



STAFF REPORT TO COMMITTEE

DATE OF REPORT September 27, 2024
MEETING TYPE & DATE Electoral Area Services Committee Meeting of October 16, 2024
FROM: Development Services Division
Land Use Services Department
SUBJECT: Application No. RZ23G02 (11170 Branksome Road/PID: 000-433-306)
FILE: RZ23G02

PURPOSE/INTRODUCTION

The purpose of this report is to present external agency and First Nation referral comments regarding the application to amend the Electoral Area G – Saltair Zoning Bylaw No. 2524 to permit an over-sized detached suite and to reduce the minimum parcel size for subdivision.

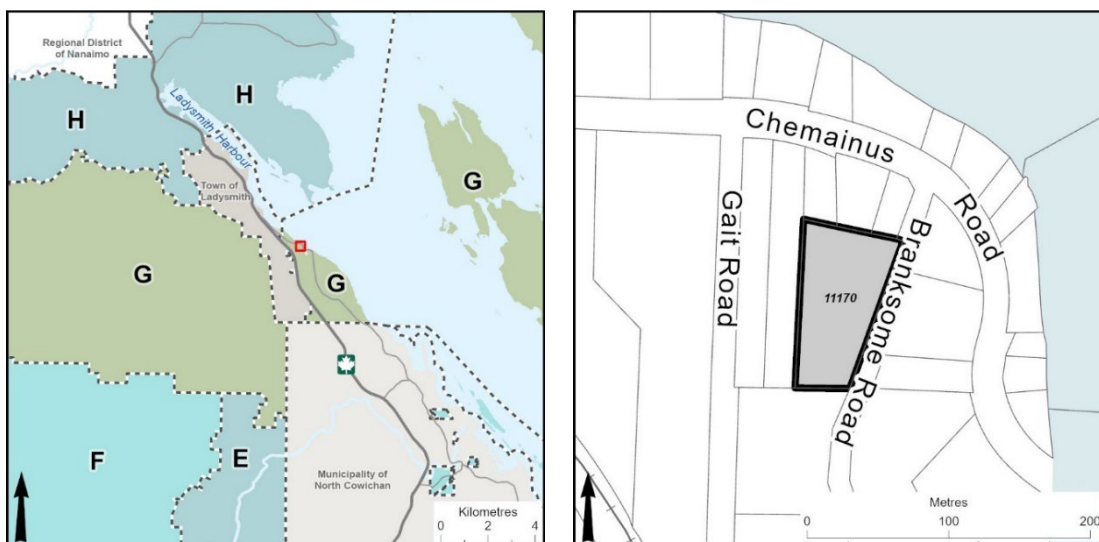
The Board is asked to consider directing staff to draft an amendment bylaw to be considered for 1st and 2nd reading at a future CVRD Board meeting. Prior to adoption, staff are recommending that the applicant submit a septic report prepared by a Registered Onsite Wastewater Practitioner (ROWP) or Professional Engineer (P.Eng.), pay the secondary suite capacity fee to CVRD Utilities Division, and register a covenant for installation of onsite stormwater management infrastructure for future development of the property.

RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That a Zoning Amendment Bylaw for Application No. RZ23G0 (11170 Branksome Road, PID: 000-433-306), be prepared and forwarded to the Board for consideration of 1st and 2nd reading.
2. That prior to consideration of adoption of the Zoning Amendment Bylaw for Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306):
 - a. A comprehensive septic report be prepared by a Registered Onsite Wastewater Practitioner or Professional Engineer that includes a site plan detailing the location of all underground wastewater infrastructure and, certifies that the existing wastewater infrastructure is capable of supporting the dwellings in which they are intended to serve;
 - b. That payment of the secondary suite capacity fee of \$1,500 to the CVRD Utilities Division be received.
3. That prior to consideration of adoption of the Zoning Amendment Bylaw for Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306), a covenant be registered requiring submission of a stormwater management plan by a Professional Engineer prior to subdivision and installation of onsite stormwater management infrastructure prior to construction.
4. That a public hearing not be held for Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306), and that notice be undertaken in accordance with Section 467 of the *Local Government Act*.

LOCATION MAP



BACKGROUND

This application proposes to amend Zoning Bylaw No. 2524 to permit the existing 107 m² detached suite and to reduce the minimum parcel size for subdivision on the subject property at 11170 Branksome Road. The detached suite will require a Building Permit to be reinstated as a dwelling, as it was previously decommissioned to an accessory building in 2012.

The application was last considered by the EASC on [June 5, 2024](#). The Board passed the following resolution at the June 12, 2024, meeting:

That Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306), to permit a 107 m² detached suite and reduce the minimum parcel size for subdivision on the subject property, be referred to the following external agencies and First Nations:

- a. Electoral Area G – Saltair Advisory Planning Commission;
- b. BC Transit;
- c. Nanaimo-Ladysmith School District (SD 68);
- d. Ladysmith Fire Department;
- e. Island Health;
- f. Ministry of Transportation and Infrastructure;
- g. Cowichan Tribes;
- h. Halalt First Nation;
- i. Lyackson First Nation;
- j. Penelakut Tribe;
- k. Snuneymuxw First Nation;
- l. Stz'uminus First Nation; and
- m. Ts'uubaa-asatx First Nation.

A summary of referral responses received to date are provided in Attachment B.

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

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

The subject property is designated Residential regionally and Suburban Residential locally, and is not within a Growth Containment Boundary (GCB). The Residential designation is intended to provide a wide range of housing and lifestyle options and direct density to serviced areas and near transit. Objectives for this designation include preserving the rural character of rural areas; ensuring development is compatible with physical site conditions and natural features; and providing safe, affordable housing and enabling aging in place.

In the Electoral Area G Local Area Plan (LAP), the Suburban Residential designation is intended to remain semi-rural and agricultural over the long term. Objectives of this designation encourage affordable rental and special needs housing while maintaining the rural residential character of Saltair; encourage small-scale agriculture accessory to residential uses; and support home-based businesses compatible with the rural setting.

Electoral Area G – Saltair Zoning Bylaw No. 2524:

The subject property is zoned R-2 Suburban Residential 2, which permits a single detached dwelling and an attached or detached suite. Minimum parcel size for subdivision in the R-2 zone is:

- 0.4 ha for parcels serviced by both community water and sewer systems;
- 1 ha for parcels serviced by community water system only; and
- 1 ha for parcels not serviced by community water or sewer.

Section 3.21A.3 permits the maximum floor area of a detached suite to not exceed 85 m².

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

See Attachment B for the referral comments received, summarized as follows:

- BC Transit states the closest bus stop is approximately 2.7 km from the subject property; future service would be located approximately 1.3 km, with limited pedestrian connectivity.
- Ts'uubaa-asatx Nation identifies the property outside of the core title area and have deferred to the First Nation(s) whose traditional territory fronts this area. The Nation retains the right to revise their comments.
- Ministry of Transportation and Infrastructure (MOTI) had no objections.

Advisory Planning Commission (APC):

The application was referred to the Electoral Area G – Saltair APC on July 9, 2024, where the APC passed the following recommendation to the Board:

It was moved and seconded that the APC supports zoning amendment application RZ23G02.

CARRIED

PLANNING ANALYSIS

This application proposes to increase the floor area of a detached suite and to reduce the minimum parcel size for future subdivision. A detailed Planning Analysis is provided in the [June 5, 2024](#), staff report considered EASC meeting.

No concerns were raised through referral responses.

Water Servicing:

The subject property is connected to the CVRD Saltair Water System, but is currently only being charged for one service. Under the CVRD Bylaw No. 4231 – Water Systems Regulatory and Management Bylaw, 2021, secondary suites and small suites (now attached and detached suites) are charged a \$1,500 capacity fee. Staff are recommending that prior to adoption of an amendment bylaw, the \$1,500 secondary suite capacity fee be paid, to come into compliance with Bylaw No. 4231.

At the time of subdivision, a capacity connection fee (\$7,000) and payment for the installation of a new service connection to a new lot (price to be determined) will be required. Payment would be required as a condition of CVRD approval of a proposed subdivision.

Onsite Septic:

The detached suite was previously decommissioned to an accessory building (under permit) and a review of historical CVRD records indicate that the original septic field was also decommissioned with the building. Staff are recommending that updated information in the form of a septic report by a ROWP or P.Eng. be submitted to ensure that the existing onsite sewerage systems are in good working condition and capable of servicing the existing buildings.

Any future development of the property, including additions, new dwellings and/or subdivision will require further information and the sewerage systems may require upgrading.

Onsite Drainage:

While outside of the identified landslide area in the [Coastal Slope Stability Assessment](#), by Stantec Consulting Ltd., dated February 14, 2022, the subject property lies directly upland to the recommended 15 m setback from slope hazard areas.

The applicant has stated there is no immediate plan to construct a new dwelling or subdivide the property. However, given the proximity to the identified hazard area and the proposal to increase density, staff are recommending that a section 219 covenant be registered on Title requiring submission of a stormwater management plan by a P.Eng. prior to subdivision and installation of onsite stormwater management infrastructure prior to construction.

Public Notice:

Recent changes to the *Local Government Act (LGA)* associated with the provincial government's "Local Government Housing Initiatives" (Bill 44) now removes the option for local governments to hold a public hearing for a zoning bylaw amendment as follows:

464 (3) A local government must not hold a public hearing on a proposed zoning bylaw if

- (a) an official community plan is in effect for the area that is the subject of the zoning bylaw;*
- (b) the bylaw is consistent with the official community plan;*
- (c) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development; and*
- (d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.*

Where a public hearing is not held, Section 467 of the *LGA* requires that notice be mailed or otherwise delivered to neighbouring properties at least 10 days prior to first reading of the bylaw.

This requirement is included in Section 34(c) of the CVRD Development Application Procedures Bylaw No. 4483, which provides:

34. The CVRD will mail or otherwise deliver notices to the applicant and all owners and occupants of the subject property for which an application has been made, and all owners and occupants of parcels within 100 metres of the subject property, not less than ten (10) days prior to:

c) first reading of a bylaw in respect of which the Board has decided not to hold a public hearing;

In addition, Section 36 of CVRD Bylaw No. 4483 requires that the applicant post a sign on the property prior to a first reading of a bylaw where a public hearing will not be held.

Recommendation:

Staff consider the application to be generally consistent with OCP policies that support affordable rental housing and aging in place, and do not consider the proposal to impact the rural character of the community. While currently not within a GCB, the lots are connected to a community water system, but do require onsite septic systems since there is no community sewer system available within the vicinity of the subject property. Staff are recommending that the applicant provide additional information regarding the onsite septic systems, pay outstanding water capacity fees, and register a section 219 covenant for stormwater management, prior to adoption of an amendment bylaw. These requirements will aid in ensuring appropriate conditions for the proposed additional density on the property.

OPTIONS

Option 1: (Recommended)

That it be recommended to the Board:

1. That a Zoning Bylaw Amendment Bylaw for Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306), be prepared and forwarded to the Board for consideration of 1st and 2nd reading.
2. That prior to consideration of adoption of the amendment bylaw for Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306):
 - a. A comprehensive septic report be prepared by a Registered Onsite Wastewater Practitioner or Professional Engineer that includes a site plan detailing the location of all underground wastewater infrastructure and, certifies that the existing wastewater infrastructure is capable of supporting the dwellings in which they are intended to serve;
 - b. That payment of the secondary suite capacity fee of \$1,500 to CVRD Utilities Division be received.
3. That prior to consideration of adoption of the amendment bylaw for Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306), a covenant be registered requiring submission of a stormwater management plan by a Professional Engineer prior to subdivision and installation of onsite stormwater management infrastructure prior to construction.
4. That a public hearing not be held for Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306), and that notice be undertaken in accordance with Section 467 of the *Local Government Act*.

Option 2:

That it be recommended to the Board that Application No. RZ23G02 (11170 Branksome Road, PID: 000-433-306), to permit a 107 m² detached suite and reduced the minimum parcel size for subdivision on the subject property, be denied.

GENERAL MANAGER COMMENTS

Prepared by:



Jaime Dubyna
Planner III

Reviewed by:



Michelle Pressman, RPP, MCIP, MPlan
Manager, Development Services Division



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 – Plan

Attachment B – Referral Response Summary

(P.I.D.000-433-306)

in metres

PLAN 24443

PLAN 13689

PLAN 17578

73.86
(242.32)

ORIGINAL SEPTIC SYSTEM

PROPOSED SECONDARY DETACHED SITE

COTTAGE

48'

24'

80'

35'

FEET

T 2

(400.05)

121.93

275' APPROX.

Exterior of Concrete Foundation

Deck

Main House

17.07

12.99

8.42

8.41

Garage

112.85
(370.24')

BRANKSON

LOT SIZE
68 816.08 SQFT.
1.58 ACRE.
0.64 HA.

Scale 1:750



0 7.5 15

36.51

Referral Response Summary**Application No. RZ23G02**

Organization: School District 68 (SD 68) Name/Title: Pete Sabo	Date of Response: July 3, 2024 Level of Support: No Comment
Organization: Area G Advisory Planning Commission Name/Title: Area G APC	Date of Response: July 9, 2024 Level of Support: Support
Comments: Recommendation: <i>It was moved and seconded that the APC supports zoning amendment application RZ23G02.</i> CARRIED	
Organization: Ts'uubaa-asatx Nation Name/Title: Monty Horton	Date of Response: July 10, 2024 Level of Support: Not provided
Comments: See attached letter.	
Organization: Ministry of Transportation and Infrastructure Name/Title: Gilbert Thompson, Development Services Officer	Date of Response: July 11, 2024 Level of Support: Not provided
Comments: The Ministry of Transportation and Infrastructure has no objections to the proposed zoning bylaw amendment.	
Organization: BC Transit Name/Title: Jacob Burnley, Transit Planner	Date of Response: July 12, 2024 Level of Support: No Comment
Comments: See attached letter.	



Ts'uubaa-asatx Nation
313B Deer Lake Road
Lake Cowichan, British Columbia
V0R 2G0
Phone: 250-749-3301
Fax: 250-749-4286

10-Jul-2024 15:23 PDT

Cowichan Valley Regional District (CVRD)
Attn: Referrals Referrals

Project Name: Rezoning Application File No. RZ23G02
Date Received: 5-Jul-2024
Ts'uubaa-asatx Nations Consultation Spectrum Assessment: Level 3

'Au Si'em:

The project area appears to fall within the Hul'q'umi'num Statement of Intent as submitted to the BC Treaty Commission process, but outside Ts'uubaa-asatx Nation's core title area. Ts'uubaa-asatx Nation would recognize this area as being in close proximity to other Hul'q'umi'num or Nuu-chah-nulth First Nation Tumuhw (lands). As such, I would categorize this as a Level 3 rights area for Ts'uubaa-asatx Nation. Level 3 identifies that Ts'uubaa-asatx Nation had harvesting, trade and Nation to Nation relations, but not necessarily sole title and governing authorities, which would be Ts'uubaa-asatx Nation's highest S.35 interests and would require high end of the Haida spectrum consultation.

However, Level 3, is still considered to be a very high consultation matter as it represents our inter-community cultural activities and shared title and harvesting areas with our Hul'q'umi'num or Nuu-chah-nulth relatives. Despite this we would generally defer to the First Nation(s) whose traditional territory fronts this area. Should Ts'uubaa-asatx Nation identify greater interests in the future we retain the right to revise this assessment. However, at this time, we defer to any Nation(s) whose title and governing authorities are directly affected.

'Uy' Skweyul,

Monty Horton

Hul'q'umi'num language terms:

'Au Si'em: a term denoting high respect.

'Uy' Skweyul: good day.



July 12th, 2024

Jaime Dubyna
jaime.dubyna@cvrld.bc.ca
Cowichan Valley Regional District
Cowichan Valley Regional Transit System

Re: 11170 Branksome Rd./ Cowichan Valley Regional Transit System

Attn: Cowichan Valley Regional District, Planning

Based on the plans received July 3rd, 2024, BC Transit staff have completed a review of the proposal provided. At this time, BC Transit does not have any comments regarding transit-supportive measures for the proposal in question.

Staff have noted that fixed-route conventional transit service is not currently available on Chemainus Rd. between N. Davis Rd. and Cook St.

The nearest bus stop is approx. 2.7km from the noted property, at Coronation Mall. with no readily available pedestrian or separated cycling thru-connections. The routes serving this stop (Routes 34 and 36) connect Ladysmith to Chemainus and Duncan, respectively, with base-level transit service only (4 round-trips/day max.).

As per the Cowichan Valley Transit Future Action Plan (2023), a route extension to Saltair (via Route 6: Crofton-Chemainus) has been identified as a long-term service priority. This proposed future service would be located (at its nearest point) approx. 1.3km from the noted property (S. Oyster School Rd.) with limited pedestrian connectivity. Please note that any local transit improvements would be dependent on service and feasibility planning, operational capacities, and funding support at both the local and provincial level.

As per the CVRD's local transit funding structure, the introduction of future service in this area would also require Saltair (Electoral Area G) become a partner in the CVRD transit function.

Should you have any additional questions, comments, or concerns, please contact me at jburnley@bctransit.com.

Sincerely,

Jacob Burnley
Transit Planner
BC Transit
jburnley@BCTransit.com



Development Referral Feedback

Development Address: 11170 Branksome Rd.
Local Government Cowichan Valley Regional District
Local Government File Number: RZ23G02
Date Plans Received: July 3rd, 2024
Date Referral Feedback Sent: July 12th, 2024
Review Completed By: Jacob Burnley, Transit Planner

Context Overview	
Land Use Typology	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural <input type="checkbox"/> Suburban
Local Context	<input type="checkbox"/> Urban Infill <input type="checkbox"/> Urban-Suburban Fringe <input type="checkbox"/> Suburban Infill <input checked="" type="checkbox"/> Suburban-Rural Fringe <input type="checkbox"/> Rural <input type="checkbox"/> Exurban <input type="checkbox"/> Suburban
Nearest Existing Transit Stop to the Development	Approx. 2.7km (Stop ID: 106095 Coronation Mall)
Service Frequency of Existing Transit to the Development	<input type="checkbox"/> Rapid (15-minute headways or better with limited stops) <input type="checkbox"/> Frequent (15-minute headways or better) <input type="checkbox"/> Local (15 to 60-minute headways) <input type="checkbox"/> Targeted <input checked="" type="checkbox"/> Other: N/A