



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 29, 2024
MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 15, 2024
FROM: Development Services Division
Land Use Services Department
SUBJECT: Application No. RZ23A01 (2522/2528 Mill Bay Road/PID: 032-165-315 and 032-165-307)
FILE: RZ23A01

PURPOSE/INTRODUCTION

The purpose of this report is to present external agency and First Nation comments regarding the application to rezone the subject properties to facilitate a four (4)-lot strata subdivision.

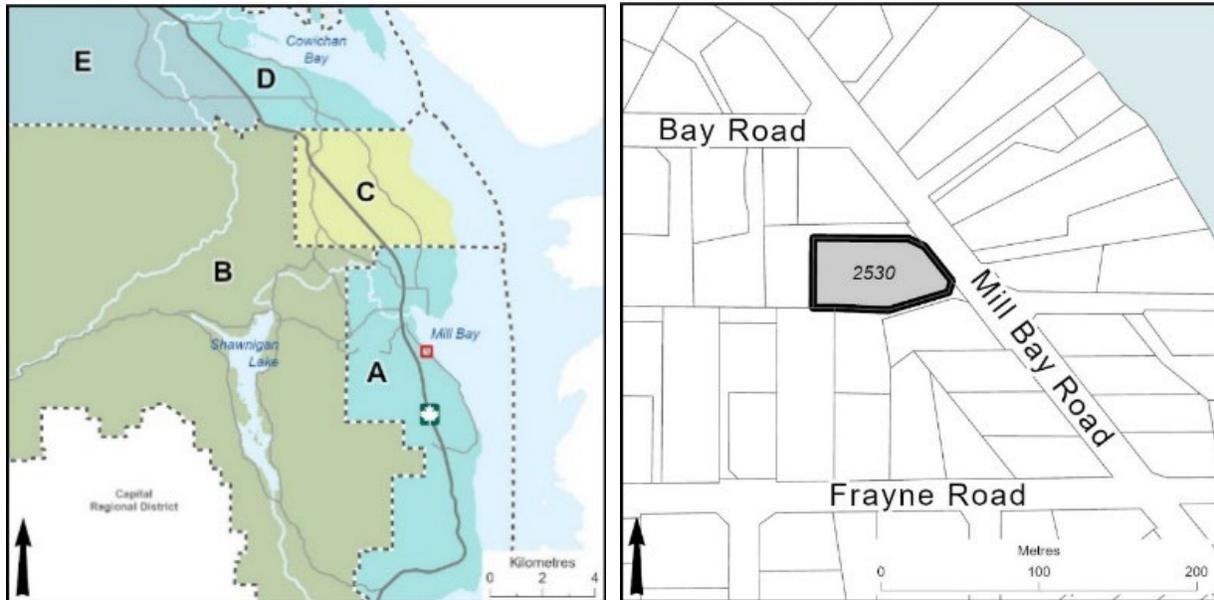
The Board is being asked to consider directing staff to draft the appropriate amendment bylaws to be considered for 1st reading at a future CVRD Board meeting. Prior to 2nd reading, the applicant will be required to provide additional information in the form of a stormwater management plan and erosion and sediment control plan.

RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That an Official Community Plan Amendment Bylaw for Application No. RZ23A01 (2522/2528 Mill Bay Road/PID: 032-165-315 and 032-165-307), be prepared and forwarded to the Board for consideration of 1st reading.
2. That a Zoning Bylaw Amendment Bylaw for Application No. RZ23A01 (2522/2528 Mill Bay Road/PID: 032-165-315 and 032-165-307), be prepared and forwarded to the Board for consideration of 1st reading.
3. That prior to consideration of 2nd reading of the amendment bylaws for Application No. RZ23A01 (2522/2528 Mill Bay Road/PID: 032-165-315 and 032-165-307), the following be completed:
 - a. Submission of a stormwater management plan providing an analysis of the pre-development and post-development natural hydrological conditions including peak flows and recommendations on low impact development features and design of on-site drainage works;
 - b. Submission of an erosion and sediment control plan for proposed development of onsite stormwater drainage.
4. That prior to adoption of the amendment bylaws a Section 219 covenant be registered on the property to ensure installation and maintenance of on-site drainage infrastructure and erosion and sediment control measures.
5. That prior to adoption of amendment bylaws a Section 219 covenant be registered to secure park community amenity contributions.
6. That a public hearing be scheduled for Application No. RZ23A01 (2522/2528 Mill Bay Road/PID: 032-165-315 and 032-165-307).

LOCATION MAP



BACKGROUND

The original application submission was for the property 2530 Mill Bay Road (PID: 023-004-193), which has since been subdivided into two parcels that are now the subject of this application:

- 2522 Mill Bay Road (PID: 032-165-315)
- 2528 Mill Bay Road (PID: 032-165-307)

This application proposes to rezone the subject properties from R-3 Village Residential 3 to a site-specific residential zone that would allow a minimum parcel size of 700 m² for subdivision. The proposed rezoning would facilitate a four-lot strata subdivision with a minimum parcel size of 700 m² and permit single detached dwellings on each parcel, subject to community servicing for water and sewer. Proposed accessory uses include attached suites and home-based business.

The application was last considered by the EASC on November 15, 2023. The Board passed the following resolution at the November 22, 2023 meeting:

That Application No. RZ23A01 (2530 Mill Bay Road, PID: 023-004-193), be referred to the following external agencies and First Nations:

- 1. Electoral Area A – Mill Bay/Malahat Advisory Planning Commission;*
- 2. BC Transit;*
- 3. Cowichan Valley School District (SD 79);*
- 4. Island Health;*
- 5. Mill Bay Improvement District (Fire);*
- 6. Mill Bay Waterworks District;*
- 7. Ministry of Transportation and Infrastructure;*
- 8. Malahat Nation; and*
- 9. Cowichan Tribes.*

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 Village Residential locally, and is within the Mill Bay Growth Containment Boundary (GCB). The regional Residential designation is an over-arching designation intended to provide a wide range of housing and lifestyle options and to direct density to serviced areas.

In the Electoral Area A Local Area Plan (LAP), the Village Residential designation is intended to accommodate a range of housing types, including affordable, rental and seniors housing, and housing for persons with disabilities. Objectives of the Village Residential designation include providing an affordable housing option in Mill Bay Village and encouraging tourism activities through provision of bed and breakfast accommodation.

The subject property is within Development Permit Area (DPA) 1 – Riparian Areas Protection and DPA 4 – Aquifer Protection. Should the application proceed, Schedule U of the OCP will require amendments to include the subject property within DPA 9 – Intensive Residential Development. In Electoral Area A, DPA 9 applies to parcels less than 0.074 ha (740 m²) in area. Any future development of the site, including subdivision, may require a Development Permit.

South Cowichan Zoning Bylaw No. 3520:

The subject property is currently zoned R-3 – Village Residential, which permits single detached dwelling and horticulture as principal uses, and prescribes a minimum parcel size of 1675 m² for parcels serviced by both community water and sewer systems.

There does not appear to be an existing residential zone in Bylaw No. 3520 that corresponds with the proposal. Current residential zones in Electoral Area A that require a minimum parcel size of 700 m² (or less) include zones that permit manufactured home parks or Comprehensive Development (CD) zones for large developments (e.g. Stonebridge).

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

See Attachment B for a summary of referral comments received.

Advisory Planning Commission (APC):

The application was referred to the Electoral Area A – Mill Bay/Malahat APC on January 4, 2024, where the APC passed the following recommendation to the Board:

1. *That the APC recommends that the CVRD Board not approve zoning amendment application RZ23A01 (2530 Mill Bay Road) to permit a four-lot subdivision;*
2. *That the APC supports the subdivision application for a two-lot subdivision (with suites) as presently permitted under existing zoning; and*
3. *That the APC recommends that the CVRD Board consider the following for future infill projects:*
 - *stormwater/drainage implications;*
 - *loss of vegetation;*
 - *access route standards (re: fire, safety, recycling/garbage service); and,*
 - *sewer and water servicing implications.*

Public Notice:

The applicant is required to post a development application sign prior to a public hearing. A public hearing may be scheduled following 1st or 2nd reading by the Board. Public hearing notification would occur in accordance with the *Local Government Act (LGA)* and CVRD Development Application Procedures and Fees Bylaw No. 4483.

PLANNING ANALYSIS

Referral Comments Considerations:

The APC did not support the application as proposed, but do support the current R-3 zoning regulations permitting the two existing lots. The APC recommended to the Board that the following be considered for future infill projects, including stormwater/drainage implications; loss of vegetation; access route standards; and sewer and water servicing implications.

Under the [Development Approval Information \(DAI\) Bylaw No. 4545](#), the CVRD may require submission of a stormwater management plan detailing how surface runoff and drainage will be managed onsite. Staff have included this in the recommendation to the Board for further information, to be submitted prior to second reading of the zoning amendment bylaw.

Existing vegetation observed during a site visit in August 2023 includes several small groups of trees (incl. Douglas-fir, maple), invasive species (Himalayan blackberry) and unmaintained grass lawn. DPA 9 includes guidelines for landscaping, including integrating landscape buffers for privacy, retaining trees where possible, tree planting along streets (where space permits), and creating landscapes that provide and/or enhance habitat value for birds and pollinators. DPA 9 requirements would be applicable at the time of subdivision.

Consideration should be made for constructing a road access that meets the requirements of the fire department (*see comments below*) and CVRD Recycling and Solid Waste Management, including a 49.7-foot turning radius for trucks. Where an appropriate turning radius cannot be provided, the CVRD can provide laneway curbside collection service; however, residents will be responsible for placing totes in the correct position.

Additional referral comments include:

- Mill Bay Fire Department – indicates support for the application provided the access road is at least 6 m wide and designed to support the load of their heaviest apparatus (38,556 kg).
- BC Transit – indicated no objection provided “Transit Supportive Land-Use and Design” recommendations are considered as part of the application, including locating on-site parking underground or away from street frontages; ensuring property access does not interfere with transit operations or create a safety hazard; and consideration given to customer amenities at nearby bus stop.

It is noted that CVRD Transit Division has confirmed they will not be pursuing additional amenities at the nearest existing bus stop.

Stormwater Management:

OCP Policy 4.8.4.5 seeks to ensure that residential developments are compatible with the physical site conditions of slope, soil types and drainage patterns. Given this application will double the permitted density on the site, and may double the overall impervious surface, staff recommend under Section 3 of DAI Bylaw No. 4545, the applicant provide the following additional information prior to bylaw adoption:

- **3.1** A stormwater management plan providing an analysis of the pre-development and post-development natural hydrological conditions including peak flows and recommendations on low impact development features and design of on-site drainage works.
- **3.2** An erosion and sediment control plan analyzing the anticipated impact of the proposed development on stormwater drainage, including recommendations to mitigate anticipated impacts on infrastructure, watercourses, ponds, lakes, wetlands, ocean and adjacent properties.

The stormwater management plan should estimate the amount of additional surface drainage that would be generated by the proposed development (four proposed lots and common property) and the options available for on-site retention/absorption, collection, storage and dispersal of such drainage. Given that additional parking is proposed to be located on the common property, stormwater management infrastructure should include an oil/water separator, in accordance with Section 7.11 of Bylaw No. 3520. Staff recommend that the plan's recommendations form part of a s. 219 covenant, to be registered on title prior to bylaw adoption.

Community Amenity Contributions:

The applicant has offered, as a voluntary community amenity contribution (CAC), a financial contribution in the amount of \$15,000 toward the [Mill Bay Road roadside pathway/walkway](#), identified in the Electoral Area A [Community Parks and Trails Master Plan](#). The pathway would connect the Mill Bay Village with the Brentwood Bay ferry terminal. The Board may wish to refer the potential amenity contribution to the Parks Advisory Commission (PAC) for comment.

Staff have recommended that a section 219 covenant be registered prior to adoption of amendment bylaws to secure the financial contribution at the time of subdivision.

Recommendation:

Given the subject properties are within the Mill Bay GCB, on a transit route and within both community water and sewer system areas, staff consider this application to be generally consistent with the OCP and residential infill development. Therefore, staff recommend that the application proceed to bylaw drafting.

Recommended additional information will aid to ensure appropriate conditions for the proposed intensified development on the properties.

OPTIONS

Option 1:

That it be recommended to the Board:

1. That an Official Community Plan Amendment Bylaw for Application No. RZ23A01 (2522/2528 Mill Bay Road/PID: 032-165-315 and 032-165-307), be prepared and forwarded to the Board for consideration of 1st reading.
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 6. That a public hearing be scheduled for Application No. RZ23A01 (2522/2528 Mill Bay Road/PID: 032-165-315 and 032-165-307).

Option 2:

That it be recommended to the Board that Application No. RZ23A01 (2522/2528 Mill Bay Road/PID: 032-165-315 and 032-165-307), be referred back to staff for further information, including: *[requested information to be identified by the Board]*

Option 3:

That it be recommended to the Board that Application No. RZ23A01 (2522/2528 Mill Bay Road/PID: 032-165-315 and 032-165-307), be denied.

GENERAL MANAGER COMMENTS

The 2021 Housing Needs Report for Electoral Area A - Mill Bay – Malahat identified a need for 350 housing units by 2025, and mainly in small, one-bedroom units. While no affordability measures are proposed (e.g. housing agreement to secure one or more units as perpetually affordable housing), the proposed development will increase housing stock and diversity within an identified growth containment boundary.

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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