

# SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Electoral Area Services Committee – November 21, 2024

**AUTHOR:** Nick Copes, Planner II

**SUBJECT:** ZONING AMENDMENT BYLAW NO. 722.11 FOR 8000 BIRCH WAY - ELECTORAL AREA B

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## RECOMMENDATIONS

1. THAT the report titled Zoning Amendment Bylaw No. 722.11 for 8000 Birch Way - Electoral Area B be received for information;
2. AND THAT Zoning Amendment Bylaw No. 722.11, 2024 be forwarded to the Board for First, Second and Third Readings;
3. AND FURTHER THAT prior to adoption of Zoning Amendment Bylaw No. 722.11, the following conditions be met:

**Approval by the Ministry of Transportation and Infrastructure pursuant to Section 52 of the *Transportation Act***

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## BACKGROUND

An application was received to amend Zoning Bylaw 722 to change the subdivision district of the subject lot from “G” to “F” to facilitate a proposal to subdivide the lot into two parcels with respective proposed parcel areas of 1.144 ha and 1.097 ha.

Preliminary public consultation was conducted by the applicant in coordination with the SCRD during June of 2024. The purpose of this report is to provide information and analysis of the application to the Board for consideration of first, second and third readings and adoption.

## CURRENT CONDITIONS AND PROPOSED USES

*Table 1 - Application Summary*

<b>Owner / Applicant:</b>	Konstantin Vassev
<b>Legal Description:</b>	Lot 7 District Lots 1582 and 4663 Group 1 New Westminster District Plan LMP36842
<b>Electoral Area:</b>	B – Halfmoon Bay
<b>Parcel Area:</b>	2.241 HA
<b>OCP Land Use:</b>	Rural Residential

<b>Zoning:</b>	RU2 (Rural Residential Two)
<b>Subdivision District:</b>	Existing - G (min. 1.75 HA) Proposed - F (min. 0.8 HA, avg. 1 HA)
<b>Application Intent:</b>	To subdivide one parcel into two parcels.

The subject property, as described in Table 1 above, is in the Leaning Tree neighbourhood at 8000 Birch Way and currently contains two homes. The proposed subdivision conforms with the existing RU2 (Rural Residential Two) zoning and OCP land use designations; however, a zoning amendment is required to the subdivision district from “G” to “F” to permit the 1-hectare average lot sizes necessary to allow this application to proceed.

If approved, the applicant would be required to make a subsequent subdivision application with SCRD and MOTI to allow formal review of the proposed subdivision. It is noted that there are no Development Permit Areas impacting this property.



Figure 1 - Location Map

**DISCUSSION**

*Halfmoon Bay Official Community Plan*

The parcel is within the Rural Residential land use designation (Figure 3). Parcels to the east are designated as Resource and parcels to the west are designated as Rural Residential.

Objectives of this designation include maintaining the rural residential properties for an increased flexibility in use, permitting agriculture with an emphasis on local food production, permitting tourist accommodations and allowing home occupations.

The following policies are noted and are relevant to this application:

*10.5 Properties within the Rural Residential designation shall have a 1.75 hectare minimum or average parcel size for subdivision purpose. Properties within this designation may be considered for a 1 hectare parcel size provided the following:*

- (a) Sensitive ecosystems such as wetlands, intertidal areas and stream corridors are not impacted and are restricted by covenant;*
- (b) Extensive road construction on the subject property is not required;*
- (c) No additional highway driveway accesses are created;*
- (d) Safe building sites can be achieved;*
- (e) Consideration is given to community amenities, such as waterfront accesses or trail dedications;*
- (f) Site specific rezoning applications are required to consider proposed change in density.*

Having reviewed the application against the OCP criteria for consideration of a 1-hectare parcel size, the proposal is determined to meet the criteria for the following reasons:

- There are no riparian areas that affect the parcel. Although the Sensitive Ecosystems Inventory identifies small areas of wetland and woodland areas, these would not affect usable areas. The woodland area is contained within the existing covenanted area. The wetland area appears to be incorrectly identified based on the air photo and existing site conditions.
- The property is already developed, and each proposed parcel contains an existing home, road construction or extensive development would not be required.
- Given the size of the proposed parcels and the lack of development permit areas, additional safe building sites can be achieved for future development.
- While the proposed lot 2 contains a “no-build” covenant area in the north, there is still sufficient developable area to meet zoning requirements.
- Specific community amenities have not yet been identified as the parcel is not near the water or any existing trails. Any opportunity for community amenity contribution will be presented to the SCRD Board for consideration.
- The applicant has applied for a site-specific rezoning application to change the subdivision district to consider allowing 1-hectare parcels.

*Zoning Bylaw No. 722*

The subject parcel is currently zoned RU2 (Rural Residential Two) which allows for agriculture and a variety of related uses, such as garden nursery, keeping of livestock and certain light industrial uses. In Electoral Area B, 2 single-unit dwellings are permitted on parcels between 1 and 4 ha in size.

The subject parcel is currently 2.241 ha with two single-unit dwellings. The applicant does not plan to construct any additional dwellings at this time. As each new parcel would be over 1 ha, an additional single-unit dwelling would be permitted on each new parcel in the future.

The subject parcel is currently in subdivision district G, which has a 1.75 ha minimum parcel size requirement. The applicant proposes to change to subdivision district F, which has an 8000 m<sup>2</sup> minimum and 1 ha average parcel size requirement, to facilitate a subdivision to create one additional parcel. Should the subdivision district be changed to F, the applicant's proposal would still be in conformance with RU2 zoning regulations, and the lots could not be further subdivided under this subdivision district.

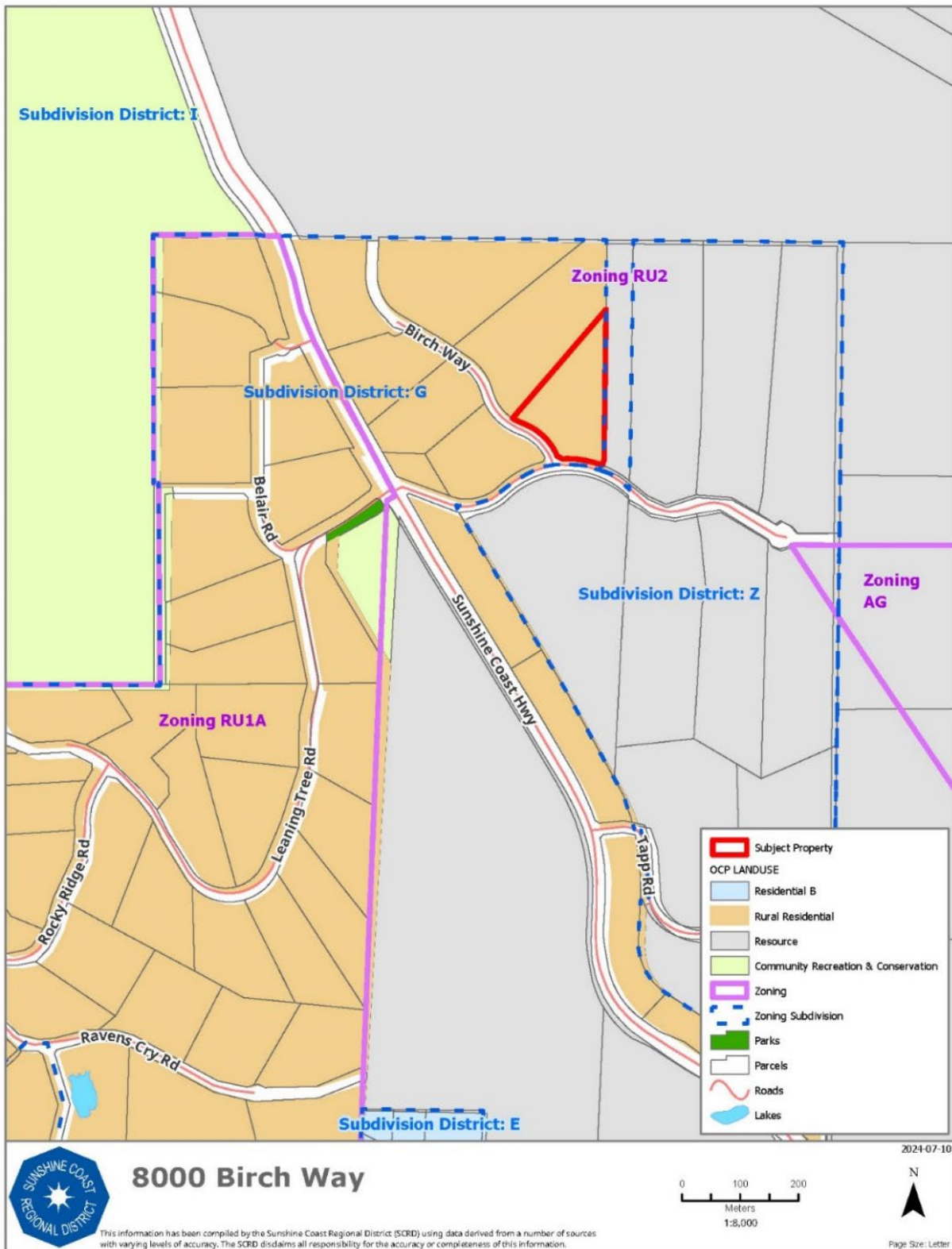


Figure 3 – OCP Land Use, Zoning and Subdivision District Map

*Options*

Possible options to consider

**Option 1: Proceed with first, second and third readings of the bylaw amendment. This is the recommended option.**

If this option is chosen, staff will ensure the required MOTI approval is received prior to bringing it back to the Board for consideration of adoption of the bylaw.

**Option 2: Reject the proposed bylaws.**

If this option is chosen the application process would end. The applicant would be eligible for a partial refund of fees.

*Timeline for Next Steps*

In accordance with Section 464 (4) of the *Local Government Act* (LGA), a public hearing is prohibited for zoning amendments for residential development, including residential subdivisions, where the application is consistent with the Official Community Plan.

Notification is required to be sent to neighbouring residents and advertised in the newspaper prior to the date of first reading. Newspaper advertisements were sent for the November 15 and November 22 publications, notifying of the date of consideration of first reading being November 28 at the Board meeting.

*Figure 4 – Application Timeline*



The proposed bylaw will be brought forward to the November 28 Board meeting for consideration of first three readings.

Staff recommend that the Board give three readings to the bylaw at the November 28 meeting. Should the bylaw receive three readings, approval from the Ministry of Transportation and Infrastructure, in accordance with Section 52 of The *Transportation Act*, for a bylaw within 800 m of a controlled access highway, would be needed prior to adoption. Once MOTI approval is received, the bylaw would be brought to a future Board meeting for adoption.

*Communications Strategy*

Preliminary public consultation was conducted by the applicant in coordination with SCRD staff. Notifications were mailed to neighbouring residents and an advertisement was placed in the newspaper. One comment was received. An information sign is posted on the property and residents are welcome to submit comments or questions during the application process.

The application has been referred to shíshálh Nation, Ministry of Transportation and Infrastructure (MOTI), Vancouver Coastal Health (VCH), Parks department, Halfmoon Bay Fire Department, Building department and Infrastructure department.

Table 2 Referral Comments

<b>Referral Agency</b>	<b>Comments</b>
<b>MOTI</b>	Interests unaffected by the proposal. MOTI approval is needed prior to adoption of bylaws within 800 m of a controlled access highway.
<b>VCH</b>	No comments received to date.
<b>HMB Fire Dpt.</b>	No concerns.
<b>shíshálh Nation</b>	No comments received to date.
<b>SCRD Building Division</b>	No concerns.
<b>SCRD Utilities Division</b>	Both the current and proposed subdivision district do not require community water. The parcels would meet minimum lot size for private wells. Community water is available by watermain extension if the applicant so wishes.
<b>SCRD Parks Division</b>	No park/trail amenities identified on this lot.
<b>Halfmoon Bay Advisory Planning Commission</b>	This application was referred to the July 23, 2024 Halfmoon Bay Advisory Planning Commission meeting. The APC is in support of the application.

**STRATEGIC PLAN AND RELATED POLICIES**

This application also supports the Governance Excellence Lens by providing for effective, efficient and informed decision-making.

**CONCLUSION**

The applicant's proposal to change the subdivision district conforms with the Halfmoon Bay OCP policies and zoning bylaw regulations. This report provides an evaluation of the application based on initial public consultation and the specific site context. The application is appropriate given the Rural Residential land use designation and the Rural Residential Two zoning.

**ATTACHMENTS**

Attachment A - Proposed Subdivision Plan

Attachment B - Comments Received

Attachment C - Zoning Amendment Bylaw No. 722.11

Reviewed by:			
Manager (Acting)	X - K. Jones	Finance	
GM	X - I. Hall	Legislative	X - S. Reid
CAO/CFO	X - T. Perreault		