

APPALOOSA WAY

Zoning Bylaw Amendment



**TOP
DOWN
INVESTMENTS™**

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Submitted To:

Cowichan Valley Regional District
Development Services Department
175 Ingram Street
Duncan, BC
V9L 1N8

1 Overview

This application is to amend the Area E Zoning Bylaw No. 1840 to support subdivision of the remaining parcels in the R-5 Comprehensive Development Residential Zone. Due to several factors described in Section 7 of this report, an amendment to subsection 8.9 (c) (6) regarding the transfer of one of every four lots to the Regional District is proposed. An adjustment to the P-2 zoning boundary is also proposed.

2 Location & Context

The proposed subdivision is accessed from both Belvedere Crescent and Appaloosa Way in Area E (Sahtlam). The subject property consists of three titles (PID 009-845-119, 009-849-581, 009-849-637) comprising a total of 149.7 acres.

A single parcel of F-1 borders the property to the east. North of the property consists of 2.5 to six-acre parcels that were previously subdivided under the R-5 Comprehensive Development Zoning. River Corridor RC-1 parcels border the property to the south that are generally undeveloped.

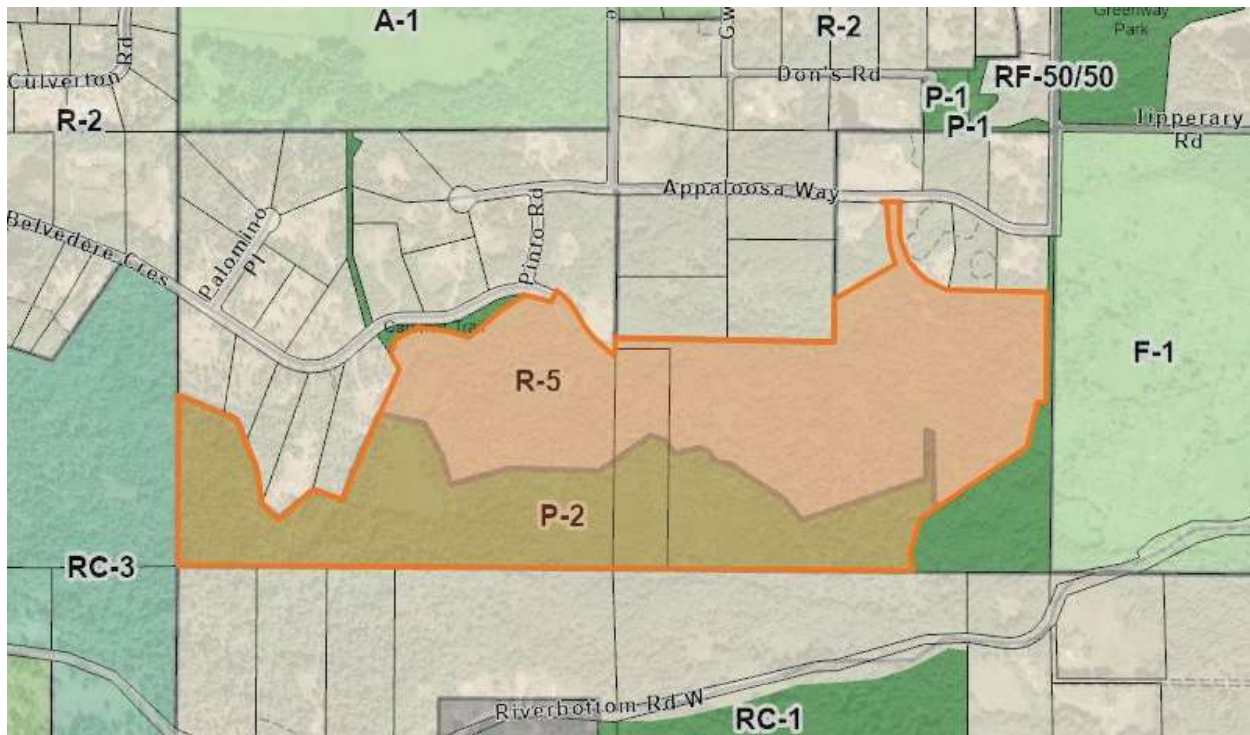


Fig.1: Project Location

3 Subdivision Plan

A conceptual subdivision plan has been included with this application. The plan was developed to adhere to the R-5 zoning requirements and Section 12 of the Zoning Bylaw.

A substantial amount of riparian area is contained within the subject property. The subdivision plan adheres to the Riparian Area Protection Regulations including the calculated allowable footprint of a site containing riparian areas.

Changes to the conceptual Subdivision Plan are expected prior to submission for Preliminary Layout Approval to address further limitations on developable land imposed by the Riparian Protection Development Permit requirements and Island Health requirements.

Input from the Regional District into trail corridors is welcome should this subdivision be supported.

An extension to Belvedere Crescent and two additional cul-de-sac roads are proposed.

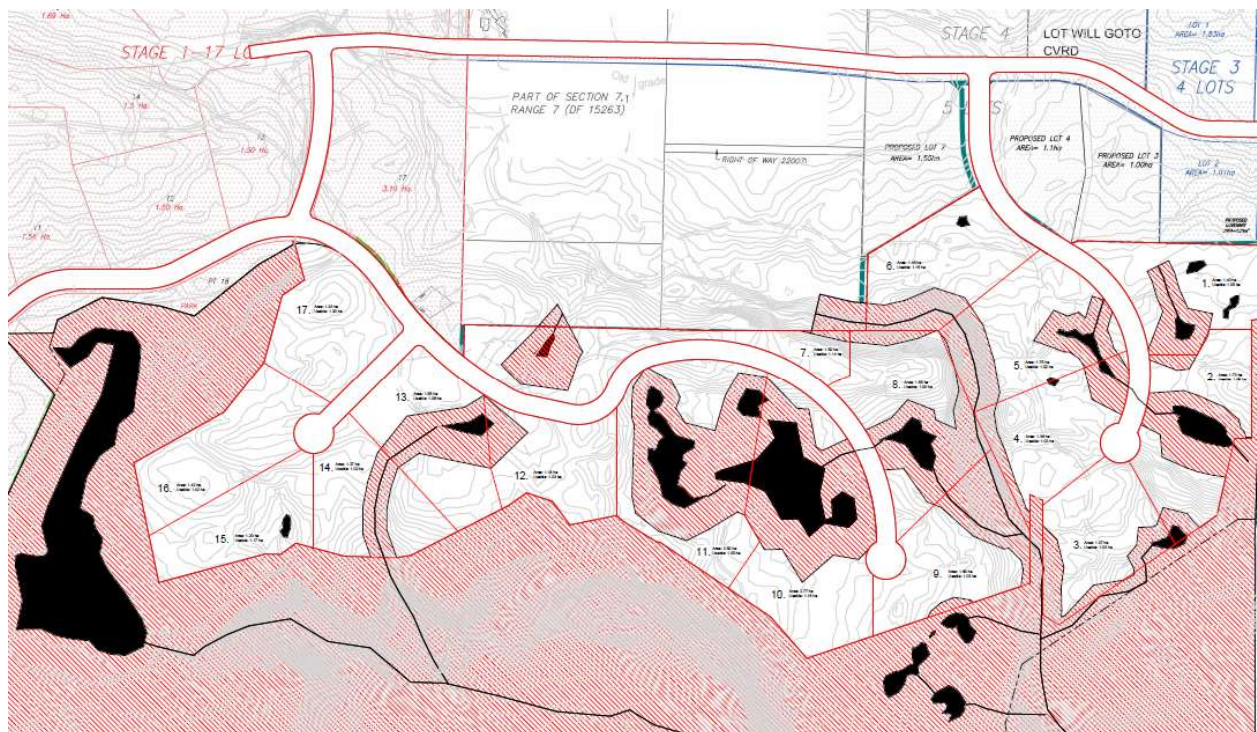


Fig.2: Preliminary Subdivision Plan indicating SPEA

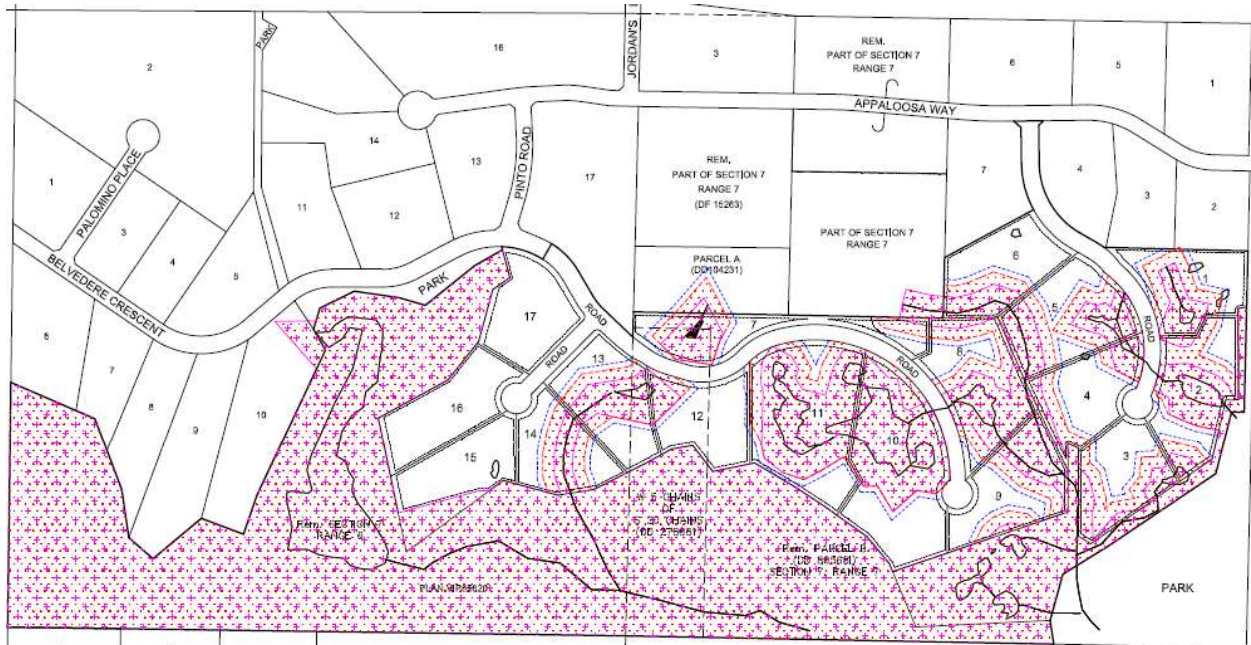


Fig.3: Preliminary Subdivision Plan indicating Riparian Protection Development Permit Setbacks

4 Land Use Policy

The subject properties are currently designated as Rural Residential and Parks in the Official Community Plan. The proposed subdivision is intended to maintain the rural character associated with the Rural Residential designation while supporting the respective goals and complying with the policies of the Official Plan, Area E Local Plan, and Sahtlam Neighborhood Plan.

The subject property falls under four development permit areas:

- Development Permit Area 1: Riparian Protection
- Development Permit Area 2: Sensitive Ecosystem
- Development Permit Area 4: Aquifer Protection
- Development Permit Area 5: Wildfire Hazard

A preliminary environmental report has been included with this application for information only. If this development is pursued, an updated report will be submitted to the Ministry of Environment and Climate Change to fulfill the requirements of the Riparian Area Protection Regulations, and to the Regional District to support the DP 1&2 requirements. Aquifer and wildfire DP requirements will also be addressed at this time.

It is the intention of DU-APP GP Ltd. to propose, discuss and incorporate measures during the subdivision and development permit process to address policies in the OCP that apply to the land use designation (e.g. minimize reliance on groundwater for irrigation purposes, encourage rainwater harvesting, minimize impervious surfaces).

5 Current Zoning

The south portion of the property is zoned P-2 River Corridor Conservation and coincides with a Land Conservancy of British Columbia (TLC) covenant (59 acres). The remaining portion of the property (84 acres) is zoned R-5 - Comprehensive Development Residential. This unique zone was established to support the development of what is now Saddle View Estates and the remaining parcels that are the subject of this application.

There is a discrepancy between the P-2 zone and the TLC covenant. The Subdivision Plan was developed in recognition of both the P-2 zone and TLC covenant.

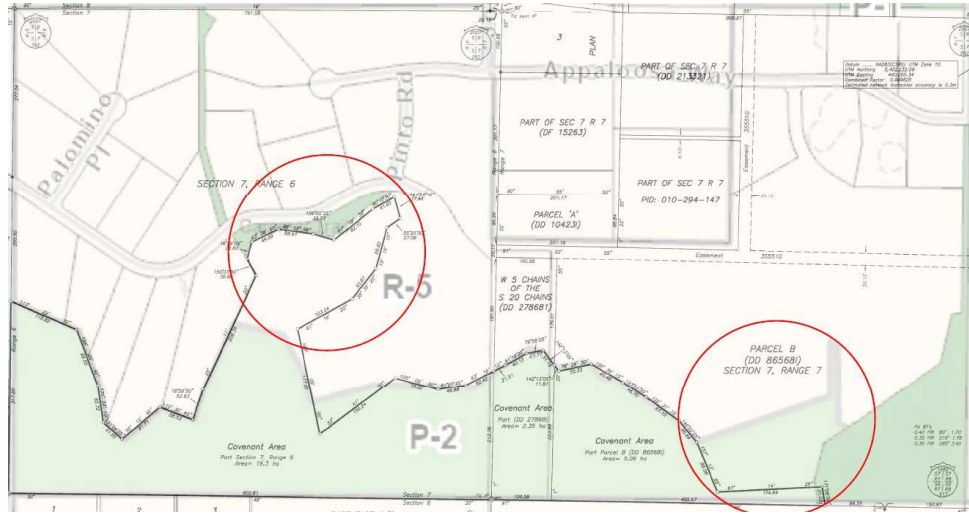


Fig.4: P-2 and Covenant Discrepancies

6 Zoning Amendment

The proposed Subdivision Plan was developed to comply with the Zoning Bylaw. No changes are being requested that impact density, lot area or dimensions. Two amendments are proposed:

1) The deletion of Subsection 8.9 (c) (6) and subsequent references to the lot transfer:

(6) In respect of each 4 parcels created in excess of 22, one of the parcels must be transferred to the Regional District in fee simple for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances including any statutory building scheme not specifically approved in writing by the Regional District, to be used for the purposes set out in Section 8.9(c)(10), and the costs of transfer including the Regional District's actual, reasonable legal costs must be paid by the subdivider.

2) Adjustment to Schedule B, Consolidated CVRD Electoral Area E - Cowichan Station/Sahtlam/Glenora Zoning map to extend the P-2 boundary in the north west of the property to coincide with the TLC boundary, without retracting the P-2 boundary in the south east. This will result in a net increase in P-2 of approximately seven acres.

7 Rationale

The R-5 Comprehensive Development Residential Zone was established to facilitate subdivision. Two factors have since been introduced that have a drastic impact on the number of lots that can be subdivided:

- 1) Subsection 12.12 of the Area E Zoning Bylaw was amended to remove wetland area from the usable land calculation, thus reducing lot yield. This resulted in a reduction of the calculated useable land by approximately 30%.
- 2) Riparian development permit requirements were introduced (i.e. AR 9&10), that create setbacks based on the Riparian Assessment Area and are over and above the requirements of the zoning bylaw and RAPR. While this does not factor into the useable land calculation referenced above, it imposes setbacks that are generally an additional 10-20 m beyond those imposed by the zoning bylaw and RAPR, posing challenges to accommodating roads, driveways, build sites and septic fields, and ultimately reducing lot yield.

The lot transfer was created to provide funding to Area E parks or the Sahtlam fire department. The two factors listed above were created to protect sensitive riparian areas. In combination, they prevent financially viable subdivision in a comprehensive development zone that was established to facilitate such development.

No change to Subsection 12.12 is being sought to maintain the environmental integrity of the development. However, modification of Subsection 12.12 to support this development is welcome, as well as discussion around other environmental protection measures, park dedication, land improvements and financial contribution.

The proposed amendments produce additional park land and support the intent of Subsection 8.9 (c) (6). Additionally, trails can be incorporated into the development with the R-5 and P-2 areas, in collaboration with the Regional District and community.

The proposed zoning amendments would facilitate the development of the last remaining undeveloped parcel in the R-5 zone, and consequently the transfer of the TLC covenant lands to the CVRD. The transfer of lands would take place once and increase in number of lots from the current three titles is registered at the land titles office upon final subdivision approval.

The community would benefit from additional park and trails and a modest increase in housing supply at a time when housing supply is limited.

8 Summary

Changes to the Zoning Bylaw (e.g. Subsection 12.12) and the Development Permit Area requirements (e.g. RP-AR 9&10) have created the condition where subdivision is not financially viable when 25 percent of the lots must be transferred to the Regional District.

The proposed zoning bylaw amendments will facilitate the subdivision of the remaining parcels of land for which the R-5 Comprehensive Development zoning was created for while creating an additional seven acres of park.

The environmental integrity of the subdivision will be maintained through adherence to Subsection 12.12 of the Zoning Bylaw and development permit requirements, with opportunity to address additional OCP policies related to environmental and aquifer protection during the subdivision and development permit process.

Subdivision of the subject property will result in the transfer of all P-2 zoned land to the CVRD with opportunity for land improvements (e.g. trails).

Thank you for your consideration of this application and we look forward to continued discussion and a deeper understanding of the needs and priorities of the community and Regional District in relation to this last remaining undeveloped portion of the R-5 Comprehensive Development zone.

Sincerely,

A handwritten signature in black ink, appearing to read 'Guy Bouchard', positioned above a horizontal blue line.

Guy Bouchard (Aug 29, 2023 14:55 PDT)

Guy Bouchard
President
Top Down Investments Inc.