



STAFF REPORT TO COMMITTEE

DATE OF REPORT December 5, 2023
MEETING TYPE & DATE Electoral Area Services Committee Meeting of December 20, 2023
FROM: Development Services Division
Land Use Services Department
SUBJECT: Application No. RZ23C02 (1441 Fisher Road/PID: 006-831-231)
FILE: RZ23C02

PURPOSE/INTRODUCTION

The applicant proposes a zoning amendment to the property located at 1441 Fisher Road (PID: 006-831-231). The site-specific zoning amendment proposed reduces the minimum parcel area to 390 m² to allow for a 15-lot subdivision. An Official Community Plan Amendment is required to include the property within the Intensive Residential Development Permit Area (DPA 9).

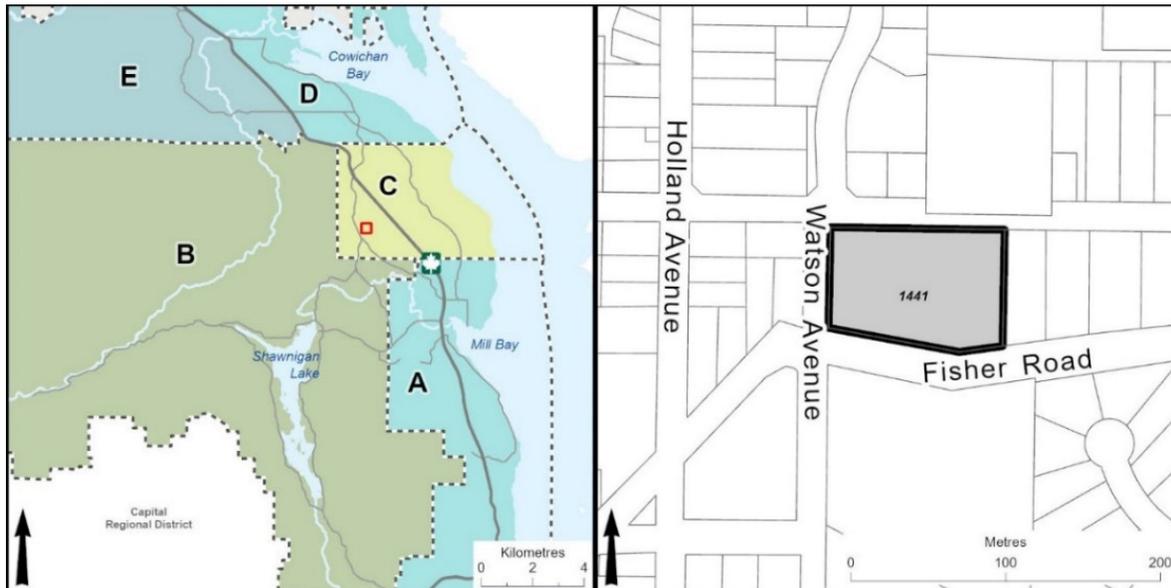
In accordance with the [CVRD Development Application Referrals Policy](#) this report is intended as a preliminary step to introduce the application to the Electoral Area Services Committee (EASC) prior to seeking comment from external referral agencies.

RECOMMENDED RESOLUTION

That it be recommended to the Board:

1. That the draft Zoning Amendment Bylaw and Official Community Plan Amendment Bylaw for Application No. RZ23C02 (1441 Fisher Road, PID: 006-831-231), be prepared by staff and forwarded to the Board for consideration; and
2. That Application No. RZ23C02 (1441 Fisher Road, PID: 006-831-231), be forwarded to the following external agencies:
 - a. Electoral Area C – Cobble Hill Advisory Planning Commission;
 - b. Electoral Area C – Cobble Hill Parks Advisory Commission;
 - c. Cobble Hill Improvement District;
 - d. Mill Bay Improvement District;
 - e. BC Transit;
 - f. Ministry of Transportation;
 - g. School District No. 79;
 - h. Cowichan Tribes; and
 - i. Malahat First Nation.

LOCATION MAP



BACKGROUND

The 0.83 ha subject property is located at the intersection of Fisher Road, Watson Avenue, and Fairfield Road in Cobble Hill. Currently, a single-family dwelling is located on the property, constructed in the late 1960's. The property is located within the Cobble Hill Growth Containment Boundary, and falls within the service areas of Mill Bay Improvement District Fire Service, Cobble Hill Improvement District water system, Cobble Hill Village CVRD sewer system, and the Cobble Hill CVRD drainage system.

The property is currently designated Residential in the Official Community Plan (OCP), with a Local Area Plan (LAP) designation of Village Residential. The property is zoned R-3 – Village Residential 3 Zone. A drainage course runs through the property, which is covered by a Ministry of Transportation Statutory Right-of-Way (SRW) ED133642 granted for the purposes of maintaining storm sewer and drainage system. An assessment by a qualified environmental professional determined that the drainage course does not contain fish, and is not connected by surface water to fish-bearing waters, and is thus not subject to the *Riparian Areas Protection Regulation*.

The applicant is proposing a zoning amendment to reduce the minimum parcel size from 900 m² to 390 m² to allow for a 15-lot conventional subdivision. The proposed new zone would be site-specific, and is modelled after the Municipality of North Cowichan's R3-S "Small Lot Single-Family Residential" Zone. The principal permitted use would be a single-detached dwelling, with accessory uses of secondary suite and home-based business. The proposed setbacks for the new zone would be 4.5 m from the front, exterior, and rear parcel lines, and 1.5 m from the interior parcel lines.

The applicant is proposing to extend the community water system and community sewer system with this development, which will also allow for parcels in the surrounding area to potentially connect to the systems. The applicant also proposes relocating the existing drainage course and SRW to better suit the proposed development. An idea for a Parks community amenity contribution has been proposed, however, no concrete community amenity contribution has been decided on between the applicant and staff.

- See Attachment A – Background Table

- See Attachment B – Property Context Maps
- See Attachment C – Subdivision Plan
- See Attachment D – Rationale
- See Attachment E – Watercourse Assessment
- See Attachment F – Site Photos

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

[Official Community Plan for the Electoral Areas Bylaw No. 4270](#): The property is regionally designated “Residential” within the OCP, and falls within the Growth Containment Boundary (GCB) for Cobble Hill Village. The OCP is required to ensure there is sufficient area available in the plan for residential development to meet anticipated housing needs for at least five years. Lands designated as Residential provide a wide range of housing and lifestyle options for various stages of life and different community lifestyles.

3.2.1 Growth Containment Boundary: *The GCB identifies lands that will support housing and employment growth, and to which new transportation, community water and liquid waste service investments will be directed.*

3.2.1.1. Objectives

1. *Protect the rural character of rural lands and settlement areas*
2. *Align growth containment boundaries with services provision*
3. *Focus development to settlement nodes within the GCB*

3.2.1.2. Policies:

3. *Supports new development in GCB consistent with servicing capacity.*

4.2.1. Growth Containment Boundary: *GCBs are one of the most important planning tools to contain growth and protect the natural environment. The overall objective is to accommodate 90% of growth within GCBs.*

4.10.1 Objectives

1. *Provide a wide range of housing and lifestyle options for various stages of life and different community lifestyles, as the community demographics continue to change.*
2. *Preserve the rural character of rural areas in residential development*
3. *Ensure residential developments are compatible with physical site conditions of slope, soil types and drainage patterns and that natural features such as views, tree cover and variety in terrain are retained and enhanced, with buildings, roads and utilities sited in a manner that preserves the natural landscape and does not negatively affect sensitive natural areas.*
4. *Ensure that on-site parking is appropriate to the scale of development*
5. *Provide safe, affordable rental and special needs housing*
6. *Ensure access is developed to limit impacts to existing transportation networks.*

4.10.2 Policies

The CVRD Board:

1. *Encourages innovative housing and subdivision designs such as clustered residential developments; the Regional District will provide flexibility in regulatory bylaws;*
2. *Encourages affordable housing in all communities*
3. *Encourages secondary suites or second dwelling units in service areas;*
4. *Encourages development of multi-family housing in a manner that is clustered and is not disruptive to the environment and existing adjacent human-made structures;*

5. *Supports environmental design criteria for building materials, lighting, landscape and access and egress, designed to maintain or improve safety for pedestrians, cyclists and motorists.*

[Electoral Area C – Cobble Hill Local Area Plan](#): The property is designated “Village Residential” within the Local Area Plan (LAP) for Electoral Area C – Cobble Hill. The Village Residential designation is intended to accommodate a range of housing types in the Cobble Hill Village growth containment boundary. Future residential development will be achieved through infilling in the existing residential areas. While most of the area will continue to accommodate a single-detached dwelling lifestyle, priority will be placed on providing housing opportunities for households and individuals within the village area, through aging in place developments and low-density multiple unit housing. Secondary suites and secondary dwelling units will be encouraged within principal single-family dwellings.

2.9.13 Village Residential Objectives

1. *Provide a sufficient supply of housing to allow for future growth.*
2. *Provide incentives for developers to construct multi-family dwellings.*
3. *Enhance the vibrant village centre.*
4. *Ensure that housing is clustered and scaled to encourage the continued development and enjoyment of greenspace, parks, trails and recreational lands.*
5. *Maintain the small-scale rural village character of the community and allows for slow, steady population growth rate.*

[Schedule C – Development Permit Areas](#): DPA 9 Intensive Residential Development establishes objectives for the form and character of intensive residential development. In Areas A, B, and C, it applies to single detached dwellings on parcels less than 0.074 ha in area.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

In accordance with the [CVRD Development Application Referrals Policy](#), this application has not been referred to external agencies. If the application proceeds, the application will be referred to the following external agencies and First Nations:

- Electoral Area C – Cobble Hill Advisory Planning Commission
- Electoral Area C – Cobble Hill Parks Advisory Commission
- Cobble Hill Improvement District
- Mill Bay Improvement District
- BC Transit
- Ministry of Transportation
- School District No. 79
- Cowichan Tribes
- Malahat First Nation

The application has been referred to internal CVRD Divisions for comment on November 2, 2023.

- See Attachment G – Internal Referral Responses

PLANNING ANALYSIS

OCP Considerations:

The OCP aims to focus regional growth within settlement nodes and within the GCBs, and supports development consistent with servicing capacity. The OCP also aims to provide a range of housing and lifestyle options, while continuing to preserve rural character and maintain compatibility with site and character of the neighbourhood. The proposed small-lot site-specific

rezoning proposal meets these OCP objectives by ensuring compatibility with servicing, while creating a unique small-lot single-detached subdivision that allows for smaller more affordable parcels.

The applicant notes that while multi-unit residential development would have been preferable, and in line with the OCP policies, the proposed single-detached lots are more compatible with community water servicing infrastructure. The OCP also encourages clustering, however, the applicant's intention with small-lot single-detached residential subdivision is to retain the rural character of the village area. Single-detached residential lots are also simpler for installation of the water and sewer connections. The applicant believes that single-detached dwellings would better meet the community's desire for gentle density increase, as opposed to duplexes or other forms of multi-unit housing.

The OCP encourages secondary suites within service areas, and including secondary suites as accessory uses will also allow for more affordable housing options by creating the potential for rental units or multi-generational living. Accessory dwelling units and bed and breakfast accommodation have been excluded from the proposal, to recognize that these lots may not be appropriate for these uses with their small parcel size.

A minor OCP amendment is required to include the property in the Intensive Residential Development Permit Area maps, as the proposed new zone would allow for property sizes less than 0.074 ha. As an OCP amendment is required, a public hearing will also be required to comply with the *Local Government Act*.

Parks and Environmental Protection Considerations:

Both the Environmental Services Division and Parks & Trails Division commented on the mature trees on the property, particularly on the western portion adjacent to Watson Road. The applicant has already removed the trees on the western portion of the property prior to submission of the zoning amendment application. The applicant has offered to plant trees in the Watson Road right-of-way to be provided to the CVRD Parks & Trails Division as a treed park boulevard. Parks & Trails notes that Parks Operations don't have capacity to build nor maintain a treed boulevard, but that a treed buffer area on private property protected by a covenant could be provided by the applicant.

The Parks and Trails Master Plan also includes a multi-use pathway along Fairfield Road and Fisher Road, and a community amenity could include a financial contribution towards the creation of these pathways. The application will be referred to the Area C – Cobble Hill Advisory Planning Commission and Parks Advisory Commission for further comment.

As mentioned, a qualified environmental professional determined that the drainage course on the property was not subject to RAPR, and thus a Development Permit was not required for land alteration and tree removal around the watercourse. At the time of future subdivision, if the zoning amendment proceeds, a Development Permit will be required as the property falls within the Aquifer Protection and Wildfire Hazard DPAs, and will also be within the Intensive Residential DPA. At the time of subdivision, a stormwater management plan for the subdivision and wildfire hazard assessment will be required.

Conclusion:

Development Services staff consider the proposed zoning amendment to meet the intention of the OCP, and thus recommend that the application proceed to external referrals. Once referrals have been received, and if external referrals support the application, staff recommend that a zoning bylaw and OCP amendment bylaw be prepared and forwarded to the Board consideration.

During the time that external referrals are sent out, will also be requiring a legal survey from the applicant to confirm the minimum parcel sizes. An accompanying staff report will summarize the external referral comments and provide any relevant context. As an OCP amendment is required to include the property within DPA 9, a public hearing and public notification will also be required.

OPTIONS

Option 1:

That it be recommended to the Board:

1. That the draft Zoning Amendment Bylaw and Official Community Plan Amendment Bylaw for Application No. RZ23C02 (1441 Fisher Road, PID: 006-831-231) be prepared by staff and forwarded to the Board for consideration; and
2. That Application No. RZ23C02 (1441 Fisher Road, PID: 006-831-231), be forwarded to the following external agencies:
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 - e. BC Transit;
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 - g. School District No. 79;
 - h. Cowichan Tribes; and
 - i. Malahat First Nation.

Option 2:

That it be recommended to the Board that preliminary staff report for Application No. RZ23C02 (1441 Fisher Road, PID: 006-831-231), be referred back to staff for the following information (*requested information to be provided by the Board*), prior to further consideration.

Option 3:

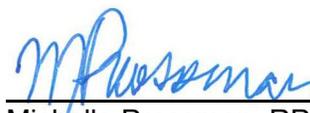
That it be recommended to the Board that Application No. RZ23C02 (1441 Fisher Road, PID: 006-831-231), be denied.

Prepared by:



Chloe Boyle, RPP, MCIP
Planner II

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 – Property Context Maps
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- Attachment G – Internal Referral Responses