to amend *Nootka Street Zoning Bylaw No. 321, 1999* to permit an existing accessory dwelling unit that measures 1,200 square feet on the property located at 7-3695 Yaroshuk Road in Electoral B;

THAT the Board direct staff to prepare an amending bylaw for consideration at a future meeting; and

THAT the Board direct staff to give public notice of the proposed zoning bylaw amendment as per the *Local Government Act*.

PURPOSE/SUMMARY

To consider staff's policy analysis and recommendations regarding an application to amend *Nootka Street Zoning Bylaw No. 321, 1999* for the property located at 7-3965 Yaroshuk Rd in Electoral Area B. The applicant proposes rezoning the property to bring an existing accessory dwelling unit into compliance.

BACKGROUND

On January 9, 2024, qathet Regional District received an application to rezone the property at 7-3695 Yaroshuk Rd in Electoral Area B. The applicant is seeking to rezone the parcel to accommodate an existing accessory dwelling unit. The application remained incomplete for several months until additional documentation requested by staff was submitted and the application fee paid. Staff deemed the application complete on September 25, 2024.

Measuring 0.596 hectares in area, the subject property borders undeveloped reserve lands to the north, low-density residential lands to the east and south, and the City of Powell River to the west and north-west.

The applicant provided proof of septic and water servicing that accommodates the accessory dwelling unit as part of this application. The strata corporation that this parcel is part of receives water from the City of Powell River. Both the principal dwelling unit and the accessory dwelling unit are connected to City water. A Record of Sewerage system submitted to Vancouver Coastal Health on July 7, 2024 by a Registered Onsite Wastewater Practitioner shows the existing septic system has been modified to accommodate the accessory dwelling unit.

See Appendix A for a location map of the subject parcel.

STRATEGIC PLAN:

Legislative requirement

TYPE OF DECISION

Directive Decision

RISK MANAGEMENT IMPACT/RELATIONSHIP

The property is within the service area boundary of the Malaspina Fire Service Area. The Malaspina Fire Department is obligated to respond to incidents within its training and equipment capacity limits to deliver fire, medical first responder, and rescue services.

LEGISLATIVE, REGULATORY, BYLAW OR POLICY IMPACT/RELATIONSHIP

Under section 460 of the *Local Government Act* (LGA), a local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for and amendment to the plan or bylaw. A local government must consider every application for an amendment.

On March 28, 2013, the Regional Board adopted *qathet Regional District Development Services Procedures Bylaw No. 477, 2013* to comply with Part 14 Section 460 of the *Local Government Act*. Bylaw No. 477 sets out procedures under which an owner of land may apply to amend an official community plan, amend a zoning bylaw, or apply for a permit.

DISCUSSION/ANALYSIS

Application

The applicant has submitted an application for a Zoning Bylaw Amendment in accordance with qathet Regional District's *Development Services Procedures Bylaw No. 477, 2013*. The subject property is located at 7-3965 Yaroshuk Road in Electoral Area B. The application was submitted to bring an existing accessory dwelling unit into compliance with *Nootka Street Zoning Bylaw No. 321, 1999*.

Bylaw & Policy Analysis

Electoral Area B Official Community Plan Bylaw No. 465, 2012

Staff determined that the proposed rezoning is consistent with Bylaw 465. Therefore, an OCP amendment is not required for this zoning bylaw amendment.

The subject parcel is designated Low-Density Residential under Bylaw 465. The intent of the Low-Density Residential designation is to provide a semi-rural lifestyle on lands which have potential for more intense development but are constrained primarily by inadequate conditions for septic disposal and/or the lack of a water supply system. The subject property differs from other land designated Low-Density Residential as it is connected to City of Powell River's water supply system.

Recommended principal use for Low-Density Residential properties is occupancy of a single-family dwelling. Recommended density is one dwelling per lot up to 1.0 hectare. The subject property contains two existing dwelling units. The existing density is inconsistent with recommended density under Bylaw 465. However, the applicant has provided proof of adequate servicing for both existing dwellings.

Secondary suites are a supported accessory use. Under Bylaw 465, secondary suites are defined as 'a separate, fully habitable accessory dwelling unit located entirely within a single family dwelling *or other structure*, with its own entrance' (emphasis added). The existing accessory dwelling unit is consistent with the definition for a secondary suite under Bylaw 465.

Bylaw 465 policies and objectives for water and sewage and solid waste support adequate proof of servicing that meets provincial standards and protection of groundwater.

Staff confirmed that the subject property receives water from the City of Powell River and the septic has been updated to accommodate the accessory dwelling unit. Staff are satisfied that the accessory dwelling unit is adequately serviced.

The subject property is not affected by a Development Permit Area under Bylaw 465.

See Appendix B and C for a land use designation map and policy excerpts from Bylaw 465, respectively.

Nootka Street Zoning Bylaw No. 321, 1999

The intent of Bylaw 321 is to: preserve the Nootka Street residents' rural lifestyle; ensure the level of development in the Nootka Street area is consistent with available services, including water, sewer, and fire protection; and, to protect the area's aquifer by restricting the density of residential development which generates wastes, increases the speed of runoff, and consumes large volumes of groundwater.

Under Bylaw 321, the minimum parcel size for subdivision shall be 1.0 hectare (2.47 acres). Where a parcel on record in the Land Title Office prior to the enactment of Bylaw 321 is less than 1.0 hectare, the parcel may be used provided that residential density does not exceed one dwelling unit per parcel.

As per Section 5.3 of Bylaw 321, the density of residential development shall not exceed one dwelling unit per parcel 1.0 hectare in area or smaller; nor one dwelling unit per parcel up to 1.0 hectare in area plus one dwelling unit for each additional 1.0 hectare of land.

As previously stated, the proposed rezoning meets servicing standards for water and septic. The property receives water from the City of Powell River. As such, they are not consuming water from the area's aquifer. The applicant provided proof of septic and water servicing that accommodates the accessory dwelling unit as part of this application. A Record of Sewerage system submitted to Vancouver Coastal Health on July 7, 2024 by a Registered Onsite Wastewater Practitioner shows the existing septic system has been modified to accommodate the accessory dwelling unit.

It is staff's opinion that the accessory dwelling unit does not detract from the rural lifestyle. It is accessory in scale to the primary dwelling and is located towards the back of the property, away from the road.

See Appendix D for a map of the Nootka Street zoning boundary. A copy of Bylaw 321 is attached as Appendix E.

qathet Regional District Housing Needs Report Electoral Areas A, B, C, and D December 2023

The December 2023 qathet Regional District Housing Needs Report Electoral Areas A, B, C, and D analyzes current statistics related to the demand for and supply of housing, and projects the population and anticipated housing need to the year 2028. The Report projected a housing gap of 75 units by the year 2028 for Electoral Area B.

The Housing Needs Report also provides recommendations for meeting housing needs. One of the recommendations is to support accessory dwelling units in residential areas where provincial septic and water servicing standards can be met.

- Accessory dwelling units provide important rental housing options for people in the electoral areas.
- The provincial government has mandated that accessory dwelling units be permitted in all residential areas across BC. For rural properties without community sewer and water servicing, accessory dwelling units are permitted on parcels larger than one hectare where provincial septic and water servicing standards can be met.

OPTIONS

Alternative Option 1: deny the application.

FINANCIAL IMPACT

The applicant has paid the \$1,000 application fee for a zoning bylaw amendment as per Schedule A of *Development Services Procedures Bylaw No. 477, 2013*.

PUBLIC AND/OR STAKEHOLDER ENGAGEMENT REQUIRED OR PERFORMED

A Notice of Development sign has been posted at 7-3695 Yaroshuk Rd by the applicant that meets the requirements under *qathet Regional District Development Services Procedures Bylaw No. 477, 2013*. A photo of the sign is attached as Appendix F.

qathet Regional District's Planning Committee meetings are public meetings and as such, any member of the public who sought interest could participate.

Recent amendments to the *Local Government Act* prohibit a public hearing for zoning bylaw amendments where the proposed application is for a residential development that is consistent with the official community plan. However, local governments must still give public notice of the proposed zoning bylaw amendment even when public hearings are prohibited.

CONCLUSION

Based on this policy analysis, staff recommend accepting the application to amend *Nootka Street Zoning Bylaw No. 321, 1999* to bring an existing accessory dwelling unit into compliance. In addition, staff are seeking direction from the Board to prepare an amending bylaw for consideration at a future meeting and to give public notice of the proposed zoning bylaw amendment as per the *Local Government Act*.

ATTACHMENTS

[Appendix A - Location Map](#)

[Appendix B - Bylaw 465 Land Use Designation Map](#)

[Appendix C - Bylaw 465 Policy Excerpts](#)

[Appendix D - Nootka Street Zoning Bylaw No. 321, 1999 Schedule A](#)

[Appendix E - Nootka Street Zoning Bylaw No. 321, 1999](#)

[Appendix F - Notice of Development Sign](#)

Approved By:

Cherise Roberts, Planner

Laura Roddan, Manager of Planning Services

Al Radke, Chief Administrative Officer

Status:

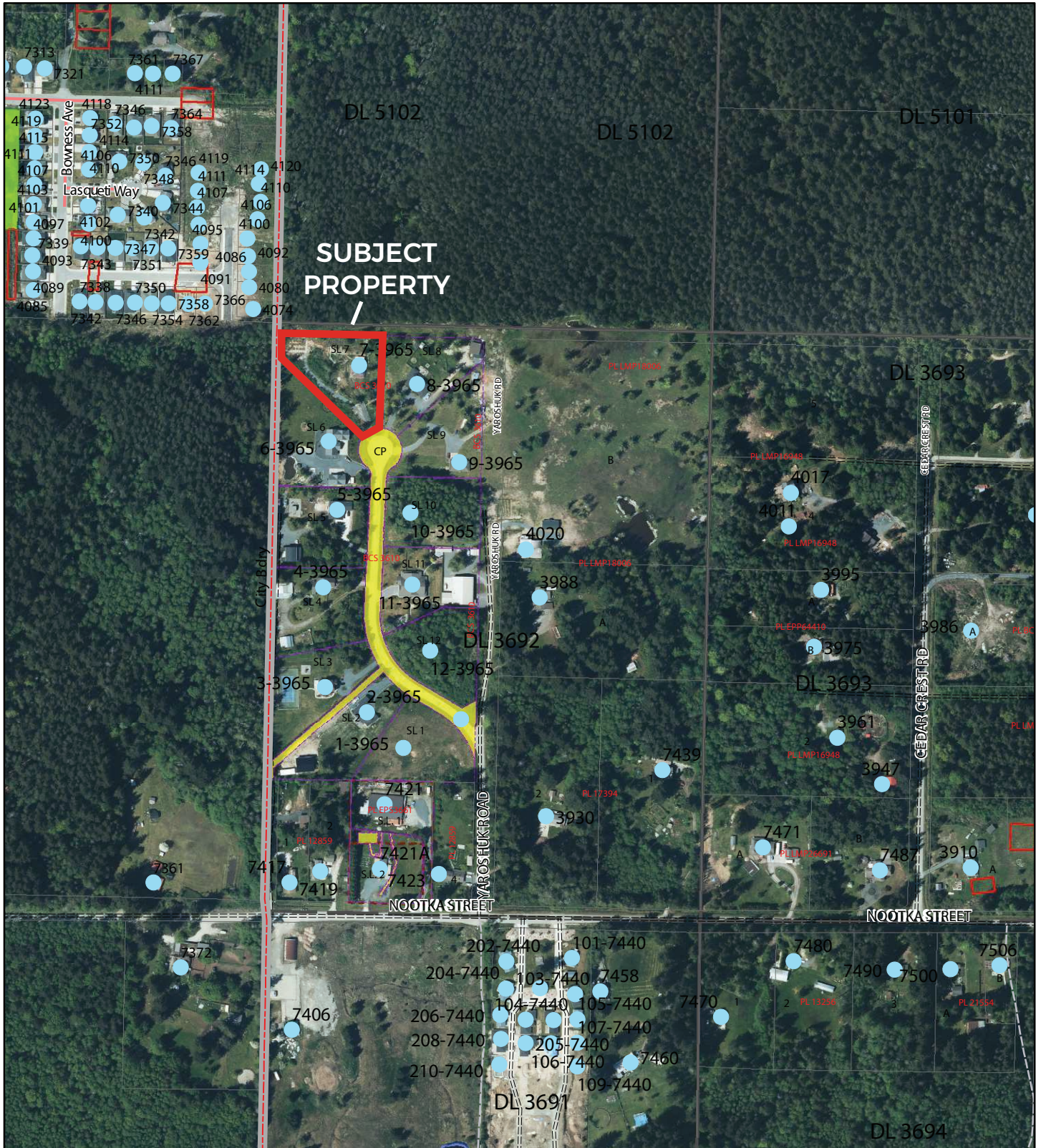
Approved - 21 Oct 2024

Approved - 21 Oct 2024

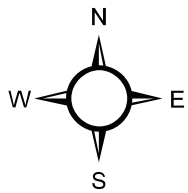
Approved - 23 Oct 2024

7-3965 Yaroshuk Rd, Electoral Area B

SCALE 1:5,000



This mapping data has been compiled by the qathet Regional District using data derived from a number of different sources with varying levels of accuracy. The qathet Regional District disclaims all responsibility for the accuracy or completeness of this information.

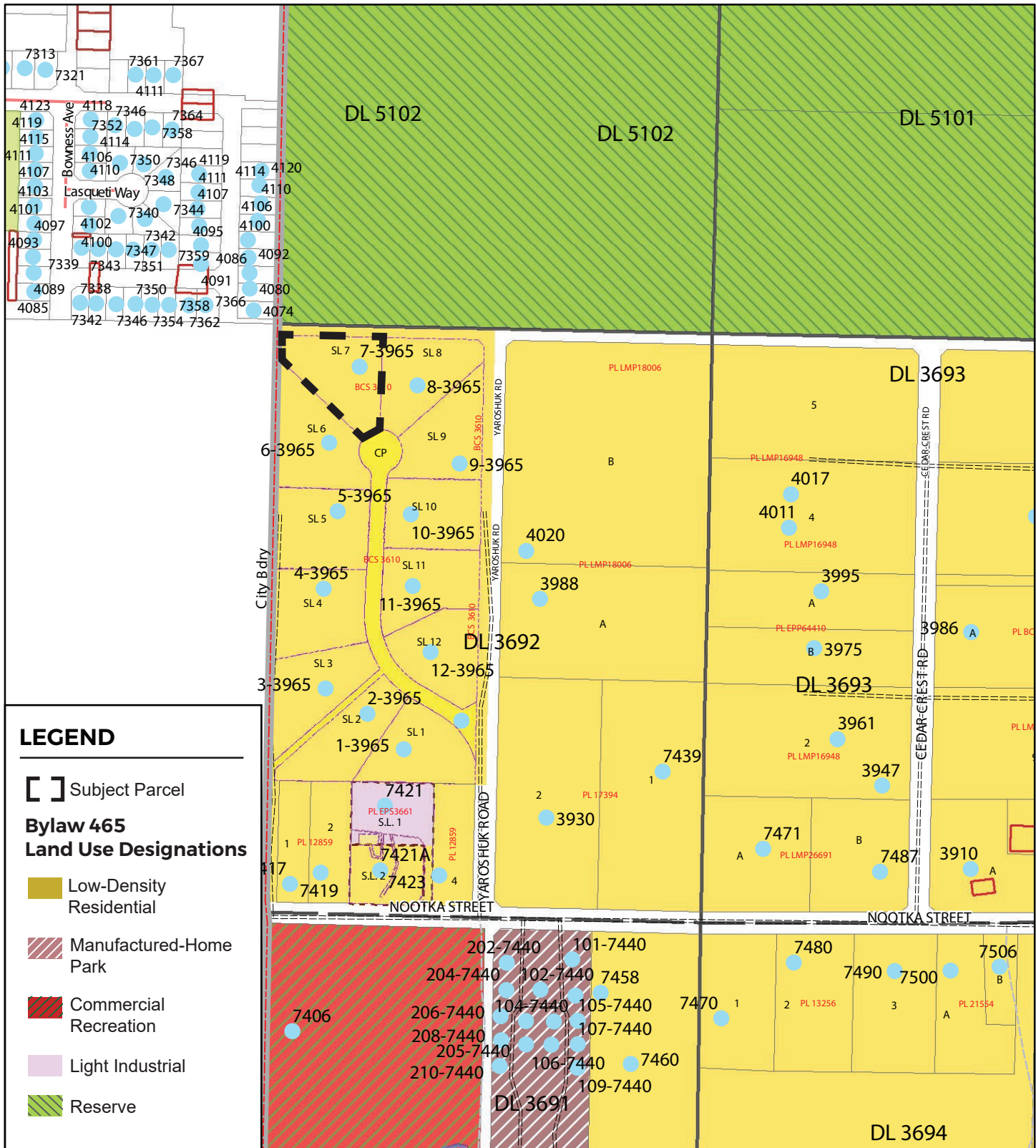


Bylaw 465 Land Use Designation Map

7-3965 Yaroshuk Rd, Electoral Area B

PID: 028-051-581

SCALE 1:5,000



DISCLAIMER

This mapping data has been compiled by the qathet Regional District using data derived from a number of different sources with varying levels of accuracy. The qathet Regional District disclaims all responsibility for the accuracy or completeness of this information.

PART 2: PLAN OBJECTIVES + POLICIES

The objectives and supporting policies in the OCP are designed to reflect community values and enable the community vision and goals to be achieved. The objectives are broad statements of community intent as to what the OCP is intended to accomplish and they provide a framework for the more specific policies and actions.

For matters outside the jurisdiction of the Regional District, this OCP states broad community objectives and advocacy policies. These advocacy policies encourage higher level provincial and federal agencies to take action. This OCP cannot and does not represent a commitment from other governments, agencies or organizations to act according to community objectives and advocacy policies.

2.1 GENERAL OBJECTIVES

- 2.1.1 To maintain or enhance the environmental, economic and recreational values of the planning area as development occurs.
- 2.1.2 To minimize the potential for land use conflicts.
- 2.1.3 To accommodate orderly and economical development while maintaining maximum land use options for future generations.
- 2.1.4 To foster cooperation between the Powell River Regional District, the City of Powell River, Tla'amin (Sliammon) First Nation and provincial and federal agencies on all matters of mutual interest pertaining to growth, land use planning and development within the planning area.
- 2.1.5 To employ sustainability principles and best practices in all aspects of land use planning, development and management.
- 2.1.6 To ensure that new development occurs in areas where adequate servicing can be provided.
- 2.1.7 To retain public access to the foreshore and adjacent marine upland areas where possible.
- 2.1.8 To maintain the current inventory of lands within the Agricultural Land Reserve and enhance agricultural production and food security.
- 2.1.9 To provide for a range of residential development options which retain the qualities of residential peace and privacy.
- 2.1.10 To retain the single-family dwelling emphasis in rural residential areas.

- 2.1.11 To promote rural activities and lifestyles in rural areas.
- 2.1.12 To accommodate affordable housing in the planning area.
- 2.1.13 To allow home-based business and home-based industry.

2.2 GENERAL POLICIES

- 2.2.1 The Regional District will endeavor to ensure that all development within the planning area occurs in accordance with OCP vision and policies pertaining to environmentally sensitive areas and water resources and all applicable provincial and federal government legislation and requirements.
- 2.2.2 The natural capacity of the land to support development will be a primary consideration in determining the appropriate type and intensity of land use throughout the planning area.
- 2.2.3 Whenever possible, the Regional District will request provision for public access to the foreshore when reviewing subdivision applications along the waterfront.
- 2.2.4 As far as lies within the powers of the Regional District, all land uses existing at the time of adoption of this OCP will be acknowledged through an appropriate land use designation. Future changes to land use that are not consistent with this OCP will not be protected.

Advocacy Policies:

- 2.2.5 Development of land on the Ocean side of Highway 101 should be undertaken in a manner which respects the visual quality of the coastline.
- 2.2.6 The Regional District recognizes the connection between resource use, industrial use and economic development, and encourages the development of local small-scale ecologically-friendly businesses that produce finished products from local resources in a sustainable manner.

- 2.3.1.2 Within the Rural Residential designation, parcel sizes for subdivision purposes will be as follows:

| | |
|---------------------|--------------------------|
| Average Parcel Size | 2.0 hectares (5.0 acres) |
| Minimum Parcel Size | 1.4 hectares (3.5 acres) |

The ability to meet minimum lot sizes is dependent upon site conditions, including slope and native mineral soil depth. Property owners should refer to Vancouver Coastal Health *Subdivision Guideline* (see Appendix II).

- 2.3.1.3 A single family dwelling is permitted on all land designated Rural Residential. The maximum number of dwellings recommended per parcel is based on the following criteria: one dwelling per lot up to 2.0 hectares in area plus one dwelling for each additional 2.0 hectares of land.
- 2.3.1.4 Recommended accessory uses on land designated Rural Residential include: agriculture; home-based business; home-based industry; and occupancy of a secondary suite. Kennels may be permitted as an accessory use on parcels of 2.0 hectares (5 acres) or larger provided that the kennels are located at least 25 metres (82 feet) from any property line.

2.3.2 Low-Density Residential

The intent of the Low-Density Residential designation is to provide a semi-rural lifestyle on lands which have potential for more intense development but are constrained primarily by inadequate conditions for septic disposal and/or the lack of a water supply system.

This designation has some of the rural characteristics of larger acreages. This designation aids in establishing the limits of suburban residential growth and in providing a buffer between rural lands and suburban neighbourhoods.

Low Density Residential Policies:

- 2.3.2.1 The Low-Density Residential designation applies to the following areas:

- where community water is not available or anticipated within the time frame of this OCP;
- where more intense development is constrained by inadequate soils for sewage disposal; or
- where a transition from Suburban Residential to Rural Residential or Agricultural is required.

2.3.2.2 Within the Low-Density Residential designation, parcel sizes for subdivision purposes will be as follows:

| | |
|---------------------|-------------------------|
| Minimum Parcel Size | 1.0 hectare (2.5 acres) |
|---------------------|-------------------------|

The ability to meet minimum lot sizes is dependent upon site conditions, including slope and native mineral soil depth. Property owners should refer to Vancouver Coastal Health *Subdivision Guideline* (see Appendix II).

2.3.2.3 A single family dwelling is permitted on all land designated Low-Density Residential. The maximum number of dwellings recommended per parcel is based on the following criteria: one dwelling per lot up to 1.0 hectare in area plus one dwelling for each additional 1.0 hectare of land.

2.3.2.4 The recommended principal use on land designated Low-Density Residential is occupancy of a single-family dwelling.

2.3.2.5 Recommended accessory uses on land designated Low-Density Residential include: occupancy of a secondary suite; home-based business; and non-intensive agriculture. Kennels are only recommended as an accessory use on parcels of 2.0 hectares or larger provided that the kennels are located at least 25 metres (82 feet) from any property line.

2.3.3 Suburban Residential

The intent of the Suburban Residential designation is to provide for primarily medium-density residential use in areas serviced by a water supply system or where this service can be provided.

Suburban Residential Policies:

2.3.3.1 The Suburban Residential designation applies to the following areas:

- within or adjacent to the boundaries of a community water system with some capacity for expansion;
- close to community services and major traffic routes; and
- within existing small-lot subdivisions.

2.3.3.2 Within the Suburban Residential designation, parcel sizes for subdivision purposes will be as follows:

Serviced by water supply system

| | |
|---------------------|---------------------------|
| Average Parcel Size | 0.4 hectares (1.0 acre) |
| Minimum Parcel Size | 0.25 hectares (0.6 acres) |

2.4 INFRASTRUCTURE + SERVICES

2.4.1 Infrastructure

Infrastructure issues focus on safe water, proper control of sewage and solid waste disposal and transportation, including the road system and transit service. Infrastructure and Services within the planning area are illustrated on Map No. 4 of this plan.

Infrastructure Objectives:

- 2.4.1.1 To establish a settlement pattern and residential density which will ensure each property has access to a sustainable and healthy water supply and a safe sewage waste disposal system.
- 2.4.1.2 To support a sustainable form of development servicing throughout the planning area that maintains the area's rural character and environmental resources.

2.4.2 Water Supply

Area "B" is a rural community where most residents obtain their water from private on-site wells or small water supply systems. There is one small Regional District Water Supply System which provides a piped water system to residents within the Myrtle Pond Service Area (see Map No. 4).

Groundwater aquifers are the primary source of water in the area and water quantity and quality have generally not been a problem up to this point in time. However, protection of groundwater aquifers is of paramount importance for the future.

During the consultation process there were concerns regarding water quantity and quality. These included concerns related to the cumulative impacts of development and inappropriate land use practices.

There is a limited amount of information on the aquifers that supply water to residents and businesses within the planning area. Without knowing the quantity of groundwater it is difficult to predict how much future growth and development can be accommodated while maintaining a sustainable supply of safe water.

Water Supply Policies:

- 2.4.2.1 The Regional District will consider the protection of groundwater aquifers and ground water quality in all land use decisions in the planning area.
- 2.4.2.2 The Regional District will promote the infilling of areas presently serviced by water supply systems over the development of new areas.
- 2.4.2.3 The Regional District will only support limited expansion of existing service areas where system capability and residential demand warrant.
- 2.4.2.4 The Regional District will encourage all property owners and residents in the planning area to conserve water.
- 2.4.2.5 The Regional District will pursue funding options to complete a study to determine the quantity and quality of groundwater sources and the carrying capacity for future growth and development in the planning area.
- 2.4.2.6 The Regional District will investigate the options and feasibility of developing a regional water supply system based on the conclusions and recommendations of the *Southern Region Water Source Study* completed by AECOM Canada Ltd. and the above noted study of the quantity and quality of groundwater sources.
- 2.4.2.7 The Regional District will encourage the use of consistent design standards for the upgrading or construction of present and future community water systems in order to meet current fire protection standards and to allow systems to be amalgamated, if required.

2.4.3 Sewage and Solid Waste

There is no regional sewage disposal system in the planning area and no existing or proposed waste water treatment. All sewage waste is disposed of by private sewage disposal systems – primarily septic tanks and fields but also some pump and haul systems. There are several small package sewage treatment plants servicing strata developments.

The Regional District waste transfer station and recycling station are located in Area "B" on Highway 101 just east from the boundary with the City of Powell River. The Regional District has been actively promoting a reduction in solid waste through the Regional Solid Waste and Recycling Program.

Sewage and Solid Waste Policies:

- 2.4.3.1 The Regional District is not responsible for the administration of package treatment plants or other communal sewage disposal systems installed to service private developments.
- 2.4.3.2 The Regional District supports the installation of on-site septic treatment for all uses within the planning area by Registered Onsite Wastewater Practitioners in accordance with the most recent standards established by Vancouver Coastal Health.
- 2.4.3.3 The Regional District will support the installation and use of advanced secondary treatment systems where an existing lot cannot be serviced with a septic tank and field.
- 2.4.3.4 The Regional District will not support the discharge of sewage effluent into tidal or non-tidal bodies of water.
- 2.4.3.5 The Regional District endorses the "working towards zero" solid waste management philosophy that focuses on waste reduction, recycling and reuse prior to disposal.
- 2.4.3.6 The Regional District does not support pump and haul systems in the planning area.

2.4.4 Transportation

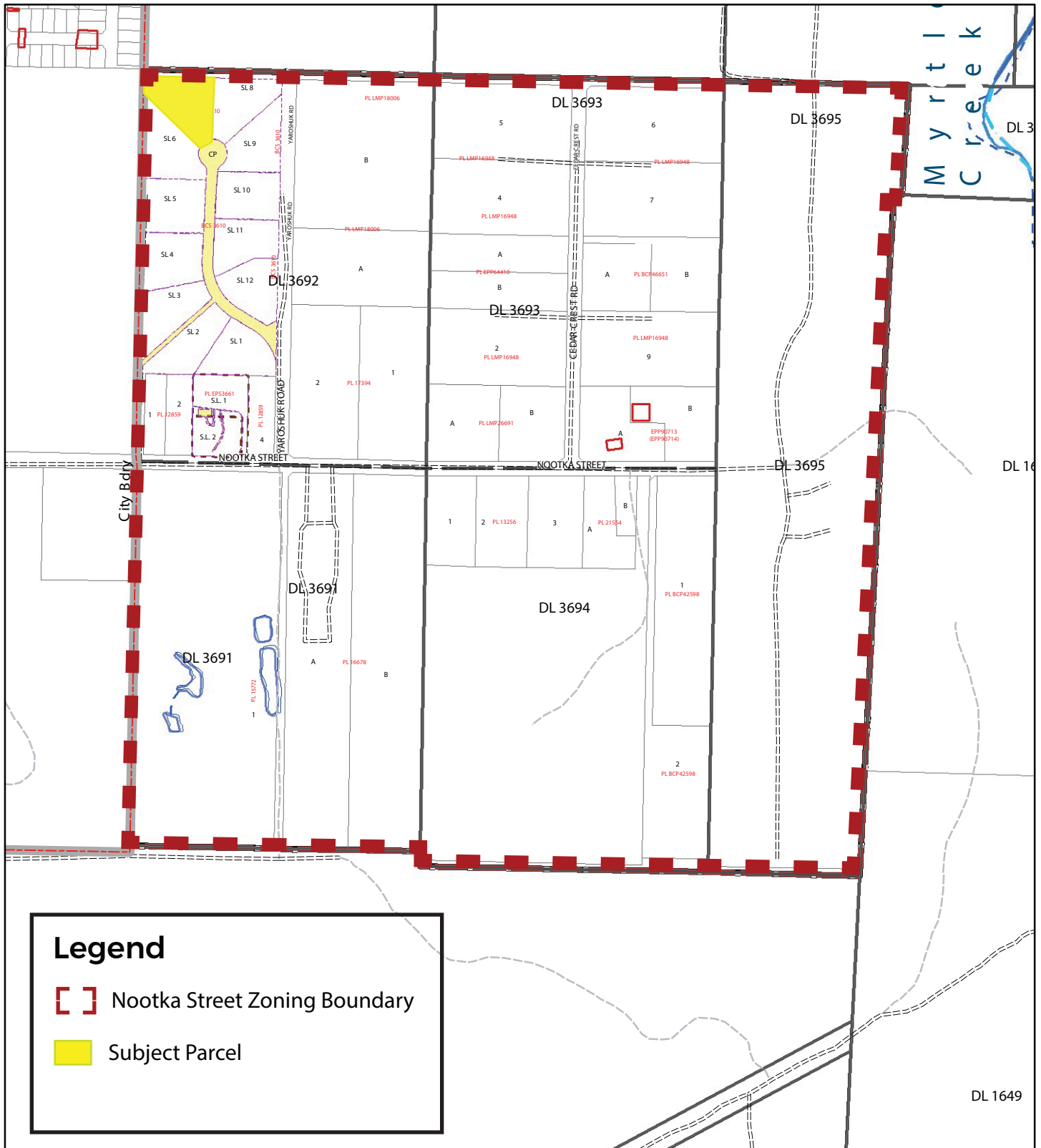
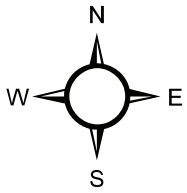
Vehicular, pedestrian and cycling interface safety issues are a serious concern for residents. Contributing factors include narrow shoulders on many roads such as Padgett Road, vehicular speed on Highway 101 and the lack of suitable cycling and walking corridors. Because transit service is only provided on a limited basis, the option to develop non-vehicular transportation alternatives is attractive to many residents.

Saltery Bay is the location of BC Ferry Corporation main water transportation terminal servicing the public between the Powell River Regional District and the Lower Sunshine Coast. This area also contains a federal dock and small-craft harbour. Area residents would also like to see improved ferry service to the lower Sunshine Coast and Vancouver Island.

Nootka Street Zoning Bylaw No. 321, 1999

Schedule A

SCALE 1:7,500



DISCLAIMER

This mapping data has been compiled by the qathet Regional District using data derived from a number of different sources with varying levels of accuracy. The qathet Regional District disclaims all responsibility for the accuracy or completeness of this information.



POWELL RIVER REGIONAL DISTRICT

NOOTKA STREET ZONING BYLAW NO. 321, 1999

Adopted August 26, 1999
Consolidated for Convenience Only June 30, 2014

This bylaw may not be current due to pending updates or revisions and SHOULD NOT BE RELIED UPON FOR LEGAL PURPOSES. Please contact the Manager of Administrative Services at the Powell River Regional District for the most current version.

The following is a consolidated version of the Nootka Street Zoning Bylaw, 1999 and includes the following amendment bylaws:

| Amendment Bylaw No. | Adoption Date | Applicant | Purpose |
|---------------------|----------------|--------------------------------|--|
| 321.1, 2013 | March 27, 2014 | Powell River Regional District | To ensure consistency between the <i>Nootka Street Zoning Bylaw No. 321, 1999</i> and <i>Electoral Area B Bylaw No. 465, 2012</i> , as per Part 26, Division 2, Section 884 (2) of the <i>Local Government Act</i> . |

NOOTKA STREET ZONING BYLAW NO. 321, 1999

Being a Bylaw of the Powell River Regional District
to establish land use regulations for the Nootka Street area.

WHEREAS the Regional Board has given due regard to:

- (a) the need to preserve the Nootka Street residents' rural lifestyle;
- (b) the need to ensure the level of development in the Nootka Street area is consistent with available services, including water, sewer, and fire protection; and
- (c) the importance of protecting the area's aquifer by restricting the density of residential development which generates wastes, increases the speed of runoff, and consumes large volumes of groundwater.

NOW THEREFORE, in open meeting assembled, the Board of the Powell River Regional District enacts pursuant to Section 903 of the *Local Government Act* as follows:

SECTION 1 – TITLE

- 1.1 This Bylaw shall be cited as the “**Nootka Street Zoning Bylaw, No. 321, 1999**”.

SECTION 2 - APPLICATION

- 2.1 This Bylaw applies to the area described in Schedule “A”.

SECTION 3 - DEFINITIONS

- 3.1 All words defined in this section appear throughout this document in capitals

- “DWELLING UNIT”** means a self-contained unit used as a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping and living areas.
- “PARCEL”** means the smallest unit into which an area of land is held or divided, whether that unit be a lot, block or other division of land, but does not include a highway.

SECTION 4 – BASIC PROVISIONS**GENERAL PROHIBITION**

- 4.1 No person shall develop, use or occupy any land, building or structure in contravention of the provisions of this Bylaw.

ENFORCEMENT AND INSPECTION

- 4.2 The Manager of Planning, their designate, or another person designated by the Regional Board is authorized to enter at all reasonable times on any property subject to this Bylaw to ascertain whether the regulations of this Bylaw are being observed.

- 4.3 Every person who:

- (a) violates any of the provisions of this Bylaw;
- (b) causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
- (c) neglects or omits to do anything required under this Bylaw;
- (d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw; or
- (e) fails to comply with an order, direction or notice given under this Bylaw;

is guilty of an offence under this Bylaw.

- 4.4 Each day that an offence exists or is permitted to exist shall constitute a separate offence.
- 4.5 A person who commits an offence under this Bylaw is liable on summary conviction to a fine not exceeding two thousand dollars.

SECTION 5 – LAND USE REGULATIONS**PARCEL SIZE AND AREA**

- 5.1 The minimum PARCEL area of PARCELS created by subdivision shall be 1.0 hectare (2.47 acres).
- 5.2 Where a PARCEL on record in the Land Title Office prior to the enactment of this Bylaw is less than the minimum PARCEL area permitted, the PARCEL may be used provided that residential density does not exceed one DWELLING UNIT per PARCEL.

DENSITY

- 5.3 The density of residential development shall not exceed:
- (a) one DWELLING UNIT per PARCEL 1.0 hectare in area or smaller; nor
 - (b) one DWELLING UNIT per PARCEL up to 1.0 hectare in area plus one DWELLING UNIT for each additional 1.0 hectare of land .

DWELLING CONFORMANCE

- 5.4 Where two or more DWELLING UNITS have been lawfully constructed on a parcel at the time of adoption of this Bylaw, the DWELLING UNITS are deemed to conform to this bylaw despite any non-compliance under Section 5.3.

SECTION 6 - SEVERABILITY

- 6.1 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

SECTION 7 - ADOPTION

READ A FIRST TIME the 27th day of May, 1999.
 READ A SECOND TIME the 24th day of June, 1999.
 PUBLIC HEARING HELD the 7th day of July, 1999.
 READ A THIRD TIME the 22nd day of July, 1999.
 RECONSIDERED AND ADOPTED the 26th day of August, 1999.

S. Gisborne, Chair

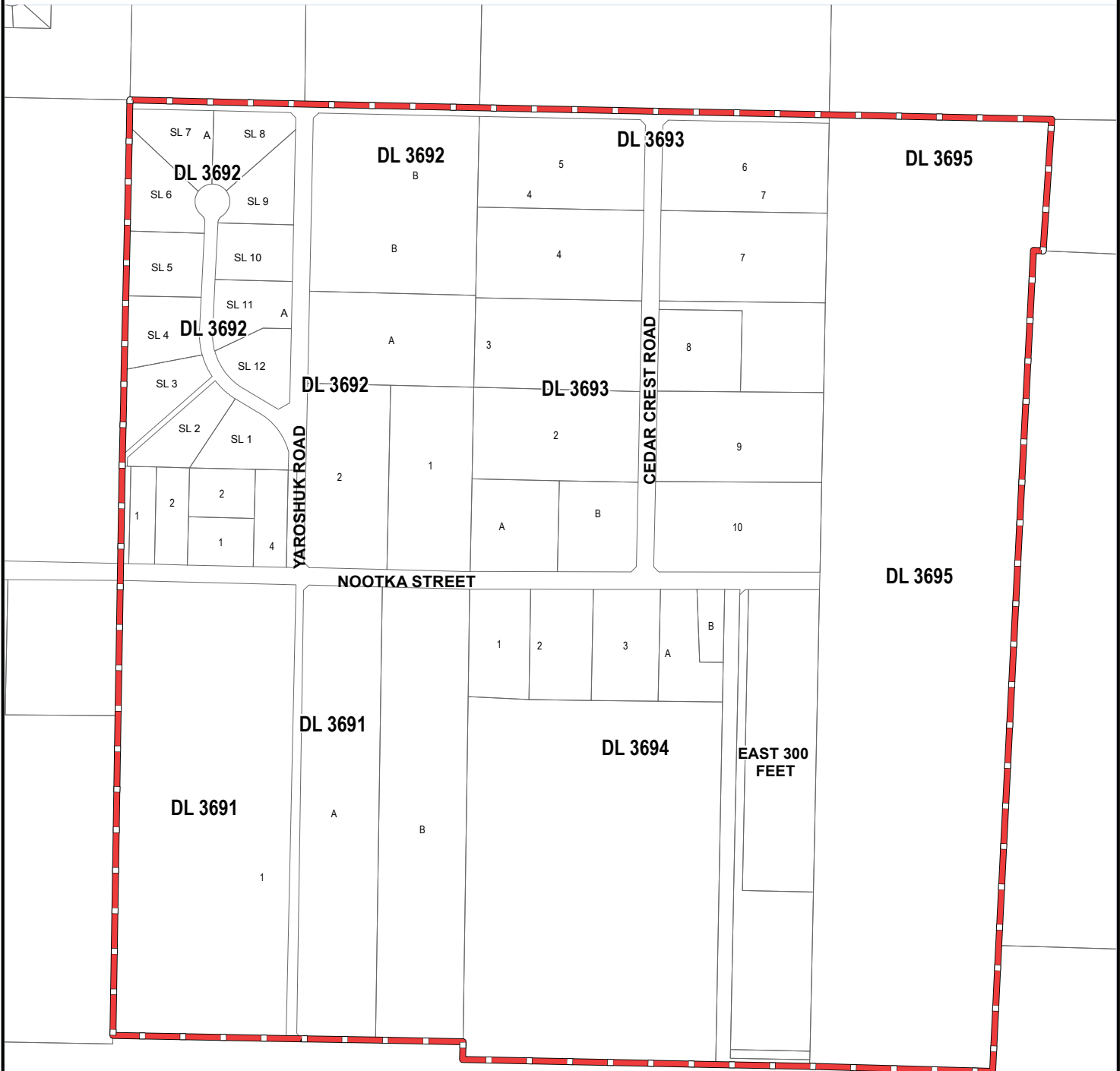
Frances Ladret, Secretary-Treasurer



POWELL RIVER REGIONAL DISTRICT

Nootka Street Zoning
Bylaw No. 321, 1999
Schedule A

Page 22 of 23
Revisions:
321.1, 2013



Legend



Nootka Street Zoning Boundary

175 87.5 0 175 Meters



