



STAFF REPORT TO COMMITTEE

DATE OF REPORT October 13, 2023
MEETING TYPE & DATE Electoral Area Services Committee Meeting of November 1, 2023
FROM: Development Services Division
Land Use Services Department
SUBJECT: Application No. RZ23B02 (2171 Wildflower Road/PID: 025-002-392)
FILE: RZ23B02

PURPOSE/INTRODUCTION

The purpose of this report is to present an application to rezone the property located at 2171 Wildflower Road/PID: 025-002-392) from R-2 (Suburban Residential) to R-3 (Urban Residential) in the Cowichan Valley Regional District Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985.

RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That Application No. RZ23B02 (2171 Wildflower Road, PID: 025-002-392), be referred to the following external agencies and First Nations:
 - a. Ministry of Transportation & Infrastructure;
 - b. Ministry of Forests;
 - c. Ministry of Environment and Climate Change Strategy;
 - d. First Nations;
 - e. Ministry of Water, Land and Resource Stewardship;
 - f. BC Hydro;
 - g. Electoral Area B – Shawnigan Lake Advisory Planning Commission;
 - h. Cowichan Tribes; and
 - i. Malahat Nation.
2. That the draft Zoning Amendment Bylaw for Application No. RZ23B02 (2171 Wildflower Road, PID: 025-002-392), be prepared by staff and forwarded to the Board for consideration of 1st and 2nd reading.
3. That a public hearing not be held for Application No. RZ23B02 (2171 Wildflower Road, PID: 025-002-392), and that notice be undertaken in accordance with the *Local Government Act*.

LOCATION MAP



BACKGROUND

The subject property is located in Electoral Area B – Shawnigan Lake near the intersection of Wildflower Road and Hurley Road. The subject property is approximately 0.45 ha (1.12 acres) in size. The owners propose to subdivide the property into two lots. The agent notes that the surrounding single-family lots are smaller in size and that services have already been stubbed to the proposed lot.

The existing zoning allows for a minimum lot size of 0.4 ha; however, a number of parcels within this subdivision are 0.2 ha in size. This was possible when the lots were subdivided in 2002, as the zoning bylaw permitted density averaging of non-strata subdivisions at that time. The density was averaged out of what later became the CVRD sport playing fields (Shawnigan Hills Athletic Park) to the southwest of the subdivided area.

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

Official Community Plan for the Electoral Areas Bylaw No. 4270 (HOCP):

The subject property is within a Growth Containment Boundary and falls within the Residential land use designation. The Local Area Plan (LAP) designates the property as Village Suburban Residential.

- The overarching Residential designation in the OCP encourages a wide range of housing and lifestyle options for various stages of life and different community lifestyles.
- The LAP Village Residential designation is intended primarily for single-family dwellings, with the objective of creating compact and complete communities.

The proposal is consistent with the OCP. As of November 3, 2021, local governments are no longer required to hold a public hearing when a proposed zoning bylaw is consistent with the OCP; and instead, they are only required to publish a public notice before first reading. If the Regional Board determines that a public hearing is desired, despite the fact that the proposed rezoning is consistent with the OCP, the CVRD may still choose to hold a public hearing.

Development Permit Areas:

The subject property is currently subject to the following Development Permit Areas (DPA):

- DPA - 1 Riparian Protection;
- DPA - 4 Aquifer Protection; and
- DPA - 5 Wildfire Hazard.

Any future development of the site would be subject to the DPAs, and a Development Permit would be required prior to subdivision approval.

Cowichan Valley Regional District Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985:

The subject property is zoned Suburban Residential (R-2), which permits agriculture, horticulture and a single-family dwelling as a principal use. This zone allows for 0.4 ha sized lots. The R-3 Zone allows for the same uses and setbacks; however, the minimum lot size in the R-3 Zone is 0.2 ha.

Housing Needs Assessment:

The CVRD has developed a Regional Housing Needs Assessment (2021) in partnership with its member municipalities and nine electoral areas. This housing needs assessment identifies what kinds of housing are most needed in the region.

Trends observed on current and anticipated housing needs within *Electoral Area B – Shawnigan Lake* suggest that the Electoral Area's supply of available land has been insufficient to meet growing demand for single detached and manufactured homes. It was projected that in 2025 Electoral Area B will need an additional 721 units of housing, of which most should be one-bedroom units.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

The application was referred to internal divisions, and preliminary comments have been received (Attachment D). No concerns were raised by internal divisions.

If the Board advances the application, external agency feedback will be addressed through a subsequent report to the EASC with the accompanying draft Zoning Amendment Bylaw. Changes can be made to the draft Amendment Bylaw prior to 2nd reading.

External Agency Referrals:

Should the Board choose to proceed with the application, external referrals to the following agencies are recommended:

- | | |
|---|--|
| • Ministry of Transportation & Infrastructure | • First Nations |
| • Ministry of Forests | • Ministry of Water, Land and Resource Stewardship |
| • Ministry of Environment and Climate Change Strategy | • BC Hydro |
| | • Electoral Area B – Shawnigan Lake Advisory Planning Commission (APC) |

First Nations:

Nations who may have interests within the area (include:

- Cowichan Tribes
- Malahat Nation

PLANNING ANALYSIS

The CVRD is in the initial stages of consolidating all of its Electoral Area zoning bylaws into a region-wide Comprehensive Land Use Bylaw. It is anticipated that the modernized zoning bylaw will also be developed to further support the Official Community Plan. It is conceivable that serviced R-2 Parcels within the Growth Containment Boundary could be up-zoned as part of the region-wide Comprehensive Land Use Bylaw project.

Proposed Density:

The subject property is approximately 0.45 ha in size, and the existing zoning allows for a minimum lot size of 0.4 ha. This means that subdivision is not possible (the minimum lot size required to create two 0.4 ha lots is 0.8 ha). The property owners propose to create two ≥ 0.2 ha lots.

The subject property is zoned R-2, is situated within the Growth Containment Boundary, designated 'residential' by the OCP, and designated 'Village Residential' in the LAP. Adjacent R-3 Zoned Land along Meadowview Road is also situated within the Growth Containment Boundary, designated 'residential' by the OCP, and designated 'Village Residential' in the LAP.

Alternative Options:

If the application to rezone 2171 Wildflower Road is denied, the existing R-2 zone provides for limited further development in the form of a detached small suite or attached secondary suite.

OPTIONS

Option 1 (Advance the application for the subject property):

That it be recommended to the Board:

1. That Application No. RZ23B02 (2171 Wildflower Road, PID: 025-002-392), be referred to the following external agencies and First Nations:
 - a. Ministry of Transportation & Infrastructure;
 - b. Ministry of Forests;
 - c. Ministry of Environment and Climate Change Strategy;
 - d. First Nations;
 - e. Ministry of Water, Land and Resource Stewardship;
 - f. BC Hydro;
 - g. Electoral Area B – Shawnigan Lake Advisory Planning Commission;
 - h. Cowichan Tribes; and
 - i. Malahat Nation.

2. That the draft Zoning Amendment Bylaw for Application No. RZ23B02 (2171 Wildflower Road, PID: 025-002-392), be prepared by staff and forwarded to the Board for consideration of 1st and 2nd reading.
3. That a public hearing not be held for Application No. RZ23B02 (2171 Wildflower Road, PID: 025-002-392), and that notice be undertaken in accordance with the *Local Government Act*.

Option 2 (Request Additional Information): That it be recommended to the Board that the preliminary staff report for Application No. RZ23B02 (2171 Wildflower Road, PID: 025-002-392), be referred back to staff for the following information [*requested information to be provided by the Board*], prior to further consideration.

Option 3 (Deny): That it be recommended to the Board that Application No. RZ23B02 (2171 Wildflower Road, PID: 025-002-392), be denied, [*specific reasons to be identified by the Board*].

Prepared by:



Richard Buchan, B.A, M.A
Planner III

Reviewed by:



Michelle Pressman, RPP, MCIP, MPlan
Manager



Ann Kjerulf, MCP, RPP, MCIP
General Manager

Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer

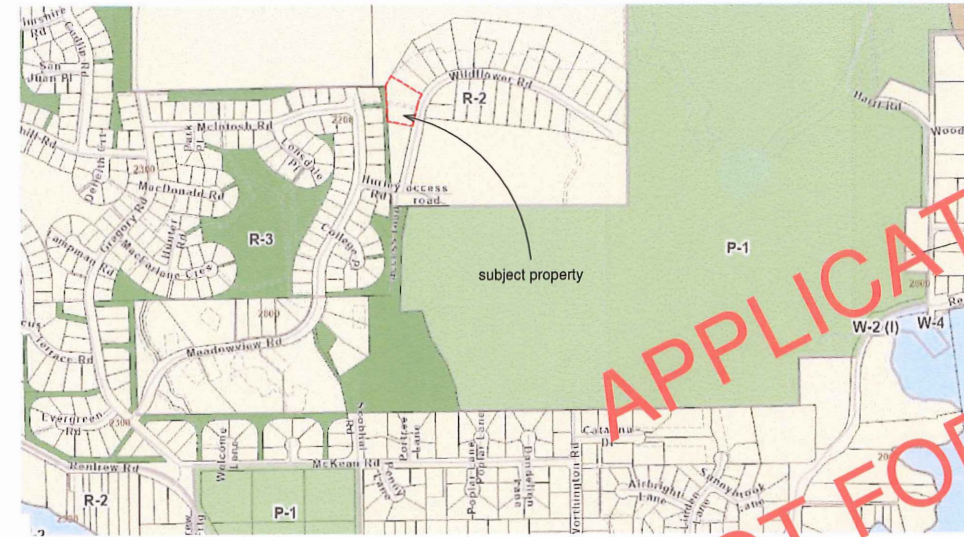
ATTACHMENTS:

Attachment A – Background Table
Attachment B – Proposed Subdivision
Attachment C – Applicant's Rationale
Attachment D – Internal Referral Responses

BACKGROUND TABLE

File: RZ23B02

Applicant:	Ron McNeil, McNeil Designs
Registered Property Owner(s):	John and Barbara Nicholson
Civic Address:	2171 Wildflower Drive
PID & Legal Description:	025-002-392; Lot 2 Section 4 Range 2 Shawnigan District Plan VIP72148
CVRD Covenants on Title:	Statutory Right of Way (ES26426)
Size of Existing Parcel(s):	Approx. 0.45 ha (1.12 Acres)
Existing Use of Parcel(s):	Single-Family Dwelling
Natural Hazards:	Wildfire
Archaeological Site:	Unknown
Environmentally Sensitive Areas:	N/A
Species at Risk:	Johnson's Hairstreak Howell's Violet
Agricultural Land Reserve (ALR):	Not Within / Adjacent to ALR
OCP Designation:	Regional Plan Land Use Designation - Residential Local Plan Land Use Designation - Village Suburban Residential
Containment Boundary:	Within Containment Boundary
Development Permit Areas (DPA's):	DPA 1 – Riparian Protection DPA 4 – Aquifer Protection DPA 5 – Wildfire Hazard
Zoning:	R-2 – Suburban Residential
Fire Service:	Shawnigan Lake VFD
Existing Water Service:	Shawnigan Lake North Water System
Existing Sewerage Service:	Shawnigan Beach Estates Sewer System
Existing Drainage Service:	Shawnigan Creek Cleanout and Drainage



**SITE PLAN SHOWING PROPOSED
SUBDIVISION OF LOT 2 SECTION 4 RANGE 2
SHAWNIGAN DISTRICT PLAN VIP72148
PID 025-002-392**



The intended plot size of this plan is 432mm in width by 559mm in height (C-Size) when plotted at a scale of 1:250.

All distances are in metres and decimals thereof, unless otherwise noted.

Setbacks are derived from field survey completed March 07, 2023, and are measured from siding.

The civic address of the building is:
2171 Wildflower Road, Shawnigan Lake, BC

The following non-financial charges are shown on current Certificate of Title and may affect the property:

M76300 - EXCEPTIONS AND RESERVATIONS
EP70120 - STATUTORY RIGHT OF WAY
ES26426 - STATUTORY BUILDING SCHEME
ES26433 - STATUTORY RIGHT OF WAY

The current zoning is R2 - Suburban Residential

LEGEND

- denotes Standard Iron Post found
- denotes Pipe found
- denotes Top of Bank
- denotes Culvert
- denotes Water Meter
- denotes Manhole - Sanitary
- denotes Gravel
- denotes Concrete
- denotes Brick



RON McNEIL, ASTTBC, BC, ASCT
1304 Lovers Lane,
Cobble Hill, BC V0R 1L6
Phone: 250.360.7307
info@mcneilbuildings.ca

Proposed 2 Lot Subdivision for :

Neal & Barb NICHOLSON
at: 2171 Wildflower Road, Shawnigan Lake, CVRD , BC

PROJECT DATA PROPOSED LOT B:

CURRENT ZONING: R2, AREA B, CVRD
PROPOSED ZONING: R3

SITE AREA: 21430 sf (1991 sm) (0.2 ha)

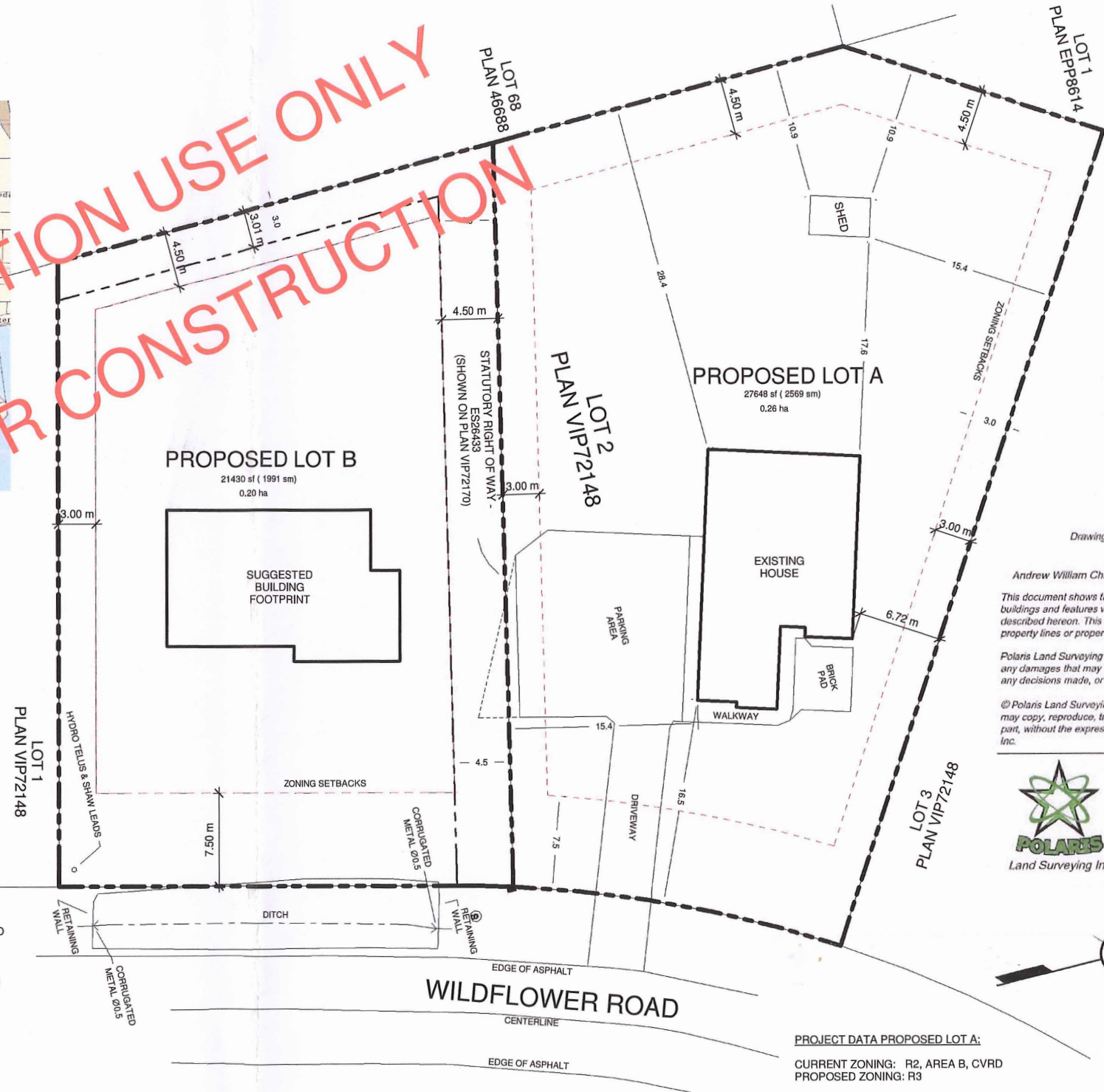
SITE COVERAGE: (max 30%)
0000 sf = 00.0%

FLOOR AREAS:
MAIN 0000 sf (000 sm)
SCND 0000 sf (000 sm)
TOTAL: 0000 sf (000 sm)

GARAGE 000 sf (000 sm)

BUILDING HEIGHT: max permitted for dwelling : 10.0 m (29.5')
max permitted for auxiliary bldg: 7.5 m (24.6')

① Site Plan
1 : 200



PROJECT DATA PROPOSED LOT A:

CURRENT ZONING: R2, AREA B, CVRD
PROPOSED ZONING: R3

SITE AREA: 27648 sf (2569 sm) (0.26 ha)

SITE COVERAGE: (max 30%)
2338 sf (existing house)
168 sf (existing shed)
2506 sf = 9.0%

FLOOR AREAS:
MAIN 2338 sf (217.2 sm)
TOTAL: 2338 sf (217.2 sm)

BUILDING HEIGHT: max permitted 10.0 m (29.5')
max permitted for auxiliary bldg 7.5 m (24.6')

Date: 2023-03-28
File: 3484-02
Drawing: 3484-02-SITE.dwg
Layout: C-Size
Reviewed By:
Andrew William Christian, BCLS, CLS

This document shows the relative location of the surveyed buildings and features with respect to the boundaries of the parcel described herein. This document shall not be used to define property lines or property corners.

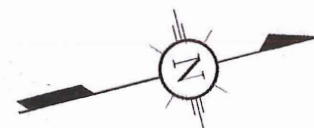
Polaris Land Surveying Inc. accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

© Polaris Land Surveying Inc. 2023. All rights reserved. No person may copy, reproduce, transmit or alter this document, in whole or in part, without the express written consent of Polaris Land Surveying Inc.



Mailing & delivery address:
PO Box 21005
Duncan, BC V9L 0C2

Toll Free: (877) 603 7398
Duncan Telephone: (250) 746 0775
info@plsi.ca
www.plsi.ca



P1



1304 Lovers Lane, Cobble Hill, BC V0R1L6
<http://mcneildesigns.bc.ca>

Office/Mobile (250) 360.7307
Email ron@mcneildesigns.bc.ca

June 30, 2023

CVRD Board
175 Ingram Street,
Duncan, BC

attached to application for rezoning

Re: Rezoning & Subdivision for 2 Lots, 2171 Wildflower Road, Shawnigan Lake, BC

Dear Chair and Board Members ,

I write on behalf of my clients, Mr. & Mrs. Nicholson, owners , who would like to rezone & subdivide their current lot into 2 (two) lots. Current lot is zoned R2. R3 minimum is just slightly unattainable.

This application is to create 2 (two) R3 lots. The current lot is approximately double the size of many other lots in this subdivision. The existing dwelling is located on one side of the property and other side (proposed lot) sits vacant. It is very suitable to two lots and in fact many thought it was already. This application would provide much needed housing in area. We feel the proposed will fit well with the characteristics of the subdivision in which it is located.

In fact during development of subdivision some of the services were stubbed to lot line, no idea why this lot was not created at the time. My clients earlier confirmed they would be able to connect to all services and that will be confirmed by a site servicing plan for approval.

We look forward to presenting our Application, answering any further questions you have, and gaining your support.

Sincerely,

Ron McNeil, ASTTBC.BD , ASCT.
mbltr962





REFERRAL RESPONSES

COWICHAN VALLEY REGIONAL DISTRICT
175 Ingram Street, Duncan, B.C. V9L 1N8
Tel: 250.746.2620 | Fax: 250.746.2621

CVRD File No.:	RZ23B02 (2171 Wildflower Road)
Application Type:	Rezoning
Subject Property:	PID: 025-002-392
Proposal:	A request that the CVRD Board consider approving an application to rezone the property located at 2171 Wildflower Road (PID 025-002-392) from R-2 (Suburban Residential) to R-3 (Urban Residential). This will enable a 2 lot subdivision
Planner Assigned to File:	Richard Buchan, Planner III
Parks & Trails (Tanya Soroka)	<input checked="" type="checkbox"/> No Comments <ul style="list-style-type: none"> <i>There is no interest in park or trail amenities at this location.</i>
CVRD Utilities (Louise Knodel-Joy/Vanessa Thomson)	<input checked="" type="checkbox"/> Application supported subject to the recommendations outlined below. <ul style="list-style-type: none"> <i>Utilities division supports the subdivision of the property as it lies both in the Shawnigan Lake North Water and Shawnigan Beach Estates Sewer service areas.</i> <i>If both properties are proposed to be developed, then services will be required for both lots.</i> <i>Prior to subdivision sign off, both properties will require a metered water service and sewer service connection. Further capacity connection fees will be required for the second lot for both utilities.</i>
Environmental Services Division (Keith Lawrence)	<input checked="" type="checkbox"/> Application supported subject to the recommendations outlined below. <ul style="list-style-type: none"> To support management of environmental impacts, it is very important that the new lots tie into both the community water and community sewer system in those areas as outlined in the Liquid Waste Management Plan that is being developed https://www.cvr.ca/3226/South-Sector-Liquid-Waste-Management-Pla The property is noted to have Howell's Violet and Johnson's Hairstreak. It is expected that habitats of these species not be affected in any way during development. We note that the property is located within the Riparian Area, Aquifer Protection and Wildfire Hazard development permit areas. It is expected that during the development of this property, all measures be taken to eliminate any impact of the natural resources surrounding the property.
Community Planning (Mike Tippet)	<input checked="" type="checkbox"/> Application supported for the reasons outlined below. <ul style="list-style-type: none"> <i>This subdivision resulted in a number of parcels of around 0.2 hectares because it was formerly permissible to density average non-strata subdivisions in Electoral Area B Zoning Bylaw 985, so despite the R2 zoning, R3 lot sizes resulted in some cases. The density was averaged</i>

	<p><i>out of what later became the CVRD sport playing fields to the southwest of the main subdivided area.</i></p> <ul style="list-style-type: none"><i>• The proposed shift to R3 makes sense but probably should be considered for the entire subdivision rather than just the subject property. Several other 0.4+ ha parcels could be subdivided in this case but that would be consistent with common lot sizes in the area.</i><i>• Even if this site is going to be spot-zoned, it still makes some sense to me although we don't really want to see 8 more zoning amendments for the same thing along this street (8 other parcels are >0.4 ha).</i>
--	--