

CAPE ROGER CURTIS

RESIDENTIAL OCP DESIGNATIONS (BYLAW NO. 139, 1996)

3.1.2 Rural Residential Land Use

Background

Lots in the Rural Residential category have traditionally included the smaller lot subdivisions at Deep Bay, Millers Landing, Scarborough, Eaglecliff, Hood Point, and Grafton Bay. More recent developments have occurred at Bowen Bay, Tunstall Bay, Bluewater, Fairweather, Adams Road, and the Channelview area. Existing lots have ranged in size from 0.1 hectares to 0.4 hectares (0.24 acre to 1 acre). Areas such as Cowan Point, Cape Roger Curtis, Cates Hill and others have also been the topic of development proposals which have proposed smaller lots, but on the basis of clustered lots.

Area

The areas identified on Schedule B (Map Designations) as RS or RS(e) (Rural Residential) are subject to the following objectives and policies

Rural Residential Objective

The objective for rural residential land use is:

- 1) to provide lots that allow for residential use while maintaining the unique amenities and environment of the island.

Rural Residential Policies

The policies respecting rural residential land use are:

3.1.2.1 Low building density is encouraged within the areas of the island open to Rural Residential development except that cluster housing may be permitted provided it does not detract from the rural character of the area and the overall building density of the area is maintained;

3.1.2.2 Regulations for location of lots and lot sizes in Rural Residential Areas shall be established in respect of:

- a) The size, density and character of neighbouring parcels of land;
- b) Accessibility to proposed parcels and availability of potable water supply for residential purposes;
- c) Sewage disposal capability of the parcels to be created or the existence of public sewer facilities;
- d) Distance from commercial facilities and public facilities;
- e) The character of community and of neighbourhood;
- f) Preservation of greenspace;

- g) Preservation and conservation of areas common to a strata development by way of zoning regulation that precludes development of structures or uses incompatible with protection of the natural amenities;

3.1.2.3 Areas containing existing smaller lot subdivisions designated RS(e) on Schedule B (Map Designations) shall be subject to an average lot size of 0.4 hectare (0.98 acre) and a minimum lot size of 0.2 hectare (0.49 acre) provided that the lots are served by a community water system. An average parcel size of 1 hectare shall apply to all RS areas and RS(e) areas not served by a community water system designated on Schedule B (Map Designations) with minimum or maximum lot sizes to be established by zoning regulation in accordance with local area objectives.

In areas where clustering is encouraged, small maximum lot sizes in a range of 0.2 to 0.4 hectares shall be established provided that public sewer facilities or suitable on site sewage disposal systems are available. In areas where clustering is not encouraged, a large minimum lot size of 0.4 to 1.0 hectares shall be established;

BL 27

3.1.2.3A Notwithstanding the average and minimum lot size requirement policy within the RS designated area as established in Policy 3.1.2.3, amending the Subdivision Bylaw to accommodate the subdivision of land in the Josephine Lake area identified on Schedule B-3 into smaller lot sizes may be undertaken provided that:

- i) the proposal would result in enhanced protection of the riparian areas of Josephine Lake and the adjoining tributaries and wetlands through the registration of a restrictive covenant and statutory right of way for monitoring purposes acceptable to the Municipality to be confirmed and established by a biophysical review of the lake and its abutting lands;
- ii) it can be demonstrated through a report by a qualified professional that each of the new lots created can be adequately serviced with a sewage disposal system that will not impact upon the water quality of Josephine Lake and with a water supply that satisfies the applicable requirements of the Subdivision Bylaw; and
- iii) in any event the minimum lot size for new parcels of land created by subdivision shall not be less than 1.0 ha

BL 38

3.1.2.3B Notwithstanding the average lot size policy within the RS(e) designated area as established in Policy 3.1.2.3, amending the Subdivision Bylaw to accommodate the subdivision of that land identified on Schedule B-4 into 2 lots may be considered by Council, provided that as a condition of amending the Subdivision Bylaw:

- i) the subdivider of the subject property provide an amenity to the Municipality in the form of an upgraded access to September Morn Beach; and

- ii) measures be undertaken by the Municipality to ensure that the subject property not be subdivided to create more than 1 additional lot;

3.1.2.4 Dwelling density shall be limited to 1 dwelling unit per lot except that Council may consider zoning proposals to allow for more than one single detached dwelling unit per lot if one of the following criteria were to apply:

- a) Further subdivision of the parcel is impractical because of topography and the building density would not exceed the building density that could be created if the parcel was subdivided; or
- b) Amenities such as park land are provided that would otherwise be provided if the property were to be subdivided; or
- c) The building density would not exceed the building density that could be created if the parcel was subdivided. In this instance regulations would be amended to preclude further subdivision;
- d) The property is eligible for consideration for purposes of providing affordable housing, rental housing or special needs housing;

3.1.2.5 Areas designated Rural Residential are intended to provide for rural residential housing needs for a period of at least 5 years. Implementation of development rights through adoption of zoning and subdivision regulations in Rural Residential areas shall be:

- a) phased through the duration of this Plan;
- b) reviewed on the basis of an assessment of:
 - the supply and affordability of existing rural residential housing to ensure that the amount, type and extent of housing demand can be accommodated;
 - their impact on existing public services and infrastructure including but not limited to roads, schools, health care, water supply, waste disposal, ferry system, parks and recreation, social services, fire and police protection, and the ability of private sector interests to meet the commercial and industrial needs of these additional rural residential developments;
 - location of proposed development in order to seek efficiencies in public costs while providing for diversity in housing opportunities;

3.1.3 Rural Land Use

BL 56

Background

Properties in the Rural Reserve, Rural and Rural 1 category include large lots that provide rural resource values, such as agriculture and forestry, and properties that have been maintained for purposes of a rural lifestyle. This category also includes lands that are not suitable for further development because of steep slopes, permanent wetlands, habitat values, forestry value, areas subject to flooding, upper watershed areas, and Crown land.

Area

The areas identified on Schedule B (Map Designations) as R-RV (Rural Reserve), R (Rural) or R1 (Rural 1) are subject to the following objectives and policies.

Rural Objectives

The objectives respecting Rural Reserve, Rural and Rural 1 land use are:

- 1) to provide lots of a size that help maintain and enhance the rural resource values of the island and which provide for opportunity for the pursuit of rural lifestyles.
- 2) to preserve and protect land that contains environmentally sensitive plant communities, terrestrial herbaceous ecosystems, wetland and riparian ecosystems, coastal ecosystems or forest ecosystems that may be locally, regionally or provincially significant or rare as identified in the federal/provincial Sensitive Ecosystems Inventory (SEI).
- 3) to protect watershed areas from incompatible land uses.

Rural Policies

The policies respecting Rural Reserve, Rural and Rural 1 land use are:

3.1.3.1 An average parcel size of 4 hectares and 2 hectares shall apply to areas designated Rural and Rural 1 respectively. Minimum parcel sizes shall generally be the same as the average lot size except where, in the opinion of Council, there is public benefit in clustering of lots. Public benefit in these circumstances could include increased protection for watershed areas and maintenance of wetlands and wildlife habitat through the creation of larger lots. Public benefit shall not be derived in this instance from proposals to create smaller lots as a means to overcome topographical constraints. Council may impose regulations as to what percentage of the lots may be less than the average lot size but larger than a minimum lot size as a means to retain rural character;

3.1.3.2 Dwelling density shall be limited to 1 dwelling unit per lot except where the property is eligible for consideration for purposes of providing affordable housing, rental housing or special needs housing;

3.1.3.3 Land use regulations for lands in the R-RV (Rural Reserve) designation should address the importance of these lands with respect to environmental values, water quality and quantity, groundwater flow, view-scapes, island character, and recreational opportunities;

BL 56

- BL 56 3.1.3.4 Where ecologically sensitive areas are located on lands in the R-RV (Rural Reserve) designation these areas should be protected through land use regulation and development permit area designation;
- BL 56 3.1.3.5 The Municipality supports and encourages the protection for conservation purposes of the following Crown Land areas described in The Crown Lands of Bowen Island: An Inventory and Assessment of Resources and Values (November 2000), by Ecological Reserve status or other means:
- Meadowhawk Marsh or Mud Lake located in the western portion of the Crown block located east of District Lot 2407 as it is one of the most undisturbed, biologically diverse and ecologically rare marshes in southern British Columbia;
 - Fairy Fen located in the western portion of the Crown block east of District Lot 1548 (Cape Roger Curtis lands) as it is one of the most undisturbed, biologically diverse and ecologically rare fens in southern British Columbia;
 - Leiben (Block 1, District Lot 1552, Plan 4330) as it is a site of cultural and environmental significance visited by important Canadian writers in the 1940s and donated in 1977 to the Crown for a now discontinued Provincial Greenbelt Inventory program with the intention that the property remain in perpetuity as a nature reserve; and
 - Ecological Reserve No. 48 (Order in Council 1830) located west of Apodaca Provincial Park;
- BL 56 3.1.3.6 Lands within an ecological reserve should not be subdivided into parcels smaller than existing parcels, but may be consolidated into larger parcels;
- BL 56 3.1.3.7 A large lot size of approximately 16 hectares should be maintained unless planning studies of lands in the R-RV (Rural Reserve) designation can provide acceptable reasons why smaller lot sizes should be considered and that such lot sizes are compatible with watershed and environmentally sensitive area protection or recreation use;
- BL 56 3.1.3.8 Lease areas may be smaller than 16 hectares where an environmental review prepared by a registered professional acceptable to the Municipality confirms that a smaller lease area would not compromise the policies of this Plan, and zoning regulations permit the proposed use.
- BL 56 3.1.3.9 Zoning to address watershed protection should apply to Crown Land located within watersheds.